

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

**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 |

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

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

PASSED second reading the 19th day of July, 2010.

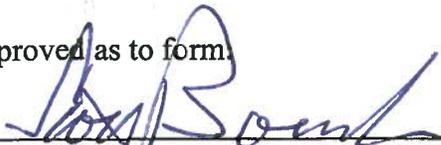
PASSED AND ADOPTED the 19th day of July, 2010.



 GRETCHEN EAGAN, Mayor

Attest:


 DORIS SPEER, City Secretary

Approved as to form:


 SCOTT BOUNDS, City Attorney