

**ORDINANCE NO. 2011-15**

**AN ORDINANCE TERMINATING THE DESIGNATION OF A CONTINUOUS GEOGRAPHIC AREA WITHIN THE CITY OF TOMBALL AS TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, CITY OF TOMBALL, TEXAS, FOR TAX INCREMENT FINANCING PURPOSES, PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE TERMINATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

\* \* \* \* \*

**WHEREAS**, on September 17, 2007, after all required notices and hearings, and after review and consideration of the preliminary reinvestment zone project and financing plan, the City Council of the City of Tomball passed and approved Ordinance No. 2007-09, which created a reinvestment zone, pursuant to Chapter 311 of the Texas Tax Code, as amended (the “Act”), within the area of the City as described in Exhibit “A” attached hereto and referred to as Tax Increment Reinvestment Zone Number One (the “Zone”); and

**WHEREAS**, Section 4 of Ordinance 2007-09 provides as follows:

**Section 4. Duration of the Zone.**

The Zone shall take effect on January 1, 2008, for the deposit of tax increments into the Tax Increment Fund established pursuant to Section 7 of this Ordinance, and termination of the operation of the Zone shall occur on December 31, 2037, or at an earlier time designated by subsequent ordinance, or at such time, subsequent to the issuance of tax increment bonds, if any, that all project costs, tax increment bonds, notes and other obligations of the Zone, and the interest thereon, have been paid in full.

; and

**WHEREAS**, the Zone was created to facilitate the proposed multi-use development (the “Lakes at Crosspoint”) in a predominantly open, underdeveloped area that lacked public utilities which impaired and arrested the sound growth of the City; and

**WHEREAS**, the Lakes of Crosspoint project is no longer proposed for development; therefore, the Zone’s final project and financing plans were not developed and the Zone’s Board was never created; and

**WHEREAS**, the Zone does not have any outstanding project costs, tax increment bonds, interest on any bonds, or other obligations; and

**WHEREAS**, the City of Tomball desires to terminate the Zone and hereby set an effective date for termination of the Zone;

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

**Section 1.     Findings.**

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are adopted as part of this Ordinance for all purposes.

**Section 2.     Termination of the Zone.**

The City, acting under the provisions of the Act, including Section 311.017(a)(1) thereof, does hereby terminate the designation of the reinvestment zone, named “Tax Increment Reinvestment Zone Number One”, over the area described in Exhibit “A” and depicted in the map attached hereto as Exhibit “B”. The effective date for the termination of the Zones is the date of this Ordinance and such termination is effective immediately.

**Section 3.     Tax Increment Fund.**

The City hereby terminates the Tax Increment Fund created for payment of any obligations or project costs of the Zone since no tax increment bonds or other obligations have been issued and any and all project costs have been paid in full.

**Section 4. Severability.**

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person to set circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining provisions of this Ordinance or their application to other persons or set of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or regulations connected herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

**Section 8. Open Meetings.**

It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the Time required by law preceding its meeting, as required by the Texas Open Meetings Act, Texas Government Code, Ch. 551, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

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 15TH DAY OF AUGUST 2011.

COUNCILMEMBER HUDGENS	<u>AYE</u>
COUNCILMEMBER STOLL	<u>AYE</u>
COUNCILMEMBER BROWN	<u>AYE</u>
COUNCILMEMEBER TOWNSEND	<u>AYE</u>
COUNCILMEMEMBER DODSON	<u>AYE</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 22ND DAY OF AUGUST 2011.

COUNCILMEMBER HUDGENS	<u>AYE</u>
COUNCILMEMBER STOLL	<u>AYE</u>
COUNCILMEMBER BROWN	<u>AYE</u>
COUNCILMEMEBER TOWNSEND	<u>AYE</u>
COUNCILMEMEMBER DODSON	<u>AYE</u>

Gretchen Fagan  
Gretchen Fagan, Mayor

ATTEST:

Doris Speer  
Doris Speer, City Secretary

## EXHIBIT "A"

### BOUNDARY DESCRIPTION

**264.873 Acres**

**John S. Smith Survey, Abstract Number 730**

**Jesse Pruitt Survey, Abstract Number 629**

**Harris County, Texas**

*Being a 264.873 acre tract of land situated in the John S. Smith Survey, Abstract Number 730, and the Jesse Pruitt Survey, Abstract Number 629, both of Harris County, Texas, being all of a called 93.3660 acre tract described in deed recorded in Clerk's File Number D421761, all of a called 0.972 acre tract described in deed recorded in Clerk's File Number Z376562, all of a called 7.0483 acre tract described in deed recorded in Clerk's File Number R739130, all of a called 9.5140 acre tract described in deed recorded in Clerk's File Number F258268, all of a called 20.68 acre tract described in deed recorded in Clerk's File Number D821485, all of a called 10.0447 acre tract described in deed recorded in Clerk's File Number D580465, all of a called 7.6527 acre tract described in deed recorded in Clerk's File Number D580475, all of a called 4.5874 acre tract described in deed recorded in Clerk's File Number D580465, all of a called 78.5298 acre tract described in deed recorded in Clerk's File Number X170158, and all of a called 4.000 acre tract described in deed recorded in Clerk's File Number Z177722, all of the Real Property Records of Harris County, Texas, and being all of a called 0.75 acre tract described in deed recorded in Volume 3273, Page 361, all of a called 6.68 acre tract described in deed recorded in Volume 941, Page 462, all of a second called 6.68 acre tract described in deed recorded in Volume 1101, Page 507, all of the Deed Records of Harris County, Texas, together with all of Lot 8 of the Stockley Estates Partition as described in instrument recorded in Volume 1163, Page 270 of said Deed Records, and part of Unrestricted Reserve "B", Block One of TOMBALL EAST GATE CENTER, a subdivision in Harris County, Texas according to the map or plat thereof recorded in Film Code Number 542107 of the Map Records of Harris County, Texas; said 264.873 acres being more particularly described as follows with all bearings based on the recorded deed for the 93.3660 acre tract;*

BEGINNING at a 5/8 inch iron rod, found for the most Easterly Northeast corner of the herein described tract, common with the most Easterly Northeast corner of the 93.3660 acre tract, same being in the West right-of-way line of FM 2978, and proceeding:

THENCE S 00°24'20" W, a distance of 1,873.08 feet, along the outer East line of the herein described tract, common with an East line of the 93.3660 acre tract, the East line of the 0.972 acre tract, the lower East line of the 93.3660 acre tract, and the West right-of-way line of FM 2978, to a concrete monument, found at the beginning of a curve to the right;

THENCE continuing along the outer East line of the herein described tract, common with the lower East line of the 93.3660 acre tract, the East line of the 7.0483 acre tract, the East line of the 9.5140 acre tract, and the West right-of-way line of FM 2978, around said curve to the right, having a radius of 3,759.77 feet, a central angle of 11°56'16", an arc length of 783.36 feet, and a chord which bears S 06°22'28"W, 781.94 feet, to a point for corner;

THENCE S 12°26'14" W, 474.45 feet, continuing along the outer East line of the herein described tract,

common with the East line of the 9.5140 acre tract and the West right-of-way line of FM 2978, to a point for corner;

THENCE S 12°21'25" W, 1,309.80 feet, continuing along the outer East line of the herein described tract, common with the outer East line of the 78.5298 acre tract, the East line of said Unrestricted Reserve "B", and the West right-of-way line of FM 2978, to a point for the most Easterly Southeast corner of the herein described tract;

THENCE S 89°22'22" W, 202.48 feet, along a South line of the herein described tract, and severing Unrestricted Reserve "B", to a point for an interior corner of the herein described tract;

THENCE S 12°24'29" W, 77.29 feet, along an East line of the herein described tract, and continuing to sever Unrestricted Reserve "B", to a point for corner;

THENCE S 89°23'50" W, 180.27 feet, along a South line of the herein described tract, common with the upper South line of Unrestricted Reserve "B", to a point for an interior corner of the herein described tract;

THENCE S 00°29'06" E, 197.39 feet, along the lower East line of the herein described tract, common with the lower East line of Unrestricted Reserve "B", to a point for the most Southerly Southeast corner of the herein described tract, same being in the North right-of-way line of FM 2920;

THENCE S 89°26'55" W, 1,293.66 feet, along the lower South line of the herein described tract, common with the lower South line of Unrestricted Reserve "B", the lower South line of the 78.5298 acre tract, and the North right-of-way line of FM 2920, to a point for the most Southerly Southwest corner of the herein described tract;

THENCE N 08°51'17" W, a distance of 1,323.96 feet, along the lower West line of the herein described tract, common with the lower West line of the 78.5298 acre tract, the West line of the 4.000 acre tract, and the upper West line of the 78.5298 acre tract, to a point for corner;

THENCE N 00°19'31" E, a distance of 2,047.81 feet, continuing along the lower West line of the herein described tract, common with the upper West line of the 78.5298 acre tract, the West line of the first 6.68 acre tract and the West line of the second 6.68 acre tract, to a 3/8 inch iron rod, found for an interior corner of the herein described tract, common with the Northwest corner of the second 6.68 acre tract, same being in the South line of the 10.0447 acre tract;

THENCE N 89°49'53" W, a distance of 781.37 feet, along an upper South line of the herein described tract, common with the South line of the 10.0447 acre tract, the South line of said Lot 8, the South line of the 7.6527 acre tract and the South line of the 4.5874 acre tract, to an iron rod with survey cap stamped "EIC", found for the most Westerly Southwest corner of the herein described tract, common with the Southwest corner of the 4.5874 acre tract, same being in the East right-of-way line of Snook Road;

THENCE N 00°28'45" E, a distance of 813.76 feet, along the outer West line of the herein described tract, common with the West line of the 4.5874 acre tract and the East right-of-way line of Snook Road, to an iron rod with survey cap stamped "EIC", found for the most Westerly Northwest corner of the herein described tract, common with the most Westerly Northwest corner of the 4.5874 acre tract;

THENCE along the North line of the 4.5874 acre tract, and the West, Northwest, East and lower North lines of the 7.6527 acre tract, the following bearings and distances:

S 89°56'02" E, a distance of 99.67 feet;

N 00°07'47" E, a distance of 75.39 feet, to an axle;

S 85°56'51" E, a distance of 140.52 feet, to a one inch iron pipe;

N 00°09'36" E, a distance of 187.23 feet;

S 90°00'00" W, a distance of 36.75 feet;

N 00°02'50" E, a distance of 345.44 feet, to an iron rod with survey cap stamped "EIC";

N 56°28'52" E, a distance of 236.92 feet, to an iron rod with survey cap stamped "EIC";

S 00°09'36" W, a distance of 481.48 feet, to a 5/8 inch iron rod; and

S 88°47'58" E, a distance of 73.31 feet, to a 1/2 inch iron pipe, found for corner, common with the lower Northeast corner of the 7.6527 acre tract and the Northwest corner of said Lot 8;

THENCE along the North line of said Lot 8 and the North line of the 10.0447 acre tract, the following bearings and distances:

N 89°44'26" E, a distance of 126.58 feet, to a 5/8 inch iron rod; and

S 89°22'20" E, a distance of 581.78 feet, to an iron rod with survey cap stamped "EIC", found for an interior corner of the herein described tract, common with the Northeast corner of the 10.0447 acre tract, same being in the upper West line of the 93.3660 acre tract;

THENCE N 00°28'13" E, a distance of 1,017.76 feet, along the upper West line of the herein described tract, common with the upper West line of the 93.3660 acre tract, to a 1 inch iron pipe, found for the Northwest corner of the herein described tract, common with the Northwest corner of the 93.3660 acre tract;

THENCE S 89°11'33" E, a distance of 828.82 feet, along the upper North line of the herein described tract, common with the upper North line of the 93.3660 acre tract, to a 5/8 inch iron rod, found for the most Northerly Northeast corner of the herein described tract, common with the most Northerly Northeast corner of the 93.3660 acre tract;

THENCE S 00°15'15" E, a distance of 732.15 feet, along the upper East line of the herein described tract, common with the upper East line of the 93.3660 acre tract, to a 5/8 inch iron rod, found for an interior corner of the herein described tract, common with an interior corner of the 93.3660 acre tract;

THENCE S 89°48'32" E, a distance of 381.21 feet, along a North line of the herein described tract, common with the lower North line of the 93.3660 acre tract, to a 5/8 inch iron rod, found for corner;

THENCE S 89°49'17" E, a distance of 737.15 feet, continuing along a North line of the herein described tract, common with the lower North line of the 93.3660 acre tract, back to the **POINT OF BEGINNING** and containing 264.873 acres of land.

(signed) Steven L. Crews

Steven L. Crews, Registered Professional Land Surveyor, Number 4141

06-0336T

08/06/07

**EXHIBIT "B"**

## **BOUNDARY MAP**