

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



TUESDAY, SEPTEMBER 8, 2015

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Tuesday, September 8, 2015 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 Senior Police Chaplin, Tomball Police Department, Gary Crowe

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council

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

- **September 14, 2015** – Public Hearing on the proposed tax increase – 5:00 p.m.
- September 12, 2015 – **2nd Saturday at the Depot**
- **September 21, 2015** – Public Hearing on the proposed tax increase – 6:00 p.m.
- September 26, 2015 – **5th Annual Bugs, Brew & Barbeque Festival** – 12:00 Noon-6:00 p.m.
- October 10, 2015 – ***Sherine's Stride 5K Run***
- October 10, 2015 – ***"Zomball in Tomball"***
- October 24, 2015 – **4th Annual Tomball Bluegrass Festival** – 12:00 Noon-6:00 p.m.
- ***Walk Tomball!*** – Every Saturday at **8:00 a.m.** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Mike Baxter – Report on **Tomball Texas Music Festival**
 - Billy Tidwell – Body Camera Presentation
 - Craig Meyers – **Planning Excellence Award by the Texas Chapter of the American Planning Association**
 - Robert Hauck – the Finance Department has been awarded the **Platinum Leadership Award** through the State Comptroller's Office for financial transparency for the fourth year

6.0 Approve the Minutes of the August 17, 2015 Regular City Council Meeting

7.0 Old Business:

- 7.1 Approve, on Second Reading, Resolution No. 2015-17-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 Clarus Tomball Investments Ltd., to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a Marriott Residence Inn Hotel to be located at 14303 Medical Complex Drive, Tomball, Texas. The estimated amount of expenditures for such Project is \$437,250.00.
- 7.2 Adopt, on Second Reading, Ordinance No. 2015-15, an Ordinance of the City of Tomball, Texas Waiving the Assessment and Collection of Impact Fees for Water and Wastewater Utilities for the Development of Non-Residential Properties Adjacent to FM 2920 (Main Street) Between State Highway 249 Business and North Willow Street Until March 2, 2017; and Providing for Severability
- 7.3 Adopt, on Second Reading, Ordinance No. 2015-16, an Ordinance of The City of Tomball, Texas, Amending Chapter 50 (Zoning) of The Code of Ordinances by Amending Section 50-2 ("Definitions") By Creating a Definition For

“Masonry;” by Amending Section 50-33 (“Board Of Adjustments”) by Authorizing The Board of Adjustments to Hear and Decide Upon Special Exceptions for Building Façade Requirements; and by Amending Section 50-62 (“Reserved”) By Creating An Exterior Building Material/Façade Overlay District And Associated Regulations Effecting Properties Along Fm 2920, Sh 249 And Sh Business 249; 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.

- 7.4 Adopt, on Second Reading, Ordinance No. 2015-17, 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 .4186 Acres of Land, Legally Described as Tract 2a, Abstract 629, Joseph Pruitt Survey, Within the City of Tomball, Harris County, Texas, From The Single-Family Residential-6 District to the Planned Development District; Said Property Being Generally Located East of South Chestnut Street, North of Chestnut Business Park Drive; 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.

8.0 New Business:

- 8.1 Approve Request by Tomball Pregnancy Center for In-Kind Services from the City Police, Fire, Public Works and NWEMS Departments, and to Waive Associated Fees for the 3rd Annual New Life 5K & Kid’s Walk, to be held on September 19, 2015
- 8.2 Ratify the FY 2015-2016 Budget and Find that the Proposed Tax Rate of \$.341455/\$100 Exceeds the Effective Tax Rate and Will Generate More Property Tax Revenue than the FY 2014-2015 Budget.
- 8.3 Set the Dates for the Vote on the Proposed 2015 Tax Rate and Announce that Voting on the Proposed 2015 Tax Rate will be held at a Special Council Meeting on September 28, 2015 and at a Regular Council Meeting on October 5, 2015 at 6:00 p.m.
- 8.4 Approve the following plats as recommended by the Planning and Zoning Commission:
- **NABORS PARKWAY**: Being 1.7950 Acres of Land in the Sam Lewis Survey, Abstract No. 1704, in the City of Tomball, Harris County, Texas.
 - **Replat of 520 W. Main Street**: A Subdivision of 0.4821 acre composed of Lot 6, 7, and 8 of Block 42 of the Tomball Township as Recorded in Volume 2, Page 36 of the Harris County Map Records and located in the John House Survey, A-34 and the William Hurd Survey, A-371 City of Tomball, Harris County, Texas.

- **WILLOWCREEK RANCH EQUESTRIAN RESERVES:** Being a Subdivision of 19.9242 acres in the William Biggio Survey, Cert. No. M-22954 and the M.B. Jones & G.M. Cone Survey, Cert. No. M-22952 in Harris County, Texas.
- **MOH DALI DEVELOPMENT:** A Subdivision of 5.7965 acres situated in the Jesse Pruitt Survey, A-629 being a replat of Lot 1, Block 1 of Huffsmith-2978 as recorded under Film Code No. 620122 Map Records of Harris County Harris County, Texas.

9.0 Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 3rd day of September 2015 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: September 8, 2015

Topic:

- Led by Senior Police Chaplin, Tomball Police Department, Gary Crowe

Background:

Origination:

Council

Recommendation:

N/A

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council
Agenda Item
Data Sheet

Meeting Date: September 8, 2015

Topic:

- Led by Members of the Tomball High School Student Council

Background:

Origination:

Recommendation:

Funding:

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

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council Agenda Item Data Sheet

Meeting Date: September 8, 2015

Topic:

- **September 14, 2015** – Public Hearing on the proposed tax increase – 5:00 p.m.
- September 12, 2015 – **2nd Saturday at the Depot**
- **September 21, 2015** – Public Hearing on the proposed tax increase – 6:00 p.m.
- September 26, 2015 – **5th Annual Bugs, Brew & Barbeque Festival** – 12:00 Noon-6:00 p.m.
- October 10, 2015 – **Sherine's Stride 5K Run**
- October 10, 2015 – **"Zomball in Tomball"**
- October 24, 2015 – **4th Annual Tomball Bluegrass Festival** – 12:00 Noon-6:00 p.m.
- **Walk Tomball!** – Every Saturday at **8:00 a.m.** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Mike Baxter – Report on **Tomball Texas Music Festival**
 - Billy Tidwell – Body Camera Presentation
 - Craig Meyers – **Planning Excellence Award by the Texas Chapter of the American Planning Association**
 - Robert Hauck – the Finance Department has been awarded the **Platinum Leadership Award** through the State Comptroller's Office for financial transparency for the fourth year

Background:

Origination:

Various

Recommendation:

N/A

Funding:

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

City Secretary

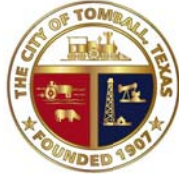
ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Notice of Public Hearings

Sherine's Stride 5K Run

**NOTICE OF PUBLIC HEARINGS
ON TAX INCREASE
CITY OF TOMBALL, TEXAS**



**MONDAY, SEPTEMBER 14, 2015
5:00 P.M.
and
MONDAY, SEPTEMBER 21, 2015
6:00 P.M.**

**Public Hearing on Tax Revenue Increase for Proposed 2015 Tax Rate
of \$0.341455/\$100 Assessed Value for the City of Tomball, Texas.**

The City of Tomball will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 5.533 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

The first public hearing will be held on Monday, September 14, 2015
at 5:00 p.m., at City Hall, 401 Market Street.

The second public hearing will be held on Monday, September 21, 2015
at 6:00 p.m., at City Hall, 401 Market Street.

The members of the governing body voted on the proposal to consider the tax increase as follows:

FOR: Councilmembers Hudgens, Stoll, Degges, Townsend, and Klein Quinn
AGAINST: None
PRESENT and not voting: None
ABSENT: None

The average taxable value of a residence homestead in Tomball, Texas last year was \$ 138,484. Based on last year's tax rate of \$0.341455 per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$ 472.86

The average taxable value of a residence homestead in Tomball, Texas this year is \$155,839. If the governing body adopts the effective tax rate for this year of \$0.323550 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$ 504.22.

If the governing body adopts the proposed tax rate of \$0.341455 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$ 532.12.

Members of the public are encouraged to attend the hearings and express their views regarding the above-proposed 2015 Tax Rate for the City of Tomball, Texas.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 3rd day of September 2015 by 4:00 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/CMC

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please 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.



Saturday, October 10, 2015

5K Run/Walk at 8:00 A.M. - 1 Mile Run/Walk at 9:00 A.M. | Call 281-351-5484

Location

The Historic Tomball Train Depot Plaza located at 201 S. Elm St.

About This Event

Sherine's Stride was designed to raise awareness of breast cancer and bring families, friends and guests together for support. Sherine Amanollahi was a Tomball Police dispatcher who lost her fight against breast cancer in 2012 at the age of 30.

The Course

USATF-certified 5K course. Flat, major tree-lined streets. No wheels (except wheelchairs) & no pets, please! Baby joggers and carriages OK for 1 MILE WALK ONLY. The 5K race will be professionally managed and utilize timing bib chips.

Awards

Prizes will be awarded to the top three finishers in each age category for the 5K Run. All kids (10 and under) participating in the 1 mile walk will receive a commemorative keepsake.

Packet Pick-up

October 8th and 9th from 5:00 PM – 7:00 PM at the City "Events" Offices – 105 S. Cherry.
Race Day Pick-up & Registration: 7:00 AM – 7:30 AM at the Depot (No t-shirt guarantee)

Registration

- Register online at www.racesonline.com or www.tomballtx.gov by Oct. 2nd.
- Register in person at Tomball City Hall—401 Market Street, Tomball, TX
- To mail or fax registrations, download forms at www.tomballtx.gov and submit to: City of Tomball, Attn: Lisa Coe, 401 Market St., Tomball, TX 77375.
Fax 281-290-1088 or Email lcoe@tomballtx.gov

Event Fees*		
Category	On or Before 9/25/2015	After 9/25/2015
5K Run/Walk	\$25	\$30
1 Mile Run/Walk 11 yrs +	\$20	\$25
1 Mile Run/Walk 10 & under	\$15	\$20

*20% discount on groups of five (5) or more registering at the same time. Discount not available online.

Saturday, October 10, 2015
8:00 A.M. – 5K Run/Walk
9:00 A.M. – 1Mile Run/Walk
Historic Tomball Depot
281-351-5484

Registration Form

****One registration form per participant****

Category: ☐ 5K Run/Walk ☐ 1 Mile Run/Walk ADULT ☐ 1 Mile Run/Walk YOUTH

First Name: _____ Last Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: (____) _____

Birth Date: ____/____/____ Age on Run Date: _____ Gender: ☐ F ☐ M

Email Address: _____

Shirt Size: ☐ YS ☐ YM ☐ YL | ☐ S ☐ M ☐ L ☐ XL ☐ XXL ☐ XXXL

Are you participating in honor of or in memory of someone: ☐ Y ☐ N

In Honor of: _____ (please print)

In Memory of: _____ (please print)

Are you a Breast Cancer Survivor: ☐ Y ☐ N TEAM NAME: _____

For Credit Card Payments

Name on Card: _____ Type: ☐ Visa ☐ MasterCard

Card Number: _____ Exp. Date: _____ 3 Digit Sec. Code: _____

Emergency Contact: _____ Phone: (____) _____

Emergency Contact: _____ Phone: (____) _____

Waiver and Release: In consideration of the acceptance of this registration entry, I, the undersigned, assume full & complete responsibility for any injury or accident which may occur during my participation in this race, or while I am on the premises of this event and I hereby release and hold harmless the sponsors, officials and all other persons and entities associated with this event from any and all injury, damages or illness which may directly or indirectly result from participation in this race. I further state that I am in proper physical condition to participate.

Signature of Participant

Date

Signature of Parent/Guardian if Participant is Minor

Date

Event Fees		
Category	On or Before 9/25/2015	After 9/25/2015
5K Run/Walk	\$25	\$30
1 Mile Run/Walk 11 yrs +	\$20	\$25
1 Mile Run/Walk 10 & under	\$15	\$20

Your privacy will be respected and no information will be shared with third parties.

Regular City Council Agenda Item Data Sheet

Meeting Date: September 8, 2015

Topic:

Approve the Minutes of the August 17, 2015 Regular City Council Meeting

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Draft Minutes - August 17, 2015 Regular City Council Meeting

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



MONDAY, AUGUST 17, 2015

6:00 P.M.

1.0 Call to Order

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

Councilman Hudgens
Councilman Stoll
Councilman Degges
Councilman Klein Quinn
Councilman Townsend

Others present:

City Manager – George Shackelford
Assistant City Manager – Robert Hauck
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Billy Tidwell
Marketing Director – Mike Baxter
HR Director – Lisa Coe
Finance Director – Glenn Windsor
Public Works Director – David Esquivel
Director of Community Development – Craig Meyers
City Engineer – Lori Lakatos
City Planner – Harold Ellis
Fire Marshal – Doug Sanguedolce
Building Official – Ken Cole
Community Center Director – Rosalie Dillon
Detective – Kenneth Yoho
Executive Director-TEDC – Kelly Violette

2.0 The invocation was led by Senior Pastor Christopher Hull, Zion Lutheran Church.

3.0 The pledges to U. S. and Texas Flags were led by Billy Tidwell and Robert Hauck.

4.0 The following public comment was received:

Mr. Barik - Expressed his concern regarding his water meter
27910 SH 249, 77375 and the City's billing system.

5.0 Reports and Announcements:

Jason Schultz, Director of Large Business, TXU Energy, presented a rebate check in the amount of \$30,000 to the City of Tomball, representing energy savings realized through energy efficiency measures utilized by the City.

- **Tomball City Pool – 2015 Swim Season - Jerry Matheson Park Pool** will close on September 7, 2015. The pool will be closed every Monday during swim season 2015 except Labor Day. June 9-August 23, 2015 will be regular weekly days and hours. August 29-September 7, 2015, the pool will open weekends only.
- August 22, 2015 – **Unveiling of the Ken Walden, Station Agent Statue** at the Depot – Saturday at 11:00 a.m.
- August 25, 2015 – **Mayor's Coffee** at Cisco's Salsa Company, Sol de Luna, 207 Commerce, 5:30 p.m.
- August 29, 2015 – **Texas Music Festival** – 12:00 Noon-6:00 p.m.
- September 12, 2015 – **2nd Saturday at the Depot**
- September 26, 2015 – **5th Annual Bugs, Brew & Barbeque Festival** – 12:00 Noon-6:00 p.m.
- October 10, 2015 – ***Sherine's Stride 5K Run***
- October 10, 2015 – ***"Zomball in Tomball"***
- October 24, 2015 – ***4th Annual Tomball Bluegrass Festival*** – 12:00 Noon-6:00 p.m.
- ***Walk Tomball!*** – Every Saturday at **8:00 a.m.** at the Depot
- Reports by City staff and members of Council about items of community interest on which no action will be taken:
 - Mike Baxter presented a report regarding the **Texas Festivals and Events Association Awards**. The City of Tomball has scored nine first place awards for its marketing and festivals program from the Texas Festivals & Events Association during the TFEA's recent conference held in Houston, with a clean sweep in the Best Event Photography and Best Radio categories as the City won first, second and third places. In addition to the nine first place honors, Tomball also took multiple second and third place awards, as well. Depot Station Agent Ken Walden was posthumously awarded Volunteer of the Year by the Texas Festivals & Events Association for his years of work at the Depot and the City's many festivals and special events. Walden's sister, Karen Perkovich, accepted on his behalf and plans to display the award inside the Depot. Mike

Baxter, marketing director for the City of Tomball, was also honored by the organization with a Lifetime Achievement Award and inducted into the Texas Festivals & Events Association's Hall of Honor. Baxter is now serving a second term on the TFEA Board of Directors. Since joining the TFEA in 2012, the City of Tomball has won a total of 33 first place awards for its festivals and marketing programs.

- Mayor Fagan advised that public input regarding the City's grant application to H-GAC will be accepted until August 25, 2015, regarding Main Street/FM 2920.

- 6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the August 3, 2015 Regular City Council Meeting.

Motion carried unanimously.

- 7.0 Old Business:

- 7.1 Motion was made by Councilman Hudgens, second by Councilman Stoll, to adopt, on Second Reading, Ordinance No. 2015-14, an Ordinance of the City Council of the City of Tomball, Texas, Adopting the Budget for the City of Tomball, Texas, for Fiscal Year 2015-2016; and Authorizing the City Manager to Approve Intra-Departmental (Within the Same Department Only) Transfers of Budgeted Funds; and Amending the Budget for the 2014-2015 Fiscal Year in Accordance with Actual Expenditures; and Providing other Details Relating to the Passage of This Ordinance.

Councilman Stoll advised that he would abstain from discussion regarding the Zion Road sidewalks and requested Council consensus before participating in the vote on Ordinance No. 2015-14. Consensus of remaining Council was unanimous. Vote was as follows:

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

Motion carried unanimously.

- 8.0 New Business:

- 8.1 The City Council received the Receipt of Report from Tomball Regional Health Foundation by Lynn LeBouef and Jack Smith.

No action taken.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to reappoint Latrell Shannon and Rick Pritchett to their respective positions as members of the Tomball Regional Health Foundation; new terms will expire September 1, 2017.

Motion carried unanimously.

- 8.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Tomball Economic Development Corporation (TEDC) Fiscal Year 2015-2016 Budget.

Motion carried unanimously.

- 8.4 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve, on First Reading, Resolution No. 2015-17-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 Clarus Tomball Investments Ltd., to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a Marriott Residence Inn Hotel to be located at 14303 Medical Complex Drive, Tomball, Texas. The estimated amount of expenditures for such Project is \$437,250.00. Vote was as follows:

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

Motion carried unanimously.

- 8.5 Motion was made by Councilman Townsend, second by Councilman Hudgens, to read Ordinance No. 2015-15 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Hudgens, to adopt, on First Reading, Ordinance No. 2015-15, an Ordinance of the City of Tomball, Texas Waiving the Assessment and Collection of Impact Fees for Water and Wastewater Utilities for the Development of Non-Residential Properties Adjacent to FM 2920 (Main Street) Between State Highway 249 Business and North Willow Street Until March 2, 2017; and Providing for Severability. Vote

was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

- 8.6 Consideration to approve **ZONING CASE P15-008**: Request by Dan Schaub, on behalf of Albers Properties, L.P., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .4186 acres of land, legally described as Tract 2A, Abstract 629, Joseph Pruitt Survey, within the City of Tomball, Harris County, Texas, generally located east of South Chestnut Street, north of Chestnut Business Park Drive, from the Single-Family 6 (SF6) District to the Planned Development District.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-008** at 7:14 p.m.

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

- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to read Ordinance No. 2015-17 by caption only on first reading.

Motion carried unanimously.

- Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to adopt, on First Reading, Ordinance No. 2015-17, 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 .4186 Acres of Land, Legally Described as Tract 2a, Abstract 629, Joseph Pruitt Survey, Within the City of Tomball, Harris County, Texas, From The Single-Family Residential-6 District to the Planned Development District; Said Property Being Generally Located East of South Chestnut Street, North of Chestnut Business Park Drive; Providing For The Amendment Of The Official Zoning Map Of The City; Providing For Severability; Providing For A Penalty Of An Amount Not To Exceed \$2,000 For Each Day Of Violation Of Any Provision Hereof, Making Findings Of Fact; And Providing For Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

- 8.7 Consideration to approve **ZONING CASE P15-071**: Request by the City of Tomball to amend Section 50-2 (“Definitions”) of the Code of Ordinances by creating a definition for “masonry;” to amend Section 50-33 (“Board of Adjustments”) of the Code of Ordinances by authorizing the Board of Adjustments to hear and decide upon special exceptions for building façade requirements; to amend Section 50-62 (“Reserved”) of the Code of Ordinances by creating an Exterior Building Material/Façade Overlay District and associated regulations effecting properties along FM 2920, SH 249 and SH Business 249.

- Mayor Fagan opened the Public Hearing on **ZONING CASE P15-071** at 7:34 p.m.

Receiving no public comments, Mayor Fagan closed the Public Hearing at 7:34 p.m.

- Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2015-16 by caption only on first reading.

Motion carried unanimously.

- Motion was made by Councilman Klein Quinn, second by Councilman Stoll, to adopt, on First Reading, Ordinance No. 2015-16, an Ordinance of The City of Tomball, Texas, Amending Chapter 50 (Zoning) of The Code of Ordinances by Amending Section 50-2 (“Definitions”) By Creating a Definition For “Masonry;” by Amending Section 50-33 (“Board Of Adjustments”) by Authorizing The Board of Adjustments to Hear and Decide Upon Special Exceptions for Building Façade Requirements; and by Amending Section 50-62 (“Reserved”) By Creating An Exterior Building Material/Façade Overlay District And Associated Regulations Effecting Properties Along FM 2920, SH 249 and SH Business 249; Providing For Severability; Providing For A Penalty of an Amount Not To Exceed \$2,000 For Each Day of Violation of Any Provision Hereof, Making Findings of Fact; And Providing For Other Related Matters. Vote was as follows:

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

Motion carried unanimously.

- 8.8 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve the following plats as recommended by the Planning and Zoning Commission:

- **BVW Main Street – Tomball:** A Subdivision of 0.6322 acres out of Lots 1, 2, 3, and 14, Block 7 Main Street Addition, Volume 15, Page 43 HCMR Joseph House Survey, A-34 Tomball, Harris County, Texas.
- **KCS Subdivision:** Being a Subdivision of 7.3681 acres of land in the John M. Hooper Survey, Abstract Number 375, of Harris County, Texas, and being out of and part of a called 8.489 acres as described in deed recorded in Clerk's File Number S026291 of the Real Property Records of Harris County, Texas
- **Asgard Replat:** A replat of Lots 37 and 38 into New Lot 38 in Block 42 of Revised Map of Tomball, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25, of the Map Records of Harris County, Texas. Said Block 86 lying in the Ralph Hubbard Survey (A-383).

Motion carried unanimously.

- 8.8 Motion was made by Councilman Townsend, second by Councilman Degges, to approve the Purchase of Five (5) Automated License Plate Readers to be Placed in New Patrol Cars, in the Amount of \$72,026.25.

Motion carried unanimously.

- 8.10 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Renewal of Medical Insurance Contract with Blue Cross Blue Shield.

Motion carried unanimously.

- 8.11 Motion was made by Councilman Stoll, second by Councilman Townsend, to approve the Amendment to the Current Delinquent Tax Collection Contract with the Law Firm, Perdue, Brandon, Fielder, Collins, and Mott, LLP, to include the Collection of Delinquent Assessments from the City's Existing Public Improvement Districts (PIDs) and any Future Public Improvement Districts.

Motion carried unanimously.

- 8.12 Motion was made by Councilman Stoll, second by Councilman Klein Quinn, to award the Contract for Proposal No. 2015-08R – Vendor to Sell Beer and Wine at City Festivals to The Empty Glass Wine Bar – Tomball.

Motion carried unanimously.

- 8.13 Motion was made by Councilman Townsend, second by Councilman Degges, to approve the Purchase of a Track Excavator from Mustang CAT in the Amount of \$175,707.17 Utilizing the Buy Board Cooperative Purchasing Contract. Councilman Stoll advised that he would refrain from discussion and vote on this item and that he had filed a Conflict of Interest affidavit with the City Secretary prior to the meeting.

Motion carried unanimously, with 1 abstention.

- 8.14 Motion was made by Councilman Townsend, second by Councilman Klein Quinn, to set September 14, 2015 and September 21, 2015 as the dates for the required Public Hearings on the Proposed 2015 Tax Rate.

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 8th day of September 2015.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: September 8, 2015

Data Sheet

Topic:

Approve, on Second Reading, Resolution No. 2015-17-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 Clarus Tomball Investments Ltd., to make direct incentives to, or expenditures for, assistance with infrastructure costs for the promotion of new or expanded business enterprise related to the construction of a Marriott Residence Inn Hotel to be located at 14303 Medical Complex Drive, Tomball, Texas. The estimated amount of expenditures for such Project is \$437,250.00.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project" of the Corporation. At its regular meeting on August 4, 2015, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with Clarus Tomball Investments Ltd. for assistance with infrastructure costs related to the development of a proposed four-story, 103 room Marriott Residence Inn Hotel to be located at 14303 Medical Complex Drive, Tomball, TX 77377. The Tomball City Council has final approval authority over all projects and agreements of the TEDC.

Origination:

Vishal Mody, President, Clarus Tomball Investments Ltd.

Recommendation:

Approval of Resolution No. 2015-17-TEDC on first reading

Funding: Yes

Account Number: Project Grants

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Resolution No. 2017-15-TEDC

TEDC Memo

Request Letter
Project Exhibits
Economic Impact Analysis
Draft Performance Agreement

RESOLUTION NO. 2015-17-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 CLARUS TOMBALL INVESTMENTS LTD. TO PROMOTE AND DEVELOP A NEW OR EXPANDED BUSINESS ENTERPRISE; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the Tomball Economic Development Corporation (the "TEDC"), created pursuant to the Development Corporation Act, now Chapter 501 of the Texas Local Government Code, as amended (the "Act"), desires to adopt projects and provide incentives for economic development within the City; and

WHEREAS, the Board of Directors of the TEDC has adopted, as a specific project, the expenditure of the estimated amount of Four Hundred Thirty-Seven Thousand Two Hundred and Fifty Dollars (\$437,250.00) to fund the construction of approved infrastructure related to the development of certain property for a proposed Marriott Residence Inn Hotel at 14303 Medical Complex Drive, Tomball, TX 77375; and

WHEREAS, pursuant to the Act, the TEDC may not undertake such project without the approval of Tomball City Council; and

WHEREAS, City Council finds and determines that such project promotes new or expanded business development and is in the best interests of the citizenry; now, therefore,

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

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

Section 2. The City Council hereby authorizes and approves the adoption, by the Board of Directors of the Tomball Economic Development Corporation, as a specific project for the economic development of the City, an expenditure of the estimated amount of Four Hundred Thirty-Seven Thousand Two Hundred and Fifty Dollars (\$437,250.00) in accordance with an economic development agreement by and between the TEDC and Clarus Tomball Investments Ltd., to promote and develop a new or expanded business enterprise, namely the construction of a Marriott Residence Inn Hotel to be located at 14303 Medical Complex Drive, Tomball, TX 77375;

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

PASSED AND APPROVED on first reading this 17th day of August 2015.

PASSED, APPROVED, AND RESOLVED on second and final reading this 8th day of September 2015.

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary



TO: Honorable Mayor and City Council

FROM: Kelly Violette
Executive Director

MEETING DATE: August 17, 2015

SUBJECT: Clarus Tomball Investments Ltd.
Marriott Residence Inn Hotel

The Tomball Economic Development Corporation has received a request from Vishal Mody, President of Clarus Tomball Investments Ltd., for assistance with infrastructure costs related to the development of a proposed four-story 103 room Marriott Residence Inn Hotel to be located at 14303 Medical Complex Drive, Tomball, TX 77377. The proposed 75,000 square foot facility will be constructed on approximately 2.2035 acres of land located on the southwest corner of Hwy 249 (Tomball Tollway) and Medical Complex Drive. Residence Inn is an upscale extended stay hotel that specifically caters to business travelers staying five nights or more and families that need more than just a hotel room.

The project will bring 24 full time jobs and 4-5 part time positions to the community. The estimated value of the property and improvements is \$9,000,000.

Mr. Mody is requesting grant funding assistance with infrastructure costs that are necessary to develop this project. The eligible infrastructure improvements include water, sewer and gas extensions, drainage facilities, and related site improvements totaling approximately \$1,749,000. In his submittal application, Mr. Mody indicates that the infrastructure costs necessary to develop this project are significantly higher than other similar projects due to the limited utilities and development in the immediate vicinity.

The existing water line terminates at the northwest corner of SH 249 and Medical Complex Drive and will need to be bored under Medical Complex Drive to bring water to the south side of the street. Additionally, the line is required to be upsized from an 8" to a 12" line. The water, sanitary sewer, and electric lines will each need to be extended approximately 1,000 feet to service the length of site and then additional extensions

within the property to service the building. However, the majority of the cost is due to the detention pond and drainage infrastructure that will not only serve this project site but also the adjacent lots. The estimated cost for the detention pond and pipe is \$870,000.

Due to the limited infrastructure along this stretch of SH 249 this project will bear the bulk of the development costs; however it will bring utilities and drainage infrastructure to an underserved area thereby opening additional land for future development.

Although this project does not create primary jobs, it does promote the development and expansion of business enterprise, which is considered a permissible project as outlined in Texas Economic Development Legislation. If this project is approved, it will go to the Tomball City Council for final approval by resolution at two separate readings.

An economic impact analysis is included with the agreement to show the impact of this project on Tomball's economy. Per the analysis, the 5-year net benefit of this project on Tomball's economy is \$4,476,974.

If the agreement between the TEDC and Clarus Tomball Investments Ltd. is approved as a Project of the Corporation, the grant funding amount will not exceed \$437,250, based on 25% of the actual expenditures for the approved infrastructure improvements.



16618 Seminole Ridge Drive
Cypress, Texas 77433

May 18, 2015

Dear Tomball Economic Development Board,

An affiliate of Clarus Hotels Inc, Clarus Tomball Investments Ltd, has the intention of building a 103 room Marriott Residence Inn in Tomball. We feel Tomball is a terrific, growing community and is in the need of a world class lodging destination for both the corporate and leisure traveller. The facility will have features that no hotel in Tomball currently has including full kitchens in all rooms, a large workout room, meeting space, outdoor pool, and patio area with fire pit & putting green. Residence Inn is an upscale extended stay hotel that specifically caters to business travellers staying five nights or more and families that need more than just a hotel room. It is the perfect addition to Tomball with the Baker Hughes training facility and upcoming Packer's Plus project as well as all of the weddings and sports tournaments the area hosts.

We would like to start the project in August/September 2015 with a 12-13 month construction schedule. Our project is dependent upon receiving funding assistance from the EDC which will enable us to recoup part of the extra infrastructure costs the development will need. Please find additional information regarding the project and Clarus below:

Clarus Tomball Investments Ltd

President: Vishal Mody, 16618 Seminole Ridge Drive, Cypress, TX 77433; Phone: 817-296-8474

NAICS code: 721110

Location: SWC of Hwy 249 and Medical Complex Drive

Property: 103 rooms, approximately 75,000 square feet

Valuation: Approx \$9,000,000

Job creation: 24 full time and 4-5 part time

Average wage after opening: Salaried - \$55,000 (3-4 people) and hourly \$10-\$12 per hour (20-25 people)

Thank you for the opportunity to work with the City of Tomball. We look forward to a long and prosperous partnership. We have the desire to develop more projects in Tomball as the city grows. If you have any questions please do not hesitate to reach out to me at (817) 296-8474 or vmody@clarushotels.com.

Best regards,

Vishal Mody

Tel: 817-296-8474, Fax: 718-219-0754, visit us at www.clarushotels.com





16618 Seminole Ridge Drive
Cypress, Texas 77433

July 29, 2015

Dear Tomball Economic Development Board,

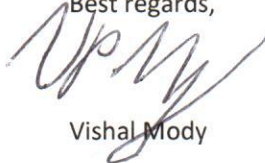
I would like to provide additional information in regards to our request for infrastructure assistance. The infrastructure costs on this project are significantly higher than expected due to the location of the project. The utilities are all off of the SH 249 feeder and/or north of Medical Complex Drive. The water line is north of Medical Complex Drive and therefore we will have to bore under the road to bring water to the south side of the street. The water line will also have to be upsized from 8" to 12" per city requirements. The water, sanitary sewer, and electric lines will each need to be extended approximately 1000 ft. to service the length of site and then additional extensions within the property to service the building. Additionally, we will need to build up the site about two feet for which we will use dirt from the detention and import additional dirt.

There is no development immediately around the site and therefore we will build out part of the infrastructure that will ultimately serve the entire area. We have to bring all of the utilities to the site resulting in significantly higher utility costs than if utilities were present in the right of way. For reference, we recently completed a very similar project in Cypress, TX and our site work/utility/detention cost was approximately \$375,000. Although we have seen a rise of about 20% in construction, labor, and material costs since then, the infrastructure for this project is approximately three times higher.

Despite the additional costs and time it will take during the initial phases of this project we feel it will help all of Medical Complex Drive west of SH 249 develop sooner. This will attract new business and help them develop much faster as most of the infrastructure will already be in place. We look forward to when the west side of 249 on Medical Complex drive is just as developed as the east side.

We have great confidence in the City of Tomball and the potential of this hotel over the next several years. We, in fact, have the option to purchase additional land next to this hotel to build another hotel. It is our intention and desire to have multiple high quality Marriott properties in Tomball.

Best regards,



Vishal Mody



CONSTRUCTION MANAGEMENT •
DESIGN BUILD SPECIALIST •
DEVELOPMENT •
SITE/SPACE PLANNING •



July 24, 2015

Vishal Mody
Clarus Hotels
16618 Seminole Ridge Drive
Cypress, Texas 77433

**RE: SDI-PRJ#3018-Development Cost Summary
Residence Inn By Marriott**

Dear Vishal:

Thank you for the opportunity to discuss your new project in Tomball, Texas. This Scope Sheet outlines the scope of work you requested, including objectives and fees.

SCOPE OF SERVICES

Description	Cost
Engineering Cost	140,000
Natural Gas Pipe Extension	75,000
Domestic Water Pipe Extension	127,500
Sanitary Sewer Piping Extension	87,500
Site Domestic Water and Fire Line Piping	147,000
Site Sanitary Sewer Piping	42,000
Site Natural Gas Piping	40,000
Site Earthwork	360,000
Detention Basin	275,000
Detention Basin Drainage Pipe	595,000
Total Development Cost as Scheduled	1,889,000

We appreciate the opportunity to service your project needs. I believe this project is an ideal match of what our skills and experience can offer to you. Please contact me at 832.795.1553 if you have any questions.

If you have any questions or comments, please feel free to contact me, Thank you.

Sincerely,

SYMMETRY DEVELOPMENT, INC.

Matt Marquis

cc: File 3018

LOT COVERAGE:

LOT AREA: 95,983 S.F.	
1. BUILDING COVERAGE:	21,370 S.F.
2. ACCESSORY BUILDING	335 S.F.
TOTAL BUILDING AREA:	21,705 S.F.

LOT COVERAGE PERCENTAGE: 21,705 / 95,983 = 22.61%

PARKING TABLE:

PARKING REQUIRED PER ZONING CODE SECTION 39.6

- HOTEL GUEST ROOMS: 1 PER GUEST ROOM, 103 ROOMS - 103 CARS
 - MEETING ROOM: 454 S.F., 1 CAR PER 125 S.F. - 4 CARS
 - RESTAURANT / LOUNGE: NONE
- TOTAL PARKING REQUIRED: 107 CARS

PARKING PROVIDED:

REGULAR PARKING: 102 CARS
HANDICAPPED PARKINGS: 5 CARS
TOTAL PARKING PROVIDED: 107 CARS

SITE STATISTICS

ITEM	AREA
BUILDING SLAB	21,370 S.F.
PARKING/DRIVES	47,953 S.F.
SIDE WALKS	4,412 S.F.
PATIO	1,807 S.F.
POOL AND POOL DECK	2,087 S.F.
DUMPSITER ENCLOSURE & STORAGE BLDG	335 S.F.
LAWN/LANDSCAPING	18,019 S.F.
TOTAL ACRES	95,983 S.F. (2.2035 AC)

LEGEND

---	PROPERTY BOUNDARY LINE
---	EASEMENT
---	BUILDING LINE
---	FENCE (SEE NOTE ON SITE PLAN)

GENERAL NOTES

- ALL SIDEWALKS TO BE 5'-0" IN WIDTH UNLESS NOTED OTHERWISE.
- RAMPS ARE NOT TO EXCEED 1:12 SLOPE.
- AN ACCESSIBLE ROUTE FROM PUBLIC TRANSPORTATION STOPS, PUBLIC STREETS AND SIDEWALKS, ACCESSIBLE PARKING SPACES AND PASSENGER LOADING ZONES TO AN ACCESSIBLE BUILDING ENTRANCE SHALL BE PROVIDED.
- DETECTABLE WARNINGS ARE REQUIRED WHERE WALKS CROSS OR ADJOIN A VEHICULAR WAY AND ARE NOT SEPARATED BY A CURB OR OTHER ELEMENT.
- ACCESSIBLE ENTRANCES AND PARKING SPACES SHALL BE IDENTIFIED WITH A SIGN SHOWING THE INTERNATIONAL SYMBOL OF ACCESSIBILITY.
- INACCESSIBLE ENTRANCES SHALL BE PROVIDED WITH SIGNAGE DIRECTING PATRONS TO ACCESSIBLE ENTRANCES.
- PARKING SHALL BE SLOPED A MINIMUM OF 2% FOR SITE DRAINAGE. THE MAXIMUM SLOPE PERMITTED AT ACCESSIBLE PARKING SPACES AND ISLES AND ACCESSIBLE PATHS IS 2% IN ALL DIRECTIONS.
- CURB RAMPS SHALL HAVE A MAXIMUM SLOPE OF 1:12 AND SHALL BE A MINIMUM
- OF 36" WIDE. THE MAXIMUM CROSS SLOPES PERMITTED ON CURB RAMPS IS 2% (1:50). SIDE FLARES ARE REQUIRED TO BE SLOPED 1:10 MAXIMUM (1:12 MAXIMUM WHERE TOP LANDINGS ARE LESS THAN 48"W). SURFACES OF CURB RAMPS SHALL BE DETECTABLE WARNING SURFACES FOR THE FULL WIDTH AND DEPTH OF RAMP. RAMPS WITH RETURNED CURBS MAY BE USED WHERE PEDESTRIANS WOULD NOT NORMALLY WALK ACROSS THE RAMP.
- LOCATE ALL METERS OUT OF DIRECT VIEW OF GUESTS. UTILITY TRANSFORMERS TO BE SCREENED
- FROM VIEW WITH LANDSCAPE OR SCREEN WALLS, EACH IN ACCORDANCE WITH LOCAL CODES, ORDINANCES AND HOLIDAY INN EXPRESS STANDARD.
- GENERAL PARKING AND PEDESTRIAN AREAS SHALL HAVE MINIMUM LIGHTING OF 2 FOOT CANDLES.
- ALL DOWNSPOUTS SHALL BE TIED TO THE STORM SEWER SYSTEM.
- ALL SIGNAGE TO CONFORM TO ALL LOCAL CODES, ORDINANCES AND HOLIDAY INN EXPRESS STANDARD.
- PROVIDE FIRE LANE MARKING PER FIRE CODE. MARKING TO BE 6" WIDE RED BACKGROUND WITH 4" WHITE LETTERING TO READ "FIRE LANE - NO PARKING - TOW AWAY ZONE"

PROJECT INFORMATION:

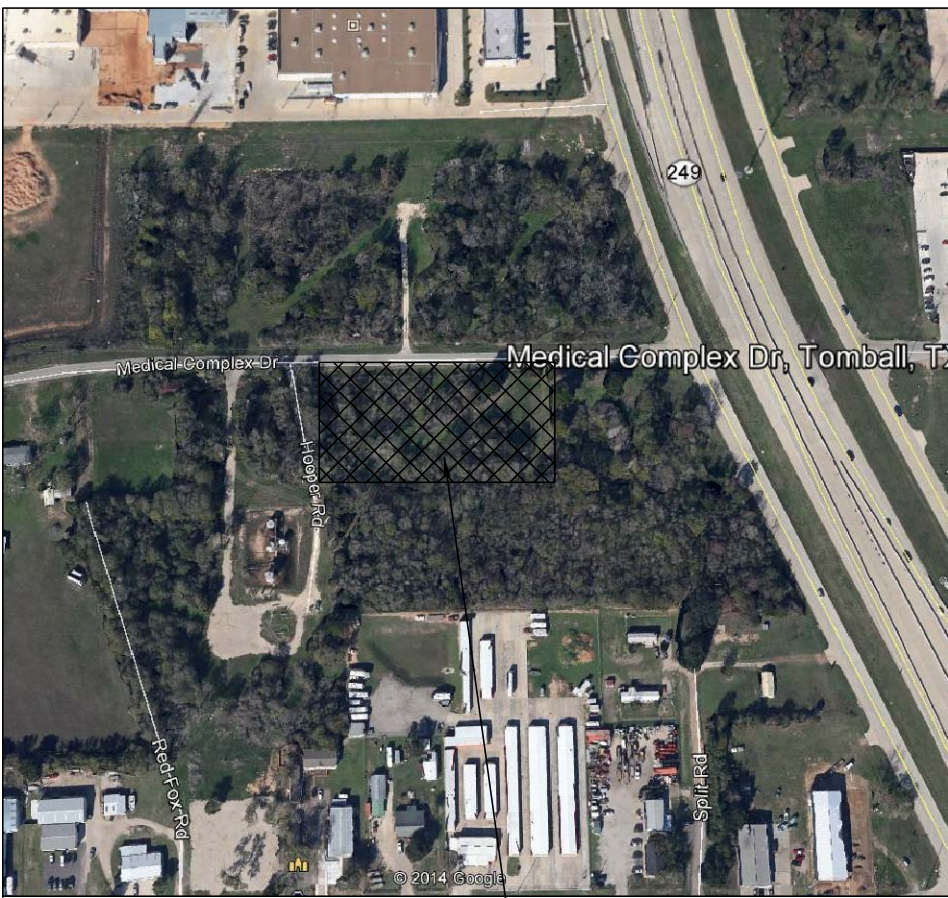
ZONING: GR - GENERAL RETAIL DISTRICT
SITE AREA: 95,983 S.F. (2.2035 ACRES)
PROPOSED LAND USE: (R1) HOTEL
PROPOSED BUILDING HEIGHT: 4 STORIES, 59'-3" HIGH
TYPE OF CONSTRUCTION: V-A
HOURS OF OPERATION: 24 HOURS / 7 DAYS A WEEK

PARKING NOTES:

To prevent nuisance situations, all parking area lighting shall be designed, shielded and operated so as no to reflect or shine on adjacent properties and in accordance with City ordinances. All streets and driveways shall be lighted at night with a minimum intensity of two foot-candles' illumination if off-street parking or loading facilities are to be used at night.

In all nonresidential and multi-family zoning districts, the perimeter of all parking lots and driveways shall be provided with concrete curbs. Parking shall not be permitted to encroach upon the public right-of-way.

Parking spaces for persons with disabilities and other associated provisions (e.g., clear and unobstructed pathways into building, crosswalks across parking lots, etc.) shall be provided according to building codes, State Laws, and requirements of the Americans with Disabilities Act (ADA).



VICINITY MAP

KEY MAP: 288K

PROJECT SITE



ISSUE

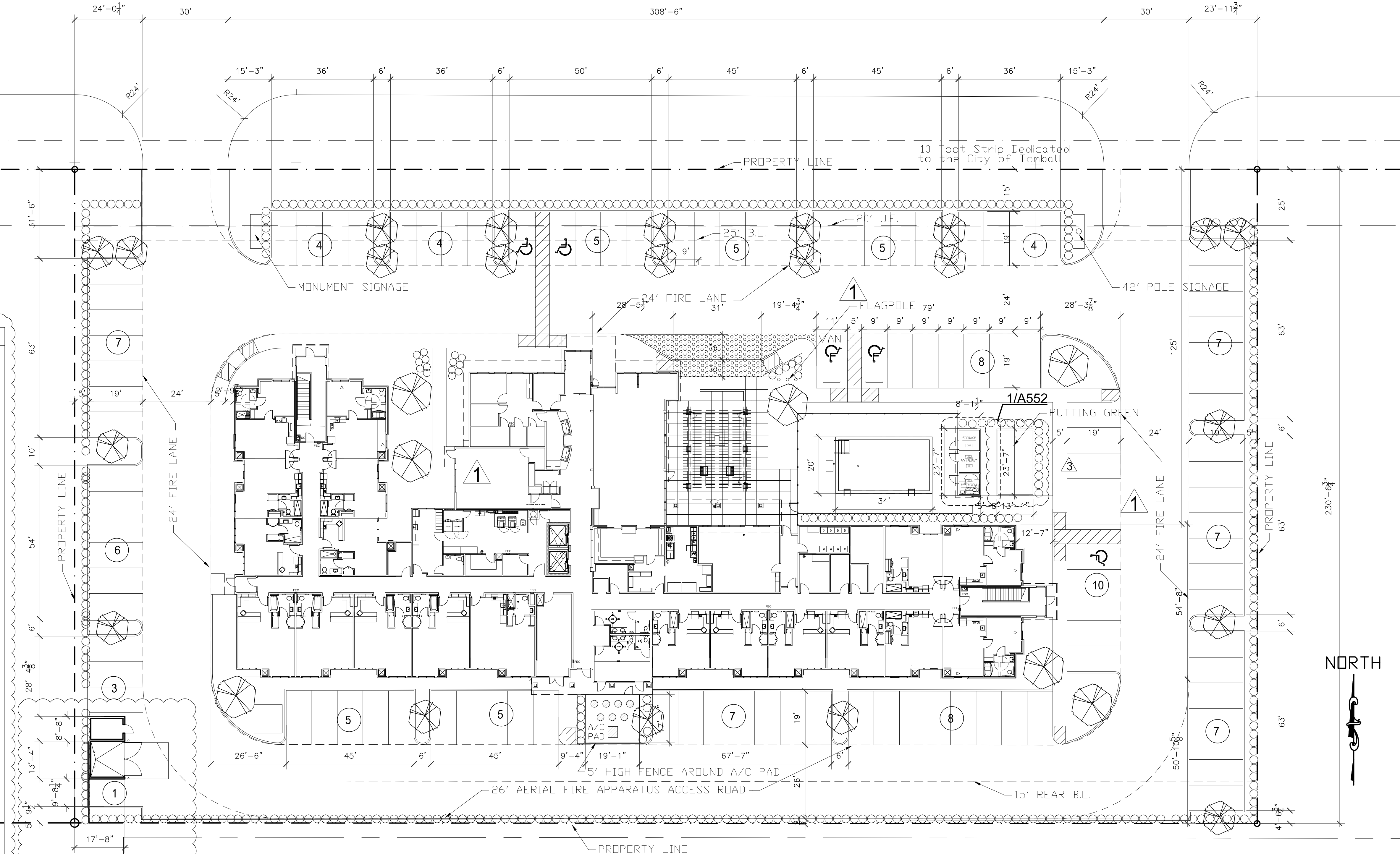
NO.	DATE	DESCRIPTION
	08/25/14	CUP AND VARIANCE APPLICATION
	09/18/14	PRELIMINARY DESIGN REVIEW
	11/17/14	FOR PERMIT AND PRICING
1	04/06/15	PER MARRIOTT COMMENTS
2	04/15/15	PER CITY OF TOMBALL SITE PLAN REVIEW
	04/27/15	PER MARRIOTT ADDENDUM R-002
3	06/08/15	PER MARRIOTT COMMENTS

Landscape Summary

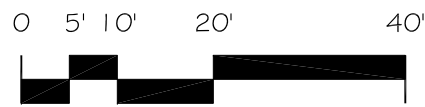
Applicable Code	Sect. 40, Zoning Ord.	
Total Area of Site (sf):	95,983	
Total Area of Covered by Building (sf):	21,705	
Total Area Not Covered by Building (sf):	74,278	
Applicable landscape development requirement in addition to front landscape area (see sect 40.6 A (i))	5,571	
	Required	Provided
Percent of landscape area for front yard (15% required)	15% (6,422)	29.17% (12,487)
Total SF of Landscape Area	11,983	17,827
Rear Setback Landscape Area (SF):		5,642
Required Landscape Area (SF) (Total SF of Landscape Area - Rear Setback Landscape Area):	11,983	12,487
Number of Street Frontage Trees (1 tree/40LF):	11	12
Total Number of Trees:	23	29
Lot Coverage Percentage (including main and accessory buildings)	50% MAX.	22.61%
Impervious Coverage Percentage (including all buildings, parking areas, sidewalks, etc.)	80% MAX.	76.39%

Landscape Notes

- THIS TABLE IS REQUIRED IN ADDITION TO, NOT IN LIEU OF, PROVIDING THE INFORMATION REQUIRED AS PART OF THE LANDSCAPING PLAN AS DESCRIBED BY ORDINANCE.
- PLANT MATERIALS SHALL CONFORM TO THE STANDARDS OF THE APPROVED PLANT LIST FOR THE CITY OF TOMBALL. GRASS SEED, SOD AND OTHER MATERIAL SHALL BE CLEAN AND REASONABLY FREE OF WEEDS AND NOXIOUS PESTS AND INSECTS.
- ALL REQUIRED LANDSCAPED OPEN AREAS SHALL BE COMPLETELY COVERED WITH LIVING PLANT MATERIAL. LANDSCAPING MATERIALS SUCH AS WOOD CHIPS AND GRAVEL MAY BE USED UNDER TREES, SHRUBS AND OTHER PLANTS.
- IF ANY GROUND COVER PLANT SHOULD DIE, THE OWNER SHALL REPLACE THESE PLANTS BY THE END OF THE NEXT REQUIRED LANDSCAPING TREE, SHRUB, OR PLANTING SEASON.
- GRASS AREAS SHALL BE SOLOIDED, PLUGGED, SPRIGGED, HYDROMULCHED AND/OR SEEDED, EXCEPT THAT SOLID SOD SHALL BE USED IN SWALES, EARTHEN BERMS OR OTHER AREAS SUBJECT TO EROSION.
- GROUND COVERS USED IN LIEU OF GRASS IN WHOLE AND IN PART SHALL BE PLANTED IN SUCH A MANNER AS TO PRESENT A FINISHED APPEARANCE AND REASONABLE COMPLETED COVERAGE WITHIN ONE (1) YEAR OF PLANTING.
- ANY MAJOR OR SIGNIFICANT MODIFICATION TO A LANDSCAPE DEVELOPMENT CONSTRUCTED OR INSTALLED IN ASSOCIATION WITH THIS SECTION MUST BE IN ACCORDANCE WITH THIS SECTION AND MUST BE APPROVED BY THE BUILDING OFFICIAL.
- LANDSCAPE DEVELOPMENT LOCATED WITHIN THE REAR SETBACK AREA OF A BUILDING SITE, SCREENED FROM ADJACENT PROPERTIES AND NOT ADJACENT TO A PUBLIC STREET SHALL NOT BE CONSIDERED WHEN DETERMINING THE MINIMUM REQUIREMENTS OF THIS SECTION.
- ONLY SHRUBS AND GROUND COVERS (I.E., NO TREES) SHALL BE USED UNDER EXISTING OR PROPOSED OVERHEAD UTILITY LINES.
- LANDSCAPE AREAS SHOULD BE LOCATED TO DEFINE PARKING AREAS AND TO ASSIST IN CLARIFYING APPROPRIATE CIRCULATION PATTERNS. ALL LANDSCAPE AREAS SHALL BE PROTECTED BY A MONOLITHIC CONCRETE CURB OR WHEEL STOPS, AND SHALL REMAIN FREE OF TRASH, LITTER, AND CAR BUMPER OVERHANGS.
- ALL EXISTING TREES THAT ARE TO BE PRESERVED SHALL BE PROVIDED WITH UNDISTURBED, PERMEABLE SURFACE AREA UNDER (AND EXTENDING OUTWARD TO) THE EXISTING DRIPLINE OF THE TREE.
- ALL NEW TREES SHALL BE PROVIDED WITH A PERMEABLE SURFACE UNDER THE DRIPLINE A MINIMUM OF FIVE (5) FEET BY FIVE (5) FEET.
- DURING ANY CONSTRUCTION OF LAND DEVELOPMENT, THE DEVELOPER SHALL CLEARLY MARK ALL TREES TO BE PRESERVED/RETAINED ON-SITE, AND MAY BE REQUIRED TO ERECT AND MAINTAIN PROTECTIVE BARRIERS AROUND ALL SUCH TREES OR GROUPS OF TREES. THE DEVELOPER SHALL NOT ALLOW THE MOVEMENT OF EQUIPMENT OR THE STORAGE OF EQUIPMENT, MATERIALS, DEBRIS OR FILL TO BE PLACED WITHIN THE DRIPLINE OF ANY TREES THAT ARE DESIGNATED FOR PRESERVATION.
- DURING THE CONSTRUCTION STAGE OF DEVELOPMENT, THE DEVELOPER SHALL NOT ALLOW CLEANING OF EQUIPMENT OR MATERIALS UNDER THE CANOPY OF ANY TREE OR GROUP OF TREES THAT ARE BEING PRESERVED. NEITHER SHALL THE DEVELOPER ALLOW THE DISPOSAL OF ANY WASTE/TOXIC MATERIAL SUCH AS, BUT NOT LIMITED TO, PAINT, OIL, SOLVENTS, ASPHALT, CONCRETE, MORTAR, ETC., UNDER THE CANOPY OF ANY TREE OR GROUPS OF TREES TO REMAIN.
- NO ATTACHMENT OR WIRES OF ANY KIND, OTHER THAN THOSE OF A PROTECTIVE OR SUPPORTIVE NATURE, SHALL BE ATTACHED TO ANY TREE.
- RIGID COMPLIANCE WITH THESE LANDSCAPING REQUIREMENTS SHALL NOT BE SUCH AS TO CAUSE VISIBILITY OBSTRUCTIONS AND/OR BLIND CORNERS AT INTERSECTIONS.
- THE OWNER, TENANT AND/OR THEIR AGENT, IF ANY, SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPINGS. ALL REQUIRED LANDSCAPING SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AT ALL TIMES. THIS SHALL INCLUDE, BUT NOT TO BE LIMITED TO, MOVING (OF GRASS SIX INCHES OR HIGHER), EDGING, PRUNING, FERTILIZING, WATERING, WEEDING, AND OTHER SUCH ACTIVITIES COMMON TO THE MAINTENANCE OF LANDSCAPING. LANDSCAPED AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS, AND OTHER SUCH MATERIALS OR PLANTS NOT A PART OF THE LANDSCAPING. ALL PLANT MATERIALS SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF THE YEAR.
- REQUIRED PLANT MATERIALS WHICH DIE SHALL BE REPLACED WITH PLANT MATERIAL OF SIMILAR VARIETY AND SIZE, WITHIN NINETY (90) CALENDAR DAYS. TREES WITH A TRUNK DIAMETER IN EXCESS OF SIX (6) INCHES MEASURED TWENTY-FOUR (24) INCHES ABOVE THE GROUND MAY BE REPLACED WITH ONES OF SIMILAR VARIETY HAVING A TRUNK DIAMETER OF NO LESS THAN THREE (3) INCHES MEASURED TWENTY-FOUR (24) INCHES ABOVE THE GROUND ON A CALIPER-INCH FOR CALIPER-INCH BASIS (E.G., FOR A 6" TREE, TWO 3" REPLACEMENT TREES SHALL BE REQUIRED). A TIME EXTENSION FOR REPLACEMENT OF PLANT MATERIALS MAY BE GRANTED BY THE CITY MANAGER. FAILURE TO MAINTAIN ANY LANDSCAPE AREA IN COMPLIANCE WITH THIS SECTION IS CONSIDERED A VIOLATION OF THIS SECTION AND MAY BE SUBJECT TO PENALTIES OF SECTION 49 OF THE ZONING ORDINANCE.
- A PERSON COMMITS AN OFFENSE IF HE REMOVED OR DESTROYS A TREE WITHIN A STREET RIGHT-OF-WAY, OR UPON ANY PUBLIC PROPERTIES, WITHOUT FIRST OBTAINING WRITTEN AUTHORIZATION FROM THE CITY MANAGER, (SEC. 44-6. TREES WITHIN PUBLIC RIGHT-OF-WAY.)



SITE PLAN
SCALE: 1" = 20'-0"



Residence Inn By Marriott
RI Tomball, TX- Project No. 9640
Medical Complex Blvd.
Tomball Texas 77377

TDCK
ARCHITECTS, INC.

5855 Sovereign Dr., Suite B Houston, TX 77058
Tel: 713 636-8870 Fax: 713 977-1311
email: plan@tdckarchitects.com
DESIGNATED BY: JDC/2015/03/29
DESIGN INFORMATION: TDCK ARCHITECTS, INC. IS THE EXCLUSIVE PROPERTY OF TDCK ARCHITECTS, INC. NO PORTION OF ANY DESIGN INFORMATION CONTAINED HEREIN MAY BE USED BY, OR DISCLOSED TO, UNAUTHORIZED PERSONNEL WITHOUT EXPRESSED WRITTEN CONSENT.



Project No. 14033
Date 06/08/15

Drawing Title:

**PRELIMINARY
SITE PLAN**

Drawing Number

A050



Residence Inn By Marriott
RI Tomball, TX- Project No. 9640
Medical Complex Blvd.
Tomball Texas 77377

5855 Sovereign Dr., Suite B Houston, TX 77036
Tel: 713 636-9970 Fax: 713 977-1311
email: pkao@tdckarchitects.com

PROPRIETARY INFORMATION

DESIGN INFORMATION CONTAINED CONFIDENTIAL AND IS THE EXCLUSIVE PROPERTY OF TDCK ARCHITECTS INC. NO PORTION OF ANY DESIGN INFORMATION CONTAINED HEREIN MAY BE USED BY, OR DISCLOSED TO, UNAUTHORIZED PERSONNEL WITHOUT EXPRESSED WRITTEN CONSENT

Drawing Title:

GATEHOUSE
ELEVATIONS

A202

REFERENCE NOTES

1. REFER TO BUILDING PLANS FOR PARTITION TYPES AT PUBLIC SPACE ADJACENCIES
2. FOR ACCESSORY SCHEDULE REFER TO SPECIFICATIONS SECTION 10 28 00
3. FOR ELECTRICAL SYMBOLS LEGEND REFER TO SHEET 003
4. FOR EXTERIOR FINISHES REFER TO EXTERIOR FINISH INDEX 00 S1 13.45 IN PROJECT DESIGN MANUAL

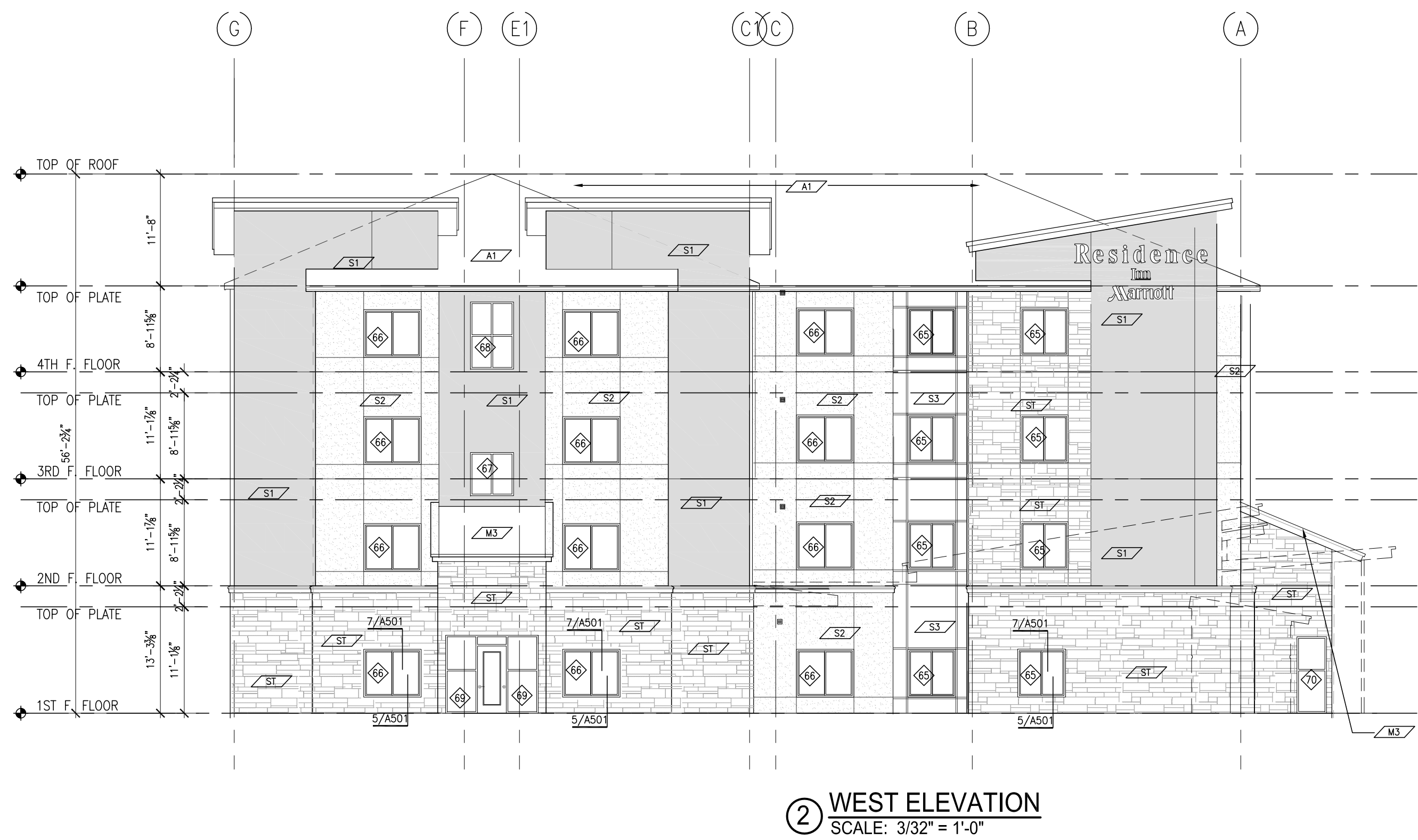
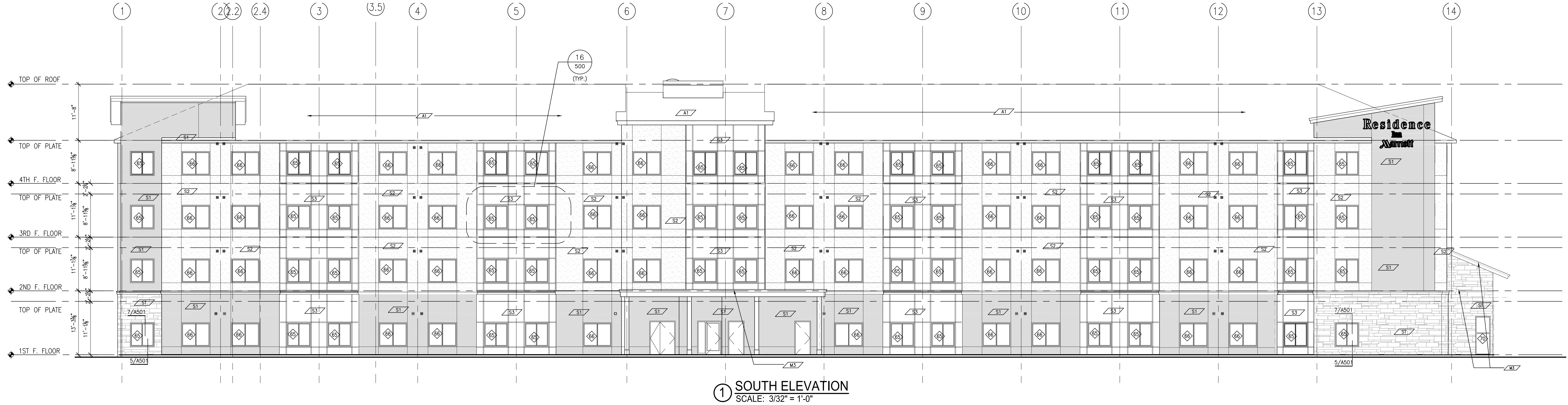
CRITERIA NOTES

1. SOFFIT--VINYL SOFFITS TO HAVE 1/4" PERFORATED VENTILATION OPENINGS; OTHERS TO HAVE 2" WIDE CONTINUOUS SCREENED VENT
2. DOWNSPOUTS TO BE TIGHT-LINED INTO UNDERGROUND STORM SEWER WHEREVER POSSIBLE. WHERE NOT POSSIBLE, THEY SHALL DISCHARGE ONTO CONCRETE SPLASHBLOCKS. STORM WATER SHALL NOT DRAIN ACROSS WALKWAYS
3. VINYL OR ALUMINUM WINDOWS (TYPICAL)
4. 2-1/2" WIDE WINDOW CASING AT VINYL WINDOWS, 3-1/2" WIDE WINDOW CASING AT ALUMINUM WINDOWS (TYPICAL)
5. NOT USED
6. NOT USED
7. VENT FOR ELEVATOR SHAFT WITH INSECT SCREEN BEHIND - 3 SF MINIMUM
8. NOT USED
9. 22-GAUGE SHEET METAL CAP ON ALL CHIMNEYS
10. INTERNALLY ILLUMINATED WALL SIGN. VERIFY LOCATION BASED ON SITE CONSTRAINTS AND SIGHT LINES. SIGN TO BE FURNISHED AND INSTALLED BY OTHERS - CONTRACTOR TO PROVIDE POWER TO J-BOX
11. LOCATE SIGN AS CLOSE TO TOP PLATE AS POSSIBLE, WHILE STILL ALLOWING ELECTRICAL CONNECTION TO EACH LETTER FROM ATTIC
12. NOT USED
13. SET VTAC UNITS 6" OFF OF FLOOR OR PER MANUFACTURER'S REQUIREMENTS
14. OPTIONAL END SIGN; REFER TO MARRIOTT SIGN MANUAL (R1W180)
15. PAINT ALL GRILLES AND VENTS TO MATCH ADJACENT SURFACE, TYP.
16. NOT USED

SYMBOL LEGEND

BASIC COLOR SCHEME

- | | |
|----|--------------------------------------|
| S1 | SHERWIN WILLIAMS PENNYWISE SW6349 |
| S2 | SHERWIN WILLIAMS BEIGE SW2859 |
| S3 | SHERWIN WILLIAMS SMOKEY TOPAZ SW6117 |
| ST | TEXAS STONE COLOR CAVE |
| A1 | OWENS CORNING SHINGLES |
| M3 | DIMENSIONAL METAL ROOFING |



ISSUE	
NO.	DATE
08/25/14	CUP AND VARIANCE APPLICATION
09/18/14	PRELIMINARY DESIGN REVIEW
11/17/14	FOR PERMIT AND PRICING
04/06/15	PER MARRIOTT COMMENTS
04/15/15	PER CITY OF TOMBALL SITE PLAN REVIEW

Residence Inn By Marriott
RI Tomball, TX- Project No. 9640
Medical Complex Blvd.
Tomball Texas 77377

TDCK
ARCHITECTS, INC.
5835 Sovereign Dr., Suite B Houston, TX 77058
Tel: 713 636-8870 Fax: 713 977-1311
email: plan@tdckarchitects.com
PROJECT NO. 9640-0001-001
DESIGN INFORMATION CONTAINED HEREIN IS THE EXCLUSIVE PROPERTY OF TDCK ARCHITECTS, INC. NO PORTION OF ANY DESIGN INFORMATION CONTAINED HEREIN MAY BE USED BY OR DISCLOSED TO UNAUTHORIZED PERSONNEL WITHOUT EXPRESSED WRITTEN CONSENT



Project No.	Date
14033	04/15/2015

Drawing Title:
BUILDING ELEVATIONS

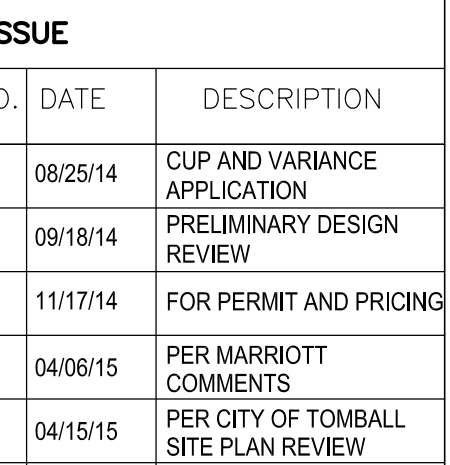
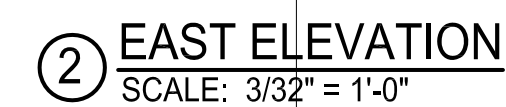
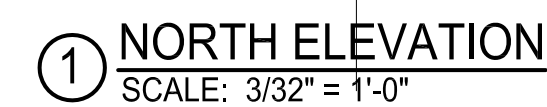
Drawing Number
A201

1. REFER TO BUILDING PLANS FOR PARTITION TYPES AT PUBLIC SPACE ADJACENCIES
2. FOR ACCESSORY SCHEDULE REFER TO SPECIFICATIONS SECTION 10 28 00
3. FOR ELECTRICAL SYMBOLS LEGEND REFER TO SHEET 003
4. FOR EXTERIOR FINISHES REFER TO EXTERIOR FINISH INDEX 00 31 13.45 IN PROJECT DESIGN MANUAL

1	SOFFIT--VINYL SOFFITS TO HAVE ¼" PERFORATED VENTILATION OPENINGS; OTHERS TO HAVE 2" WIDE CONTINUOUS SCREENED VENT	6	NOT USED	11	LOCATE SIGN AS CLOSE TO TOP PLATE AS POSSIBLE, WHILE STILL ALLOWING ELECTRICAL CONNECTION TO EACH LETTER FROM ATTIC
2	DOWNSPOUTS TO BE TIGHT-LINED INTO UNDERGROUND STORM SEWER WHEREVER POSSIBLE. WHERE NOT POSSIBLE, THEY SHALL DISCHARGE ONTO CONCRETE SPLASHBLOCKS. STORM WATER SHALL NOT DRAIN ACROSS WALKWAYS	7	VENT FOR ELEVATOR SHAFT WITH INSECT SCREEN BEHIND - 3 SF MINIMUM	12	NOT USED
3	VINYL OR ALUMINUM WINDOWS (TYPICAL)	8	NOT USED	13	SET VTAC UNITS 6" OFF OF FLOOR OR PER MANUFACTURER'S REQUIREMENTS
4	2-½" WIDE WINDOW CASING AT VINYL WINDOWS, 3-½" WIDE WINDOW CASING AT ALUMINUM WINDOWS (TYPICAL)	9	22-GAUGE SHEET METAL CAP ON ALL CHIMNEYS	14	OPTIONAL END SIGN; REFER TO MARRIOTT SIGN MANUAL (RIWM80)
5	NOT USED	10	INTERNALLY ILLUMINATED WALL SIGN. VERIFY LOCATION BASED ON SITE CONSTRAINTS AND SIGHT LINES. SIGN TO BE FURNISHED AND INSTALLED BY OTHERS - CONTRACTOR TO PROVIDE POWER TO J-BOX	15	PAINT ALL GRILLES AND VENTS TO MATCH ADJACENT SURFACE, TYP.
				16	NOT USED

BASIC COLOR SCHEME

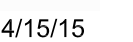
	SHERWIN WILLIAMS PENNYWISE SW6349
	SHERWIN WILLIAMS BEIGE SW2859
	SHERWIN WILLIAMS SMOKEY TOPAZ SW6117
	TEXAS STONE COLOR CAVE
	OWENS CORNING SHINGLES
	DIMENSIONAL METAL ROOFING



T D C K
ARCHITECTS, INC.
15 Sovereign Dr., Suite B Houston, TX 77056
Tel: 713 636-9970 Fax: 713 977-1311
e-mail: pkao@tdckarchitects.com

CONFIDENTIAL INFORMATION

THIS INFORMATION CONTAINED HEREIN IS THE
PROPERTY OF T D C K ARCHITECTS, INC.
NO PART OF ANY DESIGN, INFORMATION CONTAINED HEREIN
IS TO BE USED BY OR DISCLOSED TO, UNAUTHORIZED
PERSONNEL WITHOUT EXPRESSED WRITTEN CONSENT



Drawing Title:

BUILDING
ELEVATIONS

Drawing Number

A200

Economic Impact of Clarus Tomball Investments Ltd. in Tomball, TX

Executive Summary

July 31, 2015

Prepared by:

Tomball Economic Development Corporation
29201 Quinn Road
Tomball, TX 77375

This summary was prepared by the Tomball Economic Development Corporation using Quick Impact by Impact DataSource. Please consult the full economic impact report for additional details and assumptions used in this analysis.

ECONOMIC IMPACT EXECUTIVE SUMMARY: CLARUS TOMBALL INVESTMENTS LTD.

Project Description

An affiliate of Clarus Hotels Inc, Clarus Tomball Investments Ltd, plans to develop a 103 room Marriott Residence Inn on an approximately 2.2 acre tract of land located at 14303 Medical Complex Drive, Tomball, TX 77377. The facility will have full kitchens in all rooms, a large workout room, meeting space, outdoor pool, and patio area with fire pit & putting green. Residence Inn is an upscale extended stay hotel that specifically caters to business travelers staying five nights or more and families that need more than just a hotel room. The capital investment for the project is approximately \$9 million and will create 24 full-time jobs and 5 part-time jobs in the community.

Economic Impact Over the First 10 Years

The project will have the following economic impact on the City of Tomball area over the first 10 years:

Economic Impact Over the First 10 Years			
	Direct	Indirect & Induced	Total
Total number of permanent direct and indirect jobs to be created	25	9	34
Salaries to be paid to direct and indirect workers	\$7,861,183	\$3,918,014	\$11,779,196
Taxable sales and purchases expected in the city	\$81,413,190	\$0	\$81,413,190
The value of new residential property to be built for direct and indirect workers who move to the city by Year 10	\$0	\$0	\$0
The market value the firm's property on local tax rolls in Year 1	\$9,000,000	\$0	\$9,000,000

Fiscal Impact Over the First 10 Years

Over the first 10 years, the City of Tomball and Tomball EDC can expect the following net benefits from the facility, its employees, and workers in spin-off jobs created in the community:

Costs and Benefits for the City Over the First 10 Years			
	Benefits	Costs	Net Benefits
Sales taxes allocated to the City	\$1,221,198	\$0	\$1,221,198
Sales taxes allocated to Tomball EDC	\$407,066	\$0	\$407,066
Property taxes	\$304,528	\$0	\$304,528
Utility revenues	\$525,046	\$0	\$525,046
Utility franchise fees	\$38,601	\$0	\$38,601
Hotel occupancy taxes	\$8,339,082	\$0	\$8,339,082
Other taxes and user fees	\$0	\$0	\$0
Building permits and fees	\$20,490	\$0	\$20,490
Costs of providing utilities	\$0	\$472,541	(\$472,541)
Costs of providing municipal services for new residents	\$0	\$0	\$0
Total	\$10,856,011	\$472,541	\$10,383,470

ECONOMIC IMPACT EXECUTIVE SUMMARY: CLARUS TOMBALL INVESTMENTS LTD.

Net Benefits To The City From The Direct and Indirect Sources

The city will receive benefits from direct and indirect economic impacts that result from the project. The benefits, associated costs and net benefits for the first 10 years are shown below, divided between direct and indirect impacts.

Net Benefits to the City from Direct and Indirect Sources			
	<i>Benefits/Costs from:</i>		
	<i>Direct</i>	<i>Indirect & Induced</i>	<i>Total</i>
<u><i>Additional revenues:</i></u>			
Sales taxes allocated to the City	\$1,221,198	\$0	\$1,221,198
Sales taxes allocated to Tomball EDC	\$407,066	\$0	\$407,066
Property taxes	\$304,528	\$0	\$304,528
Utility revenues	\$525,046	\$0	\$525,046
Utility franchise fees	\$38,601	\$0	\$38,601
Hotel occupancy taxes	\$8,339,082		\$8,339,082
Other taxes and user fees	\$0	\$0	\$0
Building permits and fees	\$20,490		\$20,490
Total additional revenues	\$10,856,011	\$0	\$10,856,011
<u><i>Additional costs:</i></u>			
Costs of providing utilities	\$472,541	\$0	\$472,541
Costs of providing municipal services for new residents	\$0	\$0	\$0
Total additional costs	\$472,541	\$0	\$472,541
Net Benefits	\$10,383,470	\$0	\$10,383,470
<i>Percent of total net benefits for city</i>	<i>100%</i>	<i>0%</i>	

The net benefits to the city over the first 10 years are estimated to accrue as detailed below.

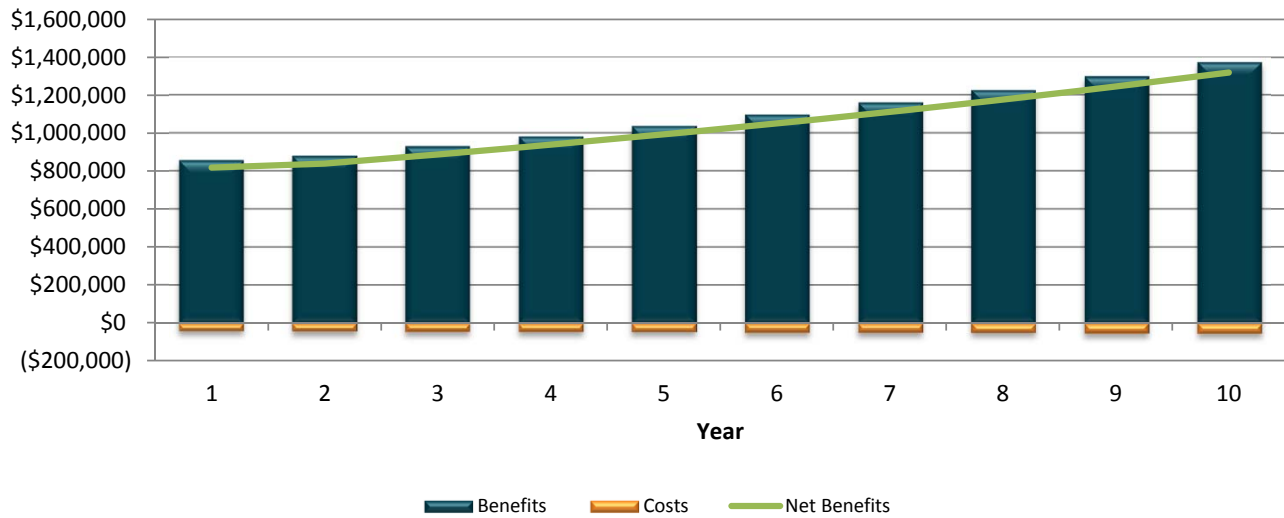
Net Benefits to the City by Year				
	Benefits	Costs	Net Benefits	Cumulative Benefits
Year 1	\$858,916	\$41,220	\$817,696	\$817,696
Year 2	\$881,754	\$42,457	\$839,297	\$1,656,993
Year 3	\$931,388	\$43,730	\$887,658	\$2,544,651
Year 4	\$983,997	\$45,042	\$938,955	\$3,483,606
Year 5	\$1,039,761	\$46,393	\$993,368	\$4,476,974
Year 6	\$1,098,868	\$47,785	\$1,051,083	\$5,528,057
Year 7	\$1,161,521	\$49,219	\$1,112,302	\$6,640,359
Year 8	\$1,227,932	\$50,695	\$1,177,236	\$7,817,596
Year 9	\$1,298,328	\$52,216	\$1,246,111	\$9,063,707
Year 10	\$1,373,546	\$53,783	\$1,319,763	\$10,383,470
Total	\$10,856,011	\$472,541	\$10,383,470	
<i>Present Value of Net Benefits*</i>			<i>\$7,842,729</i>	

**The Present Value of Net Benefits is a way of expressing in today's dollars, dollars to be paid or received in the future. A dollar today and a dollar to be received or paid at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or discount rate. This analysis uses a discount rate of 5% to make the dollars comparable.*

Fiscal Impact Over the First 10 Years

The graph below depicts the costs, benefits and net benefits to the city over the first 10 years.

Net Benefits Over the First 10 Years



Incentives

Tomball EDC may consider the following incentives for the project:

Incentives	
Year 1	\$437,250
Year 2	\$0
Year 3	\$0
Year 4	\$0
Year 5	\$0
Year 6	\$0
Year 7	\$0
Year 8	\$0
Year 9	\$0
Year 10	\$0

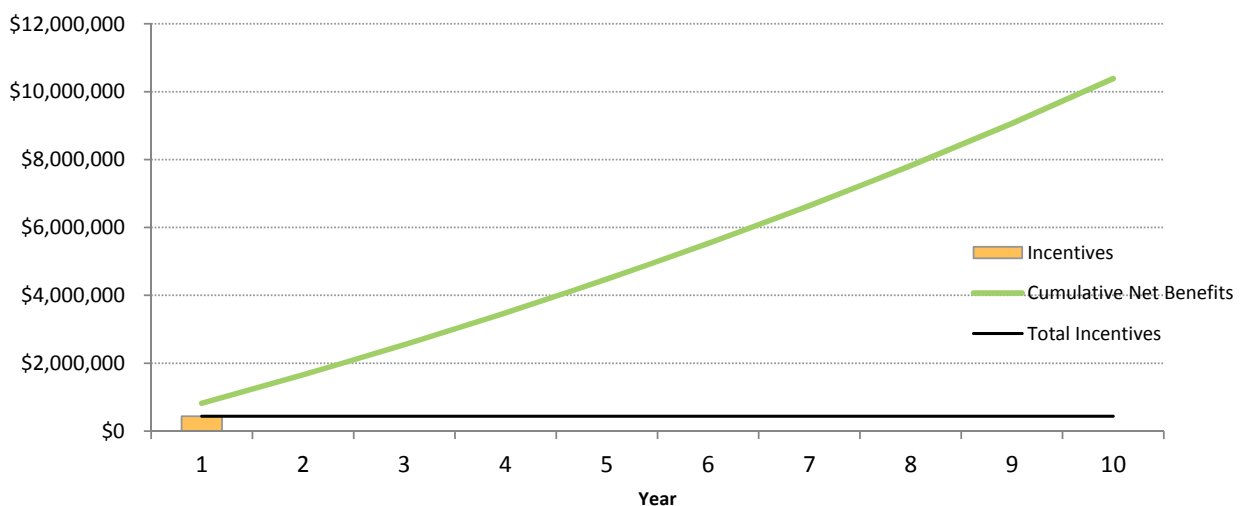
The table below shows an analysis of these incentives, including a calculation of incentives per job, rate of return and payback period.

Analysis of Incentives	
Total Incentives	\$437,250
Rate of Return Over 5 Years	204.8%
Payback period (years)	0.5

* Rate of Return and Payback Period are calculated based on the sum of annual incentives rather than the PV of incentives.

The graph below depicts the total incentives currently under consideration versus the cumulative net benefits to the city. The intersection indicates the length of time until the incentives are paid back.

Incentives vs. Cumulative Net Benefits



AGREEMENT

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS §

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation**, an industrial development corporation created pursuant to the Development Corporation Act, now Chapter 501 et seq. of the Texas Local Government Code, located in Harris County, Texas (the “TEDC”), and **Clarus Tomball Investments Ltd.** (the “Company”), 16618 Seminole Ridge Drive, Cypress, Texas 77433.

WITNESSETH:

WHEREAS, it is the established policy of the TEDC to adopt such reasonable measures from time-to-time as are permitted by law to endeavor to attract industry, create and retain primary jobs, expand the growth of the City of Tomball (the “City”), and thereby enhance the economic stability and growth of the City; and

WHEREAS, the Company proposes to develop a 2.2035 acre tract of land within the City, located at 14303 Medical Complex Drive, Tomball, TX 77377 (the “Property”), and more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, such development shall be an internationally known franchise hotel, required and suitable for use for tourist purposes and events; and

WHEREAS, the TEDC agrees to provide to the Company funding in an amount not to exceed Four Hundred Thirty-Seven Thousand Two Hundred and Fifty Dollars (\$437,250), as assistance in the construction of approved infrastructure and site preparation necessary to promote and develop a new business enterprise on the Property; and

WHEREAS, the approved infrastructure, which is found by the Board of Directors of TEDC to be required or suitable to develop the Property, is water, sewer, gas, drainage, and site preparation (the “Improvements”), identified and described in Exhibit “B,” attached hereto and made a part hereof; and

WHEREAS, the Company has agreed, in exchange and as consideration for the funding, to satisfy and comply with certain terms and conditions;

NOW, THEREFORE, in consideration of the premises and the mutual benefits and obligations set forth herein, including the recitals set forth above, the TEDC and the Company agree as follows:

1.

The Company covenants and agrees that it will construct and maintain on the Property a four-story, one hundred and three (103) room Marriott Residence Inn hotel (the “Hotel”). In conjunction with development of the Property, the Company further agrees to construct the Improvements contemplated by this Agreement, in accordance with the requirements of the ordinances of the City and the plans and specifications approved by the City. The Company further represents and agrees that it will certify the final estimated costs of the construction of such Improvements to the TEDC prior to construction.

2.

Development of the Property, including construction of the Improvements, and the obtaining of all necessary occupancy permits from the City must occur within eighteen (18) months from the Effective Date of this Agreement. Extensions of these deadlines, due to extenuating circumstances or uncontrollable delay, may be granted at the sole discretion of the Board of Directors of the TEDC.

3.

The Company further represents and agrees that the development described in Paragraph 1 hereof will be operated and maintained for a term of at least five (5) years.

4.

The Company 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.

5.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to reimburse the Company for the actual cost of the Improvements in an amount not to exceed Four Hundred Thirty-Seven Thousand Two Hundred and Fifty Dollars (\$437,250), or an amount equal to Twenty-Five Percent (25%) of actual Improvement costs if Improvement costs are less than One million Seven Hundred Forty-Nine Thousand Dollars (\$1,749,000). The TEDC agrees to reimburse the Company for such amount within thirty (30) days of receipt of a letter from the Company requesting such payment and including: (a) certification of the actual cost of constructing the Improvements; (b) a copy of the City's occupancy permit for the Hotel constructed on the Property; (c) verification that the Infrastructure Improvements have been constructed in accordance with the approved plans and specifications; (d) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Infrastructure Improvements have been paid and any and all liens and claims regarding such work have been released; and, (e) Proof of payment to all contractors and subcontractors providing work and/or materials in the construction of the Infrastructure Improvements, proof of

payment must include copies of canceled checks and/or credit card receipts and copies of paid invoices from all contractors and subcontractors.

6.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus one-half percent ($\frac{1}{2}\%$) per annum, within thirty (30) days after the TEDC notifies the Company of the default. It is further understood and agreed by the parties that if the Company, or any owner or lessee of the Improvements, is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90-day Treasury Bill plus one-half percent ($\frac{1}{2}\%$) per annum, within thirty (30) days after the TEDC notifies the Company of the violation.

The Company shall also reimburse the TEDC for any and all reasonable attorney's fees and costs incurred by the TEDC as a result of any action required to obtain reimbursement of such funds. Such reimbursement shall be due and payable thirty (30) days after the Company receives written notice of default. It is understood and agreed by the parties that, in the event of a default by the TEDC on any of its obligations under this Agreement, the Company's sole and exclusive remedy shall be limited to either a) the termination of this Agreement or b) a suit for specific performance.

7.

Personal Liability of Public Officials: To the extent permitted by law, no director, officer, employee or agent of the TEDC, and no officer, employee or agent of the City of

Tomball, shall be personally responsible for any liability arising under or growing out of this Agreement.

8.

This Agreement shall inure to the benefit of and be binding upon the TEDC and the Company, and upon the Company's successors and assigns, affiliates, and subsidiaries, and shall remain in force whether the Company sells, assigns, or in any other manner disposes of, either voluntarily or by operation of law, all or any part of the Property and the agreements herein contained shall be held to be covenants running with the Property for so long as this Agreement, or any extension thereof, remains in effect.

9.

Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City:	Tomball Economic Development Corporation 401 W. Market Street Tomball, Texas 77375 Attn: President, Board of Directors
-------------	---

If to Company:	Clarus Tomball Investments Ltd. 16618 Seminole Ridge Drive Cypress, Texas 77433 Attn: Vishal Mody, President
----------------	---

10.

This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas.

11.

Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the parties hereto.

12.

The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.

13.

This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.

14.

In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be

deemed to be independent of and severable from the remainder of this Agreement, and the validity of the remaining parts of this Agreement shall not be affected thereby.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on this _____ day of _____ 2015 (the “Effective Date”).

Clarus Tomball Investments Ltd.

By: _____

Name: Vishal Mody

Title: President

ATTEST:

By: _____

Name: Tiffani Wooten

Title: TEDC Coordinator

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

By: _____

Name: _____

Title: President, Board of Directors

ATTEST:

By: _____

Name: _____

Title: Secretary, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____
2015, by Vishal Mody, President of Clarus Tomball Investments Ltd., on behalf of said
Company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____
2015, by _____, President of the Board of Directors of the Tomball
Economic Development Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

EXHIBIT A

Legal Description of Property

A 2.2035 acre tract of land situated in the John M. Hooper Survey, Abstract Number 375, of Harris County, Texas, and being out of and part of a called 6.598 acres as described in Clerk's File Number S026292 of the Real Property Records of Harris County, Texas; said 2.2035 acres being more particularly described as follows with all bearings based on the South line of the 6.598 acre tract per the recorded deed.

DRAFT

EXHIBIT B

The Improvements

- Natural Gas Pipe Extension
- Domestic Water Pipe Extension
- Sanitary Sewer Piping Extension
- Site Domestic Water and Fire Line
- Site Sanitary Sewer
- Site Natural Gas
- Site Earthwork
- Detention Basin
- Detention Basin Drainage Pipe

DRAFT

Regular City Council

Agenda Item

Meeting Date: September 8, 2015

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2015-15, an Ordinance of the City of Tomball, Texas Waiving the Assessment and Collection of Impact Fees for Water and Wastewater Utilities for the Development of Non-Residential Properties Adjacent to FM 2920 (Main Street) Between State Highway 249 Business and North Willow Street Until March 2, 2017; and Providing for Severability

Background:

On April 20, 2015, City Council directed staff to prepare an Ordinance waiving water and wastewater impact fees for non-residential properties adjacent to FM 2920 from State Highway 249 Business to North Willow Street until March 2, 2017. March 2, 2017 is the same date that the Old Town Area impact fee waiver is set to expire. The proposed ordinance encompasses approximately an additional 36 acres of Commercial zoned property, 23 acres of Old Town and Mixed Use zoned property and 0.5 acres of General Retail zoning.

Origination:

Community Development Department

Recommendation:

Funding:

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

Community Development Director

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance No. 2015-15

Current and Proposed Impact Fee Waiver Area Map

ORDINANCE NO. 2015-15

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS WAIVING THE ASSESSMENT AND COLLECTION OF IMPACT FEES FOR WATER AND WASTEWATER UTILITIES FOR THE DEVELOPMENT OF NON-RESIDENTIAL PROPERTIES ADJACENT TO FM 2920 (MAIN STREET) BETWEEN STATE HIGHWAY 249 BUSINESS AND NORTH WILLOW STREET UNTIL MARCH 2, 2017; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, on or about August 4, 2014, the City Council of the City of Tomball, Texas adopted a Capital Improvements Plan and Impact Fees for Water and Wastewater Utilities; and

WHEREAS, the City Council desires to waive impact fees for water and wastewater utilities for non-residential properties adjacent to FM 2920 (Main Street) between State Highway 249 Business and North Willow Street until March 2, 2017; now, therefore

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

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

Section 2. The assessment and collection of Impact Fees for water and wastewater utilities for the development of non-residential properties adjacent to FM 2920 (Main Street) between State Highway 249 Business and North Willow Street are hereby waived until March 2, 2017.

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent

jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF AUGUST 2015.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 8TH DAY OF SEPTEMBER 2015.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

City of Tomball, Texas

Current and Proposed Impact Fee Waiver Area



Regular City Council

Agenda Item

Meeting Date: September 8, 2015

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2015-16, an Ordinance of The City of Tomball, Texas, Amending Chapter 50 (Zoning) of The Code of Ordinances by Amending Section 50-2 (“Definitions”) By Creating a Definition For “Masonry;” by Amending Section 50-33 (“Board Of Adjustments”) by Authorizing The Board of Adjustments to Hear and Decide Upon Special Exceptions for Building Façade Requirements; and by Amending Section 50-62 (“Reserved”) By Creating An Exterior Building Material/Façade Overlay District And Associated Regulations Effecting Properties Along Fm 2920, Sh 249 And Sh Business 249; 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 July 13, 2015 City Staff presented the case to the Planning and Zoning Commission. The Commission was very supportive of the proposal in concept, however after discussion on the proposed boundary the Commission decided to take no action and directed staff to re-advertise the proposed amendment to include all properties along FM 2920, SH 249, and SH 249 Business.

On Monday, August 10, 2015, staff took the case back to the Planning and Zoning Commission, where the Commission unanimously voted to recommend approval of Zoning Case P15-071.

Origination:

Recommendation:

Adopt Ordinance No. 2015-16 on Second Reading

Funding:

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance No. 2015-16, Revised

Notice of Public Hearing

P15-071 Staff Report

ORDINANCE NO. 2015-16

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE CODE OF ORDINANCES BY AMENDING SECTION 50-2 (“DEFINITIONS”) BY CREATING A DEFINITION FOR “MASONRY;” BY AMENDING SECTION 50-33 (“BOARD OF ADJUSTMENTS”) BY AUTHORIZING THE BOARD OF ADJUSTMENTS TO HEAR AND DECIDE UPON SPECIAL EXCEPTIONS FOR BUILDING FAÇADE REQUIREMENTS; AND BY AMENDING SECTION 50-62 (“RESERVED”) BY CREATING AN EXTERIOR BUILDING MATERIAL/FAÇADE OVERLAY DISTRICT AND ASSOCIATED REGULATIONS EFFECTING PROPERTIES ALONG FM 2920, SH 249 AND SH BUSINESS 249; 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 50-2 of the Code of Ordinances is hereby amended by adding the following:

Masonry means brick, stone, brick veneer, stucco, and split face block laid up unit by unit and set in mortar.

Section 3. Section 50-33(g)(1)(c) of the Code of Ordinances is hereby amended by adding the

following:

- c. A special exception applies to nonconforming uses and structures, off-street parking requirements, façade overlay district requirements, and landscaping requirements.

Section 4. Section 50-62 of the Code of Ordinances is hereby amended by adding the following:

a. General purpose and description.

1. The Façade Overlay District (FOD) is intended to improve the aesthetics and integrity of development along the two main corridors within the City, FM 2920, SH 249 and SH Business 249, where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop.
2. The FOD is limited to a specified area encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards. In the event of a conflict between the standards of the FOD and the regulations of the underlying zoning district, the standards described herein will prevail.

b. Scope and enforcement

1. New Buildings: All new non-residential buildings shall adhere to this Section.
 2. Existing Buildings and Additions to Existing Buildings: Existing buildings shall conform to this Section upon expansion exceeding 25% in area of the building.
- c. District Boundary: Properties with frontage on either side of FM 2920, properties with frontage on either side of SH 249, and properties with frontage on either side of SH 249 Business. Properties zoned Old Town & Mixed Use are not included in the FOD boundary.
- d. Building Façade Standards: Requirements are applicable to all sides of a building or structure visible from FM 2920, SH 249, and SH 249 Business. A building façade plan of the entire proposed project shall be submitted with site plan review documents.
1. Building Articulation: Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to achieve the following:
 - a. Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.
 - b. Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.
 2. Building Materials: A minimum of 100% of a building's total façade visible from FM 2920, SH 249 and SH Business 249, shall utilize materials allowed by right or Special Exception.
 - a. Allowed by Right: Masonry and glass.

- b. Allowed by Special Exception: New technologies not addressed or contemplated by these regulations may also be allowed by Special Exception, if such materials are consistent with the visual nature and quality of the masonry materials permitted herein. Additionally, franchise businesses with an established theme that has not been deviated from in any other jurisdiction may apply for a Special Exception to use a material not permitted in this section.
- c. Trim Materials: Architectural metal, EIFS (exterior insulation and finish systems), wood, cementitious fiberboard may be utilized for window and door trim, fascia, or soffit. EIFS may be used as a trim material but shall not be used within 6' of the ground.
- d. Bright or fluorescent colors shall not be permitted on any building material.
- e. All facades of an individual building, multiple buildings in a shopping center, or integrated business development shall have architectural design, color, and materials that are compatible or consistent with an overall theme.

Section 5. Chapter 50 (Zoning) of the Code of Ordinances shall be revised and amended as indicated above.

Section 6. 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 7. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 8. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17th DAY OF AUGUST 2015.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 8TH DAY OF SEPTEMBER 2015.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
AUGUST 10, 2015
&
CITY COUNCIL
AUGUST 17, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, August 10, 2015, at 6:00 P.M.**, at City Hall, 401 Market Street, Tomball, Texas and by the City Council of the City of Tomball on **Monday, August 17, 2015, 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 P15-071: Request by the City of Tomball to amend Section 50-2 (“Definitions”) of the Code of Ordinances by creating a definition for “masonry,” to amend Section 50-33 (“Board of Adjustments”) of the Code of Ordinances by authorizing the Board of Adjustments to hear and decide upon special exceptions for building façade requirements; to amend Section 50-62 (“Reserved”) of the Code of Ordinances by creating an Exterior Building Material/Façade Overlay District and associated regulations, effecting properties along FM 2920, SH 249 and SH Business 249.

ZONING CASE P15-008: Request by Dan Schaub, on behalf of Albers Properties, L.P., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .4186 acres of land, legally described as Tract 2A, Abstract 629, Joseph Pruitt Survey, within the City of Tomball, Harris County, Texas, generally located east of South Chestnut Street, north of Chestnut Business Park Drive, from the Single-Family 6 (SF6) District to the Planned Development District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Amelia Vasquez, at (281) 290-1410 or at avasquez@tomballtx.gov.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of August 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Vasquez

Amelia Vasquez

Secretary of the Board

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



Text Amendment Staff Report

Planning and Zoning Commission Hearing Date: August 10, 2015

City Council Public Hearing Date: August 17, 2015

ZONING CASE P15-071: Request by the City of Tomball to amend Section 50-2 (“Definitions”) of the Code of Ordinances by creating a definition for “masonry;” to amend Section 50-33 (“Board of Adjustments”) of the Code of Ordinances by authorizing the Board of Adjustments to hear and decide upon special exceptions for building façade requirements; to amend Section 50-62 (“Reserved”) of the Code of Ordinances by creating an Exterior Building Material/Façade Overlay District and associated regulations effecting properties along FM 2920, SH 249 and SH Business 249.

BACKGROUND

In June 2015, City Council directed City staff to bring forward amendments to Chapter 50 (Zoning) of the Code of Ordinance to help the City exercise greater control over the aesthetic characteristics of development along Main Street/Farm-to-Market (FM) 2920. The proposed changes below create a definition for “masonry,” limit the enhanced façade requirements to those properties on Main Street/FM 2920 not zoned Old Town & Mixed Use District, establish minimum building façade standards, set thresholds for enforcement, and authorize the Board of Adjustments to grant a special exception from these façade requirements. The Old Town & Mixed Use Zoning District is not being included in this amendment as that zoning district already has exterior façade requirements in the Code of Ordinances.

On July 13, 2015 City Staff presented the case to the Planning and Zoning Commission. After discussing the boundaries, the Commission decided to take no action on the item and directed staff to expand the boundaries to all properties along FM 2920, SH 249 and SH Business 249.

PROPOSED AMENDMENTS

Section 50-2. Definitions

Masonry means brick, stone, brick veneer, stucco, and split face block laid up unit by unit and set in mortar.

Section 50-33. Board of Adjustments (BOA)

g. General purpose and description.

1. Defined. A special exception is a type of variance, but is differentiated from a variance by the following:

- a. A special exception does not require a finding of a hardship.

b. Approval of a special exception by the board of adjustments is specifically provided for and defined in this chapter.

c. A special exception applies to nonconforming uses and structures, off-street parking requirements, **building façade requirements**, and landscaping requirements.

Section 50-62. Façade Overlay District

a. General purpose and description.

1. The Façade Overlay District (FOD) is intended to improve the aesthetics and integrity of development along the two main corridors within the City, FM 2920, SH 249 and SH Business 249, where higher development standards can effectively enhance the City's image as a desirable place to live, work, and shop.
2. The FOD is limited to a specified area encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards. In the event of a conflict between the standards of the FOD and the regulations of the underlying zoning district, the standards described herein will prevail.

b. Scope and enforcement

1. New Buildings: All new non-residential buildings shall adhere to this Section.
2. Existing Buildings and Additions to Existing Buildings: Existing buildings shall conform to this Section upon expansion exceeding 25% in area of the existing building.

- c. District Boundary: Properties with frontage on either side of Farm-to-Market 2920, excluding properties zoned Old Town & Mixed Use, properties with frontage on either side of State Highway 249, and properties with frontage on either side of State Highway 249 Business. Properties zoned Old Town & Mixed Use are not included in the FOD boundary.
- d. Building Façade Standards: Requirements are applicable to all sides of a building or structure visible from Main Street. A building façade plan of the entire proposed project shall be submitted with site plan review documents.

1. Building Articulation: Building articulation, which is the expression or outlining of parts of the building by its architectural design, shall be provided in order to achieve the following:

a. Create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions.

b. Break up the building mass through offsets and other methods that articulate the horizontal and vertical building planes.

2. Building Materials: A minimum of 100% of a building's total façade visible from FM 2920, SH 249 and SH Business 249, shall utilize materials allowed by right or Special Exception.

a. Allowed by Right: Masonry and glass.

b. Allowed by Special Exception: New technologies not addressed or contemplated by these regulations may also be allowed by Special Exception, if such materials are consistent with the visual nature and quality of the masonry materials permitted herein. Additionally, franchise businesses with an established theme that has not been deviated from in any other jurisdiction may apply for a Special Exception to use a material not permitted in this section.

c. Trim Materials: Architectural metal, EIFS (exterior insulation and finish systems), wood, cementitious fiberboard may be utilized for window and door trim, fascia, or soffit. EIFS may be used as a trim material but shall not be used within 6' of the ground.

d. Bright or fluorescent colors shall not be permitted on any building material.

e. All façades of an individual building, multiple buildings in a shopping center, or integrated business development shall have architectural design, color, and materials that are compatible or consistent with an overall theme.

PUBLIC COMMENT

A public hearing notice was published in the Tomball Tribune on July 27, 2015. No public comment forms have been received as of August 6, 2015

RECOMMENDATION

City staff recommends **APPROVAL** of Zoning Case P15-071.

Regular City Council

Agenda Item

Meeting Date: September 8, 2015

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2015-17, 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 .4186 Acres of Land, Legally Described as Tract 2a, Abstract 629, Joseph Pruitt Survey, Within the City of Tomball, Harris County, Texas, From The Single-Family Residential-6 District to the Planned Development District; Said Property Being Generally Located East of South Chestnut Street, North of Chestnut Business Park Drive; 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, August 10, 2015, the Planning and Zoning Commission unanimously voted to recommend approval of P15-008. The Commission discussed the surrounding properties and land uses as well as the existing Planned Development and found no adverse impacts as a result of the request.

Origination:

Recommendation:

Adopt Ordinance No. 2015-17 on Second Reading

Funding:

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

Ordinance No. 2015-17

Notice of Public Hearing

Property Owner Notification Letter

P15-008 Staff Report

ORDINANCE NO. 2015-17

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 .4186 ACRES OF LAND, LEGALLY DESCRIBED AS TRACT 2A, ABSTRACT 629, JOSEPH PRUITT SURVEY, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, FROM THE SINGLE-FAMILY RESIDENTIAL-6 DISTRICT TO THE PLANNED DEVELOPMENT DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED EAST OF SOUTH CHESTNUT STREET, NORTH OF CHESTNUT BUSINESS PARK DRIVE; 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, Dan Schaub, on behalf of Albers Properties, L.P. has requested that approximately .4186 acres of land, legally described as Tract 2A, Abstract 629, Joseph Pruitt Survey, generally located east of South Chestnut Street, north of Chestnut Business Park Drive, 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; and

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

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

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

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

Section 2. The zoning classification of the Property is hereby changed from the Single-Family Residential-6 District to the Planned Development District subject to the regulations, restrictions, and conditions hereafter set forth.

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

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

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 17TH DAY OF AUGUST 2015.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 8TH DAY OF SEPTEMBER 2015.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
PLANNING & ZONING COMMISSION (P&Z)
AUGUST 10, 2015
&
CITY COUNCIL
AUGUST 17, 2015**



Notice is Hereby Given that a Public Hearing will be held by the P&Z of the City of Tomball on **Monday, August 10, 2015, at 6:00 P.M.**, at City Hall, 401 Market Street, Tomball, Texas and by the City Council of the City of Tomball on **Monday, August 17, 2015, 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 P15-071: Request by the City of Tomball to amend Section 50-2 (“Definitions”) of the Code of Ordinances by creating a definition for “masonry,” to amend Section 50-33 (“Board of Adjustments”) of the Code of Ordinances by authorizing the Board of Adjustments to hear and decide upon special exceptions for building façade requirements; to amend Section 50-62 (“Reserved”) of the Code of Ordinances by creating an Exterior Building Material/Façade Overlay District and associated regulations, effecting properties along FM 2920, SH 249 and SH Business 249.

ZONING CASE P15-008: Request by Dan Schaub, on behalf of Albers Properties, L.P., to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .4186 acres of land, legally described as Tract 2A, Abstract 629, Joseph Pruitt Survey, within the City of Tomball, Harris County, Texas, generally located east of South Chestnut Street, north of Chestnut Business Park Drive, from the Single-Family 6 (SF6) District to the Planned Development District.

At the public hearings, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public inspection Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the Assistant City Planner, Amelia Vasquez, at (281) 290-1410 or at avasquez@tomballtx.gov.

CERTIFICATION

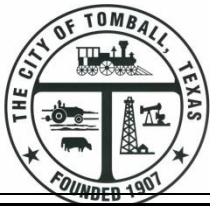
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the 6th day of August 2015 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Vasquez

Amelia Vasquez

Secretary of the Board

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



Notice of Public Hearing

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

CASE NUMBER: P15-008

APPLICANT/OWNER: Dan Schaub, on behalf of Albers Properties, L.P.

LOCATION: East of South Chestnut Street, north of Chestnut Business Park Drive

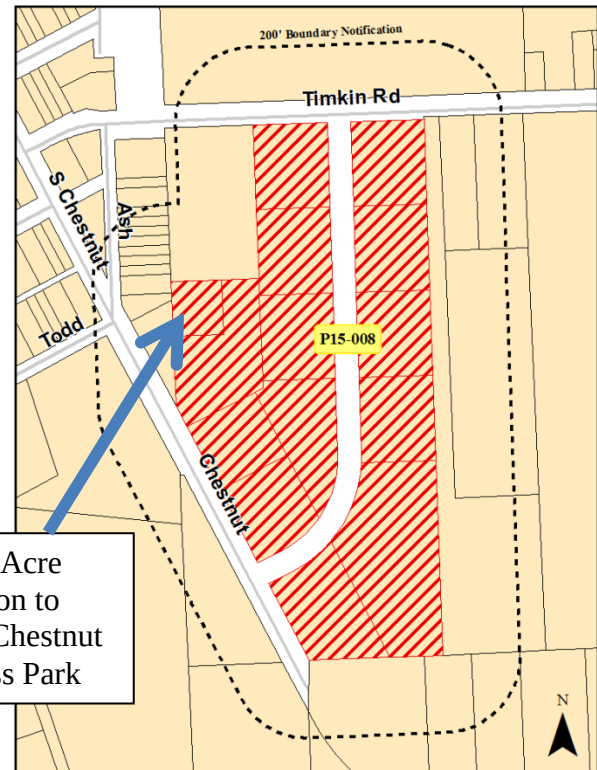
PROPOSAL: Request to amend Chapter 50 (Zoning) of the Tomball Code of Ordinances by rezoning approximately .4186 acres of land, legally described as Tract 2A, Abstract 629, Joseph Pruitt Survey, within the City of Tomball, Harris County, Texas, from the Single-Family 6 (SF6) District to the Planned Development District.

CONTACT: Amelia Vasquez

PHONE: (281) 290-1410

E-MAIL: avasquez@tomballtx.gov

.4186 Acre
addition to
existing Chestnut
Business Park



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.

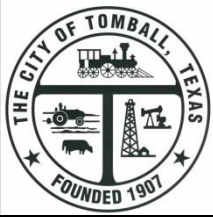
This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.

**Planning & Zoning Commission
Public Hearing:
Monday, August 10, 2015, 6:00 PM**

**City Council Public Hearing:
*Monday, August 17 2015, 6:00 PM**

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

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



Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: August 10, 2015
City Council Public Hearing Date: August 17, 2015

Rezoning Case: P15-008

Property Owner(s): Albers Properties, L.P. and 5 B Ventures, L.L.C.

Applicant: Dan Schaub

Legal Description: Tract 2A, Abstract 629, Joseph Pruitt Survey

Location: East of South Chestnut Street, north of Chestnut Business Park Drive (Exhibit "A")

Area: .4186 acres

Present Zoning and Use: Single-Family Residential-6 (SF-6) District (Exhibit "B") / Vacant Lot

Comp Plan Designation: Business / Industrial (Exhibit "C")

Proposed Zoning and Use: Planned Development District / Chestnut Business Park

Adjacent Zoning & Land Uses:

- North:** General Retail District and Planned Development District / Timkin Road and Concordia Lutheran High School
- South:** SF-6 & Duplex Districts / Undeveloped land
- West:** SF-6 District / South Chestnut Street, residences, and undeveloped land
- East:** Planned Development District / Concordia Lutheran High School athletic facilities and mini-warehouse

BACKGROUND

Chestnut Business Park is a 16.1-acre development located on the east side of South Chestnut Street, south of Timkin Road. Chestnut Business Park's first permit was issued on November 8, 2007, three months before the adoption of the Zoning Ordinance, resulting in its classification as a "vested project." Vesting gives a project certain rights to develop according to standards applying to that project at the time of its first permit. The Vested Rights Letter provided to the property owner, Albers Properties, L.P. on July 31, 2008, gives Chestnut Business Park the right to develop under certain conditions even though the City gave the property a zoning classification of SF-6 in February 2008. Without its Vested Rights Letter, Chestnut Business Park would be required to develop per the SF-6 District regulations.

Over time, the City was approached by Albers Properties, L.P. requesting the original Vested Rights Letter be amended to allow for a different mix of land uses to make the property more marketable. The City issued revised vested rights letters on September 21, and October 14, 2011. On September 6, 2012, the City met with Dan Schaub of Albers Properties, L.P. to again discuss allowing an expansion of the permitted uses. Mr. Schaub was informed that he could request a rezoning of the property from SF-6 to Planned Development District (PDD). With a PDD, all the land uses he believed would be possible developments in the business park could be added as allowed uses, which would eliminate the need for his Vested Rights Letter.

On December 10, 2012, the City of Tomball Planning and Zoning Commission unanimously voted to recommend approval of case P12-516, request to change the zoning of the property from SF-6 to the Planned Development District, and case P12-517, request to change the Comprehensive Plan Future Land Use designation of the property from “Medium Density Residential” to “Business/Industrial.”

On June 21, 2015, the City of Tomball received an application for a Planned Development for a .4186 acre tract adjacent to the Chestnut Business Park PDD. This parcel of land is being replatted and combined with existing Chestnut Business Park.

ANALYSIS

The existing business park land appears to be consistent with Concordia Lutheran High School’s facilities to the north and east and the mini-warehouse to the east. On the surface, the business park’s proximity to nearby residences may cause land use compatibility concerns. However, the business park has existed for several years now without any known filed complaints from its neighbors siting incompatibility concerns. The current proposal, as indicated by the applicant, is seeking to add .4186 acres with the same design standards and land uses as the existing Planned Development.

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

If the proposed zoning change were approved, there should be few if any affects on other areas designated for similar developments. As previously stated, this request is only adding a small parcel to an existing 16.1 acre business park.

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

The proposed zone change is not anticipated to substantially affect the public health, safety, morals, or general welfare.

C. Whether the request is consistent with the Comprehensive Plan (CP).

In December 2010, the City Council approved the Comprehensive Plan Amendment (P12-517) to change the Comprehensive Plan Future Land Use designation of the property from “Medium Density Residential” to “Business/Industrial” for the existing 16.1 acre business park. The future land use designation of the .4186 acres is “Medium Density Residential”, however as the

land use plan is not intended to be parcel specific, and due to its adjacency to “Business/Industrial”, staff has determined the request to be generally consistent with the Comprehensive Plan.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on July 30, 2015. As of August 6, 2015 no public comments have been received.

RECOMMENDATION

City Staff recommends **APPROVAL** of Zoning Case P15-008 based on the following:

- a. The proposed zoning of Planned Development District is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.
- b. The request is only adding a .4186 acre parcel to an existing business park consisting of 16.1 acres.
- c. Due to the parcel’s adjacency to Business/Industrial, the request is generally consistent with the Future Land Use Plan.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Comprehensive Plan Future Land Use Map
- D. Site Photos
- E. Rezoning Application
- F. Concept Plan

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map

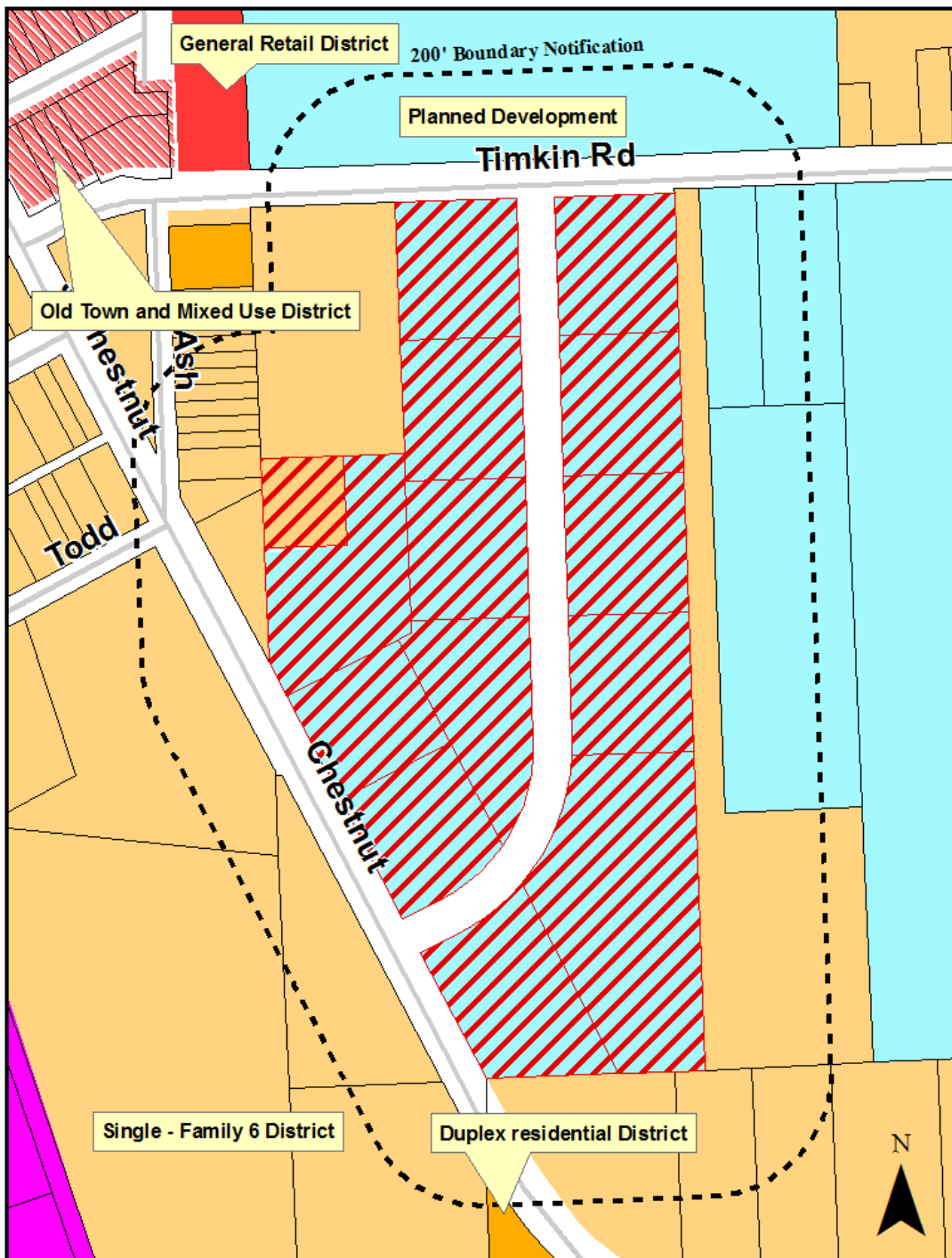
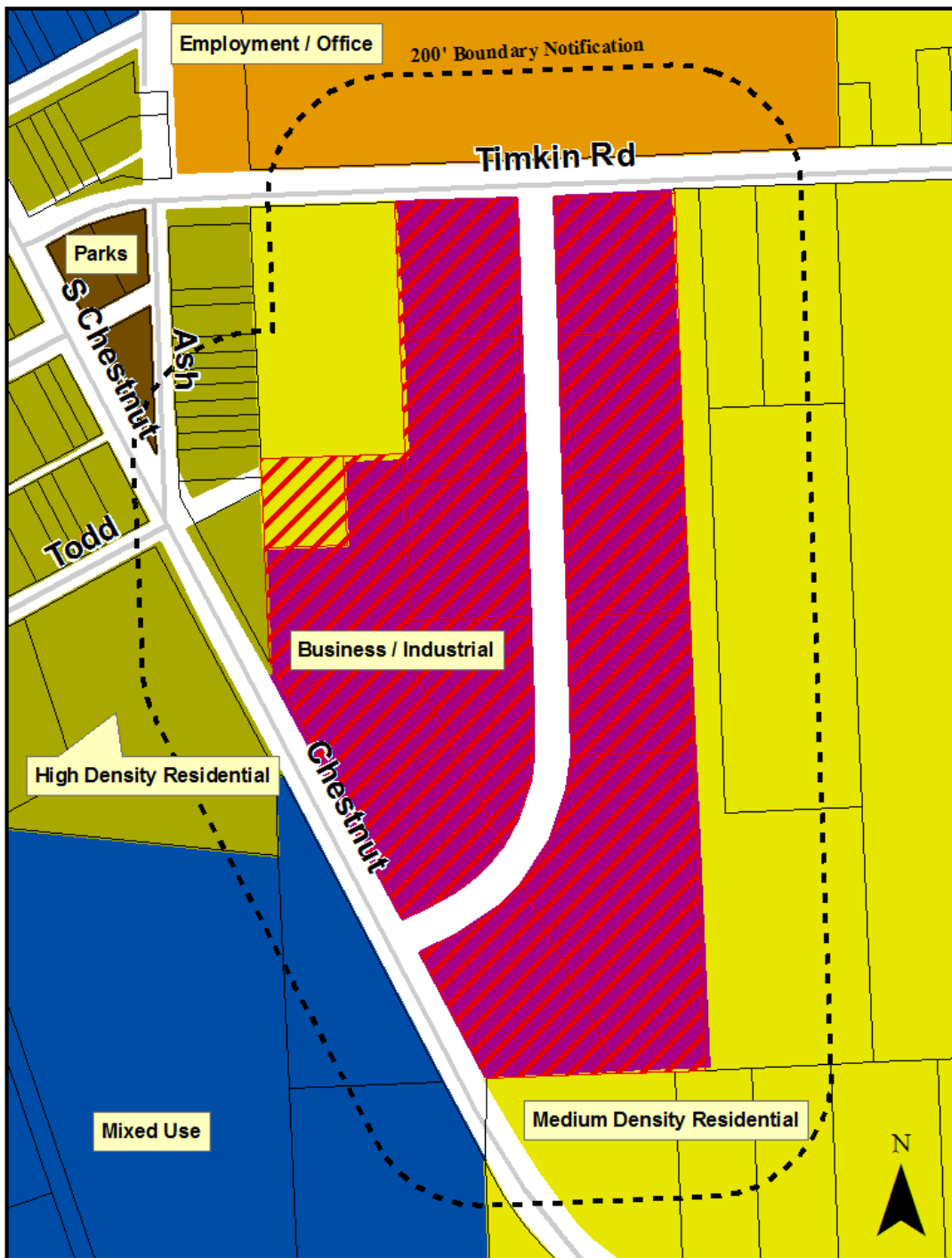


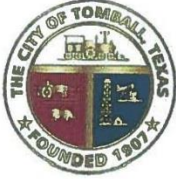
Exhibit "C"
Comprehensive Plan Future Land Use Map



**Exhibit “D”
Site Photo**



Exhibit "E"
Rezoning Application



Revised 1/20/09

**Application for
Planned Development**
Engineering & Planning Department



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

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

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

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

Applicant
Name: Dan Schaub Title: Project Manager
Mailing Address: 21514 Fones Rd City: Tomball State: Tx
Zip: 77317
Phone: (713) 822-8095 Fax: () Email: dk.schaub@att.net

Owner
Name: See Letter Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____
Phone: () Fax: () Email: _____

Engineer/Surveyor (if applicable)
Name: Four Points Survey - Mark Sherly Title: Owner
Mailing Address: 83 E. Greywing Circle City: The Woodlands State: Tx
Zip: 77382
Phone: (281) 961-0714 Fax: () Email: FPsurveying@gmail.com

Description of Proposed Project: Chestnut Business Park

Physical Location of Property: NE Corner of Chestnut Business Park + 525 S. Chestnut
[General Location - approximate distance to nearest existing street corner]

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

www.ci.tomball.tx.us

Legal Description of Property: See Attachment to letter.
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: See Attachment to letter Acreage: 16.5298

Current Use of Property: Not currently developed - Chestnut Business Park

Proposed Use of Property: Chestnut Business Park

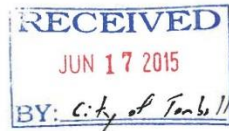
Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

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

X [Signature] 6-17-15
Signature of Applicant Date

X [Signature] 6-17-15
Signature of Owner Date

Albers Properties, L.P
CHESTNUT BUSINESS PARK



May 20, 2015

City of Tomball Planning and Zoning
501 James Street
Tomball, Texas 77375

Reference: The Rezoning of Tract 2A, Abstract 629, Joseph Pruitt Survey

Dear City of Tomball Staff,

Albers Properties, L.P. requests that the City of Tomball consider rezoning of Tract 2A, Abstract 629, Joseph Pruitt Survey (.4186 acre) adjacent to Chestnut Business Park from its current Medium Density Residential to Business/Industrial for Office District to a Planned Development District. This Tract 2A, Abstract 629 Joseph Pruitt Survey (.4186 acre) is being replatted and combined with 525 S. Chestnut St. This project originally began in 2007 and consists of 12 premium lots with a regional detention pond and associated infrastructure. The plat prepared and recorded in 2008 along with the construction of the first 2 lots. In 2011, Chestnut Business Park Drive and associated utilities were completed and approved by the City and was rezoned to PD. This project has followed by all rules and guidelines set forth and we believe it is a great asset to the community. These projects when complete will not only provide an aesthetically pleasing commercial park but jobs and economic impact to the City.

We look to have more flexibility for our future tenants in a manner which still adheres to the City of Tomball's Comprehensive Plan. In different economic times it is important to be able to offer a variety of products for the clients that look to establish businesses in Tomball. We are requesting that we are allowed to offer these types of businesses and opportunity to relocate their interest to the City. The Design standards and uses will remain the same.

The following uses are shown below:

Chestnut Business Park Rezoning

Page 2

Proposed Uses for Chestnut Business Park, Tomball, Texas

Sign Shop retail
Upholstery Shop Non-Auto
Auto Interior Shop/Upholstery
Auto Glass Repair/Tinting
Auto Muffler Shop
Auto Repair (Major)
Auto Repair (Minor)
Appliance Repair
Electronic Assembly
Fix it Shops
Heating and Air Conditioning
Lawnmower Repair and Sales
Locksmith
Maintenance and Repair Service
Moving and Storage
News Printing
Pawn Shop
Plumbing Shop
Printing Equipment, Supplies, Repairs
Quick Lube/oil-change/inspection
Scientific Research Lab
Security System Installation
Sheet Metal Shop
Tool and Machinery Rental Inside
Vacuum Cleaner Sales/Repair
Vet Clinic
Contractor Office/ Sales
Office Showroom/Warehouse
Assembly of finished products or parts as defined in 2nd Amendment to VRLK dated October 14, 2011
Commercial & Wholesale Trade:
 Communication Equipment sales/Service (Installation and/or Repair)
 Distribution Center
 Electric Repair (Domestic Equipment and Autos)
 Exterminator Service
 Iron Works (Ornamental)
 Machine Shop
 Pet and Animal Grooming Shop
 Publishing and Printing Company

Chestnut Business Park Rezoning

Page 3

Warehouse (defined under storage or wholesale warehouse)
Welding Shop
Wholesale Trade-Nondurable Goods
Woodworking Shop

Amusement & Recreation

Amusement,commercial (indoor)
Playfield or stadium (private)

Office

Clinic,Emergency Care
Clinic,Medical and/or Dental
Office, Professional and General Business
Office Showroom/Warehouse
Security Monitoring Company (No Outside Storage)
Telemarketing Agency
Telephone Exchange/Switching Station

Personal & Business

Ambulance Service
Automobile Driving School (Including Defensive Driving)
Dance/Drama/Music Schools (Performing Arts,Martial Arts)
Health Club (Indoor)

Retail

Artist or Photography Studio
Bakery (Wholesale)
Carpenter Shop
Catering Service
Copy Shop
Electronic Goods (Retail Only)
Furniture Store (New and Used)
Painting and Refinishing Shop
Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only; no outside storage)
Trophy Engraving
Upholstery Shop (Non-Auto)

Transportation & Auto Services

Auto Accessories (Retail Sales Only)

Chestnut Business Park Rezoning

Page 4

Auto Body Repair/Painting
Auto Dealer, Primarily Used Auto Sales w/ outdoor sales (no outdoor display)
Auto Interior Shop/Upholstery
Auto Paint Shop
Auto Parts Sale (New or Rebuilt; No Outside Storage, No Outside Display, No Repair)
Automobile Assembly
Automobile Wash (Full service/detail Shop)

Institutional/Governmental

Child Day Care Center (Business)
Church/Temple/Place of Worship
Governmental Building or Use (County, State or Federal)
School- College or University
School-Commercial Trade (Vocational)
School- Other than Public or Denominational
Studio for Radio and/or Television (No Towers)

Commercial & Wholesale Trade

Appliance Repair
Carpet and Rug Cleaning Plant
Cleaning Plant (Commercial Laundry)
Communication Equipment Sales/Service (Installation and/or Repair- No outdoor sales or storage or towers/antennae)
Contractor's Office/Sales, No Outside Storage including Vehicles
Distribution Center
Electric Repair- (Domestic Equipment and Autos)
Electronic Assembly
Electro-plating/Electro-typing
Exterminator Service/Company (No Outdoor Sales or Storage)
Fix-it-Shops- Small Engine, Saw Filing, Mower Sharpening
Heating & Air-Conditioning Sales/Services
Iron Works (Ornamental)
Lawnmower Repair and/or Sales
Locksmith
Machine Shop
Maintenance & Repair Service for Buildings/Janitorial
Mattress- making and renovating
Moving and Storage Company
News Printing
Plumbing Shop
Printing Equipment, Supplies and Repairs
Publishing and Printing Company

Chestnut Business Park Rezoning

Page 5

Scientific and Industrial Research Laboratories (Non-Hazardous)

Security Systems Installation Company

Sheet Metal Shop

Taxidermist

Tool and Machinery Rental (Indoor Storage only)

Warehouse (Defined under storage or wholesale warehouse)

Welding Shop

Wholesale Trade- Nondurable Goods

Wood Working Shops

Light & Heavy Manufacturing/Industrial

Artificial Flower Manufacture

Awning Manufacture-Cloth, Metal and Wood

Bag Manufacturing

Bottling Works

Broom Manufacture

Candy and Other Confectionary Products Manufacture

Canvas and related products manufacture

Ceramic Products Manufacture

Cutlery, Handtools and General Hardware Manufacture

Electric lamp manufacture

Elevator manufacture

Enameling and Painting

Engraving Plant

Envelope Manufacture

Farm/garden machinery equipment manufacture

Fixtures Manufacture

Food Processing

Footwear manufacture

Furnace manufacture

Furniture Manufacture

Hair Products Factory (Other than Human)

Ice cream/ ice manufacture

Laboratory Equipment Manufacturing

Leather Products Manufacture

Marble Working and Finishing

Metal Products, Stamping and Manufacture

Mirror resilvering

Office equipment manufacture

Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture

Paper Products and Paper Box Manufacture

Plastic Products- Molding, Casting, and Shaping

Sign Manufacturing (No Outside Storage)

Chestnut Business Park Rezoning
Page 6

Stone Cutting or Crushing
Textile Products Manufacture
Wood Products Manufacture

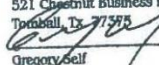
Many of these businesses are currently allowed and are in place for this development. By allowing this rezoning we feel like we can bring in quality tenants that will encourage growth and prosperity to this area in a manner which is consistent with the City's rules and regulations. Thank you for your consideration.

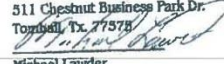
Respectfully,

Dean Albers/Albers Properties LP
PO Box 2563
Alpine, CA. 91903

Tan Mar 15B Ventures LLC
711 S. Chestnut St.
Tomball, Tx. 77375

Maurice Blodsoe

Standard Interests LLC
521 Chestnut Business Park Dr.
Tomball, Tx. 77375

Gregory Seif

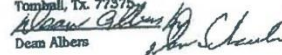
Michael Lawder | Chestnut Rentals, LLC
511 Chestnut Business Park Dr.
Tomball, Tx. 77375

Michael Lawder

Chad Moore | CHEC M PROPERTIES
421 Chestnut Business Park Dr.
Tomball, Tx. 77375

Chad Moore

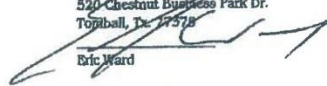
Albers Properties LP
411 Chestnut Business Park Dr.
Tomball, Tx. 77375

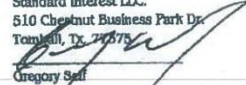
Dean Albers

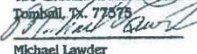
Albers Properties LP
611 S. Chestnut St.
Tomball, Tx. 77375

Dean Albers

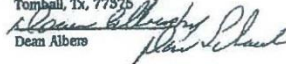
Spera Prop LLC
623 S. Chestnut St.
Tomball, Tx. 77375

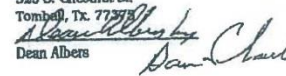
Curt Braun

Auspicious T, Inc.
520 Chestnut Business Park Dr.
Tomball, Tx. 77375

Eric Ward

Standard Interest LLC
510 Chestnut Business Park Dr.
Tomball, Tx. 77375

Gregory Seif

Michael Lawder | Chestnut Rentals, LLC
420 Chestnut Business Park Dr.
Tomball, Tx. 77375

Michael Lawder

Albers Properties
410 Chestnut Business Park Dr.
Tomball, Tx. 77375

Dean Albers

Albers Properties LP
525 S. Chestnut St.
Tomball, Tx. 77375

Dean Albers

Chestnut Business Park Rezoning
Page 6
Stone Cutting or Crushing
Textile Products Manufacture
Wood Products Manufacture

Many of these businesses are currently allowed and are in place for this development. By allowing this rezoning we feel like we can bring in quality tenants that will encourage growth and prosperity to this area in a manner which is consistent with the City's rules and regulations. Thank you for your consideration.

Respectfully,

Dean Albers/Albers Properties LP
PO Box 2563
Alpine, CA. 91903

Tan Mar 15B Ventures LLC
711 S. Chestnut St.
Tomball, Tx. 77375

Maurice Bledsoe

Standard Interests LLC.
521 Chestnut Business Park Dr.
Tomball, Tx. 77375

Gregory Self

Michael Lawder / Chestnut Rentals, LLC
511 Chestnut Business Park Dr.
Tomball, Tx. 77375

Michael Lawder

Chad Moore / C4EL M PROPERTIES
421 Chestnut Business Park Dr.
Tomball, Tx. 77375

Chad Moore

Albers Properties LP
411 Chestnut Business Park Dr.
Tomball, Tx. 77375

Dean Albers

Albers Properties LP
611 S. Chestnut St.
Tomball, Tx. 77375

Dean Albers

Spera Prop LLC
625 S. Chestnut St.
Tomball, Tx. 77375

Auspicious 7, Inc.
520 Chestnut Business Park Dr.
Tomball, Tx. 77375

Eric Ward

Standard Interest LLC.
510 Chestnut Business Park Dr.
Tomball, Tx. 77375

Gregory Self

Michael Lawder / Chestnut Rentals, LLC
420 Chestnut Business Park Dr.
Tomball, Tx. 77375

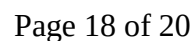
Michael Lawder

Albers Properties
410 Chestnut Business Park Dr.
Tomball, Tx. 77375

Dean Albers

Albers Properties LP
525 S. Chestnut St.
Tomball, Tx. 77375

Dean Albers



A		B		C		D	
1	HCAD#	OWNER	ADDRESS	LEGAL DESCRIPTION			
2							
3	1315270010001	SPERA Properties LLC	623 S. Chestnut St.	Lot 1, Block 1, Chestnut Business Park			
4	1315270020001	Albers Properties LP	411 Chestnut Business Park Dr.	Lot 1, Block 2, Chestnut Business Park			
5	1315270010002	Albers Properties LP	611 S. Chestnut St.	Lot 2, Block 1, Chestnut Business Park			
6	1315270020002	CHEC M PROPERTIES/Chad Moore	421 Chestnut Business Park Dr.	Lot 2, Block 2, Chestnut Business Park			
7	1315270010003	Albers Properties LP	525 S. Chestnut St.	Lot 3, Block 1, Chestnut Business Park			
8	1315270020003	Chestnut Rentals, LLC / Michael Lawder	511 Chestnut Business Park Dr.	Lot 3, Block 2, Chestnut Business Park			
9	1315270010004	Auspicious 7, Inc.	520 Chestnut Business Park Dr.	Lot 4, Block 1, Chestnut Business Park			
10	1315270020004	Standard Interest LLC	521 Chestnut Business Park Dr.	Lot 4, Block 2, Chestnut Business Park			
11	1315270010005	Standard Interest LLC	510 Chestnut Business Park Dr.	Lot 5, Block 1, Chestnut Business Park			
12	1315270020005	Albers Properties LP	0 Chestnut Business Park Dr.	Lot 5, Block 2, Chestnut Business Park			
13	1315270010006	Chestnut Rentals, LLC / Michael Lawder	420 Chestnut Business Park Dr.	Lot 6, Block 1, Chestnut Business Park			
14	1315270020006	TanMar/SB Ventures LLC	711 S. Chestnut St.	Lot 6, Block 2, Chestnut Business Park			
15	1315270010007	Albers Properties LP	410 Chestnut Business Park Dr.	Lot 7, Block 1, Chestnut Business Park			
16	0440550000210	Albers Properties LP	0 Timpkin Rd.	Tract 2A, Abstract 629 Joseph Pruitt Survey			
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							
37							
38							
39							
40							
41							
42							

[illegible]

Regular City Council

Agenda Item

Meeting Date: September 8, 2015

Data Sheet

Topic:

Approve Request by Tomball Pregnancy Center for In-Kind Services from the City Police, Fire, Public Works and NWEMS Departments, and to Waive Associated Fees for the 3rd Annual New Life 5K & Kid's Walk, to be held on September 19, 2015

Background:

Tomball Pregnancy Center is asking for in-kind services from the City Police, Fire, Public Works and NWEMS Department, and to waive associated fees for the 3rd Annual New Life 5K & Kid's Walk. The event is on September 19, 2015. It starts at 8 am and should be completed by 11am. The route is the same as the City of Tomball's Bunny Run and other community runs, which start and end at the Depot.

TPC is expecting 300-400 runners/walkers to participate. This is one of the largest fundraisers for Tomball Pregnancy Center. Tomball Pregnancy Center is a Christian non-profit that serves men and women dealing with unplanned pregnancies by providing education and tangible support. The money from this Run will help pay for Staff, Administrative costs, pregnancy tests and curriculum for clients in need.

TPC understands that they will need to contact/work with NWEMS directly, as NWEMS is not a department of the City.

Origination:

Tomball Pregnancy Center and City of Tomball - Marketing

Recommendation:

After meeting with the City "Events" team (fire, police and public works) we recommend that Council approve the request of Tomball Pregnancy Center for its annual 5K Run and one mile walk.

Funding:

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

Denise Fiore - Community Events Coordinator

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

Regular City Council

Agenda Item

Meeting Date: September 8, 2015

Data Sheet

Topic:

Ratify the FY 2015-2016 Budget and Find that the Proposed Tax Rate of \$.341455/\$100 Exceeds the Effective Tax Rate and Will Generate More Property Tax Revenue than the FY 2014-2015 Budget.

Background:

Truth-in-Taxation laws require that, prior to Council adopting a tax rate, the Council must first ratify the already adopted budget for the ensuing fiscal year and "find" that the proposed tax rate will generate more or less property tax revenue than the concluding year's adopted budget.

The City's current tax rate is \$.341455/\$100; the effective tax rate calculated by Harris County is \$.3233550/\$100.

Two public hearings are required before the adoption of an ordinance setting the 2015 tax levy. Council has set September 14, 2015 at 5:00 p.m. and September 21, 2015 at 6:00 p.m. for the public hearings.

According to Harris County's Effective Tax Rate Notice, the proposed rate of \$.341455 per \$100 of assessed value exceeds the effective tax rate and the rollback tax rate. The notice of effective tax rate for Tomball was published in the official newspaper on September 7, 2015.

After ratifying the 2015-2016 budget and finding that the proposed tax rate exceeds the effective tax rate, Council will announce that public hearings on the tax rate will be required on September 14 and September 21 in a separate item.

Origination:

City Secretary

Recommendation:

Ratification of the FY 2015-2016 Budget and finding that the proposed tax rate of \$.341455 will generate more property tax revenue than the FY 2014-2015 Budget.

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

ATTACHMENTS:

2015 Property Tax Rates - Notice of Effective Tax Rate

2015 Property Tax Rates in City of Tomball

This notice concerns the 2015 property tax rates for City of Tomball. It presents information about three tax rates. Last year's tax rate is the actual tax rate the taxing unit used to determine property taxes last year. This year's *effective* tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's *rollback* tax rate is the highest tax rate the taxing unit can set before taxpayers start rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:

Last year's operating taxes	\$1,751,886
Last year's debt taxes	\$3,615,214
Last year's total taxes	\$5,367,100
Last year's tax base	\$1,571,832,306
Last year's total tax rate	\$0.341455/\$100

This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$5,361,521
÷ This year's adjusted tax base (after subtracting value of new property)	\$1,657,088,026
=This year's effective tax rate	\$0.323550/\$100

(Maximum rate unless unit publishes notices and holds hearings.)

This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhanced indigent healthcare expenditures)	\$5,293,503
÷ This year's adjusted tax base	\$1,657,088,026
=This year's effective operating rate	\$0.319446/\$100
x 1.08 =this year's maximum operating rate	\$0.345001/\$100
+ This year's debt rate	\$0.183410/\$100
= This year's total rollback rate	\$0.528411/\$100
-Sales tax adjustment rate	\$0.209809/\$100
=Rollback tax rate	\$0.318602/\$100

Statement of Increase/Decrease

If City of Tomball adopts a 2015 tax rate equal to the effective tax rate of \$0.323550 per \$100 of value, taxes would increase compared to 2014 taxes by \$97,304.

Schedule A - Unencumbered Fund Balance

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
General Fund	12,323,147
Special Revenue Funds	1,258,925

Schedule B - 2015 Debt Service

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
Series 2010 Refunding Bonds	270,000	14,570	0	284,570
Series 2011 Refunding Bonds	501,750	101,683	0	603,433
2015 Lease - Fire Truck	68,858	26,320	0	95,178
Series 2012 Certificates of Obligation	595,000	438,463	0	1,033,463
Series 2013 Refunding Bonds	500,000	52,938	0	552,938
Series 2013 Certificates of	350,000	178,013	0	528,013

Obligation

Total required for 2015 debt service	\$3,097,595
- Amount (if any) paid from Schedule A	\$0
- Amount (if any) paid from other resources	\$0
- Excess collections last year	\$0
= Total to be paid from taxes in 2015	\$3,097,595
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2015	\$0
= Total debt levy	\$3,097,595

Schedule C - Expected Revenue from Additional Sales Tax

In calculating its effective and rollback tax rates, the unit estimated that it will receive \$3,543,439 in additional sales and use tax revenues.

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 1001 Preston, Houston, TX 77002.

Name of person preparing this notice: Mike Sullivan

Title: Harris County Tax Assessor-Collector

Date Prepared: 09/02/2015

Regular City Council

Agenda Item

Meeting Date: September 8, 2015

Data Sheet

Topic:

Set the Dates for the Vote on the Proposed 2015 Tax Rate and Announce that Voting on the Proposed 2015 Tax Rate will be held at a Special Council Meeting on September 28, 2015 and at a Regular Council Meeting on October 5, 2015 at 6:00 p.m.

Background:

On September 8, 2015, Council ratified the budget and found that the proposed tax rate will generate more tax revenue than the previous year's budget and announced the dates for the two required public hearings on the proposed tax rate for September 14, 2015 at 5:00 p.m. and September 21, 2015 at 6:00 p.m.

The next requirement is to set and announce the dates that Council will vote on the proposed tax rate for 2015, if the proposed tax rate exceeds either the effective tax rate or the rollback rate.

On August 25, 2015, we received the certified tax rolls from Harris County; on September 2, 2015, we received the final calculation for the 2015 Property Tax Rates notice for the City of Tomball. The current tax rate of \$0.341455 is more than the effective tax rate and the rollback tax rate.

The notice of effective tax rate was published in the September 7, 2015 issue of the official newspaper.

Following the two public hearings, City staff suggests that the first reading of the ordinance adopting the tax rate be held on September 28, 2015 at 5:00 p.m., at a special Council meeting and the second reading of the ordinance be held at the October 5, 2015 regular Council meeting.

The October 5 date will meet the requirements to adopt the tax rate within 60 days of receiving the certified rolls from Harris County.

Origination:

City Secretary

Recommendation:

Approve and Announce that Voting on the Proposed 2015 Tax Rate will be held at a Special Council Meeting on September 28, 2015 and at a Regular Council Meeting on October 5, 2015 at 6:00 p.m.

Funding:

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

Doris Speer, City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER

☐ YES ☐ NO

☐ 1ST ☐ 2ND

ATTACHMENTS:

2015 Property Tax Rates in the City of Tomball

2015 Property Tax Rates in City of Tomball

This notice concerns the 2015 property tax rates for City of Tomball. It presents information about three tax rates. Last year's tax rate is the actual tax rate the taxing unit used to determine property taxes last year. This year's *effective* tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's *rollback* tax rate is the highest tax rate the taxing unit can set before taxpayers start rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:

Last year's operating taxes	\$1,751,886
Last year's debt taxes	\$3,615,214
Last year's total taxes	\$5,367,100
Last year's tax base	\$1,571,832,306
Last year's total tax rate	\$0.341455/\$100

This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$5,361,521
÷ This year's adjusted tax base (after subtracting value of new property)	\$1,657,088,026
=This year's effective tax rate	\$0.323550/\$100

(Maximum rate unless unit publishes notices and holds hearings.)

This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhanced indigent healthcare expenditures)	\$5,293,503
÷ This year's adjusted tax base	\$1,657,088,026
=This year's effective operating rate	\$0.319446/\$100
x 1.08 =this year's maximum operating rate	\$0.345001/\$100
+ This year's debt rate	\$0.183410/\$100
= This year's total rollback rate	\$0.528411/\$100
-Sales tax adjustment rate	\$0.209809/\$100
=Rollback tax rate	\$0.318602/\$100

Statement of Increase/Decrease

If City of Tomball adopts a 2015 tax rate equal to the effective tax rate of \$0.323550 per \$100 of value, taxes would increase compared to 2014 taxes by \$97,304.

Schedule A - Unencumbered Fund Balance

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
General Fund	12,323,147
Special Revenue Funds	1,258,925

Schedule B - 2015 Debt Service

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
Series 2010 Refunding Bonds	270,000	14,570	0	284,570
Series 2011 Refunding Bonds	501,750	101,683	0	603,433
2015 Lease - Fire Truck	68,858	26,320	0	95,178
Series 2012 Certificates of Obligation	595,000	438,463	0	1,033,463
Series 2013 Refunding Bonds	500,000	52,938	0	552,938
Series 2013 Certificates of	350,000	178,013	0	528,013

Obligation

Total required for 2015 debt service	\$3,097,595
- Amount (if any) paid from Schedule A	\$0
- Amount (if any) paid from other resources	\$0
- Excess collections last year	\$0
= Total to be paid from taxes in 2015	\$3,097,595
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2015	\$0
= Total debt levy	\$3,097,595

Schedule C - Expected Revenue from Additional Sales Tax

In calculating its effective and rollback tax rates, the unit estimated that it will receive \$3,543,439 in additional sales and use tax revenues.

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 1001 Preston, Houston, TX 77002.

Name of person preparing this notice: Mike Sullivan
Title: Harris County Tax Assessor-Collector
Date Prepared: 09/02/2015

Regular City Council

Agenda Item

Meeting Date: September 8, 2015

Data Sheet

Topic:

Approve the following plats as recommended by the Planning and Zoning Commission:

- **NABORS PARKWAY**: Being 1.7950 Acres of Land in the Sam Lewis Survey, Abstract No. 1704, in the City of Tomball, Harris County, Texas.
- Replat of **520 W. Main Street**: A Subdivision of 0.4821 acre composed of Lot 6, 7, and 8 of Block 42 of the Tomball Township as Recorded in Volume 2, Page 36 of the Harris County Map Records and located in the John House Survey, A-34 and the William Hurd Survey, A-371 City of Tomball, Harris County, Texas.
- **WILLOWCREEK RANCH EQUESTRIAN RESERVES**: Being a Subdivision of 19.9242 acres in the William Biggio Survey, Cert. No. M-22954 and the M.B. Jones & G.M. Cone Survey, Cert. No. M-22952 in Harris County, Texas.
- **MOH DALI DEVELOPMENT**: A Subdivision of 5.7965 acres situated in the Jesse Pruitt Survey, A-629 being a replat of Lot 1, Block 1 of Huffsmith-2978 as recorded under Film Code No. 620122 Map Records of Harris County Harris County, Texas.

Background:

On March 9, 2015 and June 8, 2015, the Planning and Zoning Commission unanimously voted to recommend approval of Nabors Parkway and 520 W. Main Street with contingencies, respectively.

On August 10, 2015, the Planning and Zoning Commission unanimously voted to recommend approval of Willowcreek Ranch Equestrian Reserves.

On August 10, 2015, the Planning and Zoning Commission unanimously voted to recommend approval of Moh Dali Development with contingencies.

Origination:

Community Development

Recommendation:

Approval

Funding:

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

Community Development Department

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER
☐ YES ☐ NO	☐ 1 ST ☐ 2 ND	

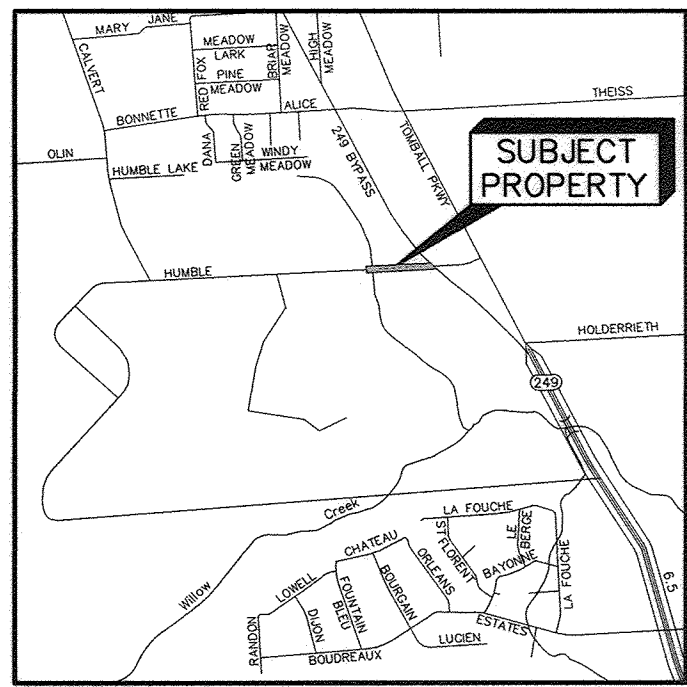
ATTACHMENTS:

Nabors Parkway

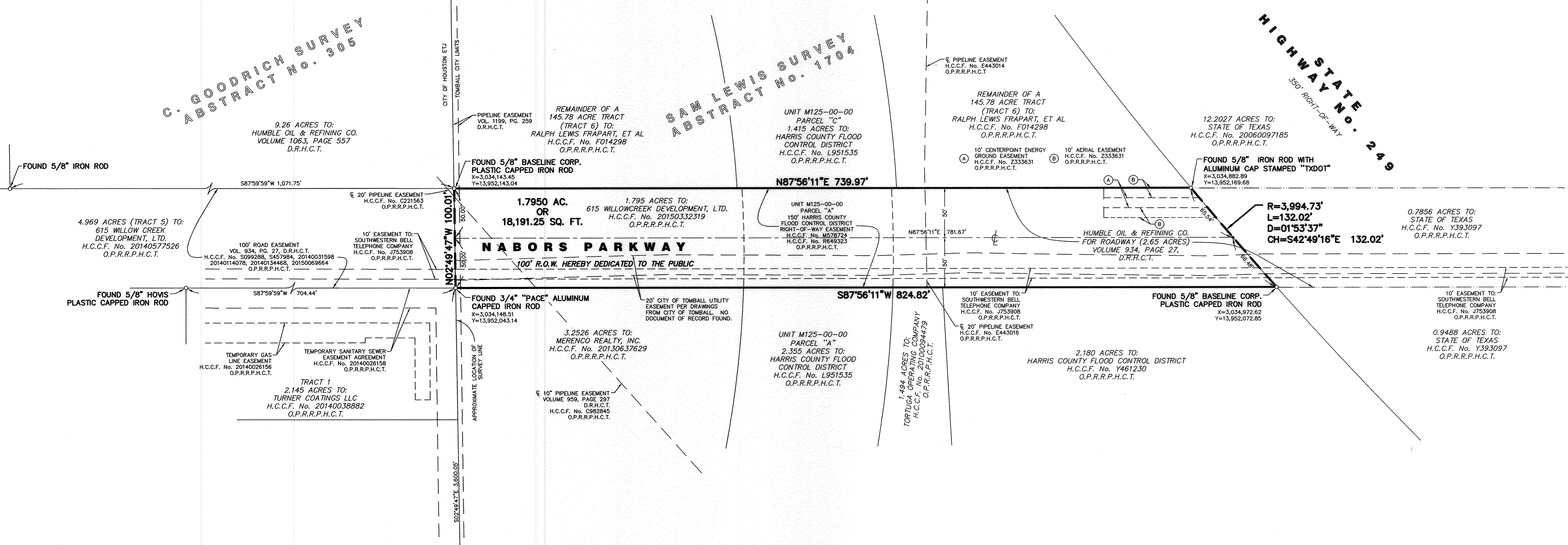
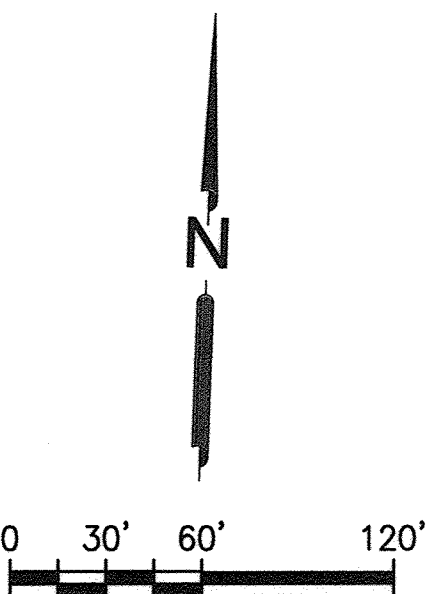
520 W.Main Street

Willowcreek Ranch Equestrian Reserves

Moh Dali Development



VICINITY MAP
1"=3,000'



NOTES:

- D.R.H.C.T. = DEED RECORDS OF HARRIS COUNTY, TEXAS
- H.C.C.F. No. = HARRIS COUNTY CLERKS FILE NUMBER
- O.P.R.R.P.H.C.T. = OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS
- PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENT.
- THIS TRACT OF LAND LIES WITHIN ZONE "X" (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.02% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO FEMA FLOOD INSURANCE RATE MAP No. 48201C0210L, DATED JUNE 18, 2007.
- THE BEARINGS HEREON WERE DERIVED FROM REDUNDANT RTK GPS OBSERVATIONS AND ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, (4204) NAD 83 CORRS ADJUSTMENT. THE DISTANCES SHOWN ARE SURFACE DATUM. TO CONVERT TO GRID MULTIPLY BY A COMBINED PROJECT ADJUSTMENT FACTOR OF 0.9999412773.
- THIS TRACT OF LAND IS LOCATED WITHIN THE CITY OF TOMBALL AND IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS AND STIPULATIONS OF CITY OF TOMBALL CODE OF ORDINANCES.
- ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
- NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
- THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
- SURVEYED ON THE GROUND IN OCTOBER OF 2014.
- THE AREA OF THIS TRACT OF LAND, EXPRESSED IN HUNDREDTHS OF A SQUARE FOOT IS DONE SO STRICTLY PER REQUIREMENTS IN THE CITY OF TOMBALL CODE OF ORDINANCES AND IS BASED SOLELY ON AN AREA CALCULATION. THE AREA, EXPRESSED IN HUNDREDTHS OF A SQUARE FOOT DOES NOT REPRESENT THE PRECISION OF THIS SURVEY.
- THIS TRACT OF LAND IS SUBJECT TO A MAGNOLIA PIPELINE COMPANY EASEMENT RECORDED IN VOLUME 926, PAGE 488 D.R.H.C.T. SAID EASEMENT IS DESCRIBED AS OVER AND THROUGH (NOT-PLOTTABLE).
- THIS TRACT OF LAND IS SUBJECT TO A 30' WIDE HUMBLE OIL & REFINING COMPANY DRAINAGE EASEMENT RECORDED IN VOLUME 1018, PAGE 682 D.R.H.C.T. SAID EASEMENT IS DESCRIBED AS OVER AND THROUGH THE SAM LEWIS SURVEY (NOT-PLOTTABLE).
- THIS TRACT OF LAND IS SUBJECT TO A HUMBLE PIPELINE COMPANY EASEMENT RECORDED IN VOLUME 1058, PAGE 450 D.R.H.C.T. SAID EASEMENT IS DESCRIBED AS OVER AND THROUGH THE SAM LEWIS SURVEY (NOT-PLOTTABLE).
- THIS TRACT OF LAND IS SUBJECT TO A TENNESSEE GAS TRANSMISSION COMPANY PIPELINE EASEMENT RECORDED IN VOLUME 1973, PAGE 18, D.R.H.C.T. SAID EASEMENT IS DESCRIBED AS OVER AND THROUGH THE SAM LEWIS SURVEY (NOT-PLOTTABLE).
- THIS TRACT OF LAND IS SUBJECT TO A RIGHT-OF-WAY FOR A ROAD (NO LOCATION OR WIDTH SPECIFIED - NOT PLOTTABLE) RECORDED IN VOLUME 2538, PAGE 134 D.R.H.C.T.
- THIS TRACT OF LAND IS SUBJECT TO A SHELL OIL COMPANY PIPELINE EASEMENT RECORDED IN VOLUME 3431, PAGE 476 AND IN VOLUME 3431, PAGE 477 D.R.H.C.T. SAID EASEMENT IS DESCRIBED AS OVER AND THROUGH THE SAM LEWIS SURVEY (NOT-PLOTTABLE).
- THIS TRACT OF LAND IS SUBJECT TO SALT WATER DISPOSAL AGREEMENT RECORDED IN H.C.C.F. No. E443014, O.P.R.R.P.H.C.T.

SOUTHEAST CORNER
C. GOODRICH SURVEY, A-305
SOUTHWEST CORNER
S. LEWIS SURVEY, A-1704
FOUND 1" PIPE

STATE OF TEXAS
COUNTY OF HARRIS

WE, 615 WILLOW CREEK DEVELOPMENT, LTD., ACTING BY AND THROUGH 615 WILLOWCREEK DEVELOPMENT GP, INC., ITS GENERAL PARTNER, ACTING BY AND THROUGH JOE FOGARTY, ITS PRESIDENT AND DANIEL DODSON, ITS SECRETARY, BEING OFFICERS OF 615 WILLOWCREEK DEVELOPMENT, LTD., HEREINAFTER REFERRED TO AS OWNERS OF THE 1.795 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF NABORS PARKWAY, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LIENS, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

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

IN TESTIMONY WHEREOF, THE 615 WILLOW CREEK DEVELOPMENT, LTD., ACTING BY AND THROUGH 615 WILLOWCREEK DEVELOPMENT GP, INC., ITS GENERAL PARTNER HAS CAUSED THESE PRESENTS TO BE SIGNED BY JOE FOGARTY, ITS PRESIDENT, THEREUNTO AUTHORIZED, ATTESTED BY ITS SECRETARY DANIEL DODSON, AND ITS COMMON SEAL HEREUNTO AFFIXED THIS 17 DAY OF August, 2015.

BY: 615 WILLOW CREEK DEVELOPMENT, LTD.

BY: 615 WILLOW CREEK DEVELOPMENT GP, INC.
ITS GENERAL PARTNER

Joe Fogarty
JOE FOGARTY
PRESIDENT

ATTEST: Daniel Dodson
DANIEL DODSON
SECRETARY

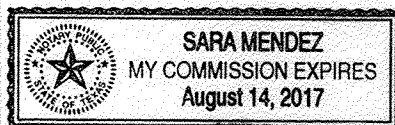
THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOE FOGARTY AND DANIEL DODSON OF 615 WILLOW CREEK DEVELOPMENT, LTD., KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 17 DAY OF August, 2015.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: August 14, 2017



THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT OF NABORS PARKWAY IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS DAY OF August, 2015.

BY: BARBARA TAGUE
CHAIRMAN

BY: DARRELL ROQUEMORE
VICE CHAIRMAN

WE, THE CITY MANAGER AND THE CITY ENGINEER FOR THE CITY OF TOMBALL, DO HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE CITY OF TOMBALL ORDINANCE.

GEORGE SHACKELFORD
CITY MANAGER

Lori Lakatos, P.E.
CITY ENGINEER

THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING AND ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL DEDICATED PUBLIC EASEMENTS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS DAY OF August, 2015.

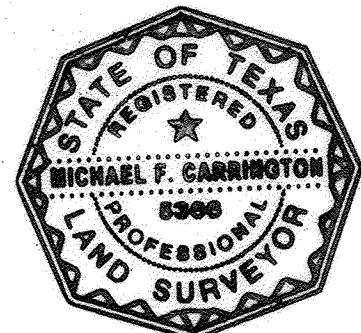
BY: GRETCHEN FAGAN
MAYOR

DORIS SPEER
CITY SECRETARY

STATE OF TEXAS
COUNTY OF HARRIS

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

MICHAEL F. CARRINGTON
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5386



STATE OF TEXAS
COUNTY OF HARRIS

I, STAN STANART, CLERK OF THE COUNTY OF HARRIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE AND AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON August 20, 2015, AT 1:25pm, O'CLOCK, P.M., AND DULY RECORDED ON August 20, 2015, AT 1:25pm, O'CLOCK, P.M., AND IN FILM CODE NUMBER 1402503, OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

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

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

BY: DEPUTY

FINAL PLAT OF NABORS PARKWAY

BEING 1.7950 ACRES OF LAND IN THE SAM LEWIS SURVEY,
ABSTRACT No. 1704, IN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS

LAND SURVEYOR
BASELINE
BASELINE CORPORATION
Professional Surveyors
BASELINE CORPORATION
1750 SEAMIST DRIVE, SUITE 160
HOUSTON, TEXAS 77008
PH: 713-869-0155
TBPLS FIRM No. 10030200

OWNER

615 WILLOW CREEK DEVELOPMENT, LTD.
c/o ARETE REAL ESTATE AND
DEVELOPMENT COMPANY
340 SAM HOUSTON PKWY, SUITE 140
HOUSTON, TEXAS 77060
(281) 272-6134

AUGUST 12, 2015

TOMBALL (REVISED MAP)
(VOLUME 4, PAGE 25, H.C.M.R.)

PRESSEASON PASS, LLC
CALLED ALL OF LOT 17 & 18 IN
BLOCK 45 OF TOMBALL (REVISED MAP)
(H.C.C.F. NO. 2014243470)

MASON STREET (60' R.O.W.)
(VOLUME 2, PAGE 36, H.C.M.R.)

ELAINE E. HANCOCK
CALLED ALL OF LOTS 45 & 46
IN BLOCK 43 OF TOMBALL
(REVISED MAP)
(H.C.C.F. NO. 5193417)

LOT 16
ELAINE E. HANCOCK
CALLED ALL OF LOT 16 IN
BLOCK 43 OF TOMBALL
(REVISED MAP)
(H.C.C.F. NO. 5193417)

15' WIDE ALLEY
(VOLUME 2, PAGE 36, H.C.M.R.)

SKYWOOD INTERESTS, LTD. CALLED ALL OF LOT 1
AND THE EAST FORTY (40) FEET OF LOT 2 IN
BLOCK 43 OF TOMBALL
(H.C.C.F. NO. 5249757)
AND THE WEST TEN (10) FEET OF LOT 2 IN
BLOCK 42 OF TOMBALL
(H.C.C.F. NO. 5249755)

LOT 2

LOT 1

TOMBALL
(VOLUME 2, PAGE 36, H.C.M.R.)
BLOCK 43

WEST MAIN STREET (60' R.O.W.)
(MAIN STREET AS PER PLAT)
(VOLUME 2, PAGE 36, H.C.M.R.)

PATEL TRACT
(VOLUME 37, PAGE 114, H.C.M.R.)

15' WIDE ALLEY
(VOLUME 2, PAGE 36, H.C.M.R.)

TOMBALL
(VOLUME 2, PAGE 36, H.C.M.R.)

TODD S. AND SARAH J. RUMFIELD
CALLED THE WEST FIFTY (50) FEET OF LOT 6 AND ALL
OF LOTS 7 & 8 IN BLOCK 44 OF TOMBALL
(H.C.C.F. NO. M046346)

MASON STREET (60' R.O.W.)
(VOLUME 2, PAGE 36, H.C.M.R.)

LOT 9

JOEL ROBINSON SMITH
CALLED ALL OF LOT 9 IN
BLOCK 42 OF TOMBALL
(REVISED MAP)
(H.C.C.F. NO. 5247470)

ANNE BARNETT
CALLED ALL OF LOT 35 & 36
IN BLOCK 42 OF TOMBALL
(REVISED MAP)
(H.C.C.F. NO. 20100277182)

ARMANDO SEHRAND
CALLED ALL OF LOT 37 & 38
IN BLOCK 42 OF TOMBALL
(REVISED MAP)
(H.C.C.F. NO. 20120341703)

DOREEN GORDY
CALLED ALL OF LOT 39, 40,
41 & 42 IN BLOCK 42 OF
TOMBALL (REVISED MAP)
(H.C.C.F. NO. 20140266891)

THOMAS AND JUDY JACKSON
CALLED ALL OF LOTS 43, 44,
45 & 46 IN BLOCK 42 OF
TOMBALL (REVISED MAP)
(H.C.C.F. NO. E939546)

ACODA INC.
CALLED ALL
OF LOT 16
IN BLOCK 42
OF TOMBALL
(H.C.C.F. NO.
20080391597)

N 61°55'35" E 150.00'

15' WIDE ALLEY
(VOLUME 2, PAGE 36, H.C.M.R.)

SET 1/2" I.R. W/CAP
"RPLS 6107"

SET 1/2" I.R. W/CAP
"RPLS 6107"
AND 3/4" I.P.
BEARS S51°01'W, 2.54'

N 28°04'25" W 140.00'

520 W. MAIN STREET

BLOCK 1
LOT 1

S 61°55'35" W 150.00'

S 28°04'25" E 140.00'

TOMBALL
(VOLUME 2, PAGE 36, H.C.M.R.)
BLOCK 42

NAM REAL ESTATE CORP., A FLORIDA CORPORATION
CALLED THE WEST ONE-HALF (1/2) OF LOT 2 AND
ALL OF LOTS 3, 4, & 5 IN BLOCK 42 OF TOMBALL
(H.C.C.F. NO. 20100398541)

500 MAIN PARTNERSHIP
CALLED THE EAST
ONE-HALF (1/2) OF LOT 2
AND ALL OF LOT 1 IN
BLOCK 42 OF TOMBALL
(H.C.C.F. NO. V296790)

SET 1/2" I.R. W/CAP
"RPLS 6107"

NORTH PINE STREET (60' R.O.W.)
(PINE STREET AS PER PLAT)
(VOLUME 2, PAGE 36, H.C.M.R.)

BLOCK 18

TOMBALL
(VOLUME 2,
PAGE 36,
H.C.M.R.)

ESTATE OF JOHNNY
T. AND TRUDY
WILKERSON
CALLED THE WEST
TWENTY-TWO (22)
FEET OF LOT 10
AND ALL OF LOTS
11 & 12 IN
BLOCK 18 OF
TOMBALL
(H.C.C.F. NO.
L582929)

BENCHMARK:
NATIONAL GEODETIC SURVEY MONUMENT
DESIGNATION "J 1010"
IDENTIFICATION NUMBER "BL 1605"
ELEVATION: 185.80
NAVD 88, 2001 ADJUSTMENT

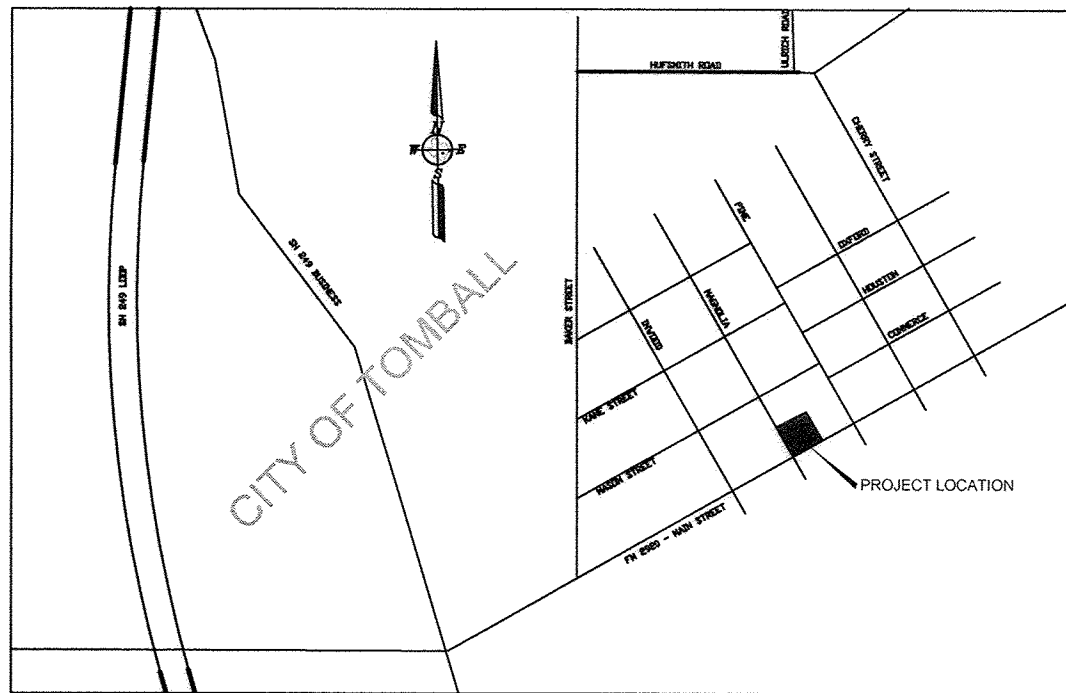
TEMPORARY BENCHMARK:
TOP RIM OF STORM SEWER MANHOLE
NEAR SOUTHWEST PROPERTY CORNER
ELEVATION = 186.78

FLOODPLAIN STATEMENT:
SUBJECT TRACT DOES NOT LIE
WITHIN THE 100-YEAR FLOODPLAIN
AS PER F.I.R.M. COMMUNITY
PANEL NO. 48201-C-0230-L
EFFECTIVE DATE: JUNE 18, 2007

SCALE 1"=20'
20' 0' 10' 20'

GENERAL NOTES:

1. AC INDICATES "ACRE"
2. VOL INDICATES "VOLUME"
3. PG INDICATES "PAGE"
4. ESMT. INDICATES "EASEMENT"
5. B.L. INDICATES "BUILDING LINE"
6. R.O.W. INDICATES "RIGHT-OF-WAY"
7. H.C.C.F. NO. INDICATES "HARRIS COUNTY CLERK'S FILE NUMBER"
8. H.C.M.R. INDICATES "HARRIS COUNTY MAP RECORDS"
9. H.C.D.R. INDICATES "HARRIS COUNTY DEED RECORDS"
10. ● INDICATES "FOUND CONTROLLING MONUMENT FOR PROPERTY CORNER"
11. UNLESS OTHERWISE INDICATED, THE BUILDING LINES (B.L.) WHETHER ONE OR MORE, SHOWN ON THIS SUBDIVISION PLAT ARE ESTABLISHED TO EVIDENCE COMPLIANCE WITH THE APPLICABLE PROVISIONS OF CODE OF ORDINANCES, CITY OF TOMBALL, TEXAS, IN EFFECT AT THE TIME THIS PLAT WAS APPROVED, WHICH MAY BE AMENDED FROM TIME TO TIME.



VICINITY MAP
NOT TO SCALE
KEY MAP 288-G

PUBLIC EASEMENTS:

PUBLIC EASEMENTS DENOTED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES, OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OR OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION ON THE PUBLIC EASEMENTS.

FLOOD INFORMATION:

ACCORDING TO FEMA FIRM PANEL NO. 48201-C-0230-L (EFFECTIVE DATE JUNE 18, 2007), THIS PROPERTY IS IN ZONE "X" AND IS NO IN THE 2% ANNUAL CHANCE FLOOD PLAIN

NOTE 1: ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.

NOTE 2: ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.

NOTE 3: NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SET BACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHOULD BE 15 FEET OFF THE CENTERLINE OF LOW PRESSURE GAS LINES AND 30 FEET OFF THE CENTERLINE OF HIGH PRESSURE GAS LINES.

NOTE 4: THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.

NOTE 5: THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REPLACE ANY BUILDING LINE REQUIRED BY THE CITY OF TOMBALL CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.

NOTE 6: THE BASIS OF BEARINGS IS THE UNRECORDED PLAT OF HIRSCHFIELD FARMS SECTION 1.

REPLAT OF

520 W. MAIN STREET

A SUBDIVISION OF 0.4821 ACRE (21,000 SQUARE FEET) COMPOSED OF LOT 6, 7, AND 8
OF BLOCK 42 OF THE TOMBALL TOWNSHIP AS RECORDED IN VOLUME 2, PAGE 36 OF THE
HARRIS COUNTY MAP RECORDS

AND

LOCATED IN THE JOHN HOUSE SURVEY, A-34 AND THE WILLIAM HURD SURVEY, A-371
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

1 LOT 1 BLOCK

ADDRESS: 520 W. MAIN STREET, TOMBALL TX 77375

BROUSSARD LAND SURVEYING, LLC
1001 HERKIMER STREET HOUSTON TX 77008
832-409-8727 www.broussardlandsurveying.com
JOB NO.: BLS-1608

DAVID S. BROUSSARD, P.E.
17527 HAWKIN LANE
TOMBALL, TEXAS 77377
JOB NO. D963

CLIENT:
AMERICAN COFFEE COMPANY, LLC
1205 1/2 HYDE PARK BLVD
HOUSTON, TEXAS 77005

SHEET 1 OF 2

STATE OF TEXAS
COUNTY OF HARRIS

I, MIKE O. HENNESSY, HEREIN AFTER REFERED TO AS THE OWNER OF THE 0.4821 ACRE TRACT, KNOWN AS LOT SIX (6), SEVEN (7), AND EIGHT (8), BLOCK FORTY TWO (42) OF TOMBALL TOWNSITE, AND ADDITION IN HARRIS COUNTY, TEXAS AND RECORDED IN VOLUME 2, PAGE 36 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF 520 W. MAIN STREET, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO THE LIENS, DEDICATIONS, RESTRICTIONS, AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND MYSELF, MY HEIR, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNER HAS DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE FEET (5') IN WIDTH FROM A PLANE TWENTY FEET (20') ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON.

IN TESTIMONY WHEREOF, HAS CAUSED THESE PRESENTS TO BE SIGNED BY MIKE O. HENNESSY.

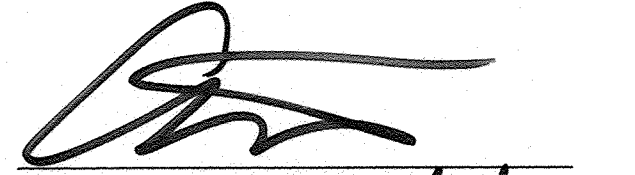
WITNESS MY HAND IN THE CITY OF PLYMOUTH, INDIANA THIS 26th DAY OF July, 2015


MIKE O. HENNESSY

STATE OF INDIANA
COUNTY OF MARSHALL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MIKE O. HENNESSY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGMENT TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

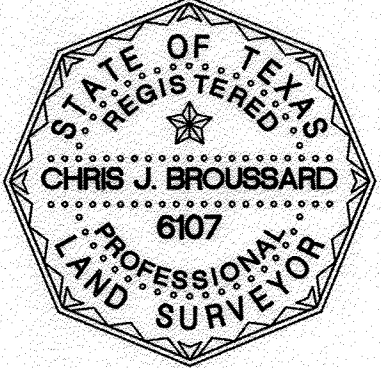
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 26th DAY OF July, 2015.


NOTARY PUBLIC IN AND THE FOR
STATE OF INDIANA
MY COMMISSION EXPIRES: 4/14/2022



GREGORY A. COMPTON
Notary Public
State of Indiana
My Commission Expires
April 14, 2022

I, CHRISTOPHER J. BROUSSARD, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE QUARTER (3/4") INCH AND A LENGTH OF NOT LESS THAN THREE FEET; AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED IN TO THE NEAREST INTERSECTION OF PUBLIC STREET RIGHT-OF-WAY.




CHRISTOPHER J. BROUSSARD, R.P.L.S.
TEXAS REGISTRATION NO. 6107

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF 520 W. MAIN STREET IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2015.

BARBARA TAGUE
CHAIRMAN

DARRELL ROQUEMORE
VICE-CHAIRMAN

WE, THE CITY MANAGER AND THE CITY ENGINEER OF THE CITY OF TOMBALL DO HEREBY CERTIFY THAT THIS PLAT OF 520 W. MAIN STREET IS IN COMPLIANCE WITH THE ORDINANCES OF THE CITY OF TOMBALL.

GEORGE SHACKELFORD
CITY MANAGER


LORI LAKATOS, P.E.
CITY ENGINEER

THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING AND ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL DEDICATED PUBLIC EASEMENTS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2015.

BY:
GRETCHEN FAGAN, MAYOR

DORIS SPEER, CITY SECRETARY

I, STAN STUART, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH IT'S CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON THE _____ DAY OF _____, 2015, AT _____ O'CLOCK, _____ M., AND AT FILM CODE _____ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

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

BY:
STAN STUART
COUNTY CLERK OF HARRIS COUNTY, TEXAS

BY:
EDWINA MACK
DEPUTY

REPLAT OF
520 W. MAIN STREET
A SUBDIVISION OF 0.4821 ACRE (21,000 SQUARE FEET) COMPOSED OF LOT 6, 7, AND 8 OF BLOCK 42 OF THE TOMBALL TOWNSHIP AS RECORDED IN VOLUME 2, PAGE 36 OF THE HARRIS COUNTY MAP RECORDS
AND
LOCATED IN THE JOHN HOUSE SURVEY, A-34 AND THE WILLIAM HURD SURVEY, A-371
CITY OF TOMBALL, HARRIS COUNTY, TEXAS
1 LOT 1 BLOCK
ADDRESS: 520 W. MAIN STREET, TOMBALL TX 77375

BROUSSARD LAND SURVEYING, LLC
1001 HERKIMER STREET HOUSTON TX 77008
832-409-6727 www.broussardlandsurveying.com
JOB NO.: BLS-1808

DAVID S. BROUSSARD, P.E.
17527 HAWKIN LANE
TOMBALL, TEXAS 77377
JOB NO. D983

CLIENT:
AMERICAN COFFEE COMPANY, LLC
1205 1/2 HYDE PARK BLVD.
HOUSTON, TEXAS 77006

SHEET 2 OF 2

STATE OF TEXAS
COUNTY OF HARRIS

We, CC Telge Road, L.P., a Texas limited partnership, acting by and through Kent Puckett, Vice-President of CC Telge Road GP, L.L.C., a Texas limited liability company, and General Partner of CC Telge Road, L.P., a Texas limited partnership, owner hereinafter referred to as Owners (whether one or more) of the 19,9242 acre tract described in the above and foregoing map of WILLOWCREEK RANCH EQUESTRIAN RESERVES, do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions, and notations on said maps or plat, and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground easements or five feet, six inches (5'6") for sixteen feet (16'0") perimeter ground easements, from a plane sixteen feet (16'0") above the ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21'6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'0") for ten feet (10'0") back-to-back ground easements, or eight feet (8'0") for fourteen feet (14'0") back-to-back ground easements or seven feet (7'0") for sixteen feet (16'0") back-to-back ground easements, from a plane sixteen feet (16'0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'0") in width.

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

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

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

IN TESTIMONY WHEREOF, the CC Telge Road, L.P., a Texas limited partnership, has caused these presents to be signed by Kent Puckett, Vice-President of CC Telge Road GP, L.L.C., a Texas limited liability company, General Partner of CC Telge Road, L.P., a Texas limited partnership, thereto authorized, this 21st day of August, 2015.

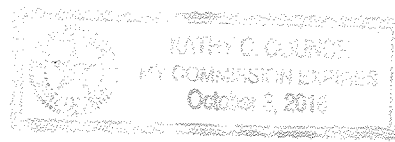
OWNER
CC Telge Road, L.P.,
a Texas limited partnership
by
CC Telge Road GP, L.L.C.,
a Texas limited liability company,
its General Partner

By: 
Kent Puckett, Vice-President

STATE OF TEXAS
COUNTY OF HARRIS

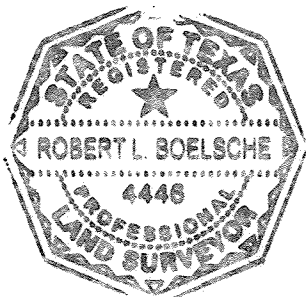
BEFORE ME, the undersigned authority, on this day personally appeared Kent Puckett, Vice-President of CC Telge Road GP, L.L.C., a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed, and as the act and deed of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 21st day of August, 2015.



Notary Public in and for the
State of T E X A S
My Notary Commission Expires

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



By: 
Robert L. Boelsche, Registered Professional Land Surveyor
Texas Registration No. 4446

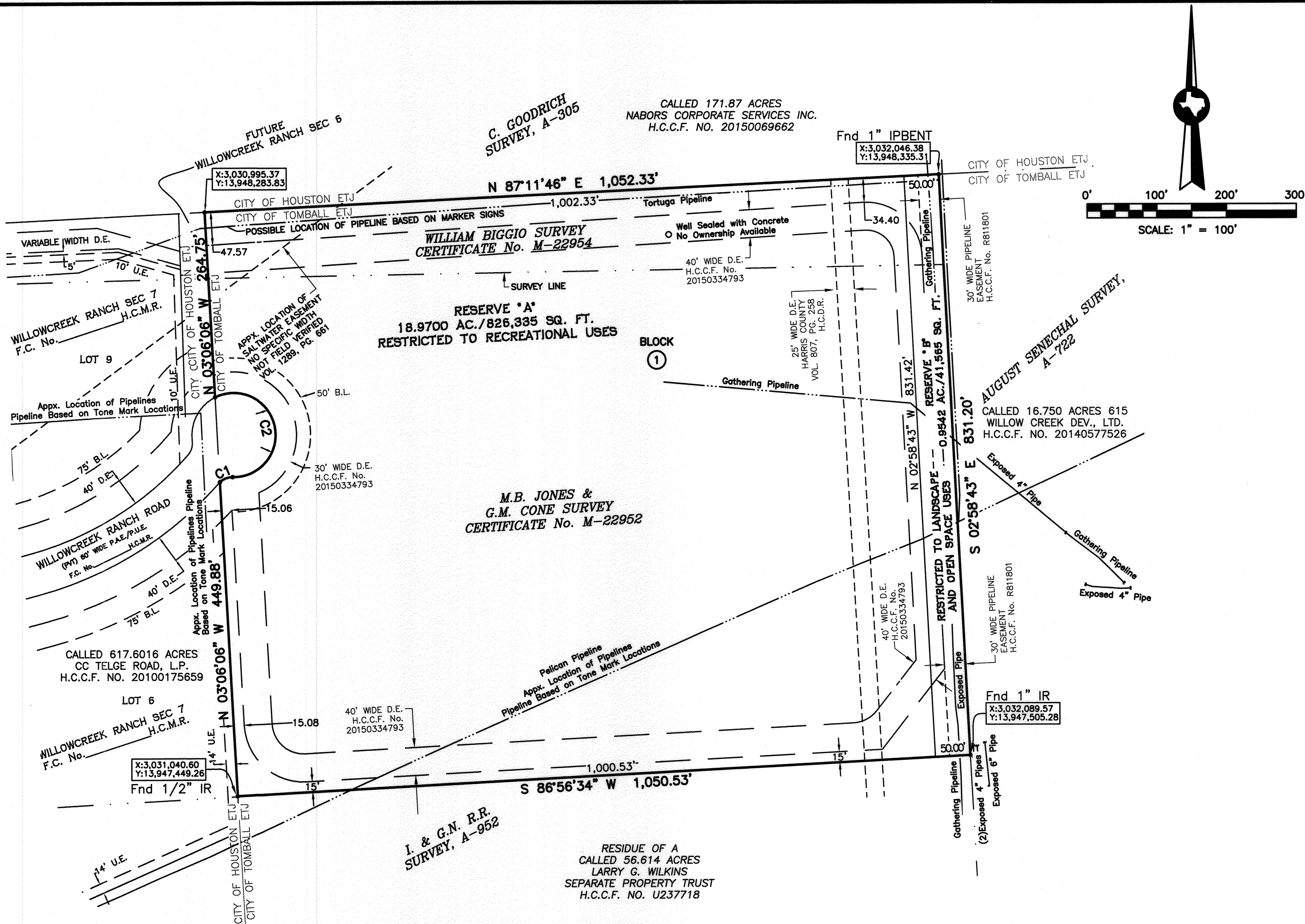
I, John R. Blount, County Engineer of Harris County, hereby certify that the plat of this subdivision complies with all the existing rules and regulations of this office as adopted by the Harris County Commissioners' Court and that it complies or will comply with all applicable provisions of the Harris County Road Law as amended and all other Court adopted drainage requirements.

John R. Blount, P.E., LEED AP
County Engineer

JOB NO. 081-007-00

PATH:R:\2008\081-007-00\PLAT\08100700V-FINALP-EC BY:---- DATE:2015-08-26

Page 102 of 103



CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	25.00'	46°35'10"	20.33'	N 68°19'42" E	19.77'
C2	60.00'	207°58'16"	217.79'	N 12°21'51" W	116.44'

I, Stan Stanort, County Clerk of Harris County and ex officio clerk of the Harris County Commissioners' Court, do hereby certify that the within instrument was approved at a legally convened meeting of the Harris County Commissioners' Court held on 2015 by an order entered into the minutes of the court.

Stan Stanort
County Clerk
Of Harris County, Texas

By: Deputy

I, Stan Stanort, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on 2015, at o'clock M. and duly recorded on 2015, at o'clock M. and at Film Code No. of the Map Records of Harris County for said county.

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

Stan Stanort
County Clerk
Of Harris County, Texas

By: Deputy

This is to certify that the Planning and Zoning Commission of the City of Tomball, Texas has approved this plat and subdivision of WILLOWCREEK RANCH EQUESTRIAN RESERVES in conformance with the laws of the State of Texas and the ordinances of the City of Tomball, as shown hereon, and authorized the recording of this plat this day of 2015.

By: Barbara Toque
Chairman

By: Darrell Roquemore
Vice Chairman

This is to certify that the City Council for the City of Tomball, Texas has approved this plat and subdivision of WILLOWCREEK RANCH EQUESTRIAN RESERVES in conformance with the laws of the State of Texas and the ordinances of the City of Tomball, as shown hereon, and authorized the recording of this plat this day of 2015.

By: Gretchen Fagan
Mayor

By: Doris Speer
City Secretary

We, the City Manager and the City Engineer for the City of Tomball, do hereby certify that this plat of WILLOWCREEK RANCH EQUESTRIAN RESERVES is in conformance with the City of Tomball ordinances.

By: George Shockelford
City Manager

By: Lori Lokatos, P.E., C.F.M.
City Engineer

GENERAL NOTES

- B.L. indicates Building Line.
D.E. indicates Drainage Easement.
ESMT. indicates Easement.
ETJ indicates Extrajurisdictional Jurisdiction.
F.C. indicates Film Code.
H.C.C.F. NO. indicates Harris County Clerk's File.
H.C.D.R. indicates Harris County Dead Records.
H.C.M.R. indicates Harris County Map Records.
PVT indicates Private Street (Type 1 P.A.E.).
P.A.E. indicates Permanent Access Easement.
P.U.E. indicates Public Utility Easement.
R.O.W. indicates Right-Of-Way.
R= indicates Radius.
STM. S.E. indicates Storm Sewer Easement.
(F) indicates Found 3/4" Iron Rod with cap stamped E.H.R.&A. 713-784-4500.
(S) indicates Set 5/8" Iron Rod with cap stamped E.H.R.&A. 713-784-4500.
U.E. indicates Utility Easement.
W.L.E. indicates Water Line Easement.
- The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor 0.99993690386.
- Bearings shown hereon refer to the Texas State Plane Coordinate System of 1983, South Central Zone, as determined by GPS measurements.
- According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Harris County, Texas, Map No. 48201C0220 L dated June 18, 2007, the subject tract appears to be within Floodway Area in Zone AE defined as the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachments; Zone AE defined as special flood hazard areas inundated by 1% annual chance flood event with base flood elevations determined and Shaded Zone "X" defined as areas of 0.2% annual chance flood event, areas of 1% annual chance flood event with average depths of less than 1-foot or with drainage areas less than 1 square mile and areas protected by levees from 1% annual chance flood event.
This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. The location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, may differ. Edminster, Hinshaw, Russ & Associates, Inc. d/b/o EHRA, assumes no liability as to the accuracy of the location of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinshaw, Russ & Associates, Inc. d/b/o EHRA.
- This plat requires compliance with landscaping requirements prior to occupancy of structures as mandated in Regulations of Harris County, Texas for the Approval and Acceptance of Infrastructure.
- The square footage totals as shown hereon are based on the mathematical closure of the courses and distances reflected on this plat. It does not include the tolerances that may be present due to the positional accuracy of the boundary monumentation.
- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- Absent written authorization by the affected utilities, all utility and aerial easements must be kept unobstructed from any non-utility improvements or obstructions by the property owner. Any unauthorized improvements or obstructions may be removed by any public utility at the property owner'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 public utilities at the property owner's expense should they be an obstruction. Public Utilities may put said wooden posts and paneled wooden fences back up, but generally will not replace with new fencing.
- This subdivision may be subject to blanket easements as reflected by instrument recorded in Harris County Clerk's File No. X877791.
- This subdivision may be subject to the terms and conditions of that certain Water, Sewer and Drainage Improvement Financing and Construction Contract dated April 2, 2013 as reflected in instrument recorded under County Clerk's File No. 20130619938.
- Pipelines shown are based on tone mark locations. Voles are not shown hereon. The surveyor does not know if all pipelines are currently in use or shown.
- Pipeline ownership information shown hereon is based upon pipeline marker signs and Texas Railroad Commission.
- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipeline, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- The building lines shown on this plat shall be in addition to, and shall not limit or replace, any building lines required by the City of Tomball Code of Ordinances at the time of the development of the property.



WILLOWCREEK RANCH EQUESTRIAN RESERVES

BEING A SUBDIVISION OF 19,9242 ACRES IN
THE WILLIAM BIGGIO SURVEY, CERT. No. M-22954
AND THE M.B. JONES & G.M. CONE SURVEY, CERT. No. M-22952
IN HARRIS COUNTY, TEXAS.

0 LOTS 1 BLOCK 2 RESERVES
SCALE: 1"=100' AUGUST, 2015

OWNER

CC TELGE ROAD, L.P.,
A TEXAS LIMITED PARTNERSHIP
7904 N. SAM HOUSTON PKWY. W. 4th Floor
HOUSTON, TEXAS 77064
713-690-0000



10555 Westoffice Drive
Houston, Texas 77042
713.784.4500
EHRAInc.com
TBPE No. F726
TBPLS N. 10092300

E3834

STATE OF TEXAS
COUNTY OF HARRIS

We, Moh Dali Research Services, Inc. and Huffsmith 2978, LLC, Texas Corporations acting by and through Syed M. Ali, Director being officers of Moh Dali Research Services, Inc., and Sam Oliver, Managing Member of Huffsmith 2978, LLC, owners hereinafter referred to as owners of the 5.7965 acre tract described in the above and foregoing plat of Moh Dali Development, do hereby make and establish said subdivision of said property according to all liens, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself, my heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed Aerial easement five feet (5') in width from a plane twenty feet (20') above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three quarters (1 3/4) square feet (18-inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

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

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

IN TESTIMONY WHEREOF, the Moh Dali Research Services, Inc. and Huffsmith FM 2978, LLC have caused these presents to be signed by Sam Oliver, Managing Member and Syed M. Ali, its Director, thereunto authorized, attested by its secretary Catherine Conde, and its common seal hereunto affixed this 3rd day of August, 2015.

By: Syed M. Ali
Syed M. Ali, Director
Moh Dali Research Services, Inc.

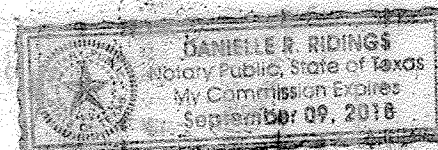
By: Sam Oliver
Sam Oliver, Managing Member
Huffsmith 2978, LLC,

Attest by: Catherine Conde
Catherine Conde, Secretary
Moh Dali Research Services, Inc.

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Syed M Ali & Catherine Conde known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated.

GIVEN UNDER MY HAND AND SEAL of office this 3rd day of August, 2015



Danielle Ridings
Notary Public in and for the
State of Texas
My Commission Expires: 9/18/2018

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Sam Oliver known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated.

GIVEN UNDER MY HAND AND SEAL of office this 24th day of July, 2015



Danielle Ridings
Notary Public in and for the
State of Texas
My Commission Expires: 9/18/2018

We the City Manager and City Engineer for the City of Tomball, do hereby certify that this plat complies with the City of Tomball ordinance.

George Shackelford, City Manager

Lori Lakatos, P.E., CFM, City Engineer

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easement in conformance with the laws of the State of Texas the ordinance of the City of Tomball as shown hereon and authorized the recording of this plat this ___ day of ___, 201__.

Gretchen Fagan, Mayor

Doris Speer, City Secretary

This is to certify that the Planning Commission of the City of Tomball, Texas, has approved this plat and subdivision of MOH Dali Development in conformance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorized the recording of this plat this ___ day of ___, 201__.

Barbara Tague, Chairman

Darrell Roquemore, Vice Chairman

J. PRUITT SURVEY
A-629

TOWERS STEEL SERVICES INC.
OUTLOT 336
OUT OF LOT 336

HYDRO POWER SYSTEMS, INC.
OUTLOT 337
OUTLOT 338 TRACT
CALL 1072 ACRES UNDER
AS DESCRIBED UNDER
C.F. #2-166885
VOL. 4, PG. 75
H.C.M.R.

SAM E. & HELEN E. RABURN
OUT OF LOT 339

SAM E. & HELEN E. RABURN
OUT OF LOT 342

G & S CONSTRUCTION, INC.
PART OF OUTLOT 345
CALL 1.6 ACRES UNDER
AS DESCRIBED UNDER
C.F. #1-222035

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

H. H. Doshi 9/15/15
Hasmukh H. Doshi
Texas Registration No. 3860

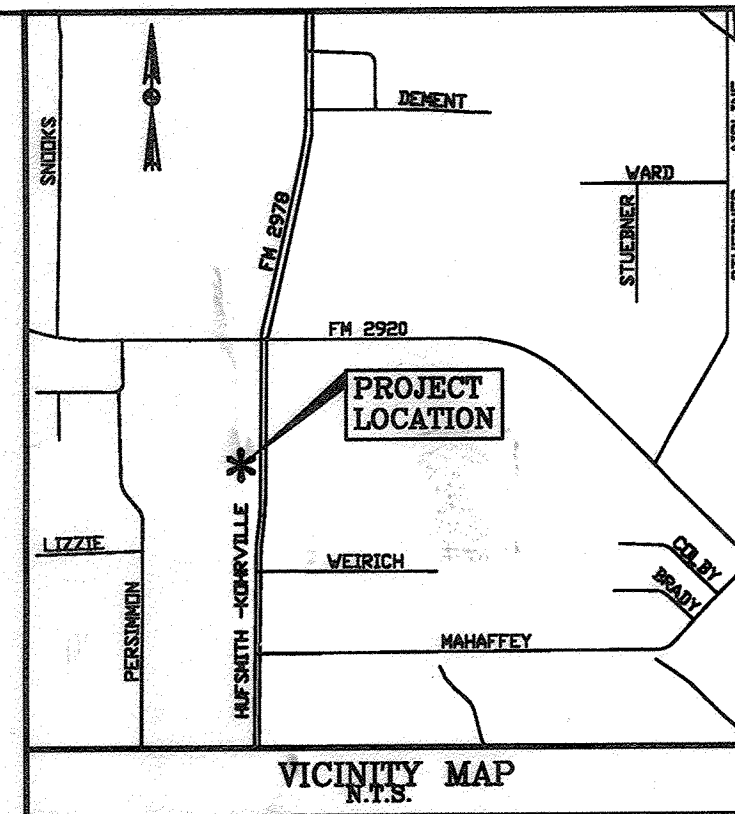
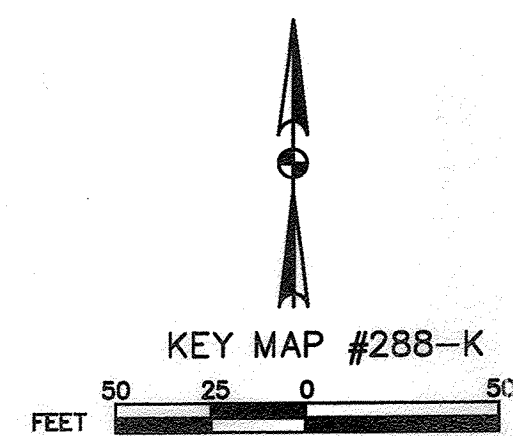


I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on 201__ at ___ o'clock ___, and duly recorded on ___ of the Map Records of Harris County for said county.

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

By: Stan Stanart
Stan Stanart
County Clerk
of Harris County, Texas.

By: _____
Deputy



MOH DALI DEVELOPMENT

A SUBDIVISION OF 5.7965 ACRES
252,494.20 SQUARE FEET
SITUATED IN THE JESSE PRUITT SURVEY, A-629
BEING A REPLAT OF LOT 1, BLOCK 1
OF HUFFSMITH-2978
AS RECORDED UNDER
FILM CODE NO. 620122
MAP RECORDS OF HARRIS COUNTY
HARRIS COUNTY, TEXAS

CONTAINING
1 BLOCK
2 LOTS

JUNE 15, 2015

(REASON FOR REPLAT TO DIVIDE LOT 1 INTO 2 LOTS)

OWNERS

Syed M. Ali
Moh Dali Research Services, Inc.
9421 FM 2920 Road, Bldg. 161
Building 118
Tomball, Texas 77375
Phone No. 832-692-6800

Sam Oliver, Managing Member
Huffsmith 2978, LLC
28105 Tomball Parkway
Suite 106
Tomball, Texas 77375
Phone No. 281-351-4540

ENGINEER/SURVEYOR

DOSHI ENGINEERING AND
SURVEYING COMPANY
2019 Shadow Park Drive
Katy, Texas 77494-2135
281-395-9906

LEGEND NOTES:

1. B.L. INDICATES "BUILDING LINES"
2. U.E. INDICATES "UTILITY EASEMENT"
3. R.O.W. INDICATES "RIGHT-OF-WAY"
4. AC. INDICATES "ACRES"
5. SQ.FT. INDICATES "SQUARE FOOT"
6. Vol. INDICATES "VOLUME"
7. Pg. INDICATES "PAGE"
8. I.R. INDICATES "IRON ROD"
9. H.C.M.R. INDICATES "HARRIS COUNTY MAP RECORDS"
10. H.C.D.R. INDICATES "HARRIS COUNTY DEED RECORDS"
11. F.C. NO. INDICATES "FILM CODE NUMBER"

GENERAL NOTES:

1. PUBLIC EASEMENTS DONATED ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC FOREVER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME OF PROCURING THE PERMISSION OF THE PROPERTY OWNER. ANY PUBLIC UTILITY, INCLUDING THE CITY OF TOMBALL, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THIS PLAT. NEITHER THE CITY OF TOMBALL NOR ANY OTHER PUBLIC UTILITY SHALL BE RESPONSIBLE FOR ANY DAMAGES TO PROPERTY WITHIN AN EASEMENT ARISING OUT OF THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IN THE PUBLIC EASEMENTS.
2. THIS PROPERTY LIES WITHIN ZONE "X" UNSHADED OUTSIDE THE 500-YEAR FLOOD PLAIN ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NUMBER 48201C0230L REVISED DATED JUNE 18, 2007.
3. ALL OIL/GAS PIPELINES OR PIPELINES EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
4. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED ACROSS ANY PIPELINES, BUILDING LINES, AND/OR EASEMENTS. BUILDING SETBACK LINES WILL BE REQUIRED ADJACENT TO OIL/GAS PIPELINES. THE SETBACKS AT A MINIMUM SHALL BE 15 FEET OFF CENTERLINE OF LOW PRESSURE GAS LINES, AND 30 FEET OFF CENTERLINE OF HIGH PRESSURE GAS LINES.
5. THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
6. THE BUILDING LINES SHOWN ON THIS PLAT SHALL BE IN ADDITION TO, AND SHALL NOT LIMIT OR REPLACE, ANY BUILDING LINES REQUIRED BY THE CITY OF TOMBALL CODE OF ORDINANCES AT THE TIME OF THE DEVELOPMENT OF THE PROPERTY.
7. ALL OIL/GAS WELLS WITH OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.