

CITY OF TOMBALL RESOLUTION NO. 2018-08

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE PUBLIC IMPROVEMENT DISTRICT NUMBER SEVEN IN THE CITY OF TOMBALL, TEXAS; AUTHORIZING PUBLICATION OF THIS RESOLUTION, PROVIDING FOR THE PREPARATION OF A SERVICE AND ASSESSMENT PLAN; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

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WHEREAS, the City of Tomball City Council is authorized to create a public improvement district pursuant to Ch. 372 of the Texas Local Government Code (the "Code") for the purpose described therein, and the City has received a petition from certain landowners within the City requesting the creation of a public improvement district; and

WHEREAS, the City Council held a public hearing on March 19, 2018, notice of which was published and mailed to property owners of the proposed district pursuant to Section 372.009 of the Code; and

WHEREAS, the City Council has made findings by resolution as to the advisability of the proposed improvement project, the nature of the improvements, the boundaries of the proposed public improvement district, the estimated cost, the method of assessment and the apportionment of cost between the improvement district and the City as a whole, as required by Chapter 372 of the Code; and

WHEREAS, the City Council has determined that it should proceed with the creation of the Public Improvement District Number Seven and the provision of public improvements proposed to be provided thereby; **NOW, THEREFORE**,

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

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

Section 2. The Public Improvement District Number Seven (the "District") is authorized to be and is hereby established as a public improvement district under the provisions of Chapter 372 of the Code over the land currently included within the boundaries of the City of Tomball, Texas, as more fully described in Exhibit A attached hereto, all in accordance with the findings made by the City Council in Section 1 of Resolution No. 2018-07 passed and approved on March 19, 2018.

Section 3. The City Secretary is hereby directed to give notice of the authorization for establishment of the District by publishing the resolution once in at least one local newspaper of general circulation in the City. The authorization and establishment of the District shall be deemed to be effective upon the publication of the notice directed by this section.

Section 4. The City Council hereby directs the District Administrator to prepare a service and assessment plan for review and approval of the City Council in accordance with Chapter 372 of the Code.

Section 5. The District shall not provide any improvements until at least 20 days after authorization of the District takes effect. Such services shall not begin if during such period a petition is filed pursuant to section 372.010(c) of the Code.

Section 6. This Resolution shall be passed finally on the date of its introduction and shall take effect immediately upon its passage and approval.

PASSED AND ADOPTED this 19th day of March 2018.



Gretchen Fagan, Mayor

Attest:



DORIS SPEER, City Secretary

Approved as to form:



WILLIAM A. OLSON, Jr., City Attorney
Loreal Smith

EXHIBIT A
DESCRIPTION OF
12.707 ACRE OR 553,509 SQ. FT.

A TRACT OR PARCEL CONTAINING 12.707 ACRE OR 553,509 SQUARE FEET OF LAND CONVEYED TO DAVID NOEL SMITH AND SUSAN K. SMITH AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. C871031 SITUATED IN THE RALPH HUBBARD SURVEY, ABSTRACT NO. 181 AND 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 CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE SOUTHEAST RIGHT-OF-WAY (R.O.W.) LINE OF TOMBALL HUFFSMITH ROAD (50 FEET WIDTH) FOR THE NORTHEAST CORNER OF A CALLED 3.0832 ACRE TRACT CONVEYED TO FRANK HARVEY METZLER AS RECORDED UNDER H.C.C.F. NO. 20120329200 AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 53 DEG. 46 MIN. 32 SEC. EAST, ALONG THE SOUTHEAST R.O.W. LINE OF SAID TOMBALL HUFFSMITH ROAD, A DISTANCE OF 629.37 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" FOR THE NORTHWEST CORNER OF A CALLED 1.95788 ACRE TRACT CONVEYED TO OLIVERM. SUHONEN AND JEANNETTE SUHONEN AS RECORDED UNDER H.C.C.F. NO. P738549 AND BEING A PART AND OUT OF LOT 71, TOMBALL TOWNSITES, MAP OR PLAT THEREOF RECORDED UNDER VOL. 2, PG. 65, HARRIS COUNTY MAP RECORDS (H.C.M.R.) AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 01 DEG. 22 MIN. 53 SEC. EAST, ALONG THE WEST LINE OF SAID CALLED 1.95788, THE WEST LINE OF BLOCK 2, VREICCO SUBDIVISION SECTION 2, MAP OR PLAT THEREOF RECORDED UNDER F.C. NO. 463125, H.C.M.R., THE WEST LINE OF BLOCK 1, VREICCO SUBDIVISION SECTION 2, MAP OR PLAT THEREOF RECORDED UNDER F.C. NO. 393071, H.C.M.R. AND THE WEST LINE OF A TRACT OF LAND CONVEYED TO LOVETT TOWN & COUNTRY, LLC AS RECORDED UNDER H.C.C.F. NO. 20110511182, A DISTANCE OF 1,251.39 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE NORTHEAST CORNER OF A CALLED 3.403 ACRE TRACT, TRACT 1, HVM MID-TOWNE, LTD, AS RECORDED UNDER H.C.C.F. NO. 20100334407 AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT FROM WHICH A 1/2 INCH IRON PIPE FOUND BEARS FOR REFERENCE SOUTH 38 DEG. 35 MIN. 22 SEC. WEST - 0.59 FEET;

THENCE, SOUTH 88 DEG. 35 MIN. 22 SEC. WEST, ALONG THE NORTH LINE OF SAID CALLED 3.403 ACRE TRACT AND THE NORTH LINE OF A CALLED 2.775 ACRE TRACT CONVEYED TO WILLIAM DOCK ADAMS AS RECORDED UNDER H.C.C.F. NO. 20100137241 TO A 1/2 INCH IRON PIPE FOUND ON THE EAST LINE OF A CALLED 25.7329 ACRE TRACT CONVEYED TO JAYANTI K. PATEL AS RECORDED UNDER H.C.C.F. NO. 20080549943 FOR THE NORTHWEST CORNER OF SAID CALLED 2.775 ACRE TRACT AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 01 DEG. 23 MIN. 33 SEC. WEST, ALONG THE EAST LINE OF SAID CALLED 25.7329 ACRE TRACT AND SAID CALLED 3.0832 ACRE TRACT, A DISTANCE OF 892.07 FEET TO THE **PLACE OF BEGINNING** AND CONTAINING 12.707 ACRE OR 553,509 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 53896, PREPARED BY WINDROSE LAND SERVICES.

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

00-00-17

DATE: