

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



MONDAY, MAY 20, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, May 20, 2013 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 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 Reverend Tommy Lyles, Tomball United Methodist Church

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council

4.0 Canvass of Elections:

4.1 Canvass of Election
Escrutinio de la Elección

Kiểm Phiếu của Cuộc Bầu Cử
拉票選舉

Resolution No. 2013-15, Canceling the Regular City Officer's Election Scheduled to be held on the 11th Day of May, 2013, in Accordance with Section 2.053(a) of the Texas Election Code; Directing the Giving of Notice of Such Cancellation of Election; and Providing Details Relating to the Cancellation of Such Election as approved by City Council on March 18, 2013, at the Regular Council Meeting. The following actions complete the canvass of the May 11, 2013 Election.

Resolución Nro. 2013-15, cancelando la Elección Regular de Funcionarios de la Ciudad programada para el 11 de mayo de 2013, de acuerdo con la Sección 2.053(a) del Código Electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y disponiendo los detalles relativos a la cancelación de tal elección como fue aprobada por el Consejo Municipal el 18 de marzo de 2013 en la asamblea ordinaria del Consejo. Las medidas indicadas a continuación completan el escrutinio de la Elección del 13 de mayo de 2013.

Nghị quyết số 2013-15, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ Dự Kiến sẽ được tổ chức vào ngày 11 tháng Năm, 2013 chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Tiểu Bang Texas; Chỉ thị việc Ban Hành Thông Báo Hủy Bỏ Cuộc Bầu Cử; và Cung Cấp Thông Tin Chi Tiết liên quan đến Hủy Bỏ Cuộc Bầu Cử theo phê chuẩn của Hội Đồng Thành Phố vào ngày 18 tháng Ba, 2013 tại Cuộc Họp Hội Đồng Thường Lệ. Các hành động sau đây hoàn tất việc kiểm phiếu ngày 11 tháng Năm, 2013.

決議案2013-15號，取消一般市府官員應於2013年5月11日的選舉計畫，其是根據德克薩斯州選舉法2.053(a)節；茲此通知該選舉取消；以及提供關於由市政委員會於2013年3月18日，在一般是政會議通過取消該選舉的詳情。下列行動完成2013年5月11日選舉遊說

- 4.2 Administer Oath of Office to Elected Officials – Commissioner R. Jack Cagle, Precinct 4, Harris County
Administrar el juramento al cargo de los funcionarios electos – Comisionado R. Jack Cagle, Precinto 4, Condado de Harris
Làm lễ Tuyên Thệ Nhậm Chức cho các Viên Chức Được Bầu Chọn – Ủy Viên R. Jack Cagle, Phân Khu 4, Quận Harris
管理選舉官員宣誓就職 – 委員R. Jack Cagle，選區4，Harris郡
- 4.3 Consideration to Elect Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter
Considerar elegir un Alcalde Interino, de acuerdo con la Sección 6.08 de la Carta Orgánica de Gobierno Local de la Ciudad de Tomball.
Xem xét Bầu Chọn Thị Trưởng Tạm Thời, chiếu theo Mục 6.08 của Hiến Chương Điều Lệ Địa Phương Thành Phố Tomball.
考慮選出暫替市長，根據Tomball市自治憲章6.08節

- 5.0 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.]

6.0 Presentations:

- Proclamations:
 - **National Public Works Week – May 19-25, 2013**
Since 1960, APWA has sponsored National Public Works Week. Across North America, more than 28,000 APWA members in the US and Canada use this week to energize and educate the public on the importance of the contributions of public works to their daily lives: planning, building, managing and operating the heart of our local communities and building the quality of life. APWA has selected “Because of Public Works...” as its theme for 2013’s National Public Works Week, which will be celebrated May 19-25, 2013 to highlight the quality of life brought to communities around the world through clean water, safe streets and neighborhoods, efficient traffic, and safe, clean communities “Because of Public Works...”.
 - **National Emergency Medical Services Week – “EMS: One Mission. One Team” – May 19-25, 2013**
 - **Hurricane Preparedness Week – May 26-June 1, 2013**

7.0 Reports and Announcements

- May 25, 2013 – **Memorial Day Weekend Chili Challenge at the Depot** – 10:00 a.m. to 5:00 p.m.
- May 27, 2013 – **"Oiltown USA Jamboree...80 Years in the Making"** – 11:00 a.m.-6:00 p.m.
- June 8, 2013 – **2nd Saturday at the Depot** – 6:30 p.m.
- June 21, 2013 – **Friday Night Creature Feature – *Creature from the Black Lagoon***
- July 4, 2013 – **City of Tomball July 4th Celebration** – 2:00 p.m.-10:30 p.m.
- July 13, 2013 – **2nd Saturday at the Depot** – 6:30 p.m.
- July 19, 2013 – **Friday Night Creature Feature – *Invasion of the Body Snatchers***
- August 16, 2013 – **Friday Night Creature Feature – *THEM!***
- **Walk Tomball!** – Every Saturday at 9:00 a.m. at the Depot
- **Tomball Kids Club is Coming!** – TBA
- Reports by City staff and members of council about items of community interest on which no action will be taken

8.0 Approve the Minutes of the May 6, 2013 Regular Tomball City Council Meeting

9.0 Old Business:

- 9.1 Adopt, on Second Reading, Ordinance No. 2013-07, an Ordinance of the City Council of the City of Tomball, Texas, Authorizing the City of Tomball to Participate in the Texas Enterprise Zone Program Under The Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; Defining Available Tax Incentives; Nominating Baker Hughes Oilfield Operations, Inc. to the Office of the Governor Economic Development and Tourism through the Economic

Development Bank for Designation as an Enterprise Project under The Act; and Designating a Liaison for overseeing Enterprise Projects and Communicating with Interested Parties

- 9.2 Update from LS Development on the Progress of Acquiring Rights-of-Way and Easements for Water, Sanitary Sewer and Gas Main Extensions to the Raleigh Creek Subdivision

10.0 New Business:

- 10.1 Consideration to approve **ZONING CASE P13-045**: Request by Kyle Phenix, on behalf of LAR Properties, LC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 10.95 acres of land, legally described as Reserve E, Block 1, Leslie's Park, within the City of Tomball, Harris County, Texas, generally located northerly of Brown Road, easterly of Quinn Road, from the Single-Family Residential-9 District to the Planned Development-4 District to facilitate a single-family subdivision.

- Conduct a Public Hearing on **ZONING CASE P13-045**
- Adopt on First Reading, Ordinance 2013-09, an Ordinance of The City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance, by Approving a Planned Development District ("PDD") of Approximately 10.95 Acres of Land, Legally Described as Reserve E, Block 1, Leslie's Park, Within the City of Tomball, Harris County, Texas; Amending the Official Zoning Map of the City to Reflect the PD to be known as Planned Development District #4 (PD-4); Adopting a Land Use Plan and Regulations Applicable to PD-4; 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.

- 10.2 Approve **PARKWAY OASIS REPLAT NO. 2**: A subdivision of a 7.8613 acre tract of land being all of Lot 5, Block 1, Parkway Oasis (Film Code No. 622219; H.C.M.R.) and all of Lot 1 and Lot 6, Block 1, Parkway Oasis Partial Replat No. 1 (Film Code No. 635087; H.C.M.R.) in the William Hurd Survey, Abstract No. 378 and in the John Hooper Survey Abstract No. 375, City of Tomball, Harris County, Texas.

- 10.3 Consideration and Possible Action to Approve Terms of Settlement Agreement for Pending Litigation through Texas Municipal League Intergovernmental Risk Pool

11.0 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 16th day of May 2013 by 6:00 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: May 20, 2013

Topic:

- Led by Reverend Tommy Lyles, Tomball United Methodist Church

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: May 20, 2013

Topic:

- Led by Members of the Tomball High School Student Council

Background:

Origination:

Recommendation:

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

Meeting Date: May 20, 2013

Data Sheet

Topic:

Canvass of Election

Escrutinio de la Elección

Kiểm Phiếu của Cuộc Bầu Cử

拉票選舉

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Nghị quyết số 2013-15, Hủy Bỏ Cuộc Bầu Cử Viên Chức Thành Phố Thường Lệ Dự Kiến sẽ được tổ chức vào ngày 11 tháng Năm, 2013 chiếu theo Mục 2.053(a) của Bộ Luật Tuyển Cử Tiểu Bang Texas; Chỉ thị việc Ban Hành Thông Báo Hủy Bỏ Cuộc Bầu Cử; và Cung Cấp Thông Tin Chi Tiết liên quan đến Hủy Bỏ Cuộc Bầu Cử theo phê chuẩn của Hội Đồng Thành Phố vào ngày 18 tháng Ba, 2013 tại Cuộc Họp Hội Đồng Thường Lệ. Các hành động sau đây hoàn tất việc kiểm phiếu ngày 11 tháng Năm, 2013.

決議案2013-15號，取消一般市府官員應於2013年5月11日的選舉計畫，其是根據德克薩斯州選舉法2.053(a)節；茲此通知該選舉取消；以及提供關於由市政委員會於2013年3月18日，在一般是政會議通過取消該選舉的詳情。下列行動完成2013年5月11日選舉遊說

Background:

Resolution No. 2013-15, canceling the May 11, 2013 Regular City Officer's Election was approved by Council on March 18, 2013, following the deadline for additional candidates to file for the open positions of Mayor and Council Position 3.

Tonight's activities complete the 2013 election process.

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	

Regular City Council Agenda Item Data Sheet

Meeting Date: May 20, 2013

Topic:

Administer Oath of Office to Elected Officials – Commissioner R. Jack Cagle, Precinct 4, Harris County
Administrar el juramento al cargo de los funcionarios electos – Comisionado R. Jack Cagle, Precinto 4, Condado de Harris

Làm lễ Tuyên Thệ Nhậm Chức cho các Viên Chức Được Bầu Chọn – Ủy Viên R. Jack Cagle, Phân Khu 4, Quận Harris

管理選舉官員宣誓就職 – 委員R. Jack Cagle , 選區4 , Harris郡

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	

Regular City Council Agenda Item Data Sheet

Meeting Date: May 20, 2013

Topic:

Consideration to Elect Mayor Pro-Tem, in Accordance with Section 6.08 of the City of Tomball Home Rule Charter

Considerar elegir un Alcalde Interino, de acuerdo con la Sección 6.08 de la Carta Orgánica de Gobierno Local de al Ciudad de Tomball.

Xem xét Bầu Chọn Thị Trưởng Tạm Thời, chiếu theo Mục 6.08 của Hiến Chương Điều Lệ Địa Phương Thành Phố Tomball.

考慮選出暫替市長，根據Tomball市自治憲章6.08節

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	

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 20, 2013

Topic:

- Proclamations:
 - **National Public Works Week – May 19-25, 2013**
Since 1960, APWA has sponsored National Public Works Week. Across North America, more than 28,000 APWA members in the US and Canada use this week to energize and educate the public on the importance of the contributions of public works to their daily lives: planning, building, managing and operating the heart of our local communities and building the quality of life. APWA has selected “Because of Public Works...” as its theme for 2013’s National Public Works Week, which will be celebrated May 19-25, 2013 to highlight the quality of life brought to communities around the world through clean water, safe streets and neighborhoods, efficient traffic, and safe, clean communities “Because of Public Works...”.
 - **National Emergency Medical Services Week – “EMS: One Mission. One Team” – May 19-25, 2013**
 - **Hurricane Preparedness Week – May 26-June 1, 2013**

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:

National Public Works Week – May 19-25, 2013
National Emergency Medical Services Week 2013
Hurricane Preparedness Week
Tropical Cyclones - Preparedness Guide

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS,** the public works services provided in Tomball are an integral part of our citizens' everyday lives; and
- WHEREAS,** the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs for the health, safety and comfort of this community, such as water, sewer, gas, streets and highways, public buildings, parks, and solid waste collection; and
- WHEREAS,** the health, safety and comfort of Tomball greatly depends on these facilities and services; and
- WHEREAS,** the quality and effectiveness of Tomball's facilities, as well as their planning, design and construction, is vitally dependent upon the efforts and skill of Public Works officials; and
- WHEREAS,** the efficiency of the qualified and dedicated personnel who staff Tomball's Public Works Department is materially influenced by people's attitude and understanding of the importance of the work they perform; and
- WHEREAS,** the Tomball City Council wishes to recognize the dedication, talents and contributions made by Public Works employees;

NOW THEREFORE, I, Gretchen Fagan, Mayor of the City of Tomball, Texas do hereby proclaim May 19-25, 2013 as:

"NATIONAL PUBLIC WORKS WEEK ... Because of Public Works"

in the City of Tomball, Texas and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our Public Works services and to recognize the contributions that Public Works officials and employees make every day to our health, safety, comfort, and quality of life.



*In witness whereof I have hereunto set my
hand and caused the seal to be affixed.*

ATTEST:

DATE

Gretchen Fagan
Dois Fagan
May 6, 2013

Office of the Mayor
Tomball, Texas

Proclamation



WHEREAS, emergency medical services is a vital public service that the members of Northwest Rural Emergency Medical Service (NWEMS) are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those experiencing sudden illness or injury and NWEMS plays a critical role in public outreach and injury prevention, and is evolving in its role as an important member of the healthcare community; and

WHEREAS, emergency medical responders are supported by emergency medical dispatchers, firefighters, law enforcement officers, educators, administrators, researchers, emergency nurses, emergency physicians and others; and

WHEREAS, NWEMS responders will be the first to respond to terrorist or natural events and are constantly training to respond to any possible occurrence, benefitting the citizens of Tomball daily through the knowledge and skills of these highly-trained individuals, who, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their life-saving skills, and the availability of the Texas trauma system; and

WHEREAS, it is appropriate for the City of Tomball to recognize the value and the accomplishments of emergency medical services providers, especially Northwest Rural Emergency Medical Service, by designating Emergency Medical Services Week;

NOW, THEREFORE, I, GRETCHEN FAGAN, Mayor, on behalf of the City Council of the City of Tomball, Texas, do hereby proclaim the week of May 19-25, 2013 as:

"NATIONAL EMERGENCY MEDICAL SERVICES WEEK"
"EMS: One Mission. One Team"



In witness whereof I have hereunto set my hand and caused this seal to be affixed.

ATTEST:

DATE:

Nari Speer

May 9, 2013

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS,** Texas hurricane season officially begins June 1 and ends November 30, and
- WHEREAS,** the 624-mile Texas Gulf coastline, areas of Texas hundreds of miles inland and our area in particular, are vulnerable to the devastating effects of a hurricane or tropical storm and the accompanying high winds, tornadoes, and storm surges; and
- WHEREAS,** both public and private entities should develop emergency response and recovery plans in accordance with local jurisdictions and local emergency management offices, and
- WHEREAS,** the *National Oceanic and Atmospheric Administration* and the *Texas Division of Emergency Management* have designated the week of May 26-June 1, 2013 as *Hurricane Preparedness Week* in Texas; and
- WHEREAS,** the NOAA, the National Weather Service, the Texas Division of Emergency Management, and the leaders of the City of Tomball strongly suggest that all residents and visitors to this area be made aware of the potential dangers of these storms; and
- WHEREAS,** the best defense is preparedness and public education about the dangers of the high winds, storm surge, flooding and tornadoes that may occur for hundreds of miles in conjunction with a hurricane or tropical storm;

NOW, THEREFORE, I, GRETCHEN FAGAN, Mayor of the City of Tomball, on behalf of the City Council, do hereby proclaim the week of May 26 through June 1, 2013 as:

“HURRICANE PREPAREDNESS WEEK”

and urge all citizens of the City of Tomball and the surrounding community to participate in hurricane preparedness activities, and to pay close attention to watch and warning instructions.



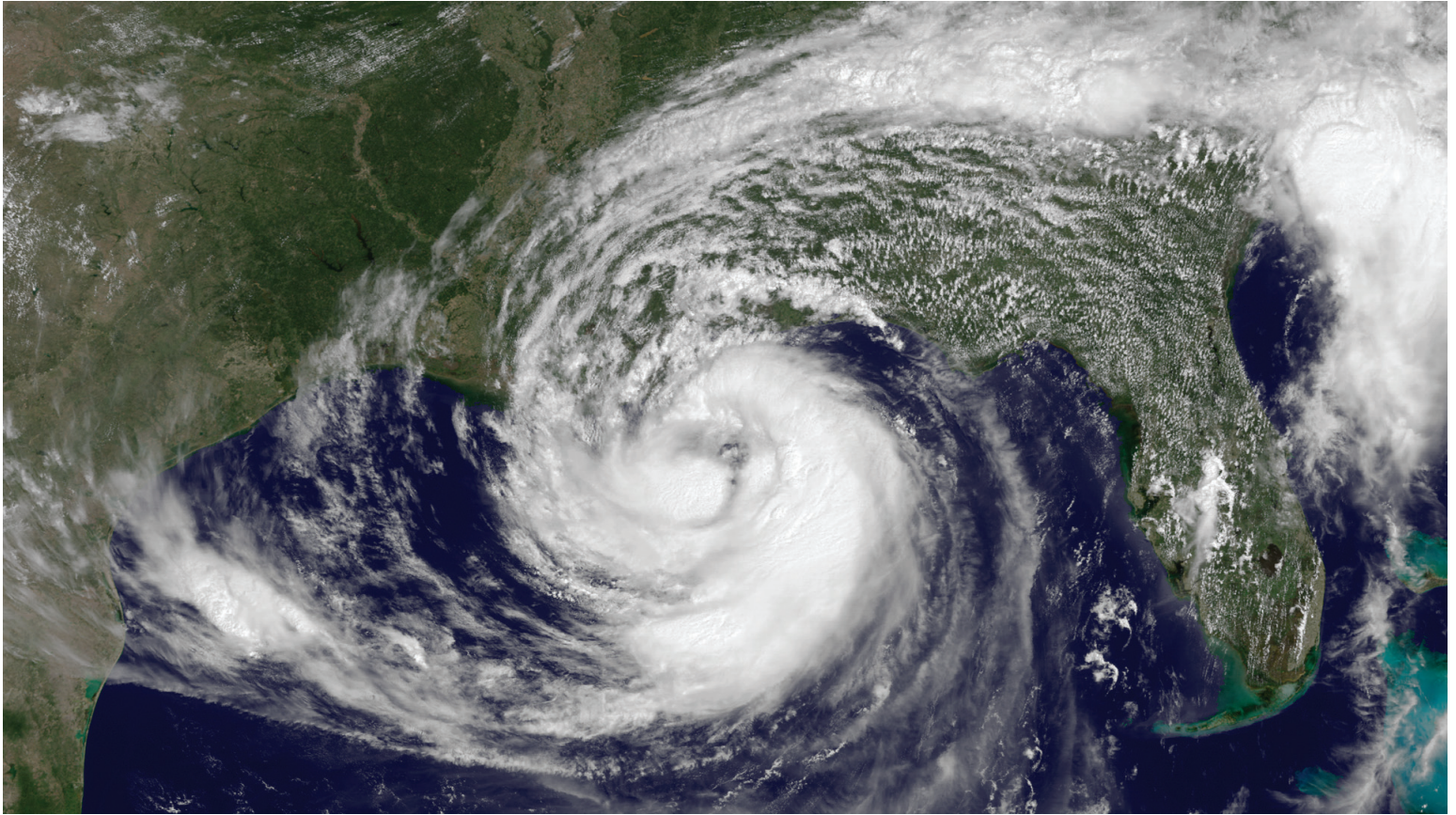
In witness whereof I have hereunto set my hand and caused this seal to be affixed.

ATTEST:

DATE:

Doni Speer
May 9, 2013

Tropical Cyclones

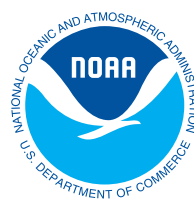


Hurricane Isaac, August 28, 2012/NOAA

A PREPAREDNESS GUIDE

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Weather Service

Revised April 2013



FEMA



**American
Red Cross**

What is a Tropical Cyclone?

Tropical cyclones are among nature's most powerful and destructive phenomena. If you live in an area prone to tropical cyclones, you need to be prepared. Even areas well away from the coastline can be threatened by destructive winds, tornadoes and flooding from these storms. How great is the danger? For 1970-2010, the average numbers per year were as follows:

- **Atlantic Ocean, Caribbean or Gulf of Mexico:** 11 tropical storms, 6 of which became hurricanes
- **East Pacific Ocean:** 15 tropical storms, 8 of which became hurricanes
- **Central Pacific Ocean:** 4 tropical storms, 2 of which became hurricanes

Over a typical 2-year period, the U.S. coastline is struck by an average of 3 hurricanes, 1 of which is classified as a major hurricane.

While hurricanes pose the greatest threat to life and property, tropical storms and depressions also can be devastating. Floods from heavy rains and severe weather, such as tornadoes, can cause extensive damage and loss of life. For example, Tropical Storm Allison produced over 40 inches of rain in the Houston area in 2001, causing about \$5 billion in damage and taking the lives of 41 people.

Tropical cyclones forming between 5 and 30 degrees North latitude typically move toward the west. Sometimes the winds in the middle and upper levels of the atmosphere change and steer the cyclone toward the north and northwest. When tropical cyclones reach latitudes near 30 degrees North, they often move northeast. Hurricane seasons and their peaks are as follows:

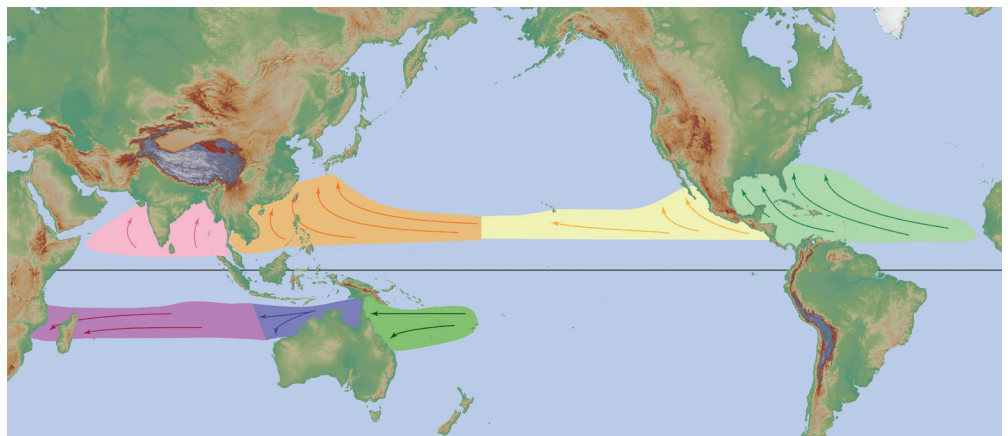
- **Atlantic and Caribbean:** Jun. 1 to Nov. 30 with peak mid-August to late October.
- **Central Pacific (Hawaii):** Jun. 1 to Nov. 30 with peak from July to September.
- **East Pacific:** May 15 to November 30
- **Western North Pacific:** Tropical cyclones can strike year round

Understanding the Terminology

A tropical cyclone is a rotating, organized system of clouds and thunderstorms that originates over tropical or subtropical waters and has a closed low-level circulation. Tropical cyclones rotate counterclockwise in the Northern Hemisphere.

- **Tropical Depression**—A tropical cyclone with maximum sustained winds of 38 mph (33 knots) or less.
- **Tropical Storm**—A tropical cyclone with maximum sustained winds of 39 to 73 mph (34 to 63 knots).
- **Hurricane**—A tropical cyclone with maximum sustained winds of 74 mph (64 knots) or higher. In the western North Pacific, hurricanes are called typhoons; similar storms in the Indian Ocean and South Pacific Ocean are called cyclones.
- **Major Hurricane**—A tropical cyclone with maximum sustained winds of 111 mph (96 knots) or higher, corresponding to a Category 3, 4 or 5 on the Saffir-Simpson Hurricane Wind Scale.

A Post-Tropical Cyclone is a system that no longer possesses sufficient tropical characteristics to be considered a tropical cyclone. Post-tropical cyclones can still bring heavy rain and high winds.



Tropical cyclone formation regions with mean tracks/NWS JetStream Online School

Saffir-Simpson Hurricane Wind Scale

The Saffir-Simpson Hurricane Wind Scale is a 1 to 5 rating based on a hurricane's sustained wind speed. This scale estimates potential property damage. Hurricanes reaching Category 3 and higher are considered major hurricanes because of their potential for significant loss of life and damage. Category 1 and 2 storms are still dangerous, however, and require preventative measures. In the western North Pacific, the term "super typhoon" is used for tropical cyclones with sustained winds exceeding 150 mph.

Saffir-Simpson Hurricane Wind Scale for the Continental United States

Scale Number (Category)	Sustained Winds (MPH)	Types of Damage Due to Hurricane Winds	Hurricanes
1	74-95	Very dangerous winds will produce some damage: Well-constructed frame homes could have damage to roof, shingles, vinyl siding and gutters. Large branches of trees will snap and shallowly rooted trees may be toppled. Extensive damage to power lines and poles likely will result in power outages that could last a few to several days.	Dolly (2008) on South Padre Island, Texas
2	96-110	Extremely dangerous winds will cause extensive damage: Well-constructed frame homes could sustain major roof and siding damage. Many shallowly rooted trees will be snapped or uprooted and block numerous roads. Near-total power loss is expected with outages that could last from several days to weeks.	Frances (2004) in coastal Port St. Lucie, Florida
3	111-129	Devastating damage will occur: Well-built framed homes may incur major damage or removal of roof decking and gable ends. Many trees will be snapped or uprooted, blocking numerous roads. Electricity and water will be unavailable for several days to weeks after the storm passes.	Ivan (2004) in coastal Gulf Shores, Alabama
4	131-156	Catastrophic damage will occur: Well-built framed homes can sustain severe damage with loss of most of the roof structure and/or some exterior walls. Most trees will be snapped or uprooted and power poles downed. Fallen trees and power poles will isolate residential areas. Power outages will last weeks to possibly months. Most of the area will be uninhabitable for weeks or months.	Charley (2004) in coastal Punta Gorda, Florida
5	>156	Catastrophic damage will occur: A high percentage of framed homes will be destroyed, with total roof failure and wall collapse. Fallen trees and power poles will isolate residential areas. Power outages will last for weeks to possibly months. Most of the area will be uninhabitable for weeks or months.	Andrew (1992) in coastal parts of Cutler Ridge, Florida



Wind damage from Hurricane Charley, August 2004, Orlando, FL/Orlando Sentinel, copyright 2004

For more information on the Saffir-Simpson Hurricane Wind Scale, go to:

www.nhc.noaa.gov/aboutsshs.shtml

For more information on the Saffir-Simpson Hurricane Wind Scale as it affects Hawaii, go to:

www.prh.noaa.gov/cphc/pages/aboutsshs.php

Hurricane Hazards

Storm Surge/Tide

Storm surge and large waves produced by hurricanes pose the greatest threat to life and property along the coast.

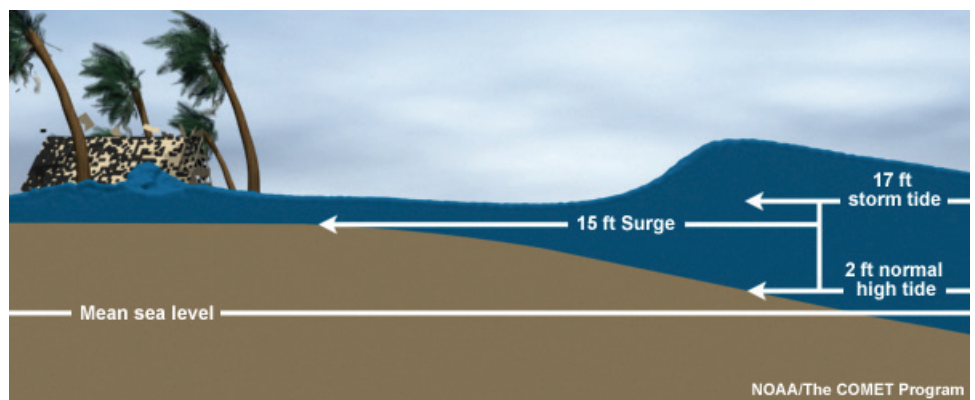
STORM SURGE is an abnormal rise of water generated by a storm's winds. Storm surge can reach heights well over 20 feet and can span hundreds of miles of coastline. In the northern hemisphere, the highest surge values typically occur in the right front quadrant of a hurricane coincident with onshore flow; in the southern hemisphere, the left front quadrant. More intense and larger hurricanes produce higher surge. In addition, shallower offshore waters contribute to higher storm surge inundation. Storm surge is by far the greatest threat to life and property along the immediate coast.

STORM TIDE is the water level rise during a storm due to the combination of storm surge and the astronomical tide. For example, if a hurricane moves ashore at a high tide of 2 feet, a 15 foot surge would be added to the high tide, creating a storm tide of 17 feet. The combination of high winds and storm tide topped with battering waves can be deadly and cause tremendous property damage along an area of coastline hundreds of miles wide.

The destructive power of storm surge and large battering waves can result in loss of life, buildings destroyed, beach and dune erosion and road and bridge damage along the coast. Storm surge can travel several miles inland. In estuaries and bays, salt water intrusion endangers public health and the environment.



Before and after Hurricane Ike on the Bolivar Peninsula, TX, September 2008/USGS



Historical Storm Tide Events

- **1900:** Galveston, TX, hurricane, resulted in more than 8,000 deaths, most by storm tide.
- **1969:** Hurricane Camille produced a 24-foot storm tide in Mississippi.
- **1989:** Hurricane Hugo generated a 20-foot storm tide in South Carolina.
- **1992:** Hurricane Iniki produced a 6-foot storm tide on the island of Kauai in Hawaii.
- **2005:** Hurricane Katrina generated a 27-foot storm tide in Mississippi.
- **2008:** Hurricane Ike produced a 20-foot storm tide in Texas.

Tornadoes

Hurricanes and tropical storms can also produce tornadoes. These tornadoes most often occur in thunderstorms embedded in rain bands well away from the center of the hurricane; however, they can also occur near the eyewall. Usually, tornadoes produced by tropical cyclones are relatively weak and short-lived, but they still pose a significant threat.

Winds

Hurricane-force winds, 74 mph or more, can destroy buildings and mobile homes. Debris, such as signs, roofing material, siding and small items left outside become flying missiles during hurricanes. Winds can stay above hurricane strength well inland. In 2004, Hurricane Charley made landfall at Punta Gorda on the southwest Florida coast and produced major damage well inland across central Florida with gusts of more than 100 mph.



Hurricane Frances tornado damage, Sumter County, SC, September 2004/Marvin Mauman, FEMA

Rainfall amounts are not directly related to the strength of tropical cyclones but rather to the speed and size of the storm, as well as the geography of the area. Slower moving and larger storms produce more rainfall. In addition, mountainous terrain enhances rainfall from a tropical cyclone.



Hurricane Ivan flooding, Asheville, NC, September 2004 /Leif Skoogfors, FEMA

Rainfall

Tropical cyclones often produce widespread, torrential rains in excess of 6 inches, which may result in deadly and destructive floods. In fact, flooding is the major threat from tropical cyclones for people living inland. Flash flooding, defined as a rapid rise in water levels, can occur quickly due to intense rainfall. Longer term flooding on rivers and streams can persist for several days after the storm.

Rip Currents

The strong winds of a tropical cyclone can cause dangerous waves that pose a significant hazard to mariners and coastal residents and visitors. When the waves break along the coast, they can produce deadly rip currents—even at large distances from the storm.

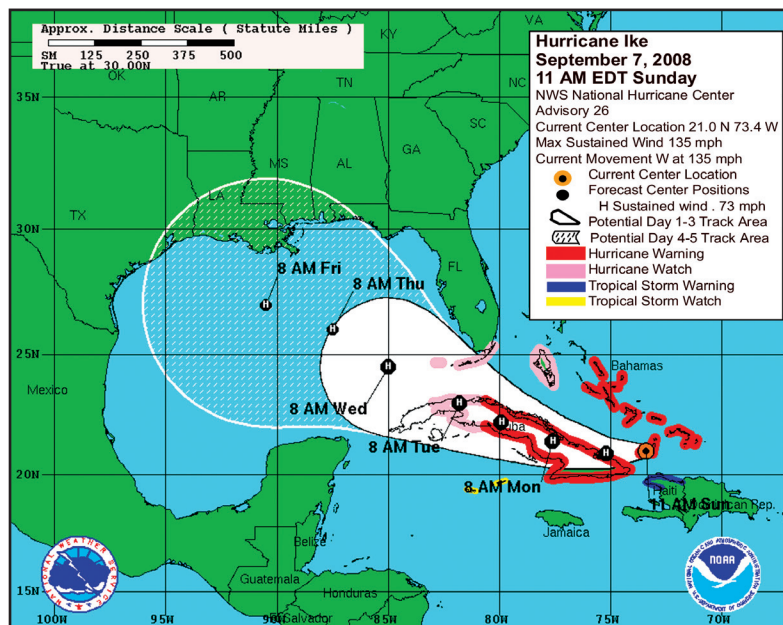
Rip currents are channeled currents of water flowing away from shore, usually extending past the line of breaking waves, that can pull even the strongest swimmers away from shore.

In 2008, despite the fact that Hurricane Bertha was more than a 1,000 miles offshore, the storm resulted in rip currents that killed three people along the New Jersey coast and required 1,500 lifeguard rescues in Ocean City, Maryland, over a 1 week period.

In 2009, all six deaths in the United States directly attributable to tropical cyclones occurred as the result of drowning from large waves or strong rip currents.

Tropical Cyclone Graphical Products

To convey analysis and forecast information on tropical cyclones, the National Hurricane Center (NHC) and the Central Pacific Hurricane Center (CPHC) produce graphics that provide important information for those who rely on tropical cyclone forecasts. Weather forecasting isn't an exact science. Many of these graphics have been designed to address the inherent uncertainties in tropical cyclone forecasts.

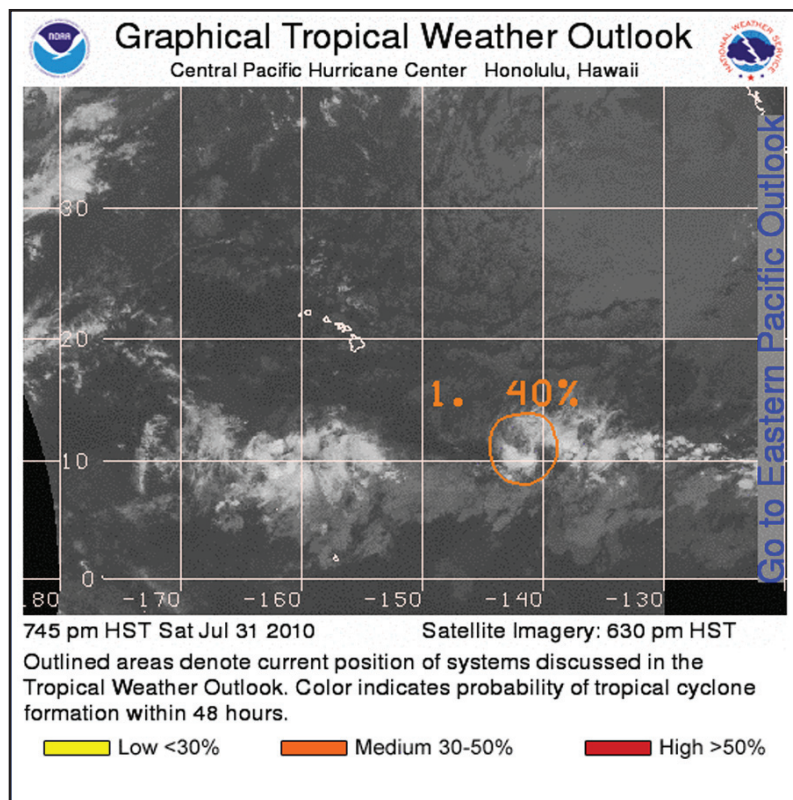


Track Forecast Cone and Watches/Warnings

Track Forecast Cone and Watches/Warning

This graphic shows coastal areas under a hurricane warning (red), hurricane watch (pink), tropical storm warning (blue), and a tropical storm watch (yellow). The orange circle denotes the current position of the tropical cyclone. The black dots indicate the forecast positions and cyclone classification over the next 5 days.

Forecast errors and uncertainty of the future tropical cyclone center location are accounted for by the track forecast cone. The solid white area denotes the uncertainty for days 1-3. The white stippled area shows the uncertainty for days 4 and 5. On average, the center of the tropical cyclone will remain inside the cone 60%–70% of the time. It is important to remember that a tropical cyclone is not a point and that the associated hazards can extend well outside of the track forecast cone.



Graphical Tropical Weather Outlook

Graphical Tropical Weather Outlook

This graphic highlights areas of disturbed weather in the tropics and subtropics and assesses the potential for these systems to become tropical cyclones over the next 48 hours. Each disturbance is circled and numbered with an accompanying text description. You also can view the text description by moving your mouse over the circled area. The color of the circles reflect the probability that the system will become a tropical cyclone over the next 48 hours:

- Yellow: low chance, <30%
- Orange: medium chance, 30%–50%
- Red: high chance, >50%

Active tropical cyclones are depicted on the graphic as an "L" for tropical depressions, a tropical storm symbol, or a hurricane symbol.

Tropical Cyclone Surface Wind Speed Probabilities

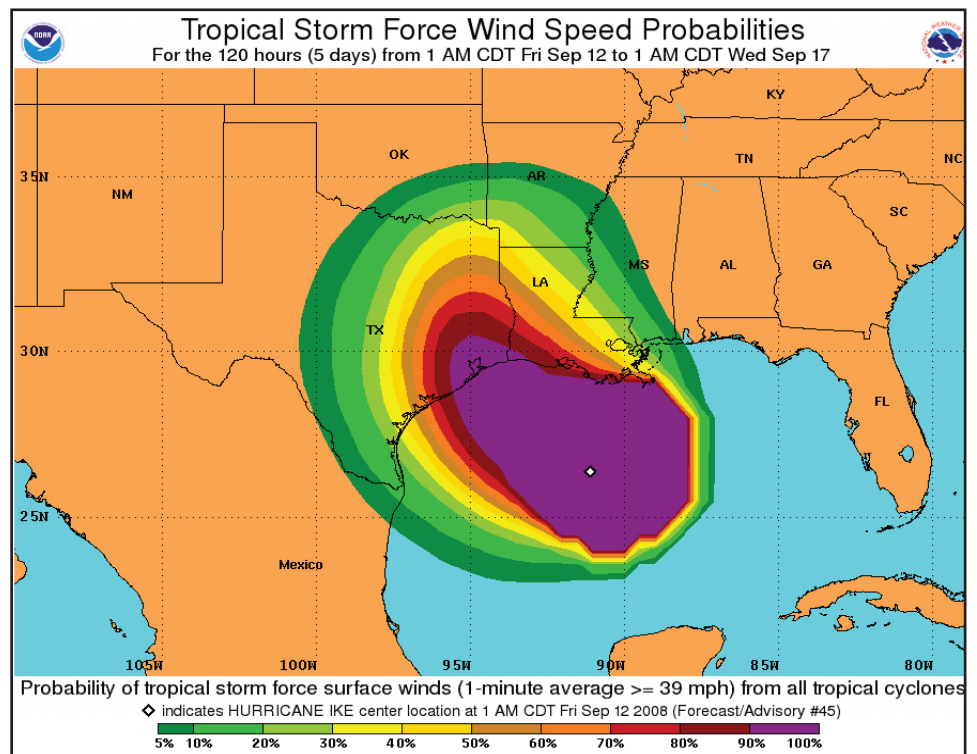
This graphic indicates the chance of locations experiencing at least tropical storm (39 mph or greater) sustained winds over the following 5 days. The graphic is also available at thresholds of 58 mph and 74 mph (hurricane force) sustained winds. The product is unique in that it takes into account uncertainty in the track, peak winds and size of the storm.

This graphic also highlights the fact that tropical cyclone winds can extend well away from the storm's center. It is important to realize that probabilities that seem relatively low may still be quite significant. For example, if a location has a 10% chance of experiencing hurricane force sustained winds, you should prepare for an extreme event. A 1 in 10 chance is too high to ignore.

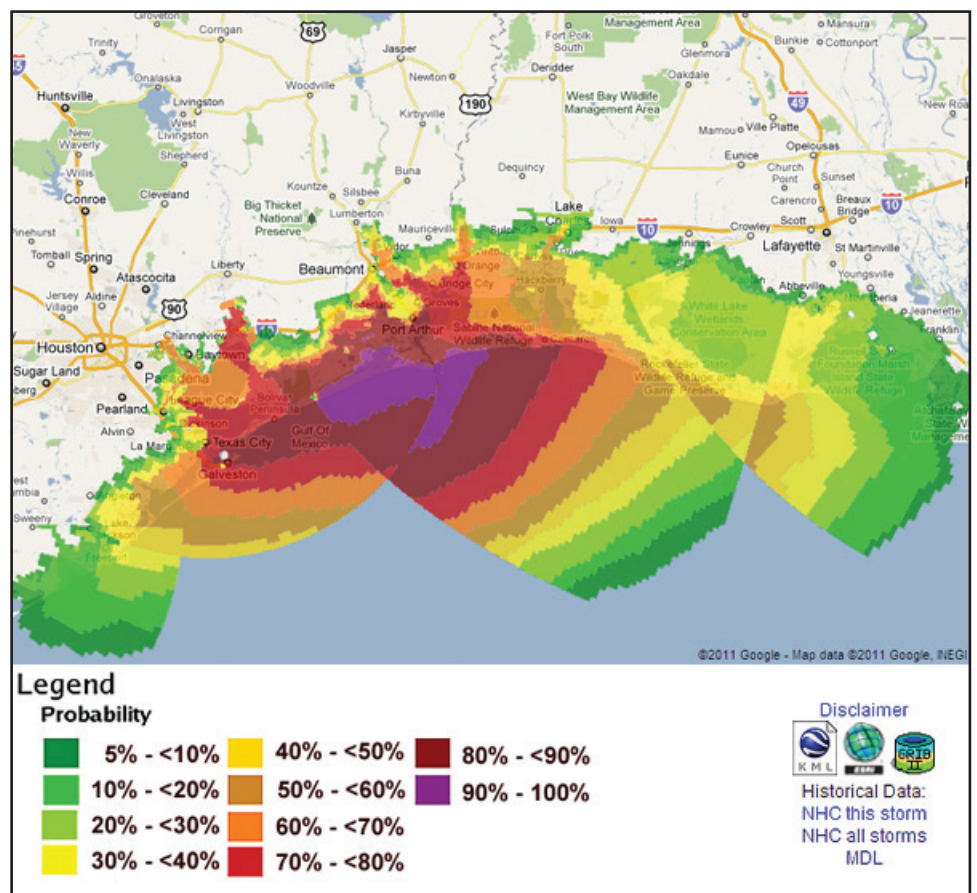
Tropical Cyclone Storm Surge Probabilities

Like surface wind speed probability products, storm surge probability products show the percentage chance of storm surge exceeding various thresholds. The thresholds are available at 1-foot intervals from a minimum of 2 feet to a maximum of 25 feet.

The graphic shows the chance that locations along the Texas and Louisiana coasts would experience a storm surge of at least 8 feet from Hurricane Ike based on the forecast issued at 11 AM EDT on September 12, 2008. The graphic is created from many simulations of the NWS storm surge computer model, and accounts for uncertainty in track, intensity and size.



Tropical Cyclone Surface Wind Speed Probabilities



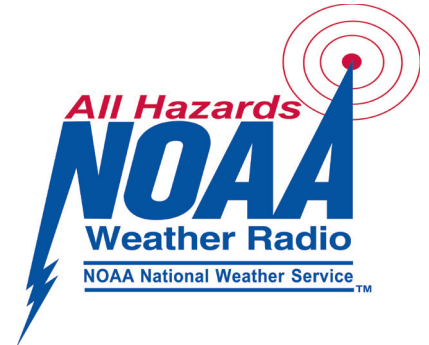
Tropical Cyclone Storm Surge Probabilities

Ways to Stay Informed

NOAA Weather Radio All Hazards

The National Weather Service (NWS) continuously broadcasts warning, watches, forecasts and non-weather related hazard information on NOAA Weather Radio All Hazards (NWR). The average range of the 1000+ NWR transmitters is 40 miles, depending on topography. For the best performing NWR receivers, NWS suggests you look at devices certified to Public Alert™ standards.

These radios meet specific technical standards and come with many features such as Specific Area Message Encoding (SAME), a battery backup, both audio and visual alarms, selective programming for the types of hazards you want to be warned for, and the ability to activate external alarm devices for people with disabilities. Similar to a smoke detector, an NWR can wake you up in the middle of the night to alert you of a dangerous situation.



Current Storm Information

- National Weather Service: www.weather.gov
- National Hurricane Center: www.nhc.noaa.gov
- Central Pacific Hurricane Center: www.prh.noaa.gov/cphc

Historical Storm Information

- National Climatic Data Center: www.ncdc.noaa.gov
- NOAA Coastal Services Center: www.csc.noaa.gov

Emergency/Preparedness Information

- American Red Cross: www.redcross.org
- FEMA: www.fema.gov

Mobile NHC and NWS Information

- Mobile NHC website in basic HTML: www.nhc.noaa.gov/mobile
- Mobile NWS website for smartphones: mobile.weather.gov
- Mobile NWS website in basic HTML: cell.weather.gov

Other Information

- Audio Podcasts: www.nhc.noaa.gov/audio/index.shtml
- Geographic Information System Data: www.nhc.noaa.gov/gis/
- NOAA Weather Radio All Hazards: www.weather.gov/nwr
- Hurricane Tracking Charts: www.weather.gov/os/hurricane/

Facebook

- NHC Facebook Page: www.facebook.com/US.NOAA.NationalHurricaneCenter.gov
- CPHC/ NWS Honolulu Facebook Page: www.facebook.com/US.NationalWeatherService.Honolulu.gov

Twitter

- Atlantic: [@NHC_Atlantic](https://twitter.com/NHC_Atlantic)
- Eastern North Pacific: [@NHC_Pacific](https://twitter.com/NHC_Pacific)
- Central Pacific: [@NWSHonolulu](https://twitter.com/NWSHonolulu)
- Storm Surge: [@NHC_Surge](https://twitter.com/NHC_Surge)

What To Listen For

- **HURRICANE WATCH:** An announcement that hurricane conditions (sustained winds of 74 mph or higher) are possible within the specified area in association with a tropical, subtropical, or post-tropical cyclone. Because hurricane preparedness activities become difficult once winds reach tropical storm force, the hurricane watch is issued 48 hours in advance of the anticipated onset of tropical-storm-force winds. During a Watch, prepare your home and review your plan for evacuation in case warnings are issued. Listen closely to instructions from local officials.
- **TROPICAL STORM WATCH:** An announcement that tropical storm conditions (sustained winds of 39 to 73 mph) are possible within the specified area within 48 hours in association with a tropical, subtropical, or post-tropical cyclone. During a Watch, prepare your home and review your plan for evacuations in case warnings are issued. Listen closely to instructions from local officials.
- **HURRICANE WARNING:** An announcement that hurricane conditions (sustained winds of 74 mph or higher) are expected somewhere within the specified area in association with a tropical, subtropical, or post-tropical cyclone. Because hurricane preparedness activities become difficult once winds reach tropical storm force, the hurricane warning is issued 36 hours in advance of the anticipated onset of tropical-storm-force winds. The warning can remain in effect when dangerously high water or a combination of dangerously high water and waves continue, even though winds may be less than hurricane force.
- **TROPICAL STORM WARNING:** An announcement that tropical storm conditions (sustained winds of 39 to 73 mph) are expected somewhere within the specified area within 36 hours in association with a tropical, subtropical, or post-tropical cyclone.
- **EXTREME WIND WARNING:** Extreme sustained winds of a major hurricane (115 mph or greater), usually associated with the eyewall, are expected to begin within an hour. Take immediate shelter in the interior portion of a well-built structure.

Additional Watches and Warnings are issued to provide detailed information on specific threats such as floods and tornadoes. Local National Weather Service offices issue Flash Flood/Flood Watches and Warnings as well as Tornado Warnings.

National Hurricane Center and Central Pacific Hurricane Center Products

PUBLIC ADVISORIES offer critical hurricane watch, warning and forecast information.

FORECASTS/ADVISORIES provide detailed hurricane track and wind field information

PROBABILITIES OF HURRICANE/TROPICAL STORM CONDITIONS offer locally specific chances of experiencing tropical storm, strong tropical storm and hurricane force winds out to 5 days to better know if one will be impacted and when these conditions may occur.

Use all of the above information to make an informed decision on your risk and what actions to take. Listen to recommendations of local officials on TV, radio and other media and to NOAA Weather Radio All Hazards for the latest tropical cyclone information.

Local National Weather Service Office Products

HURRICANE LOCAL STATEMENTS give greater detail on how the storm will impact your area.

NON-PRECIPITATION WEATHER PRODUCTS provide High Wind Watches and Warnings for inland areas that could experience strong winds.

Are You Ready?

Before the Hurricane Season

- ✓ Determine safe evacuation routes inland.
- ✓ Learn locations of official shelters.
- ✓ Check emergency equipment, such as flashlights, generators and battery-powered equipment such as cell phones and your NOAA Weather Radio All Hazards receiver.
- ✓ Buy food that will keep and store drinking water.
- ✓ Buy plywood or other material to protect your home if you don't already have it.
- ✓ Trim trees and shrubbery so branches don't fly into your home.
- ✓ Clear clogged rain gutters and downspouts.
- ✓ Decide where to move your boat.
- ✓ Review your insurance policy.
- ✓ Find pet-friendly hotels on your evacuation route.



FEMA

During the Storm

When in a Watch Area...

- ✓ Frequently listen to radio, TV or NOAA Weather Radio All Hazards for official bulletins of the storm's progress.
- ✓ Fuel and service family vehicles.
- ✓ Inspect and secure mobile home tie downs.
- ✓ Ensure you have extra cash on hand.
- ✓ Prepare to cover all windows and doors with shutters or other shielding materials.
- ✓ Check batteries and stock up on canned food, first aid supplies, drinking water and medications.
- ✓ Bring in light-weight objects such as garbage cans, garden tools, toys and lawn furniture.

When in a Warning Area...

- ✓ Closely monitor radio, TV or NOAA Weather Radio All Hazards for official bulletins.
- ✓ Close storm shutters.
- ✓ Follow instructions issued by local officials. Leave immediately if ordered!
- ✓ Stay with friends or relatives at a low-rise inland hotel or at a designated public shelter outside the flood zone.
- ✓ DO NOT stay in a mobile or manufactured home.
- ✓ Notify neighbors and a family member outside of the warned area of your evacuation plans.
- ✓ Take pets with you if possible, but remember, most public shelters do not allow pets other than those used by people with disabilities. Identify pet-friendly hotels along your evacuation route.

Plan to Leave if You...

- ✓ Live in a mobile home. They are unsafe in high winds no matter how well fastened to the ground.
- ✓ Live on the coastline, an offshore island or near a river or a flood plain.
- ✓ Live in a high rise building. Hurricane winds are stronger at higher elevations.

If Staying in a Home...

- ✓ Turn refrigerator to maximum cold and keep it closed.
- ✓ Turn off utilities if told to do so by authorities.
- ✓ Turn off propane tanks.
- ✓ Unplug small appliances.
- ✓ Fill bathtub and large containers with water in case clean tap water is unavailable. Use water in bathtubs for cleaning and flushing only. Do NOT drink it.

If Winds Become Strong...

- ✓ Stay away from windows and doors, even if they are covered. Take refuge in a small interior room, closet or hallway.
- ✓ Close all interior doors. Secure and brace external doors.
- ✓ If you are in a two-story house, go to an interior first floor room.
- ✓ If you are in a multi-story building and away from water, go to the 1st or 2nd floor and stay in the halls or other interior rooms away from windows.
- ✓ Lie on the floor under a table or other sturdy object.

Be Alert For...

- ✓ Tornadoes—they are often spawned by hurricanes.
- ✓ The calm “eye” of the storm—it may seem like the storm is over, but after the eye passes, the winds will change direction and quickly return to hurricane force.



American Red Cross

What to Bring to a Shelter

What to Bring to a Shelter

- First-aid kit
- Medicine, prescriptions
- Baby food and diapers
- Games, books, music players with headphones
- Toiletries
- Battery-powered radio and cell phone
- Flashlights
- Extra batteries
- A blanket or sleeping bag for each person
- Identification
- Copies of key papers such as insurance policies
- Cash, credit card

REMINDER: If you are told to leave your home, do so immediately!

After the Storm

- ✓ Keep listening to radio, TV or NOAA Weather Radio All Hazards.
- ✓ Wait until an area is declared safe before entering.
- ✓ Watch for closed roads. If you come upon a barricade or a flooded road, Turn Around Don't Drown!™
- ✓ Stay on firm, dry ground. Moving water only 6 inches deep can sweep you off your feet. Standing water may be electrically charged from power lines.
- ✓ Never use a generator indoors.
- ✓ Avoid weakened bridges and washed out roads.
- ✓ Once home, check gas, water and electrical and appliances for damage.
- ✓ Use a flashlight to inspect damage. Never use candles and other open flames indoors.
- ✓ Wear proper shoes to prevent cutting feet on sharp debris.
- ✓ Do not drink or prepare food with tap water until officials say it is safe.
- ✓ Avoid electrocution by not walking in areas with downed power lines.

Family Emergency Plan



Everyone needs to be prepared for the unexpected. You, as well as your family and friends, will most likely not be together when disaster strikes. How will you find each other? Will you know if your children or parents are safe? You may have to evacuate or be confined to your home. What will you do if water, gas, electricity or phone services are shut off?

Steps to Take

- I Gather information about hazards.** Contact your local National Weather Service office, emergency management office and American Red Cross chapter. Find out what type of emergencies could occur and how you should respond. Learn your community's warning signals and evacuation plans. Assess your risks and identify ways to make your home and property more secure.
- II Meet with your family to create an emergency plan.** Pick two places to meet: a spot outside your home for an emergency, such as fire, and a place away from your neighborhood in case you can't return home. Choose an out of state friend as your family's point of contact for everyone to call if the family gets separated. Discuss what you would do if advised to evacuate.
- III Implement your plan.**
 1. Post emergency telephone numbers by the phone.
 2. Install safety features in your house, such as smoke alarms and fire extinguishers.
 3. Inspect your home for items that can move, fall, break or catch fire and correct them.
 4. Have your family learn basic safety measures, such as CPR and first aid, how to use a fire extinguisher, and how and when to turn off water, gas and electricity in your home.
 5. Teach children how and when to call 911 or your local emergency number.
 6. Keep enough supplies in your home for at least 3 days. Assemble an emergency supplies kit. Store these supplies in sturdy, easy-to-carry containers, such as backpacks or duffle bags. Keep important documents in a waterproof container. Keep a smaller emergency supplies kit in the trunk of your car.

An Emergency Supplies Kit Should Include:

- | | | |
|---|--|--|
| ✓ At least a 3-day supply of water (one gallon per person, per day) | ✓ One blanket or sleeping bag per person | ✓ Extra set of car keys |
| ✓ At least a 3-day supply of non-perishable food | ✓ First-aid kit | ✓ Credit card and cash |
| ✓ At least, one change of clothing and shoes per person | ✓ Battery-powered NWR and a portable radio | ✓ Special items for infant, elderly or disabled family members |
| | ✓ Emergency tools | ✓ Prescription and non-prescription medicines |
| | ✓ Flashlight, extra batteries | |

- IV Practice and maintain your plan.** Ensure your family knows meeting places, phone numbers and safety rules. Conduct drills. Test your smoke detectors and NWR monthly and change the batteries at least once each year. Test and recharge your fire extinguisher(s) according to manufacturer's instructions. Replace stored water and food every 6 months.

Safety and preparedness material is online at:

Federal Emergency Management Agency: www.ready.gov

American Red Cross: www.redcross.org

NOAA National Weather Service: www.weather.gov/safety.php

Regular City Council Agenda Item Data Sheet

Meeting Date: May 20, 2013

Topic:

- May 25, 2013 – **Memorial Day Weekend Chili Challenge at the Depot** – 10:00 a.m. to 5:00 p.m.
- May 27, 2013 – **"Oiltown USA Jamboree...80 Years in the Making"** – 11:00 a.m.-6:00 p.m.
- June 8, 2013 – **2nd Saturday at the Depot** – 6:30 p.m.
- June 21, 2013 – **Friday Night Creature Feature – Creature from the Black Lagoon**
- July 4, 2013 – **City of Tomball July 4th Celebration** – 2:00 p.m.-10:30 p.m.
- July 13, 2013 – **2nd Saturday at the Depot** – 6:30 p.m.
- July 19, 2013 – **Friday Night Creature Feature – Invasion of the Body Snatchers**
- August 16, 2013 – **Friday Night Creature Feature – THEM!**
- **Walk Tomball!** – Every Saturday at 9:00 a.m. at the Depot
- **Tomball Kids Club is Coming!** – TBA
- Reports by City staff and members of council about items of community interest on which no action will be taken

Background:

Origination:

Various

Recommendation:

N/A

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:

Memorial Day Weekend Chili Challenge at the Depot
"Oiltown USA Jamboree...80 Years in the Making"
Friday Night Creature Feature
City of Tomball July 4th Celebration

MEMORIAL DAY WEEKEND CHILI CHALLENGE

MAY 25, 2013 AT THE DEPOT
DOWNTOWN TOMBALL, TEXAS



- LIVE MUSIC • 10 AM to 5 PM
- FESTIVAL FOOD
- VENDORS, AND... CHILI!



A Chili Appreciation Society International Sanctioned Cook-off Event
In Cooperation with the Piney Woods Pod - CASI

Oiltown U.S.A. Jamboree

Celebrating Tomball's Oil History - 80 Years In the Making

May 27th 2013

Depot Plaza 11 AM - 6 PM

Come celebrate the 80th anniversary of the Tomball oil gusher with a day full of county fair style fun honoring the original Tomball "Oil Patch Kids"

- Live music from '30s and '40s
- 5-cent hotdogs and sodas
- Old-fashioned watermelon seed spitting
- Greased pig contest and pie eating contest
- Historical exhibits and lots more!
- Free parking and admission, too

102 South Elm Street - Call 281-351-5484
Visit tomballtx.gov for complete information



THE CITY OF TOMBALL PRESENTS
**FRIDAY NIGHT
CREATURE FEATURES
AT THE DEPOT**



**Creature From The
Black Lagoon
June 21, 2013**



**Invasion Of The
Body Snatchers
July 19, 2013**



**THEM!
August 16, 2013**

FREE ADMISSION * FREE PARKING * BRING YOUR LAWN CHAIR * STARTS AT DARK

THE CITY OF TOMBALL JULY 4TH STREET PARTY AND FIREWORKS!

3 - 10 PM

ON BUSINESS
HWY 249

• LIVE MUSIC FROM BAYOU ROUX AND
UNFORTUNATE SONS
• EATS BY PECOS GRILL AND
THE ORIGINAL RIB TICKLER
• KIDS' ZONE WITH PONY RIDES,
PETTING ZOO AND MORE...

- HAY RIDES
- VENDORS
- FREE ADMISSION
AND PARKING

PRESENTED BY



Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 20, 2013

Topic:

Approve the Minutes of the May 6, 2013 Regular Tomball City Council Meeting

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	

ATTACHMENTS:

Draft Minutes - May 6, 2013 Regular Tomball City Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, MAY 6, 2013
6:00 P.M.**

1.0 Call to Order

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

Councilman Hudgens
Councilman Stoll
Councilman Brown
Councilman Townsend
Councilman Dodson

Others present:

City Manager – George Shackelford
Assistant City Manager – Christal Weber
City Secretary – Doris Speer
City Attorney – Loren Smith
Police Chief – Robert Hauck
Fire Chief – Randy Parr
Director of Public Works – David Kauffman
Community Development Director – Craig Meyers
Marketing Director – Mike Baxter
Finance Director – Glenn Windsor
City Planner – Rebeca Guerra
Assistant City Engineer – Lori Lakatos
Community Events Coordinator – Rosalie Dillon
Executive Director-TEDC – Kelly Violette
Chief-NWEMS – Raul Reyes

2.0 Invocation

- Led by Pastor Danny Williams, Dominion International

3.0 Pledges to U. S. and Texas Flags

- Led by Matthew Pollini and Courtlynn Noack, Members of the Tomball High School Student Council.

4.0 The following public comments were received:

Bruce Hillegeist
GTACC
29201 Quinn Rd, 77375

- Reported on the successful trip by Tomball representatives, Mayor Fagan, Kelly Violette-TEDC, Brandy Beyer-GTACC, and Bruce Hillegeist-GTACC to the ExxonMobil Corporation in Fairfax, Virginia and the resulting interest of ExxonMobil employees regarding Tomball.

Mark Walicki
13319 Lost Creek Rd, 77375

- Expressed his interest in serving on the Planning and Zoning Commission, if appointed.

5.0 Reports and Announcements:

- **Farmers Market** – 9:00 a.m.-1:00 p.m.
- May 7, 2013 – **Mayor's Coffee** – *Sol de Luna*, 207 Commerce, 5:30 p.m.
- May 11, 2013 – **2nd Saturday at the Depot** – 5:30 p.m.
- May 25, 2013 – **Memorial Day Weekend Chili Challenge** – 11:00 a.m.-6:00 p.m.
- May 27, 2013 – **"Oiltown USA Jamboree...80 Years in the Making"** – 11:00 a.m.-6:00 p.m.
- June 8, 2013 – **2nd Saturday at the Depot** – 5:30 p.m.
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- July 19, 2013 – **Friday Night Creature Feature** – *Invasion of the Body Snatchers*
- August 16, 2013 – **Friday Night Creature Feature** – *THEM!*
- **Walk Tomball!** – Every Saturday at 9:00 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:
 - David Kauffman reported on the success of the annual **Tomball Spring Clean-up Week and Consolidated Recycling Day**
 - Mike Baxter reported on the success of the **Rails and Tails Mudbug Festival**

- 6.0 Motion was made by Councilman Dodson, second by Councilman Townsend, to approve the Minutes of the April 15, 2013 Regular City Council Meeting and the April 15, 2013 Special Tomball City Council and Tomball Planning and Zoning Commission Meeting.

Motion carried unanimously.

7.0 New Business:

- 7.1 Glenn Windsor, Christine Crotwell, First Southwest, and Peggy Foreman, Bracewell & Giuliani, presented information regarding the bids received for the proposed issuance and sale of the Certificates of Obligation, recommending Southwest Securities in Dallas to complete the funding of the Certificates of Obligation. Motion was made by Councilman Brown, second by Councilman Stoll, to read Ordinance No. 2013-06 by caption only on First and Final Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Hudgens, to adopt, on First and Final Reading, Ordinance No. 2013-06, an Ordinance Authorizing the Issuance and Sale of the City of Tomball, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2013; Awarding the Sale Thereof; Levying a Tax And Providing for the Security and Payment Thereof; Approving the Official Statement; Approving the Paying Agent/Registrar Agreement; and Enacting Other Provisions Relating Thereto. Vote was as follows:

Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>

Motion carried unanimously.

- 7.2 Mayor Fagan opened the Public Hearing at 6:30 p.m. to consider the Adoption of an Ordinance to Participate in the Texas Enterprise Zone Program and to Consider and Nominate Baker Hughes Oilfield Operations, Inc., 11211 FM 2920 Road, Tomball, Texas 77375, to the Office of the Governor as a Texas Enterprise Zone Project.

Receiving no public comments, Mayor Fagan closed the public hearing at 6:30 p.m.

- 7.3 Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2013-07 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Dodson, to adopt, on First Reading, Ordinance No. 2013-07, an Ordinance of the City Council of the City of Tomball, Texas, Authorizing the City of Tomball to Participate in the Texas Enterprise Zone Program Under The Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; Defining Available Tax Incentives; Nominating Baker Hughes Oilfield Operations, Inc. to the Office of the Governor Economic Development and Tourism through the Economic Development Bank for Designation as an Enterprise Project under The Act; and Designating a Liaison for overseeing Enterprise Projects and Communicating with Interested Parties. Vote was as follows:

Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Dodson	<u>Aye</u>
Councilman Hudgens	<u>Aye</u>
Councilman Stoll	<u>Aye</u>

Motion carried unanimously.

- 7.4 Motion was made by Councilman Dodson, second by Councilman Stoll, to reappoint Gretchen Fagan, Steven Vaughan, and Chad Degges to the Tomball Economic Development Corporation Board, with new terms of office expiring May 31, 2015.

Motion carried unanimously.

- 7.5 Motion was made by Councilman Dodson, second by Councilman Stoll, to appoint Mark Walicki to the Planning and Zoning Commission, with term of office expiring June 1, 2016.

Motion carried unanimously.

- 7.6 Motion was made by Councilman Brown, second by Councilman Stoll, to approve Resolution No. 2013-18, a Resolution of the City Council of the City of Tomball, Texas, Supporting the Sixth Annual Homecoming Parade and Pep Rally, to be held at the Tomball Depot, Sponsored by the Tomball Independent School District and the Tomball High School Student Council, on Wednesday, October 16, 2013.

Motion carried unanimously.

- 7.7 Motion was made by Councilman Brown, second by Councilman Stoll, to approve Resolution No. 2013-19, a Resolution of the City Council of the City of Tomball Texas, Adopting the Maximum Ponding Depth of the 1% AEP Storm Map and the Maximum Ponding Depth 0.2% AEP Storm Map as Attached to this Resolution and Designating such Areas to be Flood-Prone Areas Pursuant to Section 38-6(b) of the Tomball Code of Ordinances.

Motion carried unanimously.

- 7.8 Discussion was held regarding Request from Jim Spurlin and Park Patterson, representing LS Development, that the City of Tomball Assist LS Development with the Acquisition of Rights-of-Way and Easements for Water and Sanitary Sewer Main Extensions to the Raleigh Creek Subdivision.

City Council requested that LS Development make additional attempts to arrive at equitable solutions with the property owners to acquire the necessary easements and rights-of-way and return on May 20, 2013 to provide an update to Council regarding the results of their efforts.

No action taken.

- 7.9 Motion was made by Councilman Townsend, second by Councilman Dodson, to award Job Order Proposal for the Construction of the Depot Restroom Building to KBR, for a Not to Exceed Price of \$183,000.00.

Motion carried unanimously.

- 7.10 Motion was made by Councilman Townsend, second by Councilman Brown, to authorize the City Manager to Execute the Texas Department of State Health Services First Responder Organization Administrator Information Form and the First Responder Organization Agreement between the City of Tomball Fire Department and Northwest EMS.

Motion carried unanimously.

- 7.11 The City Council recessed at 7:04 p.m. to meet in Executive Session as Authorized by Title 5, Chapter 551, Government Code, the Texas Open Meetings Act, for the Following Purpose(s):

- Sec. 551.071 – Private Consultation with Attorney in Closed Meeting regarding Pending Litigation and Attorney-Client Matters that the Duty of the Attorney Requires be Held in Closed Session.
- Sec. 551.072 – Deliberations Regarding Real Property

Upon reconvening into Regular Session at 8:00 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the _____ day of _____ 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: May 20, 2013

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2013-07, an Ordinance of the City Council of the City of Tomball, Texas, Authorizing the City of Tomball to Participate in the Texas Enterprise Zone Program Under The Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; Defining Available Tax Incentives; Nominating Baker Hughes Oilfield Operations, Inc. to the Office of the Governor Economic Development and Tourism through the Economic Development Bank for Designation as an Enterprise Project under The Act; and Designating a Liaison for overseeing Enterprise Projects and Communicating with Interested Parties

Background:

The Texas Enterprise Zone Program (TEZ) encourages local communities to partner with the State of Texas in job creation efforts and capital investment, particularly in economically distressed areas of the state.

Designated projects are eligible to apply for a refund of State sales and use taxes paid on expenditures at the qualified business site during the designation period. No local sales tax is rebated to the Company through this program. The designation is for a five year period.

Baker Hughes Oilfield Operations, Inc. has committed to expanding its existing operations and services in Tomball with the recent announcement of its intent to construct its Western Hemisphere Education Center at the northeast corner of FM 2920 and FM 2978. The capital investment amount is approximately \$55.8 million for this expansion. Baker Hughes has committed to retaining a minimum of 500 employees and creating 55 new employment positions.

The level and amount of the state refund is related to the capital investment and jobs created or retained at the qualified business site. The maximum potential refund of state sales and use tax for this project is \$1,250,000.

Each Application received by the state is evaluated for approval based on the Application's overall score. By statute, each project round is a competition, with each application being scored based on three categories: Distress (economic distress characteristics of the immediate geographic area), Local Effort, and Private Effort. The local effort and private effort portions of the score comprise 60% of the total possible score.

The local effort scoring section is based upon the nominating jurisdictions efforts aimed at achieving development and revitalization of the area. The local effort shows the community's commitment to the qualified business through the community's willingness to offer local incentives, as the local effort shows the qualified business' commitment to the community through the offering of benefits and the wage level of the jobs for benefit, etc.

Exhibit A of the draft Ordinance (No. 2013-07) outlines the City's local incentives, including tax incentives that, at the election of the City Council, are or may be made available to Baker Hughes. Approval of the Ordinance does not commit the City to any of the incentives listed in Exhibit A; rather it provides a list of possible incentives as outlined in Chapter 2303.405(d) of the Act to be considered by the state in evaluating the local effort scores section of the application.

On May 6, 2013, Council adopted Ordinance No. 2013-07 on First Reading.

Origination:

George P. Bernhardt Managing Counsel – Global Real Estate Baker Hughes Oilfield Operations, Inc

Recommendation:

Adopt Ordinance No. 2013-07, nominating Baker Hughes Oilfield Operations, Inc. as a Texas State Enterprise Project, on Second Reading.

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:

Ordinance No. 2013-07

Texas Enterprise Zone Overview

Baker Hughes Request Letter

Baker Hughes Draft TEZ Application

ORDINANCE NO. 2013-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING THE CITY OF TOMBALL TO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; DEFINING AVAILABLE TAX INCENTIVES; NOMINATING BAKER HUGHES OILFIELD OPERATIONS, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK FOR DESIGNATION AS AN ENTERPRISE PROJECT UNDER THE ACT; AND DESIGNATING A LIAISON FOR OVERSEEING ENTERPRISE PROJECTS AND COMMUNICATING WITH INTERESTED PARTIES.

* * * * *

WHEREAS, the City of Tomball, Texas (“the City”) desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of such area; and

WHEREAS, the project is not located in an area designated as an enterprise zone; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Act, BAKER HUGHES OILFIELD OPERATIONS, INC. (“BAKER HUGHES”) has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that BAKER HUGHES meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at a qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, with proper notice to the public, a public hearing to consider this Ordinance was held on Monday, May 6, 2013, during a meeting of the City Council, Tomball City Hall, in Tomball, Texas, during which all interested persons were allowed to appear and be heard;

WHEREAS, the City Council has determined that passage of this Ordinance would best serve public health, necessity, and convenience and the general welfare of the City and its citizens; now, therefore,

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

SECTION 1. The City nominates BAKER HUGHES for enterprise project status;

SECTION 2. The City finds that BAKER HUGHES OILFIELD OPERATIONS, INC. (“BAKER HUGHES”) meets the criteria for designation as an enterprise project under the Act on the following grounds:

- (a) BAKER HUGHES, is a “qualified business” under Section 2303.402 of the Act because it is engaged in the active conduct of a trade or business at a qualified business site within the governing body’s jurisdiction, located outside of an enterprise zone and at least thirty-five (35%) percent of its new employees in the qualified business site will be residents of an enterprise zone in this state or economically disadvantaged individuals;
- (b) The BAKER HUGHES project is qualified under Section 2303.404 of the Act because (1) it involves “an expansion, renovation, or new construction”; (2) it will be completed within a predetermined period not to exceed five years; and (3) BAKER HUGHES maintains separate books and records for the Tomball operations;
- (c) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the jurisdiction of the City;
- (d) The designation of BAKER HUGHES as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area in which the enterprise project will be located; and
- (e) BAKER HUGHES qualifies for job retention benefits under section 2303.406 (a) (4) (D) because BAKER HUGHES anticipates a ten percent increase in production capacity;

SECTION 3. BAKER HUGHES qualifies as an Enterprise Project as defined in Section 2303.407 (b) (4) of the Act because BAKER HUGHES will be making a capital investment in a project in excess of \$5,000,000. The City finds that it is in the best interest of the City to nominate BAKER HUGHES as an Enterprise Project under the Act.

SECTION 4. The City nominates BAKER HUGHES as an Enterprise Project under the Act and designates the City Manager or his designee as liaison to oversee enterprise projects nominated by the City and to perform the other duties described in Section 2303.204 of the Act. The City authorizes the City Manager or his designee to file an application requesting designation of BAKER HUGHES as an Enterprise Project with the Bank, and to execute all documents and agreements necessary to process the application. Further, the City directs the City Manager or his designee to submit to the Bank the information required by section 2303.4052 of the Act.

SECTION 5. The City finds that BAKER HUGHES meets the criteria for tax relief and other incentives adopted by the City and that BAKER HUGHES will be located at a qualified business site and will retain jobs and create economic activity and stability. As required by Section 2303.4051 (c) (2) of the Act, the City’s local incentives, including tax incentives that, at the election of the City Council, are or may be made available to BAKER HUGHES, the nominated project, are identified and summarized briefly in the attached **Exhibit A**.

SECTION 6. Upon approval of the Texas Economic Development Bank, the Enterprise Project will be named BAKER HUGHES OILFIELD OPERATIONS, INC. Project (“Project”).

SECTION 7. The Enterprise Project designation must be for a predetermined designation period approved by the Bank, with a beginning date and ending date for the Project; and the designation period for the Project may not exceed five (5) years from date on which the designation is made, as required by Section 2303.404 of the Act. BAKER HUGHES and the City request that the Bank approve June 1, 2013, as the beginning date and June 1, 2018, as the ending date of the Project.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF MAY 2013.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<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 20TH DAY OF MAY 2013.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit A

Incentives Granted by the City Council at its Discretion on a Case By Case Basis

	Name of Incentive	Description of Incentive	Availability
1	Tax abatement	The city may allow property tax abatement.	Enterprise Zones and Reinvestment Zones
2	Zoning Changes/Variances	The city may make zoning changes to expedite the development process.	Citywide
3	Building Code Exemptions	The city may make certain building code exemptions to expedite the development process.	Citywide
4	Inspection Fee Exemptions	The city may exempt certain inspection fees.	Citywide
5	Streamlined Permitting	The city may streamline permitting procedures to promote economic activity.	Citywide
6	Improved Fire and Police Protection	Safety and protection of city residents.	Citywide
7	Community Crime Prevention Programs	Neighborhood watch programs in conjunction with the Tomball Police Department Volunteers in Policing Services	Citywide
8	Capital Improvements in Water and Sewer Facilities	The city may provide resources for a capital improvement plan related to water and sewer service.	Citywide
9	Road Repair	The city is responsible for maintaining city-owned rights-of-way within the city limits.	Citywide
10	Creation or Improvement of Parks	The city maintains a healthy lifestyle for city residents through the maintenance and improvement of quality, safe, and accessible parks and open space.	Citywide
11	One-Stop Permitting, Problem Resolution	The city may offer one-stop permitting and problem resolution resources to expedite the development process.	Citywide
12	Tax Increment Financing	Financing through the creation of tax increment reinvestment zones.	Citywide
13	Low-interest loans	Low-interest loans offered through Tomball Economic Development Corporation or other government sponsored programs.	Citywide
14	Bonds	Tax-Exempt Industrial Bonds.	Citywide

Exhibit A (Continued)

15	Promotion and Marketing Service	Tomball Economic Development Corporation and Greater Tomball Area Chamber of Commerce.	Citywide
16	Job Training and Employment Services	May be offered through the Lone Star College System.	Citywide
17	Retraining Program	May be offered through the Lone Star College System.	Citywide
18	Literacy and Employment Skills Services	May be offered through the Lone Star College System.	Citywide
19	Vocational Education	May be offered through the Lone Star College System.	Citywide
20	Customized Job Training	May be offered through the Lone Star College System.	Citywide
21	Super Freeport Exemption	Exempts certain goods-in-transit from ad valorem taxes.	Citywide
22	Local Sales Tax Refunds	The City may allow sales and use tax refunds.	Enterprise Zone Projects / Enterprise Zone areas on a Case-by-Case Basis
23	Type B Economic Development Sales Tax Incentives	Performance based grants.	Citywide

TEXAS ENTERPRISE ZONE PROGRAM

The Enterprise Zone Program (EZP) is an economic development tool for local communities to partner with the State of Texas to promote job creation and significant private investment that will assist economically distressed areas of the state. Approved projects are eligible to apply for state sales and use tax refunds on qualified expenditures.

PERFORMANCE-BASED INCENTIVE

The EZP is performance-based and allows qualified businesses to receive a refund of state sales and use taxes. The level and amount of the refund is related to the capital investment and jobs at the qualified business site.

Level of Capital Investment	Maximum Number of Jobs Allocated	Maximum Potential Refund	Maximum Refund Per Job Allocation
\$40,000 – \$399,999	10	\$25,000	\$2,500
\$400,000 – \$999,999	25	\$62,000	\$2,500
\$1,000,000 – \$4,999,999	125	\$312,500	\$2,500
\$5,000,000 – \$149,999,999	500	\$1,250,000	\$2,500
Double Jumbo Project \$150,000,000 – 249,999,999	500	\$2,500,000	\$5,000
Triple Jumbo Project \$250,000,000 or more	500	\$3,750,000	\$7,500

TWO STRONG ECONOMIC DEVELOPMENT INCENTIVES

While the Texas Enterprise Fund (TEF) is an economic development tool used to assist in the state's recruitment endeavors, the EZP can also assist with job retention efforts.

Program Name	Jobs	Capital Investment	Funded Projects
<i>Texas Enterprise Zone</i>	178,941 (new & retained)	\$35.0 Billion	320
<i>Texas Enterprise Fund</i>	60,504 (new)	\$15.1 Billion	93

Totals as of Dec. 31, 2011, Capital Investment numbers are rounded.

PROGRAM REQUIREMENTS

- ★ A local community must nominate a company as an Enterprise Project to be eligible to participate in the EZP.
- ★ In order to qualify a project for the EZP, local communities must offer incentives to the project such as tax abatement, tax increment financing, and one stop permitting.
- ★ Communities may nominate projects for a designation period up to five years. Employment and capital investment commitments must be made and implemented within this timeframe.
- ★ Projects may be physically located inside or outside an Enterprise Zone.
 - ★ If located within a zone, the company commits that at least 25 percent of their new employees will meet economically disadvantaged or enterprise zone residence requirements.
 - ★ If located outside of a zone, the company commits that at least 35 percent of their new employees will meet economically disadvantaged or enterprise zone residency requirements.

For more information visit TexasWideOpenForBusiness.com



May 2, 2013

Office of the Governor
Economic Development & Tourism
Texas Economic Development Bank
Texas Enterprise Zone Program
Post Office Box 12428
Austin, TX 78711

Mr. George Shackelford
City Manager
City of Tomball
401 Market Street
Tomball, TX

RE: Application for Designation as a Texas Enterprise Project

Dear Sirs/Madam:

Baker Hughes Oilfield Operations, Inc. ("BHOO") is seeking The City of Tomball's nomination of Tomball location as an Enterprise Zone Project so that BHOO may apply for Texas Enterprise Zone benefits from the State of Texas. BHOO is one of many subsidiaries of Baker Hughes Incorporated, a publicly-traded corporation headquartered in Houston, Texas. Baker Hughes Incorporated was formed in 1987 with the merger of Baker International and Hughes Tool Company. Baker Hughes Incorporated creates value from oil and gas reservoirs with high-performance drilling, evaluation, completions and production technology and services, integrated operations and reservoir consulting. Its solutions are designed to lower costs, reduce risk or improve productivity for the global oil and gas industry. In 2012, Baker Hughes Incorporated generated revenues of \$21.36 billion.

Baker Hughes Incorporated has over 58,800 employees in more than 80 countries. These employees are divided into the following nine regions: U.S. Land, Gulf of Mexico, Canada, Latin America, Europe, Africa, Russia and Caspian, Middle East and Asia Pacific. Baker Hughes Incorporated employs approximately 12,800 employees in over 70 cities throughout Texas. A majority of these employees are employed by BHOO, with some falling under Baker Hughes Incorporated as well as other subsidiary entities, like Baker Petrolite Corporation. Currently there are roughly 632 employees stationed at the existing Tomball location, a majority of which are employed by BHOO. A list of employees by city has been provided as part of the Enterprise Zone Application.

BHOO has committed to expanding its existing operations and services in Tomball, TX. This expansion is planned for its existing operations in Tomball, TX. The expansion will involve the development of an Education Center (40 classrooms, auditoriums, breakout rooms, simulation rooms, laboratory, cafeteria and office space) a five bay workshop, and two non-producing training wells with related surface equipment. This complex is planned to be a central facility for major corporate meetings and activities and a consolidated Western Hemisphere Education Center. The project will be an integrated facility to enhance the educational opportunities for both Baker Hughes personnel and customers and will develop skills and competencies necessary to support our customers. Proposed site improvements will include the following:

- Education Center –3 story classroom building 72,445 s.f.
- Workshop – 1 story, 36,000 s.f.
- Canteen, Lab & Auditorium – 1 story, 16,730 s.f.
- 156,000 s.f. yard with two training rigs (non-producing oil wells)

Due to limited remaining space on the company's existing property in Tomball, Baker Hughes's expansion & new training center facilities will be constructed on property adjacent and directly across from the company's existing facilities where sufficient suitable space is available. This new training center and associated support facilities will be an extension of the company's existing presence in Tomball. The project's additional transportation needs will be limited to passenger vehicles and it will not be exporting goods or services outside the US. However, it will be training new employees from all over the world at this new facility.

BHOO is proposing to spend approximately \$55.8 million for this expansion. Buildings, parking and driveways, infrastructure and other amenities are estimated to cost close to \$40 million. The training rigs and wells will cost an additional \$7.7 million plus drilling costs of approximately \$6.9 million. Equipment on site will primarily consist of pressure pumping and coiled tubing trucks so the value could be variable. Construction is anticipated to begin in the _____ Quarter of 2013 and is expected to be complete and operational by _____.

An estimated 15-20 people will support the education center proper. These people will have an average base salary of \$40,000, plus benefits. An additional 30-35 trainers will be on site to support the training efforts. The trainers will have an average salary of \$80,000 plus benefits. The center will also provide employment for various maintenance workers, food service workers, receptionists, janitorial workers, etc. We anticipate an average headcount of 5,500 trainee-days per month or 66,000 per year. Assuming our anticipated ratio of 80% out of town employees, we expect to utilize over 50,000 hotel room nights per year.

BHOO is requesting a designation for 500 jobs consisting of both retained jobs existing on-site, and new jobs created in association with the expansion project. There are currently 632 existing employees on site with an estimated annual payroll of \$55.3 million. BHOO offers a full benefit package to all new full-time hires including: medical, dental, and vision coverage, paid time off, 401(k), as well as various other benefits.

Further, BHOO certifies that the Tomball facility is located entirely within the City of Tomball, Texas. BHOO also certifies that this site maintains separate books and records for the business activity conducted at the qualified business site, as well as separate records required by state and local governments.

We look forward to working with The City of Tomball and the State of Texas in furthering the purposes of the Texas Enterprise Zone Program.

Sincerely,

George P. Bernhardt
Managing Counsel – Global Real Estate



Texas Enterprise Project Application

Office of the Governor
Economic Development and Tourism
Texas Economic Development Bank

For Office Use Only:

Date Received: _____

☐ **Application Fee Submitted**

Project: _____

Community: _____

Received By: _____



OFFICE OF THE GOVERNOR
ECONOMIC DEVELOPMENT & TOURISM

RICK PERRY
GOVERNOR

**Texas Enterprise Zone Program
Enterprise Project Application Instructions**

The program is administered by the Economic Development Bank (Bank) in the Office of the Governor Economic Development and Tourism Division (Office). The Texas Enterprise Zone Program promotes job creation and capital investment in economically distressed areas of Texas. The Texas Enterprise Zone Act (Act), Chapter 2303, Texas Government Code, encourages state and local incentives to induce private investment in these distressed areas.

The Bank designates enterprise projects on a competitive basis through quarterly application rounds. The application must have a **minimum total score of 60 points** for submission. Applications may be submitted no earlier than five business days before and must be received in the Office no later than 5:00 p.m. Central Standard Time on the day of the project deadline. Project deadlines are the first business day of the following months: September, December, March and June.

Mail an original application in a three-ring binder assembled as provided in this document to the following address:

Mailing Address:

Office of the Governor
Economic Development and Tourism
Texas Economic Development Bank
Texas Enterprise Zone Program
Post Office Box 12428
Austin, Texas 78711
(512) 936-0100

Street Address:

Office of the Governor
Economic Development and Tourism
Texas Economic Development Bank
Texas Enterprise Zone Program
1100 San Jacinto
Austin, Texas 78701
(512) 936-0100

Mail the application fee, made payable to **Office of the Governor**, under separate cover along with the last page of this application (Application Fee Memorandum) to:

Mailing Address:

Office of the Governor
Attn: Financial Services
Post Office Box 12878
Austin, Texas 78711
(512) 936-0100

Street Address:

Office of the Governor
Attn: Financial Services
1100 San Jacinto
Austin, Texas 78701
(512) 936-0100

The check must clearly state the name of the project and the nominating jurisdiction. The fee must be received by the project deadline.

For additional information on the Texas Enterprise Zone Program, contact the Texas Economic Development Bank at (512) 936-0100.



Instructions for Assembling the Application

Completely fill out an application form with original signatures where indicated. Assemble the application form and required back-up documents in a three-ring, hard back binder. Place the **entire** application form behind Tab 1. Place each tabbed document behind the corresponding tab. Three-hole punch each document and affix the document in the three-ring binder. **Do not** place documents in clear sleeves. Following is an explanation of the sections of the application (Roman numerals) as well as an explanation of tabbed items and the location of sample documents. If the information requested under a specific tab is not applicable, place a sheet of paper behind the tab indicating the tab number and stating that it is "Not Applicable". Any tab without information submitted or sheet of paper stating that the item is not applicable will be considered incomplete (material deficiency). An application that is submitted with four or more material deficiencies will be denied as incomplete. Material deficiencies are items such as the any item requiring an original signature or any tabbed item. Further, it is imperative that information is consistent throughout the application. All sections are reviewed against each other and any sections that are inconsistent must be corrected. **IMPORTANT NOTE: Do not** send documents separate from the application binder. Documents that are not included in the original submission of the binder, unless requested through a deficiency letter, may or may not find their way into the binder once the binder is received. We cannot be responsible for completing application binders after they are received in our office. Any document that is not included in the binder at the time of submission could and will be considered a material deficiency.

Assemble the three-ring binder tabbed as follows:

Tab 1 The completed application form with all applicable original signatures and certifications. Do not include these instruction pages with your application. Only include the actual application form following this section. Do not distribute the application form throughout the tabs. Following is an explanation for each section of Tab 1.

I. Application Fee. Indicate which application fee amount has been submitted under separate cover as instructed: \$750 for enterprise project status, \$1,500 for double jumbo enterprise project status or \$2,250 for triple jumbo enterprise project status. The check must clearly state the name of the project and the nominating jurisdiction. The fee must be received no earlier than one week before, and no later than the project deadline.

II. Public Hearing(s). Fill in the appropriate dates. If the project is being nominated by resolution (only if the nominating jurisdiction has already passed an ordinance or order nominating a qualified business for enterprise project status and electing to participate in the enterprise zone program and the local incentives are the same as outlined in the original ordinance or order) state that this section is "not applicable", then place a sheet of paper behind each applicable Tab (tabs 2 through 5) stating that the tabbed item is "not applicable".

III. Official Action. Check the appropriate action and attach an original of the document. If the nomination is through resolution, complete the information for the original nominating ordinance or order as well as the resolution and attach a copy of the applicable ordinance or order.

IV. Designation Sought / Allocation(s) Available. Indicate designation sought and the number of designations allowed for the jurisdiction. Jurisdictions with a population of less than 250,000 are allowed up to six designations during a state biennium. Jurisdictions with a population of 250,000 or more are allowed up to nine designations. Population is based upon the 2010 decennial census, and designations are limited to statewide availability.

V. Qualified Business Site. Provide the main address for the qualified business site that is verifiable by the local appraisal district. This address will be used to verify the block group used to determine enterprise zone location. Attach appropriate map showing the location of the qualified business site. Provide documentation from the county appraisal district of the governing jurisdiction for the qualified business site. If the qualified business site is located within a municipality's city limits or extraterritorial jurisdiction (ETJ), the municipality must nominate the qualified business for enterprise project designation. If the qualified business site is located outside of a municipality's city limits or ETJ, the qualified business must be nominated by the applicable county for enterprise project designation.

Exception: if the county has a population of 750,000 or more, the county may nominate a qualified business for

designation as an enterprise project in a municipality's jurisdiction. The county may not place more than three designations in any one municipality within the county during a biennium.

In determining the poverty rate for each county for the purposes of establishing which counties qualify under the definition of a distressed county, we used data from the American Community Survey for the period 2006 – 2010. This same period should be used under the self-evaluation section of the application for poverty level of the nominating jurisdiction.

If there is more than one location in the jurisdiction to be included under the designation, provide an explanation how the activities that are performed at the additional location contributes to the project or activity at the qualified business site, as well as a map showing the proximity of all of the locations to be included in the designation to the qualified business site. If the activity at the additional location does not **directly relate** to the project or activity at the qualified business site, a separate enterprise project application must be completed for the additional location within the jurisdiction and the activities cannot be combined between the two locations. Please note: the address listed as the qualified business site on page 3 of the application is the only site that can be used to determine distress for purposes of qualification of the area as an enterprise zone. Only mark categories and include backup documentation for the qualified business site. The local business liaison **must** be located at the listed qualified business site.

VI. Community Effort. Briefly describe efforts by the **governing jurisdiction** within the last year to encourage participation by residents, neighborhood groups and other businesses in the area. Identify community efforts to revitalize the area by implementing or supporting programs such as rebuilding neighborhoods, or creating public-private partnership programs, etc.

VII. Business Activity in the Area. Briefly describe the type of **business activity** that has occurred within the last two years to revitalize the area of the qualified business site. In addition, estimate and describe the privately-sponsored investment or in-kind services used to improve the area or create jobs (i.e. infrastructure, day care facilities, adopt-a-school, paint fix-up programs, literacy or other special training).

VIII. Business Information & Structure. The exact legal name under which the business is seeking designation must correspond with the nominating ordinance, order or resolution, and must match the corporate resolution. Provide the requested information regarding structure and ownership of the business, as well as participation in the project or activity.

IX. Additional Participating Entities. Complete an Additional Participating Entities form for each entity in the business controlled group that will have a role in the project or activity, either by making capital investment at the qualified business site for the project or activity, paying state sales and use taxes at the qualified business site for the project or activity, or hiring employees at the qualified business site for the project or activity in the name of the participating entity. The Additional Participating Entities form may be found on page 9 of the application. Only complete the form for the parent company if the parent company will be directly making capital investment at the qualified business site for the project or activity, paying state sales and use taxes for the project or activity at the qualified business site, or directly hiring employees for the project or activity at the qualified business site. Provide a flow chart showing the legal business structure which includes each additional participating entity in the business controlled group that will have a role in the project or activity, either by paying state sales and use taxes on qualifying items, or hiring employees in the name of the participating entity. **NOTE:** expenditures made and new and/or retained jobs for benefit by an additional participating entity must be located at the qualified business site and must be directly related to the project or activity in order to qualify.

X. Business Type. Indicate applicable type of business, NAICS (website: <http://www.census.gov/epcd/naics02/naicod02.htm>) and SIC (website: <http://www.osha.gov/pls/imis/sicsearch.html>) codes.

XI. Industry Cluster. Indicate whether the business falls within one of the cluster categories. Definitions of targeted industry clusters can be found at the following website: <http://www.texaswideopenforbusiness.com/key-industries/> .

XII. Market for Product or Activity. Indicate the market for the product or activity and whether the business exports the product internationally.

XIII. Existing Jobs at Other Texas Locations. Provide a listing of Texas cities where the business has one or more locations, along with the total number of employees in each city (attach additional pages as necessary).

XIV. Primary Business Representative. Provide the requested information for the business representative that has the authority to act on behalf of the business. Designation of the primary business representative must be granted by corporate resolution, articles of incorporation, power of attorney or other legal instrument approved by the business. The primary business representative must sign the application on behalf of the business.

XV. Local Business Representative. Provide the requested information for the contact person that is to be located at the qualified business site. The local business representative must work for the qualified business, be located at the qualified business site and must sign the application. **Note:** if the local business representative has not yet been hired, provide all of the applicable information for the qualified business site, indicate the job title for the intended local business representative, and indicate that the position is currently vacant.

XVI. Project Description. (See Tab 11 below for required elements.)

XVII. Project. Check **all** categories that apply to the project or activity. Statute does not allow benefit for jobs moved from one Texas jurisdiction to another Texas jurisdiction.

XVIII. Project Characteristics. Check **all** categories that apply to the project or activity.

XIX. Projected Dates and Milestones. Provide projected dates for each category as applicable. Activity that occurs outside of the 90-day window may not be claimed for benefit.

XX. Projected Capital Investment. Provide projected dollar amounts for each category, with a detailed description of each category of capital investment for the proposed project or activity. Expenditures for routine and planned maintenance required to maintain regular business operations are only considered qualified capital investment if there will be a measurable increase in production capacity or if the expenditures will result in increased productivity which may be expressed as a decrease in the overall cost per unit produced, and are limited to 40% of the total capital investment spent at the qualified business site. The designated qualified business must make the investment, pay state sales and use taxes, and create the jobs in order to receive benefit. **NOTE:** if using a contractor to construct the facility, a **"separated contract"** (a contract in which the agreed contract price is divided into separately stated prices for materials and labor) must be executed. If a "lump sum" contract is executed, a claim for refund of taxes invoiced to, and paid by, a third party will not qualify for a refund under this Program. Please call the Comptroller of Public Accounts' Office at 1-800-531-5441 ext. 51083 if you have any questions regarding this issue.

XXI. Existing Jobs at the Qualified Business Site. Provide the total number of positions for each category. This information will be used as a baseline for the project or activity, based on full-time positions only. Note: the Development Corporation Act, as amended, Chapter 501 Local Government Code.

XXII. Full-time Jobs for Benefit. Indicate by checking the appropriate box or boxes the type of jobs for benefit. Provide the information requested for new jobs to be created as a result of the project or activity. To receive a designation for the retained jobs benefit, a qualified business must submit to the governing body liaison a written request, signed by the primary business representative, for the retained jobs benefit including documentation verifying which retained jobs criteria is being met, and how it qualifies. If the criteria to be used is "Business facility has been legitimately destroyed or impaired due to fire, flood, tornado, hurricane, or any other natural disaster (Chapter 2303.406(a)(4)(F))", include the projected dollar amount of damage to the facility as a direct result of the natural disaster, and outline any additional projected expenditures relating to upgrade of the facility outside repairs related to the natural disaster. Once the governing body liaison has verified the documentation and has determined that a retained job criteria has been met, the governing body liaison must complete this section of the application and sign the verification. Documentation will be reviewed by the Bank during the application review process for qualification. **NOTE:** part-time, leased, contract, seasonal, temporary, and construction jobs, or any jobs transferred

from one jurisdiction in Texas to another jurisdiction in Texas do not qualify as new jobs, and will not be eligible to receive state benefits. Further, truck driver positions as well as some sales positions do not qualify for benefit under this program, as they do not meet the statutory requirement that they perform at least 50% of their time at the qualified business site.

XXIII. Commitment to the Community. Indicate by checking “yes” or “no” whether the business commits to the program-targeted activities.

XXIV. Additional Project Commitments. Outline the company’s commitment to the community by specific recipient and dollar value of anticipated contribution(s) **during the designation period.**

XXV. Source of Funding. Provide the requested information. The nominating body (city or county) is responsible for determining financial viability of the project or activity. A review of the business’ audited status for the business for the last three years is recommended.

XXVI. Property Access. Check the appropriate box to correspond with the documentation provided.

XXVII. Status of Permits. Check the appropriate box regarding the status of permits and provide an explanation.

XXVIII. Concurrent Designation. A qualified business that is currently designated as an enterprise project may apply for an additional enterprise project designation at the same qualified business site. Records regarding capital investment, jobs created and/or retained and state sales and use taxes on qualifying items must be kept separate. Each designation must qualify under separate investment and jobs. Capital investment and jobs cannot be counted under more than one designation. For example, benefit cannot be received for new jobs (or retained jobs) under one designation and then the same jobs qualify as retained jobs under a concurrent designation.

XXIX. Self-Evaluation. Complete the self-evaluation of the application, providing backup documentation as applicable under Tab 17. **The application must have a minimum total score of 60 points for submission, excluding points awarded for state priority.**

By statute, each project round is a competition, with each application being scored based on three categories. As a result of the statutory structure of the scoring mechanism, we not only look at the total score of the prospective project, but we also look at the score of each category, weighed against other nominated projects in the round. We especially look at the local effort and private effort portions of the score because these categories not only comprise 60% of the possible score, but they are the two categories that are fluid in nature. The local effort shows the community’s commitment to the qualified business through the community’s willingness to offer local incentives, as the local effort shows the qualified business’ commitment to the community through the offering of benefits and the wage level of the jobs for benefit, etc. It is important that the average weekly wage for the jobs for benefit are not below the average weekly wage for the county.

In determining the poverty rate for each county for the purposes of establishing which counties qualify under the definition of a distressed county, we used data from the American Community Survey for the period 2006 – 2010. This same period should be used in determining the poverty level of the nominating jurisdiction.

Scores will be reviewed and verified by the Bank, and state priority points will be awarded based upon ranking within the round. The Bank reserves the right to adjust scores based upon the application and verified documentation.

NOTE: local effort score is based on incentives **offered** through the program, in conjunction with the list of incentives listed in the Act, Chapter 2303.405(d) as provided in the nominating ordinance or order. If a business is located outside of an enterprise zone, the project may not receive points for local incentives offered exclusively in an enterprise zone. Further, points may not be earned for state incentives, i.e. Skills Development, Texas Capital Fund, etc.

XXX. Certification of Application. Provide the requested information for the governing body liaison. Liaison must provide original notarized signature certifying accuracy of application. The person assigned the role of governing body liaison in the nominating ordinance or order must sign the certification of the application, further certifying that they have read the Act and the Rules and are familiar with the provisions contained therein.

XXXIa and XXXIb. Qualified Business Certification and Agreement. The primary business representative and the local business liaison must review the listed commitments and sign (notarized) that the commitments made are understood, that they have read the Texas Enterprise Zone Act (Chapter 2303, Texas Government Code) and the Enterprise Zone Program Rules (10 TAC 176), and are familiar with the provisions therein, and that the application is true and correct. The local business liaison must work for the qualified business (not the governing jurisdiction), and must be located at the qualified business site. If the local business liaison has not been hired at the time of application, indicate the title of the local business liaison in the appropriate place, and on the line for "printed name" state "position currently vacant".

XXXII. Participating Consultant Form. Complete a Participating Consultant Form for any consultant participating in the application process. We will only discuss the application with the person listed on the form.

XXXIII. Application Fee Memorandum. Complete the Non-Refundable Application Fee Memorandum and submit **under separate cover**, along with a check or money order made payable to **Office of the Governor** to the address listed above. The application fee must be received by the application deadline in order for the application to be considered for designation during the round.

Tab 2 A certified copy of the government posting, posted at city hall or the county courthouse, as applicable. Posting must occur **at least seven days prior to the public hearing** and must contain the following items: date, time and location of the hearing; the name and address of the proposed project being nominated; the designation being sought (enterprise project, double jumbo enterprise project or triple jumbo enterprise project) and notice that tax incentives will be discussed, if applicable.

Tab 3 A publisher's affidavit and a copy of the public notice, published in a newspaper of general circulation for the area. By statute, the newspaper notice **must** occur **at least seven days prior to the public hearing**, and must contain the following items: date, time and location of the hearing, the name and address of the proposed project being nominated, the designation being sought (enterprise project, double jumbo enterprise project or triple jumbo enterprise project) and notice that tax incentives will be discussed, if applicable.

Tab 4 A copy of the notice of the public hearing sent to the Bank prior to the public hearing. The notice must be submitted to the Bank by the nominating governing body (municipality or county), not an EDC, consultant, etc.

Tab 5 Certified transcript of all public hearings held with regard to the application. The public hearing must occur prior to the adoption of the ordinance or order, or the ordinance or order is null and void.

Tab 6 Certified copy of nominating ordinance, order or resolution, as applicable, with original signatures or original certification. If a nominating ordinance or order has been passed for a previous project on or after September 1, 2003, the nominating jurisdiction may nominate subsequent projects by resolution if the local incentives offered are the same as outlined in the ordinance or order. If the project is nominated by resolution, provide a reference to the prior ordinance or order, and place a copy of the ordinance or order behind the nominating resolution. This does not prohibit a municipality or county from extending additional incentives, including tax incentives, for business enterprises by a separate ordinance or order after a new public hearing with all of the required notices is held. Do not include "and its subsidiaries", or any similar language when stating the name of the business being nominated for designation. Any additional entity, including subsidiaries, may be allowed to participate in the designation through an Additional Participating Entities Form. A sample ordinance/order, as well as a sample nominating resolution, may be found at the following website: <http://www.texaswideopenforbusiness.com/incentives-financing/tax/tez.php> under the "Apply" tab.

The first project nominated by the jurisdiction must either be by city ordinance or county court order, as applicable, and must:

- identify and summarize local incentives available within the governing body's jurisdiction (at least one local incentive must be offered by the nominating jurisdiction);
- designate a governing body liaison, by position title, to communicate and negotiate with the Office, enterprise project(s) and other entities affected by the enterprise zone program;
- nominate the project or activity for enterprise project, double jumbo enterprise project, or triple jumbo enterprise project designation, as applicable;

- state the exact legal name of the business;
- state whether or not the project or activity to be nominated for project status is located in an enterprise zone under the Act, or outside of an enterprise zone;
- state the date the project is scheduled to end; and
- state that a public hearing was held, and include the date the public hearing was held with regard to nomination of the project. The public hearing must occur prior to passing the nominating ordinance or order, or the ordinance or order is null and void.

If a resolution is passed to nominate the project or activity, the resolution must be a certified copy, with original signatures or original certification, as applicable, and must:

- state the exact legal name of the business;
- nominate the project or activity for enterprise project, double jumbo enterprise project, or triple jumbo enterprise project designation, as applicable;
- state whether or not the nominated project or activity is located in an enterprise zone, or outside of an enterprise zone;
- state the date the project is scheduled to end;
- state that the local incentives offered are the same as those made available in the previously issued ordinance or order; and
- reference, by number, the original ordinance or order, with the date passed and approved.

Tab 7 To determine if a qualified business site is located in an enterprise zone, go to the following website: <http://www.texassitesearch.com>, and click on "Enterprise Zone Finder" and fill in the address and zip code of the qualified business site. If the 2010 lookup states that the qualified business site is not in an enterprise zone, you may just print the screen and place behind Tabs 7 and 8. If the 2010 lookup states that the qualified business site is in an enterprise zone, provide an official U.S 2010 Census map showing the entire location of the qualified business site. The census map must include all block groups that the site resides within.

Tab 8 Provide backup documentation for the applicable category.

- Criteria for distressed county. Documentation for distressed county criteria can be found at the following website: <http://www.texaswideopenforbusiness.com/incentives-financing/tax/tez.php> under the "Related Material" tab.
- Poverty level for block group. Documentation for 2010 Census Block Group can be found at the following website: <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>.

Tab 9 Provide Certificate of Corporate Resolution with original signatures. A sample Corporate Resolution may be found at the following website: <http://www.texaswideopenforbusiness.com/incentives-financing/tax/tez.php> under the "Apply" tab. The corporate resolution must:

- approve the enterprise project application;
- name the primary business representative authorized to sign on behalf of the business any contracts or forms for the enterprise project application;
- authorize and direct person to certify to any interested part that the resolution has been duly adopted, is in full force and effect, and is in accordance with the provisions of the charter and by-laws of the business; and
- contain a corporate seal or be notarized.

Tab 10 Provide the document which indicates the authority to do business **in Texas** by the Texas Secretary of State.

Tab 11 Provide a description and introduction of the project or activity, in the form of a letter addressed to the governing body representative and the Bank, on company letterhead, **signed by the primary business representative**. The letter **must** include:

- a general description of the business structure;
- the location of the parent company and/or corporate headquarters, if applicable;
- a summary of location(s) currently in Texas, including the current number of employees statewide;
- history and description of the qualified business and its products and/or services;
- the nature of the business, including markets and transportation needs;

- a description of the company's export history, if applicable;
- total sales/revenue;
- the number of employees currently located at the qualified business site;
- a description of the project location (qualified business site) and intended use;
- a description of each additional location within the nominating jurisdiction that is to be included in the designation, including proximity to the qualified business site, with an explanation how the activities that are performed at the additional location(s) contribute to the project or activity at the qualified business site, if applicable;
- a summary of short and long-term plans for expansion at the qualified business site;
- projected dates;
- a detailed description of expected capital investment;
- a summary of jobs to be created and/or retained for benefit during the designation period;
- a detailed description of each additional participating entity's role within the corporate structure and their role with regard to the project or activity (list each participating entity, how they relate to each other, and what their role is within the project or activity), if applicable; and
- a statement from a franchise or subsidiary, if applicable, that the business will maintain separate payroll and tax records of the business activity conducted at the qualified business site.

Tab 12 Provide a breakdown of the types of existing full-time jobs at the qualified business site to be used for baseline purposes only. The breakdown must include:

- six-digit Standard Occupational Code (website: http://www.bls.gov/soc/soc_majo.htm) and/or categories of existing jobs by detailed job titles;
- number of positions in each category; and
- salary range or hourly rate for each.

Tab 13 Provide a breakdown of the types of new jobs to be created at the qualified business site. **In order for a job to be eligible for benefit, the employee must perform at least 50% of their service for the business at the qualified business site. Most sales positions, truck driver positions, etc. do not qualify as they perform most of their service to the business away from the qualified business site.** The breakdown must include:

- six-digit Standard Occupational Code (website: http://www.bls.gov/soc/soc_majo.htm) and/or categories of existing jobs by detailed job titles;
- number of positions in each category; and
- salary range or hourly rate for each.

Tab 14 Provide a breakdown of the types of jobs to be retained at the qualified business site for benefit. **In order for a job to be eligible for benefit, the employee must perform at least 50% of their service for the business at the qualified business site. Most sales positions, truck driver positions, etc. do not qualify as they perform most of their service to the business away from the qualified business site.** The breakdown must include:

- six-digit Standard Occupational Code (website: http://www.bls.gov/soc/soc_majo.htm) and/or categories of existing jobs by detailed job titles;
- number of positions in each category; and
- salary range or hourly rate for each.

Include the original request by the business to the governing body signed by the primary business representative, as well as the documentation which verifies the qualifying criteria behind Tab 14.

Tab 15 Provide a copy of the **executed** documents which indicate access to the qualified business site property.

Tab 16 Provide a breakdown of the types of jobs to be created and/or retained at the qualified business site for benefit under each concurrent designation. The breakdown must include:

- six-digit Standard Occupational Code (website: http://www.bls.gov/soc/soc_majo.htm) and/or categories of existing jobs by detailed job titles;
- number of positions in each category; and
- salary range or hourly rate for each.

Tab 17 The application must have a **minimum total score of 60 points** for submission. Provide backup documentation for each category checked under **Distress of the Area**. The maximum number of points that may be earned under Distress of the Area is 40. Points for any local incentive checked in **Local Effort** may only be received if the local incentive is outlined in the nominating ordinance or order as an incentive as provided in the note under XXVIII. Self-Evaluation. The maximum number of points that may be earned under Local Effort is 25. Commitment to the community, average weekly wage for the jobs for benefit, the number of jobs for benefit, projected capital investment, employee benefits provided, type of jobs (based on NAICS) and industry cluster, under **Private Effort** are based upon the application. Provide backup documentation as applicable.

Go to the following website: <http://www.tracer2.com/cgi/dataanalysis/AreaSelection.asp?tableName=Industry>, and follow the instructions below. The maximum number of points that may be earned under Private Effort is 35.

Section 1: Select **COUNTY**

Section 2: Select the County you are researching i.e. "**ANDERSON**"

Click **CONTINUE**

Section 3: Select year – "**20##**" (**use the most recent year for which all four quarters are available**)

Section 4: Select Time Period – select **ALL**

Click **CONTINUE**

Section 5: Select Industry Code – **NAICS**

Section 6: Select Ownerships – select **ALL**

Section 7: Select Division – select **ALL**

Click **CONTINUE**

Section 8: Select Industries – select **TOTAL, ALL INDUSTRIES**

Section 9: Select Data Series – select **AVG WEEKLY WAGES**

Order by: select **AREA**

VIEW DATA

Baker Hughes Oilfield Operations, Inc.

City of Tomball

I. APPLICATION FEE

- ☒ Non-refundable Application Fee submitted, made payable to **Office of the Governor** in the amount of:
- ☒ \$750 for an Enterprise Project
- ☐ \$1,500 for a Double Jumbo Enterprise Project
- ☐ \$2,250 for a Triple Jumbo Enterprise Project

II. PUBLIC HEARING

Not Applicable ☐

**Copy
Attached**

Date

- | | | |
|--------------------------|---|-------|
| ☐ | Public Hearing Held | _____ |
| ☐ | Government Posting <i>(Tab 2)</i> | _____ |
| ☐ | Published in Newspaper of General Circulation <i>(Tab 3)</i> | _____ |
| ☐ | Notice of Hearing to the Economic Development Bank <i>(Tab 4)</i> | _____ |
| ☐ | Transcript or Minutes of all Public Hearings Held Attached <i>(Tab 5)</i> | _____ |

III. OFFICIAL ACTION

- ☐ Nominating Ordinance or Order Attached *(Tab 6)* Ordinance/Order No. _____
Date Passed _____
- ☐ Nominating Resolution Attached, if applicable *(Tab 6)* Resolution No. _____
Date Passed _____

IV. DESIGNATION SOUGHT / ALLOCATIONS AVAILABLE

- | | |
|--|---|
| Enterprise Project <i>(counts as one designation)</i> | ☒ Yes —or— |
| Double Jumbo Enterprise Project <i>(counts as two designations)</i> | ☐ Yes —or— |
| Triple Jumbo Enterprise Project <i>(counts as three designations)</i> | ☐ Yes |
| Number of Designations Allocated to this Jurisdiction per State Biennium (six or nine) | _____ |
| Number of Designations Already Used this State Biennium | _____ 0 |
| Number of Designations Represented in this Application | _____ 1 |
| Number of Designations Applied for including Other Application(s) applied for during this Round | _____ 1 |
| Number of Project Designations Remaining for Governing Body if all Applications are Approved | _____ |

Baker Hughes Oilfield Operations, Inc.

V. QUALIFIED BUSINESS SITE

Nominating Jurisdiction

Nominating Jurisdiction City of Tomball

If Nominating Jurisdiction is a Municipality, skip to **Primary Business Address of the Qualified Business Site**

Population of Nominating County at 2010 Census 4,092,459

☐ Population is **Less** than 750,000:

The qualified business site **IS NOT** located in a municipality's city limits or ETJ ☐ It is Not

☒ Population is 750,000 or more:

Is the qualified business site located in a municipality's city limits or ETJ? ☒ Yes ☐ No

If yes, which municipality? City of Tomball

Primary Business Address of the Qualified Business Site

Street Address 11211 FM 2920 Rd

City Tomball State TX Zip 77375 -

County where Qualified Business is Located Harris

Census Map:

Official U.S. Census Map showing the entire location of the Qualified Business Site is attached (location of qualified business site must be clearly marked on map) (Tab 7) ☒ Yes

Baker Hughes Oilfield Operations, Inc.

PROVIDE BACKUP DOCUMENTATION (choose one)

☐ Check here if located at a Qualified Business Site in a **Distressed County**

Poverty Level of the Distressed County at the 2010 Decennial Census _____

Percent of Adult Population that Does Not Hold a High School Diploma or Equivalency 25 years and older at the 2010 Decennial Census _____

Unemployment Rate for the Distressed County for the Most Recent Five Years

Year: 2007 Rate: 4.20%

Year: 2008 Rate: 4.80%

Year: 2009 Rate: 7.60%

Year: 2010 Rate: 8.50%

Year: 2011 Rate: 8.20%

Backup Documentation Attached (*Tab 8*) ☐ Yes

--OR--

2010 Census Tract 5554.01 Block Group: 1. ☒ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☐ 9. ☐

☐ Check here if located in a block group that **IS** an enterprise zone

Poverty Level of the 2010 Census Block Group (20% or more) _____

Backup Documentation Attached – 2010 Poverty Data (*Tab 8*) ☐ Yes

--OR--

☒ Check here if located in a block group that **IS NOT** an enterprise zone

Poverty Level of the 2010 Census Block Group (less than 20%) 17.00%

Backup Documentation Attached – 2010 Poverty Data (*Tab 8*) ☒ Yes

List all additional census tract block groups that the qualified business site encompasses:

Census Tract 5548.02 Block Group 2 _____

Baker Hughes Oilfield Operations, Inc.

No Additional Addresses to be Included in Designation ☐

Provide the address of any additional location to be included in this designation and a detailed explanation how the activities that are performed at the additional location contribute to the project or activity at the qualified business site. List each additional address separately, with explanation following. Provide a map of the proximity of all locations including, the qualified business site behind this page.

Due to limited remaining space on the company's existing property, Baker Hughes's expansion & new training center facilities will be constructed on property adjacent and directly across from the company's existing facilities where sufficient suitable space is available. This new training center and associated support facilities will be an extension of the company's existing presence in Tomball. (map attached behind this page.)

Baker Hughes Oilfield Operations, Inc.

VI. COMMUNITY EFFORT

Briefly describe efforts by the **governing jurisdiction during the last year** to encourage participation by residents, neighborhood groups, and other businesses in the area. Identify governing jurisdiction's efforts to revitalize the area.

Baker Hughes Oilfield Operations, Inc.

VII. BUSINESS ACTIVITY IN THE AREA

Briefly describe the type of **business activity** that has occurred **during the last two years** to revitalize the area. Estimate and describe the privately-sponsored investment or in-kind services used to improve the area or create jobs.

Baker Hughes Oilfield Operations, Inc.

VIII. BUSINESS INFORMATION & STRUCTURE

Exact Legal Name Under Which the Business is Seeking Designation

Baker Hughes Oilfield Operations, Inc.

Federal Tax ID Number 94-1302886

Comptroller of Public Accounts Number 1-941302886-1

☐ Attach Certificate of Corporate Resolution authorizing the Enterprise Project Application (*Tab 9*)

Does the Qualified Business have a State Sales and Use Tax liability?

☒ Yes

☐ No

Is business current on tax payments with the State of Texas?

☒ Yes

☐ No

If not current on tax payments to the State, explain

See Certificate on Tab 10

Does the company currently have facilities in Texas?

☒ Yes

☐ No

Does the company have the authority to do business in Texas?

☒ Yes

☐ No

Check Applicable Documents indicating authority to do business in Texas from the Texas Secretary of State and attach a copy (*Tab 10*)

☐ Articles of Incorporation

☒

Certificate of Existence or Status

☐ Assumed Name Certificate

☒

Other Certificate of Authority

☐ Certificate of Formation

Baker Hughes Oilfield Operations, Inc.

What is the structure of the company?

- | | |
|--|--|
| ☐ Privately Held Corporation | ☐ Partnership |
| ☐ Publicly Held Corporation | ☐ Limited Partnership (LP) |
| ☐ Limited Liability Corporation (LLC) | ☒ Other <u>Wholly-owned subsidiary of a publicly</u> |
| ☐ Sole Proprietorship | <u>held corporation</u> |

☐ Yes ☒ No

☒ Yes ☐ No

List any person or entity that has over 5% ownership in the business
(Attach additional page behind this page as needed)

[illegible]

Wellington Management Company 5%

<u>BlackRock, Inc.</u>	<u>5%</u>
------------------------	-----------

Number of Years in Business 25

Number of Employees Worldwide	<u>58,800</u>
-------------------------------	---------------

Parent Company Baker Hughes Incorporated

Years Parent Company in Business	<u>100</u>
----------------------------------	------------

Location of Parent Company 2929 Allen Parkway, Suite 2100

City Houston State TX Zip 77019 - 2118

Will any other entity of the controlled group be financially involved with this proposed enterprise project or activity?

☐ Yes ☒ No☐ It is Attached

Also, if yes, list each participating entity below and complete an Additional Participating Entities form (page 9 of this application) for each entity in the business controlled group participating in the project or activity

Baker Hughes Oilfield Operations, Inc.

IX. ADDITIONAL PARTICIPATING ENTITIES FORM

Not Applicable ☒

Complete the following information, including a contact, for each related entity that is a member of a controlled group that is **necessary** to the project or activity

Prefix _____ First Name _____ Last Name _____

Title _____

Organization _____

Street Address _____

Mailing Address _____

City _____ State _____ Zip _____ - _____

Phone Number _____ Fax Number _____

Email Address _____

Federal Tax ID No. _____ Comptroller of Public Accounts No. _____

Provide a detailed description of this entity's role with respect to the project for each applicable category.

☐ Capital Investment for Use at the Qualified Business Site

☐ Direct Payment of State Sales and Use Taxes for Items Used at the Qualified Business Site

☐ Employment of Employees at the Qualified Business Site

Baker Hughes Oilfield Operations, Inc.

X. BUSINESS TYPE

Check **all** that apply

- | | |
|---|---|
| ☒ Energy | ☐ Consumer / Non-Cyclical |
| ☐ Basic Materials | ☐ Healthcare |
| ☐ Capital Goods | ☐ Financial |
| ☐ Transportation | ☒ Technology |
| ☐ Consumer / Cyclical | ☐ Telecommunication Services |
| ☒ Services | ☐ Utilities |
| ☒ Manufacturing | |

NAICS Code: 213112 SIC Code: 1389

Primary Product or Service: Oil/Gas field Services and Support Activities

XI. INDUSTRY CLUSTER

If applicable, identify the targeted industry cluster within which this project falls.

- ☐ Advanced Technologies and Manufacturing, including four sub-clusters: Nanotechnology and Materials; Micro-electromechanical Systems; Semiconductor Manufacturing; Automotive Manufacturing
- ☐ Aerospace, Aviation and Defense
- ☐ Biotechnology and Life Sciences, **not** including medical services
- ☐ Information and Computer Technology, including three sub-clusters: Communications Equipment; Computing Equipment and Semiconductors; Information Technology
- ☐ Petroleum Refining and Chemical Products
- ☒ Energy, including three sub-clusters: Oil and Gas Production; Power Generation and Transmission; Manufactured Energy Systems
- ☐ None Apply

XII. MARKET FOR PRODUCT OR SERVICE

- | | |
|---|---|
| ☒ Local | ☐ Exporter (International) |
| ☒ Regional | ☒ Non-Exporter |
| ☒ National | |
| ☒ International | |

Baker Hughes Oilfield Operations, Inc.

XIII. EXISTING JOBS AT OTHER TEXAS LOCATIONS

No other Locations in Texas ☐[illegible]

(Attach additional pages **behind this page** as needed.)

Baker Hughes Oilfield Operations, Inc.

XIV. PRIMARY BUSINESS REPRESENTATIVE

Prefix Mr First Name George Last Name Bernhardt
Title Managing Counsel - Global Real Estate
Organization Baker Hughes Incorporated
Street Address 2929 Allen Parkway, Suite 2100
Mailing Address 2929 Allen Parkway, Suite 2100
City Houston State TX Zip 77019 -
Phone Number (713) 439-8061 Fax Number
Email Address george.bernhardt@bakerhughes.com
Company Website www.bakerhughes.com

XV. LOCAL BUSINESS REPRESENTATIVE (Qualified Business Site)

Prefix First Name Last Name
Title
Organization
Street Address 11211 FM 2920 Rd.
Mailing Address
City Tomball State TX Zip 77375 -
Phone Number Fax Number
Email Address
Company Website www.bakerhughes.com

Is the Local Business Liaison **currently** located at the Qualified Business Site?

☒ Yes ☐ No

If not, when do you anticipate relocation to the Qualified Business Site?

XVI. PROJECT DESCRIPTION

- ☒ Description of the project in the form of a letter addressed to the governing body liaison and the Economic Development Bank on company letterhead **signed by the primary business representative** attached (Tab 11)

Baker Hughes Oilfield Operations, Inc.

XVII. PROJECT

Check **all** that apply

- ☐ None Apply
- ☐ New Business / Start-up
- ☐ Relocation from Out-of-State
- ☐ Open New Location
- ☒ Expansion (*new jobs*)
- ☐ Relocation within Nominating Jurisdiction
- ☐ Consolidation (*jobs being moved from one jurisdiction in Texas to another cannot be claimed for benefit*)
- ☐ Relocation within Texas (*jobs being moved from one jurisdiction in Texas to another cannot be claimed for benefit*)

Relocating From: _____

Provide a brief description of the circumstances of the move, including the number of jobs to be moved.

Baker Hughes Oilfield Operations, Inc.

XVIII. PROJECT CHARACTERISTICS

Check **all** that apply, provide a description of the related capital investment for each category

- ☒ Construct New Facility (_____ 125,175 sq. ft.)
- ☐ Expand Existing Facility (by _____ sq. ft.)
- ☐ Renovate Existing Facility
- ☐ Upgrade / Repair Facility
- ☐ Upgrade Existing Machinery & Equipment
- ☒ Purchase New / Additional Machinery & Equipment

Current Production Capacity: N/A

Projected Production Capacity: N/A

Percent of Projected Increase in Production Capacity: N/A

Current Cost Per Unit to Produce: N/A

Projected Cost Per Unit to Produce: N/A

Percent of Projected Decrease in Cost Per Unit to Produce: N/A

XIX. PROJECTED DATES AND MILESTONES

Provide the estimated date for each category (90-day window and end project designations, exact date). If a category does not apply, leave blank.

90-Day Window	<u>1/24/2013</u>
Begin Construction	_____
Construction Complete	_____
Purchase Machinery & Equipment	_____
Begin Hiring New Employees	_____
Begin Operations	_____
Fully Operational	_____
End Project Designation	<u>6/3/2018</u>

Baker Hughes Oilfield Operations, Inc.

XX. PROJECTED CAPITAL INVESTMENT

Land	<u>\$0.00</u>
Building Construction	<u>\$20,400,000.00</u>
Labor on Construction	<u>\$20,400,000.00</u>
Building Expansion/Renovation Costs	<u>\$0.00</u>
Machinery & Equipment	<u>\$15,000,000.00</u>
Other _____	<u>\$0.00</u>
Total	<u>\$55,800,000.00</u>

What percent of the projected capital investment is for routine and planned maintenance, including, but not limited to "turnarounds", required to maintain regular business operations? 0.00%

Provide a detailed description of each category of capital investment for the proposed project or activity.

This expansion is planned for its existing operations in Tomball, TX. The expansion will involve the development of an Education Center (40 classrooms, auditoriums, breakout rooms, simulation rooms, laboratory, cafeteria and office space) a five bay workshop, and two non-producing training wells with related surface equipment. This complex is planned to be a central facility for major corporate meetings and activities and a consolidated Western Hemisphere Education Center. The project will be an integrated facility to enhance the educational opportunities for both Baker Hughes personnel and customers and will develop skills and competencies necessary to support our customers. Proposed site improvements will include the following:

- Education Center – 3 story classroom building 72,445 s.f.
- Workshop – 1 story, 36,000 s.f.
- Canteen, Lab & Auditorium – 1 story, 16,730 s.f.
- 156,000 s.f. yard with two training rigs (non-producing oil wells)

The company is proposing to spend approximately \$55.8 million for this expansion. Buildings, parking and driveways, infrastructure and other amenities are estimated to cost close to \$40 million. The training rigs and wells will cost an additional \$7.7 million plus drilling costs of approximately \$6.9 million. Equipment on site will primarily consist of pressure pumping and coiled tubing trucks so the value could be variable. Construction is anticipated to begin in the _____ Quarter of 2013 and is expected to be complete and operational by _____.

XXI. EXISTING JOBS AT THE QUALIFIED BUSINESS SITE

Attach a breakdown of types of existing full-time jobs by six-digit Standard Occupational Code and/or title, and the salary range or hourly rate for each (*Tab 12*)

Full-Time Jobs	<u>629</u>
Part-Time Jobs	<u>2</u>
Contract Jobs	<u>0</u>
Total Jobs at the Qualified Business Site	<u>631</u>

Baker Hughes Oilfield Operations, Inc.

XXII. FULL-TIME JOBS FOR BENEFIT

☒ **New Jobs**

Attach a breakdown of types of new jobs to be created by six-digit Standard Occupational Code and/or title, and the salary range or hourly rate for each (*Tab 13*)

Total Number of New Full-Time Jobs to be Created 55

Total Amount of Annual Payroll for New Jobs \$2,200,000.00

☒ **Retained Jobs** (*check only if for benefit*)

Attach a breakdown of types of jobs to be retained for benefit by six-digit Standard Occupational Code and/or title, and the salary range or hourly rate for each (*Tab 14*)

Total Number of Jobs to be Retained for Benefit 500

Total Amount of Annual Payroll for Retained Jobs

Choose **all** that apply and include backup documentation

- ☐ Permanent employees will be permanently laid off (Chapter 2303.406(a)(4)(A))
- ☐ Business will permanently close down (Chapter 2303.406(a)(4)(B))
- ☐ Business will relocate out of Texas (Chapter 2303.406(a)(4)(C))
- ☒ Business is able to employ individuals in accordance with Section 2303.402 (Chapter 2303.406(a)(4)(D))
- ☐ Business facility has been legitimately destroyed or impaired due to fire, flood, tornado, hurricane, or any other natural disaster (Chapter 2303.406(a)(4)(E))

I have reviewed the request for the retained job benefit under the Texas Enterprise Zone Program, and verify that it meets the criteria outlined above, as required by statute. The backup documentation has been placed under *Tab 14* of this application.

Signature
(*Governing Body Liaison*)

Date

Printed Name

Title

Baker Hughes Oilfield Operations, Inc.

XXIII. COMMITMENT TO THE COMMUNITY

- | | | |
|---|--|--|
| ☒ Yes | ☐ No | Commit to negotiate or cooperate in the achievement of the purposes of the Enterprise Zone Act. |
| ☒ Yes | ☐ No | Commit to hire under-skilled, inexperienced, disadvantaged or displaced workers who reside in an enterprise zone. |
| ☒ Yes | ☐ No | Commit to hire minority workers and to contract with minority-owned businesses. |
| ☒ Yes | ☐ No | Commit to provide technical and vocational job training for enterprise zone residents or economically disadvantaged employees. |
| ☐ Yes | ☒ No | Commit to provide child care for employees. |
| ☐ Yes | ☒ No | Commit to implement and contribute to a tutoring or mentoring program for area students. |
| ☐ Yes | ☒ No | Commit to work toward the prevention or reduction of juvenile crime activity. |
| ☒ Yes | ☐ No | Commit to make contributions to the well-being of the community, such as job training, or the donation of land for parks or other public purposes. |

XXIV. ADDITIONAL COMMITMENTS

- | | | |
|---|-----------------------------|---|
| ☒ Yes | ☐ No | Employee benefits provided (i.e., medical coverage, prescription drug coverage, dental plan, flexible spending accounts, life insurance, 401K, stock options, etc.) |
|---|-----------------------------|---|

No Additional Commitments are Anticipated ☐

Outline the company's additional commitments to the community by specific recipient and dollar value of anticipated contribution(s) **during the designation period.**

American Heart Association • Paper Heart sale yielded approximately \$300
March of Dimes • donations approximately \$300
JA Bowlathon • participants raised approximately \$3,500
JDRF Event • participants raised approximately \$2,500
Susan G. Komen • participants raised approximately \$1,900
Local Tomball High School FFA charity • \$1,500

Estimated Annual Donation for Tomball - \$10,000

Baker Hughes Oilfield Operations, Inc.

XXV. SOURCE OF FUNDING

The project will be financed by (check all that apply)

- ☒ Internal Sources
☐ External Sources

The Project received (check all that apply):

- ☐ Texas Enterprise Fund Grant
☐ Texas Emerging Technology Fund Grant
☐ Industrial Revenue Bonds
☐ Tax Increment Financing

Provide a brief narrative description of the method of financing the project *(do not attach financial statements)*

XXVI. PROPERTY ACCESS

Check the appropriate box below and provide a copy of the executed documents indicating property access *(Tab 15)*

- | | |
|---|--|
| ☐ Lease Agreement | ☐ Purchase Agreement |
| ☐ Lease / Purchase Agreement | ☒ Other <u>Warranty Deed</u> |

Baker Hughes Oilfield Operations, Inc.

XXVII. STATUS OF PERMITS

☒ Pending

☐ Current

☐ No Permits Required

List any local, state or federal permits that are pending, along with the issuing agency and the expected date of receipt.
Do **not** attach copies of permits.

Baker Hughes Oilfield Operations, Inc.

XXVIII. CONCURRENT DESIGNATION

This application for enterprise project status constitutes a concurrent designation
If yes, complete this section in its entirety and provide requested attachments

☐ Yes ☒ No

Provide a brief explanation of the capital investment and new and/or retained jobs for each designation, delineating what capital investment and jobs will apply to which designation with timelines for all. (Attach additional pages behind this page as needed.)

Breakdown of Concurrent Project Designations:

Attach a breakdown of types of jobs for benefit by six-digit Standard Occupational Code and/or title, and the salary range or hourly rate for each designation (*Tab 16*)

Number of Jobs at the 90-Day Window Date for the First Project Designation					<u>Baseline Jobs</u>
<u>Date Approved</u>	<u>Date Expires</u>	<u>Date Jobs* Certified</u>	<u>Capital Investment</u>	<u>New Jobs</u>	<u>Retained Jobs</u>
TOTAL					

**Last certification. If no jobs have been certified, provide an explanation as to why not and when application for certification of jobs is expected to occur. Place the explanation behind this page.*

Baker Hughes Oilfield Operations, Inc.

XXIX. SELF-EVALUATION

Total Distress of the Area Score (max. 40 pts.) 14

Total Local Effort Score (max. 25 pts.)	25
--	----

Total Private Effort Score (max. 35 pts.) 33

TOTAL SCORE OF PROJECT (min. 60 pts.)	72
--	----

For internal use only:

Points Awarded for State Priority (max. 10 pts.) _____

Provide backup documentation for **ALL** areas for which points are taken (Tab 17)

Distress of the Area (Qualified Business Site) (40%)

Jurisdiction Population

Population of nominating **Jurisdiction*** is less than 50,000 (*2010 decennial census*)

Backup Attached ☐

☐ Yes 5 pts _____

County Population

Population of **County** is less than 50,000 (2010 decennial census)

Backup Attached ☐

☐ Yes 5 pts

Poverty Level of Distressed County	<u>16.80%</u>
---	---------------

Backup Attached ☐

☒ 15.5% - 19.9% poverty (2010 decennial census) 2 pts 2

☐ 20.0% - 29.9% poverty (2010 decennial census) 4 pts

☐ 30.0% - 39.9% poverty (*2010 decennial census*) 6 pts _____

☐ 40.0% - 49.9% poverty (*2010 decennial census*) 8 pts

☐ 50.0% poverty and above (*2010 decennial census*) 10 pts _____

Poverty Level of Block Group

Backup Attached ☐

☐ 20.0% - 29.9% poverty (*2010 decennial census*) 4 pts _____

☐ 30.0% - 39.9% poverty (*2010 decennial census*) 6 pts _____

☐ 40.0% - 49.9% poverty (2010 decennial census) 8 pts _____

☐ 50.0% poverty and above (*2010 decennial census*) 10 pts _____

Baker Hughes Oilfield Operations, Inc.

Poverty Level of nominating Jurisdiction*	<u>12.10%</u>		Backup Attached ☒
☐ 15.5% - 19.9% poverty (2010 decennial census)	2 pts	_____	
☐ 20.0% - 29.9% poverty (2010 decennial census)	4 pts	_____	
☐ 30.0% - 39.9% poverty (2010 decennial census)	6 pts	_____	
☐ 40.0% - 49.9% poverty (2010 decennial census)	8 pts	_____	
☐ 50.0% poverty and above (2010 decennial census)	10 pts	_____	
 Poverty Level of County	 <u>16.80%</u>		 Backup Attached ☒
☒ 15.5% - 19.9% poverty (2010 decennial census)	2 pts	<u>2</u>	
☐ 20.0% - 29.9% poverty (2010 decennial census)	4 pts	_____	
☐ 30.0% - 39.9% poverty (2010 decennial census)	6 pts	_____	
☐ 40.0% - 49.9% poverty (2010 decennial census)	8 pts	_____	
☐ 50.0% poverty and above (2010 decennial census)	10 pts	_____	
 Unemployment Level for County (most recent year)	 <u>8.20%</u>		 Backup Attached ☒
☒ 5.0% - 9.9% unemployment	2 pts	<u>2</u>	
☐ 10.0% - 14.9% unemployment	4 pts	_____	
☐ 15.0% - 19.9% unemployment	6 pts	_____	
☐ 20.0% - 24.9% unemployment	8 pts	_____	
☐ 25.0% and above unemployment	10 pts	_____	
 County Adult Population without High School Diploma or Equivalent (2010 decennial census)	 <u>22.40%</u>		 Backup Attached ☒
☐ 25.4% or above	10 pts	_____	
 State or Federally-Declared Disaster Area (within the past 24 months)			 Backup Attached ☒
☒ Yes -- ☐ State ☒ Federal	10 pts	<u>10</u>	
Date Disaster Declared	<u>7/27/2011</u>		
 Adversely Affected Defense Dependent Community (BRAC** Impacted)			 Backup Attached ☐
☐ Yes	5 pts	_____	

*If the nominating jurisdiction is a county, take points under both nominating jurisdiction and county, if earned.

**Base Closure and Realignment Commission

Total Distress of the Area Score (max. 40 pts.) 14

Baker Hughes Oilfield Operations, Inc.

Local Effort (25%)

Based on the Nominating Ordinance or Order (*incentive must be listed specifically in the nominating ordinance or order*)

Check local incentives offered and record points earned up to the maximum of 25 points

☐	Local Sales Tax Refund	2 pts	_____
☒	Tax Abatement	2 pts	<u>2</u>
☐	Tax Increment Financing	2 pts	_____
☒	Freeport Exemption	2 pts	<u>2</u>
☐	Economic Development Sales Tax (4A) Contribution	2 pts	_____
☒	Economic Development Sales Tax (4B) Contribution	2 pts	<u>2</u>

Tax Deferrals, Tax Refunds or other Tax Incentives:

☐	_____	2 pts	_____
☐	_____	2 pts	_____
☒	Zoning Changes / Variances	1 pt	<u>1</u>
☒	Building Code Exemptions	1 pt	<u>1</u>
☒	Impact / Inspection Fee Exemptions	2 pts	<u>2</u>
☒	Streamlined Permitting	1 pt	<u>1</u>
☒	Improved Police and/or Fire Protection	1 pt	<u>1</u>
☒	Community Crime Prevention Programs	1 pt	<u>1</u>
☒	Special Public Transportation Routes or Reduced Fares	1 pt	<u>1</u>
☒	Capital Improvements in Water and Sewer Facilities	1 pt	<u>1</u>
☒	Road Repair	1 pt	<u>1</u>
☒	Creation or Improvement of Parks	1 pt	<u>1</u>
☒	Low-Interest Loans for Housing Rehabilitation or New Construction	1 pt	<u>1</u>
☐	Transfer Abandoned Housing to Individuals or Community Groups	1 pt	_____
☒	Low-Interest Loans for Business	2 pts	<u>2</u>
☐	Use of Surplus School Buildings for Incubators	1 pt	_____
☒	Provision of Publicly Owned Land for Development Purposes	1 pt	<u>1</u>
☒	One-Stop Permitting, Problem Resolution Center or Ombudsmen	1 pt	<u>1</u>
☒	Promotion and Marketing Services	1 pt	<u>1</u>
☒	Job Training and Employment Services	1 pt	<u>1</u>
☒	Retraining Program	1 pt	<u>1</u>
☒	Literacy and Employment Skills Programs	1 pt	<u>1</u>
☒	Vocational Education	1 pt	<u>1</u>
☒	Customized Job Training	1 pt	<u>1</u>

Total Local Effort Score (max. 25 pts.) 25

Baker Hughes Oilfield Operations, Inc.

Private Effort (35%)

Commitment to the Community

- | | | |
|---|-------|-------------|
| ☒ Negotiate or cooperate in the achievement of the purposes of the Enterprise Zone Act | 3 pts | <u>3</u> |
| ☒ Hire under-skilled, inexperienced, disadvantaged or displaced workers who reside in an enterprise zone | 1 pt | <u>1</u> |
| ☒ Hire minority workers and contract with minority-owned businesses | 1 pt | <u>1</u> |
| ☒ Provide technical/vocational training for enterprise zone residents and economically disadvantaged employees | 1 pt | <u>1</u> |
| ☒ Provide child care for employees | 1 pt | <u>1</u> |
| ☐ Implement or contribute to a tutoring or mentoring program for area students | 1 pt | <u> </u> |
| ☐ Participate in juvenile crime prevention program | 1 pt | <u> </u> |
| ☒ Contribute to the well-being of the community, such as job training, or donation of land for parks or other public purposes | 1 pt | <u>1</u> |

Subtotal of Commitments to the Community 8

Average Job Wage Level of Jobs Compared to County Average Weekly Wage (AWW)

Backup Attached ☒

- ☒ Attached County Average Weekly Wage backup for Harris County for 2012 (year)

First Quarter	<u>\$1,338.00</u>	
Second Quarter	<u>\$1,164.00</u>	
Third Quarter	<u>\$1,154.00</u>	
Fourth Quarter	<u>\$1,330.00</u>	
TOTAL	<u>\$4,986.00</u>	÷ 4 = <u>\$1,246.50</u> (County AWW)

Calculate the average weekly wage in the formula below including only the new and/or retained jobs represented in this application for state benefit.

<u>\$43,834,500.00</u>	÷	<u>500</u>	=	<u>\$87,669.00</u>	÷	52	=	<u>\$1,686.00</u>
<i>Total Annual Payroll</i>		<i># of Jobs</i>		<i>Avg. Annualized Wage</i>				<i>AWW</i>
		County AWW		<u>\$1,246.50</u>				
		110% of County AWW		<u>\$1,371.15</u>				
		120% of County AWW		<u>\$1,495.80</u>				

Choose One

- | | | |
|--|--------|-------------|
| ☐ AWW ≥ AWW for County | 3 pts | <u> </u> |
| ☐ AWW ≥ 110% of AWW for County | 6 pts | <u> </u> |
| ☒ AWW ≥ 120% of AWW for County | 10 pts | <u>10</u> |

Baker Hughes Oilfield Operations, Inc.

Number of Jobs for Benefit (*choose applicable category and range*)

- | | | |
|---|--------|-------|
| ☐ 10 to 199 new jobs for benefit | 2 pts | _____ |
| ☐ 200 to 299 new jobs for benefit | 4 pts | _____ |
| ☐ 300 to 399 new jobs for benefit | 6 pts | _____ |
| ☐ 400 to 499 new jobs for benefit | 8 pts | _____ |
| ☐ 500 and Above new jobs for benefit | 10 pts | _____ |

--OR--

- | | | |
|---|-------|----------|
| ☐ 100 to 199 retained or new & retained jobs for benefit | 1 pt | _____ |
| ☐ 200 to 299 retained or new & retained jobs for benefit | 2 pts | _____ |
| ☐ 300 to 399 retained or new & retained jobs for benefit | 3 pts | _____ |
| ☐ 400 to 499 retained or new & retained jobs for benefit | 4 pts | _____ |
| ☒ 500 and Above retained or new & retained jobs for benefit | 5 pts | <u>5</u> |

Capital Investment (*choose applicable range*)

- | | | |
|--|-------|----------|
| ☐ \$40,000 to \$399,999 | 1 pt | _____ |
| ☐ \$400,000 to \$999,999 | 2 pts | _____ |
| ☐ \$1,000,000 to \$4,999,999 | 3 pts | _____ |
| ☒ \$5,000,000 to \$149,999,999 | 4 pts | <u>4</u> |
| ☐ \$150,000,000 to \$249,999,999 | 5 pts | _____ |
| ☐ \$250,000,000 and Above | 6 pts | _____ |

Increase in Production Capacity (*choose applicable range*)

- | | | |
|---|-------|-------|
| ☐ 5.0% - 9.9% increase in production capacity | 1 pt | _____ |
| ☐ 10.0% - 14.9% increase in production capacity | 2 pts | _____ |
| ☐ 15.0% - 19.9% increase in production capacity | 3 pts | _____ |
| ☐ 20.0% and above increase in production capacity | 4 pts | _____ |
| ☐ All new (<i>no routine maintenance included</i>) | 5 pts | _____ |

Decrease in Cost Per Unit to Produce (*choose applicable range*)

- | | | |
|---|-------|-------|
| ☐ 5.0% - 9.9% decrease in cost per unit to produce | 1 pt | _____ |
| ☐ 10.0% - 14.9% decrease in cost per unit to produce | 2 pts | _____ |
| ☐ 15.0% - 19.9% decrease in cost per unit to produce | 3 pts | _____ |
| ☐ 20.0% and above decrease in cost per unit to produce | 4 pts | _____ |

Baker Hughes Oilfield Operations, Inc.

Employee Benefits Provided

Backup Attached ☐

- ☒ Employee benefits provided (i.e., medical coverage, prescription drug coverage, dental plan, flexible spending accounts, life insurance, 401K, stock options, etc.) 2 pt 2

Type of Jobs

- ☒ Jobs are Primary Jobs as defined in the Dev. Corp. Act, *as amended* 2 pt 2

Industry Cluster

- ☒ Business is a targeted industry cluster as listed on page 10 2 pt 2

Total Private Effort Score (max. 35 pts.) 33

Baker Hughes Oilfield Operations, Inc.

XXX. CERTIFICATION OF APPLICATION

Governing Body Liaison

Prefix _____ First Name _____ Last Name _____

Title _____

Organization Baker Hughes Oilfield Operations, Inc.

Street Address _____

Mailing Address _____

City _____ State TX Zip _____ - _____

Phone Number _____ Fax Number _____

Email Address _____

Community Website _____

To the best of my knowledge and belief, the information contained in this Enterprise Project Application is true and correct and I have read the Texas Enterprise Zone Act and the Enterprise Zone Program Rules and am familiar with the provisions contained therein, as evidenced by my signature below.

Signature _____ Date _____
(Governing Body Liaison)

Printed Name _____ Title _____

GIVEN under my hand and seal of office this _____ day of _____, _____

Notary Public, State of Texas

(Notary Seal)

My commission expires _____

Baker Hughes Oilfield Operations, Inc.

XXXIa. QUALIFIED BUSINESS CERTIFICATION AND AGREEMENT

The nominated Enterprise Project hereby certifies and agrees that it:

1. is located in, or has committed to locate in City of Tomball, Texas, in Harris County, Texas; and
2. will maintain separate payroll and tax records of the business activity conducted at the qualified business site, or other information as required by local and state government units; and
3. commits to participate in local efforts to achieve development and revitalization of the area; and
4. understands that before obtaining a state benefit, the qualified business must submit to the Comptroller a certified report of the actual number of jobs created and/or retained and the capital investment made; and
5. understands that to be a qualified business eligible for enterprise project designation, twenty-five percent (25%) of the new or additional employees hired must be residents of an enterprise zone or economically disadvantaged persons if the qualified business site is located in an enterprise zone, or thirty-five percent (35%) if the qualified business site is located outside of an enterprise zone; and
6. commits that 35 percent of its new employees will be residents of an enterprise zone or economically disadvantaged persons; and
7. understands that the project must maintain the level of employment and the jobs for which a refund has been received to the end of the designation period or for at least three (3) years from the date of refund of state sales and use taxes, whichever is later, or it may become liable for recapture of refunded taxes and interest by the Texas Comptroller of Public Accounts (Comptroller); and
8. will report to the Comptroller the status and effectiveness of the designation; and
9. certifies that the project, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker; and
10. understands that the state sales and use tax refund is subject to approval by the Comptroller and the requirements of the Tax Code and applicable Administrative Rules – specifically Section 151.429 of the Tax Code and Title 34 Texas Administrative Code, Section 3.329. Construction contracts must be “separated” (i.e. contract in which the agreed contract price is divided into a separately stated agreed contract price for incorporated materials and a separately stated agreed contract price for skill and labor) and not “lump-sum” in order to claim a refund of state sales tax.

This certification and agreement is effective from the date of designation through the date of expiration as an enterprise project.

To the best information and belief, the information contained in this Enterprise Project Application is true and correct and I, as primary business representative, have read the Texas Enterprise Zone Program Act and the Enterprise Zone Program Rules and am familiar with the provisions contained therein as evidenced by my signature below.

Signed _____
(Primary Business Representative)

GIVEN under my hand and seal of office this _____
day of _____, _____

Printed Name George P. Bernhardt

Notary Public, State of _____

Title Managing Counsel

My commission expires _____
(Notary Seal)

Date _____

Baker Hughes Oilfield Operations, Inc.

XXXIb. QUALIFIED BUSINESS CERTIFICATION AND AGREEMENT

The nominated Enterprise Project hereby certifies and agrees that it:

1. is located in, or has committed to locate in City of Tomball, Texas, in Harris County, Texas; and
2. will maintain separate payroll and tax records of the business activity conducted at the qualified business site, or other information as required by local and state government units; and
3. commits to participate in local efforts to achieve development and revitalization of the area; and
4. understands that before obtaining a state benefit, the qualified business must submit to the Comptroller a certified report of the actual number of jobs created and/or retained and the capital investment made; and
5. understands that to be a qualified business eligible for enterprise project designation, twenty-five percent (25%) of the new or additional employees hired must be residents of an enterprise zone or economically disadvantaged persons if the qualified business site is located in an enterprise zone, or thirty-five percent (35%) if the qualified business site is located outside of an enterprise zone; and
6. commits that 35 percent of its new employees will be residents of an enterprise zone or economically disadvantaged persons; and
7. understands that the project must maintain the level of employment and the jobs for which a refund has been received to the end of the designation period or for at least three (3) years from the date of refund of state sales and use taxes, whichever is later, or it may become liable for recapture of refunded taxes and interest by the Texas Comptroller of Public Accounts (Comptroller); and
8. will report to the Comptroller the status and effectiveness of the designation; and
9. certifies that the project, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker; and
10. understands that the state sales and use tax refund is subject to approval by the Comptroller and the requirements of the Tax Code and applicable Administrative Rules – specifically Section 151.429 of the Tax Code and Title 34 Texas Administrative Code, Section 3.329. Construction contracts must be “separated” (i.e. contract in which the agreed contract price is divided into a separately stated agreed contract price for incorporated materials and a separately stated agreed contract price for skill and labor) and not “lump-sum” in order to claim a refund of state sales tax.

This certification and agreement is effective from the date of designation through the date of expiration as an enterprise project.

To the best information and belief, the information contained in this Enterprise Project Application is true and correct and I, as the local business liaison, have read the Texas Enterprise Zone Program Act and the Enterprise Zone Program Rules and am familiar with the provisions contained therein as evidenced by my signature below.

Signed _____
(Local Business Representative)

Printed Name _____

Title _____

Date _____

GIVEN under my hand and seal of office this _____
day of _____,

Notary Public, State of Texas

My commission expires _____
(Notary Seal)

Baker Hughes Oilfield Operations, Inc.

XXXII. PARTICIPATING CONSULTANT FORM

No Consultant Participating ☐

Complete the following information for each consultant involved with this project (*Attach copy of the Power of Attorney, if applicable – Tab 18*)

First Name Jesse D Last Name Broderick

Title Managing Member

Organization Sumit Credits, LLC

Street Address 30879 LA Hwy 16, Denham Springs, LA 70726

Mailing Address P.O. Box 910

City Watson State LA Zip 70786 -

Phone Number 225-664-2160 Fax Number 225-612-6606

Mobile Number 225-938-8301 Website www.sumitcredits.com

Email Address jbroderick@sumitcredits.com

☒ Application Preparer ☐ Other

Representing Baker Hughes Oilfield Operations, Inc.

Brief Description of Consultant's Role with Application Ensure that the application is complete with all information necessary to apply for the incentives.

I confirm that the above-named consultant has been retained to participate in this application process as outlined above.

Signature _____ Date _____
(Authorizing Participant)

Printed Name George P. Bernhardt Title Managing Counsel, RE

To the best of my knowledge and belief, the information contained in this Enterprise Project Application is true and correct.

Signature _____ Date _____
(Participating Consultant)

Printed Name Jesse D. Broderick Title Managing Partner

Baker Hughes Oilfield Operations, Inc.

City of Tomball

XXXIII. APPLICATION FEE MEMORANDUM (Enterprise Zone Program)

TO: Office of the Governor
Attn: Financial Services
Post Office Box 12878
Austin, Texas 78711

Subject: Submission of Texas Enterprise Zone Program Application Fee made payable to **Office of the Governor** for an Enterprise Project Application Submitted by City of Tomball on Behalf of Baker Hughes Oilfield Services, Inc. for the 06/01 Quarterly Application Round

Financial Services, please send this form along with a copy of the attached Non-Refundable Application Fee made payable to **Office of the Governor**, Interagency to the Economic Development and Tourism Division, Attn: Enterprise Zone Program Staff, Economic Development Bank for the 06/01 Enterprise Project Round submitted by City of Tomball on behalf of Baker Hughes Oilfield Services, Inc.

- ☒ \$750 for an Enterprise Project
☐ \$1,500 for a Double Jumbo Enterprise Project
☐ \$2,250 for a Triple Jumbo Enterprise Project

If you have questions regarding this submission, please contact:

First Name Jesse Last Name Broderick

Title Managing Partner

Organization Sumit Credits, LLC

Street Address 30789 Highway 16, Suite D1, Denham Springs, LA 70726

Mailing Address PO Box 910

City Watson State LA Zip 70786 -

Phone Number (225) 664-2160 Fax Number (225) 612-6606

Email Address jbroderick@sumitcredits.com

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 20, 2013

Topic:

Update from LS Development on the Progress of Acquiring Rights-of-Way and Easements for Water, Sanitary Sewer and Gas Main Extensions to the Raleigh Creek Subdivision

Background:

Raleigh Creek is a proposed 142.8 acre subdivision located on the north side of Zion Road between J131 (Boggs Gully) and the Reserve at Spring Lake. Section One is proposed to have 94 single-family residential lots. LS Development is required to extend utilities to and through the development, per Chapter 70, Plats and the Subdivision of Land, since they are located within 1,000 feet of the City's distribution system. The utility extensions require acquisition of easements and rights-of-way from four property owners. In December 2012, at the request of LS Development, the City sent request of dedication letters to the four property owners for the utility easements and rights-of-way, of which none were granted.

Attached is a vicinity map, exhibits for the properties that are affected by the proposed acquisition and a copy of the Raleigh Creek Section One Preliminary Plat.

Origination:

Jim Spurlin, LS Development

Recommendation:

N/A

Funding:

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

Craig T. Meyers, Community Development Director

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

ATTACHMENTS:

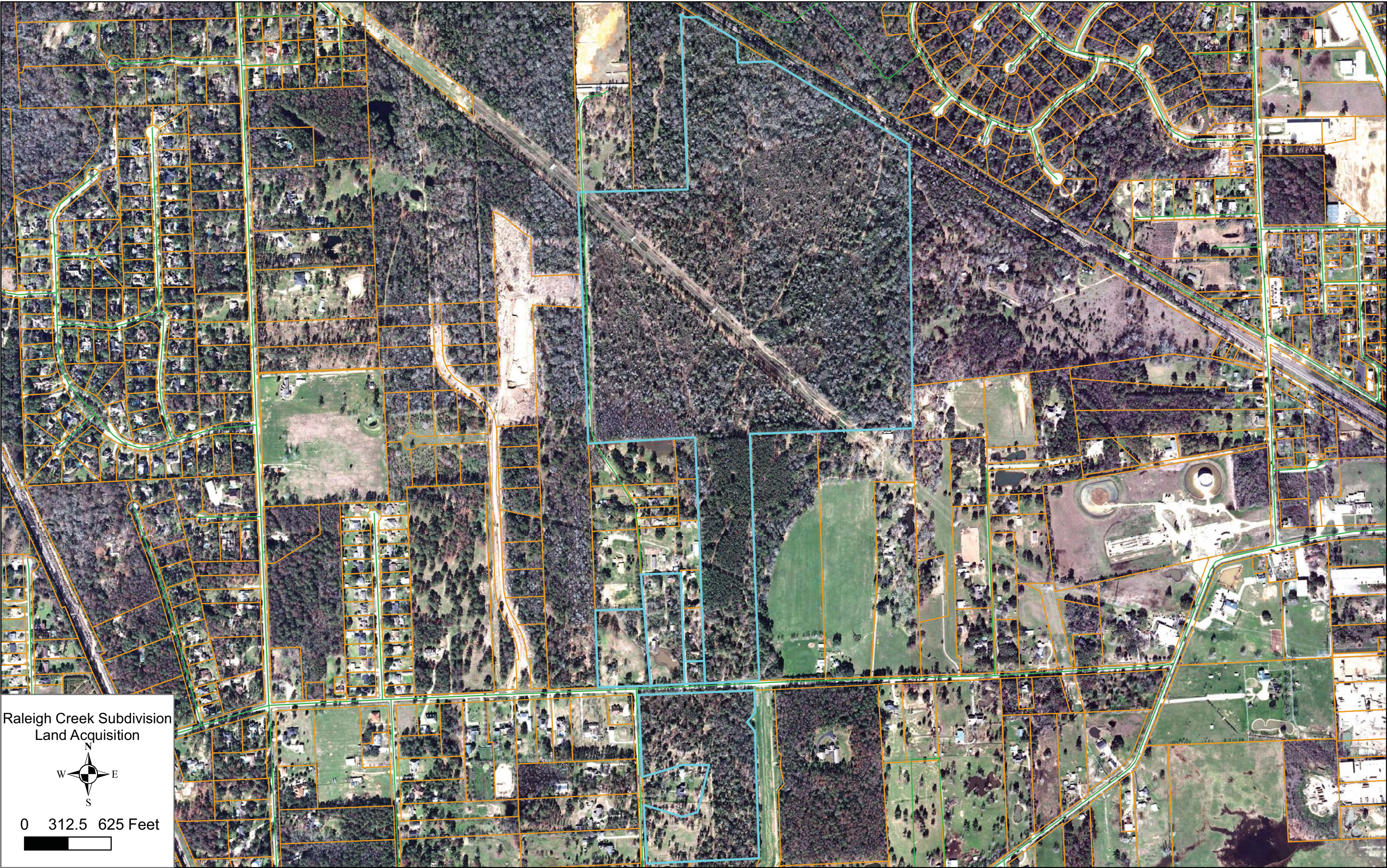
Raleigh Creek Map

Easement and Right-of-Way Exhibits

Raleigh Creek Section One Preliminary Plat Page 1 of 3

Raleigh Creek Section One Preliminary Plat Page 2 of 3

Raleigh Creek Section One Preliminary Plat Page 3 of 3



Raleigh Creek Subdivision
Land Acquisition

N
W E
S

0 312.5 625 Feet



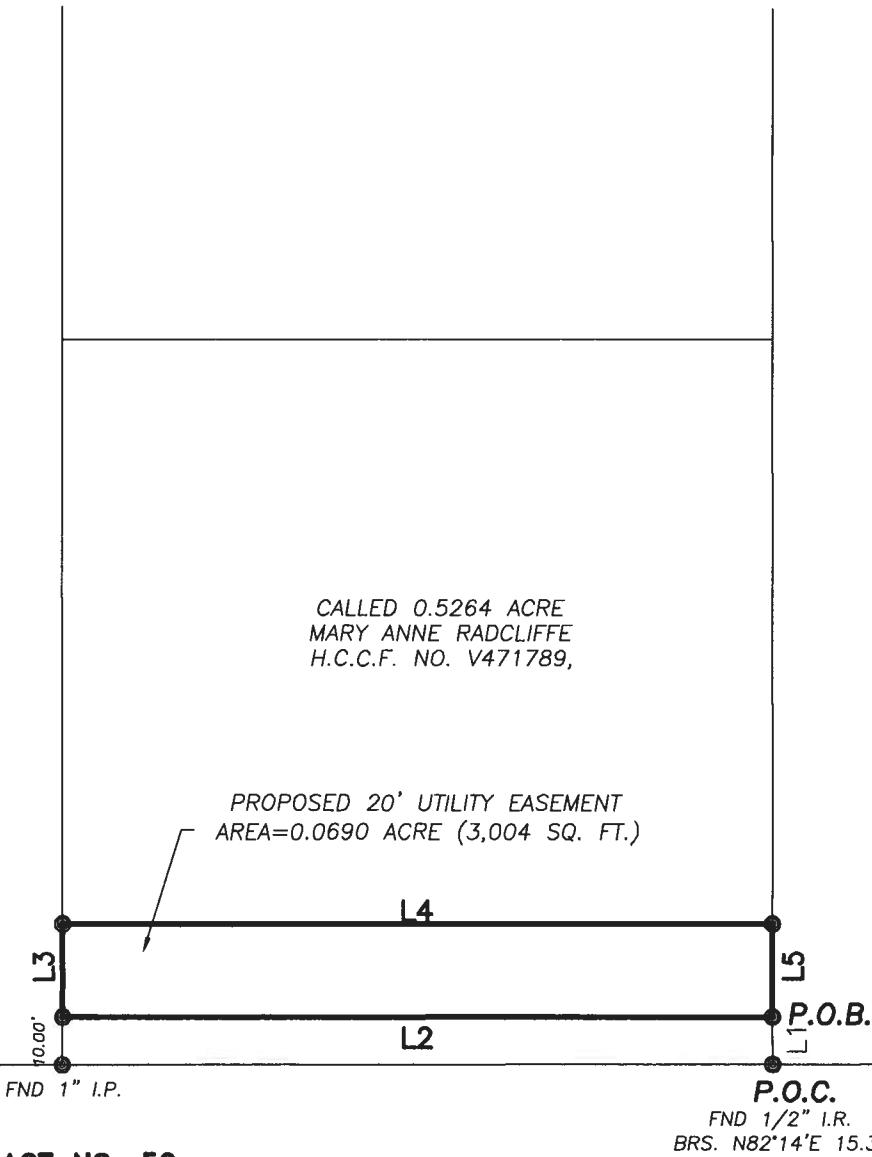
SCALE: 1" = 40'

CALLLED 4.550 ACRES
WILLIAM E SCHIEL & ALICE FAYE SCHIEL
H.C.C.F. NO. G743427,

CALLLED 0.5264 ACRE
MARY ANNE RADCLIFFE
H.C.C.F. NO. V471789,

CALLLED 142.770 ACRES
LS DEVELOPMENT, LLC
H.C.C.F. NO. 20060238824,

PROPOSED 20' UTILITY EASEMENT
AREA=0.0690 ACRE (3,004 SQ. FT.)



JOSEPH MILLER SURVEY ABSTRACT NO. 50

RALPH HUBBARD SURVEY ABSTRACT NO. 383

ZION ROAD (60' R.O.W.)

LINE TABLE		
LINE	LENGTH	BEARING
L1	10.00	N00°04'13"W
L2	150.20	S89°57'13"W
L3	20.00	N00°02'47"W
L4	150.19	N89°57'13"E
L5	20.00	S00°04'13"E

- NOTES:
1. BEARINGS BASED ON REPLAT CROFOOT FARMS FILM CODE NO. 630283, H.C.M.R..
 2. SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY. THERE MAY BE EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD NOT SHOWN HEREON.

THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF THE CURRENT PARTIES AND THAT NO LICENSE HAS BEEN CREATED, EXPRESS OR IMPLIED, TO COPY THE SURVEY EXCEPT AS IS NECESSARY IN CONJUNCTION WITH THE ORIGINAL TRANSACTION.

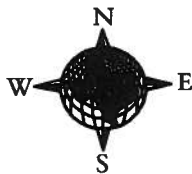
CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY SHOWING ANY IMPROVEMENTS, FROM LEGAL DESCRIPTIONS SUPPLIED BY CLIENT. THIS SURVEY IS ONLY CERTIFIED FOR BOUNDARY AND THIS TRANSACTION ONLY. SURVEYOR DID NOT ABSTRACT PROPERTY.



GEORG R. LARDIZABAL, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6051

EXHIBIT OF
PROPOSED 20' UTILITY EASEMENT
JOSEPH MILLER SURVEY
ABSTRACT NO. 50 HARRIS COUNTY, TX



GGC SURVEY, PLLC

TEL. (832)729-7256
4419 Zimmerly Court
Sugar Land, Texas 77479 D.D.



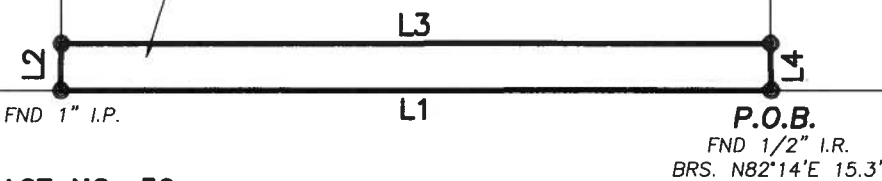
SCALE: 1" = 40'

CALLLED 4.550 ACRES
WILLIAM E SCHIEL & ALICE FAYE SCHIEL
H.C.C.F. NO. G743427,

CALLLED 0.5264 ACRE
MARY ANNE RADCLIFFE
H.C.C.F. NO. V471789,

CALLLED 142.770 ACRES
LS DEVELOPMENT, LLC
H.C.C.F. NO. 20060238824,

PROPOSED 10' RIGHT-OF-WAY
AREA=0.0345 ACRE (1,502 SQ. FT.)



JOSEPH MILLER SURVEY ABSTRACT NO. 50

RALPH HUBBARD SURVEY ABSTRACT NO. 383

ZION ROAD (60' R.O.W.)

LINE TABLE		
LINE	LENGTH	BEARING
L1	150.20	S89°57'13"W
L2	10.00	N00°02'47"W
L3	150.20	N89°57'13"E
L4	10.00	S00°04'13"E

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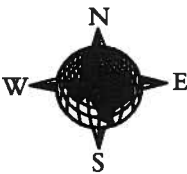
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Georg R. Lardizabal, Registered Professional Land Surveyor No. 6051

EXHIBIT OF
PROPOSED 10' RIGHT-OF-WAY
JOSEPH MILLER SURVEY
ABSTRACT NO. 50 HARRIS COUNTY, TX



GGC SURVEY, PLLC
TEL. (832)729-7256
4419 Zimmerly Court
Sugar Land, Texas 77479 D.D.

CALLED 4.878 ACRES
 BOBBY D TALBOTT & LORRAINE J. TALBOTT
 H.C.C.F. NO. U362072.

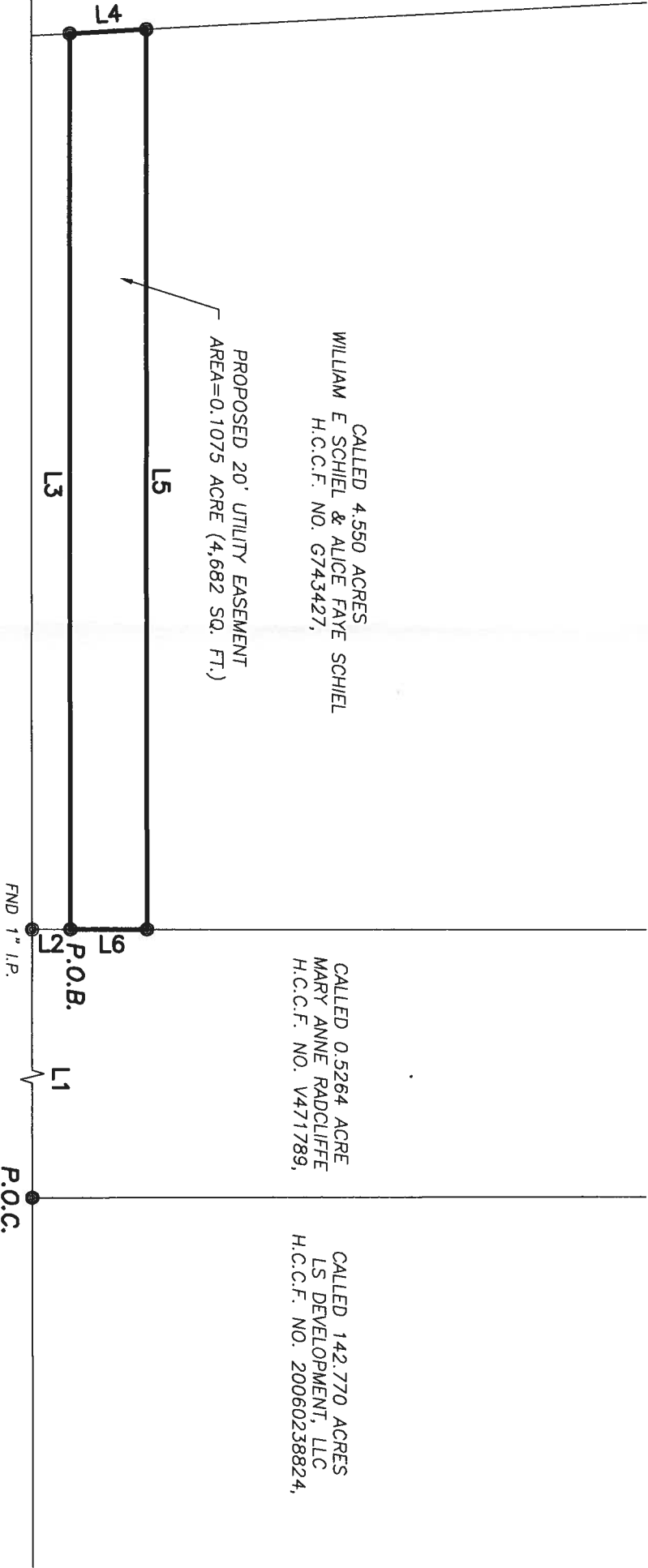
CALLED 4.550 ACRES
 WILLIAM E SCHIEL & ALICE FAYE SCHIEL
 H.C.C.F. NO. G743427.

CALLED 0.5264 ACRE
 MARY ANNE RADCLIFFE
 H.C.C.F. NO. V471789.

CALLED 142.770 ACRES
 LS DEVELOPMENT, LLC
 H.C.C.F. NO. 20060238824.

SCALE: 1" = 40'

PROPOSED 20' UTILITY EASEMENT
 AREA=0.1075 ACRE (4,682 SQ. FT.)



JOSEPH MILLER SURVEY ABSTRACT NO. 50

RALPH HUBBARD SURVEY ABSTRACT NO. 383

ZION ROAD (60' R.O.W.)

NEAL ROAD (30' R.O.W.)
 VOL. 2, PG. 65, H.C.M.R.

LINE TABLE		
LINE	LENGTH	BEARING
L1	150.20	S89°57'13"W
L2	10.00	N00°02'47"W
L3	233.54	S89°57'13"W
L4	20.03	N03°08'47"W
L5	234.62	N89°57'13"E
L6	20.00	S00°02'47"E

NOTES:
 1. BEARINGS BASED ON REPLAT CROFOOT FARMS FILM CODE NO. 630283, H.C.M.R..

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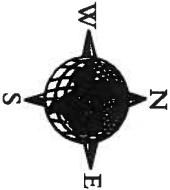
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GEORG R. LARDIZABAL, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6051

EXHIBIT OF
 PROPOSED 20' UTILITY EASEMENT
 JOSEPH MILLER SURVEY
 ABSTRACT NO. 50 HARRIS COUNTY, TX



GGC SURVEY, PLLC
 TEL. (832)729-7256
 4419 Zimmerly Court
 Sugar Land, Texas 77479 D.D.

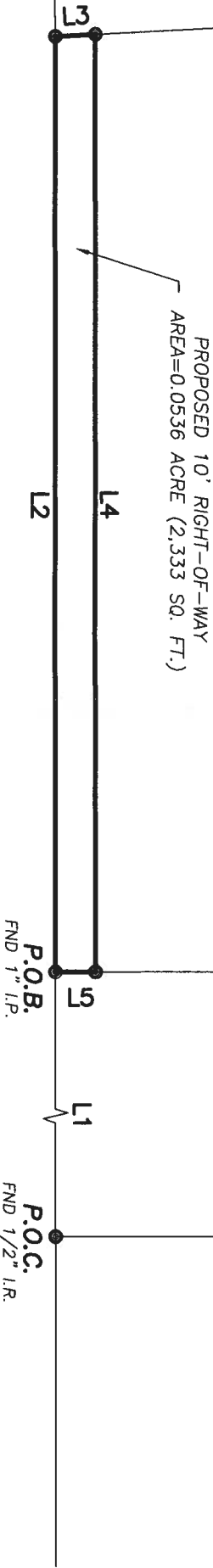
CALLED 4.878 ACRES
 BOBBY D TALBOTT & LORRAINE J. TALBOTT
 H.C.C.F. NO. U362072,

CALLED 4.550 ACRES
 WILLIAM E SCHIEL & ALICE FAYE SCHIEL
 H.C.C.F. NO. 6743427,

CALLED 0.5264 ACRE
 MARY ANNE RADCLIFFE
 H.C.C.F. NO. V471789,

CALLED 142.770 ACRES
 LS DEVELOPMENT, LLC
 H.C.C.F. NO. 20060238824,

SCALE: 1" = 40'



JOSEPH MILLER SURVEY ABSTRACT NO. 50

RALPH HUBBARD SURVEY ABSTRACT NO. 383

ZION ROAD (60' R.O.W.)

NEAL ROAD (30' R.O.W.)
 VOL. 2, PG. 65, H.C.M.R.

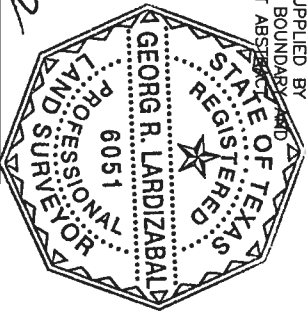
LINE TABLE		
LINE	LENGTH	BEARING
L1	150.20	S89°57'13"W
L2	233.00	S89°57'13"W
L3	1001	N03°08'47"W
L4	233.54	N89°57'13"E
L5	10.00	S00°02'47"E

NOTES:
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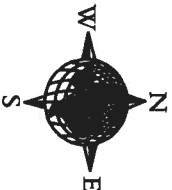
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GEORG R. LARDIZABAL, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6051

EXHIBIT OF
 PROPOSED 10' RIGHT-OF-WAY
 JOSEPH MILLER SURVEY
 ABSTRACT NO. 50 HARRIS COUNTY, TX



GGC SURVEY, PLLC
 TEL. (832) 729-7266
 4419 Zimmerly Court
 Sugar Land, Texas 77479 D.D.



CALLED 4.878 ACRES
 D TALBOTT & LORRAINE J. TALBOTT
 H.C.C.F. NO. U362072,

PROPOSED 10' RIGHT-OF-WAY
 AREA=0.0905 ACRE (3,943 SQ. FT.)



CALLED 142.770 ACRES
 LS DEVELOPMENT, LLC
 H.C.C.F. NO. 20060238824,

CALLED 4.550 ACRES
 LIAM E SCHIEL & ALICE FAYE SCHIEL
 H.C.C.F. NO. G743427,

CALLED 0.5264 ACRE
 MARY ANNE RADCLIFFE
 H.C.C.F. NO. V471789,

P.O.C.
 FND 1/2" I.R.
 BRS. N82°14'E 15.3'

JOSEPH MILLER SURVEY ABSTRACT NO. 50

ZION ROAD (60' R.O.W.)

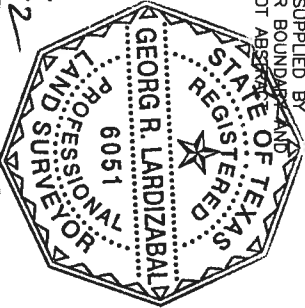
RALPH HUBBARD SURVEY ABSTRACT NO. 383

LINE TABLE		
LINE	LENGTH	BEARING
L1	150.20	S89°57'13"W
L2	233.00	S89°57'13"W
L3	394.68	S89°57'13"W
L4	10.00	N00°24'48"W
L5	394.06	N89°57'13"E
L6	10.01	S03°08'47"E

NEAL ROAD (30' R.O.W.)
 VOL. 2, PG. 65, H.C.M.R.

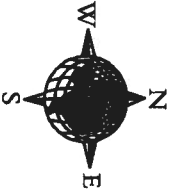
CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE
 GROUND AND THAT THIS PLAT CORRECTLY REPRESENTS THE
 FACTS FOUND AT THE TIME OF SURVEY SHOWING ANY
 IMPROVEMENTS, FROM LEGAL DESCRIPTIONS SUPPLIED BY
 CLIENT. THIS SURVEY IS ONLY CERTIFIED FOR BOUNDARY AND
 THIS TRANSACTION ONLY. SURVEYOR DID NOT ABSTRACT AND
 PROPERTY.



GEORG R. LARDIZABAL, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6051
 08/20/12

EXHIBIT OF
 PROPOSED 10' RIGHT-OF-WAY
 JOSEPH MILLER SURVEY
 ABSTRACT NO. 50 HARRIS COUNTY, TX



GGC SURVEY, PLLC
 TEL. (832) 729-7266
 4419 Zimmerly Court
 Sugar Land, Texas 77479 D.D.

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SCALE: 1" = 40'

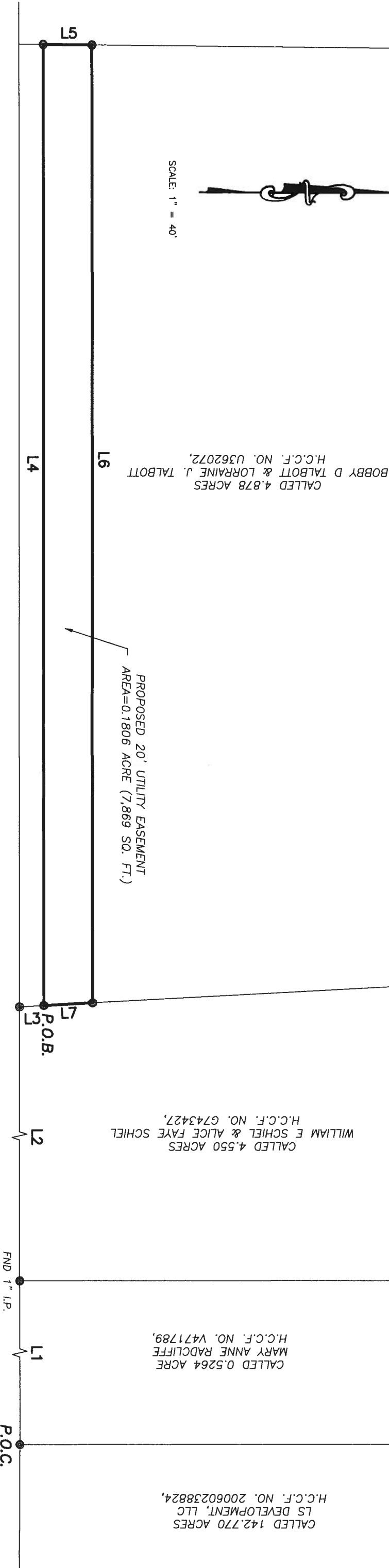
CALLED 4.878 ACRES
BOBBY D TALBOTT & LORRAINE J. TALBOTT
H.C.C.F. NO. U362072,

PROPOSED 20' UTILITY EASEMENT
AREA=0.1806 ACRE (7,869 SQ. FT.)

CALLLED 4.550 ACRES
WILLIAM E SCHIEL & ALICE FAYE SCHIEL
H.C.C.F. NO. 6743427,

CALLLED 0.5264 ACRE
MARY ANNE RADCLIFFE
H.C.C.F. NO. V471789,

CALLLED 142.770 ACRES
LS DEVELOPMENT, LLC
H.C.C.F. NO. 20060238824,



JOSEPH MILLER SURVEY ABSTRACT NO. 50

ZION ROAD (60' R.O.W.) RALPH HUBBARD SURVEY ABSTRACT NO. 383

LINE TABLE		
LINE	LENGTH	BEARING
L1	150.20	S89°57'13"W
L2	233.00	S89°57'13"W
L3	10.01	N03°08'47"W
L4	394.06	S89°57'13"W
L5	20.00	N00°24'48"E
L6	392.81	N89°57'13"E
L7	20.03	S03°08'47"E

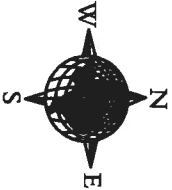
NEAL ROAD (30' R.O.W.)
VOL. 2, PG. 65, H.C.M.R.

CERTIFICATION
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY SHOWING ANY IMPROVEMENTS, FROM LEGAL DESCRIPTIONS SUPPLIED BY CLIENT. THIS SURVEY IS ONLY CERTIFIED FOR BOUNDARY AND THIS TRANSACTION ONLY. SURVEYOR DID NOT ABSTRACT PROPERTY.



GEORG R. LARDIZABAL, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6051

EXHIBIT OF
PROPOSED 20' UTILITY EASEMENT
JOSEPH MILLER SURVEY
ABSTRACT NO. 50 HARRIS COUNTY, TX



GCC SURVEY, PLLC
TBL (832)729-7266
4419 Zimmerly Court
Sugar Land, Texas 77479 D.D.

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JOSEPH MILLER SURVEY ABSTRACT NO. 50
RALPH HUBBARD SURVEY ABSTRACT NO. 383

ZION ROAD (60' R.O.W.)

P.O.C.
L1
P.O.B.

PROPOSED 20' UTILITY EASEMENT
AREA=0.9248 ACRE (40,285 SQ. FT.)

CALLED 27.3005 ACRES
THOMAS G. CROFOOT &
JANICE CROFOOT
H.C.C.F. NO. S141971,

HARRIS COUNTY FLOOD CONTROL
DISTRICT EASEMENT UNIT J131-00-00
H.C.C.F. NO. L670726,

NEAL ROAD (30' R.O.W.) VOL. 2, PG. 65, H.C.M.R.

FND 3/8" I.R.

LOT 2

LOT 1

LOT 15

LOT 21

TOMBALL OUTLOTS
VOL. 2, PG. 65, H.C.M.R.

LOT 27

LOT 33

LINE TABLE		
LINE	LENGTH	BEARING
L1	10.02	S03°06'49"W
L2	20.03	S03°06'49"W
L3	793.59	S89°58'32"W
L4	1200.08	S00°08'06"E
L5	20.00	S89°51'54"W
L6	1220.12	N00°08'06"W
L7	814.72	N89°58'32"E

SCALE: 1" = 100'

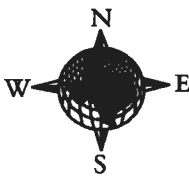
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08/20/12
GEORG R. LARDIZABAL, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6051

EXHIBIT OF
PROPOSED 20' UTILITY EASEMENT
RALPH HUBBARD SURVEY
ABSTRACT NO. 383 HARRIS COUNTY, TX



GGC SURVEY, PLLC
TEL. (832)729-7256
4419 Zimmerly Court
Sugar Land, Texas 77479 D.D.

REPLAT CROFOOT FARMS
FILM CODE NO. 630283, H.C.M.R.

LOT 1

LOT 2

FND 3/8" I.R.
15.00' FND 3/8" I.R.
50.00'
60.04'
142.10'

P.O.B.

L6

2

PROPOSED 10' RIGHT-OF-WAY

PROPOSED 10' & 15' RIGHT-OF-WAY
AREA=0.6107 ACRE (26,602 SQ. FT.)

LOT 2

LOT 1

NEAL ROAD (30' R.O.W.) VOL. 2, PG. 65, H.C.M.R.

PROPOSED 15' RIGHT-OF-WAY

LOT 15

5

3

CALLED 27.3005 ACRES
 THOMAS G. CROFOOT &
 JANICE CROFOOT
 H.C.C.F. NO. S141971,

LINE TABLE		
LINE	LENGTH	BEARING
L1	10.02	S03°06'49"W
L2	814.72	S89°58'32"W
L3	1220.12	S00°08'06"E
L4	15.00	S89°51'54"W
L5	1230.15	N00°08'06"W
L6	830.29	N89°58'32"E

SCALE: 1" = 100'

LOT 21

**TOMBALL OUTLOTS
VOL. 2, PG. 65, H.C.M.R.**

LOT 27

NOTES:

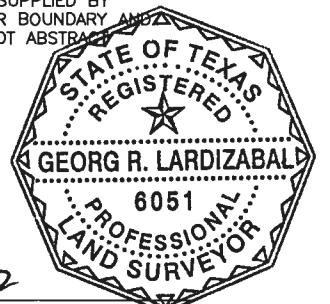
1. BEARINGS BASED ON REPLAT CROFOOT FARMS FILM CODE NO. 630283,
H.C.M.R..

2. SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY. THERE MAY BE EASEMENTS, BUILDING LINES AND OTHER MATTERS OF RECORD NOT SHOWN HEREON.

THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF THE CURRENT PARTIES AND THAT NO LICENSE HAS BEEN CREATED, EXPRESS OR IMPLIED, TO COPY THE SURVEY EXCEPT AS IS NECESSARY IN CONJUNCTION WITH THE ORIGINAL TRANSACTION.

CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY SHOWING ANY IMPROVEMENTS, FROM LEGAL DESCRIPTIONS SUPPLIED BY CLIENT. THIS SURVEY IS ONLY CERTIFIED FOR BOUNDARY AND THIS TRANSACTION ONLY. SURVEYOR DID NOT ABSTAIN FROM PROPERTY.



GEORG R. LARDIZABAL, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6051

LOT 1

REPLAT CROFOOT FARMS
FILM CODE NO. 630283, H.C.M.R.

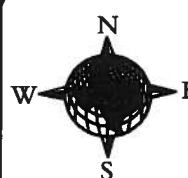
LOT 2

FND 3/8" I.R.

\$0.04'

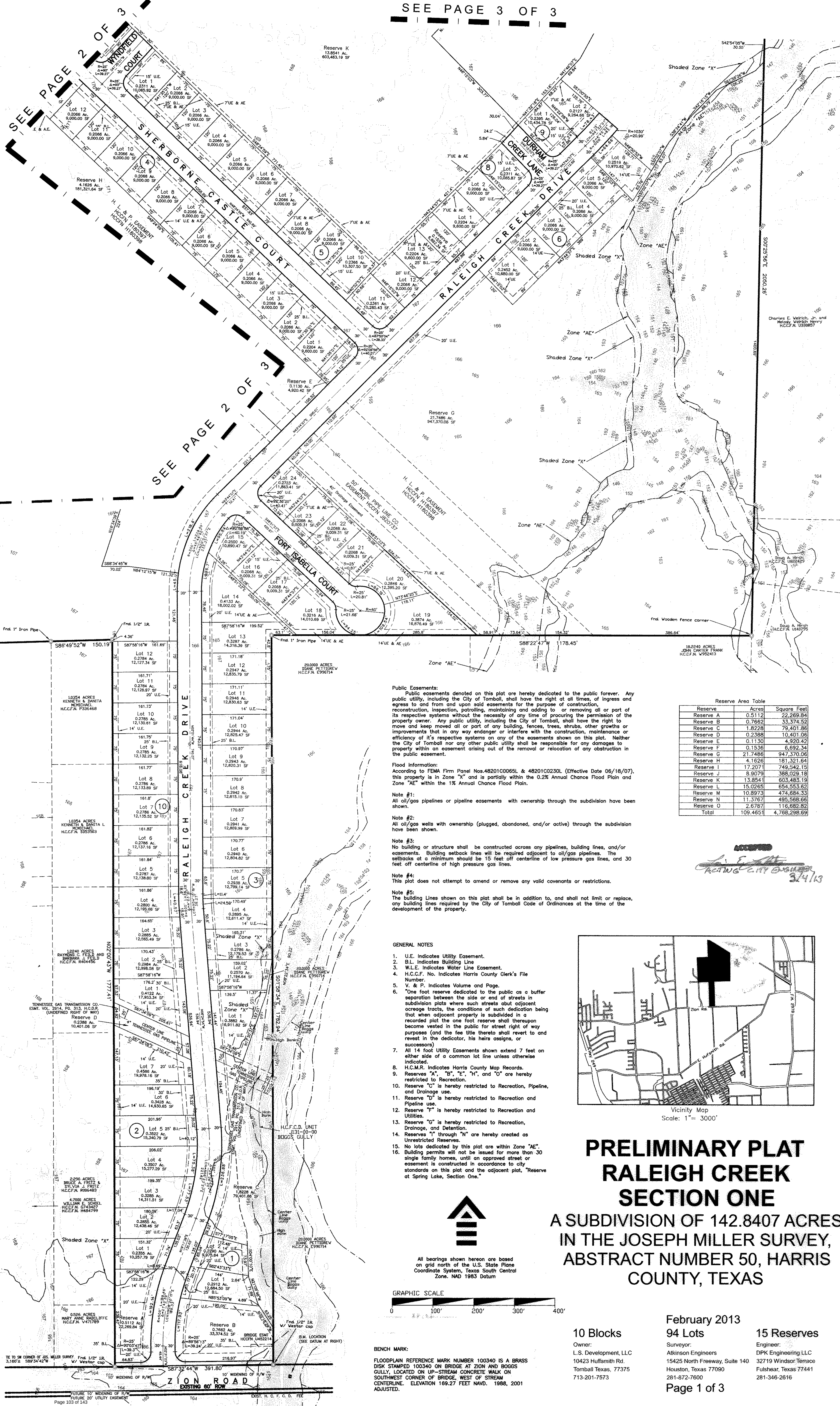
50.00

0' FND 3/8" I.R.



GGC SURVEY, PLLC

TEL. (832)729-7256
4419 Zimmerly Court
Sugar Land, Texas 77479 D.D.



PRELIMINARY PLAT RALEIGH CREEK SECTION ONE

A SUBDIVISION OF 142.8407 ACRES
IN THE JOSEPH MILLER SURVEY,
ABSTRACT NUMBER 50, HARRIS
COUNTY, TEXAS

February 2013

94 Lots

15 Reserves

Owner:
L.S. Development, LLC
10423 Hulthsmith Rd.
Tomball, Texas 77075
713-201-7673

Surveyor:
Atkinson Engineers
15425 North Freeway, Suite 140
Houston, Texas 77090
281-872-7600

Engineer:
DPK Engineering, LLC
32719 Windsor Terrace
Fulshear, Texas 77441
281-346-2616

Page 1 of 3

PRELIMINARY PLAT
RALEIGH CREEK
SECTION ONE

A SUBDIVISION OF 142.8407 ACRES
IN THE JOSEPH MILLER SURVEY,
ABSTRACT NUMBER 50, HARRIS
COUNTY, TEXAS

10 Blocks

Owner:
L.S. Development, LLC
10423 Huffsmith Rd.
Tomball Texas, 77375
713-201-7573

February 2013

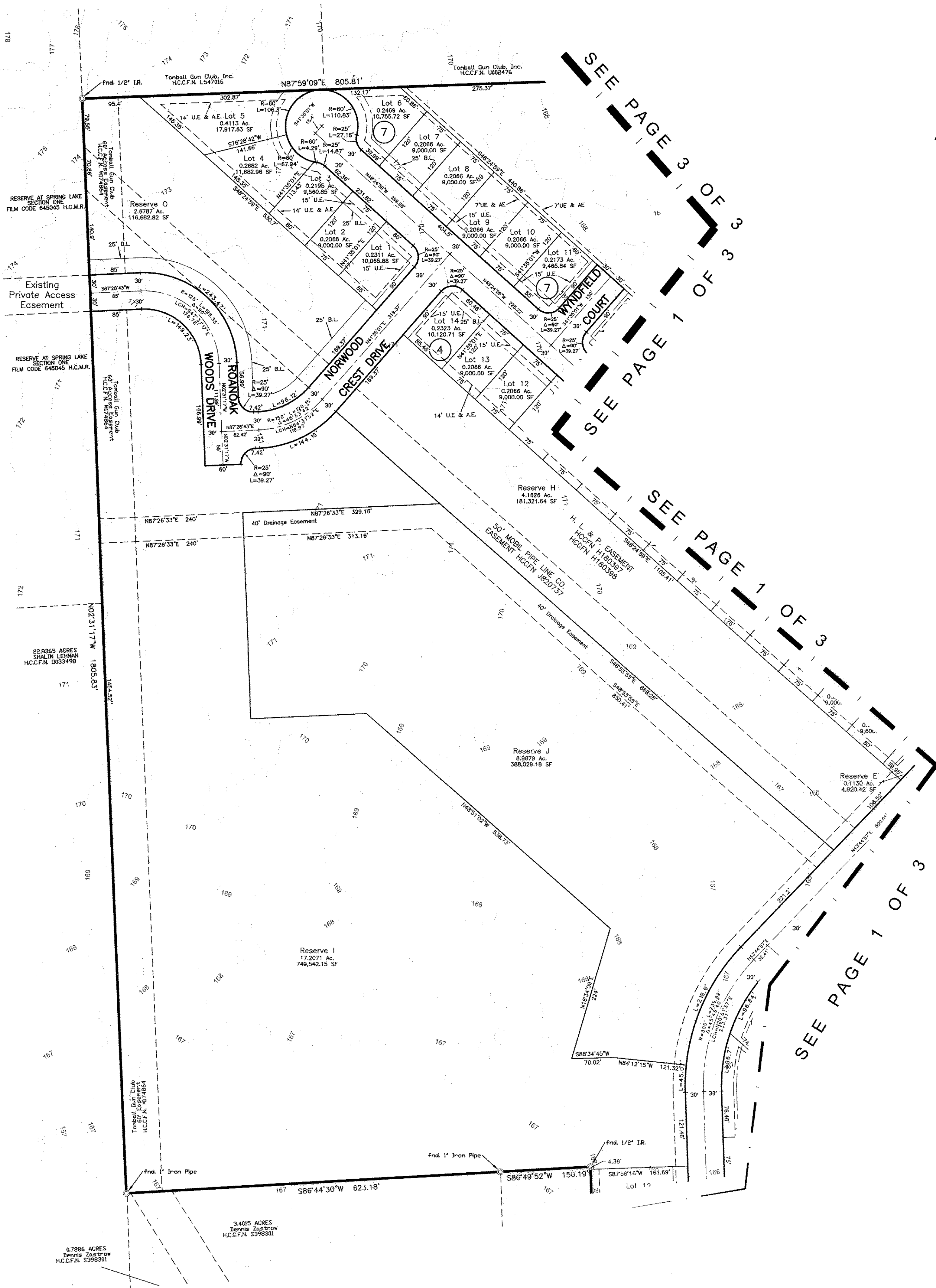
94 Lots

Surveyor:
Atkinson Engineers
15425 North Freeway, Suite 140
Houston, Texas 77090
281-872-7600

15 Reserves

Engineer:
DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
281-346-2616

Page 2 of 3



THE STATE OF TEXAS
COUNTY OF HARRIS

WE, L. S. DEVELOPMENT, LLC., acting by and through, JIM SPURLIN, President and ALISON SPURLIN, Secretary, being officers of L. S. DEVELOPMENT, LLC., hereinafter referred to as owners of the 142.8635 Acre Tract described in the above and foregoing plat of RALEIGH CREEK, SECTION ONE, 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.

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 opening area of sufficient size to permit the free flow of water without backwater and in no instance have 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 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, ravines, draws, sloughs, or other natural drainage courses located and depicted upon 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.

L. S. DEVELOPMENT, LLC.

IN TESTIMONY WHEREOF, L. S. DEVELOPMENT, LLC., has caused these presents to be signed by JIM SPURLIN, its President, thereunto authorized, attested by its Secretary, ALISON SPURLIN, and its common seal hereunto affixed this _____ day of _____, 20____.

By: _____ JIM SPURLIN, President By: _____ ALISON SPURLIN, Secretary

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared JIM SPURLIN and ALISON SPURLIN, President and Secretary respectively of L. S. Development, LLC., 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, and as the act and deed of said Corporation.

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

Notary Public In and For the State of Texas
My Commission Expires: _____

I, Neil M. Atkinson, 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 rods having an outside diameter of not less than three-quarter inch (3/4") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

Neil M. Atkinson
Registered Professional Land Surveyor
Texas Registration No. 5897

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of RALEIGH CREEK, SECTION ONE 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 _____, 20____.

By: _____ Lori Wallace
Chairman

By: _____ Evelyn Chervenak
Vice Chairman

ACTING CITY ENGINEER
3/4/13

I, Neil M. Atkinson, do hereby certify that all existing encumbrances, such as various types of easements both public and private, fee strips, and all significant topographical features which would affect the physical development of the property illustrated on this plat are accurately identified and located and further certify that this plat represents all of the contiguous land which the owner owns or has a legal interest in, except the additional land to the North and west that was shown on the overall preliminary plat.

Neil M. Atkinson
Registered Professional Land Surveyor No. 5897

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.

By: _____ George Shackelford
City Manager By: _____ Lori Lakatos, P.E.
Acting City Engineer

This is to certify that the City accepts the Planning 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 _____, 20____.

By: _____ Gretchen Fagan
Mayor By: _____ Doris Speer
City Secretary

I, Stan Stanart, County Clerk of Harris County, Texas, do hereby certify that the within instrument with it's certificate of authentication was filed for registration in my office on _____ 20____ at _____ o'clock _____, and duly recorded on _____ 20____, at _____ o'clock _____, and under film code number _____ of the map records of Harris County for said County.

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

Stan Stanart
County Clerk of
Harris County, Texas

By: _____ Deputy

PRELIMINARY PLAT
RALEIGH CREEK
SECTION ONE

A SUBDIVISION OF 142.8407 ACRES
IN THE JOSEPH MILLER SURVEY,
ABSTRACT NUMBER 50, HARRIS
COUNTY, TEXAS

10 Blocks

Owner:
L.S. Development, LLC
10423 Huffsmith Rd.
Tomball, Texas, 77375
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February 2013
94 Lots

Surveyor:
Atkinson Engineers
15425 North Freeway, Suite 140
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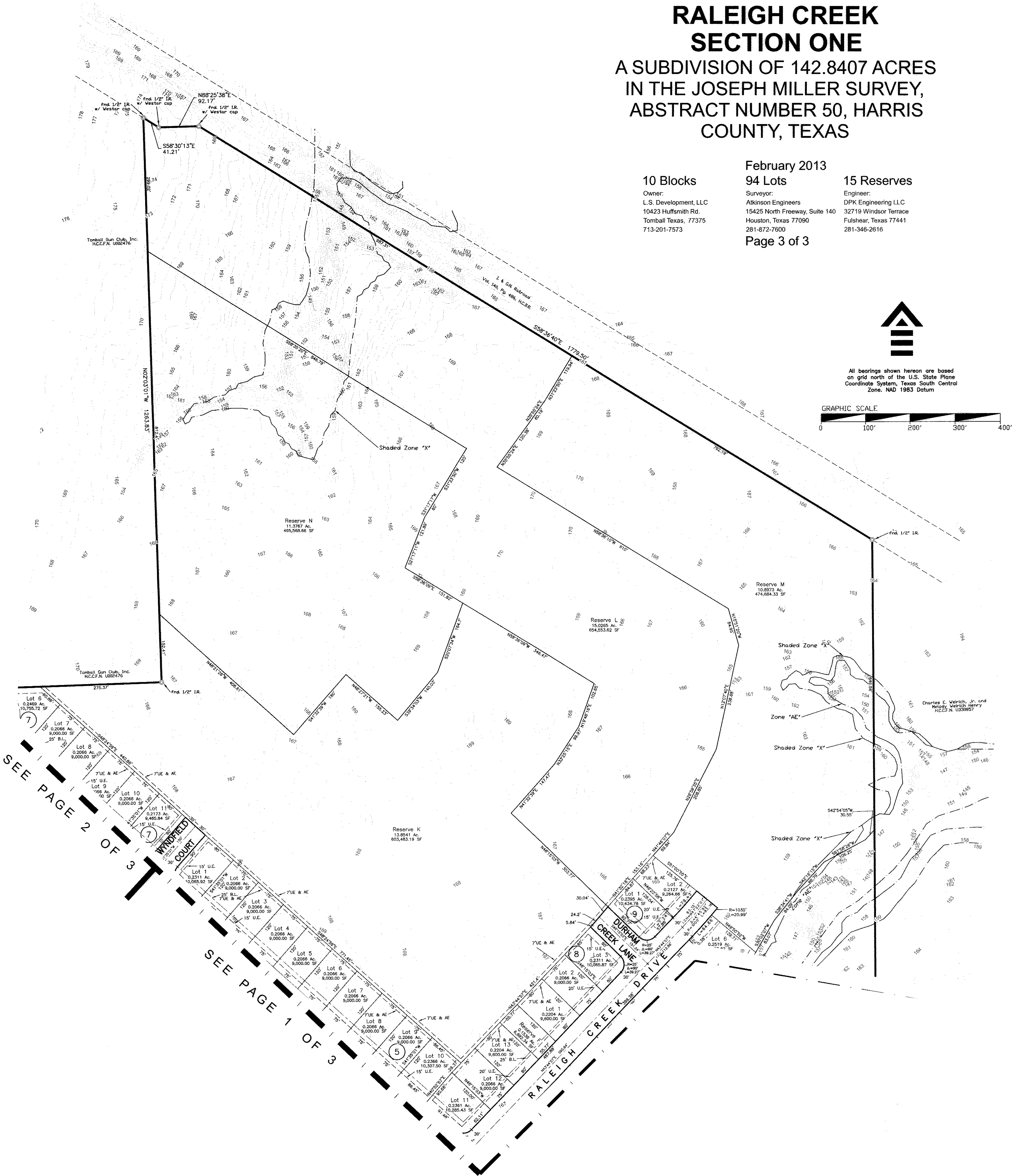
15 Reserves

Engineer:
DPK Engineering LLC
32719 Windsor Terrace
Fulshear, Texas 77441
281-346-2616

Page 3 of 3



All bearings shown hereon are based
on grid north of the U.S. State Plane
Coordinate System, Texas South Central
Zone, NAD 1983 Datum



REGISTERED
Professional Engineer
3/14/13

Regular City Council

Agenda Item

Meeting Date: May 20, 2013

Data Sheet

Topic:

Consideration to approve **ZONING CASE P13-045**: Request by Kyle Phenix, on behalf of LAR Properties, LC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 10.95 acres of land, legally described as Reserve E, Block 1, Leslies Park, within the City of Tomball, Harris County, Texas, generally located northerly of Brown Road, easterly of Quinn Road, from the Single-Family Residential-9 District to the Planned Development-4 District to facilitate a single-family subdivision.

- Conduct a Public Hearing on **ZONING CASE P13-045**
- Adopt on First Reading, Ordinance 2013-09, an Ordinance of The City of Tomball, Texas, Amending its Comprehensive Zoning Ordinance, by Approving a Planned Development District ("PDD") of Approximately 10.95 Acres of Land, Legally Described as Reserve E, Block 1, Leslies Park, Within the City of Tomball, Harris County, Texas; Amending the Official Zoning Map of the City to Reflect the PD to be known as Planned Development District #4 (PD-4); Adopting a Land Use Plan and Regulations Applicable to PD-4; 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 March 7, 2013, City staff met with the applicant, Kyle Phenix, to discuss the development of an upscale, gated single-family subdivision at the northeast corner of Brown Road and Quinn Road. According to the concept plan, the subdivision will consist of 40 residential lots, an amenity area, sidewalks, and curb and gutter streets (Exhibit "D"). The applicant indicated his desire to develop on lots 50 feet wide, 110 feet deep, and 6,500 square feet in area to meet builder demands for this area. City staff then informed Mr. Phenix that the property is zoned SF-9 which requires lots to be a minimum of 75 feet wide, 100 feet deep, and 9,000 square feet in area which is larger than his proposal. Mr. Phenix was informed that he could request variances from the Board of Adjustment for the lot width, depth, and area requirements, request a rezoning to the SF-6 district which would allow his desired lot sizes, or request a Planned Development District (PDD) in order to be able to develop the site utilizing design standards consistent with his particular housing product. On March 27, 2013, the City received a PDD application from Mr. Phenix for the subject site.

Origination:

Kyle Phenix, on behalf of LAR Properties, LC

Recommendation:

Approval

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Ordinance 2013-09

Notice of Public Hearing

Property Owner Notification Letter

P13-045 Staff Report

ORDINANCE NO. 2013-09

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE, BY APPROVING A PLANNED DEVELOPMENT DISTRICT (“PDD”) OF APPROXIMATELY 10.95 ACRES OF LAND, LEGALLY DESCRIBED AS RESERVE E, BLOCK 1, LESLIES PARK, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT THE PD TO BE KNOWN AS PLANNED DEVELOPMENT DISTRICT #4 (PD-4); ADOPTING A LAND USE PLAN AND REGULATIONS APPLICABLE TO PD-4; 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, LAR Properties, LC, (the “Owner”) is the Owner of 10.95 acres of land, legally described as Reserve E, Block 1, Leslies Park (the “Property”), in the City of Tomball, Harris County, Texas; and

Whereas, Kyle Phenix (the “Applicant”) has submitted an application for a PDD on behalf of the Owner; and

Whereas, the Property is presently zoned as Single-Family Residential-9 District (SF-9) District pursuant to the City’s Zoning Ordinance; and

Whereas, the Applicant attended a pre-application meeting on March 7, 2013; and

Whereas, the Owner has presented an application to the City for a PDD to allow the construction, operation, and use of a single-family subdivision; and

Whereas, the PDD application consists of an application (Exhibit “A”); a cover letter (Exhibit “B”); and concept plan (Exhibit “C”) attached to and made a part of this Ordinance; and

Whereas, the Property is not subject to any indebtedness to the City of Tomball; 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 written notice of that hearing 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 rezoning; and

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

Whereas, the Planning & Zoning Commission recommended in its final report that City Council grant such proposed change in the zoning district classification of the Property; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing on the proposal to change the zoning district classification for the Property from the SF-9 District to PD-4, the City Council held the public hearing on the proposal to change the zoning for the Property and the City Council considered the final report of the Planning & Zoning Commission regarding the change of zoning district classification, and

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 application of LAR Properties, LC for a PDD of 10.95 acres of land, legally described as Reserve E, Block 1, Leslies Park, is hereby approved subject to the regulations, restrictions, terms, and conditions hereinafter set forth.

Section 3. The Zoning District Map of the City of Tomball, Texas, shall be revised and amended to show the designation of the Property as PD-4 as provided in the preamble hereof, 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, save and except the change in zoning classification for the Property provided herein subject to the regulations, restrictions, terms, and conditions of the PD provided for herein.

Section 5. PD-4 will be limited to single-family (detached) dwellings and residential amenities.

Section 6. The uses authorized and permitted shall be subject to the following additional restrictions:

A. **Compliance with Application and Site Plans:** The granting of the PD shall be, and is hereby, conditioned upon the proposed improvements being located, constructed, and conducted upon the Property in substantial compliance with the application (Exhibit "A"), cover letter (Exhibit "B"), concept plan (Exhibit "C") made a part hereof for all purposes.

B. **Maximum Height Regulations:**

1. Main Building/House: 2 stories, not to exceed 35 feet

2. Accessory Building(s): 1 stories, not to exceed 15 feet

C. Area:

1. Size of Lots:

- a. Minimum Lot Area: 6,500 square feet

- b. Minimum Lot Width: 50 feet. Radial lots shall have a minimum width of 60 feet at and for a distance of 30 feet behind the front yard/building line. No lot shall be created that has a front yard with less than 30 feet of frontage on the front.

- c. Minimum Lot Depth: 110 feet

2. Front, Side, and Rear Building/Structure Setbacks:

- a. Minimum Front Yard:

1. 20 feet
 2. Adjacent to Arterial Street: 35 feet

- b. Minimum Side Yard:

1. Interior: 5 feet
 2. Adjacent to Non-Arterial Street: 15 feet
 3. Adjacent to Arterial Street: 35 feet

- c. Minimum Rear Yard:

1. 10 feet
 2. Adjacent to Arterial Street: 35 feet

3. Maximum Lot Coverage: 55%

4. Minimum Floor Area Per Dwelling Unit: 1,200 square feet of heated and/or air-conditioned floor area.

D. Off-Street Parking:

1. Each single-family (detached) dwelling shall provide two on-site, off-street parking stalls per Section 38 (Use Regulations) of the Zoning Ordinance and shall be constructed per Section 39 (Off-Street Parking and Loading Requirements) of the Zoning Ordinance.
2. The residential amenity area shall provide a minimum of four on-site, off-street parking stalls and shall be constructed per Section 39 (Off-Street Parking and Loading Requirements) of the Zoning Ordinance.

E. Landscaping:

1. Lots with single-family (detached) dwellings shall not be required to adhere to Section 40 (“Landscape Requirements”) of the Zoning Ordinance.
2. The residential amenity area shall be required to adhere to Section 40 (“Landscape Requirements”) of the Zoning Ordinance.

F. Open Green Space: At least 15% of the gross PDD area shall be “open green space.” For the purpose of this ordinance, “open green space” shall be defined as, and limited to, common areas of open space or landscaping and community recreational areas that are continuously maintained. Open green space does not include areas or lots specifically designated or used as building sites for homes, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a residential development. The actual surface areas of open green space, such as common area lawns and landscaping, community swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space. Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, maybe included in computing the minimum required area of green space.

G. Accessory Buildings: Accessory buildings shall adhere to Section 41 (Accessory Buildings and Related Use Regulations) of the Zoning Ordinance.

H. Screening, Buffering, and Fencing: Screening, buffering, and fencing shall adhere to Section 42 (Screening, Buffering, and Fencing Requirements) of the Zoning Ordinance.

I. Signage: All signage shall adhere to Chapter 60 (Signs) of the Code of Ordinances.

J. Other Requirements:

1. Only portions of the PDD which have immediate plans to be developed shall be cleared of trees, shrubs, or other vegetation.
2. Amenities: The residential amenity area shall be fully constructed before site plan approval shall be granted for the 11th single-family (detached) dwelling unit.

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 the City 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.

Section 9. City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Tex.Gov't. Code ch. 551.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF MAY 2013.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 3RD DAY OF JUNE 2013.

COUNCILMAN HUDGENS	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN DODSON	_____

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Exhibit "A"

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: KYLE PHENIX Title: _____
Mailing Address: 2051 COPPERWOOD PARK LN. City: SPRING State: TX
Zip: 77386
Phone: (281) 733-6196 Fax: (281) 855-8055 Email: KYLE.PHENIX@GMAIL.COM

Owner

Name: LAR PROPERTIES, LC Title: _____
Mailing Address: P.O. BOX 2024 City: FRIENDSWOOD State: TX
Zip: 77549
Phone: () _____ Fax: () _____ Email: _____

FUTURE OWNERS: K. KERRY EMMOTT & KYLE PHENIX
Engineer/Surveyor (if applicable)

Name: JOHN K. SHERRINGTON, P.E. Title: _____
Mailing Address: 14870 SKINNER RD. City: CYPRESS State: TX
Zip: 77429
Phone: (281) 758-1531 Fax: (281) 758-1534 Email: JOHN@SHERRINGTONINC.COM

Description of Proposed Project: UPSCALE GATED SINGLE-FAMILY RESIDENTIAL DEVELOPMENT, HOMES BY DAVID WEEKLEY HOMES.

Physical Location of Property: NORTHEAST CORNER OF QUINN RD. & BROWN HURSMITH RD.

[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Reserve E, Block 1 of LESLIES PARK
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 119-522-001-0005 Acreage: 10.9454

Current Use of Property: UNDEVELOPED

Proposed Use of Property: PLANNED DEVELOPMENT CONSISTING OF UPSCALE
SINGLE FAMILY RESIDENTIAL HOMES BUILT BY DAVID WEEKLEY IN GATED
Please note: A courtesy notification sign will be placed on the subject property during the public SUBDIVISION
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.


Signature of Applicant

03/28/2013
Date

X 
Signature of Owner

3/28/2013
Date

Exhibit "B"
Cover Letter

04/02/2013

City of Tomball, Planning and Development Department:

This letter, accompanied by the appropriate application and additional requirements, represents a formal request for a planned development of the tract of land described within the application. The proposed use of this land will be an upscale gated residential subdivision containing homes designed and built by David Weekley Homes. We feel that this residential development will be a great addition to Tomball and is consistent with the City's vision of future growth.

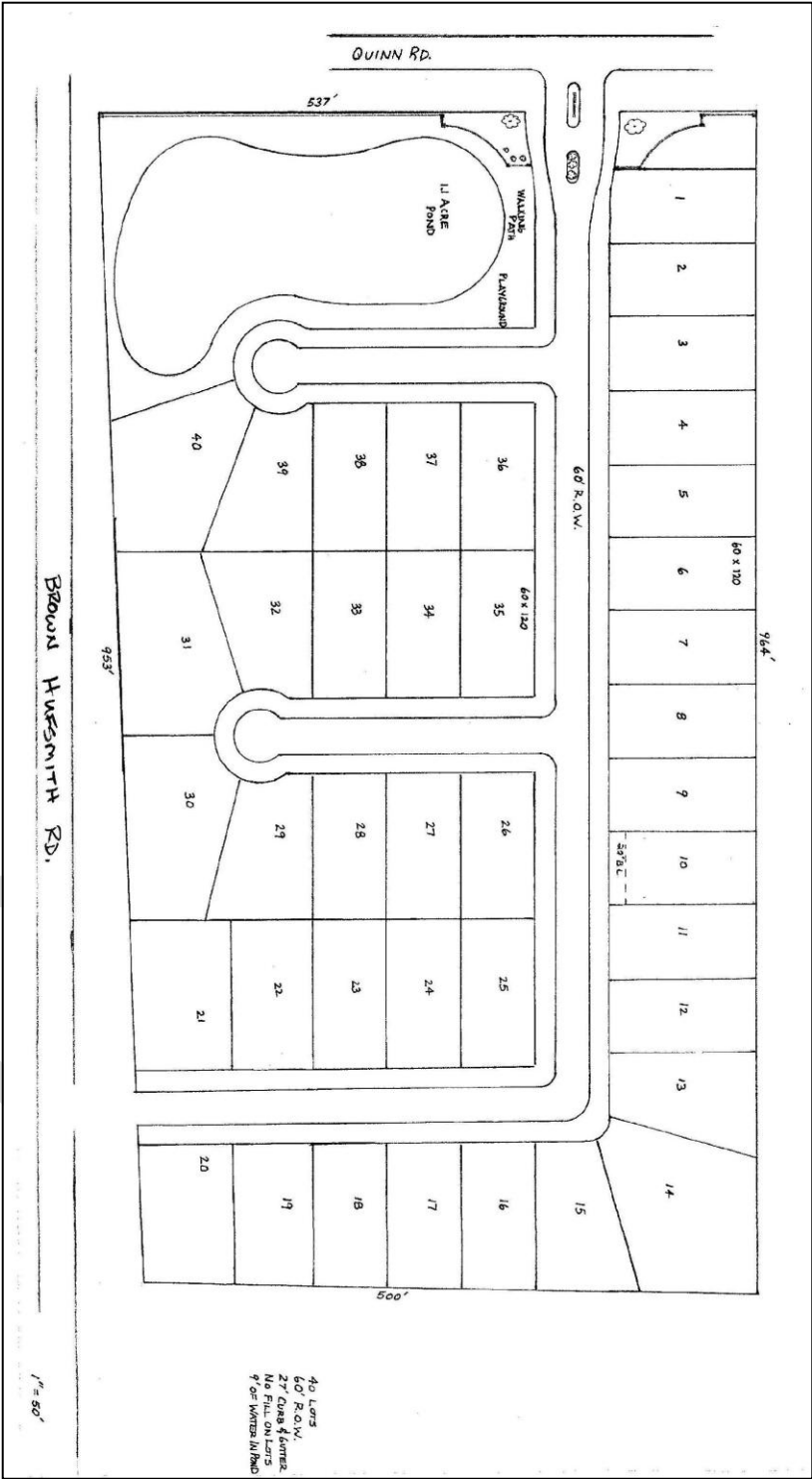
The proposed planned development of this property will allow us to efficiently develop the land to its best use by providing the City of Tomball with an aesthetically appealing gated subdivision, a quality product for new and existing residents, and a new revenue source for the City. The superior design intended for this planned development will also provide increased recreational amenities and open space opportunities including water features, walking paths, jogging trails, observation benches, children's playground and protected green space.

Being former residents of Tomball gives us a perspective and emotional attachment towards the community. We share the common goal of positive growth with the City of Tomball and want to contribute to the overall success of the community. Thank you for your time and consideration towards our planned development request.

Sincerely,

K. Kerry Emmott & Kyle Phenix

Exhibit "C" Concept Plan



**NOTICE OF PUBLIC HEARINGS
CITY OF TOMBALL
PLANNING & ZONING COMMISSION
MAY 13, 2013
&
CITY COUNCIL
MAY 20, 2013**



Notice is Hereby Given that Public Hearings will be held by the Planning & Zoning Commission of the City of Tomball on **Monday, May 13, 2013, at 6:00 P.M.**, and by the City Council of the City of Tomball on **Monday, May 20, 2013, at 6:00 P.M.** at Regular Meetings, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such dates, the Planning & Zoning Commission and City Council will consider the following:

ZONING CASE P13-045: Request by Kyle Phenix, on behalf of LAR Properties, LC, to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 10.95 acres of land, legally described as Reserve E, Block 1, Leslies Park, within the City of Tomball, Harris County, Texas, generally located northerly of Brown Road, easterly of Quinn Road, from the Single-Family Residential-9 District to the Planned Development - 4 District to facilitate a single-family subdivision.

Persons interested in these cases will be given an opportunity to be heard. Action by the Planning & Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Should the Planning & Zoning Commission vote to table a decision/recommendation on one or more of the above cases, the date and time of a future meeting will be specified and the City Council will not review the subject case until such a decision/recommendation is forwarded to the City Council by the Planning & Zoning Commission. The application is available for public inspection Monday through Friday, holidays excepted, between the hours of 8:00 a.m. and 5:00 p.m. in the Engineering & Planning Department office, located at 501 James Street, Tomball, TX 77375. **Contact Assistant City Planner** Rodney Schmidt, (281) 290-1410, rschmidt@tomballtx.gov.

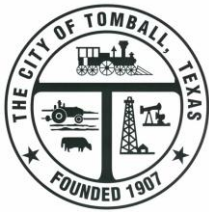
CERTIFICATION

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 9th day of May 2013 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Brandy Pate

Brandy Pate
Senior Administrative Assistant
P&Z Commission Secretary

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.



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: P13-045

APPLICANT: Kyle Phenix, on behalf of LAR Properties, LC

LOCATION: Northerly of Brown Road, easterly of Quinn Road

PROPOSAL: Request to amend the City's Comprehensive Zoning Ordinance by rezoning approximately 10.95 acres of land, legally described as Reserve E, Block 1, Leslie's Park, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-9 District to the Planned Development - 4 District to facilitate a single-family subdivision.

* * *

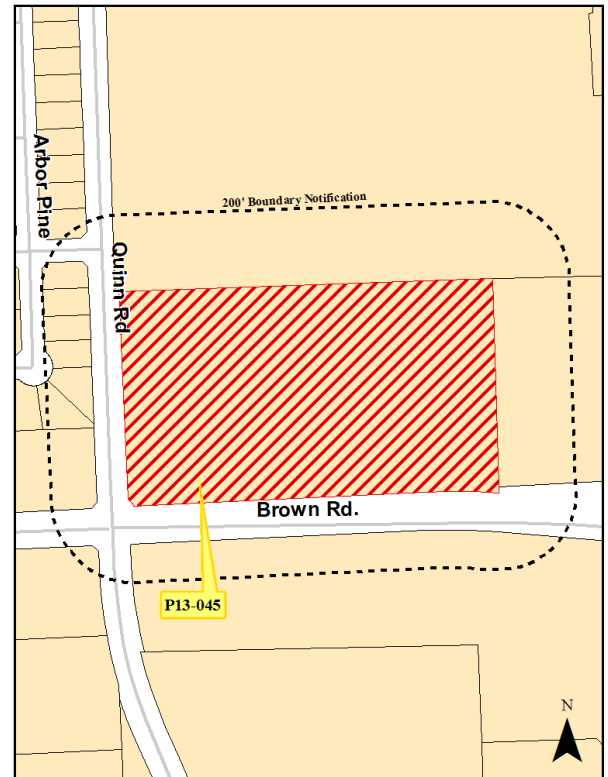
CONTACT: Rodney Schmidt

PHONE: (281) 290-1410

E-MAIL: rschmidt@tomballtx.gov

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public inspection Monday through Friday, holidays excepted, 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.

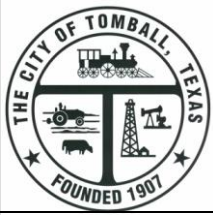


**Planning & Zoning Commission
Public Hearing:
Monday, May 13, 2013, 6:00 PM**

**City Council Public Hearing:
*Monday, May 20, 2013, 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: May 13, 2013

Rezoning Case: P13-045

Property Owner(s): LAR Properties, LC

Applicant: Kyle Phenix

Legal Description: Reserve E, Block 1, Leslie Park

Location: Northerly of Brown Road, easterly of Quinn Road (Exhibit "A")

Area: 10.95 acres

Present Zoning and Use: Single-Family Residential-9 (SF-9) District (Exhibit "B") / Vacant

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

Proposed Zoning and Use: Planned Development District #4 / Single-Family Residential Subdivision

Adjacent Zoning & Land Uses:

North: SF-9 / Tomball Independent School District (TISD) transportation facility

South: SF-6 / Brown Road, vacant land, & Tomball Elementary School

West: SF-9 & PD-1 ("Office w/Residential Look") / Quinn Road & Springwood subdivision

East: SF-9 / Vacant

BACKGROUND

On March 7, 2013, City staff met with the applicant, Kyle Phenix, to discuss the development of an upscale gated single-family subdivision at the northeast corner of Brown Road and Quinn Road. According to the concept plan, the subdivision will consist of 40 residential lots, an amenity area, sidewalks, and curb and gutter streets (Exhibit "D"). The applicant indicated his desire to develop on lots 50 feet wide, 110 feet deep, and 6,500 square feet in area to meet builder demands for this area. City staff then informed Mr. Phenix that the property is zoned SF-9 which requires lots to be a minimum of 75 feet wide, 100 feet deep, and 9,000 square feet in area which is larger than his proposal. Mr. Phenix was informed that he could request variances from the Board of Adjustment for the lot width, depth, and area requirements, request a rezoning to the SF-6 district which would allow his desired lots size, or request a planned development district (PDD).

On March 27, 2013, the City received a PDD (Exhibit “E”) application from Mr. Phenix for the subject site.

ANALYSIS

There are a number of land uses in the area. To the north of the subject site is a TISD transportation facility; to the south is Brown Road, vacant land, and Tomball Elementary School; to the west is Quinn Road and Springwood subdivision; and to the east is vacant land (Exhibit “F”). The proposed residential subdivision appears to be compatible with the surrounding land uses.

There are a number of zoning districts in the area. To the north of the subject site is the SF-9 district; to the south is the SF-6 district; to the west are the SF-9 and PD-1 (“Office w/Residential Look”) districts; and to the east is the SF-9 district. A Planned Development District “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.” The single-family residential PDD appears to be compatible with the surrounding zoning districts.

The Comprehensive Plan’s FLU map identifies the site as “Medium Density Residential.” The CP states, “Medium Density Residential (2.19 to 7.26 du/ac) includes suburban-type development that is intended to be single family detached residential development. Residential lots sizes range from 6,000 and 20,000 square feet.” The proposed rezoning appears to be consistent with the CP.

The future development of this site will require the applicant to comply with the City’s platting requirements as well as the use and area regulations outlined in the Zoning Ordinance and PDD ordinance. A site plan application, which requires civil drawings, including all proposed grading, paving, drainage, and utility plans, building elevations, and landscape plans are required to be submitted and approved by the City of Tomball prior to a building permit application submittal.

ZONING CONSIDERATIONS

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

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

There are a number of land uses in the area. To the north of the subject site is a TISD transportation facility; to the south is Brown Road, vacant land, and Tomball Elementary School; to the west is Quinn Road and Springwood subdivision; and to the east is vacant land. The proposed residential subdivision appears to be compatible with the surrounding land uses.

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

The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area.

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

There are no other tracts, vacant or occupied, in the vicinity or elsewhere in the City zoned PDD intended for the same purpose as proposed by the applicant.

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

There has been no development City-wide or within the vicinity in a PDD intended for the same purpose as proposed by the applicant.

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

If the proposed zoning change were approved, there should be few if any affects on other areas designated for similar developments.

- F. 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.

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

According to the CP, rezonings are “to conform to the intended future land use pattern shown on the Future Land Use [FLU] Plan and should occur only when economic, physical, social, and other factors will allow the proposed land use to be developed:

- Within the capacities of existing or funded infrastructure and public facilities and services;
- In a compatible manner with surrounding land uses;
- To standards specified for and appropriate to the proposed land use; and
- In a way that furthers or helps achieve the goals of the Plan.”

The Comprehensive Plan’s FLU map identifies the site as “Medium Density Residential.” The CP states, “Medium Density Residential (2.19 to 7.26 du/ac) includes suburban-type development that is intended to be single family detached

residential development. Residential lots sizes range from 6,000 and 20,000 square feet.” The proposed rezoning appears to be consistent with the CP.

PUBLIC COMMENT

Property owners within 200 feet of the project site were mailed notification of this proposal on May 2, 2013; one public comment form was received from J.M. Rebesch in support of the request (Exhibit “G”).

RECOMMENDATION

1. **APPROVAL** of Zoning Case P13-045 based on the following:
 - a. The proposed rezoning appears to be compatible with the surrounding land uses;
 - b. The proposed rezoning appears to be compatible with the Comprehensive Plan;
 - c. The proposed rezoning appears to be compatible with the surrounding zoning districts;
 - d. The proposed rezoning is not anticipated to negatively impact public schools, streets, water supply, sanitary sewers, or other utilities to the area; and
 - e. There is sufficient utility capacity to service a single-family subdivision at this site.
2. **APPROVAL** of the Staff Report as the Planning & Zoning Commission’s final recommendation to the City Council.

EXHIBITS

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

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map

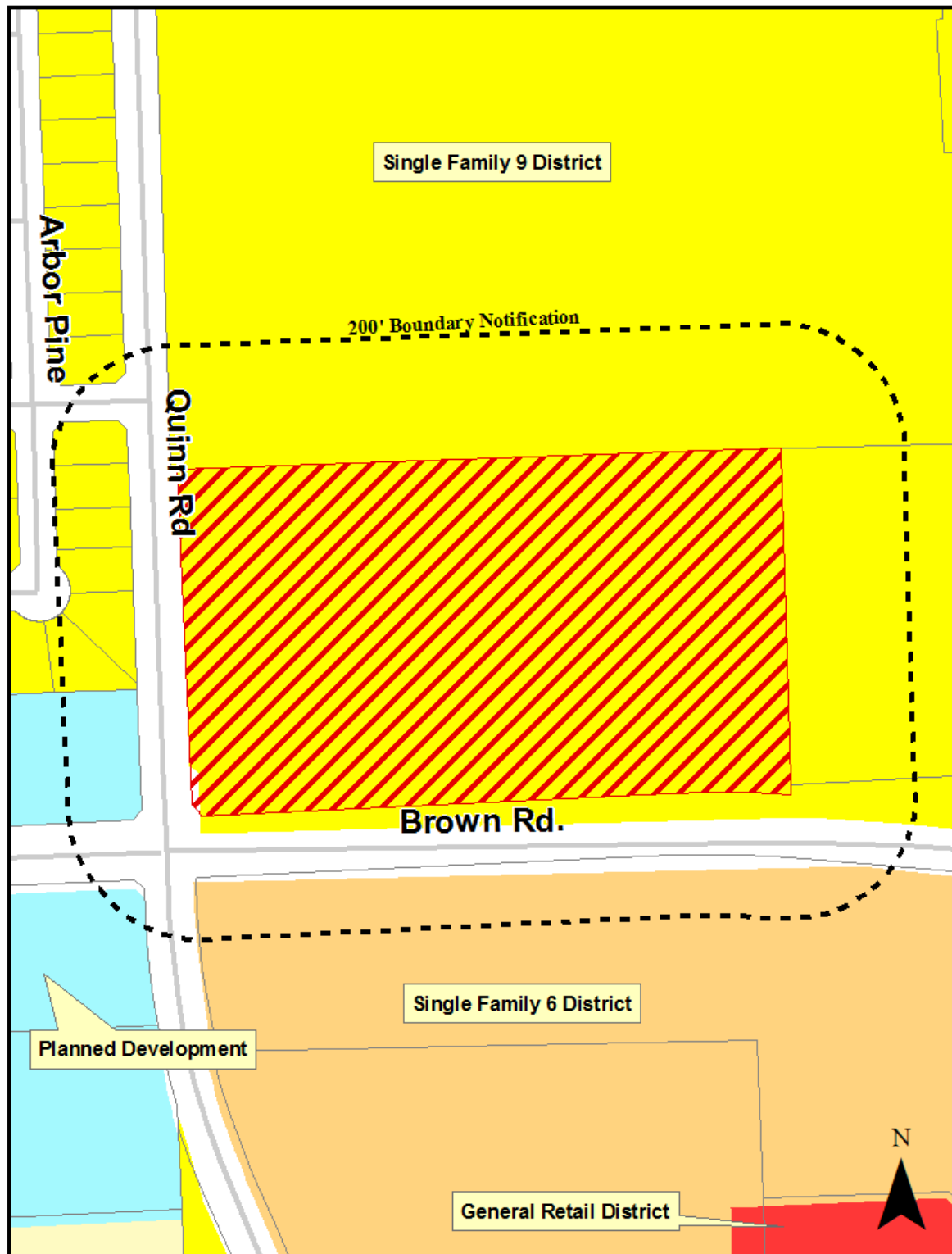


Exhibit "C"
Comprehensive Plan Future Land Use Map

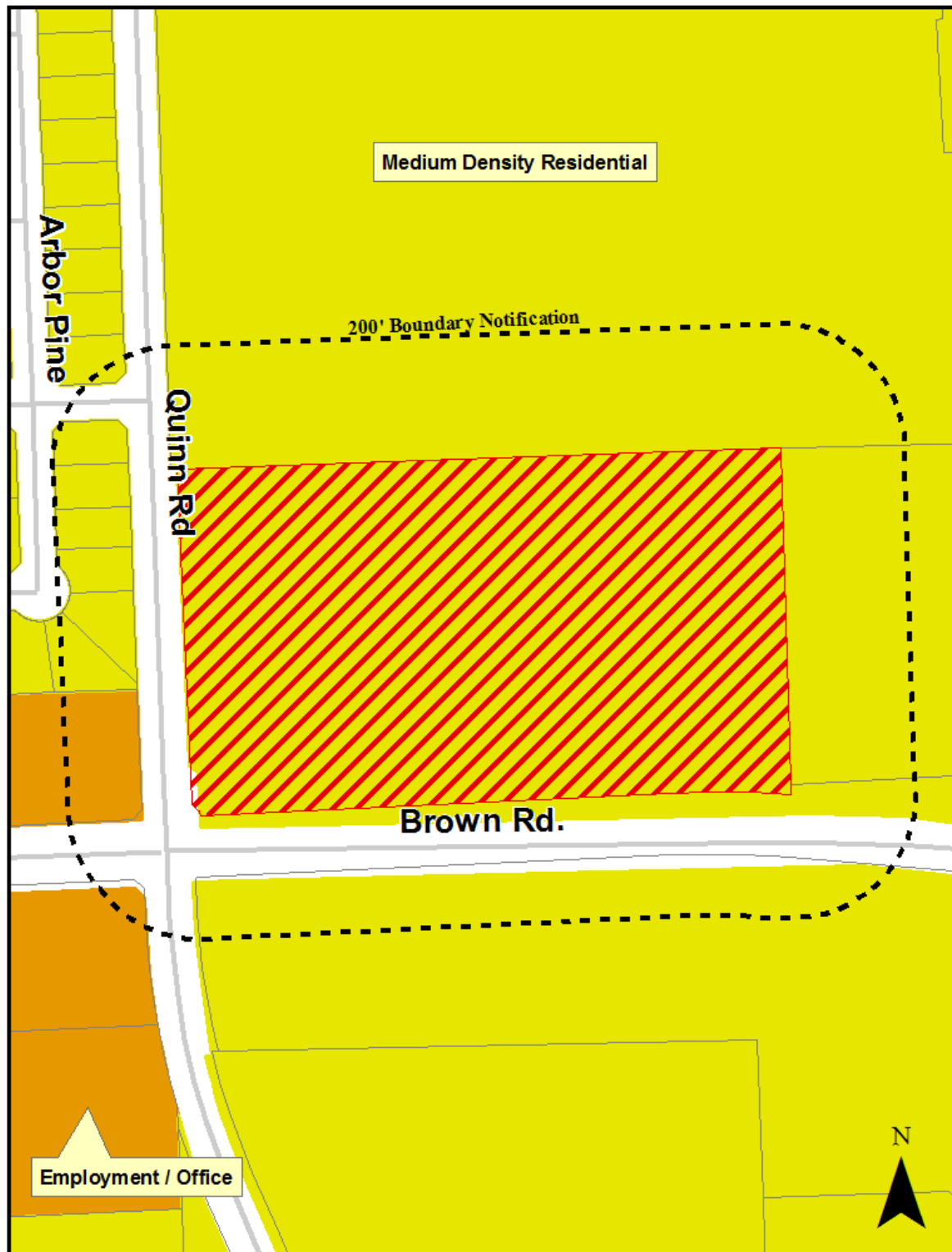


Exhibit "D"
Concept Plan

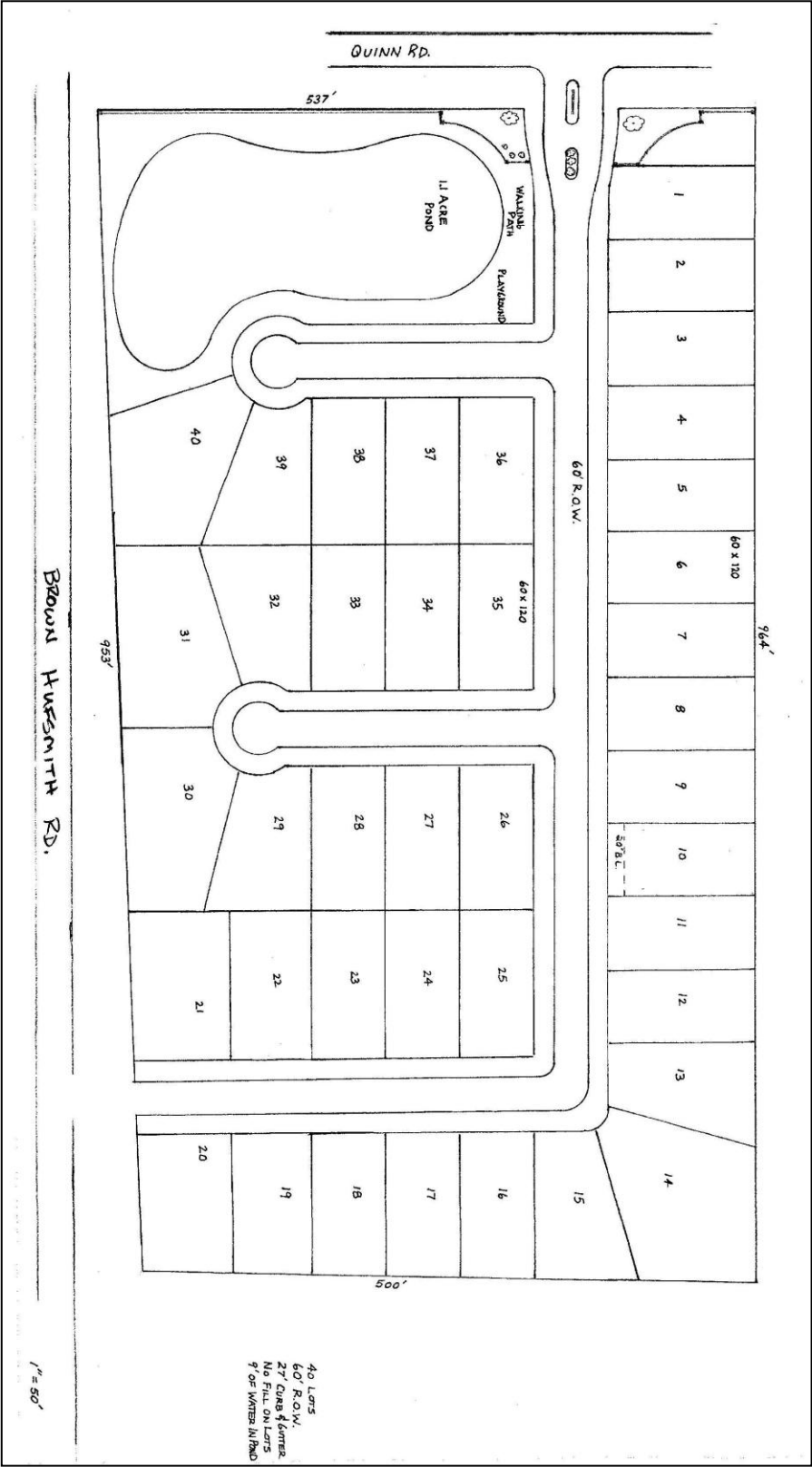


Exhibit "E"
Rezoning Application

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: KYLE PHENIX Title: _____
Mailing Address: 2051 COPPERWOOD PARK LN. City: SPRING State: TX
Zip: 77386
Phone: (281) 733-6196 Fax: (281) 855-8055 Email: KYLE.PHENIX@GMAIL.COM

Owner

Name: LAR PROPERTIES, LC Title: _____
Mailing Address: P.O. BOX 2024 City: FRIENDSWOOD State: TX
Zip: 77549
Phone: () _____ Fax: () _____ Email: _____

FUTURE OWNERS: K. KERRY EMMOTT & KYLE PHENIX
Engineer/Surveyor (if applicable)

Name: JOHN K. SHERRINGTON, P.E. Title: _____
Mailing Address: 14870 SKINNER RD. City: CYPRESS State: TX
Zip: 77429
Phone: (281) 758-1531 Fax: (281) 758-1534 Email: JOHN@SHERRINGTONINC.COM

Description of Proposed Project: UPSCALE GATED SINGLE-FAMILY RESIDENTIAL DEVELOPMENT, HOMES BY DAVID WEEKLEY HOMES.

Physical Location of Property: NORTHEAST CORNER OF QUINN RD. & BROWN HUBSMITH RD.
[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: Reserve E, Block 1 of LESLIES PARK
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 119-522-001-0005 Acreage: 10.9454

Current Use of Property: UNDEVELOPED

Proposed Use of Property: PLANNED DEVELOPMENT CONSISTING OF UPSCALE
SINGLE FAMILY RESIDENTIAL HOMES BUILT BY DAVID WEEKLEY IN GATED
Please note: A courtesy notification sign will be placed on the subject property during the public SUBDIVISION
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.


Signature of Applicant

03/28/2013
Date

X 
Signature of Owner

3/28/2013
Date

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

Development Notes

(Accompanied by the preliminary conceptual land plan design)

Planned residential development proposed at the location of "Reserve E, Block 1 of Leslie's Park", called 10.9454 acres (HCAD account # 119-522-001-0005), consisting of approximately 39 lots intended for upscale single-family homes within a gated subdivision.

Planned Development Regulations:

- **Size of Lots:**
 1. Minimum Lot Area — Six thousand-five hundred (6,500) square feet.
 2. Minimum Lot Width — Fifty feet (50'). Radial lots shall have a minimum width of 60 feet at and for a distance of 30 feet behind the front yard/building line. No lot shall be created that has a front yard with less than 30 feet of frontage on the front.
 3. Minimum Lot Depth — One hundred-ten feet (110').
- **Size of Yards:**
 1. Minimum Front Set Back — Twenty feet (20').
 2. Minimum Side Set Back — Five feet (5').
 3. Minimum Rear Set Back — Ten feet (10').
- **Lot Coverage:**
 1. Maximum Lot Coverage — Fifty-five percent (55%).
- **Size of Buildings:**
 1. Minimum Floor Area per Dwelling Unit — One thousand-two hundred square feet (1,200'). Includes livable heated and/or air-conditioned space only. Does not include porches and garages, covered or enclosed.
 2. Maximum Building Height — Two (2) stories in height or thirty-five feet, whichever is greater, for the main building/house. One (1) story for other accessory buildings, including detached garage, garden shed, gazebo, etc.
- **Landscaping, Open Green Space, Screening Requirements:**
 1. Minimum Landscaping Requirement — N/A for single family residential only development as indicated in section 40.1 and 40.2 D of The City of Tomball's Zoning Ordinance
 2. Minimum Open Green Space Requirement — Fifteen percent (15%). 'Open green space' is defined as, and limited to common areas of open space or landscaping and community recreational areas that are continuously maintained. Open green space does not include areas or lots specifically designated or used as building sites for homes, building sites for utility or storage buildings, parking lots, garages, streets, or driveways within a residential development. The actual surface areas of open green space, such as common area lawns and landscaping, community

swimming pools and surrounding paved deck area, community tennis courts, community rooms, community saunas, and other common recreational areas, shall be considered in calculating the minimum requirement for open green space. Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, maybe included in computing the minimum required area of green space.

3. Minimum Screening Requirement - A fence, wall, or other similar screening device, of not less than six feet (6') nor more than eight feet (8') in height, shall be constructed and maintained along the two sides and the rear of each house; provided, however, no such screening device shall be required adjacent to portions of the development which contain green space, lakes, or natural habitat for a distance of 50 feet or more from such perimeter boundary.

- **Parking and Loading Requirements:**

1. Minimum Off-Street Parking Requirement – For every single-family dwelling unit, a minimum of two (2) off-street parking spaces shall be provided on the same lot as the main structure. This excludes covered garages and covered carports as off-street parking. All required parking area will have a surface equal to that of the street or cement.
2. Loading Space Requirements – No retail or non residential structures will be located within this gated residential development and will not require the required loading zone as described in section 39.4 A in The City of Tomball's Zoning Ordinance.

- **Signage Requirements:**

1. Signage – No retail or non residential structures will be located within this gated residential development and will not require signage regulations.

04/02/2013

City of Tomball, Planning and Development Department:

This letter, accompanied by the appropriate application and additional requirements, represents a formal request for a planned development of the tract of land described within the application. The proposed use of this land will be an upscale gated residential subdivision containing homes designed and built by David Weekley Homes. We feel that this residential development will be a great addition to Tomball and is consistent with the City's vision of future growth.

The proposed planned development of this property will allow us to efficiently develop the land to its best use by providing the City of Tomball with an aesthetically appealing gated subdivision, a quality product for new and existing residents, and a new revenue source for the City. The superior design intended for this planned development will also provide increased recreational amenities and open space opportunities including water features, walking paths, jogging trails, observation benches, children's playground and protected green space.

Being former residents of Tomball gives us a perspective and emotional attachment towards the community. We share the common goal of positive growth with the City of Tomball and want to contribute to the overall success of the community. Thank you for your time and consideration towards our planned development request.

Sincerely,

K. Kerry Emmott & Kyle Phenix

Concerns Regarding Current Zoning District

Our concerns regarding the current zoning district (SF-6) of the property described in this application are as follows:

- Our discussions with numerous home builders (Trendmaker, Darling, David Weekley, Highland, etc.) and their market research suggests that the lot dimensions of 60' x 120' is the ideal lot to fit the type of upscale single family home that will best suite this location. The home builders mentioned above want to build a quality subdivision in Tomball and are interested in that lot size, and feel that it is the best use of that property.
- Due to rising land costs and the costs of development, and being located inside the city limits and outside of a mud district, we are unable to feasibly provide a quality development with the current SF-9 zoning.
- We feel that the current zoning district of SF-9 limits the use of the property by not allowing lot sizes under 9,000 sqft. With rezoning to SF-6, it relieves that limitation and allows more possibilities for lot dimensions and homes. Our included conceptual plan design illustrates lots of 60' x 120' which equals 7,200 sqft, almost a perfect compromise in minimum lot size requirements between SF-9 and SF-6.

Surrounding Zoning Districts

- The property directly south along Brown-Hufsmith is currently zoned SF-6.
- The subdivision of Springwood directly to the east is made up of lots that fit the SF-6 zoning district (60' x 120', or 7,200 sqft lots), although it is currently zoned SF-9.
- The remaining property located within the same square block is comprised of Tomball ISD's bus barn facility, undeveloped land owned by Tomball ISD, and 2 individually owned homes on several acres each. That property is not currently being used as SF-9, and may never be used for that purpose. This is perhaps the ideal time to consider rezoning.

**Exhibit “F”
Site Photos**



Figure 1: Subject site.



Figure 2: TISD transportation facility to the north of subject site.



Figure 3: Brown Road, vacant land, and Tomball Elementary School to the south of subject site.



Figure 4: Quinn Road and Springwood subdivision to the west of subject site.



Figure 5: Undeveloped land to the east of subject site.

Exhibit "G"
Public Comment Form



Public Comment Form

(Please type or use black ink)

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

Please return to:

City of Tomball

Attn: Rodney Schmidt

501 James Street

Tomball, TX 77375

Case number P13-045

Name:

J.M. Rebesch

(please print)

Address:

P.O. Box 2024

Friendswood 77549

Signature:

[Signature]

Date:

5/6/13

X

I am **FOR** the requested rezoning as explained on the attached public notice for Zoning Case P13-045. (Please state reasons below)

I am **AGAINST** the requested rezoning as explained on the attached public notice for Zoning Case P13-045. (Please state reasons below)

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

Monday, May 13, 2013, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

Date, Location & Time of **City Council** meeting:

Monday, May 20, 2013, 6:00 PM

City Council Chambers of the City of Tomball, City Hall

401 Market Street, Tomball, Texas

COMMENTS:

This rezoning could greatly increase the property tax revenues of this property. The new homes that will be developed and built on this site will be an economic benefit to the city.

[Signature] 5/6/13

You may also comment via email to rschmidt@tomballtx.gov.

Please reference the case number in the subject line.

For questions regarding this request please call 281-290-1410.

Regular City Council
Agenda Item
Data Sheet

Meeting Date: May 20, 2013

Topic:

Approve **PARKWAY OASIS REPLAT NO. 2**: A subdivision of a 7.8613 acre tract of land being all of Lot 5, Block 1, Parkway Oasis (Film Code No. 622219; H.C.M.R.) and all of Lot 1 and Lot 6, Block 1, Parkway Oasis Partial Replat No. 1 (Film Code No. 635087; H.C.M.R.) in the William Hurd Survey, Abstract No. 378 and in the John Hooper Survey Abstract No. 375, City of Tomball, Harris County, Texas.

Background:

The Planning and Zoning Commission unanimously approved the Parkway Oasis Replat No. 2 on May 13, 2013. The plat is being presented to City Council for approval consideration.

Origination:

Recommendation:

Funding:

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

Brandy Pate, Engineering and Planning

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

ATTACHMENTS:

Parkway Oasis Replat No. 2

STATE OF _____
COUNTY OF _____

We, TTS-Tomball Holdings, LLC, a Texas limited liability company, acting by and through Gerry V. Curciarello, Managing Member, owners of **LOT 1** shown hereon, and Breaux Properties, LTD., a Texas limited partnership, acting by and through Neil T. Breaux and Dorothy Breaux, Managers of Breaux Holdings, LLC, a limited liability company, its general partner, owners of **LOT 5** shown hereon, hereinafter referred to as Owners of the 7.8613 acre tract subdivided in the above and foregoing map of **PARKWAY OASIS REPLAT NO. 2**, do hereby make subdivision of said property according to oil 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 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 on 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.

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 (1.75-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 obstructing property shall not be permitted to drain directly into this easement, except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, TTS-Tomball Holdings, LLC, has caused these presents to be signed by
Gerry V. Curciarello, Managing Member, thereunto authorized, this 18 day of March, 2013.

TTS-Tomball Holdings, LLC

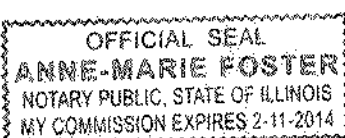
By: Gerry V. Curciarello
Gerry V. Curciarello, Managing Member

BEFORE ME, the undersigned authority, on this day personally appeared Gerry V. Curciarello, Managing Member of TTS-Tomball Holdings, LLC, 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 he executed the same for the purposes and considerations therein expressed and in the capacity therein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 16 day of March, 2013.

Notary Public in and for the State of Texas

My Commission Expires 02-11-14



IN TESTIMONY WHEREOF, Breaux Properties, LTD., a Texas limited partnership, has caused these presents to be signed by Neil T. Breaux and Dorothy Breaux, Managers of Breaux Holdings, LLC, a limited liability company, its general partner, thereunto authorized, this 20 day of October, 2012.

Breaux Properties, LTD., a Texas limited partnership

BY: Breaux Holdings, LLC, a limited liability company
its general partner

By: Neil T. Breaux
Neil T. Breaux, Manager

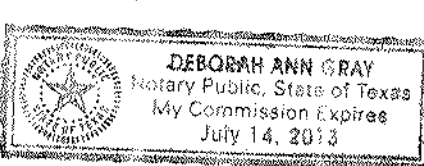
By: Dorothy Breaux
Dorothy Breaux, Manager

BEFORE ME, the undersigned authority, on this day personally appeared Neil T. Breaux and Dorothy Breaux, Managers of Breaux Holdings, LLC, a limited liability company, general partner of Breaux Properties, LTD., a Texas limited partnership, known to me to be the persons whose name 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 stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 20 day of October, 2012.

Notary Public in and for the State of Texas

My Commission Expires 07-14-13



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

By: George Shockelford, City Manager

By: Lori Lakatos, P.E.
City Engineer

This is to certify that the City Planning and Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of **PARKWAY OASIS REPLAT NO. 2** in accordance with the laws of the State of Texas and the ordinances of the City of Tomball as shown hereon and authorize the recording of this plat this _____ day of _____, 2012.

By: Lori Wallace
Chairman

By: Erin T. Chervak
Vice Chairman

This is to certify that the City Council of the City of Tomball, Texas, has approved this plat and subdivision of **PARKWAY OASIS REPLAT NO. 2** in accordance with the laws of the State of Texas and the ordinances of the City of Tomball, as shown hereon and authorize the recording of this plat this _____ day of _____, 2012.

By: Gretchen Fagan
Mayor

By: Doris Speer
City Secretary

I, Brian Nesvada, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above 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 pipes or rods having an outside diameter of not less than five-eighths (5/8) inch unless otherwise noted herein; and that the plat boundary corners have been tied to the nearest street intersection.

Brian Nesvada, R.P.L.S.
Texas Registration No. 5776



I, Stan Stanton, 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 _____, 2012, at _____ o'clock, _____ M., and duly recorded on _____, 2012, 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 Stanton
County Clerk
of Harris County, Texas

By: _____
Deputy

HIRSCHFIELD ROAD

HIGH MEADOW ROAD (60' R.O.W.)

STATE HIGHWAY NO. 249
(H.C.C.F. NO. 582639)
(H.C.C.F. NO. 582639A)
(H.C.C.F. NO. 113711D)

ROBERT W. WALKER AND WIFE,
BOBBY JEAN WALKER
(H.C.C.F. NO. E948177)

GOODSON'S CAFE
(FILM CODE NO. 371122; H.C.M.R.)

PARKWAY OASIS
(FILM CODE NO. 622219; H.C.M.R.)

LOT 5
3.4025 ACRES
(148,215 SQ. FT.)

LOT 1
4.4588 ACRES
(194,224 SQ. FT.)

PARKWAY OASIS PARTIAL REPLAT NO. 1
(FILM CODE NO. 635087; H.C.M.R.)

STATE HIGHWAY NO. 249
(160' R.O.W.)

PARKWAY SHOPS
(FILM CODE NO. 587148; H.C.M.R.)

ALICE ROAD
(60' R.O.W.)

HARDIAL MANGAT
REMAINDER OF 4.2416 ACRES
(H.C.C.F. NO. P056901)

LEGEND
FND - FOUND
H.C.C.F. - HARRIS COUNTY CLERK'S FILE
H.C.M.R. - HARRIS COUNTY MAP RECORDS
IP - IRON PIPE
IR - IRON ROD
P.F.V. - NOT FIELD VERIFIED
P.D.S. - POINT OF BEGINNING
R.D.W. - RIGHT OF WAY
W - WITH

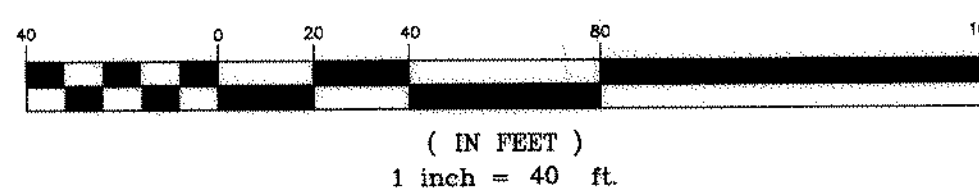
REASON FOR REPLAT

TO RECONFIGURE INTO 2 LOTS

LINE TABLE			
LINE	BEARING	LENGTH	DISTANCE
L1	S 69°07'50" W	33.50'	
L2	S 78°35'08" W	66.67'	
L3	S 83°52'32" W	106.94'	
L4	S 72°35'08" W	40.82'	
L5	S 69°07'50" W	8.00'	
L6	S 01°01'29" E	23.95'	

CURVE TABLE			
SURVEY	DELTA	RADIUS	CHORD
C1	90°00'00"	5.00'	7.85' N 68°32'10" W - 7.07'
C2	45°22'23"	15.00'	11.81' N 20°38'35" E - 11.60'

GRAPHIC SCALE



- NOTES:
- 1.) BEARINGS SHOWN HEREON ARE BASED ON THE WESTERLY LINE OF LOT 1, PARKWAY OASIS PARTIAL REPLAT NO. 1 (FILM CODE NO. 635087; H.C.M.R.), THE BEARING BEING NORTH 01°15' 38" WEST.
 - 2.) THE SURVEYOR HAS NOT ABSTRACTED THIS PROPERTY. DEED INFORMATION SHOWN HEREON WAS RESEARCHED AND PROVIDED BY CHARTER TITLE COMPANY.
 - 3.) THIS SURVEY WAS PERFORMED IN CONNECTION WITH THE CITY PLANNING SEARCH REPORT ISSUED BY CHARTER TITLE COMPANY ON JULY 24, 2012, EFFECTIVELY DATED JULY 17, 2012, ORDER NO. 1038002031 AND IS RELIED UPON FOR PURPOSES THEREOF.
 - 4.) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP FOR HARRIS COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NO. 48201-C-0210L EFFECTIVELY DATED JUNE 18, 2007, THIS PROPERTY LIES IN ZONE "X", AN AREA NOT CONSIDERED IN THE 500-YR. FLOOD PLAIN.
 - 5.) PUBLIC EASEMENTS DEVOTED 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 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.
 - 6.) ALL OIL/GAS PIPELINES OR PIPELINE EASEMENTS WITH OWNERSHIP THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
 - 7.) ALL OIL/GAS WELLS WITH THE OWNERSHIP (PLUGGED, ABANDONED, AND/OR ACTIVE) THROUGH THE SUBDIVISION HAVE BEEN SHOWN.
 - 8.) 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.
 - 9.) THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY VALID COVENANTS OR RESTRICTIONS.
 - 10.) 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.
 - 11.) UPON INSPECTION, NO VISIBLE PIPELINES OR WELLS ARE LOCATED ON THIS TRACT. UPON FURTHER INVESTIGATION THE WCM GROUP, INC., RESEARCHED THE TEXAS RAILROAD COMMISSION DATABASE AND ALSO CONDUCTED AN ASTM 1527-05 PHASE I ENVIRONMENTAL SITE ASSESSMENT, BOTH OF WHICH HAVE CONCLUDED THAT NO OIL/GAS WELLS OR PIPELINES ARE LOCATED ON THIS TRACT, AS PER LETTER FROM DONNA S. MC MILLAN, SENIOR ENVIRONMENTAL SPECIALIST, DATED FEBRUARY 11, 2008.
 - 12.) SUBJECT TO RESTRICTIVE COVENANTS AS RECORDED A FILM CODE NOS. 622219 AND 635087 OF THE HARRIS COUNTY MAP RECORDS AND IN HARRIS COUNTY CLERK'S FILE NO. 20080264936.
 - 13.) SUBJECT TO TERMS, CONDITIONS, STIPULATIONS AND EASEMENTS AS SET FORTH IN SANITARY SEWER AND STORM SEWER EASEMENT AND RECORDED IN HARRIS COUNTY CLERK'S FILE NOS. 20100372330 AND 20100372331.
 - 14.) SUBJECT TO TERMS, CONDITIONS, STIPULATIONS AND EASEMENTS AS SET FORTH IN ACCESS EASEMENT AGREEMENTS AND RECORDED IN HARRIS COUNTY CLERK'S FILE NOS. 20080264935, 20100372328, 20110047342, AND 20110047343.
 - 15.) SUBJECT TO TERMS, CONDITIONS, STIPULATIONS AND EASEMENTS AS SET FORTH IN RECIPROCAL ACCESS EASEMENT AGREEMENT AND RECORDED IN HARRIS COUNTY CLERK'S FILE NO. 20120217755.
 - 16.) SUBJECT TO TERMS, CONDITIONS, STIPULATIONS AND EASEMENTS AS SET FORTH IN STORM SEWER CONSTRUCTION ACCESS AND INDEMNITY AGREEMENT AND RECORDED IN HARRIS COUNTY CLERK'S FILE NO. 20120217757.
 - 17.) -- INDICATES A SET 5/8" IRON ROD WITH CAP STAMPED: T.E.A.M. - 281-491-2525, UNLESS OTHERWISE NOTED.

PARKWAY OASIS REPLAT NO. 2

A SUBDIVISION OF A 7.8613 ACRE TRACT OF LAND
BEING ALL OF LOT 5, BLOCK 1, PARKWAY OASIS
(FILM CODE NO. 622219; H.C.M.R.) AND ALL OF
LOT 1 AND LOT 6, BLOCK 1, PARKWAY OASIS
PARTIAL REPLAT NO. 1
(FILM CODE NO. 635087; H.C.M.R.)
IN THE WILLIAM HURD SURVEY, ABSTRACT 378 AND
IN THE JOHN HOOPER SURVEY, ABSTRACT NO. 375,
CITY OF TOMBALL, HARRIS COUNTY, TEXAS

2 LOTS 1 BLOCK

~ OWNER ~

TTS-TOMBALL HOLDINGS, LLC
10 South Riverside Plaza, Suite 1830
Chicago, Illinois 60606
Gerry V. Curciarello, Managing Member
PHONE: 312.780.1948

BREAUX PROPERTIES, LTD.
1502 Rudolph Road
Tomball, Texas 77375
Neil T. Breaux
PHONE: 281.351.4042

~ SURVEYOR ~



TEXAS ENGINEERING AND MAPPING CO.

12810 Century Drive
Stafford, Texas 77477
Brian Nesvada, R.P.L.S.
PHONE: 281.491.2825 FAX: 281.491.2535
Job No. 024-2

SEPTEMBER 21, 2012

Regular City Council

Agenda Item

Data Sheet

Meeting Date: May 20, 2013

Topic:

Consideration and Possible Action to Approve Terms of Settlement Agreement for Pending Litigation through Texas Municipal League Intergovernmental Risk Pool

Background:**Origination:**

City Manager

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	