



## CITY COUNCIL REGULAR AGENDA

**Tuesday, May 9, 2023**

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, May 9, 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. <b>Public Comment</b> | Moore |
|--------------------------|-------|



## **Announcements, Presentations and Public Hearings**

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

- |                                                                                                                                                                                                                                                                                              |         |        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|--------|
| 5. <b>PROCLAMATION</b> - National Police Week                                                                                                                                                                                                                                                | 8       | Moore  |
| 6. <b>PUBLIC HEARING</b> Regarding a Zone Change (Z22-04) from Agricultural (A) to Single Family Residential (SF-2) for Approximately 5.08 Acres of Land Out of N/2 of Section 8, Block 32, T-1-S, T&P RR. Co. Survey, Big Spring, Howard County, Texas.                                     | 9-13    | Bowles |
| 7. <b>TABLED</b> - Consideration and Possible Action Concerning Abatement of Public Nuisance 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                       | 14-59   | Hagen  |
| 8. <b>TABLED</b> - Consideration and Possible Action Concerning Abatement of Public Nuisance at, 604 ABRAMS ST BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 3 BK 15 EARLES 50X130 897 0.149 ACRES - OWNER: LUPE CHAVARRIA , ESTATE OF EDWARD CHAVARRIA                                        | 60-88   | Hagen  |
| 9. PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 305 E 9TH STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: PT S/50' OF LT 3 BK 74 ORIGINAL TOWN 50X140 1059 0.161 ACRES ACQ 06102020 - OWNER: NOE G SOLIZ , SR.                            | 89-127  | Hagen  |
| 10. PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 804 JOHNSON STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: S/75' LT BK 73 ORIGINAL TOWN 75X140 1067 ACQ 02162022 0.241 ACRES - OWNER: BRITTANY M SALAZAR                                | 128-168 | Hagen  |
| 11. PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1302 SYCAMORE STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES - OWNER: BROWN FAMILY TRUST, CARROLL J AND EVELYN M TRUSTEES | 169-252 | Hagen  |

- |                                                                                                                                                                                                                                                                                                          |             |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------|
| 12. PUBLIC HEARING - Consideration and Possible Action<br>Concerning Abatement of Public Nuisance, at 1008 E 13TH<br>STREET, BIG SPRING, TEXAS 79720 - LEGAL<br>ADDRESS:LT 5 BK 32 COLE & STRAYHORN 50X140 412<br>ACQ 07142021 BLK/TRACT 32 0.161 ACRES - OWNER:<br>ROGER G ALPHIN JR AND SANTANA DELEON | 253-<br>293 | Hagen |
| 13. PUBLIC HEARING - Consideration and Possible Action<br>Concerning Abatement of Public Nuisance, at 1302 MAIN<br>STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS:<br>LT 11 BK 7 MCDOWELL HEIGHTS 50X140 236 BLK/TRACT<br>7 0.161 ACRES - OWNER: JACK AND MARJORIE WALLIS                               | 294-<br>342 | Hagen |
| 14. PUBLIC HEARING - Consideration and Possible Action<br>Concerning Abatement of Public Nuisance, at 1321 ELM<br>STREET, BIG SPRING, TEXAS 79720 - LEGAL<br>ADDRESS:LT 11 BK 4 MESA 50X142 019 ACQ 11062015<br>BLK/TRACT 331S 0.163 ACRES - OWNER: KASEY D<br>RAWLS                                     | 343-<br>391 | Hagen |
| 15. PUBLIC HEARING - Consideration and Possible Action<br>Concerning Abatement of Public Nuisance, at 411 NW 8TH<br>STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS:<br>LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES-<br>OWNER:JIMMY ALEMAN                                                                  | 392-<br>435 | Hagen |
| 16. PUBLIC HEARING - Consideration and Possible Action<br>Concerning Abatement of Public Nuisance, at 413 NW 8TH<br>STREET, BIG SPRING, TEXAS 79720 - LEGAL<br>ADDRESS:PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT<br>18 0.17 ACRES - OWNER:JIMMY ALEMAN                                                      | 436-<br>482 | Hagen |

### **City Manager's Report**

- |                                                                                                                                                                                                                       |        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 17. City Manager's report on the following items:                                                                                                                                                                     | Darden |
| <ul style="list-style-type: none"> <li>• Large Item Pickup, District 5 - May 17, 2023</li> <li>• Splash Pad Update</li> <li>• Write-of-Ways Update</li> <li>• Bid Opening for Birdwell Park Detention Pond</li> </ul> |        |

### **Consent Items**

- |                                                                                       |             |       |
|---------------------------------------------------------------------------------------|-------------|-------|
| 18. Approval of the City Council Minutes of the Regular Meeting<br>of April 25, 2023. | 483-<br>494 | Davis |
|---------------------------------------------------------------------------------------|-------------|-------|

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----------|
| 19. Acknowledge Receipt of the Planning & Zoning Minutes of the Regular Meeting of April 4, 2023                                                                                                                                                                                                                                                                                                                                                                    | 495-497 | Bowles   |
| 20. Final Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of the Continuance of the Property Abatement Program; Providing for Severability; Providing for Publication; and Providing an Effective Date                                               | 498-500 | S. Smith |
| 21. Final Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the 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 | 501-503 | S. Smith |
| 22. Final Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the 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                                                        | 504-506 | Medina   |

### **Vouchers**

- |                           |               |          |
|---------------------------|---------------|----------|
| 23. Vouchers for 04/27/23 | \$ 246,033.34 | McDonald |
| Drafts                    | \$ 11,869.35  |          |
| 24. Vouchers for 05/04/23 | \$ 356,257.61 | Tompkins |
| Drafts                    | \$ 590,896.49 |          |

### **Bids**

- |                                                                                                                                                                             |         |          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----------|
| 25. Consideration and Possible Action on Awarding a Bid for Merchant Connector Services and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 507-509 | S. Smith |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----------|

### **New Business**

- |                                                                                                                   |  |              |
|-------------------------------------------------------------------------------------------------------------------|--|--------------|
| 26. Administer the Oath of Office to Duly Elected Council Member for District One and Council Member for District |  | Judge Haynes |
|-------------------------------------------------------------------------------------------------------------------|--|--------------|

Three

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|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|--------|
| 27. | Consideration and Possible Action Authorizing Event Funding Requests from CVB for Coach Roy Green Hidden Gems Basketball Event-Basketball Tournament                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 510-520 | Lewis  |
| 28. | <b>TABLED</b> - First Reading of an Ordinance 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                                                                                                                                                                                        | 521-524 | Bowles |
| 29. | First Reading of an Ordinance Authorizing Z-22-04, Amending the Big Spring Zoning Ordinance by Rezoning Approximately 5.08 Acres of Land out on N/2 of Section 8, Block 32, T-1-S, T&P RR. Co. Survey, Big Spring, Howard County, Texas, from Agricultural (A) to Single-Family Residential (SF-2), Single-Family Dwelling District; Providing a Savings and Severability Clause; Providing for Repeal of Conflicting Ordinances; Providing for Publication; and Providing an Effective Date; and Finding and Determining that the Meeting at Which the Ordinance was Discussed was Open to the Public as Required by Law                                                                                                                                                                                                                                                  | 525-526 | Bowles |
| 30. | First Reading of an Ordinance Amending the Big Spring City Code, Chapter 40, "Parks, Recreation, and Cultural Affairs," Article V, "Moss Creek Lake," Section 40-151, "Admission Regulations," to Clarify Moss Creek Lake Fees; to Clarify Moss Creek Lake Rules; to Confirm that Moss Creek Lake May Not be Used as a Permanent Residence Except for the Caretaker, and to Delegate the Authority to Make Policies and Regulations for Moss Creek Lake Not Inconsistent with Article V to the City Manager, and With the City Manager's Permission, to the Public Works Director, Providing for Repeal of Conflicting Ordinances; Providing for a Savings and Severability Clause; Establishing an Effective Date; Providing for Publication; and Finding and Determining that the Meeting at Which the Ordinance was Discussed was Open to the Public as Required by Law | 527-530 | Bowles |

31. Boards & Committees

- |                                                                 |         |        |
|-----------------------------------------------------------------|---------|--------|
| a. <b>CRMWD Board of Directors</b>                              | 531-533 | Darden |
| Term - June 1, 2023 through May 31, 2025                        |         |        |
| Rick Watkins                                                    |         |        |
| Ernie Morgan                                                    |         |        |
| b. <b>Big Spring Economic Development Board</b>                 | 534     | Moore  |
| Kristy Tyra - Notice of Resignation                             |         |        |
| Kevin Armstrong - Nominated by Council Member Smith, Dist. 6    |         |        |
| c. <b>McMahon/Wrinkle Aviation Advisory Board</b>               |         | Moore  |
| Steven Boatenhamer - Nominated by Council Member Smith, Dist. 6 |         |        |

**Council Input**

- |           |       |
|-----------|-------|
| 32. Input | Moore |
|-----------|-------|

**Executive Session**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 33. <b>Adjourn</b> into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.071, Texas Government Code, "Consultation with Attorney; Closed Meeting," and the Texas Disciplinary Rules of Professional Conduct, to Provide Legal Advice and Counsel with Respect to Litigation. 118th District Court: Fabian Butler v. City of Big Spring (No. 54252); City of Big Spring v. Jake Tiner Construction, LLC (No. 54929). | Moore |
| 34. <b>Reconvene</b> into Open Session and Take any Necessary Action on Executive Session Item                                                                                                                                                                                                                                                                                                                                                                       | Moore |
| 35. <b>ADJOURN</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 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, May 5, 2023 at 4:00 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](http://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](mailto:TDAVIS@MYBIGSPRING.COM).



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**PROCLAMATION DECLARING MAY 15 – 21, 2023 AS  
NATIONAL POLICE WEEK**

**WHEREAS**, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Big Spring Police Department;

**WHEREAS**, since the first recorded death in 1786, more than 26,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including 4 members of the Big Spring Police Department;

**WHEREAS**, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC;

**WHEREAS**, 556 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 224 officers killed in 2022;

**WHEREAS**, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 35<sup>th</sup> Candlelight Vigil, on the evening of May 13, 2023;

**WHEREAS**, the Candlelight Vigil is part of National Police Week, which will be observed this year May 15-21;

**WHEREAS**, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

**NOW THEREFORE**, I Mayor Robert H. Moore III of the City of Big Spring, Texas do hereby proclaim the week of May 15-21, 2023, to be observed as National Police Week in the City of Big Spring, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

**GIVEN UNDER MY HAND**  
and seal of the  
City of Big Spring, Texas  
this 9<sup>th</sup> day of May, 2023

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Robert H. Moore III, Mayor



## Memo

Meeting Date: May 09, 2023

To: Planning and Zoning Commission

From: Shane Bowles, Public Works Director

Subject: Z22-04: Zone Change from Agricultural (A) to Single Family Residential (SF-2).

Location: Approximately 4.56 acres out of the N/2 of Section 8, Block 32, T-1-S, T&P RR. Co. Survey, City of Big Spring, Howard County, TX. (Generally located at the north end of Holland Grace Lane, north of Vista Ridge Street.)

Contact: Shane Bowles, Public Works Director, 432-264-2501



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**Analysis:**

The property was annexed into the city by request of the owner in 2022. When the city annexes land it applies an initial zoning of A, Agriculture District until it becomes necessary to change the zoning. Mr. Jacoby Hopper has filed a plat application in conformance with city regulations and procedures. His proposal is to develop the acreage into six lots for residential development. This land is adjacent to a residential developed district. Staff sent a zoning notification letter to Mr. Hopper and property owners within 200' in compliance with state zoning procedures. No letters of objection have been received.

Staff believes this request for SF-2 zoning is reasonable given the fact that the land located nearby to the south is a residential neighborhood. The new lots and subsequent development will add to the neighborhood character of this part of the city.

Attachments: Location Map; Zone Change application; Notification Boundary Map

[illegible]

FOR THE ANNEXATION OF LAND TO  
THE CITY OF OF BIG SPRING OF A  
5.08 ACRE TRACT OUT OF THE N/2  
OF SECTION 8, BLOCK 32, T-1-S,  
T.& P. RR. CO. SURVEY,  
HOWARD COUNTY, TEXAS

THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT NO. WAS THIS PARCEL ABSTRACTED FOR EASEMENTS OF RECORD AND/OR FOR THE PURPOSES OF THE RECORDING ACT (FIRM # 101229001/10122901) AND THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR, MAKE NO CLAIMS OR REPRESENTATIONS REGARDING INFORMATION OR REPRESENTATIONS REGARDING EASEMENTS, RESERVATIONS, SET-BACK LINES, OR OTHER MATTERS OF A SIMILAR NATURE OTHER THAN THOSE SHOWN UPON THIS SURVEY. THE UNDERSIGNED SURVEYOR HAS NOT MADE A CLAIM OR REPRESENTATION REGARDING EASEMENTS, RESERVATIONS, EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS OR OTHER SIMILAR MATTERS OF A SIMILAR NATURE OTHER THAN THOSE SHOWN THROUGH THE COUNTY GIS MAPS, RAILROAD COMMISSION GIS MAPS, AND GENERAL LAND OFFICE GIS MAPS. THE UNDERSIGNED SURVEYOR DOES NOT INTEND THIS SURVEY TO BE CONSTRUED AS A PROPER OR THOROUGH INVESTIGATION OF THE PUBLIC RECORDS, AS WOULD BE REQUIRED BY A TITLE COMPANY, AND/OR OPINION OF TITLE BY A ATTORNEY AT LAW.

BRADSHAW AND ASSOCIATES, INC. (FIRM # 10122800/10122801) AND THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR ALSO MAKE NO REPRESENTATION AS TO THE STATUS OF TITLE TO THE PROPERTY DESCRIBED HEREIN.

SURVEY PLAT FOR: JACOBY HOPPER

THIS SURVEY PLAT IS PROVIDED SOLELY FOR THIS TRANSACTION

PLAT IS COPYRIGHTED AND SHALL NOT BE USED FOR ANY OTHER TRANSACTION.

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE EASEMENTS OR RIGHTS OF WAY, EXCEPT AS SHOWN HEREON, AND THIS SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY AS SHOWN.

*Robert D. Bradshaw*  
REGISTERED PROFESSIONAL LAND SURVEYOR



THIS PLAT IS NOT RECORDED IN HOWARD COUNTY PLAT RECORDS

THIS PROPERTY LIES WITHIN FLOOD HAZARD ZONE "X" AS SHOWN BY THE  
FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION  
MAP COMMUNITY PANEL NO. 48227C0430 C, DATED OCTOBER 6, 2010.

Stored: 22040130

BRADSHAW AND ASSOCIATES, INC.  
CONSULTING ENGINEERS  
REGISTERED PROFESSIONAL LAND SURVEYORS

FIRM # 10122900/10122901

600 EAST FM 700 B  
BIG SPRING, TEXAS 79720 (432) 263-1098  
FAX (432) 263-1294

|      |            |            |          |
|------|------------|------------|----------|
|      | Drawn      | Chkd       | Surveyed |
| By   | WET        | RDB        | CW/JE    |
| Date | 04-04-2022 | 04-04-2022 | 03-28-22 |

222-04



## Zone Change Application

### General Information

- Prior to the submittal of an application, the applicant is encouraged to schedule a pre-application meeting with City Staff.
- This application will not be scheduled for hearing until reviewed by the Director of Public Works or designee.

### Request Type

☒ Straight Zoning

☐ Planned Development

☐ PD Amendment

☐ Specific Use Permit-SUP

### Applicant Information

☒ Property Owner

☐ Authorized Representative

☐ Project Manager

Authorized Representatives/Project Managers must provide a notarized affidavit required including signature of legal owner(s)

Name: J Hopper Homes

Phone Number: 432-517-0528

Mailing Address: 907 Scott Dr.

Email Address: jhopperhomes@yahoo.com

### Project Information

Name of Project (if applicable): ~~Holland Grace Subdivision~~ Barber Subdivision <sup>WB</sup>

Subject Property Address and/or Location (Use attachment, if necessary):

Legal Description (Use attachment, if necessary): approximately 5.08 acres of land out of N/2 of Section 8, Block 32, T-1-S, T & P RR. Co. Survey, Howard County, Texas, also known as the Holland Grace Subdivision in Big Spring, Howard County, Texas

Current Zoning: Agricultural (A)

Requested Zoning: Single-Family (SF-2)

Comprehensive Plan Designation:

Existing Use of Property: Raw land

Proposed Use of Property: Construction of Subdivision

I hereby certify that I am the owner or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect, the permit or approval may be revoked.

Signature: \_\_\_\_\_

Date: 9-21-22

### OFFICE USE ONLY

Case Number: 222-04

Date of Application: September 21, 2022

Date Fee Received (\$400.00):  
Fee \$325.00 - SUP:

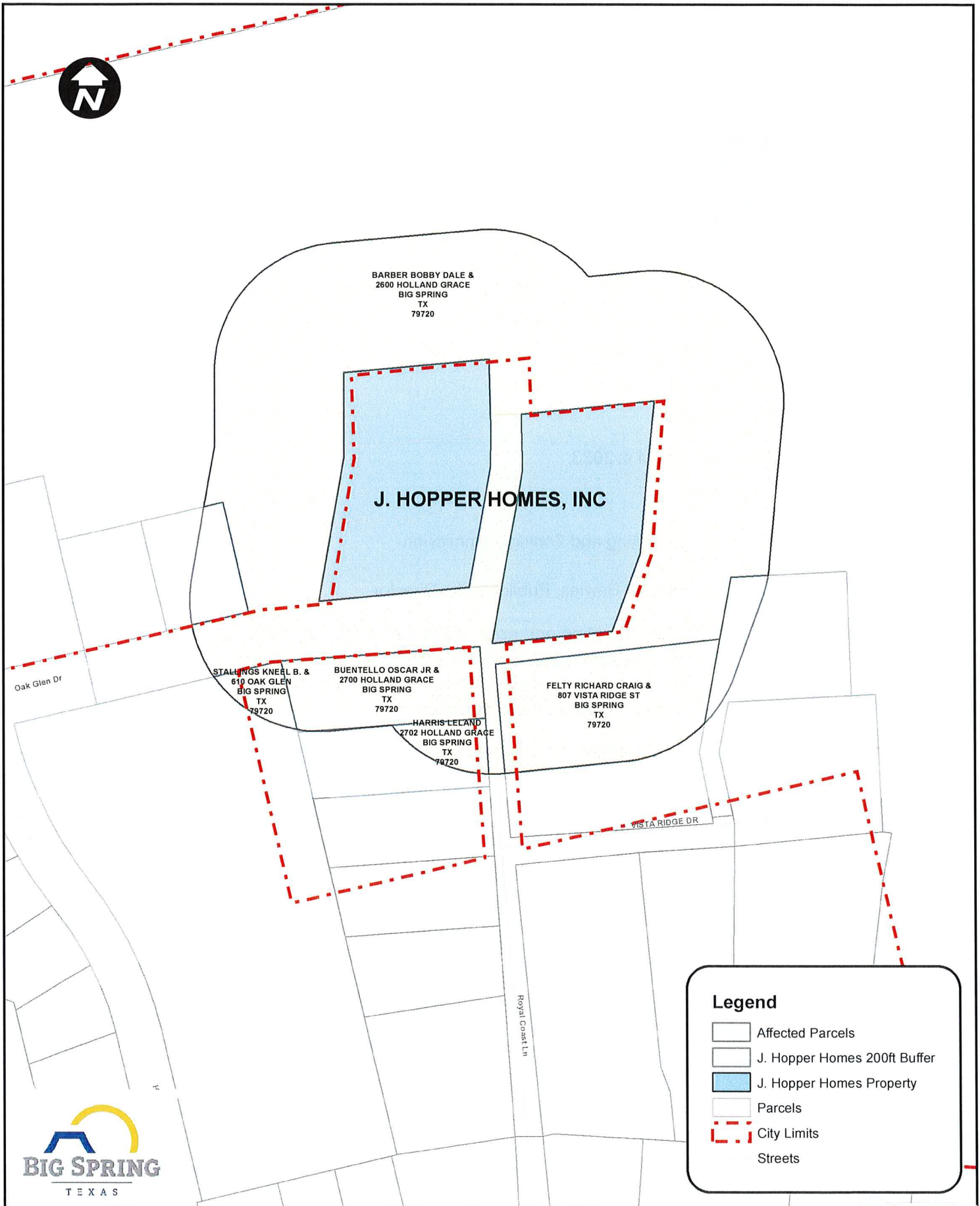
Affidavit attached?: ☐ Yes ☐ No ☒ N/A

P&Z Meeting Date: October 4, 2022

City Council 1st Reading Date: October 11, 2022

City Council 2nd Reading Date: October 25, 2022

# 200 Foot Buffer of J. Hopper Homes Property



# 2104 Runnels St

Code Enforcement Officer: Malissa Garcia

# Exhibit B-1

STATE OF TEXAS

§

COUNTY OF HOWARD

§

§

**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:

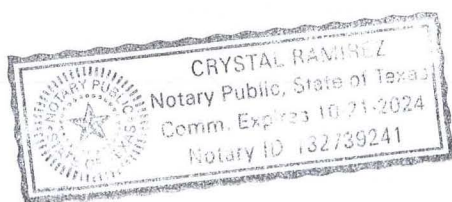
“My name is **Malissa Garcia**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 3 day of May, 2023.

M Garcia  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of May, 2023 by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas

# Exhibit B-2

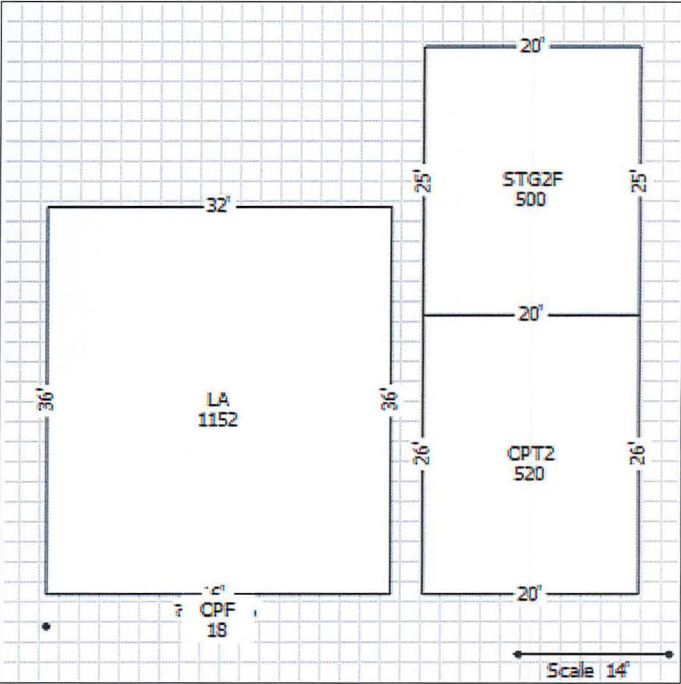


Ownership

CUNNINGHAM TINA

Exemptions/Deed

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

UNCERTIFIED

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                                                    |    |             |       |       |        |           |          |              |   |           |    |     |      |      |        |          | 1317  | FET-FRAME       | 0            |
|                                                                     |    |             |       | ===== |        | =====     | =====    |              |   |           |    |     |      |      |        |          | ===== | GRT-GABLE       | 0            |
|                                                                     |    |             |       | 2,190 |        | 127,123   | 14,630   |              |   |           |    |     |      |      |        |          | 7,674 | 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      |           |          |          |       |     |            |
|           |                                 |      |        |         |                  |      |         |    | =====     |         |           |          |          |       |     | =====      |
|           |                                 |      |        |         |                  |      |         |    | 7,000     |         |           |          |          |       |     | 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

§

§

COUNTY OF HOWARD

§

**CERTIFICATION**  
**2104 Runnels 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.”

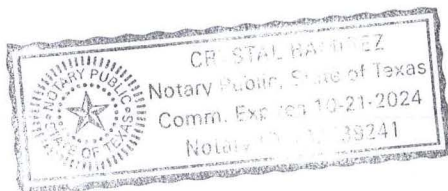
**SIGNED** on the 3 day of May, 2023.

M Garcia  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of May, 2023

by the above referenced Affiant.

Cristal Ramirez  
Notary Public, State of Texas



# Exhibit B-3

TASK #: 114675  
TASK CODE: INSPECT SUBSTANDARD  
PROPERTY: 2104 RUNNELS ST

ORIG. DATE:  
DUE DATE:

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 B-4** I am familiar with and recognize the scene depicted in the photographs. On February and 20<sup>th</sup>, 2023 and March, 17<sup>th</sup>, 2023, I inspected the property described as:

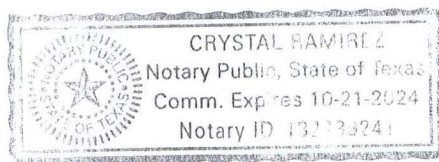
S/50 NE/4 & N/50 SE/4 OF BK 37 COLLEGE HEIGHTS 100X140 1262  
BLK/TRACT 37 0.321 ACRE Big Spring, Howard County, Texas, also known as  
**2104 Runnels St**, Big Spring, Texas.

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

SIGNED on the 3 day of May, 2023.

M. Garcia  
AFFIANT

SWORN TO AND SUBSCRIBED before me this 3<sup>rd</sup> day of May, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas

# Exhibit B-4





2/ 2/2023 11:45





2/ 2/2023 11:45









2/ 2/2023 11:48





3/17/2023 13:03





3/17/2023 13:03









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



# Exhibit B-5



STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
NOTICE SENT BY MALISSA GARCIA**

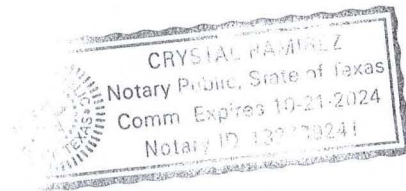
“The document in **Exhibit B-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

**SIGNED** on the 3 day of may, 2023.

M. Garcia  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of may, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit B-6





## Code Compliance

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

### 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, HOWARD COUNTY**

April 28, 2023

Tina Cunningham  
3815 Ogden Road  
San Angelo, TX 76903

*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                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| 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:<br>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.<br>Unsafe condition. |
| 304.7 Roofs and drainage.<br>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.                                                                                                                                                        | Carport/garage has defects that admit rain and is not sound and not tight.                     |
| 304.1.1 UNSAFE CONDITIONS. The following                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Carport/garage exterior walls have                                                             |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>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:</p> <p>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.</p> | <p>holes, cracks, breaks, loose and rotting materials. Unsafe condition.</p>                                                                   |
| <p>304.6 Exterior walls.<br/>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.</p>                                                                                                                                                                                                                                                                                     | <p>Carport/garage exterior walls need repair.</p>                                                                                              |
| <p>304.13 Window, skylight and door frames.<br/><br/>Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.</p>                                                                                                                                                                                                                                                                                                                                       | <p>Front house has a window in the back that needs to be fixed.<br/><br/>House in the back has windows and doors that need to be repaired.</p> |

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 Enforcement Officer

*Title*

+1 (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 **5:30 PM, May 9, 2023** at the City Council Chambers located at **307 E 4<sup>th</sup> 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.

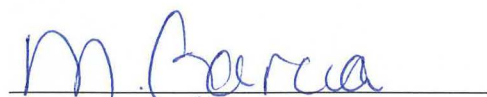
**NOTICE TO EMPLOYEE OF OWNER:** If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code,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

Malissa García, Code Enforcement Officer  
City of Big Spring, Texas





## Code Compliance

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

### 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:<br>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.<br>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.                                                                                                                                                                                                                                                                                                                   |                                                                                                                                              |
| <p>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:</p> <p>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.</p> | Carport/garage exterior walls have holes, cracks, breaks, loose and rotting materials. Unsafe condition.                                     |
| <p>304.6 Exterior walls.<br/>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.</p>                                                                                                                                                                                                                                                                                                                              | Carport/garage exterior walls need repair.                                                                                                   |
| <p>304.13 Window, skylight and door frames.<br/><br/>Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.</p>                                                                                                                                                                                                                                                                                                                                                                                | <p>Front house has a window in the back that needs to be fixed.</p> <p>House in the back has windows and doors that need to be repaired.</p> |

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 4<sup>th</sup> 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:

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

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1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
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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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Sincerely,

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

Malissa Garcia, Code Official  
City of Big Spring, Texas



# Exhibit B-7



7016 1370 0000 4356 0038

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

|                                                                            |          |                  |
|----------------------------------------------------------------------------|----------|------------------|
| Certified Mail Fee<br>\$ _____                                             |          | Postmark<br>Here |
| Extra Services & Fees (check box, add fee as appropriate)                  |          |                  |
| <input type="checkbox"/> Return Receipt (hardcopy)                         | \$ _____ |                  |
| <input type="checkbox"/> Return Receipt (electronic)                       | \$ _____ |                  |
| <input type="checkbox"/> Certified Mail Restricted Delivery                | \$ _____ |                  |
| <input type="checkbox"/> Adult Signature Required                          | \$ _____ |                  |
| <input type="checkbox"/> Adult Signature Restricted Delivery               | \$ _____ |                  |
| Postage <span style="float: right;">\$1.10</span>                          |          |                  |
| Total Postage and Fees                                                     |          |                  |
| Sent To <u>Tina Cunningham</u>                                             |          |                  |
| Street and Apt. No., or PO Box No. <u>3815 Ogden Road</u>                  |          |                  |
| City, State, ZIP+4® <u>San Angelo, TX 76903</u>                            |          |                  |
| PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions |          |                  |



STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION  
OF POSTING OF PUBLIC HEARING**

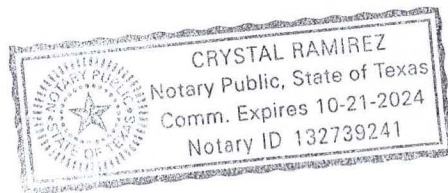
"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for May 9th, 2023, attached as **Exhibit B-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 28, 2023.

~~This notice was also published in the Big Spring Herald on \_\_\_\_\_, 2023."~~

**SIGNED** on the 3 day of May, 2023.

M Garcia  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit B-8





## Code Enforcement

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

### NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON MAY 9<sup>TH</sup>, 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4<sup>TH</sup> ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

604 ABRAMS, BIG SPRING, TEXAS 79720 – LT 3 BK 15 EARLES 50X130 897 0.149 ACRES– OWNER: LUPE CHAVARRIA AND ESTATE OF EDWARD CHAVARRIA

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

1302 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES – OWNER: BROWN FAMILY TRUST CARROLL & EVELYN

1321 ELM, BIG SPRING, TEXAS 79720 – LT 11 BK 4 MESA 50X142 019 ACQ 11062015 BLK/TRACT 331S 0.163 ACRES – OWNER: KASEY DALTON RAWLS

411 NW 8TH ST, BIG SPRING, TEXAS 79720 – LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES – OWNER: JIMMY ALEMAN

413 NW 8TH ST, BIG SPRING, TEXAS 79720 – PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT 18 0.17 ACRES – OWNER: JIMMY ALEMAN

1302 MAIN ST, BIG SPRING, TEXAS 79720 – LT 11 BK 7 MCDOWELL HEIGHTS 50X140 236 BLK/TRACT 7 0.161 ACRES – OWNER: JACK WALLIS AND MARJORIE WALLIS

1008 E 13TH ST, BIG SPRING, TEXAS 79720 – LT 5 BK 32 COLE & STRAYHORN 50X140 412 ACQ 07142021 BLK/TRACT 32 0.161 ACRES – OWNER: ROGER G. ALPHIN, JR AND SANTANA R. DELEON







604 ABRAMS ST

Code Enforcement Officer: Malissa Garcia



# Exhibit A-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:

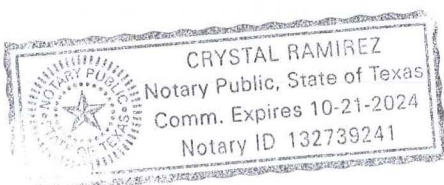
“My name is **Malissa Garcia**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 3 day of May, 2023.

M. Garcia  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023 by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit A-2



GENERAL

UTILITIES

TOPOGRAPHY

ROAD ACCESS

ZONING

BUILDER

NEXT REASON

REMARKS

LAST APPR.

LAST APPR. YR 2021

LAST INSP. DATE 10/11/2021

NEXT INSP. DATE

SKETCH for Improvement #1 (RESIDENTIAL)

EXEMPTIONS

PICTURE

| 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                   |                       |       | Homesite: Y (100%)    |        |                       | 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 |               |      |      |      |      |                      | Roof Covering      | CRM | 0 |
|       | 0 / 0.000   | PIER AND BEAM         | Cpsf/Value: 0 / 0.000 | 1 BATH                | Cpsf/Value: 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

§

COUNTY OF HOWARD

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**CERTIFICATION**  
**604 ABRAMS ST 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.”

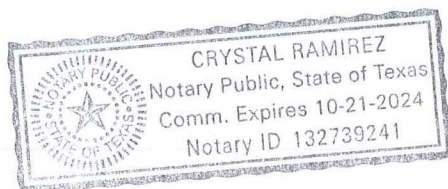
**SIGNED** on the 3 day of May, 2023.

M. Garcia  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023

by the above referenced Affiant.

Crystal Ramirez  
Notary Public, State of Texas





# Exhibit A-3



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 A-4** I am familiar with and recognize the scene depicted in the photographs. On February, 2023 and           ,       , 2023, I inspected the property described as:

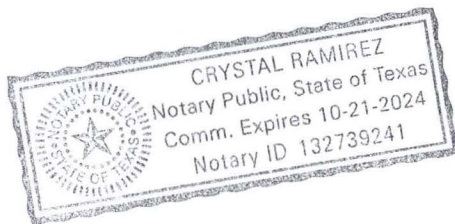
LT 3 BK 15 EARLES 50X130 897 0.149 ACRES Big Spring, Howard County,  
Texas, also known as **604 ABRAMS ST**, Big Spring, Texas.

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

**SIGNED** on the 3 day of May, 2023.

M. Garcia  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit A-4







# Exhibit A-5



STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
NOTICE SENT BY MALISSA GARCIA**

“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.”

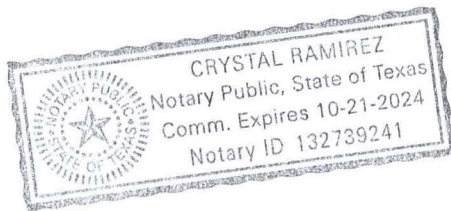
Certified Mail Return for **Exhibit A-7** is also attached.

**SIGNED** on the 3<sup>rd</sup> day of May, 2023.

M. Garcia  
AFFIANT

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023  
by the above referenced Affiant.

Crystal Ramirez  
Notary Public, State of Texas





# Exhibit A-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, HOWARD COUNTY**

April 28, 2023

LUPE CHAVARRIA / ESTATE OF EDWARD CHAVARRIA  
600 JOHNSON 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                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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:<br>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.<br>6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.<br>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.<br>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 | 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.<br>Hazardous conditions. |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 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:<br>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.<br>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.<br>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 Enforcement Officer

*Title*

+1 (432) 264-2506

*Phone*

[mgarcia@mybigspring.com](mailto: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 **5:30 PM, May 9, 2023** at the City Council Chambers located at **307 E 4<sup>th</sup> 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](https://library.municode.com/tx/big_spring). See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Malissa Garcia, Code Enforcement Officer  
City of Big Spring, Texas





## 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                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>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:</p> <p>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.</p> <p>6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.</p> <p>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.</p> <p>9. A building or structure, used or intended to be used</p> | <p>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.</p> <p>Hazardous conditions.</p> |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 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:<br>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.<br>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.<br>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.

**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 4<sup>th</sup> 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.

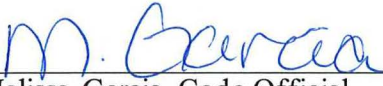
**RIGHTS AND REMEDIES RESERVED.** The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

**CITY CODE.** The City Code is online at [https://library.municode.com/tx/big\\_spring](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 style and is positioned above a horizontal line.

Malissa Garcia, Code Official  
City of Big Spring, Texas



# Exhibit A-7

7016 1370 0000 4356 0052

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://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

\$

8.10

Sent To

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

City, State, ZIP+4®

Lupe Chawarrua

600 Johnson

79720

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

See Reverse for Instructions



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 May 9<sup>th</sup>, 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 28, 2023.

~~This notice was also published in the Big Spring Herald on \_\_\_\_\_, 2023.”~~

**SIGNED** on the 3 day of may, 2023.

M Garcia  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of may, 2023  
by the above referenced Affiant.

Cynthia Ramirez  
Notary Public, State of Texas

# Exhibit A-8





## Code Enforcement

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

### NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **MAY 9<sup>TH</sup>, 2023, AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4<sup>TH</sup> ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

**604 ABRAMS, BIG SPRING, TEXAS 79720 – LT 3 BK 15 EARLES 50X130 897 0.149 ACRES– OWNER: LUPE CHAVARRIA AND ESTATE OF EDWARD CHAVARRIA**

**2104 RUNNELS, BIG SPRING, TEXAS 79720 – S/50 NE/4 & N/50 SE/4 OF BK 37 COLLEGE HEIGHTS 100X140 1262 BLK/TRACT 37 0.321 ACRE – OWNER: TINA CUNNINGHAM**

**1302 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES – OWNER: BROWN FAMILY TRUST CARROLL & EVELYN**

**1321 ELM, BIG SPRING, TEXAS 79720 – LT 11 BK 4 MESA 50X142 019 ACQ 11062015 BLK/TRACT 331S 0.163 ACRES – OWNER: KASEY DALTON RAWLS**

**411 NW 8TH ST, BIG SPRING, TEXAS 79720 – LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES – OWNER: JIMMY ALEMAN**

**413 NW 8TH ST, BIG SPRING, TEXAS 79720 – PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT 18 0.17 ACRES – OWNER: JIMMY ALEMAN**

**1302 MAIN ST, BIG SPRING, TEXAS 79720 – LT 11 BK 7 MCDOWELL HEIGHTS 50X140 236 BLK/TRACT 7 0.161 ACRES – OWNER: JACK WALLIS AND MARJORIE WALLIS**

**1008 E 13TH ST, BIG SPRING, TEXAS 79720 – LT 5 BK 32 COLE & STRAYHORN 50X140 412 ACQ 07142021 BLK/TRACT 32 0.161 ACRES – OWNER: ROGER G. ALPHIN, JR AND SANTANA R. DELEON**

**804 JOHNSON ST, BIG SPRING, TEXAS 79720 – S/75' LT 1 BK 73 ORIGINAL TOWN  
75X140 1067 ACQ 02162022 0.241 ACRES – OWNER: BRITTANY M SALAZAR**

**305 E 9TH ST, BIG SPRING, TEXAS 79720 – PT S/50' OF LT 3 BK 74 ORIGINAL TOWN  
50X140 1059 0.161 ACRES ACQ 06102020 – OWNER: NOE G. SOLIZ SR.**

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

Nick Reyna  
Building Official, City of Big Spring





# Code Enforcement

217 E 3<sup>rd</sup> St., Big Spring, Texas 79720 - Ph. 432-264-2505

## NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON MAY 9<sup>TH</sup>, 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E. 4<sup>TH</sup> ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

604 ABRAMS, BIG SPRING, TEXAS 79720 - LT 3 BK 15 EARLES 50X130 897 0.149 ACRES - OWNER: LUPE CHAVARRIA AND ESTATE OF EDWARD CHAVARRIA

2104 RUNNELS, BIG SPRING, TEXAS 79720 - S-50 NE4 & N-50 SE4 OF BK 37 COLLEGE HEIGHTS 100X140 1262 BLK/TRACT 37 0.321 ACRE - OWNER: TINA CUNNINGHAM

1302 SYCAMORE, BIG SPRING, TEXAS 79720 - LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 IN 0.172 ACRES - OWNER: BROWN FAMILY TRUST CARROLL & EVELYN

1321 ELM, BIG SPRING, TEXAS 79720 - LT 11 BK 4 MESA 50X142 019 ACQ 11062015 BLK/TRACT 3318 0.163 ACRES - OWNER: KASEY DALTON RAWLS

411 NW 8TH ST, BIG SPRING, TEXAS 79720 - LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES - OWNER: JIMMY ALEMAN

413 NW 8TH ST, BIG SPRING, TEXAS 79720 - PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT 18 0.17 ACRES - OWNER: JIMMY ALEMAN

1302 MAIN ST, BIG SPRING, TEXAS 79720 - LT 11 BK 7 MCDOWELL HEIGHTS 50X140 236 BLK/TRACT 7 0.161 ACRES - OWNER: JACK WALLIS AND MAJORIE WALLIS

1008 E 13TH ST, BIG SPRING, TEXAS 79720 - LT 5 BK 32 COLE & STRAYHORN 50X140 412 ACQ 07142021 BLK/TRACT 32 0.161 ACRES - OWNER: ROGER G. ALPHIN, JR AND SANTANA R. DELEON

4/28/2023 14:02



# 305 E 9TH

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 305 E 9TH**

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

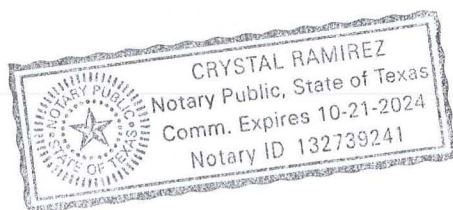
“My name is **Kaleb Smith**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **305 E 9TH**, 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 3<sup>rd</sup> day of May, 2023.

[Signature]  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023 by the above referenced Affiant.



[Signature]  
Notary Public, State of Texas



# Exhibit C-2

# HOWARD COUNTY APPRAISAL DISTRICT (2023)

Property ID : R000008470

Geo ID : B4830061101

1/1

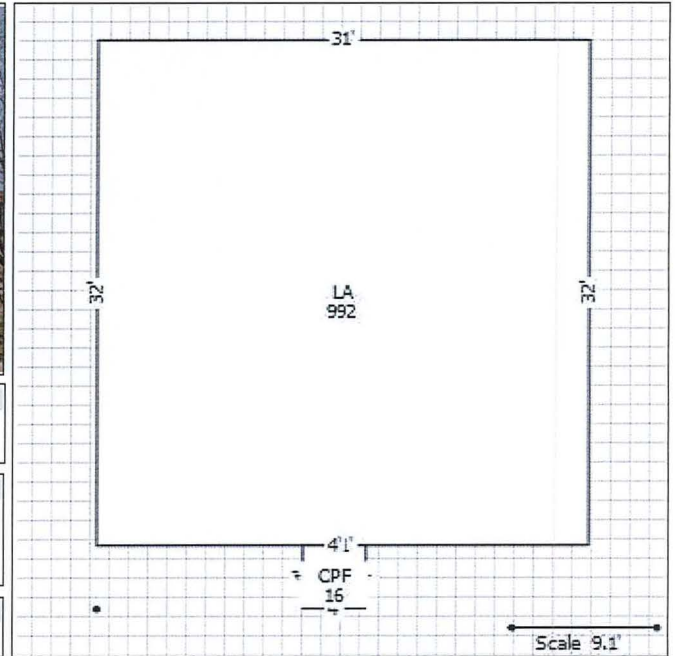
| Ownership                                                      | Exemptions/Deed                                                  |
|----------------------------------------------------------------|------------------------------------------------------------------|
| <b>SOLIZ NOE G. SR.</b><br>807 JOHNSON<br>BIG SPRING, TX 79720 | INST: 2020-00004637<br>VOL: 1919<br>PAGE: 469<br>DATE: 6/10/2020 |



| Appraisal Coding |                  |
|------------------|------------------|
| Appr By CT       | Appr Dt 03/08/21 |
| Check By         | Check Dt         |

| Legal Information                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------|
| LEGAL: PT S/50' OF LT 3 BK 74 ORIGINAL TOWN 50X140 1059 0.161 ACRES ACQ 06102020<br>SITUS: 305 E 9TH<br>ACRES:0.161<br>ALT:8470<br>XREF:8470.1 |

UNCERTIFIED



| Sale Dt | Type | Vol  | Page | Inst          | Deed Dt | Price | Value@Sale | Grantee          | Grantor     |
|---------|------|------|------|---------------|---------|-------|------------|------------------|-------------|
| 6/10/20 |      | 1919 | 469  | 2020-00004637 | 6/10/20 | +++++ | +++++      | SOLIZ NOE G. SR. | SOLIZ NOE & |

| 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  | 1927/NA     | RS2F  | 992   | 85.53 | 84,846    | 0 VP     | -95%           |           | 0% | 0%  | 0%  | 100% | 0%   | -95.0%   | 4,242 | AST-1 STORY     | 0               |   |
| CPF-COVERED PORCH FR                                                 | Y  | 1927/NA     | RS2F  | 16    | 12.83 | 205       | 0 VP     | -95%           |           | 0% | 0%  | 0%  | 100% | 0%   | -95.1%   | 10    | AUT-ALL         | 0               |   |
|                                                                      |    |             |       | ===== |       | =====     | =====    |                |           |    |     |     |      |      |          | ===== | CRM-COMPOSITION | 0               |   |
|                                                                      |    |             |       | 1,008 |       | 85,051    | 0        |                |           |    |     |     |      |      |          | 4,252 | FET-FRAME       | 0               |   |
| SQFT MA: 992    MKT CSF MA: 7.815    CSF IMPR: 4.286    LOC CODE: OT |    |             |       |       |       |           |          |                |           |    |     |     |      |      |          |       |                 | GRT-GABLE       | 0 |
|                                                                      |    |             |       |       |       |           |          |                |           |    |     |     |      |      |          |       |                 | MHC-MOIST AIR   | 0 |
|                                                                      |    |             |       |       |       |           |          |                |           |    |     |     |      |      |          |       |                 | PFN-PIER AND BE | 0 |
|                                                                      |    |             |       |       |       |           |          |                |           |    |     |     |      |      |          |       |                 | 1BT-1 BATH      | 0 |
|                                                                      |    |             |       |       |       |           |          |                |           |    |     |     |      |      |          |       |                 | =====           | 0 |

SQFT MA: 992 MKT CSF MA: 7.815 CSF IMPR: 4.286 LOC CODE: OT

| Land Code | Units / Alt Units             | Cpu  | Cpu Cd | Mkt Cpu | Adjustment Codes | Adj% | Adj Amt | Hs | Mkt Value | Ptd Prd | Prod Code | Prod Use | Yr Grant | Units | Cpu | Spec Value |
|-----------|-------------------------------|------|--------|---------|------------------|------|---------|----|-----------|---------|-----------|----------|----------|-------|-----|------------|
| LFF18     | 50.0 FF/50.0 RF/140.0 DF LOTS | 70.0 |        | 70.00   |                  | 0%   |         | Y  | 3,500     | A1      |           |          |          |       |     |            |
|           |                               |      |        |         |                  |      |         |    | =====     |         |           |          |          |       |     | =====      |
|           |                               |      |        |         |                  |      |         |    | 3,500     |         |           |          |          |       |     | 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 + | 4,252 | A1  | -247       |       | 4,499 | A1  | 01H HOWARD COUNTY      | 0         | 7,752      | .3275450       |        | 25.39         |            |             |
| Land Homesite + | 3,500 | A1  | 0          |       | 3,500 | A1  | 02B CITY OF BIG SPRING | 0         | 7,752      | .6731630       |        | 52.18         |            |             |
| Total Market =  | 7,752 |     | -247       |       | 7,999 |     | 03B BIG SPRING ISD     | 0         | 7,752      | 1.0160000      |        | 78.76         |            |             |
| Assessed =      | 7,752 |     | -247       |       | 7,999 |     | 052 HOWARD COLLEGE     | 0         | 7,752      | .2367770       |        | 18.35         |            |             |
|                 |       |     |            |       |       |     | ** ESTIMATED TOTAL     |           |            |                |        | =====         |            |             |
|                 |       |     |            |       |       |     |                        |           |            |                |        | 174.68        |            |             |

User PERMITS2

Print Date 3/14/2023 8:23:51 AM

Property ID : R000008470

Geo ID : B4830061101

Quick Link :





STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
305 E 9TH 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.

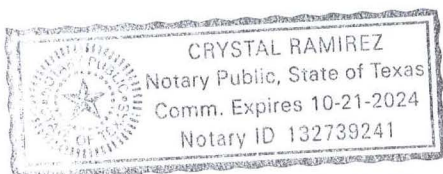
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 3<sup>rd</sup> day of May, 2023.

  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023

by the above referenced Affiant.



  
Notary Public, State of Texas

# Exhibit C-3



NOTES

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Incident Notes:

Task #: 114494 - INSPECT ACCUMULATED - 2/08/2023

2/8/2023 There are accumulated items by the front porch including scrap wood, scrap metal, and other trash. Sent notice of violation to Noe G Soliz Sr. who is the recorded property owner.

2/28/2023 Inspected property and found that the accumulated items had not been removed.

3/16/2023 Sending case to legal to get ready for abatement.

Task #: 114495 - ACCUMULATED ITEMS - 2/08/2023

TASK #: 114496  
TASK CODE: INSPECT RODENT CONT  
PROPERTY: 305 E 9TH ST

ORIG. DATE:  
DUE DATE:

NOTES

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Incident Notes:

Task #: 114496 - INSPECT - 2/08/2023  
2/8/2023 There is an accumulation of items that can provide harborage  
and/or food to rodents and other vermin. This constitutes a health hazard  
to the property owner and the neighbors.  
2/28/2023 Accumulation is still there.  
3/16/2023 Turning in to legal for abatement.

Task #: 114497 - RODENT CONTROL - 2/08/2023



TASK #: 114498  
TASK CODE: INSPECT SUBSTANDARD  
PROPERTY: 305 E 9TH ST

ORIG. DATE:  
DUE DATE:

NOTES

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Incident Notes:

Task #: 114498 - INSPECT SUBSTANDARD - 2/08/2023  
2/8/2023 Windows do not have glass and are also not properly secured. The  
roof has a large hole in it and is also sagging badly indicating major  
structural issues with the building.  
2/28/2023 The substandard building has not been repaired or demolished.  
3/13/2023 Received return mail.  
3/16/2023 Turned in to legal for abatement.

Task #: 114499 - SUBSTANDARD BLD - 2/08/2023

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 January, 25<sup>th</sup>, 2023 and February, 28<sup>th</sup>, 2023, I inspected the property described as:

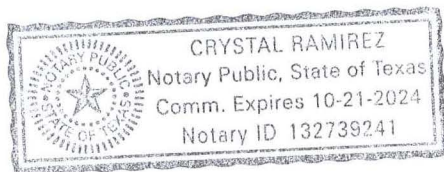
PT S/50' OF LT 3 BK 74 ORIGINAL TOWN 50X140 1059 0.161 ACRES ACQ  
06102020 Big Spring, Howard County, Texas, also known as **305 E 9TH**, Big  
Spring, Texas.

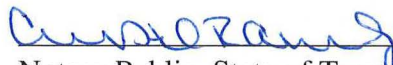
Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

**SIGNED** on the 3<sup>rd</sup> day of May, 2023.

  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023  
by the above referenced Affiant.



  
Notary Public, State of Texas



# Exhibit C-4





2023. 1. 25 11:44





2023. 1. 25 11:44





2023. 2. 28 11:16





2023. 2. 28 11:16



# Exhibit C-5



STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
NOTICE SENT BY KALEB SMITH**

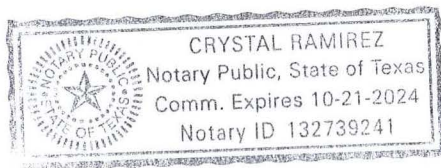
“The document in **Exhibit C-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

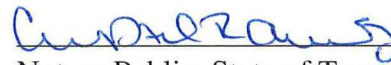
Certified Mail Return for **Exhibit C-6** is also attached.

**SIGNED** on the 3<sup>rd</sup> day of May, 2023.

  
\_\_\_\_\_  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of may, 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 ORDER TO ABATE

305 E 9TH ST  
Lot: PT S/50' OF 3 BK: 74 ORIGINAL TOWN 1059

February 8, 2023

Case No: 72221

NOE G. SOLIZ SR.  
807 JOHNSON ST  
BIG SPRING TX 79720-2821

Sent via: First Class US Mail

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

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

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

| Corrective Action Required                                                                                                                                                                             | Deadline for Compliance             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>There are several items (scrap wood, scrap metal, and other accumulated items) by the front porch that need to be removed from public view. If problem persists criminal charges will be filed.</b> | Seven (7) days from date of mailing |

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

Issued by

Kaleb Smith

*Name*

Code Compliance

*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.

**FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES.**

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

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

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

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

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

**CITY CODE.** The City Code is online at [https://library.municode.com/tx/big\\_spring](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 dark ink, appearing to read 'Kaleb Smith', with a stylized flourish extending from the end.

Kaleb Smith  
Code Compliance Official  
City of Big Spring, Texas



## Code Compliance

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

# NOTICE OF VIOLATION AND ORDER TO ABATE

305 E 9TH ST  
Lot: PT S/50' OF 3 BK: 74 ORIGINAL TOWN 1059

February 8, 2023

Case No: 72222

NOE G. SOLIZ SR.  
807 JOHNSON ST  
BIG SPRING TX 79720-2821

Sent via: First Class US Mail

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

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



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

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

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

Issued by

|              |                        |
|--------------|------------------------|
| Kaleb Smith  | Code Compliance        |
| <i>Name</i>  | <i>Department</i>      |
| 432-264-2508 | ksmith@mybigspring.com |
| <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.

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

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

**NOTICE TO EMPLOYEE OF OWNER:** If you are an individual employed by the owner of

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

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

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

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

Sincerely,



Kaleb Smith  
Code Compliance Official  
City of Big Spring, Texas





## Code Compliance

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

### NOTICE OF VIOLATION AND ORDER TO ABATE

506 NE 8TH

Lot: SC 42 BK: 32 1N TR 29 WILLIAM B CURRIE 613

February 14, 2023

Case No: 72270

RAMON RODRIGUEZ  
2009 WCR UNIT A  
MIDLAND, TX 79706

Sent via: Certified US Mail

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

| VIOLATION                                                   | Description of Violation                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Property Maintenance Code<br>Sec. 304.1.1 Unsafe Conditions | 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 incapable of supporting all nominal loads and resisting all load effects. |
| Sec. 304.18 Building Security                               | Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.                                                                                                                                      |

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

| Corrective Action Required                                                                                                                                                                  | Deadline for Compliance             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>Windows need to be completely boarded up so as not to allow weather or vagrants to enter the structure. The roof needs to be brought into compliance with the current Building Code.</b> | Seven (7) days from date of mailing |

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

Issued by

|                     |                               |
|---------------------|-------------------------------|
| <u>Kaleb Smith</u>  | <u>Code Compliance</u>        |
| <i>Name</i>         | <i>Department</i>             |
| <u>432-264-2508</u> | <u>ksmith@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.

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

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

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



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

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

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

Sincerely,



Kaleb Smith  
Code Compliance Official  
City of Big Spring, Texas



## NOTICE OF VIOLATION AND NOTICE OF HEARING

305 E 9TH, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: PT S/50' OF LT 3 BK 74 ORIGINAL TOWN 50X140 1059 0.161  
ACRES ACQ 06102020, HOWARD COUNTY

April 28, 2023

NOE G SOLIZ SR  
807 JOHNSON 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                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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:<br>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.<br>6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.<br>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.<br>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, | Door is boarded up and does not conform to building code. The structure is clearly unsafe for use or occupancy. It is an attractive nuisance. Due to dilapidation it is unfit for human habitation.<br>Hazardous structure. |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| 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: ‘<br>8.<br>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.<br>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.             |
| 304.13 Window, skylight and door frames.<br><br>Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.                                                                                                                                                                                                                                                                                                                                                                                                                              | Windows lack glass and are not fully boarded up. Install door.                   |

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

Kaleb Smith

*Name*

Code Compliance Official

*Title*

+1 (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 **5:30 PM, May 9, 2023** at the City Council Chambers located at **307 E 4<sup>th</sup> 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](https://library.municode.com/tx/big_spring). See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Kaleb Smith, Code Compliance Official  
City of Big Spring, Texas

# Exhibit C-7



7016 1370 0000 4246 5082

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- |                                                              |    |  |
|--------------------------------------------------------------|----|--|
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ |  |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ |  |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ |  |
| <input type="checkbox"/> Adult Signature Required            | \$ |  |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |  |

Postmark  
Here

Postage

\$

8.10

Total Postage and Fees

\$

Sent To

Noe E. Soliz, Sr.

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

8011 Johnson

City, State, ZIP+4®

Bo Spring, TX 79720

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

See Reverse for Instructions

STATE OF TEXAS

§

§

COUNTY OF HOWARD

§

**CERTIFICATION  
OF POSTING OF PUBLIC HEARING**

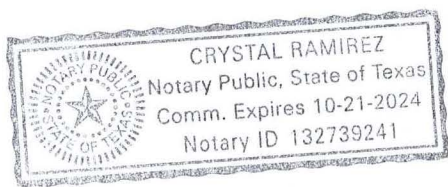
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for May 09, 2023, attached as **Exhibit C-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 28th, 2023.

~~This notice was also published in the Big Spring Herald on \_\_\_\_\_, 2023.”~~

**SIGNED** on the 3rd day of May, 2023.

  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of may, 2023  
by the above referenced Affiant.



  
Notary Public, State of Texas



# Exhibit C-8



## Code Enforcement

---

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

### NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON MAY 9<sup>TH</sup>, 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4<sup>TH</sup> ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

604 ABRAMS, BIG SPRING, TEXAS 79720 – LT 3 BK 15 EARLES 50X130 897 0.149 ACRES– OWNER: LUPE CHAVARRIA AND ESTATE OF EDWARD CHAVARRIA

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

1302 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES – OWNER: BROWN FAMILY TRUST CARROLL & EVELYN

1321 ELM, BIG SPRING, TEXAS 79720 – LT 11 BK 4 MESA 50X142 019 ACQ 11062015 BLK/TRACT 331S 0.163 ACRES – OWNER: KASEY DALTON RAWLS

411 NW 8TH ST, BIG SPRING, TEXAS 79720 – LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES – OWNER: JIMMY ALEMAN

413 NW 8TH ST, BIG SPRING, TEXAS 79720 – PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT 18 0.17 ACRES – OWNER: JIMMY ALEMAN

1302 MAIN ST, BIG SPRING, TEXAS 79720 – LT 11 BK 7 MCDOWELL HEIGHTS 50X140 236 BLK/TRACT 7 0.161 ACRES – OWNER: JACK WALLIS AND MARJORIE WALLIS

1008 E 13TH ST, BIG SPRING, TEXAS 79720 – LT 5 BK 32 COLE & STRAYHORN 50X140 412 ACQ 07142021 BLK/TRACT 32 0.161 ACRES – OWNER: ROGER G. ALPHIN, JR AND SANTANA R. DELEON



804 JOHNSON ST, BIG SPRING, TEXAS 79720 – S/75' LT 1 BK 73 ORIGINAL TOWN  
75X140 1067 ACQ 02162022 0.241 ACRES – OWNER: BRITTANY M SALAZAR

305 E 9TH ST, BIG SPRING, TEXAS 79720 – PT S/50' OF LT 3 BK 74 ORIGINAL TOWN  
50X140 1059 0.161 ACRES ACQ 06102020 – OWNER: NOE G. SOLIZ SR.

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

Nick Reyna  
Building Official, City of Big Spring





4/28/2023 14:33



# 804 JOHNSON

Code Compliance Official: Kaleb Smith

# Exhibit D-1



STATE OF TEXAS

§

§

COUNTY OF HOWARD

§

**AFFIDAVIT OF KALEB SMITH  
CONCERNING 804 JOHNSON**

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

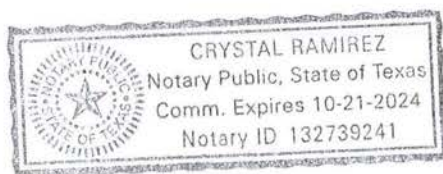
“My name is **Kaleb Smith**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **804 JOHNSON**, 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 3<sup>rd</sup> day of May, 2023.

Kaleb Smith  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023 by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas

# Exhibit D-2



1/1

The site plan shows a rectangular plot labeled 'LA 1244' with overall dimensions of 38' by 25'. A building labeled 'STGZF 455' is located at the top of the plot, with a width of 13' and a height of 35'. The building is set back 13' from the top boundary. The plot is divided into several sections with dimensions: 13' (top left), 38' (top), 13' (top right), 4' (middle right), 25' (right), 23' (bottom right), 4' (bottom right), 23' (bottom), 4' (bottom left), 40' (left), 4' (middle left), 13' (left), and 35' (top left). A scale bar at the bottom right indicates a scale of 19.5'.

|                  |                  |
|------------------|------------------|
| Appraisal Coding |                  |
| Appr By CT       | Appr Dt 02/08/21 |
| Check By         | Check Dt         |

| Agent | Mortgage | Geo Quad | Aerial | Map Id | Use |
|-------|----------|----------|--------|--------|-----|
|       |          | 0        |        |        |     |

| Land Code | Units / Alt Units                | Cpu  | Cpu Cd | Mkt Cpu | Adjustment Codes | Adj% | Adj Amt | Hs | Mkt Value | Ptd Prd | Prod Code | Prod Use | Yr Grant | Units | Cpu | Spec Value |
|-----------|----------------------------------|------|--------|---------|------------------|------|---------|----|-----------|---------|-----------|----------|----------|-------|-----|------------|
| LFF18     | 75.0 FF/75.0 RF/140.0 DF<br>LOTS | 70.0 |        | 70.00   |                  | 0%   |         | Y  | 5,250     | A1      |           |          |          |       |     |            |
|           |                                  |      |        |         |                  |      |         |    | =====     |         |           |          |          |       |     | =====      |
|           |                                  |      |        |         |                  |      |         |    | 5,250     |         |           |          |          |       |     | 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 + | 14,696 | A1  | -469       | 15,165 | A1   |     | 01H HOWARD COUNTY      | 17,000    | 2,946      | .3275450       |        | 9.65          |            |             |
| Land Homesite + | 5,250  | A1  | 0          | 5,250  | A1   |     | 02B CITY OF BIG SPRING | 10,000    | 9,946      | .6731630       |        | 66.95         |            | OT22        |
| Total Market =  | 19,946 |     | -469       | 20,415 |      |     | 03B BIG SPRING ISD     | 19,946    | 0          | 1.0160000      | 2009   | 0.00          |            |             |
| Assessed =      | 19,946 |     | -469       | 20,415 |      |     | 052 HOWARD COLLEGE     | 17,000    | 2,946      | .2367770       |        | 6.98          |            |             |
|                 |        |     |            |        |      |     | ** ESTIMATED TOTAL     |           |            |                |        | =====         |            |             |
|                 |        |     |            |        |      |     |                        |           |            |                |        | 83.58         |            |             |

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
804 JOHNSON CASE NOTES**

“This record, attached as **Exhibit D-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.

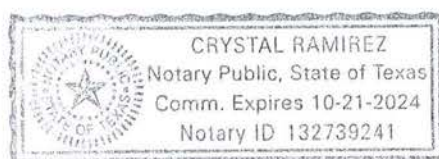
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout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

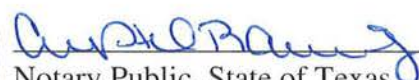
**SIGNED** on the 3<sup>rd</sup> day of May, 2023.

  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of may, 2023

by the above referenced Affiant.



  
Notary Public, State of Texas



# Exhibit D-3

NOTES

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Incident Notes:

Task #: 114880 - INSPECT ACCUMULATED - 3/14/2023

3/14/2023 Property is full of accumulated items including scrap wood, scrap metal, scrap plastic, empty wire spools, tree trunks, tree trimmings, and tons of trash.

Owner of property is Brittany M Salazar. According to our source to find property owners, Gemini, there is no known mailing address for Mrs. Salazar. I sent letters to the last person who had a water account there which was only 2 months ago. Her name was Margarita Munoz. I have had no contact with either Mrs. Munoz, Mrs. Salazar, or anyone else in regards to this property.

3/16/2023 Turned in to legal to get ready for abatement.



NOTES

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Incident Notes:

Task #: 114881 - INSPECT - 3/14/2023

3/14/2023 There is an accumulation of items on the property that can provide harborage and/or food to rodents and other vermin. This accumulation therefore presents a health hazard to the current resident and the surrounding neighbors.

3/16/2023 Sent case to legal for abatement.

TASK #: 114879  
TASK CODE: INSPECT SUBSTANDARD  
PROPERTY: 804 JOHNSON ST

ORIG. DATE:  
DUE DATE:

NOTES

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Incident Notes:

Task #: 114879 - INSPECT SUBSTANDARD - 3/14/2023  
3/14/2023 A window on the front of the main structure is broken out, and nearly all windows on the secondary structure are broken out.  
Owner of property is Brittany M Salazar. According to our source to find property owners, Gemini, there is no known mailing address for Mrs. Salazar. I sent letters to the last person who had a water account there which was only 2 months ago. Her name was Margarita Munoz. I have had no contact with either Mrs. Munoz, Mrs. Salazar, or anyone else in regards to this property.  
3/16/2023 Turned in to legal to get ready for abatement.



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 D-4** I am familiar with and recognize the scene depicted in the photographs. On January 25<sup>th</sup>, 2023 and March 8<sup>th</sup>, 2023, I inspected the property described as:

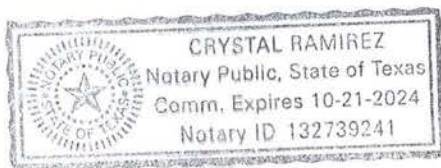
S/75' LT BK 73 ORIGINAL TOWN 75X140 1067 ACQ 02162022 0.241  
ACRES Big Spring, Howard County, Texas, also known as **804 JOHNSON**, Big  
Spring, Texas.

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

**SIGNED** on the 3<sup>rd</sup> day of May, 2023.

[Signature]  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023  
by the above referenced Affiant.



[Signature]  
Notary Public, State of Texas



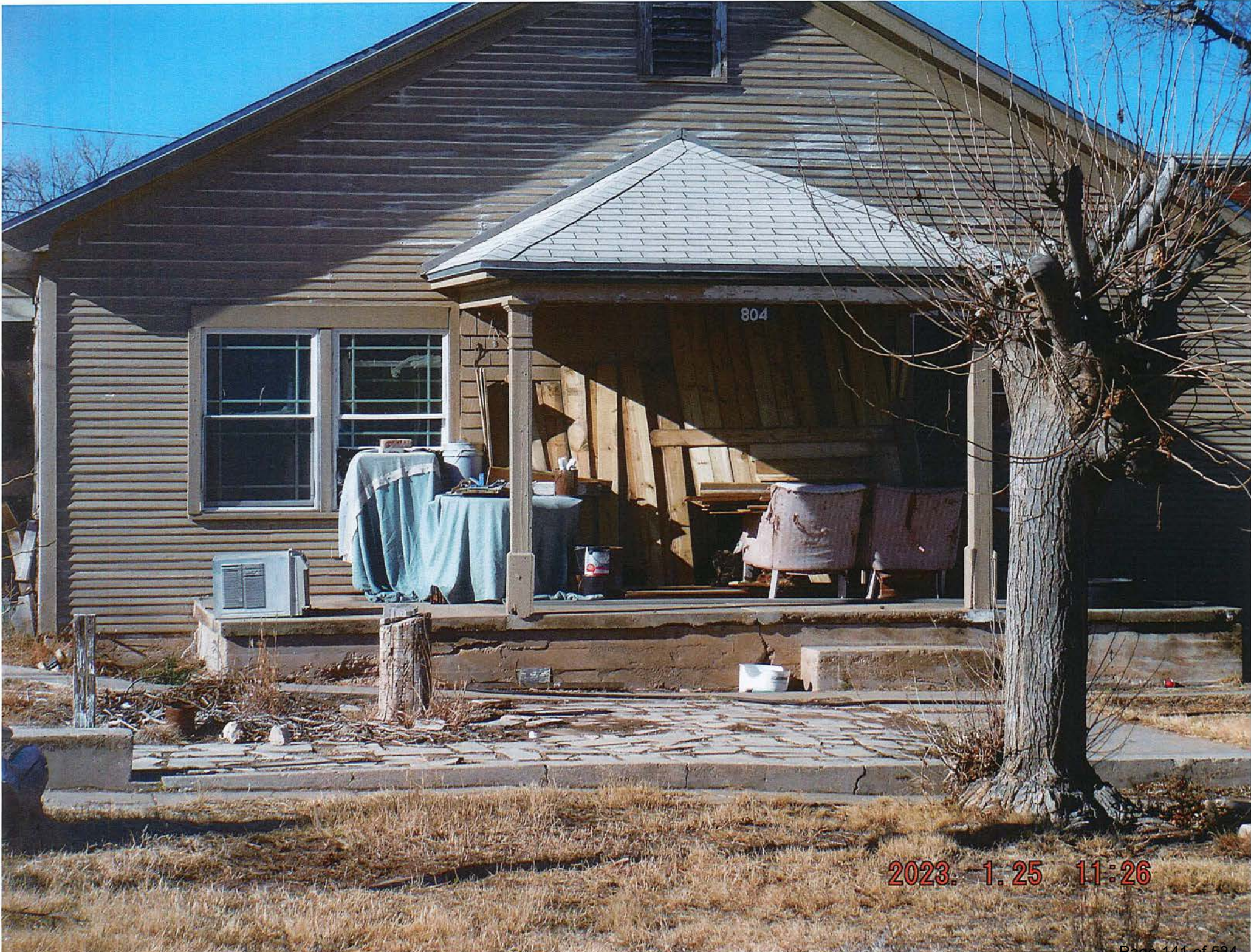


2023. 1.25 11:27









2023. 1.25 11:26





2023. 1. 25 11:32









2023. 1. 25 11:34









2023. 1. 25 11:29



# Exhibit D-4





2023. 3. 8 11:06





2023. 3. 8 11:07













2023. 3. 8 11:08





2023. 3. 8 11:08





2023. 3. 8 11:08





2023. 3. 8 11:09



# Exhibit D-5



STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
NOTICE SENT BY KALEB SMITH**

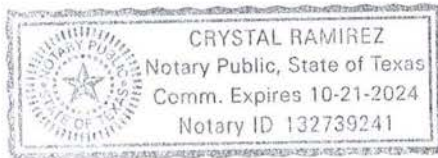
“The document in **Exhibit D-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

**SIGNED** on the 3<sup>rd</sup> day of May, 2023.

  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023  
by the above referenced Affiant.



  
Notary Public, State of Texas



# Exhibit D-6



**NOTICE OF VIOLATION  
AND NOTICE OF HEARING**

**804 JOHNSON, BIG SPRING, TEXAS 79720**  
**LEGAL DESCRIPTION: S/75' LT BK 73 ORIGINAL TOWN 75X140 1067 ACQ**  
**02162022 0.241 ACRES, HOWARD COUNTY**

April 28, 2023

BRITTANY M SALAZAR  
804 JOHNSON 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                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 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:<br>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. | Door is boarded up and does not conform to building code.<br>Hazardous condition. |
| 304.13 Window, skylight and door frames.<br><br>Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.                                                                                                                                                                                                                                                                       | Windows and doors need to be fixed.                                               |

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

**Corrective Action Required**

Repair structure/building in front. Repair or demolish structure/building in back.

Code Compliance is seeking an order for the following:

- Repair front structure if owner does not repair
- Demolish back structure if owner does not repair or demolish.

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

Issued by

Kaleb Smith

*Name*

Code Compliance Official

*Title*

+1 (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 **5:30 PM, May 9, 2023** at the City Council Chambers located at **307 E 4<sup>th</sup> 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](https://library.municode.com/tx/big_spring). See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Kaleb Smith, Code Compliance Official  
City of Big Spring, Texas



# Exhibit D-7

7016 1370 0000 4246 5075

| U.S. Postal Service <sup>TM</sup><br>CERTIFIED MAIL <sup>®</sup> RECEIPT<br>Domestic Mail Only               |                  |
|--------------------------------------------------------------------------------------------------------------|------------------|
| For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> <sup>®</sup> . |                  |
| OFFICIAL USE                                                                                                 |                  |
| Certified Mail Fee<br>\$                                                                                     | Postmark<br>Here |
| Extra Services & Fees (check box, add fee as appropriate)                                                    |                  |
| <input type="checkbox"/> Return Receipt (hardcopy) \$                                                        |                  |
| <input type="checkbox"/> Return Receipt (electronic) \$                                                      |                  |
| <input type="checkbox"/> Certified Mail Restricted Delivery \$                                               |                  |
| <input type="checkbox"/> Adult Signature Required \$                                                         |                  |
| <input type="checkbox"/> Adult Signature Restricted Delivery \$                                              |                  |
| Postage<br>\$                                                                                                |                  |
| Total Postage and Fees \$8.10                                                                                |                  |
| Sent To Brittany M. Salazar                                                                                  |                  |
| Street and Apt. No., or PO Box 804 Johnson                                                                   |                  |
| City, State, ZIP+4 <sup>®</sup> Big Spring, TX 79720                                                         |                  |
| PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions                                   |                  |



STATE OF TEXAS

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COUNTY OF HOWARD

**CERTIFICATION  
OF POSTING OF PUBLIC HEARING**

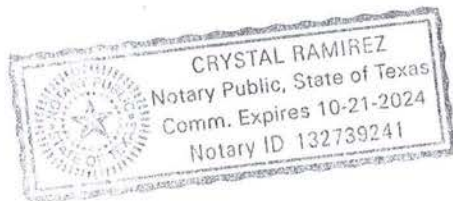
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for May 09, 2023, attached as **Exhibit D-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on \_\_\_\_\_, 2023.

~~This notice was also published in the Big Spring Herald on \_\_\_\_\_, 2023.”~~

SIGNED on the 3<sup>rd</sup> day of May, 2023.

  
AFFIANT

SWORN TO AND SUBSCRIBED before me this 3<sup>rd</sup> day of May, 2023  
by the above referenced Affiant.



  
Notary Public, State of Texas

# Exhibit D-8





## Code Enforcement

---

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

### NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON MAY 9<sup>TH</sup>, 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4<sup>TH</sup> ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

604 ABRAMS, BIG SPRING, TEXAS 79720 – LT 3 BK 15 EARLES 50X130 897 0.149 ACRES– OWNER: LUPE CHAVARRIA AND ESTATE OF EDWARD CHAVARRIA

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

1302 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES – OWNER: BROWN FAMILY TRUST CARROLL & EVELYN

1321 ELM, BIG SPRING, TEXAS 79720 – LT 11 BK 4 MESA 50X142 019 ACQ 11062015 BLK/TRACT 331S 0.163 ACRES – OWNER: KASEY DALTON RAWLS

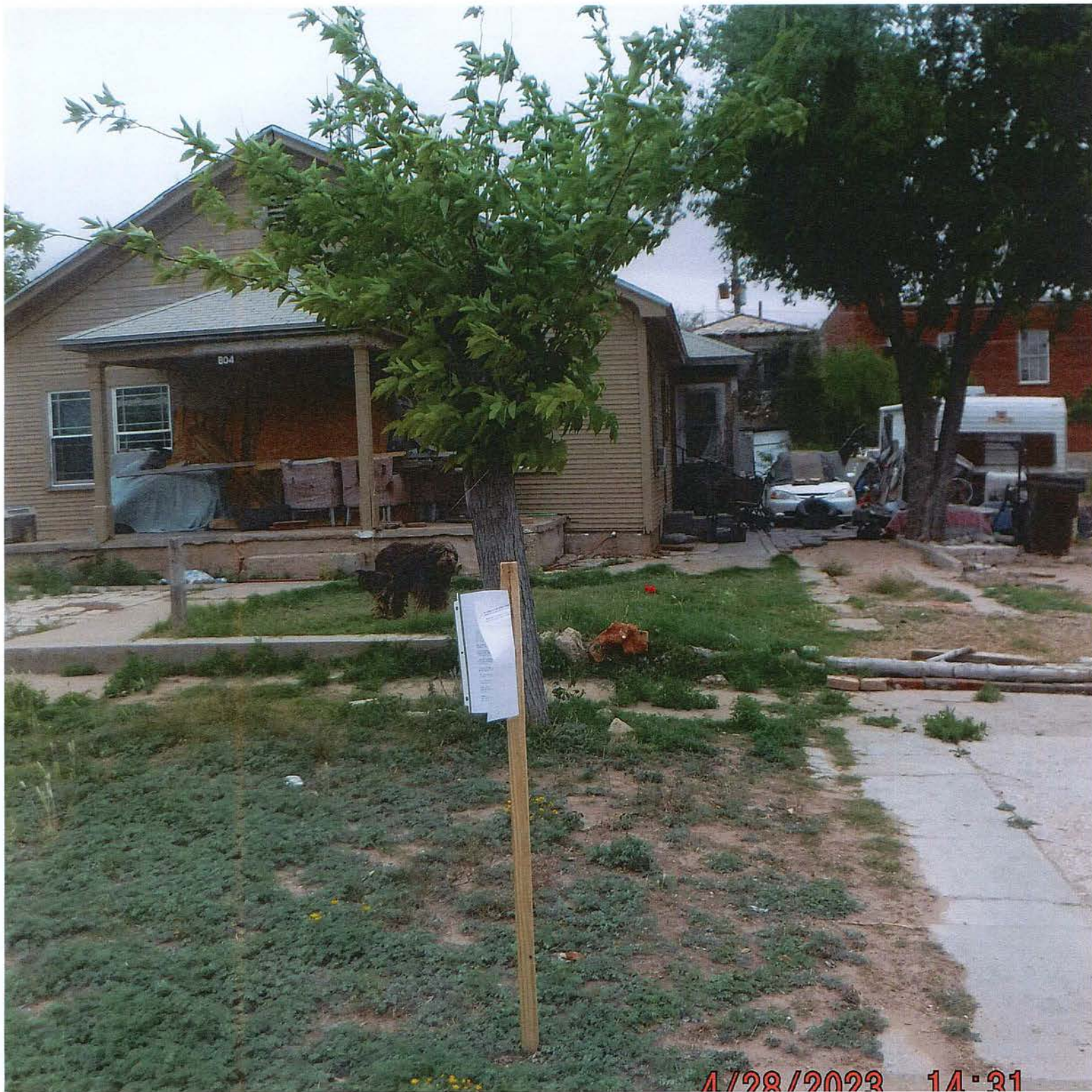
411 NW 8TH ST, BIG SPRING, TEXAS 79720 – LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES – OWNER: JIMMY ALEMAN

413 NW 8TH ST, BIG SPRING, TEXAS 79720 – PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT 18 0.17 ACRES – OWNER: JIMMY ALEMAN

1302 MAIN ST, BIG SPRING, TEXAS 79720 – LT 11 BK 7 MCDOWELL HEIGHTS 50X140 236 BLK/TRACT 7 0.161 ACRES – OWNER: JACK WALLIS AND MARJORIE WALLIS

1008 E 13TH ST, BIG SPRING, TEXAS 79720 – LT 5 BK 32 COLE & STRAYHORN 50X140 412 ACQ 07142021 BLK/TRACT 32 0.161 ACRES – OWNER: ROGER G. ALPHIN, JR AND SANTANA R. DELEON







# 1302 SYCAMORE

Code Enforcement Officer: Jacob Leos

# Exhibit J-1



STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF JACOB LEOS  
CONCERNING 1302 SYCAMORE**

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

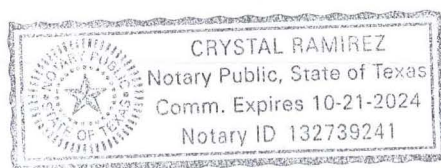
“My name is **Jacob Leos**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **1302 SYCAMORE**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

**SIGNED** on the 3 day of May, 2023.

  
\_\_\_\_\_  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of May, 2023 by the above referenced Affiant.



  
\_\_\_\_\_  
Notary Public, State of Texas

# Exhibit J-2



---

 Property Details

Account

|               |        |                |             |
|---------------|--------|----------------|-------------|
| Property ID:  | 283268 | Geographic ID: | B4350001800 |
| Type:         | Real   | Zoning:        |             |
| Property Use: |        | Condo:         |             |

Location

|                |               |         |  |
|----------------|---------------|---------|--|
| Situs Address: | 1302 SYCAMORE |         |  |
| Map ID:        |               | Mapsco: |  |

|                    |                                                               |
|--------------------|---------------------------------------------------------------|
| Legal Description: | LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES |
|--------------------|---------------------------------------------------------------|

Abstract/Subdivision:

|               |             |
|---------------|-------------|
| Neighborhood: | MCEW MCEWEN |
|---------------|-------------|

Owner 

|           |                                     |
|-----------|-------------------------------------|
| Owner ID: | 443299                              |
| Name:     | BROWN FAMILY TRUST CARROLL & EVELYN |
| Agent:    |                                     |

|                  |   |
|------------------|---|
| Mailing Address: | , |
|------------------|---|

|              |        |
|--------------|--------|
| % Ownership: | 100.0% |
|--------------|--------|

|             |                                                          |
|-------------|----------------------------------------------------------|
| Exemptions: | For privacy reasons not all exemptions are shown online. |
|-------------|----------------------------------------------------------|

---

## Property Taxing Jurisdiction

**Owner:** BROWN FAMILY TRUST CARROLL & EVELYN **%Ownership:** 100.0%

| Entity | Description        | Tax Rate | Market Value | Taxable Value | Estimated Tax | Freeze Ceiling |
|--------|--------------------|----------|--------------|---------------|---------------|----------------|
| 01H    | HOWARD COUNTY      | N/A      | N/A          | N/A           | N/A           | N/A            |
| 02B    | CITY OF BIG SPRING | N/A      | N/A          | N/A           | N/A           | N/A            |
| 03B    | BIG SPRING ISD     | N/A      | N/A          | N/A           | N/A           | N/A            |
| 052    | HOWARD COLLEGE     | N/A      | N/A          | N/A           | N/A           | N/A            |

**Total Tax Rate:** N/A

**Estimated Taxes With Exemptions:** N/A

**Estimated Taxes Without Exemptions:** N/A

---

## Property Improvement - Building

**Description:** RESIDENTIAL **Type:** RESIDENTIAL **State Code:** A1 **Living Area:** 1,080.00sqft  
**Value:** N/A

| Type | Description                | Class CD | Exterior Wall | Year Built | SQFT     |
|------|----------------------------|----------|---------------|------------|----------|
| LA   | Living Area                | RS3F     | FET           | 1949       | 1,080.00 |
| CPF  | COVERED PORCH FRAME        | RS3F     |               | 1949       | 32.00    |
| OPF  | OPEN PORCH / PATIO - FRAME | RS3F     |               | 1949       | 16.00    |

---

## Property Land

| Type  | Description | Acreage | Sqft | Eff Front | Eff Depth | Market Value | Prod. Value |
|-------|-------------|---------|------|-----------|-----------|--------------|-------------|
| LFF18 | LFF18       | 0.0000  | 0.00 | 60.00     |           | N/A          | N/A         |



STATE OF TEXAS

§

COUNTY OF HOWARD

§

§

**CERTIFICATION  
1302 SYCAMORE CASE NOTES**

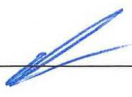
“This record, attached as **Exhibit J-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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.

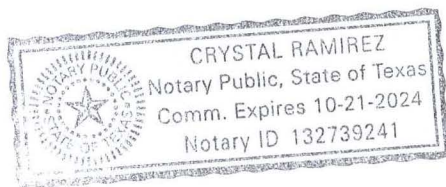
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout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

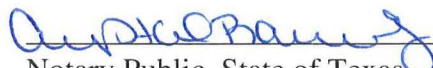
**SIGNED** on the 3 day of May, 2023.

**AFFIANT** 

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023

by the above referenced Affiant.



  
Notary Public, State of Texas

# Exhibit J-3



04-24-2023 02:46 PM

TASK NOTES REPORT

TASK #: 115133

ORIG. DATE:

TASK CODE: REINSPECT SUBSTANDRD

DUE DATE:

PROPERTY: 1302 SYCAMORE ST

NOTES

---

Incident Notes:

2/22/23 CODE OFFICER JACOB LEOS INSPECTED PROPERTY. STRUCTURE/HOUSE ON PROPERTY HAS FRONT DOOR OPEN AND BACK DOOR IS MISSING. YOU CAN SEE THROUGH HOUSE. THERE ARE TRACES OF BURNT/BLACK around the exterior of house on front, side and back. A wall is missing in the back of the house. The back corner is burnt and damaged to the extent that it is exposing the studs/framing of the corner of the house. with the front door missing, you can see the inner roof and framework is charred and burnt. The structural integrity of the roof looks compromised.

Task #: 115130 - INSPECT SUBSTANDARD - 4/03/2023

3/23/23 REINSPECTED. STILL IN VIOLATION

4/3/23 REINSPECTED -BY CODE OFFICER JACOB LEOS AND CODE OFFICER ROY MARQUEZ. The house, or any portion thereof, is clearly unsafe, unsanitary or unfit for human habitation for its use or occupancy. The structure needs to be demolished. WILL SEND NOTICE of violation.

Task #: 115131 - SUBSTANDARD BLD - 4/03/2023

Task #: 115132 - SUBSTANDARD BLD - 4/03/2023

Task #: 115133 - REINSPECT SUBSTANDRD - 4/03/2023

4/10/23 received SUB STANDARD violation letter back labeled -RETURN TO SENDER VACANT UNABLE TO FORWARD 04/7/23.

Mail was stamped on 4/4/23 when mailed.

4/24/23 Mailed out violation to 703 ASH, COPPERAS COVE TX 76522.

ACCORDING TO HOWCAD THIS WAS THE LAST KNOWN ADDRESS IN 2022. FOR 2023 NO ADDRESS IS UPDATED.

WILL TURN IN COMPLAINT TO LEGAL.

Task #: 115134 - SUBSTANDARD BLD - 4/03/2023

STATE OF TEXAS

§

COUNTY OF HOWARD

§

§

**CERTIFICATION OF  
PHOTOGRAPHS BY JACOB LEOS**

“With regard to the photographs in **Exhibits J-4** I am familiar with and recognize the scene depicted in the photographs. On January, 24<sup>th</sup>, 2023 February, 2<sup>nd</sup>, 2023 March, 23, 2023 and April 3<sup>rd</sup>, 2023, I inspected the property described as:

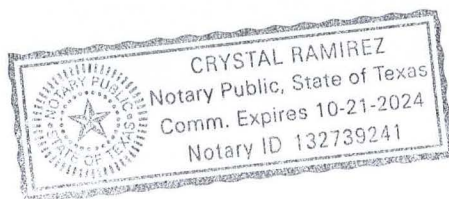
LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES  
Big Spring, Howard County, Texas, also known as **1302 SYCAMORE**, Big  
Spring, Texas.

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

**SIGNED** on the 3 day of May, 2023.

\_\_\_\_\_  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3 day of May, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit J-4



















# Exhibit J-4





























3/23/2023 13:16



3/23/2023 13:16



































































# Exhibit J-5



 **INCIDENT**

|                                                                          |                                    |                                                               |                                               |                                |
|--------------------------------------------------------------------------|------------------------------------|---------------------------------------------------------------|-----------------------------------------------|--------------------------------|
| Incident Number<br><b>200904-125247-BSFD</b>                             | Incident Date<br><b>09/04/2020</b> | NFIRS Number<br><b>0001564</b>                                | Incident Type<br><b>(111) - Building fire</b> |                                |
| FDID<br><b>KW601</b>                                                     | Station<br><b>Station 4</b>        | Shift<br><b>B-Shift</b>                                       | District<br><b>District 3</b>                 |                                |
| Initial Dispatch Code<br><br>                                            |                                    |                                                               |                                               |                                |
| Alarms<br><b>1</b>                                                       | Working Fire?<br><br>              | COVID-19 was a factor<br><b>No, COVID-19 was not a factor</b> | Critical Incident<br><br>                     | Critical Incident Team<br><br> |
| Temporary Resident Involvement<br><br>                                   |                                    |                                                               |                                               |                                |
| Hazardous Materials Released<br><br>                                     |                                    |                                                               |                                               |                                |
| Action Taken 1<br><b>(11) - Extinguishment by fire service personnel</b> |                                    |                                                               |                                               |                                |

 **AID**

Aid Given/Received  
**(N) - None**

 **LOCATION**

|                                                           |                   |                   |                      |
|-----------------------------------------------------------|-------------------|-------------------|----------------------|
| Location Type<br><b>(1) - Street address</b>              |                   |                   |                      |
| Address<br><b>1302 Sycamore, Big Spring, Texas, 79720</b> |                   |                   |                      |
| Cross Street, USNG, or Directions<br><br>                 | Latitude<br><br>  | Longitude<br><br> | Census Tract<br><br> |
| Detector Alerted Occupant<br><br>                         |                   |                   |                      |
| Property Use<br><b>(419) - 1 or 2 family dwelling</b>     | Mixed Use<br><br> |                   |                      |

 **TIMES**

|                                                   |                                                       |                                                       |
|---------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------|
| PSAP Received<br><b>14:59:00, 09/04/2020</b>      | Dispatch Notified Time<br><b>14:59:00, 09/04/2020</b> | Alarm Time<br><b>14:59:00, 09/04/2020</b>             |
| Arrival Time<br><b>15:07:00, 09/04/2020</b>       | Water on Fire Time<br><br>                            | At Patient Time<br><br>                               |
| Loss Stop Time<br><br>                            | Controlled Time<br><br>                               | Last Unit Cleared Time<br><b>17:00:00, 09/04/2020</b> |
| Total On Scene Time<br><b>1 hrs 53 mins 0 sec</b> | Total Incident Time<br><b>2 hrs 1 mins 0 sec</b>      |                                                       |



 COUNTS

Counts Include Aid Received?

No

## Suppression:

Apparatus Personnel

4 9

## EMS:

Apparatus Personnel

2 4

## Other:

Apparatus Personnel

6 9

 LOSS

## Property:

Estimated Property Losses

35000

Estimated Property Value

35000

## Content:

Estimated Content Losses

600

Estimated Content Value

600

 AUTHORIZATION

## Report Writer:

Name

Davila, Benjamin

Employee Number

0702

Assignment

Station 4

Authorization Date

09/04/2020

## Officer in Charge:

Name

Davila, Benjamin

Employee Number

0702

Assignment

Station 4

Authorization Date

09/04/2020

## Quality Control:

Name

Authorization Date

 INCIDENT NARRATIVE

Dispatch paged out a grass fire that was near a structure on the 1300 blk of Sycamore. E-3 was out on an EMS call and we (E-4) were on the Interstate coming into town from a previous call and went enroute to the grass fire call. R-2, brush 1, Battalion 1, and M-4 responded as well. E-4 arrived on scene to find a single story wood frame vacant residential structure with smoke coming out of the eaves. E-4 parked in front of the structure and pulled 200 ft of 1 3/4 attack line to the rear of the structure where we find the back outside exterior of the structure on fire with the fire advancing into the kitchen and attic area of the residence. There was a grass fire to the back yard of the residence as well. We sprayed water to the grass near the structure and then attacked the back wall of the structure. The back door was already open and was laying on the floor in the kitchen. We advanced the hose line to the interior of the structure and sprayed water into the kitchen and attic area knocking down the fire. Brush 1 parked in the alley and pulled the red line and attacked the remainder of the grass fire in the back yard. Rescue 2 parked on Settles and pulled 200 ft of 1 3/4 attack line and ran the hose through the fence of the neighboring house to the West of the main structure on fire and sprayed water on the grass fire that had spread to that yard. After putting out that fire, R-2 crew moved their line and sprayed the hot spots to the exterior wall of the structure where the main fire was at. E-4, R-2, and M-4 crew went into overhaul mode and removed drywall from the kitchen and ceiling putting out hot spots in the attic inside of the walls. We used about 2400 gallons of water with all units combined putting out the fire and overhaul. Fire Marshall Hendrickson and Code Enforcement arrived on scene and did a walkthrough of the structure. Investigation of the cause of the fire and the owner of the structure is undetermined at the this time. The structure was vacant and had boards over some of the windows. The front wooden door was off the hinges and the back door was lying on the ground when we arrived on scene. Encore was called out to the residence to pull the meter and disconnect the line going to the structure. No injuries were reported but 50 ft of 1 3/4 line was damaged from the fire. Units gathered all the tools and hose used on the fire and went to station 1 to resupply.

Created By: Davila, Benjamin



## Unit Reports



**ENGINE 4**

|                                 |                                 |                             |
|---------------------------------|---------------------------------|-----------------------------|
| Use<br><b>(1) - Suppression</b> | Responding From<br><b>Other</b> | Priority<br><b>Emergent</b> |
|---------------------------------|---------------------------------|-----------------------------|

Response Delays  
**Other (Not Listed)**

|                                              |                                             |                                             |
|----------------------------------------------|---------------------------------------------|---------------------------------------------|
| Dispatch Time<br><b>14:59:00, 09/04/2020</b> | Enroute Time<br><b>14:59:00, 09/04/2020</b> | Arrival Time<br><b>15:07:00, 09/04/2020</b> |
|----------------------------------------------|---------------------------------------------|---------------------------------------------|

|                 |                                           |                  |
|-----------------|-------------------------------------------|------------------|
| At Patient Time | Clear Time<br><b>17:00:00, 09/04/2020</b> | In District Time |
|-----------------|-------------------------------------------|------------------|

Actions Taken:  
**Extinguishment by fire service personnel**

**Person 1: Davila, Benjamin**

Patient Contact? PPE Worn During Exposure

Fire Products Exposed To

PPE Worn During Exposure

|                  |                |                           |                            |
|------------------|----------------|---------------------------|----------------------------|
| PPE Malfunction? | Barrier Breach | Black Soot Around<br>Nose | Black Soot Around<br>Mouth |
|------------------|----------------|---------------------------|----------------------------|

Decontamination Procedures Completed

**Person 2: Evans, Shane M.**

Patient Contact? PPE Worn During Exposure

Fire Products Exposed To

PPE Worn During Exposure

|                  |                |                           |                            |
|------------------|----------------|---------------------------|----------------------------|
| PPE Malfunction? | Barrier Breach | Black Soot Around<br>Nose | Black Soot Around<br>Mouth |
|------------------|----------------|---------------------------|----------------------------|

Decontamination Procedures Completed

**BRUSH 1**

|                                 |                                              |                             |
|---------------------------------|----------------------------------------------|-----------------------------|
| Use<br><b>(1) - Suppression</b> | Responding From<br><b>City of Big Spring</b> | Priority<br><b>Emergent</b> |
|---------------------------------|----------------------------------------------|-----------------------------|

Response Delays  
**None/No Delay**

|                                              |                                             |                                             |
|----------------------------------------------|---------------------------------------------|---------------------------------------------|
| Dispatch Time<br><b>14:59:00, 09/04/2020</b> | Enroute Time<br><b>14:59:00, 09/04/2020</b> | Arrival Time<br><b>15:08:00, 09/04/2020</b> |
|----------------------------------------------|---------------------------------------------|---------------------------------------------|



**BRUSH 1**

At Patient Time

Clear Time

In District Time

17:00:00, 09/04/2020

Actions Taken:

Extinguishment by fire service personnel

**Person 1: JENNINGS, JOSH**

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: White, Jeff**

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

**RESCUE 2**

Use

(0) - Other

Responding From

City of Big Spring

Priority

Emergent

Response Delays

None/No Delay

Dispatch Time

14:59:00, 09/04/2020

Enroute Time

14:59:00, 09/04/2020

Arrival Time

15:07:00, 09/04/2020

At Patient Time

Clear Time

17:00:00, 09/04/2020

In District Time

Actions Taken:

Extinguishment by fire service personnel



**Person 1: Reynolds, John**

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: MCDANIEL, CLINT**

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: Moss, Tyler**

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  
(2) - EMSResponding From  
City of Big SpringPriority  
EmergentResponse Delays  
None/No DelayDispatch Time  
14:59:00, 09/04/2020Enroute Time  
14:59:00, 09/04/2020Arrival Time  
15:07:00, 09/04/2020



**MEDIC 4**

At Patient Time

Clear Time

In District Time

17:00:00, 09/04/2020

Actions Taken:

**Person 1: MAYER, GAGE**

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: LIGHT, THOMAS**

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

**UNIT 11**

Use

(0) - Other

Responding From

City of Big Spring

Priority

Emergent

Response Delays

None/No Delay

Dispatch Time

14:59:00, 09/04/2020

Enroute Time

14:59:00, 09/04/2020

Arrival Time

15:07:00, 09/04/2020

At Patient Time

Clear Time

17:00:00, 09/04/2020

In District Time

Actions Taken:



**Person 1: GLENN, CHRIS**

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

---

**FIRE MARSHALL**

|                    |                          |                          |
|--------------------|--------------------------|--------------------------|
| Use<br>(0) - Other | Responding From<br>Other | Priority<br>Non-Emergent |
|--------------------|--------------------------|--------------------------|

Response Delays

None/No Delay

Dispatch Time

15:17:00, 09/04/2020

Enroute Time

15:17:00, 09/04/2020

Arrival Time

15:24:00, 09/04/2020

At Patient Time

Clear Time

17:00:00, 09/04/2020

In District Time

Actions Taken:

Investigate

**Person 1: Hendrickson, Dan**

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

---

**Fire Module****i SITE INFO**

Alarms

Acres Burned

Resident Units In Bldg

Buildings Involved

---

---

1

---

Hydrant Identifier

Estimated Water Usage

---

---



## 🔥 IGNITION

Area of Origin

(UU) - Undetermined

Heat Source

(UU) - Undetermined

Item First Ignited

(UU) - Undetermined

Fire Confined to Item?

Type of Material First Ignited

Cause of Ignition

(U) - Cause undetermined after 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

1

Building Status

(6) - Vacant and unsecured

Length

35 ft

Width

30 ft

Total Square Feet

1050 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



 **PROTECTIVE SYSTEMS**

| System Operation | # of Sprinklers | Reason for System Failure |
|------------------|-----------------|---------------------------|
|------------------|-----------------|---------------------------|



 **INCIDENT**

|                                                                          |  |                                    |  |                                                               |  |                                               |  |
|--------------------------------------------------------------------------|--|------------------------------------|--|---------------------------------------------------------------|--|-----------------------------------------------|--|
| Incident Number<br><u>200904-143351-BSFD</u>                             |  | Incident Date<br><u>09/04/2020</u> |  | NFIRS Number<br><u>0001566</u>                                |  | Incident Type<br><u>(111) - Building fire</u> |  |
| FDID<br><u>KW601</u>                                                     |  | Station<br><u>Station 3</u>        |  | Shift<br><u>B-Shift</u>                                       |  | District<br><u>District 3</u>                 |  |
| Initial Dispatch Code<br><u></u>                                         |  |                                    |  |                                                               |  |                                               |  |
| Alarms<br><u></u>                                                        |  | Working Fire?<br><u></u>           |  | COVID-19 was a factor<br><u>No, COVID-19 was not a factor</u> |  | Critical Incident<br><u></u>                  |  |
| Critical Incident Team<br><u></u>                                        |  |                                    |  |                                                               |  |                                               |  |
| Temporary Resident Involvement<br><u></u>                                |  |                                    |  |                                                               |  |                                               |  |
| Hazardous Materials Released<br><u></u>                                  |  |                                    |  |                                                               |  |                                               |  |
| Action Taken 1<br><u>(11) - Extinguishment by fire service personnel</u> |  |                                    |  |                                                               |  |                                               |  |

 **AID**

Aid Given/Received  
(N) - None

 **LOCATION**

Location Type  
(1) - Street address

Address  
1302 Sycamore, Big Spring, Texas, 79720

|                                              |                     |                      |                         |
|----------------------------------------------|---------------------|----------------------|-------------------------|
| Cross Street, USNG, or Directions<br><u></u> | Latitude<br><u></u> | Longitude<br><u></u> | Census Tract<br><u></u> |
|----------------------------------------------|---------------------|----------------------|-------------------------|

Detector Alerted Occupant

Property Use  
(419) - 1 or 2 family dwelling

Mixed Use

 **TIMES**

|                                                   |                                                   |                                                       |
|---------------------------------------------------|---------------------------------------------------|-------------------------------------------------------|
| PSAP Received<br><u></u>                          | Dispatch Notified Time<br><u></u>                 | Alarm Time<br><u>19:58:00, 09/04/2020</u>             |
| Arrival Time<br><u>20:00:00, 09/04/2020</u>       | Water on Fire Time<br><u>20:03:00, 09/04/2020</u> | At Patient Time<br><u></u>                            |
| Loss Stop Time<br><u></u>                         | Controlled Time<br><u></u>                        | Last Unit Cleared Time<br><u>20:30:00, 09/04/2020</u> |
| Total On Scene Time<br><u>0 hrs 30 mins 0 sec</u> | Total Incident Time<br><u></u>                    |                                                       |



**COUNTS**

Counts Include Aid Received?

No

**Suppression:**

Apparatus

5

Personnel

11

**EMS:**

Apparatus

2

Personnel

4

**Other:**

Apparatus

3

Personnel

5

**\$↓ LOSS****Property:**

Estimated Property Losses

50

Estimated Property Value

**Content:**

Estimated Content Losses

50

Estimated Content Value

**AUTHORIZATION****Report Writer:**

Name

Phelps, James

Employee Number

0746

Assignment

St #3 Lt

Authorization Date

09/04/2020

**Officer in Charge:**

Name

Phelps, James

Employee Number

0746

Assignment

St #3 Lt

Authorization Date

09/04/2020

**Quality Control:**

Name

Authorization Date

**INCIDENT NARRATIVE**

Engine 3, Rescue 2, Medic 4, Engine 4 and Battalion 1 were dispatched to 1302 Sycamore for a rekindle from an earlier structure fire in the PM at 1958 hours. E-3 arrived on scene at 2000 hours to find smoke coming from the alpha side doorway, E-3 assuming Sycamore street command, deploying 200 foot of inch and three quarter pre connected hose line. All other fire/ems crews arrived on scene with Battalion 1 assuming command. E-3 made entry on the alpha side and extended the hose line thru the rear door on the Charlie side, where some exterior wall covering was smoldering. E-3 used 100 gallons of water to extinguish the smoldering material, with the rear wall of the attached garage was tore down by fire/ems crews to halt any future reignitions. All personnel wore appropriate PPE to include SCBA, with no injuries to report. All fire/ems crews went back in service at 2030 hours after clearing the structure with a thermal camera and final walkthrough. E-3 Crew, Lt Phelps, AE Emre R-2 Crew, Lt Reynolds, AE Moss and F/F McDaniel E-4 Crew, Lt Davila and AE Evans M-4 Crew, F/F Mayer and F/F Light Battalion 1, DC Glenn

Created By: Phelps, James

**Unit Reports****ENGINE 3**

Use

(1) - Suppression

Responding From

Priority

Response Delays

Dispatch Time

19:58:00, 09/04/2020

Enroute Time

19:58:00, 09/04/2020

Arrival Time

20:00:00, 09/04/2020



**ENGINE 3**

At Patient Time

Clear Time

In District Time

20:30:00, 09/04/2020

20:30:00, 09/04/2020

Actions Taken:

**Person 1: EMRE, DANIEL**

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: Phelps, James**

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

**UNIT 11**

Use

Responding From

Priority

(0) - Other

Response Delays

Dispatch Time

Enroute Time

Arrival Time

19:58:00, 09/04/2020

19:58:00, 09/04/2020

20:00:00, 09/04/2020

At Patient Time

Clear Time

In District Time

20:30:00, 09/04/2020

Actions Taken:



**Person 1: GLENN, CHRIS**

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

**ENGINE 4**

Use

Responding From

Priority

(1) - Suppression

Response Delays

Dispatch Time

Enroute Time

Arrival Time

19:58:00, 09/04/2020

19:58:00, 09/04/2020

20:00:00, 09/04/2020

At Patient Time

Clear Time

In District Time

20:30:00, 09/04/2020

Actions Taken:

**Person 1: Davila, Benjamin**

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: Evans, Shane M.**

Patient Contact?

PPE Worn During Exposure

Fire Products Exposed To

PPE Worn During Exposure



**Person 2: Evans, Shane M.**

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

Enroute Time

Arrival Time

19:58:00, 09/04/2020

19:58:00, 09/04/2020

20:00:00, 09/04/2020

At Patient Time

Clear Time

In District Time

20:30:00, 09/04/2020

Actions Taken:

**Person 1: LIGHT, THOMAS**

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: MAYER, GAGE**

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



**RESCUE 2**

|                    |                 |          |
|--------------------|-----------------|----------|
| Use<br>(0) - Other | Responding From | Priority |
|--------------------|-----------------|----------|

Response Delays

|                                       |                                      |                                      |
|---------------------------------------|--------------------------------------|--------------------------------------|
| Dispatch Time<br>19:58:00, 09/04/2020 | Enroute Time<br>19:58:00, 09/04/2020 | Arrival Time<br>20:00:00, 09/04/2020 |
|---------------------------------------|--------------------------------------|--------------------------------------|

|                 |                                    |                  |
|-----------------|------------------------------------|------------------|
| At Patient Time | Clear Time<br>20:30:00, 09/04/2020 | In District Time |
|-----------------|------------------------------------|------------------|

Actions Taken:

**Person 1: MCDANIEL, CLINT**

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

Fire Products Exposed To

PPE Worn During Exposure

|                  |                |                           |                            |
|------------------|----------------|---------------------------|----------------------------|
| PPE Malfunction? | Barrier Breach | Black Soot Around<br>Nose | Black Soot Around<br>Mouth |
|------------------|----------------|---------------------------|----------------------------|

Decontamination Procedures Completed

**Person 2: Moss, Tyler**

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

Fire Products Exposed To

PPE Worn During Exposure

|                  |                |                           |                            |
|------------------|----------------|---------------------------|----------------------------|
| PPE Malfunction? | Barrier Breach | Black Soot Around<br>Nose | Black Soot Around<br>Mouth |
|------------------|----------------|---------------------------|----------------------------|

Decontamination Procedures Completed

**Person 3: Reynolds, John**

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

Fire Products Exposed To

PPE Worn During Exposure



## Person 3: Reynolds, John

PPE Malfunction?

Barrier Breach

Black Soot Around  
NoseBlack Soot Around  
Mouth

Decontamination Procedures Completed

 **Fire Module** **SITE INFO**

Alarms

Acres Burned

Resident Units In Bldg

Buildings Involved

1

Hydrant Identifier

Estimated Water Usage

 **IGNITION**

Area of Origin

(76) - Wall surface: exterior

Heat Source

(40) - Hot or smoldering object, other

Item First Ignited

(12) - Exterior sidewall covering, surface, finish

Fire Confined to Item?

Type of Material First Ignited

(65) - Fiberboard, particleboard, and hardboard

Cause of Ignition

(2) - Unintentional

Factors Contributing to Ignition 1

(72) - Rekindle

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

50 ft

Total Square Feet

1500 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



 **STRUCTURE**

|              |                    |              |                |               |
|--------------|--------------------|--------------|----------------|---------------|
| Minor Damage | Significant Damage | Heavy Damage | Extreme Damage | Total Stories |
| <hr/>        | <hr/>              | <hr/>        | <hr/>          | <hr/>         |

 **PROTECTIVE SYSTEMS**

|                                            |               |
|--------------------------------------------|---------------|
| Presence of Detector<br>(N) - None present | Detector Type |
| <hr/>                                      | <hr/>         |

|              |                     |
|--------------|---------------------|
| Power Supply | Detector Operations |
| <hr/>        | <hr/>               |

|                                 |
|---------------------------------|
| Effectiveness (/Failure Reason) |
| <hr/>                           |

|                                                             |             |
|-------------------------------------------------------------|-------------|
| Presence of Auto Extinguishing System<br>(N) - None Present | System Type |
| <hr/>                                                       | <hr/>       |

|                  |                 |                           |
|------------------|-----------------|---------------------------|
| System Operation | # of Sprinklers | Reason for System Failure |
| <hr/>            | <hr/>           | <hr/>                     |



STATE OF TEXAS

§

COUNTY OF HOWARD

§

§

**CERTIFICATION  
NOTICE SENT BY JACOB LEOS**

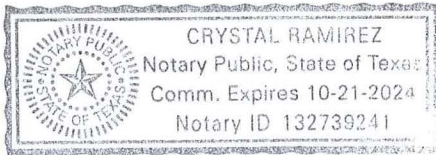
“The document in **Exhibit J-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

**SIGNED** on the 3 day of May, 2023.

\_\_\_\_\_  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3 day of May, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit J-6





## Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2504

# NOTICE OF VIOLATION AND ORDER TO ABATE

## 1302 SYCAMORE ST

LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES

April 3, 2023

Case No: 72544

ATTENTION: CAROLYN ROSALES  
BROWN FAMILY TRUST  
1302 SYCAMORE ST  
BIG SPRING TX 79720-3720

Sent via: Certified US Mail

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

### VIOLATION

### Description of Violation

Hazardous Structure or Premises  
Sec. 111.1.5.11

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.

Property Maintenance Code  
Sec. 304.1.1 Unsafe Conditions

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 incapable of supporting all nominal loads and resisting all load effects.

Sec. 304.1.3 Unsafe Conditions

Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.

Property Maintenance Code  
Sec. 304. 1.1

Premises and exterior/interior property of structure not considered structurally sound, has extensive fire damage and is determined to be as unsafe, poses a threat to public health, safety and welfare



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

Sincerely,



Code Enforcement Officer  
City of Big Spring, Texas





## Code Enforcement

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

### **VIOLATION OF THE BIG SPRING CITY CODE, CHAPTER 36 AT:**

**1302 SYCAMORE ST**  
**Lot: 18 BK: 1 MCEWEN**

January 25, 2022

Complaint No: 69806

BROWN FAMILY TRUST  
703 ASH ST  
COPPERAS COVE TX 76522-3006

Sent via: First Class US Mail

Dear BROWN FAMILY TRUST:

An inspection of the property located at **1302 SYCAMORE ST** was conducted to determine the presence of accumulated items. You are receiving this notice because you are believed to be one or more of the following: property owner, occupant/resident, or agent for the property owner.

### **REMOVAL OF ACCUMULATION REQUIRED**

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

**There are several items ( 2- Sofas, door, tire and piece of furniture ) on the property that needs to be removed and taken out of public view. If problem persists a citation will be issued.**

### **PENALTY**

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

### **REMOVAL OF ACCUMULATION BY CITY**

If you fail to remove the above-described accumulation, the City will enter upon the premises and remove it. The City will attach a lien to the property to secure payment for the services





## Code Compliance

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

### NOTICE OF VIOLATION AND ORDER TO ABATE

**1302 SYCAMORE ST**

LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES

March 29, 2023

Case No: 72536

ATTENTION: CAROLYN ROSALES  
BROWN FAMILY TRUST  
1302 SYCAMORE ST  
BIG SPRING TX 79720-3720

Sent via: First Class US Mail

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

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

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

| Corrective Action Required                                                                                                                                                                                                                                                    | Deadline for Compliance |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>THIS PROPERTY NEEDS TO BE MOWED. YOU ARE RESPONSIBLE FROM YOUR PROPERTY LINE TO MIDDLE OF ALLEY EASEMENT AND CURB LINE TO AT LEAST 3 FEET INTO STREET. IT IS ASKED THAT PROPERTY BE MAINTAINED ON A REGULAR BASIS. IF PROBLEM PERSISTS CRIMINAL CHARGES WILL BE FILED.</b> |                         |

Seven (7) days from  
date of mailing

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

Issued by

JACOB LEOS

Code Compliance



the Code Compliance Officer who sent this notice.

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

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

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

Sincerely,



Code Compliance Officer  
City of Big Spring, Texas





## Code Compliance

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

# NOTICE OF VIOLATION AND ORDER TO ABATE

## 1302 SYCAMORE ST

LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES

April 3, 2023

Case No: 72539

ATT: CAROLYN ROSALES  
BROWN FAMILY TRUST  
1302 SYCAMORE ST  
BIG SPRING TX 79720-3720

Sent via: First Class US Mail

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

### VIOLATION

### Description of Violation

Property Maintenance Code  
Sec. 302.1 Sanitation

The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

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

### Corrective Action Required

### Deadline for Compliance

There are several items (including sofas, furniture, wood, tree trimmings, plastic buckets, metal, trash, plastic items and many other items ) on the property that needs to be removed and taken out of public view. It is asked that property be maintained on a regular basis. If problem persists, criminal charges will be filed.

Seven (7) days from date of mailing

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

Issued by



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

Sincerely,



Code Compliance Officer  
City of Big Spring, Texas





## Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2504

# NOTICE OF VIOLATION AND ORDER TO ABATE

## 1302 SYCAMORE ST

LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES

April 24, 2023

Case No: 72544

ATT: CARROLL /EVELYN  
BROWN FAMILY TRUST  
703 ASH  
COPPERS COVE TX 76522

Sent via: Certified US Mail

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

| VIOLATION                                                   | Description of Violation                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hazardous Structure or Premises<br>Sec. 111.1.5.11          | Any portion of a building remains on a site after the demolition or destruction of the building or <i>structure</i> or whenever any building or <i>structure</i> is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.                                 |
| Property Maintenance Code<br>Sec. 304.1.1 Unsafe Conditions | 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 incapable of supporting all nominal loads and resisting all load effects. |
| Sec. 304.1.3 Unsafe Conditions                              | Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.                                                                                                                                                                                                  |
| Property Maintenance Code<br>Sec. 304. 1.1                  | Premises and exterior/interior property of structure not considered structurally sound, has extensive fire damage and is determined to be as unsafe, poses a threat to public health, safety and welfare                                                                                                              |



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

Sincerely,



Code Enforcement Officer  
City of Big Spring, Texas





## Code Compliance

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

### NOTICE OF VIOLATION AND ORDER TO ABATE

**1302 SYCAMORE ST**

LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES

April 24, 2023

Case No: 72539

ATT: CARROLL / EVELYN  
BROWN FAMILY TRUST  
703 ASH  
COPPERAS COVE, TX 76522

Sent via: First Class US Mail

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

#### VIOLATION

#### Description of Violation

Property Maintenance Code  
Sec. 302.1 Sanitation

The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

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

#### Corrective Action Required

#### Deadline for Compliance

There are several items (including sofas, furniture, wood, tree trimmings, plastic buckets, metal, trash, plastic items and many other items) on the property that needs to be removed and taken out of public view. It is asked that property be maintained on a regular basis. If problem persists, criminal charges will be filed.

Seven (7) days from date of mailing

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

Issued by



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

Sincerely,



Code Compliance Officer  
City of Big Spring, Texas





## Code Compliance

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

### NOTICE OF VIOLATION AND ORDER TO ABATE

**1302 SYCAMORE ST**

LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES

APRIL 24TH, 2023

Case No: 72536

ATTENTION: CARROLL / EVELYN  
BROWN FAMILY TRUST  
703 ASH  
COPPERAS COVE, TX 76522  
Sent via: First Class US Mail

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

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

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

| Corrective Action Required                                                                                                                                                                                                                                                    | Deadline for Compliance |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>THIS PROPERTY NEEDS TO BE MOWED. YOU ARE RESPONSIBLE FROM YOUR PROPERTY LINE TO MIDDLE OF ALLEY EASEMENT AND CURB LINE TO AT LEAST 3 FEET INTO STREET. IT IS ASKED THAT PROPERTY BE MAINTAINED ON A REGULAR BASIS. IF PROBLEM PERSISTS CRIMINAL CHARGES WILL BE FILED.</b> |                         |

Seven (7) days from  
date of mailing

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

Issued by

JACOB LEOS

Code Compliance



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

Sincerely,



Code Compliance Officer  
City of Big Spring, Texas



## NOTICE OF VIOLATION AND NOTICE OF HEARING

1302 SYCAMORE, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N  
0.172 ACRES, HOWARD COUNTY

April 28, 2023

Brown Family Trust, Carroll & Evelyn Brown, Trustees  
1302 Sycamore Street  
Big Spring, TX 79720

Brown Family Trust, Carroll & Evelyn Brown, Trustees  
c/o Carolyn A. Rosales  
703 Ash Street  
Copperas Cove, TX 76522

***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:<br>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.<br>6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.<br>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 | Door is missing and does not conform to building code. The structure is clearly unsafe for use or occupancy. It is an attractive nuisance. Due to dilapidation it is unfit for human habitation. Fire report from September 4, 2020 resulted in damage to the structure and causing it to become an attractive nuisance and hazard to the public. Hazardous structure. |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| <p>committing a nuisance or an unlawful act.</p> <p>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.</p> <p>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.</p>                                                                                                                    |                                                                                                                                           |
| <p>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:</p> <p>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.</p> <p>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.</p> | <p>Exterior walls have cracks, breaks, holes. The roof appears to admit rain and has signs of deterioration.</p> <p>Unsafe condition.</p> |
| <p>304.7 Roofs and drainage.</p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The roof has defects that admit rain and is not sound and not tight.</p>                                                               |
| <p>304.13 Window, skylight and door frames.</p> <p>Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Windows lack glass and are not fully boarded up. Install door.</p>                                                                     |

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

|                   |                          |
|-------------------|--------------------------|
| Jacob Leos        | Code Enforcement Officer |
| <i>Name</i>       | <i>Title</i>             |
| +1 (432) 264-2502 | jleos@mybigspring.com    |
| <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 **5:30 PM, May 9, 2023** at the City Council Chambers located at **307 E 4<sup>th</sup> 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](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,

  
\_\_\_\_\_  
Jacob Leos, Code Enforcement Officer  
City of Big Spring, Texas



# Exhibit J-7

7016 1370 0000 4356 0045

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

|                                                              |    |
|--------------------------------------------------------------|----|
| Certified Mail Fee                                           |    |
| \$                                                           |    |
| Extra Services & Fees (check box, add fee as appropriate)    |    |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ |
| <input type="checkbox"/> Adult Signature Required            | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |

Postmark  
Here

|                        |         |
|------------------------|---------|
| Postage                | \$ 8.10 |
| Total Postage and Fees | \$      |

|                                    |                         |
|------------------------------------|-------------------------|
| Sent To                            | Brown Family Trust      |
| Street and Apt. No., or PO Box No. | 1103 Ash                |
| City, State, ZIP+4®                | Copperas Cove, TX 76522 |

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



7016 1370 0000 4246 5006

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://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®

Brown Family Trust  
1302 Sycamore  
Bo Spring, TX 779720

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

See Reverse for Instruction

STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION  
OF POSTING OF PUBLIC HEARING**

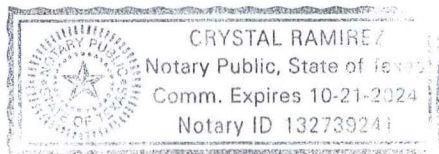
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for May 09, 2023, attached as **Exhibit J-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 28th, 2023.

This notice was also published in the Big Spring Herald on \_\_\_\_\_, 2023.”

**SIGNED** on the 3 day of May, 2023.

\_\_\_\_\_  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of May, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit J-8



## Code Enforcement

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

### NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON MAY 9<sup>TH</sup>, 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4<sup>TH</sup> ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

604 ABRAMS, BIG SPRING, TEXAS 79720 – LT 3 BK 15 EARLES 50X130 897 0.149 ACRES– OWNER: LUPE CHAVARRIA AND ESTATE OF EDWARD CHAVARRIA

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

1302 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES – OWNER: BROWN FAMILY TRUST CARROLL & EVELYN

1321 ELM, BIG SPRING, TEXAS 79720 – LT 11 BK 4 MESA 50X142 019 ACQ 11062015 BLK/TRACT 331S 0.163 ACRES – OWNER: KASEY DALTON RAWLS

411 NW 8TH ST, BIG SPRING, TEXAS 79720 – LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES – OWNER: JIMMY ALEMAN

413 NW 8TH ST, BIG SPRING, TEXAS 79720 – PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT 18 0.17 ACRES – OWNER: JIMMY ALEMAN

1302 MAIN ST, BIG SPRING, TEXAS 79720 – LT 11 BK 7 MCDOWELL HEIGHTS 50X140 236 BLK/TRACT 7 0.161 ACRES – OWNER: JACK WALLIS AND MARJORIE WALLIS

1008 E 13TH ST, BIG SPRING, TEXAS 79720 – LT 5 BK 32 COLE & STRAYHORN 50X140 412 ACQ 07142021 BLK/TRACT 32 0.161 ACRES – OWNER: ROGER G. ALPHIN, JR AND SANTANA R. DELEON





Code Enforcement

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

**NOTICE OF PUBLIC HEARING  
CONCERNING PUBLIC NUISANCE**

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD  
PUBLIC HEARING ON MAY 9TH, 2023, AT 5:30 P.M. IN THE CITY  
COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS  
ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF  
TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEREAFTER  
BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING

604 ABRAMS, BIG SPRING, TEXAS 79720 - LT 3 BK 18 EAKIN  
ACRES - OWNER: LUPE CHAVARRIA AND ESTATE OF LUPE CHAVARRIA

2104 RUNNELS, BIG SPRING, TEXAS 79720 - S150 N150 & S300 N150  
COLLEGE HEIGHTS 100X140 1262 BLK/TRACT 37 632 ACRES  
CUNNINGHAM

1302 SYCAMORE, BIG SPRING, TEXAS 79720 - LT 18 BK 140 EAKIN  
ACQ BLK/TRACT 32 IN 0.173 ACRES - OWNER: BROWN, JAMES  
& EVELYN

1321 ELAM, BIG SPRING, TEXAS 79720 - LT 18 BK 140 EAKIN  
BLK/TRACT 331S 0.163 ACRES - OWNER: KIMMY JONES

411 NW 8TH ST, BIG SPRING, TEXAS 79720 - PART 1E 2400  
ACRES - OWNER: JIMMY ALLEN

411 NW 8TH ST, BIG SPRING, TEXAS 79720 - LT 11 BK 140 EAKIN  
BLK/TRACT 18.17 ACRES - OWNER: JIMMY ALLEN

411 NW 8TH ST, BIG SPRING, TEXAS 79720 - LT 11 BK 140 EAKIN  
BLK/TRACT 18.17 ACRES - OWNER: JIMMY ALLEN

4/28/2023 11:10



# 1008 E 13TH

Code Enforcement Officer: Roy Marquez



# Exhibit E-1

STATE OF TEXAS

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COUNTY OF HOWARD

**AFFIDAVIT OF ROY MARQUEZ  
CONCERNING 1008 E 13TH**

**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:

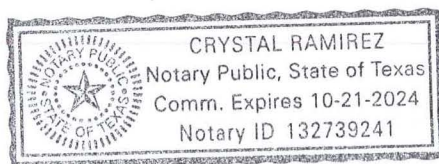
“I am a Code Enforcement Officer for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **1008 E 13TH**, 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 3 day of May, 2023.

Roy Marquez  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023 by the above referenced Affiant.

Crystal Ramirez  
Notary Public, State of Texas





# Exhibit E-2

# HOWARD COUNTY APPRAISAL DISTRICT (2022)

Property ID : R000002554

Geo ID : B2880034000

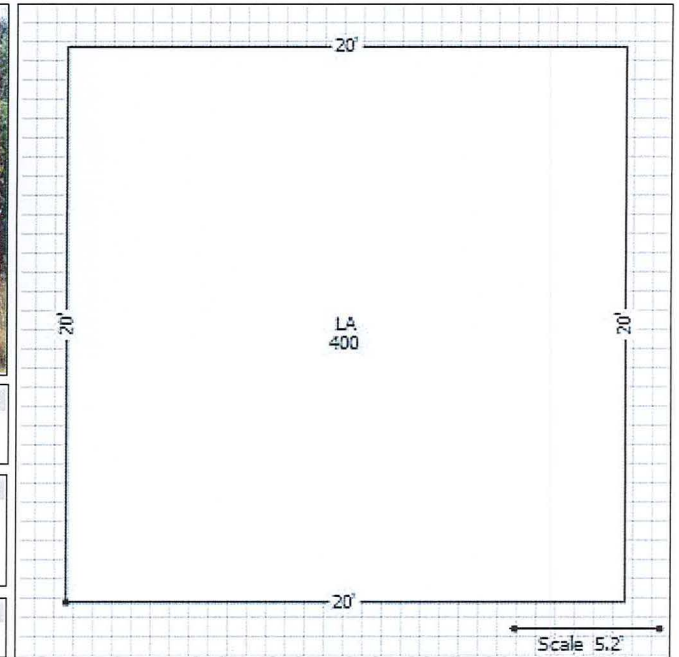
1/1

| Ownership                                                                       | Exemptions/Deed                                                  |
|---------------------------------------------------------------------------------|------------------------------------------------------------------|
| ALPHIN ROGER G. JR<br>DELEON SANTANA R.<br>1021 STADIUM<br>BIG SPRING, TX 79720 | INST: 2021-00006117<br>VOL: 2008<br>PAGE: 741<br>DATE: 7/14/2021 |

| Legal Information                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| LEGAL: LT 5 BK 32 COLE & STRAYHORN 50X140 412 ACQ 07142021 BLK/TRACT 32 0.161 ACRES<br>SITUS: 1008 E 13TH<br>ACRES:0.161<br>ALT:2554<br>XREF:2554.1 |
| NOT CERTIFIED                                                                                                                                       |



| Appraisal Coding                                             |
|--------------------------------------------------------------|
| Appr By CT      Appr Dt 10/12/21<br>Check By        Check Dt |



| Sale Dt  | Type | Vol  | Page | Inst          | Deed Dt  | Price | Value@Sale | Grantee            | Grantor            |
|----------|------|------|------|---------------|----------|-------|------------|--------------------|--------------------|
| 7/14/21  |      | 2008 | 741  | 2021-00006117 | 7/14/21  | +++++ | +++++      | ALPHIN ROGER G. JR | PATTERSON BRIAN D  |
| 8/27/12  |      | 1288 | 136  | 201200005892  | 8/27/12  | +++++ | +++++      | PATTERSON BRIAN D  | SAWYERS RONALD LEE |
| 12/14/10 |      | 1203 | 131  | 0             | 12/14/10 | +++++ | +++++      | SAWYERS RONALD LEE | SAWYERS VELLENE    |

| 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  | 1955/NA     | RS2F  | 400   | 103.75 | 41,500    | 0 VP     | -86%           |           | 0% | -85% | 0%  | 100% | 12%  | -97.6%   | 977   |              |              |
|                |    |             |       | ===== |        | =====     | =====    |                |           |    |      |     |      |      |          | ===== |              |              |
|                |    |             |       | 400   |        | 41,500    | 0        |                |           |    |      |     |      |      |          | 977   |              |              |

SQFT MA: 400 MKT CSF MA: 11.192 CSF IMPR : 2.442 LOC CODE : GD

| Land Code | Units / Alt Units                | Cpu  | Cpu Cd | Mkt Cpu | Adjustment Codes | Adj% | Adj Amt | Hs | Mkt Value | Ptd Prd | Prod Code | Prod Use Yr | Grant | Units | Cpu | Spec Value |
|-----------|----------------------------------|------|--------|---------|------------------|------|---------|----|-----------|---------|-----------|-------------|-------|-------|-----|------------|
| LFF18     | 50.0 FF/50.0 RF/140.0 DF<br>LOTS | 70.0 |        | 70.00   |                  | 0%   |         | Y  | 3,500     | A1      |           |             |       |       |     |            |
|           |                                  |      |        |         |                  |      |         |    | =====     |         |           |             |       |       |     | =====      |
|           |                                  |      |        |         |                  |      |         |    | 3,500     |         |           |             |       |       |     | 0          |

| Comments |
|----------|
|          |

|                 | 2022  | Ptd | Change +/- | Prior | 2021  | Ptd | Entity / Description   | Exemption | Txbl Value | Rate Per \$100 | Frz Yr | Ext. Tax Levy | Nbh Coding | Misc Coding |
|-----------------|-------|-----|------------|-------|-------|-----|------------------------|-----------|------------|----------------|--------|---------------|------------|-------------|
| Impr Homesite + | 977   | A1  | 284        |       | 693   | A1  | 01H HOWARD COUNTY      | 0         | 4,477      | .2995620       |        | 13.41         |            |             |
| Land Homesite + | 3,500 | A1  | 0          |       | 3,500 | A1  | 02B CITY OF BIG SPRING | 0         | 4,477      | .7173000       |        | 32.11         |            | BS1SDE      |
| Total Market =  | 4,477 |     | 284        |       | 4,193 |     | 03B BIG SPRING ISD     | 0         | 4,477      | 1.1164000      |        | 49.98         |            | GD22        |
| Assessed =      | 4,477 |     | 284        |       | 4,193 |     | 052 HOWARD COLLEGE     | 0         | 4,477      | .2166750       |        | 9.70          |            |             |
|                 |       |     |            |       |       |     | ** ESTIMATED TOTAL     |           |            |                |        | =====         |            |             |
|                 |       |     |            |       |       |     |                        |           |            |                |        | 105.20        |            |             |

User PERMITS2

Print Date 4/4/2022 9:16:41 AM

Property ID : R000002554

Geo ID : B2880034000

Quick  
Link :





STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION**  
**1008 E 13TH 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.

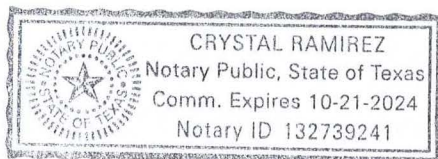
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout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

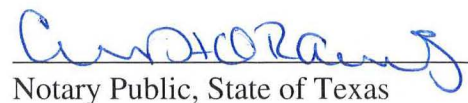
SIGNED on the 3 day of May, 2023.

  
AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of may, 2023

by the above referenced Affiant.



  
Notary Public, State of Texas

# Exhibit E-3



NOTES

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Incident Notes:

THERE IS ACCUMULATED ITEMS ON PROPERTY, MATTRESSES, METAL, WOOD, CARDBOARD, DEAD WEED MATERIAL, TRASH/DEBRIS IN BACKYARD/ALLEY. THIS NEEDS TO BE PICKED UP AND PROPERLY DISPOSED. IT IS ASKED THAT PROPERTY BE MAINTAINED ON A REGULAR BASIS.

Task #: 114774 - INSPECT ACCUMULATED - 3/03/2023

ON 3-2-23 @ 13:56 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR ACCUMULATED ITEMS VIOLATION, FOUND MATTRESSES, CARDBOARD, WOOD, METAL, DEAD WEED MATERIAL, TRASH/DEBRIS ON BACKYARD AND ALLEY. PICTURES WERE TAKEN, LETTER WILL BE SENT.

Task #: 114775 - ACCUMULATED ITEMS - 3/03/2023

NOTES

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Incident Notes:

THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS.  
THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE, AS IT IS DEEMED A  
SAFETY HAZARD. EXTERIOR OF STRUCTURE IS NOT MAINTAINED WITH MISSING  
WINDOWS AND DOORS. ROOF IS MISSING SHINGLES AND HAS NO SHEATHING

Task #: 114764 - INSPECT SUBSTANDARD - 3/02/2023

ON 3-2-23 @ 13:55 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR  
SUBSTANDARD STRUCTURE VIOLATION, FOUND STRUCTURE WITH NO WINDOWS/DOORS/NO  
SHEATHING/ROOF SHINGLES. PICTURES WERE TAKEN, LETTER WILL BE SENT.

Task #: 114765 - SUBSTANDARD BLD - 3/02/2023



NOTES

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Incident Notes:

THIS PROPERTY NEEDS TO BE MOWED/WEEDDED IN THE BACKYARD AND ALLEY. A CLEAR ZONE NEEDS TO BE ESTABLISHED ALONG THE RIGHT OF WAYS. ALL WEEDS/GRASS/BRUSH GROWING ALONG THE CURBLINE NEED TO BE CUT TO CITY ORDINANCE OF UNDER 12 INCHES. IT IS ASKED THAT PROPERTY BE MAINTAINED ON A REGULAR BASIS.

Task #: 114772 - INSPECT WEEDL LOT - 3/03/2023

ON 3-2-23 @ 13:56 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR WEEDY LOT VIOLATION, FOUND WEEDS, GRASS, BRUSH TALLER THAN 12 INCHES IN BACKYARD AND ALLEY. PICTURES WERE TAKEN, LETTER WILL BE SENT.

Task #: 114773 - WEEDY LOT LTR - 3/03/2023

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 E-4** I am familiar with and recognize the scene depicted in the photographs. On March, 2, 2023 and       ,       , 2023, I inspected the property described as:

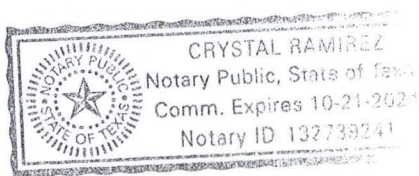
LT 5 BK 32 COLE & STRAYHORN 50X140 412 ACQ 07142021 BLK/TRACT  
32 0.161 ACRES Big Spring, Howard County, Texas, also known as **1008 E  
13TH**, Big Spring, Texas.

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

**SIGNED** on the 3 day of May, 2023.

Roy Marquez  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of may, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit E-4



INSPECTION PICTURES 3-2-23





INSPECTION PICTURES 3-2-23





INSPECTION PICTURES 3-2-23





INSPECTION PICTURES 3-2-23





INSPECTION PICTURES 3-2-23





INSPECTION PICTURES 3-2-23





INSPECTION PICTURES 3-2-23





# Exhibit E-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
NOTICE SENT BY ROY MARQUEZ**

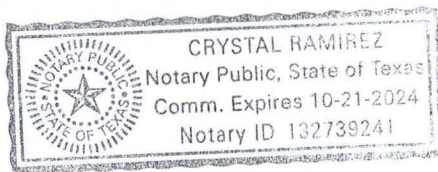
“The document in **Exhibit E-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

**SIGNED** on the 3 day of May, 2023.

  
AFFIANT

**SWORN TO AND SUBSCRIBED** before me this 3rd day of May, 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 ORDER TO ABATE

1008 E. 13<sup>th</sup>

Lot: 5 Blk: 32 Cole & Strayhorn 312

Roger G Alphin  
1021 Stadium Ave.  
Big Spring Tx 79720

Complaint No. 72346

Sent via: Certified US Mail

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

| VIOLATION                                                   | Description of Violation                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hazardous Structure or Premises<br>Sec. 111.1.5.11          | Any portion of a building remains on a site after the demolition or destruction of the building or <i>structure</i> or whenever any building or <i>structure</i> is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.                                 |
| Property Maintenance Code<br>Sec. 304.1.1 Unsafe Conditions | 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 incapable of supporting all nominal loads and resisting all load effects. |
| Sec. 304.1.3 Unsafe Conditions                              | Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.                                                                                                                                                                                                  |

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

| Corrective Action Required                                                                                                                                                                          | Deadline for Compliance             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS, THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE. IT HAS NO WINDOWS AND DOORS, NO ROOF SHEATHING AND SHINGLES.</b> | Seven (7) days from date of mailing |



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

Issued by

Roy Marquez

*Name*

Code Compliance

*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.

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

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

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

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

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

**CITY CODE.** The City Code is online at [https://library.municode.com/tx/big\\_spring](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 black ink, appearing to read "Roy Marquez". The signature is fluid and cursive, with the first name "Roy" and last name "Marquez" clearly distinguishable.

Roy Marquez  
Code Enforcement Officer  
City of Big Spring, Texas





## Code Compliance

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

### NOTICE OF VIOLATION AND ORDER TO ABATE

**1008 E 13TH ST**

**Lot: 5 BK: 32 COLE & STRAYHORN 412**

March 3, 2023

Case No: 72351

ROGER ALPHIN JR.  
1021 STADIUM AVE  
BIG SPRING TX 79720-3129

Sent via: First Class US Mail

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

#### VIOLATION

#### Description of Violation

Property Maintenance Code  
Sec. 302.1 Sanitation

The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

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

#### Corrective Action Required

#### Deadline for Compliance

Seven (7) days from date of mailing

**THERE IS ACCUMULATED ITEMS ON PROPERTY, MATTRESSES, METAL, WOOD, CARDBOARD, DEAD WEED MATERIAL, TRASH/DEBRIS IN BACKYARD/ALLEY. THIS NEEDS TO BE PICKED UP AND PROPERLY DISPOSED. IT IS ASKED THAT PROPERTY BE MAINTAINED ON A REGULAR BASIS.**

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

Issued by

Roy Marquez

*Name*

Code Compliance

*Department*

432.264.2507

*Phone*

[rmarquez@mybigspring.com](mailto: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.

**FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY**

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

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

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

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

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

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

Sincerely,



Code Compliance Officer  
City of Big Spring, Texas





## Code Compliance

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

### NOTICE OF VIOLATION AND ORDER TO ABATE

**1008 E 13TH ST**

**Lot: 5 BK: 32 COLE & STRAYHORN 412**

March 3, 2023

Case No: 72350

ROGER ALPHIN JR.  
1021 STADIUM AVE  
BIG SPRING TX 79720-3129

Sent via: First Class US Mail

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

#### VIOLATION

#### Description of Violation

Property Maintenance Code  
Sec. 302.4 Weeds

Premises and exterior property not maintained free from weeds or plant growth in excess of 12 inches (not including shrubs, trees or cultivated flowers).

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

#### Corrective Action Required

#### Deadline for Compliance

**THIS PROPERTY NEEDS TO BE MOWED/WEEDED IN THE BACKYARD AND ALLEY. A CLEAR ZONE NEEDS TO BE ESTABLISHED ALONG THE RIGHT OF WAYS. ALL WEEDS/GRASS/BRUSH GROWING ALONG THE CURBLINE NEED TO BE CUT TO CITY ORDINANCE OF UNDER 12 INCHES. IT IS ASKED THAT PROPERTY BE MAINTAINED ON A REGULAR BASIS.**

Seven (7) days from date of mailing

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

Issued by

Roy Marquez

*Name*

Code Compliance

*Department*

432.264.2507

*Phone*

[rmarquez@mybigspring.com](mailto: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.

**FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES.**

If you fail to take the corrective action within the deadlines stated above, the City may proceed with abatement (taking the corrective action for you). If so, the City will send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

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

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

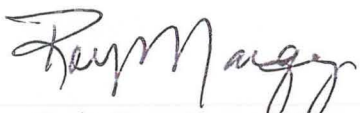
**NOTICE TO EMPLOYEE OF OWNER:** If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code,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

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

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

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

Sincerely,



Code Compliance Officer  
City of Big Spring, Texas





## NOTICE OF VIOLATION AND NOTICE OF HEARING

1008 E 13TH, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: LT 5 BK 32 COLE & STRAYHORN 50X140 412 ACQ  
07142021 BLK/TRACT 32 0.161 ACRES, HOWARD COUNTY

April 28, 2023

ROGER ALPHIN and SANTANA DELEON  
1021 STADIUM AVENUE  
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:<br>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.<br>6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.<br>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.<br>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 | Door is missing. The structure is clearly unsafe for use or occupancy. It is an attractive nuisance. Due to dilapidation it is unfit for human habitation. Hazardous structure. |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 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.<br>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 be completely missing. Unsafe condition.        |
| 304.7 Roofs and drainage.<br>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 is missing and admits 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 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 Enforcement Officer

*Title*

+1 (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 **5:30 PM, May 9, 2023** at the City Council Chambers located at **307 E 4<sup>th</sup> 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.

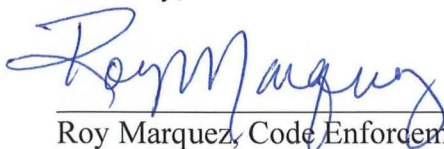
**NOTICE TO EMPLOYEE OF OWNER:** If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, 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](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 "Roy Marquez", is written over a horizontal line.

Roy Marquez, Code Enforcement Officer  
City of Big Spring, Texas



# Exhibit E-7

7016 1370 0000 4246 5051

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>®</sup> RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)<sup>®</sup>.

**OFFICIAL USE**

|                                                              |    |
|--------------------------------------------------------------|----|
| Certified Mail Fee                                           |    |
| \$                                                           |    |
| Extra Services & Fees (check box, add fee as appropriate)    |    |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ |
| <input type="checkbox"/> Adult Signature Required            | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |

Postmark  
Here

|                        |      |
|------------------------|------|
| Postage                |      |
| \$                     | 8.10 |
| Total Postage and Fees |      |
| \$                     |      |

|                                    |                      |
|------------------------------------|----------------------|
| Sent To                            | Jonathan Lee         |
| Street and Apt. No., or PO Box No. | 1008 E. 13th         |
| City, State, ZIP+4 <sup>®</sup>    | Big Spring, TX 79720 |



8905 9424 0000 0270 7102

| U.S. Postal Service™<br>CERTIFIED MAIL® RECEIPT<br><i>Domestic Mail Only</i>                     |                              |
|--------------------------------------------------------------------------------------------------|------------------------------|
| For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®. |                              |
| OFFICIAL USE                                                                                     |                              |
| Certified Mail Fee<br>\$                                                                         | Postmark<br>Here             |
| Extra Services & Fees (check box, add fee as appropriate)                                        |                              |
| <input type="checkbox"/> Return Receipt (hardcopy) \$                                            |                              |
| <input type="checkbox"/> Return Receipt (electronic) \$                                          |                              |
| <input type="checkbox"/> Certified Mail Restricted Delivery \$                                   |                              |
| <input type="checkbox"/> Adult Signature Required \$                                             |                              |
| <input type="checkbox"/> Adult Signature Restricted Delivery \$                                  |                              |
| Postage<br>\$                                                                                    |                              |
| Total Postage and Fees \$8.10                                                                    |                              |
| Sent To                                                                                          | Roger Alpin + Santana DeLeon |
| Street and Apt. No. or PO Box No.                                                                | 1021 Stadium                 |
| City, State, ZIP+4®                                                                              | Big Spring, TX 79720         |
| PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions                       |                              |

STATE OF TEXAS

§

COUNTY OF HOWARD

§

§

**CERTIFICATION  
OF POSTING OF PUBLIC HEARING**

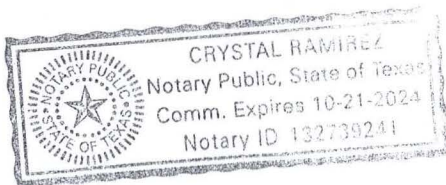
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for May 09, 2023, attached as **Exhibit E-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 28th, 2023.

This notice was also published in the Big Spring Herald on \_\_\_\_\_, 2023.”

**SIGNED** on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of May, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit E-8



## Code Enforcement

---

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

### NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON MAY 9<sup>TH</sup>, 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4<sup>TH</sup> ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

604 ABRAMS, BIG SPRING, TEXAS 79720 – LT 3 BK 15 EARLES 50X130 897 0.149 ACRES– OWNER: LUPE CHAVARRIA AND ESTATE OF EDWARD CHAVARRIA

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

1302 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES – OWNER: BROWN FAMILY TRUST CARROLL & EVELYN

1321 ELM, BIG SPRING, TEXAS 79720 – LT 11 BK 4 MESA 50X142 019 ACQ 11062015 BLK/TRACT 331S 0.163 ACRES – OWNER: KASEY DALTON RAWLS

411 NW 8TH ST, BIG SPRING, TEXAS 79720 – LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES – OWNER: JIMMY ALEMAN

413 NW 8TH ST, BIG SPRING, TEXAS 79720 – PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT 18 0.17 ACRES – OWNER: JIMMY ALEMAN

1302 MAIN ST, BIG SPRING, TEXAS 79720 – LT 11 BK 7 MCDOWELL HEIGHTS 50X140 236 BLK/TRACT 7 0.161 ACRES – OWNER: JACK WALLIS AND MARJORIE WALLIS

1008 E 13TH ST, BIG SPRING, TEXAS 79720 – LT 5 BK 32 COLE & STRAYHORN 50X140 412 ACQ 07142021 BLK/TRACT 32 0.161 ACRES – OWNER: ROGER G. ALPHIN, JR AND SANTANA R. DELEON



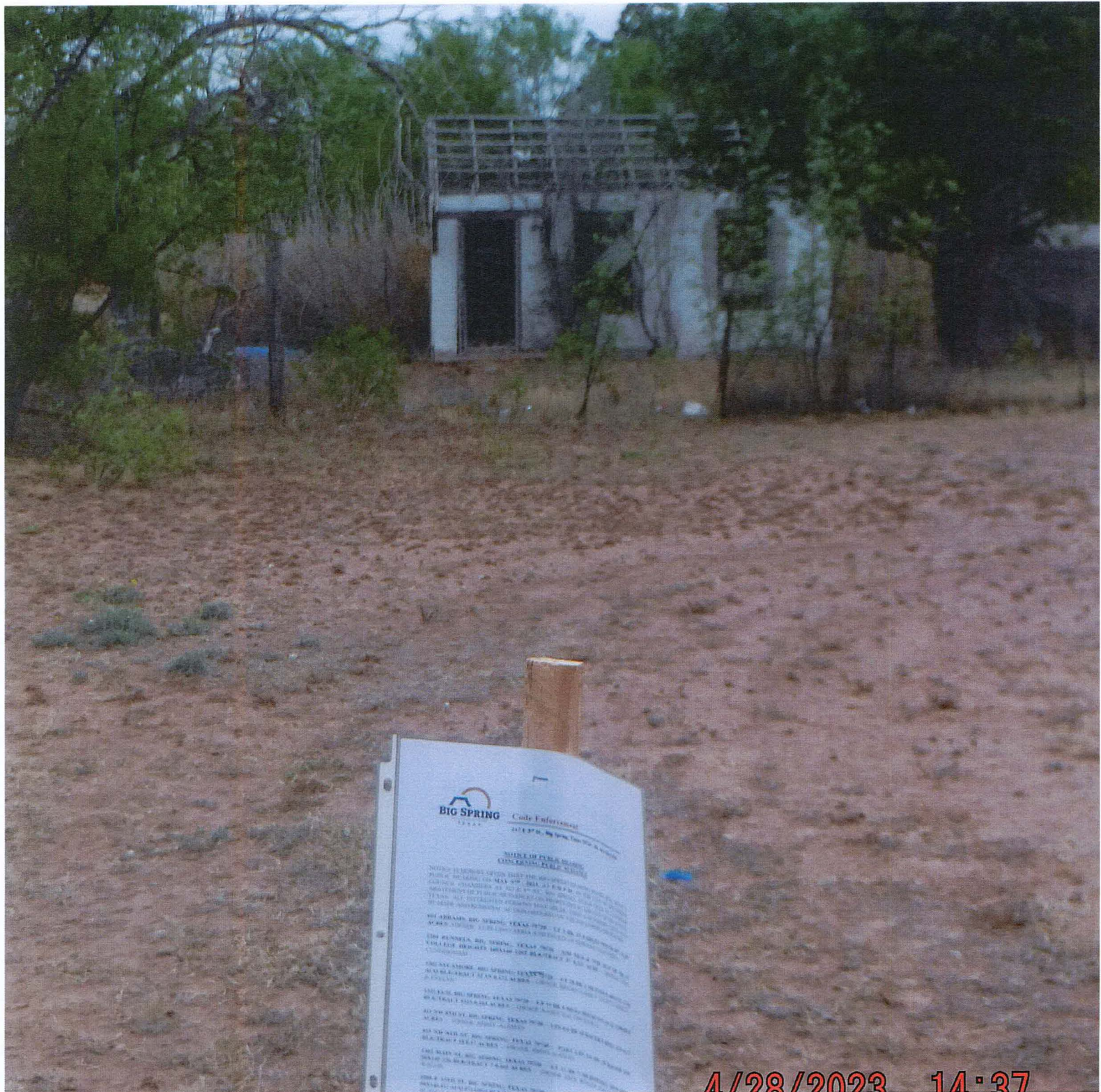
804 JOHNSON ST, BIG SPRING, TEXAS 79720 – S/75' LT 1 BK 73 ORIGINAL TOWN  
75X140 1067 ACQ 02162022 0.241 ACRES – OWNER: BRITTANY M SALAZAR

305 E 9TH ST, BIG SPRING, TEXAS 79720 – PT S/50' OF LT 3 BK 74 ORIGINAL TOWN  
50X140 1059 0.161 ACRES ACQ 06102020 – OWNER: NOE G. SOLIZ SR.

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

Nick Reyna  
Building Official, City of Big Spring





**BIG SPRING** Code Enforcement  
13244  
217 E 27th, Big Spring, Texas 79601-2174

**NOTICE TO OWNER: UNLAWFUL BUILDING**  
**EXISTING VIOLATION**

NOTICE IS HEREBY GIVEN THAT THE ABOVE-NAMED PROPERTY IS IN VIOLATION OF THE CITY OF BIG SPRING, TEXAS, LOCAL ORDINANCE 100.01, AS AMENDED, WHICH PROVIDES THAT ALL BUILDINGS SHALL BE CONFORMANT WITH THE CITY OF BIG SPRING, TEXAS, LOCAL ORDINANCE 100.01, AS AMENDED, AND THE CITY OF BIG SPRING, TEXAS, LOCAL ORDINANCE 100.02, AS AMENDED, WHICH PROVIDES THAT ALL BUILDINGS SHALL BE CONFORMANT WITH THE CITY OF BIG SPRING, TEXAS, LOCAL ORDINANCE 100.02, AS AMENDED.

THE VIOLATION IS: UNLAWFUL BUILDING, EXISTING VIOLATION, LOCAL ORDINANCE 100.01, AS AMENDED, AND THE CITY OF BIG SPRING, TEXAS, LOCAL ORDINANCE 100.02, AS AMENDED.

THE VIOLATION IS: UNLAWFUL BUILDING, EXISTING VIOLATION, LOCAL ORDINANCE 100.01, AS AMENDED, AND THE CITY OF BIG SPRING, TEXAS, LOCAL ORDINANCE 100.02, AS AMENDED.

THE VIOLATION IS: UNLAWFUL BUILDING, EXISTING VIOLATION, LOCAL ORDINANCE 100.01, AS AMENDED, AND THE CITY OF BIG SPRING, TEXAS, LOCAL ORDINANCE 100.02, AS AMENDED.

THE VIOLATION IS: UNLAWFUL BUILDING, EXISTING VIOLATION, LOCAL ORDINANCE 100.01, AS AMENDED, AND THE CITY OF BIG SPRING, TEXAS, LOCAL ORDINANCE 100.02, AS AMENDED.

THE VIOLATION IS: UNLAWFUL BUILDING, EXISTING VIOLATION, LOCAL ORDINANCE 100.01, AS AMENDED, AND THE CITY OF BIG SPRING, TEXAS, LOCAL ORDINANCE 100.02, AS AMENDED.

THE VIOLATION IS: UNLAWFUL BUILDING, EXISTING VIOLATION, LOCAL ORDINANCE 100.01, AS AMENDED, AND THE CITY OF BIG SPRING, TEXAS, LOCAL ORDINANCE 100.02, AS AMENDED.

4/28/2023 14:37



# 1302 MAIN

Code Enforcement Officer: Roy Marquez

# Exhibit F-1



STATE OF TEXAS

§

COUNTY OF HOWARD

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**AFFIDAVIT OF ROY MARQUEZ  
CONCERNING 1302 MAIN**

**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:

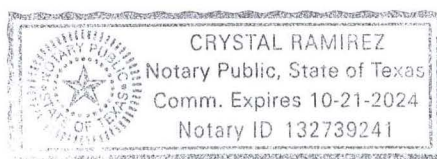
“I am a Code Enforcement Officer for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **1302 MAIN**, 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 3 day of May, 2023.

Roy Marquez  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of May, 2023 by the above referenced Affiant.

Crystal Ramirez  
Notary Public, State of Texas



# Exhibit F-2



# HOWARD COUNTY APPRAISAL DISTRICT (2022)

Property ID : R000006493

Geo ID : B4320005000

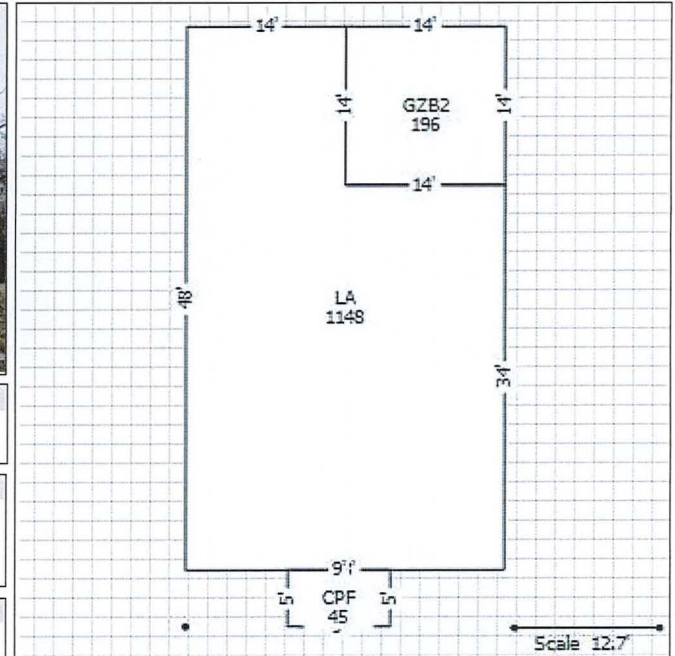
1/1

| Ownership                                                                                        | Exemptions/Deed |
|--------------------------------------------------------------------------------------------------|-----------------|
| <b>WALLIS JACK ET UX</b><br>ATTN: % RUTH OWENS<br>150 COTTONWOOD LN<br>LITTLE ELM, TX 75068-5317 |                 |

| Legal Information                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------|
| LEGAL: LT 11 BK 7 MCDOWELL HEIGHTS 50X140 236 BLK/TRACT 7 0.161 ACRES<br>SITUS: 1302 MAIN<br>ACRES:0.161<br>ALT:6493<br>XREF:6493.1 |
| NOT CERTIFIED                                                                                                                       |



| Appraisal Coding                                           |
|------------------------------------------------------------|
| Appr By CT      Appr Dt 01/20/21<br>Check By      Check Dt |



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

| Agent | Mortgage | Geo Quad | Aerial | Map Id | Use |
|-------|----------|----------|--------|--------|-----|
|       |          | 0        |        |        |     |

| Building Code                                                                                    | Hs | Year/Eff Yr | Class | Sqft  | Cpsf   | Buildings | Features | Depreciation % | Condition | %  | Fn% | Ec% | Cpl% | Loc% | Net Adj% | Value  | Feature Code    | Cpsf / Value |
|--------------------------------------------------------------------------------------------------|----|-------------|-------|-------|--------|-----------|----------|----------------|-----------|----|-----|-----|------|------|----------|--------|-----------------|--------------|
| LA-LIVING AREA                                                                                   | Y  | 1929/NA     | RS3F  | 1,148 | 101.79 | 116,855   | 0 FA     | -75%           | 0%        | 0% | 0%  | 0%  | 100% | 12%  | -74.8% * | 29,448 | AST-1 STORY     | 0            |
| CPF-COVERED PORCH FR                                                                             | Y  | 1929/NA     | RS3F  | 45    | 15.27  | 687       | 0 FA     | -75%           | 0%        | 0% | 0%  | 0%  | 100% | 12%  | -74.7% * | 174    | AUT-ALL         | 0            |
| GZB2-GAZEBO / COVERE                                                                             | Y  | 1929/NA     | RS3F  | 196   | 10.24  | 2,007     | 0 FA     | -75%           | 0%        | 0% | 0%  | 0%  | 100% | 12%  | -74.8% * | 506    | FET-FRAME       | 0            |
|                                                                                                  |    |             |       | ===== |        | =====     | =====    |                |           |    |     |     |      |      |          | =====  | GRT-GABLE       | 0            |
|                                                                                                  |    |             |       | 1,389 |        | 119,549   | 0        |                |           |    |     |     |      |      |          | 30,128 | IRM-METAL ROOF  | 0            |
| SQFT MA: 1148 MKT CSF MA: 35.162 CSF IMPR: 26.244 LOC CODE: GE MARKET PCT: -10%/ MKT AMT: -3,347 |    |             |       |       |        |           |          |                |           |    |     |     |      |      |          |        | PFN-PIER AND BE | 0            |
|                                                                                                  |    |             |       |       |        |           |          |                |           |    |     |     |      |      |          |        | WHC-WINDOW UNIT | 0            |
|                                                                                                  |    |             |       |       |        |           |          |                |           |    |     |     |      |      |          |        | 1BT-1 BATH      | 0            |
|                                                                                                  |    |             |       |       |        |           |          |                |           |    |     |     |      |      |          |        | =====           | 0            |

| Land Code | Units / Alt Units             | Cpu  | Cpu Cd | Mkt Cpu | Adjustment Codes | Adj% | Adj Amt | Hs | Mkt Value | Ptd | Prd | Prod Code | Prod Use | Yr Grant | Units | Cpu | Spec Value |
|-----------|-------------------------------|------|--------|---------|------------------|------|---------|----|-----------|-----|-----|-----------|----------|----------|-------|-----|------------|
| LFF18     | 50.0 FF/50.0 RF/140.0 DF LOTS | 70.0 |        | 70.00   |                  | 0%   |         | Y  | 3,500     | A1  |     |           |          |          |       |     |            |
|           |                               |      |        |         |                  |      |         |    | =====     |     |     |           |          |          |       |     | =====      |
|           |                               |      |        |         |                  |      |         |    | 3,500     |     |     |           |          |          |       |     | 0          |

| Comments |
|----------|
|          |

| 2022            | Ptd    | Change +/- | Prior  | 2021   | Ptd | Entity / Description   | Exemption | Txbl Value | Rate Per \$100 | Frz Yr | Ext. Tax Levy | Nbh Coding | Misc Coding |
|-----------------|--------|------------|--------|--------|-----|------------------------|-----------|------------|----------------|--------|---------------|------------|-------------|
| Impr Homesite + | 36,866 | A1         | -2,211 | 39,077 | A1  | 01H HOWARD COUNTY      | 0         | 40,366     | .2995620       |        | 120.92        | NOTE20CORR | BSISDE      |
| Land Homesite + | 3,500  | A1         | 0      | 3,500  | A1  | 02B CITY OF BIG SPRING | 0         | 40,366     | .7173000       |        | 289.55        |            | GE22        |
| Total Market =  | 40,366 |            | -2,211 | 42,577 |     | 03B BIG SPRING ISD     | 0         | 40,366     | 1.1164000      | 1993   | 450.65        |            |             |
| Assessed =      | 40,366 |            | -2,211 | 42,577 |     | 052 HOWARD COLLEGE     | 0         | 40,366     | .2166750       |        | 87.46         |            |             |
|                 |        |            |        |        |     | ** ESTIMATED TOTAL     |           |            |                |        | =====         |            |             |
|                 |        |            |        |        |     |                        |           |            |                |        | 948.58        |            |             |

User PERMITS2

Print Date 4/19/2022 4:38:48 PM

Property ID : R000006493

Geo ID : B4320005000

Quick Link :



STATE OF TEXAS

§

COUNTY OF HOWARD

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**CERTIFICATION  
1302 MAIN 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.

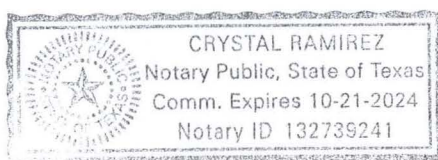
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 3 day of May, 2023.

Roy Mangum  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of May, 2023

by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit F-3

NOTES

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Incident Notes:

THIS PROPERTY NEEDS TO BE MOWED TO THE CENTER OF THE EASEMENTS IN THE FRONTYARD, BACKYARD AND ALLEY. 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 #: 114778 - INSPECT WEEDL LOT - 3/03/2023

ON 3-2-23 @ 14:00 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR WEEDY LOT VIOLATION, FOUND WEEDS/GRASS TALLER THAN 12 INCHES, ESPECIALLY IN SIDEYARD, BACKYARD AND ALLEY. PICTURES WERE TAKEN, LETTER WILL BE SENT.

Task #: 114779 - WEEDY LOT LTR - 3/03/2023



NOTES

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Incident Notes:

THERE ARE ACCUMULATED ITEMS ON PROPERTY, TRASH, DEBRIS,DEAD WEED AND TREE MATERIAL IN BACKYARD AND ALLEY. THIS NEEDS TO BE PICKED UP AND PROPERLY DISPOSED. IT IS ASKED THAT PROPERTY BE MAINTAINED ON A REGULAR BASIS.

Task #: 114780 - INSPECT ACCUMULATED - 3/03/2023

ON 3-2-23 @ 14:00 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR ACCUMULATED ITEMS VIOLATION, FOUND TRASH/DEBRIS, DEAD WEED/TREE MATERIAL IN BACKYARD AND ALLEY. PICTURES WERE TAKEN, LETTER WILL BE SENT.

Task #: 114781 - ACCUMULATED ITEMS - 3/03/2023

NOTES

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Incident Notes:

THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS. IT HAS SUSTAINED FIRE DAMAGE, HAS UNSECURED WINDOWS/DOORS, THE SHED/CARPORT IN THE REAR IS COLLAPSING WITH PARTS OF ROOF MISSING. THIS NEEDS TO BE CORRECTED AND BROUGHT UP TO CITY BUILDING CODE, AS IT IS DEEMED TO BE A SAFETY HAZARD.

Task #: 110951 - INSPECT SUBSTANDARD - 4/20/2022

ON 4-12-22 @ 13:55 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR SUBSTANDARD STRUCTURE, FOUND WINDOWS/DOORS UNSECURED, HAS EXTENSIVE FIRE DAMAGE IN REAR. CARPORT/SHED IS PARTIALLY COLLAPSING, ROOF SHINGLES MISSING. PICTURES WERE TAKEN, LETTER WILL BE SENT.

ON 3-2-23 @ 14:00 CODE ENFORCEMENT ROY MARQUEZ REINSPECTED PROPERTY FOR SUBSTANDARD STRUCTURE, PROPERTY REMAINS IN SAME CONDITION, WINDOWS DOORS UNSECURED, FIRE DAMAGE IN REAR, CARPORT COLLAPSING, ROOF SHINGLES MISSING. WILL SUBMIT CASE COMPLAINT TO COUNCIL FOR ABATEMENT HEARING.

Task #: 110952 - SUBSTANDARD BLD - 4/20/2022



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 F-4** I am familiar with and recognize the scene depicted in the photographs. On April, 12, 2023 and March, 2, 2023, I inspected the property described as:

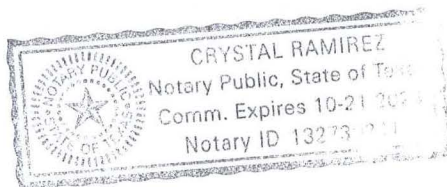
LT 11 BK 7 MCDOWELL HEIGHTS 50X140 236 BLK/TRACT 7 0.161  
ACRES Big Spring, Howard County, Texas, also known as **1302 MAIN**, Big  
Spring, Texas.

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

**SIGNED** on the 3 day of May, 2023.

Roy Marquez  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of may, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas

# Exhibit F-4





4/12/2022 13:55







INSPECTION PICTURES 4-12-22





INSPECTION PICTURES 4-12-22





INSPECTION PICTURES 4-12-22





INSPECTION PICTURES 4-12-22





INSPECTION PICTURES 4-12-22





# Exhibit F-5



REINSPECTION PICTURES 3-2-23





REINSPECTION PICTURES 3-2-23





REINSPECTION PICTURES 3-2-23





REINSPECTION PICTURES 3-2-23



3/ 2/2023 14:01



REINSPECTION PICTURES 3-2-23





REINSPECTION PICTURES 3-2-23





REINSPECTION PICTURES 3-2-23





REINSPECTION PICTURES 3-2-23





REINSPECTION PICTURES 3-2-23





REINSPECTION PICTURES 3-2-23





REINSPECTION PICTURES 3-2-23





STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
NOTICE SENT BY ROY MARQUEZ**

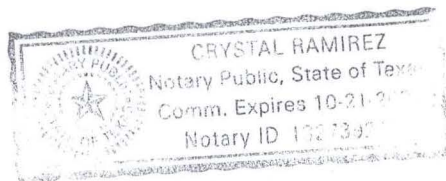
“The document in **Exhibit F-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

**SIGNED** on the 3 day of May, 2023.

Roy Marquez  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of May, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit F-6



## Code Enforcement

305 Johnson St. Big Spring, TX 79720. Ph 432-264-2505

April 20, 2022

Complaint No: 70266

JACK WALLIS ET UX  
ATTN: % RUTH OWENS  
150 COTTONWOOD LN  
LITTLE ELM, TX 75068

### **VIOLATION OF THE BIG SPRING CITY CODE, CHAPTER 13 AT:**

**1302 MAIN**

**Lot: LOT 11 BK: BK 7 MCDOWELL HEIGHTS 50X140 236**

Dear Ms Owens:

This property has been inspected by this office and is found to be in violation of **Article 2 Section 4-2** of the Structural Standards Code of the City of Big Spring for the elimination or repair of unsafe buildings. You are required to correct these conditions in accordance with the attached violation report.

#### **SECTION 4-2**

**Substandard Structure.** Any structure or portion thereof, which fails to meet the requirements of this Code or the Building Codes is substandard and shall be abated in accordance with the procedures specified in this Code.

Please be advised that permits for repair or demolition of the structure must be obtained from the Building Inspections Department located at 217 E. 3<sup>rd</sup> St, Big Spring, TX 79720, prior to commencement of work or demolition. Repairs must be in conformance to local building codes and all permits must be approved by the Building Inspector or their designee. You are further advised that you have 10 days from the date of this notice to take corrective actions. In the event that you fail or refuse to comply within this length of time, a Public Hearing will be scheduled before the Board of Adjustments and Appeals at which time you may appear to show cause why corrective actions have not been taken. After that point the City of Big Spring will take action to correct the nuisance, and a lien may be placed against said property.

**THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS. IT HAS SUSTAINED FIRE DAMAGE, HAS UNSECURED WINDOWS/DOORS, THE SHED/CARPORT IN THE REAR IS COLLAPSING WITH PARTS OF ROOF MISSING. THIS NEEDS TO BE CORRECTED AND BROUGHT UP TO CITY BUILDING CODE, AS IT IS DEEMED TO BE A SAFETY HAZARD.**

#### **SECTION 2.04 VIOLATIONS.**

No person, firm or corporation, whether as owner, lessee, subleasee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building, structure, or premises, or cause or permit the same to be done contrary to or in violation of any of the provisions of this Code or any order issued by MEP Board of Adjustment hereunder. Any person violating the provisions of this Section shall be guilty of a misdemeanor and may be fined up to \$2,000.00. Each day the violation continues shall constitute a separate offense. If this matter has been taken care of before receipt of this letter please notify this office at (432) 264-2505. It is the sincere hope of the City that you will cooperate with us in helping to make Big Spring an attractive, healthful place in which to live.

Sincerely,

Code Enforcement/City of Big Spring





## Code Compliance

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

### NOTICE OF VIOLATION AND ORDER TO ABATE

**1302 MAIN**

**Lot: LOT 11 BK: BK 7 MCDOWELL HEIGHTS 50X140 236**

March 3, 2023

Case No: 72352

JACK WALLIS ET UX  
ATTN: % RUTH OWENS  
LITTLE ELM, TX 75068

Sent via: First Class US Mail

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

#### VIOLATION

#### Description of Violation

Property Maintenance Code  
Sec. 302.4 Weeds

Premises and exterior property not maintained free from weeds or plant growth in excess of 12 inches (not including shrubs, trees or cultivated flowers).

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

#### Corrective Action Required

#### Deadline for Compliance

**THIS PROPERTY NEEDS TO BE MOWED TO THE CENTER OF THE EASEMENTS IN THE FRONTYARD, BACKYARD AND ALLEY. 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**

Seven (7) days from date of mailing

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

Issued by

Roy Marquez

*Name*

Code Compliance

*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.

**FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES.**

If you fail to take the corrective action within the deadlines stated above, the City may proceed with abatement (taking the corrective action for you). If so, the City will send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

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

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

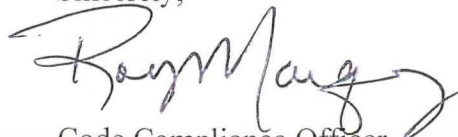
**NOTICE TO EMPLOYEE OF OWNER:** If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code,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

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

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

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

Sincerely,



Code Compliance Officer  
City of Big Spring, Texas





## Code Compliance

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

### NOTICE OF VIOLATION AND ORDER TO ABATE

**1302 MAIN**

**Lot: LOT 11 BK: BK 7 MCDOWELL HEIGHTS 50X140 236**

March 3, 2023

Case No: 72353

JACK WALLIS  
ATTN: % RUTH OWENS  
150 COTTONWOOD LN  
LITTLE ELM, TX 75068

Sent via: First Class US Mail

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

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

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

| Corrective Action Required                                                                                                                                                                                                      | Deadline for Compliance             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>THERE ARE ACCUMULATED ITEMS ON PROPERTY, TRASH, DEBRIS, DEAD WEED AND TREE MATERIAL IN BACKYARD AND ALLEY. THIS NEEDS TO BE PICKED UP AND PROPERLY DISPOSED. IT IS ASKED THAT PROPERTY BE MAINTAINED ON A REGULAR BASIS.</b> | Seven (7) days from date of mailing |

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

Issued by

Roy Marquez

*Name*

432.264.2507

*Phone*

Code Compliance

*Department*

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.

**FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES.**

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

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

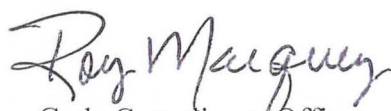
**NOTICE TO EMPLOYEE OF OWNER:** If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code,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

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

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

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

Sincerely,

  
Code Compliance Officer  
City of Big Spring, Texas





## NOTICE OF VIOLATION AND NOTICE OF HEARING

1302 MAIN, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: LT 11 BK 7 MCDOWELL HEIGHTS 50X140 236 BLK/TRACT  
7 0.161 ACRES, HOWARD COUNTY

April 28, 2023

JACK WALLIS and MARJORIE WALLIS  
150 COTTONWOOD LN  
LITTLE ELM, TX 75068

*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:<br>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.<br>6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.<br>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.<br>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 | Door is missing and does not conform to building code. The structure is clearly unsafe for use or occupancy. It is an attractive nuisance. Due to dilapidation it is unfit for human habitation.<br>Hazardous structure. |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                           |
| <p>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:</p> <p>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.</p> <p>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.</p> | <p>Exterior walls have cracks, breaks, holes. The roof appears to admit rain and has signs of deterioration.</p> <p>Unsafe condition.</p> |
| <p>304.7 Roofs and drainage.</p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The roof has defects that admit rain and is not sound and not tight.</p>                                                               |
| <p>304.13 Window, skylight and door frames.</p> <p>Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Windows lack glass and are not fully boarded up. Install door.</p>                                                                     |

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

#### **Corrective Action Required**

Repair building in front. Demolish building in back.

Code Compliance is seeking an order for the following:

- Repair building in front. 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 Enforcement Officer

*Title*



*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 **5:30 PM, May 9, 2023** at the City Council Chambers located at **307 E 4<sup>th</sup> 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.

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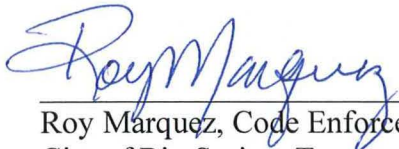
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Sincerely,

A handwritten signature in blue ink, appearing to read "Roy Marquez", written over a horizontal line.

Roy Marquez, Code Enforcement Officer  
City of Big Spring, Texas

# Exhibit F-7



7016 1370 0000 4246 5044

| U.S. Postal Service™<br>CERTIFIED MAIL® RECEIPT<br>Domestic Mail Only                            |                        |
|--------------------------------------------------------------------------------------------------|------------------------|
| For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®. |                        |
| OFFICIAL USE                                                                                     |                        |
| Certified Mail Fee                                                                               |                        |
| \$                                                                                               |                        |
| Extra Services & Fees (check box, add fee as appropriate)                                        |                        |
| <input type="checkbox"/> Return Receipt (hardcopy)                                               | \$                     |
| <input type="checkbox"/> Return Receipt (electronic)                                             | \$                     |
| <input type="checkbox"/> Certified Mail Restricted Delivery                                      | \$                     |
| <input type="checkbox"/> Adult Signature Required                                                | \$                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery                                     | \$                     |
| Postage                                                                                          |                        |
| \$                                                                                               | 8.10                   |
| Total Postage and Fees                                                                           |                        |
| \$                                                                                               |                        |
| Sent To                                                                                          | Jack & Marjorie Wallis |
| Street and Apt. No. or PO Box No.                                                                | 150 Cottonwood         |
| City, State, ZIP+4®                                                                              | Little Elm, TX 75068   |
| PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions                       |                        |

Postmark  
Here

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
OF POSTING OF PUBLIC HEARING**

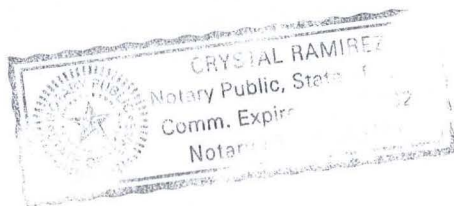
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for May 09, 2023, attached as **Exhibit F-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 28<sup>th</sup>, 2023.

This notice was also published in the Big Spring Herald on \_\_\_\_\_, 2023.”

**SIGNED** on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023  
by the above referenced Affiant.



*Crystal Ramirez*  
Notary Public, State of Texas



# Exhibit F-8



## Code Enforcement

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

### NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON MAY 9<sup>TH</sup>, 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4<sup>TH</sup> ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

604 ABRAMS, BIG SPRING, TEXAS 79720 – LT 3 BK 15 EARLES 50X130 897 0.149 ACRES– OWNER: LUPE CHAVARRIA AND ESTATE OF EDWARD CHAVARRIA

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

1302 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES – OWNER: BROWN FAMILY TRUST CARROLL & EVELYN

1321 ELM, BIG SPRING, TEXAS 79720 – LT 11 BK 4 MESA 50X142 019 ACQ 11062015 BLK/TRACT 331S 0.163 ACRES – OWNER: KASEY DALTON RAWLS

411 NW 8TH ST, BIG SPRING, TEXAS 79720 – LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES – OWNER: JIMMY ALEMAN

413 NW 8TH ST, BIG SPRING, TEXAS 79720 – PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT 18 0.17 ACRES – OWNER: JIMMY ALEMAN

1302 MAIN ST, BIG SPRING, TEXAS 79720 – LT 11 BK 7 MCDOWELL HEIGHTS 50X140 236 BLK/TRACT 7 0.161 ACRES – OWNER: JACK WALLIS AND MARJORIE WALLIS

1008 E 13TH ST, BIG SPRING, TEXAS 79720 – LT 5 BK 32 COLE & STRAYHORN 50X140 412 ACQ 07142021 BLK/TRACT 32 0.161 ACRES – OWNER: ROGER G. ALPHIN, JR AND SANTANA R. DELEON





# 1321 ELM

Code Enforcement Officer: Roy Marquez



# Exhibit I-1

STATE OF TEXAS

§

COUNTY OF HOWARD

§

§

**AFFIDAVIT OF ROY MARQUEZ  
CONCERNING 1321 ELM**

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

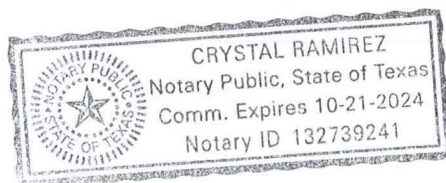
“My name is **Roy Marquez**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **1321 ELM**, 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 3 day of May, 2023.

Roy Marquez  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of May, 2023 by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit I-2

# HOWARD COUNTY APPRAISAL DISTRICT (2023)

Property ID : R000006777

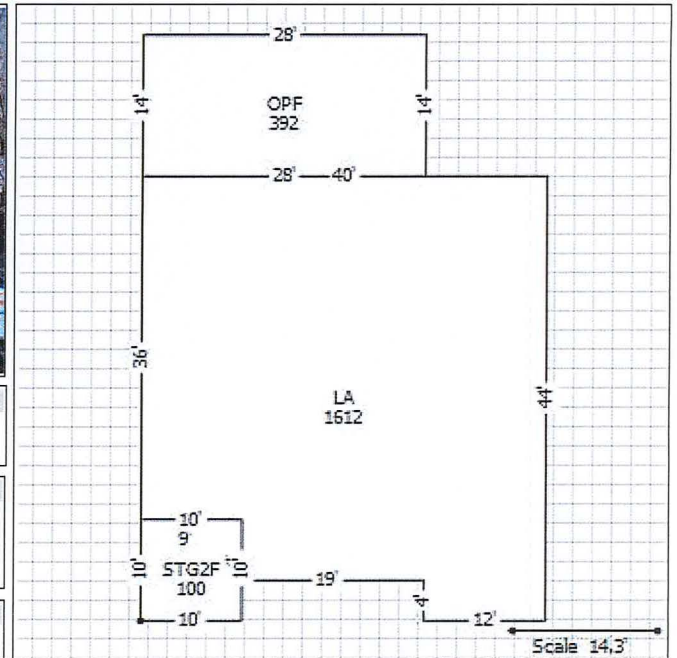
Geo ID : B4440003300

1/1

| Ownership                                                        | Exemptions/Deed                                                  |
|------------------------------------------------------------------|------------------------------------------------------------------|
| <b>RAWLS KASEY DALTON</b><br>1321 ELM DR<br>BIG SPRING, TX 79720 | INST: 2015-00008794<br>VOL: 1495<br>PAGE: 315<br>DATE: 11/6/2015 |



| Legal Information                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------|
| LEGAL: LT 11 BK 4 MESA 50X142 019 ACQ 11062015 BLK/TRACT 331S 0.163 ACRES<br>SITUS: 1321 ELM<br>ACRES:0.163<br>ALT:6777<br>XREF:6777.1 |
| <b>UNCERTIFIED</b>                                                                                                                     |
| Appraisal Coding                                                                                                                       |
| Appr By JD Appr Dt 03/02/21<br>Check By Check Dt                                                                                       |



| Sale Dt | Type | Vol  | Page | Inst          | Deed Dt | Price  | Value@Sale | Grantee               | Grantor               |        |     |
|---------|------|------|------|---------------|---------|--------|------------|-----------------------|-----------------------|--------|-----|
| 11/6/15 |      | 1495 | 315  | 2015-00008794 | 11/6/15 | ++++++ | ++++++     | RAWLS KASEY DALTON    | PECHACEK ARIEL        |        |     |
| 8/1/12  |      | 1284 | 81   | 0             | 8/1/12  | ++++++ | ++++++     | PECHACEK ARIEL        | CALLAWAY ANGEL ARLETA |        |     |
| 3/4/10  |      | 1169 | 778  | 0             | 8/1/12  | ++++++ | ++++++     | CALLAWAY ANGEL ARLETA | PECHACEK ARIEL        |        |     |
| 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  | 1929/NA     | RS3F  | 1,612 | 91.63 | 147,708   | 0 VP     | -95%         |   |           | 0% | -50% | 0%  | 100% | 0%   | -97.5%   | 3,692 | AST-1 STORY  | 0            |
| OPF-OPEN PORCH / PAT                                         | Y  | 1929/NA     | RS3F  | 392   | 5.50  | 2,155     | 0 VP     | -95%         |   |           | 0% | -50% | 0%  | 100% | 0%   | -97.5%   | 54    | AUT-ALL      | 0            |
| STG2S-AVG QUALITY ST                                         | Y  | 1929/NA     | RS3F  | 1,200 | 10.67 | 12,804    | 0 VP     | -95%         |   |           | 0% | -50% | 0%  | 100% | 0%   | -97.5%   | 320   | FET-FRAME    | 0            |
| STG2F-AVG QUALITY ST                                         | Y  | 1929/NA     | RS3F  | 100   | 11.00 | 1,100     | 0 VP     | -95%         |   |           | 0% | -50% | 0%  | 100% | 0%   | -97.5%   | 28    | GRT-GABLE    | 0            |
|                                                              |    |             |       | ===== |       | =====     |          |              |   |           |    |      |     |      |      |          | ===== | SFN-SLAB     | 0            |
|                                                              |    |             |       | 3,304 |       | 163,767   | 0        |              |   |           |    |      |     |      |      |          | 4,094 | RRM-ROLL     | 0            |
|                                                              |    |             |       |       |       |           |          |              |   |           |    |      |     |      |      |          |       | =====        |              |
|                                                              |    |             |       |       |       |           |          |              |   |           |    |      |     |      |      |          |       |              | 0            |
| SQFT MA: 1612 MKT CSF MA: 3.78 CSF IMPR: 2.54 LOC CODE: WEST |    |             |       |       |       |           |          |              |   |           |    |      |     |      |      |          |       |              |              |

| Land Code | Units / Alt Units             | Cpu  | Cpu Cd | Mkt Cpu | Adjustment Codes | Adj% | Adj Amt | Hs | Mkt Value | Ptd Prd | Prod Code | Prod Use | Yr Grant | Units | Cpu | Spec Value |
|-----------|-------------------------------|------|--------|---------|------------------|------|---------|----|-----------|---------|-----------|----------|----------|-------|-----|------------|
| LFF12     | 50.0 FF/50.0 RF/142.0 DF LOTS | 40.0 |        | 40.00   |                  | 0%   |         | Y  | 2,000     | A1      |           |          |          |       |     |            |
|           |                               |      |        |         |                  |      |         |    | =====     |         |           |          |          |       |     | =====      |
|           |                               |      |        |         |                  |      |         |    | 2,000     |         |           |          |          |       |     | 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 + | 4,094 | A1         | -166  | 4,260 | A1  | 01H HOWARD COUNTY      | 0         | 6,094      | .3275450       |        | 19.96         | HSAPPNOT17 | WEST22      |
| Land Homesite + | 2,000 | A1         | 0     | 2,000 | A1  | 02B CITY OF BIG SPRING | 0         | 6,094      | .6731630       |        | 41.02         | HSAPPNOT18 |             |
| Total Market =  | 6,094 |            | -166  | 6,260 |     | 03B BIG SPRING ISD     | 0         | 6,094      | 1.0160000      |        | 61.92         | HSAPPNOT19 |             |
| Assessed =      | 6,094 |            | -166  | 6,260 |     | 052 HOWARD COLLEGE     | 0         | 6,094      | .2367770       |        | 14.43         | HSAPPNOT20 |             |
|                 |       |            |       |       |     | ** ESTIMATED TOTAL     |           |            |                |        | =====         | HSAPPNOT21 |             |
|                 |       |            |       |       |     |                        |           |            |                |        | 137.33        | HSAPPNOT22 |             |



STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
1321 ELM 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.

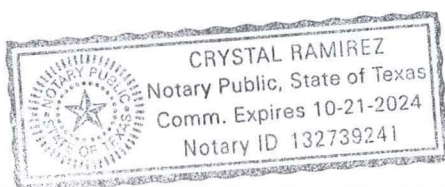
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 3 day of May, 2023.

*Ray Marquez*  
AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of may, 2023

by the above referenced Affiant.



*Crystal Ramirez*  
Notary Public, State of Texas

# Exhibit I-3



NOTES

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Incident Notes:

THERE ARE ACCUMULATED ITEMS ON PROPERTY, LUMBER, DEAD TREE AND WEED MATERIAL, MISCEALLANOUS ITEMS IN FRONTYARD, SIDEYARD AND BACKYARD. THIS NEEDS TO BE PICKED UP AND PROPERLY DISPOSED. IT IS ASKED THAT PROPERTY BE MAINTAINED ON A REGULAR BASIS.

Task #: 114806 - INSPECT ACCUMULATED - 3/06/2023

ON 3-21-23 @ 9:32 CODE ENFORCEMENT ROY MARQUEZ REINSPECTED PROPERTY FOR ACCUMULATED ITEMS VIOLATION, FOUND THAT PROPERTY REMAINS IN SAME CONDITION. PICTURES WERE TAKEN. NO COMMUNICATION BETWEEN OFFICER AND PROPERTY OWNER HAS BEEN MADE AFTER MAKING ATTEMPT TO CONTACT OWNER.

ON 3-31-23 @ 13:15 CODE ENFORCEMENT ROY MARQUEZ MADE ANOTHER REINSPECTION, PICTURES WERE TAKEN. PROPERTY HAS STAYED IN SAME CONDITION. WILL SEND COMPLAINT REQUEST TO COUNCIL FOR ABATEMENT.

Task #: 114807 - ACCUMULATED ITEMS - 3/06/2023

ON 3-2-23 @ 14:13 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR ACCUMULATED ITEMS VIOLATION, FOUND LUMBER, DEAD TREE AND WEED MATERIAL, MISC. ITEMS IN FRONT,BACK, AND SIDEYARDS. PICTURES WERE TAKEN, LETTER WILL BE SENT.

04-11-2023 08:44 AM

TASK NOTES REPORT

TASK #: 115224  
TASK CODE: COMPLAINT  
PROPERTY: 1321 ELM DR

ORIG. DATE:  
DUE DATE:

NOTES

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Incident Notes:  
THIS PROPERTY NEEDS TO BE MOWED IN FRONT/SIDE/BACKYARD. 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 #: 114804 - INSPECT WEEDL LOT - 3/06/2023  
ON 3-2-23 @ 14:13 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR  
WEEDY LOT VIOLATION, FOUND WEEDS/GRASS TALLER THAN 12 INCHES IN BACKYARD,  
FRONTYARD AND SIDEYARD. PICTURES WERE TAKEN, LETTER WILL BE SENT.  
ON 3-31-23 @ 13:15 CODE ENFORCEMENT ROY MARQUEZ REINSPECTED PROPERTY FOR  
WEEDY LOT VIOLATION PROPERTY REMAINS IN SAME CONDITION, PICTURES WERE  
TAKEN. PROPERTY OWNER HAS NOT MADE ANY CONTACT WITH OFFICER. WILL SEND  
COMPLAINT REFFERAL FOR ABATEMENT.

Task #: 114805 - WEEDY LOT LTR - 3/06/2023

Task #: 115224 - COMPLAINT - 4/11/2023



04-05-2023 11:42 AM

TASK NOTES REPORT

TASK #: 114812  
TASK CODE: INSPECT SUBSTANDARD  
PROPERTY: 1321 ELM DR

ORIG. DATE:  
DUE DATE:

NOTES

-----  
Incident Notes:

THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS,  
THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE. IT HAS EXTENSIVE  
ROOF DAMAGE, WITH MOST OF THE ROOF MISSING, EXPOSED EAVES/OVERHANG,  
MISSING EXTERIOR SIDING, WINDOWS/DOORS MISSING OR NOT PROPERTLY SECURED.  
IT IS DEEMED A SAFETY HAZARD.

Task #: 114812 - INSPECT SUBSTANDARD - 3/06/2023

ON 3-2-23 @ 14:13 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR  
SUBSTANDARD STRUCTURE VIOLATION, FOUND STRUCTURE WITH MISSING ROOF,  
EXPOSED EXTERIOR, MISSING/UNSECURED WINDOWS/DOORS. PICTURES WERE TAKEN,  
LETTER WILL BE SENT

ON 3-21-23 @ 9:32 CODE ENFORCEMENT ROY MARQUEZ REINSPECTED PROPERTY FOR  
SUBSTANDARD STRUCTURE VIOLATION, STRUCTURE REMAINS IN THE SAME CONDITION,  
PICTURES WERE TAKEN, HAVE MADE ATTEMPTS TO CONTACT OWNER WITH NO SUCCESS.  
OWNER HAS NOT CONTACTED OFFICER.

ON 3-31-23 @ 13:15 ANOTHER REINSPECTION WAS COMPLETED, PICTURES WERE  
TAKEN BY OFFICER. STRUCTURE REMAINS IN SAME CONDITION. WILL NOW SEND  
COMPLAINT REQUEST FOR ABATEMENT.

Task #: 114813 - SUBSTANDARD BLD - 3/06/2023

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 I-4** I am familiar with and recognize the scene depicted in the photographs. On March, 2, 2023 and March, 31, 2023, I inspected the property described as:

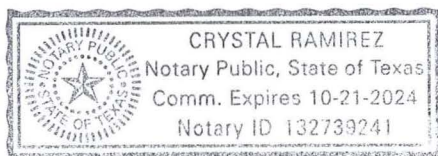
LT 11 BK 4 MESA 50X142 019 ACQ 11062015 BLK/TRACT 331S 0.163  
ACRES Big Spring, Howard County, Texas, also known as **1321 ELM**, Big  
Spring, Texas.

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

**SIGNED** on the 3 day of May, 2023.

Roy Marquez  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of May, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit I-4



INSPECTION PICTURES

3-2-23





INSPECTION PICTURES  
3-2-23





INSPECTION PICTURES  
3-2-23





INSPECTION PICTURES  
3-2-23





INSPECTION PICTURES

3-2-23





INSPECTION PICTURES  
3-2-23





INSPECTION PICTURES  
3-2-23





INSPECTION PICTURES

3-2-23



3/ 2/2023 14:16



# Exhibit I-5



REINSPECTION PICTURES  
3-31-23





REINSPECTION PICTURES  
3-31-23





REINSPECTION PICTURES  
3-31-23









REINSPECTION PICTURES  
3-31-23





REINSPECTION PICTURES  
3-31-23



3/31/2023 13:16



REINSPECTION PICTURES  
3-31-23





STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
NOTICE SENT BY ROY MARQUEZ**

“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.”

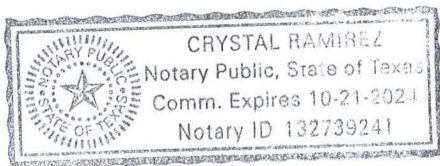
Certified Mail Return for **Exhibit I-6** is also attached.

**SIGNED** on the 3 day of May, 2023.

Roy Marquez  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of may, 2023  
by the above referenced Affiant.

Crystal Ramirez  
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 ORDER TO ABATE

**1321 ELM DR**

**Lot: 11 BK: 4 MESA 019**

March 6, 2023

Case No: 72367

KASEY DALTON RAWLS  
813 W 6TH ST  
BIG SPRING TX 79720-2209

Sent via: First Class US Mail

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

#### VIOLATION

#### Description of Violation

Property Maintenance Code  
Sec. 302.4 Weeds

Premises and exterior property not maintained free from weeds or plant growth in excess of 12 inches (not including shrubs, trees or cultivated flowers).

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

#### Corrective Action Required

#### Deadline for Compliance

**THIS PROPERTY NEEDS TO BE MOWED IN FRONT/SIDE/BACKYARD. 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**

Seven (7) days from date of mailing

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

Issued by

Roy Marquez

*Name*

Code Compliance

*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.

**FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY**

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

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

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

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

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

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

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

Sincerely,

Code Compliance Officer  
City of Big Spring, Texas



## Code Compliance

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

### NOTICE OF VIOLATION AND ORDER TO ABATE

**1321 ELM DR.**

**Lot: 11 BK: 4 MESA 019**

March 6, 2023

Case No: 72371

KASEY DALTON RAWLS  
813 W 6<sup>TH</sup> ST  
BIG SPRING, TX 79720

Sent via: Certified US Mail

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

| VIOLATION                                                   | Description of Violation                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hazardous Structure or Premises<br>Sec. 111.1.5.11          | Any portion of a building remains on a site after the demolition or destruction of the building or <i>structure</i> or whenever any building or <i>structure</i> is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.                                 |
| Property Maintenance Code<br>Sec. 304.1.1 Unsafe Conditions | 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 incapable of supporting all nominal loads and resisting all load effects. |
| Sec. 304.1.3 Unsafe Conditions                              | Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.                                                                                                                                                                                                  |

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

| Corrective Action Required                                                                                                                                                                                                                                                                                                        | Deadline for Compliance             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS, THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE. IT HAS EXTENSIVE ROOF DAMAGE, WITH MOST OF THE ROOF MISSING, EXPOSED EAVES/OVERHANG, MISSING EXTERIOR SIDING, WINDOWS/DOORS MISSING OR NOT PROPERLY SECURED. IT IS DEEMED A SAFETY HAZARD.</b> | Seven (7) days from date of mailing |



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

Issued by

Roy Marquez

*Name*

Code Compliance

*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.

**FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY**

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

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

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

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

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

**CITY CODE.** The City Code is online at [https://library.municode.com/tx/big\\_spring](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 Enforcement Officer  
City of Big Spring, Texas





## Code Compliance

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

### NOTICE OF VIOLATION AND ORDER TO ABATE

**1321 ELM DR**

**Lot: 11 BK: 4 MESA 019**

March 6, 2023

Case No: 72368

KASEY DALTON RAWLS  
813 W 6TH ST  
BIG SPRING TX 79720-2209

Sent via: First Class US Mail

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

#### VIOLATION

#### Description of Violation

Property Maintenance Code  
Sec. 302.1 Sanitation

The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

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

#### Corrective Action Required

#### Deadline for Compliance

**THERE ARE ACCUMULATED ITEMS ON PROPERTY, LUMBER, DEAD TREE AND WEED MATERIAL, MISCELLANEOUS ITEMS IN FRONTYARD, SIDEYARD AND BACKYARD. THIS NEEDS TO BE PICKED UP AND PROPERLY DISPOSED. IT IS ASKED THAT PROPERTY BE MAINTAINED ON A REGULAR BASIS.**

Seven (7) days from date of mailing

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

Issued by

Roy Marquez

*Name*

Code Compliance

*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.

**FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY**

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

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

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

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

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

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

Sincerely,

Code Compliance Officer  
City of Big Spring, Texas





## NOTICE OF VIOLATION AND NOTICE OF HEARING

1321 ELM, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: LT 11 BK 4 MESA 50X142 019 ACQ 11062015 BLK/TRACT  
331S 0.163 ACRES, HOWARD COUNTY

April 28, 2023

KASEY DALTON RAWLS  
813 W 6th Street  
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:<br>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.<br>6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.<br>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.<br>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 | Door is boarded up and does not conform to building code. The structure is clearly unsafe for use or occupancy. It is an attractive nuisance. Due to dilapidation it is unfit for human habitation.<br>Hazardous structure. |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| 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:<br>8.<br>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.<br>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.             |
| 304.13 Window, skylight and door frames.<br><br>Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.                                                                                                                                                                                                                                                                                                                                                                                                                            | Windows lack glass and are not fully boarded up. Install door.                   |

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 Enforcement Officer

*Title*

+1 (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 **5:30 PM, May 9, 2023** at the City Council Chambers located at **307 E 4<sup>th</sup> 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.

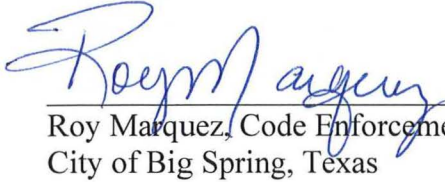
**TRANSFER OF OWNERSHIP UNLAWFUL:** Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

**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](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 "Roy Marquez", is written over a horizontal line.

Roy Marquez, Code Enforcement Officer  
City of Big Spring, Texas

# Exhibit I-7



7016 1370 0000 4246 5013

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

|                                                              |    |
|--------------------------------------------------------------|----|
| Certified Mail Fee                                           |    |
| \$                                                           |    |
| Extra Services & Fees (check box, add fee as appropriate)    |    |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ |
| <input type="checkbox"/> Adult Signature Required            | \$ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |

Postmark  
Here

|                        |      |
|------------------------|------|
| Postage                |      |
| \$                     | 8.10 |
| Total Postage and Fees |      |
| \$                     |      |

|                                      |                      |
|--------------------------------------|----------------------|
| Sent To                              | Kasen Dalton Rawls   |
| Street and Apt. No., or P.O. Box No. | 813 West 6th         |
| City, State, ZIP+4®                  | Big Spring, TX 79720 |

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

See Reverse for Instructions

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
OF POSTING OF PUBLIC HEARING**

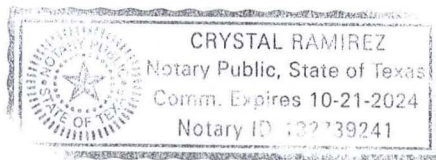
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for May 09, 2023, attached as **Exhibit I-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 28<sup>th</sup>, 2023.

This notice was also published in the Big Spring Herald on \_\_\_\_\_, 2023.”

**SIGNED** on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit I-8



## Code Enforcement

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

### NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON MAY 9<sup>TH</sup>, 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4<sup>TH</sup> ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

604 ABRAMS, BIG SPRING, TEXAS 79720 – LT 3 BK 15 EARLES 50X130 897 0.149 ACRES– OWNER: LUPE CHAVARRIA AND ESTATE OF EDWARD CHAVARRIA

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

1302 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES – OWNER: BROWN FAMILY TRUST CARROLL & EVELYN

1321 ELM, BIG SPRING, TEXAS 79720 – LT 11 BK 4 MESA 50X142 019 ACQ 11062015 BLK/TRACT 331S 0.163 ACRES – OWNER: KASEY DALTON RAWLS

411 NW 8TH ST, BIG SPRING, TEXAS 79720 – LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES – OWNER: JIMMY ALEMAN

413 NW 8TH ST, BIG SPRING, TEXAS 79720 – PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT 18 0.17 ACRES – OWNER: JIMMY ALEMAN

1302 MAIN ST, BIG SPRING, TEXAS 79720 – LT 11 BK 7 MCDOWELL HEIGHTS 50X140 236 BLK/TRACT 7 0.161 ACRES – OWNER: JACK WALLIS AND MARJORIE WALLIS

1008 E 13TH ST, BIG SPRING, TEXAS 79720 – LT 5 BK 32 COLE & STRAYHORN 50X140 412 ACQ 07142021 BLK/TRACT 32 0.161 ACRES – OWNER: ROGER G. ALPHIN, JR AND SANTANA R. DELEON



804 JOHNSON ST, BIG SPRING, TEXAS 79720 – S/75' LT 1 BK 73 ORIGINAL TOWN  
75X140 1067 ACQ 02162022 0.241 ACRES – OWNER: BRITTANY M SALAZAR

305 E 9TH ST, BIG SPRING, TEXAS 79720 – PT S/50' OF LT 3 BK 74 ORIGINAL TOWN  
50X140 1059 0.161 ACRES ACQ 06102020 – OWNER: NOE G. SOLIZ SR.

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

Nick Reyna  
Building Official, City of Big Spring







# 411 NW 8TH

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 411 NW 8TH**

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

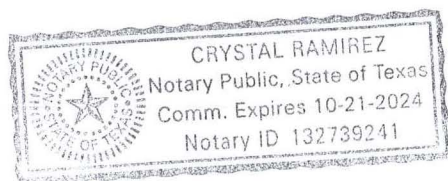
“My name is **Roy Marquez**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **411 NW 8TH**, 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 3 day of May, 2023.

Roy Marquez  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of May, 2023 by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas

# Exhibit G-2



# HOWARD COUNTY APPRAISAL DISTRICT (2023)

Property ID : R000000447

Geo ID : B2280016600

1/1

| Ownership    | Exemptions/Deed |
|--------------|-----------------|
| ALEMAN JIMMY |                 |

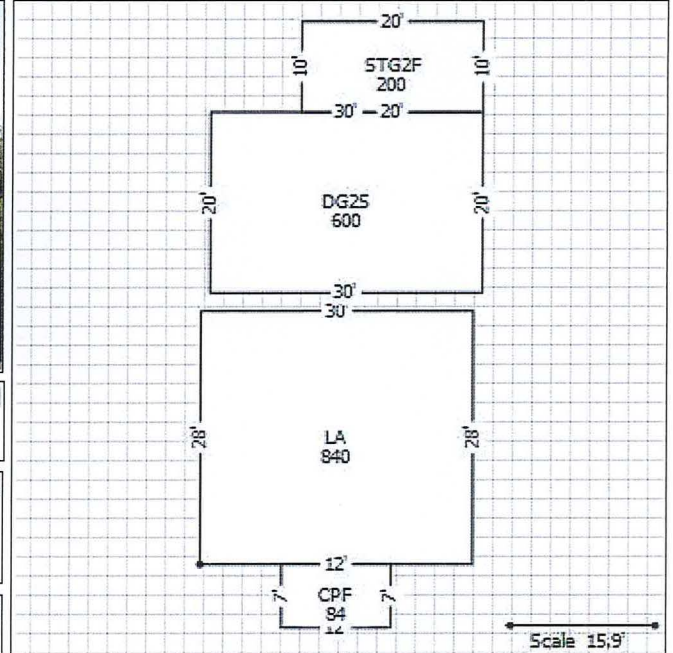
| Legal Information                                                                                            |
|--------------------------------------------------------------------------------------------------------------|
| LEGAL: LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES<br>SITUS: 411 NW 8TH<br>ACRES:0.170<br>ALT:447<br>XREF:447.1 |
| UNCERTIFIED                                                                                                  |



| Appraisal Coding            |
|-----------------------------|
| Appr By TG Appr Dt 10/15/21 |
| Check By Check Dt           |

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

| Agent | Mortgage | Geo Quad | Aerial | Map Id | Use |
|-------|----------|----------|--------|--------|-----|
|       |          | 0        |        |        |     |



| Building Code        | Hs | Year/Eff Yr | Class | Sqft  | Cpsf  | Buildings | Features | Depreciation % | Condition | %  | Fn% | Ec% | Cpl% | Loc% | Net Adj% | Value  | Feature Code    | Cpsf / Value |
|----------------------|----|-------------|-------|-------|-------|-----------|----------|----------------|-----------|----|-----|-----|------|------|----------|--------|-----------------|--------------|
| LA-LIVING AREA       | Y  | 1960/NA     | RS2F  | 840   | 85.53 | 71,845    | 0 PO     | -73%           | 0%        | 0% | 0%  | 0%  | 100% | 0%   | -73.0%   | 19,398 | AST-1 STORY     | 0            |
| CPF-COVERED PORCH FR | Y  | 1960/NA     | RS2F  | 84    | 12.83 | 1,078     | 0 PO     | -73%           | 0%        | 0% | 0%  | 0%  | 100% | 0%   | -73.0%   | 291    | AUT-ALL         | 0            |
| DG2S-DETACHED GARAGE | Y  | 1960/NA     | RS2F  | 600   | 50.02 | 30,012    | 0 PO     | -73%           | 0%        | 0% | 0%  | 0%  | 100% | 0%   | -73.0%   | 8,103  | CRM-COMPOSITION | 0            |
| STG2F-AVG QUALITY ST | Y  | 1960/NA     | RS2F  | 200   | 11.00 | 2,200     | 0 PO     | -73%           | 0%        | 0% | 0%  | 0%  | 100% | 0%   | -73.0%   | 594    | EHC-WALL        | 0            |
|                      |    |             |       | ===== |       | =====     |          |                |           |    |     |     |      |      |          | =====  | FET-FRAME       | 0            |
|                      |    |             |       | 1,724 |       | 105,135   | 0        |                |           |    |     |     |      |      |          | 28,386 | GRT-GABLE       | 0            |
|                      |    |             |       |       |       |           |          |                |           |    |     |     |      |      |          |        | WFN-WOOD POST   | 0            |
|                      |    |             |       |       |       |           |          |                |           |    |     |     |      |      |          |        | 1BT-1 BATH      | 0            |
|                      |    |             |       |       |       |           |          |                |           |    |     |     |      |      |          |        | =====           |              |
|                      |    |             |       |       |       |           |          |                |           |    |     |     |      |      |          |        | 0               |              |

SQFT MA: 840 MKT CSF MA: 37.84 CSF IMPR: 33.793 LOC CODE: NC

| 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 |
|-----------|---------------------------|----------|--------|-----------|------------------|------|---------|----|-----------|---------|-----------|----------|----------|-------|-----|------------|
| A*@       | 0.170 AC/7,405 SF ACREAGE | 20,000.0 |        | 20,000.00 |                  | 0%   |         | Y  | 3,400     | A1      |           |          |          |       |     |            |
|           |                           |          |        |           |                  |      |         |    | =====     |         |           |          |          |       |     | =====      |
|           |                           |          |        |           |                  |      |         |    | 3,400     |         |           |          |          |       |     | 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 + | 28,386 | A1         | -2,648 | 31,034 | A1  | 01H HOWARD COUNTY      | 0         | 31,786     | .3275450       |        | 104.11        | HSAPPNOT17 | BSISD_NE    |
| Land Homesite + | 3,400  | A1         | 0      | 3,400  | A1  | 02B CITY OF BIG SPRING | 0         | 31,786     | .6731630       |        | 213.97        | HSAPPNOT18 | BSI_MAP2    |
| Total Market =  | 31,786 |            | -2,648 | 34,434 |     | 03B BIG SPRING ISD     | 0         | 31,786     | 1.0160000      | 1996   | 322.95        | HSAPPNOT19 | NC22        |
| Assessed =      | 31,786 |            | -2,648 | 34,434 |     | 052 HOWARD COLLEGE     | 0         | 31,786     | .2367770       |        | 75.26         | MULTI      |             |
|                 |        |            |        |        |     | ** ESTIMATED TOTAL     |           |            |                |        | =====         | HSAPPNOT20 |             |
|                 |        |            |        |        |     |                        |           |            |                |        | 716.29        | HSAPPNOT21 |             |

Property Details

|                    |                                                          |
|--------------------|----------------------------------------------------------|
| Account            |                                                          |
| Property ID:       | 277027                                                   |
| Legal Description: | LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES                 |
| Geographic ID:     | B2280016600                                              |
| Agent:             |                                                          |
| Type:              | Real                                                     |
| Location           |                                                          |
| Address:           | 411 NW 8TH                                               |
| Map ID:            |                                                          |
| Neighborhood CD:   |                                                          |
| Owner              |                                                          |
| Owner ID:          | 298319                                                   |
| Name:              | ALEMAN JIMMY                                             |
| Mailing Address:   | 411 NW 8TH<br><br>BIG SPRING , TX 79720                  |
| % Ownership:       | 100.0%                                                   |
| Exemptions:        | For privacy reasons not all exemptions are shown online. |

Property Values

|                                 |          |
|---------------------------------|----------|
|                                 |          |
| Improvement Homesite Value:     | \$31,034 |
| Improvement Non-Homesite Value: | \$0      |
| Land Homesite Value:            | \$3,400  |
| Land Non-Homesite Value:        | \$0      |
| Agricultural Market Valuation:  | \$0      |
|                                 |          |



STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION**  
**411 NW 8TH 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.”

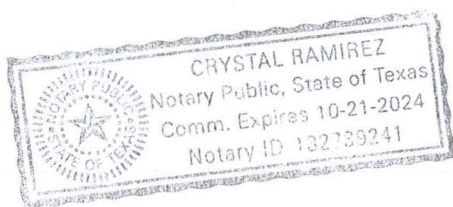
**SIGNED** on the 3 day of May, 2023.

Reg Mangum  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of May, 2023

by the above referenced Affiant.

Crystal Ramirez  
Notary Public, State of Texas



# Exhibit G-3



INCIDENT #: 72384

INCIDENT CODE: 300-0001 WEEDY LOT

PROPERTY: 411 NW 8TH ST

## NOTES

-----  
Incident Notes:

THIS ENTIRE PROPERTY NEEDS TO BE MOWED SPECIFICALLY ALONG THE NW 8TH STREET SIDE AND FENCELINE. 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 #: 114831 - INSPECT WEEDL LOT - 3/07/2023

ON 3-2-23 @ 14:28 CODE ENFORCEMENT ROY MARQUEZ INPSECTED PROPERTY FOR WEEDY LOT VIOLATION FOUND WEEDS/GRASS TALLER THAN 12 INCHES ALONG THE NW 8TH ST SIDE AND ALONG THE FENCE AND EASEMENT. PICTURES WERE TAKEN, LETTER WILL BE SENT

Task #: 114832 - WEEDY LOT LTR - 3/07/2023

Task #: 115315 - COMPLAINT - 4/19/2023

ON 3-31-23 @ 13:28 CODE ENFORCEMENT ROY MARQUEZ REINSPECTED PROPERTY FOR WEEDY LOT VIOLATION, PROPERTY REMAINS THE SAME. OWNER IS DECEASED AND HAVE NOT FOUND RELATIVES. WILL SEND COMPLAINT REQUEST FOR ABATEMENT.

TASK #: 115316  
TASK CODE: ISSUE CITATION  
PROPERTY: 411 NW 8TH ST

ORIG. DATE:  
DUE DATE:

NOTES

-----  
Incident Notes:

THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS,  
THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE. IT HAS DAMAGED  
ROOF WITH SHINGLES MISSING, OVERHANG IS ROTTED AND NOT SECURE, MISSING  
WINDOWS/DOORS. THIS ALL NEED TO BE REPAIRED/REPLACED.

Task #: 114829 - INSPECT SUBSTANDARD - 3/07/2023  
ON 3-2-23 @ 14:28 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR  
SUBSTANDARD STRUCTURE VIOLATION, FOUND STRUCTURE WITH DAMAGED ROOF,  
OVERHAND, MISSING WINDOWS/DOORS, UNSECURED. PICTURES WERE TAKEN, LETTER  
WILL BE SENT.  
ON 3-31-23 @ 13:28 CODE ENFORCEMENT ROY MARQUEZ REINSPECTED PROPERTY FOR  
SUBTANDARD STRUCTURE VIOLATION, STRUCTURE REMAINS IN THE SAME CONDITION.  
OFFICER HAS NOT MADE ANY PROGRESS IN FINDING NEXT OF KIN RELATIVES TO  
OWNER, AS HE IS DECEASED. WILL SEND COMPLAINT REQUEST TO COUNCIL FOR  
ABATEMENT.

Task #: 114830 - SUBSTANDARD BLD - 3/07/2023

Task #: 115314 - REINSPECT SUBSTANDRD - 4/19/2023

Task #: 115316 - ISSUE CITATION - 4/19/2023



STATE OF TEXAS

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 March, 2, 2023 and March, 31, 2023, I inspected the property described as:

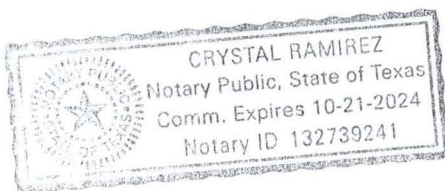
LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES Big Spring, Howard County, Texas, also known as **411 NW 8TH**, Big Spring, Texas.

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

**SIGNED** on the 3 day of May, 2023.

Roy Marquez  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 30 day of May, 2023 by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas

# Exhibit G-4



INSPECTION PICTURES

3-2-23





INSPECTION PICTURES  
3-2-23





INSPECTION PICTURES  
3-2-23





INSPECTION PICTURES  
3-2-23





# Exhibit G-5

REINSPECT PICTIURES  
3-31-23





REINSPECT PICTURES  
3-31-23





REINSPECT PICTIURES  
3-31-23





REINSPECT PICTIURES  
3-31-23





REINSPECT PICTIURES  
3-31-23





REINSPECT PICTIURES  
3-31-23





REINSPECT PICTIURES  
3-31-23





REINSPECT PICTIURES  
3-31-23





STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION  
NOTICE SENT BY ROY MARQUEZ**

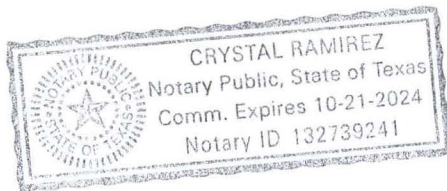
“The document in **Exhibit G-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

**SIGNED** on the 3 day of May, 2023.

Roy Marquez  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit G-6

**NOTICE OF VIOLATION AND ORDER TO ABATE**

**411 NW 8<sup>TH</sup>**

**LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES**

March 7, 2023

Case No.:72383

JIMMY ALEMAN  
411 NW 8<sup>TH</sup> ST  
BIG SPRING TX 79720

Sent via: Certified US Mail

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

**VIOLATION**

**Description of Violation**

Hazardous Structure or Premises  
Sec. 111.1.5.11

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.

Property Maintenance Code  
Sec. 304.1.1 Unsafe Conditions

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 incapable of supporting all nominal loads and resisting all load effects.

Sec. 304.1.3 Unsafe Conditions

Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.

Sec. 304.2.18 Building Security

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

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

**Corrective Action Required**

**Deadline for Compliance**

**THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS, THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE. IT HAS DAMAGED ROOF WITH SHINGLES**

Seven (7) days from date of mailing



**MISSING, OVERHANG IS ROTTED AND NOT SECURE,  
MISSING WINDOWS/DOORS. THIS ALL NEED TO BE  
REPAIRED/REPLACED**

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

Issued by

|                     |                                 |
|---------------------|---------------------------------|
| <u>Roy Marquez</u>  | <u>Code Compliance</u>          |
| <i>Name</i>         | <i>Department</i>               |
| <u>432-264-2507</u> | <u>rmarquez@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.

**FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY  
RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY  
OWNER(S) WITH COSTS AND PENALTIES.**

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

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

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

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

property— with conditions and exceptions stated in PMC Sec. 111.6.

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

**CITY CODE.** The City Code is online at [https://library.municode.com/tx/big\\_spring](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 black ink, appearing to read "Roy Marquez", written over the printed name.

Roy Marquez  
Code Enforcement Officer  
City of Big Spring, Texas





## Code Compliance

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

### NOTICE OF VIOLATION AND ORDER TO ABATE

**411 NW 8TH ST**  
**Lot: 4-6 BK: 18 BAUER 539**

March 7, 2023

Case No: 72384

JIMMY G ALEMAN  
411 NW 8TH ST  
BIG SPRING TX 79720-1201

Sent via: First Class US Mail

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

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

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

| Corrective Action Required                                                                                                                                                                                                             | Deadline for Compliance             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>THIS ENTIRE PROPERTY NEEDS TO BE MOWED SPECIFICALLY ALONG THE NW 8TH STREET SIDE AND FENCELINE. 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</b> | Seven (7) days from date of mailing |

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

Issued by

Roy Marquez

*Name*

Code Compliance

*Department*

432.264.2507

*Phone*

[rmarquez@mybigspring.com](mailto: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.

**FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES.**

If you fail to take the corrective action within the deadlines stated above, the City may proceed with abatement (taking the corrective action for you). If so, the City will send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

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

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

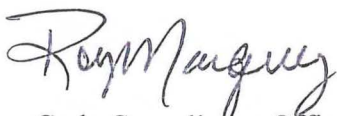
**NOTICE TO EMPLOYEE OF OWNER:** If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code,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

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

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

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

Sincerely,



Code Compliance Officer  
City of Big Spring, Texas



## NOTICE OF VIOLATION AND NOTICE OF HEARING

**411 NW 8TH, BIG SPRING, TEXAS 79720**  
**LEGAL DESCRIPTION: LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES ACRES,**  
**HOWARD COUNTY**

April 28, 2023

JIMMY G ALEMAN  
411 NW 8TH  
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                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>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:</p> <p>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.</p> <p>6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.</p> <p>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.</p> <p>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,</p> | <p>Door is missing and does not conform to building code. The structure is clearly unsafe for use or occupancy. It is an attractive nuisance. Due to dilapidation it is unfit for human habitation.</p> <p>Hazardous structure.</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                             |
| <p>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:</p> <p>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.</p> <p>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.</p> | Exterior walls have cracks, breaks, holes. The roof appears to admit rain and has signs of deterioration. Unsafe condition. |
| <p>304.7 Roofs and drainage.</p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              | The roof has defects that admit rain and is not sound and not tight.                                                        |
| <p>304.13 Window, skylight and door frames.</p> <p>Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Windows lack glass and are not fully boarded up. Install door.                                                              |

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 Enforcement Officer

*Title*



*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 **5:30 PM, May 9, 2023** at the City Council Chambers located at **307 E 4<sup>th</sup> 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](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 "Roy Marquez", written over a horizontal line.

Roy Marquez, Code Enforcement Officer  
City of Big Spring, Texas

# Exhibit G-7



7016 1370 0000 4246 5020

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- |                                                              |    |  |
|--------------------------------------------------------------|----|--|
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ |  |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ |  |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ |  |
| <input type="checkbox"/> Adult Signature Required            | \$ |  |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |  |

Postage

\$

Total Postage and Fees

\$

Sent To

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

City, State, ZIP+4®

Jimmy Alkman

411 NW 8th

Bay Spring, TX 77620

Postmark  
Here

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

See Reverse for Instructions

STATE OF TEXAS

§  
§  
§

COUNTY OF HOWARD

**CERTIFICATION  
OF POSTING OF PUBLIC HEARING**

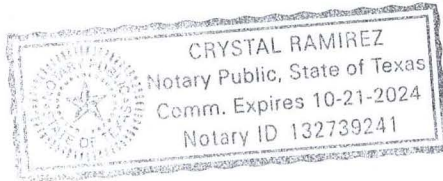
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for May 09, 2023, attached as **Exhibit G-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on April 28th, 2023.

This notice was also published in the Big Spring Herald on \_\_\_\_\_, 2023.”

**SIGNED** on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of may, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit G-8



## Code Enforcement

---

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

### NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON MAY 9<sup>TH</sup> , 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4<sup>TH</sup> ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

604 ABRAMS, BIG SPRING, TEXAS 79720 – LT 3 BK 15 EARLES 50X130 897 0.149 ACRES– OWNER: LUPE CHAVARRIA AND ESTATE OF EDWARD CHAVARRIA

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

1302 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES – OWNER: BROWN FAMILY TRUST CARROLL & EVELYN

1321 ELM, BIG SPRING, TEXAS 79720 – LT 11 BK 4 MESA 50X142 019 ACQ 11062015 BLK/TRACT 331S 0.163 ACRES – OWNER: KASEY DALTON RAWLS

411 NW 8TH ST, BIG SPRING, TEXAS 79720 – LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES – OWNER: JIMMY ALEMAN

413 NW 8TH ST, BIG SPRING, TEXAS 79720 – PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT 18 0.17 ACRES – OWNER: JIMMY ALEMAN

1302 MAIN ST, BIG SPRING, TEXAS 79720 – LT 11 BK 7 MCDOWELL HEIGHTS 50X140 236 BLK/TRACT 7 0.161 ACRES – OWNER: JACK WALLIS AND MARJORIE WALLIS

1008 E 13TH ST, BIG SPRING, TEXAS 79720 – LT 5 BK 32 COLE & STRAYHORN 50X140 412 ACQ 07142021 BLK/TRACT 32 0.161 ACRES – OWNER: ROGER G. ALPHIN, JR AND SANTANA R. DELEON



804 JOHNSON ST, BIG SPRING, TEXAS 79720 – S/75' LT 1 BK 73 ORIGINAL TOWN  
75X140 1067 ACQ 02162022 0.241 ACRES – OWNER: BRITTANY M SALAZAR

305 E 9TH ST, BIG SPRING, TEXAS 79720 – PT S/50' OF LT 3 BK 74 ORIGINAL TOWN  
50X140 1059 0.161 ACRES ACQ 06102020 – OWNER: NOE G. SOLIZ SR.

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

Nick Reyna  
Building Official, City of Big Spring





4/28/2023 14:24



# 413 NW 8TH

Code Enforcement Officer: Roy Marquez

# Exhibit H-1



STATE OF TEXAS

§

COUNTY OF HOWARD

§

§

**AFFIDAVIT OF ROY MARQUEZ  
CONCERNING 413 NW 8TH**

**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:

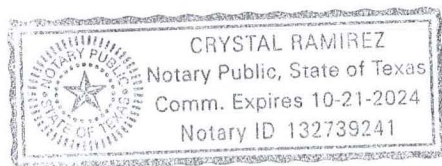
“I am a Code Enforcement Officer for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **413 NW 8TH**, 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 3 day of May, 2023.

Roy Marquez  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023 by the above referenced Affiant.

Crystal Ramirez  
Notary Public, State of Texas



# Exhibit H-2



# HOWARD COUNTY APPRAISAL DISTRICT (2023)

Property ID : R000000448

Geo ID : B2280016601

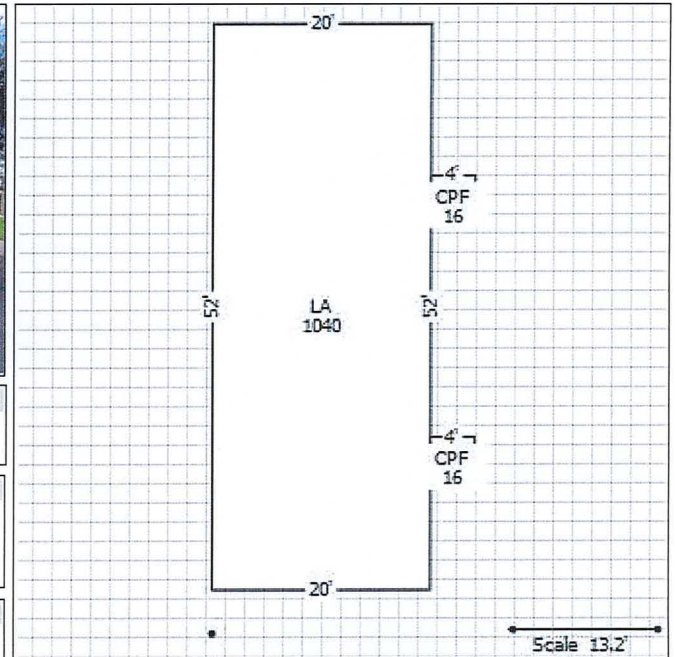
2/2

| Ownership    | Exemptions/Deed |
|--------------|-----------------|
| ALEMAN JIMMY |                 |

| Legal Information                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------|
| LEGAL: PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT 18 0.17 ACRES<br>SITUS: 413 NW 8TH<br>ACRES:0.170<br>ALT:448<br>XREF:448.1 |
| UNCERTIFIED                                                                                                              |



| Appraisal Coding                 |
|----------------------------------|
| Appr By TG      Appr Dt 10/15/21 |
| Check By      Check Dt           |



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

| Agent | Mortgage | Geo Quad | Aerial | Map Id | Use |
|-------|----------|----------|--------|--------|-----|
|       |          | 0        |        |        |     |

| Building Code        | Hs | Year/Eff Yr | Class | Sqft  | Cpsf  | Buildings | Features | Depreciation % | Condition | %  | Fn% | Ec% | Cpl% | Loc% | Net Adj% | Value  | Feature Code  | Cpsf / Value |
|----------------------|----|-------------|-------|-------|-------|-----------|----------|----------------|-----------|----|-----|-----|------|------|----------|--------|---------------|--------------|
| LA-LIVING AREA       | N  | 1960/NA     | RS2F  | 1,040 | 81.92 | 85,197    | 0 PO     | -73%           |           | 0% | 0%  | 0%  | 100% | 0%   | -73.0%   | 23,003 | AST-1 STORY   | 0            |
| CPF-COVERED PORCH FR | N  | 1960/NA     | RS2F  | 16    | 12.29 | 197       | 0 PO     | -73%           |           | 0% | 0%  | 0%  | 100% | 0%   | -73.1%   | 53     | AUT-ALL       | 0            |
| CPF-COVERED PORCH FR | N  | 1960/NA     | RS2F  | 16    | 12.29 | 197       | 0 PO     | -73%           |           | 0% | 0%  | 0%  | 100% | 0%   | -73.1%   | 53     | EHC-WALL      | 0            |
|                      |    |             |       | ===== |       | =====     | =====    |                |           |    |     |     |      |      |          | =====  | FET-FRAME     | 0            |
|                      |    |             |       | 1,072 |       | 85,591    | 0        |                |           |    |     |     |      |      |          | 23,109 | HRT-HIP       | 0            |
|                      |    |             |       |       |       |           |          |                |           |    |     |     |      |      |          |        | RRM-ROLL      | 0            |
|                      |    |             |       |       |       |           |          |                |           |    |     |     |      |      |          |        | WFN-WOOD POST | 0            |
|                      |    |             |       |       |       |           |          |                |           |    |     |     |      |      |          |        | 1BT-1 BATH    | 0            |
|                      |    |             |       |       |       |           |          |                |           |    |     |     |      |      |          |        | =====         | 0            |
|                      |    |             |       |       |       |           |          |                |           |    |     |     |      |      |          |        |               | 0            |

| Land Code | Units / Alt Units            | Cpu      | Cpu Cd | Mkt Cpu   | Adjustment Codes | Adj% | Adj Amt | Hs | Mkt Value | Ptd | Prd | Prod Code | Prod Use | Yr Grant | Units | Cpu | Spec Value |
|-----------|------------------------------|----------|--------|-----------|------------------|------|---------|----|-----------|-----|-----|-----------|----------|----------|-------|-----|------------|
| A*@       | 0.170 AC/7,405 SF<br>ACREAGE | 20,000.0 |        | 20,000.00 |                  | 0%   |         | Y  | 3,400     | A1  |     |           |          |          |       |     |            |
|           |                              |          |        |           |                  |      |         |    | =====     |     |     |           |          |          |       |     | =====      |
|           |                              |          |        |           |                  |      |         |    | 3,400     |     |     |           |          |          |       |     | 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 +     | 30,457 | A1         | -2,374 | 32,831 | A1  | 01H HOWARD COUNTY      | 0         | 56,966     | .3275450       |        | 186.59        | MULTI      | BSISD_NE    |
| Impr Non Homesite + | 23,109 | A1         | -2,852 | 25,961 | A1  | 02B CITY OF BIG SPRING | 0         | 56,966     | .6731630       |        | 383.47        |            | BSI_MAP2    |
| Land Homesite +     | 3,400  | A1         | 0      | 3,400  | A1  | 03B BIG SPRING ISD     | 0         | 56,966     | 1.0160000      |        | 578.77        |            | NC22        |
| Total Market =      | 56,966 |            | -5,226 | 62,192 |     | 052 HOWARD COLLEGE     | 0         | 56,966     | .2367770       |        | 134.88        |            |             |
| Assessed =          | 56,966 |            | -5,226 | 62,192 |     | ** ESTIMATED TOTAL     |           |            |                |        | =====         |            |             |
|                     |        |            |        |        |     |                        |           |            |                |        | 1,283.71      |            |             |

User PERMITS2      Print Date 3/7/2023 9:21:40 AM

Property ID : R000000448

Geo ID : B2280016601

Quick Link :



STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
413 NW 8TH 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.

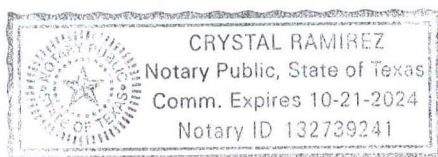
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 3 day of May, 2023.

Reg. Marquez  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of may, 2023

by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit H-3

NOTES

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Incident Notes:

THERE IS LARGE PILES OF ACCUMULATED ITEMS, TRASH, DEBRIS, DEAD WEED/TREE MATERIAL, METAL, WOOD, LUMBER, NUMEROUS MISCELLANOUS ITEMS. ALL THIS NEED TO BE PICKED UP AND PROPERLY DISPOSED AT LANDFILL. IT IS ASKED THAT PROPERTY BE MAINTAINED ON REGULAR BASIS.

Task #: 114836 - INSPECT ACCUMULATED - 3/08/2023

ON 3-2-23 @ 14:29 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR ACCUMULATED ITEMS VIOLATION, FOUND PILES OF MISCELLANOUS ITEMS, TRASH, DEBRIS, WOOD, LUMBER, METAL, DEAD TREE/WEED MATERIAL. PICTURES WERE TAKEN, LETTER WILL BE SENT.

ON 3-31-23 @ 13:30 CODE ENFORCMENT ROY MARQUEZ REINSPECTED PROPERTY FOR ACCUMULATED ITEMS VIOLATION, PROPERTY REMAINS IN SAME CONDITION. OWNER IS DECEASED AND HAVE NOT BEEN ABLE TO LOCATE ANY RELATIVES ASSOCIATED WITH OWNER. WILL SEND REQUEST COMPLAINT TO COUNCIL BOARD FOR ABATEMENT

Task #: 114837 - ACCUMULATED ITEMS - 3/08/2023



NOTES

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Incident Notes:

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

Task #: 114834 - INSPECT WEEDL LOT - 3/08/2023

ON 3-2-23 @ 14:29 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR WEEDY LOT VIOLATION, FOUND WEEDS/GRASS TALLER THAN 12 INCHES IN THE ALLEY AND ALONG FENCELINE. PICTURES WERE TAKEN, LETTER WILL BE SENT

ON 3-31-23 @ 13:30 CODE ENFORCMENT ROY MARQUEZ REINSPECTED PROPERTY FOR WEEDY LOT VIOLATION, PROPERTY REMAINS IN SAME CONDITION. OWNER IS DECEASED AND HAVE NOT BEEN ABLE TO LOCATE ANY RELATIVES ASSOCIATED WITH OWNER.

WILL SEND REQUEST COMPLAINT TO COUNCIL BOARD FOR ABATEMENT

Task #: 114835 - WEEDY LOT LTR - 3/08/2023

NOTES

Incident Notes:

THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS, THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE. THE ACCESSORY METAL BUILDING HAS EXTENSIVE DAMAGE AND IS COLLAPSING. THE MAIN STRUCTURE HAS ROOF DAMAGE, WINDOWS AND DOORS UNSECURED, EXTERIOR HAS EXTENSIVE DETERIORATION AND DISTESS.

Task #: 114833 - INSPECT SUBSTANDARD - 3/07/2023

ON 3-2-23 @ 14:29 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR SUBSTANDARD STRUCTURE VIOLATION, FOUND METAL ACCESSORY BUILDING COLLAPSING AND SHOWING FATIGUE, MAIN STRUCTURE HAS EXTENSIVE ROOF DAMAGE, DOORS/WINDOWS UNSECURED, EXTERIOR IN DETERIORATION. PICTURES WERE TAKEN, LETTER WILL BE SENT.

ON 3-31-23 @ 13:30 CODE ENFORCMENT ROY MARQUEZ REINSPECTED PROPERTY FOR SUBTANDARD STRUCTURE VIOLATION, PROPERTY REMAINS IN SAME CONDITION. OWNER IS DECEASED AND HAVE NOT BEEN ABLE TO LOCATE ANY RELATIVES ASSOCIATED WITH OWNER. WILL SEND REQUEST COMPLAINT TO COUNCIL BOARD FOR ABATEMENT.



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 H-4** I am familiar with and recognize the scene depicted in the photographs. On March, 2, 2023 and March, 31, 2023, I inspected the property described as:

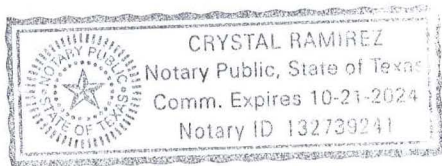
PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT 18 0.17 ACRES Big Spring,  
Howard County, Texas, also known as **413 NW 8TH**, Big Spring, Texas.

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

**SIGNED** on the 3 day of May, 2023.

Roy Marquez  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3rd day of May, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas

# Exhibit H-4



INSPECTION PICTURES  
3-2-23





INSPECTION PICTURES  
3-2-23





INSPECTION PICTURES

3-2-23





INSPECTION PICTURES

3-2-23





INSPECTION PICTURES

3-2-23





INSPECTION PICTURES  
3-2-23





# Exhibit H-5



REINSPECT PICTIURES  
3-31-23





REINSPECT PICTIURES  
3-31-23





REINSPECT PICTIURES  
3-31-23



3/31/2023 13:31



REINSPECT PICTIURES

3-31-23





REINSPECT PICTIURES  
3-31-23





REINSPECT PICTIURES

3-31-23





REINSPECT PICTIURES

3-31-23





STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
NOTICE SENT BY ROY MARQUEZ**

“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.”

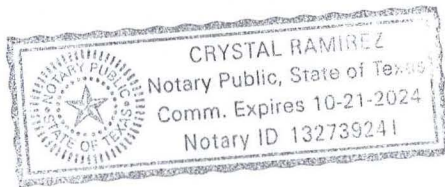
Certified Mail Return for **Exhibit H-6** is also attached.

**SIGNED** on the 3 day of May, 2023.

Roy Marquez  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of May, 2023  
by the above referenced Affiant.

Crystal Ramirez  
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 ORDER TO ABATE

413 NW 8<sup>TH</sup>

PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT 18 0.17 ACRES

March 7, 2023

Case No.:72385

JIMMY ALEMAN  
411 NW 8<sup>TH</sup> ST  
BIG SPRING TX 79720

Sent via: Certified US Mail

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

| VIOLATION                                                   | Description of Violation                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hazardous Structure or Premises<br>Sec. 111.1.5.11          | Any portion of a building remains on a site after the demolition or destruction of the building or <i>structure</i> or whenever any building or <i>structure</i> is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.                                 |
| Property Maintenance Code<br>Sec. 304.1.1 Unsafe Conditions | 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 incapable of supporting all nominal loads and resisting all load effects. |
| Sec. 304.1.3 Unsafe Conditions                              | Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.                                                                                                                                                                                                  |
| Sec. 304.2.18 Building Security                             | Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.                                                                                                                                   |

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

#### Corrective Action Required

**THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS, THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE. THE ACCESSORY METAL BUILDING HAS EXTENSIVE DAMAGE AND IS COLLAPSING. THE MAIN STRUCTURE HAS**

#### Deadline for Compliance

Seven (7) days from date of mailing

**ROOF DAMAGE, WINDOWS AND DOORS UNSECURED,  
EXTERIOR HAS EXTENSIVE DETERIORATION AND DISTRESS.**

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

Issued by

|                     |                                 |
|---------------------|---------------------------------|
| <u>Roy Marquez</u>  | <u>Code Compliance</u>          |
| <i>Name</i>         | <i>Department</i>               |
| <u>432-264-2507</u> | <u>rmarquez@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.

**FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY  
RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY  
OWNER(S) WITH COSTS AND PENALTIES.**

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

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

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

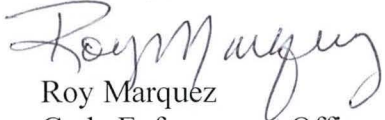
**TRANSFER OF OWNERSHIP UNLAWFUL:** Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.



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

**CITY CODE.** The City Code is online at [https://library.municode.com/tx/big\\_spring](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 black ink, appearing to read "Roy Marquez", written in a cursive style.

Roy Marquez  
Code Enforcement Officer  
City of Big Spring, Texas



## Code Compliance

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

### NOTICE OF VIOLATION AND ORDER TO ABATE

**413 NW 8TH**

**Lot: PART 5-6 BK: 18 BAUER 18**

March 8, 2023

Case No: 72386

JIMMY G ALEMAN  
411 NW 8TH ST  
BIG SPRING TX 79720-1201

Sent via: First Class US Mail

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

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

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

| Corrective Action Required                                                                                                                                                                                  | Deadline for Compliance             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>THIS PROPERTY NEEDS TO BE MOWED ALONG THE FENCELINE AND ALLEY. ALL WEEDS/GRASS/BRUSH NEED TO BE CUT TO CITY ORDINANCE OF UNDER 12 INCHES. IT IS ASKED THAT PROPERTY BE MAINTAINED ON A REGULAR BASIS</b> | Seven (7) days from date of mailing |

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

Issued by

Roy Marquez

*Name*

Code Compliance

*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.

**FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY**

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

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

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

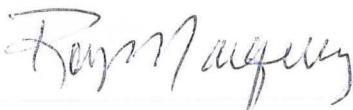
**NOTICE TO EMPLOYEE OF OWNER:** If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code,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

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

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

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

Sincerely,



Code Compliance Officer  
City of Big Spring, Texas



## Code Compliance

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

### NOTICE OF VIOLATION AND ORDER TO ABATE

**413 NW 8TH**

**Lot: PART 5-6 BK: 18 BAUER 18**

March 8, 2023

Case No: 72387

JIMMY G ALEMAN  
411 NW 8TH ST  
BIG SPRING TX 79720-1201

Sent via: First Class US Mail

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

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

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

| Corrective Action Required                                                                                                                                                                                                                                              | Deadline for Compliance             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>THERE IS LARGE PILES OF ACCUMULATED ITEMS, TRASH, DEBRIS, DEAD WEED/TREE MATERIAL, METAL, WOOD, LUMBER, NUMEROUS MISCELLANEOUS ITEMS. ALL THIS NEED TO BE PICKED UP AND PROPERLY DISPOSED AT LANDFILL. IT IS ASKED THAT PROPERTY BE MAINTAINED ON REGULAR BASIS.</b> | Seven (7) days from date of mailing |

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

Issued by

Roy Marquez

*Name*

Code Compliance

*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.

**FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES.**

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

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

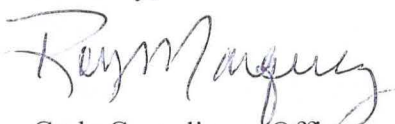
**NOTICE TO EMPLOYEE OF OWNER:** If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code,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

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

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

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

Sincerely,



Code Compliance Officer  
City of Big Spring, Texas



## Code Compliance

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

### NOTICE OF VIOLATION AND NOTICE OF HEARING

413 NW 8TH, BIG SPRING, TEXAS 79720

**LEGAL DESCRIPTION: PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT 18 0.17  
ACRES, HOWARD COUNTY**

April 28, 2023

JIMMY ALEMAN  
413 NW 8 TH  
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:<br>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.<br>6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.<br>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.<br>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, | Door is missing and does not conform to building code. The structure is clearly unsafe for use or occupancy. It is an attractive nuisance. Due to dilapidation it is unfit for human habitation.<br>Hazardous structure. |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                           |
| <p>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:</p> <p>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.</p> <p>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.</p> | <p>Exterior walls have cracks, breaks, holes. The roof appears to admit rain and has signs of deterioration.</p> <p>Unsafe condition.</p> |
| <p>304.7 Roofs and drainage.</p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The roof has defects that admit rain and is not sound and not tight.</p>                                                               |

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

#### **Corrective Action Required**

**Repair buildings or demolish all buildings**

**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

Roy Marquez

*Name*

Code Enforcement Officer

*Title*

+1 (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 **5:30 PM, May 9, 2023** at the City Council Chambers located at **307 E 4<sup>th</sup> 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.

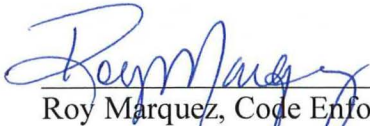
**NOTICE TO EMPLOYEE OF OWNER:** If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code,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

Roy Marquez, Code Enforcement Officer  
City of Big Spring, Texas



# Exhibit H-7

7016 1370 0000 4246 5037

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

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Extra Services & Fees (check box, add fee as appropriate)

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|--------------------------------------------------------------|----|--|
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ |  |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ |  |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ |  |
| <input type="checkbox"/> Adult Signature Required            | \$ |  |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ |  |

Postmark  
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Postage

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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

Jimmy Aleman  
413 NW 8th  
Bk Spring, TX 79120



STATE OF TEXAS

§

COUNTY OF HOWARD

§

§

**CERTIFICATION  
OF POSTING OF PUBLIC HEARING**

“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for May 09, 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 28<sup>th</sup>, 2023.

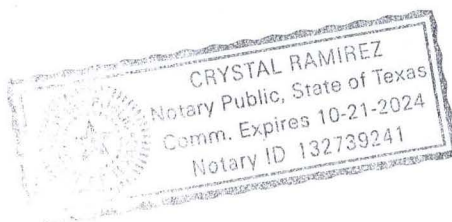
This notice was also published in the Big Spring Herald on \_\_\_\_\_, 2023.”

**SIGNED** on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 3<sup>rd</sup> day of may, 2023  
by the above referenced Affiant.

Crystal Ramirez  
Notary Public, State of Texas



# Exhibit H-8





## Code Enforcement

---

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

### NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON MAY 9<sup>TH</sup> , 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4<sup>TH</sup> ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

604 ABRAMS, BIG SPRING, TEXAS 79720 – LT 3 BK 15 EARLES 50X130 897 0.149 ACRES– OWNER: LUPE CHAVARRIA AND ESTATE OF EDWARD CHAVARRIA

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

1302 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 18 BK 1 MCEWEN 60X125 1226 ACQ BLK/TRACT 32 1N 0.172 ACRES – OWNER: BROWN FAMILY TRUST CARROLL & EVELYN

1321 ELM, BIG SPRING, TEXAS 79720 – LT 11 BK 4 MESA 50X142 019 ACQ 11062015 BLK/TRACT 331S 0.163 ACRES – OWNER: KASEY DALTON RAWLS

411 NW 8TH ST, BIG SPRING, TEXAS 79720 – LTS 4-6 BK 18 BAUER S HWY 539 0.17 ACRES – OWNER: JIMMY ALEMAN

413 NW 8TH ST, BIG SPRING, TEXAS 79720 – PART LTS 5-6 BK 18 BAUER 539 BLK/TRACT 18 0.17 ACRES – OWNER: JIMMY ALEMAN

1302 MAIN ST, BIG SPRING, TEXAS 79720 – LT 11 BK 7 MCDOWELL HEIGHTS 50X140 236 BLK/TRACT 7 0.161 ACRES – OWNER: JACK WALLIS AND MARJORIE WALLIS

1008 E 13TH ST, BIG SPRING, TEXAS 79720 – LT 5 BK 32 COLE & STRAYHORN 50X140 412 ACQ 07142021 BLK/TRACT 32 0.161 ACRES – OWNER: ROGER G. ALPHIN, JR AND SANTANA R. DELEON

804 JOHNSON ST, BIG SPRING, TEXAS 79720 – S/75' LT 1 BK 73 ORIGINAL TOWN  
75X140 1067 ACQ 02162022 0.241 ACRES – OWNER: BRITTANY M SALAZAR

305 E 9TH ST, BIG SPRING, TEXAS 79720 – PT S/50' OF LT 3 BK 74 ORIGINAL TOWN  
50X140 1059 0.161 ACRES ACQ 06102020 – OWNER: NOE G. SOLIZ SR.

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

Nick Reyna  
Building Official, City of Big Spring





11/28/2023 14:23



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 25, 2023, with the following members present in person:

COUNCIL MEMBER GLORIA MCDONALD  
COUNCIL MEMBER TROY TOMPKINS  
MAYOR ROBERT MOORE  
COUNCIL MEMBER DIANE YANEZ  
COUNCIL MEMBER MAURY SMITH  
COUNCIL MEMBER CODY HUGHES  
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              |

### Open Session

Call to Order

**Mayor Moore called the City Council meeting to order at 5:30 p.m.**

Invocation

**Brother Randy Cotton gave the invocation.**

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

**Mayor Moore led the pledge of allegiance to the United States Flag and to the Texas State Flag.**



## Public Comment

### **Public Comment**

Several citizens spoke on different issues; Devvy Kidd asked the council to consider a sign for traffic to slow down on 23rd and 24th Streets and also asked for an update on the mandatory spay or neuter ordinance and Mayor reported that he has been looking into the matter; Steve Bedell spoke regarding the Firefighters and the SAFER Grant; and TJ Stewart had a concern over a refund that he should be receiving.

### **Public Hearings Concerning Abatements of Public Nuisances**

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

|                                                                        |          |
|------------------------------------------------------------------------|----------|
| <b>YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez,</b> | <b>7</b> |
| <b>Council Member Hughes, Council Member McDonald, Council Member</b>  | <b>0</b> |
| <b>Tompkins, Council Member Smith</b>                                  |          |
| <b>NAYS: None</b>                                                      |          |

**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 (5)**

**Lupe Chavarria - 604 Abrams (18)**

**Dava Sausman - 1309 Grafa (6)**

**Doug Carson, son of owners - 2712 Lynn (12)**

### Announcements, Presentations and Public Hearings

**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**

**MOTION WAS MADE BY Council Member McDonald to take off the table the public hearing regarding 1710 Young St. and 1309 Grafa St., seconded by Council Member Smith.**

|                                                                        |          |
|------------------------------------------------------------------------|----------|
| <b>YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez,</b> | <b>7</b> |
| <b>Council Member Hughes, Council Member McDonald, Council Member</b>  | <b>0</b> |
| <b>Tompkins, Council Member Smith</b>                                  |          |
| <b>NAYS: None</b>                                                      |          |

**MOTION PASSED**

**MOTION WAS MADE BY Council Member Hughes to abate the above captioned property (1710 Young St.), seconded by Council Member McDonald.**

**YEAS:** Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7  
Council Member Hughes, Council Member McDonald, Council Member 0  
Tompkins, Council Member Smith  
**NAYS:**None

**MOTION PASSED**

**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**

**MOTION WAS MADE BY Council Member Smith to abate the above captioned property (1309 Grafa St.), seconded by Mayor Moore.**

**YEAS:** Mayor Moore, Council Member Yanez, Council Member Hughes, 5  
Council Member McDonald, Council Member Smith 1  
**NAYS:** Council Member Tompkins 1  
**ABSTAINED:** Mayor Pro Tem Ornelas

**MOTION PASSED**

**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**

**MOTION WAS MADE BY Council Member McDonald to abate the above captioned property (201 NW 2nd Street), seconded by Council Member Hughes.**

**YEAS:** Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7  
Council Member Hughes, Council Member McDonald, Council Member 0  
Tompkins, Council Member Smith  
**NAYS:** None

**MOTION PASSED**

**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**

**MOTION WAS MADE BY Council Member Smith to abate the above captioned property (4203 Walnut St.), seconded by Council Member Yanez.**



**YEAS:** Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7  
Council Member Hughes, Council Member McDonald, Council Member 0  
Tompkins, Council Member Smith  
**NAYS:** None

**MOTION PASSED**

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

**MOTION WAS MADE BY Council Member Smith for the owner to finish securing the above captioned property (1100 W 2nd St.), seconded by Mayor Moore.**

**YEAS:** Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7  
Council Member Hughes, Council Member McDonald, Council Member 0  
Tompkins, Council Member Smith  
**NAYS:** None

**MOTION PASSED**

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

**MOTION WAS MADE BY Council Member Yanez to abate the above captioned property (1001 Sycamore St.), seconded by Council Member Smith.**

**YEAS:** Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7  
Council Member Hughes, Council Member McDonald, Council Member 0  
Tompkins, Council Member Smith  
**NAYS:** None

**MOTION PASSED**

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 407 AUSTIN ST, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 7 (& S /50' M/100' BK 58 ORIGINAL TOWN) BK 3 PORTER 50X40 417 0.161 ACRES ACQ 11022015- OWNER: JUAN H PARRAS

**Staff recommended to withdraw the above captioned abatement order (407 Austin St.) from the agenda. Council agreed.**

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.

**MOTION WAS MADE BY Council Member Tompkins to withdraw the abatement order of the above captioned property (2712 Lynn) due to ongoing investigation,**

**seconded by Council Member Yanez.**

**YEAS:** Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7  
Council Member Hughes, Council Member McDonald, Council Member 0

**Tompkins, Council Member Smith**

**NAYS:** None

**MOTION PASSED**

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

**MOTION WAS MADE BY Council Member Smith to abate the above captioned property (1610 Young St.), seconded by Mayor Pro Tem Ornelas.**

**YEAS:** Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7  
Council Member Hughes, Council Member McDonald, Council Member 0

**Tompkins, Council Member Smith**

**NAYS:** None

**MOTION PASSED**

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

**MOTION WAS MADE BY Council Member Hughes to abate the above captioned property (1005 E. 16th St.), seconded by Council Member McDonald.**

**YEAS:** Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7  
Council Member Hughes, Council Member McDonald, Council Member 0

**Tompkins, Council Member Smith**

**NAYS:** None

**MOTION PASSED**

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

**MOTION WAS MADE BY Council Member McDonald to abate the nuisance regarding the repairs to the roof at the above captioned property (604 E. 2nd St.), seconded by Council Member Hughes.**

**YEAS:** Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6  
Council Member Hughes, Council Member McDonald, Council Member 1

**Tompkins**

**NAYS:** Council Member Smith

**MOTION PASSED**



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

**MOTION WAS MADE BY Council Member McDonald to abate the above captioned property (207 Edwards St.), seconded by Council Member Hughes.**

**YEAS:** Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith 7  
0

**NAYS:** None

**MOTION PASSED**

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance 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

**MOTION WAS MADE BY Council Member Tompkins to table the above captioned abatement (2104 Runnels), seconded by Council Member McDonald.**

**YEAS:** Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith 4  
2

**NAYS:** Mayor Moore, Mayor Pro Tem Ornelas 1

**ABSTAINED:** Council Member Yanez

**MOTION PASSED**

to table

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 604 ABRAMS , BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 3 BK 15 EARLES 50X130 897 0.149 ACRES- OWNER: ESTATE EDWARD CHAVARRIA AND LUPE CHAVARRIA

**MOTION WAS MADE BY Council Member Yanez to table the above captioned abatement (604 Abrams), seconded by Council Member McDonald.**

**YEAS:** Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins 6  
1

**NAYS:** Council Member Smith

**MOTION PASSED**

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

**MOTION WAS MADE BY Council Member Yanez to abate the above captioned property (710 Abrams), seconded by Council Member McDonald.**

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7  
Council Member Hughes, Council Member McDonald, Council Member 0  
Tompkins, Council Member Smith  
NAYS: None

MOTION PASSED

**MOTION WAS MADE BY Council Member Hughes to close the above captioned public hearings, seconded by Council Member Yanez.**

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7  
Council Member Hughes, Council Member McDonald, Council Member 0  
Tompkins, Council Member Smith  
NAYS: None

MOTION PASSED

#### City Manager's Report

City Manager's report on the following items:

- Update - Large Item Pickup, District 4
- Update - Splash Pad at Bert Andries Park
- Update - Sign Ordinance

Todd Darden, City Manager, reported on the above captioned items as follows: Large Item pickup for District 4 picked up 3.3 tons of items; Plans for the splash pad at Bert Andries Park have been approved and construction should start soon; and staff is reviewing off premise signs and will bring an ordinance to council.

#### Consent Items

Approval of the City Council Minutes of the Regular Meeting of April 11, 2023.

**MOTION WAS MADE BY Council Member Yanez to approve the above captioned minutes, seconded by Council Member Hughes.**

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7  
Council Member Hughes, Council Member McDonald, Council Member 0  
Tompkins, Council Member Smith  
NAYS: None

MOTION PASSED

#### Vouchers

Vouchers for 04/13/23 \$ 689,462.42



Vouchers for 04/21/23   \$    753,136.26  
Drafts                         \$    686,372.70

**Council Member McDonald reviewed the above listed vouchers.**

**MOTION WAS MADE BY Council Member McDonald to approve the above listed vouchers, seconded by Council Member Yanez.**

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez,                         7**  
**Council Member Hughes, Council Member McDonald, Council Member                         0**  
**Tompkins, Council Member Smith**

**NAYS: None**

**MOTION PASSED**

### Bids

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

**MOTION WAS MADE BY Council Member Smith to award the above captioned bid to South Plains Implement in the amount of \$14,753.51, seconded by Council Member Yanez.**

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez,                         7**  
**Council Member Hughes, Council Member McDonald, Council Member                         0**  
**Tompkins, Council Member Smith**

**NAYS: None**

**MOTION PASSED**

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

**MOTION WAS MADE BY Council Member Yanez to award the above captioned bid to South Plains Implement in the amount of \$13,826.89, seconded by Council Member Smith.**

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez,                         7**  
**Council Member Hughes, Council Member McDonald, Council Member                         0**  
**Tompkins, Council Member Smith**

**NAYS: None**

**MOTION PASSED**

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

**MOTION WAS MADE BY Council Member Smith to award the above captioned bid to South Plains Implement in the amount of \$23,373.28, seconded by Council**

**Member Yanez.**

**YEAS:** Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7  
Council Member Hughes, Council Member McDonald, Council Member 0  
Tompkins, Council Member Smith  
**NAYS:** None

**MOTION PASSED**

New Business

Acknowledge Receipt of the Investment Report for the Quarter Ending March 31, 2023  
**Council Members acknowledged receipt of the above captioned Investment Report presented by Sandy Smith, Finance Director.**

Acknowledge Receipt of the Quarterly Financial Report  
**City Council acknowledged receipt of the above captioned Quarterly Financial Report presented by Sandy Smith, Finance Director.**

Consideration and Possible Action on Confirmation of the City Manager's Interim Fire Chief Appointment, Jay Holt.

**MOTION WAS MADE BY Council Member Hughes approving the above captioned appointment, seconded by Council Member McDonald.**

**YEAS:** Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7  
Council Member Hughes, Council Member McDonald, Council Member 0  
Tompkins, Council Member Smith  
**NAYS:** None

**MOTION PASSED**

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

**MOTION WAS MADE BY Council Member Yanez to approve the above captioned ordinance, seconded by Council Member Hughes.**

**YEAS:** Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7  
Council Member Hughes, Council Member McDonald, Council Member 0  
Tompkins, Council Member Smith  
**NAYS:** None

**MOTION PASSED**

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

**MOTION WAS MADE BY Mayor Pro Tem Ornelas to approve the above captioned ordinance, seconded by Council Member Yanez.**

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7**  
**Council Member Hughes, Council Member McDonald, Council Member 0**  
**Tompkins, Council Member Smith**

**NAYS: None**

**MOTION PASSED**

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

**MOTION WAS MADE BY Council Member Hughes to approve the above captioned ordinance, seconded by Council Member Yanez.**

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7**  
**Council Member Hughes, Council Member McDonald, Council Member 0**  
**Tompkins, Council Member Smith**

**NAYS: None**

**MOTION PASSED**

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

**After a brief discussion;**

**MOTION WAS MADE BY Mayor Moore to table the above captioned ordinance, seconded by Council Member Tompkins.**

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7**  
**Council Member Hughes, Council Member McDonald, Council Member 0**  
**Tompkins, Council Member Smith**

**NAYS: None**

**MOTION PASSED**

Boards and Committees

**McMahon/Wrinkle Aviation Advisory Board**

Russ Rutledge - Nominated by Council Member Tompkins - Dist. 5

**Russ Rutledge was appointed to the McMahon/Wrinkle Aviation Advisory Board to represent District 5 by acclamation.**

#### Council Input

##### Input

Mayor Pro Tem Ornelas asked about the purple heart signs and also is looking forward to serving the Council for a second term.

Council Member Yanez thanked the firefighters.

Council Member Hughes thanked the legal department.

Mayor Moore thanked Chief Williams for the work on the animal shelter and will have an open house in a couple of weeks; May 4, 2023 is National Day of Prayer; and also asked everyone to remember Rodger Cline, Editor for the Big Spring Herald, that recently passed.

Council Members McDonald and Smith thanked the staff.

#### Executive Session

**Adjourn** into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.071, Texas Government Code, "Consultation with Attorney; Closed Meeting," and the Texas Disciplinary Rules of Professional Conduct, to Provide Legal Advice and Counsel with Respect to Litigation. City of Big Spring, Texas v. Fabian Scott Butler (11-21-00026-CV).

**MOTION WAS MADE BY Council Member Hughes to adjourn into the above captioned executive session at 8:16 p.m., seconded by Council Member Smith.**

|                                                                        |          |
|------------------------------------------------------------------------|----------|
| <b>YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez,</b> | <b>7</b> |
| <b>Council Member Hughes, Council Member McDonald, Council Member</b>  | <b>0</b> |
| <b>Tompkins, Council Member Smith</b>                                  |          |

**NAYS: None**

**MOTION PASSED**

**Reconvene** into Open Session and Take any Necessary Action on Executive Session Item

**Council reconvened into open session at 8:26 p.m. No action was taken.**



**Adjourn**

**Mayor Moore adjourned the City Council Meeting at 8:27 p.m.**

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Robert H. Moore III, Mayor

ATTEST:

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Tami L. Davis, City Secretary

STATE OF TEXAS :  
COUNTY OF HOWARD :  
CITY OF BIG SPRING :

The Planning and Zoning Commission of the City of Big Spring, Texas, met in a REGULAR Session in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 5:30 PM, April 4, 2023, with the following board members:

|                |          |
|----------------|----------|
| DALE AVANT     | CHAIR    |
| TERRY MCDANIEL | CO-CHAIR |
| KELLY HARRIS   | MEMBER   |
| KEVAN SCHOOLER | MEMBER   |
| TJ STEWART     | MEMBER   |

Same and constituting a quorum, for which four board members must be present; and the following were in person;

|                |          |
|----------------|----------|
| DALE AVANT     | CHAIR    |
| TERRY MCDANIEL | CO-CHAIR |
| KEVAN SCHOOLER | MEMBER   |
| KELLEY HARRIS  | MEMBER   |
| T.J. STEWART   | MEMBER   |

#### Open Session

##### Call to Order

Chairperson Avant called the meeting to order at 5:30 pm.

#### Announcements, Presentations and Public Hearings

Z22-04: Zone Change from Agricultural (A) to Single Family Residential (SF-2) for approximately 4.56 acres of land out of the N/2 of Section 8, Block 32, T-1-S, T&P RR. Co. Survey, Big Spring, Howard County Tx.

A motion to open the public hearing was made by Member McDaniels  
5 ayes 0 nays



No public was there to speak, Chairperson Avant made a motion to close the public hearing.

Seconded by Member Schooler

5 ayes 0 nays

### Consent

Approval of the Planning and Zoning Commission Meeting Minutes from the regular meeting held on February 22, 2023.

Motion to approve as written was made by Chairperson Avant

Seconded by Member Harris

5 ayes 0 nays

### New Business

Consideration and approval for zone change Z22-04, changing from Agricultural (A) to Single Family Residential (SF-2) for approximately 4.56 acres of land out of the N/2 of Section 8, Block 32, T-1-S, T&P RR. Co. Survey, Big Spring, Howard County, Tx.

Motion to approve the zone change was made by Member Harris

Seconded by Member Stewart

5 ayes 0 nays

Consideration and approval of a final plat for the Barber Subdivision, approximately 4.56 acres of land out of the N/2 of Section 8, Block 32, T-1-S, T&P RR. Co. Survey, Big Spring, Howard County, Texas.

Motion to approve was made by Member Schooler

Seconded by Member Stewart

5 ayes 0 nays

### Commissioners Input

Motion to adjourn was made by Member Schooler

Seconded by Member Stewart

5 ayes 0 nays

### Adjourn



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Kevan Schooler, Chair

Dale Avant

ATTEST:

Angela Brown  
Angela Brown, Public Works Coordinator





## Memorandum

Date: 04/25/2023

From: John Medina, ACM

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To: Mayor and City Council

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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 **25<sup>th</sup>** 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 **9<sup>th</sup>** day of **May, 2023** with all members of the Council present voting “aye” for the passage of same.

---

Robert H. Moore III, Mayor

ATTEST:

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Tami L. Davis, City Secretary



## Memorandum

Date: 04/25/2023

From: Sandy Smith, Finance Director

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To: Mayor and City Council

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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 **25<sup>th</sup>** 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 **9<sup>th</sup>** day of **May, 2023** with all members of the Council present voting “aye” for the passage of same.

---

Robert H. Moore III, Mayor

ATTEST:

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Tami L. Davis, City Secretary





## Memorandum

Date: 04/25/2023

From: John Medina, ACM

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To: Mayor and City Council

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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 25<sup>th</sup> 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 9<sup>th</sup> day of May, 2023 with all members of the Council present voting “aye” for the passage of same.

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Robert H. Moore III, Mayor

ATTEST:

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Tami L. Davis, City Secretary



## Memorandum

Date: 05/09/2023

From: Sandy Smith, Finance Director

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To: Mayor and City Council

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Re: Merchant Services Provider

An RFP was issued on February 22, 2023. We received four bids for the RFP. They were from the following companies:

Elavon (A US Bankcorp Company)  
Core Business Technologies  
Catalis  
Tyler Technologies

Any one of these companies would be a vast improvement over what we have currently, and all would be equally qualified to handle our account. They all provide most of the services that we were requesting; pay by text, pay by phone, google pay/apple pay etc.

Council requested that we research two different methods of credit card fee payments. The first being a convenience fee model where the customer pays the fees, the second being that the City absorbs the costs directly.

The convenience fee model would result in an overall cost to the end-user anywhere from \$2.98 to \$4.34 (based on an average price/transaction). The convenience fee is based on a percentage of the total cost, so the higher the bill, the higher the fee. It is charged as a separate transaction in most cases, and there is a minimum fee of \$2.50 to \$2.95 for some vendors.

With the convenience fee model, it has been estimated that we would lose up to 16% of our online payments. This means that approximately 16% of our utility customers that



are currently paying online would either come into the office to pay, or mail in a check. This becomes an internal cost that we cannot quantify. In addition, the more checks we receive, the more checks are returned as NSF, which we pay a fee to the bank and staff time to process. Right now, we receive anywhere from 3 to 10 NSF checks per month. This is not a big number, but the process of collection is time consuming.

Another consideration is the convenience fee for our recreational departments. A minimum convenience fee of \$2.50 at the Aquatic Center or Golf Course will become expensive for families.

The absorbed cost model fees range in price, some based on volume, some based on department. The cost, based on the average transaction price is \$.45 to \$.95. This fee pays for the online interface for customers to be able to pay online, by text, or by phone. The City still would have the Credit Card Interchange fees, which would be passed through by the Merchant Services Provider.

Based on the scoring, Tyler Technologies had the highest score overall. Tyler presented both models, and they were not the lowest cost, however, they did provide a compromise.

We currently have about 35% of our payments received online. If we move to the convenience fee model, we would lose about 16% of those transactions, as already stated. Tyler offered a solution, stating that MC, Visa and Discover offer a deep discount in interchange fees to municipalities for utility payments which they would pass through to the City, significantly reducing our costs and keeping the online payments at the 35% or more range, thus reducing the burden on the staff at the Water Office from manually processing 16% more payments.

In addition, they suggest that the convenience fee be added to other departments such as the Municipal Court, miscellaneous AR etc.

It is staff's recommendation that we award the bid to Tyler Technologies. To implement an absorbed model for utilities, utilizing the deep discounts provided to municipalities by the credit card companies and for the recreational departments as well. We would implement the convenience fee model to Municipal Court and other departments that would not be impacted so severely by the added convenience fee.

City of Big Spring  
RFP No. 23-016  
Merchant Processing Services

Evaluation Criteria

1.1 Responsiveness - 30 points per scorer

Score #1

Score #2

Score #3

Total 1.1

| Elavon          | Core | Catalis         | Tyler Tech |
|-----------------|------|-----------------|------------|
| Hybrid Proposal |      |                 |            |
| 27              | 13   | Unable to Score | 25         |
| 26              | 13   | Unable to Score | 25         |
| 27              | 13   | Unable to Score | 25         |
| 80              | 39   | 0               | 75         |

1.2 Costs and Savings Potential - 35 points per scorer

Score #1

Score #2

Score #3

Total 1.2

|    |    |    |    |
|----|----|----|----|
| 33 | 26 | 16 | 29 |
| 33 | 29 | 16 | 29 |
| 33 | 32 | 15 | 29 |
| 99 | 87 | 47 | 87 |

1.3 Customer Service - 15 points per scorer

Score #1

Score #2

Score #3

Total 1.3

|    |    |    |    |
|----|----|----|----|
| 10 | 10 | 10 | 10 |
| 10 | 10 | 10 | 10 |
| 10 | 10 | 10 | 10 |
| 30 | 30 | 30 | 30 |

1.4 Experience and References - 10 points per scorer

Score #1

Score #2

Score #3

Total 1.4

|   |    |    |    |
|---|----|----|----|
| 0 | 10 | 10 | 10 |
| 0 | 10 | 10 | 10 |
| 0 | 10 | 10 | 10 |
| 0 | 30 | 30 | 30 |

1.5 Additional Services not specifically requested per scorer

Score #1

Score #2

Score #3

Total 1.5

|     |     |     |     |
|-----|-----|-----|-----|
| 73  | 65  | 42  | 84  |
| 72  | 66  | 41  | 84  |
| 75  | 73  | 43  | 90  |
| 220 | 204 | 126 | 258 |

Grand Total Combined Scores

|     |     |     |     |
|-----|-----|-----|-----|
| 429 | 390 | 233 | 480 |
|-----|-----|-----|-----|





## COMMUNITY SERVICES MEMORANDUM

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Date: 05/9/2023  
To: Mayor and City Council  
Todd Darden, City Manager  
From: Hayley Lewis, Community Services Director  
Subject: Event Funding Request

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We are respectfully requesting City Council approve the staff recommendation of \$5,000 for event funding for the Hidden Gems Basketball Tournament hosted by Coach Roy Greens to take place at the Howard College and Big Spring High School June 1<sup>st</sup>-4th. Coach Roy Green has hosted this event in Big Spring for many years and it is a very successful event for Big Spring.

This event meets the stipulations required by THLA to receive HOT funds and will be funded by the Convention and Visitors Bureau Event Funding budget.

If approved, the event funding budget will have a balance of \$36,950.00 for the remainder of the fiscal year.

### CVB Event Funding - Cover Sheet

|                                       |                                              |
|---------------------------------------|----------------------------------------------|
| Event:                                | Coach Roy Green Hidden Gems Basketball Event |
| Event Date:                           | 06/1-4/2023                                  |
| Sponsoring Organization:              | Coach Roy Training/ACES Nation               |
| Amount Requested:                     | \$15,500.00                                  |
| Staff Recommendation:                 | \$5,000.00                                   |
| Action:                               |                                              |
| Estimated Hotel Rooms on Application: | 40                                           |
| Hotel Rooms from Previous Year:       | 40                                           |

#### 5 Year Requests

| Date Requested | Event Date   | \$ Funded   | Date Approved | Follow-up | Hotel Rooms |
|----------------|--------------|-------------|---------------|-----------|-------------|
| 2/1/2017       | 6/22-25/2017 | \$15,750.00 | 2/1/2017      | 9/22/2017 | 32          |
| 5/10/2022      | 06/2-5/2022  | \$7,000.00  | 5/10/2022     | 8/3/2022  | 40          |
| 5/11/2023      | 06/1-4/2023  |             |               |           |             |
|                |              |             |               |           |             |
|                |              |             |               |           |             |

#### Previous Requests

| Date Requested | Event Date    | \$ Funded  | Date Approved | Follow-up | \$ Returned |
|----------------|---------------|------------|---------------|-----------|-------------|
| 3/25/2013      | 08/09-10/2013 | \$8,500.00 | 4/3/2013      | 9/10/2013 | 0.00        |
|                |               |            |               |           |             |
|                |               |            |               |           |             |





## Application

Date: April 15<sup>th</sup> 2023

### Organization Information

Name of Organization: **Coach Roy Green Basketball Training.**

Address: **2944 Bridekirk Drive**  
**Round Rock Texas, 78664**

Contact Name: **Coach Roy Green** Contact Phone Number: **512 917-0946**

Contact Email: **caochroygreen@gmail.com**

Second Contact Name: \_\_\_\_\_ Second Contact Email: \_\_\_\_\_

Second Contact Phone Number: \_\_\_\_\_

Web Site Address for Event or Sponsoring Entity: **coachroygreenhiddengems.com**

Non-Profit or For-Profit status: \_\_\_\_\_ Tax ID #: \_\_\_\_\_

Purpose of your organization: **See Attachment**

### Event Information

Name of Event: **Coach Roy Green Hidden Gems Basketball Event-Basketball Tournament**

Date of Event: **June 1<sup>st</sup> to 4<sup>th</sup>**

Primary Location of Event: **Howard College and Big Spring School**

### THLA Event Funding Formula:

# Of Hotel Rooms 40 X \$150 (amount per room) = \$ 6,000 X %50 of Hotel Revenue =

\$ 3,000

Outside of Howard County Advertising: See Attachment-Budget \$3,000 HL

Total Amount Requested: \$15,500

How will the funds be used: See Attachment?

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Description of Activities Planned (include schedule of events, samples of posters, flyers, ads, etc.)\_\_\_\_See

Attachment\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Questions for All Funding Request Categories:**

1. How many years have you held this Event \_\_\_\_\_

2. Expected Attendance: 300 to 400 people

3. How many people attending the Event will use Big Spring hotels? 80%

Number of nights the visitors will stay (approximate): 3 Nights

4. Do you reserve a room block for this event at an area hotel and if so, for how many rooms and at which hotels: 40 Rooms Hampton Inn Best Wester and the La Quanta Inn \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Will you negotiate a special rate or hotel/event package to attract overnight stays? \_\_\$109 rate for all Hidden Gems Families and friends. \_\_\_\_\_

6. How will you measure the impact of your event on area hotel activity (e.g.; room block usage information, survey of hoteliers, etc.)? \_Room Block Usage and surveys \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Please list other organization, government entities, and grants that have offered financial support to your project: Howard College, Rock Nation Basketball and ACES Nation and Coach Roy Green \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. Will the event charge admission? Do you anticipate a net profit from the event? If there is a net profit, what is the anticipated amount and how will it be used?





9. Please list all promotion efforts your organization is coordinating and the amount financially committed to each media outlet:

Local:

Out of Area:

|                         |  |
|-------------------------|--|
| Newspaper:              |  |
| Radio:                  |  |
| Tv:                     |  |
| Other Paid Advertising: |  |
|                         |  |

Number of Press Releases to Media: See Attachment

Number Direct Mailings to out-of-town recipients

Other Promotions: See attachment

10. Will you include a link to the CVB or other source on your promotional handouts and in your website? Yes

11. What new marketing initiatives will you utilize to promote hotel and convention activity for this event? Also include any marketing outside of Howard County.

See-

attachments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This event is: \_\_\_Regional \_\_\_ statewide \_X\_ National \_\_\_International

**Does this event fall under the Texas Hotel Lodging Two Part Test?**

1. Heads in Beds?

a. **Yes**

b. No

\_\_\_ Convention Centers/Visitor Information Center \_\_\_Registration of Convention Delegates

\_\_\_ Advertising \_\_\_Promotions of Arts \_\_\_Historical Restoration or Preservation X Sporting Events

\_\_\_Transportation \_\_\_ Signage

I have read and I understand the requirements of the Convention and Visitors Bureau event funding application. I understand that failure to submit a follow up report within 90 days could possibly result in my event not receiving funds in the following year. \_RG\_Initial

Elroy Green  
Signature

Date4/25/2023



Printed Name \_\_\_\_\_

**Pre Event**

**REVENUE:**

Start up Revenue (from previous proceeds, other sponsors, etc.)

Please list all sponsors individually

**Projected**

|                                |       |
|--------------------------------|-------|
| Coach Roy Green                | _____ |
| Rock Nation Basketball         | _____ |
| ACES Nation – In Kind donation | _____ |
| _____                          | _____ |
| _____                          | _____ |
| _____                          | _____ |
| _____                          | _____ |
| _____                          | _____ |
| _____                          | _____ |

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| \$2,500 | _____ |
| \$1,000 | _____ |
| \$1,200 | _____ |
| _____   | _____ |
| _____   | _____ |
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| _____   | _____ |

**Total Projected Revenue**

**\$** \_\_\_\_\_

**\$** \_\_\_\_\_

**EXPENSES:**

|                |       |
|----------------|-------|
| See Attachment | _____ |
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**Total Projected Expenses**

**\$** \_\_\_\_\_

**\$** \_\_\_\_\_



## ACES Nation Youth Initiative Project

In collaboration with City of Big Spring, Big Spring High School and AdvoCare, The four day event will explore the barriers that impair cooperation across sectors, and began the process of designing and sustaining youth programs that benefit all kids in all communities across Texas. The ACES Nation Youth Initiative project will serve two primary purposes. First, provide a platform for sharing resources, insights, and strategies for positive reform of youth sports. Second, it will facilitate formulation and implementation of promoting alliances and collaboration among youth sports providers. WE feel this partnership will build an inclusive and positive youth sports experience for all young people!

Participation in sports by children and adolescents is associated with a range of documented physical, emotional, social, educational, and other benefits that can last into adulthood. But increasingly, many young people opt out of a sustained experience, while others are locked out due to a lack of resources or access to community programs. What is this event? A few years ago I had the opportunity to travel to Japan for a basketball event with a group of former NBA player. They had an event called ***“Cyber Athletes” along with their Pro Athletes!*** Keep in mind; I grew up in time when we played games outside and “No Internet”. Remember the good old days of tag, hide & seek and riding a bike with no helmet! I know what you’re thinking “old” so if you can relate that means you’re old to! We will have two events going at the same time to maximize our time and resources in Big Spring Texas. Our goal is to have an event with players will have an opportunity to play in front of college coaches to be evaluated for possible scholarships! We already have six schools committed to attending or event and we feel there will be more as we advertise more. Texas A & M Commence is one of the schools committed! Our second piece will be “Cyber Athletes” which will be players playing NBA 2K and Madden 2017! Our goal is to get players to see there are opportunities to not just play the game but design, program and build platforms for gaming! Most young people don’t understand they have college scholarships for the gaming industry. Our third piece will be with Tim Livingston who is widely recognized as the “College Recruiting Expert! Our young people, parents and coaches lives will be changed forever! Please see his bio attached to this report! We also feel the growth opportunities for the City of Big Spring tourism will be huge with regional and National events!

### ***Marketing Plan***

Our marketing plan will be as we stated Newspaper, Radio, TV, mail outs and websites! We have a data base of every High School and Middle School in Texas, Oklahoma and New Mexico! In our first

Bata test using Twitter, Snapchat, and Instagram we got 250 hit backs in 5 minutes! We also have the best form of advertising “word of mouth” and attending sporting events with our booth. We feel we have a great partner with City of Big Spring and Big Spring High School which has adopted a resolution for House Bill 1842 permits Texas public school districts to become districts of Innovation! One of the visions they have is “Ensure education excellence from staff, students and families! We will include a link to the CVB and all promotional materials. We will do a press release each month in order to keep this event on the minds of our target audience. ACES Nation has committed to give out over \$500,000 in scholarship to this event! **Each participate will get between \$1,000 and \$4,000 dollars for attending this event!! There is no event in the country that will have a summer event like this!** We will charge a fee for this event this year but we will not turn away a child due to financial hard ship. We will be sending information out to all of the business and restaurants in the area getting donation to sponsor a student! Our Agenda is simple!

## Helping You Develop The Complete Student-Athlete

### Educate

We educate coaches, parents and student-athletes in order to better understand what it will take, what they must do, and why it is important, for student-athletes to train to reach their highest potential, to establish lofty goals and to follow a plan to achieve them.

### Equip

We equip organizations with world-class tools and the resources needed to help their student-athletes improve their performance mentally, academically and athletically which will give them the greatest chance to advance and succeed at the next level.

### Empower

With this knowledge and with the proper application of these tools and resources, student-athletes will be empowered to create a personal vision for a successful future and be prepared to make it a reality.



*“Each community has a different set of challenges, barriers, policies, opportunities and resources when it comes to getting kids active through sports, so gathering the key stakeholders from across sectors, from the city of Big Spring, Big Spring High School and AdvoCare, holds great promise in identifying opportunities for collective action. I look forward to seeing what the initiative develops, as a potential model for other communities*

**Roy Green**

Event Funding May 11, 2023

| Event       | Hotel Rooms | \$150      | 50% of Hotel Revenue | Advertising    | Total        | Requesting  | Staff Recommendation |
|-------------|-------------|------------|----------------------|----------------|--------------|-------------|----------------------|
| Hidden Gems | 40          | \$6,000.00 | \$3,000.00           | \$3,000.00     | \$6,000.00   | \$15,500.00 | \$5,000.00           |
|             |             |            |                      | Event Funding: | Advertising: |             |                      |
|             |             |            |                      | \$3,000.00     | \$2,000.00   |             |                      |
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| Event                              | Received  | Event Date               | Decision Date | Requested   | Total Amount<br>Approved | Event<br>Funding | Advertising | Follow Up  | Hotel<br>Rooms |
|------------------------------------|-----------|--------------------------|---------------|-------------|--------------------------|------------------|-------------|------------|----------------|
| Oktoberfest                        | 8/9/2022  | 10/22/2022               | 10/11/2022    | \$13,000.00 | \$12,800.00              | \$7,800.00       | \$5,000.00  | 10/31/2022 | 94             |
| Crossroads Comic and Toy Show      | 9/22/2022 | 10/22-23/2022            | 10/11/2022    | \$3,000.00  | \$2,000.00               | \$1,500.00       | \$500.00    |            |                |
| Together Trail Race                | 1/17/2023 | 2/11/2023                | 1/24/2023     | \$2,550.00  | \$2,500.00               | \$750.00         | \$1,750.00  | 3/6/2023   | 9              |
| Texas Junior Disc Open             | 2/2/2023  | 6/24-25/2023             | 2/14/2023     | \$3,750.00  | \$3,750.00               | \$3,750.00       |             |            |                |
| Southwest Hoops Big Spring Classic | 3/3/2023  | 04/21-23 & 05/19-21/2023 | 3/28/2023     | \$12,000.00 | \$12,000.00              | \$12,000.00      |             |            |                |
| Hidden Gems Basketball Tournament  | 5/11/2023 | 06/1-4/2023              | 5/11/2023     | \$15,500.00 |                          |                  |             |            |                |

\$49,800.00    \$33,050.00    \$25,800.00    \$7,250.00

Totals:

2021-2022 Event Funding Budget                      \$75,000.00

Total Funded YTD                                              \$33,050.00

Available Balance                                              \$41,950.00

Requested This Month                                      \$15,500.00

Pending Balance                                              \$26,450.00

Staff Recommendation                                      \$5,000.00

Pending Balance using Staff Recommendation      \$36,950.00

| Potential Events        | Received   | Event date                  | Amount<br>Funded | Hotel<br>Rooms |
|-------------------------|------------|-----------------------------|------------------|----------------|
| A Joyful Season         | 10/26/2021 | 4/30-5/1/2022 & 11/5-6/2022 | \$2,500.00       | 40             |
| Coach Roy Training/ACES | 5/10/2022  | 06/02-05/2022               | \$7,000.00       | 32             |
| Pops in the Park        | 6/28/2022  | 7/3/2022                    | \$3,000.00       | 40             |

\$12,500.00

**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 reminder 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 **25<sup>th</sup>** 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 9<sup>th</sup> day of May, 2023 with all members of the Council present voting “aye” for the passage of same.

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Robert H. Moore III, Mayor

ATTEST:

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Tami L. Davis, City Secretary

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AUTHORIZING Z-22-04, AMENDING THE BIG SPRING ZONING ORDINANCE BY REZONING APPROXIMATELY 5.08 ACRES OF LAND OUT ON N/2 OF SECTION 8, BLOCK 32, T-1-S, T&P RR. CO. SURVEY, BIG SPRING, HOWARD COUNTY, TEXAS, FROM AGRICULTURAL (A) TO SINGLE-FAMILY RESIDENTIAL (SF-2), SINGLE-FAMILY DWELLING DISTRICT; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE WAS DISCUSSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW**

**WHEREAS**, The Planning and Zoning Commission held a public hearing during a regular meeting on April 4, 2023 considering this area of land, notating it as 4.56 acres of land, when the the total area in question is 5.08 acres when taken together with road easements, while road easements do not receive zoning; and

**WHEREAS**, In the Zoning Ordinance, District SF-2 is notated as a Single Family Dwelling District, and this use is residential in nature; and

**WHEREAS**, the Planning and Zoning Commission recommends that this zone change be approved; and

**WHEREAS**, the City Council held a public hearing during a regular meeting on May 9, 2023; and

**WHEREAS**, the City Council has considered this request and has determined that approval is in the best interest of the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:**

**SECTION 1.** The City Council hereby authorizes Z-22-04, a rezone of approximately 5.08 acres located in N/2 of Section 8, Block 32, T-1-S, T&P RR. Co. Survey, Big Spring, Howard County, Texas, from A, Agricultural District, to SF-2, Single Family Dwelling District and such change is hereby approved as an amendment to the Zoning Ordinance.

**SECTION 2.** The City of Big Spring Zoning Map shall be amended to reflect the zoning designation of the above-described property as SF-2, Single Family Dwelling District.

**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.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**SECTION 5.** Upon final passage and approval of this Ordinance, the City Secretary is hereby directed to publish the caption of the ordinance that summarizes the purpose of the ordinance and the penalty for violating the ordinance twice as required by law.

**SECTION 6.** This Ordinance shall become effective upon its second publication.

**SECTION 7.** 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.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Council on the **9th** day of **May, 2023**, with all members 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 **23rd** day of **May, 2023**, with all members present voting "aye" for the passage of same.

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Robert H. Moore, III, Mayor

ATTEST:

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Tami L. Davis, City Secretary

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING THE BIG SPRING CITY CODE, CHAPTER 40, "PARKS, RECREATION, AND CULTURAL AFFAIRS," ARTICLE V, "MOSS CREEK LAKE," SECTION 40-151, "ADMISSION REGULATIONS," TO CLARIFY MOSS CREEK LAKE FEES; TO CLARIFY MOSS CREEK LAKE RULES; TO CONFIRM THAT MOSS CREEK LAKE MAY NOT BE USED AS A PERMANENT RESIDENCE EXCEPT FOR THE CARETAKER, AND TO DELEGATE THE AUTHORITY TO MAKE POLICIES AND REGULATIONS FOR MOSS CREEK LAKE NOT INCONSISTENT WITH ARTICLE V TO THE CITY MANAGER, AND WITH THE CITY MANAGER'S PERMISSION, TO THE PUBLIC WORKS DIRECTOR, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE WAS DISCUSSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, City Council has determined to adopt the following ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS:

**SECTION 1.**

Section 40-151, "Admissions regulations," Article V, "Moss Creek Lake," in Chapter 40, "Parks, Recreation, and Cultural Affairs," is hereby amended in its entirety to read as follows:

Big Spring City Code  
Chapter 40 - Parks, Recreation, and Cultural Affairs  
Article V - Moss Creek Lake

Section 40-151. Admission regulations.

- (a) *Entering Moss Creek Lake.* Except for duly authorized city employees and officers and except for public officials or officials on official business acting within the course and scope of their official duties, no person shall enter the Moss Creek Lake area without paying the fee set out in subsection (b) of this section.
- (b) *Admission and permit fees.* Each permit for subsections (3) through (9) may only be purchased in addition to either a daily vehicle permit or an annual vehicle permit, as applicable.
  - (1) Entrance Daily vehicle permit: \$5.00 per vehicle driven by a county resident. \$20.00 per vehicle driven by an out-of-county resident. All fees other than overnight camping fees expire at 10:00 p.m. on the date of purchase.



- (2) ~~Yearly~~ Annual vehicle permit: \$100.00 per family residing in county. \$250.00 per family residing outside of county. (Limited to immediate family members residing in same household, includes boat launching and primitive camping fees.) The annual vehicle permit shall be effective for one calendar year from date of purchase and must be available for the caretaker's review when requested. This permit allows entry of a one vehicle and one ~~an~~ attached trailer or camper. Any additional vehicles or trailers or campers shall obtain ~~an~~ additional permits.
- (3) Full-service RV hookups permit: ~~\$15.00~~ \$20.00 per overnight stay. The permit expires at 12:00 noon on the day following the date of purchase. (Includes water, electricity and septic system hook-up.)
- (4) Limited service RV hookups permit: ~~\$12.00~~ \$15.00 per overnight stay. The permit expires at 12:00 noon on the day following the day of purchase. (Includes water and electricity only.)
- (5) Full-service RV hookup weekly: ~~\$70.00~~ \$140.00 per week. The permit expires at 12:00 noon on the seventh day after the day of purchase.
- (6) Pavilion rental: \$25.00 per 24-hour period. Fee for pavilion must be paid before reservation will be secured. Rental includes a one primitive camping permit for one night and for one vehicle. ~~Additional vehicles must obtain additional permits.~~
- (7) Overnight primitive camping permit: \$10.00 per overnight stay. The permit expires at 12:00 noon on the day following the date of purchase. ~~(No discounts for adults 65 years or older or children 12 years or under apply due to this is a per-vehicle only charge.)~~
- (8) Registered vessels launching permit: \$10.00.
- (9) Motorcycle course: \$15.00 per motorbike.
- (c) *Miscellaneous. ~~Fee exemptions; revocation of permit.~~ No admission fee shall be charged for children under 12 years of age or adults 65 years of age or older.* No permit fees shall be refunded for any reason. City employees and their family (spouse, children) are exempt from all permit fees with the exception of the RV park fees. City employees must provide all information required on the envelope and include their first and last name and employee number. This will aid the caretaker in ensuring their status is valid, and an employee of the city. The lake attendant may revoke a permit or refuse to issue a permit issued under this section for any period not exceeding one year, if the holder thereof or applicant for a permit violates or has in the past violated any provisions of this article or any rule or regulation governing the lake in its surrounds. Notice of said revocation shall be given in writing and the holder or applicant may appeal to the city manager by filing a notice of appeal with the city manager within ten days after the notice of revocation. Failure to so appeal shall render the action of the lake attendant final.
- (d) *Hours of operation.* Entrance to the area surrounding the lake shall open at 7:00 a.m. and close at 10:00 p.m. When the entrance gate is closed no one shall leave Moss Creek Lake area other than during these posted hours except for duly authorized city employees and officers on official business acting within the course and scope of their official duties, except in the event of an emergency. Any persons entering the lake property after 10:00 p.m. must pay a vehicle permit fee, and the primitive camping permit fee unless they are

utilizing the RV park in which case RV fees will apply. Paying such a fee or fees does not excuse the policy violation of not obeying the hours of operation for entrance and exit.

- (1) ~~The paintball course will operate only when the area is open and supervised. Paintball markers or other devices used for the play of paintball may not be used or fired in any other area of the lake. Normal operating hours will be from 9:00 a.m. to dusk, Saturday and Sunday or when the lakes caretaker deems the area to be open for play. In the event a match cannot be supervised the field will be closed to play. All players must have a signed and dated acknowledgment of course rules and waiver on file with the lakes caretaker before they are allowed to play. Participants under the age of 18 must have a parent or legal guardian sign the form which must be witnessed by the lake staff. This acknowledgement will remain valid for one calendar year and kept on file in the lake concession area. The lake caretaker or staff may, at any time, request identification to ensure that a person has a signed acknowledgement on file. Anyone found to be in the course when closed shall be guilty of an offense~~
- (2) The dirt bike course will be open from 7:00 a.m. to dusk Monday thru Sunday. No riding of an ATV, Motor Cross or Enduro style vehicles is allowed in any other area of the lake. Anyone found to be in or on the course outside of designated hours listed, driving or riding of any ATV, Motor Cross or Enduro style vehicles in any area of the lake other than the dirt bike course shall be guilty of an offense.
- (3) When the store at the Moss Creek facility is closed, payment for all permits must be placed in an envelope provided at the drop box and deposited in the drop box prior to entry into the lake area. All information requested on the envelope must be correctly filled out for the permit to be valid. Failure to provide correct information and permit fee shall be unlawful.
- (e) *Rules and regulations.* The City Manager shall have the discretion to adopt in writing, filed with the City Secretary, rules and regulations governing the lake or its surrounding area owned by the city which are not inconsistent with this article. This authority is delegated to the Public Works Director, except if the City Manager files a writing with the City Secretary. The city council shall have the authority to adopt reasonable rules and regulations governing the lake or its surrounding area owned by the city which are not inconsistent with this article, and any violation of this article or said rules and regulations shall constitute a misdemeanor and shall be punishable in accordance with the applicable penalty provisions of this Code.
- (f) Use of Moss Creek Lake is temporary only. Notwithstanding any permit, fee paid, or prior use, Moss Creek Lake is not available for use as a permanent residence for any person, except as follows. The City Manager may allow one City employee and the employee's immediate family to live at Moss Creek Lake under conditions set by the City Manager if the employee is the authorized the caretaker.

**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.



**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.** 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 5.** Upon final passage and approval of this Ordinance, the City Secretary is hereby directed to publish the caption of the ordinance that summarizes the purpose of the ordinance and the penalty for violating the ordinance twice in a newspaper of Big Spring as required by law.

**SECTION 6.** This Ordinance shall become effective upon its second publication.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Council on the **9th** day of **May, 2023** with all members of the Council voting “aye” for the passage of same.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Council on the **23rd** day of **May, 2023** with all members of the Council voting “aye” for the passage of same.

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Robert H. Moore III, Mayor

ATTEST:

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Tami L. Davis, City Secretary



## Memorandum

Date: 05/09/2023  
From: Todd Darden, City Manager  
To: Mayor and City Council  
Re: CRMWD Board Nominations

Mr. Clif Talbot and Mr. Jeff Brorman are current board members on the CRMWD (Colorado River Municipal Water District) Board and do not wish to re-serve. Their term will expire on May 31, 2023.

I have two nominees that I would like to appoint to serve on the CRMWD Board. Their term will be from June 1, 2023 through May 31, 2025. The appointees are;

Rick Watkins  
Ernie Morgan



May 1<sup>st</sup>, 2023

Mr. Todd Darden  
City Manager  
City of Big Spring  
310 Nolan Street  
Big Spring, Texas 79720

Dear Mr. Darden:

The terms for two of the City of Big Spring's appointees, Mr. Clif Talbot and Mr. Jeff Brorman, to the Colorado River Municipal Water District's Board of Directors will expire on May 31, 2023. Neither one of the current appointees is seeking reappointment.

Mr. Clif Talbot has served on the Board of Directors of CRMWD since March 15, 2017. Before his current term, he served on the Board for 7 years. He is currently serving as the Secretary-Treasurer of the Board, a Member of the Executive Committee, a Member of the Long Range Planning Committee, System Operations Committee, and a Member of the Contracts and Real Estate Committee.

Mr. Jeff Brorman has served on the Board of Directors of CRMWD since March 14, 2017. He is currently serving as a member of the Long Range Planning Committee, the System Operations Committee, and a Member of the Contracts and Real Estate Committee.

As set forth in the District's enabling legislation, the terms and qualifications of the Directors are:

*"...in May of each year the governing body of each of the cities in Section 2 of this Act shall appoint two (2) directors for the two-year term beginning on June 1 of that year. Each director shall serve for his term of office as herein provided, and thereafter until his successor shall be appointed and qualified. No person shall be appointed a director unless he resides in and owns taxable property in the city from which he is appointed. No member of a governing body of a city, and no employee of a city shall be appointed as director. Such directors shall subscribe to the Constitutional Oath of office..."*

The term for the City's two appointees will be from June 1, 2023, through May 31, 2025.

These appointments require a majority vote of the City Council. After the council makes the two appointments, please provide us with documentation for our files confirming the appointments and their information so we may contact them. If you have any questions regarding this matter, please do not hesitate to give me a call at 432-267-6341.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cole Walker', with a stylized flourish at the end.

Cole Walker  
General Manager

CDW/mn

cc: Mr. Clif Talbot  
Mr. Jeff Brorman



## Tami L. Davis

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**From:** info@bigspringtx.com  
**Sent:** Thursday, May 4, 2023 3:34 PM  
**To:** Maury Smith  
**Cc:** Tami L. Davis; markwillis@bigspringtx.com  
**Subject:** FW: Kristy Tyra - EDC Board Resignation

**From:** Tyra, Kristy <Kristy.Tyra@oncor.com>  
**Sent:** Thursday, May 4, 2023 2:25 PM  
**To:** info@bigspringtx.com  
**Subject:** Kristy Tyra - EDC Board Resignation

Good Afternoon,

Please accept this email as my notice to resign from the Big Spring Economic Development Board effective May 9<sup>th</sup>. I am relocating to a new area and will no longer meet the requirements for board participation.

Please let me know if you need any additional information from me.

Best Regards,  
**Kristy Tyra**  
Area Manager  
**Oncor | Customer Service**  
1701 W. Interstate 20  
Big Spring, TX 79720

Tel: 432.264.5755

[kristy.tyra@oncor.com](mailto:kristy.tyra@oncor.com)



[oncor.com](http://oncor.com)

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