

ORDINANCE No. 2025-27

AN ORDINANCE GRANTING THE REQUEST FOR ANNEXATION OF THE TERRITORY BEING 50.1051 ACRES CONSISTING OF 0.8041 OF ONE ACRE OR 35,026 SQUARE FEET OF LAND SITUATED IN THE ELIZABETH SMITH SURVEY, ABSTRACT NUMBER 70, HARRIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN UNRESTRICTED RESERVE "A" OF TOMBALL GREENS, A SUBDIVISION AS SHOWN ON MAP OR PLAT RECORDED UNDER FILM CODE NUMBER 440128 OF THE MAPS RECORDS OF HARRIS COUNTY, TEXAS; 31.994 ACRES OF LAND SITUATED IN THE JESSE PRUITT SURVEY, ABSTRACT NUMBER 629, HARRIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN RESIDUE OF CALLED 33.153 ACRES OF LAND DESCRIBED IN DEED RECORDED IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, UNDER COUNTY CLERK'S FILE NUMBER U968294, A PORTION OF THOSE CERTAIN LOTS 489, 490, 495 AND 496 OF TOMBALL TOWNSITE, A SUBDIVISION AS SHOWN ON MAP OR PLAT RECORDED UNDER VOLUME 2, PAGE 65 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS AND THOSE CERTAIN LOTS 491, 492, 493 AND 494 OF SAID TOMBALL TOWNSITE; AND 17.307 ACRES OF LAND SITUATED IN THE JESSE PRUITT SURVEY, ABSTRACT NUMBER 629, HARRIS COUNTY, TEXAS, BEING THAT CERTAIN RESIDUE OF CALLED 1.1767 ACRES OF LAND DESCRIBED IN DEED RECORDED IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, UNDER COUNTY CLERK'S FILE NUMBER 20120276873, THAT CERTAIN CALLED 5.678 ACRES OF LAND DESCRIBED IN DEED RECORDED IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, UNDER COUNTY CLERK'S FILE NUMBER 20070687993, THAT CERTAIN RESIDUE OF CALLED 8.1479 ACRES OF LAND DESCRIBED IN DEED RECORDED IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, UNDER COUNTY CLERK'S FILE NUMBER Y978757, THAT CERTAIN RESIDUE OF CALLED 4.998 ACRES OF LAND DESCRIBED IN DEED RECORDED IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, UNDER COUNTY CLERK'S FIEL NUMBER 20110051826, THAT CERTAIN RESERVE "A" OF BRANDT HOLDING, A SUBDIVISION AS SHOWN ON MAP OR PLAT RECORDED UNDER FILM CODE NUMBER 679589 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, THAT CERTAIN LOT 1, BLOCK 1 OF SAID BRANDT HOLDINGS AND A PORTION OF THOSE CERTAIN LOTS 496, 497 AND 498 OF TOMBALL TOWNSITE, A SUBDIVISION AS SHOWN ON MAP OR PLAT RECORDED UNDER VOLUME 2, PAGE 65 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS); AND PROVIDING FOR SEVERABILITY.

WHEREAS, FLS Development, a Texas limited liability company, acting through its agent, William Shawn Speer, is the owner (the "Owner") of a certain tracts of land being 50.1051 total acre consisting of the following:

- 0.8041 of one acre or 35,026 square feet of land situated in the Elizabeth Smith Survey, Abstract Number 70, Harris County, Texas, being a portion of that certain Unrestricted Reserve "A" of Tomball Greens, a subdivision as shown on map or plat recorded under Film Code Number 440128 of the Maps Records of Harris County, Texas; and
- 31.994 acres of land situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, being a portion of that certain residue of called 33.153 acres of land described in deed recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number U968294, a portion of those certain Lots 489, 490, 495 and 496 of Tomball Townsite, a subdivision as shown on map or plat recorded under Volume 2, Page 65 of the Map Records of Harris County, Texas and those certain Lots 491, 492, 493 and 494 of said Tomball Townsite; and
- 17.307 acres of land situated in the Jesse Pruitt Survey, Abstract Number 629, Harris County, Texas, being that certain residue of called 1.1767 acres of land described in deed recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20120276873, that certain called 5.678 acres of land described in deed recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20070687993, that certain residue of called 8.1479 acres of land described in deed recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number Y978757, that certain residue of called 4.998 acres of land described in deed recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number 20110051826, that certain Reserve "A" of Brandt Holding, a subdivision as shown on map or plat recorded under Film Code Number 679589 of the Map Records of Harris County, Texas, that certain Lot 1, Block 1 of said Brandt Holdings and a portion of those certain Lots 496, 497 and 498 of Tomball Townsite, a subdivision as shown on map or plat recorded under Volume 2, Page 65 of the Map Records of Harris County, Texas.

WHEREAS, the Owner has petitioned that the City of Tomball annex the Property into the City of Tomball, attached as **Exhibit A**; and

WHEREAS, the above described tract lies within the extraterritorial jurisdiction of the City of Tomball, Texas; and

WHEREAS, the Property does not qualify for agricultural or wildlife management use or as timber land; and

WHEREAS, Section 43.0671 of the Texas Local Government Code allows a municipality to annex an area if each owner of the land in the area requests the annexation, the municipality conducts a public hearing on the proposed annexation, and the owners and the municipality enter into a written agreement for the provision of services in the area to be annexed; and

WHEREAS, Texas Local Government Code, at Section 43.0673 requires a municipality to conduct one public hearing prior to the adoption of an ordinance annexing the Property and said public hearing was held on August 4, 2025 at the City of Tomball City Council Chambers located

at 401 Market Street, Tomball, Texas 77375, where all interested persons were provided an opportunity to be heard on the request for annexation of the Property; and

WHEREAS, the City of Tomball has agreed to provide the services set forth in Exhibit “A” to the proposed annexed area;

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

Section 1. All the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this ordinance.

Section 2. The request for the annexation of the Property described in **Exhibit A** attached hereto and incorporated herein for all purposes is hereby GRANTED.

Section 3. The land and territory are hereby added and annexed to the City of Tomball, Texas, and said territory hereinafter described shall hereafter be included within the boundary limits of the City of Tomball, Texas, to wit:

SEE ATTACHED (**Exhibit A**)

Section 4. That the above described territory and the area so annexed shall be a part of the City of Tomball, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Tomball, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Tomball, Texas.

Section 5. That the general services program and capital improvement program incorporated in **Exhibit A (Pages 9 – 14)** is hereby adopted as part of the annexation of the Property described in **Exhibits A**.

Section 6. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such sections or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect.

Section 7. Should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Tomball, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to all of the remainder of the area. If there is included within the general description of territory set out in this Ordinance to be annexed to the City of Tomball any lands or area which are presently part of and included within the limits of any other city or within the extraterritorial jurisdiction of any other city, or which are not within the City of Tomball’s jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed as fully as if such excluded and excepted area were expressly described herein.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON 4th DAY OF AUGUST 2025.

COUNCILMAN FORD
COUNCILMAN GARCIA
COUNCILMAN DUNAGIN
COUNCILMAN COVINGTON
COUNCILMAN PARR

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON ____ DAY OF _____ 2025.

COUNCILMAN FORD
COUNCILMAN GARCIA
COUNCILMAN DUNAGIN
COUNCILMAN COVINGTON
COUNCILMAN PARR

FOR:

CITY OF TOMBALL, TEXAS

LORI KLEIN QUINN, Mayor

ATTEST:

THOMAS HARRIS III, City Secretary