

RESOLUTION NO. 12-35A

**A RESOLUTION AUTHORIZING AMENDMENT OF THE ELKINS GAS WELL PERMIT**

**WHEREAS**, the city Council of Dalworthington Gardens has previously approved a permit for XTO Energy to perform specified operations or functions, pursuant to Article 4.08 of the City's Municipal Code concerning Gas Well drilling and Production, at the Elkins padsite which includes Veterans A #1 well.

**WHEREAS**, XTO Energy has requested permission to amend its permit to allow use of a well head compressor temporarily and a gas lift compressor and a sound mitigation building.

**WHEREAS**, it appears that unless the temporary well head compressor is allowed to continued in use until the gas lift compressor can be installed, this could result in interference with the production of the well or wells at the Elkins padsite. It further appears that the information submitted by XTO Energy in the July 17, 2012 application packet incorporated herein by reference, includes measures reasonably intended to mitigate sound and to have emissions minimized.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DALWORTHINGTON GARDENS, TEXAS THAT:**

- Section 1:** XTO Energy's Gas Well Permit is hereby amended to allow use of the temporary wellhead compressor for a reasonable period of time until a permanent gas lift compressor may be installed at the PadSite with sound mitigating features ( a 4 sided open top building approximately 43 feet long by 23 feet wide and 16 feet tall), and emission controls as set forth in the July 17, 2012 application packet, all subject to approval of the City Engineer or Technical Advisor or other appropriate City designee, and such approval shall not be unreasonably withheld.
- Section 2:** XTO Energy's Gas Well Permit is hereby amended to allow location of the permanent compressor (as shown in Exhibit 2), as set forth in the July 17, 2012 application packet .
- Section 3:** Nothing contained herein shall be interpreted or applied to otherwise waive or modify or relax the requirements of Dalworthington Gardens City Code Article 4.08 Division 1 and Division 2.
- Section 4:** There shall be no deduction from the wellhead volume that is used to calculate royalties as to the City for the operation of the gas lift compressor.
- Section 5:** This Resolution is effective immediately upon passage.

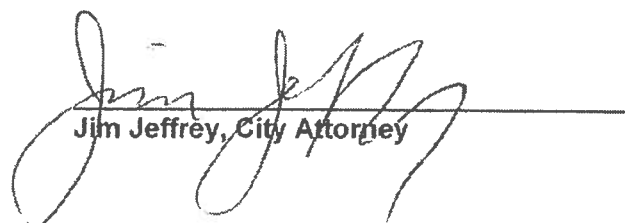
**PASSED AND APPROVED July, 24, 2012, at a Special Meeting of the City Council of the City of Dalworthington Gardens, Texas, by a vote of 4 ayes, 0 nays and 0 abstentions.**

  
Michael Tedder, Mayor

ATTEST:

APPROVED AS TO FORM:

  
Melinda Brittain, City Secretary

  
Jim Jeffrey, City Attorney