



CITY COUNCIL AGENDA

Thursday, September 4, 2014

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Special Session on Thursday, September 4, 2014, at 5:30 p.m. in the City Council Chambers located at 307 East 4th Street, Big Spring, Texas.

The City Council may discuss and/or take action on each of the following items before it and may go into Executive Session on any item listed on the agenda in accordance with Chapter 551 of the Texas Government Code.

**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!

1. Invocation & 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 Hearings & Announcements

2. **Public Hearing** – First Public Hearing on the Proposed Tax Rate for Fiscal Year 2014-15 Moore

New Business

3. Move Council Regular Meetings of September 9th and September 23rd to September 11th and 25th McLellan
4. First Reading of an Ordinance Approving a Rezone on Approximately 29.4 Acres Located Immediately Southwest of the Intersection of US Highway 87 and Village Road from Single-Family Dwelling (SF-2) and Agricultural (A) to Planned Development 8 – Transition District with an Underlying Light Commercial (LC) District; Proscribing Height Restriction, Opaque 3-23
Johnston

Screening Separation Between Adjoining Residential Districts, Height and Luminosity Restrictions for Lighting, Restricting Uses; Requiring a Setback from Comanche Trail Lake, Prohibiting Overnight Parking of Commercial Trucks; Providing for Severability; Providing for Publication; and Providing an Effective Date

City Manager's Report

5.

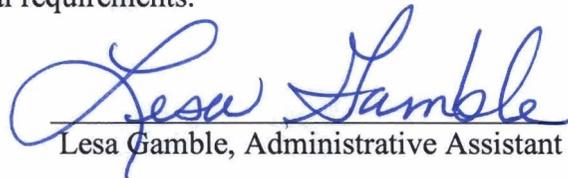
Council Input

6. Input

7. 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 on Friday, August 29, 2014 at 4:00 p.m. 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, Administrative Assistant

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

September _____, 2014 at _____ a.m./p.m.

By: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, APPROVING A REZONE ON APPROXIMATELY 29.4 ACRES LOCATED IMMEDIATELY SOUTHWEST OF THE INTERSECTION OF US HIGHWAY 87 AND VILLAGE ROAD FROM SINGLE FAMILY DWELLING (SF-2) AND AGRICULTURAL (A) TO PLANNED DEVELOPMENT 8 – TRANSITION DISTRICT WITH AN UNDERLYING LIGHT COMMERCIAL (LC) DISTRICT; PROSCRIBING HEIGHT RESTRICTIONS, OPAQUE SCREENING SEPARATION BETWEEN ADJOINING RESIDENTIAL DISTRICTS, HEIGHT AND LUMINOSITY RESTRICTIONS FOR LIGHTING, RESTRICTING USES, REQUIRING A SETBACK FROM COMANCHE TRAIL LAKE, PROHIBITING OVERNIGHT PARKING OF COMMERCIAL TRUCKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS DISCUSSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Planning and Zoning Commission gave its approval of the rezone of said 29.4 acres; and

WHEREAS, public hearings were held regarding the rezoning of said property as required by law;

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

SECTION 1. The rezone from Single Family Dwelling (SF-2) and Agriculture (AG) to Light Commercial (LC) with an overlaid Planned Development 8, Transition District including the following restrictions:

1. No more than two hotel structures may occupy the property.
2. One hotel may consist of 5 stories (ft) in height; the second hotel shall be limited to 3 stories in height or less. All other structures, including free standing signage shall not exceed 35 feet in height.
3. Any outdoor entertainment venues shall be located away from residential uses and districts.
4. Flashing signs shall be prohibited.
5. All exterior lighting shall be shielded and positioned in such a manner so as not to spill over onto any adjacent property.
6. No internally lit signage shall be allowed facing the lake, with exception to internal traffic directional signs which shall utilize low lighting.
7. Overnight parking of commercial freight trucks or heavy construction equipment not related to construction of development of said property shall be prohibited.

8. Development shall be consistent yet with minor deviations as indicated on concept plan submitted to staff in August 2014 herein labeled "Exhibit A."
9. Prohibited uses are listed in "Exhibit A."
10. A minimum setback of 250 feet shall be required from Comanche Trail Lake.
11. Landscaping shall be drought resistant and in accordance to The City of Big Spring, Texas Zoning Ordinance, Article 10 labeled "Landscaping Standards." Additionally, trees shall be 3-inches in caliber, and 6 feet tall at the time of planting. As each phase of development is planned, a submission of a landscaping plan as outlined in Article 10, Section 10-6 shall be provided to the City Planner or designee for review.
12. A minimum 6-foot high masonry or block wall shall be constructed between the adjoining residential district

SECTION 2. Should and 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. This ordinance shall take effect immediately from and after its publication and passage upon two readings in accordance with the provision of the Charter of the City of Big Spring, and it is accordingly so ordained.

SECTION 4. It is officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 4th day of September, 2014, with all members present voting "aye" for the passage of same.

PASSED AND APPROVED on second final reading at a regular meeting of the City Council on the 9th day of September, 2014, with all members present voting "aye" for the passage of same

Larry McLellan, Mayor

ATTEST:

Tami Davis, Asst. City Secretary

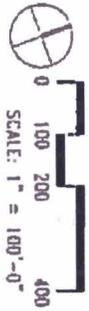
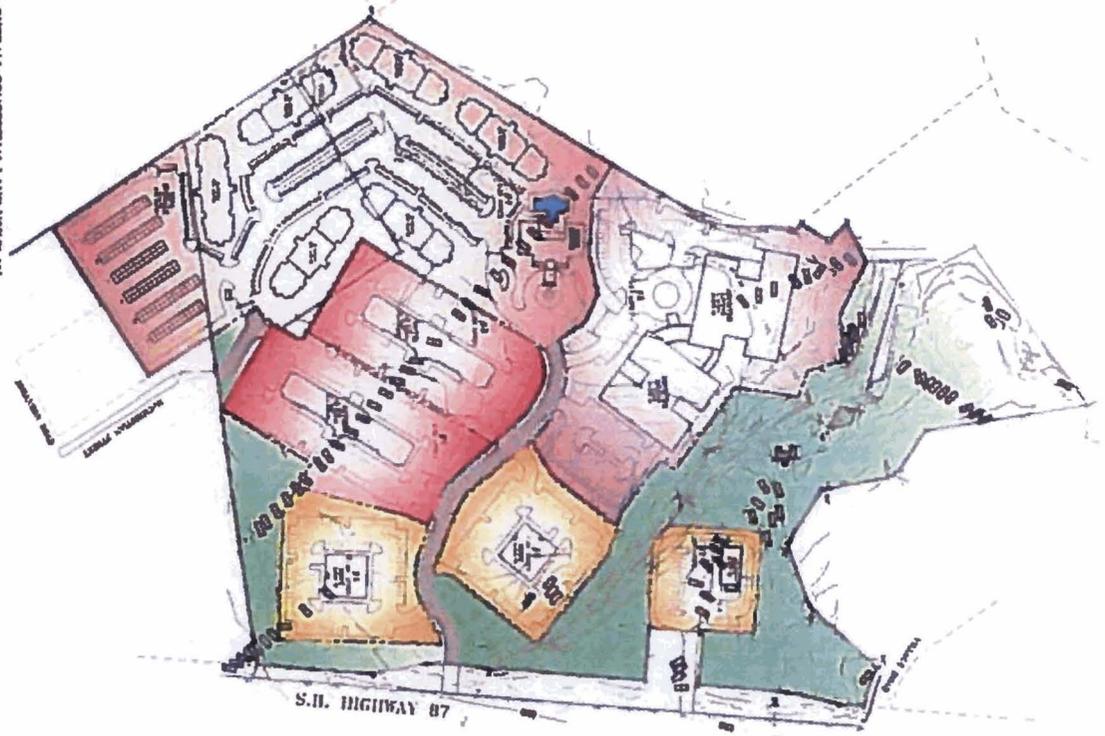
Exhibit A

The following uses or similar uses shall not be allowed:

- 1. Auto repair**
- 2. Auto parts sales**
- 3. Gasoline/service center**
- 4. Handicraft shop**
- 5. Pawn shop**
- 6. Print shop**
- 7. Radio & TV tower**
- 8. Liquor store**
- 9. Auto rental**
- 10. Auto sales**
- 11. Auto paint & auto body shop**
- 12. Bus station**
- 13. Cabinet or upholstery**
- 14. Cleaning/dying plant**
- 15. Feed store**
- 16. Flea market**
- 17. Laundry plant**
- 18. Newspaper printing**
- 19. Plumbing shop**
- 20. Roller or ice skating**
- 21. Used goods retail**
- 22. Shop or yard for local, state or federal equipment**
- 23. Tool or trailer sales**
- 24. Wholesale office and sample room**

Exhibit B

A OVERALL CONCEPTUAL LAND-USE PLAN



DEVELOPMENT SYNOPSIS				
PARCELS	USE	AREA (AC)	INSTR.	TOTAL AC.
1	RESTAURANT	1.64		6.208
2	MOTEL	2.22	98/2115	
3	MOTEL	2.00	98/2118	
4	MULTI-FAMILY	9.91	144	
5	MULTI-FAMILY	1.27	128	64.074
6	RESTAURANT	1.64		6.208
7	PASTURE	.91		2.478

DATE: 11/15/15
 FOR REVIEW PURPOSES ONLY
 NOT FOR CONSTRUCTION. SUBJECT
 TO APPROVAL BY THE CITY OF MUSTANG
 BY: JEFFREY L. WITTE, P.E., 1004 8987Z
 CIVIL ENGINEER
 THE INFORMATION ON THIS PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.
 THE ENGINEER ASSUMES NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN.

	EndVision Design P.O. BOX 841214, AUSTIN, TEXAS 78724 TEL: 952.776.1170 FAX: 952.882.0794	MUSTANG RIDGE OVERALL CONCEPTUAL LAND-USE PLAN NEAR STATE HIGHWAY 87 HOWARD COUNTY, TEXAS	APPROVED: _____ DATE: _____
	CUPP 1 CUPP 1		



Memo

Meeting Date: September 4, 2014

To: City Council members

From: Roxanne Johnston, City Planner

Subject: A request for approval of a zone change from a SF-2, Single Family Dwelling District (Tract 1, 4.8 acres) and AG, Agricultural District (Tract 2, 24.6 acres) to a Planned Development (PD/LC14-01) with an underlying Light Commercial Zoning District, on the following property:

Location: An unaddressed 29.4 acre property located on the west side of US Hwy 87, south of Village Road and north of Johansen Road.

Purpose: Approval of this request would zone the property as a Planned Development Zoning District

Contacts: Roxanne Johnston, City Planner 432-264-2319
Gary Eli Jones, P.E., Applicant 512-658-8095

Summary: The City Council may:

- (1) **Recommend approving** the proposed zoning designation;
- (2) **Recommend modifying** the proposed zoning designation;
- (3) **Recommend tabling** the proposed zoning designation;
- (4) **Recommend denial** of the proposed zoning designation.

Recommendation: Staff recommends **approving** the proposed zone change request from Agriculture (A) and Single Family Dwelling (SF-2) to a Planned Development with an underlying Light Commercial (LC) Zoning District.

City Council, on August 26, 2014, voted unanimously to have staff **modify** the original request of a Light Commercial (LC) rezoning in order to return with a Planned

Development proposal with underlying Light Commercial (LC) zoning, which would allow staff to further restrict uses and add potential nuisance mitigating features to the zoning.

The Planning & Zoning Commission recommended approval of the original request to rezone the entire acreage to Light Commercial (LC) from a combination of Agriculture (A) and Single Family Dwelling (SF-2) on August 5, 2014.

History and Background:

The applicant is requesting a Planned Development on the subject 29.4 acre tract to develop a multi-use, multi-phased commercial and residential development on the west side of US Highway 87 and north of Johansen Road. The proposed uses include three restaurants; one of which is proposed to be a fast food restaurant, two hotels which will contain between 83 and 113 units or more each, an apartment complex to have approximately 144 units, a mini storage facility that will contain approximately 152 units, and an assisted living facility. The owner/developer intends to include all required public improvements including streets, water, wastewater, drainage and street lights with the development and will subdivide the tracts to provide fee simple property to each potential user. Each future parcel is intended to be a stand-alone property to include providing the required parking associated for each use. With a Planned Development, certain features may be subtracted or added within the Ordinance relating to this case, should it be approved, and would render the property more compatible with the surrounding lake and residential properties. Such features include fencing, height and illumination restrictions as well as the elimination of specific uses that would normally be allowed with Light Commercial zoning. Also included in the Planned Development Ordinance is the prohibition of overnight parking by heavy commercial trucks and equipment and landscaping requirements.

Due to the demand for residential properties in the city, the owner/developer is proposing to construct the multi-family phase of the development first; however all of the proposed uses are permitted in the proposed zoning district.

Currently, the Zoning Ordinance provides for "progressive zoning," meaning that there is a hierarchy of zoning districts according to intensity in uses, and as such most uses allowed in lower intensive zoning district is are allowed as well as the heavier uses in the zoning district itself. For example, Light Commercial (LC) allows for uses outlined in the Retail District (R), Neighborhood Service District (NS), Office District (O), Multi-Family Dwelling District (MF), General Residential District (GR)Two-Family Dwelling District (2F), the Single-Family Dwelling District (SF-3, SF-2 & SF-1), and Agricultural (A) Zoning Districts. Additional uses allowed in LC Zoning Districts include:

Auto sales (with or without repair), auto painting and body repair, bus station or terminal, cabinet or upholstery shop, cemetery or mausoleum, cleaning/dyeing plant, dance hall or nightclub, day camp, engine and motor repair, fairground or exhibit area, feed store, flea market (outdoor), laundry plant (commercial), mini-storage warehouse, newspaper printing, plumbing shop, roller or ice-skating rink, scientific or research lab, secondhand goods store including used furniture and clothing, shop or yard for local, state or federal government, theater (indoor) tool or trailer sales and rental, wholesale office and sample room.

This Planned Development zone change proposal will restrict many of the more intense uses, as mentioned above.

General Information:

Existing Zoning: Tract 1, 4.8 acres, Single Family Dwelling (SF-2) and Tract 2, 24.6 acres, Agriculture (A)

Existing Land Use: Vacant, primarily undeveloped tracts

Surrounding Zoning/Land Use:

North:	Planned Development (PD), Agriculture (A)	Single-family residence, vacant land
South:	Single-Family Dwelling (SF-2)	Johansen's Nursery
East:	Non-annexed properties	Single-family residence and undeveloped tracts
West:	Single-Family Dwelling (SF-2)	Vacant property

Thoroughfares/Streets: U.S. Highway 18 identifies as a major arterial in the Thoroughfare Plan component of the Comprehensive Plan.

The proposed portion of McChristian Street at the south central area of the concept plan and the proposed unnamed street as indicated on the applicant's concept plan providing access to State U.S. Highway 87 are identified as "local streets," designed to carry light neighborhood traffic at lower speeds and generally connect to collector streets.

Zoning History: The property contains no special zoning overlays

Applicable Regulations: Allowed uses for this property can be found in Section 6-6 of the Zoning Ordinance, under "LC, Light Commercial." The Planned Development Ordinance related to this case will restrict these allowed uses.

Development Standards: **Zoning Ordinance, Article 4 and Appendix C**

Minimum Lot Area-7500 sq ft for one to three-story multi-family development- The Planned Development proposal will restrict all other uses than the motels to be limited to two-stories in height.

Minimum Lot Dimensions- 20X100 for single family attached structures and 60X120 feet for multi-family uses

Minimum Front Yard- 25 ft

Minimum Side Yard- 15 ft for multifamily dwellings not exceeding 35' in height

Maximum Floor Area Ratio- 45%

Special Information

Traffic Concerns: Traffic entering and exiting the site from and to State Highway 87 could experience difficulties that may be mitigated with the placement of a turning lane. The impact of the proposed future internal local streets will be addressed by staff and outside plan reviewers through the subdivision and site review processes.

Parking Requirements: **Zoning Ordinance, Article 4, Section 4-9**

"One (1) space for each dwelling unit for single-family residence and one and one-half (1 ½) spaces for each dwelling in two-family or apartment unit"

This same section outlines additional parking regulations for non-residential uses, and the following are those listed for the various uses with this proposed project:

"Group Care Home or Group Medical Care Home- One (1) space for each two residents and One (1) space for each staff member."

"Nursing Home- one (1) space for each six (6) rooms or beds"

"Hotel or Motel- One (1) space for each room, unit or guest accommodation."

"Restaurant or Cafeteria- One (1) space for every three (3) seats under maximum seating arrangement (minimum of five (5) spaces)."

"Storage or warehousing- One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of floor area, whichever is greater."

Zoning Ordinance, Article 4, Section 4-11

"There shall be provided handicapped parking spaces in accordance to the Architectural Barriers Act, Article 9102, Texas Civil Statutes as amended."

Notifications Required: Yes
Notifications Sent: 19
Responses in Favor: 1
Responses in Opposition: 3

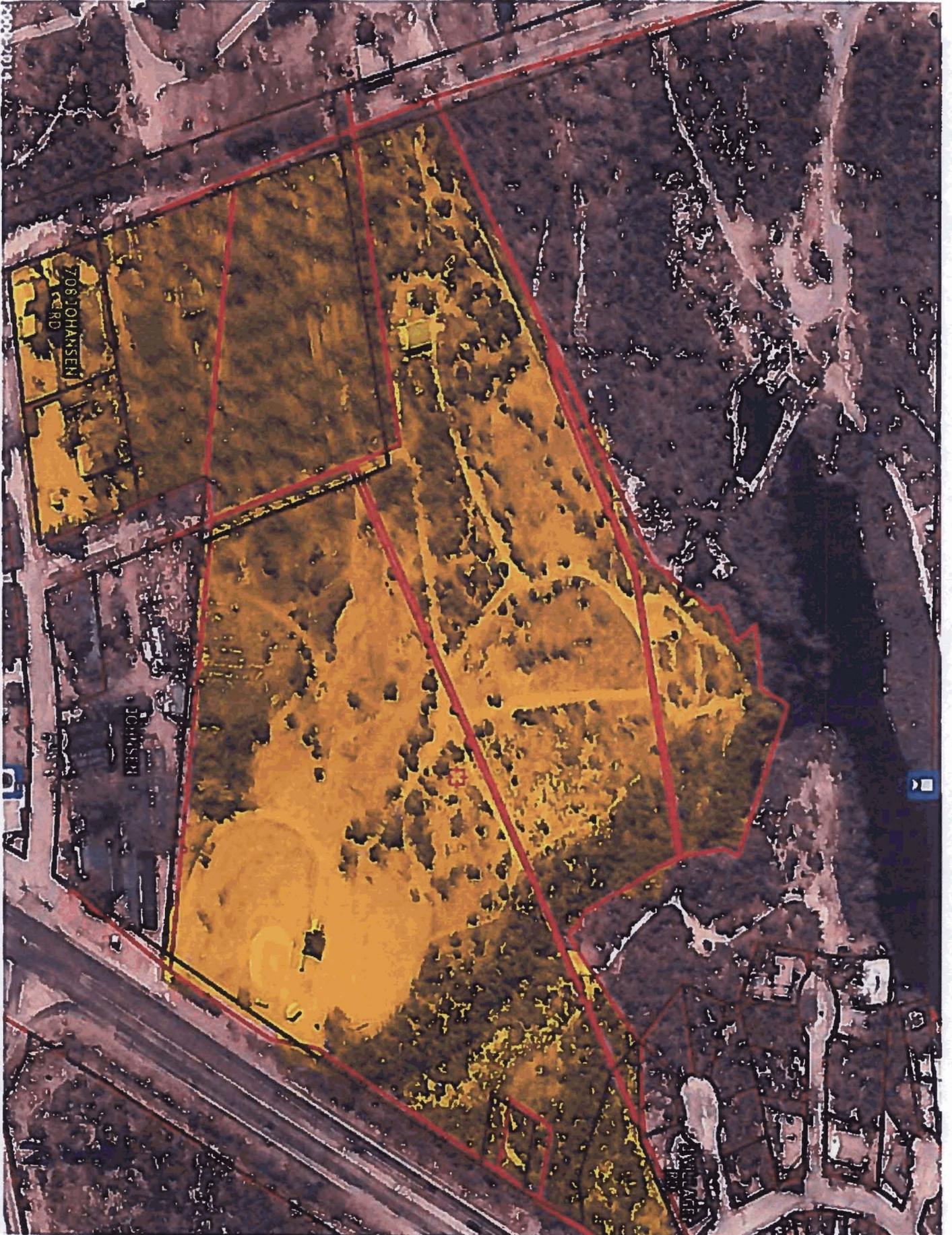
Attachments:

Excerpt from zoning map, highlighting subject property;

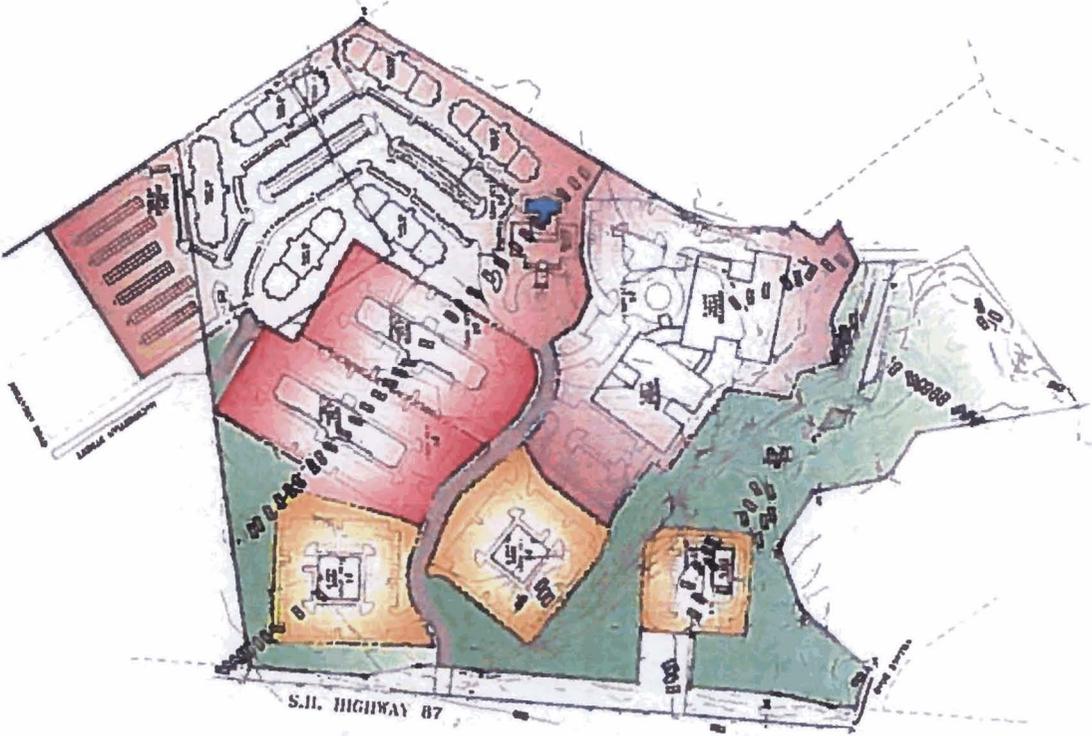
Concept draft of proposed uses;

Amended draft minute excerpt from the August 5, 2014 Planning & Zoning Commission meeting; and

Metes & Bounds Descriptions for Tracts 1-2.

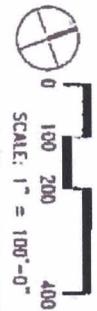


OVERALL CONCEPTUAL LAND-USE PLAN



DEVELOPMENT SYNOPSIS

PARCEL#	USE	ACRES	UNITS	BLDG. SF
1	RESTAURANT	0.04		8,500
2	HOTEL	2.25	482/115	
3	HOTEL	2.06	452/115	
4	MIXED-FAMILY	0.31	142	
5	MIXED-FAMILY	0.31	142	
6	RESTAURANT	1.04		81,075
7	PASTURE	1.04		81,075



DATE: 1-18-18
 FOR REVIEW PURPOSES ONLY
 NOT FOR CONSTRUCTION, RECORD,
 OR PERMITTING. UNTIL STA. 0414 0427
 FOUNDATION DESIGN

This plan is prepared by the company of EndVision Design, Inc. and is not to be used for any other project without the written consent of EndVision Design, Inc. The user assumes all liability for any errors or omissions in this plan. The user shall indemnify and hold EndVision Design, Inc. harmless from and against all claims, damages, and expenses, including reasonable attorneys' fees, arising out of or from the use of this plan.

<p>CUP-1 CUP-1</p>	<p>EndVision Design landscape architecture • conceptual planning • design development P.O. BOX 811294, Austin, Texas 78784 OR: 512.478.1710 FAX: 512.462.4784</p>	<p>MUSTANG RIDGE OVERALL CONCEPTUAL LAND-USE PLAN TEXAS STATE HIGHWAY 87 HOWARD COUNTY, TEXAS</p>	<p>REVISIONS:</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	BY	DESCRIPTION																
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**Planning and Zoning Commission Minutes
August 05, 2014**

Terry McDaniel, Chairperson, called the Planning and Zoning Commission Meeting to order at 5:30 P.M. on Tuesday, August 05, 2014 in the Dora Roberts Community Center, Lake Room, 100 Whipkey Dr., Big Spring, TX 79720. The following members were in attendance:

Terry McDaniel
Aubrey Weaver Jr.
Lupe Dominguez

Kevan Schooler
Junior Yanez
Dale Avant

Also in attendance:

Thomas Hodges, Building Official
Johnny Womack, Public Works Director

Roxanne Johnston, City Planner
Kay Pilgrim, Administrative
Secretary

Gary Jones, CarTex Engineering
Bob Gage, GB Realty

Matt Evans, City

ITEM II

Public hearing to consider a zoning change from SF-2, Single Family Dwelling District (Tract 1) and AD, Agricultural District (Tract 2) to LC, Light Commercial District for a 29.4 acre property located on the west side of US Hwy 87, south Village Road and north of Johansen Road. Applicant: CarTex Engineering Services Inc. (Gary Jones).

Public hearing was opened by motion from Schooler, seconded by Weaver with all members present voting "aye" for same.

Linda Alexander, a resident of Village at the Spring acknowledged how dangerous the single turn into Village is and that a new development would increase the driving danger of entering and exiting the area. Other members of the public agreed.

Gary Jones addressed the traffic concerns and reassured that it will be considered through traffic analysis and sewage analysis once zoning is approved and planning begins.

Public Hearing was closed by motion from Avant and seconded by Schooler with 5 members present voting "aye" and 1 member, Weaver, voting to abstain, for the same.

Zoning Ordinance, Article 4, Section 4-11

"There shall be provided handicapped parking spaces in accordance to the Architectural Barriers Act, Article 9102, Texas Civil Statutes as amended."

Notifications Required:	Yes
Notifications Sent:	19
Responses in Favor:	1
Responses in Opposition:	3

Attachments: Excerpt from zoning map, highlighting subject property;
Concept draft of proposed uses;
Amended draft minute excerpt from the August 5, 2014 Planning & Zoning Commission meeting; and
Metes & Bounds Descriptions for Tracts 1-2.

DESCRIPTION

FOR A 4.801 ACRE TRACT OF LAND SITUATED IN THE TEXAS & PACIFIC RAILWAY COMPANY SURVEY, HOWARD COUNTY, TEXAS, BEING ALL OF A CALLED 3.08 ACRE (TRACT 2) TRACT AND ALL OF A CALLED 1.74 ACRE (TRACT 3) TRACT AS DESCRIBED IN A WARRANTY DEED TO D. KAY COTTON AND RECORDED IN VOLUME 969, PAGE 778 AND IN A DEED OF TRUST TO JOHN T. FERGUSON, TRUSTEE AND RECORDED IN VOLUME 975, PAGE 162 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SAID 4.801 ACRE TRACT OF LAND, AS SHOWN ON THE ACCOMPANYING PLAT, IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a ¾" iron pipe found for the northwest corner of said 3.08 acre tract, same being the most westerly southwest corner of a called 45.23 acre tract as described in a deed to Jerry Worthy and recorded in Volume 434, Page 570 of the Deed Records of said County, for the northwest corner and **POINT OF BEGINNING** hereof, from which a 6" metal gate post found for the northwest corner of said 45.23 acre tract bears, N 13°24'14" W a distance of 188.05 feet;

THENCE with the north line of said 3.08 acre tract, same being the west line of said 45.23 acre tract, N 77°41'57" E for a distance of 406.75 feet to a fence post found for the northeast corner of said 3.08 acre tract, same being an angle point on the west line of said 45.23 acre tract, for the northeast corner hereof;

THENCE with the east boundary line of said 3.08 acre tract, same being the west line of said 45.23 acre tract, S 12°37'08" E for a distance of 424.26 feet to a ¾" iron pipe found for the southeast corner of said 3.08 acre tract, same being an angle point on the west line of said 45.23 acre tract, same being the north line of the Remainder Portion of a called 11.67 acre tract as described in a deed to District B Baptist Encampment, Inc. and recorded in Volume 187, Page 214 of the Deed Records of said County, for an angle point hereof;

THENCE departing the west line of said 45.23 acre tract, with the south line of said 3.08 acre tract, same being the north line of said Remainder Portion, N 78°01'51" W for a distance of 65.85 feet to a ½" iron rod with "Baker-Aicklen" cap set for the northwest corner of said Remainder Portion, same being the northeast corner of said 1.74 acre tract, for an angle point hereof;

THENCE departing the south line of said 3.08 acre tract, with the west line of said Remainder Portion, in part with the east line of said 1.74 acre tract, S 12°22'59" E for a distance of 146.42 feet to a ½" iron rod with "Baker-Aicklen" cap set for the southeast corner of said 1.74 acre tract, same being the northeast corner of a called 0.77 acre tract as described in said deed to D. Kay Cotton and said deed to John T. Ferguson, Trustee, for the southeast corner hereof;

THENCE in part with the south line of said 1.74 acre tract, in part with the north line of said 0.77 acre tract, S 77°38'06" W for a distance of 333.16 feet to a ½" iron rod with "CRIN-BRADSHAW" cap found for the southwest corner of said 1.74 acre tract, same being on the east right-of-way line of Christian Road (no record found), for the southwest corner hereof;

THENCE in part with the west line of said 1.74 acre tract, same being the east right-of-way line of said Christian Road, N 12°49'46" W for a distance of 298.17 feet to a ½" iron rod with "Baker-Aicklen" cap set for the northwest corner of said 1.74 acre tract, same being the south line of said 3.08 acre tract, same being an interior corner of said Christian Road, for an interior corner hereof;

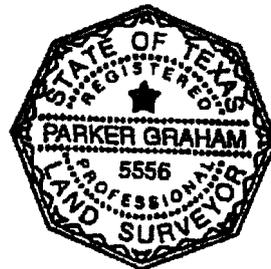
THENCE departing the west line of said 1.74 acre tract, with the south line of said 3.08 acre tract, same being the east right-of-way line of said Christian Road, N 78°01'51" W for a distance of 11.04 feet to a ½" iron rod with "Baker-Aicklen" cap set for the southwest corner of said 3.08 acre tract, same being an angle point on the east right-of-way line of said Christian Road, for an angle point hereof;

THENCE in part with the west line of said 3.08 acre tract, same being the east right-of-way line of said Christian Road, N 13°05'08" W for a distance of 241.21 feet to the **POINT OF BEGINNING** hereof and containing 4.801 acres of land.

Bearing basis is referenced to grid north, Texas North Central Coordinate System NAD 83, Central Zone (4203).

Surveyed under the direct supervision of the undersigned during November, 2013:


Parker J. Graham
Registered Professional Land Surveyor No. 5556
Baker-Aicklen & Assoc., Inc.
507 West Liberty Avenue
Round Rock, TX 78664



Job No. 2245-8-002-22
Filename: K:\PROJECTS\2245-3-001_Big Spring 30 Acre Tract\BA-Survey\METES AND BOUNDS\24.603 ACRE TRACT.doc

DESCRIPTION

FOR A 24.603 ACRE TRACT OF LAND SITUATED IN THE TEXAS & PACIFIC RAILWAY COMPANY SURVEY, HOWARD COUNTY, TEXAS, BEING A PORTION OF A 45.23 ACRE TRACT AS DESCRIBED IN A DEED TO JERRY WORTHY AND RECORDED IN VOLUME 434, PAGE 570 OF THE DEED RECORDS OF SAID COUNTY, SAID 24.603 ACRE TRACT OF LAND, AS SHOWN ON THE ACCOMPANYING PLAT, IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a calculated point on the east boundary line of said 45.23 acre tract, same being the southeast corner of Section One, Village at the Spring, a subdivision according to the plat recorded in Volume 478, Page 408 of the Deed Records of said County, same being the intersection of the south right-of-way line of Village Road and the west right-of-way line of U.S. Highway 87, for the northeast corner and **POINT OF BEGINNING** hereof, from which a TXDOT Type I concrete monument found for an angle point on the east boundary line of said 45.23 acre tract, same being the west right-of-way line of said U.S. Highway 87 bears, N 24°34'50" W a distance of 377.44 feet;

THENCE with the east boundary line of said 45.23 acre tract, same being the west right-of-way line of said U.S. Highway 87, the following three (3) courses and distances:

- 1) S 24°34'50" W for a distance of 48.50 feet to a TXDOT Type I concrete monument found, for an angle point hereof,
- 2) S 33°11'29" W for a distance of 101.26 feet to a TXDOT Type I concrete monument found, for an angle point hereof, and
- 3) S 24°32'52" W for a distance of 174.72 feet to a calculated point for the northeast corner of a Texas & Pacific Railway tract, for an angle point hereof;

THENCE departing the west right-of-way line of said U.S. Highway 87, with the east boundary line of said 45.23 acre tract, same being the boundary line of said Texas & Pacific Railway tract, the following three (3) courses and distances:

- 1) N 65°26'25" W for a distance of 100.00 feet to a calculated point, for the northwest corner of said Texas & Pacific Railway tract, for an angle point hereof,
- 2) S 24°33'35" W for a distance of 99.99 feet to a calculated point, for the southwest corner of said Texas & Pacific Railway tract, for an angle point hereof, and
- 3) S 65°26'25" E for a distance of 100.00 feet to a calculated point on the west right-of-way line of said U.S. Highway 87, same being the southeast corner of said Texas & Pacific Railway tract, for an angle point hereof;

THENCE continuing with the east boundary line of said 45.23 acre tract, same being the west right-of-way line of said U.S. Highway 87, the following three (3) courses and distances:

- 1) **S 24°32'52" W** for a distance of **423.89** feet to a TXDOT Type I concrete monument found, for an angle point hereof,
- 2) **S 08°14'09" W** for a distance of **104.86** feet to a TXDOT Type I concrete monument found, for an angle point hereof, and
- 3) **S 24°42'20" W** for a distance of **226.78** feet to a calculated point for the southeast corner of said 45.23 acre tract, same being the northeast corner of a called 11.67 acre tract as described in a deed to District 8 Baptist Encampment, Inc. and recorded in Volume 187, Page 214 of the Deed Records of said County, for the southeast corner hereof;

THENCE departing the west right-of-way line of said U.S. Highway 87, with the south boundary line of said 45.23 acre tract, same being the north boundary line of said 11.67 acre tract, **N 77°54'01" W** for a distance of **566.68** feet to a calculated point for the southeast corner of a called 3.08 acre tract as described in a deed to Richard C. Milstead, Trustee and recorded in Volume 325, Page 158 of the Deed Records of said County, for the most southerly southwest corner hereof;

THENCE through the interior of said 45.23 acre tract, same being the boundary line of said 3.08 acre tract, the following two (2) courses and distances:

- 1) **N 12°32'27" W** for a distance of **423.95** feet to a calculated point for the northeast corner of said 3.08 acre tract, for an angle point hereof, and
- 2) **S 77°46'29" W** for a distance of **406.61** feet to a calculated point on the west boundary line of said 45.23 acre tract, same being the northwest corner of said 3.08 acre tract, for the most westerly southwest corner hereof;

THENCE with the west boundary line of said 45.23 acre tract, **N 13°24'14" W** for a distance of **188.05** feet to a 6" metal gate post found for the northwest corner of said 45.23 acre tract, same being the southwest corner of a called 15.49 acre tract as described in a deed to the City of Big Spring, Texas and recorded in Volume 389, Page 194 of the Deed Records of said County, for the northwest corner hereof;

THENCE with the north boundary line of said 45.23 acre tract, same being the south boundary line of said 15.49 acre tract, the following three (3) courses and distances:

- 1) **N 50°51'29" E** for a distance of **769.59** feet for to a calculated point, for an angle point hereof,
- 2) **N 24°38'44" E** for a distance of **153.12** feet to a calculated point, for an angle point hereof, and

- 3) **N 16°30'00" W** for a distance of **23.73** feet to a calculated point for the southwest corner of a called 61.24 acre (Tract 1) tract as described in a deed to Fort Worth National Bank, Trustee for the Dora Roberts Foundation Trust and recorded in Volume 417, Page 715 of the Deed Records of said County, being on the 2,545.00' contour line of the south shore of Cosden Country Club Lake, for an angle point hereof;

THENCE continuing with the north boundary line of said 45.23 acre tract, same being the south boundary line of said 61.24 acre tract, following the said 2,545.00' contour line of the south shore of Cosden Country Club Lake, the following five (5) courses and distances:

- 1) **N 52°15'21" E** for a distance of **61.70** feet for to a calculated point, for an angle point hereof,
- 2) **N 25°57'39" W** for a distance of **50.00** feet to a calculated point, for an angle point hereof,
- 3) **N 83°22'21" E** for a distance of **86.00** feet to a calculated point, for an angle point hereof,
- 4) **N 20°52'21" E** for a distance of **67.00** feet to a calculated point, for an angle point hereof,
- 5) **S 54°52'39" E** for a distance of **240.00** feet to a calculated point, for an angle point hereof;

THENCE departing the south boundary line of said 61.24 acre tract, through the interior of said 45.23 acre tract the following eight (8) courses and distances:

- 1) **S 21°13'10" W** for a distance of **29.82** feet to a calculated point, for an angle point hereof,
- 2) **S 04°14'49" E** for a distance of **88.43** feet to a calculated point, for an angle point hereof,
- 3) **S 10°25'39" E** for a distance of **72.41** feet to a calculated point, for an angle point hereof, and
- 4) **S 18°57'51" E** for a distance of **65.60** feet to a calculated point, for an angle point hereof,
- 5) **S 14°17'20" E** for a distance of **117.72** feet to a calculated point, for an angle point hereof,
- 6) **S 47°21'10" E** for a distance of **27.10** feet to a calculated point, for an angle point hereof,

- 7) S 16°39'34" E for a distance of 24.48 feet to a calculated point, for an angle point hereof, and
- 8) N 43°53'20" E for a distance of 213.49 feet to a ½" iron rod found for an angle point on the south boundary line of said Village At the Spring Subdivision, for an angle point hereof;

THENCE continuing through the interior of said 45.23 acre tract, same being the west boundary line of said Village At the Spring Subdivision, the following four (4) courses and distances:

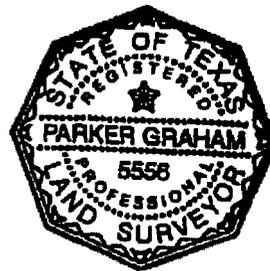
- 1) S 89°27'03" E for a distance of 125.10 feet to a ½" iron rod found, for an angle point hereof,
- 2) N 61°38'29" E for a distance of 175.86 feet to a ¾" iron pipe found on the south right-of-way line of said Village Road, for a non-tangent point of curvature hereof,
- 3) with the arc of a curve to the left, having a radius of 225.01 feet, an arc length of 54.38 feet, a central angle of 013°50'52", and a chord which bears, S 48°14'26" E for a distance of 54.25 feet to a calculated point of tangency, for a point of tangency hereof, and
- 4) S 55°09'53" E for a distance of 26.55 feet to the **POINT OF BEGINNING** hereof and containing 24.603 acres of land.

Bearing basis is referenced to grid north, Texas North Central Coordinate System NAD 83, Central Zone (4203).

Surveyed under the direct supervision of the undersigned during June, 2013:



Parker J. Graham
Registered Professional Land Surveyor No. 5556
Baker-Aicklen & Assoc., Inc.
507 West Liberty Avenue
Round Rock, TX 78664



Job No: 2245-3-001-21

Filename: K:\PROJECTS\2245-3-001_Big Spring 30 Acre Tract\BA-Survey\METES AND BOUNDS\24.603 ACRE TRACT.doc

DEFINITIONS

DATE OF SURVEY: **JUNE 25, 2014**

ASSUMPTIONS

1. All measurements were taken in accordance with the survey. The survey was conducted in accordance with the standards of the International Surveying and Mapping Society.
2. All measurements were taken in accordance with the survey. The survey was conducted in accordance with the standards of the International Surveying and Mapping Society.
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4. All measurements were taken in accordance with the survey. The survey was conducted in accordance with the standards of the International Surveying and Mapping Society.

The total acreage of all lots in this subdivision is 34.80 acres and is the same as the acreage shown on the plat.

1. Subdivided into 10 lots.
2. Subdivided into 10 lots.
3. Subdivided into 10 lots.
4. Subdivided into 10 lots.
5. Subdivided into 10 lots.
6. Subdivided into 10 lots.
7. Subdivided into 10 lots.
8. Subdivided into 10 lots.
9. Subdivided into 10 lots.
10. Subdivided into 10 lots.

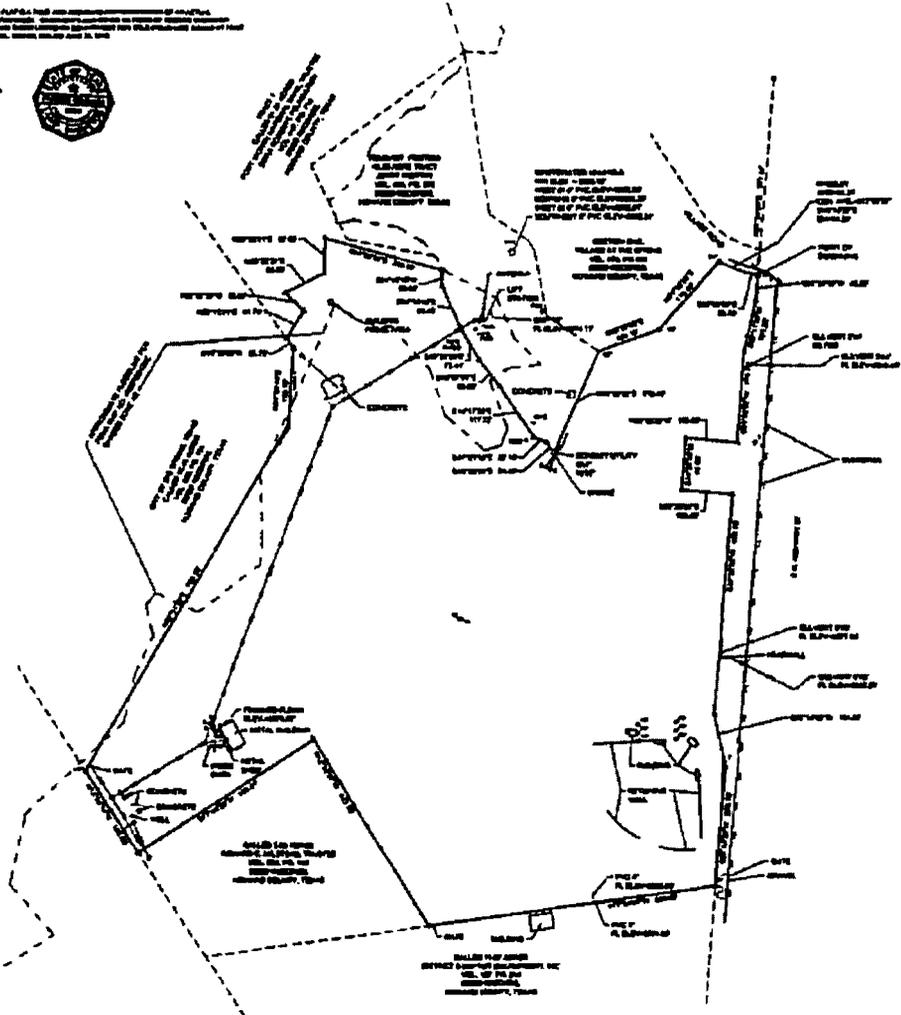
PROPERTY DESCRIPTION

TO HAVE AND TO HOLD TO THE SURVIVORS OF HIM, HIS HEIRS AND ASSIGNS, THE FOLLOWING DESCRIBED PROPERTY:

OF THE COUNTY OF HOWARD, TEXAS.

TO HAVE AND TO HOLD TO THE SURVIVORS OF HIM, HIS HEIRS AND ASSIGNS, THE FOLLOWING DESCRIBED PROPERTY:

[Signature]
 Surveyor



- LEGEND**
- LOT 1
 - LOT 2
 - LOT 3
 - LOT 4
 - LOT 5
 - LOT 6
 - LOT 7
 - LOT 8
 - LOT 9
 - LOT 10
 - EASEMENT
 - UTILITY LINE
 - ROAD
 - RAILROAD
 - FENCE
 - SURVEY LINE
 - ADJACENT PROPERTY
 - WATER
 - SEWER
 - GAS
 - POWER
 - TELEPHONE
 - CABLE
 - OTHER

<p>LAND TITLE SURVEY 34.80 ACRES HOWARD COUNTY, TEXAS</p>	<p>NO 20 PROP LLC</p>	<p>LTD 34.80 ACRES</p>			<p>BAKER-BADGLEY & ASSOCIATES, P.C.</p>
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