

ORDINANCE O-10-1779

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AS HERETOFORE AMENDED; BY AMENDING THE OFFICIAL ZONING MAP BY AUTHORIZING A SPECIAL USE PERMIT FOR A GAS WELL ON 13.2 ACRES LOCATED IN THE WILLIAM E. CROOKS SURVEY, ABSTRACT NUMBER 295 AND LOT 1, BLOCK 1, PARK PLACE ESTATES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a Special Use Permit under Case No. ZC10-022; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan, designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in

the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending the official zoning map by authorizing a Special Use Permit for a Gas Well on 13.2 acres located in the William E. Crooks Survey, Abstract Number 295 and the Lot 1, Block 1, Park Place Estates, shown on Exhibit "A" and described in Exhibit "B".
- Sec. 3. THAT the above described tract of land shown on Exhibit "A" and described in Exhibit "B" shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. General

- a. This Special Use Permit (SUP) shall be for a gas well to include drilling and production as described in Exhibit "C".
- b. The gas well authorized by this SUP shall meet all requirements of the Land Development Code except where amended herein. Additionally, the gas well shall meet all related regulatory requirements of the State of Texas and the Federal Government.
- c. Effective on the approval date of this ordinance, all provisions of Chapter 3.1-Oil and Gas Well Drilling and Production in the Land Development Code as they exist on said date are hereby adopted by reference through the passage of this ordinance.
- d. All wells approved by this ordinance shall be drilled no later than five years from the date of approval of this ordinance.

2. Site Plan

- a. The layout of all equipment, tanks and access roads shall be consistent with the site plans labeled as Exhibits "D" and "E".
- b. The well drilling and production site shall contain no more than 2 acres as shown on Exhibits "D" and "E".

3. Drilling Activities

- a. The primary drilling apparatus shall not exceed 160 feet in height.
- c. A 1.4 acre fresh water pit shall be installed during the drilling process and shall be stocked with fish in order to mitigate for any mosquito breeding.
- d. Prior to the commencement of drilling activities, the existing six (6) inch water line that services the property shall be upgraded to a minimum eight (8) inch water line. In lieu of installation, funds equaling the cost of installation may be placed into escrow with the City for future installation.
- e. Any equipment or well leaks shall be reported to the administrative officer immediately and shall be posted on the City's website within 24 hours.
- f. The Fire Marshal shall be provided with any state of the art equipment necessary in order to determine equipment leakage; either airborne or waterborne.

4. Production

- a. The production pad shall contain no more than 14 water storage tanks. The tanks shall be no larger than 16 feet in diameter and eight (8) feet in height. The production site shall generally be laid out per Exhibits "D" and "E".

5. Access and Transportation

- a. The truck transportation route for all trucks over one-ton that will access this site be as follows: Southbound State Highway 26 to Tinker Road, thence west on Tinker Road to Pleasant Run Road, thence north on Pleasant Run Road to the site entrance. The route exiting the site shall follow the route to the site in reverse.
- b. During drilling operations there shall be no more than 35 truckloads over

a three-day period between the hours of 7:00 a.m. and 7:00 p.m. with an average of 1.5 trucks per hour for both move-in and move-out. Otherwise, there shall be no more than ten personal vehicles entering and leaving the site for 10 workers on a daily basis.

- c. During the fracturing (completion) process, there shall be no more than 20 truckloads per day over a maximum 11-day period between the hours of 7:00 a.m. and 7:00 p.m. with an average of 1.5 trucks per hour.
- d. During the production phase, there shall be no more than 0.5 trucks per day per well.
- e. The access road to the well site shall be composed of an all-weather, 25 foot wide, concrete surface. There shall be adequate space provided for emergency vehicles to turnaround on the pad site at all times. The turnaround dimensions shall meet the minimum requirements of the Land Development Code.
- f. The gate for the site shall be composed of decorative wrought iron and shall be located 85 feet back from Pleasant Run Road. At a minimum the gate shall meet the minimum requirements for gates in Chapter 14-Engineering Design of the Land Development Code.

6. Landscaping

- a. All landscaping shall be installed as shown and described in the attached Exhibit "F" and as required in Chapter 3.1 of the Land Development Code prior to the commencement of any well production.

7. Lighting

- a. All site lighting shall illuminate onto the site and shall not directly illuminate onto any surrounding properties or onto the property owner's residence. Drilling rig lighting shall not be a nuisance and shall illuminate at the minimum level of lighting allowed by the State of Texas for drilling rigs.

8. Environmental Impact

- a. All erosion control shall, at a minimum, meet the erosion control plan attached as Exhibit "G". Additionally, all stormwater run-off from the pad site shall contain no pollutants. There shall, at a minimum, be spill berms and containment rings surrounding all drilling and production equipment in order to mitigate point-source pollution from all surrounding watersheds.

- b. At a minimum, airborne emissions of pollutants shall be mitigated per the emission control plan described in Exhibit "H".
 - c. In order to insure compliance with all state and federal air quality standards an independent, third-party air quality inspection company shall perform periodic air-quality inspections, including measurements of airborne volatile organic compounds, at the site area prior to drilling operation and during all phases of drilling and production operations. The determination of measurement points, compounds to be measured, the frequency of inspections, threshold limits, as well as baseline measurements of pre-drilling ambient air quality shall be performed by the inspection company. The company shall be chosen and contracted by the City of Colleyville. The gas well operator shall reimburse the City of Colleyville for said contracted services upon receipt of invoice from the City of Colleyville. At a minimum, in the event that a measurement exceeds an established threshold, the appropriate state and/or federal air-quality enforcement agency shall be notified of the measurement within 24 hours of the observation.
 - d. There shall be no mud or dirt laid upon any City street as a result of the activity authorized by this SUP. Any mud or dirt created shall be removed by the operator from streets immediately.
9. Pipeline. The planned pipeline route is shown on Exhibit "I". Changes to the portion of the route within the City's corporate limits will be addressed through the pipeline permitting process, and shall not require an amendment to this ordinance. The portion of the pipeline within the City's corporate limits will be regulated by the City's pipeline ordinance and other applicable local, state, and federal regulations in effect at the time the pipeline operator files an administratively complete application for a pipeline permit. Approval of this ordinance confers no vested rights or other rights on the pipeline operator with respect to the construction of the pipeline. If changes are proposed to the portion of the pipeline within the City's corporate limits, the gas well operator will cooperate with the City and the pipeline operator, if requested, to assist in selecting a mutually acceptable route within the City's corporate limits.
10. Waivers. The well bore setback requirements for all structures within 1,000 feet of the gas well bores approved by this ordinance are hereby waived. This waiver shall only apply to all structures existing as of the date of approval of this ordinance.

- Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 3rd day of November 2010.

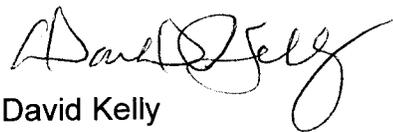
The second reading and public hearing being conducted on the 16th day of November 2010.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit A - Zoning and Location Map

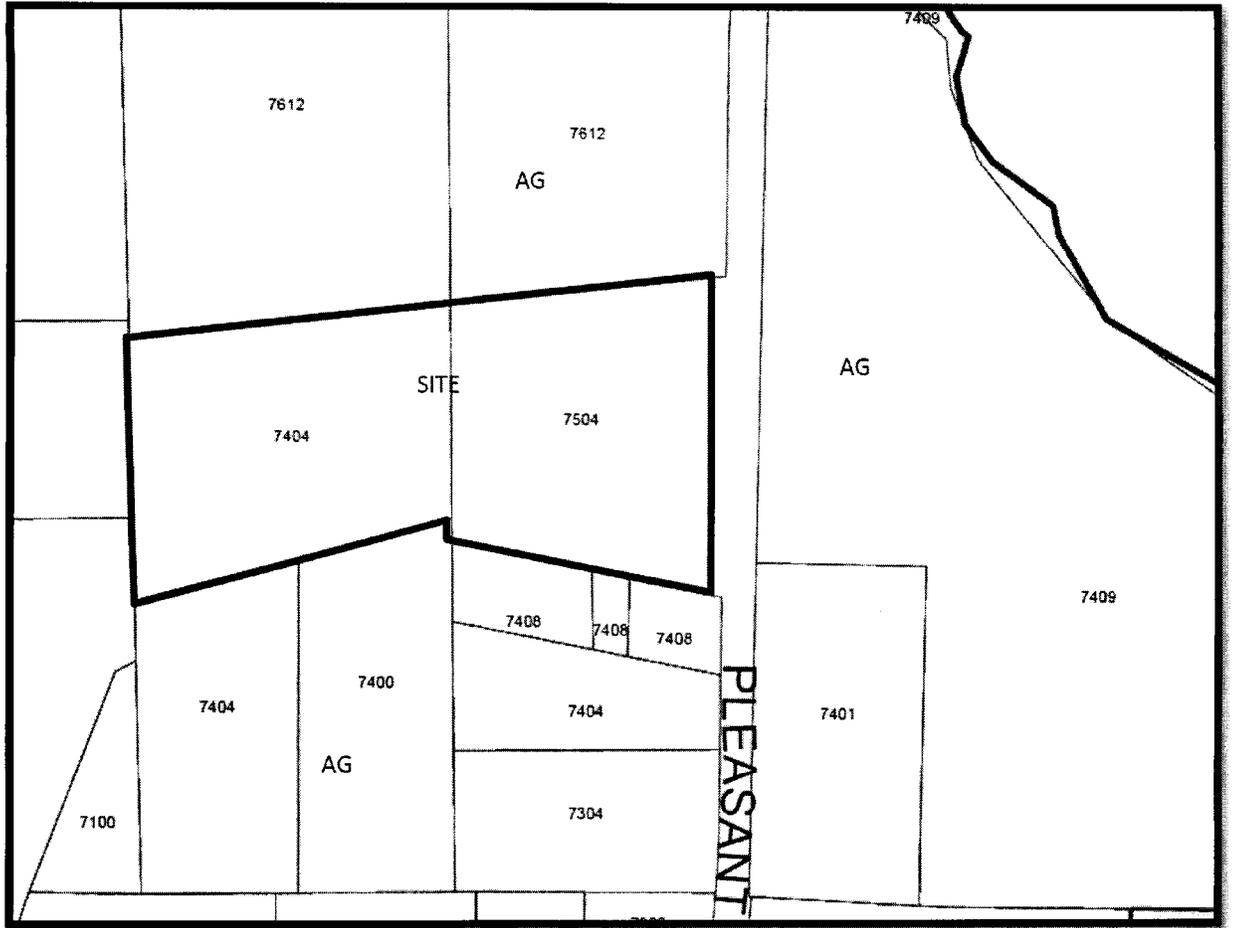


Exhibit B – Legal Description

TRACT 1

BEING all of Lot 1, Block 1, Park Place Estates, as recorded in Volume 388-176, Page 14, Plat Records, Tarrant County, Texas and being 275.081 square feet, or 6.315 acres of land more or less.

TRACT 2

BEING a tract of land situated in the W.E. Crooks Survey, Abstract Number 295, Tarrant County, Texas, and being a portion of that certain tract of land described by deed to Trinity Christian Center of Santa Ana, Inc., as recorded in Volume 9325, Page 1004, County Records, Tarrant County, Texas, and being more particularly described by the metes and bounds as follows:

BEGINNING at a 3/8 inch iron rod found at the northwest corner of said Trinity Christian Center Tract:

THENCE N 84 deg. 38 min. 58 sec. E, 651.64 feet;

THENCE S 00 deg. 43 min. 21 sec. E, 416.52 feet;

THENCE S 75 deg. 43 min. 33 sec. W, 657.74 feet;

THENCE N 01 deg. 50 min. 17 sec. W, 518.16 feet to the **POINT OF BEGINNING**, and containing 301,676 square feet, or 6.926 acres of land more or less.

Total Area= Tract 1 and 2: 13.241 Acres of land more or less.

Exhibit C – Statement of Planning Objectives

STATEMENT OF PLANNING OBJECTIVES

TITAN OPERATING, LLC TCC SUP

PLANNING OBJECTIVE

The purpose of this SUP is to establish a well site, a frac pond, and access road for the drilling, completion, and operating of multiple gas wells within the areas designated by the SUP Site Plan.

WELL SITE LOCATION

The well site location for the Titan TCC wells is identified on the SUP Site Plan. Titan will drill multiple horizontal wells from the proposed well site to develop approximately 1300 acres of Titan leases. The proposed gas development will focus on the Barnett Shale, encountered at subsurface depths at approximately 8,900 feet.

VEHICULAR ACCESS TO THE WELL SITE LOCATION

Vehicular access to the well site will be from SH 26, west on Tinker, north on Pleasant Run Road, to the well site entrance.

The drive approach from Pleasant Run Road will be constructed of concrete. At the entry, a double gate will be recessed into the property to accommodate truck movements from the roadway onto the lease road. Fire access will be provided and the road will be maintained in accordance with all local, state and federal requirements.

DEVELOPMENT PHASING

Titan Operating anticipates the initial construction on the TCC pad site to begin January, 2011. After construction of the pad site Titan anticipates the drilling of 3 wells; each of which will take approximately 30 days. After the initial test Titan anticipates drilling a total of approximately 14 wells off the site over the next 5 to 7 years. All producing wells will be plugged at the end of their economic life. All plugging will be in accordance with applicable Texas Railroad Commission regulations.

ACCESSORY STRUCTURES

Accessory uses for the proposed gas development will include well heads, storage tanks, separation facilities, and other uses necessary and customary to gas development.

During drilling operations, all equipment will be secured by a chain link fence with a secured entrance gate. A reflective sign will be posted at the drill site and operations site identifying the entrance to the site and include the well names and numbers, name of the operator, emergency 911 number, and the telephone numbers for 24 hour emergency contacts.

No refining, except for gas dehydrating and physical phase separation will take place on this site. Temporary diesel fuel tanks, generators, construction trailers, steel mud pits, pipe racks, and drilling rig will be located within the drilling pad site. The drilling rig and associated drilling

Exhibit C – Statement of Planning Objectives (Cont.)

equipment shall be removed from the well site as soon as practical after completion of the well or drilling activities.

WATER CONSUMPTION

Once well permits have been obtained from the Texas Railroad Commission and the road and drill site are constructed, drilling can commence. The drilling of each well will require approximately 420,000 gallons of water over a three (3) week period.

Once a well has been drilled and determined to have the potential for commercial production, the completion process will begin. In order for the Barnett Shale to be commercially productive it must be fracture stimulated. This involves pumping a large amount of water at high pressure into the formation to create a fracture in the rock. A small amount of sand is mixed with the water to hold the fracture open once the procedure is complete. This permits the gas to flow more easily from the rock into the well bore. Each fracture stimulation requires approximately 4.2 million gallons of water. Once the water is in place, the actual stimulation process will take approximately eight (8) hours.

Water for the drilling, as well as the fracture stimulation, will come from a proposed frac pond of approximately 1.4 acres to be constructed by the operator, with water purchased from the City or well water. The water stored in this pond will service multiple wells.

WASTE CONTROL

Water and drilling mud utilized during the drilling of the wells will be initially stored in closed-loop drilling fluid systems located on the pad site. Ultimately, the water and drilling mud will be removed by truck and disposed of in accordance with the requirements of the Texas Railroad Commission.

Produced water from gas production will be stored in 250 – barrel (bbl) tanks within the well site location. The tanks will be located within a secondary containment ring with a non-permeable berm or liner capable of holding one and one-half (1-1/2) times the capacity of the largest tank. Drip pots will be located at pump out connections to contain the liquids from the storage tank. The tanks will also be equipped with a sensing device that will shut off the well should the tank become full. The contents of the tank will be emptied by a commercial operator and disposed of in accordance with the requirements of the Texas Railroad Commission.

FIRE PROTECTION

All fire suppression and prevention equipment required by an applicable federal state or local law will be provided and maintained by the Operator.

All contractors will have portable fire extinguishers at the drill site and fire extinguishers will be located at various locations at the drill site.

The tank battery facility will be equipped with a remote foam line utilizing a two and one-half (2.5) inch National Standard Hose Thread female inlet connection in locations approved by the Fire Department.

A lightning arrestor system will be installed according to the most current edition of the National Electrical Code.

At any gate enclosure, the City Fire Marshal will be provided a knox box with a key for emergency access.

Exhibit C – Statement of Planning Objectives (Cont.)

DRAINAGE

Well-heads, meters, storage tanks, separation facilities, or other post drilling and completion permanent above ground facilities will be located on a drill site that is graded in such a manner to be elevated above the 100-year floodplain. Erosion control shall comply with the erosion control plan approved by the City.

ENVIRONMENTAL

The proposed gas development will be in compliance with all state and federal environmental regulations and will not adversely affect the floodplain, drainage patterns, or water quality.

Damage to public thoroughfares adjacent to this lease area directly caused by the proposed gas development will be restored to city standards, as applicable, as each well is completed. Any damage that poses a safety hazard will be repaired immediately. Any substantial accumulations of dirt, dust, or other debris deposited on public thoroughfares by gas development will be removed. Dust, if significant, will be suppressed by using water or other dust suppressants.

Drilling and production operations shall be conducted in a manner to minimize noise levels. Noise from drilling, completion and rework operations are limited in time from a few days to a few weeks. Noise from drilling activities will not exceed sixty five (65) decibels at any point three hundred (300) feet from the boundary of the drill site. Noise from fracturing operations will not exceed eighty five (85) decibels at any point three hundred (300) feet from the boundary of the drill site. Noise from the operation site will not exceed fifty five (55) decibels beyond the boundaries shown on the associated site plan.

Lighting will be shielded and directional toward the well site so that it will not disturb, be a nuisance, or safety hazard to adjacent properties, residential areas, or public thoroughfares.

SCREENING

Per City ordinance, the equipment on the operation site will be screened from public view by a combination of screening shrubs that will be installed completely around the well site and the required screen fence. Irrigation will be installed as necessary. All plant material will be kept in an attractive state and in good condition.

Exhibit C – Statement of Planning Objectives (Cont.)

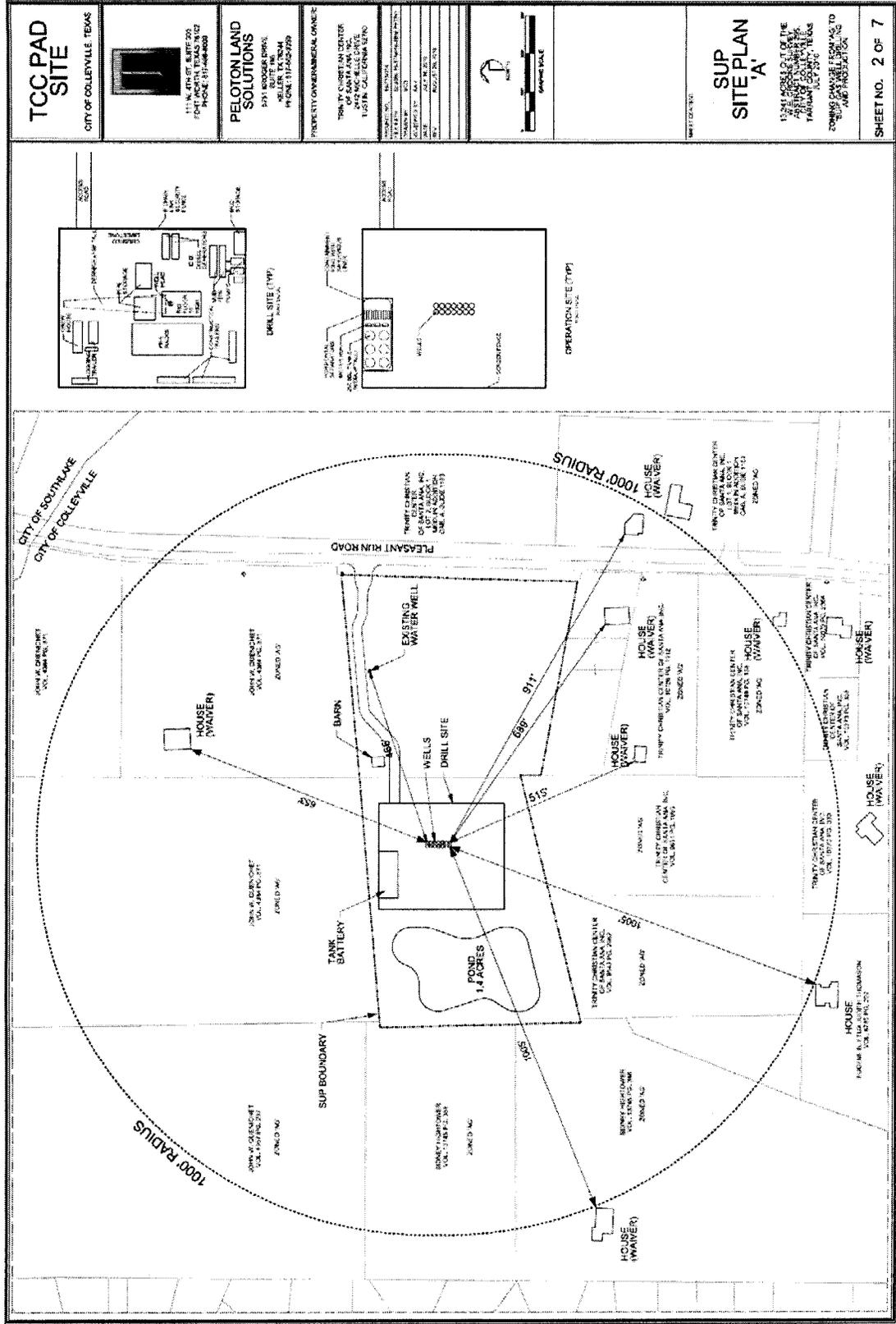
DEVELOPMENT SCHEDULE

Titan Operating anticipates the initial construction on the TCC pad site to begin the 4th quarter of 2010. After construction of the pad site Titan anticipates the drilling of 2 to 4 wells; each of which will take approximately 30 days. After the initial test Titan anticipates drilling a total of approximately 14 wells off the site over the next 5 to 7 years.

ECONOMIC DEVELOPMENT INFORMATION

Titan Operating has spent approximately \$108,300,000 in lease bonus dollars in the City of Colleyville to date. Titan has also donated approximately \$300,000 to local charities. Titan estimates that a typical well drilled off the pad site will generate approximately \$230,000 per well in ad valorem taxes for the city over a 15 year period.

Exhibit D – Site Plan A



TCC PAD SITE
CITY OF COLLEVILLE, TEXAS

11111 W. 111th St.
Overland Park, KS 66211
Phone: 913-491-8800

PELTON LAND SOLUTIONS
524 S. 10th St.
Overland Park, KS 66211
Phone: 913-491-8800

PROPERTY OWNER/LEGAL OWNER:
TRUMP CHRYSLER CENTER OF SANTA ANA, INC.
10077 S. 200th St.
Santa Ana, CA 92705
Phone: 949-266-2279

PROJECT NO.: 2023-001
DATE: 07/10/2023
SCALE: AS SHOWN



DATE: 07/10/2023

SUP SITE PLAN 'A'
11111 W. 111th St.
Overland Park, KS 66211
Phone: 913-491-8800
ZONING COMMISSION FOR AGING TO 65+ AND PROTECTION

SHEET NO. 2 OF 7

Exhibit F – Landscape Plan

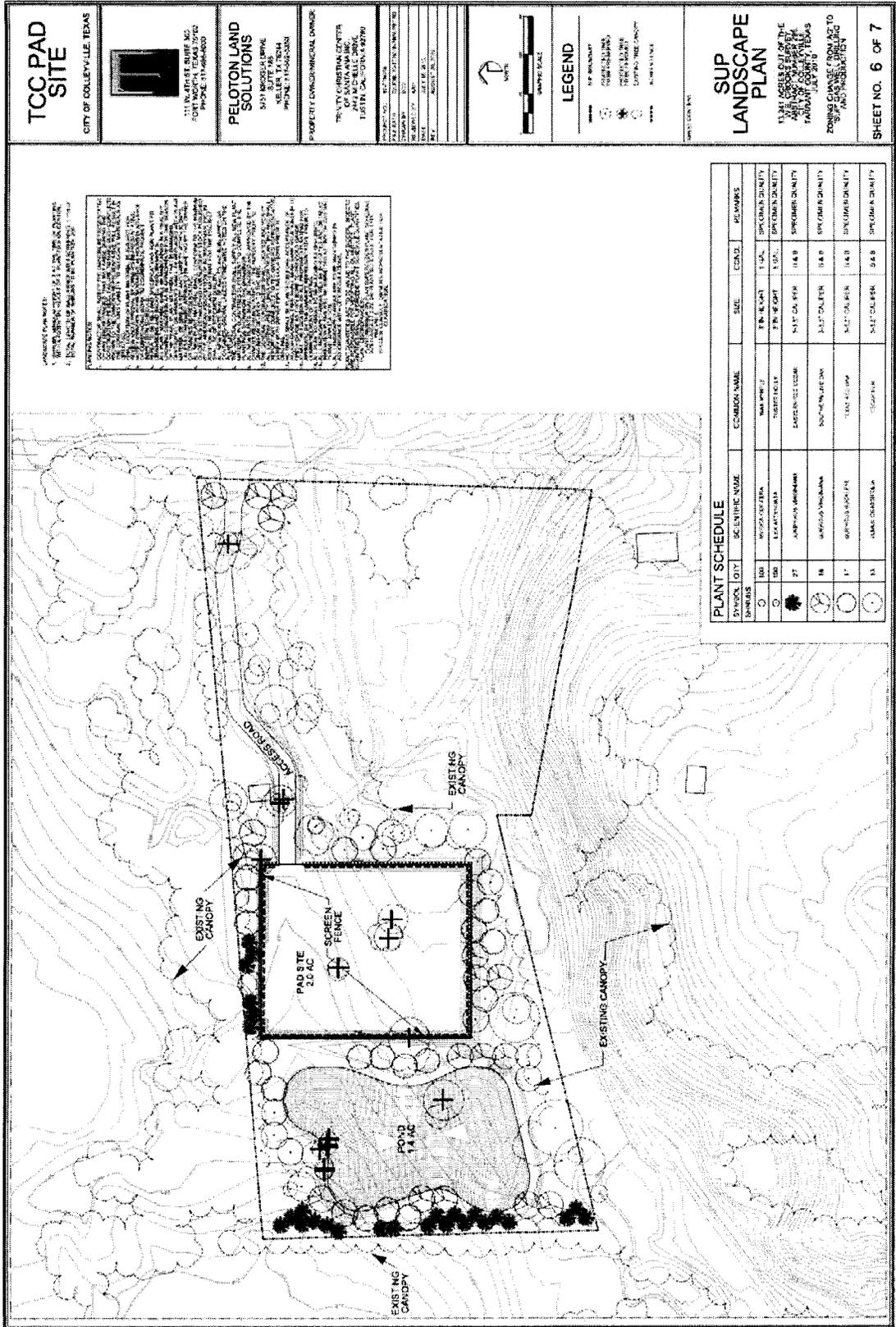


Exhibit G – Grading and Erosion Control Plan

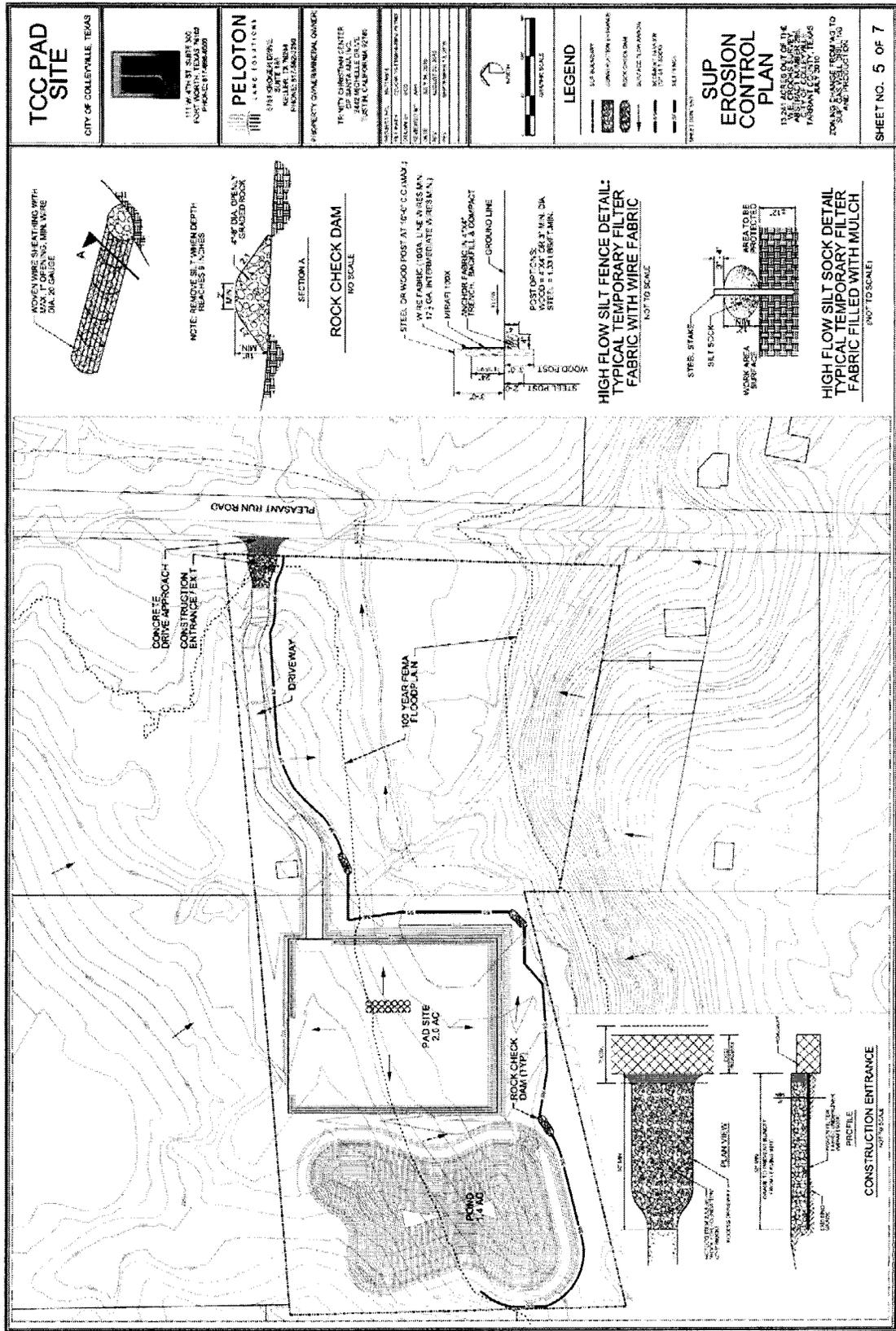


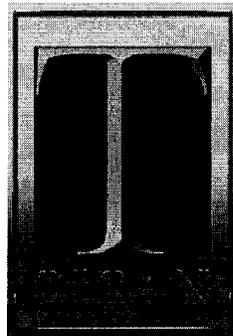
Exhibit H – Emission Control Plan

BREITLING CONSULTING, LLC
IN COOPERATION WITH PELOTON LAND SOLUTIONS, LLLP

EMISSION REDUCTION / CONTROL PLAN

**TCC WELL PAD
COLLEYVILLE, TARRANT COUNTY, TEXAS**

PREPARED FOR:



**TITAN OPERATING, LLC.
111 W. 4TH STREET, SUITE 300
FORT WORTH, TEXAS 76102-3951**

9/29/2010

P.O. BOX 969 BURLESON, TEXAS 76097 · 817-680-6956 · WWW.BREITLINGCONSULTING.COM

Exhibit H – Emission Control Plan (Cont.)

Facility

Trinity Christian Center (TCC) Well Pad
Colleyville, Tarrant County, Texas

Operator

Titan Operating, LLC. (Titan)
111 W. 4th Street, Suite 300
Fort Worth, Texas 76102-3951

Well #1-H - 3H
Latitude: 32.916991
Longitude: -97.160009

Production Phase Equipment - assuming 3 wells

- 6 Produced Water Tanks-250 bbl capacity
- 1 Mobile Frac Tank-500 bbl capacity
- 3 Horizontal Separators

1.0 Best Management Practices

Emissions sources at the TCC Well Pad include the equipment listed in *Section 1.0* as well as fugitive components. The following Best Management Practices (BMPs) will be implemented in order to minimize emissions to a level that is technically feasible and economically reasonable. Every practical effort will be made to monitor equipment for leaks, implement reliable pollution prevention work practices, and reduce emissions.

Operations

- Operate all equipment with the potential to emit air contaminants at least 50 feet from the nearest property line or the nearest receptor (whichever is closer), excluding any valve that is used for isolation and or safety purposes.
- Each open-ended valve or line will be equipped with a cap, blind flange, plug, or a second valve to seal the line so that no leakage of emissions occurs unless otherwise required to maintain safe operations in a vessel or pipeline.
- Tank hatches, not designed to be completely sealed, will remain closed (but not completely sealed in order to maintain safe design functionality) except for sampling or planned maintenance activities.
- The site will be visited daily by operations personnel who will conduct visual equipment checks.
- The site will be equipped with a remotely monitored alarm system that will automatically shutdown key equipment if significant leaks or operational problems occur.
- All equipment with the potential to emit air contaminants will be maintained in good working order and operated properly.
- All seals and gaskets will be installed, checked, and properly maintained to prevent leaking.

Maintenance

Exhibit H – Emission Control Plan (Cont.)

- A program to replace, repair, and/or maintain equipment to keep them in good working order will be established and maintained, including: (1) manufacturer's specifications and recommended programs applicable to equipment performance and effect on emissions; (2) cleaning and inspection of all equipment; and (3) replacement and repair of equipment on schedules which prevent equipment failures and maintain performance.
- During planned downtime of any capture, recovery, or control device, gas streams will be redirected to another control or recovery device.
- Every reasonable effort will be made to repair a leaking component. Initial action will be to isolate the leaking component and conduct the repair within 48 hours. If the leaking component cannot be isolated or the repair cannot be made within 48 hours, then the well will be shut in until repairs can be made. If the repair of a component would require a unit shutdown, which would create more emissions than the repair would eliminate, the repair will be delayed until the next planned shutdown.
- To the extent that good engineering practices will permit, new and reworked valves and piping connections will be located in a place that is reasonably accessible for leak checking during well operations.

Voluntary Leak Detection and Repair (LDAR) Program

- All fugitive components will be inspected by audio, visual, and olfactory (AVO) observation, at intervals not exceeding 15 months, but at least once each calendar year. Such inspections will also include monitoring for leaking components using either (1) the EPA Test Method 21 using a portable analyzer set at 10,000 ppmv leak detection limit or (2) the Alternative Work Practice for monitoring equipment for leaks found in 40 CFR §60.18(g)-(i) using an optical gas imaging instrument with a detection sensitivity level of no greater than 60 grams per hour.
- Damaged or leaking valves, connectors, pumps, compressors, and agitator seals found to be emitting VOCs in excess of 10,000 ppmv as determined using a portable analyzer, found by AVO inspection to be leaking (e.g., dripping process fluids), or found leaking using the AWP will be tagged and replaced or repaired.

EXHIBIT I - PLANNED PIPELINE ROUTE

