

**ORDINANCE NO. 2018-27**

**AN ORDINANCE CREATING CITY OF TOMBALL, TEXAS, HOELSCHER REINVESTMENT ZONE NO. 6; AN APPROXIMATELY 16.9 ACRE TRACT OF LAND, BEING PART OF THE TOMBALL BUSINESS AND TECHNOLOGY PARK AND LOCATED GENERALLY AT THE NORTHWEST CORNER OF SOUTH PERSIMMON STREET AND HOLDERRIETH ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS; REPEALING ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

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WHEREAS, on August 6, 2018, the City Council passed and approved a “Tax Abatement Policy;” and

WHEREAS, pursuant to that Policy, the City Council has received an application for creation of a reinvestment zone; and

WHEREAS, after the giving of proper notice, as required by law, the City Council held a public hearing where all interested persons were given an opportunity to speak and present evidence for and against the creation of Hoelscher Reinvestment Zone No. 6; and

WHEREAS, notice was given to all taxing entities where the proposed zone is to be located; and

WHEREAS, the City Council has determined that the improvements sought to be located in proposed Hoelscher Reinvestment Zone No. 6 are feasible and practical and would be a benefit to the land to be included in the Zone and to the City after the expiration of a tax abatement agreement; and

WHEREAS, the creation of Hoelscher Reinvestment Zone No. 6 will be reasonably likely, as a result of its creation, to contribute to the retention or expansion of primary employment or to attract major investment into the Zone that would benefit the property

located therein and that will contribute to the economic development of the City of Tomball;  
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 and are incorporated herein for all purposes.

Section 2. Hoelscher Reinvestment Zone No. 6 is hereby created for the purpose of encouraging economic development through tax abatement. A metes and bounds description of the property that comprises said Hoelscher Reinvestment Zone No. 6 is attached hereto as Exhibit "A" and incorporated herein as though it was set forth in its entirety in this Ordinance. Improvements and personal property constructed, erected, or placed within Hoelscher Reinvestment Zone No. 6 as created hereby shall be eligible for commercial-industrial tax abatement.

Section 3. This designation shall be effective for a period of five (5) years, commencing on the date of adoption hereof. The expiration of the designation shall not affect an existing tax abatement agreement made under the provisions of the Texas Tax Code.

Section 4. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of

Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 20TH DAY OF AUGUST 2018.

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

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 4TH DAY OF SEPTEMBER 2018.

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

Gretchen Fagan  
GRETCHEN FAGAN, MAYOR  
City of Tomball

ATTEST:

Doris Speer  
DORIS SPEER, City Secretary  
City of Tomball

EXHIBIT "A"

PROPERTY DESCRIPTION



**DESCRIPTION OF  
16.90 ACRES OR 736,164 SQ. FT.**

A TRACT OR PARCEL CONTAINING 16.90 ACRES OR 736,164 SQUARE FEET OF LAND, BEING OUT OF AND PART OF LOT 5 OF TOMBALL BUSINESS AND TECHNOLOGY PARK, MAP OR PLAT THEREOF RECORDED UNDER FILM CODE (F.C.) NO. 653006 OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.), CONVEYED TO TOMBALL INDUSTRIAL DEVELOPMENT CORPORATION, AS RECORDED UNDER HARRIS COUNTY CLERK FILE (H.C.C.F.) NO. 20120018139, SITUATED IN THE ELIZABETH SMITH SURVEY, ABSTRACT NO. 70, HARRIS COUNTY, TEXAS, WITH SAID 16.90 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

**BEGINNING** AT A CAPPED 5/8 INCH IRON ROD STAMPED "McKIM & CREED" FOUND ON THE NORTH RIGHT OF WAY (R.O.W.) LINE OF HOLDERRIETH ROAD, 80 FEET WIDE, FOR THE SOUTHEAST CORNER OF A CALLED 170 FEET WIDE DRAINAGE EASEMENT AS SHOWN ON SAID TOMBALL BUSINESS AND TECHNOLOGY PARK THE SOUTHWEST CORNER OF SAID LOT 5, AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT:

**THENCE**, NORTH 28 DEG 04 MIN. 02 SEC. WEST, ALONG THE EAST LINE OF SAID DRAINAGE EASEMENT, A DISTANCE OF 1,031.36 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT:

**THENCE**, NORTH 61 DEG. 55 MIN. 58 SEC. EAST, OVER AND ACROSS SAID LOT 5, A DISTANCE OF 637.58 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE SOUTHWEST R.O.W. OF SOUTH PERSIMMON STREET, WIDTH VARIES, AS RECORDED UNDER F.C. NO. 653006, H.C.M.R., FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT:

**THENCE**, ALONG THE SOUTHWEST R.O.W. OF SAID SOUTH PERSIMMON STREET THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 960.00 FEET, A CENTRAL ANGLE OF 43 DEG. 34 MIN. 50 SEC., AN ARC LENGTH OF 730.20 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 30 DEG. 37 MIN. 18 SEC. EAST, 712.73 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR A POINT OF TANGENCY;

SOUTH 08 DEG 49 MIN. 53 SEC. EAST, A DISTANCE OF 119.57 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR A POINT OF CURVATURE OF A CURVE TO THE RIGHT:

WITH SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 11 DEG. 08 MIN. 52 SEC., AN ARC LENGTH OF 103.12 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 03 DEG. 15 MIN. 27 SEC. EAST, 102.96 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 11 DEG. 08 MIN. 52 SEC., AN ARC LENGTH OF 103.12 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 03 DEG. 15 MIN. 27 SEC. EAST, 102.96 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR A POINT OF TANGENCY;

SOUTH 08 DEG 49 MIN. 53 SEC. EAST, A DISTANCE OF 172.52 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE NORTHEAST END OF A CUTBACK AT THE INTERSECTION OF THE WEST R.O.W. LINE OF SAID SOUTH PERSIMMON STREET, AND THE NORTH R.O.W. LINE OF SAID HOLDERRIETH ROAD;

**THENCE**, SOUTH 36 DEG. 10 MIN. 07 SEC. WEST, ALONG SAID CUTBACK, A DISTANCE OF 35.36 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHWEST END OF SAID CUTBACK;

**THENCE**, SOUTH 81 DEG. 10 MIN. 07 SEC. WEST, ALONG THE NORTH R.O.W. LINE OF SAID HOLDERRIETH ROAD, A DISTANCE OF 481.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 16.90 ACRES OR 736,164 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 52534-HOELSCHER-BND, PREPARED BY WINDROSE LAND SERVICES.

  
KEVIN M. REIDY  
R.P.L.S. NO. 6450  
STATE OF TEXAS  
FIRM REGISTRATION NO. 10108800



08/14/2018  
DATE: