

**ORDINANCE NO. 2024-07**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 50 (ZONING) OF THE TOMBALL CODE OF ORDINANCES BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 31.12 ACRES OF LAND LEGALLY DESCRIBED AS BEING PORTIONS OF THE J H EDWARDS SURVEY, ABSTRACT 20 AND THE C GOODRICH SURVEY, ABSTRACT 311 FROM AGRICULTURAL (AG) TO SINGLE FAMILY RESIDENTIAL - 6 (SF-6). THE PROPERTY IS LOCATED WITHIN THE 22100 BLOCK (WEST SIDE) OF TOMBALL CEMETERY ROAD, WITHIN THE CITY OF TOMBALL, HARRIS COUNTY, TEXAS; 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.**

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**Whereas**, Ken & Betty Vairin, represented by META Planning & Design, Inc. , to amend Chapter 50 (Zoning) of the Tomball Code of Ordinance, by rezoning approximately 31.12 acres of land legally described as being portions of the J H Edwards Survey, Abstract 20 and the C Goodrich Survey, Abstract 311, being generally located in the 22100 block (west side) of Tomball Cemetery 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 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 THE 15<sup>TH</sup> DAY OF APRIL 2024.

COUNCILMAN FORD	<u>YEA</u>
COUNCILMAN STOLL	<u>YEA</u>
COUNCILMAN DUNAGIN	<u>YEA</u>
COUNCILMAN TOWNSEND	<u>YEA</u>
COUNCILMAN PARR	<u>YEA</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 6<sup>TH</sup> DAY OF MAY 2024.

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

\_\_\_\_\_  
LORI KLEIN QUINN, Mayor

ATTEST:

\_\_\_\_\_  
TRACYLYNN GARCIA, City Secretary

## PEA GROUP



16060 Dillard Drive, Suite 250  
Houston, TX 77040

713.688.3530  
peagroup.com

### LEGAL DESCRIPTION

Being 31.122 acres or 1,355,691 square feet of land situated in the John Edwards Survey, Block 3, Abstract Number 20 and the Chancey Goodrich Survey, Abstract Number 311, Harris County, Texas, being all of that certain called 31.159 acres of land described in deed recorded in Harris County Clerk File Number V256093, Texas, and more particularly described as follow (Bearings and coordinate are based on the Texas Coordinate System of 1983, South Central Zone, all distances shown hereon are surface distances and may be converted to grid by applying the following combined scale factor: 0.9999443881);

COMMENCING at a found 5/8 inch iron rod with cap stamped "TONY P. SWONKE RPLS" having grid coordinates X: 3,024,702.62 feet, Y: 13,956,276.70 feet found in the west right-of-way line of Tomball Cemetery Road (called 60 feet wide) and the Northwest right-of-way line of FM 2920 (called 120 feet wide), for the southeast corner of Lot 1, Final Plat of Sitemag at Tomball, recorded in Film Code Number 700317 of the Map Records of Harris County;

THENCE, North 03°19'11" West, along the west right-of-way line of said Tomball Cemetery Road and the east line of said Lot 1, a distance of 340.12' to a found 5/8 inch iron rod with cap stamped "TONY P. SWONKE RPLS" having grid coordinates X: 3,024,682.73 feet, Y: 13,956,616.26 feet the POINT OF BEGINNING of the herein described tract;

THENCE, South 86°39'32" West, along the north line of said Lot 1, at a distance of 1,358.48 passing a 5/8 inch iron rod with cap stamped "TONY P. SWONKE RPLS", found for the northerly northwest corner of said Lot 1 and the northeast corner of a called 18.739 acre tract, recorded in Harris County Clerk File Number RP-2017-242129, and continuing along the North line of said 18.739 acre tract, for a total distance of 1,988.49 feet to a 5/8 inch iron rod found in the east line of a called 122 acre tract recorded in Harris County Clerk File Number N908353, for the northwest corner of said 18.739 acre tract;

THENCE, North 03°00'51" West, along the east line of said 122 acre tract, a distance of 683.31 feet to a 5/8 inch iron rod with cap, in the east line of said 122 acre tract, for the southwest corner of Tract 4, of Replat Number 2 of Pine Country of Tomball Section Three, recorded in File Clerk Number 641167 of the Map Records of Harris County;

THENCE, North 86°42'40" East, along the south line of said Tract 4 and the south line of Reserve "B", Replat of Pine Country of Tomball Section 2, recorded in Film Code Number 628282 of the Map Records of Harris County, at a distance of 1,544.77 feet passing a 1/2 inch iron rod found for the southeast corner of said Reserve B and the southwest corner of Lot 13, Block 1, Pine Country of Tomball Section Two, Reserve "A" Replat, recorded in Film Code Number 671096 of the Map Records of Harris County, continuing for a total distance of 1,984.85 feet to a 5/8 inch iron rod with cap "TONY P. SWONKE RPLS" found in the west right-of-way line of said Tomball Cemetery Road, for the southeast corner of said Lot 13;

THENCE, South 03°19'11" East, along the west right-of-way line of said Tomball Cemetery Road, a distance of 681.49 feet to the POINT-OF-BEGINNING and containing 31.122 acres of land or 1,355,691 square feet of land.



Glen H. Freeland, R.P.L.S.      Date: 01-26-2024  
Texas Registered Land Surveyor No. 5758  
gfreeland@peagroup.com  
Agent of PEA Group  
TBPELS Firm #10194679  
File No. 2023-0613





**Location:** 22100 block (west) of Tomball Cemetery Road, being portions of J H Edwards Survey, Abstract 20 and the C Goodrich Survey, Abstract 311, City of Tomball, Harris County, Texas.