

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



**Monday, December 5, 2022  
6:00 PM**

Notice is hereby given of a Regular meeting of the Tomball City Council, to be held on Monday, December 5, 2022 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.

**THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR DECEMBER 5, 2022, 6:00 PM, AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. 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: 850 3553 4753, Passcode: 710008. 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 Chaplain Kelly Hall – The Renewal Center Fellowship
- 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. Presentations

- \* Presentation by Bruce Hillegeist – 2023 Miss Tomball, Annelise Garrison
- \* Presentation by Al Gerhardt, Tomball Lions Club - \$1,500.00 donation each to Fire and Police Departments for annual Christmas Programs

F. Reports and Announcements

1. Announcements

- I. December 9 and 10, 2022 – Spring Creek County Historical Association’s **Annual Candlelight Tour** and **Holiday Open House** – 6:00 p.m.-9:00 p.m. at the Tomball Museum Center
- II. December 9-11, 2022 – **German Christmas Market** – Depot Plaza and Market Street
- III. December 23 and December 26, 2022 – **Christmas Holidays** – City offices closed
- IV. January 2, 2023 – **New Year’s Day Holiday** – City offices closed

2. Reports by City staff and members of council about items of community interest on which no action will be taken:

- I. Chrislord Templonuevo – Report on the success of the “Deck the Depot” event
- II. Jeff Bert/Joe Sykora – Report on the success of the “Holiday Heroes” event
- III. Katherine Tapscott – Quarterly Financial Update for Fiscal Year 2021-2022 Preliminary Year-End Financials

G. Old Business

- 1. Adopt, on Second Reading, Ordinance No. 2022-38, 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 17.08 acres of land legally described as being all of lots 1,2,3, and 4 of Tomball Business and Technology Park from Single Family Residential -20 (SF-20) to Light Industrial (LI). The property is located within the 1900 block of S. Persimmon Street (east and west sides), 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.

2. Adopt, on Second Reading, Ordinance No. 2022-40, an ordinance of the City of Tomball, Texas, amending Section(s) 50-116(j) (*Site Development Standards - Mobile Food Courts*) Chapter 50 (Zoning) of the Tomball Code of Ordinances by revising the standards governing mobile food vendors located within mobile food courts, 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 Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*
  1. Approve the Minutes of the November 21, 2022 Regular Tomball City Council Meeting
  2. Approve Request from Tomball Little League Parade for City Support and In-Kind Services for the ***Little League's Annual Opening Day Parade*** in downtown Tomball, on Saturday, March 4, 2023
  3. Approve a Memorandum of Understanding with iChoosr, LLC to participate in the Texas Power Switch Program, and authorize the City Manager to execute.
  4. Approve a Memorandum of Understanding with iChoosr, LLC to participate in the Texas Solar Switch Program, and authorize the City Manager to execute.
  5. Approve the rollover of outstanding Fiscal Year 2021-2022 purchase orders to Fiscal Year 2022-2023
- I. New Business
  1. Declare Two (2) Tracts of Land, located at the Intersection of Medical Complex and Hufsmith-Kohrville (FM 2978), Consisting of 0.5211 Acres and 0.7040 Acres of Land, as Surplus Lots and Authorize City Staff to Proceed with Bidding the Tracts of Land for Sale
  2. 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. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney's duty requires to be discussed in closed session

- Sec. 551.076 – Deliberation regarding Security Devices

J. 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 December 2022 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer, City Secretary, TRMC, MMC

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: December 5, 2022

**Topic:**

- Presentation by Bruce Hillegeist – 2023 Miss Tomball, Annelise Garrison
- Presentation by Al Gerhardt, Tomball Lions Club - \$1,500.00 donation each to Fire and Police Departments for annual Christmas Programs

**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 11-22-2022 Approved by \_\_\_\_\_  
Staff Member Date City Manager Date

**City Council Meeting  
Agenda Item  
Data Sheet**

**Meeting Date:** December 5, 2022

**Topic:**

December 9 and 10, 2022 – Spring Creek County Historical Association’s *Annual Candlelight Tour* and *Holiday Open House* – 6:00 p.m.-9:00 p.m. at the Tomball Museum Center

**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 11-22-2022 Approved by \_\_\_\_\_  
Staff Member Date City Manager Date



TOMBALL MUSEUM CENTER  
ANNUAL

# *Candlelight Tour*



DECEMBER 9 & 10, 2022  
6:00 PM-9:00 PM



TOMBALLMUSEUMCENTER.COM  
SPRING CREEK COUNTY HISTORICAL ASSOCIATION

# City Council Meeting Agenda Item Data Sheet

Meeting Date: December 5, 2022

**Topic:**

December 9-11, 2022 – **German Christmas Market** – Depot Plaza and Market Street

**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>11-1-22</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date



# City Council Meeting Agenda Item Data Sheet

Meeting Date: December 5, 2022

**Topic:**

December 23 and December 26, 2022 – **Christmas Holidays** – City offices closed

**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>11-1-22</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: December 5, 2022

**Topic:**

January 2, 2023 – **New Year’s Day Holiday** – City offices closed

**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>11-22-22</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: December 5, 2022

**Topic:**

- Chrislord Templonuevo – Report on the success of the “Deck the Depot” event

**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>11-22-22</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: December 5, 2022

**Topic:**

- Jeff Bert/Joe Sykora – Report on the success of the “Holiday Heroes” event

**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>11-22-22</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: December 5, 2022

**Topic:**

Katherine Tapscott – Quarterly Financial Update for Fiscal Year 2021-2022 Preliminary Year-End Financials.

**Background:**

**Origination:** Finance Director

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:** Katherine Tapscott, 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: # \_\_\_\_\_

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

Signed	<u>Katherine Tapscott</u>	<u>11/30/2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

# City Council Meeting Agenda Item Data Sheet

Meeting Date: November 7, 2022

**Topic:**

Adopt, on Second Reading, Ordinance No. 2022-38, 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 17.08 acres of land legally described as being all of lots 1,2,3, and 4 of Tomball Business and Technology Park from Single Family Residential -20 (SF-20) to Light Industrial (LI). The property is located within the 1900 block of S. Persimmon Street (east and west sides), 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 DENIAL (2 Vote Aye, 2 Votes Nay)

**Origination:** Tomball Economic Development Corporation and Tortuga Operating Company

**Recommendation:**

Approval

**Party(ies) responsible for placing this item on agenda:** Nathan Dietrich, 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 \_\_\_\_\_  
Staff Member Date

Approved by \_\_\_\_\_  
City Manager Date

ORDINANCE NO. 2022-38

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 17.08 ACRES OF LAND LEGALLY DESCRIBED AS BEING LOTS 1, 2, 3, AND 4 OF TOMBALL BUSINESS & TECHNOLOGY PARK FROM THE SINGLE FAMILY RESIDENTIAL - 20 (SF-20) DISTRICT TO THE LIHT INDUSTRIAL (LI) DISTRICT, BEING LOCATED WITHIN THE 1900 BLOCK OF S. PERSIMMON STREET (EAST AND WEST SIDE), 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, Tomball Economic Development Corporation and Tortuga Operating Company has requested that approximately 17.08 acres of land legally described as being Lots 1, 2, 3, and 4 of Tomball Business and Technology Park, Section 2, located in the 1900 block of S. Persimmon Street, 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 the Light Industrial 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 Residential - 20 District to the Light Industrial 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 Light Industrial 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 1<sup>ST</sup> DAY OF NOVEMBER 2022.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DUNAGIN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>ABSENT</u>
COUNCILMAN PARR	<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 DECEMBER 2022.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

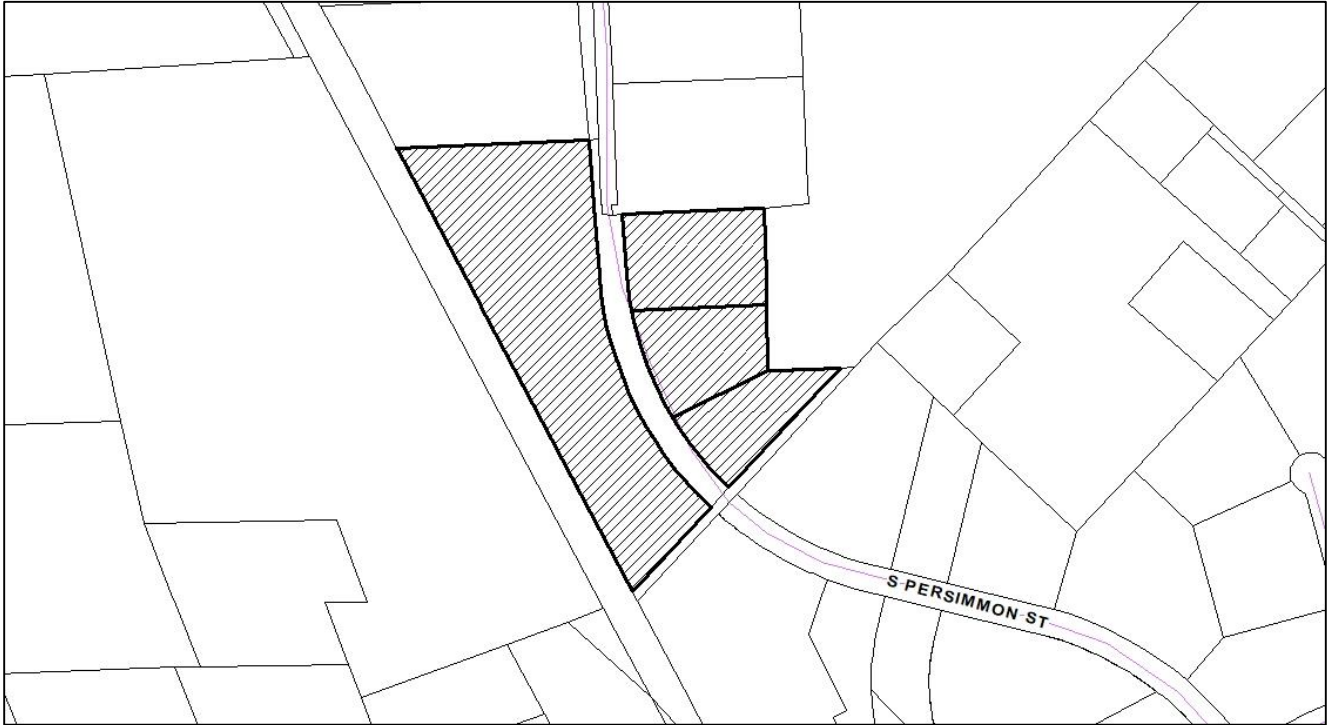
\_\_\_\_\_  
Lori Klein Quinn, Mayor

ATTEST:

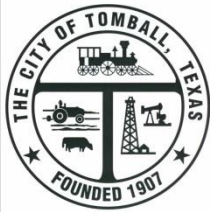
\_\_\_\_\_  
Doris Speer, City Secretary



**Exhibit "A"**



Location: Lots 1, 2, 3, and 4 of Tomball Business and Technology Park, Section 2



**Rezoning  
Staff Report**

Planning & Zoning Commission Public Hearing Date: October 10, 2022  
City Council Public Hearing Date: October 17, 2022

**Rezoning Case:** P22-309  
**Property Owner(s):** Tomball Economic Development Corporation & Tortuga Operating Company  
**Applicant(s):** Tomball Economic Development Corporation  
**Legal Description:** Lots 1, 2, 3, and 4 in Tomball Business & Technology Park, Sec. 2  
**Location:** 1900 block of S. Persimmon St. (east & west side) (Exhibit “A”)  
**Area:** 17.08 acres  
**Comp Plan Designation:** Business Park and Industrial (Exhibit “B”)  
**Present Zoning and Use:** Single Family Residential – 20 (SF-20) (Exhibit “C”) / Vacant (Exhibit “D”)  
**Request:** Rezone to the Light Industrial (LI) District  
**Adjacent Zoning & Land Uses:**  
**North:** Single Family Residential - 20 / Vacant  
**South:** Light Industrial / Warehousing  
**West:** Single Family Residential - 20 / Vacant  
**East:** Single Family Residential – 20 / Vacant

**BACKGROUND**

The subject properties have been within the city limits since 1909. The properties have remained vacant since that time. The properties has been located within the Single Family Residential – 20 zoning district since 2008 when the City of Tomball adopted zoning. According to information provided by the applicant, the zone change request is to allow for additional expansion of the Tomball Business & Technology Park immediately south of the subject properties.

**ANALYSIS**

The subject properties comprise approximately 17.08 acres, located along S. Persimmon Street midway between Medical Complex Drive and Holderrieth Road. Properties north, east, and west of the subject site are within Single Family Residential – 20 zoning districts and are presently vacant. The properties south of the subject properties are within Light Industrial zoning and are currently utilized warehousing/distribution purposes.

**Comprehensive Plan Recommendation:**

The Future Land Use Map within the Comprehensive Plan designates the subject property as “Business Park and Industrial.” According to the Comprehensive Plan, this Business Park and Industrial land use category is intended to create opportunities for employment, and should be located near or along adequate thoroughfares that provide convenient access for vehicular traffic including freight.

The Comprehensive Plan identifies office, warehousing, light manufacturing (with indoor operations), breweries/distilleries, equipment sales, contractor services, and corporate campuses to be appropriate land uses within the Business Park and Industrial land use.

According to the Comprehensive Plan, Light Industrial, Commercial, Office, and Planned Developments are considered appropriate zoning districts within the Business Park and Industrial land use category.

In making decisions regarding the neighborhood commercial land use category the following items should be considered: “New development should include landscape buffers between any property that is zoned to a non-business park & industrial district. Outdoor storage should be designed in a manner that screens materials and equipment from public rights-of-way. New business park & industrial development should be designed in a manner which orients loading docks and bays away from the front property line or public rights-of-way.”

**Staff Review Comments:**

The request to rezone the subject property to Light Industrial is in accordance with the Business Park and Industrial land use identified on the Future Land Use Map. This zone change request will achieve the Comprehensive Plans goal of working with the Tomball Economic Development Corporation (TEDC) to support local businesses and increase employment opportunities. The Comprehensive Plan states that maintaining and encouraging the expansion of existing businesses is an essential component of economic development, and as such, should continue to be supported on an ongoing bases. The approval of this zone change request will promote the Comprehensive Plans goal of economic development, specifically by encouraging the continued growth of the Tomball Business and Technology Park. Lastly, according to the City of Tomball Code of Ordinance, Light Industrial zoning requires accessibility to major thoroughfares. The subject properties are located along a S. Persimmon Street (a minor arterial) with convenient access to two regionally serving major arterial streets (Medical Complex Drive and Holderrieth Road). Roadways such as these are designed to provide ample access to high volumes of traffic to include freight traffic.

**PUBLIC COMMENT**

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on September 27, 2022. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

**STAFF RECOMMENDATION:**

Based on the findings outlined in the analysis section of this staff report, the City staff recommends approval of Zoning Case P22-309.

**P&Z RECOMMENDATION:**

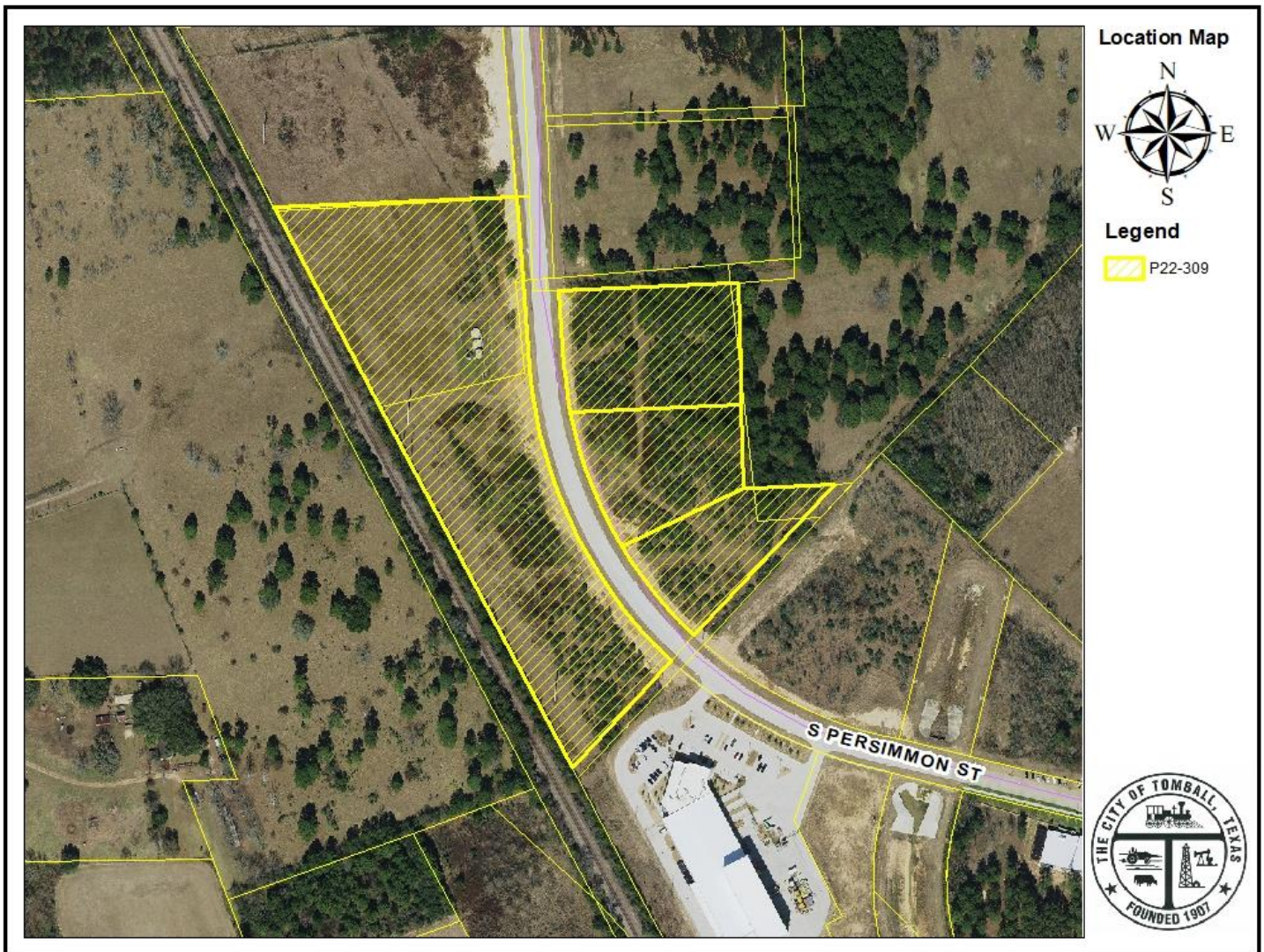
Denial (2 Vote Aye, 2 Vote Nay)

- Discussion Items:
  - Concerns about residential land use north of the subject site(s) on the east side of S. Persimmon St.

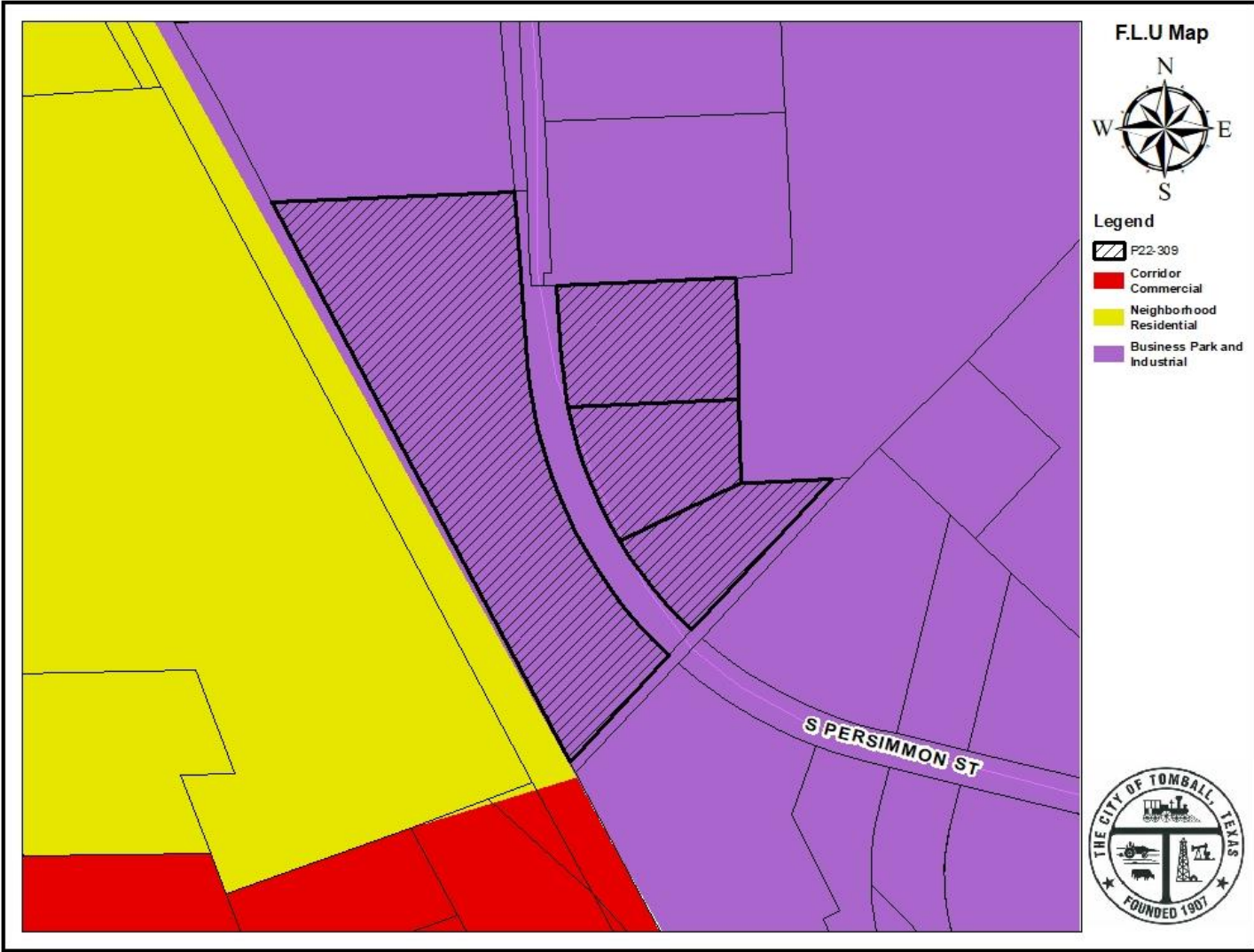
**EXHIBITS**

- A. Aerial Location Map
- B. Future Land Use Plan Map
- C. Zoning Map
- D. Site Photo(s)
- E. Light Industrial Permitted Use Chart
- F. Rezoning Application

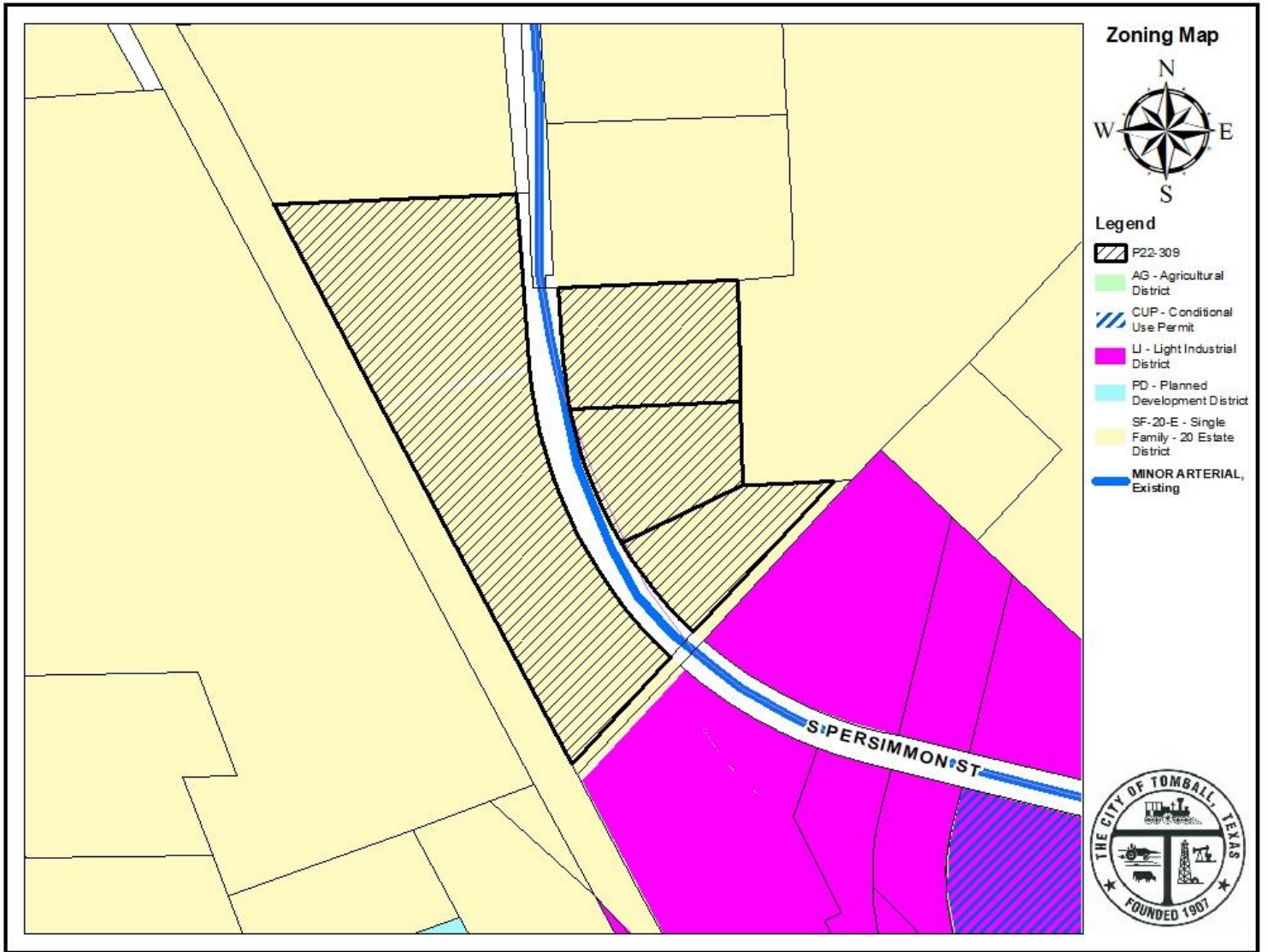
**Exhibit “A”  
Aerial Map**



**Exhibit "B"**  
**Future Land Use Map**



# Exhibit "C" Zoning Map



**Exhibit "D"**  
**Site Photo**







**Exhibit “E”  
Light Industrial Permitted Use Chart**

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
<b>Agriculture</b>		
Bulk Grain and/or feed storage	CUP Required (Learn More)	1 space per 1,000 square feet
Farm (ranch, garden, crops, livestock, or orchard) ‡	Permitted	None
Feed and grain store/farm supply store ‡	Permitted	1 space per 500 square feet
Flour and other grain mills	Permitted	1 space per 1,000 square feet
Stable, commercial	CUP Required (Learn More)	1 space per 1,000 square feet
<b>Residential</b>		
Accessory building/structure (business or industry) ‡	Permitted	None
Caretaker's, guard's residence ‡	Permitted	1 space per caretaker/guard
Home occupation ‡	Permitted	None
<b>Office</b>		
Clinic, emergency care	Permitted	1 space per 150 square feet
Clinic, medical and/or dental	Permitted	1 space per 300 square feet
Credit agency	Permitted	1 space per 300 square feet
Bank, savings and loan, or credit union (no motor bank services)	Permitted	1 space per 300 square feet
Bank, savings and loan, or credit union (with motor bank services)	Permitted	1 space per 300 square feet
Office, professional and general business ‡	Permitted	1 space per 300 square feet
Office, parole-probation	Permitted	1 space per 300 square feet
Office showroom/warehouse ‡	Permitted	1 space per 300 square feet
Security monitoring company (no outside storage)	Permitted	1 space per 300 square feet
Telemarketing agency	Permitted	1 space per 250 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Telephone exchange/switching station ‡	Permitted	1 space per 500 square feet
Temporary real estate field office	Permitted	4 spaces
Model home (including sales office)	CUP Required (Learn More)	2 spaces per model
<b>Personal and Business</b>		
Ambulance service	Permitted	1 space per 500 square feet
Automobile driving school (including defensive driving)	Permitted	1 space per classroom seat
Barber/beauty shop (no related school/college)	Permitted	1 space per 200 square feet
Dance/drama/music schools (performing arts, martial arts)	Permitted	1 space per 100 square feet
Fortunetelling and similar activities ‡	CUP Required (Learn More)	1 space per 300 square feet
Funeral home ‡	Permitted	See Section 50-112
Health club (indoor)	Permitted	1 space per 300 square feet
Health club (outdoor)	Permitted	1 space per 300 square feet
Laundromat/washateria/self-service ‡	Permitted	1 space per 200 square feet
Laundry/dry cleaning (retail only, drop off/pick up) ‡	Permitted	1 space per 200 square feet
Mailing service (private)	Permitted	1 space per 200 square feet
Pharmacy (retail only)	Permitted	1 space per 200 square feet
Reception venue	Permitted	1 space: 4 seats
Rehabilitation care facility (halfway house) ‡	Permitted	Greater of 1 per three beds or 1.5 spaces per dwelling
Rehabilitation care institution (business) ‡	Permitted	Greater of 1 per three beds or 1.5 spaces per dwelling
Seamstress, dressmaker or tailor (retail only)	Permitted	1 space per 200 square feet
Sexually oriented business	CUP Required (Learn More)	

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Wedding chapel	Permitted	1 space per four seats
<b>Retail</b>		
Antique shop (no outside sales or storage) ‡	Permitted	1 space per 500 square feet
Antique shop (with outside storage)	Permitted	1 space per 500 square feet
Apparel shop	Permitted	1 space per 200 square feet
Art gallery/museum/dealer ‡	Permitted	1 space per 500 square feet
Artist or photography studio	Permitted	1 space per 500 square feet
Bakery, retail (eating establishment, no drive-through) ‡	Permitted	1 space per 200 square feet
Bakery, retail (with drive-through)	Permitted	1 space per 200 square feet
Bakery (wholesale) ‡	Permitted	1 space per 500 square feet
Bird and pet shops (retail only)	Permitted	1 space per 200 square feet
Book/stationery shop (retail only) ‡	Permitted	1 space per 200 square feet
Brewpub	Permitted	1 space per 1,000 square feet for the brewing of beer, ale, etc. plus 1 space per 100 square feet for associated eating or drinking establishments.
Building material sales/lumber yard ‡	Permitted	1 space per 1,000 square feet
Carpenter shop	Permitted	1 space per 500 square feet
Catering service	Permitted	1 space per 500 square feet
Consignment shop	Permitted	1 space per 300 square feet
Convenience store (with or without gasoline sales) ‡	Permitted	See Section 50-112
Copy shop ‡	Permitted	1 space per 200 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Drinking establishment	Permitted	
Drug store (retail only)	Permitted	1 space per 200 square feet
Eating establishment (with drive-in service) ‡	Permitted	Whichever is greater: 1 per 100 square feet; 1 per 3 seats based on max seating capacity or; 1 per 12 spaces
Eating establishment (with no drive-through service) ‡	Permitted	
Eating establishment (with drive-through service) ‡	Permitted	
Electronic goods (retail only)	Permitted	1 space per 200 square feet
Florist shop (retail only) ‡	Permitted	1 space per 200 square feet
Food or grocery store	Permitted	1 space per 500 square feet
Furniture and appliance store (retail only) ‡	Permitted	1 space per 500 square feet
Furniture store (new and used) ‡	Permitted	1 space per 200 square feet
General retail stores (no outside storage)	Permitted	1 space per 200 square feet
Gift or card shop (retail only)	Permitted	1 space per 200 square feet
Hardware store	Permitted	1 space per 400 square feet
Hobby and crafts store (retail only)	Permitted	1 space per 200 square feet
Home improvement center	Permitted	1 space per 400 square feet plus one per 1,000 square feet of warehouse area
Jewelry store	Permitted	1 space per 200 square feet
Market, open air, flea	Permitted	1 space per 200 square feet
Meat and fish market (retail only)	Permitted	1 space per 200 square feet
Mobile Food Court ‡	<a href="#">CUP Required (Learn More)</a>	Whichever is greater: 1 per 100 square feet of seating area or 2 per mobile food vendor

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Motion picture studios, commercial films	Permitted	1 space per 300 square feet
Motion picture theater (indoors)	Permitted	See Section 50-112
Nursery ‡	Permitted	1 space per 1,000 square feet of sales area
Garden shop ‡	Permitted	1 space per 200 square feet
Painting and refinishing shop	Permitted	1 space per 500 square feet
Piano and musical instruments (retail only)	Permitted	1 space per 200 square feet
Shoe repair shop (retail only)	Permitted	1 space per 200 square feet
Sign shop (small scale, such as a storefront; includes sign and banner making for retail sale only; no outside storage)	Permitted	1 space per 300 square feet
Stone monuments and gravestones, engraving and retail sales only	Permitted	1 space per 500 square feet
Upholstery shop (nonauto)	Permitted	1 space per 200 square feet
Used merchandise	Permitted	1 space per 200 square feet
Video rental/sales	Permitted	1 space per 200 square feet
<b>Transportation and Auto Services</b>		
Airport or landing field ‡	CUP Required ( <a href="#">Learn More</a> )	1 space per 500 square feet
All-terrain vehicle (go-carts) dealer/sales (w/outdoor sales, storage, and display)	Permitted	1 space per 300 square feet
All-terrain vehicle (go-carts) dealer/sales (w/no outdoor sales, storage, and display)	Permitted	1 space per 300 square feet
Auto accessories (retail sales only)	Permitted	1 space per 200 square feet
Auto body repair/painting	Permitted	1 space per 200 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/outdoor sales, storage, and display) ‡	Permitted	See Section 50-112
Auto dealer (new, auto servicing and used auto sales as accessory uses only, w/no outdoor sales, storage, and display)	Permitted	See Section 50-112
Auto dealer, primarily used auto sales w/outdoor sales, storage, and display ‡	Permitted	See Section 50-112
Auto dealer, primarily used auto sales w/no outdoor sales, storage, and display	Permitted	See Section 50-112
Auto glass repair/tinting	Permitted	1 space per 200 square feet
Auto interior shop/upholstery	Permitted	1 space per 200 square feet
Auto muffler shop	Permitted	1 space per 200 square feet
Auto paint shop	Permitted	1 space per 200 square feet
Auto parts sale (new or rebuilt; no outside storage, no outside display, no repair)	Permitted	1 space per 200 square feet
Auto parts sale (new or rebuilt; with outside storage or display)	Permitted	1 space per 200 square feet
Auto rental	Permitted	1 space per 200 square feet
Auto repair (major) ‡	Permitted	1 space per 200 square feet
Auto repair (minor) ‡	Permitted	1 space per 200 square feet
Auto storage or auto auction ‡	Permitted	1 space per 1,000 square feet
Auto tire sales (indoor)	Permitted	1 space per 200 square feet
Auto wrecker service	Permitted	1 space per 200 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Automobile assembly	Permitted	1 space per 1,000 square feet
Automobile parts manufacturing	Permitted	1 space per 1,000 square feet
Automobile wash (full service/detail shop) ‡	Permitted	3 spaces per washing capacity of module
Automobile wash (self-service) ‡	Permitted	3 spaces per washing capacity of module
Bike sales and/or repair	Permitted	1 space per 500 square feet
Bus or truck storage	Permitted	1 space per 1,000 square feet
Gasoline station	Permitted	See Section 50-112
Motor freight transportation, storage, and terminal	Permitted	See Section 50-112
Motorcycle sales/dealer w/outdoor sales, storage, and display ‡	Permitted	See Section 50-112
Motorcycle sales/dealer w/no outdoor sales, storage, and display	Permitted	See Section 50-112
Parking lot or garage for passenger cars and trucks of less than one-ton capacity ‡	Permitted	None
Personal watercraft sales (new/repair) w/outdoor sales, storage, and display	Permitted	See Section 50-112
Personal watercraft sales (new/repair) w/no outdoor sales, storage, and display	Permitted	See Section 50-112
Railroad team tracks, unloading docks, and spurs	Permitted	None
Railroad yards, round house or shop	Permitted	1 space per 1,000 square feet
Taxi/limousine service	Permitted	1 space per 1.5 automobiles in service
Tire sales (indoors, no outside storage) ‡	Permitted	1 space per 1,000 square feet
Tire sales (outdoors, with outside storage) ‡	Permitted	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Transfer station (refuse/pick-up) ‡	<a href="#">CUP Required (Learn More)</a>	1 space per 500 square feet
Transit terminal ‡	Permitted	See Section 50-112
Truck and bus leasing ‡	Permitted	1 space per 1,000 square feet
Truck sales and services (heavy trucks) ‡	Permitted	1 space per 1,000 square feet
Truck stop ‡	Permitted	1 space per 1,000 square feet
Truck terminal ‡	Permitted	See Section 50-112
<b>Amusement and Recreation</b>		
Amusement, commercial (indoor) ‡	Permitted	1 space per 100 square feet
Amusement, commercial (outdoor) ‡	Permitted	10 spaces plus 1 per 500 square feet over 5,000 square feet of building and recreation area
Amusement, commercial, temporary, (e.g., carnival, haunted house). (Note: Allowed by building official for up to 10 days) ‡	Permitted	Determined by P & Z
Amusement devices/arcade (4 or more devices, indoors only) ‡	Permitted	1 space per game table plus one per amusement device
Billiard/pool Facility (4 or more tables)	Permitted	1 space per 200 square feet
Bingo facility	Permitted	1 space per 200 square feet
Bowling alley (air conditioned and soundproofed)	Permitted	4 spaces per lane
Dinner theatre	Permitted	1 space per three seats or bench seating space
Drive-in theater	<a href="#">CUP Required (Learn More)</a>	1 space per speaker
Golf driving range	Permitted	See Section 50-112
Golf course (private) ‡	<a href="#">CUP Required (Learn More)</a>	6 spaces per hole
Golf course (publicly owned) ‡	Permitted	6 spaces per hole
Playfield or stadium (private)	Permitted	1 space per three seats
Recreational vehicle park/campground ‡	Permitted	1.5 per RV pad



TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Skating rink	Permitted	1 space per 200 square feet, plus 1 per 3 seats based on max capacity
Swimming pool, private (use by membership) ‡	Permitted	1 space for each 100 square feet of gross water surface and deck area
Swimming pool, commercial ‡	Permitted	1 space per 100 square feet of gross water surface and deck area
Tennis court (private/not lighted)	Permitted	2 spaces per court
Tennis court (private/lighted)	CUP Required (Learn More)	2 spaces per court
<b>Institutional/Governmental</b>		
Adult day care (business)	<a href="#">See Section 50-116</a>	
Antenna (commercial)	<a href="#">See Section 50-116</a>	
Antenna (noncommercial)	<a href="#">See Section 50-116</a>	
Armed services recruiting center	Permitted	1 space per 300 square feet
Auction house	Permitted	1 space per 100 square feet
Broadcast station (with tower)	<a href="#">See Section 50-116</a>	
Broadcast towers (commercial)	<a href="#">See Section 50-116</a>	
Cellular communications tower/PCS	<a href="#">See Section 50-116</a>	
Cemetery and/or mausoleum ‡	CUP Required (Learn More)	1 space per 5,000 square feet of land
Church/temple/place of worship ‡	Permitted	1 space per four seats in sanctuary
Civic center (municipal) ‡	Permitted	10 spaces plus 1 per 300 square feet above 2,000 square feet
Civic club	Permitted	See Section 50-112
Community center (public)	Permitted	See Section 50-112
Community or social buildings ‡	Permitted	1 space per 300 square feet
Country club (private) ‡	CUP Required (Learn More)	10 spaces plus 1 per 300 square feet above 2,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Earth satellite dish (private, less than 3 feet in diameter)	<a href="#">See Section 50-116</a>	
Electric power plant	Permitted	1 space per 1,000 square feet
Electrical substation ‡	CUP Required (Learn More)	1 space per 1,000 square feet
Exhibition hall ‡	Permitted	1 space per 100 square feet
Fair ground or rodeo ‡	CUP Required (Learn More)	1 space per 1,000 square feet of land area
Fraternal organization ‡	Permitted	10 spaces plus 1 per 300 square feet above 2,000 square feet
Governmental building or use (county, state or federal) ‡	Permitted	1 space per 300 square feet
Heliport ‡	CUP Required (Learn More)	3 spaces
Helistop	CUP Required (Learn More)	3 spaces
Hospital ‡	Permitted	1 space per bed
Household care institution	Permitted	1 space per 6 clients
Institution for alcoholic, narcotic, or psychiatric patients ‡	Permitted	1 space per 200 square feet
Institution of religious, educational or philanthropic nature	Permitted	1 space per 200 square feet
Municipal facility or use ‡	Permitted	1 space per 300 square feet
Museum	Permitted	See Section 50-112
Park and/or playground (private) ‡	Permitted	
Park and/or playground (public, municipal) ‡	Permitted	
Penal or correctional institutions	Permitted	1 space per 500 square feet
Post office (governmental)	Permitted	10 plus 1 per 200 square feet
Non-city public assembly (auditorium, gymnasium, stadiums, meeting halls, etc.)	Permitted	1 space per 4 seats
Radio, television and communications towers	<a href="#">See Section 50-116</a>	

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Rectory/parsonage	Permitted	5 spaces, plus 1 per bedroom
Retirement housing for the elderly ‡	See assisted living facility	
Riding academy	Permitted	1 space per five stalls
Sanitary landfill (private)	CUP Required (Learn More)	1 space per ten acres
School, business (e.g., barber/beauty/cosmetology)	Permitted	1 space per three students, based on design
School, college or university	Permitted	10 per classroom plus 2 per office
School, commercial trade (vocational) ‡	Permitted	1 space per student
School, public or denominational ‡	Permitted	See Section 50-112
School, other than public or denominational ‡	Permitted	
Sheltered care facility ‡	CUP Required (Learn More)	1 space per three beds or 1.5 per dwelling
Sign, all types (defined within the referenced section) ‡	<a href="#">See Ch. 34 of this Code</a>	
Studio for radio and/or television (no towers) ‡	Permitted	1 space per 200 square feet
<b>Commercial and Wholesale Trade</b>		
Animal kennel (outdoor pens)	Permitted	1 space per 500 square feet
Appliance repair	Permitted	1 space per 500 square feet
Book binding	Permitted	1 space per 500 square feet
Carpet and rug cleaning plant	Permitted	1 space per 1,000 square feet
Cattle, swine, or poultry feedlot (CAFO)	CUP Required (Learn More)	1 space per 5,000 square feet of land
Cleaning plant (commercial laundry) ‡	Permitted	1 space per 1,000 square feet
Communication equipment sales/service (installation and/or repair, no outdoor sales or storage or towers/antennae)	Permitted	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Construction contractor with storage yard	Permitted	1 space per 1,000 square feet of land
Contractor's office/sales, no outside storage including vehicles	Permitted	1 space per 1,000 square feet of land
Contractor's temporary on-site construction office (only with permit from building official.)	Permitted	None
Distribution center ‡	Permitted	1 space per 1,000 square feet
Electric repair, (domestic equipment and autos)	Permitted	1 space per 1,000 square feet
Electronic assembly	Permitted	1 space per 1,000 square feet
Electro-plating/electro-typing	Permitted	1 space per 1,000 square feet
Exterminator service/company (no outdoor sales or storage)	Permitted	1 space per 300 square feet
Fix-it shops, small engine, saw filing, mower sharpening	Permitted	1 space per 500 square feet
Fur/hide tanning and finishing	CUP Required ( <a href="#">Learn More</a> )	1 space per 1,000 square feet
Heating and air conditioning sales/services	Permitted	1 space per 1,000 square feet
Iron works (ornamental)	Permitted	1 space per 1,000 square feet
Lawnmower repair and/or sales	Permitted	1 space per 500 square feet
Loading or storage tracks	Permitted	None
Locksmith	Permitted	1 space per 500 square feet
Machine shop	Permitted	1 space per 1,000 square feet
Maintenance and repair service for buildings/janitorial	Permitted	1 space per 500 square feet
Manufactured home display or sales (new or used) ‡	Permitted	1 space per 1,000 square feet
Mattress, making and renovating	Permitted	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Milk depot, wholesale	Permitted	1 space per 1,000 square feet
Mini-warehouse/self storage ‡	Permitted	See Section 50-112
Mortuary	Permitted	See Section 50-112
Moving and storage company	Permitted	1 space per 1,000 square feet
News printing	Permitted	1 space per 1,000 square feet
Outdoor sales as a primary use ‡	Permitted	1 space per 5,000 square feet of land area
Pawn shop ‡	Permitted	1 space per 200 square feet
Pet and animal grooming shop (no outside kennels) ‡	Permitted	1 space per 200 square feet
Plumbing shop	Permitted	1 space per 200 square feet
Printing equipment, supplies and repairs	Permitted	1 space per 500 square feet
Propane sales filling (retail)	Permitted	1 space per 200 square feet
Publishing and printing company	Permitted	1 space per 500 square feet
Quick lube/oil change/minor inspection	Permitted	1 space per 200 square feet
Salvage storage yard ‡	<a href="#">CUP Required (Learn More)</a>	5 per acre
Scientific and industrial research laboratories (hazardous) ‡	Permitted	1 space per 300 square feet
Scientific and industrial research laboratories (nonhazardous) ‡	Permitted	1 space per 300 square feet
Scrap metal storage yard	<a href="#">CUP Required (Learn More)</a>	5 space per acre
Security systems installation company	Permitted	1 space per 300 square feet
Sheet metal shop	Permitted	1 space per 1,000 square feet
Storage of cement, sands and gravel	Permitted	1 space per 5,000 square feet of storage area
Storage of used lumber and building materials	Permitted	1 space per 5,000 square feet of storage area

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Taxicab storage and repair	Permitted	1 space per 500 square feet
Taxidermist	Permitted	1 space per 500 square feet
Tool and machinery rental (indoor storage only) ‡	Permitted	1 space per 200 square feet
Tool and machinery rental (with outdoor storage) ‡	Permitted	1 space per 200 square feet
Vacuum cleaner sales and repair ‡	Permitted	1 space per 200 square feet
Veterinarian clinic (indoor kennels) ‡	Permitted	1 space per 500 square feet
Veterinarian clinic (outdoor kennels or pens) ‡	Permitted	1 space per 500 square feet
Warehouse (defined under storage or wholesale warehouse) ‡	Permitted	1 space per 1,000 square feet
Welding shop	Permitted	1 space per 1,000 square feet
Wholesale trade, nondurable goods	Permitted	1 space per 1,000 square feet
Woodworking shops	Permitted	1 space per 1,000 square feet
Wrecking materials yard ‡	CUP Required (Learn More)	1 space per 1,000 square feet
<b>Light and Heavy Manufacturing/Industrial</b>		
Acid manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Adhesives and sealants manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Aircraft parts manufacture	Permitted	1 space per 1,000 square feet
Airplane repair and manufacturing	Permitted	1 space per 1,000 square feet
Animal processing and slaughter	CUP Required (Learn More)	1 space per 1,000 square feet
Any manufacture or industrial process not listed and not prohibited by law	CUP Required (Learn More)	1 space per 1,000 square feet
Artificial flower manufacture	Permitted	1 space per 1,000 square feet
Asphalt paving and roofing material manufacture	CUP Required (Learn More)	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Awning manufacture, cloth, metal and wood	Permitted	1 space per 1,000 square feet
Bag manufacturing	Permitted	1 space per 1,000 square feet
Battery manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Bleaching/chorine powder manufacture	CUP Required (Learn More)	2 spaces per 1,000 square feet
Boiler manufacture and repair	Permitted	1 space per 1,000 square feet
Bottling works	Permitted	1 space per 1,000 square feet
Broom manufacture	Permitted	1 space per 1,000 square feet
Candy and other confectionary products manufacture	Permitted	1 space per 1,000 square feet
Canning and preserving factory	Permitted	1 space per 1,000 square feet
Canvas and related products manufacture	Permitted	1 space per 1,000 square feet
Casein manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Celluloid and similar cellulose manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Cement manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Ceramic products manufacture	Permitted	1 space per 500 square feet
Chalk manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Chemicals (agricultural) manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Chemicals (industrial) manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Clothing manufacture	Permitted	1 space per 500 square feet
Coffee roasting	Permitted	
Coffin manufacture	Permitted	1 space per 1,000 square feet
Cold storage plants/locker	Permitted	1 space per 1,000 square feet
Concrete or asphalt mixing/batching plant (permanent) ‡	CUP Required (Learn More)	1 space per 5,000 square feet of land

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Concrete or asphalt mixing/batching plant (temporary) ‡	Permitted	1 space per 5,000 square feet of land
Crematory	CUP Required (Learn More)	1 space per 1,000 square feet
Culvert manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Cutlery, handtools and general hardware manufacture	Permitted	1 space per 1,000 square feet
Dairy products manufacture	Permitted	1 space per 1,000 square feet
Distillation of liquors, spirits, etc. (brewery)	CUP Required (Learn More)	1 space per 1,000 square feet
Dye manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Dyeing plant	Permitted	1 space per 1,000 square feet
Electric lamp manufacture	Permitted	1 space per 1,000 square feet
Elevator manufacture	Permitted	1 space per 1,000 square feet
Enameling and painting	Permitted	1 space per 1,000 square feet
Engraving plant	Permitted	1 space per 1,000 square feet
Envelope manufacture	Permitted	1 space per 1,000 square feet
Farm/garden machinery and equipment manufacture	Permitted	1 space per 1,000 square feet
Feed manufacture	CUP Required (Learn More)	1 space per 500 square feet
Felt manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Food processing ‡	Permitted	1 space per 1,000 square feet
Footwear manufacture	Permitted	1 space per 500 square feet
Furnace manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Fixtures manufacture	Permitted	1 space per 1,000 square feet
Furniture manufacture	Permitted	1 space per 1,000 square feet



TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Gases (industrial) manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Glucose manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Hair products factory (other than human)	CUP Required (Learn More)	1 space per 1,000 square feet
Heavy machinery sales and storage ‡	Permitted	1 space per 1,000 square feet
Ice cream/ice manufacture	Permitted	1 space per 1,000 square feet
Kerosene manufacture or storage	CUP Required (Learn More)	1 space per 1,000 square feet
Laboratory equipment manufacturing ‡	CUP Required (Learn More)	1 space per 1,000 square feet
Leather products manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Lumber mill/yard	CUP Required (Learn More)	1 space per 1,000 square feet
Machinery manufacture	Permitted	1 space per 1,000 square feet
Marble working and finishing	Permitted	1 space per 1,000 square feet
Meat packing plant	CUP Required (Learn More)	1 space per 1,000 square feet
Metal cans and shipping containers manufacture	Permitted	1 space per 1,000 square feet
Metal products, stamping and manufacture	Permitted	1 space per 1,000 square feet
Mirror resilvering	Permitted	1 space per 200 square feet
Office equipment manufacture	Permitted	1 space per 1,000 square feet
Oil compounding and barreling	CUP Required (Learn More)	1 space per 1,000 square feet
Oilcloth manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Orthopedic, prosthetic, surgical appliances and supplies manufacture	Permitted	1 space per 1,000 square feet
Paint manufacture and/or mixing	Permitted	1 space per 1,000 square feet
Paper and paper pulp manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Paper products and paper box manufacture	Permitted	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Pecan processing	Permitted	1 space per 1,000 square feet
Petroleum distribution/storage ‡	Permitted	1 space per 1,000 square feet
Plastic products, molding, casting and shaping	Permitted	1 space per 1,000 square feet
Printing ink manufacture	Permitted	1 space per 1,000 square feet
Rock quarries, sand, gravel and earth excavations or extractions	CUP Required (Learn More)	1 space per acre
Rug and carpet manufacture	Permitted	1 space per 1,000 square feet
Sand, gravel, or stone storage (including sales) ‡	Permitted	1 space per 1.5 employees, plus five per acre
Shellac and varnish manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Sign manufacturing (no outside storage)	Permitted	1 space per 1,000 square feet
Sign manufacturing (with outside storage)	Permitted	1 space per 1,000 square feet
Snuff manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Soap, detergents, cleaning preparations manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Starch manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Steel works, blast furnaces and rolling mills	CUP Required (Learn More)	1 space per 1,000 square feet
Stone cutting or crushing	CUP Required (Learn More)	1 space per 5,000 square feet of land area
Stone, clay, glass and concrete Products (other than handicrafts) manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Textile products manufacture	Permitted	1 space per 1,000 square feet
Tire retreading and recapping	Permitted	1 space per 1,000 square feet
Truck manufacture	Permitted	1 space per 1,000 square feet
Waste paper products manufacture	Permitted	1 space per 1,000 square feet

TYPES OF LAND USES	Zoning District	Parking Ratio
	LI	
Water distillation	Permitted	1 space per 1,000 square feet
White lead manufacture	CUP Required (Learn More)	1 space per 1,000 square feet
Wood container manufacture	Permitted	1 space per 1,000 square feet
Wood distillation (manufacture of tar, charcoal, turpentine and similar)	CUP Required (Learn More)	1 space per 1,000 square feet
Wood preserving manufacture and treatment	CUP Required (Learn More)	1 space per 1,000 square feet
Wood products manufacture	Permitted	1 space per 1,000 square feet

; Ord. No. 2012-18, § 2, 7-2-2012; Ord. No. 2013-23, § 2, 2-2-2013; Ord. No. 2013-19, § 2, 11-4-2013)

**Exhibit "E"**  
**Rezoning Application**

RECEIVED (KC)  
08/31/2022

Revised: 4/13/2020  
P&Z #22-309



**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: Tomball Economic Development Corporation Title: Owner  
Mailing Address: 29201 Quinn Rd., Suite B City: Tomball State: TX  
Zip: 77375 Contact: Kelly Violette, Executive Director  
Phone: (281) 401-4086 Email: kviolette@tomballtxedc.org

**Owner** Tomball Economic Development Corporation - Same Info as Applicant  
Name: & Tortuga Operating Company Title: Owner

Mailing Address: 7412 Shady Villa Lane City: Houston State: TX  
Zip: 77055 Contact: Peter Turbett, President  
Phone: (713) 401-4086 Email: tortugaturbett@comcast.net

**Engineer/Surveyor (if applicable)**

Name: Gunda Corporation (Ardurra) Title: North Branch Manager  
Mailing Address: 32731 Egypt Lane, Suite 501 City: Magnolia State: TX  
Zip: 77354 Contact: Kyle Bertrand  
Phone: (281) 680-3600 Fax: ( ) Email: KBertrand@ardurra.com

Description of Proposed Project: Tomball Business and Technology Park Sec. 2, Lots 1-4

Physical Location of Property: S. Persimmon Street, North of Spell Rd Intersection  
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Tomball Business and Technology Park Sec. 2, Lots 1-4  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20-E, Single-Family 20 Estate District

Current Use of Property: Undeveloped and existing wells

Proposed Zoning District: LI - Light Industrial District

Proposed Use of Property: Proposed to be consistent with uses in Tomball Business and Technology Park Sec 1.

HCAD Identification Number:	<u>1452440010004</u>	Acres:	<u>10.4422 acres</u>
	<u>1452440010003</u>		<u>1.7911 acres</u>
City of Tomball, Texas	<u>501 James Street, Tomball, Texas 77375</u>	Phone:	<u>281-290-1405</u>
	<u>1452440010002</u>		<u>2.1790 acres</u>
	<u>1452440010001</u>		<u>2.6727 acres</u>

[www.tomballtx.gov](http://www.tomballtx.gov)

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.

Kelly Violette Digitally signed by Kelly Violette  
Date: 2022.08.30 12:41:03  
-0500' August 29, 2022  
Signature of Applicant Kelly Violette, Executive Director - TEDC Date

Kelly Violette Digitally signed by Kelly Violette  
Date: 2022.08.30 12:41:12  
-0500' August 29, 2022  
Signature of Owner Kelly Violette, Executive Director - TEDC Date

Peter Turbett Digitally signed by Peter Turbett  
Date: 2022.08.29 14:52:14  
-0500' August 29, 2022  
Signature of Owner Peter Turbett, President  
Tortuga Operating Company Date



August 29, 2022

Mr. Nathan Dietrich  
Community Development Director  
City of Tomball - Community Development Department  
501 James Street  
Tomball, TX 77375

RE: Rezoning request for approximately 17.09 acres of land described as Lots 1-4 of the Tomball Business and Technology Park Section 2 Replat

Dear Mr. Dietrich,

For the second consecutive year, the Tomball Business & Technology Park was named a top industrial park in the United States by Business Facilities. The publication ranked the Tomball Business & Technology Park the 10th best industrial park in the country in its 18th Annual Rankings Report.

Operated by the Tomball Economic Development Corporation (TEDC), the 99.5-acre Tomball Business & Technology Park is lauded for its location, amenities, and infrastructure. The success of the Park is evidenced by the demand for business creation and relocation. As of August 2022, more than 551,701 square-feet has been constructed in the Park, generating over \$47 million in private capital investment and bringing over 575 jobs to Tomball.

In order to meet the demand, the TEDC works closely with its partners to manage infrastructure in and around the Park. The TEDC and the City of Tomball partnered together to extend South Persimmon Street from FM 2920 through the Park. Additionally, we partnered to extend Medical Complex Drive from South Persimmon to Hufsmith-Kohrville Road.

As part of the South Persimmon extension project the TEDC purchased 18.9 acres immediately north of the Tomball Business and Technology Park. We dedicated the right-of-way and easements necessary for the road to be constructed and coordinated the relocation of pipelines and easements with two pipeline companies. The resulting Replat created 4 Lots; two of which are currently owned by the TEDC (Lots 1 and 3) and two are owned by Tortuga Operating Company (Lots 2 and 4).

The requested rezoning is consistent with the Future Land Use Plan Map designation of Business Park and Industrial and will provide consistency with the remainder of the Business & Technology Park property.

Please don't hesitate to contact me at (281) 401-4086 should you have any questions.

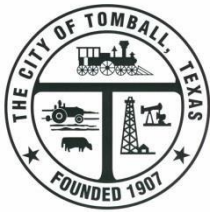
Sincerely,

A handwritten signature in black ink that reads "Kelly Violette". The signature is fluid and cursive.

Kelly Violette  
Executive Director

281.401.4086 ★ fax 281.351.7223 ★ PO Box 820 ★ Tomball, Texas 77377-0820 ★ [www.TomballTXedc.org](http://www.TomballTXedc.org)





# Notice of Public Hearing

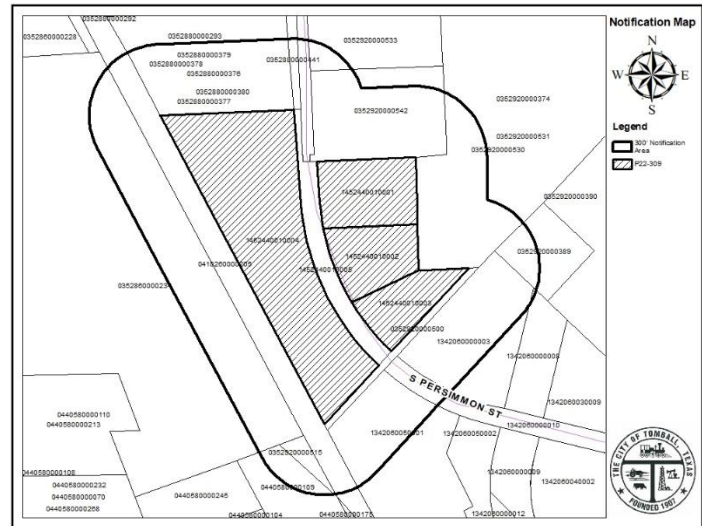
**YOU ARE INVITED TO ATTEND** the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

**CASE NUMBER:** P22-309

**APPLICANT/OWNER:** Tomball Economic Development Corporation & Tortuga Operating Company

**LOCATION:** The properties are located within the 1900 block of S. Persimmon Street (East and West side), within the City of Tomball, Harris County, Texas.

**PROPOSAL:** A Rezoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 17.08 acres of land legally described as being all of Lots 1, 2, 3, and 4 of Tomball Business and Technology Park, Section 2 from Single Family Residential – 20 (SF-20) to Light Industrial (LI).



**CONTACT:** Jared Smith, City Planner  
**PHONE:** (281) 290-1491  
**E-MAIL:** [jasmith@tomballtx.gov](mailto:jasmith@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 300 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.**

**Planning & Zoning Commission  
Public Hearing:  
Monday, October 10, 2022 @ 6:00 PM**

**City Council Public Hearing:  
\*Monday, October 17, 2022 @ 6:00 PM**

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

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



**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
OCTOBER 10, 2022  
&  
CITY COUNCIL  
OCTOBER 17, 2022**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 10, 2022 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, October 17, 2022 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 P22-309:** Request from Tomball Economic Development Corporation and Tortuga Operating Company to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance by rezoning approximately 17.08 acres of land legally described as being all of Lots 1, 2, 3, and 4 of Tomball Business and Technology Park, Section 2 from Single Family Residential – 20 (SF-20) to Light Industrial (LI). The properties are located within the 1900 block of S. Persimmon Street (East and West side), within the City of Tomball, Harris County, Texas.

**Case P22-310:** Request by 28121 Calvert, LLC, represented by Louis Smith to amend the City of Tomball’s Comprehensive Plan to update the Major Thoroughfare Plan Map. Removing the proposed east-west extension of Medical Complex Drive which is currently designated as a minor arterial from the Major Thoroughfare Plan Map. Specifically being the segment that is planned to extend approximately 1.05 miles from the western right-of-way boundary of Calvert Road to the southeastern right-of-way boundary of FM 2920 Road, within 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, Jared Smith, at (281) 290-1491 or at [jasmith@tomballtx.gov](mailto:jasmith@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 **7<sup>th</sup>** day of **October 2022** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith

Jared Smith  
City Planner

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

# City Council Meeting Agenda Item Data Sheet

Meeting Date: December 5, 2022

**Topic:**

Adopt, on Second Reading, Ordinance No. 2022-40, an ordinance of the City of Tomball, Texas, amending Section(s) 50-116(j) (*Site Development Standards - Mobile Food Courts*) Chapter 50 (Zoning) of the Tomball Code of Ordinances by revising the standards governing mobile food vendors located within mobile food courts, 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 Vote Aye, 0 Votes Nay)

**Origination:** City of Tomball

**Recommendation:**

Adopt on Second Reading

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

**FUNDING (IF APPLICABLE)**

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

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

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

Signed Jared Smith  
Staff Member \_\_\_\_\_  
Date \_\_\_\_\_

Approved by \_\_\_\_\_  
City Manager \_\_\_\_\_  
Date \_\_\_\_\_

**ORDINANCE NO. 2022-40**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING ITS CODE OF ORDINANCES BY AMENDING SECTION 50-116 (J), SITE DEVELOPMENT STANDARDS FOR MOBILE FOOD COURTS, 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 revisions to limitation on the time that a mobile food vendor may be located within a mobile food court 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, as set out in Exhibit A, attached hereto and made a part of this Ordinance for all purposes.

**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 21<sup>st</sup> DAY OF NOVEMBER, 2022.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DUNAGIN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN PARR	<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 DECEMBER, 2022.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

\_\_\_\_\_  
Lori Klein Quinn, Mayor

ATTEST:

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

**Exhibit "A"**

**AMEND:** Section 50-116 (j) (*Site development standards for mobile food courts*)

**REVISE:** Delete and Add the following entries

**DELETE:**

(j) *Site Development Standards for Mobile Food Courts*

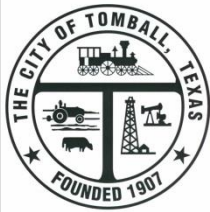
~~(9) A mobile food vendor conducting business at a mobile food court shall not be located within the same mobile food court for a period in excess of 180 days. The same mobile food vendor shall not return to the same mobile food court for a period of 30 days.~~

**ADD:**

(j) *Site Development Standards for Mobile Food Courts*

(9) Mobile food vendors conducting business operations within an approved mobile food court shall not be subject to restrictions on the length of time that a mobile food vendor may be located at the same location.

-END-



**Ordinance Amendment  
Staff Report**

Planning & Zoning Commission Public Hearing Date: November 14, 2022  
City Council Public Hearing Date: November 21, 2022

**Case:** P22-354  
**Section(s):** Chapter 50, Article IV (50-116 *Supplemental Regulations*), Subsection (j) (*Site Development Standards for Mobile Food Courts*)  
**Subject:** Revise Section 50-116, subsection (j)(9) (*Site development standards for mobile food courts*)

**BACKGROUND**

The City of Tomball defines mobile food courts as being a parcel of land where two or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. Further, the definition clarifies that mobile food courts shall not be interpreted to include a congregation of mobile food vendors as a secondary, accessory use, and/or temporary use. The following development standards apply to mobile food courts:

(j) *Site development standards for mobile food courts.*

- (1) No mobile food vendor nor any associated seating areas shall be located in the required landscape buffer yard, access easement, surface drainage easement, driveway, and/or fire lane(s).
- (2) All activity must occur on private property, outside of the public right-of-way.
- (3) There shall be at least three feet of unobstructed clearance between all individual mobile food vendors and all permanent or accessory structures and at least ten feet of unobstructed clearance for mobile food vendors parked side-by-side.
- (4) Mobile food vendors shall not park in required parking stalls, rather they shall be located on a designated paved surface. Spaces for mobile food vendors shall meet the minimum parking requirements per Table 50-112-1.
- (5) Vehicular drive-thru service of food and/or beverages shall not be permitted.
- (6) Accessible restroom facilities shall be provided within a permanent structure. Temporary or portable toilet facilities are not permitted.
- (7) Electrical service may be provided to the mobile food vendors by a permitted electrical connection or on-board generators. When using on-board generators, sound absorbing devices shall be used.



(8) A designated seating area shall be provided for patrons.

(9) A mobile food vendor conducting business at a mobile food court shall not be located within the same mobile food court for a period in excess of 180 days. The same mobile food vendor shall not return to the same mobile food court for a period of 30 days.

(10) Mobile food vendors conducting business at a mobile food court shall have current vehicular registration and shall be in a suitable operating condition for transit.

(11) All mobile food vendors shall meet all other requirements per [chapter 32](#), peddlers and solicitors.

As identified above subsection (j)(9) establishes restrictions on the length of time that a mobile food vendor can be located on the premises of an approved mobile food court. City staff believes that because mobile food courts are viewed as the principal land use for a given site, so should the individual mobile food vendors. Subsequently, it is the opinion of city staff that food vendors within a mobile food court should not be subject to time limitation standards such as those applied to mobile food vendors that are an accessory to other principal land uses (i.e. convenience stores, retail centers, etc.).

**NOTICE OF PUBLIC HEARING:**

A public hearing notice was published in the Potpourri on November 2, 2022.

**PROPOSED ORDINANCE AMENDMENT(s):**

Code of Ordinance Section(s):

50-116 (j) – Site development standards for mobile food courts

**DELETE:**

~~(9) A mobile food vendor conducting business at a mobile food court shall not be located within the same mobile food court for a period in excess of 180 days. The same mobile food vendor shall not return to the same mobile food court for a period of 30 days.~~

**ADD:**

(9) Mobile food vendors conducting business operations within an approved mobile food court shall not be subject to restrictions on the length of time that they may be located at the mobile food court.

**NOTICE OF PUBLIC HEARING  
CITY OF TOMBALL  
PLANNING & ZONING COMMISSION (P&Z)  
NOVEMBER 14, 2022  
&  
CITY COUNCIL  
NOVEMBER 21, 2022**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, November 14, 2022 at 6:00 P.M.** and by the City Council of the City of Tomball on **Monday, November 21, 2022 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:

**Case P22-354:** Request by the City of Tomball to amend Section(s) 50-116 (*Supplemental Regulations*) of the Tomball Code of Ordinances by revising standards pertaining to subsection (j) (*Site Development Standards for Mobile Food Courts*).

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, Jared Smith, at (281) 290-1491 or at [jasmith@tomballtx.gov](mailto:jasmith@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 **November 2022** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith  
Jared Smith  
City Planner

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

# City Council Meeting Agenda Item Data Sheet

Meeting Date: December 5, 2022

**Topic:**

Approve the Minutes of the November 21, 2022 Regular 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)**

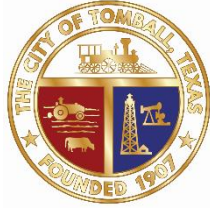
Are funds specifically designated in the current budget for the full amount required for this purpose?

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

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

Signed	<u>Doris Speer</u>	<u>11-22-2022</u>	Approved by	_____
	Staff Member	Date		City Manager
				Date

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



**Monday, November 21, 2022  
6:00 PM**

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for November 21, 2022, 6:00 PM, at 401 Market Street, Tomball, Texas 77375, via physical attendance and video/telephone conference/access.

A. Mayor Klein Quinn called the meeting of the Tomball City Council to order at 6:01 p.m.

**PRESENT**

Council 1 John Ford (video)  
Council 2 Mark Stoll  
Council 3 Dane Dunagin  
Council 4 Derek Townsend, Sr.  
Council 5 Randy Parr

**OTHERS PRESENT**

City Manager – David Esquivel  
Assistant City Manager – Jessica Rogers  
City Secretary – Doris Speer  
City Attorney – Loren B. Smith  
City Planner – Jared Smith  
Director of Public Works – Drew Huffman  
Finance Director – Katherine Tapscott  
Police Chief – Jeff Bert  
Project Manager - Meagan Mageo  
IT Manager – Doug Tippey  
Marketing Manager – Sasha Smith  
Sr. Administrative Assistant-CSO – Sasha Luna  
Community Center Manager – Rosalie Dillon  
Executive Director-TEDC – Kelly Violette

B. Invocation - Led by Bruce Hillegeist, GTACC

C. Pledges to U.S. and Texas Flags – Led by Drew Huffman

D. Public Comments and Receipt of Petitions

Bruce Hillegeist - Expressed the Chamber's appreciation of  
Chamber of Commerce the City's support for the 57<sup>th</sup> Annual  
15300 Cutten Rd. #2129 77070 Holiday Parade

E. Presentations

- Presentation by Al Gerhardt, Tomball Lions Club – moved to December 5, 2022 Council meeting
- Presentation by representatives for Hyacinth Battery Energy Storage

F. Reports and Announcements

1. Announcements

- I. November 24-25, 2022 – **Thanksgiving Holidays** – City offices closed
- II. December 3, 2022 – **“Holiday Heroes”** – hosted by members of the Tomball Police, Fire and Public Works Department, in collaboration with Northwest Community Health (EMS) – Breakfast and One-on-One Shopping for the Christmas Holiday – 8:00 a.m. at the Community Center
- III. December 3, 2022 – **Deck the Depot** – Depot Plaza – 10:00 a.m.-2:00 p.m.
- IV. December 9 and 10, 2022 – Spring Creek County Historical Association's **Annual Candlelight Tour** and **Holiday Open House** – 6:00 p.m.-9:00 p.m. at the Tomball Museum Center
- V. December 9-11, 2022 – **German Christmas Market** – Depot Plaza and Market Street
- VI. December 23 and December 26, 2022 – **Christmas Holidays** – City offices closed
- VII. January 2, 2023 – **New Year's Day Holiday** – City offices closed

2. Reports by City staff and members of council about items of community interest on which no action will be taken:

- I. Sasha Smith – Report on the Success of the **Depot Day** and the **Light it Up! Tree Lighting** at the Depot

- G. Old Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

Mayor Klein Quinn advised that Item G.2 is removed from consideration and will be placed on the December 5, 2022 agenda.

2. Adopt, on Second Reading, Ordinance No. 2022-38, 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 17.08 acres of land legally described as being all of lots 1, 2, 3, and 4 of Tomball Business and Technology Park from Single Family Residential -20 (SF-20) to Light Industrial (LI). The property is located within the 1900 block of S. Persimmon Street (east and west sides), 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.

Tabled. No action taken.

1. Adopt, on Second Reading, Ordinance No. 2022-20, 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 25.87 acres of land legally described as Reserve "A" in Maple Group Subdivision, from Planned Development District 8 (PD-8) to Commercial (C). The property is generally located at the northeast corner of the intersection of Holderrieth Road and State Highway 249 frontage road, 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. Approve, on Second Reading, Resolution No. 2022-50-TEDC, a Resolution of the City Council of the City of Tomball, Texas Authorizing and Approving, as a Project of the Tomball Economic Development Corporation, an Economic Development Incentive between the City of Tomball (the "City"), Tomball Economic Development Corporation (the "TEDC"), and Costco Wholesale Corporation ("Costco"), to Expend Funds in Accordance with an Economic Development Incentive Agreement to promote new and expanded business development associated with the construction of a Costco retail facility and fueling station on approximately 25.88 acres of land situation at the northeast corner of the intersection of Holderrieth Road and State Highway 249 Frontage Road in the City of Tomball, Texas; Containing other Provisions relating to the Subject; and Providing for Severability.

Motion made by Council 4 Townsend, Sr., Seconded by Council 2 Stoll, to approve Items G.1 and G.3.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

H. New Business Consent Agenda: *[All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, the item in question will be removed from the Consent Agenda and will be considered separately. Information concerning Consent Agenda items is available for public review.]*

1. Approve the Minutes of the following Meetings:
  - November 7, 2022 Special Tomball City Council Meeting
  - November 7, 2022 Special Joint Tomball City Council-TEDC Meeting
  - November 7, 2022 Special Tomball City Council Meeting
2. Approve a Professional Services Agreement with Engineered Utility Solutions, Inc. for Project Number 2022-10011, Gas Master Plan, for a not-to-exceed amount of \$115,000, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is included in the FY 2022-2023 budget.
3. Approve a Professional Services Agreement with Mosaic Public Partners for executive search services for the position of Human Resources Director for the not-to-exceed amount of \$27,000, authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount was included in the FY 2022-2023 budget.
4. Approve the purchase of two (2) Ford F-250 Crew Cab Trucks from Rush Truck Center through the Buyboard purchasing cooperative contract (Contract #601-19) for a not-to-exceed amount of \$102,052.00, approve the expenditure of funds therefor, and authorize the City Manager to execute any and all documents related to the purchase. These purchases are included in the FY 2022-2023 Budget.
5. Approve an agreement with Shane Griffin Power & Electrical Services, LLC for electrical contractor services for Fiscal Year 2023, for a not-to-exceed amount of \$75,000 (RFP 2022-10R), authorize the expenditure of funds therefor, and authorize the City Manager to execute the agreement. This amount is included in the FY 2022-2023 budget.

6. Approve the expenditure of \$56,700 for Incode software support and maintenance from Tyler Technologies, Inc. and authorize the City Manager to execute any and all documents related to the expenditure. This expenditure is included in the FY 2022-2023 Budget.
7. Approve the expenditure of \$52,350 for computer aided dispatch software support from CentralSquare Technologies, LLC and authorize the City Manager to execute any and all documents related to the expenditure. This expenditure is included in the FY 2022-2023 Budget.

Motion made by Council 2 Stoll, Seconded by Council 3 Dunagin, to approve Items H.1 through H.7.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

#### I. New Business

1. Council received a presentation on iChoosr from Kelle Balch and Fred Wu, representing iChoosr, regarding the Texas Power Switch Program and the Solar Switch Program; items for consideration of the Memorandum(s) of Understanding will be placed on the December 5, 2022 agenda.

No action necessary.

2. Consideration to Approve Case P22-354: Request by the City of Tomball to amend Section(s) 50-116 (*Supplemental Regulations*) of the Tomball Code of Ordinances by revising standards pertaining to subsection (j) (*Site Development Standards for Mobile Food Courts*).

- Mayor Klein Quinn called the Public Hearing on **Zoning Case P22-354** to order at 7:16 p.m.

Receiving no public comments, Mayor Klein Quinn closed the Public Hearing at 7:17 p.m.

Motion made by Council 2 Stoll, Seconded by Council 4 Townsend, Sr., to read Ordinance No. 2022-40 by caption only on First Reading.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr



Motion carried unanimously.

Motion made by Council 5 Parr, Seconded by Council 4 Townsend, Sr., to adopt, on First Reading, Ordinance No. 2022-40, an ordinance of the City of Tomball, Texas, amending Section(s) 50-116(j) (*Site Development Standards - Mobile Food Courts*) Chapter 50 (Zoning) of the Tomball Code of Ordinances by revising the standards governing mobile food vendors located within mobile food courts, 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.

Voting Yea: Council 1 Ford, Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

3. Executive Session: The City Council recessed at 7:20 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
  - Sec. 551.076 – Deliberation regarding Security Devices

Upon reconvening at 8:25 p.m., no action was taken.

- J. Motion by Council 5 Parr, Seconded by Council 4 Townsend, Sr., to adjourn.

Voting Yea: Council 2 Stoll, Council 3 Dunagin, Council 4 Townsend, Sr., Council 5 Parr

Motion carried unanimously.

Meeting adjourned at 8:25 p.m.

PASSED AND APPROVED this the 5<sup>th</sup> day of December 2022.

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Doris Speer  
City Secretary, TRMC, MMC

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Lori Klein Quinn  
Mayor

# City Council Meeting Agenda Item Data Sheet

Meeting Date: December 5, 2022

**Topic:**

Approve Request from Tomball Little League Parade for City Support and In-Kind Services for the *Little League's Annual Opening Day Parade* in downtown Tomball, on Saturday, March 4, 2023

**Background:**

This family favorite event kicks off the Spring 2023 baseball season for the players and their families.

**Origination:**

Tomball Little League Baseball. The parade will start at the intersection of School Street (at Tomball Intermediate School) and Main Street (FM 2920) and will continue east on Main Street (FM 2920), to turn north onto N. Elm Street and finish at the Tomball Little League baseball park. Parade should last 45-60 minutes.

**Recommendation:**

To help with the efficiency of the event, we request the City of Tomball for the following in-kind services: Police, Fire, Public Works, and Coordination.

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

**FUNDING (IF APPLICABLE)**

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

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

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

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

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: December 5, 2022

**Topic:**

Approve a Memorandum of Understanding with iChoosr, LLC to participate in the Texas Power Switch Program, and authorize the City Manager to execute.

**Background:**

iChoosr brokers a residential electrical aggregate with deregulated cities in Texas. Each city has its own individual campaign, but power is aggregated from registrants from all the cities together to form “group buying power” which is referred to as the Texas Power Switch program. The program provides residential customers in our area, the ability to get an affordable and fair rate. A low rate is negotiated by holding a reverse auction with providers that have been thoroughly vetted with the PUC (Public Utilities Commission). The registrant (customer) is then presented with a personalized offer that they can either accept or reject, and there is no obligation for the registrant or the City.

Tomball joined the Texas Power Switch in February 2019 and our current Memorandum of Understanding (MOU) is expiring. The City has worked with representatives from iChoosr to develop an updated MOU for the residential program. The terms and conditions for the programs will be the one-year term with three one-year renewal options. The City can terminate the agreement with a 60-day notice.

**Origination:** Project Management

**Recommendation:**

Staff approving the Memorandum of Understanding for a partnerships between the City of Tomball and iChoosr, LLC to aggregate residential electrical power, and authorize the City Manager to execute.

**Party(ies) responsible for placing this item on agenda:** Meagan Mageo, Project 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 Meagan Mageo  
Staff Member \_\_\_\_\_  
Date \_\_\_\_\_

Approved by \_\_\_\_\_  
City Manager \_\_\_\_\_  
Date \_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING**  
**CITY OF TOMBALL and ICHOOSR, LLC**

This Memorandum of Understanding (“MOU”) is by and between the City of Tomball, Texas (the “CITY”), and iChoosr, LLC, a Delaware limited liability company (“ICHOOSR”) (each a “Party” or collectively the “Parties”) acting by and through their authorized representatives,

**WHEREAS**, ICHOOSR has a registered office located at 251 Little Falls Drive, Wilmington, Delaware 19808, and is registered as a Class I aggregator under 16 Tex. Admin. Code § 25.111 at the Public Utility Commission of Texas under number #80419; and

**WHEREAS**, the Parties wish to enter into this MOU for the principal purpose of providing the residents of the City (“Residents”) with group purchasing power in the procurement of retail energy (electricity) services;

**WHEREAS**, the Parties intend to offer Residents an opportunity to register and participate in the Texas Power Switch program (TPS program), whereupon ICHOOSR will arrange a competitive bidding process for retail energy suppliers in order to procure competitive electricity rates for participating Residents.

**NOW, THEREFORE**, in consideration of the foregoing and of the agreements herein contained, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged and approved, the Parties agree as follows:

**SECTION 1 - OBLIGATIONS OF THE PARTIES**

The Parties acknowledge that no contractual relationship is created between them by this MOU, but agree to work together in the true spirit of partnership to ensure that there is visible support and leadership of the TPS program and to demonstrate administrative and managerial commitment to TPS program by means of the following services.

**SECTION 2 – COOPERATION & RESPONSIBILITIES**

The activities and services for the TPS program shall include, but not be limited to:

A) ICHOOSR shall:

1. Organize and help CITY actively promote at least three (3) programs each calendar year within the CITY, via agreed upon marketing and communications efforts as set out in the Program Communications Plan.
2. Organize three (3) programs per year which shall be made available to all city residents residing in a deregulated electric service territory.
3. Provide the CITY with webpages and hyperlinks to the Texas Power Switch website platform to facilitate registration, auction, and switching of residents.
4. Set out information for Residents within its website about the Program including the fact that participation is free and provides them with no obligation to accept any winning retail energy supplier’s offer, including Information pages and a Frequently Asked Questions section.
5. Subject to relevant electricity laws and regulations, arrange for a competitive bidding process for a retail energy contract of at least one year, with options for longer terms (e.g. 24- or 36- month contracts) depending on market stability to procure favorable longer term pricing for residents. ICHOOSR will decide on the type of supply contract.
6. Arrange for a solicitation for retail energy suppliers for the purpose of providing retail energy services to participating Participants, while not guaranteeing that the solicitation will result in a market-leading offer.
7. Provide Customer Service, inclusive of a toll-free phone number for the Program, and maintain a Texas based Customer Care Call Center for this program.

8. Upon request from CITY, provide reports detailing the number of participants in the TPS program and the number of people who have confirmed that they wish to switch to the prevailing retail energy supplier(s). Such reports to be electronically accessible to the CITY.
9. Provide the option to carry out surveys among Residents or any sample thereof that it selects in order to obtain Residents' views in connection with the Program.
10. Obtain the CITY's prior approval for all marketing communications before posting, publishing or distributing such communications.

B) the CITY shall:

1. Host and actively promote at least two (2) Programs each calendar year with ICHOOSR, via mutually agreed marketing and communication efforts as established in the Program Communication Plan that will be drawn up during a one-on-one meeting between ICHOOSR and CITY representatives, and then shared during a kick-off meeting between the CITY and ICHOOSR.
2. Organize a kick-off meeting, and when necessary follow-up meetings or calls, with ICHOOSR at the CITY's premises, where CITY staff that have a role in the Program will attend.
3. Promote the TPS program on the home page of the CITY's web domain throughout the term of the TPS program.
4. Allow ICHOOSR to utilize the city logo / emblem for purposes of promoting the program to CITY residents. All uses of the city logo / emblem will be pre-approved by the CITY.
5. Include information regarding the TPS program in any CITY bill inserts that are sent to residents.
6. Include information regarding the TPS program on the CITY's web page, briefly explaining the TPS program and providing a hyperlink to the CITY's registration pages on the Texas Power Switch platform, by using unique URL's which will be provided to the CITY by ICHOOSR for tracking purposes.
7. Obtain ICHOOSR's prior approval for all marketing and other communications before posting, publishing, transmitting or distributing such TPS program communications in any way.
8. Not during the term of a Residential Customer Agreement, without the prior written consent of ICHOOSR, directly contact by email, letter or telephone anyone who has entered into a Residential Customer Agreement with the prevailing retail energy supplier in an attempt to persuade that person to switch their electricity services to an alternative supplier.

### **SECTION 3 - RESOURCES**

CITY shall provide one (1) or two (2) point(s) of contact to ICHOOSR, so that ICHOOSR may work with point(s) of contact to promote the program. CITY effort is estimated to be no more than eight (8) hours every 4 months, or a total of twenty-four (24) hours per calendar year.

ICHOOSR shall provide all other resources including the website, social media content, any brochures, Customer Care Center with a 1-800 contact number for questions about program, and dedicated resource staff to support the program for the CITY.

### **SECTION 4 - LIABILITY**

No liability will arise or be assumed between either Party as a result of this MOU.

### **SECTION 5 - LENGTH OF AGREEMENT**

The arrangements made by the parties of this MOU shall remain in effect from December 6, 2022 ("Effective Date") for a period of one (1) year, with three (3) one-year renewal options.

### **SECTION 6 - TERMINATION**

Either party may terminate this MOU for any reason with 60-days advance written notice.

### **SECTION 7 - UNDERSTANDING**

It is mutually agreed upon and understood by both Parties of this MOU that:

1. Each Party will work together in a coordinated fashion for the fulfillment and success of the TPS program.
2. In no way does this MOU restrict either Party from participating in similar agreement with other Public or Private agencies, organizations, and individuals.
3. To the extent possible, each Party will participate in the development and success of the program.
4. Nothing in this agreement shall obligate either Party to the transfer of any funds. Both parties mutually agree that there is no financial arrangement between ICHOOSR and CITY.
5. This MOU is not intended to and does not create any right, benefit, or trust responsibility.
6. This MOU is effective upon signature and date from both Parties.

**SECTION 8 - SUPPORT OF THE GOALS, RESPONSIBILITIES, AND OBJECTIVES**

The MOU has been signed by authorized representatives of ICHOOSR and CITY. This agreement shall be effective as of the date first written above.

iChoosr LLC

City of Tomball

JACOBUS BIJLHOLT  
Name

\_\_\_\_\_  
Name

CEO  
Title

\_\_\_\_\_  
Title

Signature

\_\_\_\_\_  
Signature

November 30, 2022  
Date

\_\_\_\_\_  
Date

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: December 5, 2022

**Topic:**

Approve a Memorandum of Understanding with iChoosr, LLC to participate in the Texas Solar Switch Program, and authorize the City Manager to execute.

**Background:**

iChoosr brokers a Residential Electrical Aggregate with deregulated cities in Texas to form “Group Buying Power” which is referred to as the Texas Power Switch. A newly added program to the Texas Power Switch program is the Texas Solar Switch program (TSS). The new program provides homeowners with group purchasing power to procure high quality residential solar system installation, with financing options for the panels. The TSS program will work the same as the residential energy services by negotiating a low rate by holding a reverse auction with providers that have been thoroughly vetted with the PUC (Public Utilities Commission). The registrant (customer) is then presented with a personalized offer that they can either accept or reject, and there is no obligation for the registrant or the City.

The City has worked with representatives from iChoosr to develop a Memorandum of Understanding for the Texas Solar Switch program. The terms and conditions for the programs will be for a one-year term with three one-year renewal options. The City can terminate the agreements with a 60-day notice.

**Origination:** Project Management

**Recommendation:**

Staff approving the Memorandum of Understanding for a partnerships between the City of Tomball and iChoosr, LLC to aggregate residential solar power, and authorize the City Manager to execute.

**Party(ies) responsible for placing this item on agenda:** Meagan Mageo, Project 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 Meagan Mageo Approved by \_\_\_\_\_  
Staff Member Date City Manager Date

**MEMORANDUM OF UNDERSTANDING**  
**CITY OF TOMBALL and ICHOOSR, LLC**

This Memorandum of Understanding (“MOU”) is by and between the City of Tomball, Texas (the “CITY”), and iChoosr, LLC, a Delaware limited liability company (“ICHOOSR”) (each a “Party” or collectively the “Parties”) acting by and through their authorized representatives,

**WHEREAS**, ICHOOSR has a registered office located at 251 Little Falls Drive, Wilmington, Delaware 19808;

**WHEREAS**, the Parties wish to enter into this Memorandum of Understanding (“MOU”) for the principal purpose of providing the residents of the CITY that are homeowners (“Residents”) with group purchasing power in the procurement of a high quality residential solar PV system installation (“Solar system”) including financing options;

**WHEREAS**, the Parties intend to offer Residents an opportunity to register and participate in the Texas Solar Switch program (“TSS program”), whereupon ICHOOSR will arrange a competitive bidding process of qualified solar installers that leads to a competitive personal Solar System offer for participating Residents.

**NOW, THEREFORE**, in consideration of the foregoing and of the agreements herein contained, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged and approved, the Parties agree as follows:

**SECTION 1 - OBLIGATIONS OF THE PARTIES**

The Parties acknowledge that no contractual relationship is created between them by this MOU, but agree to work together in the true spirit of partnership to ensure that there is united, visible and responsive leadership of the TSS program and to demonstrate administrative and managerial commitment to the TSS program by means of the following services.

**SECTION 2 – COOPERATION & RESPONSIBILITIES**

The activities and services for the TSS program shall include, but not be limited to:

A) ICHOOSR shall:

1. Organize and help CITY actively promote at least one (1) TSS program each calendar year within the CITY, via agreed upon marketing and communications efforts as set out in the communications plan.
2. Organize one (or more) TSS programs per year which shall be made available to all Residents.
3. Provide the CITY with webpages and hyperlinks to the TSS program digital platform (website) to facilitate registration, auction and acceptance of a personal offer for participating Residents.
4. Set out information for Residents within its website about the TSS program including the fact that participation is free and provides them with no obligation to accept any solar



installer's offer, including information pages and a Frequently Asked Questions (FAQs) section.

5. Arrange for a solicitation and extensive qualification procedure of solar installation providers. The purpose of this vetting process is to secure that only solar installers can participate that are able to - in a reasonable timeframe - install high quality solar PV systems complying within the relevant local laws & regulations.
6. Arrange for a competitive bidding process for these vetted and qualified solar installers for Solar Systems to ensure a competitive price to participants, while not guaranteeing this will result in a market-leading offer.
7. Actively manage selected solar installer to ensure installation goes in accordance with requirements.
8. Provide Customer Service for Residents, inclusive of a toll-free phone number for the TSS program, and maintain a Texas based Customer Care Call Center for this TSS program.
9. Upon request from CITY, provide reports detailing the number of participants in the TSS program and the number of people who have confirmed that they wish to accept the Solar System offer. Such reports to be electronically accessible to the CITY.
10. Provide the option to carry out surveys among Residents or any sample thereof that it selects in order to obtain Residents' views in connection with the TSS program.
11. Obtain the CITY's prior approval for all marketing communications before posting, publishing or distributing such communications.

B) the CITY shall:

1. Host and actively promote one (or more) TSS program(s) each calendar year with ICHOOSR, via mutually agreed marketing and communication efforts as established in the communication plan that will be drawn up during a meeting between ICHOOSR and CITY representatives, and then shared during a kick-off meeting between the CITY and ICHOOSR.
2. Organize a kick-off meeting, and when necessary, follow-up meetings or calls, with ICHOOSR at the CITY's premises, where CITY staff that have a role in the TSS program will attend.
3. Include information regarding the TSS program on the CITY's web page, briefly explaining the TSS program and providing a hyperlink to the CITY's registration pages on the Texas Solar Switch platform, by using unique URL's which will be provided to the CITY by ICHOOSR for tracking purposes.
4. Allow ICHOOSR to utilize the CITY logo / emblem for purposes of promoting the TSS program to Residents. All uses of the CITY logo / emblem will be pre-approved by the CITY.
5. Include information regarding TSS program in bill inserts that are sent to Resident homes.
6. Obtain ICHOOSR's prior approval for all marketing and other communications before posting, publishing, transmitting or distributing such communications in any way.

### **SECTION 3 - RESOURCES**

CITY shall provide one (1) or two (2) point(s) of contact to ICHOOSR, so that ICHOOSR may work with point(s) of contact to promote the TSS program.

ICHOOSR shall provide all other resources including the website, social media content, any brochures, Customer Care Center with a 1-800 contact number for questions about TSS program, and dedicated resource staff to support the TSS program for the CITY.

#### **SECTION 4 - LIABILITY**

No liability will arise or be assumed between either Party as a result of this MOU.

#### **SECTION 5 - LENGTH OF AGREEMENT**

The arrangements made by the "Parties of this MOU shall remain in effect from December 6, 2022 ("Effective Date") for a period of one-year with three (3) one-year renewal options, at which time the MOU will automatically renew annually on the contract effective date.

#### **SECTION 6 - TERMINATION**

Either Party may terminate this MOU for any reason with 60-days advance written notice.

#### **SECTION 7 - UNDERSTANDING**

It is mutually agreed upon and understood by the Parties:

1. Each Party will work together in a coordinated fashion for the fulfillment and success of the TSS program.
2. In no way does this MOU restrict either Party from participating in a similar agreement with other Public or Private agencies, organizations, and individuals.
3. To the extent possible, each Party will participate in the development and success of the TSS program.
4. Nothing in this agreement shall obligate either Party to the transfer of any funds. Both Parties mutually agree that there is no financial arrangement between ICHOOSR and CITY.
5. This MOU is not intended to and does not create any right, benefit, or trust responsibility.
6. This MOU is effective upon signature and date from both Parties.

The Parties support the goals, responsibilities, and objectives of this MOU

The MOU has been signed by authorized representatives of ICHOOSR, and CITY. This agreement shall be effective as of the date first written above.

iChoosr LLC

City of Tomball

Jacobus Bijlholt \_\_\_\_\_

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

CEO \_\_\_\_\_  
Title \_\_\_\_\_

\_\_\_\_\_  
Title \_\_\_\_\_

Signature \_\_\_\_\_

\_\_\_\_\_  
Signature \_\_\_\_\_

November 30, 2022  
Date \_\_\_\_\_

\_\_\_\_\_  
Date \_\_\_\_\_

# City Council Meeting Agenda Item Data Sheet

Meeting Date: December 5, 2022

**Topic:**

Approve the rollover of outstanding Fiscal Year 2021-2022 purchase orders to Fiscal Year 2022-2023.

**Background:**

The City's Fiscal Year 2021-2022 ended on September 30, 2022. At that time, there were contracts, purchases of goods and services, and capital projects that were appropriated in Fiscal Year 2021-2022, but the actual expenditure will be incurred in Fiscal Year 2022-2023. This is primarily due to supply chain issues and contracts that overlap fiscal years. The total amount of the purchase order rollover is \$4,115,190.53.

Since the expenditures were initially included in the Fiscal Year 2021-2022 Budget, but not recognized as expenditures incurred, actual expenditures will be less than budgeted for Fiscal Year 2021-2022. The expenditures will be recognized in Fiscal Year 2022-2023 and will be included in the projection amounts.

**Origination:**

Finance

**Recommendation:**

Approve the rollover of outstanding Fiscal Year 2021-2022 purchase orders to Fiscal Year 2022-2023.

**Party(ies) responsible for placing this item on agenda:** Katherine Tapscott, 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: \_\_\_\_\_

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

Signed Katherine Tapscott, CPA 11.30.2022 Approved by \_\_\_\_\_  
Finance Director Date City Manager Date

**City of Tomball**  
**FY 2021-2022 Purchase Order Rollover**

Vendor	Purchase Order Number	Purchase Order Date	Description	Total Purchase Order Amount	Amount Invoiced		Notes
					Through Sept. 30, 2022	Outstanding Amount	
Atkins North America Inc.	0019453	8/31/2022	Tomball Industrial SPPP Support Services	\$ 49,828.00	\$ 3,106.84	\$ 46,721.16	Rollover purchase order to complete contract
Caldwell Country Chevrolet	0019315	10/14/2021	PW & Fire 2022 Fleet Vehicles	234,115.00	33,510.00	200,605.00	Supply chain issues with vehicles
Caldwell Country Ford dba Rockdale Country Ford	0019413	7/6/2022	1 Ford Interceptor 22-165	42,275.00	-	42,275.00	Supply chain issues with vehicles
Casco Industries Inc.	0019385	4/29/2022	Various protective clothing	27,288.00	9,978.00	17,310.00	ETA is March 2023
Casco Industries Inc.	0019433	8/5/2022	Squad 1 - Firefighting Equipment & Hose	12,107.00	-	12,107.00	ETA is December 2022
Dana Safety Supply Inc.	0019316	10/19/2021	Upfit for Public Works 2022 Fleet	13,675.65	-	13,675.65	Waiting on vehicles to arrive
Dana Safety Supply Inc.	0019420	7/6/2022	Upfit for Ford 22-165	9,061.10	-	9,061.10	Waiting on vehicles to arrive
Delta Fire & Safety Inc.	0019427	8/4/2022	Squad 1 FLIR K65 Kit	6,660.25	-	6,660.25	Item was received in Oct. 2022
Equipment Controls Company Inc.	0019349	1/7/2022	Gas Meter and Transmitters	434,780.16	28,500.00	406,280.16	Receiving periodic meter shipments
Equipment Controls Company Inc.	0019443	8/16/2022	10 Gas Meters	10,231.30	-	10,231.30	Supply issues with gas meters
Freese and Nichols Inc.	0019386	5/10/2022	Grand Parkway Elevated Storage Tank Design	499,000.00	182,306.00	316,694.00	Remaining contract amount
Freese and Nichols Inc.	0019462	9/8/2022	FM 2920 Lift Station Capacity Assessment	20,000.00	1,866.55	18,133.45	Remaining contract amount
Freese and Nichols Inc.	0019468	9/15/2022	Contracted Services for Plan & Plat Review	145,000.00	131,619.52	13,380.48	Remaining contract amount
Hassel Construction Group, LLC	0019450	8/26/2022	Slide Gate Replacement NWWTP & SWWTP	158,000.00	-	158,000.00	Project will be completed in FY 2023
Hayden Paving, Inc.	0019454	8/31/2022	S. Persimmon Asphalt Project	195,779.00	-	195,779.00	Project was completed in October 2022
Impact Promotional Services LLC	0019439	8/11/2022	Dress Uniforms & Alterations	13,944.42	555.40	13,389.02	Uniform measurements were delayed until November 2022
Kompan Inc.	0019302	5/21/2021	Playground Equipment for Jerry Matheson Park	661,759.26	-	661,759.26	Awaiting grant funding
Marathon Engineering Corporation	0019387	5/18/2022	Jail Cell Repair	5,922.00	2,961.00	2,961.00	Repair was completed in November 2022
Metro Fire Apparatus Specialists Inc.	0019434	8/5/2022	Squad 1 - Firefighting Equipment & Hose	11,897.00	-	11,897.00	ETA is December 2022
Morton Morrow Inc.	0019370	3/8/2022	Mako Breathing Air Compressor	47,246.06	-	47,246.06	Received November 2022
Morton Morrow Inc.	0019384	4/25/2022	Mako Breathing Air Compressor Package	47,246.06	-	47,246.06	ETA is January 2023
Northwest Communications Inc.	0019414	7/6/2022	3 radios 22-163 22-164 22-165	9,780.92	-	9,780.92	Items received in October 2022
Northwest Communications Inc.	0019425	8/2/2022	SRO Shop Radio Equipment	6,203.71	-	6,203.71	Items received in November 2022
Texas Department of Criminal Justice	0019444	8/11/2022	TDCJ-ID Wynne Mattress Factory	1,045.00	-	1,045.00	Items received in October 2022
Texas Department of Criminal Justice	0019458	9/1/2022	Transport Belts	247.50	-	247.50	Items received in October 2022
Thirkettle Corporation	0019347	1/5/2022	Water Meters and Transmitters	348,990.10	214,636.10	134,354.00	Receiving periodic meter shipments
Thirkettle Corporation	0019350	1/18/2022	ARP Water Meters Replacement and Install #232	1,766,231.20	54,083.75	1,712,147.45	Started receiving meter shipments in late-October 2022
<b>Total</b>				<b>\$ 4,778,313.69</b>	<b>\$ 663,123.16</b>	<b>\$ 4,115,190.53</b>	

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: December 5, 2022

**Topic:**

Declare Two (2) Tracts of Land, located at the Intersection of Medical Complex and Hufsmith-Kohrville (FM 2978), Consisting of 0.5211 Acres and 0.7040 Acres of Land, as Surplus Lots and Authorize City Staff to Proceed with Bidding the Tracts of Land for Sale

**Background:**

To facilitate the extension of Medical Complex Drive to Hufsmith-Kohrville, the City acquired a 1.7565-acre tract of land. Upon completion of the extension of Medical Complex Drive, the City owns two tracts of land, one on either side of Medical Complex Drive.

Tract 1, to the north, is a 0.5211-acre tract, and is ‘damaged’, as it is bisected by an Exxon pipeline easement. It is possible that this tract could be paved, but no vertical improvements could be constructed over the easement and with the City’s development/zoning requirements, the market value of this tract is drastically impacted. Tract 2, to the south, is a 0.7040-acre tract of land and can be developed.

An appraisal by Newmark Knight Frank is attached, indicating a \$15,000 market value for Tract 1 and a \$190,000 market value of Tract 2.

City Staff asks Council to declare Tract 1 and Tract 2 as surplus property and to authorize Staff to proceed with bidding the tracts of land for sale. Staff has studied the property and has determined that the City has no future use for either tract. We have received inquiries regarding the possible sale of the tracts.

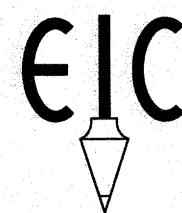
Suggested minimum bids would be \$15,000 for Tract 1 and \$135,000 for Tract 2, pending Council direction.

**Origination:** City Secretary

**Recommendation:**

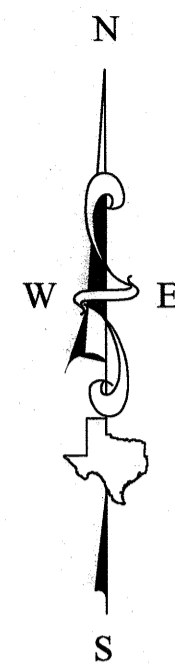
Declare Tract 1 and Tract 2 as surplus property and to authorize Staff to proceed with bidding the tracts of land for sale

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

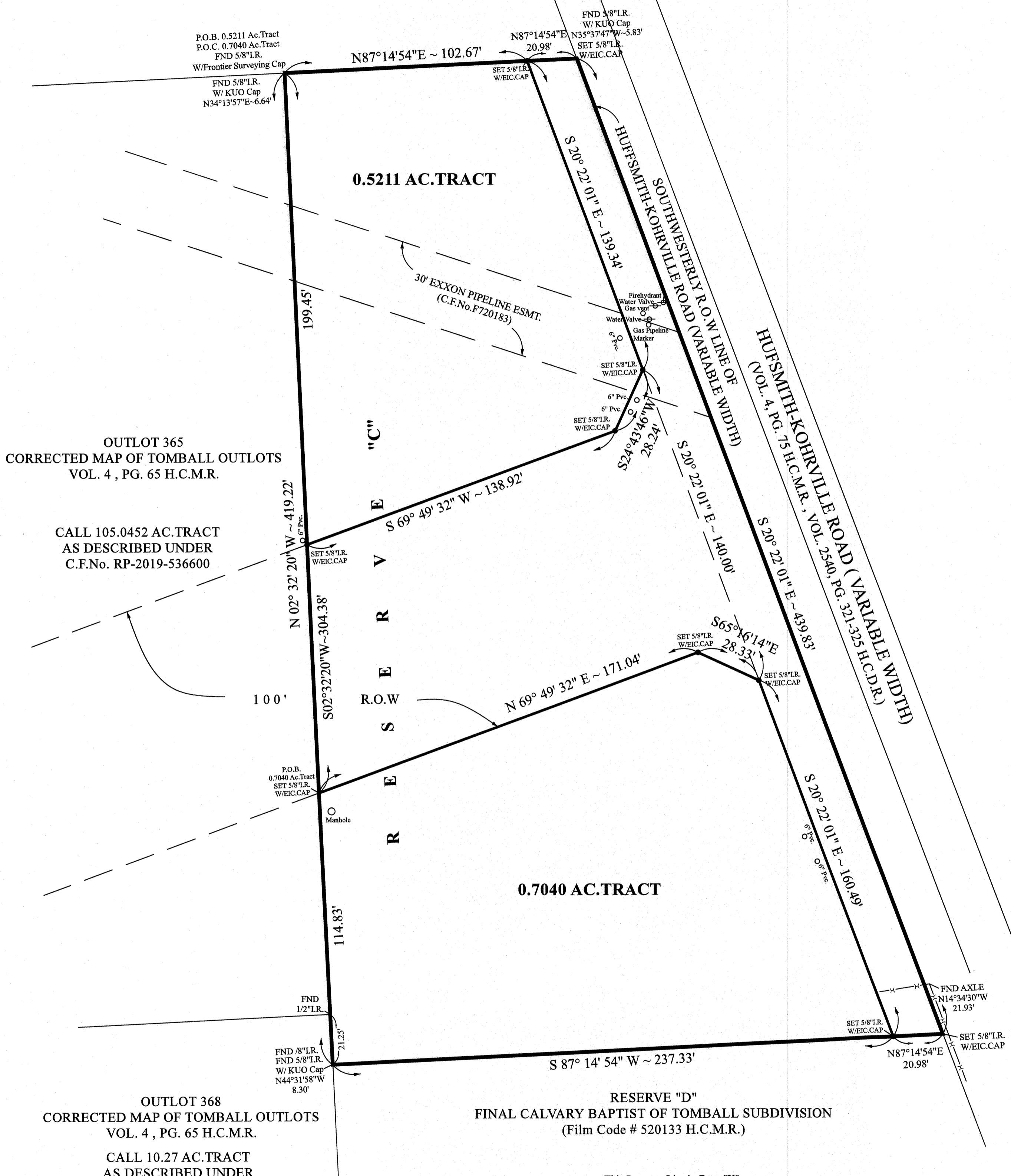


SURVEYING COMPANY

12345 JONES ROAD  
SUITE 270  
HOUSTON, TX 77070  
(281) 955-2772  
FIRM NO. 10033400



RESERVE "B"  
FINAL CALVARY BAPTIST OF TOMBALL SUBDIVISION  
(Film Code # 520133 H.C.M.R.)



OUTLOT 365  
CORRECTED MAP OF TOMBALL OUTLOTS  
VOL. 4, PG. 65 H.C.M.R.

CALL 105.0452 AC. TRACT  
AS DESCRIBED UNDER  
C.F.No. RP-2019-536600

OUTLOT 368  
CORRECTED MAP OF TOMBALL OUTLOTS  
VOL. 4, PG. 65 H.C.M.R.

CALL 10.27 AC. TRACT  
AS DESCRIBED UNDER  
C.F.No. 20070023560

RESERVE "D"  
FINAL CALVARY BAPTIST OF TOMBALL SUBDIVISION  
(Film Code # 520133 H.C.M.R.)

This Property Lies in Zone "X"  
Outside the 100 Year Flood Plain  
Per Graphic Scaling according to  
Community Panel No. 4803150230L  
having an effective date 06-18-2007  
Job No. 21 - 223 - 04  
Scale 1" = 30'  
Date 04 - 29 - 2021  
Drawn By: AH  
Revised: 05-20-2021 to remove Proposed & B.L.

Purchaser CITY OF TOMBALL  
Address -0- HUFSMITH KOHRVILLE ROAD  
Reserve "C" , Block \_\_\_\_\_, Section \_\_\_\_\_  
Survey \_\_\_\_\_, A \_\_\_\_\_  
Area 0.7040 AC. TRACT & 0.5211 AC. TRACT  
Subdivision FINAL CALVARY BAPTIST OF TOMBALL SUBDIVISION  
Film Code 520133 , MAP \_\_\_\_\_ Records,  
HARRIS County, Texas

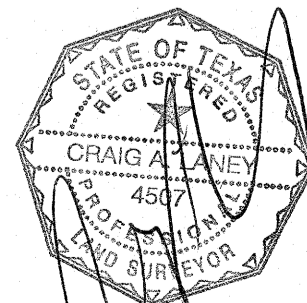
SUBJECT TO :

- 1. © 2021 Everything In Christ Services, Inc., All Rights Reserved.
- 2. Survey is valid only if print has original Seal and signature of surveyor on it. Declaration is made to original purchaser of this survey. It is not transferable to additional institutions or subsequent owners.
- 3. This Survey has been done without benefit of a current title report. Surveyor did not abstract title and does not certify to easements or restrictions not shown. Check with your local governing agencies for any additional easements, building lines or other restrictions not reflected on recorded plat.
- 4. See Corresponding Field Notes .
- 5. Fences as shown .

I, Craig A. Laney , a Registered Professional Land Surveyor in the State of Texas, RPLS No. 4507 , do hereby certify to \_\_\_\_\_ (See Note 3) and Purchaser(s) \_\_\_\_\_ that based upon information provided by said Title Company under G.F. No. \_\_\_\_\_ (See Note 3) that this survey was this day made under my supervision on the ground of the above described property and the above plat or drawing reflects the findings on the ground of this property at this time. I have shown or noted all easements reflected in said Title Company's report. This Survey conforms to the minimum standards of practice as approved by the Texas Board of Professional Engineers and Land Surveyors. Effective February 2021.

The basis of bearing is N02°32'20"W ALONG THE WEST R.O.W LINE OF RESERVE "C" PER RECORD PLAT

A Division of Everything in Christ Services, Inc.



Seal

All that certain tract or parcel containing 0.5211 acre of land out of Reserve "C" in Final Calvary Baptist of Tomball Subdivision, a subdivision in Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 520133 of the Harris County Map Records, said 0.5211 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with Frontier Surveying cap (found) in the South line of Reserve "B" in said Final Calvary Baptist of Tomball Subdivision marking the Northeast corner of Outlot 365 in Corrected Map of Tomball Outlots, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record in Volume 4, Page 65 of said Harris County Plat Records, an interior corner of that certain call 105.0452 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. RP-2019-536600, the Northwest corner of said Reserve "C" and the Northwest corner of the herein described 0.5211 acre tract of land, from this point a 5/8" iron rod with KUO cap (found) bears N 34°13'57" E, 6.64 feet;

THENCE N 87°14'54" E, a distance of 102.67 feet along the common line of said Reserve "B" and said Reserve "C" to a 5/8" iron rod with EIC cap (set) in the proposed Southwesterly right-of-way line of Huffsmith-Kohrville Road, (variable width), marking the Northeast corner of the herein described 0.5211 acre tract of land, from this point a 5/8" iron rod with EIC cap (set) in the existing Southwest right-of-way line of said Huffsmith-Kohrville Road marking the Southeast corner of said Reserve "B" and the Northeast corner of said Reserve "C" bears N 87°14'54" E, 20.98 feet, from this point a 5/8" iron rod with KUO cap (found) bears N 35°37'47" W, 5.83 feet;

THENCE S 20°22'01" E, a distance of 139.34 feet along the proposed Southwesterly right-of-way line of said Huffsmith-Kohrville Road to a 5/8" iron rod with EIC cap (set) at the Northeast end of a cut-back corner marking the intersection of the proposed Southwesterly right-of-way line of said Huffsmith-Kohrville Road with the Northwesterly right-of-way line of a proposed 100.00 foot Road, same point marking the Easterly-Southeast corner of the herein described 0.5211 acre tract of land;

THENCE S 24°43'46" W, a distance of 28.24 feet along said cut-back corner to a 5/8" iron rod with EIC cap (set) in the Northwesterly right-of-way line of said proposed 100.00 foot Road marking the Southwest end of said cut-back corner and the Southerly-Southeast corner of the herein described 0.5211 acre tract of land;

THENCE S 69°49'32" W, a distance of 138.92 feet along the Northwesterly right-of-way line of said proposed 100.00 foot Road and the Southerly line of said 0.5211 acre tract of land to a 5/8" iron rod with EIC cap (set) in the West line of said Reserve "C", the East line of said Outlot 365 and an interior line of said 105.0452 acre tract of land marking the Southwest corner of the herein described 0.5211 acre tract of land;

THENCE N 02°32'20" W, a distance of 199.45 feet along the common line of said Reserve "C", said Outlot 365 and said 105.0452 acre tract of land to the POINT OF BEGINNING and containing 0.5211 acre of land.

Surveyed on the ground April 29, 2021.

Job No. 21-223-04. (see corresponding plat)

The basis of bearing is N 02°32'20" W along the West line of Reserve "C" per record plat.

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





All that certain tract or parcel containing 0.7040 acre of land out of Reserve "C" in Final Calvary Baptist of Tomball Subdivision, a subdivision in Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 520133 of the Harris County Map Records, said 0.7040 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with Frontier Surveying cap (found) in the South line of Reserve "B" in said Final Calvary Baptist of Tomball Subdivision marking the Northeast corner of Outlot 365 in Corrected Map of Tomball Outlots, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record in Volume 4, Page 65 of said Harris County Plat Records, an interior corner of that certain call 105.0452 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. RP-2019-536600 and the Northwest corner of said Reserve "C", from this point a 5/8" iron rod with KUO cap (found) bears N 34°13'57" E, 6.64 feet;

THENCE S 02°32'20" E, a distance of 304.38 feet along the common line of said Reserve "C", said Outlot 365 and said 105.0452 acre tract of land to a 5/8" iron rod with EIC cap (set) in the South right-of-way line of a proposed 100.00 foot Road marking the Northwest corner and POINT OF BEGINNING and containing 0.7040 acre of land.

THENCE N 69°49'32" E, a distance of 171.04 feet along the South right-of-way line of said proposed 100.00 foot Road to a 5/8" iron rod with EIC cap (set) at the Northwest end of a cut-back corner marking the intersection of the South right-of-way line of said proposed 100.00 foot road with the proposed Southwesterly right-of-way line of Huffsmith-Kohrville Road, (variable width), same point marking the Northerly-Northeast corner of the herein described 0.7040 acre tract of land;

THENCE S 65°16'14" E, a distance of 28.33 feet along said cut-back corner to a 5/8" iron rod with EIC cap (set) in the Southwesterly right-of-way line of said proposed Huffsmith-Kohrville Road marking the Easterly-Northeast corner of the herein described 0.7040 acre tract of land;

THENCE S 20°22'01" E, a distance of 160.49 feet along the proposed Southwesterly right-of-way line of said Huffsmith-Kohrville Road to a 5/8" iron rod with EIC cap (set) in the South line of said Reserve "C" and the North line of Reserve "D" in said Final Calvary Baptist of Tomball Subdivision marking the Southeast corner of the herein described 0.7040 acre tract of land, from this point a 5/8" iron rod with EIC cap (set) in the existing Southwest right-of-way line of said Huffsmith-Kohrville Road marking the Southeast corner of said Reserve "C" and the Northeast corner of said Reserve "B" bears N 87°14'54" E, 20.98 feet, from this point an axle (found) bears N 14°34'30" W, 21.93 feet;

THENCE S 87°14'54" W, a distance of 237.33 feet along common line of said Reserve "C" and said Reserve "D" to a 5/8" iron rod (found) in the East line of said Outlot 368 in said Corrected Map of Tomball Outlots and the East line of that certain call 10.27 acre tract of land as described in a deed filed for record under Harris County Clerk's File No. 20070023560 marking the Northwest corner of said Reserve "D", the Southwest corner of said Reserve "C" and the Southwest corner of the herein described 0.7040 acre tract of land;

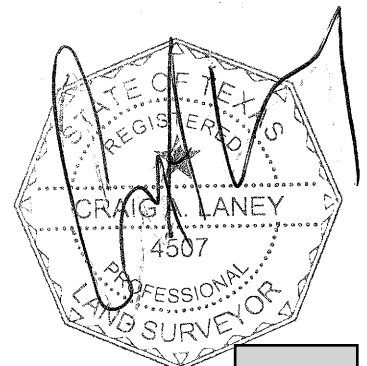
THENCE N 02°32'20" W, along the common line of said Reserve "C", said Outlot 368 and said 10.27 acre tract of land, passing at 21.25 feet a 1/2" iron rod (found) marking the Northeast corner of said Outlot 368, the Northeast corner of said 10.27 acre tract of land, the Southeast corner of said Outlot 365 and an interior corner of said 105.0425 acre tract of land, a total distance of 114.83 feet to the POINT OF BEGINNING and containing 0.7040 acre of land.

Surveyed on the ground April 29, 2021.

Job No. 21-223-04. (see corresponding plat)

The basis of bearing is N 02°32'20" W along the West line of Reserve "C" per record plat.

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



## Vacant Land - 0.5211 & 0.7040 AC Tract

Hufsmith Kohrville Road  
Tomball, Harris County, TX 77375

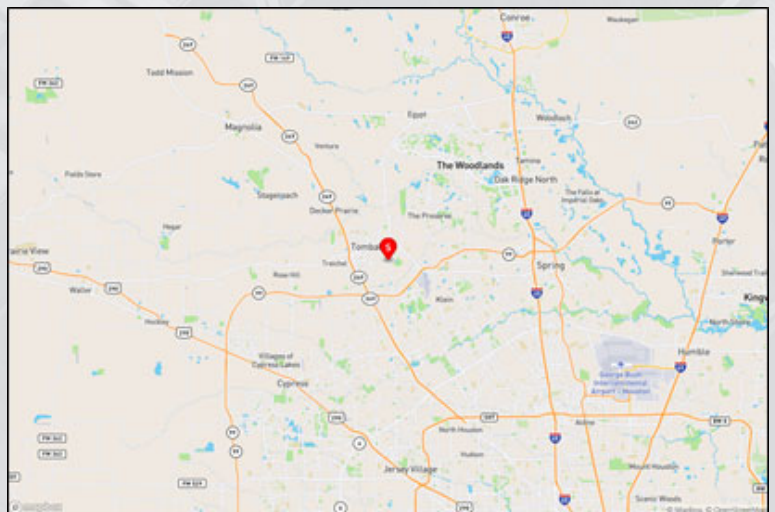
NKF Job No.: 21-0136523-1

### Appraisal Report Prepared For:

Craig T Meyers  
City of Tomball  
401 Market Street  
Tomball, TX 77375

### Prepared By:

**Newmark Knight Frank**  
Valuation & Advisory, LLC  
1700 Post Oak Blvd, Suite 350  
Houston, TX 77056



June 8, 2021

Craig T Meyers  
City of Tomball  
401 Market Street  
Tomball, TX 77375

RE: Appraisal of Land located at Hufsmith Kohrville Road, Tomball, Harris County, TX 77375,  
prepared by Newmark Knight Frank Valuation & Advisory, LLC (herein "Firm" or "NKF")

NKF Job No.: 21-0136523-1

Dear Mr. Meyers:

The "Subject Property" is two tracts of land separated by Medical Complex Drive. The northern tract is 22,700 square feet, or 0.5211-acres, and the southern tract is 30,665 square feet, or 0.7040-acres. Both sites have all utilities available and have average frontage along Hufsmith-Kohrville Rd. The tracts are located along the western side of Hufsmith-Kohrville Rd. The sites are zoned C; Commercial District, which allows for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions. The two sites have an irregular shape, are of generally level topography, and have good visibility from Hufsmith-Kohrville Rd.

The northern tract of land is bisected by an Exxon Pipeline Easement. We requested but were not provided with the pipeline easement document and it is an Extraordinary Assumption that the owner may pave over but not construct vertical improvements on top of the easement. After including the City of Tomball's zoning & setback requirements of a 35-foot minimum setback while facing a designated arterial street and a 10-foot setback for side and rear yards. The subject's useable building area is significantly reduced. After discussions with market participants we have concluded to a value of 10% the total market value for the northern tract.

The subject's combined tract before the road's construction, 1.757-aces, was purchased by the City of Tomball on April 4<sup>th</sup>, 2018 for \$307,870, or \$4.02 per square foot.

## Key Value Considerations

### Strengths

- ❖ Good location near major arteries.
- ❖ Located in a strong submarket.

## Risk Factors

- ❖ Northern tract bisected by the Exxon Pipeline Easement.

## COVID-19 Pandemic

The COVID-19 Pandemic has had a significant impact on the economy and, by extension, real estate markets. Commercial real estate is transforming and adapting with some similarities and some differences to previous crises. As the Pandemic has progressed, there has been greater clarity about the effects through metric and transactional data as well as market participant information and expectations. Investment volume in 2020 declined 32.1% year-over-year, however investor momentum shifted significantly in the fourth quarter, with volume increasing by 93.9% quarter-over-quarter, according to Newmark Capital Markets Research. Available data and analyses are contained within this appraisal report and are a foundation to the appraisal. Effects and projections related to COVID-19 will be addressed throughout the report.

Based on the analysis contained in the following report, the opinion of value for the subject is:

Value Conclusions				
Appraisal Premise	Interest Appraised	Date of Value	Value Conclusion	
Market Value "As Is" - Northern Tract	Fee Simple	6/2/2021	\$15,000	
Market Value "As Is" - Southern Tract	Fee Simple	6/2/2021	\$190,000	

*Compiled by NKF*

## Extraordinary Assumptions

An extraordinary assumption is defined in USPAP as an assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions. The value conclusions are subject to the following extraordinary assumptions that may affect the assignment results.

1. The northern tract of land is bisected by an Exxon Pipeline easement. We were not provided with the pipeline easement document. Our market value as is conclusion for the northern tract assumes that you may pave over but not build vertical improvements on the pipeline easement.

The use of this extraordinary assumption might have affected assignment results.

## Hypothetical Conditions

A hypothetical condition is defined in USPAP as a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. The value conclusions are based on the following hypothetical conditions that may affect the assignment results.

1. None

June 8, 2021  
Craig T Meyers

The appraisal was developed based on, and this report has been prepared in conformance with the Client's appraisal requirements, the guidelines and recommendations set forth in the Uniform Standards of Professional Appraisal Practice (USPAP), and the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.

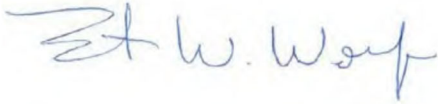


## Certification

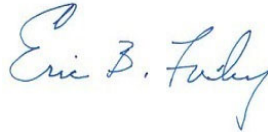
We certify that, to the best of our knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, impartial and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. This appraisal assignment was not based upon a requested minimum valuation, a specific valuation, or the approval of a loan.
8. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice, as well as the requirements of the State of Texas.
9. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
10. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
11. As of the date of this report, Ernest Wolf, MAI and Eric Finley, MAI, SRA have completed the continuing education program for Designated Members of the Appraisal Institute.
12. Ernest Wolf, MAI made a personal inspection of the property that is the subject of this report. Eric Finley, MAI, SRA has not personally inspected the subject.
13. Significant real property appraisal assistance was provided by Scott Schaefer who has not signed this certification. The assistance of Scott Schaefer consisted of participating in the property inspection, conducting research on the market, subject property, and transactions involving comparable properties, performing certain appraisal analyses, and assisting in report writing, all under the supervision of the person(s) signing this report.
14. The Firm operates as an independent economic entity. Although employees of other service lines or affiliates of the Firm may be contacted as a part of our routine market research investigations, absolute client confidentiality and privacy were maintained at all times with regard to this assignment without conflict of interest.
15. Within this report, "Newmark Knight Frank", "NKF Valuation & Advisory", "NKF, Inc.", and similar forms of reference refer only to the appraiser(s) who have signed this certification and any persons noted above as having provided significant real property appraisal assistance to the persons signing this report.

16. Ernest Wolf, MAI has not performed any services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding the agreement to perform this assignment. Eric Finley, MAI, SRA has not performed any services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding the agreement to perform this assignment.



Ernest Wolf, MAI  
Senior Vice President  
Certified General Real Estate Appraiser  
Texas # 1321415-G  
Telephone: 713.300.7919  
Email: Ernest.Wolf@nmrk.com



Eric Finley, MAI, SRA  
Senior Managing Director  
Certified General Real Estate Appraiser  
Texas # 1323329-G  
Telephone: 713.490.9954  
Email: Eric.Finley@nmrk.com

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Site View



Site View



Site View



Site View



Future Road



Future Road

# Executive Summary

## Vacant Land - 0.5211 & 0.7040 AC Tract

Property Type:	Land-General Commercial
Street Address:	Hufsmith Kohrville Road
City, State & Zip:	Tomball, Harris County, TX 77375
Land Area:	1.225 acres; 53,365 SF
Northern Tract:	0.5211 Acres; 22,700 SF
Southern Tract:	0.7040 Acres; 30,665 SF
Zoning:	C; Commercial District
Highest and Best Use - As Vacant:	A Commercial Use
Highest and Best Use - As Improved:	Commercial Use

### Analysis Details

Valuation Date:	June 2, 2021
Market Value "As Is" - Northern Tract	June 2, 2021
Inspection Date and Date of Photos:	June 2, 2021
Report Date:	June 8, 2021
Report Type:	Appraisal Report
Client:	City of Tomball
Intended Use:	Internal Business Decisions
Intended User:	City of Tomball
Appraisal Premise:	As Is
Intended Use and User:	The intended use and user of our report are specifically identified in our report as agreed upon in our contract for services and/or reliance language found in the report. No other use or user of the report is permitted by any other party for any other purpose. Dissemination of this report by any party to non-client, non-intended users does not extend reliance to any other party and Newmark Knight Frank will not be responsible for unauthorized use of the report, its conclusions or contents used partially or in its entirety.
Interest Appraised:	Fee Simple
Exposure Time (Marketing Period) Estimate:	12 Months (12 Months)

Compiled by NKF

## Valuation Summary

Land Value - Northern Tract	\$15,000
Land Value - Southern Tract	\$190,000

<b>Market Value Conclusion</b>	<b>As Is - Northern Tract</b>	<b>\$15,000</b>	
<b>Market Value Conclusion</b>	<b>As Is - Southern Tract</b>	<b>\$190,000</b>	
<b>Exposure / Marketing Time</b>	<b>Min</b>	<b>Max</b>	<b>Average</b>
Comparable Sales	1	18	6.3
Market Participants	1	18	6.0
Concluded Exposure Time	12 Months or Less		
Concluded Marketing Time	12 Months or Less		

Compiled by NKF

### Extraordinary Assumptions and Hypothetical Conditions

An extraordinary assumption is defined in USPAP as an assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions. The value conclusions are subject to the following extraordinary assumptions that may affect the assignment results.

1. The northern tract of land is bisected by an Exxon Pipeline easement. We were not provided with the pipeline easement document. Our market value as is conclusion for the northern tract assumes that you may pave over but not build vertical improvements on the pipeline easement.

The use of this extraordinary assumption might have affected assignment results.

A hypothetical condition is defined in USPAP as a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. The value conclusions are based on the following hypothetical conditions that may affect the assignment results.

1. None

*Compiled by NKF*

# Introduction

## Ownership History

The current owner is City of Tomball. The following summarizes a three-year history of ownership, the current listing status, and pending transactions for the subject property (as applicable).

### Ownership History

To the best of our knowledge, no sale or transfer of ownership has taken place within the three-year period prior to the effective date of the appraisal.

Listing Status:	Not Listed For Sale
Current or Pending Contract:	None Reported

### Previous Sales

Sales in the Previous Three Years:	None
Most Recent Reported Sale:	April 4, 2018
Buyer:	City of Tomball
Seller:	D S SERVICES
Purchase Price:	\$307,870
Comments:	This sale is of the full 76,515 square foot, 1.757-acre, tract before the road was built, bisecting the two tracts.
Indicated Appraised Value Appreciation:	N/A

*Compiled by NKF*

To the best of our knowledge, no other sale or transfer of ownership has taken place within a three-year period prior to the effective date of the appraisal.

## Intended Use and User

The intended use and user of our report are specifically identified in our report as agreed upon in our contract for services and/or reliance language found in the report. No other use or user of the report is permitted by any other party for any other purpose. Dissemination of this report by any party to non-client, non-intended users does not extend reliance to any other party and Newmark Knight Frank will not be responsible for unauthorized use of the report, its conclusions or contents used partially or in its entirety.

- ❌ The intended use of the appraisal is for Internal Business Decisions and no other use is permitted.
- ❌ The client is City of Tomball.
- ❌ The intended user is City of Tomball and no other user is permitted by any other party for any other purpose.

## Definition of Value

Market value is defined as:

“The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- ❖ Buyer and seller are typically motivated;
- ❖ Both parties are well informed or well advised, and acting in what they consider their own best interests;
- ❖ A reasonable time is allowed for exposure in the open market;
- ❖ Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- ❖ The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.”

*(Source: Code of Federal Regulations, Title 12, Chapter I, Part 34.42[g]; also Interagency Appraisal and Evaluation Guidelines, Federal Register, 75 FR 77449, December 10, 2010, page 77472)*

## Interest Appraised

The appraisal is of the Fee Simple estate.<sup>1</sup>

- ◆ **Fee Simple Estate:** Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

## Appraisal Report

This appraisal is presented in the form of an appraisal report, which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of USPAP. This report incorporates sufficient information regarding the data, reasoning and analysis that were used to develop the opinion of value in accordance with the intended use and user.

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<sup>1</sup> The Dictionary of Real Estate, 6<sup>th</sup> Edition, Appraisal Institute

## Purpose of the Appraisal

The primary purpose of the appraisal is to develop an opinion of the Market Value "As Is" of the Fee Simple estate in the property.

Purpose of the Appraisal		
Appraisal Premise	Interest Appraised	Date of Value
Market Value "As Is"	Fee Simple	6/2/2021

*Compiled by NKF*

## Scope of Work

### Extent to Which the Property is Identified

- ❌ Physical characteristics
- ❌ Legal characteristics
- ❌ Economic characteristics

### Extent to Which the Property is Inspected

NKF inspected the subject property on June 2, 2021 as per the defined scope of work. Ernest Wolf, MAI made a personal inspection of the property that is the subject of this report. Eric Finley, MAI, SRA has not personally inspected the subject.

### Type and Extent of the Data Researched

- ❌ Exposure and marketing time;
- ❌ Neighborhood and land use trends;
- ❌ Demographic trends;
- ❌ Market trends relative to the subject property type;
- ❌ Physical characteristics of the site and applicable improvements;
- ❌ Flood zone status;
- ❌ Zoning requirements and compliance;
- ❌ Real estate tax data;
- ❌ Relevant applicable comparable data; and
- ❌ Investment rates

### Type and Extent of Analysis Applied

We analyzed the property and market data gathered through the use of appropriate, relevant, and accepted market-derived methods and procedures. Further, we employed the appropriate and relevant approaches to value, and correlated and reconciled the results into an estimate of market value, as demonstrated within the appraisal report.

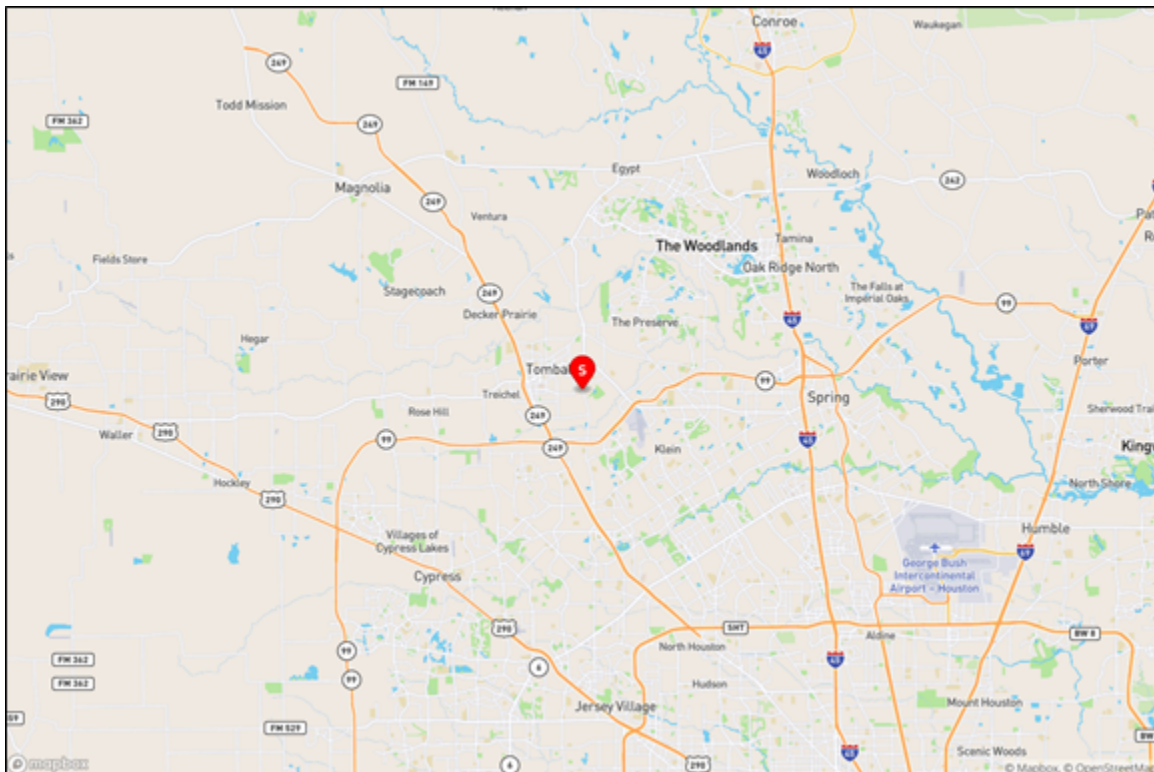
# Economic Analysis

## The Impact of COVID-19

It is well known that the past several months have been volatile. Real estate market volatility has resulted from the COVID-19 pandemic as well as other events such as oil price declines. Every day, there is greater clarity about the effects and expectations as evidenced by transaction activity, various data sources, and market participants. We have continuously reached out to brokers and other market participants to understand how the market is reacting.

Most of our major data sources, such as Moody's economy.com, include both COVID-19 pandemic period data and projections inclusive of its effects. This data is included within this section as well as throughout this report and is a central foundation of our analysis. There are an increasing number of transactions occurring and these are providing indications of trends.

## Area Analysis



The subject is located within Tomball and Harris County, Texas. It is part of the Houston-The Woodlands-Sugar Land metro area (Houston MSA).



Moody's Analytics' Economy.com provides the following economic summary for the Houston MSA as of February, 2021.

Moody's Analytics Précis® Metro Indicators: Houston MSA												
2014	2015	2016	2017	2018	2019	INDICATORS	2020	2021	2022	2023	2024	2025
444.2	478.9	473.4	472.5	484.9	510.5	Gross metro product (C12\$ bil)	497.4	519.0	551.1	577.8	597.2	614.9
1.7	7.8	-1.1	-0.2	2.6	5.3	% change	-2.6	4.3	6.2	4.8	3.3	3.0
2,939.2	2,992.4	2,991.7	3,019.4	3,087.1	3,156.1	Total employment (ths)	3,036.6	3,108.1	3,210.5	3,325.5	3,393.0	3,435.0
3.5	1.8	0.0	0.9	2.2	2.2	% change	-3.8	2.4	3.3	3.6	2.0	1.2
5.0	4.6	5.3	5.0	4.3	3.8	Unemployment rate (%)	8.5	7.1	6.0	4.7	4.4	4.3
8.6	1.9	-4.2	7.5	6.5	4.5	Personal income growth (%)	2.8	4.2	3.7	7.3	6.6	6.0
59.6	61.1	62.3	63.6	66.1	69.2	Median household income (\$ ths)	70.7	72.0	73.5	76.7	79.7	82.6
6,500.2	6,671.8	6,806.5	6,900.1	6,976.1	7,066.1	Population (ths)	7,176.6	7,280.9	7,391.2	7,502.5	7,614.5	7,726.4
2.7	2.6	2.0	1.4	1.1	1.3	% change	1.6	1.5	1.5	1.5	1.5	1.5
110.0	108.6	71.6	33.4	23.0	37.9	Net migration (ths)	53.6	43.6	49.1	49.9	50.4	50.2
38,319	36,786	35,367	36,348	40,511	39,507	Single-family permits (#)	45,307	39,528	42,229	41,630	40,828	39,931
25,426	20,115	9,365	6,047	16,967	24,165	Multifamily permits (#)	22,869	21,574	15,025	12,839	11,774	10,193
220	238	248	260	273	284	FHFA house price (1995Q1=100)	291	282	283	295	301	305

Source: Moody's Analytics Précis® US Metro

Moody's summarizes the area's economic performance in recent months as follows:

### Recent Performance

Payroll employment in Houston MSA has recovered steadily in recent months, and a little over half the jobs lost in the spring have returned, in line with the U.S. as a whole. However, performance has been bifurcated, with goods-producing industries substantially lagging their national counterparts and service industries leading. In particular, professional services have fully recovered and leisure/hospitality is down from its precrisis level only half as much as the nation. The local purchasing managers' index has signaled growth for five months running. However, although the unemployment rate has fallen 6 percentage points from its peak in April to 8.2%, it has been flat at best since August and is still more than 4 percentage points above the rate in January. Housing market indicators are strong.

### Market Comparison

The following table illustrates key economic indicators and a comparison of the Houston MSA to the regional grouping as a whole. As indicated, Houston is projected to outperform the National Region Metros in four of eight performance categories shown over the next five years.

Comparison of Key Economic Indicators - Houston MSA Metro to National Region											
Indicator	Houston MSA			Annual Growth		National			Annual Growth		
	2014	2019	2024	2014 - 2019	2019 - 2024	2014	2019	2024	2014 - 2019	2019 - 2024	
Gross metro product (C12\$ bil)	478.9	497.4	614.9	0.8%	4.3%	16,912	19,073	20,810	2.4%	1.8%	
Total employment (ths)	2,992.4	3,036.6	3,435.0	0.3%	2.5%	138,922	150,935	152,858	1.7%	0.3%	
Unemployment rate (%)	4.6%	8.5%	4.3%			6.2%	3.7%	4.7%			
Personal income growth (%)	1.9%	2.8%	6.0%			5.7%	4.4%	5.0%			
Population (ths)	6,671.8	7,176.6	7,726.4	1.5%	1.5%	318,301	328,240	336,857	0.6%	0.5%	
Single-family permits (#)	36,786	45,307	39,931	4.3%	-2.5%	646,250	892,583	1,425,269	6.7%	9.8%	
Multifamily permits (#)	20,115	22,869	10,193	2.6%	-14.9%	354,000	402,667	501,299	2.6%	4.5%	
FHFA house price (1995Q1=100)	238	291	305	4.2%	0.9%	N/A	N/A	N/A	N/A	N/A	
Houston MSA outperforming National Region Metros											
Houston MSA underperforming National Region Metros											

Source: Moody's Analytics Précis® US Metro; Compiled by NKF

### Employment Sectors and Trends

Employment data by occupation and business/industry sectors provides an indication of the amount of diversification and stability in the local economy. Job sector composition also gives an indication of the predominant drivers of current and future demand for supporting commercial real estate sectors. The following tables display employment data by occupation sector and by business/industry sector for the area and region.

Current Employment by Occupation Sector										
Occupation Sector	77375		Tomball City		Harris County		Houston-The Woodlands-Sugar Land, TX MSA		Texas	
<b>White Collar</b>	<b>20,259</b>	<b>68.8%</b>	<b>3,740</b>	<b>66.5%</b>	<b>1,345,121</b>	<b>58.7%</b>	<b>2,047,432</b>	<b>61.0%</b>	<b>8,029,966</b>	<b>60.1%</b>
Administrative Support	4,276	14.5%	932	16.6%	290,020	12.7%	420,919	12.5%	1,797,051	13.4%
Management/Business/Financial	5,916	20.1%	1,076	19.1%	334,202	14.6%	522,923	15.6%	1,949,081	14.6%
Professional	6,480	22.0%	1,150	20.4%	486,449	21.2%	758,534	22.6%	2,879,568	21.5%
Sales and Sales Related	3,587	12.2%	582	10.3%	234,450	10.2%	345,056	10.3%	1,404,266	10.5%
<b>Services</b>	<b>3,945</b>	<b>13.4%</b>	<b>905</b>	<b>16.1%</b>	<b>385,224</b>	<b>16.8%</b>	<b>533,574</b>	<b>15.9%</b>	<b>2,271,166</b>	<b>17.0%</b>
<b>Blue Collar</b>	<b>5,227</b>	<b>17.8%</b>	<b>981</b>	<b>17.4%</b>	<b>560,278</b>	<b>24.5%</b>	<b>777,513</b>	<b>23.2%</b>	<b>3,062,515</b>	<b>22.9%</b>
Construction/Extraction	884	3.0%	271	4.8%	193,182	8.4%	259,458	7.7%	950,345	7.1%
Farming/Fishing/Forestry	132	0.4%	4	0.1%	2,666	0.1%	5,705	0.2%	66,716	0.5%
Installation/Maintenance/Repair	1,152	3.9%	147	2.6%	77,216	3.4%	113,503	3.4%	477,266	3.6%
Production	1,748	5.9%	244	4.3%	131,435	5.7%	186,522	5.6%	699,332	5.2%
Transportation/Material Moving	1,311	4.5%	315	5.6%	155,779	6.8%	212,325	6.3%	868,856	6.5%
<b>Total Employees (16+ Occupation Base)</b>	<b>29,431</b>	<b>100.0%</b>	<b>5,626</b>	<b>100.0%</b>	<b>2,290,623</b>	<b>100.0%</b>	<b>3,358,519</b>	<b>100.0%</b>	<b>13,363,647</b>	<b>100.0%</b>

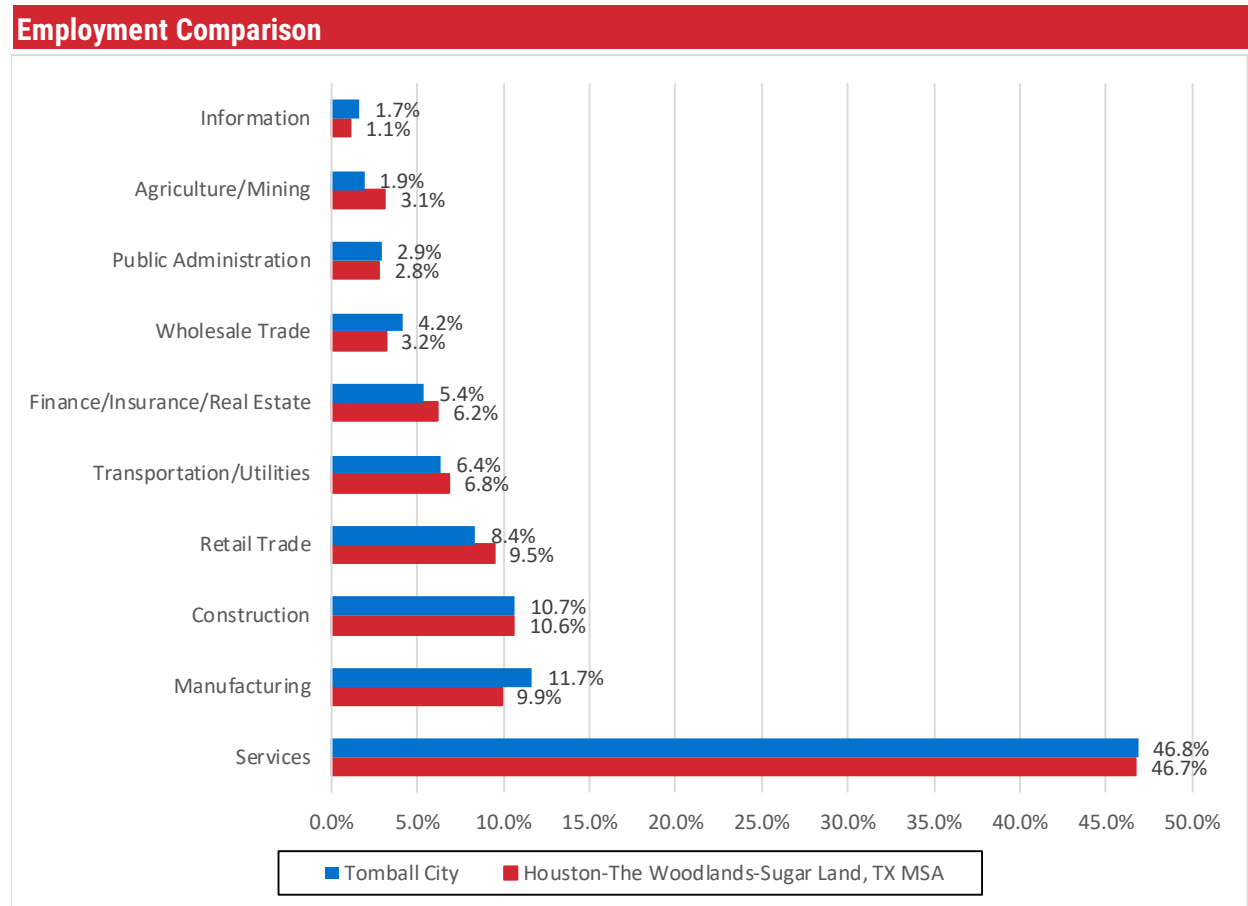
Source: ESRI; Compiled by NKF

Current Employment by Industry Sector										
Industry Sector	77375		Tomball City		Harris County		Houston-The Woodlands-Sugar Land, TX MSA		Texas	
Agriculture/Mining	1,243	4.2%	108	1.9%	65,760	2.9%	105,680	3.1%	379,240	2.8%
Construction	2,323	7.9%	600	10.7%	255,779	11.2%	357,336	10.6%	1,258,201	9.4%
Manufacturing	3,625	12.3%	658	11.7%	222,432	9.7%	332,203	9.9%	1,149,672	8.6%
Wholesale Trade	1,032	3.5%	235	4.2%	74,532	3.3%	106,314	3.2%	354,755	2.7%
Retail Trade	3,072	10.4%	472	8.4%	218,738	9.5%	317,674	9.5%	1,367,986	10.2%
Transportation/Utilities	1,457	5.0%	359	6.4%	163,385	7.1%	229,800	6.8%	849,700	6.4%
Information	488	1.7%	94	1.7%	25,032	1.1%	37,615	1.1%	201,238	1.5%
Finance/Insurance/Real Estate	2,298	7.8%	304	5.4%	143,010	6.2%	208,578	6.2%	927,982	6.9%
Services	13,040	44.3%	2,635	46.8%	1,065,641	46.5%	1,569,534	46.7%	6,337,209	47.4%
Public Administration	853	2.9%	165	2.9%	56,314	2.5%	93,785	2.8%	537,664	4.0%
<b>Total Employees (16+ Occupation Base)</b>	<b>29,431</b>	<b>100.0%</b>	<b>5,626</b>	<b>100.1%</b>	<b>2,290,623</b>	<b>100.0%</b>	<b>3,358,519</b>	<b>100.0%</b>	<b>13,363,647</b>	<b>100.0%</b>

Source: ESRI; Compiled by NKF



Comparing the industry sectors for the local market area (Tomball City) to Houston-The Woodlands-Sugar Land, TX MSA indicates the local market area is somewhat more heavily weighted toward the Manufacturing, Wholesale Trade, Information, Public Administration, Services, and Construction sectors. By contrast, the industry employment totals for Houston-The Woodlands-Sugar Land, TX MSA indicate somewhat higher proportions within the Agriculture/Mining, Retail Trade, Finance/Insurance/Real Estate, and Transportation/Utilities sectors. The following graphic further illustrates this comparison.

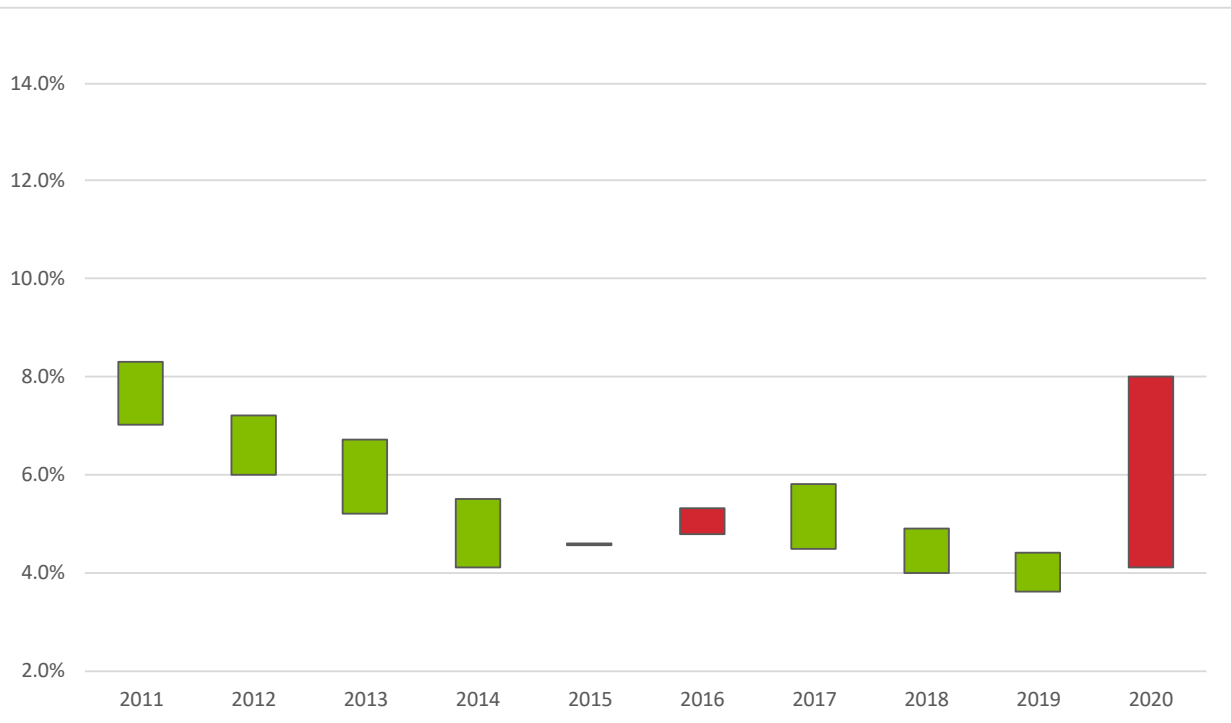


Source: ESRI; Compiled by NKF

### Unemployment

The following table displays the historical unemployment data for the area derived from the US Department of Commerce, Bureau of Labor Statistics. The most recent reported unemployment rate for the Houston-The Woodlands-Sugar Land, TX Metropolitan Statistical Area is 8.0% (December 2020).

**Unemployment Rate: Houston-The Woodlands-Sugar Land, TX Metropolitan Statistical Area**



Bars represent beginning to end range of unemployment rates in each year  
 Red bars denote increasing unemployment from beginning to end of year  
 Green bars are declining unemployment from beginning to end of year

*Compiled by NKF*

**Major Employers**

The following table lists a number of major employers with the Houston MSA as reported by Moody's. While not all-encompassing, this list provides further indication of the types of economic sectors that are drivers for the area.

### Selected Major Employers: Houston MSA

Rank	Employer	Employees
1	Exxon Mobil Corp.	13,000
2	Wood	11,960
3	Landry's Inc.	11,800
4	Shell Oil Co.	11,507
5	Fort Bend ISD	11,000
6	Schlumberger Ltd.	10,976
7	BP North America	9,537
8	S & B Engineers and Constructors Ltd	7,824
9	Staff Force Inc.	7,502
10	Chevron Corp.	6,502
11	HAZA Foods LLC	6,500
12	Spring ISD	4,948
13	Fiesta Mart Inc.	4,500
14	Lamar CISD	4,363
15	Conroe ISD	4,118
16	Occidental Petroleum	3,666
17	Fort Bend County	2,914
18	KBR Inc.	2,900
19	JPMorgan Chase	2,800
20	Deloitte	2,589

Source: Moody's Analytics Précis@ US Metro

### Analysis

Further economic analysis from Moody's is detailed as follows:

#### Energy Industry

The pace of recovery in oil and natural gas drilling, which has been slow so far, will limit the rate of rebound in manufacturing. After reaching a multidecade low in August, Texas active rigs have increased to nearly 200 in February 2021, but that is only half the level in January 2020, which itself was only half the peak during the boom years prior to 2015. As a result, Houston employment in manufacturing, which produces equipment and supplies for mining companies, is down 9.2% year over year, twice as much as nationally. However, the prospects are improving. Since the beginning of November, oil prices have risen more than \$15 per barrel to \$55. Further, global oil demand should accelerate over the course of 2021, especially in the second half of the year. However, a decision by OPEC to stop holding back output so as to regain market share would be a negative for higher-cost Texas shale drillers.

#### Homebuilding

Growth in residential construction in 2021 will lift the overall economy. Home sales were up 25% year over year in December and prices are rising, albeit at only about half the torrid national pace.

As a consequence developers have ramped up sharply, with new permits for single-family homes jumping to their highest rate in 14 years, nearly matching the peak during the boom in 2006. The drivers are the improving job market, historically low mortgage rates, boosting affordability, and population growth double the national average, though not as fast as several years ago. Since Houston's ratio of new permits to real GDP is twice the national average, the impact of homebuilding on the economy will be especially strong. One industry that will benefit is construction, where employment at present is down a deeper-than-average 10% year over year.

### Hospitality

The revival of air travel and hotel stays in the metro area will remain slow until there is widespread distribution of vaccines. Passenger traffic through the Houston airport system was down 55% year over year in recent months, only a little better than the national average decline of about 60%. Likewise, hotel occupancy in December was just 38%, compared with the low-60% range in normal times. As a result, leisure/hospitality employment is still nearly 11% below the 2019 level. Additionally, hotel construction remains very weak.

### Conclusion

#### Positive Attributes

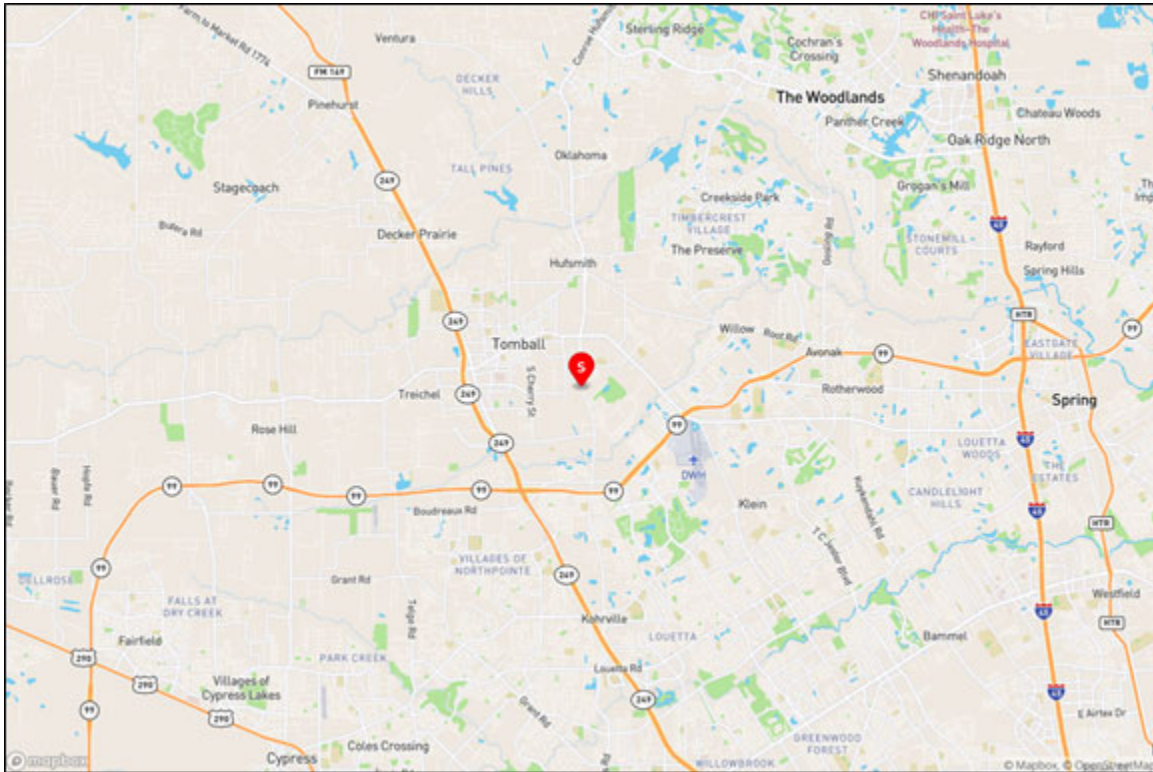
- ❖ Leadership in oil and gas technology supports technical and professional services jobs.
- ❖ Significant trade and export links, owing to location on the Gulf Coast of Texas.
- ❖ Housing rebounds more quickly because of jobs recovery and low mortgage rates.
- ❖ Leisure/hospitality recovers sooner than anticipated as demand by local residents boosts hotel occupancy.

#### Negative Attributes

- ❖ Unpredictable energy markets add to the economy's volatility.
- ❖ Industrial diversity is lower than in other metro areas of comparable size.
- ❖ Air travel is subdued longer than expected because of coronavirus fears.
- ❖ Oil prices stay low longer than expected, weakening exploration and manufacturing.

Houston MSA's economy will accelerate in 2021, led by residential construction and private services. Mining and manufacturing will also contribute with a lag as the energy industry rebounds. Longer term, the concentration of upstream and downstream energy industries, above-average population growth, and expansion in housing, transportation, and distribution industries will help propel above-average gains for the metropolitan area.

## Neighborhood Analysis



**Area Map**

### Boundaries

The subject is located in the Far Tomball submarket as defined by Costar and is generally delineated as follows:

North	FM 2920
South	Highway 99
East	Hufsmith-Kohrville Rd
West	Highway 249

### Surrounding Area of Influence Trends

#### Description

The subject’s surrounding area is viewed as suburban. The immediate area around the subject can be described as rural land/retail.

#### Characteristics

- ❖ The coronavirus' impact on the market may lead to lasting structural changes within the retail sector. Ecommerce has flourished amid the pandemic, and spending and shopping habits may be permanently altered, particularly as brick and mortar retailers may be unable to adapt to the changing environment. Even with the wide distribution

of vaccines, closures and bankruptcies are still expected to ripple across the region in the coming quarters.

### **Fundamental Real Estate Cycle**

The surrounding area is considered to be within the expansion stage of its real estate cycle.

### **New Development**

The submarket has seen no new development in recent years.

### **Nuisances or Hazards**

Our observation of the area revealed no evidence of significant nuisances or hazards.

### **Access**

#### **Primary Access**

Primary access to the subject is provided by Highway 99 and Hufsmith-Kohrville Rd.

#### **Major Thoroughfares**

Highway 99, Highway 249, Hufsmith-Kohrville Rd.

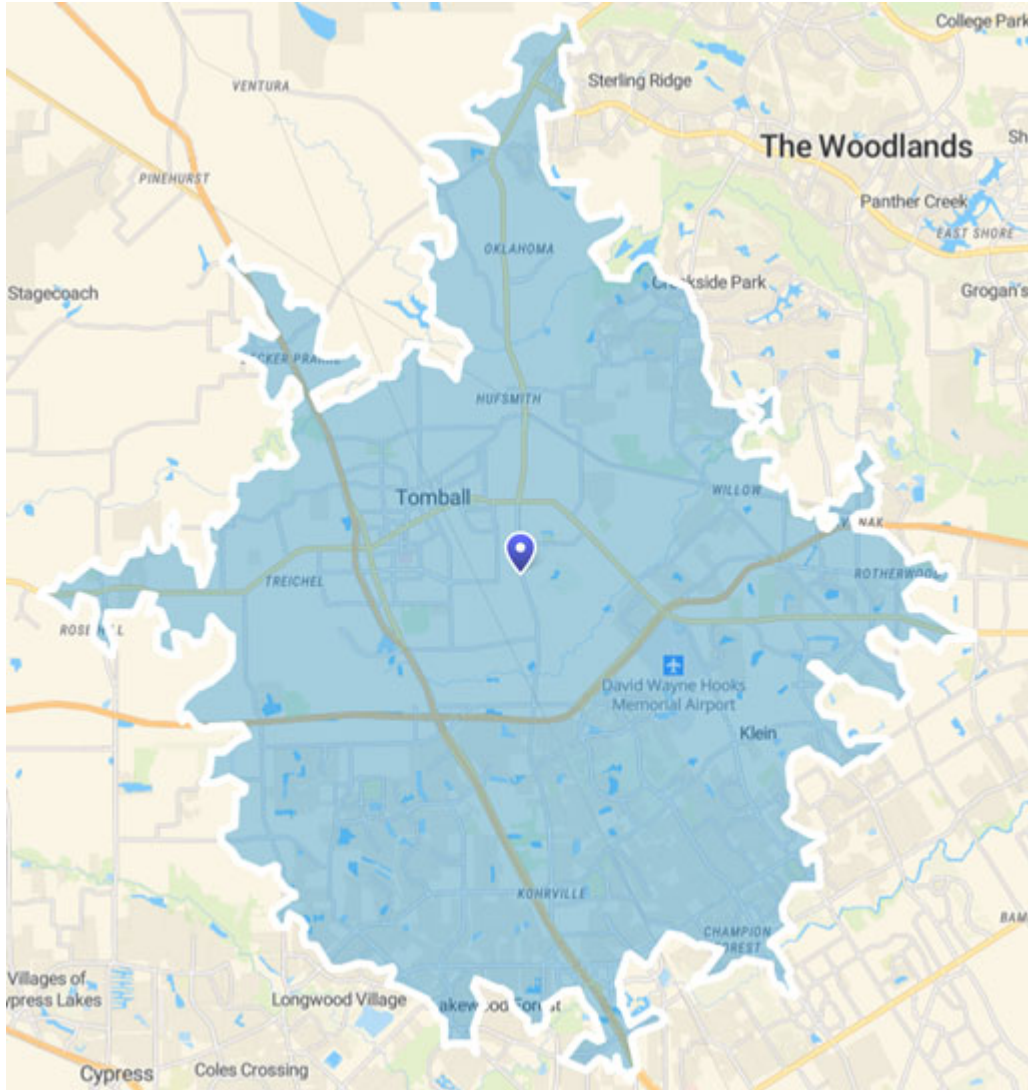
#### **Transportation**

Highway, public light rail and bus system, air

#### **Distance from Key Locations**

The commute to the Houston Central Business District is about thirty minutes. The following illustrates the 10 minute drive time from the subject.

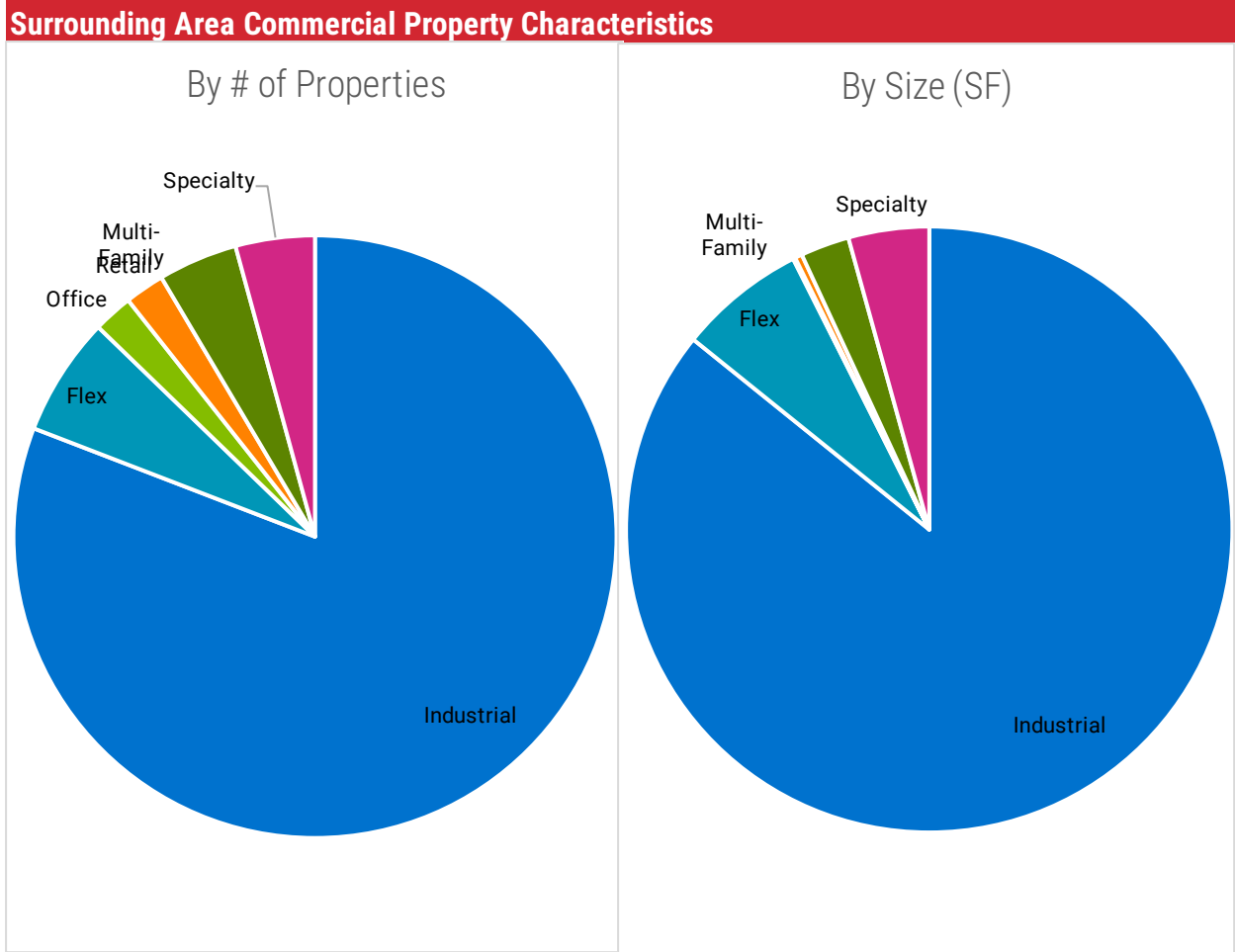




Drive Time Map

### Land Use

The following was developed from Costar data for the major property types in the surrounding 1.0 mile radius around the subject.



Source: Costar; Compiled by NKF

Within the immediate area of the subject, property uses include the following:

- ❑ Industrial
- ❑ Retail
- ❑ Residential

**Demographics**

A demographic summary for the defined area is illustrated as follows:

Demographic Analysis								
	1-Mile Radius	3-Miles Radius	5-Miles Radius	77375	Tomball City	Harris County	Houston-The Woodlands-Sugar Land, TX MSA	Texas
<b>Population</b>								
2010 Total Population	1,416	34,761	96,099	38,585	10,981	4,092,459	5,920,416	25,145,561
2020 Total Population	3,716	50,281	146,116	61,433	12,098	4,778,365	7,233,951	29,806,340
2025 Total Population	4,522	56,162	163,581	68,179	12,790	5,142,713	7,931,830	32,172,745
Projected Annual Growth %	4.0%	2.2%	2.3%	2.1%	1.1%	1.5%	1.9%	1.5%
<b>Households</b>								
2010 Total Households	471	11,834	32,177	13,194	4,455	1,435,155	2,062,529	8,922,933
2020 Total Households	1,205	16,539	48,405	20,626	4,892	1,662,394	2,501,795	10,521,548
2025 Total Households	1,456	18,342	53,860	22,725	5,150	1,785,629	2,737,701	11,341,452
Projected Annual Growth %	3.9%	2.1%	2.2%	2.0%	1.0%	1.4%	1.8%	1.5%
<b>Income</b>								
2020 Median Household Income	\$104,756	\$85,700	\$98,321	\$83,482	\$53,588	\$60,189	\$66,160	\$60,820
2020 Average Household Income	\$123,511	\$113,414	\$124,279	\$108,880	\$89,538	\$90,836	\$96,739	\$87,674
2020 Per Capita Income	\$42,244	\$38,401	\$41,240	\$36,574	\$35,541	\$31,666	\$33,521	\$31,057
<b>Housing</b>								
2020 Owner Occupied Housing Units	79.7%	71.4%	77.1%	73.1%	44.3%	49.2%	55.8%	56.0%
2020 Renter Occupied Housing Units	15.1%	24.3%	19.6%	22.6%	49.3%	42.0%	35.8%	34.6%
2020 Median Home Value	\$325,688	\$279,066	\$280,114	\$256,485	\$307,921	\$197,561	\$216,888	\$193,109
Median Year Structure Built	2010	2004	2005	2004	1989	1985	1989	1987
<b>Miscellaneous Data Items</b>								
2020 Bachelor's Degree	27.3%	26.6%	30.3%	25.5%	22.7%	20.6%	21.5%	19.9%
2020 Grad/Professional Degree	9.3%	11.9%	13.8%	11.8%	11.0%	12.2%	12.7%	11.0%
2020 College Graduate %	36.6%	38.5%	44.0%	37.3%	33.7%	32.7%	34.2%	30.9%
2020 Average Household Size	3.08	3.01	3.01	2.95	2.38	2.85	2.86	2.78
2020 Median Age	42.6	35.3	35.2	34.8	41.8	33.7	34.7	35.1

Source: ESRI; Compiled by NKF

## Conclusion

- ❑ The surrounding area is considered to be in the growth stage of its real estate cycle. Given the history of the area and growth trends, it is anticipated that property values will increase in the future.

## Retail Market Analysis – Highest and Best Use

### Classification

The subject is in the Far Tomball submarket of the Houston Retail market.

### Demographic Analysis

#### Population and Household Formation

Demographic Growth Rate Analysis								
	1-Mile Radius	3-Miles Radius	5-Miles Radius	77375	Tomball City	Harris County	Houston-The Woodlands-Sugar Land, TX MSA	Texas
<b>Population</b>								
2010 Total Population	1,416	34,761	96,099	38,585	10,981	4,092,459	5,920,416	25,145,561
2020 Total Population	3,716	50,281	146,116	61,433	12,098	4,778,365	7,233,951	29,806,340
2025 Total Population	4,522	56,162	163,581	68,179	12,790	5,142,713	7,931,830	32,172,745
Annual Growth - Past Period	10.1%	3.8%	4.3%	4.8%	1.0%	1.6%	2.0%	1.7%
Annual Growth - Future Period	4.0%	2.2%	2.3%	2.1%	1.1%	1.5%	1.9%	1.5%
<b>Households</b>								
2010 Total Households	471	11,834	32,177	13,194	4,455	1,435,155	2,062,529	8,922,933
2020 Total Households	1,205	16,539	48,405	20,626	4,892	1,662,394	2,501,795	10,521,548
2025 Total Households	1,456	18,342	53,860	22,725	5,150	1,785,629	2,737,701	11,341,452
Annual Growth - Past Period	9.8%	3.4%	4.2%	4.6%	0.9%	1.5%	1.9%	1.7%
Annual Growth - Future Period	3.9%	2.1%	2.2%	2.0%	1.0%	1.4%	1.8%	1.5%

Source: ESRI; Compiled by NKF

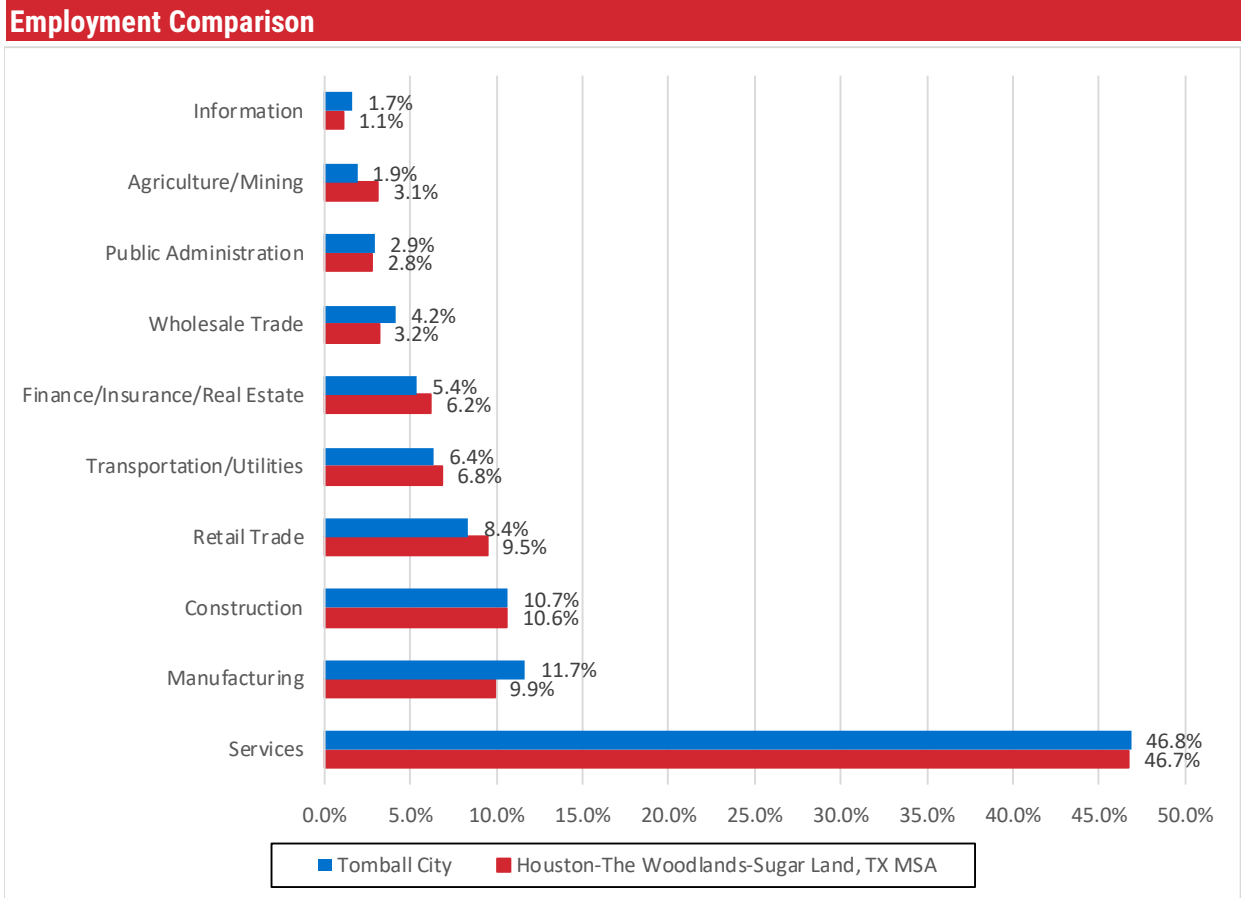
#### Income Distributions

Household Income Analysis																
2020	1-Mile Radius		3-Miles Radius		5-Miles Radius		77375	Tomball City	Harris County	Houston-The Woodlands-Sugar Land, TX MSA	Texas					
Household Income <\$15,000	49	4.1%	915	5.5%	2,096	4.3%	1,135	5.5%	578	11.8%	171,185	10.3%	231,725	9.3%	1,110,040	10.6%
Household Income \$15,000-\$24,999	49	4.1%	852	5.2%	1,714	3.5%	953	4.6%	503	10.3%	152,473	9.2%	206,291	8.2%	923,867	8.8%
Household Income \$25,000-\$34,999	58	4.8%	1,040	6.3%	2,339	4.8%	1,308	6.3%	540	11.0%	156,088	9.4%	212,821	8.5%	937,804	8.9%
Household Income \$35,000-\$49,999	103	8.5%	1,626	9.8%	4,025	8.3%	2,038	9.9%	676	13.8%	208,096	12.5%	291,326	11.6%	1,313,458	12.5%
Household Income \$50,000-\$74,999	158	13.1%	2,775	16.8%	7,411	15.3%	3,743	18.1%	759	15.5%	286,307	17.2%	426,400	17.0%	1,850,902	17.6%
Household Income \$75,000-\$99,999	135	11.2%	2,139	12.9%	6,980	14.4%	2,801	13.6%	395	8.1%	197,363	11.9%	305,487	12.2%	1,297,612	12.3%
Household Income \$100,000-\$149,999	332	27.5%	3,398	20.5%	10,751	22.2%	4,369	21.2%	629	12.9%	238,173	14.3%	389,864	15.6%	1,591,290	15.1%
Household Income \$150,000-\$199,999	170	14.1%	1,627	9.8%	5,763	11.9%	1,943	9.4%	313	6.4%	107,995	6.5%	193,828	7.7%	708,032	6.7%
Household Income \$200,000+	152	12.6%	2,166	13.1%	7,325	15.1%	2,336	11.3%	499	10.2%	144,710	8.7%	244,049	9.8%	788,437	7.5%
Median Household Income	\$104,756		\$85,700		\$98,321		\$83,482		\$53,588		\$60,189		\$66,160		\$60,820	
Average Household Income	\$123,511		\$113,414		\$124,279		\$108,880		\$89,538		\$90,836		\$96,739		\$87,674	
Per Capita Income	\$42,244		\$38,401		\$41,240		\$36,574		\$35,541		\$31,666		\$33,521		\$31,057	

Source: ESRI; Compiled by NKF

#### Employment

The following graph was presented previously but is also given below given its relevance to Retail demand. Comparing the industry sectors for the local market area (Tomball City) to Houston-The Woodlands-Sugar Land, TX MSA indicates the local market area is somewhat more heavily weighted toward the Manufacturing, Wholesale Trade, Information, Public Administration, Services, and Construction sectors. The following graphic further illustrates this comparison.

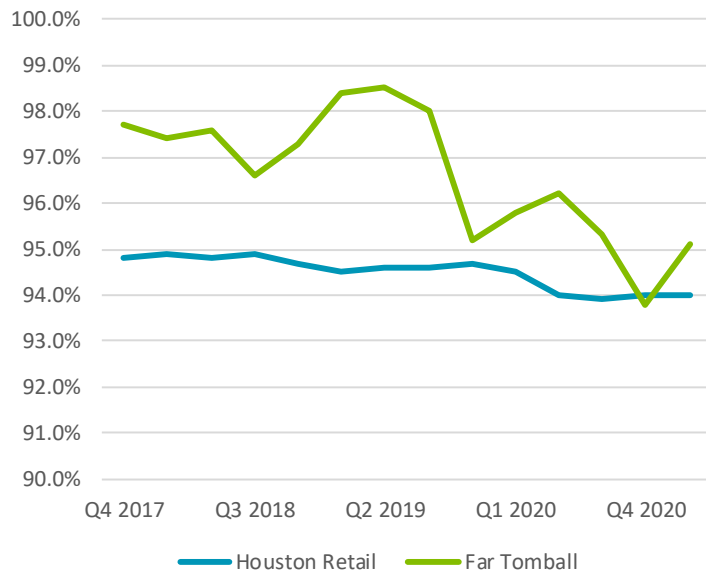


Source: ESRI; Compiled by NKF

### Retail Market Overview

The following discussion outlines overall market performance in the surrounding Retail market using Costar market metric data. Presented first are market statistics of the Houston Retail area and the subject Far Tomball submarket overall.

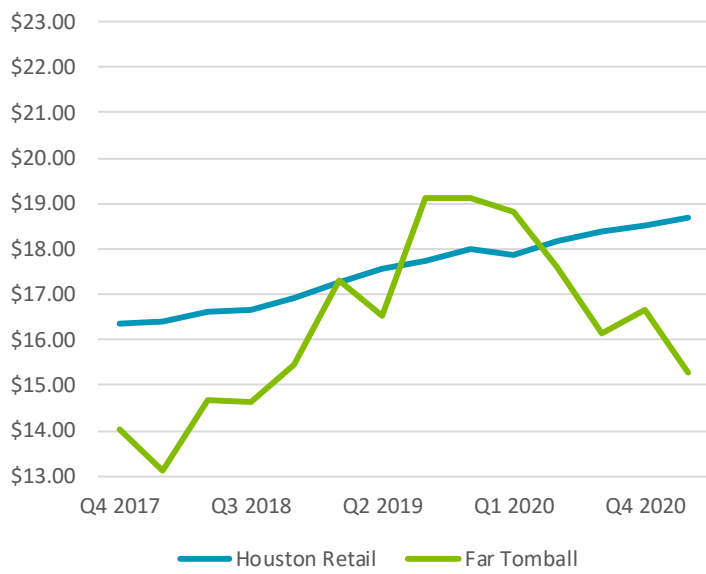
**Occupancy Rate**



Period	Houston Retail	Far Tomball
Q4 2017	94.8%	97.7%
Q1 2018	94.9%	97.4%
Q2 2018	94.8%	97.6%
Q3 2018	94.9%	96.6%
Q4 2018	94.7%	97.3%
Q1 2019	94.5%	98.4%
Q2 2019	94.6%	98.5%
Q3 2019	94.6%	98.0%
Q4 2019	94.7%	95.2%
Q1 2020	94.5%	95.8%
Q2 2020	94.0%	96.2%
Q3 2020	93.9%	95.3%
Q4 2020	94.0%	93.8%
Q1 2021	94.0%	95.1%

Source: Costar, Compiled by NKF Valuation & Advisory

**Asking Rent Per SF**



Period	Houston Retail	Far Tomball
Q4 2017	\$16.34	\$14.03
Q1 2018	\$16.42	\$13.14
Q2 2018	\$16.63	\$14.67
Q3 2018	\$16.65	\$14.62
Q4 2018	\$16.90	\$15.45
Q1 2019	\$17.26	\$17.32
Q2 2019	\$17.58	\$16.53
Q3 2019	\$17.72	\$19.11
Q4 2019	\$17.99	\$19.11
Q1 2020	\$17.89	\$18.80
Q2 2020	\$18.18	\$17.62
Q3 2020	\$18.37	\$16.16
Q4 2020	\$18.51	\$16.65
Q1 2021	\$18.70	\$15.29

Source: Costar, Compiled by NKF Valuation & Advisory

### Retail Market Statistics

#### Trailing Four Quarters Ended Q1 2021

Market / Submarket	Inventory (SF)	Completions (SF)	Vacancy (%)	Net Absorption (SF)	NNN Rent Overall / SF
Houston Retail	409,869,643	6,021,956	6.00%	4,017,471	\$18.70
Far Tomball	1,544,136	0	4.90%	-21,772	\$15.29

Source: Costar; Compiled by NKF Valuation & Advisory

- ❑ The average vacancy rate for the subject submarket is lower than that of the overall market area.
- ❑ The average rental rate for the submarket is lower than the overall Houston Retail market. The subject Far Tomball submarket is considered a similar tier submarket as compared to the other submarkets in the overall Houston Retail area.
- ❑ Approximately 0.0% of the submarket inventory, and 1.5% of the market inventory, represents newer construction.
- ❑ Absorption for the last 12 months was positive for the overall market area and flat at the submarket level.

### Market and Submarket Trends

#### Retail Market Trends

	Houston Retail				Far Tomball			
	Inventory (SF)	Completions (SF)	Vacancy %	NNN Rent Overall / SF	Inventory (SF)	Completions (SF)	Vacancy %	NNN Rent Overall / SF
Q1 2019	396,769,520	1,631,357	5.5%	\$17.26	1,553,597	0	1.6%	\$17.32
Q2 2019	398,214,398	1,404,878	5.4%	\$17.58	1,553,597	0	1.5%	\$16.53
Q3 2019	399,958,639	1,731,057	5.4%	\$17.72	1,553,597	0	2.0%	\$19.11
Q4 2019	401,282,799	1,300,484	5.3%	\$17.99	1,555,128	1,531	4.8%	\$19.11
Q1 2020	403,794,929	2,473,630	5.5%	\$17.89	1,555,128	0	4.2%	\$18.80
Q2 2020	405,852,698	2,046,591	6.0%	\$18.18	1,555,128	0	3.8%	\$17.62
Q3 2020	407,596,728	1,731,339	6.1%	\$18.37	1,555,128	0	4.7%	\$16.16
Q4 2020	408,806,831	1,210,103	6.0%	\$18.51	1,555,128	0	6.2%	\$16.65
Q1 2021	409,869,643	1,033,923	6.0%	\$18.70	1,544,136	0	4.9%	\$15.29

\* Forecast

Source: Costar; Compiled by NKF Valuation & Advisory

- ❑ The overall market area and submarket have been declining with respect to occupancy over the past year.
- ❑ Over the past several years, effective rental rates have been following a stable trend but have declined within the submarket in the past 12 months.

## Long Term Far Tomball Submarket Metrics

The following provides a longer term view of the submarket.

Far Tomball Submarket Metrics						
Period	Inventory (SF)	Vacancy %	Net Absorption (SF)	Completions (SF)	Nnn Rent Overall	All Service Type Rent Overall
Q3 2018	1,530,258	3.4%	-15,447	0	\$14.62	\$15.89
Q4 2018	1,553,597	2.7%	33,270	23,339	\$15.45	\$16.03
Q1 2019	1,553,597	1.6%	16,414	0	\$17.32	\$17.07
Q2 2019	1,553,597	1.5%	2,400	0	\$16.53	\$15.27
Q3 2019	1,553,597	2.0%	-8,561	0	\$19.11	\$16.49
Q4 2019	1,555,128	4.8%	-42,173	1,531	\$19.11	\$16.62
Q1 2020	1,555,128	4.2%	9,761	0	\$18.80	\$16.57
Q2 2020	1,555,128	3.8%	6,702	0	\$17.62	\$15.45
Q3 2020	1,555,128	4.7%	-14,855	0	\$16.16	\$14.99
Q4 2020	1,555,128	6.2%	-22,604	0	\$16.65	\$15.56
Q1 2021	1,544,136	4.9%	8,985	0	\$15.29	\$14.57
Y 2006	1,517,859	2.1%	1,347	9,142	\$14.86	\$13.77
Y 2007	1,527,369	3.4%	-10,847	9,510	\$15.00	\$12.92
Y 2008	1,534,274	2.9%	14,405	6,905	\$12.51	\$12.33
Y 2009	1,544,274	5.6%	-31,985	10,000	\$11.66	\$11.51
Y 2010	1,544,274	5.8%	-2,766	0	\$11.60	\$11.53
Y 2011	1,548,621	4.3%	26,877	4,347	\$10.98	\$11.11
Y 2012	1,548,621	8.4%	-62,180	0	\$12.57	\$12.47
Y 2013	1,522,146	6.5%	4,656	15,500	\$14.61	\$14.90
Y 2014	1,522,146	4.5%	29,866	0	\$13.66	\$14.12
Y 2015	1,532,146	4.0%	16,888	10,000	\$12.39	\$13.20
Y 2016	1,530,258	4.2%	-4,431	609	\$13.26	\$13.17
Y 2017	1,530,258	2.3%	29,635	0	\$14.03	\$14.52
Y 2018	1,553,597	2.7%	16,109	23,339	\$15.45	\$16.03
Y 2019	1,555,128	4.8%	-31,920	1,531	\$19.11	\$16.62
Y 2020	1,555,128	6.2%	-20,996	0	\$16.65	\$15.56
5 Year Average	1,544,874	4.0%	-2,321	5,096	\$15.70	\$15.18
10 Year Average	1,539,805	4.9%	158	5,030	\$14.03	\$13.93
15 Year Average	1,537,740	4.5%	-1,689	6,059	\$13.89	\$13.58

Source: Costar; Compiled by NKF Valuation & Advisory

## Supply & Demand

### Demand Generators

- ❑ The subject Far Tomball submarket is within one of the stable segments of the Houston Retail area.



- ✘ This area is seeing steady increases in retail development and growth.

### Construction Versus Absorption

Construction/Absorption Change									
Market / Submarket	Prior Calendar Years History								
	Prior Calendar Year History			Prior Three Year History			Prior Five Year History		
	SF Built	SF Absorbed	Const. / Abs. Ratio	SF Built	SF Absorbed	Const. / Abs. Ratio	SF Built	SF Absorbed	Const. / Abs. Ratio
Houston Retail	7,461,663	4,344,239	1.7	19,380,233	14,963,463	1.3	34,806,165	29,241,304	1.2
Far Tomball	0	-20,996	0.0	24,870	-36,807	-0.7	25,479	-11,603	-2.2

Source: Costar; Compiled by NKF Valuation & Advisory

- ✘ Absorption in the Far Tomball submarket is outpacing construction.

## Trends and Projections

### Subject and Market Historical and Forecast Trends

#### Market Vacancy Rate Indicators

	Current	Most Recent Full Year	Trailing 3-Year	Trailing 5-Year	Trailing 10-Year
<b>Costar</b>					
Houston Retail	6.00%	6.00%	5.30%	4.70%	6.50%
Far Tomball	4.90%	6.20%	2.70%	4.20%	4.30%

Source: Costar, NKF Valuation & Advisory

### Market Conclusion

#### Positive Attributes

- ❌ The area retail market and the subject submarket are approaching stabilized levels.

#### Negative Attributes

- ❌ Lasting effects of COVID-19.

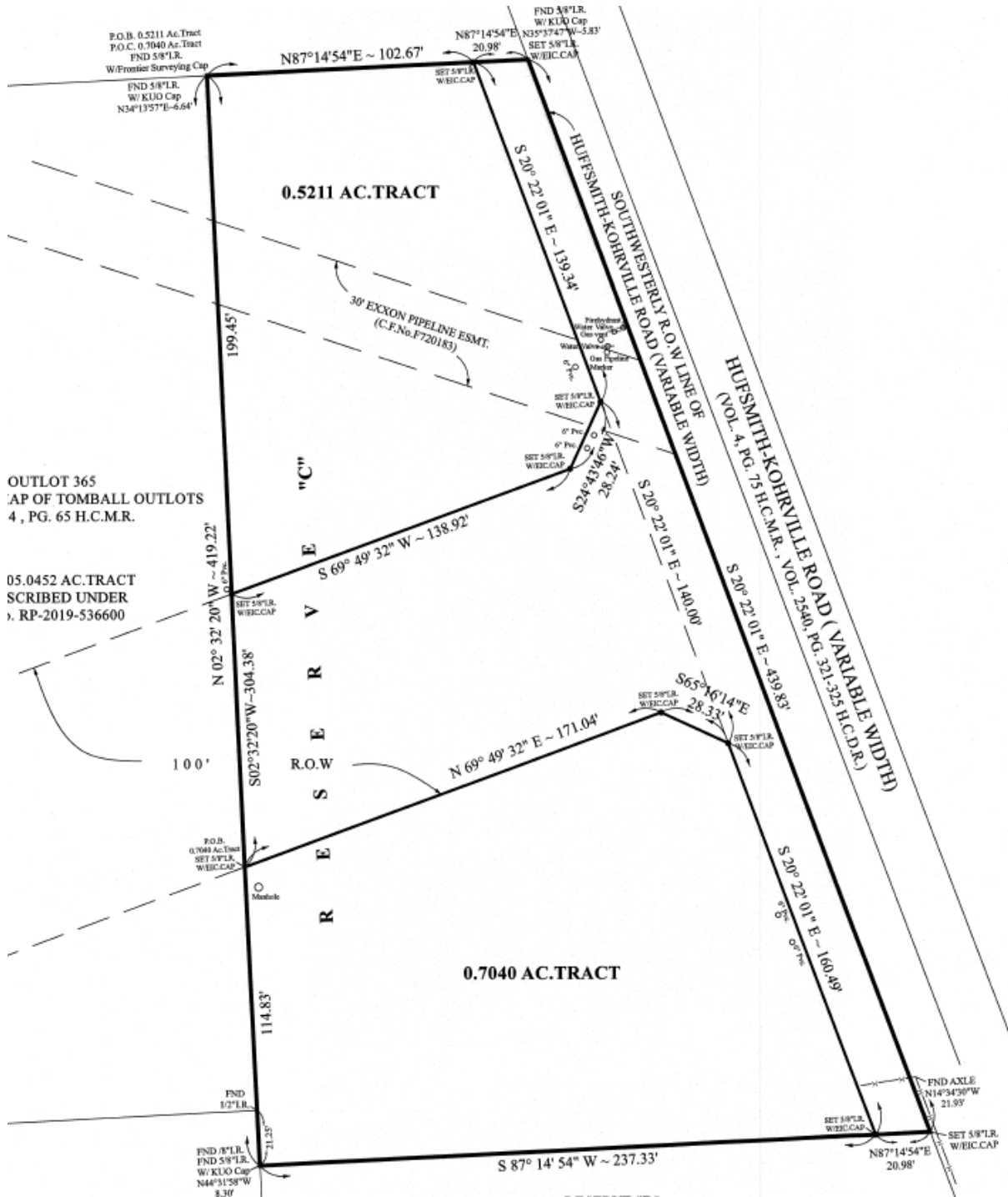
### Conclusion

#### Occupancy Conclusions

<b>Costar</b>	
Houston Retail	94.00%
Far Tomball	95.10%

Source: Costar, NKF Valuation & Advisory

# Land and Site Analysis



Site Plan

Vacant Land - 0.5211 & 0.7040 AC Tract



# National Flood Hazard Layer FIRMette



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, X(2)</i>
		With BFE or Depth <i>Zone AE, AD, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs Area of Undetermined Flood Hazard <i>Zone D</i>
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/6/2021 at 7:10 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

## Flood Map



### Land Parcels

Parcel Summary	Associated APN(s)	Land Area (SF)	Land Area (Acres)
Northern Tract	1229830000003	22,700	0.5211
Southern Tract	1229830000003	30,665	0.7040
Total Gross Land Area		53,365	1.2251
Northern Tract		22,700	0.5211
Southern Tract		30,665	0.7040

*Compiled by NKF*

### Land Description

Total Land Area	1.2251 Acres; 53,365 SF
Northern Tract	0.5211 Acres; 22,700 SF
Southern Tract	0.7040 Acres; 30,665 SF
Source of Land Area	Survey

### Site Characteristics

Primary Street Frontage	Hufsmith - Kohrville Rd
Traffic Control at Entry	None
Traffic Flow	Moderate
Accessibility Rating	Average
Visibility Rating	Average
Shape	Irregular
Corner	Yes
Rail Access	No
Topography	Generally Level
Site Vegetation	Grass and Shrubs
Other Site Characteristics	None Noted
Easements / Encroachments	Northern Tract - Exxon Pipeline Easement
Environmental Hazards	None Noted

### Flood Zone Analysis

Flood Area Panel Number	48201C0230L
Date	6/18/2007
Zone	Zone X
Description	Area of minimal flood hazard, usually depicted on Flood Insurance
Insurance Required?	No

### Utilities

Utility Services	Water, Sewer, Electricity
Utility Service Providers	
Water	City of Tomball
Sewer	City of Tomball
Electricity	Various Providers
Natural Gas	Various Providers

*Compiled by NKF*

## Easements, Encroachments and Restrictions

We were not provided a current title report to review. Further, there are identified exceptions to title, which may have an adverse effect on value.

The northern tract of land is bisected by an Exxon Pipeline Easement. We requested but were not provided with the pipeline easement document and it is an Extraordinary Assumption that the owner may pave over but not construct vertical improvements on top of the easement. After including the City of Tomball's zoning & setback requirements of a 35-foot minimum setback while facing a designated arterial street and a 10-foot setback for side and rear yards. The subject's useable building area is significantly reduced.

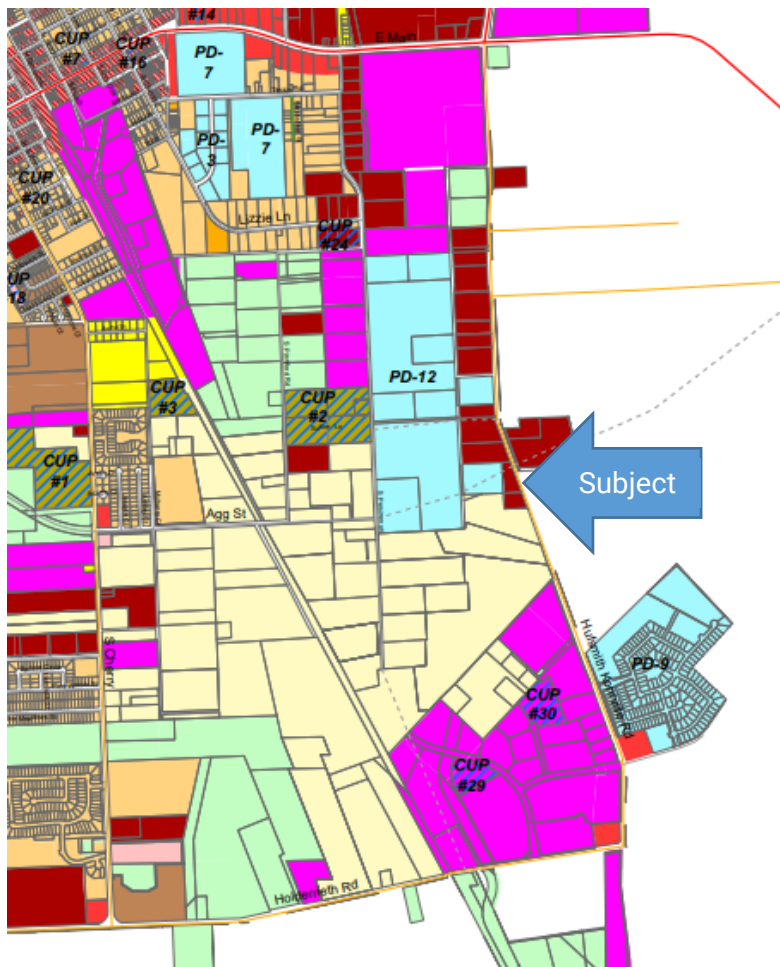
## Environmental Issues

No environmental issues were observed or reported. NKF is not qualified to detect the existence of potentially hazardous issues such as soil contaminants, the presence of abandoned underground tanks, or other below-ground sources of potential site contamination. The existence of such substances may affect the value of the property. For this assignment, we have specifically assumed that any hazardous materials that would cause a loss in value do not affect the subject.

## Conclusion

- ❖ The southern tract has average functionality. The northern tract is bisected by an Exxon Pipeline Easement.
- ❖ Both the northern and southern tracts have average accessibility
- ❖ Both tracts have average frontage along Hufsmith-Kohrville Rd.

# Zoning and Legal Restrictions



Legend	
	AG - Agricultural District
	SF-20-E - Single-Family 20 Estate District
	SF-9 - Single-Family 9 District
	SF-6 - Single-Family 6 District
	D - Duplex Residential District
	MF - Multi-Family Residential District
	MHP - Manufactured Home Park
	O - Office District
	OT & MU - Old Town and Mixed Use District
	GR - General Retail District
	C - Commercial District
	LI - Light Industrial District
	PD - Planned Development
	CUP - Conditional Use Permit

## Zoning Map



<b>Zoning Summary</b>	
<b>Category</b>	<b>Description</b>
Zoning Jurisdiction	City of Tomball
Zoning Designation	C; Commercial District
Description	Commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Some light manufacturing may also be allowed with certain conditions
Legally Conforming?	Yes
Zoning Change Likely?	Unlikely
Permitted Uses	Office, Retail, Specialty and Light Manufacturing
Other	None noted

*Compiled by NKF*

We are not experts in the interpretation of zoning ordinances. A qualified land use/zoning expert should be engaged if there are any zoning concerns or if a determination of compliance with zoning is required.

### Conclusion

The subject is zoned for general commercial development including retail, office, and light warehouse type uses. The uses envisioned for the C Commercial District will typically utilize smaller sites and have operation characteristics which are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.





# Real Estate Taxes

Taxes and Assessments								
Tax Year 2021	Assessor's Market Value			Assessment	Tax Rates		Taxes and Assessments	
Tax ID	Land	Improvements	Total	Ratio	Land	Ad Valorem Taxes	Direct Assessments	Total
1229830000003	\$0	\$0	\$0	100.0%	2.4369%	\$0	\$0	\$0
	\$0	\$0	\$0	0.0%	2.4369%	\$0	\$0	\$0

Compiled by NKF

Within the state of Texas, only real estate and FF&E are being assessed. The above assessment is based on the subject being owned by the City of Tomball and under the "XV" State Class Code, Government Exempt".

The local assessor's methodology for valuation is cost, sales, income. The property is assessed on a fee simple basis. Within the state of Texas properties are supposed to be assessed at 100% of market value, real estate and FF&E only. In addition, Texas recognizes equal and uniform, whereby tax comparables can be used to support the assessed values. The lower of the two takes precedence. The sale of the subject has some impact on its assessment. Texas is a non-disclosure state but sale prices are becoming easier to confirm. Nevertheless, buyers will typically rely on tax comparables as outlined below.

Properties within the state of Texas are assessed as of January 1 and taxes are due January 31 of the following year and after that penalties are due. Although assessed values are effective as of January 1 of each year, they are generally not made available to property owners until the end of the 1st quarter.

Tax Comparables						
Tax Year 2021	1	2	3	4	5	Subject (Actual)
Property Name	LT 11 BLK 1- 21303 Waldenburg PL	LT 2 BLK 1 - Lot 354 - 0 Hufsmith Kohrville Rd	Lot 354 - 0 Hufsmith Kohrville Rd	TR 477C - Hufsmith Kohrville Rd	TR 477D - Hufsmith Kohrville Rd	Vacant Land - 0.5211 & 0.7040 AC Tract
City, County, State	Tomball, Harris, TX	Tomball, Harris, TX	Tomball, Harris, TX	Tomball, Harris, TX	Tomball, Harris, TX	Tomball, Harris, TX
Gross Land Area SF	13,679	302,067	217,800	46,261	46,957	0
Total Assessed Value	\$61,343	\$834,251	\$980,100	\$138,783	\$64,832	\$0
Assessed Value/SF of Gross Land Area	\$4.48	\$2.76	\$4.50	\$3.00	\$1.38	

Compiled by NKF



## Subject Tax Conclusion

Ad Valorem Tax Analysis					
	Comparable Data		Subject History	Conclusion	
	Range	Average	2021	Northern Tract	Southern Tract
Total Assessed Value			\$0	\$35,000	\$100,000
Total Assessed Value/SF of Gross Land Area	\$1.38 - \$4.50	\$3.23	\$0.00	\$1.54	\$3.26
Direct Assessments			\$0	\$0.00	\$0.00
Tax Rate			2.43686%	2.4369%	2.4369%
Actual / Pro Forma Taxes			\$0	\$853	\$2,437
Reported Tax Delinquencies			None	None	None
Tax Exemptions or Abatements			None	None	None

*Compiled by NKF*

Our projection of taxes is based on the comparable data. We have selected a value near the average for the southern tract and a value towards the bottom of the range for the northern tract.



# Highest and Best Use

## As Vacant

### Legally Permissible

The site is zoned C; Commercial District which allows for office, retail, specialty and light manufacturing. Based on available data and analysis, no other legal restrictions such as easements or deed covenants are present which would impair the utility of the site. Given that surrounding properties have similar zoning and the future land use plan is focused on similar uses as well, it is unlikely that there would be a change of zoning classification. Further information and analysis about the legal restrictions to the subject property is included in the Site Analysis and Zoning and Legal Restrictions sections of this report.

### Physically Possible

The subject site contains two sites, the northern site with 22,700 square feet (0.5211 acres) and the southern tract with 33,665, square feet (0.7040 acres) both sites have favorable topography, adequate access, and all necessary utilities to support the range of legally permissible uses. For the southern tract no significant physical limitations were noted. The northern tract is bisected by an Exxon Pipeline Easement, which hinders the use of the site. The size of the site is typical for the categories of uses allowed under zoning. In total, the southern site is physically capable of supporting the legally permissible uses and the northern site is not physically capable of supporting the legally permissible uses.

### Financially Feasible

Of the legally permissible and physically possible uses, a light manufacturing and small commercial uses appear most probable based on observation of surrounding properties as well as the location. Given the underlying market conditions and activity, it appears that a commercial development would have a sufficient degree of feasibility.

### Maximally Productive

The test of maximum productivity is to determine the actual use of the property that results in the highest land value and/or the highest return to the land. It is important to consider the risk of potential uses as a use that may generate the highest returns in cash could also be the riskiest and thus not as likely for a developer to consider. In this case, the maximally productive use is a commercial development. The associated risk is typical and market conditions appear to be supportive.

### Highest and Best Use Conclusion – As Vacant (Southern Tract)

The highest and best use of the southern tract as though vacant is the eventual development of the site for a commercial use.

**Highest and Best Use Conclusion – As Vacant (Northern Tract)**

The highest and best use of the northern tract is not supported due to not being physically possible because of the size of the useable area after taking into account the easement and setback requirements.

**Most Probable Buyer**

The most likely buyer would be an owner-user.

# Appraisal Methodology

## Cost Approach

The cost approach is based on the proposition that the informed purchaser would pay no more for the subject than the cost to produce a substitute property with equivalent utility. This approach is particularly applicable when the property being appraised involves relatively new improvements that represent the highest and best use of the land, or when it is improved with relatively unique or specialized improvements for which there exist few sales or leases of comparable properties.

## Sales Comparison Approach

The sales comparison approach utilizes sales of comparable properties, adjusted for differences, to indicate a value for the subject. Valuation is typically accomplished using physical units of comparison such as price per square foot, price per unit, price per floor, etc., or economic units of comparison such as gross rent multiplier. Adjustments are applied to the property units of comparison derived from the comparable sale. The unit of comparison chosen for the subject is then used to yield a total value.

## Income Capitalization Approach

The income capitalization approach reflects the subject's income-producing capabilities. This approach is based on the assumption that value is created by the expectation of benefits to be derived in the future. Specifically estimated is the amount an investor would be willing to pay to receive an income stream plus reversion value from a property over a period of time. The two common valuation techniques associated with the income capitalization approach are direct capitalization and the discounted cash flow (DCF) analysis.

Application of Approaches to Value	
Approach	Comments
Cost Approach	The Cost Approach is not applicable and is not utilized in this appraisal.
Sales Comparison Approach	The Sales Comparison Approach is applicable and is utilized in this appraisal.
Income Capitalization Approach	The Income Capitalization Approach is not applicable and is not utilized in this appraisal.

*Compiled by NKF*

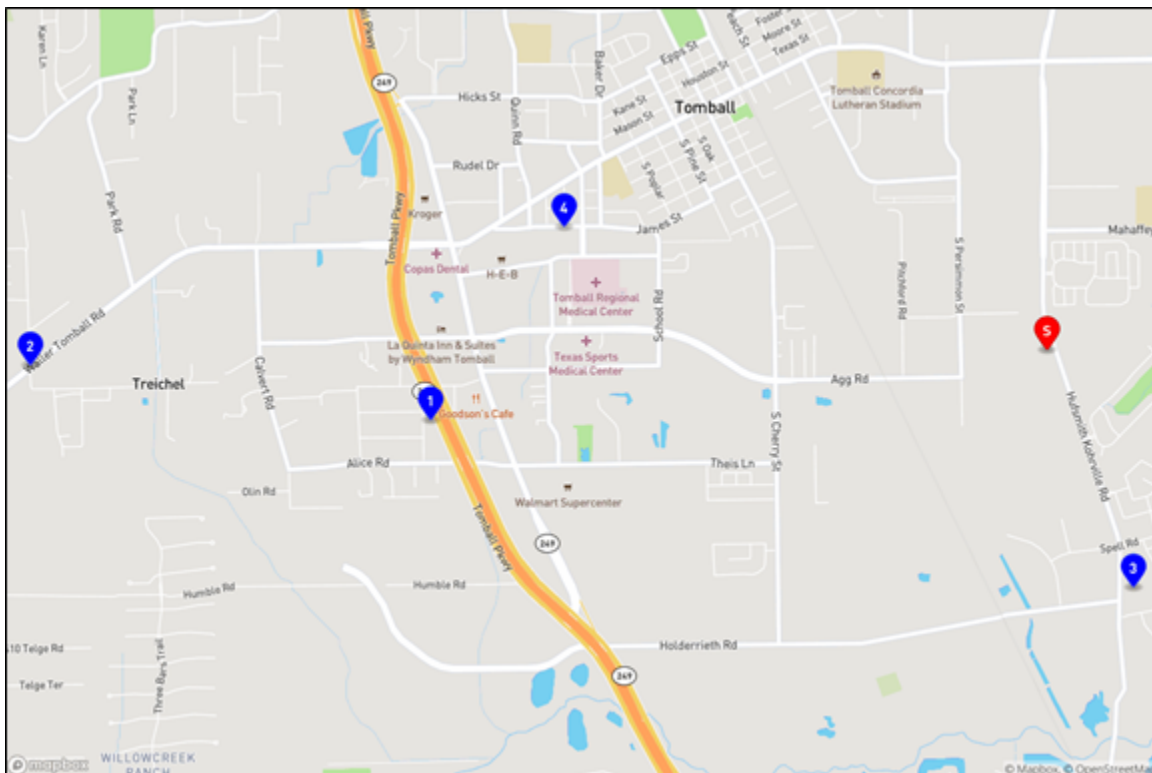
The subject property is a tract of vacant land. In the absence of ground leases, subdivision, or other income sources, the sales comparison approach is viewed as most applicable in the valuation of land parcels. Therefore, the sales comparison approach is the sole approach to value utilized in this appraisal. The exclusion of the other two approaches does not impact the reliability of the appraisal.

# Sales Comparison Approach – Northern Tract

Land value can be developed from a number of different methodologies. In this case, we have employed the sales comparison as sufficient comparable data exists from which to derive a reliable indication of value. Sales comparison includes the following steps.

- ❑ Research and verify information on properties in the market that are similar to the subject and that have recently sold, are listed for sale, or are under contract.
- ❑ Select the most relevant units of comparison in the market and develop a comparative analysis.
- ❑ Examine and quantify via adjustments differences between the comparable sales and the subject property using all appropriate elements of comparison.
- ❑ Reconcile the various value indications to a value indication.

Based on a review of market activity, the appropriate unit of comparison is price per gross land sf.



Land Comparables Map

<b>Comparable Land Sales Summary</b>					
	<b>Northern Tract</b>	<b>Sale 1</b>	<b>Sale 2</b>	<b>Sale 3</b>	<b>Sale 4</b>
Address	Hufsmith Kohrville	27918 Briar Meadow Road	SWC of Triechel Road &	21014 Hufsmith Kohrville	Alma Street
City, State	Tomball, TX	Tomball, TX	Tomball, TX	Tomball, TX	Tomball, TX
Gross Land SF	22,700 SF	67,082 SF	157,925 SF	217,800 SF	46,174 SF
Useable Acres	0.52 Acres	1.54 Acres	3.63 Acres	5.00 Acres	1.06 Acres
Useable Land SF	22,700 SF	67,082 SF	157,925 SF	217,800 SF	46,174 SF
Shape/Topography	Irregular/Generally	Irregular/Level	Irregular/Level	Irregular/Rough Graded	Irregular/Level
Utilities Available	Water, Sewer,	Water, Sewer, Gas,	Water, Sewer, Gas,	Water, Sewer, Electricity	Water, Sewer, Gas,
Transaction Type		Closed	Closed	Closed	Listing
Buyer		BAYNE ROY	Belfort Holdings LLC	COUNTY OF HARRIS	Current Listing
Seller		OSBORNE CHRISTINA E	Majed Inc.	SPELL MARIE S ESTATE OF	JORDAN MARIA
Interest Conveyed	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Transaction Date		Aug-20	May-18	Feb-19	Apr-21
Price		\$368,714	\$895,000	\$999,999	\$400,000
Adj. Sale Price		\$368,714	\$895,000	\$999,999	\$400,000
Price per Gross Land Acre		\$239,426	\$246,865	\$200,000	\$377,355
Price Per Gross Land SF		\$5.50	\$5.67	\$4.59	\$8.66
Price per Usable Land Acre		\$239,426	\$246,865	\$200,000	\$377,355
Price Per Usable Land SF		\$5.50	\$5.67	\$4.59	\$8.66

*Compiled by NKF*

## Analysis of Land Comparables

The following paragraphs analyze the most relevant comparable data against the subject property.

### Comparable One

Sale Comparable One represents the August 2020 sale of 1.540 acres of land located at 27918 Briar Meadow Road, Tomball, Texas.

An upward adjustment was applied for market conditions (time) due to increasing value trends in the local market. Recent listing and closed transaction data indicates an annualized rate of 2.0% is applicable.

A downward adjustment was applied for location due to this comparables location near a major artery. An upward adjustment was applied for size due to this tract being larger than the subject. All things being equal, larger tracts tend to sell for more on a per square foot basis. This is due to the economies of scale. Combining transaction and physical adjustments, overall net downward adjustment is indicated resulting in a price per gross land SF indication of \$5.33.

### Comparable Two

Sale Comparable Two represents the May 2018 sale of 3.625 acres of land located at SWC of Triechel Road & FM 2920, Tomball, Texas. The property is located at the southwest corner of Triechel Rd and FM 2920 in Tomball, TX. All utilities were available to the site at the time of our research. The buyer intends to develop a gas station on the site.

An upward adjustment was applied for market conditions (time) due to increasing value trends in the local market. Recent listing and closed transaction data indicates an annualized rate of 2.0% is applicable.

An upward adjustment was applied for size due to this tract being larger than the subject. All things being equal, larger tracts tend to sell for more on a per square foot basis. This is due to the economies of scale. Combining transaction and physical adjustments, overall net upward adjustment is indicated resulting in a price per gross land SF indication of \$6.61.

### Comparable Three

Sale Comparable Three represents the February 2019 sale of 5.000 acres of land located at 21014 Hufsmith Kohrville Road, Tomball, Texas.

An upward adjustment was applied for market conditions (time) due to increasing value trends in the local market. Recent listing and closed transaction data indicates an annualized rate of 2.0% is applicable.

An upward adjustment was applied for size due to this tract being larger than the subject. All things being equal, larger tracts tend to sell for more on a per square foot basis. This is due to the economies of scale. Combining transaction and physical adjustments, overall net upward adjustment is indicated resulting in a price per gross land SF indication of \$5.54.

### Comparable Four

Sale Comparable Four represents the April 2021 listing of 1.060 acres of land located at Alma Street, Tomball, Texas.

A downward adjustment was applied for conditions of sale due to this comparable being a listing. Listings are usually negotiated downward during the sales process.

A downward adjustment was applied for location due to its proximity to the City of Tomball. An upward adjustment was applied for size due to this tract being larger than the subject. All things being equal, larger tracts tend to sell for more on a per square foot basis. This is due to the economies of scale. Combining transaction and physical adjustments, overall net downward adjustment is indicated resulting in a price per gross land SF indication of \$7.79.

### Summary of Adjustments / Adjustment Grid

Based on our comparative analysis, the following table summarizes the adjustments warranted to each land sale.



<b>Comparable Land Sales Adjustment Grid</b>					
	<b>Subject</b>	<b>Sale 1</b>	<b>Sale 2</b>	<b>Sale 3</b>	<b>Sale 4</b>
Address	Hufsmith Kohrville	27918 Briar Meadow Road	SWC of Triechel Road &	21014 Hufsmith Kohrville	Alma Street
City, State	Tomball, TX	Tomball, TX	Tomball, TX	Tomball, TX	Tomball, TX
Gross Land SF	22,700 SF	67,082 SF	157,925 SF	217,800 SF	46,174 SF
Usable Land Area (Acres)	0.52 Acres	1.54 Acres	3.63 Acres	5.00 Acres	1.06 Acres
Usable Land Area (SF)	22,700 SF	67,082 SF	157,925 SF	217,800 SF	46,174 SF
Transaction Type	--	Closed	Closed	Closed	Listing
Transaction Date	--	Aug-20	May-18	Feb-19	Apr-21
Price Per Gross Land SF		\$5.50	\$5.67	\$4.59	\$8.66
<b>Transaction Adjustments</b>					
Property Rights		0%	0%	0%	0%
Financing		0%	0%	0%	0%
Conditions of Sale		0%	0%	0%	-10%
Market Conditions (Time)		2%	6%	5%	0%
Subtotal (adjustments are multiplied)		2.0%	6.0%	5.0%	-10.0%
Transaction Adjusted Price Per Gross Land SF		\$5.61	\$6.01	\$4.82	\$7.79
<b>Physical Adjustments</b>					
Location		-10%	0%	0%	-5%
Size		5%	10%	15%	5%
Utilities		0%	0%	0%	0%
Subtotal (adjustments are summed)		-5%	10%	15%	0%
Gross Adjustment		17%	16%	20%	20%
Overall Adjustment		-3.1%	16.6%	20.75%	-10.0%
<b>Indicated Price Per Gross Land SF</b>		<b>\$5.33</b>	<b>\$6.61</b>	<b>\$5.54</b>	<b>\$7.79</b>

Compiled by NKF

## Northern Land Value Conclusion

- ❑ Prior to adjustments, the sales reflect a range of \$4.59 to \$8.66 per gross land sf.
- ❑ After adjustment, the range is narrowed to \$5.33 to \$7.79 per gross land sf, with an average of \$6.32 per gross land sf.
- ❑ Equal weight was placed on all comparables due to their overall low adjustments.
- ❑ We have selected a value of 10% of the total indicated value due to the easement and setback requirements making the site virtually unusable.

## Northern Land Value Conclusion

Gross Land SF		22,700
<b>Comparable Sales Indications</b>	<b>Range</b>	<b>Average</b>
Unadjusted Price Per Gross Land SF	\$4.59 - \$8.66	\$6.11
Adjusted Price Per Gross Land SF	\$5.33 - \$7.79	\$6.32
Reconciled Value Per Gross Land SF		\$6.30
Total Indicated Value		\$143,010
Pipeline Easement and Setback Requirements		10.00%
Total Indicated Value		\$14,301
	Rounded	\$15,000

Compiled by NKF

## Sales Comparison Approach – Southern Tract

Land value can be developed from six different methodologies – three of which are based on income. In this case, we have employed sales comparison as sufficient comparable data exists from which to derive a reliable indication of value. Sales comparison includes the following steps.

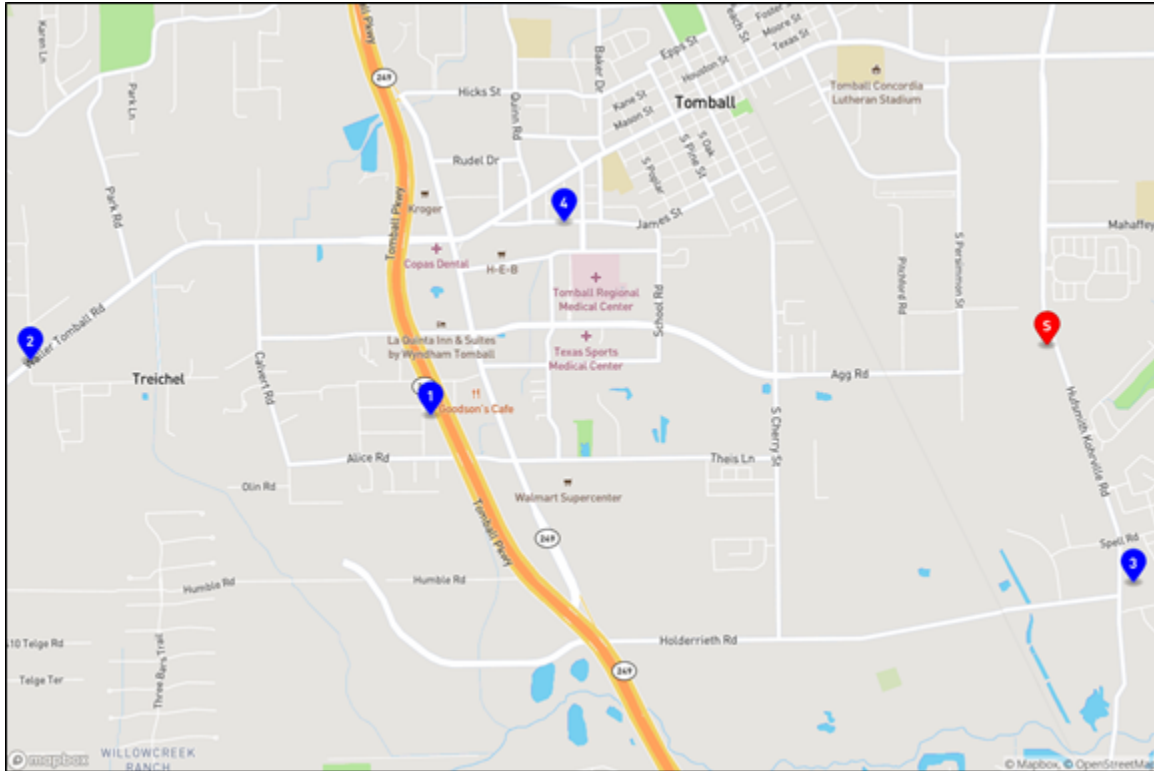
- ❖ Research and verify information on properties in the competitive market that are similar to the subject and that have recently sold, are listed for sale, or are under contract.
- ❖ Select the most relevant units of comparison in the market and develop a comparative analysis for each unit.
- ❖ Examine and quantify via adjustments differences between the comparable sales and the subject property using all appropriate elements of comparison.
- ❖ Reconcile the various value indications to a value bracket and then a single value indication.

The southern tract includes 0.7040 acres of land and is valued using the same comparables and basic analysis as the northern site. The following summarizes the land parcels as they will be valued in this appraisal.

<b>Land Parcels</b>			
<b>Parcel Summary</b>	<b>Associated APN(s)</b>	<b>Land Area (SF)</b>	<b>Land Area (Acres)</b>
Northern Tract	1229830000003	22,700	0.5211
Southern Tract	1229830000003	30,665	0.7040
Total Gross Land Area		53,365	1.2251
Northern Tract		22,700	0.5211
Southern Tract		30,665	0.7040

*Compiled by NKF*

Based on a review of market activity, the appropriate unit of comparison for the southern tract of land is price per gross land sf.



Land Comparables Map

**Comparable Land Sales Summary**

	<b>Southern Tract</b>	<b>Sale 1</b>	<b>Sale 2</b>	<b>Sale 3</b>	<b>Sale 4</b>
Address	Hufsmith Kohrville	27918 Briar Meadow Road	SWC of Triechel Road &	21014 Hufsmith Kohrville	Alma Street
City, State	Tomball, TX	Tomball, TX	Tomball, TX	Tomball, TX	Tomball, TX
Useable Land SF	30,665 SF	67,082 SF	157,925 SF	217,800 SF	46,174 SF
Useable Acres	0.70 Acres	1.54 Acres	3.63 Acres	5.00 Acres	1.06 Acres
Useable Land SF	30,665 SF	67,082 SF	157,925 SF	217,800 SF	46,174 SF
Shape/Topography	Irregular/Generally	Irregular/Level	Irregular/Level	Irregular/Rough Graded	Irregular/Level
Utilities Available	Water, Sewer,	Water, Sewer, Gas,	Water, Sewer, Gas,	Water, Sewer, Electricity	Water, Sewer, Gas,
Transaction Type		Closed	Closed	Closed	Listing
Buyer		BAYNE ROY	Bellfort Holdings LLC	COUNTY OF HARRIS	Current Listing
Seller		OSBORNE CHRISTINA E	Majed Inc.	SPELL MARIE S ESTATE OF	JORDAN MARIA
Interest Conveyed	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Sale Date		Aug-20	May-18	Feb-19	Apr-21
Price		\$368,714	\$895,000	\$999,999	\$400,000
Adj. Sale Price		\$368,714	\$895,000	\$999,999	\$400,000
Price per Gross Land Acre		\$239,426	\$246,865	\$200,000	\$377,355
Price Per Gross Land SF		\$5.50	\$5.67	\$4.59	\$8.66
Price per Usable Land Acre		\$239,426	\$246,865	\$200,000	\$377,355
Price Per Usable Land SF		\$5.50	\$5.67	\$4.59	\$8.66

*Compiled by NKF*

**Analysis of Land Comparables**

The following paragraphs analyze the most relevant comparable data against the subject property.



### Comparable One

Sale Comparable One represents the August 2020 sale of 1.540 acres of land located at 27918 Briar Meadow Road, Tomball, Texas.

An upward adjustment was applied for market conditions (time) due to increasing value trends in the local market. Recent listing and closed transaction data indicates an annualized rate of 2.0% is applicable.

A downward adjustment was applied for location due to this comparables location near a major artery. An upward adjustment was applied for size due to this tract being larger than the subject. All things being equal, larger tracts tend to sell for more on a per square foot basis. This is due to the economies of scale. Combining transaction and physical adjustments, overall net downward adjustment is indicated resulting in a price per gross land SF indication of \$5.33.

### Comparable Two

Sale Comparable Two represents the May 2018 sale of 3.625 acres of land located at SWC of Triechel Road & FM 2920, Tomball, Texas. The property is located at the southwest corner of Triechel Rd and FM 2920 in Tomball, TX. All utilities were available to the site at the time of our research. The buyer intends to develop a gas station on the site.

An upward adjustment was applied for market conditions (time) due to increasing value trends in the local market. Recent listing and closed transaction data indicates an annualized rate of 2.0% is applicable.

An upward adjustment was applied for size due to this tract being larger than the subject. All things being equal, larger tracts tend to sell for more on a per square foot basis. This is due to the economies of scale. Combining transaction and physical adjustments, overall net upward adjustment is indicated resulting in a price per gross land SF indication of \$6.61.

### Comparable Three

Sale Comparable Three represents the February 2019 sale of 5.000 acres of land located at 21014 Hufsmith Kohrville Road, Tomball, Texas.

An upward adjustment was applied for market conditions (time) due to increasing value trends in the local market. Recent listing and closed transaction data indicates an annualized rate of 2.0% is applicable.

An upward adjustment was applied for size due to this tract being larger than the subject. All things being equal, larger tracts tend to sell for more on a per square foot basis. This is due to the economies of scale. Combining transaction and physical adjustments, overall net upward adjustment is indicated resulting in a price per gross land SF indication of \$5.54.

## Comparable Four

Sale Comparable Four represents the April 2021 listing of 1.060 acres of land located at Alma Street, Tomball, Texas.

A downward adjustment was applied for conditions of sale due to this comparable being a listing. Listings are usually negotiated downward during the sales process.

A downward adjustment was applied for location due to its proximity to the City of Tomball. Combining transaction and physical adjustments, overall net downward adjustment is indicated resulting in a price per gross land SF indication of \$7.40.

## Summary of Adjustments / Adjustment Grid

Based on our comparative analysis, the following table summarizes the adjustments warranted to each land sale.

Comparable Land Sales Adjustment Grid					
	Subject	Sale 1	Sale 2	Sale 3	Sale 4
Address	Hufsmith Kohrville	27918 Briar Meadow Road	SWC of Trieichel Road &	21014 Hufsmith Kohrville	Alma Street
City, State	Tomball, TX	Tomball, TX	Tomball, TX	Tomball, TX	Tomball, TX
Gross Land SF	30,665 SF	67,082 SF	157,925 SF	217,800 SF	46,174 SF
Usable Land Area (Acres)	0.70 Acres	1.54 Acres	3.63 Acres	5.00 Acres	1.06 Acres
Usable Land Area (SF)	30,665 SF	67,082 SF	157,925 SF	217,800 SF	46,174 SF
Transaction Type	--	Closed	Closed	Closed	Listing
Transaction Date	--	Aug-20	May-18	Feb-19	Apr-21
Price Per Gross Land SF		\$5.50	\$5.67	\$4.59	\$8.66
<b>Transaction Adjustments</b>					
Property Rights		0%	0%	0%	0%
Financing		0%	0%	0%	0%
Conditions of Sale		0%	0%	0%	-10%
Market Conditions (Time)		2%	6%	5%	0%
Subtotal (adjustments are multiplied)		2.0%	6.0%	5.0%	-10.0%
Transaction Adjusted Price Per Gross Land SF		\$5.61	\$6.01	\$4.82	\$7.79
<b>Physical Adjustments</b>					
Location/Access		-10%	0%	0%	-5%
Size		5%	10%	15%	0%
Utilities		0%	0%	0%	0%
Subtotal (adjustments are summed)		-5%	10%	15%	-5%
Gross Adjustment		17%	16%	20%	15%
Overall Adjustment		-3.1%	16.6%	20.75%	-14.5%
<b>Indicated Price Per Gross Land SF</b>		<b>\$5.33</b>	<b>\$6.61</b>	<b>\$5.54</b>	<b>\$7.40</b>

Compiled by NKF

## Excess Land Value Conclusion

- ❑ Prior to adjustments, the sales reflect a range of \$4.59 to \$8.66 per gross land sf.
- ❑ After adjustment, the range is narrowed to \$5.33 to \$7.40 per gross land sf, with an average of \$6.22 per gross land sf.
- ❑ Equal weight was placed on all comparables due to the low overall adjustments.

**Southern Land Value Conclusion**

Useable Land SF		30,665
<b>Comparable Sales Indications</b>	<b>Range</b>	<b>Average</b>
Unadjusted Price Per Gross Land SF	\$4.59 - \$8.66	\$6.11
Adjusted Price Per Gross Land SF	\$5.33 - \$7.40	\$6.22
Reconciled Value Per Gross Land SF		\$6.25
Total Indicated Value		\$191,656
Pipeline Easement and Setback Requirements		\$0
Total Indicated Value		\$191,656
	Rounded	\$190,000

*Compiled by NKF*



# Reconciliation of Value

The values indicated by our analyses are as follows:

<b>Land Value Conclusion - Multiple Sites</b>	
<b>Primary Land Area (Attributable to Improvements)</b>	
Northern Tract	\$15,000
Southern Tract	\$190,000
Total Indicated Land Value - Northern Tract	\$15,000
Total Indicated Land Value - Southern Tract	\$190,000

*Compiled by NKF*

## Cost Approach

As previously discussed, the Cost Approach was not utilized for valuation of the subject property as it is land.

## Sales Comparison Approach

The Sales Comparison Approach is focused on comparing the subject to sale and other market transactions with the aim to develop an indication of value that is founded on the theory of substitution. Basically, the intention is to determine value through considering the prices of properties which would be a substitute property to the subject. In this case, a selection of reasonably similar sales were obtained and the adjustment process was well founded by reasoning and direct evidence. In the absence of ground leases, subdivision, or other income sources, the sales comparison approach is viewed as most applicable in the valuation of land parcels. Therefore, the sales comparison approach is the sole approach to value utilized in this appraisal.

## Income Capitalization Approach

As the subject property is a tract of land and is not leased (or has any other reasonable income source), the Income Capitalization Approach was not applicable and not utilized.

<b>Value Conclusions</b>			
<b>Appraisal Premise</b>	<b>Interest Appraised</b>	<b>Date of Value</b>	<b>Value Conclusion</b>
Market Value "As Is" - Northern Tract	Fee Simple	6/2/2021	\$15,000
Market Value "As Is" - Southern Tract	Fee Simple	6/2/2021	\$190,000

*Compiled by NKF*

### Extraordinary Assumptions and Hypothetical Conditions

An extraordinary assumption is defined in USPAP as an assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions. The value conclusions are subject to the following extraordinary assumptions that may affect the assignment results.

1. The northern tract of land is bisected by an Exxon Pipeline easement. We were not provided with the pipeline easement document. Our market value as is conclusion for the northern tract assumes that you may pave over but not build vertical improvements on the pipeline easement.

The use of this extraordinary assumption might have affected assignment results.

A hypothetical condition is defined in USPAP as a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. The value conclusions are based on the following hypothetical conditions that may affect the assignment results.

1. None

*Compiled by NKF*

### Exposure Time

Exposure time is the estimated length of time the subject property would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal. It is a retrospective estimate based on an analysis of past events assuming a competitive and open market.

Recent sales transaction data for similar properties, supply and demand characteristics for the local land market, and the opinions of local market participants were reviewed and analyzed. Based on this data and analysis, it is our opinion that the probable exposure time for the subject at the concluded market value / values stated previously is 12 months.

### Marketing Time

Marketing time is an opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal. Marketing time differs from exposure time, which is always presumed to precede the effective date of an appraisal. As no significant changes in market conditions are foreseen in the near term, it is our opinion that a reasonable marketing period for the subject is likely to be the same as the exposure time. Accordingly, we estimate the subject's marketing period at 12 months.



# Assumptions and Limiting Conditions

The Appraisal contained in this Report (herein "Report") is subject to the following assumptions and limiting conditions:

1. Unless otherwise stated in this report, title to the property which is the subject of this report (herein "Property") is assumed to be good and marketable and free and clear of all liens and encumbrances and that there are no recorded or unrecorded matters or exceptions to title that would adversely affect marketability or value. No responsibility is assumed for the legal description, zoning, condition of title or any matters which are legal in nature or otherwise require expertise other than that of a professional real estate appraiser. This report shall not constitute a survey of the Property.
2. Unless otherwise stated in this report, it is assumed: that the improvements on the Property are structurally sound, seismically safe and code conforming; that all building systems (mechanical/electrical, HVAC, elevator, plumbing, etc.) are in good working order with no major deferred maintenance or repair required; that the roof and exterior are in good condition and free from intrusion by the elements; that the Property and improvements conform to all applicable local, state, and federal laws, codes, ordinances and regulations including environmental laws and regulations. No responsibility is assumed for soil or subsoil conditions or engineering or structural matters. The Property is appraised assuming that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report is based, unless otherwise stated. The physical condition of the Property reflected in this report is solely based on a visual inspection as typically conducted by a professional appraiser not someone with engineering expertise. Responsible ownership and competent property management are assumed.
3. Unless otherwise stated in this report, this report did not take into consideration the existence of asbestos, PCB transformers or other toxic, hazardous, or contaminated substances or underground storage tanks, or the cost of encapsulation, removal or remediation thereof. Real estate appraisers are not qualified to detect such substances. The presence of substances such as asbestos, urea formaldehyde foam insulation, contaminated groundwater or other potentially hazardous materials and substances may adversely affect the value of the Property. Unless otherwise stated in this report, the opinion of value is predicated on the assumption that there is no such material or substances at, on or in the Property.
4. All statements of fact contained in this report as a basis of the analyses, opinions, and conclusions herein are true and correct to the best of the appraiser's actual knowledge and belief. The appraiser is entitled to and relies upon the accuracy of information and material furnished by the owner of the Property or owner's representatives and on information and data provided by sources upon which members of the appraisal profession typically rely and that are deemed to be reliable by such members. Such information and data obtained from third party sources are assumed to be reliable and have not been independently verified. No warranty is made as to the accuracy of any of such information and data. Any material error in any of the said information or data could have a

substantial impact on the conclusions of this Report. The appraiser reserves the right to amend conclusions reported if made aware of any such error.

5. The opinion of value stated in this report is only as of the date of value stated in this report. An appraisal is inherently subjective and the conclusions stated apply only as of said date of value, and no representation is made as to the effect of subsequent events. This report speaks only as of the date hereof.
6. Any projected cash flows included in the analysis are forecasts of estimated future operating characteristics and are predicated on the information and assumptions contained within this report. Any projections of income, expenses and economic conditions utilized in this report are not predictions of the future. Rather, they are estimates of market expectations of future income and expenses. The achievement of any financial projections will be affected by fluctuating economic conditions and is dependent upon other future occurrences that cannot be assured. Actual results may vary from the projections considered herein. There is no warranty or assurances that these forecasts will occur. Projections may be affected by circumstances beyond anyone's knowledge or control. Any income and expense estimates contained in this report are used only for the purpose of estimating value and do not constitute predictions of future operating results.
7. The analyses contained in this report may necessarily incorporate numerous estimates and assumptions regarding Property performance, general and local business and economic conditions, the absence of material changes in the competitive environment and other matters. Some estimates or assumptions, however, inevitably will not materialize, and unanticipated events and circumstances may occur; therefore, actual results achieved during the period covered by the analysis will vary from estimates, and the variations may be material.
8. All prospective value opinions presented in this report are estimates and forecasts which are prospective in nature and are subject to considerable risk and uncertainty. In addition to the contingencies noted in the preceding paragraphs, several events may occur that could substantially alter the outcome of the estimates such as, but not limited to changes in the economy, interest rates, capitalization rates, behavior of consumers, investors and lenders, fire and other physical destruction, changes in title or conveyances of easements and deed restrictions, etc. In making prospective estimates and forecasts, it is assumed that conditions reasonably foreseeable at the present time are consistent or similar with the future.
9. The allocations of value for land and improvements must not be used in conjunction with any other appraisal and are invalid if so used. This report shall be considered only in its entirety. No part of this report shall be utilized separately or out of context.
10. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or any reference to the Appraisal Institute) shall be disseminated through advertising media, public relations media, news media or any other means of communication (including without limitation prospectuses, private offering memoranda and other offering material provided to prospective investors) without the prior written consent of the Firm. Possession of this report, or a copy hereof, does not carry with it the right of publication.
11. Client and any other Intended User identified herein should consider this report and the opinion of value contained herein as only one factor together with its own independent considerations and

underwriting guidelines in making any decision or investment or taking any action regarding the Property. Client agrees that Firm shall not be responsible in any way for any decision of Client or any Intended User related to the Property or for the advice or services provided by any other advisors or contractors. The use of this report and the appraisal contained herein by anyone other than an Intended User identified herein, or for a use other than the Intended Use identified herein, is strictly prohibited. No party other than an Intended User identified herein may rely on this report and the appraisal contained herein.

12. Unless otherwise stated in the agreement to prepare this report, the appraiser shall not be required to participate in or prepare for or attend any judicial, arbitration, or administrative proceedings.
13. The Americans with Disabilities Act (ADA) became effective January 26, 1992. No survey or analysis of the Property has been made in connection with this report to determine whether the physical aspects of the improvements meet the ADA accessibility guidelines. No expertise in ADA issues is claimed, and the report renders no opinion regarding the Property's compliance with ADA regulations. Inasmuch as compliance matches each owner's financial ability with the cost to cure the non-conforming physical characteristics of a property, a specific study of both the owner's financial ability and the cost to cure any deficiencies would be needed for the Department of Justice to determine compliance.
14. Acceptance and/or use of this report constitutes full acceptance of these Assumptions and Limiting Conditions and any others contained in this report, including any Extraordinary Assumptions and Hypothetical Conditions, and is subject to the terms and conditions contained in the agreement to prepare this report and full acceptance of any limitation of liability or claims contained therein.

**Addendum A**  
**Glossary of Terms**



The following definitions are derived from The Dictionary of Real Estate Appraisal, 6th ed. (Chicago: Appraisal Institute, 2015).

- ◆ **Absorption Period:** The actual or expected period required from the time a property, group of properties, or commodity is initially offered for lease, purchase, or use by its eventual users until all portions have been sold or stabilized occupancy has been achieved.
- ◆ **Absorption Rate:** 1) Broadly, the rate at which vacant space in a property or group of properties for sale or lease has been or is expected to be successfully sold or leased over a specified period of time. 2) In subdivision analysis, the rate of sales of lots or units in a subdivision.
- ◆ **Ad Valorem Tax:** A tax levied in proportion to the value of the thing(s) being taxed. Exclusive of exemptions, use-value assessment provisions, and the like, the property tax is an ad valorem tax. (International Association of Assessing Officers [IAAO])
- ◆ **Assessed Value:** The value of a property according to the tax rolls in ad valorem taxation; may be higher or lower than market value, or based on an assessment ratio that is a percentage of market value.
- ◆ **Cash Equivalency:** An analytical process in which the sale price of a transaction with nonmarket financing or financing with unusual conditions or incentives is converted into a price expressed in terms of cash or its equivalent.
- ◆ **Contract Rent:** The actual rental income specified in a lease.
- ◆ **Disposition Value:** The most probable price that a specified interest in property should bring under the following conditions: 1) Consummation of a sale within a specified time, which is shorter than the typical exposure time for such a property in that market. 2) The property is subjected to market conditions prevailing as of the date of valuation. 3) Both the buyer and seller are acting prudently and knowledgeably. 4) The seller is under compulsion to sell. 5) The buyer is typically motivated. 6) Both parties are acting in what they consider to be their best interests. 7) An adequate marketing effort will be made during the exposure time. 8) Payment will be made in cash in US dollars (or the local currency) or in terms of financial arrangements comparable thereto. 9) The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. This definition can also be modified to provide for valuation with specified financing terms.
- ◆ **Effective Rent:** Total base rent, or minimum rent stipulated in a lease, over the specified lease term minus rent concessions; the rent that is effectively paid by a tenant net of financial concessions provided by a landlord.
- ◆ **Excess Land:** Land that is not needed to serve or support the existing use. The highest and best use of the excess land may or may not be the same as the highest and best use of the improved parcel. Excess land has the potential to be sold separately and is valued separately. See also *surplus land*.

- ◆ **Excess Rent:** The amount by which contract rent exceeds market rent at the time of the appraisal; created by a lease favorable to the landlord (lessor) and may reflect unusual management, unknowledgeable or unusually motivated parties, a lease execution in an earlier, stronger rental market, or an agreement of the parties.
- ◆ **Exposure Time:** 1) The time a property remains on the market. 2) [The] estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.
- ◆ **Extraordinary Assumption:** An assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions. See also **hypothetical condition**.
- ◆ **Fee Simple Estate:** Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.
- ◆ **Floor Area Ratio (FAR):** The relationship between the above-ground floor area of a building, as described by the zoning or building code, and the area of the plot on which it stands; in planning and zoning, often expressed as a decimal, e.g., a ratio of 2.0 indicates that the permissible floor area of a building is twice the total land area.
- ◆ **Frictional Vacancy:** The amount of vacant space needed in a market for its orderly operation. Frictional vacancy allows for move-ins and move-outs.
- ◆ **Full Service Lease:** See **gross lease**.
- ◆ **General Vacancy:** A method of calculating any remaining vacancy and collection loss considerations when using discounted cash flow (DCF) analysis, where turnover vacancy has been used as part of the income estimate. The combined effects of turnover vacancy and general vacancy relate to total vacancy and collection loss.
- ◆ **Going-Concern Premise:** One of the premises under which the total assets of a business can be valued; the assumption that a company is expected to continue operating well into the future (usually indefinitely).
- ◆ **Going Concern Value:** An outdated label for the market value of all the tangible and intangible assets of an established and operating business with an indefinite life, as if sold in aggregate; more accurately termed the market value of the going concern or market value of the total assets of the business.
- ◆ **Gross Building Area (GBA):** 1) Total floor area of a building, excluding unenclosed areas, measured from the exterior of the walls of the above grade area. This includes mezzanines and basements if and when typically included in the market area of the type of property involved. 2) Gross leasable area plus all common areas. 3) For residential space, the total area of all floor levels measured from the exterior of the walls and including the superstructure and substructure basement; typically does not include garage space.

- ◆ **Gross Lease:** A lease in which the landlord receives stipulated rent and is obligated to pay all of the property's operating and fixed expenses; also called full-service lease.
- ◆ **Hypothetical Condition:** 1) A condition that is presumed to be true when it is known to be false. (Appraisal Institute: The Standards of Valuation Practice [SVP]) 2) A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. See also **extraordinary assumption**.
- ◆ **Intended Users:** 1) The party or parties the valuer intends will use the report. (SVP) 2) The client and any other party as identified, by name or type, as users of the appraisal or appraisal review report by the appraiser, based on communication with the client at the time of the assignment. (USPAP, 2020-2021 ed.)
- ◆ **Investment Value:** 1) The value of a property to a particular investor or class of investors based on the investor's specific requirements. Investment value may be different from market value because it depends on a set of investment criteria that are not necessarily typical of the market. 2) The value of an asset to the owner or a prospective owner for individual investment or operational objectives. (International Valuation Standards [IVS])
- ◆ **Land-to-Building Ratio:** The proportion of land area to gross building area; one of the factors determining comparability of properties.
- ◆ **Lease:** A contract in which the rights to use and occupy land, space, or structures are transferred by the owner to another for a specified period of time in return for a specified rent.
- ◆ **Leased Fee Interest:** The ownership interest held by the lessor, which includes the right to receive the contract rent specified in the lease plus the reversionary right when the lease expires.
- ◆ **Leasehold Interest:** The right held by the lessee to use and occupy real estate for a stated term and under the conditions specified in the lease.
- ◆ **Lessee:** One who has the right to occupancy and use of the property of another for a period of time according to a lease agreement.
- ◆ **Lessor:** One who conveys the rights of occupancy and use to others under a lease agreement.
- ◆ **Liquidation Value:** The most probable price that a specified interest in property should bring under the following conditions: 1) Consummation of a sale within a short time period. 2) The property is subjected to market conditions prevailing as of the date of valuation. 3) Both the buyer and seller are acting prudently and knowledgeably. 4) The seller is under extreme compulsion to sell. 5) The buyer is typically motivated. 6) Both parties are acting in what they consider to be their best interests. 7) A normal marketing effort is not possible due to the brief exposure time. 8) Payment will be made in cash in US dollars (or the local currency) or in terms of financial arrangements comparable thereto. 9) The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone

associated with the sale. This definition can also be modified to provide for valuation with specified financing terms.

- ◆ **Market Rent:** The most probable rent that a property should bring in a competitive and open market reflecting the conditions and restrictions of a specified lease agreement, including the rental adjustment and revaluation, permitted uses, use restrictions, expense obligations, term, concessions, renewal and purchase options, and tenant improvements (TIs).
- ◆ **Market Value:** A type of value that is the major focus of most real property appraisal assignments. Both economic and legal definitions of market value have been developed and refined, such as the following. 1) The most widely accepted components of market value are incorporated in the following definition: The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress. 2) Market value is described, not defined, in the Uniform Standards of Professional Appraisal Practice (USPAP) as follows: A type of value, stated as an opinion, that presumes the transfer of a property (i.e., a right of ownership or a bundle of such rights), as of a certain date, under specific conditions set forth in the definition of the term identified by the appraiser as applicable in an appraisal. <sup>2</sup>
- ◆ **Market Value of the Going Concern:** The market value of an established and operating business including the real property, personal property, financial assets, and the intangible assets of the business.
- ◆ **Marketing Time:** An opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal. Marketing time differs from exposure time, which is always presumed to precede the effective date of an appraisal.
- ◆ **Modified Gross Lease:** A lease in which the landlord receives stipulated rent and is obligated to pay some, but not all, of the property's operating and fixed expenses. Since assignment of expenses varies among modified gross leases, expense responsibility must always be specified. In some markets, a modified gross lease may be called a double net lease, net net lease, partial net lease, or semi-gross lease.
- ◆ **Net Lease:** A lease in which the landlord passes on all expenses to the tenant. See also **gross lease;** **modified gross lease.**
- ◆ **Net Net Net Lease:** An alternative term for a type of net lease. In some markets, a net net net lease is defined as a lease in which the tenant assumes all expenses (fixed and variable) of operating a property except that the landlord is responsible for structural maintenance, building reserves, and management; also called NNN lease, triple net lease, or fully net lease.

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<sup>2</sup> The actual definition of value used for this appraisal is contained within the body of the report. The definition of market value given above is general in viewpoint and is only provided for amplification.



- ◆ **Occupancy Rate:** 1) The relationship or ratio between the potential income from the currently rented units in a property and the income that would be received if all the units were occupied. 2) The ratio of occupied space to total rentable space in a building.
- ◆ **Overage Rent:** The percentage rent paid over and above the guaranteed minimum rent or base rent; calculated as a percentage of sales in excess of a specified breakpoint sales volume.
- ◆ **Percentage Rent:** Rental income received in accordance with the terms of a percentage lease; typically derived from retail store and restaurant tenants and based on a certain percentage of their gross sales.
- ◆ **Prospective Opinion of Value:** A value opinion effective as of a specified future date. The term does not define a type of value. Instead, it identifies a value opinion as being effective at some specific future date. An opinion of value as of a prospective date is frequently sought in connection with projects that are proposed, under construction, or under conversion to a new use, or those that have not yet achieved sellout or a stabilized level of long-term occupancy.
- ◆ **Rentable Area:** For office or retail buildings, the tenant's pro rata portion of the entire office floor, excluding elements of the building that penetrate through the floor to the areas below. The rentable area of a floor is computed by measuring to the inside finished surface of the dominant portion of the permanent building walls, excluding any major vertical penetrations of the floor. Alternatively, the amount of space on which the rent is based; calculated according to local practice.
- ◆ **Retrospective Value Opinion:** A value opinion effective as of a specified historical date. The term retrospective does not define a type of value. Instead, it identifies a value opinion as being effective at some specific prior date. Value as of a historical date is frequently sought in connection with property tax appeals, damage models, lease renegotiation, deficiency judgments, estate tax, and condemnation. Inclusion of the type of value with this term is appropriate, e.g., "retrospective market value opinion."
- ◆ **Shell Rent:** The typical rent paid for retail, office, or industrial tenant space based on minimal "shell" interior finishes (called vanilla finish or white wall finish in some areas). Usually the landlord delivers the main building shell space or some minimum level of interior build-out, and the tenant completes the interior finish, which can include wall, ceiling, and floor finishes, mechanical systems, interior electricity, and plumbing. Typically these are long-term leases with tenants paying all or most property expenses.
- ◆ **Surplus Land:** Land that is not currently needed to support the existing use but cannot be separated from the property and sold off for another use. Surplus land does not have an independent highest and best use and may or may not contribute value to the improved parcel. See also **excess land**.
- ◆ **Turnover Vacancy:** A method of calculating vacancy allowance that is estimated or considered as part of the potential income estimate when using discounted cash flow (DCF) analysis. As units or suites turn over and are available for re-leasing, the periodic vacancy time frame (vacancy window) to release the space is considered.

- ◆ **Usable Area:** 1) For office buildings, the actual occupiable area of a floor or an office space; computed by measuring from the finished surface of the office side of corridor and other permanent walls, to the center of partitions that separate the office from adjoining usable areas, and to the inside finished surface of the dominant portion of the permanent outer building walls. Sometimes called net building area or net floor area. See also floor area. 2) The area that is actually used by the tenants measured from the inside of the exterior walls to the inside of walls separating the space from hallways and common areas.
- ◆ **Use Value:** The value of a property assuming a specific use, which may or may not be the property's highest and best use on the effective date of the appraisal. Use value may or may not be equal to market value but is different conceptually. See also **value in use**.
- ◆ **Value In Use:** The value of a property assuming a specific use, which may or may not be the property's highest and best use on the effective date of the appraisal. Value in use may or may not be equal to market value but is different conceptually. See also **use value**.
- ◆ **Value Indication:** A valuer's conclusion of value resulting from the application of an approach to value, e.g., the value indication by the sales comparison approach.

**Addendum B**  
**Engagement Letter**



May 24, 2021

Craig T. Meyers, PE, CFM  
Community Development Director  
CITY OF TOMBALL  
401 Market Street  
Tomball, TX 77375  
Phone: 281.290.1412  
Email: CMeyers@tomballtx.gov

Re: Appraisal of the property described as:  
0.5211 AC Tract and 0.7040 AC Tract - Final Calvary Baptist of Tomball Subdivision, Hufsmith  
Kohrville Road, Tomball, Harris County, 77375 (“**Property**”)

Dear Mr. Meyers:

Newmark Knight Frank Valuation & Advisory, LLC (“**Firm**”) agrees to provide City of Tomball (“**Client**”) an appraisal of the above-referenced Property in accordance with, and subject to, the terms and conditions set forth below and in the attached Schedules (collectively, “**Agreement**”).

APPRAISAL FEE: \$2,800.00 (inclusive of expenses).

ADDITIONAL HOURLY FEES: None

RETAINER: None

REPORT DELIVERABLES: The appraisal, draft and/or final, shall be delivered in electronic format (typically, pdf). One original hard copy of the final appraisal will be provided to Client upon request.

COMMENCEMENT AND DELIVERY DATE: Delivery is as follows:  
Final appraisal report: two (2) weeks

The appraisal process will commence upon receipt by the Firm of (i) this Agreement, signed by Client, and (ii) information and materials identified in Schedule “B.” The appraisal process will conclude upon delivery of the final appraisal report, unless terminated sooner by the Firm or Client or as provided herein.

REPORT TYPE: Appraisal Report

VALUATION PREMISE: Market Value

INTEREST IN THE PROPERTY APPRAISED: Fee Simple Estate

DATE(S) OF VALUE: Current as of: the Date of Inspection

INTENDED USER(S): Intended users of the appraisal include only Client: City of Tomball (“**Intended Users**”), and no other party is permitted to use or rely on the appraisal. The identification of Intended User(s) of the appraisal is to determine the type and extent of research, analysis and reporting appropriate for the assignment. Designation of a party other than Client as an Intended User is not intended to confer upon such party any rights under this Agreement.

INTENDED USE: The intended use of the appraisal is solely for internal business decisions (“**Intended Use**”) and no other use.

RELIANCE LANGUAGE: None

GUIDELINES: The analyses, opinions and conclusions are to be developed based on, and the appraisal will be prepared in conformance with the Uniform Standards of Professional Appraisal Practice (USPAP) as published by the Appraisal Foundation.

SCOPE OF WORK: The appraiser will use and properly apply all applicable and appropriate approaches to value sufficient to produce credible assignment results. The scope of the analysis will be appropriate for the appraisal problem.

ASSUMPTIONS/  
LIMITING CONDITIONS: The appraisal will be subject to Firm’s standard Assumptions and Limiting Conditions, which will be incorporated into the appraisal report. In addition, the appraisal may be subject to, and the appraisal report may contain, Extraordinary Assumptions and Hypothetical Conditions.

ACCEPTANCE: This shall constitute a binding agreement only if countersigned by the Client, or by an officer, director or other representative of Client who, by signing and accepting this Agreement, represents and warrants that he/she is authorized by Client to do so.

PAYMENT: Client will be invoiced the appraisal fee (and any expenses) which will be earned in full upon initial delivery of the appraisal report (draft or final), with such appraisal fee (and expenses) payable within 30 days of invoicing.

Payment of the fee is not contingent upon any predetermined value or on an action or event resulting from the analysis, opinions, conclusions or use of the appraisal.

**CHANGES TO THE AGREEMENT:**

Any significant changes to the assignment as outlined in this Agreement, such as the identity of the Client, Intended User, or Intended Use, will require the preparation and execution of a new agreement.

**CANCELLATION OF ASSIGNMENT:**

Client may cancel this Agreement at any time prior to the Firm's delivery of the appraisal upon written notification to the Firm. Client shall pay Firm for all work completed on the assignment prior to Firm's receipt of such written cancellation notice, unless otherwise agreed upon by Firm and Client in writing. The Firm may withdraw without penalty or liability from the assignment(s) contemplated by the Agreement before completion or reporting if the Firm determines, in the Firm's sole discretion, that incomplete information was provided to the Firm prior to the engagement, that Client or other parties have not or cannot provide documentation or information necessary to the Firm's analysis or reporting, that conditions of the Property render the original scope of work inappropriate, that a conflict of interest has arisen, or that Client has not complied with its payment obligations under this Agreement. The Firm shall notify Client of such withdrawal in writing.

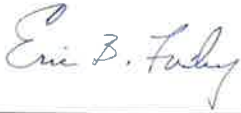
**NO THIRD-PARTY BENEFICIARIES:**

Nothing in the Agreement shall create a contractual relationship or any legal duty between Firm or Client and any third party, nor any cause of action, right, or claim in favor of any third party and against Firm or Client. In addition, this Agreement is not intended to, and shall not be construed to, render any person or entity a third-party beneficiary of this Agreement. Client acknowledges and agrees that the appraisal report shall reflect the foregoing. In addition, the appraisal report shall state that no party other than an Intended User identified in the Agreement is entitled to rely upon the appraisal.

This Agreement may be rescinded by the Firm unless signed and returned to the undersigned within 10 days from the date hereof.

If this Agreement correctly sets forth the Client's understanding of the services to be rendered, and if the terms are satisfactory, please execute and return the Agreement together with any required retainer.

Respectfully,



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Eric B. Finley, MAI, SRA  
Senior Managing Director  
Certified General Appraiser  
License No. TX 1323329 G  
Eric.Finley@nmrk.com  
713.490.9954 Office Direct  
713.204.7190 Cell

Agreed:  
CITY OF TOMBALL

SIGNATURE:



PRINT NAME:

Craig T. Meyers

TITLE:

Community Development Director

DATE:

5/25/2021

Schedule "A"

## TERMS AND CONDITIONS

### ATTACHED TO AND A PART OF THE AGREEMENT DATED MAY 24, 2021 TO PROVIDE APPRAISAL SERVICES FOR CITY OF TOMBALL

1. These Terms and Conditions are attached to and incorporated into the above referenced Agreement as though fully set forth in full therein. Capitalized terms if not defined herein shall have the same meaning as defined in the Agreement.
2. With respect to any appraisal report, use of or reliance on the appraisal by any party, regardless of whether the use or reliance is authorized or known by the Firm, constitutes acceptance of these Terms and Conditions as well as acceptance of all other appraisal statements, limiting conditions and assumptions stated in the Agreement and appraisal report.
3. It is assumed that there are no matters affecting the Property that would require the expertise of other professionals, such as engineers or an environmental consultant, for Firm to provide the appraisal. If such additional expertise is required, it shall be provided by other parties retained by Client at Client's sole cost and expense.
4. Client acknowledges that the Firm is being retained as an independent contractor to provide the services described herein and nothing in this Agreement shall be deemed to create any other relationship between Firm and Client, including but not limited to an agency relationship. The parties neither intend nor have any expectation that any such relationship will arise as a matter of law or as a result of this Agreement. This assignment shall be deemed concluded and the services hereunder completed upon delivery of the appraisal described herein to Client.
5. All statements of fact contained in the appraisal report as a basis of the appraiser's analyses, opinions, and conclusions will be true and correct to the best of the appraiser's actual knowledge and belief. The appraiser is entitled to, and shall rely upon the accuracy of information and material furnished to the Firm by Client. Appraiser is also entitled to, and shall, rely on information provided by sources upon which members of the appraisal profession typically rely and that are deemed to be reliable by members of that profession without independent verification.
6. The Firm and the appraiser shall have no responsibility for legal matters, or questions or issues involving survey or title, soil or subsoil conditions, engineering, zoning, buildability, environmental contamination, structural matters, construction defects, material or methodology, or other similar technical matters with regarding the Property. Furthermore, the appraisal will not constitute a survey of the Property.
7. The appraisal and the data and information gathered in its preparation (other than the confidential data and information provided by Client) is and will remain, the property of the Firm. The Firm shall not violate the confidential nature of the appraiser-client relationship by improperly disclosing any confidential information furnished by Client to the Firm. Notwithstanding the foregoing, the Firm and the appraiser are authorized by Client to disclose all or any portion of the appraisal and appraisal report and the related data and information, including confidential data and information provided by Client, to appropriate representatives of the Appraisal Institute if such disclosure is required to comply with the Standards, Bylaws and Regulations of the Appraisal Institute, as well as, such disclosure as required



by law and regulations, including compliance with a subpoena and licensing authority regulatory inquiries. The Firm is also authorized to include both confidential and non-confidential data assembled in the course of preparing the appraisal and which may be incorporated into the appraisal report in a database controlled by the Firm for the aggregation of such data and information to produce analytics and other metrics or products.

8. Unless specifically noted in the appraisal report, the appraisal will not take into consideration the possibility or probability of the existence of asbestos, PCB transformers, other toxic, hazardous, or contaminated substances and/or underground storage tanks (hazardous material) at on or in the Property, or the cost of encapsulation, removal or remediation thereof.
9. Client shall indemnify, defend (by counsel to be selected by Firm), protect, and hold Firm and Firm's appraisers, agents, employees, affiliates, representatives, successors and assigns (each, a "**Firm Party**"), free and harmless from any and all claims, liabilities, losses, penalties, fines, forfeitures, amounts paid in settlement, judgments, and all reasonable attorneys' fees and related litigation costs, fees and expenses incurred by the any of such indemnitees, which result from (i) any failure by Client or Client's agents or representatives to provide Firm with complete and accurate information regarding the Property; (ii) any material breach by Client of the provisions of the Agreement; (iii) if delivery of the appraisal to a third party is permitted by the Firm, Client providing an incomplete copy of the appraisal to such third party; or (iv) arising from Client or Client's agents or representatives providing a copy of the appraisal to a party not authorized by the Firm to receive such copy.
10. In preparing the appraisal, it is possible that the appraiser will discover conflicting information. In that event, appraiser will utilize information and data considered to be the most authoritative and for critical information will document the source. Information and data referred to may include, but is not limited to, legal descriptions; physical street addresses; assessor parcel numbers; property history; dimensions and areas of the site/land; dimensions and areas of the building improvements; physical unit counts; rent rolls; leases; lease abstracts; income and expense data; and any other related data. Any material discrepancy and/or error in any of the above data could have a substantial impact on the conclusions reported, and the Firm therefore reserves the right to amend conclusions reported if the Firm is made aware of any such discrepancy and/or error.
11. The appraisal may not be used, included or referenced, in whole or in part, in any offering or other materials without the prior written consent of the Firm, which consent may be conditioned upon the receipt by the Firm of an indemnity agreement, in form and content, satisfactory to Firm and provided by an indemnitor satisfactory to Firm. Client agrees to pay the fees of the Firm's legal counsel for review of any materials which is the subject of the requested consent. Except as agreed by the Firm expressly in writing, the Firm disclaims liability to any party other than Client.
12. The Firm shall not provide a copy of the appraisal to, or disclose the results of the appraisal to, any party other than Client, unless Client authorizes same, except as provided in the Confidentiality Section of the ETHICS RULE of the Uniform Standards of Professional Appraisal Practice (USPAP) or as otherwise required by law or regulations.
13. Client and any other identified Intended User should consider the appraisal as only one factor together with its own independent considerations and underwriting guidelines in making any decision or investment or taking any action regarding the Property. Client agrees that Firm shall not be responsible

in any way for any decision of Client or any Intended User related to the Property or for the advice or services provided by any other advisors or contractors.

14. Unless otherwise stated in this Agreement, Client agrees that the services pursuant to this Agreement shall not include participation in or preparation for, or attendance at, any legal, judicial, administrative, or arbitration proceeding relating to this assignment. In the event the Firm or any Firm Party is required, whether through the service of a subpoena or otherwise, to produce documents or participate in or prepare for any discovery, testimony or attendance, relating to the appraisal or this assignment, where the Firm or Firm Party is not a party to the action or proceedings involved, Client agrees to reimburse expenses incurred by the Firm or Firm Party, including attorney's fees, in responding to such subpoena or other legal process and compensate the Firm therefor based upon the appraiser's prevailing hourly or daily rate for providing services as an expert consultant or witness.
15. Except as expressly provided herein, Firm makes no representations or warranties to Client or to any other person or entity with respect to the appraisal and the services to be provided by Firm under this Agreement. To the maximum extent permitted under applicable law, in no event will the Firm or any Firm Party be liable to Client or any third party (regardless of whether such party's claimed use or reliance on the appraisal was authorized by the Firm or a Firm Party) for any indirect, special, exemplary, incidental, or consequential damages (including loss of profits) arising from or relating to this Agreement or the appraisal, even if such party knew or should have known of the possibility of, or could reasonably have prevented, such damages. In no event shall the total liability of the Firm or any Firm Party to Client or any third party (regardless of whether such party's claimed use or reliance on the appraisal was authorized by the Firm or a Firm Party) arising from or relating to this Agreement or the appraisal, whether based on tort, contract, or any other legal theory, exceed the amount of fees paid to the Firm for the appraisal and the services described herein. Legal claims or causes of action relating to the appraisal are not assignable, except: (i) as the result of a merger, consolidation, sale or purchase of a legal entity, (ii) with regard to the collection of a bona fide existing debt for services but then only to the extent of the total compensation for the appraisal plus reasonable interest, or (iii) in the case of an appraisal performed in connection with the origination of a mortgage loan, as part of the transfer or sale of the mortgage before an event of default on the mortgage or note or its legal equivalent.
16. Federal banking regulations require banks and other lending institutions to engage appraisers where FIRREA compliant appraisals must be used in connection with mortgage loans or other transactions involving federally regulated lending institutions. In view of that requirement, the appraisal may not be accepted by a federally regulated financial institution.
17. In the event Client fails to make payments of any fees or sums when due and payable under this Agreement; then from the date due and payable until paid, the amount due and payable shall bear interest at the maximum rate permitted under the laws of the state in which the Property is located. If the Firm is required to undertake collection efforts including institution of legal action against Client relating to the Agreement, the Firm shall be entitled to recover attorney's fees, litigation expenses, and costs from Client.
18. To the extent permitted under applicable law, any legal action or lawsuit or other proceeding by Client or any Intended User of the appraisal against Firm or a Firm Party whether based in contract, tort, warranty, indemnity or otherwise, relating to the appraisal shall be commenced within two (2) years

from the date of delivery of the appraisal to the claimant in such action or proceeding, unless the applicable law provides for a shorter period, and any such claimant waives the right to a jury in any such legal action or lawsuit or other proceeding. Notwithstanding the state of domicile or residency of either party to this Agreement, this Agreement shall be governed and construed under the laws of the state in which the Property is located, and venue for any action or proceeding arising out of this Agreement shall be deemed proper only in the court of competent jurisdiction located in the state in which the Property is located.

19. Throughout the performance of services under this Agreement, the Firm shall maintain at its sole cost and expense the following insurance:
- (a) Workers' Compensation, so as to provide statutory benefits as required by the laws of each state within the United States in which the Firm's services are being provided, and Employer's Liability insurance with limits of liability of \$1,000,000 each accident, \$1,000,000 disease each employee and \$1,000,000 disease policy limit covering all employees of the Firm engaged in the performance of such services.
  - (b) Fidelity insurance or bond with a limit of \$1,000,000 to insure the Firm against loss of its or Client's assets caused from the dishonest acts of the Firm's employees.
  - (c) Professional Liability insurance with a limit of liability of \$1,000,000 each claim and \$1,000,000 aggregate, which limits may be provided by a combination of primary and excess policies.
  - (d) Commercial General Liability insurance providing coverage against damages due to bodily injury (including death), property damage and personal and advertising injury arising in connection with the Firm's services provided under this Agreement, which insurance coverage shall: (i) be occurrence-based; (ii) provide limits of liability in an amount of \$1,000,000 each occurrence and \$1,000,000 aggregate (including excess and/or umbrella limits), (iii) include at least those coverages generally included in the most current ISO Commercial General Liability insurance policy form (or its equivalent); and (iv) include Client, and such other persons or entities as Client has identified in writing, as additional insureds solely with regard to claims arising out of this Agreement.
  - (e) Commercial automobile liability for owned, hired and non-owned motor vehicles, with a \$1,000,000 combined single limit.

Schedule "B"

## PROPERTY INFORMATION LIST

ATTACHED TO AND A PART OF THE AGREEMENT DATED MAY 24, 2021 TO PROVIDE APPRAISAL SERVICES FOR CITY OF TOMBALL

The following information is requested to be delivered to the Firm so we can provide the proposed services and prepare the Appraisal within the agreed upon time frame. Please forward the physical data such as the site plan, previous engineering reports and/or property reports describing the physical attributes of the Property and all financial information such as rent roll and income and expense statements first as these items are the most time sensitive and should be received immediately to meet the time requirements of this assignment. If, at this time, you are certain you will not be providing any specific items noted below, please cross out the item and mark "NA" next to the item so that we will be notified that the information is not available and will not be forthcoming.

1. **Please indicate whether Newmark is sales broker, leasing broker, mortgage broker or property manager for the subject property.**
2. Site plan, if available. (Preferably, an AS BUILT PLAN showing an outline of building/s drawn to scale. Please do not send reductions so original scale may be used for measurement purposes.
3. Building plans, if available.
4. Prior engineering report or physical descriptions from prior appraisals or asset management report, if available.
5. Leasing brochures and/or other marketing materials, if available.
6. If the Property has been offered for sale within the last two years, a copy of the offering memorandum or investment book.
7. Past feasibility or market studies and economic impact studies as well as any relevant information collected from third party sources.
8. Agreements of Sale/Options to Buy (current or during last three years), if any.
9. Income and expense statements for the past three years plus year-to-date income and expense statements.
10. Operating budget for current and next year, if available.
11. Management contracts.
12. Copy of most recent real estate tax bill. Please advise if there has been a notice or inquiry by either the County Assessment Board or the School Board regarding the property assessment. Is there any pending litigation or negotiations with these parties that could result in an assessment increase or decrease?

13. Title report, Legal Description, or copy of deed. Provide a written statement of five-year history of legal property owner. Please advise, if there any deed restrictions or encumbrances, easements or cross easements.
14. Personal property inventory, if available.
15. Occupancy rates for the last three years, if not revealed in the financial statements.
16. Ground leases, if any.
17. Approximate actual construction costs, if built during the past three years.
18. Environmental audits and studies disclosing any wetlands, hazardous wastes or other environmental conditions such as asbestos or radon.
19. List of any known major repairs and improvements needed.
20. Three-year history of capital improvements.
21. Name of contact person for the on-site physical inspection.

### **For Apartment Property**

22. Unit mix showing rentable area and asking rent by unit type
23. Scaled apartment unit plans showing layouts and measurements so that rentable area can be confirmed, if available.
24. Rent roll showing tenant name, apartment number, dates of leases and the type of apartment, asking/market rents for each apartment, and contractual rent for each apartment unit. (It would be greatly appreciated if you can provide the rent roll in Excel.)
25. Terms of leases and/rent roll for leased commercial space or roof top rentals. Copies of commercial leases are desirable. If any commercial leases provide for pass through of operating expenses over a base year stop, please provide the dollar amount of the base year stop.

### **For Industrial, Office, Retail Property**

26. Rent Roll (please sign and date) and copies of leases, including addenda and all amendments. Please indicate which leases may have early termination provisions, expansion and/or purchase options. Please identify any tenants who have initiated discussions to renew, terminate or renegotiate/modify their lease(s), or who have given notice to terminate. Proposed terms for such re-negotiations should be revealed.
27. Provide letters of intent to lease or other any outstanding lease proposals that have a reasonable likelihood of being finalized into executed leases.
28. Prior Argus files, if any.
29. List of outstanding leasing commissions brokers and terms of future payments.
30. Financial information such as Annual Statements or credit report/ratings on any major tenant in the building.

31. CAM and real estate tax reimbursement worksheets or listing of base year operating expenses, if applicable.
32. Three-year history of tenant retail sales, if available.

### **For Lodging Property**

33. Terms of leases if any and/rent roll for leased commercial space or roof top rentals.
34. ADR and Occupancy rates for the last three years, if not revealed in the financial statements.
35. Business Plan and Marketing Strategy, if any for the upcoming fiscal year.
36. Terms of franchise agreement and management agreement, if any.

### **For Residential Subdivision Property**

37. Building plans for the proposed single family, townhouse, age-restricted, and condominium residences.  
Please do not send reductions so original scale may be used for measurement purposes.
38. Market Surveys and Feasibility Analyses, if any, for the proposed development program.
39. Marketing materials for the proposed single family, townhouse, age-restricted, and condominium residences.

## **Addendum C**

### **Financials and Property Information**



HARRIS COUNTY APPRAISAL DISTRICT  
 REAL PROPERTY ACCOUNT INFORMATION  
**122983000003**

Tax Year: 2021



Owner and Property Information										
Owner Name & Mailing Address: <b>CITY OF TOMBALL 401 MARKET ST TOMBALL TX 77375-4645</b>					Legal Description: <b>RES C CALVARY BAPTIST OF TOMBALL</b>					
					Property Address: <b>0 HUFSMITH KOHRVILLE RD TOMBALL TX 77375</b>					
State Class Code	Land Use Code	Building Class	Total Units	Land Area	Building Area	Net Rentable Area	Neighborhood	Market Area	Map Facet	Key Map <sup>1/2</sup>
XV -- Other Exempt (Government)	8003 -- Land Neighborhood Section 3		0	76,515 SF	0	0	9936.02	400 -- ISD 26 - Tomball ISD	4871C	289J

**Value Status Information**

Value Status	Notice Date	Shared CAD
Noticed	04/23/2021	No

**Exemptions and Jurisdictions**

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2020 Rate	2021 Rate
<b>Total</b>	026	TOMBALL ISD	306,060	Not Certified	1.290000	
	040	HARRIS COUNTY	306,060	Not Certified	0.391160	
	041	HARRIS CO FLOOD CNTRL	306,060	Not Certified	0.031420	
	042	PORT OF HOUSTON AUTHY	306,060	Not Certified	0.009910	
	043	HARRIS CO HOSP DIST	306,060	Not Certified	0.166710	
	044	HARRIS CO EDUC DEPT	306,060	Not Certified	0.004993	
	045	LONE STAR COLLEGE SYS	306,060	Not Certified	0.107800	
	083	CITY OF TOMBALL	306,060	Not Certified	0.337862	
	679	HC EMERG SERV DIST 8	306,060	Not Certified	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 [HCAD's information center at 13013 NW Freeway.](#)

**Valuations**

Value as of January 1, 2020			Value as of January 1, 2021		
	Market	Appraised		Market	Appraised
Land	0		Land	0	
Improvement	0		Improvement	0	
<b>Total</b>	<b>0</b>	<b>0</b>	<b>Total</b>	<b>0</b>	<b>0</b>

**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	8003 -- Land Neighborhood Section 3	4300	SF	76,515	1.00	1.00	1.00	--	1.00	0	0	0

**Building**

Vacant (No Building Data)



## **Addendum D**

### **Comparable Data**



## Land Sales



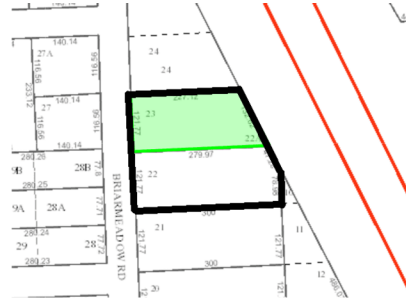
# Addenda

## Land Sale Comparable 1

### 1.54 AC West of Hwy 249

#### Location Data

Location	27918 Briar Meadow Road
City, State	Tomball, TX
Market	TX - Houston
Submarket	Houston
County	Harris
APN	1047720000023/1047720000022



#### Physical Data

Property Type	Land (General Commercial)
Use at Sale	TBD
Proposed Use	General Commercial
Acres	1.54 Acres
Land SF	67,082 SF
Useable Acres	1.54 Acres
Useable Land SF	67,082 SF
Frontage	0
Visibility	Average
Topography	Level
Shape	Irregular
Corner/Interior Location	Interior
Flood Zone	X
Utilities	Water, Sewer, Gas, Electricity
Offsite/Onsite Costs	0
Zoning	None
Allowable Bldg Area	0 SF
Allowable Bldg Units	
Verification	Confirmed-Seller Broker

#### Sale Data

Transaction Type	Closed
Date	August 31, 2020
Marketing Time	N/A
Grantor	OSBORNE CHRISTINA E
Grantee	BAYNE ROY
Document No.	RP-2020-408666
Price	\$368,714
Financing Terms	Cash to Seller
Price Adjustments For:	
Financing	\$0
Conditions of Sale	\$0
Other	\$0
Adjusted Price	\$368,714

#### Analysis

Price per Acre	\$239,426
Price Per SF	\$5.50
Price per Unit	\$0
Price per FAR	\$0.00

#### Comments



# Addenda

## Land Sale Comparable 2

### 3.63 Acres of Land

#### Location Data

Location	SWC of Triechel Road & FM 2920
City, State	Tomball, TX
Market	Valuation Properties
Submarket	Valuation Land
County	Harris
APN	1394920010001



#### Physical Data

Property Type	Land (Retail Commercial)
Use at Sale	TBD
Proposed Use	Retail Commercial
Acres	3.63 Acres
Land SF	157,925 SF
Useable Acres	3.63 Acres
Useable Land SF	157,925 SF
Frontage	0
Visibility	Average
Topography	Level
Shape	Irregular
Corner/Interior Location	Corner
Flood Zone	X
Utilities	Water, Sewer, Gas, Electricity
Offsite/Onsite Costs	0
Zoning	None
Allowable Bldg Area	0 SF
Allowable Bldg Units	
Verification	Confirmed-Buyer

#### Sale Data

Transaction Type	Closed
Date	May 21, 2018
Marketing Time	N/A
Grantor	Majed Inc.
Grantee	Bellfort Holdings LLC
Document No.	RP-2018-222819
Price	\$895,000
Financing Terms	Cash to Seller
Price Adjustments For:	
Financing	\$0
Conditions of Sale	\$0
Other	\$0
Adjusted Price	\$895,000

#### Analysis

Price per Acre	\$246,865
Price Per SF	\$5.67
Price per Unit	\$0
Price per FAR	\$0.00

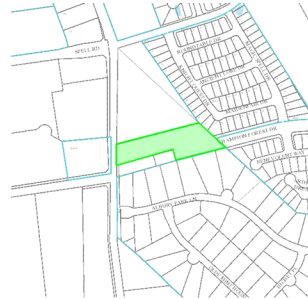
#### Comments

The property is located at the southwest corner of Triechel Rd and FM 2920 in Tomball, TX. All utilities were available to the site at the time of our research. The buyer intends to develop a gas station on the site.

# Addenda

## Land Sale Comparable 3 5-acres East of Hufsmith-Kohrville Rd

Location Data	
Location	21014 Hufsmith Kohrville Road
City, State	Tomball, TX
Market	Valuation Properties
Submarket	Valuation Land
County	Harris
APN	0410260000168



Physical Data	
Property Type	Land (General Commercial)
Use at Sale	0
Proposed Use	General Commercial
Acres	5.00 Acres
Land SF	217,800 SF
Useable Acres	5.00 Acres
Useable Land SF	217,800 SF
Frontage	0
Visibility	Average
Topography	Rough Graded
Shape	Irregular
Corner/Interior Location	Interior
Flood Zone	X
Utilities	Water, Sewer, Electricity
Offsite/Onsite Costs	0
Zoning	None
Allowable Bldg Area	0 SF
Allowable Bldg Units	
Verification	0 SF

Sale Data	
Transaction Type	Closed
Date	February 15, 2019
Marketing Time	N/A
Grantor	SPELL MARIE S ESTATE OF
Grantee	COUNTY OF HARRIS
Document No.	RP-2019-66524
Price	\$999,999
Financing Terms	Cash to Seller
Price Adjustments For:	
Financing	\$0
Conditions of Sale	\$0
Other	\$0
Adjusted Price	\$999,999

Analysis	
Price per Acre	\$200,000
Price Per SF	\$4.59
Price per Unit	\$0
Price per FAR	\$0.00

### Comments



# Addenda

## Land Sale Comparable 4

### 1.06 AC on Alma Street

#### Location Data

Location	Alma Street
City, State	Tomball, TX
Market	TX - Houston
Submarket	Outside Metro Area
County	Harris
APN	1261690010002



#### Physical Data

Property Type	Land (General Commercial)
Use at Sale	0
Proposed Use	General Commercial
Acres	1.06 Acres
Land SF	46,174 SF
Useable Acres	1.06 Acres
Useable Land SF	46,174 SF
Frontage	0
Visibility	Average
Topography	Level
Shape	Irregular
Corner/Interior Location	Interior
Flood Zone	X
Utilities	Water, Sewer, Gas, Electricity
Offsite/Onsite Costs	0
Zoning	0
Allowable Bldg Area	0 SF
Allowable Bldg Units	0 SF
Verification	Confirmed-Seller Broker

#### Sale Data

Transaction Type	Listing
Listing Date	January 0, 1900
Marketing Time	N/A
Grantor	JORDAN MARIA
Grantee	Current Listing
Document No.	Current Listing
Listing Price	\$400,000
Financing Terms	Cash to Seller
Price Adjustments For:	
Financing	\$0
Conditions of Sale	\$0
Other	\$0
Adjusted Price	\$400,000

#### Analysis

Price per Acre	\$377,355
Price Per SF	\$8.66
Price per Unit	\$0
Price per FAR	\$0.00

#### Comments

## **Addendum E**

### **Appraiser Qualifications and Licenses**





## ERNEST W. WOLF, MAI

### Senior Vice President



Newmark Knight Frank  
1700 Post Oak Blvd  
2 BLVD Place, Suite 250  
Houston, TX 77056  
ernest.wolf@ngkf.com  
T 713.300.7919  
F 713.703.8038

### Years of Experience

30+ Years

### Areas of Specialization

- ◆ Valuation & Advisory
- ◆ Senior Housing
- ◆ Medical Office
- ◆ Industrial

Ernest W. Wolf, MAI, joined Newmark Knight Frank's Valuation & Advisory in 2017 as a Senior Vice President in the company's Houston office. In this role, Mr. Wolf assists in the valuation of a wide array of industrial, property types. He also provides various consulting services such as feasibility studies, market rent studies, going concern valuations, and highest and best uses analyses. He brings to his position 30 plus years of experience in the real estate appraisal industry.

Over the course of his 30-year career, Mr. Wolf has successfully completed assignments involving a wide variety of property types, including office, retail, industrial, hotel, multi-housing, medical office buildings, restaurants and special-purpose properties located both within the Houston metropolitan area and throughout the United States. In particular, Mr. Wolf has gained an exceptional understanding of the industrial market including valuation of business centers, light and heavy manufacturing facilities and distribution centers.

Mr. Wolf joined Newmark Knight Frank in 2017 after nearly 19 years in CBRE's Houston office, where he most recently served as a senior vice president of the Valuation & Advisory Services Group. In this role, he was responsible for real estate appraisal industrial, retail, office, assisted living, independent living, skilled nursing, CCRC, surgery centers, acute care hospitals and rehabilitation hospital properties for clients in Texas, Oklahoma, Louisiana and Arkansas.

Prior to CBRE, Mr. Wolf worked for as a senior appraisal officer in Bank of America's Houston office.

### PARTIAL LIST:

- ◆ Wells Fargo
- ◆ Capital One Bank
- ◆ JPMorgan Chase Bank
- ◆ Appraisal Management

### PROFESSIONAL AFFILIATIONS:

- ◆ Designated member (MAI), Appraisal Institute

### STATE CERTIFIED GENERAL REAL ESTATE APPRAISER:

- ◆ Texas No. 1321415-G

Mr. Wolf earned a Bachelor of Science degree in agriculture economics from Texas A&M University.



ERNEST WAYNE WOLF  
21002 HERSONS TERRACE STREET  
RICHMOND, TX 77406



TEXAS APPRAISER LICENSING &  
CERTIFICATION BOARD

## Certified General Real Estate Appraiser

Appraiser: **ERNEST WAYNE WOLF**

License #: **TX 1321415 G**

License Expires: **06/30/2021**

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Occupations Code, Chapter 1103, authorization is granted to use this title:  
Certified General Real Estate Appraiser

For additional information or to file a complaint please contact TALCB at [www.talcb.texas.gov](http://www.talcb.texas.gov).

  
Douglas E. Oldmixon  
Commissioner



# Eric B. Finley

MAI, SRA

*Senior Managing Director  
Co-Market Leader – TX, LA*

t 713-490-9954  
m 713-204-7190  
eric.finley@ngkf.com

## YEARS OF EXPERIENCE

30+

## AREAS OF SPECIALTY

- Industrial
- Office
- Multifamily (Conventional, Affordable and Student Housing)
- Market Studies
- Retail
- Land Development
- Special Purpose
- Appraisal Review Services

Eric B. Finley MAI, SRA, joined Newmark Valuation & Advisory in 2017 and currently serves as a senior managing director and co-market leader for Texas and Louisiana. In this role, Eric is responsible for business development; aggressively recruiting top appraisal professionals; continuing to provide outstanding service to clients; third party appraisal review services; and overseeing a team of appraisers within the Texas and Louisiana offices of Newmark. Additionally, Eric is involved with the preparation and review of appraisal reports on a broad range of property types.

Eric is MAP (Multifamily Accelerated Processing) certified through the U.S. Department of Housing and Urban Development. He specializes in providing appraisals and market studies for HUD's 221(d)(4) financing program for multifamily developers and 223f loan program for refinancing and acquiring multifamily properties. He also specializes in market studies for the federal government's Low-Income Housing Tax Credit Properties program.

Eric joined Newmark from CBRE, where he worked for 17 years, most recently as a Managing Director in the Houston office.

### Professional Affiliations

- Former Board of Director, Appraisal Institute Houston Chapter
- Regional Representative for the Southwest Region
- SRA Demonstration Report Grader

### Licenses and Designations

- MAI designation, Appraisal Institute
- SRA designation, Appraisal Institute
- Certified general real estate appraiser, states of Texas and Louisiana

### Education

Eric earned his Bachelor of Science degree in Education from Stephen F. Austin State University.

ERIC BRIAN FINLEY  
2128 BANCROFT LANE  
HOUSTON, TX 77027



## Certified General Real Estate Appraiser

Appraiser: **ERIC BRIAN FINLEY**

License #: **TX 1323329 G**

License Expires: **07/31/2022**

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Occupations Code, Chapter 1103, authorization is granted to use this title:  
Certified General Real Estate Appraiser

For additional information or to file a complaint please contact TALCB at [www.talcb.texas.gov](http://www.talcb.texas.gov).



**Chelsea Buchholtz**  
Commissioner

HARRIS COUNTY APPRAISAL DISTRICT  
 REAL PROPERTY ACCOUNT INFORMATION  
**1381890010003**

Tax Year: 2022



Owner and Property Information										
Owner Name & Mailing Address: <b>CITY OF TOMBALL 401 MARKET ST TOMBALL TX 77375-4645</b>					Legal Description: <b>ROW-STREET WIDENING (DEDICATED PER PLAT) (NM) BRANDT HOLDINGS</b>					
					Property Address: <b>0 HUFSMITH KOHRVILLE RD TOMBALL TX 77375</b>					
State Class Code	Land Use Code	Building Class	Total Units	Land Area	Building Area	Net Rentable Area	Neighborhood	Market Area	Map Facet	Key Map <sup>1/2</sup>
XV -- Other Exempt (Government)	8001 -- Land Neighborhood Section 1		0	15,830 SF	0	0	9521.08	320 -- ISD 17 - Klein ISD	4871C	289K

**Value Status Information**

Value Status	Notice Date	Shared CAD
Noticed	04/22/2022	No

**Exemptions and Jurisdictions**

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2021 Rate	2022 Rate
<b>Total</b>	017	<a href="#">KLEIN ISD</a>	47,490	Certified: 08/19/2022	1.300100	1.230000
	040	<a href="#">HARRIS COUNTY</a>	47,490	Certified: 08/19/2022	0.376930	0.343730
	041	<a href="#">HARRIS CO FLOOD CNTRL</a>	47,490	Certified: 08/19/2022	0.033490	0.030550
	042	<a href="#">PORT OF HOUSTON AUTHY</a>	47,490	Certified: 08/19/2022	0.008720	0.007990
	043	<a href="#">HARRIS CO HOSP DIST</a>	47,490	Certified: 08/19/2022	0.162210	0.148310
	044	<a href="#">HARRIS CO EDUC DEPT</a>	47,490	Certified: 08/19/2022	0.004990	0.004900
	045	<a href="#">LONE STAR COLLEGE SYS</a>	47,490	Certified: 08/19/2022	0.107800	0.107800
	083	<a href="#">CITY OF TOMBALL</a>	42,917	Certified: 08/19/2022	0.333339	0.287248
	665	<a href="#">HC ESD 15</a>	4,573	Certified: 08/19/2022	0.048810	0.048810
679	<a href="#">HC EMERG SERV DIST 8</a>	47,490	Certified: 08/19/2022	0.094245	0.093561	

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 [HCAD's information center at 13013 NW Freeway.](#)

**Valuations**

Value as of January 1, 2021			Value as of January 1, 2022		
	Market	Appraised		Market	Appraised
Land	0		Land	0	
Improvement	0		Improvement	0	
<b>Total</b>	<b>0</b>	<b>0</b>	<b>Total</b>	<b>0</b>	<b>0</b>

**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	8001 -- Land Neighborhood Section 1	4600	SF	15,830	1.00	1.00	1.00	--	1.00	0	0	0

**Building**

Vacant (No Building Data)



# City Council Meeting Agenda Item Data Sheet

Meeting Date: November 21, 2022

**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. 551.071 – Consultation with the City Attorney regarding a matter which the Attorney’s duty requires to be discussed in closed session
- Sec. 551.076 – Deliberation regarding Security Devices

**Background:**

**Origination:** David Esquivel, City Manager

**Recommendation:**

**Party(ies) responsible for placing this item on agenda:** David Esquivel, 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 Doris Speer 10/19/22 Approved by \_\_\_\_\_  
Staff Member Date City Manager Date