

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



MONDAY, JULY 19, 2010

7:00 P.M.

Notice is hereby given of a meeting of the Tomball City Council, to be held on Monday, July 19, 2010 at 7:00 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 James Polnick, Life Point Church

3.0 Pledges to U.S. and Texas Flags

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

5.0 Presentations:

- Proclamation – 6th Annual Employee Appreciation Week, July 26-30, 2010

6.0 Reports and Announcements

- July 24, 2010 – **Farmers Market** – 8:00 a.m.
- July 26-27, 2010 – Budget Workshops – 4:00 p.m. – possible additional workshop on July 29, 2010
- August 2-10, 2010 – **Early Voting** for **Special Election** on August 14, 2010
 - August 2 - 7:45 a.m. – 5:00 p.m.
 - August 3 - 7:45 a.m. – 7:45 p.m.
 - August 4 - 7:45 a.m. – 5:00 p.m.
 - August 5 - 7:45 a.m. – 5:00 p.m.
 - August 6 - 7:45 a.m. – 4:00 p.m.
 - August 9 - 7:45 a.m. – 5:00 p.m.
 - August 10 - 7:45 a.m. – 7:45 p.m.
- August 2, 2010 – Public Hearing for Proposed FY2010-2011 Budget
- August 5, 2010 – **Mayor's Coffee**, Main Street Crossing – 5:30 p.m.-7:00 p.m.
- August 6, 2010 – *38th Annual Tomball Night*
- **August 14, 2010 - Special Election** – City Hall, 7:00 a.m.-7:00 p.m.
- August 14, 2010 – **Farmers Market** – 8:00 a.m.
- August 14, 2010 - **2nd Saturday at the Depot**, 6:00 p.m.
- August 16, 2010 – Appointments to Tomball Hospital Authority for Terms Expiring 8/31/2010 and (1) unexpired term
- **Walk Tomball!** (Every Saturday at 8:00 a.m. at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken
 - Benefit for Paul Overcast, Tomball Police Officer - Robert Hauck, Police Chief
 - Update regarding Gary Smith Slope Failure - Mark McClure, Director of Engineering

7.0 Approve the Minutes of the Regular City Council Meeting of July 6, 2010

8.0 Old Business:

- 8.1 Adopt, on Second Reading, Ordinance No. 2010-14, Ordinance No. 2010-14, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number One (Pine Country of Tomball Subdivision)
- 8.2 Adopt, on Second Reading, Ordinance No. 2010-15, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Pine Country of Tomball Subdivision, Section Two Properties, within the City of Tomball Public Improvement District Number One; and Making Certain Findings Related Thereto

9.0 New Business:

- 9.1 Adopt, on First Reading, Resolution No. 2010-14, a Resolution of the City Council of the City of Tomball, Texas, Making Findings concerning certain Land described in such Resolution; Determining that such Land is needed for Construction of the Tomball Hills Lift Station Project for the City Of Tomball, Texas.
- 9.2 Approve Request from Engineering and Planning Department to Purchase Property Associated with the Hufsmith Water and Gas and the Brown-Hufsmith Road Extension Phase II Capital Improvement Projects, Based on the Appraised Fair Market Values.

10.0 Adjournment

C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 16th day of July 2010 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer
Doris Speer
City Secretary, TRMC

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

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

Regular City Council
Agenda Item
Data Sheet

Meeting Date: July 19, 2010

Topic:

- Proclamation – 6th Annual Employee Appreciation Week, July 26-30, 2010

Background:

Origination:

Recommendation:

Funding:

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

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

ATTACHMENTS:

Employee Appreciation Week 2010

Office of the Mayor
Tomball, Texas

Proclamation



- WHEREAS** Tomball's citizens are served every single day by public servants--the "unsung heroes" who do the jobs that keep our city working; and
- WHEREAS** public employees make great contributions to their communities by serving in areas such as crime prevention, fire protection, education, utility service and administration; and
- WHEREAS** the public employees of the City of Tomball are committed to exhibiting the highest standards of excellence, dedication, creativity and skills; and
- WHEREAS** day in and day out, they provide the quality and quantity of diverse services required and expected by the citizens of their local government with efficiency, effectiveness and integrity; and
- WHEREAS** without these public servants at every level, continuity of service would be impossible; and
- WHEREAS** the City of Tomball recognizes the dedication and talents of public employees, as well as the value of the services they render at all levels;

NOW, THEREFORE, I, GRETCHEN FAGAN, Mayor of the City of Tomball, do hereby proclaim July 26-30, 2010 as the:

"6TH ANNUAL CITY OF TOMBALL EMPLOYEE APPRECIATION WEEK"

and I do thereby call upon all citizens to recognize and express their appreciation for the vital contributions made daily by all public employees throughout the City of Tomball.



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

ATTEST:

DATE:

Don Zuer

July 19, 2010

Regular City Council Agenda Item Data Sheet

Meeting Date: July 19, 2010

Topic:

- July 24, 2010 – **Farmers Market** – 8:00 a.m.
- July 26-27, 2010 – Budget Workshops – 4:00 p.m. – possible additional workshop on July 29, 2010
- August 2-10, 2010 – **Early Voting** for **Special Election** on August 14, 2010
 - August 2 - 7:45 a.m. – 5:00 p.m.
 - August 3 - 7:45 a.m. – 7:45 p.m.
 - August 4 - 7:45 a.m. – 5:00 p.m.
 - August 5 - 7:45 a.m. – 5:00 p.m.
 - August 6 - 7:45 a.m. – 4:00 p.m.
 - August 9 - 7:45 a.m. – 5:00 p.m.
 - August 10 - 7:45 a.m. – 7:45 p.m.
- August 2, 2010 – Public Hearing for Proposed FY2010-2011 Budget
- August 5, 2010 – **Mayor's Coffee**, Main Street Crossing – 5:30 p.m.-7:00 p.m.
- August 6, 2010 – *38th Annual Tomball Night*
- **August 14, 2010 - Special Election** – City Hall, 7:00 a.m.-7:00 p.m.
- August 14, 2010 – **Farmers Market** – 8:00 a.m.
- August 14, 2010 - **2nd Saturday at the Depot**, 6:00 p.m.
- August 16, 2010 – Appointments to Tomball Hospital Authority for Terms Expiring 8/31/2010 and (1) unexpired term
- **Walk Tomball!** (Every Saturday at 8:00 a.m. at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken
 - Benefit for Paul Overcast, Tomball Police Officer - Robert Hauck, Police Chief
 - Update regarding Gary Smith Slope Failure - Mark McClure, Director of Engineering

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:

Farmers Market

Public Hearing for Proposed FY2010-2011 Budget

Mayor's Coffee - August 5, 2010

Special Election - August 14, 2010

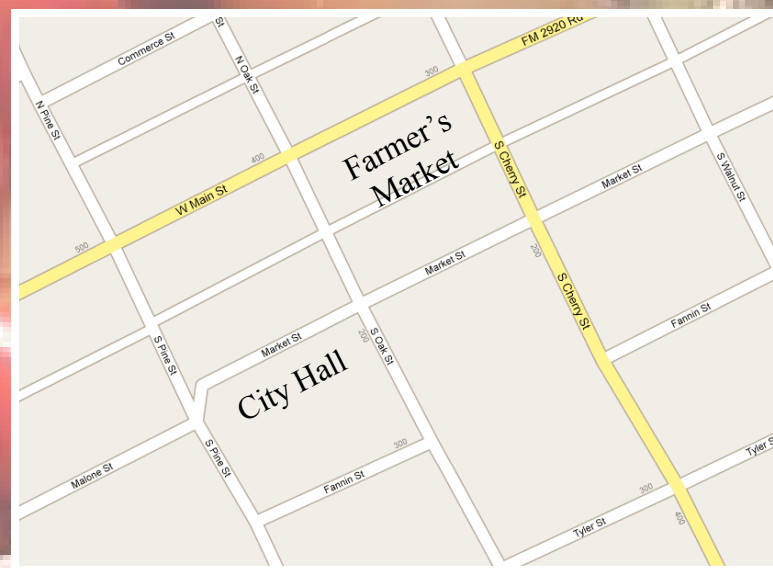


Bringing the farmers back to the community!

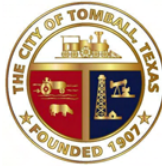
Come enjoy the Tomball Farmer's Market! We'll have produce, prepared foods and crafts for you to purchase.

**Now open on the
2nd & 4th Saturday
of every month!**
**Market opens
at 9 AM!**

**Located at the
corner of Cherry &
FM 2920**



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



MONDAY, AUGUST 2, 2010

7:00 P.M.

Notice is hereby given that a **PUBLIC HEARING** will be held by the Tomball City Council, as the Governing Body of the City of Tomball, at a Regular Council Meeting on Monday, August 2, 2010 at 7:00 p.m., at City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following:

**Public Hearing for the Purpose of Adopting
the City of Tomball's Budget for
Fiscal Year 2010-2011.**

This Budget will raise MORE total property taxes than last year's Budget by \$ 7,247 (0.53%); a portion of that amount will be raised from new property added to the roll this year.

A copy of the Proposed Budget, as submitted to City Council and filed in the City Secretary's office, will be available for public inspection at the office of the City Secretary, 401 Market Street, Tomball, Texas, Monday through Thursday, 7:45 a.m. to 5:00 p.m., and Friday, 7:45 a.m. to 4:00 p.m., beginning on **August 2, 2010**.

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 22nd day of July 2010 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Doris Speer
Doris Speer, City Secretary, TRMC

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

Mayor's Coffee

Thursday, August 5, 2010

From **5:30—7:00 P.M.**

Main Street Crossing

111 W. Main

Come by to ask any questions, or address any concerns you have regarding the City of Tomball.

Main Street Crossing Info: <http://www.mainstreetcrossing.com>

sponsored by:

CLIFTON

DODSON

SORTINO LLP

ATTORNEYS

AT LAW



Gretchen Fagan
Mayor



Tomball City Election
Election Day is August 14, 2010 —7:00 a.m.-7:00 p.m.
Early Voting—August 2-10, 2010



Regular City Council Agenda Item Data Sheet

Meeting Date: July 19, 2010

Topic:

Approve the Minutes of the Regular City Council Meeting of July 6, 2010

Background:

Origination:

City Secretary

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	

ATTACHMENTS:

Draft Minutes - Regular City Council July 6, 2010

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



TUESDAY, JULY 6, 2010

7:00 P.M.

1.0 Call to Order

The meeting was called to order by Mayor Gretchen Fagan. Other members present were:

Councilman Stoll
Councilman Townsend
Councilman Quinn
Councilman Brown

Others present:

City Secretary – Doris Speer
City Attorney – Scott Bounds
Fire Chief – Randy Parr
Police Chief – Robert Hauck
Finance Director – Glenn Windsor
Director of Engineering & Planning – Mark McClure
Assistant to City Manager – Shawn Cox
City Planner – Kelly Violette

draft

2.0 Invocation

- Led by Pastor Scott Knight, The Pointe Fellowship Church

3.0 Pledges to U. S. and Texas Flags

- Led by Allen Fletcher, Texas State Representative, District 130

4.0 The following public comments were received:

Lamar Barr
Hampton Inn
14100 Medical Complex, 77375

- Requesting additional police patrols through complex; requesting that utility bills be billed current, not behind; requested review of utility rates being charged for dumpsters.

H. G. Harrington
619 N. Magnolia, 77375

- Provided history regarding day labor site; expressed his support for renewal of the lease agreement for the day labor site and continued City oversight.

Tina Salem
1310 Pine Trails, 77375

- Email read into the record - expressed her support for renewal of the lease agreement for the day labor site and continued City oversight.

Mary Harvey
405 S. Walnut, 77375

- Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight.

Rodney Hutson, M.D.
9431 Rosie Lane, 77355

- Expressed his support for renewal of the lease agreement for the day labor site and continued City oversight.

Sallie Fisher
723 Hospital, 77375

- Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight.

Jack Ripley
14134 Castor Street, 77375

- Expressed his opposition to people hiring illegal workers; asked that the City require proof that workers at day labor site are legal workers and that contractors hiring workers at the day labor site are legal workers.

Nora Stovall
307 Florence, 77375

- Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight.

Ken Shuman, Pastor
611 Clayton, 77375

- Expressed his support for renewal of the lease agreement for the day labor site and continued City oversight.

Lori Wallace
1821 S. Cherry, 77375

- Did not speak; requested that her support for renewal of the lease agreement for the day labor site and continued City oversight be read into the record

Tommy Lyles, Pastor
621 N. Magnolia, 77375

- Expressed his support for renewal of the lease agreement for the day labor site and continued City oversight.

Roy Wooten
1455 School Street, 77375

- Expressed his support for renewal of the lease agreement for the day labor site and continued City oversight.

Denny Dillon, Pastor
14103 Timbergreen Dr., 77355

- Expressed his support for renewal of the lease agreement for the day labor site and continued City oversight.

Alvaro Navarro, Pastor
20019 Emerald Way, 77355

- Expressed his support for renewal of the lease agreement for the day labor site and continued City oversight.

Sarah Starnes
11810 Piney Way Lane, 77375

- Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight.

Linda J. Williams
1415 Joseph Court, 77375

- Did not wish to speak, requested that her support for renewal of the lease agreement for the day labor site be read into the record

John P. Dillon
14166 Turnervine, 77375

- Did not wish to speak, requested that his support for renewal of the lease agreement for the day labor site be read into the record

James Wrentz
31203 Antonia Lane, 77375

- Did not wish to speak, requested that his support for renewal of the lease agreement for the day labor site and for Walk Tomball be read into the record

Linda Wrentz
31203 Antonia Lane, 77375

- Did not wish to speak, requested that her support for renewal of the lease agreement for the day labor site and for Walk Tomball be read into the record

Bruce Hillegeist
20339 Telge Road, 77377

- Thanked City and Fire Department for wonderful fireworks display; requested City's approval and co-sponsorship of the 38th Annual Tomball Night; expressed his support for the memorial statue proposed for Matheson Park; express his support for renewal of the lease agreement for the day labor site and continued City oversight.

Janet Hampton
18902 Rosewood Trail, 77377

- Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight.

Mary Lu Wiley
14120 Carneswood, 77375

- Expressed her opposition to additional Oklahoma statues and to proposed memorial statue for Matheson Park; suggested charging men to use the day labor site.

- | | |
|--|--|
| William Shaffer, Commander
VFW Post 2427, 77375 | - His letter expressing the VFW's support for the memorial statue proposed for Matheson Park was read into the record. |
| Pat Bailey
1319 Dove Trails, 77375 | - Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight. |
| Barbara Tague
503 Inwood, 77375 | - Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight. |
| Linda Wrentz
31203 Antonio Ln, 77375 | - Expressed her support for renewal of the lease agreement for the day labor site and continued City oversight. |
| Tony Martinez
26635 Leafston Lane, 77354 | - Expressed his support for renewal of the lease agreement for the day labor site and continued City oversight. |
| Allen Fletcher
23718 Powdermill Drive, 77377 | - Did not speak; was present to show his support for the memorial statue proposed for Matheson Park. |

5.0 Reports and Announcements:

- July 10, 2010 – **Farmers Market** – 8:00 a.m.
- July 10, 2010 - **2nd Saturday at the Depot**, 6:00 p.m.
- July 19, 2010 – Budget Workshop – 8:00 a.m.
- July 22, 2010 – Budget Workshop – 5:00 p.m.
- July 24, 2010 – **Farmers Market** – 8:00 a.m.
- August 2-10, 2010 -- **Early Voting for Special Election** on August 14, 2010
 - August 2 - 7:45 a.m. – 5:00 p.m.
 - August 3 - 7:45 a.m. – 7:45 p.m.
 - August 4 - 7:45 a.m. – 5:00 p.m.
 - August 5 - 7:45 a.m. – 5:00 p.m.
 - August 6 - 7:45 a.m. – 4:00 p.m.
 - August 9 - 7:45 a.m. – 5:00 p.m.
 - August 10 - 7:45 a.m. – 7:45 p.m.
- August 5, 2010 – **Mayor's Coffee**, Main Street Crossing – 5:30 p.m.-7:00 p.m.
- August 6, 2010 – **38th Annual Tomball Night**
- **August 14, 2010 - Special Election** – City Hall, **7:00 a.m.-7:00 p.m.**
- August 14, 2010 – **Farmers Market** – 8:00 a.m.
- August 14, 2010 - **2nd Saturday at the Depot**, 6:00 p.m.
- August 16, 2010 – Appointments to Tomball Hospital Authority for Terms Expiring 8/31/2010

- ***Walk Tomball!*** (Every Saturday at 8:00 a.m. at the Depot)
- Reports by City staff and members of Council about items of community interest on which no action will be taken
 - July 4th Activities - Randy Parr, Fire Chief
 - Benefit for Paul Overcast, Tomball Police Officer - Robert Hauck, Police Chief

6.0 Motion was made by Councilman Townsend, second by Councilman Stoll, to approve the Minutes of the following Meetings:

- Special City Council Meeting of June 21, 2010 – Strategic Plan Advance
- Special City Council Meeting of June 21, 2010 – Workshop
- Regular City Council Meeting of June 21, 2010

7.0 Old Business:

7.1 Randy Parr presented information regarding the proposed Ordinance. Motion was made by Councilman Brown, second by Councilman Townsend, to adopt, on Second Reading, Ordinance No. 2010-06, an Ordinance of the City of Tomball, Texas, amending Chapter 26, “Emergency Services” of the Code of Ordinances of the City to Establish Policies, Procedures and Regulations as they relate to Alarms; Providing a Penalty in an Amount of not more than \$500 for Violation of any Provision Hereof; Providing for Savings and Severability; Providing for Publication; and Making other Provisions and Findings Related Thereto. Vote was as follows:

Councilman Townsend	<u>Aye</u>
Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Nay</u>
Councilman Brown	<u>Aye</u>

Motion carried, 3 votes Aye to 1 vote Nay.

7.2 Shawn Cox presented information regarding the proposed lease renewal. Motion was made by Councilman Brown, second by Councilman Stoll, to approve the renewal of the proposed Lease Agreement with Frank and Russell DeNina for the Property containing the Day Labor Site.

Motion was made by Councilman Quinn to table consideration of the lease agreement until other options have been explored; motion died for lack of second. Discussion continued. Robert Hauck explained police department operations regarding the day labor site, responded to Council questions, and requested Council’s consideration to keep the day labor site intact. Motion was made by Councilman Stoll, second by Councilman Quinn, to table consideration to allow time for the Mayor to find additional funding sources. No vote taken. Scott Bounds advised Council that the City has a continuing liability as the current occupant of the property and must provide 30-day notice to cancel the lease agreement.

Motion was made by Councilman Stoll, second by Councilman Quinn, to modify his motion to table consideration to renew the lease until December 2010 to allow staff time to find another group to work out an agreement with the DeNinas to pay the ad valorem taxes and keep the day labor site intact. Vote was as follows:

Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Nay</u>
Councilman Townsend	<u>Aye</u>

Motion to table carried, 3 votes Aye, 1 vote Nay.

Mayor Fagan called a five-minute break at 8:49 p.m.; upon returning into regular session at 8:56 p.m., the following items were considered:

8.0 New Business:

- 8.1 Bobby Payne presented information regarding the request by family and friends of Cpl. Johnson to donate a monument to the City of Tomball, "To the Fallen." A maquette of the proposed monument was displayed; names of the fallen will be etched on a marker. Councilman Townsend suggested that an M-16, helmet, and boots should be added to the monument and suggested that the City should provide a U.S. flag and a Tomball flag to the families of the fallen. The monument would be unveiled in January, in time for Cpl. Johnson's fellow service members to attend. Doug Van Zandt spoke on behalf of Sandra Van Zandt regarding the proposed creation and installation of the monument and presented the maquette. Councilman Quinn suggested etching the M-16, helmet, and boots onto the granite. Councilman Stoll asked about qualifications to have a service member's name engraved on monument. Motion was made by Councilman Townsend, second by Councilman Brown, to accept the donation of the proposed memorial monument.

Motion carried unanimously.

- 8.2 Joe Morrow, First Southwest, and Glenn Windsor gave a presentation regarding the proposed refinancing of previously issued City of Tomball, Texas Series 1995 and 1998 Bonds. Motion was made by Councilman Townsend, second by Councilman Stoll, to Authorize First Southwest to prepare the necessary documents to obtain a credit rating for the City, to prepare bid/proposal documents, and to return proposals to Council in August for consideration and/or approval.

Motion carried unanimously.

- 8.3 Scott Bean, Hawes Hill & Calderon, presented information regarding the proposed service and assessment plan.

Motion was made by Councilman Stoll, second by Councilman Townsend, to read Ordinance No. 2010-14 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Quinn, second by Councilman Brown, to adopt, on First Reading, Ordinance No. 2010-14, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number One (Pine Country of Tomball Subdivision). Vote was as follows:

Councilman Quinn	<u>Aye</u>
Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>

Motion carried unanimously.

- 8.4 Mayor Fagan opened the public hearing regarding PID #1, Section Two Assessment Roll at 9:28 p.m. Hearing no public comments, Mayor Fagan closed the public hearing at 9:28 p.m.
- 8.5 Scott Bean, Hawes Hill & Calderon, presented information regarding the proposed ordinance to levy an assessment for PID #1.

Motion was made by Councilman Townsend, second by Councilman Stoll, to read Ordinance No. 2010-15 by caption only on first reading.

Motion carried unanimously.

Motion was made by Councilman Townsend, second by Councilman Stoll to adopt, on First Reading, Ordinance No. 2010-15, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Pine Country of Tomball Subdivision, Section Two Properties, within the City of Tomball Public Improvement District Number One; and Making Certain Findings Related Thereto. Vote was as follows:

Councilman Stoll	<u>Aye</u>
Councilman Brown	<u>Aye</u>
Councilman Townsend	<u>Aye</u>
Councilman Quinn	<u>Aye</u>

Motion carried unanimously.

- 8.6 Glenn Windsor presented information regarding Resolution 2010-13. Motion was made by Councilman Townsend, second by Councilman Brown, to approve Resolution 2010-

13, Designating Authorized Representatives to Conduct Authorized Participation in TexPool and TexPool Prime on Behalf of the City of Tomball.

Motion carried unanimously.

- 8.7 Glenn Windsor presented information regarding the public hearing for the FY 2010-2011 Budget. Motion was made by Councilman Stoll, second by Councilman Quinn, to set August 2, 2010 as the Date of the Public Hearing Date for the City of Tomball's Proposed Budget for FY 2010-2011.

Motion carried unanimously.

- 8.8 Motion was made by Councilman Stoll, second by Councilman Townsend, to appoint Richard Bruce as Alternate Member, Position 2 to the City of Tomball Board of Appeals (BOA).

Motion carried unanimously.

- 8.9 Randy Parr presented information regarding proposed Resolution No. 2010-11. Motion was made by Councilman Townsend, second by Councilman Stoll, to approve Resolution No. 2010-11, a Resolution of the City Council of the City of Tomball, Texas, Adopting the Harris County All Hazard Mitigation Plan.

Motion carried unanimously.

- 8.10 Doris Speer presented information regarding the request from the Chamber of Commerce. Motion was made by Councilman Quinn, second by Councilman Brown, to approve Resolution No. 2010-12, a Resolution of the City Council of the City of Tomball, Texas, Supporting the 38th Annual Tomball Night and Parade, to be held in Tomball on Friday, August 6, 2010.

Motion carried unanimously.

- 8.11 Shawn Cox and Randy Parr presented information regarding the request from Hamilton Valley Management. Motion was made by Councilman Quinn, second by Councilman Stoll, to approve the Request from Hamilton Valley Management, Inc. for Renewed Support of Their Application for State of Texas Housing Tax Credits for Mid-Towne Apartments and to Authorize Mayor to Issue Letter of Support.

Motion carried unanimously.

- 8.12 Robert Hauck presented the proposed Interlocal Agreement between the City and TISD. Motion was made by Councilman Townsend, second by Councilman Brown, to approve the 2010-2011 Interlocal Agreement between the City of Tomball and the Tomball Independent

School District (TISD), affording the Tomball Police Department the ability to assign a Student Resource Officer (SRO) to a TISD Campus.

Motion carried unanimously.

- 8.13 Robert Hauck presented the proposed Interlocal Agreement between the City and TISD. Motion was made by Councilman Townsend, second by Councilman Brown, to approve the Interlocal Agreement between the City of Tomball and the Tomball Independent School District, affording the Tomball Police Department the ability to provide police services on a contractual basis for specialized events occurring before, during and after the normal campus hours.

Motion carried unanimously.

- 8.14 Robert Hauck presented his request for a substitute position. Motion was made by Councilman Townsend, second by Councilman Stoll, to authorize a Substitute Position Authority, on a Temporary Basis, to Cover Vacancy created by Long-term Absence of Tomball Police Officer, Paul Overcast.

Motion carried unanimously.

- 8.15 Executive Session: The City Council recessed at 9:47 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. 551.072 – Deliberations Regarding Real Property

Upon reconvening in regular session at 10:23 p.m., no action was taken.

- 9.0 Motion was made by Councilman Townsend, second by Councilman Brown, for adjournment.

Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 19th day of July 2010.

Doris Speer, TRMC
City Secretary

Gretchen Fagan
Mayor

Regular City Council

Agenda Item

Data Sheet

Meeting Date: July 19, 2010

Topic:

Adopt, on Second Reading, Ordinance No. 2010-14, Ordinance No. 2010-14, an Ordinance of the City Council of Tomball, Texas, Approving the Service and Assessment Plan for the City of Tomball Public Improvement District Number One (Pine Country of Tomball Subdivision)

Background:

Public infrastructure improvements have been completed for the Section Two of Pine Country of Tomball Subdivision within Public Improvement District Number One. Per Chapter 372 of the Local Government Code, a Service and Assessment Plan must be approved by City Council prior to levying the assessments. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the Section Two. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by square footage of the lots. The total, one-time assessment per square foot of residential property proposed is \$0.9618. The annual installment (financed assessment rate) proposed is \$0.1056 per square foot of residential property. \$0.9618 per square foot of property represents the principal amount of the assessment. The annual payment, principal, and interest are demonstrated on the attached amortization schedule which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for 50% of the public infrastructure costs of the development plus interest while staying at or below the equivalent of a \$0.50 tax rate on a project wide basis. For illustration, the attached amortization schedule details a typical 9,000 square foot lot dimension in Section Two. It is estimated that the average price of the homes to be constructed in Section Two will be \$240,000. The annual assessment payment for the 9,000 lot dimension is \$1,009.29, or the equivalent of a \$0.42 tax rate on a \$240,000 home.

The assessment term proposed is 15 years which is longer than the 10 years called for in the development agreement. This was necessitated by higher than expected construction costs.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Origination:

Scott Bean, PID Contract Administrator, Hawes Hill Calderon, LLP

Recommendation:

Adopt Ordinance No. 2010-15 on Second Reading

Funding:

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

Shawn Cox, Assistant to the City Manager

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

ATTACHMENTS:

Ordinance No. 2010-14

PID Primer

Service and Assessment Plan

Assessment Roll

COT PID Policy

ORDINANCE NO. 2010-14

**AN ORDINANCE OF THE CITY COUNCIL OF TOMBALL,
TEXAS, APPROVING THE SERVICE AND ASSESSMENT
PLAN FOR THE CITY OF TOMBALL PUBLIC
IMPROVEMENT DISTRICT NUMBER ONE (PINE
COUNTRY OF TOMBALL SUBDIVISION)**

* * * * *

WHEREAS, the City of Tomball (the “City”) is authorized pursuant to TEX. LOCAL GOV’T CODE, ch. 372, as amended (“Chapter 372”) to create public improvement districts for the purposes described therein; and

WHEREAS, the City has received a petition (the “Petition”) requesting the creation of the City of Tomball Public Improvement District Number One (the “PID”), held a public hearing, and created the PID in accordance with the applicable provisions of Chapter 372; and

WHEREAS, the City passed and adopted Resolution No. 2007-14 on March 5, 2007 establishing the City of Tomball Public Improvement District Number One; and

WHEREAS, the City Council wishes to adopt the Service and Assessment Plan with respect to the PID; **NOW THEREFORE**,

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

Section 1. The facts recited in the preamble hereto are found to be true and correct.

Section 2. The Service and Assessment Plan attached to this Ordinance as Exhibit A is hereby approved and adopted on behalf of the PID, and the Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

Section 3. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

FIRST READING:

READ, PASSED AND ADOPTED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF JULY 2010.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>

SECOND READING:

READ, PASSED AND ADOPTED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF JULY 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____

PASSED first reading the 6th day of July, 2010.

PASSED second reading the ____ day of _____, 2010.

PASSED AND ADOPTED the ____ day of _____, 2010.

GRETCHEN FAGAN, Mayor

Attest:

DORIS SPEER, City Secretary

Approved as to form:

SCOTT BOUNDS, City Attorney

Public Improvement District (PID) Primer

What is a PID?

A Public Improvement District (PID) is a public financing tool created under Chapter 372 of the Texas Local Government Code (TLGC). A PID allows a neighborhood or commercial area to apportion the cost of improvements and levy an assessment against property located in the PID, because that property is acquiring a special benefit because of the improvements. In other words, the property that will benefit the most from the improvement pays for the improvement--the burden is not shifted to the entire community. PIDs are intended to promote economic growth by providing the funding mechanism to construct necessary infrastructure or desired amenities that support new developments and encourage redevelopment.

PIDs are a component unit of the City and are governed by the City Council. The Council can create an advisory board for the PID if necessary, but final determinations on establishment, costs, assessments, and budgets must be made by the City Council.

What can a PID finance?

The PID can be designed to help finance the cost of a variety of development costs including:

- water, wastewater, health and sanitation, or drainage improvements;
- street and sidewalk improvements;
- mass transit improvements;
- parking improvements;
- library improvements;
- park, recreation and cultural;
- art installation;
- creation of pedestrian malls; or
- supplemental services. (advertising, extra public safety, etc.)

How does the PID finance the projects?

Project costs can be paid directly by the City or the developer can advance funds. The assessment fees levied on each property fund the project payments. Until the PID has accumulated adequate assessment fee revenue, the City can choose to issue bonds or use general tax revenues for initial payments or developer reimbursements.

Separate fund(s) are created by the City for the administration of the PID. The Council reviews and approves the assessments and district budget each year.

How is a PID created and dissolved?

PID Development Process (minimum steps required by Chapter 372, TLGC):

1. City, County, or affected property owner(s) initiates a petition for creation.
2. If needed, City Council appoints an advisory board to develop the PID improvement plan.
3. City Council holds a public hearing & passes a resolution on the need for the PID.
4. City Council authorizes the establishment of a PID by resolution.
5. Construction of improvements may begin 20-days after the PID's creation.
6. City Council adopts a Service and Assessment Plan (list of projects, costs, debt, & assessment fee) for at least five, ongoing years is developed.
7. City holds a public hearing on the assessment roll (lists each PID property's fee).
8. City Council adopts ordinance to levy the special assessment. (City will also create a special fund(s) for the PID).
9. If necessary, City Council holds public hearing and approves additional assessments to correct omissions or mistakes in the improvement costs.
10. If necessary, City Council holds public hearing & passes a resolution dissolving PID; however, the district remains in effect at least to meet its debt obligations.

Does the City have any additional requirements?

Yes. City of Tomball Administrative Policy No. 18 "Development Policy for Special Financing Districts" requires:

1. Residential Development Size—greater than 125 acres unless the average home value is greater than \$225, 000.
2. Annual Individual Assessment Limit—no more than the equivalent of a \$.50 tax rate on the assessed value of the property.
3. Assessment Term Limit—Not to exceed 10 years. First assessment due 3 years after levy or upon transfer of property from developer to home buyer whichever occurs first.
4. Developer Interest Limit—If bonds are sold, developer earned interest reimbursements will not exceed the net effective interest rate on bonds sold or 8% whichever is less. If bonds are not sold, reimbursement will be calculated according to an indexed-based formula (see Admin Policy 18) or 8% whichever is less.
5. Bidding Requirements—Developers must follow municipal bidding procedures (as outline in Chap 252 TLGC). All bids and awards of contracts must be approved by City Council.
6. District Administration—The City of Tomball will contract with an outside consultant to bill, collect, and track district assessments. This cost will be included in the Service & Assessment Plan and reimbursed from the district.

Other city policies, procedures, and good practices may also effect individual district creation or administration including approval of related contracts and agreements. For example, the City will usually need to enter into a Developer Agreement to detail the responsibilities & obligations of each party related to the Service and Assessment Plan.

EXHIBIT A

Service and Assessment Plan Public Improvement District Number One City of Tomball, Harris County, Texas

1. Introduction

This Service and Assessment Plan (the “Plan”) is prepared and adopted in conformance with the Public Improvement District Assessment Act, codified as Chapter 372, Texas Local Government Code (the “Act”), and pursuant to Resolution No. 2007-14 creating the Public Improvement District Number One (the “PID” or the “District”), City of Tomball (the “City”), Harris County, Texas. The creation of the PID was initiated by a petition (the “Creation Petition”) submitted by property owners within the PID boundaries in compliance with the requirements of Section 372.005 of the Act.

2. Boundaries

The boundaries of the PID are as indicated in Exhibit A and Exhibit B.

3. Administration of the District

Administration of the District is the responsibility of the City Council of the City of Tomball, Texas but to the extent allowed by law, the City may contract with a private sector company to carry out all or part of the City responsibilities as well as day-to-day operations and administration of the District.

4. Public Improvements

The Public Improvements to be financed and constructed hereby (the “Public Improvements”) serve to promote the construction of single-family units (“SFU”). The Public Improvements included in the Plan will confer a special benefit to properties within the Public Improvement District and will consist of the construction of detention, water lines, sanitary sewer lines, storm sewers, gas lines, paving, erosion control, contingency provisions, engineering services, financing costs, and administrative and legal services for the PID. The Public Improvements will be pre-funded by the developer of the residential subdivision within the PID. Under the Development Agreement executed between the Developer and the City, the Developer will be entitled to receive reimbursement of up to 50% of the Public Improvement costs subject to the limitations contained in the Agreement.

A. Pine Country of Tomball Section Two

Section Two of the Pine Country of Tomball Subdivision has been developed by PCOT Investments, Inc. and contains 68 single-family residential lots within the Public Improvement District. The Public Improvements authorized under this Plan for Pine Country Section Two, and the estimated costs thereof, are described below:

**Pine Country Section Two
PID COSTS**

PUBLIC IMPROVEMENT	ESTIMATED COST	PID COSTS (50%)
Water Lines, Sanitary Sewer, Storm Sewer & Drainage, Gas, Street Paving, Off-Site Utility Extensions, SWPPP, Engineering & Contingencies, Payment/Performance Bonds and Permits, PID Creation Costs	\$1,458,874	\$729,437
SUBTOTAL	\$1,458,874	\$729,437
Financing Cost		\$471,887
Administration		\$60,068
TOTAL		\$1,261,392

The estimated total costs above will be used to set the assessments for residential properties in Section Two as detailed later in this document.

5. Construction of Public Improvements

The Plan will be reviewed annually in accordance with the provisions of Chapter 372 of the Local Government Code and will include a review of the expenditures and revenues of the District. Additionally, the Plan will be reviewed for the purpose of establishing the installments for assessments based upon the costs for Public Improvements and the financial needs of the District.

6. Conveyance of Improvements to the City

Upon completion of the improvements, and final inspection and acceptance of the Public Improvements by the City, the Developers will convey all rights to the improvements to the City or homeowner's association as applicable, subject to the Developer's rights of reimbursement described in the Development Agreement executed between the Developer and the City.

7. Authorized Improvements

The area within the PID that is covered by this Service and Assessment Plan will be developed as single family residential. This Plan designates the Public Improvements required for the growth and development of the land within the PID. The goal of this Plan is to provide sufficient certainty for the owners of land within the PID to proceed with the financing and construction of the necessary Public Improvements, while allowing for sufficient flexibility to

meet the needs of the PID over the life of the development of residential properties within the PID.

The construction of the Public Improvements authorized herein began in calendar year 2007. The actual costs of the Public Improvements will be determined by an independent accountant report of the developer's costs.

8. Advance Financing by Developer

The Developer will advance the funds for construction of the Public Improvements and will be entitled to repayment pursuant to the Development Agreement executed between the City and the Developer.

9. Apportionment of Costs

Payment of assessments, if any, on property owned by exempt jurisdictions other than the City shall be established by contract.

10. Levy of Assessments

The assessment year shall be concurrent with the City's tax year. The assessments against property may be paid in annual installments based on an amortization of not more than fifteen (15) years plus the period between the effective date of the assessment ordinance and the date of the first installment. The interest rate on financed assessments is seven percent (7.0%) per annum.

The assessments shall be based upon the actual cost of the Public Improvements plus those related costs as deemed reimbursable by the City. The cost of the Public Improvements will consist of the costs to construct detention, storm sewers, water lines, sanitary sewers, gas, erosion control, and paving for each development phase, related professional design and engineering fees, administrative and legal services and interest payable to the Developer pursuant to the Development Agreement.

A. Pine Country Section Two

The Plan estimates the following assessments for residential properties in Woodmark according to the cost of the Public Improvements. The total assessment can be paid upfront at the time the property containing a habitable structure is purchased or at any time thereafter. The assessment can also be financed and paid in equal annual installments over fifteen (15) years as prescribed below.

Total Assessment	\$0.9618 per square foot of residential property
Financed Assessment	\$0.1056 per square foot of residential property per year

B. Levy and collection.

Notice of the levy of each assessment will be given as provided in Chapter 372 of the Local Government Code. The assessment levy statement will be sent to each property owner in the District, and the installment of the assessment levy will be due and payable at the same time property taxes are due and payable to the City. Financed assessments shall bear interest at seven percent (7.0%) per annum.

The first installment of an assessment against a particular property shall be due with respect to the calendar year following the date such property has been improved with a habitable structure as evidenced by the issuance of a certificate of occupancy. The City will invoice each owner of property for the installment payment in conjunction with the City's annual property tax bill, and the installments shall be due and payable, and incur penalty and interest for unpaid installments in the same manner as provided for the City's property taxes. Thereafter, subsequent installments shall be due in the same manner in each succeeding calendar year until the assessment together with interest as provided herein has been paid in full. The owner of assessed property may pay at any time the entire assessment then due on each property, with interest accrued on the assessment through the date of payment. Failure of an owner to receive an invoice shall not relieve the owner of the responsibility of for the assessment.

A lien will be established against the property assessed effective as of the date of the ordinance levying the assessment, privileged above all other liens, including prior mortgage liens, to the extent allowed by Section 372.018(b) of the Local Government Code. Assessment installments shall be considered delinquent on the same date as the City's property taxes. Delinquent assessments or installments shall incur the costs of collection. If practicable, the assessment shall be included on the City property tax statement. Notwithstanding the above, the assessment lien shall be perfected immediately as to the entire assessment, but may be executed only with respect to the amounts then due or past due for current or prior installments or final payment. Assessments are personal obligations of the person owning the property assessed in the year an installment payment becomes due, and only to the extent of such installment(s).

The owner of assessed property may pay at any time the entire assessment then due on each property, with interest accrued on the assessment through the date of payment.

EXHIBIT A

REPLAT

PINE COUNTRY OF TOMBALL, SECTION TWO
A RESIDENTIAL SUBDIVISION OF 26.2813 ACRES
COMPRISED OF 2 BLOCKS, 68 RESIDENTIAL LOTS, AND 3 RESERVES
AND

PINE COUNTRY OF TOMBALL, SECTION THREE
AN UNRESTRICTED RESERVE OF 29.4207 ACRES

BEING A REPLAT OF PINE COUNTRY OF TOMBALL, SECTION
TWO, OF 55.7020 ACRES AS RECORDED IN H.C.

FILM CODE # 624053

LOCATED IN THE
JOHN EDWARDS SURVEY, A-20 AND THE CHAUNCEY GOODRICH
SURVEY A-311 CITY OF TOMBALL, HARRIS COUNTY, TEXAS

FEB, 2009

Public Improvement District Number One
Pine County of Tomball Subdivision
Section Two Assessment Roll
City of Tomball, Harris County, Texas

Owner	Block #	Lot #	Lot Area (s.f.)	Total Assessment Rate	Total Assessment	Financed Assessment Rate	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
PCOT Investments, Inc.	1	1	22020	0.9618	\$ 21,178.84	\$ 0.1056	\$ 2,325.31	15 years	\$ 58.89	\$ 2,384.20
PCOT Investments, Inc.	1	2	8751	0.9618	\$ 8,416.71	\$ 0.1056	\$ 924.11	15 years	\$ 58.89	\$ 983.00
PCOT Investments, Inc.	1	3	8995	0.9618	\$ 8,651.39	\$ 0.1056	\$ 949.87	15 years	\$ 58.89	\$ 1,008.76
PCOT Investments, Inc.	1	4	8864	0.9618	\$ 8,525.40	\$ 0.1056	\$ 936.04	15 years	\$ 58.89	\$ 994.93
PCOT Investments, Inc.	1	5	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	1	6	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	1	7	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	1	8	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	1	9	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	1	10	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	1	11	9732	0.9618	\$ 9,360.24	\$ 0.1056	\$ 1,027.70	15 years	\$ 58.89	\$ 1,086.59
PCOT Investments, Inc.	2	1	20059	0.9618	\$ 19,292.75	\$ 0.1056	\$ 2,118.23	15 years	\$ 58.89	\$ 2,177.12
PCOT Investments, Inc.	2	2	9091	0.9618	\$ 8,743.72	\$ 0.1056	\$ 960.01	15 years	\$ 58.89	\$ 1,018.90
BGB Interests LP	2	3	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	2	4	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	2	5	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	2	6	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	2	7	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	2	8	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	2	9	9398	0.9618	\$ 9,039.00	\$ 0.1056	\$ 992.43	15 years	\$ 58.89	\$ 1,051.32
PCOT Investments, Inc.	2	10	10938	0.9618	\$ 10,520.17	\$ 0.1056	\$ 1,155.05	15 years	\$ 58.89	\$ 1,213.94
PCOT Investments, Inc.	2	11	10424	0.9618	\$ 10,025.80	\$ 0.1056	\$ 1,100.77	15 years	\$ 58.89	\$ 1,159.66
PCOT Investments, Inc.	2	12	11247	0.9618	\$ 10,817.36	\$ 0.1056	\$ 1,187.68	15 years	\$ 58.89	\$ 1,246.57
PCOT Investments, Inc.	2	13	10380	0.9618	\$ 9,983.48	\$ 0.1056	\$ 1,096.13	15 years	\$ 58.89	\$ 1,155.02
PCOT Investments, Inc.	2	14	11247	0.9618	\$ 10,817.36	\$ 0.1056	\$ 1,187.68	15 years	\$ 58.89	\$ 1,246.57
PCOT Investments, Inc.	2	15	11204	0.9618	\$ 10,776.01	\$ 0.1056	\$ 1,183.14	15 years	\$ 58.89	\$ 1,242.03
PCOT Investments, Inc.	2	16	9357	0.9618	\$ 8,999.56	\$ 0.1056	\$ 988.10	15 years	\$ 58.89	\$ 1,046.99
PCOT Investments, Inc.	2	17	12458	0.9618	\$ 11,982.10	\$ 0.1056	\$ 1,315.56	15 years	\$ 58.89	\$ 1,374.45
PCOT Investments, Inc.	2	18	12458	0.9618	\$ 11,982.10	\$ 0.1056	\$ 1,315.56	15 years	\$ 58.89	\$ 1,374.45
PCOT Investments, Inc.	2	19	9352	0.9618	\$ 8,994.75	\$ 0.1056	\$ 987.57	15 years	\$ 58.89	\$ 1,046.46
PCOT Investments, Inc.	2	20	11195	0.9618	\$ 10,767.35	\$ 0.1056	\$ 1,182.19	15 years	\$ 58.89	\$ 1,241.08
PCOT Investments, Inc.	2	21	11247	0.9618	\$ 10,817.36	\$ 0.1056	\$ 1,187.68	15 years	\$ 58.89	\$ 1,246.57
PCOT Investments, Inc.	2	22	11247	0.9618	\$ 10,817.36	\$ 0.1056	\$ 1,187.68	15 years	\$ 58.89	\$ 1,246.57
PCOT Investments, Inc.	2	23	11247	0.9618	\$ 10,817.36	\$ 0.1056	\$ 1,187.68	15 years	\$ 58.89	\$ 1,246.57
PCOT Investments, Inc.	2	24	18321	0.9618	\$ 17,621.14	\$ 0.1056	\$ 1,934.70	15 years	\$ 58.89	\$ 1,993.59
PCOT Investments, Inc.	2	25	16440	0.9618	\$ 15,811.99	\$ 0.1056	\$ 1,736.06	15 years	\$ 58.89	\$ 1,794.95
PCOT Investments, Inc.	2	26	11247	0.9618	\$ 10,817.36	\$ 0.1056	\$ 1,187.68	15 years	\$ 58.89	\$ 1,246.57
PCOT Investments, Inc.	2	27	11247	0.9618	\$ 10,817.36	\$ 0.1056	\$ 1,187.68	15 years	\$ 58.89	\$ 1,246.57
PCOT Investments, Inc.	2	28	11248	0.9618	\$ 10,818.33	\$ 0.1056	\$ 1,187.79	15 years	\$ 58.89	\$ 1,246.68
PCOT Investments, Inc.	2	29	11204	0.9618	\$ 10,776.01	\$ 0.1056	\$ 1,183.14	15 years	\$ 58.89	\$ 1,242.03
PCOT Investments, Inc.	2	30	9357	0.9618	\$ 8,999.56	\$ 0.1056	\$ 988.10	15 years	\$ 58.89	\$ 1,046.99
PCOT Investments, Inc.	2	31	12463	0.9618	\$ 11,986.91	\$ 0.1056	\$ 1,316.09	15 years	\$ 58.89	\$ 1,374.98
PCOT Investments, Inc.	2	32	11334	0.9618	\$ 10,901.04	\$ 0.1056	\$ 1,196.87	15 years	\$ 58.89	\$ 1,255.76
PCOT Investments, Inc.	2	33	8238	0.9618	\$ 7,923.31	\$ 0.1056	\$ 869.93	15 years	\$ 58.89	\$ 928.82
PCOT Investments, Inc.	2	34	10080	0.9618	\$ 9,694.94	\$ 0.1056	\$ 1,064.45	15 years	\$ 58.89	\$ 1,123.34
PCOT Investments, Inc.	2	35	10123	0.9618	\$ 9,736.30	\$ 0.1056	\$ 1,068.99	15 years	\$ 58.89	\$ 1,127.88
PCOT Investments, Inc.	2	36	10123	0.9618	\$ 9,736.30	\$ 0.1056	\$ 1,068.99	15 years	\$ 58.89	\$ 1,127.88
PCOT Investments, Inc.	2	37	10123	0.9618	\$ 9,736.30	\$ 0.1056	\$ 1,068.99	15 years	\$ 58.89	\$ 1,127.88
PCOT Investments, Inc.	2	38	12136	0.9618	\$ 11,672.40	\$ 0.1056	\$ 1,281.56	15 years	\$ 58.89	\$ 1,340.45
PCOT Investments, Inc.	2	39	19632	0.9618	\$ 18,882.06	\$ 0.1056	\$ 2,073.14	15 years	\$ 58.89	\$ 2,132.03
PCOT Investments, Inc.	2	40	11644	0.9618	\$ 11,199.20	\$ 0.1056	\$ 1,229.61	15 years	\$ 58.89	\$ 1,288.50
PCOT Investments, Inc.	2	41	11670	0.9618	\$ 11,224.21	\$ 0.1056	\$ 1,232.35	15 years	\$ 58.89	\$ 1,291.24
PCOT Investments, Inc.	2	42	11696	0.9618	\$ 11,249.21	\$ 0.1056	\$ 1,235.10	15 years	\$ 58.89	\$ 1,293.99
PCOT Investments, Inc.	2	43	11722	0.9618	\$ 11,274.22	\$ 0.1056	\$ 1,237.84	15 years	\$ 58.89	\$ 1,296.73
PCOT Investments, Inc.	2	44	11748	0.9618	\$ 11,299.23	\$ 0.1056	\$ 1,240.59	15 years	\$ 58.89	\$ 1,299.48
PCOT Investments, Inc.	2	45	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	46	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	47	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	48	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	49	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	50	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	51	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	52	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	53	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	54	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
BGB Interests LP	2	55	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
BGB Interests LP	2	56	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	57	12702	0.9618	\$ 12,216.78	\$ 0.1056	\$ 1,341.33	15 years	\$ 58.89	\$ 1,400.22

CITY OF TOMBALL
ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT DEVELOPMENT POLICY FOR SPECIAL FINANCING DISTRICTS	NUMBER: 18	EFFECTIVE DATE: March 5, 2007	PAGE 1 OF 1
	REVISED:	APPROVED BY CITY MANAGER: March 5, 2007	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: March 5, 2007	

The City of Tomball has established this policy as a guideline to those developers seeking incentives from the City for development projects utilizing tax increment financing (TIF/TIRZ) and/or public improvement districts (PID). This policy is not intended to address all aspects of development costs. Those costs not specifically addressed in this policy will be considered on an individual project basis.

Limitation on Size of Development

1. To receive consideration by and approval from the City for PID financing to facilitate a residential development, the proposed boundaries of the development shall be no less than 125 acres. If the proposed boundaries of the development are less than 125 acres, the average value of homes built in the district shall be no less than \$225,000. This home value will be adjusted each year by the Consumer Price Index (CPI) to convert the \$225K benchmark value to current year prices.
2. To receive consideration by and approval from the City for TIF financing to facilitate a mixed-use development, the proposed boundaries of the commercial component of the development shall be no less than 45% of the total acreage. If the commercial component is less than 45% of the total acreage, the City will consider granting approval of TIF financing if:
 - a. There is no issuance of debt in the tax increment zone
 - b. The development facilitates the completion of projects outlined in the City's Capital Improvement Plan for transportation, drainage, water, wastewater, and parks improvements.
 - c. The project facilitates the economic development desires of City Council.
3. Tax increment financing will not be extended to new residential development.

Limitation on PID Assessment

The annual assessment to property owners within the district shall be no more than the equivalent of a \$.50 tax rate on the assessed value of their property.

Limitation on Assessment Term

The maximum term of a PID assessment is not to exceed 10 years. The date the first assessment installment becomes due is either 3 years from the date of the levy or the date that the real property is transferred to the home buyer; whichever occurs first.

Zone/District Administration

The City of Tomball will contract with an outside consultant to administer the zone and to bill, collect, and track district assessments. This cost will be considered a reimbursable project cost and should be included in the zone/district Project Plan.

Limitation on Developer Interest

Developer earned interest will be reimbursed at an amount not to exceed the net effective interest rate on bonds sold or 8% whichever is less. If zone/district bonds are not sold, reimbursement will be calculated at 50 basis points over the average interest reported by the Bond Buyer in its "20 Bond Index" for general obligation bonds during the interest accrual period or 8% whichever is less.

Bidding of Project Improvements

Developers will be required to follow municipal bidding procedures on all project improvements as outlined in Chapter 252 of the Texas Local Government Code. Bid tabulations and a recommendation for award of contracts will be brought before City Council for approval. This process will be required of both TIRZs and PIDs.

Regular City Council

Agenda Item

Meeting Date: July 19, 2010

Data Sheet

Topic:

Adopt, on Second Reading, Ordinance No. 2010-15, an Ordinance of the City Council of Tomball, Texas, Levying an Assessment against Pine Country of Tomball Subdivision, Section Two Properties, within the City of Tomball Public Improvement District Number One; and Making Certain Findings Related Thereto

Background:

Public infrastructure improvements have been completed for the Section Two of Pine Country of Tomball Subdivision within Public Improvement District Number One. Per Chapter 372 of the Local Government Code, a Service and Assessment Plan must be approved by City Council prior to levying the assessments. The Plan shows the estimated total costs for public improvements in the PID and the assessments to be levied against residential property in the Section Two. The Plan also specifies how the assessments are to be collected.

The assessments prescribed in the Plan are by square footage of the lots. The total one-time assessment per square foot of residential property proposed is \$0.9618. The annual installment (financed assessment rate) proposed is \$0.1056 per square foot of residential property; \$0.9618 per square foot of property represents the principal amount of the assessment. The annual payment, principal, and interest are demonstrated on the attached amortization schedule which will be kept for each property covered by the assessment. The principal amount of the assessment is payable at any time by each homeowner which would terminate the assessment.

The assessments are formulated to reimburse the developer for 50% of the public infrastructure costs of the development plus interest while staying at or below the equivalent of a \$0.50 tax rate on a project wide basis. For illustration, the attached amortization schedule details a typical 9,000 square foot lot dimension in Section Two. It is estimated that the average price of the homes to be constructed in Section Two will be \$240,000. The annual assessment payment for the 9,000 lot dimension is \$1,009.29, or the equivalent of a \$0.42 tax rate on a \$240,000 home.

The assessment term proposed is 15 years which is longer than the 10 years called for in the development agreement. This was necessitated by higher than expected construction costs.

Proper disclosure notices detailing the assessment will be presented to potential homebuyers by the homebuilders, and for acknowledgement at closing in the same manner as disclosure notices used in MUDs and other special districts with an ad valorem tax rate.

Origination:

Scott Bean, PID Contract Administrator, Hawes Hill Calderon, LLP

Recommendation:

Adopt Ordinance No. 2010-15 on Second Reading

Funding:

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

Shawn Cox, Assistant to the City Manager

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

ATTACHMENTS:

Ordinance No. 2010-15

PID Primer

Assessment Plan

Assessment Roll

COT PID Policy

ORDINANCE NO. 2010-15

**AN ORDINANCE OF THE CITY COUNCIL OF TOMBALL, TEXAS,
LEVYING AN ASSESSMENT AGAINST PINE COUNTRY OF TOMBALL
SUBDIVISION, SECTION TWO PROPERTIES, WITHIN THE CITY OF
TOMBALL PUBLIC IMPROVEMENT DISTRICT NUMBER ONE; AND
MAKING CERTAIN FINDINGS RELATED THERETO.**

* * * * *

WHEREAS, the City of Tomball (the “City”) is authorized pursuant to TEX. LOCAL GOV’T CODE, ch. 372, as amended (“Chapter 372”) to create public improvement districts for the purposes described therein, and to levy and collect an assessment in furtherance of the purposes thereof; and

WHEREAS, the City has created City of Tomball Public Improvement District Number One (the “PID”), adopted a Service and Assessment Plan (the “Plan”) for the PID, all in accordance with the applicable provisions of Chapter 372; and

WHEREAS, the City Council filed a proposed assessment roll with the City secretary which roll was available for public inspection, and following notice thereof by mail and publication as required by Chapter 372, the City Council held a public hearing at which written or oral objections to the proposed assessments were considered and passed on by the City Council; and

WHEREAS, the City Council has determined that the levy of a special assessment for and on behalf of the PID is necessary and advisable, and that the proposed assessment roll apportions the cost of the subject improvements in the PID on the basis of special benefits accruing to the property because of the improvements, **NOW THEREFORE**,

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

Section 1. The facts recited in the preamble hereto are found to be true and correct.

Section 2. The assessment roll attached hereto is hereby approved and the special assessments described therein are hereby levied on the subject property in accordance with the terms of the Plan, which Plan determines, *inter alia*, the method of payment of the assessments, and makes provision for the payment thereof in periodic installments, interest thereon and the collection thereof. The Mayor, City Secretary and any other appropriate officials of the City are hereby authorized to take all necessary actions on behalf of the City to implement the terms thereof in accordance therewith.

Section 3. There is hereby created a first and prior lien securing payment of the assessment levied, effective as of the date of this Ordinance as provided in the Plan and Chapter 372.

Section 4. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting

has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

FIRST READING:

READ, PASSED AND ADOPTED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF JULY 2010.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>

SECOND READING:

READ, PASSED AND ADOPTED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19TH DAY OF JULY 2010.

COUNCILMAN QUINN	_____
COUNCILMAN STOLL	_____
COUNCILMAN BROWN	_____
COUNCILMAN TOWNSEND	_____

PASSED first reading the 6th day of July, 2010.

PASSED second reading the ____ day of _____, 2010.

PASSED AND ADOPTED the ____ day of _____, 2010.

GRETCHEN FAGAN, Mayor

Attest:

DORIS SPEER, City Secretary

Approved as to form:

SCOTT BOUNDS, City Attorney

Public Improvement District (PID) Primer

What is a PID?

A Public Improvement District (PID) is a public financing tool created under Chapter 372 of the Texas Local Government Code (TLGC). A PID allows a neighborhood or commercial area to apportion the cost of improvements and levy an assessment against property located in the PID, because that property is acquiring a special benefit because of the improvements. In other words, the property that will benefit the most from the improvement pays for the improvement--the burden is not shifted to the entire community. PIDs are intended to promote economic growth by providing the funding mechanism to construct necessary infrastructure or desired amenities that support new developments and encourage redevelopment.

PIDs are a component unit of the City and are governed by the City Council. The Council can create an advisory board for the PID if necessary, but final determinations on establishment, costs, assessments, and budgets must be made by the City Council.

What can a PID finance?

The PID can be designed to help finance the cost of a variety of development costs including:

- water, wastewater, health and sanitation, or drainage improvements;
- street and sidewalk improvements;
- mass transit improvements;
- parking improvements;
- library improvements;
- park, recreation and cultural;
- art installation;
- creation of pedestrian malls; or
- supplemental services. (advertising, extra public safety, etc.)

How does the PID finance the projects?

Project costs can be paid directly by the City or the developer can advance funds. The assessment fees levied on each property fund the project payments. Until the PID has accumulated adequate assessment fee revenue, the City can choose to issue bonds or use general tax revenues for initial payments or developer reimbursements.

Separate fund(s) are created by the City for the administration of the PID. The Council reviews and approves the assessments and district budget each year.

How is a PID created and dissolved?

PID Development Process (minimum steps required by Chapter 372, TLGC):

1. City, County, or affected property owner(s) initiates a petition for creation.
2. If needed, City Council appoints an advisory board to develop the PID improvement plan.
3. City Council holds a public hearing & passes a resolution on the need for the PID.
4. City Council authorizes the establishment of a PID by resolution.
5. Construction of improvements may begin 20-days after the PID's creation.
6. City Council adopts a Service and Assessment Plan (list of projects, costs, debt, & assessment fee) for at least five, ongoing years is developed.
7. City holds a public hearing on the assessment roll (lists each PID property's fee).
8. City Council adopts ordinance to levy the special assessment. (City will also create a special fund(s) for the PID).
9. If necessary, City Council holds public hearing and approves additional assessments to correct omissions or mistakes in the improvement costs.
10. If necessary, City Council holds public hearing & passes a resolution dissolving PID; however, the district remains in effect at least to meet its debt obligations.

Does the City have any additional requirements?

Yes. City of Tomball Administrative Policy No. 18 "Development Policy for Special Financing Districts" requires:

1. Residential Development Size—greater than 125 acres unless the average home value is greater than \$225, 000.
2. Annual Individual Assessment Limit—no more than the equivalent of a \$.50 tax rate on the assessed value of the property.
3. Assessment Term Limit—Not to exceed 10 years. First assessment due 3 years after levy or upon transfer of property from developer to home buyer whichever occurs first.
4. Developer Interest Limit—If bonds are sold, developer earned interest reimbursements will not exceed the net effective interest rate on bonds sold or 8% whichever is less. If bonds are not sold, reimbursement will be calculated according to an indexed-based formula (see Admin Policy 18) or 8% whichever is less.
5. Bidding Requirements—Developers must follow municipal bidding procedures (as outline in Chap 252 TLGC). All bids and awards of contracts must be approved by City Council.
6. District Administration—The City of Tomball will contract with an outside consultant to bill, collect, and track district assessments. This cost will be included in the Service & Assessment Plan and reimbursed from the district.

Other city policies, procedures, and good practices may also effect individual district creation or administration including approval of related contracts and agreements. For example, the City will usually need to enter into a Developer Agreement to detail the responsibilities & obligations of each party related to the Service and Assessment Plan.

EXHIBIT A

Service and Assessment Plan Public Improvement District Number One City of Tomball, Harris County, Texas

1. Introduction

This Service and Assessment Plan (the “Plan”) is prepared and adopted in conformance with the Public Improvement District Assessment Act, codified as Chapter 372, Texas Local Government Code (the “Act”), and pursuant to Resolution No. 2007-14 creating the Public Improvement District Number One (the “PID” or the “District”), City of Tomball (the “City”), Harris County, Texas. The creation of the PID was initiated by a petition (the “Creation Petition”) submitted by property owners within the PID boundaries in compliance with the requirements of Section 372.005 of the Act.

2. Boundaries

The boundaries of the PID are as indicated in Exhibit A and Exhibit B.

3. Administration of the District

Administration of the District is the responsibility of the City Council of the City of Tomball, Texas but to the extent allowed by law, the City may contract with a private sector company to carry out all or part of the City responsibilities as well as day-to-day operations and administration of the District.

4. Public Improvements

The Public Improvements to be financed and constructed hereby (the “Public Improvements”) serve to promote the construction of single-family units (“SFU”). The Public Improvements included in the Plan will confer a special benefit to properties within the Public Improvement District and will consist of the construction of detention, water lines, sanitary sewer lines, storm sewers, gas lines, paving, erosion control, contingency provisions, engineering services, financing costs, and administrative and legal services for the PID. The Public Improvements will be pre-funded by the developer of the residential subdivision within the PID. Under the Development Agreement executed between the Developer and the City, the Developer will be entitled to receive reimbursement of up to 50% of the Public Improvement costs subject to the limitations contained in the Agreement.

A. Pine Country of Tomball Section Two

Section Two of the Pine Country of Tomball Subdivision has been developed by PCOT Investments, Inc. and contains 68 single-family residential lots within the Public Improvement District. The Public Improvements authorized under this Plan for Pine Country Section Two, and the estimated costs thereof, are described below:

Pine Country Section Two
PID COSTS

PUBLIC IMPROVEMENT	ESTIMATED COST	PID COSTS (50%)
Water Lines, Sanitary Sewer, Storm Sewer & Drainage, Gas, Street Paving, Off-Site Utility Extensions, SWPPP, Engineering & Contingencies, Payment/Performance Bonds and Permits, PID Creation Costs	\$1,458,874	\$729,437
SUBTOTAL	\$1,458,874	\$729,437
Financing Cost		\$471,887
Administration		\$60,068
TOTAL		\$1,261,392

The estimated total costs above will be used to set the assessments for residential properties in Section Two as detailed later in this document.

5. Construction of Public Improvements

The Plan will be reviewed annually in accordance with the provisions of Chapter 372 of the Local Government Code and will include a review of the expenditures and revenues of the District. Additionally, the Plan will be reviewed for the purpose of establishing the installments for assessments based upon the costs for Public Improvements and the financial needs of the District.

6. Conveyance of Improvements to the City

Upon completion of the improvements, and final inspection and acceptance of the Public Improvements by the City, the Developers will convey all rights to the improvements to the City or homeowner's association as applicable, subject to the Developer's rights of reimbursement described in the Development Agreement executed between the Developer and the City.

7. Authorized Improvements

The area within the PID that is covered by this Service and Assessment Plan will be developed as single family residential. This Plan designates the Public Improvements required for the growth and development of the land within the PID. The goal of this Plan is to provide sufficient certainty for the owners of land within the PID to proceed with the financing and construction of the necessary Public Improvements, while allowing for sufficient flexibility to

meet the needs of the PID over the life of the development of residential properties within the PID.

The construction of the Public Improvements authorized herein began in calendar year 2007. The actual costs of the Public Improvements will be determined by an independent accountant report of the developer's costs.

8. Advance Financing by Developer

The Developer will advance the funds for construction of the Public Improvements and will be entitled to repayment pursuant to the Development Agreement executed between the City and the Developer.

9. Apportionment of Costs

Payment of assessments, if any, on property owned by exempt jurisdictions other than the City shall be established by contract.

10. Levy of Assessments

The assessment year shall be concurrent with the City's tax year. The assessments against property may be paid in annual installments based on an amortization of not more than fifteen (15) years plus the period between the effective date of the assessment ordinance and the date of the first installment. The interest rate on financed assessments is seven percent (7.0%) per annum.

The assessments shall be based upon the actual cost of the Public Improvements plus those related costs as deemed reimbursable by the City. The cost of the Public Improvements will consist of the costs to construct detention, storm sewers, water lines, sanitary sewers, gas, erosion control, and paving for each development phase, related professional design and engineering fees, administrative and legal services and interest payable to the Developer pursuant to the Development Agreement.

A. Pine Country Section Two

The Plan estimates the following assessments for residential properties in Woodmark according to the cost of the Public Improvements. The total assessment can be paid upfront at the time the property containing a habitable structure is purchased or at any time thereafter. The assessment can also be financed and paid in equal annual installments over fifteen (15) years as prescribed below.

Total Assessment	\$0.9618 per square foot of residential property
Financed Assessment	\$0.1056 per square foot of residential property per year

B. Levy and collection.

Notice of the levy of each assessment will be given as provided in Chapter 372 of the Local Government Code. The assessment levy statement will be sent to each property owner in the District, and the installment of the assessment levy will be due and payable at the same time property taxes are due and payable to the City. Financed assessments shall bear interest at seven percent (7.0%) per annum.

The first installment of an assessment against a particular property shall be due with respect to the calendar year following the date such property has been improved with a habitable structure as evidenced by the issuance of a certificate of occupancy. The City will invoice each owner of property for the installment payment in conjunction with the City's annual property tax bill, and the installments shall be due and payable, and incur penalty and interest for unpaid installments in the same manner as provided for the City's property taxes. Thereafter, subsequent installments shall be due in the same manner in each succeeding calendar year until the assessment together with interest as provided herein has been paid in full. The owner of assessed property may pay at any time the entire assessment then due on each property, with interest accrued on the assessment through the date of payment. Failure of an owner to receive an invoice shall not relieve the owner of the responsibility of for the assessment.

A lien will be established against the property assessed effective as of the date of the ordinance levying the assessment, privileged above all other liens, including prior mortgage liens, to the extent allowed by Section 372.018(b) of the Local Government Code. Assessment installments shall be considered delinquent on the same date as the City's property taxes. Delinquent assessments or installments shall incur the costs of collection. If practicable, the assessment shall be included on the City property tax statement. Notwithstanding the above, the assessment lien shall be perfected immediately as to the entire assessment, but may be executed only with respect to the amounts then due or past due for current or prior installments or final payment. Assessments are personal obligations of the person owning the property assessed in the year an installment payment becomes due, and only to the extent of such installment(s).

The owner of assessed property may pay at any time the entire assessment then due on each property, with interest accrued on the assessment through the date of payment.

EXHIBIT A

REPLAT

PINE COUNTRY OF TOMBALL, SECTION TWO
A RESIDENTIAL SUBDIVISION OF 26.2813 ACRES
COMPRISED OF 2 BLOCKS, 68 RESIDENTIAL LOTS, AND 3 RESERVES
AND

PINE COUNTRY OF TOMBALL, SECTION THREE
AN UNRESTRICTED RESERVE OF 29.4207 ACRES

BEING A REPLAT OF PINE COUNTRY OF TOMBALL, SECTION
TWO, OF 55.7020 ACRES AS RECORDED IN H.C.

FILM CODE # 624053

LOCATED IN THE
JOHN EDWARDS SURVEY, A-20 AND THE CHAUNCEY GOODRICH
SURVEY A-311 CITY OF TOMBALL, HARRIS COUNTY, TEXAS

FEB, 2009

Exhibit B



KEY MAP 257 W

1" = 1/2 MILE

CITY OF TOMBALL

COUNTY OF HARRIS

FILE NO. C-118277, H.C.O.P.R.R.P.

SECTION TWO, PINE COUNTRY OF TOMBALL

SECTION THREE, PINE COUNTRY OF TOMBALL

SECTION ONE, PINE COUNTRY OF TOMBALL

SECTION FOUR, PINE COUNTRY OF TOMBALL

SECTION FIVE, PINE COUNTRY OF TOMBALL

SECTION SIX, PINE COUNTRY OF TOMBALL

SECTION SEVEN, PINE COUNTRY OF TOMBALL

SECTION EIGHT, PINE COUNTRY OF TOMBALL

SECTION NINE, PINE COUNTRY OF TOMBALL

SECTION TEN, PINE COUNTRY OF TOMBALL

SECTION ELEVEN, PINE COUNTRY OF TOMBALL

SECTION TWELVE, PINE COUNTRY OF TOMBALL

SECTION THIRTEEN, PINE COUNTRY OF TOMBALL

SECTION FOURTEEN, PINE COUNTRY OF TOMBALL

SECTION FIFTEEN, PINE COUNTRY OF TOMBALL

SECTION SIXTEEN, PINE COUNTRY OF TOMBALL

SECTION SEVENTEEN, PINE COUNTRY OF TOMBALL

SECTION EIGHTEEN, PINE COUNTRY OF TOMBALL

SECTION NINETEEN, PINE COUNTRY OF TOMBALL

SECTION TWENTY, PINE COUNTRY OF TOMBALL

SECTION TWENTY-ONE, PINE COUNTRY OF TOMBALL

SECTION TWENTY-TWO, PINE COUNTRY OF TOMBALL

SECTION TWENTY-THREE, PINE COUNTRY OF TOMBALL

SECTION TWENTY-FOUR, PINE COUNTRY OF TOMBALL

SECTION TWENTY-FIVE, PINE COUNTRY OF TOMBALL

SECTION TWENTY-SIX, PINE COUNTRY OF TOMBALL

SECTION TWENTY-SEVEN, PINE COUNTRY OF TOMBALL

SECTION TWENTY-EIGHT, PINE COUNTRY OF TOMBALL

SECTION TWENTY-NINE, PINE COUNTRY OF TOMBALL

SECTION THIRTY, PINE COUNTRY OF TOMBALL

SECTION THIRTY-ONE, PINE COUNTRY OF TOMBALL

SECTION THIRTY-TWO, PINE COUNTRY OF TOMBALL

SECTION THIRTY-THREE, PINE COUNTRY OF TOMBALL

SECTION THIRTY-FOUR, PINE COUNTRY OF TOMBALL

SECTION THIRTY-FIVE, PINE COUNTRY OF TOMBALL

SECTION THIRTY-SIX, PINE COUNTRY OF TOMBALL

SECTION THIRTY-SEVEN, PINE COUNTRY OF TOMBALL

SECTION THIRTY-EIGHT, PINE COUNTRY OF TOMBALL

SECTION THIRTY-NINE, PINE COUNTRY OF TOMBALL

SECTION FORTY, PINE COUNTRY OF TOMBALL

SECTION FORTY-ONE, PINE COUNTRY OF TOMBALL

SECTION FORTY-TWO, PINE COUNTRY OF TOMBALL

SECTION FORTY-THREE, PINE COUNTRY OF TOMBALL

SECTION FORTY-FOUR, PINE COUNTRY OF TOMBALL

SECTION FORTY-FIVE, PINE COUNTRY OF TOMBALL

SECTION FORTY-SIX, PINE COUNTRY OF TOMBALL

SECTION FORTY-SEVEN, PINE COUNTRY OF TOMBALL

SECTION FORTY-EIGHT, PINE COUNTRY OF TOMBALL

SECTION FORTY-NINE, PINE COUNTRY OF TOMBALL

SECTION FIFTY, PINE COUNTRY OF TOMBALL

SECTION FIFTY-ONE, PINE COUNTRY OF TOMBALL

SECTION FIFTY-TWO, PINE COUNTRY OF TOMBALL

SECTION FIFTY-THREE, PINE COUNTRY OF TOMBALL

SECTION FIFTY-FOUR, PINE COUNTRY OF TOMBALL

SECTION FIFTY-FIVE, PINE COUNTRY OF TOMBALL

SECTION FIFTY-SIX, PINE COUNTRY OF TOMBALL

SECTION FIFTY-SEVEN, PINE COUNTRY OF TOMBALL

SECTION FIFTY-EIGHT, PINE COUNTRY OF TOMBALL

SECTION FIFTY-NINE, PINE COUNTRY OF TOMBALL

SECTION SIXTY, PINE COUNTRY OF TOMBALL

SECTION SIXTY-ONE, PINE COUNTRY OF TOMBALL

SECTION SIXTY-TWO, PINE COUNTRY OF TOMBALL

SECTION SIXTY-THREE, PINE COUNTRY OF TOMBALL

SECTION SIXTY-FOUR, PINE COUNTRY OF TOMBALL

SECTION SIXTY-FIVE, PINE COUNTRY OF TOMBALL

SECTION SIXTY-SIX, PINE COUNTRY OF TOMBALL

SECTION SIXTY-SEVEN, PINE COUNTRY OF TOMBALL

SECTION SIXTY-EIGHT, PINE COUNTRY OF TOMBALL

SECTION SIXTY-NINE, PINE COUNTRY OF TOMBALL

SECTION SEVENTY, PINE COUNTRY OF TOMBALL

SECTION SEVENTY-ONE, PINE COUNTRY OF TOMBALL

SECTION SEVENTY-TWO, PINE COUNTRY OF TOMBALL

SECTION SEVENTY-THREE, PINE COUNTRY OF TOMBALL

SECTION SEVENTY-FOUR, PINE COUNTRY OF TOMBALL

SECTION SEVENTY-FIVE, PINE COUNTRY OF TOMBALL

SECTION SEVENTY-SIX, PINE COUNTRY OF TOMBALL

SECTION SEVENTY-SEVEN, PINE COUNTRY OF TOMBALL

SECTION SEVENTY-EIGHT, PINE COUNTRY OF TOMBALL

SECTION SEVENTY-NINE, PINE COUNTRY OF TOMBALL

SECTION EIGHTY, PINE COUNTRY OF TOMBALL

SECTION EIGHTY-ONE, PINE COUNTRY OF TOMBALL

SECTION EIGHTY-TWO, PINE COUNTRY OF TOMBALL

SECTION EIGHTY-THREE, PINE COUNTRY OF TOMBALL

SECTION EIGHTY-FOUR, PINE COUNTRY OF TOMBALL

SECTION EIGHTY-FIVE, PINE COUNTRY OF TOMBALL

SECTION EIGHTY-SIX, PINE COUNTRY OF TOMBALL

SECTION EIGHTY-SEVEN, PINE COUNTRY OF TOMBALL

SECTION EIGHTY-EIGHT, PINE COUNTRY OF TOMBALL

SECTION EIGHTY-NINE, PINE COUNTRY OF TOMBALL

SECTION NINETY, PINE COUNTRY OF TOMBALL

SECTION NINETY-ONE, PINE COUNTRY OF TOMBALL

SECTION NINETY-TWO, PINE COUNTRY OF TOMBALL

SECTION NINETY-THREE, PINE COUNTRY OF TOMBALL

SECTION NINETY-FOUR, PINE COUNTRY OF TOMBALL

SECTION NINETY-FIVE, PINE COUNTRY OF TOMBALL

SECTION NINETY-SIX, PINE COUNTRY OF TOMBALL

SECTION NINETY-SEVEN, PINE COUNTRY OF TOMBALL

SECTION NINETY-EIGHT, PINE COUNTRY OF TOMBALL

SECTION NINETY-NINE, PINE COUNTRY OF TOMBALL

SECTION HUNDRED, PINE COUNTRY OF TOMBALL

FILE NO.	SECTION	ACRES	DATE	REMARKS
1	1	1.0000	1/1/00	SECTION ONE, PINE COUNTRY OF TOMBALL
2	2	1.0000	1/1/00	SECTION TWO, PINE COUNTRY OF TOMBALL
3	3	1.0000	1/1/00	SECTION THREE, PINE COUNTRY OF TOMBALL
4	4	1.0000	1/1/00	SECTION FOUR, PINE COUNTRY OF TOMBALL
5	5	1.0000	1/1/00	SECTION FIVE, PINE COUNTRY OF TOMBALL
6	6	1.0000	1/1/00	SECTION SIX, PINE COUNTRY OF TOMBALL
7	7	1.0000	1/1/00	SECTION SEVEN, PINE COUNTRY OF TOMBALL
8	8	1.0000	1/1/00	SECTION EIGHT, PINE COUNTRY OF TOMBALL
9	9	1.0000	1/1/00	SECTION NINE, PINE COUNTRY OF TOMBALL
10	10	1.0000	1/1/00	SECTION TEN, PINE COUNTRY OF TOMBALL
11	11	1.0000	1/1/00	SECTION ELEVEN, PINE COUNTRY OF TOMBALL
12	12	1.0000	1/1/00	SECTION TWELVE, PINE COUNTRY OF TOMBALL
13	13	1.0000	1/1/00	SECTION THIRTEEN, PINE COUNTRY OF TOMBALL
14	14	1.0000	1/1/00	SECTION FOURTEEN, PINE COUNTRY OF TOMBALL
15	15	1.0000	1/1/00	SECTION FIFTEEN, PINE COUNTRY OF TOMBALL
16	16	1.0000	1/1/00	SECTION SIXTEEN, PINE COUNTRY OF TOMBALL
17	17	1.0000	1/1/00	SECTION SEVENTEEN, PINE COUNTRY OF TOMBALL
18	18	1.0000	1/1/00	SECTION EIGHTEEN, PINE COUNTRY OF TOMBALL
19	19	1.0000	1/1/00	SECTION NINETEEN, PINE COUNTRY OF TOMBALL
20	20	1.0000	1/1/00	SECTION TWENTY, PINE COUNTRY OF TOMBALL
21	21	1.0000	1/1/00	SECTION TWENTY-ONE, PINE COUNTRY OF TOMBALL
22	22	1.0000	1/1/00	SECTION TWENTY-TWO, PINE COUNTRY OF TOMBALL
23	23	1.0000	1/1/00	SECTION TWENTY-THREE, PINE COUNTRY OF TOMBALL
24	24	1.0000	1/1/00	SECTION TWENTY-FOUR, PINE COUNTRY OF TOMBALL
25	25	1.0000	1/1/00	SECTION TWENTY-FIVE, PINE COUNTRY OF TOMBALL
26	26	1.0000	1/1/00	SECTION TWENTY-SIX, PINE COUNTRY OF TOMBALL
27	27	1.0000	1/1/00	SECTION TWENTY-SEVEN, PINE COUNTRY OF TOMBALL
28	28	1.0000	1/1/00	SECTION TWENTY-EIGHT, PINE COUNTRY OF TOMBALL
29	29	1.0000	1/1/00	SECTION TWENTY-NINE, PINE COUNTRY OF TOMBALL
30	30	1.0000	1/1/00	SECTION THIRTY, PINE COUNTRY OF TOMBALL
31	31	1.0000	1/1/00	SECTION THIRTY-ONE, PINE COUNTRY OF TOMBALL
32	32	1.0000	1/1/00	SECTION THIRTY-TWO, PINE COUNTRY OF TOMBALL
33	33	1.0000	1/1/00	SECTION THIRTY-THREE, PINE COUNTRY OF TOMBALL
34	34	1.0000	1/1/00	SECTION THIRTY-FOUR, PINE COUNTRY OF TOMBALL
35	35	1.0000	1/1/00	SECTION THIRTY-FIVE, PINE COUNTRY OF TOMBALL
36	36	1.0000	1/1/00	SECTION THIRTY-SIX, PINE COUNTRY OF TOMBALL
37	37	1.0000	1/1/00	SECTION THIRTY-SEVEN, PINE COUNTRY OF TOMBALL
38	38	1.0000	1/1/00	SECTION THIRTY-EIGHT, PINE COUNTRY OF TOMBALL
39	39	1.0000	1/1/00	SECTION THIRTY-NINE, PINE COUNTRY OF TOMBALL
40	40	1.0000	1/1/00	SECTION FORTY, PINE COUNTRY OF TOMBALL
41	41	1.0000	1/1/00	SECTION FORTY-ONE, PINE COUNTRY OF TOMBALL
42	42	1.0000	1/1/00	SECTION FORTY-TWO, PINE COUNTRY OF TOMBALL
43	43	1.0000	1/1/00	SECTION FORTY-THREE, PINE COUNTRY OF TOMBALL
44	44	1.0000	1/1/00	SECTION FORTY-FOUR, PINE COUNTRY OF TOMBALL
45	45	1.0000	1/1/00	SECTION FORTY-FIVE, PINE COUNTRY OF TOMBALL
46	46	1.0000	1/1/00	SECTION FORTY-SIX, PINE COUNTRY OF TOMBALL
47	47	1.0000	1/1/00	SECTION FORTY-SEVEN, PINE COUNTRY OF TOMBALL
48	48	1.0000	1/1/00	SECTION FORTY-EIGHT, PINE COUNTRY OF TOMBALL
49	49	1.0000	1/1/00	SECTION FORTY-NINE, PINE COUNTRY OF TOMBALL
50	50	1.0000	1/1/00	SECTION FIFTY, PINE COUNTRY OF TOMBALL
51	51	1.0000	1/1/00	SECTION FIFTY-ONE, PINE COUNTRY OF TOMBALL
52	52	1.0000	1/1/00	SECTION FIFTY-TWO, PINE COUNTRY OF TOMBALL
53	53	1.0000	1/1/00	SECTION FIFTY-THREE, PINE COUNTRY OF TOMBALL
54	54	1.0000	1/1/00	SECTION FIFTY-FOUR, PINE COUNTRY OF TOMBALL
55	55	1.0000	1/1/00	SECTION FIFTY-FIVE, PINE COUNTRY OF TOMBALL
56	56	1.0000	1/1/00	SECTION FIFTY-SIX, PINE COUNTRY OF TOMBALL
57	57	1.0000	1/1/00	SECTION FIFTY-SEVEN, PINE COUNTRY OF TOMBALL
58	58	1.0000	1/1/00	SECTION FIFTY-EIGHT, PINE COUNTRY OF TOMBALL
59	59	1.0000	1/1/00	SECTION FIFTY-NINE, PINE COUNTRY OF TOMBALL
60	60	1.0000	1/1/00	SECTION SIXTY, PINE COUNTRY OF TOMBALL
61	61	1.0000	1/1/00	SECTION SIXTY-ONE, PINE COUNTRY OF TOMBALL
62	62	1.0000	1/1/00	SECTION SIXTY-TWO, PINE COUNTRY OF TOMBALL
63	63	1.0000	1/1/00	SECTION SIXTY-THREE, PINE COUNTRY OF TOMBALL
64	64	1.0000	1/1/00	SECTION SIXTY-FOUR, PINE COUNTRY OF TOMBALL
65	65	1.0000	1/1/00	SECTION SIXTY-FIVE, PINE COUNTRY OF TOMBALL
66	66	1.0000	1/1/00	SECTION SIXTY-SIX, PINE COUNTRY OF TOMBALL
67	67	1.0000	1/1/00	SECTION SIXTY-SEVEN, PINE COUNTRY OF TOMBALL
68	68	1.0000	1/1/00	SECTION SIXTY-EIGHT, PINE COUNTRY OF TOMBALL
69	69	1.0000	1/1/00	SECTION SIXTY-NINE, PINE COUNTRY OF TOMBALL
70	70	1.0000	1/1/00	SECTION SEVENTY, PINE COUNTRY OF TOMBALL
71	71	1.0000	1/1/00	SECTION SEVENTY-ONE, PINE COUNTRY OF TOMBALL
72	72	1.0000	1/1/00	SECTION SEVENTY-TWO, PINE COUNTRY OF TOMBALL
73	73	1.0000	1/1/00	SECTION SEVENTY-THREE, PINE COUNTRY OF TOMBALL
74	74	1.0000	1/1/00	SECTION SEVENTY-FOUR, PINE COUNTRY OF TOMBALL
75	75	1.0000	1/1/00	SECTION SEVENTY-FIVE, PINE COUNTRY OF TOMBALL
76	76	1.0000	1/1/00	SECTION SEVENTY-SIX, PINE COUNTRY OF TOMBALL
77	77	1.0000	1/1/00	SECTION SEVENTY-SEVEN, PINE COUNTRY OF TOMBALL
78	78	1.0000	1/1/00	SECTION SEVENTY-EIGHT, PINE COUNTRY OF TOMBALL
79	79	1.0000	1/1/00	SECTION SEVENTY-NINE, PINE COUNTRY OF TOMBALL
80	80	1.0000	1/1/00	SECTION EIGHTY, PINE COUNTRY OF TOMBALL
81	81	1.0000	1/1/00	SECTION EIGHTY-ONE, PINE COUNTRY OF TOMBALL
82	82	1.0000	1/1/00	SECTION EIGHTY-TWO, PINE COUNTRY OF TOMBALL
83	83	1.0000	1/1/00	SECTION EIGHTY-THREE, PINE COUNTRY OF TOMBALL
84	84	1.0000	1/1/00	SECTION EIGHTY-FOUR, PINE COUNTRY OF TOMBALL
85	85	1.0000	1/1/00	SECTION EIGHTY-FIVE, PINE COUNTRY OF TOMBALL
86	86	1.0000	1/1/00	SECTION EIGHTY-SIX, PINE COUNTRY OF TOMBALL
87	87	1.0000	1/1/00	SECTION EIGHTY-SEVEN, PINE COUNTRY OF TOMBALL
88	88	1.0000	1/1/00	SECTION EIGHTY-EIGHT, PINE COUNTRY OF TOMBALL
89	89	1.0000	1/1/00	SECTION EIGHTY-NINE, PINE COUNTRY OF TOMBALL
90	90	1.0000	1/1/00	SECTION NINETY, PINE COUNTRY OF TOMBALL
91	91	1.0000	1/1/00	SECTION NINETY-ONE, PINE COUNTRY OF TOMBALL
92	92	1.0000	1/1/00	SECTION NINETY-TWO, PINE COUNTRY OF TOMBALL
93	93	1.0000	1/1/00	SECTION NINETY-THREE, PINE COUNTRY OF TOMBALL
94	94	1.0000	1/1/00	SECTION NINETY-FOUR, PINE COUNTRY OF TOMBALL
95	95	1.0000	1/1/00	SECTION NINETY-FIVE, PINE COUNTRY OF TOMBALL
96	96	1.0000	1/1/00	SECTION NINETY-SIX, PINE COUNTRY OF TOMBALL
97	97	1.0000	1/1/00	SECTION NINETY-SEVEN, PINE COUNTRY OF TOMBALL
98	98	1.0000	1/1/00	SECTION NINETY-EIGHT, PINE COUNTRY OF TOMBALL
99	99	1.0000	1/1/00	SECTION NINETY-NINE, PINE COUNTRY OF TOMBALL
100	100	1.0000	1/1/00	SECTION HUNDRED, PINE COUNTRY OF TOMBALL

NOTES

1. THIS SUBDIVISION IS BEING SUBMITTED TO THE CITY OF TOMBALL FOR APPROVAL.

2. THE SUBDIVISION IS BEING SUBMITTED TO THE CITY OF TOMBALL FOR APPROVAL.

3. THE SUBDIVISION IS BEING SUBMITTED TO THE CITY OF TOMBALL FOR APPROVAL.

4. THE SUBDIVISION IS BEING SUBMITTED TO THE CITY OF TOMBALL FOR APPROVAL.

5. THE SUBDIVISION IS BEING SUBMITTED TO THE CITY OF TOMBALL FOR APPROVAL.

6. THE SUBDIVISION IS BEING SUBMITTED TO THE CITY OF TOMBALL FOR APPROVAL.

7. THE SUBDIVISION IS BEING SUBMITTED TO THE CITY OF TOMBALL FOR APPROVAL.

8. THE SUBDIVISION IS BEING SUBMITTED TO THE CITY OF TOMBALL FOR APPROVAL.

9. THE SUBDIVISION IS BEING SUBMITTED TO THE CITY OF TOMBALL FOR APPROVAL.

10. THE SUBDIVISION IS BEING SUBMITTED TO THE CITY OF TOMBALL FOR APPROVAL.

11. THE SUBDIVISION IS BEING SUBMITTED TO THE CITY OF

Public Improvement District Number One
Pine County of Tomball Subdivision
Section Two Assessment Roll
City of Tomball, Harris County, Texas

Owner	Block #	Lot #	Lot Area (s.f.)	Total Assessment Rate	Total Assessment	Financed Assessment Rate	Annual Assessment Installment	Financed Assessment Term	Annual Administrative Cost	Total Annual Payment
PCOT Investments, Inc.	1	1	22020	0.9618	\$ 21,178.84	\$ 0.1056	\$ 2,325.31	15 years	\$ 58.89	\$ 2,384.20
PCOT Investments, Inc.	1	2	8751	0.9618	\$ 8,416.71	\$ 0.1056	\$ 924.11	15 years	\$ 58.89	\$ 983.00
PCOT Investments, Inc.	1	3	8995	0.9618	\$ 8,651.39	\$ 0.1056	\$ 949.87	15 years	\$ 58.89	\$ 1,008.76
PCOT Investments, Inc.	1	4	8864	0.9618	\$ 8,525.40	\$ 0.1056	\$ 936.04	15 years	\$ 58.89	\$ 994.93
PCOT Investments, Inc.	1	5	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	1	6	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	1	7	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	1	8	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	1	9	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	1	10	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	1	11	9732	0.9618	\$ 9,360.24	\$ 0.1056	\$ 1,027.70	15 years	\$ 58.89	\$ 1,086.59
PCOT Investments, Inc.	2	1	20059	0.9618	\$ 19,292.75	\$ 0.1056	\$ 2,118.23	15 years	\$ 58.89	\$ 2,177.12
PCOT Investments, Inc.	2	2	9091	0.9618	\$ 8,743.72	\$ 0.1056	\$ 960.01	15 years	\$ 58.89	\$ 1,018.90
BGB Interests LP	2	3	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	2	4	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	2	5	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	2	6	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	2	7	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	2	8	9000	0.9618	\$ 8,656.20	\$ 0.1056	\$ 950.40	15 years	\$ 58.89	\$ 1,009.29
PCOT Investments, Inc.	2	9	9398	0.9618	\$ 9,039.00	\$ 0.1056	\$ 992.43	15 years	\$ 58.89	\$ 1,051.32
PCOT Investments, Inc.	2	10	10938	0.9618	\$ 10,520.17	\$ 0.1056	\$ 1,155.05	15 years	\$ 58.89	\$ 1,213.94
PCOT Investments, Inc.	2	11	10424	0.9618	\$ 10,025.80	\$ 0.1056	\$ 1,100.77	15 years	\$ 58.89	\$ 1,159.66
PCOT Investments, Inc.	2	12	11247	0.9618	\$ 10,817.36	\$ 0.1056	\$ 1,187.68	15 years	\$ 58.89	\$ 1,246.57
PCOT Investments, Inc.	2	13	10380	0.9618	\$ 9,983.48	\$ 0.1056	\$ 1,096.13	15 years	\$ 58.89	\$ 1,155.02
PCOT Investments, Inc.	2	14	11247	0.9618	\$ 10,817.36	\$ 0.1056	\$ 1,187.68	15 years	\$ 58.89	\$ 1,246.57
PCOT Investments, Inc.	2	15	11204	0.9618	\$ 10,776.01	\$ 0.1056	\$ 1,183.14	15 years	\$ 58.89	\$ 1,242.03
PCOT Investments, Inc.	2	16	9357	0.9618	\$ 8,999.56	\$ 0.1056	\$ 988.10	15 years	\$ 58.89	\$ 1,046.99
PCOT Investments, Inc.	2	17	12458	0.9618	\$ 11,982.10	\$ 0.1056	\$ 1,315.56	15 years	\$ 58.89	\$ 1,374.45
PCOT Investments, Inc.	2	18	12458	0.9618	\$ 11,982.10	\$ 0.1056	\$ 1,315.56	15 years	\$ 58.89	\$ 1,374.45
PCOT Investments, Inc.	2	19	9352	0.9618	\$ 8,994.75	\$ 0.1056	\$ 987.57	15 years	\$ 58.89	\$ 1,046.46
PCOT Investments, Inc.	2	20	11195	0.9618	\$ 10,767.35	\$ 0.1056	\$ 1,182.19	15 years	\$ 58.89	\$ 1,241.08
PCOT Investments, Inc.	2	21	11247	0.9618	\$ 10,817.36	\$ 0.1056	\$ 1,187.68	15 years	\$ 58.89	\$ 1,246.57
PCOT Investments, Inc.	2	22	11247	0.9618	\$ 10,817.36	\$ 0.1056	\$ 1,187.68	15 years	\$ 58.89	\$ 1,246.57
PCOT Investments, Inc.	2	23	11247	0.9618	\$ 10,817.36	\$ 0.1056	\$ 1,187.68	15 years	\$ 58.89	\$ 1,246.57
PCOT Investments, Inc.	2	24	18321	0.9618	\$ 17,621.14	\$ 0.1056	\$ 1,934.70	15 years	\$ 58.89	\$ 1,993.59
PCOT Investments, Inc.	2	25	16440	0.9618	\$ 15,811.99	\$ 0.1056	\$ 1,736.06	15 years	\$ 58.89	\$ 1,794.95
PCOT Investments, Inc.	2	26	11247	0.9618	\$ 10,817.36	\$ 0.1056	\$ 1,187.68	15 years	\$ 58.89	\$ 1,246.57
PCOT Investments, Inc.	2	27	11247	0.9618	\$ 10,817.36	\$ 0.1056	\$ 1,187.68	15 years	\$ 58.89	\$ 1,246.57
PCOT Investments, Inc.	2	28	11248	0.9618	\$ 10,818.33	\$ 0.1056	\$ 1,187.79	15 years	\$ 58.89	\$ 1,246.68
PCOT Investments, Inc.	2	29	11204	0.9618	\$ 10,776.01	\$ 0.1056	\$ 1,183.14	15 years	\$ 58.89	\$ 1,242.03
PCOT Investments, Inc.	2	30	9357	0.9618	\$ 8,999.56	\$ 0.1056	\$ 988.10	15 years	\$ 58.89	\$ 1,046.99
PCOT Investments, Inc.	2	31	12463	0.9618	\$ 11,986.91	\$ 0.1056	\$ 1,316.09	15 years	\$ 58.89	\$ 1,374.98
PCOT Investments, Inc.	2	32	11334	0.9618	\$ 10,901.04	\$ 0.1056	\$ 1,196.87	15 years	\$ 58.89	\$ 1,255.76
PCOT Investments, Inc.	2	33	8238	0.9618	\$ 7,923.31	\$ 0.1056	\$ 869.93	15 years	\$ 58.89	\$ 928.82
PCOT Investments, Inc.	2	34	10080	0.9618	\$ 9,694.94	\$ 0.1056	\$ 1,064.45	15 years	\$ 58.89	\$ 1,123.34
PCOT Investments, Inc.	2	35	10123	0.9618	\$ 9,736.30	\$ 0.1056	\$ 1,068.99	15 years	\$ 58.89	\$ 1,127.88
PCOT Investments, Inc.	2	36	10123	0.9618	\$ 9,736.30	\$ 0.1056	\$ 1,068.99	15 years	\$ 58.89	\$ 1,127.88
PCOT Investments, Inc.	2	37	10123	0.9618	\$ 9,736.30	\$ 0.1056	\$ 1,068.99	15 years	\$ 58.89	\$ 1,127.88
PCOT Investments, Inc.	2	38	12136	0.9618	\$ 11,672.40	\$ 0.1056	\$ 1,281.56	15 years	\$ 58.89	\$ 1,340.45
PCOT Investments, Inc.	2	39	19632	0.9618	\$ 18,882.06	\$ 0.1056	\$ 2,073.14	15 years	\$ 58.89	\$ 2,132.03
PCOT Investments, Inc.	2	40	11644	0.9618	\$ 11,199.20	\$ 0.1056	\$ 1,229.61	15 years	\$ 58.89	\$ 1,288.50
PCOT Investments, Inc.	2	41	11670	0.9618	\$ 11,224.21	\$ 0.1056	\$ 1,232.35	15 years	\$ 58.89	\$ 1,291.24
PCOT Investments, Inc.	2	42	11696	0.9618	\$ 11,249.21	\$ 0.1056	\$ 1,235.10	15 years	\$ 58.89	\$ 1,293.99
PCOT Investments, Inc.	2	43	11722	0.9618	\$ 11,274.22	\$ 0.1056	\$ 1,237.84	15 years	\$ 58.89	\$ 1,296.73
PCOT Investments, Inc.	2	44	11748	0.9618	\$ 11,299.23	\$ 0.1056	\$ 1,240.59	15 years	\$ 58.89	\$ 1,299.48
PCOT Investments, Inc.	2	45	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	46	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	47	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	48	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	49	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	50	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	51	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	52	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	53	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	54	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
BGB Interests LP	2	55	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
BGB Interests LP	2	56	11250	0.9618	\$ 10,820.25	\$ 0.1056	\$ 1,188.00	15 years	\$ 58.89	\$ 1,246.89
PCOT Investments, Inc.	2	57	12702	0.9618	\$ 12,216.78	\$ 0.1056	\$ 1,341.33	15 years	\$ 58.89	\$ 1,400.22

CITY OF TOMBALL

ADMINISTRATIVE POLICIES, RULES AND PROCEDURES

SUBJECT DEVELOPMENT POLICY FOR SPECIAL FINANCING DISTRICTS	NUMBER: 18	EFFECTIVE DATE: March 5, 2007	PAGE 1 OF 1
	REVISED:	APPROVED BY CITY MANAGER: March 5, 2007	
	SUPERSEDES:	APPROVED BY CITY COUNCIL: March 5, 2007	

The City of Tomball has established this policy as a guideline to those developers seeking incentives from the City for development projects utilizing tax increment financing (TIF/TIRZ) and/or public improvement districts (PID). This policy is not intended to address all aspects of development costs. Those costs not specifically addressed in this policy will be considered on an individual project basis.

Limitation on Size of Development

1. To receive consideration by and approval from the City for PID financing to facilitate a residential development, the proposed boundaries of the development shall be no less than 125 acres. If the proposed boundaries of the development are less than 125 acres, the average value of homes built in the district shall be no less than \$225,000. This home value will be adjusted each year by the Consumer Price Index (CPI) to convert the \$225K benchmark value to current year prices.
2. To receive consideration by and approval from the City for TIF financing to facilitate a mixed-use development, the proposed boundaries of the commercial component of the development shall be no less than 45% of the total acreage. If the commercial component is less than 45% of the total acreage, the City will consider granting approval of TIF financing if:
 - a. There is no issuance of debt in the tax increment zone
 - b. The development facilitates the completion of projects outlined in the City's Capital Improvement Plan for transportation, drainage, water, wastewater, and parks improvements.
 - c. The project facilitates the economic development desires of City Council.
3. Tax increment financing will not be extended to new residential development.

Limitation on PID Assessment

The annual assessment to property owners within the district shall be no more than the equivalent of a \$.50 tax rate on the assessed value of their property.

Limitation on Assessment Term

The maximum term of a PID assessment is not to exceed 10 years. The date the first assessment installment becomes due is either 3 years from the date of the levy or the date that the real property is transferred to the home buyer; whichever occurs first.

Zone/District Administration

The City of Tomball will contract with an outside consultant to administer the zone and to bill, collect, and track district assessments. This cost will be considered a reimbursable project cost and should be included in the zone/district Project Plan.

Limitation on Developer Interest

Developer earned interest will be reimbursed at an amount not to exceed the net effective interest rate on bonds sold or 8% whichever is less. If zone/district bonds are not sold, reimbursement will be calculated at 50 basis points over the average interest reported by the Bond Buyer in its "20 Bond Index" for general obligation bonds during the interest accrual period or 8% whichever is less.

Bidding of Project Improvements

Developers will be required to follow municipal bidding procedures on all project improvements as outlined in Chapter 252 of the Texas Local Government Code. Bid tabulations and a recommendation for award of contracts will be brought before City Council for approval. This process will be required of both TIRZs and PIDs.

Regular City Council

Agenda Item

Meeting Date: July 19, 2010

Data Sheet

Topic:

Adopt, on First Reading, Resolution No. 2010-14, a Resolution of the City Council of the City of Tomball, Texas, Making Findings concerning certain Land described in such Resolution; Determining that such Land is needed for Construction of the Tomball Hills Lift Station Project for the City Of Tomball, Texas.

Background:

The Tomball Hills sanitary sewer lift station was constructed in the mid 1970s to collect sanitary sewer for all of the adjacent subdivision and Lonestar Community College. The lift station was construed within the floodplain and during increased storm water events is submerged. The lift station requires redesign and relocation consideration to meet TCEQ requirements. The preliminary engineering report (PER) was completed in April 2009. The PER identified the property to be acquired as Lot 37, a vacant 0.7072 acre tract of land out of the Tomball Hills Subdivision, reference Exhibit A to the attached Resolution. The appraisal was completed on October 26, 2009. In summary, the Engineering and Planning Department has negotiated with the owner for the purchase of the property for the stated purpose and has been unable to agree with such owner as to the fair cash market value thereof and damages, if any, and made a final offer to the owner of the Land for the purchase of same based upon its appraised value, and such final offer has been made and the owner has refused to accept such final offer. The Engineering and Planning Department are requesting Council approval to proceed with eminent domain proceedings, as noted in the attached resolution. The Tomball Hills Lift Station project is a FY09-10 listed project.

Origination:

Engineering and Planning Department

Recommendation:

Engineering and Planning Department recommend approval.

Funding:

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

Engineering and Planning Department

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

ATTACHMENTS:

Resolution No. 2010-14

RESOLUTION NO. 2010-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, MAKING FINDINGS CONCERNING CERTAIN LAND DESCRIBED IN SUCH RESOLUTION; DETERMINING THAT SUCH LAND IS NEEDED FOR CONSTRUCTION OF THE TOMBALL HILLS LIFT STATION PROJECT FOR THE CITY OF TOMBALL, TEXAS.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas now finds and determines that public convenience and necessity requires the City of Tomball, Texas to acquire fee simple title to a 0.7072 acre tract of land, for the construction, installation, maintenance, operation, inspection, replacement, removal, and repair of certain utility lines and lift station project in the City of Tomball, Texas, a more specific description of said 0.7072 acre tract of land is attached hereto as Exhibit “A” and made a part thereof, (hereinafter the “Land”); and

WHEREAS, the City of Tomball, Texas, has negotiated with the owner of the Land for the purchase of same for the hereinafter stated purpose and has been unable to agree with such owner as to the fair cash market value thereof and damages, if any; and

WHEREAS, the City of Tomball, Texas, through its Director of Engineering and Planning, made a final offer to the owner of the Land for the purchase of same based upon its appraised value, and such final offer has been made and the owner has refused to accept such final offer; **now therefore**,

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

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

Section 2. The City Council of the City of Tomball, Texas finds that bona fide negotiations have been conducted for the acquisition of the fee simple title to the herein described tract of the Land, and that said negotiations were not successful and have failed, and that the only way for the City of Tomball, Texas to acquire such interest in said tract of land is through the filing of eminent domain proceedings.

Section 3. The Land is needed for the construction, installation, maintenance, operation, inspection, replacement, removal, and repair of certain utility lines and lift station project in the City of Tomball, Texas.

Section 4. The final offer heretofore made by the Director of Engineering and Planning for the purchase of the Land is in all things hereby ratified and confirmed.

Section 5. The City Attorney, by and through the law firm of Olson & Olson, L.L.P. is hereby authorized to bring eminent domain proceedings on behalf of the City of Tomball, Texas under applicable provisions of law, whether provided by § 251.001 of the Texas Local Government Code, as amended, Chapter 21 of the Texas Property Code, or by any other provision of law, against the owner or owners of the Land, to-wit: Peter Hildreth, or against the real and true owner, owners, claimant, or claimants if Peter Hildreth is said not to be the owner of the Land.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2010.

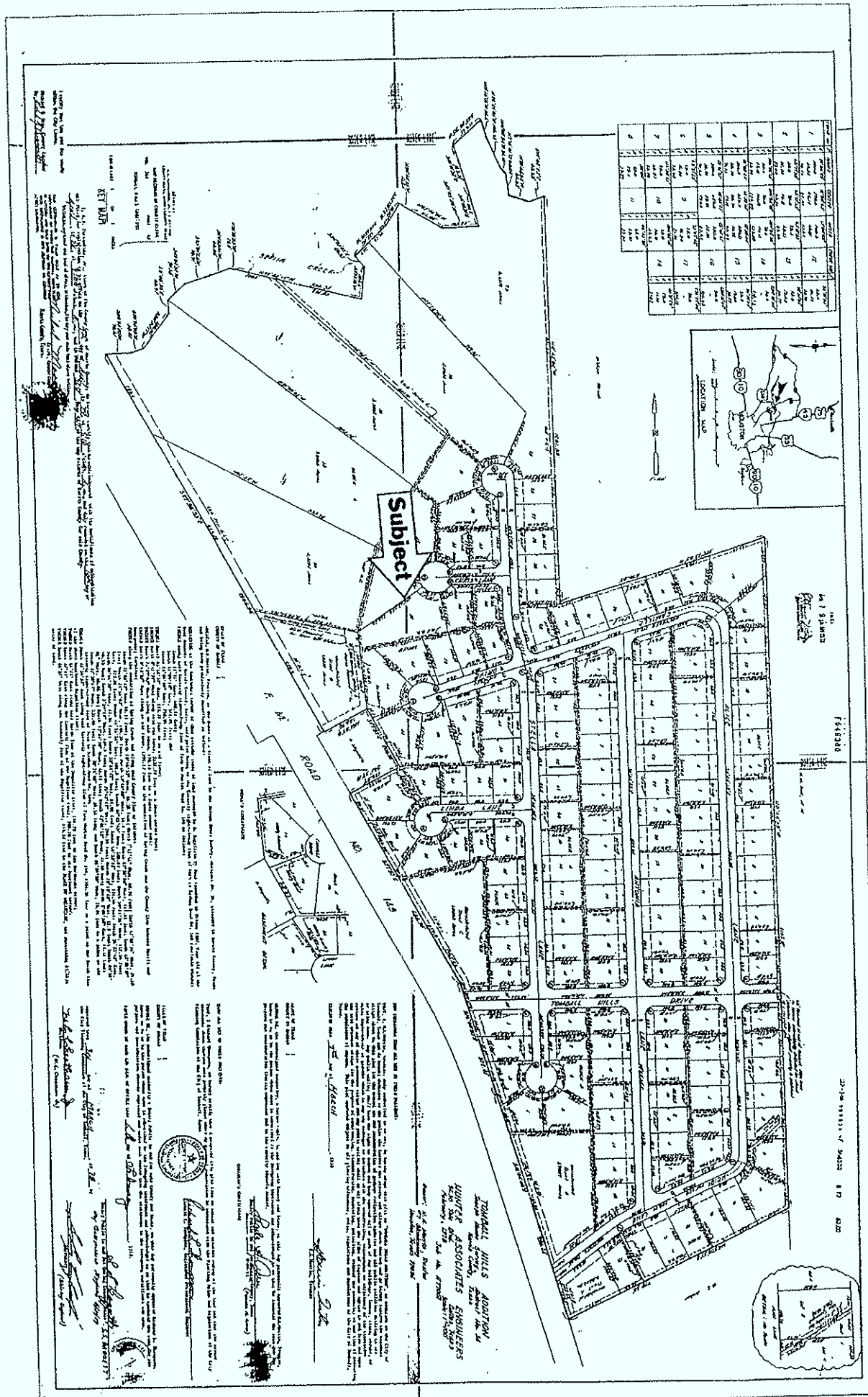
Gretchen Fagan, Mayor

ATTEST:

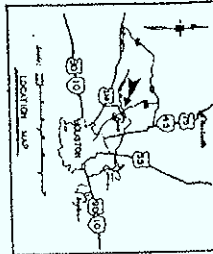
Doris Speer, City Secretary

Exhibit A

Lot Thirty-seven (37) in Block Four (4) of REPLAT- REVISION 1, TOMBALL HILLS ADDITION, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 279, Page 111, of the Map Records of Harris County, Texas.



LOT	AREA	OWNER	REMARKS
1	0.10	...	...
2	0.10	...	...
3	0.10	...	...
4	0.10	...	...
5	0.10	...	...
6	0.10	...	...
7	0.10	...	...
8	0.10	...	...
9	0.10	...	...
10	0.10	...	...
11	0.10	...	...



1. The 'Subject' property is located in the 'TOMMIE HILLS ADDITION' and is owned by the 'HUNTER ASSOCIATES ENGINEERS'.

2. The 'Subject' property is located in the 'TOMMIE HILLS ADDITION' and is owned by the 'HUNTER ASSOCIATES ENGINEERS'.

3. The 'Subject' property is located in the 'TOMMIE HILLS ADDITION' and is owned by the 'HUNTER ASSOCIATES ENGINEERS'.

4. The 'Subject' property is located in the 'TOMMIE HILLS ADDITION' and is owned by the 'HUNTER ASSOCIATES ENGINEERS'.

5. The 'Subject' property is located in the 'TOMMIE HILLS ADDITION' and is owned by the 'HUNTER ASSOCIATES ENGINEERS'.

6. The 'Subject' property is located in the 'TOMMIE HILLS ADDITION' and is owned by the 'HUNTER ASSOCIATES ENGINEERS'.

7. The 'Subject' property is located in the 'TOMMIE HILLS ADDITION' and is owned by the 'HUNTER ASSOCIATES ENGINEERS'.

8. The 'Subject' property is located in the 'TOMMIE HILLS ADDITION' and is owned by the 'HUNTER ASSOCIATES ENGINEERS'.

9. The 'Subject' property is located in the 'TOMMIE HILLS ADDITION' and is owned by the 'HUNTER ASSOCIATES ENGINEERS'.

10. The 'Subject' property is located in the 'TOMMIE HILLS ADDITION' and is owned by the 'HUNTER ASSOCIATES ENGINEERS'.

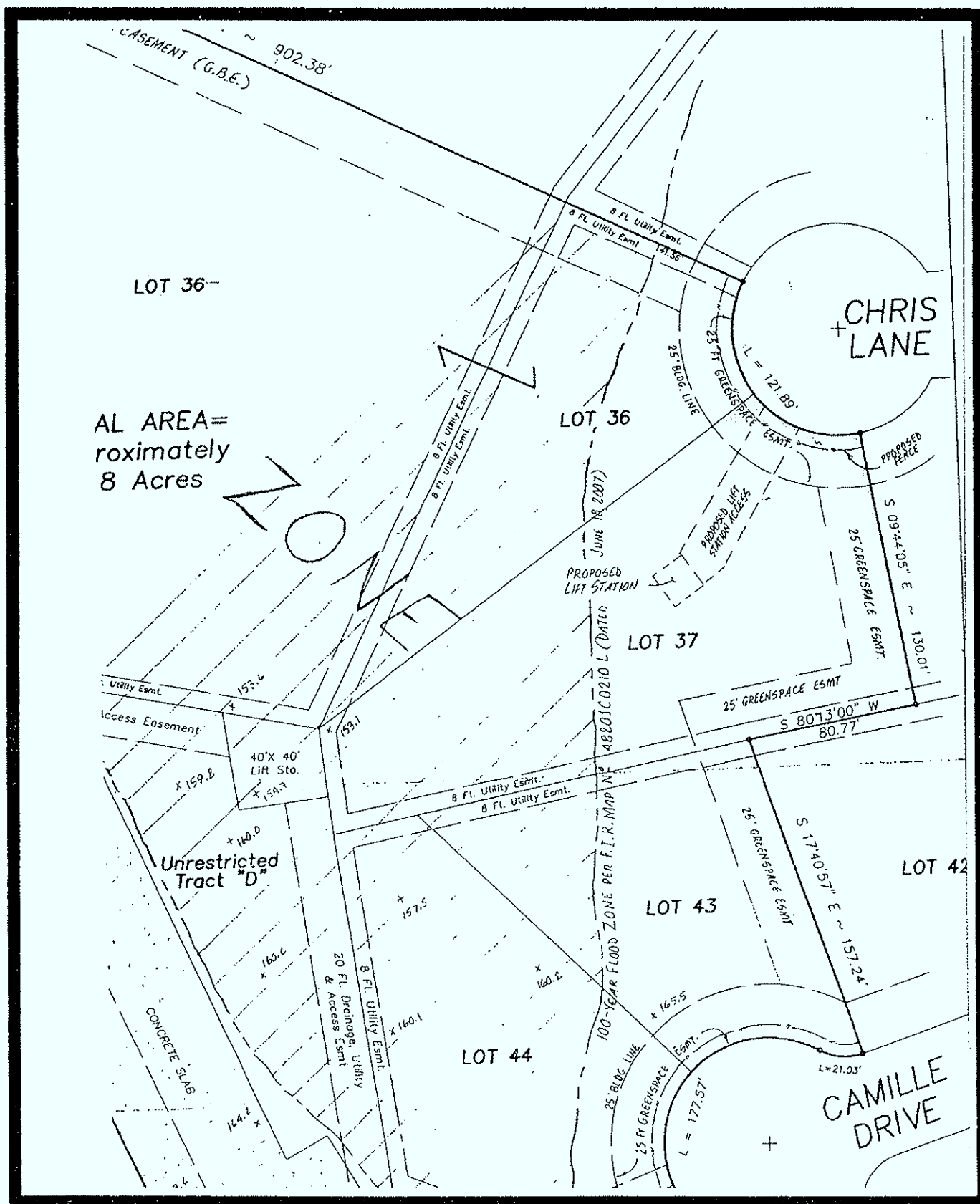
11. The 'Subject' property is located in the 'TOMMIE HILLS ADDITION' and is owned by the 'HUNTER ASSOCIATES ENGINEERS'.

12. The 'Subject' property is located in the 'TOMMIE HILLS ADDITION' and is owned by the 'HUNTER ASSOCIATES ENGINEERS'.

13. The 'Subject' property is located in the 'TOMMIE HILLS ADDITION' and is owned by the 'HUNTER ASSOCIATES ENGINEERS'.

14. The 'Subject' property is located in the 'TOMMIE HILLS ADDITION' and is owned by the 'HUNTER ASSOCIATES ENGINEERS'.

15. The 'Subject' property is located in the 'TOMMIE HILLS ADDITION' and is owned by the 'HUNTER ASSOCIATES ENGINEERS'.



SURVEY

Regular City Council

Agenda Item

Meeting Date: July 19, 2010

Data Sheet

Topic:

Approve Request from Engineering and Planning Department to Purchase Property Associated with the Hufsmith Water and Gas and the Brown-Hufsmith Road Extension Phase II Capital Improvement Projects, Based on the Appraised Fair Market Values.

Background:

The Engineering & Planning Department (E&P) requests Council approval to proceed with the land acquisition phase for the following projects:

Hufsmith Water & Gas Project:

The appraisals for 19 parcels of property have been completed on the Hufsmith Water & Gas listed CIP E&P Project No. 2003-10080. The project includes the extensions and appurtenances associated with a 12" water line and a 4" gas line along the southerly side of Hufsmith from Rudolph to Snook. Acquisition includes right-of-way (ROW), easements, and lots. The ROW acquisition includes the necessary property required to meet the ultimate 80' ROW versus an existing ROW of 40'-50'. The easement acquisition will consist of a 20' utility easement adjacent to the ROW acquisition, along the property frontage. Parcels 8, 9, & 10 described as Lot 1, 7, and 8 from the Crestview Section 1 Subdivision are proposed to be purchased complete (i.e., land and improvements) and will require project demolition to allow for the ultimate project requirements for ROW/easement acquisition and construction.

E&P requests approval from Council to proceed with the acquisition phase and acquire property at the appraised fair market value. A summary of the parcels and easements to be purchased is attached.

Funding: In reference to the Hufsmith Water and Gas Project #115, the completed appraisal values total \$546,302. The May 2010 CIP Report reflects a "Budget Remaining" amount for Project #115 of \$302,009. Based on the May 2010 CIP Report, \$427,563 remains as available funding under the completed Michel Road Improvements and Extension Project #74. E&P proposes utilizing existing Project #115 funding and transferring a portion of the remaining funding from the completed Michel Road Improvements and Extension Project #74.

Brown-Hufsmith Road Extension Phase II:

The appraisals for 5 parcels of property have been completed on the Brown-Hufsmith Road Extension listed CIP project, E&P Project No. 2009-10006. The project is described as Phase II of the overall extension from SH 249 to Baker. Phase I from SH 249 to Quinn was completed under separate cover. The Phase II project is from Quinn to Baker and includes appurtenances for approximately 1870 lineal feet (L.F) of 30’ concrete pavement (includes 3’ shoulders) and open ditches, 1,600 LF of 10” sanitary sewer system, 1,900 LF of 12” water line, 1,900 LF of 4” gas line, 265 LF 48” storm sewer system, and 1.0 acre of surface area detention pond facility containing 3.01 acre-feet of storage. Acquisition includes 2 parcels in fee (road ROW and pond) and 3 parcels as easements for utilities. In addition, the Project has created an unusable parcel for development, identified as Reserve F (reference Final Plat of Leslie’s Park) and will be included as part of the acquisition.

E&P requests approval from Council to proceed with the acquisition phase and acquire property at the appraised fair market value. A summary of the parcels and easements to be purchased is attached.

Funding: In reference to the Brown-Hufsmith Road Extension - Phase II, the total appraised value determined is \$329,275. The “May 2010 CIP Report” reflects a “Budget Remaining” amount of \$545,095. The current budget depicts \$210,000 for land in FY10.

Origination:

Engineering and Planning Department

Recommendation:

Engineering and Planning Department recommend approval to purchase the property and to transfer funds from the completed Michel Road Project #74 to the Hufsmith Water & Gas Project #115.

Funding: No

Funds will be transferred from Account: to Account:

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

Engineering and Planning Department

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

ATTACHMENTS:

Land Acquisition Memo

CITY OF TOMBALL

MEMORANDUM

July 19, 2010

To: Mayor and City Council

Prepared by: Mark A. McClure, P.E., Director of Engineering & Planning



Re: Discussion concerning acquisition of real property

Topic: Approve Request from Engineering and Planning Department to Purchase Property Associated with the Hufsmith Water and Gas and the Brown-Hufsmith Road Extension Phase II Capital Improvement Projects Based on the Appraised Fair Market Values.

Background:

The Engineering & Planning Department (E&P) request Council approval to proceed with the land acquisition phase for the following projects:

Hufsmith Water & Gas Project:

The appraisals for 19 parcels of property have been completed on the Hufsmith Water & Gas listed CIP E&P Project No. 2003-10080. The project includes the extensions and appurtenances associated with a 12" water line and a 4" gas line along the southerly side of Hufsmith from Rudolph to Snook. Acquisition includes right-of-way (ROW), easements, and lots. The ROW acquisition includes the necessary property required to meet the ultimate 80' ROW versus an existing ROW of 40'-50'. The easement acquisition will consist of a 20' utility easement adjacent to the ROW acquisition, along the property frontage. Parcels 8, 9, & 10 described as Lot 1, 7, and 8 from the Crestview Section 1 Subdivision are proposed to be purchased complete (i.e., land and improvements) and will require project demolition to allow for the ultimate project requirements for ROW/easement acquisition and construction.

E&P requests approval from Council to proceed with the acquisition phase and acquire property at the appraised fair market value. A summary of the parcels and easements to be purchased is attached.

Brown-Hufsmith Road Extension Phase II:

The appraisals for 5 parcels of property have been completed on the Brown-Hufsmith Road Extension listed CIP project, E&P Project No. 2009-10006. The project is described as Phase II of the overall extension from SH 249 to Baker. Phase I from SH 249 to Quinn was completed under separate cover. The Phase II project is from Quinn to Baker and includes appurtenances for approximately 1870 lineal feet (L.F) of 30' concrete pavement (includes 3' shoulders) and open ditches, 1,600 LF of 10" sanitary sewer system, 1,900 LF of 12" water line, 1,900 LF of 4" gas line, 265 LF 48" storm sewer system, and 1.0 acre of surface area detention pond facility containing 3.01 acre-

feet of storage. Acquisition includes 2 parcels in fee (road ROW and pond) and 3 parcels as easements for utilities. In addition, the Project has created an unusable parcel for development, identified as Reserve F (reference Final Plat of Leslie's Park) and will be included as part of the acquisition.

E&P requests approval from Council to proceed with the acquisition phase and acquire property at the appraised fair market value. A summary of the parcels and easements to be purchased is attached.

Origination: Engineering and Planning Department

Recommendation: Engineering and Planning Department recommend approval.

Funding:

In reference to the Hufsmith Water and Gas Project, the completed appraisal values total \$546,302. The "May 2010 CIP Report" reflects a "Budget Remaining" amount of \$302,009. The current budget depicts \$590k funding for Land in FY11. Based on the "May 2010 CIP Report" \$427,563 remains as available funding under the completed Michel Road Improvements and Ext project. E&P proposes utilizing the project specific funding and supplementing the additional funding based on the available Michel Road project remaining funding.

In reference to the Brown-Hufsmith Road Extension - Phase II, the total appraised value determined is \$329,275. The "May 2010 CIP Report" reflects a "Budget Remaining" amount of \$545,095. The current budget depicts \$210,000 for land in FY10.

Party responsible for placing this item on agenda: Engineering and Planning Department

PROJECT: Hufsmith Water & Gas Project
Engineering and Planning Project No.: 2003-10080
Date: 07-19-10

PARCEL No.	PROPERTY OWNER	SIZE of TAKING FEE (SF)	SIZE of TAKING EASEMENT (SF)	APPRAISAL RECEIVED	APPROVED VALUE
2	Alta F. Stokley & Melvin L. Stokley	3,034	4,961	6/7/10	\$8,647
3	Frank Rhane & Deanna Krzenski	906	2,412	6/21/10	\$24,288
4	Centerpoint Energy	3,443	5,452	5/14/10	\$7,726
5	Russ & Jeri Brown	3,281	4,811	6/11/10	\$14,590
6	Frank J. Hieden	3,449	4,745	5/14/10	\$8,216
7	Dorothy Johnson	3,711	4,786	6/7/10	\$31,852
8	Bobbi L. Gunter	2,429	4,060	6/7/10	\$90,870
9	Pablo Salazar & Maria D. Yepes	1,414	2,291	6/11/10	\$81,189
10	Aaron Matthews	1,318	2,454	6/11/10	\$115,442
11	Oliver Suhonen	4,487	5,954	6/7/10	\$12,697
12	David N. Smith	10,292	12,581	5/28/10	\$20,359
13	Frank Metzler, Et UX	3,538	4,609	6/21/10	\$35,612
14	Jayanti K. Patel	12,321	17,345	5/28/10	\$26,503
15	Amadeo & Marinela Valadez	533	751	6/21/10	\$50,016
15A	Amadeo & Marinela Valadez	7,733	10,132	Above	\$0
16	CITY OF TOMBALL	0	0	N/A	\$0
20	Robert G. Smith	6,083	8,389	5/14/10	\$6,085
21	District & Urban Tx Inc.	8,623	15,102	5/14/10	\$8,506
22	Lucretia Lopez	1,142	1,993	5/14/10	\$2,278
44	Lowell L. & Alyne K. Cox	1,150	1,708	5/28/10	\$1,426
	Summary SF	78,887	114,536	SUMMARY COST	\$546,302
	Summary AC	1.81	2.63		

**PROJECT: Brown-Hufsmith Road Extension Phase II:
Engineering and Planning Project No.: 2003-10080
Date: 07-19-10**

PARCEL No.	PROPERTY OWNER	Square Feet	SIZE of TAKING FEE (AC)	SIZE of TAKING EASEMENT (AC)		APPROVED VALUE
1	LAR Properties, L.C. (Road ROW)	182,212	4.1830	0.0000		\$182,212
2	LAR Properties, L.C. (20' UE North Side)	36,313	0.0000	0.8336		\$25,419
3	LAR Properties, L.C. (20' UE South Side)	36,526	0.0000	0.8385		\$25,568
5	LAR Properties, L.C. (Pond)	52,253	1.1996	0.0000		\$53,253
	Damages to Parcels 1, 2, 3, 5					\$42,757
4	TREK Investments (20' UE North Side)	79	0.0000	0.0018		\$66
	Summary Acreage in Fee and Easement	307,383	5.3826	1.6739	Summary Cost	\$329,275
	Total Acreage	7.0565		7.0565		

This document is released for the purpose of review under the authority of Timothy W. Robertson, P.E. 65065 on November 18, 2009. It is not to be used for construction, bidding, or permit purposes.



O'Malley Engineers
TWP No. F-3244
203 S. Jackson
Brenham, Texas 77833
(979) 636-7937

**CITY OF TOMBALL
E. HUKSMITH WATER LINE
AND GAS LINE**

PARCEL NUMBER	PROPERTY OWNER	PLAN SHEET #	EASEMENT REQUIRED/EXISTING	R.O.W. REQUIRED/EXISTING
1	NOT USED	-	-	-
2	ALYA FAYE STOKLEY & MELVIN LEE STOKLEY	18	REQUIRED	REQUIRED
3	FRANK RHANE & DEANNA KRZENSKI	18	REQUIRED	REQUIRED
4	CENTERPOINT ENERGY	18	REQUIRED	REQUIRED
5	RUSS & JERI BROWN	15,18	REQUIRED	REQUIRED
6	FRANK J. HIEDEN	15	REQUIRED	REQUIRED
7	DOROTHY JOHNSON	14,15	REQUIRED	REQUIRED
8	BOBBY L. GUNTER	14	REQUIRED	REQUIRED
9	PABLO SALAZAR & MARIA D. YEPES	14	REQUIRED	REQUIRED
10	AARON MATTHEWS	13,14,17	REQUIRED	REQUIRED
11	OLIVER SUHONEN	13	REQUIRED	REQUIRED
12	DAVID NOEL SMITH	11,12,13	REQUIRED	REQUIRED
13	FRANK METZLER, ET UX	11,12	REQUIRED	REQUIRED
14	JAYANTI K. PATEL	9,10,11	REQUIRED	REQUIRED
15	AMADEO & MARINELA VALADEZ	8,9	REQUIRED	REQUIRED
16	CITY OF TOMBALL	6,7	REQUIRED	REQUIRED
17	DANNETTE Y. DIETZ	13,17	-	-
18	BILLY GALE & VIRGIE H. WILLIAMS	17	-	-
19	JONATHAN L. & JENNY M. NOLEN	17	-	-
20	ROBERT G. SMITH	7,8	REQUIRED	REQUIRED
21	DISTRICT & URBAN (TEXAS), INC.	5,8	REQUIRED	REQUIRED
22	LUCRETIA LOPEZ	5,8	REQUIRED	REQUIRED
23	BRICYN HOLDINGS, LLC	5	-	EXISTING
24	HIGH HEATER LLC	5,6,7	-	EXISTING
25	GUSSIE ASHLEY RUDEL	7	-	REQUIRED
26	RAYFORD L. STOKES, TRUSTEE	7,8	-	REQUIRED
27	THOMAS & DANA WADE	8	-	REQUIRED
28	ABANDONED ANIMAL RESCUE INC.	8	-	REQUIRED
29	PIERCE OWENS	8,9	-	REQUIRED
30	JAMES K. BABB	9	-	EXISTING
31	DEAN & LAURA POPIEL	9	-	EXISTING
32	HARRIS COUNTY FLOOD CONTROL	9,10	-	-
33	DEBORAH LYNN WATSON	10,11	-	EXISTING
34	ADAM RUIZ, JR.	11	-	EXISTING
35	ARCHIE F. & CORIS MAYWALD	11,12	-	EXISTING
36	JAMES D. & MARILYN DUNAGIN	12,13	-	EXISTING
37	DANIEL G. RODANO	13	-	EXISTING
38	DANIEL & CHERYL RODANO	13,14	-	EXISTING
39	PERRY & DEBRA POGUE	14,15	-	REQUIRED
40	TROY W. & BARBARA LANGDON	15,16	-	REQUIRED
41	SAMMIE JEAN COLE	16	-	EXISTING
42	SNM PROPERTIES, LLC	16	-	EXISTING
43	COUNTY OF HARRIS	15	-	REQUIRED
44	LOWELL L. COX & ALYNE KEEFER COX	9,10	REQUIRED	REQUIRED

LEGEND FOR PLAN SHEETS

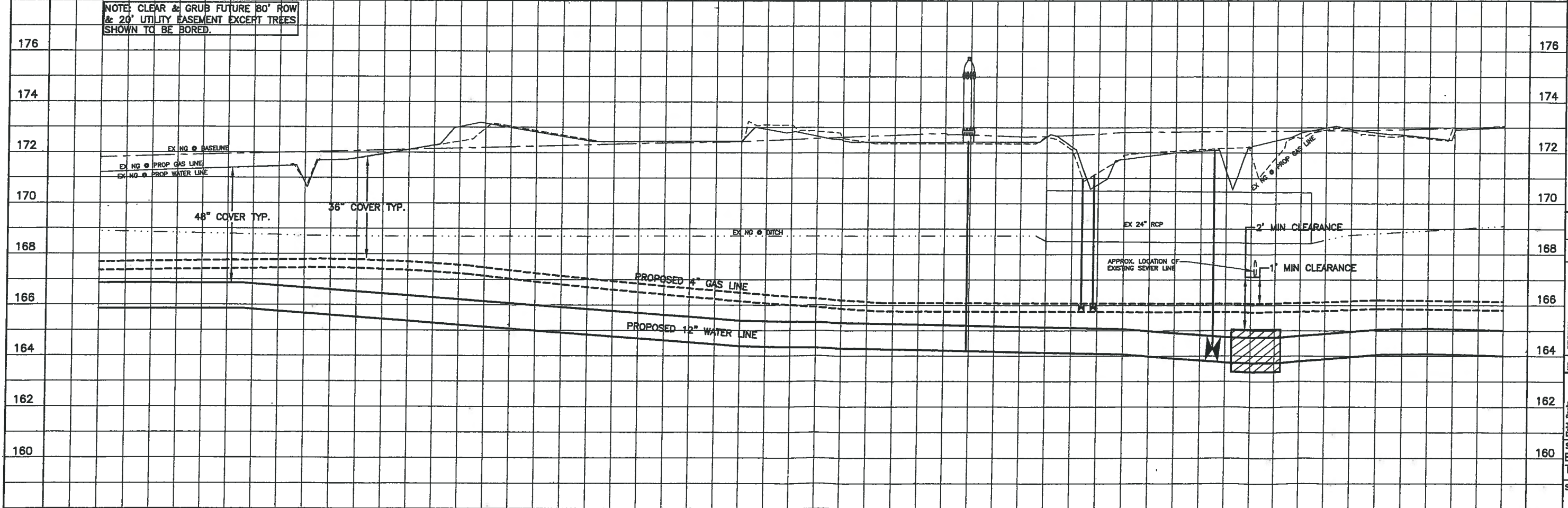
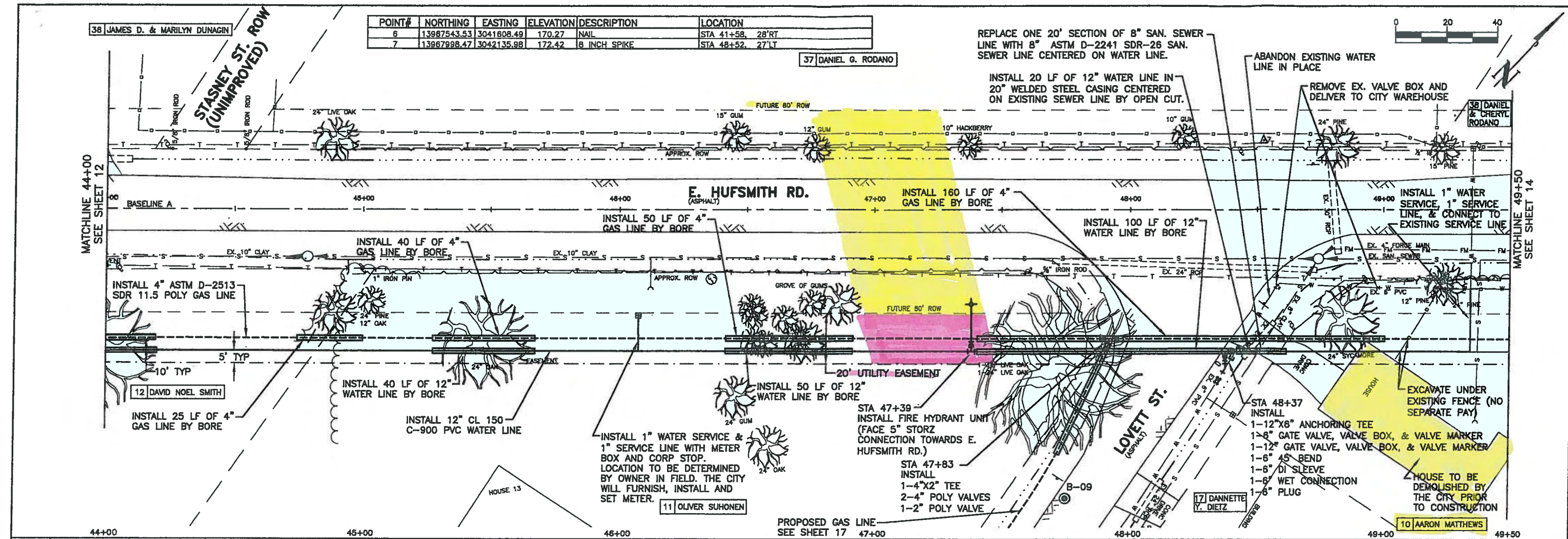


NOTES

- Green - R/W N/B only
- 24 Separate Instruments
- 41/42 Did plat get filed
- 23 ?

* City Property (City to file easements)

Huksmith Sewer Project



This document is released for the purpose of review under the authority of Timothy W. Robertson, P.E. 85545 on February 4, 2010. It is not to be used for construction, bidding, or permit purposes.



O'Malley Engineers
 TBPE No. P-3244
 203 S. Jackson
 Brenham, Texas 77833
 (979) 836-7937

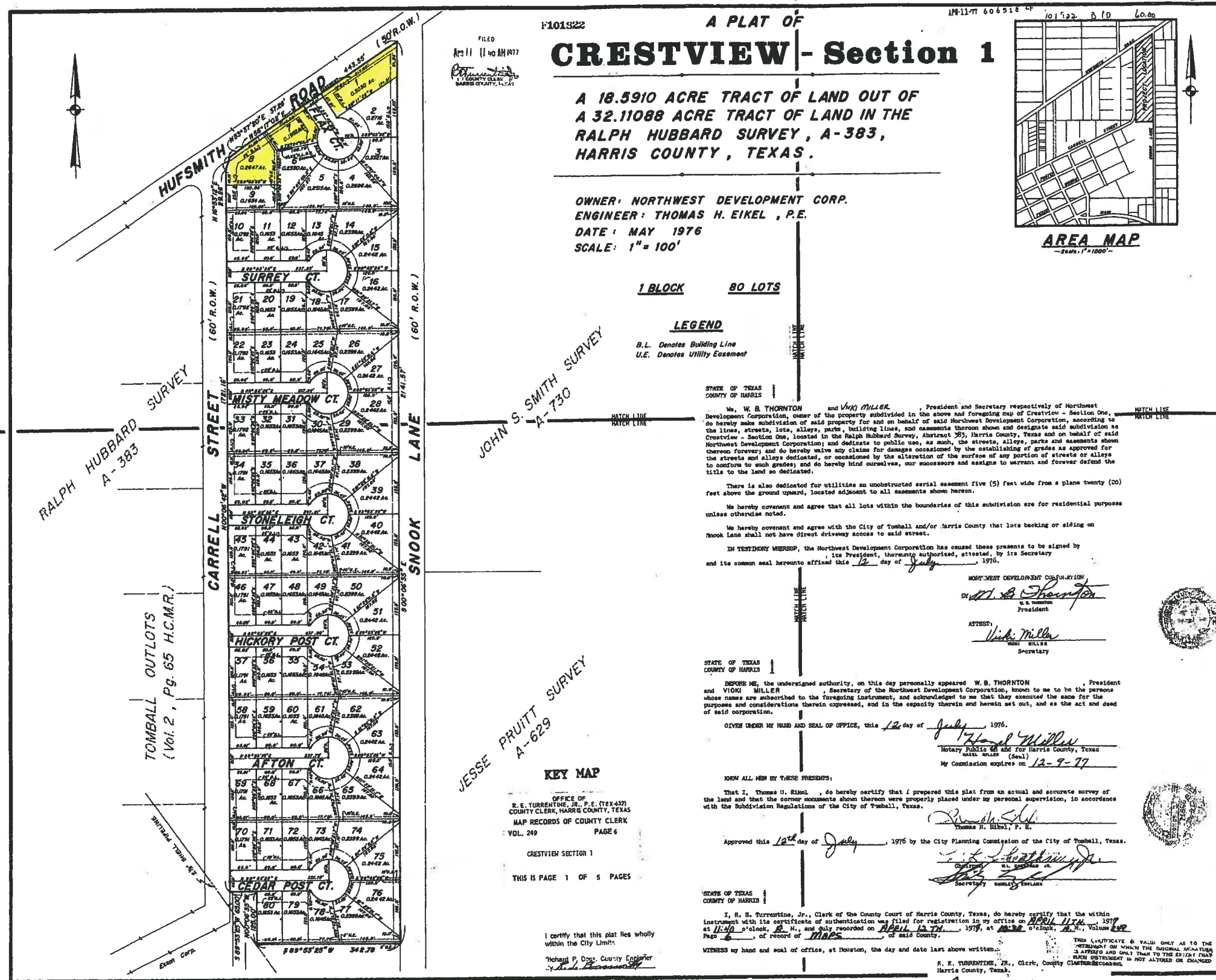
CITY OF TOMBALL
 E. HUFSMITH WATER LINE
 AND GAS LINE

NO.	REVISION	BY	DATE
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			

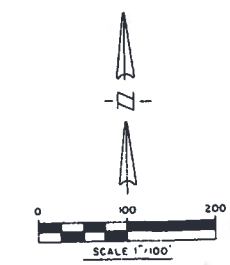
Field Book: TOMBALL
 Date: 07/10
 Project Number: 198,018 UA/UB
 Design By: KHS
 Drawn By: SMR

Sheet Title: BL A STA. 44+00 TO 49+50

Sheet Number: 13 OF 23

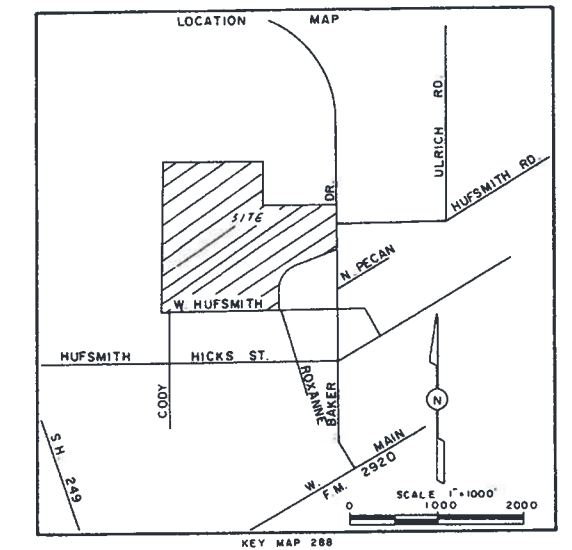


LEGEND
I.R. = IRON ROD
PL. MKR. = PIPELINE MARKER
P.P. = POWER POLE
M.H. = MANHOLE
F.H. = FIRE HYDRANT
U.E. = UTILITY EASEMENT
P.E. = PUBLIC EASEMENT (SEE NOTE, SHEET 2)



ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, MAP NUMBERS 4820100210 J AND 4820100230 J; MAPS REVISED: NOVEMBER 6, 1996, SHOWS THIS TRACT TO BE PARTLY IN ZONE "AE", SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100 YEAR FLOOD WITH BASE FLOOD ELEVATIONS DETERMINED -184.00 M.S.L., PARTLY IN ZONE "X", AREAS DETERMINED TO BE IN THE 500 YEAR FLOOD PLAIN AND PARTLY IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN.

NOTE: UNRESTRICTED RESERVES WILL HAVE TO BE PLATTED PRIOR TO ANY USE.



FINAL PLAT
OF
LESLIE'S PARK
CONTAINING ONE BLOCK, EIGHT RESERVES
AND TWO TRACTS

BEING OUT OF A CERTAIN 55.5503 ACRE TRACT, RECORDED UNDER HARRIS COUNTY CLERK'S FILE NUMBER 8395679, SITUATED IN THE JOSEPH HOUSE SURVEY, ABSTRACT 34, HARRIS COUNTY, TEXAS.

JANUARY 1998

OWNER: L.A.R. PROPERTIES, L.C.
OWNER: ELY J. BUTLER, DENISE BUTLER
OWNER: TOMBALL IN

PREPARED BY:

SEPIA - LESLIE'S PARK - FINAL PLAT

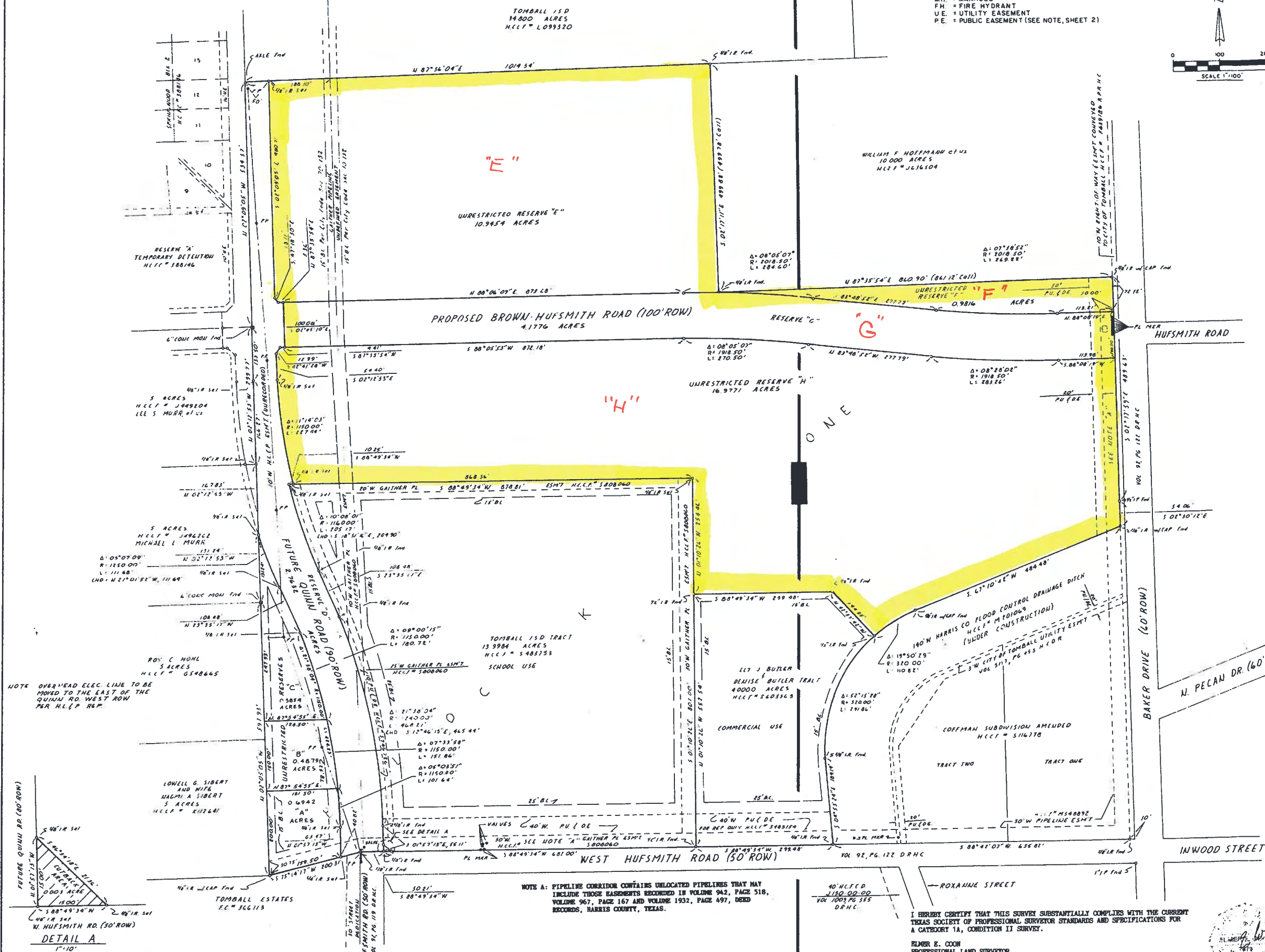
I HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYOR STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II SURVEY.

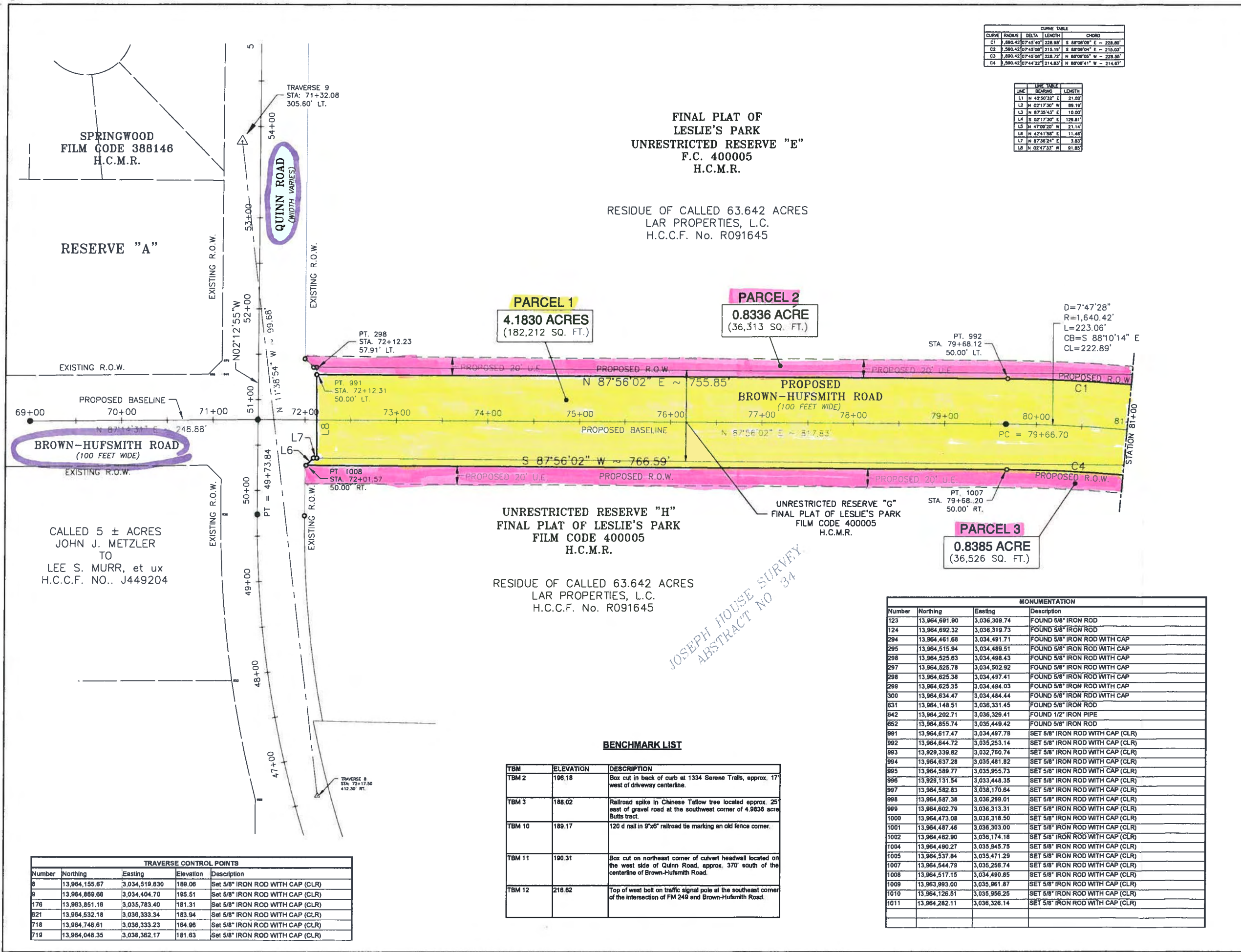
ELMER E. COON
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 1679

DATED: JANUARY 6, 1998

SEE SHEET 2 OF 2 FOR SIGNATURES

SHEET 1 OF 2





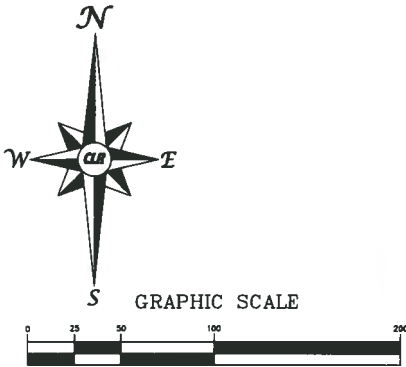
CURVE TABLE			
CURVE	RADIUS	DELTA	CHORD
C1	1,890.42	07°45'40"	228.98
C2	1,890.42	07°45'08"	215.19
C3	1,890.42	07°45'08"	228.72
C4	1,890.42	07°44'22"	214.83

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 42°50'33" E	21.02
L2	N 02°17'30" W	89.19
L3	N 87°35'43" E	10.00
L4	S 02°17'30" E	129.81
L5	N 47°09'20" W	21.14
L6	N 42°41'58" E	11.48
L7	N 87°34'24" E	3.83
L8	N 02°47'33" W	81.85

No.	Date	Revisions	App.

Horizontal Information:
All coordinates are referenced to the Texas State Plane Coordinate System, South Central Zone, North American Datum 1983 (1993 Adjustment). Coordinates shown are surface values and can be converted to grid values by multiplying by the combined scale factor of 0.9998700.

Vertical Information:
All elevations are referenced to the North American Vertical Datum of 1988 (2001 ADJ. TSARP)



(IN FEET)
1 inch = 50 ft

No.	Date	Revisions	App.

ISSUED FOR INTERIM REVIEW ONLY
THIS PLAN IS NOT COMPLETE AND IS INTENDED FOR BIDDING PURPOSES ONLY.
ENGINEER: DAVID R. CASTELLANO
TX. REG. NO. 97308
DATE ISSUED: JULY 2009

QUALITY CONTROL	APPROVED
DATE	DATE

CLR, Inc. TX Firm Reg. No. 278
Engineers • Surveyors • GIS
7880 West Tidwell, Suite 400, Houston, Texas 77040
Phone: (713) 483-0883 Fax: (713) 483-2732

TO ARRANGE FOR LINES TO BE TURNED OFF OR MOVED, CALL CENTERPOINT AT 713-207-7777.

PRIVATE UTILITY LINES SHOWN
AT LEAST 48 HOURS BEFORE EXCAVATING IN STREET R.O.W. OR EASEMENTS CALL THE LONE STAR NOTIFICATION 713-223-4567.

Date:
CenterPoint Energy/Electric Facilities
(Approved only for crossing underground ductlines, unless otherwise noted.)
Valid at time of review only.

Date:
SBC Approved for underground conduit facilities only.
Signature valid for one year.

Date:
CenterPoint Energy/Gas Facilities
(Gas service lines are not shown)

NOTE: QTY SIGNATURES VALID FOR ONE YEAR ONLY AFTER DATE OF SIGNATURES

CITY OF TOMBALL

APPROVED BY:
DIRECTOR OF ENGINEERING & PLANNING DATE

BROWN HUFSMITH ROAD
PROPOSED RIGHT-OF-WAY

DRAWING SCALE: 1" = 100'
DATE: JULY 2009

SHEET 28 OF 35
CLR JOB NO.: 09-008-00

BENCHMARK LIST

TBM	ELEVATION	DESCRIPTION
TBM 2	186.18	Box cut in back of curb at 1334 Serene Trails, approx. 17' west of driveway centerline.
TBM 3	188.02	Railroad spike in Chinese Tallow tree located approx. 25' east of gravel road at the southwest corner of 4.9838 acre Butts tract.
TBM 10	189.17	120 d nail in 9"x6" railroad tie marking an old fence corner.
TBM 11	180.31	Box cut on northeast corner of culvert headwall located on the west side of Quinn Road, approx. 370' south of the centerline of Brown-Hufsmith Road.
TBM 12	218.82	Top of west bolt on traffic signal pole at the southeast corner of the intersection of FM 249 and Brown-Hufsmith Road.

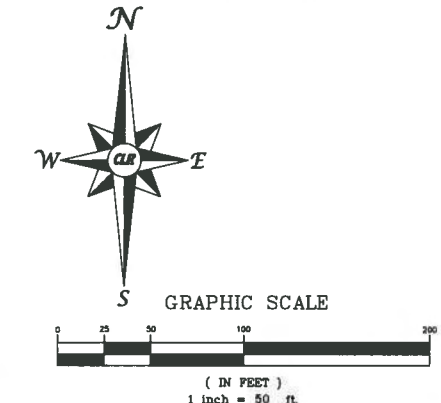
MONUMENTATION		
Number	Northing	Easting
123	13,964,691.80	3,036,309.74
124	13,964,692.32	3,036,319.73
294	13,964,461.68	3,034,491.71
295	13,964,515.94	3,034,489.51
296	13,964,525.63	3,034,498.43
297	13,964,525.78	3,034,502.92
298	13,964,625.38	3,034,497.41
299	13,964,625.35	3,034,494.03
300	13,964,634.47	3,034,484.44
631	13,964,148.51	3,036,331.45
642	13,964,202.71	3,036,329.41
652	13,964,855.74	3,035,449.42
991	13,964,617.47	3,034,497.78
992	13,964,644.72	3,035,253.14
993	13,929,339.82	3,032,760.74
994	13,964,637.28	3,035,481.82
995	13,964,589.77	3,035,955.73
996	13,929,131.54	3,033,448.35
997	13,964,582.83	3,038,170.84
998	13,964,587.38	3,036,299.01
999	13,964,602.79	3,036,313.31
1000	13,964,473.08	3,036,318.50
1001	13,964,487.46	3,036,303.00
1002	13,964,482.90	3,036,174.18
1004	13,964,490.27	3,035,945.75
1005	13,964,537.84	3,035,471.29
1007	13,964,544.79	3,035,256.74
1008	13,964,517.15	3,034,490.85
1009	13,963,993.00	3,035,961.87
1010	13,964,126.51	3,035,956.25
1011	13,964,282.11	3,036,326.14

JOSEPH HOUSE SURVEY
ABSTRACT NO. 34

No.	Date	Revisions	App.

Horizontal Information:
All coordinates are referenced to the Texas State Plane Coordinate System, South Central Zone, North American Datum 1983 (1993 Adjustment). Coordinates shown are surface values and can be converted to grid values by multiplying by the combined scale factor of 0.9998700.

Vertical Information:
All elevations are referenced to the North American Vertical Datum of 1988 (2001 ADJ. TSARP)



No.	Date	Revisions	App.

ISSUED FOR INTERIM REVIEW ONLY
THIS PLAN IS NOT COMPLETE AND IS INTENDED FOR BIDDING PURPOSES ONLY.
ENGINEER: DAVID R. CASTELLANO
TX. REG. NO. 97308
DATE ISSUED: JULY 2009

QUALITY CONTROL	APPROVED
DATE	DATE

CLR, Inc. TX Firm Reg. No. 278
Engineers • Surveyors • GIS
7806 West Tidwell, Suite 406, Houston, Texas 77060
Phone: (713) 453-0993 Fax: (713) 453-2732

TO ARRANGE FOR LINES TO BE TURNED OFF OR MOVED, CALL CENTERPOINT AT 713-207-7777.

PRIVATE UTILITY LINES SHOWN
AT LEAST 48 HOURS BEFORE EXCAVATING IN STREET R.O.W. OR EASEMENTS CALL THE LONE STAR NOTIFICATION 713-223-4567.

Date:	CenterPoint Energy/Electric Facilities (Approved only for crossing underground ductlines, unless otherwise noted.) Valid at time of review only.
Date:	SBC Approved for underground conduit facilities only. Signature valid for one year.
Date:	CenterPoint Energy/Gas Facilities (Gas service lines are not shown)

NOTE: CITY SIGNATURES VALID FOR ONE YEAR ONLY AFTER DATE OF SIGNATURES

CITY OF TOMBALL

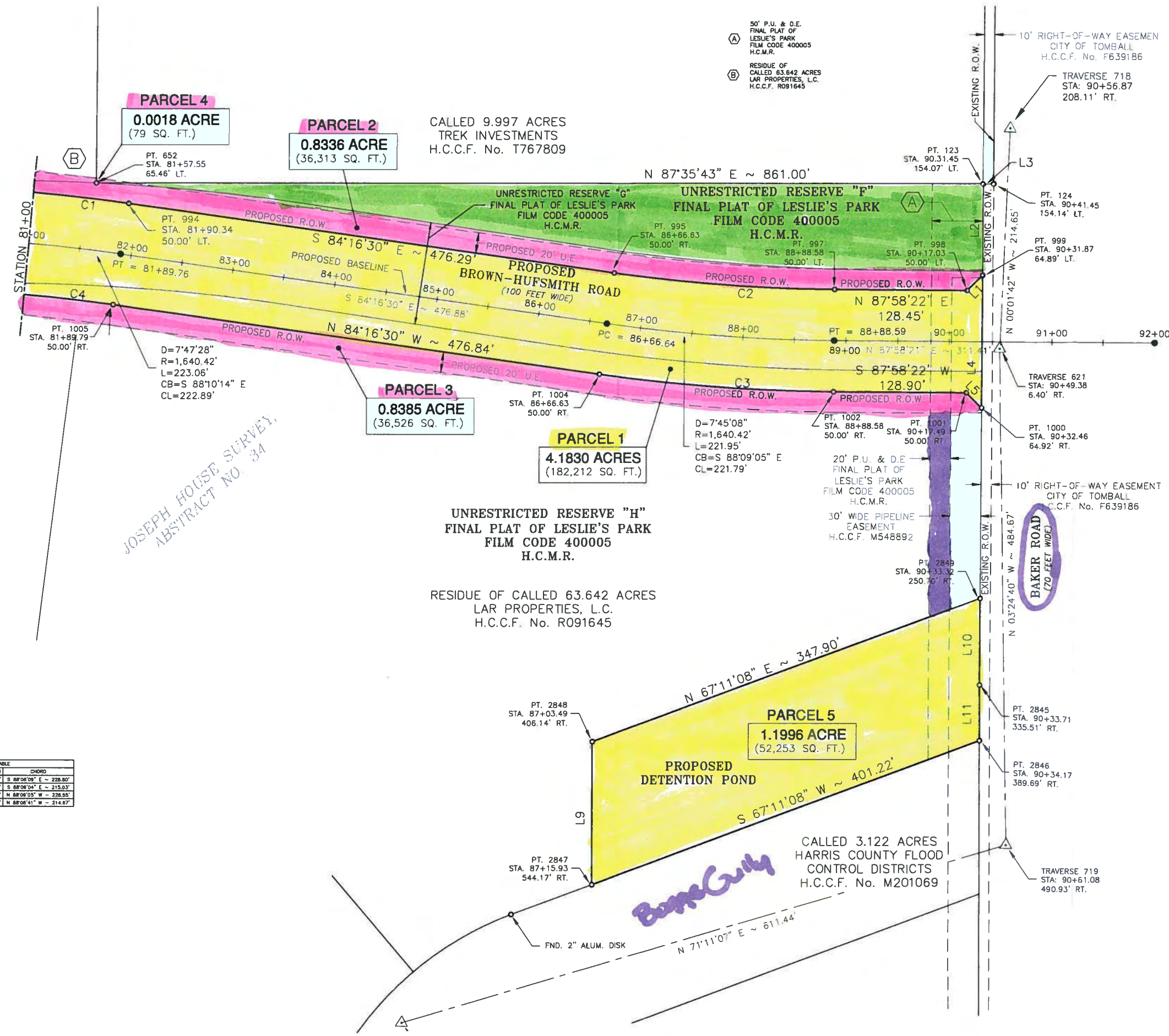
APPROVED BY:
DIRECTOR OF ENGINEERING & PLANNING DATE

**BROWN HUFSMITH ROAD
PROPOSED RIGHT-OF WAY**

DRAWING SCALE: 1" = 100'	DATE: JULY 2009
SHEET 29 OF 35	CLR JOB NO.: 09-008-00

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	1,590.42	07°45'40"	228.93'	S 88°04'29" E ~ 228.80'
C2	1,590.42	07°45'08"	215.19'	S 88°06'04" E ~ 215.03'
C3	1,590.42	07°45'08"	228.72'	N 88°06'05" W ~ 228.55'
C4	1,590.42	07°44'22"	214.83'	N 88°06'41" W ~ 214.67'

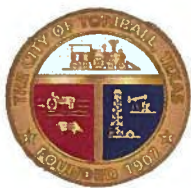
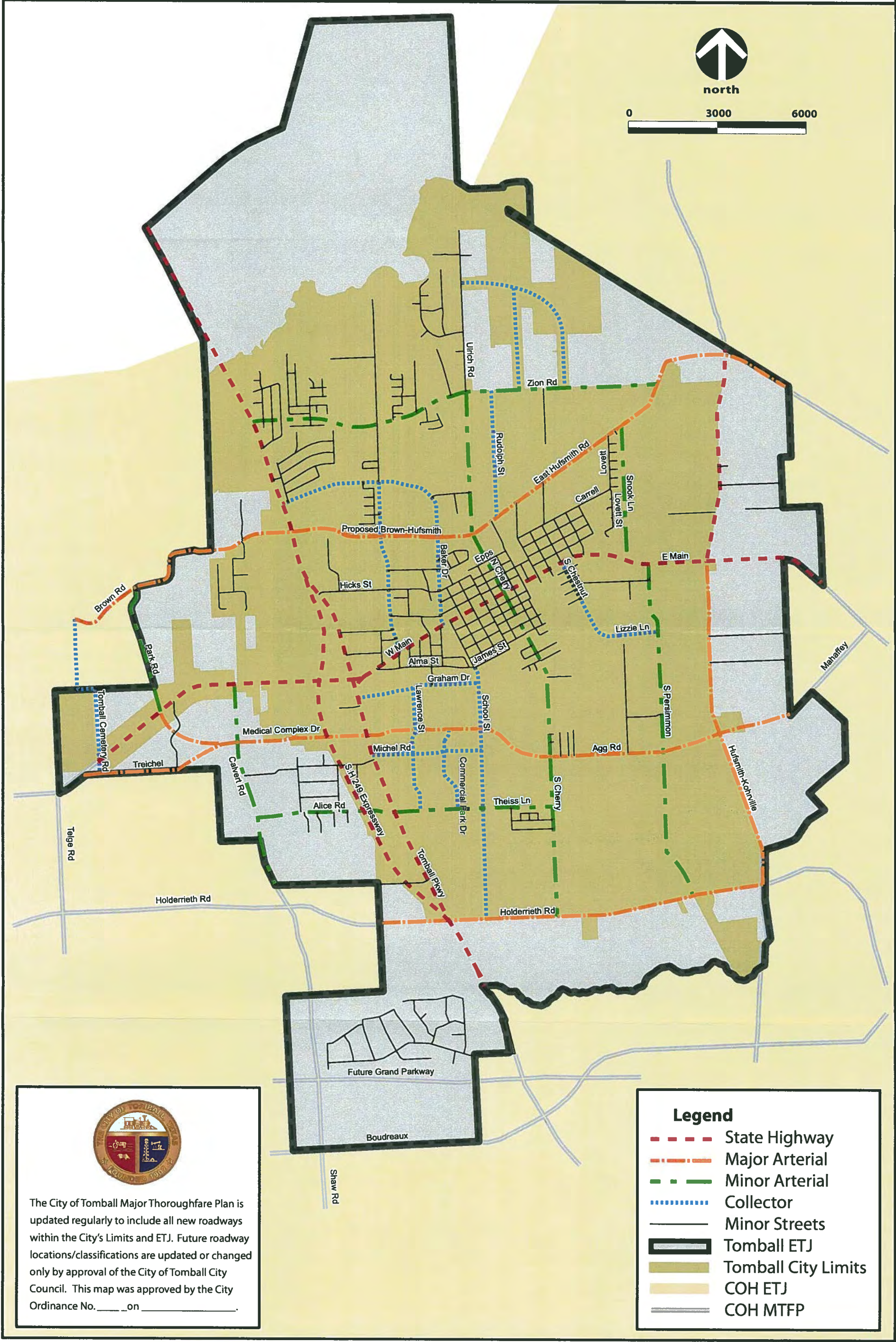
LINE	BEARING	LENGTH
L1	N 42°50'32" E	21.02'
L2	N 02°17'30" W	89.18'
L3	N 87°35'43" E	10.00'
L4	S 02°17'30" E	129.81'
L5	N 47°08'25" W	21.12'
L6	N 42°41'58" E	11.40'
L7	N 87°34'24" E	3.83'
L8	N 02°47'33" W	91.83'
L9	N 02°24'37" W	138.97'
L10	S 02°17'30" E	84.81'
L11	S 02°30'53" E	54.18'



JOSEPH HOUSE SURVEY,
ABSTRACT NO. 34

City Of Tomball Major Thoroughfare Plan

Page 70 of 71



The City of Tomball Major Thoroughfare Plan is updated regularly to include all new roadways within the City's Limits and ETJ. Future roadway locations/classifications are updated or changed only by approval of the City of Tomball City Council. This map was approved by the City Ordinance No. _____ on _____.

City of Tomball Major Thoroughfare Plan

Page 71 of 71

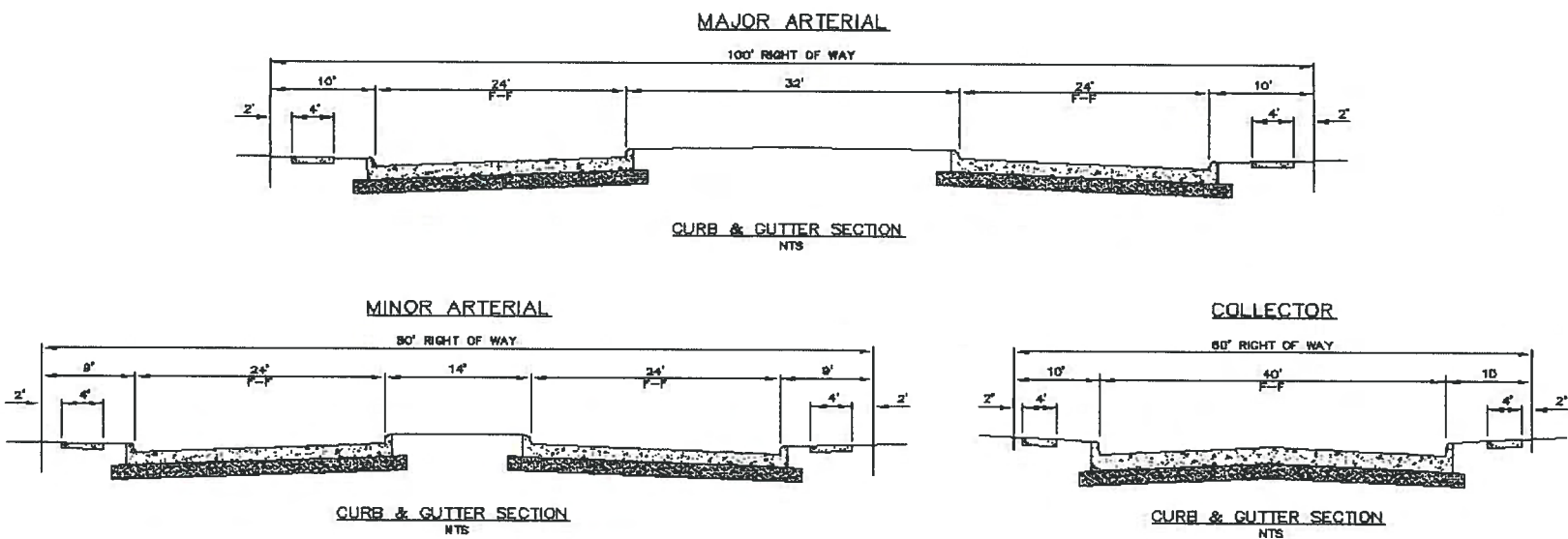
Introduction - The guidelines and information presented below have been adopted as part of the City of Tomball Major Thoroughfare Plan, and serve to accompany the Major Thoroughfare Map. A thoroughfare system contains a hierarchy of roadways, each of which is intended to serve defined needs with a specific balance between movement and access. The elements of the City of Tomball Major Thoroughfare Plan are State Highways (SH/FM), Major Arterials, Minor Arterials and Collectors. The characteristics of each thoroughfare roadway classification type are listed in the table and illustrated in the typical sections below.

City of Tomball Major Thoroughfare Roadway Classification Hierarchy

Roadway Classification	Minimum Right-of-Way Width (feet)	Number of Lanes	Divided (D)/Undivided (U)	Pavement Width (feet, F-F)	Median Width (feet, F-F)	Description
State Highway (SH / FM)	Varies	4-8	D or U	Varies	Varies	The main purpose of State Highways and FM Roadways is to move large volumes of traffic through urban areas and provide direct access to local freeways, while also providing controlled access to adjacent businesses.
Major Arterial	100 - 120*	4	D	24	32	Major arterials provide support and relief to the SH and FM roadways by providing additional east-west and/or north-south routes designed to accommodate high traffic volumes.
Minor Arterial	80	4	D	24	14	Minor Arterials distribute traffic from SH/FM roadways and Major Arterials to the Collector system and to adjacent land uses. Found in areas of significant traffic movement (industrial parks, retail centers, etc.)
Collector	60	2	U	40	N/A	Collect traffic from local areas and distribute it to the arterial network. Typically accommodates 2 lanes of traffic and on-street parking along both sides of the roadway. For higher traffic roadways, a four-lane section is possible.

* Proposed right-of-way for Medical Complex Drive is 120 feet

Typical Sections - City of Tomball Major Thoroughfares



Traffic Impact Analysis (TIA) - A TIA is often necessary to define the magnitude of the projected impact of a proposed development on the traffic operations of the roadways and intersections in the vicinity of the development. If the impact of the development is significant, a TIA will determine the improvements to the roadway system that are necessary to accommodate the traffic in the site vicinity. Developers and/or land owners shall coordinate with the City of Tomball Engineering & Planning Department, and shall adhere to the City of Tomball Traffic Impact Analysis Guidelines.

Requests for Amendments - Requests for amendment to the City of Tomball Major Thoroughfare shall be coordinated through the City of Tomball Engineering & Planning Department.

Other Jurisdictions - Development along facilities identified in this Plan that are under the ownership or jurisdiction of agencies such as Harris County or the Texas Department of Transportation shall adhere to that agency's requirements in addition to the City of Tomball Requirements and Guidelines.

Additional Notes:

- The City of Tomball Major Thoroughfare Plan map shows approximate roadway alignments. The map has been produced from various sources. While every effort has been made to ensure the accuracy of the map, the City of Tomball assumes no liability or damages due to errors or omissions. Actual alignment for new and/or additional roadway right-of-way may vary.
- Street right-of-way (ROW) width requirements shall comply with the street hierarchy classification. The City reserves the right to require additional ROW at intersections or other locations as deemed necessary to enhance mobility. Minor streets and/or streets that do not have an assigned classification remain subject to all other applicable City of Tomball Codes of Ordinances and design requirements.