

**NOTICE OF PLANNING AND ZONING COMMISSION REGULAR  
MEETING  
CITY OF TOMBALL, TEXAS**



**Monday, February 13, 2023  
6:00 AM**

Notice is hereby given of a meeting of the Planning & Zoning Commission, to be held on Monday, February 13, 2023 at 6:00 AM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning & Zoning Commission reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- A. Call to Order
- B. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*
- C. Reports and Announcements
- D. Approval of Minutes
  - [D.1](#) Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of January 9, 2022.
- E. New Business Non Action Items
  - [E.1](#) Minor Plat of **ADAMS ACRES**: A Subdivision of 3.6496 acres or (158,975 Square Feet) of land being a replat out of portion of Lot 2, Block 1 of Adam's Acres, recorded in Film Code No. 519064 of the Harris County Map Records in the Joseph Miller Survey, Abstract 50, Harris County Texas.
  - [E.2](#) Minor Plat of **ELIM**: A Subdivision of a 0.2410 acre tract (10,500.00 Square Feet) being a replat of Lots 20, 21 and 22, Block 70, of Tomball Townsite, as recorded in Volume 4, Page 45, Harris County Map Records, situated in the William Hurd Survey, A-371, City of Tomball, Harris County, Texas.

[E.3](#) Minor Plat of **HIRSCHFIELD ROAD STORAGE**: Lot 1, Block 1 (Total 3.533 Acres) being all of a tract called to be 3.5291 acres in Document 2022135108 OPRHCT, John M. Hooper Survey, Abstract 375, City of Tomball ETJ, Harris County, Texas.

[E.4](#) Minor Plat of **TOMBALL BUSINESS AND TECHNOLOGY PARK, LOTS 4 AND 8, REPLAT NO. 2**: A Subdivision of 2.3631 acres (102,937 Square Feet) being a replat of all of Lot 4-1 and a portion of Lot 8, Block 1, Tomball Business and Technology Park Lot 4 and 8 replat, Film Code No. 698466, H.C.M.R., situated in the Elizabeth Smith League, Abstract No. 70, City of Tomball, Harris County, Texas.

F. New Business

[E.1](#) Consideration to Approve Preliminary Plat of **TOMBALL SOUTH COMMERCIAL NO. 3**: A subdivision of 6.9349 acres, being all of Lot 2, Block 1, of Tomball South Commercial, a subdivision in Harris County, Texas, according to the Map or Plat thereof recorded in Film Code No. 632199 of the Map Records of Harris County, Texas.

[E.2](#) Conduct a Public Hearing and Consideration to approve **Ordinance Amendment OAM23-01**: Request by Apex Clean Energy Holdings, LLC to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding standards pertaining to “Energy Storage System”.

[E.3](#) Conduct a Public Hearing and consideration to approve **Zoning Case Z23-02**: Request by RIAA Group, LLC. to amend Chapter 50 (*Zoning*) of the Tomball Code of Ordinances, by rezoning approximately 3.12 acres of land legally described as being portions of Lot 172, in Tomball Townsite from Agricultural (AG) to General Retail (GR). The property is located at the northwest corner of S. Cherry Street & Medical Complex Drive at 1635 S. Cherry Street, within the City of Tomball, Harris County, Texas.

G. Adjournment

**C E R T I F I C A T I O N**

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10 day of February 2023 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

**Kimberly Chandler**  
*Community Development Coordinator*

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY BE VIEWED ONLINE AT [www.ci.tomball.tx.us](http://www.ci.tomball.tx.us).

# Planning & Zoning Commission Meeting Agenda Item Data Sheet

Meeting Date: February 13, 2022

**Topic:**

Consideration to Approve the Minutes of the Regular Planning and Zoning Commission Meeting of January 9, 2022.

**Background:**

**Origination:** Community Development

**Recommendation:**

Approval

**Party(ies) responsible for placing this item on agenda:** Kim Chandler, Community Development Coordinator

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account: # \_\_\_\_\_ To Account: # \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
Staff Member                      Date                      City Manager                      Date

**MINUTES OF  
REGULAR PLANNING & ZONING COMMISSION MEETING  
CITY OF TOMBALL, TEXAS**

**MONDAY, JANUARY 9, 2023**



**6:00 P.M.**

A. The meeting was Called to Order by Chair Tague at 6:01 p.m. Other Members present were:

Commissioner Tana Ross  
Commissioner Scott Moore  
Commissioner Susan Harris

Commissioner Richard Anderson – Excused Absence

Others Present:

Jared Smith – City Planner  
Kim Chandler – Community Development Coordinator  
Tommy Ramsey – City Attorney

draft

B. No Public Comments were received.

C. Reports and Announcements:

- Jared Smith, City Planner, announced the following:
  - City Council Approved - **Ordinance Amendment Case P22-394:** Request by the City of Tomball to amend Section(s) 50-2 (Definitions) and Section 50-82 (Use Regulations (Charts)), Subsection (b) (Use Charts) of the Tomball Code of Ordinances by adding/revising standards pertaining to “Market, open air, flea”.
  - City Council Approve – **Zoning Case P22-309:** Request from Tomball Economic Development Corporation and Tortuga Operating Company to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 17.08 acres of land legally described as being all of Lots 1, 2, 3, and 4 of Tomball Business and Technology Park, Section 2 from Single Family Residential – 20 (SF-20) to Light Industrial (LI). The properties are located within the 1900 block of S. Persimmon Street (East and West side), within the City of Tomball, Harris County, Texas.

- City Council Denied - **Zoning Case P22-350:** Request by Zion Woods LLC, represented by Blue Kite Building Group, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 22.84 acres of land out of the Joseph Miller Survey, Abstract Number 50, from Agricultural (AG) district to a Planned Development (PD) district to promote single-family residential development. The property is generally located within the 12700 block (north side) of Zion Road, within Harris County, Texas.
  
- City Council Denied – **Zoning Case P22-367:** Request by Colleen Pye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 0.32 acres of land legally described as being all of Lots 41, 42, 43, and 44 in Block 72 of the Revised Map of Tomball from Single Family Residential – 6 (SF-6) to Old Town & Mixed Use (OT & MU). The property is located at 329 Texas Street, within the City of Tomball, Harris County, Texas. - denied

D. Motion was made by Commissioner Harris, second by Commissioner Moore, to approve the Minutes of the Regular Planning and Zoning Commission Meeting of December 12, 2022:

Roll call vote was called by Community Development Coordinator, Kim Chandler.

Motion Carried unanimously.

E. New Business:

E.1 Conduct a Public Hearing and consideration to approve **Zoning Case Z23-01:** Request by John & Tracy Randall, represented by BGE, Inc. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 36.82 acres of land legally described as being portions of Lots 374 through 377 & Lots 379 through 383 of Tomball Outlots from Single Family Residential – 20 (SF-20) to Single Family Residential – 6 (SF-6). The property is located at 21725 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

Jared Smith, City Planner, presented the case and recommendation of approval.

Andrew Lang, representing BGE, Inc., (10777 Westheimer Rd #400, Houston, TX 77042), spoke on behalf of the request.

Pat Duggan, representing History Maker Homes, (412 E. Fair Harbor Lane, TX 77079), spoke on behalf of the request.

The Public Hearing was opened by Chair Tague at 6:19 p.m.

Property Owner, (31007 Roanoak Woods Drive, Tomball, TX 77375), submitted a Public Comment in favor of the request.

Paul Mladenka, (1631 S. Persimmon Street., Tomball, TX 77375), spoke in opposition of the request.

Hearing no additional comments, the Public Hearing was closed at 6:24 p.m.

Motion was made by Commissioner Moore, second by Commissioner Harris, to approve **Zoning Case Z23-01**.

Roll call vote was called by Community Development Coordinator, Kim Chandler.

Vote was as follows:

Chair Tague	<u>Nay</u>
Commissioner Harris	<u>Nay</u>
Commissioner Ross	<u>Nay</u>
Commissioner Moore	<u>Nay</u>

Motion Failed unanimously.

F. Motion was made by Commissioner Moore, second by Commissioner Harris, to adjourn.

Roll call vote was called by Community Development Coordinator, Kim Chandler.

Motion Carried unanimously.

The meeting adjourned at 6:26 p.m.

PASSED AND APPROVED this \_\_\_\_\_ day of 2022.

\_\_\_\_\_  
Kim Chandler  
Community Development Coordinator/  
Commission Chair Commission Secretary

\_\_\_\_\_  
Barbara Tague  
Commission Chair

# Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: 02/13/2023

**Topic:**

Minor Plat of ADAMS ACRES: A Subdivision of 3.6496 acres or (158,975 Square Feet) of land being a replat out of portion of Lot 2, Block 1 of Adam’s Acres, recorded in Film Code No. 519064 of the Harris County Map Records in the Joseph Miller Survey, Abstract 50, Harris County Texas.

**Background:**

**Origination:**

**Recommendation:**

Staff recommends approval.

**Party(ies) responsible for placing this item on agenda:** Jared Smith (City Planner)

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account: # \_\_\_\_\_ To Account: # \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date



# CITY OF TOMBALL

Plat Name: Adams Acres Plat Type: Replat

Construction Drawings for Public Facilities required? Yes  No  N/A

Plat within City Limits  Within Extraterritorial Jurisdiction

Planning and Zoning Commission Meeting Date: February 13, 2023

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

Community Development approves this plat with contingencies.

- Illustrate/Identify all easements called out in the title opinion letter.

STATE OF TEXAS  
COUNTY OF HARRIS

I, RICHARD O. KINSEY, OWNER HEREINAFTER REFERRED TO AS OWNER OF THE 3.6496 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF ADAMS ACRES PARTIAL REPLAT, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS, AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS (EXCEPT THOSE STREETS DESIGNATED AS PRIVATE STREETS, OR PERMANENT ACCESS EASEMENTS), ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND MYSELF, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE ON THE LAND SO DEDICATED.

FURTHER, OWNER HAS DEDICATED AND BY THESE PRESENTS DOES DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET IN WIDTH FROM A PLANE TWENTY FEET (20') ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNER DOES HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS SQUARE FEET (18-INCH DIAMETER) WITH CULVERTS OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

FURTHER, OWNER DOES HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND FIFTEEN (15) FEET WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAINS, SLOUGHS OR OTHER NATURAL DRAINAGE COURSES LOCATED ON SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNER DOES HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ADJUTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

FURTHER, OWNER CERTIFIES AND COVENANTS THAT HE HAS COMPLIED WITH OR WILL COMPLY WITH EXISTING HARRIS COUNTY ROAD LAW, SECTION 31-C AS AMENDED BY CHAPTER 614, ACTS OF 1973, 63RD LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONERS' COURT OF HARRIS COUNTY.

FURTHER, OWNER HEREBY CERTIFIES THAT THIS REPLAT DOES NOT ATTEMPT TO ALTER, AMEND, OR REMOVE ANY COVENANTS OR RESTRICTIONS; WE FURTHER CERTIFY THAT NO PORTION OF THE PRECEDING PLAT WAS LIMITED BY DEED RESTRICTION TO RESIDENTIAL USE FOR NOT MORE THAN TWO (2) RESIDENTIAL UNITS PER LOT.

WITNESS MY HANDS IN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.

BY: \_\_\_\_\_  
RICHARD O. KINSEY, OWNER

STATE OF TEXAS  
COUNTY OF HARRIS

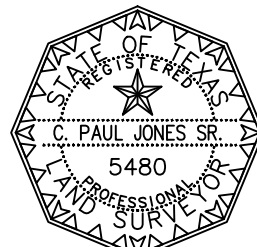
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RICHARD O. KINSEY, OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: \_\_\_\_\_

I, C. PAUL JONES, SR., AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND ACCURATE; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT, EXCEPT AS SHOWN ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER OBJECTS OF A PERMANENT NATURE) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTHS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.



BY: \_\_\_\_\_  
C. PAUL JONES, SR.  
TEXAS REGISTRATION NO. 5480  
LICENSE/REGISTRATION NO. 10194684

THIS IS TO CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF ADAMS ACRES PARTIAL REPLAT IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL, AS SHOWN HEREON, AND AUTHORIZED THE RECORDING OF THIS PLAT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.

BY: \_\_\_\_\_  
NATHAN DIETRICH, COMMUNITY DEVELOPMENT DIRECTOR

I, MILTON RAHMAN, COUNTY ENGINEER OF HARRIS COUNTY, HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE HARRIS COUNTY COMMISSIONERS' COURT AND THAT IT COMPLIES OR WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE HARRIS COUNTY ROAD LAW AS AMENDED AND ALL OTHER COURT ADOPTED DRAINAGE REQUIREMENTS.

MILTON RAHMAN, P.E.  
COUNTY ENGINEER

I, TENESHIA HUDSPETH, COUNTY CLERK OF HARRIS COUNTY AND EX OFFICIO CLERK OF THE HARRIS COUNTY COMMISSIONERS' COURT, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS APPROVED AT A LEGALLY CONVENED MEETING OF THE HARRIS COUNTY COMMISSIONERS' COURT HELD ON \_\_\_\_\_, 202\_\_ BY AN ORDER ENTERED INTO THE MINUTES OF THE COURT.

TANESHIA HUDSPETH  
COUNTY CLERK  
OF HARRIS COUNTY, TEXAS

BY: \_\_\_\_\_  
DEPUTY

I, TENESHIA HUDSPETH, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON \_\_\_\_\_, 202\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND DULY RECORDED ON \_\_\_\_\_, 202\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND AT FILM CODE NUMBER \_\_\_\_\_ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT HOUSTON, THE DAY AND DATE LAST ABOVE WRITTEN.

TENESHIA HUDSPETH  
COUNTY CLERK  
OF HARRIS COUNTY, TEXAS

BY: \_\_\_\_\_  
DEPUTY

GENERAL NOTES:

- 1.) BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83).
- 2.) THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE FACTOR OF: 1.000000.
- 3.) THIS PLAT REQUIRES COMPLIANCE WITH LANDSCAPING REQUIREMENTS PRIOR TO OCCUPANCY OF STRUCTURES AS MANDATED IN "REGULATIONS OF HARRIS COUNTY, TEXAS FOR THE APPROVAL AND ACCEPTANCE OF INFRASTRUCTURE."
- 4.) SITE DRAINAGE PLANS FOR THE FUTURE DEVELOPMENT OF THIS RESERVE MUST BE SUBMITTED TO THE HARRIS COUNTY FLOOD CONTROL DISTRICT AND THE HARRIS COUNTY ENGINEERING DEPARTMENT.
- 5.) NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS; BUILDING SETBACK LINES ARE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
- 6.) ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- 7.) ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.

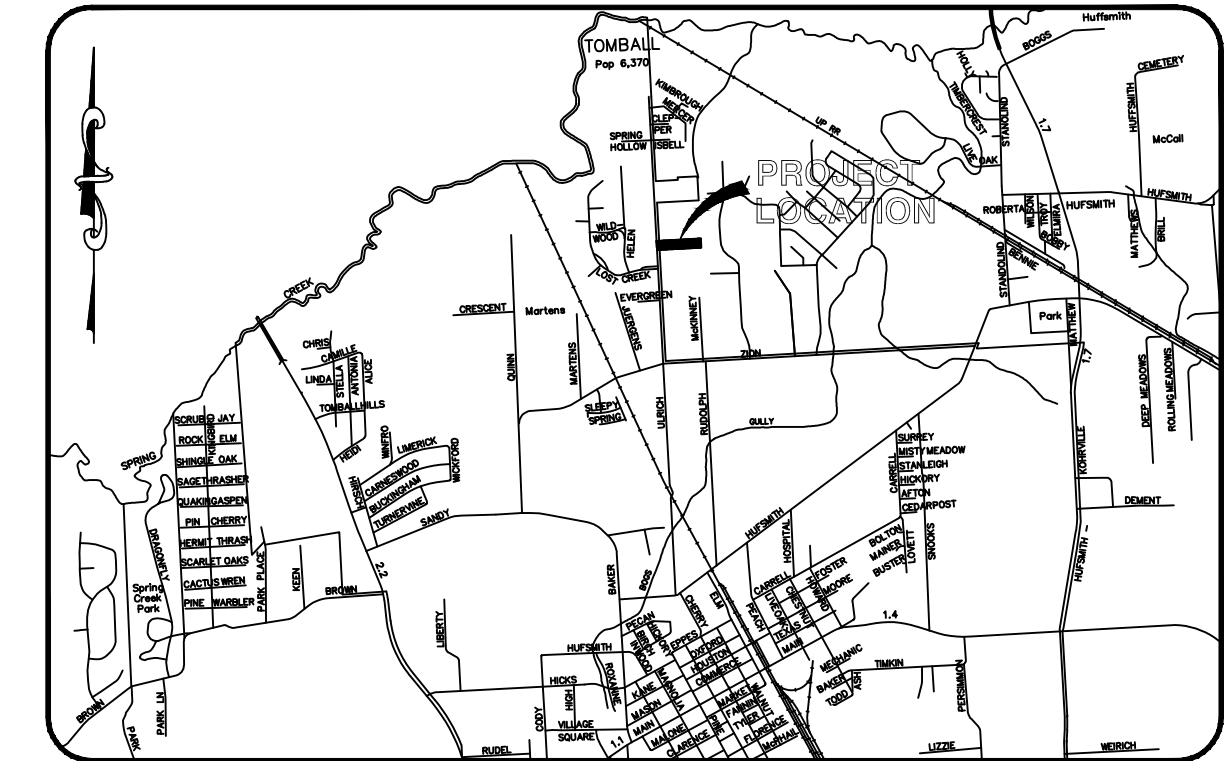
8.) THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.

9.) A TEN FOOT WIDE CITY OF TOMBALL UTILITY EASEMENT IS HEREBY DEDICATED TO THIS PLAT AND IS CENTERED ON THE GAS MAIN EXTENSION FROM THE CITY OF TOMBALL RIGHT-OF-WAY OR CITY OF TOMBALL UTILITY EASEMENT UP TO AND AROUND THE GAS METER.

10.) PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSES OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.

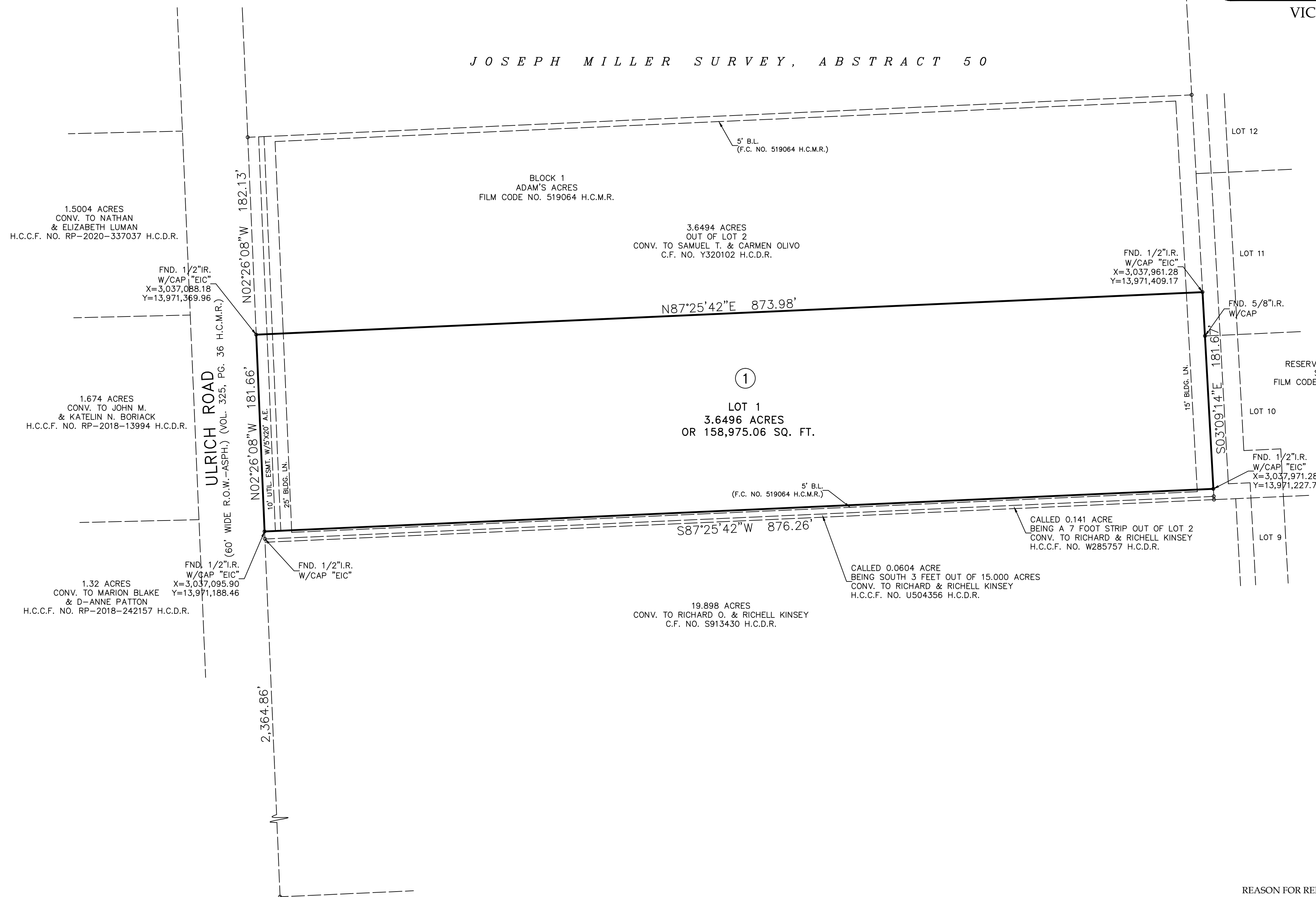
11.) EASEMENTS RECORDED IN VOLUME 215, PAGE 339, VOLUME 1554, PAGE 135, VOLUME 2913, PAGE 287 & VOLUME 5098, PAGE 274 ALL IN THE DEE RECORDS OF HARRIS COUNTY. (THERE ARE EASEMENTS SHOWN HEREON THAT DO NOT AFFECT THE SUBJECT PROPERTY.)

FLOOD INFORMATION  
\*THIS TRACT OR LOT \_\_\_\_\_ IS NOT \_\_\_\_\_ IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE \_\_\_\_\_ AS LOCATED BY FEDERAL INSURANCE ADMINISTRATION DESIGNATED FLOOD HAZARD AREA BY COMMUNITY No. 480287, MAP No. 48201C, PANEL No. 0230L, DATED 05/18/2007.  
\*THIS INFORMATION IS BASED ON GRAPHICAL PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

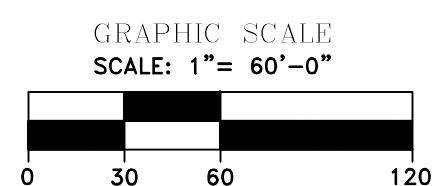


VICINITY MAP NOT TO SCALE  
KEY MAP: # 248 Y & Z

LEGEND:  
B.L. - INDICATES "BUILDING LINE"  
U.E. - INDICATES "UTILITY EASEMENT"  
R.O.W. - INDICATES "RIGHT OF WAY"  
H.C.C.F. NO. - HARRIS COUNTY CLERK'S FILE NUMBER  
H.C.M.R. - HARRIS COUNTY MAP RECORDS  
AC. TRACT - INDICATES ACRE TRACT  
VOL. - INDICATES VOLUME  
PG. - INDICATES PAGE  
I.R. - INDICATES IRON ROD  
C# - INDICATES CLERK'S FILE NUMBER



ZION ROAD  
(VARIABLE WIDTH R.O.W.) (F.C. NO. 681563 H.C.M.R.)



OWNER(S):  
RICHARD O. KINSEY  
P.O. BOX 1141  
TOMBALL, TEXAS 77377  
PHONE: (281)351-4100  
EMAIL: rwcable@swbell.net  
  
SURVEYOR:  
TIMELINE SURVEY, LLC  
FIRM REG. NO. 10194737  
C. PAUL JONES, SR., R.P.L.S. 5480  
P.O. BOX 701  
FRIENDSWOOD, TEXAS 77549  
PHONE: (713)473-3502  
EMAIL: info@timelinesurvey.com

REASON FOR REPLAT: TO CREATE ONE (1) LOT FOR SINGLE FAMILY RESIDENCE

ADAMS ACRES  
PARTIAL REPLAT - REVISED

A SUBDIVISION OF 3.6496 ACRES OR 158,975.06 SQUARE FEET OF LAND BEING A REPLAT OUT OF A PORTION OF LOT 2, BLOCK 1 OF ADAMS ACRES, RECORDED IN FILM CODE NO. 519064 OF THE HARRIS COUNTY MAP RECORDS IN THE JOSEPH MILLER SURVEY, ABSTRACT 50 HARRIS COUNTY, TEXAS

ONE (1) LOT ONE (1) BLOCK

SCALE: 1"= 60' DATE: FEBRUARY 8, 2023

# Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: 02/13/2023

**Topic:**

Minor Plat of **ELIM:** A Subdivision of a 0.2410 acre tract (10,500.00 Square Feet) being a replat of Lots 20, 21 and 22, Block 70, of Tomball Townsite, as recorded in Volume 4, Page 45, Harris County Map Records, situated in the William Hurd Survey, A-371, City of Tomball, Harris County, Texas.

**Background:**

**Origination:**

**Recommendation:**

Staff recommends approval.

**Party(ies) responsible for placing this item on agenda:** Jared Smith (City Planner)

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account: # \_\_\_\_\_ To Account: # \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date

# CITY OF TOMBALL

Plat Name: Elim Plat Type: Replat

Construction Drawings for Public Facilities required? Yes  No  N/A

Plat within City Limits  Within Extraterritorial Jurisdiction

Planning and Zoning Commission Meeting Date: February 13, 2023

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

Community Development approves this plat with no contingencies.

STATE OF TEXAS  
HARRIS COUNTY

I, MEHRDAD TOURI, OWNER, IN THIS SECTION AFTER REFERRED TO AS OWNERS (WHETHER ONE OR MORE) OF THE 0.2410 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF ELIM, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS, AND NOTATIONS ON SAID MAPS OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND MYSELF, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSE FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11' 6") FOR TEN FEET (10' 0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7' 6") FOR FOURTEEN FEET (14' 0") PERIMETER GROUND EASEMENTS OR FIVE FEET, SIX INCHES (5' 6") FOR SIXTEEN FEET (16' 0") PERIMETER GROUND EASEMENTS FROM A PLANE SIXTEEN FEET (16' 0") ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED, HEREON, WHEREBY THE AERIAL EASEMENT TOTALS TWENTY ONE FEET, SIX INCHES (21' 6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSE FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10' 0") FOR TEN FEET (10' 0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8' 0") FOR FOURTEEN FEET (14' 0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7' 0") FOR SIXTEEN FEET (16' 0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30' 0") IN WIDTH.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT IS HEREBY RESTRICTED TO PREVENT THE DRAINAGE OF ANY SEPTIC TANKS INTO ANY PUBLIC OR PRIVATE STREET, PERMANENT ACCESS EASEMENT, ROAD OR ALLEY, OR ANY DRAINAGE DITCH, EITHER DIRECTLY OR INDIRECTLY.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND FIFTEEN FEET (15' 0") WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS OR OTHER NATURAL DRAINAGE COURSES LOCATED IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF HOUSTON, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

FURTHER, OWNERS CERTIFY AND COVENANT THAT THEY HAVE COMPLIED WITH OR WILL COMPLY WITH EXISTING HARRIS COUNTY ROAD LAW, SECTION 31-C AS AMENDED BY CHAPTER 614, ACTS OF 1973, 63rd LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONERS' COURT OF HARRIS COUNTY.

WITNESS MY HANDS IN THE CITY OF HOUSTON, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

BY: \_\_\_\_\_  
MEHRDAD TOURI, OWNER

STATE OF TEXAS  
HARRIS COUNTY

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MEHRDAD TOURI, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

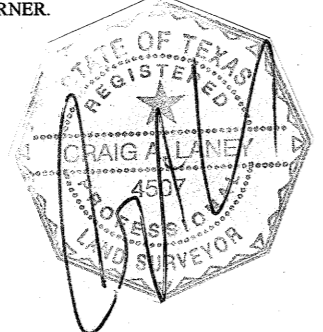
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

PRINT NAME: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

I, CRAIG A. LANEY, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTERS INCH (3/4") AND A LENGTH OF NOT LESS THAN THREE FEET (3'), AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.



CRAIG A. LANEY, R.P.L.S.  
TEXAS REGISTRATION NO. 4507

THIS IS TO CERTIFY THAT THE CITY OF TOMBALL, TEXAS, IS APPROVED THIS PLAT AND MAP OF THE ELIM IN CONFORMANCE WITH THE STATE OF TEXAS AND ORDINANCE OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THE PLAT, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

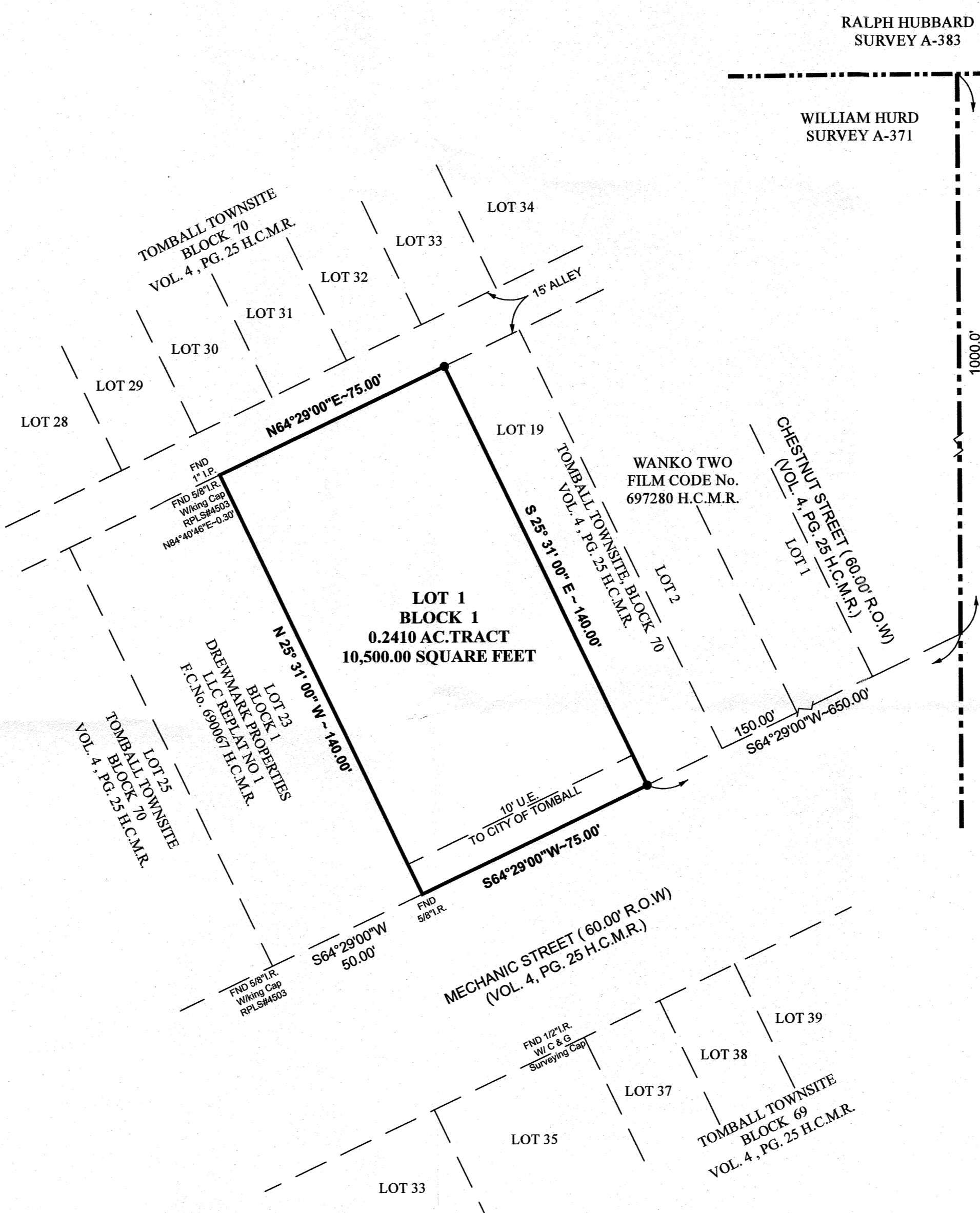
COMMUNITY DEVELOPMENT DIRECTOR

I, TENESHIA HUDSPETH, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON \_\_\_\_\_, 2023, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND DULY RECORDED ON \_\_\_\_\_, 2023, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND AT FILM CODE NO. \_\_\_\_\_ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT HOUSTON, THE DAY AND DATE LAST ABOVE WRITTEN.

TENESHIA HUDSPETH  
COUNTY CLERK  
OF HARRIS COUNTY, TEXAS

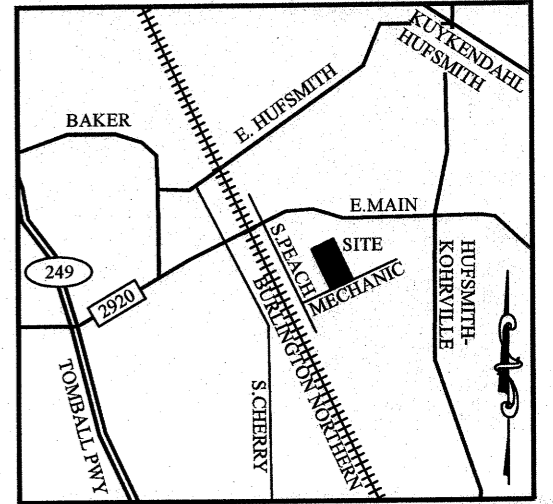
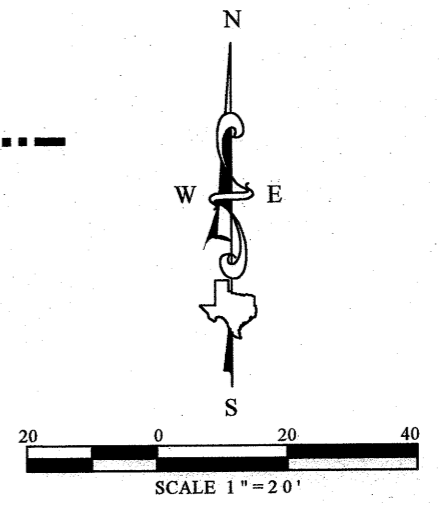
BY: \_\_\_\_\_  
DEPUTY



RALPH HUBBARD  
SURVEY A-383

WILLIAM HURD  
SURVEY A-371

1000.0'  
J. PRUITT  
SURVEY A-629



VICINITY MAP  
NOT TO SCALE  
KEY MAP 288 H

ABBREVIATION

- 1. U.E. INDICATES "UTILITY EASEMENT"
- 2. A.E. INDICATES "AERIAL EASEMENT"
- 3. B.L. INDICATES "BUILDING LINE"
- 4. VOL. INDICATES "VOLUME"
- 5. PG. INDICATES "PAGE"
- 6. I.R. INDICATES "IRON ROD"
- 7. FND INDICATES "FOUND"
- 8. R.O.W. INDICATES "RIGHT-OF-WAY"
- 9. ESMT. INDICATES "EASEMENT"
- 10. H.C.C.F. NO. INDICATES "HARRIS COUNTY CLERK'S FILE NUMBER"
- 11. H.C.M.R. INDICATES "HARRIS COUNTY MAP RECORD"
- 12. H.C.D.R. INDICATES "HARRIS COUNTY DEED RECORD"
- 13. ● INDICATES "FOUND 1/2" IRON ROD WITH A CAP STAMPED PRECISION SURVEY CAP"

GENERAL NOTES:

- 1. PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHTS AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
- 2. ACCORDING TO THE FEMA FIRM PANEL NO. 4802870230L (EFFECTIVE DATE JUNE 18, 2007), THIS PROPERTY IS IN ZONE "X" IN THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
- 3. ALL OIL / GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- 4. ALL OIL / GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND / OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- 5. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND / OR EASEMENTS, BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL / GAS PIPELINES. THE SETBACK AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINE.
- 6. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- 7. A TEN FOOT WIDE CITY OF TOMBALL UTILITY EASEMENT IS HEREBY DEDICATED TO THIS PLAT AND IS CENTERED ON THE GAS MAIN EXTENSION FROM THE CITY OF TOMBALL RIGHT-OF-WAY OR CITY OF TOMBALL UTILITY EASEMENT UP TO AND AROUND THE GAS METER.

**ELIM**  
A SUBDIVISION OF 0.2410 ACRE TRACT  
10,500.00 SQUARE FEET  
BEING A REPLAT OF LOTS 20, 21 AND 22, BLOCK 70,  
OF TOMBALL TOWNSITE,  
AS RECORDED IN VOLUME 4, PAGE 45,  
HARRIS COUNTY MAP RECORDS,  
SITUATED IN THE WILLIAM HURD SURVEY, A-371  
CITY OF TOMBALL,  
HARRIS COUNTY, TEXAS  
CONTAINING  
1 LOT 1 BLOCK  
(REASON FOR REPLAT TO CREATE 1 RESIDENTIAL LOT)  
JANUARY 2023

OWNER  
MEHRDAD TOURI  
315 MECHANIC STREET  
TOMBALL TEXAS 77375  
(281) 216-8104

SURVEYOR  
E.I.C. SURVEYING COMPANY  
FIRM NO. 10033400  
12345 JONES ROAD #270  
HOUSTON, TEXAS 77070  
(281) 955-2772

# Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: 2/13/2023

**Topic:**

Minor Plat of **HIRSCHFIELD ROAD STORAGE**: Lot 1, Block 1 (Total 3.533 Acres) being all of a tract called to be 3.5291 acres in Document 2022135108 OPRHCT, John M. Hooper Survey, Abstract 375, City of Tomball ETJ, Harris County, Texas.

**Background:**

**Origination:**

**Recommendation:**

Staff recommends approval.

**Party(ies) responsible for placing this item on agenda:** Jared Smith (City Planner)

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account: # \_\_\_\_\_ To Account: # \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date

# CITY OF TOMBALL

Plat Name: Hirschfield Road Storage Plat Type: Final

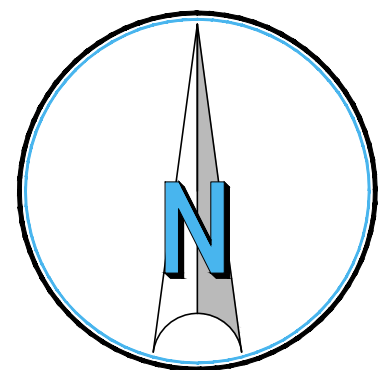
Construction Drawings for Public Facilities required? Yes  No  N/A

Plat within City Limits  Within Extraterritorial Jurisdiction

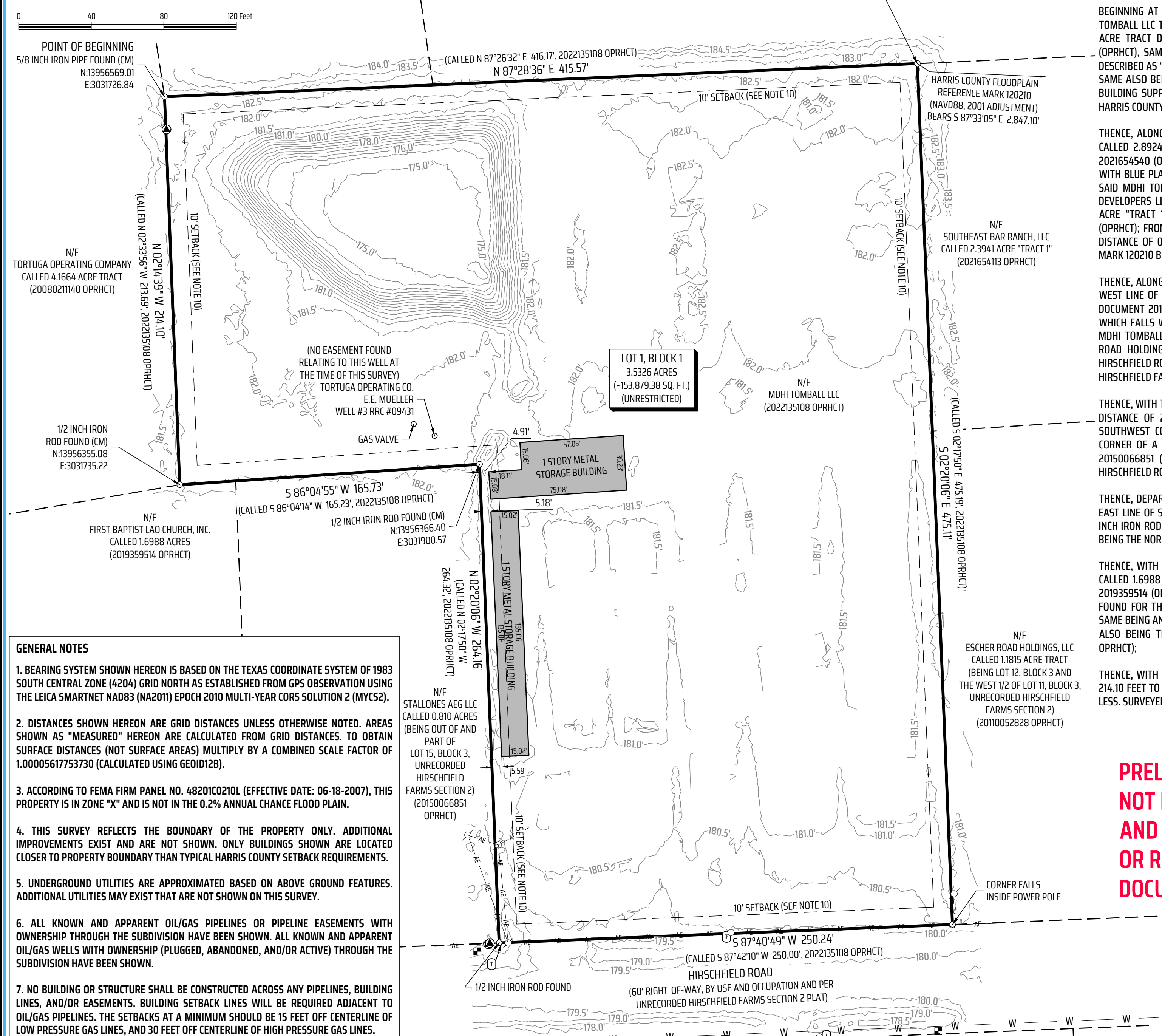
Planning and Zoning Commission Meeting Date: February 13, 2023

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

Community Development recommends approval of this plat with contingencies.



SCALE: 1" = 40'



- GENERAL NOTES**
- BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983 SOUTH CENTRAL ZONE (4204) GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORRS SOLUTION 2 (MYCS2).
  - DISTANCES SHOWN HEREON ARE GRID DISTANCES UNLESS OTHERWISE NOTED. AREAS SHOWN AS "MEASURED" HEREON ARE CALCULATED FROM GRID DISTANCES. TO OBTAIN SURFACE DISTANCES (NOT SURFACE AREAS) MULTIPLY BY A COMBINED SCALE FACTOR OF 1.0005617753730 (CALCULATED USING GEOID12B).
  - ACCORDING TO FEMA FIRM PANEL NO. 48201C0210L (EFFECTIVE DATE: 06-18-2007), THIS PROPERTY IS IN ZONE "X" AND IS NOT IN THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
  - THIS SURVEY REFLECTS THE BOUNDARY OF THE PROPERTY ONLY. ADDITIONAL IMPROVEMENTS EXIST AND ARE NOT SHOWN. ONLY BUILDINGS SHOWN ARE LOCATED CLOSER TO PROPERTY BOUNDARY THAN TYPICAL HARRIS COUNTY SETBACK REQUIREMENTS.
  - UNDERGROUND UTILITIES ARE APPROXIMATED BASED ON ABOVE GROUND FEATURES. ADDITIONAL UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS SURVEY.
  - ALL KNOWN AND APPARENT OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN. ALL KNOWN AND APPARENT OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
  - NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
  - NO PORTION OF THIS PLAT VIOLATES EXISTING RESTRICTIONS AND/OR RESTRICTIVE COVENANTS. NO PORTION OF THIS PLAT ATTEMPTS TO ALTER, AMEND, OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
  - PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
  - HARRIS COUNTY BUILDING SETBACK LINES (10 FEET) DO APPLY AS SHOWN.
  - WATER SERVICE IS PROVIDED BY HMW SPECIAL UTILITY DISTRICT.
  - A TEN FOOT WIDE CITY OF TOMBALL UTILITY EASEMENT IS HEREBY DEDICATED TO THIS PLAT AND IS CENTERED ON THE GAS MAIN EXTENSION FROM THE CITY OF TOMBALL RIGHT-OF-WAY OR CITY OF TOMBALL UTILITY EASEMENT UP TO AND AROUND THE GAS METER.
  - CONTOURS SHOWN ARE FROM TNRS UPPER COAST LIDAR DATA (ROSE HILL/NE).

**FIELD NOTES DESCRIPTION OF A 3.5326 ACRE TRACT JOHN M. HOOPER SURVEY, ABSTRACT 375 HARRIS COUNTY, TEXAS**

A FIELD NOTES DESCRIPTION OF 3.5326 ACRES IN THE JOHN M. HOOPER SURVEY, ABSTRACT 375, IN HARRIS COUNTY, TEXAS, BEING ALL OF A CALLED 3.5291 ACRE TRACT OF LAND DESCRIBED TO MDHI TOMBALL LLC IN DOCUMENT 2022135108 OF THE OFFICIAL RECORDS OF HARRIS COUNTY, TEXAS (OPRHCT); SAID 3.5326 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON PIPE FOUND FOR THE NORTHWEST CORNER OF SAID MDHI TOMBALL LLC TRACT, SAME BEING AN ANGLE POINT IN THE EAST LINE OF A CALLED 4.1664 ACRE TRACT DESCRIBED TO TORTUGA OPERATING COMPANY IN DOCUMENT 20080211140 (OPRHCT), SAME ALSO BEING THE SOUTHWEST CORNER OF A CALLED 0.6800 ACRE TRACT DESCRIBED AS "TRACT 2" TO SOUTHEAST BAR RANCH, LLC IN DOCUMENT 202165413 (OPRHCT), SAME ALSO BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK 2 OF THE REPLAT OF MCCOY'S BUILDING SUPPLY - TOMBALL (F6662041 MRHCT; 2021654540 OPRHCT);

THENCE, ALONG THE SOUTH LINE OF SAID 0.6800 ACRE TRACT AND THE SOUTH LINE OF A CALLED 2.8924 ACRE TRACT DESCRIBED TO PAINT CREEK DEVELOPERS LLC IN DOCUMENT 2021654540 (OPRHCT), N 87° 28' 36" E A DISTANCE OF 415.57 FEET TO A 1/2 INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "KERR SURVEYING" SET FOR THE NORTHEAST CORNER OF SAID MDHI TOMBALL LLC TRACT, SAME BEING IN THE SOUTH LINE OF SAID PAINT CREEK DEVELOPERS LLC TRACT, SAME ALSO BEING THE NORTHWEST CORNER OF A CALLED 2.3941 ACRE "TRACT 1" DESCRIBED TO SOUTHEAST BAR RANCH, LLC IN DOCUMENT 202165413 (OPRHCT); FROM WHICH A 2 INCH METAL FENCE CORNER POST FOUND BEARS N 74° 58' E A DISTANCE OF 0.87 FEET; ALSO FROM WHICH THE HARRIS COUNTY FLOODPLAIN REFERENCE MARK 120210 BEARS S 87° 33' 05" E A DISTANCE OF 2,847.10 FEET;

THENCE, ALONG THE WEST LINE OF SAID SOUTHEAST BAR RANCH, LLC TRACT AND ALONG THE WEST LINE OF A CALLED 1.1815 ACRE TRACT DESCRIBED TO ESCHER ROAD HOLDINGS, LLC IN DOCUMENT 2010052828 (OPRHCT), S 02° 20' 06" E A DISTANCE OF 475.11 FEET TO A POINT WHICH FALLS WITHIN A POWER POLE, SAID POINT BEING THE SOUTHWEST CORNER OF SAID MDHI TOMBALL LLC TRACT, SAME ALSO BEING THE SOUTHWEST CORNER OF SAID ESCHER ROAD HOLDINGS, LLC TRACT, SAME ALSO BEING IN THE NORTH RIGHT-OF-WAY LINE OF HIRSCHFIELD ROAD (60 FOOT RIGHT-OF-WAY, BY USE AND OCCUPATION AND PER UNRECORDED HIRSCHFIELD FARMS SECTION 2 PLAT);

THENCE, WITH THE NORTH RIGHT-OF-WAY LINE OF SAID HIRSCHFIELD ROAD, S 87° 40' 49" W A DISTANCE OF 250.24 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTHERNMOST SOUTHWEST CORNER OF SAID MDHI TOMBALL LLC TRACT, SAME BEING THE SOUTHWEST CORNER OF A CALLED 0.810 ACRE TRACT DESCRIBED TO STALLONES AEG LLC IN VOLUME 20150066851 (OPRHCT), SAME ALSO BEING IN THE NORTH RIGHT-OF-WAY LINE OF SAID HIRSCHFIELD ROAD;

THENCE, DEPARTING THE NORTH RIGHT-OF-WAY LINE OF SAID HIRSCHFIELD ROAD, WITH THE EAST LINE OF SAID 0.810 ACRE TRACT, N 02° 20' 06" W A DISTANCE OF 264.16 FEET TO A 1/2 INCH IRON ROD FOUND FOR AN INNER-ELL CORNER OF SAID MDHI TOMBALL LLC TRACT, SAME BEING THE NORTHEAST CORNER OF SAID 0.810 ACRE TRACT;

THENCE, WITH THE NORTH LINE OF SAID 0.810 ACRE TRACT AND WITH A NORTH LINE OF A CALLED 1.6988 ACRE TRACT DESCRIBED TO FIRST BAPTIST LAO CHURCH, INC. IN DOCUMENT 2019359514 (OPRHCT), S 86° 04' 55" W A DISTANCE OF 165.73 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE WESTERMOST SOUTHWEST CORNER OF SAID MDHI TOMBALL LLC TRACT, SAME BEING AN ANGLE POINT IN SAID NORTH LINE OF FIRST BAPTIST LAO CHURCH, INC., SAME ALSO BEING THE SOUTHEAST CORNER OF AFORESAID 4.1664 ACRE TRACT (20080211140 OPRHCT);

THENCE, WITH THE EAST LINE OF SAID 4.1664 ACRE TRACT, N 02° 14' 39" W A DISTANCE OF 214.10 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.5326 ACRES OF LAND, MORE OR LESS. SURVEYED ON THE GROUND DECEMBER 2022 UNDER MY SUPERVISION.

**PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.**

- LEGEND:**
- DRHCT = DEED RECORDS OF HARRIS COUNTY, TEXAS
  - MRHCT = MAP RECORDS OF HARRIS COUNTY, TEXAS
  - OPRHCT = OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY, TEXAS
  - 123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS
  - N/F = NOW OR FORMERLY
  - ( ) = RECORD INFORMATION
  - (CM) = CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES
  - WATER METER
  - UTILITY POLE
  - PIPE LINE MARKER
  - TELEPHONE PEDESTAL AERIAL ELECTRIC LINES
  - APPROXIMATE LOCATION OF WATER LINE (HMW SUD)

**SURVEYOR'S CERTIFICATE:**

I, DUSTIN C. KAISER, R.P.L.S. NO. 6918, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF LAND SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE, AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED AS SHOWN; AND THAT THE PLAT BOUNDARY HAS BEEN TIED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.

DUSTIN C. KAISER  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6918

STATE OF TEXAS  
COUNTY OF HARRIS

**CERTIFICATE FOR PLANNING AND ZONING COMMISSION**

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL HAS APPROVED THIS PLAT AND SUBDIVISION OF (NAME OF SUBDIVISION) IN CONFORMANCE WITH THE LAWS OF THE STATE AND THE ORDINANCES OF THE CITY AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.

SIGNED: \_\_\_\_\_ DATE \_\_\_\_\_  
NATHAN DIETRICH  
COMMUNITY DEVELOPMENT DIRECTOR

STATE OF TEXAS  
COUNTY OF HARRIS

**CERTIFICATE FOR HARRIS COUNTY ENGINEER:**

I, \_\_\_\_\_, COUNTY ENGINEER OF HARRIS COUNTY, HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE HARRIS COUNTY COMMISSIONERS' COURT AND THAT IT COMPLIES OR WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE HARRIS COUNTY ROAD LAW AS AMENDED AND ALL OTHER COURT ADOPTED DRAINAGE REQUIREMENTS.

SIGNED: \_\_\_\_\_ DATE \_\_\_\_\_  
NAME: \_\_\_\_\_  
COUNTY ENGINEER

STATE OF TEXAS  
COUNTY OF HARRIS

**COUNTY CLERK FILING ACKNOWLEDGMENT STATEMENT:**

I, TENESHIA HUDSPETH, COUNTY CLERK OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ M. AND IN \_\_\_\_\_.

FILM CODE NO. \_\_\_\_\_ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY. WITNESS MY HAND AND SEAL OF OFFICE, AT HARRIS COUNTY, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

TENESHIA HUDSPETH  
COUNTY CLERK  
OF HARRIS COUNTY, TEXAS

BY: \_\_\_\_\_  
DEPUTY

**LIENHOLDER ACKNOWLEDGEMENT:**

I, \_\_\_\_\_ OF HAPPY STATE BANK, OWNER AND HOLDER OF A LIEN AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS HIRSCHFIELD ROAD STORAGE, SAID LIEN BEING EVIDENCED BY INSTRUMENT OF RECORD IN DOCUMENT 2022135108 OF THE OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN IN THIS SECTION TO SAID PLAT AND WE HEREBY CONFIRM THAT WE ARE THE PRESENT OWNERS OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

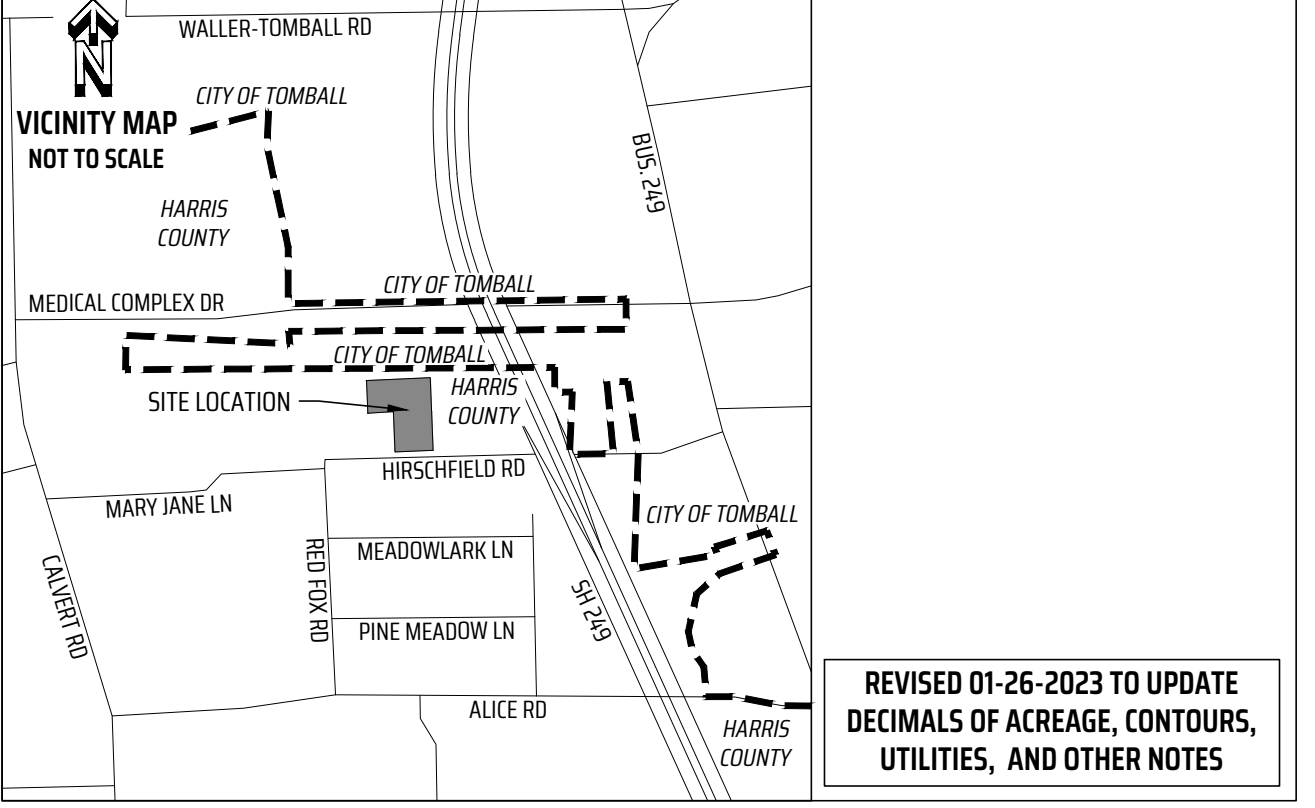
\_\_\_\_\_, \_\_\_\_\_ OF HAPPY STATE BANK DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE OR SHE EXECUTED THE SAME FOR THE PURPOSE STATED.

GIVEN UNDER MY HAND AND SEAL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC, \_\_\_\_\_ COUNTY, TEXAS



**DEDICATION STATEMENT:**

WE, MDHI TOMBALL LLC ACTING BY AND THROUGH JOHN WHITE, MANAGER BEING OFFICER OF MDHI TOMBALL LLC, IN THIS SECTION AFTER REFERRED TO AS OWNER OF THE 3.5326 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF HIRSCHFIELD ROAD STORAGE, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND MYSELF, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED. FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSE FOREVER UNOBSTRUCTED AERIAL EASEMENTS, THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11' 6") FOR TEN FEET (10' 0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7' 6") FOR FOURTEEN FEET (14' 0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS TWENTY ONE FEET, SIX INCHES (21' 6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSE FOREVER UNOBSTRUCTED AERIAL EASEMENTS, THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10' 0") FOR TEN FEET (10' 0") BACK-TO-TO BACK GROUND EASEMENTS, OR EIGHT FEET (8' 0") FOR FOURTEEN FEET (14' 0") BACK-TO-TO BACK GROUND EASEMENTS OR SEVEN FEET (7' 0") FOR SIXTEEN FEET (16' 0") BACK-TO-TO BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30' 0") IN WIDTH.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT IS HEREBY RESTRICTED TO PREVENT THE DRAINAGE OF ANY SEPTIC TANKS INTO ANY PUBLIC OR PRIVATE STREET, PERMANENT ACCESS EASEMENT, ROAD OR ALLEY, OR ANY DRAINAGE DITCH, EITHER DIRECTLY OR INDIRECTLY. FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND FIFTEEN FEET (15' 0") WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAINS, SLOUGHS OR OTHER NATURAL DRAINAGE COURSES LOCATED IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF TOMBALL, HARRIS COUNTY, OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ADJUTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE. FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PROVIDE THAT DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS SQUARE FEET (18-INCH DIAMETER) WITH CULVERTS OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE DRIVEWAYS OR WALKWAYS CROSSING SUCH DRAINAGE FACILITIES.

FURTHER, OWNERS CERTIFY AND COVENANT THAT THEY HAVE COMPLIED WITH OR WILL COMPLY WITH EXISTING HARRIS COUNTY ROAD LAW, SECTION 31-C AS AMENDED BY CHAPTER 614, ACTS OF 1973, 63<sup>RD</sup> LEGISLATURE AND ALL OTHER REGULATIONS HERETOFORE ON FILE WITH THE HARRIS COUNTY ENGINEER AND ADOPTED BY THE COMMISSIONERS' COURT OF HARRIS COUNTY.

IN TESTIMONY WHEREOF, MDHI TOMBALL LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY JOHN WHITE, ITS MANAGER, THEREUNTO AUTHORIZED, ATTESTED BY ITS \_\_\_\_\_, \_\_\_\_\_ AND ITS COMMON SEAL HEREUNTO AFFIXED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

JOHN WHITE, MANAGER, MDHI TOMBALL LLC DATE \_\_\_\_\_

ATTEST: \_\_\_\_\_ OF MDHI TOMBALL LLC DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOHN WHITE, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE OR SHE EXECUTED THE SAME FOR THE PURPOSE STATED.

GIVEN UNDER MY HAND AND SEAL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC, \_\_\_\_\_ COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE OR SHE EXECUTED THE SAME FOR THE PURPOSE STATED.

GIVEN UNDER MY HAND AND SEAL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

OWNER: MDHI TOMBALL LLC | 14122 HIRSCHFIELD ROAD, TOMBALL, TX 77377 | 832-739-0546

**HIRSCHFIELD ROAD STORAGE**  
LOT 1, BLOCK 1 (TOTAL 3.5326 ACRES, -153,879.38 SQ. FT.)  
BEING ALL OF A TRACT CALLED TO BE 3.5291 ACRES IN DOCUMENT 2022135108 OPRHCT  
JOHN M. HOOPER SURVEY, ABSTRACT 375  
CITY OF TOMBALL ETJ, HARRIS COUNTY, TEXAS

SCALE: 1 INCH = 40 FEET  
SURVEY DATE: 12-13-2022 | PLAT DATE: 12-29-2022  
JOB NUMBER: 22-989 | CAD NAME: 22-989-FINAL PLAT  
POINT FILE: 22-989-ALL-GRID  
DRAWN BY: TIF CHECKED BY: DK  
PREPARED BY: KERR SURVEYING, LLC  
TBPELS FIRM#10018500  
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803  
PHONE: (979) 268-3195  
SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM

"When one person stands to gain over another, the facts must be uncovered"



# Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: 02/13/2023

**Topic:**

Minor Plat of **TOMBALL BUSINESS AND TECHNOLOGY PARK, LOTS 4 AND 8, REPLAT NO. 2**: A Subdivision of 2.3631 acres (102,937 Square Feet) being a replat of all of Lot 4-1 and a portion of Lot 8, Block 1, Tomball Business and Technology Park Lot 4 and 8 replat, Film Code No. 698466, H.C.M.R., situated in the Elizabeth Smith League, Abstract No. 70, City of Tomball, Harris County, Texas.

**Background:**

**Origination:**

**Recommendation:**

Staff recommends approval.

**Party(ies) responsible for placing this item on agenda:** Jared Smith (City Planner)

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account: # \_\_\_\_\_ To Account: # \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date

# CITY OF TOMBALL

Plat Name: Tomball Business & Technology Park No. 2 Plat Type: Replat

Construction Drawings for Public Facilities required? Yes  No  N/A

Plat within City Limits  Within Extraterritorial Jurisdiction

Planning and Zoning Commission Meeting Date: February 13, 2023

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

Community Development approves of this plat with no contingencies.

STATE OF TEXAS  
COUNTY OF HARRIS

We, WEST WOODLAND BUSINESS PARK, LLC, acting by and through Robert Banzhaf, its Managing Member, and Jack Ryan, its Managing Member, and TOMBALL ECONOMIC DEVELOPMENT CORPORATION, acting by and through Gretchen Fagan, President, hereinafter referred to as Owners of the 20.0330 acre tract described in the above and foregoing map of TOMBALL BUSINESS AND TECHNOLOGY PARK LOTS 4 AND 8 REPLAT NO. 2, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions, and notations on said plat and hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'6") for ten feet (10') perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'-0") perimeter ground easements or five feet, six inches (5'6") for sixteen feet (16'-0") perimeter ground easements, from a plane sixteen feet (16') above the ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21'6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10') for ten feet (10') back-to-back ground easements, or eight feet (8') for fourteen feet (14'-0") back-to-back ground easements or seven feet (7') for sixteen feet (16'-0") back-to-back ground easements, from a plane sixteen feet (16') above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30') in width.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance, have a drainage opening of less than one and three quarters (1-3/4) square feet (18" diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, the West Woodland Business Park, LLC, has caused these presents to be signed by Robert Banzhaf, its Managing Member, and Jack Ryan, its Managing Member, thereunto authorized, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

West Woodland Business Park, LLC,  
a Texas limited liability company

By: \_\_\_\_\_  
Robert Banzhaf  
Managing Member

By: \_\_\_\_\_  
Jack Ryan  
Managing Member

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Robert Banzhaf, Managing Member, and Jack Ryan, Managing Member, of West Woodland Business Park, LLC, a Texas limited liability company, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

My Commission Expires: \_\_\_\_\_

IN TESTIMONY WHEREOF, the TOMBALL ECONOMIC DEVELOPMENT CORPORATION has caused these presents to be signed by Gretchen Fagan, its President, thereunto authorized, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

By: \_\_\_\_\_  
Gretchen Fagan  
President

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Gretchen Fagan, President, of Tomball Economic Development Corporation, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

My Commission Expires: \_\_\_\_\_

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of TOMBALL BUSINESS AND TECHNOLOGY PARK LOTS 4 AND 8 REPLAT NO 2 in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this

the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
Nathan Dietrich  
Community Development Director

I, Tenshia Hudspeth, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for

registration in my office on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_

o'clock\_\_\_\_M., and duly recorded on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_

o'clock\_\_\_\_M., and at Film Code Number \_\_\_\_\_ of the Map Records of Harris County for said county.

Witness my hand and seal of office, at Houston, the day and date last above written.

\_\_\_\_\_  
Tenshia Hudspeth  
County Clerk  
Of Harris County, Texas

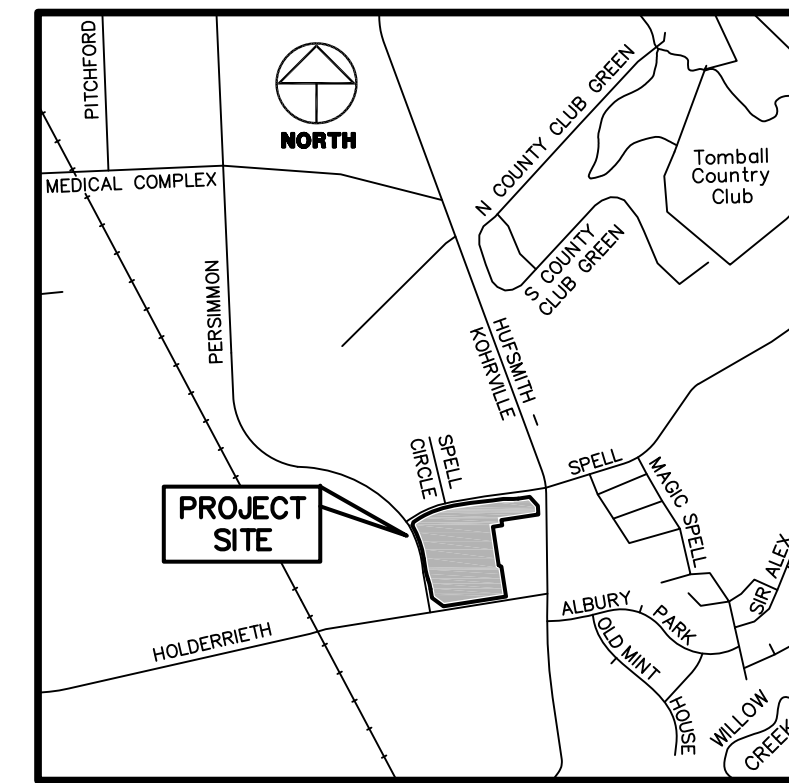
By: \_\_\_\_\_  
Deputy



LISA M. DOBROWSKI  
Registered Professional Land Surveyor  
Texas Registration No. 6544

**GENERAL NOTES**

- 1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY WAS PREPARED WITH INFORMATION CONTAINED IN CITY PLANNING LETTER NO. 2023-0022 OF CHARTER TITLE COMPANY, DATED JANUARY 21, 2023, AND IS SUBJECT TO THE LIMITATIONS OF THAT COMMITMENT.
- 2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83). ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES AND MAY BE BROUGHT TO GRID BY APPLYING THE FOLLOWING SCALE FACTOR: 0.999942131.
- 3. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN TO THE BEST KNOWLEDGE OF THE SURVEYOR.
- 4. ALL OIL/GAS WELLS (PLUGGED, ABANDONED, AND/OR ACTIVE) WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN TO THE BEST KNOWLEDGE OF THE SURVEYOR.
- 5. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF THE CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF THE CENTERLINE OF HIGH PRESSURE GAS LINES.
- 6. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE AND VALID COVENANTS OR RESTRICTIONS.
- 7. PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
- 8. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) FOR HARRIS COUNTY, TEXAS, MAP NO. 48201C0230L REVISED/DATED JUNE 18, 2007, THE SUBJECT TRACT APPEARS TO LIE WITHIN UNSHADED ZONE "X". THIS DETERMINATION WAS DONE BY GRAPHIC PLOTTING AND IS APPROXIMATE ONLY, AND HAS NOT BEEN FIELD VERIFIED. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, ON RARE OCCASIONS FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF WINDROSE LAND SERVICES.
- 9. A TEN FOOT WIDE CITY OF TOMBALL UTILITY EASEMENT IS HEREBY DEDICATED TO THIS PLAT AND IS CENTERED ON THE GAS MAIN EXTENSION FROM THE CITY OF TOMBALL RIGHT-OF-WAY OR CITY OF TOMBALL UTILITY EASEMENT UP TO AND AROUND THE GAS METER.
- 10. SUBJECT TO SHORT FORM BLANKET EASEMENT TO CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC, RECORDED AT FILM CODE NO. RP-2016-206095, H.C.D.R.



CITY OF TOMBALL, HARRIS COUNTY, TEXAS  
**VICINITY MAP**  
SCALE: 1" = 2000'

# TOMBALL BUSINESS AND TECHNOLOGY PARK LOTS 4 AND 8 REPLAT NO 2

A SUBDIVISION OF  
20.0330 AC. / 872,637.57 SQ. FT.  
BEING A REPLAT OF ALL OF LOTS 4-1 AND 8, BLOCK 1,  
TOMBALL BUSINESS AND TECHNOLOGY PARK  
LOT 4 AND 8 REPLAT,  
FILM CODE NO. 698466, H.C.M.R.,  
SITUATED IN THE  
ELIZABETH SMITH LEAGUE, ABSTRACT NO. 70  
CITY OF TOMBALL, HARRIS COUNTY, TEXAS  
1 BLOCK 2 LOTS

REASON FOR REPLAT: TO CREATE TWO (2) LOTS

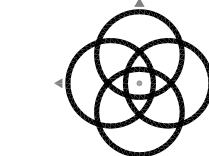
JANUARY 2023

Owners

West Woodland Business Park, LLC,  
a Texas limited liability company  
2710 Buckthorne Pl, Suite 150  
The Woodlands, TX 77380

Tomball Economic Development Corporation  
P.O. Box 820  
Tomball, TX 77375

Surveyor

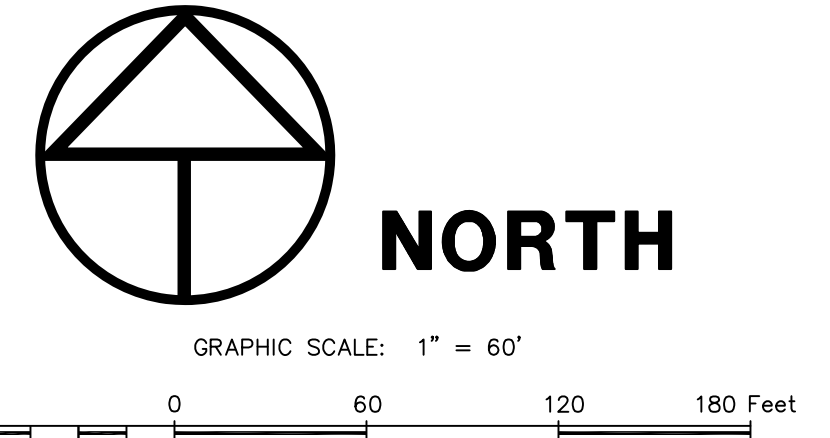
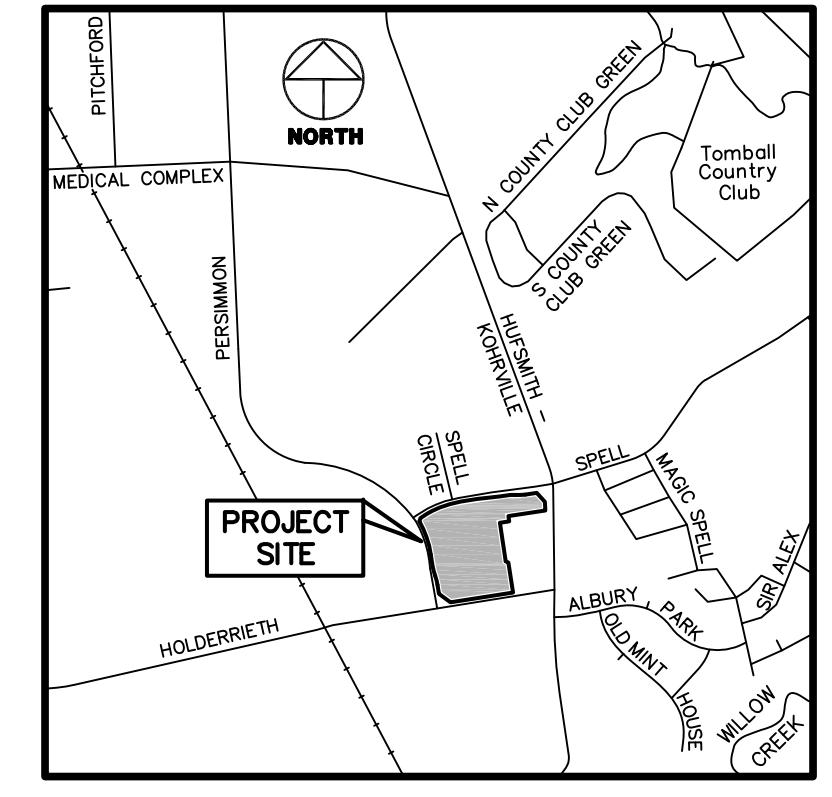
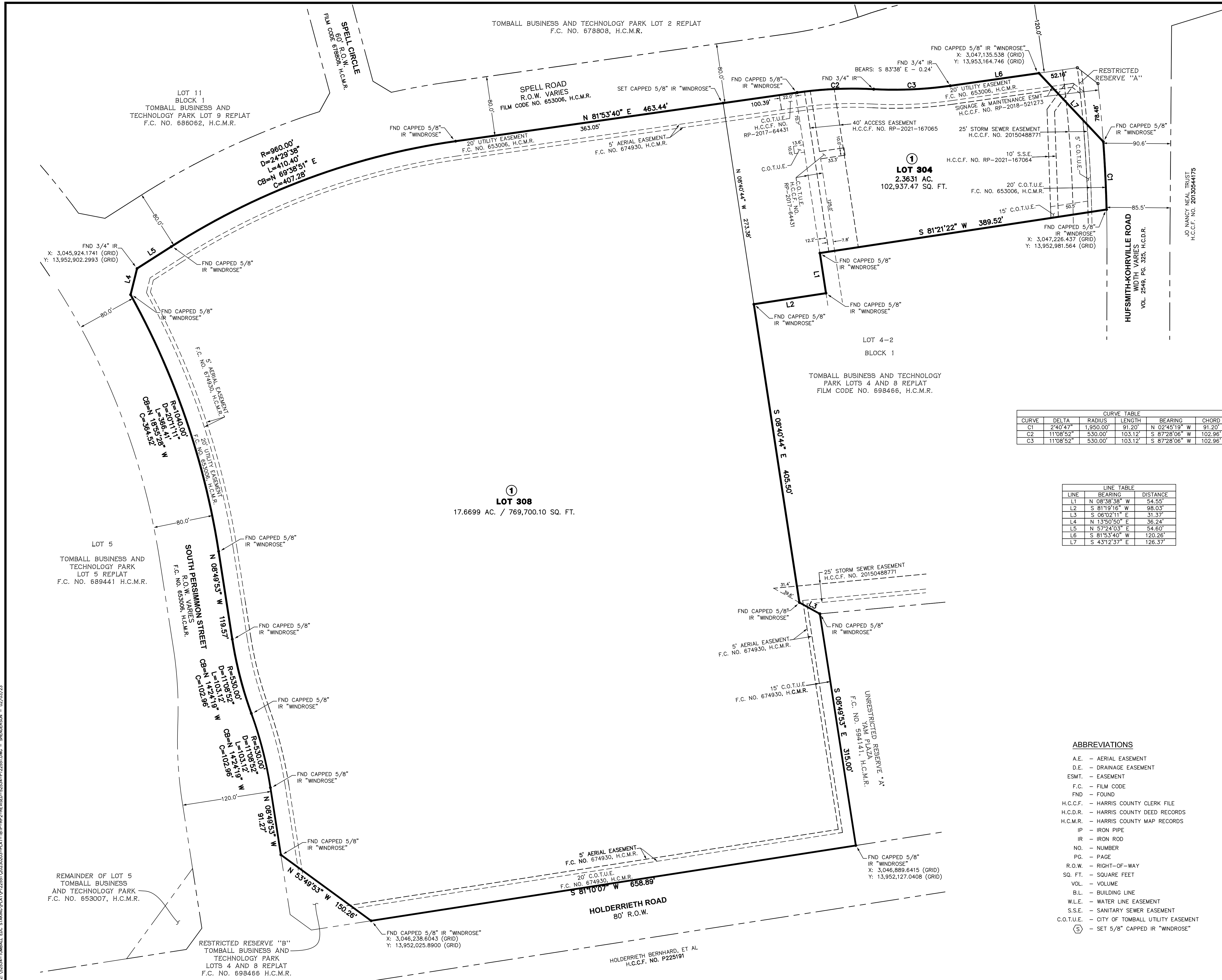


**WINDROSE**  
LAND SURVEYING & PLATTING

FIRM REGISTRATION NO. 10108800  
713.458.2281 | WINDROSESERVICES.COM  
5353 W SAM HOUSTON PKWY N, SUITE 150, HOUSTON TX 77041

**ABBREVIATIONS**

- A.E. - AERIAL EASEMENT
- D.E. - DRAINAGE EASEMENT
- ESMT. - EASEMENT
- F.C. - FILM CODE
- FND - FOUND
- H.C.C.F. - HARRIS COUNTY CLERK FILE
- H.C.D.R. - HARRIS COUNTY DEED RECORDS
- H.C.M.R. - HARRIS COUNTY MAP RECORDS
- IP - IRON PIPE
- IR - IRON ROD
- NO. - NUMBER
- PG. - PAGE
- R.O.W. - RIGHT-OF-WAY
- SQ. FT. - SQUARE FEET
- VOL. - VOLUME
- B.L. - BUILDING LINE
- W.L.E. - WATER LINE EASEMENT
- S.S.E. - SANITARY SEWER EASEMENT
- C.O.T.U.E. - CITY OF TOMBALL UTILITY EASEMENT
- (S) - SET 5/8" CAPPED IR "WINDROSE"



**CURVE TABLE**

CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	2°40'47"	1,950.00'	91.20'	N 02°45'19" W	91.20'
C2	11°08'52"	530.00'	103.12'	S 87°28'06" W	102.96'
C3	11°08'52"	530.00'	103.12'	S 87°28'06" W	102.96'

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N 08°38'38" W	54.55'
L2	S 81°19'16" W	95.03'
L3	S 08°02'11" E	31.37'
L4	N 13°50'50" E	36.24'
L5	N 57°24'03" E	54.60'
L6	S 81°53'40" W	120.26'
L7	S 43°12'37" E	126.37'

- ABBREVIATIONS**
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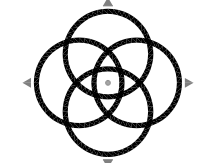
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JANUARY 2023  
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2710 Buckthorne Pl, Suite 150  
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**Tomball Economic Development Corporation**  
P.O. Box 820  
Tomball, TX 77375

**Surveyor**



**WINDROSE**  
LAND SURVEYING & PLATTING

FIRM REGISTRATION NO. 10108800  
713.458.2281 | WINDROSESERVICES.COM  
5353 W SAM HOUSTON PKWY N, SUITE 150, HOUSTON TX 77041

# Planning & Zoning Commission Agenda Item Data Sheet

Meeting Date: 02/13/2023

**Topic:**

Consideration to Approve Preliminary Plat of **TOMBALL SOUTH COMMERCIAL NO. 3**: A subdivision of 6.9349 acres, being all of Lot 2, Block 1, of Tomball South Commercial, a subdivision in Harris County, Texas, according to the Map or Plat thereof recorded in Film Code No. 632199 of the Map Records of Harris County, Texas.

**Background:**

**Origination:**

**Recommendation:**

Staff recommends approval.

**Party(ies) responsible for placing this item on agenda:** Jared Smith (City Planner)

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account: # \_\_\_\_\_ To Account: # \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_  
Staff Member Date City Manager Date

# CITY OF TOMBALL

Plat Name: Tomball South Commercial 3 Plat Type: Preliminary

Construction Drawings for Public Facilities required? Yes  No  N/A

Plat within City Limits  Within Extraterritorial Jurisdiction

Planning and Zoning Commission Meeting Date: February 13, 2023

The above Plat has been reviewed for compliance with existing Ordinances of the City of Tomball, Texas. Based on this review, the following comments are presented to the Planning & Zoning Commission for consideration in the Platting Process:

Community Development recommends approval of this plat with contingencies.

- Provide Block Number
- Prior to the final approval and recording of the FINAL PLAT for this subdivision, Engineered construction plans must be submitted to and approved by the City of Tomball illustrating how all required public improvements associated with this development will be constructed. All required public improvements associated with this development must be installed in accordance with the approved construction plans and/or suitable financial guarantee provided covering the overall costs of remaining improvements as deemed acceptable by the City Engineer.

STATE OF TEXAS  
COUNTY OF HARRIS

We, Church Engineering Services, Inc., acting by and through Joshua Mueller, its owner, being officers of Church Engineering Services, Inc., owners hereinafter referred to as owners of the 7.1229 acre tract described in the above and foregoing plat of TOMBALL SOUTH COMMERCIAL NO 3, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by this presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five feet (5') in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, owners do hereby dedicate to the public a strip of land fifteen feet (15') wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located and depicted upon in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainageway shall hereby be restricted to keep such drainageways and easements clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, the Church Engineering Services, Inc. has caused these presents to be signed by Joshua Mueller, its owner, thereunto authorized, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Church Engineering Services, Inc.

By: \_\_\_\_\_  
Joshua Mueller, owner

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Joshua Mueller, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and, in the capacity, therein and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for the State of Texas  
Print Name

My Commission expires: \_\_\_\_\_

We, Allegiance Bank, owners and holders of a 1 liens against the property described in the plat known as TOMBALL SOUTH COMMERCIAL NO 3, said liens being evidenced by instrument of record in Harris County Clerk's File Nos. RP-2019-242480 and RP-2022-404757 of the Mortgage Records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown in this section to said plat and we hereby confirm that we are the present owners of said liens and have not assigned the same nor any part thereof.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for the State of Texas  
Print Name

My Commission expires: \_\_\_\_\_

I, Harold L. Moyer, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet(3'); and that the plat boundary corners have been tied to the nearest survey corner.

Harold L. Moyer  
Texas Registration No. 5656

This is to certify that the planning and zoning commission of the City of Tomball has approved this plat and subdivision of TOMBALL SOUTH COMMERCIAL NO 3 in conformance with the laws of the state and the ordinances of the city as shown hereon and authorized the recording of this plat this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Barbara Tague  
Chairman

I, Tenneshia Hudspeth, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and at Film Code Number \_\_\_\_\_ of the Map Records of Harris County for said county.

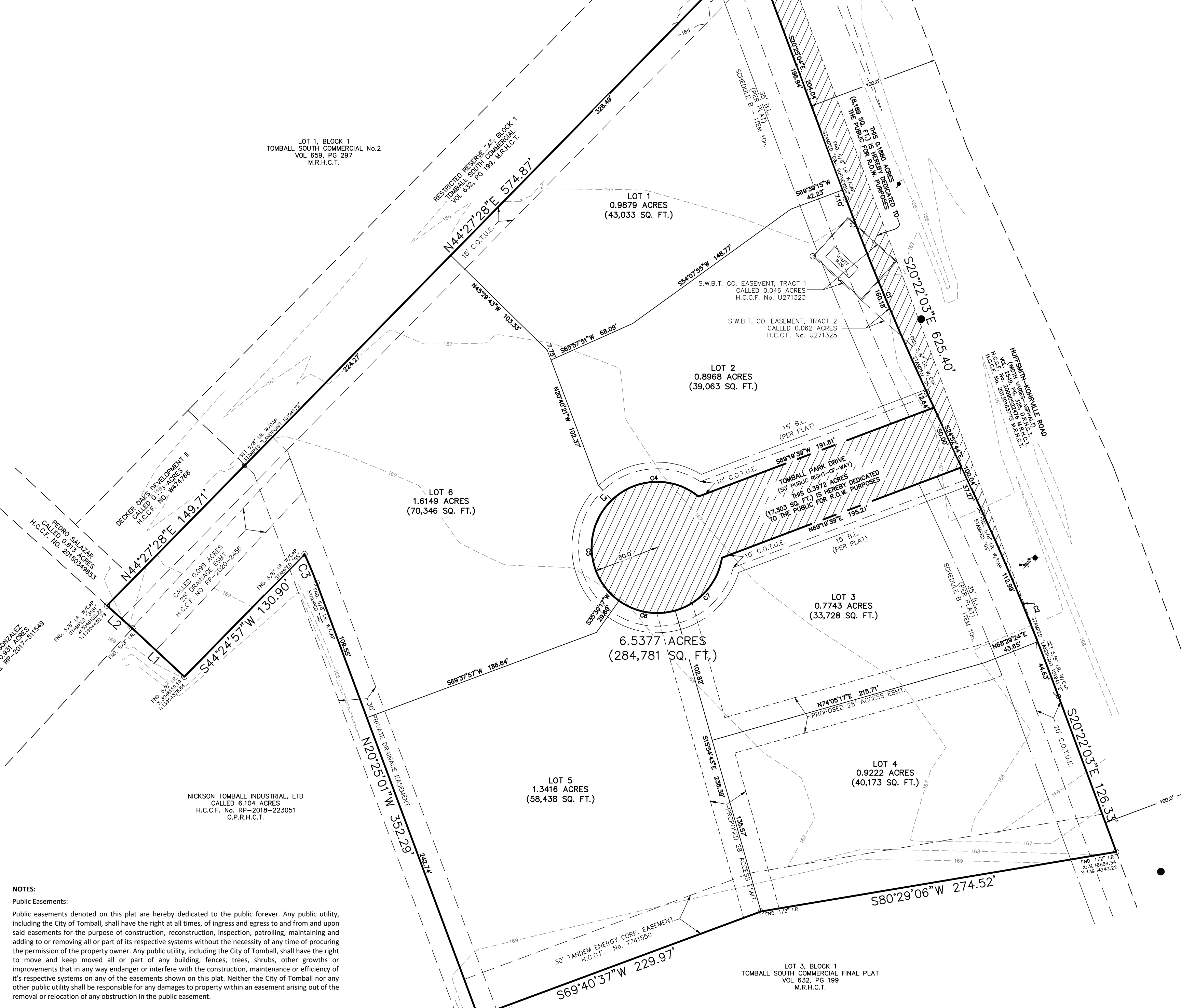
Witness my hand and seal of office, at Houston, the day and date last above written.

Teneshia Hudspeth  
County Clerk  
Of Harris County, Texas

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

CURVE TABLE with columns: NO., LENGTH, RADIUS, DELTA, CHORD, CHORD LENGTH. Rows C1 through C7.

LINE TABLE with columns: NO., BEARING, LENGTH. Rows L1 through L3.



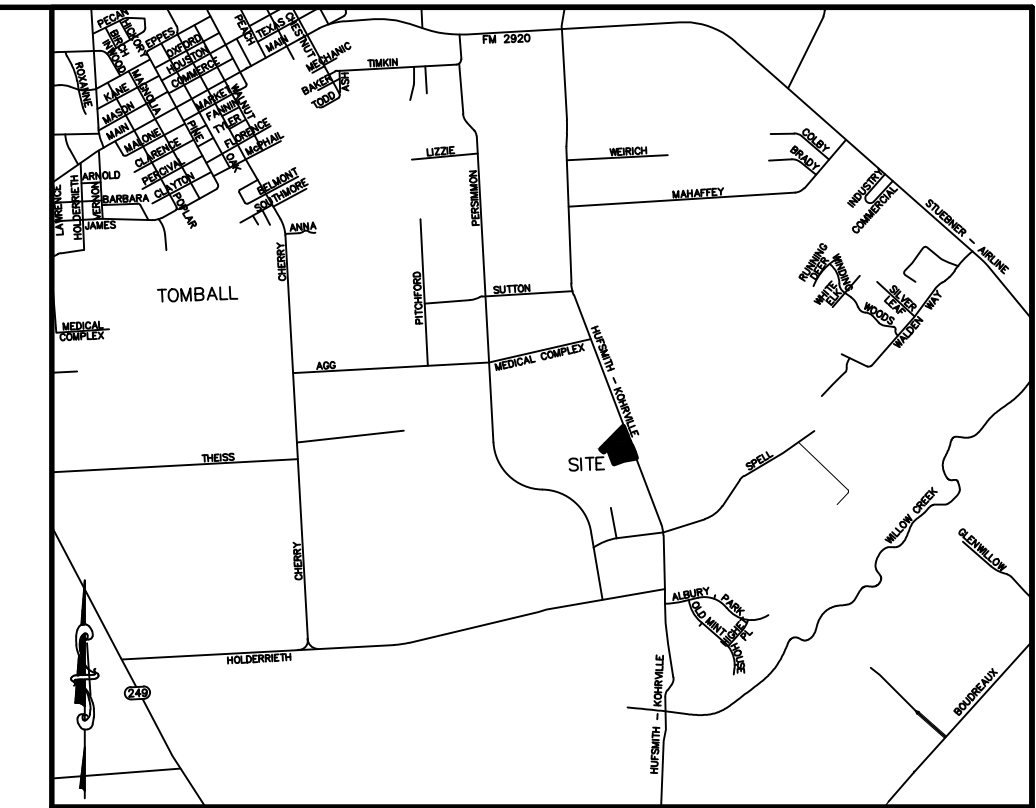
ABBREVIATION LEGEND

- A ABRSTRACT
A.E. AERIAL EASEMENT
B.L. BUILDING LINE
(CM) CONTROLLING MONUMENT
CONC. CONCRETE
ELEV. ELEVATION
ESMT. EASEMENT
F.C. FILM CODE
FND. FOUND
H.C.C.F. HARRIS COUNTY CLERK'S FILE
H.C.D.R. HARRIS COUNTY DEED RECORDS
H.C.M.R. HARRIS COUNTY MAP RECORDS
IP IRON PIPE
IR IRON ROD
No. NUMBER
R.O.W. RIGHT-OF-WAY
U.E. UTILITY EASEMENT
VOL. PG. VOLUME AND PAGE

GRAPHIC SCALE



1 inch = 50 ft.



VICINITY MAP: NOT TO SCALE

LEGAL DESCRIPTION

Being 7.1229 acres (310,274 square feet) of land situated in the Elizabeth Smith Survey, A-70, Harris County, Texas, and being all of Lot 2 and a portion of Reserve "B", Block 1, of Tomball South Commercial, according to the map or plat thereof recorded under Film Code No. 632199 of the Map Records of Harris County, Texas (M.R.H.C.T.), said 7.1229 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod with cap stamped "Landpoint 10194127" set in the existing west right-of-way line of Huffman-Kohville Road for the north corner and POINT OF BEGINNING of the herein described tract;

THENCE South 20°22'03" East, 625.42 feet along said west right-of-way line common to the east line of the herein described tract to a 5/8-inch iron rod with cap stamped "Landpoint 10194127" set for the south corner of a 0.1880 acre to be dedicated to the public for right-of-way purposes;

THENCE South 20°22'03" East, 126.33 feet continuing along said common line to a 1/2-inch iron rod found for the northeast corner of Lot 3, Block 1, Tomball South Commercial Final Plat, according to the map or plat thereof recorded in Volume 632, Page 199 of the M.R.H.C.T. and the southeast corner of the herein described tract;

THENCE South 80°29'06" West, 274.52 feet along the north line of said Lot 3 common to the south line of the herein described tract to a 1/2-inch iron rod found for an angle point;

THENCE South 69°40'37" West, 229.97 feet continuing along said common line to a 1/2-inch iron rod found in the east line of a called 6.104 acres recorded under Clerk's File No. RP-2019-228551 of the Official Public Records of Real Property of Harris County, Texas (O.P.R.P.H.C.T.) for the northwest corner of said Lot 3 and the southwest corner of the herein described tract;

THENCE North 20°25'01" West, 352.29 feet along the east line of said 6.104 acres and a west line of the herein described tract to a 5/8-inch iron rod with cap stamped "GS" found for the beginning of a curve to the left;

THENCE continuing in a northwest direction along said curve to the left having a length of 23.88 feet, a radius of 270.00 feet, a delta angle of 05°04'03", and a chord bearing of North 22°47'03" West, a distance of 23.87 feet to a 5/8-inch iron rod with cap stamped "GS" found for an interior northwest corner of the herein described tract;

THENCE South 44°24'57" West, 130.90 feet to a 5/8-inch iron rod found for the southerly northwest corner of the herein described tract;

THENCE North 47°02'37" West, 53.99 feet along the west line of the herein described tract to a 5/8-inch iron rod found for the east corner of a called 0.931 acre recorded under Clerk's File No. RP-2017-511549 O.P.R.P.H.C.T. and an angle point of the herein described tract;

THENCE North 48°13'39" West, 26.07 feet continuing along the west line of the herein described tract to a 5/8-inch iron rod with cap stamped "3181" found in the northeast line of said 0.931 acre for the south corner of a called 0.613 acre recorded under Clerk's File No. 201503496653 O.P.R.P.H.C.T., same being the west corner of the herein described tract;

THENCE North 44°27'28" East, 149.71 feet along the southeast line of said 0.613 acre and the southeast line of a called 0.168 acre recorded under Clerk's File No. W474768 O.P.R.P.H.C.T., same being the northwest line of the herein described tract to a 5/8-inch iron rod with cap stamped "Landpoint 10194142" set for the east corner of said 0.168 acre and the south corner of said Restricted Reserve "A" in said northwest line of the herein described tract;

THENCE North 44°27'28" East, 574.87 feet along the southeast line of said Restricted Reserve "A" common to the northwest line of the herein described tract to the POINT OF BEGINNING and containing 7.1229 acres (310,274 square feet) of land in Harris County, Texas.

PRELIMINARY PLAT OF TOMBALL SOUTH COMMERCIAL NO 3

A SUBDIVISION OF 7.1229 ACRES (310,274 SQUARE FEET), BEING ALL OF LOT 2, AND A PORTION OF RESERVE "B", BLOCK 1, OF TOMBALL SOUTH COMMERCIAL, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 632199 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

1 BLOCK 6 LOTS  
JANUARY 30, 2023

OWNER: SURVEYOR:

JOSHUA MUELLER  
CHURCH ENGINEERING SERVICES, INC.  
2810 WASHINGTON DRIVE  
HOUSTON, TEXAS 77038  
(713) 614-7694

LANDPOINT logo and address: 1311BROADFIELD BLVD., STE. 275 HOUSTON, TX 77084 (713) 993-0327

- NOTES: Public Easements: Public easements denoted on this plat are hereby dedicated to the public forever... Flood Information: According to FEMA Firm Panel No. 48201C 0230L (Effective Date: 6-18-07), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain. 1. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown. 2. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown. 3. No building or structure shall be constructed across any pipelines, building lines, and/or easements. 4. This plat does not attempt to amend or remove any valid covenants or restrictions. 5. A ten foot wide City of Tomball utility easement is hereby dedicated to this plat and is centered on the gas main extension from the City of Tomball right-of-way or City of Tomball utility easement up to and around the gas meter.

X:\2022\22-1003-1\Working\Plats and Field Notes\Plats\22-1003-1.dwg

# Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: February 13, 2023

**Topic:**

Conduct a Public Hearing and Consideration to approve **Ordinance Amendment OAM23-01:** Request by Apex Clean Energy Holdings, LLC to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding standards pertaining to “Energy Storage System”.

**Background:**

In recent months, the City of Tomball has been approached by multiple businesses looking to establish an “Energy Storage System” within the City of Tomball. These businesses utilize batteries to create energy storage reserves that are to be utilized if our city and/or surrounding communities lose access to electricity. Currently, the City of Tomball does not identify any such land use within our Code of Ordinance, leading staff to categorize this use as an “Electrical Substation” which is the closest similar use within our code of ordinance. Where permitted, electrical substations require a Conditional Use Permit. To avoid potential confusion that may arise from seeking a Conditional Use Permit for an Electrical Substation, the applicants would like to add the electric storage system land use to our code of ordinance. This amendment will allow an electric storage system within the Light Industrial (LI) zoning district with the approval of a Conditional Use Permit. Additionally, this amendment includes a definition that will clearly define the electric storage facility land use.

**Origination:** Apex Clean Energy Holdings, LLC

**Recommendation:**

City staff recommends approval of Zoning Case OA23-01.

**Party(ies) responsible for placing this item on agenda:** Jared Smith, City Planner

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

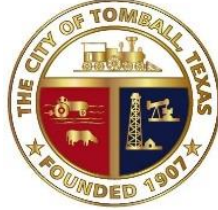
Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account: # \_\_\_\_\_ To Account: # \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_



**NOTICE OF PUBLIC HEARING**  
**CITY OF TOMBALL**  
**PLANNING & ZONING COMMISSION (P&Z)**  
**FEBRUARY 13, 2023**  
**&**  
**CITY COUNCIL**  
**FEBRUARY 20, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, February 13, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, February 20, 2023 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

**Ordinance Amendment OAM23-01:** Request by Apex Clean Energy Holdings, LLC to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding standards pertaining to “Energy Storage System”.

**Zoning Case Z23-02:** Request by RIAA Group, LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.12 acres of land legally described as being portions of Lot 172, in Tomball Townsite from Agricultural (AG) to General Retail (GR). The property is located at the northwest corner of S. Cherry Street & Medical Complex Drive at 1635 S. Cherry Street, within the City of Tomball, Harris County, Texas.

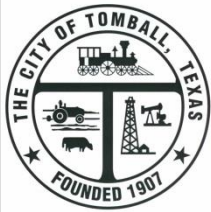
At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, and the Public Works Buildings, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contact the City Planner, Jared Smith, at (281) 290-1491 or at [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

### CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10<sup>th</sup> day of February 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith  
 Jared Smith  
 City Planner

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT [www.tomballtx.gov](http://www.tomballtx.gov).



# Ordinance Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: February 13, 2023  
City Council Public Hearing Date: February 20, 2023

**Case:** OAM23-01  
**Applicant(s):** Apex Clean Energy Holdings, LLC  
**Section(s):** Section(s) 50-2 (*Definitions*) and 50-82 (*Use Regulations (Charts)*),  
Subsection (b)(*Use Charts*)  
**Subject:** Add “Electric Storage System”

## **BACKGROUND**

In recent months, the City of Tomball has been approached by multiple businesses looking to establish an “Energy Storage System” within the City of Tomball. These businesses utilize batteries to create energy storage reserves that are to be utilized if our city and/or surrounding communities lose access to electricity. Currently, the City of Tomball does not identify any such land use within our Code of Ordinance, leading staff to categorize this use as an “Electrical Substation” which is the closest similar use within our code of ordinance. Where permitted, electrical substations require a Conditional Use Permit. To avoid potential confusion that may arise from seeking a Conditional Use Permit for an Electrical Substation, the applicants would like to add the electric storage system land use to our code of ordinance. This amendment will allow an electric storage system within the Light Industrial (LI) zoning district with the approval of a Conditional Use Permit. Additionally, this amendment includes a definition that will clearly define the electric storage facility land use.

## **NOTICE OF PUBLIC HEARING:**

A public hearing notice was published in the Potpourii on February 1, 2023.

## **PROPOSED ORDINANCE AMENDMENT(s):**

Code of Ordinance Section(s):

50-2 (*Definitions*)

### **ADD:**

*Electric Storage System – One or more devices assembled together capable of storing energy that allows power system operators and utilities to collect and store energy from the grid and discharge it at a future time to provide electricity when needed, such as to ensure adequate peaking generation capacity and grid resiliency.*

50-82 (Use Regulations (Charts))

**ADD:**

Types of Land Uses	Residential Zoning Districts										Nonresidential Zoning Districts						Parking				
	AG	SF-20-E	SF-9	SF-6			D		MF		MHP	O		GR			C	LI		OT&MU	
Institutional/Governmental																					
Electric Storage System																		C			2 spaces per facility

**RECOMMENDATION**

City staff recommends approval of OAM23-01

Revised: 10/1/2022



## ZONING TEXT AMENDMENT Planning Division

**APPLICATION REQUIREMENTS:** Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

**DIGITAL PLAN SUBMITTALS:**

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

**WEBSITE:** [tomballtx.gov/secure send](http://tomballtx.gov/secure send)  
**USERNAME:** [tomballedd](#)  
**PASSWORD:** [Tomball1](#)

**Applicant**

Name: Apex Clean Energy Holdings, LLC Title: Chief Operating Officer  
Mailing Address: 120 Garrett Street, Suite 700 City: Charlottesville State: VA  
Zip: 22902 Contact: Ken Young  
Phone: (434) 270-7491 Email: ken.young@apexcleanenergy.com  
c/o Jake Steinman, [jake.steinman@apexcleanenergy.com](mailto:jake.steinman@apexcleanenergy.com)

**Property Owner**

Name: TBD Title: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_ Contact: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

**Statement of Purpose-** Identify the existing section(s) of the Zoning Ordinance for which the Text Amendment is proposed, the proposed revised language and the reason(s) for the requested text Amendment (attach additional sheets as necessary):

The proposed zoning text amendment would amend City Code Sec. 50-2 (Zoning Definitions) to define "Energy Storage System". It would also amend Sec. 50-82(b) (Use Charts) to make Energy Storage System a conditional use that may be permitted in the LI zoning district only upon approval of a Conditional Use Permit (CUP) subject to the requirements of Sec. 50-81 (Conditional Use Permit). The amendments are needed to update the Code to reflect advances in technology and to allow for a regulated use that will enhance the energy grid. The proposed definition for "Energy Storage System" is "one or more devices assembled together capable of storing energy that allows power system operators and utilities to collect and store energy from the grid and discharge it at a future time to provide electricity when needed, such as to ensure adequate peaking generation capacity and grid resiliency."

Revised: 10/1/2022

**General Description of Property Affected by Amendment** (attach additional sheets as necessary):

There is a parcel under consideration but no sale has closed at this time. Generally, however, an energy storage system use must be in close proximity to an electrical substation.

**Statement of Facts Which the Applicant Believes Justify the Amendment** (attach additional sheets as necessary):

The storage of energy is becoming increasingly important to achieve public policy goals including grid resiliency, emergency preparedness, and cost management. Energy storage will help to reduce costs associated with meeting peak electric demands, increase efficiency, stabilize supply during peak electric usage, and help keep critical systems online during an outage. The use should be regulated by allowing it only in the LI zoning district upon a public hearing and approval process for a Conditional Use Permit, and shall meet all fire and building code requirements and shall require ERCOT interconnection approval.

This is to certify that the information on this form is **COMPLETE, TRUE, and CORRECT** and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X  12/22/2022  
Signature of Applicant Date

X \_\_\_\_\_  
Signature of Owner Date



Jake Steinman  
 Apex Clean Energy, Inc.  
 120 Garrett Street, Suite 700  
 Charlottesville, VA 22902  
 jake.steinman@apexcleanenergy.com  
 Cell: 775-842-4749

January 3, 2023

Nathan Dietrich  
 Community Development Director  
 The City of Tomball  
 501 James Street  
 Tomball, TX 77375

Dear Mr. Dietrich:

On behalf of Apex Clean Energy, this serves as a request for zoning text amendments to define the "Energy Storage System" use and to make Energy Storage a conditional use in the Light Industrial (LI) zoning district pursuant to City Code Sec. 50-82(a)(4) (Classification of New/Unlisted Uses). Below is a list of the information required per the above-referenced Code section.

- (i) The nature of the use and whether the use involves dwelling activity, sales, services, or processing:

"Energy Storage System" is one or more devices assembled together capable of storing energy that allows power system operators and utilities to collect and store energy from the grid and discharge it at a future time to provide electricity when needed, such as to ensure adequate peaking generation capacity and grid resiliency.

- (ii) The type of product sold or produced under the use:

Electrical energy storage and discharge into the grid as needed to enhance the functionality and resiliency of the energy grid.

- (iii) Whether the use has enclosed or outside storage and the amount and nature of the storage:

The use is to be stored in enclosed containers with the amount dependent on the energy storage needs and physical constraints.

Nathan Dietrich  
January 3, 2023  
Page 2

(iv) Anticipated employment typically anticipated with the use:

There will be construction jobs generated as part of the construction of a battery storage facility. Upon construction, employment will be related to routine maintenance and remote 24/7 monitoring.

(v) Transportation requirements:

There will be no transportation requirements after construction except for a public or private access drive for maintenance.

(vi) The nature and time of occupancy and operation of the premises:

The use will be automated and continuous to ensure that adequate energy supply is available to the grid at all times.

(vii) The off-street parking and loading requirements:

There will be minimal parking and loading requirements, as the facility will only need parking for maintenance visits. Typically, this would include a loading space and little to no parking.

(viii) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated:

The use will not generate any odor, fumes, dust, toxic materials, or vibration. It will generate sound of approximately 55 decibels at 60 feet, which, for example, is approximately 25 decibels lower than the existing Tomball substation generates at the same distance.

(ix) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required:

Because this type of use does not require occupancy during operations, there will be no need for connection to city water or sewer.

(x) Impervious surface coverage:

Impervious surface cover will vary from project to project and is dependent on type and make of energy storage system. Adequate storm water retention will be designed and constructed if over the minimum threshold.



Nathan Dietrich  
January 3, 2023  
Page 3

Sincerely,



Jake Steinman  
Senior Development Manager, Energy Storage

# Planning and Zoning Commission Agenda Item Data Sheet

Meeting Date: February 13, 2023

**Topic:**

Conduct a Public Hearing and consideration to approve **Zoning Case Z23-02**: Request by RIAA Group, LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.12 acres of land legally described as being portions of Lot 172, in Tomball Townsite from Agricultural (AG) to General Retail (GR). The property is located at the northwest corner of S. Cherry Street & Medical Complex Drive at 1635 S. Cherry Street, within the City of Tomball, Harris County, Texas.

**Background:**

The subject property has been within the City Limits of Tomball since at least 1907. The property has remained vacant since this time. The applicants are requesting to rezone the subject property to General Retail to allow the development of a retail shopping center and convenience store.

**Origination:** RIAA Group LLC.

**Recommendation:**

City staff recommends approval of Zoning Case Z23-02.

**Party(ies) responsible for placing this item on agenda:** Jared Smith, City Planner

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account: # \_\_\_\_\_ To Account: # \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Approved by:** \_\_\_\_\_

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
FEBRUARY 13, 2023  
&  
CITY COUNCIL  
FEBRUARY 20, 2023**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, February 13, 2023 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, February 20, 2023 at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

**Ordinance Amendment OAM23-01:** Request by Apex Clean Energy Holdings, LLC to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding standards pertaining to “Energy Storage System”.

**Zoning Case Z23-02:** Request by RIAA Group, LLC. to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.12 acres of land legally described as being portions of Lot 172, in Tomball Townsite from Agricultural (AG) to General Retail (GR). The property is located at the northwest corner of S. Cherry Street & Medical Complex Drive at 1635 S. Cherry Street, within the City of Tomball, Harris County, Texas.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, and the Public Works Buildings, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contact the City Planner, Jared Smith, at (281) 290-1491 or at [jasmith@tomballtx.gov](mailto:jasmith@tomballtx.gov).

### CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 10<sup>th</sup> day of February 2023 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith  
Jared Smith  
City Planner

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT [www.tomballtx.gov](http://www.tomballtx.gov).



## Notice of Public Hearing

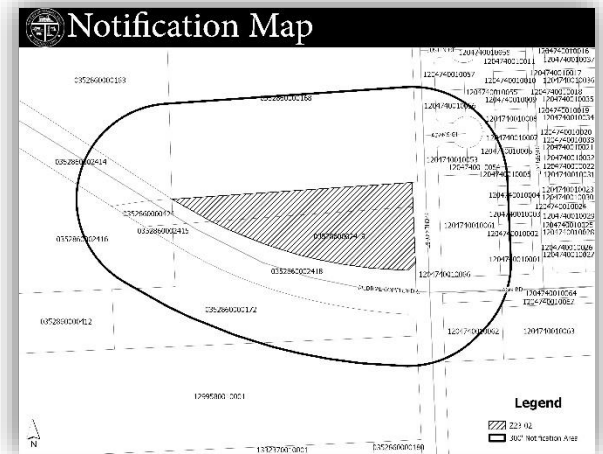
**YOU ARE INVITED TO ATTEND** the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

**CASE NUMBER:** Z23-02

**APPLICANT/OWNER:** RIAA Group, LLC

**LOCATION:** The property is located at the northwest corner of S. Cherry Street & Medical Complex Drive at 1635 S. Cherry Street, within the City of Tomball, Harris County, Texas.

**PROPOSAL:** A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances, by rezoning approximately 3.12 acres of land legally described as being portions of Lot 172, in Tomball Townsite from Agricultural (AG) to General Retail (GR).



**CONTACT:** Jared Smith, City Planner  
**PHONE:** (281) 290-1491  
**E-MAIL:** [tomballtxcd@gmail.com](mailto:tomballtxcd@gmail.com)

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public review Monday through Friday, except holidays, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

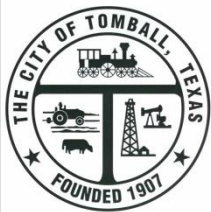
**This notice is being mailed to all owners of real property within 300 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.**

**Planning & Zoning Commission  
Public Hearing:  
Monday, February 13, 2023 @ 6:00 P.M**

**City Council Public Hearing:  
\*Monday, February 20, 2023 @ 6:00 P.M.**

**The Public Hearings will be held in the  
City Council Chambers, City Hall 401  
Market Street, Tomball, Texas.**

\*Should the Planning & Zoning Commission vote to table the recommendation on the case, the date and time of a future meeting will be specified, and the City Council will not review the subject case until such a recommendation is forwarded to the City Council by the Planning & Zoning Commission.



# Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: February 13, 2023  
City Council Public Hearing Date: February 20, 2023

- Rezoning Case:** Z23-02
- Property Owner(s):** RIAA Group LLC.
- Applicant(s):** RIAA Group LLC.
- Legal Description:** Portions of Lot 172, in Tomball Townsite
- Location:** 1635 S. Cherry St. (Exhibit “A”)
- Area:** 3.12 acres
- Comp Plan Designation:** Neighborhood Commercial/Transitional Residential (Exhibit “B”)
- Present Zoning:** Agricultural (AG) (Exhibit “C”)
- Request:** Rezone from Agricultural (AG) to the General Retail (GR) district
- Adjacent Zoning & Land Uses:**
  - North:** Manufactured Home (MH) & Conditional Use Permit (CUP)(SF-20)/ RV Park
  - South:** Agricultural (AG)/Vacant
  - West:** Agricultural (AG)/Vacant
  - East:** General Retail (GR)/Convenience Store & Fuel Sales

## BACKGROUND

The subject property has been within the City Limits of Tomball since at least 1907. The property has remained vacant since this time. The applicants are requesting to rezone the subject property to General Retail to allow the development of a retail shopping center and convenience store.

## ANALYSIS

**Description:** The subject property comprises approximately 3.12 acres, located at the northwest corner of Medical Complex Drive and South Cherry Street. The property is presently located within the Agricultural zoning district and has been within this zoning classification since the City of Tomball adopted zoning in 2008. Immediately north of the subject property is an existing recreational vehicle park which is permitted by virtue of a Conditional Use Permit (CUP1) in the existing Manufactured Home Park zoning district. East of the subject site is an existing fuel station and convenience store which has been in existence since 2008, this use is located in the General Retail district. The southeast corner of South Cherry Street and Medical Complex Drive is presently occupied by an existing office building, which has been in existence since 2002, and is located in the Office zoning district. The properties immediately west of the subject property is

currently vacant and zoned Agricultural. In 2022, the property south of the subject property at the southwest corner of S. Cherry Street and Medical Complex Drive requested to rezone from the Agricultural to the Commercial (C) district in 2022. This request was ultimately denied by the City Council and has remained vacant.

**Comprehensive Plan Recommendation:** The Future Land Use Plan adopted with the Comprehensive Plan in 2019 currently splits the subject property into two planned land use categories, “Transitional Residential” & “Neighborhood Commercial”. The portion of the subject property which falls within “Transitional Residential” is approximately 70,000 square feet in area. This transitional residential land use category calls for multi-family, duplex, and single-family residential uses. When considering this proposed transitional residential land use, the subject property will not allow the establishment of multi-family development due to its size (multi-family requires 10-acres minimum). In addition to the size and irregular shape, the property presents challenges to developing single-family or duplex residential given restrictions pertaining to direct access from residential lots to major arterial streets (Medical Complex). This restriction would likely require the dedication and creation of a new street for each lot to front on, said street dedication would further reduce the developable area and likely exacerbate the irregular shape of the parcels. Taking this information into consideration, the entirety of the subject property is likely best suited for the neighborhood commercial land use category.

The Neighborhood Commercial land use category is intended for commercial uses that are developed with the appropriate context, scale and design to complement residential development. These areas are intended to be accessible by both vehicles and pedestrians.

According to the Comprehensive Plan, land uses that are appropriate in these neighborhood commercial land use areas include restaurants, retail, professional services, clinics, and offices. Appropriate secondary uses may include places of assembly or event venues, local utility services, and government facilities.

The Comprehensive Plan recommends the zoning districts of – General Retail (GR), Office (O), or Planned Developments (PD) for the Neighborhood Commercial land use category.

The Comprehensive Plan states that when making decisions regarding the neighborhood commercial land use category the city should consider that neighborhood commercial development should be located adjacent to intersections of collector streets or streets of greater functional classification.

**Staff Review Comments:**

The request to rezone to General Retail is in direct alignment with the Comprehensive Plans objective of establishing neighborhood commercial land uses at the northwest corner of the intersection of S. Cherry Street and Medical Complex Drive. The land uses that would result from this zone change would be in character with surrounding land uses at this intersection. Furthermore, the subject site is situated at the intersection of two arterial streets. Locations such as this are customarily considered appropriate for commercial land uses as these roadways provide convenient access and exposure often considered necessary for commercial success.

**PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on February 2, 2023. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

**RECOMMENDATION**

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case Z23-02.

**EXHIBITS**

- A. Aerial Location Map
- B. Future Land Use Map
- C. Zoning Map
- D. Site Photo
- E. Rezoning Application



Exhibit "A"  
Aerial Location Map



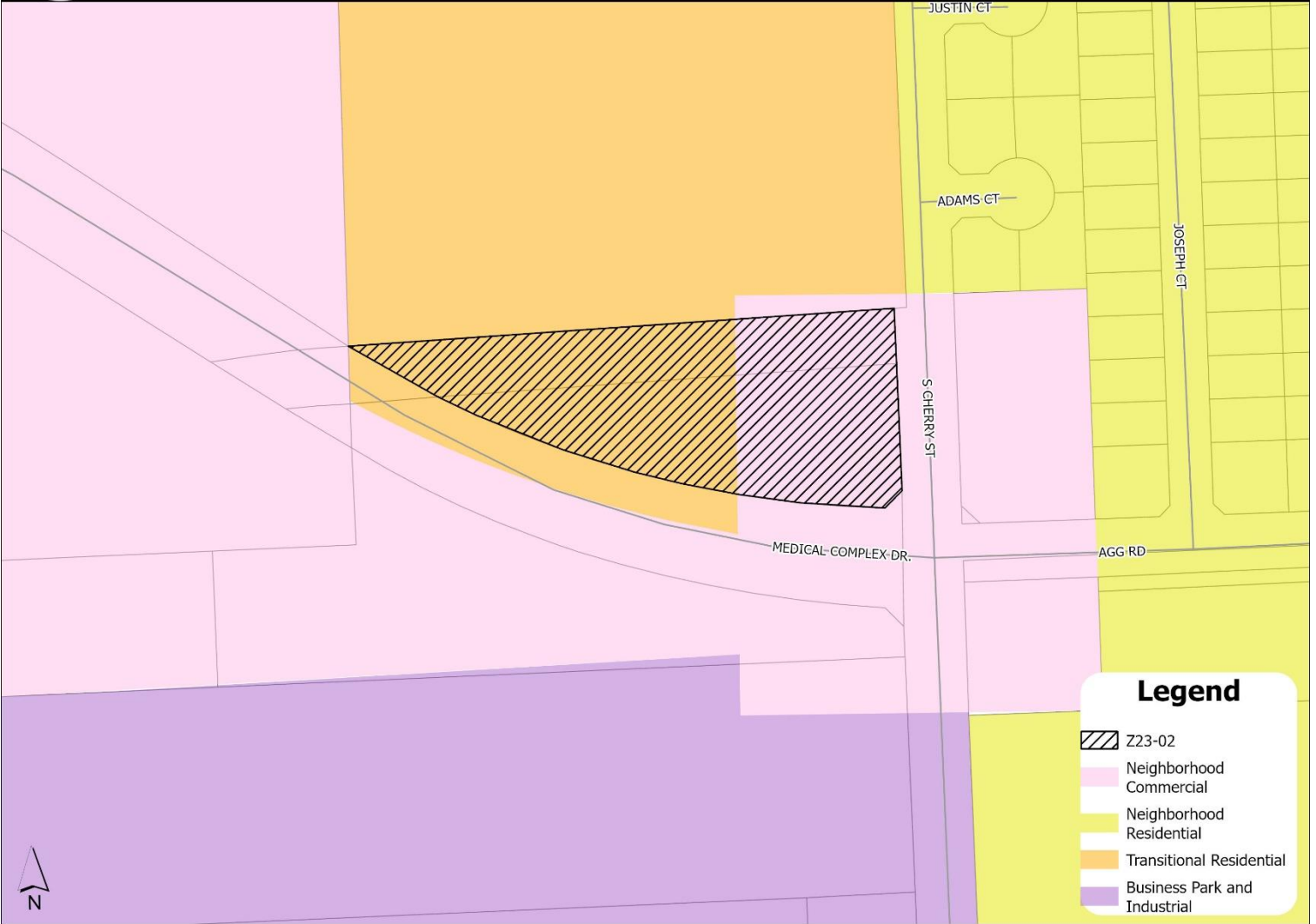
# Location Map

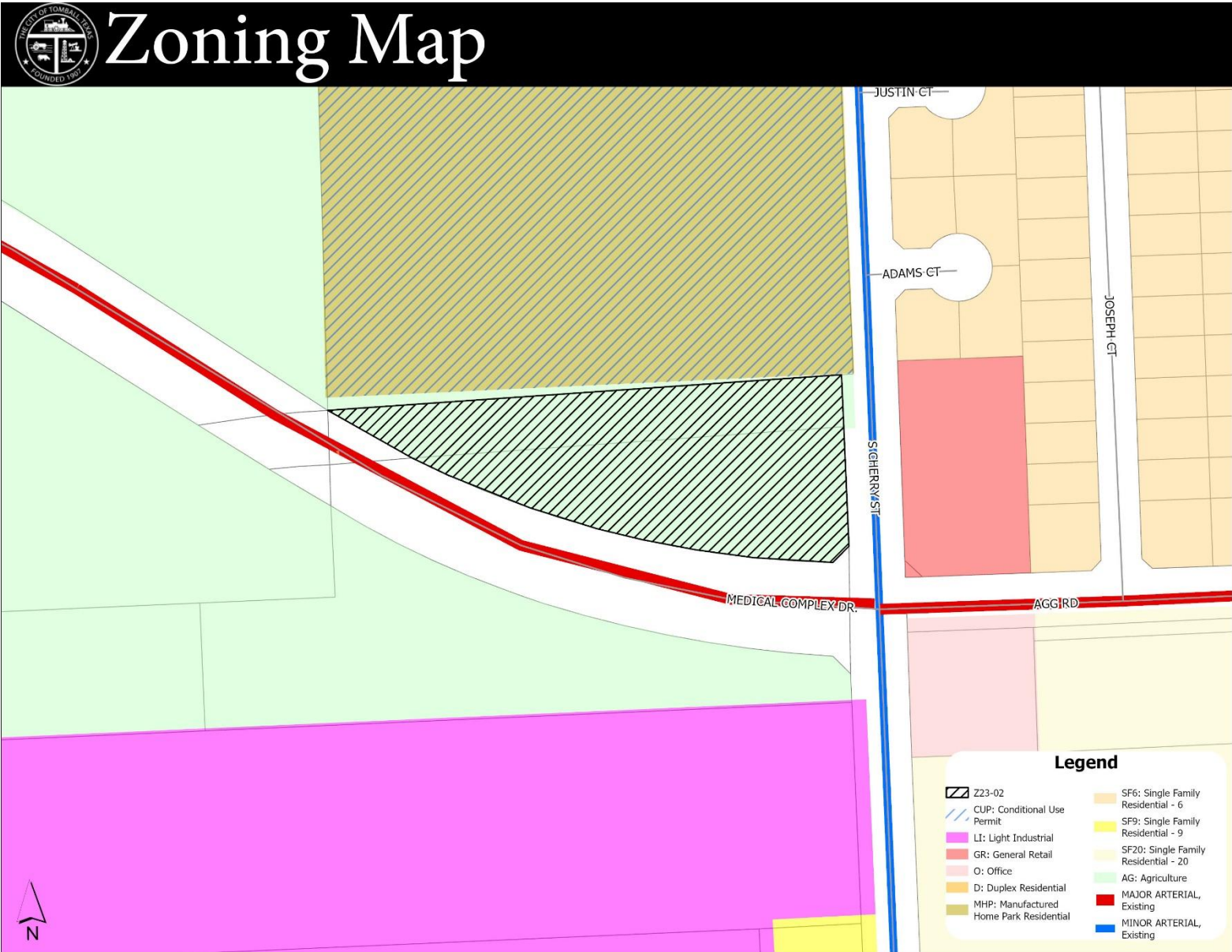


Exhibit "B"  
Future Land Use Plan



# Future Land Use Map





**Exhibit "D"**  
**Site Photo(s)**

**Subject Site**



**Neighbor (West)**



# Neighbor (East)



# Neighbor (North)



# Neighbor (South)



# Exhibit "E" Rezoning Application

Revised: 4/13/2020



## APPLICATION FOR RE-ZONING

Community Development Department  
Planning Division

**APPLICATION SUBMITTAL:** Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

### Applicant

Name: RIAA GROUP, LLC. Title: LLC  
Mailing Address: 4814 ZACARY LANE City: SUIGAR LAND State: TEXAS  
Zip: 77479 Contact: ARIF MANKNOJIYA  
Phone: (832) 620-3514 Email: Riaagroupllc@gmail.com

### Owner

Name: ARIF MANKNOJIYA Title: OWNER  
Mailing Address: 4814 ZACARY LANE City: SUIGAR LAND State: TEXAS  
Zip: 77479 Contact: \_\_\_\_\_  
Phone: (832) 620-3514 Email: Riaagroupllc@gmail.com

### Engineer/Surveyor (if applicable)

Name: Catalyst Technical Group, inc. Title: Engineer  
Mailing Address: 440 Cobia dr. suite 1503 City: KATY State: TX  
Zip: 77494 Contact: RAFIQ  
Phone: (   ) 832-913-1888 Fax: (   ) \_\_\_\_\_ Email: ali@texasctgroup.com

Description of Proposed Project: \_\_\_\_\_

Physical Location of Property: 1635 CHERRY ST TOMBALL TX 77375.  
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 172A-2 TOMBALL OUTLOTS  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: Agricultural (AG)

Current Use of Property: NONE (EMPTY LOT)

Proposed Zoning District: General Retail (GR)

Proposed Use of Property: RETAIL PLAZA AND C-STORE


HCAD Identification Number: 0352860002419 , 0352860002420 Acreage: 3.122

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

Revised: 4/13/2020

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is **COMPLETE, TRUE, and CORRECT** and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

<input checked="" type="checkbox"/>		12-16-2022
	Signature of Applicant	Date
<input checked="" type="checkbox"/>		12-16-2022
	Signature of Owner	Date



Revised: 4/13/2020

## Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

**Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.**

- Completed application form**
- \*Copy of Recorded/Final Plat**
- Check for \$400.00 + \$10.00 per acre (Non-Refundable)**
- Letter stating reason for request and issues relating to request**
- Conceptual Site Plan (if applicable)**
- Metes & Bounds of property**
- Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc.. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

**The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.**

**\*Legal Lot Information:** If property is not platted, a plat will be required to be filed with the Community Development Department unless evidence of a legal lot is provided. To be an unplatted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

Revised: 4/13/2020

## Application Process

1. The official filing date is the date the application and fee are received by the City.
2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.
3. Property owners within two-hundred (200) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.
4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.
5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).
6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

**FAILURE TO APPEAR:** It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.



RP-2021-155506  
03/25/2021 ER \$30.00

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**WARRANTY DEED**

STATE OF TEXAS §  
COUNTY OF HARRIS § KNOW ALL MEN BY THESE PRESENTS:

THAT, JANA'S DIRT LLC, A TEXAS LIMITED LIABILITY COMPANY, which acquired title to Tract 2 of the hereinafter described real property by error or mistake as JANA'S DIRT, L.L.C., hereinafter called Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars cash and other good and valuable consideration in hand paid by

RIA GROUP LLC  
4914 Zachary Ln.  
Sugarland, Tx 77479  
J

hereinafter called Grantee, the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee all those certain lots, tracts or parcels of land, together with all improvements thereon, lying and being situated in the County of Harris, State of Texas, described as follows, to-wit:

TRACT 1:  
Being a 1.839 acre tract situated in the Jesse Pruett Survey, Abstract No. 629, Harris County, Texas, being a portion of the residue of that certain called 7.56 acre tract described in instrument to Jana's Dirt, LLC, recorded in Clerk's File No. 20120271296 of the Official Public Records of Real Property, Harris County, Texas (O.P.R.R.P.H.C.T.), said 1.839 acre tract being more particularly described by metes and bounds on Exhibit "A" attached hereto.

TRACT 2:  
Being a 1.283 acre tract situated in the Jesse Pruett Survey, Abstract No. 629, Harris County, Texas, being all of that certain called 1.2748 acre tract described in instrument to Jana's Dirt, LLC, recorded in Clerk's File No. 20150109818 of the Official Public Records of Real Property, Harris County, Texas (O.P.R.R.P.H.C.T.), said 1.283 acre tract being more particularly described by metes and bounds on Exhibit "A" attached hereto.

This conveyance is made and accepted subject to any and all valid covenants, conditions, restrictions, easements and outstanding mineral and/or royalty interests in the oil, gas, and other minerals and leases thereon, now outstanding or affecting the premises herein conveyed, now of record in the County Clerk's office of Harris County, Texas, but only to the extent they are still in force and effect.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee and Grantee's successors and assigns, forever. And Grantor does hereby bind Grantor and Grantor's successors and assigns, to warrant and forever defend all and singular the said premises unto the said Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Executed this 12 day of February, 2021.

JANA'S DIRT LLC,  
A TEXAS LIMITED LIABILITY COMPANY

By: [Signature]  
MIKE O'BRIEN, Managing Member

And By: [Signature]  
JANA O'BRIEN, Managing Member

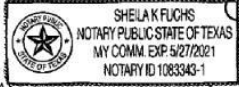
RECORDED AT THE REQUEST  
OF FIRST AMERICAN TITLE  
GF# - 2565826-43

RP-2021-155506

UNOFFICIAL

STATE OF TEXAS §  
COUNTY OF Montgomery §

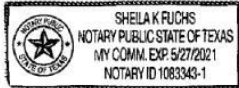
This instrument was acknowledged before me on this 12 day of February, 2021 by MIKE O'BRIEN, Managing Member of JANA'S DIRT LLC, A TEXAS LIMITED LIABILITY COMPANY, on behalf of said entity in the capacity herein stated.



*[Signature]*  
Notary Public, State of Texas

STATE OF TEXAS §  
COUNTY OF Montgomery §

This instrument was acknowledged before me on this 12 day of February, 2021 by JANA O'BRIEN, Managing Member of JANA'S DIRT LLC, A TEXAS LIMITED LIABILITY COMPANY, on behalf of said entity in the capacity herein stated.



*[Signature]*  
Notary Public, State of Texas

After recording return to:  
R1AA Group LLC  
4814 Zachary Ln.  
Sugarland, Tx 77479

G:\JEANIE\FIRST AMERICAN\2021\2565826 -Jana's Dirt LLC-R1AA Group, LLC(1-1).cd.doc

RP-2021-155506

UNOFFICIAL COPY

**EXHIBIT 'A'****TRACT 1:**

BEING A 1.839 ACRE TRACT SITUATED IN THE JESSE PRUETT SURVEY, ABSTRACT NO. 629, HARRIS COUNTY, TEXAS, BEING A PORTION OF THE RESIDUE OF THAT CERTAIN CALLED 7.56 ACRE TRACT DESCRIBED IN INSTRUMENT TO JANA'S DIRT, LLC, RECORDED IN CLERK'S FILE NO. 20120271296 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, HARRIS COUNTY, TEXAS (O.P.R.R.P.H.C.T.), SAID 1.839 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1 INCH IRON PIPE WITH CAP FOUND IN THE WESTERLY RIGHT-OF-WAY OF SOUTH CHERRY STREET (80' WIDTH), FOR THE COMMON EASTERLY CORNER OF SAID RESIDUE TRACT AND A CALLED 1.2748 ACRE TRACT DESCRIBED IN INSTRUMENT TO JANA'S DIRT, LLC, RECORDED IN CLERK'S FILE NO. 20150109818, O.P.R.R.P.H.C.T., BEING THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED 1.839 ACRE TRACT, FROM WHICH A 1 1/2 INCH PINCHED TOP PIPE FOUND FOR THE NORTHEASTERLY CORNER OF SAID 1.2748 ACRE TRACT BEARS NORTH 02°28'33" WEST, 79.89 FEET;

THENCE SOUTH 02°28'33" EAST, 176.06 FEET, WITH THE WESTERLY RIGHT-OF-WAY OF SAID SOUTH CHERRY STREET AND THE EASTERLY LINE OF SAID RESIDUE TRACT, TO A 1/2 INCH IRON ROD WITH CAP STAMPED "TPS 100834-00" SET FOR THE NORTHERLY CUTBACK CORNER AT THE NORTHWESTERLY CORNER OF THE INTERSECTION OF SAID SOUTH CHERRY STREET, WITH MEDICAL COMPLEX DRIVE (120' WIDTH), RECORDED IN CLERK'S FILE NO. 2015107119, O.P.R.R.P.H.C.T., FOR THE EASTERLY SOUTHEAST CORNER OF SAID RESIDUE TRACT AND THE HEREIN DESCRIBED 1.839 ACRE TRACT;

THENCE SOUTH 44°57'24" WEST, 33.81 FEET, WITH SAID CUTBACK AND THE SOUTHEASTERLY LINE OF SAID RESIDUE TRACT, TO A 1/2 INCH IRON ROD WITH CAP FOUND FOR THE BEGINNING OF A CURVE TO THE RIGHT, THE SOUTHERLY CUTBACK CORNER AT SAID INTERSECTION AND THE SOUTHERLY SOUTHEAST CORNER OF SAID RESIDUE TRACT AND THE HEREIN DESCRIBED 1.839 ACRE TRACT;

THENCE NORTHWESTERLY, 642.62 FEET, WITH ARC OF SAID CURVE TO THE RIGHT IN THE NORTHERLY RIGHT-OF-WAY OF SAID MEDICAL COMPLEX DRIVE, WITH THE SOUTHWESTERLY LINE OF SAID RESIDUE TRACT, HAVING A RADIUS OF 1,440.00 FEET, A CENTRAL ANGLE OF 25°34'08", AND A CHORD THAT BEARS NORTH 74°23'36" WEST, 637.30 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "TPS 100834-00" SET FOR THE COMMON WESTERLY CORNER OF SAID RESIDUE TRACT AND SAID 1.2748 ACRE TRACT, BEING THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED 1.839 ACRE TRACT;

THENCE NORTH 87°25'21" EAST, 630.73 FEET, WITH THE COMMON LINE OF SAID RESIDUE TRACT AND SAID 1.2748 ACRE TRACT, TO THE PLACE OF BEGINNING;

CONTAINING A COMPUTED AREA OF 1.839 ACRES OF LAND WITHIN THIS FIELD NOTE DESCRIPTION.

**TRACT 2:**

BEING A 1.283 ACRE TRACT SITUATED IN THE JESSE PRUETT SURVEY, ABSTRACT NO. 629, HARRIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN CALLED 1.2748 ACRE TRACT DESCRIBED IN INSTRUMENT TO JANA'S DIRT, LLC, RECORDED IN CLERK'S FILE NO.

RP-2021-155506

20150109818 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, HARRIS, COUNTY, TEXAS (O.P.R.R.P.H.C.T.), SAID 1.283 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1 INCH IRON PIPE WITH CAP FOUND IN THE WESTERLY RIGHT-OF-WAY OF SOUTH CHERRY STREET (80' WIDTH), FOR THE COMMON EASTERLY CORNER OF SAID 1.2748 ACRE TRACT AND THE RESIDUE OF A CALLED 7.56 ACRE TRACT DESCRIBED IN INSTRUMENT TO JANA'S DIRT, LLC, RECORDED IN CLERK'S FILE NO. 20120271296, O.P.R.R.P.H.C.T., BEING THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED 1.283 ACRE TRACT;

THENCE SOUTH 87°25'21" WEST, 630.73 FEET, WITH THE COMMON LINE OF SAID 1.2748 ACRE TRACT AND SAID RESIDUE TRACT, TO A 1/2 INCH IRON ROD WITH CAP STAMPED "TPS 100834-00" SET IN THE NORTHEASTERLY RIGHT-OF-WAY OF MEDICAL COMPLEX DRIVE (120' WIDTH), RECORDED IN CLERK'S FILE NO. 2015107119, O.P.R.R.P.H.C.T., FOR THE COMMON WESTERLY CORNER OF SAID 1.2748 ACRE TRACT AND SAID RESIDUE TRACT, BEING THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED 1.283 ACRE TRACT, FROM WHICH A 5/8 INCH IRON ROD WITH CAP FOUND FOR REFERENCE, BEARS SOUTH 89°01'05" WEST, 0.38 FEET;

THENCE NORTH 58°06'39" WEST, 145.11 FEET, WITH THE NORTHEASTERLY RIGHT-OF-WAY OF SAID MEDICAL COMPLEX DRIVE AND THE SOUTHWESTERLY LINE OF SAID 1.2748 ACRE TRACT, TO A 5/8 INCH IRON ROD WITH CAP FOUND FOR THE COMMON WESTERLY CORNER OF SAID 1.2748 ACRE TRACT AND A TRACT DESCRIBED IN INSTRUMENT TO CORRAL RUP, LLC, RECORDED IN CLERK'S FILE NO. 2018138656, O.P.R.R.P.H.C.T., BEING THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED 1.283 ACRE TRACT;

THENCE NORTH 87°35'34" EAST, 750.51 FEET, WITH THE COMMON LINE OF SAID 1.2748 ACRE TRACT AND SAID CORRAL RUP TRACT, TO A 1 1/2 INCH PINCHED TOP PIPE FOUND IN THE WESTERLY RIGHT-OF-WAY OF SAID SOUTH CHERRY STREET, FOR THE COMMON EASTERLY CORNER OF SAID 1.2748 ACRE TRACT AND SAID CORRAL RUP TRACT, BEING THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED 1.283 ACRE TRACT;

THENCE SOUTH 02°28'33" EAST, 79.89 FEET, WITH THE WESTERLY RIGHT-OF-WAY OF SAID SOUTH CHERRY STREET AND THE EASTERLY LINE OF SAID 1.2748 ACRE TRACT, TO THE PLACE OF BEGINNING;

CONTAINING A COMPUTED AREA OF 1.283 ACRES OF LAND WITHIN THIS FIELD NOTE DESCRIPITON.

COPY

RP-2021-155506

RP-2021-155506  
# Pages 5  
03/25/2021 07:40 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
TENESHIA HUDSPETH  
COUNTY CLERK  
Fees \$30.00

UNOFFICIAL COPY

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.  
THE STATE OF TEXAS  
COUNTY OF HARRIS  
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.

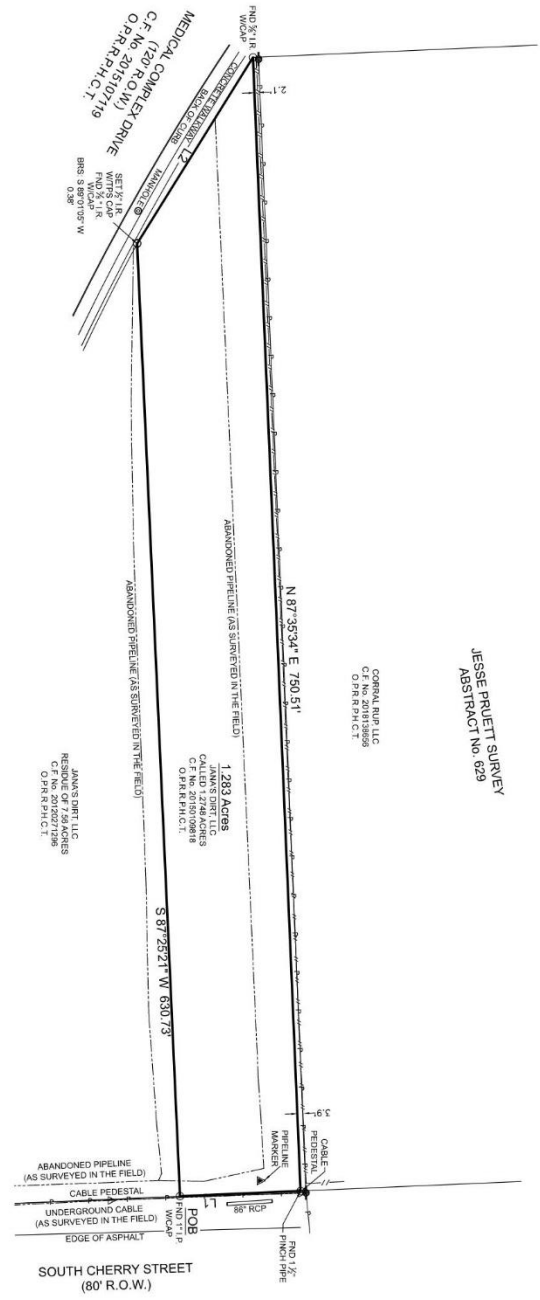


*Teneshia Hudspeth*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS





- SYMBOL LEGEND
- Overhead Power Line
  - Guy Wire
  - Wood Pole
  - Woodpost Iron Fence
  - Cast-Iron Fence
  - Chain Link Fence
  - Iron Inland
  - Iron Post and Rail
  - Water Valve
  - Water Meter



JESSE PRUETT SURVEY  
 ABSTRACT NO. 629

CORRAL RUP, LLC  
 C.F. NO. 201819666  
 O.P.R.P.H.C.T.

1.283 ACRES  
 JANNA'S DIRT LLC  
 RECEIVED 2/28/2018  
 CALLED 3.2724 ACRES  
 C.F. NO. 2018102818  
 O.P.R.P.H.C.T.

**BOUNDARY SURVEY**

General Notes:  
 1) This survey was performed without benefit of a control like mark. Stamped and attested title and does not confer to easements or restrictions not shown. Check with your local governing agencies for any additional easements, building lines or other restrictions not indicated on survey.

TEXAS PROFESSIONAL LAND SURVEYORS  
 STATE OF TEXAS  
 JOHN A. JOHNSON  
 11111 W. UNIVERSITY BLVD., SUITE 1000  
 FORT WORTH, TEXAS 76132  
 PHONE: 817.339.1111  
 FAX: 817.339.1112  
 WWW.JOHNJOHNSON.COM

THIS PROPERTY IS IN ZONE 4 OUTSIDE THE 100 YEAR FLOOD PLAIN FOR GRADING SCALING ACCORDING TO COMMUNITY PANEL NO. 61020077 - 042.02, L283AC SCALE: 1"=50'

Date: 10/17/2020  
 Field Crew: JPP  
 Revised: \_\_\_\_\_

Purchaser: JENNA OTTUM  
 Address: Church Street, TOMBALL, TX 77375  
 City: Tomball  
 County: Harris  
 State: Texas

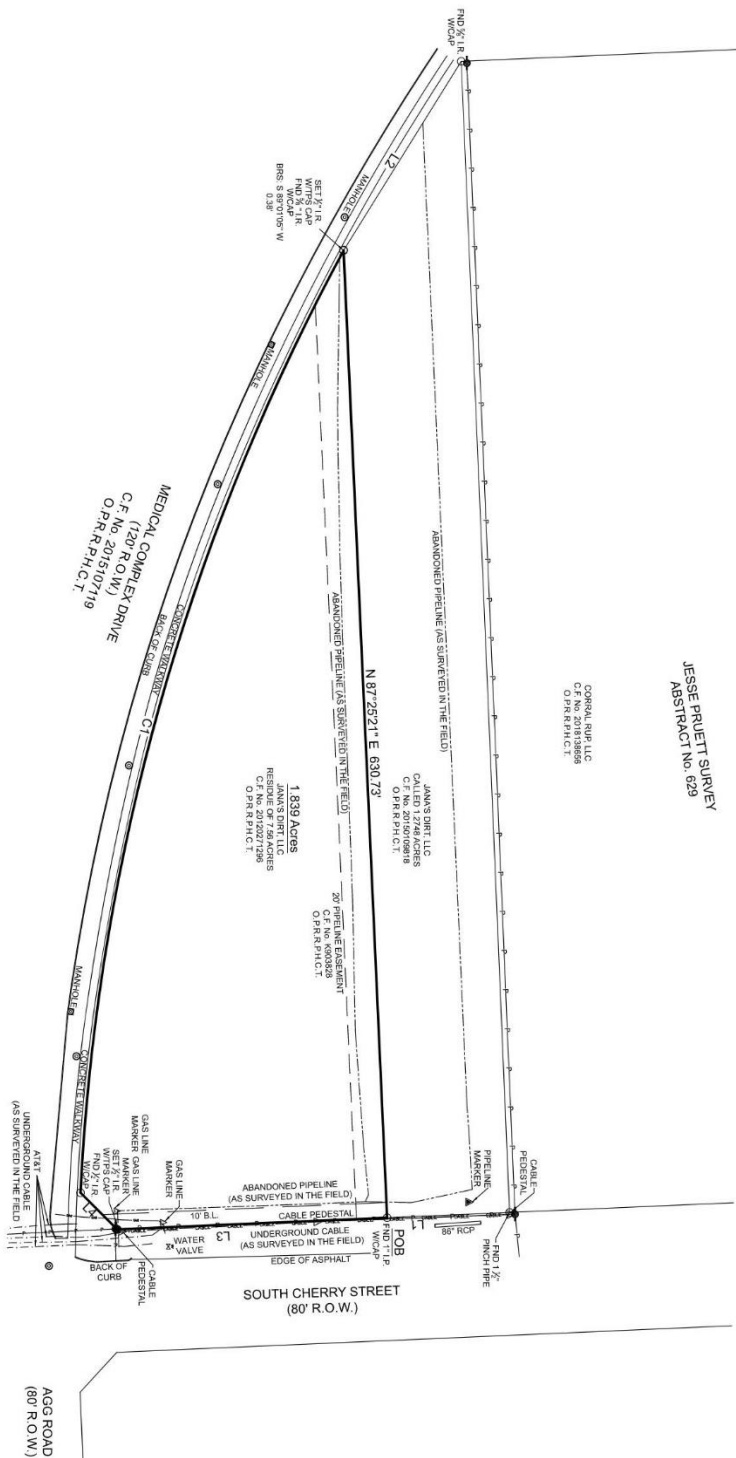
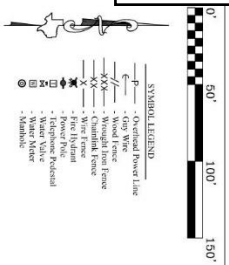
Lot: 1  
 Block: Church Street  
 Section: A - 450  
 Area: 1.283 ACRES  
 Plat: \_\_\_\_\_  
 County: Harris  
 State: Texas

Bearings shown herein are based on GPS observations and are referenced to the NAD83 Texas State Plane Coordinate System, South Central Zone (2011)

I hereby certify that this survey was made by me or under my supervision on the ground of the above described property, and that the above field or closing measurements were taken and reduced to mean sea level in accordance with the laws of the State of Texas, and that I am a duly Licensed Professional Land Surveyor.

John A. Johnson  
 Professional Land Surveyor No. 6524

DATE	10/17/2020
BY	JOHN A. JOHNSON
NO.	6524
W.	128.3 AC



**General Note:**  
 1) This survey was performed without benefit of a current title report. Surveyor did not subject title and does not certify to easements or restrictions not shown. Check with your title insurer for any additional easements, including liens or other restrictions not indicated on title.

**BOUNDARY SURVEY**

This Property Lies in Zone X outside the 100 Year Flood Plain Per City of Dallas 44001(CD)001, having an elevation of 487.00'.

**Purchaser:** Misa O Brien  
 Address: Cherry Street, Torrance, TX 77776  
 6/18/2007  
 Scale: 1/8"=1' 1.839 AC  
 Date: 10/12/2020  
 City: Dallas, TX  
 Field Crew: JMT  
 Reviewed: \_\_\_\_\_

**Address:** Cherry Street, Torrance, TX 77776  
 Survey: JESSIE PRUETT SURVEY A 629  
 Area Measurement: 1.839 ACRES  
 Cabinet: \_\_\_\_\_  
 Hints: \_\_\_\_\_  
 County: Tarrant  
 Records: \_\_\_\_\_

Basis of Bearings: the NAD83 Texas State Plane Coordinate System, South Central Zone (4204)

I hereby certify that this survey was this day made under my supervision on the ground of the above described property, and that the above plat or drawing meets the minimum standards of practice as approved by the Texas Board of Professional Land Surveying.

*Carly K. Topper*  
 Registered Professional Land Surveyor No. 6524

LINE	BEARING	DISTANCE
1	N 87°28'21" E	630.73'
2	N 87°28'21" E	176.61'
3	S 87°28'21" W	58.11'
4	S 87°28'21" W	58.11'
5	N 87°28'21" E	58.11'
6	N 87°28'21" E	58.11'