

ORDINANCE NO. 2024-03

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 AGRICULTURAL (AG) TO OFFICE (O) DISTRICT; 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.

Whereas, ESP Enterprises Inc. represented by Phlex Properties LLC, has requested that approximately 6.87 acres of land legally described as being a portion of the W Hurd Survey, Abstract 378, being generally located in the 100 block (west side) of School Street, 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 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 19TH DAY OF FEBRUARY 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 4TH DAY OF MARCH 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>

Derek Townsend, Sr. Mayor Pro Tem
LORI KLEIN QUINN, Mayor

ATTEST:

Tracylynn Garcia
Tracylynn Garcia, City Secretary

Exhibit "A"



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**METES AND BOUNDS DESCRIPTION
6.8940 ACRES (300,302 SQUARE FEET)
WILLIAM HURD SURVEY, ABSTRACT 378
HARRIS COUNTY, TEXAS**

Being a tract or parcel, containing 6.8940 acres (300,302 square feet) of land situated in the William Hurd Survey, Abstract Number 378, Harris County, Texas; Said 6.8940 acre tract being all of the remainder of a called 8.183 acre tract of record in the name of RYM Company, Ltd., in Harris County Clerk's File (H.C.C.F.) Number Y990591 and all of a called 0.5645 acre tract of record in the name of RYM Company, Ltd., in H.C.C.F. Number 20090143820; Save and Except a called 1.213 acre tract of record in the name of the City of Tomball in H.C.C.F. Number J819955, a called 0.5388 acre tract of record in the name of the City of Tomball in H.C.C.F. Number 20090143820 and a called 0.1273 acre tract dedicated to the public for Right-of-Way (R.O.W.) purposes of record in Film Code Number 694222, in the Map Records of Harris County (H.C.M.R.), Texas; Said 6.8940 acre tract being more particularly described by metes and bounds as follows (bearing referenced herein are based on the Texas Coordinate System, South Central Zone NAD83):

COMMENCING at a 5/8 inch iron rod found for the northwest corner of aforesaid 1.213 acre tract and the southwest corner of aforesaid 0.5388 acre tract, and being on the north R.O.W. line of Michel Road (80 feet wide)

THENCE, coincident the west line of aforesaid 1.213 acre tract and through and across aforesaid Michel Road, South 02 Degrees 32 Minutes 38 Seconds East, a distance of 80.00 feet to a 5/8 inch iron rod with "VILLA 6751" cap set for the northwest corner and **POINT OF BEGINNING** of the herein described tract and the northeast corner of the remainder of a called 15.891 acre tract of record in the name of Tortuga Operating Company in H.C.C.F. Number 20140565586, and being on the south R.O.W. line of said Michel Road;

THENCE, coincident the north line of the herein described tract and the south R.O.W. line of aforesaid Michel Road the following three (3) courses:

1. North 87 Degrees 26 Minutes 18 Seconds East, a distance of 100.00 feet to a 5/8 inch iron rod with "VILLA 6751" cap set;
2. North 02 Degrees 33 Minutes 42 Seconds West, a distance of 3.86 feet to a 5/8 inch iron rod with "VILLA 6751" cap set;
3. North 87 Degrees 26 Minutes 18 Seconds East, a distance of 460.02 feet to a 5/8 inch iron rod with "VILLA 6751" cap set for the northeast corner of the herein described tract and the southeast corner of aforesaid 0.5388 acre tract, being on the south R.O.W. line of said Michel Road and the west R.O.W. line of School Road (60 feet wide);

THENCE, coincident the east line of the herein described tract the following four (4) courses:

1. South 02 Degrees 42 Minutes 37 Seconds East, a distance of 131.29 feet to a 5/8 inch iron rod with "VILLA 6751" cap set for the southeast corner of aforesaid 0.5645 acre tract;
2. South 02 Degrees 46 Minutes 07 Seconds East, a distance of 187.49 feet to a 5/8 inch iron rod with "VILLA 6751" cap set for the southwesterly terminus of aforesaid School Road;
3. North 87 Degrees 15 Minutes 30 Seconds East, a distance of 30.19 feet to a 5/8 inch iron rod with "VILLA 6751" cap set for the northwest corner of Restricted Reserve "A" in SRP GECAP Tomball MOB, a subdivision duly of record in Film Code Number 694222, H.C.M.R.;
4. South 02 Degrees 40 Minutes 39 Seconds East, a distance of 206.25 feet to a 5/8 inch iron rod with "VILLA 6751" cap set for the southeast corner of the herein described tract and the northeast corner of Lot 7 in Tomball Industrial Park Final Plat, a subdivision duly of record in Film Code Number 437033, H.C.M.R., and being on the west line of aforesaid Reserve "A";



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THENCE, coincident the south line of the herein described tract and the north line of aforesaid Lot 7, South 87 Degrees 25 Minutes 33 Seconds West, a distance of 591.81 feet to a 5/8 inch iron rod with "VILLA 6751" cap set for the southwest corner of the herein described tract and the southeast corner of aforesaid 15.891 acre tract, and being on the north line of said Lot 7;

THENCE, coincident the west line of the herein described tract and the east line of aforesaid 15.891 acre tract, North 02 Degrees 32 Minutes 38 Seconds West, a distance of 521.20 feet to the **POINT OF BEGINNING** and containing 6.8940 acres (300,302 square feet) of land.

Compiled by: Chris Garcia
Checked by: Daniel Villa, Jr.
DVJ Land Surveying
8118 Fry Road, Ste. 402
Cypress, Texas 77433
February 1, 2023
Project Number 23-0059



Location: 100 block (west side) of School Street, being portions of W Hurd Survey, Abstract 378, City of Tomball, Harris County, Texas