

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



MONDAY, DECEMBER 18, 2017

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, December 18, 2017 at 6:00 P.M., City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Kenny Rodgers, Anointed Faith Family Church, Tomball

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

- December 25-26, 2017 – **Christmas Holidays** – City offices closed
- January 1, 2017 – **New Year's Day Holiday** – City offices closed

- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore – Report on success of **“Christmas on Commerce”**
 - Doris Speer – City Secretary’s Office has received the **“2017 Exemplary Five Star” Award** from Texas Department of Vital Statistics – **7th Year**

6.0 Approve the Minutes of the December 4, 2017 Regular Tomball City Council Meeting

7.0 Old Business:

7.1 Adopt, on Second Reading, Ordinance 2017-41, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of a Part of Florence Street Between Elm Street and the Burlington Northern Railroad, All Situated in the William Hurd Survey, Abstract Number 371, Harris County, Texas, and as Recorded in Volume 004, Page 25 of the Map Records of Harris County, Texas; Vacating, Abandoning, and Closing Said Street Right-of-Way; Providing for Severability; and Containing Other Provisions Relating to the Subject

8.0 New Business:

8.1 Approval of Professional Services Agreement with Gunda Corporation in the amount of \$66,909.40 for the design and construction of a parking lot expansion at the Wayne Stovall Sports Complex.

8.2 Consideration to Approve **Zoning Case P17-0131**: Request by Marie Reynolds to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.35 acres of land legally described as Tract 6 Block 2 Hirschfield Farms Sec 1 U/R within the City of Tomball, Harris County, Texas, generally located south of Hirschfield Road between SH 249 and High Meadow Road, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **Zoning Case P17-0131**
- Adopt, on First Reading, Ordinance No. 2017-02, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Changing The Zoning District Classification Of Approximately 0.35 Acres Of Land, Legally Described Tract 6 Block 2 Hirschfield Farms Sec 1 U/R, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located On The South Of Hirschfield Road Between Sh 249 And High Meadow Road; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

8.3 Consideration to Approve **Zoning Case P17-0137**: Request by Lance Langenhoven to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5.8588 acres of land legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith at Hospital Road, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **Zoning Case P17-0137**
- Adopt, on First Reading, Ordinance No. 2017-03, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Changing The Zoning District Classification Of Approximately 5.8588 Acres Of Land, Legally Described Lot 61 Block 1 Abandoned Animal Rescue Replat, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located On The North Side Of East Hufsmith Road At Hospital Road; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

8.4 Adopt, on First Reading, Ordinance No. 2018-04, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Code Of Ordinances By Amending Section 50-115(B)(2) By Requiring Refuse Areas To Have A Gate That Remains Closed At All Times Except When In Use And Adding Non-Conforming Language; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

8.5 Consider Abandonment of a Public Right-of-Way and Adopt, on First Reading, Ordinance 2018-05, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no Longer Require the Continued Existence of a Part of an Unimproved Roadway Between South Pine Street and South Oak Street, All Situated in Block 31 of Revised Map of Tomball, Harris County, Texas, and as Recorded in Volume 004, Page 25 of the Map Records of Harris County, Texas; Vacating, Abandoning, and Closing Said Unimproved Roadway and Street Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Unimproved Roadway and Street Right-of-Way to Lisa and James Bonnett; Providing for Severability; and Containing Other Provisions Relating to the Subject.

9.0 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 14th day of December 2017 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer
City Secretary, TRMC

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

AGENDAS MAY ALSO BE VIEWED ONLINE AT www.ci.tomball.tx.us.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: December 18, 2017

Topic:

- Led by Pastor Kenny Rodgers, Anointed Faith Family Church, Tomball

Background:

Origination:

Recommendation:

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: December 18, 2017

Topic:

- December 25-26, 2017 – **Christmas Holidays** – City offices closed
- January 1, 2017 – **New Year's Day Holiday** – City offices closed
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Denise Fiore – Report on success of “**Christmas on Commerce**”
 - Doris Speer – City Secretary's Office has received the “**2017 Exemplary Five Star**” Award from Texas Department of Vital Statistics – **7th Year**

Background:

Origination:

Various

Recommendation:

N/A

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

City Secretary

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

ATTACHMENTS:

2017 Exemplary Five Star Award



Regular City Council
Agenda Item
Data Sheet

Meeting Date: December 18, 2017

Topic:
Approve the Minutes of the December 4, 2017 Regular Tomball City Council Meeting

Background:

Origination:
City Secretary

Recommendation:
N/A

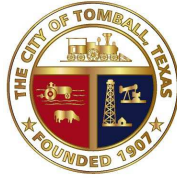
Party(ies) responsible for placing this item on agenda:
City Secretary

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

ATTACHMENTS:

Draft Minutes of the December 4, 2017 Regular Tomball City Council Meeting

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



**MONDAY, DECEMBER 4, 2017
6:00 P.M.**

1.0 Call to Order

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

Councilman Ford
Councilman Stoll
Councilman Degges

Members absent:

Councilman Townsend - Excused
Councilman Klein Quinn - Excused

Others present:

City Manager – George Shackelford
Assistant City Manager – Rob Hauck
City Secretary – Doris Speer
City Attorney – Loren B. Smith
Fire Chief – Randy Parr
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
Director of Public Works – David Esquivel
Director of Community Development – Craig Meyers
City Engineer – Beth Jones
Assistant City Secretary – Tracy Garcia
Community Center Director – Rosalie Dillon
TEDC-Executive Director – Kelly Violette
Police Officer-Investigations – David White

- 2.0** The invocation was led by Pastor James Roberson, Hufsmith Church of Christ, Tomball
- 3.0** Pledges to U. S. and Texas Flags we led by Dylan Morgan and Kiah Green, members of the Tomball High School Student Council.
- 4.0** The following public comments were received:

- Bruce Hillegeist
20339 Telgte, 77377
- Reported on his and George Shackelford's trip to Seminole, Texas to present proclamations of appreciation for Seminole's assistance following Hurricane Harvey; expressed his appreciation of the City's support in another successful Holiday Parade "Honoring Harvey's Heroes"; and introduced Kasey Vann, 2018 Miss Tomball.
- Kasey Vann
2018 Miss Tomball
- Thanked everyone for their support and expressed her desire to serve the Tomball community in 2018.

5.0 Reports and Announcements:

- December 8-10, 2017 – **Tomball German Christmas Market**
- December 9, 2017 – **"Christmas on Commerce"** – a **2nd Saturday at the Depot** Event
- December 14, 2017 – Special City Council Meeting, Public Hearing – 5:30 p.m.
- December 16, 2017 – **"Shop with a Cop"** Event
- December 25-26, 2017 – **Christmas Holidays** – City offices closed
- January 1, 2017 – **New Year's Day Holiday** – City offices closed
- Reports by City staff and members of council about items of community interest on which no action will be taken:
 - Glenn Windsor presented the Quarterly Investment Report for Period Ending September 30, 2017. The Public Funds Investment Act requires that a report of the City's Investments be presented to Council on a quarterly basis. The investment report includes a listing of all investments together with information relating to diversification, cost vs. market values at the end of the quarter, yield information, and weighted average maturities. On September 30, 2017, the City had total cash and cash equivalents in the amount of \$67,538,505.

- 6.0 Motion was made by Councilman Degges, second by Councilman Stoll, to approve the Minutes of the November 20, 2017 Regular Tomball City Council Meeting.

Motion carried unanimously.

7.0 Old Business:

- 7.1 Motion was made by Councilman Ford, second by Councilman Stoll, to approve, on Second Reading, Resolution No. 2017-21-TEDC, a Resolution of the City Council of the City of Tomball, Texas, authorizing and approving the Tomball Economic Development Corporation's Project to Expend Funds in accordance with an Economic Development Agreement by and between the Corporation and Dancing Falls Development LLC, to make direct incentives to, or expenditures for, assistance with infrastructure costs to be required or suitable for the promotion of new or expanded business development related to the development and construction of a multibuilding office/warehouse park to be located at

27905 Commercial Park Road, Tomball, TX 77375. The estimated amount of expenditures for such Project \$50,925.00.

Motion carried unanimously.

8.0 New Business:

- 8.1 Mayor Fagan called the Public Hearing to order at 6:14 p.m. for the First Public Hearing to consider the annexation of the following tract of land: **TRACT ONE: FIELD NOTE DESCRIPTION** Being 0.5968 of one acre or 25,995 square feet of land situated in the Chauncey Goodrich Survey, Abstract Number 311, City of Tomball, Harris County, Texas, being a portion of that certain called 9.4852 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number RP-2016-317524 , said 0.5968 of one acre or 25,995 square feet of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod with cap found at the intersection of the Southeasterly right- of-way line of F.M. 2920 (120 foot right-of-way) as described in deed and recorded under Volume 1256, Page 395 of the Deed Records of Harris County, Texas with the Westerly right-of-way line of Treichel Road (as monumented) recorded under Volume 24, Page 178 of the Harris County Commissioner's Court Minutes, for the Northeasterly corner of that certain called 0.1160 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20080147039;

THENCE, S 50°41'50" W, along the Southeasterly right-of-way line line of said F.M. 2920, a distance of 1.71 feet to a 5/8 inch iron rod found for the Northwesterner comer of said 0.1160 acre tract, the Northeasterly comer of said 9.4852 acre tract;

THENCE, S 03°34'31" E, along the Westerly line of said 0.1160 acre tract, a distance of 522.93 feet to a 5/8 inch iron rod found for an angle point;

THENCE, S 02°10'07" E, continuing along the Westerly line of said 0.1160 acre tract, a distance of 14.25 feet to a 5/8 inch iron rod found in the Northerly line of that certain called 5.00 acres of land conveyed by deed recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number S099288 and described in deed recorded under Volume 1149, Page 375 of the Deed Records of Harris County, Texas, for the most Northerly Southeast comer of said 9.4852 acre tract;

THENCE, S 87°02'11" W, along the Northerly line of said 5.00 acre tract, a distance of 400.22 feet to a Mag Nail in a wood post found for the Northwesterner comer of said 5.00 acre tract;

THENCE, S 02°55'23" E, along the Westerly line of said 5.00 acre tract, a distance of 299.60 feet to a 5/8 inch iron rod with cap found at the intersection of the Westerly line of said 5.00 acre tract with the Southeasterly City of Tomball City Limits line as established by deed recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number W304507, for the **POINT OF BEGINNING** of the herein described tract of land;

THENCE, S 02°55'23" E, continuing along the Westerly line of said 5.00 acre tract, a distance of 195.56 feet to a 5/8 inch iron rod with cap found in the Northerly line of that certain called 21.6877 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number G505834, for the Southwesterly corner of said 5.00 acre tract and the most Southerly Southeast corner of said 9.4852 acre tract;

THENCE, S 87°00'53" W, along the Northerly line of said 21.6877 acre tract, a distance of 265.85 feet to a 5/8 inch iron rod with cap set at the intersection of the Northerly line of said 21.6877 acre tract with the Southeasterly line of said City of Tomball City Limits line, from which a 5/8 inch iron rod found for the Southwesterly corner of said 9.4852 acre tract and the Northwesterly corner of said 21.6877 acre tract bears S 87°00'55" W, 175.62 feet;

THENCE, N 50°41'50" E, along the Southeasterly line of said City of Tomball City Limits Line, a distance of 330.20 feet to the **POINT OF BEGINNING** and containing 0.5968 of one acre or 25,995 square feet of land.

BEARING ORIENTATION BASED ON TEXAS STATE PLANE COORDINATE GRID SYSTEM OF 1983 (SOUTH CENTRAL ZONE NO. 4204).

Receiving no public comments, Mayor Fagan closed the Public Hearing at 6:14 p.m.

- 8.2 Motion was made by Councilman Stoll, second by Councilman Ford, to award the Land-Related Services Contract for E&P Project 2017-10005, Medical Complex Segment 4B, to Threshold Land Services, Inc., for an Amount Not to Exceed \$73,919.25.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Stoll, second by Councilman Degges, to read Ordinance No. 2017-41 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 2017-41, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued

Existence of a Part of Florence Street Between Elm Street and the Burlington Northern Railroad, All Situated in the William Hurd Survey, Abstract Number 371, Harris County, Texas, and as Recorded in Volume 004, Page 25 of the Map Records of Harris County, Texas; Vacating, Abandoning, and Closing Said Street Right-of-Way; Providing for Severability; and Containing Other Provisions Relating to the Subject. Vote was as follows:

Councilman Ford	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Degges	<u>Aye</u>
Councilman Townsend	<u>Absent</u>
Councilman Klein Quinn	<u>Absent</u>

Motion carried unanimously.

- 8.4 Motion was made by Councilman Ford, second by Councilman Stoll, to approve Professional Services Agreement with Halff Associates, Inc., in the Amount of \$125,290.00 for the City of Tomball's Comprehensive Plan Update.

Motion carried unanimously.

- 8.5 Executive Session: The City Council recessed at 6:18 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.074 - Personnel Matters: Deliberation of the Appointment, Employment, and Duties of a Public Officer or Employee – City Manager

Upon reconvening into regular session at 6:34 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 18th day of December 2017.

Doris Speer, TRMC, MMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 18, 2017

Topic:

Adopt, on Second Reading, Ordinance 2017-41, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity No Longer Require the Continued Existence of a Part of Florence Street Between Elm Street and the Burlington Northern Railroad, All Situated in the William Hurd Survey, Abstract Number 371, Harris County, Texas, and as Recorded in Volume 004, Page 25 of the Map Records of Harris County, Texas; Vacating, Abandoning, and Closing Said Street Right-of-Way; Providing for Severability; and Containing Other Provisions Relating to the Subject

Background:

As part of the future development of the Texas Railroading Heritage Museum, it is necessary to abandon a 6,000-square foot portion of the Florence Street right-of-way. Florence Street, from Elm Street to the Burlington Northern Railroad, will be abandoned with the City of Tomball Railroad Museum Replat.

Also, at the request of CenterPoint Energy, a 10-foot wide public utility easement will be dedicated with the replat for their facilities that exist within the right-of-way to be abandoned. The abandoned right-of-way will be released to the adjacent property owners, which is the City of Tomball.

Origination:

Craig T. Meyers, Community Development Director

Recommendation:

Adopt, on Second Reading of Ordinance

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

City Secretary

ACTION TAKEN

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

Ordinance No. 2017-41

Exhibit A Metes and Bounds

Exhibit A Map

No Objection AT&T

No Objection Comcast

Easement CenterPoint Entergy

ORDINANCE NO. 2017-41

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A PART OF FLORENCE STREET BETWEEN ELM STREET AND THE BURLINGTON NORTHERN RAILROAD, ALL SITUATED IN THE WILLIAM HURD SURVEY, ABSTRACT NUMBER 371, HARRIS COUNTY, TEXAS, AND AS RECORDED IN VOLUME 004, PAGE 25 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID STREET RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

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

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

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

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

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

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF DECEMBER, 2017.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF DECEMBER, 2017.

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

Gretchen Fagan, Mayor
City of Tomball

ATTEST:

Doris Speer, City Secretary

EXHIBIT A

**DESCRIPTION OF A 0.1377-ACRE
(6,000 SQ. FT.) TRACT OF LAND
SITUATED IN THE WILLIAM HURD
SURVEY, A-371, HARRIS COUNTY, TEXAS**

Being a 0.1377-acre (6,000 square foot) tract of land situated in the William Hurd Survey, A-371, Harris County, Texas. Said 0.1377-acre tract being within the right-of-way of Florence Street (60-Foot Wide Right-of-Way), by plat recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas, and being further described by metes and bounds as follows (with the basis of bearings being the Texas State Plane Coordinate System, South Central Zone No. 4204 (NAD 83) (2001 Adj.). The coordinates shown hereon are grid and may be brought to surface by multiplying by the combined scale factor of 1.000051853). All distances are surface distances.

BEGINNING (N = 13,961,254.03, E = 3,039,621.62) at a 5/8-inch iron rod found at the intersection of the northeast right-of-way line of South Elm Street (50-Foot Wide Right-of-Way) (Volume 4, Page 25, H.C.M.R.), and the northwest right-of-way line of said Florence Street, for the southwest corner of Lot 5, Block 26 of Revised Map of Tomball, by plat recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas, as conveyed to City of Tomball, by deed recorded under Harris County Clerk's File No. 20150009724, Film Code No. ER 064-96-2124 of the Official Public Records of Real Property, Harris County, Texas, and for the northwest corner of said tract herein described;

THENCE North 61 deg. 54 min. 04 sec. East, with the southeast line of said Lot 5, with the northwest right-of-way line of said Florence Street and with the northwest line of said tract herein described, a distance of 100.00 feet to a 5/8-inch iron rod found in the southwest line of Burlington Northern RR, by deed recorded in Volume 210, Page 349 of the Deed Records of Harris County, Texas, for the southeast corner of said Lot 5 and for the northeast corner of said tract herein described;

THENCE South 28 deg. 05 min. 56 sec. East, with the southwest line of said Burlington Northern RR, with the northeast right-of-way line of said Florence Street and with the northeast line of said tract herein described, a distance of 60.00 feet to a 5/8-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set for the northeast corner of Lot 1, Block 27 of said Revised Map of Tomball, as conveyed to City of Tomball, by deed recorded under Harris County Clerk's File No. 20140553596, Film Code No. ER 064-09-2137 of the Official Public Records of Real Property, Harris County, Texas, for the southeast corner of said tract herein described;

THENCE South 61 deg. 54 min. 04 sec. West, with the northwest line of said Lot 1, with the southeast right-of-way line of said Florence Street and with the southeast line of said tract herein described, a distance of 100.00 feet to a 5/8-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set at the intersection of the northeast right-of-way line of said South Elm Street and the southeast right-of-way line of said Florence Street, for the northwest corner of said Lot 1 and for the southwest corner of said tract herein described;

THENCE North 28 deg. 05 min. 56 sec. West, over and across said Florence Street, with the southeast line of said tract herein described, a distance of 60.00 feet to the **POINT OF BEGINNING** and containing 0.1377 acre (6,000 square feet) of land.

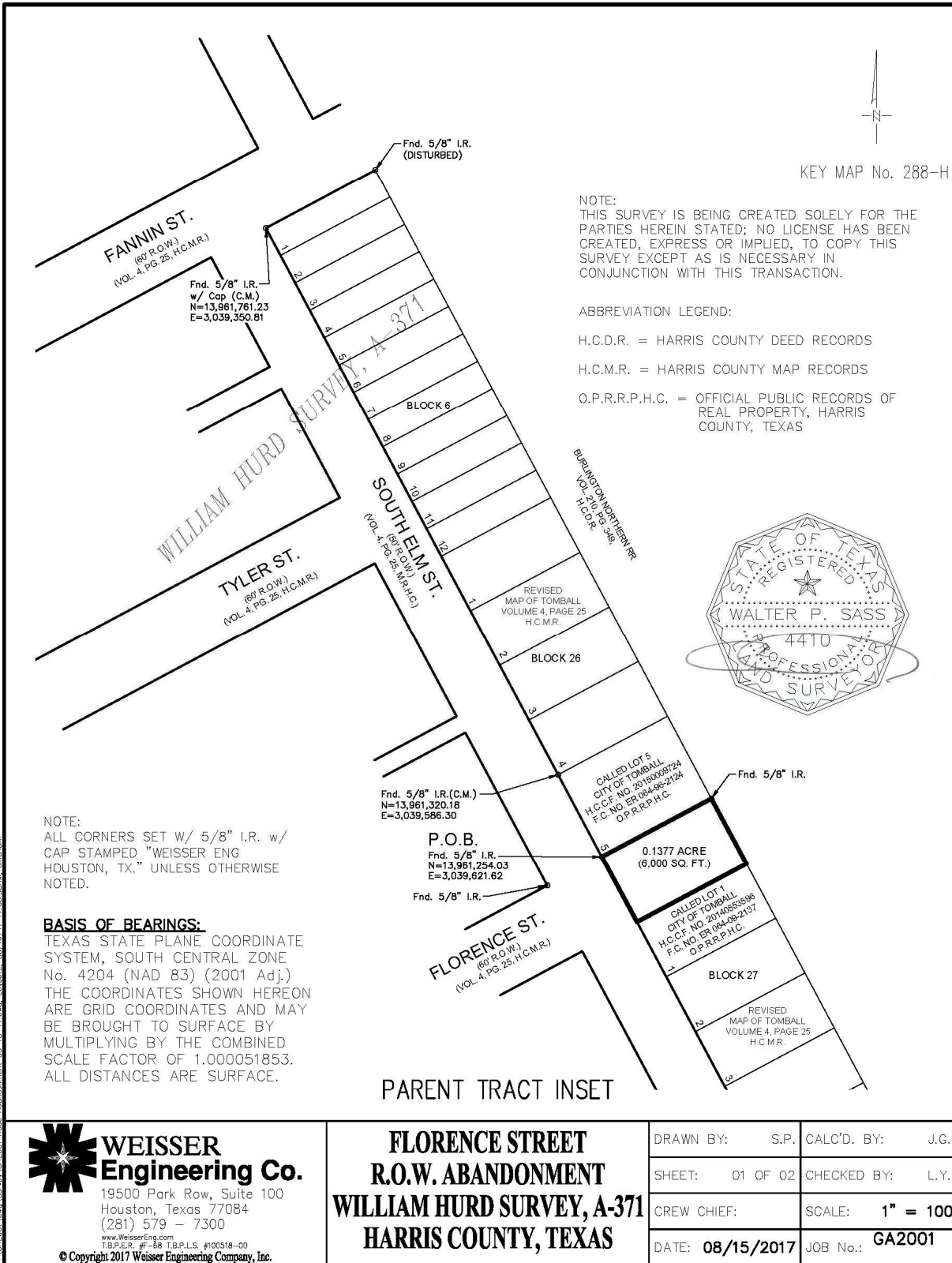
This description is accompanied by a plat of even survey date.

Compiled by:

Weisser Engineering Company, Inc.
19500 Park Row, Suite 100
Houston, Texas 77084
TBPLS Reg. No. 100518-00
TBPE Reg. No.: F-68
Job No. GA2001
Date: 08/15/2017



A handwritten signature in blue ink, appearing to read "Walter P. Sass", written over a faint circular line.



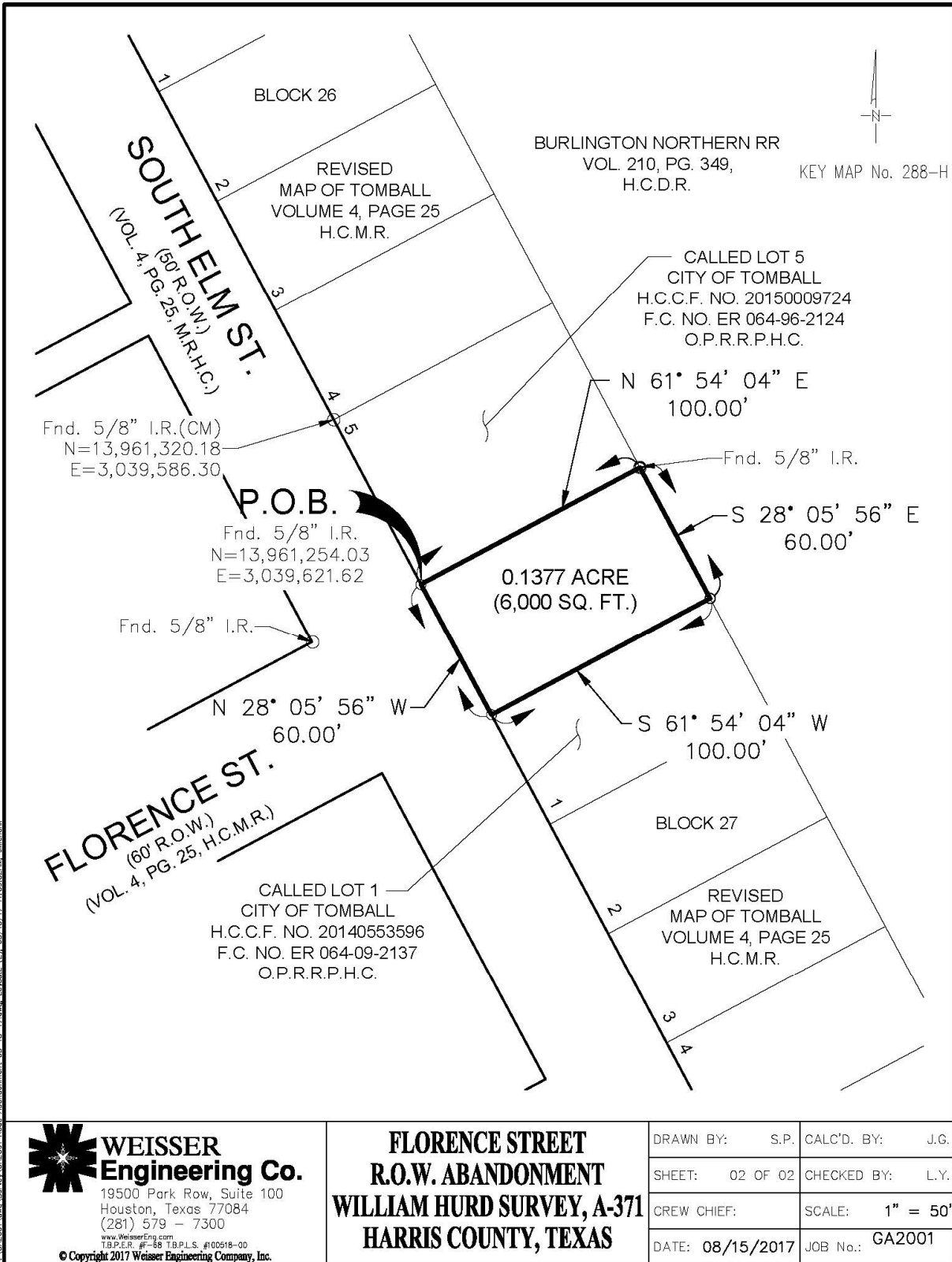


EXHIBIT A

DESCRIPTION OF A 0.1377-ACRE (6,000 SQ. FT.) TRACT OF LAND SITUATED IN THE WILLIAM HURD SURVEY, A-371, HARRIS COUNTY, TEXAS

Being a 0.1377-acre (6,000 square foot) tract of land situated in the William Hurd Survey, A-371, Harris County, Texas. Said 0.1377-acre tract being within the right-of-way of Florence Street (60-Foot Wide Right-of-Way), by plat recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas, and being further described by metes and bounds as follows (with the basis of bearings being the Texas State Plane Coordinate System, South Central Zone No. 4204 (NAD 83) (2001 Adj.). The coordinates shown hereon are grid and may be brought to surface by multiplying by the combined scale factor of 1.000051853). All distances are surface distances.

BEGINNING (N = 13,961,254.03, E = 3,039,621.62) at a 5/8-inch iron rod found at the intersection of the northeast right-of-way line of South Elm Street (50-Foot Wide Right-of-Way) (Volume 4, Page 25, H.C.M.R.), and the northwest right-of-way line of said Florence Street, for the southwest corner of Lot 5, Block 26 of Revised Map of Tomball, by plat recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas, as conveyed to City of Tomball, by deed recorded under Harris County Clerk's File No. 20150009724, Film Code No. ER 064-96-2124 of the Official Public Records of Real Property, Harris County, Texas, and for the northwest corner of said tract herein described;

THENCE North 61 deg. 54 min. 04 sec. East, with the southeast line of said Lot 5, with the northwest right-of-way line of said Florence Street and with the northwest line of said tract herein described, a distance of 100.00 feet to a 5/8-inch iron rod found in the southwest line of Burlington Northern RR, by deed recorded in Volume 210, Page 349 of the Deed Records of Harris County, Texas, for the southeast corner of said Lot 5 and for the northeast corner of said tract herein described;

THENCE South 28 deg. 05 min. 56 sec. East, with the southwest line of said Burlington Northern RR, with the northeast right-of-way line of said Florence Street and with the northeast line of said tract herein described, a distance of 60.00 feet to a 5/8-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set for the northeast corner of Lot 1, Block 27 of said Revised Map of Tomball, as conveyed to City of Tomball, by deed recorded under Harris County Clerk's File No. 20140553596, Film Code No. ER 064-09-2137 of the Official Public Records of Real Property, Harris County, Texas, for the southeast corner of said tract herein described;

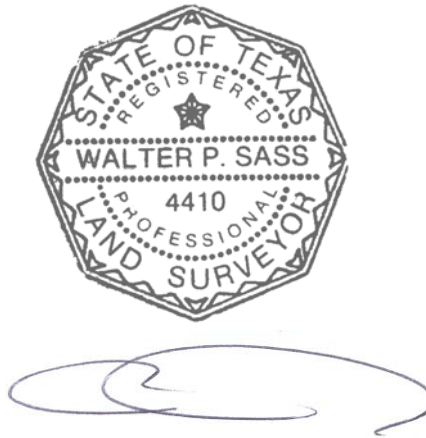
THENCE South 61 deg. 54 min. 04 sec. West, with the northwest line of said Lot 1, with the southeast right-of-way line of said Florence Street and with the southeast line of said tract herein described, a distance of 100.00 feet to a 5/8-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set at the intersection of the northeast right-of-way line of said South Elm Street and the southeast right-of-way line of said Florence Street, for the northwest corner of said Lot 1 and for the southwest corner of said tract herein described;

THENCE North 28 deg. 05 min. 56 sec. West, over and across said Florence Street, with the southeast line of said tract herein described, a distance of 60.00 feet to the **POINT OF BEGINNING** and containing 0.1377 acre (6,000 square feet) of land.

This description is accompanied by a plat of even survey date.

Compiled by:

Weisser Engineering Company, Inc.
19500 Park Row, Suite 100
Houston, Texas 77084
TBPLS Reg. No. 100518-00
TBPE Reg. No.: F-68
Job No. GA2001
Date: 08/15/2017





KEY MAP No. 288-H

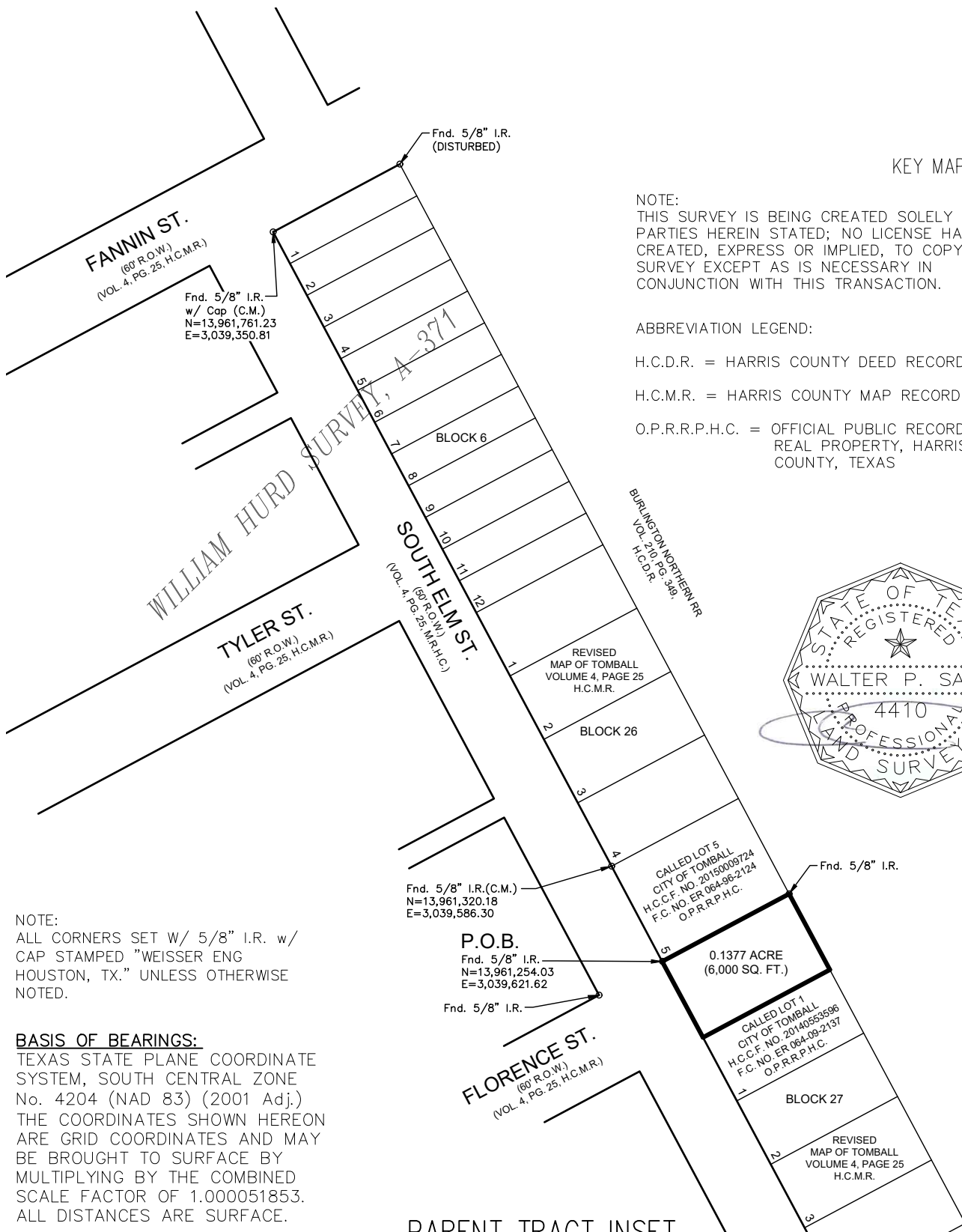
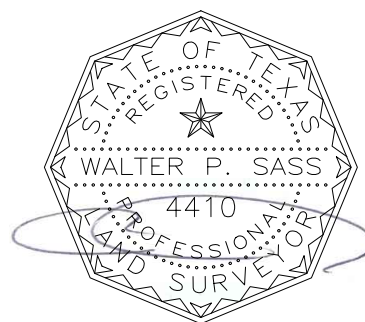
NOTE:
THIS SURVEY IS BEING CREATED SOLELY FOR THE PARTIES HEREIN STATED; NO LICENSE HAS BEEN CREATED, EXPRESS OR IMPLIED, TO COPY THIS SURVEY EXCEPT AS IS NECESSARY IN CONJUNCTION WITH THIS TRANSACTION.

ABBREVIATION LEGEND:

H.C.D.R. = HARRIS COUNTY DEED RECORDS

H.C.M.R. = HARRIS COUNTY MAP RECORDS

O.P.R.R.P.H.C. = OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, HARRIS COUNTY, TEXAS



NOTE:
ALL CORNERS SET W/ 5/8" I.R. w/ CAP STAMPED "WEISSER ENG HOUSTON, TX." UNLESS OTHERWISE NOTED.

BASIS OF BEARINGS:

TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE No. 4204 (NAD 83) (2001 Adj.) THE COORDINATES SHOWN HEREON ARE GRID COORDINATES AND MAY BE BROUGHT TO SURFACE BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 1.000051853. ALL DISTANCES ARE SURFACE.

PARENT TRACT INSET



WEISSER Engineering Co.

19500 Park Row, Suite 100
Houston, Texas 77084
(281) 579 - 7300

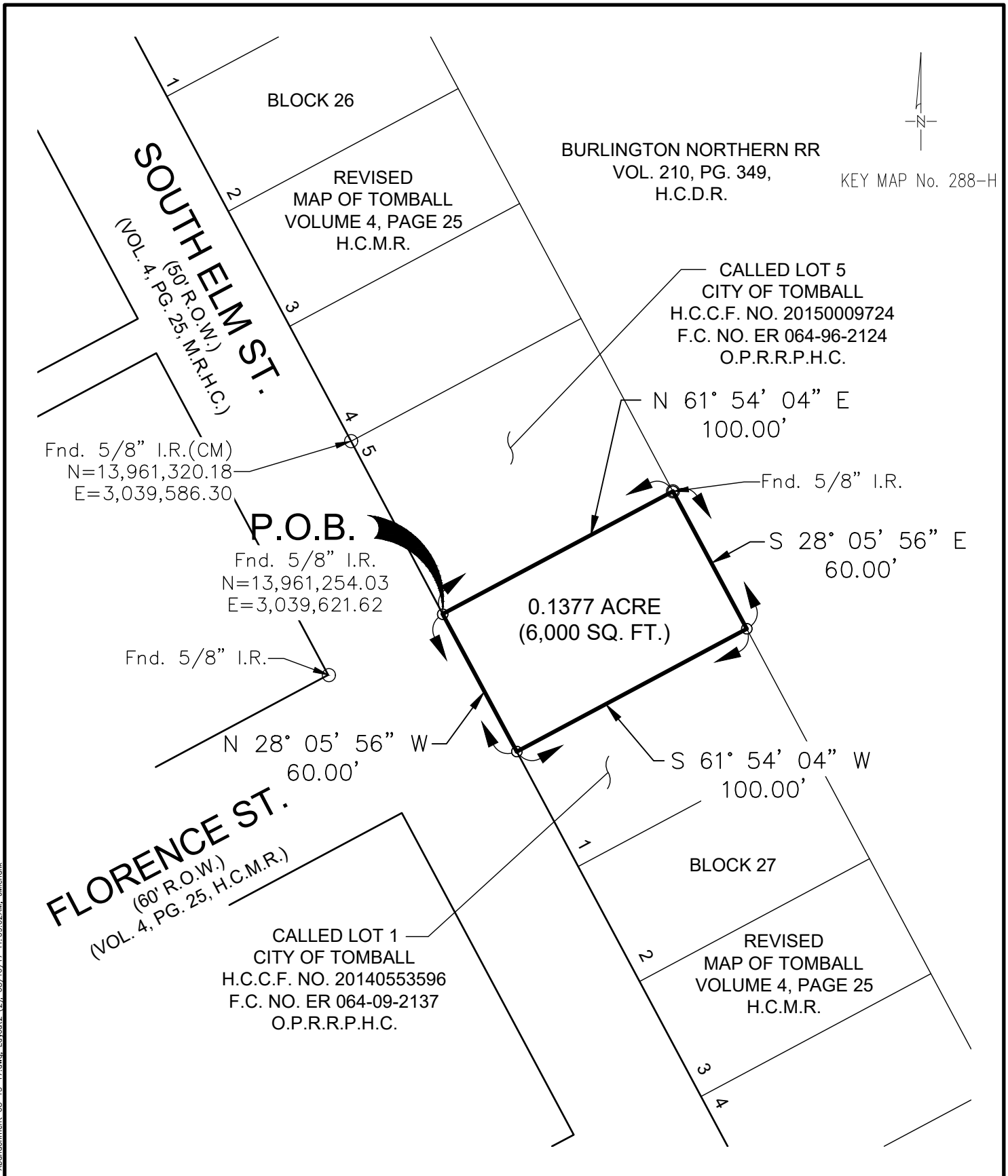
www.WeisserEng.com
T.B.P.E.R. #F-68 T.B.P.L.S. #100518-00

© Copyright 2017 Weisser Engineering Company, Inc.

**FLORENCE STREET
R.O.W. ABANDONMENT
WILLIAM HURD SURVEY, A-371
HARRIS COUNTY, TEXAS**

DRAWN BY:	S.P.	CALC'D. BY:	J.G.
SHEET:	01 OF 02	CHECKED BY:	L.Y.
CREW CHIEF:		SCALE:	1" = 100'
DATE:	08/15/2017	JOB No.:	GA2001

Page 10 of 19



 WEISSER Engineering Co. 19500 Park Row, Suite 100 Houston, Texas 77084 (281) 579 - 7300 www.WeisserEng.com T.B.P.E.R. #F-68 T.B.P.L.S. #100518-00 © Copyright 2017 Weisser Engineering Company, Inc.	FLORENCE STREET R.O.W. ABANDONMENT WILLIAM HURD SURVEY, A-371 HARRIS COUNTY, TEXAS	DRAWN BY: S.P.	CALC'D. BY: J.G.
		SHEET: 02 OF 02	CHECKED BY: L.Y.
		CREW CHIEF:	SCALE: 1" = 50'
		DATE: 08/15/2017	JOB No.: GA2001 Page 11 of 19

August 15, 2017

Chad Shook
Weisser Engineering Co.
287 579-7300
cshook@weissereng.com

RE: “No Objection” –City of Tomball Rail Road Museum, in City of Tomball, in Harris County, Texas”

Chad,

Southwestern Bell Telephone Company (SWBT) offers **“NO OBJECTION”** to “City of Tomball Rail Road Museum”, Tomball; Harris County, Texas August 2017.

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

Thank you,

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



August 2017

Chad Shook
Project Manager

Weisser Engineering & Surveying

TBPLS Reg. No. 10194324 | TBPE Reg. No. F-68

O: 281.579.7300 | 19500 Park Row | Houston, TX 77084

Re: City of Tomball Rail Road Museum

To Whom It May Concern,

Comcast of Houston LLC, a Delaware Limited Liability Company, herein referred to as "Comcast Cable", has been asked to provide a letter of "No Objection" for the above referenced plat dated August 2017

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

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

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

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

Please feel free to contact me at 713-637-5169 with any questions that you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "David Miller".

David Miller
Construction, Technician 3, Designer

ELECTRIC EASEMENT

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

STATE OF TEXAS }

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF HARRIS }

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

That portion of Florence Street (closed) located northerly of and adjoining Lot 1 in Block 27 of the Revised Map of Tomball, a subdivision situated in the William Hurd Survey, Abstract 371, Harris County, Texas, being the same property described in a deed from Jason S. Fuselier, a/k/a Jason Fuselier, spouse, Lori K. Fuselier, a/k/a Lori Fuslier to City of Tomball, dated December 10, 2014 and filed for record under County Clerk's File 20140553596 of the Official Public Records of Real Property of said County and State.

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



An easement ten (10) feet wide, the location of which is shown by the crosshatched area on Sketch No. 17-0719, attached hereto and made a part hereof, together with an unobstructed aerial easement eleven (11) feet six (6) inches wide, beginning at a plane sixteen (16) feet above the ground and extending upward, located northerly of and adjoining said ten (10) foot wide easement.

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

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

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

Grantee shall not deny or obstruct ingress or egress to or from Grantor's Property, and Grantor retains all rights to cross the Easement Area for access, but not interfering with the utility purpose for which the Easement is granted. Grantor shall have the right to

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

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

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

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

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

EXECUTED this _____ day of _____, 2017.

City of Tomball, Texas

BY: _____
Signature

Name typed or printed

Title

STATE OF TEXAS }

COUNTY OF HARRIS }

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

Given under my hand and seal of office this ____ day of _____, 2017.

Notary's Signature

Name typed or printed

Commission Expires

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

WILLIAM HURD SURVEY A-371

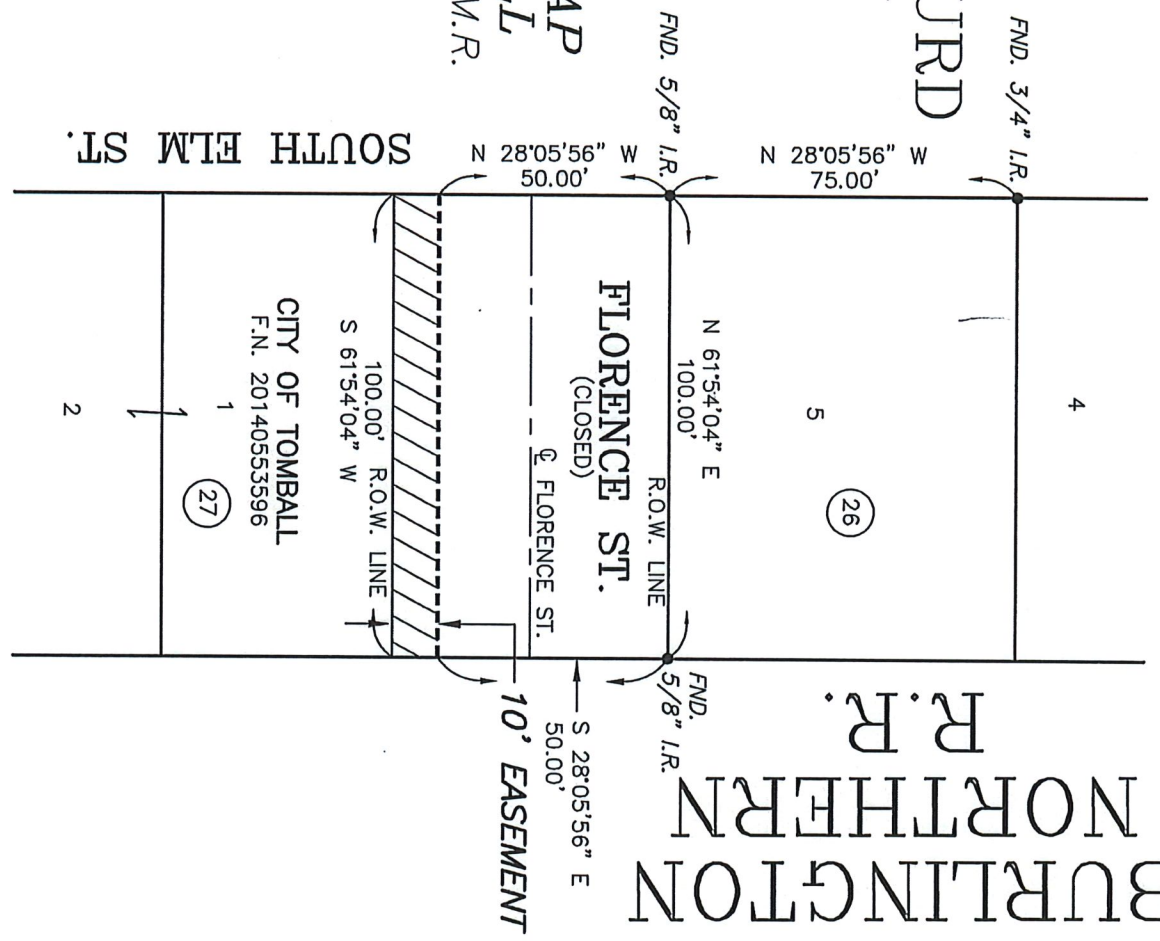
BURLINGTON NORTH R.R.

SKETCH NO. 17-0719

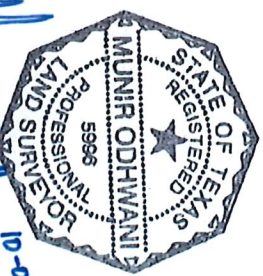
REVISED MAP
OF TOMBALL
VOL. 4, PG. 25 M.R.



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



Bearing Basis:
Texas Coordinate System of 1983, South
Central Zone (TXSC Zone 4204); NAD 83



Munir Odhwani
10-04-17

REV.1: JOB NO.	BY:	DATE:	REV.2: JOB NO.	BY:	DATE:
EASEMENT — UNOBSTRUCTED			LAST PLOT DATE: 10/04/2017		
COUNTY: HARRIS			DRAWN BY: MO		
SURVEY DATE: 09/27/2017			MAP NO: 4771B		
SCALE: 1" = 40'			JOB NO: 128205		
FILE NO. — BOOK: 2017			CHECKED BY: JLG		

CenterPoint Energy
SURVEYING & RIGHT OF WAY
P.O. Box 1700 Houston, TX 77251-1700
713-207-2222
Firm Number: 10027400
SKETCH NO. 17-0719

Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 18, 2017

Topic:

Approval of Professional Services Agreement with Gunda Corporation in the amount of \$66,909.40 for the design and construction of a parking lot expansion at the Wayne Stovall Sports Complex.

Background:

The Professional Service Agreement is necessary for the project planning and design to expand the parking facilities at the Wayne Stovall Sports Complex located along North Cherry Street. The Agreement with Gunda Corporation will include the design, bidding and construction phase as well as surveying and replat to connect the existing right-of-way for an amount not to exceed \$66,909.40.

Origination:

Public Works Department

Recommendation:

Public Works staff recommends approval of Professional Service Agreement with Gunda Corporation for the amount of \$66,909.40.

Funding:

Yes

Account Number:400-153-6409

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

Meagan Mageo, Project Coordinator

ACTION TAKEN

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

ATTACHMENTS:

PSA - Gunda Corporation

Project Location

Parking Lot Map

**PROFESSIONAL SERVICES AGREEMENT
FOR
ENGINEERING SERVICES
RELATED TO
ENGINEERING & PLANNING PROJECT NO. 2018-10001
CITY OF TOMBALL
LITTLE LEAGUE FIELDS PARKING LOT EXPANSION**

**THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §**

THIS AGREEMENT made on the _____ day of _____, 2017 entered into, and executed by and between the City of Tomball, Texas (the "City"), a municipal corporation of the State of Texas, and Gunda Corporation, LLC ("Engineer").

WITNESSETH:

WHEREAS, the City desires to expand parking facilities at the Tomball Little League Fields located along North Cherry Street (the "Project"); and

WHEREAS, the services of a professional engineering firm are necessary to project planning and design, and

WHEREAS, the Engineer represents that it is fully capable and qualified to provide professional services to the City related to professional engineering;

NOW, THEREFORE, the City and Engineer, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follows:

**SECTION I
SCOPE OF AGREEMENT**

Engineer agrees to perform certain professional engineering services as defined in Attachment "A" attached hereto and made a part hereof for all purposes, hereinafter sometimes referred to as "Scope of Work," and for having rendered such services, the City agrees to pay Engineer compensation as stated in Section VII.

**SECTION II
CHARACTER AND EXTENT OF SERVICES**

Engineer shall do all things necessary to render the engineering services and perform the Scope of Work in a professional and workmanlike manner. It is expressly understood and agreed that Engineer is an Independent Contractor in the performance of the services agreed to herein. It is further understood and agreed that Engineer shall not have the authority to obligate or bind the City, or make representations or commitments on behalf of the City or its officers or employees without the express prior

approval of the City. The City shall be under no obligation to pay for services rendered not identified in Attachment "A" without prior written authorization from the City.

SECTION III OWNERSHIP OF WORK PRODUCT

Engineer agrees that the City shall have the right to use all exhibits, maps, reports, analyses and other documents prepared or compiled by Engineer pursuant to this Agreement. The City shall be the absolute and unqualified owner of all studies, exhibits, maps, reports, analyses, determinations, recommendations, computer files, and other documents prepared or acquired pursuant to this Agreement with the same force and effect as if the City had prepared or acquired the same.

SECTION IV TIME FOR PERFORMANCE

The time for performance of the Scope of Work is an estimated 90 calendar day duration beginning from the execution date of this Agreement. Upon written request of Engineer, the City may grant time extensions to the extent of any delays caused by the City or other agencies with which the work must be coordinated and over which Engineer has no control.

SECTION V COMPLIANCE AND STANDARDS

Engineer agrees to perform the work hereunder in accordance with generally accepted standards applicable thereto and shall use that degree of care and skill commensurate with the applicable profession to comply with all applicable state, federal, and local laws, ordinances, rules, and regulations relating to the work to be performed hereunder and Engineer's performance.

SECTION VI INDEMNIFICATION

To the fullest extent permitted by Texas Local Government Code Section 271.904, Engineer shall and does hereby agree to indemnify, hold harmless and defend the City, its officers, agents, and employees against liability for damage caused by or resulting from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the Engineer, the Engineer's agent, consultant under contract, or another entity over which the Engineer exercises control.

SECTION VII ENGINEER'S COMPENSATION

For and in consideration of the services rendered by Engineer pursuant to this Agreement, the City shall pay Engineer only for the actual work performed under the Scope of Work, on the basis set forth in Attachment "A," up to an amount not to exceed \$ 66,909.40, including reimbursable expenses as identified in Attachment "A."

SECTION VIII TERMINATION

The City may terminate this Agreement at any time by giving written notice to Engineer. Upon receipt of such notice, Engineer shall discontinue all services in connection with the performance of this Agreement and shall proceed to promptly cancel all existing orders and contracts insofar as such orders or contracts are chargeable to the Agreement. As soon as practicable after receipt of notice of termination, Engineer shall submit a sworn statement, showing in detail the services performed under this Agreement to the date of termination. The City shall then pay Engineer for such services performed under this Agreement as those services bear to the total services called for under this Agreement, less such payments on account of the charges as have been previously made. Copies of all completed or partially completed designs, maps, studies, documents and other work product prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated.

SECTION IX ADDRESSES, NOTICES AND COMMUNICATIONS

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to Engineer at the following address:

Gunda Corporation, LLC
6161 Savoy, Suite 550
Houston, Texas 77036
Attn: Kyle A. Bertrand, P.E., Senior Project Manager

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, to the City at the following address:

City of Tomball
501 W. Market Street
Tomball, Texas 77375
Attn: David Esquivel, PE, Director of Public Works

SECTION X LIMIT OF APPROPRIATION

Prior to the execution of this Agreement, Engineer has been advised by the City and Engineer clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that the City shall have available only those sums as expressly provided for under this Agreement to discharge any and all liabilities which may be incurred by the City and that the total compensation that Engineer may become entitled to hereunder and the total sum that the City shall become liable to pay to Engineer hereunder shall not under any conditions, circumstances, or interpretations hereof exceed the amounts as provided for in this Agreement.

SECTION XI SUCCESSORS AND ASSIGNS

The City and Engineer bind themselves and their successors and assigns to the other party of this Agreement and to the successors and assigns of such other party, in respect to all covenants of this Agreement. Engineer shall not assign, sublet, or transfer its interest in this Agreement without the written consent of the City. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of the City or any public body which may be a party hereto.

SECTION XII MODIFICATIONS

This instrument, including Attachment "A," contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. To the extent there is a conflict between the provisions of this Agreement and the provisions of Attachment "A," this Agreement shall control. Any oral or written representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing signed by both parties hereto.

SECTION XIII ADDITIONAL SERVICES OF ENGINEER

If authorized in writing by the City, Engineer shall furnish, or obtain from others, Additional Services that may be required because of significant changes in the scope, extent or character of the portions of the Project designed or specified by the Engineer, as defined in Attachment "A." These Additional Services, plus reimbursable expenses, will be paid for by the Owner on the basis set forth in Attachment "A," up to the amount authorized in writing by the City.

SECTION XIV CONFLICTS OF INTEREST

Pursuant to the requirements of the Chapter 176 of the Texas Local Government Code, Engineer shall fully complete and file with the City Secretary a Conflict of Interest Questionnaire.

SECTION XV PAYMENT TO ENGINEER FOR SERVICES AND REIMBURSABLE EXPENSES

Invoices for Basic and Additional Services and reimbursable expenses will be prepared in accordance with Engineer's standard invoicing practices and will be submitted to the City by Engineer at least monthly. Invoices are due and payable thirty (30) days after receipt by the City.

SECTION XVI INSURANCE

Engineer shall procure and maintain insurance in accordance with the terms and conditions set forth in Attachment "B," for protection from workers' compensation claims, claims for damages because of bodily injury, including personal injury, sickness or disease or death, claims or damages because of injury to or destruction of property including loss of use resulting therefrom, and claims of errors and omissions.

**SECTION XVII
MISCELLANEOUS PROVISIONS**

A. This Agreement is subject to the provisions of the Texas Prompt Payment Act, Chapter 2250 of the Texas Government Code. The approval or payment of any invoice shall not be considered to be evidence of performance by Engineer or of the receipt of or acceptance by the City of the work covered by such invoice.

B. Venue for any legal actions arising out of this Agreement shall lie exclusively in the federal and state courts of Harris County, Texas.

C. This Agreement is for sole benefit of the City and Engineer, and no provision of this Agreement shall be interpreted to grant or convey to any other person any benefits or rights.

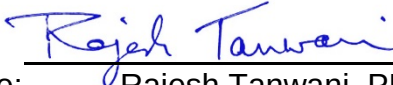
D. Contractor further covenants and agrees that it does not and will not knowingly employ an undocumented worker. An "undocumented worker" shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States, or (b) authorized by law to be employed in that manner in the United States.

IN WITNESS WHEREOF, the City of Tomball has lawfully caused this Agreement to be executed by the Assistant City Manager of said City and attested by the City Secretary and Gunda Corporation LLC, acting by and through its duly authorized officer/representative, does now sign, execute, and deliver this instrument.

EXECUTED on this _____ day of _____, 2017.

ENGINEER:

Gunda Corporation, LLC

By: 
Name: Rajesh Tanwani, PE
Title: Vice President

CITY OF TOMBALL, TEXAS

Robert S. Hauck, Assistant City Manager

ATTEST:

Doris Speer, City Secretary

ATTACHMENT "A"

SCOPE OF SERVICES ENGINEERING & PLANNING PROJECT NO. 2018-10001 CITY OF TOMBALL LITTLE LEAGUE FIELDS PARKING LOT EXPANSION

Description of Project

We understand that City of Tomball would like assistance with preparation of construction documents necessary for expansion of vehicular parking facilities at the Tomball Little League Fields located along North Cherry Street to include gravity detention to service the new facility. In addition, the project will include resurfacing/restriping of existing parking east of North Cherry Street. The proposed expansion will be located immediately north of the existing parking and is expected to add approximately 121 parking stalls, conceptual layout attached.

Scope of Services

GUNDA scope of services includes the following tasks:

1. Perform topographic survey for use design. (Survey Proposal Attached)
2. Perform geotechnical investigation to include pavement design recommendations. (Geotech proposal attached)
3. Preparation of construction documents suitable for public bid to include plans (grading, drainage, and striping) and standard details, SW3P controls plan and standard details, project manual, and engineer's estimate of probable construction costs.
4. Bidding and construction phase services to include attendance at pre-bid and pre-construction meetings, preparation of bid tab with award recommendation, review of contractor shop drawings and RFI's, attendance of monthly construction progress meetings and site visits. (Note: Construction management and/or construction inspection are not included in this scope of services.)
5. Perform construction materials testing (CMT) for backfill, subgrade compaction, and concrete monitoring and testing. (CMT proposal attached)

PART B – BASIS OF COMPENSATION AND REIMBURSABLE EXPENSES

ENGINEERING & PLANNING PROJECT NO. 2018-10001 CITY OF TOMBALL PUBLIC WORKS PARKING LOT EXPANSION

The following represents the estimated maximum compensation for the scope of services documented in Attachment A, Part A of this agreement. If services beyond those specifically identified are determined necessary during the project, Engineer shall not proceed with those services until such time written approval of the scope and any additional fees are approved by the City of Tomball.

Engineering Design Services	\$28,295.00
Surveying Services – Topographic (plus 10%)	\$12,650.00
Surveying – Replat (plus 10%)	\$ 6,600.00
Geotechnical Study (plus 10%)	\$ 9,240.00
Construction Materials Testing (plus 10%)	\$10,124.40
The recommended budget for this scope of services is:	\$66,909.40 (Lump Sum)

Notes: 1. Services will be billed monthly based on percentage complete.
2. Reimbursable Expenses shall be invoiced and paid based on cost of service provided plus 10% markup. These services include travel, deliveries, postage, graphical reproduction, etc...

ATTACHMENT "B"

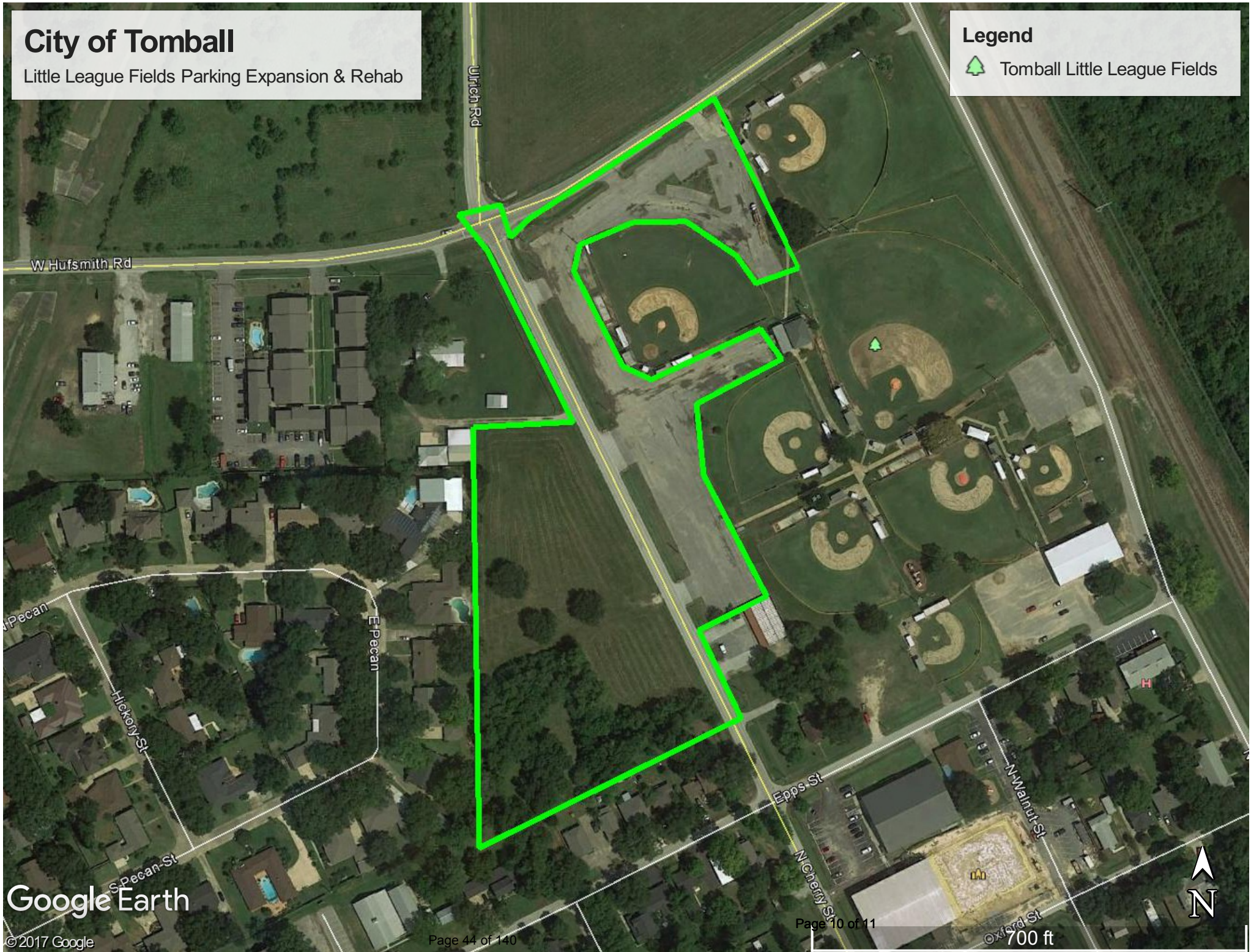
INSURANCE

City of Tomball

Little League Fields Parking Expansion & Rehab

Legend

 Tomball Little League Fields



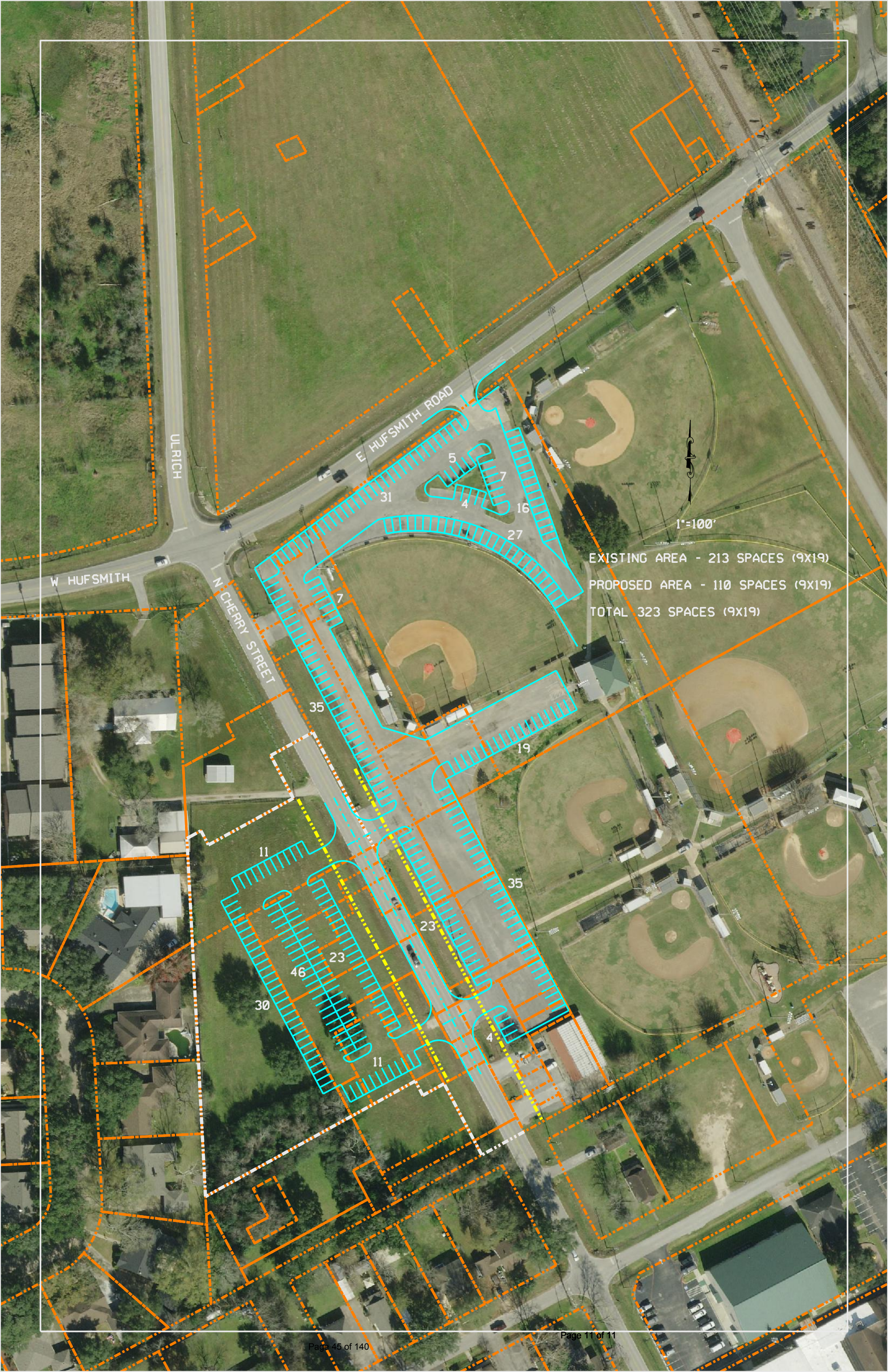
Google Earth

© 2017 Google

Page 44 of 140

Page 10 of 11

700 ft



Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 18, 2017

Topic:

Consideration to Approve **Zoning Case P17-0131**: Request by Marie Reynolds to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.35 acres of land legally described as Tract 6 Block 2 Hirschfield Farms Sec 1 U/R within the City of Tomball, Harris County, Texas, generally located south of Hirschfield Road between SH 249 and High Meadow Road, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **Zoning Case P17-0131**
- Adopt, on First Reading, Ordinance No. 2017-02, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Changing The Zoning District Classification Of Approximately 0.35 Acres Of Land, Legally Described Tract 6 Block 2 Hirschfield Farms Sec 1 U/R, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located On The South Of Hirschfield Road Between Sh 249 And High Meadow Road; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

Background:

On Monday, December 11, after conducting a Public Hearing, the Planning and Zoning Commission recommended approval of the rezoning request with 4 votes Aye and 1 vote Nay.

Origination:

Marie Reynolds

Recommendation:

Approval

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

ATTACHMENTS:

Ordinance No. 2018-02

Notice of Public Hearing

Property Owner Notification

P17-0131 Response Forms

ORDINANCE NO. 2018-02

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 0.35 ACRES OF LAND, LEGALLY DESCRIBED TRACT 6 BLOCK 2 HIRSCHFIELD FARMS SEC 1 U/R, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE SOUTH OF HIRSCHFIELD ROAD BETWEEN SH 249 AND HIGH MEADOW ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Marie Reynolds has requested that approximately 0.35 acres of land, legally described as Tract 6 Block 2 Hirschfield Farms Sec 1 U/R, City of Tomball, Harris County, Texas, generally located on the south of Hirschfield Road between SH 249 and High Meadow Road, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

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

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

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

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

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

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

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

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

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other 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 18TH DAY OF DECEMBER 2017.

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 2ND DAY OF JANUARY 2018.

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)
DECEMBER 11, 2017
&
CITY COUNCIL
DECEMBER 18, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 11, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 18, 2017, 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 P17-0131: Request by Marie Reynolds to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.35 acres of land legally described as Tract 6 Block 2 Hirschfield Farms Sec 1 U/R within the City of Tomball, Harris County, Texas, generally located south of Hirschfield Road between SH 249 and High Meadow Road, from the Agricultural District to the Commercial District.

Zoning Case P17-0137: Request by Lance Langenhoven to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5.8588 acres of land legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith Road at Hospital Road, from the Agricultural District to the Commercial District.

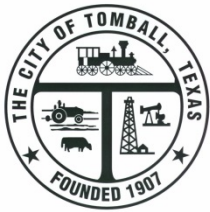
Zoning Case P17-0145: Request by the City of Tomball to amend Sections 50-115 of the Tomball Code of Ordinances in regards to refuse areas.

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 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 **7th** day of **December 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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: P17-0131

APPLICANT/OWNER: Marie Reynolds

LOCATION: Generally located south of Hirschfield Road between SH 249 and High Meadow Road, from the Agricultural District to the Commercial District.

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.35 acres of land legally described as Tract 6 Block 2 Hirschfield Farms Sec 1 U/R within the City of Tomball, Harris County, Texas,

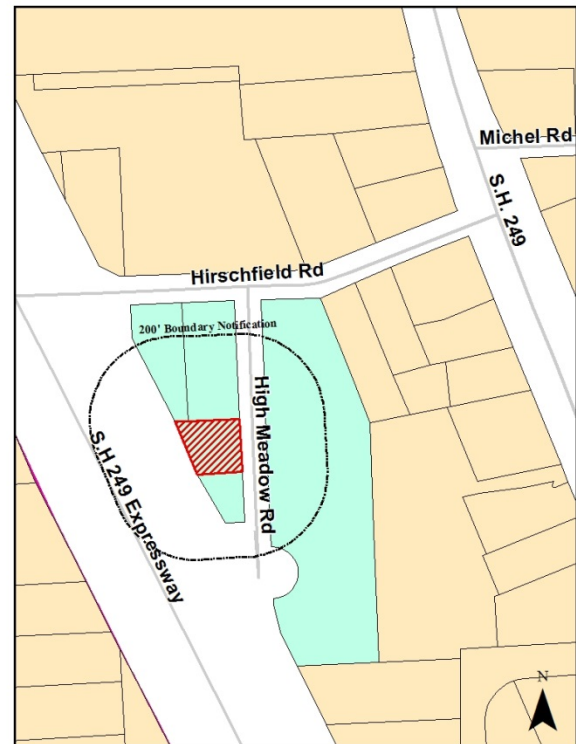
CONTACT: Amelia Lindley, Planner

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.

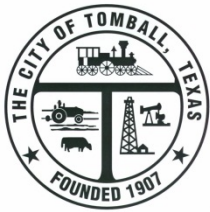


**Planning & Zoning Commission
Public Hearing:
Monday, December 11, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, December 18, 2017, 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:

(please print)

Address:

Signature:

Date:

_____ I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P17-0131. (Please state reasons below)**

_____ I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P17-0131. (Please state reasons below)**

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

Monday, December 11, 2017 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, December 18, 2017, 6:00 PM

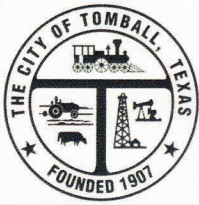
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

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:

MARIE REYNOLDS

(please print)

Address:

28011 HIGH MEADOW

TOMBALL, TX 77377

Signature:

Marie Reynolds

Date:

11-29-2017



I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0131. (Please state reasons below)

I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0131. (Please state reasons below)

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

Monday, December 11, 2017 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, December 18, 2017, 6:00 PM

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

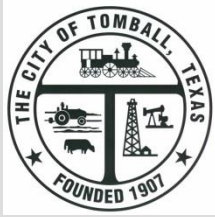
COMMENTS:

The property is surrounded by commercial
zoned property.

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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 11, 2017
City Council Public Hearing Date: December 18, 2017

Rezoning Case: P17-0131
Property Owner(s): Marie Reynolds
Applicant(s): Marie Reynolds
Legal Description: Tract 6 Block 2 Hirschfield Farms Section 1 U/R
Location: South side of Hirschfield Road between SH 249 and High Meadow Road (Exhibit "A")
Area: 0.35 acres
Comp Plan Designation: Commercial (Exhibit "B")
Present Zoning and Use: Agricultural (Exhibit "C") / Single-family residence (Exhibit "D")
Request: Rezone from the Agricultural District to the Commercial District
Adjacent Zoning & Land Uses:
 North: General Retail District / Supply Company
 South: Agricultural District / Undeveloped land
 West: SH 249 / SH 249
 East: Planned Development District 5 / Breaux Machine Works

BACKGROUND

City Staff discussed options for the property with a representative of the property owner. After multiple discussions, the applicant submitted a Rezoning Application.

ANALYSIS

The subject site is approximately 15,205 square feet with frontage on SH 249 feeder and High Meadow Road. According to Section 50-77 (Commercial District), convenient access to thoroughfares is a primary consideration of the Commercial District. The land uses in the area include Breaux Machine Works and a mobile home supply company. The subject site is currently used as a single-family residence; however, there are no other residences in the area.

The Comprehensive Plan Future Land Use Map designates the property, as well as all surrounding properties, as Commercial which is "where retail sales and service activities should occur". It is expected that land uses in the Commercial designation will have a steady traffic flow throughout the day and in some cases, the evening. The proposed rezoning will be in conformance with the Future Land Use Map.

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 uses permitted in the Commercial District appear to be appropriate for the immediate area. The established land uses in the area are mostly commercial businesses including Breaux Machine Works and a supply company. This area of the City appears to be appropriate for commercial development.

- 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.**

Adequate utilities are just to the north, along Hirschfield Road, and are adequately sized to serve a future commercial development. The existing roadways adjacent to the property can accommodate traffic generated by a Commercial District development.

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

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

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

There has been steady development in the Commercial District 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 Future Land Use Map designates the property as Commercial. The request appears to be consistent with the Future Land Use Map. The Comprehensive Plan also discusses the

need to ensure commercial development compatibility with surrounding land uses. There are commercial businesses in the area; therefore, it would be appropriate for Commercial zoning.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 22, 2017. The Notice of Public Hearing was published in the paper on November 29, 2017. 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 P17-0131 for the following reasons:

1. The request will meet the goals of City's Comprehensive Plan;
2. The request is generally in conformance with the Future Land Use Map;
3. The request is generally appropriate with the surrounding land uses in the area;
4. The request is generally appropriate with the surrounding zoning districts.

EXHIBITS

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

Exhibit "A"
Aerial Photo

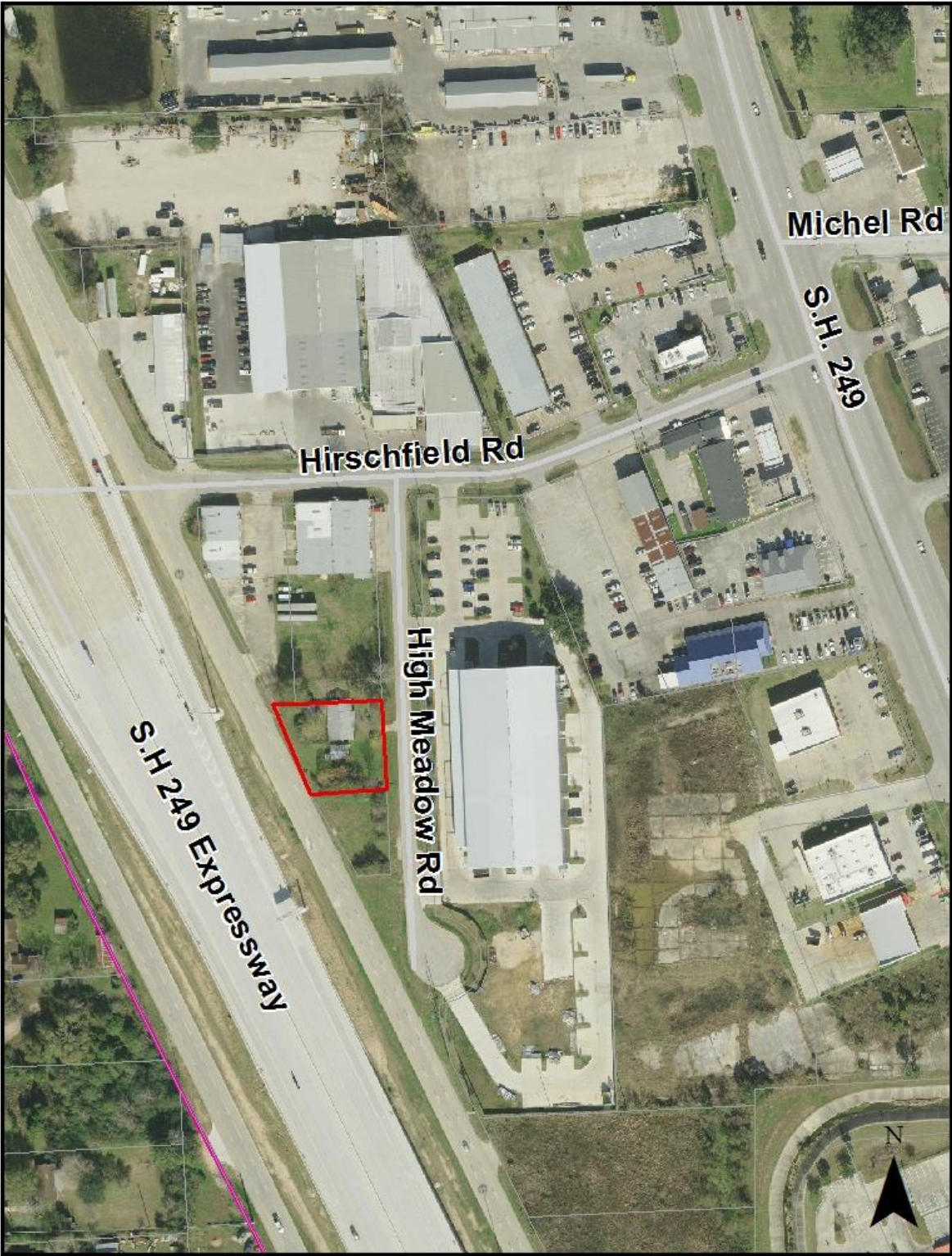


Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map

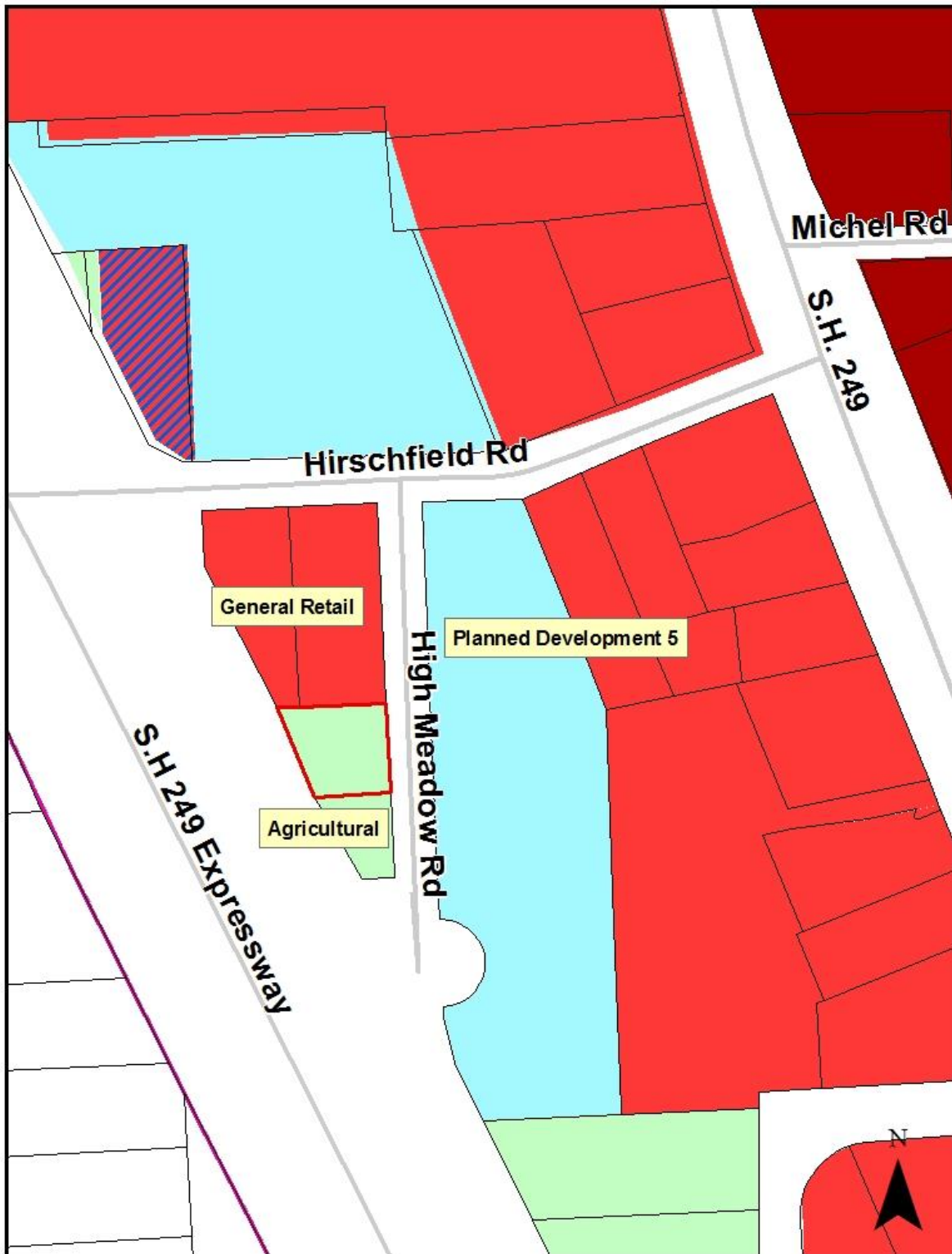


Exhibit “D”
Site Photo



Exhibit "E"
Application

Revised 5/19/15



P17-0131

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: MARIE REYNOLDS Title: _____
Mailing Address: 28011 HIGH MEADOW ROAD City: TOMBALL State: TX
Zip: 77377
Phone: (214) 244-7598 Fax: (____) _____ Email: Larrymock@sbcglobal.net
(SON - LARRY MOCK)

Owner

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

Engineer/Surveyor (if applicable)

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

Description of Proposed Project: _____

Physical Location of Property: SOUTHEAST OF 249 FEENER AND HIRSCHFIELD RD
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 6 BLK 2 HIRSCHFIELD FARMS SEC 1 4/R
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AGRICULTURAL (AG)

Current Use of Property: RESIDENTIAL

Proposed Zoning District: COMMERCIAL DISTRICT (C)

Proposed Use of Property: TO BE DETERMINED

HCAD Identification Number: 1047720000006 Acreage: 15,205 SQ FT LOT

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.

<u>X Marie Reynolds</u>	<u>10/23/17</u>
Signature of Applicant	Date
<u>X Marie Reynolds</u>	<u>10/23/17</u>
Signature of Owner	Date

CITY OF TOMBALL
281-351-5484

REC#: 01001888 10/23/2017 12:29 PM
OPER: RS TERM: 002
REF#: W2387

TRAN: 130.0000 PLANNING AND ZONING
28011 HIGH MEADOW RD
MARIE REYNOLDS
100-5441
REZONING APPLICATIO 410.00CR

TENDERED: 410.00 CHECK
APPLIED: 410.00-

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
1047720000006

Tax Year: 2017



Owner and Property Information							
Owner Name & Mailing Address: REYNOLDS MARIE 28011 HIGH MEADOW RD TOMBALL TX 77377-2410			Legal Description: TR 6 BLK 2 HIRSCHFIELD FARMS SEC 1 U/R 28011 HIGH MEADOW RD TOMBALL TX 77377				
State Class Code	Land Use Code	Land Area	Total Living Area	Neighborhood	Neighborhood Group	Map Facet	Key Map®
A1 -- Real, Residential, Single-Family	1001 -- Residential Improved	15,205 SF	1,612 SF	2580.03	26001	4770A	288P

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	03/31/2017	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2016 Rate	2017 Rate
Residential Homestead (Multiple)	026	TOMBALL ISD	57,000	Certified: 08/11/2017	1.340000	
	040	HARRIS COUNTY	88,831	Certified: 08/11/2017	0.416560	
	041	HARRIS CO FLOOD CNTRL	88,831	Certified: 08/11/2017	0.028290	
	042	PORT OF HOUSTON AUTHY	88,831	Certified: 08/11/2017	0.013340	
	043	HARRIS CO HOSP DIST	88,831	Certified: 08/11/2017	0.171790	
	044	HARRIS CO EDUC DEPT	88,831	Certified: 08/11/2017	0.005200	
	045	LONE STAR COLLEGE SYS	80,000	Certified: 08/11/2017	0.107800	
	083	CITY OF TOMBALL	88,831	Certified: 08/11/2017	0.341455	
	679	HC EMERG SERV DIST 8	50,000	Certified: 08/11/2017	0.095470	

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at [HCAD's information center at 13013 NW Freeway.](#)

Valuations

Value as of January 1, 2016			Value as of January 1, 2017		
	Market	Appraised		Market	Appraised
Land	33,938		Land	45,250	
Improvement	93,730		Improvement	82,418	
Total	127,668	80,756	Total	127,668	88,831

Land

Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value

1	1001 -- Res Improved Table Value	SF1	SF	15,205	1.24	1.00	1.00	--	1.24	2.40	2.98	45,250.00
---	----------------------------------	-----	----	--------	------	------	------	----	------	------	------	-----------

Building

Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	1965	Residential Single Family	Residential 1 Family	Average	1,612 *	Displayed

* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above *attached* garages is included in the square footage living area of the dwelling. Living area above *detached* garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

Building Details (1)

Building Data	
Element	Detail
Cond / Desir / Util	Fair
Foundation Type	Slab
Grade Adjustment	C-
Heating / AC	Central Heat/AC
Physical Condition	Average
Exterior Wall	Brick / Veneer
Element	Units
Room: Total	5
Room: Full Bath	2
Room: Bedroom	3

Building Areas	
Description	Area
BASE AREA PRI	1,612
OPEN FRAME PORCH PRI	100

Extra Features

Line	Description	Quality	Condition	Units	Year Built
1	Canopy - Residential	Poor	Fair	480.00	1972
2	Frame Utility Shed	Fair	Fair	225.00	1971

Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 18, 2017

Topic:

Consideration to Approve **Zoning Case P17-0137**: Request by Lance Langenhoven to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5.8588 acres of land legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith at Hospital Road, from the Agricultural District to the Commercial District.

- Conduct Public Hearing on **Zoning Case P17-0137**
- Adopt, on First Reading, Ordinance No. 2017-03, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Tomball Code Of Ordinances By Changing The Zoning District Classification Of Approximately 5.8588 Acres Of Land, Legally Described Lot 61 Block 1 Abandoned Animal Rescue Replat, Within The City Of Tomball, Harris County, Texas, From The Agricultural District To The Commercial District; Said Property Being Generally Located On The North Side Of East Hufsmith Road At Hospital Road; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters.

Background:

On Monday, December 11, after conducting a public hearing, the Planning and Zoning Commission recommended denial of the rezoning request with 1 vote Aye and 4 votes Nay.

Origination:

Lance Langenhoven

Recommendation:

Denial

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

Ordinance No. 2018-03

Notice of Public Hearing

Property Owner Notification

Response Forms

ORDINANCE NO. 2018-03

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 5.8588 ACRES OF LAND, LEGALLY DESCRIBED LOT 61 BLOCK 1 ABANDONED ANIMAL RESCUE REPLAT, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE AGRICULTURAL DISTRICT TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF EAST HUFSMITH ROAD AT HOSPITAL ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

Whereas, Lance Langenhoven has requested that approximately 5.8588 acres of land, legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat, City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith Road at Hospital Road, in the City of Tomball, Harris County, Texas, (the "Property"), be rezoned; and

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

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

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

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

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

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

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

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

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

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

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other 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 18TH DAY OF DECEMBER 2017.

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 2ND DAY OF JANUARY 2018.

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)
DECEMBER 11, 2017
&
CITY COUNCIL
DECEMBER 18, 2017**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, December 11, 2017, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, December 18, 2017, 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 P17-0131: Request by Marie Reynolds to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 0.35 acres of land legally described as Tract 6 Block 2 Hirschfield Farms Sec 1 U/R within the City of Tomball, Harris County, Texas, generally located south of Hirschfield Road between SH 249 and High Meadow Road, from the Agricultural District to the Commercial District.

Zoning Case P17-0137: Request by Lance Langenhoven to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5.8588 acres of land legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat within the City of Tomball, Harris County, Texas, generally located on the north side of East Hufsmith Road at Hospital Road, from the Agricultural District to the Commercial District.

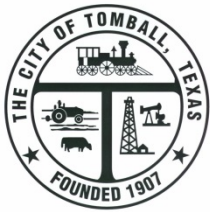
Zoning Case P17-0145: Request by the City of Tomball to amend Sections 50-115 of the Tomball Code of Ordinances in regards to refuse areas.

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 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 **7th** day of **December 2017** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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: P17-0137

APPLICANT/OWNER: Lance Langenhoven

LOCATION: Generally located on the north side of East Hufsmith at Hospital Road

PROPOSAL: To amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately 5.8588 acres of land legally described as Lot 61 Block 1 Abandoned Animal Rescue Replat within the City of Tomball, Harris County, Texas, from the Agricultural District to the Commercial District.

CONTACT: Amelia Lindley, 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.

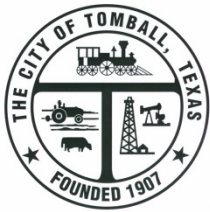


**Planning & Zoning Commission
Public Hearing:
Monday, December 11, 2017, 6:00 PM**

**City Council Public Hearing:
*Monday, December 18, 2017, 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:

(please print)

Address:

Signature:

Date:

_____ I am **FOR** the requested Rezoning as explained on the attached public notice for **Zoning Case P17-0137. (Please state reasons below)**

_____ I am **AGAINST** the requested Rezoning as explained on the attached public notice for **Zoning Case P17-0137. (Please state reasons below)**

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

Monday, December 11, 2017 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, December 18, 2017, 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.

Regarding proposed development for 419 E. Hufsmith, Tomball, TX, 77375

I have been informed of the proposed projects for this property by the buyer of the property, Lance Langenhoven, a member of SATX Assets LLC, Series 419 E. Hufsmith the legal buyer.

His plan is to renovate and upgrade the building currently used by Abandoned Animal Rescue and he intends to lease the building out to a services contracting company like a plumber, electrician, painter, yard maintenance or similar type of company that needs some office space, some warehouse space and some space for parking trucks, trailers or other types of service equipment. He does not intend leasing to any automotive or alcohol related business. The noises from barking dogs will no longer be heard.

In addition he would like to create a Boat & RV Storage facility on the back +- 5 Acres of the property. This business will have a +- 380 feet driveway leading in from East Hufsmith. The access at E. Hufsmith will be landscaped and maintained so that the driveway will fit in well with the neighborhood look & feel. Due to the distance of the driveway, the electronic gate at the end of the driveway where it connects to the parking area will be barely visible to a driver passing by at the average speed limit of about 45 miles per hour.

The Boat & RV Storage business will be quiet and will provide the local community a safe and secure place in which to store boats, RV's and trailers.

I am a neighbor within 200 feet of this property and I welcome and look forward to this change of use and fully support it.

Signed: 11829461924C470...

Name: David Lentes, Member, Presario Properties LLC

Date: 12/4/2017

Address: APN: 0352820000056
APN: 0352820000060
APN: 0352820000063
APN: 0352820000067

Regarding proposed development for 419 E. Hufsmith, Tomball, TX, 77375

I have been informed of the proposed projects for this property by the buyer of the property, Lance Langenhoven, a member of SATX Assets LLC, Series 419 E. Hufsmith the legal buyer.

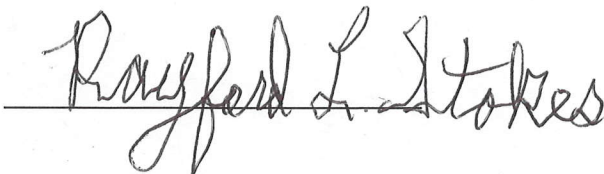
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The Boat & RV Storage business will be quiet and will provide the local community a safe and secure place in which to store boats, RV's and trailers.

I am a neighbor within 200 feet of this property and I welcome and look forward to this change of use and fully support it.

Signed:



Name:

RAYFORD STOKES.

Date:

15 NOV. 2017.

Address:

343 E. HUFSMITH.

Regarding proposed development for 419 E. Hufsmith, Tomball, TX, 77375

I have been informed of the proposed projects for this property by the buyer of the property, Lance Langenhoven, a member of SATX Assets LLC, Series 419 E. Hufsmith the legal buyer.

His plan is to renovate and upgrade the building currently used by Abandoned Animal Rescue and he intends to lease the building out to a services contracting company like a plumber, electrician, painter, yard maintenance or similar type of company that needs some office space, some warehouse space and some space for parking trucks, trailers or other types of service equipment. He does not intend leasing to any automotive or alcohol related business. The noises from barking dogs will no longer be heard.

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The Boat & RV Storage business will be quiet and will provide the local community a safe and secure place in which to store boats, RV's and trailers.

I am a neighbor within 200 feet of this property and I welcome and look forward to this change of use and fully support it.

Signed: Dana Wade

Name: Dana Wade

Date: 11/20/17

Address: 413 E. Hufsmith Rd. Tomball, TX

Regarding proposed development for 419 E. Hufsmith, Tomball, TX, 77375

I have been informed of the proposed projects for this property by the buyer of the property, Lance Langenhoven, a member of SATX Assets LLC, Series 419 E. Hufsmith the legal buyer.

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I am a neighbor within 200 feet of this property and I welcome and look forward to this change of use and fully support it.

Signed:

Joel Wade

Name:

Joel Wade

Date:

11/17/17

Address:

413 E. Hufsmith

Regarding proposed development for 419 E. Hufsmith, Tomball, TX, 77375

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I am a neighbor within 200 feet of this property and I welcome and look forward to this change of use and fully support it.

Signed: 

Name: Louise Owens

Date: 11/21/17

Address: 503 E Hufsmith Rd Tomball, Tx 77375

Regarding proposed development for 419 E. Hufsmith, Tomball, TX, 77375

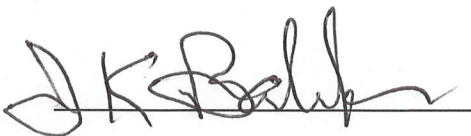
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I am a neighbor within 200 feet of this property and I welcome and look forward to this change of use and fully support it.

Signed: 

Name: Kevin Barb

Date: 28 Nov. 2017.

Address: 507 E Hufsmith

Regarding proposed development for 419 E. Hufsmith, Tomball, TX, 77375

I have been informed of the proposed projects for this property by the buyer of the property, Lance Langenhoven, a member of SATX Assets LLC, Series 419 E. Hufsmith the legal buyer.

His plan is to renovate and upgrade the building currently used by Abandoned Animal Rescue and he intends to lease the building out to a services contracting company like a plumber, electrician, painter, yard maintenance or similar type of company that needs some office space, some warehouse space and some space for parking trucks, trailers or other types of service equipment. He does not intend leasing to any automotive or alcohol related business. The noises from barking dogs will no longer be heard.

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I am a neighbor within 200 feet of this property and I welcome and look forward to this change of use and fully support it.

Signed:



Name:

Amadeo Valadez Sr.

Date:

10-13-2017

Address:

510 E. Hufsmith, Tomball, Tx. 77375

Regarding proposed development for 419 E. Hufsmith, Tomball, TX, 77375

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The Boat & RV Storage business will be quiet and will provide the local community a safe and secure place in which to store boats, RV's and trailers.

I am a neighbor within 200 feet of this property and I welcome and look forward to this change of use and fully support it.

Signed: Rhonda Damon

Name: Rhonda Damon

Date: 11-20-17

Address: 644 Hospital St. Tomball, TX 77375

Regarding proposed development for 419 E. Hufsmith, Tomball, TX, 77375

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I am a neighbor within 200 feet of this property and I welcome and look forward to this change of use and fully support it.

Signed:



Name:

JOSH BURNS

Date:

12.1.17

Address:

719, 721, 3648 Hospital St.
Tomball, TX 77375

Regarding proposed development for 419 E. Hufsmith, Tomball, TX, 77375

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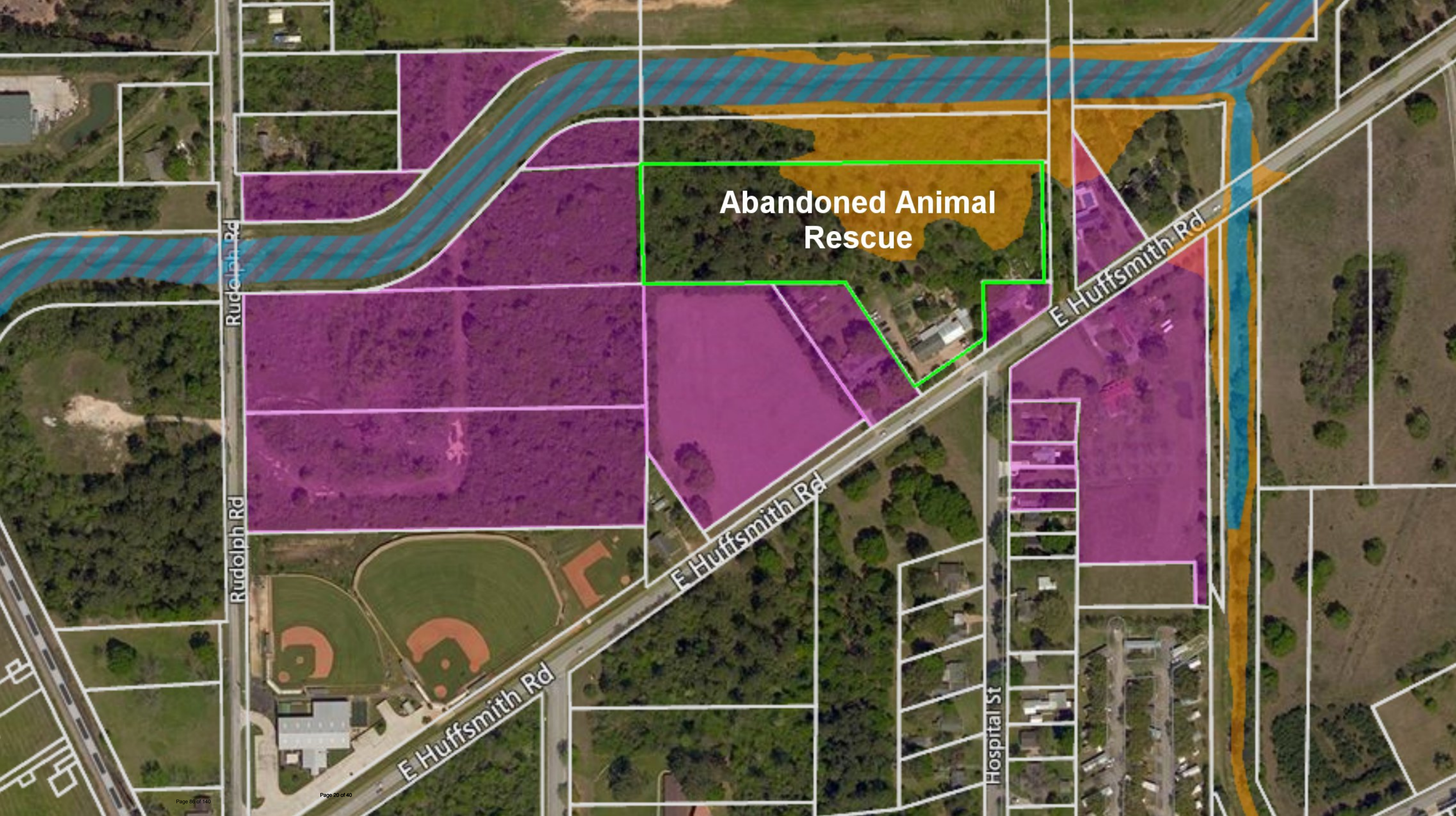
I am a neighbor within 200 feet of this property and I welcome and look forward to this change of use and fully support it.

Signed: Joellie Fisher - Owner

Name: Joellie Fisher

Date: 11-13-17

Address: 723 Hospital Street



**Abandoned Animal
Rescue**

Rudolph Rd

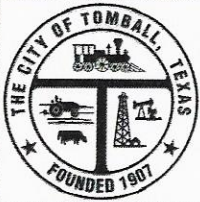
Rudolph Rd

E Huffsmith Rd

E Huffsmith Rd

E Huffsmith Rd

Hospital St



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:

(please print)

Address:

Signature:

Date:

PRE SARIO PROPERTIES, LLC

2559 BEECHWOOD VILLAGE CT

HENDERSON W 89052

David E. Lentz

12/04/17

☒ I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0137. (Please state reasons below)

☐ I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0137. (Please state reasons below)

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

Monday, December 11, 2017 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, December 18, 2017, 6:00 PM

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

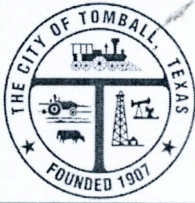
COMMENTS:

ALL PROPERTIES IN THIS AREA
SHOULD BE ZONED COMMERCIAL

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: TOM CROFOOT
(please print)
Address: 1430 NEAL DR.
TOMBALL 77375
Signature: Jem Crofoot
Date: 12/04/2017

☐ I am **FOR** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0137. (Please state reasons below)

☒ I am **AGAINST** the requested Rezoning as explained on the attached public notice for Zoning Case P17-0137. (Please state reasons below)

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

Monday, December 11, 2017 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, December 18, 2017, 6:00 PM

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

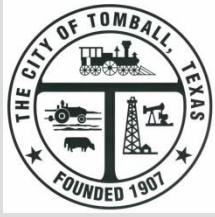
COMMENTS:

Night lighting for boat and R.V. storage,
particularly in a residential neighborhood.

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.



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: December 11, 2017
City Council Public Hearing Date: December 18, 2017

Rezoning Case: P17-0137
Property Owner(s): Abandoned Animal Rescue
Applicant(s): Lance Langenhoven
Legal Description: Lot 61 Block 1 Abandoned Animal Rescue R/P
Location: 419 East Hufsmith Road, north side of East Hufsmith Road at Hospital Road (Exhibit "A")
Area: 5.8588 acres
Comp Plan Designation: Rural Residential (Exhibit "B")
Present Zoning and Use: Agricultural (Exhibit "C") / Abandoned Animal Rescue (Exhibit "D")
Request: Rezone from the Agricultural District to the Commercial District
Adjacent Zoning & Land Uses:
North: Single-Family 20 Estate / Undeveloped land
South: Agricultural District and Single-Family 9 / Undeveloped land and single-family residence
West: Single-Family 20 Estate / Single-family residence
East: Single-Family 20 Estate / Single-family residence

BACKGROUND

City Staff met with the applicant in October to discuss options for the property. The applicant expressed his desire to use the property for offices and boat and recreational vehicle storage. City Staff explained that a rezoning would be required for the proposed development. The applicant submitted a Rezoning Application on October 30, 2017.

ANALYSIS

The property is currently zoned Agricultural. Abandoned Animal Rescue operates on the front portion of the property while the majority of the property is undeveloped. Surrounding zoning districts include Agricultural to the west and south, Single-Family 20 Estate to the north and east and Single-Family 9 across East Hufsmith. There are mostly single-family residences in the area.

The Comprehensive Plan Future Land Use Map designates the property as Rural Residential which is meant for minimum one acre single-family lots. The intent of the Rural Residential designation is to provide for a rural lifestyle with no commercial or industrial development. The

proposed rezoning is not in conformance with the Future Land Use Map. The Comprehensive Plan also outlines goals to protect the existing residential areas from encroachment of uses that are incompatible to the area and to preserve the rural land.

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 uses permitted in the Commercial District do not appear to be appropriate for the immediate area. The established land uses in the area are mostly single-family residences.

- 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.**

Utilities are available to serve this property, however they may need to be upsized to accommodate a commercial facility. The existing arterial street adjacent to the property can accommodate traffic generated by a Commercial District development.

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

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

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

There has been steady development in the Commercial District 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.**

If a commercial development is constructed on the subject site, Chapter 50 (Zoning) has regulations in place to protect the adjacent residential development.

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

The Future Land Use Map designates the property as Rural Residential. The request does not appear to be consistent with the Future Land Use Map. As mentioned, the Comprehensive Plan outlines goals for protecting and preserving rural residential areas in the City.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on November 22, 2017. The Notice of Public Hearing was published in the paper on November 29, 2017. 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 is unable to recommend approval of Zoning Case P17-0137 for the following reasons:

1. The request does not meet the goals of City's Comprehensive Plan;
2. The request is not in conformance with the Future Land Use Map;
3. The request is not appropriate with the surrounding land uses in the area;
4. The request is not appropriate with the surrounding zoning districts.

EXHIBITS

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

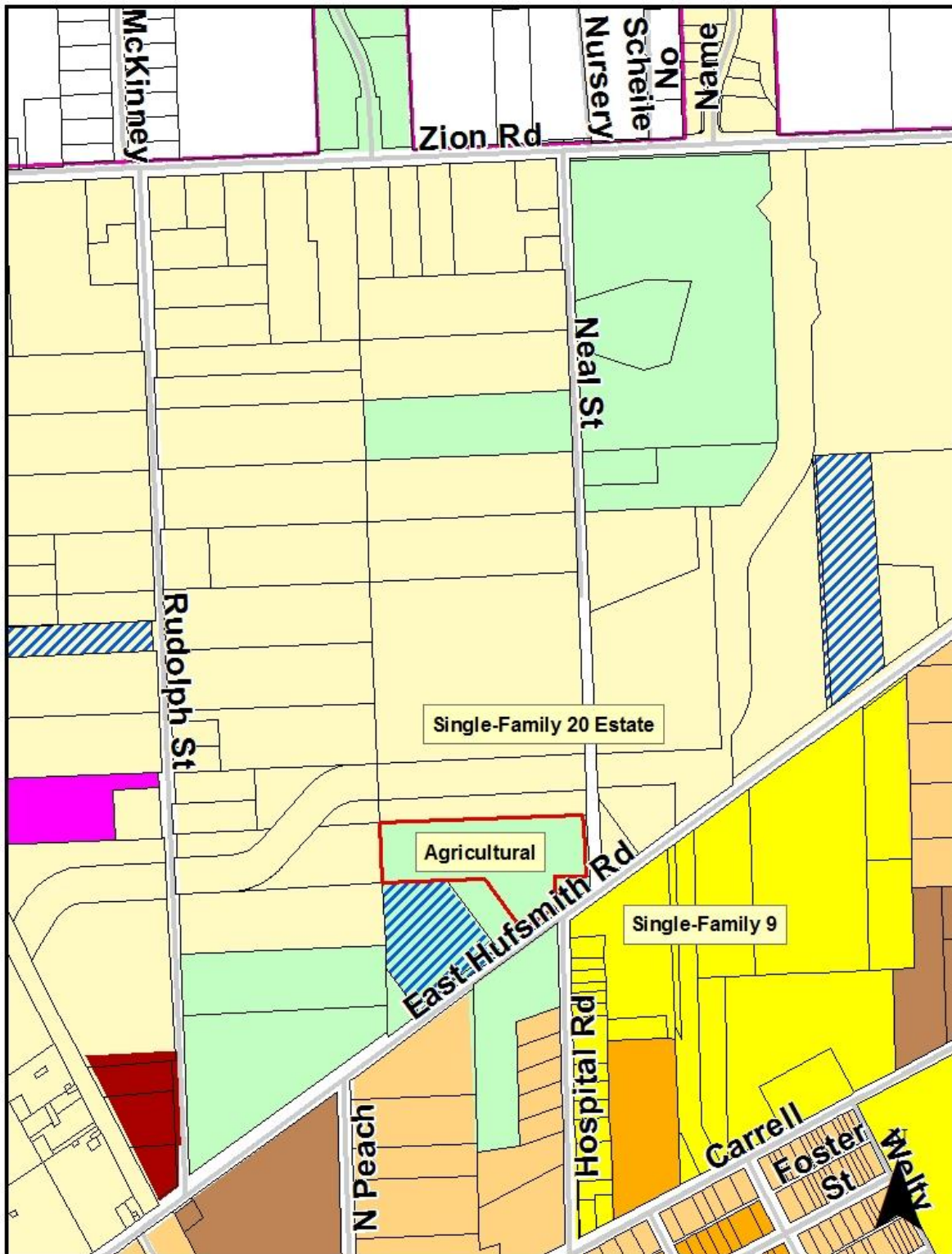
Exhibit "A"
Aerial Photo



Exhibit "B"
Comprehensive Plan



Exhibit "C"
Zoning Map



**Exhibit “D”
Site Photo**



Exhibit "E"

Application

Revised 5/19/15



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: Lance Langenhoven Title: Buyer of 419 E. Hufsmith
Mailing Address: 8505 Technology Forest Pl.# 501 City: The Woodlands State: TX
Zip: 77381
Phone: (832) 483 8655 Fax: (1.866) 438 7611 Email: Lance.Glynis@gmail.com

Owner

Name: Abandoned Animal Rescue Title: Owner of 419 E. Hufsmith
Mailing Address: 32632 Wright Road (future address) City: Magnolia State: TX
Zip: 77355 please use: 419 E. Hufsmith, Tomball, tx, 77375 for now
Phone: (281) 802 8540 Fax: () Email: shelter@aatexas.org

Engineer/Surveyor (if applicable)

Name: Briana Winget - Texas Professional Surveying, LLC Title: Marketing Director
Mailing Address: 3032 N. Frazier City: Conroe State: TX
Zip: 77303
Phone: (936) 756 7447 Fax: (936) 756 7448 Email: briana@surveyingtexas.com

Description of Proposed Project: Boat & RV Storage on the back 5 Acres of the property.

Physical Location of Property: 419 E. Hufsmith, Tomball, TX, 77355
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: LT 61 BLK 1 ABANDONED ANIMAL RESCUE R/P
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: AG - Agricultural District

Current Use of Property: Approx. 1 Acres is being used commercially by AAR. Remainder is vacant land.

Proposed Zoning District: C - Commercial District.

Proposed Use of Property: 1 Acre in front remains light commercial use, no change. Vacant land - Boat & RV Storage.

HCAD Identification Number: 1269440020001 Acreage: 5.8588 Acres

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

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

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

DocuSigned by:	
<i>Lance Langenhoven</i>	
X	6A7AB78E85DE448...
Signature of Applicant	Date
X	<i>Debbie Allison</i>
Signature of Owner	Date
<i>10/29/17</i>	
Debbie Allison, AAR representative.	

Request for re-zoning of 419 E. Hufsmith

Date: 30th October 2017

Applicant: Lance Langenhoven; Owner: Abandoned Animal Shelter (AAR)

I am purchasing the 5.858 Acres property currently owned by AAR and would like to request a rezoning for the property to be in line with the zoning / use of the AAR buildings.

1. AAR buildings.

I plan on leaving the existing AAR offices where they are and plan to lease them out to a small commercial company. Something like a plumber, electrician, painting company, lawn-care maintenance or equivalent. Nothing automotive repair or related type of business.

Prior to any leasing we plan a major remodel of the entire building but no expansion. It will retain the existing footprint.

We plan on putting an 8-foot picket fence around the AAR area to leave it with approx.. 0.93 Acres of land. This will provide a small commercial business with enough space for parking their service vehicles and the offices and small warehouse will be perfect for a business like that.

The shed to the East of the building will be removed to provide vehicular access to the area to the North of the building for the future tenant. See image below.



The two layouts below show the proposed new floor plan on the top and the old floor plan below it.

The new floor plan is MUCH more efficient and secure and will be just perfect for a small but fast-growing neighborhood services company.

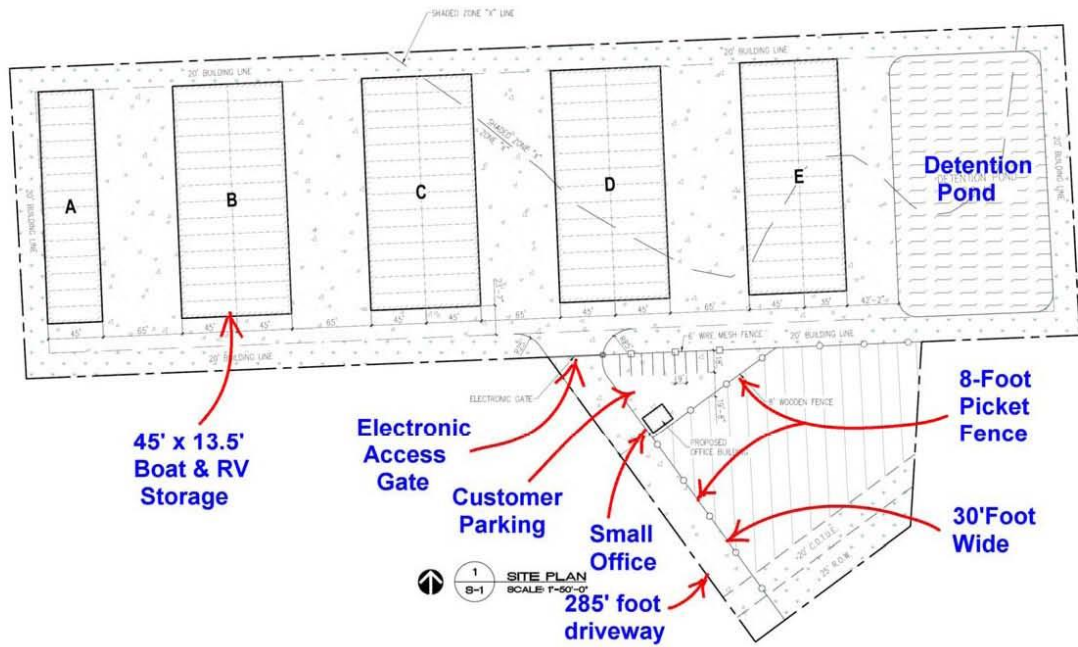


2. Approx. 5 Acres of land at the back

I plan on putting an 8-foot picket fence on the West side of the AAR office which would provide an approx. 30-foot wide driveway to the back +- 5 Acres of land.

The plan is to create a very low-key access driveway from E. Hufsmith with flowers & shrubs at the entrance to ensure the rural neighborhood ambience is not disturbed.

A small office will be located behind the current AAR building (approx. 400 to 500 SF) and will not be visible from the E. Hufsmith. A small client parking area will be next to the small office and this also will not be visible from E. Hufsmith. An electronic access gate will be at the end of the approx.. 285 feet driveway and it's unlikely that it would be very visible due to the distance and the trees along the driveway.



The above image shows the access driveway to our current Boat & RV Storage facility at 14912 Capitol Hill Road, Montgomery, TX, 77316. This driveway is about 235 feet long so it's

about 50 feet shorter than what the driveway at E. Hufsmith will be. As you can see the entrance is beautiful and green with trees on either side and a well-maintained look. This is what we plan to re-create at 419 E. Hufsmith except you will not be able to see a small building. Just a leafy driveway.

3. Possible Objections

- Noise?

The sound of barking of dogs from the AAR property will be eliminated by our intended use for their building. Also, the Boat & RV Storage usage creates almost no noise as people are simply parking vehicles. So, our project will be much nicer for the neighbors and our property appearance would be professionally maintained bringing value to the neighbors.

- What if I sold the Boat & RV Storage business? What would happen to the land?

Firstly, once I've established the Boat & RV Storage business I don't plan on selling it any time soon. However, if I did happen to sell it, a future buyer would buy it for the income stream and would keep the use the same. It would make no sense for a buyer to spend that amount of money to buy a business like this and to then remove it to develop something else... it would be much cheaper to buy vacant land and start from scratch. In fact, I don't know of a single boat & rv storage business in the region that has been sold and then scrapped.

- Competence?

This is not our first business of this type. We own Capitol Hill Boat & RV Storage in Montgomery County and since we purchased it we improved the property and business significantly. The address is 14912 Capitol Hill Road, Montgomery, TX, 77316.

We will be a good neighbor for our new neighbors and also the area in general.

I look forward to working to joining the Tomball community.

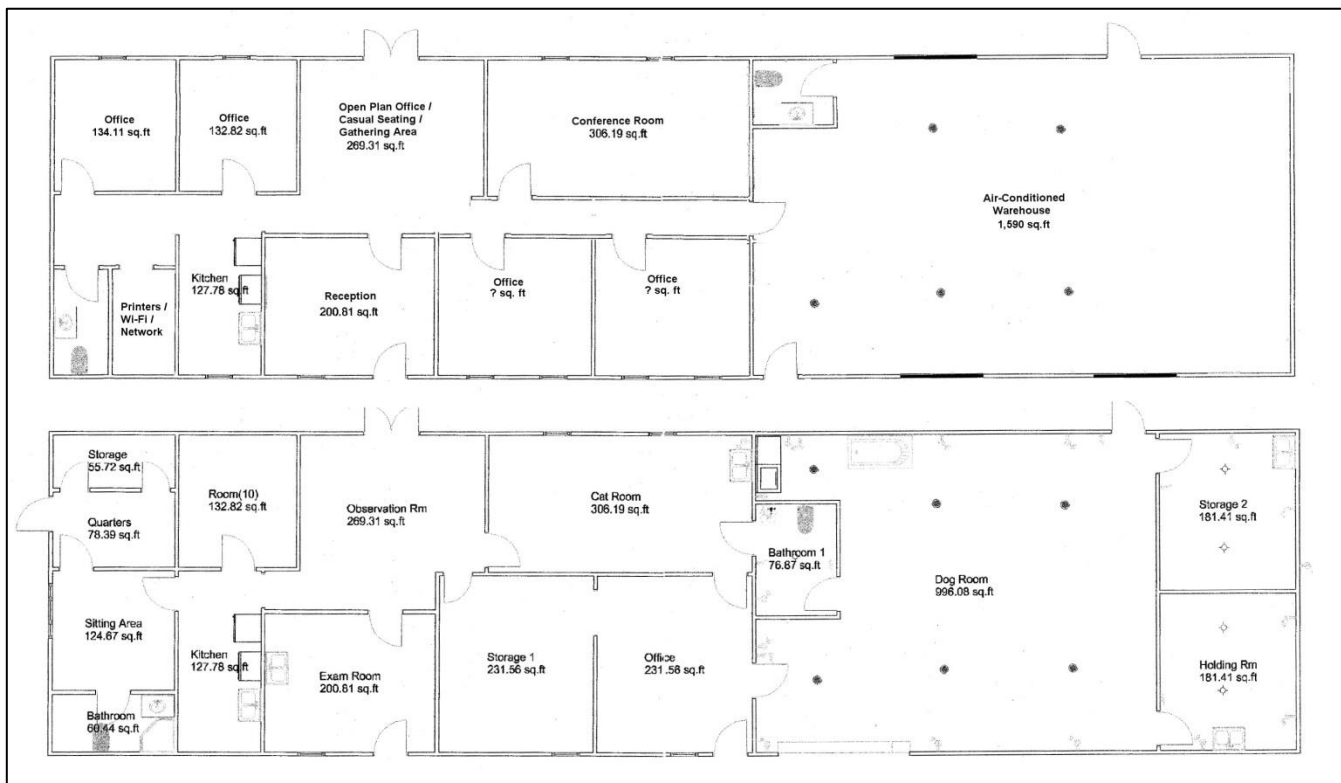
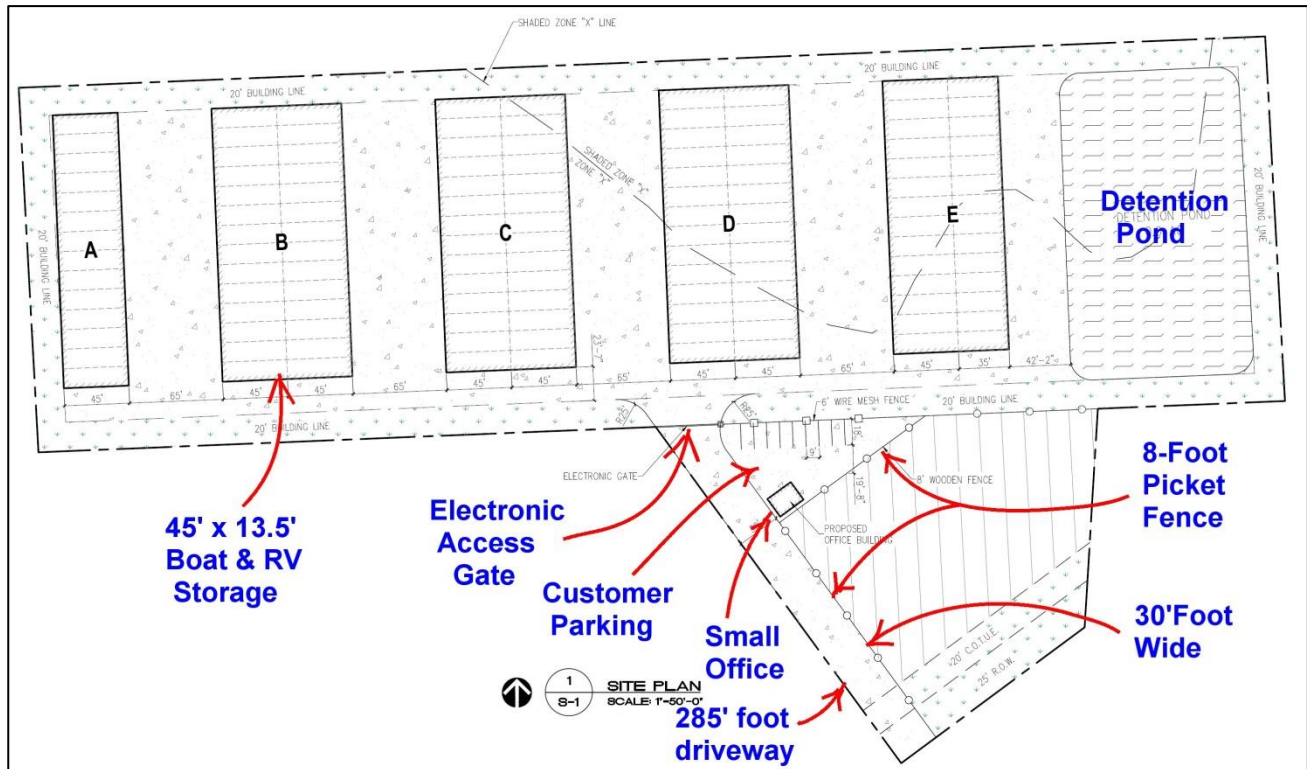
B. Regards,



Lance Langenhoven

30th October 2017



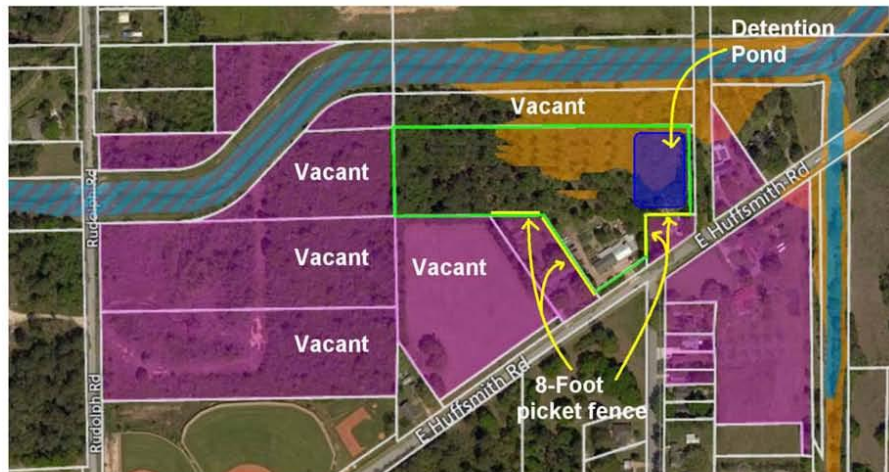


THE LIGHTING PLAN FOR THE PROPOSED BOAT & RV STORAGE FACILITY AT 419 E. HUFSMITH

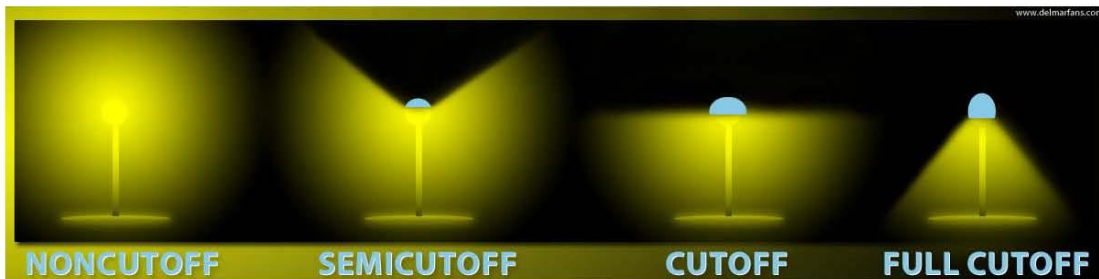
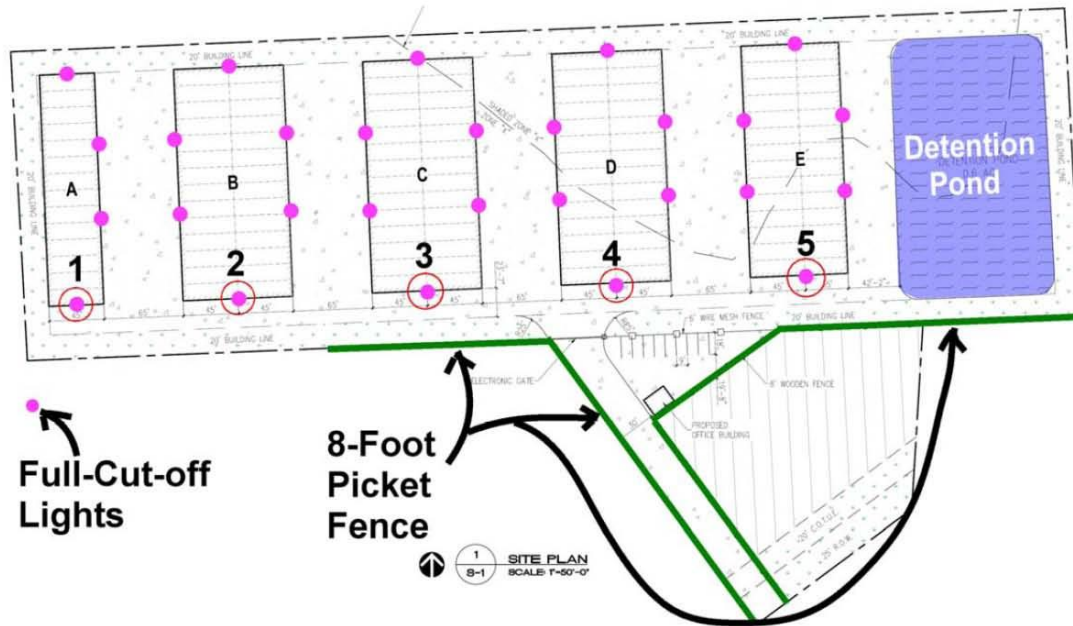
The lighting at the proposed Boat & RV Storage facility will be of the "Full Cutoff" variety. In other words, limited light pollution at night. In fact, the majority of lights will be between storage buildings facing each other as in the photo below so it's highly unlikely that anyone outside the property will even see that as they will be downward facing & not very bright.

The 5 Acres on which the boat & RV facility is proposed is 280 Feet from East Hufsmith and then there's a 35-foot building line which provides a distance of about 315 Feet from East Hufsmith. So, from the road it will hardly be visible.

The narrow tract to the North is unlikely to ever have homes built on it as it's very narrow & right next to a drainage ditch. The tract to the West are vacant & run up to the drainage ditch as well. To the East will be the detention pond. Between the property & the homes an 8-foot picket fence will be erected and those neighbors have anyway supported the project (all purple areas have supported the project). So, unlikely that anybody will be adversely affected by light pollution at night. More likely to complain about the light from their neighbor's house which will be more visible.



The image below shows the lighting plan for the project utilizing full-cut-off lighting. The 5 lights to the South are the only ones I think that could possibly be seen by anyone as the lights to the North are facing the Harris County drainage ditch, the lights to the East are facing the detention pond and the other side of that is the easement for Neal road. To the West is a small 2 Acre vacant tract and then another drainage ditch. So, the 5 lights to the South are the ones that could possibly be seen by neighbors. However, between those neighbors will be an 8-Foot picket fence so they most likely will not see the lights. Lights number 4 & 5 are actually facing within the property so it's unlikely that they'll be seen by anyone either. Lights number 1 & 2 are facing a vacant tract that is already commercially zoned for a tennis club. In fact, a baseball club & a tennis club have far brighter lights than we would be using!!!



Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 18, 2017

Topic:

Adopt, on First Reading, Ordinance No. 2018-04, An Ordinance Of The City Of Tomball, Texas, Amending Chapter 50 (Zoning) Of The Code Of Ordinances By Amending Section 50-115(B)(2) By Requiring Refuse Areas To Have A Gate That Remains Closed At All Times Except When In Use And Adding Non-Conforming Language; 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, December 11, after conducting a Public Hearing, the Planning and Zoning Commission recommended approval of the text amendment with 5 votes Aye and 0 votes Nay.

Origination:

City Council

Recommendation:

Approval

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

Craig T. Meyers, Community Development Department

ACTION TAKEN

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

Ordinance 2018-04

P17-0145 Staff Report

ORDINANCE NO. 2018-04

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS,
AMENDING CHAPTER 50 (ZONING) OF THE CODE OF
ORDINANCES BY AMENDING SECTION 50-115(B)(2) BY
REQUIRING REFUSE AREAS TO HAVE AN OPAQUE GATE
THAT REMAINS CLOSED AT ALL TIMES EXCEPT WHEN IN
USE AND ADDING NON-CONFORMING LANGUAGE;
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 of Tomball has requested that Chapter 50 (Zoning) of the Code of Ordinances be amended;

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Tomball, Texas, have published notice and conducted public hearings regarding the request to amend Chapter 50 (Zoning) of the Code of Ordinances;

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve amendments to Chapter 50 (Zoning) of the Code of Ordinances; and

Whereas, the City Council deems it appropriate to grant the amendments to Chapter 50 (Zoning) of the Code of Ordinances.

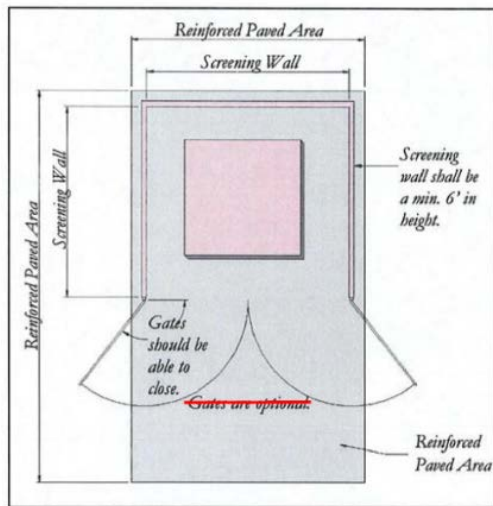
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, THAT:

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

Section 2. Section 50-115(b)(2) is hereby amended by the following:

Refuse areas which are not within a rear service area and which are visible from a public right-of-way for all nonresidential, multifamily and manufactured/mobile home park uses shall be visually screened by a minimum six-foot solid masonry wall on at least three sides (see Illustration 50-115-1 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, ~~may shall~~ provide an ~~opaque optional~~ gate to secure the refuse storage area ~~which shall remain closed at all times except when in use~~. Alternate equivalent screening methods may be approved by the city. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their

approaches for loading and unloading, as per Illustration 50-115-1. The standards within this section shall apply to **all new enclosures added to a site**, a waste/recycle dumpster or permanent roll-off added to a site and in the case of an addition to a structure or site that alters such structure or site by greater than 25 percent in area. **Any site that is deemed abandoned by Section 50-31 (c) shall comply with the provisions of this section.**



Section 3. Chapter 50 (Zoning) of the Code of Ordinances shall be revised and amended as indicated above.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any other provision of Chapter 50 (Zoning) of the Code of Ordinances except as indicated 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 18TH DAY OF DECEMBER 2017.

COUNCILMAN FORD

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

SECOND READING:

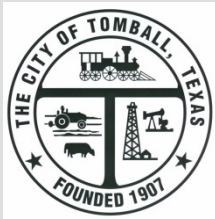
READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE
CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF JANUARY
2018.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: December 11, 2017

City Council Public Hearing Date: December 18, 2017

Zoning Case P17-0145: Request by the City of Tomball to amend Sections 50-115 of the Tomball Code of Ordinances in regards to refuse areas.

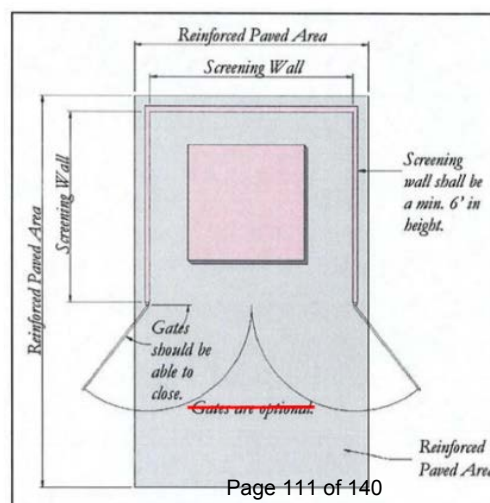
BACKGROUND

At the October 9, 2017 Planning and Zoning Commission Meeting, the Commission recommended approval a text amendment requiring all new dumpster enclosures be masonry with the recommendation that gates on all enclosures be mandatory, rather than optional.

At the October 16, 2017 City Council Meeting, City Council postponed the First Reading and directed City Staff to add language to the ordinance specifying thresholds for when expanding sites need to provide masonry trash enclosures. At the November 6, 2017 City Council Meeting, City Council approved the amended First Reading of the text amendment and directed City Staff to bring another text amendment requiring all new enclosures have gates that remain closed except when in use and add non-conforming language.

PROPOSED AMENDMENTS

Refuse areas which are not within a rear service area and which are visible from a public right-of-way for all nonresidential, multifamily and manufactured/mobile home park uses shall be visually screened by a minimum six-foot solid masonry wall on at least three sides (see Illustration 50-115-1 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, ~~may shall~~ provide an ~~opaque optional~~ gate to secure the refuse storage area ~~which shall remain closed at all times except when in use~~. Alternate equivalent screening methods may be approved by the city. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 50-115-1. The standards within this section shall apply to ~~all new enclosures added to a site~~, a waste/recycle dumpster or permanent roll-off added to a site and in the case of an addition to a structure or site that alters such structure or site by greater than 25 percent in area. ~~Any site that is deemed abandoned by Section 50-31 (c) shall comply with the provisions of this section.~~



PUBLIC COMMENT

A public hearing notice was published in the Potpourri on November 29, 2017. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

Regular City Council

Agenda Item

Data Sheet

Meeting Date: December 18, 2017

Topic:

Consider Abandonment of a Public Right-of-Way and Adopt, on First Reading, Ordinance 2018-05, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no Longer Require the Continued Existence of a Part of an Unimproved Roadway Between South Pine Street and South Oak Street, All Situated in Block 31 of Revised Map of Tomball, Harris County, Texas, and as Recorded in Volume 004, Page 25 of the Map Records of Harris County, Texas; Vacating, Abandoning, and Closing Said Unimproved Roadway and Street Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Unimproved Roadway and Street Right-of-Way to Lisa and James Bonnett; Providing for Severability; and Containing Other Provisions Relating to the Subject.

Background:

Mr. and Mrs. James Bonnett reached out to the City of Tomball to request abandonment of the unimproved alley adjacent to her properties between South Pine Street and South Oak Street. As part of the Bonnett's request, letters of no objection of the abandonment were provided by CenterPoint Energy, Comcast and AT&T.

Existing City of Tomball water and sanitary sewer mains exist within the unimproved right-of-way and an easement will be dedicated to the City of Tomball prior to the abandonment, if approved.

Origination:

Lisa and James Bonnett

Recommendation:

Approval

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

Craig T. Meyers, Community Development Director

ACTION TAKEN

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

Abandonment Application
Ordinance 2018-05
Location Map
Survey
Metes and Bounds

Utility Letters of No Objection
Public Utility Easement



CITY OF TOMBALL

RIGHT-OF-WAY ABANDONMENT REQUEST APPLICATION

Please provide the following information & return your submittal to the City Manager's Office,
401 Market St., Tomball, Texas 77375.

Minimum Submittal Requirements

- ☒ \$300 application fee;
- ☐ Detailed description of entire limits or extent of the ROW and the limits to be abandoned, if different;
- ☒ Five (5) copies of the Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☒ Electronic File (PDF) of Boundary Survey and metes & bounds description of the ROW to be abandoned;
- ☒ Copy of letters to utility providers, drainage districts, and/or other interested agencies stating they have been notified of the requested ROW abandonment;
- ☒ Letter of "No Objection" from each of the concerned entities; and
- ☐ Completed and signed application form.

Applicant Information

Name Lisa Bonnett

Mailing Address 409 Florence St

City Tomball State TX Zip Code 77375

Phone Number 281 682 4185 Fax Number —

E-mail Address lisa40924@yahoo.com

Agent or Engineer Information

Name _____

Mailing Address _____

City _____ State _____ Zip Code _____

Phone Number _____ Fax Number _____

E-mail Address _____

We, the undersigned property owners of

(name of subdivision, lot, and block number)

do hereby request that the City of Tomball release and vacate the said Right-of-Way as further described in the attached Boundary Survey.

Adjacent Property Owners Signatures

(please include your name, mailing address, HCAD number of your property, and signature)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Certification

I, Lisa Bonnett, being one of the above named persons, do hereby certify that the above named persons include all abutting property owners of the property being vacated and released.

Please list the reasons for the request and how this request will benefit the public:

(Signature)

Lisa Bonnett

(Printed Name)

Lisa Bonnett

ORDINANCE NO. 2018-05

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A PART OF AN UNIMPROVED ROADWAY BETWEEN SOUTH PINE STREET AND SOUTH OAK STREET, ALL SITUATED IN BLOCK 31 OF REVISED MAP OF TOMBALL, HARRIS COUNTY, TEXAS, AND AS RECORDED IN VOLUME 004, PAGE 25 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID UNIMPROVED ROADWAY AND STREET RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, A QUITCLAIM DEED CONVEYING SAID UNIMPROVED ROADWAY AND STREET RIGHT-OF-WAY TO LISA AND JAMES BONNETT; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

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

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

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

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

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

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

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

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF DECEMBER 2017.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2ND DAY OF JANUARY 2018.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

ROW to be Abandoned

Legend

 ROW to be abandoned

ROW to be abandoned

Clayton St

McPhail

S Oak St

S Pine St

James St

Willowick St





All that certain tract or parcel containing 0.0387 acre, (1,687.50 square feet), of land out of a 15' alley in Block 31 of Revised Map of Tomball, a subdivision in Harris County, Texas according to the map or plat thereof filed for record in Volume 4, Page 25 of the Harris County Map Records, said 0.0387 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with Tony P. Swonke RPLS No. 4767 cap (found) marking the intersection of the Northwest right-of-way line of McPhail Road with the Northeast right-of-way line of South Pine Street, (both 60.00 feet in width), same point marking the Southerly corner of Lot 24 in Block 1 of Armendariz Place Subdivision, a subdivision in said Harris County, Texas according to the map or plat thereof filed for record under Film Code No. 635257 of said Harris County Map Records;

THENCE N 25°30'00" W, a distance of 140.00 feet along the Northeast right-of-way line of said South Pine Street and the Southwest line of said Lot 24 to a 5/8" iron rod with Tony P. Swonke RPLS No. 4767 cap (found) marking the intersection of the Southeast line of said 15' alley with the Northeast right-of-way line of said South Pine Street, the Westerly corner of said Lot 24 and the Southerly corner and POINT OF BEGINNING of the herein described 0.0387 acre tract of land;

THENCE continuing N 25°30'00" W, a distance of 15.00 feet along the Northeast right-of-way line of said South Pine Street and the Southwest line of said 15' alley to a 5/8" iron rod with EIC cap (set) marking the Southerly corner of Lot 7 in said Block 31, the Westerly corner of said 15' alley and the Westerly corner of the herein described 0.0387 acre tract of land;

THENCE N 64°26'00" E, a distance of 125.00 feet along the common line of said 15' alley and said Lot 7 to a 5/8" iron rod with EIC cap (set) marking the Easterly corner of Lot 29 in said Block 31, the Southerly corner of Lot 30 in Block 1 Commercial, a Replat of Amended Plat of Lot's 30, 31 & 32, each in Block 31 of Revised Map of Tomball according to the map or plat thereof filed for record under Film Code 620120 of said Harris County Map Records and the Northerly corner of the herein described 0.0387 acre tract of land, from this point a 1" square iron bar (found) for reference bears N 12°07'41" W, 1.56 feet;

THENCE S 25°30'00" E, a distance of 7.50 feet to a 5/8" iron rod with EIC cap (set) marking the Northerly-East corner of the herein described 0.0387 acre tract of land;

THENCE S 64°26'00" W, a distance of 25.00 feet to a 5/8" iron rod with EIC cap (set) marking an interior corner of the herein described 0.0387 acre tract of land;

THENCE S 25°30'00" E, a distance of 7.50 feet to a 5/8" iron rod with EIC cap (found) in the Southeast line of said 15' alley marking the Northerly corner of said Lot 24, the Westerly corner of Lot 20 in said Block 31 and the Southerly-East corner of the herein described 0.0387 acre tract of land;

THENCE S 64°26'00" W, a distance of 100.00 feet along the common line of said 15' alley and said Lot 24 to the POINT OF BEGINNING and containing 0.0387 acre, (1,687.50 square feet), of land.

Surveyed on the ground November 14, 2017.

Job No. 17-580-11. (See corresponding plat)

The basis of bearing is N 25°30'00" W along the Northeast right-of-way line of South Pine Street per record plat.





AT&T Texas
7602 Spring Cypress Drive
Room 226
Spring, TX 77379-3113

T: 281.379.7524
F: 281.374.3318

April 10, 2017

Lisa Bonnett
409 Florence Street
Tomball, Texas 77375

RE: "No Objection" to the encroachments located within the 15' wide alley between the address known as 409 Florence Street and 412 South Pine Street, Harris County, Texas. (R.O.W. Job # TB 00218-M)

Dear Ms. Bonnett,

Southwestern Bell Telephone Company, (SWBT) offers "No Objection" to 2 (two) gate encroachments within the 40' long x 15' wide Alley. The 1st gate will cross of a gate crossing the entire width of the 15' wide Alley 21' southeast of South Pine Street Right-of-Way between Lot 7, Block 31 and Lot 24, Block 1, and the 2nd gate will cross the entire width of 15' wide Alley at the southeast corner of Lot 29, Block 31 and the northeast corner of Lot 24, Block 1, located between Lots 7, 27, 28 and Lot 29, Block 31, Revised Map of Tomball and Lot 24, Block 1, Armendariz Plaza, according to the Plat thereof Recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas, as shown on Survey prepared by Precision Surveyors, dated August 9th, 1995, Drawing # 95-1352, as described.

Should you have any questions or comments concerning this matter please feel free to contact me by email at sm8285@att.com.

Sincerely,

Sonya Merrill
Manager-Engineering Right-of-Way

Attachment:

CONSENT TO ENCROACHMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, JAMES R and LISA A. BONNETT (Hereinafter referred to as the "GRANTEE") are the OWNERS of the following described property in Harris County, Texas:

Being Lot 7, 27, 28 and Lot 29, Block 31, Revised Map of Tomball and Lot 24, Block 1, Armendariz Plaza, according to the Plat thereof Recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas.

WHEREAS, the above described property is subject to a 15' wide Alley (sometimes referred to herein as the "Easements") filed with the Clerk of Real Property Records of Harris County, Texas for utility purposes; and

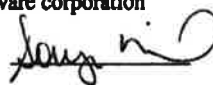
WHEREAS, the GRANTEE plans to construct and/or maintain or has constructed and/or maintains structures within or encroaching upon the area of this Alley and has requested that Southwestern Bell Telephone Company, give its consent to said encroachments.

NOW, THEREFORE, Southwestern Bell Telephone Company gives its consent to two gate encroachments within the 40' long x 15' wide Alley. The first gate will cross of a gate crossing the entire width of the 15' wide Alley, 21' southeast of South Pine Street Right-of-Way, located between Lot 7, Block 31 and Lot 24, Block 1 and the 2nd gate will cross the entire width of 15' wide Alley at the southeast corner of Lot 29, Block 31 and the northeast corner of Lot 24, Block 1, located between Lots 7, 27, 28 and Lot 29, Block 31, Revised Map of Tomball and Lot 24, Block 1, Armendariz Plaza, according to the Plat thereof Recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas. It will be necessary for you take all precautions to prevent damages to any SWBT facilities within the easement. It is understood that Southwestern Bell Telephone Company accepts no responsibility for damage to the encroachments both present and future, due to the existence of any facilities which may presently exist or those which may be placed within these easements. In addition, GRANTEE shall be liable for any additional costs incurred by SWBT during construction and/or maintenance of its facilities due to the existence of any encroachments within the herein referenced easements situated on the herein described property. GRANTEE shall also be liable for the expense for SWBT to adjust or relocate its facilities to accommodate GRANTEES's encroachment within the property.

HOWEVER, consent to these encroachments shall in no way restrict the use of the remainder of the Alley by Southwestern Bell Telephone Company.

EXECUTED this 10th day of April, 2017.

SOUTHWESTERN BELL TELEPHONE COMPANY,
a Delaware corporation

By: 

Name: Sonya Merrill

Title: Manager-Engineering

Hi Amanda,

This letter is in regards to our conversation on the phone, [Monday, March 27th](#), about the abandonment of the alleyway behind/alongside our homes in Tomball Texas.

The city of Tomball has offered to abandon the alley that runs between S. OAK ST. and S. PINE ST. There are no utilities that run in the alley, except for a sewer pipe the city owns. City of Tomball will maintain an easement for the length of it.

Our request:

The city of Tomball is asking for a "LETTER OF NO OBJECTION" from AT&T in order to proceed with the abandonment.

I've enclosed :

- .The survey of my property at [409 Florence St.](#),
- .The width and the length of the alley
- .The physical addresses all of the homes along the alleyway,
- .A Harris County appraisal District map showing the blocks with the alleyway.
- .There is no City Council motion letter yet, as a letter of no objections from the utilities has to come first.
- .A check for \$150 to AT&T

Please let me know if you need anymore information, and I'll try my best to get it.

Thank you so much,

Lisa Bonnett



March 15, 2017

**Ms. Lisa Bonnet
409 Florence Street
Tomball, TX 77375**

Re: Comcast "Consent to Abandon" the rear alley located between Pine Street to Oak Street behind 409 Florence Street to 401 Florence Street, Tomball Texas 77375.

To Whom It May Concern:

Please accept this letter as notification that Comcast of Houston LLC, herein referred to as Comcast has no objection to the abandonment of the fifteen foot alley from Pine Street to Oak Street behind 409 Florence Street to 401 Florence Street, Tomball, Texas 77375 as Comcast has no facilities within said alleyway.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Grey", with a long, sweeping horizontal stroke extending to the right.

**Chris Grey
Construction Supervisor, Design and Serviceability**

Abandonment of Alley Between
S. Oak Street and S.Pine Street
Tomball Tx

To whom it may concern at Centerpoint energy,
This is a request for the abandonment of the alleyway between S. Oak St. and S. Pine St. in Tomball Texas. The alleyway is only occupied by one sewer pipe owned by the city of Tomball.

The city of Tomball has agreed to abandon the alleyway, as long as there are no objections from the utilities. There are no utilities that use the 340 foot alleyway according to the city of Tomball.

I'm not sure, but I believe the tall pole on the 15' CITY ROAD EASEMENT is a light pole. It has a support wire that extends from it.

It does NOT have any overhead wires that run along the alleyway, or underground, according to the city of Tomball.

I do not know if it only served the purpose of providing electricity to 412 Pine at one time. In the picture, you will see a pole that once received electricity at 412 S.Pine, but there is no electric service to 412 Pine at this time.

We will NOT ever fence the pole or the support wire inside the fence. We would only fence beyond it providing accessibility to the pole at all times.

All other homeowners along the alley have encroached and fenced across the alley in years past and are "grandfathered in", making the entire alley non accessible. We only want to fence across, since we own both pieces of property, 409 Florence and 412 Pine, that are back to back, and we want to connect our properties. We have owned 412 Pine for about five years now and have never received the benefit of it because we have not been able to connect our properties. We will agree to leave an easement if needed, signing any agreements with Centerpoint if needed, with gates for accessibility to the alley at both ends even though there are no utilities that currently run through the alley.

I do not currently have any copies of any city motions or letters, as The city of Tomball has instructed me to obtain letters from the utilities first before proceeding with abandonment motions.

I am enclosing a photo of the pole, looking down the alley. The ugly fence to the left is the

one I want to replace and fence across beyond the support wire of the light pole, across to the right.

The documents I'm sending you are all I have as far as deeds or platts. If I need to send you anything else, I'm happy to do so.

We are flexible and willing to work with you in anyway we can to make this happen. I'm hoping to resolve this as soon as possible, thank you for your time,

Lisa Bonnett

281-682-4185 cell

281-351-5156 home



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

June 16, 2017

Mr. and Mrs. James R. Bonnett
409 Florence Street
Tomball, Texas 77375

Re: Street & Alley Closure at 409 Florence Street
RW File # 125685

Dear Mr. and Mrs. Bonnett:

The CITY OF TOMBALL has been asked to close and abandon a portion of a 15' Alley.

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

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

Sincerely,

A handwritten signature in blue ink that reads "LaWanda J. Grant". The signature is written in a cursive, flowing style.

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

Enclosures

ELECTRIC EASEMENT

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

STATE OF TEXAS }

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF HARRIS }

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

The fifteen (15) feet wide alley (to be vacated), out of the Revised Map of Tomball, an addition out of the William Hurd Survey, Abstract 371 in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25 of the Map Records of said County and State, the location of which is shown by the speckled area on Sketch No. 17-0421, attached hereto and made a part hereof.

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

An easement five (5) feet wide, for Grantee's guy easement purposes, the location of the centerline of which is shown by the dot dash symbol on said Sketch No. 17-0421.

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

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

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

Grantee shall not deny or obstruct ingress or egress to or from Grantor's Property, and Grantor retains all rights to cross the Easement Area for access, but not interfering with the utility purpose for which the Easement is granted. Grantor shall have the right to construct or locate in a near perpendicular fashion, utilities, drainage ditches, roadways, driveways, across, but not along or solely along, within or under the Easement Area herein

granted. Grantor assumes all responsibility for the cost of constructing, paving and maintaining said roadways or driveways within easement crossing areas. In the event that Grantor constructs, or causes to be constructed, any utilities, drainage, ditches, roadways, and/or driveways which results in the relocation of Grantee's Facilities, the Grantor will be responsible for all costs associated with the relocation and/or removal of Grantee's Facilities. Grantor is prohibited from using the Easement Area for stockpile, spoil, water retention or detention, or lay down areas.

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

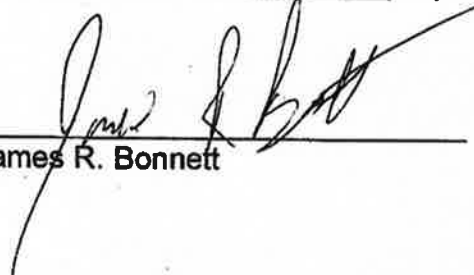
TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, forever, and Grantor does hereby bind itself and its successors, heirs, assigns, and legal representatives, to fully warrant and forever defend all and singular the above described Easement and rights unto said Grantee, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not

otherwise. In the event of a deficiency in title or actions taken by others which results in the relocation of Grantee's Facilities, the Grantor herein, its successors and assigns, will be responsible for all costs associated with the relocation and/or removal of Grantee's Facilities.

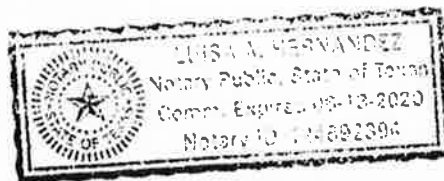
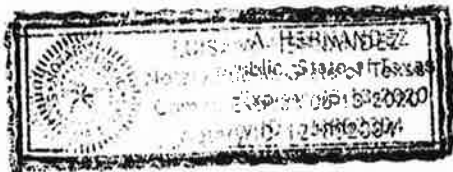
The terms, conditions and provisions contained herein constitute the complete and final agreement between Grantor and Grantee, (collectively the "Parties") with respect to the subject matter hereof and supersedes all prior agreements, representations and understandings of the Parties and, by Grantor's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

EXECUTED this 12 day of JUNE, 2017.

BY:


James R. Bonnett


Lisa Ann Bonnett

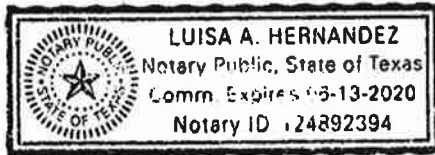


STATE OF TEXAS }

COUNTY OF HARRIS }

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared James R. Bonnett, and wife, Lisa Ann Bonnett known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that ()he executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

Given under my hand and seal of office this 12 day of JUNE, 2017.



Luisa Hernandez
Notary's Signature

Luisa A Hernandez
Name typed or printed

13 JUNE 2020
Commission Expires

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

**WILLIAM HURD SURVEY
A-371**

**REVISED MAP OF
TOMBALL**

Volume 4, Page 25 M.R.

Block 31

**JAMES R. BONNETT
and wife, LISA ANN
BONNETT**

C.F. R547266
F.C. 505-10-1119

BOUNDARY LINE
AFTER ALLEY IS
VACATED

**JAMES R. BONNETT
and spouse, LISA A.
BONNETT**

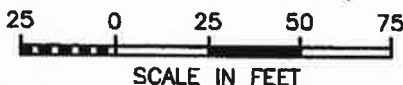
C.F. 20110213374
F.C. 024-02-0978
Lot 24, Block 1

5' Easement
N 62°35'30" E - 19.69

**ARMENDARIZ
PLACE
SUBDIVISION**

Lot 24, Block 1

Bearing Basis:
Texas Coordinate System of
1983, South Central Zone
(TXSC Zone 4204); NAD 83



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

REV.1: JOB NO.	BY:	DATE:	REV.2: JOB NO.	BY:	DATE:
EASEMENT - UNOBSTRUCTED			CenterPoint Energy		
COUNTY: HARRIS			SURVEYING & RIGHT OF WAY		
SURVEY DATE: 5-24-2017			P.O. Box 1700 Houston, TX 77251-1700		
SCALE: 1" = 50'			713-207-2222		
FILE NO. - BOOK: 2017			Firm Number: 10027400		
LAST PLOT DATE: 6-02-2017			SKETCH NO. 17-0421		
DRAWN BY: JJC			Page 23 of 28		
MAP NO: 4771D					
JOB NO: 125685A					
CHECKED BY: RDP					

RP-2017-268292

Pages 7

06/16/2017 11:36 AM

e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY

STAN STANART

COUNTY CLERK

Fees \$36.00

RECORDERS MEMORANDUM

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

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

THE STATE OF TEXAS
COUNTY OF HARRIS

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



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS

DEDICATION OF EASEMENT
(PUBLIC UTILITY PURPOSES)

THE STATE OF TEXAS

§

§

COUNTY OF HARRIS

§

KNOW ALL MEN BY THESE PRESENTS:

Lisa and James Bonnett, hereinafter

referred to as "Grantor," for and in consideration of the growth, the requirements, and the benefits to accrue to the parties and the citizens of the City of Tomball, Texas, and the receipt and sufficiency of such consideration being hereby acknowledged, HAS DEDICATED, GIVEN, GRANTED, AND CONVEYED and by these presents DOES HEREBY DEDICATE, GIVE, GRANT, AND CONVEY, unto the City of Tomball, Texas, hereinafter referred to as "Grantee," its successors, assigns, and legal representatives, an exclusive and perpetual easement for public utility purposes, including the right to construct, operate, maintain, inspect, replace, and remove said public utilities, along, across, over, and under that certain tract or parcel of land in Harris County, Texas, described by metes and bounds in *Exhibit 'A'* attached hereto, and described by survey plat in *Exhibit 'B'* attached hereto, both Exhibits being incorporated herein by this reference for all purposes.

The Grantee may do and perform all acts necessary to construct, operate, maintain, inspect, replace, and remove said public utilities along, across, over, and under said easement, and operate thereon all necessary machinery and equipment, and Grantee shall have the right to cut, trim, and remove trees, brush, or shrubbery, or weeds, or to remove improvements which may encroach upon, burden, or interfere with the easement herein granted. Grantor retains, reserves, and shall continue to enjoy the use of the surface of the easement area for any and all purposes which do not interfere with or prevent the use by Grantee of the easement, rights, and

privileges granted herein, subject to all applicable laws and regulations of the State of Texas or its political subdivisions, including Grantee.

The easement and the rights and privileges herein granted shall be perpetual and exclusive, and Grantor covenants that Grantor will not convey any other easement, or any other right, within or conflicting with the area of the easement herein granted. This instrument shall be binding upon the successors, assigns, legal representatives, heirs, executors, and administrators of both the Grantor and the Grantee.

TO HAVE AND TO HOLD the above described easement unto the said Grantee, its successors, assigns, and legal representatives, and Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors, and assigns to Grantee and its successors, assigns, and legal representatives, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 6th day of December, 2017
GRANTOR: Lisa Bonnett and James Bonnett
 By: [Signature]
 By: [Signature]
 Printed Name: Lisa Bonnett and James Bonnett

GRANTEE: CITY OF TOMBALL
 By: _____
 Printed Name: _____
 Its: _____

ADDRESS OF GRANTEE:
 The City of Tomball
 401 Market Street
 Tomball, Texas 77375

Attachments: Exhibit "A" – Utility Easement, Metes and Bounds Description
 Exhibit "B" – Utility Easement, Survey Plat

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Lisa and Rusty Bonnett, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the owners (Title) for 409 Florence St. Tomball TX, and for the purposes and consideration therein expressed.

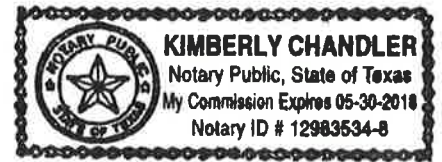
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 7th day of December, 2017.

Kimberly Chandler

Notary Public in and for the

State of Texas

My Commission Expires:



ACKNOWLEDGEMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the City Manager for the City of Tomball, and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ____ day of _____, 20____.

Notary Public in and for the

State of Texas

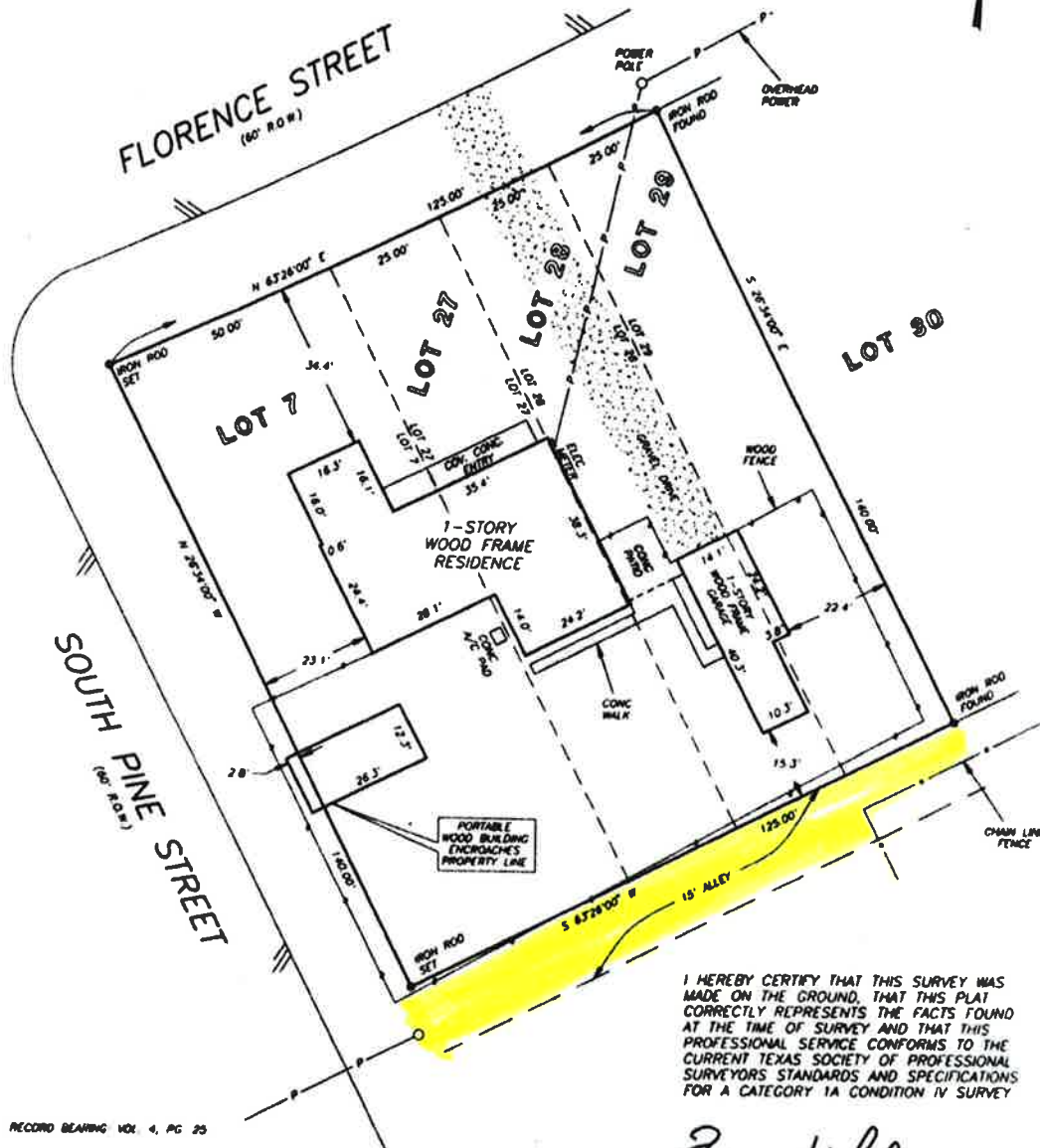
My Commission Expires:

BORROWER: LISA ANN BONNETT AND HUSBAND,
JAMES R. BONNETT, BY HIS ATTORNEY-IN-FACT,
LISA ANN BONNETT

LOTS 7, 27 28 & 29, BLOCK 31
REVISED MAP OF TOMBALL

ACCORDING TO THE PLAT THEREOF RECORDED
IN VOLUME 4, PAGE 25 OF THE MAP RECORDS
OF HARRIS COUNTY, TEXAS

SCALE 1" = 50'



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAN CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION IV SURVEY.

RECORD BEATING VOL 4, PG 23

THIS PROPERTY DOES NOT LIE WITHIN THE
100 YEAR FLOOD PLAIN AS ESTABLISHED
BY THE U.S. DEPT. OF HOUSING & URBAN
DEVELOPMENT.
COMMUNITY/PANEL NO. 48201C 0040 G
MAP REVISION: 9/28/90
ZONE X

BARRY WHITE
PROFESSIONAL LAND SURVEYOR
NO. 4189
DRAWING NO. 95-1352
AUGUST 9, 1995

