



CITY COUNCIL REGULAR AGENDA

Tuesday, April 25, 2023

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, April 25, 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**

Announcements, Presentations and Public Hearings

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

- | | | | |
|-----|---|---------|-------|
| 5. | TABLED - PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1710 YOUNG STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 3 & 1.25X60 BK 2 MANNING 60X107 1025 0.147 ACRES- OWNER: TROY V. LITTLE AND JESSIE LEE LITTLE | 8-38 | Hagen |
| 6. | TABLED - PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1309 GRAFA STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 17 BK 15 MONTICELLO 60X125 212 ACQ 010402 BLK/TRACT 15 0.172 ACRES- OWNER: JUDY AND DAVID SAUSMAN | 39-73 | Hagen |
| 7. | PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 201 N W 2ND STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 12 BK 108 ORIGINAL TOWN 50X70 0133 ACQ 070109 0.08 ACRES- OWNER: DIANA KAYE BAILEY | 74-123 | Hagen |
| 8. | PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 4203 WALNUT STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 2 BK 1 MESA 60X140 030 ACQ 080299 BLK/TRACT 331S 0.193 AACRES- OWNER: TOM GUTIERREZ | 124-155 | Hagen |
| 9. | PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1100 W 2ND STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 7 BK 21 JONES VALLEY 50X130 149 0.149 ACRES ACQ 011614- OWNER: LATRICIA FLORES | 156-196 | Hagen |
| 10. | PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1001 SYCAMORE STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 1 BK 1 HIGHLAND PARK 50X125 1184 ACQ 111809 0.143 ACRES- OWNER: AARON MICHAEL GARRISON | 197-237 | Hagen |
| 11. | PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 407 AUSTIN ST, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 7 | 238-266 | Hagen |

(& S /50' M/100' BK 58 ORIGINAL TOWN) BK 3 PORTER
50X40 417 0.161 ACRES ACQ 11022015- OWNER:JUAN H
PARRAS

- | | | | |
|-----|--|-------------|-------|
| 12. | PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 2712 LYNN
DR, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 13
BK 10 KENTWOOD 71X130 276 0.206 ACRES ACQ
05142021- OWNER: CARSON DOUGLAS, CARSON
JEFFREY S RALSTON KELLY L AND CARSON JAMES P. | 267-
312 | Hagen |
| 13. | PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 1610 YOUNG
ST, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: N/2
OF LT 2 &S/2 OF LT 3 BK 1 MORNINGSIDE 100X107 836
837 BLK/TRACT 1 0.246 ACRES ACQ 09022021- OWNER:
FRANCIS HALL | 313-
338 | Hagen |
| 14. | PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at , 1005 E 16TH
ST BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 10
BK 38 COLE & STRAYHORN 50X140 743 BLK/TRACT 38
0.161 ACRES ACQ 07242017 - OWNER: NEYBOR LLC | 339-
366 | Hagen |
| 15. | PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 604 E 2ND ST,
BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LTS 5-7
BK 56 ORIGINAL TOWN 75X130 MILLER'S TV
0315BLK/TRACT 56 0.224 ACRES- OWNER: L L MILLER | 267-
399 | Hagen |
| 16. | PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 207
EDWARDS ST, BIG SPRING, TEXAS 79720 - LEGAL
ADDRESS: LT 11 BK 19 COLLEGE HEIGHTS 50X140 937
BLK/TRACT 19 0.092 ACRES- OWNER: DANIEL AND
SYLVIA MIRAMONTES | 400-
444 | Hagen |
| 17. | PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisan at, 2104 RUNNELS
ST BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: S/50
NE/4 & N/50 SE/4 OF BK 37 COLLEGE HEIGHTS 100X140
1262 BLK/TRACT 37 0.321 ACRES- OWNER: TINA
CUNNINGHAM | 445-
484 | Hagen |
| 18. | PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 604 ABRAMS ,
BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 3 BK | 485-
505 | Hagen |

15 EARLES 50X130 897 0.149 ACRES- OWNER: ESTATE
EDWARD CHAVARRIA AND LUPE CHAVARRIA

- | | | |
|--|-------------|-------|
| 19. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 710 ABRAMS,
BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 6 BK
14 EARLES 50X130 954 ACQ 081303 BLK/TRACT 14 0.149
ACRES- OWNER: ESTER D GOMEZ | 506-
529 | Hagen |
|--|-------------|-------|

City Manager's Report

- | | | |
|---|--|--------|
| 20. City Manager's report on the following items: | | Darden |
| <ul style="list-style-type: none">• Update - Large Item Pickup, District 4• Update - Splash Pad at Bert Andries Park• Update - Sign Ordinance | | |

Consent Items

- | | | |
|---|-------------|-------|
| 21. Approval of the City Council Minutes of the Regular Meeting
of April 11, 2023. | 530-
537 | Davis |
|---|-------------|-------|

Vouchers

- | | | |
|---------------------------|---------------|----------|
| 22. Vouchers for 04/13/23 | \$ 689,462.42 | |
| Vouchers for 04/21/23 | \$ 753,136.26 | |
| Drafts | \$ 686,372.70 | McDonald |

Bids

- | | | |
|--|-----|--------|
| 23. Consideration and Possible Action on Awarding a Bid for a
John Deere Backhoe Attachment for Roy Anderson Sport
Complex and Authorizing the City Manager or His Designee
to Execute any Necessary Documents | 538 | Medina |
| 24. Consideration and Possible Action on Awarding a Bid for a
72" John Deere Zero Turn Mower for Roy Anderson Sport
Complex and Authorizing the City Manager or His Designee
to Execute any Necessary Documents | 539 | Medina |
| 25. Consideration and Possible Action on Awarding a Bid for a
John Deere Utility Tractor for Moss Lake and Authorizing the
City Manager or His Designee to Execute any Necessary
Documents | 540 | Medina |

New Business

- | | | |
|--|---------|----------|
| 26. Acknowledge Receipt of the Investment Report for the Quarter Ending March 31, 2023 | 541-542 | S. Smith |
| 27. Acknowledge Receipt of the Quarterly Financial Report | 543-565 | S. Smith |
| 28. Consideration and Possible Action on Confirmation of the City Manager's Interim Fire Chief Appointment, Jay Holt. | | Darden |
| 29. 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 the Continuance of the Property Abatement Program; Providing for Severability; Providing for Publication; and Providing an Effective Date | 566-568 | S. Smith |
| 30. 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 the Continued Funding of the Fire Department Employees that were Funded through the Safer Grant; Providing for Severability; Providing for Publication; and Providing an Effective Date | 569-571 | S. Smith |
| 31. 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 Tractor for Moss Creek Lake; Providing for Severability; Providing for Publication; and Providing an Effective Date | 572-574 | Medina |
| 32. First Reading of an Ordinance of the City Council of the City Of Big Spring, Texas, Amending Chapter 38, Section 38-11 of the Big Spring City Code Authorizing Code Enforcement Officers to be Issued Administrative Search Warrants to Broaden the Authorization to Code Enforcement Officials; to Move the Ordinance to Chapter 2, Section 2-59 the Big Spring City Code and providing for Miscellaneous Amendments; Providing for Repeal of Conflicting Ordinances; Providing a Savings and Severability Clause; Finding and Determining that the Meetings at which the Ordinance Was Discussed and Acted on Were Open to the Public as | 575-578 | Bowles |

Required by Law; Providing for Publication; and Establishing an Effective Date

33. Boards and Committees Moore
McMahon/Wrinkle Aviation Advisory Board
Russ Rutledge - Nominated by Council Member Tompkins -
Dist. 5

Council Input

34. Input Moore

Executive Session

35. **Adjourn** into Executive Session in Accordance with the Moore
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. City of Big Spring, Texas
v. Fabian Scott Butler (11-21-00026-CV).
36. **Reconvene** into Open Session and Take any Necessary Moore
Action on Executive Session Item
37. **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, April 21, 2023 at 4:30 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.


Tami L. Davis, City Secretary

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 CONTACTING TAMI
DAVIS AT 432-264-2513 OR EMAIL: TDAVIS@MYBIGSPRING.COM.

1710 YOUNG ST

Code Compliance Official: Ashley Guerra

Exhibit L-1

STATE OF TEXAS

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COUNTY OF HOWARD

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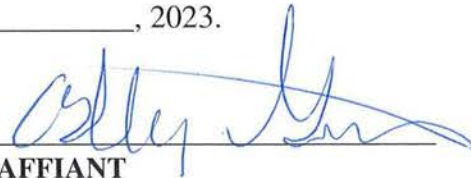
**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 1710 YOUNG ST**

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

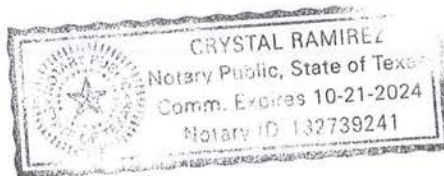
“My name is **Ashley Guerra**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **1710 YOUNG ST**, 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 19 day of April, 2023.


AFFIANT

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



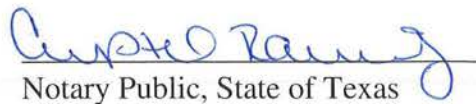

Notary Public, State of Texas

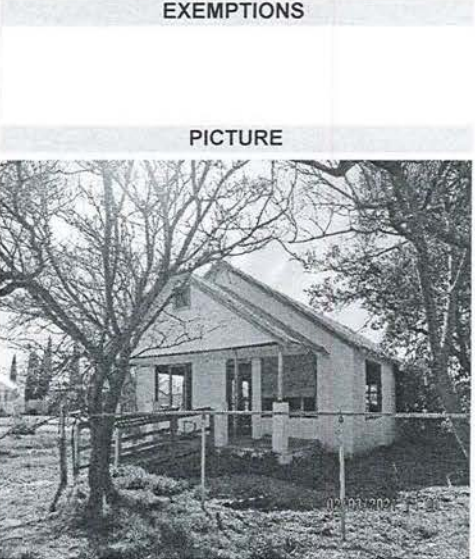
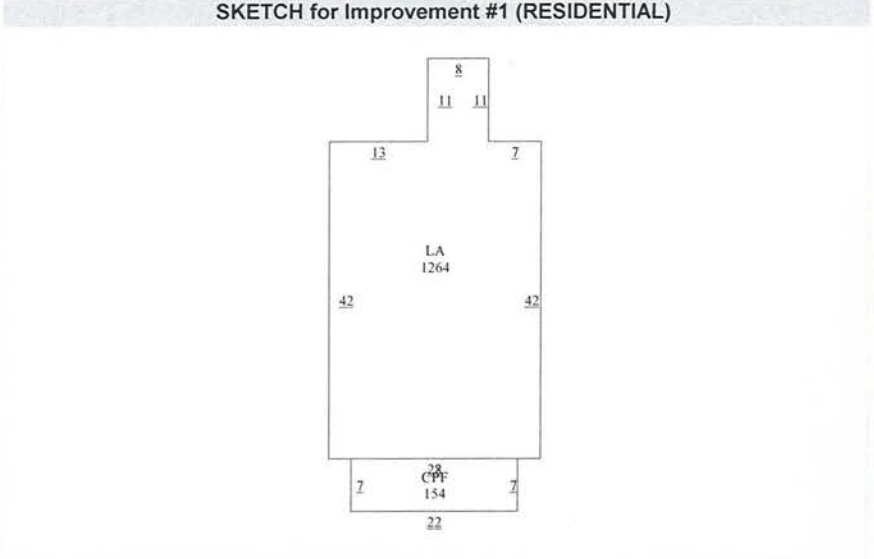
Exhibit L-2

HOWARD CENTRAL APPRAISAL DISTRICT				PROPERTY APPRAISAL INFORMATION 2022				Entities		Values	
PROPERTY 282988	R	04/25/2013	OWNER ID	LITTLE TROY V	01H	100%	IMPROVEMENTS		18,185		
Legal Description			407299	1708 YOUNG	02B	100%	LAND MARKET	+	4,200		
LT 3 & 1.25X60 BK 2 MANNING 60X107 1025 0.147 ACRES			OWNERSHIP	BIG SPRING, TX 79720	03B	100%	MARKET VALUE	=	22,385		
			100.00%		052	100%	PRODUCTIVITY LOSS	-	0		
Ref ID1: 6408	Ref ID2: R000006408		ACRES: .1470				APPRAISED VALUE	=	22,385		
B4230000900	Map ID		EFF. ACRES: .0000				HS CAP LOSS	-	0		
SITUS 1710 YOUNG			APPR VAL METHOD: Cost				ASSESSED VALUE	=	22,385		

GENERAL			
UTILITIES	LAST APPR.		
TOPOGRAPHY	LAST APPR. YR 2021		
ROAD ACCESS	LAST INSP. DATE 02/03/2021		
ZONING	NEXT INSP. DATE		
BUILDER			
NEXT REASON			
REMARKS			

BUILDING PERMITS				
ISSUE DT	PERMIT TYPE	PERMIT AREA	ST	PERMIT VAL

SALE DT	PRICE	GRANTOR	DEED INFO
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SUBD:			NBHD:			IMPROVEMENT INFORMATION													
#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	UNITS	BUILT	EFF YR	COND.	VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	ADJ VALUE	
	LA	LIVING AREA	R	RS3F/*	1,264.0	100.92	1	1955	1955	VP	17,859	14%		100%	100%	100%	0.14	17,859	
	CPF	COVERED PORC	R	RS3F/*	154.0	0.00	1	1955	1955	VP	326	14%		100%	100%	100%	0.14	326	
1.	RESIDENTIAL		STCD:	A1	1,418.0	Homesite: Y (100%)					18,185	(Flat Values)							18,185
	1 STORY	Cpsf/Value: 0 / 0.000	ALL	Cpsf/Value: 0 / 0.000	COMPOSITION	Cpsf/Value: 0 / 0.000	WALL	Cpsf/Value: 0 / 0.000	FRAME	Cpsf/Value: 0 / 0.000	GABLE	Cpsf/Value: 0 / 0.000							
	0 / 0.000	PIER AND BEAM	Cpsf/Value: 0 / 0.000	1 BATH	Cpsf/Value: 0 / 0.000														

IMPROVEMENT FEATURES		
Construction Style	AST	0
Other Feature	AUT	0
Roof Covering	CRM	0
Exterior Wall	EHC	0
Exterior Wall	FET	0
Roof Style	GRT	0
Construction Style	PFN	0
Plumbing	1BT	0
		0

SUBD:		NBHD:		LAND INFORMATION							IRR Wells: 0		Capacity: 0		IRR Acres: 0		Oil Wells: 0			
L#	DESCRIPTION	CLS	TABLE	SC	HS	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	ADJ	MASS	ADJ	VAL SRC	MKT VAL	AG APPLY	AG CLASS	AG TABLE	AG UNIT	PRC	AG VALUE
1.	LFF18			A1	Y (100%)		0.0000 AC	.00		1.00	1.00	F		4,200					0.00	0
Comment: FF														4,200						0

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
1710 YOUNG ST CASE NOTES

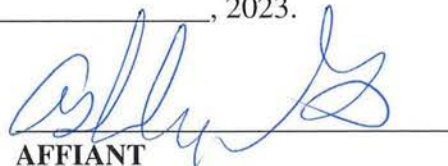
“This record, attached as **Exhibit L-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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.

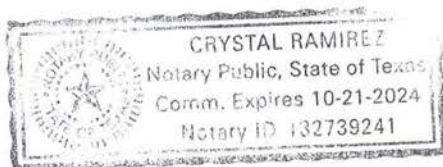
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 L-3** as the readout.”

SIGNED on the 19 day of April, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of April, 2023

by the above referenced Affiant.




Notary Public, State of Texas

Exhibit L-3

NOTES

Incident Notes:

ON 1-18-2023 NOYICED 1710 YOUNG WAS SUB/S WL ,RO, AI

THE OWNER OF THE PROPERTY IS LITTLE TROY

VIOLATION LETTERS WENT OUT ON 2-13-23

Task #: 114571 - INSPECT SUBSTANDARD - 2/13/2023

Task #: 114572 - SUBSTANDARD BLD - 2/13/2023

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits L-4** I am familiar with and recognize the scene depicted in the photographs. On January, 18th, 2023 and April, 11th, 2023, I inspected the property described as:

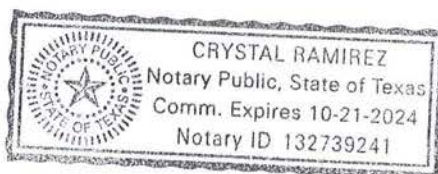
LT 3 & 1.25X60 BK 2 MANNING 60X107 1025 0.147 ACRES Big Spring,
Howard County, Texas, also known as **1710 YOUNG ST**, Big Spring, Texas.

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

✶ SIGNED on the 19 day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit L-4











4/11/2023 7:36



4/11/2023 7:36





Exhibit L-5

STATE OF TEXAS

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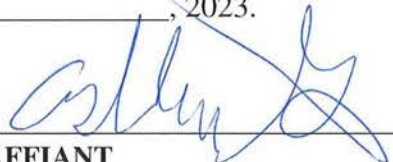
COUNTY OF HOWARD

**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

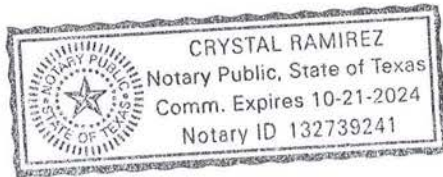
“The document in **Exhibit L-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of April, 2023.


AFFIANT

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



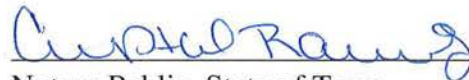

Notary Public, State of Texas

Exhibit L-6



Code Compliance

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

NOTICE OF VIOLATION
AND NOTICE OF HEARING

1710 YOUNG ST BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LT 3 & 1.25X60 BK 2 MANNING
60X170 1025 0.147 ACRES

April 14, 2023

Estate of Troy V. Little and Estate of Jessie Lee Little
1708 Young Street
Big Spring, Texas 79720

Sent via: Certified Mail; Return Receipt Requested

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
Sec. 111.1.5 (7) Hazardous structure or premises	The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
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. 304.6 Exterior Walls	Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
Sec. 304.15 Doors.	Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and

sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.1.1 Unsafe Conditions (4),(7)

Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.

The following actions are required to correct these violations.

Corrective Action Required

The structure is dilapidated. Fix dilapidation. Fix windows. Fix doors. Fix exterior walls. Fix siding. Secure building so it is not an attractive nuisance to children or other persons.

Code Compliance is seeking an order to demolish and remove the structure if the owner has not repaired the structure.

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

Issued by

Ashley Guerra

Name

Code Official

Department

432-264-2505

Phone

aguerra@mybigspring.com

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 **April 25, 2023, at 5:30 PM** 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 A-1.10. Rights of Parties

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

(b) 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.

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

(d) 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.

Section C-9.02 (c)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.

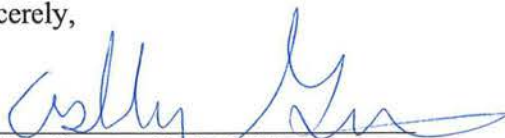
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, 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,


Ashley Guerra, Code Official
City of Big Spring, Texas

7022 2410 0003 2470 3395

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Domestic Mail Only	
For delivery information, visit our website at www.usps.com [®] .	
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☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage	
\$	
Total Postage and Fees	
\$	
Sent To	
Street and Apt. No. or P.O. No.	
City, State, ZIP+4 [®]	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Troy + Jessie Little
7104 Young
C17084ang

Tracking Number:

Remove X

70222410000324703395

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item departed our USPS facility in EL PASO TX DISTRIBUTION CENTER on April 19, 2023 at 11:45 pm. The item is currently in transit to the destination.

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USPS Tracking Plus®

- Delivered
- Out for Delivery
- Preparing for Delivery

Moving Through Network

Departed USPS Regional Facility

EL PASO TX DISTRIBUTION CENTER
April 19, 2023, 11:45 pm

Arrived at USPS Regional Origin Facility

EL PASO TX DISTRIBUTION CENTER
April 19, 2023, 11:08 am

See All Tracking History

Feedback

Text & Email Updates



Exhibit L-7

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

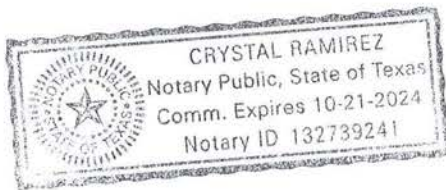
"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for April 25, 2023, attached as **Exhibit L-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 14th, 2023.

This notice was also published in the Big Spring Herald on April 16th, 2023."

SIGNED on the 19 day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit L-8



4/14/2023 10:27

1309 GRAFA

Code Enforcement Officer: Jacob Leos

Exhibit K-1

STATE OF TEXAS

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COUNTY OF HOWARD

§

**AFFIDAVIT OF JACOB LEOS
CONCERNING 1309 GRAFA**

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

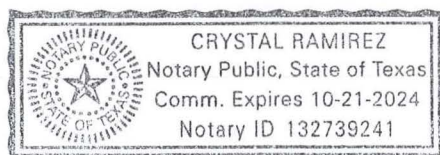
“My name is **Jacob Leos**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“I am a Code Enforcement Officer 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 **1309 GRAFA**, 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 19th day of April, 2023.

AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit K-2

STATE OF TEXAS

§

COUNTY OF HOWARD

§

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**CERTIFICATION
1309 GRAFA CASE NOTES**

“This record, attached as **Exhibit K-3**, 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-3** as the readout.”

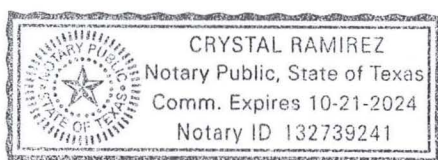
SIGNED on the 19th day of April, 2023.

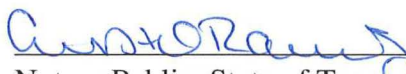


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of April, 2023

by the above referenced Affiant.





Notary Public, State of Texas

Exhibit K-3

INCIDENT #: 70577
INCIDENT CODE: 300-0006 ACCUML ITEM
PROPERTY: 1309 GRAFA ST

ORIG. DATE:

NOTES

Incident Notes:

6/7/22 PROPERTY HAS AN ACCUMULATION OF MANY ITEMS INCLUDING, FURNITURE, APPLIANCES, TRASH, METAL, WOOD, PLASTIC, JUNK, TIRES AND MANY MORE ITEMS FROM FRONT TO BACK. WILL SEND NOTICE.

Task #: 111592 - INSPECT ACCUMULATED - 6/13/2022

7/8/22: SPOKE TO A LADY THAT SAID SHE WAS JUDY SAUSMAN LAST WEEK ON THE PROPERTY AND SHE SAID SHE WAS GOING TO TRY TO GET IT CLEARED UP. I WENT TO

REINSPECT PROPERTY TODAY AND I SAW NO CHANGE. PROPERTY FRONT AND BACK HAS PILES OF CLOTHES, BLANKETS, FURNITURE, CHAIRS, TRASH, JUNK, METAL, WOOD SCRAPS/MATERIAL AND MANY OTHER ITEMS. WILL SEND ANOTHER NOTICE.

Task #: 111593 - ACCUMULATED ITEMS - 6/13/2022

Task #: 111957 - REINSP ACCUMLTD ITEM - 7/08/2022

7/27/22 about 2 weeks ago- spoke to Dava Sausman and Arnold Velasco (432-517-8175) on property. Told them about violations. They said they were working on it and living on the property.

Task #: 111958 - ACCUMULATED ITEMS - 7/08/2022

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Exhibit K-4



3/16/2023 14:33



3/16/2023 14:31





3/16/2023 14:31



3/16/2023 14:32

Exhibit K-5

 INCIDENT

Incident Number 181207-140609-BSFD	Incident Date 12/07/2018	NFIRS Number 0001671	Incident Type (111) - Building fire
--	------------------------------------	--------------------------------	---

FDID KW601	Station Station 3	Shift A-Shift	District District 3
----------------------	-----------------------------	-------------------------	-------------------------------

Initial Dispatch Code

Alarms 1	Working Fire?	COVID-19 was a factor
--------------------	---------------	-----------------------

Temporary Resident Involvement

Hazardous Materials Released

Action Taken 1

(11) - Extinguishment by fire service personnel
 AID

Aid Given/Received

(N) - None
 LOCATION

Location Type

(1) - Street address

Address

1309 Grafa, Big Spring, Texas, 79720

Cross Street, USNG, or Directions

Latitude

Longitude

Census Tract

Detector Alerted Occupant

Property Use

(419) - 1 or 2 family dwelling

Mixed Use

 TIMES

PSAP Received

Dispatch Notified Time

Alarm Time

16:59:00, 12/07/2018

Arrival Time

17:03:00, 12/07/2018

Water on Fire Time

At Patient Time

Loss Stop Time

Controlled Time

Last Unit Cleared Time

18:35:00, 12/07/2018

Total On Scene Time

1 hrs 32 mins 0 sec

Total Incident Time

INCIDENT NARRATIVE

Created By: Davila, Benjamin

Fire Module

SITE INFO

Alarms 1	Acres Burned _____	Resident Units In Bldg 1	Buildings Involved _____
Hydrant Identifier _____		Estimated Water Usage _____	

ON-SITE MATERIALS

Material ID 1 (240) - Furnishings, other	Storage Use ID 1 (N) - None
--	---------------------------------------

IGNITION

Area of Origin
(26) - Laundry area, wash house (laundry)

Heat Source
(13) - Electrical arcing

Item First Ignited
(UU) - Undetermined

Fire Confined to Item?

Type of Material First Ignited

Cause of Ignition
(2) - Unintentional

Factors Contributing to Ignition 1
(34) - Unspecified short-circuit arc

Human Factors Contributing to Ignition
(N) - None

Est. Age of Person Involved

Gender of Person Involved

EQUIPMENT

Equipment Involved in Ignition
(210) - Electrical wiring, other

Equipment Power Source
(UU) - Undetermined

Equipment Portability
(1) - Portable

Brand _____	Model _____	Serial Number _____	Year _____
----------------	----------------	------------------------	---------------

STRUCTURE

Structure Type
(1) - Enclosed building

STRUCTURE

Stories Above Grade 1	Stories Below Grade 0	Building Status (2) - In normal use		
Length 35 ft	Width 40 ft	Total Square Feet 1400 sq ft	Story of Fire Origin 1	
Fire Spread (4) - Confined to building of origin				
Item Contributing Most to Flame Spread			Type of Material	
Number of Stories with Damage				
Minor Damage	Significant Damage	Heavy Damage	Extreme Damage	Total Stories

PROTECTIVE SYSTEMS

Presence of Detector (N) - None present	Detector Type			
Power Supply	Detector Operations			
Effectiveness (/Failure Reason)				
Presence of Auto Extinguishing System (N) - None Present	System Type			
System Operation	# of Sprinklers	Reason for System Failure		

STATE OF TEXAS

§

COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY JACOB LEOS**

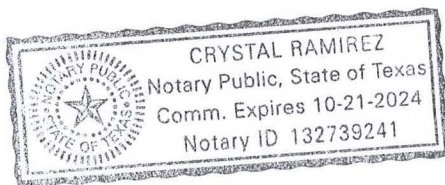
“The document in **Exhibit K-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19th day of April, 2023.

AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit K-6



NOTICE OF VIOLATION AND NOTICE OF HEARING

1309 GRAFA ST, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LT 17 BK 15 MONTICELLO
60X125 212 ACQ 010402 BLK/TRACT 15 0.172 ACRES

April 14, 2023

Estate of David Sausman and Estate of Judy Sausman
1309 Grafa
Big Spring, TX 79720

Dava Sausman
PO Box 43
Ackerly, TX 79713 USA

Sent via: Certified Mail; Return Receipt Requested

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

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. 7. The building or structure is neglected, damaged,	A door is boarded up. The building is clearly unsafe for use and occupancy. The building is neglected, damaged, dilapidated, unsecured, and abandoned and is likely to become an attractive nuisance, enabling persons to resort to the structure to commit unlawful acts. The building is unsanitary and unfit for human habitation that is likely to cause sickness or disease because of inadequate maintenance and

dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act. 9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease. 11. 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.	dilapidation and decay. Hazardous conditions. The structure has sustained significant fire damage and is hazardous.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials,	The exterior walls have holes, cracks, breaks, loose and rooting materials. Unsafe condition.

are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.	
304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.	Exterior walls need repair.
304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Windows and doors are not in sound condition, good repair, or weather tight.

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

Corrective Action Required
Repair building or demolish building

Code Compliance is seeking an order for the following.

- **Demolish and remove structure if owner has not repaired structure.**
- **Secure premises**
- **Vacate premises**

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

Issued by

Jacob Leos

Name

432-264-2502

Phone

Code Official

Department

jleos@mybigspring.com

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 **April 25, 2023, at 5:30 PM** 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 A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) 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.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) 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.

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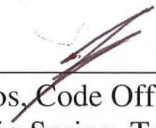
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, 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.

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Sincerely,



Jacob Leos, Code Official
City of Big Spring, Texas

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☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
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City, State, ZIP+4®	Ackerly TX 79713
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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City, State, ZIP+4®	Big Spring TX 79706
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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Latest Update

Your item was picked up at the post office at 9:59 am on April 19, 2023 in ACKERLY, TX 79713.

Get More Out of USPS Tracking:

USPS Tracking Plus®

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Delivered, Individual Picked Up at Post Office

ACKERLY, TX 79713
April 19, 2023, 9:59 am

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Product Information



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Tracking Number:

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Latest Update

Your item was picked up at the post office at 9:16 am on April 19, 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

April 19, 2023, 9:16 am

See All Tracking History

Text & Email Updates

USPS Tracking Plus[®]

Product Information

See Less ^

Feedback

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

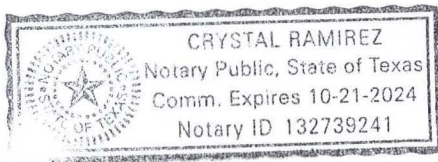
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for April 25, 2023, attached as **Exhibit K-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 14th, 2023.

This notice was also published in the Big Spring Herald on April 15th, 2023.”

SIGNED on the 14th day of April, 2023.

AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit K-8



201 NW 2nd St

Code Compliance Official: Kaleb Smith

Exhibit H-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF KALEB SMITH
CONCERNING 201 NW 2nd St**

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 NW 2nd St**, 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 19th day of April, 2023.



AFFIANT

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


Notary Public, State of Texas

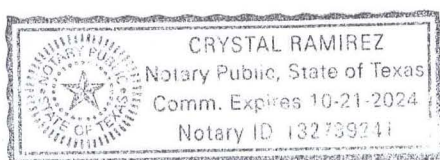


Exhibit H-2

HOWARD CENTRAL APPRAISAL DISTRICT				PROPERTY APPRAISAL INFORMATION 2022				Entities		Values	
PROPERTY 285336	R	04/25/2013	OWNER ID	BAILEY DIANA KAYE	01H	100%				IMPROVEMENTS	560
Legal Description			401966	1910 RUNNELS	02B	100%				LAND MARKET	+ 2,500
LT 12 BK 108 ORIGINAL TOWN 50X70 0133 ACQ 070109				BIG SPRING, TX 79720	03B	100%				MARKET VALUE	= 3,060
0.08 ACRES			OWNERSHIP		052	100%				PRODUCTIVITY LOSS	- 0
			100.00%							APPRAISED VALUE	= 3,060

Ref ID1: 8756	Ref ID2: R000008756	ACRES: .0800		HS CAP LOSS	-	0
B4830089100	Map ID	EFF. ACRES: .0000		ASSESSED VALUE	=	3,060
SITUS		APPR VAL METHOD: Cost				

GENERAL				SKETCH for Improvement #1 (COMMERCIAL)				EXEMPTIONS			
UTILITIES		LAST APPR.		20 50 WHF1 1000 50 20				PICTURE 			
TOPOGRAPHY		LAST APPR. YR 2021									
ROAD ACCESS		LAST INSP. DATE 03/15/2021									
ZONING		NEXT INSP. DATE									
BUILDER											
NEXT REASON											
REMARKS											

BUILDING PERMITS				
ISSUE DT	PERMIT TYPE	PERMIT AREA	ST	PERMIT VAL

SALE DT	PRICE	GRANTOR	DEED INFO
07/01/2009	*****	HOWARD COUNTY	TIRAXD / 1143 / 328
06/04/2009	*****	ARNOLD JOE	TAXD / 1139 / 661
01/01/1900	*****	BAILEY JIMMY	AFF / /

BUILDING PERMITS				
ISSUE DT	PERMIT TYPE	PERMIT AREA	ST	PERMIT VAL

SALE DT	PRICE	GRANTOR	DEED INFO
07/01/2009	*****	HOWARD COUNTY TRAXD / 1143 / 328	
06/04/2009	*****	ARNOLD JOE TAXD / 1139 / 661	
01/01/1900	*****	BAILEY JIMMY AFF / /	

SUBD:			NBHD:			IMPROVEMENT INFORMATION												
#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	UNITS	BUILT	EFF YR	COND.	VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	ADJ VALUE
		WHF1	R	WHF1/*	1,000.0	0.00	1	1940	1940	CVP	560	20%		100%	10%	100%	0.02	560
1.	COMMERCIAL		STCD: F1		1,000.0			Homesite: N			560		(Flat Values)					560
		1 STORY Cpsf/Value: 0 / 0.000 ALL Cpsf/Value: 0 / 0.000 FRAME Cpsf/Value: 0 / 0.000																

IMPROVEMENT FEATURES			
Construction Style	AST		0
Other Feature	AUT		0
Exterior Wall	FET		0

SUBD:		NBHD:		LAND INFORMATION										IRR Wells: 0 Capacity: 0 IRR Acres: 0 Oil Wells: 0						
L#	DESCRIPTION	CLS	TABLE	SC	HS	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	ADJ	MASS	ADJ	VAL SRC	MKT VAL	AG APPLY	AG CLASS	AG TABLE	AG UNIT	PRC	AG VALUE
1.	LFF24			F1	N		0.0000 AC	.00		1.00		1.00	F	2,500					0.00	0
Comment: FF																				
														2,500						0

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
201 NW 2nd St CASE NOTES

“This record, attached as **Exhibit H-3**, 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.

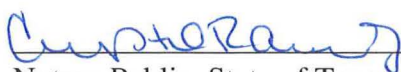
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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-3** as the readout.”

SIGNED on the 19th day of April, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of April, 2023

by the above referenced Affiant.


Notary Public, State of Texas

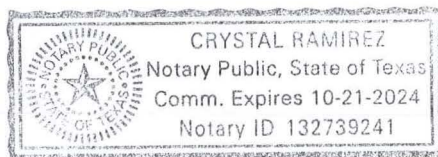


Exhibit H-3

02-28-2023 04:14 PM

TASK NOTES REPORT

TASK #: 114738
TASK CODE: INSPECT SUBSTANDARD
PROPERTY: 201 NW 2ND ST

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:

Task #: 114738 - INSPECT SUBSTANDARD - 2/28/2023
2/28/2023 There appears to be 3 structures on the property. The rear structure is a mere skeleton and needs to be demolished. Inbetween the main structure and the rear accessory building appears to be a 3rd structure that is a storage building. It is barely standing and needs to be torn down as well. The main structure has holes in the roof and the walls.

02-28-2023 04:14 PM

TASK NOTES REPORT

TASK #: 112102
TASK CODE: INSPECT WEEDL LOT
PROPERTY: 201 NW 2ND ST

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:

Task #: 112102 - INSPECT WEEDL LOT - 7/25/2022
2/28/2023 Several months the property was mowed but was not 100% done.
Weeds have grown back to unacceptable heights and has not been mowed again since.

Task #: 112103 - WEEDY LOT LTR - 7/25/2022

02-28-2023 04:14 PM

TASK NOTES REPORT

TASK #: 112104

ORIG. DATE:

TASK CODE: INSPECT ACCUMULATED

DUE DATE:

PROPERTY: 201 NW 2ND ST

NOTES

Incident Notes:

Task #: 112104 - INSPECT ACCUMULATED - 7/25/2022
2/28/2023 AI has never been removed since opening the case. Sending case
to legal for abatement and citations.

Task #: 112105 - ACCUMULATED ITEMS - 7/25/2022

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY KALEB SMITH**

“With regard to the photographs in **Exhibits H-4** I am familiar with and recognize the scene depicted in the photographs. On September, 2nd, 2022 and February, 28th, 2023, I inspected the property described as:

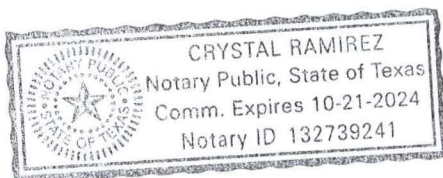
LT 12 BK 108 ORIGINAL TOWN 50X70 0133 ACQ 070109 0.08 ACRES Big Spring, Howard County, Texas, also known as **201 NW 2nd St**, Big Spring, Texas.

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

SIGNED on the 19th day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit H-4



2022. 9. 2 10:42



2022. 9. 2 10:43



2022. 9. 2 10:44



2022. 9. 2 10:42



2022. 9. 2 10:43





2022. 9. 2 10:45





2022. 9. 2 10:42



2022. 9. 2 10:43





2022. 9. 2 10:45



2022. 9. 2 10:45



2023. 2. 28 10:29



2023. 2. 28 10:29



2023. 2.28 10:29



2023. 2. 28 10:30



2023. 2. 28 10:30





2023. 2. 28 10:30



2023. 2. 28 10:30



2022. 9. 2 10:42



2023. 2. 28 10:30



2023. 2. 28 10:31



2023. 2. 28 10:31

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY KALEB SMITH**

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

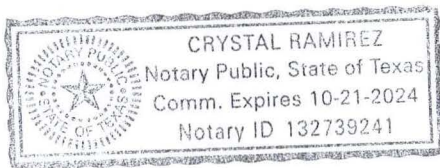
Certified Mail Return for **Exhibit H-6** is also attached.

SIGNED on the 19th day of April, 2023.



AFFIANT

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





Notary Public, State of Texas

Exhibit H-6



Code Compliance

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

NOTICE OF VIOLATION AND NOTICE OF HEARING

201 NW 2nd St, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: LT 12 BK 108 ORIGINAL TOWN 50X70 0133 ACQ 070109
0.08 ACRES

April 14, 2023

Diana Kaye Bailey
1910 Runnels
Big Spring, TX 79720

Sent via: Certified Mail; Return Receipt Requested

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

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.	A door is hazardous. The building is clearly unsafe for use and occupancy. The building is neglected, damaged, dilapidated, unsecured, and abandoned and is likely to become an attractive nuisance, enabling persons to resort to the structure to commit unlawful acts. The building is unsanitary and unfit for human habitation that is likely to cause sickness or disease because of inadequate maintenance and dilapidation and decay. Hazardous conditions.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.	
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.	The exterior walls have holes, cracks, breaks, loose and rotting materials. Unsafe condition.
304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.	Exterior walls need repair.
304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept	Windows and doors are not in sound condition, good repair, or weather

in sound condition, good repair and weather tight.	tight.
--	--------

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

Corrective Action Required

Repair building or demolish building

Code Compliance is seeking an order for the following.

- **Demolish and remove all three (3) structures if owner does not repair structures.**
- **Secure premises**
- **Vacate premises**

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

Issued by

Kaleb Smith

Name

Code Official

Department

432-264-2508

Phone

ksmith@mybigspring.com

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 **April 25, 2023, at 5:30 PM** 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 A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) 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.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) 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.

Section C-9.02 (c) 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 Official
City of Big Spring, Texas

7022 2410 0003 2470 3319

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 \$ _____

Postmark
Here

Postage

\$

Total Postage and Fees

\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Diana Bailey
1910 Bunnels

Tracking Number:

70222410000324703319

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 12:45 pm on April 18, 2023 in BIG SPRING, TX 79720.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

BIG SPRING, TX 79720

April 18, 2023, 12:45 pm

See All Tracking History

Feedback

Text & Email Updates

▼

USPS Tracking Plus®

▼

Product Information

▼

See Less ^

Track Another Package

Enter tracking or barcode numbers

STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

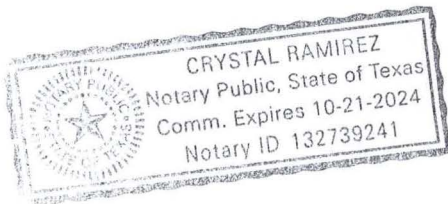
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for April 25, 2023, attached as **Exhibit H-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 14th, 2023.

This notice was also published in the Big Spring Herald on April 15th, 2023.”

SIGNED on the 19th day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit H-8





4/14/2023 9:01

4203 Walnut St

Code Enforcement Officer: Roy Marquez

Exhibit G-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF ROY MARQUEZ
CONCERNING 4203 Walnut St**

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

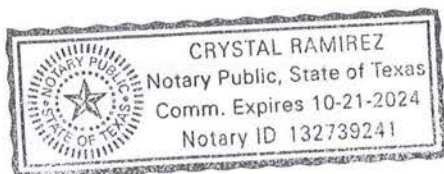
“My name is **Roy Marquez**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“I am a Code Enforcement Officer 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 **4203 Walnut St**, 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 19 day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit G-2

HOWARD CENTRAL APPRAISAL DISTRICT				PROPERTY APPRAISAL INFORMATION 2023		Entities		Values	
PROPERTY 283326	R	04/25/2013	OWNER ID	GUTIERREZ TOM		01H	100%	IMPROVEMENTS	1,943
Legal Description			315728	4203 WALNUT		02B	100%	LAND MARKET	+ 2,640
LT 2 BK 1 MESA 60X140 030 ACQ 080299 BLK/TRACT 331S			OWNERSHIP	BIG SPRING , TX 79720		03B	100%	MARKET VALUE	= 4,583
0.193 ACRES						052	100%	PRODUCTIVITY LOSS	- 0
			100.00%					APPAISED VALUE	= 4,583
Ref ID1: 6746		Ref ID2: R000006746		ACRES: .1930				HS CAP LOSS	- 0
B4440000200		Map ID		EFF. ACRES: .0000				ASSESSED VALUE	= 4,583
SITUS 4203 WALNUT				APPR VAL METHOD: Cost					

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
4203 Walnut St CASE NOTES

“This record, attached as **Exhibit G-3**, 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.

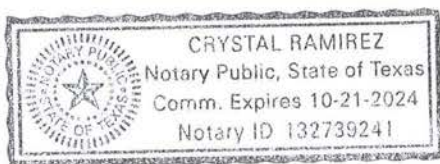
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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-3** as the readout.”

SIGNED on the 19 day of April, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of April, 2023

by the above referenced Affiant.




Notary Public, State of Texas

Exhibit G-3

03-14-2023 03:41 PM
TASK #: 114895
TASK CODE: COMPLAINT
PROPERTY: 4203 WALNUT ST

TASK NOTES REPORT

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:

THIS PROPERTY NEEDS TO BE MOWED TO THE CENTER OF THE EASEMENTS. ALL
WEEDS/GRASS NEED TO BE CUT TO CITY ORDINANCE OF UNDER 12 INCHES. IT IS
ASKED THAT PROPERTY BE MAINTAINED ON A REGULAR BASIS

Task #: 113365 - INSPECT WEEDL LOT - 12/02/2022

ON 11-29-22 @ 13:36 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR
WEEDY LOT VIOLATION, FOUND WEEDS AND GRASS TALLER THAN 12 INCHES. PICTURES
WERE TAKEN, LETTER WILL BE SENT.

ON 2-15-23 @ 11:15 CODE ENFORCEMENT ROY MARQUEZ REINSPECTED PROPERTY FOR
WEEDY LOT VIOLATION, WEEDS/GRASS HAVE NOT BEEN ABATED. PICTURES WERE
TAKEN, A REFERRAL COMPLAINT WILL BE MADE TO CITY COUNCIL FOR ABATEMENT

Task #: 113366 - WEEDY LOT LTR - 12/02/2022

Task #: 114895 - COMPLAINT - 3/14/2023

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY ROY MARQUEZ**

“With regard to the photographs in **Exhibits G-4** I am familiar with and recognize the scene depicted in the photographs. On November 29th, 2022 and February, 15th, 2023, I inspected the property described as:

LT 2 BK 1 MESA 60X140 030 ACQ 080299 BLK/TRACT 331S 0.193 ACRES
Big Spring, Howard County, Texas, also known as **4203 Walnut St**, Big Spring,
Texas.

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

SIGNED on the 19 day of April, 2023.

Roy Marquez
AFFIANT

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

Crystal Hamner
Notary Public, State of Texas



Exhibit G-4





11/29/2022 13:36













Exhibit G-5

STATE OF TEXAS

§

COUNTY OF HOWARD

§

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**CERTIFICATION
NOTICE SENT BY ROY MARQUEZ**

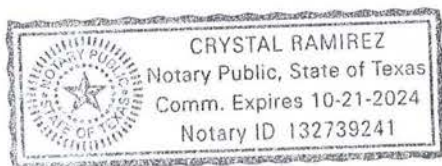
“The document in **Exhibit G-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of April, 2023.

Roy Marquez
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit G-6



Code Compliance

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

NOTICE OF VIOLATION AND NOTICE OF HEARING

4203 WALNUT, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: LT 2 BK 1 MESA 60X140 030 ACQ 080299 BLK/TRACT 331S
0.193 ACRES

April 14, 2023

Tom Gutierrez Jr.
204 Circle Dr
Big Spring, TX 79720

Sent via: Certified Mail; Return Receipt Requested

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

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or	A door is hazardous. The building is clearly unsafe for use and occupancy. The building is neglected, damaged, dilapidated, unsecured, and abandoned and is likely to become an attractive nuisance, enabling persons to resort to the structure to commit unlawful acts. The building is unsanitary and unfit for human habitation that is likely to cause sickness or disease because of inadequate maintenance and dilapidation and decay. Hazardous conditions.

enables persons to resort to the building or structure for committing a nuisance or an unlawful act. 9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.	
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.	The exterior walls have holes, cracks, breaks, loose and rooting materials. Unsafe condition.
304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.	Exterior walls need repair.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Windows and doors are not in sound condition, good repair, or weather tight.
--	---

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

Corrective Action Required
Repair building or demolish building

Code Compliance is seeking an order for the following.

- **Demolish and remove structure if owner does not repair structure.**
- **Secure premises**
- **Vacate premises**

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

Issued by

Roy Marquez

Name

Code Official

Department

432-264-2507

Phone

rmarquez@mybigspring.com

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 **April 25, 2023, at 5:30 PM** 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 A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) 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.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) 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.

Section C-9.02 (c)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.

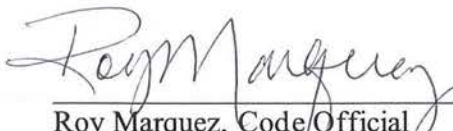
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, 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,



Roy Marquez, Code Official
City of Big Spring, Texas

7022 2410 0003 2470 3357

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 | \$ | |

Postmark
Here

Postage

\$

Total Postage and Fees

\$

Sent

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

TOM GARCIA
204 Circle

Tracking Number:

70222410000324703357

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item is being held at the BIG SPRING, TX 79720 post office at 11:31 am on April 17, 2023. This is at the request of the customer.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivery Attempt

Held at Post Office, At Customer Request

BIG SPRING, TX 79720

April 17, 2023, 11:31 am

Departed USPS Regional Origin Facility

MIDLAND TX DISTRIBUTION CENTER

April 17, 2023, 2:12 am

See All Tracking History

Feedback

- Text & Email Updates
- USPS Tracking Plus®
- Product Information
- See Less ^

STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

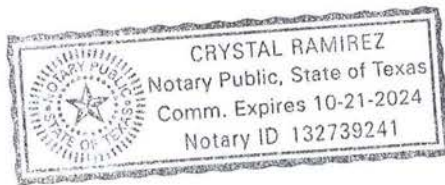
"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for April 25, 2023, attached as **Exhibit G-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 14th, 2023.

This notice was also published in the Big Spring Herald on April 16th, 2023."

SIGNED on the 19 day of April, 2023.

Ray Marquez
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit G-8



4/14/2022 8:51



4/14/2023 8:51

1100 W 2ND

Code Compliance Official: Kaleb Smith

Exhibit J-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF KALEB SMITH
CONCERNING 1100 W 2ND**

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

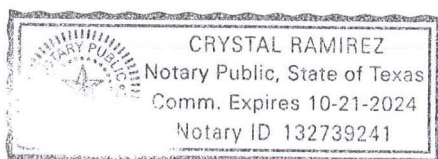
“My name is **Kaleb Smith**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **1100 W 2ND**, 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 19th day of April, 2023.


AFFIANT

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

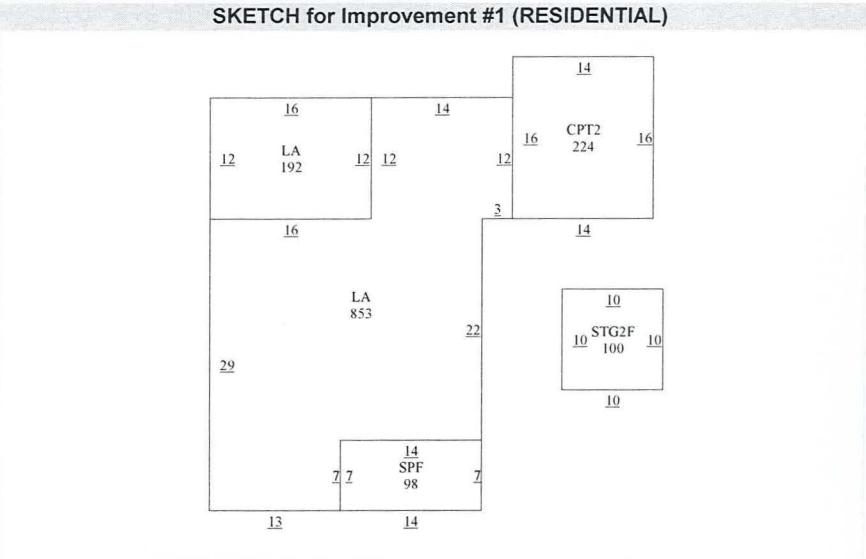



Notary Public, State of Texas

Exhibit J-2

HOWARD CENTRAL APPRAISAL DISTRICT				PROPERTY APPRAISAL INFORMATION 2022				Entities		Values	
PROPERTY 282275	R	04/25/2013	OWNER ID	FLORES LATRICIA	01H	100%		IMPROVEMENTS		2,786	
Legal Description			402968	1507 W 2ND	02B	100%		LAND MARKET	+	1,000	
LT 7 BK 21 JONES VALLEY 50X130 149 0.149 ACRES ACQ				BIG SPRING, TX 79720	03B	100%		MARKET VALUE	=	3,786	
011614			OWNERSHIP		052	100%		PRODUCTIVITY LOSS	-	0	
			100.00%					APPRAISED VALUE	=	3,786	
Ref ID1: 5695		Ref ID2: R000005695		ACRES: .1490				HS CAP LOSS	-	0	
B4020017600		Map ID		EFF. ACRES: .0000				ASSESSED VALUE	=	3,786	
SITUS 1100 W 2ND				APPR VAL METHOD: Cost							

GENERAL			
UTILITIES	LAST APPR.		
TOPOGRAPHY	LAST APPR. YR 2021		
ROAD ACCESS	LAST INSP. DATE 03/09/2021		
ZONING	NEXT INSP. DATE		
BUILDER			
NEXT REASON			
REMARKS			



EXEMPTIONS

PICTURE



BUILDING PERMITS

ISSUE DT	PERMIT TYPE	PERMIT AREA	ST	PERMIT VAL
01/16/2014	*****			
DEMOVILLE JOHN T CD / 1373 / 687				

SUBD:		NBHD:		IMPROVEMENT INFORMATION														
#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	UNITS	BUILT	EFF YR	COND.	VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	ADJ VALUE
LA		LIVING AREA	R	RS3F/*	853.0	101.79	1	1930	1930	VP	2,170	5%		100%	50%	100%	0.03	2,170
SPF		SCREEN PORCH	R	RS3F/*	98.0	0.00	1	1930	1930	VP	45	5%		100%	50%	100%	0.03	45
LA		LIVING AREA	R	RS3F/*	192.0	101.79	1	1930	1930	VP	488	5%		100%	50%	100%	0.03	488
CPT2		CARPORT AVER	R	RS3F/*	224.0	0.00	1	1930	1930	VP	55	5%		100%	50%	100%	0.03	55
STG2F		AVG QUALITY	R	RS3F/*	100.0	0.00	1	1930	1930	VP	28	5%		100%	50%	100%	0.03	28
1. RESIDENTIAL			STCD: A1		1,467.0	Homesite: Y (1.0050251256%)					2,786	(Flat Values)					2,786	
1 STORY Cpsf/Value: 0 / 0.000 ALL Cpsf/Value: 0 / 0.000 COMPOSITION Cpsf/Value: 0 / 0.000 FRAME Cpsf/Value: 0 / 0.000 HIP Cpsf/Value: 0 / 0.000 MOIST AIR																		
Cpsf/Value: 0 / 0.000 SLAB Cpsf/Value: 0 / 0.000 1 BATH Cpsf/Value: 0 / 0.000																		

IMPROVEMENT FEATURES			
Roof Covering	CRM		0
Exterior Wall	FET		0
Roof Style	HRT		0
Heating/Cooling	MHC		0
Foundation	SFN		0
Plumbing	1BT		0
Construction Style	AST		0
Other Feature	AUT		0
			0

SUBD:		NBHD:		LAND INFORMATION										IRR Wells: 0		Capacity: 0		IRR Acres: 0		Oil Wells: 0				
<u>L#</u>	<u>DESCRIPTION</u>	<u>CLS</u>	<u>TABLE</u>	<u>SC</u>	<u>HS</u>	<u>METH</u>	<u>DIMENSIONS</u>	<u>UNIT PRICE</u>	<u>GROSS VALUE</u>	<u>ADJ</u>	<u>MASS</u>	<u>ADJ</u>	<u>VAL SRC</u>	<u>MKT VAL</u>	<u>AG APPLY</u>	<u>AG CLASS</u>	<u>AG TABLE</u>	<u>AG UNIT</u>	<u>PRC</u>	<u>AG VALUE</u>				
1.	LFF12			A1	Y (100%)		0.0000 AC	.00		1.00	1.00	F		1,000					0.00	0				
Comment: FF																								
														1,000										0

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
1100 W 2ND CASE NOTES**

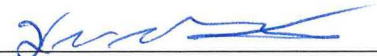
“This record, attached as **Exhibit J-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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-3** as the readout.”

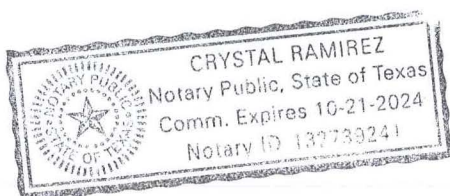
SIGNED on the 19th day of April, 2023.

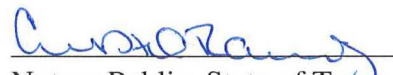


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of April, 2023

by the above referenced Affiant.





Notary Public, State of Texas

Exhibit J-3

03-08-2023 10:11 AM

TASK NOTES REPORT

TASK #: 112835

TASK CODE: INSPECT WEEDL LOT

PROPERTY: 1100 W 2ND ST

ORIG. DATE: 1

DUE DATE: 1

NOTES

Incident Notes:

Task #: 112835 - INSPECT WEEDL LOT - 10/11/2022
3/6/2023 Grass has been mowed.

Task #: 112836 - WEEDY LOT LTR - 10/11/2022

NOTES

Incident Notes:

Task #: 112839 - INSPECT ACCUMULATED - 10/11/2022

10/25/2022 Returned a missed call from Servando who claims he owns the property. He said he bought the property from the city to fix it up and then was told he couldn't have permits because the house is in a flood zone. He claims the trash is not his, that people are dumping on the property. This is the 3rd or 4th time he has had to deal with this. He claims that in the past Code Enforcement has waived the landfill fees for him. I am giving him until 11/07/2022 to remove the trash and mow the weeds. Phone# 432-599-0141

3/6/2023 There are still AI on the property.

Task #: 112840 - ACCUMULATED ITEMS - 10/11/2022

NOTES

Incident Notes:

Task #: 114820 - INSPECT SUBSTANDARD - 3/06/2023

3/6/2023 Storage building in the rear needs to be demolished as it is falling over. The house needs windows repaired and the walls need to be closed in.

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY KALEB SMITH**

“With regard to the photographs in **Exhibits J-4** I am familiar with and recognize the scene depicted in the photographs. On October, 10th, 2022 and March, 6th, 2023, I inspected the property described as:

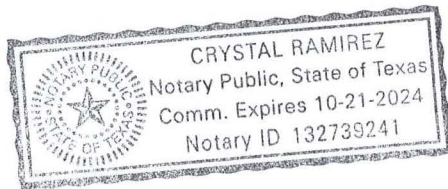
LT 7 BK 21 JONES VALLEY 50X130 149 0.149 ACRES ACQ 011614 Big Spring, Howard County, Texas, also known as **1100 W 2ND**, Big Spring, Texas.

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

SIGNED on the 19th day of April, 2023.


AFFIANT

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



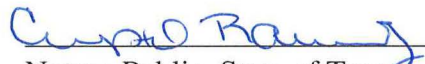

Notary Public, State of Texas

Exhibit J-4









2022.10.10 11:29



2022.10.10 11:29



2022.10.10 11:29



2022.10.10 11:29



2022.10.10 11:29





2023. 3. 6 9:18



2023. 3. 6 9:17



2023. 3. 6 9:17



2023. 3. 6 9:16





2023. 3. 6 9:15

Exhibit J-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY KALEB SMITH**

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

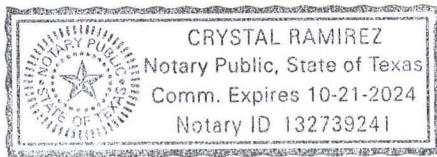
Certified Mail Return for **Exhibit J-6** is also attached.

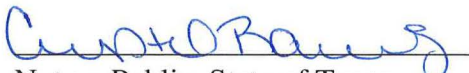
SIGNED on the 19th day of April, 2023.



AFFIANT

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





Notary Public, State of Texas

Exhibit J-6



NOTICE OF VIOLATION AND NOTICE OF HEARING

1100 W 2 ND , BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LT 7 BK 21 JONES VALLEY 50X130
149 0.149 ACRES ACQ 011614

April 14, 2023

Latricia Flores
1507 W 2ND ST
Big Spring, TX 79720

Latricia Flores
1100 W 2nd
Big Spring TX 79720

Sent via: Certified Mail; Return Receipt Requested

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

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables	A door is missing. The building is clearly unsafe for use and occupancy. The building is neglected, damaged, dilapidated, unsecured, and abandoned and is likely to become an attractive nuisance, enabling persons to resort to the structure to commit unlawful acts. The building is unsanitary and unfit for human habitation that is likely to cause sickness or disease because of inadequate maintenance and dilapidation and decay. Hazardous conditions.

persons to resort to the building or structure for committing a nuisance or an unlawful act. 9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.	
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.	The exterior walls have holes, cracks, breaks, loose and rotting materials. Unsafe condition.
304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.	Exterior walls need repair.

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

Corrective Action Required

Repair or demolish both buildings

Code Compliance is seeking an order for the following.

- Demolish and remove both structures if owner has not repaired
- Secure premises
- Vacate premises

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

Issued by

Kaleb Smith

Name

Code Official

Department

432-264-2508

Phone

ksmith@mybigspring.com

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 **April 25, 2023, at 5:30 PM** 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 A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) 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.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) 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.

Section C-9.02 (c)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 Official
City of Big Spring, Texas

7022 2410 0003 2470 3302

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 \$	Postmark Here
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 \$	
Sent To Leticia Flores 1307 W 2nd (1100 W 2nd)	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7022 2410 0003 2470 3296

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 \$	Postmark Here
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 \$	
Sent To Leticia Flores 1100 W 2nd	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Tracking Number:

70222410000324703302

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your package is moving within the USPS network and is on track to be delivered to its final destination. 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 to Next Facility

April 19, 2023

Departed USPS Regional Origin Facility

MIDLAND TX DISTRIBUTION CENTER

April 17, 2023, 1:38 am

See All Tracking History

Feedback

Text & Email Updates

▼

Tracking Number:

70222410000324703296

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your package is moving within the USPS network and is on track to be delivered to its final destination. 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 to Next Facility

April 19, 2023

Departed USPS Regional Origin Facility
MIDLAND TX DISTRIBUTION CENTER
April 17, 2023, 1:09 am

See All Tracking History

Feedback

Text & Email Updates

▼

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

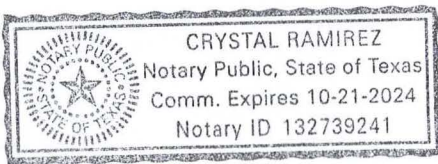
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for April 25, 2023, attached as **Exhibit J-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 14th, 2023.

This notice was also published in the Big Spring Herald on April 15th, 2023.”

SIGNED on the 19th day of April, 2023.


AFFIANT

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



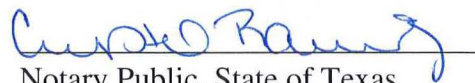

Notary Public, State of Texas

Exhibit J-8



Code Compliance

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

**NOTICE OF HEARING
CONCERNING PUBLIC NUISANCES**

NOTICE THAT THE BIG SPRING CITY COUNCIL
HEARING ON APRIL 25TH, AT 5:30 P.M.,
HEARING COUNCIL CHAMBERS AT 307 E. 4TH
79720 TO CONSIDER ABATEMENT OF
PROPERTIES IN THE CITY OF BIG
INTERESTED PERSONS MAY SPEAK, THEN A
MADE AND REMEDIAL ACTION ORDERED
PROPERTIES:

BIG SPRING, TX 79720 - LT 13 BK 10 KENTWOOD
ACQ 05142021 - OWNER: DOUGLAS CARSON,
L. RAISON, AND JAMES P. CARSON

BIG SPRING, TX 79720 - LT 10 BK 38 COLE & STRAYHORN
ACQ 07242012 - OWNER: NEYBOR

BIG SPRING, TX 79720 - LT 1 BK 1 HIGHLAND
ACQ 11059 0.143 ACRES - OWNER: AARON MICHAEL

BIG SPRING, TX 79720 - LT 6 BK 14 EARLES 50X130-954
ACQ 14 0.139 ACRES - OWNER: ESTER D. GOMEZ

BIG SPRING, TX 79720 - N/2 OF LT 2 & S/2 OF LT 3 BK 1
ACQ 0137 BLK/TRACT 1 0.246 ACRES ACQ 0902202 -

BIG SPRING, TX 79720 - S/50 NE 1/4 & N/50 SE 1/4 OF BK
ACQ 0140 1262 BLK/TRACT 37 0.321 ACRES - OWNER:

4/14/2023 8:44

1001 Sycamore St

Code Compliance Official: Kaleb Smith

Exhibit C-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF KALEB SMITH
CONCERNING 1001 Sycamore St**

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:

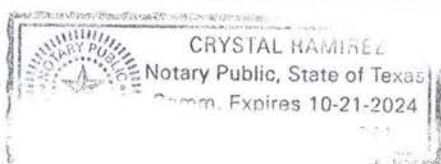
“I am a Code Compliance Official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **1001 Sycamore St**, 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 19th day of April, 2023.



AFFIANT

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





Notary Public, State of Texas

Exhibit C-2

HOWARD CENTRAL APPRAISAL DISTRICT
PROPERTY 281620 R 04/25/2013
Legal Description
LT 1 BK 1 HIGHLAND PARK 50X125 1184 ACQ 111809 0.143
ACRES

OWNER ID
10835
OWNERSHIP
100.00%

PROPERTY APPRAISAL INFORMATION 2023

GARRISON AARON MICHAEL
1504 BENTON
BIG SPRING , TX 79720

Entities

01H 100%
02B 100%
03B 100%
052 100%

Values

IMPROVEMENTS 42,04
LAND MARKET + 3,85
MARKET VALUE = 45,89
PRODUCTIVITY LOSS -
APPRAISED VALUE = 45,89
HS CAP LOSS -
ASSESSED VALUE = 45,89

Ref ID1: 5040
B3770000100

Ref ID2: R000005040
Map ID

ACRES: .1430
EFF. ACRES: .0000

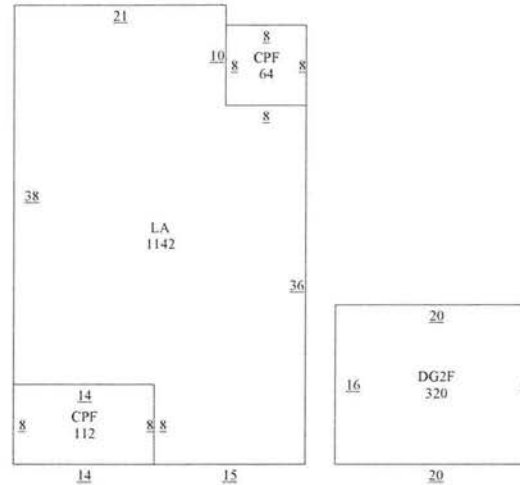
APPR VAL METHOD: Cost

SITUS 1001 SYCAMORE

GENERAL

UTILITIES
TOPOGRAPHY
ROAD ACCESS
ZONING
BUILDER
NEXT REASON
REMARKS
LAST APPR.
LAST APPR. YR 2021
LAST INSP. DATE 11/02/2021
NEXT INSP. DATE

SKETCH for Improvement #1 (RESIDENTIAL)



EXEMPTIONS

PICTURE



BUILDING PERMITS

ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL

SALE DT PRICE GRANTOR DEED INFO
11/18/2009 ***** WRIGHT JEREMY L WTYD / 1160 / 101
05/07/2001 ***** DELAGARZA JOEL & OT / 0827 / 411
10/30/1992 ***** DELAGARZA JOEL E OT / 0668 / 526

SUBD:			NBHD:MCEW		110.00%		IMPROVEMENT INFORMATION										* = Needs Recalculation		
#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	UNITS	BUILT	EFF YR	COND.	VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	ADJ VALUE	
	LA	LIVING AREA	R	RS3F/*	1,142.0	116.06	1	1920	1920	FA	132,541	25%		100%	100%	100%	0.25	33,135	
	CPF	COVERED PORC	R	RS3F/*	112.0	17.41	1	1920	1920	FA	1,950	25%		100%	100%	100%	0.25	488	
	DG2F	DETACHED GAR	R	RS3F/*	320.0	54.02	1	1920	1920	FA	17,286	25%		100%	100%	100%	0.25	4,322	
	CPF	COVERED PORC	R	RS3F/*	64.0	17.41	1	1920	1920	FA	1,114	25%		100%	100%	100%	0.25	279	
1. RESIDENTIAL			STCD: A1		1,638.0		Homesite: Y (100%)			152,891		38,224*							
1 STORY Cpsf/Value: 0 / 0.000 ALL Cpsf/Value: 0 / 0.000 COMPOSITION Cpsf/Value: 0 / 0.000 WALL Cpsf/Value: 0 / 0.000 FRAME Cpsf/Value: 0 / 0.000 GABLE Cpsf/Va																			
0 / 0.000 PIER AND BEAM Cpsf/Value: 0 / 0.000 1 BATH Cpsf/Value: 0 / 0.000																			

IMPROVEMENT FEATURES

Construction Style AST 0
Other Feature AUT 0
Roof Covering CRM 0
Exterior Wall EHC 0
Exterior Wall FET 0
Roof Style GRT 0
Construction Style PFN 0
Plumbing 1 1BT 0

SUBD:		NBHD:MCEW		110.00%		LAND INFORMATION						IRR Wells: 0		Capacity: 0		IRR Acres: 0		Oil Wells: 0	
L#	DESCRIPTION	CLS	TABLE	SC	HS	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	ADJ	MASS ADJ	VAL SRC	MKT VAL	AG APPLY	AG CLASS	AG TABLE	AG UNIT	PRC	AG VALU
1.	LFF18		LFF18	A1	Y (100%)	FF		70.00	3,500	1.00	1.10	A	3,850						0.00
Comment: FF													3,850						

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
1001 Sycamore St CASE NOTES

“This record, attached as **Exhibit C-3**, 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-3** as the readout.”

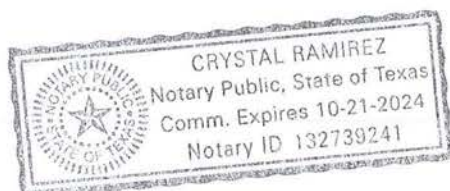
SIGNED on the 19th day of April, 2023.

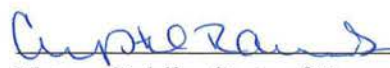


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of April, 2023

by the above referenced Affiant.





Notary Public, State of Texas

Exhibit C-3

03-28-2023 08:59 AM

TASK NOTES REPORT

TASK #: 114659
TASK CODE: INSPECT SUBSTANDARD
PROPERTY: 1001 SYCAMORE ST

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:

Task #: 114659 - INSPECT SUBSTANDARD - 2/21/2023
2/22/2023 Storage building has holes in the walls, is leaning over, and the roof is sagging. Primary structure has a hole in the wall and the floor is missing in the entryway.
3/28/2023 Inspected property and found it still in violation. Turned into legal for abatement and citation.

Task #: 114660 - SUBSTANDARD BLD - 2/21/2023
2/21/2023 Storage building in the rear is substandard and needs to be demolished. The main structure caught fire on 2/15/2023. It is substandard due to a hole in the wall, siding missing, and a giant hole in the floor.

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY KALEB SMITH**

“With regard to the photographs in **Exhibits C-4** I am familiar with and recognize the scene depicted in the photographs. On February, 15th, 2023 and march, 27th, 2023, I inspected the property described as:

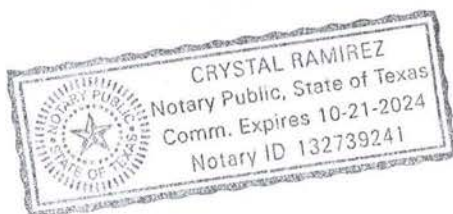
LT 1 BK 1 HIGHLAND PARK 50X125 1184 ACQ 111809 0.143 ACRES Big Spring, Howard County, Texas, also known as **1001 Sycamore St**, Big Spring, Texas.

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

SIGNED on the 19th day of April, 2023.


AFFIANT

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



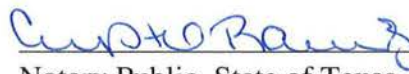

Notary Public, State of Texas

Exhibit C-4



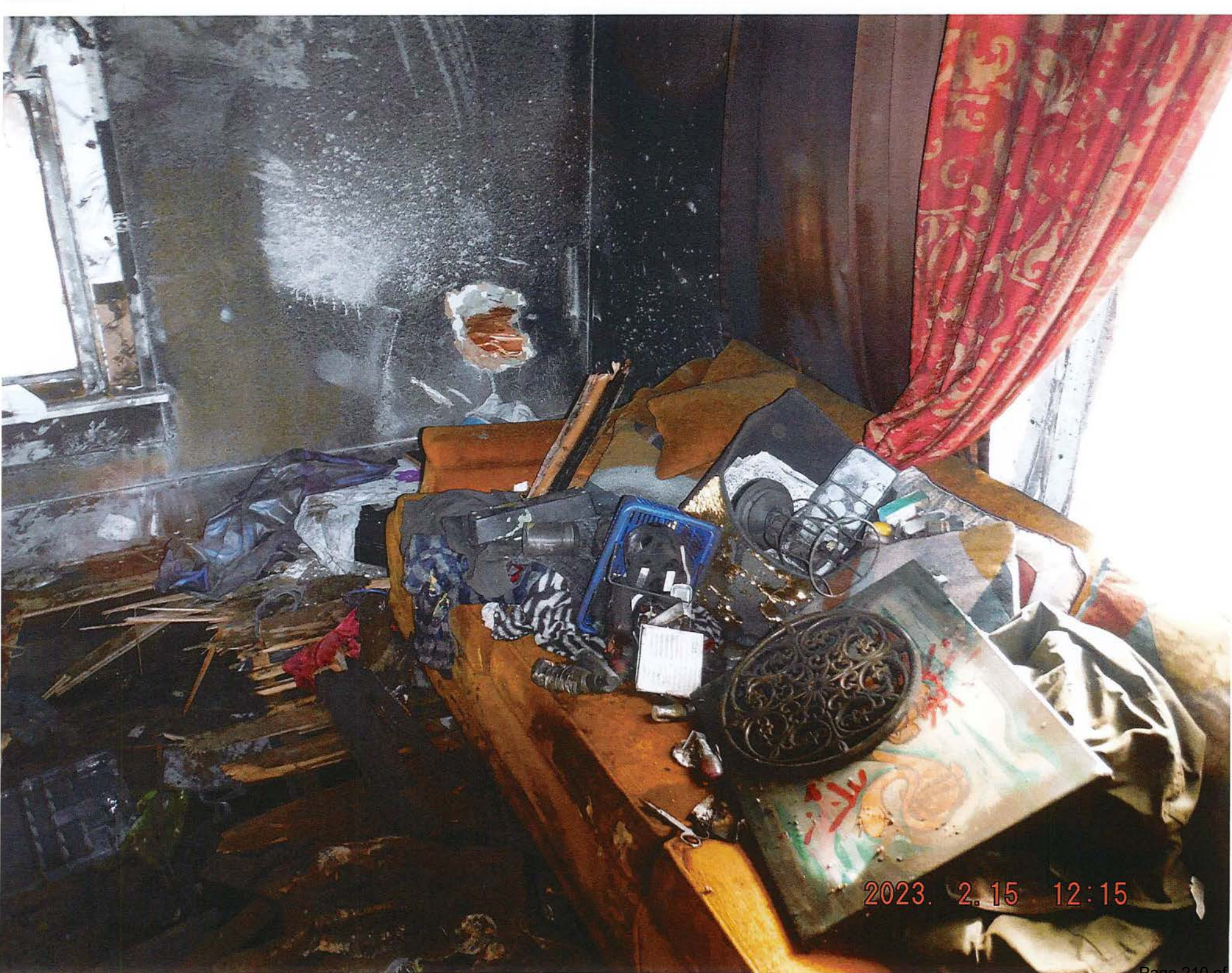
2023. 2. 15 11:59



2023. 2. 15 12:00



2023. 2. 15 12:14





2023. 2. 15 12:15







2023. 2. 15 12:18



2023. 3. 27 10:04

Exhibit C-5

A FDID <u>KW601</u> ☆ State <u>TX</u> ☆ Incident Date <u>02</u> <u>15</u> <u>2023</u> ☆ Station <u>003</u> Incident Number <u>0000302</u> ☆ Exposure <u>000</u> ☆		☐ Delete ☐ Change ☐ No Activity		NFIRS-1 Basic	
B Location Type ☆ ☐ Check this box to indicate that the address for this incident is provided on the Wildland Fire Module in Section B, "Alternative Location Specification." Use only for wildland fires.					
☒ Street address ☐ Intersection ☐ In front of ☐ Rear of ☐ Adjacent to ☐ Directions ☐ U.S. National Grid					
Number/Milepost <u>1001</u> Prefix <u></u> Street or Highway <u>Sycamore</u> Street Type <u></u> Suffix <u></u> Apt./Suite/Room <u></u> City <u>Big Spring</u> State <u>TX</u> ZIP Code <u>79720</u>					
Cross Street, Directions or National Grid, as applicable					
C Incident Type ☆ <u>111</u> <u>Building fire</u> Incident Type		E1 Dates and Times Midnight is 0000 Month Day Year Hour Min Alarm ☆ <u>02</u> <u>15</u> <u>2023</u> <u>1031</u> Check boxes if dates are the same as Alarm Date. ARRIVAL required, unless canceled or did not arrive. ☒ Arrival ☆ <u></u> <u></u> <u></u> <u>1037</u> CONTROLLED optional, except for wildland fires ☐ Controlled <u></u> <u></u> <u></u> <u></u> ☒ Last Unit Cleared <u></u> <u></u> <u></u> <u>1112</u> LAST UNIT CLEARED, required except for wildland fires		E2 Shifts and Alarms Local Option ☐ Shift or Platoon ☐ Alarms ☐ District <u>003</u>	
D Aid Given or Received ☆ ☒ None 1 ☐ Mutual aid received 2 ☐ Auto. aid received 3 ☐ Mutual aid given 4 ☐ Auto. aid given 5 ☐ Other aid given Their FDID <u></u> Their State <u></u> Their Incident Number <u></u>		E3 Special Studies Local Option Special Study ID# <u></u> Special Study Value <u></u>			
F Actions Taken ☆ Extinguishment by <u>11</u> <u>fire service personnel</u> Primary Action Taken (1) <u></u> Additional Action Taken (2) <u></u> Additional Action Taken (3) <u></u>		G1 Resources ☆ ☒ Check this box and skip this block if an Apparatus or Personnel Module is used. Apparatus Personnel Suppression <u></u> <u></u> EMS <u></u> <u></u> Other <u></u> <u></u> ☐ Check box if resource counts include aid received resources.		G2 Estimated Dollar Losses and Values LOSSES: Required for all fires if known. Optional for non-fires. None Property \$ <u>000</u> , <u>010</u> , <u>000</u> ☐ Contents \$ <u>000</u> , <u>001</u> , <u>000</u> ☐ PRE-INCIDENT VALUE: Optional Property \$ <u>000</u> , <u>030</u> , <u>000</u> ☐ Contents \$ <u>000</u> , <u>001</u> , <u>000</u> ☐	
Completed Modules ☒ Fire-2 ☒ Structure Fire-3 ☐ Civilian Fire Cas.-4 ☐ Fire Service Cas.-5 ☐ EMS-6 ☐ HazMat-7 ☐ Wildland Fire-8 ☒ Apparatus-9 ☒ Personnel-10 ☐ Arson-11		H1 Casualties ☆ ☒ None Deaths Injuries Fire Service <u></u> <u></u> Civilian <u></u> <u></u> H2 Detector Required for confined fires. 1 ☐ Detector alerted occupants 2 ☐ Detector did not alert them U ☐ Unknown		H3 Hazardous Materials Release ☐ None 1 ☐ Natural gas: slow leak, no evacuation or HazMat actions 2 ☐ Propane gas: <21-lb tank (as in home BBQ grill) 3 ☐ Gasoline: vehicle fuel tank or portable container 4 ☐ Kerosene: fuel burning equipment or portable storage 5 ☐ Diesel fuel/fuel oil: vehicle fuel tank or portable storage 6 ☐ Household solvents: home/office spill, cleanup only 7 ☐ Motor oil: from engine or portable container 8 ☐ Paint: from paint cans totaling <55 gallons 0 ☐ Other: special HazMat actions required or spill > 55 gal (Please complete the HazMat form.)	
I Mixed Use Property ☐ Not mixed 10 ☐ Assembly use 20 ☐ Education use 33 ☐ Medical use 40 ☐ Residential use 51 ☐ Row of stores 53 ☐ Enclosed mall 58 ☐ Business & residential 59 ☐ Office use 60 ☐ Industrial use 63 ☐ Military use 65 ☐ Farm use 00 ☐ Other mixed use					
J Property Use ☆ ☐ None Structures 131 ☐ Church, place of worship 161 ☐ Restaurant or cafeteria 162 ☐ Bar/Tavern or nightclub 213 ☐ Elementary school, kindergarten 215 ☐ High school, junior high 241 ☐ College, adult education 311 ☐ Nursing home 331 ☐ Hospital 341 ☐ Clinic, clinic-type infirmary 342 ☐ Doctor/Dentist office 361 ☐ Prison or jail, not juvenile 419 ☒ 1- or 2-family dwelling 429 ☐ Multifamily dwelling 439 ☐ Rooming/Boarding house 449 ☐ Commercial hotel or motel 459 ☐ Residential, board and care 464 ☐ Dormitory/Barracks 519 ☐ Food and beverage sales 539 ☐ Household goods, sales, repairs 571 ☐ Gas or service station 579 ☐ Motor vehicle/boat sales/repairs 599 ☐ Business office 615 ☐ Electric-generating plant 629 ☐ Laboratory/Science laboratory 700 ☐ Manufacturing plant 819 ☐ Livestock/Poultry storage (barn) 882 ☐ Non-residential parking garage 891 ☐ Warehouse Outside 124 ☐ Playground or park 655 ☐ Crops or orchard 669 ☐ Forest (timberland) 807 ☐ Outdoor storage area 919 ☐ Dump or sanitary landfill 931 ☐ Open land or field 936 ☐ Vacant lot 938 ☐ Graded/Cared for plot of land 946 ☐ Lake, river, stream 951 ☐ Railroad right-of-way 960 ☐ Other street 961 ☐ Highway/Divided highway 962 ☐ Residential street/driveway 981 ☐ Construction site 984 ☐ Industrial plant yard					
Look up and enter a Property Use code and description only if you have NOT checked a Property Use box. Property Use <u></u> Code <u></u> Property Use Description <u></u> NFIRS-1 Revision 01/01/05					

K1 Person/Entity Involved

Local Option

Business Name (if applicable)

Area Code

Phone Number

☐ Check this box if same address as incident location (Section B). Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name MI Last Name Suffix

Number Prefix Street or Highway Street Type Suffix



Post Office Box Apt./Suite/Room City

State ZIP Code

☐ More people involved? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary.

K2 Owner

Local Option

☐ Same as person involved? Then check this box and skip the rest of this block.

Business Name (if applicable)

432 Area Code

213 Phone Number

0762

☐ Check this box if same address as incident location (Section B). Then skip the three duplicate address lines.

MR Aaron Garrison Mr., Ms., Mrs. First Name MI Last Name Suffix

Number Prefix Street or Highway Street Type Suffix



Post Office Box Apt./Suite/Room City

State ZIP Code

L**Remarks:**

The incident narrative is printed on the Supplemental Form.

☒ More remarks? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary.

M Authorization

Check box if same as Officer in charge. ☐

0673 Chad Pederson Officer in charge ID Signature Position or rank Assignment Month Day Year

2054 MICHAEL ROSS Member making report ID Signature Position or rank Assignment Month Day Year

L

Remarks:

Local Option

MICHAEL ROSS

Engine 3, Engine 4, Engine 2, Battalion 1, and Medic 4 responded to address for a structure fire. Engine 4 was first on scene, followed by engine 2 and medic 4, then engine 3. Engine 4 reported smoke showing from structure. Engine 4 reported both doors were open at time of arrival. Engine 4 and medic 4 crew made entry and found flames in the living room immediately inside the front doorway. Crews used 1 3/4 inch attack line from engine 4 to suppress the fire with water and fire was contained to the room of origin and to an area of approx 3 ft on the floor. A number of extension cords were found in this area, and were frayed and damaged. Fire had burned into the floor through the floor joist, which was the cause of the fire extending outside to the southeast corner (delta side). Engine 2 set up a ventilation fan to help relieve smoke from the structure while engine 3 crew did a walk around of the perimeter where they found flames on the delta side of the structure on the outside. They then had the attack line pull to the delta side to suppress flames. After suppression, engine crews used a sawzall and halligan to remove siding and insulation from the delta wall to clear wall of heat source. After clearing heat source, crews went back into the living room to continue searching for remaining heat sources. Crew used sawzall and axes to open up the floor until room was cleared of heat sources. After sources were cleared, all units went back into service.

A	FDID <u>KW601</u> ☆	State <u>TX</u> ☆	Incident Date MM <u>02</u> DD <u>15</u> YYYY <u>2023</u> ☆	Station <u>003</u>	Incident Number <u>0000302</u> ☆	Exposure <u>000</u> ☆	☐ Delete ☐ Change	NFIRS-2 Fire
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B Property Details B1 <u>1</u> ☐ Not Residential Estimated number of residential living units in building of origin whether or not all units became involved. B2 <u> </u> ☐ Buildings not involved Number of buildings involved B3 <u> </u> ☒ None ☐ Less than one acre Acres burned (outside fires)	C On-Site Materials or Products ☐ None Complete if there were any significant amounts of commercial, industrial, energy, or agricultural products or materials on the property, whether or not they became involved. Enter up to three codes. Check one box for each code entered. On-site material (1) <u> </u> On-site material (2) <u> </u> On-site material (3) <u> </u>
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D Ignition D1 <u>14</u> <u>Common room, den, family room, living room, lounge</u> Area of fire origin ☆ D2 <u>13</u> <u>Electrical arcing</u> Heat source ☆ <u>Structural member</u> D3 <u>17</u> <u>or framing</u> Item first ignited ☆ ☐ Check box if fire spread was confined to object of origin.	E1 Cause of Ignition ☆ ☐ Check box if this is an exposure report. ➡ Skip to Section G 1 ☐ Intentional 2 ☐ Unintentional 3 ☒ Failure of equipment or heat source 4 ☐ Act of nature 5 ☐ Cause under investigation U ☐ Cause undetermined after investigation	E3 Human Factors ☆ Contributing to Ignition Check all applicable boxes ☒ None 1 ☐ Asleep 2 ☐ Possibly impaired by alcohol or drugs 3 ☐ Unattended person 4 ☐ Possibly mentally disabled 5 ☐ Physically disabled 6 ☐ Multiple persons involved 7 ☐ Age was a factor Estimated age of person involved <u> </u> 1 ☐ Male 2 ☐ Female
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F1 Equipment Involved in Ignition ☐ None ➡ If equipment was not involved, skip to Section G. <u>260</u> <u>Cord, plug, other</u> Equipment Involved Brand <u> </u> Model <u> </u> Serial # <u> </u> Year <u> </u>	F2 Equipment Power Source <u>Electrical,</u> <u>10</u> <u>other</u> Equipment Power Source F3 Equipment Portability 1 ☒ Portable 2 ☐ Stationary Portable equipment normally can be moved by one or two persons, is designed to be used in multiple locations, and requires no tools to install.	G Fire Suppression Factors ☐ None Enter up to three codes. Fire suppression factor (1) <u> </u> Fire suppression factor (2) <u> </u> Fire suppression factor (3) <u> </u>
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H1 Mobile Property Involved ☐ None 1 ☐ Not involved in ignition, but burned 2 ☐ Involved in ignition, but did not burn 3 ☐ Involved in ignition and burned ➡	H2 Mobile Property Type and Make Mobile property type <u> </u> Mobile property make <u> </u> Mobile property model <u> </u> Year <u> </u> License Plate Number <u> </u> State <u> </u> VIN <u> </u>	Local Use ☐ Pre-Fire Plan Available Some of the information presented in this report may be based upon reports from other agencies: ☐ Arson report attached ☐ Police report attached ☐ Coroner report attached ☐ Other reports attached
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Structure fire? Please be sure to complete the Structure Fire form (NFIRS-3).

NFIRS-2 Revision 01/01/05

I1 Structure Type ☆ If fire was in an enclosed building or a portable/mobile structure, complete the rest of this form. 1 ☒ Enclosed building 2 ☐ Portable/mobile structure 3 ☐ Open structure 4 ☐ Air-supported structure 5 ☐ Tent 6 ☐ Open platform (e.g., piers) 7 ☐ Underground structure (work areas) 8 ☐ Connective structure (e.g., fences) 0 ☐ Other type of structure	I2 Building Status ☆ 1 ☐ Under construction 2 ☐ In normal use 3 ☐ Idle, not routinely used 4 ☐ Under major renovation 5 ☐ Vacant and secured 6 ☒ Vacant and unsecured 7 ☐ Being demolished 0 ☐ Other U ☐ Undetermined	I3 Building Height ☆ Count the roof as part of the highest story. 001 Total number of stories at or above grade. 00 Total number of stories below grade.	I4 Main Floor Size ☆ NFIRS-3 Structure Fire 00 , 001 , 700 Total square feet OR , BY , Length in feet Width in feet
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J1 Fire Origin ☆ 001 Story of fire origin ☐ Below grade	J3 Number of Stories Damaged by Flame ☆ Count the roof as part of the highest story. Number of stories w/minor damage (1 to 24% flame damage) Number of stories w/significant damage (25 to 49% flame damage) Number of stories w/heavy damage (50 to 74% flame damage) Number of stories w/extreme damage (75 to 100% flame damage)	K Type of Material Contributing Most to Flame Spread ☆ ☐ Check if no flame spread OR if same as Material First Ignited (Block D4, Fire Module) OR if unable to determine. Skip to Section L K1 Item contributing most to flame spread K2 Type of material contributing most to flame spread Required only if item contributing code is 00 or <70.
J2 Fire Spread ☆ If fire spread was confined to object of origin, do not check a box (Ref. Block D3, Fire Module). 2 ☒ Confined to room of origin 3 ☐ Confined to floor of origin 4 ☐ Confined to building of origin 5 ☐ Beyond building of origin		

L1 Presence of Detectors ☆ (In area of the fire) N ☒ None Present Skip to Section M 1 ☐ Present U ☐ Undetermined	L3 Detector Power Supply ☆ 1 ☐ Battery only 2 ☐ Hardwire only 3 ☐ Plug-in 4 ☐ Hardwire with battery 5 ☐ Plug-in with battery 6 ☐ Mechanical 7 ☐ Multiple detectors & power supplies 0 ☐ Other U ☐ Undetermined	L5 Detector Effectiveness ☆ Required if detector operated. 1 ☐ Alerted occupants, occupants responded 2 ☐ Alerted occupants, occupants failed to respond 3 ☐ There were no occupants 4 ☐ Failed to alert occupants U ☐ Undetermined
L2 Detector Type ☆ 1 ☐ Smoke 2 ☐ Heat 3 ☐ Combination smoke and heat 4 ☐ Sprinkler, water flow detection 5 ☐ More than one type present 0 ☐ Other U ☐ Undetermined	L4 Detector Operation ☆ 1 ☐ Fire too small to activate 2 ☐ Operated Complete Block L5 3 ☐ Failed to operate Complete Block L6 U ☐ Undetermined	
L6 Detector Failure Reason ☆ Required if detector failed to operate. 1 ☐ Power failure, shutoff, or disconnect 2 ☐ Improper installation or placement 3 ☐ Defective 4 ☐ Lack of maintenance, includes not cleaning 5 ☐ Battery missing or disconnected 6 ☐ Battery discharged or dead 0 ☐ Other U ☐ Undetermined		

M1 Presence of Automatic Extinguishing System ☆ N ☒ None Present Complete rest of Section M 1 ☐ Present 2 ☐ Partial System Present U ☐ Undetermined	M3 Operation of Automatic Extinguishing System ☆ Required if fire was within designed range. 1 ☐ Operated/effective (go to M4) 2 ☐ Operated/Not effective (go to M4) 3 ☐ Fire too small to activate 4 ☐ Failed to operate (go to M5) 0 ☐ Other U ☐ Undetermined	M5 Reason for Automatic Extinguishing System Failure ☆ Required if system failed or not effective. 1 ☐ System shut off 2 ☐ Not enough agent discharged 3 ☐ Agent discharged but did not reach fire 4 ☐ Wrong type of system 5 ☐ Fire not in area protected 6 ☐ System components damaged 7 ☐ Lack of maintenance 8 ☐ Manual intervention 0 ☐ Other U ☐ Undetermined
M2 Type of Automatic Extinguishing System ☆ Required if fire was within designed range of AES. 1 ☐ Wet-pipe sprinkler 2 ☐ Dry-pipe sprinkler 3 ☐ Other sprinkler system 4 ☐ Dry chemical system 5 ☐ Foam system 6 ☐ Halogen-type system 7 ☐ Carbon dioxide (CO₂) system 0 ☐ Other special hazard system U ☐ Undetermined	M4 Number of Sprinkler Heads Operating ☆ Required if system operated. Number of sprinkler heads operating	

A	FDID KW601	State TX	Incident Date 02 15 2023	Station 003	Incident Number 0000302	Exposure 000	☐ Delete ☐ Change	NFIRS-10 Personnel
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B Apparatus or Resources	Dates and Times Midnight is 0000 Check if same date as Alarm date on the Basic Module (Block E1). Month Day Year Hour/Min	Sent ☒	Number of People 3	Apparatus Use Check ONE box for each apparatus to indicate its main use at the incident. ☒ Suppression ☐ EMS ☐ Other	Actions Taken List up to 4 actions for each apparatus and each personnel.
1 ID Engine ★Type 11	Dispatch ☒ 1031 Arrival ☒ 1037 Clear ☒ 1112	Sent ☒	3	☒ Suppression ☐ EMS ☐ Other	

Personnel ID ★	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
2054	MICHAEL ROSS		☒				
0673	Chad Pederson		☒				
0602	Steve Davenport		☒				
			☐				
			☐				
			☐				

2 ID Engine ★Type 11	Dispatch ☒ 1031 Arrival ☒ 1037 Clear ☒ 1112	Sent ☒	3	☒ Suppression ☐ EMS ☐ Other	
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Personnel ID ★	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
1495	Jordan Barron		☒				
1619	Stefan McAnally		☒				
2043	BRECKEN BAIN		☒				
			☐				
			☐				
			☐				

3 ID Rescue ★Type 71	Dispatch ☒ 1031 Arrival ☒ 1037 Clear ☒ 1112	Sent ☒	3	☒ Suppression ☐ EMS ☐ Other	
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Personnel ID ★	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
0746	James Phelps		☒				
1593	Tyler Moss		☒				
1996	AUSTIN MARSHALL		☒				
			☐				
			☐				
			☐				

A	FDID KW601	State TX	Incident Date 02 15 2023	Station 003	Incident Number 0000302	Exposure 000	☐ Delete ☐ Change	NFIRS-10 Personnel
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B Apparatus or Resources	Dates and Times Midnight is 0000 Check if same date as Alarm date on the Basic Module (Block E1). Month Day Year Hour/Min	Sent ☒	Number of People 1	Apparatus Use Check ONE box for each apparatus to indicate its main use at the incident. ☒ Suppression ☐ EMS ☐ Other	Actions Taken List up to 4 actions for each apparatus and each personnel.
1 ID Battali ★Type 92	Dispatch ☒ 1031 Arrival ☒ 1037 Clear ☒ 1112	Sent ☒	1	☒ Suppression ☐ EMS ☐ Other	

Personnel ID ★	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
0805	CHRIS GLENN		☒				
			☐				
			☐				
			☐				
			☐				
			☐				

2 ID 502 ★Type 92	Dispatch ☒ 1031 Arrival ☒ 1037 Clear ☒ 1112	Sent ☒	1	☒ Suppression ☐ EMS ☐ Other	
--	---	--	--------------------------------	---	--

Personnel ID ★	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
0425	Dan Hendrickson		☒				
			☐				
			☐				
			☐				
			☐				
			☐				

3 ID ★Type	Dispatch ☐ Arrival ☐ Clear ☐	Sent ☐		☐ Suppression ☐ EMS ☐ Other	
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Personnel ID ★	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
			☐				
			☐				
			☐				
			☐				
			☐				
			☐				

A	FDID KW601	State TX	Incident Date 02 15 2023	Station 003	Incident Number 0000302	Exposure 000	☐ Delete ☐ Change ☐ No Activity	ESO-1 Non-NFIRS Fields

E₁ Additional Incident Times

PSAP Recieved	Month	Day	Year	Hour	Min	Dispatch Notified	Month	Day	Year	Hour	Min
	02	15	2023	10	31		02	15	2023	10	31

B Apparatus or Resources	Dates and Times Midnight is 0000		
	Month Day Year Hour/Min		
		5 ID 502	En Route 02 15 2023 1031
		Type	District 02 15 2023
1 ID	En Route 02 15 2023 1031	6 ID	En Route
Type	District 02 15 2023	Type	District
2 ID	En Route 02 15 2023 1031	7 ID	En Route
Type	District 02 15 2023	Type	District
3 ID	En Route 02 15 2023 1031	8 ID	En Route
Type	District 02 15 2023	Type	District
4 ID	En Route 02 15 2023 1031	9 ID	En Route
Type	District 02 15 2023	Type	District

STATE OF TEXAS

§

§

COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY KALEB SMITH**

“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.”

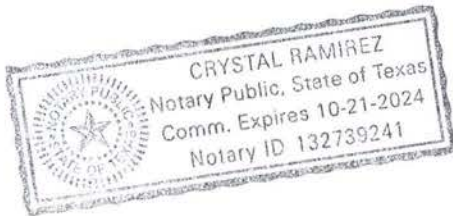
Certified Mail Return for **Exhibit C-6** is also attached.

SIGNED on the 19th day of April, 2023.



AFFIANT

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





Notary Public, State of Texas

Exhibit C-6



Code Compliance

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

NOTICE OF VIOLATION AND NOTICE OF HEARING

1001 SYCAMORE, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LT 1 BK 1 HIGHLAND PARK 50X125 1184
ACQ 111809 0.143 ACRES

April 14, 2023

Aaron Michael Garrison
1504 Benton
Big Spring, TX 79720

Aaron Michael Garrison
1001 Sycamore
Big Spring, TX 79720

Sent via: Certified Mail; Return Receipt Requested

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
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for	A door is hazardous. The building is clearly unsafe for use and occupancy. The building is neglected, damaged, dilapidated, unsecured, and abandoned and is likely to become an attractive nuisance, enabling persons to resort to the structure to commit unlawful acts. The building is unsanitary and unfit for human habitation that is likely to cause sickness or disease because of inadequate maintenance and dilapidation and decay. Hazardous conditions.

committing a nuisance or an unlawful act. 9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.	
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects. 9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.	The exterior walls have holes, cracks, breaks, loose and rooting materials. Flooring has major signs of deterioration and fatigue and cannot support all load effects. Unsafe condition.
304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent	Exterior walls need repair.

deterioration.	
304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Windows and doors are not in sound condition, good repair, or weather tight.

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

Corrective Action Required

Repair main building in front. Repair or demolish small building in the back

Code Compliance is seeking an order for the following.

- Demolish and remove small structure in the back if owner has not repaired structure.
- Repair main front house
- Secure premises
- Vacate premises

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

Issued by

Kaleb Smith

Name

Code Official

Department

432-264-2508

Phone

ksmith@mybigspring.com

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 **April 25, 2023, at 5:30 PM** 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 A-1.10. Rights of Parties

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

(b) 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.

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

(d) 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.

Section C-9.02 (c)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 Official
City of Big Spring, Texas

7022 2410 0003 2470 3371

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ _____	Postmark Here
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 \$ _____	
Sent To _____	
Street and Apt. No., or PO Box No. _____	
City, State, ZIP+4® _____	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7022 2410 0003 2470 3388

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ _____	Postmark Here
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 \$ _____	
Sent To _____	
Street and Apt. No., or PO Box No. _____	
City, State, ZIP+4® _____	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Tracking Number:

70222410000324703371

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your package is moving within the USPS network and is on track to be delivered to its final destination. 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 to Next Facility

April 19, 2023

Departed USPS Regional Origin Facility

MIDLAND TX DISTRIBUTION CENTER

April 17, 2023, 1:46 am

See All Tracking History

Feedback

Text & Email Updates



Tracking Number:

Remove X

70222410000324703388

Copy Schedule a Redelivery (<https://tools.usps.com/redelivery.htm>)

Latest Update

We attempted to deliver your item at 2:38 pm on April 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 April 19, 2023. If this item is unclaimed by May 3, 2023 then it will be returned to sender.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivery Attempt: Action Needed

Notice Left (No Authorized Recipient Available)

BIG SPRING, TX 79720
April 18, 2023, 2:38 pm

Out for Delivery

BIG SPRING, TX 79720
April 18, 2023, 7:21 am

See All Tracking History

Feedback

Text & Email Updates

Schedule Redelivery

USPS Tracking Plus[®]

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

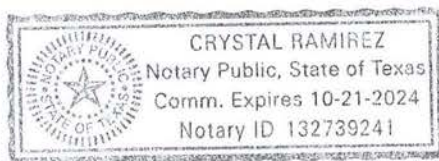
"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for April 25, 2023, attached as **Exhibit C-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 14th, 2023.

This notice was also published in the Big Spring Herald on April 15th, 2023."

SIGNED on the 19th day of April, 2023.


AFFIANT

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



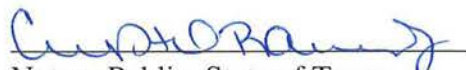

Notary Public, State of Texas

Exhibit C-8



407 AUSTIN St

Code Compliance Official: Kaleb Smith

Exhibit I-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF KALEB SMITH
CONCERNING 407 AUSTIN St**

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

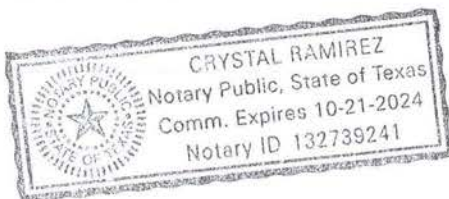
“My name is **Kaleb Smith**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **407 AUSTIN St**, 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 19th day of April, 2023.

[Signature]
AFFIANT

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



[Signature]
Notary Public, State of Texas

Exhibit I-2

HOWARD CENTRAL APPRAISAL DISTRICT
PROPERTY 285620 R 04/25/2013
Legal Description
LT 7 (& S/50' M/100' BK 58 ORIGINAL TOWN) BK 3 PORTER
50X140 417 0.161 ACRES ACQ 11022015

OWNER ID
409218
OWNERSHIP
100.00%

PROPERTY APPRAISAL INFORMATION 2022

PARRAS JUAN H
4622 RUSK
HOUSTON, TX 77023

Entities
01H 100%
02B 100%
03B 100%
052 100%

Values
IMPROVEMENTS 2,613
LAND MARKET + 3,500
MARKET VALUE = 6,113
PRODUCTIVITY LOSS - 0
APPRAISED VALUE = 6,113
HS CAP LOSS - 0
ASSESSED VALUE = 6,113

Ref ID1: 9040
B5070003000
Ref ID2: R000009040
Map ID

ACRES: .1610
EFF. ACRES: .0000

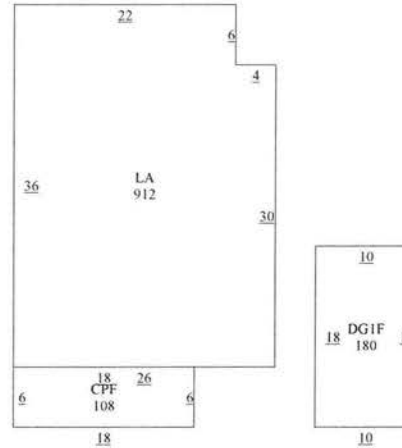
APPR VAL METHOD: Cost

SITUS 407 AUSTIN

GENERAL

UTILITIES
TOPOGRAPHY
ROAD ACCESS
ZONING
BUILDER
NEXT REASON
REMARKS
LAST APPR.
LAST APPR. YR 2021
LAST INSP. DATE 03/01/2021
NEXT INSP. DATE

SKETCH for Improvement #1 (RESIDENTIAL)



EXEMPTIONS

BUILDING PERMITS

ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL

SALE DT PRICE GRANTOR DEED INFO
11/02/2015 ***** PARRAS RAUL H QD / 1494 / 230

PICTURE



SUBD:

NBHD:

IMPROVEMENT INFORMATION

#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	UNITS	BUILT	EFF YR	COND.	VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	ADJ VALUE
1	LA	LIVING AREA	R	RS3F/*	912.0	105.27	1	1935	1935	VP	2,400	5%		100%	50%	100%	0.03	2,400
	CPF	COVERED PORC	R	RS3F/*	108.0	0.00	1	1935	1935	VP	42	5%		100%	50%	100%	0.03	42
	DG1F	DETACHED GAR	R	RS3F/*	180.0	0.00	1	1935	1935	VP	171	5%		100%	50%	100%	0.03	171
1.	RESIDENTIAL		STCD:	A1	1,200.0					Homesite: Y (100%)	2,613		(Flat Values)					2,613
1 STORY Cpsf/Value: 0 / 0.000 ALL Cpsf/Value: 0 / 0.000 WALL Cpsf/Value: 0 / 0.000 FRAME Cpsf/Value: 0 / 0.000 GABLE Cpsf/Value: 0 / 0.000 METAL ROOF Cpsf/Value: 0 / 0.000 PIER AND BEAM Cpsf/Value: 0 / 0.000 1 BATH Cpsf/Value: 0 / 0.000																		

IMPROVEMENT FEATURES

Construction Style	AST	0
Other Feature	AUT	0
Exterior Wall	EHC	0
Exterior Wall	FET	0
Roof Style	GRT	0
Roof Covering	IRM	0
Construction Style	PFN	0
Plumbing	1BT	0

SUBD:

NBHD:

LAND INFORMATION

IRR Wells: 0 Capacity: 0

IRR Acres: 0

Oil Wells: 0

L#	DESCRIPTION	CLS	TABLE	SC	HS	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	ADJ	MASS ADJ	VAL SRC	MKT VAL	AG APPLY	AG CLASS	AG TABLE	AG UNIT	PRC	AG VALUE		
1.	LFF18			A1	Y (100%)		0.0000 AC	.00		1.00	1.00	F	3,500					0.00	0		
Comment: FF													3,500								0

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
407 AUSTIN St CASE NOTES

“This record, attached as **Exhibit I-3**, 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.

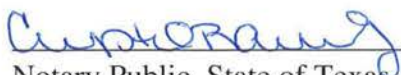
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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-3** as the readout.”

SIGNED on the 19th day of April, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of April, 2023

by the above referenced Affiant.


Notary Public, State of Texas

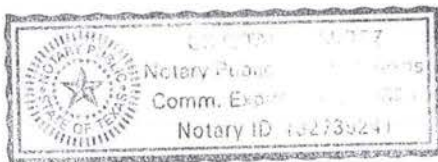


Exhibit I-3

NOTES

Incident Notes:

Task #: 113104 - INSPECT SUBSTANDARD - 11/08/2022

11/28/22 Juan Parras called and asked for more time because he needs to travel from Houston to take care of the house himself. He asked if he could have until the end of the year and I agreed.I told him if it wasn't done by then that I would have to push the case onto a public hearing for abetement.281-513-7799

12/5/2022 I found out today that this address was pushed onto the upcoming public hearing for 12/13/22. This was done without my knowledge and consent. Because I didn't know that somebody was putting my case on the hearing, I already told Juan Parras that he would not be going on this hearing and that he would have until the end of the year to clean up his property. It is my recommendation that this case be pushed onto the public hearing scheduled for 1/10/23 if the property has not been brought into compliance by 12/31/2022.

3/8/2023 Grass has been mowed and AI picked up. No progress on the substandard structure.

Task #: 113105 - SUBSTANDARD BLD - 11/08/2022

03-08-2023 02:24 PM

TASK NOTES REPORT

TASK #: 113108
TASK CODE: INSPECT ACCUMULATED
PROPERTY: 407 AUSTIN ST

ORIG. DATE: 1
DUE DATE:

NOTES

Incident Notes:

Task #: 113108 - INSPECT ACCUMULATED - 11/08/2022
2/28/2023 Called Juan to get an update on his plans for the structure but
he didn't answer. I left him a message to call me back.
3/8/2023 Have not been able to get contact with Mr. Parras. He has
exceeded the time extension we gave him. Sending to abatement.

Task #: 113109 - ACCUMULATED ITEMS - 11/08/2022

STATE OF TEXAS

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COUNTY OF HOWARD

**CERTIFICATION OF
PHOTOGRAPHS BY KALEB SMITH**

“With regard to the photographs in **Exhibits I-4** I am familiar with and recognize the scene depicted in the photographs. On December, 6th, 2022 and March, 8th, 2023, I inspected the property described as:

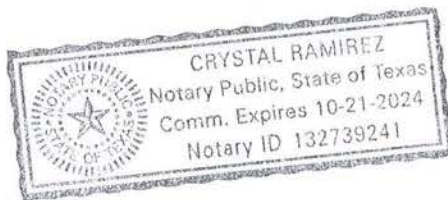
LT 7 (& S/50' M/100' BK 58 ORIGINAL TOWN) BK 3 PORTER 50X140 417
0.161 ACRES ACQ 11022015 Big Spring, Howard County, Texas, also known as
407 AUSTIN St, Big Spring, Texas.

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

SIGNED on the 19th day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit I-4



2022.12. 6 17:12





2022. 12. 6 17:14



NO
TRESPASSING

2023. 3. 8 11:01



2023. 3. 8 11:01

Exhibit I-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY KALEB SMITH**

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

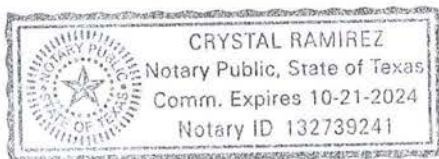
Certified Mail Return for **Exhibit I-6** is also attached.

SIGNED on the 19th day of April, 2023.



AFFIANT

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





Notary Public, State of Texas

Exhibit I-6



Code Compliance

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

NOTICE OF VIOLATION AND NOTICE OF HEARING

407 AUSTIN St, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LT 7 (& S/50' M/100' BK 58 ORIGINAL TOWN) BK 3
PORTER 50X140 417 0.161 ACRES ACQ 11022015

April 14, 2023

Juan H. Parras
4622 Rusk
Houston, TX 77023 USA

Sent via: Certified Mail; Return Receipt Requested

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

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act. 9. A building or structure, used or intended to be used	A door is hazardous. The building is clearly unsafe for use and occupancy. The building is neglected, damaged, dilapidated, unsecured, and abandoned and is likely to become an attractive nuisance, enabling persons to resort to the structure to commit unlawful acts. The building is unsanitary and unfit for human habitation that is likely to cause sickness or disease because of inadequate maintenance and dilapidation and decay. Hazardous conditions.

for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.	
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.	The exterior walls have holes, cracks, breaks, loose and rotting materials. Unsafe condition.
304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.	Exterior walls need repair.
304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Windows and doors are not in sound condition, good repair, or weather tight.

--	--

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

Corrective Action Required

Repair Building.

Code Compliance is seeking an order for the following.

- Secure premises
- Vacate premises

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

Issued by

Kaleb Smith

Name

Code Official

Department

432-264-2508

Phone

ksmith@mybigspring.com

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 **April 25, 2023, at 5:30 PM** 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 A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) 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.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) 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.

Section C-9.02 (c)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 Official
City of Big Spring, Texas

7022 2410 0003 2470 3333

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 \$

Postmark
Here

Postage

\$

Juan Forras

Total Postage and Fees

\$

46.22 BUSK

Sent by

Houston TX

Street and Apt. No., or P.O. Box

401 Austin

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Tracking Number:

Remove X

70222410000324703333

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your package is moving within the USPS network and is on track to be delivered to its final destination. 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 to Next Facility

April 19, 2023

Departed USPS Regional Facility
NORTH HOUSTON TX DISTRIBUTION CENTER
April 18, 2023, 3:47 am

See All Tracking History

Feedback

Text & Email Updates



STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

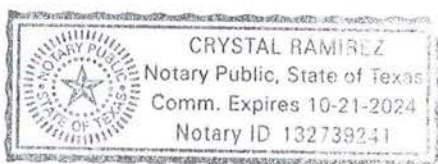
"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for April 25, 2023, attached as **Exhibit I-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 14th, 2023.

This notice was also published in the Big Spring Herald on April 15th, 2023."

SIGNED on the 19th day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit I-8



2712 Lynn

Code Compliance Official: Ashley Guerra

Exhibit A-1

STATE OF TEXAS

COUNTY OF HOWARD

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**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 2712 Lynn**

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

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

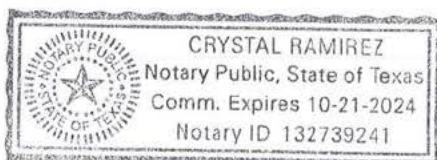
“I am a Code Compliance Official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **2712 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 19 day of April, 2023.



AFFIANT

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





Notary Public, State of Texas

Exhibit A-2

OWNER ID
437992

OWNERSHIP
100.00%

Entities	
01A	100%
02B	100%
03B	100%
052	100%

Page 271 of 578

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
2712 Lynn CASE NOTES

“This record, attached as **Exhibit A-3**, 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.

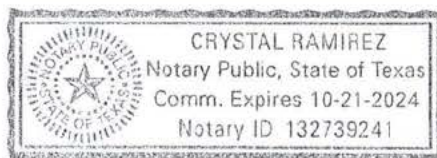
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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-3** as the readout.”

SIGNED on the 19 day of April, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of April, 2023

by the above referenced Affiant.



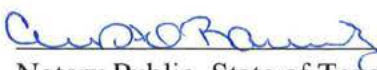

Notary Public, State of Texas

Exhibit A-3

03-28-2023 09:42 AM

TASK NOTES REPORT

TASK #: 115099

ORIG. DATE:

TASK CODE: INSPECT SUBSTANDARD

DUE DATE:

PROPERTY: 2712 LYNN

NOTES

Incident Notes:

Task #: 115099 - INSPECT SUBSTANDARD - 3/28/2023

ON 3-24-23 THERE WAS A HOUSE FIRE AT THIS PROPERTY . ON MONDAY 3-27-23 I

DROVE BY 2712 LYNN TO A SUB BURNT STRUCTURE .WHITCH IS KNOWN TO BE

HAZARDOUS AND DANGEROUS .

SENT TO LEGAL ON 3-28-23

Task #: 115100 - SUBSTANDARD BLD - 3/28/2023

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits A-4** I am familiar with and recognize the scene depicted in the photographs. On March 27th, 2023, I inspected the property described as:

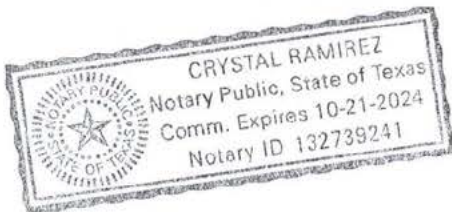
LT 13 BK 10 KENTWOOD 71X130 276 0.206 ACRES ACQ 05142021 Big Spring, Howard County, Texas, also known as **2712 Lynn**, Big Spring, Texas.

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

SIGNED on the 19 day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit A-4



3/27/2023 11:59





3/27/2023 11:58



3/27/2023 11:58



3/27/2023 11:57







3/27/2023 11:57

Exhibit A-5

 INCIDENT

Incident Number 230329-013708-BSFD		Incident Date 03/24/2023	NFIRS Number 0000607	Incident Type (11) - Building fire	
FDID KW601	Station Station 3	Shift B-Shift		District District 3	
Initial Dispatch Code 					
Alarms 	Working Fire? Yes	COVID-19 was a factor No, COVID-19 was not a factor		Critical Incident 	
Critical Incident Team 					
Temporary Resident Involvement 					
Hazardous Materials Released 					
Action Taken 1 (11) - Extinguishment by fire service personnel					
Action Taken 2 (12) - Salvage & overhaul					

 AID

Aid Given/Received
(N) - None

 LOCATION

Location Type
(1) - Street address

Address
2712 lynn, Big Spring, Texas, 79720

Cross Street, USNG, or Directions 	Latitude 	Longitude 	Census Tract
---	------------------	-------------------	----------------------

Detector Alerted Occupant

Property Use (419) - 1 or 2 family dwelling	Mixed Use
---	-------------------

 TIMES

PSAP Received 22:36:00, 03/24/2023	Dispatch Notified Time 22:36:00, 03/24/2023	Alarm Time 22:36:00, 03/24/2023
Arrival Time 22:43:00, 03/24/2023	Water on Fire Time 22:50:00, 03/24/2023	At Patient Time
Loss Stop Time 01:30:00, 03/25/2023	Controlled Time 02:30:00, 03/25/2023	Last Unit Cleared Time 03:46:00, 03/25/2023
Total On Scene Time 5 hrs 3 mins 0 sec	Total Incident Time 5 hrs 10 mins 0 sec	

COUNTS

Counts Include Aid Received?

No

Suppression:

Apparatus

Personnel

7

9

EMS:

Apparatus

Personnel

2

2

Other:

Apparatus

Personnel

1

1

\$↓ LOSS**Property:**

Estimated Property Losses

180000

Content:

Estimated Content Losses

100000

Estimated Property Value

180000

Estimated Content Value

PERSON/OWNER**Owner:**

Name

Business Name

Phone

Insurance Company

Total Insurance Amount

Address

Person:

Name

Business Name

Phone

Address

Name

Business Name

Phone

Address

VEHICLE**Vehicle 1:**

Vehicle Type

(10) - Passenger or road vehicles, other

Make

(FO) - Ford

Model

ranger

Year

0

Color

maroon

VIN

License Plate

State

(TX) - Texas

Expires

Odometer

Reported Stolen?

No

Extrication Needed?

No

Extrication Time

Persons Involved

 VEHICLE

Insured Name	Policy Type	Policy Number	Claim Number
_____	_____	_____	_____
Insurance Company Name	Insurance Co. Phone	Insurance Co. Email	
_____	_____	_____	
Insurance Company Address	Insurance Agent		
_____	_____		
Law Enforcement Officer	Police Report/File Number		
_____	_____		
Number of Occupants	Number of Injuries	Number of Fatalities	
_____	_____	_____	
Supplies Used			

Notes

Vehicle 2:

Vehicle Type

(11) - Automobile, passenger car, ambulance, race car

Make	Model	Year	Color
(GM) - GMC (General Motors)	Terrain	0	white
VIN	License Plate	State	Expires
_____	_____	_____	_____
Reported Stolen?	Extrication Needed?	Extrication Time	
_____	_____	_____	
Persons Involved			

Insured Name	Policy Type	Policy Number	Claim Number
_____	_____	_____	_____
Insurance Company Name	Insurance Co. Phone	Insurance Co. Email	
_____	_____	_____	
Insurance Company Address	Insurance Agent		
_____	_____		
Law Enforcement Officer	Police Report/File Number		
_____	_____		
Number of Occupants	Number of Injuries	Number of Fatalities	
_____	_____	_____	
Supplies Used			

Notes

☒ **AUTHORIZATION****Report Writer:**

Name	Employee Number	Assignment	Authorization Date
ROSS, MICHAEL	2054	station 3	03/24/2023

 AUTHORIZATION**Officer in Charge:**

Name	Employee Number	Assignment	Authorization Date
<u>Pederson, Chad</u>	<u>0673</u>	<u></u>	<u>03/24/2023</u>

Quality Control:

Name	Authorization Date
<u></u>	<u></u>

 INCIDENT NARRATIVE

engine 3, engine 4, engine 5, battalion 1, and medic 4 responded to address in reference to a structure fire. Engine 3 was first on scene. Upon arrival engine 3 found fire showing on the C side. Engine 3 pulled 1.5 inch attack line and went to the backyard. Engine 5 and medic 4 and battalion 1 showed up at this point and helped with attack. Engine 2 would not transfer into pump when prompted. It took the transfer process 4 separate attempts to shift into pump. While engine 3 was working on getting water, engine 5 pulled their 200 ft of 1.5 inch attack line and attempted to extinguish from the A side. Engine 4 then arrived to assist Engine 3 got water flowing and extinguished external flames on the C side. The awning on the back porch caved in and kept ff from advancing interior in the back. There was a downed power line in the back yard running from the alley to the back of the house. Unknown if the line was live. Encore showed up toward the end of the incident to cut the line down. Engine 5 attempted to make interior through the front door and it was deemed to unsafe. At this point, the fire had consumed enough of the house for the crew to deem it a defensive approach. All crews pulled back and protected surrounding structures and continued to put water on the structure. After it was deemed safe, crews again made an interior attempt and gained access through the front door. Salvage/overhaul began and remaining fires were extinguished. Upon initial arrival the owner of the house was out in the front yard and was brought to medic 4 for a well check. Owner stated he was asleep and was woken up by the sound of fire. He opened his bedroom door to see the house fully involved and closed his door, threw on pants, and jumped out of the bedroom window. When Atmos rep showed up, he stated they had cut off the gas line to the house the weekend before. 3 total attack lines were pulled for the fire. The 150 and 200 ft 1.5 inch lines from engine 3, and the 200 ft 1.5 inch line from engine 4. 1500 ft of Idh was laid, all 1000 ft from engine 4 and 500 ft from engine 5. 1 tank of foam was used during overhaul for suppression assistance.

Created By: ROSS, MICHAEL

 Unit Reports**BATTALION 1**

Use	Responding From	Priority
<u>(0) - Other</u>	<u></u>	<u></u>

Response Delays

Dispatch Time	Enroute Time	Arrival Time
<u>22:36:00, 03/24/2023</u>	<u>22:36:00, 03/24/2023</u>	<u>22:43:00, 03/24/2023</u>

At Patient Time	Clear Time	In District Time
<u></u>	<u>03:46:00, 03/25/2023</u>	<u></u>

Actions Taken:

Person 1: GLENN, CHRIS

Patient Contact?	PPE Worn During Exposure
<u></u>	<u></u>

Fire Products Exposed To

PPE Worn During Exposure

Person 1: GLENN, CHRIS

PPE Malfunction?	Barrier Breach	Black Soot Around Nose	Black Soot Around Mouth
_____	_____	_____	_____

Decontamination Procedures Completed

ENGINE 3

Use (1) - Suppression	Responding From	Priority
_____	_____	_____

Response Delays

Dispatch Time 22:36:00, 03/24/2023	Enroute Time 22:36:00, 03/24/2023	Arrival Time 22:43:00, 03/24/2023
_____	_____	_____

At Patient Time	Clear Time 03:46:00, 03/25/2023	In District Time
_____	_____	_____

Actions Taken:

Person 1: ROSS, MICHAEL

Patient Contact?	PPE Worn During Exposure
_____	_____

Fire Products Exposed To

PPE Worn During Exposure

PPE Malfunction?	Barrier Breach	Black Soot Around Nose	Black Soot Around Mouth
_____	_____	_____	_____

Decontamination Procedures Completed

Person 2: Pederson, Chad

Patient Contact?	PPE Worn During Exposure
_____	_____

Fire Products Exposed To

PPE Worn During Exposure

PPE Malfunction?	Barrier Breach	Black Soot Around Nose	Black Soot Around Mouth
_____	_____	_____	_____

Decontamination Procedures Completed

ENGINE 4

Use (1) - Suppression	Responding From	Priority
---------------------------------	-----------------	----------

Response Delays

Dispatch Time 22:36:00, 03/24/2023	Enroute Time 22:36:00, 03/24/2023	Arrival Time 22:43:00, 03/24/2023
--	---	---

At Patient Time	Clear Time 03:46:00, 03/25/2023	In District Time
-----------------	---	------------------

Actions Taken:

Person 1: Barron, Jordan

Patient Contact?	PPE Worn During Exposure
------------------	--------------------------

Fire Products Exposed To

PPE Worn During Exposure

PPE Malfunction?	Barrier Breach	Black Soot Around Nose	Black Soot Around Mouth
------------------	----------------	---------------------------	----------------------------

Decontamination Procedures Completed

Person 2: HALE, JARED

Patient Contact?	PPE Worn During Exposure
------------------	--------------------------

Fire Products Exposed To

PPE Worn During Exposure

PPE Malfunction?	Barrier Breach	Black Soot Around Nose	Black Soot Around Mouth
------------------	----------------	---------------------------	----------------------------

Decontamination Procedures Completed

Person 3: HILL, BRITTON

Patient Contact?	PPE Worn During Exposure
------------------	--------------------------

Fire Products Exposed To

PPE Worn During Exposure

Person 3: HILL, BRITTON

PPE Malfunction?	Barrier Breach	Black Soot Around Nose	Black Soot Around Mouth
_____	_____	_____	_____

Decontamination Procedures Completed

ENGINE 5

Use (1) - Suppression	Responding From	Priority
_____	_____	_____

Response Delays

Dispatch Time 22:36:00, 03/24/2023	Enroute Time 22:36:00, 03/24/2023	Arrival Time 22:43:00, 03/24/2023
_____	_____	_____

At Patient Time	Clear Time 03:46:00, 03/25/2023	In District Time
_____	_____	_____

Actions Taken:

Person 1: WILLIAMS, JACE

Patient Contact?	PPE Worn During Exposure
_____	_____

Fire Products Exposed To

PPE Worn During Exposure

PPE Malfunction?	Barrier Breach	Black Soot Around Nose	Black Soot Around Mouth
_____	_____	_____	_____

Decontamination Procedures Completed

Person 2: WILKIE, STEVEN

Patient Contact?	PPE Worn During Exposure
_____	_____

Fire Products Exposed To

PPE Worn During Exposure

PPE Malfunction?	Barrier Breach	Black Soot Around Nose	Black Soot Around Mouth
_____	_____	_____	_____

Decontamination Procedures Completed

Person 3: Evans, Shane M.

Patient Contact? PPE Worn During Exposure

Fire Products Exposed To

PPE Worn During Exposure

PPE Malfunction?

Barrier Breach

Black Soot Around
NoseBlack Soot Around
Mouth

Decontamination Procedures Completed

MEDIC 4

Use

Responding From

Priority

(2) - EMS

Response Delays

Dispatch Time

22:36:00, 03/24/2023

Enroute Time

22:36:00, 03/24/2023

Arrival Time

22:43:00, 03/24/2023

At Patient Time

Clear Time

03:46:00, 03/25/2023

In District Time

Actions Taken:

Person 1: McALLISTER, SEAN

Patient Contact? PPE Worn During Exposure

Fire Products Exposed To

PPE Worn During Exposure

PPE Malfunction?

Barrier Breach

Black Soot Around
NoseBlack Soot Around
Mouth

Decontamination Procedures Completed

Person 2: Davenport, Tyler

Patient Contact? PPE Worn During Exposure

Fire Products Exposed To

PPE Worn During Exposure

Person 2: DAVENPORT, TYLER

PPE Malfunction?

Barrier Breach

Black Soot Around
NoseBlack Soot Around
Mouth

Decontamination Procedures Completed

 Fire Module**① SITE INFO**

Alarms

Acres Burned

Resident Units In Bldg

Buildings Involved

1

1

Hydrant Identifier

Estimated Water Usage

 IGNITION

Area of Origin

(93) - Courtyard, patio, terrace

Heat Source

(13) - Electrical arcing

Item First Ignited

(13) - Exterior trim, including doors

Fire Confined to Item?

Type of Material First Ignited

(63) - Sawn wood, including all finished lumber

Cause of Ignition

(2) - Unintentional

Factors Contributing to Ignition 1

(32) - Short-circuit arc from mechanical damage

Human Factors Contributing to Ignition

(1) - Asleep

Est. Age of Person Involved

Gender of Person Involved

 EQUIPMENT

Equipment Involved in Ignition

(211) - Electrical power (utility) line

Equipment Power Source

(11) - Electrical line voltage (≥ 50 volts)

Equipment Portability

(2) - Stationary

Brand

Model

Serial Number

Year

 STRUCTURE

Structure Type

(1) - Enclosed building

Stories Above Grade

1

Stories Below Grade

0

Building Status

(2) - In normal use

STRUCTURE

Length	Width	Total Square Feet	Story of Fire Origin
		1750 sq ft	1

Fire Spread

(4) - Confined to building of origin

Item Contributing Most to Flame Spread

Type of Material

Number of Stories with Damage

Minor Damage

Significant Damage

Heavy Damage

Extreme Damage

Total Stories

PROTECTIVE SYSTEMS

Presence of Detector

Detector Type

(U) - Undetermined

Power Supply

Detector Operations

Effectiveness (/ Failure Reason)

Presence of Auto Extinguishing System

System Type

(N) - None Present

System Operation

of Sprinklers

Reason for System Failure

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

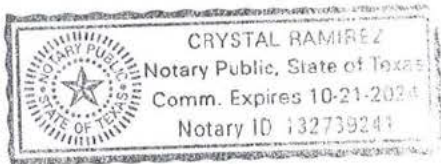
“The document in **Exhibit A-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of April, 2023.

Ashley G
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-6



NOTICE OF VIOLATION AND NOTICE OF HEARING

2712 LYNN DR, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: LT 13 BK 10 KENTWOOD 71X130 276 0.206 ACRES ACQ
05142021

April 14, 2023

Carson Douglas, Jeffrey S, & James P & Ralston Kelly L
2712 Lynn
Big Spring, TX 79720

Douglas Carson
2704 Ann Drive
Big Spring, TX 79720

James Carson
1203 Ridgeroad Dr
Big Spring, TX 79720-3636

Jeffrey S. Carson
10636 Black Bass Rd
Quinlan, TX 75474-5702

Kelly Ralston
3010 Rutgers
Big Spring, TX 79720

Sent via: Certified Mail; Return Receipt Requested

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

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 11. 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.	The building had fire damage to the roof that has not been repaired. Hazardous condition.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.

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

Corrective Action Required

Repair building or demolish building

Code Compliance is seeking an order for the following.

- **Demolish and remove structure if owner has not repaired structure.**
- **Secure premises.**
- **Vacate premises.**

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

Issued by

Ashley Guerra

Name

Code Official

Department

432-264-2505

Phone

aguerra@mybigspring.com

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 **April 25, 2023, at 5:30 PM** 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 A-1.10. Rights of Parties

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

(b) 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.

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

(d) 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.

Section C-9.02 (c)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,



Ashley Guerra, Code Official
City of Big Spring, Texas

STATE OF TEXAS

§

COUNTY OF HOWARD

§

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

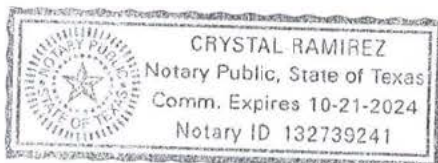
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for April 25, 2023, attached as **Exhibit A-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 14th, 2023.

This notice was also published in the Big Spring Herald on April 16th, 2023.”

SIGNED on the 19 day of April, 2023.


AFFIANT

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



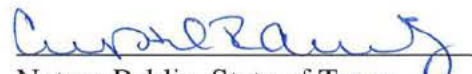

Notary Public, State of Texas

Exhibit A-8

7022 2410 0003 2470 3593

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 \$	Postmark Here
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 \$	
Sent To Carson, Douglas, Jeffrey	
James + Robison	
2712 Linn	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7022 2410 0003 2470 3562

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 \$	Postmark Here
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 \$	
Sent To Douglas Carson	
2704 Ann	
Big Spring TX	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7022 2410 0003 2470 3586

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 \$	Postmark Here
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 \$	
Sent To James Carson	
1203 Bidders Road Dr	
Big Spring TX	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7022 2410 0003 2470 3326

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 \$

Postmark
Here

Postage

\$

Total Postage and Fees

\$

Security

\$

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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 \$

Postmark
Here

Postage

\$

Total Postage and Fees

\$

Security

\$

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7022 2410 0003 2470 3579

Tracking Number:

Remove X

70222410000324703593

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was picked up at the post office at 12:49 pm on April 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
April 18, 2023, 12:49 pm

See All Tracking History

Feedback

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Tracking Number:

Remove X

70222410000324703562

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your package is moving within the USPS network and is on track to be delivered to its final destination. 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 to Next Facility

April 19, 2023

Departed USPS Regional Origin Facility
MIDLAND TX DISTRIBUTION CENTER
April 17, 2023, 1:27 am

See All Tracking History

Feedback

Text & Email Updates



Tracking Number:

70222410000324703586

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item departed our USPS facility in EL PASO TX DISTRIBUTION CENTER on April 19, 2023 at 11:45 pm. The item is currently in transit to the destination.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Out for Delivery

Preparing for Delivery

Moving Through Network

Departed USPS Regional Facility

EL PASO TX DISTRIBUTION CENTER

April 19, 2023, 11:45 pm

Arrived at USPS Regional Origin Facility

EL PASO TX DISTRIBUTION CENTER

April 19, 2023, 11:08 am

See All Tracking History

Feedback

Text & Email Updates

▼

Tracking Number:

Remove X

70222410000324703326

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was returned to the sender at 10:14 am on April 17, 2023 in QUINLAN, TX 75474 because the forwarding order for this address is no longer valid.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Alert

Forward Expired

QUINLAN, TX 75474
April 17, 2023, 10:14 am

Departed USPS Regional Facility

COPPELL TX DISTRIBUTION CENTER
April 16, 2023, 6:23 pm

See All Tracking History

Feedback

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Tracking Number:

70222410000324703579

Remove X

Copy

Schedule a Redelivery (<https://tools.usps.com/redelivery.htm>)

Latest Update

We attempted to deliver your item at 1:30 pm on April 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 April 19, 2023. If this item is unclaimed by May 3, 2023 then it will be returned to sender.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivery Attempt: Action Needed

Notice Left (No Authorized Recipient Available)

BIG SPRING, TX 79720

April 18, 2023, 1:30 pm

Held at Post Office, At Customer Request

BIG SPRING, TX 79720

April 17, 2023, 2:51 pm

See All Tracking History

Feedback

- Text & Email Updates
- Schedule Redelivery
- USPS Tracking Plus®



4/14/2023 10:36

1610 Young St

Code Compliance Official: Ashley Guerra

Exhibit E-1

STATE OF TEXAS

§

§

COUNTY OF HOWARD

§

**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 1610 Young St**

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

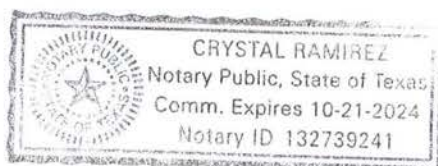
“My name is **Ashley Guerra**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **1610 Young St**, 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 19 day of April, 2023.

Ashley Guerra
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit E-2

HOWARD CENTRAL APPRAISAL DISTRICT
PROPERTY 284046 R 04/25/2013
Legal Description
N/2 OF LT 2 & S/2 OF LT 3 BK 1 MORNINGSIDE 100X107 836
837 BLK/TRACT 1 0.246 ACRES ACQ 09022021

OWNER ID
438056
OWNERSHIP
100.00%

PROPERTY APPRAISAL INFORMATION 2023

HALL FRANCIS
2702 LYNN DRIVE
BIG SPRING, TX 79720

Entities
01H 100%
02B 100%
03B 100%
052 100%

Values
IMPROVEMENTS 2,650
LAND MARKET + 8,750
MARKET VALUE = 11,400
PRODUCTIVITY LOSS - 0
APPRAISED VALUE = 11,400
HS CAP LOSS - 0
ASSESSED VALUE = 11,400

Ref ID1: 7466
B4560000500
Ref ID2: R000007466
Map ID

ACRES: .2460
EFF. ACRES: .0000

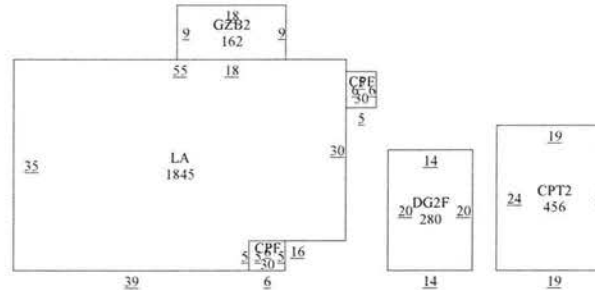
APPR VAL METHOD: Cost

SITUS 1610 YOUNG

GENERAL

UTILITIES
TOPOGRAPHY
ROAD ACCESS
ZONING
BUILDER
NEXT REASON
REMARKS
LAST APPR.
LAST APPR. YR 2015
LAST INSP. DATE 03/26/2015
NEXT INSP. DATE

SKETCH for Improvement #1 (RESIDENTIAL)



EXEMPTIONS

PICTURE



BUILDING PERMITS

ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL

SALE DT PRICE GRANTOR DEED INFO
09/02/2021 ***** HALL RUTH GD / 2020 / 585
09/18/2019 ***** PTCL ENTERPRISES WD / 1855 / 602
09/18/2019 ***** GOPALIJI HARRY WD / 1855 / 599

SUBD:			NBHD:GOLD			125.00%			IMPROVEMENT INFORMATION										* = Needs Recalculation		
#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	UNITS	BUILT	EFF YR	COND.	VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	ADJ VALUE			
	LA	LIVING AREA	R	RS3F/*	1,845.0	102.81	1	1947	1947	VP	189,684	5%		100%	20%	100%	0.01	1,897			
	CPF	COVERED PORC	R	RS3F/*	30.0	15.42	1	1947	1947	VP	463	5%		100%	20%	100%	0.01	5			
	CPF	COVERED PORC	R	RS3F/*	30.0	15.42	1	1947	1947	VP	463	5%		100%	20%	100%	0.01	5			
	GZB2	GAZEBO / COV	R	RS3F/*	162.0	10.24	1	1947	1947	VP	1,659	5%		100%	20%	100%	0.01	17			
	DG2F	DETACHED GAR	R	RS3F/*	280.0	54.02	1	1947	1947	VP	15,126	5%		100%	20%	100%	0.01	151			
	CPT2	CARPORT AVER	R	RS3F/*	456.0	9.79	1	1947	1947	VP	4,464	5%		100%	20%	100%	0.01	45			
1. RESIDENTIAL			STCD: A1			2,803.0			Homesite: Y (100%)			211,859						2,120*			
CEN HT AIR Cpsf/Value: 0 / 0.000 1 BATH Cpsf/Value: 0 / 0.000																					

IMPROVEMENT FEATURES

Heating/Cooling AHC 0
Plumbing 1 1BT 0

SUBD:			NBHD:GOLD			125.00%			LAND INFORMATION					IRR Wells: 0		Capacity: 0		IRR Acres: 0		Oil Wells: 0							
<u>L# DESCRIPTION</u>			<u>CLS</u>	<u>TABLE</u>	<u>SC</u>	<u>HS</u>	<u>METH</u>	<u>DIMENSIONS</u>	<u>UNIT PRICE</u>	<u>GROSS VALUE</u>	<u>ADJ</u>	<u>MASS</u>	<u>ADJ</u>	<u>VAL SRC</u>	<u>MKT VAL</u>	<u>AG APPLY</u>	<u>AG CLASS</u>	<u>AG TABLE</u>	<u>AG UNIT</u>	<u>PRC</u>	<u>AG VALUE</u>						
1. LFF18				LFF18	A1	Y (100%)	FF		70.00	7,000	1.00		1.25	A	8,750					0.00	0						
Comment: FF																											
															8,750												0

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
1610 Young St CASE NOTES

“This record, attached as **Exhibit E-3**, 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.

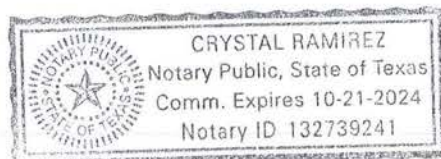
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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-3** as the readout.”

SIGNED on the 19 day of April, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of April, 2023

by the above referenced Affiant.




Notary Public, State of Texas

Exhibit E-3

03-15-2023 10:55 AM
TASK #: 114913
TASK CODE: INSPECT SUBSTANDARD
PROPERTY: 1610 YOUNG ST

TASK NOTES REPORT

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:

Task #: 114913 - INSPECT SUBSTANDARD - 3/15/2023
ON 1-18-23 NOTICED A BURNT STRUCTURE OWNER OF PROPERTY IS FRANCES HALL
CURENT ADRESS IS 2702 LYNN DRIVE

Task #: 114914 - SUBSTANDARD BLD - 3/15/2023

STATE OF TEXAS

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COUNTY OF HOWARD

§

**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits E-4** I am familiar with and recognize the scene depicted in the photographs. On January, 18th, 2023 and , , 2023, I inspected the property described as:

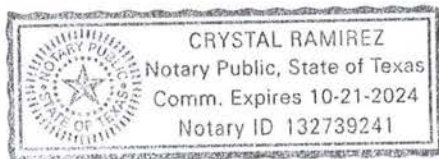
N/2 OF LT 2 & S/2 OF LT 3 BK 1 MORNINGSIDE 100X107 836 837
BLK/TRACT 1 0.246 ACRES ACQ 09022021 Big Spring, Howard County,
Texas, also known as **1610 Young St**, Big Spring, Texas.

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

SIGNED on the 19 day of April, 2023.

Ashley Guerra
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit E-4





1/18/2023 15:14



STATE OF TEXAS

§

COUNTY OF HOWARD

§

§

**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

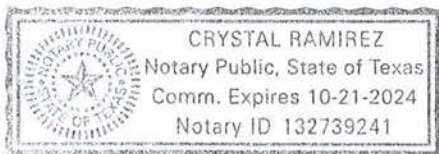
“The document in **Exhibit E-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit E-6



Code Compliance

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

NOTICE OF VIOLATION AND NOTICE OF HEARING

1610 YOUNG ST, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: N/2 OF LT 2 & S/2 OF LT 3 BK 1 MORNINGSIDE 100X107
836 837 BLK/TRACT 1 0.246 ACRES ACQ 09022021

April 14, 2023

Francis Hall
1610 Young
Big Spring, TX 79720

Francis Hall
2702 Lynn Dr
Big Spring, TX 79720

Sent via: Certified Mail; Return Receipt Requested

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
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 11. 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.	The building had fire damage to the roof that has not been repaired. Hazardous condition.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all	The roof appears to admit rain and has signs of deterioration. Unsafe condition.

nominal loads and resisting all load effects.	
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.

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

Corrective Action Required
Repair roof or demolish building

Code Compliance is seeking an order for the following.

- **Demolish and remove structure if owner does not repair structure.**
- **Secure premises**
- **Vacate premises**

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

Issued by

<u>Ashley Guerra</u>	<u>Code Official</u>
<i>Name</i>	<i>Department</i>
<u>432-264-2505</u>	<u>aguerra@mybigspring.com</u>
<i>Phone</i>	<i>E-mail</i>

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 **April 25, 2023, at 5:30 PM** 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 A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) 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.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) 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.

Section C-9.02 (c)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,


Ashley Guerra, Code Official
City of Big Spring, Texas

Exhibit E-7

7022 2410 0003 2470 3555

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 \$	Postmark Here
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 \$	
Sent To Francis Hall 1610 Young B'g Spring TX	
Street and Apt. No., or P.O. Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7022 2410 0003 2470 3548

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 \$	Postmark Here
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 \$	
Sent To Francis Hall 2108 Lynn Dr B'g Spring TX	
Street and Apt. No., or P.O. Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Tracking Number:

70222410000324703555

Remove X

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Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item departed our USPS facility in EL PASO TX DISTRIBUTION CENTER on April 19, 2023 at 11:45 pm. The item is currently in transit to the destination.

Get More Out of USPS Tracking:

USPS Tracking Plus®

- Delivered
- Out for Delivery
- Preparing for Delivery

Moving Through Network
Departed USPS Regional Facility

EL PASO TX DISTRIBUTION CENTER
April 19, 2023, 11:45 pm

Arrived at USPS Regional Origin Facility

EL PASO TX DISTRIBUTION CENTER
April 19, 2023, 11:08 am

See All Tracking History

Feedback

Text & Email Updates



Tracking Number:

70222410000324703548

Remove X

Copy

Schedule a Redelivery (<https://tools.usps.com/redelivery.htm>)

Latest Update

We attempted to deliver your item at 12:16 pm on April 19, 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 April 20, 2023. If this item is unclaimed by May 4, 2023 then it will be returned to sender.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivery Attempt: Action Needed

Notice Left (No Authorized Recipient Available)

BIG SPRING, TX 79720

April 19, 2023, 12:16 pm

In Transit to Next Facility

April 18, 2023

See All Tracking History

Feedback

Text & Email Updates

Schedule Redelivery

USPS Tracking Plus[®]

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

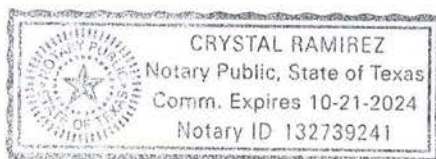
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for April 25, 2023, attached as **Exhibit E-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 14th, 2023.

This notice was also published in the Big Spring Herald on April 16th, 2023.”

SIGNED on the 19 day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit E-8



4/14/2023 10:28

1005 E. 16th St.

Code Compliance Official: Ashley Guerra

Exhibit B-1

STATE OF TEXAS

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§
§

COUNTY OF HOWARD

**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 1005 E. 16th St.**

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

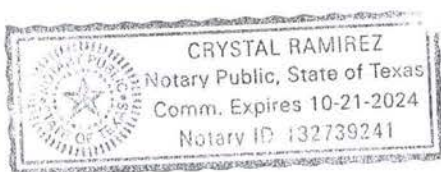
“My name is **Ashley Guerra**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **1005 E. 16th St.**, 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 19 day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit B-2

STATE OF TEXAS

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§

COUNTY OF HOWARD

§

CERTIFICATION
1005 E. 16th St. CASE NOTES

“This record, attached as **Exhibit B-3**, 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.

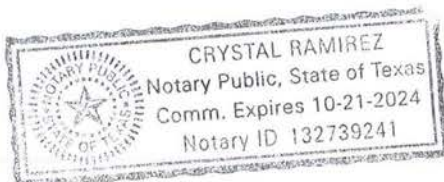
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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-3** as the readout.”

SIGNED on the 19 day of April, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of April, 2023

by the above referenced Affiant.



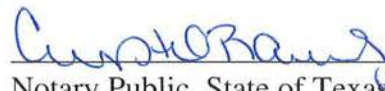

Notary Public, State of Texas

Exhibit B-3

03-15-2023 09:06 AM

TASK NOTES REPORT

TASK #: 114909

ORIG. DATE:

TASK CODE: INSPECT SUBSTANDARD

DUE DATE:

PROPERTY: 1005 E 16TH

NOTES

Incident Notes:

Task #: 114909 - INSPECT SUBSTANDARD - 3/15/2023
ON 1-18-23 THERE IS A BURNT STRUCTURE THAT SEEMS TO BE DANGEROUS
OWNER OF HOME IS NEYBOR LLC

Task #: 114910 - SUBSTANDARD BLD - 3/15/2023

STATE OF TEXAS

§

§

COUNTY OF HOWARD

§

**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits B-4** I am familiar with and recognize the scene depicted in the photographs. On January, 18th, 2023 and , , 2023, I inspected the property described as:

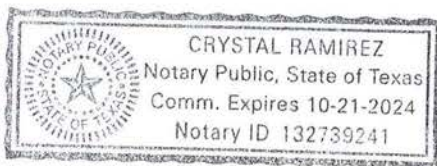
LT 10 BK 38 COLE & STRAYHORN 50X140 743 BLK/TRACT 38 0.161
ACRES ACQ 07242017 Big Spring, Howard County, Texas, also known as **1005**
E. 16th St., Big Spring, Texas.

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

SIGNED on the 19 day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit B-4







Exhibit B-5

STATE OF TEXAS

§

§

COUNTY OF HOWARD

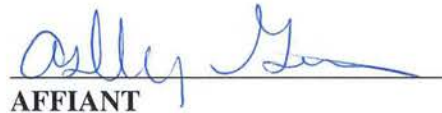
§

**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

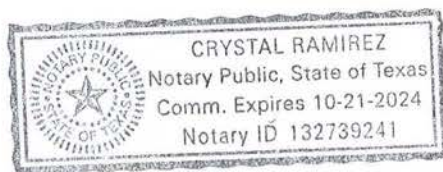
“The document in **Exhibit B-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of April, 2023.


AFFIANT

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



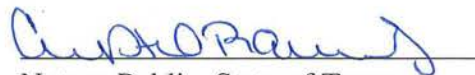

Notary Public, State of Texas

Exhibit B-6



NOTICE OF VIOLATION AND NOTICE OF HEARING

1005 E. 16th St., BIG SPRING, TEXAS 79720

**LEGAL DESCRIPTION: LT 10 BK 38 COLE & STRAYHORN 50X140 743 BLK/TRACT
38 0.161 ACRES ACQ 07242017**

April 14, 2023

Neybor LLC
75555 Warren Parkway 378
Frisco , TX 75034

Neybor LLC
1005 E 16TH ST
Big Spring, TX 79720

Sent via: Certified Mail; Return Receipt Requested

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

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables	A door is boarded up. The building is clearly unsafe for use and occupancy. The building is neglected, damaged, dilapidated, unsecured, and abandoned and is likely to become an attractive nuisance, enabling persons to resort to the structure to commit unlawful acts. The building is unsanitary and unfit for human habitation that is likely to cause sickness or disease because of inadequate maintenance and dilapidation and decay. Hazardous conditions.

persons to resort to the building or structure for committing a nuisance or an unlawful act. 9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.	
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.	The exterior walls have holes, cracks, breaks, loose and rooting materials. Unsafe condition.
304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.	Exterior walls need repair.
304.13 Window, skylight and door frames.	

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Windows and doors are not in sound condition, good repair, or weather tight.
---	--

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

Corrective Action Required
Repair building or demolish building

- Code Compliance is seeking an order for the following.**
- **Demolish and remove all structures if owner does not repair structure.**
 - **Secure premises**
 - **Vacate premises**

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

Issued by

<u>Ashley Guerra</u>	<u>Code Official</u>
<i>Name</i>	<i>Department</i>
<u>432-264-2505</u>	<u>aguerra@mybigspring.com</u>
<i>Phone</i>	<i>E-mail</i>

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 **April 25, 2023, at 5:30 PM** 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 A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) 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.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) 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.

Section C-9.02 (c)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.

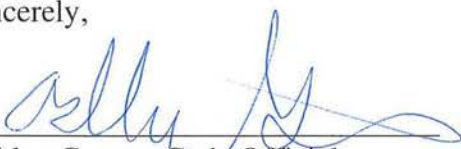
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, 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,



Ashley Guerra, Code Official
City of Big Spring, Texas

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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 \$	
Sent To Nabro LLC	
Street and Apt. No., or PO Box No. 1005 EIL St.	
City, State, ZIP+4® Bld Spring TX 79720	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7022 2410 0003 2470 3531

U.S. Postal Service™	
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For delivery information, visit our website at www.usps.com ®.	
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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 \$	
Sent To Neybox LLC	
Street and Apt. No., or PO Box No. 1555 Waverly Parkway 378	
City, State, ZIP+4® Frisco TX	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7022 2410 0003 2470 3340

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For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here
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 \$	
Sent To Neybox LLC	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Tracking Number:

70222410000324703463

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item departed our USPS facility in EL PASO TX DISTRIBUTION CENTER on April 19, 2023 at 11:45 pm. The item is currently in transit to the destination.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Moving Through Network

Departed USPS Regional Facility

EL PASO TX DISTRIBUTION CENTER
April 19, 2023, 11:45 pm

Arrived at USPS Regional Facility

EL PASO TX DISTRIBUTION CENTER
April 19, 2023, 11:08 am

See All Tracking History

Feedback

Text & Email Updates

USPS Tracking Plus®

Product Information

See Less ^

Tracking Number:

Remove X

70222410000324703531

Copy Schedule a Redelivery (<https://tools.usps.com/redelivery.htm>)

Latest Update

We attempted to deliver your item at 2:31 pm on April 17, 2023 in FRISCO, TX 75034 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 April 18, 2023. If this item is unclaimed by May 2, 2023 then it will be returned to sender.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivery Attempt: Action Needed

Notice Left (No Authorized Recipient Available)

FRISCO, TX 75034
April 17, 2023, 2:31 pm

Departed USPS Regional Facility

COPPELL TX DISTRIBUTION CENTER
April 17, 2023, 1:51 am

See All Tracking History

Feedback

Text & Email Updates



Schedule Redelivery



USPS Tracking Plus®



Tracking Number:

Remove X

70222410000324703340

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item arrived at our COPPELL TX DISTRIBUTION CENTER destination facility on April 20, 2023 at 7:29 am. The item is currently in transit to the destination.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Feedback

Processing at Destination

Arrived at USPS Regional Destination Facility

COPPELL TX DISTRIBUTION CENTER
April 20, 2023, 7:29 am

Addressee Unknown

DALLAS, TX 75231
April 17, 2023, 5:23 pm

See All Tracking History

Text & Email Updates

USPS Tracking Plus[®]

Product Information

See Less ^

STATE OF TEXAS

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COUNTY OF HOWARD

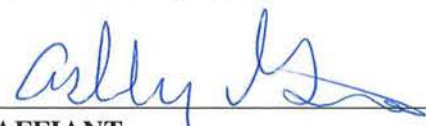
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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

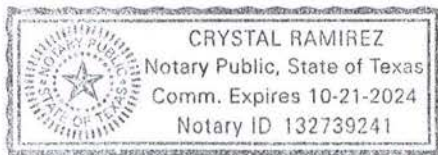
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for April 25, 2023, attached as **Exhibit B-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 14th, 2023.

This notice was also published in the Big Spring Herald on April 16th, 2023.”

SIGNED on the 19 day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit B-8



4/14/2023 10:30

604 E 2nd St

Code Compliance Official: Ashley Guerra

Exhibit N-1

STATE OF TEXAS

§

COUNTY OF HOWARD

§

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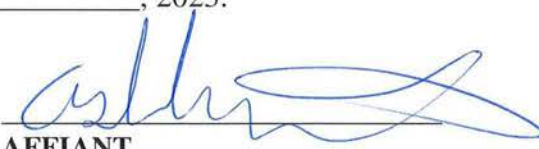
**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 604 E 2nd St**

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

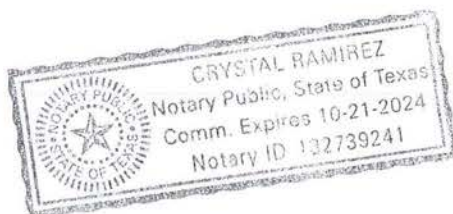
“My name is **Ashley Guerra**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **604 E 2nd St**, 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 19 day of April, 2023.


AFFIANT

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



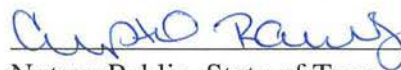
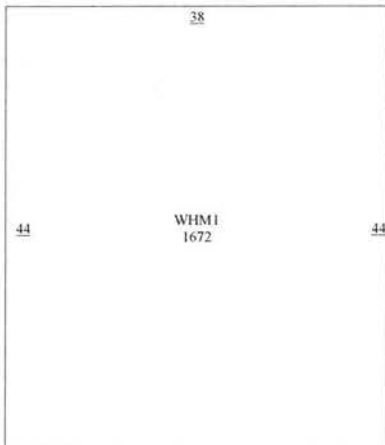

Notary Public, State of Texas

Exhibit N-2

HOWARD CENTRAL APPRAISAL DISTRICT				PROPERTY APPRAISAL INFORMATION 2022		Entities		Values	
PROPERTY 284925	R	04/25/2013	OWNER ID	MILLER L L	01H	100%	IMPROVEMENTS		26,125
Legal Description			20320	1308 HARDING	02B	100%	LAND MARKET	+	18,750
LTS 5-7 BK 56 ORIGINAL TOWN 75X130 MILLER'S TV 0315					03B	100%			
BLK/TRACT 56 0.224 ACRES			OWNERSHIP	BIG SPRING , TX 79720	052	100%	MARKET VALUE	=	44,875
			100.00%				PRODUCTIVITY LOSS	-	0
							APPRAISED VALUE	=	44,875
							HS CAP LOSS	-	0
							ASSESSED VALUE	=	44,875
Ref ID1: 8345		Ref ID2: R000008345		ACRES: .2240					
B4830048800		Map ID		EFF. ACRES: .0000					
SITUS 604 E 2ND				APPR VAL METHOD: Cost					

GENERAL				SKETCH for Improvement #1 (COMMERCIAL)				EXEMPTIONS							
UTILITIES		LAST APPR.													
TOPOGRAPHY		LAST APPR. YR 2021													
ROAD ACCESS		LAST INSP. DATE 03/07/2021													
ZONING		NEXT INSP. DATE													
BUILDER															
NEXT REASON															
REMARKS															
BUILDING PERMITS															
ISSUE DT		PERMIT TYPE		PERMIT AREA		ST						PERMIT VAL			
SALE DT		PRICE		GRANTOR				DEED INFO							

SUBD:			NBHD:		IMPROVEMENT INFORMATION														IMPROVEMENT FEATURES					
#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	UNITS	BUILT	EFF YR	COND.	VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	ADJ VALUE						
1.	WHM1	WAREHOUSE	R	WHM1/*	1,672.0	0.00	1	1970	1970	CFA	26,125	50%		100%	100%	100%	0.50	26,125	Construction Style	AST	0			
	COMMERCIAL		STCD: F1		1,672.0			Homesite: N			26,125	(Flat Values)						26,125	Other Feature	AUT	0			
	1 STORY Cpsf/Value: 0 / 0.000		ALL	Cpsf/Value: 0 / 0.000		GABLE	Cpsf/Value: 0 / 0.000		METAL ROOF		Cpsf/Value: 0 / 0.000		MOIST AIR		Cpsf/Value: 0 / 0.000		STRUC	STL	Roof Style	GRT	0			
	Cpsf/Value: 0 / 0.000		SLAB	Cpsf/Value: 0 / 0.000		1 BATH	Cpsf/Value: 0 / 0.000																Roof Covering	IRM
																				Heating/Cooling	MHC	0		
																				Foundation	SET	0		

SUBD:		NBHD:		LAND INFORMATION										IRR Wells: 0		Capacity: 0		IRR Acres: 0		Oil Wells: 0	
<u>L#</u>	<u>DESCRIPTION</u>	<u>CLS</u>	<u>TABLE</u>	<u>SC</u>	<u>HS</u>	<u>METH</u>	<u>DIMENSIONS</u>	<u>UNIT PRICE</u>	<u>GROSS VALUE</u>	<u>ADJ</u>	<u>MASS</u>	<u>ADJ</u>	<u>VAL SRC</u>	<u>MKT VAL</u>	<u>AG APPLY</u>	<u>AG CLASS</u>	<u>AG TABLE</u>	<u>AG UNIT</u>	<u>PRC</u>	<u>AG VALUE</u>	
1.	LFF51			F1	N		0.0000 AC	.00		1.00	1.00	F		18,750					0.00	0	
Comment: FF														18,750							

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
604 E 2nd St CASE NOTES

“This record, attached as **Exhibit N-3**, 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 N-3** as the readout.”

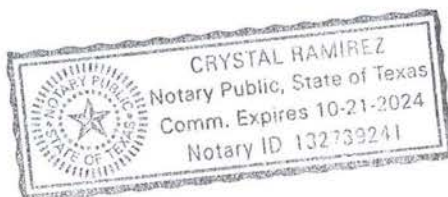
SIGNED on the 19 day of April, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of April, 2023

by the above referenced Affiant.





Notary Public, State of Texas

Exhibit N-3

02-13-2023 10:46 AM

INCIDENT NOTES REPORT

INCIDENT #: 72240

INCIDENT CODE: 300-0002 SUBSTND BLD

PROPERTY: 604 E 2ND ST

ORIG. DATE:

NOTES

Incident Notes:

ON 2-7-23 NOTICES A SUBSTANDARD STRUCTURE , WL ,AI ,RO

OWNER OF THE PROPERTY IS PAUL SCHLPF

SENT OUT A RO LETTER A WL LETTER AND ALSO SENT OUT A AI LETTER ON 2-13-23

Task #: 114535 - INSPECT SUBSTANDARD - 2/10/2023

Task #: 114536 - SUBSTANDARD BLD - 2/10/2023

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits N-4** I am familiar with and recognize the scene depicted in the photographs. On February, 7th, 2023 and April, 1th, 2023, I inspected the property described as:

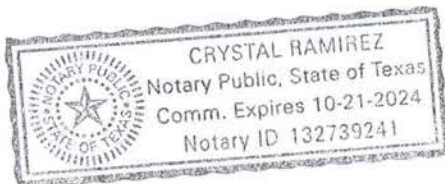
LTS 5-7 BK 56 ORIGINAL TOWN 75X130 MILLER'S TV 0315 BLK/TRACT
56 0.224 ACRES Big Spring, Howard County, Texas, also known as **604 E 2nd
St**, Big Spring, Texas.

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

SIGNED on the 19 day of April, 2023.

Ashley Guerra
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit N-4





2/ 7/2023 8:53

604 E 2ND ST

2/ 7/2023 8:52



2/ 7/2023 8:52



2/ 7/2023 8:53

604 E 2ND ST

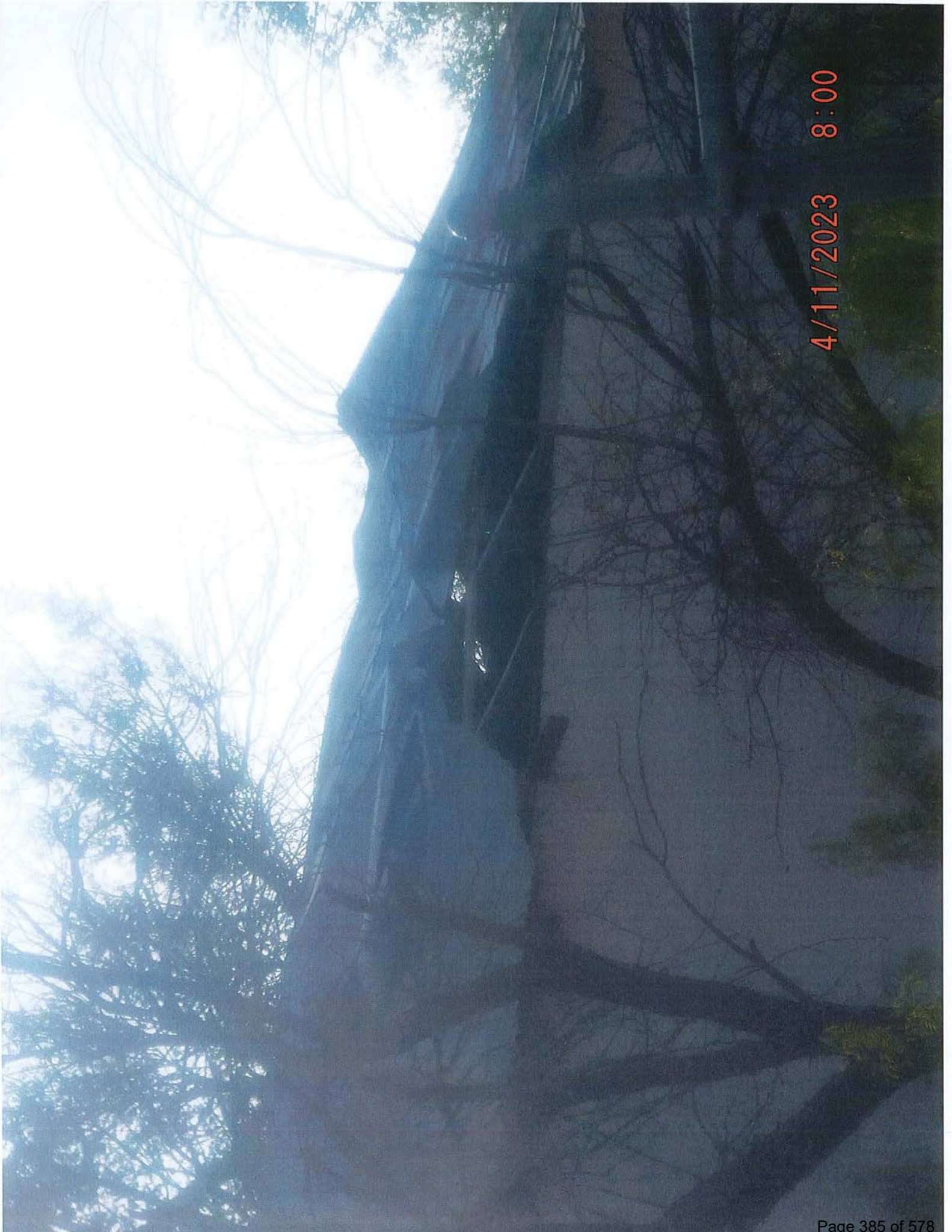
4/11/2023

8:00





4/11/2023 8:00



4/11/2023 8:00

STATE OF TEXAS

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COUNTY OF HOWARD

§

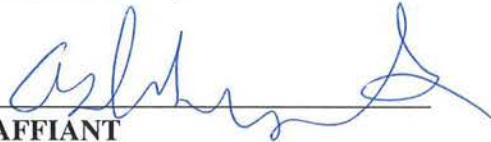
§

**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

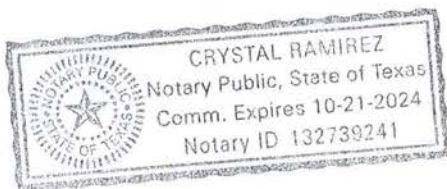
“The document in **Exhibit N-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit N-6



NOTICE OF VIOLATION AND NOTICE OF HEARING

604 E 2nd St, BIG SPRING, TEXAS 79720

**LEGAL DESCRIPTION: LTS 5-7 BK 56 ORIGINAL TOWN 75X130 MILLER'S TV
0315 BLK/TRACT 56 0.224 ACRES**

April 14, 2023

L L Miller
1308 HARDING
BIG SPRING, TX 79720

Sent via: Certified Mail; Return Receipt Requested

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
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act. 9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.	The building is clearly unsafe for use and occupancy. The building is neglected, damaged, dilapidated, unsecured, and abandoned and is likely to become an attractive nuisance, enabling persons to resort to the structure to commit unlawful acts. The building is unsanitary and unfit for human habitation that is likely to cause sickness or disease because of inadequate maintenance and dilapidation and decay. Hazardous conditions.

304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.	The exterior walls have holes, cracks, breaks, loose and rotting materials. Unsafe condition.
304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.	Exterior walls need repair.
304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Windows and doors are not in sound condition, good repair, or weather tight.

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

Code Compliance is seeking an order for the following.

- Demolish and remove structure if owner has not completed repair of structure.
- Secure premises
- Vacate premises

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

Issued by

Ashley Guerra

Name

Code Official

Department

432-264-2505

Phone

aguerra@mybigspring.com

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 **April 25, 2023, at 5:30 PM** 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:

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 A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) 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.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) 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.

Section C-9.02 (c)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.

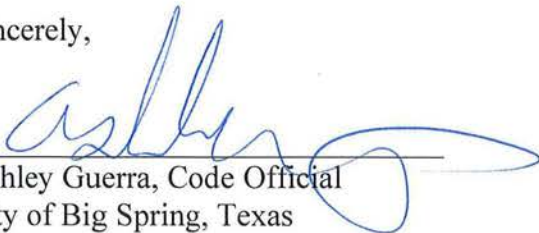
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, 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,



Ashley Guerra, Code Official
City of Big Spring, Texas

7022 2470 0003 2470 3272

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 \$	Postmark Here
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 \$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

7022 2470 0003 2470 3289

Certified Mail Fee \$	Postmark Here
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 \$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Tracking Number:

Remove X

70222410000324703272

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item departed our USPS facility in EL PASO TX DISTRIBUTION CENTER on April 19, 2023 at 11:45 pm. The item is currently in transit to the destination.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Moving Through Network

Departed USPS Regional Facility

EL PASO TX DISTRIBUTION CENTER
April 19, 2023, 11:45 pm

Arrived at USPS Regional Facility

EL PASO TX DISTRIBUTION CENTER
April 19, 2023, 11:08 am

See All Tracking History

Feedback

Text & Email Updates

USPS Tracking Plus®

Product Information

See Less ^

Tracking Number:

Remove X

70222410000324703289

Copy Schedule a Redelivery (<https://tools.usps.com/redelivery.htm>)

Latest Update

We attempted to deliver your item at 11:04 am on April 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 April 19, 2023. If this item is unclaimed by May 3, 2023 then it will be returned to sender.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivery Attempt: Action Needed

Notice Left (No Authorized Recipient Available)

BIG SPRING, TX 79720
April 18, 2023, 11:04 am

Out for Delivery

FORSAN, TX 79733
April 18, 2023, 7:36 am

See All Tracking History

Feedback

Text & Email Updates

Schedule Redelivery

USPS Tracking Plus[®]

Exhibit N-7

STATE OF TEXAS

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COUNTY OF HOWARD

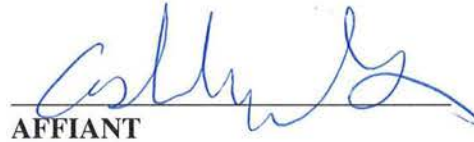
§

**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

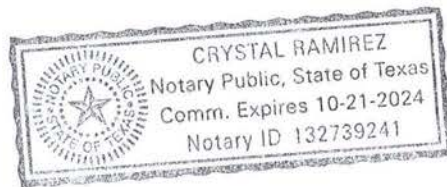
"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for April 25, 2023, attached as **Exhibit N-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 14th, 2023.

This notice was also published in the Big Spring Herald on April 16th, 2023."

SIGNED on the 19 day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit N-8



207 Edwards Blvd

Code Enforcement Officer: Malissa Garcia

Exhibit M-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF MALISSA GARCIA
CONCERNING 207 Edwards Blvd**

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

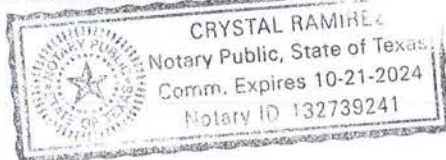
“My name is **Malissa Garcia**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“I am a Code Enforcement Officer 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 **207 Edwards Blvd**, 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 19 day of April, 2023.


AFFIANT

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



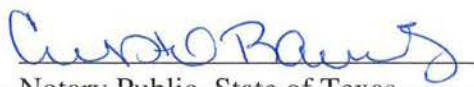

Notary Public, State of Texas

Exhibit M-2

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
207 Edwards Blvd CASE NOTES

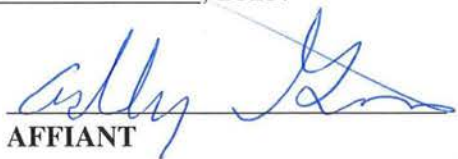
“This record, attached as **Exhibit M-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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.

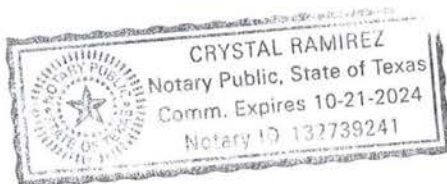
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 M-3** as the readout.”

SIGNED on the 19 day of April, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of April, 2023

by the above referenced Affiant.




Notary Public, State of Texas

Exhibit M-3

NOTES

Incident Notes:

Task #: 114952 - INSPECT SUBSTANDARD - 3/16/2023
2 STRUCTURES ON PROPERTY IS BURNT HOUSE AND GARAGE IN THE BACK OWNER OF
THE HOME IS DANIEL MIRAMONTES

Task #: 114953 - SUBSTANDARD BLD - 3/16/2023

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY MALISSA GARCIA**

“With regard to the photographs in **Exhibits M-4** I am familiar with and recognize the scene depicted in the photographs. On March, 16th, 2023 and April, 14th, 2023, I inspected the property described as:

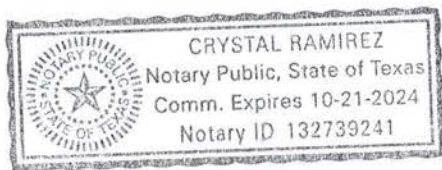
LT 11 BK 19 COLLEGE HEIGHTS 50X140 937 BLK/TRACT 19 0.092 ACRES
Big Spring, Howard County, Texas, also known as **207 Edwards Blvd**, Big
Spring, Texas.

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

SIGNED on the 14 day of April, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 14 day of April, 2023
by the above referenced Affiant.




Notary Public, State of Texas

Exhibit M-4



3/16/2023 10:05





3/16/2023 10:06



3/16/2023 10:05



3/16/2023 10:05



3/16/2023 10:06





3/16/2023 10:06



3/16/2023 10:06



3/16/2023 10:06



3/16/2023 10:06





4/11/2023

8:20



4/11/2023 8:21



4/11/2023 8:21

O'Reilly
AUTO
PARTS

4/11/2023 8:22



4/11/2023 8:22

Exhibit M-5

Person 1: Davenport, Steve

Patient Contact? PPE Worn During Exposure

Fire Products Exposed To

PPE Worn During Exposure

PPE Malfunction?

Barrier Breach

Black Soot Around
NoseBlack Soot Around
Mouth

Decontamination Procedures Completed

Person 2: McCullough, Justin

Patient Contact? PPE Worn During Exposure

Fire Products Exposed To

PPE Worn During Exposure

PPE Malfunction?

Barrier Breach

Black Soot Around
NoseBlack Soot Around
Mouth

Decontamination Procedures Completed

Person 3: WESTBROOK, CHAS

Patient Contact? PPE Worn During Exposure

Fire Products Exposed To

PPE Worn During Exposure

PPE Malfunction?

Barrier Breach

Black Soot Around
NoseBlack Soot Around
Mouth

Decontamination Procedures Completed

 INCIDENT

Incident Number 220331-080022-BSFD	Incident Date 03/31/2022	NFIRS Number 0000555	Incident Type (118) - Trash or rubbish fire, contained	
FDID KW601	Station Station 2	Shift C-Shift	District District 2	
Initial Dispatch Code 				
Alarms 	Working Fire? No	COVID-19 was a factor No, COVID-19 was not a factor	Critical Incident 	Critical Incident Team
Temporary Resident Involvement 				
Hazardous Materials Released 				
Action Taken 1 (87) - Investigate fire out on arrival				

 AID

Aid Given/Received
(N) - None

 LOCATION

Location Type
(1) - Street address

Address
207 Edwards Boulevard, Big Spring, Texas, 79720

Cross Street, USNG, or Directions 	Latitude 	Longitude 	Census Tract
---	------------------	-------------------	----------------------

Detector Alerted Occupant
(U) - Unknown

Property Use
(419) - 1 or 2 family dwelling

Mixed Use

 TIMES

PSAP Received 02:03:00, 03/31/2022	Dispatch Notified Time 	Alarm Time 02:03:00, 03/31/2022
Arrival Time 02:10:00, 03/31/2022	Water on Fire Time 	At Patient Time
Loss Stop Time 	Controlled Time 	Last Unit Cleared Time 02:25:00, 03/31/2022
Total On Scene Time 0 hrs 15 mins 0 sec	Total Incident Time 0 hrs 22 mins 0 sec	

IGNITION

Area of Origin

(00) - Other area of fire origin

Heat Source

(UU) - Undetermined

Item First Ignited

(UU) - Undetermined

Fire Confined to Item?

Type of Material First Ignited

Cause of Ignition

(5) - Cause under investigation

Factors Contributing to Ignition 1

(UU) - Undetermined

Human Factors Contributing to Ignition

(N) - None

Est. Age of Person Involved

Gender of Person Involved

STRUCTURE

Structure Type

(1) - Enclosed building

Stories Above Grade

1

Stories Below Grade

0

Building Status

(6) - Vacant and unsecured

Length

30 ft

Width

30 ft

Total Square Feet

900 sq ft

Story of Fire Origin

1

Fire Spread

(3) - Confined to floor of origin

Item Contributing Most to Flame Spread

Type of Material

Number of Stories with Damage

Minor Damage

Significant Damage

Heavy Damage

Extreme Damage

Total Stories

PROTECTIVE SYSTEMS

Presence of Detector

(U) - Undetermined

Detector Type

Power Supply

Detector Operations

Effectiveness (// Failure Reason)

Presence of Auto Extinguishing System

(N) - None Present

System Type

 INCIDENT

Incident Number 180522-021438-BSFD	Incident Date 05/22/2018	NFIRS Number 0000636	Incident Type (111) - Building fire
--	------------------------------------	--------------------------------	---

FDID KW601	Station Station 2	Shift B-Shift	District District 2
----------------------	-----------------------------	-------------------------	-------------------------------

Initial Dispatch Code

Alarms	Working Fire?	COVID-19 was a factor
--------	---------------	-----------------------

Temporary Resident Involvement

Hazardous Materials Released

Action Taken 1

(11) - Extinguishment by fire service personnel
 AID

Aid Given/Received

(N) - None
 LOCATION

Location Type

(1) - Street address

Address

207 EDWARDS Boulevard, Big Spring, Texas, 79720

Cross Street, USNG, or Directions

Latitude

Longitude

Census Tract

Detector Alerted Occupant

Property Use

(419) - 1 or 2 family dwelling

Mixed Use

 TIMES

PSAP Received

Dispatch Notified Time

Alarm Time

04:46:00, 05/22/2018

Arrival Time

04:53:00, 05/22/2018

Water on Fire Time

At Patient Time

Loss Stop Time

Controlled Time

Last Unit Cleared Time

06:50:00, 05/22/2018

Total On Scene Time

1 hrs 57 mins 0 sec

Total Incident Time

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY MALISSA GARCIA**

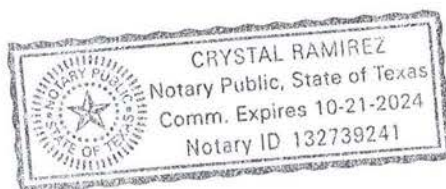
“The document in **Exhibit M-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit M-6



NOTICE OF VIOLATION AND NOTICE OF HEARING

207 Edwards Blvd, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: LT 11 BK 19 COLLEGE HEIGHTS 50X140 937 BLK/TRACT
19 0.092 ACRES

April 14, 2023

Daniel and Sylvia Miramontes
1110 Johnson St
Big Spring, TX 79720 USA

Sent via: Certified Mail; Return Receipt Requested

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. 111.1.5 (7) Hazardous structure or premises	The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
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. 304.6 Exterior Walls	Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Sec. 304.15 Doors.

Doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

- 304.1.1 Unsafe Conditions (4),(7),(8) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.

The following actions are required to correct these violations.

Corrective Action Required

The structure is dilapidated. Fix dilapidation. Fix windows. Fix doors. Fix exterior walls. Fix siding. Fix roof. Secure building so it is not an attractive nuisance to children or other persons.

Code Compliance is seeking an order to demolish and remove all structures on the premises if the owner has not repaired the structures.

Code Compliance seeks an order to secure the premises.

Code Compliance seeks an order to vacate the premises.

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

Issued by

Ashley Guerra

Name

432-264-2505

Phone

Code Official

Department

aguerra@mybigspring.com

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 **April 25, 2023, at 5:30 PM** 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 A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) 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.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) 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.

Section C-9.02 (c)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.

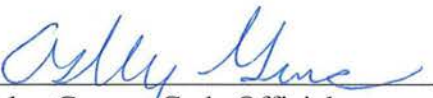
TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the

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,

A handwritten signature in blue ink, appearing to read "Ashley Guerra", is written over a horizontal line.

Ashley Guerra, Code Official
City of Big Spring, Texas

7022 2410 0003 2470 3500

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here
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 \$	
Sent To <u>Daniel Sylvia Miramonte</u>	
Street and Apt. No., or P.O. Box No. <u>PO BOX 2955</u>	
City, State, ZIP+4 <u>Big Spring TX 79726</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7022 2410 0003 2470 3609

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here
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 \$	
Sent To <u>Sylvia + Daniel</u>	
Street and Apt. No., or P.O. Box No. <u>Miramonte</u>	
City, State, ZIP+4 <u>110 Johnson St</u>	
<u>Big Spring TX</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Tracking Number:

Remove X

70222410000324703500

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item arrived at the BIG SPRING, TX 79721 post office at 8:09 am on April 17, 2023 and is ready for pickup.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Available for Pickup

Available for Pickup

BIG SPRING, TX 79721
April 17, 2023, 8:09 am

Arrived at Post Office

BIG SPRING, TX 79720
April 17, 2023, 8:08 am

See All Tracking History

Feedback

Text & Email Updates

USPS Tracking Plus®

Product Information

Tracking Number:

Remove X

70222410000324703609

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 9:33 am on April 18, 2023 in BIG SPRING, TX 79720.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

BIG SPRING, TX 79720
April 18, 2023, 9:33 am

See All Tracking History

Feedback

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

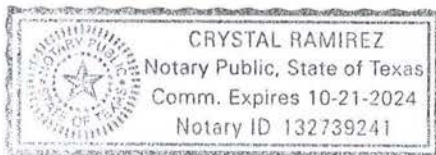
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for ****, attached as **Exhibit M-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 14th, 2023.

This notice was also published in the Big Spring Herald on April 16th, 2023.”

SIGNED on the 19 day of April, 2023.


AFFIANT

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




Notary Public, State of Texas

Exhibit M-8



2104 Runnels St

Code Enforcement Officer: Malissa Garcia

Exhibit F-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF MALISSA GARCIA
CONCERNING 2104 Runnels St**

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

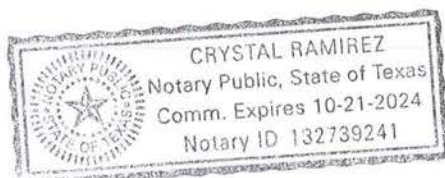
“My name is **Malissa Garcia**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“I am a Code Enforcement Officer 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 **2104 Runnels St**, 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 19 day of April, 2023.

M. Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit F-2

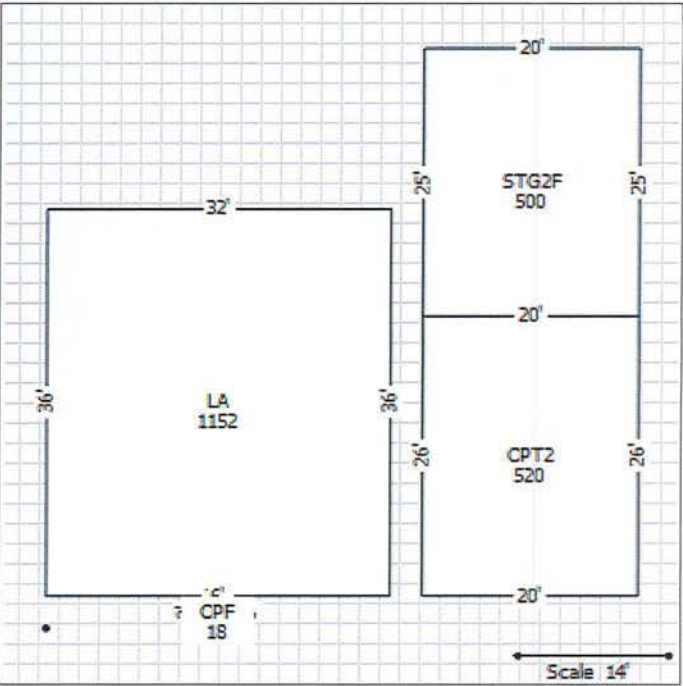
HOWARD COUNTY APPRAISAL DISTRICT (2023)

Property ID : R000002968

Geo ID : B2910031600

1/1

Ownership	Exemptions/Deed
CUNNINGHAM TINA	INST: 2017-00012729 VOL: 1673 PAGE: 742 DATE: 11/30/2017



Legal Information
LEGAL: S/50 NE/4 & N/50 SE/4 OF BK 37 COLLEGE HEIGHTS 100X140 1262 BLK/TRACT 37 0.321 ACRES SITUS: 2104 RUNNELS ACRES:0.321 ALT:2968 XREF:2968.1
Appraisal Coding
Appr By CT Appr Dt 02/05/21 Check By Check Dt

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor
11/30/17		1673	742	2017-00012729	11/30/17	+++++	+++++	CUNNINGHAM TINA	CUNNINGHAM T L &
1/9/89		0624	463	0	1/9/89	+++++	+++++	CUNNINGHAM T L ET UX	CUNNINGHAM T L ET UX
N/A					1/1/00	+++++	+++++	CUNNINGHAM TINA	CUNNINGHAM T L &

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
LA-LIVING AREA	Y 1931/NA	RS3F	1,152	100.92	116,260	0 VP	-95%	0%	0%	0%	100%	0%	-95.0%	5,813	AST-1 STORY	0
CPF-COVERED PORCH FR	Y 1931/NA	RS3F	18	15.14	272	0 VP	-95%	0%	0%	0%	100%	0%	-94.9%	14	AUT-ALL	0
CPT2-CARPORT AVERAGE	Y 1931/NA	RS3F	520	9.79	5,091	0 VP	-95%	0%	0%	0%	100%	0%	-95.0%	255	BFP-MASONARY	0
STG2F-AVG QUALITY ST	Y 1931/NA	RS3F	500	11.00	5,500	0 VP	-95%	0%	0%	0%	100%	0%	-95.0%	275	CRM-COMPOSITION	0
* EXTRA FEATURES					14630									1317	FET-FRAME	0
			2,190		127,123	14,630								7,674	GRT-GABLE	0
															PFN-PIER AND BE	0
															WHC-WINDOW UNIT	0
															2BT-2 BATHS	1,317
																1,317
SQFT MA: 1152 MKT CSF MA: 12.738 CSF IMPR: 6.661 LOC CODE: GE																

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	100.0 FF/100.0 RF/140.0 DF LOTS	70.0		70.00		0%		Y	7,000	A1						0

Comments

2023	Ptd	Change +/-	Prior	2022	Ptd	Entity / Description	Exemption	Txbl Value	Rate Per \$100	Frz Yr	Ext. Tax Levy	Nbh Coding	Misc Coding
Impr Homesite +	7,674	A1	-50	7,724	A1	01H HOWARD COUNTY	0	14,674	.3275450		48.06	HSAPPNOT19	BSISDE
Land Homesite +	7,000	A1	0	7,000	A1	02B CITY OF BIG SPRING	0	14,674	.6731630		98.78	HSAPPNOT20	GE22
Total Market =	14,674		-50	14,724		03B BIG SPRING ISD	0	14,674	1.0160000		149.09	HSAPPNOT21	
Assessed =	14,674		-50	14,724		052 HOWARD COLLEGE	0	14,674	.2367770		34.74	HSAPPNOT22	
						** ESTIMATED TOTAL					330.67		

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
2104 Runnels St CASE NOTES

“This record, attached as **Exhibit F-3**, 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.

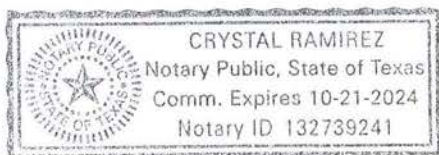
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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-3** as the readout.”

SIGNED on the 19 day of April, 2023.

M. Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of April, 2023

by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit F-3

NOTES

Incident Notes:

Task #: 114675 - INSPECT SUBSTANDARD - 2/22/2023

3-17-2023 THE FRONT HOUSE NEEDS WINDOWS REPAIRED AND THE BACK HOUSE NEEDS
WINDOWS AND DOORS REPAIRED

Task #: 114676 - SUBSTANDARD BLD - 2/22/2023

2/17/2023 Went by and the front house needs one window boarded up and
there is a carport in the back that has fallen and needs to be removed and
dispose of.

STATE OF TEXAS

§

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY MALISSA GARCIA**

“With regard to the photographs in **Exhibits F-4** I am familiar with and recognize the scene depicted in the photographs. On February, 2nd, 2023 and march, 17th, 2023, I inspected the property described as:

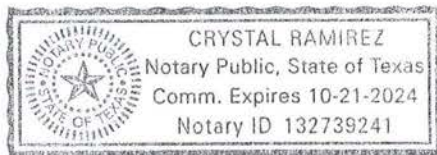
S/50 NE/4 & N/50 SE/4 OF BK 37 COLLEGE HEIGHTS 100X140 1262
BLK/TRACT 37 0.321 ACRE Big Spring, Howard County, Texas, also known as
2104 Runnels St, Big Spring, Texas.

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

SIGNED on the 19 day of April, 2023.

M. Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit F-4



2/ 2/2023 11:45







2/ 2/2023 11:48

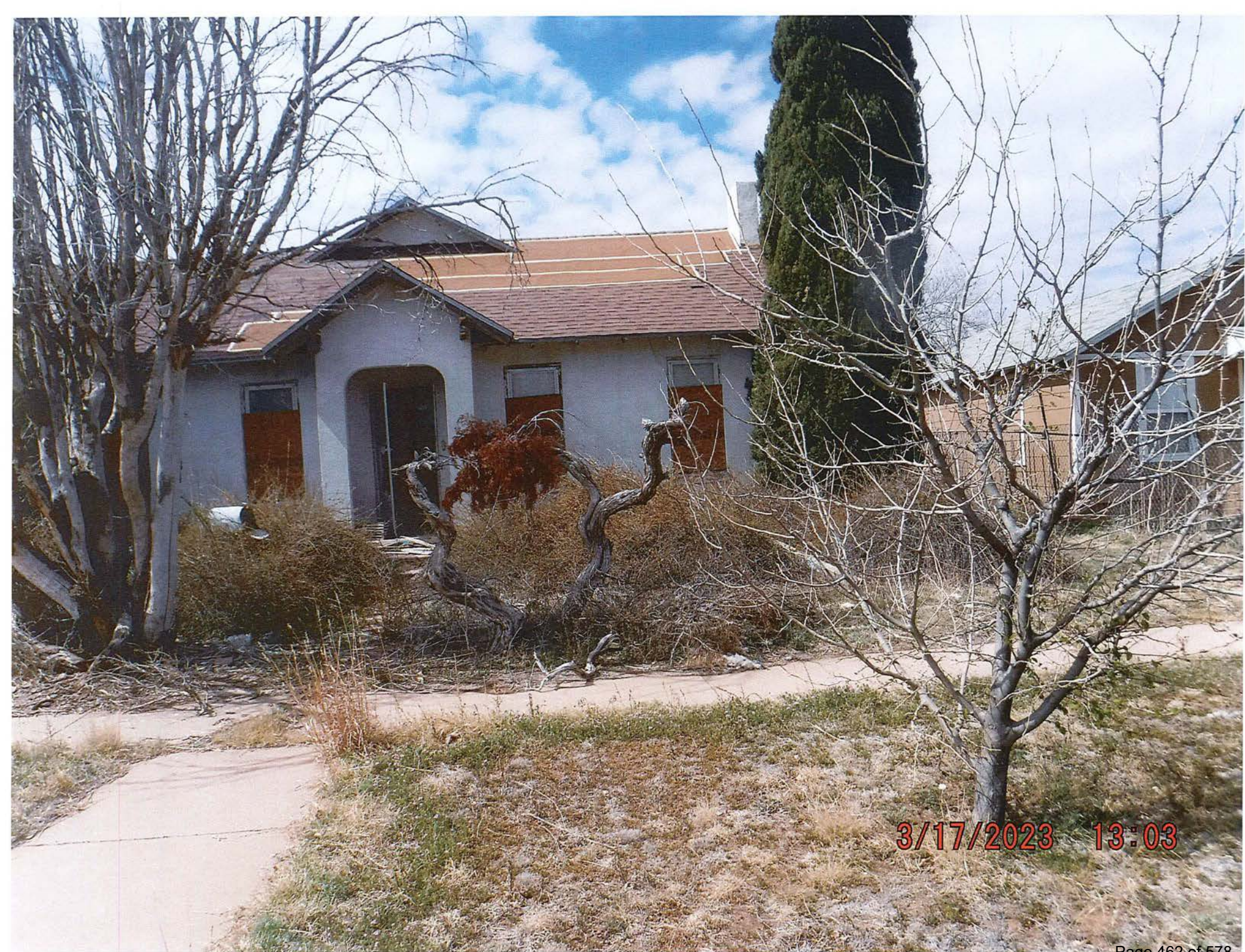


3/17/2023 13:03





3/17/2023 13:03







3/17/2023 13:04



3/17/2023 13:04



3/17/2023 13:04



3/17/2023 13:05



3/17/2023 13:05



3/17/2023 13:05



3/17/2023 13:05



3/17/2023 13:05



3/17/2023 13:05

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY MALISSA GARCIA**

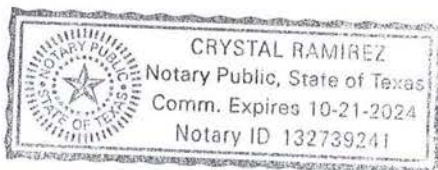
“The document in **Exhibit F-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of April, 2023.

M Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit F-6



NOTICE OF VIOLATION AND NOTICE OF HEARING

2104 RUNNELS ST, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: S/50 NE/4 & N/50 SE/4 OF BK 37 COLLEGE HEIGHTS
100X140 1262 BLK/TRACT 37 0.321 ACRE

April 14, 2023

Tina Cunningham
2104 RUNNELS
BIG SPRING TX 79720

Sent via: Certified Mail; Return Receipt Requested

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

VIOLATION	DESCRIPTION OF VIOLATION
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	Carport/garage roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the	Carport/garage has defects that admit rain and is not sound and not tight.

walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.	Carport/garage exterior walls have holes, cracks, breaks, loose and rotting materials. Unsafe condition.
304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.	Carport/garage exterior walls need repair.
304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Front house has a window in the back that needs to be fixed. House in the back has windows and doors that need to be repaired.

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

Corrective Action Required

Repair buildings and repair or demolish carport/garage

Code Compliance is seeking an order for the following.

- **Demolish and remove carport/garage if owner does not repair structure.**
- **Repair all exterior windows and all exterior doors on all remaining structures**

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

Issued by

Malissa Garcia

Name

Code Official

Department

432-264-2506

Phone

mgarcia@mybigspring.com

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 **April 25, 2023, at 5:30 PM** 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 A-1.10. Rights of Parties

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

(b) 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.

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

(d) 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.

Section C-9.02 (c) 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,

A handwritten signature in cursive script, appearing to read "M. Garcia", is written over a horizontal line.

Malissa Garcia, Code Official
City of Big Spring, Texas

7022 2410 0003 2470 3364

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	
\$	
Sent To	
Street and Apt. No., or P.O. Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Tina Cunningham
3815 Ogden Rd
San Antonio TX

Postmark
Here

Tracking Number:

70222410000324703364

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your package is moving within the USPS network and is on track to be delivered to its final destination. 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 to Next Facility

April 19, 2023

Arrived at USPS Regional Facility

COPPELL TX DISTRIBUTION CENTER
April 18, 2023, 11:49 am

See All Tracking History

Feedback

Text & Email Updates



STATE OF TEXAS

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COUNTY OF HOWARD

**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

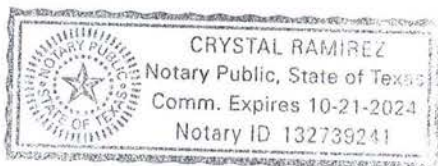
"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for April 25, 2023, attached as **Exhibit F-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 14th, 2023.

This notice was also published in the Big Spring Herald on April 16th, 2023."

SIGNED on the 19 day of April, 2023.

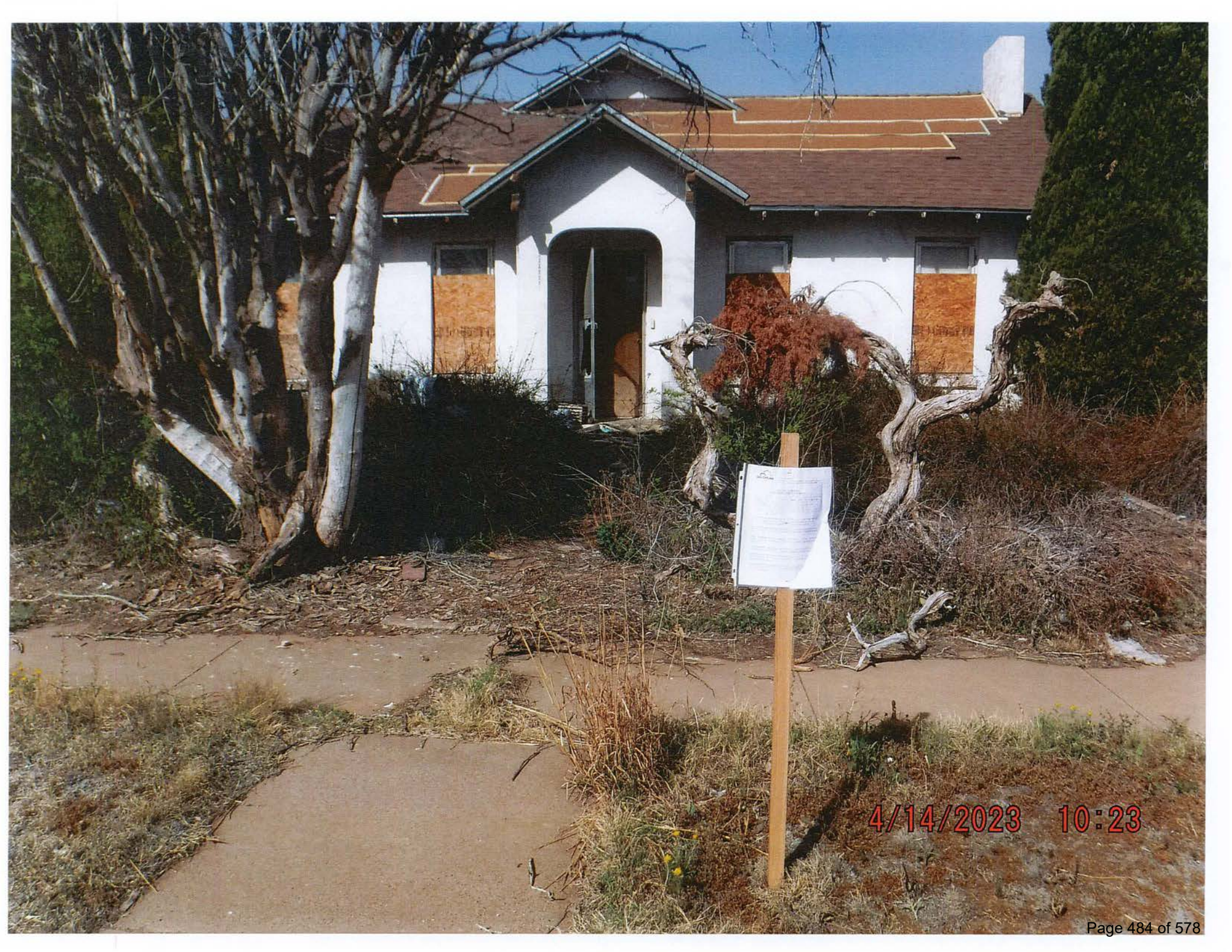
M. Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit F-8



4/14/2023 10:23

604 ABRAMS ST

Code Enforcement Officer: Malissa Garcia

Exhibit O-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF MALISSA GARCIA
CONCERNING 604 ABRAMS ST**

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

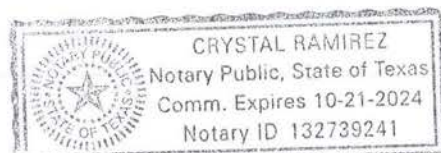
“My name is **Malissa Garcia**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“I am a Code Enforcement Officer 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 **604 ABRAMS ST**, 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 19 day of April, 2023.

M. Garcia
AFFIANT

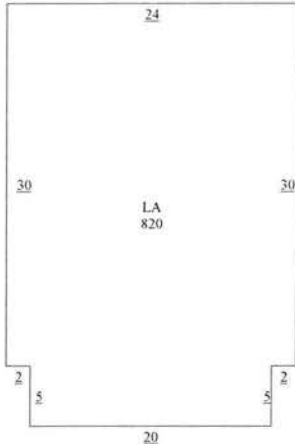
SWORN TO AND SUBSCRIBED before me this 19 day of April, 2023 by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit O-2

HOWARD CENTRAL APPRAISAL DISTRICT				PROPERTY APPRAISAL INFORMATION 2022				Entities		Values	
PROPERTY 280852	R	04/25/2013	OWNER ID	CHAVARRIA EDWARD ET UX	01H	100%				IMPROVEMENTS	2,647
Legal Description			409253	1408 E. 6TH	02B	100%				LAND MARKET	+ 2,000
LT 3 BK 15 EARLES 50X130 897 0.149 ACRES			OWNERSHIP	BIG SPRING, TX 79720	03B	100%				MARKET VALUE	= 4,647
			100.00%		052	100%				PRODUCTIVITY LOSS	- 0
										APPRAISED VALUE	= 4,647
Ref ID1: 4272	Ref ID2: R000004272		ACRES: .1490							HS CAP LOSS	- 0
B3180018100	Map ID		EFF. ACRES: .0000							ASSESSED VALUE	= 4,647
SITUS 604 ABRAMS			APPR VAL METHOD: Cost								

GENERAL				SKETCH for Improvement #1 (RESIDENTIAL)				EXEMPTIONS			
UTILITIES	LAST APPR.										
TOPOGRAPHY	LAST APPR. YR 2021										
ROAD ACCESS	LAST INSP. DATE 10/11/2021										
ZONING	NEXT INSP. DATE										
BUILDER											
NEXT REASON											
REMARKS											
BUILDING PERMITS											
ISSUE DT	PERMIT TYPE	PERMIT AREA	ST	PERMIT VAL							
SALE DT	PRICE	GRANTOR	DEED INFO								

SUBD:			NBHD:		IMPROVEMENT INFORMATION														IMPROVEMENT FEATURES		
#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	UNITS	BUILT	EFF YR	COND.	VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	ADJ VALUE			
	LA	LIVING AREA	R	RS2F/*	820.0	92.22	1	1928	1928	VP	2,647	5%		100%	70%	100%	0.04	2,647	Construction Style	AST	0
1.	RESIDENTIAL		STCD: A1		820.0						2,647	(Flat Values)						2,647	Other Feature	AUT	0
	1 STORY	Cpsf/Value: 0 / 0.000	ALL	Cpsf/Value: 0 / 0.000	COMPOSITION	Cpsf/Value: 0 / 0.000	WALL	Cpsf/Value: 0 / 0.000	FRAME	Cpsf/Value: 0 / 0.000	GABLE	Cpsf/Value: 0 / 0.000	PIER AND BEAM	Cpsf/Value: 0 / 0.000	1 BATH	Cpsf/Value: 0 / 0.000			Roof Covering	CRM	0
	0 / 0.000																		Exterior Wall	EHC	0
																			Exterior Wall	FET	0

SUBD:		NBHD:		LAND INFORMATION										IRR Wells: 0		Capacity: 0		IRR Acres: 0		Oil Wells: 0	
L#	DESCRIPTION	CLS	TABLE	SC	HS	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	ADJ	MASS	ADJ	VAL SRC	MKT VAL	AG APPLY	AG CLASS	AG TABLE	AG UNIT	PRC	AG VALUE	
1.	LFF12			A1	Y (100%)		0.0000 AC	.00		1.00	1.00	F		2,000					0.00	0	
Comment: FF														2,000						0	

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY MALISSA GARCIA**

“With regard to the photographs in **Exhibits O-4** I am familiar with and recognize the scene depicted in the photographs. On February, 2nd, 2023 and , , 2023, I inspected the property described as:

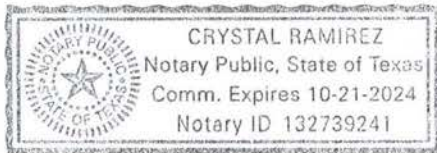
LT 3 BK 15 EARLES 50X130 897 0.149 ACRES Big Spring, Howard County,
Texas, also known as **604 ABRAMS ST**, Big Spring, Texas.

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

SIGNED on the 19 day of April, 2023.

M. Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit O-4



2/ 2/2023 10:54



STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY MALISSA GARCIA**

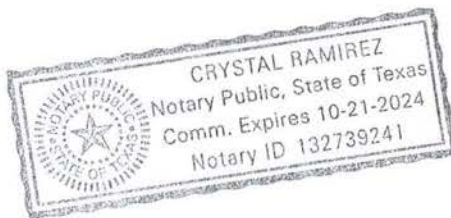
“The document in **Exhibit O-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of April, 2023.

M. Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit O-6



Code Compliance

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

NOTICE OF VIOLATION AND NOTICE OF HEARING

604 ABRAMS ST, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LT 3 BK 15 EARLES 50X130 897 0.149 ACRES

April 14, 2023

Lupe Chavarria and Estate of Edward Chavarria
600 Johnson St
Big Spring, TX 79720-2851 USA

Wells Fargo Bank, N.A.
400 S Main St
Big Spring, TX 79720 USA

Sent via: Certified Mail; Return Receipt Requested

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

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act. 9. A building or structure, used or intended to be used	A door is missing. The building is clearly unsafe for use and occupancy. The building is neglected, damaged, dilapidated, unsecured, and abandoned and is likely to become an attractive nuisance, enabling persons to resort to the structure to commit unlawful acts. The building is unsanitary and unfit for human habitation that is likely to cause sickness or disease because of inadequate maintenance and dilapidation and decay. Hazardous conditions.

for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.	
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.	The exterior walls have holes, cracks, breaks, loose and rooting materials. Unsafe condition.
304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.	Exterior walls need repair.
304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Windows and doors are not in sound condition, good repair, or weather tight.

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

Corrective Action Required

Repair building or demolish building

Code Compliance is seeking an order for the following.

- Demolish and remove structure if owner does not repair structure.
- Secure premises
- Vacate premises

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

Issued by

Malissa Garcia

Name

Code Official

Department

432-264-2506

Phone

mgarcia@mybigspring.com

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.

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

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

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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.

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

Sincerely,



Malissa Garcia, Code Official
City of Big Spring, Texas

7022 2410 0003 2470 3470

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 \$	Postmark Here
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 \$	
Sent To <u>Chavarria Lopez and State</u>	
Street and Apt. No., or PO Box No. <u>600 Johnson St</u>	
City, State, ZIP+4® <u>Big Spring TX 7970</u>	
PS Form 3800, Apr. 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Tracking Number:

70222410000324703470

Remove X

Copy

Schedule a Redelivery (<https://tools.usps.com/redelivery.htm>)

Latest Update

We attempted to deliver your item at 11:58 am on April 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 April 18, 2023. If this item is unclaimed by May 2, 2023 then it will be returned to sender.

Get More Out of USPS Tracking:
USPS Tracking Plus®

Delivery Attempt: Action Needed
Notice Left (No Authorized Recipient Available)
BIG SPRING, TX 79720
April 17, 2023, 11:58 am

Departed USPS Regional Origin Facility
MIDLAND TX DISTRIBUTION CENTER
April 17, 2023, 1:39 am

See All Tracking History

Feedback

Text & Email Updates

▼

Schedule Redelivery

▼

USPS Tracking Plus®

▼

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

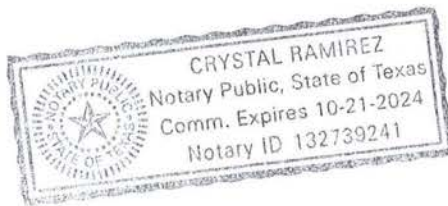
"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for April 25, 2023, attached as **Exhibit O-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 14th, 2023.

This notice was also published in the Big Spring Herald on April 16th, 2023."

SIGNED on the 19 day of April, 2023.

M. Garza
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit O-8



Code Compliance

217 E. 3rd St. Big Spring, Texas 79720 TX 409.264.2600

**NOTICE OF HEARING
CONCERNING PUBLIC NUISANCES**

NOTICE IS HEREBY GIVEN THAT THE CITY OF BIG SPRING, TEXAS, HAS BEEN ADVISED THAT THE FOLLOWING PROPERTIES ARE THE SUBJECT OF A COMPLAINT FOR A PUBLIC NUISANCE. A PUBLIC HEARING WILL BE HELD ON APRIL 25TH, AT 5:30 P.M. AT THE CITY OF BIG SPRING, 217 E. 3RD ST., BIG SPRING, TEXAS 79720. ANY PERSON WHO HAS INFORMATION CONCERNING ANY OF THE FOLLOWING PROPERTIES OR WHO HAS BEEN AFFECTED BY ANY OF THE FOLLOWING PROPERTIES, IS REQUESTED TO ATTEND THE HEARING AND PRESENT EVIDENCE TO THE CITY OF BIG SPRING, TEXAS, CONCERNING THE SAME. THE HEARING WILL BE HELD AT THE CITY OF BIG SPRING, 217 E. 3RD ST., BIG SPRING, TEXAS 79720. ANY PERSON WHO HAS INFORMATION CONCERNING ANY OF THE FOLLOWING PROPERTIES OR WHO HAS BEEN AFFECTED BY ANY OF THE FOLLOWING PROPERTIES, IS REQUESTED TO ATTEND THE HEARING AND PRESENT EVIDENCE TO THE CITY OF BIG SPRING, TEXAS, CONCERNING THE SAME.

2712 LINDA DR. BIG SPRING, TX 79720 - LT FORT CENTRAL
TRACT 27A & 27B ACRES ACQ 07/14/21 - OWNER: DOUGLAS CARSON
JEFFERY CARSON, KELLY CARSON, AND JAMES R. CARSON

1005 E 16TH ST. BIG SPRING, TX 79720 - LT 10 BK 30 CO 4 & STRAYHORN,
60549743 ACRES ACQ 07/24/21 - OWNER: JEFFREY
LIT

1001 EYEWIRE ST. BIG SPRING, TX 79720 - LT 1 BK 1 HIGHLAND
PARCELS 11A & 11B ACQ 07/14/21 - OWNER: ARNOLD J. CARSON

710 ARKANSY ST. BIG SPRING, TX 79720 - LT 4 BK 14 CO 1 & 2 ACRES
ACQ 08/10/21 ACRES ACQ 07/24/21 - OWNER: ESTHER B. BOWEN

1610 YOUNG ST. BIG SPRING, TX 79720 - 822 OET 1 & 2 ACRES
ACQ 08/10/21 ACRES ACQ 07/24/21 - OWNER: ESTHER B. BOWEN

2104 BUNKER ST. BIG SPRING, TX 79720 - 5250 ACRES ACQ 07/24/21
ACQ 08/10/21 ACRES ACQ 07/24/21 - OWNER: TINA C. COWEN

4/14/2023 10:12

710 Abrams St

Code Enforcement Officer: Malissa Garcia

Exhibit D-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF MALISSA GARCIA
CONCERNING 710 Abrams St**

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 Enforcement Officer 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 **710 Abrams St**, 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 19 day of April, 2023.

M. Garcia
AFFIANT

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

Crystal Ramirez
Notary Public, State of Texas

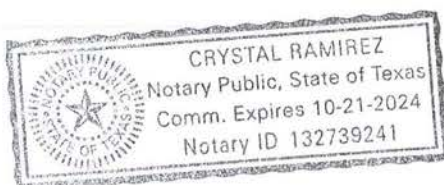


Exhibit D-2

PROPERTY 280849 R 04/25/2013
Legal Description
LT 6 BK 14 EARLES 50X130 954 ACQ 081303 BLK/TRACT 14
0.149 ACRES

OWNER ID
297904

OWNERSHIP
100.00%

PROPERTY APPRAISAL INFORMATION 2023

GOMEZ ESTER D
710 ABRAMS
BIG SPRING TX 79720

ACRES: .1490
EFF. ACRES: .0000

APPR VAL METHOD: Cost

Entities	
01H	100%
02B	100%
03B	100%
052	100%

Values		
IMPROVEMENTS		5,250
LAND MARKET	+	2,500
MARKET VALUE	=	7,750
PRODUCTIVITY LOSS	-	0
APPRAISED VALUE	=	7,750
HS CAP LOSS	-	0
ASSESSED VALUE	=	7,750

Ref ID1: 4269
B3180017800

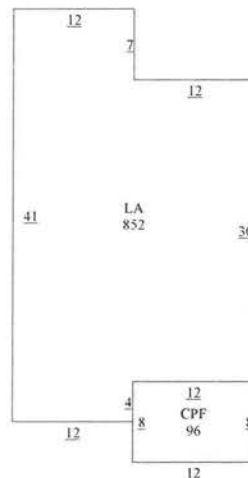
Ref ID2: R000004269
Map ID

SITUS 710 ABRAMS

GENERAL

UTILITIES	LAST APPR.	
TOPOGRAPHY	LAST APPR. YR	2021
ROAD ACCESS	LAST INSP. DATE	10/11/2021
ZONING	NEXT INSP. DATE	
BUILDER		
NEXT REASON		
REMARKS		

SKETCH for Improvement #1 (RESIDENTIAL)



EXEMPTIONS

PICTURE



BUILDING PERMITS

ISSUE DT	PERMIT TYPE	PERMIT AREA	ST	PERMIT VAL
----------	-------------	-------------	----	------------

SALE DT	PRICE	GRANTOR	DEED INFO
08/13/2003	*****	ALANIZ ARMANDO & OT	0905 / 684
09/06/1994	*****	RODRIGUEZ JOEL	OT / 0704 / 278

SUBD: NBHD:CDCS 125.00%

IMPROVEMENT INFORMATION

* = Needs Recalculation

[illegible]

IMPROVEMENT FEATURES

Construction Style	AST	0
Roof Covering	CRM	0
Exterior Wall	EHC	0
Exterior Wall	FET	0
Roof Style	GRT	0
Construction Style	PFN	0
Plumbing	1 1BT	0

SUBD: NBHD:CDCS 125.00%

LAND INFORMATION

IRB Wells: 0 Capacity: 0

IRR Acres: 0

Oil Wells: 0

<u>L#</u>	<u>DESCRIPTION</u>	<u>CLS</u>	<u>TABLE</u>	<u>SC</u>	<u>HS</u>	<u>METH</u>	<u>DIMENSIONS</u>	<u>UNIT PRICE</u>	<u>GROSS VALUE</u>	<u>ADJ</u>	<u>MASS ADJ</u>	<u>VAL SRC</u>	<u>MKT VAL</u>	<u>AG APPLY</u>	<u>AG CLASS</u>	<u>AG TABLE</u>	<u>AG UNIT PRC</u>	<u>AG VALUE</u>
1.	LFF12		LFF12	A1	Y (100%)	FF		40.00	2,000	1.00	1.25	A	2,500				0.00	0
Comment: FF													2,500					0

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY MALISSA GARCIA**

“With regard to the photographs in **Exhibits D-4** I am familiar with and recognize the scene depicted in the photographs. On February 2nd, 2023 and , , 2023, I inspected the property described as:

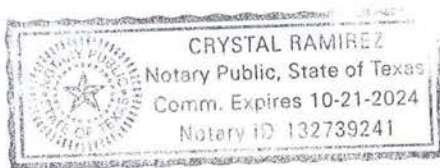
LT 6 BK 14 EARLES 50X130 954 ACQ 081303 BLK/TRACT 14 0.149 ACRES
Big Spring, Howard County, Texas, also known as **710 Abrams St**, Big Spring,
Texas.

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

SIGNED on the 19 day of April, 2023.

M. Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit D-4





2/ 2/2023 10:55



Exhibit D-5

STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY MALISSA GARCIA**

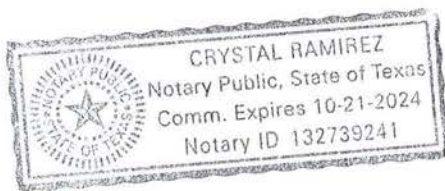
“The document in **Exhibit D-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of April, 2023.

M Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit D-6



NOTICE OF VIOLATION AND NOTICE OF HEARING

710 ABRAMS ST, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: LT 6 BK 14 EARLES 50X130 954 ACQ 081303 BLK/TRACT 14
0.149 ACRES

April 14, 2023

Ester D Gomez
710 Abrams
Big Spring, TX 79720

Sent via: Certified Mail; Return Receipt Requested

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

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to	A door is boarded up. The building is clearly unsafe for use and occupancy. The building is neglected, damaged, dilapidated, unsecured, and abandoned and is likely to become an attractive nuisance, enabling persons to resort to the structure to commit unlawful acts. The building is unsanitary and unfit for human habitation that is likely to cause sickness or disease because of inadequate maintenance and dilapidation and decay. Hazardous conditions.

children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act. 9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.	
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of	The exterior walls have holes, cracks, breaks, loose and rotting materials. Unsafe condition.

supporting all nominal loads and resisting all load effects.	
304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.	Exterior walls need repair.
304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Windows and doors are not in sound condition, good repair, or weather tight.

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

Corrective Action Required

Repair building or demolish building

Code Compliance is seeking an order for the following.

- **Demolish and remove all structures if owner does not repair structure.**
- **Secure premises**
- **Vacate premises**

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

Issued by

Malissa Garcia

Name

Code Official

Department

432-264-2506

Phone

mgarcia@mybigspring.com

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 **April 25, 2023, at 5:30 PM** 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 A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) 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.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) 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.

Section C-9.02 (c)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,

A handwritten signature in blue ink that reads "M. Garcia". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Malissa Garcia, Code Official
City of Big Spring, Texas

7022 2410 0003 2470 3494

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Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

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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 \$ _____

Postmark
Here

Postage

\$

Total Postage and Fees

\$

Sent To

Ester Gomez

Street and Apt. No., or PO Box No.

710 Abrams

City, State, ZIP+4®

Bld Spain TX 79720

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Tracking Number:

Remove X

70222410000324703494

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item departed our USPS facility in EL PASO TX DISTRIBUTION CENTER on April 19, 2023 at 11:45 pm. The item is currently in transit to the destination.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Moving Through Network

Departed USPS Regional Facility

EL PASO TX DISTRIBUTION CENTER
April 19, 2023, 11:45 pm

Arrived at USPS Regional Facility

EL PASO TX DISTRIBUTION CENTER
April 19, 2023, 11:08 am

See All Tracking History

Feedback

Text & Email Updates

USPS Tracking Plus®

Product Information

See Less ^

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

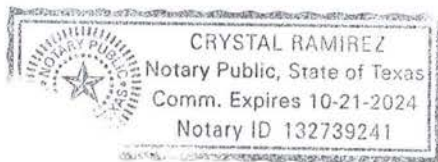
"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for April 25, 2023, attached as **Exhibit D-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 14th, 2023.

This notice was also published in the Big Spring Herald on April 16th, 2023."

SIGNED on the 19 day of April, 2023.

M. Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit D-8



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, April 11, 2023, with the following members present in person:

COUNCIL MEMBER TROY TOMPKINS
COUNCIL MEMBER GLORIA MCDONALD
COUNCIL MEMBER DIANE YANEZ
COUNCIL MEMBER CODY HUGHES
COUNCIL MEMBER MAURY SMITH
MAYOR PRO TEM NICK ORNELAS

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
JAY HOLT	Interim 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 Pro Tem Ornelas called the City Council meeting to order at 5:38 p.m.

Invocation

Council Member Smith gave the invocation.

Pledge of Allegiance to the United States Flag and to the Texas State Flag

Mayor Pro Tem led the Pledge of Allegiance to the United States Flag and the Texas Flag.

Public Comment

Public Comment

Ashley Crawford & Kaela Worley spoke about the Tate Place Back to School Event at the Aquatic Center; Scott Emerson asked the Council to reconsider the sign ordinance; and TJ Stewart asked the Council to support other non-profit programs.

Public Hearings Concerning Abatements of Public Nuisances

MOTION WAS MADE BY Council Member Hughes to open the public hearings listed below, seconded by Council Member Yanez.

YEAS: Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **6**
NAYS: None **0**

MOTION PASSED

Each public hearing was presented to the Council with an abatement order and pictures. The following citizens spoke regarding their property;
Scott Emerson 1710 Young Street (12.)
Dana Sausman 1309 Grafa Street (15.)

Announcements, Presentations and Public Hearings

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 2004 JOHNSON STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: S/50 NE/4 OF BK 27 COLLEGE HEIGHTS 50X140 1213 ACQ 04302015 0.161 ACRES- OWNER: JAMES ORN

To open

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 2204 JOHNSON STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: S/100 NE/4 OF BK 43 COLLEGE HEIGHTS 100X140 1425 0.321 ACRES- OWNER: SHIRLEY J WHITE

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 711 E 16TH STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 7 BK 19 COLE & STRAYHORN 50X140 770 BLK/TRACT 19 0.161 ACRES- OWNER: FELIP L. VILLA AND ESTELLA VILLA

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 517 N GOLIAD STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: SE/4 OF SC 42 BK 32 1N TR 41 WILLIAM B CURRIE 40X160 819 ACQ 07312014 BLK/TRACT 32 1N 0.147 ACRES-OWNER: EMMANUEL PIERRE

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 707 W 7TH STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 12 BK 11 EARLES 50X130 955 ACQ08192021 BLK/TRACT 11 0.149 ACRES- OWNER: JOANA AGUIRRE

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 506 NE 8TH , BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: SC 42 BK 32 1N TR 29 WILLIAM B CURRIE 44X140 613 0.141 ACRES ACQ 05272015- OWNER: RAMON RODRIGUEZ

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 111 N NOLAN STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 12 BK 1 TENNYSON 50X140 065 BLK/TRACT 321N 0.161 ACRES- OWNER: RAUL J RUBIO AND SARA RUBIO

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1710 YOUNG STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 3 & 1.25X60 BK 2 MANNING 60X107 1025 0.147 ACRES- OWNER: TROY V. LITTLE AND JESSIE LEE LITTLE

MOTION WAS MADE BY Council Member Tompkins to table the above captioned public hearing regarding the abatement of 1710 Young St., seconded by Council Member Hughes.

YEAS: Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith 6
NAYS: None 0

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 602 ABRAMS STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 2 BK 15 EARLES 50X130 2011 COMBINED ACCT 17900 896 BLK/TRACT 15 0.149 ACRES ACQ 04082019- OWNER: EZEQUIEL NOEL ADAME AND FRANCISCO ADAME III

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1004 E 11TH PLACE, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 3 BK 26 COLE & STRAYHORN 50X140 132 ACQ 01152021 BLK/TRACT 26 0.161 ACRES- OWNER: MICHAEL WAYNE MULLER

Consent Items

Approval of the City Council Minutes of the Regular Meeting of March 28, 2023.

Acknowledge Receipt of the Planning and Zoning Commission Minutes of the Regular Meeting of February 22, 2023

Final Reading of an Ordinance Amending the Subdivision Ordinance , Article IV "Standards, Specifications, and Other Provisions", Section 8 Entitled "Sidewalks", by Requiring Sidewalks to Have a Minimum Width of Five Feet, Requiring that New Sidewalks be Installed as a Condition of a Certificate of Occupancy with Certain Exceptions; Providing for Repeal of Conflicting Ordinances; Providing a Savings and Severability Clause; 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 Sanitation Enterprise Fund Budget for the Purpose of the Purchase of Three 30 Yard Roll-Off Containers for the Cardboard Recycling Program; Providing for Severability; 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 HUD Code Manufactured Home for Moss Lake; Providing for Severability; 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 Purpose of Building a Splash Pad at Bert Andries Park; Providing for Severability; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned minutes and ordinances, seconded by Council Member McDonald.

YEAS: Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith

**6
0**

NAYS: None

MOTION PASSED

Vouchers

Vouchers for 03/30/23	\$	293,156.95
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Council Member Hughes reviewed the above captioned vouchers.

MOTION WAS MADE BY Council Member Hughes to approve the above captioned vouchers, seconded by Council Member Tompkins.

YEAS: Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith	60
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NAYS: None

MOTION PASSED

Vouchers for 04/06/23	\$	619,225.35
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Drafts	\$ 840,882.92
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Council Member McDonald reviewed the above captioned vouchers.

MOTION WAS MADE BY Council Member McDonald to approve the above captioned vouchers, seconded by Council Member Hughes.

YEAS: Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith	60
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NAYS: None

MOTION PASSED

Bids

Consideration and Possible Action on Awarding a Bid for a John Deere Backhoe for the Street Department and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member McDonald to award the above captioned bid to Yellowhouse Machinery in the amount of \$119,850.00, seconded by Council Member Smith.

YEAS: Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith	60
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NAYS: None

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for Twenty-Eight (28) Four (4) Yard Recycle Containers for the City's Cardboard Recycle Program and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Smith to award the above captioned bid to Roll Offs USA in the total amount of \$23,915.92, seconded by Council

Member Hughes.

YEAS: Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith 6
NAYS: None 0

MOTION PASSED

New Business

Acknowledge Receipt of the Quarterly Claims and Litigation Report from the City Attorney

Council Members acknowledged receipt of the above captioned report. No action necessary.

Consideration and Possible Action to Amend the Lifeguard Agreement with the Big Spring YMCA to Extend the Agreement for One Day for Tate's Place Back to School Event, August 6, 2023 and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member McDonald to approve the above captioned amendment to the YMCA Agreement, seconded by Council Member Smith.

YEAS: Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith 6
NAYS: None 0

MOTION PASSED

Boards and Committees

Animal Rescue & Adoption

Jeff Lane - Nominated by Council Member McDonald - Dist. 4

Jeff Lane was appointed to the Animal Rescue & Adoption Committee to represent District 4 by acclamation.

Council Input

Input

Council Member McDonald thanked staff for putting the lights back up on Martin Luther King Blv.;

Council Member Tompkins asked the staff and council to reconsider the sign ordinance per a citizen request and thanked Code Enforcement;

Council Member Smith confirmed with the staff on where citizens take cardboard (old landfill and a couple of places where a recycle dumpster will be located); Clarification on the carport ordinance (pitched roof or gable roof); and also thanked staff

Mayor Pro Tem Ornelas thanked everyone for being patience with him while filling in for

the Mayor.

Adjourn

Mayor Pro Tem adjourned the City Council meeting at 7:31 p.m.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

City of Big Spring

Purchasing and Material Control

Memorandum

To: Honorable Mayor, City Council, City Manager

From: Albert Belez, Purchasing Agent

Date: April 19, 2023

Subject: Request approval to purchase 1- John Deere 485 Backhoe attachment

On Thursday, April 13, 2023, at the request of staff from the Roy Anderson Sport Complex, the City of Big Spring's Purchasing department sought out pricing and availability of 1(one)- John Deere 485 Backhoe attachment. The Purchasing department received a quote in the amount of \$14,753.51 for the zero-turn mower. The submitted quote is from South Plains Implement of Tornillo, TX. The submitted quote is a Sourcewell Cooperative quote.

Recommendation: Due to the price and uncertainty in the current supply chain, the staff is respectfully requesting that the Council accept the formal quote from South Plains Implement and proceed with the purchase.

Note: It is important to note that there is an approved budget of \$17,000 for this item. It is also important to note that this unit is currently available.

City of Big Spring

Purchasing and Material Control

Memorandum

To: Honorable Mayor, City Council, City Manager

From: Albert Belez, Purchasing Agent

Date: April 19, 2023

Subject: Request approval to purchase 1-72" John Deere Z950m Zero Turn Mower

On Thursday, April 13, 2023, at the request of staff from the Roy Anderson Sport Complex, the City of Big Spring's Purchasing department sought out pricing and availability of 1(one)-72" John Deere Z950m Zero Turn Mower. The Purchasing department received a quote in the amount of \$13,826.89 for the zero-turn mower. The submitted quote is from South Plains Implement of Tornillo, TX. The submitted quote is a Sourcewell Cooperative quote.

Recommendation: Due to the price and uncertainty in the current supply chain, the staff is respectfully requesting that the Council accept the formal quote from South Plains Implement and proceed with the purchase.

Note: It is important to note that there is an approved budget of \$11,000 for this item. To proceed with the purchase, there would need to be an increase of \$ 2,826.89 to this budgeted item.

City of Big Spring

Purchasing and Material Control

Memorandum

To: Honorable Mayor, City Council, City Manager

From: Albert Belez, Purchasing Supervisor

Date: April 19, 2023

Subject: Request approval to purchase 1-John Deere 3043D Utility Tractor

On Wednesday, April 12, 2023, at the request of the staff from Moss Creek Lake, the City of Big Spring's Purchasing department sought out pricing and availability of 1(one)-John Deere 3043D Utility Tractor. The Purchasing department received a quote in the amount of \$23,373.28 for the utility tractor. The submitted quote is from South Plains Implement of Tornillo, TX. The submitted quote is a Sourcewell Cooperative quote.

Recommendation: Due to the price and uncertainty in the current supply chain, the staff, are respectfully requesting that the Council accept the formal quote from South Plains Implement and proceed with the purchase.

Note: It is important to not that this item was not a budgeted item. It is also important to note that the quoted tractor is currently available.

City of Big Spring
Cash and Texpool Account Balances
Quarter Ending March 31, 2023

	Market Value 12/31/22	Quarterly Interest Income	Net Additions/ Decreases	Market Value 3/31/23
Checking Accounts				
Operating Checking Account	\$ 14,261,777.69	\$ -	\$ 3,256,516.13	\$ 17,518,293.82
Payroll Checking Account	\$ 94,296.33	\$ -	\$ (41,323.31)	\$ 52,973.02
Health Insurance Checking Account	\$ 1,220,960.27	\$ -	\$ 233,917.73	\$ 1,454,878.00
Worker's Comp Insurance Account	\$ 1,886,130.06	\$ -	\$ (22,328.93)	\$ 1,863,801.13
Total Checking	\$ 17,463,164.35	\$ -	\$ 3,426,781.62	\$ 20,889,945.97

TexPool Funds				
Utility Escrow	\$ -	\$ -	\$ -	\$ -
Airpark	\$ 534,891.03	\$ 5,890.88	\$ -	\$ 540,781.91
Landfill Closure	\$ 4,482,207.30	\$ 49,359.19	\$ -	\$ 4,531,566.49
Operating Account	\$ 3,120,085.22	\$ 34,359.08	\$ -	\$ 3,154,444.30
Cemetery	\$ 378,112.79	\$ 4,163.92	\$ -	\$ 382,276.71
Health Insurance	\$ -	\$ -	\$ -	\$ -
Total TexPool	\$ 8,515,296.34	\$ 93,773.07	\$ -	\$ 8,609,069.41

Prosperity Bank				
CD - Maturity 12/11/20	\$ 13,050.76	\$ 74.15	\$ -	\$ 13,124.91
Total Prosperity Bank	\$ 13,050.76	\$ 74.15	\$ -	\$ 13,124.91

BBVA Compass				
Money Market - 6748561224	\$ 6,796,304.76	\$ 39,877.93	\$ -	\$ 6,836,182.69
Total BBVA Compass	\$ 6,796,304.76	\$ 39,877.93	\$ -	\$ 6,836,182.69

Brokerage CD's & Agency Bonds

					Maturity	Rate
American Express	\$ 248,000.00	\$ 1,045.34	\$ -	\$ -	3/17/2023	0.850%
United States Treasury NTS	\$ 250,000.00	\$ -	\$ -	\$ 250,000.00	4/15/2023	0.250%
US Treasury Bill	\$ 1,000,000.00	\$ -	\$ -	\$ 1,000,000.00	4/27/2023	4.320%
1st Source Bank	\$ 247,000.00	\$ 1,776.03	\$ -	\$ 247,000.00	7/13/2023	1.450%
United States Treasury Notes	\$ 250,000.00	\$ 156.25	\$ -	\$ 250,000.00	8/15/2023	0.125%
FFCB	\$ 500,000.00	\$ 625.00	\$ -	\$ 500,000.00	9/21/2023	0.250%
FHLB	\$ 1,000,000.00	\$ -	\$ -	\$ 1,000,000.00	10/20/2023	4.625%
Bankwell Bank	\$ 249,000.00	\$ 439.33	\$ -	\$ 249,000.00	1/30/2024	0.350%
First Technology FCU	\$ 247,000.00	\$ 947.40	\$ -	\$ 247,000.00	2/2/2024	5.000%
Federal Home Loan Bank	\$ 2,000,000.00	\$ 37,673.61	\$ -	\$ 2,000,000.00	3/8/2024	4.375%
Luana Savings Bank	\$ 247,000.00	\$ 1,776.03	\$ -	\$ 247,000.00	3/13/2024	1.450%
Capital One Bank	\$ 248,000.00	\$ 1,967.69	\$ -	\$ 248,000.00	3/18/2024	1.600%
Bank United National Assn	\$ 247,000.00	\$ 213.16	\$ -	\$ 247,000.00	3/19/2024	0.350%
BMW Bank	\$ 248,000.00	\$ 1,168.32	\$ -	\$ 248,000.00	3/20/2024	0.950%
Eagle Bank	\$ 249,000.00	\$ 951.65	\$ -	\$ 249,000.00	3/20/2024	1.550%
Encore Bank	\$ 249,000.00	\$ 276.30	\$ -	\$ 249,000.00	7/10/2024	0.450%
FFCB	\$ 1,000,000.00	\$ -	\$ -	\$ 1,000,000.00	10/17/2024	4.375%
Lake Osceola State Bank	\$ 249,000.00	\$ 1,750.85	\$ -	\$ 249,000.00	1/27/2025	4.350%
First National Bank Omaha	\$ 244,000.00	\$ -	\$ -	\$ 244,000.00	1/31/2025	4.400%
Evergreen Bank	\$ 249,000.00	\$ 613.97	\$ -	\$ 249,000.00	3/26/2025	1.000%
1st Jackson Bank	\$ 249,000.00	\$ 706.07	\$ -	\$ 249,000.00	3/27/2025	1.150%
Preferred Bank	\$ 249,000.00	\$ 644.66	\$ -	\$ 249,000.00	3/27/2025	1.050%
Romney Bank	\$ 249,000.00	\$ 706.07	\$ -	\$ 249,000.00	3/27/2025	1.150%
Five Nine Bank	\$ 249,000.00	\$ 306.99	\$ -	\$ 249,000.00	4/10/2025	0.500%
Minnesota West Bank	\$ 249,000.00	\$ 306.99	\$ -	\$ 249,000.00	7/15/2025	0.500%
First Community Bank	\$ 249,000.00	\$ 306.99	\$ -	\$ 249,000.00	7/22/2025	0.500%
Balboa Thrift Bank	\$ 249,000.00	\$ 245.59	\$ -	\$ 249,000.00	7/31/2025	0.400%
Belmont Bank	\$ 249,000.00	\$ 276.30	\$ -	\$ 249,000.00	8/12/2025	0.450%

Sunwest Bank	\$ 249,000.00	\$ 276.30	\$ -	\$ 249,000.00	8/12/2025	0.450%
Federal Home Ln MTG Corp	\$ 1,000,000.00	\$ 2,500.00	\$ -	\$ 1,000,000.00	8/13/2025	0.500%
FHLB	\$ 2,000,000.00	\$ -	\$ -	\$ 2,000,000.00	10/27/2025	4.500%
Bridgewater Bank	\$ 249,000.00	\$ 1,609.97	\$ -	\$ 249,000.00	1/27/2026	4.000%
Southern Mich Bk	\$ 249,000.00	\$ 1,609.97	\$ -	\$ 249,000.00	1/27/2026	4.000%
Truliant Federal Credit Union	\$ 225,000.00	\$ -	\$ -	\$ 225,000.00	3/27/2026	5.000%
American Express	\$ 225,000.00	\$ -	\$ -	\$ 225,000.00	3/30/2026	4.950%
US Treas Sec Stripped Int Pmt	\$ 509,000.00	\$ -	\$ -	\$ -	5/15/2026	0.000%
FHLB	\$ 1,000,000.00	\$ -	\$ -	\$ 1,000,000.00	12/21/2026	1.250%
Manufacturers & Traders Tr Co	\$ 245,000.00	\$ -	\$ -	\$ 245,000.00	2/1/2027	4.000%
Farmer Mac	\$ 2,000,000.00	\$ -	\$ -	\$ 2,000,000.00	10/12/2027	4.000%
Austin Telco FCU Tex	\$ 249,000.00	\$ 1,069.34	\$ -	\$ 249,000.00	1/27/2028	4.750%
Signature Federal Credit Union	\$ 249,000.00	\$ 840.06	\$ -	\$ 249,000.00	1/31/2028	4.400%
Discover Bank	\$ 244,000.00	\$ -	\$ -	\$ 244,000.00	3/27/2028	4.750%
Total Brokerage CD's	\$ 19,906,000.00	\$ 62,786.23	\$ -	\$ 19,149,000.00		

Total Cash & Investments	\$ 52,693,816.21	\$ 196,511.38	\$ 3,426,781.62	\$ 55,497,322.98
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**City of Big Spring
Monthly Interest Rates
Quarter Ending March 31, 2023**

		<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>Average</u>
TexPool Funds		4.6108%	4.4991%	4.2443%	4.4498%
Prosperity Bank	12 month CD	2.3000%	2.3000%	2.3000%	2.3000%
Prosperity Bank	Money Market	2.3800%	2.3800%	2.4500%	2.4041%


Sandra G. Smith - Finance Director


Todd Darden - City Manager

CITY OF BIG SPRING
YEAR TO DATE OCTOBER 1, 2022 TO MARCH 31, 2022
2nd QTR - 50%
GENERAL FUND

REVENUES	Budget		Amended	YTD Actual	Budget Balance	% of Budget to
	Original Budget	Amendments	Budget			Date
40-FEES	16,645,300		16,645,300	11,112,676	5,532,624	66.76%
41-LICENSES & PERMITS	495,650		495,650	100,069	395,581	20.19%
42-GRANTS & OTHER AGENCIE	8,850		8,850	8,210	640	92.77%
44-FINES & FEES	281,680		281,680	126,899	154,781	45.05%
45-RECREATION	974,350		974,350	438,418	535,932	45.00%
46-INTEREST INCOME	15,000		15,000	24,906	(9,906)	166.04%
47-PROPERTY	2,083,750		2,083,750	1,787,955	295,795	85.80%
48-TRANSFER FROM OTHER FU	-		-	-	-	0.00%
49-MISCELLANEOUS	2,958,507	28,798 ¹	3,149,805	1,545,846	1,603,959	49.08%
		20,000 ²				
		142,500 ⁹				
TOTAL REVENUES	23,463,087	28,798	23,654,385	15,144,979	8,509,406	64.03%

EXPENDITURES	Budget		Amended	YTD Actual	Budget Balance	% of Budget to
	Original Budget	Amendments	Budget			Date
000-NON-DEPARTMENTAL	1,083,019		1,083,019	563,220	519,799	52.00%
110-CITY COUNCIL	170,315		170,315	95,712	74,603	56.20%
130-CITY MANAGER	351,383		351,383	149,010	202,373	42.41%
150-LEGAL	426,775		426,775	172,424	254,351	40.40%
170-SPECIAL PROJECTS	75,000		75,000	109,298	(34,298)	145.73%
190-PLANNING	25,000		25,000	8,820	16,180	35.28%
120-FINANCE DEPARTMENT	712,931		712,931	374,784	338,147	52.57%
140-INFORMATION TECHNOLOG	334,586		334,586	215,058	119,528	64.28%
160-HUMAN RESOURCES	507,068	30,000 ⁶	537,068	301,259	235,809	56.09%
200-POLICE	5,433,642	28,798 ¹	5,462,440	2,870,694	2,591,746	52.55%
201-NARCOTICS TASK FORCE	568,574		568,574	191,094	377,480	33.61%
240-ANIMAL CONTROL	494,639		494,639	277,153	217,486	56.03%
210-FIRE	5,648,485	20,000 ²	5,668,485	3,124,484	2,544,001	55.12%
211-98-99 SAFER GRANT	427,917		427,917	409,090	18,827	95.60%
230-FIRE MARSHAL	163,535		163,535	84,422	79,113	51.62%
220-MUNICIPAL COURT	355,902		355,902	163,716	192,186	46.00%
300-CODE ENFORCEMENT/INSP	686,487		686,487	312,445	374,042	45.51%
310-GENERAL MAINTENANCE	174,807		174,807	22,347	152,460	12.78%
320-STREETS	3,279,789	20,529 ³	3,350,318	788,849	2,561,469	23.55%
		50,000 ⁸				
370-PARKS	607,265	1,200 ⁷	750,965	238,910	512,055	31.81%
		142,500 ⁹				
375-SPORTS COMPLEX	516,833	15,000 ⁴	531,833	351,641	180,192	66.12%
380-AQUATIC CENTER	383,944		383,944	55,749	328,195	14.52%
390-GOLF COURSE	1,097,171		1,097,171	395,388	701,783	36.04%
410-LAKE	124,065	55,000 ¹⁰	179,065	14,845	164,220	8.29%
420-CITY HALL	78,800	30,000 ⁵	108,800	70,237	38,563	64.56%
000-NON-DEPARTMENTAL	430,866		430,866	191,740	239,126	44.50%
000-NON-DEPARTMENTAL	1,468,000		1,468,000	674,000	794,000	45.91%
TOTAL BUDGETED EXPENSES	25,626,798	393,027	26,019,825	12,226,389	13,793,436	46.99%
NET INCREASE (DECREASE)	(2,163,711)	(364,229)	(2,365,440)	2,918,590	(5,284,030)	

Overview - Revenues

Sales tax collections (City Portion) for March totaled \$669,619, an increase of \$106,355 (18.88%) over prior year. Applying the current inflation rate of 4.48% the adjusted increase in sales tax for March is 14.4%.

Fiscal year to date collections is \$4,273,536, up 34% compared to last year, while the twelve-month moving average is 37% higher than projected without factoring an average inflation rate of 6.3%.

89.12% of the property taxes have been collected as of March 31st. Revenues are at an overall 64% collected, while the expenditures are at 46.99%. We will see that \$2,918,590 operating surplus diminish as the expenditures catch-up with the revenues.

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.

The Splashpad has been fully funded through grants from the Broughton Foundation and Star Ford/Star Dodge. The contract has been executed and the project should start within the next month. Construction time is estimated at 6 to 8 weeks.

The lighting at Garrett Field has been upgraded and the little league baseball teams are utilizing that facility now. We have also completed the irrigation line so all fields are being watered as necessary.

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

⁶ Civil Service increase due to lawsuit

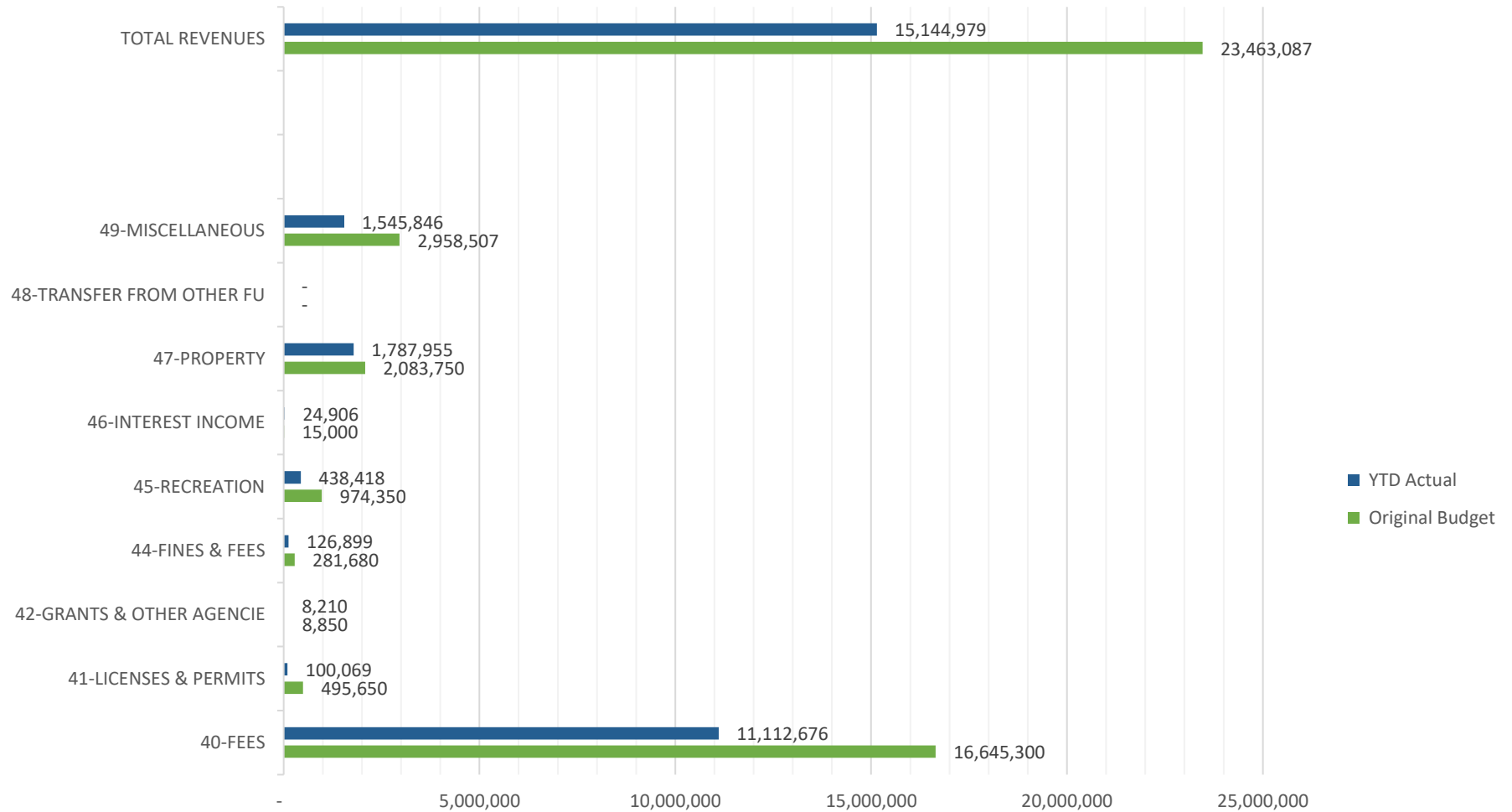
⁷ Mower

⁸ Sealcoat Project 2023

⁹ Donations from Star Dodge/Ford and Broughton Foundation for Splash pad

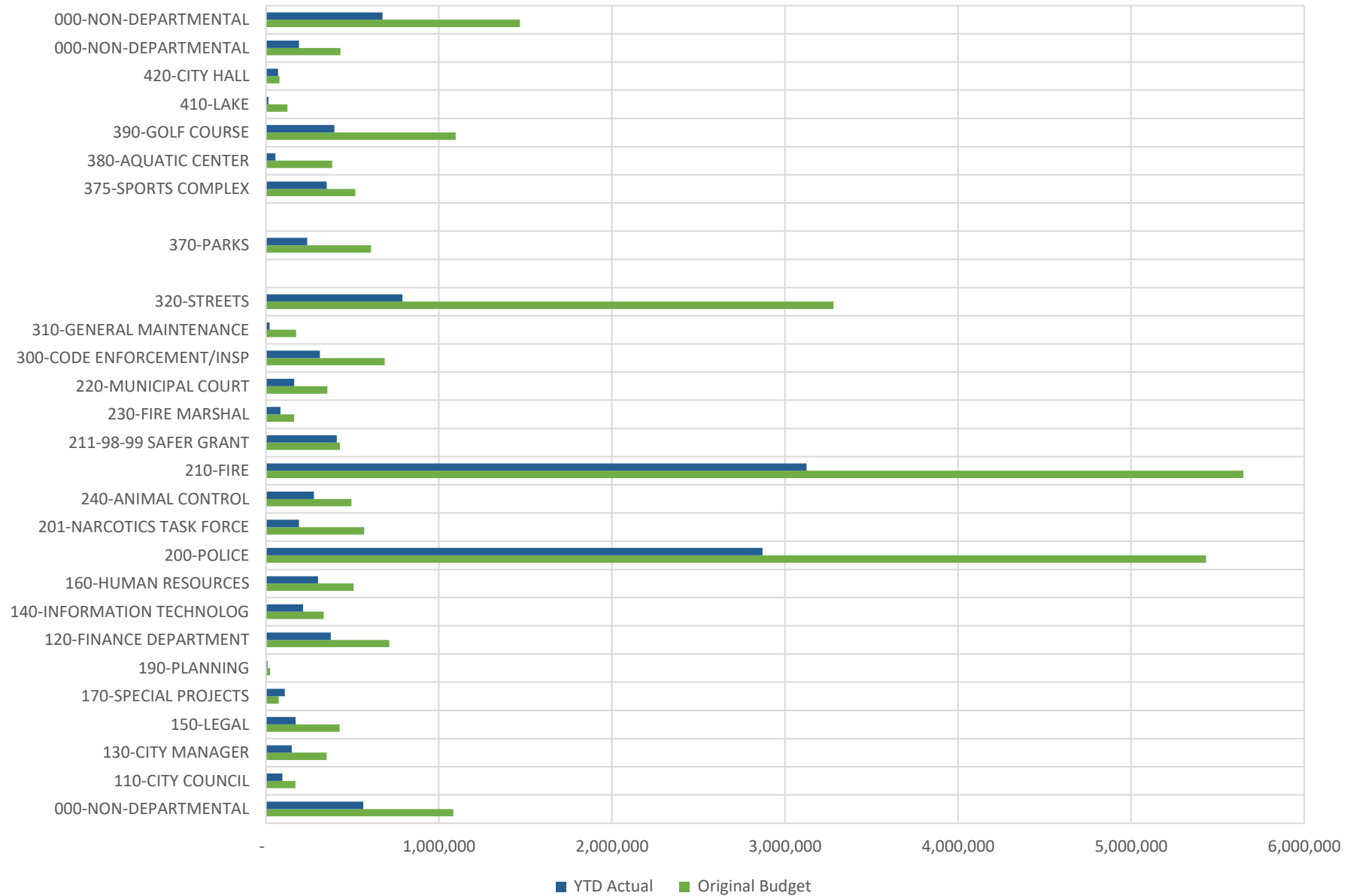
¹⁰ New Manufactured House for Lake

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	11,112,67	100,069	8,210	126,899	438,418	24,906	1,787,955	-	1,545,846			15,144,97
■ Original Budget	16,645,30	495,650	8,850	281,680	974,350	15,000	2,083,750	-	2,958,507			23,463,08

General Fund-Expenditures



CITY OF BIG SPRING
YEAR TO DATE OCTOBER 1, 2022 TO MARCH 31, 2023
2nd QTR - 50%
HOTEL/MOTEL

REVENUE	Revised Budget	Budget Amendments	Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
40-FEES	1,020,400		1,020,400	656,527	363,873	64.34%
45-RECREATION	2,200		2,200	1,162	1,038	52.82%
46-INTEREST INCOME	1,000		1,000	3,142	(2,142)	314.20%
47-PROPERTY	27,500		27,500	24,105	3,395	87.65%
49-MISCELLANEOUS	10		10	-	10	0.00%
TOTAL REVENUES	1,051,110	-	1,051,110	684,936	366,174	65.16%
EXPENDITURES	Revised Budget			YTD Actual	Budget Balance	% of Budget to Date
000-NON-DEPARTMENTAL	120,880		120,880	70,416	50,464	58.25%
510-DORA ROBERTS COMMUN.	327,596		327,596	28,571	299,025	8.72%
520-POTTON HOUSE	48,668		48,668	1,890	46,778	3.88%
530-AUDITORIUM	793,650		793,650	41,340	752,310	5.21%
540-SPECIAL PROJECTS	18,000		18,000	4,839	13,161	26.88%
560-CVB	683,455	10,600 ¹	694,055	321,716	372,339	46.35%
570-HISTORIC SPRING	106,000		106,000	28,985	77,015	27.34%
000-NON-DEPARTMENTAL	-			-	-	0.00%
000-NON-DEPARTMENTAL	-			-	-	0.00%
TOTAL BUDGETED EXPENSES	2,098,249	10,600	2,108,849	497,757	1,611,092	23.60%
NET INCREASE (DECREASE)	(1,047,139)	(10,600)	(1,057,739)	187,179	(1,244,918)	

Overview - Revenues

The Hotel Occupancy Tax (HOT) for the 2nd quarter is trending above budget by 64.32% and 59.46% over last year. Adjusted for inflation, this is an increase of 31.2%. There has been a \$97,324 increase over last year. Not all of March HOT Revenue has been received. The deadline to submit without penalty is April 30th, so the actual number will be even higher. This HOT tax is projected to be the highest since pre-COVID.

DRCC Rentals are also up, rentals are at 94.26% of budget.

Overview - Expenditures

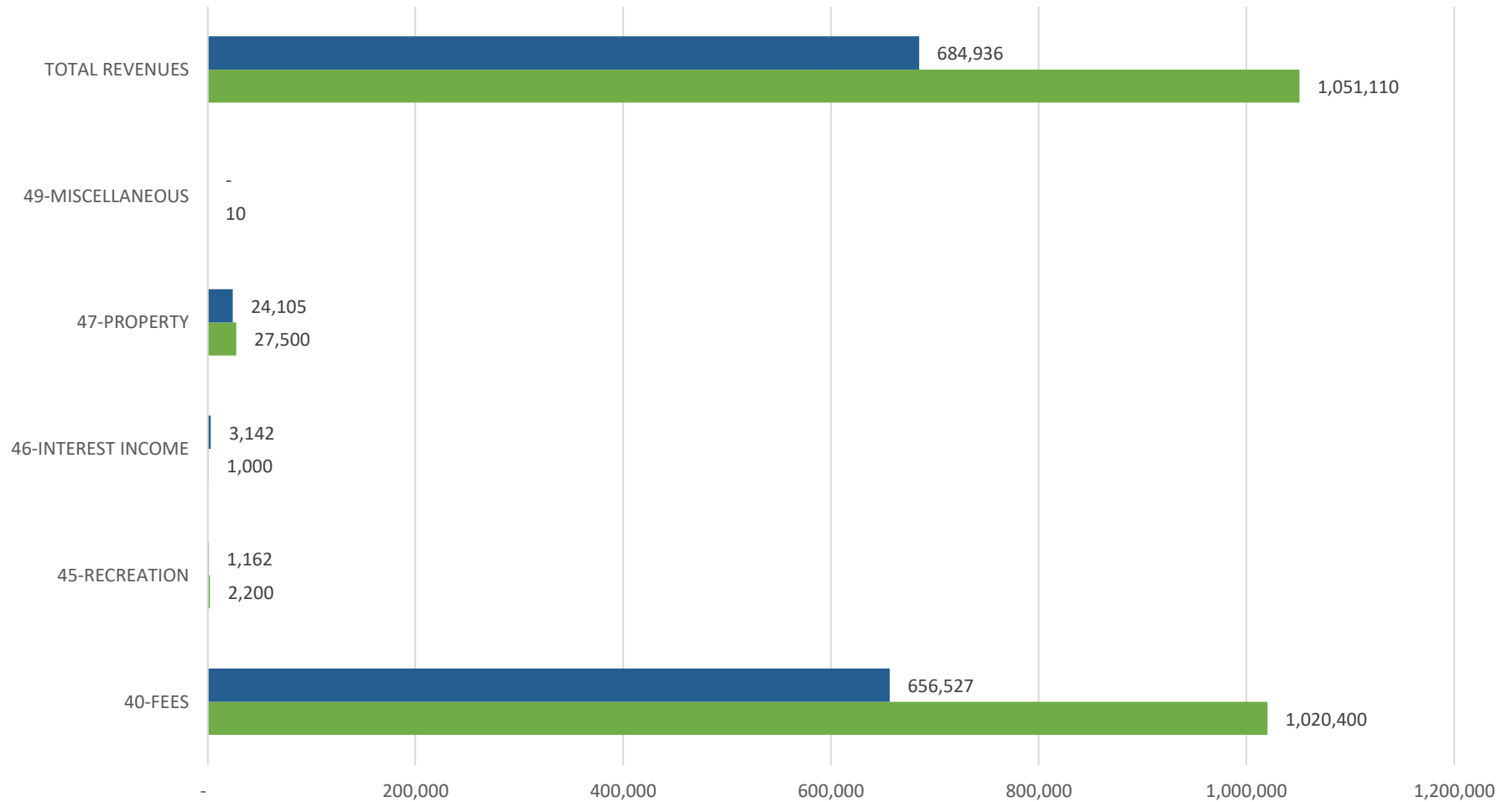
DRCC is under budget because there is a project to replace some of the flooring and windows. That is currently being researched, but not ready to come to council yet as a recommendation.

The Potten House also has some funds for capital improvements. We are in the process of trying to find contractors and getting bids. Since the Potten House is an historical building, there are certain guidelines that are required to be met, so this process is slow.

Footnotes

¹ Correction of clerical entry error in budget

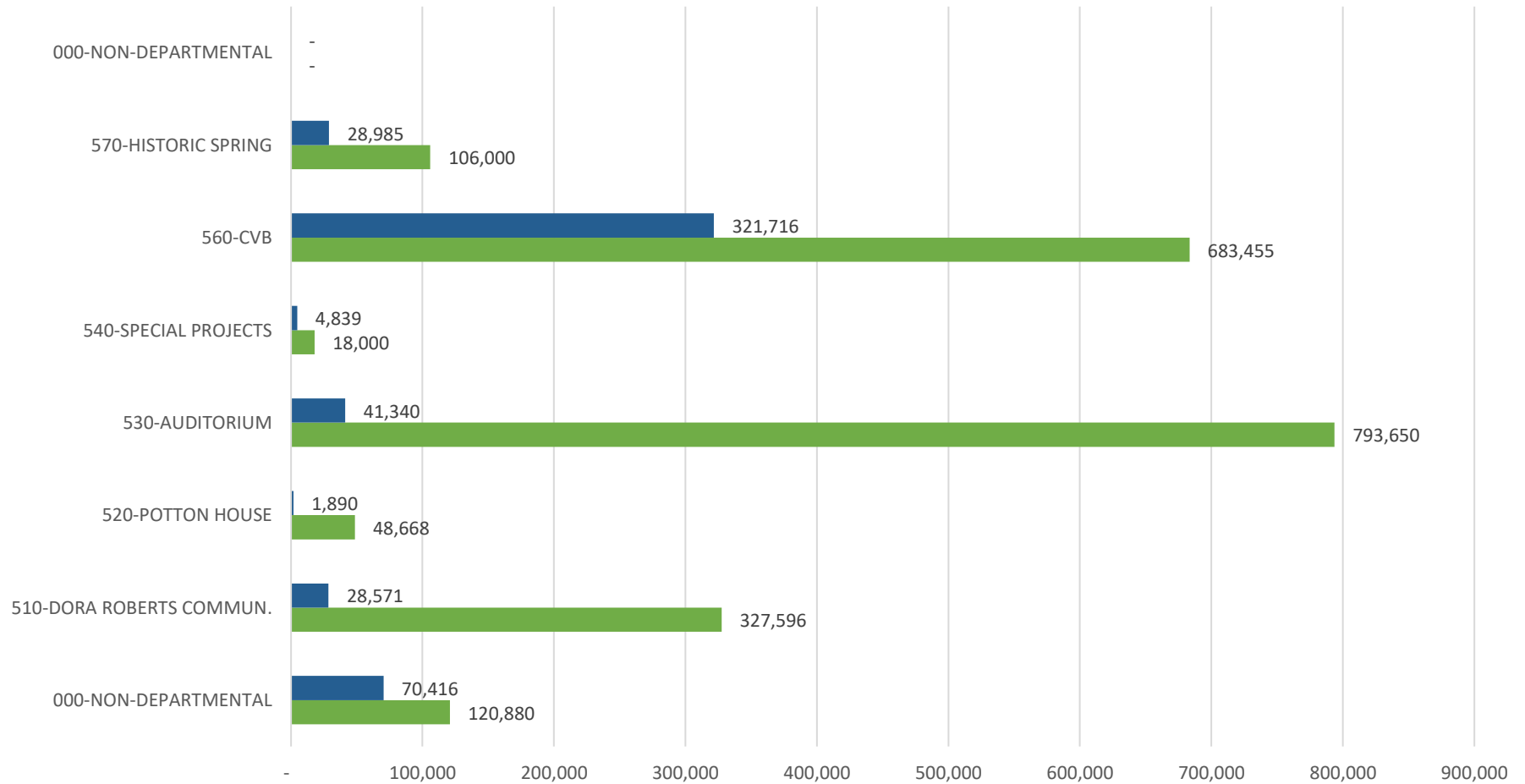
Hotel/Motel Fund-Revenues



	40-FEES	45-RECREATION	46-INTEREST INCOME	47-PROPERTY	49-MISCELLANEOUS	TOTAL REVENUES
■ YTD Actual	656,527	1,162	3,142	24,105	-	684,936
■ Revised Budget	1,020,400	2,200	1,000	27,500	10	1,051,110

■ YTD Actual ■ Revised Budget

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	70,416	28,571	1,890	41,340	4,839	321,716	28,985	-
■ Revised Budget	120,880	327,596	48,668	793,650	18,000	683,455	106,000	-

■ YTD Actual ■ Revised Budget

CITY OF BIG SPRING
YEAR TO DATE OCTOBER 1, 2022 TO MARCH 31, 2023
2nd QTR - 50%
UTILITY FUND

	Revised Budget	Budget Amendment	Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
REVENUES						
42-GRANTS & OTHER AGENCIES (ARPA)	3,492,172		3,492,172	3,507,930	(15,758)	100.45%
43-GENERAL SALES/OTHER SE	12,930,000		12,930,000	5,840,611	7,089,389	45.17%
46-INTEREST INCOME	14,000		14,000	44,449	(30,449)	317.49%
47-PROPERTY	3,040		3,040	-	3,040	0.00%
48-TRANSFER FROM OTHER FU	-		-	-	-	0.00%
49-MISCELLANEOUS	19,700		19,700	79,782	(60,082)	404.98%
TOTAL REVENUES	16,458,912	-	16,458,912	9,472,772	6,986,140	57.55%
EXPENDITURES						
735-WATER OFFICE-CUSTOMER	847,806		847,806	387,548	460,258	45.71%
000-NON-DEPARTMENTAL	5,055,534		5,055,534	2,218,271	2,837,263	43.88%
705-WATER TREATMENT	3,257,933		3,257,933	966,208	2,291,725	29.66%
710-DISTRIBUTION & COLLEC	4,037,059	10,000 ¹	4,047,059	1,855,465	2,191,594	45.85%
740-WASTEWATER TREATMENT	4,362,531		4,362,531	640,272	3,722,259	14.68%
745-MATERIAL CONTROL	168,905		168,905	80,199	88,706	47.48%
780-CITY HALL ANNEX	30,800		30,800	14,876	15,924	48.30%
000-NON-DEPARTMENTAL	95,912		95,912	1,946	93,966	2.03%
000-NON-DEPARTMENTAL	124,000		124,000	51,502	72,498	41.53%
TOTAL BUDGETED EXPENSES	17,980,480	10,000	17,990,480	6,216,287	11,774,193	34.55%
NET INCREASE (DECREASE)	(1,521,568)	(10,000)	(1,531,568)	3,256,485	(4,788,053)	

Overview - Revenues

The demolition on the old Interstate is approximately 90% complete. The total demolition cost is estimated at \$624,300. ARPA funds are being used for this project.

Water sales are about 5% below budget, but sales are usually slower in the winter than the spring/summer months. We should see an increase in sales for the rest of the year.

Other income is not typically budgeted, but \$79,782 is income as a result of equipment traded ins. (Cat Backhoes)

Overview - Expenditures

Expenditures are tracking at or below expected budget percentage. Some departments have projects ramping up, so expect to see an increase in expenditures during the next quarter.

The EDA grant for the reliever route - Engineers have been chosen and have started surveying the property and obtaining the right of way easements.

CDBG - DRP (Downtown Revitalization Plan) - received bids on 1/17/23, we submitted a change order and are waiting on TDA to approve it, before we start.

CDBG - Runnels grant - the survey should start next week, and we will be ready to go out on bid as soon as that is complete.

The ARPA Waterline Replacement for Lorilla, E 16th, W 16th and a 14" line replacement on State Park is almost complete.

The bid package for the ARPA funded lift station at Birdwell are almost complete.

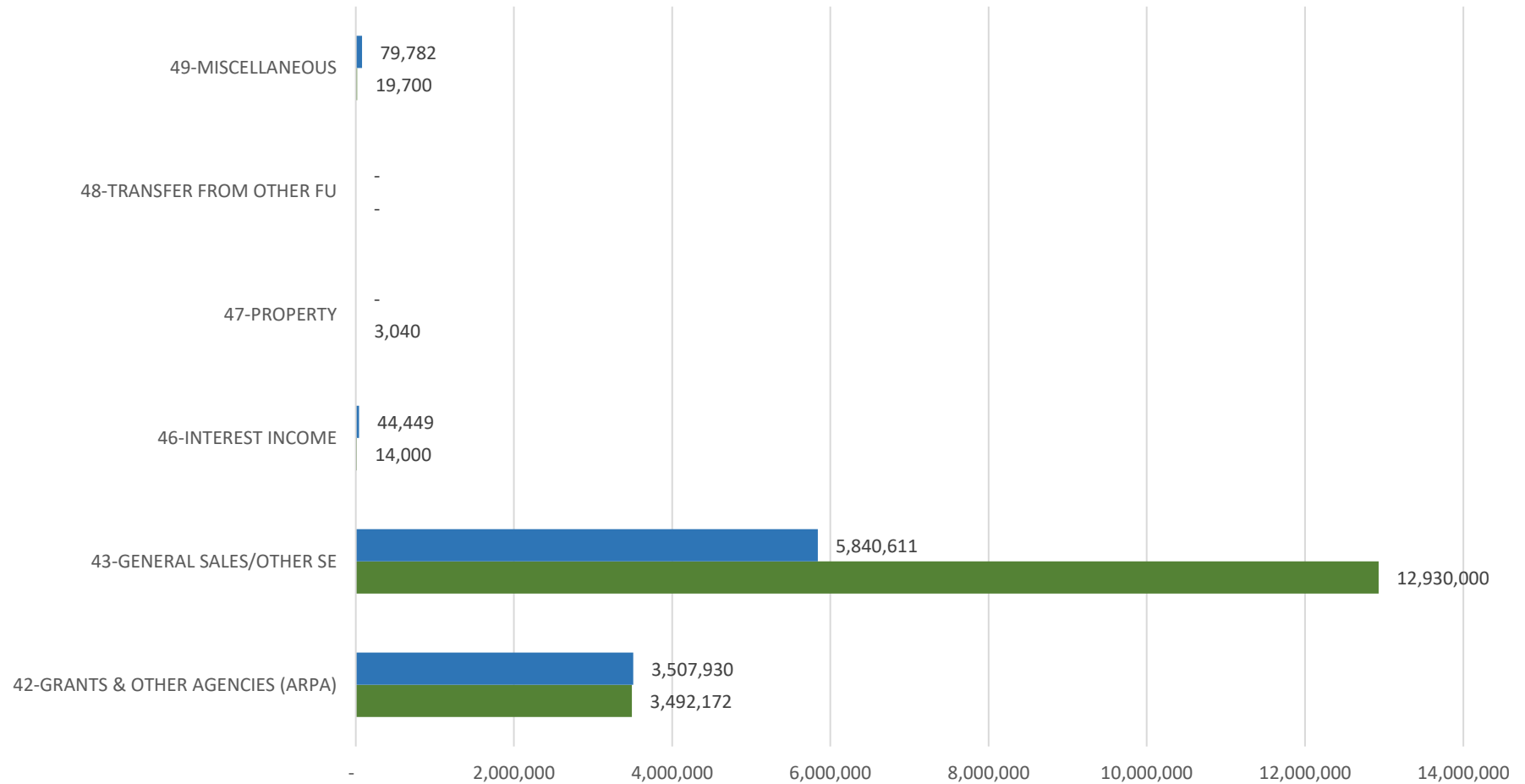
The Birdwell Dam project bid packages will be open 5/9/2023. This is an unbudgeted project due to the 5" rain storm we had last year. This will require a budget amendment.

The Sludge project is awaiting final approval from TCEQ. We will be retrofitting the sedimentation basins and centrifuge to extract excess sludge coming into the plant.

Footnotes:

¹ Purchase of a new jetter trailer for D&C

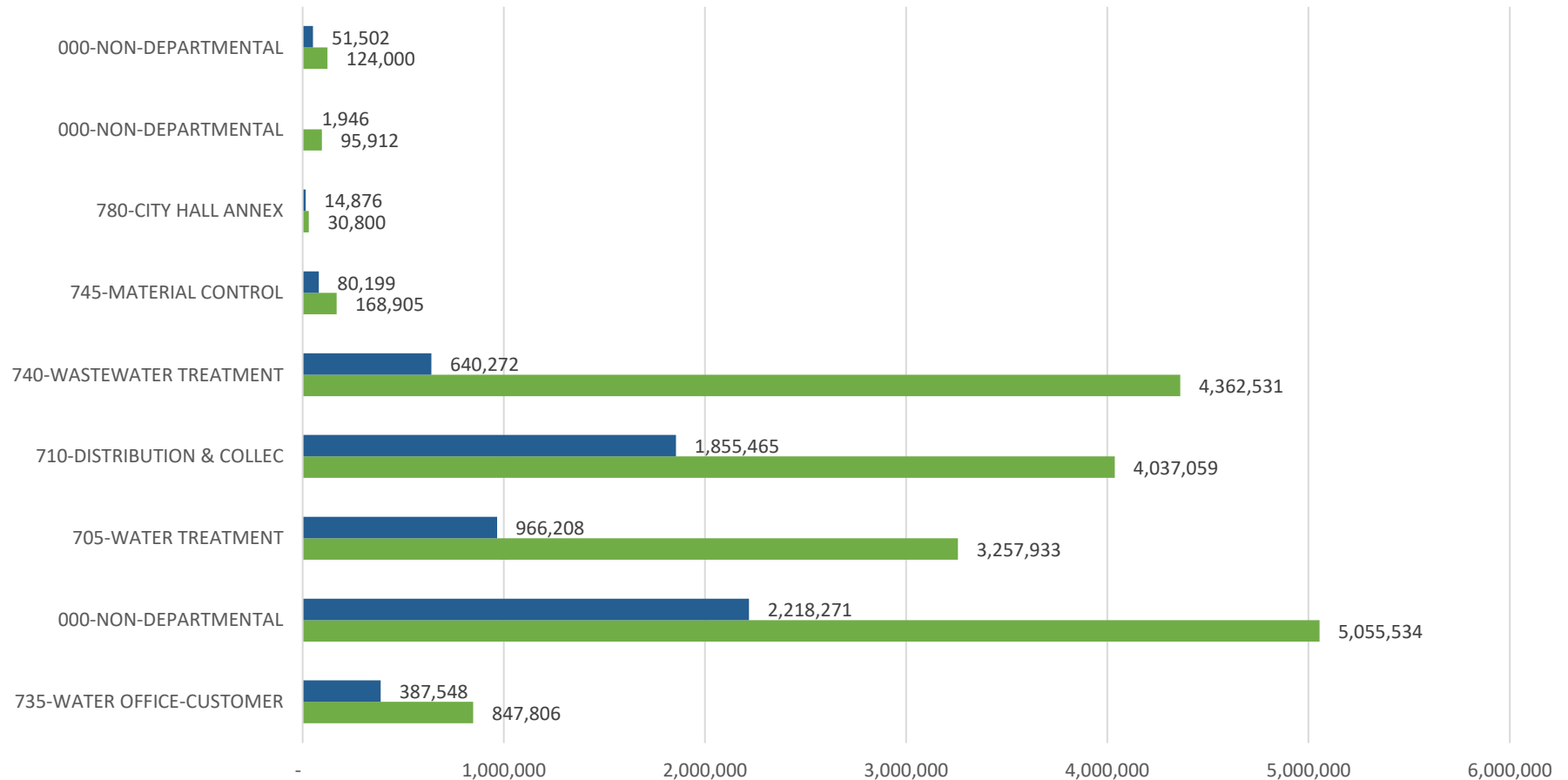
Utilities-Revenue



	42-GRANTS & OTHER AGENCIES (ARPA)	43-GENERAL SALES/OTHER SE	46-INTEREST INCOME	47-PROPERTY	48-TRANSFER FROM OTHER FU	49-MISCELLANEOUS
■ YTD Actual	3,507,930	5,840,611	44,449	-	-	79,782
■ Revised Budget	3,492,172	12,930,000	14,000	3,040	-	19,700

■ YTD Actual ■ Revised Budget

Utilities-Expenditures



	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	387,548	2,218,271	966,208	1,855,465	640,272	80,199	14,876	1,946	51,502
■ Revised Budget	847,806	5,055,534	3,257,933	4,037,059	4,362,531	168,905	30,800	95,912	124,000

■ YTD Actual ■ Revised
Budget

CITY OF BIG SPRING
YEAR TO DATE OCTOBER 1, 2022 TO MARCH 31, 2023
2nd QTR - 50%
AIRPARK FUND

REVENUE SUMMARY

	Revised Budget	Budget Amendments	Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
REVENUES						
45-RECREATION	100		100	-	100	0.00%
46-INTEREST INCOME	13,000		13,000	58,334	(45,334)	448.72%
47-PROPERTY	4,268,900		4,268,900	3,828,456	440,444	89.68%
49-MISCELLANEOUS	25,600		25,600	15,367	10,233	60.03%
TOTAL REVENUES	4,307,600	-	4,307,600	3,902,157	405,443	90.59%

DEPARTMENT EXPENSE SUMMARY

	Revised Budget		Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
EXPENDITURES						
000-NON-DEPARTMENTAL	-		-		-	
610-AIRPARK	6,050,827		6,050,827	974,030	5,076,797	16.10%
000-NON-DEPARTMENTAL	-		91,822	7,398	84,424	
TOTAL BUDGETED EXPENSES	6,050,827	-	6,142,649	981,428	5,161,221	15.98%
NET INCREASE (DECREASE)	(1,743,227)	-	(1,835,049)	2,920,729	(4,755,778)	

Overview - Revenues

Oil Royalties continue to boost the budget for the Airpark. Our very conservative budget will be exceeded, oil is still trending between \$70 - \$79/bbl.

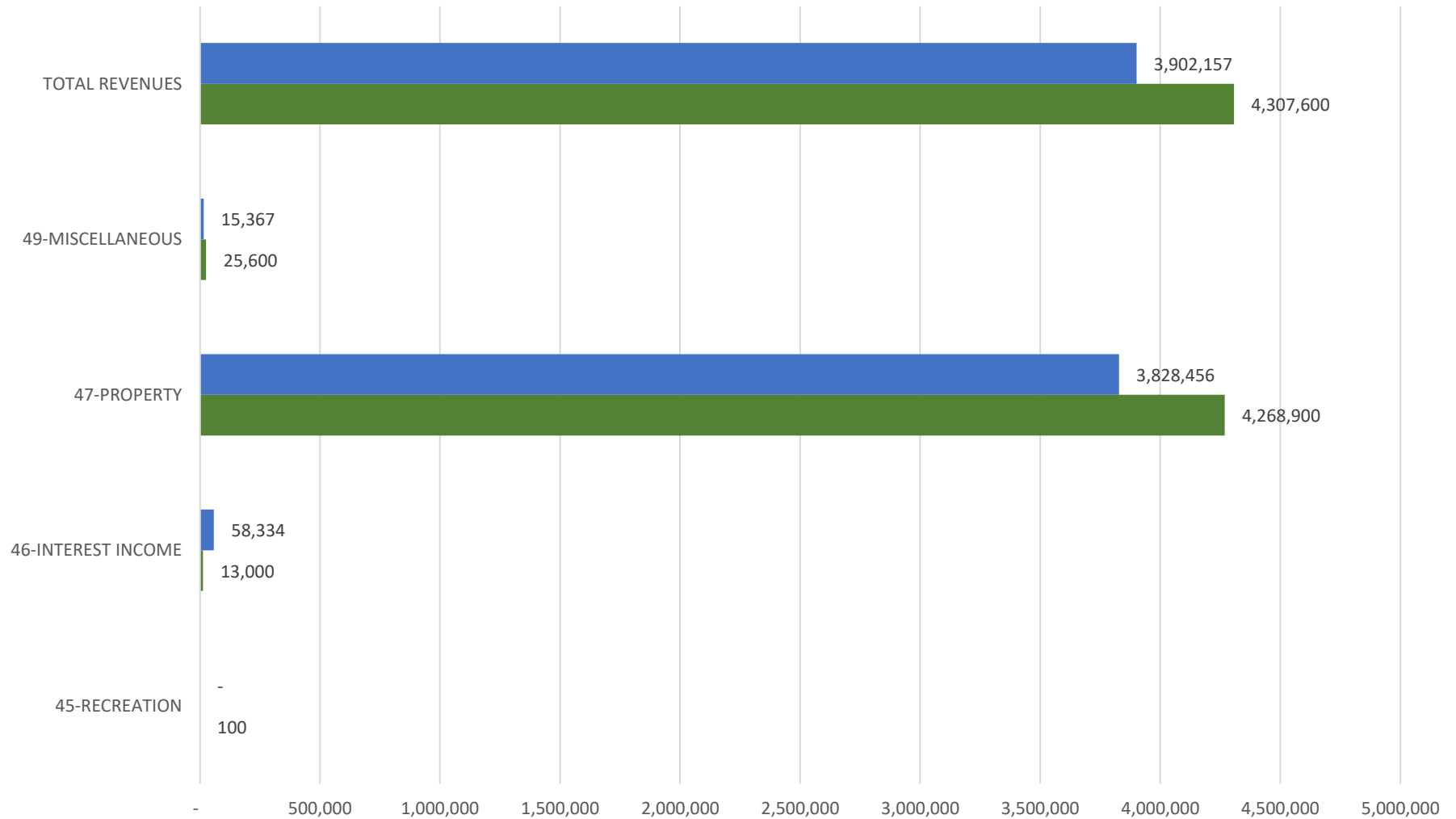
The RV Park has 9 spaces, and will be ready to rent as soon as an ordinance is passed authorizing the fees.

Overview - Expenses

Airpark has a TXDOT Aviation grant in the amount of \$365,000 (90/10 match) for an Airport Master Plan and ALP Update. We have paid our portion of the Master Plan, and have received the authorization to proceed.

We also have some concerns regarding our insurance premiums. We have a meeting set up with TML to review the premiums and see if we can negotiate a reduction.

Airpark-Revenue

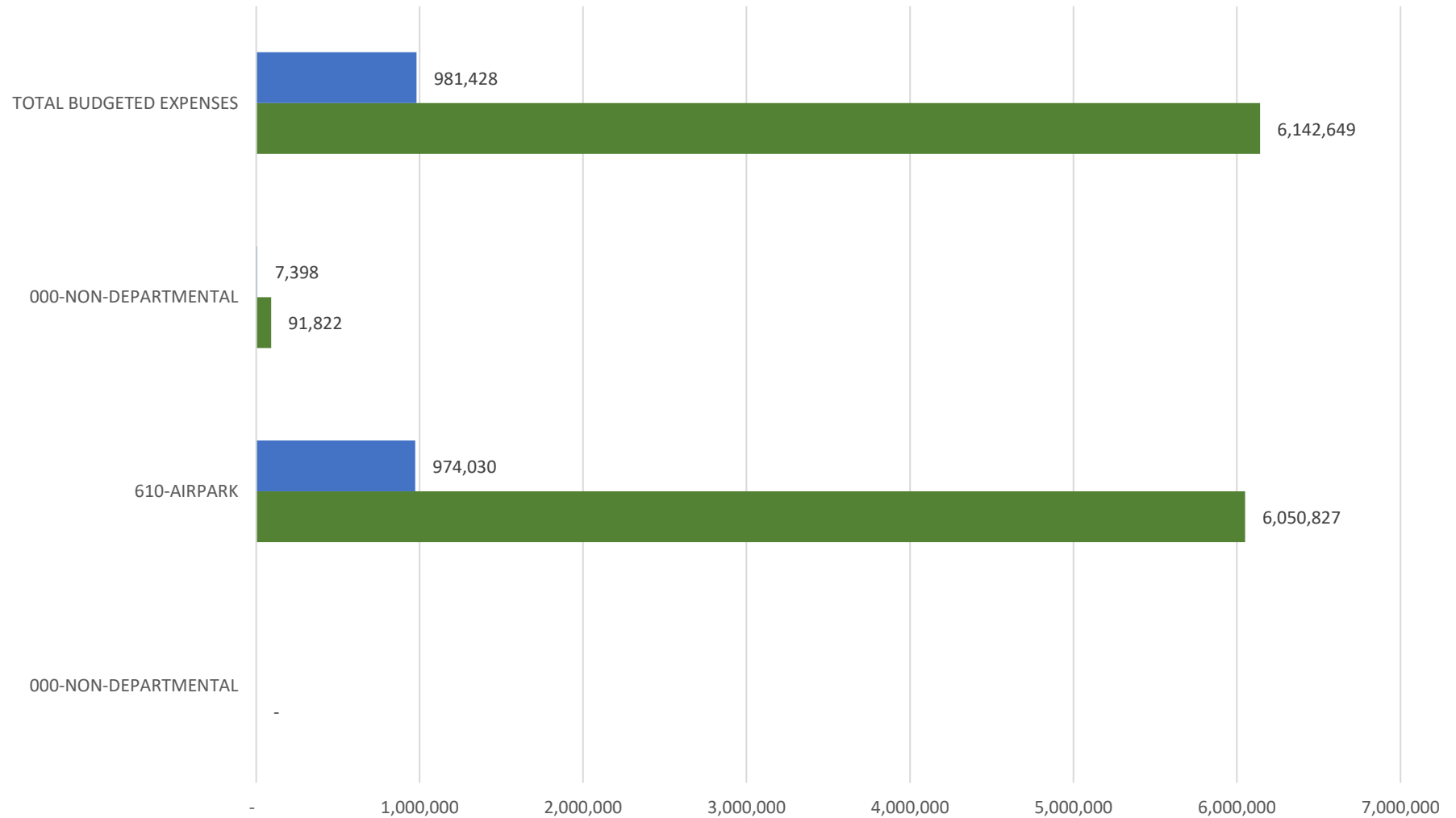


	45-RECREATION	46-INTEREST INCOME	47-PROPERTY	49-MISCELLANEOUS	TOTAL REVENUES
■ YTD Actual	-	58,334	3,828,456	15,367	3,902,157
■ Amended Budget	100	13,000	4,268,900	25,600	4,307,600

■ YTD Actual

■ Amended Budget

Airpark-Expenditures



	000-NON-DEPARTMENTAL	610-AIRPARK	000-NON-DEPARTMENTAL	TOTAL BUDGETED EXPENSES
■ YTD Actual		974,030	7,398	981,428
■ Amended Budget	-	6,050,827	91,822	6,142,649

■ YTD Actual ■ Amended Budget

CITY OF BIG SPRING
YEAR TO DATE OCTOBER 1, 2022 TO MARCH 31, 2023
2nd QTR - 50%
EMS

REVENUE SUMMARY

	Revised Budget	Budget Amendments	Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
REVENUES						
42-GRANTS & OTHER AGENCIES	450,000		450,000	225,000	225,000	50.00%
46-INTEREST INCOME	-		-	55	(55)	0.00%
47-PROPERTY	1,810,150		1,810,150	867,629	942,521	47.93%
48- TRANSFER FROM OTHER FUNDS	1,060,000		1,060,000	530,000	530,000	50.00%
49-MISCELLANEOUS	-		-	13,000	(13,000)	0.00%
TOTAL REVENUES	3,320,150	-	3,320,150	1,635,684	1,684,466	49.27%

DEPARTMENT EXPENSE SUMMARY

	Revised Budget		Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
EXPENDITURES						
000-NON-DEPARTMENTAL	-		-	-	-	0.00%
430-EMS	4,037,448		4,037,448	1,536,800	2,500,648	38.06%
000-NON-DEPARTMENTAL	57,057		57,057	2,671	54,386	4.68%
TOTAL BUDGETED EXPENSES	4,094,505	-	4,094,505	1,539,471	2,555,034	37.60%
NET INCREASE (DECREASE)	(774,355)	-	(774,355)	96,213	(870,568)	

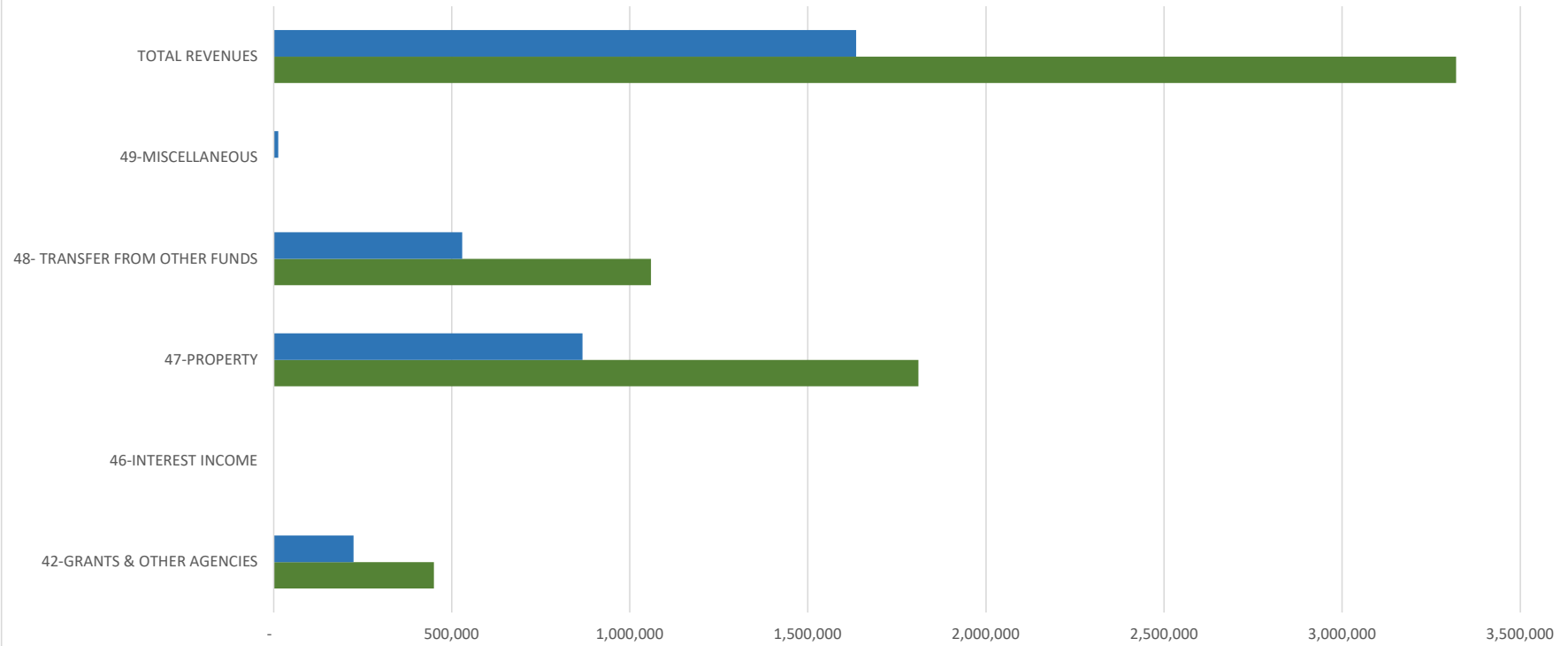
Overview - Revenues

Revenue 42-Grants & Other Agencies is the subsidy that we receive from the County. 48-Transfers from other Funds is the subsidy from the General Fund.

Overview - Expenses

Expenses are below budget, bad debt is adjusted monthly, it won't be until the end of the year that the bad debt will be completely reconciled.

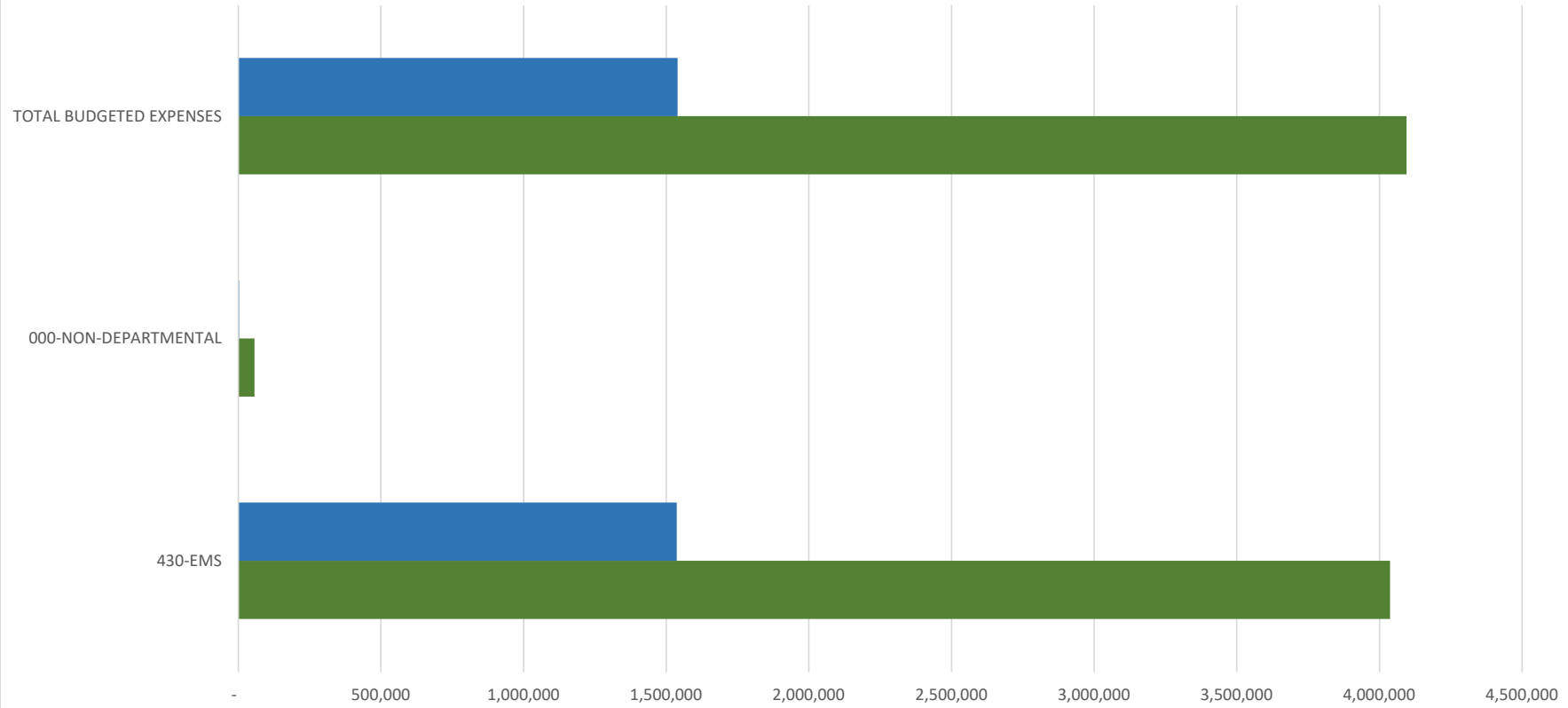
EMS-Revenue



	42-GRANTS & OTHER AGENCIES	46-INTEREST INCOME	47-PROPERTY	48- TRANSFER FROM OTHER FUNDS	49-MISCELLANEOUS	TOTAL REVENUES
■ YTD Actual	225,000	55	867,629	530,000	13,000	1,635,684
■ Amended Budget	450,000	-	1,810,150	1,060,000	-	3,320,150

■ YTD Actual ■ Amended Budget

EMS-Expenditures



	430-EMS	000-NON-DEPARTMENTAL	TOTAL BUDGETED EXPENSES
■ YTD Actual	1,536,800	2,671	1,539,471
■ Amended Budget	4,037,448	57,057	4,094,505

■ YTD Actual ■ Amended Budget

CITY OF BIG SPRING
YEAR TO DATE OCTOBER 1, 2022 TO MARCH 31, 2023
2nd QTR - 50%
LANDFILL

	Revised Budget	Budget Amendments	Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
REVENUES						
41-LICENSES & PERMITS	48,000		48,000	56,746	(8,746)	118.22%
42-GRANTS & OTHER AGENCIE	-		-	-	-	0.00%
43-GENERAL SALES/OTHER SE	1,837,600		1,837,600	889,401	948,199	48.40%
46-INTEREST INCOME	11,500		11,500	92,054	(80,554)	800.47%
48-TRANSFER FROM OTHER FUNDS	250,000		250,000	-	250,000	0.00%
49-MISCELLANEOUS	30		30	808	(778)	2693.33%
TOTAL REVENUES	2,147,130	-	2,147,130	1,039,009	1,108,121	48.39%
EXPENDITURES	Revised Budget			YTD Actual	Budget Balance	% of Budget to Date
000-NON-DEPARTMENTAL	-			-	-	0.00%
350-LANDFILL	1,818,898	50,000 ¹	1,868,898	760,242	1,108,656	40.68%
000-NON-DEPARTMENTAL	208,243		208,243	5,925	202,318	2.85%
TOTAL BUDGETED EXPENSES	2,027,141	50,000	2,077,141	766,167	1,310,974	36.89%
NET INCREASE (DECREASE)	119,989	(50,000)	69,989	272,842	(202,853)	

Overview - Revenue

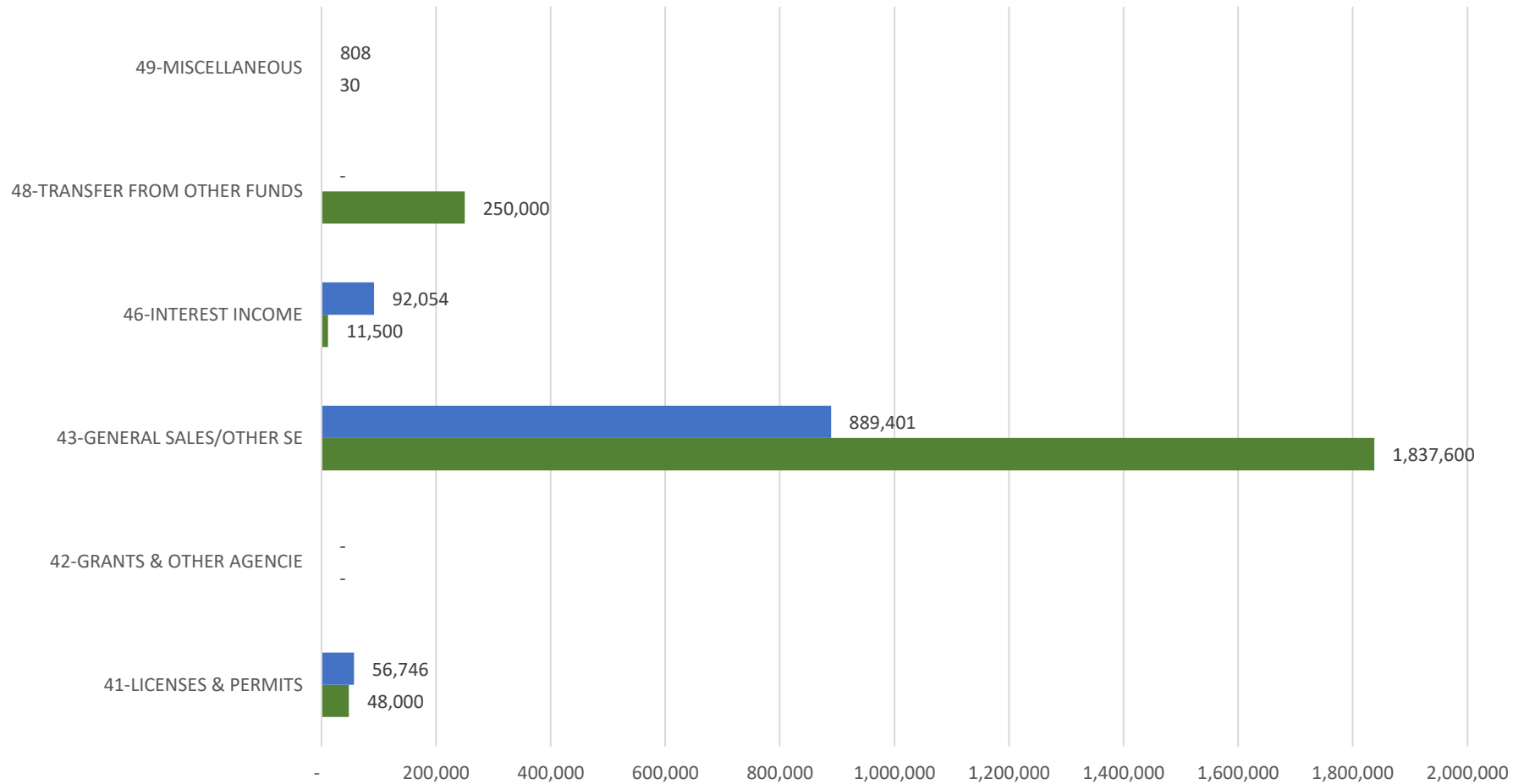
Revenues are trending right on budget, interest income continues to benefit the fund balance.

It appears that our adjustments to the permit and gate fees has been a beneficial change. We are already at 71.37% of last years tipping fees.

Overview - Expenses

Vacancies have kept the fund underbudget for the first 2 quarters. We still have 2 vacancies, and we do not know when those will be filled.

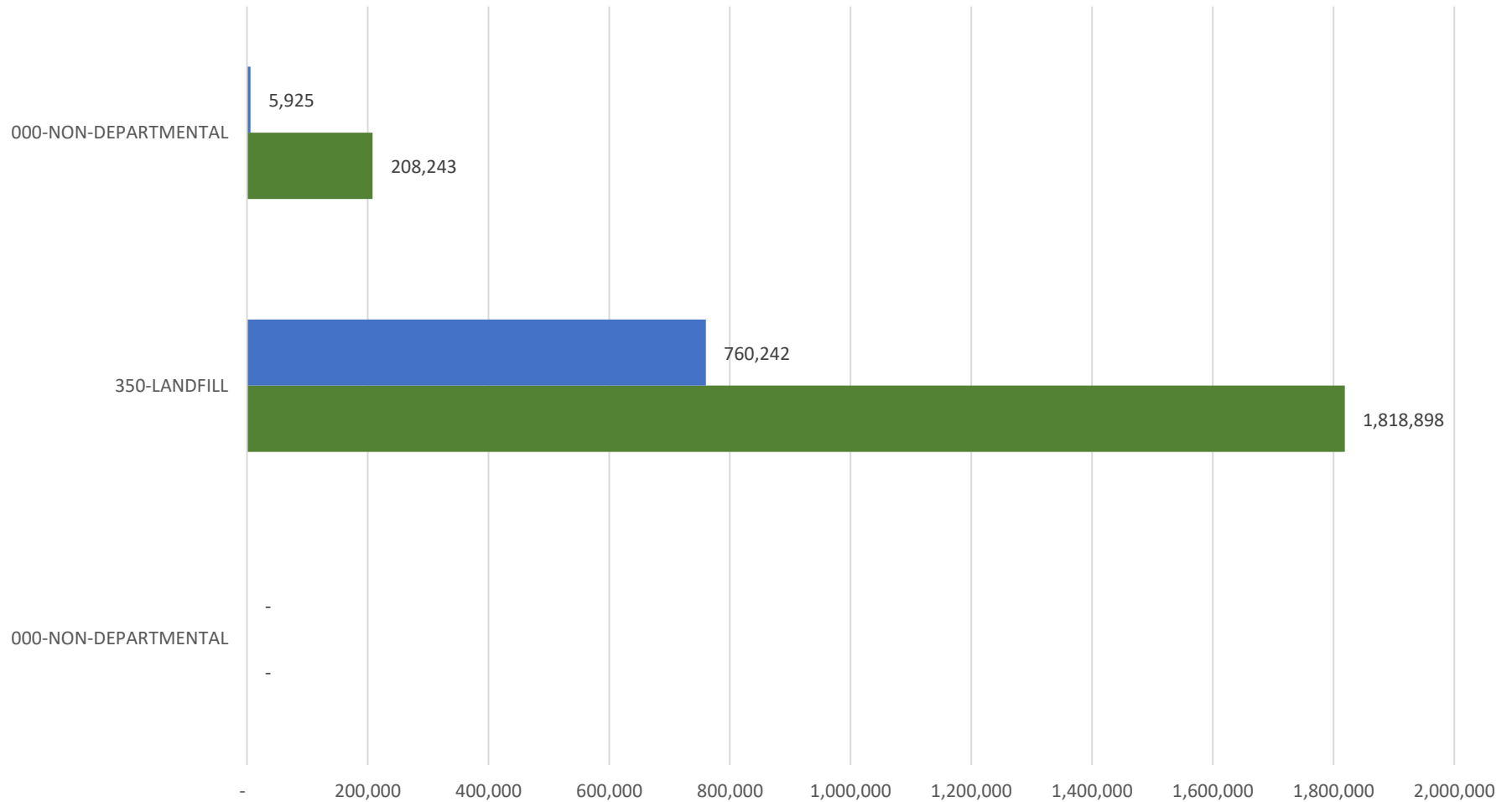
Landfill-Revenue



	41-LICENSES & PERMITS	42-GRANTS & OTHER AGENCIE	43-GENERAL SALES/OTHER SE	46-INTEREST INCOME	48-TRANSFER FROM OTHER FUNDS	49-MISCELLANEOUS
■ YTD Actual	56,746	-	889,401	92,054	-	808
■ Revised Budget	48,000	-	1,837,600	11,500	250,000	30

■ YTD Actual ■ Revised Budget

Landfill-Expenditures



	000-NON-DEPARTMENTAL	350-LANDFILL	000-NON-DEPARTMENTAL
■ YTD Actual	-	760,242	5,925
■ Revised Budget	-	1,818,898	208,243

■ YTD Actual ■ Revised Budget

CITY OF BIG SPRING
YEAR TO DATE OCTOBER 1, 2022 TO MARCH 31, 2023
2nd QTR - 50%
SANITATION FUND

	Revised Budget	Budget Amendments	Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
REVENUES						
43-GENERAL SALES/OTHER SE	3,654,000		3,654,000	1,773,579	1,880,421	48.54%
46-INTEREST INCOME	1,400		1,400	3,921	(2,521)	280.07%
47-PROPERTY	85,000		85,000	55,530	29,470	65.33%
49-MISCELLANEOUS	-					
TOTAL REVENUES	3,740,400	-	3,740,400	1,833,030	1,907,370	49.01%
EXPENDITURES						
000-NON-DEPARTMENTAL	-		-	-	-	0.00%
330-SANITATION	3,984,420	29,100 ¹	4,013,520	1,783,165	2,230,355	44.43%
000-NON-DEPARTMENTAL	209,188		209,188	9,226	199,962	4.41%
000-NON-DEPARTMENTAL	250,000				-	0.00%
TOTAL BUDGETED EXPENSES	4,443,608	29,100	4,222,708	1,792,391	2,430,317	42.45%
NET INCREASE (DECREASE)	(703,208)	(29,100)	(482,308)	40,639	(522,947)	

Overview - Revenue

Revenue is trending right at 50%, where it is expected.

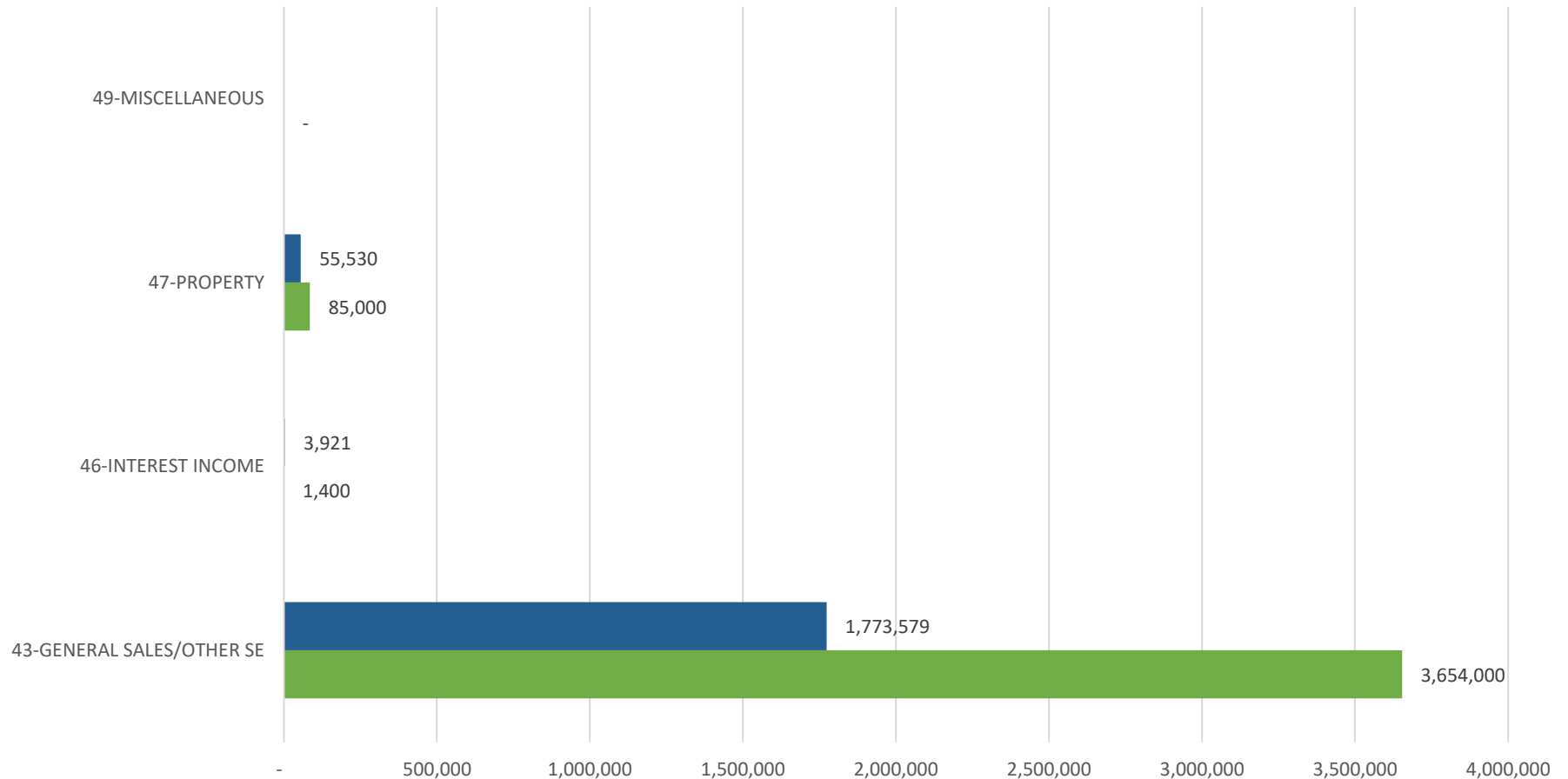
Overview - Expenses

We have two sanitation trucks budgeted for a total of \$580,000, that we cannot find to purchase, so if you remove that from the budget, Sanitation is trending at 49.21%, still trending on budget.

¹ Budget Adjustment for the cardboard recycling equipment

*Includes a 550,000 Transfer not yet booked.

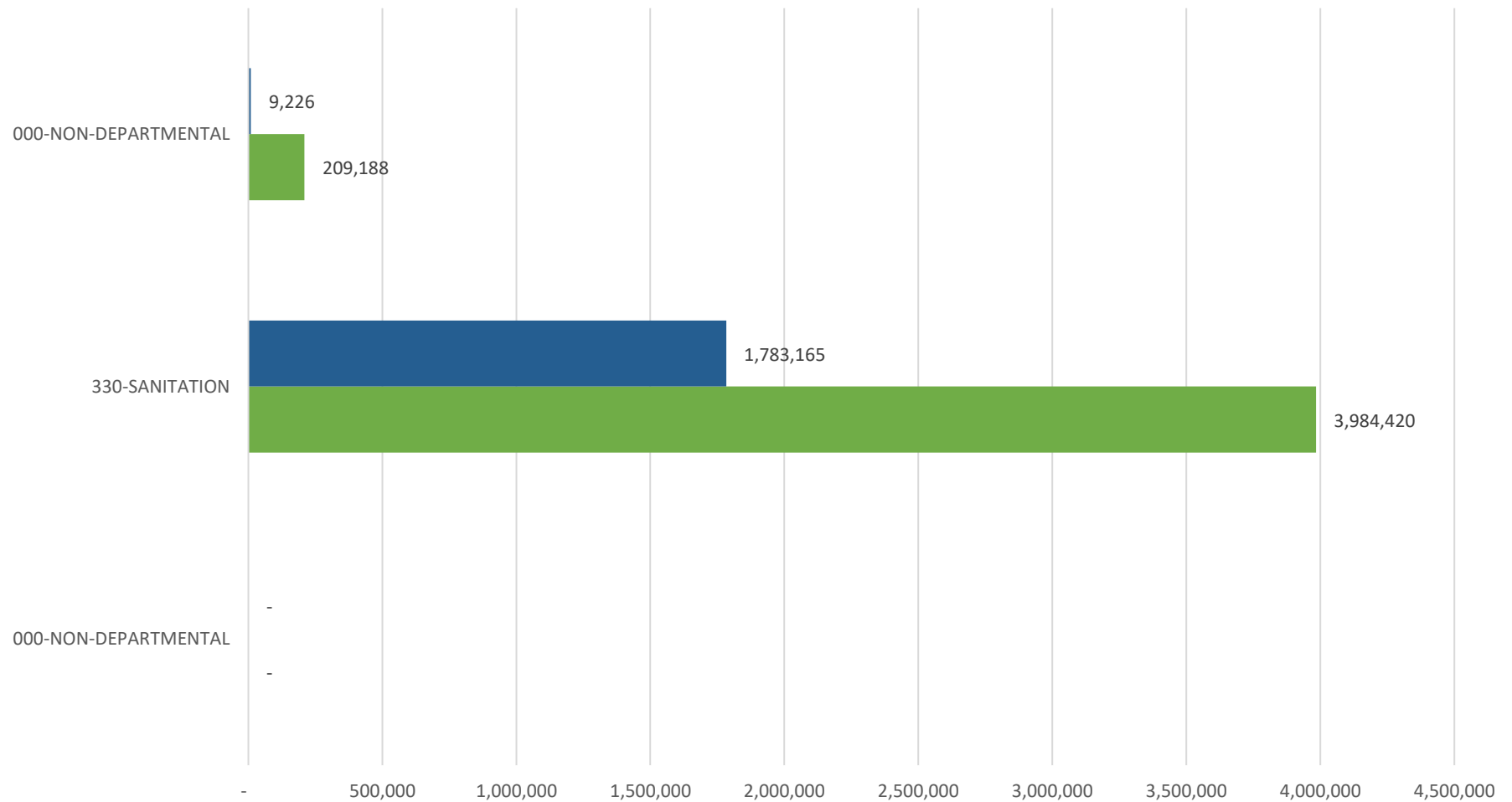
Sanitation-Revenues



	43-GENERAL SALES/OTHER SE	46-INTEREST INCOME	47-PROPERTY	49-MISCELLANEOUS
■ YTD Actual	1,773,579	3,921	55,530	
■ Revised Budget	3,654,000	1,400	85,000	-

■ YTD Actual ■ Revised Budget

Sanitation-Expenditures



	000-NON-DEPARTMENTAL	330-SANITATION	000-NON-DEPARTMENTAL
■ YTD Actual	-	1,783,165	9,226
■ Revised Budget	-	3,984,420	209,188

■ YTD Actual ■ Revised Budget



Memorandum

Date: 04/25/2023

From: John Medina, ACM

To: Mayor and City Council

Re: 2022-2023 Budget Amendment

A budget amendment is necessary for the continuance of the property abatement program. The original budget was \$75,000. We have currently exceeded that amount. Continued abatement will need to be funded. We estimate that an additional \$175,000 will be sufficient to fund the program through year end.

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 FUNDING THE PROPERTY ABATEMENT PROGRAM OF SUBSTANDARD STRUCTURES AND OTHER CODE VIOLATIONS; 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 original budget for property abatement has been exceeded and funds are needed for the continuance of the property abatement program.

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 \$175,000.00 to the special projects account number 002-001-170-5311-15, for the purpose of continued property abatement of substandard structures and other code violations. 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 **25th** day of **April, 2023** with all members of the Council present 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 **9th** day of **May, 2023** with all members of the Council present voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary



Memorandum

Date: 04/25/2023

From: Sandy Smith, Finance Director

To: Mayor and City Council

Re: 2022-2023 Budget Amendment

The budget for the SAFER Grant was funded through March 31, 2023. This budget amendment will provide for the salaries for the personnel hired with SAFER Grant funds through May, 2023.

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 THE CONTINUED FUNDING OF THE FIRE DEPARTMENT EMPLOYEES THAT WERE FUNDED THROUGH THE SAFER GRANT; 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 original budget for the SAFER grant ended on March 31, 2023. This budget amendment will continue the funding for April and May, 2023.

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 \$160,000.00 to Department 002-012-211 SAFER Grant (and respective Personnel Services accounts) for the purpose continued funding for salaries for employees hired through the SAFER Grant funds for April and May, 2023. 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 **25th** day of **April, 2023** with all members of the Council present 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 **9th** day of **May, 2023** with all members of the Council present voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary



Memorandum

Date: 04/25/2023

From: John Medina, ACM

To: Mayor and City Council

Re: 2022-2023 Budget Amendment

The budget amendment for the purchase of a tractor for Moss Creek Lake. The current tractor they have is not operable. The tractor is needed for the maintenance of the roads and campsites.

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 TRACTOR FOR MOSS CREEK LAKE; 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 original budget did not include a budget for a tractor for Moss Creek Lake, but due to equipment failure, it is necessary for maintenance of the roads.

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 \$25,000.00 to the vehicle account 002-027-410-6401 Vehicle account for the purpose of the purchase of a tractor for maintenance at Moss Creek Lake. 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 25th day of April, 2023 with all members of the Council present 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 9th day of May, 2023 with all members of the Council present 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 38, SECTION 38-11 OF THE BIG SPRING CITY CODE AUTHORIZING CODE ENFORCEMENT OFFICERS TO BE ISSUED ADMINISTRATIVE SEARCH WARRANTS TO BROADEN THE AUTHORIZATION TO CODE ENFORCEMENT OFFICIALS; TO MOVE THE ORDINANCE TO CHAPTER 2, SECTION 2-59 THE BIG SPRING CITY CODE AND PROVIDING FOR MISCELLANEOUS AMENDMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE WAS DISCUSSED AND ACTED ON WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, By statute, Texas state law allows a magistrate to issue administrative search warrants, Article 18.05, Code of Criminal Procedure; and

WHEREAS, The statute allows a fire marshal or a health officer to be issued an administrative search warrant; and

WHEREAS, The statute also allows one or more code enforcement officials to be authorized by a municipality to be issued an administrative search warrant; and

WHEREAS, A municipality is not required to employ a person licensed as a code enforcement officer if the municipality engages in code enforcement, but a municipal employee using the title of "code enforcement officer" must be so licensed, 16 Texas Administrative Code, Section 62.30(b); and

WHEREAS, The City of Big Spring Building Official has, among other duties, code enforcement duties; and

WHEREAS, The City's current ordinance authorizes a code enforcement officer to receive an administrative search warrant, but those code compliance officials of the City who are not yet licensed as "code enforcement officers" could be authorized to be issued an administrative search warrant as code enforcement officials under the statute, Article 18.05, Code of Criminal Procedure; and

WHEREAS, The City's current ordinance authorizes a fire marshal to receive an administrative search warrant, but this authorization was already granted by state law; and

WHEREAS, City Council finds it advisable to amend the ordinance, and to move the codified ordinance within the Big Spring City Code to Article 2, Administration, Article III,

Officers and Employees, recognizing that the ordinance concerns officials involved in code enforcement specifically;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS:

SECTION 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. Section 38-11 located in Article I “In General,” Chapter 38, "Offenses and Miscellaneous Provisions," Big Spring City Code is hereby moved to Section 2-59, “Article III, “Officers and Employees,” Chapter 2, “Administration,” in the Big Spring City Code and amended as follows:

Big Spring City Code
Chapter 38—Offenses and Miscellaneous Provisions
Article I—In General

Chapter 2 - Administration
Article III - Officers and Employees

Section ~~42-44~~ 2-59. Administrative Search Warrants Authorization for Code Enforcement Officials

(a) Each code enforcement officer, code enforcement technician, and building official employed by the City are “code enforcement officials” and may be issued an administrative search warrant to determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance.

(b) The City Manager may, with a signed, written document, filed with the City Secretary and made available to the public, change the list of code enforcement officials that may be issued an administrative search warrant.

(c) On searching the place ordered to be searched, the official executing the warrant shall present a copy of the warrant to the owner of the place, if he is present. If the owner of the place is not present but a person who is present is in possession of the place, the official shall present a copy of the warrant to the person. If neither the owner nor a person in possession of the property is present when the official executes the warrant, the official shall leave a copy of the warrant and the inventory at the place.

~~(a) The City of Big Spring designates each code enforcement officer, fire marshal, and building official under the Texas Code of Criminal Procedure § 18.05 to apply for and execute an administrative search warrant to determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance. The city manager may change, with a signed, written~~

document, made available to the public, the list of officers that may apply for and execute administrative search warrants.

~~(b) A search warrant may not be issued under this section except upon the presentation of evidence of probable cause to believe that a fire or health hazard or violation or unsafe building condition is present in the premises sought to be inspected. In determining probable cause, the magistrate is not limited to evidence of specific knowledge, but may consider any of the following:~~

- ~~(1) The age and general condition of the premises;~~
- ~~(2) Previous violations or hazards found present in the premises;~~
- ~~(3) The type of premises;~~
- ~~(4) The purposes for which the premises are used; and~~
- ~~(5) The presence of hazards or violations in and the general condition of premises near the premises sought to be inspected.~~

NOTE* Language to be added appears underlined and language to be deleted is ~~stricken~~.

SECTION 2. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances 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 remainder of this ordinance shall not be affected thereby.

SECTION 4. It is hereby officially found and determined that the meeting at which this Ordinance was adopted is open to the public and that public notice of the time, place and purpose of said meeting was given as required by law.

SECTION 6. This Ordinance shall become effective upon its second immediately.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **25th** day of **April, 2023** with all members of the Council present 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 9th day of May, 2023 with all members of the Council present voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary