

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



MONDAY, OCTOBER 8, 2012

5:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, October 8, 2012 at 5:00 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 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.]*
- 3.0 Reports and Announcements
 - **October 13, 2012 – 2nd Saturday at the Depot – “Zomball in Tomball” – 5:00 p.m.**
 - **October 27, 2012 – Tomball Bluegrass Festival– 11:30 a.m.-6:00 p.m.**
 - November 5, 2012 – Appointments to Tourism Advisory Committee for terms expiring December 5, 2012
 - **November 10, 2012 – Tomball Art Walk**
 - **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:

- Update on Signage for Pine Country of Tomball

4.0 Old Business:

- 4.1 Adopt, on Second Reading, Ordinance No. 2012-32, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2012 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject
- 4.2 Approve Resolution No. 2012-27, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at Which All Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (49.544 Acres of Land Located at 0 Dement Road, near the Intersection of FM 2978 and FM 2920 – Ronald J. Collins, Donald Claude Childress, Roy A. Johlke and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, A/K/A Adell G. Johlke Dietz, Deceased) – Tract 2

5.0 New Business:

- 5.1 Approve Resolution No. 2012-30, a Resolution of the City Council of the City of Tomball, Texas Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at which All Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (0.610 Acres, an Undeveloped Publicly Dedicated Road Right-of-Way Located on FM 2978) - Tract 1B

6.0 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 5th day of October 2012 by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer

Doris Speer

City Secretary, TRMC

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.

Special City Council

Agenda Item

Data Sheet

Meeting Date: October 8, 2012

Topic:

- **October 13, 2012 – 2nd Saturday at the Depot – “Zomball in Tomball” – 5:00 p.m.**
- **October 27, 2012 – Tomball Bluegrass Festival– 11:30 a.m.-6:00 p.m.**
- November 5, 2012 – Appointments to Tourism Advisory Committee for terms expiring December 5, 2012
- **November 10, 2012 – Tomball Art Walk**
- **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:
 - Update on Signage for Pine Country of Tomball

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:

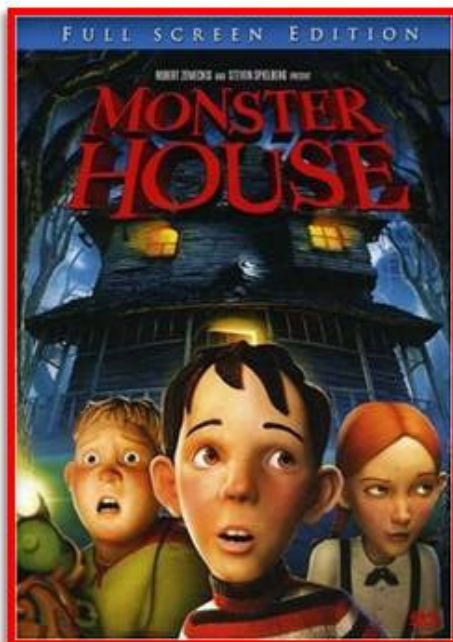
2nd Saturday at the Depot – “Zomball in Tomball”

Tomball Bluegrass Festival

2nd Saturday

At the Depot in Tomball

October 13th starting at 5:00 p.m.



It's "Zomball in Tomball"

- Experience the "Creepy Caboose" and the "Spider Maze" presented by Lowe's
- The "Gotcha Gazebo" with sweet treats
- Come in costume for a special gift while supplies last
- A giant "Trunk-or-Treat" sponsored by local merchants
- Experience the Matt Family Orchard Pumpkin Patch and decorate your own pumpkin!
- Music, crafts, food games and more!
- And, free Trunk-or-Treat" bag from Greater Harris Co. 9-1-1 Emergency Network while supplies last



Rusty's Family Feature
"Monster House"
On the giant inflatable screen

DANNY'S TRiX & KiX
the Costume Superstore
3400 FM 2920 in Spring - 281.353.6618

*In case of rain the event will take place
at the Tomball Community Center -
Market and South Cherry Streets

www.facebook.com/TomballTexanForFun

The Depot is at 201 S. Elm Street in historic downtown Tomball, Texas. Call 281-351-5484 for information.

TOMBALL BLUEGRASS FESTIVAL



OCTOBER 27, 2012
11:30 A.M. TO 6 P.M.

BANDS, FOOD, VENDORS AND A KID'S PLAY ZONE!
AT THE HISTORIC DOWNTOWN DEPOT. CALL 281-351-5484

VISIT WWW.FACEBOOK.COM/TOMBALLTEXANFORFUN

Special City Council

Agenda Item

Data Sheet

Meeting Date: October 8, 2012

Topic:

Adopt, on Second Reading, Ordinance No. 2012-32, an Ordinance of the City of Tomball, Texas, Setting the Tax Levy of \$0.341455/\$100 Value Assessed for the Year 2012 on All Taxable Real and Personal Property Located in the City of Tomball, Texas; Providing for Penalty, Interest, and Additional Penalty on Taxes Not Timely Paid; and Providing Other Matters Relating to the Subject

Background:

Adoption of Ordinance No. 2012-32 will adopt the tax rate and provide for the levying of the 2012 tax rate.

Taxing entities must adopt their tax rate "before September 30 or by the 60th day after the taxing unit receives the certified appraisal roll, whichever date is later" [Tax Code, Sec. 26.05(a)].

Origination:

City Secretary

Recommendation:

Adopt Ordinance No. 2012-32 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. 2012-32

Notice of Tax Revenue Increase

ORDINANCE NO. 2012-32

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, SETTING THE TAX LEVY OF \$0.341455 FOR THE YEAR 2012 ON ALL TAXABLE REAL AND PERSONAL PROPERTY LOCATED IN THE CITY OF TOMBALL, TEXAS; PROVIDING FOR PENALTY, INTEREST, AND ADDITIONAL PENALTY ON TAXES NOT TIMELY PAID; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, pursuant to the provisions of the Constitution and Laws of the State of Texas, the City Council of the City of Tomball, Texas, is vested with the power to levy, assess and collect an annual tax upon all taxable real and personal property located within the City Limits, and said power allowing for the granting of homestead exemptions for all City of Tomball property owners sixty-five years of age and over or who are disabled; and

WHEREAS, pursuant to the Charter of the City of Tomball, this ordinance has been read two (2) times and considered at two (2) sessions of the City Council, and published in the City's official newspaper after the first reading; and

WHEREAS, the Council is required to set a tax rate, expressed as a rate per hundred-dollar valuation of said property, located in the City of Tomball, January 1, 2012; and

WHEREAS, Section 26.05 of the Texas Property Tax Code provides that before the later of September 30th or the 60th day after the date the certified appraisal roll is received by the taxing unit, the governing body of each taxing unit shall adopt a tax rate for the current tax year; and

WHEREAS, such Section further provides that where the tax rate consists of two components (one which will impose the amount of taxes needed to pay the unit's debt service and the other which will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the next year), each of the components must be approved separately; and

WHEREAS, the proposed tax rate for the current tax year of the City of Tomball, Texas, consists of two components, a tax rate of twenty-three ten thousandths cents (\$0.230000) for the purpose of paying the accruing interest and to provide a sinking fund for payment of the indebtedness of the City, and a tax rate of eleven and one thousand four hundred fifty-five ten-thousandths cents (\$0.111455) for the purpose of funding the maintenance and operation expenditures of the City for the next fiscal year; and

WHEREAS, City Council has approved, by separate motions, the tax rates heretofore specified for each of said components; and

WHEREAS, all notices and hearings required by law as a prerequisite to the passage, approval, and adoption of this Ordinance have been timely and properly given and held;

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 found to be true and correct and are hereby adopted, ratified, and confirmed.

Section 2. That said tax levied as aforesaid, based upon valuations established by Harris County Appraisal District, will be sufficient to meet the requirements of the City for the Budget Year 2012-2013.

Section 3. There is hereby levied, for the tax year 2011, to fund the City's fiscal year 2012-2013 municipal budget, an ad valorem tax at the total rate of thirty-four and one thousand four hundred fifty-five ten-thousandths cents (\$0.341455) on each One Hundred Dollars (\$100.00) of assessed valuation on all property, real, personal, and mixed, within the corporate limits of the City, upon which an ad valorem tax is authorized by law to be levied by the City of Tomball, Texas. All such taxes shall be assessed and collected in current money of the United States of America.

Section 4. Of such total tax levied in Section 2 hereof, \$0.111455 is levied to fund maintenance and operation expenditures of the City for the fiscal year 2012-2013. Of the total tax levied in Section 2 hereof, \$0.230000 is levied for the purpose of paying the interest on bonds, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City of Tomball, Texas, including the various installments of principal due on the serial bonds, warrants, certificates of obligation, or other lawfully authorized evidence of indebtedness issued by the City as such installments shall respectively mature, in the fiscal year 2012-2013. **THIS TAX RATE WILL INCREASE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$0.00.**

GENERAL FUND - TO FUND MAINTENANCE AND OPERATION EXPENDITURES OF THE CITY:	\$0.111455
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INTEREST & SINKING - FOR DEBT SERVICE:	\$0.230000
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With reference to the tax rate of \$0.230000 for the Interest and Sinking Fund for bonded indebtedness, this rate, representing 67.3588% of the total \$0.341455 tax, shall apply to the gross amount of current taxes to be collected.

Section 5. All ad valorem taxes levied hereby, in the total amount of \$0.341455 on each One Hundred Dollars (\$100.00) of assessed valuation, as reflected by Sections 2 and 3 hereof, shall be due and payable on or before January 31, 2012. All ad valorem taxes due the City of Tomball, Texas, and not paid on or before January 31st following the year for which they were levied, shall bear penalty and interest, and if not paid before July 1st shall incur an additional penalty of twenty percent (20%), as prescribed in the Texas Property Tax Code. as prescribed in the Texas Tax Code.

Section 6. All ordinances and parts of ordinances inconsistent or in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. If any provision of this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force, or effect of any other provision of this Ordinance.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 1ST DAY OF OCTOBER 2012.

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 A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 8TH DAY OF OCTOBER, 2012.

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

GRETCHEN FAGAN, MAYOR
City of Tomball

ATTEST:

DORIS SPEER, City Secretary
City of Tomball

Notice of Tax Revenue Increase

The **CITY OF TOMBALL**, TEXAS conducted public hearings on September 17, 2012 and September 24, 2012 on a proposal to increase the total tax revenues of the **CITY OF TOMBALL**, TEXAS from properties on the tax roll in the preceding year by 11.68 percent.

The total tax revenue raised last year at last year's tax rate of \$0.341455 for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, was \$ 4,004,076 .

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.341455 for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, is \$ 4,471,882 .

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.341455 for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is \$ 4,561,041 .

The **CITY OF TOMBALL** is scheduled to vote on the tax rate that will result in that tax increase at public meetings to be held on **October 1, 2012** at 6:00 p.m. and on **October 8, 2012** at 5:00 p.m. at **Tomball City Hall, 401 Market Street, Tomball, Texas**.

The tax information above is published as a requirement of State Law. Your individual taxes will not increase unless Harris County Appraisal District has appraised your property at a higher value.

Special City Council

Agenda Item

Meeting Date: October 8, 2012

Data Sheet

Topic:

Approve Resolution No. 2012-27, a Resolution Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at Which All Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (49.544 Acres of Land Located at 0 Dement Road, near the Intersection of FM 2978 and FM 2920 – Ronald J. Collins, Donald Claude Childress, Roy A. Johlke and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, A/K/A Adell G. Johlke Dietz, Deceased) – Tract 2

Background:

The City of Tomball received a request from Ronald J. Collins, Donald Claude Childress, Roy A. Johlke and Susan Lorraine Dietz Varsel, for annexation of approximately 49.544 acres of land located east of Tract 1, owned by Mary Criner Blake, at 0 Dement Road, near the intersection of FM 2978 and FM 2920.

Approval of Resolution No. 2012-27 will declare the City's intention to annex the above-referenced property, located within the City's Extraterritorial Jurisdiction (ETJ).

Water, sewer and gas utilities have been extended along FM 2978 and FM 2920; sewer is available on the east side of FM 2978 and north of FM 2920, and water and gas are available on the west side of FM 2978 and north of FM 2920 in anticipation of future development.

A copy of the annexation calendar is included for Council review and the municipal service plan will be included in the annexation ordinance.

Section 43.063 of the Local Government Code requires two public hearings on proposed annexations. The hearings must be conducted on or after the 40th day but before the 20th day before the date of the first reading of the ordinance (a 21-39 day timeframe). Additionally, annexation of Tract 1 and Tract 1B must be completed before the annexation of Tract 2.

Due to publication date constraints and Council's meeting schedule, staff's recommendation is that the public hearings be conducted during the regular Council meetings on November 5 and November 19, 2012. If the recommended dates for the public hearings are acceptable, the first reading of the annexation ordinance must be conducted at a special Council meeting on December 10, 2012 at 5:00 p.m., and the second reading will be conducted at the regular Council meeting on December 17, 2012.

Origination:

Ronald J. Collins, Donald Claude Childress, Roy A. Johlke and Susan Lorraine Dietz Varsel, Trustees

Recommendation:

Approve Resolution No. 2012-27

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. 2012-27
- Map - Tract 2
- Annexation Calendar - Revised
- Collins-Childress-Johlke-Varsel Request for Annexation

RESOLUTION NO. 2012-27

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF TOMBALL, TEXAS, TO INSTITUTE PROCEEDINGS TO ANNEX CERTAIN TERRITORY; DESCRIBING SUCH TERRITORY; SETTING THE DATES, TIMES, AND PLACES FOR TWO PUBLIC HEARINGS AT WHICH ALL INTERESTED PARTIES SHALL HAVE AN OPPORTUNITY TO BE HEARD; PROVIDING FOR PUBLICATION OF NOTICES OF SUCH PUBLIC HEARINGS; AND DIRECTING PREPARATION OF A MUNICIPAL SERVICE PLAN FOR THE TERRITORY PROPOSED TO BE ANNEXED (49.544 ACRES OF LAND LOCATED AT 0 DEMENT ROAD, NEAR THE INTERSECTION OF FM 2978 AND FM 2920 – RONALD J. COLLINS, DONALD CLAUDE CHILDRESS, ROY A. JOHLKE AND SUSAN LORRAINE DIETZ VARSEL, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF ADELL G. DIETZ)

* * * * *

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

Section 1. The City Council of the City of Tomball hereby declares its intention to institute proceedings to annex to the City the territory described in Exhibit "A" attached hereto and made a part hereof by the passage of an ordinance of annexation extending the general corporate limits of the City of Tomball for all purposes to include such territory.

Section 2. The City Council of the City of Tomball hereby calls two public hearings at which all interested persons shall have the right and opportunity to appear and be heard upon such proposal to annex the territory described above. No suitable location is available for a public hearing to be held on the property proposed for annexation. The first public hearing shall be held in the City Council Chambers, 401 Market Street, City of Tomball, Texas, during a Regular Council Meeting at 6:00 o'clock (6:00 p.m.), on November 5, 2012. The second public hearing shall be held in the City Council Chambers, 401 Market Street, City of Tomball, Texas, during a Regular Council Meeting at 6:00 o'clock (6:00 p.m.), on November 19, 2012. The annexation proceeding,

Resolution No. 2012-27
Page 2

of which notice of intention to annex is given by this Resolution, shall be instituted not less than twenty (20) days nor more than forty (40) days subsequent to such public hearings.

Section 3. The City Secretary of the City of Tomball is hereby directed to cause notices of such public hearings to be given by publication in a newspaper having general circulation within the City of Tomball and within the territory proposed to be annexed, the publication of notice of each public hearing to be made at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the day of that public hearing.

Section 4. The City Engineer is hereby directed to cause to be prepared a service plan that provides for the extension of municipal services to the territory that is proposed to be annexed. The proposed service plan shall be made available for public inspection and shall be explained to the inhabitants of the territory at the public hearings called herein. Such service plan shall be prepared in accordance with the provisions of Chapter 43 of the TEXAS LOCAL GOVERNMENT CODE.

PASSED, APPROVED, AND RESOLVED this 8th day of October, 2012.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

Doris Speer, City Secretary
City of Tomball

EXHIBIT "A"

**OWNER: RONALD J. COLLINS, DONALD CLAUDE CHILDRESS, ROY A. JOHLKE, AND SUSAN LORRAINE DIETZ VARSEL, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF ADELL G. DIETZ, A/K/A ADELL G. JOHLKE DIETZ, DECEASED
JESSE PRUITT SURVEY, ABSTRACT No. 629
HARRIS COUNTY, TEXAS**

PROPERTY DESCRIPTION**TRACT TWO**

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, said 49.544 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with cap stamped "TERRA" found at the point of intersection of the east right-of-way line of F. M. Highway No. 2978, a/k/a Huffsmith – Kohrville Road (a variable width right-of-way) with the north line of an 30 foot wide unnamed road as shown on said Tomball Townsite plat, said 5/8 inch iron rod with cap stamped "TERRA" being the most westerly southwest corner of said 49.547 acre tract of land;

THENCE North 09 degrees 36 minutes 44 seconds East, with the east right-of-way line of F. M. Highway No. 2978 and with the west line of said 49.547 acre tract of land, a distance of 1238.24 feet to a broken Texas Department of Transportation (TxDOT) concrete monument found for the beginning of a curve to the left, having a radius of 3879.77 feet, a central angle of 06 degrees 48 minutes 43 seconds, and whose chord bears North 06 degrees 12 minutes 23 seconds East, a distance of 461.00 feet,

THENCE, with the east right-of-way line of F. M. Highway No. 2978, with the west line of said 49.547 acre tract of land, and with said curve to the left an arc length of 461.27 feet to a TxDOT concrete monument with brass disk found at the point of intersection of the east right-of-way line of F. M. Highway No. 2978, with the south right-of-way line of Dement Lane (a 30 foot wide right-of-way), said TxDOT concrete monument with brass disk also being the northwest corner of said 49.547 acre tract of land and being in the north line of said Lot 447;

THENCE North 87 degrees 01 minute 05 seconds East, with the south right-of-way line of Dement Lane, with the north line of said 49.547 acre tract of land, with the north line of said Lot 447, with the north line of said Lot 448, and with the north line of said Lot 449, a distance of 722.72 feet to a 5/8 inch iron rod with cap stamped "TERRA" found for the northeast corner of said 49.547 acre tract of land and for the northeast corner of said Lot 449, said 5/8 inch iron rod with cap stamped "TERRA" also being the northwest corner of Lot 450, of said Tomball Townsite;

- THENCE** South 02 degrees 12 minutes 58 seconds East, with an easterly line of said 49.547 acre tract of land, with the east line of said Lot 449, and with the west line of said Lot 450, a distance of 849.59 feet to a 5/8 inch iron rod with cap stamped "TERRA" found for an exterior ell corner of said 49.547 acre tract of land and for the southeast corner of said Lot 449, said 5/8 inch iron rod with cap stamped "TERRA" being the southwest corner of said Lot 450 and being the southwest corner of a 1.681 acre tract of land (by deed) deeded to Jim K. Seber and Kelli A. Seber, as recorded in Document No. 20080008347 of the Official Public Records of Real Property of Harris County, Texas, said 5/8 inch iron rod with cap stamped "TERRA" also being in the north line of a 23.5935 acre tract of land (by deed) deeded to Cypressbrook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas;
- THENCE** South 87 degrees 15 minutes 43 seconds West, with an interior line of said 49.547 acre tract of land, with the south line of said Lot 449, and with the north line of said 23.5935 acre tract of land, a distance of 5.31 feet to a 5/8 inch iron rod with cap stamped "TERRA" found for an interior ell corner of said 49.547 acre tract of land and for the northwest corner of said 23.5935 acre tract of land, said 5/8 inch iron rod with cap stamped "TERRA" also being the northeast corner of said Lot 462;
- THENCE** South 02 degrees 31 minutes 00 seconds East, with an easterly line of said 49.547 acre tract of land, with the east line of said Lot 462, and with the west line of said 23.5935 acre tract of land, a distance of 1602.09 feet to a 5/8 inch iron rod found in the north right-of-way line of F. M. Highway No. 2920 (a 120 foot wide right-of-way) for the southeast corner of said 49.547 acre tract of land and for the southwest corner of said 23.5935 acre tract of land;
- THENCE** South 87 degrees 22 minutes 55 seconds West, with the north right-of-way line of F. M. Highway No. 2920 and with the south line of said 49.547 acre tract of land, a distance of 933.70 feet to a 1 inch iron pipe found for the most southerly southwest corner of said 49.547 acre tract of land and for the southeast corner of a 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas;
- THENCE** North 02 degrees 35 minutes 43 seconds West, with an interior line of said 49.547 acre tract of land and with the east line of said 3.1378 acre tract of land, a distance of 751.36 feet to a 1 inch iron pipe found in the south right-of-way line of said 30 foot wide unnamed road, for an exterior ell corner of said 49.547 acre tract of land, and for the northeast corner of said 3.1378 acre tract of land;
- THENCE** North 87 degrees 23 minutes 55 seconds East, with the south right-of-way line of said 30 foot wide unnamed road, with the north line of said Lot 464, with the north line of said Lot 465, with the north line of said Lot 466, and with an interior line of said 49.547 acre tract of land, a distance of 774.86 feet to a 5/8 inch iron rod found for an interior ell corner of said 49.547 acre tract of land and for the southeast corner of said 30 foot wide unnamed road, said 5/8 inch iron rod also being the northeast corner of said Lot 466 and being in an interior line of said Lot 462;

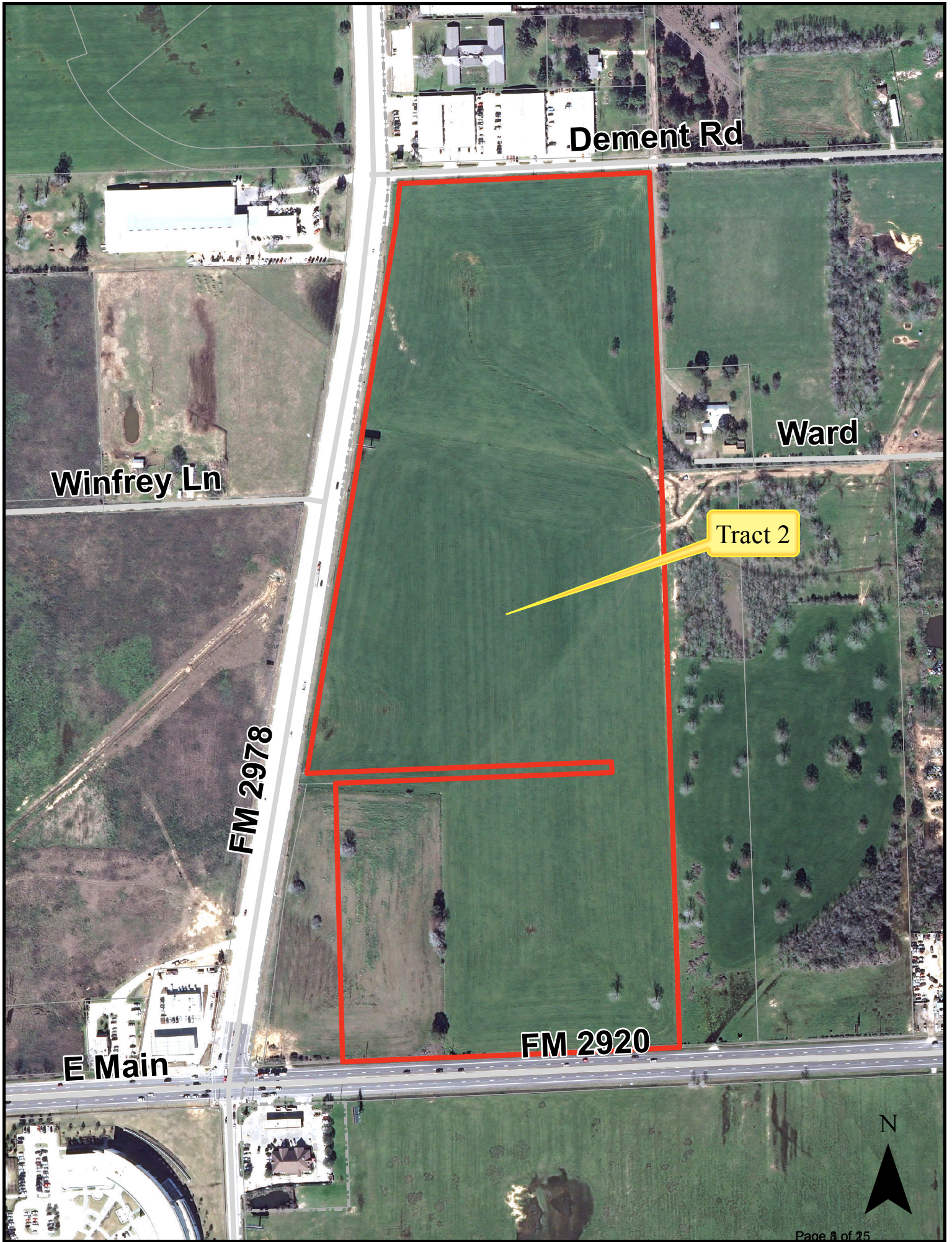
THENCE North 02 degrees 31 minutes 47 seconds West, with an interior line of said 49.547 acre tract of land, with an interior line of said Lot 462, and with the east end of said 30 foot wide unnamed road, a distance of 30.00 feet to a 5/8 inch iron rod found for an interior ell corner of said 49.547 acre tract of land and for the northeast corner of said 30 foot wide unnamed road, said 5/8 inch iron rod also being an interior ell corner of said Lot 462;

THENCE South 87 degrees 23 minutes 55 seconds West, with an interior line of said 49.547 acre tract of land and with the north right-of-way line of said 30 foot wide unnamed road, a distance of 883.14 feet to the POINT OF BEGINNING, and containing 49.544 acres of land, more or less;

This property description is accompanied by a separate plat of even date.

All bearings are referenced to the Texas State Plane Coordinate System, Central Zone, NAD83.

All distances and areas are surface.



PROPOSED ANNEXATION – 49.544 Acres – Request submitted 9/13/12 for 10/1/12 Council meeting, accompanied by metes and bounds description of properties. There will be four (4) separate Resolutions, one for each property owner.

Council approves annexation request on 10/8 by adopting Resolutions and sets 11/5 and 11/19 as dates for public hearings (regular Council meetings). Send to paper on 10/15 to run in paper on 10/22 (14 days' notice for 11/5 meeting) and again on 11/5 (14 days' notice for 11/19 meeting) – one Special Council meeting required on December 10, 2012.

Publish Dates & Public Hearing Dates – Complete Annexation on 12/17/12	Publish Date	First Public Hearing at Regular Meeting	Publish Date	Second Public Hearing at Regular Meeting	First Reading of Ordinance at Special Meeting	Second Reading of Ordinance at Regular Meeting			
Council approves annexation on 10/1 and sets dates for Public Hearings as 11/5 and 11/19:	10/22/12	11/5/12	11/5/12	11/19/12	12/10 before P&Z	12/17/12			
1 st public hearing to 1 st reading is 35 days total; 77 days to complete annexation	14 days' notice To paper 10/15 to run on 10/22 and 11/5		14 days' notice Reminder to paper 10/22 to run 11/5/12						
(49 days total from first publication notice to first reading)	(-49 days)	(-35 days) to 1st reading		(-21 days) to 1st reading	(Day 0)				

Publication date – more than 10 days' notice, less than 20 days' notice for public hearings [LGC, Sec. 43.063(c)] – **14 days' notice for each P.H.**

Public hearings – more than 20 days, less than 40 days between first public hearing and first reading of ordinance per LGC, Sec. 43.063(a)

NOTE: MUST have a minimum of 21 days between the **second public hearing and the first reading of the ordinance.** – **21 days**

MUST have NO MORE than 40 days between the first public hearing and the first reading of the ordinance.—**35 days**

(We will set public hearing dates between 21 and 39 days)

Annexation must be completed within 90 days, beginning to end (LGC, Sec. 43.064), from 10/1 request to second reading of ordinance. – **77 days**

City must give notice regarding intention to annex area 30 days before first public hearing to public and private entities – county, fire department, emergency services districts, utility companies [LGC, Sec. 43.062(b)] – **This requirement does not apply if we are annexing by petition.**

Put resolutions on the 10/8 agenda for Council to approve and to set public hearing dates and special Council meeting.

Ronald J. Collins
Donald Claude Childress
Susan D. Varsel
Roy A. Johlke

September 12, 2012

VIA E-MAIL

Mr. George Shackleford - City Manager
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375

Re: Annexation of Property at F.M. Highway 2978 and FM. Highway 2920 in
Tomball, Texas

Dear Mr. Shackleford:

We are the current owners of approximately 49.544 acres of land at the intersection of F.M. Highway 2978 and F.M. Highway 2920 in Harris County, Texas (the "Property"). We are currently negotiating the sale of the Property to Baker Hughes Oilfield Operations, Inc., a California corporation ("BHOO"). The Property is shown on the attached survey as Tract 2, one of four (4) contiguous tracts. A metes and bounds description of the Property is also attached for your reference.

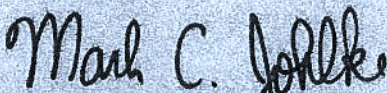
We hereby request that the City of Tomball annex the Property into the City's jurisdiction.

Please be advised that time is of the essence and we and BHOO request that the City annex the Property as soon as possible in order for us to finalize the sale of the Property to BHOO and allow BHOO to complete construction of its facility.

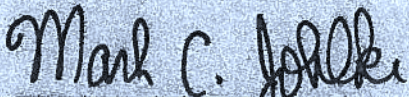
Please be further advised that it is our understanding that this request can be withdrawn at any time prior to completion of the annexation. This request is being submitted conditioned upon the right to withdraw the request.

Thank you for your time and if you have any further questions, please do not hesitate to contact us.

Best regards,

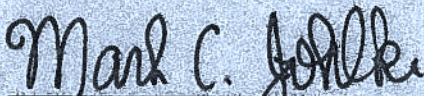


Ronald J. Collins
By: Mark C. Johlke
Attorney-in-Fact



Donald Claude Childress
By: Mark C. Johlke
Attorney-in-Fact

Susan D. Varsel



Roy A. Johlke
By: Mark C. Johlke
Title: Executor

cc: George P. Bernhardt
Baker Hughes Incorporated - Managing Counsel - Global Real Estate

Merritt Spencer
Spencer & Spencer

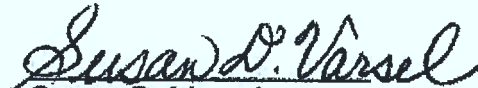
Enclosures

HOU 407660069v1

Best regards,

Ronald J. Collins
By: Mark C. Johlke
Attorney-in-Fact

Donald Claude Childress
By: Mark C. Johlke
Attorney-in-Fact


Susan D. Varsel

Roy A. Johlke
By: Mark C. Johlke
Title: Executor

cc: George P. Bernhardt
Baker Hughes Incorporated - Managing Counsel – Global Real Estate

Merritt Spencer
Spencer & Spencer

Enclosures

EXHIBIT "A"

**OWNER: RONALD J. COLLINS, DONALD CLAUDE CHILDRESS, ROY A. JOHLKE, AND SUSAN LORRAINE DIETZ VARSEL, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF ADELL G. DIETZ, A/K/A ADELL G. JOHLKE DIETZ, DECEASED
JESSE PRUITT SURVEY, ABSTRACT No. 629
HARRIS COUNTY, TEXAS**

PROPERTY DESCRIPTION**TRACT TWO**

Being a 49.544 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 49.544 acre tract of land being all of that 49.547 acre tract of land (by probate) conveyed to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, also known as Adell G. Johlke Dietz, deceased, by Cause No. 407636 of the Probate Records of Harris County, Texas, said 49.544 acre tract of land also being a portion of Lot 448, Lot 449, Lot 460, Lot 461, the remainder of Lot 447, the remainder of Lot 459, the remainder of Lot 462, the remainder of Lot 464, the remainder of Lot 465, and the remainder of Lot 466, Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, said 49.544 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with cap stamped "TERRA" found at the point of intersection of the east right-of-way line of F. M. Highway No. 2978, a/k/a Huffsmith – Kohrville Road (a variable width right-of-way) with the north line of an 30 foot wide unnamed road as shown on said Tomball Townsite plat, said 5/8 inch iron rod with cap stamped "TERRA" being the most westerly southwest corner of said 49.547 acre tract of land;

THENCE North 09 degrees 36 minutes 44 seconds East, with the east right-of-way line of F. M. Highway No. 2978 and with the west line of said 49.547 acre tract of land, a distance of 1238.24 feet to a broken Texas Department of Transportation (TxDOT) concrete monument found for the beginning of a curve to the left, having a radius of 3879.77 feet, a central angle of 06 degrees 48 minutes 43 seconds, and whose chord bears North 06 degrees 12 minutes 23 seconds East, a distance of 461.00 feet,

THENCE, with the east right-of-way line of F. M. Highway No. 2978, with the west line of said 49.547 acre tract of land, and with said curve to the left an arc length of 461.27 feet to a TxDOT concrete monument with brass disk found at the point of intersection of the east right-of-way line of F. M. Highway No. 2978, with the south right-of-way line of Dement Lane (a 30 foot wide right-of-way), said TxDOT concrete monument with brass disk also being the northwest corner of said 49.547 acre tract of land and being in the north line of said Lot 447;

THENCE North 87 degrees 01 minute 05 seconds East, with the south right-of-way line of Dement Lane, with the north line of said 49.547 acre tract of land, with the north line of said Lot 447, with the north line of said Lot 448, and with the north line of said Lot 449, a distance of 722.72 feet to a 5/8 inch iron rod with cap stamped "TERRA" found for the northeast corner of said 49.547 acre tract of land and for the northeast corner of said Lot 449, said 5/8 inch iron rod with cap stamped "TERRA" also being the northwest corner of Lot 450, of said Tomball Townsite;

- THENCE** South 02 degrees 12 minutes 58 seconds East, with an easterly line of said 49.547 acre tract of land, with the east line of said Lot 449, and with the west line of said Lot 450, a distance of 849.59 feet to a 5/8 inch iron rod with cap stamped "TERRA" found for an exterior ell corner of said 49.547 acre tract of land and for the southeast corner of said Lot 449, said 5/8 inch iron rod with cap stamped "TERRA" being the southwest corner of said Lot 450 and being the southwest corner of a 1.681 acre tract of land (by deed) deeded to Jim K. Seber and Kelli A. Seber, as recorded in Document No. 20080008347 of the Official Public Records of Real Property of Harris County, Texas, said 5/8 inch iron rod with cap stamped "TERRA" also being in the north line of a 23.5935 acre tract of land (by deed) deeded to Cypressbrook 2920, LP, as recorded in Document No. 20070522269 of the Official Public Records of Real Property of Harris County, Texas;
- THENCE** South 87 degrees 15 minutes 43 seconds West, with an interior line of said 49.547 acre tract of land, with the south line of said Lot 449, and with the north line of said 23.5935 acre tract of land, a distance of 5.31 feet to a 5/8 inch iron rod with cap stamped "TERRA" found for an interior ell corner of said 49.547 acre tract of land and for the northwest corner of said 23.5935 acre tract of land, said 5/8 inch iron rod with cap stamped "TERRA" also being the northeast corner of said Lot 462;
- THENCE** South 02 degrees 31 minutes 00 seconds East, with an easterly line of said 49.547 acre tract of land, with the east line of said Lot 462, and with the west line of said 23.5935 acre tract of land, a distance of 1602.09 feet to a 5/8 inch iron rod found in the north right-of-way line of F. M. Highway No. 2920 (a 120 foot wide right-of-way) for the southeast corner of said 49.547 acre tract of land and for the southwest corner of said 23.5935 acre tract of land;
- THENCE** South 87 degrees 22 minutes 55 seconds West, with the north right-of-way line of F. M. Highway No. 2920 and with the south line of said 49.547 acre tract of land, a distance of 933.70 feet to a 1 inch iron pipe found for the most southerly southwest corner of said 49.547 acre tract of land and for the southeast corner of a 3.1378 acre tract of land (by deed) deeded to Mary McGill Criner Adickes, Trustee, as recorded in Clerk's File No. H271449 of the Official Public Records of Real Property of Harris County, Texas;
- THENCE** North 02 degrees 35 minutes 43 seconds West, with an interior line of said 49.547 acre tract of land and with the east line of said 3.1378 acre tract of land, a distance of 751.36 feet to a 1 inch iron pipe found in the south right-of-way line of said 30 foot wide unnamed road, for an exterior ell corner of said 49.547 acre tract of land, and for the northeast corner of said 3.1378 acre tract of land;
- THENCE** North 87 degrees 23 minutes 55 seconds East, with the south right-of-way line of said 30 foot wide unnamed road, with the north line of said Lot 464, with the north line of said Lot 465, with the north line of said Lot 466, and with an interior line of said 49.547 acre tract of land, a distance of 774.86 feet to a 5/8 inch iron rod found for an interior ell corner of said 49.547 acre tract of land and for the southeast corner of said 30 foot wide unnamed road, said 5/8 inch iron rod also being the northeast corner of said Lot 466 and being in an interior line of said Lot 462;

THENCE North 02 degrees 31 minutes 47 seconds West, with an interior line of said 49.547 acre tract of land, with an interior line of said Lot 462, and with the east end of said 30 foot wide unnamed road, a distance of 30.00 feet to a 5/8 inch iron rod found for an interior ell corner of said 49.547 acre tract of land and for the northeast corner of said 30 foot wide unnamed road, said 5/8 inch iron rod also being an interior ell corner of said Lot 462;

THENCE South 87 degrees 23 minutes 55 seconds West, with an interior line of said 49.547 acre tract of land and with the north right-of-way line of said 30 foot wide unnamed road, a distance of 883.14 feet to the **POINT OF BEGINNING**, and containing 49.544 acres of land, more or less;

This property description is accompanied by a separate plat of even date.

All bearings are referenced to the Texas State Plane Coordinate System, Central Zone, NAD83.

All distances and areas are surface.

Special Durable Power of Attorney for Real Estate Transactions

Date: August 9 2012

Principal: RONALD J. COLLINS
3278 Robertson Street
Beaverton, MI 48612

Agent: MARK CARLTON JOHLKE
9315 N. Picture Ridge Road
Peoria, Illinois 61615

Effective Date: August 9 2012

Property: Being a tract or parcel containing 50.157 acres (2,184,840 square feet) of land situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas and being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

Powers Given with Respect to the Property:

1. Contract to sell the Property for any price on any terms.
2. Convey the Property.
3. Execute and delivery any legal instruments relating to the sale and conveyance of the Property, including but not limited to the contract, amendments thereto, general and special warranty deeds binding Principal with vendor's liens retained or disclaimed as applicable or transferred to a third-party lender, affidavits (for example, federal tax statements), notices, disclosures, waivers, and designations.
4. Accept notes, deeds of trust, and other legal instruments.
5. Approve closing statements authorizing deductions from the sales price.
6. Receive Principal's net sales proceeds by check payable to Principal.
7. Indemnify and hold harmless any third party who accepts and acts under this Power of Attorney.
8. Do everything and sign everything necessary or appropriate to sell the Property and accomplish the powers set out herein.

Principal appoints Agent to act for Principal in accordance with the powers given with respect to the Property, and Principal ratifies all acts done under this appointment. Agent's authority will begin on the Effective Date and end by Principal's signing an instrument revoking this power of attorney and filing it for record in the real property records of Harris County, Texas. A signed and filed revocation instrument will be effective, without limitation or exception, including but not limited to being effective against a third party relying on this power of

attorney without receipt of actual notice of the revocation, on the date and time of filing.

This is a durable power of attorney under Chapter XII of the Texas Probate Code, which is not affected by subsequent disability or incapacity of Principal and will not lapse because of a passage of time.

Principal binds Principal and Principal's heirs and personal representatives to indemnify and hold Agent harmless from all claims, demands, losses, damages, actions, and expenses that Agent may sustain or incur in connection with carrying out the authority granted to Agent in this power of attorney.

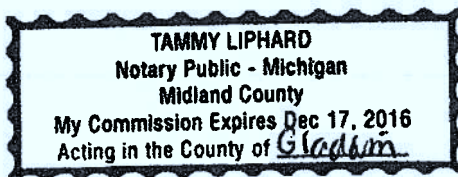
The attorney-in-fact or agent, by accepting or acting under this appointment, assumes the fiduciary and other legal responsibilities of an agent.

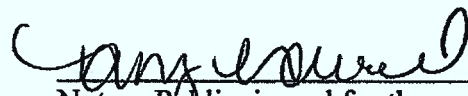


RONALD J. COLLINS

The State of Michigan §
 §
County of Midland §

On this 9 day of August, 2012, appeared before me, RONALD J. COLLINS, who having been duly sworn upon his oath, stated that he had executed the foregoing Special Durable Power of Attorney for Real Estate Transactions for the purposes and considerations therein expressed.





Notary Public, in and for the
State of Michigan

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION:
50.157 ACRES
JESSE FRUITT SURVEY, ABSTRACT NUMBER 629
HARRIS COUNTY, TEXAS

Being a tract or parcel containing 50.157 acres (2,184,840 square feet) of land situ in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas; being all of 448, 449, 460 and 461, and being the remainder portion of Lots 447, 469, 462, 465 and 466 of Tomball Townsite a plat of subdivision as recorded in Volume 2, 165 of the Harris County Map Records, Harris County, Texas; and being the same conveyed to Margaret L. Johlke Collins, Dora M. Johlke Wilson, Adell G. Johlke D Roy A. Johlke and Freda Johlke as recorded under Harris County Clerk's File (H.C.) Numbers E429742, E429743, D327144 and D958742, Harris County, Texas, recorded in Volume 2384, Page 177 Harris County Deed Records (H.C.D.R.); and that portion of an un-named 30-foot wide roadway (calculated 0.6104 acres) between Lots 469 through 466 as delineated on said Tomball Townsite plat subdivision; said 50.157 acre tract being more particularly described as follows (bearings are referenced to the Texas State Plane Coordinate System, South Central Zone (NAD83));

COMMENCING for reference at a concrete monument found marking the intersection of the east right-of-way (R.O.W.) line of Farm-to-Market (F.M.) 2978 (width varies delineated by said Tomball Townsite subdivision and as widened by instrument recorded under H.C.C.F. Numbers C863322, D001520 and D012567 with the north R.O.W. of F.M. 2920 (called 120-foot wide R.O.W.) as recorded in Volume 3637, Page 25 and Volume 3711, Page 281 of the Harris County Deed Records (H.C.D.R.), said concrete monument marking the southwest corner of that certain 3.1378 acre tract as recorded under H.C.C.F. Number H271449;

THENCE, Northerly, along said east R.O.W. line of F.M. 2978, a distance of 701.86 along the arc of a curve to the right, having a radius of 5,669.65 feet, a central angle of 07°05'34" and a chord which bears North 06°04'17" East, 701.41 feet to a 5/8 inch iron rod with plastic cap stamped "Terra Surveying" set marking a point of tangency the beginning of a 120-foot wide R.O.W.

THENCE, North 09°37'04" East, continuing along said east R.O.W. line of F.M. 2978 a distance of 59.49 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set in the south line of the aforesaid un-named 30-foot wide roadway as delineated on the aforesaid Tomball Townsite subdivision, said iron rod marking the northwest corner of said 3.1378 acre tract and marking the most westerly southwest corner POINT OF BEGINNING of the herein described tract;

THENCE, Northerly, continuing along said east R.O.W. line of F.M. 2978, a distance 461.28 feet along the arc of said curve to the left, having a radius of 3,879.77 feet, central angle of $06^{\circ}48'43''$ and a chord which bears North $06^{\circ}12'43''$ East, 461.1 feet to a concrete monument found marking the intersection of said east R.O.W. line F.M. 2978 with the south R.O.W. line of Dement Road (called 30-foot wide) according to said Tomball Townsite subdivision (width varies as monumented and fenced), see concrete monument marking the northwesterly corner of the herein described tract;

THENCE, North $87^{\circ}01'25''$ East, along said south R.O.W. line of Dement Road fenced, a distance of 722.63 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set in the common line of the aforesaid Lot 449 and Lot 450 of said Tomb Townsite subdivision and marking the northeasterly corner of the herein described tract;

THENCE, South $02^{\circ}12'38''$ East, departing said south R.O.W. line of Dement Road along the common line of said Lot 449 and 450 as fenced and along the west line of that certain called 0.367 acre tract and that certain called 1.681 acre tract as recorded under H.C.C.F. Number 20080008347, a distance of 849.59 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set in the north line of that certain called 23.5935 acre tract as recorded under H.C.C.F. Number 20070522269 marking the common southerly corner of said Lot 449 and 450 and marking an angle point in the east line of the herein described tract;

THENCE, South $87^{\circ}25'48''$ West, along the south line of said Lot 449 and along the north line of said called 23.5935 acre tract, a distance of 5.22 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set marking the northwest corner of said called 23.5935 acre tract, marking the northeast corner of the aforesaid Lot 462 and marking an angle point in the east line of the herein described tract, from which a four 1/2-inch iron rod bears North $87^{\circ}25'48''$ East, 213.99 feet;

THENCE, South $02^{\circ}30'40''$ East, along the west line of said called 23.5935 acre tract and along the east line of said Lot 462, a distance of 1,602.24 feet to a 5/8-inch iron rod found in the aforesaid north R.O.W. line of F.M. 2920, said iron rod marking the southwest corner of said called 23.5935 acre tract and the southeast corner of the herein described tract;

THENCE, South $87^{\circ}23'15''$ West, along said north R.O.W. line of F.M. 2920, a distance of 933.79 feet to a 3/4-inch iron pipe found in the common line of the aforesaid Lot 462 and 463, marking the southeast corner of the aforesaid called 3.1378 acre tract and marking the most southerly southwest corner of the herein described tract;

THENCE, North $02^{\circ}35'23''$ West, departing said north R.O.W. line of F.M. 2920, at the common line of said Lot 464 and 463 and along the east line of said called 3.1378 acre tract, a distance of 751.47 feet to a 1-inch iron pipe found in the south line of aforesaid un-named 30-foot wide roadway as delineated by the aforesaid Tom Townette subdivision, said iron pipe marking the common northerly corner of said 464 and 463, marking the northeast corner of said called 3.1378 acre tract and marking an interior corner of the herein described tract;

THENCE, South $87^{\circ}24'15''$ West, along the south line of said 30-foot wide road and along the north line of said called 3.1378 acre tract, a distance of 114.65 feet to the POINT OF BEGINNING and containing 50.157 acres (2,184,840 square feet) of land. This description is based on the Land Title Survey and plat made by Terra Survey Company, Inc., dated April 29, 2009, Job Number 1849-0901-S.

Special Durable Power of Attorney for Real Estate Transactions

Date: August 10 2012

Principal: DONALD CLAUDE CHILDRESS
44 Sammy Snead Lane
Hilltop Lakes, Texas 77871

Agent: MARK CARLTON JOHLKE
9315 N. Picture Ridge Road
Peoria, Illinois 61615

Effective Date: August 10 2012

Property: Being a tract or parcel containing 50.157 acres (2,184,840 square feet) of land situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas and being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

Powers Given with Respect to the Property:

1. Contract to sell the Property for any price on any terms.
2. Convey the Property.
3. Execute and delivery any legal instruments relating to the sale and conveyance of the Property, including but not limited to the contract, amendments thereto, general and special warranty deeds binding Principal with vendor's liens retained or disclaimed as applicable or transferred to a third-party lender, affidavits (for example, federal tax statements), notices, disclosures, waivers, and designations.
4. Accept notes, deeds of trust, and other legal instruments.
5. Approve closing statements authorizing deductions from the sales price.
6. Receive Principal's net sales proceeds by check payable to Principal.
7. Indemnify and hold harmless any third party who accepts and acts under this Power of Attorney.
8. Do everything and sign everything necessary or appropriate to sell the Property and accomplish the powers set out herein.

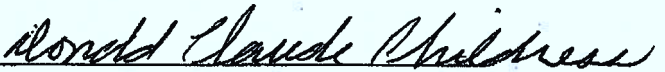
Principal appoints Agent to act for Principal in accordance with the powers given with respect to the Property, and Principal ratifies all acts done under this appointment. Agent's authority will begin on the Effective Date and end by Principal's signing an instrument revoking this power of attorney and filing it for record in the real property records of Harris County, Texas. A signed and filed revocation instrument will be effective, without limitation or exception, including but not limited to being effective against a third party relying on this power of

attorney without receipt of actual notice of the revocation, on the date and time of filing.

This is a durable power of attorney under Chapter XII of the Texas Probate Code, which is not affected by subsequent disability or incapacity of Principal and will not lapse because of a passage of time.

Principal binds Principal and Principal's heirs and personal representatives to indemnify and hold Agent harmless from all claims, demands, losses, damages, actions, and expenses that Agent may sustain or incur in connection with carrying out the authority granted to Agent in this power of attorney.

The attorney-in-fact or agent, by accepting or acting under this appointment, assumes the fiduciary and other legal responsibilities of an agent.

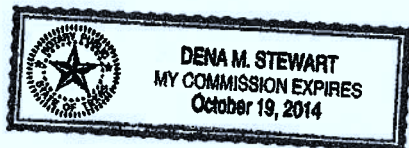

DONALD CLAUDE CHILDRESS

The State of Texas

§
§
§

County of Leon

On this 10 day of August, 2012, appeared before me, DONALD CLAUDE CHILDRESS, who having been duly sworn upon his oath, stated that he had executed the foregoing Special Durable Power of Attorney for Real Estate Transactions for the purposes and considerations therein expressed.




Notary Public, in and for the
State of Texas

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION
50.157 ACRES
JESSE PRUITT SURVEY, ABSTRACT NUMBER 629
HARRIS COUNTY, TEXAS

Being a tract or parcel containing 50.157 acres (2,184,840 square feet) of land situ in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas; being all of 448, 449, 460 and 461, and being the remainder portion of Lots 447, 463, 462, 465 and 466 of Tomball Townsite a plat of subdivision as recorded in Volume 2, 165 of the Harris County Map Records, Harris County, Texas; and being the same conveyed to Margaret L. Johlke Collins, Dora M. Johlke Wilson, Adell G. Johlke D Roy A. Johlke and Freda Johlke as recorded under Harris County Clerk's File (H.C.) Numbers E429742, E429743, D327144 and D958742, Harris County, Texas, recorded in Volume 2384, Page 177 Harris County Deed Records (H.C.D.R.); and to that portion of an un-named 30-foot wide roadway (calculated 0.6104 acres) between Lots 459 through 466 as delineated on said Tomball Townsite plat subdivision; said 50.157 acre tract being more particularly described as follows (bearings are referenced to the Texas State Plane Coordinate System, South Central Zone (NAD83));

COMMENCING for reference at a concrete monument found marking the intersection of the east right-of-way (R.O.W.) line of Farm-to-Market (F.M.) 2978 (width varies delineated by said Tomball Townsite subdivision and as widened by Instrument recorded under H.C.C.F. Numbers C863322, D001520 and D012567 with the north R.O.W. of F.M. 2920 (called 120-foot wide R.O.W.) as recorded in Volume 3637, Page 25 of Volume 3637, Page 25 and Volume 3711, Page 281 of the Harris County Deed Records (H.C.D.R.), said concrete monument marking the southwest corner of that certain 3.1378 acre tract as recorded under H.C.C.F. Number H271449;

THENCE, Northerly, along said east R.O.W. line of F.M. 2978, a distance of 701.86 feet along the arc of a curve to the right, having a radius of 5,669.65 feet, a central angle of 07°05'34", and a chord which bears North 06°04'17" East, 701.41 feet to a 5/8 inch iron rod with plastic cap stamped "Terra Surveying" set marking a point of tangency the beginning of a 120-foot wide R.O.W.

THENCE, North 09°37'04" East, continuing along said east R.O.W. line of F.M. 2978, a distance of 59.49 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set in the south line of the aforesaid un-named 30-foot wide roadway as delineated on the aforesaid Tomball Townsite subdivision, said iron rod marking the northwest corner of said called 3.1378 acre tract and marking the most westerly southwest corner of said tract; POINT OF BEGINNING of the herein described tract;

THENCE, North 09°37'04" East, continuing along said east R.O.W. line of F.M. 2978, a distance of 1,268.95 feet to a concrete monument found marking the beginning of a curve to the left;

THENCE, Northerly, continuing along said east R.O.W. line of F.M. 2978, a distance of 461.28 feet along the arc of said curve to the left, having a radius of 3,879.77 feet, central angle of $06^{\circ}48'43''$ and a chord which bears North $06^{\circ}12'43''$ East, 461.1 feet to a concrete monument found marking the intersection of said east R.O.W. line F.M. 2978 with the south R.O.W. line of Dement Road (called 30-foot wide) according to said Tomball Townsite subdivision (width varies as monumented and fenced), set concrete monument marking the northwesterly corner of the herein described tract;

THENCE, North $87^{\circ}01'25''$ East, along said south R.O.W. line of Dement Road fenced, a distance of 722.63 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set in the common line of the aforesaid Lot 449 and Lot 450 of said Tomb Townsite subdivision and marking the northeasterly corner of the herein described tract;

THENCE, South $02^{\circ}12'38''$ East, departing said south R.O.W. line of Dement Road along the common line of said Lot 449 and 450 as fenced and along the west line of that certain called 0.367 acre tract and that certain called 1.681 acre tract as recorded under H.C.C.F. Number 20080008347, a distance of 849.59 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set in the north line of that certain called 23.5935 acre tract as recorded under H.C.C.F. Number 20070522289 marking the common southerly corner of said Lot 449 and 450 and marking an angle point in the east line of the herein described tract;

THENCE, South $87^{\circ}25'48''$ West, along the south line of said Lot 449 and along the north line of said called 23.5935 acre tract, a distance of 5.22 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set marking the northwest corner of said called 23.5935 acre tract, marking the northeast corner of the aforesaid Lot 462 and marking an angle point in the east line of the herein described tract, from which a four 1/2-inch iron rod bears North $87^{\circ}25'48''$ East, 213.99 feet;

THENCE, South $02^{\circ}30'40''$ East, along the west line of said called 23.5935 acre tract and along the east line of said Lot 462, a distance of 1,602.24 feet to a 5/8-inch iron rod found in the aforesaid north R.O.W. line of F.M. 2920, said iron rod marking the southwest corner of said called 23.5935 acre tract and the southeast corner of the herein described tract;

THENCE, South $87^{\circ}23'15''$ West, along said north R.O.W. line of F.M. 2920, a distance of 933.79 feet to a 3/4-inch iron pipe found in the common line of the aforesaid Lot 462 and 463, marking the southeast corner of the aforesaid called 3.1378 acre tract and marking the most southerly southwest corner of the herein described tract;

THENCE, North $02^{\circ}35'23''$ West, departing said north R.O.W. line of F.M. 2920, at the common line of said Lot 464 and 463 and along the east line of said called 3.13 acre tract, a distance of 751.47 feet to a 1-inch iron pipe found in the south line of aforesaid un-named 30-foot wide roadway as delineated by the aforesaid Tom Townsite subdivision, said iron pipe marking the common northerly corner of said 464 and 463, marking the northeast corner of said called 3.1378 acre tract and marking an interior corner of the herein described tract;

THENCE, South $87^{\circ}24'15''$ West, along the south line of said 30-foot wide roadway and along the north line of said called 3.1378 acre tract, a distance of 114.65 feet to the POINT OF BEGINNING and containing 50.157 acres (2,184,840 square feet) of land. This description is based on the Land Title Survey and plat made by Terra Survey Company, Inc., dated April 29, 2009, Job Number 1849-0901-S.

Special City Council

Agenda Item

Meeting Date: October 8, 2012

Data Sheet

Topic:

Approve Resolution No. 2012-30, a Resolution of the City Council of the City of Tomball, Texas Declaring the Intention of the City of Tomball, Texas, to Institute Proceedings to Annex Certain Territory; Describing Such Territory; Setting the Dates, Times, and Places for Two Public Hearings at which All Interested Parties Shall Have an Opportunity to be Heard; Providing for Publication of Notices of Such Public Hearings; and Directing Preparation of a Municipal Service Plan for the Territory Proposed to be Annexed (0.610 Acres, an Undeveloped Publicly Dedicated Road Right-of-Way Located on FM 2978) - Tract 1B

Background:

Approval of Resolution No. 2012-30 will declare the City's intention to annex the above-referenced property, located within the City's Extraterritorial Jurisdiction (ETJ). The property is an undeveloped, publicly-dedicated road right-of-way; therefore, annexation of the road right-of-way as a separate tract of land is recommended and does not require petitioning the City for annexation.

Water, sewer and gas utilities have been extended along FM 2978 and FM 2920; sewer is available on the east side of FM 29078 and north of FM 2920, and water and gas are available on the west side of FM 2978 and north of FM 2920 in anticipation of future development. The municipal service plan will be included in the annexation ordinance.

Section 43.063 of the Local Government Code requires two public hearings on proposed annexations. The hearings must be conducted on or after the 40th day but before the 20th day before the date of the first reading of the ordinance (a 21-39 day timeframe). Additionally, annexation of Tract 1B must be completed before the annexation of Tract 2.

Due to publication date constraints and Council's meeting schedule, staff's recommendation is that the public hearings be conducted during the regular Council meetings on November 5 and November 19, 2012. If the recommended dates for the public hearings are acceptable, the first reading of the annexation ordinance must be conducted at a special Council meeting on December 10, 2012 at 5:00 p.m., and the second reading will be conducted at the regular Council meeting on December 17, 2012.

Origination:

City Attorney, City Secretary

Recommendation:

Approve Resolution No. 2012-30

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. 2012-30

Map - Tract 1B - Right-of-Way

1907 Plat

Annexation Calendar - Tract 1B - Unnamed Road Right-of-Way

Land Title Survey - 8/30/12

RESOLUTION NO. 2012-30

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF TOMBALL, TEXAS, TO INSTITUTE PROCEEDINGS TO ANNEX CERTAIN TERRITORY; DESCRIBING SUCH TERRITORY; SETTING THE DATES, TIMES, AND PLACES FOR TWO PUBLIC HEARINGS AT WHICH ALL INTERESTED PARTIES SHALL HAVE AN OPPORTUNITY TO BE HEARD; PROVIDING FOR PUBLICATION OF NOTICES OF SUCH PUBLIC HEARINGS; AND DIRECTING PREPARATION OF A MUNICIPAL SERVICE PLAN FOR THE TERRITORY PROPOSED TO BE ANNEXED (0.610 ACRES OF LAND, AN UNDEVELOPED PUBLICLY DEDICATED ROAD RIGHT-OF-WAY LOCATED ON FM 2978)

* * * * *

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

Section 1. The City Council of the City of Tomball hereby declares its intention to institute proceedings to annex to the City the territory described in Exhibit "A" attached hereto and made a part hereof by the passage of an ordinance of annexation extending the general corporate limits of the City of Tomball for all purposes to include such territory.

Section 2. The City Council of the City of Tomball hereby calls two public hearings at which all interested persons shall have the right and opportunity to appear and be heard upon such proposal to annex the territory described above. No suitable location is available for a public hearing to be held on the property proposed for annexation. The first public hearing shall be held in the City Council Chambers, 401 Market Street, City of Tomball, Texas, during a Regular Council Meeting at 6:00 o'clock (6:00 p.m.), on November 5, 2012. The second public hearing shall be held in the City Council Chambers, 401 Market Street, City of Tomball, Texas, during a Regular Council Meeting at 6:00 o'clock (6:00 p.m.), on November 19, 2012. The annexation proceeding, of which notice of intention to annex is given by this Resolution, shall be instituted not less than twenty (20) days nor more than forty (40) days subsequent to such public hearings.

Resolution No. 2012-30

Tract One(B) – 0.610 Acres, an Undeveloped Publicly Dedicated Road Right-of-Way

Page 2

Section 3. The City Secretary of the City of Tomball is hereby directed to cause notices of such public hearings to be given by publication in a newspaper having general circulation within the City of Tomball and within the territory proposed to be annexed, the publication of notice of each public hearing to be made at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the day of that public hearing.

Section 4. The City Engineer is hereby directed to cause to be prepared a service plan that provides for the extension of municipal services to the territory that is proposed to be annexed. The proposed service plan shall be made available for public inspection and shall be explained to the inhabitants of the territory at the public hearings called herein. Such service plan shall be prepared in accordance with the provisions of Chapter 43 of the TEXAS LOCAL GOVERNMENT CODE.

PASSED, APPROVED, AND RESOLVED this 8th day of October, 2012.

GRETCHEN FAGAN, Mayor
City of Tomball

ATTEST:

Doris Speer, City Secretary
City of Tomball

EXHIBIT "A"

**JESSE PRUITT SURVEY, ABSTRACT No. 629
HARRIS COUNTY, TEXAS**

PROPERTY DESCRIPTION

Being a 0.610 acre tract of land out of the Jesse Pruitt Survey, Abstract No. 629 in Harris County, Texas, said 0.610 acre tract of land being all of the remainder of that 30 foot wide unnamed road lying between Lot 459, Lot 460, Lot 461, Lot 462, Lot 463, Lot 464, Lot 465, and Lot 466, as shown on said Tomball Townsite, as recorded in Volume 2, Page 65 of the Map Records of Harris County, Texas, said 0.610 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with cap stamped "TERRA" found at the point of intersection of the east right-of-way line of F. M. Highway No. 2978, a/k/a Huffsmith – Kohrville Road (a variable width right-of-way) with the north line of said 30 foot wide unnamed road, said 5/8 inch iron rod with cap stamped "TERRA" being the most westerly southwest corner of 49.547 acre tract of land (by deed) deeded to Ronald J. Collins, Donald Claude Childress, Roy A. Johlke, and Susan Lorraine Dietz Varsel, Individually and as Administrator of the Estate of Adell G. Dietz, a/k/a Adell G. Johlke Dietz, deceased, as recorded in Cause No. 407636 of the Probate Records of Harris County, Texas;

THENCE North 87 degrees 23 minutes 55 seconds East, with the north right-of-way line of said 30 foot wide unnamed road, with the south line of said Lot 459, with the south line of said Lot 460, with the south line of said Lot 461, with an interior line of said Lot 462, and with an interior line of said 49.547 acre tract of land, a distance of 883.14 feet to a 5/8 inch iron rod found for the northeast corner of said 30 foot wide unnamed road and being an interior corner of said Lot 462, said 5/8 inch iron rod also being an interior corner of said 49.547 acre tract of land;

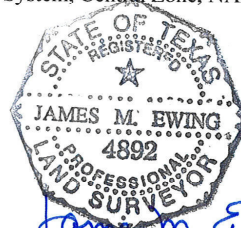
THENCE South 02 degrees 31 minutes 47 seconds East, with the east end of said 30 foot wide unnamed road, with an interior line of said Lot 462, and with an interior line of said 49.547 acre tract of land, a distance of 30.00 feet to a 5/8 inch iron rod found for the southeast corner of said 30 foot wide unnamed road and for the northeast corner of said Lot 466, said 5/8 inch iron rod also being an interior corner of said 49.547 acre tract of land;

THENCE South 87 degrees 23 minutes 55 seconds West, with the south right-of-way line of said 30 foot wide unnamed road, with the north line of said Lot 466, with the north line of said Lot 465, with the north line of said Lot 464, with the north line of said Lot 463, and with an interior line of said 49.547 acre tract of land, a distance of 889.59 feet to a 5/8 inch iron rod with cap stamped "TERRA" found at the intersection of the south right-of-way line of said 30 foot wide unnamed road with the east right-of-way line of said F. M. Highway No. 2978;

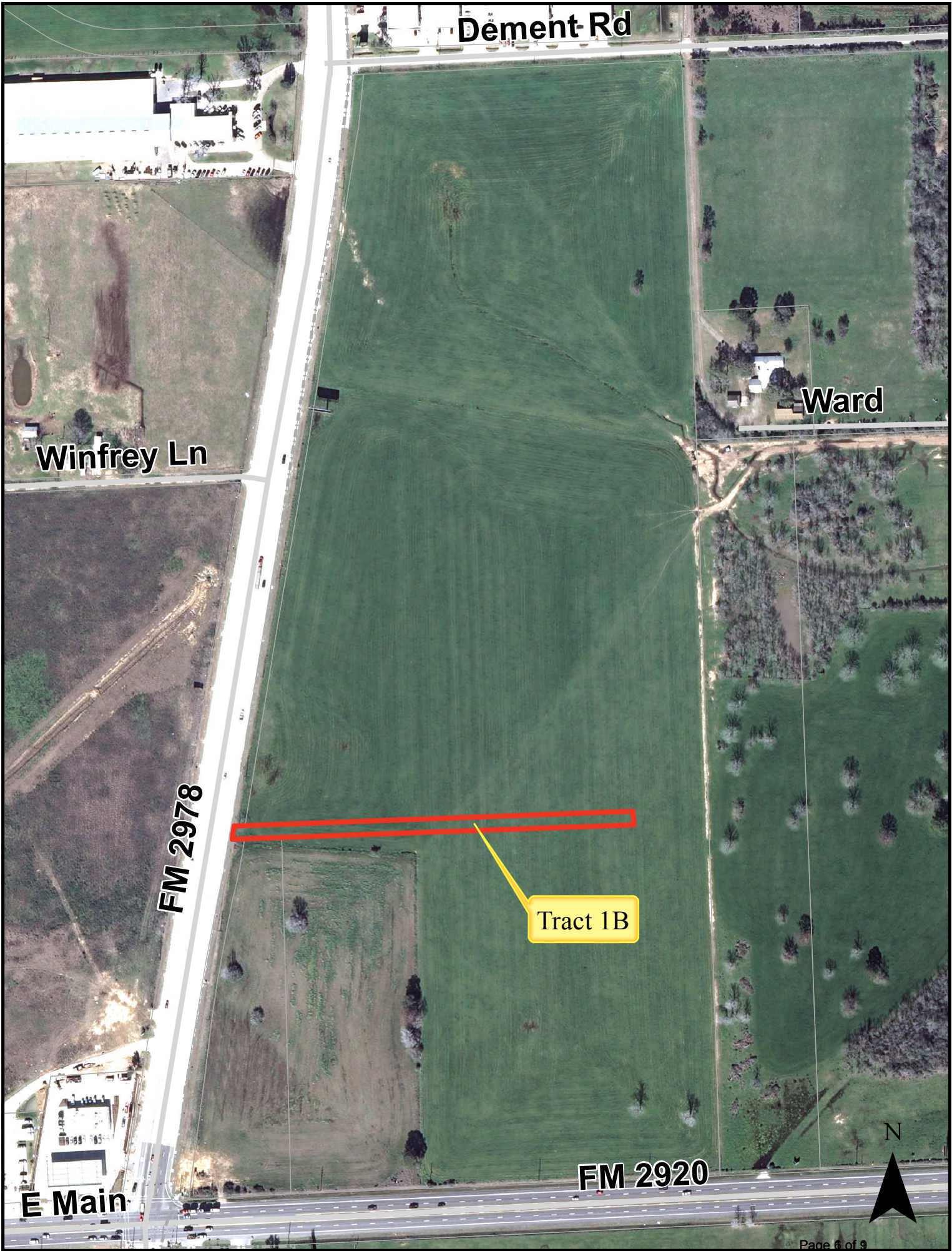
THENCE North 09 degrees 36 minutes 44 seconds East, a distance of 30.69 feet to the **POINT OF BEGINNING**, and containing 0.610 acre of land, more or less;

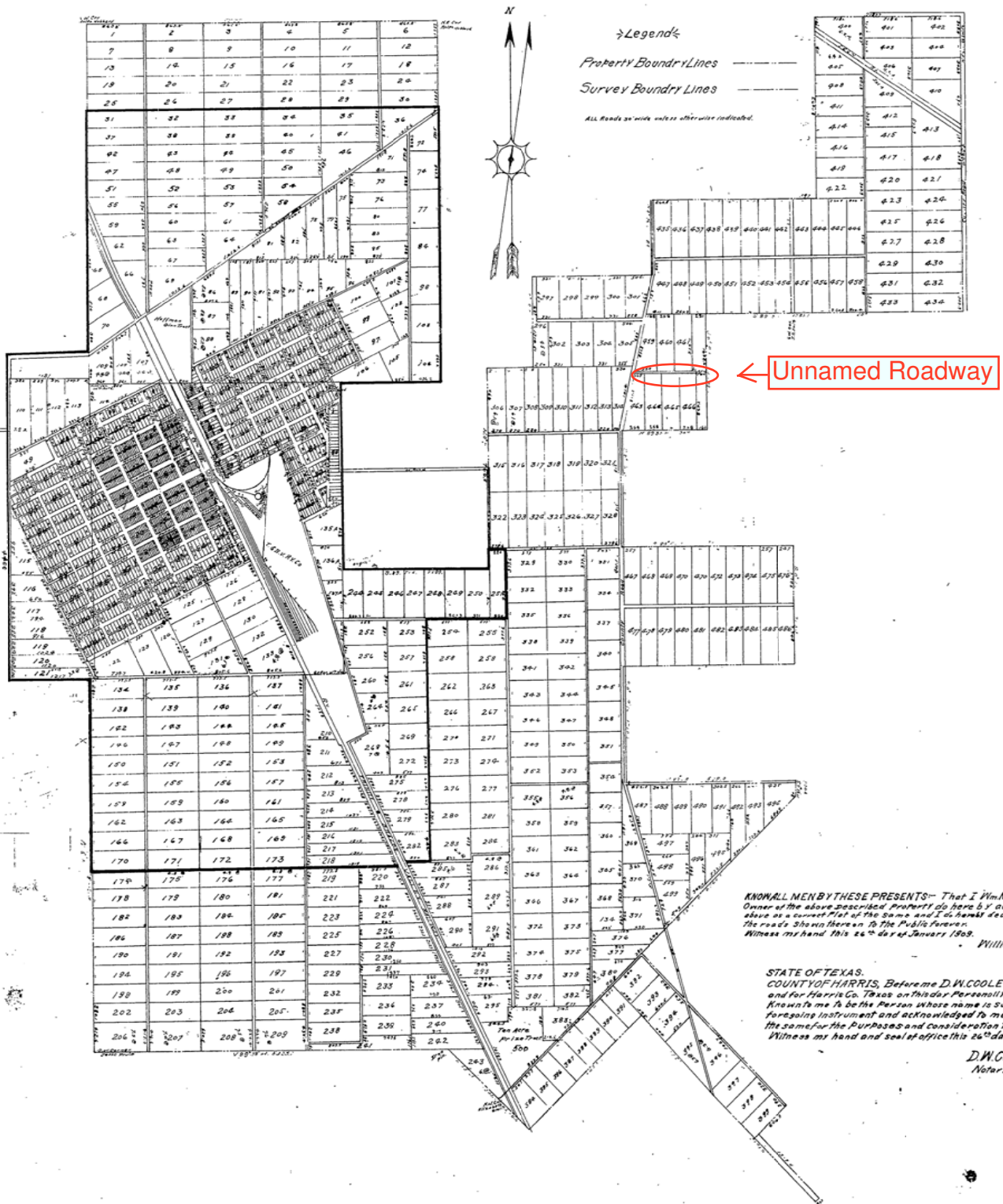
All bearings are referenced to the Texas State Plane Coordinate System, Central Zone, NAD83.

All distances and areas are surface.



GORRONDONA & ASSOCIATES, INC. • 11710 NORTH FREEWAY, SUITE 4700 HOUSTON, TEXAS 77060 • 281.469.3347 FAX 281.419.2506





FIVE ACRE TRACTS

TOM BALL TOWNSITE.

PROPOSED ANNEXATION – Unnamed, Publicly Dedicated Road Right-of-Way – 10/8/12 Council meeting, accompanied by metes and bounds description of properties. There will be five (5) separate Resolutions, one for each property owner and one for public right-of-way.

Council approves annexation request on 10/8 by adopting Resolution and sets 11/5 and 11/19 as dates for public hearings (regular Council meetings). Send to paper on 10/15 to run in paper on 10/22 (14 days' notice for 11/5 meeting) and again on 11/5 (14 days' notice for 11/19 meeting) – one Special Council meeting required on December 10, 2012.

Publish Dates & Public Hearing Dates – Complete Annexation on 12/17/12	Publish Date	First Public Hearing at Regular Meeting	Publish Date	Second Public Hearing at Regular Meeting	First Reading of Ordinance at Special Meeting	Second Reading of Ordinance at Regular Meeting			
Council approves annexation on 10/8 and sets dates for Public Hearings as 11/5 and 11/19:	10/22/12	Regular Mtg 11/5/12	11/5/12	Regular Mtg 11/19/12	12/10 before P&Z	12/17/12			
1 st public hearing to 1 st reading is 35 days total; 70 days to complete annexation	14 days' notice To paper 10/15 to run on 10/22 and 11/5	Regular Mtg	14 days' notice Reminder to paper 10/22 to run 11/5/12						
(49 days total from first publication notice to first reading)	(-49 days)	(-35 days) to 1st reading		(-21 days) to 1st reading	(Day 0)				

Publication date – more than 10 days' notice, less than 20 days' notice for public hearings [LGC, Sec. 43.063(c)] – **14 days' notice for each P.H.**

Public hearings – more than 20 days, less than 40 days between first public hearing and first reading of ordinance per LGC, Sec. 43.063(a)

NOTE: MUST have a minimum of 21 days between the **second public hearing and the first reading of the ordinance. – 21 days**

MUST have NO MORE than 40 days between the first public hearing and the first reading of the ordinance.—**35 days**

(We will set public hearing dates between 21 and 39 days)

Annexation must be completed within 90 days, beginning to end (LGC, Sec. 43.064), from 10/8 request to second reading of ordinance. – **70 days**

City must give notice regarding intention to annex area 30 days before first public hearing to public and private entities – county, fire department, emergency services districts, utility companies [LGC, Sec. 43.062(b)] – **This requirement does not apply if we are annexing by petition.**

Put resolutions on the 10/8 agenda for Council to approve and to set public hearing dates and special Council meeting.

LEGEND

