NOTICE OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS

MONDAY, JULY 20, 2020

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, July 20, 2020 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

1.1 **IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020, THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, WILL CONDUCT THE MEETING SCHEDULED FOR JULY 20, 2020, 6:00 P.M., AT 401 MARKET STREET, TOMBALL, TEXAS, 77375. IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS (ALSO CALLED "SOCIAL DISTANCING") TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19), THERE WILL BE LIMITED PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE. THIS MEETING AGENDA AND THE AGENDA PACKET ARE POSTED ONLINE AT https://tomballtx.gov/Archive.aspx?AMID=38; A RECORDING OF THE MEETING WILL BE MADE AND WILL BE AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE OPEN MEETINGS ACT UPON WRITTEN REQUEST.**

The public toll-free dial-in numbers to participate in the telephonic meeting are any one of the following (dial by your location): **+1 312 626 6799 US (Chicago); +1 646 876 9923 US (New York); +1 301 715 8592 US; +1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose); +1 669 900 6833 US (San Jose); or +1 253 215 8782 US (Tahoma) - Meeting ID: 971 5842 5282.** The

public will be permitted to offer public comments telephonically, as provided by the agenda and as permitted by the presiding officer during the meeting.

2.0 Invocation

- Led by Pastor Scott Zyblot – Silver Spring Baptist Church

3.0 Pledges to U.S. and Texas Flags

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

- ***Tomball City Pool – 2020 Swim Season*** - Jerry Matheson Park Pool will operate with normal hours through August 16. The pool will be open on Saturday and Sunday only on the weekends of August 22-23 and August 29-30. The pool will be closed every Monday during swim season 2020, except Labor Day (September 7). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- ***TOMBALL KID'S CLUB – Activities (Food distribution only)***: July 23 and 30 from 11:00 a.m. to 12:00 p.m., at **Juergens Park**
- Reports by City staff and members of council about items of community interest on which no action will be taken:

6.0 Approve the Minutes of the July 6, 2020 Special Tomball City Council Meeting and the July 6, 2020 Regular Tomball City Council Meeting

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

7.1 Adopt, on Second Reading, Ordinance No. 2020-13,an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Four (Alexander Estates Subdivision)

7.2 Adopt, on Second Reading, Ordinance No. 2020-14, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment Against Section One Properties within the City of Tomball Public Improvement District Number Four (Alexander Estates Subdivision); and Making Certain Findings Related Thereto

7.3 Adopt, on Second Reading, Ordinance No. 2020-15, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the

City of Tomball Public Improvement District Number Eight (Timber Trails Subdivision)

7.4 Adopt, on Second Reading, Ordinance No. 2020-16, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Eight (Timber Trails) and Making Certain Findings Related Thereto

7.5 Adopt, on Second Reading, Ordinance No. 2020-21, an Ordinance of the City Council of Tomball, Texas, Amending Section 8-124 of Its Code of Ordinances to Remove the Use of the Term "Single-Family Residential Platted Lot" and Removing the Requirement that the One-Acre Requirement be Calculated Without Regard to Improvements Existing on the Property; 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

8.0 Old Business:

8.1 Adopt, on Second Reading, Ordinance No. 2020-12, an Ordinance Altering the *Prima Facie* Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, within the Corporate Limits of The City of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars ($200.00) for the Violation of This Ordinance

9.0 New Business:

9.1 Consideration to approve **Zoning Case P20-069:** Request by Richard C. James to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District. The property is generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on **Zoning Case P20-069**
- Adopt, on First Reading, Ordinance No. 2020-09, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately one acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District, said property being generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed $2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

9.2 Consideration to approve **Zoning Case P20-105:** Request by Whitmeyer's Distilling Co., LLC for a Conditional Use Permit to operate a soap, detergents, cleaning preparations manufacture facility. The property is approximately 6.10 acres of land legally described as Lot 14 Block 1 Tomball Business and Technology Park Lot 9 Replat, generally located at the end of Spell Circle at

21250 Spell Circle, within the City of Tomball, Harris County, Texas and is zoned Light Industrial District.

- Conduct Public Hearing on **Zoning Case P20-105**
- Adopt, on First Reading, Ordinance No. 2020-17, 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 Whitmeyer's Distilling Co., LLC to Operate a "Soap, Detergents, Cleaning Preparations Manufacture" Facility; Said Property being Approximately 6.10 Acres of Land legally described as Lot 14 Block 1 Tomball Business and Technology Park Lot 9 Replat, within the City of Tomball, Harris County, Texas, generally located at the End of Spell Circle at 21250 Spell Circle, and is Zoned Light Industrial District; 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

9.3 Consideration to approve **Zoning Case P20-104:** Request by Jackie Rye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 6 acres of land legally described as Reserve A-1 Block 1, American Superior Feed Replat, Lots 3, 4, 5 & 6 Block 71, Lots 3, 13, 14, 15, 16, 19 & 20 Block 67 Tomball, from the Old Town & Mixed Use and Light Industrial Districts to the Planned Development (PD-15) District. The property is generally located on the south side of FM 2920 at South Live Oak Street, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on **Zoning Case P20-104**
- Adopt, on First Reading, Ordinance No. 2020-18, 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 6 acres of land, legally described as Reserve A-1 Block 1, American Superior Feed Replat, Lots 3, 4, 5 & 6 Block 71, Lots 3, 13, 14, 15, 16, 19 & 20 Block 67 Tomball, within the City of Tomball, Harris County, Texas, from the Old Town & Mixed Use and Light Industrial Districts to the Planned Development (PD-15) District; said property being generally located on the south side of FM 2920 at South Live Oak Street; 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

9.4 Consideration to approve **Zoning Case P20-103**: Request by Daniel Valdez with META Planning + Design to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 95.4 acres of land legally described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, Pt Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, Pt Tract 21A (Ag-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, from the Agricultural and Commercial Districts to the Planned Development (PD-14) District. The property is generally located on the south side of Theiss Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on **Zoning Case P20-103**

- Adopt, on First Reading, Ordinance No. 2020-19, 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 95.4 Acres of Land, Legally Described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, PT Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, PT Tract 21A (AG-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, within the City of Tomball, Harris County, Texas, from the Agricultural and Commercial Districts to the Planned Development (PD-14) District; said Property being generally located on the South Side of Theiss Lane at Commercial Park Road and North Side of Holderrieth Road between SH 249 and South Cherry Street; 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

9.5 Consideration to approve **Zoning Case P20-099:** Request by Daniel Rodano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.7958 acres of land legally described as part of Tracts 6A 12A 18A 24A 30A & 36A (AG-use) Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the north side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on **Zoning Case P20-099**
- Adopt, on First Reading, Ordinance No. 2020-20, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 1.7958 Acres of Land Legally Described as Part of Tracts 6A 12A 18A 24A 30A & 36A (AG-Use) Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District, said Property being generally located on the North Side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters

9.6 Approve Resolution No. 2020-19, a Resolution of the City of Tomball, Texas, Designating the Harris County Tax Office as the Officer to Calculate the No-New-Revenue Tax Rate and the Voter-Approval Tax Rate in Accordance with the Texas Tax Code

9.7 Authorize City Manager to Execute an Agreement for Grant Administration Services with Langford Community Management Services for E&P Project 2019-10015, Lizzie Lane and South Persimmon Drainage Improvements, in the Amount of $109,802.00

9.8 Approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 1987-10418, styled *City of Tomball vs. Benye Jackson Brown*, HCAD

Account No. 035-278-090-0023, to Maricsa Villasenor, in the Amount of $3,000.00

10.0 Adjournment

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 16th day of July 2020 by 5:00 p.m., and remained posted for at least 72 continuous hours proceeding 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: July 20, 2020

Topic:

- Led by Pastor Scott Zyblot – Silver Spring Baptist Church

Background:

Origination:

Recommendation:

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

ACTION TAKEN

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:

- ***Tomball City Pool – 2020 Swim Season*** - Jerry Matheson Park Pool will operate with normal hours through August 16. The pool will be open on Saturday and Sunday only on the weekends of August 22-23 and August 29-30. The pool will be closed every Monday during swim season 2020, except Labor Day (September 7). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- ***TOMBALL KID'S CLUB – Activities (Food distribution only)***: July 23 and 30 from 11:00 a.m. to 12:00 p.m., at **Juergens Park**
- Reports by City staff and members of council about items of community interest on which no action will be taken:

Background:

Origination:
Various

Recommendation:
N/A

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

ACTION TAKEN

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:
Approve the Minutes of the July 6, 2020 Special Tomball City Council Meeting and the July 6, 2020 Regular Tomball City Council Meeting

Background:

Origination:
City Secretary

Recommendation:
Approve

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

ACTION TAKEN

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

ATTACHMENTS:

Draft Minutes of the July 6, 2020 Special Tomball City Council Meeting
Draft Minutes of the July 6, 2020 Regular Tomball City Council Meeting

MINUTES OF SPECIAL CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS

MONDAY, JULY 6, 2020

4:00 P.M.

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for July 6, 2020, at 4:00 p.m., at 401 Market Street, Tomball, Texas, 77375, via video/telephone conference (Zoom).

1.0 Mayor Fagan called the meeting to order at 4:00 p.m., having established a quorum. Mayor Fagan read a statement regarding the process for the conduct of the meeting via Zoom and telephone. Members present (in person):

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – Robert Hauck (in person)
Assistant City Manager – David Esquivel (in person)
City Secretary – Doris Speer (in person)
Legal Secretary-Olson & Olson – Layla Walker (via video)
Director of Public Works – Beth Jones (in person)
Fire Chief – Randy Parr (in person)
Police Chief – Jeff Bert (in person)
Marketing Director – Mike Baxter (via video)
Finance Director – Glenn Windsor (in person)
HR Director – Lisa Coe (in person)
IT Manager – Doug Tippey (in person)
Director of Community Development – Craig Meyers (via video)
CSO Administrative Assistant – Sasha Luna (in person)
IT Sr. Specialist – Ben Lato (in person)
Sr. Accountant – Christine Brookshire (in person)
Accountant – Kristin Kelley (in person)
TEDC-Executive Director – Kelly Violette (via video)
Police Officer-Investigations – Cleo Thomas (in person)

2.0 No Public Comments were received.

3.0 Workshop Session:

3.1 The Tomball City Council entered into a Workshop Session regarding the Proposed Fiscal Year 2020-2021 Budget and received a presentation from the City Manager.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 20th day of July 2020.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

MINUTES OF REGULAR CITY COUNCIL MEETING
CITY OF TOMBALL, TEXAS

MONDAY, JULY 6, 2020
6:00 P.M.

The City Council of the City of Tomball, Texas, conducted the meeting scheduled for July 6, 2020, at 6:00 p.m., at 401 Market Street, Tomball, Texas, 77375, via video/telephone conference (Zoom).

1.0 Mayor Fagan called the meeting to order at 4:00 p.m., having established a quorum. Mayor Fagan read a statement regarding the process for the conduct of the meeting via Zoom and telephone. Members present (in person):

Councilman Ford
Councilman Stoll
Councilman Degges
Councilman Townsend
Councilman Klein Quinn

Others present:

City Manager – Robert Hauck (in person)
Assistant City Manager – David Esquivel (in person)
City Secretary – Doris Speer (in person)
City Attorney – Loren B. Smith (in person)
Legal Secretary-Olson & Olson – Layla Walker (via video)
Fire Chief – Randy Parr (in person)
Police Chief – Jeff Bert (in person)
Marketing Director – Mike Baxter (via video)
Finance Director – Glenn Windsor (in person)
Director of Public Works – Beth Jones (in person)
Director of Community Development – Craig Meyers (via video)
CSO Administrative Assistant – Sasha Luna (in person)
Police Captain – Ricky Doerre (in person)
Police Officer-Investigations – Cleo Thomas (in person)
Pastor Dustin Reitzel – Woodlands Church Northpointe Campus (via video)

2.0 The invocation was given by Pastor Dustin Reitzel – Woodlands Church Northpointe Campus.

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

4.0 The following public comments were received:

Kevin Barnes (via telephone)	-	Expressed his opposition to Ordinance No. 2020-21.

5.0 Reports and Announcements:

- ***Tomball City Pool – 2020 Swim Season*** - Jerry Matheson Park Pool will operate with normal hours through August 16. The pool will be open on Saturday and Sunday only on the weekends of August 22-23 and August 29-30. The pool will be closed every Monday during swim season 2020, except July 4th, and Labor Day (September 7). Normal pool hours are: Tuesday – Friday: 10 a.m.-6 p.m. and Saturday & Sunday: 12 p.m.-8 p.m.
- ***TOMBALL KID'S CLUB – Activities***: June 23, 25, 30 and July 2, 7, 9, 14, 16, 21, 23, 28, and 30 from 10:30 a.m. to 12:30 p.m., at **Juergens Park**
- July 11, 2020 – **2nd Saturday at the Depot – *Movie Only***, beginning at 8:30 p.m.
- **Cancelled** - August 7, 2020 – **Tomball Night**, a Greater Tomball Area Chamber of Commerce Event
- Reports by City staff and members of council about items of community interest on which no action will be taken:
  - Randy Parr presented an update on the City of Tomball's Radio Station, KTTF, 95.3, and the City's **July Fourth Fireworks Display** and **Musical Presentation.**

6.0 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to approve the Minutes of the June 15, 2020 Regular Tomball City Council Meeting

Motion carried unanimously.

7.0 Old Business:

7.1 Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2020-10, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 1.66 Acres out of 2.135 Acres of Land Legally Described as Lot 1 Block 1 City of Tomball Railroad Museum, from the Single-Family 6 District to the Old Town & Mixed Use District, said Property being generally located on the West Side of the BNSF Railroad and the East Side of the Elm Street Right-of-Way, within the City of Tomball, Harris County, Texas; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an

Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

Councilman Ford	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Aye
Councilman Klein Quinn	Aye

Motion carried unanimously.

8.0 New Business:

8.1 Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider Proposed Assessments against Alexander Estates Section One Properties in the City of Tomball Public Improvement District Number Four, Established by City Council Resolution No. 2019-04 at 6:25 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:25 p.m.

8.2 Motion was made by Councilman Townsend, second by Councilman Ford, to read Ordinance No. 2020-13 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2020-13, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Four (Alexander Estates Subdivision). Vote was as follows:

Councilman Ford	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Aye
Councilman Klein Quinn	Aye

Motion carried unanimously.

8.3 Motion was made by Councilman Ford, second by Councilman Klein Quinn, to read Ordinance No. 2020-14 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2020-14, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment Against Section One Properties within the City of Tomball Public Improvement District Number Four (Alexander Estates Subdivision); and Making Certain Findings Related Thereto. Vote was as follows:

Councilman Ford	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Aye
Councilman Klein Quinn	Aye

Motion carried unanimously.

8.4 Mayor Fagan opened the Public Hearing of the City Council of the City of Tomball to consider Proposed Assessments against Timber Trails Section One Properties in the City of Tomball Public Improvement District Number Eight, Established by City Council Resolution No. 2018-29 at 6:40 p.m.

Receiving no public comments, Mayor4 Fagan closed the Public Hearing at 6:40 p.m.

8.5 Motion was made by Councilman Ford, second by Councilman Stoll, to read Ordinance No. 2020-15 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2020-15, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Eight (Timber Trails Subdivision). Vote was as follows:

Councilman Ford	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Aye
Councilman Klein Quinn	Aye

Motion carried unanimously.

8.6 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to read Ordinance No. 2020-16 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2020-16, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Eight (Timber Trails) and Making Certain Findings Related Thereto. Vote was as follows:

Councilman Ford	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Aye
Councilman Klein Quinn	Aye

Motion carried unanimously.

8.7 Councilman Townsend advised that he would abstain from discussion and vote on Item 8.7, due to a Conflict of Interest, and would file an affidavit with the City Secretary.

Motion was made by Councilman Stoll, second by Councilman Ford, to read Ordinance No. 2020-12 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Stoll, second by Councilman Ford, to adopt, on First Reading, Ordinance No. 2020-12, an Ordinance Altering the *Prima Facie* Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, within the Corporate Limits of The City of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars ($200.00) for the Violation of This Ordinance. Vote was as follows:

Councilman Ford	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Abstain
Councilman Klein Quinn	Aye

Motion carried unanimously, with one abstention.

8.8 Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2020-21 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. 2020-21, an Ordinance of the City Council of Tomball, Texas, Amending Section 8-124 of Its Code of Ordinances to Remove the Use of the Term "Single-Family Residential Platted Lot" and Removing the Requirement that the One-Acre Requirement be Calculated Without Regard to Improvements Existing on the Property; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

Councilman Ford	Aye
Councilman Stoll	Aye
Councilman Degges	Aye
Councilman Townsend	Aye
Councilman Klein Quinn	Aye

Motion carried unanimously.

8.9 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to approve Resolution No. 2020-18, a Resolution of the City of Tomball, Texas, Excluding Emergency Responders from the City's COVID-19 Employee Leave Policy.

Motion carried unanimously.

8.10 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to authorize the City Manager to Execute Contract between the City of Tomball and Texas Commission on Environmental Quality (TCEQ) for the Award of Texas Volkswagen Environmental Mitigation Program (TxVEMP) Grant, for an Amount of $72,284.00.

Motion carried unanimously.

8.11 Motion was made by Councilman Townsend, second by Councilman Stoll, to award the Purchase of One (1) Peterbilt Dump Truck in the Amount of $128,629.00 to Rush Truck Center, through State Buyboard Cooperative Purchasing Contract

Motion carried unanimously.

9.0 Motion was made by Councilman Stoll, second by Councilman Ford, to adjourn.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 20th day of July 2020.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:
Adopt, on Second Reading, Ordinance No. 2020-12, an Ordinance Altering the *Prima Facie* Speed Limits Established for Vehicles under the Provisions of §545.356, Texas Transportation Code, upon the Basis of an Engineering and Traffic Investigation, upon Certain Streets and Highways, or Parts Thereof, within the Corporate Limits of The City of Tomball, as Set Out in This Ordinance, and Providing a Penalty of a Fine in an Amount Not to Exceed Two Hundred Dollars ($200.00) for the Violation of This Ordinance

Background:
In May 2020, staff was contacted by a citizen to express concerns regarding the posted speed limits along William Juergens Drive due to the fact that city street is a dead end road with several residential homes.
Staff conducted an engineering and traffic study, which has warranted certain revisions to the posted speed limits along William Juergens Drive.
The recommended revisions include the following speed zone:

> Along William Juergens Drive, beginning at the intersection of Zion Road for approximately 1,800 feet, a distance of approximately 0.34 miles, the speed limit shall be 20 MPH.

Once adopted, staff anticipates the new speed limits to be posted within 30 days, pending the delivery of the speed limit signs.

Councilman Townsend abstained during discussion and vote on July 6, 2020 for the first reading of Ordinance No. 2020-12 and will abstain from discussion and vote for the second reading.

Origination:
Public Works Department

Recommendation:
Adopt Ordinance Number 2020-12 on second reading.

Party(ies) responsible for placing this item on agenda:
Beth Jones, Public Works Director

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2020-12

ORDINANCE NO. 2020-12

AN ORDINANCE ALTERING THE *PRIMA FACIE* SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF §545.356, TEXAS TRANSPORTATION CODE, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON CERTAIN STREETS AND HIGHWAYS, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF TOMBALL AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE IN AN AMOUNT NOT TO EXCEED TWO HUNDRED DOLLARS ($200.00) FOR THE VIOLATION OF THIS ORDINANCE.

* * * * * * * * * *

WHEREAS, §545.356, Texas Transportation Code, provides that, whenever the governing body of the City shall determine, upon the basis of an engineering and traffic investigation, any *prima facie* speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe *prima facie* speed limit thereat or there on by the passage of an Ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway;

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

Section 1. Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of §545.356, Texas Transportation Code, the following *prima facie* speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

Along William Juergens Drive, beginning at the intersection of Zion Road for approximately 1,800 feet, a distance of approximately 0.34 miles, the speed limit shall be 20 MPH.

Section 2. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not more than Two Hundred Dollars ($200.00).

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 6TH DAY OF JULY 2020.

COUNCILMAN FORD	AYE
COUNCILMAN STOLL	AYE
COUNCILMAN DEGGES	AYE
COUNCILMAN TOWNSEND	ABSTAIN
COUNCILMAN KLEIN QUINN	AYE

SECOND 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 20TH DAY OF JULY 2020.

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

_____
GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

_____
DORIS SPEER, City Secretary
City of Tomball

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:

Adopt, on Second Reading, Ordinance No. 2020-13,an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Four (Alexander Estates Subdivision)

Background:

Public infrastructure improvements are nearly complete for Section One of Alexander Estates Subdivision within Public Improvement District Number Four created by the City in 2019. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot and for two (2) different lot categories. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 4.5% annual interest) as follows:

50-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 26,052.50	$2,425.85	15 years	$ 121.29	$ 2,547.14

60-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 31,263.00	$2,911.02	15 years	$ 121.29	$ 3,032.31

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule for a 50-foot lot which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a $0.75 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes in the 50-fot lot category to be constructed will be $315,000. The annual assessment payment $2,425.85 is the equivalent of a $0.77 tax rate on a $315,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

with an ad valorem tax rate.

Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted.

Amortization Schedule

Duration (in years)	15
Interest Rate	4.50%
Annual Payment Amount	$2,425.85
Total Lifetime Payments	$36,387.71
Total Principal	$26,052.50
Total Interest	$10,335.21

	Payment	Principal	Interest	Payment	Payments collected	Principal Balance
						$26,052.50
	1	$1,253.48	$1,172.36	$2,425.85		$24,799.02
	2	$1,309.89	$1,115.96	$2,425.85		$23,489.12
	3	$1,368.84	$1,057.01	$2,425.85		$22,120.29
	4	$1,430.43	$995.41	$2,425.85		$20,689.85
	5	$1,494.80	$931.04	$2,425.85		$19,195.05
	6	$1,562.07	$863.78	$2,425.85		$17,632.98
	7	$1,632.36	$793.48	$2,425.85		$16,000.61
	8	$1,705.82	$720.03	$2,425.85		$14,294.79
	9	$1,782.58	$643.27	$2,425.85		$12,512.21
	10	$1,862.80	$563.05	$2,425.85		$10,649.41
	11	$1,946.62	$479.22	$2,425.85		$8,702.79
	12	$2,034.22	$391.63	$2,425.85		$6,668.57
	13	$2,125.76	$300.09	$2,425.85		$4,542.81
	14	$2,221.42	$204.43	$2,425.85		$2,321.39
	15	$2,321.39	$104.46	$2,425.85		$0.00
TOTAL		$26,052.50	$10,335.21	$36,387.71		

Origination:

Scott Bean, Hawes Hill Calderon, LLP

Recommendation:

Adopt Ordinance No. 2020-13 on second reading, approving the Service and Assessment Plan and Assessment Roll for Public Improvement District Number Four

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

Doris Speer, City Secretary

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2020-13
TPID 4 - Council Information Sheet
The Basics - PID Primer

ORDINANCE NO. 2020-13

AN ORDINANCE OF THE CITY COUNCIL OF TOMBALL, TEXAS, APPROVING THE SERVICE AND ASSESSMENT PLAN FOR THE CITY OF TOMBALL PUBLIC IMPROVEMENT DISTRICT NUMBER FOUR

* * * * * * * * * *

WHEREAS, the City of Tomball (the "City") is authorized pursuant to TEX. LOCAL GOV'T CODE, ch. 372, as amended ("Chapter 372") to create public improvement districts for the purposes described therein; and

WHEREAS, the City has received a petition (the "Petition") requesting the creation of the City of Tomball Public Improvement District Number Four (the "PID"), held a public hearing, and created the PID in accordance with the applicable provisions of Chapter 372; and

WHEREAS, the City passed and adopted Resolution No. Resolution 2019-04 establishing the City of Tomball Public Improvement District Number Four; and

WHEREAS, the City Council wishes to adopt the Service and Assessment Plan with respect to the PID; NOW **THEREFORE,**

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

Section 1. The facts recited in the preamble hereto are found to be true and correct.

Section 2. The Service and Assessment Plan attached to this Ordinance as Exhibit A is hereby approved and adopted on behalf of the PID, and the Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

Section 3. It is hereby found, determined and declared 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 has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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 6th DAY OF JULY 2020.

COUNCILMAN FORD	AYE
COUNCILMAN STOLL	AYE
COUNCILMAN DEGGES	AYE
COUNCILMAN TOWNSEND	AYE
COUNCILMAN KLEIN QUINN	AYE

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 20TH DAY OF JULY 2020.

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

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

EXHIBIT A
Service and assessment Plan
Public Improvement District Number Four
City of Tomball, Texas

1. Introduction

This Service and Assessment Plan is prepared and adopted in conformance with the Public Improvement District Assessment Act, codified as Chapter 372, Texas Local Government Code ("the Act"), and pursuant to Resolution 2019-04 creating the Public Improvement District Number Four ("PID"), City of Tomball, Texas. The creation of the PID was initiated by a petition submitted by property owners within the PID boundaries in compliance with the requirements of the Section 372.005 of the Act.

2. Boundaries

The boundaries of the PID are as indicated in Attachment A.

3. Administration of the District

Administration of the District is the responsibility of the City Council of the City of Tomball, Texas, but to the extent allowed by law, the City may contract with a private sector company to carry out all or part of the City responsibilities as well as the operations and administration of the District.

4. Public Improvements

The public improvements to be financed and constructed serve to promote the construction of single family units. The public improvements will confer a special benefit to properties within the PID and will consist of water, sanitary sewer, storm drainage, detention, gas, streets, erosion control, contingency provisions, engineering, financing costs, and administration and legal services for the PID. The public improvements will be pre-funded by the developer of the subdivision within the PID under the Development Agreement ("Agreement") executed between the developer and the City.

A. Alexander Estates

Alexander Estates contains 70.36 acres of land and will contain 251 lots within the PID. The public improvements authorized under this Plan for Alexander Estates and the estimated costs thereof, are described below:

PUBLIC IMPROVEMENT	ESTIMATED COSTS
Water, sewer, storm sewer, streets, detention, gas, off-site utility extensions, amenities, engineering, design fees, landscaping, PID creation	$7,081,171
Financing Costs (15 years @ 4.5%)	$2,809,020
Total Improvements	$9,890,191
Administration (4.6%)	$456,657
Total Costs (15 years)	$10,346,848

5. Construction of Public Improvements

The Plan will be reviewed annually in accordance with the provisions of Chapter 372 of the Local Government Code and will include a review of the expenditures and revenues of the District. Additionally, the Plan will be reviewed for the purposes of establishing the installments for assessment based upon the costs for public improvements for the financial needs of the District.

6. Conveyance of Improvements to the City

Upon completion of the improvements, and final inspection and acceptance of the public improvements by the City, the developer will convey all rights to the improvements to the city or homeowner's association as applicable, subject to the developers rights of reimbursement described in the Development Agreement executed between the developer and the City.

7. Authorized Improvements

The area within the PID that is covered by the Service and Assessment Plan will be developed as single family residential. This Plan designates the public improvements required for the growth and development of the land within the PID. The goal of this Plan is to provide sufficient certainty for the owners of land within the PID to proceed with the financing and construction of the necessary public improvements, while allowing flexibility to meet the needs of the PID over the life of the development of residential properties within the PID.

The construction of the public improvements authorized herein began in calendar year 2019. The actual costs of the public improvements will be determined by an independent accountant report of the developer's costs.

8. Advance Financing by the Developer

The developer will advance the funds for construction of the public improvements and will be entitled to repayment pursuant the Development Agreement executed between the City and the developer.

9. Apportionment of Costs

Payment of assessments, if any, on property owned by exempt jurisdictions other than the City shall be established by contract.

10. Levy of Assessments

The total assessment for each property shall be an equal apportionment of the total costs divided by the total number of lots. Assessments can be paid by each property in advance or at any time thereafter. Financed assessments paid annually shall be concurrent with the city's tax year and will bear interest at 4.5% for up to 15 years. The principal amount of the assessment is payable at any time by property owners.

The assessments are on a per lot basis with two lot categories. The cost of the public improvements will consist of the costs subject to construct water, sanitary sewer, storm sewer, streets, detention, amenities, landscaping, gas, engineering and design fees, PID creation costs and administration and financing payable to the developer pursuant to the Development Agreement.

50-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 26,052.50	$2,425.85	15 years	$ 121.29	$ 2,547.14

60-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 31,263.00	$2,911.02	15 years	$ 121.29	$ 3,032.31

11. Levy and Collection

Notice of levy of each assessment will be given as provided in Chapter 372 of the Local Government Code. The assessment levy statement will be sent to each property owner in the District, and the payment will be due and payable at the same time property taxes are due and payable to the City.

The first installment of an assessment against a particular property shall be due with respect to the calendar year following the date such property has been improved with a habitable structure as evidenced by the issuance of a certificate of occupancy. The City will invoice each property owner for the installment payment in conjunction with the City's annual property tax bill, and the installments shall be due and payable, and incur penalty and interest for unpaid installments in the same manner as provided for the City's property taxes. Thereafter, subsequent installments shall be due in the same manner in each succeeding calendar year until the assessment has been pain in full. The owner of assessed property may pay at any time the entire easement then due on each property through the date of final payment. Failure of an owner to receive an invoice shall not relieve the owner of the responsibility for the assessment.

A lien will be established against the property assessed effective as of the date of the ordinance levying the assessment, privileged above all other liens, include prior mortgage liens, to the extent allowed by Section 372 of the Local Government Code. Assessment installments shall be considered delinquent on the same date as the city's property taxes. Delinquent assessments or installments shall incur the costs of collection. If practicable, the assessment shall be included on the City property tax statement. Notwithstanding the above, the assessment shall be perfected immediately as to the entire assessment, but may be executed only with respect to the amounts then due or past due for current or prior installments or final payment. Assessments are personal obligations of the person owning the property assessed in the year an installment payment becomes due, and only to the extent of such installment(s).

The owner of the assessed property may pay at any time the entire assessment then due on each property.

EXHIBIT "A"

Alexander Estates
70.3604 Acres

Elizabeth Smith Survey
Abstract Number 70

STATE OF TEXAS §

COUNTY OF HARRIS §

A **METES AND BOUNDS** description of 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; said 70.3604 acres being more particularly described as follows with all bearings based on a call of South 59°56'55" West along the southeast line of said Unrestricted Reserve "C":

BEGINNING at a found 5/8-inch iron rod in the northeast right-of-way of Huffsmith-Kohrville Road (called 60-feet wide), for the south corner of Country Club Greens Partial Replat as shown on a plat filed for record under Film Code No. 519229 if the Harris County Map Records and the northwest corner of said Unrestricted Reserve "C" and the herein described tract;

THENCE, North 45°27'56" East, 399.99 feet, departing said northeast right-of-way of Huffsmith-Kohrville Road, along the southeast line of said Country Club Greens Partial Replat, the northwest line of said Unrestricted Reserve "C" to a set 3/4-inch iron rod (with cap stamped "Cotton Surveying");

THENCE, North 49°06'40" East, 1333.88 feet, continuing along the southeast line of said Country Club Greens Partial Replat, the southeast line of Country Club Greens Partial Replat – Phase Two as shown on a plat filed for record under Film Code No. 540231 of the Harris County Map Records, the southeast line of Final Plat Country Club Greens as shown on a plat filed for record under Film Code No. 453082 of the Harris County Map Records, the northwest line of said Unrestricted Reserve "C" and said 78.4754 acres to a point for the north corner of said Unrestricted Reserve "C", the west corner of Lot 25, Block 3 of said Country Club Greens Partial Replat – Phase Two, same being the north corner of the herein described tract, from which a found 5/8-inch iron rod (with cap stamped "Terra Surveying") bears North 86°46'38" East 0.32 feet;

THENCE, South 40°44'59" East, 1111.89 feet along a northeast line of said 78.4754 acres, said Unrestricted Reserve "C", a southwest line of said Country Club Greens Partial Replat – Phase Two, and a southwest line of said Final Plat Country Club Greens as shown on a plat filed for record under Film Code No. 453082 of the Harris County Map Records to a point in the north line of a called 13.00 acre tract conveyed to J.D. Slaughter by Warranty Deed dated January 28, 2011 and filed for record under Clerk's File No. 20110042996 of the Harris County Official Public Records of Real Property for an interior corner of said Unrestricted Reserve "C" and the south corner of said Country Club Greens Partial Replat – Phase Two, same being the most northerly east corner of the herein described tract, from which a found 5/8-inch iron rod bears South 62°31'41" East, 0.24 feet;

THENCE, South 45°07'42" West, 813.03 feet along the northeast line of said 13.00 acres to a set 3/4-inch iron rod (with cap stamped "Cotton Surveying") for the west corner of said 13.00 acres, same being an interior corner of the herein described tract;

THENCE, South 44°36'57" East, 646.34 feet along the southwest line of said 13.00 acres to a point in the northwest right-of-way of Spell Road (called 60-feet wide) and the southeast line of said Unrestricted Reserve "C", for the south corner of said 13.00 acres and the most southerly east corner of the herein described tract, from which a found 3/4-inch iron rod bears North 09°17'51" East, 0.24 feet;

THENCE, South 37°14'37" West, 452.09 feet along the northwest right-of-way of said Spell Road and the southeast line of said Unrestricted Reserve "C" to a found 5/8-inch iron rod, beginning a non-tangent curve to the right;

THENCE, in a southwest direction, continuing along the northwest right-of-way of said Spell Road and the southeast line of said Unrestricted Reserve "C" and said 4.822 acres, with the arc of said non-tangent curve to the right, passing a found 5/8-inch iron rod (with cap stamped "J.G.T. 1494") at an arc length of 183.48 feet for the east corner of said 4.822 acres, having a radius of 579.03 feet, a central angle of 37°34'11", an arc length of 379.68 feet, and a chord bearing South 56°12'14" West, 372.91 feet to a found 5/8-inch iron rod (with cap stamped "J.G.T. 1494");

THENCE, South 75°09'52" West, continuing along the northwest right-of-way of said Spell Road, the southeast line of said 4.822 acres and said Unrestricted Reserve "C", passing a found 5/8-inch iron rod (with cap stamped "J.G.T. 1494") at a distance of 228.98 feet, continuing for a total distance of 463.49 feet to a found 3/4-inch iron (with cap stamped "Cotton Surveying") for the southwest corner of said 4.882 acres and the most southerly southwest corner of the herein described tract;

THENCE, North 17°58'51" West, 350.00 feet, departing the northwest right-of-way of said Spell Road and the southeast line of said 4.822 acres to a found 3/4-inch iron (with cap stamped "Cotton Surveying") for the northwest corner of said 4.822 acres and an interior corner of the herein described tract;

THENCE, South 75°09'52" West, along the northwest line of the remainder of a called 8.000 acres conveyed to Ruth A. Hughes-Deaton by Warranty Deed with Vendor's Lien dated August 31, 2006 and filed for record under Clerk's File No. 20060029232 of the Harris County Official Public Records of Real Property, passing a found 5/8-inch iron rod (with cap stamped "King 4503") at a distance of 4.83 feet, continuing for a total distance of 388.70 feet to a found 5/8-inch iron rod (with cap stamped "King 4503") in the northeast right-of-way of said Huffsmith-Kohrville Road and the southwest line of said Unrestricted Reserve "C", for the northwest corner of said 8.000 acres and the most westerly southwest corner of said 78.4754 acres and the herein described tract;

THENCE, North 17°59'55" West, 1235.43 feet along northeast right-of-way of said Huffsmith-Kohrville Road, the southwest line of said Unrestricted Reserve "C" to the **POINT OF BEGINNING, CONTAINING** 70.3604 acres of land in Harris County, Texas

Cotton Surveying Company
8701 New Trails Drive, Suite 200
The Woodlands, TX 77381-4241
(281) 363-4039

Acting By/Through Ronald L. Hauck
Registered Professional Land Surveyor
No. 5343
rhauck@jonescarter.com
Texas Board of Professional Land Surveying
Registration No. 10046106

June 24, 2014

002426.4824-9705-9356.v2

Council Item Information Sheet – Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Four (Alexander Estates Subdivision)

Action Requested

Approval of the Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Four.

Information

Public infrastructure improvements are nearly complete for Section One of Alexander Estates Subdivision within Public Improvement District Number Four created by the City in 2019. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

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constructed will be $315,000. The annual assessment payment $2,425.85 is the equivalent of a $0.77 tax rate on a $315,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted.

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	4	$1,430.43	$995.41	$2,425.85		$20,689.85
	5	$1,494.80	$931.04	$2,425.85		$19,195.05
	6	$1,562.07	$863.78	$2,425.85		$17,632.98
	7	$1,632.36	$793.48	$2,425.85		$16,000.61
	8	$1,705.82	$720.03	$2,425.85		$14,294.79
	9	$1,782.58	$643.27	$2,425.85		$12,512.21
	10	$1,862.80	$563.05	$2,425.85		$10,649.41
	11	$1,946.62	$479.22	$2,425.85		$8,702.79
	12	$2,034.22	$391.63	$2,425.85		$6,668.57
	13	$2,125.76	$300.09	$2,425.85		$4,542.81
	14	$2,221.42	$204.43	$2,425.85		$2,321.39
	15	$2,321.39	$104.46	$2,425.85		$0.00
TOTAL		$26,052.50	$10,335.21	$36,387.71		

Public Improvement District (PID) Primer

What is a PID?

A Public Improvement District (PID) is a public financing tool created under Chapter 372 of the Texas Local Government Code (TLGC). A PID allows a neighborhood or commercial area to apportion the cost of improvements and levy an assessment against property located in the PID, because that property is acquiring a special benefit because of the improvements. In other words, the property that will benefit the most from the improvement pays for the improvement--the burden is not shifted to the entire community. PIDs are intended to promote economic growth by providing the funding mechanism to construct necessary infrastructure or desired amenities that support new developments and encourage redevelopment.

PIDs are a component unit of the City and are governed by the City Council. The Council can create an advisory board for the PID if necessary, but final determinations on establishment, costs, assessments, and budgets must be made by the City Council.

What can a PID finance?

The PID can be designed to help finance the cost of a variety of development costs including:

- water, wastewater, health and sanitation, or drainage improvements;
- street and sidewalk improvements;
- mass transit improvements;
- parking improvements;
- library improvements;
- park, recreation and cultural;
- art installation;
- creation of pedestrian malls; or
- supplemental services. (advertising, extra public safety, etc.)

How does the PID finance the projects?

Project costs can be paid directly by the City or the developer can advance funds. The assessment fees levied on each property fund the project payments. Until the PID has accumulated adequate assessment fee revenue, the City can choose to issue bonds or use general tax revenues for initial payments or developer reimbursements.

Separate fund(s) are created by the City for the administration of the PID. The Council reviews and approves the assessments and district budget each year.

How is a PID created and dissolved?

PID Development Process (minimum steps required by Chapter 372, TLGC):

1. City, County, or affected property owner(s) initiates a petition for creation.
2. If needed, City Council appoints an advisory board to develop the PID improvement plan.
3. City Council holds a public hearing & passes a resolution on the need for the PID.
4. City Council authorizes the establishment of a PID by resolution.
5. Construction of improvements may begin 20-days after the PID's creation.
6. City Council adopts a Service and Assessment Plan (list of projects, costs, debt, & assessment fee) for at least five, ongoing years is developed.
7. City holds a public hearing on the assessment roll (lists each PID property's fee).
8. City Council adopts ordinance to levy the special assessment. (City will also create a special fund(s) for the PID).
9. If necessary, City Council holds public hearing and approves additional assessments to correct omissions or mistakes in the improvement costs.
10. If necessary, City Council holds public hearing & passes a resolution dissolving PID; however, the district remains in effect at least to meet its debt obligations.

Does the City have any additional requirements?

Yes. City of Tomball Administrative Policy No. 18 "Development Policy for Special Financing Districts" requires:

1. Residential Development Size--greater than 125 acres unless the average home value is greater than $225, 000.
2. Annual Individual Assessment Limit—no more than the equivalent of a $.50 tax rate on the assessed value of the property.
3. Assessment Term Limit—Not to exceed 10 years. First assessment due 3 years after levy or upon transfer of property from developer to home buyer whichever occurs first.
4. Developer Interest Limit—If bonds are sold, developer earned interest reimbursements will not exceed the net effective interest rate on bonds sold or 8% whichever is less. If bonds are not sold, reimbursement will be calculated according to an indexed-based formula (see Admin Policy 18) or 8% whichever is less.
5. Bidding Requirements—Developers must follow municipal bidding procedures (as outline in Chap 252 TLGC). All bids and awards of contracts must be approved by City Council.
6. District Administration—The City of Tomball will contract with an outside consultant to bill, collect, and track district assessments. This cost will be included in the Service & Assessment Plan and reimbursed from the district.

Other city policies, procedures, and good practices may also effect individual district creation or administration including approval of related contracts and agreements. For example, the City will usually need to enter into a Developer Agreement to detail the responsibilities & obligations of each party related to the Service and Assessment Plan.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:

Adopt, on Second Reading, Ordinance No. 2020-14, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment Against Section One Properties within the City of Tomball Public Improvement District Number Four (Alexander Estates Subdivision); and Making Certain Findings Related Thereto

Background:

Public infrastructure improvements are nearly complete for Section One of Alexander Estates Subdivision within Public Improvement District Number Four created by the City in 2019. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot and for two (2) different lot categories. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 4.5% annual interest) as follows:

50-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 26,052.50	$2,425.85	15 years	$ 121.29	$ 2,547.14

60-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 31,263.00	$2,911.02	15 years	$ 121.29	$ 3,032.31

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule for a 50-foot lot which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a $0.75 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes in the 50-fot lot category to be constructed will be $315,000. The annual assessment payment $2,425.85 is the equivalent of a $0.77 tax rate on a $315,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

with an ad valorem tax rate.

Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted.

Amortization Schedule

Duration (in years)	15
Interest Rate	4.50%
Annual Payment Amount	$2,425.85
Total Lifetime Payments	$36,387.71
Total Principal	$26,052.50
Total Interest	$10,335.21

	Payment	Principal	Interest	Payment	Payments collected	Principal Balance
						$26,052.50
	1	$1,253.48	$1,172.36	$2,425.85		$24,799.02
	2	$1,309.89	$1,115.96	$2,425.85		$23,489.12
	3	$1,368.84	$1,057.01	$2,425.85		$22,120.29
	4	$1,430.43	$995.41	$2,425.85		$20,689.85
	5	$1,494.80	$931.04	$2,425.85		$19,195.05
	6	$1,562.07	$863.78	$2,425.85		$17,632.98
	7	$1,632.36	$793.48	$2,425.85		$16,000.61
	8	$1,705.82	$720.03	$2,425.85		$14,294.79
	9	$1,782.58	$643.27	$2,425.85		$12,512.21
	10	$1,862.80	$563.05	$2,425.85		$10,649.41
	11	$1,946.62	$479.22	$2,425.85		$8,702.79
	12	$2,034.22	$391.63	$2,425.85		$6,668.57
	13	$2,125.76	$300.09	$2,425.85		$4,542.81
	14	$2,221.42	$204.43	$2,425.85		$2,321.39
	15	$2,321.39	$104.46	$2,425.85		$0.00
TOTAL		$26,052.50	$10,335.21	$36,387.71		

Origination:
Scott Bean, Hawes Hill Calderon, LLP

Recommendation:

Adopt Ordinance No. 2020-14 on Second Reading

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

ACTION TAKEN

Approval	Readings Passed	Other

☐ Yes ☐ No	☐ 1st ☐ 2nd	

ATTACHMENTS:

Ordinance No. 2020-14
TPID 4 - Council Information Sheet
The Basics - PID Primer

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY COUNCIL OF TOMBALL, TEXAS, LEVYING AN ASSESSMENT AGAINST SECTION ONE PROPERTIES WITHIN THE CITY OF TOMBALL PUBLIC IMPROVEMENT DISTRICT NUMBER FOUR (ALEXANDER ESTATES SUBDIVISION); AND MAKING CERTAIN FINDINGS RELATED THERETO.

* * * * * * * * * *

WHEREAS, the City of Tomball (the "City") is authorized pursuant to TEX. LOCAL GOV'T CODE, ch. 372, as amended ("Chapter 372") to create public improvement districts for the purposes described therein, and to levy and collect an assessment in furtherance of the purposes thereof; and

WHEREAS, the City has created City of Tomball Public Improvement District Number Four (the "PID"), adopted a Service and Assessment Plan (the "Plan") for the PID, all in accordance with the applicable provisions of Chapter 372; and

WHEREAS, the City Council filed a proposed assessment roll with the City secretary which roll was available for public inspection, and following notice thereof by mail and publication as required by Chapter 372, the City Council held a public hearing at which written or oral objections to the proposed assessments were considered and passed on by the City Council; and

WHEREAS, the City Council has determined that the levy of a special assessment for and on behalf of the PID is necessary and advisable, and that the proposed assessment roll apportions the cost of the subject improvements in the PID on the basis of special benefits accruing to the property because of the improvement, **NOW THEREFORE,**

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

Section 1. The facts recited in the preamble hereto are found to be true and correct.

Section 2. The assessment roll attached hereto is hereby approved and the special assessments described therein are hereby levied on the subject property in accordance with the terms of the Plan, which Plan determines, *inter alia*, the method of payment of the assessments, and makes provision for the payment thereof in periodic installments, interest thereon and the collection thereof. The Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

Section 3. There is hereby created a first and prior lien securing payment of the assessment levied, effective as of the date of this Ordinance as provided in the Plan and Chapter 372.

Section 4. It is hereby found, determined and declared 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

has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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 6th DAY OF JULY 2020.

COUNCILMAN FORD	AYE
COUNCILMAN STOLL	AYE
COUNCILMAN DEGGES	AYE
COUNCILMAN TOWNSEND	AYE
COUNCILMAN KLEIN QUINN	AYE

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 20TH DAY OF JULY 2020.

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

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

Public Improvement District Number Four
Alexander Estates Section One Assessment Roll
City of Tomball, Texas

Owner	Lot	Block	Lot Size	principal	annual payment	term	annual admin fee	total annual payment
Triple LE, LLC	1	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	2	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	3	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	4	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	5	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	6	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	7	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	8	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	9	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	10	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	11	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	12	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	13	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	14	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	15	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	16	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	17	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	18	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	19	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	20	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	21	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	22	1	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	1	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	2	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	3	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	4	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	5	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	6	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	7	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	8	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	9	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	10	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	11	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	12	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	13	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	14	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	15	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	16	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	17	2	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	18	2	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	19	2	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	20	2	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	21	2	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	22	2	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	23	2	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	24	2	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	25	2	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	26	2	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	1	3	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	2	3	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	3	3	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	4	3	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	5	3	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	6	3	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	7	3	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	8	3	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	9	3	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	10	3	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	11	3	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
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Triple LE, LLC	1	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	2	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
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Triple LE, LLC	9	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	10	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	11	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
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Triple LE, LLC	14	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	15	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
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Triple LE, LLC	24	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	25	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	26	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	27	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	28	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	29	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	30	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	31	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	32	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	33	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	34	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	35	4	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	1	5	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	2	5	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	3	5	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	4	5	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	5	5	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	6	5	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	7	5	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	8	5	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	9	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	10	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	11	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	12	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	13	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	14	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	15	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	16	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	17	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	18	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	19	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	20	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	21	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	22	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	23	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	24	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	25	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	26	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	27	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	28	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	29	5	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	30	5	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	31	5	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	1	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	2	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	3	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	4	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	5	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	6	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	7	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	8	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14

Triple LE, LLC	9	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	10	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	11	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	12	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	13	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	14	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	15	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	16	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	17	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	18	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	19	6	50'	$ 26,052.50	$ 2,425.85	15 years	$ 121.29	$ 2,547.14
Triple LE, LLC	20	6	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	21	6	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	22	6	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	23	6	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	24	6	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31
Triple LE, LLC	25	6	60'	$ 31,263.00	$ 2,911.02	15 years	$ 121.29	$ 3,032.31

Council Item Information Sheet – Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Four (Alexander Estates Subdivision)

Action Requested

Approval of the Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Four.

Information

Public infrastructure improvements are nearly complete for Section One of Alexander Estates Subdivision within Public Improvement District Number Four created by the City in 2019. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot and for two (2) different lot categories. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 4.5% annual interest) as follows:

50-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 26,052.50	$2,425.85	15 years	$ 121.29	$ 2,547.14

60-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 31,263.00	$2,911.02	15 years	$ 121.29	$ 3,032.31

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule for a 50-foot lot which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a $0.75 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes in the 50-fot lot category to be

constructed will be $315,000. The annual assessment payment $2,425.85 is the equivalent of a $0.77 tax rate on a $315,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted.

Amortization Schedule

Duration (in years)	15
Interest Rate	4.50%
Annual Payment Amount	$2,425.85
Total Lifetime Payments	$36,387.71
Total Principal	$26,052.50
Total Interest	$10,335.21

	Payment	Principal	Interest	Payment	Payments collected	Principal Balance
						$26,052.50
	1	$1,253.48	$1,172.36	$2,425.85		$24,799.02
	2	$1,309.89	$1,115.96	$2,425.85		$23,489.12
	3	$1,368.84	$1,057.01	$2,425.85		$22,120.29
	4	$1,430.43	$995.41	$2,425.85		$20,689.85
	5	$1,494.80	$931.04	$2,425.85		$19,195.05
	6	$1,562.07	$863.78	$2,425.85		$17,632.98
	7	$1,632.36	$793.48	$2,425.85		$16,000.61
	8	$1,705.82	$720.03	$2,425.85		$14,294.79
	9	$1,782.58	$643.27	$2,425.85		$12,512.21
	10	$1,862.80	$563.05	$2,425.85		$10,649.41
	11	$1,946.62	$479.22	$2,425.85		$8,702.79
	12	$2,034.22	$391.63	$2,425.85		$6,668.57
	13	$2,125.76	$300.09	$2,425.85		$4,542.81
	14	$2,221.42	$204.43	$2,425.85		$2,321.39
	15	$2,321.39	$104.46	$2,425.85		$0.00
TOTAL		$26,052.50	$10,335.21	$36,387.71		

Public Improvement District (PID) Primer

What is a PID?

A Public Improvement District (PID) is a public financing tool created under Chapter 372 of the Texas Local Government Code (TLGC). A PID allows a neighborhood or commercial area to apportion the cost of improvements and levy an assessment against property located in the PID, because that property is acquiring a special benefit because of the improvements. In other words, the property that will benefit the most from the improvement pays for the improvement--the burden is not shifted to the entire community. PIDs are intended to promote economic growth by providing the funding mechanism to construct necessary infrastructure or desired amenities that support new developments and encourage redevelopment.

PIDs are a component unit of the City and are governed by the City Council. The Council can create an advisory board for the PID if necessary, but final determinations on establishment, costs, assessments, and budgets must be made by the City Council.

What can a PID finance?

The PID can be designed to help finance the cost of a variety of development costs including:

- water, wastewater, health and sanitation, or drainage improvements;
- street and sidewalk improvements;
- mass transit improvements;
- parking improvements;
- library improvements;
- park, recreation and cultural;
- art installation;
- creation of pedestrian malls; or
- supplemental services. (advertising, extra public safety, etc.)

How does the PID finance the projects?

Project costs can be paid directly by the City or the developer can advance funds. The assessment fees levied on each property fund the project payments. Until the PID has accumulated adequate assessment fee revenue, the City can choose to issue bonds or use general tax revenues for initial payments or developer reimbursements.

Separate fund(s) are created by the City for the administration of the PID. The Council reviews and approves the assessments and district budget each year.

How is a PID created and dissolved?

PID Development Process (minimum steps required by Chapter 372, TLGC):

1. City, County, or affected property owner(s) initiates a petition for creation.
2. If needed, City Council appoints an advisory board to develop the PID improvement plan.
3. City Council holds a public hearing & passes a resolution on the need for the PID.
4. City Council authorizes the establishment of a PID by resolution.
5. Construction of improvements may begin 20-days after the PID's creation.
6. City Council adopts a Service and Assessment Plan (list of projects, costs, debt, & assessment fee) for at least five, ongoing years is developed.
7. City holds a public hearing on the assessment roll (lists each PID property's fee).
8. City Council adopts ordinance to levy the special assessment. (City will also create a special fund(s) for the PID).
9. If necessary, City Council holds public hearing and approves additional assessments to correct omissions or mistakes in the improvement costs.
10. If necessary, City Council holds public hearing & passes a resolution dissolving PID; however, the district remains in effect at least to meet its debt obligations.

Does the City have any additional requirements?

Yes. City of Tomball Administrative Policy No. 18 "Development Policy for Special Financing Districts" requires:

1. Residential Development Size--greater than 125 acres unless the average home value is greater than $225, 000.
2. Annual Individual Assessment Limit—no more than the equivalent of a $.50 tax rate on the assessed value of the property.
3. Assessment Term Limit—Not to exceed 10 years. First assessment due 3 years after levy or upon transfer of property from developer to home buyer whichever occurs first.
4. Developer Interest Limit—If bonds are sold, developer earned interest reimbursements will not exceed the net effective interest rate on bonds sold or 8% whichever is less. If bonds are not sold, reimbursement will be calculated according to an indexed-based formula (see Admin Policy 18) or 8% whichever is less.
5. Bidding Requirements—Developers must follow municipal bidding procedures (as outline in Chap 252 TLGC). All bids and awards of contracts must be approved by City Council.
6. District Administration—The City of Tomball will contract with an outside consultant to bill, collect, and track district assessments. This cost will be included in the Service & Assessment Plan and reimbursed from the district.

Other city policies, procedures, and good practices may also effect individual district creation or administration including approval of related contracts and agreements. For example, the City will usually need to enter into a Developer Agreement to detail the responsibilities & obligations of each party related to the Service and Assessment Plan.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:
Adopt, on Second Reading, Ordinance No. 2020-15, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number Eight (Timber Trails Subdivision)

Background:
Public infrastructure improvements are nearly complete for Section One of Timber Trails Subdivision within Public Improvement District Number Eight created by the City in 2019. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot and for two (2) different lot categories. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 2.75% annual interest) as follows:

40-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 21,810.70	$1,794.13	15 years	$ 103.80	$ 1,897.93

50-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 27,263.37	$2,242.66	15 years	$ 103.80	$ 2,346.46

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule for a 40-foot lot which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a $0.75 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed will be $260,000. The annual assessment payment $1,897.93 is the equivalent of a $0.72 tax rate on a $260,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted.

Amortization Schedule

AMORTIZATION SCHEDULE BY LOT

Duration (in years)	15
Interest Rate	2.75%
Annual Payment Amount	$1,794.13
Total Lifetime Payments	$26,911.95
Total Principal	$21,810.70
Total Interest	$5,101.25

Payment	Principal	Interest	Payment	Principal Balance
				$21,810.70
1	$1,194.34	$599.79	$1,794.13	$20,616.36
2	$1,227.18	$566.95	$1,794.13	$19,389.18
3	$1,260.93	$533.20	$1,794.13	$18,128.26
4	$1,295.60	$498.53	$1,794.13	$16,832.65
5	$1,331.23	$462.90	$1,794.13	$15,501.42
6	$1,367.84	$426.29	$1,794.13	$14,133.58
7	$1,405.46	$388.67	$1,794.13	$12,728.12
8	$1,444.11	$350.02	$1,794.13	$11,284.02
9	$1,483.82	$310.31	$1,794.13	$9,800.20
10	$1,524.62	$269.51	$1,794.13	$8,275.57
11	$1,566.55	$227.58	$1,794.13	$6,709.02
12	$1,609.63	$184.50	$1,794.13	$5,099.39
13	$1,653.90	$140.23	$1,794.13	$3,445.49
14	$1,699.38	$94.75	$1,794.13	$1,746.11
15	$1,746.11	$48.02	$1,794.13	$0.00
TOTAL	**$21,810.70**	**$5,101.25**	**$26,911.95**	

Origination:

Scott Bean, Hawes Hill Calderon, LLP

Recommendation:

Adopt Ordinance No. 2020-15, approving the Service and Assessment Plan and Assessment Roll for Public Improvement District Number Eight, on Second Reading.

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

Doris Speer, City Secretary

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2020-15
TPID 8 - Council Information Sheet
The Basics - PID Primer

ORDINANCE NO. 2020-15

AN ORDINANCE OF THE CITY COUNCIL OF TOMBALL, TEXAS, APPROVING THE SERVICE AND ASSESSMENT PLAN FOR THE CITY OF TOMBALL PUBLIC IMPROVEMENT DISTRICT NUMBER EIGHT

* * * * * * * * * *

WHEREAS, the City of Tomball (the "City") is authorized pursuant to TEX. LOCAL GOV'T CODE, ch. 372, as amended ("Chapter 372") to create public improvement districts for the purposes described therein; and

WHEREAS, the City has received a petition (the "Petition") requesting the creation of the City of Tomball Public Improvement District Number Eight (the "PID"), held a public hearing, and created the PID in accordance with the applicable provisions of Chapter 372; and

WHEREAS, the City passed and adopted Resolution No. Resolution 2018-29 establishing the City of Tomball Public Improvement District Number Eight; and

WHEREAS, the City Council wishes to adopt the Service and Assessment Plan with respect to the PID; NOW **THEREFORE,**

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

Section 1. The facts recited in the preamble hereto are found to be true and correct.

Section 2. The Service and Assessment Plan attached to this Ordinance as Exhibit A is hereby approved and adopted on behalf of the PID, and the Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

Section 3. It is hereby found, determined and declared 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 has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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 6th DAY OF JULY 2020.

COUNCILMAN FORD	AYE
COUNCILMAN STOLL	AYE
COUNCILMAN DEGGES	AYE
COUNCILMAN TOWNSEND	AYE
COUNCILMAN KLEIN QUINN	AYE

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 20TH DAY OF JULY 2020.

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

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

EXHIBIT A
Service and assessment Plan
Public Improvement District Number Eight
City of Tomball, Texas

1. Introduction

This Service and Assessment Plan is prepared and adopted in conformance with the Public Improvement District Assessment Act, codified as Chapter 372, Texas Local Government Code ("the Act"), and pursuant to Resolution 2018-29 creating the Public Improvement District Number Eight ("PID"), City of Tomball, Texas. The creation of the PID was initiated by a petition submitted by property owners within the PID boundaries in compliance with the requirements of the Section 372.005 of the Act.

2. Boundaries

The boundaries of the PID are as indicated in Attachment A.

3. Administration of the District

Administration of the District is the responsibility of the City Council of the City of Tomball, Texas, but to the extent allowed by law, the City may contract with a private sector company to carry out all or part of the City responsibilities as well as the operations and administration of the District.

4. Public Improvements

The public improvements to be financed and constructed serve to promote the construction of single family units. The public improvements will confer a special benefit to properties within the PID and will consist of water, sanitary sewer, storm drainage, detention, gas, streets, erosion control, contingency provisions, engineering, financing costs, and administration and legal services for the PID. The public improvements will be pre-funded by the developer of the subdivision within the PID under the Development Agreement ("Agreement") executed between the developer and the City.

A. Timber Trails

Timber Trails contains 23.6 acres of land and will contain 104 lots within the PID. The public improvements authorized under this Plan for Timber Trails and the estimated costs thereof, are described below:

PUBLIC IMPROVEMENT	ESTIMATED COSTS
Water, sewer, storm sewer, streets, detention, gas, off-site utility extensions, amenities, engineering, design fees, landscaping, PID creation	$2,650,000
Financing Costs (15 years @ 2.75%)	$619,799
Total Improvements	$3,269,799
Administration (5%)	$163,490
Total Costs (15 years)	$3,433,290

5. Construction of Public Improvements

The Plan will be reviewed annually in accordance with the provisions of Chapter 372 of the Local Government Code and will include a review of the expenditures and revenues of the District. Additionally, the Plan will be reviewed for the purposes of establishing the installments for assessment based upon the costs for public improvements for the financial needs of the District.

6. Conveyance of Improvements to the City

Upon completion of the improvements, and final inspection and acceptance of the public improvements by the City, the developer will convey all rights to the improvements to the city or homeowner's association as applicable, subject to the developers rights of reimbursement described in the Development Agreement executed between the developer and the City.

7. Authorized Improvements

The area within the PID that is covered by the Service and Assessment Plan will be developed as single family residential. This Plan designates the public improvements required for the growth and development of the land within the PID. The goal of this Plan is to provide sufficient certainty for the owners of land within the PID to proceed with the financing and construction of the necessary public improvements, while allowing flexibility to meet the needs of the PID over the life of the development of residential properties within the PID.

The construction of the public improvements authorized herein began in calendar year 2019. The actual costs of the public improvements will be determined by an independent accountant report of the developer's costs.

8. Advance Financing by the Developer

The developer will advance the funds for construction of the public improvements and will be entitled to repayment pursuant the Development Agreement executed between the City and the developer.

9. Apportionment of Costs

Payment of assessments, if any, on property owned by exempt jurisdictions other than the City shall be established by contract.

10. Levy of Assessments

The total assessment for each property shall be an equal apportionment of the total costs divided by the total number of lots. Assessments can be paid by each property in advance or at any time thereafter. Financed assessments paid annually shall be concurrent with the city's tax year and will bear interest at 2.75% for up to 15 years. The principal amount of the assessment is payable at any time by property owners.

The assessments are on a per lot basis with two lot categories. The cost of the public improvements will consist of the costs subject to construct water, sanitary sewer, storm sewer, streets, detention, amenities, landscaping, gas, engineering and design fees, PID creation costs and administration and financing payable to the developer pursuant to the Development Agreement.

40-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 21,810.70	$1,794.13	15 years	$ 103.80	$ 1,897.93

50-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 27,263.37	$2,242.66	15 years	$ 103.80	$ 2,346.46

11. Levy and Collection

Notice of levy of each assessment will be given as provided in Chapter 372 of the Local Government Code. The assessment levy statement will be sent to each property owner in the District, and the payment will be due and payable at the same time property taxes are due and payable to the City.

The first installment of an assessment against a particular property shall be due with respect to the calendar year following the date such property has been improved with a habitable structure as evidenced by the issuance of a certificate of occupancy. The City will invoice each property owner for the installment payment in conjunction with the City's annual property tax bill, and the installments shall be due and payable, and incur penalty and interest for unpaid installments in the same manner as provided for the City's property taxes. Thereafter, subsequent installments shall be due in the same manner in each succeeding calendar year until the assessment has been pain in full. The owner of assessed property may pay at any time the entire easement then due on each property through the date of final payment. Failure of an owner to receive an invoice shall not relieve the owner of the responsibility for the assessment.

A lien will be established against the property assessed effective as of the date of the ordinance levying the assessment, privileged above all other liens, include prior mortgage liens, to the extent allowed by Section 372 of the Local Government Code. Assessment installments shall be considered delinquent on the same date as the city's property taxes. Delinquent assessments or installments shall incur the costs of collection. If practicable, the assessment shall be included on the City property tax statement. Notwithstanding the above, the assessment shall be perfected immediately as to the entire assessment, but may be executed only with respect to the amounts then due or past due for current or prior installments or final payment. Assessments are personal obligations of the person owning the property assessed in the year an installment payment becomes due, and only to the extent of such installment(s).

The owner of the assessed property may pay at any time the entire assessment then due on each property.

EXHIBIT A

DESCRIPTION OF
23.632 ACRES OR 1,029,412 SQ. FT.

A TRACT OR PARCEL CONTAINING 23.632 ACRES OR 1,029,412 SQUARE FEET OF LAND, BEING OUT OF A CALLED 25.7329 ACRE TRACT OF LAND CONVEYED TO JAYANTI K. PATEL, AS RECORDED UNDER HARRIS COUNTY CLERK FILE (H.C.C.F.) NUMBER (NO.) 20080549943, BEING A PORTION OF LOTS 82, 78, 79, 75, 96, 95, 94, AND 93 OF FIVE ACRE TRACTS TOM BALL TOWNSITE, MAP OR PLAT THEREOF RECORDED UNDER VOLUME (VOL.) 2, PAGE (PG.) 65, OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.), SITUATED IN THE RALPH HUBBARD SURVEY, ABSTRACT NO. 383, HARRIS COUNTY, TEXAS, WITH SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A 1/2 INCH IRON ROD FOUND ON THE NORTHWEST RIGHT OF WAY (R.O.W.) LINE OF CARRELL STREET, 60 FEET WIDE, FOR THE SOUTHWEST CORNER OF A CALLED 2.775 ACRE TRACT OF LAND CONVEYED TO WILLIAM DOCK ADAMS, AS RECORDED UNDER H.C.C.F. NO. 20100137241, AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 61 DEG. 42 MIN. 47 SEC. WEST, ALONG THE NORTHWEST R.O.W. LINE OF SAID CARRELL STREET, A DISTANCE OF 194.36 FEET TO A CAPPED 1/2 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF A CALLED 1.6116 ACRE TRACT CONVEYED TO JOSE BARAJAS, AS RECORDED UNDER H.C.C.F. NO. Y732741, AND A SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 28 DEG. 13 MIN. 32 SEC. WEST, ALONG THE NORTHEAST LINE OF SAID CALLED 1.6116 ACRE TRACT, A DISTANCE OF 208.00 FEET TO A CAPPED 5/8 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID CALLED 1.6116 ACRE TRACT, AND AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 61 DEG. 42 MIN. 47 SEC. WEST, ALONG THE NORTHWEST LINE OF SAID CALLED 1.6116 ACRE TRACT, PASSING AT A DISTANCE OF 337.50 FEET A CAPPED 1/2 INCH IRON ROD STAMPED "WEST STAR" FOUND FOR THE NORTHWEST CORNER OF SAID CALLED 1.6116 ACRE TRACT, IN ALL A TOTAL DISTANCE OF 427.04 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR A SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 29 DEG. 38 MIN. 31 SEC. WEST, A DISTANCE OF 345.09 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE EAST LINE OF A CALLED 70 FEET WIDE STRIP OF LAND CONVEYED TO HARRIS COUNTY FLOOD CONTROL DISTRICT, AS RECORDED UNDER H.C.C.F. NO. B258990, FOR A SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 01 DEG. 23 MIN. 20 SEC. WEST, ALONG THE EAST LINE OF SAID CALLED 70 FEET WIDE STRIP OF LAND, A DISTANCE OF 812.86 FEET TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST R.O.W. LINE OF HUFFSMITH ROAD, CALLED 50 FEET WIDE, FOR THE NORTHEAST CORNER OF SAID CALLED 70 FEET WIDE STRIP OF LAND, AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 53 DEG. 38 MIN. 53 SEC. EAST, ALONG THE SOUTHEAST R.O.W. LINE OF SAID HUFFSMITH ROAD, A DISTANCE OF 866.89 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "A&B RPLS 5685" FOR THE NORTHWEST CORNER OF A CALLED 3.0832 ACRE TRACT CONVEYED TO FRANK HARVEY METZLER, AS RECORDED UNDER H.C.C.F. NO. 20120329200, AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 01 DEG. 23 MIN. 55 SEC. EAST, ALONG THE WEST LINE OF SAID CALLED 3.0832 ACRE TRACT, A DISTANCE OF 638.91 FEET TO A CAPPED 5/8 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID CALLED 3.0832 ACRE TRACT, AND AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 87 DEG. 46 MIN. 08 SEC. EAST, ALONG THE SOUTH LINE OF SAID CALLED 3.0832 ACRE TRACT, A DISTANCE OF 189.75 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE WEST LINE OF A CALLED 12.707 ACRE TRACT CONVEYED TO TOMBALL GRAND JUNCTION, LLC, AS RECORDED UNDER H.C.C.F. NO. RP-2018-247147, FOR THE SOUTHEAST CORNER OF SAID CALLED 3.0832 ACRE TRACT, AND THE MOST EASTERLY NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A CAPPED 5/8 INCH IRON ROD STAMPED "A&B RPLS 5685" BEARS NORTH 87 DEG. 48 MIN. 18 SEC. EAST, 0.42 FEET;

THENCE, SOUTH 01 DEG. 23 MIN. 33 SEC. EAST, ALONG THE WEST LINE OF SAID CALLED 12.707 ACRE TRACT, A DISTANCE OF 122.27 FEET TO A 1/2 INCH IRON PIPE FOUND FOR THE SOUTHWEST CORNER OF SAID CALLED 12.707 ACRE TRACT, THE MOST NORTHERLY NORTHWEST CORNER OF AFORESAID CALLED 2.775 ACRE TRACT, AND AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 01 DEG. 28 MIN. 47 SEC. EAST, ALONG A WEST LINE OF SAID CALLED 2.775 ACRE TRACT, A DISTANCE OF 337.40 FEET TO A 3/4 INCH IRON PIPE FOUND FOR AN INTERIOR CORNER OF SAID CALLED 2.775 ACRE TRACT, AND THE MOST EASTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 87 DEG. 54 MIN. 18 SEC. WEST, ALONG A NORTH LINE OF SAID CALLED 2.775 ACRE TRACT, A DISTANCE OF 89.29 FEET TO A 3/4 INCH IRON ROD FOUND FOR THE MOST WESTERLY NORTHWEST CORNER OF SAID CALLED 2.775 ACRE TRACT, AND AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 01 DEG. 22 MIN. 26 SEC. EAST, ALONG A WEST LINE OF SAID CALLED 2.775 ACRE TRACT, A DISTANCE OF 421.17 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 23.632 ACRES OR 1,029,412 SQUARE FEET OF LAND.

ROBERT KNESS
R.P.L.S. NO. 6486
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800

STATE OF TEXAS
REGISTERED
ROBERT KNESS
6486
PROFESSIONAL
LAND SURVEYOR

10-15-2018
DATE

Council Item Information Sheet – Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Eight (Timber Trails Subdivision)

Action Requested

Approval of the Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Eight.

Information

Public infrastructure improvements are nearly complete for Section One of Timber Trails Subdivision within Public Improvement District Number Eight created by the City in 2019. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot and for two (2) different lot categories. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 2.75% annual interest) as follows:

40-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 21,810.70	$1,794.13	15 years	$ 103.80	$ 1,897.93

50-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 27,263.37	$2,242.66	15 years	$ 103.80	$ 2,346.46

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule for a 40-foot lot which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a $0.75 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed will be $260,000. The annual assessment payment $1,897.93 is the equivalent of a $0.72 tax rate on a $260,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted.

Amortization Schedule

AMORTIZATION SCHEDULE BY LOT

Duration (in years)	15
Interest Rate	2.75%
Annual Payment Amount	$1,794.13
Total Lifetime Payments	$26,911.95
Total Principal	$21,810.70
Total Interest	$5,101.25

	Payment	Principal	Interest	Payment	Principal Balance
					$21,810.70
	1	$1,194.34	$599.79	$1,794.13	$20,616.36
	2	$1,227.18	$566.95	$1,794.13	$19,389.18
	3	$1,260.93	$533.20	$1,794.13	$18,128.26
	4	$1,295.60	$498.53	$1,794.13	$16,832.65
	5	$1,331.23	$462.90	$1,794.13	$15,501.42
	6	$1,367.84	$426.29	$1,794.13	$14,133.58
	7	$1,405.46	$388.67	$1,794.13	$12,728.12
	8	$1,444.11	$350.02	$1,794.13	$11,284.02
	9	$1,483.82	$310.31	$1,794.13	$9,800.20
	10	$1,524.62	$269.51	$1,794.13	$8,275.57
	11	$1,566.55	$227.58	$1,794.13	$6,709.02
	12	$1,609.63	$184.50	$1,794.13	$5,099.39
	13	$1,653.90	$140.23	$1,794.13	$3,445.49
	14	$1,699.38	$94.75	$1,794.13	$1,746.11
	15	$1,746.11	$48.02	$1,794.13	$0.00
TOTAL		**$21,810.70**	**$5,101.25**	**$26,911.95**	

Public Improvement District (PID) Primer

What is a PID?

A Public Improvement District (PID) is a public financing tool created under Chapter 372 of the Texas Local Government Code (TLGC). A PID allows a neighborhood or commercial area to apportion the cost of improvements and levy an assessment against property located in the PID, because that property is acquiring a special benefit because of the improvements. In other words, the property that will benefit the most from the improvement pays for the improvement--the burden is not shifted to the entire community. PIDs are intended to promote economic growth by providing the funding mechanism to construct necessary infrastructure or desired amenities that support new developments and encourage redevelopment.

PIDs are a component unit of the City and are governed by the City Council. The Council can create an advisory board for the PID if necessary, but final determinations on establishment, costs, assessments, and budgets must be made by the City Council.

What can a PID finance?

The PID can be designed to help finance the cost of a variety of development costs including:

- water, wastewater, health and sanitation, or drainage improvements;
- street and sidewalk improvements;
- mass transit improvements;
- parking improvements;
- library improvements;
- park, recreation and cultural;
- art installation;
- creation of pedestrian malls; or
- supplemental services. (advertising, extra public safety, etc.)

How does the PID finance the projects?

Project costs can be paid directly by the City or the developer can advance funds. The assessment fees levied on each property fund the project payments. Until the PID has accumulated adequate assessment fee revenue, the City can choose to issue bonds or use general tax revenues for initial payments or developer reimbursements.

Separate fund(s) are created by the City for the administration of the PID. The Council reviews and approves the assessments and district budget each year.

How is a PID created and dissolved?

PID Development Process (minimum steps required by Chapter 372, TLGC):

1. City, County, or affected property owner(s) initiates a petition for creation.
2. If needed, City Council appoints an advisory board to develop the PID improvement plan.
3. City Council holds a public hearing & passes a resolution on the need for the PID.
4. City Council authorizes the establishment of a PID by resolution.
5. Construction of improvements may begin 20-days after the PID's creation.
6. City Council adopts a Service and Assessment Plan (list of projects, costs, debt, & assessment fee) for at least five, ongoing years is developed.
7. City holds a public hearing on the assessment roll (lists each PID property's fee).
8. City Council adopts ordinance to levy the special assessment. (City will also create a special fund(s) for the PID).
9. If necessary, City Council holds public hearing and approves additional assessments to correct omissions or mistakes in the improvement costs.
10. If necessary, City Council holds public hearing & passes a resolution dissolving PID; however, the district remains in effect at least to meet its debt obligations.

Does the City have any additional requirements?

Yes. City of Tomball Administrative Policy No. 18 "Development Policy for Special Financing Districts" requires:

1. Residential Development Size--greater than 125 acres unless the average home value is greater than $225, 000.
2. Annual Individual Assessment Limit—no more than the equivalent of a $.50 tax rate on the assessed value of the property.
3. Assessment Term Limit—Not to exceed 10 years. First assessment due 3 years after levy or upon transfer of property from developer to home buyer whichever occurs first.
4. Developer Interest Limit—If bonds are sold, developer earned interest reimbursements will not exceed the net effective interest rate on bonds sold or 8% whichever is less. If bonds are not sold, reimbursement will be calculated according to an indexed-based formula (see Admin Policy 18) or 8% whichever is less.
5. Bidding Requirements—Developers must follow municipal bidding procedures (as outline in Chap 252 TLGC). All bids and awards of contracts must be approved by City Council.
6. District Administration—The City of Tomball will contract with an outside consultant to bill, collect, and track district assessments. This cost will be included in the Service & Assessment Plan and reimbursed from the district.

Other city policies, procedures, and good practices may also effect individual district creation or administration including approval of related contracts and agreements. For example, the City will usually need to enter into a Developer Agreement to detail the responsibilities & obligations of each party related to the Service and Assessment Plan.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:
Adopt, on Second Reading, Ordinance No. 2020-16, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Section One Properties within the City of Tomball Public Improvement District Number Eight (Timber Trails) and Making Certain Findings Related Thereto

Background:
Public infrastructure improvements are nearly complete for Section One of Timber Trails Subdivision within Public Improvement District Number Eight created by the City in 2019. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot and for two (2) different lot categories. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 2.75% annual interest) as follows:

40-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 21,810.70	$1,794.13	15 years	$ 103.80	$ 1,897.93

50-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 27,263.37	$2,242.66	15 years	$ 103.80	$ 2,346.46

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule for a 40-foot lot which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a $0.75 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed will be $260,000. The annual assessment payment $1,897.93 is the equivalent of a $0.72 tax rate on a $260,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted.

Amortization Schedule

AMORTIZATION SCHEDULE BY LOT

Duration (in years)	15
Interest Rate	2.75%
Annual Payment Amount	$1,794.13
Total Lifetime Payments	$26,911.95
Total Principal	$21,810.70
Total Interest	$5,101.25

Payment	Principal	Interest	Payment	Principal Balance
				$21,810.70
1	$1,194.34	$599.79	$1,794.13	$20,616.36
2	$1,227.18	$566.95	$1,794.13	$19,389.18
3	$1,260.93	$533.20	$1,794.13	$18,128.26
4	$1,295.60	$498.53	$1,794.13	$16,832.65
5	$1,331.23	$462.90	$1,794.13	$15,501.42
6	$1,367.84	$426.29	$1,794.13	$14,133.58
7	$1,405.46	$388.67	$1,794.13	$12,728.12
8	$1,444.11	$350.02	$1,794.13	$11,284.02
9	$1,483.82	$310.31	$1,794.13	$9,800.20
10	$1,524.62	$269.51	$1,794.13	$8,275.57
11	$1,566.55	$227.58	$1,794.13	$6,709.02
12	$1,609.63	$184.50	$1,794.13	$5,099.39
13	$1,653.90	$140.23	$1,794.13	$3,445.49
14	$1,699.38	$94.75	$1,794.13	$1,746.11
15	$1,746.11	$48.02	$1,794.13	$0.00
TOTAL	**$21,810.70**	**$5,101.25**	**$26,911.95**	

Origination:

Scott Bean, Hawes Hill Calderon, LLP

Recommendation:
Adopt Ordinance No. 2020-16 on Second Reading

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

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2020-16
TPID 8 - Council Information Sheet
The Basics - PID Primer

ORDINANCE NO. 2020-16

AN ORDINANCE OF THE CITY COUNCIL OF TOMBALL, TEXAS, LEVYING AN ASSESSMENT AGAINST SECTION ONE PROPERTIES WITHIN THE CITY OF TOMBALL PUBLIC IMPROVEMENT DISTRICT NUMBER EIGHT (TIMBER TRAILS SUBDIVISION); AND MAKING CERTAIN FINDINGS RELATED THERETO.

* * * * * * * * * *

WHEREAS, the City of Tomball (the "City") is authorized pursuant to TEX. LOCAL GOV'T CODE, ch. 372, as amended ("Chapter 372") to create public improvement districts for the purposes described therein, and to levy and collect an assessment in furtherance of the purposes thereof; and

WHEREAS, the City has created City of Tomball Public Improvement District Number Eight (the "PID"), adopted a Service and Assessment Plan (the "Plan") for the PID, all in accordance with the applicable provisions of Chapter 372; and

WHEREAS, the City Council filed a proposed assessment roll with the City secretary which roll was available for public inspection, and following notice thereof by mail and publication as required by Chapter 372, the City Council held a public hearing at which written or oral objections to the proposed assessments were considered and passed on by the City Council; and

WHEREAS, the City Council has determined that the levy of a special assessment for and on behalf of the PID is necessary and advisable, and that the proposed assessment roll apportions the cost of the subject improvements in the PID on the basis of special benefits accruing to the property because of the improvement, **NOW THEREFORE,**

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

Section 1. The facts recited in the preamble hereto are found to be true and correct.

Section 2. The assessment roll attached hereto is hereby approved and the special assessments described therein are hereby levied on the subject property in accordance with the terms of the Plan, which Plan determines, *inter alia*, the method of payment of the assessments, and makes provision for the payment thereof in periodic installments, interest thereon and the collection thereof. The Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

Section 3. There is hereby created a first and prior lien securing payment of the assessment levied, effective as of the date of this Ordinance as provided in the Plan and Chapter 372.

Section 4. It is hereby found, determined and declared 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 has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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 6th DAY OF JULY 2020.

COUNCILMAN FORD	AYE
COUNCILMAN STOLL	AYE
COUNCILMAN DEGGES	AYE
COUNCILMAN TOWNSEND	AYE
COUNCILMAN KLEIN QUINN	AYE

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 20TH DAY OF JULY 2020.

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

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

Public Improvement District Number Eight
Timber Trails Subdivision Section One Assessment Roll
City of Tomball, Texas

OWNER	Block	Lot	Lot Width	Principal	Assessment with Interest	Term	Annual Payment	Admin Fee	Total Annual Payment
Stylecraft Builders, Inc.	1	1	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Stylecraft Builders, Inc.	1	2	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Stylecraft Builders, Inc.	1	3	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Stylecraft Builders, Inc.	1	4	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Tomball Timber Trails, LLC	1	5	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Tomball Timber Trails, LLC	1	6	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Tomball Timber Trails, LLC	1	7	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Tomball Timber Trails, LLC	1	8	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Tomball Timber Trails, LLC	1	9	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Tomball Timber Trails, LLC	1	10	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Tomball Timber Trails, LLC	1	11	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Stylecraft Builders, Inc.	1	12	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Stylecraft Builders, Inc.	1	13	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Stylecraft Builders, Inc.	1	14	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Stylecraft Builders, Inc.	1	15	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Stylecraft Builders, Inc.	1	16	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Stylecraft Builders, Inc.	1	17	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Stylecraft Builders, Inc.	1	18	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Stylecraft Builders, Inc.	1	19	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Stylecraft Builders, Inc.	1	20	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Tomball Timber Trails, LLC	1	21	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Tomball Timber Trails, LLC	1	22	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Tomball Timber Trails, LLC	1	23	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Tomball Timber Trails, LLC	1	24	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
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Tomball Timber Trails, LLC	1	30	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Tomball Timber Trails, LLC	1	31	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Tomball Timber Trails, LLC	1	32	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Tomball Timber Trails, LLC	1	33	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93
Stylecraft Builders, Inc.	2	1	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46
Stylecraft Builders, Inc.	2	2	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46
Stylecraft Builders, Inc.	2	3	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46
Stylecraft Builders, Inc.	2	4	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46
Stylecraft Builders, Inc.	2	5	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46
Stylecraft Builders, Inc.	2	6	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46
Stylecraft Builders, Inc.	2	7	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46
Stylecraft Builders, Inc.	2	8	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46
Stylecraft Builders, Inc.	2	9	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46
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Stylecraft Builders, Inc.	2	27	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
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Tomball Timber Trails, LLC	2	30	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Stylecraft Builders, Inc.	3	1	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93		
Stylecraft Builders, Inc.	3	2	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93		
Stylecraft Builders, Inc.	3	3	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93		
Stylecraft Builders, Inc.	3	4	40	$ 21,810.70	$ 26,911.95	15 Years	$ 1,794.13	$ 103.80	$ 1,897.93		
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Stylecraft Builders, Inc.	3	10	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
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Stylecraft Builders, Inc.	3	18	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Stylecraft Builders, Inc.	3	19	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
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Stylecraft Builders, Inc.	3	21	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Stylecraft Builders, Inc.	3	22	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Stylecraft Builders, Inc.	3	23	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Stylecraft Builders, Inc.	3	24	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Stylecraft Builders, Inc.	3	25	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Stylecraft Builders, Inc.	3	26	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Stylecraft Builders, Inc.	3	27	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
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Tomball Timber Trails, LLC	3	33	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Tomball Timber Trails, LLC	3	34	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Tomball Timber Trails, LLC	3	35	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Tomball Timber Trails, LLC	3	36	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Tomball Timber Trails, LLC	3	37	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Tomball Timber Trails, LLC	3	38	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Stylecraft Builders, Inc.	3	39	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Stylecraft Builders, Inc.	3	40	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Stylecraft Builders, Inc.	3	41	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		
Stylecraft Builders, Inc.	3	42	50	$ 27,263.37	$ 33,639.90	15 Years	$ 2,242.66	$ 103.80	$ 2,346.46		

Council Item Information Sheet – Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Eight (Timber Trails Subdivision)

Action Requested

Approval of the Service and Assessment Plan and Section One Assessment Roll for Public Improvement District Number Eight.

Information

Public infrastructure improvements are nearly complete for Section One of Timber Trails Subdivision within Public Improvement District Number Eight created by the City in 2019. Per Chapter 372 of the Local Government Code, a service and assessment plan and an assessment roll for Section One must be approved by City Council that will levy the assessment on each of the lots in Section One. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the PID. Each property (lot) will pay a pro-rata portion of the public improvement costs. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by lot and for two (2) different lot categories. The total, one-time assessment per lot is specified in the plan as well as the annual installment (financed assessment rate at 2.75% annual interest) as follows:

40-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 21,810.70	$1,794.13	15 years	$ 103.80	$ 1,897.93

50-Foot Lots

Total Assessment	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
$ 27,263.37	$2,242.66	15 years	$ 103.80	$ 2,346.46

The annual payment, principal, and interest are demonstrated on the attached example amortization schedule for a 40-foot lot which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for the public infrastructure costs of the development plus interest while staying around the equivalent of a $0.75 tax rate. For illustration, the attached amortization schedule details the amortization for each lot in Section One. It is estimated that the average price of the homes to be constructed will be $260,000. The annual assessment payment $1,897.93 is the equivalent of a $0.72 tax rate on a $260,000 home.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Future Actions

The District Administrator will work with City staff on the collection of the assessments. The PID assessments will be collected on an annual basis in the same manner as property taxes and transferred to a City-established PID revenue fund. A reimbursement report will be performed by an independent CPA firm prior to reimbursement to the developer. The revenues will be disbursed to the developer once a year after administrative costs have been deducted.

Amortization Schedule

AMORTIZATION SCHEDULE BY LOT

Duration (in years)	15
Interest Rate	2.75%
Annual Payment Amount	$1,794.13
Total Lifetime Payments	$26,911.95
Total Principal	$21,810.70
Total Interest	$5,101.25

	Payment	Principal	Interest	Payment	Principal Balance
					$21,810.70
	1	$1,194.34	$599.79	$1,794.13	$20,616.36
	2	$1,227.18	$566.95	$1,794.13	$19,389.18
	3	$1,260.93	$533.20	$1,794.13	$18,128.26
	4	$1,295.60	$498.53	$1,794.13	$16,832.65
	5	$1,331.23	$462.90	$1,794.13	$15,501.42
	6	$1,367.84	$426.29	$1,794.13	$14,133.58
	7	$1,405.46	$388.67	$1,794.13	$12,728.12
	8	$1,444.11	$350.02	$1,794.13	$11,284.02
	9	$1,483.82	$310.31	$1,794.13	$9,800.20
	10	$1,524.62	$269.51	$1,794.13	$8,275.57
	11	$1,566.55	$227.58	$1,794.13	$6,709.02
	12	$1,609.63	$184.50	$1,794.13	$5,099.39
	13	$1,653.90	$140.23	$1,794.13	$3,445.49
	14	$1,699.38	$94.75	$1,794.13	$1,746.11
	15	$1,746.11	$48.02	$1,794.13	$0.00
TOTAL		**$21,810.70**	**$5,101.25**	**$26,911.95**	

Public Improvement District (PID) Primer

What is a PID?

A Public Improvement District (PID) is a public financing tool created under Chapter 372 of the Texas Local Government Code (TLGC). A PID allows a neighborhood or commercial area to apportion the cost of improvements and levy an assessment against property located in the PID, because that property is acquiring a special benefit because of the improvements. In other words, the property that will benefit the most from the improvement pays for the improvement--the burden is not shifted to the entire community. PIDs are intended to promote economic growth by providing the funding mechanism to construct necessary infrastructure or desired amenities that support new developments and encourage redevelopment.

PIDs are a component unit of the City and are governed by the City Council. The Council can create an advisory board for the PID if necessary, but final determinations on establishment, costs, assessments, and budgets must be made by the City Council.

What can a PID finance?

The PID can be designed to help finance the cost of a variety of development costs including:

- water, wastewater, health and sanitation, or drainage improvements;
- street and sidewalk improvements;
- mass transit improvements;
- parking improvements;
- library improvements;
- park, recreation and cultural;
- art installation;
- creation of pedestrian malls; or
- supplemental services. (advertising, extra public safety, etc.)

How does the PID finance the projects?

Project costs can be paid directly by the City or the developer can advance funds. The assessment fees levied on each property fund the project payments. Until the PID has accumulated adequate assessment fee revenue, the City can choose to issue bonds or use general tax revenues for initial payments or developer reimbursements.

Separate fund(s) are created by the City for the administration of the PID. The Council reviews and approves the assessments and district budget each year.

How is a PID created and dissolved?

PID Development Process (minimum steps required by Chapter 372, TLGC):

1. City, County, or affected property owner(s) initiates a petition for creation.
2. If needed, City Council appoints an advisory board to develop the PID improvement plan.
3. City Council holds a public hearing & passes a resolution on the need for the PID.
4. City Council authorizes the establishment of a PID by resolution.
5. Construction of improvements may begin 20-days after the PID's creation.
6. City Council adopts a Service and Assessment Plan (list of projects, costs, debt, & assessment fee) for at least five, ongoing years is developed.
7. City holds a public hearing on the assessment roll (lists each PID property's fee).
8. City Council adopts ordinance to levy the special assessment. (City will also create a special fund(s) for the PID).
9. If necessary, City Council holds public hearing and approves additional assessments to correct omissions or mistakes in the improvement costs.
10. If necessary, City Council holds public hearing & passes a resolution dissolving PID; however, the district remains in effect at least to meet its debt obligations.

Does the City have any additional requirements?

Yes. City of Tomball Administrative Policy No. 18 "Development Policy for Special Financing Districts" requires:

1. Residential Development Size--greater than 125 acres unless the average home value is greater than $225, 000.
2. Annual Individual Assessment Limit—no more than the equivalent of a $.50 tax rate on the assessed value of the property.
3. Assessment Term Limit—Not to exceed 10 years. First assessment due 3 years after levy or upon transfer of property from developer to home buyer whichever occurs first.
4. Developer Interest Limit—If bonds are sold, developer earned interest reimbursements will not exceed the net effective interest rate on bonds sold or 8% whichever is less. If bonds are not sold, reimbursement will be calculated according to an indexed-based formula (see Admin Policy 18) or 8% whichever is less.
5. Bidding Requirements—Developers must follow municipal bidding procedures (as outline in Chap 252 TLGC). All bids and awards of contracts must be approved by City Council.
6. District Administration—The City of Tomball will contract with an outside consultant to bill, collect, and track district assessments. This cost will be included in the Service & Assessment Plan and reimbursed from the district.

Other city policies, procedures, and good practices may also effect individual district creation or administration including approval of related contracts and agreements. For example, the City will usually need to enter into a Developer Agreement to detail the responsibilities & obligations of each party related to the Service and Assessment Plan.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:

Adopt, on Second Reading, Ordinance No. 2020-21, an Ordinance of the City Council of Tomball, Texas, Amending Section 8-124 of Its Code of Ordinances to Remove the Use of the Term "Single-Family Residential Platted Lot" and Removing the Requirement that the One-Acre Requirement be Calculated Without Regard to Improvements Existing on the Property; 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:

Prior to the adoption of Zoning in 2008, land use was determined by plat. Since land use is now determined by zoning district, the use of the term "single-family residential platted lot" is no longer valid or necessary. This will also remove the requirement to eliminate structures, pools, etc., from the one-acre area requirement.

Origination:

Community Development Department & City Attorney

Recommendation:

Adopt Ordinance No. 2020-21 on Second Reading

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

Doris Speer, City Secretary

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2020-21

ORDINANCE NO. 2020-21

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING SECTION 8-124 OF ITS CODE OF ORDINANCES TO REMOVE THE USE OF THE TERM "SINGLE-FAMILY RESIDENTIAL PLATTED LOT" AND REMOVING THE REQUIREMENT THAT THE ONE-ACRE REQUIREMENT BE CALCULATED WITHOUT REGARD TO IMPROVEMENTS EXISTING ON THE PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * * * * * * * *

WHEREAS, the City Council of the City of Tomball, Texas has determined it to be in the best interest of the health, safety and welfare of the citizens to remove the term "single-family residential platted lot" from Section 8-124 of it Code of Ordinances; now, therefore:

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

Section 1. The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

Section 2. The Code of Ordinances of the City of Tomball, Texas is hereby amended by deleting from Section 8-124, Keeping Restricted, of Article III, Livestock, of Chapter 8, Animals, the language struckthrough below, Section 8-124 to read as follows:

"**Section 8-124. - Keeping restricted.**

With the exception of agricultural science project centers that are approved by city council, the following restrictions shall apply to all livestock kept within the city:

(1) All livestock kept on land which is immediately adjacent to a single-family residence ~~or a single-family residential platted~~ ~~lot~~ shall be kept in a stable, shed or pen, or a fenced pasture, which stable, shed, pen or fenced pasture shall be at least 100 feet distant from every such single-family residence ~~or single-family residential platted lot~~.

(2) No livestock shall be kept in any pasture or on any lot which is less than one acre (43,560 square feet) in area. The maximum number of animals kept ~~per one-acre area~~ shall not exceed one per acre.

~~(3) For the purposes of determining whether or not the property contains one acre in area, any areas containing a single-family residence or other building, swimming pool or structure, shall not be taken into consideration. The one acre must be devoted entirely to pasture land.~~

(43) If a single-family residence is constructed adjacent to an area where livestock are being kept, the owner of the livestock shall have 60 days in which to comply with the terms of this section. ~~If a tract or parcel of land adjacent to an area where livestock are being kept is platted in single-family residential lots, the owner of the livestock shall have 60 days in which to comply with the terms of this section.~~"

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed $2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF JULY 2020.

COUNCILMAN FORD	AYE
COUNCILMAN STOLL	AYE
COUNCILMAN DEGGES	AYE
COUNCILMAN TOWNSEND	AYE
COUNCILMAN KLEIN QUINN	AYE

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 20TH DAY OF JULY 2020.

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

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:

Consideration to approve **Zoning Case P20-069:** Request by Richard C. James to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District. The property is generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on **Zoning Case P20-069**
- Adopt, on First Reading, Ordinance No. 2020-09, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by changing the zoning district classification of approximately one acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District, said property being generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas; providing for the amendment of the Official Zoning Map of the City; providing for severability; providing for a penalty of an amount not to exceed $2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

On Monday July 13, 2020, after conducting a public hearing, the Planning & Zoning Commission recommended denial of the rezoning request with a 4-1 vote.

Origination:

Richard C. James

Recommendation:

Approval

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2020-09
Notice of Public Hearing
Property Owner Notification
Public Comment Forms
Staff Report

ORDINANCE NO. 2020-09

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY ONE ACRE OF LAND LEGALLY DESCRIBED AS RESERVE B BLOCK 1 BROWN HUFSMITH CHURCH SUBDIVISION, FROM THE SINGLE-FAMILY 6 DISTRICT TO THE OFFICE DISTRICT, SAID PROPERTY BEING GENERALLY LOCATED AT THE SOUTHWEST CORNER OF BROWN ROAD AND BAKER DRIVE, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * * * * * * *

Whereas, Richard C. James has requested that approximately one acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

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

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

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Single-Family 6 to the Office 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 Office 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 Office 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 20TH DAY OF JULY 2020.

COUNCILMAN FORD	_____
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 3RD DAY OF AUGUST 2020.

COUNCILMAN FORD	_____
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)
JULY 13, 2020
&
CITY COUNCIL
JULY 20, 2020

Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 13, 2020, at 6:00 P.M.,** and by the City Council of the City of Tomball on **Monday, July 20, 2020, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P20-069: Request by Richard C. James to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District. The property is generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas.

Zoning Case P20-099: Request by Daniel Rodano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.7958 acres of land legally described as part of Tracts 6A 12A 18A 24A 30A & 36A (AG-use) Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the north side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas.

Zoning Case P20-103: Request by Daniel Valdez with META Planning + Design to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 95.4 acres of land legally described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, Pt Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, Pt Tract 21A (Ag-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, from the Agricultural and Commercial Districts to the Planned Development (PD-14) District. The property is generally located on the south side of Theiss Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street, within the City of Tomball, Harris County, Texas.

Zoning Case P20-104: Request by Jackie Rye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 6 acres of land legally described

as Reserve A-1 Block 1, American Superior Feed Replat, Lots 3, 4, 5 & 6 Block 71, Lots 3, 13, 14, 15, 16, 19 & 20 Block 67 Tomball, from the Old Town & Mixed Use and Light Industrial Districts to the Planned Development (PD-15) District. The property is generally located on the south side of FM 2920 at South Live Oak Street, within the City of Tomball, Harris County, Texas.

Zoning Case P20-105: Request by Whitmeyer's Distilling Co., LLC for a Conditional Use Permit to operate a *soap, detergents, cleaning preparations manufacture* facility. The property is approximately 6.10 acres of land legally described as Lot 14 Block 1 Tomball Business and Technology Park Lot 9 Replat, generally located at the end of Spell Circle at 21250 Spell Circle, within the City of Tomball, Harris County, Texas and is zoned Light Industrial 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 City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **9th** day of **July 2020** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley
Amelia Lindley
City Planner

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

Notice of Public Hearing

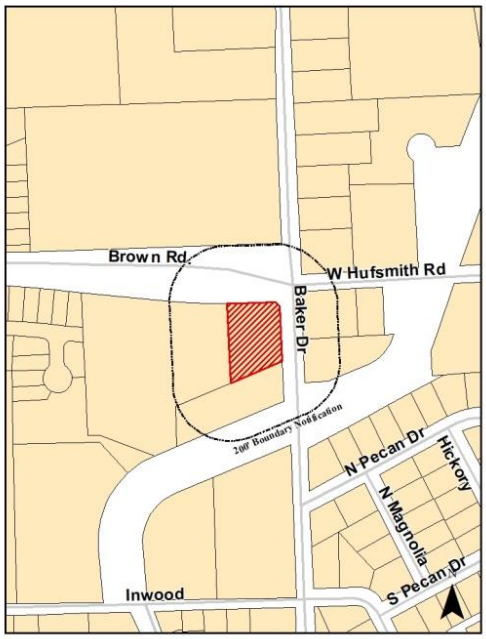
YOU ARE INVITED TO ATTEND the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P20-069

APPLICANT/OWNER: Richard C. James

LOCATION: Generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas.

PROPOSAL: A Re-Zoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1 Acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District.



CONTACT: Amelia Lindley, City Planner
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, July 13, 2020 6:00 PM

City Council Public Hearing:
***Monday, July 20, 2020 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.

Amelia Lindley

From: Gloria Ruppel <gloriaruppel@icloud.com>
Sent: Friday, July 10, 2020 11:41 AM
To: Amelia Lindley
Subject: Fwd: My letter to council

To whom it may concern:

This is my second request regarding the change of zoning request for the property at Baker and Brown.

>>> My husband and I moved to Tomball in 2014 and built a home at 840 Baker Drive. The area is zoned single-family residential and we were drawn to the community of homes and families. We have worked hard to keep the value of the neighborhood up by our home and yard.
>>>
>>> Please do not change the zoning to allow for mixed use development. I believe that our community would be significantly downgraded and the value of our properties decreased by allowing an office building at Baker Drive and Brown Road in an area that is filled with homes.
>>>
In addition to this reason, one only has to look in our immediate vicinity to find empty office spaces still advertising space to lease, such as on Village Square across from the post office. Two new buildings have just been completed, and Rosewood Square also has spaces available.

Since the land owner's property is zoned residential, could he not build homes there, as has been done on Baker at Hicks and on Quinn across from Tomball Elementary? Keep the purpose and integrity of our neighborhood on single family homes instead of downgrading it with an unneeded office building.

>>> Thank you,
>>> Gloria Ruppel
>>>
>>> Sent from my iPad

Amelia Lindley

From: Harry Byrd <hbyrd3105@att.net>
Sent: Saturday, July 11, 2020 11:30 AM
To: Amelia Lindley; Barbara Tague; Barbara Tague
Subject: Subject: Comment on Request for Zoning Change for Property at the South East Corner of Baker Dr and Brown Road

Amelia and Barbara

It is my understanding that the subject property is on the agenda again for Mondays Planning and Zoning commission meeting to rezone the property for the construction of an office building.

Once again, Tommie and I would like to strenuously object to this second attempt . Since the last request , a new residential subdivision is well under construction next to the elementary school and the Church of Jesus Christ of Latter-day Saints, on the south side of Brown road. There is also a residential subdivision on the North Side of Brown and a new Church being built on the Northeast corner of Baker and Brown. Clearly this area is family oriented residential area. An office building would be a huge negative to the neighborhood.

There also seems to be a significant amount of Office Space already available in Tomball, including new construction across from the Tomball Post office.

I would urge the Commission to disapprove this second and hopefully final request, for reasons stated herein.

Thank you for your consideration.

Harry and Tommie Byrd

Amelia Lindley

From: Charlie Middlebrook <charmoll@swbell.net>
Sent: Sunday, July 12, 2020 9:57 PM
To: Amelia Lindley
Subject: Rezoning of Corner of Baker Dr and Hufsmith-Brown

Please add Buck and Beth Holden 507 S Pecan opposed to proposed rezoning.

Thank you, Mollie Middlebrook

Amelia Lindley

From: Pamela Kaiser <pkaiser54@yahoo.com>
Sent: Friday, June 12, 2020 4:38 PM
To: Amelia Lindley
Cc: Mark Stoll
Subject: Change of zoning request

Dear Ms. Lindsey,

Please share this letter with the City Council and the Planning and Zoning Commission before July 13.

My husband and I lived in Tomball off and on since 1972 and are well aware of the benefits Tomball has to offer its citizens. Two years ago we bought our home at 815 Baker Drive. This area is zoned single-family residential use. We take pride in living among other single family residences as we all work hard to keep our home values high.

We are concerned about the possibility of changing the Baker Drive/Brown Road from single family residential to mixed use development. We believe that our community would be significantly downgraded and the value of our homes decreased by allowing an office building to be built in this area.

Please vote to keep Baker Drive/Brown Road single-family residential use as it should be.

Respectfully,

Tommy & Pamela Kaiser

Public Comment Form

(Please type or use black ink)

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

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

Name: LARRY W. TIEDT
(please print)
Address: 534 W. HUFSMITH RD.
TOMBALL, TX. 77375
Signature: Larry W. Tiedt
Date: 4-6-2020

____ I am **FOR** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-069. (Please state reasons below)**

✓ I am **AGAINST** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-069. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, July 13, 2020 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, July 20, 2020, 6:00 PM
City Council Chambers of the City of Tomball, City Hall

COMMENTS

AT THE TIME ZONING WAS APPROVED THE CITY ADMINISTRATIONS STORY WAS THAT ZONING WAS NEEDED TO PREVENT COMMERCIAL INTERESTS FROM INVADING RESIDENTIAL AREAS.

I FEEL THIS PLANNING AND ZONING CATERS ONLY TO COMMERCIAL INTERESTS.

FI THIS PROPERTY SHOULD REMAIN ZONED AS IS.

Amelia Lindley

From: Nancy Heuring <heurinns@gmail.com>
Sent: Wednesday, July 8, 2020 10:20 AM
To: Amelia Lindley
Subject: Rezoning of Property - Brown Road & Baker Drive

Ms. Lindley -

I am emailing you regarding the ***rezoning of the property located at Baker Drive & Brown Road***.

Our family moved to Tomball in 2018 and currently live in the Yaupon Trails Subdivision. We decided on this location because of the small town environment and close knit community. However, we are very concerned about the possible rezoning of the property mentioned above and would like to convey our disapproval of this measure.

Not only will this decrease our home value by building an office space at this location, it will introduce a mixed use development (commercial and residential). There are currently other commercial office spaces advertising vacancies that could be considered. (i.e. Rosewood Professional Bldg @ 990 Village Square)

Please do not change the zoning to allow for commercial office space amongst so many well developed family neighborhoods.

Respectfully,

Nancy Heuring
29903 Anna Trails
Tomball, Tx 77375

Amelia Lindley

From: Charlie Middlebrook <charmoll@swbell.net>
Sent: Sunday, July 12, 2020 4:40 PM
To: Amelia Lindley
Subject: Rezoning of Lot on corner of Baker and Hufsmith-Brown

Effective July 11, 2020 please see the following list of Tomball residents/home owners in and near the Tomball Terrace Subdivision who are AGAINST any rezoning request to change the use of property at corner of Baker Dr and Hufsmith-Brown from single family/residential to commercial/office bldg (any size):

Earle and Bobbie Oldham	610 Inwood
Steve Inzana (Melissa Stokes)	603 Inwood
Geneva Adkisson	500 Inwood
Lucy Harvell	1011 Inwood
Shirley Hrogar	519 Inwood
Charles Haygood	612 N Magnolia
Arzuna and Tobey Polanco	619 N Magnolia
Ross and Fran Moriaty	606 N Magnolia
Tom and Stephanie Smith	602 N Magnolia
Emily Jones	618 N Magnolia
Rick and Melanie Noak	516 S Pecan
Dean and Bedine Robison	515 S Pecan
Luke and Lindsey Schnell	419 S Pecan
Kyle and Kristin Shaffer	407 N Pecan
Dave and Brittany Tegtmeier	614 E Pecan
Allie Fuerst	610 E Pecan
Mike and Allison Jamison	607 E Pecan
Audrey Peschong	418 N Pecan
Karen Martin	519 S Pecan
Pat Visser	506 N Pecan
James and Jean Alexander	602 E Pecan
Sadie Virginia Scott	414 N Pecan
Gayle Odom	514 N Pecan
Mary Coats	422 N Pecan
Teri Dorsey	519 N Pecan
Herb and Paula Bruner	410 N Pecan
Herman and Emily McClinton	407 S Pecan
Troy and Laura Hanks	502 N Pecan
Isaac Sanchez	510 N Pecan
Charlie and Mollie Middlebrook	619 N Hickory
Ivis Schemming	603 N Hickory
George and Sandy Chastain	615 N Hickory
Jack and Carolyn Brewer	611 N Hickory
Jonathan and Darlene Zybala	607 N Hickory
Anthony and Kristi Goodman	618 N Hickory
Jean Soloman	607 Hicks

Our concerns remain the same. We feel any change to business use or multi family residential would negatively affect residential property values and street safety.

Thank you, Mollie Middlebrook

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 13, 2020
City Council Public Hearing Date: July 20, 2020

Rezoning Case:	P20-069
Property Owner(s):	Tejuma Brown Rd., LLC
Applicant(s):	Richard C. James
Legal Description:	Reserve B Block 1 Brown Hufsmith Church Subdivision
Location:	Southwest corner of Brown Road and Baker Drive (Exhibit "A")
Area:	1 acre
Comp Plan Designation:	Neighborhood Residential (Exhibit "B")
Present Zoning and Use:	Single-Family 6 District (Exhibit "C") / Undeveloped (Exhibit "D")
Proposed Use(s):	Office(s) (Exhibit "D")
Request:	Rezone from the Single-Family 6 District to the Office District

Adjacent Zoning & Land Uses:

North: Single-Family 9 District / Redeemer Church (under construction)

South: Single-Family 6 District / Drainage channel

West: Single-Family 6 District / The Church of Jesus Christ of Latter-day Saints

East: Single-Family 6 District / Single-family residences

BACKGROUND

Representatives of the property owner reached out to City Staff regarding the use of the property in early 2020. After the request was first presented to the Planning & Zoning Commission on May 11, 2020, the applicant requested to postpone the rezoning.

ANALYSIS

The property is currently zoned Single-Family 6 District. Surrounding properties are zoned Single-Family 20 Estate, Single-Family 9 and Single-Family 6, however, most of the surrounding land uses are non-residential. There are two churches and a drainage channel in the immediate area and an assisted living business, daycare, and elementary school close by. There are a few single-family residences across Baker Drive.

According to Section 50-75, the purpose of the Office District is "to create an appropriate setting for low intensity office and professional uses. The district can be used as a transition district between residential uses and more intense uses, and with appropriate buffers and landscaping, this

district may be located in close proximity to residential districts." Uses permitted in the Office District should not create excess noise, traffic or late-night hours of operation.

Since there are existing non-residential uses in the area, the Office Zoning District would provide a transition district between the non-residential uses and the residences along Baker Drive. Baker Drive also offers a buffer from the existing non-residential uses, as well as any potential non-residential development on the subject site. Uses permitted in the Office District are typically low intensity and the district requirements protect neighboring residences. If the site requires parking lot lighting, the Code of Ordinances requires zero spill-over onto adjacent residential properties. Non-residential uses are also required to provide landscaping along the streets as well as in the parking areas.

The property is designated as Neighborhood Residential by the Comprehensive Plan Future Land Use Map. This category is intended for single-family detached dwellings. The proposed rezoning is not compatible with the Future Land Use Map's designation, however, the Comprehensive Plan also states that "limited commercial services…that do not require large parking lots would be appropriate where residential collector streets meet arterials".

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on June 26, 2020. A Notice of Public Hearing was published in the paper on June 24, 2020. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P20-069.

EXHIBITS

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

Exhibit "A"
Aerial Photo

Exhibit "B"
Comprehensive Plan

Exhibit "C"
Zoning Map

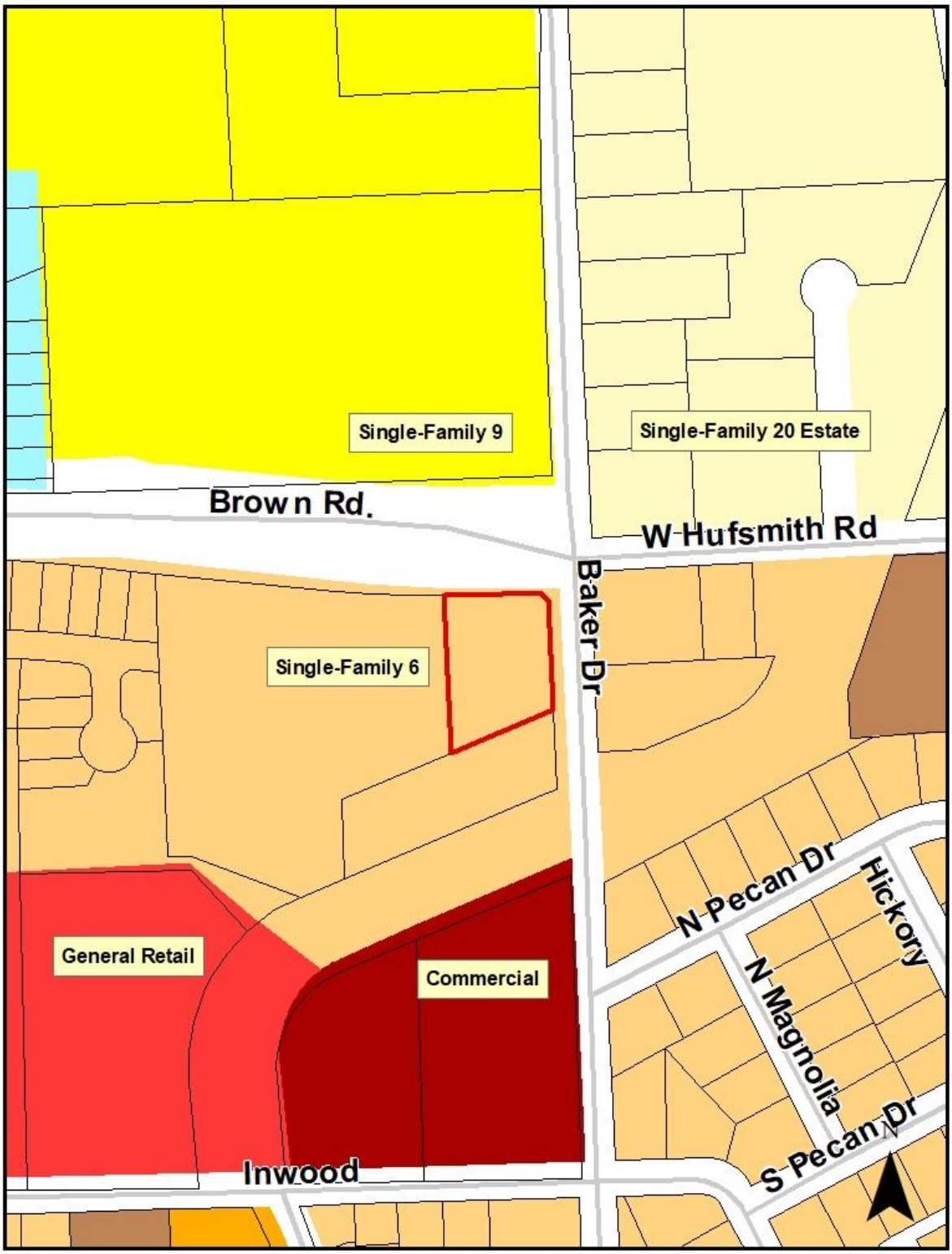


Exhibit "D"
Site Photos

RECEIVED (KC)
03/30/2020 2:23:11 PM

Revised 5/19/15
P&Z #20-069
$400.00

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: RICHARD C JAMES Title: Attorney for Owner
Mailing Address: 719 SAWDUST RD, STE 300 City: THE WOODLANDS State: TX
Zip: 77380
Phone: (713) 389-5755 Fax: (713) 389-5756 Email: RICHARD@RCJLAWFIRM.COM

Owner
Name: TEJUMA BROWN RD LLC Title:
Mailing Address: 20703 SUNDANCE SPRINGS LN City: SPRING State: TX
Zip: 77379
Phone: ( ) Fax: ( ) Email:

Engineer/Surveyor (if applicable)
Name: Title:
Mailing Address: City: State:
Zip:
Phone: ( ) Fax: ( ) Email:

Description of Proposed Project: PROFESSIONAL AND GENERAL BUSINESS OFFICE AND/OR MEDICAL (NON-EMERGENCY) SUITES

Physical Location of Property: SW CORNER OF BROWN RD / BAKER DR / W HUFSMITH RD CONFLUENCE
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Unrestricted Reserve B of Brown-Hufsmith Church Subdivision File # RP-2017-208595
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-6 SINGLE FAMILY

Current Use of Property: INVESTMENT

Proposed Zoning District: OFFICE

Proposed Use of Property: PROFESSIONAL AND GENERAL BUSINESS OFFICE USE

HCAD Identification Number: 1387630010002 Acreage: 1.0

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 _____ 3/24/2020

Signature of Applicant **Date**

X _____ March 30, 2020

Signature of Owner Juan I. Martinez, Authorized Member of Owner **Date**

JAMES LAW FIRM, P.L.L.C.

Richard C. James
719 Sawdust Road
Suite 300
The Woodlands, Texas 77380

Phone (713) 389-5755
Fax (713) 389-5756
richard@rcjlawfirm.com
www.rcjlawfirm.com

March 30, 2020

City of Tomball
Planning & Zoning Commission
501 James Street
Tomball, Texas 77375

Attn: Ms. Amelia Lindley
City Planner, City of Tomball
E: alindley@tomballtx.gov

Re: Request for a Zoning Ordinance Change
1.0-acre property: Property ID No. 1387630010002
0 Brown Road
Tomball, Texas 77375

Dear Ms. Lindley,

On behalf of the current owner, TEJUMA BROWN ROAD LLC, I request a Zoning Ordinance change to the above-referenced property.

The property was originally purchased on August 13, 2013 encompassing 15.27-acres. Since acquisition, all this property, except the above-referenced 1-acre property, has been sub-divided and sold to different landowners. Specifically, Tejuma sold 5.0474 acres to the Church of Jesus Christ and the Latter Day Saints, for a church, an acceptable use in SF-6 zoning. Further, Tejuma transferred 9.2191 acres at the intersection of Quinn and West Hufsmith to Brown Road, LLC for a residential subdivision. The remaining undeveloped property is a 1-acre parcel at the southwest intersection of Brown Road and Baker Drive. The property resides within the Tomball city limits and is currently zoned for single-family use, SF-6; however, this zoning really no longer fits a 1-acre property.

Going forward, my request for a zoning change is an attempt to convert the 1.0-acre property from Single-Family to Office District. This request is supported by the following reasons:

1) Historic zoning may have made sense many years ago; however, surrounding land uses and traffic patterns have evolved over the years.
2) I am aware of a previous attempt to change this particular parcel of land to Commercial District in 2017. It is my understanding that a convenience store / fuel station was proposed on the property. The proposed use change was met with nearby resident opposition.
3) Due to the sensitivities of the residents, the Owner believes that re-zoning the property to Office District is a favorable use given the historical evidence. As the Office District provisions state, the use creates an appropriate setting for low density, low volume vehicular traffic and is suitable as a transition district between residential uses and business uses, with appropriate buffers, landscaping, and building height restrictions.
4) The ordinance change to Office District may alleviate the residents' previous concerns related to an unsightly use, structure, lighting, noise, traffic, and other undesired issues.
5) The ordinance change to Office District will enable the Owner to pursue a development strategy that aligns with the City's ordinance provisions.
6) As it relates to the City's Zoning Matrix, rezoning to Office District aligns with the Owner's vision for the property, with the intent is to develop the tract according to the following permitted uses:

a. Office, professional and general business
b. Clinic, medical and/or dental (non-emergency)

7) Rezoning to Office District may attract a variety of professional businesses and services to the area, and the surrounding community will likely benefit.
8) Rezoning to Office District is appropriate given the surrounding residences and the more recent transition of uses in the immediate area.
9) Assuming that the Owner follows through with the development plan, rezoning to Office District will generate new tax revenue sources for the City of Tomball and Harris County.

I appreciate the opportunity to submit this Zoning Ordinance change request. Please do not hesitate to contact me if there are any questions related to the property and/or request.

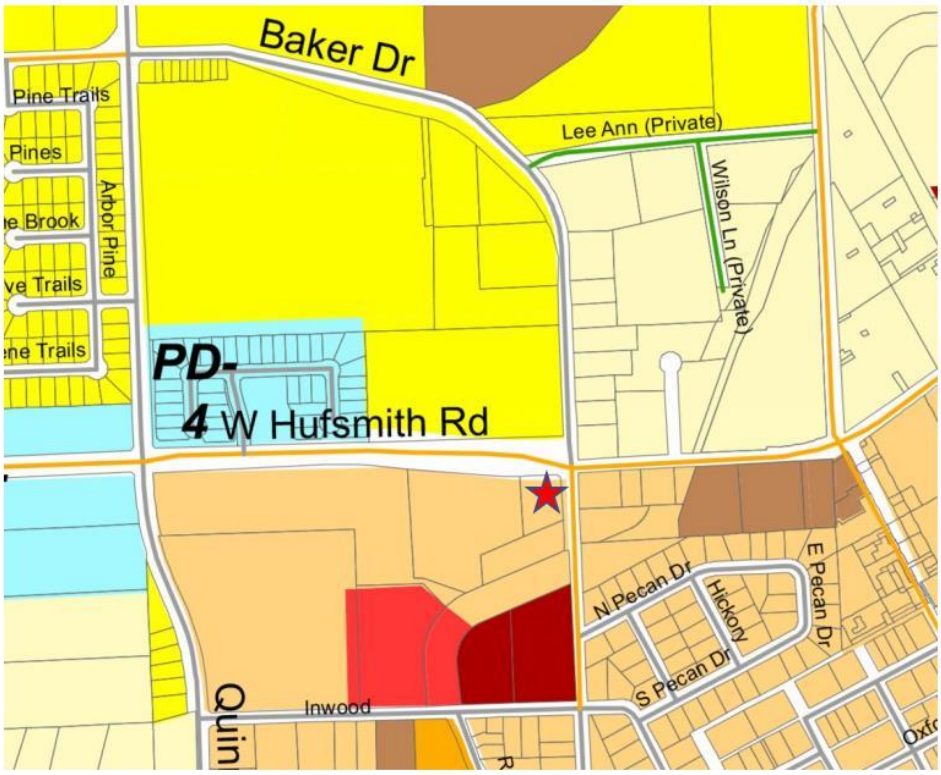
Sincerely,

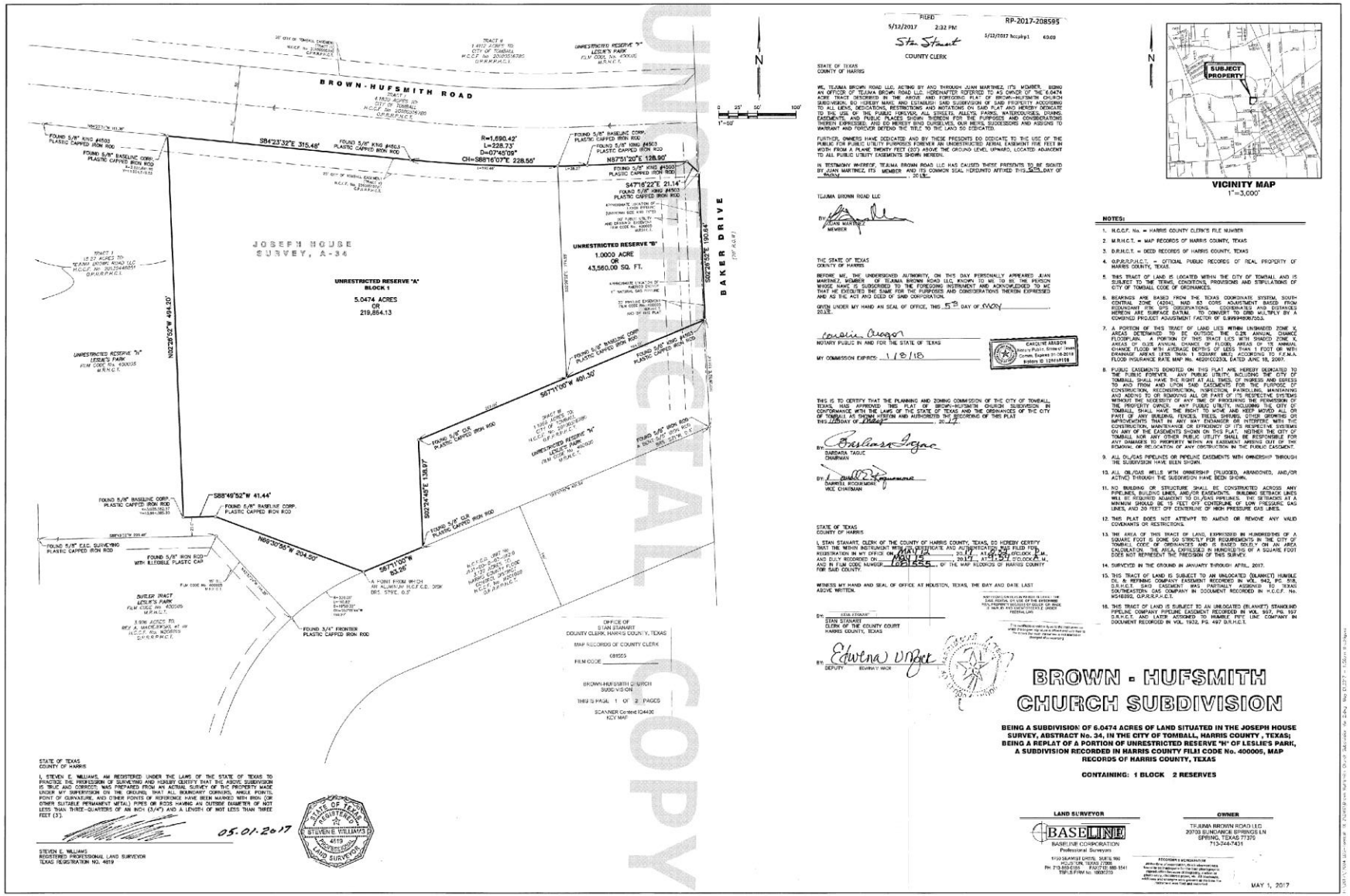
R James

Richard C. James

Enclosures: Zoning Map Exhibit – Subject Property
Application for Rezoning and its enclosures for the Application

Zoning Map Exhibit – Subject Property
1.0-acre property: Property ID No. 1387630010002


Baker Dr
Pine Trails
Pines
Arbor Pine
Brook
Trails
Trails
Lee Ann (Private)
Wilson Ln (Private)
PD-
4 W Hufsmith Rd
N Pecan Dr
Hickory
E Pecan Dr
S Pecan Dr
Inwood



UNOFFICIAL COPY

FILED
5/12/2017 2:32 PM
RP-2017-208595
Stan Stanart
COUNTY CLERK
5/12/2017 hccplrp1 60.00

STATE OF TEXAS
COUNTY OF HARRIS

WE, TEJUMA BROWN ROAD LLC, ACTING BY AND THROUGH JUAN MARTINEZ, ITS MEMBER, BEING AN OFFICER OF TEJUMA BROWN ROAD LLC HEREINAFTER REFERRED TO AS OWNER OF THE 6.0474 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF BROWN-HUFSMITH CHURCH SUBDIVISION, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

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

IN TESTIMONY WHEREOF, TEJUMA BROWN ROAD LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY JUAN MARTINEZ, ITS MEMBER AND ITS COMMON SEAL HEREUNTO AFFIXED THIS 5th DAY OF May, 20 17.

TEJUMA BROWN ROAD LLC

BY: _____
JUAN MARTINEZ
MEMBER

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JUAN MARTINEZ, MEMBER OF TEJUMA BROWN ROAD LLC, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AN SEAL OF OFFICE, THIS 5th DAY OF May, 2017.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: 1/8/18

CAROLINE ARASON
Notary Public, State of Texas
Comm. Expires 01-08-2018
Notary ID 12944108

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT OF BROWN-HUFSMITH CHURCH SUBDIVISION IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS 15th DAY OF May, 20 17.

BY: _____
BARBARA TAGUE
CHAIRMAN

BY: _____
DARRELL ROSENBERG
VICE CHAIRMAN

STATE OF TEXAS
COUNTY OF HARRIS

I, STAN STANART, CLERK OF THE COUNTY OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE AND AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON May 15, 2017, AT 1:57 O'CLOCK P.M., AND DULY RECORDED ON May 15, 2017, AT 1:57 O'CLOCK P.M., AND IN FILM CODE NUMBER 689555 OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

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

BY: _____
STAN STANART
CLERK OF THE COUNTY COURT
HARRIS COUNTY, TEXAS

BY: _____
DEPUTY

OFFICE OF
STAN STANART
COUNTY CLERK, HARRIS COUNTY, TEXAS
MAP RECORDS OF COUNTY CLERK
FILM CODE 689555
BROWN-HUFSMITH CHURCH SUBDIVISION
THIS IS PAGE 1 OF 2 PAGES
SCANNER Contrast IQ440K
KEY MAP

VICINITY MAP
1"=3,000'

NOTES:

1. H.C.C.F. No. = HARRIS COUNTY CLERK'S FILE NUMBER
2. M.R.H.C.T. = MAP RECORDS OF HARRIS COUNTY, TEXAS
3. D.R.H.C.T. = DEED RECORDS OF HARRIS COUNTY, TEXAS
4. O.P.R.R.P.H.C.T. = OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS
5. THIS TRACT OF LAND IS LOCATED WITHIN THE CITY OF TOMBALL AND IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS AND STIPULATIONS OF CITY OF TOMBALL CODE OF ORDINANCES.
6. BEARINGS ARE BASED FROM THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83 CORS ADJUSTMENT BASED FROM REDUNDANT RTK GPS OBSERVATIONS. COORDINATES AND DISTANCES HEREON ARE SURFACE DATUM. TO CONVERT TO GRID MULTIPLY BY A COMBINED PROJECT ADJUSTMENT FACTOR OF 0.99988080703553.
7. A PORTION OF THIS TRACT OF LAND LIES WITHIN UNSHADED ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. A PORTION OF THIS TRACT LIES WITH SHADED ZONE X, AREAS OF 0.2% ANNUAL CHANCE OF FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP No. 48201C0235, DATED JUNE 18, 2007.
8. PUBLIC EASEMENTS DEDICATED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT; NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
9. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
10. ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
11. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 20 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
12. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
13. THE AREA OF THIS TRACT OF LAND, EXPRESSED IN HUNDREDTHS OF A SQUARE FOOT IS DONE SO STRICTLY FOR REQUIREMENTS IN THE CITY OF TOMBALL CODE OF ORDINANCES AND IS BASED SOLELY ON AN AREA CALCULATION. THE AREA, EXPRESSED IN HUNDREDTHS OF A SQUARE FOOT DOES NOT REPRESENT THE PRECISION OF THIS SURVEY.
14. SURVEYED IN THE GROUND IN JANUARY THROUGH APRIL, 2017.
15. THIS TRACT OF LAND IS SUBJECT TO AN UNLOCATED (BLANKET) HUMBLE OIL & REFINING COMPANY EASEMENT RECORDED IN VOL. 942, PG. 518, D.R.H.C.T. SAID EASEMENT WAS PARTIALLY ASSIGNED TO TEXAS SOUTHEASTERN GAS COMPANY IN DOCUMENT RECORDED IN H.C.C.F. No. M546892, O.P.R.R.P.H.C.T.
16. THIS TRACT OF LAND IS SUBJECT TO AN UNLOCATED (BLANKET) STANOLIND PIPELINE COMPANY PIPELINE EASEMENT RECORDED IN VOL. 997, PG. 197 D.R.H.C.T. AND LATER ASSIGNED TO HUMBLE PIPE LINE COMPANY IN DOCUMENT RECORDED IN VOL. 7932, PG. 497 D.R.H.C.T.

BROWN - HUFSMITH CHURCH SUBDIVISION

BEING A SUBDIVISION OF 6.0474 ACRES OF LAND SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT No. 34, IN THE CITY OF TOMBALL, HARRIS COUNTY , TEXAS; BEING A REPLAT OF A PORTION OF UNRESTRICTED RESERVE "A" OF LESLIE'S PARK, A SUBDIVISION RECORDED IN HARRIS COUNTY FILM CODE No. 400005, MAP RECORDS OF HARRIS COUNTY, TEXAS

CONTAINING: 1 BLOCK 2 RESERVES

STATE OF TEXAS
COUNTY OF HARRIS

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

05.01.2017

STEVEN E. WILLIAMS
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4519

STATE OF TEXAS
REGISTERED
STEVEN E. WILLIAMS
4519
PROFESSIONAL
LAND SURVEYOR

LAND SURVEYOR

BASELINE
BASELINE CORPORATION
Professional Surveyors
9100 SOUTHWEST FREEWAY, SUITE 160
HOUSTON, TEXAS 77074
Ph: 713-863-0355 FAX: 713-863-1541
TBPLS FIRM No. 10093703

OWNER

TEJUMA BROWN ROAD LLC
20703 SUNDANCE SPRINGS LN
SPRING, TEXAS 77379
713-744-7431

MAY 1, 2017

TAX CERTIFICATE

ANN HARRIS BENNETT
HARRIS COUNTY TAX ASSESSOR-COLLECTOR
1001 PRESTON, SUITE 100
HOUSTON, TEXAS 77002

Issued To:
TEJUMA BROWN ROAD LLC
20703 SUNDANCE SPRINGS LN
SPRING , TX 77379-8224

Legal Description
RES H BLK 1
LESLIES PARK

Parcel Address: 0 BROWN RD
Legal Acres: 15.2700

<--- ---->

Account Number: 119-522-001-0008
Certificate No: 12085586
Certificate Fee: $10.00

Print Date: 05/04/2017
Paid Date:
Issue Date: 05/04/2017
Operator ID: DPURSLEY

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2016. ALL TAXES ARE PAID IN FULL.

Exemptions:

Certified Owner:
TEJUMA BROWN ROAD LLC
20703 SUNDANCE SPRINGS LN
SPRING , TX 77379-8224

2016 Value:	1,230,548
2016 Levy:	$14,519.30
2016 Levy Balance:	$0.00
Prior Year Levy Balance:	$0.00
Total Levy Due:	$0.00
P&I + Attorney Fee:	$0.00
Total Amount Due:	$0.00

Certified Tax Unit(s):
40 Harris County
41 Harris County Flood Control Dist
42 Port of Houston Authority
43 Harris County Hospital District
44 Harris County Dept. of Education
45 Lone Star College System
83 City of Tomball
679 Emergency Service Dist #8 (E.M.S.)

Reference (GF) No.(s):
Issued By:
ANN HARRIS BENNETT
HARRIS COUNTY TAX ASSESSOR-COLLECTOR

OFFICE OF
STAN STANART
COUNTY CLERK, HARRIS COUNTY, TEXAS
MAP RECORDS OF COUNTY CLERK
FILM CODE 681556
BROWN-HUFSMITH CHURCH
SUBDIVISION
THIS IS PAGE 2 OF 2 PAGES
SCANNER Context IQ4400

53.1.80

TAX CERTIFICATE FOR ACCOUNT : 1195220010008 — PAGE 1 OF 1
AD NUMBER: 1195220010008
GF NUMBER:
CERTIFICATE NO : 2182721
DATE : 5/5/2017
FEE : $10.00

COLLECTING AGENCY
Brian Ludwig
PO Box 276
Tomball TX 77377-0276

PROPERTY DESCRIPTION
RES H BLK 1LESLIES PARK

0000000 BROWN RD
15.27 ACRES

REQUESTED BY
MARCO LOPEZ

TX

PROPERTY OWNER
TEJUMA BROWN ROAD LLC

20703 SUNDANCE SPRINGS LN
SPRING TX 773798224

THIS IS TO CERTIFY THAT THE AD VALOREM RECORDS OF THE TOMBALL ISD TAX ASSESSOR-COLLECTOR REFLECT THE TAX, INTEREST, AND OTHER STATUTORY FEES THAT HAVE BEEN ASSESSED AND ARE NOW DUE TO THE TAXING ENTITIES AND FOR THE YEARS SET OUT BELOW FOR THE DESCRIBED PROPERTY HEREIN. THE TAX ASSESSOR-COLLECTOR MAKES NO CERTIFICATION AS TO THE AMOUNT OF TAX, PENALTY, INTEREST, OR OTHER FEES ASSESSED BY OR DUE ANY TAXING ENTITY FOR THE YEAR OR YEARS FOR WHICH THE TAX ASSESSOR-COLLECTOR DID NOT HAVE THE STATUTORY DUTY TO COLLECT OR KEEP RECORDS OF SUCH COLLECTION. ADDITIONAL TAXES MAY BECOME DUE ON THE DESCRIBED PROPERTY, WHICH ARE NOT REFLECTED HEREIN, IF THE SAID DESCRIBED PROPERTY HAS OR IS RECEIVING ANY SPECIAL STATUTORY VALUATIONS THAT MAY TRIGGER TAX ROLLBACK PROVISIONS. THIS CERTIFICATE APPLIES TO ADVALOREM TAXES ONLY AND DOES NOT APPLY TO ANY SPECIAL ASSESSMENT LEVIES.

CURRENT VALUES

LAND MKT VALUE:	1,230,548	IMPROVEMENT :	0
AG LAND VALUE:	0	DEF HOMESTEAD:	0
APPRAISED VALUE:	1,230,548	LIMITED VALUE:	0
EXEMPTIONS:			
LAWSUITS:			

YEAR	TAX UNIT	LEVY	PEN	INT	DEF INT	ATTY	AMOUNT DUE
2016	TOMBALL I.S.D.	0.00	0.00	0.00	0.00	0.00	0.00
						2016 SUB TOTAL	$0.00

TOTAL CERTIFIED TAX DUE 5/2017 : $ 0.00

ISSUED TO : MARCO LOPEZ
ACCOUNT NUMBER: 1195220010008

CERTIFIED BY : TOMBALL I.S.D.

This is a statement from the Tax Collector of Tomball I.S.D., indicating that the taxes to be imposed by Tomball Independent School District for the 2017 tax year have not been calculated as of the above date.

UNOFFICIAL COPY

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:

Consideration to approve **Zoning Case P20-105:** Request by Whitmeyer's Distilling Co., LLC for a Conditional Use Permit to operate a soap, detergents, cleaning preparations manufacture facility. The property is approximately 6.10 acres of land legally described as Lot 14 Block 1 Tomball Business and Technology Park Lot 9 Replat, generally located at the end of Spell Circle at 21250 Spell Circle, within the City of Tomball, Harris County, Texas and is zoned Light Industrial District.

- Conduct Public Hearing on **Zoning Case P20-105**
- Adopt, on First Reading, Ordinance No. 2020-17, 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 Whitmeyer's Distilling Co., LLC to Operate a "Soap, Detergents, Cleaning Preparations Manufacture" Facility; Said Property being Approximately 6.10 Acres of Land legally described as Lot 14 Block 1 Tomball Business and Technology Park Lot 9 Replat, within the City of Tomball, Harris County, Texas, generally located at the End of Spell Circle at 21250 Spell Circle, and is Zoned Light Industrial District; 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

Background:

On Monday July 13, 2020, after conducting a public hearing, the Planning & Zoning Commission recommended approval of the rezoning request with a 5-0 vote.

Origination:

Whitmeyer's Distilling Co., LLC

Recommendation:

Adopt Ordinance No. 2020-17 on First Reading

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2020-17
Staff Report
Notice of Public Hearing
Property Owner Notification

ORDINANCE NO. 2020-17

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 WHITMEYER'S DISTILLING CO., LLC TO OPERATE A "SOAP, DETERGENTS, CLEANING PREPARATIONS MANUFACTURE" FACILITY; SAID PROPERTY BEING APPROXIMATELY 6.10 ACRES OF LAND LEGALLY DESCRIBED AS LOT 14 BLOCK 1 TOMBALL BUSINESS AND TECHNOLOGY PARK LOT 9 REPLAT, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, GENERALLY LOCATED AT THE END OF SPELL CIRCLE AT 21250 SPELL CIRCLE, AND IS ZONED LIGHT INDUSTRIAL DISTRICT; 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.

* * * * * * * * *

Whereas, Whitmeyer's Distilling Co., LLC, has requested a CUP to operate a "*soap, detergents, cleaning preparations manufacture*" facility on approximately 6.10 acres of land legally described as Lot 14 Block 1 Tomball Business and Technology Park Lot 9 Replat, generally located at the end of Spell Circle at 21250 Spell Circle, in the City of Tomball, Harris County, Texas, (the "Property"), 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 CUP; 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 CUP; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested CUP; 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 CUP, the City Council held the public hearing for the requested CUP 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 CUP.

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. A CUP to operate a "*soap, detergents, cleaning preparations manufacture*" facility at the Property and subject to the terms and conditions set forth below is hereby granted to Whitmeyer's Distilling Co., LLC.

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the CUP authorized for the Property, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the CUP authorized.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the CUP as herein provided.

Section 5. The CUP granted hereby shall be null and void after the expiration of two (2) years from the date of adoption hereof unless the Property is being used in accordance with the CUP herein authorized within said two-year period, or unless an extension of time is approved by City Council.

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.

Section 7. In the event any 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, whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF JULY 2020.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN 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 3RD DAY OF AUGUST 2020.

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

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

Conditional Use Permit (CUP) Staff Report

Planning & Zoning Commission Public Hearing Date: July 13, 2020
City Council Public Hearing Date: July 20, 2020

Rezoning Case:	P20-105
Property Owner(s):	Nickson Tomball Industrial LTD
Applicant(s):	Whitmeyer's Distilling Co., LLC
Legal Description:	Lot 14 Block 1 Tomball Business and Technology Park Lot 9 Replat
Location:	End of Spell Circle at 21250 Spell Circle (Exhibit "A")
Area:	6.10 acres
Comp Plan Designation:	Business Park & Industrial (Exhibit "B")
Present Zoning and Use:	Light Industrial District (Exhibit "C") / Office/warehouse facility (Exhibit "D")
Proposed Use(s):	Hand sanitizer manufacturing and distribution (Exhibit "E")
Request:	Conditional Use Permit (CUP) to allow the operation of a *soap, detergents, cleaning preparations manufacture* facility

Adjacent Zoning & Land Uses:

North: Single-Family 20 Estate and Light Industrial District / Undeveloped & single-family residence

South: Light Industrial District / Undeveloped & Suez

West: Light Industrial District / Office/warehouse facility

East: Light Industrial District / Undeveloped & construction company (Creacom, Inc.)

BACKGROUND

City staff met with the applicant to discuss the lease of an existing building on the subject site for the manufacturing and distribution of hand sanitizer.

ANALYSIS

According to Section 50-81 (f) of the Chapter 50 (Zoning), when considering applications for a CUP, the City shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on and the compatibility of the use with surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Specific considerations shall include the extent to which:

1. **The proposed use at the specified location is consistent with the goals, objectives, and policies contained in the adopted Comprehensive Plan;**

   The Comprehensive Plan identifies the subject site as Business Park & Industrial. According to Chapter 4 (Vision) of the Comprehensive Plan, the intent and character of the Business Park & Industrial category is "to create opportunities for employment". The proposed land use would not only bring jobs to the City, but also provide a much-needed product. Furthermore, light manufacturing is an appropriate land use type in this area.

2. **The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;**

   According to the Zoning Ordinance, "a conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions."

   According to Section 50-78, "the Light Industrial District is intended primarily for the conduct of light manufacturing, assembling and fabrication activities and for warehousing, research and development, wholesaling and service operations". The proposed land use meets the purpose and intent of the Light Industrial Zoning District.

3. **The proposed use meets all supplemental standards specifically applicable to the use as set forth in the Zoning Ordinance;**

   Should the CUP application be approved by City Council, the applicant will be required to submit a building plan application and supporting documents to the City for review and approval. Specific details of site modifications will be shown at the time of plan review.

4. **The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts;**

   The proposed use appears to be compatible with the adjacent developments. The property is located within the Tomball Business and Technology Park where there are many light industrial uses.

5. **The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.**

   Staff does not anticipate any adverse effects on surrounding properties.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on June 25, 2020. A Notice of Public Hearing was published in the paper on July 1, 2020. Any

public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P20-105.

EXHIBITS

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

Exhibit "A"
Aerial Photo

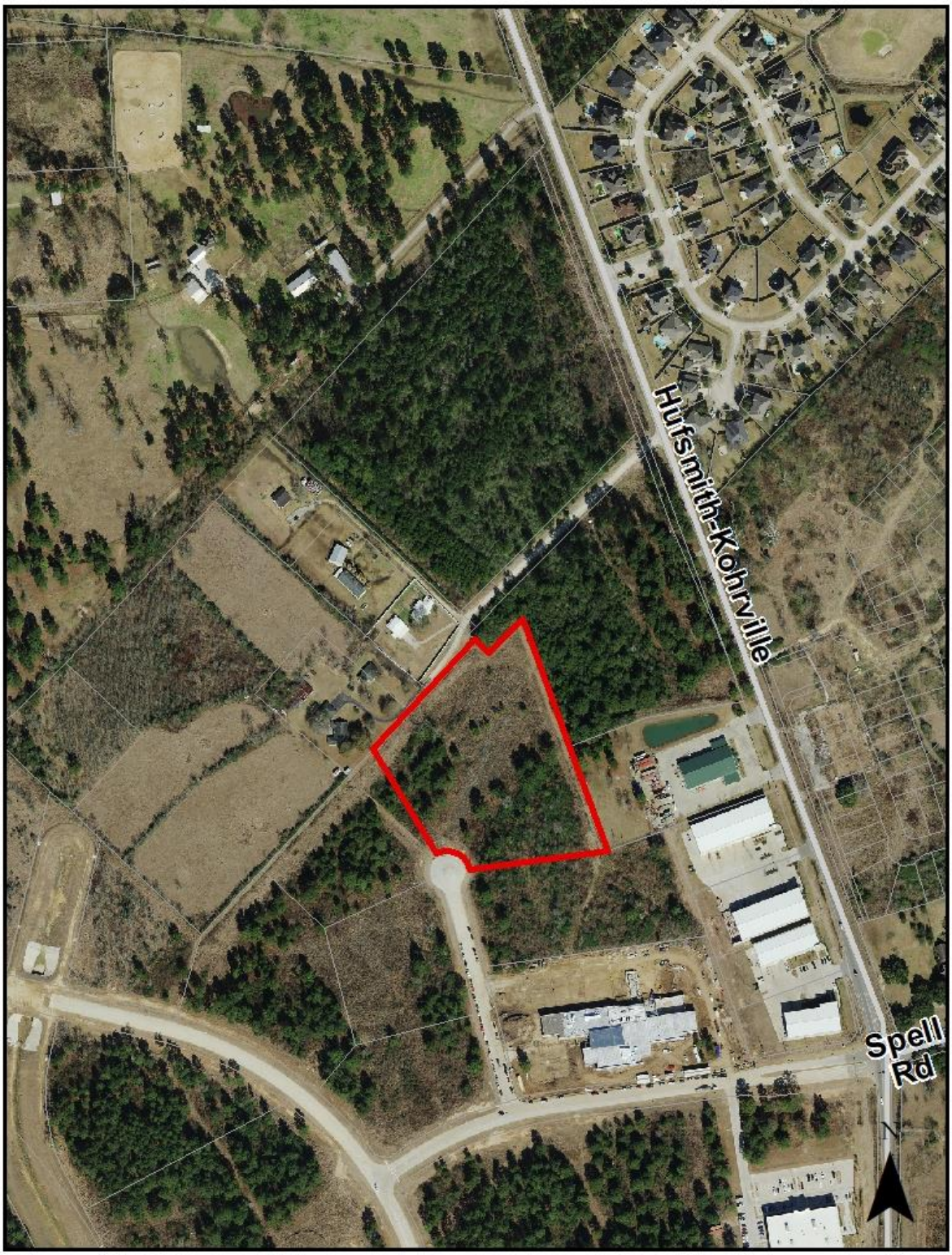


Exhibit "B"
Comprehensive Plan

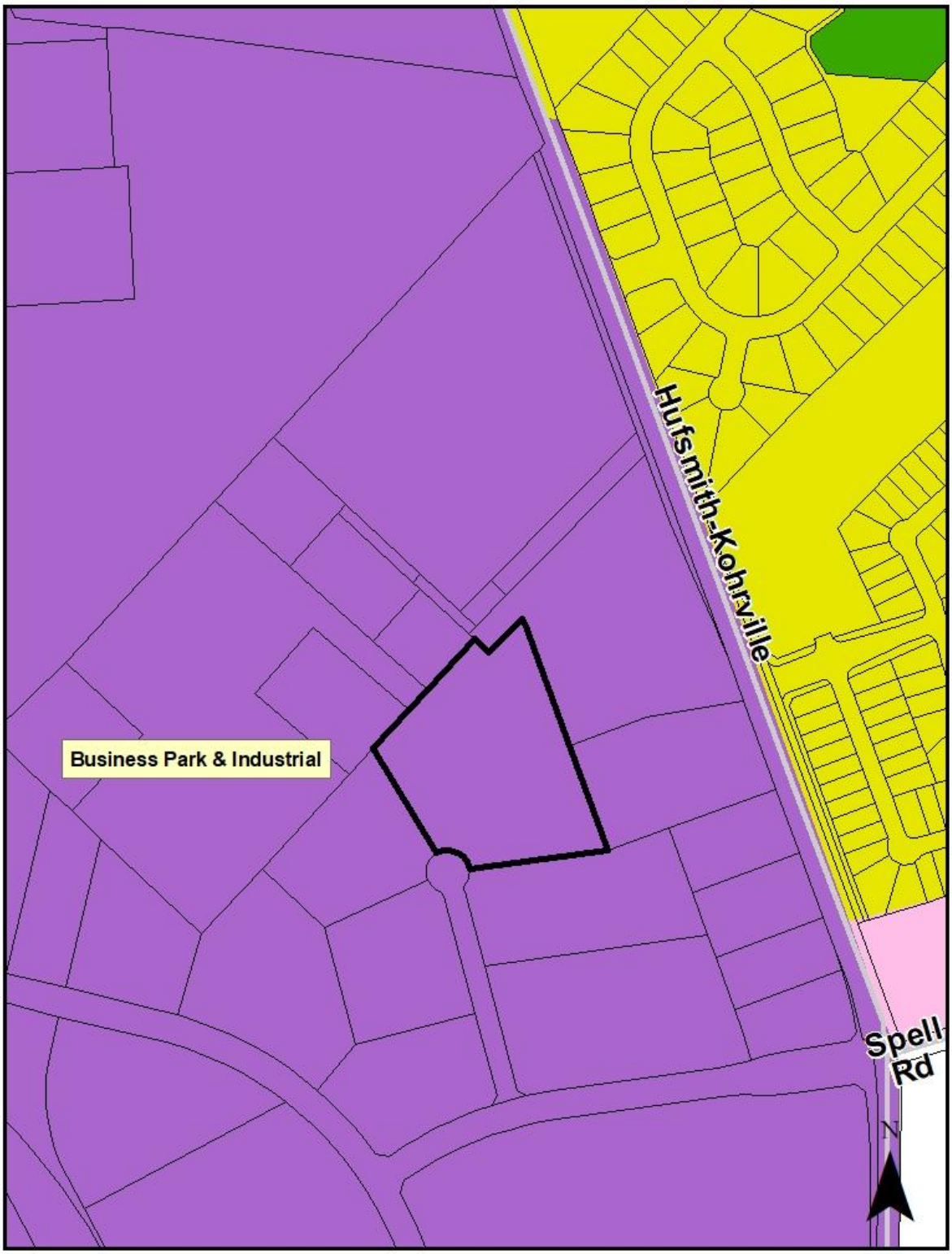


Exhibit "C"
Zoning Map

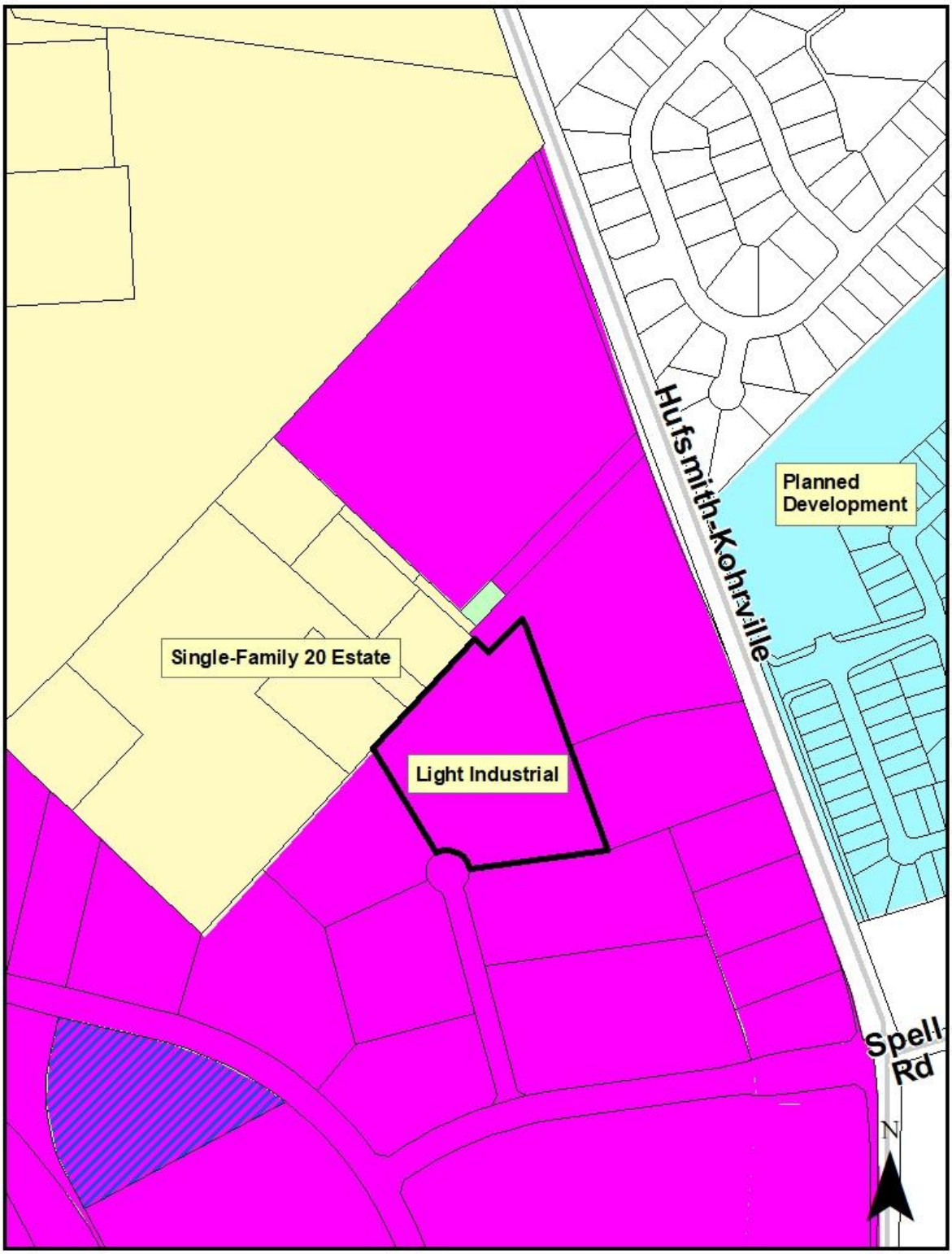


Exhibit "D"
Site Photo

Exhibit "E"
CUP Application

RECEIVED (KC)
06/05/2020 9:59:39 AM

Revised 4/24/2020

P&Z #20-105
$600.00

APPLICATION FOR CONDITIONAL USE PERMIT

Planning Division

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

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: WHITMEYER'S DISTINCTIVE CO. LLC Title:
Mailing Address: 16711 Houston St. City: Houston State: TX
Zip: 77066 Contact: TRAVIS WHITMEYER - PRESIDENT
Phone: (____) Email: travis@whitmeyers.com

Owner NICKSON Tomball Industrial Ltd

Name: by CHARLES NICKSON Pres Title:
Mailing Address: 2807 EAST GROVE LN. City: HOUSTON State: TX
Zip: 77027 Contact:
Phone: (713) 961-4400 Email: CNICKSON@MSN.COM

Engineer/Surveyor (if applicable)

Name: Title:
Mailing Address: City: State:
Zip: Contact:
Phone: (____) Fax: (____) Email:

Description of Proposed Project: HAND SANITIZER PRODUCTION FACILITY

Physical Location of Property: 21250 SPOEL CIRCLE TOMBALL, TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property:
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lot/Block]

City of Tomball, Texas 501 James Street – Tomball, Texas 77375 Phone: 281-290-1405 www.ci.tomball.tx.us

Revised: 4/24/2020

HCAD Identification Number: _____ Acreage: _____

Current Use of Property: _____

Proposed Use of Property: HAND SANITIZER PRODUCTION

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 _____ 6/5/2020
Signature of Applicant Date

X _____ 6/5/2020
Signature of Owner Date

City of Tomball, Texas 501 James Street – Tomball, Texas 77375 Phone: 281-290-1405 www.ci.tomball.tx.us

E.L.I. land design, LLC

P.O. Box 133264
The Woodlands, Texas 77393
office: 281.359.2810
fax: 281.359.2832
www.elilandesign.com

- site design and planning
- construction documentation, management and budgeting

CHRISTOPHER A. NICKSON — REGISTERED LANDSCAPE ARCHITECT — STATE OF TEXAS

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sheet title: PLANTING PLAN

project: SPELL CIRCLE BUSINESS PARK

client information: CHARLES NICKSON, 2807 EASTGROVE LANE, HOUSTON, TX 77027

project location: 21250 SPELL CIRCLE, TOMBALL, TX 77375

phase: 100% FOR PERMIT
date: 05.24.18
author: ML
file: SPELL.dwg
plot style: ELI.ctb
contact author for plot style if missing

original scale: 1" = 30'-0"
original size: 36" x 24"
sheet: L1.0

revisions:
7/26/18 STREET TREE #2 ADDED
LANDSCAPE BUFFER NOTES

STATE OF TEXAS
COUNTY OF HARRIS

We, Tomball Economic Development Corporation, acting by and through Gretchen Fagan, President of the Board of Directors, being an officer of Tomball Economic Development Corporation, a Texas corporation, and Nickson Tomball Industrial, Ltd., a Texas limited partnership, acting by and through its General Partner Tora Builders L.L.C., a Texas limited liability company, acting by and through Charles G. Nickson, Manager of Tora Builders L.L.C., owners hereinafter referred to as Owners (whether one or more) of the 25.1176 acre tract described in the above and foregoing plat of TOMBALL BUSINESS AND TECHNOLOGY PARK LOT 9 REPLAT, do hereby make such subdivision and plat of said TOMBALL BUSINESS AND TECHNOLOGY PARK LOT 9 REPLAT, do hereby adopt said subdivision and plat designating the hereon shown streets and alleys for the purpose of all fires, dedications, restrictions, and notations on said plat and do hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places thereon shown for the purposes and considerations therein expressed and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional seven feet, six inches (7'6") in each perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'-0") perimeter ground easements or seven feet, six inches (7'6") for sixteen feet (16'-0") perimeter ground easements, from a plane sixteen feet (16'-0") above the ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'-0") in width.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat is hereby restricted to prevent the drainage of any septic tanks into any public or private street, permanent access easement, road or alley or any drainage ditch, either directly or indirectly.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen feet (15'0") wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located in the subdivision, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency the right to enter upon said easements at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

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

FURTHER, Owners hereby certify that this replat does not attempt to alter, amend, or remove any covenants or restrictions; we further certify that no portion of the preceding plat was filed by deed restriction to residential use for not more than two (2) residential units per lot.

IN TESTIMONY WHEREOF, Tomball Economic Development Corporation, has caused these presents to be signed by Gretchen Fagan, President of the Board of Directors, thereunto authorized, attested by the Secretary of the Board of Directors, W. E. (Bill) Sumner, Jr., and its common seal hereunto affixed this the 14 day of August 2018.

Tomball Economic Development Corporation

By: _____
Gretchen Fagan
President of the Board of Directors

Attest: _____
W. E. (Bill) Sumner, Jr.
Secretary of the Board of Directors

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Gretchen Fagan and W. E. (Bill) Sumner, Jr., President and Secretary of the Board of Directors of Tomball Economic Development Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledgment to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14 day of August 2018.

TIFFANI G WOOTEN
Notary ID # 126474214
My Commission Expires
April 7, 2020

_____
Notary Public in and for the
State of Texas
April 7 2020
My Commission Expires:

IN TESTIMONY WHEREOF, Nickson Tomball Industrial, Ltd, a Texas limited partnership, acting by and through its General Partner Tora Builders L.L.C., a Texas Limited Liability Company has caused these presents to be signed by Charles G. Nickson, Manager, this the 15 day of August 2018.

By: Nickson Tomball Industrial, Ltd.,
a Texas Limited Partnership
By: Tora Builders L.L.C.,
a Texas Limited Liability Company

By: _____
Charles G. Nickson
Manager

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Charles G. Nickson, Manager of Tora Builders L.L.C., a Texas Limited Liability Company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledgment to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 15 day of August 2018.

TIFFANI G WOOTEN
Notary ID # 126474214
My Commission Expires
April 7, 2020

_____
Notary Public in and for the
State of Texas
April 7 2020
My Commission Expires:

I, Robert Kness, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, south central zone.

STATE OF TEXAS
REGISTERED
ROBERT KNESS
6486
PROFESSIONAL LAND SURVEYOR

Robert Kness
Registered Professional Land Surveyor
Texas Registration No. 6486

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of TOMBALL BUSINESS AND TECHNOLOGY PARK REPLAT LOT 9 REPLAT in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this

16th day of August 2018.

By: _____
Barbara Teague
Chairman

By: _____
Darrell Roquemore
Vice Chairman

I, Stan Stanart, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on AUGUST 17 2018, at 1:03 o'clock P M., and duly recorded on AUGUST 17 2018, at 2:46 o'clock P M., and at Film Code No. 695051 of the Map Records of Harris County for said county.

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

STAN STANART
County Clerk
of Harris County, Texas

By: _____ Deputy
ROBIN V. MACK

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW

THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND SHALL NOTIFY THE OWNER IMMEDIATELY OF ANY DAMAGE OR CHANGE IN THE EXISTING

RP-2018-377903
8/17/2018 bcripl1 110.00
FILED
8/17/2018 1:03 PM
Stan Stanart
COUNTY CLERK

DESCRIPTION

DESCRIPTION OF A 25.1176 ACRES (1,094,121.18 SQ. FT.) TRACT OF LAND, SITUATED IN THE ELIZABETH SMITH SURVEY, A-70 HARRIS COUNTY, TEXAS

BEING A 25.1176 ACRES (1,094,121.18 SQUARE FEET) TRACT OF LAND, SITUATED IN THE ELIZABETH SMITH SURVEY, A-70, HARRIS COUNTY, TEXAS, SAID 25.1176 ACRES TRACT BEING OUT OF LOT 2 OF THE TOMBALL BUSINESS AND TECHNOLOGY PARK LOT 2 REPLAT, AS RECORDED UNDER FILM CODE NO. 678808 OF THE HARRIS COUNTY MAP RECORDS, HARRIS COUNTY, TEXAS, SAID 25.1176 ACRES TRACT BEING MORE PARTICULARLY BOUNDED AS FOLLOWS WITH THE BASIS OF BEARINGS BEING THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, SOUTH CENTRAL ZONE NO. 4204 (NAD 83) (ALL COORDINATES SHOWN HEREON ARE GRID COORDINATE AXES AND MAY BE CONVERTED TO SURFACE BY APPLYING THE COMBINED SCALE FACTOR OF 1.00005228). ALL DISTANCES SHOWN ARE SURFACE.):

BEGINNING (N=13,953,777.18, E=3,548,057.35) AT A 5/8-INCH IRON ROD WITH CAP STAMPED "MESSER ENG HOUSTON, TX" SET ON THE WEST RIGHT-OF-WAY LINE OF SOUTH PERSIMMON STREET (80' RIGHT-OF-WAY) RECORDED UNDER FILM CODE 455008 OF THE HARRIS COUNTY MAP RECORDS, IN A SOUTHWEST CORNER OF LOT 2 OF THE SAID TOMBALL BUSINESS AND TECHNOLOGY PARK LOT 2 REPLAT, AND FOR THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE IN A WESTERLY DIRECTION, ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1040.00 FEET, A CENTRAL ANGLE OF 40 DEG. 26 MIN. 25 SEC., A CHORD BEARING NORTH 56 DEG. 24 MIN. 04 SEC. WEST, A CHORD DISTANCE OF 715.91 FEET AND AN ARC LENGTH OF 734.55 FEET TO A 5/8-INCH IRON ROD WITH CAP FOUND IN THE EAST RIGHT-OF-WAY LINE OF SOUTH PERSIMMON STREET, FOR AN ANGLE POINT IN SAID TOMBALL BUSINESS AND TECHNOLOGY PARK PLAT AND FOR AN ANGLE POINT OF SAID TRACT HEREIN DESCRIBED;

THENCE, NORTH 76 DEG. 37 MIN. 16 SEC. WEST, WITH A SOUTH LINE OF THE SAID LOT 2 OF THE TOMBALL BUSINESS AND TECHNOLOGY PARK, AND A SOUTH LINE OF SAID TRACT HEREIN DESCRIBED, A DISTANCE OF 277.08 FEET TO A 5/8-INCH IRON ROD WITH CAP FOUND IN THE SOUTHEAST CORNER OF A 1.8603 ACRES TRACT OF LAND CONVEYED TO 2978 INDUSTRIAL PROPERTIES, LLC BY DEED RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. 20150219724 OF THE OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY, TEXAS, TO A WEST CORNER OF SAID LOT 2 OF THE TOMBALL BUSINESS AND TECHNOLOGY PARK AND TO A WEST CORNER OF THE SAID TRACT HEREIN DESCRIBED;

THENCE, NORTH 13 DEG. 22 MIN. 44 SEC. EAST, WITH A WEST LINE OF THE SAID LOT 2 OF THE TOMBALL BUSINESS AND TECHNOLOGY PARK, AND A WEST LINE OF SAID TRACT HEREIN DESCRIBED, A DISTANCE OF 427.76 FEET TO A 5/8-INCH IRON ROD WITH CAP FOUND IN THE SOUTHWEST LINE OF A 15.000 ACRES TRACT OF LAND CONVEYED TO PHILLIP EUGENE PASSAFUME, JR. AND WIFE, ROBERTA D. PASSAFUMA BY DEED RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. E593736 OF THE OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY, TEXAS, A NORTH CORNER OF SAID LOT 2 OF THE TOMBALL BUSINESS AND TECHNOLOGY PARK AND TO A NORTH CORNER IN THE SAID TRACT HEREIN DESCRIBED;

THENCE, SOUTH 49 DEG. 43 MIN. 02 MIN. 16 SEC. EAST, WITH A NORTHWEST LINE OF THE SAID 15.000 ACRE TRACT, WITH A NORTHEAST LINE OF THE SAID LOT 2 OF THE TOMBALL BUSINESS AND TECHNOLOGY PARK, AND A NORTHEAST LINE OF SAID TRACT HEREIN DESCRIBED, A DISTANCE OF 1,383.26 FEET TO A 5/8-INCH IRON ROD WITH CAP FOUND IN AN INTERIOR CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, NORTH 42 DEG. 46 MIN. 13 SEC. EAST, WITH A SOUTHEAST LINE OF THE SAID 15.000 ACRE TRACT, WITH A NORTHWEST LINE OF THE SAID LOT 2 OF THE TOMBALL BUSINESS AND TECHNOLOGY PARK, AND A NORTHWEST LINE OF SAID TRACT HEREIN DESCRIBED, A DISTANCE OF 1,122.13 FEET TO A 1/2-INCH IRON ROD FOUND IN A WEST LINE OF LOT 2 OF THE TOMBALL SOUTH COMMERCIAL PLAT AS RECORDED UNDER FILM CODE NO. 633199 OF THE HARRIS COUNTY MAP RECORDS, HARRIS COUNTY, TEXAS AND FOR A NORTH CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, SOUTH 47 DEG. 13 MIN. 47 SEC. EAST, WITH A SOUTHWEST LINE OF THE SAID LOT 2 OF THE TOMBALL SOUTH COMMERCIAL, WITH A NORTHEAST LINE OF THE SAID LOT 2 OF THE TOMBALL BUSINESS AND TECHNOLOGY PARK, AND A NORTHEAST LINE OF SAID TRACT HEREIN DESCRIBED, A DISTANCE OF 54.06 FEET TO A 5/8-INCH IRON ROD WITH CAP FOUND IN AN INTERIOR CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, NORTH 44 DEG. 30 MIN. 33 SEC. EAST, WITH A SOUTHEAST LINE OF THE SAID LOT 2 OF THE TOMBALL SOUTH COMMERCIAL, WITH A NORTHWEST LINE OF THE SAID LOT 2 OF THE TOMBALL BUSINESS AND TECHNOLOGY PARK, AND A NORTHWEST LINE OF SAID TRACT HEREIN DESCRIBED, A DISTANCE OF 130.94 FEET TO A 5/8-INCH IRON ROD WITH CAP FOUND IN A INTERIOR CORNER OF THE TOMBALL SOUTH COMMERCIAL PLAT, FOR A NORTHEAST CORNER OF SAID TRACT HEREIN DESCRIBED AND FOR THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE IN A SOUTHERLY DIRECTION, ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 05 DEG. 03 MIN. 09 SEC., A CHORD BEARING S 22 DEG. 53 MIN. 22 SEC. E, A CHORD DISTANCE OF 23.80 FEET, AND AN ARC LENGTH OF 23.81 FEET TO A 5/8-INCH IRON ROD WITH CAP FOUND FOR AN ANGLE POINT IN THE WEST LINE OF THE SAID LOT 2 OF THE TOMBALL BUSINESS AND TECHNOLOGY PARK, AND AN EAST LINE OF SAID TRACT HEREIN DESCRIBED;

THENCE, SOUTH 20 DEG. 21 MIN. 47 SEC. EAST, WITH A WEST LINE OF THE SAID LOT 2 AND LOT 3 OF THE TOMBALL SOUTH COMMERCIAL, WITH AN EAST LINE OF THE SAID LOT 2 OF THE TOMBALL BUSINESS AND TECHNOLOGY PARK, AND AN EAST LINE OF SAID TRACT HEREIN DESCRIBED, A DISTANCE OF 668.52 FEET TO A 5/8-INCH IRON ROD WITH CAP FOUND IN AN INTERIOR CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, NORTH 69 DEG. 38 MIN. 13 SEC. EAST, WITH A SOUTH LINE OF THE SAID LOT 3 OF THE TOMBALL SOUTH COMMERCIAL, WITH A NORTH LINE OF THE SAID LOT 2 OF THE TOMBALL BUSINESS AND TECHNOLOGY PARK, AND A NORTH LINE OF SAID TRACT HEREIN DESCRIBED, A DISTANCE OF 180.20 FEET TO A 5/8-INCH IRON ROD WITH CAP FOUND FOR A NORTH CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE SOUTH 20 DEG. 21 MIN. 47 SEC. EAST, WITH A WEST LINE OF LOT 1 OF SAID TOMBALL BUSINESS AND TECHNOLOGY PARK PLAT, THE EAST LINE OF LOT 2 OF SAID TOMBALL BUSINESS AND TECHNOLOGY PARK PLAT AND THE EAST LINE OF SAID TRACT HEREIN DESCRIBED, A DISTANCE OF 316.47 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "MESSER ENG HOUSTON, TX" SET FOR A SOUTH CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE SOUTH 81 DEG. 52 MIN. 18 SEC. WEST, OVER AND ACROSS SAID LOT 2 OF SAID TOMBALL BUSINESS AND TECHNOLOGY PARK AND WITH A SOUTH LINE OF SAID TRACT HEREIN DESCRIBED, A DISTANCE OF 829.43 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "MESSER ENG HOUSTON, TX" SET FOR AN INTERIOR CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE NORTH 15 DEG. 03 MIN. 37 SEC. WEST, OVER AND ACROSS SAID LOT 2 OF SAID TOMBALL BUSINESS AND TECHNOLOGY PARK AND WITH A WEST LINE OF SAID TRACT HEREIN DESCRIBED, A DISTANCE OF 217.10 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "MESSER ENG HOUSTON, TX" SET FOR THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

THENCE IN A NORTHERLY DIRECTION, ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 49 DEG. 40 MIN. 47 SEC., A CHORD BEARING NORTH 09 DEG. 46 MIN. 47 SEC. EAST, A CHORD DISTANCE OF 21.00 FEET AND AN ARC LENGTH OF 21.68 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "MESSER ENG HOUSTON, TX" SET FOR THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

THENCE IN A WESTERLY DIRECTION, ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 279 DEG. 21 MIN. 34 SEC., A CHORD BEARING SOUTH 74 DEG. 09 MIN. 23 SEC. WEST, A CHORD DISTANCE OF 77.65 FEET AND AN ARC LENGTH OF 292.55 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "MESSER ENG HOUSTON, TX" SET FOR THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

THENCE IN A SOUTHERLY DIRECTION, ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 49 DEG. 40 MIN. 47 SEC., A CHORD BEARING SOUTH 39 DEG. 54 MIN. 00 SEC. EAST, A CHORD DISTANCE OF 21.00 FEET AND AN ARC LENGTH OF 21.68 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "MESSER ENG HOUSTON, TX" SET FOR AN ANGLE POINT OF SAID TRACT HEREIN DESCRIBED;

THENCE SOUTH 15 DEG. 03 MIN. 37 SEC. EAST, OVER AND ACROSS SAID LOT 2 OF SAID TOMBALL BUSINESS AND TECHNOLOGY PARK AND WITH AN EAST LINE OF SAID TRACT HEREIN DESCRIBED, A DISTANCE OF 575.63 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "MESSER ENG HOUSTON, TX" SET FOR A SOUTH CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE SOUTH 28 DEG. 50 MIN. 16 SEC. WEST, OVER AND ACROSS SAID LOT 2 OF SAID TOMBALL BUSINESS AND TECHNOLOGY PARK AND WITH A SOUTHEAST LINE OF SAID TRACT HEREIN DESCRIBED, A DISTANCE OF 240.30 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "MESSER ENG HOUSTON, TX" SET IN THE NORTHERLY RIGHT-OF-WAY LINE OF SPELL ROAD (80' RIGHT-OF-WAY) RECORDED UNDER FILM CODE 633196 OF THE HARRIS COUNTY MAP RECORDS, AND FOR THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE IN A WESTERLY DIRECTION, ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1040.00 FEET, A CENTRAL ANGLE OF 14 DEG. 47 MIN. 03 SEC., A CHORD BEARING SOUTH 64 DEG. 47 MIN. 34 SEC. WEST, A CHORD DISTANCE OF 267.87FEET AND AN ARC LENGTH OF 268.35 FEET TO A 5/8-INCH IRON ROD WITH CAP STAMPED "MESSER ENG HOUSTON, TX" SET FOR THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED;

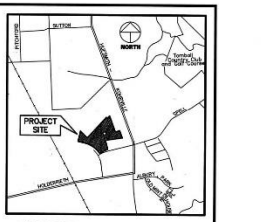
THENCE SOUTH 57 DEG. 24 MIN. 03 SEC. WEST, WITH THE NORTH RIGHT-OF-WAY LINE OF SAID SPELL ROAD, AND WITH THE SOUTH LINE OF SAID TRACT HEREIN DESCRIBED, A DISTANCE OF 60.80 FEET TO THE POINT OF BEGINNING AND CONTAINING 25.1176 ACRES (1,094,121.18 SQUARE FEET) OF LAND.

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY WAS PREPARED WITH INFORMATION CONTAINED IN CITY PLANNING LETTER NO. 2018-0240 OF CHARTER TITLE COMPANY, DATED JUNE 18, 2018, AND IS SUBJECT TO THE LIMITATIONS OF THAT COMMITMENT.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83). ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES AND MAY BE BROUGHT TO GRID BY APPLYING THE FOLLOWING SCALE FACTOR: 0.99994211.
3. ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN TO THE BEST KNOWLEDGE OF THE SURVEYOR.
4. ALL OIL/GAS WELLS (PLUGGED, ABANDONED, AND/OR ACTIVE) WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN TO THE BEST KNOWLEDGE OF THE SURVEYOR.
5. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF THE CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF THE CENTERLINE OF HIGH PRESSURE GAS LINES.
6. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVED AND VALID COVENANTS OR RESTRICTIONS.
7. PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. PROPERTY OWNER, AND IF PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT; AND THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
8. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) FOR HARRIS COUNTY, TEXAS, MAP NO. 48201C0230L REVISED/DATED JUNE 18, 2007, THE SUBJECT TRACT APPEARS TO LIE WITHIN UNSHADED ZONE "X". THIS DETERMINATION WAS DONE BY GRAPHIC PLOTTING AND IS APPROXIMATE ONLY AND HAS NOT BEEN SURVEY VERIFIED. A ZONE "X" DESIGNATION DOES NOT IMPLY THAT THE PROPERTY OR STRUCTURES THEREON WILL NOT EXPERIENCE FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF WINDROSE LAND SERVICES.

ABBREVIATIONS

A.E.	– ADRIAL EASEMENT
D.E.	– DRAINAGE EASEMENT
ESMT.	– EASEMENT
FND	– FOUND
H.C.C.F.	– HARRIS COUNTY CLERK' FILE
H.C.D.R.	– HARRIS COUNTY DEED RECORDS
H.C.M.R.	– HARRIS COUNTY MAP RECORDS
IP	– IRON PIPE
IR	– IRON ROD
NO.	– NUMBER
PG.	– PAGE
R.O.W.	– RIGHT-OF-WAY
SQ. FT.	– SQUARE FEET
VOL.	– VOLUME
B.L.	– BUILDING LINE
W.L.E.	– WATER LINE EASEMENT
S.S.E.	– SANITARY SEWER EASEMENT
C.T.U.E.	– CITY OF TOMBALL UTILITY EASEMENT



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

TOMBALL BUSINESS AND TECHNOLOGY PARK LOT 9 REPLAT

A SUBDIVISION OF
25.1176 ACRES / 1,094,121.18 SQ. FT.
BEING A REPLAT OF LOT 9, BLOCK 1 OF TOMBALL BUSINESS AND TECHNOLOGY PARK LOT 2 REPLAT, FILM CODE NO. 678808 H.C.M.R.,
IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

1 BLOCK 7 LOTS

AUGUST 2018

Owners

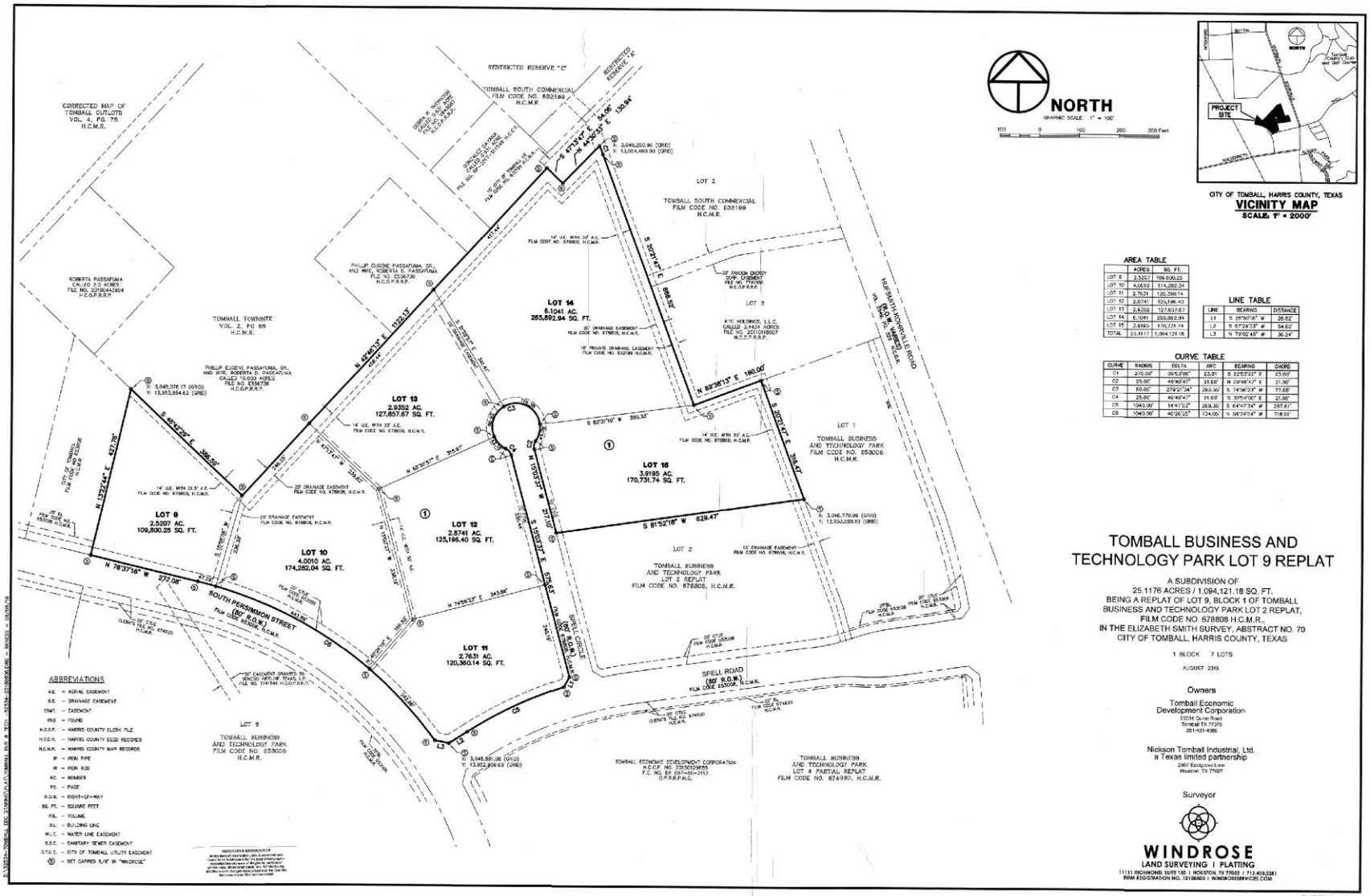
Tomball Economic Development Corporation
29201 Quinn Road
Tomball TX 77375
281-401-4085

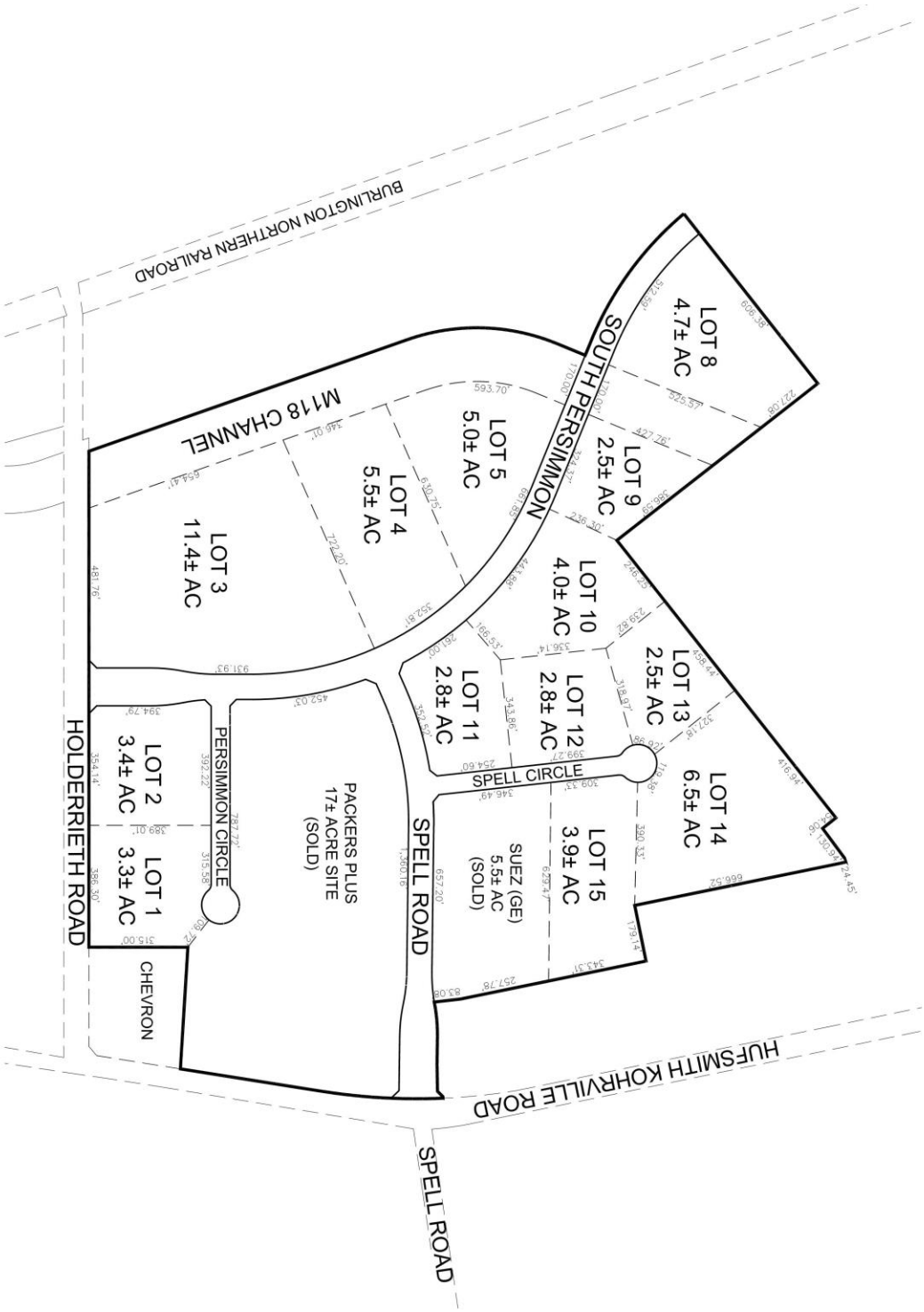
Nickson Tomball Industrial, Ltd.
a Texas limited partnership
2807 Eastgrove Lane
Houston, TX 77027

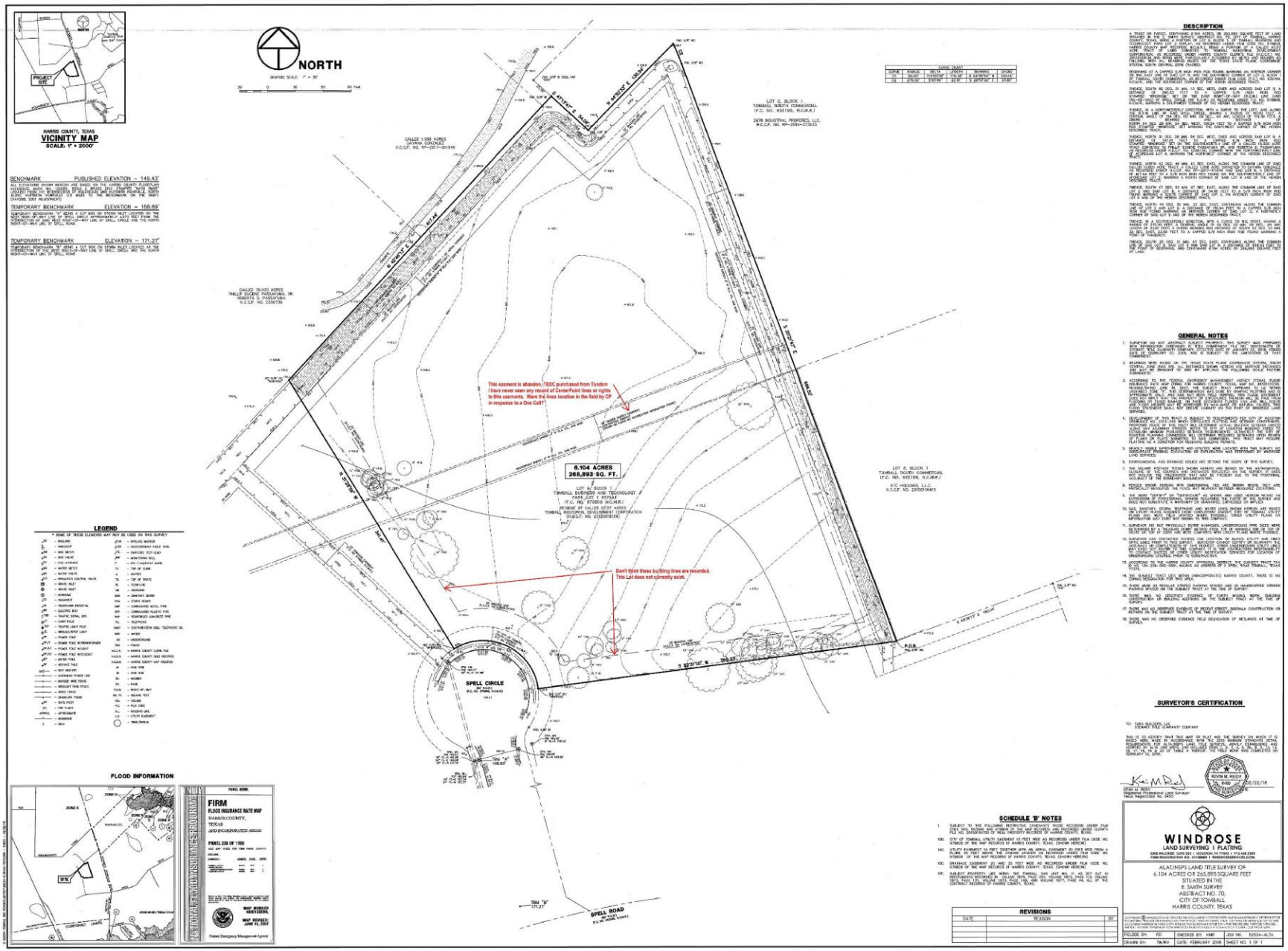
Surveyor

WINDROSE
LAND SURVEYING | PLATTING
11111 RICHMOND, SUITE 190 | HOUSTON, TX 77082 | 713.468.2281
FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM

SHEET 1 OF 2


NORTH
GRAPHIC SCALE: 1" = 100'
RESTRICTED RESERVE "C"
TOMBALL SOUTH COMMERCIAL
FILM CODE NO. 632199
H.C.M.R.
CORRECTED MAP OF
TOMBALL OUTLOTS
VOL. 4, PG. 75
H.C.M.R.
ROBERTA PASSAFUMA
CALLED 2.0 ACRES
FILE NO. 20150043264
H.C.O.P.R.R.P.
TOMBALL TOWNSITE
VOL. 2, PG 65
H.C.M.R.
PHILLIP EUGENE PASSAFUMA, SR.,
AND WIFE, ROBERTA D. PASSAFUMA
CALLED 15.000 ACRES
FILE NO. E556736
H.C.O.P.R.R.P.
LOT 13
2.9352 AC.
127,857.67 SQ. FT.
LOT 14
5.1041 AC.
255,892.94 SQ. FT.
LOT 15
3.9195 AC.
170,731.74 SQ. FT.
LOT 9
2.5207 AC.
109,800.25 SQ. FT.
LOT 10
4.0010 AC.
174,282.04 SQ. FT.
LOT 12
2.8741 AC.
125,196.40 SQ. FT.
LOT 11
2.7631 AC.
120,360.14 SQ. FT.
LOT 8
KTC HOLDINGS, L.L.C.
CALLED 3.4424 ACRES
FILE NO. 20110115507
H.C.O.P.R.R.P.
LOT 1
TOMBALL BUSINESS
AND TECHNOLOGY PARK
FILE CODE NO. 653006
H.C.M.R.
LOT 2
TOMBALL BUSINESS
AND TECHNOLOGY PARK
LOT 2 REPLAT
FILE CODE NO. 678808, H.C.M.R.
LOT 5
TOMBALL BUSINESS
AND TECHNOLOGY PARK
FILE CODE NO. 653006
H.C.M.R.
LOT 4
TOMBALL BUSINESS
AND TECHNOLOGY PARK
LOT 4 PARTIAL REPLAT
FILE CODE NO. 674990, H.C.M.R.
TOMBALL ECONOMIC DEVELOPMENT CORPORATION
H.C.C.F. NO. 20150029685
F.C. NO. 679-60-3113
O.P.R.R.P.H.C.
SOUTH PERSIMMON STREET
(80' R.O.W.)
FILE CODE 653006, H.C.M.R.
SPELL ROAD
(80' R.O.W.)
FILE CODE 653006, H.C.M.R.
SPELL CIRCLE
(50' R.O.W.)
FILE CODE 653006, H.C.M.R.
HUFSMITH-HOHWILLE ROAD
(FARM TO MARKET ROAD 2920)
(VAR. WIDTH)
VOL. 5344, PG. 1, H.C.M.R.
N 42°43'13" E 1152.13'
S 47°34'47" E 54.06'
N 44°25'13" E 130.94'
S 02°21'47" E 598.50'
N 69°38'13" E 180.00'
S 20°21'47" E 316.47'
S 62°31'10" W 390.33'
S 81°52'18" W 629.47'
N 15°03'33" W 217.10'
S 15°03'33" E 575.63'
S 42°43'13" W 1152.13'
S 47°34'47" E 54.06'
N 42°25'13" E 130.94'
S 47°34'47" E 54.06'
S 42°43'13" W 1152.13'
S 42°43'13" W 398.59'
N 13°23'44" E 427.78'
N 76°37'16" W 277.06'
N 47°34'47" W 226.62'
N 62°30'51" E 319.9'
N 74°59'13" E 343.86'
S 15°00'47" W 236.39'
S 15°00'47" W 236.39'
S 15°00'47" W 236.39


BURLINGTON NORTHERN RAILROAD
M118 CHANNEL
SOUTH PERSIMMON
LOT 8
4.7± AC
LOT 9
2.5± AC
LOT 5
5.0± AC
LOT 4
5.5± AC
LOT 3
11.4± AC
LOT 10
4.0± AC
LOT 13
2.5± AC
LOT 12
2.8± AC
LOT 11
2.8± AC
LOT 14
6.5± AC
LOT 15
3.9± AC
LOT 2
3.4± AC
LOT 1
3.3± AC
PERSIMMON CIRCLE
SPELL CIRCLE
HOLDERRIETH ROAD
PACKERS PLUS
17± ACRE SITE
(SOLD)
SUEZ (GE)
5.5± AC
(SOLD)
SPELL ROAD
CHEVRON
HUFSMITH KOHRVILLE ROAD
SPELL ROAD



DESCRIPTION

A TRACT OR PARCEL CONTAINING 6.104 ACRES OR 265,892 SQUARE FEET OF LAND SITUATED IN THE E. SMITH SURVEY, ABSTRACT NO. 70, CITY OF TOMBALL, HARRIS COUNTY, TEXAS, BEING A PORTION OF LOT 5, BLOCK 1, OF TOMBALL SOUTH COMMERCIAL, A SUBDIVISION RECORDED UNDER FILM CODE NO. 638199 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, AND BEING ALL OF A CALLED 6.104 ACRE TRACT OF LAND CONVEYED TO TOMBALL INDUSTRIAL DEVELOPMENT CORPORATION, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. 20120018126 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, SAID 6.104 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83):

BEGINNING AT A CAPPED 5/8 INCH IRON ROD FOUND, MARKING AN INTERIOR CORNER ON THE EAST LINE OF SAID LOT 5, AND THE SOUTHWEST CORNER OF LOT 6, BLOCK 1, OF SAID TOMBALL SOUTH COMMERCIAL, FOR THE NORTHEAST CORNER OF THE HEREIN FOLLOWING TRACT HEREOF, BEING ALSO THE NORTH NORTHWEST CORNER OF A CALLED 15.000 ACRE TRACT OF LAND CONVEYED TO PHILLIP EUGENE PASSATIVA, SR. AND ROBERTA G. PASSATIVA BY DEED RECORDED UNDER H.C.C.F. NO. 2356739, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 02 DEG. 29 MIN. 10 SEC. WEST, OVER AND ACROSS SAID LOT 5, A DISTANCE OF 399.55 FEET TO A CAPPED 5/8 INCH IRON ROD FOUND MARKING A SOUTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 87 DEG. 30 MIN. 50 SEC. WEST, OVER AND ACROSS SAID LOT 5, A DISTANCE OF 1014.44 FEET TO A CAPPED 5/8 INCH IRON ROD FOUND MARKING A SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, BEING ALSO THE SOUTHEAST CORNER OF A CALLED 1.088 ACRE TRACT CONVEYED TO DAYANA GONZALEZ BY DEED RECORDED UNDER H.C.C.F. NO. RP-2017-561549, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 42 DEG. 40 MIN. 10 SEC. EAST, ALONG THE COMMON LINE OF SAID CALLED 6.104 ACRE TRACT & CALLED 1.088 ACRE TRACT, PASSING AT 1.04 FEET A CAPPED 5/8 INCH IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF A CALLED 10.041 ACRE TRACT OF LAND CONVEYED TO TOMBALL INDUSTRIAL DEVELOPMENT CORPORATION BY DEED RECORDED UNDER H.C.C.F. NO. 20120018126, PASSING AT 407.64 FEET TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHWESTERLY LINE OF AFORESAID LOT 6, MARKING A NORTH CORNER OF SAID LOT 6 AND OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 47 DEG. 19 MIN. 47 SEC. EAST, ALONG THE COMMON LINE OF SAID LOT 6 AND THE HEREIN DESCRIBED TRACT, A DISTANCE OF 1014.44 FEET TO A CAPPED 5/8 INCH IRON ROD FOUND MARKING A SOUTH CORNER OF SAID LOT 6 AND THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 42 DEG. 40 MIN. 50 SEC. EAST, CONTINUING ALONG THE COMMON LINE OF SAID LOT 6 AND THE HEREIN DESCRIBED TRACT, A DISTANCE OF 399.55 FEET TO A CAPPED 5/8 INCH IRON ROD FOUND MARKING A NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, BEING ALSO THE SOUTHEAST CORNER OF SAID LOT 5 AND OF THE HEREIN DESCRIBED TRACT;

THENCE, IN A SOUTHWESTERLY DIRECTION, WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 15.00 FEET, AN ARC LENGTH OF 23.56 FEET, AND A CHORD WHICH BEARS SOUTH 47 DEG. 40 MIN. 50 SEC. EAST, A CHORD DISTANCE OF 21.21 FEET TO A CAPPED 5/8 INCH IRON ROD FOUND MARKING A POINT OF TANGENCY;

THENCE, SOUTH 87 DEG. 19 MIN. 47 SEC. EAST, CONTINUING ALONG THE COMMON LINE OF SAID LOT 5 AND THE HEREIN DESCRIBED TRACT, PASSING AT 15.00 FEET THE NORTHWEST BEGINNING AND CONTINUING FROM A TOTAL OF 1014.44 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.104 ACRES OR 265,892 SQUARE FEET OF LAND.

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY WAS PREPARED WITH INFORMATION CONTAINED IN RTC COMMITMENT G.F. NO. 20010115615 OF TEXAS TITLE INSURANCE COMPANY, WITH AN EFFECTIVE DATE OF JANUARY 07, 2018, AND IS SUBJECT TO ANY AND ALL MATTERS DISCLOSED THEREIN.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83) (4) DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. ALL DISTANCES WERE OBTAINED BY DIRECT MEASUREMENT USING A CALIBRATED STEEL TAPE.
3. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) FOR HARRIS COUNTY, TEXAS, MAP NO. 48201C0530L, REVISED DATED JUNE 18, 2007, THE SUBJECT TRACT APPEARS TO LIE WITHIN UNSHADED ZONE X (AREAS OF MINIMAL FLOOD HAZARD, DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD). THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY OR IMPROVEMENTS THEREON WILL BE FREE FROM FLOODING OR DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF WINDROSE LAND SERVICES.
4. DEVELOPMENT OF THIS TRACT IS SUBJECT TO REQUIREMENTS FOR CITY OF HOUSTON AND HARRIS COUNTY FLOOD CONTROL DISTRICT REGULATIONS. ANY CONSTRUCTION OR PROPOSED USAGE OF THIS TRACT WILL BE STRICTLY REGULATED, INCLUDING BUT NOT LIMITED TO ALL ADJOINING STREETS, DRIVES, TO CITY OF HOUSTON BUILDING LINES, SETBACK LINES, AND/OR ANY OTHER RESTRICTIONS IMPOSED BY THE CITY OF HOUSTON PLANNING COMMISSION, ALL TEXTURED MATERIALS, SETBACKS AND WIDTH OF PAVING OR PLACE SUBMITTED TO SAID COMMISSION. THIS TRACT MAY REQUIRE PLATTING AS A CONDITION FOR RECEIVING BUILDING PERMITS.
5. READILY VISIBLE IMPROVEMENTS AND UTILITIES WERE LOCATED WITH THIS SURVEY. NO EXCAVATION OR UNDERGROUND UTILITY LOCATION WAS PERFORMED BY WINDROSE LAND SERVICES.
6. ENVIRONMENTAL AND DRAINAGE ISSUES ARE BEYOND THE SCOPE OF THIS SURVEY.
7. THE ACREAGE STATED TOTALS SHOWN HEREON ARE BASED ON THE MATHEMATICAL CLOSURE OF THE COURSES AND DISTANCES SHOWN HEREON AND DOES NOT INCLUDE ANY ADJUSTMENT FOR SURVEY ACCURACY DUE TO THE POSITIONAL UNCERTAINTY OF BOUNDARY CORNERS.
8. PERIMETER DIMENSIONS WITH DIMENSIONAL TIES ARE BROWN BRICK, TEST AND PERPENDICULAR MEASURED THE TENTH NOT INCLUDED IN BOUNDARY CLOSURE.
9. THE WORDS "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
10. GAS, SANITARY, STORM, TELEPHONE AND WATER LINES SHOWN HEREON ARE BASED ON VISIBLE ABOVE GROUND EVIDENCE AND/OR MARKINGS PLACED BY TEXAS ONE CALL. SURVEYOR MAKES NO GUARANTEE THAT ALL UTILITIES ARE SHOWN, OR THE EXACT LOCATION OF THE UTILITIES SHOWN. FOR ADDITIONAL INFORMATION, ANY USER MAY KNOWN TO THIS COMPANY.
11. SURVEYOR DID NOT PHYSICALLY ENTER MANHOLES, UNDERGROUND PIPE SIZES WERE ESTIMATED BY A "BOUNDING POINT" AS USED FROM THE RIM OF A MANHOLE TO THE TOP OF DEPTH OF UP OF DEPTH AND WERE COMPARED WITH UTILITY PLANS WHERE POSSIBLE.
12. SURVEYOR HAS CONTACTED ENTITIES FOR LOCATION OF BURIED UTILITY AND PIPELINES OPTIC LINES PRIOR TO THIS SURVEY. WINDROSE CONTACT COUNTY OF SURVEYOR. THIS SURVEY DOES NOT INCLUDE ANY SUBSURFACE UTILITY INVESTIGATION. THIS SURVEY MAY EXIST BUT SHOWN. THE SURVEYOR MAKES NO GUARANTEE THAT ALL UTILITIES ARE SHOWN, OR THE EXACT LOCATION OF OTHER UTILITY INFORMATION SERVICES FOR LOCATION OF UNDERGROUND UTILITIES PRIOR TO EXCAVATION.
13. ACCORDING TO THE HARRIS COUNTY APPRAISAL DISTRICT, THE SUBJECT TRACT IS IDENTIFIED AS TAX I.D.# 1114-00-00-0010-000 AND ASSESSED AS REAL PROPERTY, "REAL" TY 2018.
14. THE SUBJECT TRACT LIES WITHIN UNINCORPORATED HARRIS COUNTY. THERE IS NO ZONING DESIGNATION FOR THIS AREA.
15. THERE WERE NO REGULAR STRIPED PARKING SPACES AND NO HANDICAPPED STRIPED PARKING SPACES ON THE SUBJECT TRACT AT THE TIME OF SURVEY.
16. THERE WAS NO OBSERVED EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS ON THE SUBJECT TRACT AT THE TIME OF SURVEY.
17. THERE WAS NO OBSERVED EVIDENCE OF RECENT STREET, SIDEWALK CONSTRUCTION OR REPAIRS ON THE SUBJECT TRACT AT THE TIME OF SURVEY.
18. THERE WAS NO OBSERVED EVIDENCE FIELD DELINEATION OF WETLANDS AT TIME OF SURVEY.

SURVEYOR'S CERTIFICATION

TO: TARA BUILDERS, LLC
STEWART TITLE GUARANTY COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(a), 8, 9, 10, 11, 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON FEBRUARY 12, 2018.

KEVIN M. REDY
Registered Professional Land Surveyor
Texas Registration No. 6450
02/22/18

SCHEDULE "B" NOTES

1. SUBJECT TO THE FOLLOWING RESTRICTIVE COVENANTS THOSE RECORDED UNDER FILM CODE NO. 638199 AND THOSE OF ONE MAP RECORDS OF HARRIS COUNTY, TEXAS (SHOWN HEREON)
10B. CITY OF TOMBALL UTILITY EASEMENT 10 FEET WIDE AS RECORDED UNDER FILM CODE NO. 638199 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS (SHOWN HEREON)
10C. UTILITY EASEMENTS 10 FEET DEEPTHROW WITH AN APPURTENANCES AS SHOWN HEREON A PLANE 20 FEET ABOVE THE OVERALL UPWARDS AS RECORDED UNDER FILM CODE NO. 638199 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS (SHOWN HEREON)
10D. DRAINAGE EASEMENT 20 AND 25 FEET WIDE AS RECORDED UNDER FILM CODE NO. 638199 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS (SHOWN HEREON)
19. SUBJECT PROPERTY LIES WITHIN THE TOMBALL ISD UNIT NO. 11 AS SET OUT IN INSTRUMENTS RECORDED IN VOLUME 1815, PAGE 297, VOLUME 1815, PAGE 313, VOLUME 1815, PAGE 329, VOLUME 1815, PAGE 345, VOLUME 1815, PAGE 361, VOLUME 1815, PAGE 377, VOLUME 1815, PAGE 393, VOLUME 1815, PAGE 409, VOLUME 1815, PAGE 425, VOLUME 1815, PAGE 441, VOLUME 1815, PAGE

NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 13, 2020
&
CITY COUNCIL
JULY 20, 2020

Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 13, 2020, at 6:00 P.M.,** and by the City Council of the City of Tomball on **Monday, July 20, 2020, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P20-069: Request by Richard C. James to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District. The property is generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas.

Zoning Case P20-099: Request by Daniel Rodano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.7958 acres of land legally described as part of Tracts 6A 12A 18A 24A 30A & 36A (AG-use) Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the north side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas.

Zoning Case P20-103: Request by Daniel Valdez with META Planning + Design to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 95.4 acres of land legally described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, Pt Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, Pt Tract 21A (Ag-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, from the Agricultural and Commercial Districts to the Planned Development (PD-14) District. The property is generally located on the south side of Theiss Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street, within the City of Tomball, Harris County, Texas.

Zoning Case P20-104: Request by Jackie Rye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 6 acres of land legally described

as Reserve A-1 Block 1, American Superior Feed Replat, Lots 3, 4, 5 & 6 Block 71, Lots 3, 13, 14, 15, 16, 19 & 20 Block 67 Tomball, from the Old Town & Mixed Use and Light Industrial Districts to the Planned Development (PD-15) District. The property is generally located on the south side of FM 2920 at South Live Oak Street, within the City of Tomball, Harris County, Texas.

Zoning Case P20-105: Request by Whitmeyer's Distilling Co., LLC for a Conditional Use Permit to operate a *soap, detergents, cleaning preparations manufacture* facility. The property is approximately 6.10 acres of land legally described as Lot 14 Block 1 Tomball Business and Technology Park Lot 9 Replat, generally located at the end of Spell Circle at 21250 Spell Circle, within the City of Tomball, Harris County, Texas and is zoned Light Industrial 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 City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **9th** day of **July 2020** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley
Amelia Lindley
City Planner

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

Community Development Department

Notice of Public Hearing

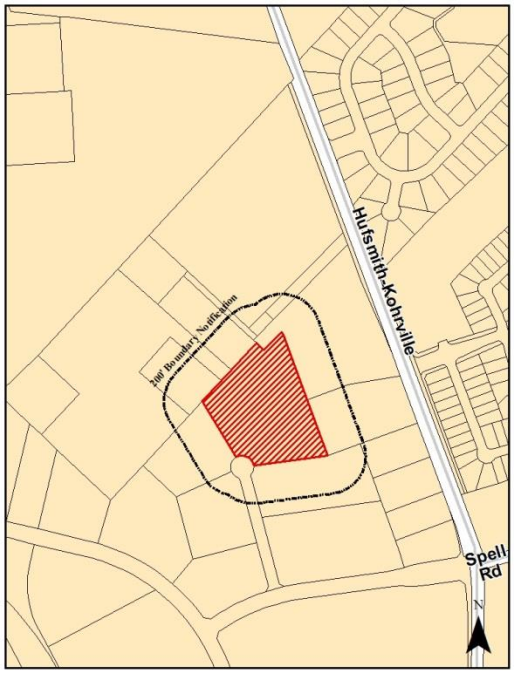
YOU ARE INVITED TO ATTEND the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P20-105

APPLICANT/OWNER: Whitmeyer's Distilling Co., LLC

LOCATION: Generally located at the end of Spell Circle at 21250 Spell Circle, within the City of Tomball, Harris County, Texas.

PROPOSAL: Conditional Use Permit to operate a *soap, detergents, cleaning preparations manufacture* facility. The property is approximately 6.10 acres of land legally described as Lot 14 Block 1 Tomball Business and Technology Park Lot 9 Replat and is zoned Light Industrial District.



CONTACT: Amelia Lindley, City Planner
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, July 13, 2020 6:00 PM

City Council Public Hearing:
***Monday, July 20, 2020 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.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:

Consideration to approve **Zoning Case P20-104:** Request by Jackie Rye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 6 acres of land legally described as Reserve A-1 Block 1, American Superior Feed Replat, Lots 3, 4, 5 & 6 Block 71, Lots 3, 13, 14, 15, 16, 19 & 20 Block 67 Tomball, from the Old Town & Mixed Use and Light Industrial Districts to the Planned Development (PD-15) District. The property is generally located on the south side of FM 2920 at South Live Oak Street, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on **Zoning Case P20-104**
- Adopt, on First Reading, Ordinance No. 2020-18, 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 6 acres of land, legally described as Reserve A-1 Block 1, American Superior Feed Replat, Lots 3, 4, 5 & 6 Block 71, Lots 3, 13, 14, 15, 16, 19 & 20 Block 67 Tomball, within the City of Tomball, Harris County, Texas, from the Old Town & Mixed Use and Light Industrial Districts to the Planned Development (PD-15) District; said property being generally located on the south side of FM 2920 at South Live Oak Street; 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 July 13, 2020, after conducting a public hearing, the Planning & Zoning Commission recommended approval of the rezoning request with a 5-0 vote.

Origination:

Jackie Rye

Recommendation:

Adopt Ordinance No. 2020-18 on First Reading

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2020-18
Notice of Public Hearing
Staff Report

Property Owner Notification
Public Comment Forms

ORDINANCE NO. 2020-18

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 6 ACRES OF LAND, LEGALLY DESCRIBED AS RESERVE A-1 BLOCK 1, AMERICAN SUPERIOR FEED REPLAT, LOTS 3, 4, 5 & 6 BLOCK 71, LOTS 3, 13, 14, 15, 16, 19 & 20 BLOCK 67 TOMBALL, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE OLD TOWN & MIXED USE AND LIGHT INDUSTRIAL DISTRICTS TO THE PLANNED DEVELOPMENT (PD-15) DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE SOUTH SIDE OF FM 2920 AT SOUTH LIVE OAK STREET; 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, Jackie Rye has requested that approximately 6 acres of land, legally described as Reserve A-1 Block 1, American Superior Feed Replat, Lots 3, 4, 5 & 6 Block 71, Lots 3, 13, 14, 15, 16, 19 & 20 Block 67 Tomball, generally located on the south side of FM 2920 at South Live Oak Street, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the applicant has presented an application to the City for a Planned Development District to allow for the construction of a mixed-use development; and

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

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Planned Development (PD-15) District; and

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

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Old Town & Mixed Use and Light Industrial Districts to the Planned Development (PD-15) District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-15) District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Planned Development (PD-15) District as described above.

Section 5. The Planned Development (PD-15) shall be subject to the following limitations, restrictions and covenants:

A. Compliance with the Application, Regulations and Concept Plan. The granting of the Planned Development (PD-15) District shall be conditioned upon the proposed improvements and lands uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF JULY 2020.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN 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 3RD DAY OF AUGUST 2020.

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

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

METHOD architecture

WDC PLANNED DEVELOPMENT
REQUEST LETTER
06/03/2020

City of Tomball Planning and Zoning
501 James St.
Tomball, TX 77357

Re: Planned Development Application
Whitmeyers Distilling Co. District
Tomball, Texas

Dear Mr. Meyers and Team,

Method Architecture, PLLC., as applicant, requests the acceptance of the proposed Planned Development application and supporting documentation for the group of properties delineated in the attached. Per the City of Tomball Zoning Map, the subject properties are zoned to OT&MU and LI. The application proposes the current zoning designation be revised to a Planned Development District, consisting of a combination of OT&MU and LI with exceptions to allow certain land uses without the need of conditional use permits. Primarily we are seeking to allow the unconditional use of land for distillation of liquor and associated gathering spaces, as well as manufacturing and distribution of hand sanitizer products. We believe that acceptance of such a development will have a positive impact on the City of Tomball by providing a community gathering space for locals and visitors alike and will encourage growth in the surrounding area. We appreciate your time and thank you for the opportunity.

Respectfully,

Jackie Rye, AIA

Associate Principal

METHODarchitecture, PLLC

2118 Lamar St. • Suite 200 • Houston, TX 77003 • (713) 842-7500 • methodarchitecture.com

RECEIVED (KC)
06/04/2020 1:26:25 PM

Revised 5/19/15

P&Z #20-104
$1,000.00

APPLICATION FOR PLANNED DEVELOPMENT

Community Development Department
Planning Division

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

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

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

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

Applicant
Name: Jackie Rye Title: Associate Principal
Mailing Address: 2118 Lamar Street City: Houston State: Tx
Zip: 77003
Phone: (713) 842 7500 Fax: ( ) Email: jrye@methodarchitecture.com

Owner
Name: Travis Whitmeyer Title: President
Mailing Address: 20110 Rosegold Way City: Spring State: Tx
Zip: 77379
Phone: (832) 922 3736 Fax: ( ) Email: travis@whitmeyers.com

Engineer/Surveyor (if applicable)
Name: EIC Surveying Company Title:
Mailing Address: 12345 Jones Street Suite 270 City: Houston State: Tx
Zip: 77070
Phone: (281) 955 2772 Fax: ( ) Email:

Description of Proposed Project: Whitmeyer's Distilling Co.

Physical Location of Property: 204 South Live Oak Street - 6 acre tract description provided below:
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lots 13,14,15, 16, 19, 20 Block 67, Tomball, Harris County, Texas
Lot 3, Block 67, Tomball, Harris County, Texas
Lots 3, 4, 5, 6 Block 71, Tomball, Harris County, Texas
Reserve A-1, Block 1, American Superior Feed R/P, Harris County, Texas

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: Re: B-4 Acreage: Re: B-4

Current Use of Property: LI & Vacant lots

Proposed Use of Property: See attached summary

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 06/04/2020

Signature of Applicant **Date**

X Kelly Violette Digitally signed by Kelly Violette Date: 2020.06.17 17:10:11 -05'00' 6/17/2020

Signature of Owner **Date**

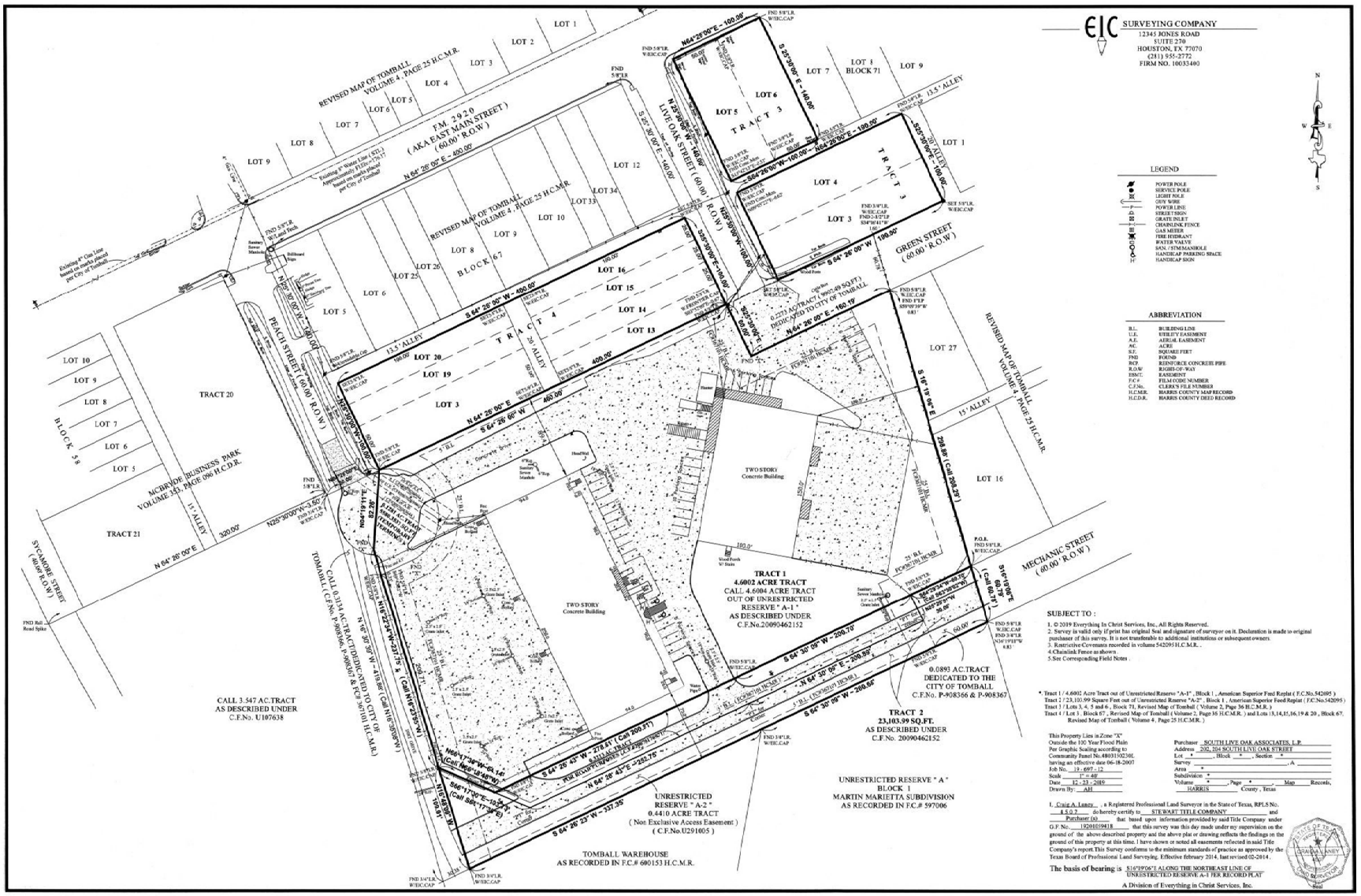

EIC SURVEYING COMPANY
12345 JONES ROAD
SUITE 270
HOUSTON, TX 77070
(281) 955-2772
FIRM NO. 10033490
LEGEND
ABBREVIATION
F.M. 2920 (AKA EAST MAIN STREET) (60.00' R.O.W)
LIVE OAK STREET (60.00' R.O.W)
GREEN STREET (60.00' R.O.W)
MECHANIC STREET (60.00' R.O.W)
PEACH STREET (60.00' R.O.W)
SYCAMORE STREET (60.00' R.O.W)
REVISED MAP OF TOMBALL VOLUME 4 , PAGE 25 H.C.M.R.
MCBRIDE BUSINESS PARK VOLUME 383, PAGE 096 H.C.D.R.
TRACT 1
4.6002 ACRE TRACT
CALL 4.6004 ACRE TRACT
OUT OF UNRESTRICTED
RESERVE " A-1 "
AS DESCRIBED UNDER
C.F.No.20090462152
TRACT 2
23,103.99 SQ.FT.
AS DESCRIBED UNDER
C.F.No. 20090462152
0.0893 AC.TRACT
DEDICATED TO THE
CITY OF TOMBALL
C.F.No. P-908566 & P-908367
UNRESTRICTED
RESERVE " A-2 "
0.4410 ACRE TRACT
(Non Exclusive Access Easement)
(C.F.No.U291005)
UNRESTRICTED RESERVE " A "
BLOCK 1
MARTIN MARIETTA SUBDIVISION
AS RECORDED IN F.C.# 597006
TOMBALL WAREHOUSE
AS RECORDED IN F.C.# 680153 H.C.M.R.
CALL 3.547 AC.TRACT
AS DESCRIBED UNDER
C.F.No. U107638
CALL 0.2134 AC.TRACT DEDICATED TO CITY OF TOMBALL (C.F.No. P-908566 & P-908367 & F.C.# 597006 H.C.M.R.)
TWO STORY Concrete Building
SUBJECT TO :
1. © 2019 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. Restrictive Covenants recorded in volume 5420951 H.C.M.R. .
4.Chainlink Fence as shown .
5.See Corresponding Field Notes .
* Tract 1 / 4.6002 Acre Tract out of Unrestricted Reserve "A-1" , Block 1 , American Superior Fred Replat (F.C.No.542095)
Tract 2 / 23,103.99 Square Feet out of Unrestricted Reserve "A-2" , Block 1 , American Superior Feed Replat (F.C.No.542095)
Tract 3 / (Lots 3, 4, 5 and 6 , Block 71, Revised Map of Tomball (Volume 2, Page 36 H.C.M.R.)
Tract 4 / Lot 3 , Block 67 , Revised Map of Tomball (Volume 2, Page 36 H.C.M.R.) and Lots 13,14,15,16,19 & 20 , Block 67, Revised Map of Tomball (Volume 4 , Page 25 H.C.M.R.)
This Property Lies in Zone "X"
Outside the 100 Year Flood Plain
Per Graphic Scaling according to
Community Panel No.4803150230E
having an effective date 06-18-2007
Job No. 19 - 697 - 12
Scale 1" = 40'
Date 12 - 23 - 2019
Drawn By: AH
Purchaser SOUTH LIVE OAK ASSOCIATES, L.P.
Address 202, 204 SOUTH LIVE OAK STREET
Lot * , Block * , Section *
Survey , A
Area *
Subdivision *
Volume * , Page * , Map Records,
HARRIS County , Texas
I, Craig A. Laney , a Registered Professional Land Surveyor in the State of Texas, RPLS No. 6502 do hereby certify to STEWART TITLE COMPANY and Purchaser (s) that based upon information provided by said Title Company under G.F. No. 1920105918 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 febraury 2014, last revised 02-2014 .
The basis of bearing is S16°19'06"E ALONG THE NORTHEAST LINE OF UNRESTRICTED RESERVE A-1 PER RECORD PLAT
A Division of Everything in Christ Services, Inc.

Exhibit "B"
Planned Development Regulations

A. Contents

- General Provisions
- Land Uses
- Development Regulations
- Landscape & Screening Regulations

B. General Provisions

1. The Planned Development, PD, approved herein must be constructed, developed, and maintained in compliance with this ordinance and other applicable ordinances of the City of Tomball. If any provisions or regulations of any City of Tomball ordinance applicable in an OT &MU, and LI is not contained in this ordinance, all the regulations contained in the Codified Zoning Ordinance applicable to the listed zones in effect on the effective date of this ordinance apply to this PD as though written herein, except to the extent the City of Tomball regulation of provisions conflicts with a provision of this ordinance.

2. except as otherwise provided herein, the words used in this Planned Development have the meaning established by the Codified Zoning Ordinance.

3. The PD shall be developed in accordance with the following exhibits that are attached to and made part of this Final Development Plan unless officially amended at a later date.

Exhibit A – "SLO Survey"

Exhibit B – "Concept Masterplan"

Exhibit C – "Setback Diagrams"

Exhibit D – "Request Letter"

4. As shown on Exhibit A, the PD encompasses the following legally described properties:

South Live Oak Tomball, Texas 77375

Lots 13,14,15, 16, 19, 20 Block 67, Tomball, Harris County, Texas

Lot 3, Block 67, Tomball, Harris County, Texas

Lots 3, 4, 5, 6 Block 71, Tomball, Harris County, Texas

Reserve A-1, Block 1, American Superior Feed R/P, Harris County, Texas

Legal Description: *RES A-1 BLK 1, AMERICAN SUPERIOR FEED R/P*

Property Address: *204 S LIVE OAK ST, TOMBALL TX 77375*

HCAD Acct: *1184140010001*

Legal Description: *LT 3 BLK 67, TOMBALL*
Property Address: *0 PEACH ST, TOMBALL TX 77375*
HCAD Acct: *0352720670003*

Legal Description: *LTS 19 & 20 BLK 67, TOMBALL*
Property Address: *0 PEACH ST, TOMBALL TX 77375*
HCAD Acct: *0352720670019*

Legal Description: *LTS 13 14 15 & 16 BLK 67, TOMBALL*
Property Address: *110 S LIVE OAK ST, TOMBALL TX 77375*
HCAD Acct: *0352720670013*

Legal Description: *LTS 3 4 5 & 6 BLK 71, TOMBALL*
Property Address: *0 E MAIN ST, TOMBALL TX 77375*
HCAD Acct: *0352730710012*

C. Land Uses

1. No defined Land Use will be assigned to any specific lot, tract, or otherwise indicated boundary contained within the PD

2. Defined Land Uses shall include any uses permitted by right in the OT&MU, and LI zoning districts as defined by City of Tomball Land Use Matrix currently in effect on the effective date of this ordinance. The following uses shall be permitted and not require a CUP:

- *Distillation of liquors, spirits, etc. (brewery)*
- *Motel*
- *Hotel*
- *Mobile Food Court*
- *Soap, detergents, cleaning preparations manufacture (hand sanitizer)*

D. Development Regulations

1. Area regulations for nonresidential uses.

a. Size of lot.

1. Minimum lot area: 5,000 square feet.

2. Minimum lot width: 25 feet given minimum lot area can be met

3. Minimum lot depth: 25 feet given minimum lot area can be met

2. Size of yards.

a. Commercial properties may have a zero front building line with the exception of properties which front "East Main Street; 2920"

c. Minimum side and rear yard is 5 feet when adjacent to a nonresidential zoning district or use. If adjacent to a SingleFamily, Duplex (Two-Family), Patio Home or Single-Family Attached District or use, then side and/or rear setback shall be a minimum of 20 feet. Corner lots shall maintain a 20 foot side yard setback.

d. Interior side yards: when commercial uses are platted adjacent to other commercial uses and integrated into an overall "strip" site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the city's building code.

3. Height regulations.

a. The maximum height in the PD shall be 70ft

b. Additional height may be approved by CUP.

4. Parking Regulations.

a. General parking and loading requirements

1. "Production" Areas (eg. distillery, brewery, manufacturing, bottling, food production, kitchens, etc): 1 per 1,500 gross sqft

2. Office: 1 per 300 gross sqft

3. Food and Beverage Consumption (tables and chairs): 1 per 150 net sqft

4. Assembly Spaces: 1 per 150 net sqft

5. Designated Outdoor Assembly (beer gardens, programmed green spaces, playground): 1 per 500 gross sqft

6. Overnight Accommodations (hotel/motel/bed & breakfast): 1 space per Guest Room

7. Storage (warehouse): 1 per 5,000 gross sqft

c. Up to 10% of the total parking required may be reduced if the following condition(s) are provided:

1. Designated Ride Share – Pick-up / Drop-off Zones

d. Condensed/Stacked "Valet Only" spots are allowed to count towards the total number of required spots given the total combined number of valet spots does not exceed 25%

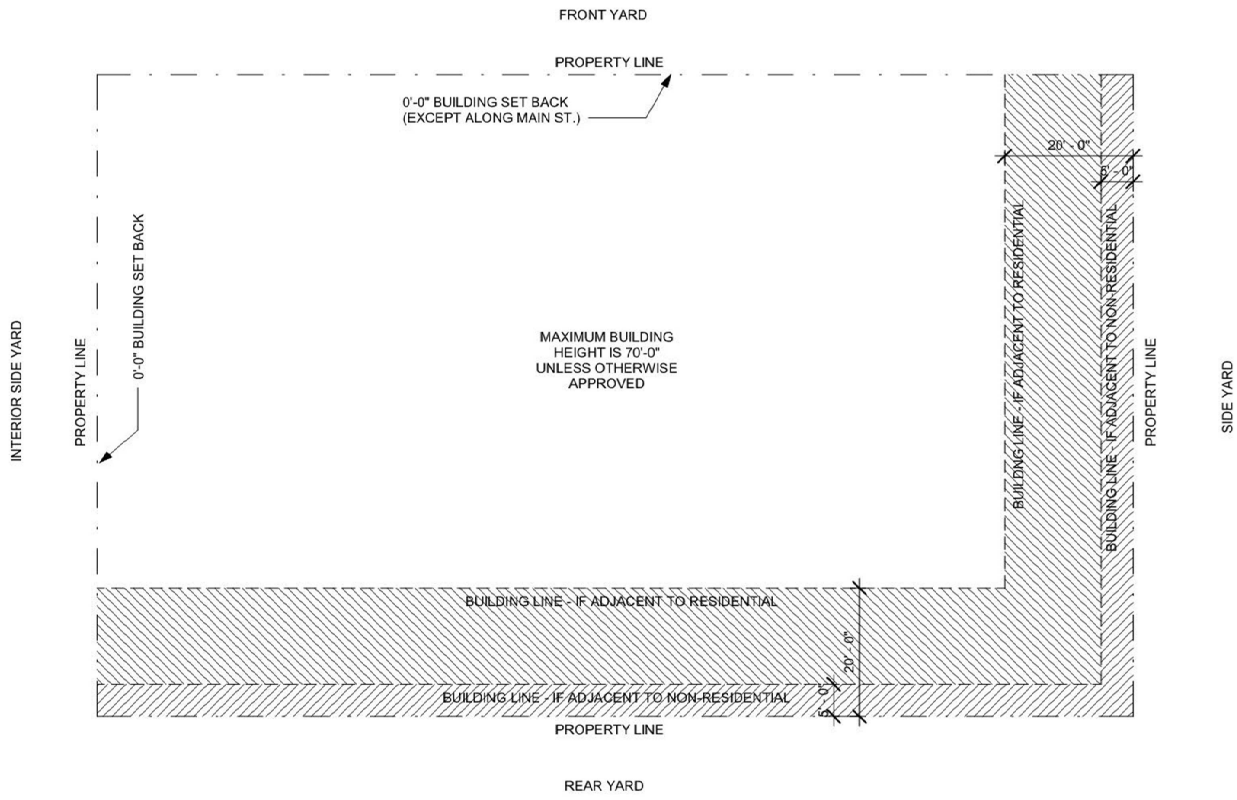
e. Shared parking agreements based on business hours of operation are allowed in order to meet the minimum requirements listed above.

E. Landscape & Screening Regulations

1. Refer to Sec 50-113 Landscape Requirements of the City of Tomball Code of Ordinances

2. Refer to Sec 50-115 Screening Requirements of the City of Tomball Code of Ordinances

Exhibit "C"
Concept Plan



METHOD architecture
methodarchitecture.com

BUILDING REGULATIONS DIAGRAM

WHITMEYERS DISTILLING CO
DISTRICT

TYPICAL

06/01/20

NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 13, 2020
&
CITY COUNCIL
JULY 20, 2020

Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 13, 2020, at 6:00 P.M.,** and by the City Council of the City of Tomball on **Monday, July 20, 2020, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P20-069: Request by Richard C. James to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District. The property is generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas.

Zoning Case P20-099: Request by Daniel Rodano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.7958 acres of land legally described as part of Tracts 6A 12A 18A 24A 30A & 36A (AG-use) Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the north side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas.

Zoning Case P20-103: Request by Daniel Valdez with META Planning + Design to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 95.4 acres of land legally described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, Pt Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, Pt Tract 21A (Ag-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, from the Agricultural and Commercial Districts to the Planned Development (PD-14) District. The property is generally located on the south side of Theiss Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street, within the City of Tomball, Harris County, Texas.

Zoning Case P20-104: Request by Jackie Rye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 6 acres of land legally described

as Reserve A-1 Block 1, American Superior Feed Replat, Lots 3, 4, 5 & 6 Block 71, Lots 3, 13, 14, 15, 16, 19 & 20 Block 67 Tomball, from the Old Town & Mixed Use and Light Industrial Districts to the Planned Development (PD-15) District. The property is generally located on the south side of FM 2920 at South Live Oak Street, within the City of Tomball, Harris County, Texas.

Zoning Case P20-105: Request by Whitmeyer's Distilling Co., LLC for a Conditional Use Permit to operate a *soap, detergents, cleaning preparations manufacture* facility. The property is approximately 6.10 acres of land legally described as Lot 14 Block 1 Tomball Business and Technology Park Lot 9 Replat, generally located at the end of Spell Circle at 21250 Spell Circle, within the City of Tomball, Harris County, Texas and is zoned Light Industrial 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 City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **9th** day of **July 2020** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley
Amelia Lindley
City Planner

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

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 13, 2020
City Council Public Hearing Date: July 20, 2020

Rezoning Case:	P20-104
Property Owner(s):	Tomball Economic Development Corporation
Applicant(s):	Jackie Rye
Legal Description:	Reserve A-1 Block 1, American Superior Feed Replat, Lots 3, 4, 5 & 6 Block 71, Lots 3, 13, 14, 15, 16, 19 & 20 Block 67 Tomball
Location:	South side of FM 2920 at South Live Oak Street (Exhibit "A")
Area:	6 acres
Comp Plan Designation:	Old Town (Exhibit "B")
Present Zoning and Use:	Old Town & Mixed Use and Light Industrial Districts / Existing buildings and partially undeveloped (Exhibit "D")
Request:	Rezone from the Old Town & Mixed Use and Light Industrial Districts to the Planned Development District (PD-15)

Adjacent Zoning & Land Uses:

North: Old Town & Mixed Use District / Undeveloped, commercial businesses

South: Light Industrial District / Undeveloped, commercial business

West: Old Town & Mixed Use and Light Industrial Districts / Self-storage facility

East: Old Town & Mixed Use and Single-Family 6 Districts / Undeveloped, auto repair shops, single-family residence

BACKGROUND

City Staff first met with the applicant in early 2020 to discuss the development of the site.

ANALYSIS

The whole subject site is approximately 6 acres of land, encompassing multiple lots. According to the applicant, the proposed development will consist of "distillation of liquor and associated gathering spaces, as well as manufacturing and distribution of hand sanitizer products".

The property is currently zoned Old Town & Mixed Use and Light Industrial Districts. The surrounding properties are zoned Old Town & Mixed Use, Light Industrial and Single-Family 6 District. Existing land uses in the area include mostly non-residential businesses such as Tomball Self Storage and various auto repair shops. There are also undeveloped properties adjacent to the site as well as single-family residences on Mechanic Street.

The subject site is designated as Old Town by the City's Comprehensive Plan Future Land Use Map. According to Chapter 4 (Vision) of the Comprehensive Plan, the Old Town category is "intended to be highly walkable and promotes a distinct sense of place". Appropriate land uses include "a mix of residential, office, retail, entertainment, restaurants, and public facilities. Secondary uses include bed and breakfast lodging, live-work buildings, places of assembly or event venues". City staff believes the proposed Planned Development captures the intent and character of the Old Town category and will add to the revitalization of the east side of Main Street.

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 Planned Development District, along with its concept plan and development standards, appears to be compatible with the surrounding area. According to the applicant, the proposed development will include production and tasting of liquors, offices, barrel storage, a biergarten, a venue and hand sanitizer production. Proposed secondary uses include a motel, hotel, and a mobile food court. According to the applicant, the development is intended to provide "a community gathering space for locals and visitors alike and will encourage growth in the surrounding 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.

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 are no proposed plans for similar developments in the City.

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 are no approved Planned Developments with similar proposed uses in the City.

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

City Staff does not anticipate any adverse impacts on other areas designated for similar development.

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.

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

The request is consistent with the intent and character of the Old Town Future Land Use designation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on June 25, 2020. The Notice of Public Hearing was published in the paper on July 1, 2020. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P20-104.

EXHIBITS

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

Exhibit "A"
Aerial Photo

Exhibit "B"
Comprehensive Plan

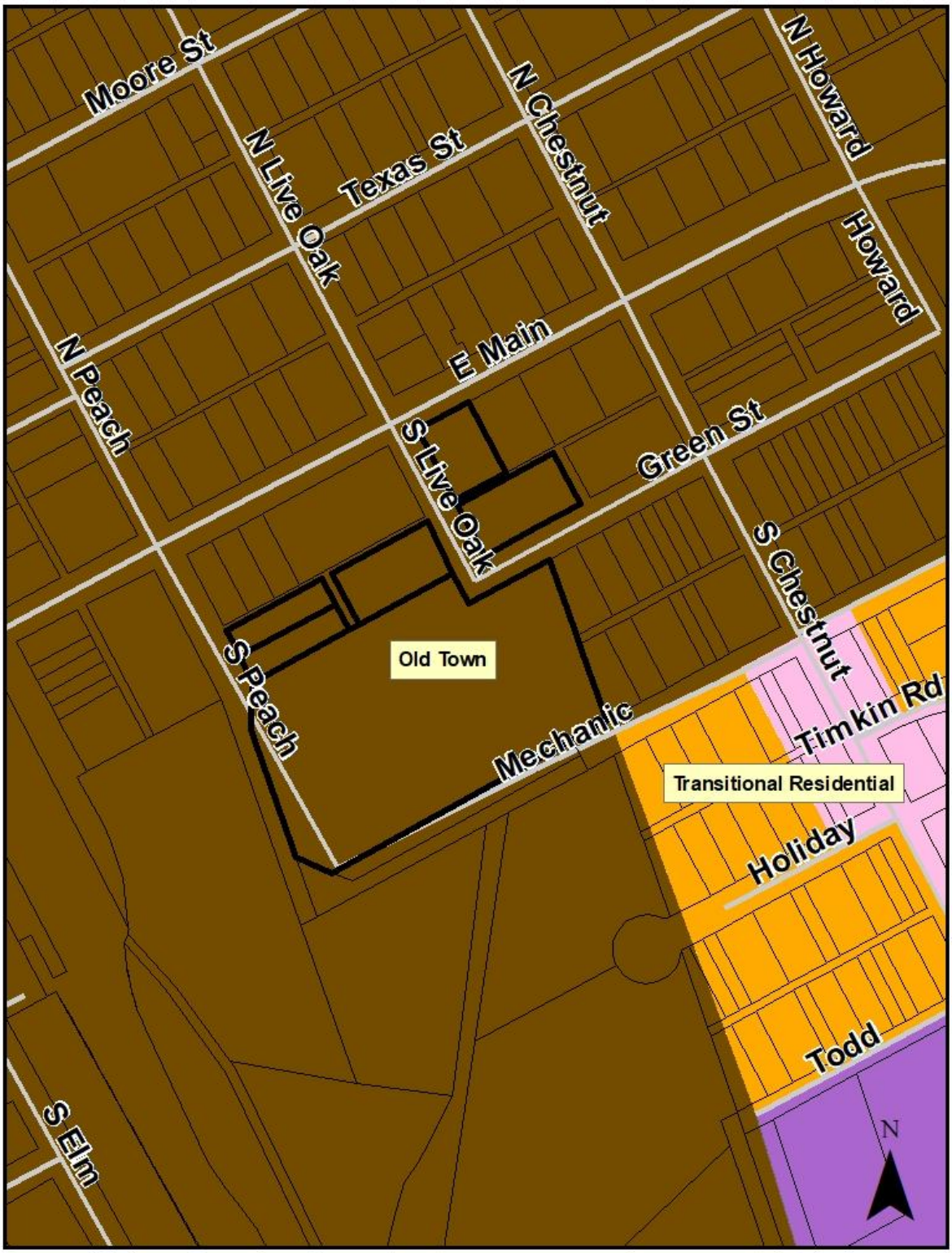


Exhibit "C"
Zoning Map

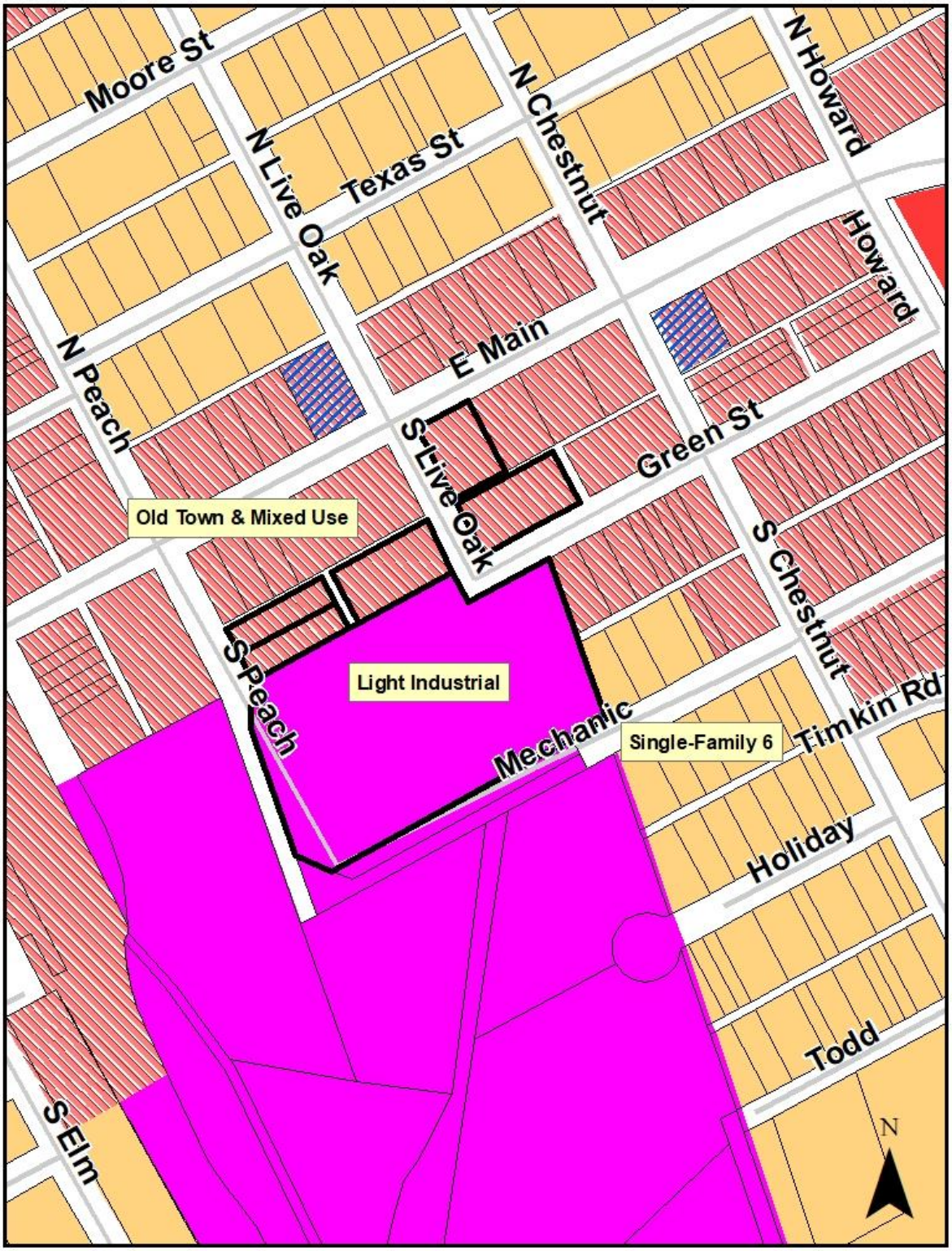


Exhibit “D”
Site Photos

RECEIVED (KC)
06/04/2020 1:26:25 PM

Revised 5/19/15

P&Z #20-104
$1,000.00

APPLICATION FOR PLANNED DEVELOPMENT

Community Development Department
Planning Division

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

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

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

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

Applicant
Name: Jackie Rye Title: Associate Principal
Mailing Address: 2118 Lamar Street City: Houston State: Tx
Zip: 77003
Phone: (713) 842 7500 Fax: ( ) Email: jrye@methodarchitecture.com

Owner
Name: Travis Whitmeyer Title: President
Mailing Address: 20110 Rosegold Way City: Spring State: Tx
Zip: 77379
Phone: (832) 922 3736 Fax: ( ) Email: travis@whitmeyers.com

Engineer/Surveyor (if applicable)
Name: EIC Surveying Company Title:
Mailing Address: 12345 Jones Street Suite 270 City: Houston State: Tx
Zip: 77070
Phone: (281) 955 2772 Fax: ( ) Email:

Description of Proposed Project: Whitmeyer's Distilling Co.

Physical Location of Property: 204 South Live Oak Street - 6 acre tract description provided below:
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lots 13,14,15, 16, 19, 20 Block 67, Tomball, Harris County, Texas
Lot 3, Block 67, Tomball, Harris County, Texas
Lots 3, 4, 5, 6 Block 71, Tomball, Harris County, Texas
Reserve A-1, Block 1, American Superior Feed R/P, Harris County, Texas

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: Re: B-4 Acreage: Re: B-4

Current Use of Property: LI & Vacant lots

Proposed Use of Property: See attached summary

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 _____ 06/04/2020

Signature of Applicant **Date**

X Kelly Violette Digitally signed by Kelly Violette Date: 2020.06.17 17:10:11 -05'00' 6/17/2020

Signature of Owner **Date**

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

A. Contents

- General Provisions
- Land Uses
- Development Regulations
- Landscape & Screening Regulations

B. General Provisions

1. The Planned Development, PD, approved herein must be constructed, developed, and maintained in compliance with this ordinance and other applicable ordinances of the City of Tomball. If any provisions or regulations of any City of Tomball ordinance applicable in an OT &MU, and LI is not contained in this ordinance, all the regulations contained in the Codified Zoning Ordinance applicable to the listed zones in effect on the effective date of this ordinance apply to this PD as though written herein, except to the extent the City of Tomball regulation of provisions conflicts with a provision of this ordinance.

2. except as otherwise provided herein, the words used in this Planned Development have the meaning established by the Codified Zoning Ordinance.

3. The PD shall be developed in accordance with the following exhibits that are attached to and made part of this Final Development Plan unless officially amended at a later date.

Exhibit A – "SLO Survey"

Exhibit B – "Concept Masterplan"

Exhibit C – "Setback Diagrams"

Exhibit D – "Request Letter"

4. As shown on Exhibit A, the PD encompasses the following legally described properties:

South Live Oak Tomball, Texas 77375

Lots 13,14,15, 16, 19, 20 Block 67, Tomball, Harris County, Texas

Lot 3, Block 67, Tomball, Harris County, Texas

Lots 3, 4, 5, 6 Block 71, Tomball, Harris County, Texas

Reserve A-1, Block 1, American Superior Feed R/P, Harris County, Texas

Legal Description: *RES A-1 BLK 1, AMERICAN SUPERIOR FEED R/P*

Property Address: *204 S LIVE OAK ST, TOMBALL TX 77375*

HCAD Acct: *1184140010001*

Legal Description: *LT 3 BLK 67, TOMBALL*

Property Address: *0 PEACH ST, TOMBALL TX 77375*

HCAD Acct: *0352720670003*

Legal Description: *LTS 19 & 20 BLK 67, TOMBALL*

Property Address: *0 PEACH ST, TOMBALL TX 77375*

HCAD Acct: *0352720670019*

Legal Description: *LTS 13 14 15 & 16 BLK 67, TOMBALL*

Property Address: *110 S LIVE OAK ST, TOMBALL TX 77375*

HCAD Acct: *0352720670013*

Legal Description: *LTS 3 4 5 & 6 BLK 71, TOMBALL*

Property Address: *0 E MAIN ST, TOMBALL TX 77375*

HCAD Acct: *0352730710012*

C. Land Uses

1. No defined Land Use will be assigned to any specific lot, tract, or otherwise indicated boundary contained within the PD

2. Defined Land Uses shall include any uses permitted by right in the OT&MU, and LI zoning districts as defined by City of Tomball Land Use Matrix currently in effect on the effective date of this ordinance. The following uses shall be permitted and not require a CUP:

- *Distillation of liquors, spirits, etc. (brewery)*
- *Motel*
- *Hotel*
- *Mobile Food Court*
- *Soap, detergents, cleaning preparations manufacture (hand sanitizer)*

D. Development Regulations

1. Area regulations for nonresidential uses.

a. Size of lot.

1. Minimum lot area: 5,000 square feet.

2. Minimum lot width: 25 feet given minimum lot area can be met

3. Minimum lot depth: 25 feet given minimum lot area can be met

2. Size of yards.

a. Commercial properties may have a zero front building line with the exception of properties which front "East Main Street; 2920"

c. Minimum side and rear yard is 5 feet when adjacent to a nonresidential zoning district or use. If adjacent to a SingleFamily, Duplex (Two-Family), Patio Home or Single-Family Attached District or use, then side and/or rear setback shall be a minimum of 20 feet. Corner lots shall maintain a 20 foot side yard setback.

d. Interior side yards: when commercial uses are platted adjacent to other commercial uses and integrated into an overall "strip" site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the city's building code.

3. Height regulations.

a. The maximum height in the PD shall be 70ft

b. Additional height may be approved by CUP.

4. Parking Regulations.

a. General parking and loading requirements

1. "Production" Areas (eg. distillery, brewery, manufacturing, bottling, food production, kitchens, etc): 1 per 1,500 gross sqft

2. Office: 1 per 300 gross sqft

3. Food and Beverage Consumption (tables and chairs): 1 per 150 net sqft

4. Assembly Spaces: 1 per 150 net sqft

5. Designated Outdoor Assembly (beer gardens, programmed green spaces, playground): 1 per 500 gross sqft

6. Overnight Accommodations (hotel/motel/bed & breakfast): 1 space per Guest Room

7. Storage (warehouse): 1 per 5,000 gross sqft

c. Up to 10% of the total parking required may be reduced if the following condition(s) are provided:

1. Designated Ride Share – Pick-up / Drop-off Zones

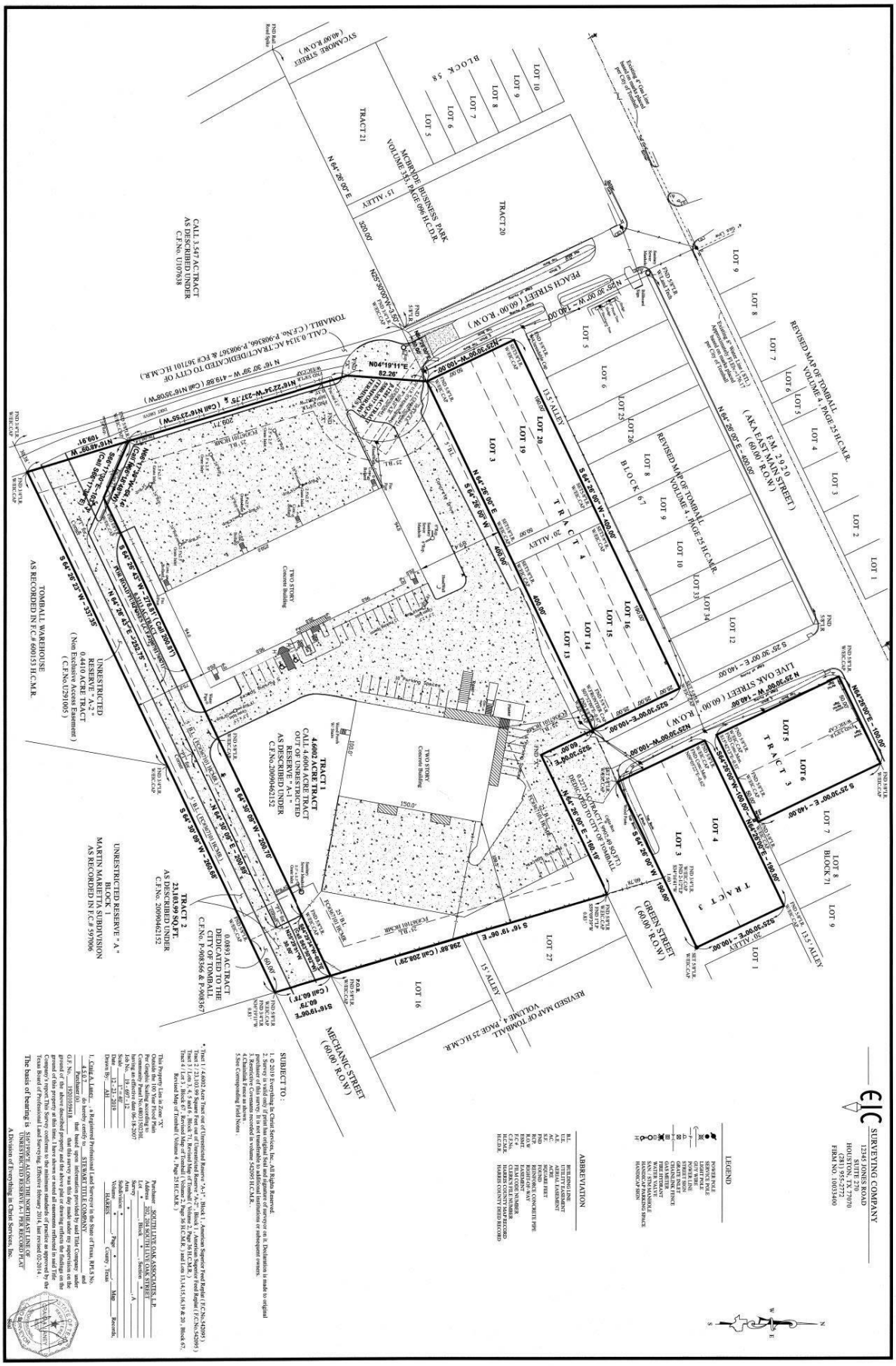
d. Condensed/Stacked "Valet Only" spots are allowed to count towards the total number of required spots given the total combined number of valet spots does not exceed 25%

e. Shared parking agreements based on business hours of operation are allowed in order to meet the minimum requirements listed above.

E. Landscape & Screening Regulations

1. Refer to Sec 50-113 Landscape Requirements of the City of Tomball Code of Ordinances

2. Refer to Sec 50-115 Screening Requirements of the City of Tomball Code of Ordinances


SURVEYING COMPANY
12345 JONES ROAD
SUITE 175
HOUSTON, TX 77070
(281) 955-2772
FIRM NO. 10033400
LEGEND
ABBREVIATION
SUBJECT TO :
The basis of bearing is
TRACT 1
4.6602 ACRE TRACT
TRACT 2
21,065.99 SQ.FT.
0.0893 AC. TRACT
DEDICATED TO THE
CITY OF TOMBALL
UNRESTRICTED RESERVE "A-2"
0.4410 ACRE TRACT
TOMBALL WAREHOUSE
AS RECORDED IN F.C.# 600135 H.C.M.R.
UNRESTRICTED RESERVE "A"
MARTIN MARIETTA SUBDIVISION
AS RECORDED IN F.C.# 597006
REVISED MAP OF TOMBALL
VOLUME 4, PAGE 25 H.C.M.R.
MCBRIDE BUSINESS PARK
VOLUME 355, PAGE 006 H.C.D.R.
CALL 3.547 AC. TRACT
AS DESCRIBED UNDER
C.F.No. U107638
CALL 0.3134 AC. TRACT/DEDICATED TO CITY OF
TOMBALL (C.F.No. P-908366, P-908367 & F.C.# 367101 H.C.M.R.)
F.M. 2920
(AKA EAST MAIN STREET)
(60.00' R.O.W.)
PEACH STREET (60.00' R.O.W.)
LIVE OAK STREET (60.00' R.O.W.)
GREEN STREET
(60.00' R.O.W.)
MECHANIC STREET
(60.00' R.O.W.)
SYCAMORE STREET
(40.00' R.O.W.)
BLOCK 5R
BLOCK 67
BLOCK 71
TRACT 20
TRACT 21
TRACT 3
TRACT 4
TWO STORY
Concrete Building
S44°26'00"E 400.00'
N44°26'00"W 400.00'
S44°26'00"E 100.00'
N44°26'00"W 100.00'
S25°30'00"E 140.00'
N25°30'00"W 140.00'
S44°30'00"W 200.00'
N44°30'00"E 200.00'
S16°19'06"E 60.79'
S16°19'06"E 298.88'
N64°26'00"E 320.00'
N25°30'00"W 140.00'
S44°26'00"W 100.00'
S25°30'00"E 140.00'
N44°26'00"E 100

WHITMEYER'S DISTILLING CO. DISTRICT . TOMBALL, TEXAS

SITE PLAN

NOT TO SCALE

SCHEME B - 06/01/20

MB204016

WDC DISTRICT PHASE I

BUILDING 1	
TASTING:	5,000 SF
PRODUCTION:	10,000 SF
BUILDING 2	
OFFICE:	5,000 SF
PRODUCTION:	10,000 SF
STORAGE:	10,000 SF
BUILDING 3	
BARREL STOR:	5,000 SF
BUILDING 4	
VENUE:	4,000 SF
BUILDING TOTAL:	±49,000 SF
BIERGARTEN:	19,000 SF
TOTAL LAND:	±6.81 ACRES

PARKING ESTIMATES

VENUE : 1 PER 150 NET SF
4000 / 150 = 27 SPOTS

TASTING: 1 PER 150 NET SF
5000 / 150 = 34 SPOTS

OFFICE: 1 PER 300 SF
5000 / 300 = 16 SPOTS

PROD.: 1 PER 1500 SF
20000 / 1500 = 14 SPOTS

STORAGE: 1 PER 5000 SF
15000 / 5000 = 3 SPOTS

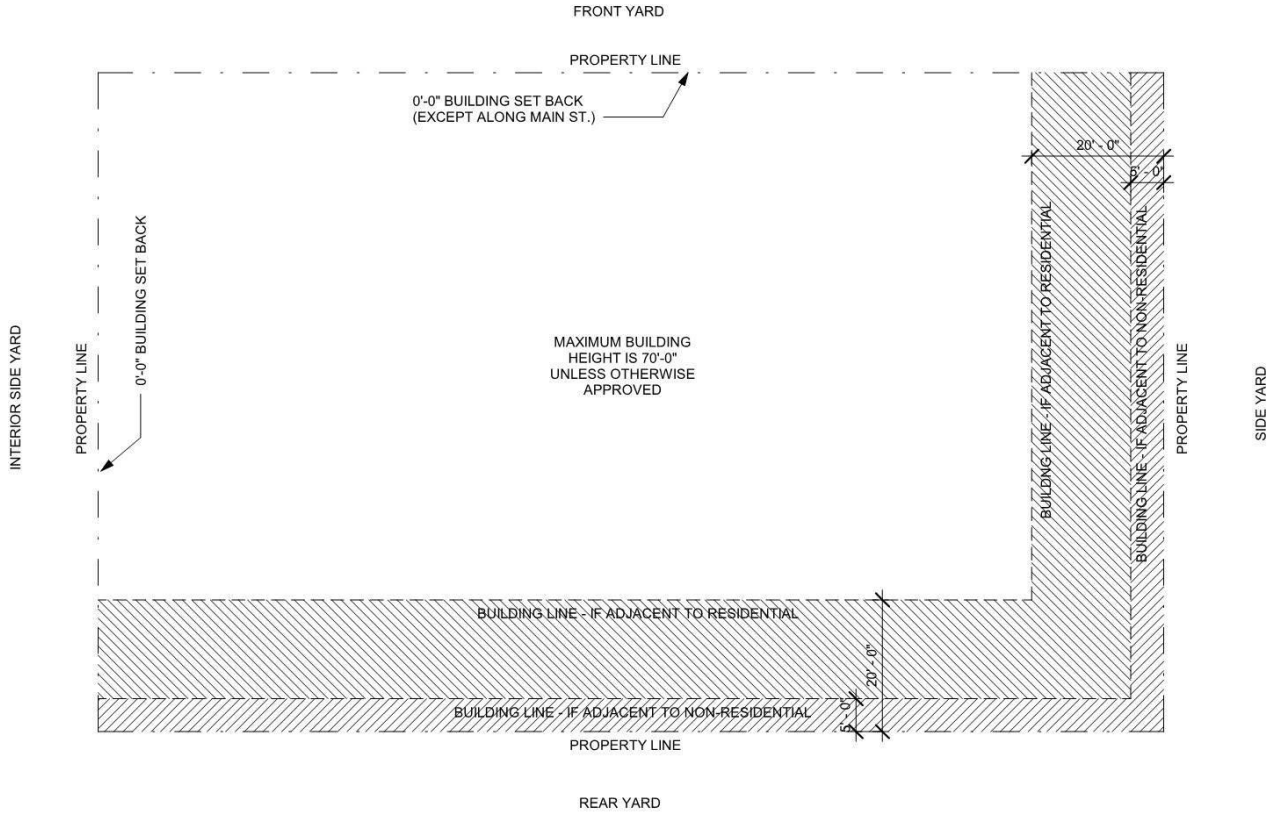
BEIRGARTEN: 1 PER 500 SF
19000 / 500 = 38 SPOTS

TOTAL PARKING REQUIRED:
132 SPOTS

TOTAL PARKING PROVIDED:
182 SPOTS

BASED ON PRELIMINARY INFORMATION PROVIDED BY THE OWNER - SUBJECT TO CHANGE

METHOD architecture
2118 LAMAR, SUITE 200
HOUSTON, TEXAS 77003
(713) 842 - 7500



METHOD architecture
methodarchitecture.com

BUILDING REGULATIONS DIAGRAM

WHITMEYERS DISTILLING CO
DISTRICT

TYPICAL
06/01/20

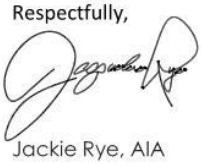
City of Tomball Planning and Zoning
501 James St.
Tomball, TX 77357

Re: Planned Development Application
Whitmeyers Distilling Co. District
Tomball, Texas

Dear Mr. Meyers and Team,

Method Architecture, PLLC., as applicant, requests the acceptance of the proposed Planned Development application and supporting documentation for the group of properties delineated in the attached. Per the City of Tomball Zoning Map, the subject properties are zoned to OT&MU and LI. The application proposes the current zoning designation be revised to a Planned Development District, consisting of a combination of OT&MU and LI with exceptions to allow certain land uses without the need of conditional use permits. Primarily we are seeking to allow the unconditional use of land for distillation of liquor and associated gathering spaces, as well as manufacturing and distribution of hand sanitizer products. We believe that acceptance of such a development will have a positive impact on the City of Tomball by providing a community gathering space for locals and visitors alike and will encourage growth in the surrounding area. We appreciate your time and thank you for the opportunity.

Respectfully,



Jackie Rye, AIA

Associate Principal

METHODarchitecture, PLLC

Community Development Department

Notice of Public Hearing

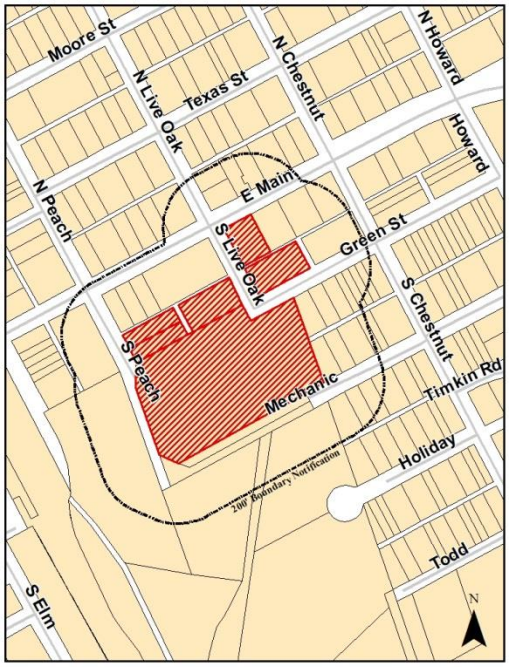
YOU ARE INVITED TO ATTEND the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P20-104

APPLICANT/OWNER: Jackie Rye

LOCATION: Generally located on the south side of FM 2920 at South Live Oak Street, within the City of Tomball, Harris County, Texas.

PROPOSAL: A Re-Zoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 6 acres of land legally described as Reserve A-1 Block 1, American Superior Feed Replat, Lots 3, 4, 5 & 6 Block 71, Lots 3, 13, 14, 15, 16, 19 & 20 Block 67 Tomball, from the Old Town & Mixed Use and Light Industrial Districts to the Planned Development District.



CONTACT: Amelia Lindley, City Planner
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, July 13, 2020 6:00 PM

City Council Public Hearing:
***Monday, July 20, 2020 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.

Amelia Lindley

From: The Garden Oaks Christian Academy <thegardenoakschristianacademy@gmail.com>
Sent: Monday, July 13, 2020 3:00 PM
To: Amelia Lindley
Subject: Re-Zoning

I am against the requested Re-Zoning as explained on the attached public notice for Zoning Case P-20-104 This is the third time in the last couple of years that property has been rezoned. My property is already surrounded by businesses and that should not be. How many of these businesses would like some of these businesses in their neighborhood where they live? I pray you all do the right thing and stop bringing businesses to our neighborhood.

Thank you,
Henry Matthews

Public Comment Form

(Please type or use black ink)

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

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

Name: Mehrdad Touri
(please print)
Address: 315 Mechanic St, Tomball, TX 77375
BIK 70 - Lots 20, 21, 22

Signature: [signature]

Date: June 30, 2020

✓ I am **FOR** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-104. (Please state reasons below)**

____ I am **AGAINST** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-104. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, July 13, 2020 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, July 20, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

It will generate more income for the city and public areas will see improvements.

You may also comment via email to ALindley@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call Amelia Lindley @ 281-290-1410.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:

Consideration to approve **Zoning Case P20-103**: Request by Daniel Valdez with META Planning + Design to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 95.4 acres of land legally described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, Pt Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, Pt Tract 21A (Ag-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, from the Agricultural and Commercial Districts to the Planned Development (PD-14) District. The property is generally located on the south side of Theiss Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on **Zoning Case P20-103**
- Adopt, on First Reading, Ordinance No. 2020-19, 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 95.4 Acres of Land, Legally Described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, PT Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, PT Tract 21A (AG-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, within the City of Tomball, Harris County, Texas, from the Agricultural and Commercial Districts to the Planned Development (PD-14) District; said Property being generally located on the South Side of Theiss Lane at Commercial Park Road and North Side of Holderrieth Road between SH 249 and South Cherry Street; 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 July 13, 2020, after conducting a public hearing, the Planning & Zoning Commission recommended approval of the rezoning request with a 5-0 vote.

Origination:

Daniel Valdez, META Planning + Design

Recommendation:

Adopt Ordinance No. 2020-19 on First Reading

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2020-19
Notice of Public Hearing
Staff Report
Property Owner Notification
Public Comment Form
Public Comment Received 7-15-2020

ORDINANCE NO. 2020-19

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 95.4 ACRES OF LAND, LEGALLY DESCRIBED AS TRACTS 198A, 202A & 206A, TOMBALL OUTLOTS, TRACTS 3B, 4, 4Q, 21A, 23B & 23B-2 ABSTRACT 632 C V PILLOT, PT TRACT 21A (HOMESITE) (TRACT 4-X) ABSTRACT C N PILLOT, TRACT 23A ABSTRACT 632 C N PILLOT, PT TRACT 21A (AG-USE) ABSTRACT 632 C N PILLOT, TRACTS 3A-2, 4P, 19A & 23B-1 ABSTRACT 632 C V PILLOT, TRACT 4R ABSTRACT 632 C V PILLOT, TRACT 23A-2 ABSTRACT 632 C N PILLOT, TRACTS 4Q-1, 23B-3 & 23B-2A ABSTRACT 632 C V PILLOT, TRACTS 3A & 3A-3 ABSTRACT 632 C V PILLOT, AND TRACT 4R-1 ABSTRACT 632 C V PILLOT, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL AND COMMERCIAL DISTRICTS TO THE PLANNED DEVELOPMENT (PD-14) DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE SOUTH SIDE OF THEISS LANE AT COMMERCIAL PARK ROAD AND NORTH SIDE OF HOLDERRIETH ROAD BETWEEN SH 249 AND SOUTH CHERRY STREET; 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, Daniel Valdez with META Planning + Design, has requested that approximately 95.4 acres of land, legally described Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, Pt Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, Pt Tract 21A (Ag-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, generally located on the south side of Theiss Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

Whereas, the applicant has presented an application to the City for a Planned Development District to allow for the construction of a mixed-use development; and

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

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

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning of Planned Development (PD-14) District; and

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

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Agricultural and Commercial and Districts to the Planned Development (PD-14) District subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as Planned Development (PD-14) District, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Tomball, save and except the change in zoning classification for the Property to the Planned Development (PD-14) District as described above.

Section 5. The Planned Development (PD-14) shall be subject to the following limitations, restrictions and covenants:

A. Compliance with the Application, Regulations and Concept Plan. The granting of the Planned Development (PD-14) District shall be conditioned upon the proposed improvements and lands uses being located, constructed and conducted upon the Property in substantial compliance with the application for the Planned Development District (Exhibit "A"), Planned Development Regulations (Exhibit "B") and concept plan (Exhibit "C") made a part hereof for all purposes.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not

affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF JULY 2020.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN 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 3RD DAY OF AUGUST 2020.

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

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

Exhibit "A"
Application for Planned Development

RECEIVED (KC)
06/04/2020 8:07:05 AM

Revised 5/19/15
P&Z #20-103

APPLICATION FOR PLANNED DEVELOPMENT

Community Development Department
Planning Division

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

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

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

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

Applicant
Name: Daniel Valdez - META Planning + Design Title: Senior Planner
Mailing Address: 24275 Katy Freeway, Suite 200 City: Katy State: Texas
Zip: 77494
Phone: (281) 810-1422 Fax: (____) _____ Email: dvaldez@metaplanningdesign.com

Owner
Name: Kevin Graham Title: _____
Mailing Address: P.O BOX 1621 City: TOMBALL State: TX
Zip: 77377-1621
Phone: (281) 825-7211 Fax: (____) _____ Email: GRAHAM_KEVIN@SBCGLOBAL.NET

Engineer/Surveyor (if applicable)
Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: 95.4 Acre Single-family residential community

Physical Location of Property: East of SH 249, North of Holderrieth Rd., ±1,500' west of S. Cherry St.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: See attached list

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: See attached list Acreage: 95.4

Current Use of Property: Vacant

Proposed Use of Property: Single-family development

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

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

X _____ 5/11/2020

Signature of Applicant **Date**

X Kevin Graham 5-26-2020

Signature of Owner **Date**

Revised 5/19/15

APPLICATION FOR PLANNED DEVELOPMENT

Community Development Department
Planning Division

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

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Applicant
Name: Daniel Valdez - META Planning + Design Title: Senior Planner
Mailing Address: 24275 Katy Freeway, Suite 200 City: Katy State: Texas
Zip: 77494
Phone: (281) 810-1422 Fax: (____) _____ Email: dvaldez@metaplanningdesign.com

Owner
Name: Maritia LP Title: _____
Mailing Address: 30 E. RIVERCREST DR City: HOUSTON State: TX
Zip: 77042
Phone: (832) 755-5074 Fax: (____) _____ Email: LOUIS_SMULDERS@HOTMAIL.COM

Engineer/Surveyor (if applicable)
Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: 95.4 Acre Single-family residential community

Physical Location of Property: East of SH 249, North of Holderrieth Rd., ±1,500' west of S. Cherry St.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: See attached list

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: See attached list Acreage: 95.4

Current Use of Property: Vacant

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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 _____ 5/11/2020

Signature of Applicant **Date**

X _____ 5/27/2020

Signature of Owner **Date**

META
PLANNING + DESIGN

June 2, 2020

Mayor and City Council
City of Tomball
401 Market Street
Tomball, Texas 77375

Re: HOLDERRIETH TRACT PLANNED DEVELOPMENT

Dear Mayor and City Council,

On behalf of our client, Chesmar Homes, we are submitting the application for the creation of the Holderrieth Tract Planned Development.

The developer intends to develop the 95-acre tract into a single-family residential community. The tract is located north of Holderrieth Road, south of Theis Lane, west of South Cherry Street.

Below is a list of the items that are included with this submittal:

1) Completed application form
2) Surveys that comprise the tract
3) List of HCAD tracts that comprise tract
4) Planned Development Text
5) Detailed Concept Plan
6) Open Space Plan
7) Tax Certificates (Harris County and Tomball ISD)

Feel free to contact me if you have any questions or need any additional information.

Sincerely,

Daniel Valdez
Enclosure

24275 Katy Freeway, Suite 200 | Katy, Texas 77494 | 281-810-1422

Exhibit B

Planned Development

95 Acres Tomball (Theis Lane Tract)

A. Contents. This final development plan includes the following sections:

- General Provisions
- Land Uses
- Development Regulations for Single Family Lots
- Development Regulations for Non-Residential Uses
- Amenities and Landscape Regulations
- Open Space and Trails
- Building Regulations

B. General Provisions

1. The planned Development, PD, approved herein must be constructed, developed, and maintained in compliance with this ordinance and other ordinances of the City in effect at the effective date of this PD Ordinance. If any provisions or regulations of any City ordinance applicable in a SF-6 (Standard Single Family Residential) or GR (General Retail) zoning district is not contained in this ordinance, all the regulations contained in the Development Code applicable to the SF-6 and GR zoning district in effect on the effective date of this ordinance apply to this PD as through written herein, except to the extend the City regulation or provision conflicts with a provision in this ordinance.
2. Except as otherwise provided herein, the words used in this Planned Development have the meaning established by the Development Code.
3. The PD shall be developed in accordance with the following exhibits that are attached to and made a part of this Final Development Plan:

   Exhibit C – Concept Plan

   Exhibit C1 – Landscape and Open Space Plan

4. As shown on Exhibit C, the PD encompasses 95.4 acres, located west of S. Cherry Street, east of State Highway 249, north of Holderrieth Road and south of Theis Lane.

C. Land Uses.

1. SFR: Permitted land uses are listed below.

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

2. General Retail: Permitted uses of the Commercial tracts on Exhibit C shall be those uses permitted within GR- General Retail District of the Zoning Ordinance.

D. **Development Regulations for Single Family Lots** – Maximum 350 lots permitted. The total lot count may vary from that shown in Exhibit C so long as it is generally in a configuration with what is shown on Exhibit C. See H. Minor Modifications for permitted variations to the land plan.

Single-family home sites within the PD shall be developed in accordance with the following regulations:

1. The minimum lot width shall be 40 feet wide. Except the maximum number of lots 40 feet wide shall not exceed 60% percent of the total maximum number of lots.
2. Lots shown on Exbibit C
    a. Minimum lots area:
        i. 40' wide lots shall have a minimum area of 4,800 square feet.
        ii. 50' wide and greater, lots shall have a minimum area of 6,000 square feet. Lot width shall be measured at the building line.
    b. Minimum lot width: 40 feet. Lot width shall me measured at the building line.
    c. Minimum lot depth: 100 feet
    d. Maximum lot coverage: 60% (lot acreage shall include building footprint only)
3. Minimum building setbacks:
    a. Front yard: 20 feet; (measured from front building line)
    b. Rear yard: 15 feet;
    c. Side yard: 5 feet, 10 feet on street side of a corner lot.

E. **Development Regulations for non-residential uses-** All provisions and regulations regarding height, area regulations, maximum lot coverage, and maximum floor-area-ratios applicable in a GR (General Retail) zoning district.

F. **Amenities and Landscape Regulations** – As shown on Exhibit C1, the PD shall be developed in accordance with the following landscape regulations:
1. Recreation site and amenities:
    a. A minimum 1-acre recreational reserve, centrally located within the development, may include a playground and picnic facilities, etc.
    b. A minimum 6, off-street parking spaces shall be provided. The off-street parking may be provided thru dedicated parking lot, parallel parking and/or a combination of both. At a minimum, one bicycle rack which will accommodate a minimum of five bicycles.
    c. Amenities may include (but are not limited to):
        - Playground
        - Picnic Facilities
2. Landscape buffers:
    a. 15' foot minimum buffer shall be provided along all major and minor arterials and within commercial areas contiguous to lot lines. As shown on Exhibit C1
    b. 10-foot minimum buffer, contiguous to lot lines, shall be provided along entry street(s) and collector streets. As shown on Exhibit C1

c. Required buffers along major arterials and entry streets shall include one shade tree for each street frontage, or portion thereof, measured along the right-of-way line. The trees may be clustered or spaced linearly; they need to be placed evenly.
d. Required buffers may include trails.

3. Open Space:
   a. Minimum 30% space, to be distributed as shown on Exhibit C1
   b. Open space shall include all landscape buffers, landscape reserves, open space reserves, parks, drill sites, detention, lakes, wetlands and well sites.
   c. At a minimum 1 acre shall be provided as parks
   d. All required open space shall be owned and maintained by the Homeowners Association and shall be accessible to all residents within the PD's Homeowner's association. Exhibit C1

G. **Sidewalks -** As shown on Exhibit C1, the PD shall be developed in accordance with the following:
   1. Sidewalks:
      a. Minimum 5-foot width sidewalks shall be provided along both sides of local residential and collector streets.
      b. All sidewalks shall be paved with concrete.

H. **Minor Modifications –**The following minor modifications of the PD are allowed provided that such modifications shall be reviewed for compliance tithe the applicable Tomball Codes and this Ordinance and approved by the Planning Director.
   1. Modifications to internal street patterns are allowed
   2. Modifications to the location of land uses, provide that such relocations meet the minimum area and land use regulations set forth within in this document.
   3. Modifications to lot sizes are allowed provided that such lots shall meet the minimum area regulations set forth in this document.
   4. Modifications to the total acreage provided for each land use set for in Exhibit C are allowed, provided that the modification or series of modifications, shall not result in a net change of greater than 10% in each land use.

Exhibit "C"
Concept Plan

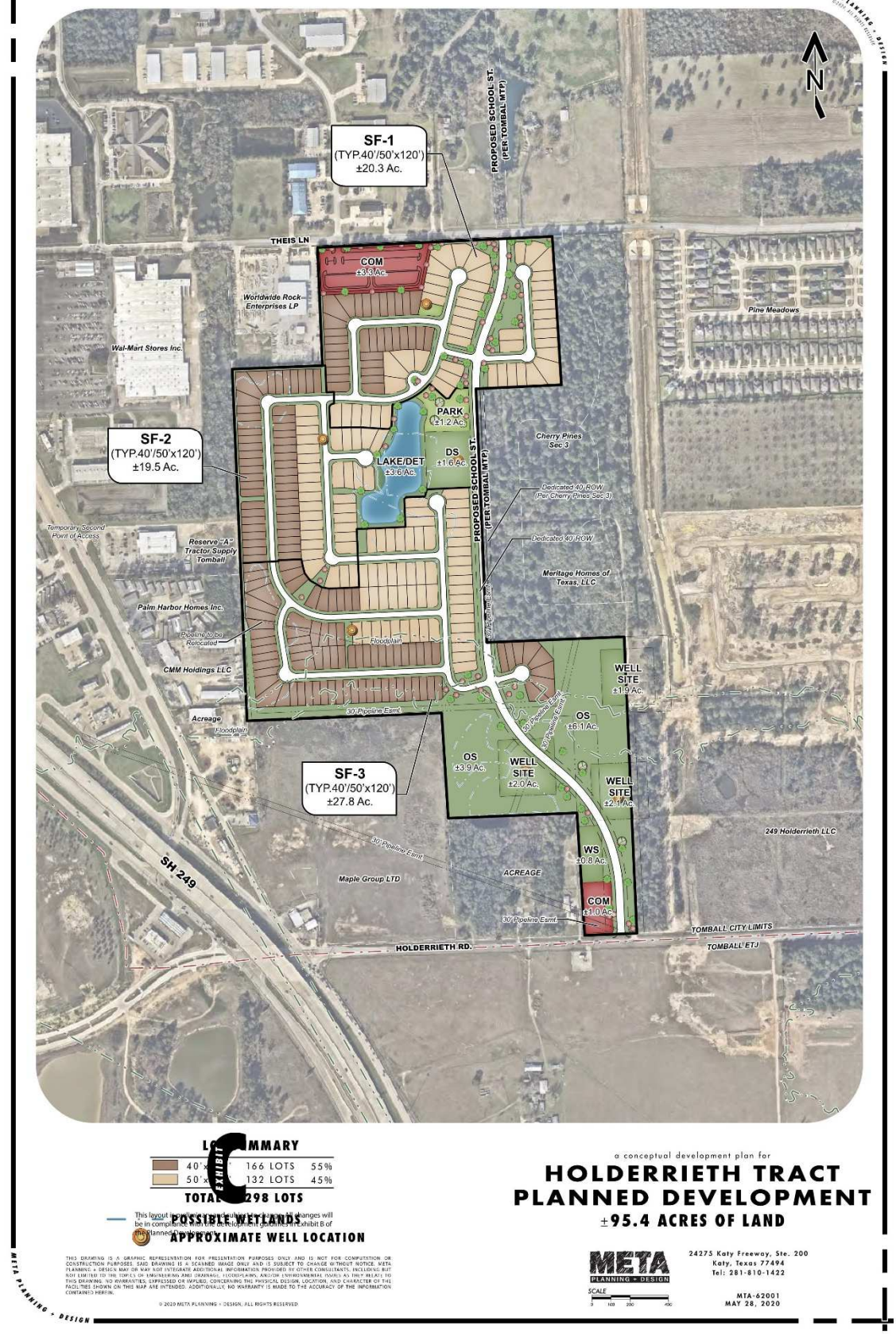

EXHIBIT C

LOT SUMMARY

40' x	166 LOTS	55%
50' x	132 LOTS	45%
TOTAL	298 LOTS	

POSSIBLE WETLANDS

APPROXIMATE WELL LOCATION

This layout is conceptual in nature and changes will be in compliance with the development guidelines in Exhibit B of the planned development ordinance.

a conceptual development plan for

HOLDERRIETH TRACT PLANNED DEVELOPMENT

±95.4 ACRES OF LAND

META PLANNING + DESIGN
24275 Katy Freeway, Ste. 200
Katy, Texas 77494
Tel: 281-810-1422

SCALE 0 100 200 400

MTA-62001
MAY 28, 2020

THIS DRAWING IS A GRAPHIC REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. SAID DRAWING IS A SCANNED IMAGE ONLY AND IS SUBJECT TO CHANGE WITHOUT NOTICE. META PLANNING + DESIGN MAY OR MAY NOT INTEGRATE ADDITIONAL INFORMATION PROVIDED BY OTHER CONSULTANTS, INCLUDING BUT NOT LIMITED TO THE TOPICS OF ENGINEERING AND DRAINAGE, FLOODPLAINS, AND/OR ENVIRONMENTAL ISSUES AS THEY RELATE TO THIS DRAWING. NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE PHYSICAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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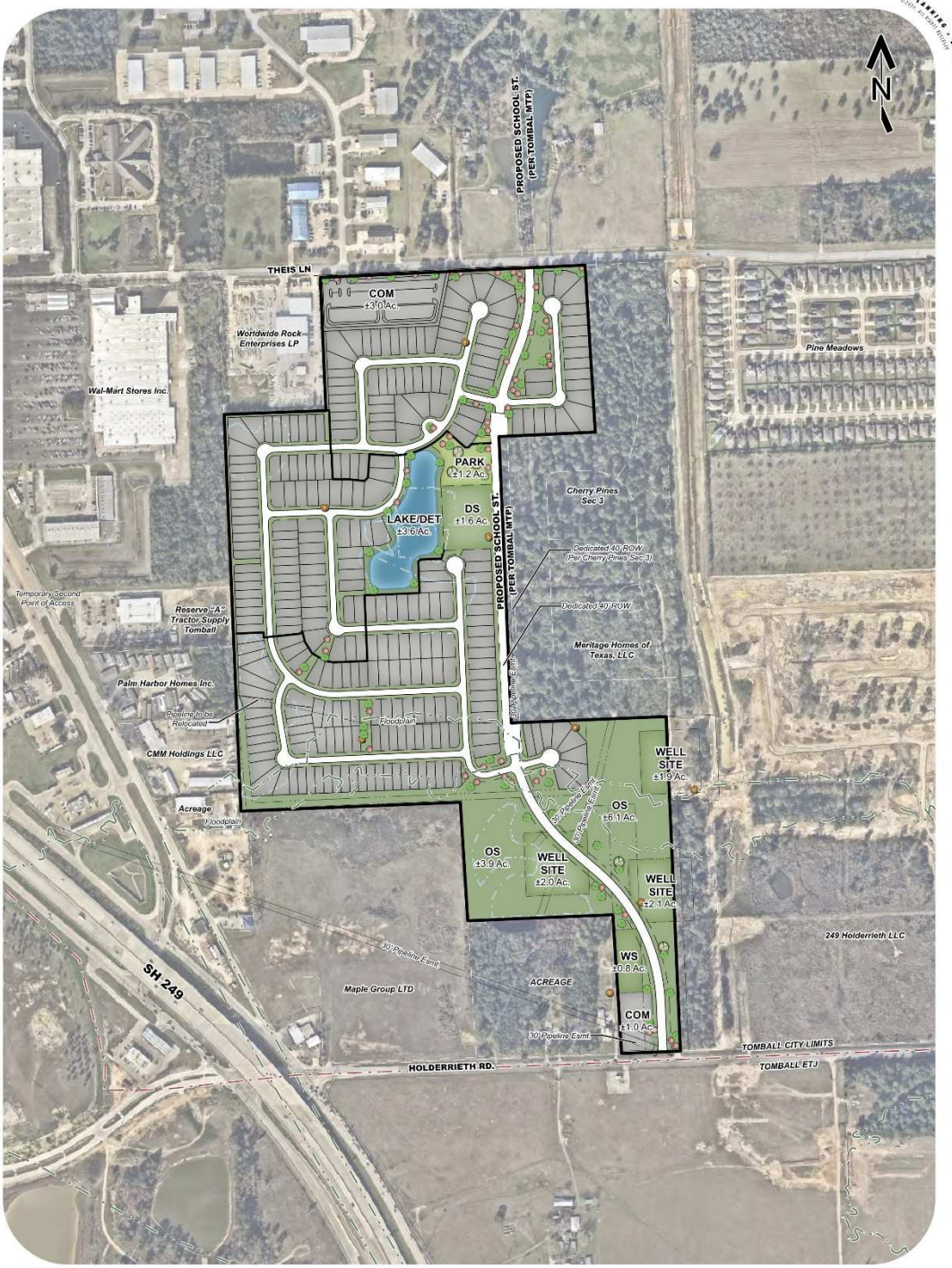

EXHIBIT C1

LOT SUMMARY

x120'	LOTS	55%
x120'	LOTS	45%
TOTAL	LOTS	

This layout is conceptual in nature and changes will be in compliance with the development guidelines in Exhibit B of the planned development.

POSSIBLE WETLANDS

APPROXIMATE WELL LOCATION

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an open space exhibit for

HOLDERRIETH TRACT PLANNED DEVELOPMENT

±95.4 ACRES OF LAND

META PLANNING + DESIGN
24275 Katy Freeway, Ste. 200
Katy, Texas 77494
Tel: 281-810-1422

SCALE 0 100 200 400

MTA-62001
MAY 6, 2020

META PLANNING + DESIGN

EXHIBIT **C1**

This layout is preliminary and subject to change. All changes will be in compliance with the development guidlines in Exhibit B of the Planned Development.

an open space exhibit for

HOLDERRIETH TRACT PLANNED DEVELOPMENT

±95.4 ACRES OF LAND

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META PLANNING + DESIGN

24275 Katy Freeway, Ste. 200
Katy, Texas 77494
Tel: 281-810-1422

SCALE 0 100 200 400

MTA-62001
MAY 28, 2020

NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 13, 2020
&
CITY COUNCIL
JULY 20, 2020

Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 13, 2020, at 6:00 P.M.,** and by the City Council of the City of Tomball on **Monday, July 20, 2020, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P20-069: Request by Richard C. James to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District. The property is generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas.

Zoning Case P20-099: Request by Daniel Rodano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.7958 acres of land legally described as part of Tracts 6A 12A 18A 24A 30A & 36A (AG-use) Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the north side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas.

Zoning Case P20-103: Request by Daniel Valdez with META Planning + Design to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 95.4 acres of land legally described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, Pt Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, Pt Tract 21A (Ag-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, from the Agricultural and Commercial Districts to the Planned Development (PD-14) District. The property is generally located on the south side of Theiss Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street, within the City of Tomball, Harris County, Texas.

Zoning Case P20-104: Request by Jackie Rye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 6 acres of land legally described

as Reserve A-1 Block 1, American Superior Feed Replat, Lots 3, 4, 5 & 6 Block 71, Lots 3, 13, 14, 15, 16, 19 & 20 Block 67 Tomball, from the Old Town & Mixed Use and Light Industrial Districts to the Planned Development (PD-15) District. The property is generally located on the south side of FM 2920 at South Live Oak Street, within the City of Tomball, Harris County, Texas.

Zoning Case P20-105: Request by Whitmeyer's Distilling Co., LLC for a Conditional Use Permit to operate a *soap, detergents, cleaning preparations manufacture* facility. The property is approximately 6.10 acres of land legally described as Lot 14 Block 1 Tomball Business and Technology Park Lot 9 Replat, generally located at the end of Spell Circle at 21250 Spell Circle, within the City of Tomball, Harris County, Texas and is zoned Light Industrial 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 City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **9th** day of **July 2020** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley
Amelia Lindley
City Planner

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

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 13, 2020
City Council Public Hearing Date: July 20, 2020

Rezoning Case:	P20-103
Property Owner(s):	Kevin Graham, Maritia LP
Applicant(s):	Daniel Valdez – META Planning + Design
Legal Description:	Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, Pt Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, Pt Tract 21A (Ag-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot
Location:	South side of Theiss Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street (Exhibit "A")
Area:	95.4 acres
Comp Plan Designation:	Neighborhood Residential and Corridor Commercial (Exhibit "B")
Present Zoning and Use:	Agricultural and Commercial Districts (Exhibit "C") / Undeveloped (Exhibit "D")
Proposed Use(s):	Single-family residential subdivision with commercial (Exhibit "E")
Request:	Rezone from the Agricultural and Commercial Districts to the Planned Development (PD-14) District

Adjacent Zoning & Land Uses:

North: Light Industrial and Agricultural Districts / various commercial development and rural residential

South: Planned Development 8 and Commercial Districts, City limits / Undeveloped

West: Light Industrial and Commercial Districts / Rock Materials, commercial developments

East: Single-Family 6 District / Single-family residential subdivision (Cherry Pines - under construction)

ANALYSIS

The property is zoned mostly Agricultural District, with a Commercial portion on the southern boundary. Surrounding properties are zoned Light Industrial, Commercial, Planned Development (PD-8), and Single-Family 6 District. Surrounding land uses include various commercial and industrial facilities such as Rock Materials, Inline Services, Walmart, Tractor Supply Co, etc. A single-family residential subdivision, Cherry Pines, is currently under construction to the east of the subject site.

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

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

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

According to the Planned Development Application (Exhibit "E") and the development regulations, the proposed Planned Development will be a single-family residential community, with commercial tracts, and will include amenities such as a recreational reserve with a playground and/or picnic facilities, open spaces, and landscape buffers.

The property is designated as Neighborhood Residential by the Comprehensive Plan Future Land Use Map. This "category is intended for areas predominantly comprised of single-family detached housing". Appropriate land uses in this category include "safe and desirable neighborhoods, with single-family detached residential being the primary use". The proposed Planned Development meets the intent of the Future Land Use Designation.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on June 25, 2020. A Notice of Public Hearing was published in the paper on July 1, 2020. Any

public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P20-103.

EXHIBITS

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

Exhibit "A"
Aerial Photo

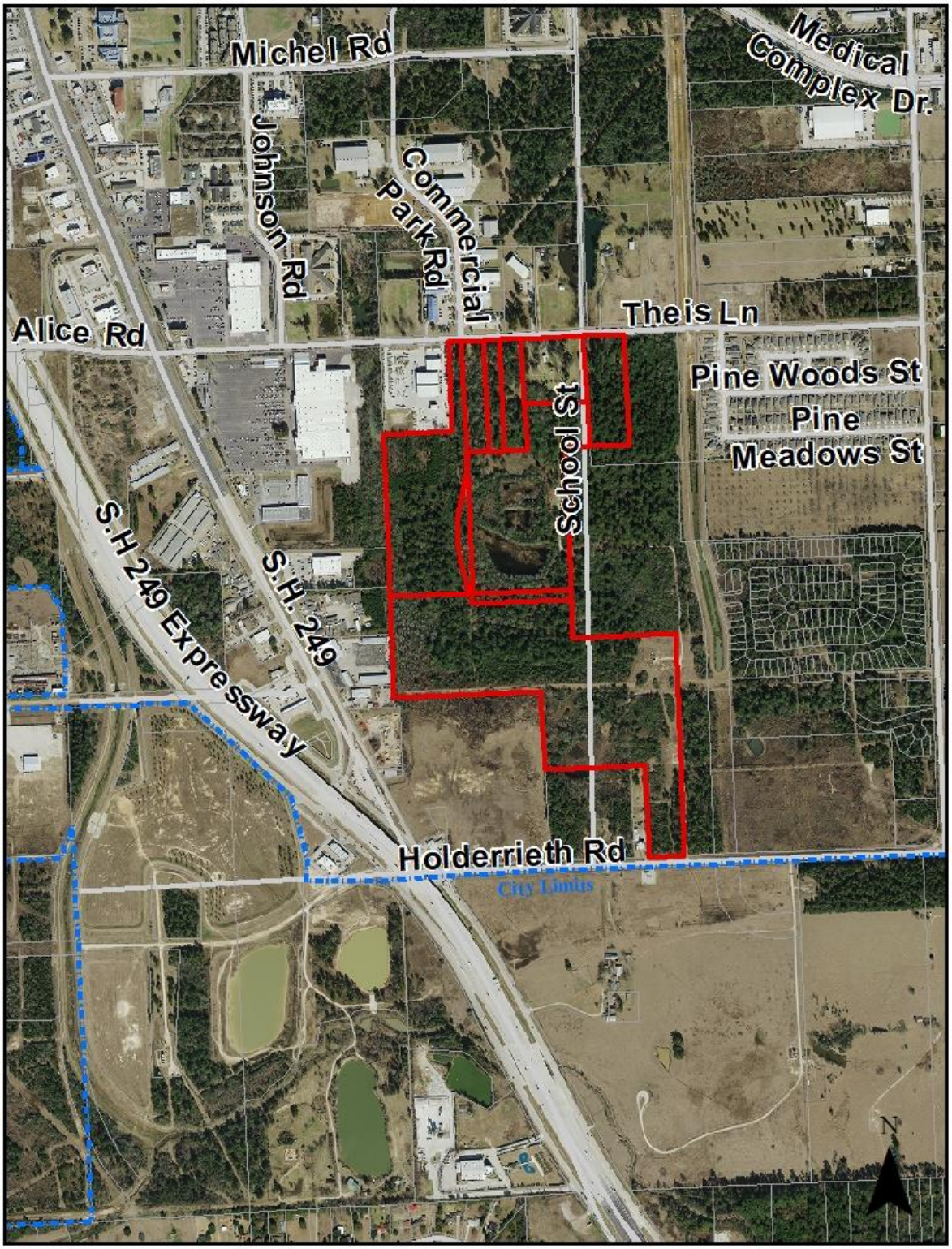


Exhibit "B"
Comprehensive Plan

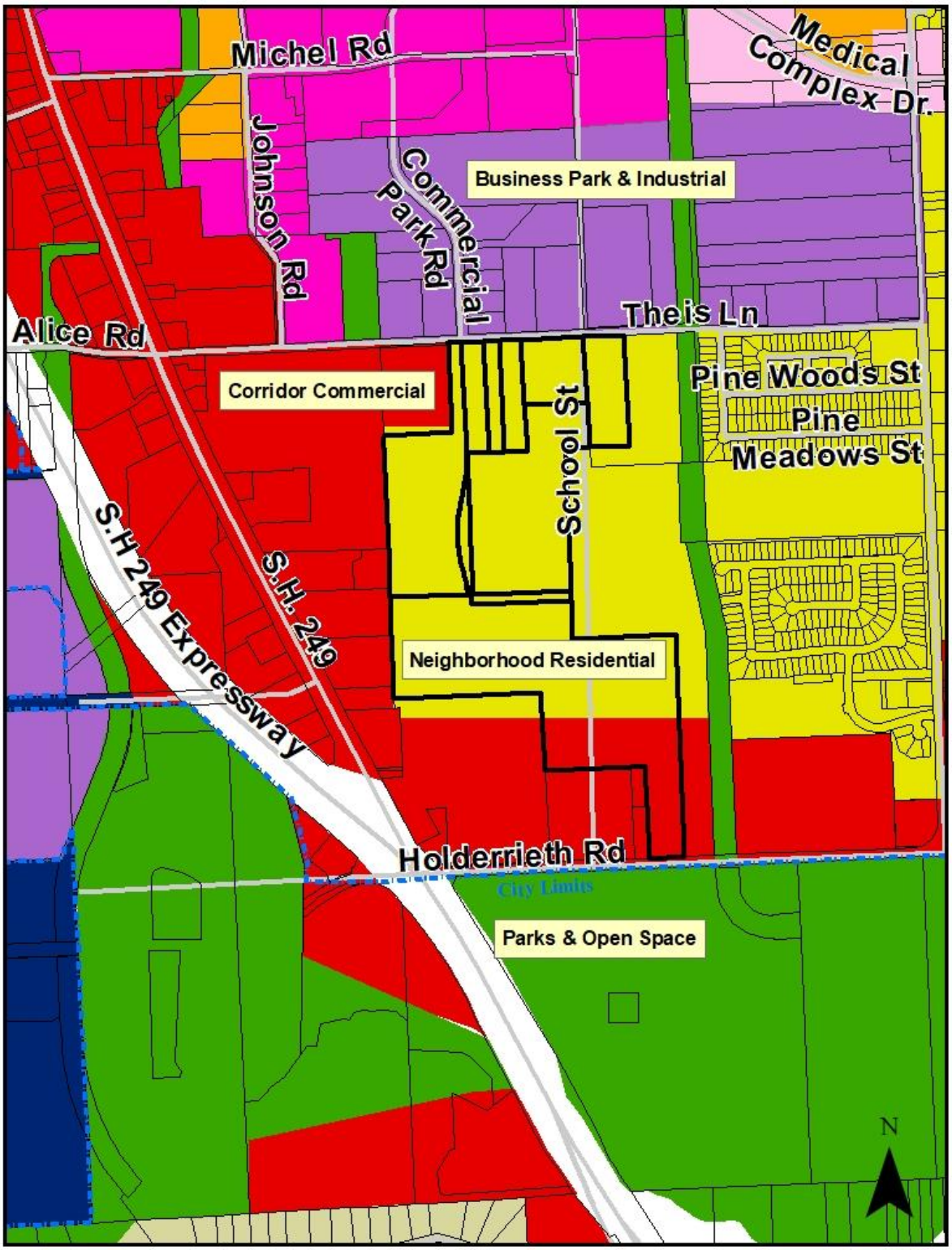


Exhibit "C"
Zoning Map

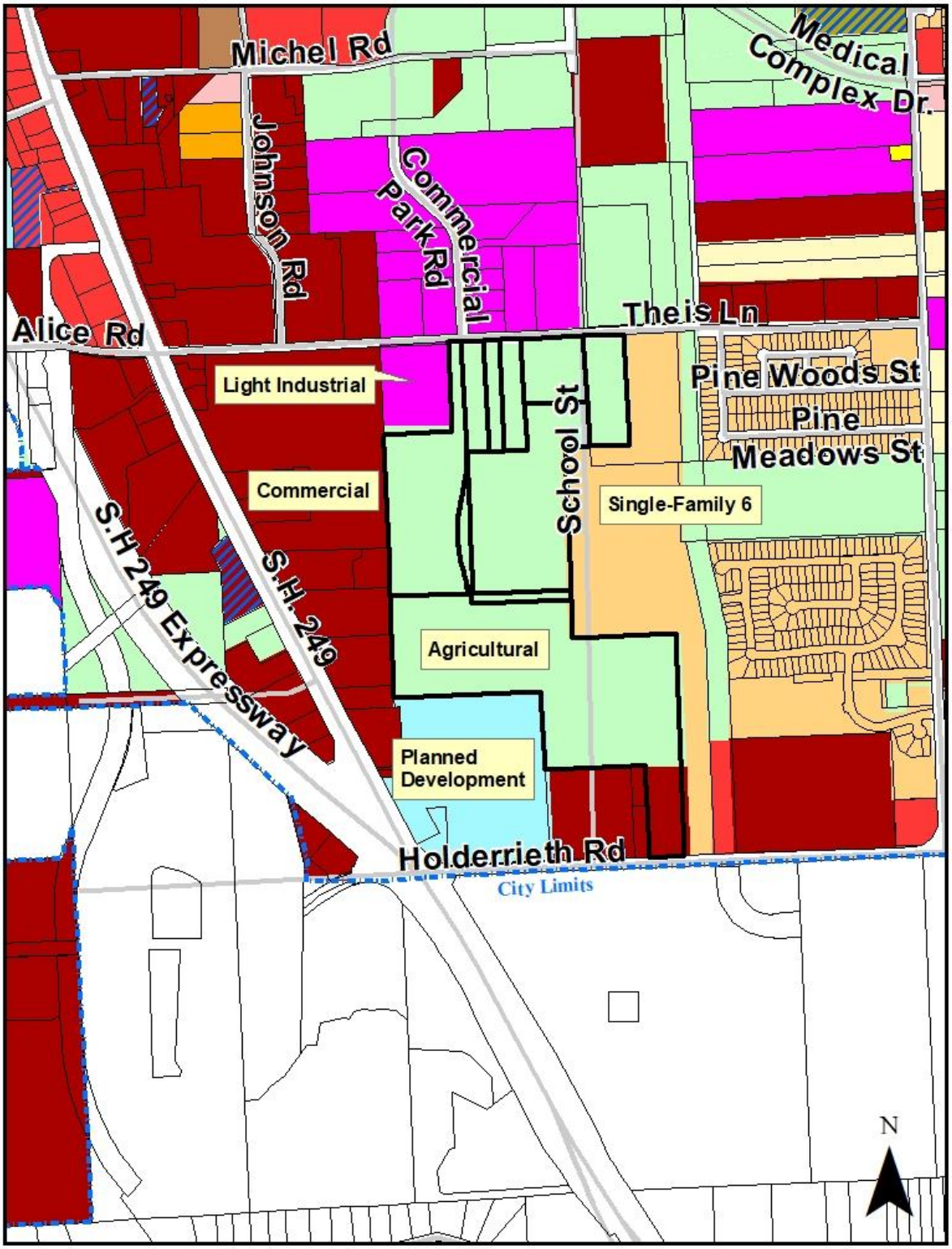


Exhibit "D"
Site Photo

RECEIVED (KC)
06/04/2020 8:07:05 AM

Revised 5/19/15
P&Z #20-103

APPLICATION FOR PLANNED DEVELOPMENT

Community Development Department
Planning Division

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

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

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

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

Applicant
Name: Daniel Valdez - META Planning + Design Title: Senior Planner
Mailing Address: 24275 Katy Freeway, Suite 200 City: Katy State: Texas
Zip: 77494
Phone: (281) 810-1422 Fax: (____) _____ Email: dvaldez@metaplanningdesign.com

Owner
Name: Kevin Graham Title: _____
Mailing Address: P.O BOX 1621 City: TOMBALL State: TX
Zip: 77377-1621
Phone: (281) 825-7211 Fax: (____) _____ Email: GRAHAM_KEVIN@SBCGLOBAL.NET

Engineer/Surveyor (if applicable)
Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: 95.4 Acre Single-family residential community

Physical Location of Property: East of SH 249, North of Holderrieth Rd., ±1,500' west of S. Cherry St.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: See attached list

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: See attached list Acreage: 95.4

Current Use of Property: Vacant

Proposed Use of Property: Single-family development

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

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

X _____ 5/11/2020

Signature of Applicant **Date**

X Kevin Graham 5-26-2020

Signature of Owner **Date**

META
PLANNING + DESIGN

June 2, 2020

Mayor and City Council
City of Tomball
401 Market Street
Tomball, Texas 77375

Re: HOLDERRIETH TRACT PLANNED DEVELOPMENT

Dear Mayor and City Council,

On behalf of our client, Chesmar Homes, we are submitting the application for the creation of the Holderrieth Tract Planned Development.

The developer intends to develop the 95-acre tract into a single-family residential community. The tract is located north of Holderrieth Road, south of Theis Lane, west of South Cherry Street.

Below is a list of the items that are included with this submittal:

1) Completed application form
2) Surveys that comprise the tract
3) List of HCAD tracts that comprise tract
4) Planned Development Text
5) Detailed Concept Plan
6) Open Space Plan
7) Tax Certificates (Harris County and Tomball ISD)

Feel free to contact me if you have any questions or need any additional information.

Sincerely,

Daniel Valdez
Enclosure

24275 Katy Freeway, Suite 200 | Katy, Texas 77494 | 281-810-1422

Revised 5/19/15

APPLICATION FOR PLANNED DEVELOPMENT

Community Development Department
Planning Division

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

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

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

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

Applicant
Name: Daniel Valdez - META Planning + Design Title: Senior Planner
Mailing Address: 24275 Katy Freeway, Suite 200 City: Katy State: Texas
Zip: 77494
Phone: (281) 810-1422 Fax: (____) _____ Email: dvaldez@metaplanningdesign.com

Owner
Name: Maritia LP Title: _____
Mailing Address: 30 E. RIVERCREST DR City: HOUSTON State: TX
Zip: 77042
Phone: (832) 755-5072 Fax: (____) _____ Email: LOUIS_STULLOERS@HOTMAIL.COM

Engineer/Surveyor (if applicable)
Name: _____ Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: (____) _____ Fax: (____) _____ Email: _____

Description of Proposed Project: 95.4 Acre Single-family residential community

Physical Location of Property: East of SH 249, North of Holderrieth Rd., ±1,500' west of S. Cherry St.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: See attached list

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: See attached list Acreage: 95.4

Current Use of Property: Vacant

Proposed Use of Property: Single-family development

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

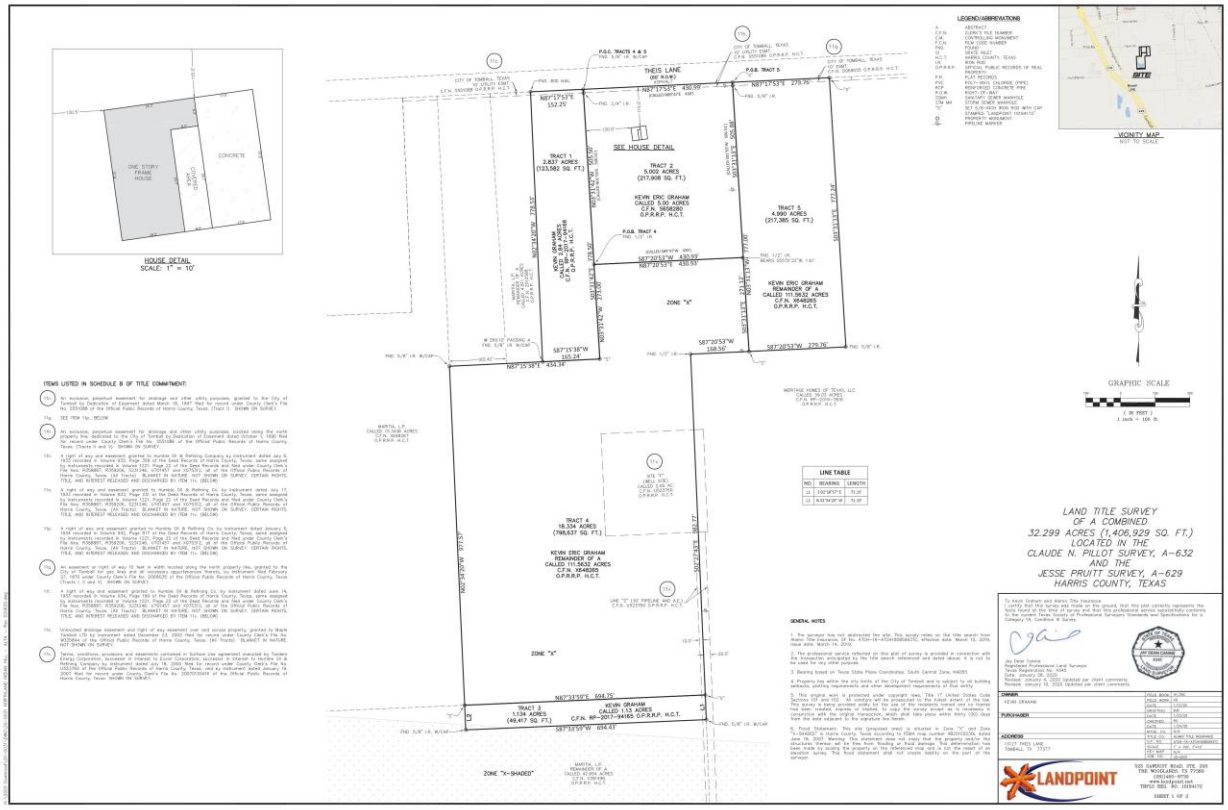
This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

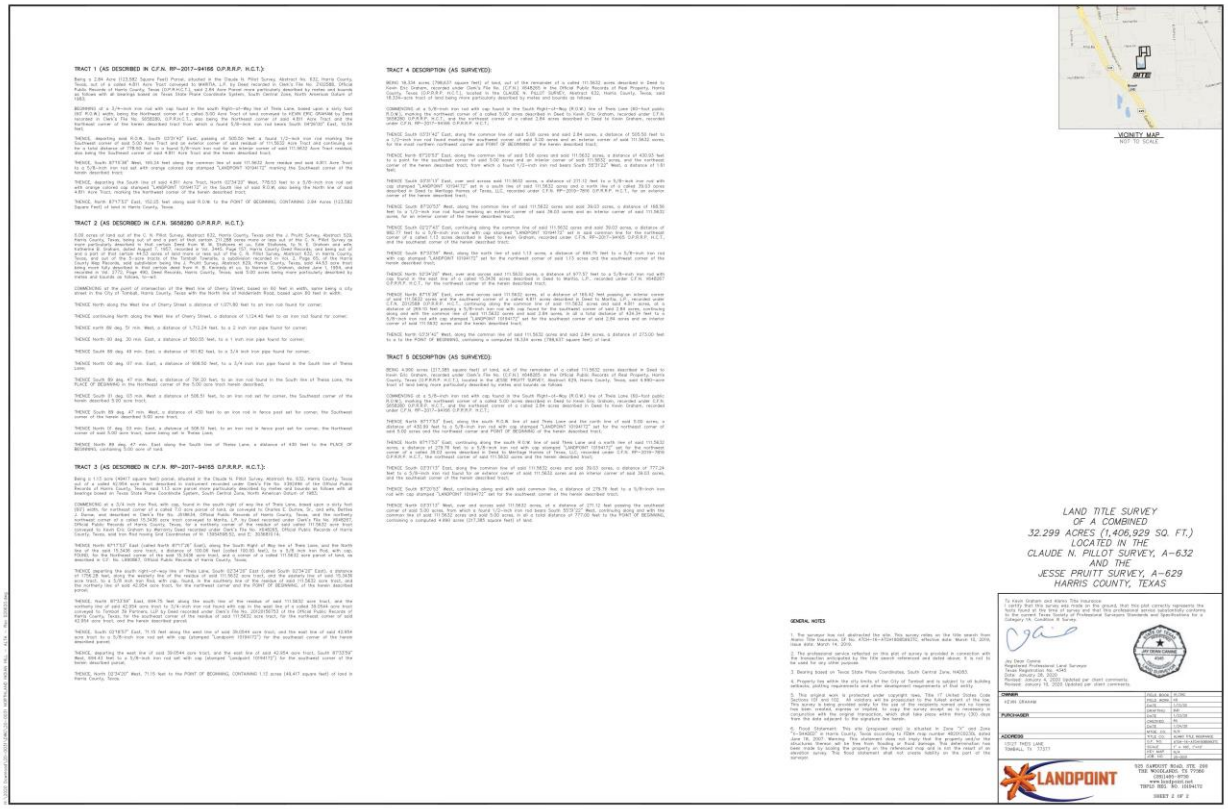
X _____ 5/11/2020

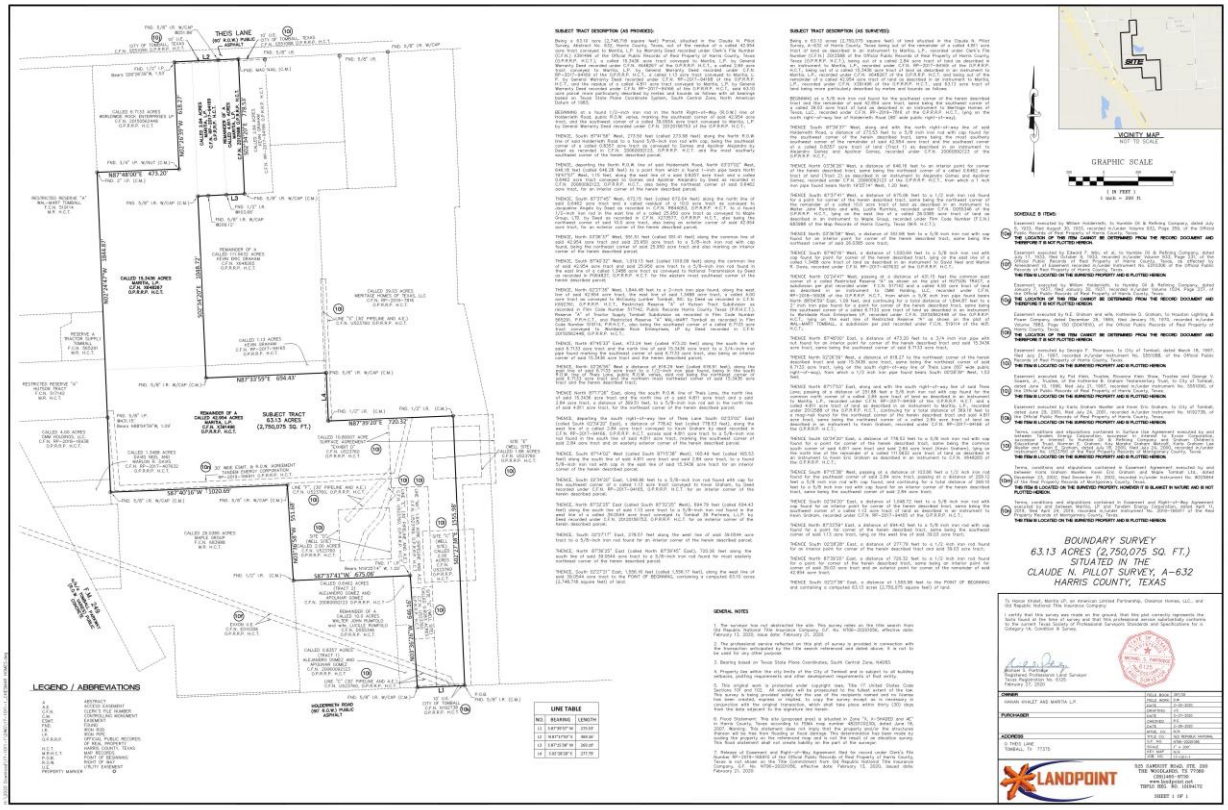
Signature of Applicant **Date**

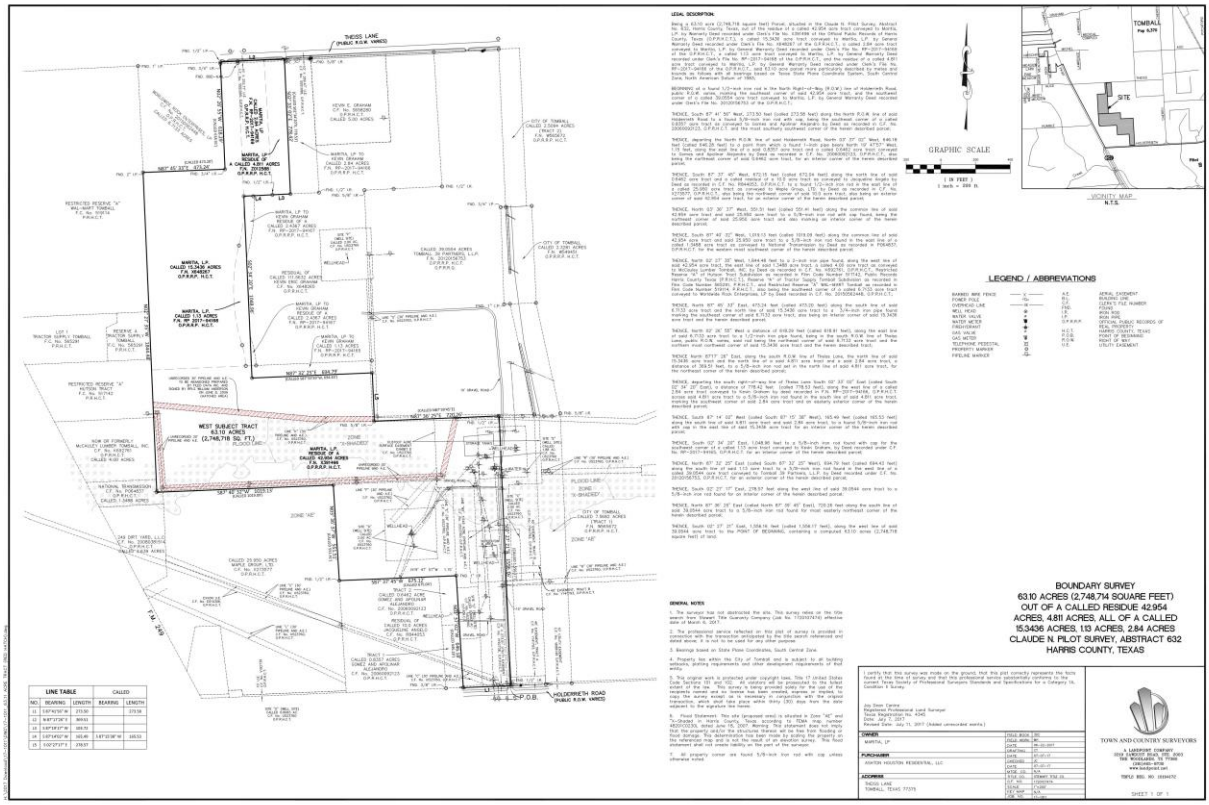
X _____ 5/27/2020

Signature of Owner **Date**


LEGEND/ABBREVIATIONS
VICINITY MAP
NOT TO SCALE
SITE
HOUSE DETAIL
SCALE: 1" = 10'
ONE STORY FRAME HOUSE
CONCRETE
CANOPY COVERED
THEIS LANE
(60' R.O.W.)
P.O.C. TRACTS 4 & 5
P.O.B. TRACT 5
SEE HOUSE DETAIL
TRACT 1
2.837 ACRES
(123,560 SQ. FT.)
TRACT 2
5.002 ACRES
(217,908 SQ. FT.)
TRACT 5
4.980 ACRES
(217,385 SQ. FT.)
KEVIN ERIC GRAHAM
CALLED 5.00 ACRES
C.F.N. 9808090
O.P.R.R.P. H.C.T.
KEVIN ERIC GRAHAM
CALLED 5.00 ACRES
C.F.N. 9808090
O.P.R.R.P. H.C.T.
P.O.B. TRACT 4
KEVIN ERIC GRAHAM
REMAINDER OF A
CALLED 111.5632 ACRES
C.F.N. X648285
O.P.R.R.P. H.C.T.
ZONE "X"
TRACT 4
18.334 ACRES
(798,637 SQ. FT.)
KEVIN ERIC GRAHAM
REMAINDER OF A
CALLED 111.5632 ACRES
C.F.N. X648285
O.P.R.R.P. H.C.T.
SITE "F"
(0.183 AC.)
CALLED 0.49 AC.
C.F.N. 9808090
O.P.R.R.P. H.C.T.
LINE "D" (30" PIPELINE AGT)
C.F.N. X622060 O.P.R.R.P. H.C.T.
TRACT 3
1.134 ACRES
(49,417 SQ. FT.)
KEVIN GRAHAM
CALLED 1.13 ACRES
C.F.N. RP-2017-94165 O.P.R.R.P. H.C.T.
ZONE "X-SHADED"
MARTIN, L.P.
CALLED 10.2858 ACRES
C.F.N. V363186
O.P.R.R.P. H.C.T.
MONTAGE HOMES OF TEXAS, LLC
CALLED 39.63 ACRES
C.F.N. RP-2019-19516
O.P.R.R.P. H.C.T.
LINE TABLE
GRAPHIC SCALE
1 inch = 100 ft.
ITEMS LISTED IN SCHEDULE B OF TITLE COMMITMENT:
LAND TITLE SURVEY
OF A COMBINED
32.299 ACRES (1,406,929 SQ. FT.)
LOCATED IN THE
CLAUDE N. PILLOT SURVEY, A-632
AND THE
JESSE PRUITT SURVEY, A-629
HARRIS COUNTY, TEXAS
GENERAL NOTES
OWNER
PURCHASER
ADDRESS
LANDPOINT
925 GARDOT BROAD, STE. 200
THE WOODLANDS, TX 77380
(281)466-9700
www.landpoint.com
TBPLS REG. NO. 10194170
SHEET 1 OF 2


VICINITY MAP
NOT TO SCALE
SITE
TRACT 1 (AS DESCRIBED IN C.F.N. RP-2017-94165 O.P.R.R.P. H.C.T.):
TRACT 2 (AS DESCRIBED IN C.F.N. 9808090 O.P.R.R.P. H.C.T.)
TRACT 3 (AS DESCRIBED IN C.F.N. RP-2017-94165 O.P.R.R.P. H.C.T.):
TRACT 4 DESCRIPTION (AS SURVEYED):
TRACT 5 DESCRIPTION (AS SURVEYED):
LAND TITLE SURVEY
OF A COMBINED
32.299 ACRES (1,406,929 SQ. FT.)
LOCATED IN THE
CLAUDE N. PILLOT SURVEY, A-632
AND THE
JESSE PRUITT SURVEY, A-629
HARRIS COUNTY, TEXAS
GENERAL NOTES
OWNER
PURCHASER
ADDRESS
LANDPOINT
925 GARDOT BROAD, STE. 200
THE WOODLANDS, TX 77380
(281)466-9700
www.landpoint.com
TBPLS REG. NO. 10194170
SHEET 2 OF 2


THISS LANE
(60' R.O.W.) PUBLIC ASPHALT
SUBJECT TRACT
63.13 ACRES
(2,750,075 SQ. FT.)
SUBJECT TRACT DESCRIPTION (AS PROVIDED)
SUBJECT TRACT DESCRIPTION (AS SURVEYED)
GENERAL NOTES
LEGEND / ABBREVIATIONS
LINE TABLE
VICINITY MAP
GRAPHIC SCALE
BOUNDARY SURVEY
63.13 ACRES (2,750,075 SQ. FT.)
SITUATED IN THE
CLAUDE N. PILLOT SURVEY, A-632
HARRIS COUNTY, TEXAS
LANDPOINT


THISS LANE
(PUBLIC R.O.W. VARIES)
WEST SUBJECT TRACT
63.10 ACRES
(2,748,718 SQ. FT.)
LEGAL DESCRIPTION
GENERAL NOTES
LEGEND / ABBREVIATIONS
LINE TABLE
VICINITY MAP
GRAPHIC SCALE
BOUNDARY SURVEY
63.10 ACRES (2,748,714 SQUARE FEET)
OUT OF A CALLED RESIDUE 42.954
ACRES, 4.81 ACRES, ALL OF A CALLED
15.3436 ACRES, 1.13 ACRES, 2.84 ACRES
CLAUDE N. PILOT SURVEY, ABSTRACT 632
HARRIS COUNTY, TEXAS
TOWN AND COUNTRY SURVEYORS

Owner	Legal Description of Property	HCAD ID No.
Kevin Graham	Tracts 198A, 202A & 206A, Tomball Outlots	035-286-000-0202
Kevin E Graham	Tracts 3B, 4, 4Q, 21A, 23B & 23b-2 Abstract 632 C V Pillot	044-058-000-0020
Kevin Eric Graham	Pt Tract 21A (Homesite) (Tract 4-X) Abstract 632 C N Pillot	044-058-000-0156
Maritia LP	Tract 23A Abstract 632 C N Pillot	044-058-000-0160
Kevin Eric Graham	Pt Tract 21A (Ag-Use) Abstract 632 C N Pillot	044-058-000-0230
Maritia LP	Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot	044-058-000-0284
Hanan Khalet	Tract 4R Abstrat 632 C V Pillot	044-058-000-0285
Kevin Graham	Tract 23A-2 Abstract 632 C N Pillot	044-058-000-0303
Maritia LP	Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot	044-058-000-0304
Maritia LP	Tracts 3A & 3A-3 Abstract 632 C V Pillot	044-058-000-0305
Kevin Graham	Tract 4R-1 Abstract 632 C V Pillot	044-058-000-0306

Exhibit B

Planned Development

95 Acres Tomball (Theis Lane Tract)

A. Contents. This final development plan includes the following sections:

- General Provisions
- Land Uses
- Development Regulations for Single Family Lots
- Development Regulations for Non-Residential Uses
- Amenities and Landscape Regulations
- Open Space and Trails
- Building Regulations

B. General Provisions

1. The planned Development, PD, approved herein must be constructed, developed, and maintained in compliance with this ordinance and other ordinances of the City in effect at the effective date of this PD Ordinance. If any provisions or regulations of any City ordinance applicable in a SF-6 (Standard Single Family Residential) or GR (General Retail) zoning district is not contained in this ordinance, all the regulations contained in the Development Code applicable to the SF-6 and GR zoning district in effect on the effective date of this ordinance apply to this PD as through written herein, except to the extend the City regulation or provision conflicts with a provision in this ordinance.
2. Except as otherwise provided herein, the words used in this Planned Development have the meaning established by the Development Code.
3. The PD shall be developed in accordance with the following exhibits that are attached to and made a part of this Final Development Plan:

   Exhibit C – Concept Plan

   Exhibit C1 – Landscape and Open Space Plan

4. As shown on Exhibit C, the PD encompasses 95.4 acres, located west of S. Cherry Street, east of State Highway 249, north of Holderrieth Road and south of Theis Lane.

C. Land Uses.

1. SFR: Permitted land uses are listed below.

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

2. General Retail: Permitted uses of the Commercial tracts on Exhibit C shall be those uses permitted within GR- General Retail District of the Zoning Ordinance.

D. **Development Regulations for Single Family Lots** – Maximum 350 lots permitted. The total lot count may vary from that shown in Exhibit C so long as it is generally in a configuration with what is shown on Exhibit C. See H. Minor Modifications for permitted variations to the land plan.

Single-family home sites within the PD shall be developed in accordance with the following regulations:

1. The minimum lot width shall be 40 feet wide. Except the maximum number of lots 40 feet wide shall not exceed 60% percent of the total maximum number of lots.
2. Lots shown on Exbibit C
    a. Minimum lots area:
        i. 40' wide lots shall have a minimum area of 4,800 square feet.
        ii. 50' wide and greater, lots shall have a minimum area of 6,000 square feet. Lot width shall be measured at the building line.
    b. Minimum lot width: 40 feet. Lot width shall me measured at the building line.
    c. Minimum lot depth: 100 feet
    d. Maximum lot coverage: 60% (lot acreage shall include building footprint only)
3. Minimum building setbacks:
    a. Front yard: 20 feet; (measured from front building line)
    b. Rear yard: 15 feet;
    c. Side yard: 5 feet, 10 feet on street side of a corner lot.

E. **Development Regulations for non-residential uses-** All provisions and regulations regarding height, area regulations, maximum lot coverage, and maximum floor-area-ratios applicable in a GR (General Retail) zoning district.

F. **Amenities and Landscape Regulations** – As shown on Exhibit C1, the PD shall be developed in accordance with the following landscape regulations:
1. Recreation site and amenities:
    a. A minimum 1-acre recreational reserve, centrally located within the development, may include a playground and picnic facilities, etc.
    b. A minimum 6, off-street parking spaces shall be provided. The off-street parking may be provided thru dedicated parking lot, parallel parking and/or a combination of both. At a minimum, one bicycle rack which will accommodate a minimum of five bicycles.
    c. Amenities may include (but are not limited to):
        - Playground
        - Picnic Facilities
2. Landscape buffers:
    a. 15' foot minimum buffer shall be provided along all major and minor arterials and within commercial areas contiguous to lot lines. As shown on Exhibit C1
    b. 10-foot minimum buffer, contiguous to lot lines, shall be provided along entry street(s) and collector streets. As shown on Exhibit C1

c. Required buffers along major arterials and entry streets shall include one shade tree for each street frontage, or portion thereof, measured along the right-of-way line. The trees may be clustered or spaced linearly; they need to be placed evenly.
d. Required buffers may include trails.

3. Open Space:
   a. Minimum 30% space, to be distributed as shown on Exhibit C1
   b. Open space shall include all landscape buffers, landscape reserves, open space reserves, parks, drill sites, detention, lakes, wetlands and well sites.
   c. At a minimum 1 acre shall be provided as parks
   d. All required open space shall be owned and maintained by the Homeowners Association and shall be accessible to all residents within the PD's Homeowner's association. Exhibit C1

G. **Sidewalks -** As shown on Exhibit C1, the PD shall be developed in accordance with the following:
   1. Sidewalks:
      a. Minimum 5-foot width sidewalks shall be provided along both sides of local residential and collector streets.
      b. All sidewalks shall be paved with concrete.

H. **Minor Modifications –**The following minor modifications of the PD are allowed provided that such modifications shall be reviewed for compliance tithe the applicable Tomball Codes and this Ordinance and approved by the Planning Director.
   1. Modifications to internal street patterns are allowed
   2. Modifications to the location of land uses, provide that such relocations meet the minimum area and land use regulations set forth within in this document.
   3. Modifications to lot sizes are allowed provided that such lots shall meet the minimum area regulations set forth in this document.
   4. Modifications to the total acreage provided for each land use set for in Exhibit C are allowed, provided that the modification or series of modifications, shall not result in a net change of greater than 10% in each land use.

EXHIBIT C

LOT SUMMARY

40'x120'	166 LOTS	55%
50'x120'	132 LOTS	45%
TOTAL	298 LOTS	

This layout is conceptual in nature and minor changes will be in compliance with the development guidelines exhibit B of the Planned Development.

POSSIBLE WETLANDS

APPROXIMATE WELL LOCATION

a conceptual development plan for

HOLDERRIETH TRACT PLANNED DEVELOPMENT

±95.4 ACRES OF LAND

THIS DRAWING IS A GRAPHIC REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. SAID DRAWING IS A SCANNED IMAGE ONLY AND IS SUBJECT TO CHANGE WITHOUT NOTICE. META PLANNING + DESIGN MAY OR MAY NOT INTEGRATE ADDITIONAL INFORMATION PROVIDED BY OTHER CONSULTANTS, INCLUDING BUT NOT LIMITED TO THE TOPICS OF ENGINEERING AND DRAINAGE, FLOODPLAINS, AND/OR ENVIRONMENTAL ISSUES AS THEY RELATE TO THIS DRAWING. NO WARRANTIS, EXPRESSED OR IMPLIED, CONCERNING THE PHYSICAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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META PLANNING + DESIGN

24275 Katy Freeway, Ste. 200
Katy, Texas 77494
Tel: 281-810-1422

SCALE 0 100 200 400

MTA-62001
MAY 28, 2020

META PLANNING + DESIGN

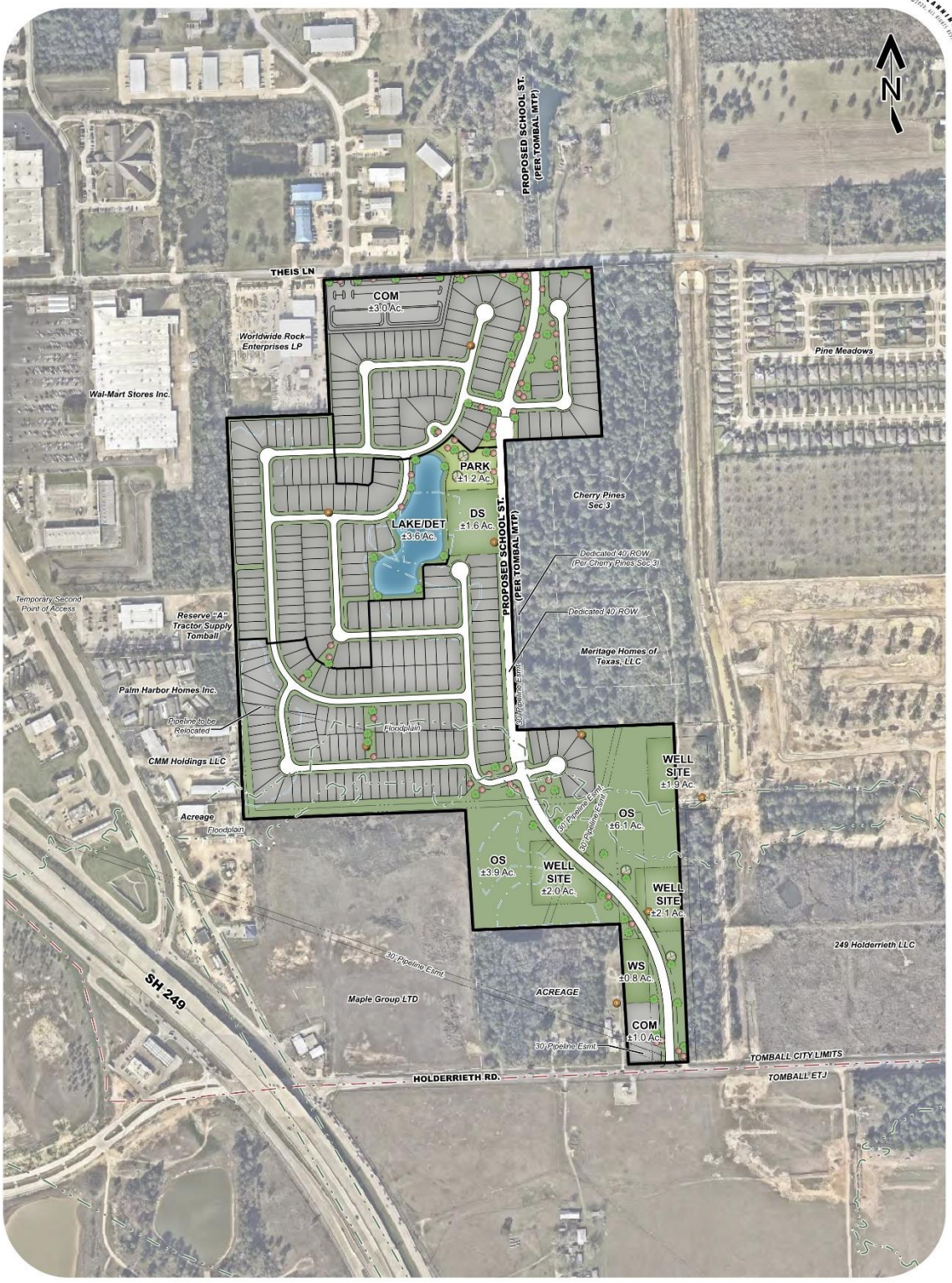

EXHIBIT C1

T S MARY

x120' LOTS 55%

x120' LOTS 45%

B LOTS

This layout is conceptual in nature and changes will be in compliance with the development guidelines in Exhibit B of the Planned Development.

POSSIBLE WETLANDS

APPROXIMATE WELL LOCATION

an open space exhibit for

HOLDERRIETH TRACT PLANNED DEVELOPMENT

±95.4 ACRES OF LAND

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SCALE 0 100 200 400

MTA-62001
MAY 6, 2020

META PLANNING + DESIGN

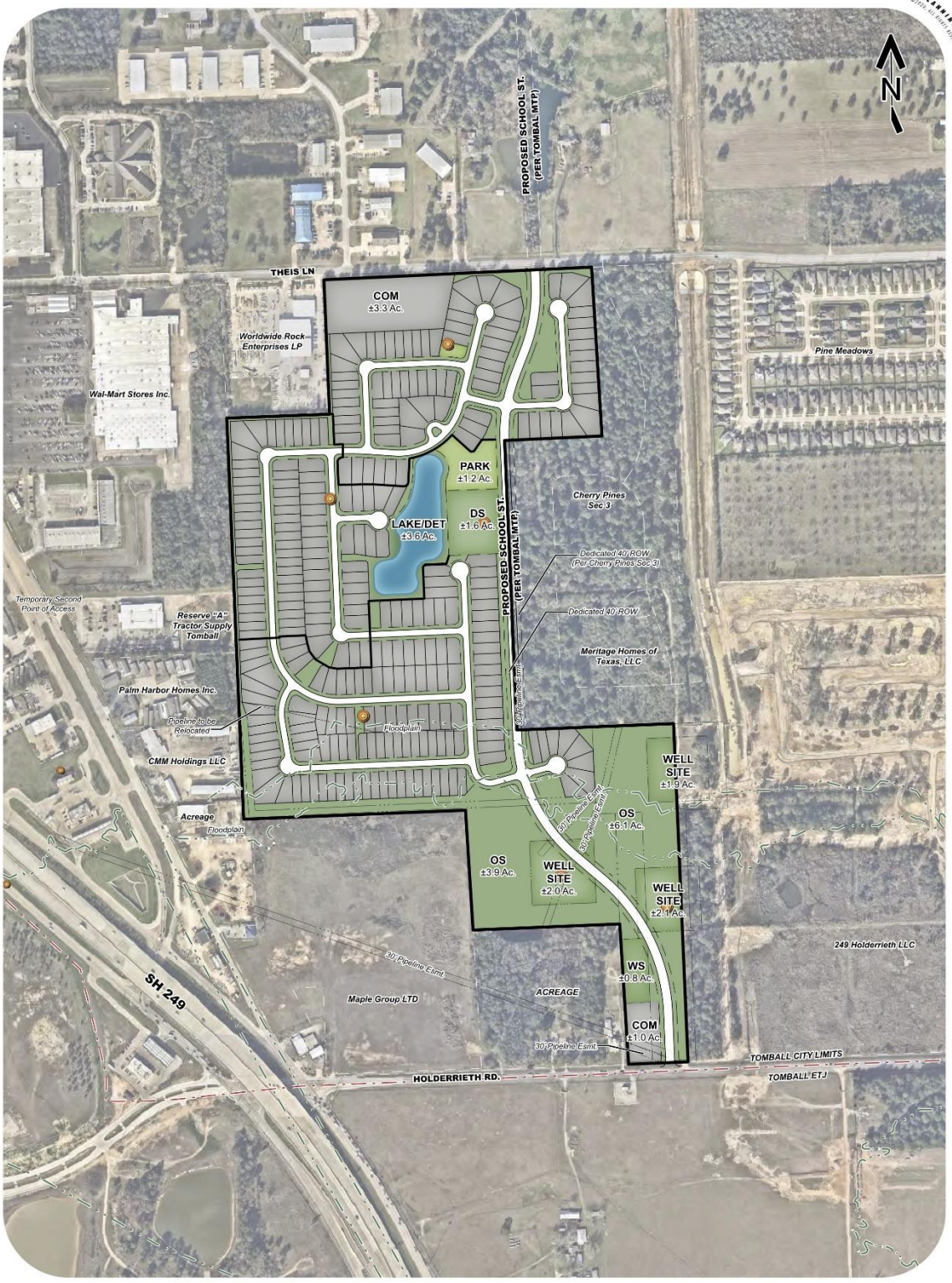

EXHIBIT **C1**

This layout is preliminary and subject to change. All changes will be in compliance with the development guidlines in Exhibit B of the Planned Development.

an open space exhibit for

HOLDERRIETH TRACT PLANNED DEVELOPMENT

±95.4 ACRES OF LAND

THIS DRAWING IS A GRAPHIC REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. SAID DRAWING IS A SCANNED IMAGE ONLY AND IS SUBJECT TO CHANGE WITHOUT NOTICE. META PLANNING + DESIGN MAY OR MAY NOT INTEGRATE ADDITIONAL INFORMATION PROVIDED BY OTHER CONSULTANTS, INCLUDING BUT NOT LIMITED TO THE TOPICS OF ENGINEERING AND DRAINAGE, FLOODPLAINS, AND/OR ENVIRONMENTAL ISSUES AS THEY RELATE TO THIS DRAWING. NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE PHYSICAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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META PLANNING + DESIGN

24275 Katy Freeway, Ste. 200
Katy, Texas 77494
Tel: 281-810-1422

SCALE 0 100 200 400

MTA-62001
MAY 28, 2020

META PLANNING + DESIGN

Notice of Public Hearing

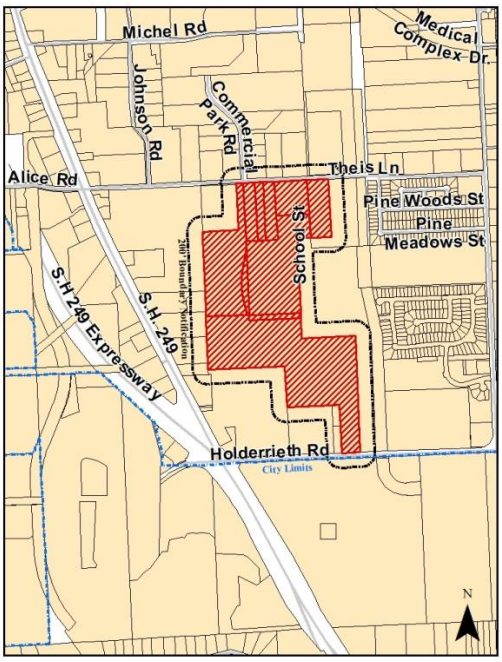
YOU ARE INVITED TO ATTEND the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P20-103

APPLICANT/OWNER: Daniel Valdez with META Planning + Design.

LOCATION: Generally located on the south side of Theiss Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street, within the City of Tomball, Harris County, Texas.

PROPOSAL: A Re-Zoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 95.4 acres of land legally described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, Pt Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, Pt Tract 21A (Ag-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, from the Agricultural and Commercial Districts to the Planned Development District.



Planning & Zoning Commission
Public Hearing:
Monday, July 13, 2020 6:00 PM

City Council Public Hearing:
***Monday, July 20, 2020 6:00 PM**

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

CONTACT: Amelia Lindley, City Planner
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.

*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.

Public Comment Form

(Please type or use black ink)

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

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

Name: KEVIN GRAHAM
(please print)
Address: P.O. BOX 1621, TOMBALL, TX 77377

OR

Signature: Kevin Graham
Date: 7-4-2020

✓ I am **FOR** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-103. (Please state reasons below)**

____ I am **AGAINST** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-103. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, July 13, 2020 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, July 20, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to ALindley@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call Amelia Lindley @ 281-290-1410.

Public Comment Form

(Please type or use black ink)

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

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

Name: Jacqueline Angelo
(please print)
Address: 13142 HOLDERRIETH ROAD (TR 4B 026* TR 4-D)
TOMBALL, TX 77375 ABST 632 CN PILLOT
Signature: Jacqueline Angelo 8.5181 AC
Date: 07/15/20

✓ I am **FOR** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-103. (Please state reasons below)**

____ I am **AGAINST** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-103. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, July 13, 2020 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
~~**Monday, July 20, 6:00 PM**~~
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

As an substancial interest property owner; I am concerned about any and all my water rights and especially my pond adjacent to the back corner of my property line. I need to reinerate that The City of Tomball continue to have Notice of the Encroach lender new development may impose as well as other issues reguarding my Property FEMA COMMUNITY NO. 480315

You may also comment via email to ALindley@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call Amelia Lindley @ 281-290-1410.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:

Consideration to approve **Zoning Case P20-099:** Request by Daniel Rodano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.7958 acres of land legally described as part of Tracts 6A 12A 18A 24A 30A & 36A (AG-use) Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the north side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas.

- Conduct Public Hearing on **Zoning Case P20-099**
- Adopt, on First Reading, Ordinance No. 2020-20, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by Changing the Zoning District Classification of Approximately 1.7958 Acres of Land Legally Described as Part of Tracts 6A 12A 18A 24A 30A & 36A (AG-Use) Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District, said Property being generally located on the North Side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed $2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters

Background:

On Monday July 13, 2020, after conducting a Public Hearing, the Planning & Zoning Commission recommended approval of the rezoning request with a 5-0 vote.

Origination:

Daniel Rodano

Recommendation:

Adopt Ordinance No. 2020-20 on First Reading

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2020-20
Notice of Public Hearing
Staff Report
Property Owner Notification
Public Comment Form

ORDINANCE NO. 2020-20

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 1.7958 ACRES OF LAND LEGALLY DESCRIBED AS PART OF TRACTS 6A 12A 18A 24A 30A & 36A (AG-USE) TOMBALL OUTLOTS, FROM THE SINGLE-FAMILY 20 ESTATE DISTRICT TO THE COMMERCIAL DISTRICT, SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF EAST HUFSMITH ROAD AT SNOOK LANE, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * * * * * * *

Whereas, Daniel Rodano has requested that approximately 1.7958 acres of land legally described as part of Tracts 6A 12A 18A 24A 30A & 36A (AG-use) Tomball Outlots, generally located on the north side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

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

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

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

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

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

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

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

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

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other 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 20TH DAY OF JULY 2020.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DEGGES	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN KLEIN 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 3RD DAY OF AUGUST 2020.

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

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
JULY 13, 2020
&
CITY COUNCIL
JULY 20, 2020

Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, July 13, 2020, at 6:00 P.M.,** and by the City Council of the City of Tomball on **Monday, July 20, 2020, at 6:00 P.M.** at City Hall, 401 Market Street, Tomball Texas. On such dates, the P&Z and City Council will consider the following:

Zoning Case P20-069: Request by Richard C. James to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately one acre of land legally described as Reserve B Block 1 Brown Hufsmith Church Subdivision, from the Single-Family 6 District to the Office District. The property is generally located at the southwest corner of Brown Road and Baker Drive, within the City of Tomball, Harris County, Texas.

Zoning Case P20-099: Request by Daniel Rodano to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.7958 acres of land legally described as part of Tracts 6A 12A 18A 24A 30A & 36A (AG-use) Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District. The property is generally located on the north side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas.

Zoning Case P20-103: Request by Daniel Valdez with META Planning + Design to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 95.4 acres of land legally described as Tracts 198A, 202A & 206A, Tomball Outlots, Tracts 3B, 4, 4Q, 21A, 23B & 23B-2 Abstract 632 C V Pillot, Pt Tract 21A (Homesite) (Tract 4-X) Abstract C N Pillot, Tract 23A Abstract 632 C N Pillot, Pt Tract 21A (Ag-Use) Abstract 632 C N Pillot, Tracts 3A-2, 4P, 19A & 23B-1 Abstract 632 C V Pillot, Tract 4R Abstract 632 C V Pillot, Tract 23A-2 Abstract 632 C N Pillot, Tracts 4Q-1, 23B-3 & 23B-2A Abstract 632 C V Pillot, Tracts 3A & 3A-3 Abstract 632 C V Pillot, and Tract 4R-1 Abstract 632 C V Pillot, from the Agricultural and Commercial Districts to the Planned Development (PD-14) District. The property is generally located on the south side of Theiss Lane at Commercial Park Road and north side of Holderrieth Road between SH 249 and South Cherry Street, within the City of Tomball, Harris County, Texas.

Zoning Case P20-104: Request by Jackie Rye to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 6 acres of land legally described

as Reserve A-1 Block 1, American Superior Feed Replat, Lots 3, 4, 5 & 6 Block 71, Lots 3, 13, 14, 15, 16, 19 & 20 Block 67 Tomball, from the Old Town & Mixed Use and Light Industrial Districts to the Planned Development (PD-15) District. The property is generally located on the south side of FM 2920 at South Live Oak Street, within the City of Tomball, Harris County, Texas.

Zoning Case P20-105: Request by Whitmeyer's Distilling Co., LLC for a Conditional Use Permit to operate a *soap, detergents, cleaning preparations manufacture* facility. The property is approximately 6.10 acres of land legally described as Lot 14 Block 1 Tomball Business and Technology Park Lot 9 Replat, generally located at the end of Spell Circle at 21250 Spell Circle, within the City of Tomball, Harris County, Texas and is zoned Light Industrial 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 City Planner, Amelia Lindley, at (281) 290-1410 or at alindley@tomballtx.gov.

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

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **9th** day of **July 2020** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley
Amelia Lindley
City Planner

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

Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 13, 2020
City Council Public Hearing Date: July 20, 2020

Rezoning Case:	P20-099
Property Owner(s):	Daniel Rodano
Applicant(s):	Daniel Rodano
Legal Description:	Part of Tracts 6A 12A 18A 24A 30A & 36A (AG-use) Tomball Outlots
Location:	North side of East Hufsmith Road at Snook Lane (Exhibit "A")
Area:	1.7958
Comp Plan Designation:	Ranch Rural & Estate (Exhibit "B")
Present Zoning and Use:	Single-Family 20 Estate District (Exhibit "C") / Undeveloped (Exhibit "D")
Proposed Use(s):	Office and RV storage (Exhibit "E")
Request:	Rezone a portion of the property from the Single-Family 20 Estate District to the Commercial District

Adjacent Zoning & Land Uses:

North: Single-Family 20 Estate District / Single-family residence

South: Commercial District / Cornerstone Electric, single family residences

West: Single-Family 20 Estate District / Boxwood Manor (wedding venue)

East: Agricultural District / Single-family residence

BACKGROUND

City Staff began discussions with the property owner and representatives regarding the development of the site in early 2020.

ANALYSIS

The property as a whole is approximately 13 acres of land with frontage on both Zion Road and East Hufsmith Road. The property is split zoned: Single-Family 20 Estate District on the northern portion and Commercial District on the southern portion. Surrounding properties are zoned Single-Family 20 Estate to the north and west, Commercial to the south and Agricultural on the east.

This area of East Hufsmith has seen non-residential development in the recent past, including a wedding venue, Boxwood Manor, which is directly adjacent to the subject site on the west. Other recent developments include a boat and RV storage facility and office/warehouses. A portion of the property is already zoned Commercial, and, according to the Rezoning Application, the intended use of the portion of the property being rezoned is to serve as the detention pond for the commercial development which would provide a buffer for surrounding properties.

The property is designated as Ranch Rural & Estate by the Comprehensive Plan Future Land Use Map. The proposed rezoning does not meet the intent of the Future Land Use category; however, it does meet the character of the increasingly non-residential area of East Hufsmith Road.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on June 26, 2020. A Notice of Public Hearing was published in the paper on July 1, 2020. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

RECOMMENDATION

Based on the findings outlined in the analysis section of this staff report, City staff recommends approval of Zoning Case P20-099.

EXHIBITS

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

Exhibit "A"
Aerial Photo

Exhibit "B"
Comprehensive Plan

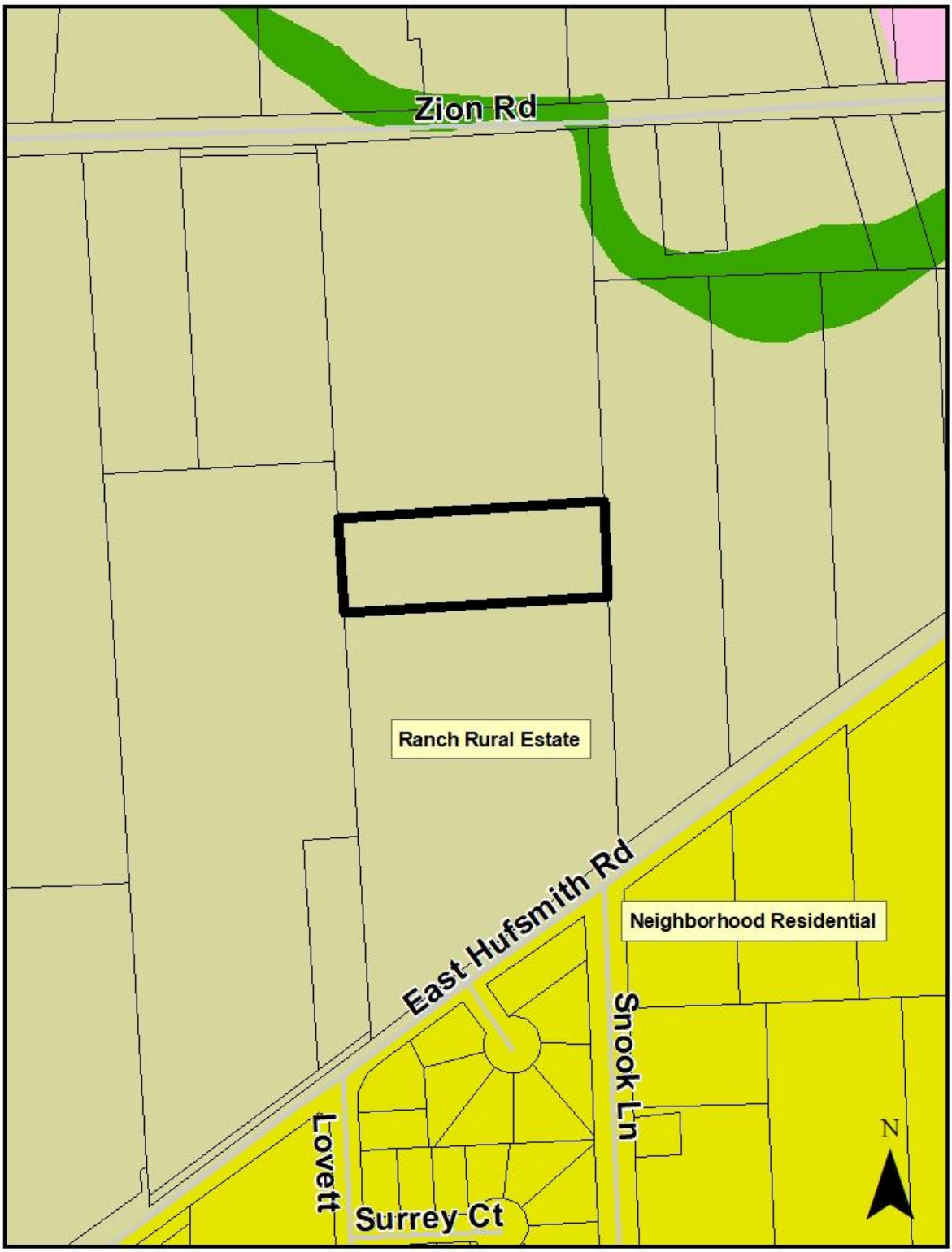


Exhibit "C"
Zoning Map

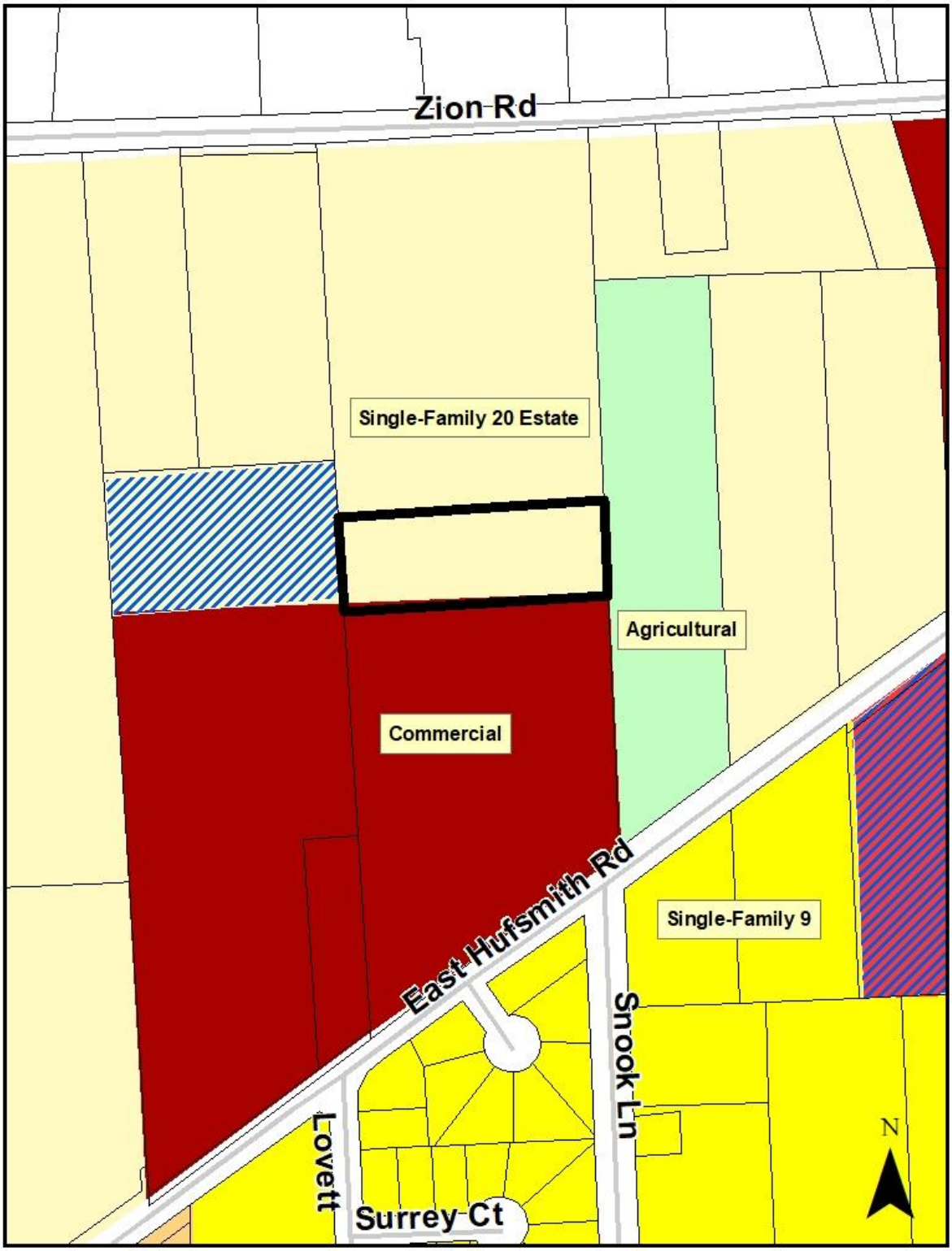


Exhibit "D"
Site Photos

RECEIVED (KC)
05/15/2020 2:30:38 PM

Revised 5/19/15

ZONING CASE #P20-099
$420.00

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: Daniel Rodano Title: _____
Mailing Address: 12125 Zion Rd City: Tomball State: TX
Zip: 77375
Phone: (713) 824-3454 Fax: (____) _____ Email: coach16a@aol.com

Owner
Name: Daniel Rodano Title: _____
Mailing Address: 12125 Zion Rd City: Tomball State: TX
Zip: 77375
Phone: (713) 824-3454 Fax: (____) _____ Email: coach16a@aol.com

Engineer/Surveyor (if applicable)
Name: DPK Engineering, LLC David Kelly Title: President
Mailing Address: PO Box 823 City: Fulshear State: TX
Zip: 77441
Phone: (281) 346-2616 Fax: (____) _____ Email: david.kelly@dpkengineering.com

Description of Proposed Project: Office Condominiums and RV Storage

Physical Location of **Property:** On north side of E Hufsmith Rd across from Snook Ln
[General Location – approximate distance to nearest existing street corner]

Legal Description of **Property:** PT TRS 6A 12A 18A 24A 30A & 36A (AG-USE) TOMBALL OUTLOTS
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

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

Current Use of Property: Pond

Proposed Zoning District: C - Commercial

Proposed Use of **Property:** To serve as detention for adjacent commercial property

HCAD Identification Number: 0352820000171 Acreage: 1.7958

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 _____ 5/13/2020

Signature of Applicant Date

X _____

Signature of Owner Date

401 Market Street
401 Market Street
Tomball, TX 77375
(281) 351-5484

DATE : 5/13/2020 3:13 PM
OPER : RP
TKBY : rp
TERM : 2
REC# : R01221154

130.0000 PLANNING AND ZONING 420.00
daniel rodano e husmith and snook 420.

Paid By:daniel rodano e husmith and snoo
2-CK 420.00 REF:w 38343

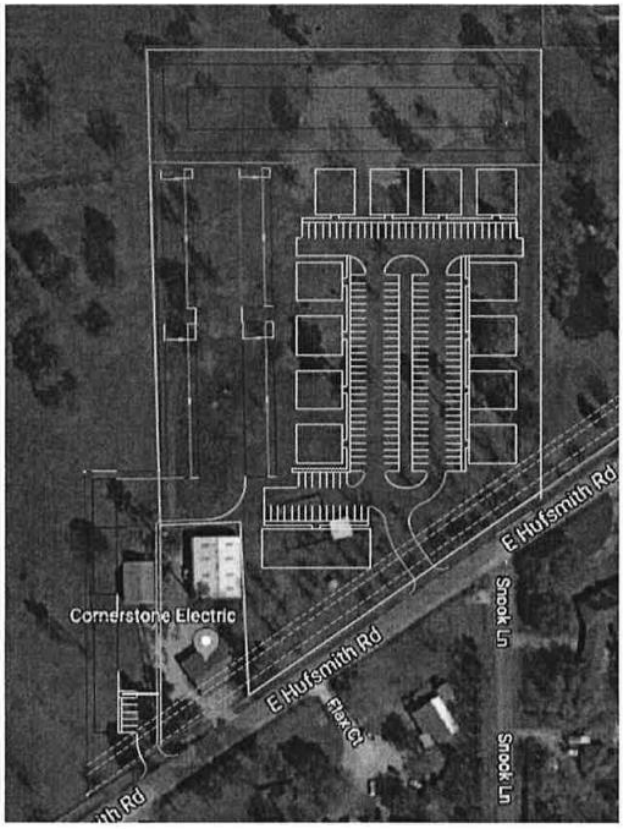
APPLIED 420.00
TENDERED 420.00

CHANGE 0.00

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

To Whom it may concern,

I am requesting a portion of land on my property as defined by the attached metes and bounds to be rezoned from SF-20-E Single Family Estate to Commercial. The specified land is currently occupied by a pond and is highlighted in red in the proposed construction layout below.



I request that this land be zoned commercial, so that the existing pond may be used as detention to support the commercial land adjacent to its southern border. Allowing the pond that is already there to serve as detention for the adjacent commercial land will enable more efficient use of the commercial land, on which I plan to build office condominiums and recreational vehicle storage. Neglecting to take advantage of the pond would minimize the services which I plan to offer to our community and the jobs which the offices may attract. Thank you for your consideration.

FOUR Points SURVEYING

FIELD NOTES

Description of 1.7958 acres (78,227 square feet) of land situated in the John S. Smith Survey, Abstract No. 730, Harris County. Texas; being a portion of a called 15.237 acre tract to Daniel G. Rodano by Special Warranty Deed of land as recorded in Harris County Clerk's File No. X609281, said 8.3020 acre tract being more particularly described as follows (all bearings are based NAD83 Texas State Plane Coordinate System):

COMMENCING at a found 5/8-inch iron rod for the southwest corner of said 15.237 acre tract, the southeast corner of a called 0.850 acre residual of a called 15.2374 acres as recorded under Harris County Clerk's File No. X609278 and in the northwest right-of-way of Huffsmith Road;

THENCE, North 02°57'19" West, along the west line of said 15.237 acre tract and the east line of said 0.850 acre, a west line of a called 2.792 acre to Hogan Crum, LLC by General Warranty Deed as recorded under Harris County Clerk's File No. RP-2017-108431 and a called 7.000 acre tract to Hogan Crum, LLC by General Warranty Deed as recorded under Harris County Clerk's File No. RP-2017-46121 a distance of 765.18 feet to the POINT OF BEGINNING and southwest corner of the herein described tract;

THENCE, North 02°57'19" West, along the west line of said 15.237 acre tract and the east line of said 7.000 acre tract a distance of 166.67 feet to a point for the northwest corner of the herein described tract;

THENCE, North 87°34'45" East, over and across said 15.237 acre tract a distance of 468.62 feet to a point for the northeast corner of the herein described tract and in the west line of a called 4.2394 acre tract to Weston Hickey ETUX by General Warranty Deed as recorded under Harris County Clerk's File No. 20150258907;

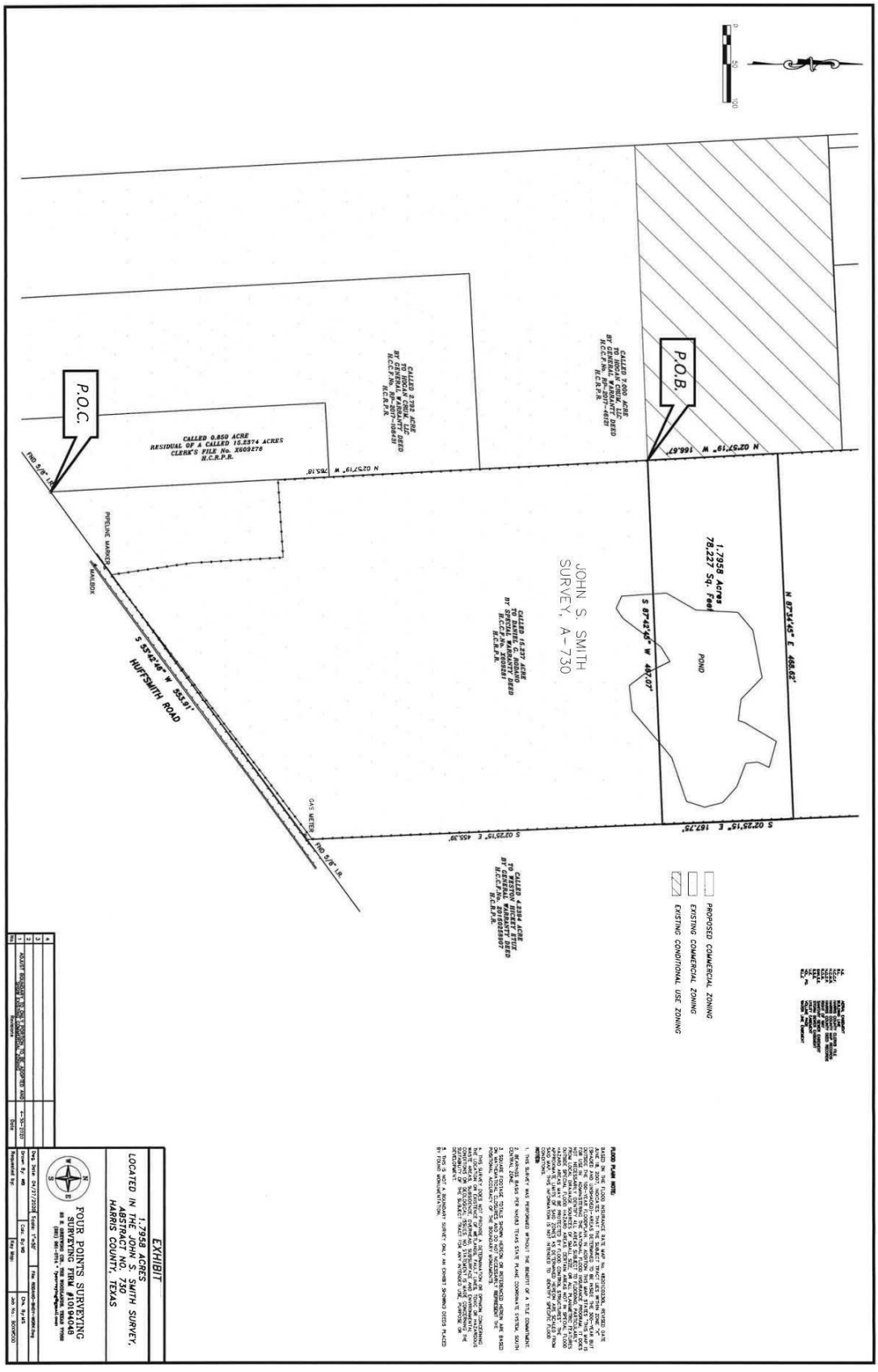
THENCE, South 02°25'15" East, along the east line of said 15.237 acre tract and the west line of said 4.2394 acre tract a distance of 167.75 feet to a point for the southeast corner of the herein described tract, from which a found 5/8-inch iron rod bears South 02°25'15" East, 455.39 feet, for the southeast corner of the said 15.237 acre tract and in the northwest right-of-way of said Huffsmith Road;

THENCE, South 87°42'45" West, over and across said 15.237 acre tract 467.07 feet to the POINT OF BEGINNING and containing a computed area of 1.7958 acres (78,227 square feet) of land. This description is based on a ground survey and plat prepared by Mark Sherley, Registered Professional Land Surveyor and dated April 27, 2020.

Mark L. Sherley
Registered Professional Land Surveyor No. 5326

STATE OF TEXAS
REGISTERED
MARK L. SHERLEY
5326
PROFESSIONAL
LAND SURVEYOR

E Hufsmith Rd
Snook Ln
Cornerstone Electric
E Hufsmith Rd
Flax Ct
Snook Ln
E Hufsmith Rd
Lovett S


P.O.B.
P.O.C.
1.7958 Acres
78,227 Sq. Feet
POND
JOHN S. SMITH
SURVEY, A-730
HUFFSMITH ROAD
PIPELINE MARKER
MAILBOX
GAS METER
N 87°34'45" E 488.63'
S 87°42'45" W 483.07'
S 02°25'15" E 167.75'
N 02°57'19" W 166.67'
S 02°25'15" E 455.39'
N 02°57'19" W 765.18'
FND 5/8" I.R.
CALLED 0.850 ACRE
RESIDUAL OF A CALLED 12.5374 ACRES
CLERK'S FILE No. X609278
H.C.P.R.
CALLED 5.738 ACRE
TO GENERAL KARMAFIT DEED
H.C.P.R.
CALLED 7.000 ACRE
TO JORDAN CEMETERY DEED
H.C.P.R.
CALLED 16.327 ACRE
TO BENITEZ G. ANDRADE
H.C.P.R.
CALLED 4.0894 ACRE
TO WESTON HICKEY ETUX
H.C.P.R.
PROPOSED COMMERCIAL ZONING
EXISTING COMMERCIAL ZONING
EXISTING CONDITIONAL USE ZONING
FLOOD PLAIN NOTE:
1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
2. SQUARE FOOTAGE TOTALS SHOWN HEREON OR REFERENCED HEREIN ARE BASED
3. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH
4. THIS SURVEY DOES NOT PROVIDE A DETERMINATION OR OPINION CONCERNING
5. THIS IS NOT A BOUNDARY SURVEY. ONLY AN EXHIBIT SHOWING DEEDS PLACED
EXHIBIT
1.7958 ACRES
LOCATED IN THE JOHN S. SMITH SURVEY,
ABSTRACT NO. 730
HARRIS COUNTY, TEXAS
FOUR POINTS SURVEYING
SURVEYING FIRM #10194048
Date: 04/17/2024
Scale: 1"=60'
Drawn By: MR
Checked By:
Field Book:
Drawing No.:
Job No.: 2024003

Notice of Public Hearing

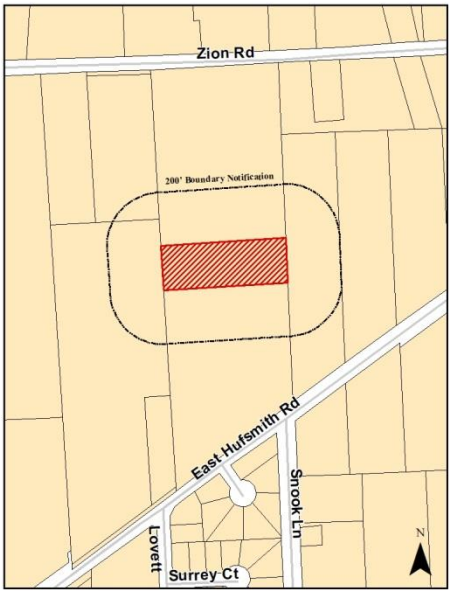
YOU ARE INVITED TO ATTEND the Public Hearing before the **PLANNING & ZONING COMMISSION** and **CITY COUNCIL** of the City of Tomball regarding the following item:

CASE NUMBER: P20-099

APPLICANT/OWNER: Daniel Rodano

LOCATION: Generally located on the north side of East Hufsmith Road at Snook Lane, within the City of Tomball, Harris County, Texas.

PROPOSAL: A Re-Zoning to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 1.7958 acres of land legally described as part of Tracts 6A 12A 18A 24A 30A & 36A (AG-use) Tomball Outlots, from the Single-Family 20 Estate District to the Commercial District.



CONTACT: Amelia Lindley, City Planner
PHONE: (281) 290-1410
E-MAIL: alindley@tomballtx.gov

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, July 13, 2020 6:00 PM

City Council Public Hearing:
***Monday, July 20, 2020 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.

Public Comment Form

(Please type or use black ink)

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

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

Name: Wes & Rebecca Hickey
(please print)
Address: 1155 E Hufsmith
Tomball TX 77375

Signature: _____

Date: Wes and Rebecca Hickey

_____ I am **FOR** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-099. (Please state reasons below)**

__✓__ I am **AGAINST** the requested Re-Zoning as explained on the attached public notice for **Zoning Case P20-099. (Please state reasons below)**

Date, Location & Time of **Planning & Zoning Commission** meeting:
Monday, July 13, 2020 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:
Monday, July 20, 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

We feel this would greatly decrease our home and land value as we live at 1155 E. Hufsmith. We acknowledge the Rodano's rights, but ask to consider striving to protect the integrity of the trees along the fence border and try to build as far back or close to hufsmith as possible

You may also comment via email to ALindley@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call Amelia Lindley @ 281-290-1410.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:
Approve Resolution No. 2020-19, a Resolution of the City of Tomball, Texas, Designating the Harris County Tax Office as the Officer to Calculate the No-New- Revenue Tax Rate and the Voter-Approval Tax Rate in Accordance with the Texas Tax Code

Background:
Senate Bill 2, also known as the *Texas Property Tax Reform and Transparency Act of 2019,* was passed by the Texas Legislature in 2019. At its most fundamental level, S.B. 2 reforms the system of property taxation in three primary ways: (1) lowering the tax rate a taxing unit can adopt without voter approval and requiring a mandatory election to go above the lowered rate; (2) making numerous changes to the procedure by which a city adopts a tax rate; and (3) making several changes to the property tax appraisal process.

The vast majority of the bill took effect January 1, 2020.

The term "Effective Tax Rate" is now the "No-New-Revenue Tax Rate" and the term "Rollback Tax Rate" is now the "Voter-Approval Tax Rate".

Under Tax Code, 26.04, the City of Tomball has had Harris County complete the "Truth-In-Taxation" requirements each year which includes the calculation of the Effective Tax Rate and Rollback Tax Rate.

The new Resolution 2020-19 will appoint them to complete new SB 2 provisions as well as calculate the new "No-New Revenue Tax Rate" and the "Voter-Approval Tax Rate".

Origination:
Glenn Windsor

Recommendation:
Approve Resolution No. 2020-19

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

ACTION TAKEN

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

ATTACHMENTS:

Resolution No. 2020-19
Request from Harris County
SB2 - TML Q&A

RESOLUTION NO. 2020-19

A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, DESIGNATING THE HARRIS COUNTY TAX OFFICE AS THE OFFICER TO CALCULATE THE NO-NEW REVENUE TAX RATE AND THE VOTER APPROVAL TAX RATE IN ACCORDANCE WITH THE TEXAS TAX CODE

* * * * * * * * * *

WHEREAS, the State legislature amended the Texas Tax Code in 2019 as part of its Property Tax reform;

WHEREAS, Texas Tax Code Sections 26.04 (c) and 26.17 (e) now require an officer or an employee, designated by the governing body, to calculate the no-new-revenue tax rate and the voter-approval tax rate for the taxing unit after the assessor submits the certified appraised roll; and

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

The Harris County Tax Office is a qualified professional and is designated as the Officer to calculate the no-new revenue tax rate and the voter-approval tax rate for the City of Tomball, Texas in accordance with Chapter 26 of the Texas Tax Code.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2020.

_____
Gretchen Fagan, Mayor

ATTEST:

_____
Doris Speer, City Secretary

From: Adkins, Jessica (Tax Office) [mailto:Jessica.Adkins@tax.hctx.net]
Sent: Tuesday, July 07, 2020 3:33 PM
Subject: Pre-Truth In Taxation Information

Good afternoon,

Truth-In-Taxation time will be here soon!

In order to begain the 2020 Truth-In-Taxation calculations for your jurisdiction, we will need the following items:

- Is your jurisdiction a Special Taxing Unit?
  - Special Taxing Unit -Junior College Districts, Hospital Districts & any taxing unit (except schools) that have a proposed M&O rate for the current year below 2.5¢

- Are you a municipality with a population less than 30,000?
  - De Minimis rate calculations can be used by County and small municipality with less than 30,000 population

- A resolution/ordinance designating the Harris County Tax Office to calculate your TNT per Tax Code section 26.04 (c)

- Non "Special Taxing Units" may use the 8% election trigger instead of 3.5% due to the disaster declaration per Tax Code 26.08 (c-1) Seek legal counsel for guidance. Your governing body would need to send a transmittal letter to the Tax Office instructing the use of 26.08 (c-1) in the TNT calculation if desired.

- Sale tax request

This information will need to be completed before July 24th. The Harris County Appraisal District must provide certified estimates on July 25th if the Roll Certification is not complete per Tax Code 26.04

Another TNT email will be forthcoming with additional information due to the passage of SB2 along with our standard TNT information packet.

- Prior Year Refund
- Anticipated Collection Rate
- Actual Collections Rate Tax Year 2017-2019
- Excess Debt
- Tax Ceiling if applicable

In the meantime, please let me know if you have any questions.

Thank you,

Jessica Adkins
Jurisdiction Coordinator
Property Tax Division
Office of Ann Harris Bennett
Tax Assessor-Collector & Voter Registrar
Phone: 713.274.8172

Senate Bill 2 – Explanatory Q&A

Prepared by TML Staff
Questions? Contact Bill Longley, Legislative Counsel, at bill@tml.org
Last Updated January 20, 2020

Senate Bill 2, also known as the Texas Property Tax Reform and Transparency Act of 2019, was passed by the Texas Legislature in 2019. At its most fundamental level, S.B. 2 reforms the system of property taxation in three primary ways: (1) lowering the tax rate a taxing unit can adopt without voter approval and requiring a mandatory election to go above the lowered rate; (2) making numerous changes to the procedure by which a city adopts a tax rate; and (3) making several changes to the property tax appraisal process.

When does S.B. 2 go into effect?

The vast majority of the bill, including the new tax rate calculations, took effect on January 1, 2020. A few other provisions, including those related to the use of comptroller forms in calculating the tax rate and injunctive relief for failure to comply with statutory requirements, do not go into effect until January 1, 2021.[1]

Are there any provisions that a city needed to comply with before January 1, 2020?

Yes, only one. Section 106 of the bill provides that, not later than 30 days after the section becomes effective, taxing units must submit to their county assessor-collectors the worksheets used by the taxing unit to calculate the effective and rollback tax rates for the 2015-2019 tax years. The county assessor-collector, in turn, must post the worksheets on the county's website. This section took effect on the 91st day after the last day of the legislation session, at which point cities had 30 days to submit their worksheets. Thus, the deadline for cities to submit their worksheets to the county assessor-collector was September 25, 2019.

What terminology was changed?

Prior to S.B. 2, the term "effective tax rate" referred to the benchmark tax rate needed to raise the same amount of maintenance and operations property taxes on existing property as the previous year, after taking into account changes in appraised values. S.B. 2 changed the terms "effective tax rate" and "effective maintenance and operations tax rate" to "no-new-revenue tax rate" and "no-new-revenue maintenance and operations tax rate," respectively.

Additionally, the term "rollback tax rate" was changed to "voter-approval tax rate." More significant than the change in terminology is the modification to both the voter-approval rate

[1] In addition to these sections, pursuant to Section 105 of S.B. 2, each taxing unit located wholly or primarily in an appraisal district established in a county with a population of less than 200,000 need not comply with Tax Code Secs. 26.04(e-2), 26.05(d-1) and (d-2), 26.17, and 26.18 until the 2021 tax year.

formula (discussed in the next question), and the requirement that cities hold automatic elections to approve tax rates exceeding the voter-approval tax rate.

How does S.B. 2 modify the calculation of a city's rollback tax rate?

Under pre-S.B. 2 law, a city's rollback rate was the rate necessary to raise precisely eight percent more maintenance and operations tax revenue as the year before after taking into account appraisal fluctuations. The debt service component of the tax rate is then added to the product of the effective maintenance and operations rate and 1.08.

In addition to changing the terminology from "rollback rate" "to "voter-approval rate," S.B. 2 lowers the multiplier used in the rate calculation from 8 percent to 3.5 percent for cities that aren't considered to be "special taxing units," which is nearly every Texas city. To illustrate, the old calculation of a city's rollback rate was as follows:

Rollback Rate = (Effective Maintenance and Operations Rate x 1.08) + current debt service tax rate

Under S.B. 2, that calculation now looks like this:

Voter-Approval Rate = (No-New-Revenue Maintenance and Operations Rate x 1.035) + current debt service tax rate

TEX. TAX CODE § 26.04(c).

There are some other adjustments as well. Most notably, under the new formula a city adds its "unused increment rate" to the 3.5 percent limit on maintenance and operations increases. Unused increment is discussed in greater detail below.

Does S.B. 2 modify the procedure for approval of a tax rate that exceeds the voter-approval rate?

Yes. Previously, any rate adopted that exceeded the 8 percent rollback rate triggered the ability of citizens to petition to hold an election to "roll back" the tax rate to the rollback rate. Generally speaking, S.B. 2 requires a city to hold an automatic election (i.e., the bill eliminates the petition requirement) on the November uniform election date if it adopts a rate exceeding the 3.5 percent voter-approval rate. *See* TEX. TAX CODE § 26.07. That said, some cities under 30,000 population are not subject to the automatic election requirement associated with adopting a rate exceeding the new voter-approval rate.

What is a special taxing unit?

Under S.B. 2, a special taxing unit is a taxing unit that remains subject to the 8 percent voter-approval rate and is not subject to the new 3.5 percent voter-approval rate. Two types of taxing units—junior college districts and hospital districts—are expressly considered to be "special taxing units" under the new legislation. TEX. TAX CODE § 26.012(19). Beyond that, only a taxing unit other than a school district with a proposed maintenance and operations tax rate of 2.5 cents or less per $100 of taxable value is considered to be a special taxing unit. In other words, if a city is proposing a tax rate of only 2.5 cents or less, it could continue to calculate the voter-approval rate using 8 percent.

According to the Texas Comptroller's property tax data, of the more than 1000 Texas cities that had adopted property taxes in 2017, only four of those cities had tax rates of less than 2.5 cents per $100. (Website of Texas Comptroller of Public Accounts, Property Tax Survey Data and Reports – 2017 City Values, https://comptroller.texas.gov/taxes/property-tax/reports/index.php.)

What is the unused increment rate?

Included within the voter-approval rate calculation in S.B. 2 is a new term called the "unused increment rate." The unused increment rate can be used to increase the voter-approval rate, depending upon the tax rates adopted by the city in the previous three years.

In essence, the "unused increment rate" is the 3-year rolling sum of the difference between the adopted tax rate and voter-approval rate. Put differently, the city has the ability to "bank" any unused amounts below the voter-approval rate to use for up to three years. Conversely, if the city adopts the voter-approval rate all years between 2020 and 2022, the unused increment rate would be zero. Under no circumstance can the unused increment rate be less than zero. *See* TEX. TAX CODE § 26.013(b)(1).

The legislature's stated goal in relation to the unused increment rate is to discourage taxing units from adopting a rate equal to the 3.5 percent voter-approval rate every year. Under the new framework, a city that experiences exceptional growth in sales tax revenues in a year, for instance, may be able to adopt a rate less than the 3.5 percent voter-approval rate and bank the difference for a future year when sales taxes perform worse than expected. On the other hand, many cities will be forced to go up to the 3.5 voter-approval rate every year just to keep up with rising costs. For those cities, the unused increment rate will be a non-factor.

S.B. 2 provides that, for each tax year before the 2020 tax year, the difference between the taxing unit's voter-approval tax rate and actual tax rate is considered to be zero. *Id*. § 26.013(c). This means that any difference between the 2019 rollback rate and adopted rate cannot be used to increase the unused increment rate in the three subsequent tax years.

What is the de minimis rate?

The de minimis rate is a new tax rate calculation added by S.B. 2 that is designed to give smaller taxing units, including cities, some relief from the 3.5 percent voter-approval tax rate.

The de minimis rate is defined as the sum of:

1. a taxing unit's no-new-revenue maintenance and operations rate;
2. the rate that, when applied to a taxing unit's current total value, will impose an amount of taxes equal to $500,000; and
3. a taxing unit's current debt rate.

TEX. TAX CODE § 26.012(8-a).

In a nutshell, the de minimis rate was added to S.B. 2 to allow smaller cities some flexibility to adopt a tax rate that generates $500,000 more in property tax revenue than the previous year. The thinking was that applying a 3.5 percent voter-approval rate in some very small communities would unnecessarily restrict revenue growth to sometimes just a nominal amount, and the application of the lowered voter-approval rate created an unfair result for small towns.

Are all cities required to calculate and use the de minimis rate?

No. The provisions of S.B. 2 relating to the de minimis rate apply only to a city with a population of less than 30,000. *See* TEX. TAX CODE §§ 26.063 and 26.075. A city with a population of less than 30,000 must calculate a de minimis rate.[2] Cities with populations of 30,000 or more do not calculate the de minimis rate or receive any of the fiscal flexibility associated with the de minimis rate.

How does the de minimis rate work?

If the city with a population of less than 30,000 adopts a tax rate that exceeds the greater of the city's voter-approval tax rate or the de minimis tax rate, the city council must order an election to approve the adopted tax rate for the November uniform election date. TEX. TAX CODE § 26.07(b).

But what if a city with a population of less than 30,000 adopts a tax rate that exceeds the voter-approval rate but not the de minimis rate? It is possible, depending on the facts, that the voters would be required to petition for a tax approval election instead of the city being required to hold an automatic election.

A city's voters are required to submit a petition to hold a tax approval election if:

1. the city's de minimis rate exceeds the voter-approval rate; and

[2] Although nothing in S.B. 2 expressly requires a city under 30,000 in population to calculate the de minimis rate, the alternative notice provisions in Tax Code Sec. 26.063 and the petition requirements in Sec. 26.075 apply only to a city under 30,000 in population if the de minimis rate exceeds the voter-approval rate. Practically speaking, the only way for a city under 30,000 population to know if these statutes apply is to calculate the de minimis rate.

2. the city's adopted rate is: (a) equal to or lower than the de minimis rate; and (b) greater than the greater of the city's voter-approval tax rate (a 3.5 percent rate plus the unused increment rate) or the voter-approval tax rate calculated as if the city were a special taxing unit (an 8 percent rate).[3]

Id. § 26.075.

If the adopted rate is less than either the voter-approval tax rate or voter-approval tax rate for a special taxing unit, the city is not subject to the petition requirements. Essentially, one of these smaller cities that has a de minimis rate that exceeds the 3.5 percent voter-approval tax rate can adopt a rate all the way up to the de minimis rate without an automatic election in November. However, under the bill an 8 percent voter-approval rate (similar to pre-S.B. 2 law) still applies to them in a limited way. If the city's adopted rate exceeds an 8 percent voter-approval rate (but is lower than the de minimis rate) the city is subject to a petition from the voters to conduct a voter-approval election.

The bill's language regarding the de minimis rate is extremely complicated, so it may be helpful to map out the different scenarios for a city. If a city under 30,000 population has a de minimis rate that exceeds the 3.5 voter-approval rate the following rules apply:

- If the city's adopted rate exceeds de minimis rate – Automatic election in November.
- If the city's adopted rate is equal to or lower than de minimis rate but exceeds the greater of the 3.5 voter-approval tax rate or an 8 percent voter-approval tax rate applicable to a special taxing unit – Citizens may petition for an election.
- If the city's adopted rate is lower than de minimis rate and does not exceed the greater of the 3.5 voter-approval tax rate or an 8 percent voter-approval tax rate applicable to a special taxing unit – No election required (automatic or petition).

What is the petition and election process in a city under 30,000 that adopts a tax rate equal to or lower than the de minimis rate, but higher than an 8 percent voter-approval tax rate?

A petition for an election to determine whether to reduce the city's adopted tax rate is valid only if the petition:

1. states that it is intended to require an election in the city on the question of reducing the city's adopted tax rate for the current year;
2. is signed by at least three percent of the registered voters of the city determined according to the most recent list of those voters; and
3. is submitted to the city council not later than the 90th day after the date on which the city council adopts the tax rate.

[3] How could the city's voter-approval tax rate exceed the voter-approval tax rate calculated as if the city were a special taxing unit? It is possible that a city's voter-approval tax rate is higher depending upon the amount of the unused increment rate. Even if it isn't likely, it is possible that a city could bank enough unused increment over a three year window for the 3.5 percent voter-approval rate to exceed the 8 percent voter approval rate for a special taxing unit.

TEX. TAX CODE § 26.075(d).

The city council shall determine whether the petition is valid not later than the 20th day after the date on which the petition is submitted. *Id*. § 26.075(e). If the petition is deemed valid, the city council shall order the election be held on the next uniform election date that allows sufficient time to comply with the requirements of other law. *Id*. § 26.075(f).

At the election, the ballots must be prepared to permit voting for or against the following proposition: "Reducing the tax rate in (name of city) for the current year from (insert tax rate adopted for current year) to (insert voter-approval tax rate)." *Id*. § 26.075(g). Note that, if approved, the tax rate would be reduced to the city's actual voter-approval tax rate, not the 8 percent voter approval tax rate for a special taxing unit. *See Id*. § 26.075(c). If the tax rate is reduced and a property owner already paid taxes calculated using the higher tax rate, the city must refund the difference between the amount of taxes paid and the amount due under the reduced tax rate. *Id*. § 26.075(k).

Are there any other adjustments for cities that can be made to the 3.5 percent voter-approval rate?

Yes. S.B. 2 adds an adjustment to the no-new-revenue maintenance and operations rate—and therefore also the voter-approval rate—for eligible county hospital expenditures. TEX. TAX CODE § 26.0443. The definition of "eligible county hospital" includes a hospital that is owned or leased jointly by a city and a county, and an "eligible county hospital expenditure" includes the amount paid by a city in the tax year preceding the tax year for which the tax is adopted to maintain and operate an eligible county hospital. *Id*. If a city makes these expenditures, and the expenditures exceed the amount of the same expenditures from the preceding tax year, the city may increase its no-new-revenue maintenance and operations tax rate in accordance with an adjusted formula provided by statute. *Id*. § 26.0443(b).

Does the 3.5 percent voter-approval rate calculation include new property?

No. S.B. 2 modified the multiplier in the voter-approval tax rate calculation, reducing it from 8 percent to 3.5 percent. The new 3.5 percent multiplier is applied to the no-new-revenue maintenance and operations tax rate, which used to be called the effective maintenance and operations tax rate. Although the name of that tax rate changed, the calculation did not. The effective maintenance and operations tax rate excluded new property value from the calculation, and the no-new-revenue maintenance and operations rate calculation continues to do so.

Did S.B. 2 change the way cities finance certificates of obligation?

No. At one point during the legislative process, a version of S.B. 2 was considered that would have excluded all non-voter approved debt instruments payable from property taxes from the

definition of debt in the Tax Code. This would have forced cities to finance some certificates of obligation through the maintenance and operations tax rate instead of debt service. The result would have been having the lowered 3.5 voter-approval tax rate apply to all maintenance and operations expenses in addition to tax-supported certificates of obligation. Fortunately for Texas cities, the harmful certificate of obligation provision was stripped out of the bill in its final form.

How do the new tax rate calculations in S.B. 2 affect cities that have adopted the dedicated sales tax for property tax relief?

The changes made to the tax rate calculations by S.B. 2 also apply to the tax rate calculations for cities that have adopted the sales tax for property tax relief. *See* TEX. TAX CODE § 26.041. The sales tax for property tax relief (referred to in state statute as the "additional sales and use tax") is designed to offset an equivalent amount of city property tax revenue by reducing a city's voter-approval tax rate by the amount of sales tax revenue that corresponds with the portion of the sales tax rate dedicated to property tax relief. According to comptroller data[4], 395 cities have adopted the sales tax for property tax relief.

The voter-approval tax rate calculation in cities that have adopted the sales tax for property tax relief contains a 3.5 percent multiplier and unused increment rate adjustment, just like the calculation for any other city. Before S.B. 2, cities with the sales tax for property tax relief were deducting sales tax revenue from a property tax rate formula that used an eight percent multiplier. Now, the baseline rate is lowered due to the 3.5 percent multiplier, and the sales tax revenue is deducted from that rate. The end result is that cities that have adopted the sales tax for property tax relief will see their voter-approval rates lowered by a greater amount than those cities without the sales tax for property tax relief.

Does a city get any relief from the lowered voter-approval rate during a disaster?

Yes, in two different ways. First, a city council may direct the designated officer or employee[5] to calculate the voter-approval tax rate in the manner provided for a special taxing unit (8 percent) if any part of the city is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States. TEX. TAX CODE § 26.04(c-1). The designated officer or employee shall continue calculating the voter-approval tax rate using 8 percent instead of 3.5 percent until the earlier of:

1. the second tax year in which the total taxable value of property in the city exceeds the total taxable value of property taxable by the city on January 1st of the tax year in which the disaster occurred; or

[4] https://comptroller.texas.gov/taxes/sales/city-additional-tax.php.

[5] The term "designated officer or employee" is not a new one added by S.B. 2. The city council has the ability to designate any officer or employee to calculate the tax rate. Tax Code § 26.04(c). The designated officer or employee is commonly a city finance officer or even a chief appraiser or county assessor-collector. Because of the increased responsibilities under S.B. 2, cities are encouraged to consult with their designated officer or employee about the changes well in advance of S.B. 2 taking effect. If that is the chief appraiser or county assessor-collector, the city may wish to revisit any written agreements currently in place.

2. the third tax year after the tax year in which the disaster occurred.

Id.

The other S.B. 2 provision pertaining to disasters gives cities the ability to avoid an automatic tax rate approval election following certain disasters. When an increased expenditure of money by a city is necessary to respond to a disaster, including a tornado, hurricane, flood, wildfire, or other calamity, but not including a drought, that impacted the city and the governor has declared any part of the city as a disaster area, an election (petitioned or automatic) is not required to approve the tax rate adopted by the governing body for the year following the year in which the disaster occurs. *Id*. § 26.07(b).

When must the tax rate be adopted?

While the Tax Code still requires a city to adopt its tax rate before the later of September 30th or the 60th day after the certified appraisal roll is received by the city, S.B. 2 moves up the date on which a city must adopt a tax rate that exceeds the voter-approval tax rate. TEX. TAX CODE § 26.05(a). If a city adopts a rate exceeding the voter-approval tax rate, it must do so not later than the 71st day before the November uniform election date, which is the first Tuesday following the first Monday in November. *Id*.; *See also* TEX. ELEC. CODE § 41.001(a)(3).

Because S.B. 2 is designed to have cities' automatic tax rate approval elections held on the November uniform election date, the legislature deemed it necessary to require cities to adopt their tax rates earlier to provide ample time to order the election. Indeed, S.B. 2 requires the city council to order the tax rate approval election not later than the 71st day before the date of the election. TEX. TAX CODE § 26.07(c). The 71st day will change every year depending upon when the November election date occurs, but generally it will occur in mid-to-late August.

Using the 71st day before election day as the deadline to order the election in S.B. 2 appears to be a drafting mistake by the legislature. The Election Code provides that, for an election held on a uniform election date, the election shall be ordered not later than the 78th day before election day. TEX. ELEC. CODE § 3.005(c). Further, the Election Code provides that the 78-day deadline supersedes any law outside the Election Code to the extent of any conflict. *Id*. § 3.005(b). Because the 78th day deadline for ordering the election expressly prevails over the 71st day deadline in S.B. 2, a city must order its election by no later than the 78th day before the November uniform election date. Even though the election must be ordered by the 78th day before the election, theoretically a city could push off the adoption of a tax rate exceeding the voter-approval tax rate until the 71st day before the election as provided by S.B. 2.

Interestingly, this expedited tax rate adoption calendar applies to a city under 30,000 that adopts a tax rate that exceeds the voter-approval rate, even if the city's adopted rate does not exceed the de minimis tax rate. *See* TEX. TAX CODE § 26.05(a). If *any* city adopts a tax rate that exceeds the voter-approval rate, it must do so by the 71st day before the November uniform election date.

Because state law provides that a city may levy taxes only in accordance with the budget, a city must adopt its budget before it adopts its tax rate, regardless of the deadline to do so. *See* TEX. LOC. GOV'T CODE § 102.009(a). If a city adopts a tax rate in August that exceeds the voter-approval tax rate, it must adopt its budget before doing so.

What is the election process for a city that must hold an automatic election to approve a tax rate?

A city with a population of 30,000 or more that adopts a tax rate exceeding the voter-approval tax rate, or a city with a population of less than 30,000 that adopts a tax rate exceeding the greater of the taxing unit's voter-approval tax rate or de minimis rate must hold an automatic election to approve the adopted tax rate as required by Texas Tax Code Sec. 26.07. As mentioned above, a city to which Sec. 26.07 applies must order its election by the 78th day before the November uniform election date. TEX. ELEC. CODE § 3.005(c).

The ballots must be prepared to permit voting for or against the following proposition: "Approving the ad valorem tax rate of $____ per $100 valuation in (name of taxing unit) for the current year, a rate that is $____ higher per $100 valuation than the voter-approval tax rate of (name of taxing unit), for the purpose of (description of purpose of increase). Last year, the ad valorem tax rate in (name of taxing unit) was $_____ per $100 valuation." TEX. TAX CODE § 26.07(c).

Although most of the required ballot language is fairly straightforward, cities have raised questions about what exactly would satisfy the requirement to describe the purpose of the increase. For example, it may not be easy to discern if an increased expenditure is attributable to the revenue derived from the amount by which a city goes over the voter-approval tax rate, or if the expenditure was something the city prioritized in its budget that would have been covered by city's adoption of the voter-approval tax rate or even the no-new-revenue tax rate. Without any additional statutory guidance, cities would appear to maintain the discretion to make a reasonable determination under this provision. Cities are encouraged to consult with their city attorney about the ballot language describing the purpose of the increase.

What happens if voters don't approve a city tax rate exceeding the voter-approval rate?

If voters do not approve the city's adopted tax rate at a tax rate approval election, the city's rate for the current tax year is set at the voter-approval tax rate. TEX. TAX CODE § 26.07(e). If property owners pay their taxes using the originally adopted tax rate and the voters ultimately reject that rate at an election in November, the city must refund the difference between the amount of taxes paid and the amount of taxes due under the voter-approval tax rate. *Id.* § 26.07(g).

What happens if the city doesn't receive the certified appraisal roll on time?

Prior to the passage of S.B. 2, the law required the chief appraiser to submit the certified appraisal roll to the assessor for each taxing unit by July 25th. TEX. TAX CODE § 26.01(a). The certified roll could be certified once the appraisal review board has completed substantially all timely filed protests so that the amount of undetermined value is not more than five percent of the total appraised value of all taxable properties. *Id.* § 41.12(b). The deadline for appraisal review boards to complete substantially all of their work was July 20th, though appraisal districts located in counties with populations of one million or more could postpone this deadline until August 20th. *Id.* § 41.12(c).

Certifying the tax roll triggers the tax rate setting process, as a city may not calculate the tax rates without a firm grasp the appraised values contained in the certified roll. Because a city that adopts a rate exceeding the voter-approval rate must act quickly, the timely delivery of the certified tax roll becomes even more important under S.B. 2. Delivery of the certified appraisal roll by August 20th or later is completely untenable for cities given the new deadlines for adopting the tax rate under S.B. 2.

Instead of requiring all appraisal review boards to complete substantially all protests by July 20th so the roll can be certified by the chief appraiser by July 25th, S.B. 2 instead gives chief appraisers an alternative to submitting a certified roll to the assessor. S.B. 2 amends the Tax Code to provide that, if the appraisal review board has not approved the appraisal records by July 20th, the chief appraiser shall prepare and certify to the assessor for each taxing unit an *estimate* of the taxable value by not later than July 25th. *Id.* § 26.01(a-1). If a certified estimate is provided instead of a certified appraisal roll, the officer or employee designated by the city council shall calculate the no-new-revenue tax rate and voter-approval tax rate using the certified estimate of taxable value. *Id.* § 26.04(c-2).

What changes were made to how a city provides notice of its tax rate every year?

Prior to the passage of S.B. 2, most cities provided notice of their property tax rates pursuant to Local Government Code Section 140.010. That statute was repealed by S.B. 2 and replaced with a few different mechanisms for providing notice of the city's tax rate:

- By August 7th or as soon thereafter as practicable, the designated officer or employee of a city must post notice on the city's website, in the form prescribed by the comptroller, the following: (1) the no-new-revenue tax rate and the voter-approval tax rate, along with an explanation of how they were calculated; (2) the estimated amount of interest and sinking fund balances and the estimated amount of maintenance and operation or general fund balances remaining at the end of the current fiscal year that are not encumbered with or by corresponding existing debt obligations; and (3) a schedule of the city's debt obligations. TEX. TAX CODE § 26.04(e).
- New notice provisions for the public hearing on the tax rate, loosely based upon the tax rate notice located in Local Government Code Sec 140.010 that was repealed by S.B. 2, are included in the bill. A different notice is required for each of the following scenarios: (1) the proposed tax rate exceeds the no-new-revenue tax rate and the voter-approval tax rate; (2) the proposed tax rate exceeds the no-new-revenue tax rate but does not exceed

the voter-approval tax rate; and (3) the proposed tax rate does not exceed the no-new-revenue tax rate but exceeds the voter-approval tax rate; and (4) in a city with a population of less than 30,000 in which the de minimis tax rate exceeds the voter-approval tax rate, the proposed tax rate exceeds the voter-approval rate. *Id.* §§ 26.06(b-1) – (b-3), 26.063.

- S.B. 2 includes new notice provisions for the meeting to vote on a proposed tax rate that does not exceed the lower of the no-new-revenue tax rate or voter-approval tax rate. (Note: this notice is similar to the notice requirements related to the public hearing on the tax rate, except that no public hearing is required because the proposed rate doesn't exceed the lower of the no-new-revenue rate or voter-approval rate.) *Id.* § 26.061.
- S.B. 2 also requires a table to be included at the end of the notice of the hearing on the tax rate or meeting to adopt the tax rate, as applicable, that compares the taxes imposed on the average residence homestead in the city last year to the taxes proposed to be imposed on the average residence homestead this year.

How must the tax comparison table be formatted?

In addition to requiring specific language both before and after the table, S.B. 2 requires the table itself to be generally formatted as follows (example for 2020 tax year):

	2019	**2020**	**Change**
Total Tax Rate (per $100 of value)	2019 adopted rate	2020 proposed rate	Statement of nominal and percentage difference
Average Homestead Taxable Value	2019 average taxable value of residence homestead	2020 average taxable value of residence homestead	Statement of percentage difference
Tax on Average Homestead	2019 Amount of taxes on average homestead	2020 amount of taxes on average homestead	Statement of nominal and percentage difference
Total tax levy on all properties	2019 Levy	(Proposed rate x current total value)/100	Statement of nominal and percentage difference

See TEX. TAX CODE § 26.062.

Are low-tax-levy cities exempt from the new notice requirements?

Mostly, yes. Just like the law prior to S.B. 2, cities with low tax levies have a simplified tax rate notice and are exempt from the other notice requirements in the Tax Code. A "low tax levy" city is one that levies under $500,000 in total property taxes and has a tax rate under $.50 per $100 of valuation. *See* TEX. TAX CODE § 26.052(a). Under S.B. 2, any such city is exempt from both the requirement to post tax rate and debt notice on the city's website under Tax Code Sec. 26.04(e),

and the new notices of the tax rate hearing or meeting to adopt the tax rate in Tax Code Secs. 26.06 and 26.063.

A low-tax levy city must, however, provide notice of the meeting to vote on a proposed tax rate that does not exceed the lower of the no-new-revenue or voter-approval tax rate pursuant to Tax Code Sec. 26.061. The notice may be delivered by mail or published in the newspaper. *See Id.* §§ 26.061(d) and 26.06(c). If the notice is published in the newspaper, the city must also post the notice prominently on the home page of the city's website from the date the notice is first published until the public hearing is concluded. *Id.* § 26.06(c).

If a low-tax-levy city publishes in the newspaper simplified notice as authorized under Tax Code Sec. 26.052(e), the city must also provide public notice of its proposed tax rate by posting the simplified notice prominently on the city's website. *Id.* § 26.052(f).

Does a city need to use a specific form to calculate its tax rate?

Yes. The comptroller is required to create tax rate calculation forms to be used by cities and other taxing units when calculating their property tax rates. TEX. TAX CODE § 5.07(f). The forms are required to be in an electronic format and have blanks that can be filled in electronically. *Id.* § 5.07(g). Further, the forms must be capable of being certified by the designated officer or employee of a city after completion as accurately calculating the applicable tax rates and using values that are the same as the values shown in either the city's certified appraisal roll or the certified estimate of taxable value. *Id.* The forms also must be capable of being electronically incorporated into the property tax database maintained by each appraisal district (discussed in greater detail below) and electronically submitted to the county assessor-collector. *Id.*

The designated officer or employee of the city is required to use the tax rate calculation forms prescribed by the comptroller to calculate the no-new-revenue tax rate and the voter-approval tax rate. *Id.* § 26.04(d-1). The designated officer or employee of the city may not submit the no-new-revenue tax rate and the voter-approval tax rate to the city council, and the city council may not adopt a tax rate, until the designated officer or employee certifies on the tax rate calculation forms that he or she has accurately calculated the tax rates and has used values that are the same as the values show in the city's certified appraisal roll in performing the calculations. *Id.* § 26.04(d-2).

As soon as practicable after the designated officer or employee calculates the no-new-revenue and voter-approval tax rates, he or she must electronically submit the tax rate calculation forms used in calculating the rates to the county assessor-collector for each county in which the city is located, and the assessor-collector must post the forms on the county's website. *Id.* §§ 26.04(d-3), 26.16(d-1). (Note: These statutory requirements are not effective until January 1, 2021.)

The city council must include as an appendix to the city's budget for a fiscal year the tax rate calculation forms used by the designated officer or employee of the city to calculate the no-new-revenue tax rate and the voter-approval tax rate of the city for the tax year in which the fiscal

year begins. *Id.* § 26.04(e-5). (Note: This statutory requirement is not effective until January 1, 2021.)

Is a city still required to hold two public hearings on the tax rate if the rate exceeds the no-new-revenue rate?

No. Before S.B. 2, when a city proposed a tax rate that exceeded the lower of the effective tax rate or the rollback rate, the city was required to hold two public hearings prior to adopting the tax rate. Due to the compressed timeframe for adopting a tax rate that exceeds the voter-approval rate, the drafters of S.B. 2 eliminated one of the existing tax rate hearings. Under S.B. 2, a city that adopts a rate exceeding the lower of the no-new-revenue tax rate or the voter-approval tax rate must only hold one public hearing. *See* TEX. TAX CODE § 26.05(d).

The lone public hearing under the new law may not be held before the fifth day after the date the notice of the public hearing is given. *See Id.* § 26.06(a). The city council also may not hold its public hearing or public meeting to adopt a tax rate until the fifth day after the date the chief appraiser of each appraisal district in which the city participates has delivered its tax estimate notice under Tax Code Sec. 26.04(e-2) and made various tax rate information and the tax rate calculation forms available on to the public via the property tax database under Tax Code Sec. 26.17(f) (discussed in greater detail below). *Id.* § 26.05(d-1). In fact, the city council is prohibited from adopting a tax rate until the chief appraiser has given notice and updated the property tax database. *Id.* § 26.05(d-2).

May the city council vote to approve the tax rate at the public hearing on the tax rate?

Yes. As opposed to prior law, which required a city to space out its two public hearings as well as the meeting to adopt the tax rate, the law as amended by S.B. 2 expressly authorizes the city council to vote on the proposed tax rate at the public hearing. *See* TEX. TAX CODE § 26.06(d). Again, this change reflects the reality that if a city council must adopt a tax rate that exceeds the voter-approval tax rate, it must act quickly to do so.

What is the property tax database?

S.B. 2 requires the chief appraiser of each appraisal district to create and maintain a property tax database that: (1) contains information that is provided by taxing units located in the appraisal district; (2) is continuously updated as preliminary and revised data becomes available and is provided by the designated officers or employees of taxing units; (3) is accessible to the public; and (4) is searchable by property address and owner. TEX. TAX CODE § 26.17(a).

The property tax database is required to include various types of information with respect to each property listed on the appraisal roll for the appraisal district. A city's designated officer or employee is required to electronically incorporate the following information into the database as the information becomes available:

1. the no-new-revenue tax rate and the voter-approval tax rate;
2. the proposed tax rate;
3. the date, time, and location of the public hearing, if applicable, on the proposed tax rate;
4. the date, time, and location of the public meeting, if applicable, at which the tax rate will be adopted; and
5. the tax rate calculation forms.

Id. § 26.17(e).

Does S.B. 2 require a city to create a website?

Not quite. S.B. 2 requires every taxing unit to either maintain an internet website or have access to a generally accessible Internet website that may be used for the purposes of posting tax rate and budget information. TEX. TAX CODE § 26.18. A "taxing unit" means any city "that is authorized to impose and is imposing ad valorem taxes on property… ." TEX. TAX CODE § 1.04(12). Thus, any city that has adopted a property tax rate must comply with the website requirements in S.B. 2.

The term "generally accessible Internet website" is not defined in the bill, but presumably refers to Facebook or some other website that is widely accessible and on which the city can post its information.

What is a city required to post on its website under S.B. 2?

The information required to be posted on a city's website, or generally accessible Internet website, includes:

1. The name of each member of the city council;
2. The mailing address, email address, and telephone number of the city;
3. The official contact information for each member of the city council;
4. The city's budget for the previous two years;
5. The city's proposed or adopted budget for the current year;
6. The change in the amount of the city's budget from the preceding year to the current year, by dollar amount and percentage;
7. The amount of property tax revenue budgeted for maintenance and operations for the current year and previous two years;
8. The tax rate for maintenance and operations adopted by the city for the current year and previous two years;
9. The tax rate for debt service adopted by the city for the current year and previous two years; and
10. The most recent financial audit of the city.

TEX. TAX CODE § 26.18.

Can a city reduce compensation to a first responder due to the enactment of S.B. 2?

No, at least not for the fiscal year beginning in 2020. Section 119 of the bill prohibits a city from adopting a budget for the fiscal year beginning in 2020 or taking any other action that has the effect of decreasing the total compensation to which a first responder (peace officer, firefighter, or certain licensed providers of emergency medical services) employed by the city was entitled in the preceding fiscal year. "Compensation" is defined to include a salary, wage, insurance benefit, retirement benefit, or similar benefit an employee receives as a condition of employment. A city is not legally prohibited by S.B. 2 from reducing first responder compensation in a budget other than the one adopted for fiscal year 2020.

What are the legal ramifications for a city that doesn't comply with all of the new legal requirements in S.B. 2?

Just like the law prior to the passage of S.B. 2, a person owning taxable property in the city is entitled to an injunction either preventing the adoption of a tax rate or restraining the collection of taxes by the city if the city or designated officer or employee of the city, as applicable, has not complied with procedural certain requirements in the Tax Code. *See* TEX. TAX CODE §§ 26.04(g) and 26.05(e). In either scenario, the city has an affirmative defense in an action for an injunction that the failure to comply with the procedural requirements was in good faith. *Id*. The statutes authorizing injunctive relief, as amended by S.B 2, are not effective until January 1, 2021.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:
Authorize City Manager to Execute an Agreement for Grant Administration Services with Langford Community Management Services for E&P Project 2019-10015, Lizzie Lane and South Persimmon Drainage Improvements, in the Amount of $109,802.00

Background:
In accordance with the terms and conditions of the Community Development Block Grant, staff advertised a Request for Proposal for grant administration services to administer and manage the City's Community Development Block Grant – Disaster Recovery for the drainage improvements along Lizzie Lane and S. Persimmon.

Staff received nine (9) submittals from qualified firms and a scoring was completed by a committee to determine the top four firms. The top firms were interviewed and based on those interviews staff entered into contract negotiations with Langford Community Management Services.

Staff is recommending awarding a Professional Services Agreement to Langford Community Management Services for the management of the City's CDBG-DR grant received from the General Land Office for a total amount of $109,802.00.

Origination:
Public Works Department

Recommendation:
Staff recommends approval to execute an agreement with Langford Community Management Services for a total amount of $109,802.00.

Funding:
Yes

Account Number:400-154-6409

Party(ies) responsible for placing this item on agenda:
Beth Jones, Public Works Director

ACTION TAKEN

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

ATTACHMENTS:

Grant Administration Services Contract

GRANT ADMINISTRATION SERVICES FOR
NON-HOUSING OR RENTAL/NON-RENTAL HOUSING PROJECTS
UNDER THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

THE City of Tomball (the "Subrecipient") and Langford Community Management Services, Tax Identification Number 74-2804904("Provider"), each a "Party" and collectively, "the Parties," enter into the following contract as of 7/15/2020 for grant administration services (the "Contract") pursuant to Local Govt. Code 252 and 2 C.F.R. Part 200.

WHEREAS, the Subrecipient has received U.S. Department of Housing and Urban Development Community Development Block Grant – Disaster Recovery ("CDBG-DR") funds, administered by the Texas General Land Office ("GLO") for damage sustained from the 2016 Floods; and

WHEREAS, the CDBG-DR program is funded under the Transportation, Housing and Urban Development, and Related Agencies Appropriation Act, 2018, Pub. L. No. 115-123.

NOW, THEREFORE, the Parties agree to the following terms and conditions:

I. DEFINITIONS / INTERPRETIVE PROVISIONS / PROJECT DESCRIPTION

1.01 DEFINITIONS

"Activity" means a defined class of works or services authorized to be accomplished using CDBG-DR grant funds. Activities are specified in Subrecipient Budgets as 'Category,' and the terms are interchangeable under this Contract.

"Administrative and Audit Regulations" means the regulations included in Title 2, CFR, Part 200. Chapter 321 of the Texas Government Code; Subchapter F of Chapter 2155 of the Texas Government Code; and the requirements of Article VII herein. With regard to any federal funding, agencies with the necessary legal authority include: the relevant federal agency, the Comptroller General, the General Accounting Office, the Office of Inspector General, and any of their authorized representatives. In addition, state agencies and/or designee's with the authority to audit and inspect include, the Subrecipient, the GLO, the GLO's contracted examiners, the State Auditor's Office, the Texas Attorney General's Office and the Texas Comptroller of Public Accounts.

"Attachment" means documents, terms, conditions, or additional information physically added to this Contract following the execution page, or incorporated by reference, as if physically.

"Amendment" means a written agreement, signed by the parties hereto, which documents alterations to the Contract.

"Benchmark" or "Billing Milestone" means a clearly defined set of incremental services that must be performed; or an interim level of accomplishment that must be met by Provider in order to receive periodic incremental and final reimbursement for services under this Contract.

"CDBG—DR" means the Community Development Block Grant—Disaster Recovery administered by the U.S. Department of Housing and Urban Development, in cooperation with the GLO.

"Certificate of Construction Completion" means a document submitted by an engineer or, if none, a construction contractor, to a Grantee which, when executed by the Grantee, indicates acceptance of the non-housing project, as built.

"Contract" means this entire document, along with any Attachments, both physical and incorporated by reference; and any Amendments.

"Contract Period" means the period of time between the effective date of a contract and its expiration or termination date.

"Deliverable" means a unit or increment of work to include, any item, report, data, document, photograph, or other submission required to be delivered under the terms of this Contract, in whatever form.

"Federal Assurances" means Standard Form 424B (Rev. 7-97) (non-construction projects); or Standard Form 424D (Rev. 7-97) (construction projects), in **Attachment A,** attached hereto and incorporated herein for all purposes.

"Federal Certifications" means U.S. Department of Commerce Form CD-512 (12-04), "Certifications Regarding Lobbying – Lower Tier Covered Transactions," also in **Attachment A**, attached hereto and incorporated herein for all purposes.

"Fiscal Year" means the period beginning September 1 and ending August 31 each year, which is the annual accounting period for the State of Texas.

"GAAP" means "Generally Accepted Accounting Principles."

"GASB" means the Governmental Accounting Standards Board.

"General Affirmations" means the statements in **Attachment B**, attached hereto and incorporated herein for all purposes, which Provider affirms by executing this Contract.

"GLO" means the Texas General Land Office, its officers, employees, and designees.

"GLO-Vendor Contract" means the contract or contracts between the GLO and Provider procured through the Solicitation; such GLO-Vendor Contract is hereby incorporated herein by reference, for all purposes.

"Grant Administration Fee" means the amount to be paid to Provider for all services performed for a Subrecipient.

"HSP" means HUB Subcontracting Plan, as outlined by Chapter 2161 of the Texas Government Code.

"HUB" means Historically Underutilized Business, as defined by Chapter 2161 of the Texas Government Code.

"HUD" means the United States Department of Housing and Urban Development.

"Mentor Protégé" means the Comptroller of Public Accounts' leadership program found at: http://www.window.state.tx.us/procurement/prog/hub/mentorprotege/

"Non-housing" refers to a project involving the restoration and/or repair of infrastructure facilities and the economic revitalization activities approved under a CDBG-DR program grant.

"Project" means the grant administration services described in **SECTION 1.03** of this Contract and in any applicable Attachments.

"Project Completion Report" means a report containing an "as built" accounting of all projects completed under a CDBG-DR non-housing or housing grant, and containing all information required to completely close out a grant file.

"Project Implementation Manual" means a set of guidelines for the CDBG-DR Program, incorporated herein by reference for all purposes in its entirety.

"Project Period" means the stated time for completion of a Project assigned by Work Order, if any.

"Prompt Pay Act" means Chapter 2251, Subtitle F of Title 10 of the Texas Government Code.

"Provider" means Langford Community Management Services selected to provide the services under this Contract, if any.

"Public Information Act" means Chapter 552 of the Texas Government Code.

"Monthly Report" means a document submitted by Provider to a Subrecipient for approval and submission to the GLO as a condition of reimbursement, as discussed in **SECTION 1.05** and **ARTICLE III**, below.

"Scope of Work" means Provider's detailed project summary hereby incorporated for all purposes as **Attachment C**.

"Setup" means documentation, submitted by a Subrecipient, necessary for the GLO to determine that housing sites meet minimum eligibility criteria, resulting in approval for the Subrecipient to move forward with the projects.

"Solicitation" means Subrecipient's Request for Proposals, including any Addenda.

"Solicitation Response" means Provider's full and complete response to the Solicitation, including any Addenda.

"Subcontractor" means an individual or business that signs a contract to perform part or all of the obligations of Provider under this Contract.

"Subrecipient Agreement" means the contractual agreement for a CDBG-DR housing or non-housing grant between the GLO and the Subrecipient for which Provider performs services assigned by the Subrecipient, if any.

"Technical Guidance Letter or 'TGL'" means an instruction, clarification, or interpretation of the requirements of the CDBG-DR Program, issued by the GLO to specified recipients, applicable to specific subject matter, to which the addressed Program participants shall be subject.

1.02 INTERPRETIVE PROVISIONS

(a) The meanings of defined terms are equally applicable to the singular and plural forms of the defined terms;

(b) The words "hereof," "herein," "hereunder," and similar words refer to this Contract as a whole and not to any particular provision, section, attachment, work order, or schedule of this Contract unless otherwise specified;

(c) The term "including" is not limiting and means "including without limitation" and, unless otherwise expressly provided in this Contract, (i) references to contracts (including this Contract) and other contractual instruments shall be deemed to include all subsequent amendments and other modifications thereto, but only to the extent that such amendments and other modifications are not prohibited by the terms of this Contract, and (ii) references to any statute or regulation are to be construed as including all statutory and regulatory provisions consolidating, amending, replacing, supplementing, or interpreting the statute or regulation;

(d) The captions and headings of this Contract are for convenience of reference only and shall not affect the interpretation of this Contract;

(e) All attachments within this Contract, including those incorporated by reference, and any amendments are considered part of the terms of this Contract;

(f) This Contract may use several different limitations, regulations, or policies to regulate the same or similar matters. All such limitations, regulations, and policies are cumulative and each shall be performed in accordance with its terms;

(g) Unless otherwise expressly provided, reference to any action of the Subrecipient or by the Subrecipient by way of consent, approval, or waiver shall be deemed modified by the phrase "in its/their sole discretion." Notwithstanding the preceding sentence, any approval, consent, or waiver required by, or requested of, the Subrecipient shall not be unreasonably withheld or delayed;

(h) Time is of the essence in this Contract.

(i) In the event of conflicts or inconsistencies between this contract and its attachments, such conflicts or inconsistencies shall be resolved by reference to the documents in the following order of priority: Signed Contract; Attachments to the Contract: Attachment A, Attachment B, Attachment C, Attachment D, Attachment E, Attachment F, and Attachment G; Solicitation Documents; and Provider's Response to Solicitation.

1.03 PROJECT

Provider shall perform, or cause to be performed at the direction of the Subrecipient, in assistance to Subrecipient, comprehensive administration services necessary to facilitate activities or the disaster recovery program in areas affected under the CDBG—DR Program. Provider will assist the Subrecipient in fulfilling State and Federal CDBG-DR statutory responsibilities related to recovery from the 2016 flooding by performing grant administration services for non-housing projects. Grant administrative services must be performed in compliance with (i) HUD requirements, (ii) the Non-Exclusive List of Laws, Rules, and Regulations in **Attachment D**; (iii) this Contract and all Attachments, including Provider's Scope of Work **Attachment C**; (iv) any Amendments to this Contract; (v) any Technical Guidance Letter, program requirements, or program guidance that may be issued by the GLO; and (vi) Provider's full and complete response to the RFP ("the Project").

Provider shall be responsible at all times for maintaining close oversight of approved projects and record-keeping including, but not limited to, obtaining and maintaining, through Provider's own efforts, the Subrecipient's current Performance Statement / Implementation Schedule, and Budget, including Revisions approved and Technical Guidance Letters issued by the GLO; and any other information that may be required for the satisfactory performance by Provider of the services herein described or assigned under a Work Order, as discussed below.

1.04 REPORTING REQUIREMENTS

Provider shall assist the Subrecipient to timely submit all reports and documentation that are required under this Contract and any Subrecipient Agreement.

MONTHLY REPORTS – APPLICABLE TO NON-HOUSING:

MONTHLY REPORTS ARE REQUIRED AS A CONDITION OF REIMBURSEMENT TO ALL SUBRECIPIENTS. It is incumbent upon Provider to facilitate the submission of each Monthly Report in a timely manner. Each Monthly Report shall include progress made since the prior reporting period, current Benchmarks achieved, projected quantities, problems encountered and detailed plans to correct them, goals to be accomplished in the subsequent reporting period, and any other information as may be required by the GLO.

The GLO may review the Monthly Report(s) and may request revisions to be made. Provider shall make itself aware of such revision requests and shall assist the Subrecipient in making appropriate revisions. Upon acceptance of the Monthly Report and submission of a properly prepared invoice, appropriate payment may be made to Subrecipient and to Provider.

In the sole discretion of the GLO, reports may be requested more often than monthly, and Provider shall facilitate the timely submission to the GLO of such additional information by the Grant Recipient.

Reimbursement may be withheld if a Monthly Report is delinquent or deficient, in the sole discretion of the GLO.

PROJECT COMPLETION REPORTS:

NON-HOUSING SERVICES: Provider shall prepare and submit to the Subrecipient a draft Project Completion Report (PCR) by the close of business no later than thirty (30) days from Provider's receipt of the fully executed final Certificate of Construction Completion ("COCC"). Provider shall then cooperate with the Subrecipient to submit the final, signed, PCR to the GLO by the close of business no later than sixty (60) days from Provider's receipt of the fully executed final COCC. The PCR must be submitted in accordance with the specifications in the Project Implementation Manual, and must include a full description of all Subrecipient projects, both as originally assigned and as ultimately completed, accounting for all Amendments, Revisions, and Technical Guidance Letters, if any.

II. TERM

2.01 DURATION

This Contract shall be effective as of the date of award and shall terminate after closing of project with GLO. Any extension will be subject to terms and conditions mutually agreeable to both parties.

2.02 EARLY TERMINATION

The Subrecipient may terminate this Contract by giving written notice specifying a termination date at least thirty (30) days subsequent to the date of the notice. Upon receipt of any such notice, Provider shall cease work, undertake to terminate any relevant subcontracts, and incur no further expense related to this Contract. Such early termination shall be subject to the equitable settlement of the respective interests of the parties, accrued up to the date of termination.

2.03 ABANDONMENT OR DEFAULT

If the Provider defaults on the Contract, the Subrecipient reserves the right to cancel the Contract without notice and either re-solicit or re-award the Contract to the next best responsive and responsible vendor qualified under the Solicitation. The defaulting provider will not be considered in the re-solicitation and may not be considered in future solicitations for the same type of work, unless the specification or scope of work significantly changed. The period of suspension will be determined by the Subrecipient based on the seriousness of the default.

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City of Tomball Project Total $1,996,408
Grant Administrator 5.5% $109,802

Milestones	Not-to-exceed Draw percentages	Amount
Project Kick-meeting and start up documentation completed & submitted	15%	$16,470
Environmental Notice to Proceed	30%	$16,470
Authority to use Grant funds received by City	50%	$21,961
Bid advertise	60%	$10,980
Construction Notice to Proceed	85%	$27,451
As-Built plans/COCC/FWCR	95%	$10,980
Grant completion Report approval	100%	$5,490

Administrative Duties	**Environmental Services**
Startup documentation Coordination (Internal) Coordination (External) Public Hearings (when necessary) System of Record and Draw Requests Perform any other administrative duty require to deliver the project Assist City with monitoring and audit findings Utilize and assist with GLO's system of record to complete milestones, submit documentation, reports, draws, change request, etc. Monthly Project Status Reports Procurement-Construction Financial Compliance Grant Closeout	Assist engineer with meeting GLO requirements for HUD environmental Reviews. Provide any necessary forms and/or guidance with process. **Labor Standards** Ensure compliance with all Davis Bacon labor standards **Construction Management** Manage bid package, procurement, contract negotiation, activity draws, all in compliance with 2CFR 200 and GLO/HUD standards **Acquisition** Submit acquisition reports and related documents, establish files, complete acquisition activities

The Grant Administration Fee shall not exceed the maximum amount available for such services as prescribed by the Subrecipient Agreement, the GLO, HUD or any governing law, for the term of this Contract. The Subrecipient agrees to pay Provider in accordance with The Prompt Pay Act Tex. Govt. Code Ch. 2251. GA Fees will be invoiced on the above stated percentage as each milestone is completed. If the City increases the overall project costs with additional local funds, GA services will be billed at an additional $3,150 of local funds for each added $250,000 over the current project amount of $1,996,408.

The form of invoice will be prescribed by the Subrecipient and made available to Provider in a separate submission from the Subrecipient.

Grant funds must not be commingled between or among HUD funding rounds; nor between or among Non-Housing and Housing assignments.

Reimbursement for services may be requested based on the Benchmarks**,** according to the type of services authorized, contingent upon Provider's facilitation of the timely submission of each Monthly Report required, as discussed in **SECTION 1.04**, above.

At a minimum, invoices must clearly reflect:

(a) Provider's Contract Number;

(b) Service Period

(c) the name and GLO Contract Number (12 digits) of the Subrecipient Agreement to which services have been provided;

(d) the current amount being billed;

(e) the cumulative amount billed previously;

(f) the balance remaining to be billed; and

(g) an itemized statement of services performed, including documentation as required under the Contract, such as invoices, receipts, statements, stubs, tickets, time sheets, and any other which, in the judgment of the Subrecipient, provides full substantiation of reimbursable costs incurred.

Subject to the maximum Contract amount authorized herein, upon specific, prior, written approval by the Subrecipient, lodging, travel, and other incidental direct expenses may be reimbursed under this Contract for professional or technical personnel who are (a) away from the cities in which they are permanently assigned; (b) conducting business specifically authorized by the Subrecipient; and (c) performing services not originally contemplated in the Scope of Services.

NOTICE TO PROVIDER:

Failure to include all of the information required in **SECTION 3.01** with each invoice may result in a significant delay in processing payment for the invoice.

IV. PROVIDER'S WARRANTY, AFFIRMATIONS, AND ASSURANCES

4.01 PERFORMANCE WARRANTY

Provider represents that all services performed under this Contract will be performed in a manner consistent with a degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. Provider represents that all work product, including Deliverables if any, under this Contract shall be completed in a manner consistent with standards in the applicable trade, profession, or industry; shall conform to or exceed the specifications set forth in the incorporated Attachments (if any); and shall be fit for ordinary use, of good quality, and with no material defects. If Provider fails to submit Deliverables timely or to perform satisfactorily under conditions required by this Contract, the Subrecipient may require Provider, at its sole expense, to the extent such defect or damage is caused by the negligence of Provider, to (a) repair or replace all defective or damaged Deliverables; (b) refund any payment received for all defective or damaged Deliverables and, in conjunction therewith, require Provider to accept the return of such Deliverables; and/or (c) take necessary action so that future performance and Deliverables conform to the Contract requirements.

4.02 GENERAL AFFIRMATIONS

To the extent that they are applicable, Provider further certifies that the General Affirmations in **Attachment B** have been reviewed, and that Provider is in compliance with each of the requirements reflected therein.

4.03 FEDERAL ASSURANCES

To the extent that they are applicable, Provider further certifies that the Federal Assurances in **Attachment A** have been reviewed and that Provider is in compliance with each of the requirements reflected therein. The Federal Assurance form must be executed by Provider's authorized signatory.

4.04 FEDERAL CERTIFICATIONS

To the extent that they are applicable, Provider further certifies that the Federal Certifications also in **Attachment A** have been reviewed, and that Provider is in compliance with each of the requirements reflected therein. The Federal Certifications form must be executed by Provider's authorized signatory.

In addition, Provider certifies that it is in compliance with any other applicable federal laws, rules, or regulations, as they may pertain to this Contract including, but not limited to, those listed in Attachment D.

V. FEDERAL AND STATE FUNDING, RECAPTURE OF FUNDS, AND OVERPAYMENT

5.01 FEDERAL FUNDING

(a) Funding for this Contract is appropriated under the Transportation, Housing and Urban Development, and Related Agencies Appropriation Act, 2018, Pub. L. No. 115-123 enacted on February 9, 2018, to facilitate disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, mitigation in the "most impacted and distressed" areas, and to affirmatively further fair housing in accordance with Executive Order 12892, in areas affected by the 2017 Floods, which are Presidentially-declared major disaster areas under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). The fulfillment of this Contract is based on those funds being made available to the GLO as the lead administrative state agency. All expenditures under this Contract must be made in accordance with this Contract, the rules and regulations promulgated under the CDBG-DR Program, and any other applicable laws. Further, Provider acknowledges that all funds are subject to recapture and repayment for non-compliance.

(b) **All participants in the CDBG-DR grant program must have a data universal numbering system (DUNS) number, as well as a Commercial And Government Entity (CAGE) Code.**

(c) **The DUNS number and CAGE Code must be reported to the GLO for use in various grant reporting documents, and may be obtained by visiting the Central Contractor Registration web site at:**

https://www.bpn.gov/ccr/

Assistance with this web site may be obtained by calling **866-606-8220**.

5.02 STATE FUNDING

(a) This Contract shall not be construed as creating any debt on behalf of the State of Texas and/or the GLO in violation of Article III, Section 49, of the Texas Constitution. In compliance with Article VIII, Section 6 of the Texas Constitution, it is understood that all obligations of the GLO hereunder are subject to the availability of state funds. If such funds are not appropriated or become unavailable, the Subrecipient, in its sole discretion, may terminate this Contract. In that event, the parties shall be discharged from further obligations, subject to the equitable settlement of their respective interests, accrued up to the date of termination.

(b) Furthermore, any claim by Provider for damages under this Contract may not exceed the amount of funds appropriated for payment, but not yet paid to Provider, under the annual budget in effect at the time of the breach. Nothing in this provision shall be construed as a waiver of sovereign immunity.

5.03 RECAPTURE OF FUNDS

Provider shall conduct, in a satisfactory manner as determined by the Subrecipient, the Project as set forth in the Contract. The discretionary right of the Subrecipient to terminate for convenience under **SECTION 2.02** notwithstanding, it is expressly understood and agreed by Provider that the Subrecipient shall have the right to terminate the Contract and to recapture, and be reimbursed for any payments made by the Subrecipient (i) that exceed the maximum allowable HUD rate; (ii) that are not allowed under applicable laws, rules, and regulations; or (iii) that are otherwise inconsistent with this Contract, including any unapproved expenditures.

5.04 OVERPAYMENT

Provider understands and agrees that it shall be liable to the Subrecipient or the GLO for any costs disallowed pursuant to financial and/or compliance audit(s) of funds received under this Contract. Provider further understands and agrees that reimbursement of such disallowed costs shall be paid by Provider from funds which were not provided or otherwise made available to Provider under this Contract.

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VI. OWNERSHIP

6.01 OWNERSHIP AND THIRD PARTY RELIANCE

(a) The Subrecipient shall own, and Provider hereby assigns to the GLO, all right, title, and interest in all services to be performed; all goods to be delivered; and/or all other related work product prepared, or in the course of preparation, by Provider (or its subcontractors) pursuant to this Contract, together with all related worldwide intellectual property rights of any kind or character (collectively, the "Work Product"). Under no circumstance will any license fee, royalty, or other consideration not specified in this Contract be due to Provider for the assignment of the Work Product to the GLO or for the GLO's use and quiet enjoyment of the Work Product in perpetuity. Provider shall promptly submit all Work Product to the GLO upon request or upon completion, termination, or cancellation of this Contract for any reason, including all copies in any form or medium.

(b) Provider and the Subrecipient shall not use, willingly allow, or cause such Work Product to be used for any purpose other than performance of Provider's obligations under this Contract without the prior written consent of either party and the GLO. Work Product is for the exclusive use and benefit of, and may be relied upon only by the parties. Prior to distributing any Work Product to any third party, other than the GLO, the parties shall advise such third parties that if it relies upon or uses such Work Product, it does so entirely at its own risk without liability to the GLO, Provider, or the Subrecipient.

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VII. RECORDS, AUDIT, RETENTION, CONFIDENTIALITY, PUBLIC RECORDS

7.01 BOOKS AND RECORDS

Provider shall keep and maintain under GAAP or GASB, as applicable, full, true, and complete records necessary to fully disclose to the Subrecipient, the GLO, the State of Texas Auditor's Office, the United States Government, and/or their authorized representatives sufficient information to determine compliance with the terms and conditions of this Contract and all state and federal rules, regulations, and statutes.

7.02 INSPECTION AND AUDIT

(a) Provider agrees that all relevant records related to this Contract and any Work Product produced in relation to this Contract, including the records and Work Product of its Subcontractors, shall be subject to the Administrative and Audit Regulations. Accordingly, such records and Work Product shall be subject, at any time, to inspection, examination, audit, and copying at any location where such records and Work Product may be found, with or without notice from the Subrecipient, the GLO, HUD, or other government entity with necessary legal authority. Provider agrees to cooperate fully with any federal or state entity in the conduct of inspection, examination, audit, and copying, including providing all information requested. Provider will ensure that this clause concerning federal and state entities' authority to inspect, examine, audit, and copy records and Work Product, and the requirement to fully cooperate with the federal and state entities, is included in any subcontract it awards.

(b) Provider understands that acceptance of state funds under this Contract acts as acceptance of the authority of the State Auditor's Office to conduct an audit or investigation in connection with those funds. Provider further agrees to cooperate fully with the State Auditor's Office in the conduct of the audit or investigation, including providing all records requested. Provider will ensure that this clause concerning the State Auditor's Office's authority to audit state funds and the requirement to fully cooperate with the State Auditor's Office is included in any subcontracts it awards. Additionally, the State Auditor's Office shall at any time have access to and the rights to examine, audit, excerpt, and transcribe any pertinent books, documents, working papers, and records of Provider relating to the Contract for any purpose. HUD, the Comptroller General, the General Accounting Office, the Office of Inspector General, or any authorized representative of the U.S. Government shall also have this right of inspection. **PROVIDER SHALL ENSURE THAT ALL SUBCONTRACTS AWARDED REFLECT THE REQUIREMENTS OF THIS SECTION 7.02, AND THE REQUIREMENT TO COOPERATE.**

(c) Provider will be deemed to have read and have knowledge of all applicable federal, state, and local laws, regulations, and rules including, but not limited to those identified in **Attachment D**, governing audit requirements pertaining to the Project.

7.03 PERIOD OF RETENTION

All records relevant to this Contract shall be retained for a period subsequent to the final closeout of the State of Texas CDBG-DR grant program, in accordance with federal regulations. **The Subrecipient will notify all Program participants of the date upon which local records may be destroyed.**

7.04 CONFIDENTIALITY

To the extent permitted by law, Provider and the Subrecipient agree to keep all information confidential, in whatever form produced, prepared, observed, or received by Provider or the Subrecipient to the extent that such information is: (a) confidential by law; (b) marked or designated "confidential" (or words to that effect) by Provider or the Subrecipient; or (c) information that Provider or the Subrecipient is otherwise required to keep confidential by this Contract. Furthermore, Provider will not advertise that it is doing business with the Subrecipient, use this Contract as a marketing or sales tool, or make any press releases concerning work under this Contract without the prior written consent of the Subrecipient.

7.05 PUBLIC RECORDS

Information related to the performance of this Contract may be subject to the Public Information Act ("PIA") and will be withheld from public disclosure or released only in accordance therewith. Provider shall make any information required under the PIA available to the Subrecipient in portable document file (".pdf") format or any other format agreed between the Parties. Failure of Provider to mark as "confidential" or a "trade secret" any information that it believes to be excepted from disclosure waives any and all claims Provider may make against the Subrecipient for releasing such information without prior notice to Provider. Provider shall notify the Subrecipient within twenty-four (24) hours of receipt of any third party written requests for information, and forward a copy of said written requests to the Subrecipient. If the request was not written, Provider shall forward the third party's contact information to the Subrecipient.

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VIII. MISCELLANEOUS PROVISIONS

8.01 INSURANCE

Provider shall acquire for the duration of this Contract insurance with financially sound and reputable insurers licensed by the Texas Department of Insurance, in the type and amount and in the form required by **Attachment E** of this Contract**, REQUIRED INSURANCE AND FORM**. Furthermore, Provider shall submit a certificate of liability insurance as required under this Contract, including (if requested) a schedule of coverage (or "underwriter's schedules") establishing to the satisfaction of the Subrecipient the nature and extent of coverage granted by each policy.

Provider shall submit certificates of insurance and endorsements electronically, in the manner requested by the Subrecipient. In the event that any policy is determined to be deficient to comply with the terms of this Contract, Provider shall secure such additional policies or coverage as the Subrecipient may reasonably request or that are required by law or regulation.

Provider will be responsible for submitting renewed certificates of insurance and endorsements, as evidence of insurance coverage throughout the term of this Contract. Provider may not be actively working on behalf of the Subrecipient if the insurance coverage does not adhere to insurance requirements. Failure to submit required insurance documents may result in the cancellation of this Contract.

8.02 TAXES/WORKERS' COMPENSATION/UNEMPLOYMENT INSURANCE

PROVIDER AGREES AND ACKNOWLEDGES THAT DURING THE EXISTENCE OF THIS CONTRACT, PROVIDER SHALL BE ENTIRELY RESPONSIBLE FOR THE LIABILITY AND PAYMENT OF PROVIDER'S AND PROVIDER'S EMPLOYEES' TAXES OF WHATEVER KIND, ARISING OUT OF THE PERFORMANCES IN THIS CONTRACT. PROVIDER AGREES TO COMPLY WITH ALL STATE AND FEDERAL LAWS APPLICABLE TO ANY SUCH PERSONS, INCLUDING LAWS REGARDING WAGES, TAXES, INSURANCE, AND WORKERS' COMPENSATION. THE SUBRECIPIENT SHALL NOT BE LIABLE TO THE PROVIDER, ITS EMPLOYEES, AGENTS, OR OTHERS FOR THE PAYMENT OF TAXES OR THE PROVISION OF UNEMPLOYMENT INSURANCE AND/ OR WORKERS' COMPENSATION OR ANY BENEFIT AVAILABLE TO A STATE EMPLOYEE OR EMPLOYEE OF ANOTHER GOVERNMENTAL ENTITY CUSTOMER. 2) PROVIDER AGREES TO INDEMNIFY AND HOLD HARMLESS THE SUBRECIPIENT, THE GLO, THE STATE OF TEXAS AND/OR THEIR EMPLOYEES, AGENTS, REPRESENTATIVES, CONTRACTORS, AND/OR ASSIGNEES FROM ANY AND ALL LIABILITY, ACTIONS, CLAIMS, DEMANDS, OR SUITS, AND ALL RELATED COSTS, ATTORNEYS' FEES, AND EXPENSES, RELATING TO TAX LIABILITY, UNEMPLOYMENT INSURANCE AND/OR WORKERS' COMPENSATION IN ITS PERFORMANCE UNDER THIS CONTRACT. PROVIDER SHALL BE LIABLE TO PAY ALL COSTS OF DEFENSE INCLUDING ATTORNEYS' FEES. THE DEFENSE SHALL BE COORDINATED BY PROVIDER WITH THE SUBRECIPIENT NAMED AS A DEFENDANT IN ANY LAWSUIT AND PROVIDER

MAY NOT AGREE TO ANY SETTLEMENT WITHOUT FIRST OBTAINING THE CONCURRENCE FROM THE SUBRECIPIENT. PROVIDER AND THE SUBRECIPIENT AGREE TO FURNISH TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM.

8.03 LEGAL OBLIGATIONS

Provider shall procure and maintain for the duration of this Contract any state, county, city, or federal license, authorization, insurance, waiver, permit, qualification or certification required by statute, ordinance, law, or regulation to be held by Provider to provide the goods or services required by this Contract. Provider will be responsible for payment of all taxes, assessments, fees, premiums, permits, and licenses required by law. Provider agrees to be responsible for payment of any such government obligations not paid by its subcontractors during performance of this Contract.

8.04 INDEMNITY

EXCEPT FOR DAMAGES DIRECTLY OR PROXIMATELY CAUSED BY THE GROSS NEGLIGENCE OF THE SUBRECIPIENT OR THE GLO, PROVIDER SHALL INDEMNIFY AND HOLD HARMLESS THE SUBRECIPIENT, THE STATE OF TEXAS, THE GLO, AND THE OFFICERS, REPRESENTATIVES, AGENTS, AND EMPLOYEES OF THE SUBRECIPIENT, THE STATE OF TEXAS, AND THE GLO FROM ANY LOSSES, CLAIMS, SUITS, ACTIONS, DAMAGES, OR LIABILITY (INCLUDING ALL COSTS AND EXPENSES OF DEFENDING AGAINST ALL OF THE AFOREMENTIONED) ARISING IN CONNECTION WITH:

- **THIS CONTRACT;**
- **ANY NEGLIGENCE, ACT, OMISSION, OR MISCONDUCT IN THE PERFORMANCE OF THE SERVICES REFERENCED HEREIN; OR**
- **ANY CLAIMS OR AMOUNTS ARISING OR RECOVERABLE UNDER FEDERAL OR STATE WORKERS' COMPENSATION LAWS, THE TEXAS TORT CLAIMS ACT, OR ANY OTHER SUCH LAWS.**

PROVIDER SHALL BE RESPONSIBLE FOR THE SAFETY AND WELL BEING OF ITS EMPLOYEES, CUSTOMERS, AND INVITEES. THESE REQUIREMENTS SHALL SURVIVE THE TERM OF THIS AGREEMENT UNTIL ALL CLAIMS HAVE BEEN SETTLED OR RESOLVED AND SUITABLE EVIDENCE TO THAT EFFECT HAS BEEN FURNISHED TO THE SUBRECIPIENT. THE PROVISIONS OF THIS SECTION 8.03 SHALL SURVIVE TERMINATION OF THIS CONTRACT.

8.05 ASSIGNMENT AND SUBCONTRACTS

Provider shall not assign, transfer, or delegate any rights, obligations, or duties under this Contract without the prior written consent of the Subrecipient. Notwithstanding this provision, it is mutually understood and agreed that Provider may subcontract with others for some or all of the services to be performed. In any approved subcontracts, Provider shall legally bind such subcontractor to perform and make such subcontractor subject to all the duties, requirements, and obligations of Provider as specified in this Contract. Nothing in this Contract shall be construed to relieve Provider of the responsibility for ensuring that the goods

delivered and/or the services rendered by Provider and/or any of its subcontractors comply with all the terms and provisions of this Contract. Provider will provide written notification to the Subrecipient of any such subcontractor performing fifteen percent (15%) or more of the work under this Contract, including the name and taxpayer identification number of subcontractor, the task(s) being performed, and the number of subcontractor employees expected to work on the task.

8.06 RELATIONSHIP OF THE PARTIES

Provider is associated with the Subrecipient only for the purposes and to the extent specified in this Contract, and, with respect to Provider's performance pursuant to this Contract, Provider is and shall be an independent contractor and, subject only to the terms of this Contract, shall have the sole right to supervise, manage, operate, control, and direct performance of the details incident to its duties under this Contract. Nothing contained in this Contract shall be deemed or construed to create a partnership or joint venture, to create relationships of an employer-employee or principal-agent, or to otherwise create for the Subrecipient or the GLO any liability whatsoever with respect to the indebtedness, liabilities, and obligations of Provider or any other party. Provider shall be solely responsible for, and the Subrecipient shall have no obligation with respect to:

(a) withholding of income taxes, FICA, or any other taxes or fees;
(b) industrial or workers' compensation insurance coverage;
(c) participation in any group insurance plans available to employees of the State of Texas;
(d) participation or contributions by the State to the State Employees Retirement System;
(e) accumulation of vacation leave or sick leave; or
(f) unemployment compensation coverage provided by the State.

8.07 COMPLIANCE WITH OTHER LAWS

In the performance of this Contract, Provider shall comply with all applicable federal, state, and local laws, ordinances, and regulations. Provider shall make itself familiar with and at all times shall observe and comply with all federal, state, and local laws, ordinances, and regulations that in any manner affect performance under this Contract including, but not limited to, those attached hereto and incorporated herein for all purposes as **Attachment D**. Provider will be deemed to have knowledge of all applicable laws and regulations and be deemed to understand them.

8.08 NOTICES

Any notices required under this Contract shall be deemed delivered when deposited either in the United States mail, postage paid, certified, return receipt requested; or with a common carrier, overnight, signature required, to the appropriate address below:

Subrecipient
City of Tomball
401 Market St.
Tomball, TX 77375
Attention: Gretchen Fagan, Mayor

Provider
Langford Community Management Services, Inc.
2901 County Road 175
Leander, Texas 78641
Attention: Judy Langford, President

Notice given in any other manner shall be deemed effective only if and when received by the party to be notified. Either party may change its address for notice by written notice to the other party as herein provided.

8.10 GOVERNING LAW AND VENUE

This Contract and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Texas, exclusive of conflicts of law provisions. Venue of any suit between Subrecipient and Provider under this Contract shall be in a court of competent jurisdiction in Harris County, Texas. Provider irrevocably waives any objection, including any objection to personal jurisdiction or the laying of venue or based on the grounds of forum non conveniens, which it may now or hereafter have to the bringing of any action or proceeding in such jurisdiction in respect of this Contract or any document related hereto.

8.11 SEVERABILITY

If any provision contained in this Contract is held to be unenforceable by a court of law or equity, this Contract shall be construed as if such provision did not exist and the non-enforceability of such provision shall not be held to render any other provision or provisions of this Contract unenforceable.

8.12 FORCE MAJEURE

Except with respect to the obligation of payments under this Contract, if either of the parties, after a good faith effort, is prevented from complying with any express or implied covenant of this Contract by reason of war; terrorism; rebellion; riots; strikes; acts of God; any valid order, rule, or regulation of governmental authority; or similar events that are beyond the control of the affected party (collectively referred to as a "Force Majeure"), then, while so prevented, the affected party's obligation to comply with such covenant shall be suspended, and the affected party shall not be liable for damages for failure to comply with such covenant. In any such event, the party claiming Force Majeure shall promptly notify the other party of the Force Majeure event in writing and, if possible, such notice shall set forth the extent and duration thereof. The party claiming Force Majeure shall exercise due diligence to prevent, eliminate, or overcome such Force Majeure event where it is possible to do so and shall resume performance at the earliest possible date. However, if non-performance continues for more than thirty (30) days, the GLO may terminate this Contract immediately upon written notification to Provider.

8.13 DISPUTE RESOLUTION

If the CDBG-DR program imposes a reduction in administrative grant funds due to non-compliance and/or disallowed costs as stipulated by the agency, the contracting parties will negotiate an agreement of payment.

If the negotiation phase between the contracting entities does not reach an agreement, executives of the contracting entities, with decision-making authority, will enter into mediation to facilitate a settlement by employing a skilled neutral, not to impose a solution, but to assist the parties in reaching agreement. A final binding Arbitration Phase will occur in case the non-binding phase produces no settlement.

8.14 ENTIRE CONTRACT AND MODIFICATION

This Contract, its integrated Attachment(s), and any Technical Guidance issued in conjunction with this Contract, if any, constitute the entire agreement of the parties and are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Any additional or conflicting terms in such Attachment(s), Technical Guidance Letter shall be harmonized with this Contract to the extent possible. Unless such integrated Attachment, Technical Guidance Letter, or Revision specifically displays a mutual intent to amend a particular part of this Contract, general conflicts in language shall be construed consistently with the terms of this Contract.

8.15 COUNTERPARTS

This Contract may be executed in any number of counterparts, each of which shall be an original, and all such counterparts shall together constitute but one and the same Contract. If the Contract is not executed by the GLO within thirty (30) days of execution by the other party, this Contract shall be null and void. In the sole discretion of the GLO, Work Orders issued, if any, may be executed by the parties in counterparts exchanged by electronic mail.

8.16 THIRD-PARTY BENEFICIARY

The Parties agree that the GLO, as the administrator of the CDBG-DR program, is a third-party beneficiary to this Contract and that the GLO shall have the right to enforce any provision of this Contract. Provided, however, that GLO shall only enforce a provision Contract after notifying the Parties, in writing, of a potential breach or default of the Contract and allowing the Provider sixty (60) days to cure the breach or default. Venue of any suit under this Section 8.17 shall be in a court of competent jurisdiction in Travis County, Texas. Provider irrevocably waives any objection, including any objection to personal jurisdiction or the laying of venue or based on the grounds of forum non conveniens, which it may now or hereafter have to the bringing of any action or proceeding in such jurisdiction in respect of this Contract or any document related hereto. **NOTHING IN THIS SECTION SHALL BE CONSTRUED AS A WAIVER OF SOVEREIGN IMMUNITY BY THE GLO.**

8.17 PROPER AUTHORITY

Each party hereto represents and warrants that the person executing this Contract on its behalf has full power and authority to enter into this Contract. Provider acknowledges that this Contract is effective for the period of time specified in the Contract. Any services performed by Provider before this Contract is effective or after it ceases to be effective are performed at the sole risk of Provider.

SIGNATURE PAGE FOLLOWS

IN WITNESSETH WHEREOF, the parties have executed this Agreement by causing the same to be signed on the day and year first above written

BY: _____
(Subrecipient's Authorized Representative)

Gretchen Fagan
(Printed Name)

Mayor
(Title)

BY: _____
(Langford Community Management Services)

Judy Langford
(Printed Name)

President
(Title)

View Burden Statement

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2022

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant:, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29) U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statue(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statue(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.

14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
	President
APPLICANT ORGANIZATION	DATE SUBMITTED
Langford Community Management Services	7/15/2020

SF-424D (Rev. 7-97) Back

Approved by OMB
0348-0046

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ **Prime** ☐ **Subawardee** Tier _____, *if known*: **Congressional District**, *if known*: 4c	 **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount,** *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____
Federal Use Only:	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

N/A

PRINT

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

CERTIFICATION REGARDING LOBBYING
COMPLIANT WITH APPENDIX A TO 24 C.F.R. PART 871

Certification for Contracts, Grants, Loans, and Cooperative Agreements:

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance:

The undersigned states, to the best of his or her knowledge and belief, that: If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification.

NAME OF CONTRACTOR — AWARD NUMBER AND/OR PROJECT NAME

Langford Community Management Services

PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Judy Langford, President

SIGNATURE — DATE 7/15/2020

1 24 C.F.R. 87 App. A, available at https://www.gpo.gov/fdsys/granule/CFR-2011-title24-vol1/CFR-2011-title24-vol1-part87-appA. Published Apr. 1, 2011. Accessed Aug. 1, 2018.

GENERAL AFFIRMATIONS

Provider agrees without exception to the following affirmations:

1. Provider certifies that he/she/it has not given, offered to give, nor intends to give at anytime hereafter, any economic opportunity, future employment, gift, loan gratuity, special discount, trip, favor, or service to a public servant in connection with the Contract.

2. Provider certifies that neither Provider nor any firm, corporation, partnership, or institution represented by Provider or anyone acting for such firm, corporation, partnership, or institution has (1) violated the antitrust laws of the State of Texas under Texas Business & Commerce Code, Chapter 15, or federal antitrust laws; or (2) communicated the contents of the Contract or proposal either directly or indirectly to any competitor or any other person engaged in the same line of business during the procurement process for the Contract or proposal.

3. Provider certifies that if its business address shown on the Contract is a Texas address, that address is the legal business address of Provider and Provider qualifies as a Texas Resident Bidder under Texas Administrative Code, Title 34, Part 1, Chapter 20.

4. Section 2155.004 of the Texas Government Code prohibits the award of a contract that includes proposed financial participation by a person who received compensation from the Subrecipient to participate in preparing the specifications or request for proposals on which the Contract is based. Under Section 2155.004, Government Code, the vendor [Provider] certifies that the individual or business entity named in this bid or Contract is not ineligible to receive the specified Contract and acknowledges that the Contract may be terminated and payment withheld if this certification is inaccurate.

5. Under Texas Family Code section 231.006, a child support obligor who is more than 30 days delinquent in paying child support and a business entity in which the obligor is a sole proprietor, partner, shareholder, or owner with an ownership interest of at least 25 percent is not eligible to receive payments from state funds under a contract to provide property, materials, or services. Under Section 231.006, Texas Family Code, the vendor or applicant [Provider] certifies that the individual or business entity named in this Contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this Contract may be terminated and payment may be withheld if this certification is inaccurate.

6. Provider agrees that any payments due under the Contract will be applied towards any debt, including but not limited to delinquent taxes and child support, Provider owes to the State of Texas.

7. The Subrecipient is federally mandated to adhere to the directions provided in the President's Executive Order (EO) 13224, blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism and any subsequent changes made to it. The Subrecipient will cross-reference Providers/vendors with the federal System for Award Management (https://www.sam.gov/), which includes the United States Treasury's Office of Foreign Assets Control (OFAC) Specially Designated National (SDN) list.

8. Provider certifies: 1) that the responding entity and its principals are eligible to participate in this transaction and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state, or local governmental entity; 2) that Provider is in compliance with the State of Texas statutes and rules relating to procurement; and 3) that Provider is not listed on the federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement are listed at https://www.sam.gov/.

9. Under Section 2155.006(b) of the Texas Government Code, the Subrecipient may not enter into a contract that includes proposed financial participation by a person who, during the five year period preceding the date of the bid or award, has been: (1) convicted of violating a federal law in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; or (2) assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005. Under Section 2155.006 of the Texas Government Code, Provider certifies that the individual or business entity named in the Contract is not ineligible to receive the specified Contract and acknowledges that the Contract may be terminated and payment withheld if this certification is inaccurate.

10. The state auditor may conduct an audit or investigation of any entity receiving state funds directly under the Contract or indirectly through a subcontract under the Contract. Acceptance of funds directly under the Contract or indirectly through a subcontract under the Contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Under the direction of the legislative audit committee, an entity that is the subject of an audit or investigation by the state auditor must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit. Provider shall ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through Provider and the requirement to cooperate is included in any subcontract it awards.

11. Provider understands that the neither the Subrecipient nor the GLO tolerate any type of fraud. The Subrecipient's policy is to promote consistent, legal, and ethical organizational behavior by assigning responsibilities and providing guidelines to enforce controls. Any violations of law, agency policies, or standards of ethical conduct will be investigated, and appropriate actions will be taken. Providers are expected to report any possible fraudulent or dishonest acts, waste, or abuse affecting any transaction with the GLO to the GLO's Internal Audit Director at 512.463.5338 or to tracey.hall@glo.texas.gov.

NOTE: Information, documentation, and other material related to this Contract may be subject to public disclosure pursuant to the "Public Information Act," Chapter 552 of the Texas Government Code.

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TEXAS GENERAL LAND OFFICE
GRANT ADMINISTRATION SERVICES
SCOPE OF WORK

SCOPE OF SERVICES REQUESTED 2
DESCRIPTION OF SERVICES AND SPECIAL CONDITIONS 2
GRANT ADMINISTRATION SERVICES – INFRASTRUCTURE 5
GRANT ADMINISTRATION SERVICES – RENTAL HOUSING 7
GRANT ADMINISTRATION SERVICES – NON-RENTAL HOUSING 13

SCOPE OF SERVICES REQUESTED

Providers will help the GLO fulfill State and Federal Community Development Block Grant Disaster Recovery ("CDBG-DR") statutory responsibilities related to recovery in connection with any federally declared disaster. Providers will assist the GLO and/or grant recipients in completion of CDBG-DR qualified housing or non-housing projects. Respondents may be qualified to provide Grant Administration services for housing projects, non-housing projects, or both. Grant administrative services must be performed in compliance with the U.S. Department of Housing and Urban Development ("HUD") and guidelines issued by the GLO.

DESCRIPTION OF SERVICES AND SPECIAL CONDITIONS

Respondent must be able to perform the tasks listed herein to be considered eligible for an award under this Solicitation. Respondents should provide a detailed narrative of their experience as it relates to each of the items below. Respondents should clearly indicate if they intend to provide services in-house with existing staff or through subcontracting or partnership arrangements. Grant Administration Services will be provided in conformance with the guidance documents and use forms provided by the subrecipient utilizing GLO guidance. The providers shall furnish pre-funding and post-funding grant administrative services to complete the disaster recovery projects, including, but not limited to the following:

Pre-Funding Services

Grant Administrator will develop project scope and complete CDBG-DR application. The provider will work with the subrecipient and Engineering, if applicable, to provide the concise information needed for submission of complete disaster recovery funding application and related documents. The required information shall be submitted in a format to be described by the GLO.

Post-Funding Services

Grant Administrator will administer and complete infrastructure, utilities, housing and eligible projects approved for disaster recovery funding. The selected administrative firm must follow all requirements of the Texas CDBG Disaster Recovery program.

Grant Administration Services – General

(a) Administrative Duties:

i. Coordinate, as necessary, between subrecipient and any other appropriate service providers (i.e. Engineer, Environmental, etc.), contractor, subcontractor and GLO to effectuate the services requested.

ii. May assist in public hearings.

iii. Will work with GLO's system of record.

iv. Provide monthly project status updates.

v. Funding release will be based on deliverables identified in the contract.

vi. Labor and procurement duties:

a. Provide all Labor Standards Officer (LSO) Services.

b. Ensure compliance with all relevant labor standards regulations.

c. Ensure compliance with procurement regulations and policies.

d. Maintain document files to support compliance.

vii. Financial duties:

a. Prepare and submit all required reports (Section 3, Financial Interest, etc.).

b. Assist subrecipient with the procurement of audit services.

c. Assist subrecipient in establishing and maintaining a bank account for disaster recovery funds.

d. Implementation and coordination of Affirmatively Furthering Fair Housing ("AFFH") requirements as directed by HUD and the GLO.

e. Implementation and coordination of Section 504 requirements.

f. Program compliance.

g. Ensure that fraud prevention and abuse practices are in place and being implemented.

h. Prepare and submit all closeout documents.

i. Submit all invoices no later than 60 days after the expiration of the contract. All outstanding funds may be swept after 60 days. The provider may request an extension of this requirement in writing.

j. Assist in preparation of contract revisions and supporting documents including but not limited to:

- Amendments/modifications,
- Change orders.

(b) Construction Management

i. The provider will assist the subrecipient in submitting/setting up project applications in the GLO's system of record.

ii. The provider may compile and collate complete contract/bid packages that meet GLO program requirements. The packages will contain supporting documentation that meets or exceeds the requirements of the GLO's program. If applications do not have the necessary forms, the provider may assist the subrecipient by coordinating to acquire the necessary documentation.

iii. The provider may monitor, report, and evaluate contractor's performance; notify the subrecipient if the contractor(s) fails to meet established scheduled milestones. Receive, review, recommend, and process any change orders as appropriate to the individual projects.

iv. The provider may assist the subrecipient with project Activity Draws/Close Out.

v. The provider may assist the subrecipient by submitting all the necessary documentation for draws and to close a project activity in the GLO's system of record. The provider will compile, review for completeness, and collate complete contract/closeout packages that meet GLO program requirements for draw requests. If applications do not have the necessary forms, the provider may assist the subrecipient by coordinating to acquire the necessary documentation.

vi. The provider may assist the subrecipient in developing

Architectural and Engineering plans with guidance from the GLO.

vii. Reassignment scope alignment (if necessary).

Grant Administration Services – Infrastructure

a) Administrative Duties:

i. Ensure program compliance including all CDBG-DR requirements and all part's therein, current Federal Register, etc.

ii. Assist subrecipient in establishing and maintaining financial processes.

iii. Obtain and maintain copies of the subrecipient's most current contract including all related change requests, revisions and attachments.

iv. Establish and maintain record keeping systems.

v. Assist subrecipient with resolving monitoring and audit findings.

vi. Serve as monitoring liaison.

vii. Assist subrecipient with resolving third party claims.

viii. Report suspected fraud to the GLO.

ix. Submit timely responses to the GLO requests for additional information.

x. Complete draw request forms and supporting documents.

xi. Facilitate outreach efforts, application intake, and eligibility review.

xii. Perform any other administrative duty required to deliver the project.

xiii. Utilize and assist with GLO's system of record to complete milestones, submit documentation, reports, draws, change requests, etc.

xiv. Submit change requests and all required documentation related to any change requests.

(b) Acquisition Duties:

i. Submit acquisition reports and related documents.

ii. Establish acquisition files (if necessary).

iii. Complete acquisition activities (if necessary).

(c) Environmental Services

i. Assist detailed scope of services

a. Review each Review each project description to ascertain and/or verify the level of environmental review required: Exempt, Categorical Exclusion not Subject to 58.5, Categorical Exclusion Subject to 58.5, Environmental Assessment, and Environmental Impact Statements;

b. Prepare, complete and submit HUD required forms for environmental review and provide all documentation to support environmental findings;

c. Consult and coordinate with oversight/regulatory agencies to facilitate environmental clearance;

d. Be able to perform or contract special studies, additional assessments, or permitting to secure environmental clearance. These may include, but are not limited to biological assessments, wetland delineations, asbestos surveys, lead-based paint assessments, archeology studies, architectural reviews, Phase I & II ESAs, USACE permits, etc.;

e. Prepare all responses to comments received during comment phase of the environmental review, including State/Federal Agency requiring further studies and/or comments from public or private entities during public comment period;

f. Maintain close coordination with local officials, project engineer and other members of the project team to assure appropriate level of environmental review is performed and no work is conducted without authorization;

g. Complete and submit the environmental review into GLO's system of record;

h. At least one site visit to project location and completion of a field observation report

i. Prepare and submit for publication all public

notices including, but not limited to the Notice of Finding of No Significant Impact (FONSI), Request for Release of Funds floodplain/wetland early and final notices in required order and sequence;

j. Provide documentation of clearance for Parties Known to be Interested as required by 24 CFR 58.43;

k. Process environmental review and clearance in accordance with NEPA;

l. Advise and complete environmental re-evaluations per 24 CFR 58.47 when evidence of further clearance or assessment is required;

m. Prepare and submit Monthly Status Report; and

n. Participate in regularly scheduled progress meetings.

Grant Administration Services – Rental Housing

a) Administrative Duties:

i. Develop and submit for approval rental guidelines.

ii. Assist the grant recipient in developing a Notice of Funding Availability (NOFA).

iii. Develop and submit for approval an Affirmative Marketing Plan on behalf of the subrecipient utilizing GLO guidance.

iv. Develop a tenant selection policy on behalf of the subrecipient based on GLO guidance.

v. Develop and submit for approval a needs assessment on behalf of the subrecipient based on GLO guidance.

vi. Develop and submit to site-specific environmental reviews as required by 24 CFR Part 58.

vii. Develop and submit a monitoring plan for approved projects on behalf of the subrecipient based on GLO guidance.

viii. The provider will assist the subrecipient in conducting assessments of all incomplete projects and align the GLO Form

11.17, to the constructed project. The provider will determine the percent complete and the dollar value of the partially completed project and the dollar value necessary to assign to the new Contractor to complete the project. This is accomplished through a joint Provider and Contractor site visit utilizing the initial Contractor's GLO Form 11.17, as the basis for construction and payment due to the contractor.

b) Project Case Management:

i. Assist the subrecipient with any project, transaction, service or response that is "opened" and "closed" over a period of time to achieve resolution of a problem, claim, request, proposal, development or other complex activity.

ii. Assist the subrecipient in developing project application eligibility procedures, processing, and approvals.

c) Site Inspections:

i. Assist the subrecipient with Disaster Damage Assessments (Damage Inspections) - Assist in performing a visual field review of projects to determine the presence of damage to the project that may be attributable to the disaster event. The damage assessment will follow the GLO issued Damage Assessment Guidelines and includes:

a. Assist the subrecipient with observations and documentation (written and photographic) of findings of disaster-related damage to the following:

i. Foundation;

ii. Exterior walls;

iii. Exterior wall finishes;

iv. Windows and doors;

v. Roof system (roof coverings, deck, joists, tie downs, diaphragms, penetrations, flashing, and closures);

vi. Floor system and structure;

vii. Electrical system components;

viii. Plumbing system components;

ix. Heating, ventilation and air conditioning system;

x. Interior wall finishes;

xi. Interior fixtures and components;

xii. Porches;

xiii. Exterior stairs and ramps;

xiv. Miscellaneous items not covered by the above such as septic systems, chimneys/fireplaces, etc.

b. The results of the Disaster Damage Assessment will be provided according to the GLO sample provided in the GLO issued Damage Assessment Guidelines. The damage inspector's report will include:

i. The reviewer's name;

ii. The property address;

iii. The homeowner's name;

iv. A checklist of housing components that may have received disaster damage, if any;

v. A narrative that specifically and clearly documents disaster-related property damage via photographic evidence and detailed narratives of the damage;

vi. The reviewer's certification, signature, and date of review.

c. The results of the disaster damage assessment may be provided in a format similar to *Forms 11.01 or 11.01A*. The 11.01A, Initial Inspection Checklist, Short will be completed for homes that have received disaster damage that obviously cannot be rehabilitated. Form 11.01 will be completed in accordance with the guidance contained in HQS 52580.

ii. Estimated Cost of Repair Inspection (Work Write-Up):

a. Assist in providing an estimated cost of repair inspections with the damage assessments. Upon notification that a project has been determined eligible for Program

assistance, the respondent will prepare an Estimated Cost of Repair (ECR) for the program-eligible repairs.

b. ECR's will be developed to include repair of damage that could reasonably be attributed to the disaster event and repairs to bring the project into compliance with HUD Housing Quality Standards, local, state and federal building codes. The scopes of repair will be developed to include work items necessary for the identified repairs to be performed in accordance with the International Residential Code, 2009 Edition (where required) and to meet the GLO's Minimum Housing Design Standards.

c. Assistance to the subrecipient may include:

    i. Contact the project owner to schedule a date and time to perform the field review.

    ii. Travel to the project site.

    iii. Perform the visual review of the project to determine the approximate amount and extent of damage to the project. The review will include the observations and documentation (written and photographic) of findings of disaster-related damage if not already documented.

    iv. Develop a Scope of Repair to address the observed damage and initially determine the applicability of the proposed repairs to the criteria of the Program. The draft Scope of Repair will include:

        a. a summary list of items to be addressed;

        b. a basic description of the repair approach for each item;

        c. estimated item quantities; and

        d. site photographs.

    v. Consider the following in preparation of the ECR:

        a. the specific materials needed;

        b. the quantity of those materials;

        c. trades involved;

d. the level of effort and duration for each trade;

e. estimated rates and manpower; and

f. equipment required to accomplish each of the identified repairs.

vi. Utilize the following to develop the ECR:

a. current industry cost standards as identified by Xactimate or RSMeans price lists for the project location;

b. experience with projects of similar size and scope; and

c. Knowledge of the local market rates and conditions.

vii. Summarize the data and findings into the final ECR and will furnish a copy of the ECR to the subrecipient. The final ECR will include the following:

a. a completed *Form 11.17, Work Write-up and Cost Estimate* containing a general scope of repair and summary of construction costs.

viii. Assist the subrecipient with project inspections at:

a. 50% complete

b. A final inspection at 100% complete

ix. In the case of a single family rental, assist the subrecipient with reconstruction inspections:

a. Foundation

b. 33% complete progress inspection

c. 66% complete progress inspection

d. Final inspection at 100% completion

e. Arrange for and TREC inspection to be conducted prior to closing.

x. Upon notification of a project being ready for a Construction Review, the provider may:

a. Contact the project owner and or subrecipient to schedule a date and time to perform the Review.

b. Travel to the project site.

c. Conduct on-site observations (field review) of the work completed.

The purpose of the field review is to observe and document: the progress of the work; the estimated quantity and value of work accomplished to date; the materials and workmanship utilized; the general conformance to the agreed upon Scope of Repairs (Scope); and identify items necessary for completion.
During the field review, the provider may observe work which, in its opinion, does not conform generally to the agreed upon Scope or may compromise the integrity of the repair. The provider may recommend rejection of this work.

Upon completion of the field review, the provider may summarize and present the findings of the field review to include:

i. Estimated amounts owed to the Contractor.

ii. Items of work that are incomplete (Punch List items).

iii. Other items of work that may be required by the apparent intent of the Scope that is not included in the Scope.

d) Environmental Service

i. The provider may assist the subrecipient in performing environmental reviews and documentation for HUD compliance in connection with the program. The provider may provide services for the preparation of Environmental Review Records (ERR) in accordance with the standards set forth by HUD and the statutes, executive orders, and regulations listed at 24 CFR Part 58.

ii. The provider may submit a request for Special Services to

subrecipient if environmental document review and site inspections indicate that additional investigation is warranted.

iii. Special services may include, but are not limited to the following tasks:

a. Archeological study required by SHPO;

b. Lead-based paint and/or asbestos inspection; and

c. Wetlands assessment.

Grant Administration Services – Non-Rental Housing

a) Administrative Duties:

i. Develop and implement Outreach Plans detailing specific outreach for the project. Plans will be required to be submitted and approved by GLO on a project by project basis.

ii. Perform extensive community outreach to affected areas on behalf of the subrecipient utilizing GLO guidance.

iii. Develop and submit for approval Housing Guidelines on behalf of the subrecipient utilizing GLO guidance.

iv. Develop and submit for approval a Needs Assessment on behalf of the subrecipient based on GLO guidance.

v. Provide case management support to subrecipient to manage the grant applications process, including but not limited to:

a. creating eligibility procedures to lessen the fallout of applicants;

b. advising applicants on eligibility and program requirements, and assist in application preparation and submission;

c. facilitating intake of applications from grant applicants;

d. performing eligibility reviews;

e. processing applications, including necessary communications;

f. capture applicant fallout reasons; and

g. the follow-up to grant applicants.

vi. Participate in the appeals process and handling of disputes for disallowed/ineligible applications.

vii. Act as an advocate for applicants through appeals process when required.

viii. Assist applicants through housing construction process.

ix. Perform other application management and homeowner support duties as required to ensure the success of the program.

x. Develop and submit to site-specific environmental reviews as required by 24 CFR Part 58.

xi. Provide construction and builder management services as required to comply with applicable construction codes and program requirements.

xii. The provider will assist the subrecipient in conducting assessments of all incomplete projects and align the GLO *Form 11.17*, to the constructed project. The provider will determine the percent complete and the dollar value of the partially completed project and the dollar value necessary to assign to the new Contractor to complete the project. This is accomplished through a joint Provider and Contractor site visit utilizing the initial Contractor's GLO *Form 11.17*, as the basis for construction and payment due to the contractor.

b) Site Inspections

i. Establish Disaster Damage Assessments (Damage Inspections).

a. Assist in performing a visual field review of single-family housing units to determine the presence of damage to the home that may be attributable to the disaster event. The damage assessment will follow the GLO issued Damage Assessment Guidelines and includes:

b. The respondent may assist the subrecipient with:

i. Contacting the Homeowner to schedule a date and time to perform the field review.

ii. Traveling to the project site.

iii. Interviewing the Homeowner on site to gain a perspective of the pre-disaster condition of the

structure; damage resulting directly from the disaster; and damage resulting from subsequent deterioration. The provider may utilize this information to assist in its review of the housing unit.

c. Performing the visual review of the housing unit to determine the presence of damage to the home that may be attributed to a national disaster declaration. The review will include the observations and documentation (written and photographic) of findings of disaster-related damage to the following:

i. Foundation;

ii. Exterior walls;

iii. Exterior wall finishes;

iv. Windows and doors;

v. Roof system (roof coverings, deck, joists, tie downs, diaphragms, penetrations, flashing, and closures);

vi. Floor system and structure;

vii. Electrical system components;

viii. Plumbing system components;

ix. Heating, ventilation and air conditioning system;

x. Interior wall finishes;

xi. Interior fixtures and components;

xii. Porches;

xiii. Exterior stairs and ramps;

xiv. Miscellaneous items not covered by the above such as septic systems, chimneys/fireplaces, etc.

d. The results of the Disaster Damage Assessment will be provided according to the GLO sample provided in the GLO issued Damage Assessment Guidelines. The damage inspectors report will include:

i. The reviewer's name;

ii. The property address;

iii. The homeowner's name;

iv. A checklist of housing components that may have received disaster damage, if any;

v. A narrative that specifically and clearly documents disaster-related property damage via photographic evidence and detailed narratives of the damage; and

vi. The reviewer's certification, signature, and date of review.

The results of the disaster damage assessment may be provided in a format similar to the *11.01 or 11.01A* forms. The *11.01A, Initial Inspection Checklist, Short* will be completed for homes that have received disaster-damage that obviously cannot be rehabilitated. *Form 11.01*, will be completed in accordance with the guidance contained in HQS 52580.

ii. Estimated Cost of Repair Inspection (Work Write-Up).

a. Assist in providing an estimated cost of repair inspections with the damage assessments. Upon notification that a property has been determined eligible for Program assistance, the respondent will prepare an Estimated Cost of Repair ("ECR") for the program-eligible repairs.

b. ECRs will be developed to include repair of damage that could reasonably be attributed to the disaster event and repairs to bring the home into compliance with HUD Housing Quality Standards, local, state and federal building codes. The scopes of repair will be developed to include work items necessary for the identified repairs to be performed in accordance with the International Residential Code, 2009 Edition (where required) and to meet the GLO's Minimum Housing Design Standards.

c. Assistance to the subrecipient may include:

i. Contact the Homeowner to schedule a date and time to perform the field review.

ii. Travel to the project site.

iii. Perform the visual review of the housing unit to determine the approximate amount and extent of damage to the home. The review will include the observations and documentation (written and photographic) of findings of disaster-related damage if not already documented.

iv. Develop a Scope of Repair to address the observed damage and initially determine the applicability of the proposed repairs to the criteria of the Program. The draft Scope of Repair will include:

a. a summary list of items to be addressed;

b. a basic description of the repair approach for each item;

c. estimated item quantities; and

d. site photographs.

iii. Consider the following in preparation of the ECR:

a. the specific materials needed;

b. the quantity of those materials;

c. trades involved;

d. the level of effort and duration for each trade;

e. estimated rates and manpower; and

f. equipment required to accomplish each of the identified repairs.

iv. Utilize the following to develop the ECR:

a. current industry cost standards as identified by Xactimate or RSMeans price lists for the project location;

b. experience with projects of similar size and scope; and

c. knowledge of the local market rates and conditions.

v. Summarize the data and findings into the final ECR and will furnish a copy of the ECR to the applicable subrecipient. The final ECR will include the following:

   a. A completed *Form 11.17, Work Write-up and Cost Estimate* containing a general scope of repair and summary of construction costs.

vi. Assist the subrecipient with Rehabilitation Inspections at:

   a. 50% complete progress inspection

   b. A final inspection at 100% complete

vii. Assist the subrecpieint with reconstruction inspections at:

   a. Foundation

   b. 33% complete progress inspection

   c. 66% complete progress inspection

   d. A final inspection at 100% complete

viii. Upon notification of a home being ready for a Construction Review, the provider may contact the homeowner and contractor to schedule a date and time to perform the Review.

   a. Travel to the project site.

   b. Conduct on-site observations (field review) of the work completed. The purpose of the field review is to observe and document: the progress of the work; the estimated quantity and value of work accomplished to date; the materials and workmanship utilized; the general conformance to the agreed upon Scope of Repairs (Scope); and identify items necessary for completion. During the field review, the provider may observe work which, in its opinion, does not conform generally to the agreed upon Scope or may compromise the integrity of the repair. The provider may recommend rejection of this work.

Upon completion of the field review, the provider may summarize and present the findings of the field review to include:

   a. Estimated amounts owed to the Contractor.

b. Items of work that are incomplete (Punch List items).

c. Other items of work that may be required by the apparent intent of the Scope that is not included in the Scope.

c) Environmental Services

i. The provider may assist the subrecipient in performing environmental reviews and documentation for HUD compliance in connection with the Program. The provider will provide services for the preparation of Environmental Review Records (ERR) in accordance with the standards set forth by HUD and the statutes, executive orders, and regulations listed at 24 CFR Part 58.

ii. The provider may submit a request for Special Services to subrecipient if environmental document review and site inspections indicate that additional investigation is warranted.

iii. Special services may include, but are not limited to the following tasks:

a. Archeological study required by SHPO;

b. Lead-based paint and/or asbestos inspection; and

c. Wetlands assessment.

NONEXCLUSIVE LIST OF APPLICABLE LAWS, RULES, AND REGULATIONS

If applicable to the Project, Provider must be in compliance with the following laws, rules, and regulations; and any other state, federal, or local laws, rules, and regulations as may become applicable throughout the term of the Contract, and Provider acknowledges that this list may not include all such applicable laws, rules, and regulations.

Provider and is deemed to have read and understands the requirements of each of the following, if applicable to the Project under this Contract:

GENERALLY

The Acts and Regulations specified in this Contract;

Consolidated Security, Disaster Assistance, and Continuing Appropriation Act (Public Law 110-329);

The Housing and Community Development Act of 1974 (12 U.S.C. § 5301 *et seq*.);

Cash Management Improvement Act regulations (31 C.F.R. Part 205);

Community Development Block Grants (24 C.F.R. Part 570);

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200);

Disaster Recovery Implementation Manual;

Plan for Disaster Recovery

CIVIL RIGHTS

Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d *et seq*.); 24 C.F.R. Part l, "Nondiscrimination in Federally Assisted Programs of the Department of Housing and Urban Development - Effectuation of Title VI of the Civil Rights Act of 1964";

Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 (42 U.S.C. § 2000e *et seq*.);

Title VIII of the Civil Rights Act of 1968, "The Fair Housing Act of 1968" (42 U.S.C. 3601 *et seq*.), as amended;

Executive Order 11063, as amended by Executive Order 12259, and 24 C. F.R. Part 107, "Nondiscrimination and Equal Opportunity in Housing under Executive Order 11063"; The

failure or refusal of Provider to comply with the requirements of Executive Order 11063 or 24 C.F.R. Part 107 shall be a proper basis for the imposition of sanctions specified in 24 C.F.R. 107.60;

The Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq*.); and

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794.) and "Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities of the Department of Housing and Urban Development", 24 C.F.R. Part 8. By signing this Contract, Provider understands and agrees that the activities funded shall be performed in accordance with 24 C.F.R. Part 8; and the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.), including the use of a telecommunications device for deaf persons (TDDs) or equally effective communication system.

LABOR STANDARDS

The Davis-Bacon Act, as amended (originally, 40 U.S.C. 276a-276a-5 and re-codified at 40 U.S.C. 3141-3148); 29 C.F.R. Part 5;

The Copeland "Anti-Kickback" Act (originally, 18 U.S.C. 874 and re-codified at 40 U.S.C. 3145): 29 C.F.R. Part 3;

Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (originally, 40 U.S.C. § 327A and 330 and re-codified at 40 U.S.C. 3701-3708);

Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Non-construction Contracts Subject to the Contract Work Hours and Safety Standards Act) (29 C.F.R. Part 5); and

Federal Executive Order 11246, as amended;

EMPLOYMENT OPPORTUNITIES

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C.1701u): 24 C.F.R. §§ 135.3(a)(2) and (a)(3);

The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. § 4212); and

Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681-1688); and

Federal Executive Order 11246, as amended;

GRANT AND AUDIT STANDARDS

Single Audit Act Amendments of 1996, 31 U.S.C. § 7501;

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for

Federal Awards (2 C.F.R. Part 200);

Uniform Grant and Contract Management Act (Texas Government Code Chapter 783) and the Uniform Grant Management Standards issued by Governor's Office of Budget and Planning; and

Title 1 Texas Administrative Code § 5.167(c);

LEAD-BASED PAINT

Section 302 of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831(b)) and the procedures established by TDRA thereunder.

HISTORIC PROPERTIES

The National Historic Preservation Act of 1966 as amended (16 U.S.C. 470 *et seq.*), particularly sections 106 and 110 (16 U.S.C. 470 and 470h-2), except as provided in §58.17 for Section 17 projects;

Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921), 3 C.F.R. 1971-1975 Comp., p. 559, particularly section 2(c);

Federal historic preservation regulations as follows: 36 C.F.R. part 800 with respect to HUD programs; and

The Reservoir Salvage Act of 1960 as amended by the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 *et seq.)*, particularly section 3 (16 U.S.C. 469a-1).

ENVIRONMENTAL LAW AND AUTHORITIES

Environmental Review Procedures for Recipients assuming HUD Environmental Responsibilities (24 C.F.R. Part 58, as amended);

National Environmental Policy Act of 1969, as amended (42 U.S.C. §§ 4321-4347); and

Council for Environmental Quality Regulations for Implementing NEPA (40 C.F.R. Parts 1500-1508).

FLOODPLAIN MANAGEMENT AND WETLAND PROTECTION

Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951), 3 CFR, 1977 Comp., p. 117, as interpreted in HUD regulations at 24 C.F.R. part 55, particularly Section 2(a) of the Order (For an explanation of the relationship between the decision-making process in 24 C.F.R. part 55 and this part, see § 55.10.); and

Executive Order 11990, Protection of Wetlands, May 24,1977 (42 FR 26961), 3 C.F.R., 1977 Comp., p. 121 particularly Sections 2 and 5.

COASTAL ZONE MANAGEMENT

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*), as amended, particularly sections 307(c) and (d) (16 U.S.C. 1456(c) and (d)).

SOLE SOURCE AQUIFERS

The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) *et seq.*, and 21 U.S.C. 349) as amended; particularly section 1424(e)(42 U.S.C. 300h-3(e); and

Sole Source Aquifers (Environmental Protection Agency-40 C.F.R. part 149.).

ENDANGERED SPECIES

The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) as amended, particularly section 7 (16 U.S.C. 1536).

WILD AND SCENIC RIVERS

The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq.*) as amended, particularly sections 7(b) and (c) (16 U.S.C. 1278(b) and (c).

AIR QUALITY

The Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended, particularly sections 176(c) and (d) (42 U.S.C. 7506(c) and (d).

Determining Conformity of Federal Actions to State or Federal Implementation Plans (Environmental Protection Agency-40 C.F.R. parts 6, 51, and 93).

FARMLAND PROTECTION

Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 *et seq.*) particularly sections 1540(b) and 1541 (7 U.S.C. 4201(b) and 4202); and

Farmland Protection Policy (Department of Agriculture-7 C.F.R. part 658).

HUD ENVIRONMENTAL STANDARDS

Applicable criteria and standards specified in HUD environmental regulations (24 C.F.R. part 51) (other than the runway clear zone and clear zone notification requirement in 24 C.F.R. 51.303(a)(3); and

HUD Notice 79-33, Policy Guidance to Address the Problems Posed by Toxic Chemicals and Radioactive Materials, September 10, 1979).

ENVIRONMENTAL JUSTICE

Executive Order 12898 of February 11, 1994 --- Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, (59 FR 7629), 3 CFR, 1994 Comp. p. 859.

SUSPENSION AND DEBARMENT

Use of debarred, suspended, or ineligible contractors or subrecipients (24 C.F.R. Section 570.609);

General HUD Program Requirements; Waivers (24 C.F.R. Part 5); and

Nonprocurement Suspension and Debarment (2 C.F.R. Part 2424).

OTHER REQUIREMENTS

Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities (24 C.F.R. Part 58).

ACQUISITION / RELOCATION

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 *et seq.*), 24 C.F.R. Part 42, and 24 C.F.R. Section 570.606.

FAITH-BASED ACTIVITIES

Executive Order 13279 of December 12, 2002 - Equal Protection of the Laws for Faith-Based and Community Organizations, (67 FR 77141).

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REQUIRED INSURANCE

GENERALLY. Provider shall, at its sole expense, acquire, maintain, and keep in force for the duration of this Contract, insurance in the amounts attached herein and under the requirements specified herein. Furthermore, unless specified or otherwise agreed to by the Subrecipient, the required insurance shall be in effect prior to the commencement of work by Provider and shall continue in full force until the earlier as appropriate of (i) the expiration of this Contract; or (ii) such time as the Subrecipient notifies Provider that such insurance is no longer required. Any insurance or self-insurance available to the Subrecipient shall be in excess of, and non-contributing with, any insurance required from Provider. Provider's insurance policies shall apply on a primary basis. If, at any time during the Contract, an insurer or surety fails to provide insurance to Provider or otherwise fails to comply with the requirements of this Contract, Provider shall immediately notify the Subrecipient and replace such insurance or bond with an insurer meeting such requirements. General aggregate limits of Provider's Commercial General Liability policy shall apply per project. Provider's auto insurance policy shall apply to "any auto."

Approval. Prior approval of the insurance policies by the Subrecipient shall be a condition precedent to any payment of consideration under this Contract and insurance must be submitted for review and approval by the GLO prior to the commencement of work. Any failure of the Subrecipient to timely approve or failure to disapprove the insurance furnished by Provider shall not relieve Provider of Provider's full responsibility to provide the insurance required by this Contract.

Continuing Coverage. The Subrecipient's approval of any changes to insurance coverage during the course of performance shall constitute an ongoing condition subsequent to this Contract.

Renewal. Provider shall provide the Subrecipient with renewal or replacement certificates no less than thirty (30) days before the expiration or replacement of the required insurance.

Additional Insured Endorsement. The Subrecipient, the GLO, and each entity's officers, employees, and authorized agents shall be named as additional insureds for all liability arising under this Contract except on Workers' Compensation and Professional Liability policies. **An original additional insured endorsement signed by an authorized insurance company representative must be submitted to the Subrecipient to evidence the endorsement of the Subrecipient as an additional insured on all policies, and the certificate(s) must reference the related Subrecipient Contract Number.**

Subrogation. Each liability insurance policy, except Professional Liability, shall provide for a waiver of subrogation as to the Subrecipient, the State of Texas, the GLO, and their officers, employees, and authorized agents, and shall be issued by insurance companies authorized to do business in the State of Texas, and currently rated by A.M. Best as "A-" or better.

Policy Cancellation Endorsement. Except for ten (10) days' notice for non-payment of premium, each insurance policy shall be endorsed to specify that without 30 days' prior

written notice to the Subrecipient, the policy shall not be canceled, non-renewed, or coverage and/or limits reduced or materially altered, and shall provide that notices required by this paragraph shall be sent by certified mail to the address specified in this Contract. A copy of this signed endorsement must be attached to this Contract.

Alternative Insurability. Notwithstanding the requirements of this Attachment, the Subrecipient reserves the right to consider reasonable alternative methods of insuring the contract in lieu of the insurance policies and/or bonds required. It will be Provider's responsibility to recommend to the Subrecipient alternative methods of insuring the Contract. Any alternatives proposed by Provider should be accompanied by a detailed explanation regarding Provider's inability to obtain insurance coverage as described in this Contract. The GLO shall be the sole and final judge as to the adequacy of any substitute form of insurance coverage.

INSURANCE REQUIRED:

$1 MILLION COMMERCIAL GENERAL LIABILITY (EACH OCCURRENCE)
$2 MILLION COMMERCIAL GENERAL LIABILITY (AGGREGATE LIMIT)
$1 MILLION CSL AUTOMOBILE INSURANCE
$1 MILLION ERRORS AND OMISSIONS
STATUTORY WORKERS' COMPENSATION & EMPLOYERS LIABILITY
- $1 MILLION EACH ACCIDENT
- $1 MILLION DISEASE EACH EMPLOYEE
- $1 MILLION DISEASE POLICY LIMIT
STATUTORY U.S. LONGSHORE AND HARBOR WORKERS' INSURANCE

NOTE: Insurance certificates must be in the form approved by the Texas Attorney General, a sample of which follows this page.

Insurance Certificates must:

(a) be submitted the Subrecipient;
(b) prominently display "Subrecipient Contract No. XXXXXX
(c) Name the Subrecipient and the General Land Office as an additional insured.

Failure to submit required insurance forms as instructed may significantly delay the start of work under the Contract.

REQUIRED FORM OF CERTIFICATE FOLLOWS THIS PAGE

Contract No. **********

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:	
Required form of Insurance	PHONE (A/C, No, Ext):	FAX (A/C, No):
	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	NAIC #
INSURED	INSURER A :	
	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	GENERAL LIABILITY						EACH OCCURRENCE	$
	COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	$
	CLAIMS-MADE OCCUR						MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$
	POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$
								$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS / NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N						WC STATU-TORY LIMITS / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICE/MEMBER EXCLUDED? N / A						E.L. EACH ACCIDENT	$
	(Mandatory in NH)						E.L. DISEASE - EA EMPLOYEE	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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REQUIRED CONTRACT PROVISIONS (CONTRACTS USING FEDERAL FUNDS)

Italics – Explanatory; NOT CONTRACT LANGUAGE

THRESHOLD	PROVISION	CITATION
None	H) Debarment and Suspension (Executive Orders 12549 and 12689)-A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMS guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Camp., p. 189) and 12689 (3 CFR Part 1989 Camp., p, 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.	2 CFR 200 APPENDIX II (H)
None	Grantees or subgrantees must retain all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.	2 CFR 200.333 (former 24 CFR (85.36(i) {11))
>$10,000	*B) All contracts in excess of $10, 000 must address termination for cause and for convenience by the non-• Federal entity including the manner by which it will be affected and the basis for settlement.* **Termination for Cause:** If the Contractor fails to fulfill in a timely and proper manner its obligations under this Agreement, or if the Contractor violates any of the covenants, conditions, agreements, or stipulations of this Agreement. The City/County shall have the right to terminate this Agreement by giving written notice to the Contractor of such termination and specifying the effective date thereof, which shall be at least five days before the effective date of such termination. In the event of termination for cause, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Contractor pursuant to this Agreement shall, at the option of the City/County, be turned over to the City/County and become the property of the City/County. In the event of termination for cause, the Contractor shall be entitled to receive reasonable compensation for any necessary services actually and satisfactorily performed prior to the date of termination. Notwithstanding the above. The Contractor shall not be relieved of liability to the City/County for damages sustained by the City/County by virtue of any breach of contract by the Contractor, and the City/County may set-off the damages it incurred as a result of the Contractor's breach of contract from any amounts it might otherwise owe the Contractor. **Termination for Convenience of the City/County:** City/County may at any time and for any reason terminate Contractor 's services and work at City/County's convenience upon providing written notice to the Contractor specifying the extent of termination and the effective date. Upon receipt of such notice, Contractor shall, unless the notice directs otherwise, immediately discontinue the work and placing of orders for materials, facilities and supplies in connection with the performance of this Agreement. Upon such termination, Contractor shall be entitled to payment only as follows: (1) the actual cost of the work completed in conformity with this Agreement; plus, (2) such other costs actually incurred by Contractor as are permitted by the prime contract and approved by City/County; (3) plus ten percent (10%) of the cost of the work referred to in subparagraph (1) above for overhead and profit. There shall be deducted from such sums as provided in this subparagraph the amount of any payments made to Contractor prior to the date of the termination of this Agreement. Contractor shall not be entitled to any claim or claim of lien against City/County for any additional compensation or damages in the event of such termination and payment.	2 CFR 2:00 APPENDIX ll (B)

>$50,000	*(A) Contracts for more than $50,000 must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate*. Use the following language for contracts > $50,000: **Resolution of Program Non-compliance and Disallowed Costs:** In the event of any dispute, claim, question, or disagreement - arising from or relating to this agreement, or the breach thereof, including determination of responsibility for any costs disallowed as a result of non-compliance with federal, state or TxCDBG program requirements, the parties hereto shall use their best efforts to settle the dispute, claim, question or disagreement. To this effect, the parties shall consult and negotiate with each other in good faith within 30 days of receipt of a written notice of the dispute or invitation to negotiate and attempt to reach a just and equitable solution satisfactory to both parties. If the matter IS not resolved by negotiation within 30 days of receipt of written notice or invitation to negotiate, the parties agree first to try in good faith to settle the matter by mediation administered by the American Arbitration Association under its Commercial Mediation Procedures before resorting to arbitration, litigation, or some other dispute resolution procedure. The parties may enter into a written amendment to this Agreement and choose a mediator that is not affiliated with the American Arbitration Association. The parties shall bear the costs of such mediation equally.	2 CFR 200 APPENDIX II (A)
Equal Opportunity Clause for Construction Contracts > $10K, including administration & engineering contracts associated with construction contracts.		
≥$10,000	2 CFR 200 Appendix II (C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60 all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the Equal Opportunity. Clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part. 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity, "and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor." **§60-1.4(b) Equal opportunity clause:** *(b) Federally assisted construction contracts. Except as otherwise provided, each administering agency shall require the inclusion of the following language as a condition of any grant, contract. loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the equal opportunity clause:* *The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant contract, loan insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract loan, insurance, or guarantee, the following equal opportunity clause:* During the performance of this contract, the contractor agrees as follows: (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places. Available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.	41 CFR §60-1.4 (b) and 2 CFR 200 APPENDIX II (C)

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The Contractor will not discourage or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This Provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled , terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the portion of the sentence Immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however. That in the event a contractor becomes involved in. or is threatened with litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, That if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations. and relevant

	orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance. The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24 , 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order . In addition, the applicant agrees that if it fails or refuses to comply with these undertakings. the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan. insurance. guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings. (c) Subcontracts. Each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts. (d) Incorporation by reference. The equal opportunity clause may be incorporated by reference in all Government contracts and subcontracts, including Government bills of lading, transportation requests, contracts for deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and notes, and such other contracts and subcontracts as the Deputy Assistant Secretary may designate. (e) Incorporation by operation of the order. By operation of the order, the equal opportunity clause shall be considered to be a part of every contract and subcontract required by the order and the regulations in this part to include such a clause whether or not it is physically incorporated in such contracts and whether or not the contract between the agency and the contractor is written (f) Adaptation of language. Such necessary changes in language may be made in the equal opportunity clause as shall be appropriate to identify properly the parties and their undertakings. [43 FR 49240, Oct. 20, 1978, as amended at 62 FR 66971, Dec. 22, 1997; 79 FR 72993, Dec. 9, 2014; 80 FR 54934, September 11. 2015]	

CONSTRUCTION CONTRACTS

>$2,000 for Davis Bacon and Copeland "Anti-Kickback" Act; >$100,000 for Contract Work Hours and Safety Standards Act	*Federal labor standards provisions include:* 1. *Davis Bacon Act (40 U.S.C. 3141 et seq) as supplemented by DOL regulations (29 CFR part 5);* 2. *Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3): and* 3. *Contract Work Hours and Safety Standards Act (40 U.S.C. 3701 et seq)*	

>$2,000	*Compliance with the Davis-Bacon Act (40 U.S.C. 3141 et seq.) as supplemented by Department of Labor regulations (29 CFR part 5) and with the Copeland Anti-Kickback" Act (18 U.S.C. 874: 40 U.S.C. 3145) as supplemented in Department of Labor regulations (29 CFR part 3)* (D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation. All prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act 40 U.S.C. 3141-3144 and 3146-3148 as supplemented by Department of Labor regulations {29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland ''Anti-Kickback " Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations {29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or sub recipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency	2 CFR 200 APPENDIX II (D)
≥$100,000	(E) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - Contractors that apply or bid for an award of $100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.	2 CFR 200 APPENDIX II (I) and 24 CFR §570.303
>$100,000	(F) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.	2 CFR 200 APPENDIX II (E)
>$150,000	(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended-Contracts and subgrants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C 1251- 1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).	*2 CFR 200 APPENDIX II (G)*

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY
CERTIFICATION OF FILING

Certificate Number:

Date Filed:

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

4 Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
		Controlling	Intermediary

5 Check only if there is NO Interested Party. ☐

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

_____
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day of _____, 20_____, to certify which, witness my hand and seal of office.

_____ _____ _____
Signature of officer administering oath | Printed name of officer administering oath | Title of officer administering oath

TO BE SUBMITTED BY FIRM

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 20, 2020

Topic:
Approve Resale Deed for Property acquired by Foreclosure Tax Sale in Cause No. 1987-10418, styled *City of Tomball vs. Benye Jackson Brown*, HCAD Account No. 035-278-090-0023, to Maricsa Villasenor, in the Amount of $3,000.00

Background:
When taxes are owed on a property resulting in a foreclosure, those properties may be sold through a bid process with proceeds paid to the taxing entities for back taxes. The subject property is located at 0 Foster Street, Lot 23, Block 90, in Tomball. We request approval of the sale of the property to Maricsa Villasenor, in the amount of $3,000.00.

The City of Tomball will receive $343.10 in post-judgment and back taxes/interest and the property will return to the tax roles under new ownership.

This lot is on the list of surplus properties, approved for sale by City Council.

Origination:
Perdue, Brandon, Fielder, Collins and Mott, LLP, Attorneys at Law

Recommendation:
Staff recommends approval.

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

ACTION TAKEN

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

ATTACHMENTS:

1987-10418 Resale Bid Analysis - Distribution
Resale Deed - COT to Maricsa Villasenor
Map

PRIVATE RESALE BID ANALYSIS

Cause Number:	1987-10418	Strike Off Date:	11/28/1989
Style:	City of Tomball vs. Benye Jackson Brown	Property Value:	$ 2,100.00
Account Number(s):	035-281-004-0019	Minimum Bid at first sale:	$ 2,348.74
Bid Amount:	**$ 3,000.00**	Redemption Expired:	6/28/1990
Bidder Name:		Amount Accompanying Offer:	$ -
Total collected:	$ 3,000.00		

Judgment Information

Tax Entity	Tax Years	Amount Due
Tomball ISD	1978-1998	$ 691.84
City of Tomball	1978-1998	$ 222.87
Harris County	1979-1998	$ 324.03
Total:		$ 1,238.74

Costs

Publication Fee (Tax Sale): (Payable to Daily Court Review)		$ 100.00
Harris County District Clerk (Payable to Maryilyn Burgess)		$ 209.00
Ad Litem Fee (Payable to Meyer Jacobson)		$ 500.00
Tax Master Fee: (Payable to Michael Landrum-113th)		$ 50.00
Original Deed Fee: (Payable to PBFCM)		$ 12.00
Research Fee: (Payable to PBFCM)		$ 202.03
	Total:	**$ 1,073.03**

Other Costs *(paid seperately)*

Resale Deed Fee: (Payable to PBFCM)		$ 20.00
	Total	**$ 20.00**

Post Judgment Taxes *(paid seperately)*

Tax Entity	Tax Years	Amount Due
Tomball ISD		$ -
City of Tomball		$ -
Harris County		$ -
	Total:	$ -

Proposed Distribution

Bid Amount:	$	3,000.00	Costs:	$	1,093.03
Net Distribute:	$	1,906.97			

Tax Entity		Amount to Disburse	Apply to:
Tomball ISD		$ 1,065.05	pay amount for 1978-1998 based on 7/1999 p/i
City of Tomball		$ 343.10	pay amount for 1978-1998 based on 7/1999 p/i
HC		$ 498.83	pay amount for 1979-1998 based on 7/1999 p/i
Costs		$ 1,093.03	Judgment costs/tax sale/ tax resale
Tomball ISD	**0**	$ -	p/j taxes based on May 2020 p/i
City of Tomball	**0**	$ -	p/j taxes based on May 2020 p/i
Harris County	**0**	$ -	p/j taxes based on May 2020 p/i
	Total:	**$ 3,000.00**	

Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your social security number or your driver's license number.
(Language pursuant to Section 11.008 of the Texas Property Code)

THE STATE OF TEXAS	§	
	§	RESALE DEED
COUNTY OF HARRIS	§	

KNOW ALL MEN BY THESE PRESENTS that the CITY OF TOMBALL FOR ITSELF AND AS TRUSTEE FOR TOMBALL INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY EDUCATION DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT, LONE STAR COLLEGE SYSTEMS, and HARRIS COUNTY EMERGENCY SERVICE DISTRICT #8, acting by and through its duly elected official ("GRANTOR") as authorized by Section 34.05, Texas Property Tax Code, for and in consideration of the sum of TEN DOLLARS AND 00/100 ($10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by MARICSA VILLASENOR ("GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and quitclaimed and by these presents do convey and quitclaim unto said grantee all right, title and interest of the CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1987-10418, in the property herein conveyed, acquired by tax foreclosure sale heretofore held, in Cause No. 1987-10418, styled *CITY OF TOMBALL vs. BENYE JACKSON BROWN,* said property being described as:

> TRACT 1: LOT 23, BLOCK 90, TOMBALL TOWNSITE ADDITIONM A SUBDIVISION LOCATED IN HARRIS COUNTY, TEXAS, BEING THE SAME PROPERTY MORE PARTICULARLY DESCRIBED IN VOLUME 384, PAGE 314, HARRIS OCUNTY DEED RECORDS TO WHICH REFERENCE IS MADE FOR A MORE COMPLETE DESCRIPTION.

This conveyance is made and accepted subject to the following matters to the extent that the same are in effect at this time: any and all rights of redemption, restrictions, covenants, conditions, easements, encumbrances and outstanding mineral interests, if any, relating to the hereinabove described property, but only to the extent they are still in effect, shown of record in the hereinabove mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any but only to the extent that they are still in effect, relating to the hereinabove described property.

TO HAVE AND TO HOLD said premises, together with all and singular the rights, privileges and appurtenances thereto in any manner belonging unto the said MARICSA VILLASENOR, his heirs and assigns forever, so that neither the CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1987-10418 nor any person claiming under it or them shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Grantee accepts the property in "AS IS, WHERE IS" condition, subject to any environmental conditions that might have or still exist on said property and subject to the rights

of any parties in possession of the property.

Post judgment taxes and taxes for the current year are assumed by Grantee.

IN TESTIMONY WHEREOF, THE CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1987-10418 have caused these presents to be executed this _____day of _____ 2020.

CITY OF TOMBALL, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 1987-10418.

_____

GRETCHEN FAGAN, MAYOR

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Gretchen Fagan, Mayor of City of Tomball, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2020.

_____

NOTARY PUBLIC, in and for the
STATE OF TEXAS
My Commission Expires: _____

AFTER RECORDING, RETURN TO:
Perdue, Brandon, Fielder, Collins & Mott, L.L.P.
1235 North Loop West, Suite 600
Houston, Texas 77008

Grantee: MARICSA VILLASENOR
7907 OAK MOSS DRIVE
SPRING, TX 77379