

**CITY OF TOMBALL, TEXAS**

**RESOLUTION NO. 2021-18**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, ACCEPTING FOR FILING A LANDOWNER PETITION REQUESTING THE DISSOLUTION OF A PUBLIC IMPROVEMENT DISTRICT; CALLING A PUBLIC HEARING TO CONSIDER THE DISSOLUTION OF A PUBLIC IMPROVEMENT DISTRICT; AUTHORIZING AND DIRECTING THAT NOTICES OF THE PUBLIC HEARING BE GIVEN AS REQUIRED BY LAW; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

WHEREAS, Chapter 372, Texas Local Government Code, as amended (the "*Act*"), authorizes the City of Tomball, Texas (the "*City*") to create and dissolve public improvement districts within the corporate limits of the City; and

WHEREAS, the City has previously taken action to create "Public Improvement District Number Nine" (the "*District*") in accordance with the Act; and

WHEREAS, a landowner petition, a copy of which is attached as *Exhibit A* (the "*Petition*"), was filed with the City Secretary requesting the dissolution of the District in accordance with the Act; and

WHEREAS, the City Council has determined that it is in the best interest of the City to accept the Petition and to call a public hearing (the "*Public Hearing*") at which the City Council will consider the adequacy of the Petition and hear public testimony regarding the dissolution of the District.

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

Section 1. The recitals set forth in this Resolution are true and correct and are incorporated as part of this Resolution.

Section 2. City staff has reviewed the Petition and determined that it complies with the requirements of the Act and the filing of the Petition is accepted.

Section 3. The City Council calls the Public Hearing to consider the adequacy of the Petition and to hear public testimony on the feasibility and advisability of dissolving the District to be held beginning at or after 6:00 P.M. on Monday, **October 18, 2021** in the regular meeting place of the City Council in the Council Chamber in the City Hall located at 401 Market Street, Tomball, Texas 77375. Attached hereto as *Exhibit B* is a form of the Notice of Public Hearing, the form and substance of which is hereby adopted and approved. All residents and property owners within the District, and all other persons, are hereby invited to appear in person, or by their attorney, and speak on the dissolution of the District.

Section 4. The Public Hearing may be continued from time to time.

Section 5. The City Secretary is hereby authorized and directed to give all notices of the Public Hearing as required by law, including notices required by the Texas Open Meetings Act and by the Act.

Section 6. This Resolution shall become effective immediately from and after it is passed and approved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL,  
TEXAS, THIS 20<sup>TH</sup> DAY OF SEPTEMBER 2021.

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Gretchen Fagan, Mayor

ATTEST:

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Doris Speer, City Secretary

Exhibit A

[Landowner Dissolution Petition]

## EXHIBIT A

FIELD NOTE DESCRIPTION OF 9.2191 ACRES (401,586 SQUARE FEET) OF LAND OUT OF UNRESTRICTED RESERVE "H", BLOCK 1 OF LESLIE'S PARK SUBD., ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 400005 H.C.M.R. AND BEING THE RESIDUE OF THAT CERTAIN CALLED 15.27 ACRE TRACT RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. 20130446051 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, SAID 9.2191 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE);

BEGINNING at a 3/4 inch iron rod found in the East right-of-way line of Quinn Road (width varies) and the North line of Tomball ISD Tract, as recorded under H.C.C.F. No. S483753 for the Southwest corner of said Unrestricted Reserve "H", same being the Southwest corner of said called 15.27 acre tract and the herein described tract, said iron rod falling in the arc of a curve to the Right;

THENCE, Northerly, along the East right-of-way line of Quinn Road, with said curve to the Right, having a radius of 1150.00 feet, a central angle of  $11^{\circ}19'54''$ , an arc length of 227.44 feet and a chord bearing and distance of  $N\ 07^{\circ}52'32''\ W$ , 227.07 feet to the Point of Tangency of said curve, from which a found 3/4 inch iron rod bears,  $S\ 12^{\circ}03'\ E$ , 2.4 feet;

THENCE, North  $02^{\circ}12'35''$  West, continuing along the East right-of-way line of Quinn Road, a distance of 54.40 feet to a 5/8 inch iron rod with cap found for the Westerly most Northwestern corner of the herein described tract;

THENCE, North  $42^{\circ}41'46''$  East, along a cutback line, a distance of 1.46 feet to a 5/8 inch iron rod with cap found in the South right-of-way line of Brown Hufsmith Road for the Northerly most Northwestern corner of the herein described tract;

THENCE, North  $87^{\circ}49'00''$  East, along the South right-of-way line of Brown Hufsmith Road, a distance of 767.00 feet to a 5/8 inch iron rod with cap found for the Point of Curvature of a curve to the Right;

THENCE, Easterly, continuing along the South right-of-way line of Brown Hufsmith Road, with said curve to the Right, having a radius of 1590.42 feet, a central angle of  $07^{\circ}44'22''$ , an arc length of 214.83 feet and a chord bearing and distance of  $S\ 88^{\circ}15'43''\ E$ , 214.67 feet to a 5/8 inch iron rod found for the Point of Tangency;

THENCE, South  $84^{\circ}23'32''$  East, continuing along the South right-of-way line of Brown Hufsmith Road, a distance of 161.36 feet to a 5/8 inch iron rod with cap found for the Northwest corner of Unrestricted Reserve "A", Block 1 of Brown-Hufsmith Church Subd., as recorded in Film Code No. 681555 H.C.M.R. and the Northeast corner of the herein described tract;

THENCE, in a Southerly direction, along and with the Westerly and Southerly line of said Brown-Hufsmith Church Subd., the following three (3) courses and distances:

1) South  $02^{\circ}26'52''$  East, 494.20 feet to a 5/8 inch iron rod with cap found for corner;

2) North  $88^{\circ}49'52''$  East, 41.44 feet to a 5/8 inch iron rod with cap found for corner;

3) South  $69^{\circ}30'55''$  East, 204.50 feet to a 5/8 inch iron rod with alum. cap found in the South line of said Unrestricted Reserve "H", same being the North line of 140-foot wide H.C.F.C.D. right-of-way, as recorded under H.C.C.F. No. M201069 for Southeasterly corner of the herein described tract, said iron marks the Point of Curvature of a curve to the Left;

THENCE, Southwesterly, along the North right-of-way line of said H.C.F.C.D. Fee Strip, with said curve to the Left, having a radius of 320.00 feet, a central angle of  $19^{\circ}50'30''$ , an arc length of 110.82 feet and a chord bearing and distance of  $S\ 57^{\circ}15'44''\ W$ , 110.26 feet to a 5/8 inch iron rod found for the Easterly corner of that certain called 3.996 acre tract recorded under H.C.C.F. No. W206016 and the Southerly corner of the herein described tract;

THENCE, in a Northwesterly direction, along and with the common line between said 3.996 acre tract and said Unrestricted Reserve "H", the following two (2) courses and distances:

1) North  $42^{\circ}37'24''$  West, 144.35 feet to a 5/8 inch iron rod with cap found for corner;

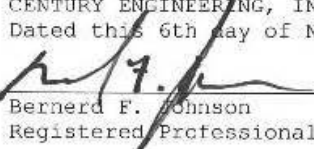
2) South  $88^{\circ}49'52''$  West, 299.48 feet to a 5/8 inch iron rod with cap found in the East line of said Tomball ISD Tract for the Northwest corner of said called 3.996 acre and an exterior corner of the herein described tract;

THENCE, North  $01^{\circ}10'08''$  West, along the East line of said Tomball ISD Tract, a distance of 254.46 feet to a point for the Northeast corner of said Tomball ISD Tract and an interior corner of the herein described tract, from which a found 5/8 inch iron rod with cap bears,  $S\ 54^{\circ}40'\ W$ , 0.70 feet;

THENCE, South  $88^{\circ}49'52''$  West, along the North line of said Tomball ISD Tract, a distance of 868.56 feet to the POINT OF BEGINNING and containing 9.2191 acres (401,586 square feet) of land, more or less.

CENTURY ENGINEERING, INC.

Dated this 6th day of November, 2018

  
Bernerd F. Johnson

Registered Professional Land Surveyor No. 4314

CEI JOB NO. 18100-00.00  
(QW19) 18100A.T



## Exhibit B

### **NOTICE OF PUBLIC HEARING CITY OF TOMBALL, TEXAS**

**MONDAY, OCTOBER 18, 2021**



**6:00 P.M.**

**NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF TOMBALL TO ACCEPT PUBLIC COMMENTS AND DISCUSS THE PETITION (THE "PETITION"), FILED BY 318 SYDNEY PARK, LLC (THE "PETITIONER"), REQUESTING THAT THE CITY DISSOLVE PUBLIC IMPROVEMENT DISTRICT NUMBER NINE (THE "DISTRICT") WHICH CONTAINS LAND OWNED ONLY BY THE PETITIONER AND LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE CITY.**

Pursuant to Sections 372.009 and 372.011, Texas Local Government Code, as amended, notice is hereby given that the City Council of the City of Tomball, Texas (the "City"), will hold a public hearing to accept public comments and discuss the petition (the "Petition"), filed by 318 Sydney Park, LLC (the "Petitioner"), requesting that the City dissolve Public Improvement District Number Nine (the "District") which contains land owned only by the Petitioner and located entirely within the corporate limits of the City.

**Time and Place of Public Hearing.** The public hearing will start at or after 6:00 P.M. on Monday, October 18, 2021 in the regular meeting place of the City Council in the Council Chamber in the City Hall located at 401 Market Street, Tomball, Texas 77375.

The boundaries of the District to be dissolved is described by metes and bounds hereto as EXHIBIT A.

Written and oral objections will be considered at the hearing. All interested persons are hereby notified of the described hearing, and of their right to appear and be heard on the matter.

### **CERTIFICATION**

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 28th day of September 2021 by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meetings.

Doris Speer

Doris Speer  
City Secretary, TRMC

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT [www.ci.tomball.tx.us](http://www.ci.tomball.tx.us).

EXHIBIT A TO NOTICE OF PUBLIC HEARING REGARDING  
THE DISSOLUTION OF A PUBLIC IMPROVEMENT DISTRICT

Notice of Public Hearing  
Regular City Council Meeting  
October 18, 2021  
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EXHIBIT A

FIELD NOTE DESCRIPTION OF 9.2191 ACRES (401,586 SQUARE FEET) OF LAND OUT OF UNRESTRICTED RESERVE "H", BLOCK 1 OF LESLIE'S PARK SUBD., ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN FILM CODE NO. 400005 H.C.M.R. AND BEING THE RESIDUE OF THAT CERTAIN CALLED 15.27 ACRE TRACT RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. 20130446051 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, SAID 9.2191 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE);

BEGINNING at a 3/4 inch iron rod found in the East right-of-way line of Quinn Road (width varies) and the North line of Tomball ISD Tract, as recorded under H.C.C.F. No. S483753 for the Southwest corner of said Unrestricted Reserve "H", same being the Southwest corner of said called 15.27 acre tract and the herein described tract, said iron rod falling in the arc of a curve to the Right;

THENCE, Northerly, along the East right-of-way line of Quinn Road, with said curve to the Right, having a radius of 1150.00 feet, a central angle of 11°19'54", an arc length of 227.44 feet and a chord bearing and distance of N 07°52'32" W, 227.07 feet to the Point of Tangency of said curve, from which a found 3/4 inch iron rod bears, S 12°03' E, 2.4 feet;

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THENCE, North 42°41'46" East, along a cutback line, a distance of 1.46 feet to a 5/8 inch iron rod with cap found in the South right-of-way line of Brown Hufsmith Road for the Northerly most Northwesterly corner of the herein described tract;

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EXHIBIT A TO NOTICE OF PUBLIC HEARING REGARDING  
THE DISSOLUTION OF A PUBLIC IMPROVEMENT DISTRICT

Notice of Public Hearing  
Regular City Council Meeting  
October 18, 2021  
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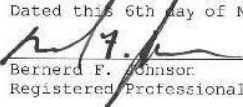
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Dated this 6th day of November, 2018

  
Bernard F. Johnson  
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