

**ORDINANCE NO. 2022-17**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AUTHORIZING THE ABANDONMENT OF PUBLIC RIGHT-OF-WAY DEDICATED TO WELTY STREET (LEGALLY DESCRIBED IN EXHIBIT “A”). BEING THE 30-FOOT-WIDE RIGHT-OF-WAY EXTENDING APPROXIMATELY 295 LINEAR FEET NORTHWEST FROM THE NORTHERNMOST RIGHT-OF-WAY BOUNDARY FOR FOSTER STREET TO THE SOUTHERNMOST RIGHT-OF-WAY BOUNDARY FOR CARREL STREET, WEDGED BETWEEN BLOCK 90 IN TOMBALL AND THE WESTERN PROPERTY LINE OF RESTRICTED RESERVE “A” IN THE FINAL PLAT OF THE EPISCOPAL CHURCH OF THE GOOD SHEPHERD; 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.**

\* \* \* \* \*

**Whereas**, Habitat for Humanity – Northwest Harris County Inc. has requested that approximately 0.19 acres of land described as the 30-foot-wide right-of-way dedicated to Welty Street extending approximately 295 linear feet northwest from the northernmost right-of-way boundary for Foster Street to the southernmost right-of-way boundary for Carrel Street, wedged between Block 90 in Tomball and the western property boundary of Restricted Reserve “A” in the Final Plat of the Episcopal Church of the Good Shepherd, within the City of Tomball, Harris County, Texas, (the “Property”), be abandoned; 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; and

**Whereas**, the Community Development Office recommended in its final report that City Council approve the requested right-of-way abandonment; 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 for the requested rezoning, the City Council held the public hearing for the requested right-of-way abandonment; and

**Whereas**, the City Council deems it appropriate to grant the requested right-of-way abandonment.

**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 segment of public right-of-way dedicated to Welty Street as precisely defined in “Exhibit A” of this ordinance is hereby authorized for abandonment..

**Section 3.** 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 change in zoning classification for the Property to the Office District as described above.

**Section 4.** 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 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.

**Section 7.** The official abandonment of Welty Street public right-of-way is subject to the following conditions:

- The right-of-way abandonment must be formally finalized by replat illustrating how the subject segment of right-of-way will be absorbed within the boundaries of adjoining properties.
- Sufficient utility easements must be dedicated for the existing water main and gas line within the Welty Street right-of-way.

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 1<sup>st</sup> DAY OF AUGUST 2022.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DUNAGIN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN PARR	<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 15<sup>th</sup> DAY OF AUGUST 2022.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

\_\_\_\_\_  
Lori Klein Quinn, Mayor

ATTEST:

\_\_\_\_\_  
Doris Speer, City Secretary

## Exhibit "A"

### FIELD NOTES OF 0.0399 ACRE OF LAND

All that certain 0.0399 acre of land situated in the William Hurd Survey, Abstract No. 371, Harris County, Texas, being a portion of Welty Street, as dedicated by the plats recorded in Volume 2, Page 65 and Volume 4, Page 25, both of the Harris County Map Records (H.C.M.R.), said 0.0399 acre of land being more particularly described by metes and bounds as follows:

COMMENCING at a PK nail set in asphalt at the southeast corner of said Block 90, same being the southeast corner of Lot 19, Block 90, REVISED MAP OF TOMBALL, according to the map or plat thereof recorded in Volume 4, Page 25 of the H.C.M.R., also being the intersection of the northwest right-of-way line of Foster Street (60 feet wide according to the plats recorded in Volume 2, Page 65 and Volume 4, Page 25, both of the H.C.M.R.) with the southwest right-of-way line of Welty Street (30 feet wide according to said plats recorded in Volume 2, Page 65 and Volume 4, Page 25, both of the H.C.M.R.);

THENCE North 28 deg. 04 min. 14 sec. West, along and with the common northeast line of said Lot 19 and Block 90, same being said southwest right-of-way line of Welty Street, a distance of 26.74 feet to a 5/8 inch iron rod with cap set at the southwest corner and POINT OF BEGINNING of the herein described tract of land;


THENCE North 28 deg. 04 min. 14 sec. West, continuing along and with the common northeast line of Lot 19 and Block 90, same being the southwest right-of-way line of Welty Street, a distance of 113.26 feet to a 5/8 inch iron rod with cap set at the northeast corner of Lot 19, same being the northwest corner of the herein described tract of land;

THENCE North 61 deg. 55 min. 46 sec. East, over and through Welty Street, a distance of 15.00 feet to a 5/8 inch iron rod with cap set in the centerline of Welty Street at the northeast corner of the herein described tract of land;

THENCE South 28 deg. 04 min. 14 sec. East, along and with said centerline of Welty Street, a distance of 119.70 feet to a 5/8 inch iron rod with cap set at the southeast corner of the herein described tract of land;

THENCE in a northwesterly direction, over and through Welty Street, along the arc of a non-tangent curve to the left subtending a central angle of 18 deg. 47 min. 38 sec., having a radius of 50.00 feet, an arc length of 16.40 feet, a chord bearing of South 85 deg. 11 min. 29 sec. West, and a chord distance of 16.33 feet to the POINT OF BEGINNING and containing within these metes and bounds 0.0399 acre (1,740 square feet) of land.

This tract of land surveyed on the ground during the month of January 2022. This description is based on the Standard Land Survey prepared by The Pinnell Group, LLC; filed in job number 21-214. Bearings based on the Texas Coordinate System (NAD83), South Central Zone No. 4204.

  
Daniel N. Pinnell  
Registered Professional Land Surveyor  
Texas Registration No. 5349



01-05-2022

Exhibit "A"

FIELD NOTES OF 0.1502 ACRE OF LAND  
(Page 1 of 2)

All that certain 0.1502 acre of land situated in the William Hurd Survey, Abstract No. 371, Harris County, Texas, being a portion of Welty Street, as dedicated by the plats recorded in Volume 2, Page 65 and Volume 4, Page 25, both of the Harris County Map Records (H.C.M.R.), said 0.1502 acre of land being more particularly described by metes and bounds as follows:

BEGINNING at a point located at the intersection of the northeast right-of-way line of Welty Street (30 feet wide according to said plats recorded in Volume 2, Page 65 and Volume 4, Page 25, both of the H.C.M.R.) with the southeast right-of-way line of Carrell Street (60 feet wide according to the plats recorded in Volume 2, Page 65 and Volume 4, Page 25, both of the H.C.M.R., and the deed recorded in Volume 1836, Page 554 of the Harris County Deed Records), said point being the apparent northwest corner of Restricted Reserve "A" (called 18.7511 acres), THE EPISCOPAL CHURCH OF THE GOOD SHEPHERD, according to the map or plat thereof recorded in Film Code No. 587124 of the H.C.M.R., and being the northeast corner of the herein described tract of land, from which a found 5/8 inch iron rod bears witness North 39 deg. West, a distance of 0.93 feet;

THENCE South 28 deg. 04 min. 14 sec. East, along and with said northeast right-of-way line of Welty Street and the southwest line of said Reserve "A", a distance of 289.64 feet to a 5/8 inch iron rod with cap set at the southeast corner of the herein described tract of land;

THENCE in a northwesterly direction, over and through Welty Street, along the arc of a non-tangent curve to the left subtending a central angle of 24 deg. 26 min. 34 sec., having a radius of 50.00 feet, an arc length of 21.33 feet, a chord bearing of North 73 deg. 11 min. 25 sec. West, and a chord distance of 21.17 feet to a 5/8 inch iron rod with cap set in the centerline of Welty Street at the lower southwest corner of the herein described tract of land;

THENCE North 28 deg. 04 min. 14 sec. West, along and with said centerline of Welty Street, a distance of 119.70 feet to a 5/8 inch iron rod with cap set at a re-entrant corner in the herein described tract of land;

THENCE South 61 deg. 55 min. 46 sec. West, over and through Welty Street, a distance of 15.00 feet to a 5/8 inch iron rod with cap set at the upper southwest corner of the herein described tract of land, same being the northeast corner of Lot 19, Block 90, REVISED MAP OF TOMBALL, according to the map or plat thereof recorded in Volume 4, Page 25 of the H.C.M.R., same being the intersection of the southwest right-of-way line of Welty Street with the southeast line of a 15' alley out of said Block 90;

THENCE North 28 deg. 04 min. 14 sec. West, along and with the southwest right-of-way line of Welty Street, at a distance of 15.00 feet pass the southeast corner of Lot 54, Block 90, REVISED MAP OF TOMBALL, same being the intersection of the southwest right-of-way line of Welty Street with the northwest line of the Alley, continuing along and with the southwest right-of-way line of Welty Street and the northeast line of Lot 54, in all a total distance of 155.00 feet to a 5/8 inch iron rod with cap set at the northeast corner of Lot 54, the northeast corner of Block 90 and the upper northwest corner of the herein described tract of land, same being located at the intersection of the southwest right-of-way line of Welty Street with the southeast right-of-way line of Carrell Street;

Exhibit "A"

FIELD NOTES OF 0.1502 ACRE OF LAND  
(Page 2 of 2)

THENCE North 61 deg. 55 min. 46 sec. East, along and with the southeast right-of-way line of Carrell Street, a distance of 30.00 feet to the POINT OF BEGINNING and containing within these metes and bounds 0.1502 acre (6,542 square feet) of land.

This tract of land surveyed on the ground during the month of January 2022. This description is based on the Standard Land Survey prepared by The Pinnell Group, LLC; filed in job number 21-214. Bearings based on the Texas Coordinate System (NAD83), South Central Zone No. 4204.

*Daniel N. Pinnell*

Daniel N. Pinnell  
Registered Professional Land Surveyor  
Texas Registration No. 5349



04-04-2022

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FIRM Reg. #10039600



**Location:** 295 linear feet northwest from the northernmost right-of-way boundary for Foster Street to the southernmost right-of-way boundary for Carrell Street, wedged between Block 90 in Tomball and the western property boundary of Restricted Reserve "A" in the Final Plat of the Episcopal Church of the Good Shepherd