

**NOTICE OF REGULAR CITY COUNCIL MEETING  
CITY OF TOMBALL, TEXAS**



**Monday, April 5, 2021  
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, April 5, 2021 at 6:00 PM, 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 Tomball City Council 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.

**IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020, THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR APRIL 5, 2021, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS (ALSO CALLED "SOCIAL DISTANCING") TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19), THERE WILL BE LIMITED PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE. THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT:  
[HTTPS://TOMBALLTX.GOV/ARCHIVE.ASPX?AMID=38](https://tomballtx.gov/archive.aspx?amid=38); A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.**

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): **+1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - Meeting ID: 889 0244 0463, Passcode: 875023.** The public will be permitted to offer public comments telephonically, as provided by the agenda and as permitted by the presiding officer during the meeting.

- A. Call to Order
- B. Invocation - Led by Pastor Brandon Guindon – Real Life Ministries
- C. Pledges to U.S. and Texas Flags

- D. 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.]*
- E. Reports and Announcements
1. Announcements
    - I. April 17, 2021 - **Tomball High School Athletic Booster Club (THSABC) Crawfish Bowl** - 4:00 p.m.-8:00 p.m. at the Depot
    - II. April 19-24, 2021 – **Tomball Annual Spring Clean-Up and Chipping Week**
    - III. April 24, 2021 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
    - IV. April 24, 2021 – **Tomball Rotary “Drive thru Fish Fry”** at Juergens Park
    - V. May 1, 2021 – **Rails & Tails Mudbug Festival** – 11 a.m.–8:00 p.m. at the Depot
    - VI. May 6, 2021 - **Texas Deuce Days Opening Day Meet and Greet** at the Depot on May 6, 2021 from 3:00 p.m.-8:00 p.m.
  2. Reports by City staff and members of council about items of community interest on which no action will be taken:
- F. Approval of Minutes
1. Approve the Minutes of the March 15, 2021 Regular Tomball City Council Meeting and the March 20, 2021 Special Tomball City Council Meeting
- G. Old Business
1. Adopt, on Second Reading, Ordinance No. 2021-03, An Ordinance Of The City Of Tomball, Texas, Extending The City Limits Of Said City To Include All Of The Territory Within Certain Limits And Boundaries And Annexing To The City Of Tomball All Of The Territory Within Such Limits And Boundaries; Approving A Service Plan For All Of The Area Within Such Limits And Boundaries; Containing Other Provisions Relating To The Subject; And Providing A Savings And Severability Clause (Being A Tract Or Parcel Containing 6.5681 Acres Of



Land Known As Tracts 1 & 2 Out Of That Certain Call 40.1148 Acre Tract Of Land Situated In The John M. Hooper Survey, A-375 In Harris County, Texas, Said 40.1148 Acre Tract Being That Same Tract Of Land As Described In A Deed Filed For Record Under Harris County Clerk's File No. F41707.2 (13810 Windy Meadow Rd Hcad 04304100000055)]

2. Adopt, on Second Reading, Ordinance No. 2021-04, an Ordinance of the city of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 6.5681 acres of land, legally described as Tract 12 Abstract 375 J M Hooper, within the city of Tomball, Harris County, Texas, as Commercial District; said property being generally located at the southwest corner of SH 249 and Alice Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.
3. Adopt, on Second Reading, Ordinance No. 2021-07, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 13.4 acres of land, legally described as tracts 17H, 17J, 17H-1, 17H-2, 17J-1 abstract 34 J House, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District; said property being generally located on the south side of Brown Road between SH 249 and Quinn Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.
4. Adopt, on Second Reading, Ordinance No. 2021-09, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 5 acres of land legally described Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District, said property being generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.
5. Adopt, on Second Reading, Ordinance No. 2021-10, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 2.844

acres of land legally described tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District, said property being generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville road, within the city of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

6. Adopt, on Second Reading, Ordinance No. 2021-12, an Ordinance of the city of Tomball, Texas amending its Code of Ordinances by amending Section 50-112, Off-street parking and loading requirements, of Article IV, Development Standards, of Chapter 50, Zoning; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; making findings of fact; and providing for other related matters.

H. New Business

1. Approve the Extension of the Current Depository Contract between the City of Tomball and Wells Fargo through March 31, 2023.
2. Approve, on First Reading, Resolution No. 2021-13-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and DunnCo Properties II, Ltd to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprise related to the construction of a 5,225 square foot commercial facility to be located at 14635 FM 2920 Rd., Tomball, Texas 77377. The estimated amount of expenditures for such Project is \$54,760.00.
3. Approve, on First Reading, Resolution No. 2021-14-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and B. Smittys, LLC to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprise related to the construction of a 8,000 square foot commercial facility to be located at 22621 Hufsmith-Kohrville Rd., Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$30,301.00.
4. Approve Resolution No. 2021-15, a Resolution of the City Council of the City of Tomball, Texas, Sponsoring the July 4th Celebration, to be Held in Tomball on

Sunday, July 4, 2021, Closing State Highway Business 249 from Hicks Street to the North Entrance to the Kroger Parking Lot from 12:00 PM until 11:00 PM, and Authorizing the City Manager to Issue a Letter to TxDOT Requesting the Closure of the Designated Portion of State Highway Business 249

- [5.](#) Authorize the City Manager to Execute a Letter to TxDOT Requesting the Use of the Detention Pond behind Lowe's for the Purpose of Launching the July 4<sup>th</sup> Fireworks Display
- [6.](#) Discussion and Possible Action/Direction from Council regarding Amendments to Chapter 32 and Chapter 48 of the Code of Ordinances, regarding Application Requirements for Peddlers/Solicitors, Taxi Driver, and Tow Truck Driver Permits
- [7.](#) Discussion and possible action regarding the amendment of City of Tomball drainage design standards to comply with Harris County's minimum drainage standards
- [8.](#) Approve Resolution No. 2021-16, a Resolution of the City of Tomball, Texas, amending authorized signatories for Contractual and Financial documents pertaining to the 2016 GLO Community Development Block Grant – Disaster Recovery (CDBG-DR) Program, Contract #19-076-029-B386.
- [9.](#) Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):  
  
Sec. 551. 074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – Interim City Manager, Interim Assistant City Manager
- [10.](#) Appoint David Esquivel as Interim City Manager and Confirm Jeff Bert as Interim Assistant City Manager/Police Chief

I. 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 1st day of April 2021 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Tracylynn Garcia, Assistant City Secretary, TRMC, CMC

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).

# City Council Meeting Agenda Item Data Sheet

Meeting Date: April 5, 2021

**Topic:**

April 17, 2021 - **Tomball High School Athletic Booster Club (THSABC) Crawfish Bowl** - 4:00 p.m.-  
8:00 p.m. at the Depot

**Background:**

**Origination:**

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:**

Denise Fiore, Community Events  
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 | <u>Denise Fiore</u> | <u>3-8-2021</u> | Approved by | _____        |
|        | Staff Member        | Date            |             | City Manager |
|        |                     |                 |             | Date         |

# City Council Meeting Agenda Item Data Sheet

Meeting Date: March 15, 2021

**Topic:**

April 19-24, 2021 – Tomball Annual Spring Clean-Up and Chipping Week

**Background:**

**Origination:**

**Recommendation:**

Party(ies) responsible for placing this item on agenda: Doris Speer, City Secretary

**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 | Doris Speer  | 3-8-2021 | Approved by |              |      |
|        | Staff Member | Date     |             | City Manager | Date |

# City Council Meeting Agenda Item Data Sheet

Meeting Date: March 15, 2021

**Topic:**

April 24, 2021 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.

**Background:**

**Origination:**

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:** Doris Speer, City Secretary

**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 | <u>Doris Speer</u> | <u>3-8-2021</u> | Approved by | _____        |
|        | Staff Member       | Date            |             | City Manager |
|        |                    |                 |             | Date         |



# City Council Meeting Agenda Item Data Sheet

Meeting Date: April 5, 2021

**Topic:**

April 24, 2021 – Tomball Rotary “*Drive thru Fish Fry*” at Juergens Park

**Background:**

**Origination:**

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:**

Denise Fiore, Community Events  
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 | <u>Denise Fiore</u> | <u>3-8-2021</u> | Approved by | _____        |
|        | Staff Member        | Date            |             | City Manager |
|        |                     |                 |             | Date         |

# City Council Meeting Agenda Item Data Sheet

Meeting Date: April 5, 2021

**Topic:**

May 1, 2021 – *Rails & Tails Mudbug Festival* – 11 a.m.–8:00 p.m. at the Depot

**Background:**

**Origination:**

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:**

Denise Fiore, Community Events  
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 | Denise Fiore | Approved by |              |
|        | Staff Member |             | City Manager |
|        | Date         |             | Date         |

# City Council Meeting Agenda Item Data Sheet

Meeting Date: April 5, 2021

**Topic:**

May 6, 2021 - **Texas Deuce Days *Opening Day Meet and Greet*** at the Depot on May 6, 2021 from 3:00 p.m.-8:00 p.m.

**Background:**

**Origination:**

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:**

Denise Fiore, Community Events  
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 | <u>Denise Fiore</u> | <u>3-8-2021</u> | Approved by | _____        |
|        | Staff Member        | Date            |             | City Manager |
|        |                     |                 |             | Date         |

# City Council Meeting Agenda Item Data Sheet

Meeting Date: April 5, 2021

**Topic:**

Approve the Minutes of the March 15, 2021 Regular Tomball City Council Meeting and the March 20, 2021 Special Tomball City Council Meeting

**Background:**

**Origination:** City Secretary

**Recommendation:**

Approve

**Party(ies) responsible for placing this item on agenda:** Doris Speer, City Secretary

**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 | <u>Doris Speer</u> | <u>3-23-2021</u> | Approved by | _____        |
|        | Staff Member       | Date             |             | City Manager |
|        |                    |                  |             | Date         |

**MINUTES OF REGULAR CITY COUNCIL MEETING  
CITY OF TOMBALL, TEXAS**



**Monday, March 15, 2021  
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for March 15, 2021, at 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via video/telephone conference.

**IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020, THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR MARCH 15, 2021, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS (ALSO CALLED “SOCIAL DISTANCING”) TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19), THERE WILL BE LIMITED PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE. THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT:  
[HTTPS://TOMBALLTX.GOV/ARCHIVE.ASPX?AMID=38](https://tomballtx.gov/archive.aspx?amid=38); A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.**

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): **+1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - Meeting ID: 852 7724 5213, Passcode: 079544.** The public will be permitted to offer public comments telephonically, as provided by the agenda and as permitted by the presiding officer during the meeting.

A. Mayor Fagan called the meeting to order at 6:00 p.m.

**PRESENT**

Mayor Gretchen Fagan  
Council 2 Mark Stoll  
Council 3 Chad Degges  
Council 4 Derek Townsend, Sr.  
Council 5 Lori Klein Quinn

**ABSENT**

Council 1 John Ford – Excused

Others Present:

Assistant City Manager – David Esquivel  
City Secretary – Doris Speer  
City Attorney – Loren B. Smith  
Police Chief – Jeff Bert  
Fire Chief – Randy Parr (via video)  
Fire Marshal – Joe Sykora  
Marketing Director – Mike Baxter (via video)  
Director of Community Development – Craig Meyers  
City Planner – Amelia Lindley  
City Engineer – Wesley Stoltz (via video)  
It Manager – Doug Tippey (via video)  
Community Events Coordinator – Denise Fiore  
Community Center Manager – Rosalie Dillon  
Municipal Court Judge – Brett Peabody  
Court Administrator – Maria Morris  
Public Works Administrative Assistant – Lexi McMinn  
Director of TEDC – Kelly Violette (via video)  
CSO Administrative Assistant – Sasha Luna  
CSO Administrative Assistant- Johnita Robinson

- B. The invocation was led by Pastor Greg Jenkins - Tomball Assembly of God
- C. Pledges to U.S. and Texas Flags were led by Joe Sykora.
- D. No public comments were received.
- E. Reports and Announcements
  - 1. Announcements – Mayor Fagan spoke regarding the City’s loss of Robert Hauck, City Manager on March 13, 2021.
    - I. April 19-24, 2021 – **Tomball Annual Spring Clean-Up and Chipping Week**
    - II. April 24, 2021 – **Tomball Consolidated Recycling Day** – Lone Star College-Tomball Campus, 30555 Tomball Parkway, South Entrance – 10:00 a.m.-2:00 p.m.
    - III. April 24, 2021 – **Tomball Rotary “Drive thru Fish Fry”** at Juergens Park
  - 2. Reports by City staff and members of council about items of community interest on which no action will be taken:

F. Approval of Minutes

1. Motion made by Council 2 Stoll, Seconded by Council 5 Klein Quinn, to approve the Minutes of the March 1, 2021 Regular Tomball City Council Meeting

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr.,  
Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

G. Old Business

1. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to Approve, on Second Reading, Resolution No. 2021-07-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and The Hutson Group to make direct incentives to, or expenditures for, the construction of capital improvements, including pedestrian and parking improvements, along Houston Street and North Elm Street in Old Town Tomball. The estimated amount of expenditures for such Project is \$48,800.00.

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr.,  
Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

H. New Business

1. Consideration to approve Zoning Case P21-011: Request by David Weekley Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on Zoning Case P21-011 at 6:17 p.m.; the following comments were received:

- |                                               |   |                                                                                      |
|-----------------------------------------------|---|--------------------------------------------------------------------------------------|
| Phillip Worley<br>29415 Liberty Lane, 77375   | - | Expressed his opposition to the proposed zoning change.                              |
| David McWhorter<br>29607 Liberty Lane, 77375  | - | Expressed his opposition to the proposed zoning change.                              |
| Bridget Cole<br>29506 Liberty Lane, 77375     | - | Expressed her opposition to the proposed zoning change.                              |
| Sheryl Martinez<br>29514 Liberty Lane, 77375  | - | Expressed her opposition to the proposed zoning change.                              |
| Matthew Martinez<br>29514 Liberty Lane, 77375 | - | Expressed his opposition to the proposed zoning change.                              |
| Morgan Martinez<br>29514 Liberty Lane, 77375  | - | Requested that his opposition to the proposed zoning change be read into the record. |
| Stephen Hohl<br>13607 Lost Creek, 77375       | - | Expressed his support of the proposed zoning change.                                 |
| Hannah Hohl<br>707 Clarence St., 77375        | - | Expressed her support of the proposed zoning change.                                 |
| Thomas Horder<br>29507 Liberty Lane, 77375    | - | Expressed his opposition to the proposed zoning change.                              |
| Gerald Renfrow<br>18711 Bridal Grove, 77377   | - | Expressed his support of the proposed zoning change and the proposed development.    |

Receiving no public comments, Mayor Fagan closed the public hearing at 6:38 p.m.

No action necessary.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-07 by caption only on first reading.

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr.,  
Council 5 Klein Quinn  
Absent: Council 1 Ford



Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-07, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 13.4 acres of land, legally described as tracts 17H, 17J, 17H-1, 17H-2, 17J-1 abstract 34 J House, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District; said property being generally located on the south side of Brown Road between SH 249 and Quinn Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Motion to AMEND made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-07, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 13.4 acres of land, legally described as tracts 17H, 17J, 17H-1, 17H-2, 17J-1 abstract 34 J House, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District; said property being generally located on the south side of Brown Road between SH 249 and Quinn Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters, and to include requirements for a 7-foot fence, hedges/trees/appropriate landscaping, and single-story homes only on the side of the development adjacent to Liberty Lane. Vote was as follows:

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion, AS AMENDED, carried unanimously.

2. Mayor Fagan opened the Public Hearing for the Purpose of Considering the Following Annexation: (Being a Tract or Parcel Containing 6.5681 Acres of Land known as Tracts 1 & 2 out of that Certain Called 40.1148 Acre Tract of

Land Situated in the John M. Hooper Survey, A-375 In Harris County, Texas, Said 40.1148 Acre Tract being that Same Tract of Land as Described in a Deed Filed for Record under Harris County Clerk's File No. F41707.2 (13810 Windy Meadow Rd, HCAD 04304100000055) at 7:02 p.m.

Receiving no public comments, Mayor Fagan closed the public hearing at 7:02 p.m.

No action necessary.

3. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-03 by caption only on first reading.

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr.,  
Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-03, an Ordinance of the City of Tomball, Texas, Extending the City Limits of Said City to Include all of the Territory within Certain Limits and Boundaries and Annexing to the City of Tomball all of the Territory Within Such Limits and Boundaries; Approving a Service Plan for all of the Area within Such Limits and Boundaries; Containing Other Provisions Relating to the Subject; and Providing a Savings and Severability Clause (Being a Tract or Parcel Containing 6.5681 Acres of Land known as Tracts 1 & 2 out of That Certain Call 40.1148 Acre Tract of Land Situated in the John M. Hooper Survey, A-375 in Harris County, Texas, Said 40.1148 Acre Tract being that Same Tract of Land as Described in a Deed Filed for Record under Harris County Clerk's File No. F41707.2 (13810 Windy Meadow Rd HCAD 04304100000055)].  
Vote was as follows:

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr.,  
Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

4. Consideration to approve Zoning Case P20-436: Request by Paul Hicks to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 6.5681 acres of land legally described as Tract 12 Abstract 375 J M Hooper, as Commercial District. The property is generally located at the southwest corner of SH 249 and Alice Road, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on Zoning Case P20-436 at 7:06 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:06 p.m.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to read Ordinance No. 2021-04 by caption only on first reading.

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Absent: Council 1 Ford

Motion carried unanimously.

- Motion by Council 4 Townsend, Sr., Seconded by Council 3 Degges, to adopt, on First Reading, Ordinance No. 2021-04, an Ordinance of the city of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 6.5681 acres of land, legally described as Tract 12 Abstract 375 J M Hooper, within the city of Tomball, Harris County, Texas, as Commercial District; said property being generally located at the southwest corner of SH 249 and Alice Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters. Vote was as follows:

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn

Absent: Council 1 Ford

Motion carried unanimously.

5. Consideration to approve Zoning Case P21-010: Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on Zoning Case P20-010 at 7:14 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:14 p.m.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-08 by caption only on first reading.

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr.,  
Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-08, an Ordinance of the city of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 31.7 acres of land, legally described as Reserve A & B Block 1 Peck Station, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-6) District to the Planned Development (PD-15) District; said property being generally located on the west side of FM 2978 at Winfrey Lane; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters. Vote was as follows:

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr.,  
Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

Mayor Fagan recessed the Council meeting at 7:26 p.m.; upon reconvening into session at 7:35 p.m., Mayor Fagan brought Items H.10, H.11 and H.11 forward for consideration.

10. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Request from Tomball Rotary for In-Kind Services and Permission to Sell Alcohol at the 2021 Drive thru Fish Fry, to be held on April 24, 2021

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr.,  
Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

11. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to approve Request by the Tomball High School Athletic Booster Club (THSABC) for In-Kind Services to host their Crawfish Boil to raise money for scholarships at the Depot on April 17, 2021

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr.,  
Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

12. Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll to approve Request from Texas Deuce Days for In-Kind Services to host their opening day meet and greet at the Depot on May 6, 2021 from 3-8 p.m.

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr.,  
Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

6. Consideration to approve Zoning Case P20-442: Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on Zoning Case P20-442 at 7:45 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:45 p.m.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-09 by caption only on first reading.

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr.,  
Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-09, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 5 acres of land legally described Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District, said property being generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters. Vote was as follows:

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 5 Klein Quinn  
Voting Nay: Council 4 Townsend, Sr.  
Absent: Council 1 Ford

Motion carried, 3 votes Aye, 1 vote Nay.

7. Consideration to approve Zoning Case P20-420: Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on Zoning Case P20-420 at 7:55 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:55 p.m.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-10 by caption only on first reading.

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-10, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 2.844 acres of land legally described tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District, said property being generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville road, within the city of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters. Vote was as follows:

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

8. Consideration to approve Zoning Case P21-055: Request by Baker Drive Ventures Series LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.3 acres of land legally described as Lot 1 & 2 Block 2 Main Street - Tomball, from the Single-Family 6 District to the Old Town & Mixed Use District. The property is generally located at the southwest corner of Arnold Street and Vernon Street at 200 Vernon Street, within the City of Tomball, Harris County, Texas.

- Mayor Fagan opened the Public Hearing on Zoning Case P21-055 at 8:01 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 8:01 p.m.

- Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr., to read Ordinance No. 2021-13 by caption only on first reading.

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to adopt, on First Reading, Ordinance No. 2021-13, an Ordinance of the city of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 0.3 acres of land legally described as Lot 1 & 2 Block 2 Main Street - Tomball, from the Single-Family 6 district to the Old Town & Mixed Use District, said property being generally located at the southwest corner of Arnold Street and Vernon Street at 200 Vernon Street, within the city of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters. Vote was as follows:

Voting Nay: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr.,  
Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion FAILED unanimously.

9. Consideration to approve Zoning Case P21-056: Request by the City of Tomball to amend Section 50-112 (Off-street parking and loading requirements) of the Tomball Code of Ordinances.

- Mayor Fagan opened the Public Hearing on Zoning Case P21-056 at 8:10 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 8:10 p.m.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to read Ordinance No. 2021-12 by caption only on first reading.

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr.,  
Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

- Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to adopt, on First Reading, Ordinance No. 2021-12, an Ordinance of the city of Tomball, Texas amending its Code of Ordinances by amending Section 50-112, Off-street parking and loading requirements, of Article IV, Development Standards, of Chapter 50, Zoning; providing for



severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; making findings of fact; and providing for other related matters. Vote was as follows:

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

9.5 Executive Session: he City Council recessed at 8:12 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 - Consultation with the City Attorney regarding a matter which the Attorney's duty requires to be discussed in closed session

Upon reconvening into regular session at 9:04 p.m., no action was taken

I. Motion made by Council 4 Townsend, Sr., Seconded by Council 5 Klein Quinn, to adjourn.

Voting Yea: Council 2 Stoll, Council 3 Degges, Council 4 Townsend, Sr., Council 5 Klein Quinn  
Absent: Council 1 Ford

Motion carried unanimously.

Meeting adjourned at 9:05 p.m.

PASSED AND APPROVED this the 5th day of April 2021.

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Doris Speer  
City Secretary, TRMC, MMC

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Gretchen Fagan  
Mayor

# **MINUTES OF SPECIAL CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS**



**Saturday, March 20, 2021  
12:00 PM**

**The City Council of the City of Tomball, Texas, conducted the Council meeting scheduled for Saturday, March 20, 2021, 12:00 PM, at 401 Market Street, Tomball, Texas 77375, by physical attendance.**

A. Mayor Fagan called the special meeting to order at 12:05 p.m.

**PRESENT:**

Mayor Gretchen Fagan  
Council 1 John Ford  
Council 2 Mark Stoll  
Council 3 Chad Degges  
Council 4 Derek Townsend, Sr.  
Council 5 Lori Klein Quinn

**OTHERS PRESENT:**

Acting City Manager – David Esquivel  
Acting Assistant City Manager – Jeff Bert  
City Secretary – Doris Speer  
City Attorney – Loren Smith  
Finance Director – Glenn Windsor  
Director of Public Works – Beth Jones  
Utilities Billing Supervisor – Lauren Sykora  
Senior Accountant – Christine Brookshire  
Fire Marshal/Assistant Fire Chief – Joe Sykora  
Consultant/Former City Manager – George Shackelford

B. New Business

1. Executive Session: The City Council recessed at 12:05 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney's duty requires to be discussed in closed session

Upon reconvening into special session at 2:06 p.m., the following action was taken:

2. Motion was made by Council 4 Townsend, Sr., seconded by Council 1 Ford, to approve using unencumbered Capital funds and available Enterprise funds to pay the Wholesale February 2021 Natural Gas Invoice resulting from Winter Storm Uri Gas Usage.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend Sr., Council 5 Klein Quinn

Motion carried unanimously.

- C. Motion was made by Council 4 Townsend, Sr., seconded by Council 1 Ford, to adjourn.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Degges, Council 4 Townsend Sr., Council 5 Klein Quinn

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 5th day of April 2021.

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Doris Speer  
City Secretary, TRMC, MMC

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Gretchen Fagan  
Mayor

# City Council Meeting

## Agenda Item

### Data Sheet

**Meeting Date:** March 1, 2021

**Topic:**

Adopt, on Second Reading, Ordinance No. 2021-03, An Ordinance Of The City Of Tomball, Texas, Extending The City Limits Of Said City To Include All Of The Territory Within Certain Limits And Boundaries And Annexing To The City Of Tomball All Of The Territory Within Such Limits And Boundaries; Approving A Service Plan For All Of The Area Within Such Limits And Boundaries; Containing Other Provisions Relating To The Subject; And Providing A Savings And Severability Clause (Being A Tract Or Parcel Containing 6.5681 Acres Of Land Known As Tracts 1 & 2 Out Of That Certain Call 40.1148 Acre Tract Of Land Situated In The John M. Hooper Survey, A-375 In Harris County, Texas, Said 40.1148 Acre Tract Being That Same Tract Of Land As Described In A Deed Filed For Record Under Harris County Clerk's File No. F41707.2 (13810 Windy Meadow Rd Hcad 04304100000055)]

**Background:**

The required public hearing for this voluntary annexation, petitioned by the landowner, has been held and the required notices and publications have been completed.

**Origination:** Paul Hicks, ABH Enterprises

**Recommendation:**

Adopt Ordinance No. 2021-03 on Second Reading

**Party(ies) responsible for placing this item on agenda:**

Tracylynn Garcia, Asst. City  
Secretary

**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 | Tracylynn Garcia | 02/15/2020 | Approved by |              |
|        | Staff Member     | Date       |             | City Manager |
|        |                  |            |             | Date         |

**ORDINANCE NO. 2021-03**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF TOMBALL ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (BEING A TRACT OR PARCEL CONTAINING 6.5681 ACRES OF LAND KNOWN AS TRACTS 1 & 2 OUT OF THAT CERTAIN CALL 40.1148 ACRE TRACT OF LAND SITUATED IN THE JOHN M. HOOPER SURVEY, A-375 IN HARRIS COUNTY, TEXAS, SAID 40.1148 ACRE TRACT BEING THAT SAME TRACT OF LAND AS DESCRIBED IN A DEED FILED FOR RECORD UNDER HARRIS COUNTY CLERK'S FILE NO. F41707.2 (13810 WINDY MEADOW RD HCAD 04304100000055))**

\* \* \* \* \*

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**Section 1.** The boundaries and limits of the City of Tomball, Texas, are hereby extended to embrace and include all of the territory described in **Exhibit "A"** attached hereto and made a part hereof and such territory hereby annexed to and made a part of the city.

**Section 2.** The plan for extension of municipal services into the territory annexed to the City of Tomball by the provisions of this ordinance is set forth in the "Municipal Service Plan" attached hereto as **Exhibit "B"** and made a part hereof for all purposes. Such Municipal Service Plan is hereby approved.

**Section 3.** If any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should

this Ordinance for any reason be ineffective as to any part of the territory hereby annexed to the City of Tomball, such ineffectiveness of this Ordinance as to any such part or parts of any such territory shall not affect the effectiveness of this ordinance as to all of the remainder of such territory or area, and the City Council hereby declares it to be its purpose to annex to the City of Tomball every part of the territory described in Section 1 of this ordinance, regardless of whether any other part of such described territory is hereby effectively annexed to the City. Provided, further, that if there is included in the general description of territory set out in Section 1 of this Ordinance to be hereby annexed to the City of Tomball any territory which is already a part of and included within the general limits of the City of Tomball, or which is presently part of and included in the limits or extraterritorial jurisdiction of any other city, town, or village, or which is not within the City of Tomball's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted territory were especially and specifically described herein.

**Section 4. Severability.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF  
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15TH DAY OF  
MARCH 2021.

|                        |               |
|------------------------|---------------|
| COUNCILMAN FORD        | <u>ABSENT</u> |
| COUNCILMAN STOLL       | <u>AYE</u>    |
| COUNCILMAN DEGGS       | <u>AYE</u>    |
| COUNCILMAN TOWNSEND    | <u>AYE</u>    |
| COUNCILMAN KLEIN QUINN | <u>AYE</u>    |

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF  
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF APRIL  
2021.

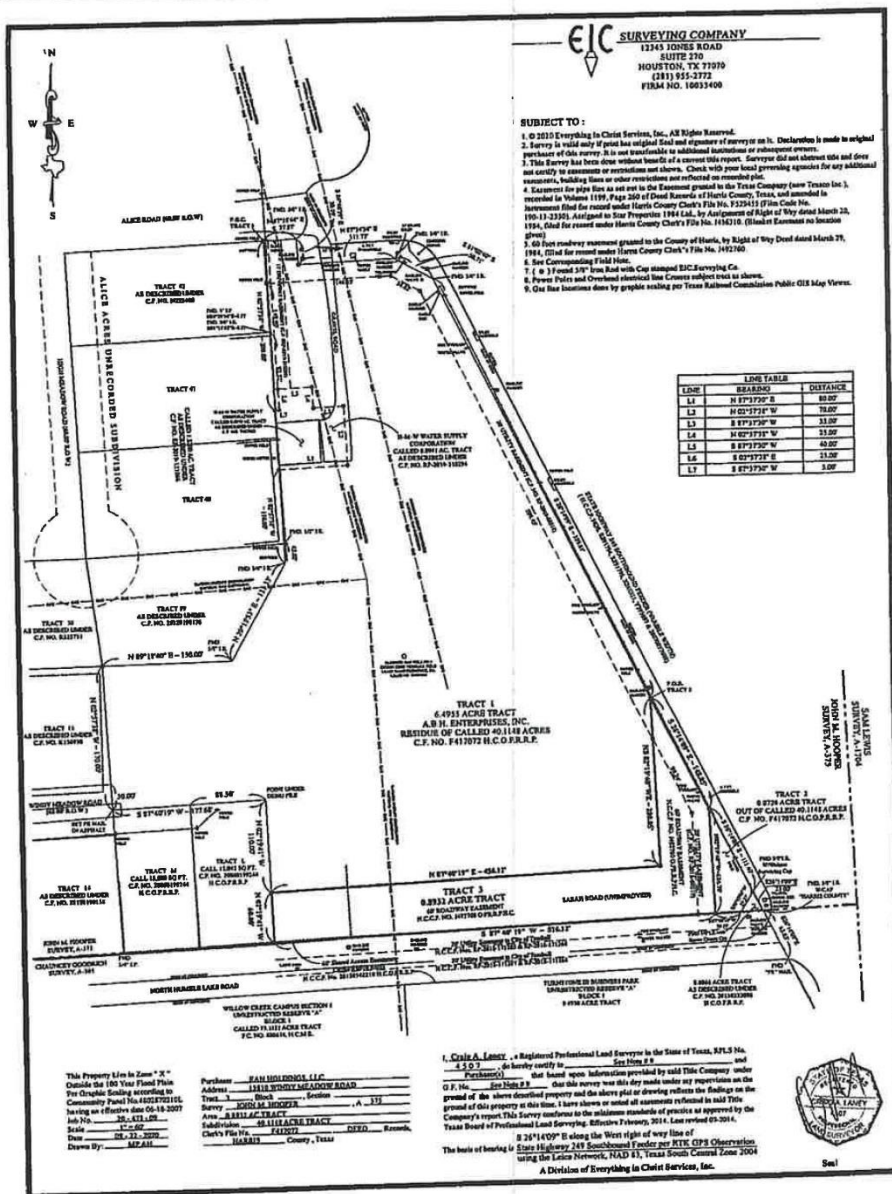
|                        |       |
|------------------------|-------|
| COUNCILMAN FORD        | _____ |
| COUNCILMAN STOLL       | _____ |
| COUNCILMAN DEGGS       | _____ |
| COUNCILMAN TOWNSEND    | _____ |
| COUNCILMAN KLEIN QUINN | _____ |

\_\_\_\_\_  
GRETCHEN FAGAN, Mayor

ATTEST:

\_\_\_\_\_  
DORIS SPEER, City Secretary

**Exhibit “A” – Page 1**





## Exhibit "A" – Page 2

**EJC SURVEYING COMPANY**  
  
12345 Jones Road, Suite 270  
Houston, TX 77070  
281-955-2772 • Fax 281-955-6678  
www.ejcsurveying.com • eic@ejcsurveying.com  
Firm No. 100334-00

### Tract 1

All that certain tract or parcel containing 6.4955 acres of land known as Tract 1 out of that certain call 40.1148 acre tract of land situated in the John M. Hooper Survey, A-375 in Harris County, Texas, said 40.1148 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. F417072, said Tract 1 being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with EIC cap (set) in the South right-of-way line of Alice Road, (60.00 feet in width), and the North line of said 40.1148 acre tract of land marking the Northeast corner of Tract 42 in Alice Acres, (unrecorded), as described in a deed filed for record under Harris County Clerk's File No. N225400 and the Northerly-Northwest corner and POINT OF BEGINNING of the herein described Tract 1;

THENCE N 87°38'44" E, a distance of 37.97 feet along the South right-of-way line of said Alice Road and the North line of said 40.1148 acre tract of land to a 5/8" iron rod (found) marking the intersection of the South right-of-way line of said Alice Road with the Southwest right-of-way line of State Highway 249 Southbound Feeder, (variable width), as described in instruments filed for record under Harris County Clerk's File No's R891794, R891795, X285321, Y393097 and 20070057608, same point marking an interior corner of the herein described Tract 1;

THENCE S 04°46'39" E, a distance of 30.09 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) marking an interior corner of the herein described Tract 1;

THENCE N 87°34'54" E, a distance of 111.73 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) at the Westerly end of a cut-back corner in the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Northerly-Northeast corner of the herein described Tract 1;

THENCE S 61°02'40" E, a distance of 50.71 feet along said cut-back corner to a 3/4" iron rod (found) in the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Easterly-Northeast corner of the herein described Tract 1;

THENCE S 26°14'09" E, a distance of 559.61 feet along the Southwest right-of-way line of said State Highway 249 Southbound Feeder to a 5/8" iron rod with EIC cap (set) marking the intersection of the West right-of-way line of Sarah Road, (60.00 feet in width, unimproved), as described in an instrument filed for record under Harris County Clerk's File No. J492760 with the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking an interior corner of the herein described Tract 1;

THENCE S 02°19'40" E, a distance of 200.05 feet along the West right-of-way line of said Sarah Road to a 5/8" iron rod with EIC cap (set) marking an point where said Sarah Road turns Westerly, same point marking the Southeast corner of the herein described Tract 1;

THENCE S 87°40'19" W, a distance of 456.12 feet along the North right-of-way line of said Sarah Road to a 5/8" iron rod with EIC cap (set) in the East line of Tract L, a call 15,045 square foot tract of land as described in a deed filed for record under Harris County Clerk's File No. 20060199244 marking the Southerly-Southwest corner of the herein described Tract 1;

THENCE N 02°19'41" W, a distance of 110.00 feet along the East line of said Tract L to a point for corner under a debris pile marking the Northeast corner of said Tract 1 and an interior corner of the herein described Tract 1;

THENCE S 87°40'19" W, along the North line of said Tract L, passing at 88.50 feet the Northwest corner of said Tract L and the Northeast corner of Tract M, a call 15,000 square foot tract of land as described in a deed filed for record under Harris County Clerk's File No. 20060199244, a total distance of 177.68 feet to a p.k. nail in asphalt (set) in the centerline of the East end of Windy Meadow Road, (60.00 feet in width), same point marking the Northeast corner of Tract 14 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. 20120190138, the Southeast corner of Tract 15 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. K156930 and the Westerly-Southwest corner of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 15, passing at 30.00 feet the North right-of-way line of said Windy meadow Road, a total distance of 170.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northeast corner of said Tract 15, the Southeast corner of Tract 38 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. R323731, the Southwest corner of Tract 39 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. 20120190136 and the Westerly-Northwest corner of the herein described Tract 1;

THENCE N 89°11'40" E, a distance of 150.00 feet along the South line of said Tract 39 to a 5/8" iron rod (found) for angle point marking the Southeast corner of said Tract 39 and an interior corner of the herein described Tract 1;

Page 1 of 2

Land Boundary / Topographic Surveying  
*A Division of Everything in Christ Services, Inc.*

## Exhibit "A" – Page 3

**EIC SURVEYING COMPANY**

12345 Jones Road, Suite 270  
Houston, TX 77070  
281-955-2772 • Fax 281-955-6678  
www.eicsurveying.com • eic@eicsurveying.com

Firm No. 100334-00

THENCE N 29°15'53" E, a distance of 131.33 feet along the Easterly line of said Tract 39 to a ¾" iron rod (found) for angle point marking an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 39, passing at 45.02 feet a ½" iron rod (found) marking the Northeast corner of said Tract 39 and the Southeast corner of Tract 40 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. RP-2019-121066, a total distance of 110.00 feet to a 5/8" iron rod with EIC cap (set) marking the Southwest corner of that certain call 0.0941 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. RP-2019-518294 and an interior corner of the herein described Tract 1;

THENCE N 87°37'30" E, a distance of 80.00 feet to a 5/8" iron rod with EIC cap (set) marking the Southeast corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, a distance of 70.00 feet to a 5/8" iron rod with EIC cap (set) marking the Easterly-Northeast corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 35.00 feet to a 5/8" iron rod with EIC cap (set) marking an interior corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, a distance of 25.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northerly-Northeast corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 40.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northerly-Northwest corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 02°57'38" E, a distance of 25.00 feet to a 5/8" iron rod with EIC cap (set) marking the interior corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 5.00 feet to a 5/8" iron rod with EIC cap (set) in the East line of Tract 41 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. RP-2019-121066 marking the Westerly-Northwest corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 41, passing at 92.52 feet the Northeast corner of said Tract 41 and the Southeast corner of said Tract 42, from this point a 1" iron pipe (found) bears N 68°39'16" E, 0.51 feet, also from this point a 5/8" iron rod (found) bears N 61°13'42" E, 0.21 feet, a total distance of 200.00 feet to the POINT OF BEGINNING and containing 6.4955 acres of land.

Surveyed on the ground February 20, 2020.

Job No. 20-67-02. (See corresponding plat)

The basis of bearing is S 26°14'09" E along the Southwest right-of-way line of State Highway 249 South Bound Feeder per RTK GPS Observation using the Leica Network, NAD 83, Texas South Central Zone 2004



Page 2 of 2

Land Boundary / Topographic Surveying  
*A Division of Everything in Christ Services, Inc.*

## Exhibit "A" – Page 4



12345 Jones Road, Suite 270  
Houston, TX 77070  
281-955-2772 • Fax 281-955-6678  
www.eicsurveying.com • eic@eicsurveying.com

Firm No. 100334-00

### Tract 2

All that certain tract or parcel containing 0.0726 acres of land known as Tract 2 out of that certain call 40.1148 acre tract of land situated in the John M. Hooper Survey, A-375 in Harris County, Texas, said 40.1148 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. F417072, said Tract 2 being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with EIC cap (set) in the South right-of-way line of Alice Road, (60.00 feet in width), and the North line of said 40.1148 acre tract of land marking the Northeast corner of Tract 42 in Alice Acres, (unrecorded), as described in a deed filed for record under Harris County Clerk's File No. N225400;

THENCE N 87°38'44" E, a distance of 37.97 feet along the South right-of-way line of said Alice Road and the North line of said 40.1148 acre tract of land to a 5/8" iron rod (found) marking the intersection of the South right-of-way line of said Alice Road with the Southwest right-of-way line of State Highway 249 Southbound Feeder, (variable width), as described in instruments filed for record under Harris County Clerk's File No's R891794, R891795, X285321, Y393097 and 20070057608;

THENCE S 04°46'39" E, a distance of 30.09 feet along said Alice Road to a 5/8" iron rod with EIC cap (set);

THENCE N 87°34'54" E, a distance of 111.73 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) at the Westerly end of a cut-back corner in the Southwest right-of-way line of said State Highway 249 Southbound Feeder;

THENCE S 61°02'40" E, a distance of 50.71 feet along said cut-back corner to a 3/4" iron rod (found) in the Southwest right-of-way line of said State Highway 249 Southbound Feeder;

THENCE S 26°14'09" E, along the Southwest right-of-way line of said State Highway 249 Southbound Feeder, passing at 559.61 feet a 5/8" iron rod with EIC cap (set) marking the intersection of the West right-of-way line of Sarah Road, (60.00 feet in width, unimproved), as described in an instrument filed for record under Harris County Clerk's File No. J492760 with the Southwest right-of-way line of said State Highway 249 Southbound Feeder, a total distance of 707.66 feet to a 5/8" iron rod with EIC cap (set) marking the intersection of the East right-of-way line of Sarah Road with the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Northerly corner and POINT OF BEGINNING of the herein described Tract 2;

THENCE continuing S 26°14'09" E, a distance of 111.40 feet along the Southwest right-of-way line of said State Highway 249 Southbound Feeder to a 5/8" iron rod with Weisser Surveying cap (found) marking the Northerly corner of that certain call 0.0066 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. 20150332006 and the Easterly-Southeast corner of the herein described Tract 2;

THENCE S 30°43'05" W, a distance of 27.27 feet along the Westerly line of said 0.0066 acre tract of land to a 5/8" iron rod with Harris County cap (found) in the South line of said 40.1148 acre tract of land, the South line of said John M. Hooper Survey, the North line of the Chauncey Goodrich Survey, A-305 in said Harris County, Texas, the North line of Unrestricted Reserve "A" in Block 1 of Willow Creek Campus, Section 1 a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 686614 of the Harris County Map Records and the North line of North Humble Lake Road, (60.00 feet in width), marking the Southwest corner of said 0.0066 acre tract of land and the Southerly-Southeast corner of the herein described Tract 2;

THENCE S 87°40'19" W, a distance of 30.28 feet along the South line of said John M. Hooper Survey, the South line of said 40.1148 acre tract of land, the North line of said Chauncey Goodrich Survey, the North line of said Unrestricted Reserve "A" and the North line of North Humble Lake Road to a 5/8" iron rod with EIC cap (set) marking the Southeast corner of said Sarah Road and the Southwest corner of the herein described Tract 2;

THENCE N 02°19'40" W, a distance of 124.70 feet along the East right-of-way line of said Sarah Road to the POINT OF BEGINNING and containing 0.0726 acre of land.

Surveyed on the ground February 20, 2020.

Job No. 20-67-02. (See corresponding plat)

The basis of bearing is S 26°14'09" E along the Southwest right-of-way line of State Highway 249 South Bound Feeder per RTK GPS Observation using the Leica Network, NAD 83, Texas South Central Zone 2004

Land Boundary / Topographic Surveying  
A Division of Everything in Christ Services, Inc.



## **EXHIBIT "B"**

### **CITY OF TOMBALL, TEXAS**

### **MUNICIPAL SERVICE PLAN**

#### **I. INTRODUCTION**

This Municipal Service Plan (the "Plan") is made by the City of Tomball, Texas (the "City"), pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation by the City of the tract of land ("Tract") described by metes and bounds in "Exhibit A," which is attached to this Plan and to the annexation ordinance of which this Plan is a part.

#### **II. EFFECTIVE TERM**

This Plan shall be in effect for a period of ten (10) years commencing on the effective date of the annexation of the Tract, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time.

#### **III. INTENT**

It is the intent of the City that services under this Plan shall equal the number of services and the level of services in existence within the Tract prior to annexation and which are available in other parts of the City with land uses and population densities similar to those reasonably contemplated or projected within the Tract. However, it is not the intent of this Plan to require that a uniform level of service be provided to all areas of the City, including the Tract, where differing characteristics of topography, land utilization, and population density are considered as a sufficient basis for providing differing service levels.

The City reserves the right, granted to it by Section 43.056(k), Texas Local Government Code, to amend this Plan, if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Texas Local Government Code, or other Texas laws to make this Plan unworkable, obsolete, or unlawful.

#### **IV. SERVICE PROGRAMS**

##### **A. In General.**

1. This Plan includes the following service programs: A 60-Day Program and a Capital Improvement Program.

2. As used in this Plan, “providing services” shall include having services provided by any method or means by which the City may extend municipal services to any other area of the City. The City shall provide the area, or cause the area to be provided, with services in accordance with the Plan. This may include, but is not limited to, causing or allowing private utilities, governmental entities, and other public service organizations to provide such services, in whole or in part.

As used in this Plan, the phrase "standard policies and procedures" shall mean those policies and procedures of the City applicable to a particular service, which are in effect either at the time that the service is requested or at the time the service is made available or provided. Such policies and procedures may require a specific type of request be made, such as an application or a petition, may require that fees or charges be paid, and may include eligibility requirements or other similar provisions.

- B. 60-Day Program. The following services will be provided within the Tract within the period required by State law. State law requires the City to provide the following services within sixty (60) days after the effective date of the annexation: police protection, fire protection, solid waste collection, operation and maintenance of water, wastewater, and gas facilities, operation and maintenance of roads and streets, including lighting, operation and maintenance of parks, playgrounds, and swimming pools, and maintenance of any other publicly owned facility, building or service. The 60-Day Program plan is as follows:

1. Police Protection. The Police Department of the City will provide protection and law enforcement within the Tract. These activities will include routine patrols and responses, handling of complaints and incident reports, and, as appropriate, support by special units. In order to provide the above services, the Police Department will operate from a City facility.
2. Fire Protection. The Fire Department of the City currently provides fire protection to the Tract. Fire protection will be provided from either the southside or central fire stations. Fire protection will remain at the current level of service.
3. Solid Waste Collection. All eligible residences and businesses will be provided solid waste collection service, either by City personnel or by contract.
4. Maintenance of Water, Wastewater, and Gas Facilities. There are no City water, wastewater, or gas facilities currently located within the Tract. If any such facilities are constructed or acquired by the City within the Tract, the City’s Department of Public Works will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

5. Operation and Maintenance of Roads and Streets (including lighting). The City's Department of Public Works will provide for the maintenance of roads and streets over which the City will have jurisdiction. Such Department will also provide services relating to traffic control devices and will provide street lighting for such roads and streets through an electric utility company or by other means. The operation and maintenance of roads and streets, including street lighting and traffic control devices, shall be provided at levels of service and maintenance comparable to those available for other roads and streets in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.
6. Operation and Maintenance of Parks, Playground and Swimming Pools. There are no public parks, playgrounds, or swimming pools currently located within the Tract. If, as a result of acquisition of park land, any such facilities are constructed by the City within the Tract, the City's Department of Parks and Recreation will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.
7. Operation and Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Those drainage facilities associated with City-maintained public streets will be maintained by the City's Department of Public Works, as needed. Any other facility, building, or service existing or which may be constructed or located by the City within the Tract, will be operated and maintained by an appropriate City department at levels of service and maintenance comparable to those available to other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

- C. Capital Improvement Program. It is the intent of the City to provide full City services within the Tract not less than four and one-half (4-1/2) years after the effective date of annexation of the Tract, in accordance with the Texas Local Government Code, § 43.056(e).

The City will initiate the acquisition and construction of the capital improvements necessary to provide municipal services adequate to serve the Tract. Any necessary construction or acquisition is indicated below, and any such construction or acquisition shall begin within two (2) years of the effective date of this Plan and shall be substantially completed within 4-1/2 years, except as otherwise indicated:

1. Police Protection. No capital improvements are necessary at this time to provide police protection services within the Tract. The Tract will be

included with other City territory in connection with planning for new, revised, or expanded police facilities.

2. Fire Protection. No capital improvements are necessary at this time to provide fire protection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded fire facilities.
3. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded solid waste facilities and/or services.
4. Wastewater Facilities. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public wastewater facilities. Wastewater services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of wastewater services is attached to and made a part of this Plan.
5. Water Distribution. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public water facilities. Water services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of water services is attached to and made a part of this Plan.
6. Gas Distribution. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public gas facilities. Gas services will be provided according to the standard policies and procedures of the City's Department of Public Works. A summary of the City's policies with regard to the extension of gas services is attached to and made a part of this Plan.
7. Roads and Streets (including lighting). The City will acquire jurisdiction in and over all public roads and streets within the Tract upon annexation, pursuant to Section 311.001 of the Texas Transportation Code and other similar provisions, except for public roads and streets subject to the jurisdiction of other governmental entities. Additional roads, streets, or related facilities are not necessary at this time to service the Tract. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices or street lights, within the Tract will be governed by standard policies and procedures of the City. The Tract will be included with other City territory in connection with planning for new, improved, revised, widened, or enlarged roads, streets, or related facilities.
8. Parks, Playgrounds, and Swimming Pools. No capital improvements are necessary at this time to provide park and recreational services to the

Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded parks, playgrounds, and/or swimming pools.

9. Other Publicly-Owned Facilities, Buildings or Services: Additional Services. In general, other City functions and services can be provided to the Tract by using existing capital improvements. At this time, additional capital improvements are not necessary to provide City services. However, the Tract will be included with other City territory in connection with planning for new, revised, or expanded facilities, functions, and services.

## **V. AMENDMENT: GOVERNING LAW**

This Plan may not be amended or repealed, except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes at any time. This Plan is subject to, and shall be interpreted in accordance with, the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and any orders, rules, or regulations of any other governmental body having jurisdiction.

## **VI. FORCE MAJEURE**

In the event the City is rendered unable, wholly or in part, by force majeure to carry out its obligations under this Plan, notice shall be given with full particulars of such force majeure, in writing, as soon as reasonably possible after the occurrence of the cause relied on, and the City's obligations, so far as effected by such force majeure, shall be suspended during the continuance of such inability so caused but for no longer period, and such cause shall, so far as possible, be remedied with all reasonable dispatch; provided, however, City shall not be required to settle a strike or dispute with workmen when such settlement is against the will of the City. The term "force majeure" shall mean acts of God, strikes, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, arrests and restraints of rulers and people, explosions, breakage or accident to machinery or lines of pipe, droughts, hurricanes and tornadoes, and any other inability of either party, whether similar to those enumerated or otherwise, not within the control of the City, which, by the exercise of reasonable diligence, the City shall not have been able to avoid.

## **VIII. ENTIRE PLAN**

This document contains the entire and integrated Plan relating to the Tract and supersedes all other negotiations, representations, plans, and agreements, whether written or oral.

If one or more provisions of this Plan is held to be invalid, unenforceable, or illegal in any respect, the remainder the Plan shall remain valid and in full force and effect.



## **SUMMARY OF EXTENSION POLICY FOR WATER, WASTEWATER, AND GAS SERVICE**

The following information is a summary of the City of Tomball's ("City") policies respecting water, wastewater and gas service extensions. This summary is made in compliance with the Texas Local Government Code, which requires that each annexation plan include a summary of the service extension policy. Nothing herein shall repeal any provision of the Code of Ordinances of the City of Tomball, as amended, or any of the uncodified ordinances that contain the City's policies and procedures.

The City extends water, wastewater, and gas services to existing unserved development as follows:

Construction of such service lines is based on a priority schedule that considers potential health hazards, population density, the number of existing buildings, the reasonable cost of providing service, and the desires of the residents of the unserved areas.

Extensions built by the City at its cost are included in its Capital Improvements Plan, which is updated annually. Placement of an extension or enlargement of any water and/or wastewater lines into the Capital Improvement Plan is based primarily on the following requirements: (1) to provide service to unserved areas, (2) and to provide adequate capacity for projected service requirements.

Persons or entities desiring to develop land within unserved areas must construct water, wastewater, and gas service lines and extensions to connect to City trunk lines to serve the new development.

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: April 5, 2021

**Topic:**

Adopt, on Second Reading, Ordinance No. 2021-04, an Ordinance of the city of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 6.5681 acres of land, legally described as Tract 12 Abstract 375 J M Hooper, within the city of Tomball, Harris County, Texas, as Commercial District; said property being generally located at the southwest corner of SH 249 and Alice Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

**Background:**

**Origination:** Paul Hicks

**Recommendation:**

Approval

**Party(ies) responsible for placing this item on agenda:** Craig T. Meyers, P.E., Community Development Director

**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

**ORDINANCE NO. 2021-04**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY ESTABLISHING THE ZONING DISTRICT OF APPROXIMATELY 6.5681 ACRES OF LAND, LEGALLY DESCRIBED AS TRACT 12 ABSTRACT 375 J M HOOPER, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, AS COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SH 249 AND ALICE ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

\* \* \* \* \*

**Whereas**, Paul Hicks has requested that approximately 6.5681 acres of land, legally described as Tract 12 Abstract 375 J M Hooper, generally located at the southwest corner of SH 249 and Alice Road, in the City of Tomball, Harris County, Texas, (the "Property"), be zoned; and

**Whereas**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the City Council held a public hearing on the requested zoning; and

**Whereas**, the City Council deems it appropriate to grant the requested zoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, THAT:**

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** The zoning classification of the Property is hereby established as the Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

**Section 3.** The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Commercial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 4.** This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the zoning classification for the Property to the Commercial District as described above.

**Ordinance No. 2021-04**  
**Page 2 of 2**

**Section 5.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 6.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15<sup>TH</sup> DAY OF MARCH 2021.

|                        |               |
|------------------------|---------------|
| COUNCILMAN FORD        | <u>ABSENT</u> |
| COUNCILMAN STOLL       | <u>AYE</u>    |
| COUNCILMAN DEGGES      | <u>AYE</u>    |
| COUNCILMAN TOWNSEND    | <u>AYE</u>    |
| COUNCILMAN KLEIN QUINN | <u>AYE</u>    |

SECOND READING:

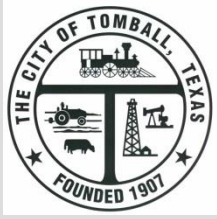
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5<sup>TH</sup> DAY OF APRIL 2021.

|                        |       |
|------------------------|-------|
| COUNCILMAN FORD        | _____ |
| COUNCILMAN STOLL       | _____ |
| COUNCILMAN DEGGES      | _____ |
| COUNCILMAN TOWNSEND    | _____ |
| COUNCILMAN KLEIN QUINN | _____ |

\_\_\_\_\_  
Gretchen Fagan, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary



## Zoning Staff Report

City Council Public Hearing Date: February 15, 2021

**Zoning Case:** P20-436  
**Property Owner(s):** ABH Enterprises Inc.  
**Applicant(s):** Paul Hicks  
**Legal Description:** Tract 12 Abstract 375 J M Hooper  
**Location:** Southwest corner of SH 249 and Alice Road (Exhibit “A”)  
**Area:** 6.5681 acres  
**Comp Plan Designation:** Corridor Commercial (Exhibit “B”)  
**Present Use:** Undeveloped (Exhibit “D”)  
**Request:** Establish the Zoning District as Commercial upon annexation

**Adjacent Zoning & Land Uses:**

**North:** Outside City limits / Single-family residence  
**South:** Commercial and Light Industrial Districts / Harris County facility and office/warehouse development  
**West:** Outside City limits / single-family residences, metal shop  
**East:** SH 249 / SH 249

### **BACKGROUND**

The subject site is currently being annexed into the City limits and therefore requires the establishment of a Zoning District classification.

### **ANALYSIS**

The applicant is requesting the property be zoned Commercial District upon annexation. Properties to the north and west are outside the City limits. Properties to the south are zoned Commercial and Light Industrial District. The Harris County facility entrance is directly to the south of the site and a new office/warehouse development is also to the south.

According to Section 50-77 of the Tomball Code of Ordinances, the Commercial Zoning District “is intended to provide a location for commercial and service-related establishments”. Additionally, “convenient access to thoroughfares and collector streets is also a primary consideration”. Based on the location of the site, the Commercial District appears to be appropriate.

The property is designated as Corridor Commercial by the Future Land Use Map. This category is “is intended for predominantly nonresidential uses along high-traffic, regionally serving thoroughfares. The Commercial Zoning District is a compatible zoning district for the Corridor Commercial category. Properties in the area along SH 249 are also designated Corridor Commercial, Public and Institutional (for the Harris County facility), and Business Park and Industrial.

### **PUBLIC COMMENT**

Property owners inside the City limits and within 200 feet of the project site were mailed notification of this proposal and the Notice of Public Hearing was published in the paper on January 27, 2021. Any public comment forms will be provided in the City Council packets or during the public hearing.

### **RECOMMENDATION**

City staff recommends approval of Zoning Case P20-436.

### **EXHIBITS**

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Application



Exhibit "A"  
Aerial Photo





Exhibit "B"  
Comprehensive Plan

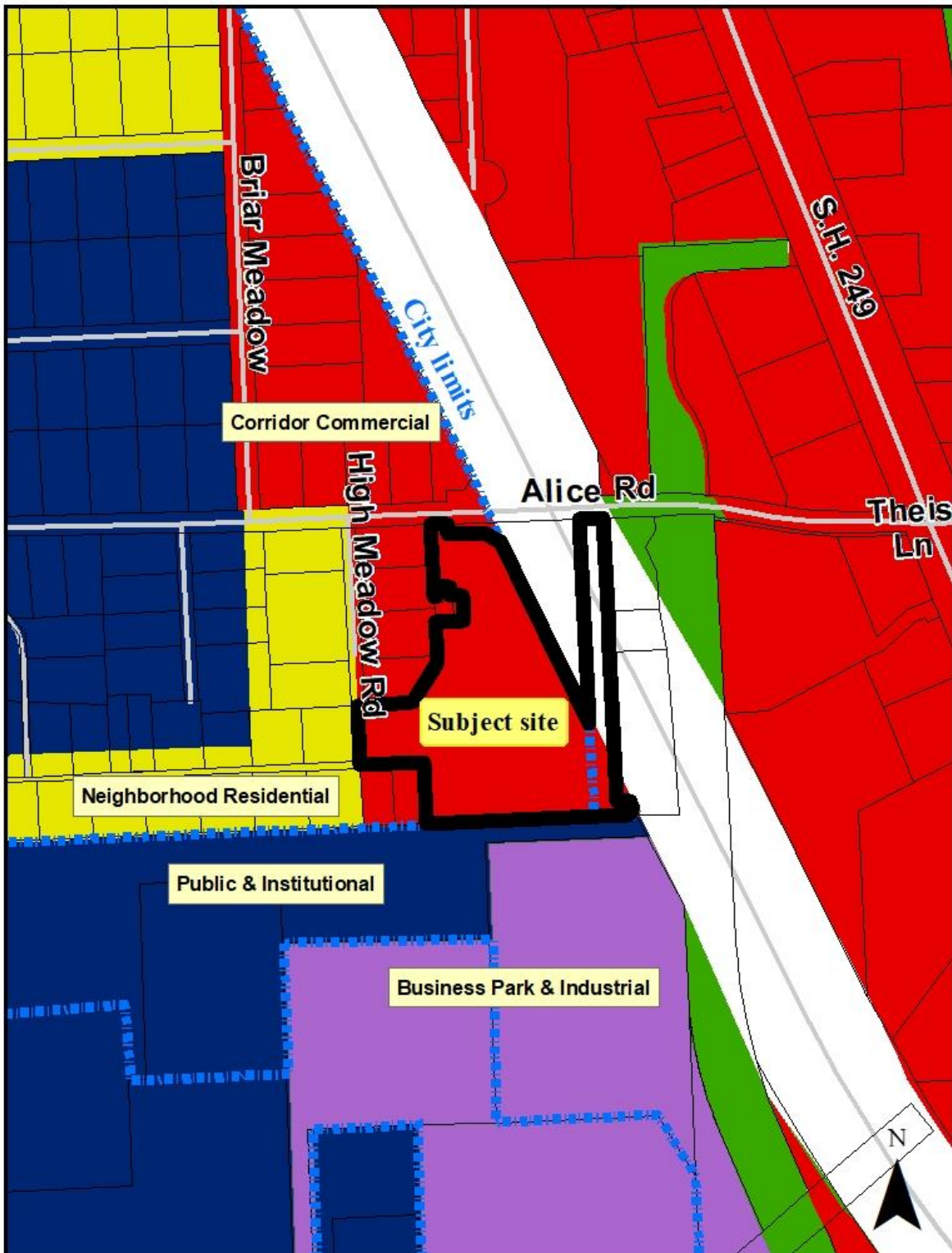
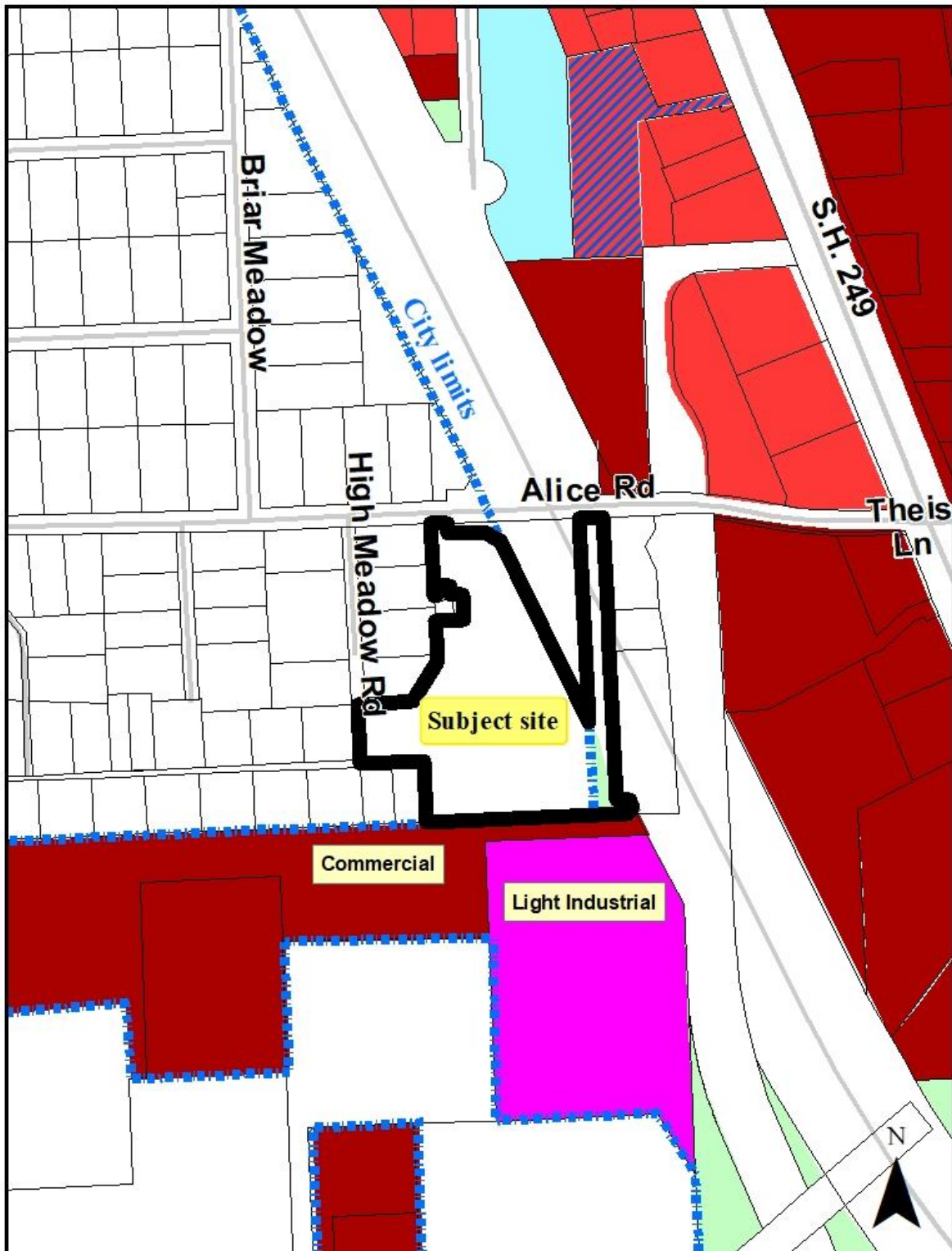




Exhibit "C"  
Zoning Map



**Exhibit “D”  
Site Photo**





Exhibit "E"  
Application



RECEIVED (KC)  
12/17/2020 2:59:06 PM

**APPLICATION FOR RE-ZONING**  
Community Development Department  
Planning Division

Revised: 4/13/2020  
**P&Z 20-436**  
**\$490.00 PD**

**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: PAUL Hicks Title: Broker / Owner  
Mailing Address: 18711 oxenberg Manor City: Emball State: TX  
Zip: 77377 Contact: 713-805-3665 Paul Hicks  
Phone: (713) 805-3665 Email: paul@hickspropertiesonline.com

**Owner**

Name: ABH Enterprises Inc. Title: \_\_\_\_\_  
Mailing Address: 27003 St Highway 55 City: Uvalde State: TX  
Zip: 78801 Contact: Paul Hicks  
Phone: (713) 805-3665 Email: paul@hickspropertiesonline.com

**Engineer/Surveyor (if applicable)**

Name: EIC Surveying Co. Title: \_\_\_\_\_  
Mailing Address: 12345 Jones Rd. City: Houston State: TX  
Zip: 77070 Contact: Emil Haddad  
Phone: (281) 955-2772 Fax: ( ) Email: eic@eicsurveying.com

**Description of Proposed Project:** Commercial / Retail

**Physical Location of Property:** S.W. Corner of 249 & Alice Rd.  
[General Location – approximate distance to nearest existing street corner]

**Legal Description of Property:** TR 12 Abst 375 J M Hooper  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

**Current Zoning District:** \_\_\_\_\_

**Current Use of Property:** Vacant

**Proposed Zoning District:** Commercial / Industrial

**Proposed Use of Property:** Commercial Retail

**HCAD Identification Number:** 4369100000 55 **Acreage:** 8.31

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.

|          |                                                                                   |                   |
|----------|-----------------------------------------------------------------------------------|-------------------|
| <u>X</u> |  | <u>12/17/2020</u> |
|          | Signature of Applicant                                                            | Date              |
| <u>X</u> |  | <u>12/17/2020</u> |
|          | Signature of Owner                                                                | Date              |

## **CERTIFICATE OF CORPORATE RESOLUTIONS**

**STATE OF TEXAS**

**COUNTY OF REAL**

I, Barbara Hicks, Secretary of A.B.H. Enterprises, Inc., a Texas Corporation, **DO HEREBY CERTIFY** that I am the keeper of the records of the minutes of the proceedings of the Board of Directors of said corporation, and that the following is a true and correct copy of a resolution of the Board of Directors of said corporation duly adopted by a unanimous vote at a meeting of said Board of Directors on the 31 day of January at 10:00 o'clock am duly and legally held at by phone County, Texas at which meeting all of the Directors were present and voting:

**"BE IT RESOLVED:** Paul Hicks will be authorized to sign earnest money contract or any other legal documents on Harris County property with permission of officers of the corporation. Upon sale, Nueces Canyon Real Estate will be paid six (6%) commission to be split with other brokers as is necessary.

**"BE IT FURTHER RESOLVED:**

**"BE IT FURTHER RESOLVED:** that Barbara Hicks, attorney-in-fact-on behalf of the Corporation, be, and she is hereby authorized and empowered to

execute such other and further instruments, documents and other writings required to consummate the above transaction; and

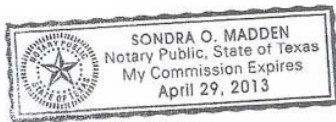
**"BE IT FURTHER RESOLVED:** that all of the acts above authorized which have been performed by Barbara Hicks, attorney-in-fact-on behalf of the Corporation are hereby in all respects ratified, confirmed and approved as the acts of this Corporation.

**I DO FURTHER CERTIFY:** that the foregoing resolution have not been altered, amended, revoked or rescinded, and now remain in full force and effect, and **DO FURTHER CERTIFY** that Barbara Hicks is the duly elected Secretary of said corporation.



Secretary

**SUBSCRIBED AND SWORN TO BEFORE ME,** by the said Barbara Hicks, on this 31 day of January, 2012.







HICKS & ASSOCIATES  
PROPERTIES, PLLC

Date: December 17, 2020

Re: 13810 Windy Meadow Road

To whom it may concern. Enclosed is a request to rezone the aforementioned property to commercial/industrial. A B H Enterprises and John and Barbara Hicks, owners, are in the process of marketing this property for sale. A portion of the property (2 acres on the southeast corner) is under contract to be sold to Enterprise Rent-a-car. We hope to sell the remainder to a retail or hotel buyer in the next 18 months. As a result we'd like to rezone the property in conjunction with our application to annex same into the City of Tomball.

Your kind consideration in this matter is greatly appreciated.

Best regards,

Paul Hicks

Hicks and Associates Properties, PLLC

# EIC SURVEYING COMPANY

12345 Jones Road, Suite 270  
Houston, TX 77070  
281-955-2772 • Fax 281-955-6678  
www.eicsurveying.com • eic@eicsurveying.com

Firm No. 100334-00

## Tract 2

All that certain tract or parcel containing 0.0726 acres of land known as Tract 2 out of that certain call 40.1148 acre tract of land situated in the John M. Hooper Survey, A-375 in Harris County, Texas, said 40.1148 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. F417072, said Tract 2 being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with EIC cap (set) in the South right-of-way line of Alice Road, (60.00 feet in width), and the North line of said 40.1148 acre tract of land marking the Northeast corner of Tract 42 in Alice Acres, (unrecorded), as described in a deed filed for record under Harris County Clerk's File No. N225400;

THENCE N 87°38'44" E, a distance of 37.97 feet along the South right-of-way line of said Alice Road and the North line of said 40.1148 acre tract of land to a 5/8" iron rod (found) marking the intersection of the South right-of-way line of said Alice Road with the Southwest right-of-way line of State Highway 249 Southbound Feeder, (variable width), as described in instruments filed for record under Harris County Clerk's File No's R891794, R891795, X285321, Y393097 and 20070057608;

THENCE S 04°46'39" E, a distance of 30.09 feet along said Alice Road to a 5/8" iron rod with EIC cap (set);

THENCE N 87°34'54" E, a distance of 111.73 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) at the Westerly end of a cut-back corner in the Southwest right-of-way line of said State Highway 249 Southbound Feeder;

THENCE S 61°02'40" E, a distance of 50.71 feet along said cut-back corner to a 3/4" iron rod (found) in the Southwest right-of-way line of said State Highway 249 Southbound Feeder;

THENCE S 26°14'09" E, along the Southwest right-of-way line of said State Highway 249 Southbound Feeder, passing at 559.61 feet a 5/8" iron rod with EIC cap (set) marking the intersection of the West right-of-way line of Sarah Road, (60.00 feet in width, unimproved), as described in an instrument filed for record under Harris County Clerk's File No. J492760 with the Southwest right-of-way line of said State Highway 249 Southbound Feeder, a total distance of 707.66 feet to a 5/8" iron rod with EIC cap (set) marking the intersection of the East right-of-way line of Sarah Road with the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Northerly corner and POINT OF BEGINNING of the herein described Tract 2;

THENCE continuing S 26°14'09" E, a distance of 111.40 feet along the Southwest right-of-way line of said State Highway 249 Southbound Feeder to a 5/8" iron rod with Weisser Surveying cap (found) marking the Northerly corner of that certain call 0.0066 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. 20150332006 and the Easterly-Southeast corner of the herein described Tract 2;

THENCE S 30°43'05" W, a distance of 27.27 feet along the Westerly line of said 0.0066 acre tract of land to a 5/8" iron rod with Harris County cap (found) in the South line of said 40.1148 acre tract of land, the South line of said John M. Hooper Survey, the North line of the Chauncey Goodrich Survey, A-305 in said Harris County, Texas, the North line of Unrestricted Reserve "A" in Block 1 of Willow Creek Campus, Section 1 a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 686614 of the Harris County Map Records and the North line of North Humble Lake Road, (60.00 feet in width), marking the Southwest corner of said 0.0066 acre tract of land and the Southerly-Southeast corner of the herein described Tract 2;

THENCE S 87°40'19" W, a distance of 30.28 feet along the South line of said John M. Hooper Survey, the South line of said 40.1148 acre tract of land, the North line of said Chauncey Goodrich Survey, the North line of said Unrestricted Reserve "A" and the North line of North Humble Lake Road to a 5/8" iron rod with EIC cap (set) marking the Southeast corner of said Sarah Road and the Southwest corner of the herein described Tract 2;

THENCE N 02°19'40" W, a distance of 124.70 feet along the East right-of-way line of said Sarah Road to the POINT OF BEGINNING and containing 0.0726 acre of land.

Surveyed on the ground February 20, 2020.

Job No. 20-67-02. (See corresponding plat)

The basis of bearing is S 26°14'09" E along the Southwest right-of-way line of State Highway 249 South Bound Feeder per RTK GPS Observation using the Leica Network, NAD 83, Texas South Central Zone 2004

Land Boundary / Topographic Surveying  
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Tract 1

All that certain tract or parcel containing 6.4955 acres of land known as Tract 1 out of that certain call 40.1148 acre tract of land situated in the John M. Hooper Survey, A-375 in Harris County, Texas, said 40.1148 acre tract being that same tract of land as described in a deed filed for record under Harris County Clerk's File No. F417072, said Tract 1 being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with EIC cap (set) in the South right-of-way line of Alice Road, (60.00 feet in width), and the North line of said 40.1148 acre tract of land marking the Northeast corner of Tract 42 in Alice Acres, (unrecorded), as described in a deed filed for record under Harris County Clerk's File No. N225400 and the Northerly-Northwest corner and POINT OF BEGINNING of the herein described Tract 1;

THENCE N 87°38'44" E, a distance of 37.97 feet along the South right-of-way line of said Alice Road and the North line of said 40.1148 acre tract of land to a 5/8" iron rod (found) marking the intersection of the South right-of-way line of said Alice Road with the Southwest right-of-way line of State Highway 249 Southbound Feeder, (variable width), as described in instruments filed for record under Harris County Clerk's File No's R891794, R891795, X285321, Y393097 and 20070057608, same point marking an interior corner of the herein described Tract 1;

THENCE S 04°46'39" E, a distance of 30.09 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) marking an interior corner of the herein described Tract 1;

THENCE N 87°34'54" E, a distance of 111.73 feet along said Alice Road to a 5/8" iron rod with EIC cap (set) at the Westerly end of a cut-back corner in the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Northerly-Northeast corner of the herein described Tract 1;

THENCE S 61°02'40" E, a distance of 50.71 feet along said cut-back corner to a 3/4" iron rod (found) in the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking the Easterly-Northeast corner of the herein described Tract 1;

THENCE S 26°14'09" E, a distance of 559.61 feet along the Southwest right-of-way line of said State Highway 249 Southbound Feeder to a 5/8" iron rod with EIC cap (set) marking the intersection of the West right-of-way line of Sarah Road, (60.00 feet in width, unimproved), as described in an instrument filed for record under Harris County Clerk's File No. J492760 with the Southwest right-of-way line of said State Highway 249 Southbound Feeder marking an interior corner of the herein described Tract 1;

THENCE S 02°19'40" E, a distance of 200.05 feet along the West right-of-way line of said Sarah Road to a 5/8" iron rod with EIC cap (set) marking an point where said Sarah Road turns Westerly, same point marking the Southeast corner of the herein described Tract 1;

THENCE S 87°40'19" W, a distance of 456.12 feet along the North right-of-way line of said Sarah Road to a 5/8" iron rod with EIC cap (set) in the East line of Tract L, a call 15,045 square foot tract of land as described in a deed filed for record under Harris County Clerk's File No. 20060199244 marking the Southerly-Southwest corner of the herein described Tract 1;

THENCE N 02°19'41" W, a distance of 110.00 feet along the East line of said Tract L to a point for corner under a debris pile marking the Northeast corner of said Tract 1 and an interior corner of the herein described Tract 1;

THENCE S 87°40'19" W, along the North line of said Tract L, passing at 88.50 feet the Northwest corner of said Tract L and the Northeast corner of Tract M, a call 15,000 square foot tract of land as described in a deed filed for record under Harris County Clerk's File No. 20060199244, a total distance of 177.68 feet to a p.k. nail in asphalt (set) in the centerline of the East end of Windy Meadow Road, (60.00 feet in width), same point marking the Northeast corner of Tract 14 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. 20120190138, the Southeast corner of Tract 15 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. K156930 and the Westerly-Southwest corner of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 15, passing at 30.00 feet the North right-of-way line of said Windy meadow Road, a total distance of 170.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northeast corner of said Tract 15, the Southeast corner of Tract 38 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. R323731, the Southwest corner of Tract 39 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. 20120190136 and the Westerly-Northwest corner of the herein described Tract 1;

THENCE N 89°11'40" E, a distance of 150.00 feet along the South line of said Tract 39 to a 5/8" iron rod (found) for angle point marking the Southeast corner of said Tract 39 and an interior corner of the herein described Tract 1;

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*A Division of Everything in Christ Services, Inc.*

THENCE N 29°15'53" E, a distance of 131.33 feet along the Easterly line of said Tract 39 to a ¾" iron rod (found) for angle point marking an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 39, passing at 45.02 feet a ½" iron rod (found) marking the Northeast corner of said Tract 39 and the Southeast corner of Tract 40 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. RP-2019-121066, a total distance of 110.00 feet to a 5/8" iron rod with EIC cap (set) marking the Southwest corner of that certain call 0.0941 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. RP-2019-518294 and an interior corner of the herein described Tract 1;

THENCE N 87°37'30" E, a distance of 80.00 feet to a 5/8" iron rod with EIC cap (set) marking the Southeast corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, a distance of 70.00 feet to a 5/8" iron rod with EIC cap (set) marking the Easterly-Northeast corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 35.00 feet to a 5/8" iron rod with EIC cap (set) marking an interior corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, a distance of 25.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northerly-Northeast corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 40.00 feet to a 5/8" iron rod with EIC cap (set) marking the Northerly-Northwest corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 02°57'38" E, a distance of 25.00 feet to a 5/8" iron rod with EIC cap (set) marking the interior corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE S 87°37'30" W, a distance of 5.00 feet to a 5/8" iron rod with EIC cap (set) in the East line of Tract 41 in said Alice Acres as described in a deed filed for record under Harris County Clerk's File No. RP-2019-121066 marking the Westerly-Northwest corner of said 0.0941 acre tract of land and an interior corner of the herein described Tract 1;

THENCE N 02°57'38" W, along the East line of said Tract 41, passing at 92.52 feet the Northeast corner of said Tract 41 and the Southeast corner of said Tract 42, from this point a 1" iron pipe (found) bears N 68°39'16" E, 0.51 feet, also from this point a 5/8" iron rod (found) bears N 61°13'42" E, 0.21 feet, a total distance of 200.00 feet to the POINT OF BEGINNING and containing 6.4955 acres of land.

Surveyed on the ground February 20, 2020.

Job No. 20-67-02. (See corresponding plat)

The basis of bearing is S 26°14'09" E along the Southwest right-of-way line of State Highway 249 South Bound Feeder per RTK GPS Observation using the Leica Network, NAD 83, Texas South Central Zone 2004



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Land Boundary / Topographic Surveying  
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**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
CITY COUNCIL  
MARCH 15, 2021**



Notice is Hereby Given that a Public Hearing will be held by the City Council of the City of Tomball on **Monday, March 15, 2021, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, City Council will consider the following:

**Zoning Case P20-436:** Request by Paul Hicks to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 6.5681 acres of land legally described as Tract 12 Abstract 375 J M Hooper, as Commercial District. The property is generally located at the southwest corner of SH 249 and Alice Road, 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, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410 or at [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov).

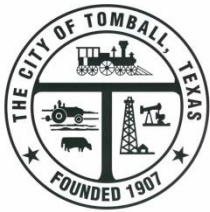
**C E R T I F I C A T I O N**

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 **11<sup>th</sup>** day of **March 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

*Amelia Lindley*

\_\_\_\_\_  
Amelia Lindley  
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 **CITY COUNCIL** of the City of Tomball regarding the following item:

**CASE NUMBER:** P20-436

**APPLICANT/OWNER:** Paul Hicks

**LOCATION:** Generally located at the southwest corner of SH 249 and Alice Road, Harris County, Texas

**PROPOSAL:** To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by establishing the zoning district of approximately 6.5681 acres of land legally described as Tract 12 Abstract 375 J M Hooper, as Commercial District.

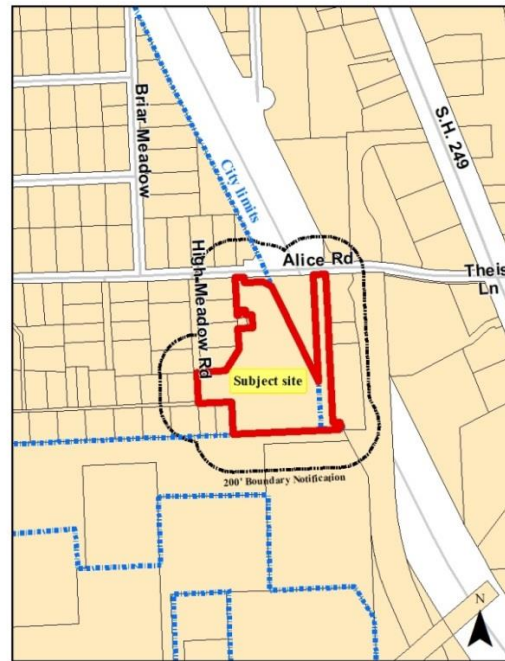
**CONTACT:** Amelia Lindley, City Planner

**PHONE:** (281) 290-1410

**E-MAIL:** [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov)

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 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.



**City Council Public Hearing:  
Monday, March 15, 2021 6:00 PM**

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

**This Public Hearing notice is a result of the rescheduling of the February 15, 2021 City Council Public Hearing, which was canceled due to inclement weather. All previously received Public Comment Forms will be provided to City Council in their agenda packet for the March 15, 2021 Regular City Council meeting.**



# Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball  
Attn: Amelia Lindley  
501 James Street  
Tomball, TX 77375

Name:

PAUL HICKS

(please print)

Address:

18711 Oxenbergh Manor Lane  
Tomball Tx 77377

Signature:

[Handwritten Signature]

Date:

Feb. 4. 2021

X

I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P20-436**. (Please state reasons below)

\_\_\_\_\_

I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P20-436**. (Please state reasons below)

Date, Location & Time of **City Council** meeting:

**Monday, February 15, 2021 6:00 PM**

City Council Chambers of the City of Tomball, City Hall  
401 Market Street, Tomball, Texas

**COMMENTS:**

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You may also comment via email to [ALindley@tomballtx.gov](mailto:ALindley@tomballtx.gov).

Please reference the case number in the subject line.

For questions regarding this request please call Amelia Lindley @ 281-290-1410.

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: April 5, 2021

**Topic:**

Adopt, on Second Reading, Ordinance No. 2021-07, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 13.4 acres of land, legally described as tracts 17H, 17J, 17H-1, 17H-2, 17J-1 abstract 34 J House, within the city of Tomball, Harris County, Texas, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District; said property being generally located on the south side of Brown Road between SH 249 and Quinn Road; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

**Background:**

**Origination:** David Weekley Homes

**Recommendation:**

City Staff recommends approval. Planning & Zoning Commission recommends denial (4-1). Council approved (3-1) on March 15, 2021 with agreed-upon changes to the PD.

**Party(ies) responsible for placing this item on agenda:** Craig T. Meyers, P.E., Community Development Director

**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

**ORDINANCE NO. 2021-07**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 13.4 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 17H, 17J, 17H-1, 17H-2, 17J-1 ABSTRACT 34 J HOUSE, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE PLANNED DEVELOPMENT (PD-1) AND SINGLE-FAMILY 20 ESTATE DISTRICTS TO THE PLANNED DEVELOPMENT (PD-16) DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE SOUTH SIDE OF BROWN ROAD BETWEEN SH 249 AND QUINN ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

\* \* \* \* \*

**Whereas**, David Weekley Homes, has requested that approximately 13.4 acres of land, legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, generally located on the south side of Brown Road between SH 249 and Quinn Road, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

**Whereas**, the applicant has presented an application to the City for a Planned Development District to allow for the construction of a single-family residential subdivision; and

**Whereas**, the Planned Development application consists of an application for Planned Development District (Exhibit "A"); Planned Development Regulations (Exhibit "B"); and concept plan (Exhibit "C") attached to and made part of this ordinance; and

**Whereas**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

**Whereas**, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City's receipt of the requested rezoning; and

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council deny the requested rezoning of Planned Development (PD-16) District; and

**Whereas**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

**Whereas**, the City Council deems it appropriate to grant the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, THAT:**

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** The zoning classification of the Property is hereby changed from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District, subject to the regulations, restrictions, and conditions hereafter set forth.

**Section 3.** The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-16) District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 4.** This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Planned Development (PD-16) District as described above.

**Section 5.** The Planned Development (PD-16) shall be subject to the following limitations, restrictions and covenants:

- A. Compliance with the Application, Regulations and Concept Plan. The granting of the Planned Development (PD-16) District shall be conditioned upon the proposed improvements and lands uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.
- B. A seven foot screening wall or fence shall be installed along the rear property line for properties along the western boundary of the development;
- C. Properties along the western boundary of the development shall be limited to one-story structures;
- D. A minimum of one shade tree or screening shrubs shall be planted in the rear yards of properties along the western boundary of the development.

**Section 6.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.



**Section 7.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15<sup>TH</sup> DAY OF MARCH 2021.

|                        |               |
|------------------------|---------------|
| COUNCILMAN FORD        | <u>ABSENT</u> |
| COUNCILMAN STOLL       | <u>AYE</u>    |
| COUNCILMAN DEGGES      | <u>AYE</u>    |
| COUNCILMAN TOWNSEND    | <u>AYE</u>    |
| COUNCILMAN KLEIN QUINN | <u>AYE</u>    |

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5<sup>TH</sup> DAY OF APRIL 2021.

|                        |       |
|------------------------|-------|
| COUNCILMAN FORD        | _____ |
| COUNCILMAN STOLL       | _____ |
| COUNCILMAN DEGGES      | _____ |
| COUNCILMAN TOWNSEND    | _____ |
| COUNCILMAN KLEIN QUINN | _____ |

\_\_\_\_\_  
Gretchen Fagan, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

**Exhibit "A"**  
**Application for Planned Development**



**RECEIVED (KC)**  
01/06/2021 4:09:18 PM  
**APPLICATION FOR  
PLANNED DEVELOPMENT**  
Community Development Department  
Planning Division

**P&Z #P21-011**  
**\$1,000 PD**

The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

**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: David Weekley Homes Title: Development Manager  
Mailing Address: 1111 N Post Oak City: Houston State: TX  
Zip: 77055  
Phone: (713) 545-9798 Fax: ( ) Email: DMorgan@dwhomes.com

**Owner**  
Name: Ellen Hohl Stults - Executor of Carolyn Hohl Estate Title: Executor  
Mailing Address: 46 Stephen Hohl 13601 Lost Creek City: Tomball State: TX  
Zip: 77375  
Phone: (832) 369-3835 Fax: ( ) Email: Stephen.Hohl@gmail.com

**Engineer/Surveyor (if applicable)**  
Name: Crestline Engineering - Mark D Shaffer PE Title: Principal  
Mailing Address: 2000 S Dairy Ashford Ste 200 City: Houston State: TX  
Zip: 77077  
Phone: (713) 314-7029 Fax: ( ) Email: mark@crestlineeng.com

**Description of Proposed Project:** Single Family Residential Development

**Physical Location of Property:** South of Brown Road Approx 2000' east 249  
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: J House Survey Abstract 34 Tracts 17H, 17H-1, 17H-2, 17S, 17S  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0402700010145  
0402700010146  
0402700010147 Acreage: 13.378

Current Use of Property: PD-1 + SF-20-E

Proposed Use of Property: Planned Development

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.

X Todd M. Ray Date 1-5-2021  
Signature of Applicant

X Ellen M. Clutts Date 1-5-2021  
Signature of Owner

January 6<sup>th</sup> 2021



City of Tomball  
Planning & Zoning Commission  
401 Market Street  
Tomball, TX 77375

Dear City of Tomball Planning & Zoning Commission,

This letter is meant to serve as supplemental documentation to accompany the request of the Estate of Carolyn K Hohl and David Weekley Homes for the creation of a Planned Development on the referenced property near Brown Road and Quinn Road in Tomball, TX. Attached along with this letter is the Planned Development Application, Planned Development Regulations as well as Proposed Site Plan for the project.

David Weekley Homes, through its development company, CND Development, desires to develop an upscale community of 50 homes on this 13.378 acre property. The current zoned status of the property is a mix of Planned Development (PD-1 – Office w/Residential Look) as well as Single-Family Estate (SF-20-E).

The creation of this Planned Development will allow David Weekley Homes to develop the property into single family homes in line with the City of Tomball's Future Land Use Plan which is Neighborhood Residential. Our desire is to create a community with the aesthetic appeal and quality of one of our previous communities near the reference property, Yaupon Trails. After discussing with City Council at our last rezoning request, we have designed this Planned Development with Yaupon Trails in mind.

Planned Development Districts may be used to permit new or innovative concepts in land utilization and ensure compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community. We believe this Planned Development will do that by providing the following:

- To provide superior design on lots
  - This will allow for a typical lot size (6,500 SF Minimum) that falls between SF-6 and SF-9.
- To provide open space opportunities for public use and enjoyment
  - There is a park at the south side of the project near the detention area that will be publicly available.
- To provide an appropriate balance between the intensity of development
  - This PD will have the same minimum lot size as Yaupon Trails on the North side of Brown Road, be greater than the lots in Sydney's Park at Brown and Quinn and ease the transition from the SF-20-E lots to the West in Liberty Springs.
- Exceed the standards of the City of Tomball
  - Homes within the PD will adhere to minimum building regulations and required landscaping on each lot. One example being the Minimum Floor Area per Dwelling Unit being 1,600 SF, which is the same as SF-20-E.

January 6<sup>th</sup> 2021

We believe that this development will allow David Weekley Homes to deliver an upscale new home community that will not only benefit those residents that purchase homes in the community, but contribute to the City of Tomball's continued success.

Thank you so much for your time and consideration of Planned Development request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Black', with a stylized flourish at the end.

Scott Black  
David Weekley Homes

**" EXHIBIT A "**

FIELD NOTES OF A TRACT OF LAND CONTAINING 13.378 ACRES SITUATED IN THE JOSEPH HOUSE LEAGUE, ABSTRACT 34, HARRIS COUNTY, TEXAS AND BEING THE RESIDUE OF A 10.00 ACRE TRACT OF LAND CALLED TRACT 1 AND THE RESIDUE OF A 10.00 ACRE TRACT OF LAND CALLED TRACT 2 CONVEYED TO ROY C. HOHL RECORDED BY DEED IN HARRIS COUNTY CLERK'S FILE NO.(S) B 899708 AND C 922066 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS. SAID 13.378 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

NOTE: BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLAIN COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83.

**BEGINNING** at a 5/8" capped iron rod, found, being an exterior corner in the west line of a 6.292 acre tract of land conveyed to City of Tomball recorded by deed in Harris County Clerk's File No.(s) Y 538668 of the Real Property Records of said county and for the **southwest corner** of the herein described tract (X=3032877.6167, Y=13962802.4460), from which a 5/8" iron rod, found, being the southwest corner of said 6.292 acres bears S 02°08'27" E, a distance of 159.93 feet;

**THENCE**, N 02°08'27" W, along the west line of said Tract 1 and 2, a distance of 1035.76 feet to a 1/2" capped iron rod, set, being the southwest corner of Lot 2, Block 2, Brown-Hufsmith Commercial, a subdivision in said county according to the map or plat thereof recorded in Film Code #622259 of the Map Records of said county, the northwest corner of said Tract 2 and for the **northwest corner** of the herein described tract;

**THENCE**, N 87°12'47" E, along the south line of said Lot 2 and the north line of said Tract 2, a distance of 401.98 feet to a 1/2" capped iron rod, set, in the south right-of-way line of Brown-Hufsmith Road (100 foot right-of-way), the east corner of said Lot 2 and for the **"Point of Curve"** in the north line of the herein described tract;

**THENCE**, along a curve to the left with the south right-of-way line of said Brown-Hufsmith Road having a radius of 1690.42 feet and an arc length of 167.06 feet with a chord bearing of S 79°54'49" E, a distance of 166.99 feet to a 5/8" capped iron rod, set, being the northwest corner of said 6.292 acres and for the **northeast corner** and **"Point of Tangent"** of the herein described tract;

**THENCE**, S 02°11'50" E, along the west line of said 6.292 acres, a distance of 999.00 feet to a 5/8" capped iron rod, set, being an interior corner in the west line of said 6.292 acres and for the **southeast corner** of the herein described tract;

**THENCE**, S 87°15'33" W, along an exterior line of said 6.292 acres, a distance of 566.17 feet to the **"Point of Beginning"** and containing 13.378 acres of land, more or less.

Surveyed: May 06, 2020

I, Mike H. Rubaiy, Registered Professional Land Surveyor No. 2907, do hereby certify that the foregoing field notes were prepared from a survey made on the ground under my supervision on the date shown and that all lines, boundaries and landmarks are accurately described therein.

  
Mike H. Rubaiy  
R.P.L.S. No. 2907

Job No. 220107  
Date: 06-17-2020  
hh



**Exhibit “B”**  
**Planned Development Regulations**

Planned Development Regulations

**Pine Trails**

**Contents**

- A. General Provisions
- B. Land Uses
- C. Development Regulations for Single Family Lots
- D. Landscape Regulations
- E. Building Regulations

**A. General Provisions**

The Planned Development (PD) approved herein must be constructed, developed, and maintained in compliance with this ordinance and other applicable ordinances of the City. If any provision or regulation of any City ordinance applicable in a SF-6 zoning district is not contained in this ordinance, all of the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this ordinance shall apply to this PD.

Except as otherwise provided herein, the words used in this Planned Development shall have the same meaning established by the Development Code.

**B. Land Uses**

Permitted Land Uses are listed below. All others are prohibited.

- Private Household Services – SIC Code 8811
- Dwellings – Single Family – SIC Code 99 (Non-Classifiable)
- Parks and Recreational Facilities, Public or Private – SIC Code 99 (Non-Classifiable)
- Residential Sales Office (Temporary)
- Drill Site

**C. Development Regulations for Single Family Lots**

- Maximum 50 lots permitted
- Minimum Lot Size - 6,500 Square Feet
- Minimum Lot Width - 55'

- Minimum Lot Depth - 110'
- Minimum Front Setback – 20'
- Minimum Side Setback – 5'
- Minimum Rear Setback – 10'
- Minimum Dwelling Unit Size – 1,600 Square Feet
- Maximum Height – 2 stories not to exceed 36' for the main building/house.
- Maximum Lot Coverage – 60% including main buildings and accessory buildings

#### **D. Landscape Regulations**

##### **Park and Recreation Facilities**

- A landscaped and open space park reserve shall be provided within the neighborhood.

##### **Single Family Lot Requirements**

- Each lot shall be fully landscaped with either trees, plants or otherwise covered with Bermuda Grass.
- Each lot shall have at least one existing mature tree or one 3.5" caliper shade tree shall be planted in the front yard setback.
- See attached Approved Plant List (Exhibit A) for approved plants and trees for the Planned Development



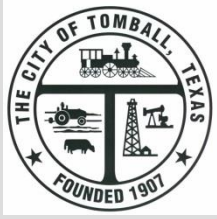
## Exhibit A

### Approved Plant List

| <i>Botanical Name</i>               | <i>Common Name</i>  | <i>Botanical Name</i>            | <i>Common Name</i>      |
|-------------------------------------|---------------------|----------------------------------|-------------------------|
| <b>SHADE TREES</b>                  |                     | <b>SHRUBS</b>                    |                         |
| <i>Carya illinoensis</i>            | Pecan               | <i>Aspidistra eliator</i>        | Aspidistra              |
| <i>Liquidambar styraciflua</i>      | Sweet Gum           | <i>Aucuba japonica</i>           | Japanese Aucuba         |
| <i>Magnolia grandiflora</i>         | Southern Magnolia   | <i>Azalea</i> species            | Azalea                  |
| <i>Pistache chinensis</i>           | Chinese Pistache    | <i>Buddleia davidii</i>          | Butterfly Bush          |
| <i>Platanus mexicana</i>            | Mexican Plane Tree  | <i>Buxus</i> species             | Boxwood                 |
| <i>Quercus macrocarpa</i>           | Burr Oak            | <i>Callistemon citrinus</i>      | Dwarf Bottlebrush       |
| <i>Quercus nigra</i>                | Water Oak           | 'Austraflora', 'Firebrand',      |                         |
| <i>Quercus polymorpha</i>           | Mexican Oak         | 'Little John', and 'Splendens    |                         |
| <i>Quercus shumardii</i>            | Shumard Oak         | <i>Camellia sasanqua</i>         | Camellia                |
| <i>Quercus virginiana</i>           | Live Oak            | <i>Chanomelis speciosa</i>       | Flowering Quince        |
| <i>Ulmus parvifolia</i> 'Drake'     | Drake Elm           | <i>Cleyera japonica</i>          | Japanese Cleyera        |
| <b>EVERGREEN TREES</b>              |                     | <i>Elaeagnus macrophylla</i>     | Elaeagnus Ebbeningei    |
| <i>Ilex opaca</i>                   | American Holly      | <i>Eriobotrya japonica</i>       | Coppertone Loquat       |
| <i>Ilex opaca Savannah</i>          | Savannah Holly      | <i>Fatsia japonica</i>           | Aralia                  |
| <i>Cupressus sempervirens</i>       | Italian Cypress     | <i>Fiegoa sellowiana</i>         | Pineapple Guava         |
| <i>Pinus thunbergi</i>              | Japanese Black Pine | <i>Gardenia jasminoides</i>      | Gardenia                |
| <i>Pinus taeda</i>                  | Loblolly Pine       | <i>Ilex cornuta</i> 'Burfordii'  | Dwarf Burford Holly     |
| <b>ORNAMENTAL TREES</b>             |                     | <i>compacta</i>                  |                         |
| <i>Betula nigra</i>                 | River Birch         | <i>Ilex vomitoria</i> 'Nana'     | Dwarf Yaupon            |
| <i>Cercis canadensis</i> 'Oklahoma' | Redbud              | <i>Juniperus</i>                 | Juniper species         |
| <i>Chamcerops humilis</i>           | Mediterranean Palm  | <i>Leucophyllum frutescens</i>   | Texas Sage              |
| <i>Chionanthus virginica</i>        | Chinese Fringe Tree | <i>Ligustrum japonicum</i>       | Wax Leaf Ligustrum      |
| <i>Crateagus marshalli</i>          | Parsley Hawthorn    | <i>Mahonia aquifolium</i>        | Oregon Grape            |
| <i>Cycas revoluta</i>               | Sago Palm           | <i>Mahonia bealei</i>            | Leatherleaf             |
| <i>Lagerstroemia indica</i>         | Crepe Myrtle        | <i>Myrica cerifera</i>           | Southern Wax Myrtle     |
| <i>Magnolia liliiflora</i>          | Lily Magnolia       | <i>Myrica pusilla</i>            | Dwarf Wax Myrtle        |
| <i>Magnolia soulangeana</i>         | Saucer magnolia     | <i>Nandina domestica</i>         | Dwarf Nandina varieties |
| <i>Magnolia stellata</i>            | Star Magnolia       | <i>Nerium oleander</i>           | Oleander                |
| <i>Prunus mexicana</i>              | Mexican Plum        | <i>Pittosporum tobira</i>        | Variegated Pittosporum  |
| <i>Pyrus calleryana</i>             | Flowering Pears     | 'Variegata'                      |                         |
| 'Aristocrat' or 'Capitol'           |                     | <i>Pittosporum tobira</i>        | Dwarf Pittosporum       |
|                                     |                     | 'Wheeler'                        |                         |
|                                     |                     | <i>Raphiolepis indica</i>        | Indian Hawthorn         |
|                                     |                     | <i>Rhododendron indicum</i>      | Formosa Azalea          |
|                                     |                     | 'Formosa'                        |                         |
|                                     |                     | <i>Spirea bumalda</i> or similar | Spirea                  |
|                                     |                     | dwarf varieties                  |                         |

| <i>Botanical Name</i>                                      | <i>Common Name</i>              |
|------------------------------------------------------------|---------------------------------|
| Ajuga reptans                                              | Ajuga                           |
| Ardisa Crenulata                                           | Ardisa                          |
| Asparagus sprengeri                                        | Sprengeri Fern                  |
| Carex morrowii                                             | Japanese Sedge                  |
| Cuphea hyssopifolia                                        | Mexican Heather                 |
| Cyrtomium falcatum                                         | Holly Fern                      |
| Dryopteris normalis                                        | Wood Fern                       |
| Festuca ovina                                              | Fescue                          |
| Festuca cinerea                                            | Fescue                          |
| Ficus pumila                                               | Climbing Fig                    |
| Gelsimium sempervirens                                     | Carolina Jasmine                |
| Hemerocallis species                                       | Daylily                         |
| Hedera helix                                               | English Ivy                     |
| Juniperus horizontalis, conferta,<br>and procumbens 'Nana' | Low growing junipers<br>species |
| Lantana camara 'Radiation'                                 | Lantana                         |
| Liriope muscari                                            | Liriope                         |
| Millettia reticulata                                       | Evergreen Wisteria              |
| Ophiopogon jaburan                                         | Giant Liriope                   |
| Ophiopogon japonicum                                       | Monkey Grass                    |
| Rosa banksiae                                              | Lady Bank's Rose                |
| Santolina incana                                           | Lavender                        |
| Trachelosperum asiaticum                                   | Asian Jasmine                   |
| Trachelosperum jasminoides                                 | Confederate Jasmine             |
| Veronica latifolia, scro-<br>phulariaceae and spicata      | Veronica                        |
| Wisteria chinensis, floribunda,<br>megasperma, sinensis    | Wisteria                        |

[illegible]



## Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: February 8, 2021

City Council Public Hearing Date: February 15, 2021

**Rezoning Case:** P21-011

**Property Owner(s):** Roy C & Carolyn Hohl

**Applicant(s):** David Weekley Homes

**Legal Description:** Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House

**Location:** South side of Brown Road between SH 249 and Quinn Road  
(Exhibit "A")

**Area:** 13.4 acres

**Comp Plan Designation:** Neighborhood Residential (Exhibit "B")

**Present Zoning and Use:** Planned Development (PD-1) and Single-Family 20 Estate District  
(Exhibit "C") / Mostly undeveloped, single-family residence  
(Exhibit "D")

**Proposed Use(s):** Single-family residential development (Exhibit "E")

**Request:** Rezone from the Planned Development (PD-1) and Single-Family  
20 Estate Districts to the Planned Development (PD-16) District

### Adjacent Zoning & Land Uses:

**North:** Office and Planned Development (PD-1) Districts / Office and undeveloped property

**South:** Single-Family 20 Estate District / Drainage channel

**West:** Single-Family 20 Estate District / Single-family residences

**East:** Planned Development (PD-1) and Single-Family 20 Estate Districts / Drainage channel

### **BACKGROUND**

In June 2020, City staff met with the applicant to discuss the development of a single-family residential community. In December 2020, the applicant requested a rezoning to the Single-Family 6 District. The Planning & Zoning Commission recommended denial of the request and City Council took no action on the request. The applicant submitted a Planned Development District Application.

## ANALYSIS

The subject site is comprised of three properties totaling approximately 13.4 acres of land. The applicant, David Weekley Homes, plans to develop a single-family residential subdivision with a maximum of 50 residential homes. The subject site is zoned Planned Development (PD-1) District on the northern portion and Single-Family 20 Estate District on the southern portion. Surrounding properties are zoned Office and Planned Development (PD-1) Districts to the north, Single-Family 20 Estate and Planned Development (PD-1) to the east, and Single-Family 20 Estate District to the south and west.

Surrounding properties in the area include single-family residences on Liberty Lane, a drainage channel to the south and east and an office to the north. There are two new single-family residential subdivisions on Brown Road in the area: Yaupon Trails (completed) and Sydney's Park (under construction). The proposed development appears to be appropriate for the area.

Section 50-80(a)(1) of the Tomball Code of Ordinances outlines the general purpose and description of the Planned Development District:

“The PD Planned Development District is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., Single-Family, Multifamily, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- a. To provide for a superior design on lots or buildings;
- b. To provide for increased recreation and open space opportunities for public use and enjoyment;
- c. To provide amenities or features that would be of special benefit to the property users or to the overall community;
- d. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, views, or wildlife habitats;
- e. To protect or preserve existing historical buildings, structures, features or places;
- f. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
- g. To meet or exceed the standards of this chapter.”

According to the Planned Development Application (Exhibit “E”) and the development regulations, the proposed Planned Development will be a single-family residential community, and will include amenities such as an open space park reserve. The lots will have a minimum area of 6,500 square feet, a minimum lot width of 55’ and a minimum lot depth of 110’. The residences in this PD will have a minimum floor area per dwelling unit of 1,600 square feet. The PD also includes landscaping requirements for the park and recreation facilities and the single-family lots.

The property is designated as Neighborhood Residential by the Comprehensive Plan Future Land Use Map. This category is intended for single-family detached housing. The proposed Planned Development meets the intent of the Future Land Use category.

## **PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper on January 27, 2021. Property owners within 200 feet of the project site were mailed notification of this proposal on January 28, 2021. 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 P21-011.

## **EXHIBITS**

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Planned Development Application, Regulations & Concept Plan



Exhibit "A"  
Aerial Photo





Exhibit "B"  
Comprehensive Plan

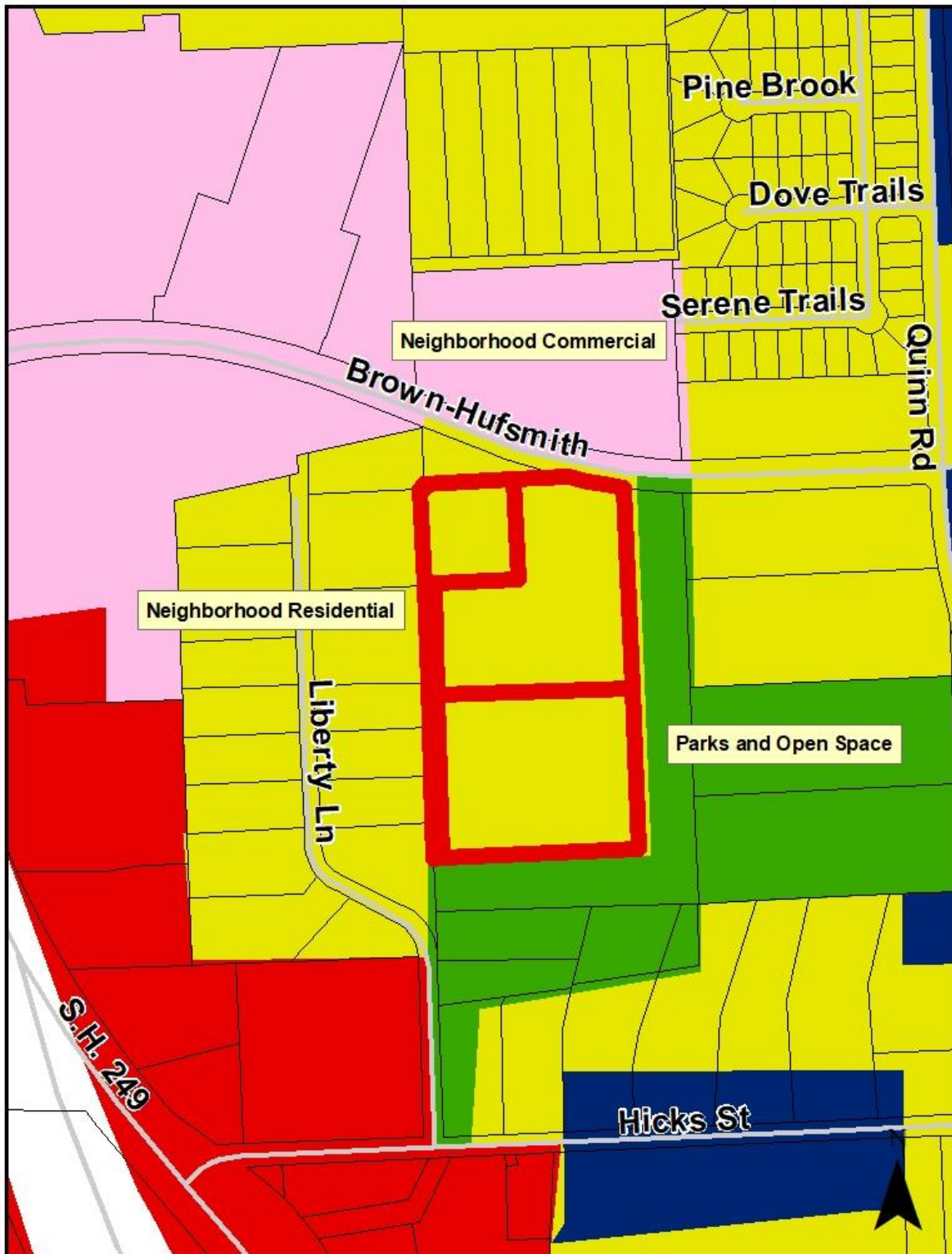
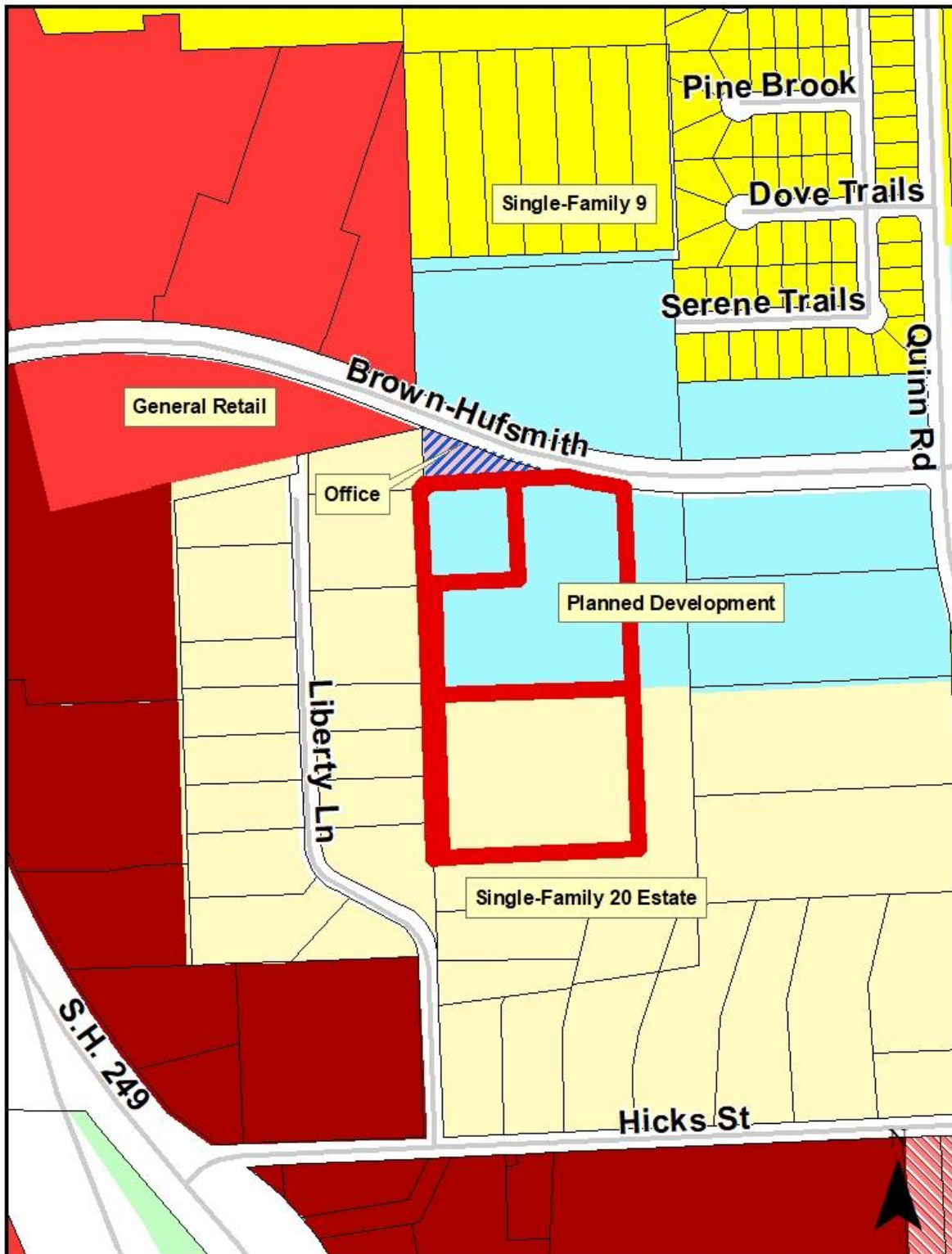




Exhibit "C"  
Zoning Map



**Exhibit “D”  
Site Photo**





**Exhibit "E"**  
**Planned Development Application, Regulations & Concept Plan**



**RECEIVED (KC)**  
01/06/2021 4:09:18 PM  
**APPLICATION FOR**  
**PLANNED DEVELOPMENT**  
Community Development Department  
Planning Division

**P&Z #P21-011**  
**\$1,000 PD**

The PD, Planned Development, district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, Duplex (Two Family), etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts.

No planned development shall be established and no building permit shall be issued for any use designated as a Planned Development within any zoning district until a Planned Development is approved and issued in accordance with the provisions of the Zoning Ordinance and Concept Plan.

The minimum acreage for a planned development request shall be four (4) acres.

**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: David Weekley Hones Title: Development Manager  
Mailing Address: 1111 N Post Oak City: Houston State: TX  
Zip: 77055  
Phone: (713) 545-9798 Fax: ( ) Email: DMorgan@dwhones.com

**Owner**  
Name: Ellen Hohl Shults - Executor of Carolyn Hohl Estate Title: Executor  
Mailing Address: 46 Stephen Hohl 13607 Lost Creek City: Tomball State: TX  
Zip: 77375  
Phone: (832) 369-3935 Fax: ( ) Email: Stephen.Hohl@gmail.com

**Engineer/Surveyor (if applicable)**  
Name: Crestline Engineering - Mark D Shaffer PE Title: Principal  
Mailing Address: 2000 S Dairy Ashford Ste 200 City: Houston State: TX  
Zip: 77077  
Phone: (713) 314-7029 Fax: ( ) Email: mark.D@crestlineeng.com

**Description of Proposed Project:** Single Family Residential Development

**Physical Location of Property:** South of Brown Road Approx 2000' east 249  
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: 5 House Survey Abstract 34 Tracts 17H, 17H-1, 17H-2, 17S, 17S  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0402700010145  
0402700010146  
0402700010147 Acreage: 13.378

Current Use of Property: PD-1 + SF-20-F

Proposed Use of Property: Planned Development

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.

X Todd May 1-5-2021  
Signature of Applicant Date

X Ellen M. Clutts 1-5-2021  
Signature of Owner Date

January 6<sup>th</sup> 2021

Building Dreams, Enhancing Lives.  
**David Weekley Homes**

City of Tomball  
Planning & Zoning Commission  
401 Market Street  
Tomball, TX 77375

Dear City of Tomball Planning & Zoning Commission,

This letter is meant to serve as supplemental documentation to accompany the request of the Estate of Carolyn K Hohl and David Weekley Homes for the creation of a Planned Development on the referenced property near Brown Road and Quinn Road in Tomball, TX. Attached along with this letter is the Planned Development Application, Planned Development Regulations as well as Proposed Site Plan for the project.

David Weekley Homes, through its development company, CND Development, desires to develop an upscale community of 50 homes on this 13.378 acre property. The current zoned status of the property is a mix of Planned Development (PD-1 – Office w/Residential Look) as well as Single-Family Estate (SF-20-E).

The creation of this Planned Development will allow David Weekley Homes to develop the property into single family homes in line with the City of Tomball's Future Land Use Plan which is Neighborhood Residential. Our desire is to create a community with the aesthetic appeal and quality of one of our previous communities near the reference property, Yaupon Trails. After discussing with City Council at our last rezoning request, we have designed this Planned Development with Yaupon Trails in mind.

Planned Development Districts may be used to permit new or innovative concepts in land utilization and ensure compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community. We believe this Planned Development will do that by providing the following:

- To provide superior design on lots
  - This will allow for a typical lot size (6,500 SF Minimum) that falls between SF-6 and SF-9.
- To provide open space opportunities for public use and enjoyment
  - There is a park at the south side of the project near the detention area that will be publicly available.
- To provide an appropriate balance between the intensity of development
  - This PD will have the same minimum lot size as Yaupon Trails on the North side of Brown Road, be greater than the lots in Sydney's Park at Brown and Quinn and ease the transition from the SF-20-E lots to the West in Liberty Springs.
- Exceed the standards of the City of Tomball
  - Homes within the PD will adhere to minimum building regulations and required landscaping on each lot. One example being the Minimum Floor Area per Dwelling Unit being 1,600 SF, which is the same as SF-20-E.

January 6<sup>th</sup> 2021

We believe that this development will allow David Weekley Homes to deliver an upscale new home community that will not only benefit those residents that purchase homes in the community, but contribute to the City of Tomball's continued success.

Thank you so much for your time and consideration of Planned Development request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Black', with a stylized flourish at the end.

Scott Black  
David Weekley Homes

## Planned Development Regulations

# Pine Trails

### Contents

- A. General Provisions
- B. Land Uses
- C. Development Regulations for Single Family Lots
- D. Landscape Regulations
- E. Building Regulations

#### A. General Provisions

The Planned Development (PD) approved herein must be constructed, developed, and maintained in compliance with this ordinance and other applicable ordinances of the City. If any provision or regulation of any City ordinance applicable in a SF-6 zoning district is not contained in this ordinance, all of the regulations contained in the Development Code applicable to the SF-6 zoning district in effect on the effective date of this ordinance shall apply to this PD.

Except as otherwise provided herein, the words used in this Planned Development shall have the same meaning established by the Development Code.

#### B. Land Uses

Permitted Land Uses are listed below. All others are prohibited.

- Private Household Services – SIC Code 8811
- Dwellings – Single Family – SIC Code 99 (Non-Classifiable)
- Parks and Recreational Facilities, Public or Private – SIC Code 99 (Non-Classifiable)
- Residential Sales Office (Temporary)
- Drill Site

#### C. Development Regulations for Single Family Lots

- Maximum 50 lots permitted
- Minimum Lot Size - 6,500 Square Feet
- Minimum Lot Width - 55'

- Minimum Lot Depth - 110'
- Minimum Front Setback – 20'
- Minimum Side Setback – 5'
- Minimum Rear Setback – 10'
- Minimum Dwelling Unit Size – 1,600 Square Feet
- Maximum Height – 2 stories not to exceed 36' for the main building/house.
- Maximum Lot Coverage – 60% including main buildings and accessory buildings

#### **D. Landscape Regulations**

##### Park and Recreation Facilities

- A landscaped and open space park reserve shall be provided within the neighborhood.

##### Single Family Lot Requirements

- Each lot shall be fully landscaped with either trees, plants or otherwise covered with Bermuda Grass.
- Each lot shall have at least one existing mature tree or one 3.5" caliper shade tree shall be planted in the front yard setback.
- See attached Approved Plant List (Exhibit A) for approved plants and trees for the Planned Development



## Exhibit A

### Approved Plant List

| <i>Botanical Name</i>               | <i>Common Name</i>  | <i>Botanical Name</i>                                         | <i>Common Name</i>      |
|-------------------------------------|---------------------|---------------------------------------------------------------|-------------------------|
| <b>SHADE TREES</b>                  |                     | <b>SHRUBS</b>                                                 |                         |
| <i>Carya illinoensis</i>            | Pecan               | <i>Aspidistra eliator</i>                                     | Aspidistra              |
| <i>Liquidambar styraciflua</i>      | Sweet Gum           | <i>Aucuba japonica</i>                                        | Japanese Aucuba         |
| <i>Magnolia grandiflora</i>         | Southern Magnolia   | <i>Azalea</i> species                                         | Azalea                  |
| <i>Pistache chinensis</i>           | Chinese Pistache    | <i>Buddleia davidii</i>                                       | Butterfly Bush          |
| <i>Platanus mexicana</i>            | Mexican Plane Tree  | <i>Buxus</i> species                                          | Boxwood                 |
| <i>Quercus macrocarpa</i>           | Burr Oak            | <i>Callistemon citrinus</i>                                   | Dwarf Bottlebrush       |
| <i>Quercus nigra</i>                | Water Oak           | 'Austraflora', 'Firebrand',<br>'Little John', and 'Splendens' |                         |
| <i>Quercus polymorpha</i>           | Mexican Oak         | <i>Camellia sasanqua</i>                                      | Camellia                |
| <i>Quercus shumardii</i>            | Shumard Oak         | <i>Chanomelis speciosa</i>                                    | Flowering Quince        |
| <i>Quercus virginiana</i>           | Live Oak            | <i>Cleyera japonica</i>                                       | Japanese Cleyera        |
| <i>Ulmus parvifolia</i> 'Drake'     | Drake Elm           | <i>Elaeagnus macrophylla</i>                                  | Elaeagnus Ebbeningei    |
| <b>EVERGREEN TREES</b>              |                     | <i>Eriobotrya japonica</i>                                    | Coppertone Loquat       |
| <i>Ilex opaca</i>                   | American Holly      | <i>Fatsia japonica</i>                                        | Aralia                  |
| <i>Ilex opaca</i> Savannah          | Savannah Holly      | <i>Fiegoa sellowiana</i>                                      | Pineapple Guava         |
| <i>Cupressus sempervirens</i>       | Italian Cypress     | <i>Gardenia jasminoides</i>                                   | Gardenia                |
| <i>Pinus thunbergi</i>              | Japanese Black Pine | <i>Ilex cornuta</i> 'Burfordii'                               | Dwarf Burford Holly     |
| <i>Pinus taeda</i>                  | Loblolly Pine       | <i>compacta</i>                                               |                         |
| <b>ORNAMENTAL TREES</b>             |                     | <i>Ilex vomitoria</i> 'Nana'                                  | Dwarf Yaupon            |
| <i>Betula nigra</i>                 | River Birch         | <i>Juniperus</i>                                              | Juniper species         |
| <i>Cercis canadensis</i> 'Oklahoma' | Redbud              | <i>Leucophyllum frutescens</i>                                | Texas Sage              |
| <i>Chamcerops humilis</i>           | Mediterranean Palm  | <i>Ligustrum japonicum</i>                                    | Wax Leaf Ligustrum      |
| <i>Chionanthus virginica</i>        | Chinese Fringe Tree | <i>Mahonia aquifolium</i>                                     | Oregon Grape            |
| <i>Crateagus marshalli</i>          | Parsley Hawthorn    | <i>Mahonia bealei</i>                                         | Leatherleaf             |
| <i>Cycas revoluta</i>               | Sago Palm           | <i>Myrica cerifera</i>                                        | Southern Wax Myrtle     |
| <i>Lagerstroemia indica</i>         | Crepe Myrtle        | <i>Myrica pusilla</i>                                         | Dwarf Wax Myrtle        |
| <i>Magnolia liliiflora</i>          | Lily Magnolia       | <i>Nandina domestica</i>                                      | Dwarf Nandina varieties |
| <i>Magnolia soulangeana</i>         | Saucer magnolia     | <i>Nerium oleander</i>                                        | Oleander                |
| <i>Magnolia stellata</i>            | Star Magnolia       | <i>Pittosporum tobira</i>                                     | Variegated Pittosporum  |
| <i>Prunus mexicana</i>              | Mexican Plum        | 'Variegata'                                                   |                         |
| <i>Pyrus calleryana</i>             | Flowering Pears     | <i>Pittosporum tobira</i>                                     | Dwarf Pittosporum       |
| 'Aristocrat' or 'Capitol'           |                     | 'Wheeler'                                                     |                         |
|                                     |                     | <i>Raphiolepis indica</i>                                     | Indian Hawthorn         |
|                                     |                     | <i>Rhododendron indicum</i>                                   | Formosa Azalea          |
|                                     |                     | 'Formosa'                                                     |                         |
|                                     |                     | <i>Spirea bumalda</i> or similar<br>dwarf varieties           | Spirea                  |

| <i>Botanical Name</i>                                      | <i>Common Name</i>              |
|------------------------------------------------------------|---------------------------------|
| Ajuga reptans                                              | Ajuga                           |
| Ardisa Crenulata                                           | Ardisa                          |
| Asparagus sprengeri                                        | Sprengeri Fern                  |
| Carex morrowii                                             | Japanese Sedge                  |
| Cuphea hyssopifolia                                        | Mexican Heather                 |
| Cyrtomium falcatum                                         | Holly Fern                      |
| Dryopteris normalis                                        | Wood Fern                       |
| Festuca ovina                                              | Fescue                          |
| Festuca cinerea                                            | Fescue                          |
| Ficus pumila                                               | Climbing Fig                    |
| Gelsimium sempervirens                                     | Carolina Jasmine                |
| Hemerocallis species                                       | Daylily                         |
| Hedera helix                                               | English Ivy                     |
| Juniperus horizontalis, conferta,<br>and procumbens 'Nana' | Low growing junipers<br>species |
| Lantana camara 'Radiation'                                 | Lantana                         |
| Liriope muscari                                            | Liriope                         |
| Millettia reticulata                                       | Evergreen Wisteria              |
| Ophiopogon jaburan                                         | Giant Liriope                   |
| Ophiopogon japonicum                                       | Monkey Grass                    |
| Rosa banksiae                                              | Lady Bank's Rose                |
| Santolina incana                                           | Lavender                        |
| Trachelosperum asiaticum                                   | Asian Jasmine                   |
| Trachelosperum jasminoides                                 | Confederate Jasmine             |
| Veronica latifolia, scro-<br>phulariaceae and spicata      | Veronica                        |
| Wisteria chinensis, floribunda,<br>megasperma, sinensis    | Wisteria                        |

**" EXHIBIT A "**

FIELD NOTES OF A TRACT OF LAND CONTAINING 13.378 ACRES SITUATED IN THE JOSEPH HOUSE LEAGUE, ABSTRACT 34, HARRIS COUNTY, TEXAS AND BEING THE RESIDUE OF A 10.00 ACRE TRACT OF LAND CALLED TRACT 1 AND THE RESIDUE OF A 10.00 ACRE TRACT OF LAND CALLED TRACT 2 CONVEYED TO ROY C. HOHL RECORDED BY DEED IN HARRIS COUNTY CLERK'S FILE NO.(S) B 899708 AND C 922066 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS. SAID 13.378 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

NOTE: BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLAIN COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83.

**BEGINNING** at a 5/8" capped iron rod, found, being an exterior corner in the west line of a 6.292 acre tract of land conveyed to City of Tomball recorded by deed in Harris County Clerk's File No.(s) Y 538668 of the Real Property Records of said county and for the **southwest corner** of the herein described tract (X=3032877.6167, Y=13962802.4460), from which a 5/8" iron rod, found, being the southwest corner of said 6.292 acres bears S 02°08'27" E, a distance of 159.93 feet;

**THENCE**, N 02°08'27" W, along the west line of said Tract 1 and 2, a distance of 1035.76 feet to a 1/2" capped iron rod, set, being the southwest corner of Lot 2, Block 2, Brown-Hufsmith Commercial, a subdivision in said county according to the map or plat thereof recorded in Film Code #622259 of the Map Records of said county, the northwest corner of said Tract 2 and for the **northwest corner** of the herein described tract;

**THENCE**, N 87°12'47" E, along the south line of said Lot 2 and the north line of said Tract 2, a distance of 401.98 feet to a 1/2" capped iron rod, set, in the south right-of-way line of Brown-Hufsmith Road (100 foot right-of-way), the east corner of said Lot 2 and for the **"Point of Curve"** in the north line of the herein described tract;

**THENCE**, along a curve to the left with the south right-of-way line of said Brown-Hufsmith Road having a radius of 1690.42 feet and an arc length of 167.06 feet with a chord bearing of S 79°54'49" E, a distance of 166.99 feet to a 5/8" capped iron rod, set, being the northwest corner of said 6.292 acres and for the **northeast corner** and **"Point of Tangent"** of the herein described tract;

**THENCE**, S 02°11'50" E, along the west line of said 6.292 acres, a distance of 999.00 feet to a 5/8" capped iron rod, set, being an interior corner in the west line of said 6.292 acres and for the **southeast corner** of the herein described tract;

**THENCE**, S 87°15'33" W, along an exterior line of said 6.292 acres, a distance of 566.17 feet to the **"Point of Beginning"** and containing 13.378 acres of land, more or less.

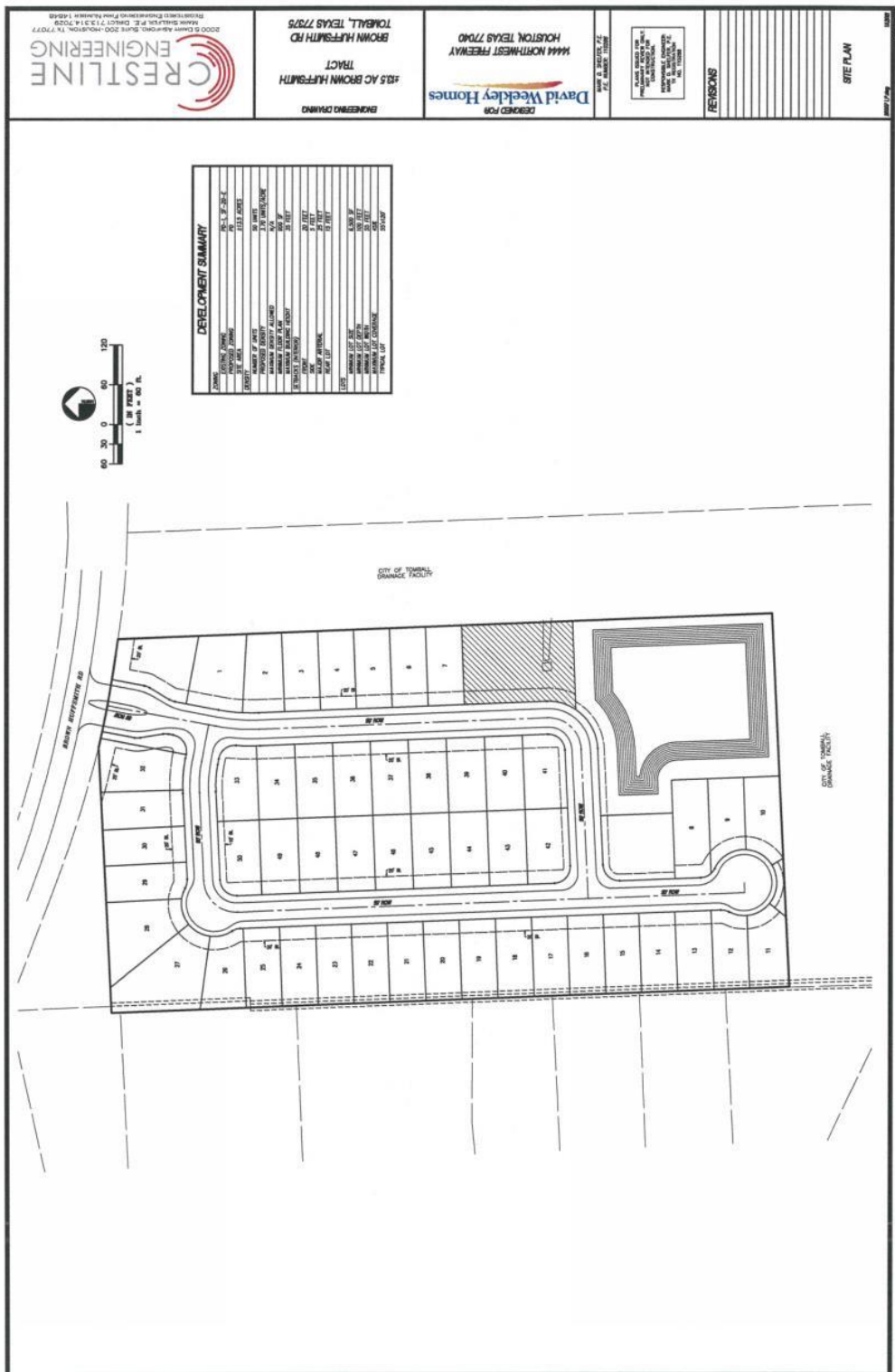
Surveyed: May 06, 2020

I, Mike H. Rubaiy, Registered Professional Land Surveyor No. 2907, do hereby certify that the foregoing field notes were prepared from a survey made on the ground under my supervision on the date shown and that all lines, boundaries and landmarks are accurately described therein.

  
Mike H. Rubaiy  
R.P.L.S. No. 2907

Job No. 220107  
Date: 06-17-2020  
hh





**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
FEBRUARY 8, 2021  
&  
CITY COUNCIL  
MARCH 15, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, February 8, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 15, 2021, 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:

**Zoning Case P20-420:** Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P20-442:** Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P21-010:** Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

**Zoning Case P21-011:** Request by David Weekley Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, 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, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410 or at [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov).

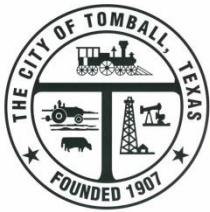
### C E R T I F I C A T I O N

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 **4<sup>th</sup>** day of **February 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley  
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 **CITY COUNCIL** of the City of Tomball regarding the following item:

**CASE NUMBER:** P21-011

**APPLICANT/OWNER:** David Weekley Homes

**LOCATION:** Generally located on the south side of Brown Road between SH 249 and Quinn Road, 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 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District.

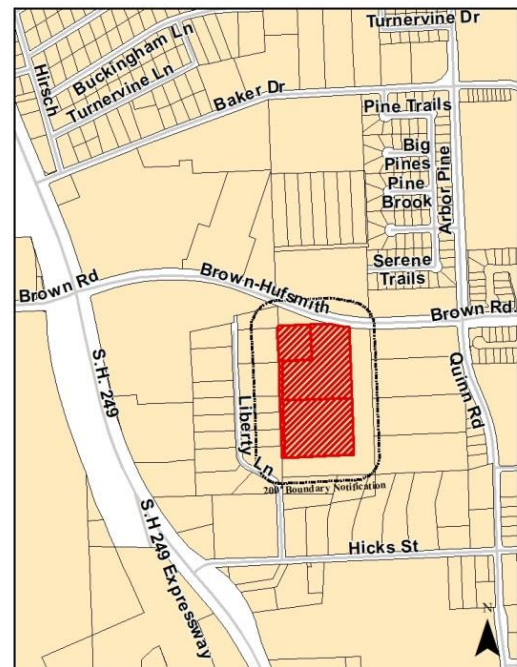
**CONTACT:** Amelia Lindley, City Planner

**PHONE:** (281) 290-1410

**E-MAIL:** [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov)

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 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.



**City Council Public Hearing:  
Monday, March 15, 2021 6:00 PM**

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

**This Public Hearing notice is a result of the rescheduling of the February 15, 2021 City Council Public Hearing, which was canceled due to inclement weather. All previously received Public Comment Forms will be provided to City Council in their agenda packet for the March 15, 2021 Regular City Council meeting.**



## Amelia Lindley

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**From:** Bonnie Frey <bjfrey4@gmail.com>  
**Sent:** Tuesday, February 9, 2021 7:49 PM  
**To:** Amelia Lindley  
**Subject:** David Weekley Homes Zoning P21-011

Dear Amelia,

Thank you in advance for your time in reading this letter! I am writing in favor and support of the zoning change for case P21-011. We attend Bayou City Fellowship here in Tomball, and we think it would be a wonderful new neighborhood addition here in Tomball as we outreach and pray to reach communities in Tomball. We have loved our ten years living in Tomball, as newlyweds and now as parents to a two year old daughter, and a son on the way. We are certain that a new David Weekly Home addition would provide that same opportunity for other families growing in Tomball! Thank you again for your consideration!

Warm Regards,  
Bonnie Frey  
21809 E Yaupon Circle Tomball, TX 77377

February 4, 2021

City of Tomball  
Attn: Amelia Lindley, City Planner

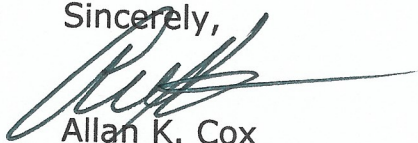
RE: Case Number P21-011 – Proposal Rezoning 13.4 acres from  
Planned Development (PD-1) to Planned Development (PD-16)

I have lived and worked in Tomball all my 72 years of life, except for the 4 years I attended college. Tomball is a great city: it has the best of both worlds, a small town feel with the perks of a big city. My grandfather, Allan H. Keefer, the first mayor of Tomball, told me that progress is good, just be sure we all have a hand in what gets done. I saw the town move from horses hitched at wooden rails at the downtown stores to the massive toll way running through town allowing us to easily connect to other neighboring areas.

Good residential development is good for all of us; it brings taxpayers and consumers to town, provides fees and taxes for the City to help accomplish their goals and demonstrates positive growth. David Weekley Homes is a quality developer; they do it the right way. Weekley provides quality living for the owners and adds value to the neighborhood. It is human nature to desire to be left alone in your neighborhood, however, blocking good development is not logical or doing what is best for the community.

I am **FOR** the requested Rezoning to amend Chapter 50 of the Code to change the 13.4 acre tract from Planned Development (PD-1) and Single-Family 20 Estates to the Planned Development (PD-16) District. Thank you for the opportunity to express my view FOR this project and zoning change.

Sincerely,



Allan K. Cox  
P. O. Box 1546  
Tomball, Texas

## Amelia Lindley

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**From:** Amber Michelle Webb <amichelle.webb@gmail.com>  
**Sent:** Sunday, February 7, 2021 12:45 PM  
**To:** Amelia Lindley  
**Subject:** David Weekley

Hello,

It has been brought to our attention by concerned neighbors that David Weekley once again is trying to petition the city to build homes on 6000 sf lots. I am asking Tomball Planning & Zoning Commission to not allow this heinous rezoning. Please think about drainage, traffic and the effect it will have on the trees and the wildlife that call this part of Tomball home. We are not anti-development by any means. If homes are to be built on this land, it should be for large, wooded lots that the land is originally zoned for. Let's keep the charm and beauty of Tomball intact to attract small businesses and homeowners who, like my husband and I, take pride in our community and continue to work to bring value to our home and neighborhood.

Thank you,  
Amber Michelle Webb  
Spring Pines Estates

## Amelia Lindley

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**From:** Art Cole <abcole5555@yahoo.com>  
**Sent:** Monday, February 8, 2021 11:55 AM  
**To:** Amelia Lindley  
**Subject:** P21-011

I am submitting my objection to the proposed rezoning of the 13.4 acres behind Liberty Lane from Single Family 20 to PD-16. This will have a negative effect not only on our home, but on all the homes in the Liberty Springs neighborhood. The zoning needs to stay SF-20 and we would appreciate you voting to keep it SF-20.

Thank you  
Art Cole  
29506 Liberty Lane

## Amelia Lindley

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**From:** Bekah Harrisberger <bekah.hohl@gmail.com>  
**Sent:** Thursday, February 4, 2021 6:29 PM  
**To:** Amelia Lindley  
**Subject:** David Weekley Homes Zoning P21-011

Dear Amelia,

I hope this finds you well. I'm sure you are getting flooded with letters about this zoning case, and I'm thankful you are taking the time to read each and every letter being sent your way! **I am writing to stand in support of this zoning change for case number P21-011**, and I hope you will share some of my thoughts with the Planning/Zoning Commission and City Council.

I'm the youngest daughter of Stephen Hohl, one of the 4 Hohl siblings that is selling our Nana's property on Brown Road. I grew up in Tomball, along with nearly my entire family - aunts, uncles, cousins, and my Nana, Carolyn Hohl. The Hohl Family has been a part of Tomball since 1920, and I am so proud of that and all that they have done for Tomball! After graduating from Tomball High School in 2011, I moved to Austin to attend college. I ended up living in Austin for 7 years, and I always claimed to never be that girl who moved back to her hometown... but I just couldn't stay away. After getting married in 2018, I found myself back in Tomball for my husband's job. We lived in a tiny apartment for 2 years while we saved up for our first home. In early 2020 we signed a contract to build our first home with David Weekley Homes in the Grove Landing neighborhood off of Bogs Rd/2978 in Tomball. Throughout the entire process, we were blown away by the care and detail they put into every step. They were a wonderful company to work with and we highly recommend them to anyone who asks. I can hardly put into words how special it was to not only *buy* a house in my hometown of Tomball, but to *build* and design a beautiful home with such a reputable builder. We moved into our new home this summer, and the quality of the workmanship has exceeded our expectations. It's been so fun settling in and meeting new neighbors who are young couples like us, young families, and even retirees who are downsizing. I can't help but think that the proposed Pine Trails neighborhood could also have this wonderful sense of community and pride like our neighborhood does. Allowing the rezoning of the land and allowing David Weekley Homes to buy the property to develop Pine Trails would be a huge win for the city of Tomball and it's growth.

Tomball is growing, and for good reason. People are finding out how wonderful a city it really is. The schools are excellent, the charm is unbeatable, the churches are thriving - and so much more. Many of our closest friends attend the Tomball campus of Bayou City Fellowship and I think it would be a huge perk for their church growth if a brand new neighborhood was built just minutes from them. What a wonderful way to welcome new families to Tomball by inviting them into a loving, Christ-centered community 2 minutes down the road.

My family has put so much thought and care into the decisions regarding this land. We will have Tomball's best interests in mind in how we sell this property. We love these 13.4 acres so much, but we know that the time has come for more families to love this land and create their own memories right in the heart of Tomball.

Best,  
Bekah Harrisberger  
25306 Pirates One Drive  
Tomball, TX 77375

## Amelia Lindley

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**From:** Belinda <bshaw0857@aol.com>  
**Sent:** Thursday, February 4, 2021 1:12 PM  
**To:** Amelia Lindley  
**Subject:** Case #P21-011

Have just heard about David Weekley's attempt to rezone a nearby area to our residence on Epps, for another Home on Top of Home development! We are opposed to the approval of this rezoning and or any further development of this type in Tomball Proper! Let's attempt to keep some semblance of Small Town, PLEASE!!

Would love it if our city government focus was on developing a plan to improve the current CURB APPEAL of businesses/homes/properties in Tomball Proper (especially Main Street), instead of relying on the intrusion of big business to improve city revenue. Such a missed opportunity! This little city is stuck and could be a much more attractive place to live as well as an ideal destination...if only the powers that be would do what is necessary to move in that direction. We have lived here for 20 years, praying that someone in city government would realize the potential and make the necessary changes! So far, not much if anything has changed!!!!

Please advise if you need something formal to record our NO vote to this rezoning request. Thank you for your time!

*Yours in God's gracious care,  
Belinda Abbott-Shaw  
Home Stylist  
~GraceReclaimed.blogspot.com~*

## Amelia Lindley

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**From:** Bridget Cole <bc29506@sbcglobal.net>  
**Sent:** Sunday, February 7, 2021 3:36 PM  
**To:** Amelia Lindley  
**Subject:** Case Number P21-011

From: Bridget Cole  
29506 Liberty Lane  
Tomball, TX 77375

I'm so disappointed that we are having to address this issue again. David Weekley is now trying to rezone as a PD-16.

The case is really quite simple. The existing lots are SF-20 and they were zoned as such to protect our property values on Liberty Lane. Nothing has changed, we still need our property value protected, so this re-zoning should not occur.

Replacing the scenic, tree-lined views that all of Liberty Lane enjoys, with roofline after roofline is definitely NOT protecting our property values. If changing the lot size to these incredibly small lots happens, this company would be clearing all the trees out without any regard for the beauty of the land in order to cram houses as close together as possible.

I was on one of the Zoom meetings with David Weekley's representatives, and the one thing I kept hearing from them was, the concessions that couldn't be made because it was not economically feasible for them. What about what is economically feasible for us?

I don't know what David Weekley's net worth is, but I know three things:

1. David Weekley's net worth far exceeds our net worth.
2. David Weekley is not a resident of Tomball, he is not our neighbor.
3. David Weekley's bottom line will not be adversely affected if this property is not re-zoned, but ALL of our properties will be adversely affected.

I am requesting the City of Tomball not re-zone this area in order to preserve all of our existing property values and the beauty of our city.



## Amelia Lindley

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**From:** Brooke Gordon <brookemarie83\_3@hotmail.com>  
**Sent:** Friday, February 5, 2021 7:54 AM  
**To:** Amelia Lindley  
**Subject:** David Weekly

Hello,

Please support Tomball residents, there has been enough new developments and homes built. This causes, flooding, too much traffic, and Tomball to lose its charm. As a home owner, I hope you will support the residents of this area and not big business. Help keep our community quaint.

Thank you,

Brooke Gordon

Sent from my iPhone

**Amelia Lindley**

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**From:** Carl Hohl <carl.hohl@gmail.com>  
**Sent:** Thursday, February 4, 2021 2:39 PM  
**To:** Amelia Lindley  
**Cc:** Roy Hohl; Ellen H. Stutts; ice Joe Stutts; Stephen Hohl  
**Subject:** Weekley Homes Case P21-011

Dear Amelia:

The purpose of my note is to express my support for David Weekley's efforts to rezone the subject property to Planned Development.

This rezoning and revised development plan is at the recommendation of the City Council. The revision recommended is similar to nearby Weekley development called Yaupon Trails down Brown Road a short distance from this property. It will also allow larger houses and lots estimated to be priced in the low \$300's. City staff recommends approval. This property is "neighborhood residential" in the Future Land Use plan. Everything stated above is flying in formation with Tomball City Council's recommendations.

A David Weekley Homes neighborhood has been and will be an attractive addition to Tomball's residential choices. Roughly 50 new residents will move into Pine Trails and call Tomball home. They'll come for many of the same reasons that current Tomball citizens have. The shopping, medical facilities, schools (public and private) transportation infrastructure (tollways and roads) for example easy access to SH249, Beltway 8 and 99. They will be attracted 'like a moth to a flame' to the hometown feel that many say other suburban areas lack. Conservative estimates predict the tax valuations before and after development will grow from the current \$1,000,000 to roughly \$15,000,000

--

**Carl Hohl**  
**(713) 705-8090**



Texas Realtor  
IABS

eXp Realty  
Fastest Growing Brokerage In the USA  
**Email:** [Carl.Hohl@exprealty.com](mailto:Carl.Hohl@exprealty.com)  
**Website:** <https://www.carlhohl.exprealty.com>  
"Snail Mail": 1400 Graham Drive, Ste. B300  
Tomball, Texas  
77375

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## Amelia Lindley

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**From:** Cheryl Longa <wethree2000@att.net>  
**Sent:** Friday, February 5, 2021 6:12 PM  
**To:** Amelia Lindley  
**Subject:** P21-011

I am saddened to hear that yet again, there is a pending case P21-011 proposed by David Weekly Homes, or it's subsidiary.

As lifetime residents of Tomball (53 years), and my parents who are still living and have lived in Tomball 82 and 78 years, we are all against this proposal. I live in Springwood Subdivision which is right across from where this proposed subdivision would be. The homes being crammed into such small lot spaces is rampant in Tomball, we do not need another one.

There is a "boutique rental" neighborhood across from us as well on tiny lots where they are throwing up several houses a day. The quality of our neighborhoods and Tomball in general are in jeopardy with these small cookie cutter subdivisions.

I would ask that the mayor and board sincerely decline this case and that the current zoning for larger lots not be changed.

Respectfully yours,  
Cheryl Longa  
[1323 Serene Trail](#)  
[Tomball TX 77375](#)

Sent from my iPhone

City of Tomball  
Attn: Amelia Lindley  
501 James Street  
Tomball, TX 77375

February 7, 2021

REF: **Case Number: P21-011**

City of Tomball:

I am **AGAIN** writing to express my **strong opposition** to **CASE NUMBER: P21-011**, the proposed rezoning south of Brown Road between SH 249 and Quinn Road from Single-Family 20 Estate Districts to Planned Development (PD-16) District. Residents in the Liberty Springs neighborhood are completely opposed to the rezoning that will cause additional traffic and safety problems, destroy local wildlife habitat, increase flooding and potentially lower the property values of the existing community.

Property values are likely to go down in the area if PD-16 is approved considering the immediate surrounding neighborhoods are consistent to SF20 estate districts. Smaller lots or "Starter Homes" are inconsistent with the neighborhoods developed in the area and may bring additional crime in. Please don't stoop down to David Weekly's level and destroy our neighborhood ambiance that we love, just to put more money in their pocket. They don't have to live with the consequences of their bad actions.

Wildlife has been observed in the area, and any development will destroy their habitat and green space. Any planned development of the property should consider the continuing impact to local wildlife habitat like the loss of trees will displace animals that call it home like deer, racoons, birds, opossums, squirrels and snakes that rely on the natural environment to thrive.

We urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails. We are all in agreement the current zoning of Single-Family 20 Estate District is appropriate.

Thank you for your continued service and support of our communities.

Sincerely,

Cheyenne Guin  
Liberty Springs Estate  
29503 Liberty Lane  
Tomball, TX 77375

## Amelia Lindley

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**From:** David McWhorter <davmcw@me.com>  
**Sent:** Monday, February 1, 2021 9:25 PM  
**To:** Amelia Lindley  
**Cc:** matthew@bizfloor.biz  
**Subject:** Case Number P21-011

Ms. Lindley,

I oppose the proposed rezoning described in the subject case. As a resident of the adjacent neighborhood I support the Planning & Zoning committee's previous denial of the change and, having just attended a Zoom meeting hosted by David Weekly, I see only modest and insignificant changes in their planned re-application. The proposed neighborhood is incongruous with adjacent properties and is a radical departure from the current zoning classification.

That city staff has actually recommended this zoning change is something I'm having a hard time understanding. Why? Is the goal to jam as many people possible into every square inch of Tomball...even for areas long zoned for 1/2 acre lots? The Planning and Zoning committee had it right the first time. Reject this proposal and require the current properties owners, or any new owners, to develop their property in way that is consistent with the current zoning classification. The residents on Liberty Lane are not against progress or the right of property owners to develop and profit from their property so long as that development is compliant with the current zoning requirements. The zoning requirements were in place when we all purchased our homes in this area and to so radically alter them in favor of a such a congested plan would be unfair, unwelcomed and unwarranted.

Sincerely,

David McWhorter  
29607 Liberty Lane  
Tomball, TX 77375

## Amelia Lindley

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**From:** Dena Chambers <Dena@breauxmachine.com>  
**Sent:** Thursday, February 4, 2021 3:33 PM  
**To:** Amelia Lindley  
**Subject:** Oppose David Weekly Homes Case #P21-011 near Liberty Lane

Amelia,

I am strongly opposed to yet another Apartment, Starter home Neighborhood or "Boutique" Rental Community in this area of Tomball. I have no problem with progress and understand we must continue to grow, but let's give some consideration to the existing residents. It is not about quantity, it is about quality. Tomball City Council Members seem to have forgotten why Tomball citizens chose this town in the first place. Years ago Tomball was known for its Pine Trees..... You can see what the developers destroy

*Thank You,  
Dena Chambers  
1314 Big Pines  
Tomball Tx  
713-201-9796*

## Amelia Lindley

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**From:** Ron Haffner <ron@tomballcpas.com>  
**Sent:** Wednesday, February 3, 2021 1:40 PM  
**To:** Amelia Lindley  
**Cc:** stephen.hohl@edwardjones.com  
**Subject:** RE: Zoning Case Number: P20-338

Amelia:

I just wanted to follow up with you and let you and City Council know that my wife and I attended the Zoom meeting hosted by David Weekley to discuss the changes made to their application to the city for zoning change approval. The employees of David Weekley answered all the questions presented to them by those attending the meeting and provided drawings and diagrams to walk us through the proposed project.

As the owner of property that literally touches the property line of this project and would be one of the most impacted, I remain in favor of the rezoning request.

It would be nice if the 5 city councilmen and woman would acknowledge you and your staff's competence and due diligence in vetting this project and accept your recommendation to approve this zoning change.

Respectfully submitted

Ron & Amy Haffner  
13827 Brown Rd  
Tomball, TX 77375

Sent from [Mail](#) for Windows 10

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**From:** [Amelia Lindley](#)  
**Sent:** Friday, December 11, 2020 1:14 PM  
**To:** [Ron Haffner](#)  
**Cc:** [stephen.hohl@edwardjones.com](mailto:stephen.hohl@edwardjones.com)  
**Subject:** RE: Zoning Case Number: P20-338

Mr. Haffner,

Thank you for your email. We will make sure the Planning & Zoning Commission and City Council receive your comments.

Amelia Lindley  
City Planner  
(281) 290-1410  
[Tomballtx.gov/cd](http://Tomballtx.gov/cd)



## Amelia Lindley

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**From:** Hannah Hohl <hannahjhohl@gmail.com>  
**Sent:** Wednesday, February 3, 2021 10:53 PM  
**To:** Amelia Lindley  
**Subject:** Approval of Case PS21-011

Amelia Lindley  
February 3, 2021  
City Planner, City of Tomball  
RE: Zoning Case PS21-011

Dear Amelia,

I am writing to you in support of the proposed rezoning of the David Weekley Homes development off of Brown Road.

Though I have many reasons, I will share with you the two most important ones.

1) David Weekley Homes is a wonderful developer with a great track record. They have been extremely forthcoming with their plans for development so there will be no surprises with them. This, however, would not be the case with other prospective buyers. David Weekley Homes has also been extremely flexible and accommodating when they were asked to come back with an amended plan. This 13.4 acres of land would go to great use for many new families.

2) I am the granddaughter of the late Carolyn Hohl who was the original property owner of this land. This property has been in my family since 1964 and to be honest, we have made many meaningful memories there making the selling of this property personally difficult. On one hand, I can empathize with the Liberty Lane homeowners who are undoubtedly feeling this resistance to change. However, on the other hand, I am able to recognize the necessity of selling this property and want it to be developed well. This decision should not be made to appease anyone's personal preferences. It should be made for the good of our city. The selling of my Nana's property is inevitable and it is my hope that it would fall into the hands of a trusted developer such as David Weekley Homes.

Thank you so much for your time and consideration.

Hannah Hohl  
707 Clarence St  
Tomball, TX 77375

## Amelia Lindley

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**From:** Jean Solomon <jsolomon607@gmail.com>  
**Sent:** Wednesday, February 3, 2021 9:12 PM  
**To:** Amelia Lindley  
**Subject:** P21-011

I respectfully request the proposed rezoning/neighborhood expansion be denied. We already have a "boutique rental" neighborhood across from this proposed development. This rapid expansion of our once small town will ruin the close-knit community we once enjoyed. We do not want it--we want our trees and wildlife. Longtime residents are moving out, and those moving in do not appreciate the quality of life we want to continue. Just say NO to this rampant destruction of our town.

Respectfully

Jean Solomon

Tomball resident for 44 years

February 4, 2021

Amelia Lindley  
City Planner  
City of Tomball

Re: Zoning Case P21-011

Dear Ms. Lindley,

Thank you for receiving my letter and for all the hard work and patience both you and the city staff continue to give. I would like to start by telling you that I am very upset over a statement that was posted on the social media app "NextDoor App" in reference to the SELLER of the 13.4 acres called Pine Trails. And I quote

"We must all be present to present our opposition or we will be crushed by two parties that have Zero interest in our community. On one side the Seller could care less about what he is leaving behind."

That Seller is the Estate of Roy & Carolyn Hohl. I am Joe Stutts and I am married to Ellen Hohl – daughter of Roy and Carolyn Hohl and let me assure you that the above statement is anything but true. Obviously that person does not know the Hohl Family and all that they have done for Tomball - which made me think. I realized that most of the folks serving now and giving of their time unselfishly to the City may not be aware of community leaders from the "Old Days".

So let me tell you about this Godly man who loved and served the City of Tomball for many years. Roy Hohl was a Naval Officer who served in WWII and was the skipper of LCT 809 (Landing Craft Tank). He and his crew participated in the Normandy Invasion in the early hours of the Invasion. After the War he returned home to Tomball and went to work with his father at the Hohl Motor Company on Main Street in Tomball. That Ford Dealership eventually through the years became Tomball Ford.

Roy Hohl was a founding member of the Tomball Rotary Club. He was also a founding member and director of the Cypress Creek YMCA and past President of the Tomball Chamber of Commerce. He served on the Board of Trustees of the North Harris County College and was instrumental in obtaining land for the Tomball Campus. Roy Hohl also served as President of Houston North Association. He played a vital role in acquiring right-of-way for the widening of Highway 149 (249 today) and naming it Tomball Parkway. He was a Commissioner of the Waco Methodist Home, Founding

member and officer of Houston Touchdown Club. He was instrumental in starting the original Tomball Hospital. He was named Tomball Citizen of the Year in 1984.

His son Stephen Hohl served as President of the Tomball Chamber of Commerce, President of the Tomball Rotary Club and numerous other Boards and Committees in Tomball. Stephen was also named Citizen of the Year.

Roy's daughter Ellen served on the Tomball Regional Hospital Board, Tomball College Planning Board as well as the Tomball School District Board of Education. She also served as Treasurer of the Tomball Museum.

And as a side note, Roy's father, Roy Hohl Sr., purchased the first football uniforms for Tomball High School.

So please do not tell me that this family, the sellers, does not care about Tomball!

The twenty acres in question for re-zoning was purchased by Roy & Carolyn Hohl in 1964. The only access to their property was a winding dirt oil field road off of Hicks Street. They eventually built a home on two acres on the far northwest portion of the land to be as isolated from traffic noise as possible.

Well now – Wouldn't you know - Four years later in 1978 Liberty Springs was developed and houses were built behind their secluded home.

In 2005 the City of Tomball came to Carolyn and informed her that she must sell 6.29 acres of her property to the City for retention ponds. She had no choice in the matter as the City could take legal action to acquire the property. The City then clear-cut all this property and dug a large drainage ditch and detention pond. This was to aid the City if there was flooding in the future and at the time to eliminate flooding at the intersection of Hicks Street and Liberty Lane.

The retention ponds cannot be utilized for any additional development on Carolyn's property. additional detention on her property must be created when the property is developed further – which is now.

We are left with 13+ acres. We have turned down more profitable contracts for sale due to zoning issues. If we could turn back time and build just like Liberty Springs is now – with open ditches, asphalt roads, no curbs and gutters and no detention – no internal drainage , no sewer lines as well as engineering, then development costs would come down substantially. We could produce larger lots with more trees. Unfortunately that is not possible due to Harris County flood control guidelines and City requirements which drive up the total cost of development.

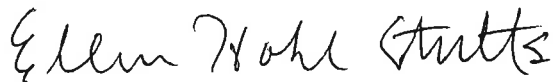
We are writing to ask that the Council allow our pending property sale to go through as Planned Development. As you know we have contracted with Weekley Homes. They have been working diligently with help from the City to make this project work for all parties. We believe that Weekley Homes is highly respected in the area and will develop and build a neighborhood that we can all be proud of.

There will be a lovely new addition to our city with the completion of Pine Trails. The entrance will be on the North Side of the property at Brown Road. There will be no entrance from Hicks Street and no interference coming and going with the Liberty Springs neighbors.

We will see an economic benefit to the City of Tomball from increased property tax and local sales tax due to this addition. We believe that due to the increased sales value of the new homes older area homes will also rise in value.

Thank you again for all your work and for the time you devote to the City of Tomball.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Joe Hohl', written over a light blue horizontal line.A handwritten signature in dark ink, appearing to be 'Ellen Hohl Stutts', written in a cursive style.

Joe & Ellen Hohl Stutts

City of Tomball  
Attn: Amelia Lindley  
501 James Street  
Tomball, TX 77375

February 7, 2021

REF: **Case Number: P21-011**

City of Tomball:

I am **AGAIN** writing to express my **strong opposition** to **CASE NUMBER: P21-011**, the proposed rezoning south of Brown Road between SH 249 and Quinn Road from Single-Family 20 Estate Districts to Planned Development (PD-16) District. Residents in the Liberty Springs neighborhood are completely opposed to the rezoning that will cause additional traffic and safety problems, destroy local wildlife habitat, increase flooding and potentially lower the property values of the existing community.

Property values are likely to go down in the area if PD-16 is approved considering the immediate surrounding neighborhoods are consistent to SF20 estate districts. Smaller lots or "Starter Homes" are inconsistent with the neighborhoods developed in the area and may bring additional crime in. Please don't stoop down to David Weekly's level and destroy our neighborhood ambiance that we love, just to put more money in their pocket. They don't have to live with the consequences of their bad actions.

Wildlife has been observed in the area, and any development will destroy their habitat and green space. Any planned development of the property should consider the continuing impact to local wildlife habitat like the loss of trees will displace animals that call it home like deer, racoons, birds, opossums, squirrels and snakes that rely on the natural environment to thrive.

We urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails. We are all in agreement the current zoning of Single-Family 20 Estate District is appropriate.

Thank you for your continued service and support of our communities.

Sincerely,

Jonna Guin  
Liberty Springs Estate  
29503 Liberty Lane  
Tomball, TX 77375

## Amelia Lindley

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**From:** Justin Blan <agentjsb@gmail.com>  
**Sent:** Monday, February 8, 2021 3:37 PM  
**To:** Amelia Lindley  
**Subject:** Case #: P21-011

Good Afternoon,

I am writing to express my opposition to the re-zoning application. Please keep larger lots in Tomball for residential development.

Thanks

Justin Blan

## Amelia Lindley

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**From:** Kathey Wright <txnbobkat@aol.com>  
**Sent:** Saturday, February 6, 2021 3:27 PM  
**To:** Amelia Lindley  
**Subject:** P21-011

Ms. Lindley,

I am a resident of the City of Tomball for the last 26 years, and I'm devastated at the over build within the City of Tomball, especially due to the flooding that we've experienced in the past. I've recently seen deer and other animals wandering down the streets because of all the clear cutting done by developers, and I've experienced flooding due to paving over acreage that used to soak up water. I was appalled when they put so many homes in Sydneys Place and spaced them almost touching each other, but now I hear that David Weekley wants to build directly across the street. What on earth is happening to our once beautiful, peaceful, wonderful city! I ask that you please don't approve David Weekleys request to build more tract homes at the corner of Brown and Quinn. We must control this out of control building and preserve what little green space that we have left. I can't even imagine what all these houses will do to the traffic and flooding in this area.

Thank You,

Kathey Wright  
1418 Spring Forest Way  
Tomball, TX 77375



## Amelia Lindley

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**From:** Larry M Hugonin <lhugonin@pdq.net>  
**Sent:** Monday, February 8, 2021 6:49 PM  
**To:** Amelia Lindley  
**Subject:** Zoning Case P21-011 A/K/A Hohl Property Sale to Weekley Homes

We are writing in **support** of David Weekley Homes' Rezoning request to Planned Development. We recommend **approval** of the rezoning request.

We believe that these homes will be an asset to our community. Our home is in the Country Meadows subdivision, not too far away.

The Hohl family has been a part of Tomball for about 100 years. They have been leaders during this time. We trust their decision is another one that will benefit Tomball.

Thank you,

Peggy & Larry Hugonin

30507 Country Meadows Drive

Tomball, TX 77375

281-255-4954



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Amelia Lindley

February 1, 2021

City Planner, City of Tomball

Re: Zoning Case P21-011

Dear Amelia,

Thank you for your work in considering the rezoning of this case. We appreciate your time and patience in this matter very much and are hoping for a positive outcome in the city meetings over the next two weeks.

We are thankful for the service of our city's planning commissioners, the mayor, and of the council members. It is a huge sacrifice and commitment to serve in this capacity. Over 30 years ago, I worked for a City of Tomball Councilman, Lonnie Pace, and I personally witnessed the hours he spent on city business and conversations with citizens that took time away from his own surveying business. We greatly appreciate the thought and discernment our present city representatives are using to sift through this contentious rezoning case.

I'm married to Stephen Hohl, the youngest of the Hohl siblings who are selling the property, and I have a couple of points I'd like to bring before you that can be passed along to the Planning/Zoning Commission and also to City Council.

The acreage was purchased by Roy & Carolyn Hohl in 1964, and has remained virtually untouched since they built their home on it in 1974. They did not complain and protest when Liberty Springs was developed all along the west boundary of their property. They knew that Tomball was a good community and that people were smart to want to live here! She did not complain or protest (Roy was gone by that time) when Springwood was developed across the street, knowing that she was living in a desirable town, and that more people wanted to live here! She did not complain and protest when Brown Rd. was extended, bringing a lot more traffic by her driveway because she knew that more people had moved to the area and roads were needed to transport these new residents. In 2005 the City of Tomball came to Carolyn Hohl with the need of flood detention in the area and asked if she would sell them the land needed for the detention. She was not in love with the idea of large flood ditches, but agreed to sell her land *for the greater good of the area*. The flood control ditches directly benefit the residents of Liberty Lane and all along Hicks Street, just south of her property line.

The 6.29 acres used to construct the huge flood ditches was clear cut – every single tree taken down. We don't remember any complaints from neighboring property owners when the trees came down to build the flood ditches that would ultimately benefit them. However, there is a great deal of complaining and protesting from them now about future tree removal on the property that David Weekley wants to purchase and develop.

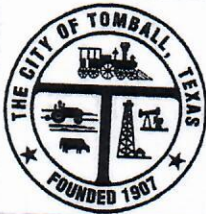
**50 years is a long time for 13.4 acres to remain untouched in the city limits of Tomball. Liberty Springs was developed around 1980, and their residents have enjoyed 40 years of our raw land adjacent to their neighborhood. I don't think it is reasonable for the neighboring owners to expect it to stay the same OR for it to strictly adhere to their idea of how it should be developed.**

Carolyn Hohl's property will be sold. The estate must be settled. We feel confident that David Weekley will build a high-quality residential neighborhood that will be an asset to the Tomball community. Tomball is a wonderful city to live in, as it has been for the Hohl family for nearly 100 years. We are happy to think that Carolyn's property could be used for 50 more families to call Tomball their home!

Thank you so much for weighing the input on both sides of this rezoning issue. I trust that you will use your discernment to make the best decision for the future of Tomball.

Yours very truly,

Lorel Hohl



# Public Comment Form

(Please type or use black ink)

Please return to:

City of Tomball  
Attn: Amelia Lindley  
501 James Street  
Tomball, TX 77375

All submitted forms will become a part of the public record.

Name:

(please print)

Address:

Signature:

Date:

MATTHEW MARTINEZ

29514 LIBERTY LANE

TOMBALL, TX 77375

[Signature]

2/5/21

☒ I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P21-011. (Please state reasons below)

☐ I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P21-011. (Please state reasons below)

Date, Location & Time of **Planning & Zoning Commission** meeting:

Monday, February 8, 2021 6:00 PM

City Council Chambers of the City of Tomball, City Hall  
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, February 15, 2021 6:00 PM

City Council Chambers of the City of Tomball, City Hall  
401 Market Street, Tomball, Texas

## COMMENTS:

I oppose the rezoning of the area behind my house, this will lead to lower property values, loss of privacy, potential flooding, noise pollution, + loss of our small town feel. Please encourage the city to keep the 20E zoning in place. - Beautiful 1/2 acre estate homes will add value to the city not diminish it.

You may also comment via email to [ALindley@tomballtx.gov](mailto:ALindley@tomballtx.gov).

Please reference the case number in the subject line.

For questions regarding this request please call Amelia Lindley @ 281-290-1410.

## Amelia Lindley

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**From:** Melissa Larsen <salemlarsen@gmail.com>  
**Sent:** Friday, February 5, 2021 11:52 AM  
**To:** Amelia Lindley  
**Cc:** Melissa Larsen  
**Subject:** P21-011 - Opposed Zoning change

Ms. Lindley,

In regards to case P21-011, I would ask that the city of Tomball, specifically the City Planner and the Planning and Zoning Commission, deny the current plan of David Weekly Homes to put 50 homes into the 13.4 acre plot of land.

As a 12-year resident who lives very close to that plot of land, I already see drainage and flooding issues along parts of Brown Road and Quinn Road. I can not imagine that removing the tree canopy and ground cover, and coating it with cubic yards of nonporous concrete will improve the situation. The current infrastructure can hardly keep up with the current water runoff, leading to ponding and flooding on the streets.

The wildlife habitat will continue to diminish, the noise pollution will increase, the traffic will surge, and the litter problem will continue to mount. There have been recent zoning changes to allow residential development very near Abstract 34 J House tracts 17H, 17J, 17H-1, 17H-2, 17J-1, the most recent bringing a boutique rental community of 40 homes at Brown and Quinn Roads. How many people can we pack in to a small space?

I believe allowing the current proposed development of 50 more homes will move Tomball away from being a Hometown With a Heart, and closer to being just another generic suburb, a bedroom community for Houston.

The Hohl family wants to sell the property. David Weekly Homes wishes to purchase and develop it. They appear to have high quality product. I don't oppose David Weekly Homes as the builder, but I disagree with the approval of the current proposed zoning change. Please reconsider the change, by keeping the Single-Family 20 Estate Districts zoning. It will help prevent Tomball from becoming another commonplace community on the outskirts of a sprawling metropolis.

Thank you for your consideration in this matter.

**Melissa Larsen**

1120 Inwood St  
Tomball, TX 77375

## Amelia Lindley

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**From:** Pam Hanks <pjhanks\_@hotmail.com>  
**Sent:** Thursday, February 4, 2021 7:32 AM  
**To:** Amelia Lindley  
**Cc:** Matthew Martinez  
**Subject:** Fight David Weekly Rezoning

Amelia, I sent you an email regarding this subject before Christmas. I have been a long time resident of Tomball and live near this property. I beg Tomball officials to please reject their request. To cram so many houses on such small amount of property is saying Tomball wants to be like Houston.

The uniqueness of Tomball that has always been "Tomball, a small town with a big heart" will become just another fallen community to big city thinking.

I know you all are thinking more revenue, but what will that cost City of Tomball otherwise? What about increased wear on our roads, more police, maintenance of utilities, etc. What about the leasing of homes near our elementary school? They are crammed in a small area. I know this will cause problems for us down the road.

Please be wise in this situation. Don't turn your backs on the citizens of Tomball. David Weekly should build his homes with the current zoning and "Be A Good Neighbor!"

Sincerely, Pamela Hanks  
Sent from my iPad

## Amelia Lindley

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**From:** Phil Sandoz <phil.sandoz@gmail.com>  
**Sent:** Thursday, February 4, 2021 1:25 PM  
**To:** Amelia Lindley  
**Subject:** Rezoning consideration - David Weekly

Ms. Amelia Lindsey

February 4, 2021

I am following with great interest, the proposal by David Weekly to rezone approximately 13.4 acres of land North of Brown Road extension.

I have lived in the Tomball area for the past 20+ years and enjoy the peace and quiet of the area. Adding more homes as per the David Weekly proposal will create traffic congestion near the existing schools in the area and make Tomball a step closer to Houston in the look and feel.

I ask that you support a vote to table the recommendation on this case submitted by David Weekly and ask that more time be allowed for public input. Unfortunately, I cannot be at the Public Hearing meeting planned for Monday, February 15, 2021 as we have plans to be out of town.

I appeal to you to slow this effort down and offer more time for the citizens of Tomball to express their opinions.

Thanks you for your consideration in this matter. I await your response.

Phil Sandoz

[philsandoz@gmail.com](mailto:philsandoz@gmail.com)

281.384.6046

30630 William Juergens Dr.

Tomball, TX 77375

## Amelia Lindley

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**From:** Rhondee Damon <rhondeedamon@gmail.com>  
**Sent:** Thursday, February 4, 2021 2:22 PM  
**To:** Amelia Lindley  
**Subject:** David Weekly

Dear Ms. Lindley - as a homeowner on Hospital Street and as an advocate for more green space and less construction. I would like to **voice my objection** and opinion on the new construction David Weekly is proposing to be built along Brown-Hufsmith.

Enough is enough. Tomball has so much more to offer than more houses ... besides the fact that the construction of more homes would increase traffic congestion, more children will be added to school rolls with those schools close to or already at capacity. Next thing you know they will want to build another gas station, a strip mall, and restaurants. Not to mention the fact that we would need to increase police, fire and ambulance personnel.

Let David Weekly build somewhere else than "in town" -- have them move farther North or South.

As an aside, has anyone ever considered the impact this has on the wildlife in this area? Where are those misplaced deer, birds, and other animals supposed to live?

Thank you -

Rhondee Damon,



## Amelia Lindley

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**From:** Roy Hohl <6rthohl5@att.net>  
**Sent:** Monday, February 1, 2021 10:51 AM  
**To:** Amelia Lindley  
**Subject:** Zoning Case P21-011, Proposed Pine Trails

Hello Ms. Lindley, hope all is well,

I support the proposed rezoning, Case no. P21-011, the David Weekley Homes Development to be called Pine Trails, rezoned to PD-1.

It's my understanding the City of Tomball staff approves this project. The Weekley development is consistent with the Future Land Use Plan as Neighborhood Residential. Weekley Homes has a good track record with the City of Tomball. Weekley representatives are already working with the City to resolve flooding concerns, green space requirements, and the effect on wildlife. Further, the company is also offering three separate Zoom dates to Liberty Lane residents to address their questions.

The only entrance to the proposed Pine Trails will be from the north (Brown Road). Only entrance to Liberty Lane is from the south (off Hicks Street). Since Pine Trails residents could not enter from Hicks, it seems to me most of the increased traffic on Hicks Street would come from the Commercial and SF-20 zoning along Hicks between 249 and Quinn Road. Highway 249 is zoned Commercial on the east side between Hicks Street and Brown Road. The northward extension of 249 will increase traffic on the highway between Hicks Street and Brown Road. By 2023 the highway should be extended to Navasota. This extension will add more traffic to the Hicks St.-Brown Rd. area.

My wife Trudy and I live in Dallas, but I grew up in Tomball, graduated from Tomball High. We will consider moving back to Tomball in the future....and we would definitely look at Pine Trails as a place to live.

Finally, if P21-011 doesn't pass, this issue will not be dropped and the For Sale sign will still stand. My family needs to sell the property, If the Weekley plan is not approved, there is no telling who will buy the land or for what purpose.

I appreciate very much your time and consideration.

Roy C. Hohl III

City of Tomball  
Attn: Amelia Lindley  
501 James Street  
Tomball, TX 77375

February 7, 2021

REF: **Case Number: P21-011**

City of Tomball:

I am **AGAIN** writing to express my **strong opposition** to **CASE NUMBER: P21-011**, the proposed rezoning south of Brown Road between SH 249 and Quinn Road from Single-Family 20 Estate Districts to Planned Development (PD-16) District. Residents in the Liberty Springs neighborhood are completely opposed to the rezoning that will cause additional traffic and safety problems, destroy local wildlife habitat, increase flooding and potentially lower the property values of the existing community.

Property values are likely to go down in the area if PD-16 is approved considering the immediate surrounding neighborhoods are consistent to SF20 estate districts. Smaller lots or "Starter Homes" are inconsistent with the neighborhoods developed in the area and may bring additional crime in. Please don't stoop down to David Weekly's level and destroy our neighborhood ambiance that we love, just to put more money in their pocket. They don't have to live with the consequences of their bad actions.

Wildlife has been observed in the area, and any development will destroy their habitat and green space. Any planned development of the property should consider the continuing impact to local wildlife habitat like the loss of trees will displace animals that call it home like deer, racoons, birds, opossums, squirrels and snakes that rely on the natural environment to thrive.

We urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails. We are all in agreement the current zoning of Single-Family 20 Estate District is appropriate.

Thank you for your continued service and support of our communities.

Sincerely,

Scott Guin  
Liberty Springs Estate  
29503 Liberty Lane  
Tomball, TX 77375

## Amelia Lindley

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**From:** sherylbmartinez@yahoo.com  
**Sent:** Monday, February 8, 2021 4:12 PM  
**To:** Amelia Lindley  
**Subject:** Planning & Zoning Proposal case P21-011

Dear Ms Lindley,

I am writing to express my disapproval of the re-Zoning request referenced above.

I am a resident of Liberty Lane and am opposed to the request to re-zone the raw land behind us to SF6, SF9 or PD16.

Rezoning to PD16 gives way too much leeway to the developer to decide what size lots and houses he (they) want to build with no input from the community.

I do not support crowding the land behind us with 2500sf homes on 6,000sf lots or any similar scenario. Loss of trees, vegetation & wildlife and increases in population density are not what we moved our family to Tomball to experience.

Furthermore I do not support any change from the current SF20E that was in place when we purchased our home.

I would hope that the Planning and Zoning Committee will once again listen to the citizens of Tomball as to what we want and do not want in our community.

Sincerely,

Sheryl Martinez  
29514 Liberty Lane  
Tomball, TX 77375

[Sent from Yahoo Mail for iPhone](#)

## Amelia Lindley

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**From:** Stephen Hohl <stephen.hohl@gmail.com>  
**Sent:** Wednesday, February 3, 2021 10:10 PM  
**To:** Amelia Lindley  
**Subject:** David Weekley Homes Case P21-011

Dear Amelia,

I am writing in **support** of David Weekley Homes' Rezoning request to Planned Development.

David Weekley Homes has revised their original development plan and zoning request at the recommendation of the City Council. This revised plan is similar to the Yaupon Trails neighborhood east of the subject property on Brown Road with larger lots than SF-6 and larger houses estimated to be priced beginning in the low 300s. City Staff recommends approval. This property is designated to be neighborhood residential in the Future Land Use plan. All of these factors are in alignment with the City Council's recommendations.

A David Weekley Homes neighborhood will be an attractive addition to the City. Some 50 new residents in Pine Trails will call Tomball home. They will come here for many of the same reasons that current citizens have. They will shop here, dine out here, pay property taxes, go to doctors and have access to HCA Tomball Hospital; they will attend Lone Star College, send their school aged children to Tomball ISD, Concordia Lutheran or Rosehill Christian School. They will have access to excellent roads in and near the City with easy access to SH249, 99 and Beltway 8. They will be attracted to the hometown feel that Tomball has that some other nearby suburban areas do not. Conservatively, the appraised tax valuation will be approximately \$15,000,000 as opposed the current \$1,000,000 appraised valuation.

This property has been in the Hohl family since the mid 1960s. My parents, Roy and Carolyn Hohl, built their home in 1975. My father passed away in 1985 and my mother lived there until her death in 2017. The property has not been changed significantly by the Hohls since the home was built. The City of Tomball, however, has impacted the area in several ways: Brown Road extension to accommodate more east/west traffic flow, over 6 acres of drainage basin and channel on the east and south side of the Hohl property to provide better drainage, in particular to alleviate drainage problems that existed at the Liberty Lane/Hicks Street intersection. The Hohls did not object or try to stop the City's efforts because they realized these were improvements for the betterment of Tomball even if they may not have been the best scenario for the Hohl property.

I believe the City Council and the Planning and Zoning Commission are responsible to the entire city and its citizens, not only a few loud voices in opposition. I recommend **approval** of this rezoning request.

Thank you for your consideration.

Stephen Hohl  
13607 Lost Creek Road  
Tomball, Texas 77375  
832 368-3835 cell

Sent from [Mail](#) for Windows 10

## Amelia Lindley

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**From:** Suzanne Smith Reynolds <suzanne.s.reynolds@gmail.com>  
**Sent:** Monday, February 8, 2021 7:36 AM  
**To:** Amelia Lindley  
**Subject:** Zoning Case P-21-011

To the attention of City of Planning and Zoning Commission and Tomball City Council:

I am FOR the requested Rezoning on the above referenced Z inning Case for the following reasons:

It is my understanding that David Weekly proposes to develop this property in a similar way to Yaupon Trails. I have several friends whom reside In YT. YT answered the needs of empty nesters; widows/widowers... people who would like a good sized home without a big lot / yard to maintain. A home where they can live the second half of their lives. The demand for this type of home is evidenced by the fact that the homes sold quickly, and from what I can see, there has been very little turnover in that neighborhood.

David Weekly has been building homes in the Houston area for decades. Only quality Developers/Builders can be successful over the long haul. My understanding is they have worked hard to answer the concerns of privacy for the neighbors who will be adjacent to this development.

Thank you for your consideration in this matter

Respectfully submitted

Suzanne Reynolds  
201 Tyler St  
Tomball, TX. 77375

Sent from my iPhone

TO : Amelia Lindley

February 4, 2021

City Planner Tomball, Texas

FROM : Thomas Porter

29507 Liberty Lane Tomball, Texas 77375

SUBJECT : AGAINST Zoning Change for David Weekly Homes, Pine Trails Zoning Case P21-011

I have been a Tomball resident for 25 years and selected Tomball with my family to avoid high density housing in other areas of Harris County. I greatly continue to enjoy living in Tomball, even though the commute distance was longer than other alternatives.

I oppose David Weekly Homes proposal to change the zoning from its current SF-20 for the following reasons :

1. Population density has repeatedly been shown to be a most significant indicator of urban problems. The proposed density with lots sizes between 6050 square feet and 6500 square feet could potentially bring with it urban problems.
2. David Weekly Homes compares their Pine Trails development to Yaupon Trails, but the proposed homes in Pine Trails will likely sell for much less than their claim of \$ 300,000 to \$ 350,000 , because these homes will be smaller. The Yaupon trails website indicates an asking price of \$369,000 for a 2601 square foot home, which calculates \$ 141.87/sqft. David Weekly Homes proposes to build houses nearly half the size of the houses in Yaupon Trails, actually 65% of their size. David Weekly Homes proposes building 1600 square foot homes in Pine Trails compared to an average size of 2400 square feet reported for Yaupon Trails.  $141.87 \text{ $/sqft} \times 1600 \text{ sqft} = \$ 227,000$  .
3. The David Weekly Homes plans to block the electrical easement adjacent to Liberty Lane with roughly 22 privacy fences, 6 to 7 foot tall, in the easement. Their proposal for Utility access to poles, lines, transformers, etc. would only be by entering from Liberty Lane yards, however their electrical design has not been finalized and will not be available until work from the power company is completed. The distance between Pine Trails houses is not anticipated to allow truck entry to the utility easment.
4. With the David Weekly Homes selection of 55 foot lot width, one of the residents of Liberty Lane will have 5 new neighbors along their back yard, in addition to their existing neighbors on each side, which sounds unreasonable. Other Liberty Lane residents would pick up 3 proposed additional new neighbors, which is also undesirable.

I am against zoning case P21-011 for its negative short term and potential long term impacts. Their proposal to cram roughly 6 homes onto one acre is not consistent with the current zoning plan or the spirit of living in Tomball. Please reject the requested zoning change. SF-20, i.e. 20,000 square foot lots, should be retained.

Thomas Porter

## Amelia Lindley

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**From:** Todd Carlile <toddcarlile@gmail.com>  
**Sent:** Monday, February 8, 2021 4:11 PM  
**To:** Amelia Lindley  
**Cc:** stephen.hohl@gmail.com  
**Subject:** Zoning Case P21-011 Request by David Weekley Homes

Ms. Lindley,

I have lived and worked in Tomball for 26 years. In that time I have seen substantial development in and around this city. I have been pleased with how our city leaders have been able to manage the growth in our area and still maintain that small town feel. The many positive attributes of this city are why so many families have decided to make this their home. They will continue to come!

Real estate/land ultimately gravitates to it's highest and best use. I cannot think of a better use of this 13.4 acres than a quality residential development such as the kind that David Weekley Homes consistently produces. I urge our city leaders to APPROVE zoning case P21-011 to amend Chapter 50 of the Tomball Code of Ordinances by rezoning this property to the Planned Development (PD-16) District. Thank you for your consideration.

Sincerely,

Todd Carlile  
15402 Coral Canyon  
Tomball, TX. 77377



C. Travis Hohl  
2112 Independence Drive  
Austin, Texas 78745

February 8, 2021

City of Tomball  
Attn: Amelia Lindley, City Planner  
Via email: alindley@tomballtx.gov

RE: City of Tomball Zoning Proposal No. P21-011

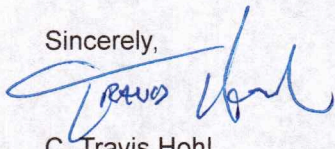
Dear Ms. Lindley,

I am writing in order to join Tomball's city staff, Weekley Homes, neighbors of the 13.4 acre parcel, and the many residents of Tomball — including my father, Carl Hohl — who have already expressed their support for this zoning proposal.

The proposal would allow Weekley Homes to create a small neighborhood within walking distance of Tomball Elementary — an ideal location for families with young children, it would increase property tax and local sales tax revenue for the City of Tomball, and it would allow the community to make more efficient use of this land.

I appreciate your time and attention to this matter, and I hope you will continue to support the modest growth of this treasured town by approving the proposed zoning change.

Sincerely,



C. Travis Hohl



## Amelia Lindley

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**From:** Trudy Hohl <t.hohl@icloud.com>  
**Sent:** Monday, February 1, 2021 4:03 PM  
**To:** Amelia Lindley  
**Subject:** Weekley Homes Zoning Case

Dear Ms. Lindley,

I am writing to support the 13.4 Acre David Weekley Homes project Pine Trails, zoning case number P21-011.

My husband Roy and I live in Dallas, but Roy grew up in Tomball and graduated from Tomball High School. I grew up in Dallas, but I see advantages in moving to a smaller town: less crime and less social unrest. I don't think it's a stretch to say there are Houston retirees who think like me and have their eyes on Tomball.

In the future Roy and I will strongly consider moving back to Tomball — count us as two people who would definitely look at Pine Trails as a place to live.

I understand that the City of Tomball staff approves the Weekley project and is already working with Weekley to resolve traffic issues, flooding concerns, and any effect on wildlife.

In addition Weekley representatives are offering three separate Zoom dates to answer residents' questions.

David Weekley Homes has a good track record with the City of Tomball and puts out a good product.

I agree with the City staff...David Weekley Homes gets my stamp of approval, and I am in favor of the zoning change , case number P21-011.

Trudy Hinckley Hohl  
Sent from my iPhone

## Amelia Lindley

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**From:** w <wkd91651@aol.com>  
**Sent:** Thursday, February 4, 2021 3:05 PM  
**To:** Amelia Lindley  
**Subject:** Petition to halt David Weekly

Ms Lindley,

I am writing to ask that David Weekley's PD-16 rezoning request be denied. One thing we do not need is another close built homes in this area. We already have the new rental homes being built by the elementary school just down the street from this area.

Regards,

William Keith Dawson

Amelia Lindley  
February 4, 2021

City Planner, City of Tomball

Re: Zoning Case P21-011

Dear Amelia,

My name is Zach Harrisberger, and I grew up in Austin, TX. I married Bekah Hohl, who is the daughter of Stephen Hohl (who is trying to sell this property). Bekah and I met in Austin but moved out to Tomball in August of 2018 for my work. At first, we lived in an apartment but knew we wanted to buy a house eventually. We had heard wonderful things about David Weekley and saw that a new development was in the works called Grove Landing off of Bogs Rd and 2978 in Tomball. We went over there at the beginning of 2020 to check it out and fell in love with the houses that Weekley was building, and we were also shocked that they fell into our price range because they were so nice! All that to say, we closed on our first home in July of 2020, here in Tomball, and are so thankful it is a David Weekley home. They were such a delight to work with - we have so much respect for Mr. Weekley and his company!

We have been saddened to hear of the opposition to Zoning Case P21-011, because we love Tomball and we love David Weekley and were able to purchase our first home here because of him! Tomball has been described as a small town with a big heart, and we couldn't be more excited at the possibility of more families or young couples like ourselves moving into town, buying a Weekley home, and enjoying this small town and big heart that we love. It is an amazing place to live and we want to see it thrive! We want families started, friendships made, and communities built here. We feel like Tomball is on the verge of blowing up, hearing of new things opening all the time, and we want people here to be a part of that!

My position on this may not carry much weight. I don't know all the logistics that have to go into these decisions and I am thankful that there are people like yourself who do an incredible job thinking through all of that! Because of you, our city is so much better, and so I thank you! But my opinion for this matter is this: **if there is a way to keep good relations with David Weekley, while offering more beautiful, affordable homes to families, couples, or even singles, and ultimately bringing growth to Tomball, I see that as a great win for our town and I stand in favor!**

Again, thank you to you and everyone involved in these decisions. We appreciate your leadership in our city and trust you will make the decision that is best for Tomball!

Blessings,

Zach Harrisberger

## Amelia Lindley

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**From:** Elizabeth Peltier <elizabethpeltier13@yahoo.com>  
**Sent:** Tuesday, February 9, 2021 8:53 PM  
**To:** Amelia Lindley  
**Subject:** Zoning Case Number P21-001

Dear Amelia,

I'm sure you've been flooded with letters and emails pertaining to the zoning case of P21-011, and I am very passionate about the rezoning of the property. In my opinion, our community would do nothing but benefit from rezoning this property to accommodate a new small town neighborhood. I want to express to the planning and zoning commission some of my opinions pertaining to the rezoning of this land.

My husband and I have both resided in the Tomball area (both moving to Tomball in the late 90s and then residing here until marriage in 2014) for nearly 24 years and just like our parents, we chose to return to this area in 2018 to raise our family in a diverse and thriving community. Without rezoning land in our city, there is no potential for expansion and growth. We love seeing this town expand and thrive, while maintaining it's small town identity.

We have two children, one of which will attend Tomball Elementary, just as I did, in the fall of 2022. When we think of Tomball Elementary and our children attending, we are excited about the possibility of a well planned and developed neighborhood in that zoned area to add to the demographic mix of the school. My husband and I are in our 30s, and have a decent amount of friends who are established in their jobs and families, but looking to relocate towards our area to plant their roots. This means that the building of a DW home development could help facilitate their moves.

We live in a small town that thrives on small businesses and festivals that attract people of all ages, but especially younger couples with children. Rezoning this property to accommodate a new DW development would be a great move economically for our small businesses and events.

Additionally the halting to rezone that area is highly unrealistic, and for anyone to assume that a town remains as is and stops growth and development while being a suburb to the Houston metroplex is absurd. Families are looking to live in a town that provides the small town feel, top rated schools, and an eclectic small business community, and without the growth of neighborhoods like the one DW plans to establish that is not possible.

We've experienced a painful year of constant change, which has left many of us, including myself, fearful of change and even growth. Wanting life to resume back to "how things were" is something that I often feel, but when we step outside of this "fearful of change" mentality and look at the positive side of change, and of this DW development bringing economic growth to our town, socioeconomic growth in our schools, and a general turn of a younger population looking to plant themselves in a small town, we're able to see the bigger picture: that our town simply needs to expand and grow.

I want to thank you and others for taking the time to consider my position on the zoning case of P21-011, and note again that I am a current resident of Tomball, a resident located less than 3 miles from this location, and am FOR the rezoning of this area.

Thanks so much,  
Elizabeth Peltier

## Amelia Lindley

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**From:** Sarah's Gmail <ssweatherford@gmail.com>  
**Sent:** Tuesday, February 9, 2021 10:35 PM  
**To:** Amelia Lindley  
**Cc:** Joe Stutts; Stephen Hohl; Lorel Hohl; Roy Hohl III; Carl Hohl  
**Subject:** Support for Rezoning, Case P21-011

Dear Ms. Lindley,

I am writing to you in **support** of the proposed rezoning of the David Weekley Home development of 13.4 acres of land south of Brown Road and west of Tomball Elementary School. I am Sarah Stutts Weatherford, granddaughter of the late Mr. and Mrs. Roy C Hohl, Jr. and daughter of Ellen and Joe Stutts. I currently reside in Dallas, Texas, but I am the oldest of eight grandchildren who were raised in Tomball. As my siblings and cousins begin to start families of their own, it is a joy to see the fifth generation of our family grow up surrounded by the smell of pine trees and sounds of trains moving through town. You see, as much as Tomball has grown and changed over recent decades, there are many qualities that will always remain.

I like to brag to friends about the benefits of being from a small town. Each of my first through fourth grade teachers attended my church, Tomball United Methodist. I valued their educational and spiritual leadership. I know sweet friends of my grandmother prayed over my cousins and myself like they had prayed for my mother and her brothers throughout childhood. Isn't that the sense of close-knit community that we desire our residents to have so that families can thrive?

From railroad stop to "Oiltown U.S.A.," leaders of Tomball have made our town a busy and desirable place to live and raise a family for decades. Living within the city limits provides entertainment venues like Main Street Crossing, a bustling shopping district in Old Town Tomball, and the charming Tomball Farmers' Market. So much city planning and development has been done since I graduated from high school, and I love hearing about new parks, small businesses and highway extensions that connect people to work, urban culture and surrounding towns. I have taught elementary and middle school for fourteen years and if our family moved home to Tomball, I would be eager to teach in TISD and raise our children attending the same schools that my family has attended since the 1950s.

Promoting positive growth has always been a priority of the Hohl family. We believe in supporting our churches, schools, and community through our prayers, presence, gifts and service. Tomball has evolved with the explosion of growth north of Houston and simultaneously maintained our small town atmosphere. I care deeply for the land that has belonged to our family for nearly sixty years in the town that has been home to both sides of my family for generations! It is heart-warming to consider the potential joy this special property could bring to many other families through the development of Pine Trails.

I sincerely thank all who are involved for your time and consideration in this case. As other members of my family have stated, the property will be sold. I feel confident the sale of our property to David Weekley Homes will be an asset to the City of Tomball.

With great hope,  
Sarah Stutts Weatherford

## Amelia Lindley

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**From:** Elizabeth Peltier <elizabethpeltier13@yahoo.com>  
**Sent:** Friday, February 12, 2021 12:29 PM  
**To:** Amelia Lindley  
**Subject:** Rezoning of P21-011

Good afternoon Amelia,

I reached out to you earlier this week with some thoughts from myself pertaining the zoning case of P21-011. I wanted to share with you a bit of further information as to why some residents like myself in this area are FOR the rezoning of this land to allow David Weekly to develop.

Further looking into this area, specifically the stretch of Liberty Ln that is near this land, I have noticed the drastic devaluation of the homes on Liberty Ln within the last several years, prior to this zoning issue. Again, like mentioned before, I am a long time resident of Tomball and it's general area (specifically having parents whom live less than 5 miles from Brown Rd) for 24 years. I have seen this very street turn over, with residents moving in and out. My family has known residents that have lived down this road, which have since moved out, and I will say that the current upkeep of this stretch of road does not reflect what it previously was. Homes, valued at or around the \$500's have since drastically dropped to the mid \$300's, one even dropping into a foreclosure state within the last year, due to the simple lack of upkeep. These homes back up to land, which is not directly affiliated with the residents who have purchased the land/homes on this street, and because of this, they have not had to genuinely keep up and maintain their land unlike the large majority of us that live in neighborhoods with HOAs in this area. While the lack of an HOA can be a good thing to some, it is clear that the lack of one in this stretch of town has lead to lack of upkeep of homes and property value, which is essentially a major eyesore to the selling value of our area and homes like mine.

You may ask why I bring this up and the reason is: the development of David Weekly homes, those of which that will be built and sold at the mid \$300's and up, in a neighborhood that will essentially house an HOA, could likely encourage the residents of the street, Liberty Lane, to develop an "HOA" upkeep mentality and encourage them to possibly develop some sort of guidelines for their own homes that could boost the future sales of homes, and those around them, on that street from the current \$300's average back to the original price point.

I bring this up because I am simply a home owner of this area exited about the growth of her community and it's many sub-areas. The price value of this town is not pinned down to any certain price point. We have smaller historic homes in the heart of our town, and others surrounding it in neighborhoods like Tomball Terrace that sell anywhere from the high \$100 to high \$200 thousands. On the major road I live off of alone, you start with an older area in the high \$100 thousands and further down reach a neighborhood that has several million dollar homes. There is no exact "value" of our town, because it is simply a priceless community. I also couldn't help but notice that several of the residents down Liberty purchased their homes within the last 2-3 years. That being said, I myself purchased my home within this same time span of 3 years, but with the mentality of moving back to my Tomball roots to enjoy my ever growing community. To enjoy Fridays spent at the football field and Saturday's spent at the little league park. Weekends spent with my children running around local parks and pressing their noses up against the train museum windows. Week nights taking a quick 3 minute drive to enjoy dinner with family. We moved back here so that our children could be apart of a top rated growing school district. I share with you all of these things because again, we moved here with the expectation that our town would grow and continue to expand so that it can house families and generations like mine to come. Families and generations that would enjoy growing in a neighborhood like one that David Weekly hopes to develop.

Thank you again for taking the time and consideration to read my thoughts and views on this subject and again note that I am FOR the rezoning of P21-001.

## Amelia Lindley

---

**From:** Gail Curtis <gail@kleinfh.com>  
**Sent:** Friday, February 12, 2021 2:11 PM  
**To:** Amelia Lindley  
**Subject:** Support for Rezoning, Case P21-011

February 12, 2021

Re: P21-011

Dear Ms. Lindley,

I am Mark Klein, an ordained gospel minister and the owner and president of the Klein Funeral Homes and Memorial Parks. I am respectfully writing in favor of case P21-011 allowing the Hohl property to be developed by David Weekley Homes. Our family has been in the Northwest Harris County area since the late 1840's and have always sought to promote the welfare of the community through church, business and civic involvement. My grandfather was the founding president of the Tomball Hospital Association and founded our funeral home firm 99 years ago.

My family have been good friends of the Hohl family for 4 generations and they too have always wanted to promote the community's welfare. I was privileged to actually grow up across the street from the Hohl family and have been good friends all my life with their entire family.

David Weekley Homes has a fine reputation in Tomball and their development would be a real asset for the community. With the continued growth of the area their development would only enhance our great hometown. Thank you for considering my recommendation.

Sincerely,  
Mark Klein

## Amelia Lindley

---

**From:** Katherine Kinard <katherine.s.kinard@gmail.com>  
**Sent:** Wednesday, February 10, 2021 3:30 PM  
**To:** Amelia Lindley  
**Subject:** Approval of Case P21-011

Dear Ms. Lindley,

Thank you for your care and consideration in receiving this letter and sharing with the City Council. I am writing in **support** of the proposed rezoning of the David Weekley Home development of 13.4 acres of land south of Brown Road, case number P21-011.

I grew up in Tomball and graduated from Tomball High School. While I was in college, Tomball experienced a growth spurt and many businesses came into town. It made me excited to come home during the summers and explore the new areas of my hometown. Upon college graduation, I moved to Dallas and worked in Banking and Mortgage for 7 years. I re-met and married a guy from my hometown and we moved to Houston to work with no plans to move to Tomball. We actually decided to marry in our hometown of Tomball! During our frequent family visits, we fell in love with the different places popping up and the sweet community, charm and the feel of family. There are many suburbs of Houston we considered but we decided to make Tomball our home and begin to raise our family. We purchased our first home in Tomball in 2016 right before our first daughter was born.

We live in the city limits close to the high school and love it. We have made lifelong friendships in our neighborhood. We value this town and the relationships we've built here. We love the parks, activities and city-planned events. We've successfully recruited friends to move to Tomball and make it their home.

We participate in a multi-generation bible study through our church. All members live in Tomball or have moved here in the last few years. Friends are so excited about being here and experiencing our growth, our schools, our churches, our restaurants and city activities throughout the year.

The 13.4 acres in question are a part of the land that my grandmother and grandfather, the late Mr. and Mrs. Roy C Hohl, Jr, purchased in 1964. Their family chose Tomball as their home after WWII to join Roy's father at Hohl Motor Company, raise their family and make an impact in the community. I am the daughter of Joe and Ellen Hohl Stutts, lifelong residents of Tomball. I was alive only one year before my grandfather passed away but my Nana resided there alone until her death in 2017. We had the privilege of enjoying her home and property for many years. I am so proud to be Carolyn's granddaughter – she was almost an angel here on earth. She loved the Lord, she loved all people, she loved her family and



she loved Tomball. The eventual sale of this property is bittersweet but I understand it is time. It thrills me to think that families would get the opportunity to plant their foundations on what I consider to be holy ground.

David Weekley and Team have a great reputation and build wonderful communities. They are a company to be trusted and work well with city governments. The revised proposal presentation of the Pine Trails subdivision at the zoning meeting on February 8<sup>th</sup> addressed the concerns and suggestions while including upgrades in multiple areas. The development will be attractive. I will appreciate the look and cohesiveness of a neighborhood in the heart of Tomball.

As a mom with little ones, ages 3 years and 5 months, I value convenience. I know young families are looking for great areas near the Tomball schools. When I drive Quinn Road around the time Tomball Elementary is dismissing, it is special to see parents and kids using the trails to walk or ride bikes to and from school. Having a neighborhood in this spot, within walking distance to schools, will be inviting and bring many families to our town.

My husband and I are members of Bayou City Fellowship Church – the Tomball location which is around the corner and walking distance from the property. The church is thriving and it would be wonderful for new families to be greeted by a loving neighbor and Christ-centered church.

We appreciate all of your time and efforts regarding our request for approval of the rezoning. Thank you very much for the opportunity as we trust the Council will make the best decision for the future of Tomball.

Most sincerely,

Katherine Stutts Kinard & K. Michael Kinard

31431 Capella Circle, Tomball



Sun 2/28/2021 8:27 PM

Susan Bryant <subryant@sbcglobal.net>

Case P21-011

To: Amelia Lindley

 If there are problems with how this message is displayed, click here to view it in a web browser.

Hello Amelia,

I have attended almost every meeting on this case but have not emailed my thoughts and want to make sure my position is clear.

I oppose the zoning change that David Weekley is requesting. I feel like since this property is adjacent to mine it will bring the value of my home down and really change the character of the neighborhood.

For years we have been a hidden gem and we really feel like this property needs to remain PD-1 and Single-Family 20 Estate Districts. We really are not opposed to having neighbors but my home will have 3 homes behind it instead of the 1 or 1-1/2 that was expected if DW is successful.

I ask that the City Council listen to it's home owners, as you have done in the past, and not the large homebuilder that is only interested in the financial benefits of cramming as many homes as possible into this space.

Thank you for hearing our tiny neighborhood and considering our voices on this matter.

**Susan Bryant**  
29502 Liberty Ln  
Tomball, TX 77375  
713-828-9731

## Amelia Lindley

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**From:** Tristyn Short <short.tristyn@gmail.com>  
**Sent:** Thursday, February 11, 2021 9:31 PM  
**To:** Amelia Lindley  
**Subject:** Support for Zoning Change: Case Number P21-011

Good Evening,

**I am writing in support of the zoning change for case number P21-011 for the David Weekley Development on Brown Rd.**

My husband and I are new to the town of Tomball, TX. We have been in Texas for about 2 years and have just recently bought a David Weekley home in Grove Landing. We fell in love with Tomball immediately driving through the town. There is so much character and beauty to each part of Tomball that we have seen! It's exciting to think of more people discovering this amazing place and making a home for themselves here in Tomball. With that said, we are in full support of David Weekley developing on this piece of land. David Weekley was a great builder for us personally and we know they build thriving communities, which would be beneficial to the growing city of Tomball.

We have friends and family in this community of Tomball who would like to see their city grow with more great people. It would be the best decision for this land to be sold and used to build homes where families can create memories.

Thank you for your time!

Tristyn Descisciolo

# City Council Meeting

## Agenda Item

### Data Sheet

**Meeting Date:** April 5, 2021

**Topic:**

Adopt, on Second Reading, Ordinance No. 2021-09, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 5 acres of land legally described Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District, said property being generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

**Background:**

City Staff recommends approval. Planning & Zoning Commission recommends approval (5-0)

**Origination:** Joshua Buzzell

**Recommendation:**

Approval

**Party(ies) responsible for placing this item on agenda:** Craig T. Meyers, P.E., Community Development Director

**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

**ORDINANCE NO. 2021-09**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 5 ACRES OF LAND LEGALLY DESCRIBED LOT 280 TOMBALL OUTLOTS, FROM THE SINGLE-FAMILY 20 ESTATE DISTRICT TO THE COMMERCIAL DISTRICT, SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF PITCHFORD ROAD AT 1333 PITCHFORD ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

\* \* \* \* \*

**Whereas**, Joshua Buzzell has requested that approximately 5 acres of land legally described as Lot 280 Tomball Outlots, generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

**Whereas**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

**Whereas**, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City's receipt of the requested rezoning; and

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Commercial District; and

**Whereas**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

**Whereas**, the City Council deems it appropriate to grant the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, THAT:**

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** The zoning classification of the Property is hereby changed from the Single-Family 20 Estate District to the Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

**Section 3.** The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Commercial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 4.** This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Commercial District as described above.

**Section 5.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 6.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15<sup>TH</sup> DAY OF MARCH 2021.

|                        |               |
|------------------------|---------------|
| COUNCILMAN FORD        | <u>ABSENT</u> |
| COUNCILMAN STOLL       | <u>AYE</u>    |
| COUNCILMAN DEGGES      | <u>AYE</u>    |
| COUNCILMAN TOWNSEND    | <u>NAY</u>    |
| COUNCILMAN KLEIN QUINN | <u>AYE</u>    |

SECOND READING:

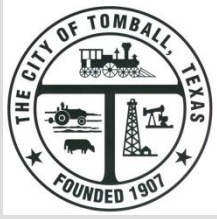
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5<sup>TH</sup> DAY OF APRIL 2021.

|                        |       |
|------------------------|-------|
| COUNCILMAN FORD        | _____ |
| COUNCILMAN STOLL       | _____ |
| COUNCILMAN DEGGES      | _____ |
| COUNCILMAN TOWNSEND    | _____ |
| COUNCILMAN KLEIN QUINN | _____ |

ATTEST:

\_\_\_\_\_  
Gretchen Fagan, Mayor

\_\_\_\_\_  
Doris Speer, City Secretary



## Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: February 8, 2021

City Council Public Hearing Date: February 15, 2021

**Rezoning Case:** P20-442

**Property Owner(s):** Joshua Buzzell / Edwin Escobar / Regal Pools

**Applicant(s):** Joshua Buzzell

**Legal Description:** Lot 280 Tomball Outlots

**Location:** East side of Pitchford Road at 1333 Pitchford Road (Exhibit “A”)

**Area:** 5 acres

**Comp Plan Designation:** Business Park and Industrial (Exhibit “B”)

**Present Zoning and Use:** Single-Family 20 Estate District (Exhibit “C”) / Undeveloped (Exhibit “D”)

**Proposed Use(s):** Office/warehouse (Exhibit “E”)

**Request:** Rezone from the Single-Family 20 Estate Districts to the Commercial District

**Adjacent Zoning & Land Uses:**

**North:** Manufactured Home Park District / Manufactured Home Park (Sutton Place Park)

**South:** Single-Family 20 Estate District / Single-family residence

**West:** Single-Family 20 Estate District / Single-family residence

**East:** Single-Family 20 Estate District / Undeveloped

### **BACKGROUND**

In January 2021, City staff met with the applicant to discuss the development of an office/warehouse on the subject site.

### **ANALYSIS**

The subject site is approximately 5 acres of land. The applicant, Joshua Buzzell, on behalf of Regal Pools, plans to develop an office and storage facility. The subject site is zoned Single-Family 20 Estate District and currently has a metal building on it, but is mostly undeveloped. Surrounding properties are zoned Manufactured Home Park to the north, Single-Family 20 Estate to the south, east and west. Surrounding properties in the area include a few single-family residences and Sutton Place Park, a manufactured home park.



The Commercial Zoning District is “intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses”. The proposed use appears to meet the goals of the Commercial District general purpose.

The property is designated as Business Park and Industrial by the City’s Comprehensive Plan Future Land Use Map. This category is intended for “office, warehousing, light manufacturing (with indoor operations), brewers/distilleries, equipment sales, contractor services, and corporate campuses”. The Commercial District is compatible in this Future Land Use category.

### **PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper on January 27, 2021. Property owners within 200 feet of the project site were mailed notification of this proposal on January 28, 2021. 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 P20-442.

### **EXHIBITS**

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Rezoning Application

Exhibit "A"  
Aerial Photo

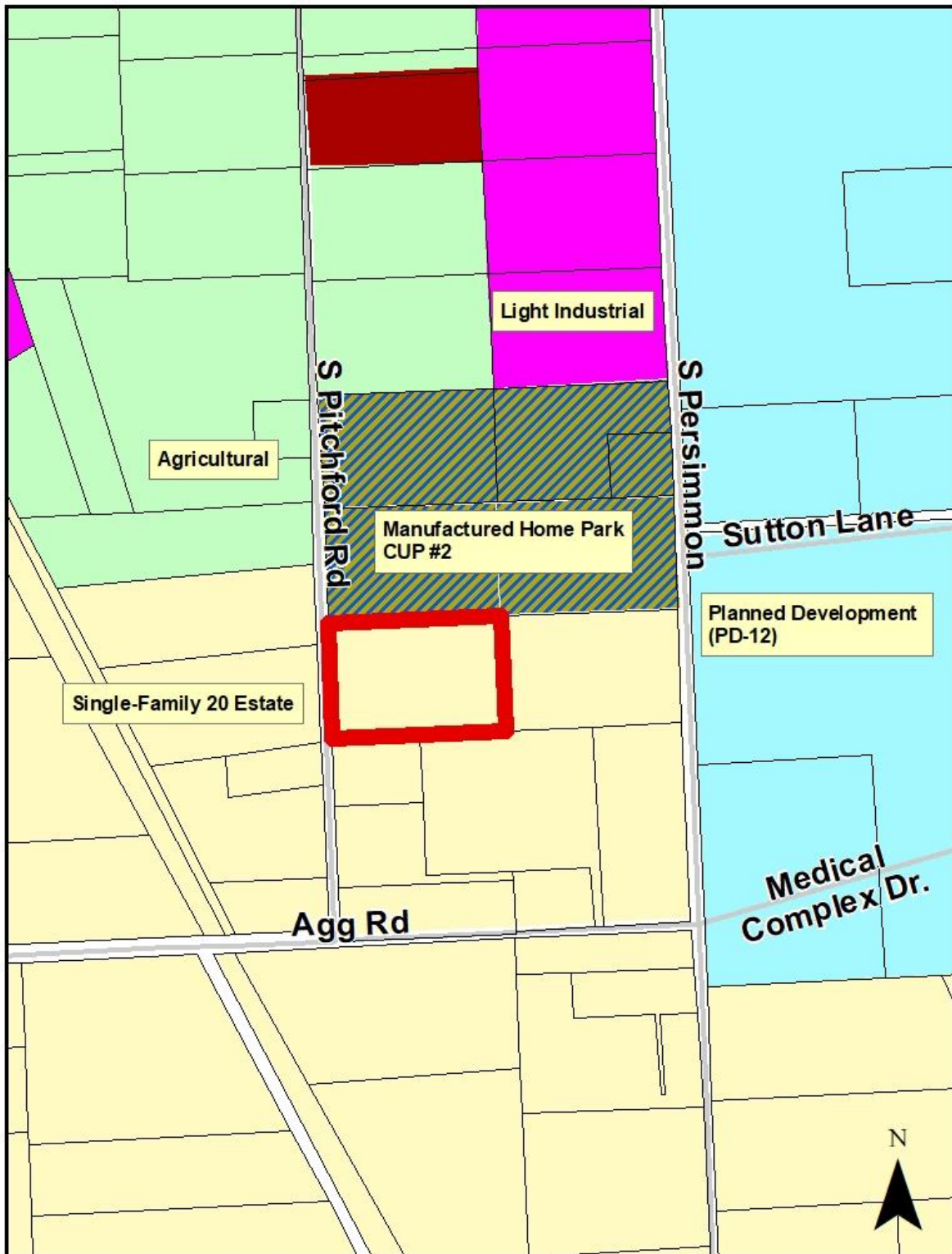


**Exhibit "B"**  
**Comprehensive Plan**





Exhibit "C"  
Zoning Map



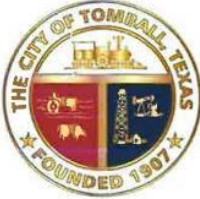
**Exhibit “D”  
Site Photo**





**Exhibit "E"**  
**Rezoning Application**

RECEIVED (KC)  
01/04/2021 8:59:33 AM



**APPLICATION FOR RE-ZONING**

Community Development Department  
Planning Division

Revised: 4/13/2020  
P&Z Case #P20-442  
\$450.00 PD

**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: Joshua Buzzell Title: OWNER  
Mailing Address: 9930 Boudreaux Rd City: Tomball State: TX  
Zip: 77375 Contact: Josh Buzzell  
Phone: (713) 344-5344 Email: Joshua C Regal Pool Design.Com

**Owner**

Name: Joshua Buzzell / EDWIN ESCOBAR / Regal Pools Title: \_\_\_\_\_  
Mailing Address: 9930 Boudreaux Rd City: Tomball State: TX  
Zip: 77375 Contact: Josh Buzzell  
Phone: ( ) Email: \_\_\_\_\_

**Engineer/Surveyor (if applicable)**

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

**Description of Proposed Project:** Small office Building For Pool Company

**Physical Location of Property:** 1333 Pitchford Rd. Tomball, TX 77375  
[General Location – approximate distance to nearest existing street corner]

**Legal Description of Property:** LT 280 Tomball Outlots  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

**Current Zoning District:** Residential

**Current Use of Property:** N/A

**Proposed Zoning District:** Commercial

**Proposed Use of Property:** To Build out Small office + Storage for Pool Company

**HCAD Identification Number:** 0352880000410 **Acreage:** 5.0017 Acres

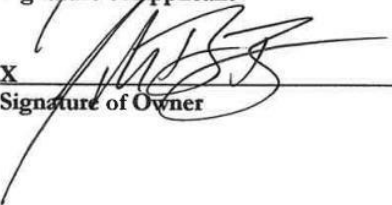
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov

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.

X  12/28/20  
Signature of Applicant Date

X  12/28/20  
Signature of Owner Date

401 Market Street  
401 Market Street  
Tomball, TX 77375  
(281) 351-5484

DATE : 12/30/2020 12:44 PM  
OPER : DR  
TKBY : dr  
TERM : 6  
REC# : R01247416

130.0000 PLANNING AND ZONING 450.00  
1333 pitchford rd rezoning app regal poo

Paid By:1333 pitchford rd rezoning app r  
2-CK 450.00 REF:w3712

|          |        |
|----------|--------|
| APPLIED  | 450.00 |
| TENDERED | 450.00 |
| CHANGE   | 0.00   |



9930 Boudreaux Rd. Tomball, TX 77375  
P: 281-251-0044  
F: 832-953-2902  
[info@regalpooldesign.com](mailto:info@regalpooldesign.com)

12-28-20

To whom it may concern,

The reason for the requests to re-zone this property into a commercial zone is due to the fact our growing company needs more storage space to operate. We currently have our headquarters at 9930 Boudreaux Rd. Tomball, TX 77375. We have our sales / design / build division from that office. This property at 1333 Pitchford Rd. Tomball 77375 would be used for our service / cleaning department. Traffic would be minimal, and we plan to keep a lot of the forestation on the outer edges of property for screening / security. Our infrastructure will be at a minimum.

God Bless,



JOSHUA BUZZELL, SWD, IWI

Creative Designs.

713.344.5344

Passionate People.

[joshua@regalpooldesign.com](mailto:joshua@regalpooldesign.com)

Quality Life.

[www.regalpooldesign.com](http://www.regalpooldesign.com)





**Notes:**

1. Basis of bearings: Recorded Deed.
2. Property subject to a 30 foot pipeline easement granted to Exxon Corporation said 30 foot pipeline easement being centered on the pipeline shown. Deed of record not found.
3. Residual of Outlot 283 is subject to a 30 foot wide pipeline easement granted to Exxon Corporation as described in deed recorded in CF No. F-92224, R.P.R.H.C.T.

This property lies within ZONE 'X' as SCALED from FEMA Map Panel Number 4820C0230-L dated June 18, 2007.

This determination is made strictly according to the FEMA Maps and does not reflect actual on ground flood conditions. Furthermore, this company takes no responsibility for such.

--- WIRE FENCE

PITCHFORD ROAD  
30' R.O.W.



Being a 5.002 acre tract of land, situated in the Jesse Pruitt Survey, Abstract Number 629, of Harris County, Texas, and being the same land called 5.0017 acres, described in deed recorded in Clerk's File Number 2006-0074369 of the Real Property Records of Harris County, Texas, and being known as Outlot 280 of the CORRECTED MAP OF TOMBALL OUTLOTS, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 4, Page 75 of the Map Records of Harris County, Texas; said 5.002 acres being more particularly described by metes and bounds attached.

|                              |                  |
|------------------------------|------------------|
| Date: July 18, 2008          | CF No. 86124595  |
| Job No. 08-0272              | Scale: 1" = 120' |
| Address: 1333 Pitchford Road | Drawn By: JCM    |
| City, State: Tomball, Texas  | Zip: 77375       |
| Rev: 0                       |                  |

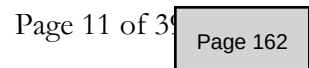
**C & C Surveying, Inc.**  
7424 P.M. 1488, Suite A, Magnolia, Texas 77354  
Office: 281-259-4377 Metro: 281-356-5172  
Fax: 281-356-1935



Certified To: Stewart Title Company  
Client: Rudy J. Svedin & Kimberley L. Svetlik

I HEREBY CERTIFY THIS SURVEY WAS MADE ON THE GROUND, AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THIS PROFESSIONAL SURVEY CONFORMS TO THE TERMS, SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY III, CONDITION III SURVEY, AND THAT THERE ARE NO ENCUMBRANCES EXCEPT AS SHOWN.

*Steven L. Crews*  
Steven L. Crews RPLS # 4141



*C & C Surveying, Inc.*

7424 F.M. 1488, Suite A  
Magnolia, Texas 77354

Office: 281-259-4377 Metro: 281-356-5172 Metro Fax: 281-356-1935

**Metes and Bounds**

**5.002 Acres**

**Jesse Pruitt Survey, A-629**

**Harris County, Texas**

*Being a 5.002 acre tract of land situated in the Jesse Pruitt Survey, Abstract Number 629, of Harris County, Texas, and being the same land called 5.0017 acres described in deed recorded in Clerk's File Number 2006-0074369 of the Real Property Records of Harris County, Texas, and also being known as Outlot 280 of the CORRECTED MAP OF TOMBALL OUTLOTS, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 4, Page 75 of the Map Records of Harris County, Texas; said 5.002 acres being more particularly described as follows with all bearings based on the recorded deed;*

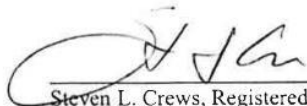
BEGINNING at a 1/2 inch iron rod, found for the Southwest corner of the herein described tract, common with the Northwest corner of Outlot 283 of said subdivision, same being in the East right-of-way line of Pitchford Road, 30 feet wide, and proceeding:

THENCE N 00°13'27" E, a distance of 377.60 feet, along the West line of the herein described tract, common with the East right-of-way line of Pitchford Road, to a point for the Northwest corner of the herein described tract, common with the Southwest corner of a called Two Five-Acre Tracts described in deed recorded in Clerk's File Number R-793887 of said Real Property Records, and from which a 5/8 iron rod, found for reference, bears S 75°19'35" W, 2.52 feet;

THENCE S 89°51'00" E, a distance of 577.00 feet, along the North line of the herein described tract, common with the South line of the Two Five-Acre Tracts, to a point for the Northeast corner of the herein described tract, common with the Northwest corner of a called 5.006 acre tract described in deed recorded in Clerk's File Number 2007-0120431 of said Real Property Records, and from which a 1/2 inch iron rod, found for reference, bears S 71°05'04" W, 1.12 feet;

THENCE S 00°13'27" W, a distance of 377.60 feet, along the East line of the herein described tract, common with the West line of the 5.006 acre tract, to a 1/2 inch iron rod, found for the Southeast corner of the herein described tract, common with the Southwest corner of the 5.006 acre tract, same being in the North line of a called 6.21 acre tract described in deed recorded in Clerk's File Number 2007-0391350 of said Real Property Records;

THENCE N 89°51'00" W (Deed Error - N 89°51'10" W), a distance of 577.00 feet, along the South line of the herein described tract, common with the North line of the 6.21 acre tract and the North line of Outlot 283, back to the **POINT OF BEGINNING** and containing 5.002 acres of land as computed based on the survey and plat prepared by C & C Surveying, Inc., dated July 3, 2008.



Steven L. Crews, Registered Professional Land Surveyor, Number 4141  
08-0272  
06/03/08



HARRIS COUNTY APPRAISAL DISTRICT  
REAL PROPERTY ACCOUNT INFORMATION  
**0352880000410**

Tax Year: 2020

 **Print**

| Owner and Property Information                                                                                        |                              |            |                   |                                                                                                                         |                    |                                |           |                        |
|-----------------------------------------------------------------------------------------------------------------------|------------------------------|------------|-------------------|-------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------------|-----------|------------------------|
| Owner Name & Mailing Address: <b>SVETLIK RUDY J &amp; KIMBERLEY L<br/>11918 WESTLOCK DR<br/>TOMBALL TX 77377-7950</b> |                              |            |                   | Legal Description: <b>LT 280<br/>TOMBALL OUTLOTS</b><br>Property Address: <b>1333 PITCHFORD RD<br/>TOMBALL TX 77375</b> |                    |                                |           |                        |
| State Class Code                                                                                                      | Land Use Code                | Land Area  | Total Living Area | Neighborhood                                                                                                            | Neighborhood Group | Market Area                    | Map Facet | Key Map <sup>1/2</sup> |
| A1 -- Real, Residential, Auxiliary Buildings                                                                          | 2001 -- Residential Improved | 217,800 SF | 0 SF              | 2581.06                                                                                                                 | 26001              | 400 -- ISD<br>26 - Tomball ISD | 4871C     | 289J                   |

**Value Status Information**

| Value Status | Notice Date | Shared CAD |
|--------------|-------------|------------|
| Noticed      | 03/31/2020  | No         |

**Exemptions and Jurisdictions**

| Exemption Type                                                                                                                                                                                                                                                       | Districts | Jurisdictions         | Exemption Value | ARB Status            | 2019 Rate | 2020 Rate |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------------------|-----------------|-----------------------|-----------|-----------|
| <b>None</b>                                                                                                                                                                                                                                                          | 026       | TOMBALL ISD           |                 | Certified: 08/21/2020 | 1.290000  | 1.290000  |
|                                                                                                                                                                                                                                                                      | 040       | HARRIS COUNTY         |                 | Certified: 08/21/2020 | 0.407130  | 0.391160  |
|                                                                                                                                                                                                                                                                      | 041       | HARRIS CO FLOOD CNTRL |                 | Certified: 08/21/2020 | 0.027920  | 0.031420  |
|                                                                                                                                                                                                                                                                      | 042       | PORT OF HOUSTON AUTHY |                 | Certified: 08/21/2020 | 0.010740  | 0.009910  |
|                                                                                                                                                                                                                                                                      | 043       | HARRIS CO HOSP DIST   |                 | Certified: 08/21/2020 | 0.165910  | 0.166710  |
|                                                                                                                                                                                                                                                                      | 044       | HARRIS CO EDUC DEPT   |                 | Certified: 08/21/2020 | 0.005000  | 0.004993  |
|                                                                                                                                                                                                                                                                      | 045       | LONE STAR COLLEGE SYS |                 | Certified: 08/21/2020 | 0.107800  | 0.107800  |
|                                                                                                                                                                                                                                                                      | 083       | CITY OF TOMBALL       |                 | Certified: 08/21/2020 | 0.341455  | 0.337862  |
|                                                                                                                                                                                                                                                                      | 679       | HC EMERG SERV DIST 8  |                 | Certified: 08/21/2020 | 0.096700  | 0.097000  |
| Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at <b>HCAD's information center at 13013 NW Freeway.</b> |           |                       |                 |                       |           |           |

**Valuations**

| Value as of January 1, 2019 |         |           | Value as of January 1, 2020 |         |           |
|-----------------------------|---------|-----------|-----------------------------|---------|-----------|
|                             | Market  | Appraised |                             | Market  | Appraised |
| Land                        | 272,250 |           | Land                        | 272,250 |           |
| Improvement                 | 15,260  |           | Improvement                 | 12,614  |           |
| Total                       | 287,510 | 287,510   | Total                       | 284,864 | 284,864   |

**Land**

| Market Value Land |                               |           |           |        |             |             |                 |                 |           |            |                |            |
|-------------------|-------------------------------|-----------|-----------|--------|-------------|-------------|-----------------|-----------------|-----------|------------|----------------|------------|
| Line              | Description                   | Site Code | Unit Type | Units  | Size Factor | Site Factor | Appr O/R Factor | Appr O/R Reason | Total Adj | Unit Price | Adj Unit Price | Value      |
| 1                 | 2001 -- Res Improved Override | AC0       | AC        | 5.0000 | 1.00        | 1.00        | 1.00            | --              | 1.00      | 54,450.00  | 54,450.00      | 272,250.00 |

**Building**

Vacant (No Building Data)

**Extra Features**

| Line | Description                   | Quality | Condition | Units    | Year Built |
|------|-------------------------------|---------|-----------|----------|------------|
| 1    | Bank Barn                     | Poor    | Poor      | 2,400.00 | 1999       |
| 2    | 4 Side closed Metal Pole Barn | Poor    | Poor      | 800.00   | 2000       |

From: [dustinvacek@yahoo.com](mailto:dustinvacek@yahoo.com)  
Subject: **1333 Pitchford Rd Pipeline**  
Date: **Dec 15, 2020 at 10:23:51 AM**  
To: **Joshua Buzzell** [joshua@regalpooldesign.com](mailto:joshua@regalpooldesign.com)

---

Hi Josh,

According to the Texas Railroad Commission website, there is no pipeline on the property. Just the gas well that's set to be plugged and abandoned.



Regards,

[Texas Real Estate Commission Consumer Protection Notice](#)  
[Texas Real Estate Commission Information About Brokerage Services](#)



**Dustin Vacek**  
RE/MAX Opportunities  
DIRECT [\(281\) 610-8653](tel:2816108653)  
Phone: (979) 793-5454  
Fax: (979) 793-5465  
Email: [dustin.vacek@remax.net](mailto:dustin.vacek@remax.net)

## A. Settlement Statement

U.S. Department of Housing  
and Urban Development

OMB No. 2502-0265

| B. Type of Loan                                  |                                      |                                            |                             |
|--------------------------------------------------|--------------------------------------|--------------------------------------------|-----------------------------|
| 1. <input type="checkbox"/> FHA                  | 2. <input type="checkbox"/> FinRA    | 3. <input type="checkbox"/> Conv Unins     | 6. File Number              |
| 4. <input type="checkbox"/> VA                   | 5. <input type="checkbox"/> Conv Ins | 6. <input type="checkbox"/> Seller Finance | 022016396                   |
| 7. <input checked="" type="checkbox"/> Cash Sale |                                      | 7. Loan Number                             | 8. Mortgage Ins Case Number |

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

| D. Name & Address of Borrower                                                                               | E. Name & Address of Seller                                                        | F. Name & Address of Lender |
|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-----------------------------|
| N02 Property Development, LLC, a Texas limited liability company<br>9930 Broadway Road<br>Tomball, TX 77375 | Rudy J. Svetlik and Kimberley L. Svetlik<br>11918 Westlock Dr<br>Tomball, TX 77377 |                             |

| G. Property Location                                                                         | H. Settlement Agent Name                                                                                                                                                                                                                              | I. Settlement Date             |
|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| Tomball Outlets, Out lot 280, Harris County, Texas<br>1333 Pitchford Rd<br>Tomball, TX 77375 | Select Title, LLC<br>4400 Post Oak Parkway, Suite 2535<br>Houston, TX 77027 Tax ID: 27-1363400<br>Underwritten By: First National Title Insurance Company<br>Place of Settlement<br>Select Title, LLC<br>1117 FM 359, Suite 110<br>Richmond, TX 77466 | 12/30/2020<br>Fund: 12/30/2020 |

| J. Summary of Borrower's Transaction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | K. Summary of Seller's Transaction                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 100. Gross Amount Due from Borrower                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 400. Gross Amount Due to Seller                    |
| 101. Contract Sales Price                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 401. Contract Sales Price                          |
| 102. Personal Property                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 402. Personal Property                             |
| 103. Settlement Charges to borrower                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 403.                                               |
| 104.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 404.                                               |
| 105.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 405.                                               |
| Adjustments for items paid by seller in advance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Adjustments for items paid by seller in advance    |
| 106. City property taxes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 406. City property taxes                           |
| 107. County property taxes 12/31/20 thru 12/31/20                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 407. County property taxes 12/31/20 thru 12/31/20  |
| 108. Assessment Taxes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 408. Assessment Taxes                              |
| 109. School property taxes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 409. School property taxes                         |
| 110. MUD taxes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 410. MUD taxes                                     |
| 111. Other taxes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 411. Other taxes                                   |
| 112.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 412.                                               |
| 113.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 413.                                               |
| 114.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 414.                                               |
| 115.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 415.                                               |
| 116.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 416.                                               |
| 120. Gross Amount Due From Borrower                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 420. Gross Amount Due to Seller                    |
| 200. Amounts Paid By Or in Behalf Of Borrower                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 500. Reductions in Amount Due to Seller            |
| 201. Deposit or earnest money                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 501. Excess Deposit                                |
| 202. Principal amount of new loan(s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 502. Settlement Charges to Seller (line 1400)      |
| 203. Existing loan(s) taken subject to                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 503. Existing Loan(s) Taken Subject to             |
| 204. Loan Amount 2nd Lien                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 504. Payoff of first mortgage loan to              |
| 205.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 505. Payoff of second mortgage loan to             |
| 206.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 506.                                               |
| 207.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 507.                                               |
| 208.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 508.                                               |
| 209.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 509.                                               |
| Adjustments for items unpaid by seller                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Adjustments for items unpaid by seller             |
| 210. City property taxes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 510. City property taxes                           |
| 211. County property taxes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 511. County property taxes                         |
| 212. Assessment Taxes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 512. Assessment Taxes                              |
| 213. School property taxes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 513. School property taxes                         |
| 214. MUD taxes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 514. MUD taxes                                     |
| 215. Other taxes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 515. Other taxes                                   |
| 216.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 516.                                               |
| 217.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 517.                                               |
| 218.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 518.                                               |
| 219.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 519.                                               |
| 220. Total Paid By/For Borrower                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 520. Total Reduction Amount Due Seller             |
| 300. Cash At Settlement From/To Borrower                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 600. Cash At Settlement To/From Seller             |
| 301. Gross Amount due from borrower (line 120)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 601. Gross Amount due to seller (line 420)         |
| 302. Less amounts paid by/for borrower (line 220)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 602. Less reductions in amt. due seller (line 520) |
| 303. Cash From Borrower                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 603. Cash To Seller                                |
| Section 5 of the Real Estate Settlement Procedures Act (RESPA) requires the following: • HUD must develop a Special Information Booklet to help persons borrowing money to finance the purchase of residential real estate to better understand the nature and costs of real estate settlement services; • Each lender must provide the booklet to all applicants from whom it receives or for whom it prepares a written application to borrow money to finance the purchase of residential real estate; • Lenders must prepare and distribute with the Booklet a Good Faith Estimate of the settlement costs that the borrower is likely to incur in connection with the settlement. These disclosures are mandatory.                                                                                                                                                                                        |                                                    |
| Section 4(a) of RESPA mandates that HUD develop and prescribe this standard form to be used at the time of loan settlement to provide full disclosure of all charges imposed upon the borrower and seller. These are third party disclosures that are designed to provide the borrower with pertinent information during the settlement process in order to be a better shopper. The Public Reporting Burden for this collection of information is estimated to average one hour per response, including the time for reviewing instructions searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. The information requested does not lend itself to confidentiality. |                                                    |

Previous Editions are Obsolete

Page 1

form HUD-1 (3/86)  
Handbook 4305.2

| <b>L. Settlement Charges</b>                                                      |                                                    |                    |  | <b>Paid From</b>               | <b>Paid From</b>             |
|-----------------------------------------------------------------------------------|----------------------------------------------------|--------------------|--|--------------------------------|------------------------------|
| 700. Total Sales/Broker's Commission based on price                               | \$305,000.00                                       | @5 % = \$15,250.00 |  | Borrower's Funds at Settlement | Seller's Funds at Settlement |
| Division of Commission (line 700) as follows:                                     |                                                    |                    |  |                                |                              |
| 701. \$12,200.00                                                                  | to Re/Max Opportunities                            |                    |  |                                |                              |
| 702. \$3,050.00                                                                   | to RE/MAX Opportunities                            |                    |  |                                |                              |
| 703. Commission Paid at Settlement                                                |                                                    |                    |  | \$0.00                         | \$15,250.00                  |
| 704. The following parties, persons, firms or                                     | to                                                 |                    |  |                                |                              |
| 705. corporations have received a portion of                                      | to                                                 |                    |  |                                |                              |
| 706. the real estate commission shown above:                                      | to                                                 |                    |  |                                |                              |
| 707. Dustin Vacek; Peyton Dale                                                    | to                                                 |                    |  |                                |                              |
| <b>800. Items Payable in Connection with Loan</b>                                 |                                                    |                    |  |                                |                              |
| 801. Loan Origination Fee %                                                       | to                                                 |                    |  |                                |                              |
| 802. Loan Discount %                                                              | to                                                 |                    |  |                                |                              |
| 803. Appraisal Fee                                                                | to                                                 |                    |  |                                |                              |
| 804. Credit Report                                                                | to                                                 |                    |  |                                |                              |
| 805. Lender's Inspection Fee                                                      | to                                                 |                    |  |                                |                              |
| 806. Mortgage Insurance Application                                               | to                                                 |                    |  |                                |                              |
| 807. Assumption Fee                                                               | to                                                 |                    |  |                                |                              |
| <b>900. Items Required by Lender To Be Paid in Advance</b>                        |                                                    |                    |  |                                |                              |
| 901. Interest from 12/30/2020 to 1/1/2021 @ 50/day                                |                                                    |                    |  |                                |                              |
| 902. Mortgage Insurance Premium for months                                        | to                                                 |                    |  |                                |                              |
| 903. Hazard Insurance Premium for years                                           | to                                                 |                    |  |                                |                              |
| <b>1000. Reserves Deposited With Lender</b>                                       |                                                    |                    |  |                                |                              |
| 1001. Hazard insurance                                                            | months @                                           | per month          |  |                                |                              |
| 1002. Mortgage insurance                                                          | months @                                           | per month          |  |                                |                              |
| 1003. City property taxes                                                         | months @                                           | per month          |  |                                |                              |
| 1004. County property taxes                                                       | months @                                           | \$578.48 per month |  |                                |                              |
| 1005. Assessment Taxes                                                            | months @                                           | per month          |  |                                |                              |
| 1006. School property taxes                                                       | months @                                           | per month          |  |                                |                              |
| 1007. MUD taxes                                                                   | months @                                           | per month          |  |                                |                              |
| 1008. Other taxes                                                                 | months @                                           | per month          |  |                                |                              |
| 1011. Aggregate Adjustment                                                        |                                                    |                    |  |                                |                              |
| <b>1100. Title Charges</b>                                                        |                                                    |                    |  |                                |                              |
| 1101. Settlement or closing fee                                                   | to Select Title, LLC                               |                    |  |                                |                              |
| 1102. Abstract or title search                                                    | to Select Title, LLC                               |                    |  |                                |                              |
| 1103. Title examination                                                           | to Select Title, LLC                               |                    |  |                                |                              |
| 1104. Title insurance binder                                                      | to Select Title, LLC                               |                    |  |                                |                              |
| 1105. Document preparation - Deed                                                 | to The Elder Law Firm                              |                    |  |                                | \$150.00                     |
| 1106. Notary fees                                                                 | to                                                 |                    |  |                                |                              |
| 1107. Attorney's fees                                                             | to                                                 |                    |  |                                |                              |
| (includes above items numbers: )                                                  |                                                    |                    |  |                                |                              |
| 1108. Title insurance                                                             | to Select Title, LLC                               |                    |  |                                | \$1,912.00                   |
| (includes above items numbers: )                                                  |                                                    |                    |  |                                |                              |
| 1109. Lender's coverage                                                           | \$0.00/\$0.00                                      |                    |  |                                |                              |
| 1110. Owner's coverage                                                            | \$305,000.00/\$2,198.80                            |                    |  |                                |                              |
| 1111.                                                                             | to                                                 |                    |  |                                |                              |
| 1112. State of Texas Policy Guaranty Fee.                                         | to Texas Title Insurance Guaranty Association      |                    |  |                                | \$2.00                       |
| 1113. Escrow/Closing Fee                                                          | to Select Title, LLC                               |                    |  | \$450.00                       | \$450.00                     |
| 1114. Tax Certificate Fee                                                         | to TITLE TAX LLC                                   |                    |  |                                | \$79.50                      |
| 1115. Document/Delivery Fee                                                       | to Select Title, LLC                               |                    |  | \$25.00                        | \$45.00                      |
| 1116. Survey Amendment (OTP only)                                                 | to Select Title, LLC                               |                    |  | \$286.86                       |                              |
| <b>1200. Government Recording and Transfer Charges</b>                            |                                                    |                    |  |                                |                              |
| 1201. Recording Fees                                                              | Deed \$26.00 ; Mortgage ; Rel to Select Title, LLC |                    |  | \$26.00                        |                              |
| 1202. City/county tax/stamps                                                      | Deed ; Mortgage to                                 |                    |  |                                |                              |
| 1203. State tax/stamps                                                            | Deed ; Mortgage to                                 |                    |  |                                |                              |
| 1204. Tax certificates                                                            | to National TaxNet                                 |                    |  |                                |                              |
| 1205. Courier/Messenger Fee                                                       | to Select Title, LLC                               |                    |  |                                |                              |
| 1206. Additional Recording Fees                                                   | to Select Title, LLC                               |                    |  |                                |                              |
| 1207. Additional Recording Fees                                                   | to Select Title, LLC                               |                    |  |                                |                              |
| 1208. e-Recording Fee                                                             | to Select Title, LLC                               |                    |  | \$4.00                         |                              |
| <b>1300. Additional Settlement Charges</b>                                        |                                                    |                    |  |                                |                              |
| 1301. Property Tax Due Suit#2019-86010                                            | to Harris County - Mike Sullivan                   |                    |  |                                | \$4,755.52                   |
| 1302. Property Tax Due Suit#2019-86010                                            | to Tomball ISD Tax Office                          |                    |  |                                | \$17,483.43                  |
| 1303. Tax Suit Fees Suit#2019-86010                                               | to Harris County District Clerk                    |                    |  |                                | \$81.00                      |
| 1304. Tax Suit Fees Suit#2019-86010                                               | to Harris County District Clerk                    |                    |  |                                | \$81.00                      |
| 1305. Title Abstract Fees Suit#2019-86010                                         | to Marilyn Burgess, Harris County District Clerk   |                    |  |                                | \$271.32                     |
| 1306. Tax Suit Fees Suit#201779759                                                | to Harris County District Clerk                    |                    |  |                                | \$2.00                       |
| 1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K) |                                                    |                    |  | \$791.80                       | \$40,562.87                  |

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a completed copy of pages 1, 2 and 3 of this HUD-1 Settlement Statement.



L949711

GAS LEASE

134-61-1878

THE STATE OF TEXAS §  
COUNTY OF HARRIS §

KNOW ALL MEN BY THESE PRESENTS: THAT

THIS AGREEMENT, made as of 7:00 A.M., on the 2ND day of OCTOBER, A.D. 1988, between Exxon Corporation, hereinafter called "Lessor," and Star Properties 1984 Ltd., hereinafter called "Lessee,"

WITNESSETH:

13  
14  
1. Lessor, in consideration of Ten Dollars (\$10.00) and other valuable considerations, in hand paid, of the royalties herein provided, and of the agreements of Lessee herein contained, hereby grants, leases and lets exclusively unto Lessee for the purpose of investigating, exploring, prospecting, drilling and mining for and producing gas only, laying pipe lines, building tanks, power stations, telephone lines and other structures thereon to produce, save, take care of, treat, transport, store and own said products, the following described lands situated in Harris County, to-wit:

See Exhibits A and B attached hereto and incorporated herein by reference.

2. It is understood and agreed that this lease affects only gas and the rights thereto produced from a gas well located upon the above described land, as the terms "gas", "gas rights" and "gas well" are defined in paragraph 5 of the Joint Operating Contract attached hereto and, as so defined, the said terms "gas", "gas rights" and "gas well" are referred to herein.

2(a). Subject to the other provisions herein contained, this lease shall be for a term of one (1) year from this date (called "primary term") and so long thereafter as gas is produced from said land or drilling or reworking operations are prosecuted as is hereinafter provided.

3. The royalties to be paid to Lessor by Lessee, which royalties shall be free of cost or expense of production, are: On gas produced from said land and sold or used off the premises or in the manufacture of gasoline or other product therefrom, the market value at the well of one-eighth (1/8) of the gas so sold or used, provided that on gas sold at the wells the royalty shall be one-eighth (1/8) of the amount realized from such sale. Lessee shall have free use of gas and water from said land for all operations hereunder,

Title Data, Inc. NR TDI41125 HA L949711.001

134-61-1879

and the royalty on gas shall be computed after deducting any so used. Lessor agrees with Lessee that if Lessor's interest in the gas and gas rights under the above described land be less than the whole thereof, then the royalties specified to be paid by Lessee hereunder shall be reduced to one-eighth (1/8) of the fractional interest in said gas and gas rights in and under said land which is actually owned by Lessor. The royalties provided for herein are inclusive of all royalties, if any, accruing to others under the terms of conveyances by, through or under which Lessor claims title to the land or gas covered hereby.

4. If at the expiration of the primary term gas is not being produced from the land covered hereby, but Lessee is then engaged in drilling or reworking operations on some part of the land hereunder, this lease shall not terminate if Lessee does not allow more than sixty (60) days to elapse between the abandonment of one well and the commencement of drilling or reworking operations on another until production is obtained. After the discovery of gas in paying quantities on the land, all of Lessee's rights shall remain in effect as long as gas is produced therefrom; and if the production of gas in paying quantities should cease from any cause, this lease shall not terminate if Lessee, until production is again procured, does not allow more than sixty (60) days to elapse between the cessation of production and the commencement of additional drilling or reworking operations in a bona fide effort to again obtain production, and successive attempts may be made so long as not more than sixty (60) days are allowed to elapse between the completion or abandonment of one well and the commencement of operations on another until production in paying quantities is again obtained.

5. In the event a well or wells producing gas in paying quantities should be brought in on adjacent land and within 330 feet of and draining the leased premises, Lessee agrees to drill such offset well or wells as a reasonably prudent operator would drill under the same or similar circumstances. Lessee may at any time execute and deliver to Lessor or place of record a release or releases covering any portion or portions of the above described premises and thereby surrender this lease as to such portion or portions and be relieved of all obligations as to the acreage surrendered.

6. Lessee shall have the right at any time during or after the expiration of this lease to remove all property and fixtures placed by Lessee on said land, including the right to draw and remove all casing. When required by Lessor, Lessee will bury all pipe lines below ordinary plow depth, and no well shall be drilled within two hundred (200) feet of any residence or barn now on said land without Lessor's consent.

Title Data, Inc. NR TDI41125 HA L949711.002

134-61-1884

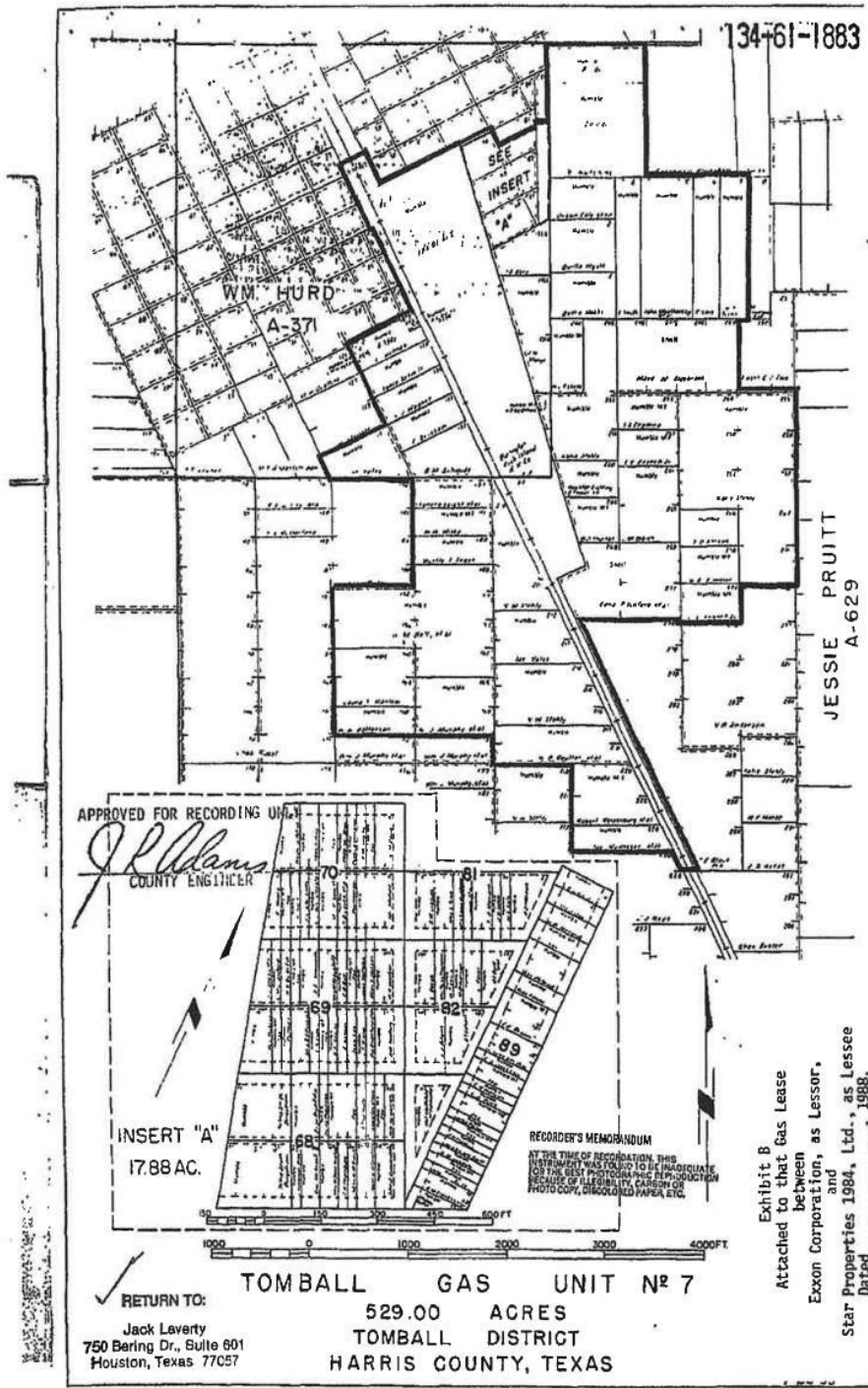
ANY INSTRUMENT WHICH REQUESTS THE SALE, RENEWAL, OR USE OF THE DESCRIBED REAL  
PROPERTY BECAUSE OF COLOR OR RACE IS UNLAWFUL AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF HARRIS  
I hereby certify that this instrument was filed in the number  
sequence on the date and at the time stamped below by me and was  
only recorded in the official Public Records of Real Property of Harris  
County, Texas on

NOV 3 0 1988



*Pat. Williams*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

Title Data, Inc. NR TDI41125 HA L949711.007



Title Data, Inc. NR TDI41125 HA L949711.006

Exhibit B  
Attached to that Gas Lease  
between  
Exxon Corporation, as Lessor,  
and  
Star Properties 1984, Ltd., as Lessee  
Dated 1/1/1988.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL  
PROPERTY BECAUSE OF COLOR OR RACE IS VOID 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 on

SEP 26 2006



*Charles L. Rayman*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

Title Data, Inc. NR TDI41125 HA 20060074369.004

134-61-1880

7. The breach by Lessee of any obligation arising hereunder shall not work a forfeiture or termination of this lease not cause a termination or reversion of the estate created hereby nor be grounds for cancellation hereof in whole or in part. In the event Lessor considers that operations are not at any time being conducted in compliance with this lease, Lessor shall notify Lessee in writing of the facts relied upon as constituting a breach hereof and Lessee, if in default, shall have sixty (60) days after receipt of such notice in which to commence the compliance with the obligations imposed by virtue of this instrument. After the discovery of gas in paying quantities on said premises, Lessee shall reasonably develop the acreage retained hereunder.

8. Should Lessee be prevented from complying with any expressed or implied covenant of this lease, from conducting drilling or reworking operations thereon or from producing gas therefrom by reason of scarcity of or inability to obtain or to use equipment or material, or by operation of force majeure, any Federal or State law or any order, rule or regulation of governmental authority, then while so prevented, Lessee's obligation to comply with such covenant shall be suspended, and Lessee shall not be liable in damages for failure to comply therewith; and this lease shall be extended while and so long as Lessee is prevented by any such cause from conducting drilling or reworking operations on or from producing gas from the leased premises; and the time while Lessee is so prevented shall not be counted against Lessee, anything in this lease to the contrary notwithstanding.

9. No assignment by Lessee of any rights accruing to him under the terms hereof shall be binding upon Lessor unless Lessor shall evidence its consent thereto in writing.

10. The provisions hereof shall extend to and be binding upon the successors and assigns of the parties hereto.

11. This lease is executed without warranty, either expressed or implied, and is so accepted by Lessee.

IN EVIDENCE WHEREOF, this instrument is executed in duplicate originals on the date first above written.

EXXON CORPORATION

Michael J. Robinson  
LESSOR Michael J. Robinson

STAR PROPERTIES 1984 LTD.

John E. Hine  
LESSEE John E. Hine - General Partner

Form Approved

By John E. Hine

134-61-1881

THE STATE OF TEXAS  
COUNTY OF HARRIS

Before, me, the undersigned authority, on this day personally appeared MICHAEL J. ROBINSON, known to me to be the person whose name is subscribed to the foregoing instrument, as Agent and Attorney-in-Fact of Exxon Corporation, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said Exxon Corporation.

Given under my hand and seal of office this the 2<sup>ND</sup> day of OCTOBER, A.D., 1988.



STEPHEN T. MAUER  
Notary Public, State of Texas  
My Commission Expires 10/5/88

Stephen T. Mauer  
Notary Public in and for  
the State of Texas  
My Commission Expires 10/5/88

THE STATE OF TEXAS  
COUNTY OF HARRIS

Before, me, the undersigned authority, on this day personally appeared John E. Hine, known to me to be the person whose name is subscribed to the foregoing instrument, as General Partner of Star Properties 1984 Ltd. and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said Star Properties 1984 Ltd.

Given under my hand and seal of office this the 11 day of November, A.D., 1988.



JOHN LAVERTY  
Notary Public, State of Texas  
My Commission Expires Dec. 30, 1989

John Lavery  
Notary Public in and for  
the State of Texas  
My Commission Expires 12-30-89

Title Data, Inc. NR TDI41125 HA L949711.004

134-61-1882

EXHIBIT A

| EXXON<br>MIN PER<br>LSE NO | GRANTOR                      | GRANTEE               | DATE     | VOL. | PAGE |
|----------------------------|------------------------------|-----------------------|----------|------|------|
| 39805                      | B.S. BRITTON & R. RIESENBERG | HUMBLE OIL & REF. CO. | 06/02/33 | 927  | 398  |
| 40106                      | GRACE E. ZIMMER              | HUMBLE OIL & REF. CO. | 06/14/33 | 928  | 255  |
| 40126                      | LAURA S. & ROY L. HARLOW     | HUMBLE OIL & REF. CO. | 06/16/33 | 923  | 485  |
| 40237                      | C.C. FRENCH, JR              | HUMBLE OIL & REF. CO. | 06/25/33 | 926  | 383  |
| 40488                      | H.B. GOLDTHWAITE             | HUMBLE OIL & REF. CO. | 07/24/33 | 931  | 354  |
| 40540                      | T.A. FRYMIRE                 | HUMBLE OIL & REF. CO. | 07/18/33 | 926  | 609  |
| 41426                      | LINDBARGER BROS. REALTY CO.  | HUMBLE OIL & REF. CO. | 07/26/33 | 932  | 268  |
| 41610                      | C.C. FRENCH, JR.             | HUMBLE OIL & REF. CO. | 11/01/33 | 233  | 458  |
| 43686                      | HARRY W. MCCORMICK           | HUMBLE OIL & REF. CO. | 04/30/34 | 959  | 13   |
| 44204                      | W.D. THORNAL, ET UX          | HUMBLE OIL & REF. CO. | 03/28/34 | 950  | 564  |
| 45326                      | C.W. GREGSON, ET UX          | HUMBLE OIL & REF. CO. | 09/02/33 | 221  | 894  |
| 49989                      | L.T. NORVELL, ET UX          | HUMBLE OIL & REF. CO. | 02/04/38 | 977  | 151  |
| 50904                      | W.L. PICKENS ET UX           | HUMBLE OIL & REF. CO. | 05/24/39 | 987  | 100  |
| 50905                      | W.L.W. TROTTER               | HUMBLE OIL & REF. CO. | 05/31/35 | 982  | 602  |
| 61416                      | W.W. WILEY                   | HUMBLE OIL & REF. CO. | 12/06/37 |      |      |

FILED

Nov 30 9 23 AM '08

*Clara R. Anderson*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

Title Data, Inc. NR TDI41125 HA L949711.005



S099288

DEED WITHOUT WARRANTY

509-87-2637

Effective Time: June 1, 1996 09/03/96 300069773 8099288 \$25.00

Grantor (including address): Exxon Corporation  
P. O. Box 2305  
Houston, Texas 77252-2305

Grantee (including address): Merit Energy Corporation  
P. O. Box 351  
Midland, Texas 79702

Consideration: Ten Dollars and other good and valuable consideration

Property: The surface fee described on Exhibit A attached

Reservations From and Exceptions to Conveyance:

1. This conveyance is subject to all matters of record in Harris County, Texas, enforceable against the Property at the Effective Time.
2. Ad valorem taxes assessed against the Property assigned in this Assignment for the year 1996 are apportioned between Grantor and Grantee as of the Effective Time.
3. Grantee acknowledges that the Property has been used for exploration, development, and production of oil and gas and that there may be petroleum, produced water, wastes, or other materials located on or under the Property. The Property may contain asbestos, hazardous substances, or naturally occurring radioactive material ("NORM"). NORM may affix or attach itself to the inside of wells, materials, and equipment as scale, or in other forms; the wells, materials, and equipment located on the Property may contain NORM and other wastes or hazardous substances; and NORM-containing material and other wastes or hazardous substances may have been buried, come in contact with the soil, or otherwise been disposed of on the Property. Special procedures may be required for the remediation, removal, transportation, or disposal of wastes, asbestos, hazardous substances, and NORM from the Interests and Property.

Grantee will store, handle, transport, and dispose of or discharge all material, substances, and wastes from the Property (including produced water, drilling fluids, NORM, and other wastes), whether present before or after the Effective Time, in accordance with applicable local, state, and federal laws and regulations. Grantee will keep records of the types, amounts, and location of materials, substances, and wastes that are stored, transported, handled, discharged, released, or disposed of onsite and offsite. When any lease terminates, an interest in which has been assigned under this Deed Without Warranty, Grantee will take additional testing, assessment, closure, reporting, and remedial action with respect to the Property as is necessary to satisfy all local, state, and federal requirements directed in effect at that time and necessary to restore the Property.

4. Grantee recognizes, and will perform properly and in accordance with applicable law, all obligations to abandon, restore, and remediate the Property, whether arising before or after the Effective Time, including obligations to:

PLCjmmA-dad\_war 09/25/96

-1-

After recording, return to:  
Cotton, Blalock, Tighe & Dawson  
Att: Bill Howard  
P.O. Box 2776  
Midland, Texas 79702-2776

Title Data, Inc. NR TDI41125 HA S099288.001

509-87-2638

- (a) plug, abandon, and reabandon (if necessary) each well located on the Property (abandoned and unabandoned), as required under applicable law;
- (b) remove all equipment and facilities, including flowlines and pipelines;
- (c) close all pits; and
- (d) restore the surface and subsurface associated with the Property, as appropriate and in accordance with all requirements under law, including the rules, regulations, and requirements of all governmental authorities with jurisdiction, and in accordance with all obligations, express or implied, applicable to the Property.

5. The terms Claim or Claims mean, collectively, claims, demands, causes of action, and lawsuits asserted or filed by any person, including an artificial or natural person, a local, state, or federal governmental entity; a person holding rights under any instrument applicable to the Property; an Associated Party of Grantor or Grantee; or a third party. The term Liability or Liabilities means, collectively, all damages (including consequential and punitive damages), including those for personal injury, death, or damage to personal or real Property (both surface and subsurface) and costs for remediation, restoration, or clean up of contamination, whether the injury, death, or damage occurred or occurs on or off the Property by migration, disposal, or otherwise, losses, fines, penalties, expenses, costs to remove or modify facilities on or under the Property, plugging liabilities for all wells, attorneys' fees, court and other legal costs incurred in defending any Claim, liens, and judgments, whether these damages and other costs are known or unknown, foreseeable or unforeseeable at the Effective Time. The term Associated Parties means successors, assigns, directors, officers, employees, agents, contractors, and affiliates.

Grantee releases and discharges Grantor and its Associated Parties from each and every Claim and Liability relating to the Property, or this transaction, regardless of when or how the Claim or Liability arose or arises or whether the Claim or Liability was foreseeable or unforeseeable. *Grantee's release of Grantor and its Associated Parties Includes Claims and Liabilities resulting in any way from the negligence or strict liability of Grantor or its Associated Parties, whether the negligence or strict liability is active, passive, joint, concurrent, or sole.* There are no exceptions to Grantee's release of Grantor and its Associated Parties, and this release is binding on Grantee and its successors and assigns.

Grantee covenants not to sue Grantor or its Associated Parties with regard to any Claim or Liability relating to the Property, or this transaction, regardless of when or how the Claim or Liability arose or arises or whether the Claim or Liability was foreseeable or unforeseeable. *Grantee's covenant not to sue Grantor or its Associated Parties Includes Claims and Liabilities resulting in any way from the negligence or strict liability of Grantor or its Associated Parties, whether the negligence or strict liability is active, passive, joint, concurrent, or sole.* There are no exceptions to Grantee's covenant not to sue Grantor or its Associated Parties and this covenant is binding on Grantee and its successors and assigns.

Grantee will indemnify, defend, and hold Grantor and its Associated Parties harmless from all Claims and Liabilities arising at any time, whether before or after the Effective Time, whether foreseeable or unforeseeable, made by any person and arising out of or resulting from:

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-2-

Title Data, Inc. NR TDI41125 HA S099288.002

509-87-2639

- (a) the ownership of the Property by Grantor, or acts or omissions by Grantor or its Associated Parties in connection with the Property or under this Deed Without Warranty, *in each instance including Claims and Liabilities resulting from the negligence or strict liability of Grantor or its Associated Parties, whether the negligence or strict liability is active, passive, joint, concurrent, or sole;*
- (b) the ownership of the Property by Grantee, or the acts or omissions of Grantee or its Associated Parties in connection with the Property or under this Deed Without Warranty, *in each instance including Claims and Liabilities resulting from the negligence or strict liability of Grantor or its Associated Parties, whether the negligence or strict liability is active, passive, joint, concurrent, or sole;* or
- (c) the acts or omissions of third parties relating to the Property, *in each instance including Claims and Liabilities resulting from the negligence or strict liability of Grantor or its Associated Parties, whether the negligence or strict liability is active, passive, joint, concurrent, or sole.*

Grantee's duty to indemnify, defend, and hold Grantor and its Associated Parties harmless includes Claims and Liabilities arising in any manner from the physical or environmental condition of the Property, including Claims and Liabilities under applicable laws and regulations now enacted or that may be enacted in the future, including the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended from time to time.

- 6. Pipelines, fixtures, equipment, and interests in land owned by third parties, including Grantor's affiliates are excluded.
- 7. Computer equipment (including Rosemont transmitters), telecommunications equipment, vehicles (except for the four trucks conveyed separately), boats, tools, pulling machines, warehouse stock, and other equipment and material temporarily located on the lands associated with the Property, including the Microwave Tower and equipment as referenced in the two Assignments from Exxon Pipeline Company to Exxon Corporation, recorded in Film Code 178-98-2551 and 178-98-2555 of the Harris County Real Property Records are excluded.
- 8. Grantor's Interest in a gas processing plant not listed on Exhibit A is excluded.
- 9. Grantor's Interest in personal property, fixtures, equipment, pipelines, facilities and buildings located on the land associated with the Property, but either currently in use in connection with the ownership or operation of other property not included in the Property or excluded on Exhibit A are excluded.
- 10. Grantor's claims, rights, and causes of action of any kind concerning the Property against royalty owners, overriding-royalty owners, working-interest owners, gas purchasers, gas transporters, and other third parties that accrued before the Effective Time, whether discovered before or after the Effective Time are excluded.
- 11. If originals or final copies of the Documents have been provided to Grantee, Grantor may have access to them at reasonable times and upon reasonable notice during regular business hours for as long as any Interest is in effect after the Effective Time (or for twenty-one years in the case of a mineral fee or other non-leasehold interest or a longer period if required by law or governmental regulation). Grantor may, during this period and at its expense, make copies of the Documents

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-3-

Title Data, Inc. NR TDI41125 HA S099288.003

509-67-2640

pursuant to a reasonable request. Without limiting the generality of the two preceding sentences, for a period as long as any Interest is in effect after the Effective Time (or for twenty-one years in the case of a mineral fee or other non-leasehold interest or for a longer period if required by law or governmental regulation), Grantee may not destroy or give up possession of any original or final copy of the Documents without first offering Grantor the opportunity, at Grantor's expense, to obtain the original, the final copy, or another copy. After this period expires, Grantee must offer to deliver the Documents (or copies) to Grantor, at Grantor's expense, before giving up possession or destroying them.

12. To the extent that Grantor has reserved or continues to own an interest (including rights to obtain data from the Interests as described on Exhibit A, overriding-royalty interests, mineral-fee or leasehold interests, deep rights, or facilities, equipment, or pipelines) after the Effective Time for which Grantor requires access across the land associated with the Property in order to exercise its rights, Grantor reserves concurrent interests in all applicable easements, rights-of-way, contracts, and other rights relating to the reserved interests and necessary as reasonably required for exploring, drilling, producing, storing, or marketing oil, gas, and other hydrocarbons from the respective zones or interests of the parties, including rights to lay pipelines, water lines, and power lines; dig pits; erect structures; and perform any other act reasonably necessary to Grantor's interests.

Grantor, for the consideration and subject to the Reservations From and Exceptions to Conveyance, conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and to hold it to Grantee and Grantee's heirs, successors and assigns, forever, without express or implied warranty. All warranties that might arise by common law and the warranties in §5.023 of the Texas Property Code (or its successor) are excluded.

When the context requires, singular nouns and pronouns include the plural.

The provisions of this Deed Without Warranty are severable. If a court of competent jurisdiction finds any part of this Deed Without Warranty to be void, invalid, or otherwise unenforceable (except for the release, waiver, defense, and indemnity provisions), this holding will not affect other portions that can be given effect without the invalid or void portion.

All covenants and agreements in this Deed Without Warranty bind and inure to the benefit of the heirs, successors, and assigns of Grantor and Grantee; are covenants running with the land; and are effective as stated, whether or not the covenants and agreements are memorialized in assignments and other conveyances executed and delivered by the parties and their respective heirs, successors, and assigns from time to time.

Recitation or reference to any agreement or other instrument in this Deed Without Warranty, including its exhibits, does not operate to ratify, confirm, revise, or reinstate the agreement or instrument if it has lapsed or expired.

This Deed Without Warranty and its performance will be construed in accordance with, and governed by, the internal laws of the State of Texas, without regard to the choice of law rules of any jurisdiction, including Texas.

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Title Data, Inc. NR TDI41125 HA S099288.004

509-87-2641

The word includes and its syntactical variants mean "includes, but not limited to" and its corresponding syntactical variants. The rule of ejusdem generis may not be invoked to restrict or limit the scope of the general term or phrase followed or preceded by an enumeration of particular examples.

All exhibits referenced in and attached to this Deed Without Warranty are incorporated into it.

This instrument may be executed in counterparts, all of which together will be considered one instrument.

This instrument is executed by the parties contemporaneously with the Assignment and Bill of Sale with an Effective Time of 7 a.m. on June 1, 1996 between Grantor and Grantee wherein Grantor assigned certain mineral properties to Grantee and these two instruments are to be construed together as one transaction.

Executed on the dates indicated below, but effective at the Effective Time.

MERIT ENERGY CORPORATION

By: Joe C. Ballard  
Name: Joe C. Ballard  
Title: President  
Date: 8/30/96

EXXON CORPORATION

By: J.R. Kahn, Jr.  
Name: J. R. Kahn, Jr.  
Title: Agent and Attorney-in-Fact  
Date: 8/29/96

Attest:  
Jim S. Lufp  
Tim B. Corp. Secretary

PLCjrm/nded\_vsr 08/27/96

Title Data, Inc. NR TDI41125 HA S099288.005

509-87-2642

STATE OF TEXAS §  
COUNTY OF HARRIS §

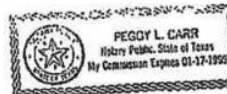
This instrument was acknowledged before me on August 29, 1996 by J. R. Kahn, Jr., Agent and Attorney in Fact for Exxon Corporation, a New Jersey corporation, on behalf of said corporation.

Peggy L Carr  
Notary Public, State of Texas

STATE OF TEXAS §  
COUNTY OF HARRIS §

This instrument was acknowledged before me on August 30, 1996 by Joec. Bullard President of MERIT ENERGY CORPORATION, a Colorado corporation, on behalf of said corporation.

Peggy L Carr  
Notary Public, State of Texas



FLOJvmt/tdend\_year 08/27/96

Title Data, Inc. NR TDI41125 HA S099288.006

EXHIBIT A  
TOMBALL FIELD  
HARRIS COUNTY, TEXAS

509-87-2643

| Exxon Fee<br>File No. | Grantor                                                                                                                                                                                                                                                                             | Date                 | Recording<br>Vol./Page(s) |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------|
| 327343<br>Description | Sam Lewis, et al<br>Sam Lewis Survey, A-1704                                                                                                                                                                                                                                        | 06-28-33             | 934 / 027                 |
| 39944<br>Description  | R. B. Wherry<br>E. Smith Survey, A-70 (East<br>of Hufsmith-Kohrville Road)<br>EXXON RESERVES AND<br>RETAINS UNTO ITSELF<br>THE ACREAGE WEST OF<br>THE TAKING LINE OF<br>HUFSMITH-KOHRVILLE<br>ROAD, FOR ILLUSTRATIVE<br>PURPOSES SHOWN ON<br>EXHIBIT B, BEING CALLED<br>7.44 ACRES. | 05-28-33             | 923 / 327                 |
| 40093<br>Description  | H. A. Briggs, et ux<br>Outlots 384,385,386,387                                                                                                                                                                                                                                      | 05-29-33             | 923 / 335                 |
| 40237<br>Description  | C. A. French, Jr.<br>Outlet 280 only<br>EXXON RESERVES AND<br>RETAINS UNTO ITSELF<br>OUTLOT 273.                                                                                                                                                                                    | 06-23-33             | 928 / 353                 |
| 40252<br>Description  | T. A. Frymire<br>Outlet 48 and Outlet 57 only.<br>EXXON RESERVES AND<br>RETAINS UNTO ITSELF<br>OUTLOT 329.                                                                                                                                                                          | 06-09-33             | 932 / 072                 |
| 40459<br>Description  | H. B. Goldthwaite<br>W. Hurd Survey, A-371                                                                                                                                                                                                                                          | 07-24-33             | 931 / 354                 |
| 41003<br>Description  | J. T. McMahan<br>J. M. Hooper Survey, A-375                                                                                                                                                                                                                                         | 07-05-33             | 932 / 100                 |
| 41010<br>Description  | Emil Doege<br>L. H. Marshburn<br>part of Exxon Fee File no.<br>41012 referenced below                                                                                                                                                                                               | 05-01-41<br>10-30-33 | 1223 / 415<br>936 / 694   |
| 41011<br>Description  | Roy L. Reese<br>C. Goodrich Survey, A-311                                                                                                                                                                                                                                           | 10-04-33             | 928 / 478                 |
| 41012<br>Description  | J. H. Dunn<br>C. Goodrich Survey, A-311                                                                                                                                                                                                                                             | 10-04-33             | 929 / 478                 |
| 41501<br>Description  | B. S. Britton<br>J. Pruitt Survey A-829                                                                                                                                                                                                                                             | 10-26-33             | 939 / 360                 |
| 42702<br>Description  | Sadie B. Davis, Trustee, et al<br>Part of Outlots 306,307,308                                                                                                                                                                                                                       | 10-29-81             | 168 / 85 / 2285           |
| 44204<br>Description  | W. D. Thormal, et ux<br>Outlet 284                                                                                                                                                                                                                                                  | 05-25-34             | 950 / 564                 |

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Page 1 of 2

Title Data, Inc. NR TDI41125 HA S099268.007

EXHIBIT A  
TOMBALL FIELD  
HARRIS COUNTY, TEXAS

509-87-2644

| Exxon Fee<br>File No. | Grantor                                                                   | Date     | Recording<br>Vol./Page(s) |
|-----------------------|---------------------------------------------------------------------------|----------|---------------------------|
| 50904<br>Description  | W. L. Pickens<br>Outlot 244                                               | 05-24-36 | 887 / 100                 |
| 55782<br>Description  | Keystone Oil Company<br>Lots 1 and 2, Block 43,<br>Townsite               | 07-01-38 | 1028 / 189                |
| 59205<br>Description  | Sam Lewis, et al<br>Sam Lewis Survey, A-1704                              | 03-29-37 | 1047 / 821                |
| 60388<br>Description  | Sam Lewis, et al<br>Sam Lewis Survey, A-1704                              | 08-22-37 | 1070 / 156                |
| 66280<br>Description  | Keystone Oil Company<br>10 Lots in Block 3, Linebarger<br>Bros. Oil Tract | 01-27-38 | 1080 / 337                |
| 68480<br>Description  | W. B. Scherer, et ux<br>C. Goodrich Survey, A-311                         | 11-17-39 | 1148 / 375                |
| 77405<br>Description  | Jacob Thels, et al<br>C. Goodrich Survey, A-311                           | 04-30-41 | 1223 / 413                |
| 40277<br>Description  | Dr. John D. Reid, et al<br>C. Goodrich Survey, A-305                      | 06-14-33 | 932 / 098                 |

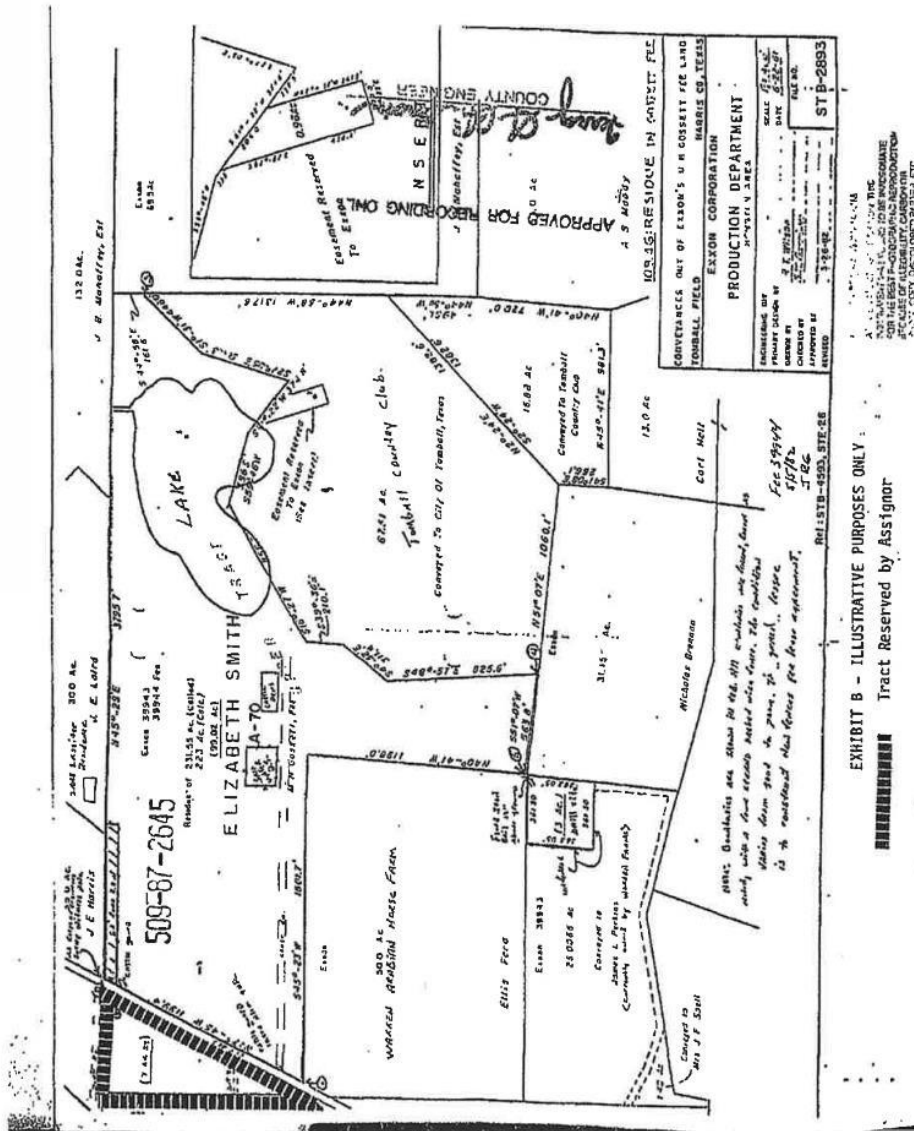
All recording references are to the Contract Records, Deed Records, or Official Public Records of Harris County, Texas.

PLCjvw/Tomball.doc 08/26/96

Page 1 of 2

Title Data, Inc. NR TDI41125 HA S099288.008





Title Data, Inc. NR TD141125 HA S099286.009

EXHIBIT B - ILLUSTRATIVE PURPOSES ONLY  
Tract Reserved by Assignor

509-87-2646

FILED  
56 SEP -3 PM 4:22  
CLERK  
HARRIS COUNTY TEXAS

THE PROCEEDINGS HEREIN BEING EXTINCTIVE OF THE SALE, PURCH, OR USE OF THE DECEASED REAL  
PROPERTY (HOUSE OF COLOR OR USE IN RAISED AND IMPROVED UNDER FEDERAL LAW  
THE STATE OF TEXAS)  
COUNTY OF HARRIS  
I hereby certify that this instrument was filed in File Number  
SOURCE on the date and at the time and place shown by me, and was  
RECORDED, in the Official Public Records of said Property of  
Harris County, Texas on

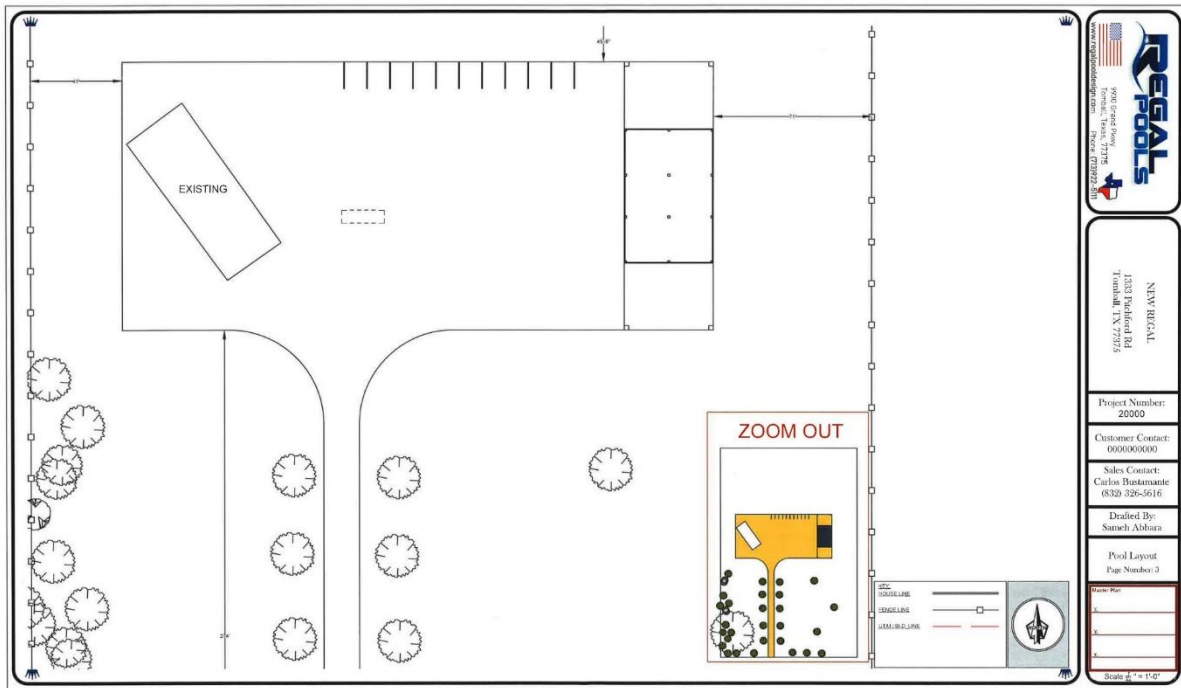
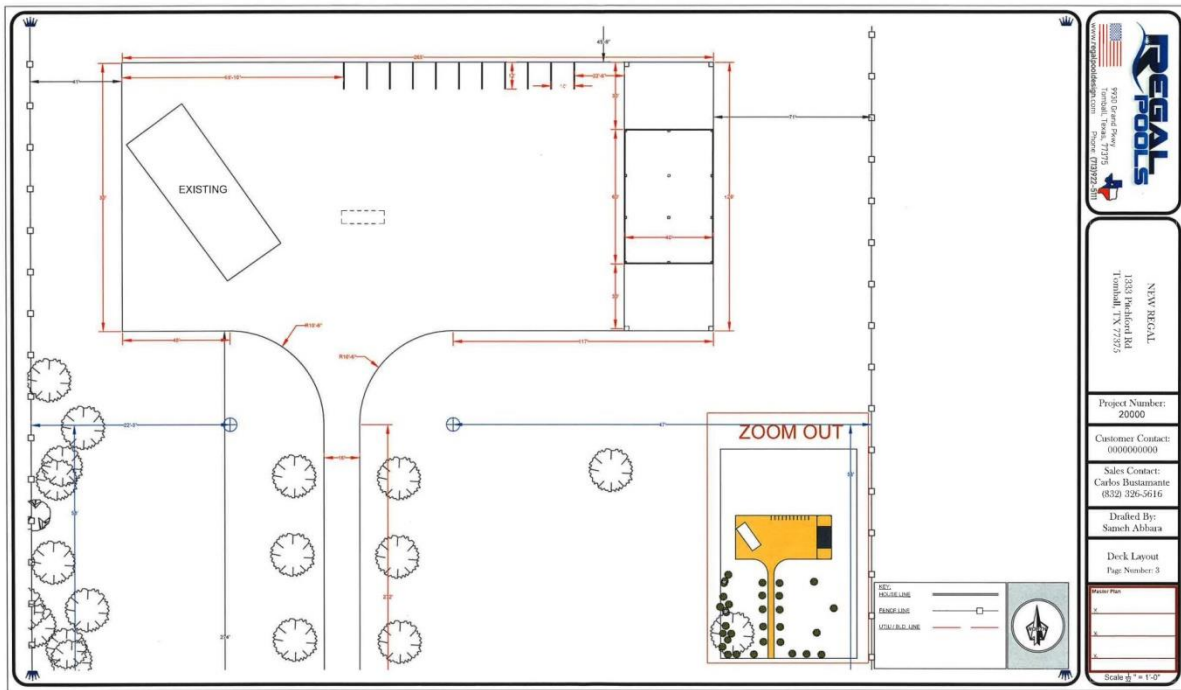
SEP 3 1996



*Benjamin L. Fisher*  
COUNTY CLERK  
HARRIS COUNTY TEXAS

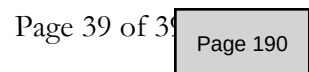
Title Data, Inc. NR TDI41125 HA S099288.010











**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
FEBRUARY 8, 2021  
&  
CITY COUNCIL  
MARCH 15, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, February 8, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 15, 2021, 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:

**Zoning Case P20-420:** Request by Sam Dawoudi to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District. The property is generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P20-442:** Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P21-010:** Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

**Zoning Case P21-011:** Request by David Weekley Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, 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, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410 or at [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov).

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

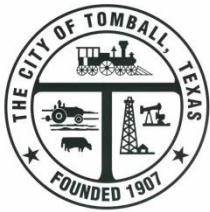
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **4<sup>th</sup>** day of **February 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley  
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 **CITY COUNCIL** of the City of Tomball regarding the following item:

**CASE NUMBER:** P20-442

**APPLICANT/OWNER:** Joshua Buzzell

**LOCATION:** Generally located on the east side of Pitchford Road at 1333 Pitchford Road, 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 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District.

**CONTACT:** Amelia Lindley, City Planner

**PHONE:** (281) 290-1410

**E-MAIL:** [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov)

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 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.



**City Council Public Hearing:  
Monday, March 15, 2021 6:00 PM**

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

**This Public Hearing notice is a result of the rescheduling of the February 15, 2021 City Council Public Hearing, which was canceled due to inclement weather. All previously received Public Comment Forms will be provided to City Council in their agenda packet for the March 15, 2021 Regular City Council meeting.**

# City Council Meeting

## Agenda Item

### Data Sheet

**Meeting Date:** April 5, 2021

**Topic:**

Adopt, on Second Reading, Ordinance No. 2021-10, an Ordinance of the City of Tomball, Texas, amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately 2.844 acres of land legally described tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District, said property being generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville road, within the city of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

**Background:**

**Origination:** Sam Dawoudi

**Recommendation:**

City Staff recommends approval. Planning & Zoning Commission recommends approval (5-0)

**Party(ies) responsible for placing this item on agenda:** Craig T. Meyers, P.E., Community Development Director

**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

**ORDINANCE NO. 2021-10**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 2.844 ACRES OF LAND LEGALLY DESCRIBED TRACTS 467A, 467B & 468A TOMBALL OUTLOTS, FROM THE AGRICULTURAL DISTRICT TO THE COMMERCIAL DISTRICT, SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF HUFSMITH-KOHRVILLE ROAD AT 22828 HUFSMITH-KOHRVILLE ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

\* \* \* \* \*

**Whereas**, Sam Dawoudi has requested that approximately 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

**Whereas**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

**Whereas**, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City's receipt of the requested rezoning; and

**Whereas**, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Commercial District; and

**Whereas**, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the public hearing for the requested rezoning and the City Council considered the final report of the Planning & Zoning Commission; and

**Whereas**, the City Council deems it appropriate to grant the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, THAT:**

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** The zoning classification of the Property is hereby changed from the Agricultural District to the Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

**Section 3.** The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Commercial District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 4.** This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Commercial District as described above.

**Section 5.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 6.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15<sup>TH</sup> DAY OF MARCH 2021.

|                        |               |
|------------------------|---------------|
| COUNCILMAN FORD        | <u>ABSENT</u> |
| COUNCILMAN STOLL       | <u>AYE</u>    |
| COUNCILMAN DEGGES      | <u>AYE</u>    |
| COUNCILMAN TOWNSEND    | <u>AYE</u>    |
| COUNCILMAN KLEIN QUINN | <u>AYE</u>    |

SECOND READING:

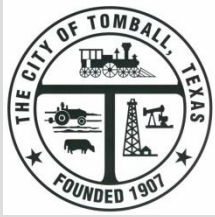
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5<sup>TH</sup> DAY OF APRIL 2021.

|                        |       |
|------------------------|-------|
| COUNCILMAN FORD        | _____ |
| COUNCILMAN STOLL       | _____ |
| COUNCILMAN DEGGES      | _____ |
| COUNCILMAN TOWNSEND    | _____ |
| COUNCILMAN KLEIN QUINN | _____ |

ATTEST:

\_\_\_\_\_  
Gretchen Fagan, Mayor

\_\_\_\_\_  
Doris Speer, City Secretary



## Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: February 8, 2021

City Council Public Hearing Date: February 15, 2021

**Rezoning Case:** P20-420

**Property Owner(s):** Rickey Mattern

**Applicant(s):** Sam Dawoudi

**Legal Description:** Tracts 467A, 467B & 468A Tomball Outlots

**Location:** East side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road (Exhibit "A")

**Area:** 2.844 acres

**Comp Plan Designation:** Corridor Commercial (Exhibit "B")

**Present Zoning and Use:** Agricultural District (Exhibit "C") / Single-family residence (Exhibit "D")

**Proposed Use(s):** Commercial office/warehouse and retail buildings (Exhibit "E")

**Request:** Rezone from the Agricultural District to the Commercial District

**Adjacent Zoning & Land Uses:**

- North:** Outside City limits / Undeveloped property
- South:** Outside City limits / Detention pond
- West:** Agricultural District / Single-family residence and warehouse
- East:** Outside City limits / Drainage channel

### **BACKGROUND**

The property was annexed into the City limits in 2018 and designated as Agricultural District.

### **ANALYSIS**

The subject site is approximately 2.8 acres located on the east side of Hufsmith-Kohrville Road. Most surrounding properties are outside the City limits. Properties to the north and east are owned by Klein ISD and are currently undeveloped. Property to the south is utilized as a detention pond for Harris County. The property to the west, across Hufsmith-Kohrville Road, is developed as a single-family residence and a warehouse.

According to Section 50-77 (*Commercial District*), the intent of the Commercial District is to "provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar

commercial uses”. Additionally, uses envisioned for this district “will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses” and “convenient access to thoroughfares and collector streets is also a primary consideration”. Based on the location of the site, along Hufsmith-Kohrville Road, which is a major arterial, the size of the site and the proposed uses on the site, the Commercial District is appropriate.

The property is designated as Corridor Commercial by the Comprehensive Plan Future Land Use Map. This category is intended for “predominantly nonresidential uses along high-traffic, regionally-serving thoroughfares”. The Commercial District is a compatible zoning district in this category. The proposed rezoning meets the intent of the Future Land Use category.

### **PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper on January 27, 2021. Property owners within the city limits and within 200 feet of the project site were mailed notification of this proposal on January 28, 2021. 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 P20-420.

### **EXHIBITS**

- A. Aerial Photo
- B. Comprehensive Plan
- C. Zoning Map
- D. Site Photo
- E. Rezoning Application



Exhibit "A"  
Aerial Photo





Exhibit "B"  
Comprehensive Plan

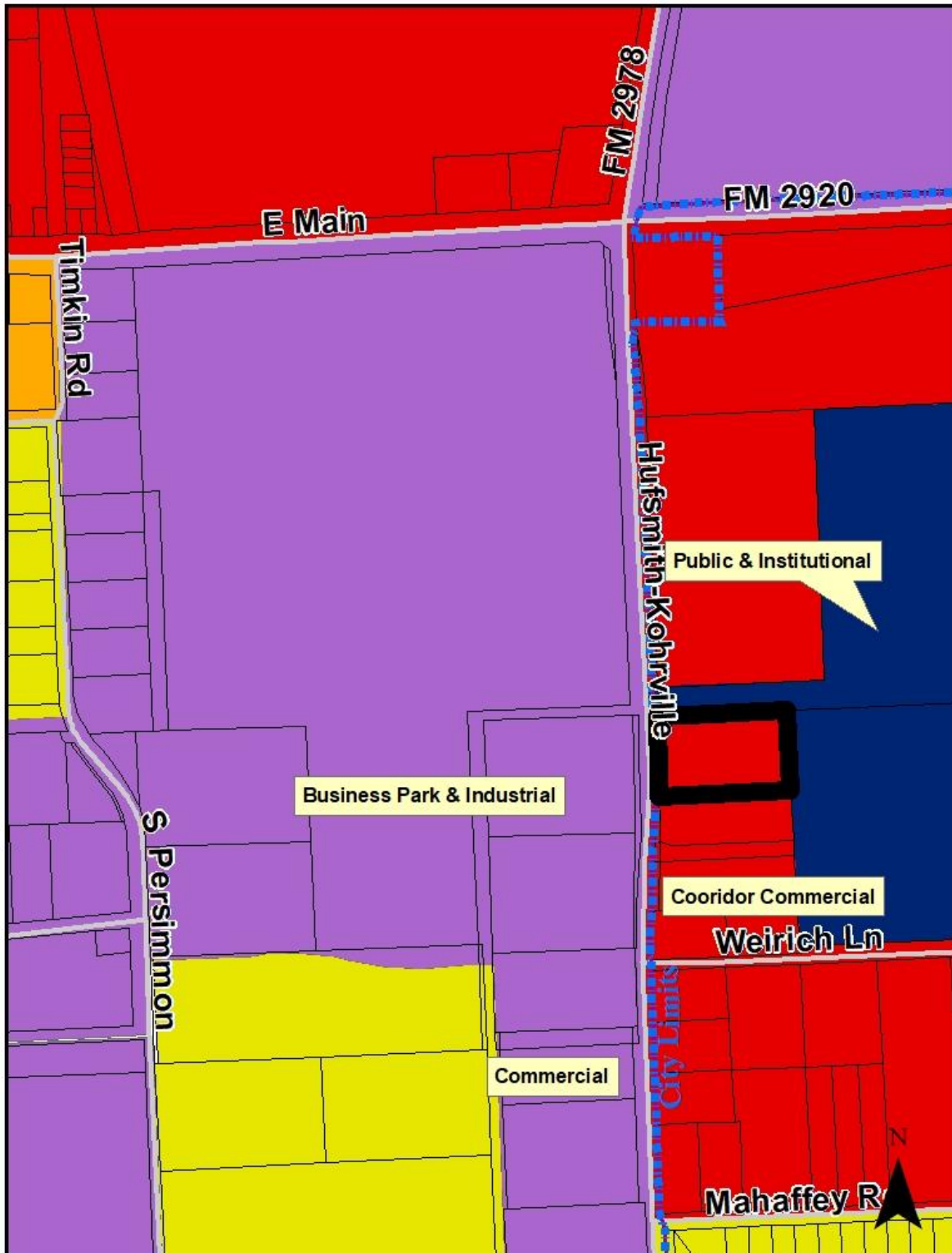
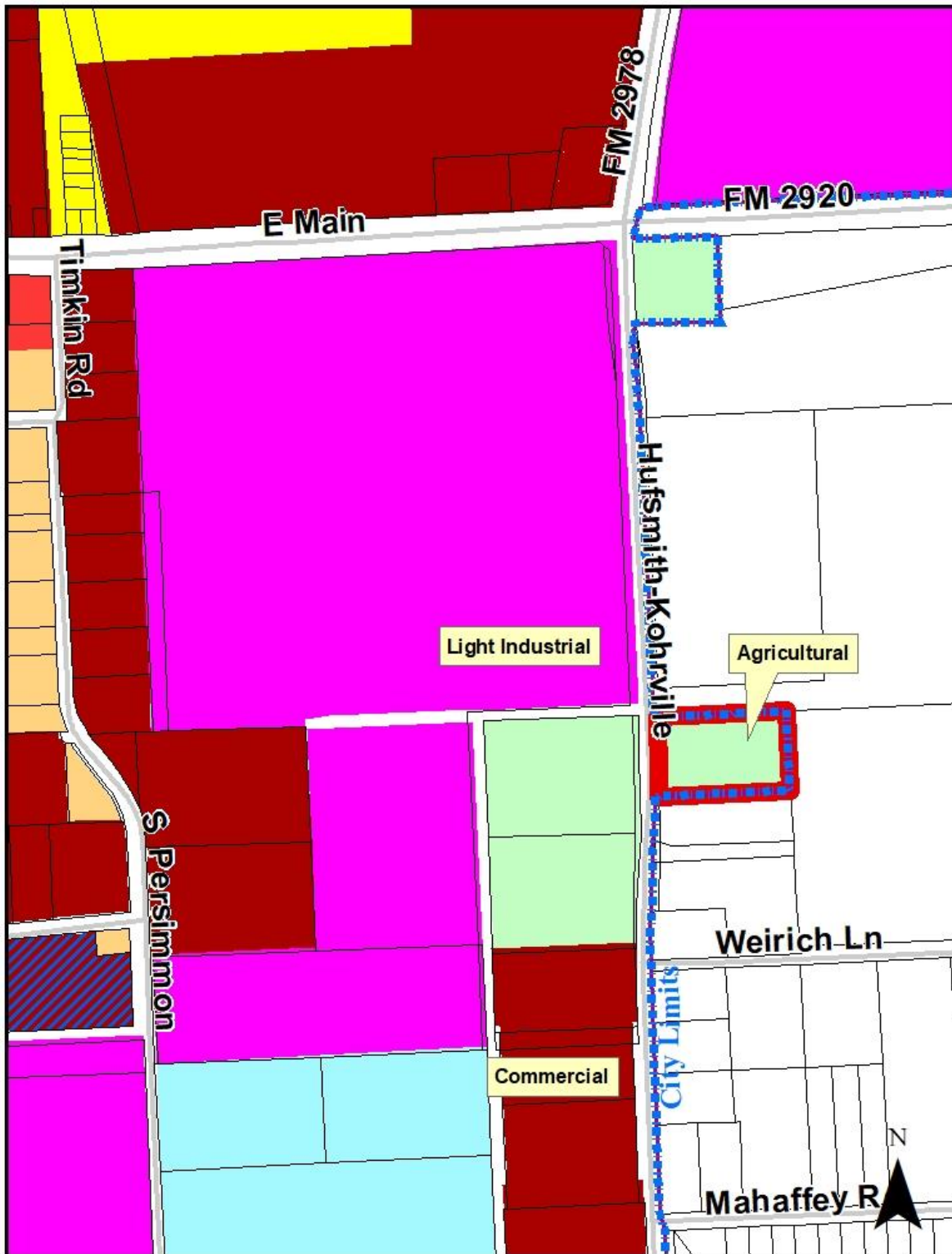


Exhibit "C"  
Zoning Map



**Exhibit “D”  
Site Photo**





**Exhibit "E"**  
**Rezoning Application**



RECEIVED (KC)  
12/09/2020 8:16:41 AM

Revised: 4/13/2020

**P&Z -20-420**  
**\$420.00 PD**

**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: SAM DAWOUDI Title: Engineer  
Mailing Address: 8846 CRAZY HORSE TR. City: HOUSTON State: TX.  
Zip: 77064 Contact: SAM DAWOUDI  
Phone: (281) 235-2811 Email: SAM@CSDENGROUP.COM

**Owner**

Name: RICKEY MATTERN Title: OWNER  
Mailing Address: 15805 TAHDE DR. City: Jersey Village State: TX.  
Zip: 77040 Contact: RICKEY MATTERN  
Phone: (713) 937-7139 Email: manicuredlandscapes@aol.com

**Engineer/Surveyor (if applicable)**

Name: SAM DAWOUDI Title: PRINCIPAL  
Mailing Address: 8846 CRAZY HORSE TR. City: HOUSTON State: TX.  
Zip: 77064 Contact: SAM DAWOUDI  
Phone: (281) 235-2811 Fax: ( ) Email: sam@CSDENGROUP.COM

Description of Proposed Project: commercial office/warehouse & Retail Bldgs.

Physical Location of Property: 22828 HUFSMITH-KOHRVILLE RD. Tomball, TX 77375  
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: 2.844 TRACT IN THE JESSE PRUITT SURVEY ABSTRACT NO. 629  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: TR5467A, 467B & 468A  
Residential

Current Use of Property: Residential

Proposed Zoning District: Commercial District

Proposed Use of Property: Commercial

HCAD Identification Number: 0352960000467 Acreage: 2.844

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov

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.

☒ Paul Sawouli  
Signature of Applicant

12/8/20  
Date

☒ [Signature]  
Signature of Owner

2-8-20  
Date

**BUILDING PERMIT (DEMOLITION) APPLICATION**

**CITY OF TOMBALL**  
**501 James Street**  
**Tomball, Texas 77375**  
**(281)290-1402 (281) 351-4735 Fax**  
[www.ci.tomball.tx.us](http://www.ci.tomball.tx.us)

Date: 12/08/2020

Permit Number: \_\_\_\_\_  
 (Assigned by Permit Office)

Physical Address of Project: 22828 Hufsmith-Kohrville Road Tomball, Texas 77375

Owner's Name: Rickey Mattern E-Mail: [manicuredlandscapes@aol.com](mailto:manicuredlandscapes@aol.com) Phone: 713-937-7139  
 Tenant's Name: \_\_\_\_\_ E-Mail: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Engineer: Sam Dawoudi, PE E-Mail: [sam@csdengroup.com](mailto:sam@csdengroup.com) Phone: 281-235-2811  
 Architect: \_\_\_\_\_ E-Mail: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Contractor: Manicured Landscapes E-Mail: [manicuredlandscapes@aol.com](mailto:manicuredlandscapes@aol.com) Phone: 713-937-7139  
 Address: 15808 Tahoe Dr City: Jersey Village State: Texas Zip: 77040  
 Contractor Contact: Rickey Mattern E-Mail: [manicuredlandscapes@aol.com](mailto:manicuredlandscapes@aol.com)

☐ COMMERCIAL  
☒ RESIDENTIAL

☐ PLUMBING  
☒ ELECTRICAL  
☐ MECHANICAL

☐ OTHER

**DESCRIBE WORK BEING DONE** Demolish existing Oone story brick House with Barn and Shed

**PLEASE NOTE:**

- \*\* Construction debris will not be collected with the regular trash service.
- \*\* All dumpsters, including roll-offs must be ordered directly from WCA @281-368-8397 or [cshouston@wcamerica.com](mailto:cshouston@wcamerica.com).
- \*\* Contractor must provide Liability Insurance with a minimum of \$500,000 of combined single limit coverage Equal to or Greater than the contract amount, whichever is greater. The City of Tomball must be listed as the "Certificate Holder" on the policy.
- \*\* Property Owner or Authorized Agent must sign the Demolition Application form.

**Demolition Permit Fee**

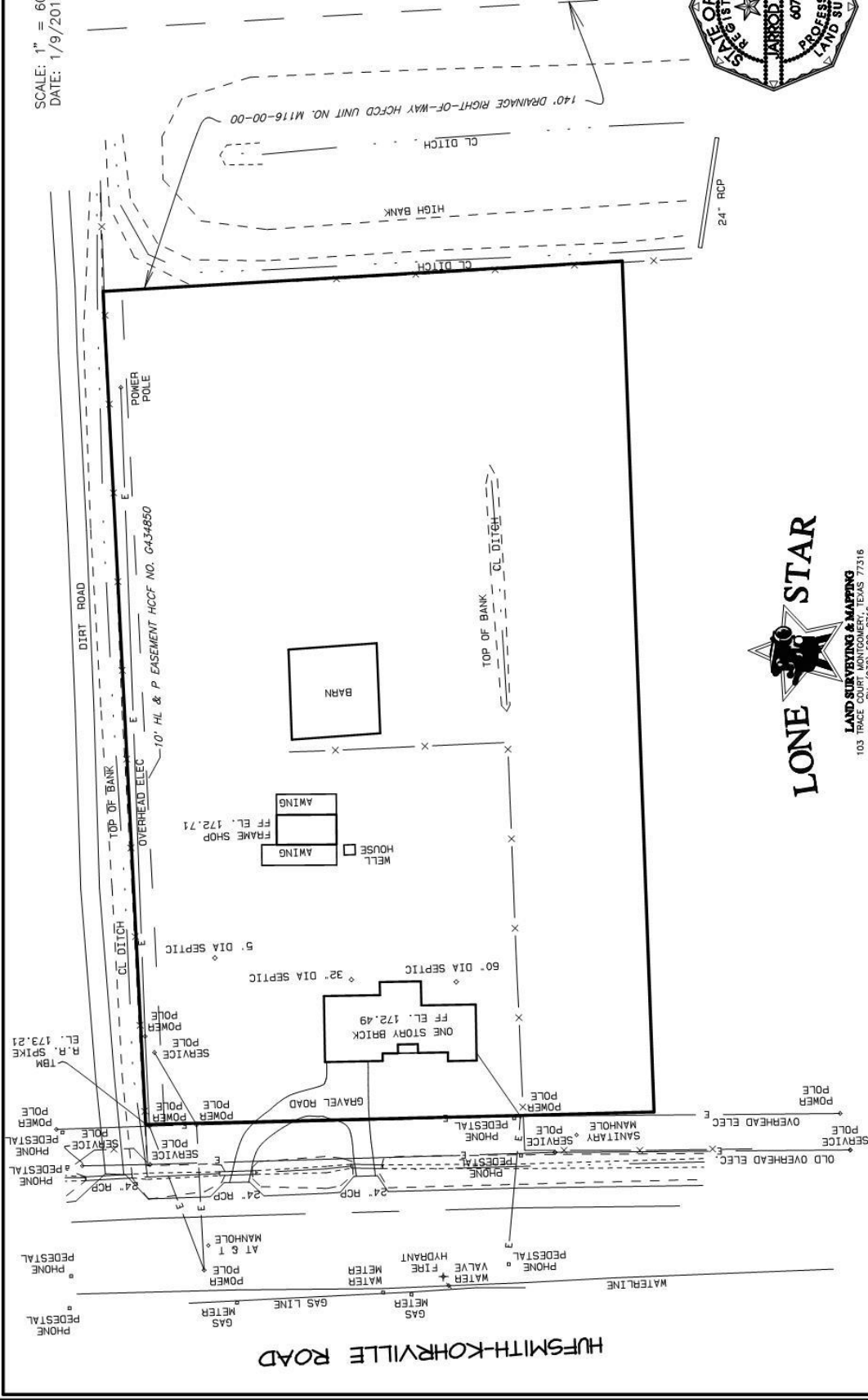
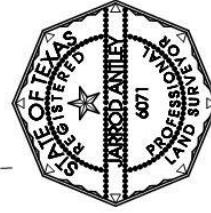
|                          |                |
|--------------------------|----------------|
| 0 - 100,000 Cu. Ft.      | \$60.00        |
| 100,000 Cu. Ft. and over |                |
| \$ .50/1,000 Cu. Ft.     |                |
| <b>Total Permit Fee</b>  | <b>\$60.00</b> |

I hereby certify that I have read and examined this application and know the same to be true and correct.

Applicant / Contractor (print) SAM DAWOUDI / Engineer Date: 12/8/20  
 Applicant / Contractor (signature) Sam Dawoudi Date: 12/8/20  
 Building Official (signature) \_\_\_\_\_ Date: \_\_\_\_\_

City of Tomball, 501 James Street, Tomball, Texas 77375 Phone: 281-290-1402 [www.tomballtx.gov](http://www.tomballtx.gov)

SCALE: 1" = 60'  
DATE: 1/9/2018



**LONE STAR**  
LAND SURVEYING & MAPPING  
103 TRACE COURT, MONTGOMERY, TEXAS 77316  
PH: (936) 522-8716

C:\data\JOBS JARROD\TOPO 2.8 AC HUFFSMITH-KOHRVILLE RD TOMBALL.dwg Jan 9, 2018 10:44:42AM







**CSD Engineering Group**  
**Consulting Engineers**  
Firm Registration No.: F-10500

December 08, 2020

City of Tomball  
Community Development Department  
Planning Division  
501 James Street  
Tomball, Texas 77375

Ref.: Re-Zoning Request for property located at:  
22828 Hufsmith-Kohrville Road Tomball, Texas 77375.

I, Sam Dawoudi, PE the Engineer of Record for Rickey Mattern, the Owner of the property located at 22828 Hufsmith-Kohrville Road in Tomball Texas.  
This property is zoned as Residential - Single Family and we are requesting to Re-Zone this property to Commercial.  
I am attaching the Application for Re-Zoning and the Proposed Site Plan for your review and Consideration.



Sam Dawoudi, PE

CSD Engineering Group  
8846 Crazy Horse Trail  
Houston, Texas 77064  
Telephone 281-235-2811  
Email: [sam@csdengroup.com](mailto:sam@csdengroup.com)

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
FEBRUARY 8, 2021  
&  
CITY COUNCIL  
MARCH 15, 2021**



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**Zoning Case P20-442:** Request by Joshua Bezzell to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5 acres of land legally described as Lot 280 Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the east side of Pitchford Road at 1333 Pitchford Road, within the City of Tomball, Harris County, Texas.

**Zoning Case P21-010:** Request by Daniel Valdez with META Planning + Design LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 34.4945 acres of land legally described as Reserve A & B Block 1 Peck Station, from the Planned Development (PD-6) District to the Planned Development (PD-15) District. The property is generally located on the west side of FM 2978 at Winfrey Lane, within the City of Tomball, Harris County, Texas.

**Zoning Case P21-011:** Request by David Weekley Homes to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 13.4 acres of land legally described as Tracts 17H, 17J, 17H-1, 17H-2, 17J-1 Abstract 34 J House, from the Planned Development (PD-1) and Single-Family 20 Estate Districts to the Planned Development (PD-16) District. The property is generally located on the south side of Brown Road between SH 249 and Quinn Road, 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, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410 or at [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov).

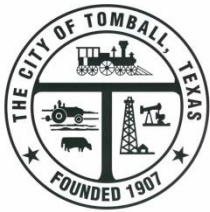
### C E R T I F I C A T I O N

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 **4<sup>th</sup>** day of **February 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley  
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 **CITY COUNCIL** of the City of Tomball regarding the following item:

**CASE NUMBER:** P20-420

**APPLICANT/OWNER:** Sam Dawoudi

**LOCATION:** Generally located on the east side of Hufsmith-Kohrville Road at 22828 Hufsmith-Kohrville Road, 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 2.844 acres of land legally described as Tracts 467A, 467B & 468A Tomball Outlots, from the Agricultural District to the Commercial District.

**CONTACT:** Amelia Lindley, City Planner

**PHONE:** (281) 290-1410

**E-MAIL:** [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov)

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 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.



**City Council Public Hearing:  
Monday, March 15, 2021 6:00 PM**

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

This Public Hearing notice is a result of the rescheduling of the February 15, 2021 City Council Public Hearing, which was canceled due to inclement weather. All previously received Public Comment Forms will be provided to City Council in their agenda packet for the March 15, 2021 Regular City Council meeting.

# City Council Meeting

## Agenda Item

### Data Sheet

**Meeting Date:** April 5, 2021

**Topic:**

Adopt, on Second Reading, Ordinance No. 2021-12, an Ordinance of the city of Tomball, Texas amending its Code of Ordinances by amending Section 50-112, Off-street parking and loading requirements, of Article IV, Development Standards, of Chapter 50, Zoning; providing for severability; providing for a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; making findings of fact; and providing for other related matters.

**Background:**

**Origination:** City Council

**Recommendation:**

City Staff recommends approval. Planning & Zoning Commission recommends approval (3-0)

**Party(ies) responsible for placing this item on agenda:** Craig T. Meyers, P.E., Community Development Director

**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

**ORDINANCE NO. 2021-12**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING ITS CODE OF ORDINANCES BY AMENDING SECTION 50-112, OFF-STREET PARKING AND LOADING REQUIREMENTS, OF ARTICLE IV, DEVELOPMENT STANDARDS, OF CHAPTER 50, ZONING; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

\* \* \* \* \*

**WHEREAS**, the City Staff presented the proposed text amendment regarding residential off-street parking to the Planning and Zoning Commission; and

**WHEREAS**, at least fifteen (15) days after the publication in the official newspaper of the City of the time and place of a public hearing, the Planning and Zoning Commission held a public hearing regarding the proposed text amendment; and

**WHEREAS**, the Planning and Zoning Commission recommended in its final report that the City Council **approve** the requested text amendment; and

**WHEREAS**, at least fifteen (15) days after the publication in the official newspaper of the City of the time and place of a public hearing, the City Council held a public hearing on the proposed text amendment; and

**WHEREAS**, the City Council finds it to be in the best interest of the health, safety and welfare of the citizens to approve the text amendment as contained in this ordinance; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**Section 1.** The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

**Section 2.** Article IV, Development Standards, of Chapter 50, Zoning of the Code of Ordinances of the City of Tomball, Texas is hereby amended, by the language underscored below:

**Section 50-112. – Off-street parking and loading requirements.**

.....

*Residential districts; off-street parking provisions.*

Parking regulations for the AG, SF-20-E, SF-9, SF-6, and D Districts and for Planned Developments for zero lot line, patio home, townhome and single-family attached dwelling units. For every single-family dwelling unit, a minimum of two off-street parking spaces shall be provided on the same lot as the main structure. For duplexes, two off-street parking spaces for each dwelling unit shall be required. For the purposes of this subsection, the first two parking spaces contained in covered garages and/or covered carports for each dwelling unit shall not be considered as off-street parking spaces. For example, if a dwelling has a three-car garage, one additional off-street parking space would be required in addition to that included within the garage. **Off-street parking spaces shall be directly adjacent to a dwelling or garage. If off-street parking spaces are aligned linearly, they shall be directly adjacent to one another.** For the purposes of this subsection, the minimum dimensions of each parking space shall be in accordance with Table 50-112-1; provided, however, two spaces shall be not less than 12 feet by 40 feet if aligned linearly. All required driveways and parking areas shall have a topping, which is the same as the abutting street, or they may be concrete cement. All additional parking in a required yard must also be of the same material as the abutting street or concrete cement.

\*\*\*\*\*

**Section 3.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same

notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 4.** Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15<sup>TH</sup> DAY OF MARCH, 2021.

|                        |               |
|------------------------|---------------|
| COUNCILMAN FORD        | <u>ABSENT</u> |
| COUNCILMAN STOLL       | <u>AYE</u>    |
| COUNCILMAN DEGGES      | <u>AYE</u>    |
| COUNCILMAN TOWNSEND    | <u>AYE</u>    |
| COUNCILMAN KLEIN QUINN | <u>AYE</u>    |

SECOND READING:

READ, PASSED, AND ORDAINED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 5<sup>TH</sup> DAY OF APRIL, 2021.

|                        |       |
|------------------------|-------|
| COUNCILMAN FORD        | _____ |
| COUNCILMAN STOLL       | _____ |
| COUNCILMAN DEGGES      | _____ |
| COUNCILMAN TOWNSEND    | _____ |
| COUNCILMAN KLEIN QUINN | _____ |

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GRETCHEN FAGAN, Mayor  
City of Tomball

ATTEST:

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DORIS SPEER, City Secretary  
City of Tomball





**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
MARCH 8, 2021  
&  
CITY COUNCIL  
MARCH 15, 2021**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, March 8, 2021, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, March 15, 2021, 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:

**Zoning Case P21-055:** Request by Baker Drive Ventures Series LLC to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.3 acres of land legally described as Lot 1 & 2 Block 2 Main Street - Tomball, from the Single-Family 6 District to the Old Town & Mixed Use District. The property is generally located at the southwest corner of Arnold Street and Vernon Street at 200 Vernon Street, within the City of Tomball, Harris County, Texas.

**Zoning Case P21-056:** Request by the City of Tomball to amend Section 50-112 (*Off-street parking and loading requirements*) of the Tomball Code of Ordinances.

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, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410 or at [alindley@tomballtx.gov](mailto:alindley@tomballtx.gov).

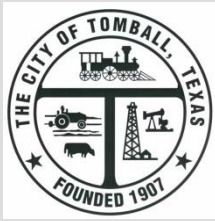
**C E R T I F I C A T I O N**

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 **4<sup>th</sup>** day of **March 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley

Amelia Lindley  
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).



## Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: March 8, 2021

City Council Public Hearing Date: March 15, 2021

**Zoning Case P21-056:** Request by the City of Tomball to amend Section 50-112 (*Off-street parking and loading requirements*) of the Tomball Code of Ordinances.

### **PROPOSED AMENDMENT**

#### **Section 50-112 (*Off-street parking and loading requirements*)**

\*\*\*\*\*

*Residential districts; off-street parking provisions.*

Parking regulations for the AG, SF-20-E, SF-9, SF-6, and D Districts and for Planned Developments for zero lot line, patio home, townhome and single-family attached dwelling units. For every single-family dwelling unit, a minimum of two off-street parking spaces shall be provided on the same lot as the main structure. For duplexes, two off-street parking spaces for each dwelling unit shall be required. For the purposes of this subsection, the first two parking spaces contained in covered garages and/or covered carports for each dwelling unit shall not be considered as off-street parking spaces. For example, if a dwelling has a three-car garage, one additional off-street parking space would be required in addition to that included within the garage. **Off-street parking spaces shall be directly adjacent to a dwelling or garage. If off-street parking spaces are aligned linearly, they shall be directly adjacent to one another.** For the purposes of this subsection, the minimum dimensions of each parking space shall be in accordance with Table 50-112-1; provided, however, two spaces shall be not less than 12 feet by 40 feet if aligned linearly. All required driveways and parking areas shall have a topping, which is the same as the abutting street, or they may be concrete cement. All additional parking in a required yard must also be of the same material as the abutting street or concrete cement.

### **PUBLIC COMMENT**

A public hearing notice was published in the Potpourri on February 24, 2021. Any public comment forms received by City Staff will be presenting in the agenda packets or during the scheduled meeting.

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: 04/05/2021

Topic:

Approve the Extension of the Current Depository Contract between the City of Tomball and Wells Fargo through March 31, 2023.

#### **Background:**

Approve the Extension of the Current Depository Contract between the City of Tomball and Wells Fargo through March 31, 2023.

The City of Tomball has been under contract with Wells Fargo since January, 2016. This contract was originally a three year contract with one extension through March, 2021. We did our last contract with an RFP and used a consultant to both prepare the RFP and to analyze the two proposals that were received. Over the past five years, Wells Fargo has been excellent to work with and is large enough to provide an excellent level of service for all of our financial needs. They are very familiar with the legal requirements of handling public funds such as daily collateral requirements and have several representatives assigned to Tomball. Additionally, they are responsive. When we have an issue, we are able to contact at least one of them at any time.

We are required by Chapter 105 of the Local Government Code to have a depository contract with a depository bank for a term not to exceed five years. With the expiration of our existing contract, Council can designate Wells Fargo as our depository through March 31, 2023 with the option at that time to extend for not more than one (1) additional one-year extension.

With the audit process in its last stages and the budget process beginning, staff recommends extending with Wells Fargo in a new contract through March 31, 2023 and at that time, go through the RFP process or extend for an additional one year.

**Origination:** Finance

**Recommendation:** Extend services with Wells Fargo through March 31, 2023.

Recommend approval.

**Party(ies) responsible for placing this item on agenda:**

Glenn Windsor, CPA

Finance Director

**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: # 100-116-6397, 6399

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

|        |                    |             |              |
|--------|--------------------|-------------|--------------|
| Signed | Glenn Windsor, CPA | Approved by |              |
|        | Finance Director   |             | City Manager |
|        | Date               |             | Date         |

# City Council Meeting Agenda Item Data Sheet

**Meeting Date:** April 5, 2021

**Topic:**

Approve, on First Reading, Resolution No. 2021-13-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and DunnCo Properties II, Ltd to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprise related to the construction of a 5,225 square foot commercial facility to be located at 14635 FM 2920 Rd., Tomball, Texas 77377. The estimated amount of expenditures for such Project is \$54,760.00.

### Background:

On March 9, 2021, the Tomball Economic Development Corporation (TEDC) Board of Directors unanimously approved, as a Project of the Corporation, a performance agreement with DunnCo Properties II, Ltd for assistance with infrastructure costs related to the development of a proposed 5,225 square foot commercial facility to be located at 14635 FM 2920 Rd., Tomball, Texas 77377.

Targeted infrastructure projects that will promote or develop new or expanded business enterprises are authorized expenditures under the Development Corporation Act.

The Tomball City Council has final approval authority over all programs and expenditures of the TEDC. Final approval of this project requires the adoption of Resolution No. 2021-13-TEDC after two separate readings.

**Origination:** Scott Dunn, President, The Dunn Development Company, Inc. and General Partner, DunnCo Properties II, Ltd.

**Recommendation:**

Approve Resolution No. 2021-13-TEDC on first reading.

**Party(ies) responsible for placing this item on agenda:** Kelly Violette

**FUNDING (IF APPLICABLE)**

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

Yes: Yes      No:      If yes, specify Account Number: # Project Grants

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

|        |                         |      |             |              |      |
|--------|-------------------------|------|-------------|--------------|------|
| Signed | <u>Kelly Violette</u>   |      | Approved by | <u></u>      |      |
|        | Executive Director-TEDC | Date |             | City Manager | Date |



**TO:** Honorable Mayor and City Council

**FROM:** Kelly Violette  
Executive Director

**MEETING DATE:** April 5, 2021

**SUBJECT:** DunnCo Properties II, Ltd.

**ITEM TYPE:** Action

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The Tomball Economic Development Corporation has received a request from Scott Dunn, President, The Dunn Development Company, Inc., for assistance with infrastructure costs related to the construction of a multi-tenant retail development to be located at the southeast corner of Calvert Road and FM 2920 Road.

The proposed development will consist of an approximately 5,225 square foot commercial building on approximately 0.7997 acres. The estimated capital investment for the project is \$2,158,857.00.

The eligible infrastructure improvements include water, sanitary, gas, storm sewer, telecommunications, electric utilities and related site improvements totaling approximately \$ 365,064.00.

Targeted infrastructure that will promote the development and expansion of business enterprise is a permissible project as outlined in Texas Economic Development Legislation. If this project is approved, it will go to the Tomball City Council for final approval by resolution at two separate readings.

An economic impact analysis is included with the agreement to show the impact of this project of Tomball's economy. Per the analysis, the 5-year net benefit of this project on Tomball's economy is \$168,300.00.

If the agreement between the TEDC and DunnCo Properties II, Ltd is approved as a Project of the Corporation, the grant funding amount will not exceed \$54,760.00, based on 15% of the actual expenditures for the eligible infrastructure improvements.



March 1, 2021

Tomball Economic Development Corporation (“TEDC”)  
Attn: Board of Directors  
29201 Quinn Rd., Suite B  
Tomball, Texas 77375

Re: Grant Request – new retail project  
14635 FM 2920 Road  
Tomball, TX 77377

Dear TEDC Board of Directors:

On behalf of DunnCo Properties II, Ltd. (“Owner”), I would like to request grant funding from the TEDC for the development and construction of a new 5,225 sq. ft. retail building to be located on the southeast corner of Calvert Road and FM 2920 Road. This project involves the improvement of a raw 0.7997 acre tract of land. Construction will include all requirements to complete the building shell with site improvements for delivery of interior lease space to tenants for their future build-out requirements. We have received some “pre-construction” commitments from tenants and are currently working to finalize and execute leases with Marco’s Pizza and Fred Loya Insurance. Both prospective tenants would be new employers to the City of Tomball and would create new employment opportunities and sales tax revenue. We expect the remaining leasing to be completed before the building is finalized as we are receiving very strong interest in the project.

The Dunn Development Company (“DDC”) is the general partner for DunnCo Properties II, Ltd., along with other holding companies we have interest in to include DunnCo Properties, Ltd., Crosby Medical Investors, Ltd. and others. The sole investors and limited partners for these holding entities include myself and my brother Patrick. Under DDC, we have been developing commercial real estate in the State of Texas for over twenty years and currently hold over 20 stabilized retail and office properties in markets across the state to include Austin, San Antonio, Crosby, Houston, Cleveland, Magnolia, Giddings, Victoria, Corpus Christi, Del Rio, Alice, Roma and Hidalgo.

As a former resident of Tomball, and the father of a Tomball High School 2020 graduate, the interest in developing a project in Tomball is strong. I appreciate and value this community and would like for DDC to be involved long-term with current and future development projects. This request for grant funding is driven by challenges for development of the tract which are creating greater costs than anticipated – especially with the infrastructure. We will be seeking grant funding for paving, landscaping, irrigation and signage as well.

Timing wise, our goal is to complete the previously started permitting process with the City of Tomball and finalize our construction financing to allow for a mid-April to early May groundbreaking.



The construction of the improvements will take five to six months with hope that one or more tenants will be ready to open for business after the first of the year. Our current estimated costs are as follows:

|                                                                 |           |
|-----------------------------------------------------------------|-----------|
| Land – current “basis”                                          | \$469,591 |
| “Hard” Costs - Construction – “infrastructure”                  | \$365,064 |
| “Hard” Costs - Construction – “other”                           | \$554,292 |
| T. I. Allowance from Owner to Tenants                           | \$136,800 |
| Landscaping & Irrigation                                        | \$25,000  |
| Pylon Sign for up to 4 tenants                                  | \$25,000  |
| “Soft” Costs – Architectural & Engineering                      | \$35,747  |
| “Soft” Costs – 3 <sup>rd</sup> party, survey, title, bank, etc. | \$132,363 |
| Development Services – none charged by DDC                      | \$0.00    |

I have provided Kelly Violette, your Executive Director, and Tiffani Wooten, Assistant Director, with plans of the project to include architectural, civil, structural, MEP and landscaping. When completed, this building will be attractive, present well and provide east of access to new tenants and uses for residents of the City of Tomball. I welcome any questions you might have about this project and our thoughts on its absorption in the marketplace.

Thank you for your consideration regarding this matter.

Sincerely,

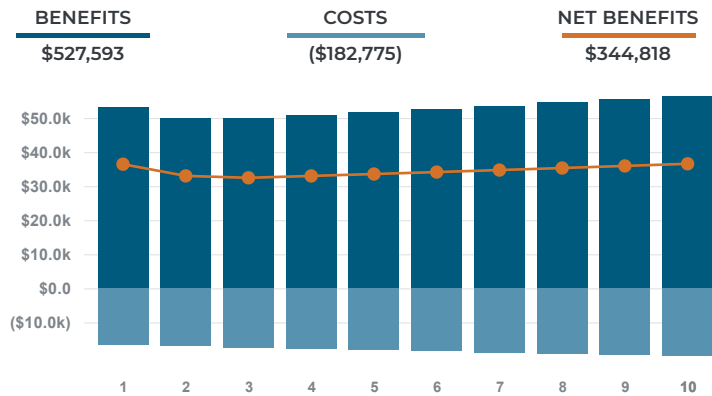


Scott H. Dunn  
President – The Dunn Development Company, Inc.  
General Partner – DunnCo Properties II, Ltd.

Cc: Patrick N. Dunn, V.P., The Dunn Development Company

New Construction - Retail

**City of Tomball**



**NET BENEFITS**

**\$344,818**

Present Value \$265,542

**BENEFITS**

|                                   |                  |
|-----------------------------------|------------------|
| Sales Taxes                       | \$268,540        |
| Real Property Taxes               | \$69,952         |
| FF&E Property Taxes               | \$4,561          |
| Inventory Property Taxes          | \$0              |
| New Residential Property Taxes    | \$793            |
| Hotel Occupancy Taxes             | \$0              |
| Building Permits and Fees         | \$0              |
| Utility Revenue                   | \$133,050        |
| Utility Franchise Fees            | \$8,330          |
| Miscellaneous Taxes and User Fees | \$42,367         |
| <b>Benefits Subtotal</b>          | <b>\$527,593</b> |

**COSTS**

|                             |                    |
|-----------------------------|--------------------|
| Cost of Government Services | (\$49,024)         |
| Cost of Utility Services    | (\$133,751)        |
| <b>Costs Subtotal</b>       | <b>(\$182,775)</b> |

**JOBS**



**24.1 Total**  
20.0 Direct  
4.1 Spin-off

**SALARIES**



**\$34,562 Avg**  
\$30,000 Direct  
\$56,737 Spin-off

**CAPITAL INVEST.**



**\$1.7M**  
Buildings + FF&E

**RESIDENTIAL DEV.**



0.1 Homes  
0.7 Relocations

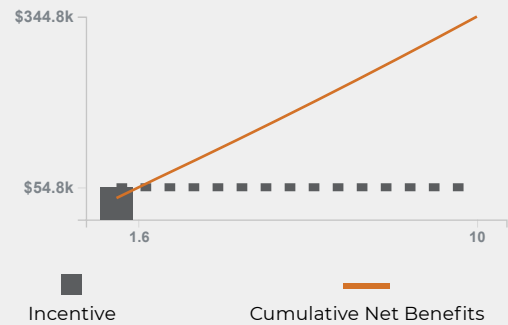
**INCENTIVE ANALYSIS**

**\$54,760**  
Total Incentive

**\$2,738**  
Per Job

**63.0%**  
Rate of Return

**1.6 Yrs**  
Payback Period



**NET BENEFITS OVER 10 YEARS**

|                        |                  |
|------------------------|------------------|
| <b>CITY</b>            | <b>\$344,818</b> |
| <b>COUNTY</b>          | <b>\$78,323</b>  |
| <b>SCHOOL DISTRICT</b> | <b>\$81,005</b>  |
| <b>OTHER</b>           | <b>\$99,437</b>  |

Impact Analysis

Project Type: New Construction - Retail  
Prepared By: Tomball EDC

Purpose & Limitations

This report presents the results of an economic and fiscal analysis undertaken by Tomball EDC using Impact DashBoard, a customized web application developed by Impact DataSource, LLC.

Impact DashBoard utilizes estimates, assumptions, and other information developed by Impact DataSource from its independent research effort detailed in a custom user guide prepared for Tomball EDC.

This report, generated by the Impact DashBoard application, has been prepared by Tomball EDC to assist economic development stakeholders in making an evaluation of the economic and fiscal impact of business activity in the community. This report does not purport to contain all of the information that may be needed to conclude such an evaluation. This report is based on a variety of assumptions and contains forward-looking statements concerning the results of operations of the subject firm. Tomball EDC made reasonable efforts to ensure that the project-specific data entered into Impact DashBoard reflects realistic estimates of future activity. Estimates of future activity involve known and unknown risks and uncertainties that could cause actual results, performance, or events to differ materially from those expressed or implied in this report.

Tomball EDC and Impact DataSource make no representation or warranty as to the accuracy or completeness of the information contained herein, and expressly disclaim any and all liability based on or relating to any information contained in, or errors or omissions from, this information or based on or relating to the use of this information.

Introduction

This report presents the results of an economic impact analysis performed using Impact DashBoard, a model developed by Impact DataSource. The report estimates the impact that a potential project will have on the local economy and estimates the costs and benefits for local taxing districts over a 10-year period.

Economic Impact Overview

The table below summarizes the economic impact of the project over the first 10 years in terms of job creation, salaries paid to workers, and taxable sales.

| SUMMARY OF ECONOMIC IMPACT OVER 10 YEARS IN CITY OF TOMBALL |              |             |              |
|-------------------------------------------------------------|--------------|-------------|--------------|
| IMPACT                                                      | DIRECT       | SPIN-OFF    | TOTAL        |
| Jobs                                                        | 20.0         | 4.1         | 24.1         |
| Annual Salaries/Wages                                       | \$600,000    | \$233,460   | \$833,460    |
| Salaries/Wages over 10 Years                                | \$6,569,833  | \$2,556,324 | \$9,126,156  |
| Taxable Sales/Purchases in City of Tomball                  | \$13,395,055 | \$31,954    | \$13,427,009 |

Totals may not sum due to rounding

The Project may result in new residents moving to the community and potentially new residential properties being constructed as summarized below.

| SUMMARY OF POPULATION IMPACT OVER 10 YEARS IN CITY OF TOMBALL |        |          |       |
|---------------------------------------------------------------|--------|----------|-------|
| IMPACT                                                        | DIRECT | SPIN-OFF | TOTAL |
| Workers who will move to City of Tomball                      | 0.6    | 0.1      | 0.7   |
| New residents in City of Tomball                              | 1.5    | 0.3      | 1.8   |
| New residential properties constructed in City of Tomball     | 0.1    | 0.0      | 0.1   |
| New students to attend local school district                  | 0.3    | 0.1      | 0.3   |

Totals may not sum due to rounding

The new taxable property to be supported by the Project over the next 10 years is summarized in the following table.

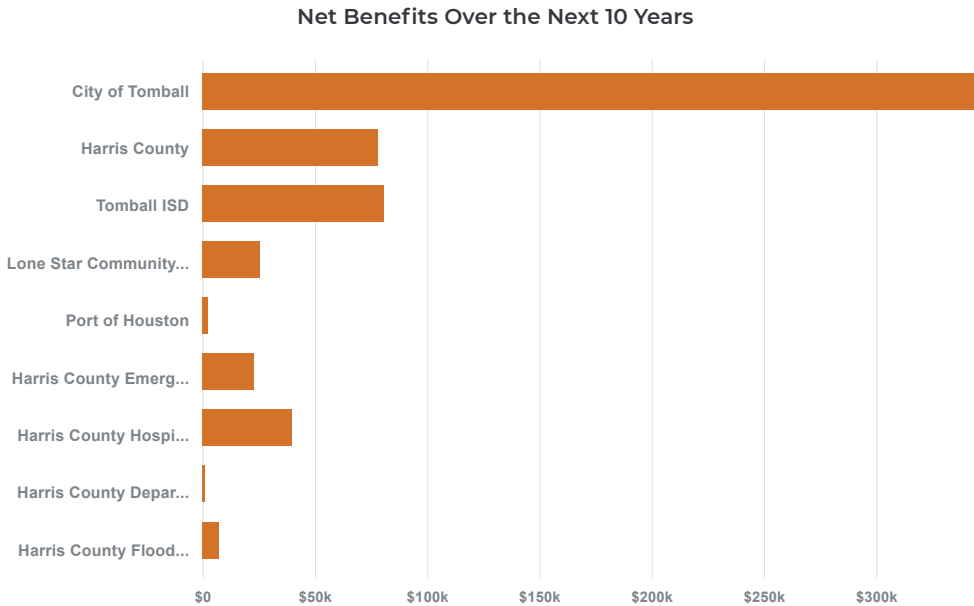
| SUMMARY OF TAXABLE PROPERTY OVER THE FIRST 10 YEARS IN CITY OF TOMBALL |                             |           |              |           |             |                             |                    |
|------------------------------------------------------------------------|-----------------------------|-----------|--------------|-----------|-------------|-----------------------------|--------------------|
| YR.                                                                    | NEW RESIDENTIAL<br>PROPERTY | LAND      | BUILDINGS... | FF&E      | INVENTORIES | NON-RESIDENTIAL<br>PROPERTY | TOTAL PROPERTY     |
| 1                                                                      | \$21,441                    | \$469,591 | \$1,274,266  | \$0       | \$0         | \$1,743,857                 | <b>\$1,765,298</b> |
| 2                                                                      | \$21,870                    | \$478,983 | \$1,464,751  | \$250,000 | \$0         | \$2,193,734                 | <b>\$2,215,604</b> |
| 3                                                                      | \$22,308                    | \$488,562 | \$1,494,046  | \$225,000 | \$0         | \$2,207,609                 | <b>\$2,229,916</b> |
| 4                                                                      | \$22,754                    | \$498,334 | \$1,523,927  | \$200,000 | \$0         | \$2,222,261                 | <b>\$2,245,015</b> |
| 5                                                                      | \$23,209                    | \$508,300 | \$1,554,406  | \$175,000 | \$0         | \$2,237,706                 | <b>\$2,260,915</b> |
| 6                                                                      | \$23,673                    | \$518,466 | \$1,585,494  | \$150,000 | \$0         | \$2,253,960                 | <b>\$2,277,633</b> |
| 7                                                                      | \$24,147                    | \$528,836 | \$1,617,204  | \$125,000 | \$0         | \$2,271,040                 | <b>\$2,295,186</b> |
| 8                                                                      | \$24,629                    | \$539,412 | \$1,649,548  | \$100,000 | \$0         | \$2,288,960                 | <b>\$2,313,590</b> |
| 9                                                                      | \$25,122                    | \$550,201 | \$1,682,539  | \$75,000  | \$0         | \$2,307,740                 | <b>\$2,332,862</b> |
| 10                                                                     | \$25,625                    | \$561,205 | \$1,716,190  | \$50,000  | \$0         | \$2,327,394                 | <b>\$2,353,019</b> |

Fiscal Impact Overview

The Project will generate additional benefits and costs, a summary of which is provided below. The source of specific benefits and costs are provided in greater detail for each taxing district on subsequent pages.

| FISCAL NET BENEFITS OVER THE NEXT 10 YEARS  |             |             |              |                |
|---------------------------------------------|-------------|-------------|--------------|----------------|
|                                             | BENEFITS    | COSTS       | NET BENEFITS | PRESENT VALUE* |
| City of Tomball                             | \$527,593   | (\$182,775) | \$344,818    | \$265,542      |
| Harris County                               | \$111,546   | (\$33,223)  | \$78,323     | \$60,023       |
| Tomball ISD                                 | \$305,873   | (\$224,868) | \$81,005     | \$62,075       |
| Lone Star Community College                 | \$25,654    | \$0         | \$25,654     | \$19,659       |
| Port of Houston                             | \$2,358     | \$0         | \$2,358      | \$1,807        |
| Harris County Emergency Services District 8 | \$23,084    | \$0         | \$23,084     | \$17,690       |
| Harris County Hospital District             | \$39,674    | \$0         | \$39,674     | \$30,402       |
| Harris County Department of Education       | \$1,188     | \$0         | \$1,188      | \$911          |
| Harris County Flood Control                 | \$7,477     | \$0         | \$7,477      | \$5,730        |
| Total                                       | \$1,044,450 | (\$440,866) | \$603,584    | \$463,840      |

\*The Present Value of Net Benefits expresses the future stream of net benefits received over several years as a single value in today's dollars. Today's dollar and a dollar to be received at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or each taxing entity's discount rate. This analysis uses a discount rate of 5.0% to make the dollars comparable.



Public Support Overview

A summary of the total Public Support modeled in this analysis is shown below.

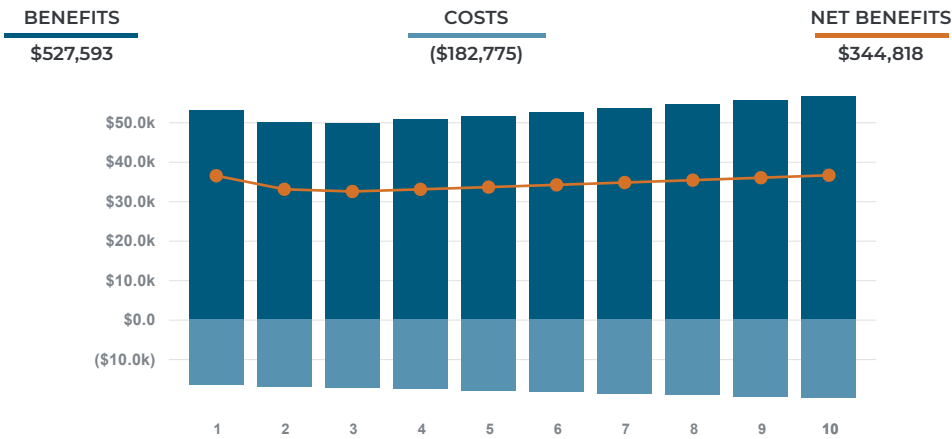
| VALUE OF PUBLIC SUPPORT UNDER CONSIDERATION |                   |          |
|---------------------------------------------|-------------------|----------|
|                                             | NON-TAX INCENTIVE | TOTAL    |
| City of Tomball                             | \$54,760          | \$54,760 |
| Harris County                               | \$0               | \$0      |
| Tomball ISD                                 | \$0               | \$0      |
| Lone Star Community College                 | \$0               | \$0      |
| Port of Houston                             | \$0               | \$0      |
| Harris County Emergency Services District 8 | \$0               | \$0      |
| Harris County Hospital District             | \$0               | \$0      |
| Harris County Department of Education       | \$0               | \$0      |
| Harris County Flood Control                 | \$0               | \$0      |
| Total                                       | \$54,760          | \$54,760 |

City of Tomball Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by City of Tomball over the next 10 years of the Project.

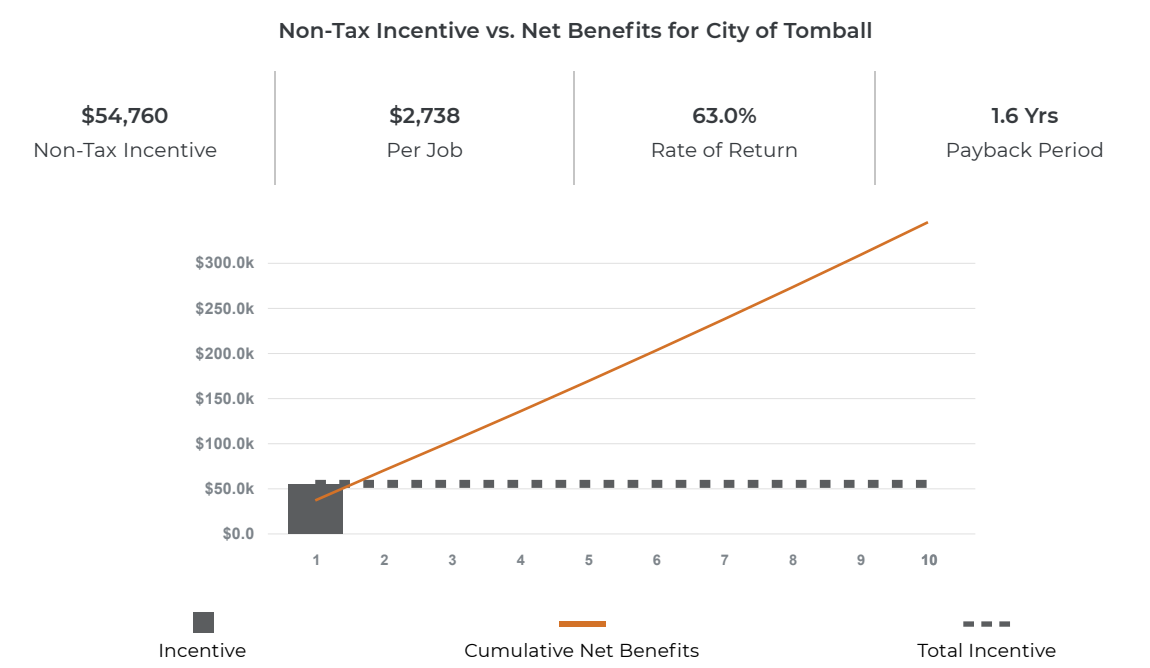
| NET BENEFITS OVER 10 YEARS: CITY OF TOMBALL |             |            |             |
|---------------------------------------------|-------------|------------|-------------|
| BENEFITS                                    | PROJECT     | HOUSEHOLDS | TOTAL       |
| Sales Taxes                                 | \$266,259   | \$2,282    | \$268,540   |
| Real Property Taxes                         | \$69,952    | \$0        | \$69,952    |
| FF&E Property Taxes                         | \$4,561     | \$0        | \$4,561     |
| Inventory Property Taxes                    | \$0         | \$0        | \$0         |
| New Residential Property Taxes              | \$0         | \$793      | \$793       |
| Hotel Occupancy Taxes                       | \$0         | \$0        | \$0         |
| Building Permits and Fees                   | \$0         | \$0        | \$0         |
| Utility Revenue                             | \$122,418   | \$10,632   | \$133,050   |
| Utility Franchise Fees                      | \$7,665     | \$665      | \$8,330     |
| Miscellaneous Taxes and User Fees           | \$38,981    | \$3,386    | \$42,367    |
| Benefits Subtotal                           | \$509,835   | \$17,758   | \$527,593   |
| COSTS                                       | PROJECT     | HOUSEHOLDS | TOTAL       |
| Cost of Government Services                 | (\$45,113)  | (\$3,911)  | (\$49,024)  |
| Cost of Utility Services                    | (\$123,075) | (\$10,676) | (\$133,751) |
| Costs Subtotal                              | (\$168,188) | (\$14,587) | (\$182,775) |
| Net Benefits                                | \$341,648   | \$3,171    | \$344,818   |

Annual Fiscal Net Benefits for City of Tomball



Non-Tax Incentives

The graph below depicts the non-tax incentives modeled in this analysis versus the cumulative net benefits to City of Tomball. The intersection indicates the length of time until the incentives are paid back.





Harris County Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: HARRIS COUNTY |            |            |            |
|-------------------------------------------|------------|------------|------------|
| BENEFITS                                  | PROJECT    | HOUSEHOLDS | TOTAL      |
| Real Property Taxes                       | \$80,987   | \$0        | \$80,987   |
| FF&E Property Taxes                       | \$5,281    | \$0        | \$5,281    |
| Inventory Property Taxes                  | \$0        | \$0        | \$0        |
| New Residential Property Taxes            | \$0        | \$6,822    | \$6,822    |
| Hotel Occupancy Taxes                     | \$0        | \$0        | \$0        |
| Miscellaneous Taxes and User Fees         | \$9,855    | \$8,602    | \$18,457   |
| Benefits Subtotal                         | \$96,122   | \$15,424   | \$111,546  |
| COSTS                                     | PROJECT    | HOUSEHOLDS | TOTAL      |
| Cost of Government Services               | (\$17,739) | (\$15,484) | (\$33,223) |
| Costs Subtotal                            | (\$17,739) | (\$15,484) | (\$33,223) |
| Net Benefits                              | \$78,384   | (\$60)     | \$78,323   |

Annual Fiscal Net Benefits for Harris County

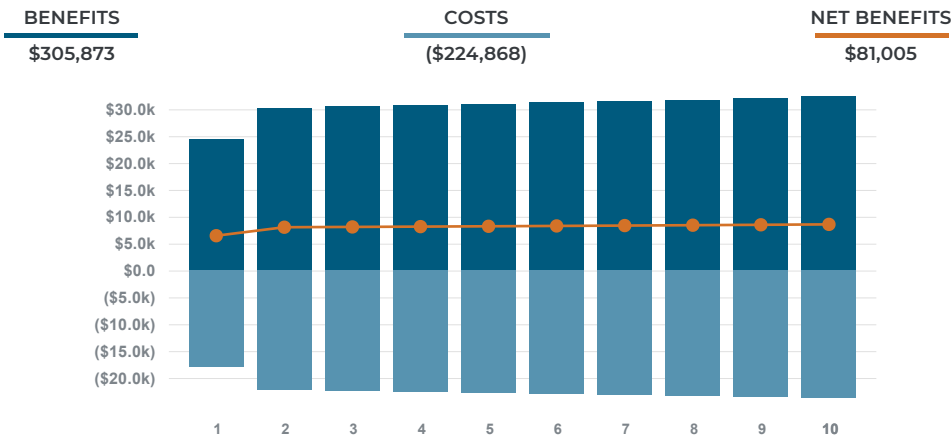


Tomball ISD Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Tomball ISD over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: TOMBALL ISD |             |            |             |
|-----------------------------------------|-------------|------------|-------------|
| BENEFITS                                | PROJECT     | HOUSEHOLDS | TOTAL       |
| Real Property Taxes                     | \$267,085   | \$0        | \$267,085   |
| FF&E Property Taxes                     | \$17,415    | \$0        | \$17,415    |
| Inventory Property Taxes                | \$0         | \$0        | \$0         |
| New Residential Property Taxes          | \$0         | \$9,612    | \$9,612     |
| Addtl. State & Federal School Funding   | \$0         | \$11,761   | \$11,761    |
| Benefits Subtotal                       | \$284,500   | \$21,373   | \$305,873   |
| COSTS                                   | PROJECT     | HOUSEHOLDS | TOTAL       |
| Cost to Educate New Students            | \$0         | (\$10,461) | (\$10,461)  |
| Reduction in State School Funding       | (\$207,400) | (\$7,007)  | (\$214,408) |
| Costs Subtotal                          | (\$207,400) | (\$17,468) | (\$224,868) |
| Net Benefits                            | \$77,099    | \$3,905    | \$81,005    |

Annual Fiscal Net Benefits for Tomball ISD



Lone Star Community College Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Lone Star Community College over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: LONE STAR COMMUNITY COLLEGE |          |            |          |
|---------------------------------------------------------|----------|------------|----------|
| BENEFITS                                                | PROJECT  | HOUSEHOLDS | TOTAL    |
| Real Property Taxes                                     | \$22,319 | \$0        | \$22,319 |
| FF&E Property Taxes                                     | \$1,455  | \$0        | \$1,455  |
| Inventory Property Taxes                                | \$0      | \$0        | \$0      |
| New Residential Property Taxes                          | \$0      | \$1,880    | \$1,880  |
| Benefits Subtotal                                       | \$23,774 | \$1,880    | \$25,654 |
| COSTS                                                   | PROJECT  | HOUSEHOLDS | TOTAL    |
| None Estimated                                          | \$0      | \$0        | \$0      |
| Costs Subtotal                                          | \$0      | \$0        | \$0      |
| Net Benefits                                            | \$23,774 | \$1,880    | \$25,654 |

Annual Fiscal Net Benefits for Lone Star Community College



Port of Houston Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Port of Houston over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: PORT OF HOUSTON |         |            |         |
|---------------------------------------------|---------|------------|---------|
| BENEFITS                                    | PROJECT | HOUSEHOLDS | TOTAL   |
| Real Property Taxes                         | \$2,052 | \$0        | \$2,052 |
| FF&E Property Taxes                         | \$134   | \$0        | \$134   |
| Inventory Property Taxes                    | \$0     | \$0        | \$0     |
| New Residential Property Taxes              | \$0     | \$173      | \$173   |
| Benefits Subtotal                           | \$2,186 | \$173      | \$2,358 |
| COSTS                                       | PROJECT | HOUSEHOLDS | TOTAL   |
| None Estimated                              | \$0     | \$0        | \$0     |
| Costs Subtotal                              | \$0     | \$0        | \$0     |
| Net Benefits                                | \$2,186 | \$173      | \$2,358 |

Annual Fiscal Net Benefits for Port of Houston

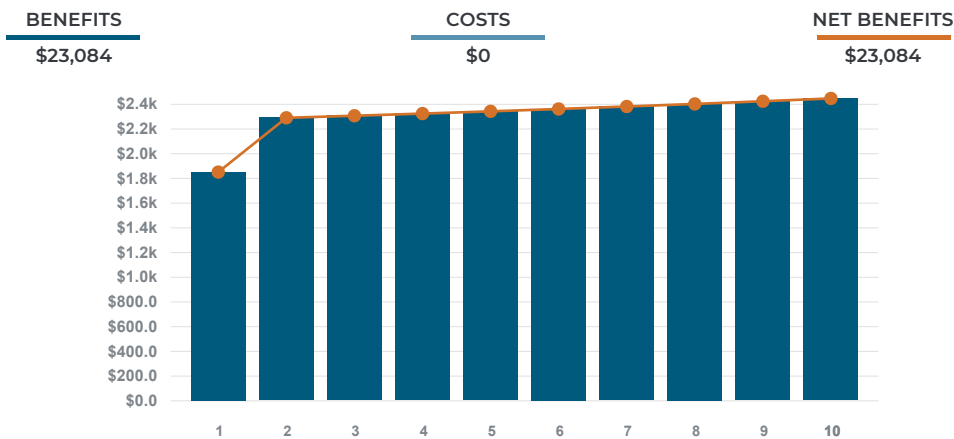


Harris County Emergency Services District 8 Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Emergency Services District 8 over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: HARRIS COUNTY EMERGENCY SERVICES DISTRICT 8 |          |            |          |
|-------------------------------------------------------------------------|----------|------------|----------|
| BENEFITS                                                                | PROJECT  | HOUSEHOLDS | TOTAL    |
| Real Property Taxes                                                     | \$20,083 | \$0        | \$20,083 |
| FF&E Property Taxes                                                     | \$1,310  | \$0        | \$1,310  |
| Inventory Property Taxes                                                | \$0      | \$0        | \$0      |
| New Residential Property Taxes                                          | \$0      | \$1,692    | \$1,692  |
| Benefits Subtotal                                                       | \$21,393 | \$1,692    | \$23,084 |
| COSTS                                                                   | PROJECT  | HOUSEHOLDS | TOTAL    |
| None Estimated                                                          | \$0      | \$0        | \$0      |
| Costs Subtotal                                                          | \$0      | \$0        | \$0      |
| Net Benefits                                                            | \$21,393 | \$1,692    | \$23,084 |

Annual Fiscal Net Benefits for Harris County Emergency Services District 8



Harris County Hospital District Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Hospital District over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: HARRIS COUNTY HOSPITAL DISTRICT |          |            |          |
|-------------------------------------------------------------|----------|------------|----------|
| BENEFITS                                                    | PROJECT  | HOUSEHOLDS | TOTAL    |
| Real Property Taxes                                         | \$34,516 | \$0        | \$34,516 |
| FF&E Property Taxes                                         | \$2,251  | \$0        | \$2,251  |
| Inventory Property Taxes                                    | \$0      | \$0        | \$0      |
| New Residential Property Taxes                              | \$0      | \$2,907    | \$2,907  |
| Benefits Subtotal                                           | \$36,767 | \$2,907    | \$39,674 |
| COSTS                                                       | PROJECT  | HOUSEHOLDS | TOTAL    |
| None Estimated                                              | \$0      | \$0        | \$0      |
| Costs Subtotal                                              | \$0      | \$0        | \$0      |
| Net Benefits                                                | \$36,767 | \$2,907    | \$39,674 |

Annual Fiscal Net Benefits for Harris County Hospital District



Harris County Department of Education Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Department of Education over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: HARRIS COUNTY DEPARTMENT OF EDUCATION |         |            |         |
|-------------------------------------------------------------------|---------|------------|---------|
| BENEFITS                                                          | PROJECT | HOUSEHOLDS | TOTAL   |
| Real Property Taxes                                               | \$1,034 | \$0        | \$1,034 |
| FF&E Property Taxes                                               | \$67    | \$0        | \$67    |
| Inventory Property Taxes                                          | \$0     | \$0        | \$0     |
| New Residential Property Taxes                                    | \$0     | \$87       | \$87    |
| Benefits Subtotal                                                 | \$1,101 | \$87       | \$1,188 |
| COSTS                                                             | PROJECT | HOUSEHOLDS | TOTAL   |
| None Estimated                                                    | \$0     | \$0        | \$0     |
| Costs Subtotal                                                    | \$0     | \$0        | \$0     |
| Net Benefits                                                      | \$1,101 | \$87       | \$1,188 |

Annual Fiscal Net Benefits for Harris County Department of Education

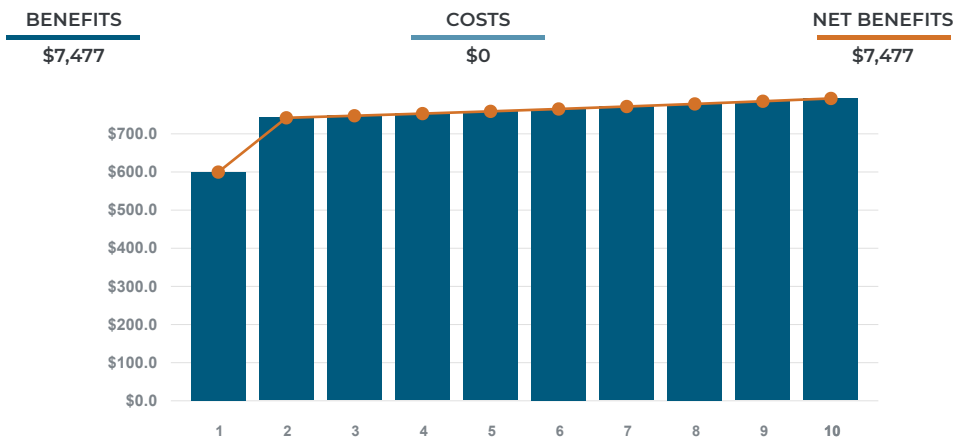


Harris County Flood Control Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Flood Control over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: HARRIS COUNTY FLOOD CONTROL |         |            |         |
|---------------------------------------------------------|---------|------------|---------|
| BENEFITS                                                | PROJECT | HOUSEHOLDS | TOTAL   |
| Real Property Taxes                                     | \$6,505 | \$0        | \$6,505 |
| FF&E Property Taxes                                     | \$424   | \$0        | \$424   |
| Inventory Property Taxes                                | \$0     | \$0        | \$0     |
| New Residential Property Taxes                          | \$0     | \$548      | \$548   |
| Benefits Subtotal                                       | \$6,929 | \$548      | \$7,477 |
| COSTS                                                   | PROJECT | HOUSEHOLDS | TOTAL   |
| None Estimated                                          | \$0     | \$0        | \$0     |
| Costs Subtotal                                          | \$0     | \$0        | \$0     |
| Net Benefits                                            | \$6,929 | \$548      | \$7,477 |

Annual Fiscal Net Benefits for Harris County Flood Control





Overview of Methodology

The Impact DashBoard model combines project-specific attributes with community data, tax rates, and assumptions to estimate the economic impact of the Project and the fiscal impact for local taxing districts over a 10-year period.

The economic impact as calculated in this report can be categorized into two main types of impacts. First, the direct economic impacts are the jobs and payroll directly created by the Project. Second, this economic impact analysis calculates the spin-off or indirect and induced impacts that result from the Project. Indirect jobs and salaries are created in new or existing area firms, such as maintenance companies and service firms, that may supply goods and services for the Project. In addition, induced jobs and salaries are created in new or existing local businesses, such as retail stores, gas stations, banks, restaurants, and service companies that may supply goods and services to new workers and their families.

The economic impact estimates in this report are based on the Regional Input-Output Modeling System (RIMS II), a widely used regional input-output model developed by the U. S. Department of Commerce, Bureau of Economic Analysis. The RIMS II model is a standard tool used to estimate regional economic impacts. The economic impacts estimated using the RIMS II model are generally recognized as reasonable and plausible assuming the data input into the model is accurate or based on reasonable assumptions. Impact DataSource utilizes adjusted county-level multipliers to estimate the impact occurring at the sub-county level.

Two types of regional economic multipliers were used in this analysis: an employment multiplier and an earnings multiplier. An employment multiplier was used to estimate the number of indirect and induced jobs created or supported in the area. An earnings multiplier was used to estimate the amount of salaries to be paid to workers in these new indirect and induced jobs. The employment multiplier shows the estimated number of total jobs created for each direct job. The earnings multiplier shows the estimated amount of total salaries paid to these workers for every dollar paid to a direct worker. The multipliers used in this analysis are listed below:

| 452990 ALL OTHER GENERAL MERCHANDISE STORES |                         | CITY OF TOMBALL |
|---------------------------------------------|-------------------------|-----------------|
| Employment Multiplier                       | (Type II Direct Effect) | 1.2057          |
| Earnings Multiplier                         | (Type II Direct Effect) | 1.3891          |

Most of the revenues estimated in this study result from calculations relying on (1) attributes of the Project, (2) assumptions to derive the value of associated taxable property or sales, and (3) local tax rates. In some cases, revenues are estimated on a per new household, per new worker, or per new school student basis.

The company or Project developer was not asked, nor could reasonably provide data for calculating some other revenues. For example, while the city will likely receive revenues from fines paid on speeding tickets given to new workers, the company does not know the propensity of its workers to speed. Therefore, some revenues are calculated using an average revenue approach.

This approach uses relies on two assumptions:

1. The taxing entity has two general revenue sources: revenues from residents and revenues from businesses.
2. The taxing entity will collect (a) about the same amount of miscellaneous taxes and user fees from each new household that results from the Project as it currently collects from existing households on average, and (b) the same amount of miscellaneous taxes and user fees from the new business (on a per worker basis) will be collected as it collects from existing businesses.

In the case of the school district, some additional state and federal revenues are estimated on a per new school student basis consistent with historical funding levels.

Additionally, this analysis sought to estimate the additional expenditures faced by local jurisdictions to provide services to new households and new businesses. A marginal cost approach was used to calculate these additional costs.

This approach relies on two assumptions:

1. The taxing entity spends money on services for two general groups: revenues from residents and revenues from businesses.
2. The taxing entity will spend slightly less than its current average cost to provide local government services (police, fire, EMS, etc.) to (a) new residents and (b) businesses on a per worker basis.

In the case of the school district, the marginal cost to educate new students was estimated based on a portion of the school's current expenditures per student and applied to the headcount of new school students resulting from the Project.

Additionally, this analysis seeks to calculate the impact on the school district's finances from the Project by generally, and at a summary level, mimicking the district's school funding formula.

According to the Texas Education Agency, any property added to local tax rolls, and the local taxes that this generates, reduces the amount of state funding equivalent to local taxes collected for maintenance and operations. The school district retains local taxes received for debt services and the corresponding state funding is not reduced. However, according to the Texas Education Agency, the school district will receive state aid for each new child that moves to the District. The additional revenues for the school district are calculated in this analysis.

About Impact DataSource

Established in 1993, Impact DataSource is an Austin, Texas-based economic consulting firm. Impact DataSource provides high-quality economic research, specializing in economic and fiscal impact analyses. The company is highly focused on supporting economic development professionals and organizations through its consulting services and software. Impact DataSource has conducted thousands of economic impact analyses of new businesses, retention and expansion projects, developments, and activities in all industry groups throughout the U.S.

For more information on Impact DataSource, LLC and our product Impact DashBoard, please visit our website [www.impactdatasource.com](http://www.impactdatasource.com)

## AGREEMENT

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

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation**, an industrial development corporation created pursuant to Tex. Rev. Civ. Stat. Ann. Art. 5190.6, Section 4B, located in Harris County, Texas (the “TEDC”), and **DunnCo Properties II, Ltd.** (the “Company”), 10318 Lake Road, Suite #A-103, Houston, TX 77070.

### WITNESSETH:

**WHEREAS**, it is the established policy of the TEDC to adopt such reasonable measures from time-to-time as are permitted by law to endeavor to attract industry, create and retain primary jobs, expand the growth of the City of Tomball (the “City”), and thereby enhance the economic stability and growth of the City; and

**WHEREAS**, the Company proposes to develop a .07997-acre tract of land within the City, located at 14635 FM 2920, Tomball, Texas 77375 (the “Property”), more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

**WHEREAS**, the Company plans to expend over Two Million Dollars (\$2,000,000) to construct a 5,225 square foot commercial building (the “Improvements”) on the site, more particularly described in Exhibit “B,” attached hereto and made a part hereof; and

**WHEREAS**, the Company also proposes to create twenty (20) new full-time employment positions in Tomball in conjunction with the opening of its business operations on the Property; and

**WHEREAS**, the TEDC agrees to provide to the Company the sum of Fifty-Four Thousand Seven Hundred and Sixty Dollars (\$54,760.00), or an amount equal to up to fifteen percent (15%) of actual construction costs if less than the sum stated above, to assist in the construction of infrastructure necessary to promote and develop new business enterprises on the Property. The infrastructure found by the Board of Directors of TEDC to be required to develop the Property are certain drainage facilities and related improvements, site improvements, water, sanitary sewer, gas, and electric utilities to the exterior of the buildings (the “Infrastructure Improvements”), identified and described in Exhibit “C,” attached hereto and made a part hereof; and

**WHEREAS**, the Company has agreed, in exchange and as consideration for the funding, to satisfy and comply with certain terms and conditions; and

**NOW, THEREFORE**, in consideration of the premises and the mutual benefits and obligations set forth herein, including the recitals set forth above, the TEDC and the Company agree as follows:

1.

The Company covenants and agrees that it will construct and maintain on the Property a 5,225 square-foot commercial building (the “Improvements”) identified and described in Exhibit “B,” attached hereto and made a part hereof. In conjunction with the development of the Property, the Company further agrees to construct the Improvements contemplated by this Agreement, in accordance with the requirements of the ordinances of the City and the plans and specifications approved by the City. The Company further represents and agrees that it will

certify the costs of the construction of such Infrastructure Improvements to the TEDC prior to construction.

2.

Construction of the Improvements on the Property, including construction of the Infrastructure Improvements, must commence within 180 days from the date of this Agreement (the “Start Date”), and the Company shall notify the TEDC of such Start Date. The construction of the Improvements to the Property, including construction of the Infrastructure Improvements, shall be completed, and all necessary occupancy permits from the City shall be obtained within eighteen (18) months from the Effective Date of this agreement. Extensions of these deadlines due to extenuating circumstances or uncontrollable delay may be granted by the Board of Directors of the TEDC at its sole discretion.

3.

The Company further covenants and agrees that the Improvements described in Paragraph 1 hereof will be occupied and that the commercial building will be maintained on the property for a term of at least five (5) years.

4.

The Company further covenants and agrees that the Company or any owner or leasee of the Improvements does not and will not knowingly employ an undocumented worker. An “undocumented worker” shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States; or (b) authorized under the law to be employed in that manner in the United States.

5.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to reimburse the Company for the actual cost of the Infrastructure Improvements up to the amount of Fifty-Four Thousand Seven Hundred and Sixty Dollars (\$54,760.00), or an amount equal to fifteen percent (15%) of actual construction costs if less than the sum stated above upon completion of construction and occupancy of each commercial space. The TEDC agrees to reimburse the Company for such amount within thirty (30) days of receipt of a letter from the Company requesting such payment and including: (a) certification of the cost of constructing the Infrastructure Improvements; (b) a copy of the City's occupancy permit for the improvements to the Property; (c) certification that the Infrastructure Improvements have been constructed in accordance with the approved plans and specifications; (d) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Improvements have been paid and any and all liens and claims regarding such work have been released; and (e) Proof of payment to all vendors, contractors and subcontractors providing work and/or materials in the construction of the Improvements, proof of payment must include copies of canceled checks and/or credit card receipts and copies of paid invoices from all vendors, contractors and subcontractors.

6.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus one-half percent ( $\frac{1}{2}\%$ ) per annum, within thirty (30) days after the TEDC notifies the

Company of the default. It is further understood and agreed by the parties that if the Company, or any owner or lessee of the Improvements, is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90-day Treasury Bill plus one-half percent ( $\frac{1}{2}\%$ ) per annum, within thirty (30) days after the TEDC notifies the Company of the violation.

The Company shall also reimburse the TEDC for any and all reasonable attorney's fees and costs incurred by the TEDC as a result of any action required to obtain reimbursement of such funds. Such reimbursement shall be due and payable thirty (30) days after the Company receives written notice of default.

7.

This Agreement shall inure to the benefit of and be binding upon the TEDC and the Company, and upon the Company's successors and assigns, lessees, affiliates, and subsidiaries, and shall remain in force whether the Company sells, leases, assigns, or in any other manner disposes of, either voluntarily or by operation of law, all or any part of the Property and the agreements herein contained shall be held to be covenants running with the Property for so long as this Agreement, or any extension thereof, remains in effect.

8.

Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such

notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

|                |                                                                                                                                                                                                                     |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If to City:    | Tomball Economic Development Corporation<br>401 W. Market Street<br>Tomball, Texas 77375<br>Attn: President, Board of Directors                                                                                     |
| If to Company: | DunnCo Properties II, Ltd.<br>10318 Lake Road, Suite #A-103<br>Houston, Texas 77070<br>Attn: Scott H. Dunn,<br>General Partner, The Dunn Development Company, Inc.<br>President, The Dunn Development Company, Inc. |

9.

This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas.

10.

Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the parties hereto.

11.

The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.

12.

This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.

13.

In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be deemed to be independent of and severable from the remainder of this Agreement, and the validity of the remaining parts of this Agreement shall not be affected thereby.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on this \_\_\_\_\_ day of \_\_\_\_\_ 2021 (the “Effective Date”).

**DunnCo Properties II, Ltd.**

By: \_\_\_\_\_  
Name: Scott H. Dunn  
Title: General Partner

ATTEST:

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



**TOMBALL ECONOMIC DEVELOPMENT  
CORPORATION**

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

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

Title: President, Board of Directors

ATTEST:

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

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

Title: Secretary, Board of Directors

DRAFT

ACKNOWLEDGMENT

THE STATE OF TEXAS     §  
                                      §  
COUNTY OF HARRIS     §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_  
2021, by Scott H. Dunn, General Partner, DunnCo Properties II, Ltd. for and on behalf of said  
company.

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

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

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS     §  
                                      §  
COUNTY OF HARRIS     §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_  
2021, by \_\_\_\_\_, President of the Board of Directors of the Tomball  
Economic Development Corporation, for and on behalf of said Corporation.

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

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

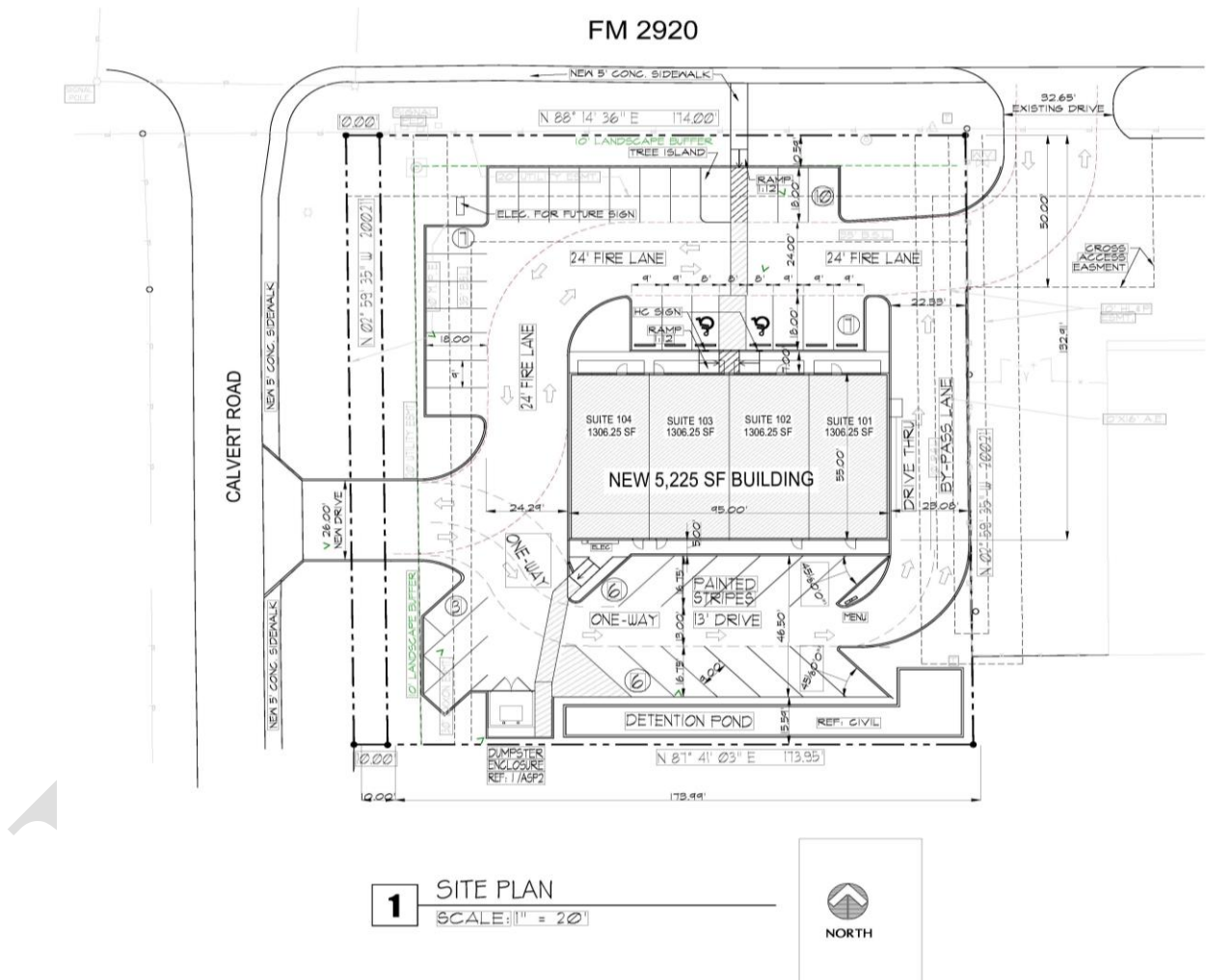
(SEAL)

0.846 ACRE (36,836) SQUARE FOOT) TRACT OR PARCEL OF LAND SITUATED IN THE J.M. HOPPER SURVEY, A – 375, HARRIS COUNTY, TEXAS, AND BEING OUT OF A CALLED 1.6916 ACRE TRACT

[illegible]

**Exhibit B**  
**Description of Improvements**

Construction of a 5,225 square foot commercial building  
at 14635 FM 2920 Road Tomball, TX 7737.



## Exhibit C

### Description of Infrastructure Improvements

| 14635 FM 2920 Road           |                   |
|------------------------------|-------------------|
| Tomball, TX 77377            |                   |
|                              |                   |
| Improvement                  | Cost              |
| Sanitary Sewer               | \$ 15,670         |
| Storm Drainage               | \$ 182,500        |
| Water                        | \$ 39,919         |
| Gas                          | \$ 10,000         |
| Site Preparation             | \$ 70,700         |
| Telecommunications/Inter     | \$ 5,000          |
| Electric (transmission/dist) | \$ 41,275         |
| <b>Total</b>                 | <b>\$ 365,064</b> |
|                              |                   |

## RESOLUTION NO. 2021-13-TEDC

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND APPROVING THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION'S PROJECT TO EXPEND FUNDS IN ACCORDANCE WITH AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT BY AND BETWEEN THE CORPORATION AND DUNNCO PROPERTIES II, LTD, TO PROMOTE AND DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

**WHEREAS**, the Tomball Economic Development Corporation (the "TEDC"), created pursuant to the Development Corporation Act, now Chapter 501 of the Texas Local Government Code, as amended (the "Act"), desires to adopt projects and provide incentives for economic development within the City; and

**WHEREAS**, the Board of Directors of the TEDC had adopted as a specific project the expenditure of the estimated amount of Fifty Four Thousand Seven Hundred Sixty Dollars (\$54,760.00), found by the Board to be required or suitable to promote a new business development by DunnCo Properties II, Ltd; and

**WHEREAS**, pursuant to the Act, the TEDC may not undertake such project without the approval of Tomball City Council; and

**WHEREAS**, City Council finds and determines that such project promotes new or expanded business enterprises and is in the best interests of the citizenry; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**Section 1.** The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

**Section 2.** The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, an expenditure of the estimated amount of Fifty Four Thousand Seven Hundred Sixty Dollars (\$54,760.00), to DunnCo Properties II, Ltd in accordance with an economic development agreement by and between the TEDC and DunnCo Properties II, Ltd, to promote and develop a new or expanded business enterprises, to be located at 14635 FM 2920 Rd., Tomball, Texas 77377.

**Section 3.** In the event any clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstance shall for any reason be adjudged

invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**PASSED AND APPROVED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED, APPROVED, AND RESOLVED** on second and final reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Gretchen Fagan, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

# City Council Meeting Agenda Item Data Sheet

**Meeting Date:** April 5, 2021

**Topic:**

Approve, on First Reading, Resolution No. 2021-14-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Performance Agreement by and between the Corporation and B. Smittys, LLC to make direct incentives to, or expenditures for, assistance with infrastructure costs required or suitable for the promotion of new or expanded business enterprise related to the construction of a 8,000 square foot commercial facility to be located at 22621 Hufsmith-Kohrville Rd., Tomball, Texas 77375. The estimated amount of expenditures for such Project is \$30,301.00.

### Background:

On March 9, 2021, the Tomball Economic Development Corporation (TEDC) Board of Directors unanimously approved, as a Project of the Corporation, a performance agreement with B. Smittys, LLC for assistance with infrastructure costs related to the development of a proposed 8,000 square foot commercial facility to be located at 22621 Hufsmith-Kohrville Rd., Tomball, Texas 77375.

Targeted infrastructure projects that will promote or develop new or expanded business enterprises are authorized expenditures under the Development Corporation Act.

The Tomball City Council has final approval authority over all programs and expenditures of the TEDC. Final approval of this project requires the adoption of Resolution No. 2021-14-TEDC after two separate readings.

**Origination:** Blake Smith, Owner, B. Smittys, LLC

### Recommendation:

Approve Resolution No. 2021-14-TEDC on first reading.

**Party(ies) responsible for placing this item on agenda:** Kelly Violette

**FUNDING (IF APPLICABLE)**

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

Yes: Yes No: If yes, specify Account Number: # Project Grants

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

|        |                         |      |             |              |      |
|--------|-------------------------|------|-------------|--------------|------|
| Signed | <u>Kelly Violette</u>   |      | Approved by | <u></u>      |      |
|        | Executive Director-TEDC | Date |             | City Manager | Date |





**TO:** Honorable Mayor and City Council

**FROM:** Kelly Violette  
Executive Director

**MEETING DATE:** April 5, 2021

**SUBJECT:** B. Smittys, LLC

**ITEM TYPE:** Action

---

The Tomball Economic Development Corporation has received a request from Blake Smith, Owner, B. Smittys, LLC dba Smitty's Meat Market and Smokehouse, for assistance with infrastructure costs related to the development of a proposed new meat market and wild game processing facility.

Smitty's Meat Market and Smokehouse is a locally owned meat market and wild game processing business that was founded in 2013. Smitty's Meat Market and Smokehouse is currently located at 11210 Mahaffey Rd, Tomball, Texas 77375, just outside of the city limits.

The proposed development includes the construction of an 8,000 square foot commercial building on approximately 2 acres located at 22621 Hufsmith-Kohrville Road, within the city limits of Tomball. The estimated capital investment for the project is over \$1,300,000.00.

The eligible infrastructure improvements include water, sanitary, storm sewer and related site improvements totaling approximately \$303,010.00.

Targeted infrastructure that will promote the development and expansion of business enterprise is a permissible project as outlined in Texas Economic Development Legislation. If this project is approved, it will go to the Tomball City Council for final approval by resolution at two separate readings.

An economic impact analysis is included with the agreement to show the impact of this project of Tomball's economy. Per the analysis, the 5-year net benefit of this project on Tomball's economy is \$69,905.00.

If the agreement between the TEDC and B. Smittys, LLC is approved as a Project of the Corporation, the grant funding amount will not exceed \$30,301.00, based on 10% of the actual expenditures for the eligible infrastructure improvements.

TO WHOM IT MAY CONCERN:

SMITTYS MEAT MARKET AND SMOKEHOUSE WAS OPENED IN DECEMBER OF 2013. IT WAS A MARKET THAT CUT CUSTOM MEATS AND PROVIDED CUSTOMERS WITH A VARIETY OF SMOKED MEATS. ANYTHING FROM SMOKED BACON TO A VARIETY OF SMOKED SAUSAGES, JERKY AND MEAT STICKS COULD BE PURCHASED AT SMITTYS. WE ALSO MAKE MANY APPETIZERS SUCH AS JALAPENO POPPERS, CHICKEN POPPERS, STUFFED MUSHROOMS, BOUDIN, AND SEASONED WINGS. THESE ARE ITEMS THAT YOU CANNOT PURCHASE AT YOUR LOCAL GROCERY STORE. WE ALSO CARRY MANY LOCAL SPICES OR NOVELTY ITEMS THAT ARE MADE RIGHT HERE IN THE SURROUNDING AREA. SMITTYS CREATED A PLACE WHERE CUSTOMERS COULD COME IN AND TALK AND GET TO KNOW YOUR BUTCHER. FIRST HAND INTERACTION ON GETTING A SPECIAL CUT OF MEAT OR A CERTAIN SIZE OR QUANTITY OF MEAT FOR ANY OCCASION. WE ALSO OFFER WILD GAME PROCESSING THROUGHOUT THE YEAR. CUSTOMERS COULD BRING THEIR WILD GAME TO US TO GET PROCESSED IN MANY SMOKED MEATS OR FRESH MEATS AND RETURN BACK TO THEM WITH SATISFACTION OF THEIR OWN KILL.

AS THE YEARS HAVE GONE BY, WE HAVE GREW OUR CUSTOMER BASE EXPONENTIALLY TO WHERE WE HAVE OUTGROWN THE STORE. WE MAKE AN ARRANGE OF PRODUCTS THAT WE CANNOT MAKE EVERY WEEK DUE TO THE FACT WE DON'T HAVE THE ROOM FOR RETAIL. SO WE HAVE HAD SOME PRODUCTIVITY ISSUES WHEN A CUSTOMER COMES IN AND REQUEST AND ITEM THAT ISN'T MADE THAT WEEK. HOWEVER WE DO STOP WHAT WE DO TO MAKE IT FOR THE CUSTOMER. OUR PARKING SPACES FILL UP ALL THE TIME, AND GETS TO A POINT WHERE CUSTOMERS ARE PARKING ON THE LAWN, OR GET DETERRED AND DRIVE OFF BECAUSE THERE IS NO PARKING. OUR FREEZER AND COOLER SPACE ARE LIMIT DURING DEER SEASON AND THERE HAS BEEN TIME WHERE WE HAVE TO TURN AWAY DEER BECAUSE WE HAVE NOWHERE TO STORE THEM.

SO WE HAVE CHOSEN TO BUILD A BRAND NEW FACILITY RIGHT AROUND THE CORNER FROM THE CURRENT SHOP. I WANTED TO MAINTAIN OUR CURRENT CUSTOMER BASE SINCE THEY ARE THE ONES WHO HAVE LED TO OUR SUCCESS. THE NEW FACILTY WILL HAVE TWICE THE SQUARE FOOTAGE WITH BIGGER COOLERS AND FREEZERS. THE SALES FLOOR WILL BE 3 TIMES THE SIZE TO MAXIMIZE SALES POTENTIAL. THERE WILL BE AN ABUNDANCE OF PARKING FOR THE CUSTOMERS AND MORE EXPOSURE DUE TO THE NEW STORE LOCATION. ALL EQUIPMENT WILL BE NEW AND STORE WILL HAVE A MODERN YET COUNTRY STORE FEEL.

SO WITH THE HELP OF THE GRANT MONEY I AM GOING TO BE ABLE TO REDUCE SOME OF THE COST FOR CONSTRUCTING THE FACILITY. IT WILL HELP ME PUT MORE MONEY INTO THE STORE TO BE MORE PRODUCTIVE TO SATISFY THE CUSTOMER BASE. THE GRANT MONEY WILL PAY FOR ITSELF IN A MATTER OF A YEAR OR TWO. SMITTYS NEW LOCATION WILL BECOME A DESTINATION PLACE FROM AROUND THE AREA. CUSTOMERS WILL TRAVEL TO COME VISIT AND GET FRESH QUALITY MEATS AND SMOKED MEATS. IT WILL HELP GENERATE REVENUE TO THE LOCAL COMMUNITY AS NEW CUSTOMERS WILL DRIVE TO SHOP OR BRING PROCESSING HERE. IT WILL CREATE LOCAL JOBS FOR THE COMMUNITY. THIS IS A SPECIALTY BUSINESS, NOT MANY MEAT MARKET EXIST BECAUSE IT IS A LOST ART. THIS WILL BE A HISTORIC STORE WHERE THE CUSTOMER BASE CAN CALL THEIR OWN.

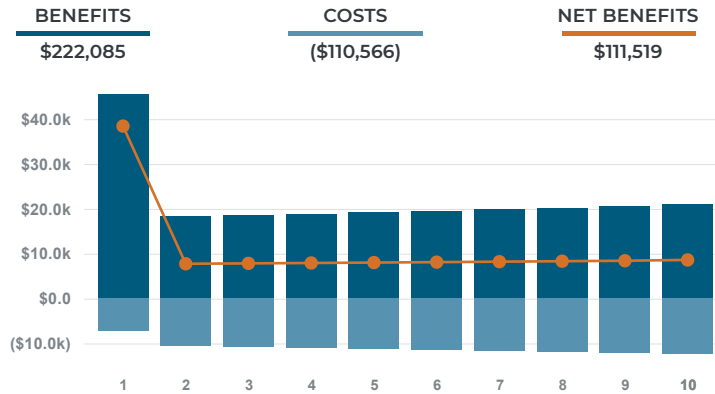
THANK YOU,

BLAKE SMITH

IMPACT REPORT  
**SMITTY'S MEAT MARKET**  
Impact Analysis

New Construction - Retail

**City of Tomball**



**JOBS**



**15.7 Total**  
13.0 Direct  
2.7 Spin-off

**SALARIES**



**\$32,742 Avg**  
\$30,000 Direct  
\$45,957 Spin-off

**CAPITAL INVEST.**



**\$1.3M**  
Buildings + FF&E

**RESIDENTIAL DEV.**



0.0 Homes  
0.2 Relocations

**NET BENEFITS**

**\$111,519**

Present Value \$91,349

**BENEFITS**

|                                   |          |
|-----------------------------------|----------|
| Sales Taxes                       | \$21,987 |
| Real Property Taxes               | \$59,192 |
| FF&E Property Taxes               | \$3,784  |
| Inventory Property Taxes          | \$740    |
| New Residential Property Taxes    | \$235    |
| Hotel Occupancy Taxes             | \$0      |
| Building Permits and Fees         | \$25,000 |
| Utility Revenue                   | \$80,481 |
| Utility Franchise Fees            | \$5,039  |
| Miscellaneous Taxes and User Fees | \$25,627 |

**Benefits Subtotal \$222,085**

**COSTS**

|                             |            |
|-----------------------------|------------|
| Cost of Government Services | (\$29,656) |
| Cost of Utility Services    | (\$80,909) |

**Costs Subtotal (\$110,566)**

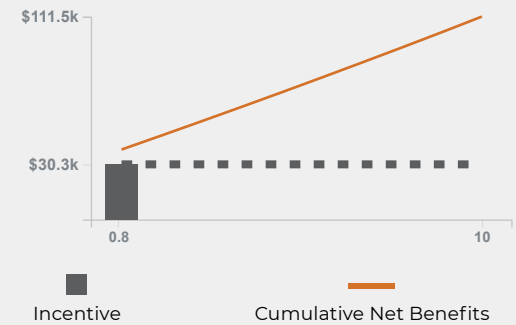
**INCENTIVE ANALYSIS**

**\$30,301**  
Total Incentive

**\$2,331**  
Per Job

**36.8%**  
Rate of Return

**0.8 Yrs**  
Payback Period



**NET BENEFITS OVER 10 YEARS**

|                        |                  |
|------------------------|------------------|
| <b>CITY</b>            | <b>\$111,519</b> |
| <b>COUNTY</b>          | <b>\$68,766</b>  |
| <b>SCHOOL DISTRICT</b> | <b>\$67,084</b>  |
| <b>OTHER</b>           | <b>\$81,306</b>  |

Impact Analysis

**Project Type:** New Construction - Retail  
**Prepared By:** Tomball EDC

Purpose & Limitations

This report presents the results of an economic and fiscal analysis undertaken by Tomball EDC using Impact DashBoard, a customized web application developed by Impact DataSource, LLC.

Impact DashBoard utilizes estimates, assumptions, and other information developed by Impact DataSource from its independent research effort detailed in a custom user guide prepared for Tomball EDC.

This report, generated by the Impact DashBoard application, has been prepared by Tomball EDC to assist economic development stakeholders in making an evaluation of the economic and fiscal impact of business activity in the community. This report does not purport to contain all of the information that may be needed to conclude such an evaluation. This report is based on a variety of assumptions and contains forward-looking statements concerning the results of operations of the subject firm. Tomball EDC made reasonable efforts to ensure that the project-specific data entered into Impact DashBoard reflects realistic estimates of future activity. Estimates of future activity involve known and unknown risks and uncertainties that could cause actual results, performance, or events to differ materially from those expressed or implied in this report.

Tomball EDC and Impact DataSource make no representation or warranty as to the accuracy or completeness of the information contained herein, and expressly disclaim any and all liability based on or relating to any information contained in, or errors or omissions from, this information or based on or relating to the use of this information.

Introduction

This report presents the results of an economic impact analysis performed using Impact DashBoard, a model developed by Impact DataSource. The report estimates the impact that a potential project will have on the local economy and estimates the costs and benefits for local taxing districts over a 10-year period.

Economic Impact Overview

The table below summarizes the economic impact of the project over the first 10 years in terms of job creation, salaries paid to workers, and taxable sales.

| SUMMARY OF ECONOMIC IMPACT OVER 10 YEARS IN CITY OF TOMBALL |             |             |             |
|-------------------------------------------------------------|-------------|-------------|-------------|
| IMPACT                                                      | DIRECT      | SPIN-OFF    | TOTAL       |
| Jobs                                                        | 13.0        | 2.7         | 15.7        |
| Annual Salaries/Wages at Full Ops (Yr 2)                    | \$397,800   | \$126,460   | \$524,260   |
| Salaries/Wages over 10 Years                                | \$4,150,391 | \$1,319,401 | \$5,469,792 |
| Taxable Sales/Purchases in City of Tomball                  | \$1,082,845 | \$16,493    | \$1,099,338 |

Totals may not sum due to rounding

The Project may result in new residents moving to the community and potentially new residential properties being constructed as summarized below.

| SUMMARY OF POPULATION IMPACT OVER 10 YEARS IN CITY OF TOMBALL |        |          |       |
|---------------------------------------------------------------|--------|----------|-------|
| IMPACT                                                        | DIRECT | SPIN-OFF | TOTAL |
| Workers who will move to City of Tomball                      | 0.1    | 0.1      | 0.2   |
| New residents in City of Tomball                              | 0.3    | 0.2      | 0.5   |
| New residential properties constructed in City of Tomball     | 0.0    | 0.0      | 0.0   |
| New students to attend local school district                  | 0.1    | 0.0      | 0.1   |

Totals may not sum due to rounding

The new taxable property to be supported by the Project over the next 10 years is summarized in the following table.

| SUMMARY OF TAXABLE PROPERTY OVER THE FIRST 10 YEARS IN CITY OF TOMBALL |                                |           |              |           |             |                                 |                    |
|------------------------------------------------------------------------|--------------------------------|-----------|--------------|-----------|-------------|---------------------------------|--------------------|
| YR.                                                                    | NEW<br>RESIDENTIAL<br>PROPERTY | LAND      | BUILDINGS... | FF&E      | INVENTORIES | NON-<br>RESIDENTIAL<br>PROPERTY | TOTAL<br>PROPERTY  |
| 1                                                                      | \$4,519                        | \$500,000 | \$1,100,000  | \$200,000 | \$20,000    | <i>\$1,820,000</i>              | <b>\$1,824,519</b> |
| 2                                                                      | \$6,657                        | \$510,000 | \$1,122,000  | \$180,000 | \$20,400    | <i>\$1,832,400</i>              | <b>\$1,839,057</b> |
| 3                                                                      | \$6,790                        | \$520,200 | \$1,144,440  | \$160,000 | \$20,808    | <i>\$1,845,448</i>              | <b>\$1,852,238</b> |
| 4                                                                      | \$6,926                        | \$530,604 | \$1,167,329  | \$140,000 | \$21,224    | <i>\$1,859,157</i>              | <b>\$1,866,083</b> |
| 5                                                                      | \$7,065                        | \$541,216 | \$1,190,675  | \$120,000 | \$21,649    | <i>\$1,873,540</i>              | <b>\$1,880,605</b> |
| 6                                                                      | \$7,206                        | \$552,040 | \$1,214,489  | \$100,000 | \$22,082    | <i>\$1,888,611</i>              | <b>\$1,895,817</b> |
| 7                                                                      | \$7,350                        | \$563,081 | \$1,238,779  | \$80,000  | \$22,523    | <i>\$1,904,383</i>              | <b>\$1,911,733</b> |
| 8                                                                      | \$7,497                        | \$574,343 | \$1,263,554  | \$60,000  | \$22,974    | <i>\$1,920,871</i>              | <b>\$1,928,368</b> |
| 9                                                                      | \$7,647                        | \$585,830 | \$1,288,825  | \$40,000  | \$23,433    | <i>\$1,938,088</i>              | <b>\$1,945,735</b> |
| 10                                                                     | \$7,800                        | \$597,546 | \$1,314,602  | \$40,000  | \$23,902    | <i>\$1,976,050</i>              | <b>\$1,983,850</b> |

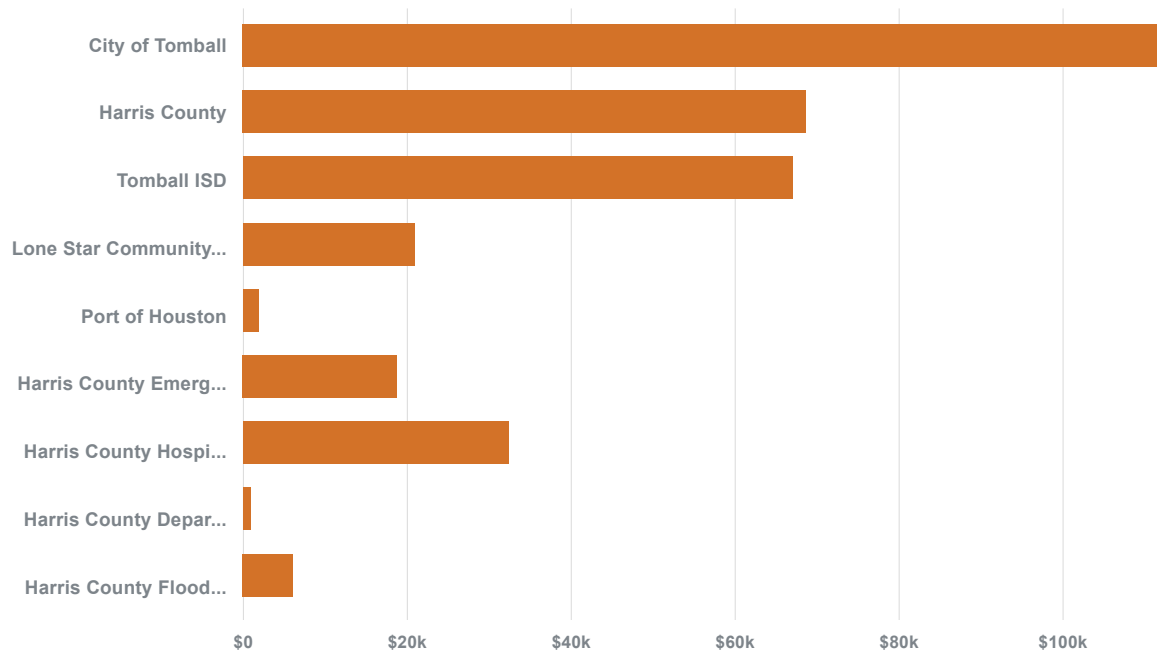
# Fiscal Impact Overview

The Project will generate additional benefits and costs, a summary of which is provided below. The source of specific benefits and costs are provided in greater detail for each taxing district on subsequent pages.

| FISCAL NET BENEFITS OVER THE NEXT 10 YEARS  |           |             |              |                |
|---------------------------------------------|-----------|-------------|--------------|----------------|
|                                             | BENEFITS  | COSTS       | NET BENEFITS | PRESENT VALUE* |
| City of Tomball                             | \$222,085 | (\$110,566) | \$111,519    | \$91,349       |
| Harris County                               | \$85,304  | (\$16,538)  | \$68,766     | \$52,962       |
| Tomball ISD                                 | \$249,603 | (\$182,520) | \$67,084     | \$51,613       |
| Lone Star Community College                 | \$20,977  | \$0         | \$20,977     | \$16,137       |
| Port of Houston                             | \$1,928   | \$0         | \$1,928      | \$1,483        |
| Harris County Emergency Services District 8 | \$18,875  | \$0         | \$18,875     | \$14,520       |
| Harris County Hospital District             | \$32,440  | \$0         | \$32,440     | \$24,955       |
| Harris County Department of Education       | \$972     | \$0         | \$972        | \$747          |
| Harris County Flood Control                 | \$6,114   | \$0         | \$6,114      | \$4,703        |
| Total                                       | \$638,298 | (\$309,623) | \$328,675    | \$258,470      |

\*The Present Value of Net Benefits expresses the future stream of net benefits received over several years as a single value in today's dollars. Today's dollar and a dollar to be received at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or each taxing entity's discount rate. This analysis uses a discount rate of 5.0% to make the dollars comparable.

Net Benefits Over the Next 10 Years





# Public Support Overview

A summary of the total Public Support modeled in this analysis is shown below.

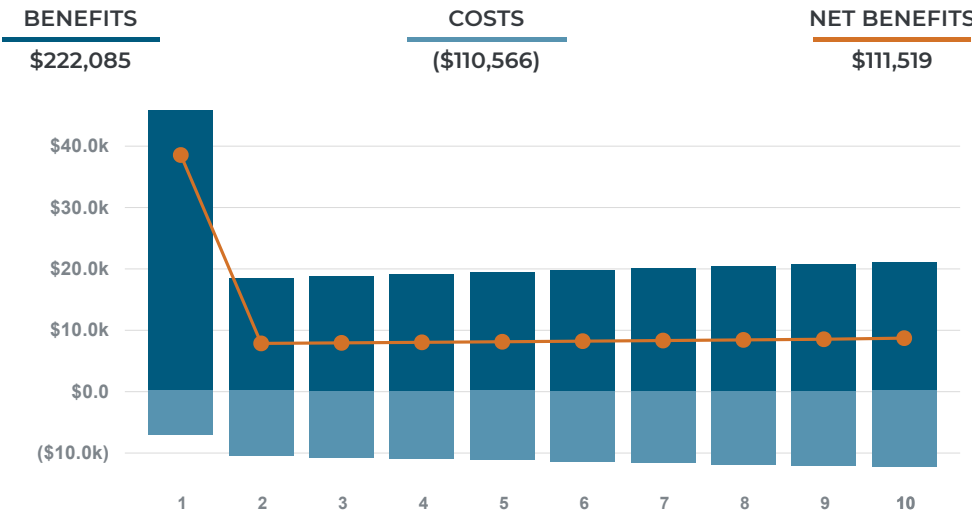
| VALUE OF PUBLIC SUPPORT UNDER CONSIDERATION |                   |          |
|---------------------------------------------|-------------------|----------|
|                                             | NON-TAX INCENTIVE | TOTAL    |
| City of Tomball                             | \$30,301          | \$30,301 |
| Harris County                               | \$0               | \$0      |
| Tomball ISD                                 | \$0               | \$0      |
| Lone Star Community College                 | \$0               | \$0      |
| Port of Houston                             | \$0               | \$0      |
| Harris County Emergency Services District 8 | \$0               | \$0      |
| Harris County Hospital District             | \$0               | \$0      |
| Harris County Department of Education       | \$0               | \$0      |
| Harris County Flood Control                 | \$0               | \$0      |
| Total                                       | \$30,301          | \$30,301 |

City of Tomball Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by City of Tomball over the next 10 years of the Project.

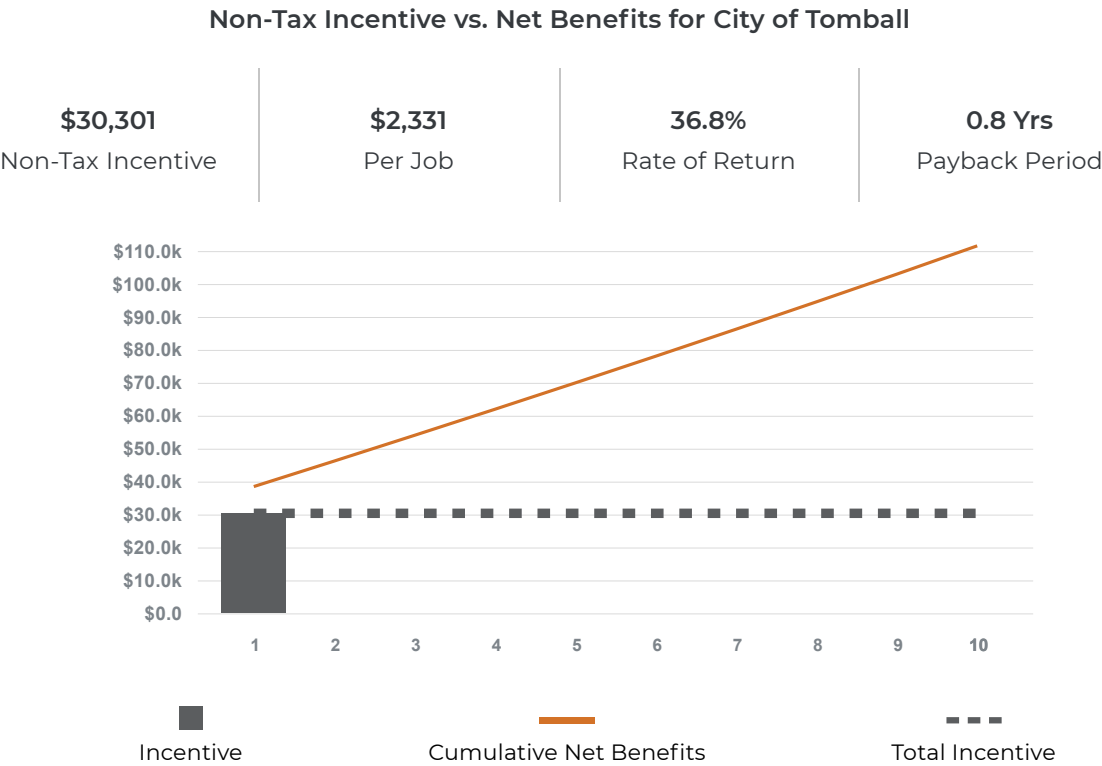
| NET BENEFITS OVER 10 YEARS: CITY OF TOMBALL |             |            |             |
|---------------------------------------------|-------------|------------|-------------|
| BENEFITS                                    | PROJECT     | HOUSEHOLDS | TOTAL       |
| Sales Taxes                                 | \$20,619    | \$1,367    | \$21,987    |
| Real Property Taxes                         | \$59,192    | \$0        | \$59,192    |
| FF&E Property Taxes                         | \$3,784     | \$0        | \$3,784     |
| Inventory Property Taxes                    | \$740       | \$0        | \$740       |
| New Residential Property Taxes              | \$0         | \$235      | \$235       |
| Hotel Occupancy Taxes                       | \$0         | \$0        | \$0         |
| Building Permits and Fees                   | \$25,000    | \$0        | \$25,000    |
| Utility Revenue                             | \$77,336    | \$3,145    | \$80,481    |
| Utility Franchise Fees                      | \$4,842     | \$197      | \$5,039     |
| Miscellaneous Taxes and User Fees           | \$24,626    | \$1,002    | \$25,627    |
| Benefits Subtotal                           | \$216,139   | \$5,946    | \$222,085   |
| COSTS                                       | PROJECT     | HOUSEHOLDS | TOTAL       |
| Cost of Government Services                 | (\$28,499)  | (\$1,157)  | (\$29,656)  |
| Cost of Utility Services                    | (\$77,751)  | (\$3,158)  | (\$80,909)  |
| Costs Subtotal                              | (\$106,250) | (\$4,316)  | (\$110,566) |
| Net Benefits                                | \$109,889   | \$1,631    | \$111,519   |

Annual Fiscal Net Benefits for City of Tomball



Non-Tax Incentives

The graph below depicts the non-tax incentives modeled in this analysis versus the cumulative net benefits to City of Tomball. The intersection indicates the length of time until the incentives are paid back.

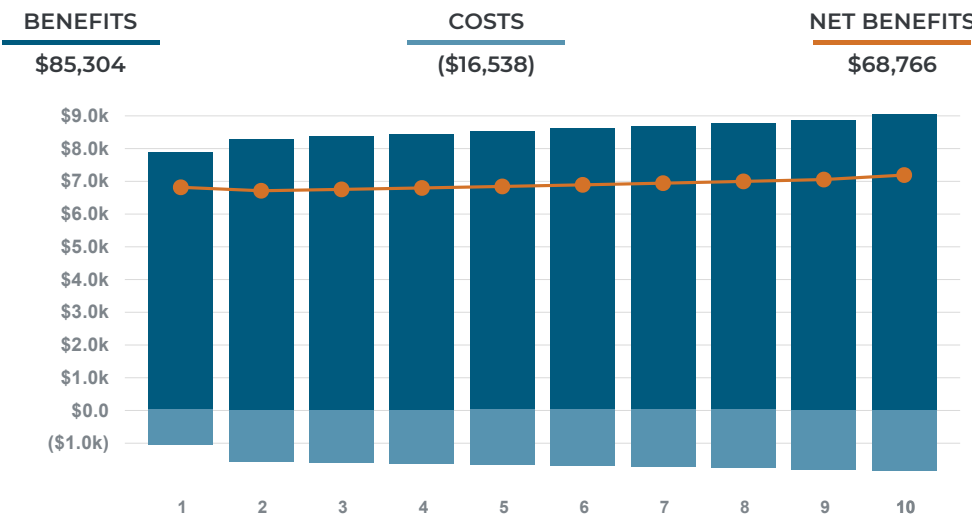


# Harris County Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: HARRIS COUNTY |            |            |            |
|-------------------------------------------|------------|------------|------------|
| BENEFITS                                  | PROJECT    | HOUSEHOLDS | TOTAL      |
| Real Property Taxes                       | \$68,529   | \$0        | \$68,529   |
| FF&E Property Taxes                       | \$4,381    | \$0        | \$4,381    |
| Inventory Property Taxes                  | \$857      | \$0        | \$857      |
| New Residential Property Taxes            | \$0        | \$2,349    | \$2,349    |
| Hotel Occupancy Taxes                     | \$0        | \$0        | \$0        |
| Miscellaneous Taxes and User Fees         | \$6,226    | \$2,962    | \$9,188    |
| Benefits Subtotal                         | \$79,993   | \$5,311    | \$85,304   |
| COSTS                                     | PROJECT    | HOUSEHOLDS | TOTAL      |
| Cost of Government Services               | (\$11,206) | (\$5,332)  | (\$16,538) |
| Costs Subtotal                            | (\$11,206) | (\$5,332)  | (\$16,538) |
| Net Benefits                              | \$68,787   | (\$21)     | \$68,766   |

Annual Fiscal Net Benefits for Harris County

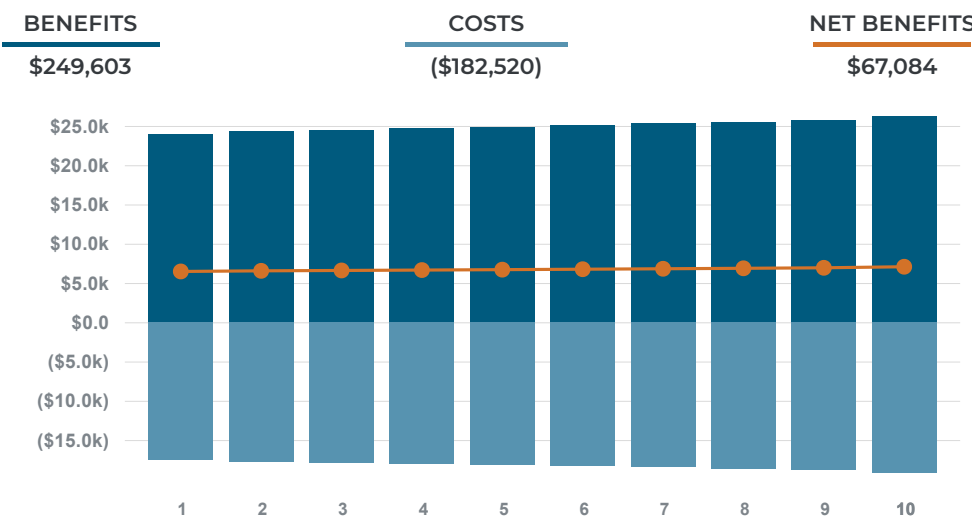


Tomball ISD Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Tomball ISD over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: TOMBALL ISD |             |            |             |
|-----------------------------------------|-------------|------------|-------------|
| BENEFITS                                | PROJECT     | HOUSEHOLDS | TOTAL       |
| Real Property Taxes                     | \$226,002   | \$0        | \$226,002   |
| FF&E Property Taxes                     | \$14,448    | \$0        | \$14,448    |
| Inventory Property Taxes                | \$2,825     | \$0        | \$2,825     |
| New Residential Property Taxes          | \$0         | \$2,846    | \$2,846     |
| Addtl. State & Federal School Funding   | \$0         | \$3,482    | \$3,482     |
| Benefits Subtotal                       | \$243,275   | \$6,328    | \$249,603   |
| COSTS                                   | PROJECT     | HOUSEHOLDS | TOTAL       |
| Cost to Educate New Students            | \$0         | (\$3,097)  | (\$3,097)   |
| Reduction in State School Funding       | (\$177,348) | (\$2,075)  | (\$179,422) |
| Costs Subtotal                          | (\$177,348) | (\$5,172)  | (\$182,520) |
| Net Benefits                            | \$65,928    | \$1,156    | \$67,084    |

Annual Fiscal Net Benefits for Tomball ISD



# Lone Star Community College Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Lone Star Community College over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: LONE STAR COMMUNITY COLLEGE |          |            |          |
|---------------------------------------------------------|----------|------------|----------|
| BENEFITS                                                | PROJECT  | HOUSEHOLDS | TOTAL    |
| Real Property Taxes                                     | \$18,886 | \$0        | \$18,886 |
| FF&E Property Taxes                                     | \$1,207  | \$0        | \$1,207  |
| Inventory Property Taxes                                | \$236    | \$0        | \$236    |
| New Residential Property Taxes                          | \$0      | \$647      | \$647    |
| Benefits Subtotal                                       | \$20,330 | \$647      | \$20,977 |
| COSTS                                                   | PROJECT  | HOUSEHOLDS | TOTAL    |
| None Estimated                                          | \$0      | \$0        | \$0      |
| Costs Subtotal                                          | \$0      | \$0        | \$0      |
| Net Benefits                                            | \$20,330 | \$647      | \$20,977 |

Annual Fiscal Net Benefits for Lone Star Community College



Port of Houston Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Port of Houston over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: PORT OF HOUSTON |         |            |         |
|---------------------------------------------|---------|------------|---------|
| BENEFITS                                    | PROJECT | HOUSEHOLDS | TOTAL   |
| Real Property Taxes                         | \$1,736 | \$0        | \$1,736 |
| FF&E Property Taxes                         | \$111   | \$0        | \$111   |
| Inventory Property Taxes                    | \$22    | \$0        | \$22    |
| New Residential Property Taxes              | \$0     | \$60       | \$60    |
| Benefits Subtotal                           | \$1,869 | \$60       | \$1,928 |
| COSTS                                       | PROJECT | HOUSEHOLDS | TOTAL   |
| None Estimated                              | \$0     | \$0        | \$0     |
| Costs Subtotal                              | \$0     | \$0        | \$0     |
| Net Benefits                                | \$1,869 | \$60       | \$1,928 |

Annual Fiscal Net Benefits for Port of Houston



# Harris County Emergency Services District 8 Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Emergency Services District 8 over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: HARRIS COUNTY EMERGENCY SERVICES DISTRICT 8 |          |            |          |
|-------------------------------------------------------------------------|----------|------------|----------|
| BENEFITS                                                                | PROJECT  | HOUSEHOLDS | TOTAL    |
| Real Property Taxes                                                     | \$16,994 | \$0        | \$16,994 |
| FF&E Property Taxes                                                     | \$1,086  | \$0        | \$1,086  |
| Inventory Property Taxes                                                | \$212    | \$0        | \$212    |
| New Residential Property Taxes                                          | \$0      | \$582      | \$582    |
| Benefits Subtotal                                                       | \$18,293 | \$582      | \$18,875 |
| COSTS                                                                   | PROJECT  | HOUSEHOLDS | TOTAL    |
| None Estimated                                                          | \$0      | \$0        | \$0      |
| Costs Subtotal                                                          | \$0      | \$0        | \$0      |
| Net Benefits                                                            | \$18,293 | \$582      | \$18,875 |

Annual Fiscal Net Benefits for Harris County Emergency Services District 8





# Harris County Hospital District Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Hospital District over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: HARRIS COUNTY HOSPITAL DISTRICT |          |            |          |
|-------------------------------------------------------------|----------|------------|----------|
| BENEFITS                                                    | PROJECT  | HOUSEHOLDS | TOTAL    |
| Real Property Taxes                                         | \$29,207 | \$0        | \$29,207 |
| FF&E Property Taxes                                         | \$1,867  | \$0        | \$1,867  |
| Inventory Property Taxes                                    | \$365    | \$0        | \$365    |
| New Residential Property Taxes                              | \$0      | \$1,001    | \$1,001  |
| Benefits Subtotal                                           | \$31,439 | \$1,001    | \$32,440 |
| COSTS                                                       | PROJECT  | HOUSEHOLDS | TOTAL    |
| None Estimated                                              | \$0      | \$0        | \$0      |
| Costs Subtotal                                              | \$0      | \$0        | \$0      |
| Net Benefits                                                | \$31,439 | \$1,001    | \$32,440 |

Annual Fiscal Net Benefits for Harris County Hospital District

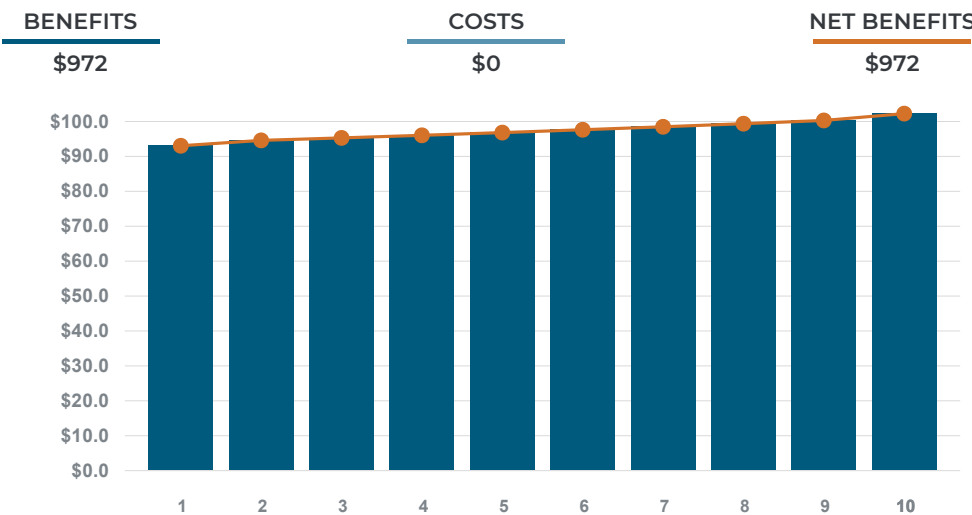


# Harris County Department of Education Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Department of Education over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: HARRIS COUNTY DEPARTMENT OF EDUCATION |         |            |       |
|-------------------------------------------------------------------|---------|------------|-------|
| BENEFITS                                                          | PROJECT | HOUSEHOLDS | TOTAL |
| Real Property Taxes                                               | \$875   | \$0        | \$875 |
| FF&E Property Taxes                                               | \$56    | \$0        | \$56  |
| Inventory Property Taxes                                          | \$11    | \$0        | \$11  |
| New Residential Property Taxes                                    | \$0     | \$30       | \$30  |
| Benefits Subtotal                                                 | \$942   | \$30       | \$972 |
| COSTS                                                             | PROJECT | HOUSEHOLDS | TOTAL |
| None Estimated                                                    | \$0     | \$0        | \$0   |
| Costs Subtotal                                                    | \$0     | \$0        | \$0   |
| Net Benefits                                                      | \$942   | \$30       | \$972 |

Annual Fiscal Net Benefits for Harris County Department of Education



# Harris County Flood Control Fiscal Impact

The table below displays the estimated additional benefits, costs, and net benefits to be received by Harris County Flood Control over the next 10 years of the Project.

| NET BENEFITS OVER 10 YEARS: HARRIS COUNTY FLOOD CONTROL |         |            |         |
|---------------------------------------------------------|---------|------------|---------|
| BENEFITS                                                | PROJECT | HOUSEHOLDS | TOTAL   |
| Real Property Taxes                                     | \$5,505 | \$0        | \$5,505 |
| FF&E Property Taxes                                     | \$352   | \$0        | \$352   |
| Inventory Property Taxes                                | \$69    | \$0        | \$69    |
| New Residential Property Taxes                          | \$0     | \$189      | \$189   |
| Benefits Subtotal                                       | \$5,925 | \$189      | \$6,114 |
| COSTS                                                   | PROJECT | HOUSEHOLDS | TOTAL   |
| None Estimated                                          | \$0     | \$0        | \$0     |
| Costs Subtotal                                          | \$0     | \$0        | \$0     |
| Net Benefits                                            | \$5,925 | \$189      | \$6,114 |

Annual Fiscal Net Benefits for Harris County Flood Control



Overview of Methodology

The Impact DashBoard model combines project-specific attributes with community data, tax rates, and assumptions to estimate the economic impact of the Project and the fiscal impact for local taxing districts over a 10-year period.

The economic impact as calculated in this report can be categorized into two main types of impacts. First, the direct economic impacts are the jobs and payroll directly created by the Project. Second, this economic impact analysis calculates the spin-off or indirect and induced impacts that result from the Project. Indirect jobs and salaries are created in new or existing area firms, such as maintenance companies and service firms, that may supply goods and services for the Project. In addition, induced jobs and salaries are created in new or existing local businesses, such as retail stores, gas stations, banks, restaurants, and service companies that may supply goods and services to new workers and their families.

The economic impact estimates in this report are based on the Regional Input-Output Modeling System (RIMS II), a widely used regional input-output model developed by the U. S. Department of Commerce, Bureau of Economic Analysis. The RIMS II model is a standard tool used to estimate regional economic impacts. The economic impacts estimated using the RIMS II model are generally recognized as reasonable and plausible assuming the data input into the model is accurate or based on reasonable assumptions. Impact DataSource utilizes adjusted county-level multipliers to estimate the impact occurring at the sub-county level.

Two types of regional economic multipliers were used in this analysis: an employment multiplier and an earnings multiplier. An employment multiplier was used to estimate the number of indirect and induced jobs created or supported in the area. An earnings multiplier was used to estimate the amount of salaries to be paid to workers in these new indirect and induced jobs. The employment multiplier shows the estimated number of total jobs created for each direct job. The earnings multiplier shows the estimated amount of total salaries paid to these workers for every dollar paid to a direct worker. The multipliers used in this analysis are listed below:

| 445210 MEAT MARKETS   |                         | CITY OF TOMBALL |
|-----------------------|-------------------------|-----------------|
| Employment Multiplier | (Type II Direct Effect) | 1.2075          |
| Earnings Multiplier   | (Type II Direct Effect) | 1.3179          |

Most of the revenues estimated in this study result from calculations relying on (1) attributes of the Project, (2) assumptions to derive the value of associated taxable property or sales, and (3) local tax rates. In some cases, revenues are estimated on a per new household, per new worker, or per new school student basis.

The company or Project developer was not asked, nor could reasonably provide data for calculating some other revenues. For example, while the city will likely receive revenues from fines paid on speeding tickets given to new workers, the company does not know the propensity of its workers to speed. Therefore, some revenues are calculated using an average revenue approach.

This approach uses relies on two assumptions:

- 1. The taxing entity has two general revenue sources: revenues from residents and revenues from businesses.
- 2. The taxing entity will collect (a) about the same amount of miscellaneous taxes and user fees from each new household that results from the Project as it currently collects from existing households on average, and (b) the same amount of miscellaneous taxes and user fees from the new business (on a per worker basis) will be collected as it collects from existing businesses.

In the case of the school district, some additional state and federal revenues are estimated on a per new school student basis consistent with historical funding levels.

Additionally, this analysis sought to estimate the additional expenditures faced by local jurisdictions to provide services to new households and new businesses. A marginal cost approach was used to calculate these additional costs.

This approach relies on two assumptions:

- 1. The taxing entity spends money on services for two general groups: revenues from residents and revenues from businesses.
- 2. The taxing entity will spend slightly less than its current average cost to provide local government services (police, fire, EMS, etc.) to (a) new residents and (b) businesses on a per worker basis.

In the case of the school district, the marginal cost to educate new students was estimated based on a portion of the school's current expenditures per student and applied to the headcount of new school students resulting from the Project.

Additionally, this analysis seeks to calculate the impact on the school district's finances from the Project by generally, and at a summary level, mimicking the district's school funding formula.

According to the Texas Education Agency, any property added to local tax rolls, and the local taxes that this generates, reduces the amount of state funding equivalent to local taxes collected for maintenance and operations. The school district retains local taxes received for debt services and the corresponding state funding is not reduced. However, according to the Texas Education Agency, the school district will receive state aid for each new child that moves to the District. The additional revenues for the school district are calculated in this analysis.

## About Impact DataSource

Established in 1993, Impact DataSource is an Austin, Texas-based economic consulting firm. Impact DataSource provides high-quality economic research, specializing in economic and fiscal impact analyses. The company is highly focused on supporting economic development professionals and organizations through its consulting services and software. Impact DataSource has conducted thousands of economic impact analyses of new businesses, retention and expansion projects, developments, and activities in all industry groups throughout the U.S.

For more information on Impact DataSource, LLC and our product Impact DashBoard, please visit our website [www.impactdatasource.com](http://www.impactdatasource.com)



Impact Analysis

## AGREEMENT

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

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation**, an industrial development corporation created pursuant to Tex. Rev. Civ. Stat. Ann. Art. 5190.6, Section 4B, located in Harris County, Texas (the “TEDC”), and **B. Smittys, LLC** (the “Company”), 11210 Mahaffey Rd., Tomball, TX 77375.

### WITNESSETH:

**WHEREAS**, it is the established policy of the TEDC to adopt such reasonable measures from time-to-time as are permitted by law to endeavor to attract industry, create and retain primary jobs, expand the growth of the City of Tomball (the “City”), and thereby enhance the economic stability and growth of the City; and

**WHEREAS**, the Company proposes to develop a 2-acre tract of land within the City, located at 22621 Hufsmith-Kohrville Road, Tomball, Texas 77375 (the “Property”), more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

**WHEREAS**, the Company plans to expend over One Million Dollars (\$1,000,000) to construct an 8,000 square foot meat market and wild game processing facility (the “Improvements”) on the site, more particularly described in Exhibit “B,” attached hereto and made a part hereof; and

**WHEREAS**, the Company also proposes to create thirteen (13) new full-time employment positions in Tomball in conjunction with the opening of its business operations on the Property; and

**WHEREAS**, the TEDC agrees to provide to the Company the sum of Thirty Thousand Three Hundred and One Dollars (\$30,301.00), or an amount equal to up to ten percent (10%) of actual construction costs if less than the sum stated above, to assist in the construction of infrastructure necessary to promote and develop new business enterprises on the Property. The infrastructure found by the Board of Directors of TEDC to be required to develop the Property are certain drainage facilities and related improvements, site improvements, water, sanitary sewer, and electric, utilities to the exterior of the buildings (the “Infrastructure Improvements”), identified and described in Exhibit “C,” attached hereto and made a part hereof; and

**WHEREAS**, the Company has agreed, in exchange and as consideration for the funding, to satisfy and comply with certain terms and conditions; and

**NOW, THEREFORE**, in consideration of the premises and the mutual benefits and obligations set forth herein, including the recitals set forth above, the TEDC and the Company agree as follows:

1.

The Company covenants and agrees that it will construct, occupy, and maintain on the Property an 8,000 square-foot meat market and wild game processing facility (the “Improvements”) identified and described in Exhibit “B,” attached hereto and made a part hereof. In conjunction with the development of the Property, the Company further agrees to construct the Improvements contemplated by this Agreement, in accordance with the

requirements of the ordinances of the City and the plans and specifications approved by the City. The Company further represents and agrees that it will certify the costs of the construction of such Infrastructure Improvements to the TEDC prior to construction.

2.

Construction of the Improvements on the Property, including construction of the Infrastructure Improvements, must commence within 180 days from the date of this Agreement (the “Start Date”), and the Company shall notify the TEDC of such Start Date. The construction of the Improvements to the Property, including construction of the Infrastructure Improvements, shall be completed, and all necessary occupancy permits from the City shall be obtained within eighteen (18) months from the Effective Date of this agreement. Extensions of these deadlines due to extenuating circumstances or uncontrollable delay may be granted by the Board of Directors of the TEDC at its sole discretion.

3.

The Company further covenants and agrees that the Improvements described in Paragraph 1 hereof will be occupied and that the meat market and wild game processing facility will be maintained on the property for a term of at least five (5) years.

4.

The Company further covenants and agrees that the Company or any owner or leasee of the Improvements does not and will not knowingly employ an undocumented worker. An “undocumented worker” shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States; or (b) authorized under the law to be employed in that manner in the United States.



5.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to reimburse the Company for the actual cost of the Infrastructure Improvements up to the amount of Thirty Thousand Three Hundred and One Dollars (\$30,301.00), or an amount equal to up to ten percent (10%) of actual construction costs if less than the sum stated above. The TEDC agrees to reimburse the Company for such amount within thirty (30) days of receipt of a letter from the Company requesting such payment and including: (a) certification of the costs of constructing the Infrastructure Improvements; (b) a copy of the City's occupancy permit for the Improvements to the Property; (c) verification from the City acknowledging that all necessary plats, permits, plans, and specifications have been received, reviewed, and approved; (d) certification that the Infrastructure Improvements have been constructed in accordance with the approved plans and specifications; and (e) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Infrastructure Improvements have been paid and any and all liens and claims regarding such work have been released.

6.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus one-half percent ( $\frac{1}{2}\%$ ) per annum, within thirty (30) days after the TEDC notifies the Company of the default. It is further understood and agreed by the parties that if the Company, or any owner or lessee of the Improvements, is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will reimburse the TEDC the full amount paid to the Company, with

interest at the rate equal to the 90-day Treasury Bill plus one-half percent (½%) per annum, within thirty (30) days after the TEDC notifies the Company of the violation.

The Company shall also reimburse the TEDC for any and all reasonable attorney's fees and costs incurred by the TEDC as a result of any action required to obtain reimbursement of such funds. Such reimbursement shall be due and payable thirty (30) days after the Company receives written notice of default.

7.

This Agreement shall inure to the benefit of and be binding upon the TEDC and the Company, and upon the Company's successors and assigns, lessees, affiliates, and subsidiaries, and shall remain in force whether the Company sells, leases, assigns, or in any other manner disposes of, either voluntarily or by operation of law, all or any part of the Property and the agreements herein contained shall be held to be covenants running with the Property for so long as this Agreement, or any extension thereof, remains in effect.

8.

Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

|             |                                          |
|-------------|------------------------------------------|
| If to City: | Tomball Economic Development Corporation |
|             | 401 W. Market Street                     |
|             | Tomball, Texas 77375                     |
|             | Attn: President, Board of Directors      |

If to Company: B. Smittys, LLC  
11210 Mahaffey Rd.,  
Tomball, TX 77375  
Attn: Blake Smith  
Owner, B. Smittys, LLC

9.

This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas.

10.

Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the parties hereto.

11.

The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.

12.

This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.

13.

In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or

circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be deemed to be independent of and severable from the remainder of this Agreement, and the validity of the remaining parts of this Agreement shall not be affected thereby.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on this \_\_\_\_\_ day of \_\_\_\_\_ 2021 (the “Effective Date”).

**B. Smittys, LLC**

By: \_\_\_\_\_  
Name: Blake Smith  
Title: Owner

ATTEST:

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

**TOMBALL ECONOMIC DEVELOPMENT CORPORATION**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: President, Board of Directors

ATTEST:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Secretary, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS   §  
                                      §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_  
2021, by Blake Smith, Owner, B. Smittys, LLC for and on behalf of said company.

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

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

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS   §  
                                      §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_  
2021, by \_\_\_\_\_, President of the Board of Directors of the Tomball  
Economic Development Corporation, for and on behalf of said Corporation.

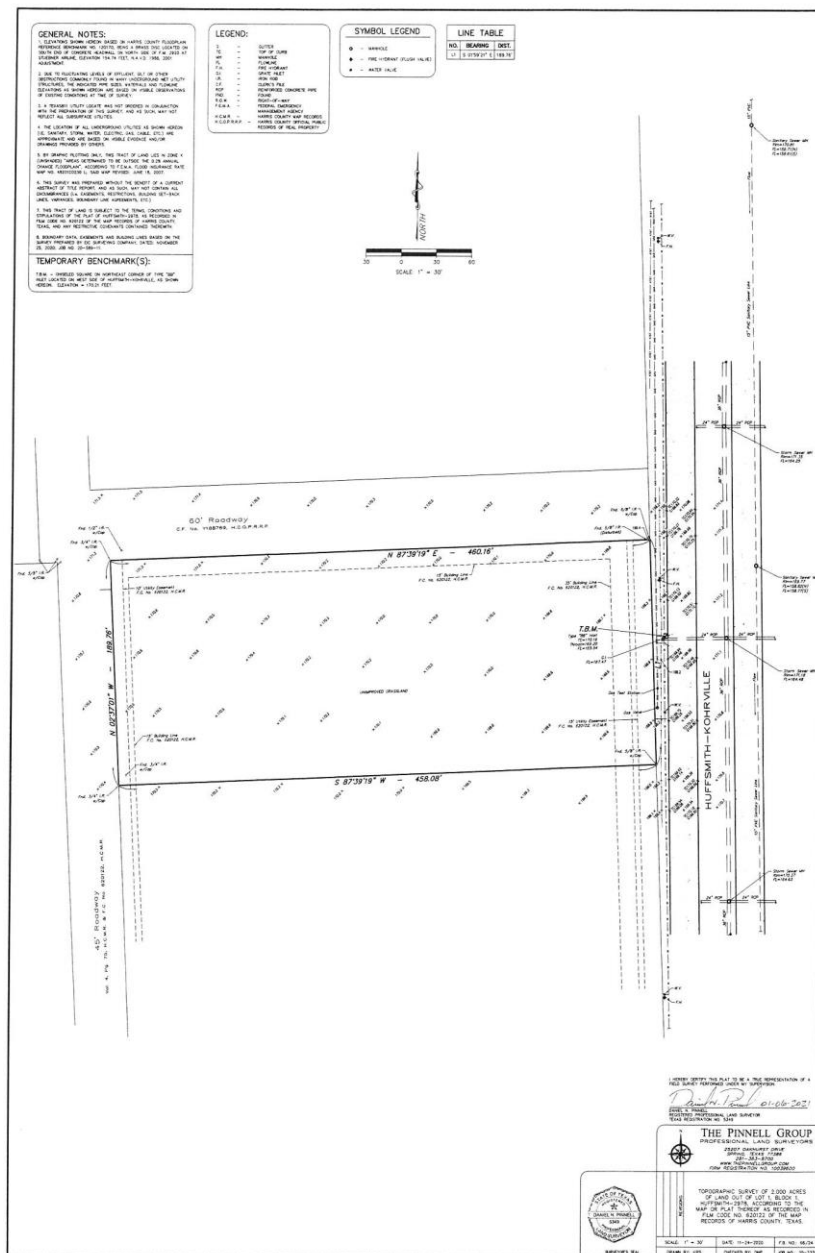
\_\_\_\_\_  
Notary Public in and for the State of Texas

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

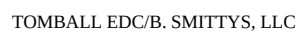
(SEAL)

# **Exhibit A** **Legal Description of Property**

**2.00 ACRES OF LAND DESCRIBED AS TR 1A BLK 1  
HUFFSMITH 2978**



Construction of an 8,000 square foot meat market and wild game processing facility to be located at 22621 Huffsmith-Kohrville Road, Tomball, TX 77375



## Exhibit C

### Description of Infrastructure Improvements

| 22621 Hufsmith Korhville Road |                   |
|-------------------------------|-------------------|
| Tomball, TX 77377             |                   |
|                               |                   |
| Improvement                   | Cost              |
| SWPPP                         | \$ 6,500          |
| Sanitary Sewer                | \$ 72,964         |
| Storm Drainage                | \$ 174,169        |
| Water                         | \$ 9,877          |
| Site Preparation              | \$ 39,500         |
| <b>Total</b>                  | <b>\$ 303,010</b> |
|                               |                   |



## RESOLUTION NO. 2021-14-TEDC

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING AND APPROVING THE TOMBALL ECONOMIC DEVELOPMENT CORPORATION'S PROJECT TO EXPEND FUNDS IN ACCORDANCE WITH AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT BY AND BETWEEN THE CORPORATION AND B. SMITTYS, LLC, TO PROMOTE AND DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

**WHEREAS**, the Tomball Economic Development Corporation (the "TEDC"), created pursuant to the Development Corporation Act, now Chapter 501 of the Texas Local Government Code, as amended (the "Act"), desires to adopt projects and provide incentives for economic development within the City; and

**WHEREAS**, the Board of Directors of the TEDC had adopted as a specific project the expenditure of the estimated amount of Thirty Thousand Three Hundred and One Dollars (\$30,301.00), found by the Board to be required or suitable to promote a new business development by B. Smittys, LLC; and

**WHEREAS**, pursuant to the Act, the TEDC may not undertake such project without the approval of Tomball City Council; and

**WHEREAS**, City Council finds and determines that such project promotes new or expanded business enterprises and is in the best interests of the citizenry; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**Section 1.** The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

**Section 2.** The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, an expenditure of the estimated amount of Thirty Thousand Three Hundred and One Dollars (\$30,301.00) to B. Smittys, LLC in accordance with an economic development agreement by and between the TEDC and B. Smittys, LLC, to promote and develop a new or expanded business enterprises, to be located at 22621 Hufsmith-Kohrville Rd., Tomball, Texas 77375.

**Section 3.** In the event any clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstance shall for any reason be adjudged

invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**PASSED AND APPROVED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED, APPROVED, AND RESOLVED** on second and final reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Gretchen Fagan, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

# City Council Meeting Agenda Item Data Sheet

**Meeting Date:** April 5, 2021

**Topic:**

Approve Resolution No. 2021-15, a Resolution of the City Council of the City of Tomball, Texas, Sponsoring the July 4th Celebration, to be Held in Tomball on Sunday, July 4, 2021, Closing State Highway Business 249 from Hicks Street to the North Entrance to the Kroger Parking Lot from 12:00 PM until 11:00 PM, and Authorizing the City Manager to Issue a Letter to TxDOT Requesting the Closure of the Designated Portion of State Highway Business 24

### Background:

For the past several years, the City of Tomball has hosted a street party/festival with live entertainment and family activities culminating in a fireworks show. Last year's festival was negatively affected by the COVID outbreak but it appears the virus may be better controlled by July of this year.

Resolution 2021-15 is presented for Council approval for submission in the City's request to TXDoT for the closure of Business SH 249 between Keefer and Hicks on July 4<sup>th</sup> to host the fireworks and related festival activities.

Approval of Resolution 2021-15 will authorize the Mayor to execute the Resolution, authorizing the City to sponsor the event and authorizing the City Manager to issue the letter to TXDoT.

**Origination:** Fire & Marketing Departments

**Recommendation:**

Staff recommends approval

**Party(ies) responsible for placing this item on agenda:** Randy Parr, Fire Chief

**FUNDING (IF APPLICABLE)**

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

Yes: XX No: If yes, specify Account Number: #100-119-6340

| <u>From</u>                                     | <u>To</u>    | <u>Amount</u> |
|-------------------------------------------------|--------------|---------------|
| If no, funds will be transferred from account # | To account # |               |

|        |              |           |             |              |      |
|--------|--------------|-----------|-------------|--------------|------|
| Signed | Randy Parr   | 3-29-2021 | Approved by |              |      |
|        | Staff Member | Date      |             | City Manager | Date |

**RESOLUTION NO. 2021-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SPONSORING THE CITY'S ANNUAL *JULY 4<sup>TH</sup> CELEBRATION*, TO BE HELD IN TOMBALL ON SUNDAY, JULY 4, 2021, CLOSING STATE HIGHWAY BUSINESS 249 FROM HICKS STREET TO THE NORTH ENTRANCE TO THE KROGER PARKING LOT FROM 12:00 P.M. UNTIL 11:00 P.M., AND AUTHORIZING THE CITY MANAGER TO ISSUE A LETTER TO TxDOT REQUESTING THE CLOSURE OF THE DESIGNATED PORTION OF STATE HIGHWAY BUSINESS 249**

\* \* \* \* \*

**WHEREAS** the City of Tomball annually provides a *July 4<sup>th</sup> Celebration* for the enjoyment of its citizens and the surrounding community, with a fireworks display under the direction of the Tomball Fire Department; and

**WHEREAS** the *July 4<sup>th</sup> Celebration* provides a unique opportunity to showcase Tomball's many attractions and encourage citizens to enjoy the festivities and sales offered by local merchants in Tomball on July 4<sup>th</sup>; and

**WHEREAS** the *July 4<sup>th</sup> Celebration* has become one of the most popular fireworks displays, drawing people from surrounding areas including Magnolia, Spring, Houston and The Woodlands; and

**WHEREAS** the *July 4<sup>th</sup> Celebration* plans include many activities sponsored during the day by the Tomball Fire Department and the Tomball Police Department, including a block party; and

**WHEREAS** the City of Tomball desires and requests the closure of the following portion of State Highway 249 on Sunday, July 4, 2021, from 12:00 p.m. to 11:00 p.m.;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Tomball and its governing body endorses and supports the *July 4<sup>th</sup> Celebration* as a safe July 4<sup>th</sup> holiday for its citizens and the surrounding community.

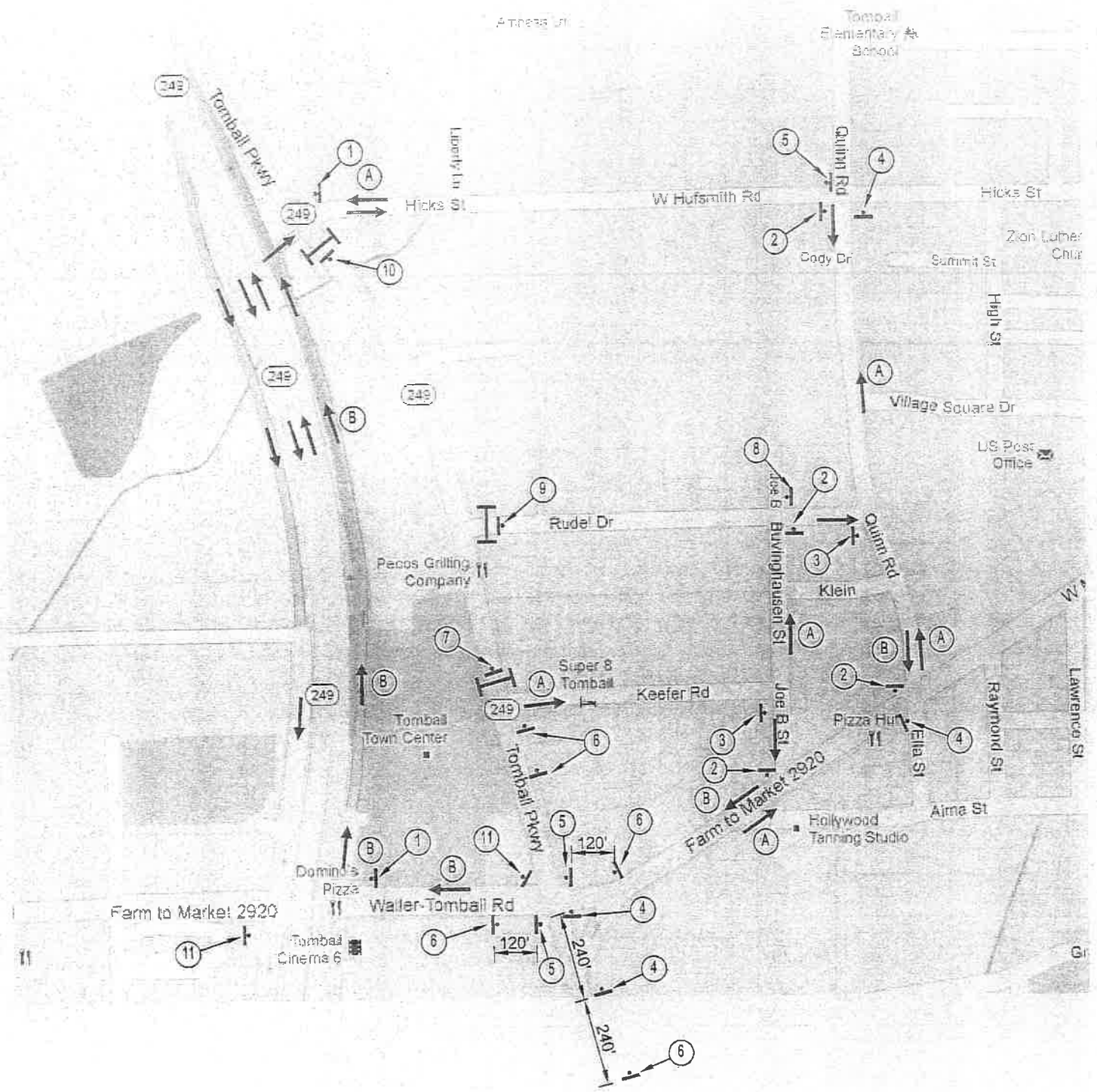
**PASSED AND APPROVED** AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 5TH DAY OF APRIL 2021.

\_\_\_\_\_  
GRETCHEN FAGAN, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

CLR DWG INFO: F:\WORK\FRED\TOMBALL FIRE STATION 94-040-02\DWG\4TH OF JULY DETOUR PLAN.DWG LAYOUT1 6/6/2012 10:09:54 AM FRED LACEY



### LEGEND

- ← DETOUR ROUTE
  - TEMPORARY GROUND MOUNTED SIGN
  - TYPE III BARRICADE
  - (A) FM 2920 EASTBOUND TO SH 249 BUSINESS NORTHBOUND
  - (B) FM 2920 WESTBOUND TO SH 249 BUSINESS NORTHBOUND
- |                                    |                                                 |                            |
|------------------------------------|-------------------------------------------------|----------------------------|
| 1 SH 249 BUSINESS (NORTH) DETOUR → | 2 SH 249 BUSINESS DETOUR →                      | 3 SH 249 BUSINESS DETOUR ↔ |
| 4 SH 249 BUSINESS (NORTH) DETOUR ← | 5 SH 249 BUSINESS (NORTH) DETOUR ↑              | 6 DETOUR AHEAD             |
| 7 ROAD CLOSED →                    | 8 ROAD CLOSED AHEAD ←                           | 9 ROAD CLOSED ↔            |
| 10 ROAD CLOSED →                   | 11 BUSINESS SH 249 CLOSED AT KEEFER RD JULY 4TH | CHANGEABLE MESSAGE SIGN    |

**CLR, Inc.**

TX Firm Reg. No. 275

Engineers • Surveyors • GIS  
19530 F.M. 362, Waller, Texas 77484  
Phone: (713) 462-0993 Fax: (713) 462-2732



*Kyle A. Bertrand*  
06-06-12

### TRAFFIC CONTROL PLAN

|                 |                 |          |
|-----------------|-----------------|----------|
| SCALE<br>NTS    | SH 249 BUSINESS | DWG. NO. |
| DATE<br>6-6-12  |                 |          |
| PERFORMED FOR   |                 |          |
| CITY OF TOMBALL |                 |          |

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: April 5, 2021

**Topic:**

Authorize the City Manager to Execute a Letter to TxDOT Requesting the Use of the Detention Pond behind Lowe's for the Purpose of Launching the July 4<sup>th</sup> Fireworks Display

**Background:**

For the past few years, the City of Tomball Fireworks show has been successfully launched from the detention pond area behind the Lowe's. This removes the proximity of the viewers to the shooting site and provides a significantly greater distance from other facilities than what was available at the First Baptist site on the east side of SH 249.

**Origination:** Fire & Marketing Departments

**Recommendation:**

Staff recommends approval

**Party(ies) responsible for placing this item on agenda:**

Randy Parr, Fire Chief/Mike Baxter,  
Marketing

**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 | Randy Parr   | 3-29-2021 | Approved by |              |      |
|        | Staff Member | Date      |             | City Manager | Date |



# City of Tomball

**Gretchen Fagan**  
Mayor

**Robert S. Hauck**  
City Manager

April 6, 2021

Ms. Shirre Cormier  
Ms. SueNing Lee, P.E.  
Texas Department of Transportation  
Traffic Engineering – Houston  
P.O. Box 1386  
Houston, TX 77251-1386

Re: Access to and Use of Detention Facility  
SH 249 North of FM 2920 and West of SH 249 (Behind the Lowe's)

Dear Ms. Cormier and Ms. Lee:

In 2019 and 2020, TXDoT approved the use, by the City of Tomball, of a detention pond area west of SH 249, behind the Lowe's Home Improvement Store on FM 2920 in Tomball, for a fireworks display. We are hopeful that you will again look favorably on our request for the use of the area from which to conduct our show. The northwest corner of the detention pond is an ideal location with the setback distances from roadways and occupied buildings far exceeding the State Department of Insurance requirements.

On an annual basis, the City of Tomball hosts a July 4th Festival that includes live music, children's area, food vendors and a large fireworks display. The festival area is located on the northbound Business SH 249 between Keefer and Hicks and includes the closure of that TXDoT roadway. Upwards of 50,000 visitors from the local area and beyond attend the event each year.

If you have any questions, please feel free to contact Randy Parr, Fire Chief, at 281-290-1063.

Sincerely,

David Esquivel  
Interim City Manager









City Council Meeting
Agenda Item
Data Sheet

Meeting Date: April 5, 2021

Topic:
Discussion and Possible Action/Direction from Council regarding Amendments to Chapter 32 and Chapter 48 of the Code of Ordinances, regarding Application Requirements for Peddlers/Solicitors, Taxi Driver, and Tow Truck Driver Permits

Background:
Our current Code of Ordinances requires fingerprinting for Taxi or Wrecker Chauffeur’s licenses, door-to-door solicitors, peddlers, and interstate sales applications, so that criminal history/background checks can be reviewed and approved by the Tomball Police Department.
Following TPD’s recent audit for Best Practices, the City Secretary’s Office was advised that the CSO can no longer use TPD’s accounts with Texas DPS and the FBI for fingerprinting and criminal history/background checks. As a result, we contacted the DPS regarding opening an account for the CSO to process the above permits.

We have been advised by DPS that the requirements contained in the City’s Ordinances are insufficient for DPS to assist the City Secretary’s Office in applying to receive FBI approval for access to criminal history information. We have several options/choices:

- 1. Amend Chapters 32 and 48 to meet the legislative and FBI requirements regarding access to criminal history information, referencing the statutes that allow access to receive national criminal history record information;
2. Amend Chapters 32 and 48 to remove the requirements for fingerprinting and criminal history/background checks to issue permits;
3. Repeal the sections of Chapter 48 that legislate taxi and tow truck driver and company licensing, but retain the storage lot requirement (inside the city or within Tomball’s ETJ) and the rotation list requirements, which are administered by the Police Department; and/or
4. Repeal the section of Chapter 32 that legislates peddlers/solicitors permitting requirements but retain the mobile food vendors/mobile food court requirements.

The City Secretary’s Office has not issued any peddlers/solicitors’ permits in 2020 or 2021, first due to Covid-19 restrictions, and now, due to our inability to access criminal histories. In 2019, total receipts for tow companies and tow truck drivers were \$1,630. For fiscal year 2018-2019, total receipts for peddlers/solicitors for door-to-doors sales were \$1,250.

Taxi companies are legislated by the State and the City does not charge for taxi company or taxi driver permits. Tow truck companies and tow truck drivers are legislated by the State and Harris County and the Code could be amended to require that companies provide proof of their licensing and storage lot locations to the Tomball Police Department to be allowed to participate in TPD’s rotation list. The City Secretary’s Office could continue to issue vendors permits with the current requirements, less the background checks.

City Staff requests Council’s input and direction regarding possible amendments to the City’s ordinances and/or changes to current permitting processes.

Origination: City Secretary

Recommendation:

Discussion and Direction

Party(ies) responsible for placing this item on agenda: Doris Speer, City Secretary

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 Doris Speer 3-12-2021 Approved by
Staff Member Date City Manager Date

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: April 5, 2021

#### Topic:

Discussion and possible action regarding the amendment of City of Tomball drainage design standards to comply with Harris County's minimum drainage standards.

#### Background:

Last year, the City of Tomball received correspondence from Harris County in regards to the adoption of minimum drainage standards.

Harris County's minimum drainage standards include:

- Use Atlas 14 rainfall to size storm water conveyances and detention systems.
- Require a minimum of 0.55 acre feet of detention per acre of new developments for one acre or larger (excludes single family residential and accessory buildings on existing lots).
- Prohibit use of hydrograph timing as a substitution for detention, unless draining directly to Galveston Bay.
- Require no net fill in the 500-year floodplain, except in coastal zones.
- Require the minimum finished floor elevation of new habitable structures be established at or waterproofed to the 500-year floodplain elevation as shown on the effective Flood Insurance Study.

If the City of Tomball chooses not to update its drainage design standards to the Harris County's minimums, Harris County Commissioners Court will not authorize any partnership projects within the Tomball city limits.

**Origination:** Community Development Department

#### Recommendation:

**Party(ies) responsible for placing this item on agenda:** Craig T. Meyers, PE, CFM Community Development Director

#### 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



# HARRIS COUNTY

## OFFICE OF THE COUNTY ENGINEER

1001 Preston, Suite 500  
Houston, Texas 77002  
(713) 755-5370

May 22, 2020

### Honorable Mayors of Cities Located Within Harris County

**SUBJECT: Recommendation on Minimum Standards for Communities in Harris County and Draining to Harris County**

Dear Honorable Mayors of Harris County Cities:

On Tuesday, May 19, 2020, Harris County Commissioners Court adopted the attached letter to encourage a minimum level of flood resiliency across all of Harris County. Adoption of the minimum standards listed in the letter by communities across Harris County will result in an increased flood resiliency for the entirety of Harris County.

We will be hosting an online information session on **June 2, 2020 at 3:00pm** concerning the initiative for you and any of your staff. The meeting can be accessed at: <https://harriscounty.webex.com/harriscounty/j.php?MTID=m7f419f25deacef15e76825cbfbb32732> or you may call in to the meeting at (408) 418-9388 (meeting access code: 966 199 817).

The purpose of this policy is to provide a minimum set of drainage regulations and development policies that will allow all municipalities in Harris County to have a consistent set of standards that incorporate NOAA Atlas 14 rainfall rates. The proposed standards are intended to preserve the capacity and purpose of the ongoing Harris County Flood Control District (District) Bond Projects and make Harris County more resilient to future flooding events. Nothing in this policy is intended to reduce the level of current regulation within any municipality or to prevent any municipality from enacting more stringent standards.

These recommendations will NOT affect the status or scheduling of projects included on the 2018 Bond Project List. All 2018 Bond Projects will be completed as planned with the funding shown in the bond program.

If a municipality chooses not to update their regulations to these minimum standards, the municipality would not be eligible for participation in the Partnership Projects funding included in the 2018 Bond (Bond Project ID Z-02 – Partnership Projects with Municipalities, Authorities, and Other Districts in Harris County) projects until they do so. This fund amount is authorized at \$175,000,000 and allows for joint funding of unidentified future projects between the District and a participating municipality. If the participating municipality chooses not to update their standards and they currently have

# HARRIS COUNTY

## OFFICE OF THE COUNTY ENGINEER

1001 Preston, Suite 500  
Houston, Texas 77002  
(713) 755-5370

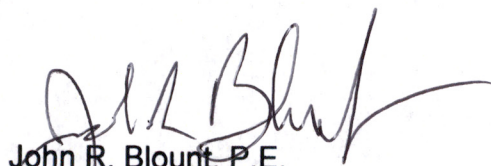
an active partnership project or projects with the District funded through Z-02, the project would be cancelled if not completed by December 31, 2020, and any remaining bond funds will be refunded to the Bond Project ID Z-02. Additionally, Harris County roadway partnership projects that have not begun construction prior to December 31, 2020 will be similarly impacted. Ongoing partnership projects can continue as long as the partnering municipality is actively working toward updating their standards.

If your city has interest, Harris County has engaged an engineering consultant that can assist in updating your regulations to meet the minimum standards listed in the attached letter at no cost to your city.

If you have any questions concerning the update of your regulations or would like assistance from Harris County's engineering consultant, please contact Alisa Max, P.E., Harris County Engineering Department, at [alisa.max@eng.hctx.net](mailto:alisa.max@eng.hctx.net). If you have any questions concerning your District Bond projects or partnership projects, please contact Matthew Zeve, P.E., Harris County Flood Control District, at [matthew.zeve@hcfcd.hctx.net](mailto:matthew.zeve@hcfcd.hctx.net).

We are here to assist your city in becoming more flood resilient.

Sincerely,



John R. Blount, P.E.  
County Engineer  
Office of the County Engineer



Russell A. Poppe, P.E.  
Executive Director  
Harris County Flood Control District

Attachment

JB/AM

**HARRIS COUNTY**  
**OFFICE OF THE COUNTY ENGINEER**

---

**1001 Preston, Suite 500  
Houston, Texas 77002  
(713) 755-5370**

May 12, 2020

Honorable County Judge  
& Commissioners

**SUBJECT: Recommendation on Minimum Standards for Communities in Harris County and Draining to Harris County**

Dear Court Members:

At the April 28, 2020, Commissioners Court, we were directed to recommend minimum standards for adoption by communities located in Harris County to ensure the benefits achieved by the 2018 Harris County Flood Control Bond Program are protected.

Our recommendation is that all cities within Harris County, and those entities located outside of Harris County but drain to Harris County, adopt the following minimum standards by December 31, 2020, and be effective within their municipal boundaries and extraterritorial jurisdiction:

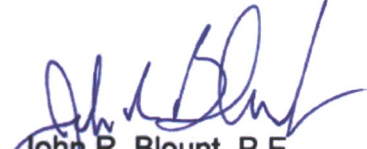
- Use Atlas 14 rainfall rates for sizing storm water conveyance and detention systems.
- Require a minimum detention rate of 0.55 acre feet per acre of detention for any new development on tracts one acre or larger in size. However, a single family residential structure and accessory buildings proposed on an existing lot is exempt from providing detention.
- Prohibit the use of hydrograph timing as a substitution for detention on any project, unless it directly outfalls into Galveston Bay.
- Require no net fill in the current mapped 500-year floodplain, except in areas identified as coastal zones only
- Require the minimum Finished Floor Elevation (FFE) of new habitable structures be established at or waterproofed to the 500-year flood elevation as shown on the effective Flood Insurance Study.



It is further recommended that the County Engineer extend the current agreement with EHRA Engineering to assist communities in evaluating and updating their policies and ordinances upon their request at no cost to the community. As part of this process, these communities may identify additional requirements or criteria to implement depending on their flood risk and storm water infrastructure capacity.

To help reinforce participation, we also recommend that no partnership projects, including flood control or county roadway projects, be constructed in these communities after December 31, 2020, until such time their criteria is updated to reflect the above minimum standards. Partnership projects that are currently scheduled for construction in these communities before December 31, 2020, may continue as scheduled provided the communities are actively working with us to update their criteria. It should be noted that this effort is part of a larger Fix Flooding First initiative that will be presented to Commissioners Court for an official roll out in June 2020.

Sincerely,



John R. Blount, P.E.  
County Engineer



Russell A. Poppe, P.E.  
Executive Director  
Harris County Flood Control District

JRB/RP/ed

# HARRIS COUNTY

## OFFICE OF THE COUNTY ENGINEER

1001 Preston, Suite 500  
Houston, Texas 77002  
(713) 755-5370

### MEMORANDUM

**DATE:** February 12, 2021

**TO:** Commissioners Court Members

**FROM:** John Blount, P.E., County Engineer *John R Blount*

**CC:** Alisa Max, P.E., Assistant County Engineer  
Lloyd Smith, P.E., Assistant County Engineer

**SUBJECT:** **Status of Minimum Measures for Communities in Harris County and Draining to Harris County**

---

In response to the request made at last Commissioners Court I offer the following information for your use.

At the April 28, 2020 Commissioners Court, the County Engineer and the Executive Director of the Harris County Flood Control District were directed to recommend minimum measures for drainage and/or floodplain regulations to be adopted by communities located in Harris County, and draining to Harris County, to ensure the benefits of the 2018 Harris County Flood Control District Bond are protected.

On May 19, 2020 Commissioners Court adopted the attached letter that was sent to Mayors of cities located within Harris County and to all Counties that border Harris County. The letter includes guidelines for adopting five minimum measures before a December 31, 2020 deadline, with an impact on the approval of future partnership projects (Bond Project ID Z-02 – Partnership Projects with Municipalities, Authorities, and Other Districts in Harris County - \$175,000,000). The Engineering Department has engaged a consultant to review ordinances and provide recommended revisions to each community, and has staff that have engaged cities and counties in these discussions since May 2020.

According to the guidelines established in the attached letter, communities currently fall into three categories:

1. Communities that have successfully revised their ordinances or regulations. We recommend that partnership projects be approved for these communities.
2. Communities that are working diligently to revise their ordinances or regulations. We recommend that existing partnership projects continue as planned if the community continues to work diligently on revising their ordinances or regulations, but that no new partnership project be approved until the revision are adopted.



3. Communities that have not prioritized updates to their ordinances or regulations. We recommend that no partnership projects be approved until the community takes appropriate steps to update their ordinances or regulations.

The attached document includes a list of communities and their status as of today.

**Status of Minimum Measures for Communities in Harris  
County and Draining to Harris County**

|                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Communities that have successfully revised their ordinances or regulations. We recommend that partnership projects be approved for these communities.                                                                                                                                                                             |                                                                                                                                                                                                                                                         |
| City of Baytown<br>City of Bellaire<br>City of Deer Park<br>City of El Lago<br>City of Friendswood<br>City of Galena Park                                                                                                                                                                                                            | City of Hilshire Village<br>City of Houston<br>City of Jersey Village<br>City of Pasadena<br>City of Seabrook<br>City of Taylor Lake Village                                                                                                            |
|                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                         |
| 2. Communities that are working diligently to revise their ordinances or regulations. We recommend that existing partnership projects continue as planned if the community continues to work diligently on revising their ordinances or regulations, but that no new partnership project be approved until the revision are adopted. |                                                                                                                                                                                                                                                         |
| City of Bunker Hill Village<br>City of Hedwig Village<br>City of Humble<br>City of Hunter's Creek<br>City of Jacinto City<br>City of Katy<br>City of La Porte<br>City of League City<br>City of Missouri City<br>City of Morgan's Point<br>City of Nassau Bay<br>City of Pearland                                                    | City of Piney Point Village<br>City of Shoreacres<br>City of South Houston<br>City of Southside Place<br>City of Spring Valley<br>City of Stafford<br>City of Webster<br>City of West University<br>Fort Bend County<br>Waller County<br>Liberty County |
|                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                         |
| 3. Communities that have not prioritized updates to their ordinances or regulations. We recommend that no partnership projects be approved until the community takes appropriate steps to update their ordinances or regulations.                                                                                                    |                                                                                                                                                                                                                                                         |
| City of Tomball<br>City of Waller<br>Brazoria County<br>Galveston County<br>Montgomery County                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                         |



## Minimum Standards for Communities in Harris County

**Cities Meeting**

**June 2, 2020**



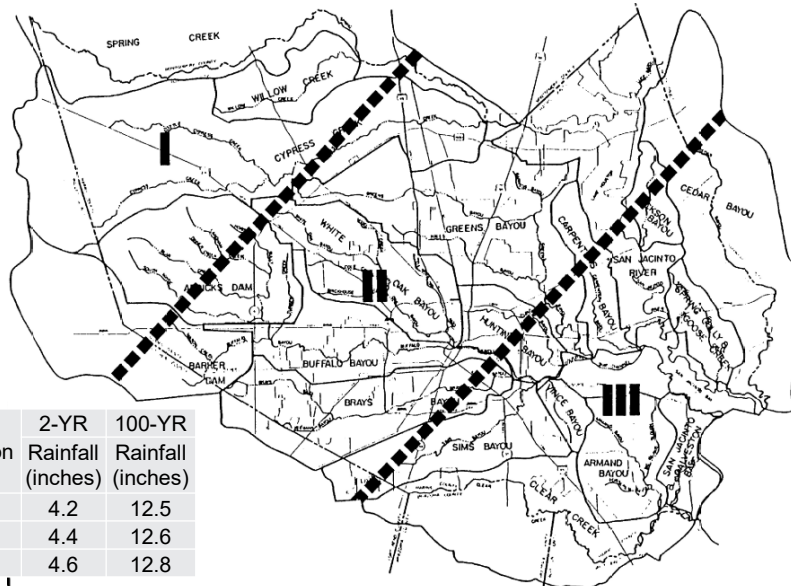
## Our Prior Understanding of Rainfall Rates Were Underestimated

Rainfall Rates Were Defined By:

- TP 40 (1961)
- TP-49 (1967)
- Hydro-35 (1977)
- USGS Updates in 1994/1998 (HCFCD)
- ATLAS 14, Volume 11 (2019)



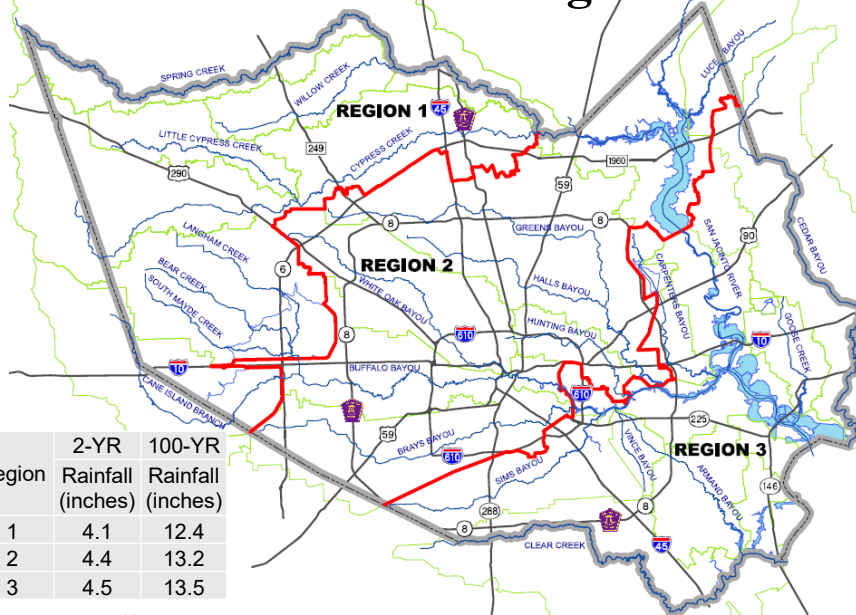
## HCFCF Rainfall Regions -1988



| Region | 2-YR<br>Rainfall<br>(inches) | 100-YR<br>Rainfall<br>(inches) |
|--------|------------------------------|--------------------------------|
| I      | 4.2                          | 12.5                           |
| II     | 4.4                          | 12.6                           |
| III    | 4.6                          | 12.8                           |



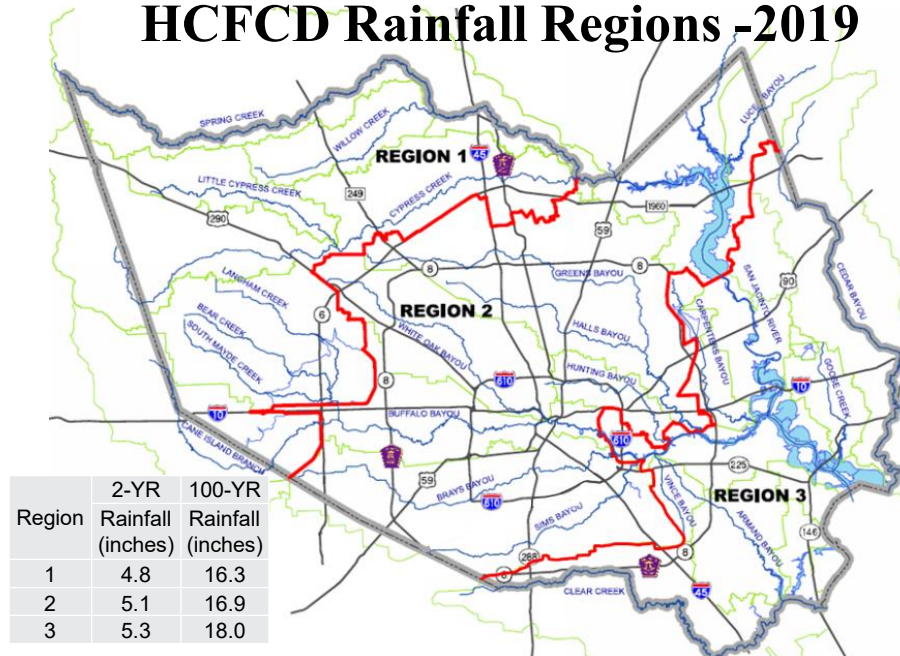
## HCFCF Rainfall Regions -2002



| Region | 2-YR<br>Rainfall<br>(inches) | 100-YR<br>Rainfall<br>(inches) |
|--------|------------------------------|--------------------------------|
| 1      | 4.1                          | 12.4                           |
| 2      | 4.4                          | 13.2                           |
| 3      | 4.5                          | 13.5                           |



## HCFCD Rainfall Regions -2019



## MAAPnext

Houston Area increase of 3-5" in 100-year, 24-hour rainfall

Multi-year MAAPnext project recently begun to update the FEMA Flood Insurance Rate Maps with the new rainfall rates and take advantage of other new advancements in the understanding and modeling of flood risks

### Until MAAPnext is complete:

Our understanding of what the true 100-year, 24-hour rainfall is similar to the current FEMA Effective 500-year, 24-hour rainfall in most areas

Current FEMA Effective 500-year floodplains as reasonable estimate for true 100-year floodplain



## So Why Do We Care What Each City Is Doing?

- Because we need to protect each other
- Protect our bond project benefits
- Protect our communities from preventable flooding



## May 19, 2020 Commissioners Court Letter

- Based on request by Commissioners Court on April 28, 2020
- Work with Harris County Cities and Other Communities that Drain into Harris County to ensure benefits of 2018 Harris County Flood Control District Bond Program benefits are achieved
- Defines minimum regulatory standards to be adopted to protect each other. Standards are less than Harris County currently adheres to in unincorporated region
- Updates related to Atlas 14. Removal of loopholes. Many of these items already being done by cities.
- Harris County will provide free technical assistance regarding regulation updates to any city interested



## Minimum Standards

- Use Atlas 14 rainfall to size storm water conveyances and detention systems
- Require a minimum of 0.55 acre feet of detention per acre of new developments for 1 acre or larger. Excludes single family residential and accessory buildings on existing lots.
- Prohibit use of hydrograph timing as a substitution for detention, unless draining directly to Galveston Bay
- Require no net fill in the 500-year floodplain, except in Coastal areas
- Require the minimum Finished Floor Elevation (FFE) of new habitable structures be established at or waterproofed to the 500-year floodplain elevation as shown on the effective FIS.



## Free Technical Assistance to Cities to Update Regulations

If you would like technical assistance to determine what changes should be made to your ordinances to include these minimum standards, Harris County will provide that assistance to each city free of charge to the city.





## Adoption Deadlines

- The deadline for regulation update is December 31, 2020
- After that time, Harris County Commissioners Court recommends that no new construction starts begin on partnership projects within communities that have not adopted the minimum standards.
- Harris County Commissioners Court recommends that construction starts on partnership projects on projects scheduled to begin prior to December 31, 2020 may continue provided the community is working with HC/HCFCD on updating their regulations at that time
- Defined 2018 HCFCD bond projects are anticipated to continue regardless of community adoption



## Partnership Projects

Partnership Project = any project with HCFCD and/or HCFCD where HCFCD and the partner share the cost of the project.

HCFCD example – a potential stormwater detention basin in the City of Katy

HCFCD example – A jointly funded roadway project of benefit to a city located within that city limits

Not a Partnership Project =

- All defined projects in the 2018 HCFCD Bond Program
- Any project that HCFCD and HCFCD would complete regardless of having a partner or not. -- Sidewalk project near a school in a city that a Precinct proactively promotes.
- Any HCFCD/HCFCD project where the partner is contributing funds for an amenity not required to complete the project. -- Chimney Rock bridge over Brays Bayou (COH paying for wider sidewalks)





## Part of a Larger Initiative

- This work is being done as a part of a larger initiative to increase the resiliency of Harris County that will be presented later this month at Commissioners Court
- We have heard our residents. We have heard our local professionals. We have heard from you.
- The community wants us to address flooding. They want to be more resilient.
- We can only do this if we are in this together.



## QUESTIONS?

Alisa Max, P.E.  
Chief Operations Officer  
Harris County Engineering Department  
[Alisa.Max@eng.hctx.net](mailto:Alisa.Max@eng.hctx.net)

Matt Zeve, P.E., CFM  
Deputy Executive Director  
Harris County Flood Control District  
[Matthew.Zeve@hcfcd.hctx.net](mailto:Matthew.Zeve@hcfcd.hctx.net)

Craig Maske, P.E., CFM  
Chief Planning Officer  
Harris County Flood Control District  
[Craig.Maske@hcfcd.hctx.net](mailto:Craig.Maske@hcfcd.hctx.net)



# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: April 5, 2021

#### Topic:

Approve Resolution No. 2021-16, a Resolution of the City of Tomball, Texas, amending authorized signatories for Contractual and Financial documents pertaining to the 2016 GLO Community Development Block Grant – Disaster Recovery (CDBG-DR) Program, Contract #19-076-029-B386.

#### Background:

Based on contractual requirements with the General Land Office, the City must adopt a resolution to amend the authorized signatories allowed to execute contractual documents and documents requesting funds from our approved grant.

Staff is requesting that the City Manager and Finance Director be appointed as authorized signatories for payment requests including purchase vouchers for the state and request for payment forms

Staff is requesting that the Mayor and City Manager remain as authorized signatories for execution of contractual documents including the contract, extension request, if needed, and contract amendments.

**Origination:** Public Works Department

#### Recommendation:

Staff recommends approving Resolution No. 2021-16, designating authorized signatories for the City's Community Development Block Grant – Disaster Recovery.

**Party(ies) responsible for placing this item on agenda:** Meagan Mageo, Project Coordinator

#### FUNDING (IF APPLICABLE)

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

Yes: X No: \_\_\_\_\_ If yes, specify Account Number: #400-154-6409

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

|        |                     |             |              |
|--------|---------------------|-------------|--------------|
| Signed | <u>Meagan Mageo</u> | Approved by | _____        |
|        | Staff Member        |             | City Manager |
|        | Date                |             | Date         |

**RESOLUTION NO. 2020-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL,  
TEXAS, DESIGNATING AUTHORIZED SIGNATORIES FOR  
CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING  
FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK  
GRANT – DISASTER RECOVERY PROGRAM (CDBG-DR) CONTRACT  
NUMBER 19-076-029-B386.**

\* \* \* \* \*

**WHEREAS** the City of Tomball, Texas has received a 2016 Flood Allocation – Infrastructure Community Development Block Grant – Disaster Recovery program award to provide Flood & Drainage Improvements; and

**WHEREAS** it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office; and

**WHEREAS** an original signed copy of the CDBG-DR Depository/Authorized Signatories Designation Form is to be submitted with a copy of this Resolution; and

**WHEREAS** the City of Tomball acknowledges that in the event an authorized signatory of the City changes (elections, illness, resignations, etc.) the City must provide CDBG-DR with the following:

- A revised CDBG-DR Depository/Authorized Signatories Designation Form.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF TOMBALL, TEXAS, AS FOLLOWS:**

SECTION 1: The Mayor and City Manager are authorized to execute contractual documents between the Texas General Land Office and the City for the 2016 Flood – Infrastructure Community Development Block Grant Disaster Recovery Program.

SECTION 2: The City Manager and Assistant City Manager are authorized to execute the State of Texas Purchase Voucher and Request for Payment Form documents required for requesting funds approved in the Hurricane Harvey – Infrastructure Community Development Block Grant Disaster Recovery Program.

**PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 5<sup>TH</sup> DAY OF APRIL 2021.**

\_\_\_\_\_  
GRETCHEN FAGAN, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

# City Council Meeting

## Agenda Item

### Data Sheet

**Meeting Date:** April 5, 2021

**Topic:**

Executive Session: The City Council will meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

Sec. 551. 074 – Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – Interim City Manager, Interim Assistant City Manager

**Background:**

**Origination:** David Esquivel, Acting City Manager

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:** David Esquivel, Acting City Manager

**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 | <u>Doris Speer</u> | <u>3-23-2021</u> | Approved by | _____        |
|        | Staff Member       | Date             |             | City Manager |
|        |                    |                  |             | Date         |

# City Council Meeting

## Agenda Item

### Data Sheet

**Meeting Date:** April 5, 2021

**Topic:**

Appoint David Esquivel as Interim City Manager and Confirm Jeff Bert as Interim Assistant City Manager/Police Chief

**Background:**

**Origination:** David Esquivel, Acting City Manager

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:** David Esquivel, Acting City Manager

**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 | <u>Doris Speer</u> | <u>3-23-2021</u> | Approved by | _____        |
|        | Staff Member       | Date             |             | City Manager |
|        |                    |                  |             | Date         |