

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



MONDAY, APRIL 15, 2013

6:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, April 15, 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 Tomball City Council reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1.0 Call to Order

2.0 Invocation

- Led by Pastor Andy Chute, Southwinds Baptist Church

3.0 Pledges to U.S. and Texas Flags

- Led by Members of the Tomball High School Student Council

4.0 Public Comments and Receipt of Petitions *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in*

accordance with law.]

5.0 Presentations:

- May 2013 is ***“Motorcycle Safety and Awareness Month”***

6.0 Reports and Announcements

- **Farmers Market** – 9:00 a.m.-1:00 p.m.
- April 22 through May 3, 2013 – Annual **Tomball Spring Clean-up Week and Consolidated Recycling Day** – 8:00 a.m.-4:30 p.m. Monday-Friday (closed Sunday, April 28), and 10:00 a.m.-2:00 p.m. on Saturday, April 27
- April 27, 2013 – Annual **Tomball Consolidated Recycling Day** – Academy Shopping Center – 10:00 a.m.-2:00 p.m.
- May 2, 2013 – **National Day of Prayer**
- May 4-5, 2013 – ***Rails and Tails Mudbug Festival*** – 11:00 a.m.-7 p.m.
- May 6, 2013 – Appointments to the Tomball Economic Development Corporation for Terms Expiring May 31, 2013
- May 6, 2013 – Appointments to the Planning and Zoning Commission for Terms Expiring June 1, 2013
- 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 at the Depot*** – 11:00 a.m. to 6:00 p.m.
- May 27, 2013 – ***80th Anniversary of the 1933 Tomball Oil Strike*** – 11:00 a.m.-6:00 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 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:
 - Mike Baxter – Report on Success of ***5th Annual City of Tomball Bunny Run 5K and Kids 1K***

7.0 Approve the Minutes of the April 1, 2013 Regular Tomball City Council Meeting.

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2013-04, an Ordinance amending the City of Tomball Code of Ordinances by Adding a New Article VI Titled “Donation Containers” to Chapter 42 “Health and Sanitation” regarding the Definition of Donation Containers; Setting Forth Regulation Regarding the Permitting, Location, and Condition of Donation Containers; Providing a Savings Clause; Providing a Severability Clause; Providing for the

Impoundment of the Containers in the Event of a Violation Hereof; Providing for a Penalty of a Fine Not to Exceed Two Thousand Dollars (\$2,000) with Each Day of Violation Constituting a Separate Violation; and Providing for Publication and an Effective Date

- 8.2 Adopt, on Second Reading, Ordinance No. 2013-05, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no longer require the Continued Existence of a Part of Timkin Road and a Part of (South) Persimmon Street, All Situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, and as Recorded in Volume 002, Page 65 of the Map Records of Harris County, Texas; Vacating, Abandoning, and Closing Said Roadway and Street Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Abandoned Roadway and Street Right-of-Way to CPAR, Inc., Tom Crofoot, Centerpoint Energy, Baker Hughes Oilfield Operations, Inc., and Safdar Chaudhry in Accordance with Each Property Owner's Interest in the Adjacent Abandoned Right-of-Way; Providing for Severability; and Containing Other Provisions Relating to the Subject.

9.0 New Business:

- 9.1 Call the Tomball Planning and Zoning Commission to Order for Joint Workshop Session with the Tomball City Council.

The Tomball City Council and the Tomball Planning and Zoning Commission will enter into a Workshop Session to Receive a Presentation from Trammell Crow Residential regarding a Proposed Multifamily Project at the Northeast Corner of Holderrieth Road and State Highway 249 Business.

Adjourn the Tomball Planning and Zoning Commission.

- 9.2 Approve Resolution No. 2013-17, a Resolution of the City of Tomball, Texas in Support of Proposed Legislation, HB 571 and SB 233, Clarifying the Power of the Tomball Regional Health Foundation, as the Authority Board, to Make Expenditures for Public Health Purposes
- 9.3 Consideration and Possible Action to Approve, as a Project of the Corporation, an Agreement with Advanced Pressure Systems to Make Direct Incentives to or Expenditures for Equipment Expansion for the Creation and Retention of Primary Jobs for Advanced Pressure Systems. The Estimated Amount of Expenditures for Such Project is an Amount Not to Exceed \$42,600.00.
- 9.4 Consideration and Possible Action to Approve, as a Project of the Corporation, an Agreement with Century Hydraulics LLC, to Make Direct Incentives to, or Expenditures for, the Creation or Retention of Primary Jobs Associated with the Expansion of an Office/Warehouse Facility located at 23706 Snook Lane, Tomball, Texas. The Estimated Amount of Expenditures for Such Project is an Amount Not to Exceed \$12,000.00.

9.5 Approve the Following Plats, as recommended by the Planning and Zoning Commission:

- **REPLAT OF THE FINAL PLAT RESERVE AT SPRING LAKE SECTION ONE:** Being a 221.2020 Acres located in the Joseph Miller Leave, A-50 W.H. Clemens Survey, A-1641 Harris County, Texas City of Tomball, Texas.
- **REPLAT OF QUINN TRACT:** A subdivision of 1.3104 acre tract, 57084 square feet; Being a Replat of Lots 11, Abbreviated Plat of Quinn Tract as recorded in Film Code 609204, Harris County Map Records, situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.
- **REPLAT OF ABANDONED ANIMAL RESCUE:** Being a subdivision of 6.0439 acres of land situated in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, and being a Replat of Lot 61 of Tomball Outlots; a subdivision according to the map or plat thereof recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, together with a Replat of Abandoned Animal Rescue, a subdivision according to the map plat thereof recorded in Volume 584, Page 265 of the Map Records of Harris County, Texas.

10.0 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 12th day of April 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: April 15, 2013

Topic:

- Led by Pastor Andy Chute, Southwinds Baptist 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: April 15, 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
Data Sheet

Meeting Date: April 15, 2013

Topic:

- May 2013 is “*Motorcycle Safety and Awareness Month*”

Background:

Origination:

Danny Romeyn, Sons of Texas Motorcycle Club

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:

Proclamation - “Motorcycle Safety and Awareness Month”

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS,** today's society finds more citizens involved in motorcycling on the roads of our country, both for affordable transportation and recreation; and
- WHEREAS,** motorcyclists are less protected and therefore more prone to injury or death in a crash than other vehicle drivers; and
- WHEREAS,** campaigns have helped inform riders and motorists alike regarding motorcycle safety issues to reduce motorcycle-related risks, injuries, and, most of all, fatalities, through a comprehensive approach to motorcycle safety; and
- WHEREAS,** it is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists, regarding them with the same respect as any other motorist and vehicle traveling the highways of this country, and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and
- WHEREAS,** the City of Tomball wishes to join with the Houston Region of the Texas Confederation of Clubs and Independents, Texas Motorcycle Safety Coalition, in urging every citizen in our community to become aware of the inherent danger involved in operating a motorcycle and for riders and motorists alike to give each other the mutual respect they deserve;

NOW, THEREFORE, by virtue of the authority vested in me as **Mayor of the City of Tomball**, on behalf of the Tomball City Council and all citizens hereof, I do hereby proclaim the month of May 2013 as:

"MOTORCYCLE SAFETY AND AWARENESS MONTH"

and urge all residents to do their part to increase safety and awareness in our community.



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

ATTEST:

DATE:

Devin Speer
April 2, 2013

Regular City Council

Agenda Item

Meeting Date: April 15, 2013

Data Sheet

Topic:

- **Farmers Market** – 9:00 a.m.-1:00 p.m.
- April 22 through May 3, 2013 – **Annual Tomball Spring Clean-up Week and Consolidated Recycling Day** – 8:00 a.m.-4:30 p.m. Monday-Friday (closed Sunday, April 28), and 10:00 a.m.-2:00 p.m. on Saturday, April 27
- April 27, 2013 – **Annual Tomball Consolidated Recycling Day** – Academy Shopping Center – 10:00 a.m.-2:00 p.m.
- May 2, 2013 – **National Day of Prayer**
- May 4-5, 2013 – ***Rails and Tails Mudbug Festival*** – 11:00 a.m.-7 p.m.
- May 6, 2013 – Appointments to the Tomball Economic Development Corporation for Terms Expiring May 31, 2013
- May 6, 2013 – Appointments to the Planning and Zoning Commission for Terms Expiring June 1, 2013
- 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 at the Depot*** – 11:00 a.m. to 6:00 p.m.
- May 27, 2013 – ***80th Anniversary of the 1933 Tomball Oil Strike*** – 11:00 a.m.-6:00 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 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:
 - Mike Baxter – Report on Success of ***5th Annual City of Tomball Bunny Run 5K and Kids 1K***

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:

Tomball Spring Clean-up Week and Consolidated Recycling Day

Tomball Clean-up Week

Tomball Consolidated Recycling Day

Rails and Tails Mudbug Festival

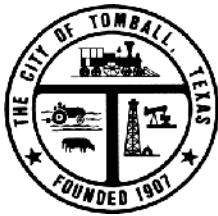
Mayor's Coffee

Memorial Day Weekend Chili Challenge at the Depot

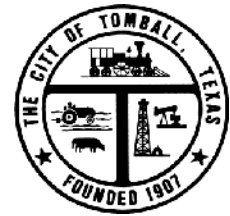
80th Anniversary of the 1933 Tomball Oil Strike

Friday Night Creature Feature

City of Tomball July 4th Celebration



PRESS RELEASE



TOMBALL PUBLIC WORKS DEPARTMENT

501 James St., Tomball, Texas 77375
(281) 290-1400 Fax: (281) 351-4735

For Immediate Release

Date: April 4, 2013
Contact: David Kauffman, Director of Public Works
Phone: (281) 290-1425

Tomball Annual Spring Cleanup Week and Consolidated Recycling Day

Bulk Waste Drop Off

Time to clean out the garage and the old shed, and clean up the yard! The City of Tomball Public Works Department will conduct its Annual Spring Cleanup Week beginning April 22 and ending May 3, 2013. The drop off site will be closed on Sunday April 28, but will remain open an extra week this year. The drop off site is located at the City's closed landfill site on Rudolph Rd., 0.4 miles north of E. Hufsmith. A city utility bill is required as proof of residency, and no commercial operators are accepted. The drop off site is open for bulk waste items such as; old furniture, mattresses, appliances (properly drained and tagged), carpeting, and small amounts of lumber and building materials. Items not accepted at the drop off site include; brush and yard waste, batteries, unmarked containers, hazardous chemicals, household trash (food) televisions, and paint.

Curbside Brush and Limb Chipping Service

In addition to the bulk waste drop off, the public works department will also be providing curbside brush and limb chipping services. Please place all limbs (less than 6" in diameter) parallel with the street and place all stumps and logs separately. Leaves and small clippings should be bundled or bagged and placed with your normal weekly trash pickup. Please call 281-290-1400 the week before the cleanup begins to be added to the chipping list.

Consolidated Recycling Day

Join your community for a great day of recycling! Tomball Consolidated Recycling Day will be held April 27, 2013 from 10am – 2pm, and will be located at 14257 FM 2920, Academy Shopping Center. The entrance will be off 249 Expressway South Bound feeder. This event is sponsored by; The City of Tomball, Tomball Police Department, Northwest Rural EMS, Tomball Public Works, CompuCycle, Shred Pro, Interstate Batteries, WCA of America, DEA National Take-Back Initiative, and Phoenix Oil, Locatelli's Pizza and Mann's Tire and Wheel Connection, and Buffalo Wild Wings. Drive thru and drop off your e-waste (electronics), old prescription drugs (liquid, pill, etc.), car tires, car batteries, used motor oil and antifreeze, paper shredding, recyclable plastics and glass. Items not accepted include paint, styrofoam and hazardous chemicals.

For more information go to www.tomballtx.gov or contact the Public Works Department at 281-290-1425.

City of Tomball
Spring Clean up
Week of April 22-27, 2013
Monday – Saturday - 8:00 am - 4:30 pm

Objective:

Provide the citizens of Tomball the opportunity to dispose of large, hard-to-handle items that cannot be collected under the normal garbage service. **** (Remember this is for residents of Tomball only (must have City utility bill as proof); NO COMMERCIAL BUSINESS OPERATORS) ****

Roll Offs will be available at the City Landfill Site (0.4 miles north of E. Hufsmith on Rudolph) to dispose of the acceptable items. See map to landfill site below.

Acceptable Items:

- | | | |
|------------------------------|--------------------------|-----------------------------------|
| • Lumber | • Bricks (small amount) | • Gutter material |
| • Bicycle parts | • Empty buckets or pails | • Cardboard boxes |
| • Plywood (4 cubic yd. max) | • Rocks (small amount) | • Lawn mowers (oil & gas removed) |
| • Rugs/carpet | • Washing machines | • Dishwashers |
| • Siding | • Dryers | |
| • Clothing | • Water heaters | |
| • Box springs and mattresses | • Furniture | |

Not Acceptable:

- | | | |
|----------------------------------|--|--|
| • Tree trimmings | • Insecticides | • Raw meats, food products or byproducts |
| • Limbs or stumps | • Container with unmarked labels holding liquids | • Televisions |
| • Tires | • Sealed containers of any type | • Computers |
| • Engine blocks | • Large amounts of construction or demolition material | • Refrigerators |
| • Structural steel | • Smoke detectors | • AC units |
| • Equipment with oil or gasoline | • Pressurized vessels | • Appliances with Freon or fluids |
| • Fertilizers | • Flammable, combustible or corrosive products | • Paint |
| • Pool chemicals | | |
| • Batteries | | |
| • Oil filters | | |

All appliances must be drained and tagged by a licensed technician.

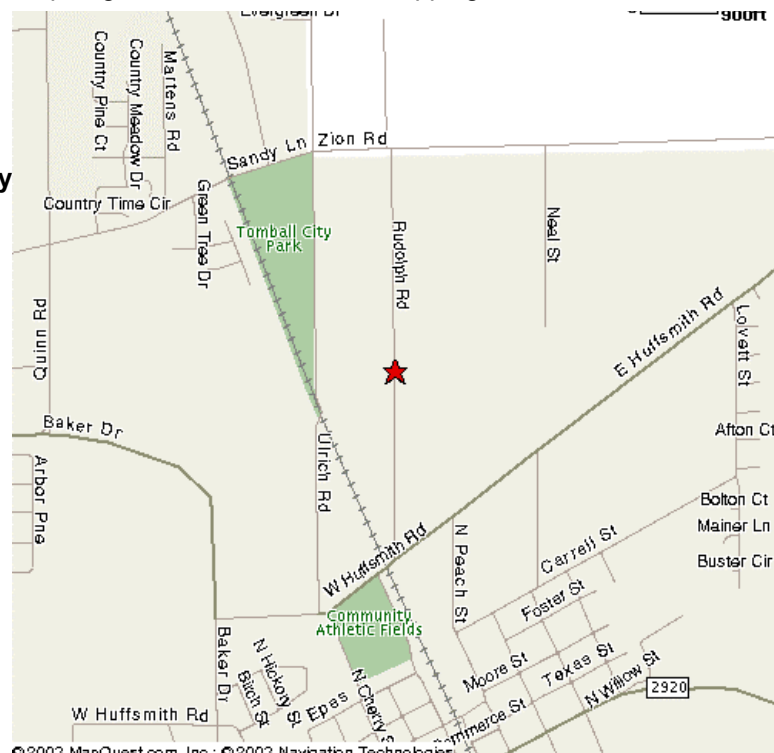
Acceptable items are anything that is inert and would not harm the environment before or after disposal into a landfill.

The City of Tomball will provide a free chipping service for brush and small limbs during the week of Tomball Cleanup. To participate, please call **(281) 290-1400** the week before the cleanup begins to be added to the chipping list.

CHIPPING SPECIFICATIONS:

- Turn all big ends toward road or in one direction
- Limit size to 6 ft.-8 ft., maximum
- Keep logs separate from limbs, nothing over 6" dia.
- Place limbs & brush near roadside and not on property
- Leaves, please bag for regular garbage pickup

Map to Tomball landfill site →



©2003 MapQuest.com, Inc.; ©2003 Navigation Technologies

Tomball Consolidated Recycling Day

14257 FM 2920

Academy Shopping Center Parking

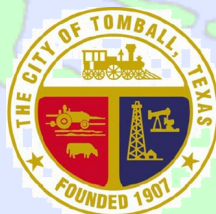
Enter by 249 Expressway N/B Feeder

April 27th from 10am-2pm

Drive Thru and Drop Off the following APPROVED items:
E-Waste (computers and all accessories, Fax machines, laptop batteries, UPS/Lithium/Ni-Cad Batteries, Small kitchen appliances), Prescription Drugs (pill & liquid), Tires (car/truck/atv), Car Battery (Non-Leaking), Used Motor Oil, Household paper/plastics/glass, Paper Shredding

~~Plastic Bags, Paint, Styrofoam~~

Thanks to our Community Partners and Sponsors!!!



Responsible E-cycling Solutions.

Shred Pro

LOCATELLIS
PIZZA

Got Drugs?



RAILS & TAILS MUDBUG FESTIVAL AT THE DEPOT

PRESENTED BY



MAY 4 - 5, 2013
TOMBALL, TEXAS

TOMBALL IS TEXAN FOR FUN!

Tuesday, May 7, 2013
Start Time 5:30 P.M.
Sol de Luna
(Cisco's Banquet Room)
207 Commerce

Mayor's Coffee

Stop by to get in
touch



Gretchen Fagan
Mayor

For more information call 281-290-1002 or visit ci.tomball.tx.us

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

*The Mayor &
would like to
join them in*

*City Council
invite you to
celebrating the*

80th

*anniversary of the
with a day full
fun. Live music*

5-cent hot dogs

*Old-fashioned
seed spitting*

pie eating

Monday,

Depot Plaza

11:00 a.m.

Presented

Baker

*Tomball oil gusher
of County fair style
from 30's & 40's*

and sodas

watermelon

*Greased pig &
contests*

May 27th , 2013

*102 Elm Street
to 6:00 p.m.*

by

Hughes

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

Page 21 of 102
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: April 15, 2013

Topic:

Approve the Minutes of the April 1, 2013 Regular Tomball City Council Meeting.

Background:**Origination:**

City Secretary

Recommendation:

N/A

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

City Secretary

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

ATTACHMENTS:

Draft Minutes - April 1, 2013 Regular Council Meeting

MINUTES OF REGULAR CITY COUNCIL MEETING CITY OF TOMBALL, TEXAS



**MONDAY, APRIL 1, 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
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 Jim Sim, The Journey Church

3.0 Pledges to U. S. and Texas Flags

- Led by Fire Chief, Randy Parr

4.0 The following public comments were received:

Richard Jennings, Pastor River of Praise Church 13215 Boudreaux Estates, 77377	- Spoke in support of Item 8.1, Request from River of Praise Church for the City of Tomball to Extend Potable Water Service to River of Praise Church Property
--	---

5.0 Reports and Announcements:

- **Farmers Market** – 9:00 a.m.-1:00 p.m.
- April 13, 2013 – **5th Annual City of Tomball Bunny Run 5K and Kids 1K** – 8:00 a.m. at the Depot
- April 13, 2013 – **2nd Saturday at the Depot** – 5:30 p.m.
- April 21-27, 2013 – **Annual Tomball Clean-up Week** – 8:00 a.m.-4:30 p.m. daily
- April 27, 2013 – **Annual Tomball Recycle and E-Waste Event** – Weingartens Center
- May 2, 2013 – **National Day of Prayer**
- May 4-5, 2013 – **Rails and Tails Mudbug Festival** – 11:00 a.m.-7:00 p.m.
- May 7, 2013 – **Mayor's Coffee** – *Sol do Luna*, 207 Commerce, 5:30 p.m.
- May 25, 2013 – **Memorial Day Weekend Chili Challenge** – 11:00 a.m.-6:00 p.m.
- May 27, 2013 – **80th Anniversary of the 1933 Tomball Oil Strike** – TBA
- July 4, 2013 – **City of Tomball July 4th Celebration** – 2:00 p.m.-10:30 p.m.
- **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:
 - Councilman Brown introduced Raul Reyes, the new Chief of Northwest EMS
 - Craig Meyers provided an update on the implementation of the sign ordinance
 - David Kauffman provided an update on the construction of restrooms at the Depot

6.0 Motion was made by Councilman Dodson, second by Councilman Stoll, to approve the Minutes of the April 1, 2013 Regular City Council Meeting.

Motion carried unanimously.

7.0 New Business:

- 7.1 Motion was made by Councilman Townsend, second by Councilman Brown, to adopt, on Second Reading, Ordinance No. 2013-02, an Ordinance of the City of

Tomball, Texas, Continuing the City's Juvenile Curfew Ordinance; and Making Other Findings and Provisions Related Thereto. 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 adopt, on Second Reading, Ordinance No. 2013-03, an Ordinance of the City of Tomball, Texas, Amending Its Comprehensive Zoning Ordinance by Changing the Zoning District Classification of Approximately 1.01 Acres of Land, Legally Described as Lot 1, Block 1, Northwest Houston Heart Center, within the City of Tomball, Harris County, Texas, from the Single-Family Residential-6 District to the Old Town & Mixed Use District; said Property being generally Located Northerly of Alma Street, between Holderrieth Boulevard and Lawrence Avenue; Providing for the Amendment of the Official Zoning Map of the City; Providing for Severability; Providing for a Penalty of an Amount Not to Exceed \$2,000 for Each Day of Violation of Any Provision Hereof, Making Findings of Fact; and Providing for Other Related Matters. Vote was as follows:

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

Motion carried, 4 votes Aye, 1 vote Nay.

8.0 New Business:

- 8.1 Richard Jennings presented the request from River of Praise Church for the City of Tomball to extend Potable Water Service to River of Praise Church Property, Located outside City of Tomball Extra-Territorial Jurisdiction.

No action was taken.

- 8.2 Motion was made by Councilman Townsend, second by Councilman Hudgens, to read Ordinance No. 2013-04 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. 2013-04, an Ordinance amending the City of Tomball Code of Ordinances by Adding a New Article VI Titled “Donation Containers” to Chapter 42 “Health and Sanitation” regarding the Definition of Donation Containers; Setting Forth Regulation Regarding the Permitting, Location, and Condition of Donation Containers; Providing a Savings Clause; Providing a Severability Clause; Providing for the Impoundment of the Containers in the Event of a Violation Hereof; Providing for a Penalty of a Fine Not to Exceed Two Thousand Dollars (\$2000) with Each Day of Violation Constituting a Separate Violation; and Providing for Publication and an Effective Date. Vote was as follows:

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

Motion carried unanimously.

- 8.3 Mayor Fagan opened the Public Hearing at 6:31 p.m. to consider Application of Tom Crofoot for Abandonment of a Portion of Timkin Road and (South) Persimmon Street Rights-of-Way.

Tom Crofoot addressed Council on behalf of himself and the adjacent property owners, presenting request for the abandonment of a portion of Timkin Road and South Persimmon Street rights-of-way.

Receiving no additional public comments, Mayor Fagan closed the public hearing at 6:32 p.m.

- 8.4 Motion was made by Councilman Dodson, second by Councilman Townsend, to read Ordinance No. 2013-05 by caption only on First Reading.

Motion carried unanimously.

Motion was made by Councilman Dodson, second by Councilman Stoll, to approve the Application of Tom Crofoot for Abandonment of a portion of Timkin Road and Persimmon Road Right-of-Ways and to adopt, on First Reading, Ordinance No. 2013-05, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no longer require the Continued Existence of a Part of Timkin Road and a Part of (South) Persimmon Street, All Situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, and as

Recorded in Volume 002, Page 65 of the Map Records of Harris County, Texas; Vacating, Abandoning, And Closing Said Roadway And Street Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Abandoned Roadway and Street Right-of-Way to CPAR, Inc., Tom Crofoot, Centerpoint Energy, Baker Hughes Oilfield Operations, Inc., and Safdar Chaudhry in Accordance with Each Property Owner's Interest in the Adjacent Abandoned Right-of-Way; Providing for Severability; and Containing Other Provisions Relating to the Subject. Vote was as follows:

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

Motion carried unanimously.

- 8.5 Motion was made by Councilman Dodson, second by Councilman Brown, to approve TOMBALL BUSINESS AND TECHNOLOGY PARK FINAL PLAT: a Subdivision of 120.8081 Acres, a Portion of Which is a Partial Replat of Lots 384, 385, 386, 387, and 394, of the Tom Ball Townsite as recorded in Vol. 2, Pg. 65 of the Harris County Map Records, and being a Replat of Lot 4 of Tomball South Commercial as recorded in Film Code No. 632199 of the Harris County Map Records, in the Elizabeth Smith Survey, Abstract No. 70, and the C. N. Pillot Survey, Abstract No. 632, City of Tomball, Harris County, Texas.

Motion carried unanimously.

- 8.6 Motion was made by Councilman Townsend, second by Councilman Brown, to award the purchase of Four (4) Public Works Fleet Replacement Vehicles in the Amount of \$89,299.00, to Caldwell Country, through the State Buyboard Cooperative Purchasing Contract.

Motion carried unanimously.

- 8.7 Motion was made by Councilman Townsend, second by Councilman Hudgens, to approve the proposed revisions to the City of Tomball Boards, Commissions, and Committees Advisory Handbook.

Motion carried unanimously.

- 8.8 The City Council recessed at 6:40 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:

- Sec. 551.071 - Private Consultation with Attorney in Closed Meeting Regarding a Matter that the Duty of the Attorney Requires be Held in Closed Session.

Upon reconvening into Regular Session at 7:10 p.m., no action was taken.

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

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this the 15th day of April 2013.

Doris Speer, TRMC, CMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Meeting Date: April 15, 2013

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2013-04, an Ordinance amending the City of Tomball Code of Ordinances by Adding a New Article VI Titled “Donation Containers” to Chapter 42 “Health and Sanitation” regarding the Definition of Donation Containers; Setting Forth Regulation Regarding the Permitting, Location, and Condition of Donation Containers; Providing a Savings Clause; Providing a Severability Clause; Providing for the Impoundment of the Containers in the Event of a Violation Hereof; Providing for a Penalty of a Fine Not to Exceed Two Thousand Dollars (\$2,000) with Each Day of Violation Constituting a Separate Violation; and Providing for Publication and an Effective Date

Background:

On February 4, 2013, the City Council discussed and outlined needed provisions for the regulation of charitable donation containers. This ordinance is to enact those regulations and addresses:

- allowable containers and operators
- location and design standards
- permitting process
- penalties for violations.

In brief, containers must be operated by or on behalf of a non-profit. They can only be placed in non-residential districts with distance limits from rights-of-way and residential uses. There can be no more than 2 per lot and they must be 300 feet from any other container on any other lot. The containers must be no more than 96 cubic feet, neutral-colored, with required signage. All containers must be in good condition and emptied regularly. They cannot conflict with any other provisions or requirements and they must be permitted annually.

On April 1, 2013, Council adopted Ordinance No. 2013-04 on First Reading.

Origination:

City Council

Recommendation:

Adopt Ordinance No. 2013-04 on Second Reading

Funding:

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

City Secretary

ACTION TAKEN		
APPROVAL	READINGS PASSED	OTHER

☐ YES ☐ NO

☐ 1ST ☐ 2ND

ATTACHMENTS:

Ordinance No. 2013-04

ORDINANCE NO. 2013-04

AN ORDINANCE AMENDING THE CITY OF TOMBALL CODE OF ORDINANCES BY ADDING A NEW ARTICLE VI TITLED “DONATION CONTAINERS” TO CHAPTER 42 “HEALTH AND SANITATION” REGARDING THE DEFINITION OF DONATION CONTAINERS; SETTING FORTH REGULATION REGARDING THE PERMITTING, LOCATION, AND CONDITION OF DONATION CONTAINERS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE IMPOUNDMENT OF THE CONTAINERS IN THE EVENT OF A VIOLATION HEREOF; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

* * * * *

WHEREAS, combating illegal dumping is a rightful concern of the City; and

WHEREAS, the City has experienced a growing problem of illegal dumping occurring around “Donation Containers”; and

WHEREAS, the City recognizes that many Donation Containers are not regularly collected, overflow, and become receptacles for uncollected refuse; and

WHEREAS, Donation Containers continue to proliferate with the City’s limits; and

WHEREAS, the City recognizes Donation Containers are not typically found in a permanent building operation; and

WHEREAS, the City Council recognizes the conditions included with this ordinance are intended to protect the health, safety and general welfare of the community; now, therefore

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

Section 1. Chapter 42 “Health and Sanitation” of the Code of Ordinances of the City of Tomball, Texas, is hereby amended by adding a new Article VI titled “Donation Containers” to read as follows:

“ARTICLE VI – DONATION CONTAINERS

Sec. 42-139 – Definitions.

Donation Container shall mean any container, receptacle, or similar device that is located on any lot within the city and that is used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include paper-recycling bins for the collection of recyclable material that are screened and placed in accordance with zoning ordinance as refuse container or any Donation Container located within a building.

Sec. 42-140 – Location.

- a. Donation Containers shall be limited to Office, Retail, and Commercial zoning districts and shall be subject to approval by a temporary permit with a maximum duration of one (1) year.
- b. Donation Containers are allowed in Planned Developments when expressly included in the listed uses and allowances.
- c. Donation Containers shall not be within fifty feet (50') of property being used for residential purposes or a public-right-of-way.
- d. Donation Containers shall not be located within any established buffer areas, required landscaped area, sidewalks, access easements, drainage easements, drive aisles, utility easements, or fire lanes and shall not be located in such a manner that they block sight lines or impede vehicular or pedestrian traffic.
- e. Donation Containers shall be located on a paved surface.
- f. A Donation Container shall not be located in any parking space required to meet the minimum parking requirements for a site.
- g. The number of Donation Containers allowed for each lot shall not exceed two (2) and shall not be located less than three hundred feet (300') from any other Donation Container except as required in Section 42-140(h).
- h. On lots with more than one Donation Container, the Donation Containers on that lot shall be placed adjacent to each other with no more than two feet (2') of separation between containers. These containers shall not be located less than three hundred feet (300') from containers on any other lot.

Sec. 42-141 – Container Design and Maintenance.

- a. The Donation Container shall not exceed ninety-six cubic feet (96 cu. ft.) and shall not be larger than four feet (4') wide by four feet (4') deep by six feet (6') tall. The Donation Containers shall be fully enclosed.
- b. Donation Containers shall be painted or stained with a neutral or earth-tone color scheme. Bright primary, fluorescent, or contrasting colors are prohibited.
- c. Unless required by other provision, no specific landscaping, screening fences, or walls are required around Donation Containers, but aesthetically pleasing site design considerations are encouraged.
- d. The Donation Container shall display a sign, not to exceed two square feet (2 sq. ft.), containing only the following information:

- i. Permit holder's current contact information including street address and telephone number.
 - ii. If permit holder is not the operator of the Donation Container, the operator's contact information including street address and telephone number must also be included.
 - iii. Tomball Code Enforcement Division's street address and phone number.
 - iv. Note indicating allowable items.
 - v. Note indicating hazardous materials and illegal dumping prohibited.
 - vi. The sign may contain the trademark or logo of the non-profit organization benefitting from the container. The sign shall be in a neutral color with black lettering. No other signage is allowed.
- e. Donation Containers shall be maintained in good condition and appearance with no structural damage, holes, or visible rust.

Sec. 42-142 – Proper Use and Removal of Materials

- a. The Donation Container shall only be used as a collection container for clothing and household materials. All donation materials must fit into and be placed inside the Donation Container. The collection or storage of any materials outside the container is prohibited.
- b. The permit holder shall be responsible to collect the contents of the Donation Container as needed to prevent overflow, but at least once every two weeks.
- c. Items not properly placed in the container must be removed within 24 hours from deposit. Both the property owner and the permit holder are subject to enforcement action for materials not properly placed in the Donation Container.

Sec. 42-143 – Permit Required.

- a. The owner of a Donation Container shall apply for a permit from the City and submit a fee not to exceed \$25.00 for each Donation Container.
- b. The permit applicant must have the written authorization from the business owner on whose property the Donation Container will be placed.
- c. The permit holder shall employ a staff of full-time or paid drivers to collect the contents of the Donation Container.
- d. Donation Container must be owned or operated on behalf of an organization registered and operating in the State of Texas as a non-profit [501(c)3] corporation.
- e. The permit holder must maintain general liability insurance for each Donation Container, at a minimum level of one million dollars (\$1,000,000.00), holding the City and business owner harmless.
- f. Provided that the above conditions are met, each permit shall be valid for a period of twelve (12) months, from the date first issued.
- g. Each application must include a diagram of the proposed location, including any screening or landscaping proposed.
- h. The location and specific site design features of the Donation Container placement must be approved by the City Manager or his/her designee.

- i. The permit holder and the property owner shall be jointly and severally liable for any violations of this ordinance.
- j. More than three (3) complaints, in a one (1) year period, regarding a specific Donation Container, shall result in the permit being revoked. The complaints must be validated as being legitimate by the City of Tomball Code Enforcement Division.
- k. Unless otherwise said within, approval of a permit for said operation shall not exempt the use or permit holder from all applicable City of Tomball ordinances including, but not limited to nuisance, signage, lighting, etc.
- l. All existing Donation Containers must comply with this ordinance within sixty (60) days of the effective date.

Sec. 42-144. Penalty

- a. Any Donation Container in violation of this ordinance is subject to impoundment by the City. Impounded containers shall be released to the owner upon payment of an impound fee of \$200.00 and a daily storage fee of \$20.00 for each day in the City's possession after impound. An impounded Donation Container not claimed within 30 days will be considered abandoned and may be destroyed without notice from the City.
- b. Any person who shall violate any provision of this ordinance or fail to comply therewith shall be punished by a fine not to exceed \$2,000.00. Each day the violation occurs shall constitute a distinct and separate offense."

Section 2. This Ordinance shall become effective fourteen days after the final reading and adoption of this Ordinance when the caption hereof is caused to be published once in the official newspaper of the City, by the City Secretary, as required by law. The City Secretary is directed to publish the caption of this Ordinance in the City's official newspaper within 14 days after the passage of the ordinance.

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

each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF APRIL 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 15TH DAY OF APRIL 2013.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council Agenda Item Data Sheet

Meeting Date: April 15, 2013

Topic:

Adopt, on Second Reading, Ordinance No. 2013-05, an Ordinance of the City of Tomball, Texas, Finding and Determining that Public Convenience and Necessity no longer require the Continued Existence of a Part of Timkin Road and a Part of (South) Persimmon Street, All Situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, and as Recorded in Volume 002, Page 65 of the Map Records of Harris County, Texas; Vacating, Abandoning, and Closing Said Roadway and Street Right-of-Way; Authorizing the Mayor to Execute and the City Secretary to Attest, Respectively, a Quitclaim Deed Conveying Said Abandoned Roadway and Street Right-of-Way to CPAR, Inc., Tom Crofoot, Centerpoint Energy, Baker Hughes Oilfield Operations, Inc., and Safdar Chaudhry in Accordance with Each Property Owner's Interest in the Adjacent Abandoned Right-of-Way; Providing for Severability; and Containing Other Provisions Relating to the Subject.

Background:

The ordinance is being presented for consideration and should any easements be required they will be recorded prior to the quit claim deeds being executed or included in the deeds.

On April 1, 2013, following the Public Hearing, Council adopted Ordinance No. 2013-05 on First Reading, in accordance with Administrative Policy No. 65 - Right-of-Way Abandonment.

Origination:

Tom Crofoot, Centerpoint Energy, Baker Hughes Oilfield Operations, Inc., and Safdar Chaudhry

Recommendation:

Adopt Ordinance No. 2013-05 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. 2013-05

ORDINANCE NO. 2013-05

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A PART OF TIMKIN ROAD AND A PART OF (SOUTH) PERSIMMON STREET, ALL SITUATED IN THE JESSE PRUITT SURVEY, ABSTRACT NUMBER 629, HARRIS COUNTY, TEXAS, AND AS RECORDED IN VOLUME 002, PAGE 65 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID ROADWAY AND STREET RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, A QUITCLAIM DEED CONVEYING SAID ABANDONED ROADWAY AND STREET RIGHT-OF-WAY TO CPAR, INC., TOM CROFOOT, CENTERPOINT ENERGY, BAKER HUGHES OILFIELD OPERATIONS, INC., AND SAFDAR CHAUDHRY IN ACCORDANCE WITH EACH PROPERTY OWNER'S INTEREST IN THE ADJACENT ABANDONED RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

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

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

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

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

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

Section 4. The Mayor and City Secretary are hereby authorized to execute and attest, respectively, a quitclaim deed, conveying the hereinabove described abandoned roadway and street right-of-way to CPAR, Inc., Tom Crofoot, CenterPoint Energy, Baker Hughes Oilfield Operations, Inc., and Safdar Chaudhry in consideration for the payment to the City of fair market value therefor.

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

Section 6. This Ordinance shall become effective upon final reading and adoption of this Ordinance when the caption hereof is caused to be published once in the official newspaper of the City, by the City Secretary, as required by law.

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 1ST DAY OF APRIL 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 15TH DAY OF APRIL 2013.

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

Gretchen Fagan, Mayor

ATTEST:

Doris Speer, City Secretary

Regular City Council Agenda Item Data Sheet

Meeting Date: April 15, 2013

Topic:

Call the Tomball Planning and Zoning Commission to Order for Joint Workshop Session with the Tomball City Council.

The Tomball City Council and the Tomball Planning and Zoning Commission will enter into a Workshop Session to Receive a Presentation from Trammell Crow Residential regarding a Proposed Multifamily Project at the Northeast Corner of Holderrieth Road and State Highway 249 Business.

Adjourn the Tomball Planning and Zoning Commission.

Background:

Trammell Crow Residential wishes to present a proposed luxury development at the northeast corner of SH 249 Business and Holderrieth Road, focused on creating a master-planned multi-family/retail project, with a grand south entrance to Tomball.

The proposed 376-unit development site encompasses approximately 18.7 acres and is located at the northeast corner of SH 249 Business and Holderrieth Road. The development is directed toward empty nesters and young/established professionals, with luxury and energy-efficient amenities.

The site is currently zoned Commercial with a Future Land Use designation of Mixed Use.

Origination:

Trammell Crow Residential

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:

Alexan Tomball



Tomball

*A proposed 376 unit Class "A" Rental Multifamily Development by
Trammell Crow Residential*



April, 2013

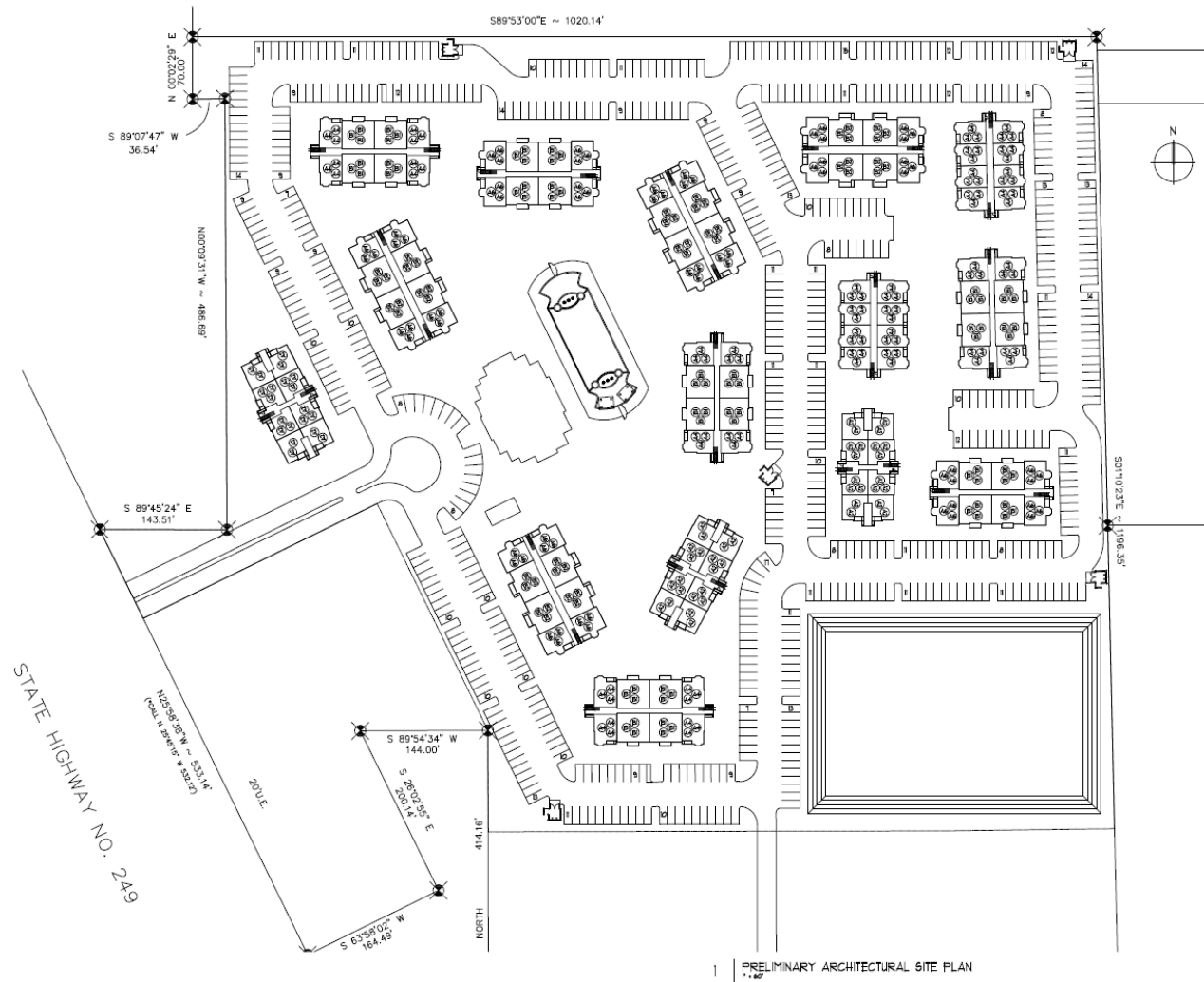
TCR
TRAMMELL CROW RESIDENTIAL

Location



The site is located at the northeast corner of State Highway 249 and Holderrieth Road in Tomball, TX.

Proposed Multifamily Site Plan



Concept Multifamily Elevation



Multifamily Amenities

Alexan Tomball will feature a 7,000 square foot clubhouse offering residents a state of the art fitness center and the latest in community amenities. Additionally, the property will feature an exquisite pool courtyard, a dog park and lush landscaping throughout.

Noteworthy interior finishes:

- Nine-foot ceilings throughout
- Wood-vinyl floors in kitchen, living and dining areas
- Tile flooring in bathrooms
- Granite kitchen and bathroom countertops with large single-bowl under-mount kitchen sinks
- Framed bathroom mirrors
- Over-sized soaking tubs with tile surrounds
- Hardwood cabinetry with 42" uppers in kitchens
- Black or stainless steel appliance packages
- Flat-top stoves
- Double door refrigerators
- Full size washers and dryers
- Two-inch faux wood blinds
- Ceiling fans with light kits in all living areas and bedrooms
- Unit intrusion alarms
- Stone or tile kitchen backsplashes

Potential Tenants

- Young professionals, single and married
- Established professionals wishing to avoid the responsibilities of home ownership
- Empty nesters
- Individuals or couples building a single family home nearby

Unit Mix and Proposed Rents

Floorplan	Type	Size (AC'd SF)	Number of Units	Rent/Month	\$/SF/Mo.	Unit Mix
A1	1 BR / 1 Bath	683	100	\$863	\$1.26	26.6%
A2	1 BR / 1 Bath	780	118	\$942	\$1.21	31.4%
A3	1 BR / 1 Bath	850	48	\$1,047	\$1.23	12.8%
B1	2 BR / 2 Bath	1,085	32	\$1,289	\$1.19	8.5%
B2	2 BR / 2 Bath	1,208	60	\$1,395	\$1.15	16.0%
C1	3 BR / 2 Bath	1,396	18	\$1,579	\$1.13	4.8%
Totals:		333,468	376	\$401,076		100%
Averages:		887		\$1,067	\$1.20	

Amenities *(representative photos)*



Amenities *(representative photos)*



Green / sustainability issues

Alexan Tomball will feature the following:

- High Efficiency 13 SEER R-410A HVAC Systems
- Low E double paned windows
- Energy Star appliances
- Fluorescent lighting fixtures
- Photocell controlled exterior lighting
- Occupancy sensors for lighting controls in common areas

Regular City Council

Agenda Item

Meeting Date: April 15, 2013

Data Sheet

Topic:

Approve Resolution No. 2013-17, a Resolution of the City of Tomball, Texas in Support of Proposed Legislation, HB 571 and SB 233, Clarifying the Power of the Tomball Regional Health Foundation, as the Authority Board, to Make Expenditures for Public Health Purposes

Background:

In previous presentations, Jack Smith, Chairman-TRHF and Lynn LeBouef, Director of Special Projects-TRHF, advised Council that the Tomball Regional Health Foundation was working with Representative Allen Fletcher and Senator Dan Patrick to present bills to the Texas House and Senate that will enable the TRHF to invest the funds received from the sale of Tomball Regional Medical Center in more financially advantageous properties/funds than are currently available to TRHF under the Public Funds Investment Act (Texas Government Code, Chapter 2256).

HB 571 and SB 233, if passed, would allow the Tomball Regional Health Foundation to invest funds under the provisions of the Prudent Investor Rule (Texas Property Code, Chapter 117).

Tomball Regional Health Foundation is requesting City support for HB 571 and SB 233; each bill has gone through Committee without opposition and has been referred to Calendars. City support of these bills would be advantageous when the legislation is presented for vote at the House and Senate.

Origination:

Tomball Regional Health Foundation

Recommendation:

Approve Resolution No. 2013-17

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:

Resolution No. 2013-17

TRHF Proposed Legislation Fact Sheet

RESOLUTION NO. 2013-17

A RESOLUTION OF THE CITY OF TOMBALL, TEXAS IN SUPPORT OF PROPOSED LEGISLATION, HB 571 AND SB 233, CLARIFYING THE POWER OF THE TOMBALL REGIONAL HEALTH FOUNDATION, AS THE AUTHORITY BOARD, TO MAKE EXPENDITURES FOR PUBLIC HEALTH PURPOSES

* * * * *

WHEREAS, Tomball Hospital Authority, a municipal hospital authority created by the City of Tomball in 1973 pursuant to Chapter 262 of the Texas Health & Safety Code, owned and operated Tomball Regional Medical Center from its opening in 1976 until its sale in 2011; and

WHEREAS, as a result of that sale, the Authority (as the Tomball Regional Health Foundation) now controls an endowment and seeks to manage and use these funds to promote wellness and improve the health status of residents of Tomball and its surrounding communities through programs that enhance access to health care, preventive care and health education; and

WHEREAS, the Authority's ability to invest its funds is currently restricted by the Public Funds Investment Act (Texas Government Code, Ch. 2256), in that the Public Funds Investment Act allows public funds to be invested in only the following investments:

- Obligations of or guaranteed by governmental entities
- Certificates of deposit / credit union share certificates
- Repurchase agreements
- Securities lending programs
- Banker's acceptances
- Commercial paper
- Mutual funds
- Guaranteed investment contracts
- Investment pools (rated at least AAA or AAA-m); and

WHEREAS, the Authority's sole income source in the future will be from the investment of its principal and the Public Funds Investment Act was not intended to apply to an entity whose sole source of income is investment income, thereby forcing poor public policy in this circumstance because it suppresses income, potentially below the rate of inflation; and

WHEREAS, the proposed legislation, HB 571 and SB 233, would allow the Authority to invest its funds according to the Prudent Investor Rule applicable to trustees under Chapter 117 of the Texas Property Code; and

WHEREAS, the Prudent Investor Rule allows an investor to manage property and invest or reinvest in any property of any character on the conditions and for lengths of time the investor considers proper, including:

- Business entities
- Real property;
- Insurance
- Securities (stocks, bonds, mutual funds, etc.)

- Collective investment funds; and

WHEREAS, the investor must invest and manage the assets as a prudent investor would, by considering the purposes, terms, distribution requirements, and other circumstances of the portfolio, and the investor must diversify the investments unless it is reasonably determined that, due to special circumstances, the purposes of the portfolio are better served without diversifying; and

WHEREAS, the Authority's financial advisors have determined that over a five (5) year period, the Authority would earn in excess of \$4 million in revenue on its investments if it is allowed to invest in a conservative portfolio under the Prudent Investor Rule rather than if it were restricted by the Public Funds Investment Act because the Prudent Investor standard allows the entity the flexibility to carefully and with expert guidance maximize long-term income and

WHEREAS, the proposed bills, HB 571 and SB 233, also clarify the power of the Authority Board in making expenditures for public health purposes once the Authority no longer owns and operates a general acute care hospital, in that the proposed legislation specifically allows the Authority to make expenditures in the future to improve public health, promote wellness, prevent disease, or enhance the general welfare of the residents of the Authority and specifically authorizes the Authority to own, operate, or fund indigent care clinics, medical research facilities, medical training facilities, or other healthcare facilities; and

WHEREAS, despite not owning a hospital, Chapter 262 of the Texas Health and Safety Code still provides a broad mandate for Hospital Authorities to provide a wide variety of public health services consistent with the proposed legislation; and

NOW, THEREFORE, BE IT RESOLVED that the **City Council of the City of Tomball, Texas** does hereby express its support for the passage of HB 571 and SB 233 to allow the Authority (as the Tomball Regional Health Foundation) to invest its funds as provided in Chapter 2265, the Public Funds Investment Act and also under Subtitle B, Title 9, of Property Code (also known as the Uniform Prudent Investor Act) allowing the Authority to maximize returns on its income to devote to programs and services to benefit the community.

PASSED, APPROVED and RESOLVED this 15th day of April, 2013.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

TOMBALL HOSPITAL AUTHORITY

PROPOSED LEGISLATION FACT SHEET (HB 571 AND SB 233)

- HB 571 and SB 233 clarify the power of the Authority Board in making expenditures for public health purposes once the Authority no longer owns and operates a general acute care hospital. HB 571 and SB 233 also would allow the Authority to invest its funds as provided in Chapter 2265, the Public Funds Investment Act and also under Subtitle B, Title 9, of Property Code (also known as the Uniform Prudent Investor Act) allowing the Authority to maximize returns on its income to devote to programs and services to benefit the community.
- As you know, Tomball Hospital Authority is a municipal hospital authority created by the City of Tomball in 1973 pursuant to Chapter 262 of the Texas Health & Safety Code. The Authority owned and operated Tomball Regional Medical Center from its opening in 1976 until its sale in 2011. As a result of that sale, the Authority now controls an endowment. The Authority will manage and use these funds to promote wellness and improve the health status of residents of Tomball and its surrounding communities through programs that enhance access to health care, preventive care and health education.
- The Authority's ability to invest its funds is currently restricted by the Public Funds Investment Act (Texas Government Code, Ch. 2256). The Public Funds Investment Act allows public funds to be invested in only the following investments:
 - o Obligations of or guaranteed by governmental entities
 - o Certificates of deposit / credit union share certificates
 - o Repurchase agreements
 - o Securities lending programs
 - o Banker's acceptances
 - o Commercial paper
 - o Mutual funds
 - o Guaranteed investment contracts
 - o Investment pools (rated at least AAA or AAA-m)
- The Authority's sole income source in the future will be from the investment of its principal. The Public Funds Investment Act was not intended to apply to an entity whose sole income source was investment income. The Public Funds Investment Act actually forces poor public policy in this circumstance because it suppresses income, potentially below the rate of inflation.
- The proposed bills would allow the Authority to invest its funds according to the Prudent Investor Rule applicable to trustees under Chapter 117 of the Texas Property Code.
- The Prudent Investor Rule allows an investor to manage property and invest and reinvest in any property of any character on the conditions and for lengths of time the investor considers proper, including:
 - o Business entities
 - o Real property

- o Insurance
- o Securities (stocks, bonds, mutual funds, etc.)
- o Collective investment funds.
 - The investor must invest and manage the assets as a prudent investor would, by considering the purposes, terms, distribution requirements, and other circumstances of the portfolio.
 - The investor must diversify the investments unless it is reasonably determined that because of special circumstances, the purposes of the portfolio are better served without diversifying.
- The Authority's financial advisors have determined that over a five (5) year period, the Authority would earn in excess of \$4 million in revenue on its investments if it is allowed to invest in a conservative portfolio under the Prudent Investor Rule rather than if it were restricted by the Public Funds Investment Act. The Prudent Investor standard allows the entity the flexibility to carefully and with expert guidance maximize long-term income.
- The proposed bills also clarify the power of the Authority Board in making expenditures for public health purposes once the Authority no longer owns and operates a general acute care hospital. Specifically, the proposed legislation allows the Authority to make expenditures in the future to improve public health, promote wellness, prevent disease, or enhance the general welfare of the residents of the Authority. The proposed legislation specifically authorizes the Authority to own, operate, or fund indigent care clinics, medical research facilities, medical training facilities, or other healthcare facilities. Despite not owning a hospital, Chapter 262 of the Texas Health and Safety Code still provides a broad mandate for Hospital Authorities to provide a wide variety of public health services consistent with the proposed legislation.

Regular City Council

Agenda Item

Meeting Date: April 15, 2013

Data Sheet

Topic:

Consideration and Possible Action to Approve, as a Project of the Corporation, an Agreement with Advanced Pressure Systems to Make Direct Incentives to or Expenditures for Equipment Expansion for the Creation and Retention of Primary Jobs for Advanced Pressure Systems. The Estimated Amount of Expenditures for Such Project is an Amount Not to Exceed \$42,600.00.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project." At its special meeting on March 28, 2013, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with Advanced Pressure Systems for equipment expansion for the creation and retention of primary jobs for Advanced Pressure Systems. The City Council of Tomball has final approval authority over all projects and agreements of the TEDC.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approve, as a Project of the Corporation, the Performance Agreement with Advanced Pressure Systems

Funding: Yes

Account Number: Project Grants

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation

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

ATTACHMENTS:

Cover Memo

Request Letter

Economic Impact Analysis

Draft Agreement



TO: City Council Members
City of Tomball

FROM: Kelly Violette
Executive Director, Tomball Economic Development Corporation

MEETING DATE: April 15, 2013

SUBJECT: Advanced Pressure Systems

ITEM TYPE: Action

Advanced Pressure Systems L.P. (APS) is a manufacturing company specializing in products for high pressure water blasting, which has wide application in the fields of environmental and industrial cleaning. APS is one of a small group of companies operating under the ownership of principal partners Peter Goldsmith and David Mitchell. These companies include Advanced Precision Services L.P. and PDGL Partners L.P. PDGL Partners received a grant from the TEDC in 2002 for the construction of a 43,387 square foot office/manufacturing facility located at 701 South Persimmon Street, known as the Persimmon Business Park. PDGL Partners expanded the business park in 2010 after receiving grant approval from the TEDC for the construction of an additional 10,000 square foot commercial building on the property.

APS leases 18,900 square feet within the Persimmon Business Park and currently employs 33 people. APS plans to purchase a Horizontal Machining Center in order to expand its manufacturing capabilities to produce high pressure pumps. One new employment position will be created as a result of the new equipment. The cost of the new equipment is \$852,000.00

Equipment, improvements, and expenditures that are for the creation and retention of primary jobs are eligible expenditures under the sales tax statute.

An economic impact analysis is included with the agreement to show the five (5) year impact of this project on Tomball's economy.



701 S. Persimmon, Ste. 85 - Tomball, TX 77375
Toll Free in North America: 1-877-290-4277
Phone: 281-290-9950 - FAX: 281-290-9952
www.waterblast.pro
E-mail: sales-team@waterblast.pro

March 5, 2013

Ms. Kelly Violette, AICP
Executive Director
Tomball Economic Development Corporation
P.O. Box 820
Tomball, TX 77377

Dear Ms. Violette,

Further to our recent meeting we would like to formally request your consideration of our expansion project for a Development Assistance Grant. The Project comprises the acquisition of an OKUMA MB-8000H Horizontal Machining Center, and the associated foundation and electrical work to place it in service.

APS Pressure Systems L.P. (APS) is a manufacturing company specializing in products for high pressure water blasting, which has wide application in the fields of environmental and industrial cleaning.

This new equipment will enable our company to expand the range of products that we can offer to include high pressure pumps. It is expected that this will result in a major increase in sales volume, and lead to additional skilled manufacturing employment as well as semi-skilled supporting jobs.

In the longer term it is expected that APS will outgrow the office/warehouse facilities that we currently occupy, probably in the next two years. APS has a close affiliation with PDGL Partners, who are the owners of the office/warehouse park, in which we are located. A 22,000 ft² plot of land within the park is presently being reserved for new construction to accommodate future growth of APS.

We thank you for your consideration of our request, and look forward to hearing from you.

Yours sincerely

Peter J. Goldsmith P.E.
Partner (Managing)



ECONOMIC DEVELOPMENT ASSISTANCE APPLICATION

Initials of Company Official: _____

Handwritten initials in blue ink, appearing to be "JG", written over a horizontal line.

Texas Government Code Section 2264.01 Certification

Company certifies that Company, or a branch, division, or department of Company, does not and will not knowingly employ an undocumented worker. If, after receiving a public subsidy, Company or a branch, division, or department of Company is convicted of a violation under 8 U.S.C. Section 1324a(f), Company shall repay the amount of the public subsidy paid by TEDC to Company with interest at the rate of 18% per annum, not later than the 120 days after the date that Company receives a notification of such a violation.

The company's representative that is authorized to enter into a binding agreement with TEDC is:

Name: PETER J. GOLDSMITH Title: PARTNER (Managing)

A large, stylized handwritten signature in blue ink, written over a horizontal line.

Signature of Company Representative

Partner (Managing)
Title

Economic Impact of Advanced Pressure Systems in Tomball, TX

Executive Summary

March 25, 2013

Prepared by:

Tomball Economic Development Corporation
29201 Quinn Road
Tomball, TX 77375

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

ECONOMIC IMPACT EXECUTIVE SUMMARY: ADVANCED PRESSURE SYSTEMS

Project Description

APS PRESSURE SYSTEMS L.P. (APS) is a manufacturer and supplier of high pressure water blasting equipment. This type of equipment is used by environmental and industrial contractors for a wide range of cleaning applications. Typically pressures used range from 10,000 psi to 40,000psi and above. APS currently produces valves, nozzles, control guns and supplies high pressure hoses and tubing to customers throughout the United States and overseas. APS plans to expand its current operations, and as part of the expansion, plans to expend funds to add a new Horizontal Machining Center necessary to produce high pressure pumps. The company currently has 33 employees and plans to add one additional employee as part of the expansion. The estimated capital investment for this project is \$852,000.00.

Economic Impact Over the First 10 Years

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

Economic Impact Over the First 10 Years			
	Direct	Indirect & Induced	Total
Total number of permanent direct and indirect jobs to be created	1	1	2
Salaries to be paid to direct and indirect workers	\$401,236	\$384,705	\$785,941
Taxable sales and purchases expected in the city	\$36,343,814	\$38,470	\$36,382,285
The value of new residential property to be built for direct and indirect workers who move to the city by Year 10	\$0	\$0	\$0
The market value the firm's property on local tax rolls in Year 1	\$2,893,200	\$0	\$2,893,200

Fiscal Impact Over the First 10 Years

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

Costs and Benefits for the City Over the First 10 Years			
	Benefits	Costs	Net Benefits
Sales taxes allocated to the City	\$545,734	\$0	\$545,734
Sales taxes allocated to Tomball EDC	\$181,911	\$0	\$181,911
Property taxes	\$138,602	\$0	\$138,602
Utility revenues	\$15,890	\$0	\$15,890
Utility franchise fees	\$19,890	\$0	\$19,890
Hotel occupancy taxes	\$0	\$0	\$0
Other taxes and user fees	\$0	\$0	\$0
Building permits and fees	\$0	\$0	\$0
Costs of providing utilities	\$0	\$12,712	(\$12,712)
Costs of providing municipal services for new residents	\$0	\$0	\$0
Total	\$902,028	\$12,712	\$889,316

ECONOMIC IMPACT EXECUTIVE SUMMARY: ADVANCED PRESSURE SYSTEMS

Net Benefits To The City From The Direct and Indirect Sources

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

Net Benefits to the City from Direct and Indirect Sources			
<i>Benefits/Costs from:</i>			
	<i>Direct</i>	<i>Indirect & Induced</i>	<i>Total</i>
<u><i>Additional revenues:</i></u>			
Sales taxes allocated to the City	\$545,157	\$577	\$545,734
Sales taxes allocated to Tomball EDC	\$181,719	\$192	\$181,911
Property taxes	\$138,602	\$0	\$138,602
Utility revenues	\$15,890	\$0	\$15,890
Utility franchise fees	\$19,890	\$0	\$19,890
Hotel occupancy taxes	\$0		\$0
Other taxes and user fees	\$0	\$0	\$0
Building permits and fees	\$0		\$0
Total additional revenues	\$901,258	\$769	\$902,028
<u><i>Additional costs:</i></u>			
Costs of providing utilities	\$12,712	\$0	\$12,712
Costs of providing municipal services for new residents	\$0	\$0	\$0
Total additional costs	\$12,712	\$0	\$12,712
Net Benefits	\$888,546	\$769	\$889,316
<i>Percent of total net benefits for city</i>	<i>100%</i>	<i>0%</i>	

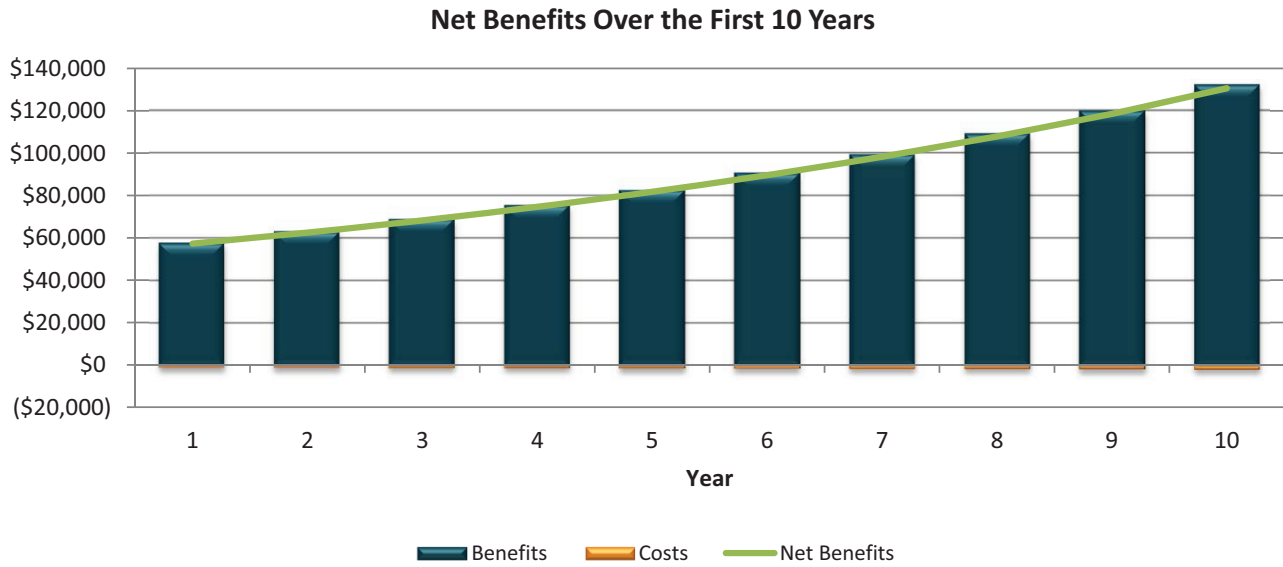
The net benefits to the city over the first 10 years are estimated to accrue as detailed below.

Net Benefits to the City by Year				
	Benefits	Costs	Net Benefits	Cumulative Benefits
Year 1	\$58,057	\$798	\$57,259	\$57,259
Year 2	\$63,343	\$877	\$62,466	\$119,725
Year 3	\$69,205	\$965	\$68,240	\$187,965
Year 4	\$75,700	\$1,062	\$74,639	\$262,603
Year 5	\$82,897	\$1,168	\$81,729	\$344,332
Year 6	\$90,867	\$1,285	\$89,582	\$433,914
Year 7	\$99,692	\$1,413	\$98,279	\$532,193
Year 8	\$109,461	\$1,554	\$107,907	\$640,099
Year 9	\$120,274	\$1,710	\$118,565	\$758,664
Year 10	\$132,532	\$1,881	\$130,652	\$889,316
Total	\$902,028	\$12,712	\$889,316	
<i>Present Value of Net Benefits*</i>			<i>\$661,945</i>	

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

Fiscal Impact Over the First 10 Years

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



Incentives

Tomball EDC may consider the following incentives for the project:

Incentives	
Year 1	\$42,600
Year 2	\$0
Year 3	\$0
Year 4	\$0
Year 5	\$0
Year 6	\$0
Year 7	\$0
Year 8	\$0
Year 9	\$0
Year 10	\$0

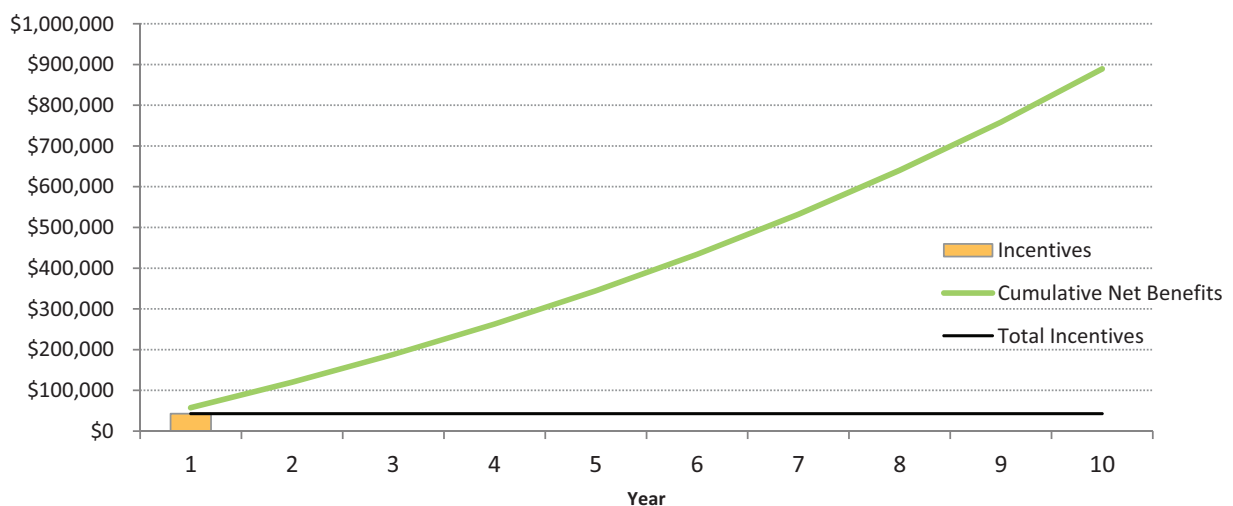
The table below shows an analysis of these incentives, including a calculation of incentives per job, rate of return and payback period.

Analysis of Incentives	
Total Incentives	\$42,600
Rate of Return Over 5 Years	161.7%
Payback period (years)	0.7

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

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

Incentives vs. Cumulative Net Benefits



AGREEMENT

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

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation**, an industrial development corporation created pursuant to Tex. Rev. Civ. Stat. Ann. Art. 5190.6, Section 4B, now Chapter 505 of the Texas Local Government Code, which is located in Harris County, Texas (the “TEDC”), and **Advanced Pressure Systems** (the “Company”), 701 S. Persimmon Street, Suite 85, Tomball, TX 77375.

WITNESSETH:

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

WHEREAS, the Company is leasing an 18,900 square foot existing lease space located in the Persimmon Business Park, 701 S. Persimmon Street, Suite 85, Tomball, Texas 77375 (the “Property”), and more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, the Company proposes to expand its current operation at the Property, and as part of the process, plans to expend funds to add additional equipment necessary to produce high pressure pumps in order to increase its current level of production (the “Improvements”), more particularly described in Exhibit “B” attached hereto and made a part hereof; and

WHEREAS, the Company also proposes to maintain the current thirty-three (33) jobs at the Property and create one (1) new employment position in conjunction with the expansion of its business operations at the Property; and

WHEREAS, the TEDC agrees to provide to the Company the sum of Forty-Two Thousand Six Hundred Dollars (\$42,600.00) to assist in the purchase and installation of the equipment and create and retain employment positions at the Property; and

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

WHEREAS, this expenditure is found by the Board of Directors of the TEDC to be suitable for the expansion of the business operations at the Property and the creation and retention of primary jobs at the Property;

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

1.

The Company covenants and agrees that it will construct the Improvements and operate and maintain the proposed business on the Property for a term of at least five (5) years, and will for such term, except as provided by paragraph 4 hereof, maintain thirty-three (33) employees and create one (1) new job on the Property at the prevailing wage.

2.

The Company also covenants and agrees that construction of the Improvements and obtaining all necessary permits from the City shall occur within twelve (12) months from the Effective Date of this Agreement. Extensions of these deadlines, due to any extenuating

circumstance or uncontrollable delay, may be granted at the sole discretion of the Board of Directors of the TEDC.

3.

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

4.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to grant to the Company the sum of Forty-Two Thousand Six Hundred Dollars (\$42,600.00) to fund a portion of the cost of the Improvements and maintain thirty-three (33) employees and create one (1) new job at the Property. The TEDC agrees to distribute such funds to the Company within thirty (30) days of receipt of a letter from the Company requesting such payment, which letter shall also include: (a) verification of the actual costs of the Improvements; (b) proof of payment to all contractors and subcontractors providing work and/or materials in the installation of the Improvements (proof of payment must include copies of canceled checks and/or credit card receipts and copies of paid invoices from all contractors and subcontractors); (c) an affidavit stating that all contractors and subcontractors providing work and/or materials in the installation of the Improvements have been paid and any and all liens and claims regarding such work have been released; (d) verification from the City of Tomball acknowledging that all necessary permits have been received, reviewed, and approved; (e) proof that the Company has maintained and added the number of employees indicated above to its business operations on the Property, as evidenced by copies of Texas Workforce Commission form C-3 or Internal Revenue

Service Form 941. In the event the number of jobs originally projected is not met, the amount of the funding provided to the Company by the TEDC will be reduced on a pro rata basis to reflect the actual number of jobs at the time of the request for disbursement of funds.

5.

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

The Company shall also reimburse the TEDC for any and all reasonable attorney's fees and costs incurred by the TEDC as a result of any action required to obtain reimbursement of such funds.

6.

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

7.

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

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

If to Company: Advanced Pressure Systems
701 S. Persimmon, Suite 85
Tomball, Texas 77375
Attn: David L. Mitchell, Partner

8.

This Agreement shall be performable and enforceable in Harris County, Texas, and shall be construed in accordance with the laws of the State of Texas. Venue for any action arising under this Agreement shall lie exclusively in the state and federal courts in Harris County, Texas.

9.

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

10.

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

11.

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

12.

In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be deemed to be independent of and severable from the remainder of this Agreement, and the validity of the remaining parts of this Agreement shall not be affected thereby.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on
this _____ day of _____ 2013 (the “Effective Date”).

ADVANCED PRESSURE SYSTEMS

By: _____
Name: David L. Mitchell
Title: Partner

ATTEST:

By: _____
Name: _____
Title: _____

**TOMBALL ECONOMIC DEVELOPMENT
CORPORATION**

By: _____
Name: _____
Title: President, Board of Directors

ATTEST:

By: _____
Name: _____
Title: Secretary, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2013, by David L. Mitchell, Partner, Advanced Pressure Systems L.P. for and on behalf of said
company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2013, by _____, President of the Board of Directors of the Tomball
Economic Development Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

Exhibit A
Legal Description of Property

OUTLOT 332, BEING 5.002 ACRES, SITUATED IN THE FIVE ACRE TRACTS, TOMBALL TOWNSITE, OUT OF THE JESSE PRUITT SURVEY, ABSTRACT 629, HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 65, MAP RECORDS, HARRIS COUNTY, TEXAS

DRAFT

Exhibit B
Description of Improvements

Purchase and install new equipment including:

- OKUMA MB-8000H Horizontal Machining Center, and the associated foundation and electrical work to place it in service

Regular City Council

Agenda Item

Meeting Date: April 15, 2013

Data Sheet

Topic:

Consideration and Possible Action to Approve, as a Project of the Corporation, an Agreement with Century Hydraulics LLC, to Make Direct Incentives to, or Expenditures for, the Creation or Retention of Primary Jobs Associated with the Expansion of an Office/Warehouse Facility located at 23706 Snook Lane, Tomball, Texas. The Estimated Amount of Expenditures for Such Project is an Amount Not to Exceed \$12,000.00.

Background:

All expenditures of the Tomball Economic Development Corporation (TEDC) sales tax revenue must first be approved as a "Project." At its special meeting on March 28, 2013, the TEDC Board of Directors did take formal action to approve, as a Project of the TEDC, an agreement with Century Hydraulics LLC for the creation or retention of primary jobs. The City Council of Tomball has final approval authority over all projects and agreements of the TEDC.

Origination:

Tomball Economic Development Corporation Board of Directors

Recommendation:

Approve, as a Project of the Corporation, the Performance Agreement with Century Hydraulics LLC.

Funding: Yes

Account Number: Project Grants

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

Kelly Violette, Executive Director, Tomball Economic Development Corporation.

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

ATTACHMENTS:

Cover Memo

Request Letter

Economic Impact Analysis

Draft Agreement



TO: City Council Members
City of Tomball

FROM: Kelly Violette
Executive Director, Tomball Economic Development Corporation

MEETING DATE: April 15, 2013

SUBJECT: Century Hydraulics LLC

ITEM TYPE: Action

Century Hydraulics LLC repairs various hydraulic components such as pumps, motors, cylinders, and valves. Century Hydraulics LLC relocated to Tomball in 2008 after receiving a grant from the TEDC in an amount of \$39,000 for the relocation of thirteen employees and the construction of a 9,000 square foot office/warehouse facility on Snook Lane.

Century Hydraulics plans to expand its current operations and, as part of the expansion, will construct an additional 9,000 square foot office/warehouse facility. The company currently has twelve employees and plans to add an additional 4 employees as part of the expansion. The estimated capital investment for this project is \$415,000.00. If the agreement between the TEDC and Century Hydraulics LLC is approved, as a Project of the Corporation, the grant funding amount will be \$3,000 per each new job created in Tomball, not to exceed \$12,000.00

An economic impact analysis is included with the agreement to show the impact of this project on Tomball's economy.

CENTURY HYDRAULICS LLC.

March 11, 2013

Kelly Violette & Tiffani Wooten
Tomball Economic Development Corporation

Re: Request for Funding Assistance

Dear Ms. Violette & Ms. Wooten:

Century Hydraulics LLC made the commitment to move to the City of Tomball over 6 years ago. We have grown so much in these last few years; we are now in need of an additional building to expand our operations. We feel that our company has been an asset to the growth and development of Tomball and has benefited its economic growth with our services.

In order to prepare, facilitate, and start construction of the new building, we are requesting funding assistance from the TEDC. Our new facility is currently in the planning stages for construction to begin with the next six (6) months. Its location will be at 23706 Snook Lane, Tomball. The building will be located in the rear of our existing building on 2.1 acres, and the building itself will be 9,000 square feet which includes 900 square feet of office and 8,100 square feet of warehouse which will include an eco-friendly wash bay. The building will be valued at approximately \$400,000. Architectural plans and permits are soon to be underway.

Century is owned and operated by the President/CEO Joel Christensen who resides at 22523 Guston Hall Katy, Texas 77449 (phone 281-347-7141) and the Vice President Ralph Wagers who resides at 20602 Kerby Place, Cypress, Texas 77447 (phone 281-450-3855). Our Company has been in existence for 13 years with success and growth through customer service as our focus and accomplishment.

Century Hydraulics repairs various hydraulic components such as pumps, motors, cylinders, and valves. We also do some light machine work, with an onsite hose repair shop. The hose shop is very beneficial for local businesses and residents. Currently, we have twelve employees and plan to add two (2) additional employees every year once the expansion is complete. The average hourly wage for all the jobs is \$18.50.

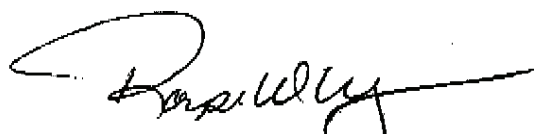
Century would like to request grant funding assistance to help fund the new building. The funding assistance would also include help with drainage, a wash bay, and infrastructure.

Century Hydraulics would like to thank you for giving us the opportunity to receive a grant from the TEDC. We look forward to our continued business in the Tomball area and our affiliations with the TEDC and the Tomball Chamber of Commerce.

Sincerely,



Joel Christensen, President



Ralph Wagers, Vice President

23706 SNOOK LANE TOMBALL, TEXAS 77375
(281) 290-7783 Telephone

P.O. BOX 1848 TOMBALL, TEXAS 77377
(281) 290-7784 Fax



ECONOMIC DEVELOPMENT ASSISTANCE APPLICATION

Initials of Company Official: RWW

Texas Government Code Section 2264.01 Certification

Company certifies that Company, or a branch, division, or department of Company, does not and will not knowingly employ an undocumented worker. If, after receiving a public subsidy, Company or a branch, division, or department of Company is convicted of a violation under 8 U.S.C. Section 1324a(f), Company shall repay the amount of the public subsidy paid by TEDC to Company with interest at the rate of 18% per annum, not later than the 120 days after the date that Company receives a notification of such a violation.

The company's representative that is authorized to enter into a binding agreement with TEDC is:

Name: Ragunwala Title: Vice President

Ragunwala
Signature of Company Representative
Vice President
Title

Economic Impact of CENTURY HYDRAULICS LLC in Tomball, TX

Executive Summary

March 22, 2013

Prepared by:

Tomball Economic Development Corporation
29201 Quinn Road
Tomball, TX 77375

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

ECONOMIC IMPACT EXECUTIVE SUMMARY: CENTURY HYDRAULICS LLC

Project Description

Century Hydraulics LLC repairs various hydraulic components such as pumps, motors, cylinders, and valves. Century Hydraulics plans to expand its current operations and, as part of the expansion, will construct an additional 9,000 square foot office/warehouse facility. The company currently has twelve employees and plans to add an additional 4 employees as part of the expansion. The estimated capital investment for this project is \$415,000.00.

Economic Impact Over the First 10 Years

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

Economic Impact Over the First 10 Years			
	Direct	Indirect & Induced	Total
Total number of permanent direct and indirect jobs to be created	4	4	8
Salaries to be paid to direct and indirect workers	\$1,398,593	\$846,289	\$2,244,882
Taxable sales and purchases expected in the city	\$43,553,047	\$84,629	\$43,637,676
The value of new residential property to be built for direct and indirect workers who move to the city by Year 10	\$0	\$0	\$0
The market value the firm's property on local tax rolls in Year 1	\$465,000	\$0	\$465,000

Fiscal Impact Over the First 10 Years

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

Costs and Benefits for the City Over the First 10 Years			
	Benefits	Costs	Net Benefits
Sales taxes allocated to the City	\$654,565	\$0	\$654,565
Sales taxes allocated to Tomball EDC	\$218,188	\$0	\$218,188
Property taxes	\$17,112	\$0	\$17,112
Utility revenues	\$136,970	\$0	\$136,970
Utility franchise fees	\$13,477	\$0	\$13,477
Hotel occupancy taxes	\$0	\$0	\$0
Other taxes and user fees	\$0	\$0	\$0
Building permits and fees	\$2,040	\$0	\$2,040
Costs of providing utilities	\$0	\$109,576	(\$109,576)
Costs of providing municipal services for new residents	\$0	\$0	\$0
Total	\$1,042,352	\$109,576	\$932,776

ECONOMIC IMPACT EXECUTIVE SUMMARY: CENTURY HYDRAULICS LLC

Net Benefits To The City From The Direct and Indirect Sources

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

Net Benefits to the City from Direct and Indirect Sources			
<i>Benefits/Costs from:</i>			
	<i>Direct</i>	<i>Indirect & Induced</i>	<i>Total</i>
<u><i>Additional revenues:</i></u>			
Sales taxes allocated to the City	\$653,296	\$1,269	\$654,565
Sales taxes allocated to Tomball EDC	\$217,765	\$423	\$218,188
Property taxes	\$17,112	\$0	\$17,112
Utility revenues	\$136,970	\$0	\$136,970
Utility franchise fees	\$13,477	\$0	\$13,477
Hotel occupancy taxes	\$0		\$0
Other taxes and user fees	\$0	\$0	\$0
Building permits and fees	\$2,040		\$2,040
Total additional revenues	\$1,040,659	\$1,693	\$1,042,352
<u><i>Additional costs:</i></u>			
Costs of providing utilities	\$109,576	\$0	\$109,576
Costs of providing municipal services for new residents	\$0	\$0	\$0
Total additional costs	\$109,576	\$0	\$109,576
Net Benefits	\$931,083	\$1,693	\$932,776
<i>Percent of total net benefits for city</i>	<i>100%</i>	<i>0%</i>	

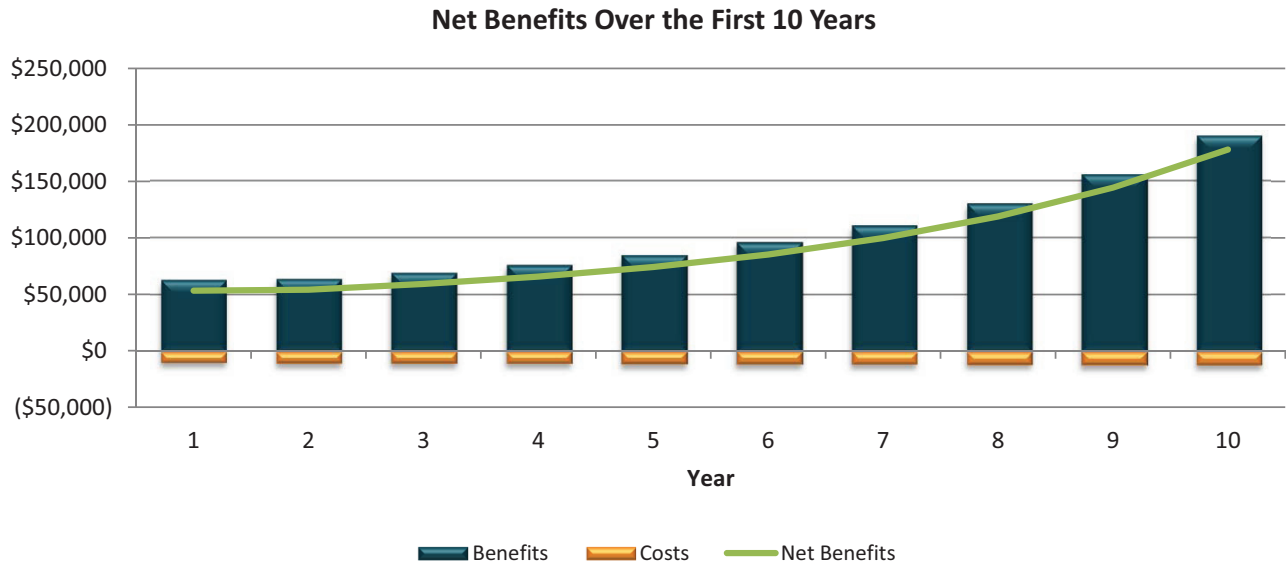
The net benefits to the city over the first 10 years are estimated to accrue as detailed below.

Net Benefits to the City by Year				
	Benefits	Costs	Net Benefits	Cumulative Benefits
Year 1	\$63,253	\$10,007	\$53,246	\$53,246
Year 2	\$64,242	\$10,207	\$54,034	\$107,280
Year 3	\$69,527	\$10,411	\$59,115	\$166,395
Year 4	\$76,274	\$10,620	\$65,654	\$232,049
Year 5	\$84,970	\$10,832	\$74,138	\$306,188
Year 6	\$96,272	\$11,049	\$85,223	\$391,410
Year 7	\$111,053	\$11,270	\$99,783	\$491,194
Year 8	\$130,487	\$11,495	\$118,992	\$610,185
Year 9	\$156,144	\$11,725	\$144,419	\$754,604
Year 10	\$190,131	\$11,960	\$178,171	\$932,776
Total	\$1,042,352	\$109,576	\$932,776	
<i>Present Value of Net Benefits*</i>			\$680,412	

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

Fiscal Impact Over the First 10 Years

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



Incentives

Tomball EDC may consider the following incentives for the project:

Incentives	
Year 1	\$12,000
Year 2	\$0
Year 3	\$0
Year 4	\$0
Year 5	\$0
Year 6	\$0
Year 7	\$0
Year 8	\$0
Year 9	\$0
Year 10	\$0

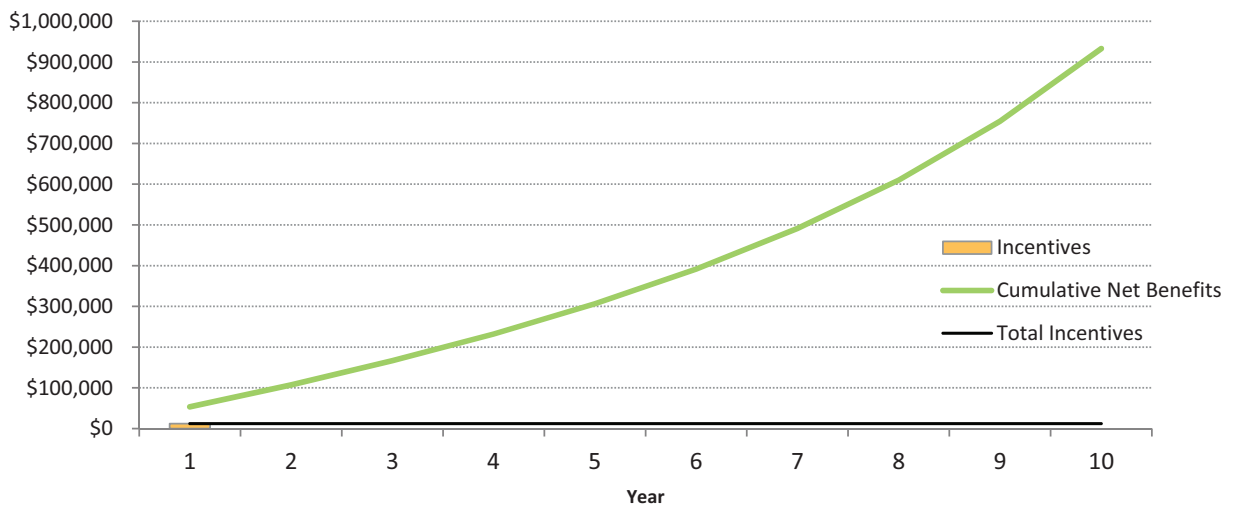
The table below shows an analysis of these incentives, including a calculation of incentives per job, rate of return and payback period.

Analysis of Incentives	
Total Incentives	\$12,000
Incentives Per Job	\$3,000
Rate of Return Over 5 Years	510.3%
Payback period (years)	0.2

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

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

Incentives vs. Cumulative Net Benefits



AGREEMENT

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

This Agreement (the “Agreement”) is made and entered into by and between the **Tomball Economic Development Corporation**, an industrial development corporation created pursuant to the Development Corporation Act, now Chapter 501 et seq of the Texas Local Government Code, located in Harris County, Texas (the “TEDC”), and **Century Hydraulics LLC**. (the “Company”), 23706 Snook Lane, Tomball, Texas 77375.

WITNESSETH:

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

WHEREAS, the Company proposes to expand its current operation on a 2.1 acre tract of land within the City, located at 23706 Snook Lane, Tomball, Texas 77375 (the “Property”), and more particularly described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, the Company plans to expend funds to construct a 9,000 square foot office/warehouse facility and make other capital improvements (the “Improvements”) as are necessary; and

WHEREAS, the Company also proposes to maintain the current twelve (12) jobs at the Property and create four (4) new employment positions at the Property in conjunction with the expansion of its business operations at the Property; and

WHEREAS, the TEDC agrees to provide to the Company the sum of Twelve Thousand Dollars (\$12,000) to assist in the construction of the Improvements and the addition of the four (4) new full-time jobs at the Property; and

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

WHEREAS, this expenditure is found by the Board of Directors of the TEDC to be suitable for the expansion of the business operations at the property, to promote and develop new business enterprises on the Property, and in furtherance of the creation and retention of primary jobs;

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

1.

The Company covenants and agrees that it will construct the Improvements and operate and maintain the proposed business on the property for a term of at least five (5) years, and will for such term, except as provided by paragraph 4 hereof, maintain twelve (12) employees and create four (4) new jobs on the Property at the prevailing wage.

2.

The Company also covenants and agrees that construction of the Improvements, the addition of the four (4) new employees, and obtaining all necessary occupancy permits from the City shall occur within twelve (12) months from the Effective Date of this Agreement. Extensions of these deadlines, due to any extenuating circumstance or uncontrollable delay, may be granted at the sole discretion of the Board of Directors of the TEDC.

3.

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

4.

In consideration of the Company's representations, promises, and covenants, TEDC agrees to grant to the Company the sum of Twelve Thousand Dollars (\$12,000) to fund a portion of the cost of the Improvements and the addition of the four (4) new employees to the Company's business operations on the property. The TEDC agrees to distribute such funds to the Company within thirty (30) days of receipt of a letter from the Company requesting such payment, which letter shall also include: (a) a copy of the City's occupancy permit for the Improvements to the Property; (b) proof that the Company has added the number of employees indicated above to its business operations on the Property, as evidenced by copies of Texas Workforce Commission form C-3 or Internal Revenue Service Form 941; (c) verification from the City acknowledging that all necessary plats, plans, and specifications have been received, reviewed, and approved; (d) certification that the Improvements have been constructed in accordance with the approved plans and specifications; and, (e) an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the Improvements have been paid and any and all liens and claims regarding such work have been released. In the event the number of jobs originally projected is not met, the amount of the funding provided to the Company by the TEDC will be reduced on a pro rata basis to reflect the actual number of jobs at the time of the request for disbursement of funds.

5.

It is understood and agreed by the parties that, in the event of a default by the Company on any of its obligations under this Agreement, the Company shall reimburse the TEDC the full amount paid to the Company by the TEDC, with interest at the rate equal to the 90-day Treasury Bill plus ½% per annum, within 120 days after the TEDC notifies the Company of the default. It is further understood and agreed by the parties that if the Company is convicted of a violation under 8 U.S.C. Section 1324a(f), the Company will reimburse the TEDC the full amount paid to the Company, with interest at the rate equal to the 90-day Treasury Bill plus ½% per annum, within 120 days after the TEDC notifies the Company of the violation.

The Company shall also reimburse the TEDC for any and all reasonable attorney's fees and costs incurred by the TEDC as a result of any action required to obtain reimbursement of such funds. Such reimbursement shall be due and payable thirty (30) days after the Company receives written notice of default accompanied by copies of all applicable invoices.

It is understood and agreed by the parties that, in the event of a default by the TEDC on any of its obligations under this Agreement, the Company's sole and exclusive remedy shall be limited to either a) the termination of this Agreement or b) a suit for specific performance.

6.

Personal Liability of Public Officials: To the extent permitted by law, no director, officer, employee or agent of the TEDC, and no officer, employee or agent of the City of Tomball, shall be personally responsible for any liability arising under or growing out of this Agreement.

7.

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

8.

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

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

If to Company:	Century Hydraulics LLC. 23706 Snook Lane, Tomball, Texas 77375 Attn: Joel Christensen, CEO and President
----------------	---

9.

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

10.

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

11.

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

12.

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

13.

In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement, or the application thereof to any person, firm, corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrases, clauses, sentences, paragraphs, sections, or other parts of this Agreement shall be deemed to be independent of and severable from the remainder of this Agreement, and the validity of the remaining parts of this Agreement shall not be affected thereby.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the parties on this _____ day of _____ 2013 (the "Effective Date").

CENTURY HYDRAULICS LLC.

By: _____

Name: Joel Christensen

Title: CEO and President

ATTEST:

By: _____

Name: _____

Title: _____

TOMBALL ECONOMIC DEVELOPMENT CORPORATION

By: _____

Name: _____

Title: President, Board of Directors

ATTEST:

By: _____

Name: _____

Title: Secretary, Board of Directors

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2013, by Joel Christensen, the CEO and President of Century Hydraulics LLC, for and on behalf
of said company.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____
2013, by _____, President of the Board of Directors of the Tomball Economic
Development Corporation, for and on behalf of said Corporation.

Notary Public in and for the State of Texas

My Commission Expires: _____

(SEAL)

Exhibit A
Legal Description of Property

A tract of land containing 2.161 acres out of the Jesse Pruitt Survey, A-629, Harris County, Texas, and being more particularly described by the following metes and bounds description:

Being a 2.161 acre tract of land, situated in the Jesse Pruitt Survey, Abstract Number 629, of Harris County, Texas, and containing all of a called 0.1538 acre tract described in deed recorded in Clerk's File Number Z-499527, of the Real Property Records of Harris County, Texas, together with all of a called 2.0071 acre tract described in deed recorded in Clerk's File Number Z-499528, of said Real Property Records; said 2.161 acres being more particularly described as follows, with all bearings based on the recorded deed;

BEGINNING at a 1/2 inch iron pipe, found for the Northeast corner of the herein described tract, common with the Northeast corner of the 2.0071 acre tract and the Southeast corner of the 2.166 acre tract described in deed recorded in Volume 2068, Page 386, of the Deed Records of Harris County, Texas, same being in the West line of a called 5.1420 acre tract, described in deed recorded in Clerk's File Number G908192, of said Real Property Records, and proceeding;

THENCE S 00 deg. 58 min. 28 sec. E, a distance of 139.22 feet (Deed - S 00 deg. 22 min. 15 sec. E, 139.09 feet) along the East line of the herein described tract, common with the East line of 2.0071 acre tract and the West line of the 5.1420 acre tract, to a 5/8 inch iron rod, found for the Southeast corner of the herein described tract, common with the Southeast corner of the 2.007 acre tract and the Northeast corner of a called 2.1699 acre tract of land, no deed of record found;

THENCE S 89 deg. 04 min. 00 sec. W, a distance of 677.73 feet, along the South line of the herein described tract common with the lower South line of the 2.0071 acre tract, the South line of the 0.1538 acre tract, and the North line of the 2.1699 acre tract to a 5/8 inch iron rod, found for the Southwest corner of the herein described tract, common with the Southwest corner of the 0.1538 acre tract and the Northwest corner of the 2.1699 acre tract, same being in the East right-of-way line of Snook Lane, 60 feet wide;

THENCE N 00 deg. 01 min. W (Deed - N 00 deg. 01 min. 30 sec. W), a distance of 139.10 feet, along the West line of the herein described tract, common with the West line of the 0.1538 acre tract, the upper West line of the 2.0071 acre tract, and the East right-of-way line of Snook Lane, to an iron rod with survey cap, set for the Northwest corner of the herein described tract, common with the Northwest corner of the 2.0071 acre tract and the Southwest corner of a called 70' x 200' tract described in deed recorded in Clerk's File Number P682597, of said Real Property Records;

THENCE N 89 deg. 03 min. 19 sec. E, a distance of 675.41 feet (Deed - N. 89 deg. 04 min. 00 sec. E, 676.35 feet), along the North line of the herein described tract, common with the North line of the 2.0071 acre tract, the South line of the 70 x 200' tract and the lower South line of the 2.166 acre tract, back to the POINT OF BEGINNING and containing 2.161 acres of land as computed based on the Survey and plat prepared by C & C Surveying, Inc., dated September 19, 2007.

Regular City Council

Agenda Item

Meeting Date: April 15, 2013

Data Sheet

Topic:

Approve the Following Plats, as recommended by the Planning and Zoning Commission:

- **REPLAT OF THE FINAL PLAT RESERVE AT SPRING LAKE SECTION ONE**: Being a 221.2020 Acres located in the Joseph Miller Leave, A-50 W.H. Clemens Survey, A-1641 Harris County, Texas City of Tomball, Texas.
- **REPLAT OF QUINN TRACT**: A subdivision of 1.3104 acre tract, 57084 square feet; Being a Replat of Lots 11, Abbreviated Plat of Quinn Tract as recorded in Film Code 609204, Harris County Map Records, situated in the Joseph House Survey, Abstract 34, City of Tomball, Harris County, Texas.
- **REPLAT OF ABANDONED ANIMAL RESCUE**: Being a subdivision of 6.0439 acres of land situated in the Ralph Hubbard Survey, Abstract Number 383, of Harris County, Texas, and being a Replat of Lot 61 of Tomball Outlots; a subdivision according to the map or plat thereof recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, together with a Replat of Abandoned Animal Rescue, a subdivision according to the map plat thereof recorded in Volume 584, Page 265 of the Map Records of Harris County, Texas.

Background:

The Planning and Zoning Commission approved the REPLAT OF THE FINAL PLAT RESERVE AT SPRING LAKE SECTION ONE with contingencies on November 12, 2012. Comments have been addressed and the Replat is being presented to City Council for approval consideration.

The Planning and Zoning Commission approved the REPLAT OF QUINN TRACT and REPLAT OF ABANDONED ANIMAL RESCUE with contingencies on April 8, 2013. Comments have been addressed and the Replats are being presented to City Council for approval consideration.

Origination:

Engineering and Planning

Recommendation:

Approve Plats as Recommended by Planning and Zoning Commission

Funding:

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

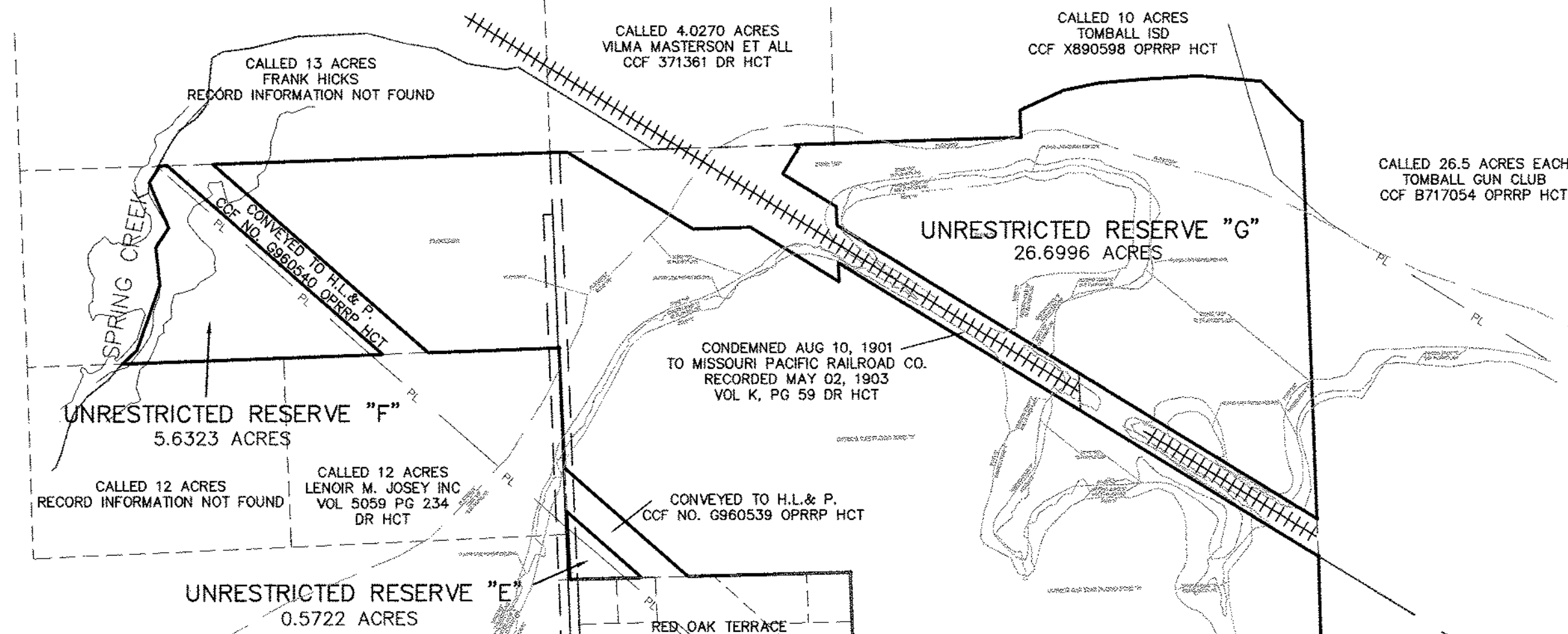
Brandy Pate, Engineering and Planning

ACTION TAKEN

APPROVAL ☐ YES ☐ NO	READINGS PASSED ☐ 1 ST ☐ 2 ND	OTHER
---	---	--------------

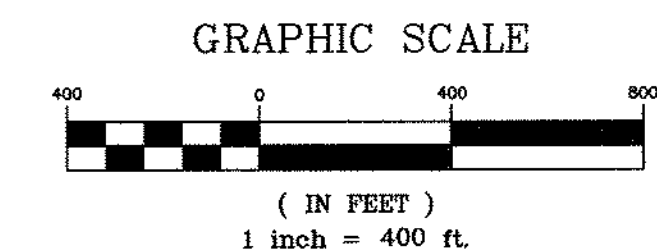
ATTACHMENTS:

Replat of the Final Plat Reserve at Spring Lake Section One 1 of 6
 Replat of the Final Plat Reserve at Spring Lake Section One 2 of 6
 Replat of the Final Plat Reserve at Spring Lake Section One 3 of 6
 Replat of the Final Plat Reserve at Spring Lake Section One 4 of 6
 Replat of the Final Plat Reserve at Spring Lake Section One 5 of 6
 Replat of the Final Plat Reserve at Spring Lake Section One 6 of 6
 Replat of Quinn Tract
 Replat of Abandoned Animal Rescue



SUMMARY TABLE OF LOT(S)					FLOODPLAIN AREA	
LOT	SQ. FT.	ACRE(S)	%		ACRE(S)	%
			1%	0.2%		
1	50172.80	1.1518	0.0000	0.0000		
2	58485.67	1.3426	0.0000	0.0000		
3	58850.86	1.3510	0.0000	0.0000		
4	59253.77	1.3803	0.0000	0.0000		
5	54892.57	1.2602	0.0000	0.0000		
6	44387.39	1.0192	0.0000	0.0000		
7	44468.56	1.0208	0.0000	0.0000		
8	44537.77	1.0225	0.0000	0.0000		
BLOCK 2					FLOODPLAIN AREA	
LOT	SQ. FT.	ACRE(S)	%		ACRE(S)	%
			1%	0.2%		
1	84287.56	1.9756	0.0000	0.0000		
2	52639.42	1.2077	0.0000	0.0000		
3	51403.41	1.1824	0.0000	0.0000		
4	67282.6	1.5678	0.0000	0.0000		
5	59583.48	1.3678	0.0000	0.0000		
6	55947.76	1.2844	0.0000	0.0000		
7	57052.29	1.3097	0.0000	0.0000		
8	50101.18	1.1502	0.0000	0.0000		
9	78659.54	1.8058	0.0000	0.0000		
10	60037.84	1.3783	0.0000	0.0000		
11	60081.27	1.3788	0.0000	0.0000		
12	60273.11	1.3857	0.0000	0.0000		
BLOCK 3					FLOODPLAIN AREA	
LOT	SQ. FT.	ACRE(S)	%		ACRE(S)	%
			1%	0.2%		
1	50734.45	1.1645	0.0000	0.0000		
2	57628.83	1.3230	0.0000	0.0000		
3	60473.1	1.3883	0.0000	0.0000		
4	60010.03	1.3776	0.0000	0.0000		

SUMMARY TABLE OF RESERVE(S)					FLOODPLAIN AREA	
RESERVE(S)	SQ. FT.	ACRES	PURPOSE	ACRE(S)	ACRE(S)	%
A	80323.25	1.8414	LANDSCAPE	0.0000	0.0000	
B	126474.57	2.9035	LANDSCAPE	0.0000	0.0000	
C	489613.88	11.3318	DRAINAGE & DET.	0.0000	0.0000	
D	5775648.33	132.6805	UNRESTRICTED	20.0903	4.0289	
E	24924.97	0.5722	UNRESTRICTED	0.0000	0.0000	
F	245341.94	5.6323	UNRESTRICTED	5.6323	0.0000	
G	1293715.11	29.8996	UNRESTRICTED	19.6222	3.5298	



GENERAL NOTES:

- All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
- All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
- No building or structure shall be constructed across any pipelines, building lines, and/or easements. Building setback lines will be required adjacent to oil/gas pipelines. The setbacks at a minimum should be 15 feet off centerline of low pressure gas lines and 30 feet off centerline of high pressure gas lines.
- This plat does not attempt to amend or remove any valid covenants or restrictions.
- 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.
- Bearings based on Texas South Central State Plane Coordinates (Nad 83).
- Unless otherwise indicated, the building line (B.L.), whether one or more, shown on this plat are established to evidence compliance with the applicable provisions of Chapter 14, Code of Ordinances, City of Tomball, Texas, in effect at the time this plat was approved, which may be amended from time to time.
- The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (Nad83) and may be brought from surface by applying the following combined scale factor of .99992227.
- All corners are set 5/8 inch iron rods w/cap unless otherwise shown or noted.
- There is a One-foot reserve dedicated as a buffer separation between the side or end of streets where such streets abut adjacent property, the condition of this dedication being that when the adjacent property is subdivided or re-subdivided in a recorded subdivision plat, the one-foot reserve shall thereupon become vested for street right-of-way purposes.
- Private Access Easement dedicated for use as temporary road until street is extended in a recorded plat.
- Gas and Water lines are located along Ulrich Road.
- Magnolia Pipeline Company Easement recorded in Volume 1554, Page 135, Volume 1554, Page 136 and Volume 1546, Page 296, Humble Oil Refining Company Easement recorded in Volume 1663, Page 389 and Tepeco Crude Pipeline, L.P. recorded in Volume 941, Page 258 of the Deed Records of Harris County, Texas are blanket easements.
- Right-of-Way and easement for pipeline purposes, as granted to Humble Oil and Refining Company, now known as Exxon Corporation by instruments recorded in Volume 2844, Page 672 and Volume 3496, Page 459, both of the Deed Records of Harris County, Texas amended and defined by instrument filed for record under Harris County Clerk's File No. K547140. It does not affect subject property.
- Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
- Subject tract and all easements, building lines, etc., as set out by the plat recorded under Film Code No. 645045 of the Map Records of Harris County, Texas.
- Agreement for Underground Electric Service filed under Clerk's File No. 20120477324 of the Real Property Records of Harris County, Texas, is blanket in nature and affects all of Section 1.
- Short Form Blanket Easement for Certain Utilities as granted by instrument filed under Clerk's File No. 20120478547 of the Real Property Records of Harris County, Texas, is blanket in nature and affects all of Section 1.
- Memorandum of Agreement by and between Zion Road Properties, LLC and Legend Classic Homes, Ltd. d/b/a Princeton Classic Homes by instrument filed under Clerk's File No. 20120178700 of the Real Property Records of Harris County, Texas, affects Section 1.
- Subject property is located within the City of Houston or within its extra territorial jurisdiction (within 5 miles of the city limits buy outside another municipality) and is subject to the terms, conditions, and provision of City of Houston Ordinance No. 85-1878 and 99-262, pertaining to, among other things the platting and re-platting of real property and to the establishment of building lines. A certified copy of said ordinance was filed of record on August 1, 1991, under Harris County Clerk's File No. N253886.

ENGINEER:
DAVID P. KELLY II, P.E.
DPK ENGINEERING, LLC
32719 WINDSOR TERRACE
FULSHEAR, TX 77441
PH: 281-346-2616

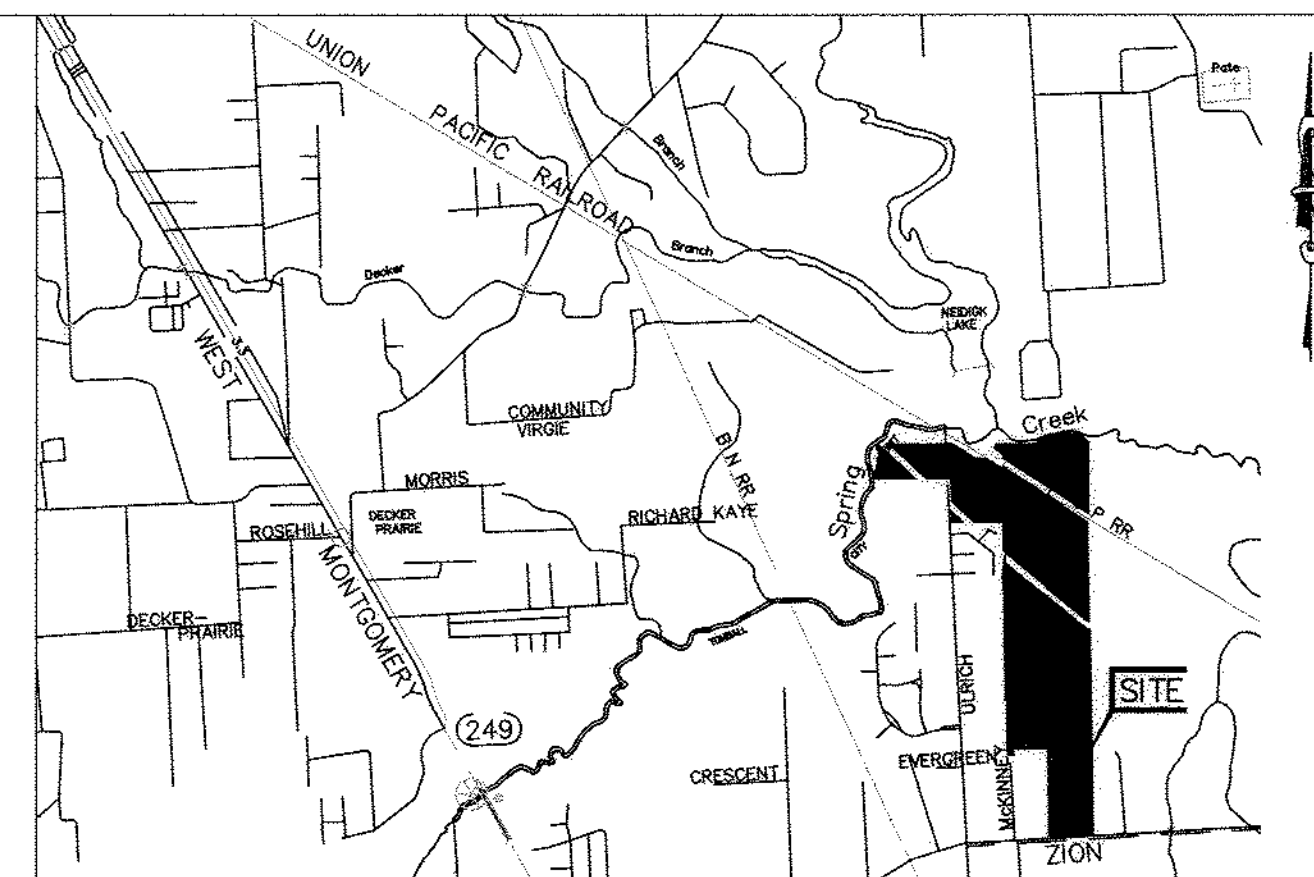
ENGINEER:
DAVID P. KELLY II, P.E.
DPK ENGINEERING, LLC
32719 WINDSOR TERRACE
FULSHEAR, TX 77441
PH: 281-346-2616

LIENHOLDER:
COMMERCIAL STATE BANK
401 NORTH MECHANIC
EL CAMPO, TX 77437
PH: 979-543-6441

OWNER/DEVELOPER:
ZION ROAD PROPERTIES
ROBERT M. ALLEN, PRESIDENT
9977 W. SAM HOUSTON PKWAY N., #150
HOUSTON, TX 77064
PH: 281-477-8688

LIENHOLDER:
JSRA PROPERTY INVESTMENT
ROBERT M. ALLEN, PRESIDENT
9977 W. SAM HOUSTON PARKWAY N.,
SUITE #150
HOUSTON TEXAS 77064
PH: 281-477-8688

LIENHOLDER:
KOLKHORST & KOLKHORST, CPAs
GARY KOLKHORST, PARTNER
9977 W. SAM HOUSTON PARKWAY N.,
SUITE #150
HOUSTON TEXAS 77064
PH: 281-477-9100



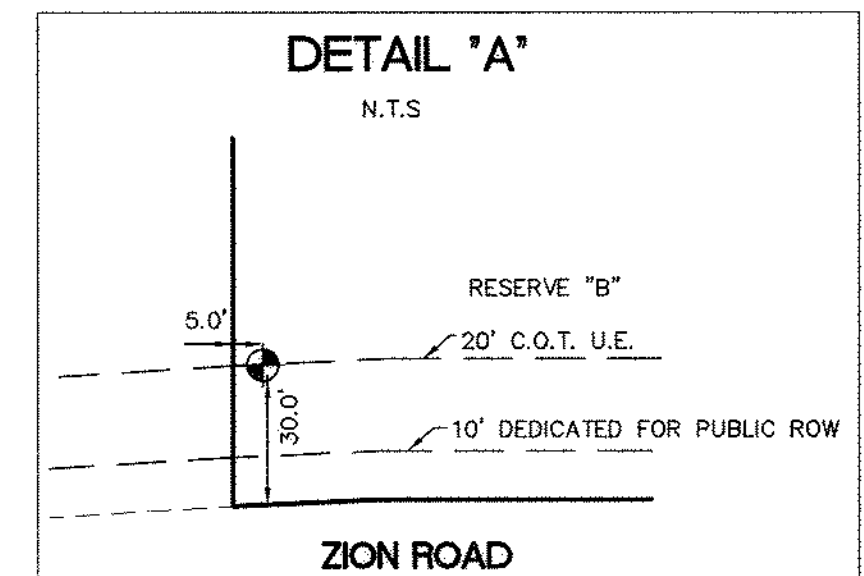
VICINITY MAP
NOT TO SCALE

FLOOD STATEMENT

According to FEMA Firm Panel No. 48201C0230L & 48201C0265L (Effective Date June 18, 2007), part of this property is in Zone "AE" and is within the 1% Annual Chance Flood Plain. The 1% annual chance flood (100-year flood), is also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Elevation is the water surface elevation of the 1% annual chance flood.

Warning: Part of this site is within an identified Special Flood Hazard Area, this statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This determination has been made by scaling the property on the referenced map and is not the result of an elevation survey. This flood statement shall not create liability on the part of the surveyor.

Floodplain	Acres (approximate)
Floodway	27.6102 acres
1% Floodplain	24.3363 acres
0.2% Floodplain	9.4758 acres
Zone "X" Floodplain (outside 0.2%)	173.4190 acres

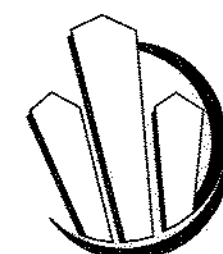


SITE BENCHMARK - SET BRASS DISK IN CONCRETE STAMPED "RSL1" LOCATED NEAR THE SOUTHWEST CORNER OF THE SUBDIVISION, 30 FEET NORTH OF ZION ROAD, AND 5 FEET EAST OF PROPERTY LINE AS SHOWN. ELEVATION=172.98

REPLAT OF THE FINAL PLAT
RESERVE AT SPRING LAKE
SECTION ONE
221.2020 ACRES (9,635,559.12 SQ. FT.)
LOCATED IN THE
JOSEPH MILLER LEAGUE, A-50
W.H. CLEMENS SURVEY, A-1641
HARRIS COUNTY, TEXAS
CITY OF TOMBALL, TEXAS
3 BLOCKS 24 LOTS 7 RESERVES

NOVEMBER 2012

REASON FOR REPLAT:
TO REMOVE DRAINAGE EASEMENTS



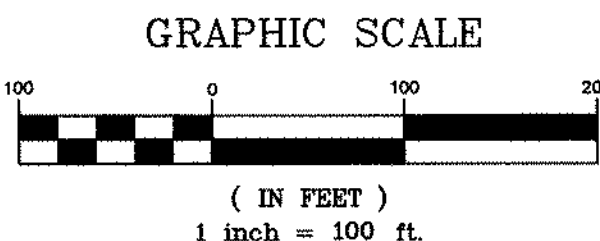
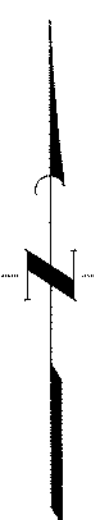
SURVEYOR:
TOWN & COUNTRY SURVEYORS, LLC
20307 NORTH FREEWAY, SUITE 100
THE WOODLANDS, TX 77380
(281)465-8730
FAX (281)465-8731

LEGEND:

BUILDING LINE
UTILITY EASEMENT
AERIAL EASEMENT
CITY OF TOMBALL UTILITY EASEMENT/DRAINAGE EASEMENT (PUBLIC)
DRAINAGE EASEMENT (PRIVATE)
FOUND 5/8 INCH IRON RODS
BLOCK NUMBER
SURVEY LINE

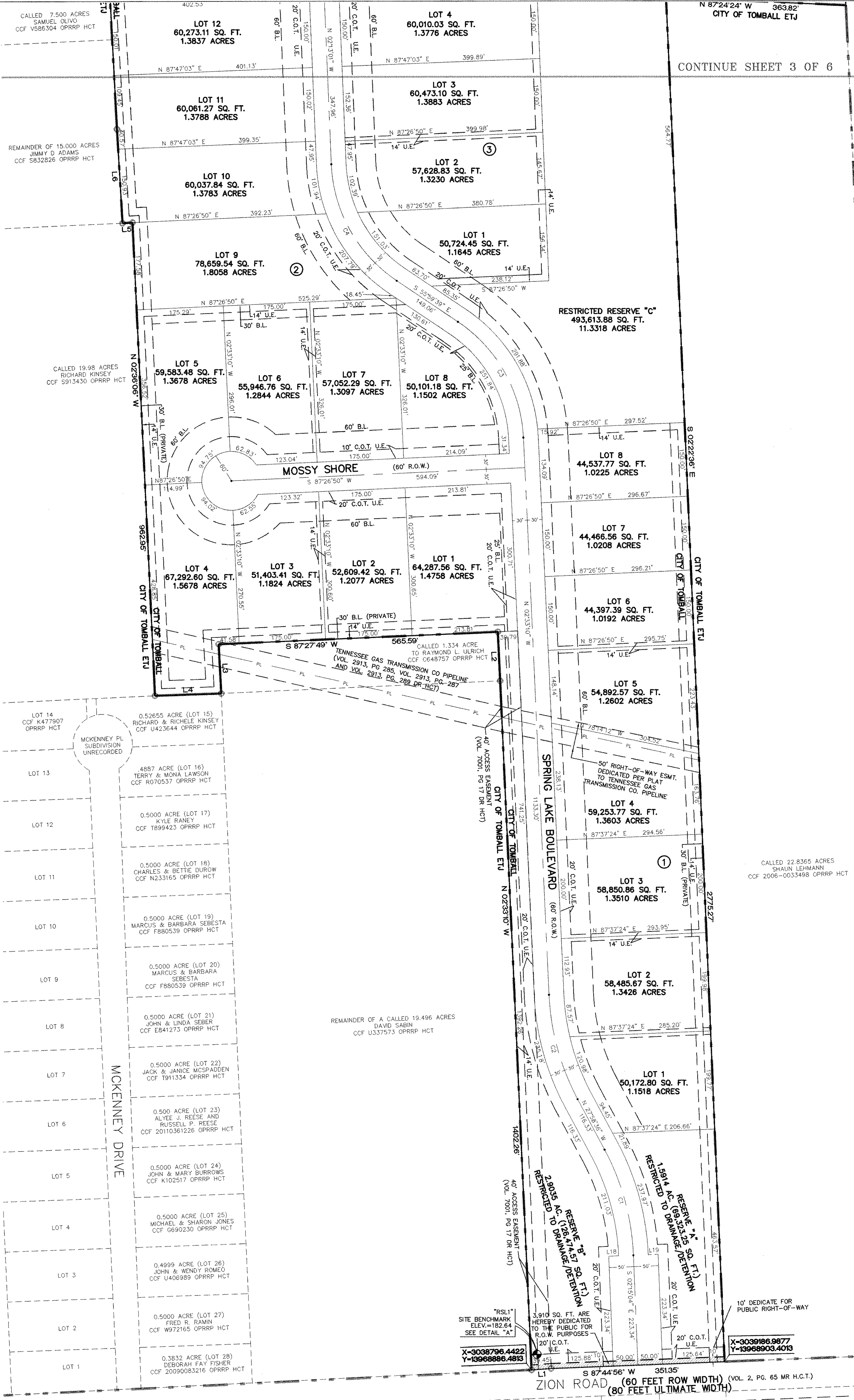
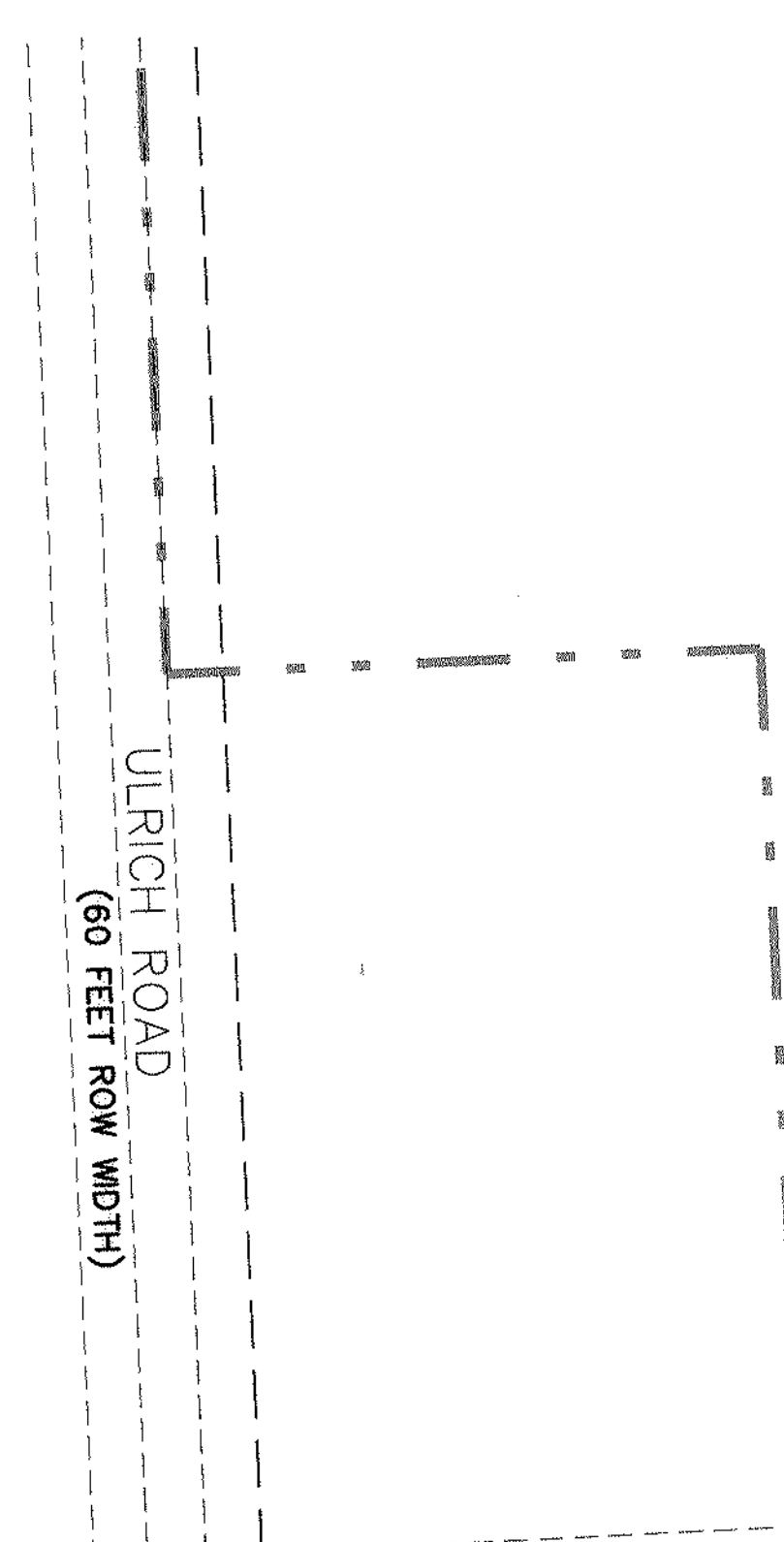
B.L.
U.E.
A.E.
C.O.T. U.E.
D.E.
⑥
①

\\s01\shared\cadd\cadd\2012\11\20\11-20-12\11-20-12.dwg (11/20/12) 11:20:12 AM Page 96 of 102

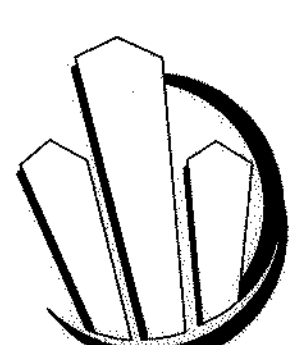


LINE	LENGTH	BEARING
L1	39.59	S85°28'48"W
L2	98.79	N02°38'21"W
L3	100.17	S02°59'58"E
L4	134.11	S88°01'13"W
L5	20.10	S86°50'37"W
L6	191.51	N03°13'33"W
L7	64.65	N47°27'28"E
L8	220.98	N19°31'47"E
L9	119.99	N06°53'22"W
L10	75.85	N33°53'17"E
L11	157.84	N23°30'57"W
L12	63.77	N32°10'15"E
L13	54.64	N88°15'37"E
L14	60.01	S02°11'40"E
L15	44.05	S58°38'56"E
L16	90.20	S01°39'54"E
L17	84.48	S02°32'05"E
L18	20.00	N87°44'56"E
L19	20.00	N87°44'56"E
L20	23.10	N88°07'33"E
L21	60.02	S02°11'40"E
L22	100.00	S31°22'24"W
L23	14.74	S58°37'40"E
L24	87.16	N02°27'38"W
L25	15.97	S57°50'41"E

CURVE	RADIUS	LENGTH	DELTA	CHORD B.	CHORD L.
C1	500.00	224.50	25°43'32"	N15°06'50"W	222.62
C2	500.00	221.86	25°25'26"	S15°15'53"E	220.05
C3	300.00	279.82	53°26'28"	S29°16'24"W	269.78
C4	300.00	281.58	53°46'38"	S29°06'20"E	271.35
C5	470.00	143.12	17°26'50"	N83°29'35"W	142.57
C6	530.00	163.84	17°42'45"	S83°37'32"E	163.19
C7	114.74	60.00	109°33'56"	S07°28'03"E	98.04
C8	21.63	25.00	49°33'56"	N22°33'57"E	20.96
C9	133.55	85.00	90°01'28"	S42°47'44"W	120.23
C10	242.92	330.00	42°10'35"	N71°40'23"W	237.47
C11	195.86	270.00	41°33'49"	S71°21'57"E	191.60
C12	239.38	330.00	41°33'46"	S71°21'59"E	234.17
C13	198.75	270.00	42°10'55"	N71°40'23"W	194.29
C14	39.27	25.00	90°00'00"	S42°48'28"W	35.36
C15	21.67	25.00	49°39'38"	S27°01'21"E	21.00
C16	114.81	60.00	109°38'10"	N02°57'54"E	98.08



REPLAT OF THE FINAL PLAT
RESERVE AT SPRING LAKE
SECTION ONE
221.2020 ACRES (9,635,559.12 SQ. FT.)
LOCATED IN THE
JOSEPH MILLER LEAGUE, A-50
W.H. CLEMENS SURVEY, A-1641
HARRIS COUNTY, TEXAS
CITY OF TOMBALL, TEXAS
3 BLOCKS 24 LOTS 7 RESERVES
NOVEMBER 2012
REASON FOR REPLAT:
TO REMOVE DRAINAGE EASEMENTS



TOWN & COUNTRY SURVEYORS, LLC
25307 NORTH FREEWAY, SUITE 100
THE WOODLANDS, TX 77380
(281)465-9730
FAX (281)465-8731

E RIGHT TO LEFT)
CCF J788626 OPRRP HCT
CCF
POINT ENERGY
ERY CCF H821490 OPRRP HCT

UNRESTRICTED RESERVE "D"
5,779,564.71 SQ. FT.
132.6805 ACRES

CALLED 26.5 ACRES EXCH
TOMBALL COUN. CLUB
CCF B717058-10 OPRRP HCT

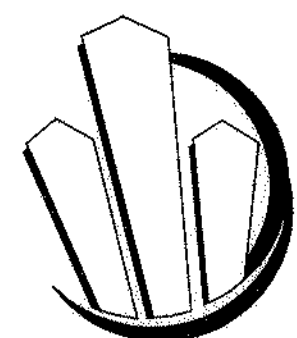
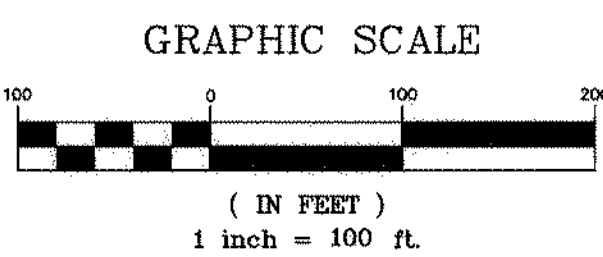
CALLED 4.0000 ACRES
PRICLA BROWN
HARRIS COUNTY APPRAISAL DISTRICT
ACCOUNT No. 044-0000-002-0022

CALLED 1155.696 ACRES
HOBBS H. MICAL LIVING TRUST
CCF NO. B316725 OPRRP HCT

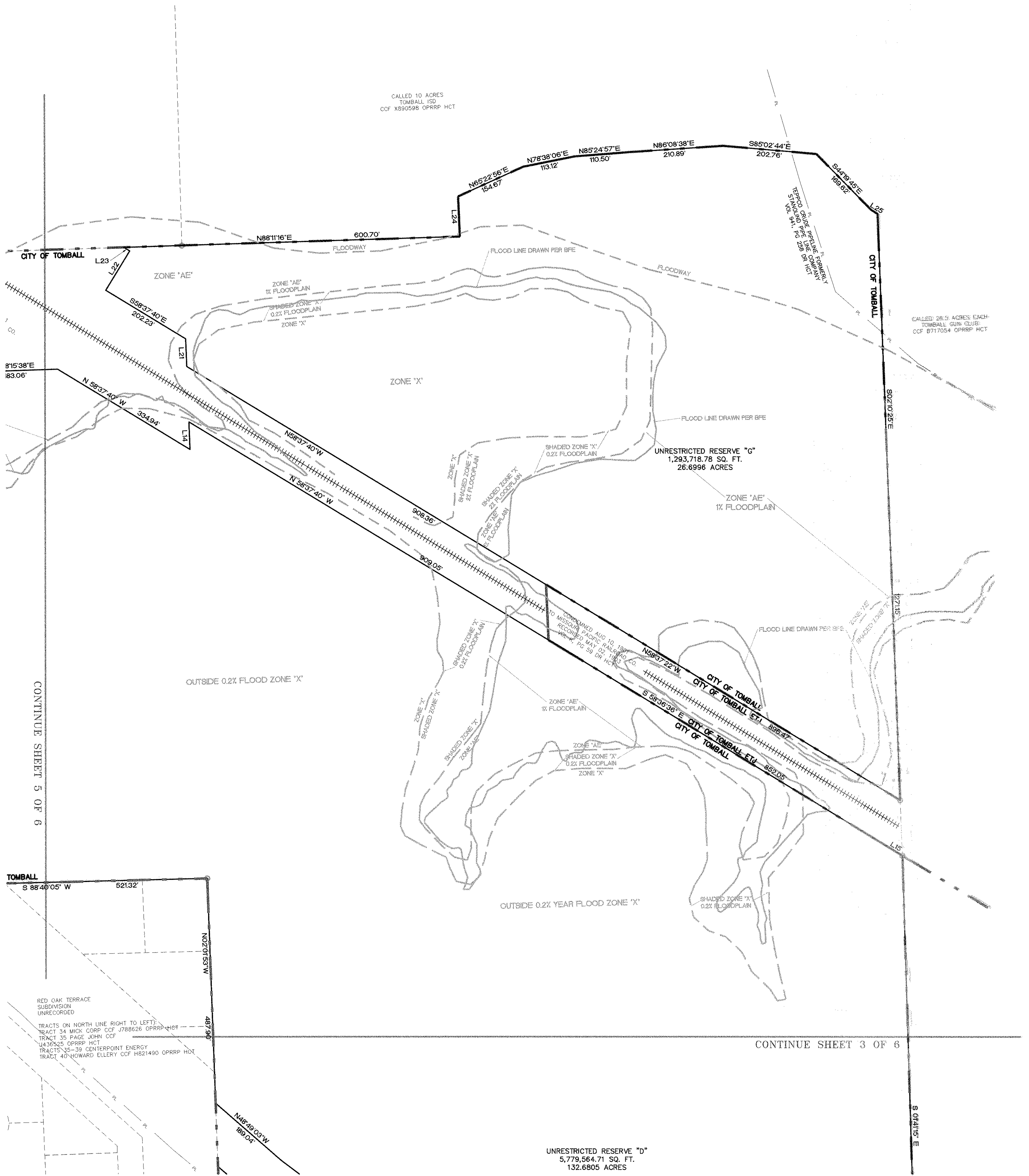
PROPOSED SUBDIVISION

RESTRICTED RESERVE "C"
493,613.88 SQ. FT.
11.3318 ACRES

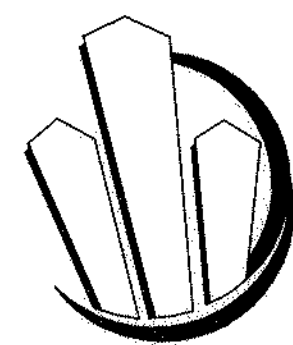
REPLAT OF THE FINAL PLAT
RESERVE AT SPRING LAKE
SECTION ONE
221.2020 ACRES (9,635,559.12 SQ. FT.)
LOCATED IN THE
JOSEPH MILLER LEAGUE, A-50
W.H. CLEMENS SURVEY, A-1641
HARRIS COUNTY, TEXAS
CITY OF TOMBALL, TEXAS
3 BLOCKS 24 LOTS 7 RESERVES
NOVEMBER 2012
REASON FOR REPLAT:
TO REMOVE DRAINAGE EASEMENTS



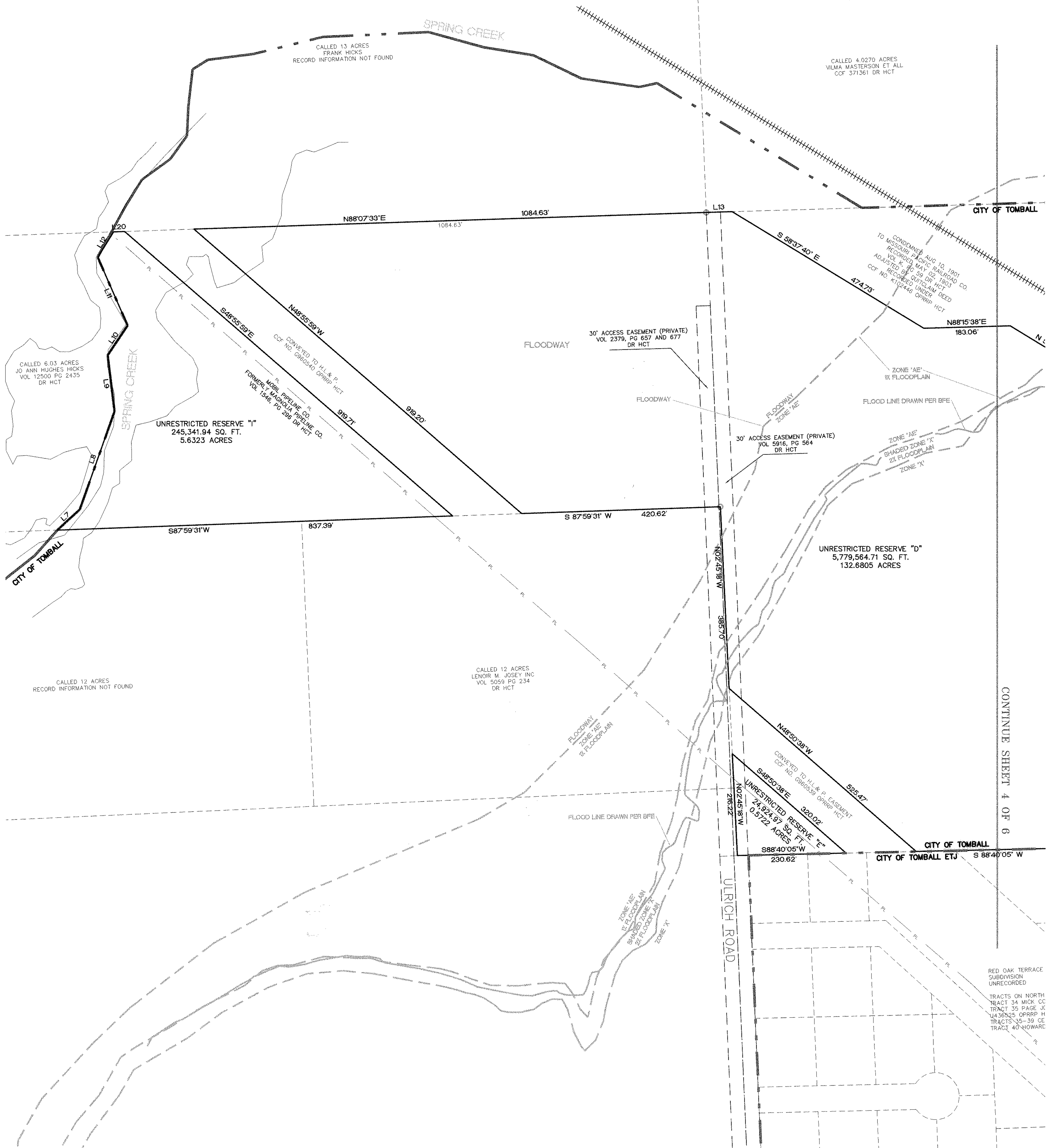
TOWN & COUNTRY SURVEYORS, LLC
25307 NORTH FREEWAY, SUITE 100
THE WOODLANDS, TX 77380
(281) 465-8780
FAX (281) 465-8731



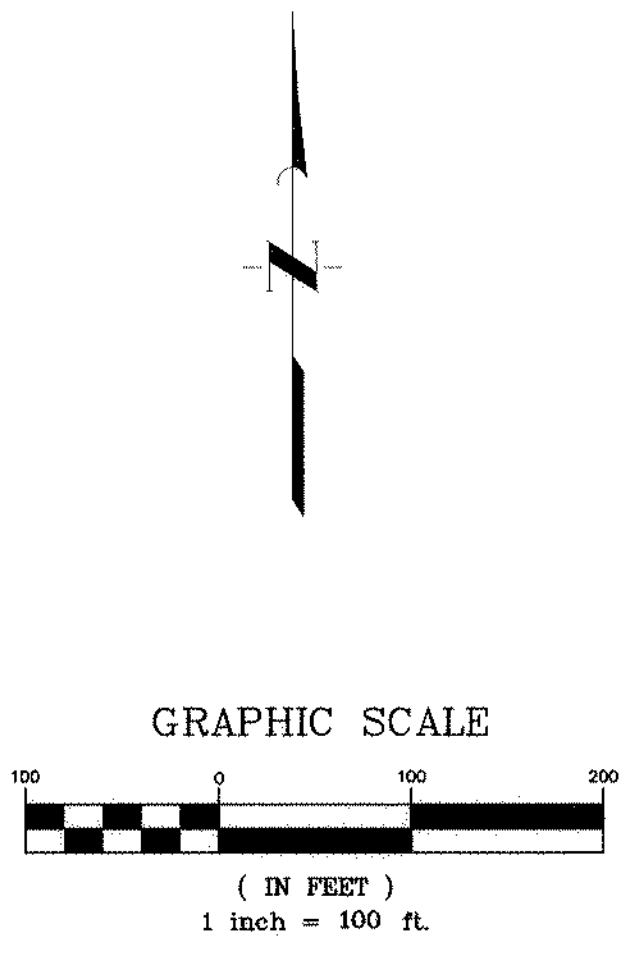
REPLAT OF THE FINAL PLAT
RESERVE AT SPRING LAKE
SECTION ONE
221.2020 ACRES (9,635,559.12 SQ. FT.)
LOCATED IN THE
JOSEPH MILLER LEAGUE, A-50
W.H. CLEMENS SURVEY, A-1641
HARRIS COUNTY, TEXAS
CITY OF TOMBALL, TEXAS
3 BLOCKS 24 LOTS 7 RESERVES
NOVEMBER 2012
REASON FOR REPLAT:
TO REMOVE DRAINAGE EASEMENTS



TOWN & COUNTRY SURVEYORS, LLC
25307 NORTH FREEWAY, SUITE 100
THE WOODLANDS, TX 77380
(281) 465-8730
FAX (281) 465-8731



REPLAT OF THE FINAL PLAT
RESERVE AT SPRING LAKE
SECTION ONE
221.2020 ACRES (9,635,559.12 SQ. FT.)
LOCATED IN THE
JOSEPH MILLER LEAGUE, A-50
W.H. CLEMENS SURVEY, A-1641
HARRIS COUNTY, TEXAS
CITY OF TOMBALL, TEXAS
3 BLOCKS 24 LOTS 7 RESERVES
NOVEMBER 2012
REASON FOR REPLAT:
TO REMOVE DRAINAGE EASEMENTS



TOWN & COUNTRY SURVEYORS, LLC
25307 NORTH FREEWAY, SUITE 100
THE WOODLANDS, TX 77380
(281)465-8730
FAX (281)465-8731

STATE OF TEXAS
COUNTY OF HARRIS

WE, Zion Road Properties, LLC, acting by and through Robert M. Allen, General Manager, being officer of Zion Properties, LLC, hereinafter referred to as owners of the 221.2020 acre tract described in the above and foregoing plat of RESERVE AT SPRING LAKE SECTION ONE, do hereby make and establish said subdivision and development plat of said property according to all liens, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purpose and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easements, five (5) feet in width from a plane twenty (20) feet 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 (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 (15) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Tomball, Harris County, or any other governmental agency, the right to enter upon said easement at any times for the purpose of construction and maintenance of drainage facilities and structures.

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

IN TESTIMONY WHEREOF, Zion Road Properties, LLC, has caused these presents to be signed by Robert M. Allen, its General Manager, thereunto authorized, attested by its Secretary, Gary Kolkhorst, and its common seal hereunto affixed this 19th day of November, 2012.

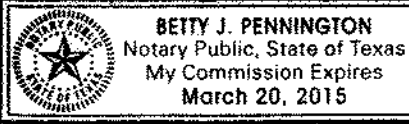
Zion Road Properties, LLC

By: Robert M. Allen
Robert M. Allen, General Manager

Attest:
By: Gary Kolkhorst, Secretary

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Robert M. Allen and Gary Kolkhorst, General Manager of Zion Properties, LLC, known to me to be the persons whose name is subscribed to the foregoing instrument and acknowledgment 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 28th day of November, 2012

Betty J. Pennington
Notary Public in and for the State of Texas

Print name: Betty J. Pennington

My Commission expires: March 20 2015

THE STATE OF TEXAS
COUNTY OF HARRIS

We, Commercial State Bank, owners and holders of a lien against the property described in the plat known as Reserve at Spring Lake Section One, said lien being evidenced by instrument of record in Clerk's File Nos. 2008-0535712, 20120109562, 20120109565 and 20120109566 of the Mortgage Records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

James Alexander
El Campo, Texas
Phone: 979-543-6441

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared James Alexander, 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 and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 4th day of December, 2012

Melissa Price
Notary Public in and for the State of Texas
My Commission Expires: 12/29/2012



THE STATE OF TEXAS
COUNTY OF HARRIS

We, JSRA Property Investments, owners and holders of a lien against the property described in the plat known as Reserve at Spring Lake Section One, said lien being evidenced by instrument of record in Clerk's File No. 20090285835 of the Property Records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

Robert M. Allen
JSRA Property Investments

ROBERT M. ALLEN, PRESIDENT
9977 W. Sam Houston Parkway N., Suite 150
Houston Texas 77064
Ph: 281-477-8688

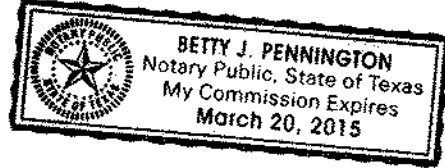
THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared ROBERT M. ALLEN, PRESIDENT, 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 and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 28th day of November, 2012

Betty J. Pennington
Notary Public in and for the State of Texas

My Commission Expires: 3-20-2015



SURVEYOR:



TOWN & COUNTRY SURVEYORS, LLC
26307 NORTH FREEWAY, SUITE 100
THE WOODLANDS, TX 77380
(281)465-8730
FAX (281)465-8731

THE STATE OF TEXAS
COUNTY OF HARRIS

We, Kolkhorst and Kolkhorst, CPAs, owners and holders of a lien against the property described in the plat known as Reserve at Spring Lake Section One, said lien being evidenced by instrument of record in Clerk's File Nos. 20090285835 of the Mortgage Records of Harris County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

Gary Kolkhorst
Kolkhorst and Kolkhorst, CPAs
Gary Kolkhorst, Partner
9977 W. Sam Houston Parkway N., Suite 150
Houston Texas 77064
Ph: 281-477-9100

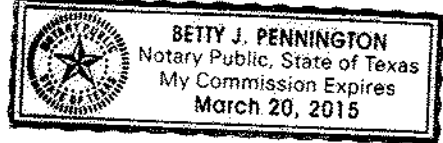
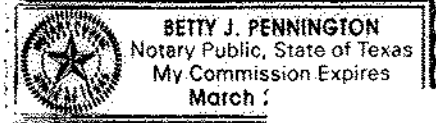
THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Gary Kolkhorst, Partner, 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 and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 28th day of November, 2012

Betty J. Pennington
Notary Public in and for the State of Texas

My Commission Expires: 3-20-15



OWNER\DEVELOPER:
ZION ROAD PROPERTIES
ROBERT M. ALLEN, PRESIDENT
9977 W. SAM HOUSTON PKWY N., #150
HOUSTON, TX 77064
PH: 281-477-8688

ENGINEER:
DAVID P. KELLY II, P.E.
DPK ENGINEERING, LLC
32719 WINDSOR TERRACE
FULSHEAR, TX 77441
PH: 281-346-2616

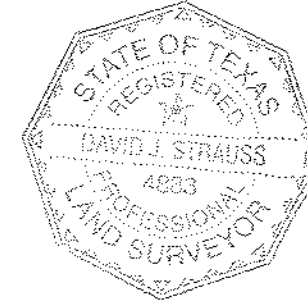
LIENHOLDER:
COMMERCIAL STATE BANK
401 NORTH MECHANIC
EL CAMPO, TX 77437
PH: 979-543-6441

LIENHOLDER:
JSRA PROPERTY INVESTMENT
ROBERT M. ALLEN, PRESIDENT
9977 W. SAM HOUSTON PARKWAY N.,
SUITE #150
HOUSTON TEXAS 77064
PH: 281-477-8688

LIENHOLDER:
KOLKHORST & KOLKHORST, CPAs
GARY KOLKHORST, PARTNER
9977 W. SAM HOUSTON PARKWAY N.,
SUITE #150
HOUSTON TEXAS 77064
PH: 281-477-9100

I, David Strauss, 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 pipes or rods having an outside diameter of not less than five-eighths inch (5/8") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.

David Strauss
David Strauss, Registered Professional Land Surveyor
Texas Registration No. 4833



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

By: George Shackelford
City Manager

By: Lori Lakatos, P.E.
Acting City Engineering

This is to certify that the Planning & Zoning Commission of the City of Tomball, Texas, has approved this plat and subdivision of Reserve at Spring Lake 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 _____, 2012.

By: Lori Wallace, Chair

By: Evelyn Chervenak, Vice-Chair

CITY OF TOMBALL

This is to certify that the City accepts the Planning & Zoning Commission's authorized approval and acceptance of all dedicated public easements and rights-of-way 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 2012.

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 its certificate of authentication was filed for registration in my office on _____, 2012, at _____ o'clock, and duly recorded on _____, 2012, at _____ o'clock, and in Film Code Number _____ of the Map Records of Harris County for said county.

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

Stan Stanart
County Clerk
of Harris County, Texas

By: _____
Deputy

REPLAT OF THE FINAL PLAT
RESERVE AT SPRING LAKE
SECTION ONE
221.2020 ACRES (9,635,559.12 SQ. FT.)
LOCATED IN THE
JOSEPH MILLER LEAGUE, A-50
W.H. CLEMENS SURVEY, A-1641
HARRIS COUNTY, TEXAS
CITY OF TOMBALL, TEXAS
3 BLOCKS 24 LOTS 7 RESERVES

NOVEMBER 2012
REASON FOR REPLAT:
TO REMOVE DRAINAGE EASEMENTS

THE STATE OF TEXAS
COUNTY OF HARRIS

WE, DAVID R. QUINN AND LORI K. QUINN, HEREINAFTER REFERRED TO AS OWNER OF THE 1.3104 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING ~~REPLAT OF QUINN TRACT~~, DO HEREBY MAKE AND ESTABLISH OF SAID SUBDIVISION PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND MYSELF, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AND 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 OF WATER WITHOUT BACKWATER AND IN NO INSTANCE HAVE A DRAINAGE OPENING OF LESS THAN ONE AND THREE QUARTERS SQUARE FEET (18-DIAMETER) WITH CULVERT OR BRIDGES TO BE PROVIDED FOR ALL PRIVATE OR WALKWAYS SUCH DRAINAGE FACILITIES.

FURTHER, OWNERS DO HEREBY COVENANTS AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE EASEMENT, DITCH, GULLY, CREEK, OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, PLANTING, AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT, EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

IN TESTIMONY WHEREOF, HAS CAUSED THESE PRESENTS TO BE SIGNED BY DAVID R. QUINN, THEREUNTO AUTHORIZED, AND BY LORI K. QUINN, THIS 9th DAY OF APRIL, 2013.

BY: David R. Quinn
DAVID R. QUINN

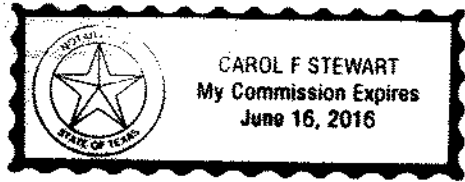
BY: Lori K. Quinn
LORI K. QUINN

THE STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, DAVID R. QUINN AND LORI K. QUINN, KNOWN TO ME TO BE THE PERSON WHOSE NAMES IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 9 DATE OF April, 2013.

Carol F. Stewart
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: 06-16-2016



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

GEORGE SHACKELFORD, CITY MANAGER

Lori Lakatos P.E., CITY ENGINEER

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF TOMBALL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF ~~REPLAT OF QUINN TRACT~~ IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2013.

BY: _____
LORI WALLACE, CHAIRMAN

BY: _____
EVELYN CHERVENAK, VICE CHAIRMAN

THIS IS TO CERTIFY THAT THE CITY ACCEPTS THE PLANNING AND ZONING COMMISSION'S AUTHORIZED APPROVAL AND ACCEPTANCE OF ALL DEDICATED PUBLIC EASEMENTS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS THE ORDINANCE OF THE CITY OF TOMBALL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2013.

BY: _____
GRETCHEN FAGAN, MAYOR

BY: _____
DORIS SPEER, CITY SECRETARY

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

Craig A. Laney
CRAIG A. LANEY, R.P.L.S.
TEXAS REGISTRATION NO. 4507



STAN STANART
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

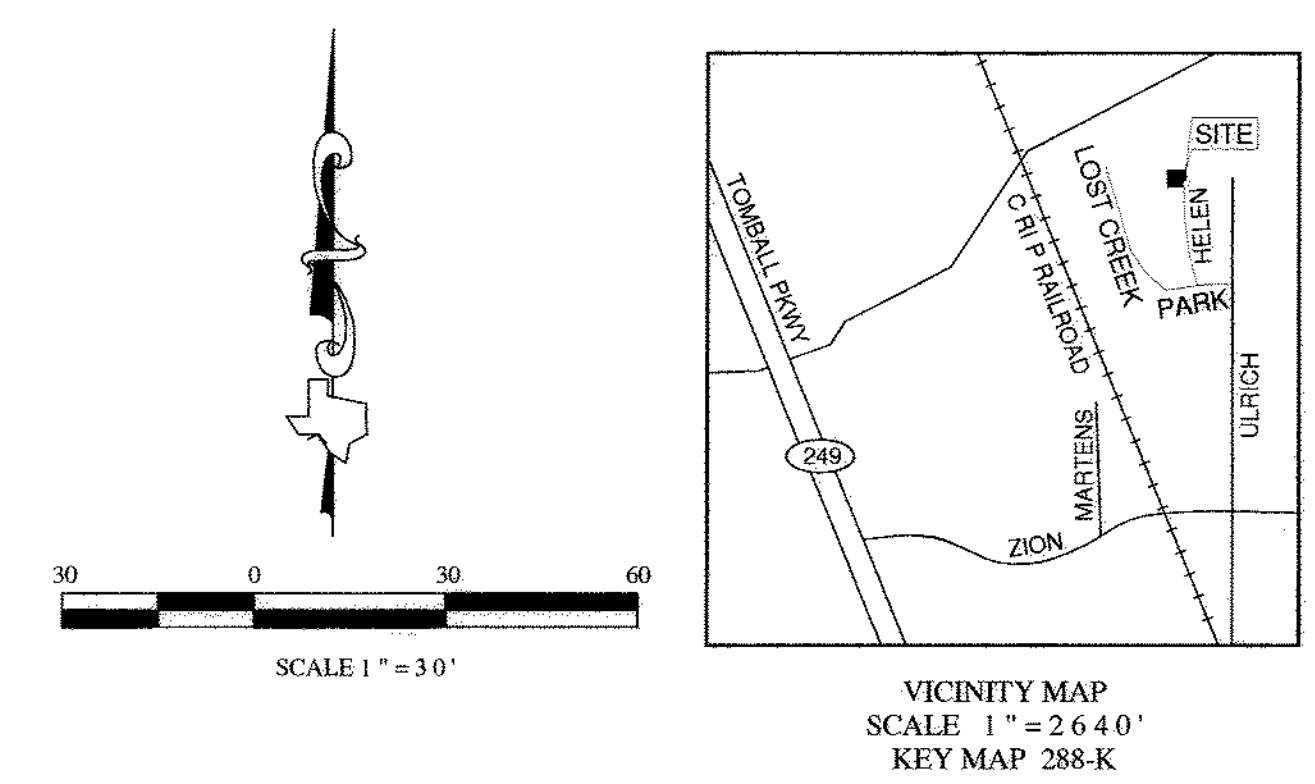
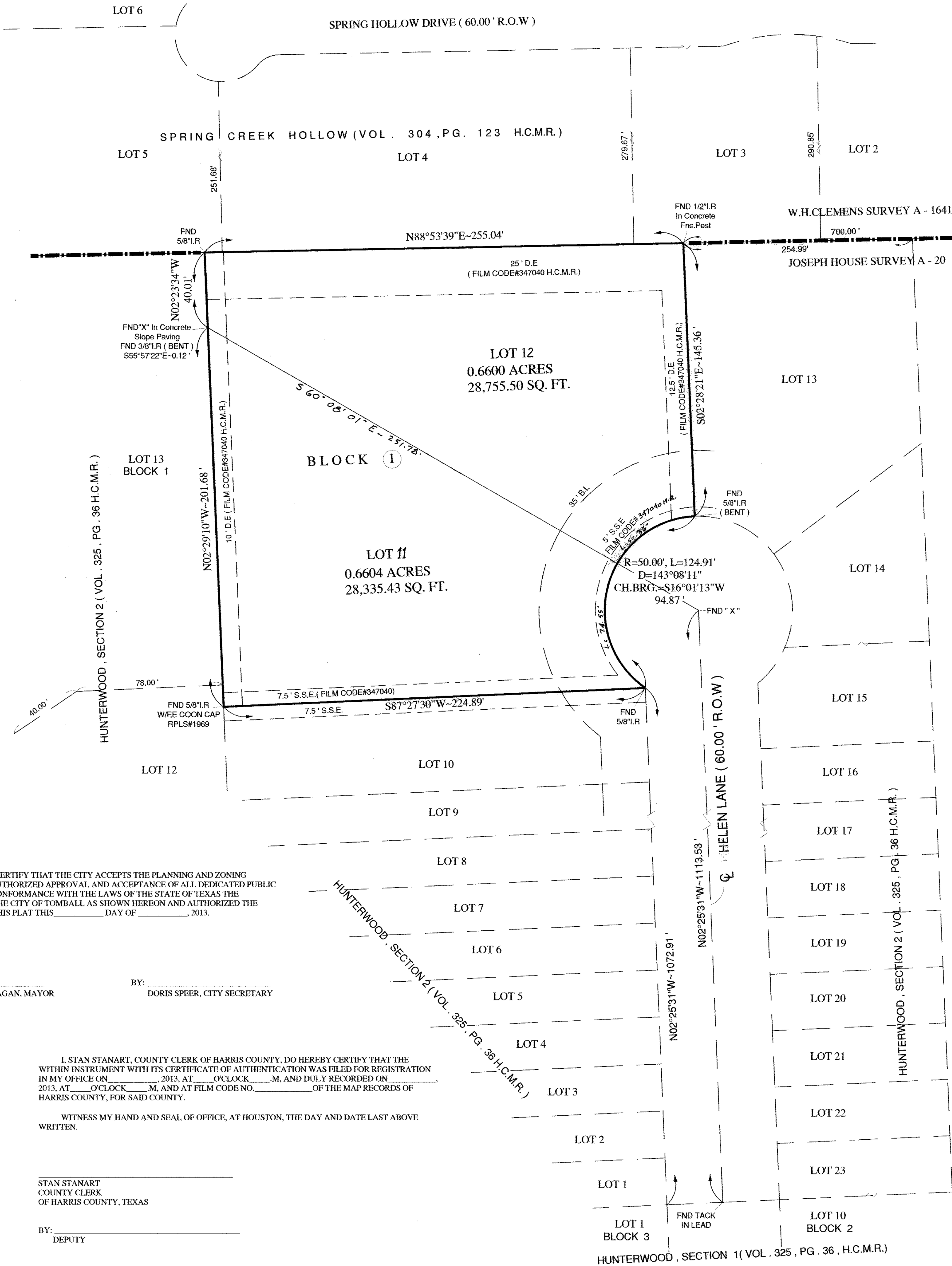
BY: _____
DEPUTY

I, STAN STANART, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 2013, AT _____ O'CLOCK _____ M. AND DULY RECORDED ON _____, 2013, 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 STANART
COUNTY CLERK
OF HARRIS COUNTY, TEXAS

BY: _____
DEPUTY



REPLAT OF QUINN TRACT

A SUBDIVISION OF 1.3104 ACRE TRACT, 57084 SQUARE FEET
BEING A REPLAT OF LOTS 11, ABBREVIATED PLAT OF QUINN TRACT
AS RECORDED IN FILM CODE 609204, HARRIS COUNTY MAP RECORDS,
SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT 34,
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

CONTAINING

2 LOT 1 BLOCK

APRIL 2013

(REASON FOR REPLAT IS TO DIVIDE ONE LOT INTO TWO LOTS)

OWNER

DAVID R. and LORI K. QUINN

10330 LAKE DRIVE, SUITE A
HOUSTON, TEXAS 77070
(713) 254-4521

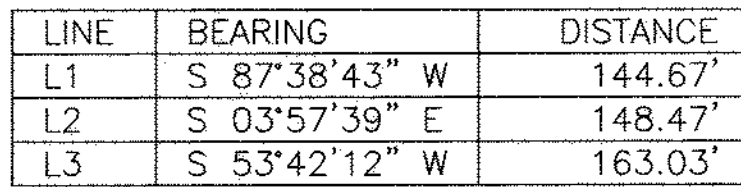
SURVEYOR

E.I.C. SURVEYING COMPANY

12345 JONES ROAD#270
HOUSTON, TEXAS 77070
(281) 955-2772

GENERAL NOTES

1. B.L. INDICATES " BUILDING LINE "
2. U.E. INDICATES " UTILITY EASEMENT "
3. R.O.W. INDICATES " RIGHT-OF-WAY "
4. AC-TRACT INDICATES " ACRE TRACT "
5. VOL. INDICATES " VOLUME "
6. PG. INDICATES " PAGE "
7. I.R. INDICATES " IRON ROD "
8. D.E. INDICATES " DRAINAGE EASEMENT "
9. S.S.E. INDICATES " SANITARY SEWER EASEMENT "
10. H.C.M.R. INDICATES " HARRIS COUNTY MAP RECORDS "
11. Public easements denoted on this plat are hereby dedicated to the public forever. Any public utility, including the City of Tomball, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity of any time of procuring the permission of the property owner. Any public utility, including the City of Tomball, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Tomball nor any other public utility shall be responsible for any damages to property within an easement arising out of the removal or relocation of any obstruction in the public easement.
12. According to the FEMA Firm Panel No. 4803150230L (Effective Date June 18, 2007), this property is in Zone "X" and is not in the 0.2% Annual Chance Flood Plain.
13. All oil/gas pipelines or pipeline easements with ownership through the subdivision have been shown.
14. All oil/gas wells with ownership (plugged, abandoned, and/or active) through the subdivision have been shown.
15. 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 setback at a minimum should be 15 feet off centerline of low pressure gas lines, and 30 feet off centerline of high pressure gas line.
16. This plat does not attempt to amend or remove any valid covenants or restrictions.
17. The building lines shown in 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.



Doris Speer, City Secretary

STEVEN L. GREENE
4141
PROFESSIONAL
LAND SURVEYOR

LAURA & DEAN POPIEL

TOMBALL OUTLOT
VOL. 2, PG. 65
MR.H.C.T.

APRIL 2013
Sheet 1 of 1