

ORDINANCE NO. 2018-18

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY ESTABLISHING THE ZONING DISTRICT OF APPROXIMATELY 374.9 ACRES OF LAND, LEGALLY DESCRIBED 374.9 ACRES OF LAND SITUATED IN THE CHAUNCEY GOODRICH SURVEY, ABSTRACT NUMBER 305, THE AUGUSTE SENECHAL SURVEY, ABSTRACT NUMBER 722, AND THE SAM LEWIS SURVEY, ABSTRACT NUMBER 1704, HARRIS COUNTY, TEXAS, BEING ALL OF A CALLED 20.000 ACRES TRACT OF LAND CONVEYED TO COUNTY OF HARRIS BY JIMMY C. SHAW, ET UX BY DEED DATED OCTOBER 17, 2014 AND RECORDED IN COUNTY CLERK'S FILE 20140468595 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, BEING ALL OF A CALLED 117.9465 ACRES TRACT OF LAND, DESCRIBED IN SIX (6) TRACTS, CONVEYED TO COUNTY OF HARRIS BY MERENCO REALTY, INC. BY DEED DATED OCTOBER 17, 2014 AND RECORDED IN COUNTY CLERK'S FILE 20140471160 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, BEING ALL OF A CALLED 229.772 ACRES TRACT, DESCRIBED IN THIRTEEN, (13), TRACTS, BEING ALL OF A CALLED 4.992 ACRES TRACT AND BEING ALL OF A CALLED 2.363 ACRES TRACT CONVEYED TO COUNTY OF HARRIS BY HARRIS COUNTY IMPROVEMENT DISTRICT NO. 17 BY DEED DATED SEPTEMBER 11, 2017 AND RECORDED IN COUNTY CLERK'S FILE RP-2017-402273 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN PORTION OF LAND OUT OF A CALLED 3.693 ACRES, A CALLED 2.088 ACRES, A CALLED 3.709 ACRES, AND A CALLED 148.751 ACRES TRACTS THAT APPARENTLY LIES WITHIN THE SAID LEWIS SURVEY, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS, TO THE COMMERCIAL DISTRICT; SAID PROPERTY BEING GENERALLY LOCATED ON THE WEST SIDE OF SH 249 BETWEEN WILLOW CREEK AND ALICE ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF, MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

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Whereas, John Blount, County Engineer, on behalf of Harris County, has requested that approximately 374.9 acres of land, legally described as 374.9 Acres of Land Situated in the Chauncey Goodrich Survey, Abstract Number 305, the Auguste Senechal Survey, Abstract Number 722, and the Sam Lewis Survey, Abstract Number 1704, Harris County, Texas, Being All of a Called 20.000 Acres Tract of Land Conveyed to County of Harris by Jimmy C. Shaw, Et Ux by Deed dated

October 17, 2014 and Recorded in County Clerk's File 20140468595 of the Official Public Records of Real Property of Harris County, Texas, Being All of a Called 117.9465 Acres Tract of Land, Described in Six (6) Tracts, Conveyed to County of Harris by Merenco Realty, Inc. by Deed dated October 17, 2014 and Recorded in County Clerk's File 20140471160 of the Official Public Records of Real Property of Harris County, Texas, Being All of a Called 229.772 Acres Tract, Described in Thirteen, (13), Tracts, Being All of a Called 4.992 Acres Tract and Being All of a Called 2.363 Acres Tract Conveyed to County of Harris by Harris County Improvement District No. 17 by Deed Dated September 11, 2017 and Recorded in County Clerk's File Rp-2017-402273 of the Official Public Records of Real Property of Harris County, Texas, Save and Except that Certain Portion of Land Out of a Called 3.693 Acres, a Called 2.088 Acres, a Called 3.709 Acres, and a Called 148.751 Acres Tracts that apparently lies within the Said Lewis Survey, generally located on the west side of SH 249 between Willow Creek and Alice Road, in the City of Tomball, Harris County, Texas, (the "Property"), be zoned; and

Whereas, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing and at least ten (10) days after written notice of that hearing was mailed to the owners of land within two hundred feet of the Property in the manner required by law, the City Council held a public hearing on the requested zoning; and

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

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

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

Section 2. The zoning classification of the Property is hereby established as the Commercial District subject to the regulations, restrictions, and conditions hereafter set forth.

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

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

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF MAY 2018.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>ABSENT</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF MAY 2018.

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

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary