



CITY COUNCIL AGENDA

Tuesday, July 26, 2016

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, July 26, 2016, at 5:30 p.m. in the City Council Chambers located at 307 East 4th Street, Big Spring, Texas.

As a courtesy to those in attendance, please place your cell phone on “Silent” or “Vibrate.”

Please, no talking during the meeting; take any conversations outside, so others can hear.

Thank You!

The City of Big Spring City Council reserves the right to consider business out of the posted order, and at any time during the meeting, reserves the right to adjourn into executive session on any of the below agenda items which are not listed as executive session items and which qualify to be discussed in closed session under Chapter 551 or the Texas Government Code.

Open Session

1. Call to Order McLellan
2. Invocation by Pastor Sam Segundo of Family Faith Victory Center McLellan
3. Pledge of Allegiance to the United States Flag and to the Texas State Flag McLellan

“Honor the Texas flag; I pledge allegiance to thee, Texas, one State under God, one and indivisible.”

Public Hearing Comments – The Council will take public input on public hearing items **prior** to any Action. Each member of the public should make remarks **from the podium and begin by stating his/her name**. Citizens will be limited to **three minutes**, unless waived by the Mayor for **all** speakers. No individual will be allowed to speak more than once, until every citizen wishing to comment has done so.

Announcements & Public Hearings

4. Mayor and City Council Commendation to Big Spring Police Officer Clifford Graham 4 McLellan

Disposition of Minutes

5. Approval of the Minutes of the Regular Meeting of July 12, 2016 5-8 Davis

Routine Business

6. Vouchers for 07/15/16 \$ 301,433.20 Benavides
Vouchers for 07/21/16 \$ 1,087,756.40

Bids

7. Award Bid to Pavement Markings, Inc. for Pavement Markings (Striping) and Authorizing the City Manager or His Designee to Execute Any Necessary Documents 9-11 Medina

New Business

8. First Reading of an Ordinance Amending the Code of Ordinances Chapter 1, Article 4, Division 3 Entitled “Big Spring McMahon Wrinkle Airpark Development Board,” Section 1-110 Entitled “Organization and Membership” to Include Howard County Residents as Eligible Appointees; Requiring that All Appointed Members of the Board Demonstrate Their Interest and Knowledge of Aeronautical Activities, Business, Industry, and Real Estate; and Designating the Airport Administrative Assistant as an Ex-Officio Member and Secretary of the Board; Providing for Severability; and Providing an Effective Date 12-13 Little
9. Acceptance of the Utility Easements and Right of Ways for the Northwest Sector Sanitary Sewer Extension, Phase 2 and Authorizing the City Manager or His Designee to Execute Any Necessary Documents 14-26 Womack

City Manager’s Report

10. Items of Public Interest Darden
11. Planning & Zoning Commission – One Opening Darden

Council Input

12. Input McLellan

Executive Session

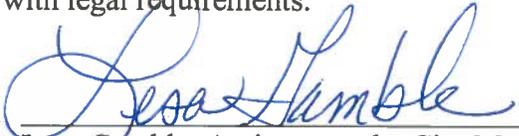
- 13. Adjourn into Executive Session in Accordance with Section 551.087 of the Tex. Gov't Code to Consult with the City Attorney to Discuss or Deliberate Regarding Commercial or Financial Information that the Governmental Body has Received from a Business Prospect that the Governmental Body Seeks to have Locate, Stay, or Expand in or Near the Territory of the Governmental Body and with Which the Governmental Body is Conducting Economic Development Negotiations McLellan

- 14. Reconvene in Open Session and Take Any Necessary Action McLellan

- 15. Adjourn McLellan

I hereby certify that this agenda was posted on the official bulletin boards at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas. Given by order of the City Council and Posted on Friday, July 22, 2016 at 5:30 p.m. in accordance with Title 5, Texas Government Code, Chapter 551.

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



Lesa Gamble, Assistant to the City Manager

THE MEETING FACILITY IS ACCESSIBLE TO DISABLED PERSONS. ANY DISABLED PERSON NEEDING SPECIAL ACCOMMODATIONS OR HEARING-IMPAIRED PERSONS WISHING TO HAVE AN INTERPRETER SHOULD CONTACT LESA GAMBLE AT 264-2401. REQUESTS FOR AN INTERPRETER SHOULD BE MADE AT LEAST 48 HOURS IN ADVANCE OF THE MEETING TIME.

Agenda Removal Notice - This public notice was removed from the official posting board at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas on

July __, 2016 at _____ a.m./p.m.

By: _____ 07-26-16 Agenda



July 26, 2016

Dear Mr. Graham,

It is my pleasure to inform you that you have been selected to receive our Mayor and City Council Commendation Award. This special recognition is a result of your heroic actions on a call for service on May 23, 2016. You acted without hesitation, remaining calm and focused in your performance of CPR to save the life of another.

Along with the honor of receiving this recognition, you will also receive a free day off with pay, recognition at the City Council meeting and a commemorative plaque from the Mayor and City Council.

Your actions during this incident exemplify what being a Police Officer is all about. It is an honor to be able to recognize you for your prompt and courageous actions. We are proud to have you on our team. We thank you for your service above and beyond the call of duty which has led you to this recognition.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry McLellan", is written over the word "Sincerely,".

Larry McLellan
Mayor of the City of Big Spring

cc: Personnel File

STATE OF TEXAS :
COUNTY OF HOWARD :
CITY OF BIG SPRING :

The City Council of the City of Big Spring, Texas, met in a regular meeting in the City Council Chambers located at 307 E. 4th, Big Spring, Texas, at 5:30 p.m., July 12, 2016, with the following members present:

| | |
|----------------|---------------|
| LARRY MCLELLAN | Mayor |
| JIM DEPAUW | Mayor Pro Tem |
| RAUL MARQUEZ | Councilmember |
| CARMEN HARBOUR | Councilmember |
| JUSTIN MYERS | Councilmember |
| STEVE WAGGONER | Councilmember |

(Councilmember Benavides was not present at this meeting.)

Same and constituting a quorum; and

| | |
|----------------|--|
| TODD DARDEN | City Manager |
| KAYE EDWARDS | City Attorney |
| JOHN MEDINA | Assistant City Manager/ Human Resource Director |
| CHAD WILLIAMS | Police Chief |
| CRAIG FERGUSON | Fire Chief |
| JOHNNY WOMACK | Public Works Director |
| JIM LITTLE | Airpark Director |
| TIM GREEN | Municipal Court Judge |
| DEBBIE WEGMAN | Community Services Director |

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Mona Lou Tonn, Spring Tabernacle, gave the invocation and Mayor McLellan led the Pledge of Allegiance to the American and Texas Flags.

DISPOSITION OF MINUTES

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JUNE 28, 2016

Motion was made by Councilmember Waggoner, seconded by Councilmember Harbour, with all members of the Council voting “aye” approving the above listed minutes.

CONSENT ITEMS

FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER 043-2015 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING FOR THE

YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 TO INCREASE THE UTILITY FUND BUDGET FOR THE PURPOSE OF RE-ROOFING THE POLLY MAYS BUILDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "CEMETERIES, PARKS AND RECREATION" BY AMENDING ARTICLE 10 ENTITLED "BALLFIELD RECREATIONAL AREAS," BY REPEALING SECTION 6-183 IN ITS ENTIRETY AND RESERVING THE SECTION FOR FUTURE EXPANSION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

ACCEPTANCE OF THE ZONING BOARD OF ADJUSTMENT AND APPEALS BOARD MINUTES FOR THE MEETING OF APRIL 27, 2016

ACCEPTANCE OF THE CONVENTION AND VISITORS BUREAU COMMITTEE MINUTES FOR THE MEETING OF JUNE 1, 2016

ACCEPTANCE OF THE HOWARD COUNTY APPRAISAL DISTRICT BOARD MINUTES FOR THE MEETING OF MAY 18, 2016

Motion was made by Councilmember Benavides, seconded by Councilmember Marquez, with all members of the Council voting "aye" approving the second and final reading of the above listed ordinances and minutes.

ROUTINE BUSINESS

Councilmember Waggoner reviewed the vouchers in the amount of \$649,903.38 (6/30/16) and \$1,227,617.88 (7/08/16). Motion was made by Councilmember Waggoner, seconded by Councilmember Myers, with all members of the Council voting "aye" approving the above listed vouchers.

NEW BUSINESS

APPROVAL OF AGREEMENT BETWEEN BIG SPRING ECONOMIC DEVELOPMENT CORPORATION AND BIG SPRING RAIL SYSTEMS, INC.

Motion was made by Mayor Pro Tem DePauw, seconded by Councilmember Marquez, with Councilmembers Marquez, Harbour, McLellan, Waggoner and DePauw voting "aye" approving the above captioned agreement. Councilmember Myers abstained. Motion passed five to zero.

APPROVAL OF A REQUEST FROM TEXAS PARKS AND WILDLIFE TO USE COMANCHE TRAIL PARK FOR OVERNIGHT CAMPING AND A TEACHING DAY; AUTHORIZING THE WAIVER OF FEES AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Myers, seconded by Councilmember Harbour, with all members of the Council voting “aye” approving the above captioned request.

AUTHORIZING THE CITY ATTORNEY AND CITY MANAGER TO NEGOTIATE ANY OIL AND GAS MATTERS AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Marquez, seconded by Mayor Pro Tem DePauw, with all members of the Council voting “aye” approving the above captioned negotiations.

ACCEPTANCE OF A GRANT AWARD FROM THE PERMIAN BASIN AREA FOUNDATION AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Myers, seconded by Councilmember Marquez, with all members of the Council voting “aye” accepting the above captioned grant.

ACCEPTANCE OF DONATION OF TREES FROM TXU ENERGY FOR THE BIG SPRING RESTORATION PROJECT AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Myers, seconded by Councilmember Marquez, with all members of the Council voting “aye” accepting the above captioned donation of 12 large trees from TXU Energy.

APPROVAL OF A TASK ORDER WITH BARLETT & WEST, INC. FOR SUBMITTAL OF FASTLANE GRANT FOR MCMAHON-WRINKLE AIR PARK AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Mayor Pro Tem DePauw, seconded by Councilmember Waggoner, with all members of the Council voting “aye” approving the above captioned task order for a FASTLANE Grant.

APPROVAL OF A TASK ORDER WITH BARTLETT & WEST, INC. FOR TOPOGRAPHIC SURVEY FOR APPROXIMATELY 5.8 MILES FOR NEW ROADWAYS AT MCMAHON-WRINKLE AIR PARK AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Harbour, seconded by Mayor Pro Tem DePauw, with all members of the Council voting “aye” approving the above captioned task order for a topographic survey.

CITY MANAGER'S REPORT

Todd Darden announced that the CVB will be hosting the Summers on the Green at the Settles Hotel on Friday, July 15, 2016. He also noted an opening on the Planning and Zoning Commission.

COUNCIL INPUT

Mayor McLellan reminded the council that budget work sessions will begin after the next Council meeting on July 26, 2016. He also encouraged citizens to volunteer at the animal shelter and help keep Big Spring clean and green by taking care of their property.

Mayor Pro Tem DePauw encouraged citizens to have their pets spayed or neutered.

Councilmember Marquez thanked citizens for coming to the council meeting.

Councilmember Harbour thanked staff for the demolition projects that are in progress.

ADJOURN

Mayor McLellan adjourned the meeting at 6:00 p.m.

CITY OF BIG SPRING, TEXAS

Larry McLellan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

City of Big Spring
Purchasing and Material Control
Memorandum

To: Honorable Mayor, City Council, City Manager
From: Paul Sotelo, Purchasing Agent
Date: July 26, 2016
Subject: Request for Bid Award for Pavement Markings

On Tuesday, July 19, 2016, the City of Big Spring accepted sealed bids for **Pavement Markings**. We contacted ten (12) vendors and received responses from two (2) vendors. The remaining ten (10) vendors were a “No Response.” A bid tabulation sheet has been prepared and is attached to this memo for consideration in making your award.

Recommendation: The staff recommends the bid be awarded to Pavement Markings, Inc. from Donna, Texas for the total amount of \$47,530.63.

City of Big Spring
Bid Tabulation - Pavement Markings 16-016
July 19, 2016

| <u>Vendor</u> | <u>Base Term Cost</u> | <u>Alternate Adds Cost</u> | <u>Total Cost</u> |
|---|-----------------------|----------------------------|-------------------|
| Barricades Unlimited 2002 Clovis Road Lubbock, TX 79415 | \$ 35,994.05 | \$ 11,544.16 | \$ 47,538.21 |
| Pavement Markings, Inc. 7010 N. FM 493 Donna, TX 78537 | \$ 36,941.35 | \$ 10,589.28 | \$ 47,530.63 |



Street Striping

- 11th (From Goliad to Birdwell)
- Birdwell (From 3rd to 25th)
- Goliad (From 1st to Highland)
- Wasson (From FM 700 to Randolph)
- Parway (From Wasson to Willard)
- Hearn (From Dixon to US 87)
- MLK (From FM 700 to Scurry St)



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING THE BIG SPRING CODE OF ORDINANCES CHAPTER 1, ARTICLE 4, DIVISION 3 ENTITLED “BIG SPRING McMAHON WRINKLE AIRPARK DEVELOPMENT BOARD,” SECTION 1-110 ENTITLED “ORGANIZATION AND MEMBERSHIP” TO INCLUDE HOWARD COUNTY RESIDENTS AS ELIGIBLE APPOINTEES; REQUIRING THAT ALL APPOINTED MEMBERS OF THE BOARD DEMONSTRATE THEIR INTEREST AND KNOWLEDGE OF AERONAUTICAL ACTIVITIES, BUSINESS, INDUSTRY, AND REAL ESTATE; AND DESIGNATING THE AIRPORT ADMINISTRATIVE ASSISTANT AS AN EX-OFFICIO MEMBER AND SECRETARY OF THE BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds it necessary to include both City and County residents as eligible for appointment to the Airpark Development Board (the “Board”); and

WHEREAS, given the nature and objectives of this Board, appointed members of the Board should demonstrate an interest and knowledge of aeronautical activities;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:

SECTION 1. Chapter 1, Article 4, Division 3 of the Big Spring Code of Ordinances entitled “Big Spring McMahon Wrinkle Airpark Development Board,” Section 1-110 entitled “Organization and Membership” is hereby amended to read in its entirety as follows:

Sec. 1-110. Organization and Membership.

The Airpark Development Board shall consist of seven (7) members, all of which shall be citizens of Howard County and appointed by a majority vote of the City Council for a term of three (3) years. The Council will consider for appointment only those members of the community who have demonstrated their interest and knowledge of aeronautical activities, business, industry, and real estate. One (1) member of the Airpark Development Board shall be the Chairman of the Airpark Safety Committee. All members of the Board shall serve without compensation. If any voting member of the Board shall be absent more than three (3) times without prior notification during any twelve (12) month period, said third (3rd) absence shall be construed as the member’s resignation from the Board for all purposes.

The Chairman and Vice-Chairman shall be elected annually during the first annual meeting by official members of the Board. Of those members first appointed, two (2) members shall be appointed for a term of one (1) year, two (2) members for a term of two (2) years, and two (2) members for a term of three (3) years. Subsequent appointments shall be for the full three (3) year terms. The Chairman of the Airpark Safety Committee shall be a permanent member of the Board. A vacancy in an unexpired term of the appointed members shall be filled by a majority vote of the City Council.

In addition to the seven (7) members above, the Assistant City Manager, the Vice President of the Economic Development Board of Big Spring, or their designees, and the Airpark Administrative Assistant shall sit on the Board as ex-officio members. The ex-officio members shall not have voting power, but shall assist the Board in its various functions. The Airpark Administrative Assistant shall serve as Secretary to the Board.

SECTION 2. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. This ordinance shall take effect immediately from and after its publication and passage upon two readings in accordance with the City Charter.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 26th day of July, 2016, with all members of the Council voting “aye for passage of the same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 9th day of August, 2016 with all members voting “aye” for the passage of same.

Larry McLellan, Mayor

ATTEST:

Tami Davis, Assistant City Secretary

UTILITY EASEMENT AND RIGHT OF WAY

STATE OF TEXAS §

COUNTY OF HOWARD §

Effective Date: December 7, 2015
Grantor: Gerald Lee Harris, Jr., also known as Lee Harris
Grantor's Address: 704 Texas, Big Spring, Texas 79720
Grantee: The City of Big Spring, Texas, a Texas home-rule municipal corporation
Grantee's Address: 310 Nolan St., Big Spring, Texas 79720

Gerald Lee Harris, Jr., Grantor for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration paid by the City of Big Spring, a Texas home-rule municipal corporation, Grantee, the receipt of which is hereby acknowledged, has granted and conveyed, and by these presents does grant and convey unto Grantee, its successors and assigns, a twenty foot (20') wide permanent easement and right of way for an underground water and/or sewer pipeline along with other necessary or desired utilities, supporting structures, and any and all necessary or desirable appurtenances over, under, through, across and upon Grantor's land described below and further depicted in Exhibit "A" and a temporary construction easement and right of way that extends twenty feet (20') north from the center line of the permanent pipeline easement:

A 39.282 acre tract of land, more or less, out of the NE/4 of Section 26, Block 33, T-1-N, T&P RR Co. Survey, Howard County, Texas, more particularly described by metes and bounds as a 53.159 acre tract being Tract 2 in that certain Deed Without Warranty dated August 30, 2004, and recorded at Volume 945, Page 86, Deed Records of Howard County, Texas,

SAVE AND EXCEPT a 4.016 acre tract more particularly described by metes and bounds in that certain Warranty Deed dated April 11, 2008, and recorded at Volume 1089, Page 532, Deed Records of Howard County, Texas,

Further SAVE AND EXCEPT a 1.861 acre tract more particularly described by metes and bounds in that certain Warranty Deed dated October 9, 2008, recorded at Volume 1114, Page 502, Deed Records of Howard County, Texas,

Further SAVE AND EXCEPT a 4.0 acre tract more particularly described by metes and bounds in that certain Special Warranty Deed dated July 3, 2013, and recorded at Volume 1341, Page 92, Official Public Records of Howard County, Texas,

Further SAVE AND EXCEPT a 4.0 acre tract more particularly described by metes and bounds in that certain Correction Special Warranty Deed dated February 28, 2014, and recorded at Volume 1460, Page 420, Official Public Records of Howard County, Texas.

Grantor recognizes that the general course of said utilities or facilities, is based on preliminary surveys only, and Grantor hereby agrees that the easement and right-of-way and its general dimensions hereby granted shall apply to the actual location of said lines when constructed.

Grantee shall have full right of ingress and egress along, upon, in and under said easement and right of way and over and across Grantor's adjoining properties for the purpose of and with the right to construct, lay, maintain, operate, repair, remove, replace, reconstruct, abandon in place and change the size and capacity of said utilities and facilities; the right to relocate said utilities and facilities in the same relative direction and position; the right to lease wire space for the purpose of permitting others to string or lay wire or cable along said utilities or facilities; the right to prevent excavation within the easement area; the right to prevent construction of, within the easement area, any and all buildings, structures or other obstructions which, in the sole judgment of Grantee, may endanger or interfere with the efficiency, safety, and/or convenient operation of said utilities or facilities and their appurtenances and the right to trim or remove trees or shrubbery within, but not limited to said easement area, including by use of herbicides or other similar chemicals approved by the U.S. Environmental Protection Agency, to the extent in the sole judgment of Grantee, as may be necessary to prevent possible interference with the operation of said utilities or facilities or to remove possible hazards thereto. Grantor shall not make changes in grade, elevation or contour of the land or impound water within the easement areas as described above without prior written consent of Grantee.

Grantor reserves the right to use the land within the above described easement area for purposes not inconsistent with Grantee's use of such property, provided such use shall not, in the sole judgment of Grantee, interfere with the exercise by Grantee of the rights hereby granted.

TO HAVE AND TO HOLD the above described easement and right of way unto the said Grantee, its successors and assigns, until all of said utilities and facilities shall be abandoned, and in that event said easement and right of way shall cease and all rights herein granted shall terminate and revert to Grantor or Grantor's successors or assigns and legal representatives, to warrant and forever defend the above described easement and right of way unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Executed this the 23rd day of MAY, 2016 but effective as per date above.

GRANTOR: Gerald Lee Harris, Jr.

By: Gerald Lee Harris Jr

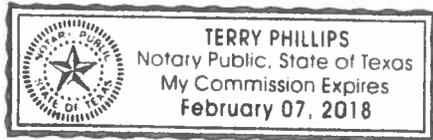
Printed Name: Gerald Lee Harris Jr

Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF HOWARD §

BEFORE ME, the undersigned authority, on this 23 day of MAY, 2016 personally appeared Gerald Lee Harris, Jr. known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 23 day of MAY, 2016.



Terry Phillips

Notary Public, State of Texas

GRANTEE: CITY OF BIG SPRING, TEXAS

By: _____

Todd Darden, City Manager

ATTEST:

Lesa Gamble, City Manager Administrative Assistant

**APPROVED AS TO CONTENT AND
COMPLETENESS:**

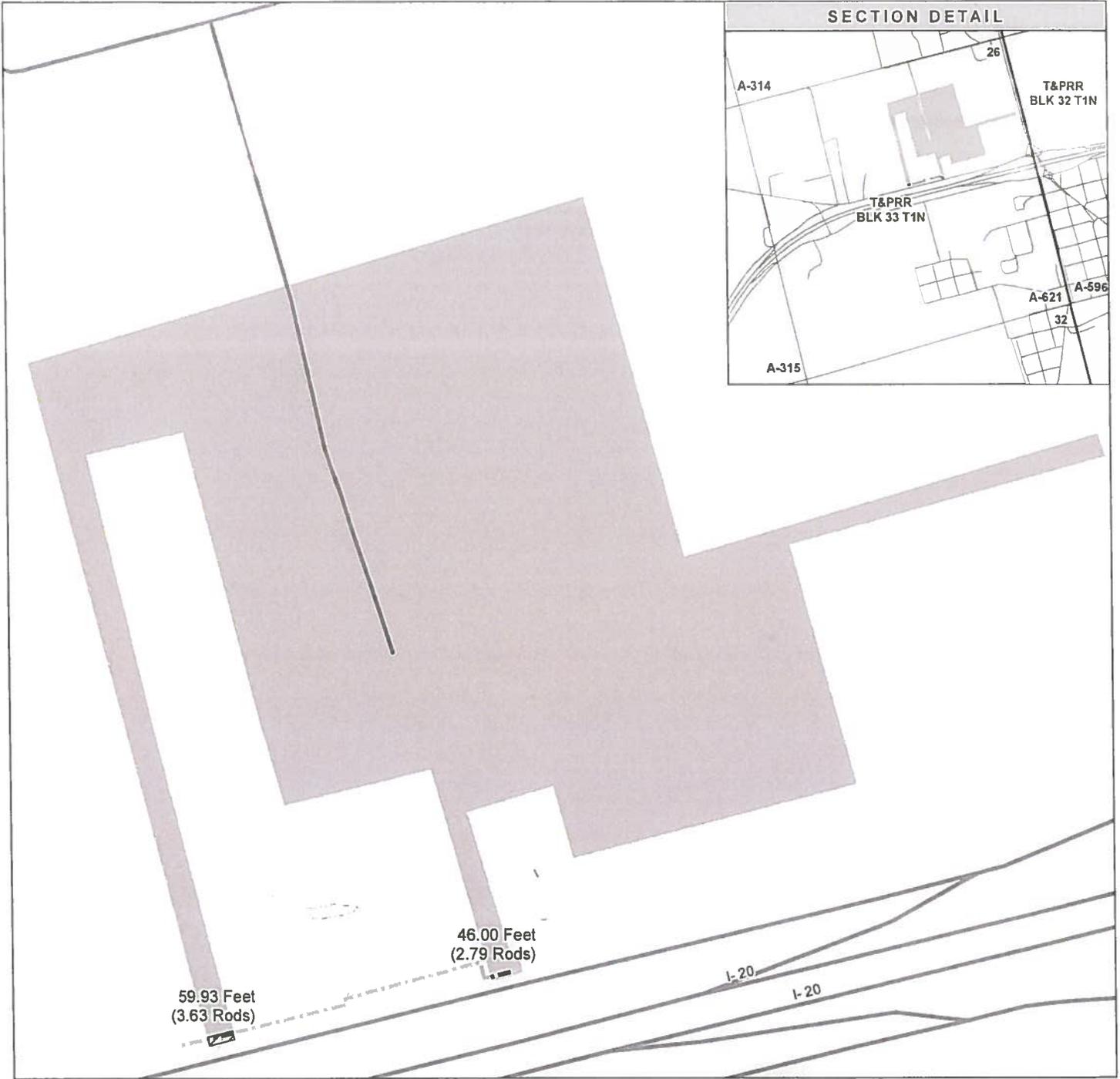
_____ Assistant City Manager

APPROVED ONLY AS TO FORM:

Kaye Edwards City Attorney

EXHIBIT A

PRELIMINARY PROPOSED ROUTE 510.5 BIG SPRING SEWER LINE PROJECT



| LEGEND | |
|---|---|
| <ul style="list-style-type: none"> Proposed Center Line Local Roads | <ul style="list-style-type: none"> Ownership Easement |
| | |

| DISCLAIMER NOTICE |
|---|
| <p>NOT SURVEY GRADE</p> <p>PRELIMINARY ROUTE SUBJECT TO FINAL SURVEY</p> |
| <p>This drawing was prepared for the use of the Hilliard Energy, Ltd. GIS Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and it is not intended to be used as such. This drawing is a compilation of records, information and data developed and maintained by various entities; map layers were created from different sources at different scales, and the actual or relative geographic position of any feature is only as accurate as the source information.</p> |
| |
| <p>NAD 1983 State Plane Texas North Map data: Google, DigitalGlobe</p> |

| TRACT 510.5-001.00 | | | |
|--------------------|--------------------------|--------------------|--------|
| Owner Name: | | Harris, Gerald Lee | |
| Section: | 26 | Abstract: | 621 |
| | | Acres: | 39.282 |
| Block: | 33, T-1-N, T&P RR Survey | | |
| County: | Howard | Plat: | 1 of 1 |
| Encumbered Length: | | 105.93 | Feet |
| Encumbered Area: | | 0.028 | Acres |
| | | | |

UTILITY EASEMENT AND RIGHT OF WAY

Effective Date: December 7, 2015

Grantor: National Income Properties DST 1, a Delaware Statutory Trust

Grantor's Address: 15601 Dallas Parkway, Suite 600
Addison, Texas 75001

Grantee: The City of Big Spring, Texas

Grantee's Address: 310 Nolan St., Big Spring, Texas 79720

Property: That property indicated in Exhibit A and described below.

Consideration: The sum of TEN and no1100 dollars (\$10.00) and other good and valuable consideration

Grantor, **National Income Properties DST 1, a Delaware Statutory Trust**, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, **the City of Big Spring, a Texas home-rule municipal corporation**, the receipt of which is hereby acknowledged, has granted and conveyed, and by these presents does grant and convey unto Grantee, its successors and assigns, a twenty foot (20') wide permanent easement and right of way for an underground water and/or sewer pipeline along with other necessary or desired utilities, supporting structures, and any and all necessary or desirable appurtenances over, under, through, across and upon Grantor's land described below and further depicted in Exhibit "A" and a temporary construction easement and right of way that extends twenty feet (20') north from the center line of the permanent pipeline easement:

4.016 acre tract of land, more or less, out of the North East One-Quarter (NE/4) of Section 26, Block 33, T-1-N, T & P RR. Co. Survey, located in Howard County, Texas.

Grantor recognizes that the general course of said utilities or facilities, is based on preliminary surveys only, and Grantor hereby agrees that the easement and right-of-way and its general dimensions hereby granted shall apply to the actual location of said lines when constructed.

Grantee shall have full right of ingress and egress along, upon, in and under said easement and right of way and over and across Grantor's adjoining properties for the purpose of and with the right to construct, lay, maintain, operate, repair, remove, replace, reconstruct, abandon in place and change the size and capacity of said utilities and facilities; the right to relocate said utilities and facilities in the same relative direction and position; the right to lease wire space for the purpose of permitting others to string or lay wire or cable along said utilities or facilities; the right to prevent excavation within the easement area; the right to prevent construction of, within the easement area, any and all buildings, structures or other obstructions which, in the sole judgment of Grantee, may endanger or interfere with the efficiency, safety, and/or convenient operation of said utilities or facilities and their appurtenances and the right to trim or remove trees or shrubbery within, but not limited to said easement area, including by use of herbicides or other similar chemicals approved by the U.S. Environmental Protection

**GRANTEE:
CITY OF BIG SPRING, TEXAS**

By: _____

Todd Darden, City Manager

ATTEST:

Lesa Gamble, City Manager Administrative Assistant

**APPROVED AS TO CONTENT AND
COMPLETENESS:**

_____ Assistant City Manager

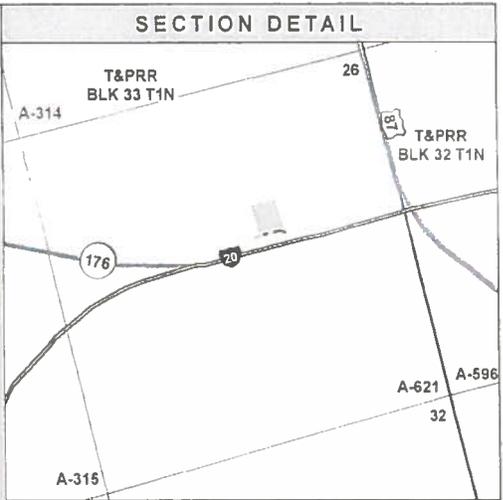
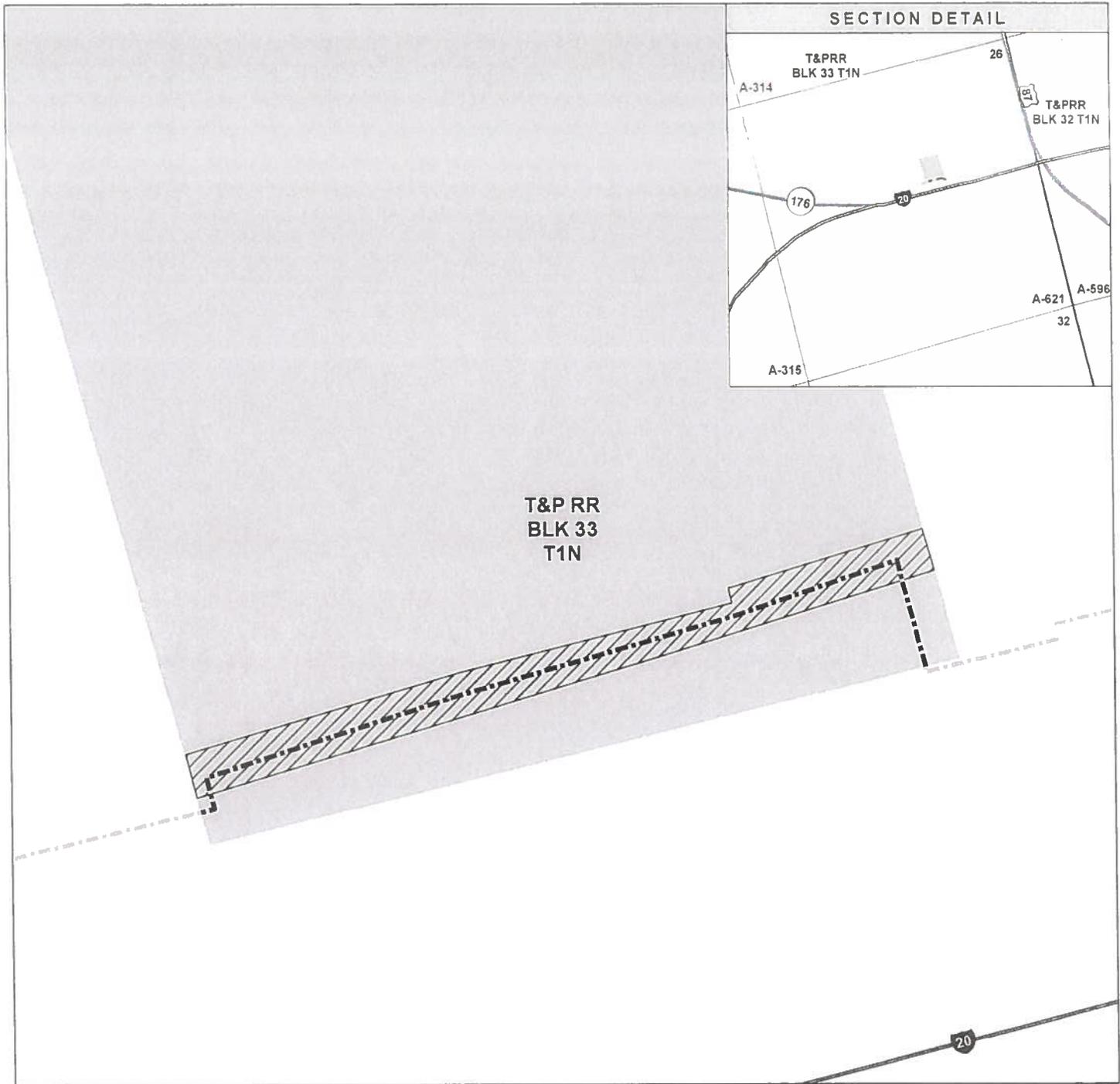
APPROVED ONLY AS TO FORM:

Kaye Edwards City Attorney

EXHIBIT A

PRELIMINARY PROPOSED ROUTE

510.5 BIG SPRING SEWER LINE PROJECT



| LEGEND | DISCLAIMER NOTICE | TRACT 510.5-003.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|--|-------------|--|--|--|----------|----|-----------|-----|--------|-------|--|--|--------|--------------------------|--|--|---------|--------|-------|--------|--------------------|--------|------|--|------------------|-------|-------|--|
| <p>--- Proposed Center Line Ownership</p> <p>--- Local Roads Easement</p> | <p>NOT SURVEY GRADE</p> <p>PRELIMINARY ROUTE SUBJECT TO FINAL SURVEY</p> <p><small>This drawing was prepared for the use of the Hilliard Energy, Ltd. GIS Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and it is not intended to be used as such. This drawing is a compilation of records, information and data developed and maintained by various entities; map layers were created from different sources at different scales, and the actual or relative geographic position of any feature is only as accurate as the source information.</small></p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Owner Name:</td> <td colspan="2">National Income Properties DST 1, a Delaware Statutory Trust</td> </tr> <tr> <td>Section:</td> <td>26</td> <td>Abstract:</td> <td>621</td> </tr> <tr> <td>Acres:</td> <td colspan="3">4.015</td> </tr> <tr> <td>Block:</td> <td colspan="3">33, T-1-S, T&P RR Survey</td> </tr> <tr> <td>County:</td> <td>Howard</td> <td>Plat:</td> <td>1 of 1</td> </tr> <tr> <td>Encumbered Length:</td> <td>398.41</td> <td>Feet</td> <td></td> </tr> <tr> <td>Encumbered Area:</td> <td>0.149</td> <td>Acres</td> <td></td> </tr> </table> | Owner Name: | | National Income Properties DST 1, a Delaware Statutory Trust | | Section: | 26 | Abstract: | 621 | Acres: | 4.015 | | | Block: | 33, T-1-S, T&P RR Survey | | | County: | Howard | Plat: | 1 of 1 | Encumbered Length: | 398.41 | Feet | | Encumbered Area: | 0.149 | Acres | |
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| | <small>NAD 1983 State Plane Texas North Map data: Google, DigitalGlobe</small> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

UTILITY EASEMENT AND RIGHT OF WAY

STATE OF TEXAS §

COUNTY OF HOWARD §

Date: May 24, 2016

Grantor: **Big Spring Joint Venture, LLC**

Grantor's Address: 4724 Bryon Circle, Irving, Texas 75038

Grantee: **The City of Big Spring, Texas, a Texas home-rule municipal corporation**

Grantee's Address: 310 Nolan St., Big Spring, Texas 79720

Big Spring Hospitality Group, LLC, a Texas Domestic Limited Liability Company, **Grantor** for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration paid by the **City of Big Spring**, a Texas home-rule municipal corporation, **Grantee**, the receipt of which is hereby acknowledged, has granted and conveyed, and by these presents does grant and convey unto Grantee, its successors and assigns, a twenty foot (20') wide permanent easement and right of way for an underground water and/or sewer pipeline along with other necessary or desired utilities, supporting structures, and any and all necessary or desirable appurtenances over, under, through, across and upon Grantor's land described below and further depicted in Exhibit "A" and a temporary construction easement and right of way that extends twenty feet (20') north from the center line of the permanent pipeline easement:

A 4.000 acre tract, more or less, out of the Southwest Quarter of the Northeast Quarter (SW/4 NE/4) of Section 26, Block 33, T-1-N, T&P RR Co. Survey, Howard County, Texas, more particularly described by metes and bounds in that certain Special Warranty Deed dated July 3, 2013, from Gerald Lee Harris, Jr. to Big Spring Joint Venture, LLC, recorded at Volume 1341, Page 92 of the Official Public Records of Howard County, Texas.

BEGINNING at a 5/8 inch capped iron rod set stamped "LIS" in the South line of said Tract 2 and the North line of Interstate Highway 20, a 4.00' right-of-way, for the SW corner of the tract being described herein and from said iron rod set a 1-inch pipe found for the SW corner of said Tract 2 bears South 77 degrees 14' 35.4" West a distance of 60.00 feet;

THENCE: North 13 degrees 10' 57" West, across said Tract 2 a distance of 67.98 feet to a 5/8 inch capped iron rod set stamped "LIS" for the NW corner of this tract;

THENCE: North 77 degrees 14' 36" East, across said Tract 2 a distance of 249.03 feet to a 5/8 inch capped iron rod set stamped "LIS" for the NE corner of this tract;

THENCE: South 14 degrees 27' 48" East, across said Tract 2 pass at 179.27 feet a ½ inch iron rod found for the NW corner of Lot 1 of the JW Big Spring Subdivision, an addition to the City of Big Spring, Howard County, Texas, according to the plat of map thereof recorded in Certificate of

Record #1736 in Envelope No. 1598, Plat Records, Howard County, Texas, and continuing along the common line of said Tract 2 and Lot 1 in all a total distance of 679.27 feet to a ½ inch iron rod found in the South line of said Tract 2 and the North line of said Interstate Highway 20 for the SW corner of said Lot 1 and the SE corner of this tract;

THENCE: South 77 degrees 14' 36 " West, along the common line of said Tract 2 and said Interstate Highway 20 a distance of 264.22 feet to the POINT OF BEGINNING.

Grantor recognizes that the general course of said utilities or facilities, is based on preliminary surveys only, and Grantor hereby agrees that the easement and right-of-way and its general dimensions hereby granted shall apply to the actual location of said lines when constructed.

Grantee shall have full right of ingress and egress along, upon, in and under said easement and right of way and over and across Grantor's adjoining properties for the purpose of and with the right to construct, lay, maintain, operate, repair, remove, replace, reconstruct, abandon in place and change the size and capacity of said utilities and facilities; the right to relocate said utilities and facilities in the same relative direction and position; the right to lease wire space for the purpose of permitting others to string or lay wire or cable along said utilities or facilities; the right to prevent excavation within the easement area; the right to prevent construction of, within the easement area, any and all buildings, structures or other obstructions which, in the sole judgment of Grantee, may endanger or interfere with the efficiency, safety, and/or convenient operation of said utilities or facilities and their appurtenances and the right to trim or remove trees or shrubbery within, but not limited to said easement area, including by use of herbicides or other similar chemicals approved by the U.S. Environmental Protection Agency, to the extent in the sole judgment of Grantee, as may be necessary to prevent possible interference with the operation of said utilities or facilities or to remove possible hazards thereto. Grantor shall not make changes in grade, elevation or contour of the land or impound water within the easement areas as described above without prior written consent of Grantee.

Grantor reserves the right to use the land within the above described easement area for purposes not inconsistent with Grantee's use of such property, provided such use shall not, in the sole judgment of Grantee, interfere with the exercise by Grantee of the rights hereby granted.

TO HAVE AND TO HOLD the above described easement and right of way unto the said Grantee, its successors and assigns, until all of said utilities and facilities shall be abandoned, and in that event said easement and right of way shall cease and all rights herein granted shall terminate and revert to Grantor or Grantor's successors or assigns and legal representatives, to warrant and forever defend the above described easement and right of way unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Executed this 26TH day of MAY, 2016.

GRANTEE: CITY OF BIG SPRING, TEXAS

By: _____

Todd Darden, City Manager

ATTEST:

Lesa Gamble, City Manager Administrative Assistant

**APPROVED AS TO CONTENT AND
COMPLETENESS:**

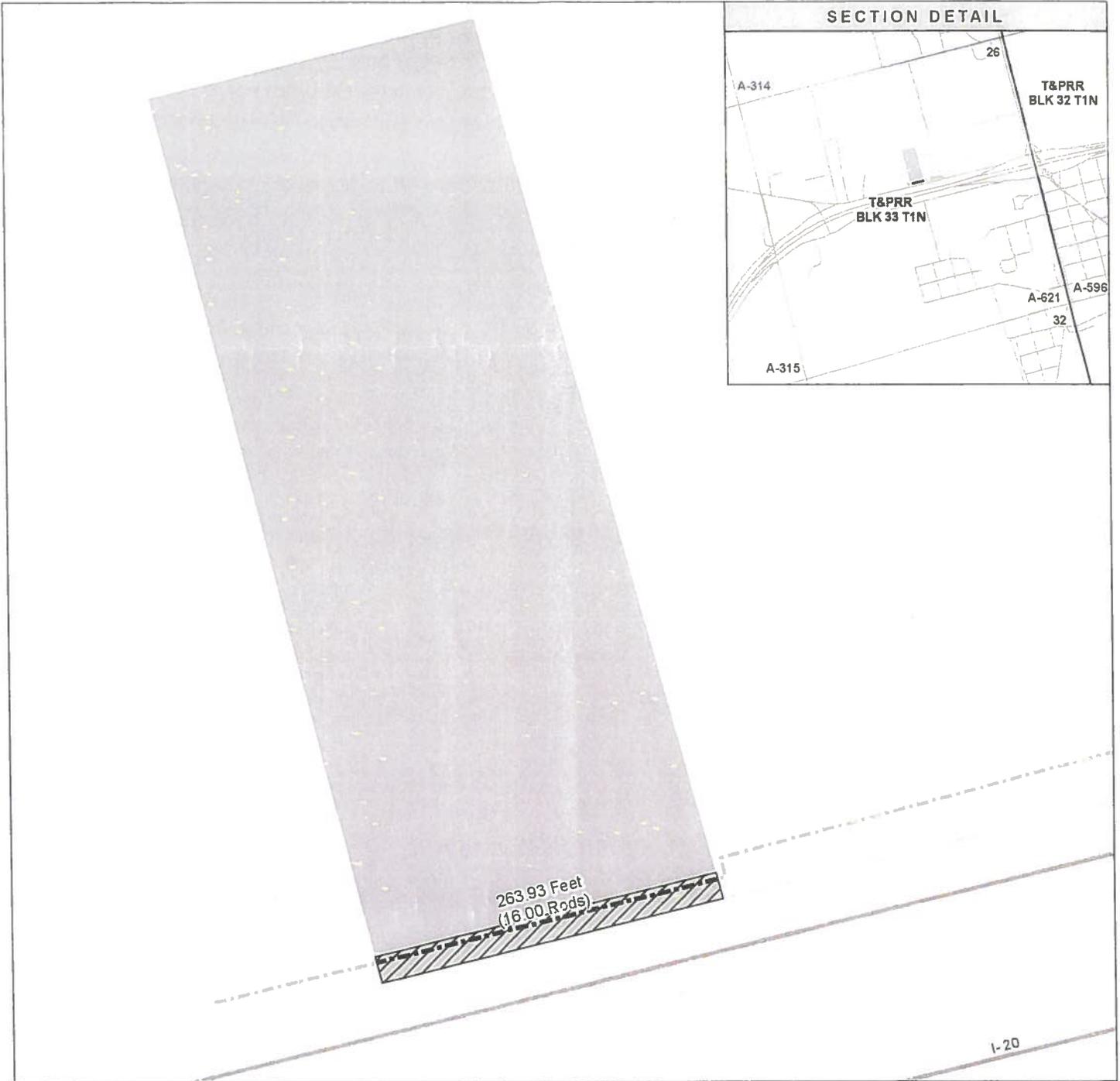
_____ Assistant City Manager

APPROVED ONLY AS TO FORM:

Kaye Edwards City Attorney

EXHIBIT A

PRELIMINARY PROPOSED ROUTE 510.5 BIG SPRING SEWER LINE PROJECT



| LEGEND | DISCLAIMER NOTICE | TRACT 510.5-002.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|---|--------------------------------------|--|--|--|----------|----|-----------|-----|--------|------|--|--|---------------------------------|--|--|--|---------|--------|--|--------------|--------------------|--|--------|------|------------------|--|-------|-------|--|--|--|--|
| <ul style="list-style-type: none"> Proposed Center Line Ownership Local Roads Easement | <p style="color: red; font-weight: bold;">NOT SURVEY GRADE</p> <p style="color: red; font-weight: bold;">PRELIMINARY ROUTE SUBJECT TO FINAL SURVEY</p> <p style="font-size: small; color: red;">This drawing was prepared for the use of the Hilliard Energy, Ltd. GIS Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and it is not intended to be used as such. This drawing is a compilation of records, information and data developed and maintained by various entities; map layers were created from different sources at different scales, and the actual or relative geographic position of any feature is only as accurate as the source information.</p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="4">Owner Name: Big Spring Joint Venture</td> </tr> <tr> <td style="font-size: small;">Section:</td> <td style="font-size: small;">26</td> <td style="font-size: small;">Abstract:</td> <td style="font-size: small;">621</td> </tr> <tr> <td style="font-size: small;">Acres:</td> <td colspan="3" style="font-size: small;">4.00</td> </tr> <tr> <td colspan="4">Block: 33, T-1-S, T&P RR Survey</td> </tr> <tr> <td style="font-size: small;">County:</td> <td colspan="2" style="font-size: small;">Howard</td> <td style="font-size: small;">Plat: 1 of 1</td> </tr> <tr> <td colspan="2" style="font-size: small;">Encumbered Length:</td> <td style="font-size: small;">263.93</td> <td style="font-size: small;">Feet</td> </tr> <tr> <td colspan="2" style="font-size: small;">Encumbered Area:</td> <td style="font-size: small;">0.121</td> <td style="font-size: small;">Acres</td> </tr> <tr> <td style="text-align: center; vertical-align: middle;"></td> <td style="text-align: center; vertical-align: middle;"></td> <td colspan="2" style="text-align: center; vertical-align: middle;"></td> </tr> </table> | Owner Name: Big Spring Joint Venture | | | | Section: | 26 | Abstract: | 621 | Acres: | 4.00 | | | Block: 33, T-1-S, T&P RR Survey | | | | County: | Howard | | Plat: 1 of 1 | Encumbered Length: | | 263.93 | Feet | Encumbered Area: | | 0.121 | Acres | | | | |
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| | <small>114E 1983 State Plane Texas North Map data: Google, DigitalGlobe</small> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |