

STATE OF TEXAS )  
 )  
COUNTY OF ECTOR )

AN ORDER

CREATING A JOINT AIRPORT ZONING BOARD TO BE KNOWN AS THE ECTOR COUNTY - ODESSA JOINT AIRPORT ZONING BOARD AND INVESTING SUCH JOINT BOARD WITH THE POWERS SUCH BOARDS ARE AUTHORIZED TO EXERCISE UNDER THE PROVISIONS OF THE AIRPORT ZONING ACT, AS AMENDED, TEX. REV. CIV. STAT. ANN., ARTICLE 46e-1, et seq.

BE IT ORDERED BY THE COMMISSIONERS' COURT OF ECTOR COUNTY, TEXAS:

Section 1. Subject of like provisions being made by the City Council of the City of Odessa, Texas, by proper ordinance, duly promulgated and entered on its minutes and as authorized by the provisions of the Airport Zoning Act, as amended, Tex. Rev. Civ. Stat. Ann., Article 46e-1, et seq., there is hereby created a joint airport zoning board, to be known as the Ector County - Odessa Joint Airport Zoning Board, which shall have the powers and exercise the duties set forth in art. 46e-2 and 3, V.A.C.S.

Section 2. The Ector County - Odessa Joint Airport Zoning Board shall be composed of five (5) members, two to be appointed by the Commissioner's Court of Ector County, Texas, and two members to be appointed by the City Council of the City of Odessa, Texas. The fifth member shall be elected by a majority of the members so appointed and said fifth member shall serve as Chairman of the said Ector County - Odessa Joint Airport Zoning Board.

Section 3. Jack Milam and Richard Gitchell are hereby appointed as the County's members on said Ector County - Odessa Joint Airport Zoning Board.

PASSED this 23rd day of June, 19 86, at a regular meeting of the Commissioners' Court of Ector County, Texas.

ATTEST:

Laurie W. G.  
County Clerk  
Ector County, Texas

San Lister  
County Judge, Ector County, Texas

W. H. Galt  
Commissioner Precinct #1

Bryan Henderson  
Commissioner Precinct #2

Herbert Cowen  
Commissioner Precinct #3

W. H. Galt  
Commissioner Precinct #4

ORDINANCE NO. 86- 43

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, PROVIDING FOR THE CREATION OF A JOINT AIRPORT ZONING BOARD, TO BE KNOWN AS THE ECTOR COUNTY-ODESSA JOINT AIRPORT ZONING BOARD; APPOINTING TWO MEMBERS TO SERVE ON THE BOARD; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Odessa is authorized by the provisions of the Airport Zoning Act, as amended, Tex. Rev. Civ. Stat. Ann., Article 46e-1, et seq., to create a Joint Airport Zoning Board to adopt, administer and enforce airport zoning regulations applicable to airport hazard areas in the City and County; and

WHEREAS, the County Commissioners of Ector County, Texas, on the 23rd day of June, 1986, did enact an order creating a joint airport zoning board; and,

WHEREAS, their order was expressly made subject to a like provision being enacted by the City Council of the City of Odessa, Texas; and,

WHEREAS, the creation of such a joint airport zoning board is in the public interest of the citizens of the City of Odessa, Texas;

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

Section 1. That Section 2-35.1 of City Code of the City of Odessa, Texas, is hereby ratified and approved and there is hereby created an Ector County-Odessa Joint Airport Zoning Board, as authorized by the "Airport Zoning Act" Article 46e-1, T.R.C.S.

Section 2. That the Ector County-Odessa Joint Airport Zoning Board shall have the powers and exercise the duties set forth in Article 46e-2 and 3, et seq., V.A.C.S., known as the "Airport Zoning Act."

Section 3. That the Council hereby appoints Judy Miller and Vern Foreman as its two members to the Board, and with the two members of the Commissioners Court, they shall elect a fifth member of the board by majority vote, to serve as Chairman of said Board.

Section 4. That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other than the part so declared to be invalid.

Section 5. Because of the need to immediately control the conditions prohibited by this ordinance and because of the public health and welfare, this is declared to be an emergency measure, suspending the rule requiring two separate readings and making effective at the time of adoption.

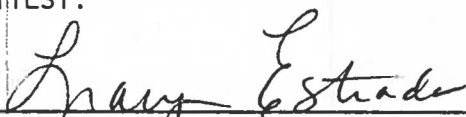
The foregoing ordinance was read and adopted on the 8th day of July, A.D., 1986, by the following vote:

J.L. Barnett	<u>Aye</u>
Sherman Cox	<u>Aye</u>
Vern Foreman	<u>Aye</u>
Melissa Hirsch	<u>Aye</u>
Jaime Rodriguez	<u>Aye</u>

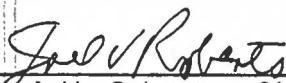
Approved the 8th day of July, A.D., 1986.

  
\_\_\_\_\_  
Don Carter, Mayor

ATTEST:

  
\_\_\_\_\_  
~~Cindy Weir~~, Deputy City Secretary  
Mary Estrada

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Joel V. Roberts, City Attorney

OATH OF OFFICE

WE DO SOLEMNLY SWEAR, THAT WE WILL FAITHFULLY EXECUTE THE DUTIES OF THE OFFICE OF MEMBER OF THE ECTOR COUNTY - ODESSA JOINT AIRPORT ZONING BOARD OF THE COUNTY OF ECTOR AND CITY OF ODESSA, TEXAS, AND WILL TO THE BEST OF OUR ABILITY PRESERVE, PROTECT, AND DEFEND THE CONSTITUTION AND LAWS OF THE UNITED STATES AND OF THIS STATE: AND WE FURTHERMORE SOLEMNLY SWEAR, THAT WE HAVE NOT DIRECTLY NOR INDIRECTLY PAID, OFFERED OR PROMISED TO PAY, CONTRIBUTED, NOR PROMISED TO CONTRIBUTE ANY MONEY OR VALUABLE THING, OR PROMISED ANY PUBLIC OFFICE OR EMPLOYMENT, AS A REWARD FOR THE GIVING OR WITHHOLDING A VOTE AT THE TIME OF OUR APPOINTMENT. SO HELP US GOD.

L Vern Foreman  
Judy Miller  
Jack Smilan  
Edgar Poff  
Edward J. Smith

Subscribed and sworn to before me, this 18<sup>th</sup> day of July, 1986.

Lucille Wolz

Lucille Wolz, County Clerk  
Ector County, Texas

I, Lucille Wolz, County Clerk of Ector County, Texas, hereby certify that this is a true and correct copy of the oath of office of the above as executed before me.

Lucille Wolz

Lucille Wolz, County Clerk  
Ector County, Texas


ECTOR COUNTY - ODESSA  
JOINT AIRPORT ZONING BOARD

ELECTION OF MEMBER-CHAIRMAN

We the undersigned, majority of the representatives of the County Commissioners of Ector County, Texas, and of the City Council of the City of Odessa, Texas, having been heretofore duly appointed as Members of the Ector County - Odessa Joint Airport Zoning Board by said bodies and having qualified as Members of such Board by acceptance of such appointments and duly taking and subscribing the oaths of the office, do hereby, in regular and open meeting, elect William R. Page as the additional Member-Chairman of such Board, as authorized and provided by the Airport Zoning Act of Texas.

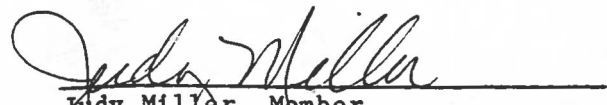
Such Member-Chairman, after taking and subscribing the constitutional and statutory oaths of office, shall have and exercise all the duties and powers prescribed by law in such cases made and provided.

Dated at Odessa, Texas, this the 18<sup>th</sup> day of July, 1986.

  
Vern Foreman, Member

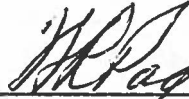
  
Richard Gitchell, Member

  
Jack Milam, Member

  
Judy Miller, Member

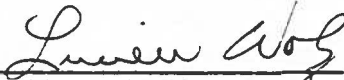
OATH OF OFFICE

I DO SOLEMNLY SWEAR THAT I WILL FAITHFULLY EXECUTE THE DUTIES OF THE OFFICE OF CHAIRMAN OF THE ECTOR COUNTY - ODESSA JOINT AIRPORT ZONING BOARD OF THE COUNTY OF ECTOR AND CITY OF ODESSA, TEXAS, AND WILL TO THE BEST OF MY ABILITY PRESERVE, PROTECT, AND DEFEND THE CONSTITUTION AND LAWS OF THE UNITED STATES AND OF THIS STATE: AND I FURTHERMORE SOLEMNLY SWEAR THAT I HAVE NOT DIRECTLY NOR INDIRECTLY PAID, OFFERED, OR PROMISED TO PAY, CONTRIBUTED, NOR PROMISED TO CONTRIBUTE ANY MONEY, OR VALUABLE THING, OR PROMISED ANY PUBLIC OFFICE OR EMPLOYMENT AS A REWARD FOR THE GIVING OR WITHHOLDING A VOTE AT THE TIME OF MY APPOINTMENT. SO HELP ME GOD.



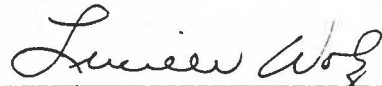
William R. Page, Member-Chairman

Subscribed and sworn to before me this 18<sup>th</sup> day of July, 1986.



Lucille Wolz, County Clerk  
Ector County, Texas

I, Lucille Wolz, County Clerk of Ector County, Texas hereby certify that this is a true and correct copy of the oath of office of the above as executed before me.



Lucille Wolz, County Clerk  
Ector County, Texas

ECTOR COUNTY - ODESSA  
JOINT AIRPORT ZONING BOARD

O R D E R

WHEREAS, by Order of the Commissioners' Court of Ector County, Texas, on the 23rd day of June, 1986, said Commissioners' Court did establish this Joint Airport Zoning Board, investing it with the powers such Boards are authorized to exercise under the provisions of the Airport Zoning Act, as amended, Tex. Rev. Civ. Stat. Ann., Article 46e-1, et seq, subject to like provisions being made by the City Council of the City of Odessa, Texas, which said Order is spread on the minutes of said Commissioners' Court of Ector County, Texas; and

WHEREAS, by Ordinance of the City Council of the City of Odessa, Texas, dated the 8th day of July, 1986, said City Council did likewise make provisions for and establish this Joint Airport Zoning Board investing such board with the powers such boards are authorized to exercise under the provisions of art. 46e-1, et seq, V.A.C.S.; and

WHEREAS, the Commissioners' Court of Ector County, Texas, has appointed as members of this Joint Airport Zoning Board Richard Gitchell and Jack Milam, and the City Council of the City of Odessa, Texas, has appointed as members Vern Foreman and Judy Miller which said four (4) members have appointed as Chairman of said Board William R. Page, all as authorized by said Order and Ordinance referred to, and said Ector County - Odessa Joint Airport Zoning Board has organized itself and is ready to transact business; and

WHEREAS, it appears to the Ector County - Odessa Joint Airport Zoning Board that art. 46e-1, et seq, V.A.C.S., requires that this Joint Airport Zoning Board appoint an Airport Zoning Commission to recommend the boundaries of airport hazard areas and zones, as those terms are defined in said art. 46e-1, et seq, V.A.C.S., and to recommend airport zoning regulations to be adopted for such airport hazard areas;

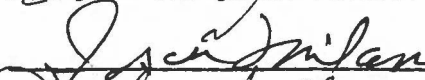
IT IS THEREFORE ORDERED, and there is hereby appointed as Airport Zoning Commission composed of the following members, to-wit: Don Trekell, Chairman, Steve A. Dennis and James R. Hurt; which said members of such Commission shall have and exercise the powers and duties prescribed in art. 46e-5, V.A.C.S.;

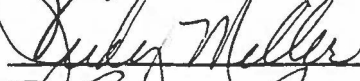
IT IS FURTHER ORDERED that said Airport Zoning Commission shall make a preliminary report and hold a public hearing thereon before submitting its final report to this Board; thereafter, said Airport Zoning Commission shall submit its final report to this Board recommending boundaries of the various zones of airport hazard areas and the regulations to be adopted therefore, pursuant to the provisions of art. 46e-1, et seq, V.A.C.S.

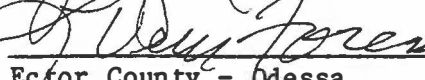
PASSED this 18<sup>th</sup> day of July, 1986.

  
Chairman










Ector County - Odessa  
Joint Airport Zoning Board

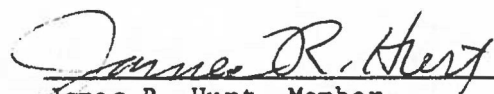
ODESSA - SCHLEMEYER FIELD  
AIRPORT ZONING COMMISSION

OATH OF OFFICE

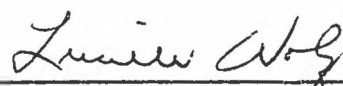
WE DO SOLEMNLY SWEAR THAT WE WILL FAITHFULLY EXECUTE THE DUTIES OF THE OFFICE OF MEMBER OF THE AIRPORT ZONING COMMISSION APPOINTED BY THE ECTOR COUNTY - ODESSA JOINT AIRPORT ZONING BOARD OF THE COUNTY OF ECTOR AND THE CITY OF ODESSA, TEXAS, AND WILL TO THE BEST OF OUR ABILITY PRESERVE, PROTECT AND DEFEND THE CONSTITUTION AND LAWS OF THE UNITED STATES AND OF THIS STATE: AND WE FURTHERMORE SOLEMNLY SWEAR THAT WE HAVE NOT DIRECTLY NOR INDIRECTLY PAID, OFFERED, OR PROMISED TO PAY, CONTRIBUTED, NOR PROMISED TO CONTRIBUTE ANY MONEY, OR VALUABLE THING, OR PROMISED ANY PUBLIC OFFICE OR EMPLOYMENT AS A REWARD FOR THE GIVING OR WITHHOLDING A VOTE AT THE TIME OF OUR APPOINTMENT. SO HELP US GOD.

  
Don Trekell, Chairman

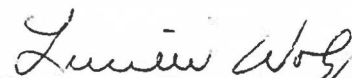
  
Steve A. Dennis, Member

  
James R. Hurt, Member

Subscribed and sworn to before me this 23<sup>rd</sup> day of July, 1986.

  
Lucille Wolz, County Clerk  
Ector County, Texas

I, Lucille Wolz, County Clerk of Ector County, Texas, hereby certify that this is a true and correct copy of the oath of office of the above executed before me.

  
Lucille Wolz, County Clerk  
Ector County, Texas



PRELIMINARY REPORT OF ODESSA-SCHLEMEYER FIELD  
AIRPORT ZONING COMMISSION

The Odessa-Schlemeyer Field Airport Zoning Commission, having heretofore been appointed by the Ector County - Odessa Joint Airport Zoning Board on July 18, 1986, does hereby make a preliminary report of such Commission to the Ector County - Odessa Joint Airport Zoning Board.

The Commission has considered a zoning map and accompanying documents of the Texas Aeronautics Commission, Austin, Texas, such map dated June 4, 1986, and after examining such documents, does hereby adopt the plan of zoning as in such set out. The Commission will publish a notice in the Odessa American, Odessa, Texas, in the issue of August 1, 1986, advising all interested parties that a public hearing will be held at 10 a.m. on August 18, 1986, in the Commissioners' Courtroom, Ector County Courthouse, Odessa, Texas, to consider the proposed zoning plan.

The Commission will conduct such hearing and make a final report thereafter to the Ector County - Odessa Joint Airport Zoning Board.

Signed at Odessa, Texas, this 24<sup>th</sup> day of July, 1986.

Don Labell, Chairman  
James R. Kurt, Member  
Steve A. Dennis, Member  
Odessa-Schlemeyer Field  
Airport Zoning Commission

NOTICE OF HEARING ON AIRPORT ZONING

IN AREA SURROUNDING

ODESSA-SCHLEMEYER FIELD AIRPORT

Notice is hereby given that Odessa-Schlemeyer Field Airport Zoning Commission, previously appointed by the Ector County - Odessa Joint Airport Zoning Board, will conduct a public hearing relative to the adoption of airport zoning regulations in the area surrounding the Odessa-Schlemeyer Field Airport, Odessa, Texas. Details regarding the proposed regulations may be obtained by contacting the office of the County Clerk, Ector County, Texas. The proposed regulations are those set out in that certain map dated June 4, 1986, and accompanying documents prepared by the Texas Aeronautics Commission, Austin, Texas, which documents may be examined at the office of the County Clerk.

This public hearing will be held at 10:00 a.m. on the 18th day of August, 1986, in the Commissioners' Courtroom, Second Floor of the Ector County Courthouse in Odessa, Texas. All interested parties should be present to bring up any questions or objections they may have to such proposed regulations.

Notice of this hearing is being published in The Odessa American, Odessa, Texas, in the issue of August 1, 1986, which is a length of time more than fifteen (15) days prior to the date set for the public hearing.

Signed at Odessa, Texas, this the 24<sup>th</sup> day of July, 1986.

Odessa-Schlemeyer Field  
Airport Zoning Commission

Dan Tubell, Chairman  
James R. Hurt, Member  
Steve A. Dennis, Member

POSTED in the County Courthouse  
of the County of Ector, Texas,  
and in the City Hall of the City  
of Odessa, Texas, on the 31st  
day of July, 1986, at 12:00 noon  
and 1:25 P.M., respectively.

THE STATE OF TEXAS

COUNTY OF ECTOR

NOTICE OF HEARING ON PRELIMINARY REPORT OF AIRPORT ZONING  
COMMISSION OF THE ODESSA-SCHLEMEYER FIELD AIRPORT,  
ODESSA, TEXAS

Notice is hereby given that the Airport Zoning Commission of the Odessa-Schlemeyer Field Airport at Odessa, Texas, has filed with the Ector County - Odessa Joint Airport Zoning Board of the Odessa-Schlemeyer Field Airport, Odessa, Texas, a preliminary report and recommendations of the boundaries of the hazard areas and the various zones to be established and the regulations to be adopted therefore appertaining to Odessa-Schlemeyer Field Airport as provided by provisions of art. 46e-5, V.A.C.S.

Notice is further given that a public hearing will be held thereon at the hour of 10:00a.m. on the 18th day of August, 1986, in the Commissioners' Courtroom, Second Floor of the Ector County Courthouse, Odessa, Texas. At such time and place parties in interest and citizens shall have the opportunity to be present and to be heard.

Notice is further given that the preliminary report, together with all maps, plats and regulations recommended for adoption may be examined in the office of the County Clerk, Ector County, Odessa, Texas.

Odessa-Schlemeyer Field  
Airport Zoning Commission

By:   
ekell, Chairman

ATTEST:



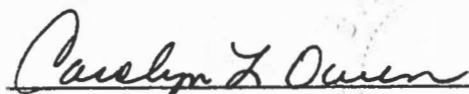
AFFIDAVIT

PROOF OF PUBLICATION OF NOTICE OF HEARING ON PRELIMINARY REPORT OF AIRPORT  
ZONING COMMISSION OF THE ODESSA-SCHLEMEYER FIELD AIRPORT, ODESSA, TEXAS

THE STATE OF TEXAS

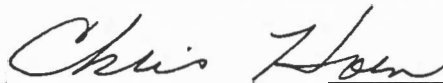
COUNTY OF ECTOR

BEFORE ME, the undersigned authority, on this day personally appeared Carolyn L. Owen, known to me to be this person, and being by me duly sworn, stated to me on his oath that the attached copy or printed notice is a true and correct copy of an original notice which was published in the issue of the newspaper known as The Odessa American, bearing as its date the 1st day of August, 1986; that such newspaper was on such date and all during and preceeding twelve months prior to such date a newspaper of general circulation in the County in which the proceedings mentioned in such notice were, and still are, pending; that a copy of such notice as so published on such date is attached hereto; that such issue of such newspaper was so published in Ector County, Texas, and that the affiant is the publisher of such newspaper and knows that what is stated in this affidavit is true; that such notice was published as provided in art. 46e-5, V.A.C.S., for the service of notice by publication; that such newspaper was and is one printed in the County where the proceeding mentioned in such notice is pending; and further that the proper charge of such publisher for such publication is \$ 37.13.



Carolyn L. Owen, Business Manager

SUBSCRIBED AND SWORN TO BEFORE ME by the said Carolyn L. Owen, this 1st day of August, 19 86, to certify which witness my hand and seal of office.



Notary Public in and for Ector  
County, Texas

**LEGAL NOTICE**

TO BE PUBLISHED FRIDAY,  
AUGUST 1, 1986  
NOTICE OF HEARING ON  
PRELIMINARY REPORT OF  
AIRPORT ZONING COMMISSION OF THE ODESSA-SCHLEMEYER FIELD AIRPORT, ODESSA, TEXAS  
Notice is hereby given that the Airport Zoning Commission of the Odessa-Schlemeyer Field Airport at Odessa, Texas, has filed with the Ector County Odessa Joint Airport Zoning Board of the Odessa-Schlemeyer Field Airport, Odessa, Texas, a preliminary report and recommendations of the boundaries of the hazard areas and the various zones to be established and the regulations to be adopted therefore appertaining to Odessa-Schlemeyer Field Airport as provided by provisions of Art. 46E-5, V.A.C.S.  
Notice is further given that a public hearing will be held thereon at the hour of 10:00 a.m. on the 18th day of August, 1986, in the Commissioners Courtroom, Second Floor of the Ector County Courthouse, Odessa, Texas. At such time and place parties in interest and citizens shall have the opportunity to be present and to be heard.  
Notice is further given that the preliminary report, together with all maps, plats and regulations recommended for adoption may be examined in the office of the County Clerk, Ector County, Odessa, Texas.  
Odessa-Schlemeyer Field Airport Zoning Commission

FINAL REPORT OF  
ODESSA-SCHLEMEYER FIELD AIRPORT ZONING COMMISSION TO  
ECTOR COUNTY - ODESSA JOINT AIRPORT ZONING BOARD

The Odessa-Schlemeyer Field Airport Zoning Commission, heretofore appointed by the Ector County - Odessa Joint Airport Zoning Board on July 18, 1986, submits to said Ector County - Odessa Joint Airport Zoning Board a final report of activities after having completed the following details.

The Odessa-Schlemeyer Field Airport Zoning Commission submitted a preliminary report to the Board on July 24, 1986, issued a notice on July 31, 1986, to all interested persons of plans for airport zoning, published such notice in The Odessa American, Odessa, Texas, in the issue of August 1, 1986, and held a public hearing in compliance with such notice on August 18, 1986.

The following Airport Zoning Commission members were present: Don Trekell, Chairman, and Steve A. Dennis, Member.

After having heard all evidence offered in favor of adopting the zoning plan as set out in the map dated June 4, 1986, prepared by the Texas Aeronautics Commission, Austin, Texas, and after having heard all others present in support of and against the adoption of the zoning plan as set out, the Odessa-Schlemeyer Field Airport Zoning Commission finds that the plan set out on the map of June 4, 1986, prepared by the Texas Aeronautics Commission, Austin, Texas, is necessary to the proper use of the Odessa-Schlemeyer Field Airport and is practical for such purposes. It is therefore recommended to the Ector County - Odessa Joint Airport Zoning Board that such plan be adopted.

Signed at Odessa, Texas, this 26<sup>th</sup> day of August, 1986.

Odessa-Schlemeyer Field  
Airport Zoning Commission

Don Trekell  
Chairman

Steve A. Dennis

James R. Hurt

O R D E R

OF THE

ECTOR COUNTY - ODESSA  
JOINT AIRPORT ZONING BOARD

WHEREAS, pursuant to the Order of the Ector County - Odessa Joint Airport Zoning Board dated July 18, 1986, there was created an Airport Zoning Commission for this City and County, which said Airport Zoning Commission did on the 24th day of July, 1986, make its preliminary report relative to the adoption of airport zoning regulations by the Ector County - Odessa Joint Airport Zoning Board and on the 26th day of August, 1986, said Zoning Commission made its final report to said Zoning Board for the purpose authorized by art. 46e-1, et seq., V.A.C.S.; and

WHEREAS, it appears to this Board that art. 46e-1, et seq., V.A.C.S., requires that this Board hold a public hearing on said final report of the Airport Zoning Commission at which hearing parties in interest and citizens shall have an opportunity to be heard regarding the airport zoning regulations proposed to be adopted for airport hazard areas in this County and City;

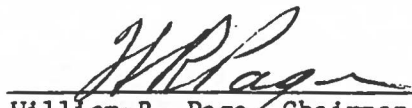
IT IS THEREFORE ORDERED that, pursuant to the provisions of art. 46e-5, V.A.C.S., notice is hereby given that a public hearing will be held before this Board on September 15, 1986, in Room 215, County Courtroom, Second Floor of the Ector County Courthouse in Odessa, Texas, at 8:30 A.M., for the purpose of hearing all parties in interest and citizens who desire to be heard on the final report of the Airport Zoning Commission proposing airport zoning regulations to be adopted by this board prescribing regulations covering airport hazard areas in this County and City.

IT IS FURTHER ORDERED that this notice be published in The Odessa American, a newspaper of general circulation in this County and City.

DATED this 27<sup>th</sup> day of August, 1986.

ECTOR COUNTY - ODESSA  
JOINT AIRPORT ZONING BOARD

POSTED in the County Courthouse  
of the County of Ector, Texas,  
and in the City Hall of the City  
of Odessa, Texas, on the 29th  
day of August, 1986, at 9:55 A.M.  
and 4:35 P.M., respectively.

  
William R. Page, Chairman

  
Vern Foreman, Member

  
Richard Gitcheell, Member

  
Jay

  
Judy Miller, Member

O R D E R

NOTICE OF HEARING BY

ECTOR COUNTY - ODESSA  
JOINT AIRPORT ZONING BOARD

STATE OF TEXAS

COUNTY OF ECTOR

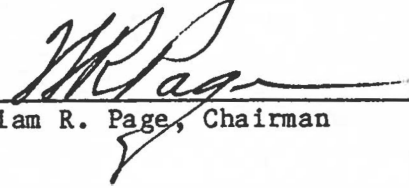
WHEREAS, pursuant to the Order of the Ector County - Odessa Joint Airport Zoning Board dated July 18, 1986, there was created an Airport Zoning Commission for this County and City, which said Airport Zoning Commission did on the 24th day of July, 1986, make its preliminary report relative to the adoption of airport zoning regulations by the Ector County - Odessa Joint Airport Zoning Board and on the 26th day of August, 1986, said Airport Zoning Commission made its final report to said Joint Airport Zoning Board for the purpose authorized by art. 46e-1, et seq, V.A.C.S.; and

Pursuant to the provisions of art. 46e-5, V.A.C.S., notice is hereby given that a public hearing will be held before this Board on September 15, 1986, in Room 215, County Courtroom, Second Floor of the Ector County Courthouse in Odessa, Texas, at 8:30 A.M., for the purpose of hearing all parties in interest and citizens who desire to be heard on the final report of the Airport Zoning Commission proposing airport zoning regulations to be adopted by this Joint Board prescribing regulations covering hazard areas in this County and City.

DATED this 27<sup>th</sup> day of August, 1986.

Ector County - Odessa Joint  
Airport Zoning Board

By: \_\_\_\_\_

  
William R. Page, Chairman

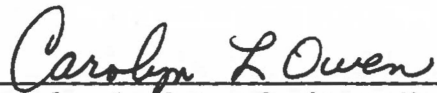
A F F I D A V I T

PROOF OF PUBLICATION OF NOTICE OF HEARING BY  
ECTOR COUNTY - ODESSA  
JOINT AIRPORT ZONING BOARD

THE STATE OF TEXAS

COUNTY OF ECTOR


BEFORE ME, the undersigned authority, on this day personally appeared Carolyn L. Owen, known to me to be this person, and being by me duly sworn, stated to me on his oath that the attached copy of printed notice is a true and correct copy of an original notice which was published in the issue of the newspaper known as The Odessa American, Odessa, Texas, bearing as its date the 30th day of August, 1986; that such a newspaper was on such date and all during and preceeding twelve months prior to such date a newspaper of general circulation in the County in which the proceedings mentioned in such notice were, and still are, pending; that a copy of such notice as so published on such date is attached hereto; that such issue of such newspaper was so published in Ector County, Texas, and that the affiant is the publisher of such newspaper and knows that what is stated in this affidavit is true; that such notice was published as provided in art. 46e-5, V.A.C.S., for the service of notice by publication; that such newspaper was and is one printed in the County where the proceeding mentioned in such notice is pending; and further that the proper charge of such publisher for such publication is \$ 34.65 .

  
Carolyn L. Owen, Business Manager

LEGAL NOTICE

TO BE PUBLISHED SATURDAY, AUGUST 30, 1986  
STATE OF TEXAS  
COUNTY OF ECTOR,  
WHEREAS, pursuant to the Order of the Ector County - Odessa Joint Airport Zoning Board dated July 18, 1986, there was created an Airport Zoning Commission for this County and City, which said Airport Zoning Commission did on the 24th day of July, 1986, make its preliminary report relative to the adoption of airport zoning regulations by the Ector County - Odessa Joint Airport Zoning Board and on the 26th day of August, 1986, said Airport Zoning Commission made its final report to said Joint Airport Zoning Board for the purpose authorized by art. 46e-1, et seq. V.A.C.S.; and  
WHEREAS, pursuant to art. 46e-5, V.A.C.S., notice is hereby given that a public hearing will be held before this Board on September 15, 1986, in Room 215, County Courtroom, second Floor of the Ector County Courthouse in Odessa, Texas, at 8:30 A.M., for the purpose of hearing all parties in interest and citizens who desire to be heard on the final report of the Airport Zoning Commission proposing airport zoning regulations to be adopted by this Joint Board prescribing regulations covering hazard areas in this County and City.  
WITNESSED this 27th day of August, 1986.  
JILL HICKS  
COUNTY AUDITOR

SUBSCRIBED AND SWORN TO BEFORE ME by the said Carolyn L. Owen,  
31st day of August, 1986, to certify which witness my hand and  
of office.

  
Notary Public in and for  
Ector County, Texas



ADOPTION BY  
ECTOR COUNTY - ODESSA JOINT AIRPORT ZONING BOARD OF  
FINAL REPORT OF AIRPORT ZONING COMMISSION

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WHEREAS, the Airport Zoning Commission heretofore appointed by this Board did submit its final report on the 26th day of August, 1986; and

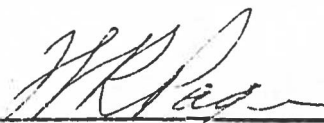
WHEREAS, this Board did issue an Order on the 27th day of August, 1986, giving notice of a public hearing to be held before this Board on September 15, 1986, at the Ector County Courthouse in Odessa, Texas at 8:30 A. M., for the purpose of hearing all parties in interest and citizens who desire to be heard on the final report of said Airport Zoning Commission; and

WHEREAS, no objections were made to such report after the Board has assembled at the appointed time and place to consider such objections;

NOW THEREFORE, on a motion by Vern Foreman and seconded by Jack Milam, it is unanimously ordered by the Ector County - Odessa Joint Airport Zoning Board that the final report of the Airport Zoning Commission be adopted. It is further ordered by this Board that Gary Garrison, Ector County Attorney, prepare the proper Order to carry out the zoning regulations being considered; that said Order shall carry provision for injunctive relief according to the State Law of Texas; and that such Order shall be in harmony and alike to a map prepared by the Texas Aeronautics Commission, Austin, Texas, on June 4, 1986, as to technical requirements of the various zones and heights as set out on such zoning map.

PASSED this 15<sup>th</sup> day of September, 1986.

Ector County - Odessa Joint  
Airport Zoning Board

  
\_\_\_\_\_  
William R. Page, Chairman

ODESSA-SCHLEMEYER FIELD  
AIRPORT HAZARD ZONING ORDER

NO.     HZ-86-1    

AN ORDER REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE ODESSA-SCHLEMEYER FIELD AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE ODESSA-SCHLEMEYER FIELD AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDER; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

This Order is adopted pursuant to the authority conferred by the Airport Zoning Act, as amended, Tex. Rev. Civ. Stat. Ann. Article 46e-1 et seq (1969).

It is hereby found that an obstruction has the potential for endangering the lives and property of users of Odessa-Schlemeyer Field Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Odessa-Schlemeyer Field Airport, and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of Odessa-Schlemeyer Field Airport, and the public investment therein. Accordingly, it is declared:

- (1) that Odessa-Schlemeyer Field Airport fulfills an essential community purpose;
- (2) that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Odessa-Schlemeyer Field Airport;
- (3) that it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (4) that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

BE IT ORDERED BY THE JOINT AIRPORT ZONING BOARD OF THE COUNTY OF ECTOR, TEXAS, AND THE CITY OF ODESSA, TEXAS:

Section 1. Short Title. This Order shall be known and may be cited as "Odessa-Schlemeyer Field Airport Zoning Order."

Section 2. Definitions. As used in this Order, unless the context otherwise requires:

- (1) AIRPORT - means Odessa-Schlemeyer Field Airport.
- (2) AIRPORT ELEVATION - means the established elevation of the highest point on the usable landing area measured in feet from mean sea level.

- (3) AIRPORT HAZARD - means any structure or tree or use of land which obstructs the air space required for the flights of aircraft or which obstructs or interferes with the control or tracking and/or data acquisition in the landing, taking off or flight at an airport, or at any installation or facility relating to flight, and tracking and/or data acquisition of the flight craft; hazardous to, interfering with or obstructing such landing, taking off or flight of aircraft or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.
- (4) AIRPORT HAZARD AREA - means any area of land or water upon which an airport hazard might be established if not prevented as provided in this Order.
- (5) AIRPORT REFERENCE POINT - means the point established as the approximate geographic center of the airport landing area and so designated.
- (6) APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 4 of this Order. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- (7) APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Section 3 of this Order.
- (8) BOARD OF ADJUSTMENT - A Board consisting of five (5) members appointed by the Commissioners' Court of Ector County, Texas, as provided by Article 46e-10, Tex. Rev. Civ. Stat. Ann. (1969).
- (9) CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.
- (10) HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (11) HEIGHT - For the purpose of determining the height limits in all zones set forth in this Order and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- (12) HORIZONTAL SURFACE - A horizontal plane one-hundred-fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- (13) JOINT AIRPORT ZONING BOARD - means a board consisting of five (5) members, two (2) members appointed by the County Commissioners' of Ector County, Texas, and two (2) members appointed by the City Council of the City of Odessa, Texas. The four (4) members so appointed shall elect a fifth (5th) member who shall serve as chairman of said board.
- (14) LANDING AREA - means the surface area of the Airport used for the landing, take-off or taxiing of aircraft.
- (15) NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Order or an amendment thereto.
- (16) OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 4 of this Order.
- (17) PERSON - means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
- (18) PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two-hundred (200) feet beyond each end of that

runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

The width of a primary surface is:

- (A) Two-hundred-fifty (250) feet for utility runways having only visual approaches.
  - (B) For other than utility runways the width is:
    - (1) Five-hundred (500) feet for visual runways having only visual approaches.
    - (2) Five-hundred (500) feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.
- 
- (19) RUNWAY - A defined area on an airport prepared for landing and take-off of aircraft along its length.
  - (20) STRUCTURE - An object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
  - (21) TRANSITIONAL SURFACES - These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
  - (22) TREE - Any object of natural growth.
  - (23) VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures.
  - (24) UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft twelve-thousand-five-hundred (12,500) pounds maximum gross weight and less.
  - (25) NONPRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
  - (26) ZONING ADMINISTRATIVE AGENCY - means the City of Odessa Planning and Inspection Department and the Ector County Airport Manager, serving jointly to administer and enforce the regulations set forth in this Order, as provided by Article 46e-9, Tex. Rev. Civ. Stat. Ann. (1969).

Section 3. Zones. In order to carry out the provisions of this Order, there are hereby created and established certain zones which include all of the land lying beneath the Approach Surfaces, Transition Surface, Horizontal Surface and Conical Surface as they apply to Odessa-Schlemeyer Field Airport. Such zones are shown on the Zoning Map consisting of one (1) sheet, prepared by the Texas Aeronautics Commission, Austin, Texas and dated June 4, 1986, which is attached to this Order and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) APPROACH ZONES

- (a) Runway 20 Approach zone is established beneath the approach surface at the end of Runway 20 on Odessa-Schlemeyer Field Airport for nonprecision instrument landings and take-offs with visibility minimums greater than three-quarters of a mile. The inner edge of the approach zone shall have a width of five-hundred (500) feet which coincides with the width of the primary surface at a distance of two-hundred (200) feet beyond the end of the runway, widening thereafter uniformly to a width of three-thousand-five-hundred (3,500) feet at a horizontal distance of ten-thousand (10,000) feet beyond the primary surface, its centerline being the continuation of the centerline of the runway.
- (b) Runway 02 Approach zone is established beneath the approach surface at the end of Runway 02 on Odessa-Schlemeyer Field Airport for visual landings and take-offs. The inner edge of the approach zone shall have a width of five-hundred (500) feet which coincides with the width of the primary surface at a distance of two-hundred (200) feet beyond the end of the runway, widening thereafter uniformly to a width of one-thousand-five-hundred (1,500) feet at a horizontal distance of five-thousand (5,000) feet beyond the primary surface, its centerline being the continuation of the centerline of the runway.
- (c) Runway 11/29 and 16/34 Approach zone is established beneath the approach surface at the ends of Runways 11/29 and 16/34 on Odessa-Schlemeyer Field Airport for visual landings and take-offs. The inner edge of the approach zone shall have a width of two-hundred-fifty (250) feet which coincides with the width of the primary surface at a distance of two-hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of one-thousand-two-hundred-fifty (1,250) feet at a horizontal distance of five-thousand (5,000) feet beyond each end of the primary surface, its centerline being the continuation of the centerline of the runway.
- (2) TRANSITION ZONES - Transition zones are hereby established beneath the transition surface adjacent to each runway and approach surface as indicated on the Zoning Map. Transition surfaces, symmetrically located on either side of runways, have variable widths as shown on the Zoning Map. Transitional surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven (7) to one (1) from the sides of the primary surface and from the sides of approach surfaces.
- (3) HORIZONTAL ZONE - The area beneath a horizontal plane one-hundred-fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of ten-thousand (10,000) feet radii from the center of each end of the primary surface of Runway(s) 02/20 and connecting the adjacent arcs by lines tangent to those arcs.
- (4) CONICAL ZONE - The area beneath the conical surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four-thousand (4,000) feet.

Section 4. Height Limitations. Except as otherwise provided in this Order, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Order to a height in excess of the applicable height limit herein established for such zone.

Such applicable height limitations are hereby established for each of the zones in question as follows:

(1) APPROACH ZONES

- (a) Runway 20 One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point ten-thousand (10,000) feet from the end of the primary surface.
- (b) Runways 02, 11/29 and 16/34 One (1) foot in height for each twenty (20) feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point five-thousand (5,000) feet from the end of the primary surface.

(2) TRANSITION ZONES

Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one-hundred-fifty (150) feet above the airport elevation which is three-thousand-three (3,003) feet above mean sea level.

- (3) HORIZONTAL ZONE - Established at one-hundred-fifty (150) feet above the airport elevation, or a height of three-thousand-one-hundred-fifty-three (3,153) feet above mean sea level.
- (4) CONICAL ZONE - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one-hundred-fifty (150) feet above the airport elevation and extending to a height of three-hundred-fifty (350) feet above the airport elevation.
- (5) EXCEPTED HEIGHT LIMITATIONS - Nothing in this Order shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to fifty (50) feet above the surface of the land.

Section 5. Use Restrictions. Notwithstanding any other provisions of this Order, no use may be made of land or water within any zone established by this Order in such a manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for pilots to distinguish between Airport lights and others, result in glare in the eyes of pilots using the Airport, impair visibility in the vicinity of the Airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Airport.

Section 6. Nonconforming Uses.

(1) Regulations Not Retroactive. The regulations prescribed by this Order shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Order, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Order, and is diligently prosecuted.

(2) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby

required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Administrative Agency, as defined herein, to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of Ector County, Texas.

#### Section 7. Permits.

(1) Future Uses - Except as specifically provided in (a) and (b) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Order shall be granted unless a variance has been approved in accordance with Section 7, Par. (4).

(a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(b) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four-thousand two-hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Order except as set forth in Section 4, Par. (5).

(2) Existing Uses. No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Order or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(3) Nonconforming Uses Abandoned or Destroyed. Whenever the Zoning Administrative Agency determines that a nonconforming structure or tree has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(4) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, in violation of the regulations prescribed in this Order, may apply to the Board of Adjustment for a variance from such regulations in question. The application for variance shall be accompanied by a determination from the Federal

Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and the relief granted would not be contrary to the public interest, but do substantial justice, and be in accordance with the spirit of this Order. Additionally, no application for variance to the requirements of this Order may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Ector County - Odessa Joint Airport Zoning Board for advice as to the aeronautical effects of the variance. If the Ector County - Odessa Joint Airport Zoning Board does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

(5) Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable by the Zoning Administrative Agency or the Board of Adjustment to effectuate the purpose of this Order and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to allow the County of Ector, a political subdivision of the State of Texas, to install, operate, and maintain, at the expense of Ector County, Texas, such markings and lights as may be necessary.

Section 8. Enforcement. It shall be the duty of the Zoning Administrative Agency to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the Zoning Administrative Agency, upon a form published for that purpose and available at the Planning and Inspection Department, City Hall of the City of Odessa, Texas. Applications required by this Order to be submitted to the Zoning Administrative Agency shall be promptly considered and granted or denied. Applications for variances shall be made to the Board of Adjustment by first filing said application for variance with the Zoning Administrative Agency, in the manner aforesaid for permit applications, who shall forthwith transmit said application to the Board of Adjustment for determination.

Section 9. Board of Adjustment.

(1) There is hereby created a Board of Adjustment to have and exercise the following powers:

(a) to hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrative Agency in the enforcement of this Order;

(b) to hear and decide special exceptions to the terms of this Order upon which such Board of Adjustment under such regulations may be required to pass;

(c) to hear and decide specific variances.

(2) The Board of Adjustment shall consist of five (5) members duly appointed by the Ector County Commissioners' Court, and each shall serve for a term of two (2) years and removable for cause by the appointment authority upon written charges, after a public hearing.

(3) The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this Order. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such times as the Board of Adjustment may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjust-



ment shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the County Clerk of Ector County, Texas, and shall be a public record.

(4) The Board of Adjustment shall make written findings of fact and conclusions of law stating the facts upon which it relied when making its legal conclusions in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Order.

(5) The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrative Agency or to decide in favor of the applicant on any matter upon which it is required to pass under this Order, or to effect any variation in this Order.

#### Section 10. Appeals.

(1) Any person aggrieved, or any taxpayer affected, by any decision of the Zoning Administrative Agency made in its administration of this Order, if of the opinion that a decision of the Zoning Administrative Agency is an improper application of these regulations, may appeal to the Board of Adjustment.

(2) All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Zoning Administrative Agency a notice of appeal specifying the grounds thereof. The Zoning Administrative Agency shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrative Agency certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay would, in the opinion of the Zoning Administrative Agency cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Zoning Administrative Agency and on due cause shown.

(4) The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(5) The Board of Adjustment may in conformity with the provisions of this Order, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination, as may be appropriate under the circumstances.

Section 11. Judicial Review. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to a court of competent jurisdiction, as provided by the Airport Zoning Act, as amended, Tex. Rev. Civ. Stat. Ann. art 46e-11 (1969).

Section 12. Enforcement and Remedies. The Commissioners' Court of Ector County, Texas, may institute in any Court of competent jurisdiction, an action

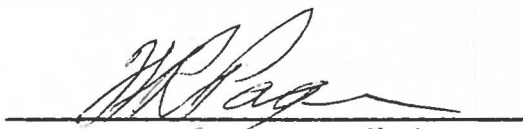
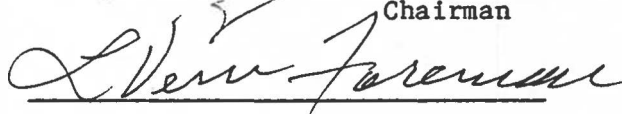
to prevent, restrain, correct, or abate any violation of this Order or of any order or ruling made in connection with its administration or enforcement including, but not limited to, an action for injunctive relief as provided by the Airport Zoning Act, as amended, Tex. Rev. Civ. Stat. Ann., art 46e-12 (1969).

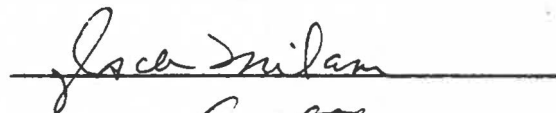
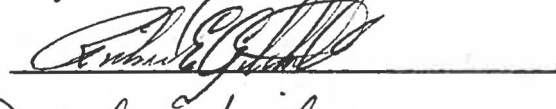

Section 13. Penalties. Each violation of this Order or of any regulation order, or ruling promulgated hereunder shall constitute a misdemeanor and upon conviction shall be punishable by a fine of not more than \$200.00 and each day a violation continues to exist shall constitute a separate offense.

Section 14. Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this Order and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Section 15. Severability. If any of the provisions of this Order or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this Order which can be given effect without the invalid provision or application, and to this end the provisions of this Order are declared to be severable.

Section 16. Effective Date. WHEREAS, the immediate operation of the provisions of this Order is necessary for the preservation of the public health, public safety, and general welfare, an EMERGENCY is hereby declared to exist, and this Order shall be in full force and effect from and after its passage by the Airport Zoning Board and publication and posting as required by law. Adopted by the Ector County - Odessa Joint Airport Zoning Board this 15th day of September, 1986.

  
Chairman  



  
  


ATTORNEY'S CERTIFICATE  
AIRPORT ZONING ORDER

Odessa-Schlemeyer Field Airport  
Ector County, Texas

Date Sept. 16, 1986

I hereby certify that I have examined the Airport Hazard Zoning Order adopted by the Ector County - Odessa Joint Airport Zoning Board on September 15, 1986, relating to Odessa-Schlemeyer Field Airport, and said Order together with all legal notices and hearings were had and enacted pursuant to applicable State and local laws, and orders, and that in my opinion said Order complies with the conditions and Sponsor's Assurances set out in Grant Agreements between Ector County, Texas, and the Federal Aviation Administration and the Texas Aeronautics Commission, together with all State and local laws and is valid, binding and enforceable.

  
County Attorney