

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



MONDAY, OCTOBER 17, 2016

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, October 17, 2016 at 6:00 P.M., 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.

1.0 Call to Order

2.0 Invocation

- Led by the Reverend Thomas Hopper, St. Anne's Catholic Church

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Webelos Cheetah Patrol and Infinity Vipers Patrol, Pack 469, and Tomball High School/Memorial High School Student Councils

4.0 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.]*

5.0 Reports and Announcements

- October 22, 2016 – **5th Annual Tomball Bluegrass Festival** – 12:00 Noon-6:00 p.m.
- November 12, 2016 – **2nd Saturday at the Depot**
- November 18, 2016 – **"Holiday Lamp Post Stroll"**
- November 19, 2016 – **51st Annual Tomball Holiday Parade**
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mike Baxter – Report on the success of the **"6th Annual Beetles, Brew & Barbeque Festival"** and the first **"Freight Train Food Truck Festival" at the Depot**
 - Billy Tidwell – Report on the success of **2016 National Night Out**
 - Denise Fiore – Report on the success of **"Zomball in Tomball"**

6.0 Approve the Minutes of the October 3, 2016 Regular Council Meeting and the October 10, 2016 Special Council Meeting

7.0 Old Business:

- 7.1 Adopt, on Second Reading, Ordinance No. 2016-23, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no Longer Require the Continued Existence of a Part of an Unimproved Roadway Between Epps Street and Hufsmith Road, All Situated in the Joseph House Survey, Abstract Number 34, Harris County, Texas, and as Recorded in Volume 002, Page 65 of the Map Records Of Harris County, Texas; Vacating, Abandoning, and Closing Said Unimproved Roadway and Street Right-Of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Unimproved Roadway and Street Right-Of-Way to Arthur M. Sansom; Providing for Severability; and Containing Other Provisions Relating to the Subject.
- 7.2 Adopt, on Second Reading, Ordinance No. 2016-25, an Ordinance of the City of Tomball, Texas, Setting the Total Tax Levy of \$0.341455/\$100 of taxable value for the Year 2016 on all Real and Personal Property located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject
- 7.3 Adopt, on Second Reading, Ordinance No. 2016-26, an Ordinance of the City Council of the City of Tomball, Texas Consenting to the Creation of Harris County Improvement District No. 17 and Consenting to the Annexation of Land into Said District

8.0 New Business:

- 8.1 Presentation by Allen Boone Humphries Robinson, LLP in regards to In-City Municipal Utility Districts
- 8.2 Approve Request from Woodforest Bank for City Support of the 8th Annual 5K Tomball Dash, a Certified Run, to be held in Tomball on Saturday, November 12, 2016, through In-Kind Services Provided by the City of Tomball

- 8.3 Approve Resolution No. 2016-22, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 51st Annual Tomball Holiday Parade, ***“A Gold Medal Christmas”***, to be Held in Tomball on Saturday, November 19, 2016 and to Approve Requested Street Closures and In-Kind Services
- 8.4 Consideration to approve Zoning Case P16-0140: Request by Robert Chandler, on behalf of Lone Star Partners, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.898 acres of land, legally described as 11.898 acres of land situated in the Sam Lewis Survey, Abstract Number 1704, City of Tomball, Harris County, Texas, being a portion of that certain called 160.3 acres of land described in deed and recorded under Volume 942, Page 191 of the Deed Records of Harris County, Texas, generally located at the southeast corner of SH 249 Bypass and Alice Road, from the Agricultural District to the Commercial District.
- Conduct Public Hearing on Zoning Case P16-0140
 - Adopt, on First Reading, Ordinance No. 2016-27, 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 11.898 Acres Of Land, Legally Described As 11.898 Acres Of Land Situated In The Sam Lewis Survey, Abstract Number 1704, City Of Tomball, Harris County, Texas, Being A Portion Of That Certain Called 160.3 Acres Of Land Described In Deed And Recorded Under Volume 942, Page 191 Of The Deed Records Of Harris County, Texas, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located At The Southeast Corner Of Sh 249 Bypass And Alice Road.; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.
- 8.5 Consideration to approve Zoning Case P16-0142: Request by Scott McKinzie, on behalf of BCDE, LTD., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 70 acres of land, legally described as a 70.3604 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve “C” of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor’s Lien dated December 30, 2002 and filed for record under Clerk’s File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk’s File No. 20140133968 of the Harris County Official Public Records of Real Property, within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville Road, north Spell Road, from the Single-Family 9 District to the Single-Family 6 District.
- Conduct Public Hearing on Zoning Case P16-0142
 - Adopt, on First Reading, Ordinance No. 2016-28, 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 70 Acres Of Land, Legally Described As A 70.3604 Acre Tract Of Land Situated In The Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; Being A Portion Of Unrestricted Reserve “C” Of Tomball Greens Final Plat As Shown On A Plat Filed For Record Under Film Code Number 440128 Of The Harris County Map Records, Being

The Remainder Of A Called 78.4754 Acre Tract Conveyed To BCDE, Ltd. By Special Warranty Deed With Vendor's Lien Dated December 30, 2002 And Filed For Record Under Clerk's File No. W332593 Of The Harris County Official Public Records Of Real Property And Being All Of A Called 4.882 Acres Conveyed To Eibsen & Associates, Inc. By Warranty Deed Dated March 31, 2014 And Filed For Record Under Clerk's File No. 20140133968 Of The Harris County Official Public Records Of Real Property, Within The City Of Tomball, Harris County, Texas, From The Single-Family 9 District To The Single-Family 6 District; Said Property Being Generally Located On The East Side Of Hufsmith-Kohrville Road, North Spell Road; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

- 8.6 Authorize the City Manager to Execute a Revised, FEMA-Compliant, Mutual Aid Agreement between Harris County Fire Departments
- 8.7 Discussion and Possible Action regarding On-Street and Off-Street Parking Options for the Old Town Area
- 8.8 Approve Recommended Amendments to Administrative Policy No. 23, Entitled "Park Reservation Policy"
- 8.9 Renew Contract Number 0000-10004 for Janitorial Services to Sparkling Maintenance Service
- 9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 13th day of October, 2016 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

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.ci.tomball.tx.us.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 17, 2016

Topic:

- Led by the Reverend Thomas Hopper, St. Anne’s Catholic Church

Background:

Origination:

Recommendation:

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

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 17, 2016

Topic:

- Led by Members of the Webelos Cheetah Patrol and Infinity Vipers Patrol, Pack 469, and Tomball High School/Memorial High School Student Councils

Background:

Origination:

Recommendation:

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

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 17, 2016

Topic:

Background:

Origination:

Recommendation:

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

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 17, 2016

Topic:

- October 22, 2016 – **5th Annual Tomball Bluegrass Festival** – 12:00 Noon-6:00 p.m.
- November 12, 2016 – **2nd Saturday at the Depot**
- November 18, 2016 – **"Holiday Lamp Post Stroll"**
- November 19, 2016 – **51st Annual Tomball Holiday Parade**
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Mike Baxter – Report on the success of the **"6th Annual Beetles, Brew & Barbeque Festival"** and the first **"Freight Train Food Truck Festival" at the Depot**
 - Billy Tidwell – Report on the success of **2016 National Night Out**
 - Denise Fiore – Report on the success of **"Zomball in Tomball"**

Background:

Origination:

Various

Recommendation:

N/A

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

City Secretary

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

"Tomball Bluegrass Festival"

TOMBALL TEXAS BLUEGRASS FESTIVAL

SATURDAY, OCTOBER 22, 2016 ★ 11:30 — 6 PM
AT TOMBALL'S HISTORIC DOWNTOWN RAILROAD DEPOT

- ★ DAVID DAVIS & THE WARRIOR RIVER BOYS
- ★ CHRIS HIRSCH & THE LONESTAR BLUEGRASS BAND
- ★ CHRIS HENRY & HARDCORE GRASS
- ★ KENNY SNOW & THE BORDERTOWN RAMBLERS

THE FAMOUS "SHADE TREE JAM" FOR PICKIN' WITH YOUR PALS
FOOD CRAFTS KIDS ZONE
FREE ADMISSION & PARKING



CALL 281-351-5484 OR VISIT TOMBALLTX.GOV



Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 17, 2016

Topic:

Approve the Minutes of the October 3, 2016 Regular Council Meeting and the October 10, 2016 Special Council Meeting

Background:

Origination:

City Secretary

Recommendation:

N/A

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

City Secretary

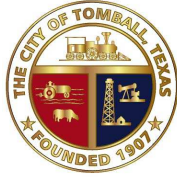
ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Draft Minutes of October 3, 2016 Regular Council Meeting

Draft Minutes of October 10, 2016 Special Council Meeting

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



MONDAY, OCTOBER 3, 2016

6:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 6:00 p.m. by Mayor Fagan. Other members present:

Councilman Hudgens
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
CSO Administrative Assistant – Tracy Garcia
Police Detective – Jason Smith

2.0 The invocation was led by Josh Eckert, Youth Minister, ChristBridge Fellowship Church

3.0 Pledges to U. S. and Texas Flags were led by Randy Parr and Robert Hauck.

4.0 The following public comments were received:

- | | | |
|---|---|---|
| Francesca Garcia
8702 (?), Houston, TS | - | Representing merchants on Main Street regarding loss of parking on Main Street, upcoming holiday season and loss of revenue, speed limit on Main Street is now over 40 mph and needs to be reduced to 30 mph, tripping hazards on sidewalk. |
| Rodney Hutson, MD
9431 Rosie Lane, 77354 | - | Comments regarding limited parking in 300 and 400 block of Main, suggestions to create one-way parking on Oak Street. |

5.0 Reports and Announcements:

- October 4, 2016 – **2016 National Night Out** – Tuesday, October 4, at the Depot – 6:00 p.m.-8:00 p.m.
- October 8, 2016 – **“Zomball in Tomball”**
- October 15, 2016 – **“Freight Train Food Truck Festival” at the Depot** – Noon to 5:30 p.m.
- October 22, 2016 – **5th Annual Tomball Bluegrass Festival** – 12:00 Noon-6:00 p.m.
- November 12, 2016 – **2nd Saturday at the Depot**
- November 18, 2016 – ***"Holiday Lamp Post Stroll"***
- November 19, 2016 – ***51st Annual Tomball Holiday Parade***
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Mike Baxter – Report on the success of the ***6th Annual Beetles, Brew & Barbeque Festival***

6.0 Motion was made by Councilman Stoll, second by Councilman Hudgens, to approve the Minutes of the September 19, 2016 Regular Council Meeting and the September 26, 2016 Special Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Degges, to adopt, on Second Reading, Ordinance No. 2016-24, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Granting a Conditional Use Permit (CUP) to Justin Cottle on Behalf of Arclight Gaming, LLC., to Operate an “Amusement, Commercial (Indoor)”;
- Said Property being Approximately 1 Acre, and Being Legally Described as Lots 1 & 2, Block 1 McCraw Acres, Tomball, Harris County, Texas, Generally Located on the North Side of Main Street, East of Willow Street, at 701 E. Main Street;
- Providing Requirements and Conditions for This CUP; Containing Findings and

Other Provisions Relating to the Subject; Providing a Penalty in an Amount Not to Exceed \$2,000 for Violations Hereof; and Providing for Severability. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

8.0 New Business:

- 8.1 Mayor Fagan called the Second Public Hearing regarding 2016 Tax Year Proposed Property Tax Rate for the City of Tomball, Texas to order at 6:13 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:13 p.m.

- 8.2 Mayor Fagan announced that voting on the proposed 2016 Tax Rate will be held at a Special Council Meeting on October 10, 2016 at 5:00 p.m. and at a Regular Council Meeting on October 17, 2016 at 6:00 p.m.

No action necessary.

- 8.3 Motion was made by Councilman Hudgens, second by Councilman Klein Quinn to approve Resolution No. 2016-21, a Resolution of the City Council of the City of Tomball, Texas, for the Designation of Its Representative and Alternate for the Houston-Galveston Area Council 2017 General Assembly, and designating Councilman Derek Townsend as the Representative and Councilman Mark Stoll as the Alternate. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Nay</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried, 4 votes Aye, 1 vote Nay.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2016-26 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2016-26, an Ordinance of the City Council of the City of Tomball, Texas Consenting to the Creation of Harris County Improvement District No. 17 and Consenting to the Annexation of Land into Said District. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.5 Consider the Adoption of a Resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; Declaring Intent to Reimburse Certain Prior Capital Costs; and Approving Other Matters Incidental Thereto:

Motion was made by Councilman Hudgens, second by Councilman Stoll, to approve Resolution No. 2016-20, a Resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; Declaring Intent to Reimburse Certain Prior Capital Costs; and Approving Other Matters Incidental Thereto. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Stoll, to award Contract for Project No. 2017-02, E&P Project Number 2016-10005, Hunterwood and Hicks Lift Station Rehabilitation, to Peltier Brothers Construction in the Amount of \$287,610.00.

Motion carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Stoll, to award contract for E&P Project Number 2017-10002 for the Design of the Critical Needs Improvements to the North and South Wastewater Treatment Plants to Freese & Nichols in the Amount of \$494,725.00.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Townsend, second by Councilman Stoll, to award Contract for E&P Project Number 2017-10003 for the Development of a Wastewater Master Plan for the City of Tomball to Freese & Nichols in the Amount of \$148,300.00.

Motion carried unanimously.

- 8.9 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2016-23 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Hudgens, second by Councilman Stoll, to award to approve Application from Arthur Sansom to Abandon a Public Right-of-Way and to adopt, on First Reading, Ordinance No. 2016-23, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no Longer Require the Continued Existence of a Part of an Unimproved Roadway Between Epps Street and Hufsmith Road, All Situated in the Joseph House Survey, Abstract Number 34, Harris County, Texas, and as Recorded in Volume 002, Page 65 of the Map Records Of Harris County, Texas; Vacating, Abandoning, and Closing Said Unimproved Roadway and Street Right-Of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Unimproved Roadway and Street Right-Of-Way to Arthur M. Sansom; Providing for Severability; and Containing Other Provisions Relating to the Subject. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.10 Executive Session: The City Council recessed at 6:30 p.m. into 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 that the Attorney's duty requires to be discussed in closed session.
- Sec. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Upon reconvening into Regular Session at 7:01 p.m., the following actions were taken:

- 8.11 Motion was made by Councilman Townsend, second by Councilman Hudgens, to Approve the proposed amendments to and extension of the Employment Contract for George Shackelford, City Manager for an additional year.

Motion carried unanimously.

- 9.0 Motion was made by Councilman Townsend, second by Councilman Degges, to adjourn.

Motion carried unanimously.

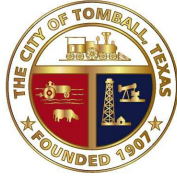
Meeting adjourned.

PASSED AND APPROVED this the 17th day of October 2016.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

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



MONDAY, OCTOBER 10, 2016

5:00 P.M.

1.0 Call to Order

The Council meeting was called to order at 5:00 p.m. by Mayor Fagan. Other members present:

Councilman Hudgens
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
Finance Director – Glenn Windsor

2.0 No Public Comments were received.

3.0 New Business:

- 3.1 Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt \$0.111455 as the Portion of the Tax Rate to Fund the Maintenance and Operations (M&O) Fund for Fiscal Year 2016-2017.

Motion carried unanimously.

- 3.2 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt \$0.230000 as the Portion of the Tax Rate to Fund the Interest and Sinking (Debt Service) Fund for Fiscal Year 2016-2017.

Motion carried unanimously.

- 3.3 Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to read Ordinance No. 2016-25 by caption only, on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Townsend, to adopt, on First Reading, Ordinance No. 2016-25, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455 for the Year 2016 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes not Timely Paid; and Providing Other Matters Relating to the Subject. Vote was as follows:

Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Klein Quinn	<u>Aye</u>

Motion carried unanimously.

- 3.4 Mayor Fagan announced that the Final Vote on the Proposed 2016 Tax Rate will be held at a Regular Council Meeting on October 17, 2016 at 6:00 p.m.

No action necessary.

- 4.0 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 17th day of October 2016.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 17, 2016

Topic:

Adopt, on Second Reading, Ordinance No. 2016-23, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no Longer Require the Continued Existence of a Part of an Unimproved Roadway Between Epps Street and Hufsmith Road, All Situated in the Joseph House Survey, Abstract Number 34, Harris County, Texas, and as Recorded in Volume 002, Page 65 of the Map Records Of Harris County, Texas; Vacating, Abandoning, and Closing Said Unimproved Roadway and Street Right-Of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Unimproved Roadway and Street Right-Of-Way to Arthur M. Sansom; Providing for Severability; and Containing Other Provisions Relating to the Subject.

Background:

Mr. Sansom reached out to the City of Tomball to request abandonment of the unimproved 30' right-of-way that abuts his property to the south. As part of Mr. Sansom's request, letters of no objection of the abandonment were provided by CenterPoint Energy, Comcast, AT&T and the property owners that abut the same right-of-way to the south (the Donlon's).

An existing City of Tomball sanitary sewer main exists within the unimproved right-of-way and an exclusive 20' wide easement will be dedicated to the City of Tomball prior to the abandonment, if approved.

Origination:

Arthur Sansom

Recommendation:

Adopt on Second Reading

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

Community Development Director

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Ordinance No. 2016-23

Location Map

20' City of Tomball Utility Easement

Site Photo

Site Photo

Letters of No Objection

ORDINANCE NO. 2016-23

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A PART OF AN UNIMPROVED ROADWAY BETWEEN EPPS STREET AND HUFSMITH ROAD, ALL SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT NUMBER 34, HARRIS COUNTY, TEXAS, AND AS RECORDED IN VOLUME 002, PAGE 65 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID UNIMPROVED ROADWAY AND STREET RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, A QUITCLAIM DEED CONVEYING SAID UNIMPROVED ROADWAY AND STREET RIGHT-OF-WAY TO ARTHUR M. SANSOM; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas finds that public convenience and necessity no longer require the continued existence of the roadway and street right-of-way described below and that it should be vacated, abandoned, and closed for the reason that the same is no longer needed by the City; **now, therefore;**

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

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

Section 2. The City Council of the City of Tomball, Texas, hereby finds and determines that public convenience and necessity no longer require the continued existence of that portion of the unimproved roadway easement described in Section 3 hereof.

Section 3. The roadway and street right-of-way, more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes, located within the City of Tomball, Harris County, Texas, is hereby vacated, abandoned, and closed.

Section 4. The Mayor and City Secretary are hereby authorized to execute and attest, respectively, a quitclaim deed, conveying the hereinabove described abandoned roadway and street right-of-way to Arthur M. Sansom in consideration for the payment to the City of fair market value therefor.

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 the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 3RD DAY OF OCTOBER 2016.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 17TH DAY OF OCTOBER 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:

Doris Speer
City Secretary

EXHIBIT A



EIC SURVEYING COMPANY

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

FIRM NO. 100334-00

BEING a strip of land 30.00 feet in width containing 0.0758 acre, (3,300.00 square feet), of land out of a 30.00 foot alley situated in Block 92 of Five Acre Tracts Tomball Townsite, a subdivision in Harris County, Texas according to the map or plat thereof filed for record in Volume 2, Page 65 of the Harris County Map Records, said 0.0758 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod (found) in the Northwest right-of-way line of said 30.00 foot alley marking the Southerly corner of Lot 191 in Block 11 and the Easterly corner of Lot 200 in Block 10, both in Linebarger Bros. Realty Company's Oil Tract Addition Tomball, Texas, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record in Volume 5, Page 33 of said Harris County Map Records and the Northerly corner of the herein described 0.0758 acre tract of land;

THENCE S 25°30'00" E, a distance of 30.00 feet to a 5/8" iron rod with EIC cap (found) in the Southeast right-of-way line of said 30.00 foot alley and the Northwest line of Lot 4 in said Block 92 marking the Easterly corner of the herein described 0.0758 acre tract of land;

THENCE S 64°26'00" W, a distance of 110.00 feet along the Southeast right-of-way line of said 30.00 foot alley and the Northwest line of Lot 4 to a 5/8" iron rod with EIC cap (found) in the Northeast right-of-way line of Cherry Street, (60.00 feet in width), marking the Westerly corner of Lot 6 in said Block 92, the Southerly corner of said 30.00 foot alley and the Southerly corner of the herein described 0.0758 acre tract of land;

THENCE N 25°30'00" W, a distance of 30.00 feet along the Northeast right-of-way line of Cherry Street and the Southwest line of said 30.00 foot alley to a 5/8" iron rod with "EE COON RPLS 1679 cap" (found) marking the Westerly corner of said 30.00 foot alley, the Southerly corner of Lot 197 in said Block 10 and the Westerly corner of the herein described 0.0758 acre tract of land;

THENCE N 64°26'00" E, a distance of 110.00 feet along the Northwest right-of-way line of said 30.00 foot alley and the Southeast line of said Lot 197 to the POINT OF BEGINNING and containing 0.0758 acre, (3,300.00 square feet), of land.

Surveyed on the ground October 22, 2014.
Job No. 14-775-10. (See corresponding plat)
The basis of bearing is N 25°30'00" W along the

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





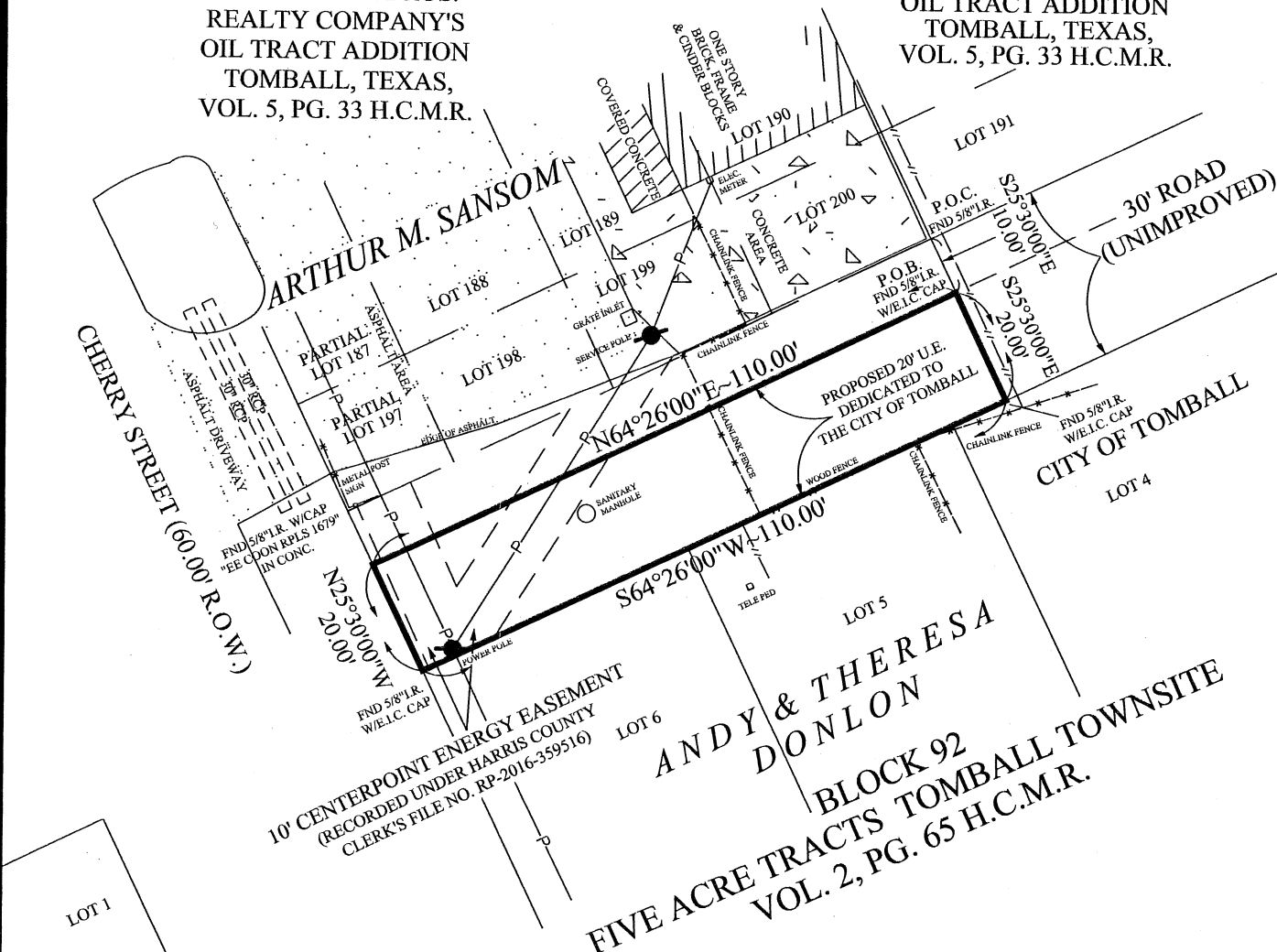
SURVEYING COMPANY

12345 JONES ROAD
SUITE 270
HOUSTON, TX 77070
(281) 955-2772
FIRM NO. 100334-00



BLOCK 10
LINEBARGER BROS.
REALTY COMPANY'S
OIL TRACT ADDITION
TOMBALL, TEXAS,
VOL. 5, PG. 33 H.C.M.R.

BLOCK 11
CITY OF TOMBALL
LINEBARGER BROS.
REALTY COMPANY'S
OIL TRACT ADDITION
TOMBALL, TEXAS,
VOL. 5, PG. 33 H.C.M.R.



BLOCK 93
FIVE ACRE TRACTS
TOMBALL TOWNSITE
VOL. 2, PG. 65 H.C.M.R.

SUBJECT TO :

1. © 2016 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. Fences as shown.

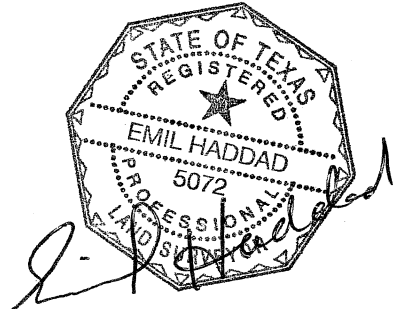
This Property Lies in Zone "X"
Outside the 100 Year Flood Plain
Per Graphic Scaling according to
Community Panel No.4802960690M
having an effective date 06-09-2014
Job No. 14-775-10
Scale 1" = 30'
Date 08-26-2016
Drawn By: LH

Purchaser CITY OF TOMBALL
Address CHERRY STREET
Lot - , Block - , Section -
Survey JOSEPH HOUSE , A 34
Area 0.0505 ACRE TRACT
Subdivision FIVE ACRE TRACTS TOMBALL TOWNSITE
Volume 2 , Page 65 , MAP Records,
HARRIS County , Texas

I, Emil Haddad , a Registered Professional Land Surveyor in the State of Texas, RPLS No. 5072 , 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 Land Surveying. Effective February, 2014, Last Revised 02-2014.

The basis of bearing is N 25°30'00"W along the right of way of Cherry Street
per record plat.

A Division of Everything in Christ Services, Inc.



BEING a strip of land 20.00 feet in width containing 0.0505 acre, (2,200.00 square feet), of land for utility easement purposes out of a 30.00 foot alley situated in Block 92 of Five Acre Tracts Tomball Townsite, a subdivision in Harris County, Texas according to the map or plat thereof filed for record in Volume 2, Page 65 of the Harris County Map Records, said 0.0758 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod (found) in the Northwest right-of-way line of said 30.00 foot alley marking the Southerly corner of Lot 191 in Block 11 and the Easterly corner of Lot 200 in Block 10, both in Linebarger Bros. Realty Company's Oil Tract Addition Tomball, Texas, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record in Volume 5, Page 33 of said Harris County Map Records;

THENCE S 25°30'00" E, a distance of 10.00 feet to a point for corner marking the Northerly corner and POINT OF BEGINNING of the herein described 0.0505 acre tract of land;

THENCE continuing S 25°30'00" E, a distance of 20.00 feet to a 5/8" iron rod with EIC cap (found) in the Southeast right-of-way line of said 30.00 foot alley and the Northwest line of Lot 4 in said Block 92 marking the Easterly corner of the herein described 0.0505 acre tract of land;

THENCE S 64°26'00" W, a distance of 110.00 feet along the Southeast right-of-way line of said 30.00 foot alley and the Northwest line of Lot 4 to a 5/8" iron rod with EIC cap (found) in the Northeast right-of-way line of Cherry Street, (60.00 feet in width), marking the Westerly corner of Lot 6 in said Block 92, the Southerly corner of said 30.00 foot alley and the Southerly corner of the herein described 0.0505 acre tract of land;

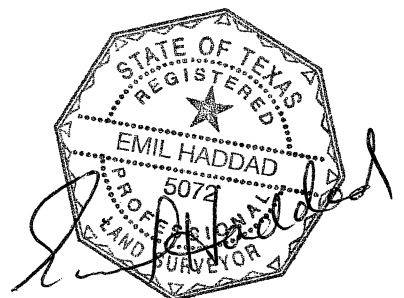
THENCE N 25°30'00" W, a distance of 20.00 feet along the Northeast right-of-way line of Cherry Street and the Southwest line of said 30.00 foot alley to a point for corner marking the Westerly corner of the herein described 0.0505 acre tract of land, from this point a 5/8" iron rod with "EE COON RPLS 1679 cap" (found) marking the Westerly corner of said 30.00 foot alley, the Southerly corner of Lot 197 in said Block 10 bears N 25°30'00" W, 10.00 feet;

THENCE N 64°26'00" E, a distance of 110.00 feet to the POINT OF BEGINNING and containing 0.0505 acre, (2,200.00 square feet), of land.

Surveyed on the ground August 26, 2016.

Job No. 14-775-10. (See corresponding plat)

The basis of bearing is N 25°30'00" W along the right of way of Cherry Street







Andy & Theresa Donlon
30318 Winfro Dr.
Tomball, TX 77375

April 1, 2015

Mr. Arthur M. Sansom
611 N. Cherry St.
Tomball, TX 77375

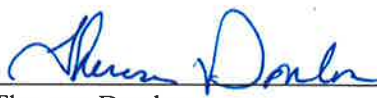
Re: 212 Epps St., Tomball, TX 77375, Lots 5 & 6, Block 92, City of Tomball, Harris
County, Texas (the Property)

Dear Mr. Sansom:

As owners of the above referenced Property, this letter will confirm to you that we claim no interest in the abandoned roadway adjoining the Property. If the roadway is formally abandoned by the relevant governmental authorities, we waive any interest in taking part of the abandoned road where it adjoins the Property. We assign to you, as owner of the property located at 611 N. Cherry St., Tomball, TX, any rights that we would otherwise have in the abandoned roadway where it adjoins the Property.

Yours very truly,


Andy Donlon


Theresa Donlon




4/15/2015



January 18, 2016

Mr. Emil Haddad, R.P.L.S.
EIC Surveying Company
12345 Jones Road, Suite 270
Houston, TX 77070

Re: Sansom Plaza

To Whom It May Concern,

Comcast of Houston LLC, a Delaware Limited Liability Company, herein referred to as "Comcast Cable", has been asked to provide a letter of "No Objection" for the above referenced plat dated January 2016.

At this time, Comcast Cable has no objection associated with the general layout and utility easements as exhibited on said plat.

In cases where utility easements are overlapping with drainage or other specific or pre-existing easements, Comcast Cable will require exclusive easements.

Upon completion of Comcast Cable's facility design, if so required, dedicated utility easements may be determined inadequate by Comcast Cable. In these cases, the developer, his successors or assigns, will be required to provide Comcast with exclusive easements.

This letter does not give consent to any encroachments, abandonments of pre-existing easements, roads, alleys, or street right-of-ways. Abandonment of any of the above requires a formal review, consent and closure process.

Please feel free to contact me at 713-637-5025 with any questions that you may have.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Grey".

Chris Grey
Construction Supervisor, Design and Serviceability

January 11, 2016

Emil Haddad, R.P.L.S.
Vice President
EIC Surveying Company
12345 Jones Rd, Suite 270
Houston, TX 77070

RE: "No Objection" Sansom Plaza

Mr. Haddad,

Southwestern Bell Telephone Company (SWBT) offers **"NO OBJECTION"** to the Replat of "Sansom Plaza", Tomball; Harris County, Texas January 2016.

If you have any questions, please call at (281) 379-7595 or e-mail at jv5287@att.com.

Thank you,

Jim Villanueva
AT&T Manager-Engineering & Design
Engineer for 281351/Tomball



CenterPoint Energy
P.O. Box 1700
Houston, TX 77251-1700

August 16, 2016

Arthur Sansom
611 N. Cherry Street
Tomball, Texas 77375

Re: Street & Alley Closure at 611 N. Cherry Street
R/W File # SA90932A-1

Dear Mr. Sansom:

The CITY OF TOMBALL has been asked to close and abandon a portion of a thirty (30) foot Unimproved Road located southerly of and adjoining Lots 197, 198, 199 and 200 in Block 10 of Linebarger Brothers Realty Company Oil Track Addition To The Town Of Tomball, Texas a subdivision out of the William Hurd Survey, Abstract 371 in Harris, County, Texas, according to the map or plat thereof recorded in Volume 5, Page 33 of the Map Records of said County and State.

CenterPoint Energy Houston Electric, LLC, CenterPoint Energy Resources Corporation, d/b/a CenterPoint Energy Texas Gas Operations and CenterPoint Energy Intrastate Pipelines, Inc., herein collectively called "CenterPoint Energy", has investigated the request and determined that there are facilities located within a portion of the area to be abandoned. However, an easement to accommodate these facilities has been granted as shown on the attached CenterPoint Energy sketch or easement, made a part hereof.

This letter of concurrence shall become null and void in the event two (2) years has transpired from the above date and this street/alley closure has not been completed. CenterPoint Energy respectfully requests that the CITY OF TOMBALL forward a copy of the final abandonment ordinance to CenterPoint Energy in order to complete our files and to update our map records.

Sincerely,

A handwritten signature in blue ink that reads "LaWanda J. Grant".

LaWanda J. Grant, SR/WA
Senior Right of Way Agent
Surveying & Right of Way
713-207-6539

Enclosures

ELECTRIC EASEMENT

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

STATE OF TEXAS }

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF HARRIS }

THAT, Arthur Sansom, its successors and assigns, hereinafter referred to as "Grantor", whether one or more, for and in consideration of the sum of ONE DOLLAR (\$1.00) CASH to Grantor paid by CenterPoint Energy Houston Electric, LLC, its successors and assigns, hereinafter referred to as "Grantee", whose principal address is P. O. Box 1700, Houston, Texas 77251-1700, has **GRANTED, SOLD AND CONVEYED** and by these presents, does **GRANT, SELL AND CONVEY** unto said Grantee, all or in part, an exclusive, perpetual easement, hereinafter referred to as the "Easement", for electric distribution and related communications facilities consisting of a variable number of wires and cables and all necessary and desirable equipment and appurtenances, including, but not limited to, towers or poles made of wood, metal or other materials, props and guys, hereinafter referred to as "Facilities", located within a portion of the following described lands owned by Grantor, ("Grantor's Property"), to wit:

That portion of a thirty (30) foot Unimproved Road (closed) located southerly of and adjoining Lots 197, 198, 199 and 200 in Block 10 of Linebarger Brothers Realty Company's Oil Track Addition To The Town Of Tomball, Texas, a subdivision out of the William Hurd Survey, Abstract 371 in Harris, County, Texas, according to the map or plat thereof recorded in Volume 5, Page 33 of the Map Records of said County and State, and being the same property described in deeds from The City of Houston to Arthur Sansom, dated January 29, 2001 and filed for record under County Clerk's File U959340 and from Cheryl A. Sansom to Arthur Sansom and filed of Record under County Clerk's File 20150586722, respectively, of the Official Public Records of Real Property of said County and State.

The unobstructed easement area(s) herein granted, hereinafter referred to as the "Easement Area", whether one or more, are described as follows:

Easements ten (10) feet wide, the locations of the centerline of which are shown by the dot-dash symbols on Sketch No. 16-0399, attached hereto and made a part hereof, together with unobstructed aerial easements ten (10) feet wide, beginning at a plane sixteen (16) feet above the ground and extending upward, located on both sides of and adjoining said ten (10) foot wide easements.

Grantor shall observe and exercise all notification laws as per the Underground Facility Damage Prevention and Safety Act, also known as "ONE CALL" & "CALL BEFORE YOU DIG", when working in or near the Easement Area.

To the extent that such laws and codes apply to Grantor, Grantor, shall observe all safety codes and laws which apply to working along, within and/or near the Easement Area and Facilities during construction activities and safe clearance from such Facilities, including the Occupational Safety and Health Administration ("O.S.H.A."), Chapter 752 of the Texas Health and Safety Code, the National Electric Code, and the National Electrical Safety Code.

Absent written authorization by the affected Grantee, all utility and aerial easements must be kept unobstructed from any non-utility improvements or obstructions by Grantor. Any unauthorized improvements or obstructions may be removed by Grantee at the Grantor's expense. While wooden posts and paneled wooden fences along the perimeter and back to back easements and alongside rear lots lines are permitted, they too may be removed by Grantee at the Grantor's expense should they be an obstruction. Grantee may put said wooden posts and paneled wooden fences back up, but generally will not replace them with new fencing.

Grantee shall not deny or obstruct ingress or egress to or from Grantor's Property, and Grantor retains all rights to cross the Easement Area for access, but not interfering

with the utility purpose for which the Easement is granted. Grantor shall have the right to construct or locate in a near perpendicular fashion, utilities, drainage ditches, roadways, driveways, across, but not along or solely along, within or under the Easement Area herein granted. Grantor assumes all responsibility for the cost of constructing, paving and maintaining said roadways or driveways within easement crossing areas. In the event that Grantor constructs, or causes to be constructed, any utilities, drainage, ditches, roadways, and/or driveways which results in the relocation of Grantee's Facilities, the Grantor will be responsible for all costs associated with the relocation and/or removal of Grantee's Facilities. Grantor is prohibited from using the Easement Area for stockpile, spoil, water retention or detention, or lay down areas.

Grantee shall also have reasonable rights of ingress and egress to and from said Easement Area, together with reasonable working space, for the purposes of erecting, installing, operating, maintaining, replacing, inspecting, and removing said Facilities, together with the additional right to remove from said Easement Area and Grantor's Property immediately adjoining thereto, all bushes, trees and parts thereof, or other structures or improvements which are within, protrude, bisect, encroach or overhang into said Easement Area and which, in the sole opinion of Grantee, endanger or may interfere with the efficient, safe and proper operation, and maintenance of said Facilities. Further, in the event dead or dangerous trees exist within the fall range of overhead electrical facilities, then Grantee shall have the right to take down dead or dangerous trees based on Grantee's discretion.

TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, forever, and Grantor does hereby bind itself and its successors, heirs, assigns, and legal

representatives, to fully warrant and forever defend all and singular the above described Easement and rights unto said Grantee, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise. In the event of a deficiency in title or actions taken by others which results in the relocation of Grantee's Facilities, the Grantor herein, its successors and assigns, will be responsible for all costs associated with the relocation and/or removal of Grantee's Facilities.

The terms, conditions and provisions contained herein constitute the complete and final agreement between Grantor and Grantee, (collectively the "Parties") with respect to the subject matter hereof and supersedes all prior agreements, representations and understandings of the Parties and, by Grantor's signature affixed hereto and Grantee's use of the Easement, the Parties evidence their agreement thereof. No oral or written agreements made or discussed prior to, or subsequent to, the execution of this Easement shall supersede those contained herein. Any and all revisions, amendments and/or exceptions to the terms, conditions and provisions contained in this Easement shall be in written, recordable form and executed by both parties, or their respective successors or assigns in order to be deemed valid.

EXECUTED this 8th day of August, 2016.

BY: Arthur M Sansom
Arthur Sansom

STATE OF TEXAS }

COUNTY OF HARRIS }

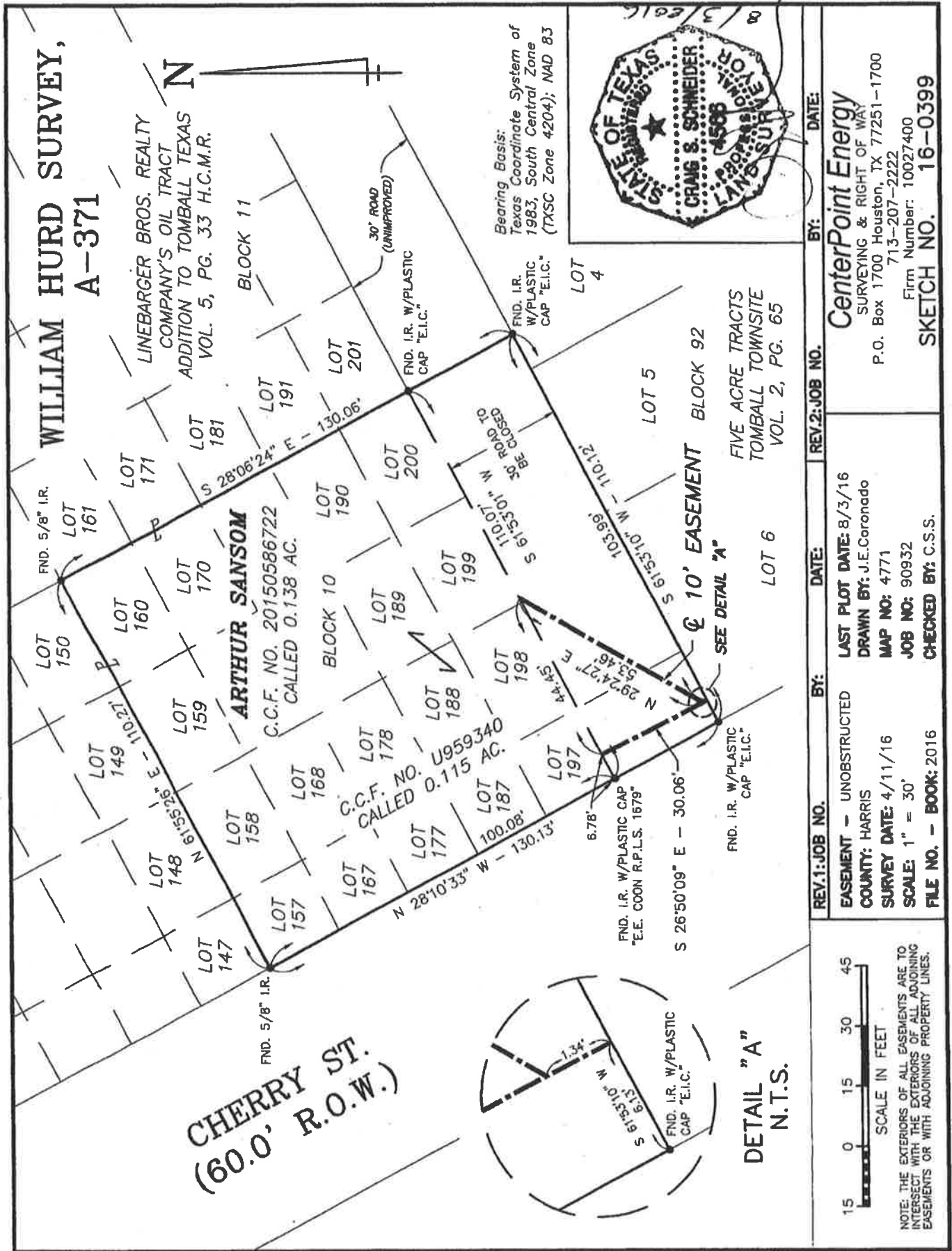
BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Arthur Sansom, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that () he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

Given under my hand and seal of office this 8th day of August, 2016.



Melissa Lou Smith
Notary's Signature
Melissa Lou Smith
Name typed or printed
6/1/2020
Commission Expires

AFTER RECORDING RETURN TO:
SURVEYING & RIGHT OF WAY
CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC
P. O. BOX 1700
HOUSTON, TX 77251-1700



RP-2016-359516
 # Pages 7
 08/15/2016 10:52 AM
 e-Filed & e-Recorded in the
 Official Public Records of
 HARRIS COUNTY
 STAN STANART
 COUNTY CLERK
 Fees \$36.00

RECORDERS MEMORANDUM

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

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
 COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



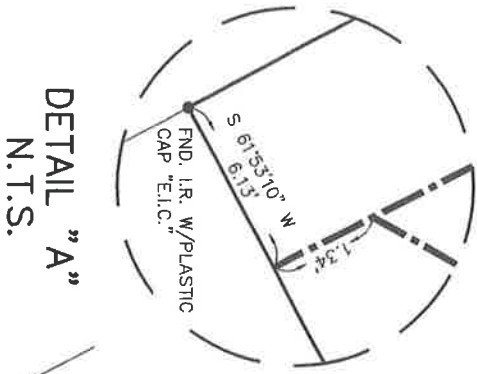
Stan Stanart

COUNTY CLERK
 HARRIS COUNTY, TEXAS

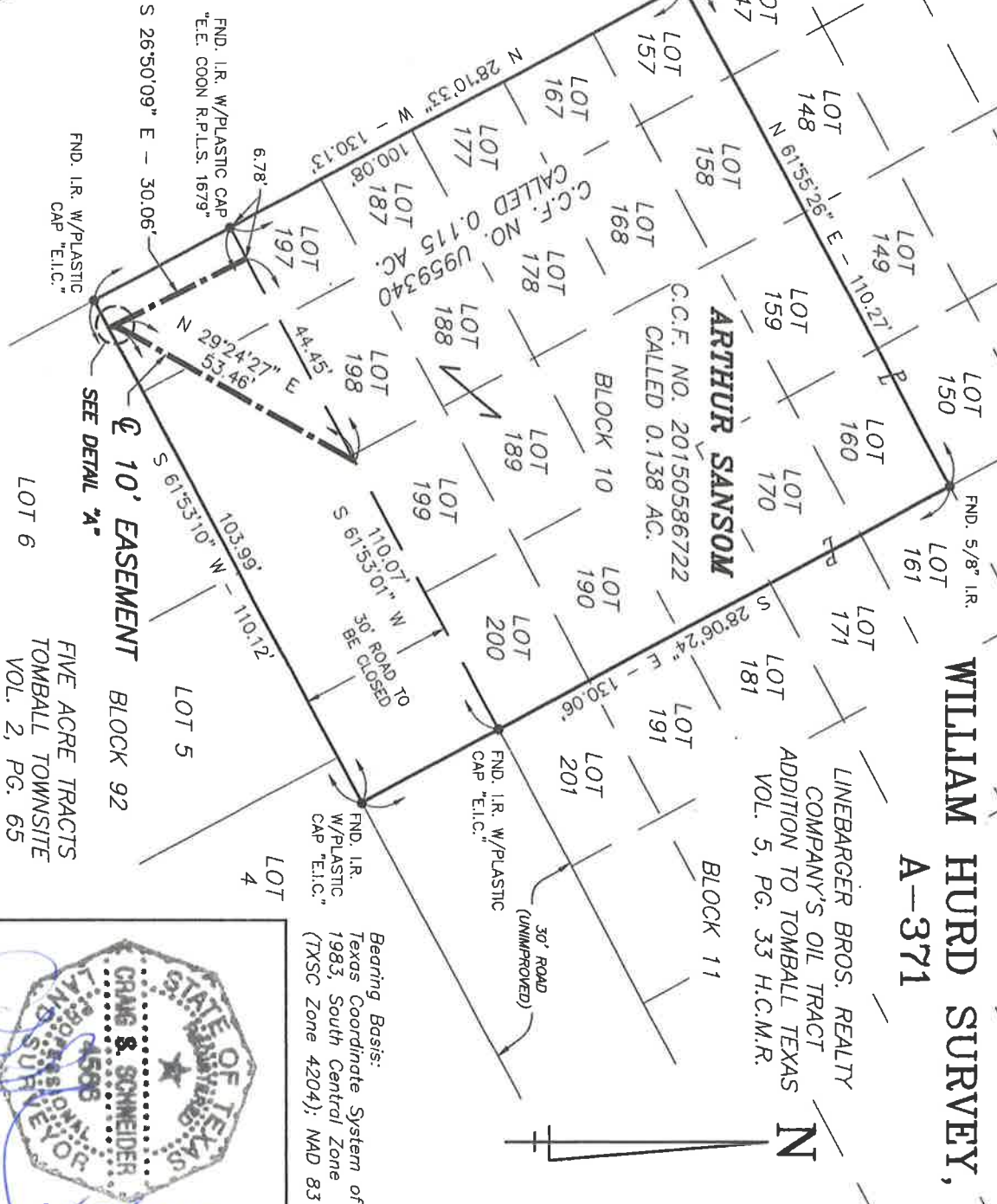
WILLIAM HURD SURVEY, A-371

LINEBARGER BROS. REALTY
COMPANY'S OIL TRACT
ADDITION TO TOMBALL TEXAS
VOL. 5, PG. 33 H.C.M.R.

CHERRY ST.
(60.0' R.O.W.)



NOTE: THE EXTERIORS OF ALL EASEMENTS ARE TO INTERSECT WITH THE EXTERIORS OF ALL ADJOINING EASEMENTS OR WITH ADJOINING PROPERTY LINES.



REV.1:JOB NO.

BY:

DATE:

REV.2:JOB NO.

BY:

DATE:

EASEMENT - UNOBSTRUCTED

COUNTY: HARRIS

SURVEY DATE: 4/11/16

SCALE: 1" = 30'

FILE NO. - BOOK: 2016

LAST PLOT DATE: 8/3/16

DRAWN BY: J.E. Coronado

MAP NO: 4771

JOB NO: 90932

CHECKED BY: C.S.S.

CenterPoint Energy

SURVEYING & RIGHT OF WAY

P.O. Box 1700 Houston, TX 77251-1700

713-207-2222

Firm Number: 10027400

DATE:

BY:

DATE:

DATE:

DATE:

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 17, 2016

Topic:

Adopt, on Second Reading, Ordinance No. 2016-25, an Ordinance of the City of Tomball, Texas, Setting the Total Tax Levy of \$0.341455/\$100 of taxable value for the Year 2016 on all Real and Personal Property located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject

Background:

Previous items on the agenda approved the allocation of the proposed tax rate for Fiscal Year 2016-2017 (Tax Year 2016) in the amounts of \$0.230000 for the Interest & Sinking Fund and \$0.111455 for the Maintenance and Operations Fund, for a total tax rate of \$0.341455.

Adoption of Ordinance No. 2016-25 on second reading will adopt the tax rate and complete the process to levy the 2016 tax rate.

Origination:

Doris Speer, City Secretary

Recommendation:

Adopt Ordinance No. 2016-25 on Second Reading

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

City Secretary

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Ordinance No. 2016-25

Notice of Effective Tax Rate

ORDINANCE NO. 2016-25

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, SETTING THE TAX LEVY OF \$0.341455 FOR THE YEAR 2016 ON ALL TAXABLE REAL AND PERSONAL PROPERTY LOCATED IN THE CITY OF TOMBALL, TEXAS; PROVIDING FOR PENALTY, INTEREST, AND ADDITIONAL PENALTY ON TAXES NOT TIMELY PAID; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, pursuant to the provisions of the Constitution and Laws of the State of Texas, the City Council of the City of Tomball, Texas, is vested with the power to levy, assess and collect an annual tax upon all taxable real and personal property located within the City Limits, and said power allowing for the granting of homestead exemptions for all City of Tomball property owners sixty-five years of age and over or who are disabled; and

WHEREAS, pursuant to the Charter of the City of Tomball, this ordinance has been read two (2) times and considered at two (2) sessions of the City Council, and published in the City's official newspaper after the first reading; and

WHEREAS, the Council is required to set a tax rate, expressed as a rate per hundred-dollar valuation of said property, located in the City of Tomball, January 1, 2016; and

WHEREAS, Section 26.05 of the Texas Property Tax Code provides that before the later of September 30th or the 60th day after the date the certified appraisal roll is received by the taxing unit, the governing body of each taxing unit shall adopt a tax rate for the current tax year; and

WHEREAS, such Section further provides that where the tax rate consists of two components (one which will impose the amount of taxes needed to pay the unit's debt service and the other which will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the next year), each of the components must be approved separately; and

WHEREAS, the proposed tax rate for the current tax year of the City of Tomball, Texas, consists of two components, a tax rate of \$0.230000 cents per \$100.00 dollars of taxable value for the

purpose of paying the accruing interest and to provide a sinking fund for payment of the indebtedness of the City, and a tax rate of \$0.111455 cents per \$100.00 dollars of taxable value for the purpose of funding the maintenance and operation expenditures of the City for the next fiscal year; and

WHEREAS, City Council has approved, by separate motions, the tax rates heretofore specified for each of said components; and

WHEREAS, all notices and hearings required by law as a prerequisite to the passage, approval, and adoption of this Ordinance have been timely and properly given and held;

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are found to be true and correct and are hereby adopted, ratified, and confirmed.

Section 2. That said tax levied as aforesaid, based upon valuations established by Harris County Appraisal District, will be sufficient to meet the requirements of the City for the Budget Year 2016-2017.

Section 3. There is hereby levied, for the tax year 2016, to fund the City's fiscal year 2016-2017 municipal budget, an ad valorem tax at the total rate of thirty-four and one thousand four hundred fifty-five ten-thousandths cents (\$0.341455) on each One Hundred Dollars (\$100.00) of assessed valuation on all property, real, personal, and mixed, within the corporate limits of the City, upon which an ad valorem tax is authorized by law to be levied by the City of Tomball, Texas. All such taxes shall be assessed and collected in current money of the United States of America.

Section 4. Of such total tax levied in Section 2 hereof, \$0.111455 is levied to fund maintenance and operation expenditures of the City for the fiscal year 2016-2017. Of the total tax levied in Section 2 hereof, \$0.230000 is levied for the purpose of paying the interest on bonds, warrants,

certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City of Tomball, Texas, including the various installments of principal due on the serial bonds, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City as such installments shall respectively mature, in the fiscal year 2016-2017.

Section 5. This year's levy to fund both maintenance and operations expenditures and interest & sinking expenditures exceeds last year's maintenance and operations tax levy and interest & sinking tax levy. **THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS AND FOR INTEREST & SINKING THAN LAST YEAR'S TAX RATE.**

GENERAL FUND - TO FUND MAINTENANCE AND OPERATION EXPENDITURES OF THE CITY:	\$0.111455
---	------------

INTEREST & SINKING - FOR DEBT SERVICE:	\$0.230000
--	------------

With reference to the tax rate of \$0.230000 for the Interest and Sinking Fund for bonded indebtedness, this rate, representing 67.3588% of the total \$0.341455 tax, shall apply to the gross amount of current taxes to be collected.

Section 6. All ad valorem taxes levied hereby, in the total amount of \$0.341455 on each One Hundred Dollars (\$100.00) of assessed valuation, as reflected by Sections 2 and 3 hereof, shall be due and payable on or before January 31, 2017. All ad valorem taxes due the City of Tomball, Texas, and not paid on or before January 31st following the year for which they were levied, shall bear penalty and interest, and if not paid before July 1st shall incur an additional penalty of twenty percent (20%), as prescribed in the Texas Property Tax Code.

Section 7. All ordinances and parts of ordinances inconsistent or in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. If any provision of this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force, or effect of any other provision of this Ordinance.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 10TH DAY OF OCTOBER 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 17TH DAY OF OCTOBER 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

NOTICE OF TAX YEAR PROPOSED PROPERTY TAX RATE FOR

A tax rate of \$ _____ per \$100 valuation has been proposed for adoption by the governing body of _____. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of _____ proposes to use revenue attributable to the tax rate increase for the purpose of _____.

PROPOSED TAX RATE	\$ _____ per \$100
PRECEDING YEAR'S TAX RATE	\$ _____ per \$100
EFFECTIVE TAX RATE	\$ _____ per \$100
ROLLBACK TAX RATE	\$ _____ per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for _____ from the same properties in both the _____ tax year and the _____ tax year.

The rollback tax rate is the highest tax rate that _____ may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

_____ tax assessor-collector

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: _____ at _____.

Second Hearing: _____ at _____.

Regular City Council

Agenda Item

Meeting Date: October 17, 2016

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2016-26, an Ordinance of the City Council of the City of Tomball, Texas Consenting to the Creation of Harris County Improvement District No. 17 and Consenting to the Annexation of Land into Said District

Background:

1) Approval of a resolution consenting to the creation of the District, including approval of a five year capital improvement budget.

Explanation: Harris County Improvement District No. 17 (the “District”), as created, is within the extraterritorial jurisdiction (“ETJ”) of the Cities of Houston and Tomball. As such, Texas law requires each such City to consent to the District’s creation. The District must receive consent from the Cities before it moves forward with the sale of a proposed bond anticipation note, or in the alternative, bond issue. The approval of the resolution will enable the district to work with its financial advisor, underwriter, and bond finance team to fund and reimburse development costs incurred within the district, including the proposed regional detention projects and the joint road projects previously discussed.

As mentioned above, the consent request also includes the District’s request for approval of a five year capital improvement budget. Pursuant to Chapter 375, Local Government Code, governing municipal management districts, the Cities must consent to each bond issue proposed by the District. In the alternative, the District may seek approval of a five year capital improvement budget. Once the Cities approve the budget, the District may issue bonds for any project identified therein without any further action from the Cities. The District would like approval of the budget to streamline the process of issuing debt for District projects.

Status: A package of supplemental information requested by the City of Houston staff in the Planning Department and Public Works and Engineering Department is being prepared for submission. That package needs to include a letter from you and the Mayor of Tomball. More on that in bullet #4.

2) Approval of the annexation of two parcels of land, both of which are located in the City of Houston ETJ.

Explanation: The District’s Board of Directors (the “Board”) has approved petitions for annexation into the District from the property owners of the tracts known as the Burchfield and Lone Oak tracts. As the two tracts are located within the City of Houston’s ETJ, Houston must consent to the proposed annexations. Accordingly, the District’s consultants have, pursuant to Houston policies, submitted applications for consent to Houston, inclusive of various documents required in connection therewith. These applications are pending with the Houston Public Works Department.

Status: The required applications for the annexations have been submitted to the Houston Public Works Department. Coordination with the City of Houston Legal Department on the application and consent language has been ongoing. The District needs the Houston Public Works Director to advise the Planning Department Director that Public Works does not object to the annexations, in order for the Planning

Department to then prepare the request for council action to approve the annexations.

3) In connection with the Consent Resolution, the District has asked the City of Houston to acknowledge that the District will correct the action taken to select Houston's ETJ to be applicable to the entire District, and interpose no objection to such action.

Explanation: The District adopted a resolution in January of 2014, pursuant to Section 54.0163 of the Water Code, selecting the City of Houston's ETJ to be applicable to the District for all purposes. The District is aware of the City of Tomball desire for the new Harris County Annex to be within Tomball's ETJ. This action resulted in the movement of the entire original District into the City of Houston's ETJ. The Board was not advised that the designation of Houston would have this specific impact. With this in mind, the District's Board will consider adopting a resolution correcting this action, and designating Tomball as the jurisdiction applicable to the District. That selection will result in the movement of the District territory into Tomball's ETJ. As described above, the District is seeking, as a condition to the requested Consent Resolution from the City of Houston, acknowledgment from Houston that the District will correct this action, and a statement within the Consent Resolution interposing no objection from Houston to this corrective action by the District.

A collateral issue involves what effect this action will have, if any, on Houston's ability to annex territory currently within its ETJ if that territory is annexed into the District. This concern has been raised in connection with the annexations discussed in item 2 above. Pursuant to the Local Government Code, Houston would need to consent to any annexation of territory into the District if that territory is within the Houston ETJ. Houston is concerned that, once such an annexation is approved, it would effectively move to Tomball's ETJ, thereby limiting Houston's ability to add such territory to its City limits in the future. While we do not necessarily believe that any adjustment would need to be considered, Tomball could enter into an interlocal agreement between the two Cities whereby Tomball would agree to release the parcels approved for annexation by Houston back to Houston. We would have no interest in properties miles from Tomball nor could we provide them services.

Status: The District has revised the original consent resolution and the application requesting the same to include language stating that the City of Houston "acknowledges" that they have been advised that the District Board will reconsider the resolution in the very near future.

4) The City of Houston has requested that we further supplement information already provided to include letters from the Mayor of Tomball to Mayor Turner/City of Houston that state you are seeking City support for the District's designation to be included in the City of Tomball's ETJ. The District would need this in order for the most recent request for additional information from the City of Houston Planning Department be deemed complete.

Origination:

HawesHillCalderon, LLP

Recommendation:

Adopt Ordinance No. 2016-26 on Second Reading

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

City Secretary

ACTION TAKEN

--	--	--

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
---	---	--------------

ATTACHMENTS:

Ordinance No. 2016-26

Updated Memo to Council re HCID 17 MOU

Map - HCID 17

ORDINANCE NO. 2016-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS CONSENTING TO THE CREATION OF HARRIS COUNTY IMPROVEMENT DISTRICT NO. 17 AND CONSENTING TO THE ANNEXATION OF LAND INTO SAID DISTRICT

* * * * *

WHEREAS, Harris County Improvement District No. 17 (the "District") was created by special law of the Legislature of the State of Texas in the 81st Regular Session, as codified at Chapter 8391, Special District Local Laws Code, and described on **Exhibit "A"** attached hereto (the "District Legislation"); and

WHEREAS, the Board of Directors of the District (the "Board") submitted to the City of Tomball, Texas (the "City") a Petition for Consent to Creation, attached hereto as **Exhibit "B"** and made a part hereof for all purposes, requesting that the City give its consent to the creation of the District;

WHEREAS, the District and the owner of a tract of land containing 3.2526 acres submitted to the City a Petition for Consent to Annex Land into an Improvement District, attached hereto as **Exhibit "C"** and made a part hereof for all purposes, requesting that the City give its consent to the annexation of the land described said petition into the boundaries of the District; and

WHEREAS, the City Council of the City desires to adopt Ordinance No. 2016-26 as set forth herein for the purpose of consenting to the creation of the District and consenting to the annexation of the land described in Exhibit "C" attached hereto into the boundaries of the District.

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

Section 1. Incorporation of Recitals. The above and foregoing recitals to this Ordinance are true and correct and are incorporated herein and made a part hereof.

Section 2. Consent to Creation of District. The City hereby consents to the creation of Harris County Improvement District No. 17 as described in the District Legislation.

Section 3. Consent to District Annexation of Land. The City hereby consents to the District's annexation of the land described in Exhibit C attached hereto into the boundaries of the District.

Section 4. Consents Effective. The consents granted in this Ordinance are given by the City in full satisfaction of any requirements for district consents contained in any statute or otherwise required by law, rule, regulation or policy including, but not limited to, consents required by the District Legislation, the Texas Water Code, as amended, the Texas Local Government Code, as amended, any rules, regulations, or policies of the Texas Commission on Environmental Quality, or any rules, regulations, or policies of the Texas Attorney General. The consents granted and the provisions set forth in this Ordinance shall supersede any prior consents.

Section 5. Exhibits. All exhibits to this Ordinance are attached hereto and incorporated herein for all purposes.

Section 6. That the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting was open to the public as required by law at all times during which this ordinance and the subject matter thereof was discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 7. Effective Date. This Ordinance shall take effect immediately from and after its passage and is accordingly so ordained.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 3RD DAY OF OCTOBER 2016.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 17TH DAY OF OCTOBER 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGS	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN QUINN	_____

GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:

APPROVED AS TO FORM:

Doris Speer
City Secretary

Loren Smith
City Attorney

1 directors' terms expire June 1, 2013.

2 (c) Section 3891.052 does not apply to this section.

3 (d) This section expires September 1, 2014.

4 [Sections 3891.055-3891.100 reserved for expansion]

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 3891.101. GENERAL POWERS AND DUTIES. The district has
7 the powers and duties necessary to accomplish the purposes for
8 which the district is created.

9 Sec. 3891.102. MUNICIPAL MANAGEMENT POWERS AND DUTIES. The
10 district has the powers and duties provided by the general laws of
11 this state, including Chapter 375, Local Government Code,
12 applicable to a municipal management district created under
13 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
14 Texas Constitution.

15 Sec. 3891.103. DEVELOPMENT CORPORATION POWERS. The
16 district may exercise the powers given to a development corporation
17 under Chapter 505, Local Government Code.

18 Sec. 3891.104. SPORTS VENUE. The district may construct,
19 acquire, improve, maintain, and operate a sports venue, including
20 an arena, coliseum, stadium, or other type of area or facility used
21 for one or more professional or amateur sports or athletic events.

22 Sec. 3891.105. AGREEMENTS; GRANTS. The district may make
23 an agreement with or accept a gift, grant, or loan from any person.

24 Sec. 3891.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
25 district may join and pay dues to a charitable or nonprofit
26 organization that performs a service or provides an activity
27 consistent with the furtherance of a district purpose.

1 Sec. 3891.107. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
2 district may establish and provide for the administration of one or
3 more programs to promote state or local economic development and to
4 stimulate business and commercial activity in the district.

5 (b) The district has all of the economic development
6 authority that:

7 (1) Chapter 380, Local Government Code, grants to a
8 municipality with a population of more than 100,000; and

9 (2) Chapter 1509, Government Code, grants to a
10 municipality.

11 Sec. 3891.108. NO EMINENT DOMAIN. The district may not
12 exercise the power of eminent domain.

13 [Sections 3891.109-3891.150 reserved for expansion]

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 3891.151. OPERATION AND MAINTENANCE TAX. (a) If
16 authorized at an election held in accordance with Section 3891.158,
17 the district may impose an annual operation and maintenance tax on
18 taxable property in the district in accordance with Section 49.107,
19 Water Code, for any district purpose, including to:

20 (1) maintain and operate the district;

21 (2) construct or acquire improvements; or

22 (3) provide a service.

23 (b) The board shall determine the tax rate. The rate may not
24 exceed the rate approved at the election.

25 Sec. 3891.152. CONTRACT TAXES. (a) In accordance with
26 Section 49.108, Water Code, the district may impose a tax other than
27 an operation and maintenance tax and use the revenue derived from

1 the tax to make payments under a contract after the provisions of
2 the contract have been approved by a majority of the district voters
3 voting at an election held for that purpose.

4 (b) A contract approved by the district voters may contain a
5 provision stating that the contract may be modified or amended by
6 the board without further voter approval.

7 Sec. 3891.153. AUTHORITY TO ISSUE BONDS AND OTHER
8 OBLIGATIONS. The district may issue bonds, notes, or other
9 obligations payable wholly or partly from ad valorem taxes, sales
10 and use taxes, assessments, impact fees, revenue, contract
11 payments, grants, or other district money, or any combination of
12 those sources of money, to pay for any authorized district purpose.

13 Sec. 3891.154. HOTEL OCCUPANCY TAX. (a) The district may
14 impose a hotel occupancy tax in the manner that Chapter 351, Tax
15 Code, provides for a municipality.

16 (b) A tax imposed under this section may not exceed the
17 maximum rate under Section 351.003(a), Tax Code.

18 Sec. 3891.155. SALES AND USE TAX. (a) The district may
19 impose a sales and use tax if authorized by a majority of the voters
20 of the district voting at an election held for that purpose.
21 Revenue from the tax may be used for any district purpose for which
22 ad valorem tax revenue is used.

23 (b) The district may not impose a sales and use tax if as a
24 result of the imposition of the tax the combined rate of all sales
25 and use taxes imposed by the district and other political
26 subdivisions of this state having territory in the district would
27 exceed the amount allowable by law at any location in the district.

1 (c) If the voters of the district approve the adoption of
2 the tax at an election held on the same election date on which
3 another political subdivision adopts a sales and use tax or
4 approves an increase in the rate of its sales and use tax and as a
5 result the combined rate of all sales and use taxes imposed by the
6 district and other political subdivisions of this state having
7 territory in the district would exceed the amount allowable by law
8 at any location in the district, the election to adopt a sales and
9 use tax under this chapter has no effect.

10 (d) Except as otherwise provided by this chapter, Chapter
11 321, Tax Code, applies to the imposition, computation,
12 administration, enforcement, and collection of the sales and use
13 tax imposed by this section.

14 Sec. 3891.156. TAXES FOR BONDS. At the time the district
15 issues bonds payable wholly or partly from ad valorem taxes, the
16 board shall provide for the annual imposition of an ad valorem tax,
17 without limit as to rate or amount, while all or part of the bonds
18 are outstanding as required and in the manner provided by Sections
19 54.601 and 54.602, Water Code.

20 Sec. 3891.157. BONDS FOR ROAD PROJECTS. At the time of
21 issuance the total principal amount of bonds or other obligations
22 incurred to finance a road project may not exceed one-fourth of the
23 assessed value of real property in the district.

24 Sec. 3891.158. ELECTIONS REGARDING TAXES AND BONDS. (a)
25 The district may issue, without an election, bonds, notes, and
26 other obligations secured by revenue or contract payments from any
27 source other than ad valorem taxes.

1 (b) The district must hold an election in the manner
2 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3 before the district may impose an ad valorem tax or issue bonds
4 payable from ad valorem taxes.

5 (c) The district may not issue bonds payable from ad valorem
6 taxes to finance a road project unless the issuance is approved by a
7 vote of a two-thirds majority of the district voters voting at an
8 election held for that purpose.

9 SECTION 2. The Harris County Improvement District No. 17
10 initially includes all the territory contained in the following
11 area:

12 BEING 606.1394 acres of land out of a 644.0794 acre tract, that same
13 tract described in a deed filed for record July 06, 1933 in Volume
14 932, Page 98, Deed Records, Harris County, Texas, from John D. Reid,
15 et al, to Humble Oil and Refining Company, all of the Chauncy
16 Goodrich Survey Number 776, Patent 466, Volume 1, Abstract 305,
17 containing 640 acres more or less in Harris County, Texas; said
18 606.1394 acres more fully described as follows: BEGINNING at a 12
19 inch diameter wood fence post found in the West line of the Sam
20 Lewis Survey, Abstract 1704, the Southeast corner of the J. M.
21 Hooper Survey, Abstract 375 and the Northeast corner of the Chauncy
22 Goodrich Survey; THENCE South 00° 19' 00" East, with the West line of
23 the Lewis Survey, a distance of 1005.00 feet to a point for the most
24 Easterly Northeast corner of that certain 9.26 acre tract, conveyed
25 to Humble Oil and Refining Company from Magnolia Petroleum Company,
26 by deed filed for record in Volume 1063, Page 557, Deed Records,
27 Harris County, Texas; THENCE North 29° 36' 00" West, a distance of

H.B. No. 4829

1 206.4 feet to a point for corner in the North line of said 9.26 acres
2 ;THENCE South 89° 41' 00" West, a distance of 449.00 feet to a point
3 in the East line of that certain 28.68 acre tract conveyed to Humble
4 Oil and Refining Company from Socony Mobil Oil Company,
5 Incorporation, by deed filed for record in Volume 6028, Page 80 or
6 Harris County Clerk's File Number C139334, Harris County Deed
7 Records, said point being the Northwest corner of said 9.26 acre
8 tract; THENCE with the perimeter lines of said 28.68 acres the
9 following calls:
10 (1) North 00° 19' 00" West, a distance of 586.4 feet to corner;
11 (2) South 89° 36' 00" West, a distance of 597.9 feet to corner;
12 (3) South 00° 31' 00" East, a distance of 434.1 feet to corner;
13 (4) South 88° 43' 00" West, a distance of 418.6 feet to corner;
14 (5) North 01° 00' 00" West, a distance of 211.2 feet to corner;
15 (6) South 89° 00' 00" West, a distance of 394.5 feet to corner;
16 (7) South 00° 54' 00" East, a distance of 500.00 feet to corner;
17 (8) South 89° 13' 00" East, a distance of 508.4 feet to corner;
18 (9) South 00° 54' 00" East, a distance of 411.6 feet to corner;
19 (10) North 89° 38' 00" East, a distance of 289.7 feet to corner;
20 (11) South 00° 36' 00" East, a distance of 180.8 feet to corner;
21 (12) North 89° 38' 00" East, passing at 603.6 feet the Southeast
22 corner of said 28.68 acres, the Southwest corner of said 9.26 acres,
23 continuing with the South line of said 9.26 acres, in all, a
24 distance of 1153.6 feet to a point for the Southeast corner of said
25 9.26 acres in the West line of the Lewis Survey, the East line of the
26 Goodrich Survey and said 644.0794 acre tract: THENCE South 00° 19'
27 00" East, with the West line of the Lewis Survey, a distance of

H.B. No. 4829

1 3706.59 feet to a 1 inch iron pipe found in the North line of the
2 August Senechal Survey, Abstract 722 and Lot 53 of Boudreaux
3 Estates, unrecorded subdivision; THENCE South 89° 19' 23" West, with
4 the North line of the Senechal Survey, Lots 50, 51, 52 and 53 of said
5 Boudreaux Estates, a 16.349 acre tract conveyed to John E. Kolb,
6 Trustee of Harris County, recorded under Harris County Clerk's File
7 Number F196319, passing it's Northwest corner and the common North
8 corner of said Senechal Survey and I & G. N. R. R. Company Survey,
9 Abstract 952 at 2385 feet more or less, continuing in the North line
10 of said I & G. N. R. R. Company Survey and a 6.470 acre tract
11 recorded under Harris County Clerk's File Number R716867 and along
12 a wire fence, in all, a distance of 5279.26 feet to a 3/4 inch iron
13 pipe found at the base of a fence corner post, said pipe marking the
14 Southeast corner of the John M. Hooper Survey, Abstract 372, the
15 Southeast corner of the William Kobs, 323 acre tract, recorded in
16 Volume 16, Page 188, Deed Records, Harris County, Texas and the
17 Southwest corner of the Chauncy Goodrich Survey and the tract
18 herein described; THENCE North 00° 13' 42" West, with the East line
19 of the Kobs Tract, the East line of the Hooper Survey, the West line
20 of the Goodrich Survey and along a wire fence, a distance of 5355.75
21 feet to a fence corner post found in the South line of the Hooper
22 Survey, Abstract 375, marking the Northwest corner of the tract
23 herein described from which a 5/8 inch iron rod found bears North
24 86° 01'14" West, 4.65 feet; THENCE South 89° 52' 17" East, with the
25 South line of the Hooper Survey, Abstract 375, the North line of the
26 Goodrich Survey, the tract herein described and along a wire fence,
27 a distance of 5271.05 feet to the PLACE OF BEGINNING containing

H.B. No. 4829

1 606.1394 acres. Together with the following: (1) a 60 foot wide road
2 easement extending from the Southwest right-of-way of State Highway
3 249 West to the common line between the Sam Lewis Survey, Abstract
4 1704, and the C. N. Pillot Survey, Abstract 632, recorded under
5 Harris County Clerk's File Number S283266, Official Public Records
6 of Real Property, Harris County, Texas; (2) a 100 foot wide road
7 easement extending from the common line between the Lewis Survey
8 and the Pillot Survey, West, to the East line of the Chauncy
9 Goodrich Survey, Abstract 305, recorded in Volume 934, Page 27,
10 Deed Records, Harris County, Texas; (3) a 100 foot wide road
11 easement, extending West from the Goodrich Survey East line and
12 being more fully described as follows: BEGINNING at a 1/2 inch iron
13 rod found for the Northwest corner of that certain 100 foot wide
14 road easement recorded in Volume 934, Page 27, Deed Records, Harris
15 County, Texas, in the West line of the Sam Lewis Survey, Abstract
16 1704, the East line of the Chauncy Goodrich Survey, Abstract 305;
17 THENCE South 00° 19' 00" East, with the East line of the Goodrich
18 Survey, a distance of 100.00 feet; THENCE South 89° 18' 37" West, a
19 distance of 1118.84 feet to a 1/2 inch iron rod found for corner;
20 THENCE North 00° 54' 00" West, a distance of 100.00 feet to a 1/2
21 inch iron rod found in the South line of that certain 28.68 acre
22 tract recorded in Volume 6028, Page 80, Deed Records, Harris
23 County, Texas, the Northwest corner of the tract herein described;
24 THENCE North 89° 18' 37" East, with the South line of said 28.68 acre
25 tract and a 9.26 acre Tomball Gas Plant Tract recorded in Volume
26 1063, Page 557, Deed Records, Harris County, Texas, a distance of
27 1119.86 feet to the PLACE OF BEGINNING, containing 2.56 acres more

1 or less.

2 SECTION 3. (a) The legal notice of the intention to
3 introduce this Act, setting forth the general substance of this
4 Act, has been published as provided by law, and the notice and a
5 copy of this Act have been furnished to all persons, agencies,
6 officials, or entities to which they are required to be furnished
7 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8 Government Code.

9 (b) The governor, one of the required recipients, has
10 submitted the notice and Act to the Texas Commission on
11 Environmental Quality.

12 (c) The Texas Commission on Environmental Quality has filed
13 its recommendations relating to this Act with the governor,
14 lieutenant governor, and speaker of the house of representatives
15 within the required time.

16 (d) The general law relating to consent by political
17 subdivisions to the creation of districts with conservation,
18 reclamation, and road powers and the inclusion of land in those
19 districts has been complied with.

20 (e) All requirements of the constitution and laws of this
21 state and the rules and procedures of the legislature with respect
22 to the notice, introduction, and passage of this Act have been
23 fulfilled and accomplished.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 4829

1 Act takes effect September 1, 2009.

H.B. No. 4829

President of the Senate

Speaker of the House

I certify that H.B. No. 4829 was passed by the House on May 15, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4829 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

PETITION FOR ADDITION OF CERTAIN LAND TO THE DISTRICT

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

TO THE BOARD OF DIRECTORS OF
HARRIS COUNTY IMPROVEMENT DISTRICT NO. 17

Merenco Realty, Inc., a Texas corporation (herein "Petitioner"), hereby petitions the Board of Directors (the "Board") of Harris County Improvement District No. 17 (the "District") for inclusion within the District of the land hereinafter described, so that such land shall be added to, and become a part of, the District.

In support of this Petition, Petitioner would respectfully show unto the Board the following:

I.

Petitioner is the owner of those certain tracts of land described by metes and bounds in Exhibit "A" (collectively, the "Tract") attached hereto and made a part hereof for all purposes.

II.

No person or entity holds a lien on the Tract.

III.

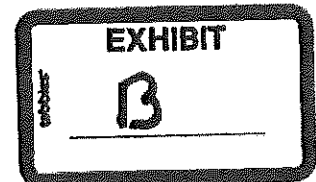
There are no tenants on the Tract, and no one currently resides upon the Tract.

IV.

The Tract lies wholly within the extraterritorial jurisdiction of the City of Tomball, Texas, and is not located within the boundaries of any incorporated city or town.

V.

Petitioner agrees and states that the addition of the Tract to the District is feasible, practicable and to the advantage of the District, and the water, sewer, drainage systems, roads, parks and recreation and other improvements of the District are or will be sufficient to supply the Tract without injuring land already in the District.



VI.

This Petition shall constitute an election on the part of Petitioner, its successors and assigns, for the aforesaid land and any improvements which are now or may hereafter be constructed thereon to become liable for all present and future debts of the District in the same manner and to the same extent as other lands and improvements in the District are liable for the District's debts.

VII.

Petitioner, its successors and assigns, hereby agrees that the Tract and all improvements thereon, presently existing or to be constructed, shall be liable for its pro rata share of (i) all voted but unissued bonds of the District which were authorized at various elections held within the District, and which may hereafter be issued and sold by the District; and (ii) all bonds of the District hereafter voted and which may hereafter be issued and sold by the District. This Petition constitutes authorization by Petitioner, its successors and assigns, for the Board of Directors of the District (i) to issue and sell all of the remaining voted but unissued bonds of the District for the purposes and upon the terms and conditions such bonds were voted, in one or more issues or series, at a future date or dates, when the Board's judgment such amounts are required for the authorized purposes; and (ii) to issue and sell all of the District's bonds to be voted hereafter, for the purposes and upon the terms and conditions for such bonds to be voted, in one or more issues or series, at a future date or dates, when the Board's judgment such amounts are required for the authorized purposes.

VIII.

This Petition shall further be considered the consent and authorization of Petitioner, its successors and assigns, for all the taxable land described in Exhibit "A" and all improvements thereon, presently existing or to be constructed, to be taxed uniformly and equally on an ad valorem basis with all other taxable property within the District for: (1) the payment of principal and interest on the District's voted but unissued bonds; and (2) all other purposes for which the District may lawfully levy taxes, including taxes levied for maintenance purposes.

IX.

For and in consideration of the addition of the Tract to the District, Petitioner agrees that the covenants contained herein shall become fixed with the land, shall run with the land, and shall be binding on Petitioner, its successors and assigns.

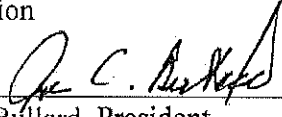
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Petition be filed with the Secretary of the Board; that, thereafter this Petition be heard by the Board and granted in all respects; that, the Tract be added to and become a part of the District, as provided by law, including particularly Chapters 49 and 54, Texas Water Code, as amended; that, after it has been heard and granted, this Petition and the Board's action hereon be filed of record in the Office of the County Clerks of Harris and Montgomery Counties, Texas; and that Petitioner have such other Orders and relief to which it may show itself entitled.

RESPECTFULLY SUBMITTED 10th day of July, 2015.

“PETITIONER”

Merenco Realty, Inc.,
a Texas corporation

By:


Joe C. Bullard, President

THE STATE OF TEXAS

COUNTY OF HARRIS

§
§
§

This instrument was acknowledged before me on this 10th day of July, 2015, by Joe C. Bullard, President of Merenco Realty, Inc. a Texas corporation, in the capacity therein stated.




NOTARY PUBLIC, STATE OF TEXAS

EXHIBIT "A" LEGAL DESCRIPTION

File No.: 1320172638

3.2526 acres of land, more or less, situated in the Sam Lewis Survey, Abstract Number 1704, Harris County, Texas, being the remainder of that certain called 145.78 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County Clerk's File Number F-014298, said 3.2526 acres of land being more particularly described by metes and bounds as follows:

D

BEGINNING at a 1 inch iron pipe found in the Easterly line of that certain called 640 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20130384778, and the Southerly line of that certain called 100 foot roadway easement as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Numbers S-457983 and S-457984 and under Volume 934, Page 27 of the Deed Records of Harris County, Texas;

Thence, N 87°55'58" E, along the Southerly line of said 100 foot roadway easement, a distance of 289.48 feet to a 5/8 inch iron rod with cap set for the Northwestern corner of that certain called Parcel "B" conveyed to the Harris County Flood Control District by deed recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number L-951535, for a point of non-tangent curvature to the right;

Thence, in a Southerly direction along the Westerly line of said Parcel "B", with said curve to the right, having a central angle of 21°51'17", a radius of 1050.00 feet, an arc length of 400.51 feet, a chord bearing of S 10°45'04" W and a chord distance of 398.08 feet to a 5/8 inch iron rod with cap set for a point of tangency;

Thence, S 21°40'43" W, along a Northwesternly line of said Parcel "B", a distance of 472.55 feet to a 5/8 inch iron rod with cap set in the Easterly line of said 640 acre tract for a Westerly corner of said Parcel "B";

Thence, N 02°49'35" W, along the Easterly line of said 640 acre tract, a distance of 820.78 feet to the POINT OF BEGINNING and containing 3.2526 acres of land, more or less.

Note: Title Company does not represent that the above acreage or square footage calculations are correct.

HCID 17 - Capital Improvements Projects
7/12/2016

Land Development Projects	Capital			
	Construction	Engineering (18%)	Contingency (10%)	Total Cost
I. Black Oak Section 1				
Paving	\$ 1,577,255	\$ 283,905.90	\$ 157,725.50	\$ 2,018,886
Drainage/Detention	\$ 1,937,802	\$ 348,804.36	\$ 193,780.20	\$ 2,480,387
Landscaping/Irrigation/Amenity/Rec	\$ 1,880,000	\$ 338,400.00	\$ 188,000.00	\$ 2,406,400
Street Lighting	\$ 38,154	\$ 6,867.72	\$ 3,815.40	\$ 48,837
Land/ROW/Amenity/Recreational	\$ 447,150	\$ 80,487.00	\$ 44,715.00	\$ 572,352
Subtotal	\$ 5,880,361	\$ 1,058,465	\$ 588,036	\$ 7,526,862
II. Black Oak Section 2				
Paving	\$ 1,131,856	\$ 203,734.08	\$ 113,185.60	\$ 1,448,776
Drainage/Detention	\$ 1,284,515	\$ 231,212.70	\$ 128,451.50	\$ 1,644,179
Landscaping/Irrigation/Amenity/Rec	\$ 750,000	\$ 135,000.00	\$ 75,000.00	\$ 960,000
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$ 38,400
Land/ROW/Amenity/Recreational	\$ 1,044,450	\$ 188,001.00	\$ 104,445.00	\$ 1,336,896
Subtotal	\$ 4,240,821	\$ 763,348	\$ 424,082	\$ 5,428,251
III. Black Oak Section 3				
Paving	\$ 983,000	\$ 176,940.00	\$ 98,300.00	\$ 1,258,240
Drainage/Detention	\$ 308,427	\$ 55,516.86	\$ 30,842.70	\$ 394,787
Landscaping/Irrigation/Amenity/Rec	\$ 450,000	\$ 81,000.00	\$ 45,000.00	\$ 576,000
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$ 38,400
Land/ROW/Amenity/Recreational	\$ 273,900	\$ 49,302.00	\$ 27,390.00	\$ 350,592
Subtotal	\$ 2,045,327	\$ 368,159	\$ 204,533	\$ 2,618,019
IV. Black Oak Section 4				
Paving	\$ 922,552	\$ 166,059.36	\$ 92,255.20	\$ 1,180,867
Drainage/Detention	\$ 367,585	\$ 66,165.30	\$ 36,758.50	\$ 470,509
Landscaping/Irrigation/Amenity/Rec	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$ 384,000
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$ 38,400
Land/ROW/Amenity/Recreational	\$ 251,350	\$ 45,243.00	\$ 25,135.00	\$ 321,728
Subtotal	\$ 1,871,487	\$ 336,868	\$ 187,149	\$ 2,395,503
V. Enclave at Dobbin Section 1				
Paving	\$ 1,007,799	\$ 181,403.82	\$ 100,779.90	\$ 1,289,983
Drainage/Detention	\$ 1,472,768	\$ 265,098.24	\$ 147,276.80	\$ 1,885,143
Landscaping/Irrigation/Amenity/Rec	\$ 800,000	\$ 144,000.00	\$ 80,000.00	\$ 1,024,000
Street Lighting	\$ 35,000	\$ 6,300.00	\$ 3,500.00	\$ 44,800
Land/ROW/Amenity/Recreational	\$ 836,400	\$ 150,552.00	\$ 83,640.00	\$ 1,070,592
Subtotal	\$ 4,151,967	\$ 747,354	\$ 415,197	\$ 5,314,518
VI. Enclave at Dobbin Section 2				
Paving	\$ 700,643	\$ 126,115.74	\$ 70,064.30	\$ 896,823
Drainage/Detention	\$ 278,229	\$ 50,081.22	\$ 27,822.90	\$ 356,133
Landscaping/Irrigation/Amenity/Rec	\$ 1,600,000	\$ 288,000.00	\$ 160,000.00	\$ 2,048,000
Street Lighting	\$ 35,000	\$ 6,300.00	\$ 3,500.00	\$ 44,800
Land/ROW/Amenity/Recreational	\$ 216,240	\$ 38,923.20	\$ 21,624.00	\$ 276,787
Subtotal	\$ 2,830,112	\$ 509,420	\$ 283,011	\$ 3,622,543
VII. Enclave at Dobbin Section 3				
Paving	\$ 667,633	\$ 120,173.94	\$ 66,763.30	\$ 854,570
Drainage/Detention	\$ 131,254	\$ 23,625.72	\$ 13,125.40	\$ 168,005
Landscaping/Irrigation/Amenity/Rec	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$ 384,000
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$ 38,400
Land/ROW/Amenity/Recreational	\$ 174,420	\$ 31,395.60	\$ 17,442.00	\$ 223,258
Subtotal	\$ 1,303,307	\$ 234,595	\$ 130,331	\$ 1,668,233
VIII. Enclave at Dobbin Section 4				
Paving	\$ 255,100	\$ 45,918.00	\$ 25,510.00	\$ 326,528
Drainage/Detention	\$ 78,133	\$ 14,063.94	\$ 7,813.30	\$ 100,010
Landscaping/Irrigation/Amenity/Rec	\$ 100,000	\$ 18,000.00	\$ 10,000.00	\$ 128,000
Street Lighting	\$ 20,000	\$ 3,600.00	\$ 2,000.00	\$ 25,600
Land/ROW/Amenity/Recreational	\$ 38,250	\$ 6,885.00	\$ 3,825.00	\$ 48,960
Subtotal	\$ 491,483	\$ 88,467	\$ 49,148	\$ 629,098



HCID 17 - Capital Improvements Projects
7/12/2016

IX. Colony at Pinehurst Section 1					
Paving	\$ 522,800	\$ 94,104.00	\$ 52,280.00	\$	669,184
Drainage/Detention	\$ 1,500,000	\$ 270,000.00	\$ 150,000.00	\$	1,920,000
Landscaping/Irrigation/Amenity/Rec	\$ 389,961	\$ 70,192.98	\$ 38,996.10	\$	499,150
Street Lighting	\$ 25,000	\$ 4,500.00	\$ 2,500.00	\$	32,000
Land/ROW/Amenity/Recreational	\$ 398,000	\$ 71,640.00	\$ 39,800.00	\$	509,440
Subtotal	\$ 2,835,761	\$ 510,497	\$ 283,576	\$	3,629,774
X. Colony at Pinehurst Section 2					
Paving	\$ 900,000	\$ 162,000.00	\$ 90,000.00	\$	1,152,000
Drainage/Detention	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$	384,000
Landscaping/Irrigation/Amenity/Rec	\$ 1,100,000	\$ 198,000.00	\$ 110,000.00	\$	1,408,000
Street Lighting	\$ 25,000	\$ 4,500.00	\$ 2,500.00	\$	32,000
Land/ROW/Amenity/Recreational	\$ 107,250	\$ 19,305.00	\$ 10,725.00	\$	137,280
Subtotal	\$ 2,432,250	\$ 437,805	\$ 243,225	\$	3,113,280
XI. Colony at Pinehurst Section 3					
Paving	\$ 1,100,000	\$ 198,000.00	\$ 110,000.00	\$	1,408,000
Drainage/Detention	\$ 275,000	\$ 49,500.00	\$ 27,500.00	\$	352,000
Landscaping/Irrigation/Amenity/Rec	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$	384,000
Street Lighting	\$ 25,000	\$ 4,500.00	\$ 2,500.00	\$	32,000
Land/ROW/Amenity/Recreational	\$ 86,000	\$ 15,480.00	\$ 8,600.00	\$	110,080
Subtotal	\$ 1,786,000	\$ 321,480	\$ 178,600	\$	2,286,080
XII. Brandy Villas Sec 1					
Paving	\$ 480,000	\$ 86,400.00	\$ 48,000.00	\$	614,400
Drainage/Detention	\$ 639,379	\$ 115,088.22	\$ 63,937.90	\$	818,405
Landscaping/Irrigation/Amenity/Rec	\$ 350,000	\$ 63,000.00	\$ 35,000.00	\$	448,000
Street Lighting	\$ 15,000	\$ 2,700.00	\$ 1,500.00	\$	19,200
Land/ROW/Amenity/Recreational	\$ 568,820	\$ 102,387.60	\$ 56,882.00	\$	728,090
Subtotal	\$ 2,053,199	\$ 369,576	\$ 205,320	\$	2,628,095
XIII. Prestige Development					
Paving	\$ 840,000	\$ 151,200.00	\$ 84,000.00	\$	1,075,200
Drainage/Detention	\$ 500,000	\$ 90,000.00	\$ 50,000.00	\$	640,000
Recreation	\$ 400,000	\$ 72,000.00	\$ 40,000.00	\$	512,000
Landscaping/Irrigation/Amenity/Rec	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$	384,000
Street Lighting	\$ 25,000	\$ 4,500.00	\$ 2,500.00	\$	32,000
Right-of-Way	\$ 275,000	\$ 49,500.00	\$ 27,500.00	\$	352,000
Subtotal	\$ 2,340,000	\$ 421,200	\$ 234,000	\$	2,995,200
XIV. Mostyn Community Sec 1					
Paving	\$ 1,100,000	\$ 198,000.00	\$ 110,000.00	\$	1,408,000
Drainage/Detention	\$ 1,300,000	\$ 234,000.00	\$ 130,000.00	\$	1,664,000
Landscaping/Irrigation/Amenity/Rec	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$	384,000
Street Lighting	\$ 36,000	\$ 6,480.00	\$ 3,600.00	\$	46,080
Land/ROW/Amenity/Recreational	\$ 350,000	\$ 63,000.00	\$ 35,000.00	\$	448,000
Subtotal	\$ 3,086,000	\$ 555,480	\$ 308,600	\$	3,950,080
XV. Mostyn Community Sec 2					
Paving	\$ 1,200,000	\$ 216,000.00	\$ 120,000.00	\$	1,536,000
Drainage/Detention	\$ 390,000	\$ 70,200.00	\$ 39,000.00	\$	499,200
Landscaping/Irrigation/Amenity/Rec	\$ 1,200,000	\$ 216,000.00	\$ 120,000.00	\$	1,536,000
Street Lighting	\$ 98,000	\$ 6,840.00	\$ 3,800.00	\$	48,640
Land/ROW/Amenity/Recreational	\$ 150,000	\$ 27,000.00	\$ 15,000.00	\$	192,000
Subtotal	\$ 2,978,000	\$ 536,040	\$ 297,800	\$	3,811,840
XVI. Mostyn Community Sec 3					
Paving	\$ 1,100,000	\$ 198,000.00	\$ 110,000.00	\$	1,408,000
Drainage/Detention	\$ 1,300,000	\$ 234,000.00	\$ 130,000.00	\$	1,664,000
Landscaping/Irrigation/Amenity/Rec	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$	384,000
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$	38,400
Land/ROW/Amenity/Recreational	\$ 150,000	\$ 27,000.00	\$ 15,000.00	\$	192,000
Subtotal	\$ 2,880,000	\$ 518,400	\$ 288,000	\$	3,686,400

HCID 17 - Capital Improvements Projects
7/12/2016

XVII. Mill Creek Sec 1 North					
Paving	\$ 1,523,800	\$ 274,284.00	\$ 152,380.00	\$ 1,950,464	
Drainage/Detention	\$ 1,490,100	\$ 268,218.00	\$ 149,010.00	\$ 1,907,328	
Landscaping/Irrigation/Amenity/Rec	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$ 384,000	
Street Lighting	\$ 35,000	\$ 6,300.00	\$ 3,500.00	\$ 44,800	
Land/ROW/Amenity/Recreational	\$ 816,500	\$ 146,970.00	\$ 81,650.00	\$ 1,045,120	
Subtotal	\$ 4,165,400	\$ 749,772	\$ 416,540	\$ 5,331,712	
XVIII. Mill Creek Sec 2 North					
Paving	\$ 1,233,100	\$ 221,958.00	\$ 123,310.00	\$ 1,578,368	
Drainage/Detention	\$ 610,115	\$ 109,820.70	\$ 61,011.50	\$ 780,947	
Landscaping/Irrigation/Amenity/Rec	\$ 100,000	\$ 18,000.00	\$ 10,000.00	\$ 128,000	
Street Lighting		\$ -	\$ -	\$ -	
Land/ROW/Amenity/Recreational	\$ 288,000	\$ 51,840.00	\$ 28,800.00	\$ 368,640	
Subtotal	\$ 2,231,215	\$ 401,619	\$ 223,122	\$ 2,855,955	
XIX. Willow Creek Sec 1					
Paving	\$ 2,703,500	\$ 486,630.00	\$ 270,350.00	\$ 3,460,480	
Drainage/Detention	\$ 13,821,319	\$ 2,487,837.42	\$ 1,382,131.90	\$ 17,691,288	
Recreation	\$ 573,536	\$ 103,236.48	\$ 57,353.60	\$ 734,126	
Landscaping/Irrigation/Amenity/Rec	\$ 800,000	\$ 144,000.00	\$ 80,000.00	\$ 1,024,000	
Street Lighting	\$ 40,000	\$ 7,200.00	\$ 4,000.00	\$ 51,200	
Land/ROW/Amenity/Recreational	\$ 2,016,000	\$ 362,880.00	\$ 201,600.00	\$ 2,580,480	
Subtotal	\$ 19,954,355	\$ 3,591,784	\$ 1,995,436	\$ 25,541,574	
XX. Lone Oak Sec 1					
Paving	\$ 975,014	\$ 175,502.52	\$ 97,501.40	\$ 1,248,018	
Drainage/Detention	\$ 767,311	\$ 138,115.98	\$ 76,731.10	\$ 982,158	
Landscaping/Irrigation/Amenity/Rec	\$ -	\$ -	\$ -	\$ -	
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$ 38,400	
Land/ROW/Amenity/Recreational	\$ 119,600	\$ 21,528.00	\$ 11,960.00	\$ 153,088	
Subtotal	\$ 1,891,925	\$ 340,547	\$ 189,193	\$ 2,421,664	
XXI. Lone Oak Sec 2					
Paving	\$ 459,408	\$ 82,693.44	\$ 45,940.80	\$ 588,042	
Drainage/Detention	\$ 194,625	\$ 35,032.50	\$ 19,462.50	\$ 249,120	
Landscaping/Irrigation/Amenity/Rec	\$ -	\$ -	\$ -	\$ -	
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$ 38,400	
Land/ROW/Amenity/Recreational	\$ 34,500	\$ 6,210.00	\$ 3,450.00	\$ 44,160	
Subtotal	\$ 718,533	\$ 129,336	\$ 71,853	\$ 919,722	
XXII. Lone Oak Sec 3					
Paving	\$ 471,000	\$ 84,780.00	\$ 47,100.00	\$ 602,880	
Drainage/Detention	\$ 363,343	\$ 65,401.74	\$ 36,334.30	\$ 465,079	
Landscaping/Irrigation/Amenity/Rec	\$ -	\$ -	\$ -	\$ -	
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$ 38,400	
Land/ROW/Amenity/Recreational	\$ 46,000	\$ 8,280.00	\$ 4,600.00	\$ 58,880	
Subtotal	\$ 910,343	\$ 163,862	\$ 91,034	\$ 1,165,239	
		Capital			
		Construction	Engineering (18%)	Contingency (10%)	Total Cost
HCID 17 5-Year Total	\$ 73,077,846.00	\$ 13,154,012.28	\$ 7,307,784.60	\$ 93,539,642.88	

**PETITION FOR CONSENT TO THE CREATION OF
HARRIS COUNTY IMPROVEMENT DISTRICT NO. 17 AND
CONSENT TO ANNEX LAND INTO THE DISTRICT AND
APPROVAL OF CAPITAL IMPROVEMENT BUDGET**

THE STATE OF TEXAS §
 §
COUNTIES OF HARRIS §
AND MONTGOMERY §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TOMBALL,
TEXAS:

I.

Harris County Improvement District No. 17 (the "District"), located in Harris County, Texas, and Montgomery County, Texas, was heretofore duly created by the Legislature of the State of Texas in the 81st Regular Session and is partially located in the extraterritorial jurisdiction of the City of Tomball, Texas (the "City").

II.

The District was created and operates under the authority of House Bill 4829, 81st Regular Session, as Codified in Chapter 3891, Texas Special District Local Laws Code; Article III, Section 52, Article III, Section 52-a, and Article XVI, Section 59, of the Texas Constitution; Chapter 375, Texas Local Government Code; and Chapters 49 and 54, Texas Water Code, and has all of the purposes and powers described therein.

III.

The legislation creating the District and containing the metes and bounds description of the boundaries of the District is attached as **Exhibit "A"**.

IV.

The District hereby seeks the City's consent to its creation.

V.

In addition, the undersigned Board of Directors of the District and Merenco Realty, Inc., a Texas corporation (the "Property Owner"), respectfully petition the City for its consent to the addition of land to the District. In support thereof, a Petition for Consent to Annex Land into the District, signed by the Board and the Property Owner and containing a description of the land to be annexed into the District (the "Tract"), is attached hereto as **Exhibit "B"**.

VI.

In furtherance of the purposes for which it was created, the District's Board of Directors has developed the District's five-year Capital Improvement Budget, a copy of which is attached hereto as Exhibit "C", covering the District's proposed improvement program, including facilities to be purchased or constructed.

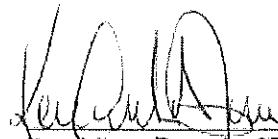
VII.

The District hereby seeks the City's approval of the attached Capital Improvement Budget.

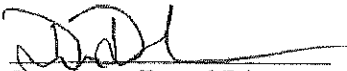
WHEREFORE, the undersigned respectfully prays that this Petition be granted in all respects and that the City Council of the City of Tomball, Texas, adopt an ordinance giving its written consent (1) to the creation of the District; (2) to the addition of the Tract to the boundaries of the District; and (3) approval of the District's five-year Capital Improvement Budget attached hereto.

[EXECUTION PAGE FOLLOWS]

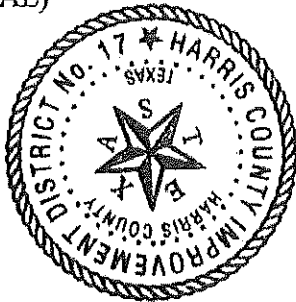
RESPECTFULLY SUBMITTED this 27th day of May, 2016.


as acting President
President, Board of Directors

ATTEST:


Secretary, Board Directors

(SEAL)



AN ACT

2 relating to the creation of the Harris County Improvement District
3 No. 17; providing authority to impose an assessment, impose a tax,
4 and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 4, Special District Local Laws
Code, is amended by adding Chapter 3891 to read as follows:

CHAPTER 3891. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 17

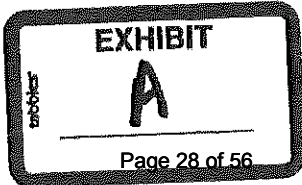
SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 3891.001. DEFINITIONS. In this chapter:

- 11 (1) "Board" means the district's board of directors.
12 (2) "Director" means a board member.
13 (3) "District" means the Harris County Improvement
14 District No. 17.

15 Sec. 3891.002. NATURE OF DISTRICT. The Harris County
16 Improvement District No. 17 is a special district created under
17 Section 59, Article XVI, Texas Constitution.

18 Sec. 3891.003. PURPOSE; DECLARATION OF INTENT. (a) The
19 creation of the district is essential to accomplish the purposes of
20 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
21 Texas Constitution, and other public purposes stated in this
22 chapter. By creating the district and in authorizing the City of
23 Houston, Harris County, and other political subdivisions to
24 contract with the district, the legislature has established a



1 program to accomplish the public purposes set out in Section 52-a,
2 Article III, Texas Constitution.

3 (b) The creation of the district is necessary to promote,
4 develop, encourage, and maintain employment, commerce,
5 transportation, housing, tourism, recreation, the arts,
6 entertainment, economic development, safety, and the public
7 welfare in the district.

8 (c) This chapter and the creation of the district may not be
9 interpreted to relieve Harris County from providing the level of
10 services provided, as of the effective date of the Act enacting this
11 chapter, to the area in the district. The district is created to
12 supplement and not to supplant the county services provided in the
13 area in the district.

14 Sec. 3891.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
15 The district is created to serve a public use and benefit.

16 (b) All land and other property included in the district
17 will benefit from the improvements and services to be provided by
18 the district under powers conferred by Sections 52 and 52-a,
19 Article III, and Section 59, Article XVI, Texas Constitution, and
20 other powers granted under this chapter.

21 (c) The creation of the district is in the public interest
22 and is essential to:

23 (1) further the public purposes of developing and
24 diversifying the economy of the state;

25 (2) eliminate unemployment and underemployment; and

26 (3) develop or expand transportation and commerce.

27 (d) The district will:

1 (1) promote the health, safety, and general welfare of
2 residents, employers, employees, potential employees, visitors,
3 and consumers in the district, and of the public;

4 (2) provide needed funding for the district to
5 preserve, maintain, and enhance the economic health and vitality of
6 the district territory as a community and business center;

7 (3) promote the health, safety, welfare, and enjoyment
8 of the public by providing pedestrian ways and by landscaping and
9 developing certain areas in the district, which are necessary for
10 the restoration, preservation, and enhancement of scenic beauty;
11 and

12 (4) provide for water, wastewater, drainage, road,
13 and recreational facilities for the district.

14 (e) Pedestrian ways along or across a street, whether at
15 grade or above or below the surface, and street lighting, street
16 landscaping, parking, and street art objects are parts of and
17 necessary components of a street and are considered to be a street
18 or road improvement.

19 (f) The district will not act as the agent or
20 instrumentality of any private interest even though the district
21 will benefit many private interests as well as the public.

22 Sec. 3891.005. INITIAL DISTRICT TERRITORY. (a) The
23 district is initially composed of the territory described by
24 Section 2 of the Act enacting this chapter.

25 (b) The boundaries and field notes contained in Section 2 of
26 the Act enacting this chapter form a closure. A mistake in the
27 field notes or in copying the field notes in the legislative process

1 does not affect the district's:

2 (1) organization, existence, or validity;

3 (2) right to issue any type of bond for the purposes
4 for which the district is created or to pay the principal of and
5 interest on the bond;

6 (3) right to impose or collect an assessment or tax; or

7 (4) legality or operation.

8 Sec. 3891.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

9 All or any part of the area of the district is eligible to be
10 included in:

11 (1) a tax increment reinvestment zone created under
12 Chapter 311, Tax Code;

13 (2) a tax abatement reinvestment zone created under
14 Chapter 312, Tax Code; or

15 (3) an enterprise zone created under Chapter 2303,
16 Government Code.

17 Sec. 3891.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
18 DISTRICTS LAW. Except as otherwise provided by this chapter,
19 Chapter 375, Local Government Code, applies to the district.

20 [Sections 3891.008-3891.050 reserved for expansion]

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Sec. 3891.051. GOVERNING BODY; TERMS. The district is
23 governed by a board of five directors who serve staggered terms of
24 four years, with two or three directors' terms expiring June 1 of
25 each odd-numbered year.

26 Sec. 3891.052. APPOINTMENT OF DIRECTORS. (a) The board
27 shall recommend to the Harris County Commissioners Court persons to

1 serve on the succeeding board.

2 (b) After reviewing the board's recommendations of persons
3 to serve on the succeeding board, the commissioners court shall
4 appoint as directors or disapprove the recommended persons.

5 (c) If the governing body of the City of Houston objects to
6 any of the board's recommendations of persons to serve on the
7 succeeding board, the board, on the request of the commissioners
8 court, shall submit additional recommendations.

9 (d) Board members may serve successive terms.

10 (e) If any provision of Subsections (a) through (d) is found
11 to be invalid, the Texas Commission on Environmental Quality shall
12 appoint the succeeding board from recommendations of persons to
13 serve on the succeeding board submitted by the board.

14 Sec. 3891.053. ELIGIBILITY. To be eligible to serve as a
15 director, a person must meet the qualifications in Section 375.063,
16 Local Government Code.

17 Sec. 3891.054. INITIAL DIRECTORS. (a) The initial board
18 consists of the following voting directors:

	<u>Pos. No. Name of Director</u>
19	
20	<u>1 Joe Bullard</u>
21	<u>2 Hollis Bullard</u>
22	<u>3 Tim Culp</u>
23	<u>4 Joe Fogarty</u>
24	<u>5 Art DePue</u>

25 (b) Of the initial directors, the terms of three directors
26 expire June 1, 2011, and the terms of two directors expire June 1,
27 2013. The initial directors shall draw lots to determine which two

1 directors' terms expire June 1, 2013.

2 (c) Section 3891.052 does not apply to this section.

3 (d) This section expires September 1, 2014.

4 [Sections 3891.055-3891.100 reserved for expansion]

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 3891.101. GENERAL POWERS AND DUTIES. The district has
7 the powers and duties necessary to accomplish the purposes for
8 which the district is created.

9 Sec. 3891.102. MUNICIPAL MANAGEMENT POWERS AND DUTIES. The
10 district has the powers and duties provided by the general laws of
11 this state, including Chapter 375, Local Government Code,
12 applicable to a municipal management district created under
13 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
14 Texas Constitution.

15 Sec. 3891.103. DEVELOPMENT CORPORATION POWERS. The
16 district may exercise the powers given to a development corporation
17 under Chapter 505, Local Government Code.

18 Sec. 3891.104. SPORTS VENUE. The district may construct,
19 acquire, improve, maintain, and operate a sports venue, including
20 an arena, coliseum, stadium, or other type of area or facility used
21 for one or more professional or amateur sports or athletic events.

22 Sec. 3891.105. AGREEMENTS; GRANTS. The district may make
23 an agreement with or accept a gift, grant, or loan from any person.

24 Sec. 3891.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
25 district may join and pay dues to a charitable or nonprofit
26 organization that performs a service or provides an activity
27 consistent with the furtherance of a district purpose.

1 Sec. 3891.107. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
2 district may establish and provide for the administration of one or
3 more programs to promote state or local economic development and to
4 stimulate business and commercial activity in the district.

5 (b) The district has all of the economic development
6 authority that:

7 (1) Chapter 380, Local Government Code, grants to a
8 municipality with a population of more than 100,000; and

9 (2) Chapter 1509, Government Code, grants to a
10 municipality.

11 Sec. 3891.108. NO EMINENT DOMAIN. The district may not
12 exercise the power of eminent domain.

13 [Sections 3891.109-3891.150 reserved for expansion]

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 3891.151. OPERATION AND MAINTENANCE TAX. (a) If
16 authorized at an election held in accordance with Section 3891.158,
17 the district may impose an annual operation and maintenance tax on
18 taxable property in the district in accordance with Section 49.107,
19 Water Code, for any district purpose, including to:

20 (1) maintain and operate the district;

21 (2) construct or acquire improvements; or

22 (3) provide a service.

23 (b) The board shall determine the tax rate. The rate may not
24 exceed the rate approved at the election.

25 Sec. 3891.152. CONTRACT TAXES. (a) In accordance with
26 Section 49.108, Water Code, the district may impose a tax other than
27 an operation and maintenance tax and use the revenue derived from

1 the tax to make payments under a contract after the provisions of
2 the contract have been approved by a majority of the district voters
3 voting at an election held for that purpose.

4 (b) A contract approved by the district voters may contain a
5 provision stating that the contract may be modified or amended by
6 the board without further voter approval.

7 Sec. 3891.153. AUTHORITY TO ISSUE BONDS AND OTHER
8 OBLIGATIONS. The district may issue bonds, notes, or other
9 obligations payable wholly or partly from ad valorem taxes, sales
10 and use taxes, assessments, impact fees, revenue, contract
11 payments, grants, or other district money, or any combination of
12 those sources of money, to pay for any authorized district purpose.

13 Sec. 3891.154. HOTEL OCCUPANCY TAX. (a) The district may
14 impose a hotel occupancy tax in the manner that Chapter 351, Tax
15 Code, provides for a municipality.

16 (b) A tax imposed under this section may not exceed the
17 maximum rate under Section 351.003(a), Tax Code.

18 Sec. 3891.155. SALES AND USE TAX. (a) The district may
19 impose a sales and use tax if authorized by a majority of the voters
20 of the district voting at an election held for that purpose.
21 Revenue from the tax may be used for any district purpose for which
22 ad valorem tax revenue is used.

23 (b) The district may not impose a sales and use tax if as a
24 result of the imposition of the tax the combined rate of all sales
25 and use taxes imposed by the district and other political
26 subdivisions of this state having territory in the district would
27 exceed the amount allowable by law at any location in the district.

1 (c) If the voters of the district approve the adoption of
2 the tax at an election held on the same election date on which
3 another political subdivision adopts a sales and use tax or
4 approves an increase in the rate of its sales and use tax and as a
5 result the combined rate of all sales and use taxes imposed by the
6 district and other political subdivisions of this state having
7 territory in the district would exceed the amount allowable by law
8 at any location in the district, the election to adopt a sales and
9 use tax under this chapter has no effect.

10 (d) Except as otherwise provided by this chapter, Chapter
11 321, Tax Code, applies to the imposition, computation,
12 administration, enforcement, and collection of the sales and use
13 tax imposed by this section.

14 Sec. 3891.156. TAXES FOR BONDS. At the time the district
15 issues bonds payable wholly or partly from ad valorem taxes, the
16 board shall provide for the annual imposition of an ad valorem tax,
17 without limit as to rate or amount, while all or part of the bonds
18 are outstanding as required and in the manner provided by Sections
19 54.601 and 54.602, Water Code.

20 Sec. 3891.157. BONDS FOR ROAD PROJECTS. At the time of
21 issuance the total principal amount of bonds or other obligations
22 incurred to finance a road project may not exceed one-fourth of the
23 assessed value of real property in the district.

24 Sec. 3891.158. ELECTIONS REGARDING TAXES AND BONDS. (a)
25 The district may issue, without an election, bonds, notes, and
26 other obligations secured by revenue or contract payments from any
27 source other than ad valorem taxes.

1 (b) The district must hold an election in the manner
2 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3 before the district may impose an ad valorem tax or issue bonds
4 payable from ad valorem taxes.

5 (c) The district may not issue bonds payable from ad valorem
6 taxes to finance a road project unless the issuance is approved by a
7 vote of a two-thirds majority of the district voters voting at an
8 election held for that purpose.

9 SECTION 2. The Harris County Improvement District No. 17
10 initially includes all the territory contained in the following
11 area:

12 BEING 606.1394 acres of land out of a 644.0794 acre tract, that same
13 tract described in a deed filed for record July 06, 1933 in Volume
14 932, Page 98, Deed Records, Harris County, Texas, from John D. Reid,
15 et al, to Humble Oil and Refining Company, all of the Chauncy
16 Goodrich Survey Number 776, Patent 466, Volume 1, Abstract 305,
17 containing 640 acres more or less in Harris County, Texas; said
18 606.1394 acres more fully described as follows: BEGINNING at a 12
19 inch diameter wood fence post found in the West line of the Sam
20 Lewis Survey, Abstract 1704, the Southeast corner of the J. M.
21 Hooper Survey, Abstract 375 and the Northeast corner of the Chauncy
22 Goodrich Survey; THENCE South 00° 19' 00" East, with the West line of
23 the Lewis Survey, a distance of 1005.00 feet to a point for the most
24 Easterly Northeast corner of that certain 9.26 acre tract, conveyed
25 to Humble Oil and Refining Company from Magnolia Petroleum Company,
26 by deed filed for record in Volume 1063, Page 557, Deed Records,
27 Harris County, Texas; THENCE North 29° 36' 00" West, a distance of

H.B. No. 4829

1 206.4 feet to a point for corner in the North line of said 9.26 acres
2 ;THENCE South 89° 41' 00" West, a distance of 449.00 feet to a point
3 in the East line of that certain 28.68 acre tract conveyed to Humble
4 Oil and Refining Company from Socony Mobil Oil Company,
5 Incorporation, by deed filed for record in Volume 6028, Page 80 or
6 Harris County Clerk's File Number C139334, Harris County Deed
7 Records, said point being the Northwest corner of said 9.26 acre
8 tract; THENCE with the perimeter lines of said 28.68 acres the
9 following calls:

10 (1) North 00° 19' 00" West, a distance of 586.4 feet to corner;
11 (2) South 89° 36' 00" West, a distance of 597.9 feet to corner;
12 (3) South 00° 31' 00" East, a distance of 434.1 feet to corner;
13 (4) South 88° 43' 00" West, a distance of 418.6 feet to corner;
14 (5) North 01° 00' 00" West, a distance of 211.2 feet to corner;
15 (6) South 89° 00' 00" West, a distance of 394.5 feet to corner;
16 (7) South 00° 54' 00" East, a distance of 500.00 feet to corner;
17 (8) South 89° 13' 00" East, a distance of 508.4 feet to corner;
18 (9) South 00° 54' 00" East, a distance of 411.6 feet to corner;
19 (10) North 89° 38' 00" East, a distance of 289.7 feet to corner;
20 (11) South 00° 36' 00" East, a distance of 180.8 feet to corner;
21 (12) North 89° 38' 00" East, passing at 603.6 feet the Southeast
22 corner of said 28.68 acres, the Southwest corner of said 9.26 acres,
23 continuing with the South line of said 9.26 acres, in all, a
24 distance of 1153.6 feet to a point for the Southeast corner of said
25 9.26 acres in the West line of the Lewis Survey, the East line of the
26 Goodrich Survey and said 644.0794 acre tract: THENCE South 00° 19'
27 00" East, with the West line of the Lewis Survey, a distance of

H.B. No. 4829

1 3706.59 feet to a 1 inch iron pipe found in the North line of the
2 August Senechal Survey, Abstract 722 and Lot 53 of Boudreaux
3 Estates, unrecorded subdivision; THENCE South 89° 19' 23" West, with
4 the North line of the Senechal Survey, Lots 50, 51, 52 and 53 of said
5 Boudreaux Estates, a 16.349 acre tract conveyed to John E. Kolb,
6 Trustee of Harris County, recorded under Harris County Clerk's File
7 Number F196319, passing it's Northwest corner and the common North
8 corner of said Senechal Survey and I & G. N. R. R. Company Survey,
9 Abstract 952 at 2385 feet more or less, continuing in the North line
10 of said I & G. N. R. R. Company Survey and a 6.470 acre tract
11 recorded under Harris County Clerk's File Number R716867 and along
12 a wire fence, in all, a distance of 5279.26 feet to a 3/4 inch iron
13 pipe found at the base of a fence corner post, said pipe marking the
14 Southeast corner of the John M. Hooper Survey, Abstract 372, the
15 Southeast corner of the William Kobs, 323 acre tract, recorded in
16 Volume 16, Page 188, Deed Records, Harris County, Texas and the
17 Southwest corner of the Chauncy Goodrich Survey and the tract
18 herein described; THENCE North 00° 13' 42" West, with the East line
19 of the Kobs Tract, the East line of the Hooper Survey, the West line
20 of the Goodrich Survey and along a wire fence, a distance of 5355.75
21 feet to a fence corner post found in the South line of the Hooper
22 Survey, Abstract 375, marking the Northwest corner of the tract
23 herein described from which a 5/8 inch iron rod found bears North
24 86° 01' 14" West, 4.65 feet; THENCE South 89° 52' 17" East, with the
25 South line of the Hooper Survey, Abstract 375, the North line of the
26 Goodrich Survey, the tract herein described and along a wire fence,
27 a distance of 5271.05 feet to the PLACE OF BEGINNING containing

H.B. No. 4829

1 606.1394 acres. Together with the following: (1) a 60 foot wide road
2 easement extending from the Southwest right-of-way of State Highway
3 249 West to the common line between the Sam Lewis Survey, Abstract
4 1704, and the C. N. Pillot Survey, Abstract 632, recorded under
5 Harris County Clerk's File Number S283266, Official Public Records
6 of Real Property, Harris County, Texas; (2) a 100 foot wide road
7 easement extending from the common line between the Lewis Survey
8 and the Pillot Survey, West, to the East line of the Chauncy
9 Goodrich Survey, Abstract 305, recorded in Volume 934, Page 27,
10 Deed Records, Harris County, Texas; (3) a 100 foot wide road
11 easement, extending West from the Goodrich Survey East line and
12 being more fully described as follows: BEGINNING at a 1/2 inch iron
13 rod found for the Northwest corner of that certain 100 foot wide
14 road easement recorded in Volume 934, Page 27, Deed Records, Harris
15 County, Texas, in the West line of the Sam Lewis Survey, Abstract
16 1704, the East line of the Chauncy Goodrich Survey, Abstract 305;
17 THENCE South 00° 19' 00" East, with the East line of the Goodrich
18 Survey, a distance of 100.00 feet; THENCE South 89° 18' 37" West, a
19 distance of 1118.84 feet to a 1/2 inch iron rod found for corner;
20 THENCE North 00° 54' 00" West, a distance of 100.00 feet to a 1/2
21 inch iron rod found in the South line of that certain 28.68 acre
22 tract recorded in Volume 6028, Page 80, Deed Records, Harris
23 County, Texas, the Northwest corner of the tract herein described;
24 THENCE North 89° 18' 37" East, with the South line of said 28.68 acre
25 tract and a 9.26 acre Tomball Gas Plant Tract recorded in Volume
26 1063, Page 557, Deed Records, Harris County, Texas, a distance of
27 1119.86 feet to the PLACE OF BEGINNING, containing 2.56 acres more

1 or less.

2 SECTION 3. (a) The legal notice of the intention to
3 introduce this Act, setting forth the general substance of this
4 Act, has been published as provided by law, and the notice and a
5 copy of this Act have been furnished to all persons, agencies,
6 officials, or entities to which they are required to be furnished
7 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8 Government Code.

9 (b) The governor, one of the required recipients, has
10 submitted the notice and Act to the Texas Commission on
11 Environmental Quality.

12 (c) The Texas Commission on Environmental Quality has filed
13 its recommendations relating to this Act with the governor,
14 lieutenant governor, and speaker of the house of representatives
15 within the required time.

16 (d) The general law relating to consent by political
17 subdivisions to the creation of districts with conservation,
18 reclamation, and road powers and the inclusion of land in those
19 districts has been complied with.

20 (e) All requirements of the constitution and laws of this
21 state and the rules and procedures of the legislature with respect
22 to the notice, introduction, and passage of this Act have been
23 fulfilled and accomplished.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 4829

1 Act takes effect September 1, 2009.

H.B. No. 4829

President of the Senate

Speaker of the House

I certify that H.B. No. 4829 was passed by the House on May 15, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4829 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____
Date

Governor

PETITION FOR ADDITION OF CERTAIN LAND TO THE DISTRICT

THE STATE OF TEXAS

§

COUNTY OF MONTGOMERY

§

§

TO THE BOARD OF DIRECTORS OF
HARRIS COUNTY IMPROVEMENT DISTRICT NO. 17

Merenco Realty, Inc., a Texas corporation (herein "Petitioner"), hereby petitions the Board of Directors (the "Board") of Harris County Improvement District No. 17 (the "District") for inclusion within the District of the land hereinafter described, so that such land shall be added to, and become a part of, the District.

In support of this Petition, Petitioner would respectfully show unto the Board the following:

I.

Petitioner is the owner of those certain tracts of land described by metes and bounds in Exhibit "A" (collectively, the "Tract") attached hereto and made a part hereof for all purposes.

II.

No person or entity holds a lien on the Tract.

III.

There are no tenants on the Tract, and no one currently resides upon the Tract.

IV.

The Tract lies wholly within the extraterritorial jurisdiction of the City of Tomball, Texas, and is not located within the boundaries of any incorporated city or town.

V.

Petitioner agrees and states that the addition of the Tract to the District is feasible, practicable and to the advantage of the District, and the water, sewer, drainage systems, roads, parks and recreation and other improvements of the District are or will be sufficient to supply the Tract without injuring land already in the District.



VI.

This Petition shall constitute an election on the part of Petitioner, its successors and assigns, for the aforesaid land and any improvements which are now or may hereafter be constructed thereon to become liable for all present and future debts of the District in the same manner and to the same extent as other lands and improvements in the District are liable for the District's debts.

VII.

Petitioner, its successors and assigns, hereby agrees that the Tract and all improvements thereon, presently existing or to be constructed, shall be liable for its pro rata share of (i) all voted but unissued bonds of the District which were authorized at various elections held within the District, and which may hereafter be issued and sold by the District; and (ii) all bonds of the District hereafter voted and which may hereafter be issued and sold by the District. This Petition constitutes authorization by Petitioner, its successors and assigns, for the Board of Directors of the District (i) to issue and sell all of the remaining voted but unissued bonds of the District for the purposes and upon the terms and conditions such bonds were voted, in one or more issues or series, at a future date or dates, when the Board's judgment such amounts are required for the authorized purposes; and (ii) to issue and sell all of the District's bonds to be voted hereafter, for the purposes and upon the terms and conditions for such bonds to be voted, in one or more issues or series, at a future date or dates, when the Board's judgment such amounts are required for the authorized purposes.

VIII.

This Petition shall further be considered the consent and authorization of Petitioner, its successors and assigns, for all the taxable land described in Exhibit "A" and all improvements thereon, presently existing or to be constructed, to be taxed uniformly and equally on an ad valorem basis with all other taxable property within the District for: (1) the payment of principal and interest on the District's voted but unissued bonds; and (2) all other purposes for which the District may lawfully levy taxes, including taxes levied for maintenance purposes.

IX.

For and in consideration of the addition of the Tract to the District, Petitioner agrees that the covenants contained herein shall become fixed with the land, shall run with the land, and shall be binding on Petitioner, its successors and assigns.

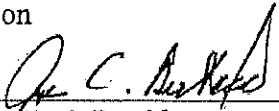
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Petition be filed with the Secretary of the Board; that, thereafter this Petition be heard by the Board and granted in all respects; that, the Tract be added to and become a part of the District, as provided by law, including particularly Chapters 49 and 54, Texas Water Code, as amended; that, after it has been heard and granted, this Petition and the Board's action hereon be filed of record in the Office of the County Clerks of Harris and Montgomery Counties, Texas; and that Petitioner have such other Orders and relief to which it may show itself entitled.

RESPECTFULLY SUBMITTED 10th day of July, 2015.

“PETITIONER”

Merenco Realty, Inc.,
a Texas corporation

By:


Joe C. Bullard, President

THE STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

This instrument was acknowledged before me on this 10th day of July, 2015, by Joe C. Bullard, President of Merenco Realty, Inc. a Texas corporation, in the capacity therein stated.



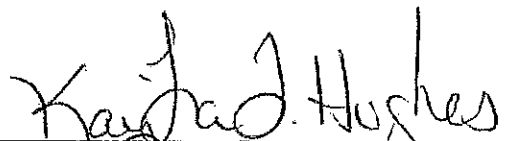

NOTARY PUBLIC, STATE OF TEXAS

EXHIBIT "A" LEGAL DESCRIPTION

File No.: 1320172638

3.2526 acres of land, more or less, situated in the Sam Lewis Survey, Abstract Number 1704, Harris County, Texas, being the remainder of that certain called 145.78 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County Clerk's File Number F-014298, said 3.2526 acres of land being more particularly described by metes and bounds as follows:

D

BEGINNING at a 1 inch iron pipe found in the Easterly line of that certain called 640 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20130384778, and the Southerly line of that certain called 100 foot roadway easement as described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Numbers S-457983 and S-457984 and under Volume 934, Page 27 of the Deed Records of Harris County, Texas;

Thence, N 87°55'58" E, along the Southerly line of said 100 foot roadway easement, a distance of 289.48 feet to a 5/8 inch iron rod with cap set for the Northwestern corner of that certain called Parcel "B" conveyed to the Harris County Flood Control District by deed recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number L-951535, for a point of non-tangent curvature to the right;

Thence, in a Southerly direction along the Westerly line of said Parcel "B", with said curve to the right, having a central angle of 21°51'17", a radius of 1050.00 feet, an arc length of 400.51 feet, a chord bearing of S 10°45'04" W and a chord distance of 398.08 feet to a 5/8 inch iron rod with cap set for a point of tangency;

Thence, S 21°40'43" W, along a Northwestern line of said Parcel "B", a distance of 472.55 feet to a 5/8 inch iron rod with cap set in the Easterly line of said 640 acre tract for a Westerly corner of said Parcel "B";

Thence, N 02°49'35" W, along the Easterly line of said 640 acre tract, a distance of 820.78 feet to the POINT OF BEGINNING and containing 3.2526 acres of land, more or less.

Note: Title Company does not represent that the above acreage or square footage calculations are correct.

HCID 17 - Capital Improvements Projects
7/12/2016

Land Development Projects	Capital			
	Construction	Engineering (18%)	Contingency (10%)	Total Cost
I. Black Oak Section 1				
Paving	\$ 1,577,255	\$ 283,905.90	\$ 157,725.50	\$ 2,018,886
Drainage/Detention	\$ 1,937,802	\$ 348,804.36	\$ 193,780.20	\$ 2,480,387
Landscaping/Irrigation/Amenity/Rec	\$ 1,880,000	\$ 338,400.00	\$ 188,000.00	\$ 2,406,400
Street Lighting	\$ 38,154	\$ 6,867.72	\$ 3,815.40	\$ 48,837
Land/ROW/Amenity/Recreational	\$ 447,150	\$ 80,487.00	\$ 44,715.00	\$ 572,352
Subtotal	\$ 5,880,361	\$ 1,058,465	\$ 588,036	\$ 7,526,862
II. Black Oak Section 2				
Paving	\$ 1,131,856	\$ 203,734.08	\$ 113,185.60	\$ 1,448,776
Drainage/Detention	\$ 1,284,515	\$ 231,212.70	\$ 128,451.50	\$ 1,644,179
Landscaping/Irrigation/Amenity/Rec	\$ 750,000	\$ 135,000.00	\$ 75,000.00	\$ 960,000
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$ 38,400
Land/ROW/Amenity/Recreational	\$ 1,044,450	\$ 188,001.00	\$ 104,445.00	\$ 1,336,896
Subtotal	\$ 4,240,821	\$ 763,348	\$ 424,062	\$ 5,428,251
III. Black Oak Section 3				
Paving	\$ 983,000	\$ 176,940.00	\$ 98,300.00	\$ 1,258,240
Drainage/Detention	\$ 308,427	\$ 55,516.86	\$ 30,842.70	\$ 394,787
Landscaping/Irrigation/Amenity/Rec	\$ 450,000	\$ 81,000.00	\$ 45,000.00	\$ 576,000
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$ 38,400
Land/ROW/Amenity/Recreational	\$ 273,900	\$ 49,302.00	\$ 27,390.00	\$ 350,592
Subtotal	\$ 2,045,327	\$ 368,159	\$ 204,533	\$ 2,618,019
IV. Black Oak Section 4				
Paving	\$ 922,552	\$ 166,059.36	\$ 92,255.20	\$ 1,180,867
Drainage/Detention	\$ 367,585	\$ 66,165.30	\$ 36,758.50	\$ 470,509
Landscaping/Irrigation/Amenity/Rec	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$ 384,000
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$ 38,400
Land/ROW/Amenity/Recreational	\$ 251,350	\$ 45,243.00	\$ 25,135.00	\$ 321,728
Subtotal	\$ 1,871,487	\$ 336,868	\$ 187,149	\$ 2,395,503
V. Enclave at Dobbin Section 1				
Paving	\$ 1,007,799	\$ 181,403.82	\$ 100,779.90	\$ 1,289,983
Drainage/Detention	\$ 1,472,768	\$ 265,098.24	\$ 147,276.80	\$ 1,885,143
Landscaping/Irrigation/Amenity/Rec	\$ 800,000	\$ 144,000.00	\$ 80,000.00	\$ 1,024,000
Street Lighting	\$ 35,000	\$ 6,300.00	\$ 3,500.00	\$ 44,800
Land/ROW/Amenity/Recreational	\$ 836,400	\$ 150,552.00	\$ 83,640.00	\$ 1,070,592
Subtotal	\$ 4,151,967	\$ 747,354	\$ 415,197	\$ 5,314,518
VI. Enclave at Dobbin Section 2				
Paving	\$ 700,643	\$ 126,115.74	\$ 70,064.30	\$ 896,823
Drainage/Detention	\$ 278,229	\$ 50,081.22	\$ 27,822.90	\$ 356,133
Landscaping/Irrigation/Amenity/Rec	\$ 1,600,000	\$ 288,000.00	\$ 160,000.00	\$ 2,048,000
Street Lighting	\$ 35,000	\$ 6,300.00	\$ 3,500.00	\$ 44,800
Land/ROW/Amenity/Recreational	\$ 216,240	\$ 38,923.20	\$ 21,624.00	\$ 276,787
Subtotal	\$ 2,830,112	\$ 509,420	\$ 283,011	\$ 3,622,543
VII. Enclave at Dobbin Section 3				
Paving	\$ 667,633	\$ 120,173.94	\$ 66,763.30	\$ 854,570
Drainage/Detention	\$ 131,254	\$ 23,625.72	\$ 13,125.40	\$ 168,005
Landscaping/Irrigation/Amenity/Rec	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$ 384,000
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$ 38,400
Land/ROW/Amenity/Recreational	\$ 174,420	\$ 31,395.60	\$ 17,442.00	\$ 223,258
Subtotal	\$ 1,303,307	\$ 234,595	\$ 130,331	\$ 1,668,233
VIII. Enclave at Dobbin Section 4				
Paving	\$ 255,100	\$ 45,918.00	\$ 25,510.00	\$ 326,528
Drainage/Detention	\$ 78,133	\$ 14,063.94	\$ 7,813.30	\$ 100,010
Landscaping/Irrigation/Amenity/Rec	\$ 100,000	\$ 18,000.00	\$ 10,000.00	\$ 128,000
Street Lighting	\$ 20,000	\$ 3,600.00	\$ 2,000.00	\$ 25,600
Land/ROW/Amenity/Recreational	\$ 38,250	\$ 6,885.00	\$ 3,825.00	\$ 48,960
Subtotal	\$ 491,483	\$ 88,467	\$ 49,148	\$ 629,098

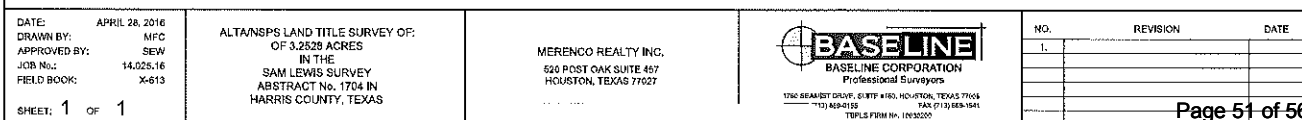


HCID 17 - Capital Improvements Projects
7/12/2016

IX. Colony at Pinehurst Section 1					
Paving	\$ 522,800	\$ 94,104.00	\$ 52,280.00	\$	669,184
Drainage/Detention	\$ 1,500,000	\$ 270,000.00	\$ 150,000.00	\$	1,920,000
Landscaping/Irrigation/Amenity/Rec	\$ 389,961	\$ 70,192.98	\$ 38,996.10	\$	499,150
Street Lighting	\$ 25,000	\$ 4,500.00	\$ 2,500.00	\$	32,000
Land/ROW/Amenity/Recreational	\$ 398,000	\$ 71,640.00	\$ 39,800.00	\$	509,440
Subtotal	\$ 2,835,761	\$ 510,437	\$ 283,576	\$	3,629,774
X. Colony at Pinehurst Section 2					
Paving	\$ 900,000	\$ 162,000.00	\$ 90,000.00	\$	1,152,000
Drainage/Detention	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$	384,000
Landscaping/Irrigation/Amenity/Rec	\$ 1,100,000	\$ 198,000.00	\$ 110,000.00	\$	1,408,000
Street Lighting	\$ 25,000	\$ 4,500.00	\$ 2,500.00	\$	32,000
Land/ROW/Amenity/Recreational	\$ 107,250	\$ 19,305.00	\$ 10,725.00	\$	137,280
Subtotal	\$ 2,432,250	\$ 437,805	\$ 243,225	\$	3,113,280
XI. Colony at Pinehurst Section 3					
Paving	\$ 1,100,000	\$ 198,000.00	\$ 110,000.00	\$	1,408,000
Drainage/Detention	\$ 275,000	\$ 49,500.00	\$ 27,500.00	\$	352,000
Landscaping/Irrigation/Amenity/Rec	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$	384,000
Street Lighting	\$ 25,000	\$ 4,500.00	\$ 2,500.00	\$	32,000
Land/ROW/Amenity/Recreational	\$ 86,000	\$ 15,480.00	\$ 8,600.00	\$	110,080
Subtotal	\$ 1,786,000	\$ 321,480	\$ 178,600	\$	2,286,080
XII. Brandy Villas Sec 1					
Paving	\$ 480,000	\$ 86,400.00	\$ 48,000.00	\$	614,400
Drainage/Detention	\$ 639,379	\$ 115,088.22	\$ 63,937.90	\$	818,405
Landscaping/Irrigation/Amenity/Rec	\$ 350,000	\$ 63,000.00	\$ 35,000.00	\$	448,000
Street Lighting	\$ 15,000	\$ 2,700.00	\$ 1,500.00	\$	19,200
Land/ROW/Amenity/Recreational	\$ 568,820	\$ 102,387.60	\$ 56,882.00	\$	728,030
Subtotal	\$ 2,053,199	\$ 369,576	\$ 205,320	\$	2,628,095
XIII. Prestige Development					
Paving	\$ 840,000	\$ 151,200.00	\$ 84,000.00	\$	1,075,200
Drainage/Detention	\$ 500,000	\$ 90,000.00	\$ 50,000.00	\$	640,000
Recreation	\$ 400,000	\$ 72,000.00	\$ 40,000.00	\$	512,000
Landscaping/Irrigation/Amenity/Rec	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$	384,000
Street Lighting	\$ 25,000	\$ 4,500.00	\$ 2,500.00	\$	32,000
Right-of-Way	\$ 275,000	\$ 49,500.00	\$ 27,500.00	\$	352,000
Subtotal	\$ 2,340,000	\$ 421,200	\$ 234,000	\$	2,995,200
XIV. Mostyn Community Sec 1					
Paving	\$ 1,100,000	\$ 198,000.00	\$ 110,000.00	\$	1,408,000
Drainage/Detention	\$ 1,300,000	\$ 234,000.00	\$ 130,000.00	\$	1,664,000
Landscaping/Irrigation/Amenity/Rec	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$	384,000
Street Lighting	\$ 36,000	\$ 6,480.00	\$ 3,600.00	\$	46,080
Land/ROW/Amenity/Recreational	\$ 350,000	\$ 63,000.00	\$ 35,000.00	\$	448,000
Subtotal	\$ 3,086,000	\$ 555,480	\$ 308,600	\$	3,950,080
XV. Mostyn Community Sec 2					
Paving	\$ 1,200,000	\$ 216,000.00	\$ 120,000.00	\$	1,536,000
Drainage/Detention	\$ 390,000	\$ 70,200.00	\$ 39,000.00	\$	499,200
Landscaping/Irrigation/Amenity/Rec	\$ 1,200,000	\$ 216,000.00	\$ 120,000.00	\$	1,536,000
Street Lighting	\$ 38,000	\$ 6,840.00	\$ 3,800.00	\$	48,640
Land/ROW/Amenity/Recreational	\$ 150,000	\$ 27,000.00	\$ 15,000.00	\$	192,000
Subtotal	\$ 2,978,000	\$ 536,040	\$ 297,800	\$	3,811,840
XVI. Mostyn Community Sec 3					
Paving	\$ 1,100,000	\$ 198,000.00	\$ 110,000.00	\$	1,408,000
Drainage/Detention	\$ 1,300,000	\$ 234,000.00	\$ 130,000.00	\$	1,664,000
Landscaping/Irrigation/Amenity/Rec	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$	384,000
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$	38,400
Land/ROW/Amenity/Recreational	\$ 150,000	\$ 27,000.00	\$ 15,000.00	\$	192,000
Subtotal	\$ 2,880,000	\$ 518,400	\$ 288,000	\$	3,686,400

HCID 17 - Capital Improvements Projects
7/12/2016

XVII. Mill Creek Sec 1 North				
Paving	\$ 1,523,800	\$ 274,284.00	\$ 152,380.00	\$ 1,950,464
Drainage/Detention	\$ 1,490,100	\$ 268,218.00	\$ 149,010.00	\$ 1,907,328
Landscaping/Irrigation/Amenity/Rec	\$ 300,000	\$ 54,000.00	\$ 30,000.00	\$ 384,000
Street Lighting	\$ 35,000	\$ 6,300.00	\$ 3,500.00	\$ 44,800
Land/ROW/Amenity/Recreational	\$ 816,500	\$ 146,970.00	\$ 81,650.00	\$ 1,045,120
Subtotal	\$ 4,165,400	\$ 749,772	\$ 416,540	\$ 5,331,712
XVIII. Mill Creek Sec 2 North				
Paving	\$ 1,233,100	\$ 221,958.00	\$ 123,310.00	\$ 1,578,368
Drainage/Detention	\$ 610,115	\$ 109,820.70	\$ 61,011.50	\$ 780,947
Landscaping/Irrigation/Amenity/Rec	\$ 100,000	\$ 18,000.00	\$ 10,000.00	\$ 128,000
Street Lighting	\$ -	\$ -	\$ -	\$ -
Land/ROW/Amenity/Recreational	\$ 288,000	\$ 51,840.00	\$ 28,800.00	\$ 368,640
Subtotal	\$ 2,231,215	\$ 401,619	\$ 223,122	\$ 2,855,955
XIX. Willow Creek Sec 1				
Paving	\$ 2,703,500	\$ 486,630.00	\$ 270,350.00	\$ 3,460,480
Drainage/Detention	\$ 13,821,319	\$ 2,487,837.42	\$ 1,382,131.90	\$ 17,691,288
Recreation	\$ 573,536	\$ 103,236.48	\$ 57,353.60	\$ 734,126
Landscaping/Irrigation/Amenity/Rec	\$ 800,000	\$ 144,000.00	\$ 80,000.00	\$ 1,024,000
Street Lighting	\$ 40,000	\$ 7,200.00	\$ 4,000.00	\$ 51,200
Land/ROW/Amenity/Recreational	\$ 2,016,000	\$ 362,880.00	\$ 201,600.00	\$ 2,580,480
Subtotal	\$ 19,954,355	\$ 3,591,784	\$ 1,995,436	\$ 25,541,574
XX. Lone Oak Sec 1				
Paving	\$ 975,014	\$ 175,502.52	\$ 97,501.40	\$ 1,248,018
Drainage/Detention	\$ 767,311	\$ 138,115.98	\$ 76,731.10	\$ 982,158
Landscaping/Irrigation/Amenity/Rec	\$ -	\$ -	\$ -	\$ -
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$ 38,400
Land/ROW/Amenity/Recreational	\$ 119,600	\$ 21,528.00	\$ 11,960.00	\$ 153,088
Subtotal	\$ 1,891,925	\$ 340,547	\$ 189,193	\$ 2,421,664
XXI. Lone Oak Sec 2				
Paving	\$ 459,408	\$ 82,693.44	\$ 45,940.80	\$ 588,042
Drainage/Detention	\$ 194,625	\$ 35,032.50	\$ 19,462.50	\$ 249,120
Landscaping/Irrigation/Amenity/Rec	\$ -	\$ -	\$ -	\$ -
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$ 38,400
Land/ROW/Amenity/Recreational	\$ 34,500	\$ 6,210.00	\$ 3,450.00	\$ 44,160
Subtotal	\$ 718,533	\$ 129,336	\$ 71,853	\$ 919,722
XXII. Lone Oak Sec 3				
Paving	\$ 471,000	\$ 84,780.00	\$ 47,100.00	\$ 602,880
Drainage/Detention	\$ 363,343	\$ 65,401.74	\$ 36,334.30	\$ 465,079
Landscaping/Irrigation/Amenity/Rec	\$ -	\$ -	\$ -	\$ -
Street Lighting	\$ 30,000	\$ 5,400.00	\$ 3,000.00	\$ 38,400
Land/ROW/Amenity/Recreational	\$ 46,000	\$ 8,280.00	\$ 4,600.00	\$ 58,880
Subtotal	\$ 910,343	\$ 163,862	\$ 91,034	\$ 1,165,239
Capital				
	Construction	Engineering (18%)	Contingency (10%)	Total Cost
HCID 17 5-Year Total	\$ 73,077,846.00	\$ 13,154,012.28	\$ 7,307,784.60	\$ 93,539,642.88



BACKGROUND SUMMARY OF HISTORY AND ISSUES JOINTLY IMPACTING TOMBALL, HOUSTON, HARRIS COUNTY, HARRIS COUNTY IMPROVEMENT DISTRICT 17, AND AQUA TEXAS INC.

Harris County Improvement District #17 (HCID17) is a 606+ acre management district with municipal utility district powers, created in 2009 by the Texas Legislature. The district was created to facilitate and assist with the development of raw land just south of the City of Tomball. At the time of creation, about 90% of the land in HCID 17 was located in the City of Houston (Houston) Extra Territorial Jurisdiction (ETJ) and about 10% was in the City of Tomball (Tomball) ETJ. Approximately 150 acres of land in the District has been purchased by Harris County for development of a satellite campus to serve county residents in the northwestern portion of the County. Another significant portion of the land in HCID 17 is under contract or owned by affiliates of Nabors Industries.

Utility Service and CCN Background

No significant activity occurred in HCID 17 from its 2009 creation until 2014; and in late 2014, HCID 17 entered into a contract with Aqua Texas, Inc. (Aqua) to provide water and sewer services to land within HCID 17. As part of this contract, Aqua must apply for and receive a Certificate of Convenience and Necessity (CCN) from the Texas Public Utility Commission (PUC). Aqua applied for a CCN for the HCID 17 land area in March, 2015. In July, 2015, Tomball filed an objection to Aqua's CCN application, noting that the CCN area (HCID 17) was at least partially in Tomball's ETJ.

Shortly thereafter, Aqua, Tomball, and HCID 17 began discussing Aqua's CCN application and its impact on Tomball. Aqua's CCN application was voluntarily abated by agreement between Aqua and Tomball while these discussions were occurring. On March 7, 2016, Tomball City Council approved an MOU that gave staff authorization to begin further discussion on rates. During the abatement period, discussions about Aqua's CCN application continued between Tomball, HCID 17, and Aqua.

In August, 2015, Aqua and HCID 17 met with representatives of Houston to discuss HCID 17, the fact that ETJ boundary split the District between Houston and Tomball, and Aqua's CCN application. Discussions included approvals of consent to creation, annexations, and the CCN.

In the fall of 2015, Aqua, Tomball, and HCID 17 mutually concluded that all parties would benefit from the Aqua CCN in HCID 17 if Aqua agreed to temporarily purchase water from Tomball, which Aqua is willing to do. The parties intended to enter into a MOU to memorialize their mutual agreement, but that MOU was temporarily tabled while discussions on Aqua's CCN application continued between HCID 17, Aqua, and Houston.

In early July, 2016, Aqua was contacted by the City of Houston after Houston received a call from the PUC regarding the application. Aqua met with and was advised by the City of Houston Public Works staff that the City would not object to the CCN application providing Aqua agreed

to build water infrastructure according to City of Houston standards. Both parties worked to draft that agreement.

On September 19, 2016, Houston and Aqua agreed a final letter agreement language related to the same, and Aqua has filed that letter with the PUC in order to allow for the application process to move forward. With that filing, the PUC staff advised Aqua they will recommend approval of the CCN for the District's original 606+ acres.

Given the recent agreement with Houston, we now anticipate fresh discussions will begin anew to prepare an agreement between Tomball, HCID17 and Aqua Texas.

Agreements with Harris County

The District anticipates that a cost sharing agreement for costs associated with the extension of Holderreith Road, already approved by the HCID17 Board of Directors will soon be approved by Harris County. The proposed extension will take Holderreith Road from its current terminus to just past where the new Harris County annex facility will be constructed. The roadway will also provide for primary ingress and egress from the Nabors Industries acreage. Nabors is in the process of planning facilities for the site.

The District also recently approved a cost sharing pipeline relocation agreement with Harris County to enable moving a number of underground pipes into a common pipeline corridor in order to enable the construction of Holderreith road.

ETJ Background

HCID 17, when created, was located partially within the ETJ boundary of both Houston and Tomball as mentioned above. Further, Chapter 375 of the Texas Local Government Code requires management districts to request and receive certain consents from a municipality in order to operate legally. Matters requiring a municipal approval include the sale of bonds and the approvals of annexations of territory into the management district. Pursuant to Sec. 54.0163 of the Texas Water Code, special purpose districts like HCID17, whose boundaries include territory in more than one jurisdiction, are able to "designate" a jurisdiction from whom to seek certain statutorily required "consents" as needed. Such a designation simplifies the approval processes required under Chapter 375, Texas Local Government Code.

As authorized under that statute, HCID 17's Board of Directors, at a meeting held on January 17, 2014, adopted a resolution designating Houston as its ETJ supervising entity. Subsequently, Houston's lawyers concluded that this 2014 action by the HCID 17 Board 2014 also served to remove area from Tomball's ETJ located in HCID17 and placed it all in Houston's ETJ. Tomball's legal counsel also agreed with that interpretation of the Statute and its impact.

While the impact of the Board's designation of Houston served to move all territory in the original District into the Houston's ETJ, representatives of Houston's planning and legal departments have noted that the HCID 17 area, with the exception of two parcels recently approved for annexation by the Board of Directors, is not included in Houston's current short

term or long term annexation schedule. Houston city staff also unofficially opined that a number of issues resulting from the designation of Houston as the approving municipality could be eliminated if there were a way to undo the designation.

Additionally, Harris County Commissioner Cagle, whose commissioner precinct serves this area, has expressed his preference that the county facility be in the Tomball ETJ. HCID 17 desires to accommodate that preference.

Current Status

The HCID 17 Board of Directors has recently requested the adoption of a consent to creation resolutions from both Houston and Tomball. Such “consents” are required by Chapter 375, Texas Local Government Code. Given that the Board of Directors is planning to approve a bond anticipation note in the near future, it is necessary to receive approvals from both municipalities of the consent to creation resolutions.

Based on the myriad of development issues the District faces, many of which are regional in nature, given the proximity of the District to Tomball, coupled with the District’s need to work with and coordinate mobility, drainage and detention, and utility service issues with Tomball including the purchase of water on an interim basis from Tomball (the subject of a future agreement and council action) and also given that Commissioner Cagle sees a greater value to having his county annex facility in the Tomball ETJ, the HCID17’s Board of Directors is intent on taking corrective action related to the designation of Houston as the municipality from which to seek those consents, by reconsidering the resolution adopted in January, 2014. That corrective action will designate Tomball as the “partner” municipality. That action will result in the movement back of territory lost to Houston, and the addition of approximately 506 acres into Tomball’s ETJ. The District is working through last issues regarding documentation for the petitions submitted to the city related to that consent in order for it to be presented to Houston’s City Council for their consideration.

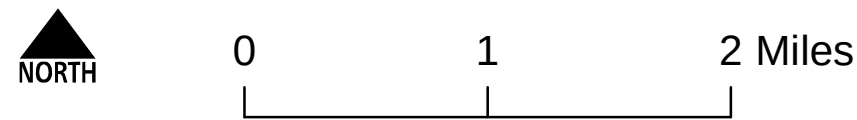
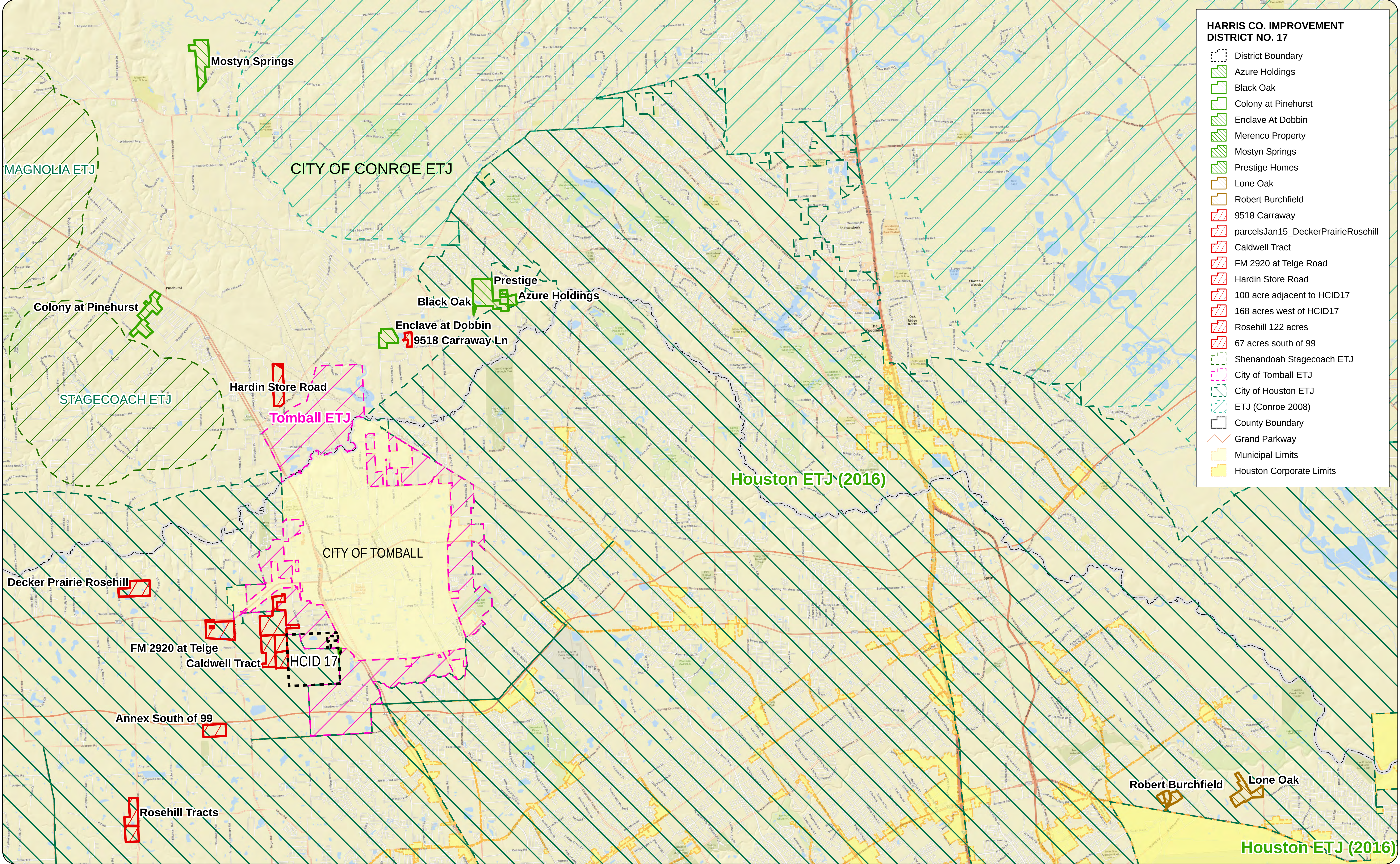
HCID 17, effective July of this year, approved annexations of several parcels of land into the District, the majority of which were outside any municipality’s ETJ. Given that, upon the approvals of motions adding land to the District, six parcels of land have been annexed into the District. (See attached map) One additional parcel, a 3.5 acre tract immediately to the east of the original district, and which is located in Tomball’s ETJ must receive Tomball’s consent in order for the annexation to be final. The District has requested Tomball approve.

Agreement to purchase water from Tomball

Upon final approval of the Aqua Texas application for the CCN with the PUC, it is anticipated that an interconnect agreement between HCID 17, Agua Texas, and the City of Tomball will be submitted to Tomball setting forth terms, conditions, and time frames for the purchase of water from Tomball to serve the District for some period of time. At such point in time that development and water usage by customers in HCID 17 warrants construction of a stand-alone water plant within HCID 17 capable of serving all of the users in HCID 17, the plant will be built

by HCID 17 and/or Aqua; and the interconnect agreement may become an emergency interconnect agreement providing Tomball, Aqua, and HCID 17 with back up water sources.

Lastly, the District is in dialogue with a couple of private utility operators regarding providing service to the District. The District will maintain communications with Tomball staff regarding those discussions to insure that all utility service matters are properly coordinated.



Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 17, 2016

Topic:

Presentation by Allen Boone Humphries Robinson, LLP in regards to In-City Municipal Utility Districts

Background:

In August, Ashton Woods Homes met with the Community Development Department to discuss a proposed 100 acre residential development in the city limits of Tomball. The proposed development is located south of Theis Lane and north of Holderrieth Road. Asthon Woods Homes desires to create an in-City Municipal Utility District to finance the necessary infrastructure for the proposed residential development.

Origination:

Allen Boone Humphries Robinson, LLP

Recommendation:

N/A

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

Community Development Department

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

PIDs versus MUDs Memo

PowerPoint Presentation

Site Map

ALLEN BOONE HUMPHRIES ROBINSON LLP

MEMORANDUM

TO: Brian Williams
FROM: Angela Lutz
DATE: August 5, 2016
RE: PID vs. MUDs in the City of Tomball

Ashton Woods is interested in purchasing property inside the city limits of the City of Tomball, and is interested in creating an in-city municipal utility district ("MUD") over the property upon purchase. The City stated that it has successfully used Public Improvement Districts ("PID") in the past and recommended a PID for reimbursement to the developer.

First, the PIDs used by Tomball (that I can find) have been over small parcels of property. In March 2015, the City created PID No. 5 over 10.94 acres at the Yaupon Trails subdivision. PID No. 2 was approved in 2007 and a service and assessment plan was not approved until August 2013. Construction started on that subdivision in June 2014. It was reported that PID No. 2 will total 340 homes.

A PID is governed under Chapter 372 of the Local Government Code. The city council approves the creation of the PID and the city governs the PID. The city council can appoint an advisory board, but is not required to. A PID is not a separate political subdivision of the State of Texas, as MUDs are. A PID assessment is second in priority to taxes and is only senior to purchase money mortgage liens if the assessment lien is perfected before the mortgage lien.

Moreover, the city must issue the PID bonds. While the city does not pledge its full faith and credit to the bonds, the bonds are city debt and can affect the city's own credit rating. The PID bonds have historically been issued at a much higher interest rate due to the lack of regulatory review and volatility.

Contrasting, a MUD is a political subdivision heavily regulated by the TCEQ. A developer cannot get reimbursed for infrastructure without review by the TCEQ, which requires the developer to increase the ad valorem value before bonds are issued. The MUD bonds are not issued by the city or are obligations of the city and the MUD tax rate decreases over time. MUD taxes are deductible by the homeowners, while PID special assessment payments are not. Additionally, a MUD could provide services and consultants that would assist the City, for example maintenance of detention ponds.

AL

Potential Developer Risks in a Super PID

1. Risk of Super PID Board of Directors not reimbursing the Developer
 - a. Scenario: Developer pays for infrastructure, Super PID has funds available to reimburse, but Board of Directors of the Super PID chooses not to reimburse the developer
 - b. Mitigation strategy: a strong Development Financing Agreement between the Developer and the Board of Directors of the Super PID
 - i. Provides a contractual obligation to reimburse the Developer
 - ii. Contract is enforceable by lawsuit
 - c. Track record: a long history of developers in Texas collecting from and enforcing development financing agreements
 - d. Risk in a Super PID as compared to risk in a MUD: same as MUD
2. Risk of not having "control" of the Board of Directors of the Super PID
 - a. Scenario: Board of Directors of the Super PID is appointed by Bexar County
 - b. Mitigation strategy: work with the County (and the majority landowner in the PID) to have a representative of the Joint Venture appointed to the Board of Directors
 - i. (similar to a MUD, this representative wouldn't be a family member, owner, employee, or contractor of the Joint Venture or its partners, but a friend with no direct business relationship)
 - ii. After 1,000 residents live in the Super PID, the Board of Directors will convert to residents
 - c. Track record: my understanding is that Bexar County has a good track record of appointing developer representatives in other Super PIDs
 - d. Risk in a Super PID as compared to risk in a MUD: more risk in a Super PID; in a MUD, the developer typically chooses the initial board and can maintain "control" for a period of years until residents become elected
3. Risk of being in a Super PID with other developers
 - a. Scenario: governance and finances of the Super PID favors other developers
 - b. Mitigation strategy: ensure that the Development Financing Agreement dedicates the value created by the Joint Venture Developer solely to its reimbursement; so that value cannot be siphoned off by other developers
 - c. Track record: it is not uncommon to have multiple developers within a district; there is a long track record of Development Financing Agreements protecting developers in multi-developer districts
 - d. Risk in Super PID as compared to risk in a MUD: same as any district with multiple developers

4. Risk of future tax rate increases or decreases

- a. Scenario: Super PID and Bexar County increases the ad valorem tax rate in the future, negatively impacting marketability of the project
- b. Scenario: Super PID and Bexar County decreases the ad valorem tax rate in the future, negatively impacting the ability of the Super PID to reimburse developers
- c. Mitigation strategy:
 - i. the City of San Antonio and Bexar County have strong public policy interests in the tax rates of the Super PIDs and the City of San Antonio being the same
 - ii. tax rates are approved by both the Board of Directors of the Super PID and Bexar County
- d. Track record: the Cibolo Canyons Special Improvement District (the only other Super PID that has levied a property tax to date) has maintained its initial tax rate
- e. Risk in Super PID as compared to risk in a MUD: basically the same

Information about Texas PIDs and MUDs

Trophy Club PID

- Sold \$27.5 million in raw land bonds on December 13, 2007.
- Interest rate 7.75%, BBI was 4.46% (sold at BBI + 3.29).
- Banc of America bought the Trophy Club bonds.
- Trophy Club bonds are not yet in default, nor is there evidence that assessments have not been paid.

2008 PID Bond Sales

- There were three PID bond sales in Texas in 2008, none in the 4th quarter.
- February 15, 2008: \$20,000,000 in bonds sold by Lewisville Castle Hills Public Improvement District No. 4 Project.
- Interest rate 6.75%, BBI was 4.33 (sold at BBI + 2.42).
- April 24, 2008: \$3,472,000 in bonds sold by Vintage Township Public Improvement District Project (Lubbock).
- Interest rate 7.375%, BBI was 4.62% (sold at BBI + 2.755).
- September 16, 2008: \$5,475,000 in bonds sold by Escondido Public Improvement District (called the Marble Falls or Horseshoe Bay project).
- Interest rate 7.25%, BBI was 4.54% (sold at BBI + 2.71).
- Banc of America bought the Lubbock and Marble Falls bonds.
- Banc of America is not presently buying PID bonds.

2008 MUD Bond Sales (Includes LIDs, WCIDs, FWSDs, Special Utility Districts, and Public Utility Districts)

- 4th Quarter 2008: More than \$168,000,000 in bonds sold.
- On average, these bonds sold at BBI + 1.02.
- All of 2008: More than \$775,000,000 in bonds sold.
- There was not a slow down in the 4th Quarter, but it is expected that sales will slow down considerably in mid 2009.

ALLEN BOONE HUMPHRIES ROBINSON LLP

MEMORANDUM

TO: Joe B. Allen
FROM: Alia Vinson
DATE: March 5, 2008
RE: Overview of Public Improvement Districts and Municipal Utility Districts

The purpose of this memorandum is to provide accurate information about Public Improvement Districts ("PIDs") and Municipal Utility Districts ("MUDs") and to provide a brief discussion of the benefits and limitations of each type of district. Much has been written about the use of PIDs and MUDs and sadly much of what has been written is strongly biased propaganda for the use of one district or the other. Neither form deserves the demonization it receives from certain quarters. Public Improvement Districts ("PIDs") and Municipal Utility Districts ("MUDs") have different bundles of risk and reward, but each may be useful in certain circumstances. In general, it is recommended that PIDs are more appropriate for in-city areas that have already been developed. A number of consultants are heavily marketing PIDs to developers by emphasizing the fact that PID bonds can be issued before any expenditures are made by the developer. While it is true that developers may face fewer upfront costs by using a PID, those savings come with a price, namely lack of control in the actions and governance of the PID. By using a MUD, developers will pay upfront costs, but they will generally be reimbursed at the time of the bond issuance. Moreover, the developer will retain more control over the Board of Directors and the MUD will not be subject to oversight by the City.¹

Investor confidence in MUD bonds is likely to be higher than investor confidence in PID bonds because (1) greater regulatory requirements are imposed on MUD bond issues; (2) a MUD may impose an unlimited ad valorem tax rate to support its bonds; (3) there is a long debt service payment history for Texas MUDs that is unavailable for PIDs; and (4) investor experience with MUD bonds has accumulated for more than thirty years whereas the use of PID bonds is a fairly new investment option. The Texas Commission on Environmental Quality ("TCEQ") requires all MUDs to satisfy strict engineering and financial feasibility rules designed to protect the consumer against excessive tax rates and to

¹ City means any incorporated city, town, or village of the State of Texas.

ensure the integrity of MUD bonds. Consequently, MUD bonds are likely to be more marketable than PID bonds, a factor that increases the appeal of MUDs.

I. Brief Summary of Benefits and Limitations of PIDs and MUDs

A. Benefits and Limitations to the Developers

At first glance, a PID appears to greatly benefit developers because bonds can be issued on behalf of the PID before building commences. PID bond proceeds can be used to pay for permissible improvements directly, eliminating the need for the developer to front the costs and wait for reimbursement from the bond proceeds. With respect to financial outlays, PIDs can have a leg up on MUDs. However, from a developer's perspective, MUDs are usually better than PIDs because they allow the developer to retain control. The City is integrally involved in any PID. The City approves the creation of the PID, hires a consultant to create the PID's assessment plan, and may appoint an advisory board. Moreover, the City issues the bonds on behalf of the PID. With any PID, the City retains extremely strong control, which may not be to the developer's benefit. In contrast, a MUD outside of city limits is not subject to the control of the City whatsoever (except that the City must consent to the creation of a MUD in its extraterritorial jurisdiction).

B. Benefits and Limitations to the City

A City may benefit from the use of PIDs if it wants to exercise more control over the entity in question. However, PID bonds will appear as City debt even though the City is not securing the bonds. Consequently, PIDs may negatively affect a City's credit rating and, in turn, the City's ability to issue bonds. In contrast, the City exercises very little control over MUDs. However, any MUD in the City's extraterritorial jurisdiction must receive the City's consent in order to be created. The City bears no risk for the development of the MUD, but may ensure quality infrastructure by placing conditions on its consent. A key component to the analysis of whether to opt for a PID or a MUD is the City's receptiveness to each district type. It is our understanding that the City of Houston is not supportive of PIDs and has not been willing to create PIDs within its corporate limits or extraterritorial jurisdiction.

C. Benefits and Limitations to the Homeowners

On balance, the use of PIDs is far riskier for homeowners than MUDs. First, PID special assessments are levied in addition to ad valorem taxes. Homeowners can end up paying ad valorem taxes plus unlimited special assessments, resulting in an onerous burden. Second, PID special assessments are not taxes and thus may not be deducted by homeowners. Third, no feasibility report is required before PID bonds are issued and special assessments are levied. It is entirely possible that the projects for which bond proceeds are raised may not be completed or may prove to be unfeasible. In spite of this, homeowners are obligated to continue paying the special assessments. In contrast, homeowners living in MUDs should be able to deduct all ad valorem taxes paid.

Homeowners are further protected because MUDs are held to a higher standard of accountability as a result of feasibility report requirements, audit requirements and TCEQ oversight. The TCEQ rules are designed to protect the property owners from excessive tax rates.

D. Benefits and Limitations to the Bondholders

PID bonds are not rated, but entice bondholders by offering higher interest rates. MUD bonds are sometimes not rated, but generally are. They tend to offer slightly lower interest rates. Interest on both PID and MUD bonds should be exempt from federal income taxation. A risk to PID bondholders is that it can be more difficult to collect delinquent special assessments than it is to collect delinquent ad valorem taxes. In Texas, it is unconstitutional to foreclose on a homestead for special assessment delinquency (see III.H. below). MUD bonds are secured by a MUDs ability to levy an unlimited ad valorem tax on its property owners. MUD bondholders are further protected by the financial feasibility rules imposed on MUDs by the TCEQ. Before a MUD can issue bonds, the TCEQ rules require: (1) the completion of all water, sewer and drainage facilities to be financed with the proposed bond issue; (2) the completion of all streets and roads that provide access to the areas served by the utility improvements; (3) the completion of at least 25% of the projected value of houses, buildings, and/or improvements; and (4) a showing that the land values, existing improvements, and projected improvements will be sufficient to support a reasonable tax rate for debt service payments for existing and proposed bond indebtedness while maintaining competitive utility rates.

II. Table Comparing PIDs and MUDs

	Public Improvement Districts	Municipal Utility Districts
A. Statutory Authority	PIDs are governed by § 372 of the Local Government Code.	MUDs are governed by §§ 49 and 54 of the Texas Water Code and the Texas Commission on Environmental Quality ("TCEQ") rules (§ 293, 30 Texas Administrative Code).
B. Means of Creation	PIDs are created through a petition of a majority of the owners of the property of the proposed PID to the City Commission. The City approves the creation of the PID.	MUDs are created by the TCEQ (by a petition from the owners of a majority in value of the area to be included in the MUD) or through special legislation passed by the Texas legislature. No City approval is required unless the MUD is to be located within the City's corporate limits or extraterritorial jurisdiction ("ETJ"), in which case the City must consent to its creation.
C. Political Subdivision	A PID is not a separate political subdivision, it is merely a geographic zone within (and sometimes without) a City's limits.	A MUD is a separate political subdivision of the State.

D. Revenue Collection	A PID collects revenue by levying a special assessment to finance improvements within the zone.	A MUD collects revenue by levying an ad valorem tax to finance improvements and by charging fees for water and sewer use.
E. City Oversight	(1) The City may designate a PID Advisory Board. (2) The City hires a consultant to develop a PID assessment plan identifying the infrastructure to be constructed and the amount of the assessment on the property within the PID. (3) If bonds are issued, the City must issue them.	None.
F. Permissible Improvements	Permissible improvements are extremely broad (see Local Government Code § 372.003(b)) and can include almost anything that "promotes the interests of the municipality or county".	Permissible improvements are less broadly drawn, but include water, sewer, drainage (including detention ponds), the development of parks and recreational facilities, garbage services, fire protection services, and public safety patrols. Water Code § 54.012 and 54.201.
G. Governance	PIDs are governed by a seven member board of directors (appointed by the county IF the county elects to delegate authority); directors must reside in the district (only if the district has a population of more than 1000) and be a resident or own property in the district. Local Government Code § 372.106 and 107.	MUDs are governed by a five member board of directors; directors must own property in the MUD or be a qualified voter in the MUD. Water Code § 54.101 and 102. Directors are initially appointed by the TCEQ but are subsequently elected at elections held within the MUD.
H. Priority of Revenue Stream	Special assessments do not have the same priority as property taxes. The special assessments are second in priority to taxes, but are ahead of private mortgage liens.	The ad valorem taxes are equal in priority to all other taxes.
I. Who Issues Bonds?	Because the PID is not a separate political subdivision, it cannot issue bonds. The City (or a local government corporation acting on behalf of the City) must issue the bonds. While the City does not secure the bonds, the debt will show up on its books and can affect the City's own credit rating.	The MUD issues the bonds. The City is not involved and bears no risk whatsoever.
J. Security for the Bonds	PID bonds are secured only by special assessments and not from general obligation taxes. The governing body may also pledge all or part of the income from improvements financed by the	MUD bonds are secured by the ad valorem taxes and revenues to result from the ownership or operation of the district's works, improvements, facilities, plants, equipment, and appliances. Water

	bond proceeds. Local Government Code § 372.026(a). The bonds may also be secured by mortgages or deeds of trust on any real property related to the facilities that are owned or are to be acquired by the municipality or county and by chattel mortgages, liens, or security interests on any personal property appurtenant to that real property. Local Government Code § 372.026(c). The governing body may also pledge all or part of a grant, donation, revenue, or income received or to be received by any public or private source. Local Government Code § 372.026(d).	Code § 54.503. Bonds may additionally be secured by a deed of trust or mortgage lien on part or all of the physical properties of the district. Water Code § 54.504.
K. Approval for Bonds	The TCEQ does not approve bond issuances, but the City (because it is the issuing party) and the Attorney General must approve any bond issuance.	The TCEQ and the Attorney General must approve any bond issuance.
L. Permissible Uses for Bond Proceeds	Bonds proceeds may be used to pay for a broad array of permissible improvements. See III.F. for specifics.	Bond proceeds may be used to fund water, sewer and drainage projects. However, bond proceeds from bonds supported by ad valorem taxes may not be used to pay for the development and maintenance of recreational facilities (including parks and landscaping). See Water Code § 54.774(a).
M. Feasibility Requirement	No feasibility requirement exists.	The MUD must submit a feasibility report to the TCEQ for its approval before the TCEQ will approve the bond issuance.
N. Reserve Fund	No reserve fund is required.	No reserve fund is required.
O. Fiscal Responsibility: Audit Requirement	No audit requirement.	The Board is required to have the district's fiscal accounts and records audited on an annual basis. See Water Code § 49.191.

III. Explanation of Table

A. Statutory Authority. Both PIDs and MUDs were created under Section 52, Article III and Section 59, Article XVI of the Texas Constitution. PIDs are governed by Local Government Code § 372. Additional rules apply to PIDs in home-rule municipalities. Local Government Code § 372.041. MUDs are governed by Water Code §§ 49 and 54.

B. Means of Creation. A PID must be created by petitioning the city. The petition must be signed by owners of taxable real property representing more than 50% of the appraised value of taxable real property liable for assessment and record owners of real property liable for assessment who (1) constitute more than 50% of all record owners of property that is liable for assessment; or (2) own taxable real property that constitutes more than 50% of the area of all taxable real property that is liable for assessment. Local Government Code § 372.05(b).

MUDs may be created legislatively by an act of the Texas Legislature or administratively by the TCEQ. In order for the TCEQ to create a MUD, a petition requesting its creation must be filed with the Commission. The petition must be signed by a majority in value of the holders of title of the land within the proposed district, as indicated by the tax rolls of the central appraisal district. Water Code § 54.014. A City must consent to the creation of a MUD within its extraterritorial jurisdiction or corporate limits. Water Code § 54.016. If the MUD is outside of a City's extraterritorial jurisdiction, the county may consent. Water Code § 54.0161.

C. Political Subdivision. A PID is not a political subdivision; a MUD is.

D. Revenue Collection. PIDs collect revenue by levying a special assessment. The method of apportioning assessments leaves a lot of room for discretion. The governing body apportions the assessment on the basis of special benefits accruing to the property because of the improvement. The cost of an improvement may be assessed: (1) equally per front foot or square foot; (2) according to the value of the property; or (3) *in any other manner* that results in imposing equal shares of the cost on property similarly benefited. Local Government Code § 372.015. MUDs collect revenue by levying ad valorem taxes and charging user fees for water and sewer. Ad valorem taxes are assessed in accordance with the Texas Property Tax Code.

E. City Oversight. The City must approve the PID for it to be created. In addition, the City may appoint an advisory board with the responsibility of developing and recommending an improvement plan. Local Government Code § 372.008. The City treasury creates a separate public improvement district fund. Proceeds from the sale of bonds, temporary notes, and time warrants are credited to the fund to be administered by the City. Local Government Code § 372.022. Only MUDs within the City's extraterritorial jurisdiction or corporate limits must obtain the City's approval to be created. It is possible for a City to place certain conditions on its consent. The City may require the MUD to submit all its infrastructure plans to the city for approval and may place limitations on the length of maturity and interest rates of the MUD bonds. The City has the legal option to annex the MUD, acquire all the assets and assume the debt, subject to certain procedural steps.

F. Permissible Improvements. For PIDs, the scope of permissible improvements is extremely broad. Local Government Code § 372.003 states that a public improvement project may include the following: (1) landscaping; (2) erection of fountains, distinctive

lighting, and signs; (3) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way; (4) construction or improvements of pedestrian malls; (5) acquisition and installation of pieces of art; (6) acquisition, construction, or improvement of libraries; (7) acquisition, construction, or improvement of off-street parking facilities; (8) acquisition, construction, improvement, or rerouting of mass transportation facilities; (9) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements; (10) the establishment or improvement of parks; (11) projects similar to those listed in subdivisions (1) through (10); (12) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement; (13) special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; and (14) payment of expenses incurred in the establishment, administration and operation of the district.

MUDs are created for the following purposes: (1) the control, storage, preservation and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power, and all other useful purposes; (2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation; (3) the reclamation and drainage of its overflowed land and other land needing drainage; (4) the conservation and development of its forests, water, and hydroelectric power; (5) the navigation of its inland and coastal water; (6) the control, abatement, and change of any shortage or harmful excess of water; (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state; and (8) the preservation of all natural resources of the state. Water Code § 54.012. A MUD shall have the functions, powers, authority, rights, and duties which will permit accomplishment of the purposes for which it was created. Water Code § 54.201.

G. Governance. PIDs are governed by a board of seven directors appointed by the county. Local Government Code § 372.106. A MUD is governed by a board of five directors. Water Code § 54.101.

H. Priority of Revenue Stream. PID special assessments are a first and prior lien against the property assessed, superior to all other liens and claims *except* liens or claims for state, county, school district, or municipality ad valorem taxes, and is a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of the ordinance or order levying the assessment until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. See Local Government Code § 372.018. In case of delinquency, special assessments cannot be collected by foreclosure of a homestead without violating the Texas Constitution. Attorney General Opinion No. JC0386 (2001). However, the determination as to whether the property is a homestead is made at the time the special assessment was levied. Attorney General Opinion No. 0237 (2004). An issue that arises with PIDs is the fact that a property owner may default on his or her ad valorem taxes which could result in that property's foreclosure.

If that occurs, the PIDs right to any remaining due but unpaid special assessments may be extinguished.

MUD ad valorem taxes are equal in priority to all other taxes, making them first in priority.

I. Who Issues Bonds? PID bonds are general obligation bonds. See Local Government Code § 372.023(d). As such, these general obligation bonds are treated as debt of the issuing city even if that City is not securing the bonds. MUD bonds are issued by the MUD itself.

J. Security for the Bonds. The order authorizing the issuance of the PID bonds may specify that the proceeds from the sale of the bonds: (1) be used to pay interest on the bonds during and after the period of acquisition or construction of an improvement financed through the sale of the bonds; (2) be used for creating a reserve fund for payment of the principal of and interest on the bonds and for creating other funds; and (3) may be placed in time deposit or invested, until needed. Local Government Code § 372.025(c). PIDs may pledge all or part of the income from improvements financed, including income received in installment payments. Local Government Code § 372.026(a). Bonds may also be secured by mortgages or deeds of trust. Local Government Code § 372.026(c). The issuer may also pledge all or part of a grant, donation, revenue, or income received or to be received from the government of the US or any other public or private source. Local Government Code § 372.026(d). The Local Government Code does not require a reserve fund.

A MUD may secure its bonds on the collection of ad valorem taxes on all taxable property within the district and/or by pledging all or any part of the designated revenues to result from the ownership or operation of the district's works, improvements, facilities, plants, equipment, and appliances. Water Code § 54.503. A MUD may additionally secure its bonds with a deed of trust or mortgage lien on part or all of the physical properties of the district, and franchises, easements, water rights, and appropriation permits, leases, and contracts and all rights appurtenant to such properties. Water Code § 54.504.

K. Government Approval for Bonds. MUD bonds must be approved by the TCEQ, but PID bonds do not require TCEQ approval. Water Code § 49.181. PID and MUD bonds must be approved by the attorney general.

L. Permissible Uses for Bond Proceeds. PID and MUD bond proceeds may be used to pay for the permissible improvements described in III.F. above. The Local Government Code states that PID bond proceeds may: (1) be used to pay interest on the bonds during and after the period of acquisition or construction of an improvement financed through the sale of the bonds; (2) be used for creating a reserve fund for payment of the principal of and interest on the bonds and for creating other funds; and (3) be placed in time deposit or invested, until needed. Local Government Code § 372.025(c).

A MUD may issue bonds for the purpose of purchasing, constructing, acquiring, owning, operating, repairing, improving, or extending any district works, improvements, facilities, plants, equipment, and appliances needed to accomplish the purposes for which a district may be created. Water Code § 54.501. A MUD may pay out of bond proceeds all expenses of the district reasonable and necessary to effect the issuance, sale, and delivery of bonds. Water Code § 49.155.

M. Feasibility Requirement. PID improvements do not require a feasibility report. However, the governing body may request a feasibility report before establishing the PID or before entering into any contract. Local Government Code § 372.007. MUDs must submit a feasibility report to the TCEQ before it can receive approval to issue bonds.

N. Reserve Fund. Neither PID nor MUD bonds are required to have a reserve fund. As a marketing matter, however, a reserve fund is likely to be used.

O. Fiscal Responsibility: Audit Requirement. Water Code § 49.191 requires MUDs to have their fiscal accounts and records audited annually at the expense of the district. The audit must be performed by a certified public accountant or public accountant holding a permit from the Texas State Board of Public Accountancy. The audit must be completed within 120 days after the close of the district's fiscal year.

AV

In-City Municipal Utility Districts

Allen Boone Humphries Robinson LLP
October 17, 2016

Options of Developing inside the City limits

- ▶ 1. The City can provide the infrastructure (water lines, sewer lines, capacity in the water and sewer plants)
- ▶ 2. The City can force the Developer to put in the infrastructure with no reimbursement mechanism
- ▶ 3. The City can consent to a reimbursement mechanism before or after the developer installs the infrastructure
 - In-City Municipal Utility District
 - Public Improvement District

Option 1—The City Installs the Infrastructure

1. City Installs the Infrastructure

- ▶ Estimated Cost?
- ▶ Upgrades to Water/Sewer Plants needed?
- ▶ Increase in City's ad valorem or Water/Sewer Rate?
- ▶ Political issues?

Option 2—The City forces the developer to install infrastructure with no reimbursement

2. Developer installs with no reimbursement

- ▶ Houses will be more expensive (developer must now recoup infrastructure and lot prices in the sale of the lot/home)
- ▶ Probably a lack of Master Planned Community or amenities
- ▶ Smaller communities
- ▶ Lack of commercial development in undeveloped lands, due to a lack of a predictable housing market/Master Planned Community

Option 3—The City allows developer reimbursement through an In-City Municipal Utility District

Municipal Utility Districts

- ▶ Governed by Texas Water Code Chapters 49 and 54 and the TCEQ
- ▶ Created by Petition of the property owners
- ▶ Separate political subdivision
- ▶ Governed by 5 member board of directors
 - Directors must own property or be a qualified voter in the MUD
- ▶ Limited City oversight
 - City can add requirements to bond sale or Development Agreement, but otherwise don't have to worry about the day-to-day and bond issuance

Municipal Utility Districts

- ▶ Permissible Improvements
 - Water, Sewer, and drainage
 - Major Roads
 - Parks and Recreational Facilities (including landscaping, sidewalks and street lighting)
 - Garbage services
 - Fire Protection Services
 - Police

Revenue from MUD

▶ Ad Valorem Tax

- Assessed in accordance with the Texas Property Tax Code
- Equal in priority to all other taxes, but MUD taxes are superior to assessments or other liens

▶ Water and Sewer Revenue

- All water and sewer revenue usually is kept by the City
- MUDs usually can add some revenue (\$20/month) that is collected by the City and transferred to the MUD above the normal City water/sewer revenue

Bonds for Reimbursement

- ▶ MUD issues the bonds
 - City is not involved and has no financial risk
- ▶ Secured by District ad valorem taxes
 - A pledge of unlimited taxes is the best credit for bonds and results in the lowest interest rate
- ▶ TCEQ and AG must approve the bond issue
 - MUD must submit a feasibility report to the TCEQ before bonds are approved
- ▶ **CANNOT ISSUE RAW LAND BONDS**
 - **Developer must add value before reimbursement**
 - **A great check and balance**

Examples of In-City MUDs

Many Cities have In-City MUDs around Tomball

- ▶ Houston
- ▶ Sugar Land
- ▶ Katy
- ▶ Conroe
- ▶ Pearland
- ▶ Rosenberg
- ▶ Manvel
- ▶ League City
- ▶ Texas City

City of Pearland—Shadow Creek Ranch

- ▶ Shadow Creek Ranch was developed with the use of In-City MUDs
- ▶ The City will dissolve the MUD once all debt service is paid
- ▶ Brazoria MUD 28 had 16 separate parcels of land annexed into the District ALL WITH CITY COUNCIL APPROVAL PRIOR TO ANNEXATION
- ▶ This is an example of how one in-city MUD can help develop smaller parcels of land with quality infrastructure and low home prices inside the city limits



City of Katy—The Reserve at Katy

- ▶ Fort Bend MUD 161
 - 219 acre development
 - 137 lots to date
- ▶ Developer—Toll Brothers
 - Average Home Value \$450,000–\$1,000,000
- ▶ Tax Rates
 - City Tax Rate = \$0.547
 - MUD Tax Rate = \$0.916
- ▶ 2016 Value = \$83,228,346





Kroger Grocery Store



Single-Family Residential



Recreation Center



Single-Family Residential

Pros of In-City MUDs

- ▶ No City funds are used for administration of the MUD
- ▶ Small in-fill projects that are not large enough to meet feasibility as a stand-alone MUD or PID can join together in a Non-Contiguous Tract In-City MUD
- ▶ City usually gets all water and sewer revenue, in addition to the financing of upgrades to the City's water and sewer plants
- ▶ MUDs require vertical construction and PIDs don't

Pros of In-City MUDs

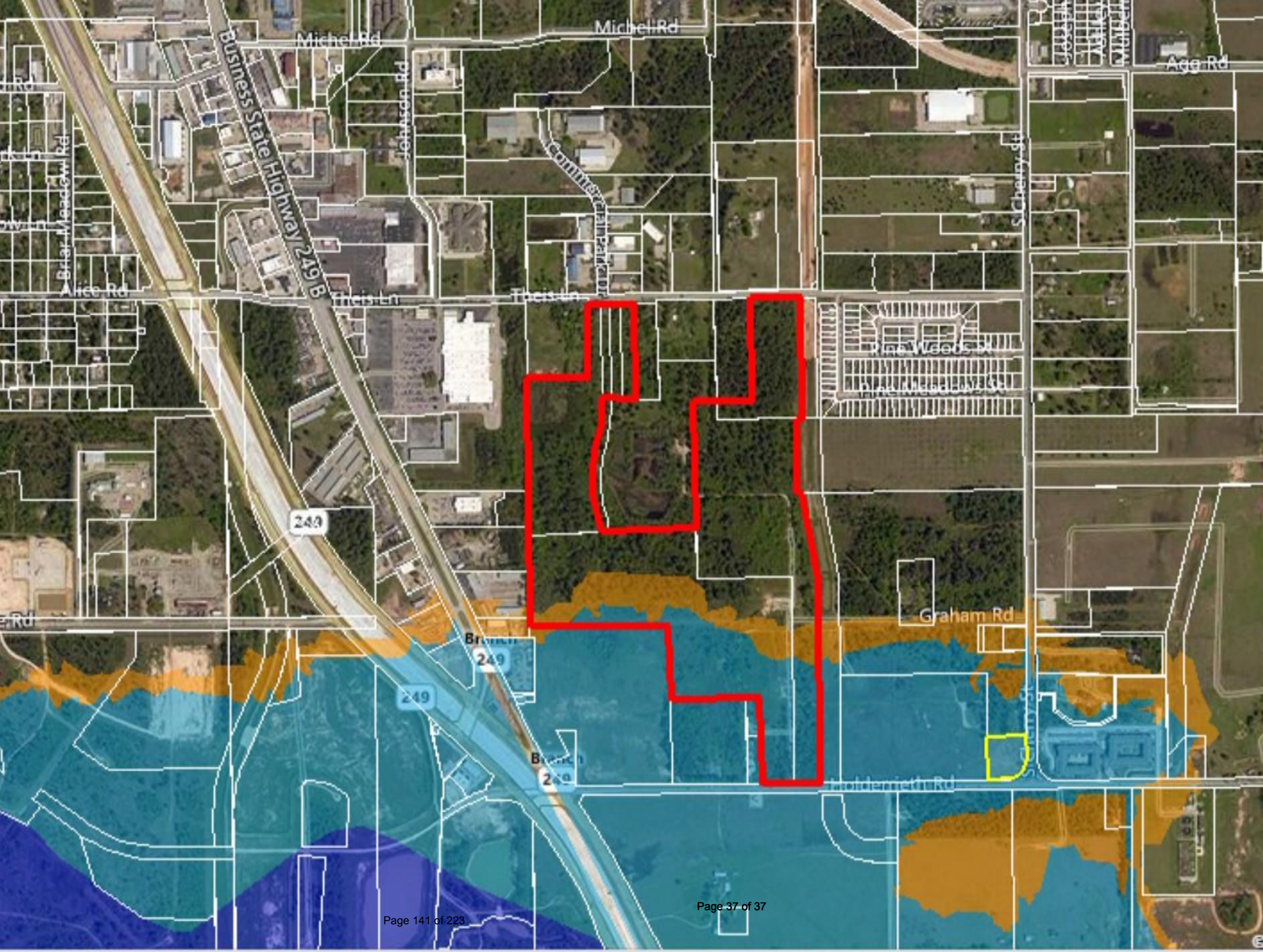
- ▶ Master Planned Communities
- ▶ Commercial/Retail follows Master Planned Development
- ▶ Job Centers move to follow Commercial/Retail and Master Planned Communities
- ▶ Lower house prices with a MUD reimbursement mechanism
- ▶ High-Quality developers purchase land to increase the City's property value
- ▶ In City MUD tax rates usually reduce very quickly and stay low until debt is paid off

Potential Tomball In-City MUD

Questions?

Steve Robinson and Angie Lutz
Allen Boone Humphries Robinson LLP
alutz@abhr.com
713-860-6470

Brian Williams
Ashton Woods
brian.williams@ashtonwoods.com
832-478-9056



Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 17, 2016

Topic:

Approve Request from Woodforest Bank for City Support of the 8th Annual 5K Tomball Dash, a Certified Run, to be held in Tomball on Saturday, November 12, 2016, through In-Kind Services Provided by the City of Tomball

Background:

Woodforest National Bank is requesting to hold our 8th annual “Tomball Dash”, a run/walk fundraiser, to be held in the City of Tomball on Saturday, November 12th 2016.

The 5k run/walk will begin at 8:00 AM at the Tomball Train Depot with the expected participation of many contestants.

All the funds raised through registration fees to participate in this certified run/walk, along with sponsor donations, will be used to benefit the Woodforest Charitable foundation.

The Tomball Dash offers an opportunity for Tomball area residents and merchants to come out and encourage the participants. Woodforest National Bank desires and request the support and endorsement of the City of Tomball in this Fundraising effort.

Woodforest National Bank would ask the City in Tomball to provide the in-kind services of Police and Fire to aide in the run/walk.

Woodforest National Bank values its relationship with the City of Tomball and looks forward to working together for many years to come.

Origination:

Denise Fiore

Recommendation:

Approve

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

Denise Fiore

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
--	--	-------

ATTACHMENTS:

Proposal

Tomball Dash Proposal

Woodforest National Bank is requesting to hold our 8th annual “Tomball Dash”, a run/walk fundraiser, to be held in the City of Tomball on Saturday, November 12th 2016. The 5k run/walk will begin at 8:00 AM at the Tomball Train Depot with the expected participation of many contestants.

All the funds raised through registration fees to participate in this certified run/walk, along with sponsor donations, will be used to benefit the Woodforest Charitable foundation.

The Tomball Dash offers an opportunity for Tomball area residents and merchants to come out and encourage the participants. Woodforest National Bank desires and request the support and endorsement of the City of Tomball in this Fundraising effort.

Woodforest National Bank would ask the City in Tomball to provide the in-kind services of Police and Fire to aide in the run/walk.

We value our relationship with the City of Tomball and look forward to working together for many years to come, thank you for your consideration.

Maria Munoz

Tomball Dash Committee Head

MDelgado@woodforest.com

281-351-0464

Texas	Tomball	Mont County	TOMAGWA Health Care	-	10,000	08.29.2016
Texas	Tomball	Mont County	TOMAGWA Health Care	-	10,000	08.29.2016
Texas		Mont County	Society of Samaritans	-	5,000	08.23.2016
Texas		Houston	Northwest Assistance Ministries		5,000	08.29.2016
Texas		Houston	Houston Food Bank	81	20,000	08.29.2016
Texas		Mont County	Society of Samaritans	-	5,000	08.23.2016
Texas		Houston	Northwest Assistance Ministries		5,000	08.29.2016
Texas		Houston	Houston Food Bank	81	20,000	08.29.2016

Additional information concerning the Woodforest Bank “Tomball Dash”

The cost for City resources is approximately \$2524.

This is the breakdown:

Public Works \$351

Fire Depart. \$300

Police Depart. \$1873

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 17, 2016

Topic:

Approve Resolution No. 2016-22, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 51st Annual Tomball Holiday Parade, *“A Gold Medal Christmas”*, to be Held in Tomball on Saturday, November 19, 2016 and to Approve Requested Street Closures and In-Kind Services

Background:

The Chamber of Commerce must request approval from TxDOT to close FM 2920 for the annual Holiday Parade; the request must include a Resolution from the City of Tomball supporting the parade.

This is the City's customary resolution supporting and endorsing the annual Chamber-sponsored Tomball Holiday Parade, scheduled to take place on Saturday, November 19, 2016.

In addition to closing FM 2920 from FM 2978 to Business 249 from 9:15 a.m. until 12:30 p.m. for the parade, the Chamber is requesting closure of the following streets on Saturday, November 19, from 7:00 a.m. until noon:

- North Elm between Main Street and Hufsmith Road
- North Walnut between Main and Epps Streets
- 100 and 200 Blocks of Commerce Street
- 100 and 200 Blocks of Houston Street
- 100 and 200 Blocks of Oxford Street
- South Elm between Main Street and Market Streets
- South Walnut between Main Street and Fannin Streets
- 100 and 200 Blocks of Market Street
- Parking lot at the corner of Main Street and South Walnut.

The Chamber is also requesting the use of Tomball Police, Fire and Public Works personnel; the estimated cost for the use of City personnel/support services is \$6,000-\$6,500.

The annual Holiday Parade is extremely popular with the local community and brings visitors from the surrounding areas who often remain to shop, eat, and enjoy our city's amenities. We anticipate large crowds before, during, and following the event, meeting the Strategic Plan goals of improving community life and building our economy.

Origination:

Greater Tomball Area Chamber of Commerce

Recommendation:

Approve Resolution No. 2016-22

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

City Secretary

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
---	---	--------------

ATTACHMENTS:

Resolution No. 2016-22

GTACC Request Letter

Parade Route

RESOLUTION NO. 2016-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, SUPPORTING THE 51ST ANNUAL TOMBALL HOLIDAY PARADE, “*A GOLD MEDAL CHRISTMAS*”, TO BE HELD IN TOMBALL ON SATURDAY, NOVEMBER 19, 2016, AND TO APPROVE REQUESTED STREET CLOSURES AND IN-KIND SERVICES.

* * * * *

WHEREAS the Greater Tomball Area Chamber of Commerce will undertake the **51st Annual Tomball Holiday Parade**, to be held in the City of Tomball at 10:00 a.m. on Saturday, November 19, 2016; and

WHEREAS the theme of the **51st Annual Tomball Holiday Parade** is “*A Gold Medal Christmas*”, and the purpose of the **51st Annual Tomball Holiday Parade** is to celebrate our quality of life and to create an avenue for others outside to come to our fair City to enjoy fun, food and good cheer; and

WHEREAS it is a chance for Tomball area merchants and business people to gain a new customer base through monies spent by those attending the **51st Annual Tomball Holiday Parade**; and

WHEREAS activities celebrating the **51st Annual Tomball Holiday Parade** will include the annual parade, food, crafts, and hometown merchants selling from their businesses; and

WHEREAS the Greater Tomball Area Chamber of Commerce desires and requests the support and endorsement of the City of Tomball in this community-wide effort;

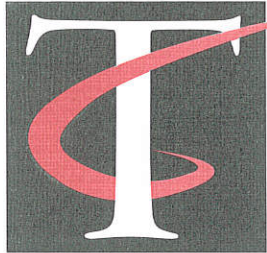
NOW, THEREFORE, BE IT RESOLVED that the City of Tomball and its governing body endorses and supports the efforts of the Greater Tomball Area Chamber of Commerce in promoting and undertaking the **51st Annual Tomball Holiday Parade** and pledge to encourage this effort to celebrate our heritage and promote our future betterment.

PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL HELD ON THE 17th DAY OF October, 2016.

GRETCHEN FAGAN, Mayor

ATTEST:

DORIS SPEER, City Secretary



October 10, 2016

City of Tomball
Mr. George Shackelford
401 Market Street
Tomball, Texas 77375

RE: Tomball Holiday Parade

Dear Mr. Shackelford,

We are anticipating a fabulous Tomball Holiday Parade at 10 a.m. on Saturday, November 19, 2016 with help from our city, police and fire departments, as well as from numerous volunteers. The popular attraction is a Tomball tradition and is celebrating 51 years. We are looking forward again to the expertise of the Tomball Police Department for crowd control and as visual deterrents from any negative activity.

To insure the safety of the many visitors and Parade participants who will be in Tomball on November 19, we are asking for street closures for the following streets on Saturday morning only from 7:00 a.m. until noon:

- North Elm between Main Street and Hufsmith Rd.
- North Walnut between Main Street and Epps
- 100 & 200 block of Commerce
- 100 & 200 block of Houston
- 100 & 200 block of Oxford
- South Elm between Main Street and Market Street
- South Walnut between Main Street and Fannin
- 100 & 200 block of Market Street
- Parking lot at corner of Main and South Walnut

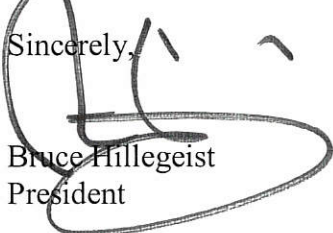
From 9:15 a.m. until 12:30 p.m.

- FM 2920 from FM 2978 to Business 249

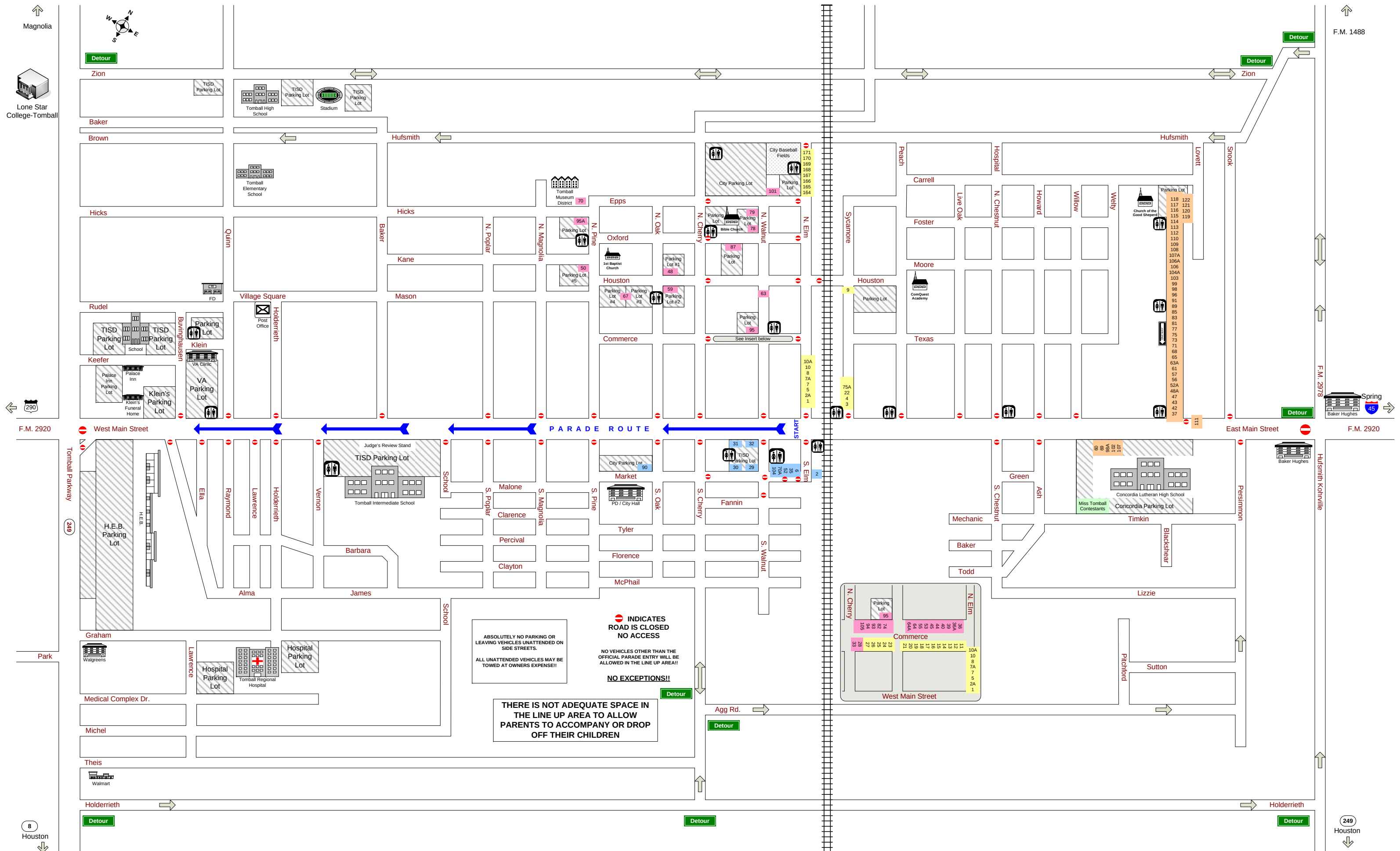
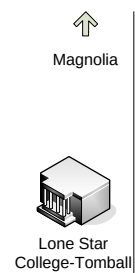
Enclosed is a map for your review. Residents of these streets will still have access to and from their homes.

We appreciate the City of Tomball, its special partnership with the chamber and the assistance always offered for our events. Should you have any questions or concerns, please contact Brandy Beyer or myself at 281-351-7222.

Sincerely,


Bruce Hillegeist
President

*Thank you for your kind
consideration George of
Tomball City Council !!*



Regular City Council

Agenda Item

Meeting Date: October 17, 2016

Data Sheet

Topic:

Consideration to approve Zoning Case P16-0140: Request by Robert Chandler, on behalf of Lone Star Partners, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.898 acres of land, legally described as 11.898 acres of land situated in the Sam Lewis Survey, Abstract Number 1704, City of Tomball, Harris County, Texas, being a portion of that certain called 160.3 acres of land described in deed and recorded under Volume 942, Page 191 of the Deed Records of Harris County, Texas, generally located at the southeast corner of SH 249 Bypass and Alice Road, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on Zoning Case P16-0140
- Adopt, on First Reading, Ordinance No. 2016-27, 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 11.898 Acres Of Land, Legally Described As 11.898 Acres Of Land Situated In The Sam Lewis Survey, Abstract Number 1704, City Of Tomball, Harris County, Texas, Being A Portion Of That Certain Called 160.3 Acres Of Land Described In Deed And Recorded Under Volume 942, Page 191 Of The Deed Records Of Harris County, Texas, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located At The Southeast Corner Of Sh 249 Bypass And Alice Road.; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

Background:

On Monday, October 10, 2016, after conducting a Public Hearing, the Planning and Zoning Commission unanimously voted to recommend approval of Zoning Case P16-0140.

Origination:

Lone Star Partners, LLC

Recommendation:

Approval

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

Community Development Department

ACTION TAKEN

Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other
--	--	-------

ATTACHMENTS:

Ordinance 2016-27

Notice of Public Hearing
Property Owner Notification Letter
Staff Report

ORDINANCE NO. 2016-27

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 11.898 ACRES OF LAND, LEGALLY DESCRIBED AS 11.898 ACRES OF LAND SITUATED IN THE SAM LEWIS SURVEY, ABSTRACT NUMBER 1704, CITY OF TOMBALL, HARRIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 160.3 ACRES OF LAND DESCRIBED IN DEED AND RECORDED UNDER VOLUME 942, PAGE 191 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SH 249 BYPASS AND ALICE ROAD.; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Robert Chandler has requested that approximately 11.898 acres of land, legally described as 11.898 acres of land situated in the Sam Lewis Survey, Abstract Number 1704, City of Tomball, Harris County, Texas, being a portion of that certain called 160.3 acres of land described in deed and recorded under Volume 942, Page 191 of the Deed Records of Harris County, Texas, generally located at the southeast corner of SH 249 Bypass and Alice Road., in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

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

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

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Agricultural District to the Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

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

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

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other 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 17th DAY OF OCTOBER 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

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 7th DAY OF NOVEMBER 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 10, 2016
&
CITY COUNCIL
OCTOBER 17, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 10, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 17, 2016, 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 P16-0140: Request by Robert Chandler, on behalf of Lone Star Partners, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.898 acres of land, legally described as 11.898 acres of land situated in the Sam Lewis Survey, Abstract Number 1704, City of Tomball, Harris County, Texas, being a portion of that certain called 160.3 acres of land described in deed and recorded under Volume 942, Page 191 of the Deed Records of Harris County, Texas, generally located at the southeast corner of SH 249 Bypass and Alice Rd., from the Agricultural District to the Commercial District.

Zoning Case P16-0142: Request by Scott McKinzie, on behalf of BCDE, LTD., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 70 acres of land, legally described as a 70.3604 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor's Lien dated December 30, 2002 and filed for record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property, within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville Road, north Spell Road, from the Single-Family 9 District to the Single-Family 6 District.

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 Assistant City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

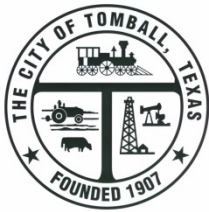
CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **October 2016** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kim Chandler

Kim Chandler
Secretary of the Board

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.



Notice of Public Hearing

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

CASE NUMBER: P16-0140

APPLICANT/OWNER: Request by Robert Chandler, on behalf of Lone Star Partners

LOCATION: Generally located at the southeast corner of SH 249 Bypass and Alice Rd.

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.898 acres of land, legally described as 11.898 acres of land situated in the Sam Lewis Survey, Abstract Number 1704, City of Tomball, Harris County, Texas, being a portion of that certain called 160.3 acres of land described in deed and recorded under Volume 942, Page 191 of the Deed Records of Harris County, Texas, from the Agricultural District to the Commercial District

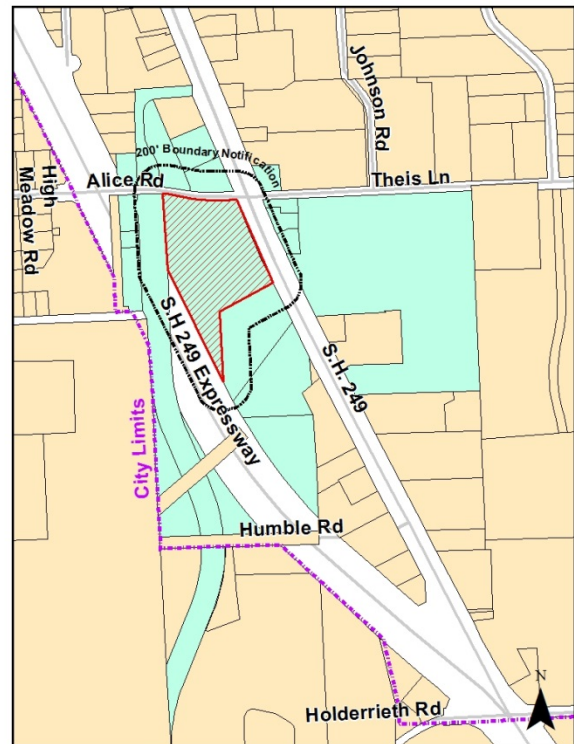
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll.

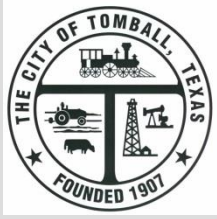


**Planning & Zoning Commission
Public Hearing:
Monday, October 10, 2016, 6:00 PM**

**City Council Public Hearing:
*Monday, October 17, 2016, 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 10, 2016

City Council Public Hearing Date: October 17, 2016

Rezoning Case: P16-0140

Property Owner(s): Kaiser-Frapart Trust c/o JP Morgan Bank Trust Department / Anita Corbello

Applicant(s): Robert Chandler for Lone Star Partners LLC

Legal Description: 11.898 acres of land situated in the Sam Lewis Survey, Abstract Number 1704, City of Tomball, Harris County, Texas, being a portion of that certain called 160.3 acres of land described in deed and recorded under Volume 942, Page 191 of the Deed Records of Harris County, Texas

Location: Southeast corner of SH 249 Bypass and Alice Rd.

Area: 11.898 acres

Comp Plan Designation: Commercial (Exhibit "B")

Present Zoning and Use: Agricultural (Exhibit "C") / Undeveloped land with a portion used for mobile home sales (Exhibit "D")

Request: Rezone from Agricultural to Commercial

Adjacent Zoning & Land Uses:

- North:** General Retail / Retail Development (Prosperity Bank, Boiling Cajun Restaurant, Applebee's Restaurant, Nail Salon, Batteries + Bulbs, Pediatric Healthcare, MS Pharmacy)
- South:** Commercial / Retail Development (Just Brakes, Auto Glass, Tomball Tinter, Texas Robotics, Treasure Pools)
- West:** Not applicable – Outside City Limits / SH 249
- East:** Commercial / Retail Development (Wal-Mart, Katz, Cash Store, Dumas's Tacos, Super Cuts, Murphy gas station)

BACKGROUND

In August 2016, City Staff met with the applicant to discuss a proposed a retail development on the particular site in question. Staff informed the applicant that the property is currently zoned Agricultural and would need to be rezoned in order to accommodate the proposed use.

City staff received a rezoning application for the property on August 26, 2016.

ANALYSIS

The subject site in question is located along a main corridor in the City of Tomball. The primary zoning district along this corridor is Commercial, with General Retail being secondary. The proposed retail development will bring services to the area and be similar to existing development in the area but will also be held to new development standards to ensure guided, quality development.

The Comprehensive Plan designates the property and most nearby properties located within the city limits as Commercial. A general description taken from the Comprehensive Plan regarding the Commercial designation is below:

Neighborhood or community oriented commercial with a variety including shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops. Small Professional offices, such as dentists, legal, real estate, etc. could be included in this land use category. Traffic patterns typical of ingress/egress morning through evening.

The proposed request appears to be in conformance with the Comprehensive Plan.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.

The proposed rezoning appears to be appropriate in the immediate area and the City as a whole. There are multiple similar retail developments in the area.

B. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area. All public utility mains will be extended, at the developer's expense, to serve the properties.

C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There is vacant land in the City currently zoned Commercial. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for development.

D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

There has been consistent developed city-wide in the Commercial district.

E. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved.

If the proposed rezoning is approved, few, if any effects on other areas designated for similar developments are anticipated.

F. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

The proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare.

G. Whether the request is consistent with the Comprehensive Plan.

The Future Land Use plan designates the property Commercial. Commercial would include corresponding zoning districts of Office, General Retail, and Commercial. Therefore, the Commercial request is consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 23, 2016. Notice of Public Hearing was published in the paper and a sign was placed on the property on September 28, 2016. No public comment forms have been received as of the date of this report.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P16-0140.

EXHIBITS

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

Exhibit "A"
Aerial Photo

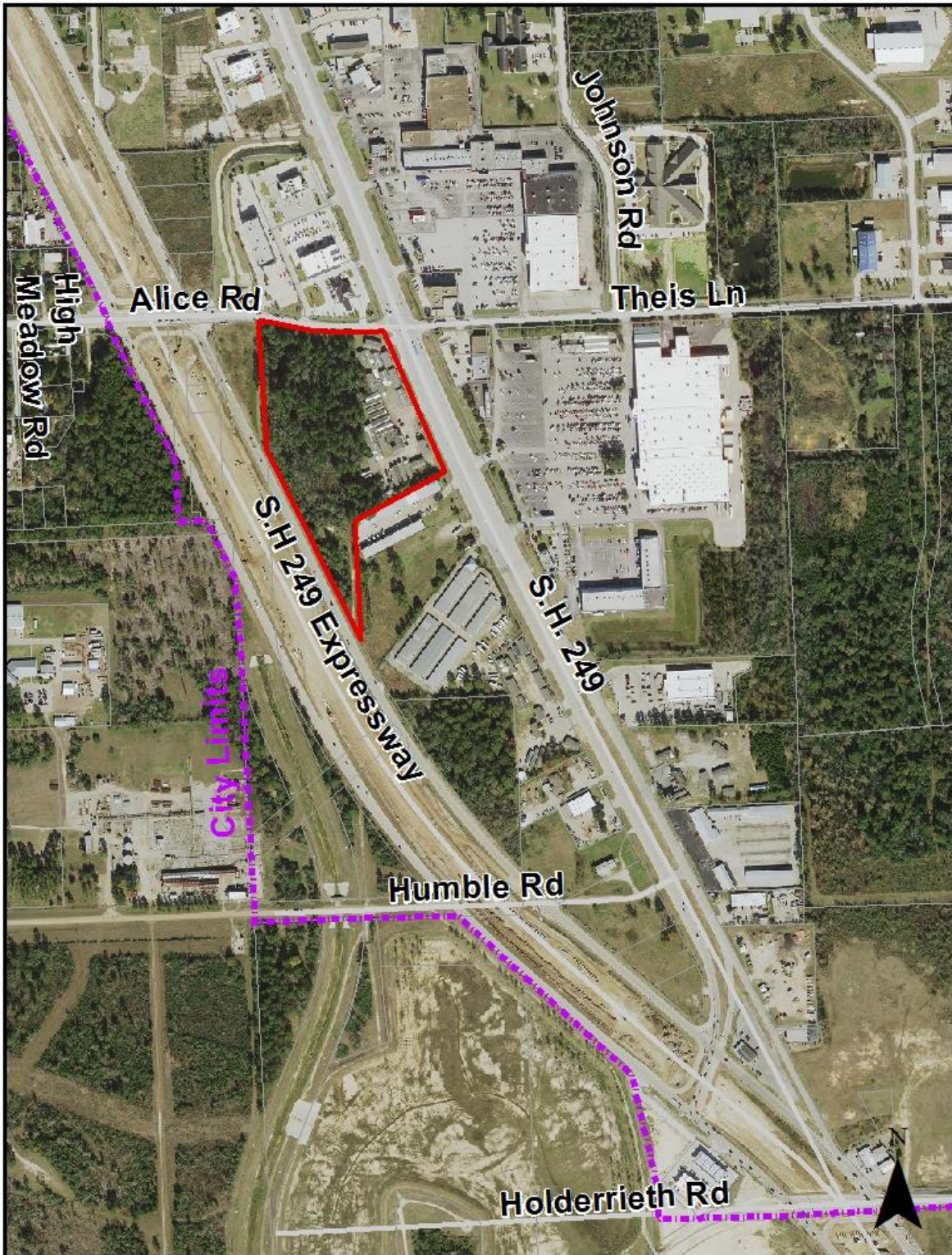


Exhibit "B"
Comprehensive Plan

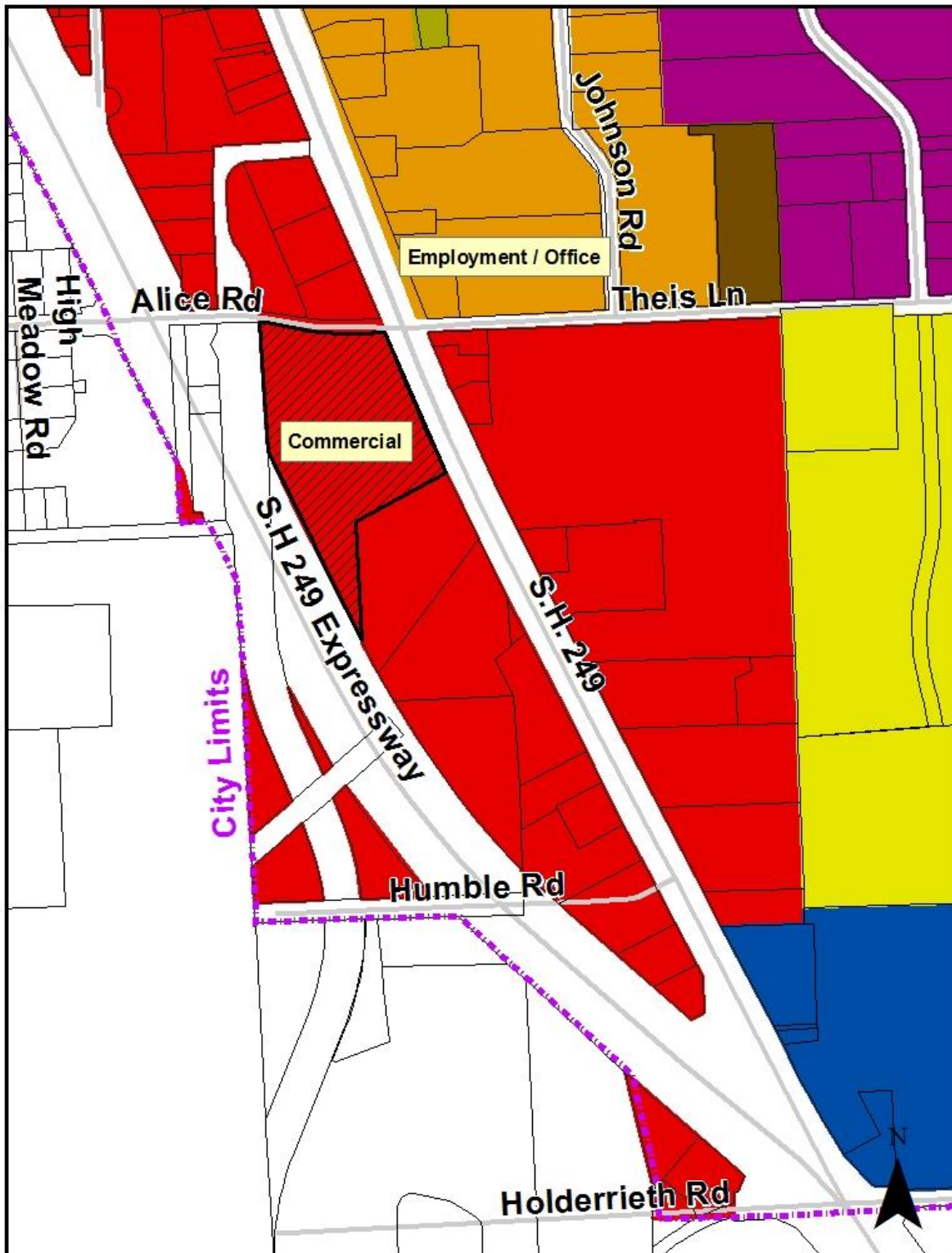
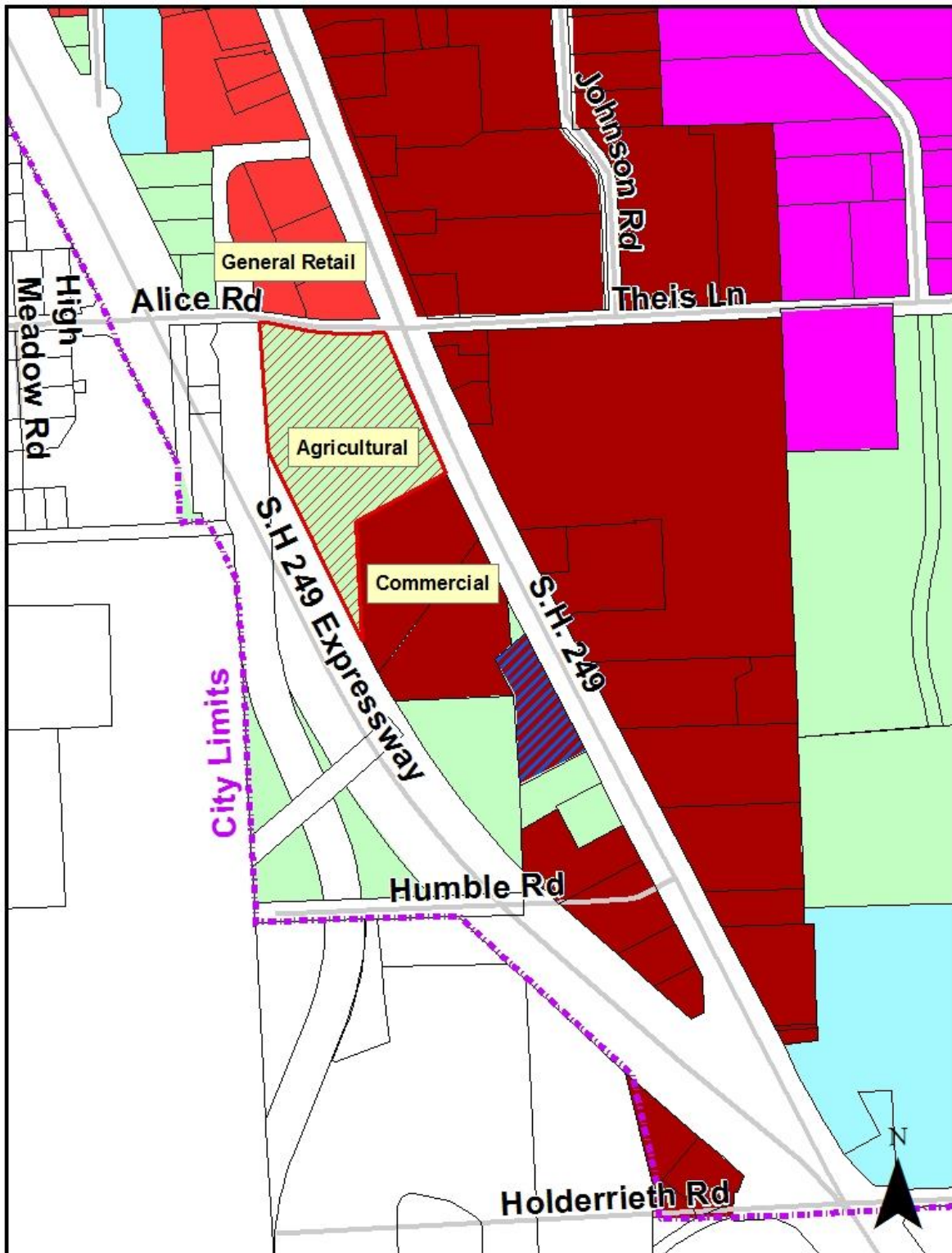


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Subject Site along SH 249 Business



Subject Site along Alice Road



Subject Site along SH 249

Exhibit "E" Application



August 23, 2016

Request for Rezoning

Community Development Department
City of Tomball
401 Market St.
Tomball, TX 77375

**Re: Rezoning of a certain 11.898 acre tract of land at the southeast corner of State
Highway 249 Bypass Rd and Alice Rd in the City of Tomball**

The purpose of this letter is to state the reasons for the rezoning application and issues associated with the current zoning district for the above referenced land, which is further described on the attached Exhibit "A". The details of the reasons are outlined as follows:

- The subject property is currently zoned AG-Agricultural District, and is subject to the use and development standards of that zoning district.
- The Applicant intends to develop the subject property for general retail and commercial uses. Future uses could include, but are not limited to grocery store, restaurant (with and without drive through), bank, multitenant strip center, hotel, or medical. The current zoning district does not permit the proposed uses for the Applicants development plans.
- The types of land uses that are permitted under the zoning district C-Commercial District are consistent with the Applicants proposed development project. Other zoning districts, such as GR-General Retail District, do not expressly permit the land use of eating establishments (with drive through service), which would require a Conditional Use Permit and are consistent with the Applicants potential future land use.

Sincerely,

Clay Roper, CCIM
Caldwell Companies
On behalf of Applicant

Commercial Development • Residential Development • Brokerage • Property Management
7904 N. Sam Houston Pkwy. W., 4th Floor Houston, Texas 77064 Toll-Free: 877.527.SALE Fax: 713.690.0490 CaldwellCos.com



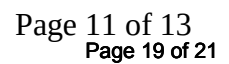


Exhibit "A"



Commercial Development • Residential Development • Brokerage • Property Management
7904 N. Sam Houston Pkwy. W., 4th Floor Houston, Texas 77064 Toll-Free: 877.527.SALE Fax: 713.690.0490 CaldwellCos.com





**Community Development Department
Planning Division**

Applicant: Robert Chandler for Low Star CRE Partners LLC
 Name: Robert Chandler Title: Manager
 Mailing Address: 9219 Katy Freeway #193 City: Houston State: TX
 Zip: 77024
 Phone: (281) 772 5333 Fax: () N/A Email: rchandler@lowstarpartners.com

Owner: The Kaiser-Frapart Trust c/o Anita Corbello
Name: The Kaiser-Frapart Trust Title: Real Estate Asset Manager
Mailing Address: 708 Main Street, Suite 710 City: Houston State: TX
Zip: 77002
Phone: (832) 460-7362 Fax: (877) 338-1604 Email: anita.corbello@cushwake.com

Engineer/Surveyor (if applicable)
Name: Lester Jones, P.E. Title: Engineer
Mailing Address: 6111 FM 1460 West, ste 208 City: Houston State: TX
Zip: 77069
Phone: (281) 361-5955 Fax: () N/A Email: LJones@ajlindsey.com
ext 1002

Description of Proposed Project: Retail Development

Physical Location of Property: 11.898 ACRES at the Southwest corner of SH 244
(General Location - approximate distance to nearest existing street corner) Bypass & Ave 80

Legal Description of Property: Situated in the Sam Lewis Survey, Abstract # 1704
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block] City of...

Current Zoning District: AG - Agricultural District

Current Use of Property: Vacant land w/a portion being leased & used by a

Proposed Zoning District: C-commercial District

Proposed Use of Property: Retail Development (eg. Grocery store, bank, fast food/restaurant, hotel, medical)

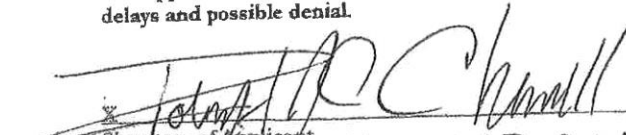
HCAD Identification Number: _____ Acreage: 11.898

HCAD Identification Number: _____ Acreage: 11.898
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

HCAD currently has ID numbers for each of 18 undivided interests in the 11.848 Acres. Survey attached to serve as a reference for the subject property.

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

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

 8/24/16
Signature of Applicant Date
Cassidy Turley Commercial Real Estate, Inc.
Alta Cushman Wakefield, Agent for JPMorgan
Chase Bank, N.A. Trustee of the Trust 8/25/16
Signature of Owner Trust Trust Date
Alta Cushman
Real Estate Asset Manager

CITY OF TOMBALL
281-351-5484

REC#: 00943495 8/29/2016 8:16 AM
OPER: RS TERM: 002
REF#: W148

TRAN: 130.0000 PLANNING AND ZONING
SE CORNER SH249 BYPASS/ALICE
ROBERT CHANDLER
100-5441
REZONING APPLICATIO 519.00CR

TENDERED: 519.00 CHECK
APPLIED: 519.00-

CHANGE: 0.00

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov

Regular City Council

Agenda Item

Meeting Date: October 17, 2016

Data Sheet

Topic:

Consideration to approve Zoning Case P16-0142: Request by Scott McKinzie, on behalf of BCDE, LTD., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 70 acres of land, legally described as a 70.3604 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor's Lien dated December 30, 2002 and filed for record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property, within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville Road, north Spell Road, from the Single-Family 9 District to the Single-Family 6 District.

- Conduct Public Hearing on Zoning Case P16-0142
- Adopt, on First Reading, Ordinance No. 2016-28, 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 70 Acres Of Land, Legally Described As A 70.3604 Acre Tract Of Land Situated In The Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; Being A Portion Of Unrestricted Reserve "C" Of Tomball Greens Final Plat As Shown On A Plat Filed For Record Under Film Code Number 440128 Of The Harris County Map Records, Being The Remainder Of A Called 78.4754 Acre Tract Conveyed To BCDE, Ltd. By Special Warranty Deed With Vendor's Lien Dated December 30, 2002 And Filed For Record Under Clerk's File No. W332593 Of The Harris County Official Public Records Of Real Property And Being All Of A Called 4.882 Acres Conveyed To Eibsen & Associates, Inc. By Warranty Deed Dated March 31, 2014 And Filed For Record Under Clerk's File No. 20140133968 Of The Harris County Official Public Records Of Real Property, Within The City Of Tomball, Harris County, Texas, From The Single-Family 9 District To The Single-Family 6 District; Said Property Being Generally Located On The East Side Of Hufsmith-Kohrville Road, North Spell Road; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

Background:

On Monday, October 10, 2016, after conducting a Public Hearing, the Planning and Zoning Commission voted to recommend denial of Zoning Case P16-0142 with three votes Nay, one vote Aye.

Origination:

BCDE, Ltd.

Recommendation:

Approval

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

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Ordinance 2016-28
Notice of Public Hearing
Property Owner Notification Letter
Staff Report

ORDINANCE NO. 2016-28

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 70 ACRES OF LAND, LEGALLY DESCRIBED AS A 70.3604 ACRE TRACT OF LAND SITUATED IN THE ELIZABETH SMITH SURVEY, ABSTRACT NUMBER 70, HARRIS COUNTY, TEXAS; BEING A PORTION OF UNRESTRICTED RESERVE "C" OF TOMBALL GREENS FINAL PLAT AS SHOWN ON A PLAT FILED FOR RECORD UNDER FILM CODE NUMBER 440128 OF THE HARRIS COUNTY MAP RECORDS, BEING THE REMAINDER OF A CALLED 78.4754 ACRE TRACT CONVEYED TO BCDE, LTD. BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED DECEMBER 30, 2002 AND FILED FOR RECORD UNDER CLERK'S FILE NO. W332593 OF THE HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY AND BEING ALL OF A CALLED 4.882 ACRES CONVEYED TO EIBSEN & ASSOCIATES, INC. BY WARRANTY DEED DATED MARCH 31, 2014 AND FILED FOR RECORD UNDER CLERK'S FILE NO. 20140133968 OF THE HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE-FAMILY 9 DISTRICT TO THE SINGLE-FAMILY 6 DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE EAST SIDE OF HUFSMITH-KOHRVILLE ROAD, NORTH SPELL ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Scott McKinzie has requested that approximately 70 acres of land, legally described as a 70.3604 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor's Lien dated December 30, 2002 and filed for record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property generally on the east side of Hufsmith-Kohrville Road, north Spell Road in 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 deny the requested rezoning of Single-family 6; 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 9 District to the Single-family 6 District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Single-family 6 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 Single-family 6 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 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 17th DAY OF OCTOBER 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

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 7th DAY OF NOVEMBER 2016.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN QUINN	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
OCTOBER 10, 2016
&
CITY COUNCIL
OCTOBER 17, 2016**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, October 10, 2016, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, October 17, 2016, 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 P16-0140: Request by Robert Chandler, on behalf of Lone Star Partners, to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 11.898 acres of land, legally described as 11.898 acres of land situated in the Sam Lewis Survey, Abstract Number 1704, City of Tomball, Harris County, Texas, being a portion of that certain called 160.3 acres of land described in deed and recorded under Volume 942, Page 191 of the Deed Records of Harris County, Texas, generally located at the southeast corner of SH 249 Bypass and Alice Rd., from the Agricultural District to the Commercial District.

Zoning Case P16-0142: Request by Scott McKinzie, on behalf of BCDE, LTD., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 70 acres of land, legally described as a 70.3604 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor's Lien dated December 30, 2002 and filed for record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property, within the City of Tomball, Harris County, Texas, generally located on the east side of Hufsmith-Kohrville Road, north Spell Road, from the Single-Family 9 District to the Single-Family 6 District.

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 Assistant City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

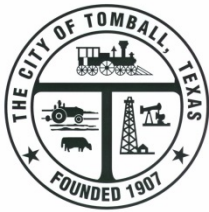
CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **6th** day of **October 2016** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kim Chandler

Kim Chandler
Secretary of the Board

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.



Notice of Public Hearing

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

CASE NUMBER: P16-0142

APPLICANT/OWNER: Request by Scott McKinzie, on behalf of BCDE, LTD.

LOCATION: Generally located on the east side of Hufsmith-Kohrville Road, north Spell Road

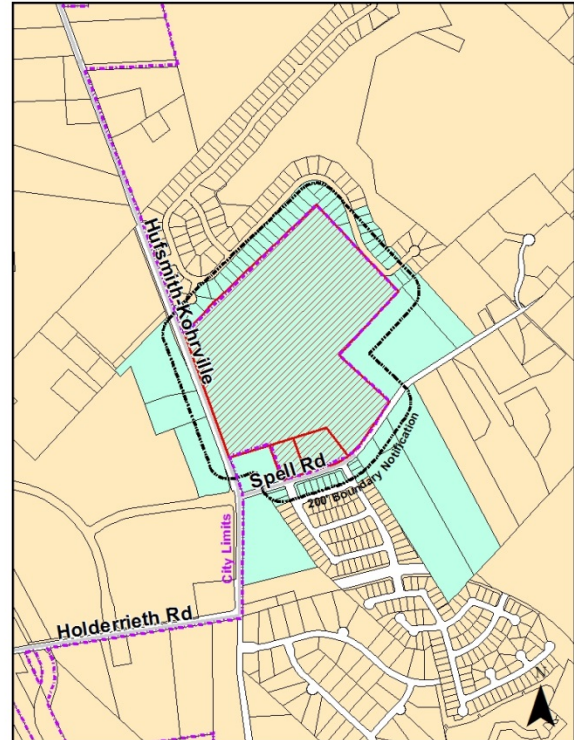
PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 70 acres of land, legally described as a 70.3604 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor's Lien dated December 30, 2002 and filed for record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property, within the City of Tomball, Harris County, Texas, from the Single-Family 9 District to the Single-Family 6 District.

CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

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



**Planning & Zoning Commission
Public Hearing:
Monday, October 10, 2016, 6:00 PM**

**City Council Public Hearing:
*Monday, October 17, 2016, 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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: October 10, 2016

City Council Public Hearing Date: October 17, 2016

Rezoning Case: P16-0142

Property Owner(s): Eibsen & Associates Inc. / BCDE, LTD

Applicant(s): Scott McKinzie, Jones | Carter

Legal Description: A 70.3604 acre tract of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas; being a portion of Unrestricted Reserve "C" of Tomball Greens Final Plat as shown on a plat filed for record under Film Code Number 440128 of the Harris County Map Records, being the remainder of a called 78.4754 acre tract conveyed to BCDE, LTD. by Special Warranty Deed With Vendor's Lien dated December 30, 2002 and filed for record under Clerk's File No. W332593 of the Harris County Official Public Records of Real Property and being all of a called 4.882 acres conveyed to Eibsen & Associates, Inc. by Warranty Deed dated March 31, 2014 and filed for record under Clerk's File No. 20140133968 of the Harris County Official Public Records of Real Property

Location: East side of Hufsmith-Kohrville Road, north Spell Road (Exhibit "A")

Area: 70.3604 acres

Comp Plan Designation: Medium Density Residential (Exhibit "B")

Present Zoning and Use: Single-family 9 (Exhibit "C") / Undeveloped land (Exhibit "D")

Request: Rezone from Single-family 9 (SF9) to Single-family 6 (SF6)

Adjacent Zoning & Land Uses:

- North:** Outside City Limits / Single-family residences (Country Club Greens subdivision)
- South:** Outside City Limits / Spell Road and single-family residences
- West:** Light Industrial / Tomball Business Park and CREACOM, Inc.
- East:** Outside City Limits / Undeveloped

BACKGROUND

In early 2016, City Staff began meeting with the property owner to discuss the possibility of rezoning the property in question. The property was annexed into the City and rezoned from Agricultural to Single-family 9 in August 2014. Since then, the developer has altered the proposed development to include lots ranging from 6,500 – 7,800 square feet (Exhibit "F").

ANALYSIS

There are several land uses in the vicinity of the subject site. To the north are single-family residences in the Country Club Greens subdivision; to the south are Spell Road and single-family residences; to the west are Hufsmith-Kohrville Road, and commercial uses (Tomball Business Park and CREACOM, Inc.), and a single-family residence; and to the east is vacant land. The SF-6 District appears to be consistent and compatible with the existing single-family residences and vacant land in the vicinity. The proposed residential development will bring services to the area and be similar to existing development in the area.

The majority of the properties in the vicinity of the subject site are not zoned because they are not in the City Limits; however, the primary zoning district in the surrounding area is Light Industrial (LI). The incompatibility of the request with the LI District to the west appears to be minimized because of their separation by Hufsmith-Kohrville Road.

The Comprehensive Plan designates the property as Medium Density Residential, which includes lots sizes ranging from 6,000 to 20,000 square feet. The proposed request appears to be in conformance with the Comprehensive Plan.

ZONING CONSIDERATIONS

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole.

The proposed rezoning appears to be appropriate in the immediate area and the City as a whole. The uses permitted in the SF-6 District appear to be compatible with the single-family residences in the vicinity. At first glance, the proposed development appears to be inconsistent with the existing commercial uses to the west, however, the incompatibility appears to be minimized because of their separation by Hufsmith-Kohrville Road, which is designated as a Major Arterial in the City's Major Thoroughfare Plan.

B. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.

The proposed rezoning is not anticipated to negatively impact any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area. The property is zoned to Klein ISD. The school district has included this development in their long range projection and they do not foresee issues with accommodating the influx of students. All public utility mains will be extended, at the developer's expense, to serve the properties.

C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There is vacant land in the City currently zoned Single-family 6. There does not appear to be any special circumstances which may make a substantial part of any vacant land unavailable for development.

D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

There has been consistent residential development city-wide in all residential zoning districts. One subdivision has developed under the SF6 District requirements in recent years.

E. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved.

There are no pending plans for similar developments; therefore, if the proposed rezoning is approved, few, if any effects on other areas designated for similar developments are anticipated.

F. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

Generally, the proposed rezoning does not appear to negatively affect the public health, safety, morals, or general welfare. The proposed subdivision will create an increase in traffic flow in the area; however, Harris County's plans to widen Hufsmith-Kohrville Road and to install traffic signals at Spell Road and at Holderrieth Road that will help alleviate this concern.

G. Whether the request is consistent with the Comprehensive Plan.

The Future Land Use plan designates the property Medium Density Residential, which would include corresponding zoning districts of Single-family 20, Single-family 9, and Single-family 6. Therefore, the SF6 request is consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on September 23, 2016. Notice of Public Hearing was published in the paper and a sign was placed on the property on September 28, 2016. No public comment forms have been received as of the date of this report.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends **APPROVAL** of Zoning Case P16-0142.

EXHIBITS

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

Exhibit "A"
Aerial Photo

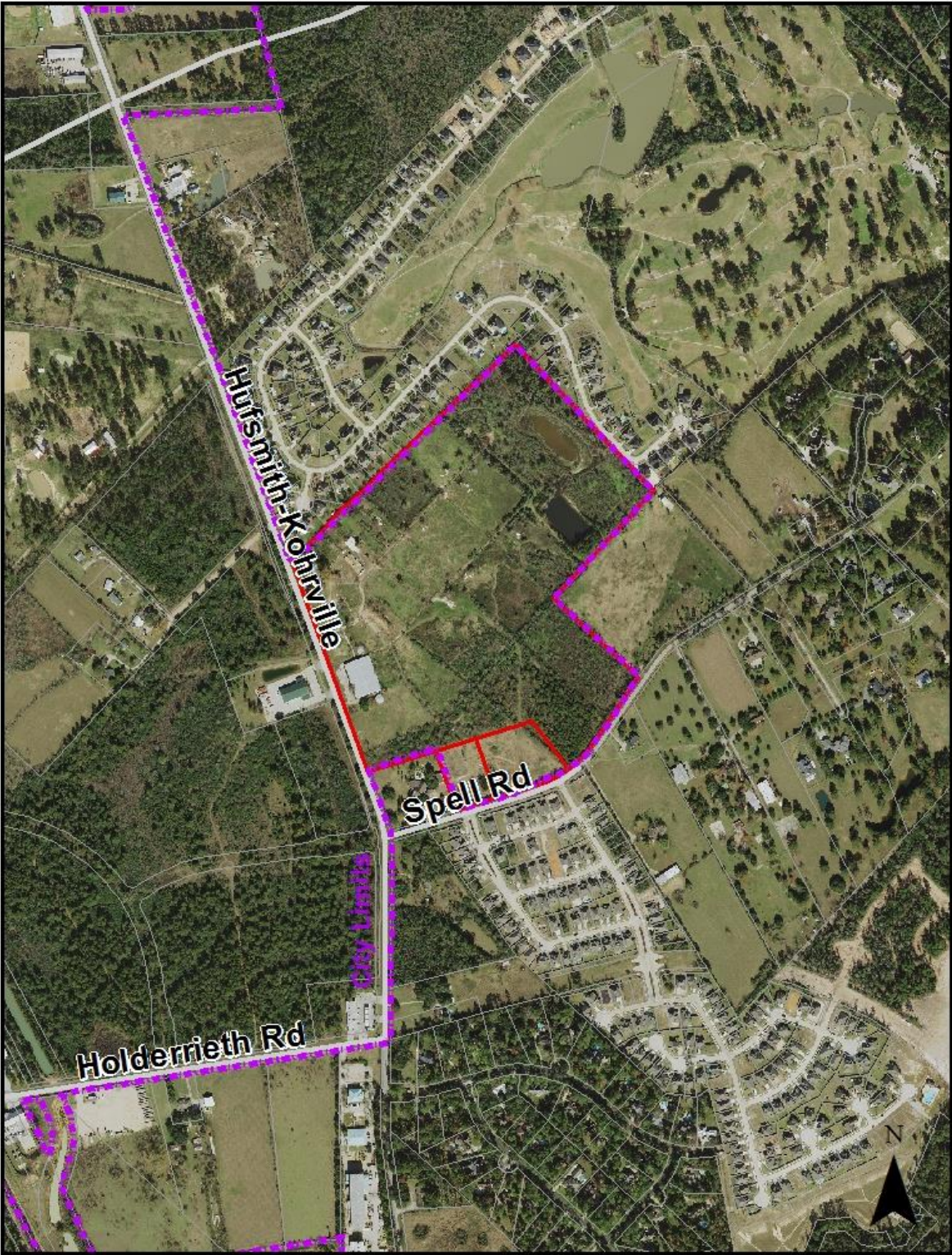


Exhibit "B"
Comprehensive Plan

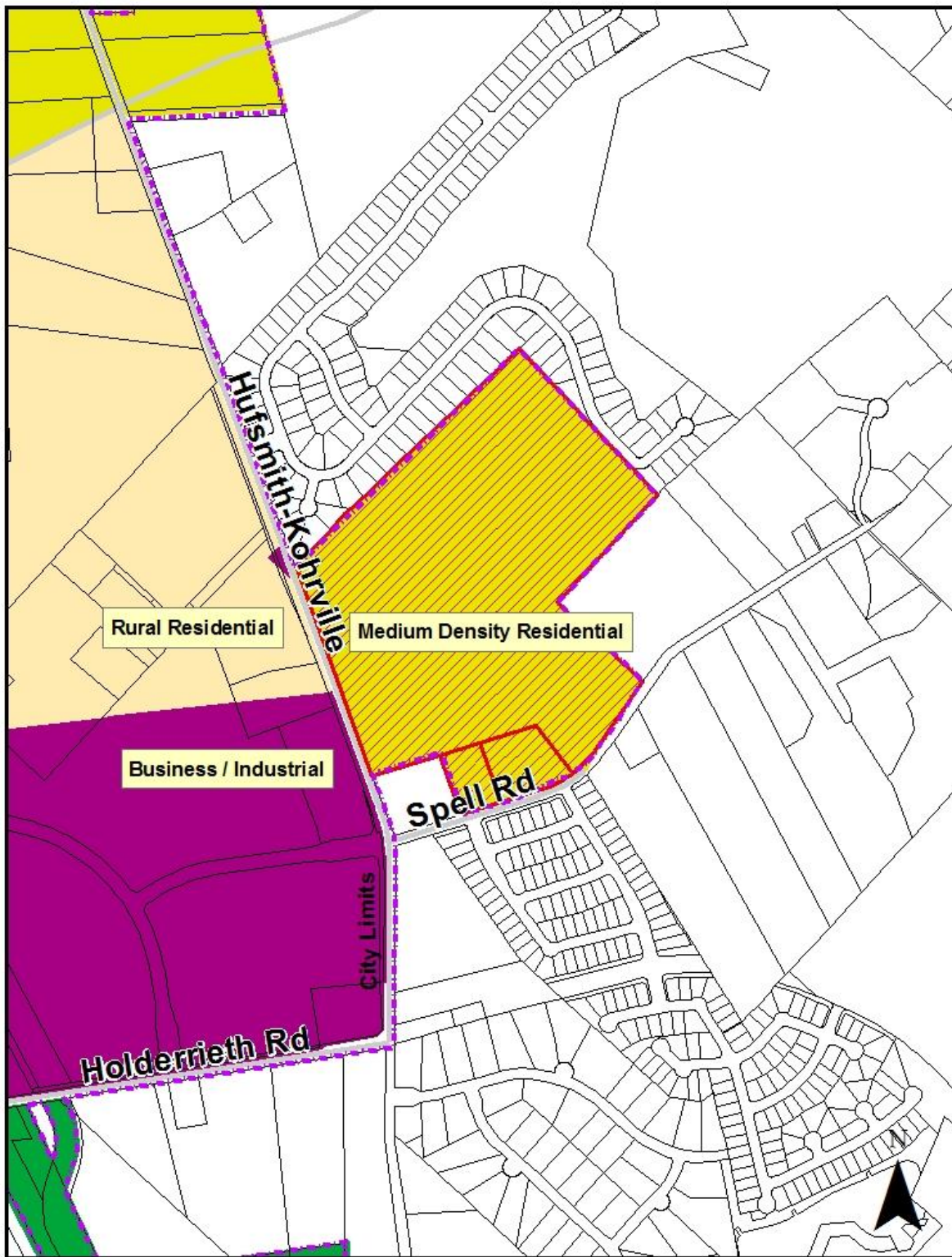
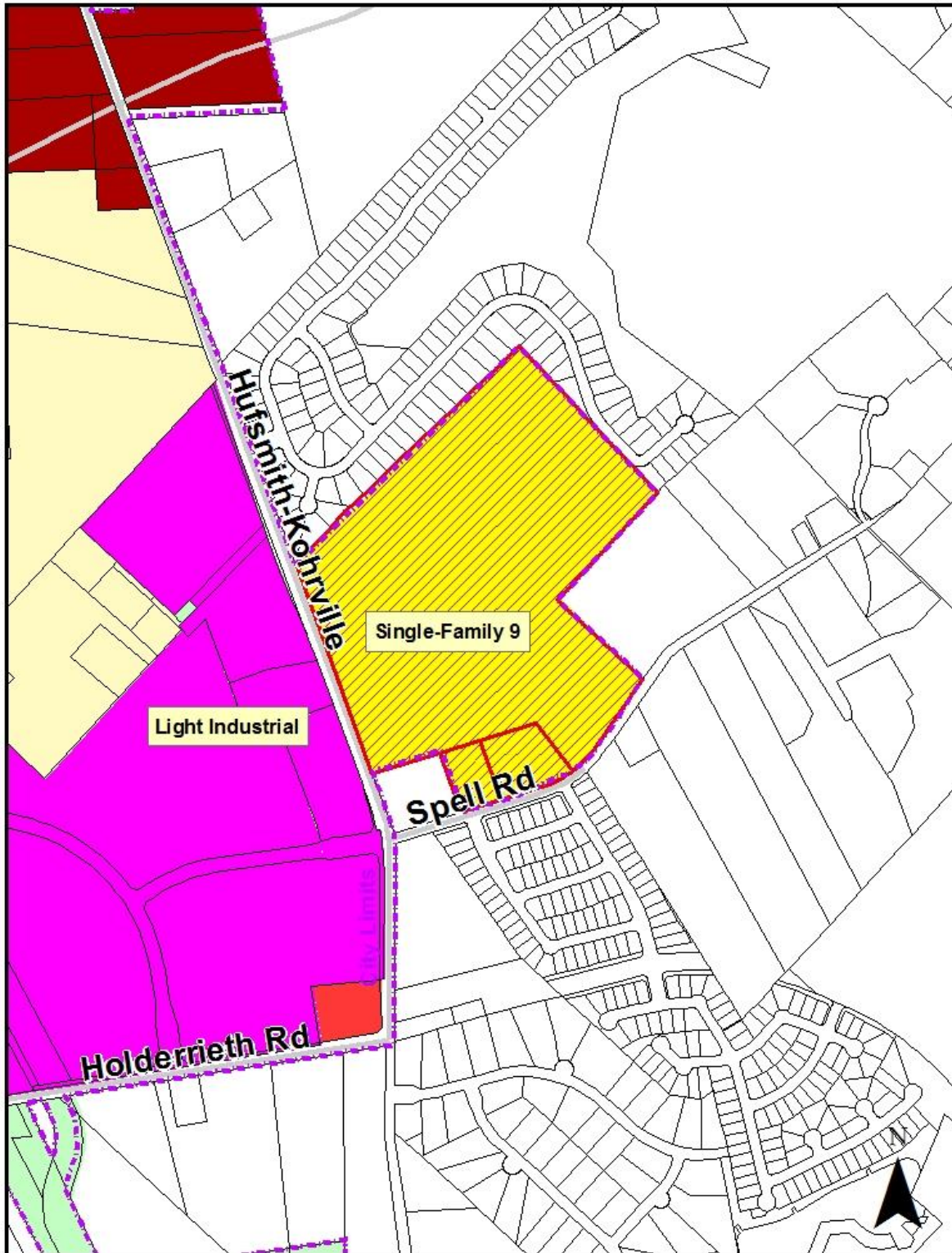


Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photos**



Subject Site along Hufsmith-Kohrville Road



West, across Hufsmith-Kohrville Road



Subject site along Spell Road



South of subject site

Exhibit "E" Application

Revised 5/19/15



16-142 APPLICATION FOR REZONING

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: Scott McKinzie, Jones|Carter Title: Planner
Mailing Address: 8701 New Trails Drive, Suite 200 City: The Woodlands State: TX
Zip: 77381
Phone: (281) 363-4039 Fax: (281) 363-3459 Email: smckinzie@jonescarter.com

Owner

Name: Doug Eibsen, BCDE, LTD / Eibsen & Assoc. Title: General Partner / President
Mailing Address: 24522 Creekview Dr City: Spring State: TX
Zip: 77389
Phone: (713) 628-3628 Fax: () Email: DougEibsen@att.net

Engineer/Surveyor (if applicable)

Name: Ryan Wade, Jones|Carter Title: RWade@jonescarter.com
Mailing Address: 8701 New Trails Drive, Suite 200 City: The Woodlands State: TX
Zip: 77381
Phone: (281) 363-4039 Fax: (281) 363-3459 Email: RWade@jonescarter.com

Description of Proposed Project: Alexander Estates, 258 Single-Family Lot Subdivision

Physical Location of Property: Northeast corner of Huffsmith-Kohrville Road and Spell Road
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Being a partial replat of Tomball Greens, Unrestricted Reserve C
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-9

Current Use of Property: Vacant/Undeveloped

Proposed Zoning District: SF-6

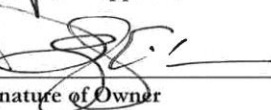
Proposed Use of Property: Single Family Residential

HCAD Identification Number: 1207880000005 Acreage: 70.3574
1207880000007, 1207880000008
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

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

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

X  8/30/2014
Signature of Applicant Date

X  8/30/2016
Signature of Owner Date

CITY OF TOMBALL
281-351-5484

REC#: 00944325 8/31/2016 3:40 PM
OPER: CK TERM: 005
REF#: W 1877

TRAN: 130.0000 PLANNING AND ZONING
NE CORNER HUFSMITH-KORV/SPELL
100-5441
REZONING APPLICATIO 1,103.57CR

TENDERED: 1,103.57 CHECK
APPLIED: 1,103.57-

CHANGE: 0.00

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov



August 31, 2016

Mr. Harold Ellis
City Planner
City of Tomball
501 James Street
Tomball, TX 77375

8701 New Trails Drive, Suite 200
The Woodlands, Texas 77381-4241
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

Re: Request for Rezoning

Mr. Ellis:

This letter serves as a formal rezoning request. The property in question is undeveloped, but is currently zoned Single Family 9 (SF-9) within the corporate limits of Tomball. We are requesting the property be rezoned to Single Family 6 (SF-6).

The property is located at the northeast intersection of Hufsmith-Kohrville Road and Spell Road, and consists of 70.3574 acres. The property is currently platted as Tomball Greens, and the portion proposed for rezoning is part of Unrestricted Reserve "C". The proposed development, Alexander Estates, consists of 251 single family residential lots. The proposed subdivision will consist of two different lot sizes, 50' X 130' and 60' X 130'. The average lot size for the 50'-wide lots will be 6,500 sq. ft. and 7,800 sq. ft. for the 60' wide lots. The proposed lot sizes exceed the requested zoning district's minimum lot size of 6,000 sq. ft. The typical lot dimensions also exceeds the City's minimum requirements of 50' X 100' for the requested zoning district. Access to the site will be from Spell Road and site detention will be in the form of an amenity lake with associated pedestrian trails. It is not anticipated that the proposed development will adversely impact vehicular or pedestrian access in the area.

This zone change request will be consistent with surrounding properties and developments in the area, as the property is surrounded on three sides with existing single family residential properties.

Attached to this request for reference is the current recorded plat for the property, as well as a conceptual site plan of the proposed neighborhood.

Please feel free to contact me if you have any questions or would like any additional information. We appreciate your assistance and look forward to successfully rezoning the referenced property.

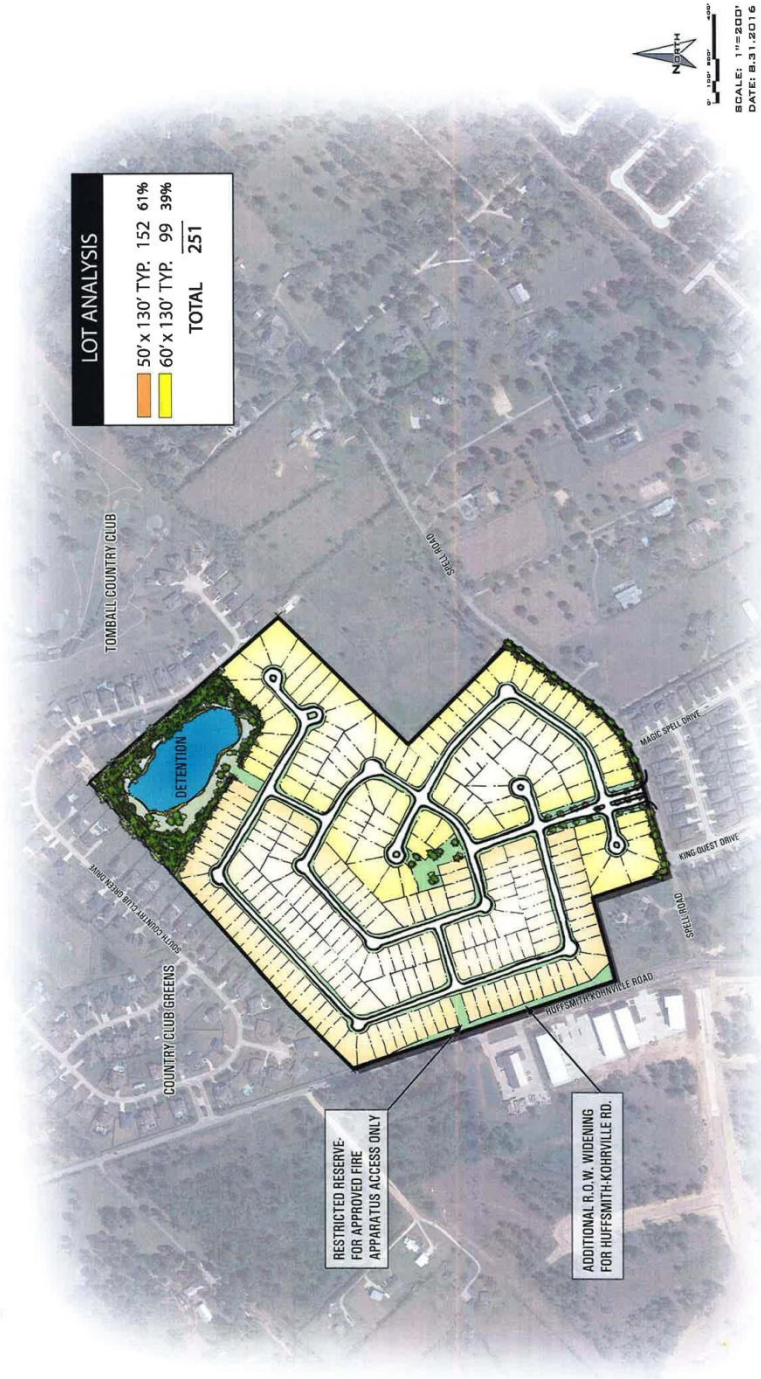
Regards,

A handwritten signature in black ink, appearing to read 'Scott McKinzie'.

Scott McKinzie, Planner

Exhibit "F" Conceptual Plan

ALEXANDER ESTATES A Conceptual Site Plan



JONES CARTER

Regular City Council
Agenda Item
Data Sheet

Meeting Date: October 17, 2016

Topic:

Authorize the City Manager to Execute a Revised, FEMA-Compliant, Mutual Aid Agreement between Harris County Fire Departments

Background:

The City of Tomball has participated in mutual aid agreements with Harris County Fire Departments since their inception. The Agreement provides that, to the extent possible, Tomball fire units will assist other Harris County Fire Departments in emergency operations and, likewise, other Harris County Fire Departments will assist Tomball with emergency incidents.

The new Agreement makes provision for FEMA mandated reimbursement of costs for mutual aid exceeding 12 hours. These provisions are a requirement for being able to obtain reimbursement from FEMA on large-scale or long-lived incidents. The reimbursement rates are for actual costs but cannot exceed the rates set by FEMA.

Origination:

Fire department

Recommendation:

Staff recommends approval

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

Parr

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Mutual Aid Agreement

MUTUAL AID FIRE PROTECTION & AGREEMENT

THE STATE OF TEXAS §

HARRIS COUNTY §

This Agreement is made and entered into by and between the “Entities”, as described in Section IX Definitions, of Harris County, and adjoining “Entities, (hereinafter referred to as the “Parties”) that have signed this Agreement.

Whereas, the undersigned Parties desire to enter into a mutual aid fire protection agreement wherein the equipment, facilities, and trained personnel of each fire department are available to the other Parties in this mutual aid agreement on an as requested basis.

Now therefore, that in consideration of the mutual covenants, agreements and benefits to all Parties, it is hereby AGREED as follows:

I. Scope of Services

A. During the term of this Agreement, the Parties agree to provide upon request such fire protection and suppression personnel and to make available such equipment or facilities as may be needed for the suppression of fires or the duties and responsibilities associated with saving lives and property within the jurisdictional areas of the requesting department; provided that the personnel, equipment or facilities requested are not otherwise required within the jurisdiction as determined by the Fire Chief or Chief Fire Service Officer or his/her designated representative of the providing party. It is expressly understood and agreed by all Parties hereto that no providing Party shall be required to use any equipment, facilities and/or personnel where such use would prevent or disrupt adequate protection of its own jurisdictional area. Requests for mutual aid made

pursuant to this Agreement shall be made by and to the respective Fire Chiefs or Chief Fire Safety Officers or their designated representatives.

B. The Parties agree that a request will only be made when an emergency occurs in their jurisdiction that cannot be handled by the resources of that jurisdiction and is beyond the requesting party's capabilities.

C. The Parties agree:

- a. to maintain the work force and equipment needed to sufficiently control fires or other emergencies common to the saving of lives and property which are most likely to occur within their jurisdiction;
- b. to maintain an emergency action plan for activating their personnel and equipment within their jurisdiction;
- c. to maintain established procedures for the mitigation of emergencies; and
- d. to provide all other departments with current lists of the available work force and or materials and equipment which, under most circumstances, could be furnished to the requesting department.

D. In the event a local, state or national emergency is declared, this Agreement shall not constitute a waiver of the rights of the respective parties to claim local, state and/or federal funds or reimbursements.

E. Notwithstanding Subsection I.A. of this Agreement, if a Party hereto requests mutual aid assistance that requires a response that exceeds twelve (12) consecutive hours, the Requesting Party shall reimburse the Responding Party its actual cost for providing mutual aid assistance to the Requesting Party after the first twelve (12) hours, including costs for personnel, operation and maintenance of equipment, damaged equipment, food, lodging, and transportation, provided that,

in no event shall the cost for a service or item be greater than the rate, as such rates are amended from time to time, set by the Federal Emergency Management Agency (FEMA) for the substantially same service or item. FEMA rates are available at <http://www.fema.gov>. The Parties mutually agree that a Responding Party shall not be entitled to and will not seek reimbursement from a Requesting Party for either: (a) assistance provided that does not exceed twelve (12) consecutive hours or (b) for assistance provided during the initial twelve (12) hours of the response.

F. Nothing herein shall be construed as a warranty or guaranty of response, whether in terms of there being appropriate assets available or sufficient personnel being available to respond.

II. Direction and Control

The requested fire service company(s) or task force(s), [as defined in Section IX Definitions], shall be under the direction and control of their own company officer or task force leader. The company will remain intact as a unit, responsible for its own equipment and personnel throughout the incident. The company officer or task force leader will report to the Command Post [as defined in Section IX, Definitions] of the Incident Commander [as defined in Section IX, Definitions] of the requesting department and will make himself/herself and the company or task force for which they are responsible available for service. The Incident Commander will assume direction and control of the unit in whole and will give that unit an assignment. The fact that the task at hand is inherently dangerous must always be considered.

III. Equipment and Consumable Resources

A. The condition of the equipment must be the sole responsibility of its owner. Except as

provided by Section I.D. above, if the equipment is damaged or destroyed during the Incident, the financial responsibility is the owner's which may be recovered through insurance acquired by the owner or any other resource available to the owner, and the requesting party will never be responsible for damage to equipment, injury to persons or for the actions of the responding party.

B. Except as provided by Section I.D. above, any consumable resources may be reimbursed by or through the Incident Commander's jurisdiction (Requesting Party) provided that sufficient funds have been appropriated for said purpose. The Incident Commander has a right to recover any and all cost of the incident from any resources available.

C. In the event the incident receives a Disaster Declaration from State or Federal authority, the requesting party shall make the claim to include the actual cost involved of responding parties on the requesting party sub-grant application. The requesting party shall disburse the proportionate share of state/federal funds to responding parties in a timely manner.

IV. Terms of Agreement

The terms of this Agreement shall be for one (1) year with recurring annual renewal for one (1) year unless a party gives written notice to terminate. Any Party shall have the right to terminate upon thirty (30) days written notice to the other Parties. The addition or deletion of departments to or from this Agreement shall not affect the Agreement as to the remaining Parties.

V. Amendments

This Agreement can be amended or replaced by a majority of the Parties. All of the Parties must be notified in writing within thirty (30) days and an open forum must be held in which all of

the Parties have been invited to attend. The Amendment will not be effective to any party who does not agree.

VI. Compliance with All Applicable Laws

The Departments shall observe and comply with all Federal, State, and local laws, rules, ordinances, and regulations affecting the conduct of services provided and the performance of all obligations undertaken by this Agreement.

VII. Legal Considerations

A. All local, State, and Federal laws shall supersede any provisions made in this Agreement. Any provision so effected will not negate the rest of the Agreement. In case any one or more of the provisions contained in this Agreement shall be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

B. Venue for any proceeding under this Agreement shall be in Harris County, Texas.

C. This Agreement shall become effective upon each Party's signing of said instrument.

D. This Agreement supersedes and replaces all previous Harris County Fire Fighter Association (HCFFA) Mutual Aid Agreements as between any two Parties to this Agreement ninety (90) days after execution of this Agreement by those same Parties. This Agreement also supersedes and replaces any and all previous mutual aid agreements and/or any other similar agreements of assistance between any two or more Parties to this Agreement upon the execution of this Agreement by those same Parties.

VIII. Liability

A. The Parties agree that except with respect to the matter of reimbursement as otherwise provided for in this Agreement, each shall be responsible for its own actions and those of its members while fighting fires, providing rescue services, providing fire responses, emergency medical services, traveling to or from the emergency scene, or in any manner providing services pursuant to and within the scope of this Agreement or a supplement thereto.

B. It is expressly understood and agreed by the Parties that neither shall be held liable for the actions of the other Party or any of the other Party's members while in any manner furnishing services hereunder.

IX. Definitions

A. **Entities** – Any Emergency Services Provider that is fire based or 911 initiated. These would include, but not limited to fire departments, 911 EMS services, and certain Emergency Service Districts (ESD), cities.

B. **Task Force** – A group of any type or kind of resource, with communications and a leader, temporarily assembled for a specific mission (not to exceed five [5] resources).

C. **Incident Command Post (ICP)** – The field location at which the primary tactical - level, on-scene incident command functions are performed. The ICP may be co-located with the incident base or other incident facilities.

D. **Incident Commander (IC)** – The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The

IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.

This Agreement, together with all terms and conditions contained herein, is approved and accepted by the following entities and is executed by their duly authorized representatives:

<u>Entity</u>	<u>Authorized Representative Signature</u>
Aldine Volunteer Fire Department	_____
H. C. E.S.D. # 24	_____
Atascocita Volunteer Fire Department	_____
H. C. E.S.D. # 46 (for approval only)	_____
Baytown Fire & Rescue	_____
H. C. E.S.D. #75 (for approval only)	_____
Bellaire Fire Department	_____
Champions Fire Department	_____
H. C. E.S.D. # 29	_____
Channelview Fire Department	_____
H. C. E.S.D. # 50	_____
City of Jersey Village Fire Department	_____
Cloverleaf Fire Department	_____
H. C. E.S.D. # 12	_____
Community Volunteer Fire Department	_____
H. C. E.S.D. # 100 (for approval only)	_____

Crosby Volunteer Fire Department	_____
H. C. E.S.D. # 80 (for approval only)	_____
(Crosby area) H. C. E S. D. #5	_____
Cy Fair Volunteer Fire Department	_____
H. C. E.S.D. # 9 (for approval only)	_____
Cypress Creek EMS	_____
H. C. E.S.D. # 11 (for approval only)	_____
Cypress Creek Volunteer Fire Department	_____
H. C. E.S.D. # 13 (for approval only)	_____
Deer Park Volunteer Fire Department	_____
Eastex Volunteer Fire Department	_____
Northeast Fire & Rescue	_____
H. C. E.S.D. # 10 (for approval only)	_____
Ellington Field Fire Department	_____
Forest Bend Volunteer Fire Department	_____
H. C. M.U.D. # 55	_____
Friendswood Volunteer Fire Department	_____
Galena Park Volunteer Fire Department	_____
Highlands Volunteer Fire Department	_____
H. C. E.S.D. # 14	_____
Houston Fire Department	_____
Huffman Volunteer Fire Department	_____
H. C. E.S.D. # 4 (for approval only)	_____

Humble Fire Department	
Jacinto City Volunteer Fire Department	
Katy Fire Department	
Klein Volunteer Fire Department	
H. C. E.S.D. # 16 (for approval only)	
LaPorte Volunteer Fire Department	
League City Volunteer Fire Department	
Little York Volunteer Fire Department	
H. C. E.S.D. # 17	
Missouri City Fire Department	
Nassau Bay Volunteer Fire Department	
Northwest Rural EMS	
H. C. E.S.D. # 8 (for approval only)	
Northwest Volunteer Fire Department	
H. C. E.S.D. # 20	
Pasadena Volunteer Fire Department	
Pearland Volunteer Fire Department	
Ponderosa Volunteer Fire Department	
H. C. E.S.D. # 28 (for approval only)	
Port of Houston Fire Department	
Rosehill Volunteer Fire Department	
H. C. E.S.D. #3 (for approval only)	
H. C. E.S.D. #21 (for approval only)	

Seabrook Volunteer Fire Department	_____
Sheldon Community Volunteer Fire Department	_____
H. C. E.S.D. # 60	_____
South Houston Volunteer Fire Department	_____
Southeast Volunteer Fire Department	_____
Clearbrook City MUD	_____
Southside Place Fire Department	_____
Spring Volunteer Fire Department	_____
H. C. E.S.D. # 7 (for approval only)	_____
Stafford Fire Department	_____
Tomball Fire Department	_____
H. C. E.S.D. # 15 (for approval only)	_____
Tri-County Volunteer Fire Department	_____
Waller / H. C. E.S.D. # 200 (for approval only)	_____
Village Fire Department	_____
Waller Volunteer Fire Department	_____
Waller / H. C. E.S.D. # 200 (for approval only)	_____
Webster Fire Department	_____
H. C. E.S.D. # 48 Fire Department	_____
West University Place Fire Department	_____
Westfield Volunteer Fire Department	_____
H. C. E.S.D. # 25 (for approval only)	_____
Westlake Volunteer Fire Department	_____

H. C. E.S.D. # 47

The Parties have executed this Agreement in multiple copies, each of which is an original.

ATTEST/SEAL:

CITY OF _____, TEXAS

Signed by: (If required)

By: _____

City Secretary

Mayor

APPROVED:

COUNTERSIGNED BY: (If required)

Chief, _____ Fire Department

City Controller

APPROVED AS TO FORM:

DATE COUNTERSIGNED:

(If required)

Assistant City Attorney

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 17, 2016

Topic:

Discussion and Possible Action regarding On-Street and Off-Street Parking Options for the Old Town Area

Background:

With the recent removal of the parallel parking spaces along FM 2920, three conceptual options to add more parking within the Old Town Area have been prepared for discussion purposes.

Origination:

City Council

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

Community Development Department

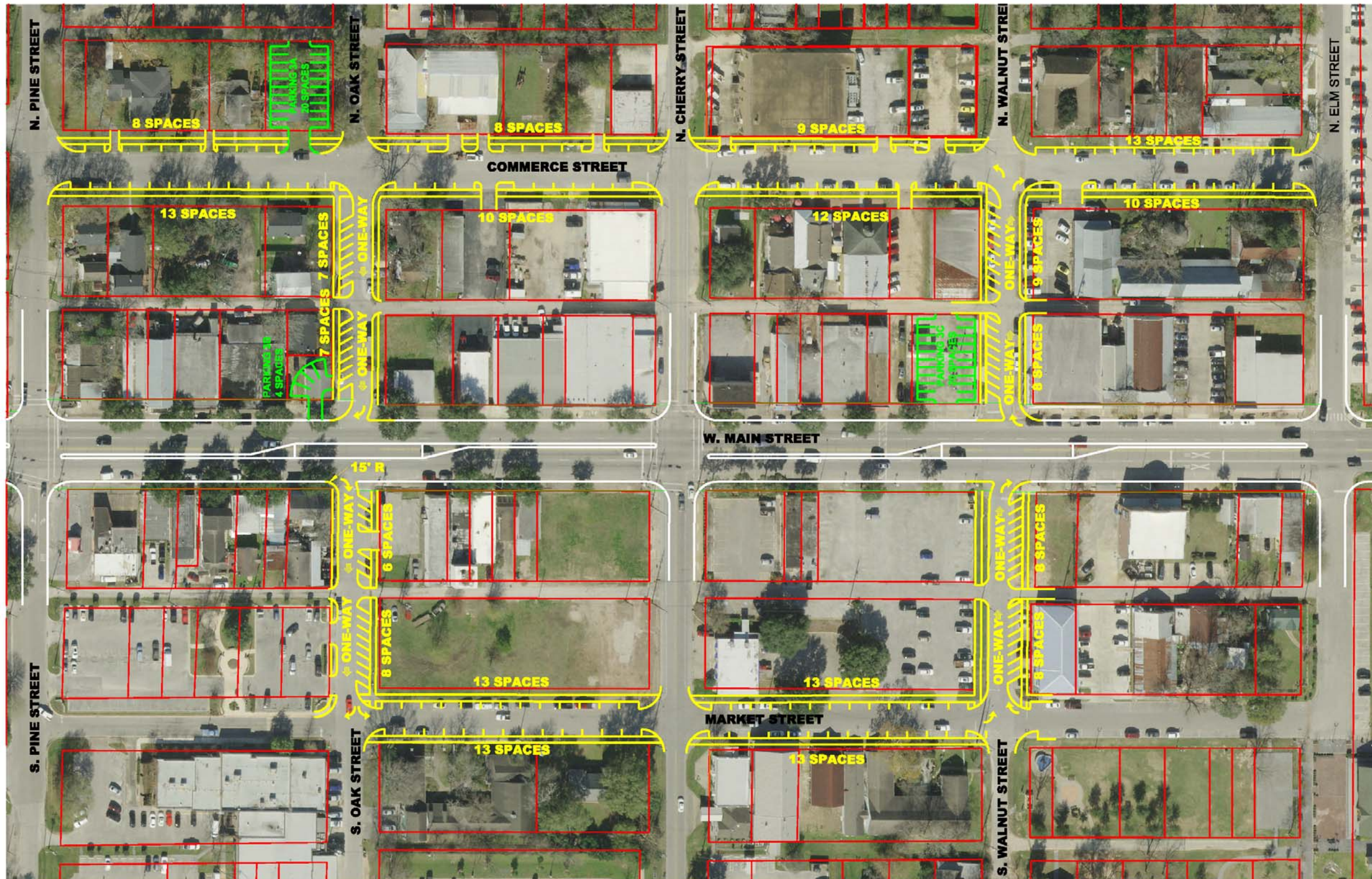
ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Old Town Area Parking Option 1

Old Town Area Parking Option 2

Old Town Area Parking Option 3



PARKING COUNT WITHIN R.O.W.

PARALLEL ~ 135 SPACES
 ANGLED ~ 61 SPACES

TOTAL ~ 196 SPACES

OFF-STREET PARKING

LOT 3A ~ 20 SPACES
 LOT 3B ~ 4 SPACES
 LOT 3C ~ 20 SPACES

TOTAL ~ 44 SPACES



PROJECT NAME:

**CITY OF TOMBALL
 OLD TOWN AREA PARKING**

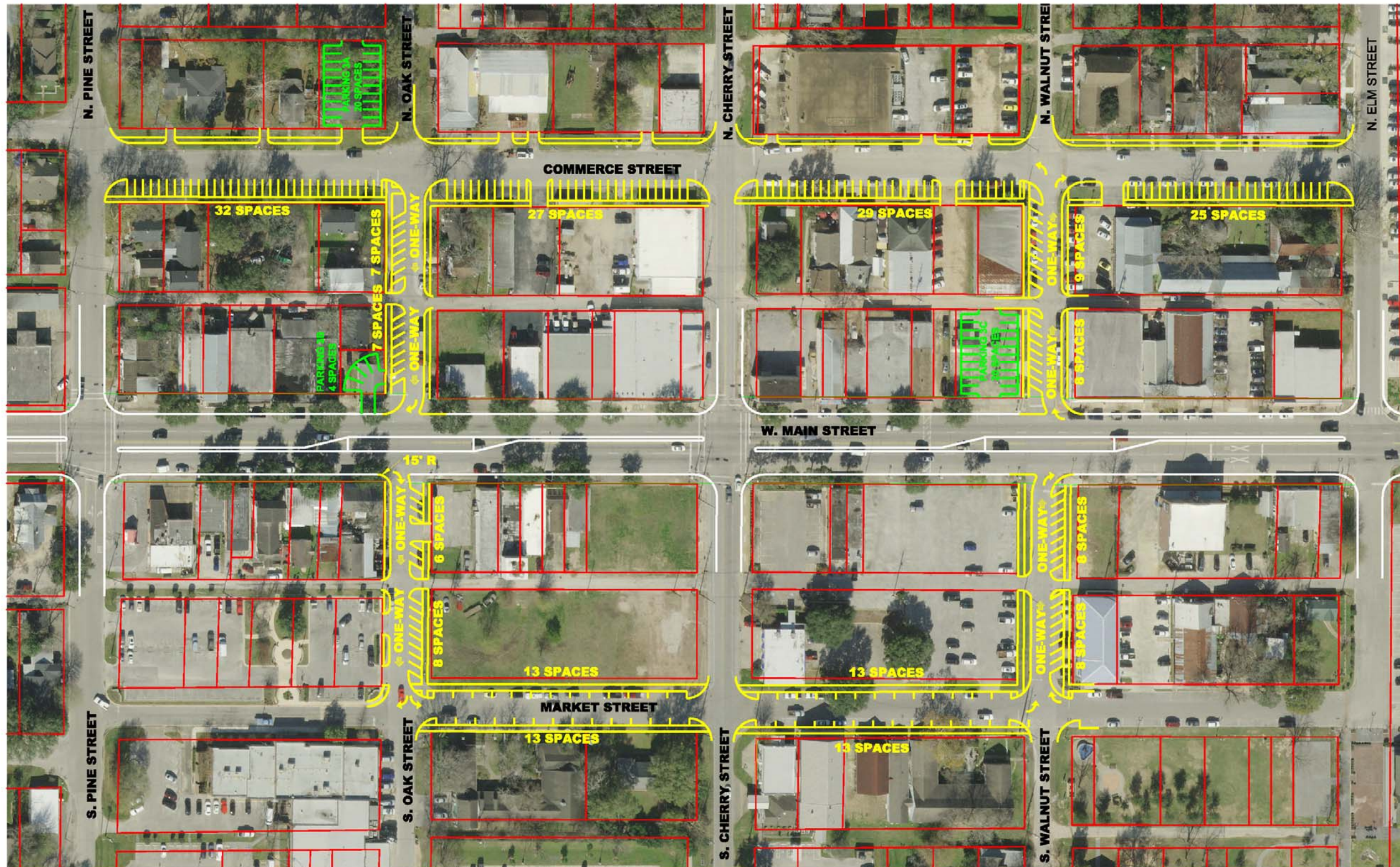
SHEET TITLE:

**OLD TOWN AREA
 PARKING OPTION 1**

GUNDA PROJ NO:

SHEET NO:

DATE:
 OCT, 2016



PARKING COUNT WITHIN R.O.W.

PARALLEL ~ 52 SPACES
 ANGLED ~ 61 SPACES
 HEAD-IN ~ 113 SPACES

TOTAL ~ 226 SPACES

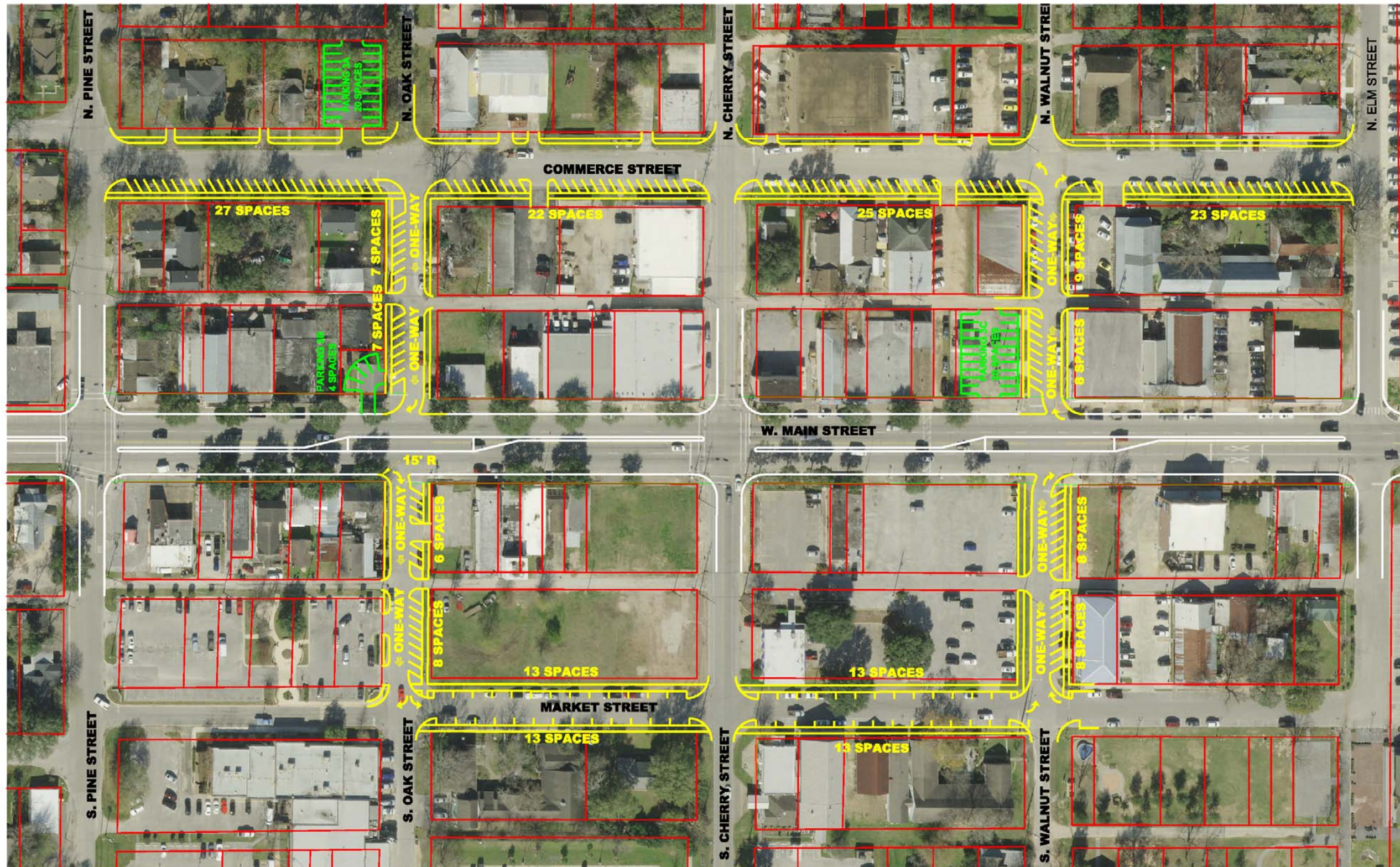
OFF-STREET PARKING

LOT 3A ~ 20 SPACES
 LOT 3B ~ 4 SPACES
 LOT 3C ~ 20 SPACES

TOTAL ~ 44 SPACES



PROJECT NAME:		SHEET TITLE:	
CITY OF TOMBALL OLD TOWN AREA PARKING		OLD TOWN AREA PARKING OPTION 2	
		GUNDA PROJ NO:	SHEET NO:
		DATE: OCT, 2016	



PARKING COUNT WITHIN R.O.W.

PARALLEL ~ 52 SPACES
 ANGLED ~ 158 SPACES
TOTAL ~ 210 SPACES

OFF-STREET PARKING

LOT 3A ~ 20 SPACES
 LOT 3B ~ 4 SPACES
 LOT 3C ~ 20 SPACES
TOTAL ~ 44 SPACES



PROJECT NAME:

**CITY OF TOMBALL
 OLD TOWN AREA PARKING**

SHEET TITLE:

**OLD TOWN AREA
 PARKING OPTION 3**

GUNDA PROJ NO: SHEET NO:

DATE:
 OCT, 2016

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 17, 2016

Topic:

Approve Recommended Amendments to Administrative Policy No. 23, Entitled “Park Reservation Policy”

Background:

The new text amendment serves to update the policy to match the newly adopted Master Fee Schedule for Fiscal Year 2016-2017, which removes the requirement for a deposit for park reservations and requires a debit or credit card be retained on file for any damages or cleaning required following a reservation.

Other minor changes were made to update the styling of the park reservation form, as well as updates to park amenities; all changes are indicated in red on the attached Administrative Policy No. 23 and on the attached Park Application.

Origination:

Public Works Department

Recommendation:

Public Works staff recommends approval of proposed amendments to Administrative Policy Number 23.

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

Meagan Mageo, Project Coordinator

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Administrative Policy No. 23 - Proposed Revisions - Redlined Version
Revised Park Application (Red Lined)

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 23	EFFECTIVE DATE: OCTOBER 17, 2016	PAGE 1 OF 2
PARK RESERVATION POLICY (Railroad Depot Gazebo, Railroad Depot Plaza, Juergens Park, Jerry Matheson Park, Theis Attaway Nature Park)	REVISED: OCTOBER 17, 2016	APPROVED BY CITY MANAGER: OCTOBER 17, 2016	
	SUPERSEDES: JANUARY 16, 2012	APPROVED BY CITY COUNCIL: OCTOBER 17, 2016	

Applications accepted for following Park Facilities:

- **Railroad Depot Gazebo,**
- **Railroad Depot Plaza,**
- **Juergens Park Pavilion,**
- **Jerry Matheson Park, &**
- **Theis Attaway Nature Park.**

Priority use of park to be granted by reservation only. Reservation may be made by contacting ~~Public Works~~ **the City of Tomball**. **Please note**, individuals may not utilize city facilities for profit making endeavors.

Park Rules and Regulations

1. Rental fee is non-refundable, ~~security/cleaning deposit refundable; if the entire area is left in the same condition it was found.~~
2. **A security deposit is not required for the rental of any park facility. A debit or credit card will be retained with the rental application that will be charged in the event of any damage or cleaning required to the rented facility. If the entire area is left in the same condition it was found, no charges will be incurred.**
3. Renters will be responsible for following the city's noise ordinance.
4. Parking must be in designated areas only. Parking on the grass is prohibited.
5. No posters, banners, signs or other devices will be allowed to be displayed or posted on park fixtures using tacks, nails, staples, tape or other fasteners.
6. Items are prohibited from being driven or staked into the ground.
7. The possession and/or consumption of alcoholic beverages are prohibited in the park area.
8. All litter and debris from event must be removed from rented area, landscaping, and surrounding area. If trash will not fit into the trash barrels at the park, it must be removed.
9. The park grounds are public areas. The city will not restrict others from entering the park, as long as they are not in the reserved rented area and not interfering with renter's event.
10. No glass containers.
11. All pets must be on a leash at all times and all pet waste must be properly disposed.
12. The use of a moonwalk or similar devices requires insurance (from the moonwalk company) and proof of coverage must be presented at the time the equipment is set up in the park.
13. No ~~piñatas~~ or water recreation activities allowed in parks, unless for a special event, as approved by City staff or Council.
14. No loud or abusive language.
15. No display or use of firearms of any kind.
16. No open fires are allowed, except in barbecue pits. If you bring a barbecue pit, it must be propane.
17. No camping or overnight events.
18. **All applications are subject to staff approval.**
19. Applicants requesting to use a City park facility for a special event that is intended to raise money must provide proof of 501(c)(3) non-profit tax exemption and/or Medical Trust Fund Documents from bank. Cannot charge admission fee for event. No soliciting of park users who are not participating in event.
20. Special Events: All special events must meet with City Special Events Team, unless otherwise directed by staff.

INDEMNIFICATION

INDEMNIFICATION. LICENSEE agrees that it will indemnify and save the CITY harmless of, from and against any and all claims, demands, actions, damages, losses, costs, liabilities, expenses and judgments (hereinafter "claims") recovered from or asserted against CITY on account of injury or damage to persons or property to the extent that any such damage or injury may be incident to, arise out of, or be caused, either proximately or remotely, in whole or in part, by an act, omission,

CITY OF TOMBALL

ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT	NUMBER: 23	EFFECTIVE DATE: OCTOBER 17, 2016	PAGE 2 OF 2
PARK RESERVATION POLICY (Railroad Depot Gazebo, Railroad Depot Plaza, Juergens Park, Jerry Matheson Park, Theis Attaway Nature Park)	REVISED: OCTOBER 17, 2016	APPROVED BY CITY MANAGER: OCTOBER 17, 2016	
	SUPERSEDES: JANUARY 16, 2012	APPROVED BY CITY COUNCIL: OCTOBER 17, 2016	

negligence or misconduct on the part of LICENSEE or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees or of any other person entering upon the LICENSED PREMISES with the express or implied invitation or permission of LICENSEE, or when and such injury or damage is the result, proximate or remote, of the violation by LICENSEE or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees of any law, ordinance or governmental order of any kind, or when any such injury or damage may in any way arise from or out of the occupancy or use by the LICENSEE, its agents, servants, employees, contractors, patrons, guests, or invitees. LICENSEE further expressly covenants and agrees to protect, defend, indemnify, and hold harmless the CITY from all claims based upon alleged joint and/or concurrent negligence of the CITY and LICENSEE arising out of or incident to LICENSEE's occupancy or use of the LICENSED PREMISES. LICENSEE covenants and agrees that in case CITY shall be made a party to any litigation commenced by or against LICENSEE or relating to this LICENSE or to the LICENSED PREMISES, then LICENSEE shall and will pay all costs and expenses, including reasonable attorney's fees and court costs, incurred by or imposed upon CITY by virtue of any such litigation.

☐*Residency verification : _____ (city staff) ☐Facility Inspection Verification : _____ (city staff)

Railroad Depot Plaza & Gazebo @ 201 S. Elm

- Reservations are for the Gazebo only.
- **Renters must provide their own tables and chairs.**

☐*RESIDENT

- ☐1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm)
☐ALL DAY \$100.00(8am-10pm) ~~DEPOSIT \$100.00~~

☐NON-RESIDENT

- ☐1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm)
☐ALL DAY \$125.00(8am-10pm) ~~DEPOSIT \$100.00~~

Juergens Park@ 1331 Ulrich

- Keys to the interior of the park are available, but are to be used for temporary access to set up or clean up. No vehicles should remain on the park site interior.

☐*RESIDENT

- ☐1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm)
☐ALL DAY \$100.00(8am-10pm) ~~DEPOSIT \$100.00~~

☐NON-RESIDENT

- ☐1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm)
☐ALL DAY \$125.00(8am-10pm) ~~DEPOSIT \$100.00~~

Jerry Matheson Park @ 1240 Ulrich

☐*RESIDENT

- ☐1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm)
☐ALL DAY \$100.00(8am-10pm) ~~DEPOSIT \$100.00~~

☐NON-RESIDENT

- ☐1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm)
☐ALL DAY \$125.00(8am-10pm) ~~DEPOSIT \$100.00~~

CITY OF TOMBALL

ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT PARK RESERVATION POLICY (Railroad Depot Gazebo, Railroad Depot Plaza, Juergens Park, Jerry Matheson Park, Theis Attaway Nature Park)	NUMBER: 23	EFFECTIVE DATE: OCTOBER 17, 2016	PAGE 2 OF 2
	REVISED: OCTOBER 17, 2016	APPROVED BY CITY MANAGER: OCTOBER 17, 2016	
	SUPERSEDES: JANUARY 16, 2012	APPROVED BY CITY COUNCIL: OCTOBER 17, 2016	

Theis Attaway Nature Park @ 13509 Theis Lane

- Catch and release fishing.

☐ ***RESIDENT**

☐ **1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm)**

☐ **ALL DAY \$100.00(8am-10pm) ~~DEPOSIT \$100.00~~**

☐ **NON-RESIDENT**

☐ **1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm)**

☐ **ALL DAY \$125.00 (8am-10pm) ~~DEPOSIT \$100.00~~**

A deposit is not required for the rental of any park facility; a debit or credit card must be provided with the rental application that will be charged in the event of any damage or cleaning required to the rented facility.

Resident: Must present recent Tomball City Water Bill or have a current account with The City Utility department.

Renters Information:

Date ~~Needed~~ **Requested:** _____ Time: _____ Number of People Expected: _____

Organization: _____ Type of Event: _____

Contact Person: _____ Email: _____

Business Phone: _____ Home Phone: _____ Fax: _____

Home Address: _____ City: _____ St. _____ Zip: _____

Refund Name (to be printed on check): _____

Address: _____ **City:** _____ **St.** _____ **Zip:** _____

Debit/Credit Card Information (for damage or cleaning):

Name on Card: _____ **Card Number:** _____

Card Expiration: _____ **Security Code:** _____

Address: _____ **City:** _____ **St.:** _____ **Zip:** _____

By signing below, I acknowledge that I have read the Park Rules and Regulations and understand that I am responsible for cleanup. If the Park is not cleaned up or has been damaged, I will be subject to all costs incurred by the City, ~~including and/or in excess of my deposit~~ **for cleaning or to make any needed repairs, which will be charged to my debit or credit card on file.** I am also responsible to make certain that all rules and regulations are followed and am aware that violation of the rules and regulations could prohibit future applications for reservations by me or the organization I am representing.

Signature: _____ Date: _____

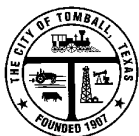
Confirmation of Park Reservations by signature below only! Application subject to a 24-hour application review period prior to approval by City Administration.

City of Tomball: _____ (City Staff) Date: _____

KEEP THIS FORM WITH YOU AT THE PARK!!!!

Public Works Department • 501 James Street-Tomball, Texas

Phone: (281) 290-1400 • After hours, Police Dept. Dispatch: (281) 351-5451



City of Tomball- Public Works Department
Park & Facility Reservation Application
501 James Street
Phone (281)-290-1400
Fax (281) 351-4735
Office Hours 8:00am-5:00pm-
Park Hours 8:00am-10:00pm

Applications accepted for following Park Facilities: ~~Railroad Depot Gazebo, Railroad Depot Plaza, Juergens Park Pavilion, Jerry Matheson Park, & Theis Attaway Nature Park.~~

- **Railroad Depot Gazebo**
- **Railroad Depot Plaza**
- **Juergens Park Pavilion**
- **Jerry Matheson Park**
- **Theis Attaway Nature Park**

Priority use of park to be granted by reservation only; reservation may be made by contacting the City of Tomball. Please note, individuals may not utilize city facilities for profit making endeavors.

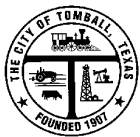
Park Rules and Regulations

1. Rental fee is non-refundable, ~~security/cleaning deposit refundable; if the entire area is left in the same condition it was found.~~
2. ~~A security deposit is not required for the rental of any park facility. A debit or credit card will be retained with the rental application that will be charged in the event of any damage or cleaning required to the rented facility. If the entire area is left in the same condition it was found, no charges will be incurred.~~
3. Renters will be responsible for following the city's noise ordinance.
4. Parking must be in designated areas only. Parking on the grass is prohibited.
5. No posters, banners, signs or other devices will be allowed to be displayed or posted on park fixtures using tacks, nails, staples, tape or other fasteners.
6. Items are prohibited from being driven or staked into the ground.
7. The possession and/or consumption of alcoholic beverages are prohibited in the park area.
8. All litter and debris from event must be removed from rented area, landscaping, and surrounding area. If trash will not fit into the trash barrels at the park, it must be removed.
9. The park grounds are public areas. The city will not restrict others from entering the park; as long as they are not in the reserved rented area and not interfering with renter's event.
10. No glass containers.
11. All pets must be on a leash at all times and all pet waste must be properly disposed.
12. The use of a moonwalk or similar devices requires insurance (from the moonwalk company) and proof of coverage must be presented at the time the equipment is set up in the park.
13. No piñatas or water recreation activities allowed in parks, unless for a special event, as approved by City staff or Council.
14. No loud or abusive language.
15. No display or use of firearms of any kind.
16. No open fires are allowed, except in barbecue pits. If you bring a barbecue pit, it must be propane.
17. No camping or overnight events.
18. **All applications are subject to staff approval.**
19. Applicants requesting to use a City park facility for a special event that is intended to raise money must provide proof of 501(c) (3) non profit tax exemption and/or Medical Trust Fund Documents from bank. Cannot charge admission fee for event. No soliciting of park users who are not participating in event.
20. Special Events: All special events must meet with City Special Events Team, unless otherwise directed by staff.

INDEMNIFICATION

INDEMNIFICATION. LICENSEE agrees that it will indemnify and save the CITY harmless of, from and against any and all claims, demands, actions, damages, losses, costs, liabilities, expenses and judgments (hereinafter "claims") recovered from or asserted against CITY on account of injury or damage to persons or property to the extent that any such damage or injury may be incident to, arise out of, or be caused, either proximately or remotely, in whole or in part, by an act, omission, negligence or misconduct on the part of LICENSEE or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees or of any other person entering upon the LICENSED PREMISES with the express or

implied invitation or permission of LICENSEE, or when and such injury or damage is the result, proximate or remote, of the violation by LICENSEE or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees of any law, ordinance or governmental order of any kind, or when any such injury or damage may in any way arise from or out of the occupancy or use by the LICENSEE, its agents, servants, employees, contractors, patrons, guests, or invitees. LICENSEE further expressly covenants and agrees to protect, defend, indemnify, and hold harmless the CITY from all claims based upon alleged joint and/or concurrent negligence of the CITY and LICENSEE arising out of or incident to LICENSEE's occupancy or use of the LICENSED PREMISES. LICENSEE covenants and agrees that in case CITY shall be made a party to any litigation commenced by or against LICENSEE or relating to this LICENSE or to the LICENSED PREMISES, then LICENSEE shall and will pay all costs and expenses, including reasonable attorney's fees and court costs, incurred by or imposed upon CITY by virtue of any such litigation.



City of Tomball- Public Works Department
Park & Facility Reservation Application

☐ *Residency verification : _____ (city staff) ☐ Facility Inspection Verification : _____ (city staff)

Railroad Depot Plaza & Gazebo @ 201 S. Elm

- Reservations are for the Gazebo only.
- Renters must provide their own tables and chairs.

~~☐ *RESIDENT ☐ 1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm) ☐ ALL DAY \$100.00(8am-10pm) DEPOSIT \$100.00~~

~~☐ NON-RESIDENT ☐ 1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm) ☐ ALL DAY \$125.00(8am-10pm) DEPOSIT \$100.00~~

☐ *RESIDENT

☐ 1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm)

☐ ALL DAY \$100.00(8am-10pm) ~~DEPOSIT \$100.00~~

☐ NON-RESIDENT

☐ 1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm)

☐ ALL DAY \$125.00(8am-10pm) ~~DEPOSIT \$100.00~~

Juergens Park@ 1331 Ulrich

- Keys to the interior of the park are available, but are to be used for temporary access to set up or clean up. No vehicles should remain on the park site interior.

~~☐ *RESIDENT ☐ 1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm) ☐ ALL DAY \$100.00(8am-10pm) DEPOSIT \$100.00~~

~~☐ NON-RESIDENT ☐ 1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm) ☐ ALL DAY \$125.00(8am-10pm) DEPOSIT \$100.00~~

☐ *RESIDENT

☐ 1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm)

☐ ALL DAY \$100.00(8am-10pm) ~~DEPOSIT \$100.00~~

☐ NON-RESIDENT

☐ 1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm)

☐ ALL DAY \$125.00(8am-10pm) ~~DEPOSIT \$100.00~~

Jerry Matheson Park @ 1240 Ulrich

~~☐ *RESIDENT ☐ 1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm) ☐ ALL DAY \$100.00(8am-10pm) DEPOSIT \$100.00~~

~~☐ NON-RESIDENT ☐ 1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm) ☐ ALL DAY \$125.00(8am-10pm) DEPOSIT \$100.00~~

☐ *RESIDENT

☐ 1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm)

☐ ALL DAY \$100.00(8am-10pm) ~~DEPOSIT \$100.00~~

☐ NON-RESIDENT

☐ 1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm)

☐ ALL DAY \$125.00(8am-10pm) ~~DEPOSIT \$100.00~~

Theis Attaway Nature Park @ 13509 Theis Lane

- Catch and release fishing.

~~☐ *RESIDENT ☐ 1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm) ☐ ALL DAY \$100.00(8am-10pm) DEPOSIT \$100.00~~

~~☐ NON-RESIDENT ☐ 1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm) ☐ ALL DAY \$125.00 (8am-10pm) DEPOSIT \$100.00~~

☐ *RESIDENT

☐ 1/2 DAY \$50.00 (8am-2pm) or (4pm-10pm)

☐ ALL DAY \$100.00(8am-10pm) ~~DEPOSIT \$100.00~~

☐ NON-RESIDENT

☐ 1/2 DAY \$100.00 (8am-2pm) or (4pm-10pm)

☐ ALL DAY \$125.00 (8am-10pm) ~~DEPOSIT \$100.00~~

A deposit in not required for the rental of any park facility; a debit or credit card must be provided with the rental application that will be charged in the event of any damage or cleaning required to the rented facility.

Resident: Must present recent Tomball City Water Bill or have a current account with The City Utility department.

Renters Information:

Date Requested : _____ Time: _____ Number of People Expected: _____

Organization: _____ Type of Event: _____

Contact Person: _____ Email: _____

Business Phone: _____ Home Phone: _____ Fax: _____

Home Address: _____ City: _____ St. _____ Zip: _____

Debit/ Credit Card Information (for damage or cleaning):

Name on Card: _____ Card Number: _____

Card Expiration: _____ Security Code: _____

Address: _____ City: _____ St. _____ Zip: _____

By signing below, I acknowledge that I have read the Park Rules and Regulations and understand that I am responsible for cleanup. If the Park is not cleaned up or has been damaged, I will be subject to all costs incurred by the City for cleaning or to make any needed repairs, which will be charged to my debit or credit card on file. I am also responsible to make certain that all rules and regulations are followed and am aware that violation of the rules and regulations could prohibit future applications for reservations by me or the organization I am representing.

Signature: _____ Date: _____

Confirmation of Park Reservations by signature below only! Application subject to a 24 hour application review period prior to approval by City Administration.

City of Tomball: _____ (City Staff) Date: _____

KEEP THIS FORM WITH YOU AT THE PARK!!!!

Public Works Department
501 James Street-Tomball, Texas
Phone (281) 290-1400
After hours, Police Dept. Dispatch-281-351-5451

Regular City Council

Agenda Item

Data Sheet

Meeting Date: October 17, 2016

Topic:

Renew Contract Number 0000-10004 for Janitorial Services to Sparkling Maintenance Service

Background:

A contracted was executed between the City and Sparkling Maintenance Service on November 1, 2015 for annual amount of \$61,360.08; the contract was for a term of one year with the option to extend the contract for three additional one year periods, with price changes allotted at contract expiration. Sparkling Maintenance Service has agreed to renew the contract for an additional one year period with an increase of 17% to \$72,688.08. Please note that the new pricing is still below the next lowest bid that was received last year.

Origination:

Public Works Department

Recommendation:

Public Works staff recommends renewing the contract with Sparkling Maintenance Service for an additional one year for an annual amount of \$72,688.08

Funding:

Yes

Account Number:100-157-6311

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

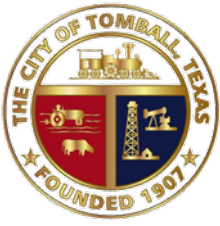
Meagan Mageo, Project Coordinator

ACTION TAKEN		
Approval ☐ Yes ☐ No	Readings Passed ☐ 1 st ☐ 2 nd	Other

ATTACHMENTS:

Renewal Contract

Bid Tabulation 2015-10



CITY OF TOMBALL

CONTRACT RENEWAL

This amendment by and between the Contractor and the City of Tomball defined below shall be effective as of the date this Amendment is fully executed. To the extent the contract requires the City to issue a Notice of Award Amendment for purposes of exercising the renewal option; this written document shall serve as such Notice of Award Amendment.

CITY OF TOMBALL RENEWAL CONTRACT	
Contractor's Full Legal Name:	Sparkling Maintenance Service
Contract No.:	0000-10004
Bid Number:	2015-10
Solicitation Title/Event Name:	Janitorial Services – City of Tomball
Contract Award Date:	November 1, 2015
Current Contract Term:	12 months

WHEREAS, the Contract is in effect through the Current Contract Term as defined above; and

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. **CONTRACT RENEWAL/EXTENSION.** The parties hereby agree that the contract will be renewed/extended for an additional period of time as follows:

NEW CONTRACT TERM	
Beginning Date of New Contract Term:	November 1, 2016
End Date of New Contract Term:	October 31, 2017

The parties agree the contract will expire at midnight on the date defined as the "End Date of the New Contract Term" unless the parties agree to renew/extend the contract for an additional period of time.

2. **SUCCESSORS AND ASSIGNS.** This Amendment shall be binding upon and inure to the benefit of the successors and permitted assigns of the parties hereto.
3. **ENTIRE AGREEMENT.** Except as expressly modified by this Amendment, the contract shall be and remain in full force and effect in accordance with its terms and shall constitute the legal, valid, binding and enforceable obligations to the parties. This Amendment and the contract (including any written amendments thereto), collectively, are the complete agreement of the parties and supersede any prior agreements or representations, whether oral or written, with respect thereto.
4. **PRICING.** It is agreed between both parties that the pricing will be held for one year, at the prices as reflected in EXHIBIT A.

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed by their authorized representatives.

CONTRACTOR

Contractor's Full Legal Name: (PLEASE TYPE OR PRINT)	Sparkling Maintenance Service
Authorized Signature:	
Printed Name and Title of Person Signing:	Carlos Lozano President
Date:	
Company Address:	13940 Bammel North Houston, #213 Houston, Texas 77066

CITY OF TOMBALL

Authorized Signature:	
Printed Name and Title of Person Signing:	Robert S. Hauck Assistant City Manager
Date:	
Company Address:	501 James Street Tomball, Texas 77375

EXHIBIT A**BID NUMBER 2015-10 : JANITORIAL SERVICES - CITY OF TOMBALL****COST FOR SERVICES**

ITEM	LOCATION	Cost for Monthly Cleaning	TOTAL BID Per Bidder - All Cost included at 2X Semi-Annual quote
1	City Hall - 401 Market St.	\$966.67	\$11,600.04
2	Tomball Police Department - 400 Fannin St.	\$1,616.57	\$19,398.84
3	Public Works Administrative Building - 501 James St.	\$894.00	\$10,728.00
4	Public Works Service Center - 501 James St.	\$700.00	\$8,400.00
5	Community Center - 221 Market St.	\$525.00	\$6,300.00
6	IT/Marketing - 105 S. Cherry St.	\$230.00	\$2,760.00
7	Fire Station # 1 Administration - 1200 Rudel	\$425.00	\$5,100.00
8	Harris County Tax Office - 101 S. Walnut St.	\$375.00	\$4,500.00
9	South Waste Water Treatment Plant - 12411 Holderrieth Blvd.	\$325.00	\$3,900.00

COST FOR EXTRA SERVICES: Weekends Community Center

ITEM	DESCRIPTION	Min. Charge
1	Saturday Cleaning Only	3 Hours
2	Sunday Cleaning Only	3 Hours
3	Saturday & Sunday Cleaning	3 Hours

TOTAL ANNUAL COST:	\$72,686.88
---------------------------	--------------------

Bid Number 2015-10 - Janitorial Services**Bid Tabulation****Sparkling Maintenance Service**

Annual Contract	Hourly Rate	Minumum	Max Charge
	Sat: \$12.00/ hour	3 hours	\$120.00
\$61,360.00	Sun: \$12.00/ hour	3 hours	\$120.00
	Sat & Sun: \$12.00/ hour	3 hours	\$240.00

Kleen-Tech Services Corporation

Annual Contract	Hourly Rate	Minimum	Max Charge
	Sat: \$18.50/ hour	4 hours	N/A
\$73,132.00	Sun: \$18.50/ hour	4 hours	N/A
	Sat & Sun: \$18.50/ hour	4 hours	N/A

James Janitorial Services

Annual Contract	Hourly Rate	Minimum	Max Charge
	Sat: \$20.00/ hour	4 hours	N/A
\$80,034.00	Sun: \$20.00/ hour	4 hours	N/A
	Sat & Sun: \$40.00/ hour	8 hours	N/A

Ambassador Services, LLC

Annual Contract	Hourly Rate	Minimum	Max Charge
	Sat: \$13.95/ hour	4 hours	N/A
\$87,827.52	Sun: \$13.95/ hour	4 hours	N/A
	Sat & Sun: \$13.95/ hour	4 hours	N/A

Commerical Cleaning Services, LLC

Annual Contract	Hourly Rate	Minimum	Max Charge
	Sat: \$12.61/ hour	4 hours	N/A
\$110,893.88	Sun: \$12.61/ hour	4 hours	N/A
	Sat & Sun: \$12.61/ hour	4 hours	N/A

GFM Enterprises/ Guardian Facility Maintenance

Annual Contract	Hourly Rate	Minimum	Max Charge
	Sat: \$36.25/ hour	4 hours	N/A
\$183,113.80	Sun: \$36.25/ hour	4 hours	N/A
	Sat & Sun: \$36.25/ hour	8 hours	N/A

Member's Building Maintenance

Annual Contract	Hourly Rate	Minimum	Max Charge
N/A	N/A	N/A	N/A

Bid Disqualified - No Bid Form Submitted