

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES (EXHIBIT “A”); FROM SINGLE FAMILY RESIDENTIAL – 20 (SF-20) TO SINGLE FAMILY RESIDENTIAL – 6 (SF-6) DISTRICT; 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, John & Tracy Randall, represented by BGE, Inc. has requested that approximately 36.82 acres of land legally described as being portions of Lots 374 through 377 & Lots 379 through 383 of Tomball Outlots, generally located in the 21700-21800 block (west side) of Hufsmith-Kohrville Road, within the City of Tomball, Harris County, Texas (the “Property”), be rezoned; 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 three hundred feet of the Property in the manner required by law, the Planning & Zoning Commission held a public hearing on the requested rezoning; and

Whereas, the public hearing was held before the Planning & Zoning Commission at least forty (40) calendar days after the City’s receipt of the requested rezoning; and

Whereas, the Planning & Zoning Commission recommended in its final report that City Council approve the requested rezoning; and

Whereas, the City Council deems it appropriate to grant the requested rezoning.

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 rezoning classification of the Property is hereby changed and is subject to the regulations, restrictions, and conditions hereafter set forth.

Section 3. The Official Zoning Map of the City of Tomball, Texas shall be revised and amended to show the designation of the Property as hereby stated, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. 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 as described above.

Section 5. 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.

FIRST 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 _____ 2023.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
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 _____ 2023.

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

LORI KLEIN QUINN, Mayor

ATTEST:

DORIS SPEER, City Secretary

Exhibit "A"

HUFSMITH TRACT BOUNDARY SURVEY
6.191 ACRES

AUGUST 23, 2022
JOB NO. 10671-00

DESCRIPTION OF A 6.191 ACRE TRACT OF LAND SITUATED IN THE JESSE PRUETT SURVEY, ABSTRACT NO. 629 HARRIS COUNTY, TEXAS

BEING a 6.191 acre (269,671 square foot) tract of land situated in the Jesse Pruett Survey, Abstract No. 629 of Harris County, Texas and being all of a called 6.188 acre tract of land as described in an instrument to John W. Randall, Jr. and Tracy A. Randall recorded under File Number (F.N.) 20100453523 of the Official Public Records of Harris County (O.P.R.H.C.), a portion of Lots 134, 371, 376, and 377, and a 30 foot unimproved road as shown on CORRECTED MAP OF TOMBALL OUTLOTS, a subdivision per plat recorded under Volume 4, Page 75 of the Harris County Map Records (H.C.M.R.), said 6.191 acre tract of land described by metes and bounds as follows, with all bearings based on the Texas Coordinate System of 1983 (NAD83), South Central Zone 4204 and referenced to monuments found along the South line of a called 11.06 acre tract of land as cited herein and as shown on a survey plat of even date prepared by the undersigned in conjunction with this metes and bounds description:

BEGINNING at a 1/2-inch iron rod found for the Northwest corner of the herein described tract and said 6.188 acre tract, lying on the South line of a called 11.06 acre tract of land as described in an instrument to Charles L. Laswell recorded under Harris County Clerk's File Number (H.C.C.F. No.) C792063, from which a 5/8-inch iron rod found for and interior corner of a called 7.6266 acre tract of land as described in an instrument to James R. Grappe and Carolyn J. Grappe recorded under H.C.C.F. No. N584790 and the Southwest corner of said 11.06 acre tract bears N 83°11'34" W, a distance of 270.89 feet;

THENCE, S 83°25'52" E, along and with the South line of said 11.06 acre tract and the North line of said 6.188 acre tract, a distance of 1,148.25 feet (called S 80°13'03" E, 1,149.03 feet) to a 3/4-inch iron rod with cap stamped "BGE INC" set for the Northeast corner of the herein described tract and the Southeast corner of said 11.06 acre tract, lying on the Southwest right-of-way line of Hufsmith Kohrville Road (60 feet wide) recorded under Volume (Vol.) 2549, Page (Pg.) 325 of the Harris County Deed Records (H.C.D.R.) and said CORRECTED MAP OF TOMBALL OUTLOTS;

THENCE, S 20°12'50" E, along and with the Southwest right-of-way line of Hufsmith Kohrville Road and a Northeasterly line of said 6.188 acre tract, a distance of 33.61 feet (called S 17°00'40" E, 33.61 feet) to a 3/4-inch iron rod with cap stamped "BGE INC" set for the most Easterly Southeast corner of the herein described tract and said 6.188 acre tract;

THENCE, N 83°25'52" W, along and with a Southerly line of said 6.188 acre tract, a distance of 731.66 feet (called N 80°13'03" W, 732.38 feet) to a 3/4-inch iron rod with cap stamped "BGE INC" set for an interior corner of the herein described tract and said 6.188 acre tract;

THENCE, S 06°39'43" W, along and with an Easterly line of said 6.188 acre tract, a distance of 549.50 feet (called S 09°46'57" W, 548.79 feet) to a 3/4-inch iron rod with cap stamped "BGE INC" set for the most Southerly Southeast corner of the herein described tract and said 6.188 acre tract;

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6.191 ACRES

AUGUST 23, 2022
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THENCE, S 72°06'27" W, along and with a Southerly line of said 6.188 acre tract, a distance of 348.04 feet (called S 75°13'41" W, 348.05 feet) to a 3/4-inch iron rod with cap stamped "BGE INC" set for the Southwest corner of the herein described tract and said 6.188 acre tract, lying on the West line of said 30 foot unimproved road and the East line of Lot 375 of said CORRECTED MAP OF TOMBALL OUTLOTS and as described in an instrument to Paul Mladenka and Brenda Mladenka recorded under H.C.C.F. No. W958841;

THENCE, N 02°23'16" W, along and with the West line of said 30 foot unimproved road and said 6.191 acre tract, and the East line of said Lot 375, at a distance of 323.98 feet pass the Northeast corner of said Lot 375 and the Southeast corner of Lot 375 of said CORRECTED MAP OF TOMBALL OUTLOTS, from which a found 1/2-inch iron rod bears N 65°09' E, a distance of 1.60 feet, continuing along and with the West line of said 6.188 acre tract and said 30 foot unimproved road, a total distance of 732.55 feet (called N 00°43'58" E, 732.55 feet) to the **POINT OF BEGINNING** and containing 6.191 acres (269,671 square feet) of land.



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TBPLS Licensed Surveying Firm No. 10106500

DESCRIPTION OF A 15.05 ACRE TRACT OF LAND SITUATED
IN THE JESSE PRUETT SURVEY, ABSTRACT NO. 629
HARRIS COUNTY, TEXAS

BEING a 15.05 acre (655,665 square foot) tract of land situated in the Jesse Pruett Survey, Abstract No. 629 of Harris County, Texas and being a portion of the remainder of a called 56.8003 acre tract of land as described in an instrument to Melvin E. Michel and Tracy A. Michel recorded under Harris County Clerk's File Number (H.C.C.F. No.) S954259 and a portion of Lots 134, 371, 376, 377, and 380 of CORRECTED MAP OF TOMBALL OUTLOTS, a subdivision per plat recorded under Volume 4, Page 75 of the Harris County Map Records (H.C.M.R.), said 15.05 acre tract of land described by metes and bounds as follows, with all bearings based on the Texas Coordinate System of 1983 (NAD83), South Central Zone 4204 and referenced to monuments found along the perimeter of said 56.8003 acre tract as cited herein and as shown on a survey plat of even date prepared by the undersigned in conjunction with this metes and bounds description:

COMMENCING at the Northeast corner of a called 11.06 acre tract of land as described in an instrument to Charles L. Laswell recorded under H.C.C.F. No. C792063, lying on the Southwest right-of-way line of Hufsmith Kohrville Road (60 feet wide) recorded under Volume 2549, Page 325 of the Harris County Deed Records (H.C.D.R.) and said CORRECTED MAP OF TOMBALL OUTLOTS, from which a found 1/2-inch iron rod bears S 86°31' E, a distance of 0.85 feet;

THENCE, S 20°12'50" E, along and with the Northeasterly line of said 11.06 acre tract and a called 6.188 acre tract of land as described in an instrument to John W. Randall, Jr. and Tracy A. Randall and the Southwest right-of-way line of said Hufsmith Kohrville Road, a distance of 321.89 feet to a 3/4-inch iron rod with cap stamped "BGE INC" set for the **POINT OF BEGINNING** and the Northeast corner of the herein described tract, same being the most Easterly Southeast corner of said called 6.188 acre tract;

THENCE, S 20°12'50" E, along and with the Southwest right-of-way line of said Hufsmith Kohrville Road and the Northeasterly line of said 56.8003 acre tract, a distance of 106.49 feet to a 3/4-inch iron rod with cap stamped "BGE INC" set for the Southeast corner of the herein described tract and said 56.8003 acre tract;

THENCE, S 42°38'24" W, along and with the Southwesterly line of said 56.8003 acre tract, and the Northwesterly lines of a called 0.4847 acre tract of land as described in an instrument to City of Tomball, Texas recorded under H.C.C.F. No. T616046, a 30-foot unimproved road as shown on said CORRECTED MAP OF TOMBALL OUTLOTS, and TOMBALL SOUTH COMMERCIAL NO. 2, a subdivision per plat recorded under Film Code Number (F.C. No.) 659297 of the Harris County Map Records (H.C.M.R.), a distance of 1,621.52 feet to a 3/4-inch iron rod with cap stamped "BGE INC" set for the Southwest corner of the herein described tract and the East end of the Southern terminus of a 30-foot unimproved road as shown on said CORRECTED MAP OF TOMBALL OUTLOTS;

THENCE, N 02°23'16" W, along and with the East line of said Easterly 30-foot unimproved road and the West lines of said Lot 377 and Lot 380, a distance of 733.94 feet to a 3/4-inch iron rod with cap stamped "BGE INC" set for the most Westerly Northwest corner of the herein described tract, lying on a Southerly line of said 6.188 acre tract;

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15.05 ACRES

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THENCE, N 72°06'27" E, along and with a Southerly line of said 6.188 acre tract, a distance of 316.91 feet to a 3/4-inch iron rod with cap stamped "BGE INC" set for an interior corner of the herein described tract and the Southeast corner of said 6.188 acre tract;

THENCE, N 06°39'43" E, along and with the East line of said 6.188 acre tract, a distance of 549.50 feet to a 3/4-inch iron rod with cap stamped "BGE INC" set for the most Northerly Northwest corner of the herein described tract and an interior corner of said 6.188 acre tract;

THENCE, S 83°25'52" E, along and with a Southerly line of said 6.1888 acre tract, a distance of 731.66 feet to the **POINT OF BEGINNING** and containing 15.05 acres (655,665 square feet) of land.



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DESCRIPTION OF A 15.17 ACRE TRACT OF LAND SITUATED
IN THE JESSE PRUETT SURVEY, ABSTRACT NO. 629
HARRIS COUNTY, TEXAS

BEING a 15.17 acre (660,615 square foot) tract of land situated in the Jesse Pruett Survey, Abstract No. 629 of Harris County, Texas and being a portion the remainder of a called 56.8003 acre tract of land as described in an instrument to Melvin E. Michel and Tracy A. Michel recorded under Harris County Clerk's File Number (H.C.C.F. No.) S954259 and being all of Lots 379, 382, 383 of CORRECTED MAP OF TOMBALL OUTLOTS, a subdivision per plat recorded under Volume 4, Page 75 of the Harris County Map Records (H.C.M.R.), said 15.17 acre tract of land described by metes and bounds as follows, with all bearings based on the Texas Coordinate System of 1983 (NAD83), South Central Zone 4204 and referenced to monuments found along the perimeter of said 56.8003 acre tract as cited herein and as shown on a survey plat of even date prepared by the undersigned in conjunction with this metes and bounds description:

BEGINNING at a 1/2-inch iron rod found for the Southwest corner of the herein described tract and said Lot 383 and the most Southerly Southwest corner of said 56.8003 acre tract;

THENCE, N 05°07'20" W, along and with a Westerly line of said 56.8003 acre tract and said Lot 383, a distance of 481.10 feet to a 1/2-inch iron rod found for the Northwest corner of said Lot 383 and an interior corner of said 56.8003 acre tract, lying on the South line of a called 4.8373 acre tract of land described as Lot 381 in an instrument to Paul Mladenka and Brenda Mladenka recorded under File Number (F.N.) 20080184176 of the Official Public Records of Harris County (O.P.R.H.C.);

THENCE, N 85°12'22" E, along and with the South line of said 4.8373 acre tract and the North line of said Lot 383, a distance of 122.88 feet to a 1/2-inch iron rod with cap stamped "WESTAR" found an interior corner of the herein described tract and the Southeast corner of said 4.8373 acre tract, same being the Southwest corner of said Lot 382;

THENCE, N 02°22'58" W, along and with the East line of said 4.8373 acre tract, and the West line of said Lot 382, at a distance of 352.87 feet pass a 1/2-inch iron rod with cap stamped "WESTAR" found for the Northeast corner of said 4.8373 acre tract, the Northwest corner of said Lot 382, the Southwest corner of said Lot 379, and the Southeast corner of Lot 378 of said CORRECTED MAP OF TOMBALL OUTLOTS as described in an instrument to Paul Mladenka and Brenda Mladenka recorded under H.C.C.F. No. Y200969, continuing along and with West line of said Lot 379 and the East line of said Lot 378, a total distance of 730.81 feet to a 3/4-inch iron rod with cap stamped "BGE INC" set for the Northwest corner of the herein described tract, the Northwest corner of said Lot 379, the Northeast corner of said Lot 378, the Southwest corner of Lot 375 of said CORRECTED MAP OF TOMBALL OUTLOTS as described in an instrument tot Paul Mladenka and Brenda Mladenka recorded under H.C.C.F. No. W958841, and the Southeast corner of Lot 374 of said CORRECTED MAP OF TOMBALL OUTLOTS as described in an instrument to Paul Mladenka and Brenda Mladenka recorded under H.C.C.F. No. W958842;

THENCE, N 87°37'00" E, along and with the North line of said Lot 379 and the South line of said Lot 375, a distance of 605.98 feet to a 3/4-inch iron rod with cap stamped "BGE INC" set for the Northeast corner of the herein described tract and said Lot 379, same being the Southeast corner of said Lot 375, lying on the West line of a 30-foot unimproved road as shown on said CORRECT MAP OF TOMBALL OUTLOTS;

HUFFSMITH TRACT BOUNDARY SURVEY
15.17 ACRES

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THENCE, S 02°23'16" E, along and with the East line of said Lot 379 and said Lot 382, and the West line of said 30-foot unimproved road, a distance of 707.13 feet to a 3/4-inch iron rod with cap stamped "BGE INC" set for the most Easterly Southeast corner of the herein described tract, the Southeast corner of said Lot 382, and the Northeast corner of said Lot 383, same being the West end of the Southern terminus of said 30-foot unimproved road, lying on the Northwesterly line of a Southeasterly 30-foot unimproved road as shown on said CORRECTED MAP OF TOMBALL OUTLOTS, TOMBALL BUSINESS AND TECHNOLOGY PARK SEC 2, a subdivision per plat recorded under Film Code Number (F.C. No.) 697286 of the Harris County Map Records (H.C.M.R.), and TOMBALL BUSINESS AND TECHNOLOGY PARK, a subdivision per plat recorded under F.C. No. 653006 of the H.C.M.R., and a Southeasterly line of said 56.8003 acre tract,

THENCE, S 42°38'24" W, along and with the Southeasterly line of said 56.8003 acre tract and said Lot 383, and the Northwesterly line of said Southeasterly 30 foot unimproved road, a distance of 712.35 feet to a 3/4-inch iron rod with cap stamped "BGE INC" set for the most Southerly Southeast corner of the herein described tract and said Lot 383;

THENCE, S 85°56'45" W, along and with the South line of said 56.8003 acre tract and said Lot 383, a distance of 202.00 feet to the **POINT OF BEGINNING** and containing 15.17 acres (660,615 square feet) of land.



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Location: 21700-21800 block (west side) of Hufsmith-Kohrville Road. Being portions of Lots 374 through 377 & Lots 379 through 383 of Tomball Outlots, City of Tomball, Harris County, Texas