

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 22, 2022

Ms. Laurie Gharis, Chief Clerk
Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC-105
Austin, Texas 78711-3087

Re: TCEQ Docket No. 2022-0535-DIS; Consideration of a Petition for Creation of
Tomball Business Improvement District No.1 of Harris County

Dear Ms. Gharis:

Enclosed for filing with the Texas Commission on Environmental Quality (Commission) are the following backup materials for the August 10, 2022, agenda item on the above referenced matter:

1. Proposed Order;
 - a. Exhibit A: Metes and Bounds
 - b. Exhibit B: Staff Memorandum
2. Petition for Creation;
3. City Resolution;
4. Certificate and Notice of Hearing;
5. Affidavit of Publication and Tear Sheets;
6. Mailing List; and
7. Caption.

Please do not hesitate to contact me at (512) 239-4761 if you have any questions regarding this material. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Kayla Murray".

Kayla Murray
Staff Attorney
Environmental Law Division

Attachment 1
Proposed Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER GRANTING THE PETITION FOR CREATION OF TOMBALL BUSINESS IMPROVEMENT DISTRICT NO. 1 AND APPOINTING TEMPORARY DIRECTORS

DOCKET NO. 2022-0535-DIS

On August 10, 2022, the Texas Commission on Environmental Quality (Commission) met in regular session at its offices in Austin, Texas, with notice of the meeting issued in compliance with the Open Meetings Act, Texas Government Code §§ 551.001-551.146, and the Administrative Procedure Act, Texas Government Code §§ 2001.001-2001.903, to consider the petition (Petition) filed by LIT Interchange 249 Business Park, LLC, as authorized, to create Tomball Business Improvement District No. 1 (District) of Harris County pursuant to Article XVI, § 59, and Article III, §§ 52 and 52(a) of the Texas Constitution and Chapter 375 Texas Local Government Code, and Chapter 49, Texas Water Code.

The Commission has jurisdiction to consider this matter and the following Findings of Fact and Conclusions of Law are appropriate after examining the application and supporting documentation:

FINDINGS OF FACT

1. On March 29, 2022, an application (including the Petition) by LIT Interchange 249 Business Park, LLC, a Delaware limited liability company (Petitioner) was filed with the Commission pursuant to Chapter 375, Texas Local Government Code; Chapter 49, Texas Water Code; and Chapter 293, Title 30 Texas Administrative Code.
2. The Petition was signed by a duly authorized officer of the Petitioner.
3. The Petitioner holds a majority in value of title to the land to be included within the proposed District's boundaries.
4. Petitioner requested that the Commission hold a public hearing on the question of the creation of the District pursuant to Texas Local Government Code §375.023; Chapter 49, Texas Water Code; and Title 30 Texas Administrative Code §293.12(g).
5. The Petition contains a metes and bounds description of the boundaries of the District; states the specific purpose for which the District will be created; states the general nature of the work, the necessity for the work, and the approximate cost of the work; includes the name of the District; includes a proposed list of initial directors, their experience, and their initial term of service; and includes a Resolution by the City of Tomball, which expresses the city's consent to create the District.
6. There are no lienholders on the land in the proposed District.
7. Harris County is the county in which the District is to be located.

8. Notice of the hearing on the application was published on July 6 and July 13, 2022, in the *Houston Chronicle dba The Potpourri*, a newspaper regularly published and generally circulated in Harris County, Texas, which is the county in which the proposed District is to be located.

9. The notices of the hearing on the application contained the statement, "Each person has a right to appear and present evidence and testify for or against the allegations in the petition, the form of the petition, the necessity and feasibility of the district's project, and the benefits to accrue."

10. Submitted within the petition were notarized affidavits for each of the proposed initial directors, listed as follows and indicating that each meets the qualification requirements of Texas Local Government Code § 375.063:

Two-Year Term

Jorge Guerra, Jr.
Joel Curtis

Four-Year Term

Joe Elkin
Michael Edward Harney
Randall Parr

Pursuant to Texas Local Government Code § 375.062, Petitioner requests that the Commission divide the initial directors into two groups, with two directors serving two-year terms and three directors serving four-year terms, as indicated above.

11. By Ordinance No. 2021-44, passed and approved November 29, 2021, the City of Tomball has consented to the creation of the District, as required by 30 Texas Administrative Code § 293.11(j)(1)(F).

12. The Executive Director conducted a review of the application and memorialized his findings in a technical memorandum dated May 27, 2022 (Memorandum). The Memorandum is attached as Exhibit "B" and is incorporated as part of this Order.

13. The creation of the District as set out in the Petition is feasible, necessary, and would be a benefit to the land to be included in the District.

14. The District and its system and subsequent development within the District will not have an unreasonable effect on the following: land elevations; subsidence; groundwater level within the region; recharge capability of a groundwater source; natural run-off rates and drainage; and water quality.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction to consider this Petition and is authorized to make and enter its Findings of Fact, Conclusions of Law, and Orders with respect to the creation of the proposed District.

2. All of the land and property proposed may properly be included within the District.

3. The Petition conforms to the requirement of Texas Local Government Code § 375.022.

4. Proper notice of this application was given pursuant to Texas Local Government Code §§ 375.023 and 375.024.

5. All statutory and regulatory requirement for creation of Tomball Business Improvement District No. 1 have been fulfilled in accordance with Chapter 375, Texas Local Government Code and Title 30 Texas Administrative Code § 293.11(j).

NOW THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT:

1. The Petition for the creation of Tomball Business Improvement District No. 1 is hereby granted.
2. The District is created under the terms and conditions of Article XVI, § 59, and Article III, §§ 52 and 52(a) of the Texas Constitution, and Chapter 375, Texas Local Government Code, and Chapter 49, Texas Water Code.
3. The District shall have, and shall be subject to, all of the rights, duties, powers, privileges, authority, and functions conferred and imposed by the Commission and the general laws of the State of Texas relating to municipal management districts.
4. The general nature of the work proposed to be done by the District at the present time is to purchase, construct, acquire, maintain, own, operate, repair, improve and extend a waterworks and sanitary sewer system for industrial and commercial purposes; to construct, acquire, improve, extend, maintain, and operate of works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the District; to control, abate, and amend local storm waters or other harmful excesses of waters as shall be consonant with the purposes for which the District is created, all as more particularly described in an engineer's report filed simultaneously with the filing of the petition, to which reference is made for a more detailed description, and such other additional facilities, systems, plants, and enterprises, and road, park and recreational facilities, as shall be consistent with all of the purposes for which the District is created.
5. The District shall be composed of the area situated wholly within the corporate limits of the City of Tomball, Harris County, Texas, described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.
6. The following five persons with terms, as noted, are hereby named and appointed as initial directors of the District to serve until their successors are elected or have been appointed in accordance with applicable law:

Two-Year Term
Jorge Guerra, Jr.
Joel Curtis

Four-Year Term
Joe Elkin
Michael Edward Harney
Randall Parr

7. The foregoing initial directors shall, as soon as practicable after the date of entry of this Order, execute their official bonds and take their official oath of office. All such bonds shall be approved by the Board of Directors of the District and each bond and oath shall be filed with the District and retained in its records.
8. This Order shall in no event be construed as an approval of any proposed agreements or of any particular items in any documents provided in support of the petition for creation, nor as a commitment or requirement of the Commission in the future to approve or disapprove any particular items or agreements in future applications submitted by the District for Commission consideration.
9. This order shall not constitute approval or recognition of the validity of any provision in the City of Tomball consent Ordinance No. 2021-44, passed and approved November 29, 2021, and any other ordinance/resolution incorporated therein by reference to the extent that such provisions exceed the authority granted to the City of Tomball, by the laws of the State of Texas.

10. The Chief Clerk of the Texas Commission on Environmental Quality shall forward a copy of this Order to all affected persons.

11. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date: (DRAFT)

For the Commission

Exhibit A
Metes and Bounds

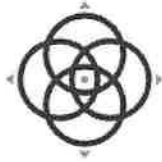


EXHIBIT A

WINDROSE

LAND SURVEYING | PLATTING

DESCRIPTION OF 240.075 ACRES OR 10,457,658 SQ. FT.

A TRACT OR PARCEL CONTAINING 240.075 ACRES OR 10,457,658 SQUARE FEET OF LAND SITUATED IN THE AUGUSTE SENERCHAL SURVEY, ABSTRACT NO. 722, HARRIS COUNTY, TEXAS, BEING A RESIDUE OF A CALLED 314.8179 ACERS DESCRIBED IN DEED TO EXXON MOBILE CORPORATION, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. W883345, WITH SAID 240.075 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A BRASS DISK FOUND ON THE NORTHWEST END OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF ROCKY ROAD (60 FEET WIDE) AND THE SOUTH R.O.W. LINE OF STATE HIGHWAY 99 (WIDTH VARIES) DESCRIBED IN H.C.C.F. NO. 20150158935, MARKING A NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 47 DEG. 13 MIN. 03 SEC. EAST, ALONG THE SAID CUTBACK LINE, A DISTANCE OF 48.58 FEET TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST END OF SAID CUTBACK CORNER, FOR A NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE WEST LINE OF SAID ROCKY ROAD, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 02 DEG. 48 MIN. 39 SEC. EAST, A DISTANCE OF 69.85 FEET TO A BRASS DISK FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 87 DEG. 08 MIN. 19 SEC. EAST, A DISTANCE OF 9.43 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR AN EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 02 DEG. 54 MIN. 51 SEC. EAST, A DISTANCE OF 1,737.73 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE NORTHEAST END OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF SAID ROCKY ROAD AND THE NORTH R.O.W. LINE OF BOUDREAUX ROAD (60 FEET WIDE), MARKING THE MOST EASTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 42 DEG. 03 MIN. 13 SEC. WEST, ALONG THE SAID CUTBACK LINE, A DISTANCE OF 21.23 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHWEST END OF SAID CUTBACK MARKING A SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; FROM WHICH A 1/2 INCH IRON ROD BEARS FOR REFERENCE SOUTH 30 DEG. 14 MIN. 11 SEC. WEST, A DISTANCE OF 3.93 FEET.

THENCE, SOUTH 87 DEG. 01 MIN. 16 SEC. WEST, ALONG THE NORTH R.O.W. LINE OF SAID BOUDREAUX ROAD, A DISTANCE OF 5,152.11 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "TSI 5269" FOUND MARKING THE SOUTHEAST CORNER OF A CALLED 5.6619 ACRE TRACT DESCRIBED IN DEED TO COUNTY OF HARRIS, AS RECORDED UNDER H.C.C.F. NO. 20130144685, AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

EXHIBIT A

THENCE, NORTH 03 DEG. 04 MIN. 42 SEC. WEST, ALONG THE EAST LINE OF SAID CALLED 5.6619 ACRE TRACT, A DISTANCE OF 2,163.53 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH LINE OF SAID STATE HIGHWAY 99, MARKING THE NORTHEAST CORNER OF SAID CALLED 5.6619 ACRE TRACT AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE SOUTH R.O.W. LINE OF SAID STATE HIGHWAY 99, THE FOLLOWING COURSES AND DISTANCES:

NORTH 87 DEG. 03 MIN, 20 SEC. EAST, A DISTANCE OF 269.34 FEET (CALLED 269.61') TO A BRASS DISK MARKING THE BEGINNING OF A CURVE TO THE RIGHT;

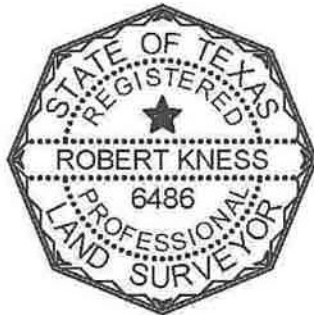
WITH SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,259.16 FEET, A CENTRAL ANGLE OF 04 DEG. 03 MIN. 25 SEC., AN ARC LENGTH OF 558.81 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89 DEG. 05 MIN. 02 SEC. EAST - A DISTANCE OF 797.06 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET MARKING A POINT OF TANGENCY;

SOUTH 88 DEG. 53 MIN. 15 SEC. EAST, A DISTANCE OF 3,514.68 FEET TO A BRASS DISK MARKING THE BEGINNING OF A CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 11,659.16 FEET, A CENTRAL ANGLE OF 02 DEG. 44 MIN. 46 SEC., AN ARC LENGTH OF 558.81 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89 DEG. 44 MIN. 22 SEC. EAST - A DISTANCE OF 558.75 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 240.075 ACRES OR 10,457,658 SQUARE FEET OF LAND.



ROBERT KNESS
R.P.L.S. NO. 6599
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



7-12-2021
DATE:

Exhibit B
Staff Memorandum

Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

To: Justin P. Taack, Manager
Districts Section

Date: May 27, 2022

Thru: Andrew Paynter, Technical Specialist
Districts Section

From: James Walker
Districts Creation Review Team

Subject: Docket No. 2022-0535-DIS; Petition by LIT Interchange 249 Business Park, LLC for the Creation of Tomball Business Improvement District No. 1; Pursuant to Chapter 375, Texas Local Government Code and Chapter 49, Texas Water Code. TCEQ Internal Control No. D-03292022-056 (TC)
CN: 606001535 RN: 111468054

A. GENERAL INFORMATION

The Texas Commission on Environmental Quality (TCEQ) received a petition within the application requesting approval for the creation of Tomball Business Improvement District No. 1 (District) of Harris County. The petition was signed by Charles F. Meyer, Jr. as the authorized signatory of Interchange 249 Business Park GP, LLC, a Texas limited liability company, the general partner of Interchange 249 Business Park, LP, a Texas limited partnership, an operating member of LIT Interchange 249 Business Park, LLC, a Delaware limited liability company (Petitioner). In compliance with 30 Texas Administrative Code (30 TAC) Section 293.11(j)(1), the petition states that the Petitioner constitutes a majority of the value of the holders of title of the land within the proposed District, as indicated by the tax rolls of Harris County Appraisal District. There are no lienholders on the property to be included in the proposed District.

The District is proposed to be created and organized according to the terms and provisions of Article XVI, Section 59, and Article III, Sections 52 and 52(a) of the Texas Constitution, and Chapter 375, Texas Local Government Code (TLGC), and Chapter 49, Texas Water Code (TWC).

Location and Access

The proposed District is located in Harris County, Texas, south of State Highway 99, west of Rocky Road, and north of Boudreaux Road. The proposed District is located wholly within the corporate limits of the City of Tomball (City). Access to the proposed District will be provided by State Highway 99 to State Highway 249 to Boudreaux Road.

Metes and Bounds Description

The proposed District contains one tract of land totaling 240.075 acres. The metes and bounds description of the proposed District has been checked by TCEQ staff and has been found to form an acceptable closure.

City Consent

By Ordinance No. 2021-44, passed and approved November 29, 2021, the City granted its consent to the petition for creation of the proposed District. Accordingly, the requirement of 30 TAC Section 293.11(j)(1)(F) has been satisfied.

Statements of Filing Petition

Evidence of filing the petition with the City Secretary's office, Harris County, the TCEQ's Houston regional office, the Texas State Representative, and the Texas State Senator was included in the application.

Notice Requirements

Proper notice of the application was published on July 6 and July 13, 2022, in the *Houston Chronicle dba The Potpourri*, a newspaper regularly published or circulated in Harris County, the county in which the District is proposed to be located. Accordingly, the notice requirements of 30 TAC Section 293.12(g) have been satisfied.

Type of Project

The proposed District will be considered a "developer project" as defined by 30 TAC Section 293.44(a). Therefore, developer cost participation in accordance with 30 TAC Section 293.47 will be required.

Developer Qualifications

Application material indicates that Lovett Industrial will carry out the development of the proposed District. Lovett Industrial was founded in 2020 with the goal of being the premier industrial and logistics real estate operating platform in the United States. Lovett Industrial currently has 16 projects across the United States.

Appraisal District Certificate

By certificate dated January 18, 2022, the Harris County Appraisal District has certified that the appraisal roll indicates that the Petitioner represents the owner of the majority of value of the property in the proposed District.

Temporary Director Affidavits

The TCEQ has received affidavits for consideration of the appointment of temporary directors for the following:

Two-Year Term
Jorge Guerra, Jr.
Joel Curtis

Four-Year Term
Joe Elkin
Michael Edward Harney
Randall Parr

Submitted within the application were notarized affidavits for each of the proposed temporary directors, indicating that each meets the qualification requirements of Texas Local Government Code Section 375.063.

Pursuant to Texas Local Government Code Section 375.062, the Petitioner requests that the TCEQ divide the temporary directors into two groups, with two directors serving two-year terms and three directors serving four-year terms, as indicated above.

B. ENGINEERING ANALYSIS

Availability of Comparable Service

The proposed District is within the corporate limits of the City of Tomball. According to information provided, there are no other utility servicers which have the facilities or capacity to serve the development. The proposed District will construct all internal water, wastewater, drainage, and road facilities, as well as required offsite roadway and wastewater improvements necessary to serve the proposed District. Once constructed, the required water, wastewater, and road improvements will be conveyed to the City for ownership and maintenance. Drainage improvements will be owned, operated, and maintained by the proposed District. All infrastructure proposed to serve the proposed District will be designed according to applicable criteria established by the City of Tomball, Harris County, Harris County Flood Control, Texas Department of Transportation, and the TCEQ as appropriate.

Water Supply

The proposed District is located within the corporate limits of the City of Tomball. The City holds the water Certificate of Convenience and Necessity (CCN) for the land to be included in the proposed District. It is expected that the proposed District will connect to existing City of Tomball infrastructure. The proposed District will not have a residential population, it will serve industrial and commercial development with an equivalent single-family connection (ESFC) count of 425. The ultimate average daily demand is estimated to be 0.11 million gallons per day (MGD) with a max day and peak hour demand of 0.26 MGD and 0.47 MGD, respectively.

Water Distribution

The water distribution system for full development of the proposed District will consist of approximately 4,600 linear feet (LF) of 12-inch water lines along with related appurtenances. Connection to the City's water system will be made to existing waterlines at Rocky Road and Boudreaux Road. The internal water distribution system will be looped with connection to waterlines within both Rocky Road and Boudreaux Road to improve supply conditions during emergencies and maintenance periods, and to equalize pressure in the system. Valves, fire hydrants, and flushing valves will be provided at intervals as required by the TCEQ and the City. The City intends to construct a 1.0 MGD elevated storage tank within the boundaries of the proposed District in order to supplement water pressure in the southwest corner of the City. The elevated storage tank is anticipated to be funded 50% by the City and 50% by the developer. Upon completion and inspection of the water supply facilities, all facilities will be conveyed to the City for ownership, maintenance, and operation.

Wastewater Treatment

The wastewater generated by the development within the proposed District will flow by gravity through internal wastewater lines to an onsite lift station which will pump to an existing City of Tomball wastewater system at the corner of State Highway 249 and Holderrieth Road, approximately 1 mile north of the proposed District.

Wastewater Collection

The wastewater collection system for full development of the proposed District will consist of approximately 4,050 LF of 12-inch diameter gravity flow wastewater line which will flow into a proposed lift station on the east side of the site. Approximately 8,160 LF of 6-inch wastewater force main is proposed to be installed east to Rocky Road, north along Rocky Road to Boudreaux Estates Drive, east along Boudreaux Estates Drive to the west side of State Highway 249, and north along the west side of State Highway 249 to the northwest corner of State Highway 249 and Holderrieth Road where it will connect to an existing City of Tomball wastewater manhole. It is estimated that the proposed District will contain 425 ESFCs at ultimate development, requiring 106,250 gallons per day of wastewater treatment capacity, using 250 gallons per day per connection. Upon completion and inspection of the wastewater facilities, all facilities will be conveyed to the City for ownership, maintenance, and operation.

Storm Water Drainage System and Drainage Improvements

The stormwater collection system for the full development of the District will consist of a combination of street curbs and gutters with inlets, detention ponds, and internal storm drain conduit. Major storm pipe infrastructure ranges from 18-inch reinforced concrete pipe to 6'x5' reinforced concrete box. The storm water collection system will be designed to convey the 2-year storm within a pipe system to the two proposed detention ponds onsite. One will be at the northwest corner of the site, and one will be at the eastern side of the site. The 100-year storm will be conveyed to the detention ponds via sheet flow.

Road Improvements

The paving within the proposed District will be 40-foot concrete curb and gutter roadways provided by the proposed District. Connections to Rocky Road, State Highway 99, Shaw Road, and Boudreaux Road will provide ingress/egress access to the site. The collector roadways for full development of the proposed District will consist of a north/south roadway providing connectivity to State Highway 99 and Hamish Road and an east/west roadway which will provide connectivity from Hamish Road to Rocky Road. Application material indicates the proposed District will construct improvements within the proposed District. Once constructed, the roadway improvements will be conveyed to the City for ownership and maintenance. The City has consented by ordinance to the creation of the District with road powers.

Recreational Facilities

The proposed District will construct recreational facilities consisting of major amenity infrastructures.

Topography/Land Elevation

The topography of the proposed District is relatively flat and forested, with some steeper slopes near the northwest corner. Elevations range from 170 to 159 feet above mean seal level. The fill and/or excavation associated with the development of the proposed District's systems will not cause any changes in land elevation other than that normally associated with the construction of the underground utility systems, drainage facilities, and paving.

Floodplain

According to Federal Emergency Management Agency Flood Insurance Rate Map No. 48201C0220L, dated June 18, 2007, and 48201C0240M dated October 16, 2013, approximately 1 acre of the proposed District is located within Zone "X". The floodplain area is expected to be utilized for detention. Any mitigation required will be provided during design.

Subsidence

According to application material, the proposed District is anticipated to have minimal effect on subsidence.

Groundwater Level/Recharge

The water supply sources utilized by the City are mostly sourced by groundwater. As the CCN holder and retail provider for the proposed District and based on conversations between the proposed District and the City, it is understood that the City has adequate well capacity to serve the proposed District. Recharge to the unconfined portion of the aquifers beneath the surface of the proposed District area is primarily from infiltration of precipitation and seepage of surface water bodies. Approximately 80% of the proposed District's area will be made impervious as a result of development, leaving 20% of the site pervious to allow for groundwater recharge.

Water Quality

No adverse effect on the water quality of ground or surface water is anticipated due to the treatment and disposal of wastewater flows from the proposed District into existing City facilities. Additionally, facilities to serve the proposed District will be operated in accordance with the terms of the waste discharge permit obtained from the TCEQ.

C. SUMMARY OF COSTS

WATER, WASTEWATER, AND DRAINAGE

<u>Construction Costs</u>	District's ⁽¹⁾ <u>Share</u>
1. Water Distribution System	\$ 3,463,400
2. Wastewater Collection System	5,890,600
3. Storm Drainage System	<u>19,199,100</u>
TOTAL CONSTRUCTION COSTS (78.77% of Bond Issue)	\$ 28,553,100
 <u>Non-construction Costs</u>	
A. Legal Fees	\$ 906,250
B. Fiscal Agent Fees	725,000
C. Interest	
1. Capitalized Interest (1 year at 4.5%)	1,631,250
2. Developer Interest (2 years at 4.5% of Construction Costs)	2,569,779 ⁽²⁾
D. Bond Discount (3%)	1,087,500
E. Bond Issuance Expenses	175,246
F. Bond Application Report Costs	300,000
G. Creation Expenses	75,000
H. Operating Expenses	100,000
I. Attorney General Fee (0.10%)	36,250
J. TCEQ Bond Issuance Fee (0.25%)	<u>90,625</u>
TOTAL NON-CONSTRUCTION COSTS	\$ 7,696,900
TOTAL BOND ISSUE REQUIREMENT	\$ 36,250,000

Notes:

- (1) Assumes 100% funding of anticipated developer contribution items, where applicable.
- (2) Based on developer advancing funds approximately two years prior to reimbursement.

Eligibility of costs for District funding and 30% developer contribution requirements will be determined in accordance with TCEQ rules in effect at the time bond applications are reviewed.

ROADS

<u>Construction Costs</u>	District's ⁽¹⁾ <u>Share</u>
1. Collector Roads	\$ 3,274,800
2. Perimeter Roads	<u>4,522,700</u>
TOTAL CONSTRUCTION COSTS (79.93% of Bond Issue)	\$ 7,797,500
<u>Non-construction Costs</u>	
A. Legal Fees	\$ 243,875
B. Fiscal Agent Fees	195,100
C. Interest	
1. Capitalized Interest (1 year at 4.5%)	438,975
2. Developer Interest (2 years at 4.5% of Construction Costs)	701,775 ⁽²⁾
D. Bond Discount (3%)	292,650
E. Bond Issuance Expenses	75,370
F. Attorney General Fee (0.10%)	<u>9,755</u>
TOTAL NON-CONSTRUCTION COSTS	\$ 1,957,500
TOTAL BOND ISSUE REQUIREMENT	\$ 9,755,000

Notes:

- (1) Assumes 100% funding of anticipated developer contribution items, where applicable.
- (2) Based on developer advancing funds approximately two years prior to reimbursement.

A preliminary layout of roads proposed for funding has been provided, and they appear to benefit the proposed District and the land included within the proposed District. Eligibility of costs may be subject to TCEQ review to be determined in accordance with TCEQ rules in effect at the time bond applications are reviewed.

RECREATIONAL FACILITIES

<u>Construction Costs</u>	District's ⁽¹⁾ <u>Share</u>
1. Major Amenity Infrastructure	\$ <u>3,274,800</u>
TOTAL CONSTRUCTION COSTS (78.72% of Bond Issue)	\$ 3,274,800
<u>Non-construction Costs</u>	
A. Legal Fees	\$ 104,000
B. Fiscal Agent Fees	83,200
C. Interest	
1. Capitalized Interest (1 year at 4.5%)	187,200
2. Developer Interest (2 years at 4.5% of Construction Costs)	294,732 ⁽²⁾

D. Bond Discount (3%)	124,800
E. Bond Issuance Expenses	76,708
F. Attorney General Fee (0.10%)	4,160
G. TCEQ Bond Issuance Fee (0.25%)	<u>10,400</u>
TOTAL NON-CONSTRUCTION COSTS	\$ 885,200
TOTAL BOND ISSUE REQUIREMENT	\$ 4,160,000

Notes:

- (1) Assumes 100% funding of anticipated developer contribution items, where applicable.
- (2) Based on developer advancing funds approximately two years prior to reimbursement.

Eligibility of costs may be subject to TCEQ review to be determined in accordance with TCEQ rules in effect at the time bond applications are reviewed.

D. ECONOMIC ANALYSIS

Land Use

The land use for the proposed District is projected in the following table:

<u>Development</u>	<u>Acres</u>	<u>ESFCs</u>
Industrial	174.937	392
Commercial/Retail	10.900	34
Boudreaux Road Right-of-way	4.751	0
Internal Collector Right-of-way	6.926	0
Detention Pond	40.726	0
Water/Wastewater Facilities	<u>1.834</u>	<u>0</u>
Total	240.075	426

Market Study

A market study, prepared in February 2022, by Community Development Strategies, has been submitted in support of the creation of the proposed District. The market study indicates that approximately 3,085,545 square feet of the planned 3,176,105 square feet will be 10 industrial structures and constructed in three phases. The buildings will consist of a mix of larger buildings with a cross-dock loading configuration and smaller front or rear load buildings. A building including approximately 909,198 square feet will be the first constructed during 2022-2023 and is pre-leased as a build-to-suit for a single tenant. The remaining buildings will be constructed over three phases for either single tenants or up to two/three tenants depending on size and design. There will also be two retail sites totaling 8.2 acres. An additional 2.7-acre site is permitted for light industrial or retail use.

Project Financing

The estimated total assessed valuation of the proposed district at completion is as follows:

<u>Units Planned</u>	<u>Acreege</u>	<u>Value per Acre</u>	<u>Total Value at Build-Out</u>
Industrial	174.94	\$1,834,900	\$320,992,000 ⁽¹⁾

Retail/Commercial	10.9	\$1,834,900	<u>\$20,001,000</u> ⁽¹⁾
Total Assessed Valuation (AV)			\$341,000,000 ⁽¹⁾

Note:

(1) Values are based on estimated costs as presented in the engineering report.

The application considers an estimated bond issue requirement of \$50,155,000 (\$36,250,000 for utilities, \$9,755,000 for roads, and \$4,150,000 for recreational facilities), assuming 100% financing, a bond coupon rate of 4.5%, and a 30-year bond life; therefore, the average annual debt service requirement would be \$3,079,707 (\$2,225,443 for utilities, \$598,875 for roads, and \$255,389 for recreational facilities). Assuming a 98% collection rate and an ultimate assessed valuation of \$341,000,000, a tax rate of approximately \$0.93 (\$0.67 for utilities, \$0.18 for roads, and \$0.08 for recreational facilities) per \$100 assessed valuation would be necessary to meet the annual debt service requirement. Application material also indicates a maintenance tax of \$0.05 per \$100 assessed valuation is anticipated.

The total 2021 overlapping tax rates on land within the proposed District are shown in the following table.

<u>Taxing Jurisdiction</u>	<u>Tax Rate</u> ⁽¹⁾
Tomball Business Improvement District No. 1	\$ 0.980000 ⁽²⁾
City of Tomball	0.333339
Tomball ISD	1.250000
Harris County	0.376930
Harris County Flood Control District	0.033490
Port of Houston Authority	0.008720
Harris County Hospital District	0.162210
Harris County Education Department	0.004990
Lone Star College System	0.107800
Harris County ESD 15	0.048810
Harris County ESD 8	<u>0.094245</u>
Total Tax Rate	3.400534

Notes:

- (1) Represents tax rate per \$100 assessed valuation.
- (2) Represents \$0.67 for utilities, \$0.18 for roads, \$0.08 for recreational, and \$0.05 for operation and maintenance tax.

Based on the proposed District tax rate and the year 2021 overlapping tax rate on land within the proposed District, the project is considered economically feasible.

Water and Wastewater Rates

According to information provided, the City will provide retail water and wastewater services to the proposed District's customers. The current water rates are as follows:

Water rate:

Monthly Base Fee	\$51.99 Flat Fee
Per 1,000 gallons	\$5.40

Wastewater rate:

Monthly Fee	\$23.50 Flat Fee
0 to 5,000 gallons	\$4.27 per 1,000 gallons
5,001 to 51,000 gallons	\$5.33 per 1,000 gallons
51,001 gallons and above	\$6.67 per 1,000 gallons

Based on the above rates, the estimated monthly fee for 10,000 gallons of water and wastewater would be \$177.49.

Comparative Water District Tax Rates

A tax rate of \$1.313339 (\$0.98 District tax rate plus \$0.333339 City tax rate) per \$100 assessed valuation for 100% financing for the proposed District is comparable to other districts in the area. Based on the requirements of 30 TAC Section 293.59, this project is considered economically feasible.

E. SPECIAL CONSIDERATIONS

1. Hearing Action

Pursuant to Texas Local Government Code Section 375.023, the TCEQ shall conduct a hearing to consider the petition received requesting the creation of a municipal management district and its necessity, the feasibility of the proposed District's projects, and the benefit it represents for the land within its boundary.

2. Powers of Municipal Management Districts

Municipal management districts have the general powers granted to conservation and reclamation districts pursuant to Article XVI, Section 59 of the Texas Constitution, including those conferred by Chapter 49, Texas Water Code. Pursuant to Article III, Sections 52 and 52(a) of the Texas Constitution municipal management districts also have the powers and authorities granted to road utility districts which includes the power to levy ad valorem taxes for construction and maintenance of roads, and for the provision of mass transit services. Municipal management districts may borrow money, purchase, or lease property, enter into agreements for joint use of facilities, establish fees for use of district facilities or property, pursue grants from government or private entities, among other things. Municipal management districts do not have the power of eminent domain.

A municipal management district may issue either general obligation or revenue bonds to finance improvements or services. Bonds payable from taxes may only be issued after first holding an election.

F. CONCLUSIONS

1. Based on TCEQ policy, compliance with TCEQ rules, and review of the engineering report and supporting documents, the proposed District is considered feasible, practicable, would be a benefit to the land within the proposed District, and would be necessary as a means to finance utilities and to provide utility service to future customers.
2. Based on a review of the preliminary engineering report, market study, the proposed District's water, wastewater, drainage, road, and recreational facilities; a combined projected tax rate of \$0.98 per \$100 assessed valuation when assuming 100% financing; the

proposed District obtaining a 4.5% bond coupon rate; and other supporting data, the proposed District is considered feasible under the feasibility limits prescribed by 30 TAC Section 293.59.

3. The recommendations are made under authority delegated by the Executive Director of the TCEQ.

G. RECOMMENDATIONS

1. Grant the petition for creation of Tomball Business Improvement District No. 1.
2. Appoint the following to serve as temporary directors, with terms as noted, until permanent directors are elected and qualified:

Two-Year Term
Jorge Guerra, Jr.
Joel Curtis

Four-Year Term
Joe Elkin
Michael Edward Harney
Randall Parr

3. The order granting the petition should include the following statements:

“This Order shall in no event be construed as an approval of any proposed agreements or of any particular items in any documents provided in support of the petition for creation, nor as a commitment or requirement of the TCEQ in the future to approve or disapprove any particular items or agreements in future applications submitted by the District for TCEQ consideration.”

“This order shall not constitute approval or recognition of the validity of any provision in the City of Tomball consent Ordinance No. 2021-44, passed and approved November 29, 2021, and any other ordinance/resolution incorporated therein by reference to the extent that such provisions exceed the authority granted to the City of Tomball, by the laws of the State of Texas.”

H. ADDITIONAL INFORMATION

The petitioner’s professional representatives are:

Attorney: Ms. Jessica Holoubek – Allen Boone Humphries Robinson, LLP
Engineer: Ms. Stephanie White, P.E. – Kimley-Horn

Attachment 2
Petition for Creation

PETITION FOR CREATION OF
TOMBALL BUSINESS IMPROVEMENT DISTRICT NO. 1

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

LIT INTERCHANGE 249 BUSINESS PARK, LLC, a Delaware limited liability company (the "Petitioner"), holding title to a majority in value of the land described in **Exhibit A** attached hereto and incorporated herein for all purposes (the "Land"), as indicated by the certificate of ownership provided by the Harris County Appraisal District, acting pursuant to the provisions of Chapter 49, Texas Water Code, as amended, and Chapter 375, Local Government Code, as amended, together with all amendments and additions thereto, respectfully petitions the Commissioners of the Texas Commission on Environmental Quality (the "TCEQ") for the creation of a municipal management district, and in support thereof would respectfully show the following:

I.

The name of the proposed District shall be TOMBALL BUSINESS IMPROVEMENT DISTRICT NO. 1 (herein the "District"). There is no other conservation or reclamation district in Harris County, Texas, with the same name.

II.

The District shall be created and organized under the terms and provisions of Article XVI, Section 59 of the Texas Constitution, Chapters 49, Texas Water Code, and Chapter 375, Local Government Code, together with all amendments and additions thereto.

III.

The District shall have all the rights, powers, privileges, authority and functions conferred by and be subject to all duties imposed by the Texas Water Code and the general laws relating to municipal management districts. The District shall contain an area of 240.075 acres of land, more or less, situated in Harris County, Texas. All of the land is within the corporate limits (as such term is defined in Local Government Code Section 42.021 et. seq., as amended) of the City of Tomball, Texas (the "City"). All of the Land may properly be included in the District.

IV.

The Petitioner holds fee simple title to the Land. The Petitioner hereby represents that it holds a majority in value of the Land which is proposed to be included in the District as indicated by the certificate of ownership provided by the Harris County Appraisal District.

V.

The Petitioner represents that there are no lienholders on the Land and that there are no residents on the Land.

VI.

The general nature of the work proposed to be done by the District at the present time is the purchase, construction, acquisition, maintenance, ownership, operation, repair, improvement and extension of a waterworks and sanitary sewer system for industrial and commercial purposes, and the construction, acquisition, improvement, extension, maintenance and operation of works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate and amend local storm waters or other harmful excesses of waters, all as more particularly described in an engineer's report filed simultaneously with the filing of this petition, to which reference is hereby made for more detailed description, and such other purchase, construction, acquisition, improvement, maintenance and operation of such additional facilities, systems, plants and enterprises, and road, park and recreational facilities, as shall be consistent with all of the purposes for which the District is created (the "Project").

VII.

There is a necessity for the improvements above described. The territory to be included in said proposed District is located wholly within the corporate limits of the City and will be developed for industrial and commercial purposes. There is not available within the area proposed to be included in the District an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, or road, park and recreational facilities, and the health and welfare of the present and future inhabitants and tenants of the District and of the areas adjacent thereto require the purchase, construction, acquisition, maintenance, ownership, operation, repair, improvement and extension of an adequate waterworks system, sanitary sewer system, and drainage and storm sewer system, and roads, parks and recreational facilities.

The proposed improvements are feasible and practicable. There is an ample supply of water available, and the terrain of the territory to be included in the proposed District is such that a waterworks system, a sanitary sewer system, and drainage and

storm sewer system, and roads, parks and recreational facilities can be constructed at a reasonable cost.

X.

A preliminary investigation has been made to determine the cost of the proposed District's waterworks system, sanitary sewer system, and drainage and storm sewer system projects, and it is now estimated by the Petitioner, from such information as it has at this time, that such cost will be approximately \$36,250,000.

XI.

A preliminary investigation has been made to determine the cost of the proposed District's road projects, and it is now estimated by the Petitioner, from such information as it has at this time, that such cost will be approximately \$9,755,000.

XII.

A preliminary investigation has been made to determine the cost of the proposed District's park and recreational facilities, and it is now estimated by the Petitioner, from such information as it has at this time, that such cost will be approximately \$4,160,000.

XIII.

The total cost of the proposed District's projects is estimated by the Petitioner to be approximately \$50,165,000.

XIV.

The District will be governed by a board of five directors. The initial temporary board consists of:

- 1) Jorge Guerra Jr., a Senior Project Manager, initial term 2 years;
- 2) Joel Curtis, a Land Project Manager, initial term 2 years;
- 3) Joe Elkin, retired, initial term 4 years;
- 4) Michael Edward Harney, Development Manager, initial term 4 years; and
- 5) Randall Parr, CPA, initial term 4 years.

WHEREFORE, the Petitioner respectfully prays that this petition be properly filed, as provided by law; that all interested persons be notified of the procedures for requesting a public hearing on this petition as required by 30 Tex. Admin. Code §293.12; that this petition be set for consideration at a date to be fixed in keeping with the provisions of Chapters 49 and 54, Texas Water Code, and the rules of the TCEQ; that, if necessary, a hearing be held and notice thereof be given as provided in Chapters 49 and 54, Texas Water Code, and the rules of the TCEQ; that this petition be in all things granted; that the

District be created and five directors thereof appointed to serve until their successors are duly elected and qualified; and that such other orders, acts, procedure and relief be granted as are proper and necessary and appropriate to the creation and organization of the District, as the TCEQ shall deem proper and necessary.


RESPECTFULLY SUBMITTED this 28th day of February, 2022.

[EXECUTION PAGE FOLLOWS]

LIT INTERCHANGE 249 BUSINESS PARK, LLC, a
Delaware limited liability company

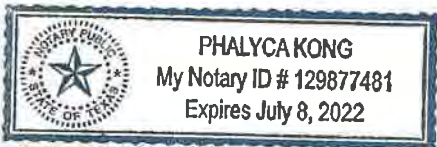
By: Interchange 249 Business Park, LP, a Texas limited
partnership, its operating member

By: Interchange 249 Business Park GP, LLC, a
Texas limited liability company, its general
partner

By: 
Charles F. Meyer, Jr., Authorized Signatory

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on February 28,
2022, by Charles F. Meyer, Jr., Authorized Signatory of Interchange 249 Business Park
GP, LLC, a Texas limited liability company, general partner of Interchange 249 Business
Park, LP, a Texas limited partnership, operating member of LIT Interchange 249
Business Park, LLC, a Delaware limited liability company, on behalf of said entities.



(NOTARY SEAL)


Notary Public, State of Texas

Attachment:

Exhibit A: Description of the Land

After recording, return to: Allen Boone Humphries Robinson LLP, 3200 Southwest
Freeway, Suite 2600, Houston, Texas 77027, Attn: Tracie Brownlee

Attachment 3
City Resolution

CERTIFIED COPY CERTIFICATE

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

On this 8th day of March 2022, I certify that the attached document, and the duplicate retained by me as the City Secretary/Records Management Officer of the City of Tomball, Texas is a true, exact, complete, and unaltered photocopy of **Resolution No. 2021-44, approved by the Tomball City Council on November 29, 2021**, and that, to the best of my knowledge, the photocopied document is neither a public record nor a publicly recordable document, certified copies of which are available from an official source other than a notary public.

In witness whereof I have hereunto set my hand and affixed the official seal of said office this 8th day of March, 2022.


(Signature)

City Secretary/Records Management Officer
(Title)

City of Tomball, Harris County
State of Texas



RESOLUTION NO. 2021-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, GRANTING CONSENT TO THE CREATION OF A BUSINESS IMPROVEMENT DISTRICT UNDER CHAPTER 375 OF THE TEXAS LOCAL GOVERNMENT CODE.

WHEREAS, the City Council (the “Council”) of the City of Tomball, Texas (the “City”), wishes to consent to the creation of a business improvement district with powers and authorities of a municipal management district (the “District”) operating pursuant to Chapter 375 of the Texas Local Government Code (the “Code”), over the land described in Exhibit “A” attached hereto (the “Land”); and

WHEREAS, the Code requires the City’s consent to be included as a part of the Land owner’s petition to the Texas Commission on Environmental Quality requesting creation of the District; and

WHEREAS, the consent contemplated in this Resolution is a condition precedent to the Land being annexed into the corporate boundaries of the City; **NOW, THEREFORE,**

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

SECTION 1. THAT The facts and opinions in the preamble of this Resolution are true and correct.

SECTION 2. THAT The City Council (the “Council”) of the City of Tomball, Texas (the “City”) hereby supports and gives its written consent to the creation of a business improvement district with powers and authorities of a municipal management district operating pursuant to Chapter 375, Texas Local Government Code over the land described in the Exhibit “A”.

SECTION 3. THAT It is hereby found, determined and declared that a sufficient written notice of the date, hour, place, and subject of the meeting of the Council during which this Resolution was approved (the “Meeting”) was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding the Meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that the Meeting was open to the public as required by law at all times during which this Resolution and the subject matter thereof was discussed, considered, and formally acted upon. The Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

SECTION 4. THAT All resolutions and agreements and parts of resolutions and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

[SIGNATURES ON FOLLOWING PAGE]


RP-2022-52099

PASSED AND APPROVED the 29 day of November, 2021.



Gretchen Fagan, Mayor

ATTEST:

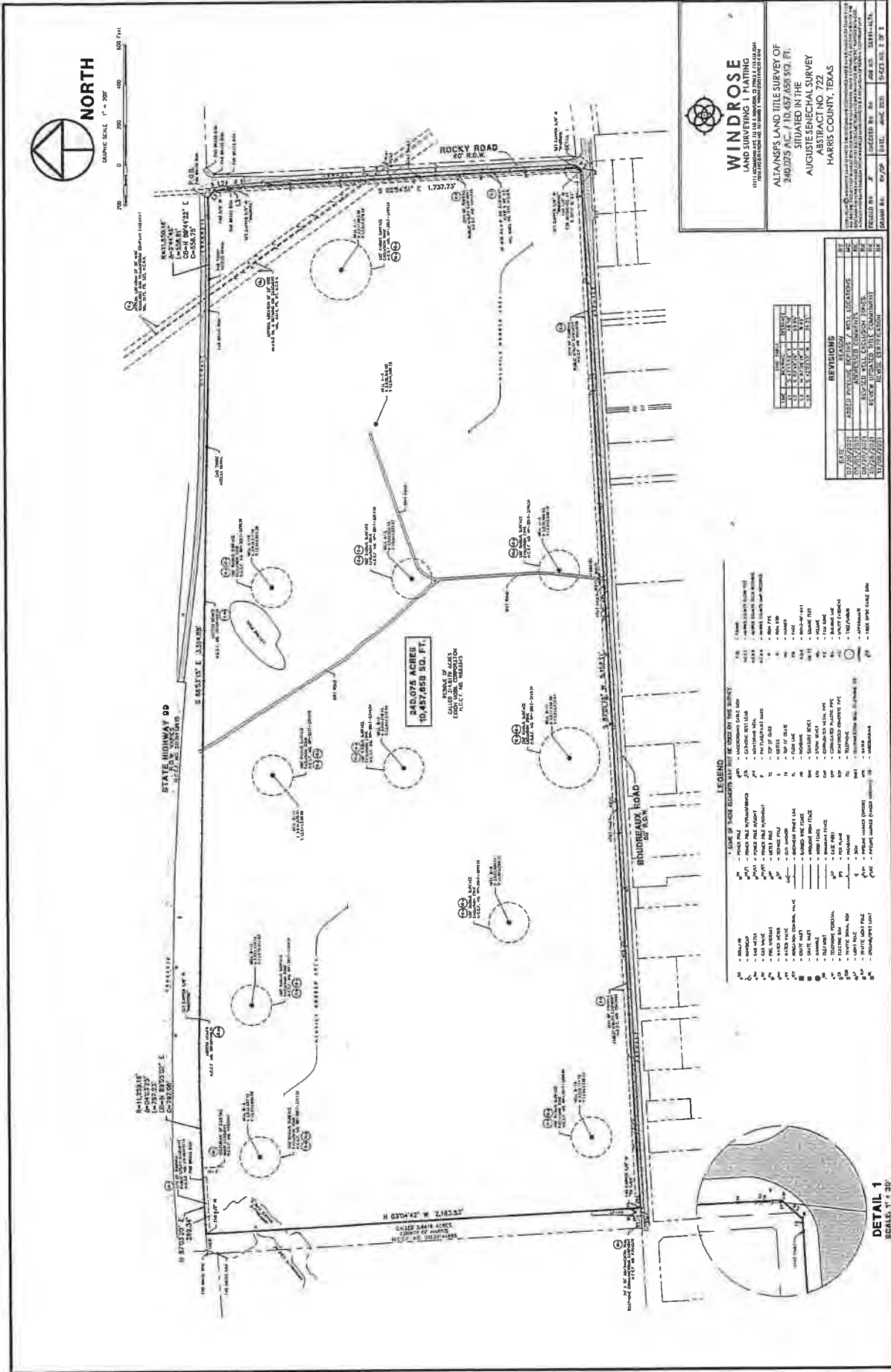


Doris Speer, City Secretary

RP-2022-52099

EXHIBIT "A" – Property Description & Depiction

RP-2022-52099



WINDROSE
LAND SURVEYORS & ENGINEERS
11111 WINDROSE DRIVE, SUITE 100, HOUSTON, TEXAS 77036

ALTAIR'S LAND TITLE SURVEY OF
SITUATED IN THE
AUGUSTE SENECHAL SURVEY
ABSTRACT NO. 722
HARRIS COUNTY, TEXAS

DATE: 07/27/2022
BY: J. WINDROSE
CHECKED BY: J. WINDROSE
DATE: 07/27/2022

SCALE: 1" = 200'

PLAT NO. 1 OF 2

REVISIONS

NO.	DATE	DESCRIPTION
1	07/27/2022	ISSUE FOR RECORD
2	07/27/2022	REVISIONS
3	07/27/2022	REVISIONS
4	07/27/2022	REVISIONS
5	07/27/2022	REVISIONS
6	07/27/2022	REVISIONS
7	07/27/2022	REVISIONS
8	07/27/2022	REVISIONS
9	07/27/2022	REVISIONS
10	07/27/2022	REVISIONS

LEGEND

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③ - CANTON

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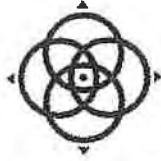
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WINDROSE

LAND SURVEYING | PLATTING

DESCRIPTION OF 240.075 ACRES OR 10,457,658 SQ. FT.

A TRACT OR PARCEL CONTAINING 240.075 ACRES OR 10,457,658 SQUARE FEET OF LAND SITUATED IN THE AUGUSTE SENERCHAL SURVEY, ABSTRACT NO. 722, HARRIS COUNTY, TEXAS, BEING A RESIDUE OF A CALLED 314.8179 ACERS DESCRIBED IN DEED TO EXXON MOBILE CORPORATION, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. W883345, WITH SAID 240.075 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A BRASS DISK FOUND ON THE NORTHWEST END OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF ROCKY ROAD (60 FEET WIDE) AND THE SOUTH R.O.W. LINE OF STATE HIGHWAY 99 (WIDTH VARIES) DESCRIBED IN H.C.C.F. NO. 20150158935, MARKING A NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 47 DEG. 13 MIN. 03 SEC. EAST, ALONG THE SAID CUTBACK LINE, A DISTANCE OF 48.58 FEET TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST END OF SAID CUTBACK CORNER, FOR A NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE WEST LINE OF SAID ROCKY ROAD, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 02 DEG. 48 MIN. 39 SEC. EAST, A DISTANCE OF 69.85 FEET TO A BRASS DISK FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 87 DEG. 08 MIN. 19 SEC. EAST, A DISTANCE OF 9.43 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR AN EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 02 DEG. 54 MIN. 51 SEC. EAST, A DISTANCE OF 1,737.73 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE NORTHEAST END OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF SAID ROCKY ROAD AND THE NORTH R.O.W. LINE OF BOUDREAUX ROAD (60 FEET WIDE), MARKING THE MOST EASTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 42 DEG. 03 MIN. 13 SEC. WEST, ALONG THE SAID CUTBACK LINE, A DISTANCE OF 21.23 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHWEST END OF SAID CUTBACK MARKING A SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; FROM WHICH A 1/2 INCH IRON ROD BEARS FOR REFERENCE SOUTH 30 DEG. 14 MIN. 11 SEC. WEST, A DISTANCE OF 3.93 FEET.

THENCE, SOUTH 87 DEG. 01 MIN. 16 SEC. WEST, ALONG THE NORTH R.O.W. LINE OF SAID BOUDREAUX ROAD, A DISTANCE OF 5,152.11 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "TSI 5269" FOUND MARKING THE SOUTHEAST CORNER OF A CALLED 5.6619 ACRE TRACT DESCRIBED IN DEED TO COUNTY OF HARRIS, AS RECORDED UNDER H.C.C.F. NO. 20130144685, AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

RP-2022-52099

THENCE, NORTH 03 DEG. 04 MIN. 42 SEC. WEST, ALONG THE EAST LINE OF SAID CALLED 5.6619 ACRE TRACT, A DISTANCE OF 2,163.53 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH LINE OF SAID STATE HIGHWAY 99, MARKING THE NORTHEAST CORNER OF SAID CALLED 5.6619 ACRE TRACT AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE SOUTH R.O.W. LINE OF SAID STATE HIGHWAY 99, THE FOLLOWING COURSES AND DISTANCES:

NORTH 87 DEG. 03 MIN. 20 SEC. EAST, A DISTANCE OF 269.34 FEET (CALLED 269.61') TO A BRASS DISK MARKING THE BEGINNING OF A CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,259.16 FEET, A CENTRAL ANGLE OF 04 DEG. 03 MIN. 25 SEC., AN ARC LENGTH OF 558.81 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89 DEG. 05 MIN. 02 SEC. EAST - A DISTANCE OF 797.06 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET MARKING A POINT OF TANGENCY;

SOUTH 88 DEG. 53 MIN. 15 SEC. EAST, A DISTANCE OF 3,514.68 FEET TO A BRASS DISK MARKING THE BEGINNING OF A CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 11,659.16 FEET, A CENTRAL ANGLE OF 02 DEG. 44 MIN. 46 SEC., AN ARC LENGTH OF 558.81 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89 DEG. 44 MIN. 22 SEC. EAST - A DISTANCE OF 558.75 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 240.075 ACRES OR 10,457,658 SQUARE FEET OF LAND.

RP-2022-52099



ROBERT KNESS
R.P.L.S. NO. 6599
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



DATE: 7-12-2021

Attachment 4
Certificate and Notice of Hearing

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



CERTIFICATE SETTING HEARING FOR TOMBALL BUSINESS IMPROVEMENT DISTRICT NO. 1 OF HARRIS COUNTY

I, Laurie Gharis, Chief Clerk of the Texas Commission on Environmental Quality, do hereby establish the following date, time, and place for the public hearing on the petition for creation of Tomball Business Improvement District No. 1 of Harris County. **TCEQ Docket No. 2022-0535-DIS** has been assigned to this matter.

DATE: Wednesday, August 10, 2022

TIME: 9:30 a.m.

PLACE: Due to the ongoing pandemic, the agenda meeting may be held in person in Room 201S of Building E at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually.

Applicant's Attorney: Jessica Holoubek
Allen Boone Humphries Robinson, LLP

3200 Southwest Freeway, Suite 2600
Houston, Texas 77027

TCEQ Staff Attorney: Kayla Murray

TCEQ Technical Staff: James Walker

A copy of the Notice of Hearing was mailed to each party on the attached Mailing List on June 28, 2022. All cities which have extraterritorial jurisdiction in the county or counties in which the proposed district is located and which have formally requested notice have been included on the attached Mailing List.

Signed this the 28th day of June 2022.

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF DISTRICT PETITION TCEQ Docket No. 2022-0535-DIS TCEQ Internal Control No. D-03292022-056

PETITION. LIT Interchange 249 Business Park, LLC, a Delaware limited liability company (Petitioner) has filed a petition with the Texas Commission on Environmental Quality (TCEQ) for the creation of Tomball Business Improvement District No. 1 (District) of Harris County. The TCEQ will conduct this hearing under the authority of Chapter 375, Texas Local Government Code; Chapter 49 of the Texas Water Code; Title 30, Chapter 293 of the Texas Administrative Code and the procedural rules of the TCEQ. The TCEQ will conduct the hearing at:

**9:30 a.m., Wednesday, August 10, 2022
Building E, Room 201S
12100 Park 35 Circle
Austin, Texas**

Due to the ongoing pandemic, the agenda meeting may be held in person in Room 201S of Building E at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at: https://www.tceq.texas.gov/agency/decisions/agendas/comm/comm_agendas.html eight days before the Agenda.

The proposed District will contain approximately 240.075 acres of land within the corporate limits of the City of Tomball, Harris County, Texas. The territory to be included in the proposed District is set forth in a metes and bounds description and is depicted in the vicinity map designated as Exhibit "B," which is attached to this document. The Petition states that the creation of the proposed District would be a benefit to the land within its boundary.

HEARING. As required by the Texas Local Government Code §§ 375.023 and 375.024 and Title 30 of the Texas Administrative Code § 293.12(g)(2)(A), the above hearing regarding this application will be held no earlier than 31 days after notice of this hearing is published in a newspaper with general circulation in the county or counties in which the District is located. The purpose of this hearing is to provide all interested persons the opportunity to appear and offer testimony for or against the proposal contained in the petition. Each person has a right to appear and present evidence and testify for or against the allegations in the petition, the form of the petition, the necessity and feasibility of the district's project, and the benefits to accrue.

At the hearing, pursuant to Chapter 375, Texas Local Government Code; Chapter 49 of the Texas Water Code; and Chapter 293 of Title 30 of the Texas Administrative Code, the TCEQ will determine if creating Tomball Business Improvement District No. 1 would be a benefit to the land and property included in the District, or, if there is any opposition to the proposed creation, the Commission may refer the application to the State Office of Administrative Hearings for a contested case hearing on the application.

INFORMATION. For information regarding the date and time this application will be heard

before the Commission, please submit written inquiries to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087, or by phone at (512) 239-3300. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact Justin Taack of the Districts Section at (512) 239-0418. General information regarding TCEQ can be found at our web site at www.tceq.texas.gov.

Si desea información en Español, puede llamar al (512) 239-0200.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the TCEQ External Relations Division at (800) 687-4040 or (800) RELAY-TX (TDD), at least one week prior to the hearing.

Issued: June 28, 2022

MAILING LIST

Tomball Business Improvement District No. 1
TCEQ Docket No. 2022-0535-DIS
TCEQ Internal Control No. D-03292022-056

<p>Jessica Holoubek Allen Boone Humphries Robinson, LLP 3200 Southwest Freeway, Suite 2600 Houston, Texas 77027</p> <p>Stephanie White, P.E. Kimley-Horn 11700 Katy Freeway, Suite 800 Houston, Texas 77079</p> <p>Nicole Bealle TCEQ Region 12 5425 Polk Street, Suite H Houston, Texas 77023</p> <p>The Honorable Tom Oliverson State Representative, District No. 130 12345 Jones Road, #221 Houston, Texas 77070</p> <p>The Honorable Paul Bettencourt State Senator, District No. 7 11451 Katy Freeway, Suite 209 Houston, Texas 77079</p> <p>City of Tomball Attn: Doris Speer, City Secretary 401 Market Street Tomball, Texas 77375</p> <p>Harris County Attn: Teneshia Hudspeth, County Clerk PO Box 1525 Houston, Texas 77251</p> <p>Chuck Wemple, Executive Director Houston-Galveston Area Council 3555 Timmons Lane, Suite 120 Houston, Texas 77227</p>	<p>Texas Commission on Environmental Quality P. O. Box 13087 Austin, Texas 78711 <i>via Inter-Agency Mail</i></p> <p>Todd Galiga, Senior Attorney, Environmental Law Division, MC-173</p> <p>Kayla Murray, Staff Attorney, Environmental Law Division, MC-173</p> <p>James Walker, Technical Manager, Water Supply Division, MC-152</p> <p>Stephanie DeSouza, Technical Staff, Water Supply Division, MC-152</p> <p>Justin Taack, Section Manager, Water Supply Division, MC-152</p> <p>Sean Ables, P.G., Section Special Assistant, Water Supply Division, MC-153</p> <p>Vic McWherter, Office of the Public Interest Counsel, MC-103</p>
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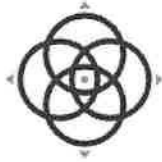


EXHIBIT A

WINDROSE

LAND SURVEYING | PLATTING

DESCRIPTION OF 240.075 ACRES OR 10,457,658 SQ. FT.

A TRACT OR PARCEL CONTAINING 240.075 ACRES OR 10,457,658 SQUARE FEET OF LAND SITUATED IN THE AUGUSTE SENERCHAL SURVEY, ABSTRACT NO. 722, HARRIS COUNTY, TEXAS, BEING A RESIDUE OF A CALLED 314.8179 ACERS DESCRIBED IN DEED TO EXXON MOBILE CORPORATION, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. W883345, WITH SAID 240.075 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A BRASS DISK FOUND ON THE NORTHWEST END OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF ROCKY ROAD (60 FEET WIDE) AND THE SOUTH R.O.W. LINE OF STATE HIGHWAY 99 (WIDTH VARIES) DESCRIBED IN H.C.C.F. NO. 20150158935, MARKING A NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 47 DEG. 13 MIN. 03 SEC. EAST, ALONG THE SAID CUTBACK LINE, A DISTANCE OF 48.58 FEET TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST END OF SAID CUTBACK CORNER, FOR A NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE WEST LINE OF SAID ROCKY ROAD, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 02 DEG. 48 MIN. 39 SEC. EAST, A DISTANCE OF 69.85 FEET TO A BRASS DISK FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 87 DEG. 08 MIN. 19 SEC. EAST, A DISTANCE OF 9.43 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR AN EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 02 DEG. 54 MIN. 51 SEC. EAST, A DISTANCE OF 1,737.73 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE NORTHEAST END OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF SAID ROCKY ROAD AND THE NORTH R.O.W. LINE OF BOUDREAUX ROAD (60 FEET WIDE), MARKING THE MOST EASTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 42 DEG. 03 MIN. 13 SEC. WEST, ALONG THE SAID CUTBACK LINE, A DISTANCE OF 21.23 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHWEST END OF SAID CUTBACK MARKING A SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; FROM WHICH A 1/2 INCH IRON ROD BEARS FOR REFERENCE SOUTH 30 DEG. 14 MIN. 11 SEC. WEST, A DISTANCE OF 3.93 FEET.

THENCE, SOUTH 87 DEG. 01 MIN. 16 SEC. WEST, ALONG THE NORTH R.O.W. LINE OF SAID BOUDREAUX ROAD, A DISTANCE OF 5,152.11 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "TSI 5269" FOUND MARKING THE SOUTHEAST CORNER OF A CALLED 5.6619 ACRE TRACT DESCRIBED IN DEED TO COUNTY OF HARRIS, AS RECORDED UNDER H.C.C.F. NO. 20130144685, AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

EXHIBIT A

THENCE, NORTH 03 DEG. 04 MIN. 42 SEC. WEST, ALONG THE EAST LINE OF SAID CALLED 5.6619 ACRE TRACT, A DISTANCE OF 2,163.53 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH LINE OF SAID STATE HIGHWAY 99, MARKING THE NORTHEAST CORNER OF SAID CALLED 5.6619 ACRE TRACT AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE SOUTH R.O.W. LINE OF SAID STATE HIGHWAY 99, THE FOLLOWING COURSES AND DISTANCES:

NORTH 87 DEG. 03 MIN, 20 SEC. EAST, A DISTANCE OF 269.34 FEET (CALLED 269.61') TO A BRASS DISK MARKING THE BEGINNING OF A CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,259.16 FEET, A CENTRAL ANGLE OF 04 DEG. 03 MIN. 25 SEC., AN ARC LENGTH OF 558.81 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89 DEG. 05 MIN. 02 SEC. EAST - A DISTANCE OF 797.06 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET MARKING A POINT OF TANGENCY;

SOUTH 88 DEG. 53 MIN. 15 SEC. EAST, A DISTANCE OF 3,514.68 FEET TO A BRASS DISK MARKING THE BEGINNING OF A CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 11,659.16 FEET, A CENTRAL ANGLE OF 02 DEG. 44 MIN. 46 SEC., AN ARC LENGTH OF 558.81 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89 DEG. 44 MIN. 22 SEC. EAST - A DISTANCE OF 558.75 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 240.075 ACRES OR 10,457,658 SQUARE FEET OF LAND.



ROBERT KNESS
R.P.L.S. NO. 6599
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



7-12-2021
DATE:

PETITION FOR CREATION OF
TOMBALL BUSINESS IMPROVEMENT DISTRICT NO. 1

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

LIT INTERCHANGE 249 BUSINESS PARK, LLC, a Delaware limited liability company (the "Petitioner"), holding title to a majority in value of the land described in **Exhibit A** attached hereto and incorporated herein for all purposes (the "Land"), as indicated by the certificate of ownership provided by the Harris County Appraisal District, acting pursuant to the provisions of Chapter 49, Texas Water Code, as amended, and Chapter 375, Local Government Code, as amended, together with all amendments and additions thereto, respectfully petitions the Commissioners of the Texas Commission on Environmental Quality (the "TCEQ") for the creation of a municipal management district, and in support thereof would respectfully show the following:

I.

The name of the proposed District shall be TOMBALL BUSINESS IMPROVEMENT DISTRICT NO. 1 (herein the "District"). There is no other conservation or reclamation district in Harris County, Texas, with the same name.

II.

The District shall be created and organized under the terms and provisions of Article XVI, Section 59 of the Texas Constitution, Chapters 49, Texas Water Code, and Chapter 375, Local Government Code, together with all amendments and additions thereto.

III.

The District shall have all the rights, powers, privileges, authority and functions conferred by and be subject to all duties imposed by the Texas Water Code and the general laws relating to municipal management districts. The District shall contain an area of 240.075 acres of land, more or less, situated in Harris County, Texas. All of the land is within the corporate limits (as such term is defined in Local Government Code Section 42.021 et. seq., as amended) of the City of Tomball, Texas (the "City"). All of the Land may properly be included in the District.

IV.

The Petitioner holds fee simple title to the Land. The Petitioner hereby represents that it holds a majority in value of the Land which is proposed to be included in the District as indicated by the certificate of ownership provided by the Harris County Appraisal District.

V.

The Petitioner represents that there are no lienholders on the Land and that there are no residents on the Land.

VI.

The general nature of the work proposed to be done by the District at the present time is the purchase, construction, acquisition, maintenance, ownership, operation, repair, improvement and extension of a waterworks and sanitary sewer system for industrial and commercial purposes, and the construction, acquisition, improvement, extension, maintenance and operation of works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate and amend local storm waters or other harmful excesses of waters, all as more particularly described in an engineer's report filed simultaneously with the filing of this petition, to which reference is hereby made for more detailed description, and such other purchase, construction, acquisition, improvement, maintenance and operation of such additional facilities, systems, plants and enterprises, and road, park and recreational facilities, as shall be consistent with all of the purposes for which the District is created (the "Project").

VII.

There is a necessity for the improvements above described. The territory to be included in said proposed District is located wholly within the corporate limits of the City and will be developed for industrial and commercial purposes. There is not available within the area proposed to be included in the District an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, or road, park and recreational facilities, and the health and welfare of the present and future inhabitants and tenants of the District and of the areas adjacent thereto require the purchase, construction, acquisition, maintenance, ownership, operation, repair, improvement and extension of an adequate waterworks system, sanitary sewer system, and drainage and storm sewer system, and roads, parks and recreational facilities.

The proposed improvements are feasible and practicable. There is an ample supply of water available, and the terrain of the territory to be included in the proposed District is such that a waterworks system, a sanitary sewer system, and drainage and

storm sewer system, and roads, parks and recreational facilities can be constructed at a reasonable cost.

X.

A preliminary investigation has been made to determine the cost of the proposed District's waterworks system, sanitary sewer system, and drainage and storm sewer system projects, and it is now estimated by the Petitioner, from such information as it has at this time, that such cost will be approximately \$36,250,000.

XI.

A preliminary investigation has been made to determine the cost of the proposed District's road projects, and it is now estimated by the Petitioner, from such information as it has at this time, that such cost will be approximately \$9,755,000.

XII.

A preliminary investigation has been made to determine the cost of the proposed District's park and recreational facilities, and it is now estimated by the Petitioner, from such information as it has at this time, that such cost will be approximately \$4,160,000.

XIII.

The total cost of the proposed District's projects is estimated by the Petitioner to be approximately \$50,165,000.

XIV.

The District will be governed by a board of five directors. The initial temporary board consists of:

- 1) Jorge Guerra Jr., a Senior Project Manager, initial term 2 years;
- 2) Joel Curtis, a Land Project Manager, initial term 2 years;
- 3) Joe Elkin, retired, initial term 4 years;
- 4) Michael Edward Harney, Development Manager, initial term 4 years; and
- 5) Randall Parr, CPA, initial term 4 years.

WHEREFORE, the Petitioner respectfully prays that this petition be properly filed, as provided by law; that all interested persons be notified of the procedures for requesting a public hearing on this petition as required by 30 Tex. Admin. Code §293.12; that this petition be set for consideration at a date to be fixed in keeping with the provisions of Chapters 49 and 54, Texas Water Code, and the rules of the TCEQ; that, if necessary, a hearing be held and notice thereof be given as provided in Chapters 49 and 54, Texas Water Code, and the rules of the TCEQ; that this petition be in all things granted; that the

District be created and five directors thereof appointed to serve until their successors are duly elected and qualified; and that such other orders, acts, procedure and relief be granted as are proper and necessary and appropriate to the creation and organization of the District, as the TCEQ shall deem proper and necessary.


RESPECTFULLY SUBMITTED this 28th day of February, 2022.

[EXECUTION PAGE FOLLOWS]

LIT INTERCHANGE 249 BUSINESS PARK, LLC, a
Delaware limited liability company

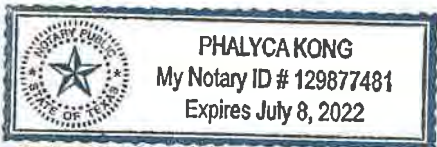
By: Interchange 249 Business Park, LP, a Texas limited
partnership, its operating member

By: Interchange 249 Business Park GP, LLC, a
Texas limited liability company, its general
partner

By: 
Charles F. Meyer, Jr., Authorized Signatory

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on February 28,
2022, by Charles F. Meyer, Jr., Authorized Signatory of Interchange 249 Business Park
GP, LLC, a Texas limited liability company, general partner of Interchange 249 Business
Park, LP, a Texas limited partnership, operating member of LIT Interchange 249
Business Park, LLC, a Delaware limited liability company, on behalf of said entities.



(NOTARY SEAL)


Notary Public, State of Texas

Attachment:

Exhibit A: Description of the Land

After recording, return to: Allen Boone Humphries Robinson LLP, 3200 Southwest
Freeway, Suite 2600, Houston, Texas 77027, Attn: Tracie Brownlee

Attachment 5
Affidavit of Publication and Tear
Sheets

ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

PHOENIX TOWER
3200 SOUTHWEST FREEWAY
SUITE 2600
HOUSTON, TEXAS 77027
TEL (713) 860-6400
FAX (713) 860-6401
abhr.com

Direct Line: (713) 800-8061
Direct Fax: (713) 800-1516

mwomack@abhr.com

Mai Lynn Womack
Legal Assistant

July 19, 2022

VIA ELECTRONICALLY

VIA FEDERAL EXPRESS

Texas Commission on Environmental Quality
Attn: Ms. Laurie Gharis, Chief Clerk
Office of the Chief Clerk
12100 Park 35, Bldg. F
Austin, Texas 78753

RE: Notice of District Petition for Creation of Tomball Business Improvement District No. 1 (the "District") - TCEQ Docket No. 2022-0535-DIS and TCEQ Internal Control No. D-03292022-056

Dear Ms. Gharis:

As requested, in connection with the application for creation of the District, I enclose the following:

- (1) Affidavit of Publication of Notice of District Petition in the Houston Chronicle d/b/a The Potpourri on July 6, 2022 and July 13, 2022, together with tear sheets; and
- (2) Letters sending Notice of District Petition to all property owners in the District, sent U.S.P.S. Mail - Certified Return Receipt Requested, including evidence of mailing.

If you should need any further information or have questions, please let me know.

Sincerely,



Mai Lynn Womack

Enclosures

cc: Ms. Jessica Holoubek (Firm)
Mr. Carnell Emanuel (Firm)

TCEQ Office of the Chief Clerk
MC-105 Attention: Agenda Team
PO Box 13087
Austin TX 78711-3087

Applicant Name: LIT Interchange 249 Business Park, LLC
TCEQ Tracking No. 2022-0535-bis CID Item No. _____
Application Type: _____

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §
COUNTY OF: Harris §

Before me, the undersigned authority, on this day personally appeared Victoria Bond, who being by me duly
(name of newspaper representative)

sworn, deposes and says that (s)he is the AIR Clerk
(title of newspaper representative)

of the Houston Chronicle dba The Potpourri; that said newspaper is
(name of newspaper)

regularly published or circulated in Harris County/Countries,
(name of county or counties)

Texas; that the attached notice was published in said newspaper on the following dates:

July 6 & 13, 2022, Ad # 34211414
(date or dates of publication)

Victoria Bond
Newspaper Representative's Signature

Subscribed and sworn to before me this the 14 day of July,
20 22, to certify which witness my hand and seal of office.

Veronica M. Tyrone-Stovall
Notary Public in and for the State of Texas

Veronica M. Tyrone-Stovall
Print or type Name of Notary Public

My Commission Expires 02-10-2024



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF DISTRICT PETITION
TCEQ Docket No. 2022-0535-DIS
TCEQ Internal Control No. D-03292022-056

PETITION. LIT Interchange 249 Business Park, LLC, a Delaware limited liability company (Petitioner) has filed a petition with the Texas Commission on Environmental Quality (TCEQ) for the creation of Tomball Business Improvement District No. 1 (District) of Harris County.

9:30 a.m., Wednesday, August 10, 2022
Building E, Room 201S
12100 Park 35 Circle
Austin, Texas

Due to the ongoing pandemic, the agenda meeting may be held in person in Room 201S of Building E at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually.

The proposed District will contain approximately 240.075 acres of land within the corporate limits of the City of Tomball, Harris County, Texas. The territory to be included in the proposed District is set forth in a metes and bounds description and is depicted in the vicinity map designated as Exhibit "B," which is attached to this document.

HEARING. As required by the Texas Local Government Code §§ 375.023 and 375.024 and Title 30 of the Texas Administrative Code § 293.12(g)(2)(A), the above hearing regarding this application will be held no earlier than 31 days after notice of this hearing is published in a newspaper with general circulation in the county or counties in which the District is located.

At the hearing, pursuant to Chapter 375, Texas Local Government Code; Chapter 49 of the Texas Water Code; and Chapter 293 of Title 30 of the Texas Administrative Code, the TCEQ will determine if creating Tomball Business Improvement District No. 1 would be a benefit to the land and property included in the District, or, if there is any opposition to the proposed creation, the Commission may refer the application to the State Office of Administrative Hearings for a contested case hearing on the application.

INFORMATION. For information regarding the date and time this application will be heard before the Commission, please submit written inquiries to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087, or by phone at (512) 239-3300. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact Justin Taskof of the Districts Section at (512) 239-0418. General information regarding TCEQ can be found at www.tceq.texas.gov.

Si desea información en Español, puede llamar al (512) 239-0200.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the TCEQ External Relations Division at (800) 687-4040 or (800) RELAY-TX (TDD), at least one week prior to the hearing.

Issued: June 28, 2022

EXHIBIT A

DESCRIPTION OF
240.075 ACRES OR 10,457,658 SQ. FT.

A TRACT OR PARCEL CONTAINING 240.075 ACRES OR 10,457,658 SQUARE FEET OF LAND SITUATED IN THE AUGUSTE SENERCHAL SURVEY, ABSTRACT NO. 722, HARRIS COUNTY, TEXAS, BEING A RESIDUE OF A CALLED 314.8179 ACERS DESCRIBED IN DEED TO EXXON MOBILE CORPORATION, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. W883345, WITH SAID 240.075 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A BRASS DISK FOUND ON THE NORTHWEST END OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF ROCKY ROAD (60 FEET WIDE) AND THE SOUTH R.O.W. LINE OF STATE HIGHWAY 99 (WIDTH VARIES) DESCRIBED IN H.C.C.F. NO. 20150158935, MARKING A NORTH-EAST CORNER OF THE HEREIN DESCRIBED TRACT;

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NORTH 87 DEG. 08 MIN. 19 SEC. EAST, A DISTANCE OF 9.43 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR AN EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 02 DEG. 54 MIN. 51 SEC. EAST, A DISTANCE OF 1,737.73 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE NORTHEAST END OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF SAID ROCKY ROAD AND THE NORTH R.O.W. LINE OF BOUDREAUX ROAD (60 FEET WIDE), MARKING THE MOST EASTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

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THENCE, NORTH 03 DEG. 04 MIN. 42 SEC. WEST, ALONG THE EAST LINE OF OF 2,163.53 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH LINE NORTHEAST CORNER OF SAID CALLED 5.6619 ACRE TRACT AND THE NORTH TRACT;

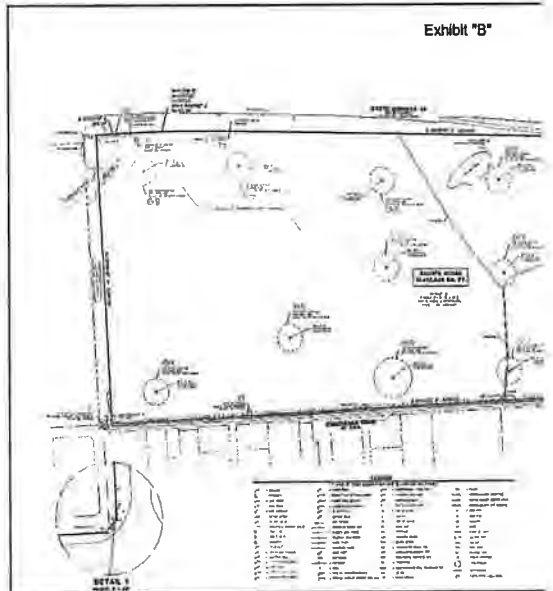
THENCE, ALONG THE SOUTH R.O.W. LINE OF SAID STATE HIGHWAY 99, THE NORTH 87 DEG. 03 MIN. 20 SEC. EAST, A DISTANCE OF 266 MARKING THE BEGINNING OF A CURVE TO THE RIGHT; WITH SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,2 MIN. 25 SEC., AN ARC LENGTH OF 558.81 FEET AND A CHORD 1 MIN. 02 SEC. EAST - A DISTANCE OF 797.06 FEET TO A CAPPEE MARKING A POINT OF TANGENCY; SOUTH 88 DEG. 53 MIN. 15 SEC. EAST, A DISTANCE OF 3,5 BEGINNING OF A CURVE TO THE LEFT; WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 11,659.1 46 SEC., AN ARC LENGTH OF 558.81 FEET AND A CHORD BEAR 22 SEC. EAST - A DISTANCE OF 558.75 FEET TO THE POINT OF OR 10,457,658 SQUARE FEET OF LAND.

[Handwritten signature]

ROBERT KNESS
R.P.L.S. NO. 6599
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



Exhibit "B"



FOUND MARKING THE SOUTHEAST CORNER
HARRIS, AS RECORDED UNDER H.C.C.F. NO.
TRACT;

SAID CALLED 5.6619 ACRE TRACT, A DISTANCE
OF SAID STATE HIGHWAY 99, MARKING THE
THWEST CORNER OF THE HEREIN DESCRIBED

FOLLOWING COURSES AND DISTANCES:
34 FEET (CALLED 269.61') TO A BRASS DISK

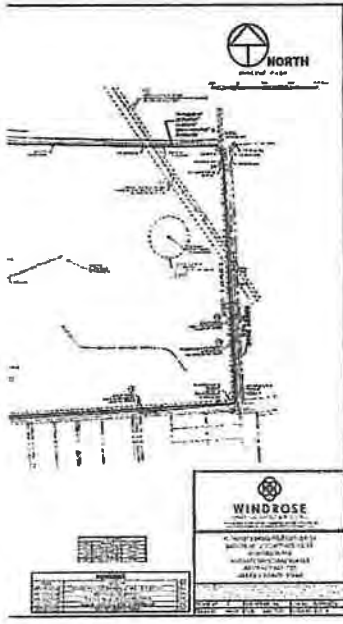
59.16 FEET, A CENTRAL ANGLE OF 04 DEG. 03
BEARING AND DISTANCE OF NORTH 89 DEG. 05
5/8 INCH IRON ROD STAMPED WINDROSE SET

14.68 FEET TO A BRASS DISK MARKING THE

16 FEET, A CENTRAL ANGLE OF 02 DEG. 44 MIN.
ING AND DISTANCE OF NORTH 89 DEG. 44 MIN.
BEGINNING AND CONTAINING 240.075 ACRES

7-12-2021

DATE:



LEGAL NOTICES

email legals@chron.com or call 281-378-1000

Legals/Public Notices

Legals/Public Notices

Legals/Public Notices

Legals/Public Notices

Legals/Public Notices

Legals/Public Notices



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF DISTRICT PETITION

TCQE Docket No. 2022-0535-DIS

TCQE Internal Control No. D-02282922-056

PETITION. UT Interchange 249 Business Park, LLC, a Delaware limited liability company (Petitioner) has filed a petition with the Texas Commission on Environmental Quality (TCEQ) for the creation of Tomball Business Improvement District No. 1 (District) in Harris County. The TCEQ will conduct this hearing under the authority of Chapter 375, Texas Local Government Code, Chapter 49 of the Texas Water Code, Title 30, Chapter 283 of the Texas Administrative Code and the procedural rules of the TCEQ. The TCEQ will conduct the hearing at:

9:30 a.m., Wednesday, August 10, 2022
Building E, Room 2A15
12100 Park 35 Circle
Austin, Texas

Due to the ongoing pandemic, the agenda meeting may be held in person in Room 2015 of Building E at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at: <https://www.tceq.texas.gov/agenda/default.asp?agenda=comm>. The proposed District will contain approximately 240,075 acres of land within the corporate limits of the City of Tomball, Harris County, Texas. The territory to be included in the proposed District is set forth in a map and bounds description and is depicted in the vicinity map designated as Exhibit "B," which is attached to this document. The Petition states that the creation of the proposed District would be a benefit to the land within its boundary.

HEARING. As required by the Texas Local Government Code §§ 375.023 and 375.024 and Title 30 of the Texas Administrative Code § 283.120(2)(A), the above hearing regarding the application will be held no earlier than 31 days after notice of this hearing is published in a newspaper with general circulation in the county or counties in which the District is located. The purpose of this hearing is to provide all interested persons the opportunity to appear and offer testimony for or against the proposal contained in the petition. Each person has a right to appear and present evidence and testify for or against the allegations in the petition, the form of the petition, the necessity and feasibility of the district's existence, and the benefits to accrue.

At the hearing, pursuant to Chapter 375, Texas Local Government Code, Chapter 49 of the Texas Water Code and Chapter 283 of the Texas Administrative Code, the TCEQ will determine if forming Tomball Business Improvement District No. 1 would be a benefit to the land and property included in the District, or if there is any opposition to the proposed creation, the Commission may refer the application to the State Office of Administrative Hearings for a contested case hearing on the application.

INFORMATION. For information regarding the date and time the application will be heard before the Commission, please submit written inquiries to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087, or by phone at (512) 239-5300. For information concerning the petition process, please contact the Public Interest Counsel, MC 105, at the same address. For additional information, individual meetings, or the general public may contact Justin Mack of the Districts Section at (512) 239-0418. General information regarding TCEQ can be found at our web site at www.tceq.texas.gov.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the TCEQ External Relations Division at (800) 887-4040 or (800) HEAR-TX (TDD), at least one week prior to the hearing.



WINDROSE

240,075 ACRES OR 10,457,658 SQ. FT.

DESCRIPTION OF A TRACT OR PARCEL, CONTAINING 240,075 ACRES OR 10,457,658 SQUARE FEET OF LAND SITUATED IN THE AUGUSTE SENECHAL SURVEY, EXTRACT NO. 722, HARRIS COUNTY, TEXAS, BEING A RESIDUE OF A CALLED 314,8179 ACRES DESCRIBED IN DEED TO EXHIBIT MOBILE CORPORATION, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE H.C.C.F. NO. W883345, WITH SAID 240,075 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A BRASS DISK FOUND ON THE NORTHWEST END OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF ROCKY ROAD (60 FEET WIDE) AND THE SOUTH R.O.W. LINE OF STATE HIGHWAY 99 (WIDTH VARIES) DESCRIBED IN H.C.C.F. NO. 20150188955, MARKING A NORTHEAST CORNER OF THE HEREN DESCRIBED TRACT;

THENCE, SOUTH 47 DEG. 13 MIN. 03 SEC. EAST, ALONG THE SAID CUTBACK LINE, A DISTANCE OF 48.58 FEET TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST END OF SAID CUTBACK CORNER, FOR A NORTHEAST CORNER OF THE HEREN DESCRIBED TRACT;

THENCE, ALONG THE WEST LINE OF SAID ROCKY ROAD, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 02 DEG. 48 MIN. 39 SEC. EAST, A DISTANCE OF 69.85 FEET TO A BRASS DISK FOUND FOR AN INTERIOR CORNER OF THE HEREN DESCRIBED TRACT;

NORTH 87 DEG. 03 MIN. 19 SEC. EAST, A DISTANCE OF 9.45 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET FOR AN EASTERLY CORNER OF THE HEREN DESCRIBED TRACT;

SOUTH 02 DEG. 54 MIN. 51 SEC. EAST, A DISTANCE OF 1.7377 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET ON THE NORTH R.O.W. LINE OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF SAID ROCKY ROAD AND THE NORTH R.O.W. LINE OF BOLDREAU ROAD (60 FEET WIDE), MARKING THE MOST EASTERLY SOUTHEAST CORNER OF THE HEREN DESCRIBED TRACT;

THENCE, SOUTH 42 DEG. 03 MIN. 13 SEC. WEST, ALONG THE SAID CUTBACK LINE, A DISTANCE OF 21.23 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET FOR THE SOUTHWEST END OF SAID CUTBACK MARKING A SOUTHEAST CORNER OF THE HEREN DESCRIBED TRACT; FROM WHICH A 1/2 INCH IRON ROD BEARS FOR REFERENCE SOUTH 90 DEG. 14 MIN. 11 SEC. WEST, A DISTANCE OF 3.93 FEET;

THENCE, SOUTH 87 DEG. 01 MIN. 18 SEC. WEST, ALONG THE NORTH R.O.W. LINE OF SAID BOURDEAU ROAD, A DISTANCE

OF 5,182.11 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "TSI 5269" FOUND MARKING THE SOUTHEAST CORNER OF A CALLED 5.6619 ACRE TRACT DESCRIBED IN DEED TO COUNTY OF HARRIS, AS RECORDED UNDER H.C.C.F. NO. 20130144656, AND THE SOUTHWEST CORNER OF THE HEREN DESCRIBED TRACT;

EXHIBIT A

THENCE, NORTH 03 DEG. 04 MIN. 42 SEC. WEST, ALONG THE EAST LINE OF SAID CALLED 5.6619 ACRE TRACT A DISTANCE OF 2,183.53 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH LINE OF SAID STATE HIGHWAY 99, MARKING THE NORTHEAST CORNER OF SAID CALLED 5.6619 ACRE TRACT AND THE NORTHWEST CORNER OF THE HEREN DESCRIBED TRACT;

THENCE, ALONG THE SOUTH R.O.W. LINE OF SAID STATE HIGHWAY 99, THE FOLLOWING COURSES AND DISTANCES:

NORTH 87 DEG. 03 MIN. 20 SEC. EAST, A DISTANCE OF 289.34 FEET (CALLED 289.617) TO A BRASS DISK MARKING THE BEGINNING OF A CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,259.16 FEET, A CENTRAL ANGLE OF 04 DEG. 03 MIN. 25 SEC. AN ARC LENGTH OF 558.81 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89 DEG. 05 MIN. 02 SEC. EAST - A DISTANCE OF 797.06 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET MARKING A POINT OF TANGENCY;

SOUTH 88 DEG. 53 MIN. 15 SEC. EAST, A DISTANCE OF 3,514.68 FEET TO A BRASS DISK MARKING THE BEGINNING OF A CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 11,659.16 FEET, A CENTRAL ANGLE OF 02 DEG. 44 MIN. 46 SEC. AN ARC LENGTH OF 558.81 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89 DEG. 44 MIN. 22 SEC. EAST - A DISTANCE OF 558.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 240,075 ACRES OR 10,457,658 SQUARE FEET OF LAND.

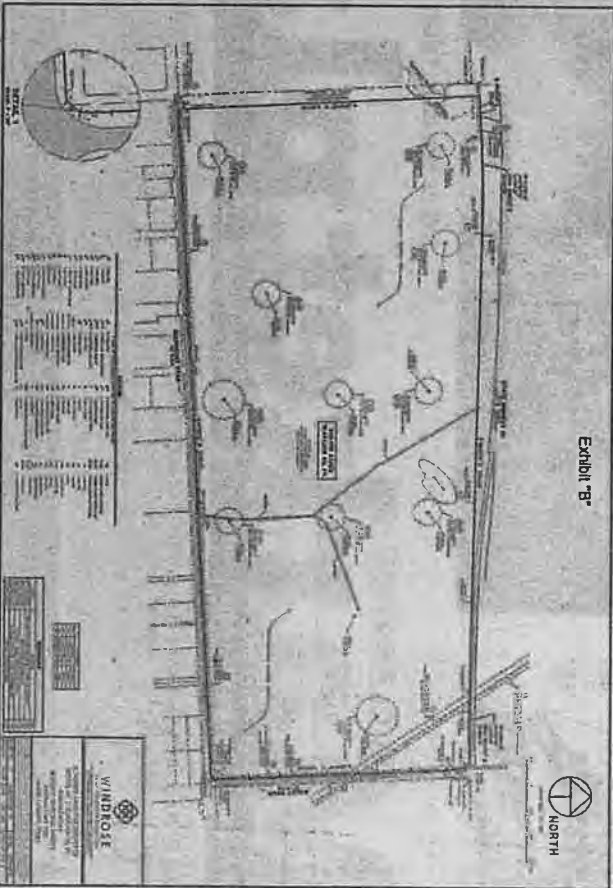
[Handwritten Signature]

ROBERT KNESS
RPTS AND 6386
STATE OF TEXAS
FIRM REGISTRATION NO. 101088000



DATE: 7-12-2021

Exhibit "B"



LEGAL NOTICES

email legals@chron.com or call 281-378-1000

Legals/Public Notices

Legals/Public Notices

Legals/Public Notices

Legals/Public Notices

Legals/Public Notices

Legals/Public Notices



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

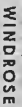
NOTICE OF DISTRICT PETITION

TCEQ Internal Control No. D-03892022-098
TCOEI Pocket No. 2022-0535-DIS
Petition, UTI Interchange 249 Business Park, LLC, a Delaware limited liability company (Petitioner) has filed a petition with the Texas Commission on Environmental Quality (TCEQ) for the creation of Terminal Business Improvement District No. 1 (District) of Harris County. The TCEQ will conduct the hearing under the authority of Chapter 375, Texas Local Government Code, Chapter 49 of the Texas Water Code, Title 30, Chapter 293 of the Texas Administrative Code and the procedural rules of the TCEQ. The TCEQ will conduct the hearing at:

9:30 a.m., Wednesday, August 10, 2022
Building E, Room 2015
12100 Park 35 Circle
Austin, Texas

Due to the ongoing pandemic, the agenda meeting may be held in person in Room 2015 of Building E at the Commissioner's offices located at 12100 Park 35 Circle in Austin, Texas; virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioner's Agenda webpage at: https://www.tceq.texas.gov/agency/decisions/agendas/central/central.htm. The proposed District will contain approximately 240,075 acres of land within the corporate limits of the City of Terrell, Harris County, Texas. The territory to be included in the proposed District is set forth in a map and bounds description and is depicted in Exhibit "B", which is attached to this document. The Petition states that the creation of the proposed District would be a benefit to the land within its boundary.
HEARING. As required by the Texas Local Government Code §§ 375.023 and 375.024 and Title 30 of the Texas Administrative Code § 293.12(i)(2)(A), the above hearing regarding this application will be held no earlier than 31 days after notice of this hearing is published in a newspaper with general circulation in the county or counties in which the District is located. The purpose of this hearing is to provide all interested persons the opportunity to appear and offer testimony for or against the proposal contained in the petition. Each person has a right to appear and present evidence and testify for or against the allegations in the petition, the form of the petition, the necessity and feasibility of the district's project, and the benefits to accrue.
At the hearing, pursuant to Chapter 375, Texas Local Government Code, Chapter 49 of the Texas Water Code, and Chapter 293 of Title 30 of the Texas Administrative Code, the TCEQ will determine if creating Terminal Business Improvement District No. 1 would be a benefit to the land and property included in the District, or if there is any opposition to the proposed creation. The Commission may refer the application to the State Office of Administrative Hearings for an contested case hearing on the application.
INFORMATION. For information regarding the data and time the application will be heard before the Commission, please submit written inquiries to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13067, Austin, Texas 78711-3067, or by phone at (512) 239-4300. For information, individual members of the general public may contact Justin Teack of the Districts Section at (512) 239-0418. General information regarding TCEQ can be found at our web site at www.tceq.texas.gov.
Si deesea informacion en Espanol, please llamar al (512) 239-0200.
Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the TCEQ External Relations Division at (800) 687-4040 or (800) HELD-A-TX (TDD), at least one week prior to the hearing.
Issued: June 28, 2022

EXHIBIT A



DESCRIPTION OF

240,075 ACRES OR 10,457,659 SQ. FT.

A TRACT OR PARCEL CONTAINING 240,075 ACRES OR 10,457,659 SQUARE FEET OF LAND SITUATED IN THE AUGUSTE SENEFORAL SURVEY, ABSTRACT NO. 722, HARRIS COUNTY, TEXAS, BEING A RESIDUE OF A CALLED 314,817.9 ACRES DESCRIBED IN DEED TO EXXON MOBILE CORPORATION, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE H.C.C.F. NO. W889345, WITH SAID 240,075 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):
BEGINNING AT A BRASS DISK FOUND ON THE NORTHWEST END OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF ROCKY ROAD (60 FEET WIDE) AND THE SOUTH R.O.W. LINE OF STATE HIGHWAY 99 (WIDTH Varies) DESCRIBED IN H.C.C.F. NO. 20150159893, MARKING A NORTH-EAST CORNER OF THE HEREN DESCRIBED TRACT;
THENCE SOUTH 47 DEG. 13 MIN. 03 SEC. EAST, ALONG THE SAID CUTBACK LINE, A DISTANCE OF 48.69 FEET TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST END OF SAID CUTBACK CORNER; FOR A NORTH-EAST CORNER OF THE HEREN DESCRIBED TRACT;
THENCE, ALONG THE WEST LINE OF SAID ROCKY ROAD, THE FOLLOWING COURSES AND DISTANCES:
SOUTH 02 DEG. 48 MIN. 39 SEC. EAST, A DISTANCE OF 69.86 FEET TO A BRASS DISK FOUND FOR AN INTERIOR CORNER OF THE HEREN DESCRIBED TRACT;
NORTH 87 DEG. 08 MIN. 19 SEC. EAST, A DISTANCE OF 9.43 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WITHIN THE HEREN DESCRIBED TRACT;
WINDROSE SET FOR AN EASTLY CORNER OF THE HEREN DESCRIBED TRACT;
SOUTH 02 DEG. 54 MIN. 51 SEC. EAST, A DISTANCE OF 1,737.73 FEET TO A CAPPED 6/8 INCH IRON ROD STAMPED WITHIN THE HEREN DESCRIBED TRACT;
WINDROSE SET ON THE NORTH-EAST END OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF SAID ROCKY ROAD AND THE NORTH R.O.W. LINE OF BOULDBEALX ROAD (60 FEET WIDE), MARKING THE MOST EASTLY SOUTHEAST CORNER OF THE HEREN DESCRIBED TRACT;
EASTLY, SOUTHEAST CORNER OF THE HEREN DESCRIBED TRACT;
THENCE SOUTH 42 DEG. 03 MIN. 13 SEC. WEST, ALONG THE SAID CUTBACK LINE, A DISTANCE OF 21.23 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WITHIN THE HEREN DESCRIBED TRACT;
WINDROSE SET FOR THE SOUTHWEST END OF SAID CUTBACK MARKING A SOUTHEAST CORNER OF THE HEREN DESCRIBED TRACT; FROM WHICH A 12 INCH IRON ROD BEARS FOR REFERENCE SOUTH 30 DEG. 14 MIN. 11 SEC. WEST, A DISTANCE OF 3.93 FEET;
THENCE, SOUTH 87 DEG. 01 MIN. 16 SEC. WEST, ALONG THE NORTH R.O.W. LINE OF SAID BOULDBEALX ROAD, A DISTANCE

OF 5,152.11 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "TSI 5268" FOUND MARKING THE SOUTHEAST CORNER OF A CALLED 5,661.9 ACRE TRACT DESCRIBED IN DEED TO COUNTY OF HARRIS, AS RECORDED UNDER H.C.C.F. NO. 20130144685, AND THE SOUTHWEST CORNER OF THE HEREN DESCRIBED TRACT;
EXHIBIT A
THENCE, NORTH 03 DEG. 04 MIN. 42 SEC. WEST, ALONG THE EAST LINE OF SAID CALLED 5,661.9 ACRE TRACT, A DISTANCE OF 2,163.53 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH LINE OF SAID STATE HIGHWAY 99, MARKING THE NORTH-EAST CORNER OF SAID CALLED 5,661.9 ACRE TRACT AND THE NORTHWEST CORNER OF THE HEREN DESCRIBED TRACT;
THENCE, ALONG THE SOUTH R.O.W. LINE OF SAID STATE HIGHWAY 99, THE FOLLOWING COURSES AND DISTANCES:
NORTH 87 DEG. 03 MIN. 20 SEC. EAST, A DISTANCE OF 269.34 FEET (CALLED 269.61') TO A BRASS DISK MARKING THE BEGINNING OF A CURVE TO THE RIGHT;
WITH SAID CURVE TO THE RIGHT HAVING A RADIUS OF 11,259.16 FEET, A CENTRAL ANGLE OF 04 DEG. 03 MIN. 25 SEC., AN ARC LENGTH OF 558.81 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89 DEG. 05 MIN. 02 SEC. EAST - A DISTANCE OF 797.06 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET MARKING A POINT OF TANGENCY;
SOUTH 88 DEG. 53 MIN. 15 SEC. EAST, A DISTANCE OF 3,514.88 FEET TO A BRASS DISK MARKING THE BEGINNING OF A CURVE TO THE LEFT;
WITH SAID CURVE TO THE LEFT HAVING A RADIUS OF 11,659.16 FEET, A CENTRAL ANGLE OF 02 DEG. 44 MIN. 46 SEC., AN ARC LENGTH OF 558.81 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89 DEG. 44 MIN. 22 SEC. EAST - A DISTANCE OF 558.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 240,075 ACRES OR 10,457,659 SQUARE FEET OF LAND.

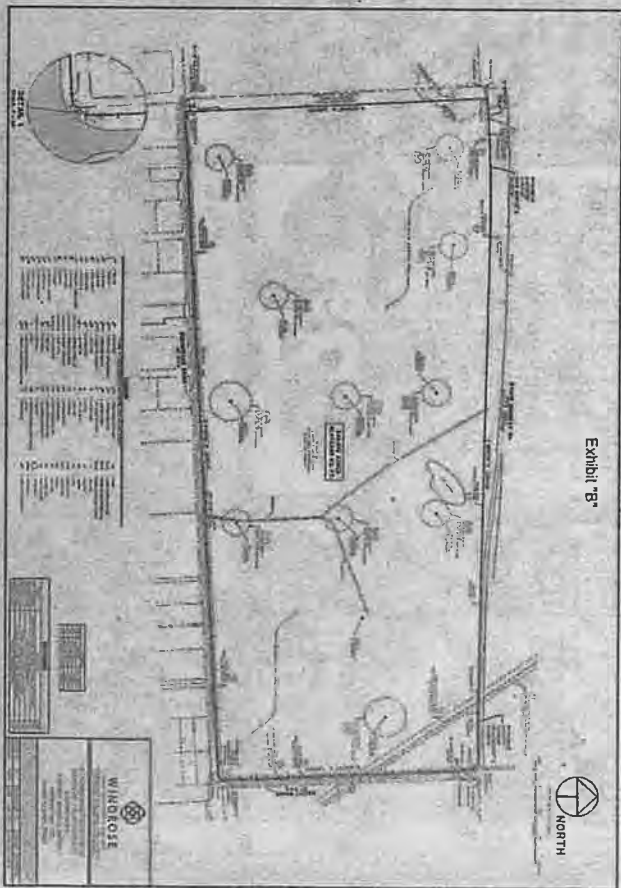
Handwritten signature of Robert Kness

ROBERT KNESS
PLAT NO. 6399
STATE OF TEXAS
HAM REGISTRATION NO. 10108800



DATE: 7-12-2021

Exhibit "B"



ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

PHOENIX TOWER
3200 SOUTHWEST FREEWAY
SUITE 2600
HOUSTON, TEXAS 77027
TEL (713) 860-6400
FAX (713) 860-6401
abhr.com

Direct Line: (713) 800-8061
Direct Fax: (713) 800-1516

mwmack@abhr.com

Mai Lynn Womack
Legal Assistant

July 6, 2022

VIA U.S. CERTIFIED RRR MAIL

VIA EMAIL

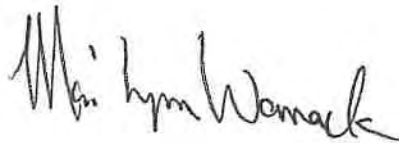
Mr. Charles F. Meyer
c/o Ms. Carmen Pearson, P.E.
LIT Interchange 249 Business Park, LLC
1902 Washington Avenue, Suite A
Houston, TX 77007

Re: Creation of Tomball Business Improvement District No. 1 (the "District")

Dear Mr. Meyer:

In connection with the proposed creation of the District, please find enclosed the Texas Commission on Environmental Quality's Notice of District Petition for Creation Hearing ("Notice") scheduled for August 10, 2022. Pursuant to Title 30 of the Texas Administrative Code, §293.12(g)(2)(B) and Texas Local Government Code §375.024, you are receiving this Notice as a property owner in the District.

Sincerely,



Mai Lynn Womack

Enclosure

cc: Ms. Jessica Holoubek (Firm)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF DISTRICT PETITION TCEQ Docket No. 2022-0535-DIS TCEQ Internal Control No. D-03292022-056

PETITION. LIT Interchange 249 Business Park, LLC, a Delaware limited liability company (Petitioner) has filed a petition with the Texas Commission on Environmental Quality (TCEQ) for the creation of Tomball Business Improvement District No. 1 (District) of Harris County. The TCEQ will conduct this hearing under the authority of Chapter 375, Texas Local Government Code; Chapter 49 of the Texas Water Code; Title 30, Chapter 293 of the Texas Administrative Code and the procedural rules of the TCEQ. The TCEQ will conduct the hearing at:

**9:30 a.m., Wednesday, August 10, 2022
Building E, Room 201S
12100 Park 35 Circle
Austin, Texas**

Due to the ongoing pandemic, the agenda meeting may be held in person in Room 201S of Building E at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at: https://www.tceq.texas.gov/agency/decisions/agendas/comm/comm_agendas.html eight days before the Agenda.

The proposed District will contain approximately 240.075 acres of land within the corporate limits of the City of Tomball, Harris County, Texas. The territory to be included in the proposed District is set forth in a metes and bounds description and is depicted in the vicinity map designated as Exhibit "B," which is attached to this document. The Petition states that the creation of the proposed District would be a benefit to the land within its boundary.

HEARING. As required by the Texas Local Government Code §§ 375.023 and 375.024 and Title 30 of the Texas Administrative Code § 293.12(g)(2)(A), the above hearing regarding this application will be held no earlier than 31 days after notice of this hearing is published in a newspaper with general circulation in the county or counties in which the District is located. The purpose of this hearing is to provide all interested persons the opportunity to appear and offer testimony for or against the proposal contained in the petition. Each person has a right to appear and present evidence and testify for or against the allegations in the petition, the form of the petition, the necessity and feasibility of the district's project, and the benefits to accrue.

At the hearing, pursuant to Chapter 375, Texas Local Government Code; Chapter 49 of the Texas Water Code; and Chapter 293 of Title 30 of the Texas Administrative Code, the TCEQ will determine if creating Tomball Business Improvement District No. 1 would be a benefit to the land and property included in the District, or, if there is any opposition to the proposed creation, the Commission may refer the application to the State Office of Administrative Hearings for a contested case hearing on the application.

INFORMATION. For information regarding the date and time this application will be heard

before the Commission, please submit written inquiries to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087, or by phone at (512) 239-3300. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact Justin Taack of the Districts Section at (512) 239-0418. General information regarding TCEQ can be found at our web site at www.tceq.texas.gov.

Si desea información en Español, puede llamar al (512) 239-0200.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the TCEQ External Relations Division at (800) 687-4040 or (800) RELAY-TX (TDD), at least one week prior to the hearing.

Issued: June 28, 2022

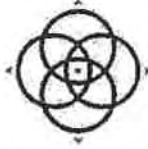


EXHIBIT A

WINDROSE
LAND SURVEYING | PLATTING

**DESCRIPTION OF
240.075 ACRES OR 10,457,658 SQ. FT.**

A TRACT OR PARCEL CONTAINING 240.075 ACRES OR 10,457,658 SQUARE FEET OF LAND SITUATED IN THE AUGUSTE SENERCHAL SURVEY, ABSTRACT NO. 722, HARRIS COUNTY, TEXAS, BEING A RESIDUE OF A CALLED 314.8179 ACERS DESCRIBED IN DEED TO EXXON MOBILE CORPORATION, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. W883345, WITH SAID 240.075 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A BRASS DISK FOUND ON THE NORTHWEST END OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF ROCKY ROAD (60 FEET WIDE) AND THE SOUTH R.O.W. LINE OF STATE HIGHWAY 99 (WIDTH VARIES) DESCRIBED IN H.C.C.F. NO. 20150158935, MARKING A NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 47 DEG. 13 MIN. 03 SEC. EAST, ALONG THE SAID CUTBACK LINE, A DISTANCE OF 48.58 FEET TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST END OF SAID CUTBACK CORNER, FOR A NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE WEST LINE OF SAID ROCKY ROAD, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 02 DEG. 48 MIN. 39 SEC. EAST, A DISTANCE OF 69.85 FEET TO A BRASS DISK FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 87 DEG. 08 MIN. 19 SEC. EAST, A DISTANCE OF 9.43 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR AN EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 02 DEG. 54 MIN. 51 SEC. EAST, A DISTANCE OF 1,737.73 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE NORTHEAST END OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF SAID ROCKY ROAD AND THE NORTH R.O.W. LINE OF BOUDREAUX ROAD (60 FEET WIDE), MARKING THE MOST EASTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 42 DEG. 03 MIN. 13 SEC. WEST, ALONG THE SAID CUTBACK LINE, A DISTANCE OF 21.23 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHWEST END OF SAID CUTBACK MARKING A SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; FROM WHICH A 1/2 INCH IRON ROD BEARS FOR REFERENCE SOUTH 30 DEG. 14 MIN. 11 SEC. WEST, A DISTANCE OF 3.93 FEET.

THENCE, SOUTH 87 DEG. 01 MIN. 16 SEC. WEST, ALONG THE NORTH R.O.W. LINE OF SAID BOUDREAUX ROAD, A DISTANCE OF 5,152.11 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "TSI 5269" FOUND MARKING THE SOUTHEAST CORNER OF A CALLED 5.6619 ACRE TRACT DESCRIBED IN DEED TO COUNTY OF HARRIS, AS RECORDED UNDER H.C.C.F. NO. 20130144685, AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

EXHIBIT A

THENCE, NORTH 03 DEG. 04 MIN. 42 SEC. WEST, ALONG THE EAST LINE OF SAID CALLED 5.6619 ACRE TRACT, A DISTANCE OF 2,163.53 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH LINE OF SAID STATE HIGHWAY 99, MARKING THE NORTHEAST CORNER OF SAID CALLED 5.6619 ACRE TRACT AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE SOUTH R.O.W. LINE OF SAID STATE HIGHWAY 99, THE FOLLOWING COURSES AND DISTANCES:

NORTH 87 DEG. 03 MIN. 20 SEC. EAST, A DISTANCE OF 269.34 FEET (CALLED 269.61') TO A BRASS DISK MARKING THE BEGINNING OF A CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,259.16 FEET, A CENTRAL ANGLE OF 04 DEG. 03 MIN. 25 SEC., AN ARC LENGTH OF 558.81 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89 DEG. 05 MIN. 02 SEC. EAST - A DISTANCE OF 797.06 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET MARKING A POINT OF TANGENCY;

SOUTH 88 DEG. 53 MIN. 15 SEC. EAST, A DISTANCE OF 3,514.68 FEET TO A BRASS DISK MARKING THE BEGINNING OF A CURVE TO THE LEFT;

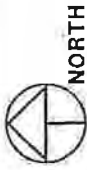
WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 11,659.16 FEET, A CENTRAL ANGLE OF 02 DEG. 44 MIN. 46 SEC., AN ARC LENGTH OF 558.81 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89 DEG. 44 MIN. 22 SEC. EAST - A DISTANCE OF 558.75 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 240.075 ACRES OR 10,457,658 SQUARE FEET OF LAND.



ROBERT KNESS
R.P.L.S. NO. 6599
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800

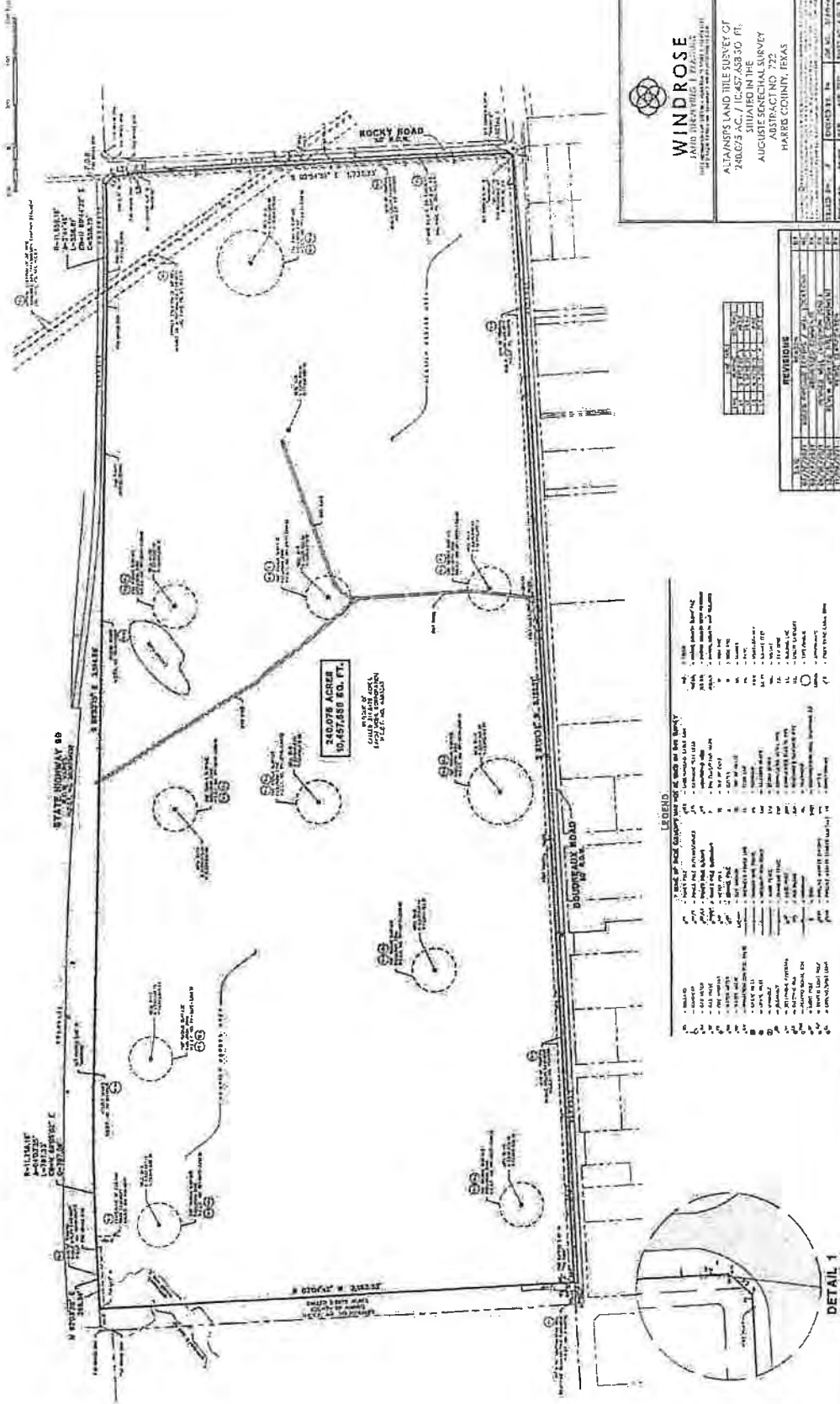


DATE: 7-12-2021



Scale: 1" = 400'

Exhibit "B"



WINDROSE
 LAND SURVEYING & ENGINEERING
 240.078 ACRES / 10,457,288 SQ. FT.
 AUGUSTE SENECHAL SURVEY
 ABSTRACT NO. 722
 HARDE COUNTY, TEXAS

REVISIONS

NO.	DATE	DESCRIPTION
1	10/20/2023	INITIAL SURVEY
2	11/15/2023	FINAL PLAT

- LEGEND**
- BOUNDARY POINT
 - CORNER MARKER
 - CENTER LINE OF ROAD
 - RIGHT-OF-WAY LINE
 - EASEMENT
 - ENCUMBRANCE
 - ADJACENT PROPERTY
 - SURVEY LINE
 - BEARING
 - DISTANCE
 - AREA
 - VOLUME
 - REFERENCE TO OTHER SURVEYS
 - UNDEVELOPED LAND
 - DEVELOPED LAND
 - WATER
 - ROAD
 - RAILROAD
 - POWER LINE
 - TELEPHONE LINE
 - FENCE
 - DITCH
 - CREEK
 - RIVER
 - LAKE
 - WELL
 - SPRING
 - POND
 - TANK
 - BUILDING
 - DRIVE
 - ALLEY
 - LOT
 - BLOCK
 - SECTION
 - TOWNSHIP
 - RANGE
 - COUNTY
 - STATE



DETAIL 1
 SCALE: 1" = 20'

ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

PHOENIX TOWER
3200 SOUTHWEST FREEWAY
SUITE 2600
HOUSTON, TEXAS 77027
TEL (713) 860-6400
FAX (713) 860-6401
abhr.com

Direct Line: (713) 800-8061
Direct Fax: (713) 800-1516

mwmomack@abhr.com

Mai Lynn Womack
Legal Assistant

July 6, 2022

VIA U.S. CERTIFIED RRR MAIL

VIA EMAIL

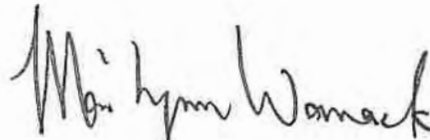
Mr. Charles F. Meyer
c/o Ms. Carmen Pearson, P.E.
LIT Interchange 249 Hanks Owner, LLC
1902 Washington Avenue, Suite A
Houston, TX 77007

Re: Creation of Tomball Business Improvement District No. 1 (the "District")

Dear Mr. Meyer:

In connection with the proposed creation of the District, please find enclosed the Texas Commission on Environmental Quality's Notice of District Petition for Creation Hearing ("Notice") scheduled for August 10, 2022. Pursuant to Title 30 of the Texas Administrative Code, §293.12(g)(2)(B) and Texas Local Government Code §375.024, you are receiving this Notice as a property owner in the District.

Sincerely,



Mai Lynn Womack

Enclosure

cc: Ms. Jessica Holoubek (Firm)

ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

PHOENIX TOWER
3200 SOUTHWEST FREEWAY
SUITE 2600
HOUSTON, TEXAS 77027
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Mai Lynn Womack
Legal Assistant

July 6, 2022

VIA U.S. CERTIFIED RRR MAIL

VIA EMAIL

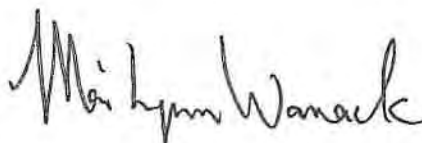
Mr. Randall Parr
14107 Spring Pines Dr.
Tomball, TX 77375

Re: Creation of Tomball Business Improvement District No. 1 (the "District")

Dear Mr. Parr:

In connection with the proposed creation of the District, please find enclosed the Texas Commission on Environmental Quality's Notice of District Petition for Creation Hearing ("Notice") scheduled for August 10, 2022. Pursuant to Title 30 of the Texas Administrative Code, §293.12(g)(2)(B) and Texas Local Government Code §375.024, you are receiving this Notice as a property owner in the District.

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Enclosure

cc: Ms. Jessica Holoubek (Firm)

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mwomack@abhr.com

Mai Lynn Womack
Legal Assistant

July 6, 2022

VIA U.S. CERTIFIED RRR MAIL

VIA EMAIL

Mr. Joel Curtis
15419 Swan Creek Drive
Houston, Texas 77095

Re: Creation of Tomball Business Improvement District No. 1 (the "District")

Dear Mr. Curtis:

In connection with the proposed creation of the District, please find enclosed the Texas Commission on Environmental Quality's Notice of District Petition for Creation Hearing ("Notice") scheduled for August 10, 2022. Pursuant to Title 30 of the Texas Administrative Code, §293.12(g)(2)(B) and Texas Local Government Code §375.024, you are receiving this Notice as a property owner in the District.

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Enclosure

cc: Ms. Jessica Holoubek (Firm)

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mwmack@abhr.com

Mai Lynn Womack
Legal Assistant

July 6, 2022

VIA U.S. CERTIFIED RRR MAIL

VIA EMAIL

Mr. Joe Elkin
14103 Spring Pines Drive
Tomball, Texas 77375

Re: Creation of Tomball Business Improvement District No. 1 (the "District")

Dear Mr. Elkin:

In connection with the proposed creation of the District, please find enclosed the Texas Commission on Environmental Quality's Notice of District Petition for Creation Hearing ("Notice") scheduled for August 10, 2022. Pursuant to Title 30 of the Texas Administrative Code, §293.12(g)(2)(B) and Texas Local Government Code §375.024, you are receiving this Notice as a property owner in the District.

Sincerely,



Mai Lynn Womack

Enclosure

cc: Ms. Jessica Holoubek (Firm)

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mwwomack@abhr.com

Mai Lynn Womack
Legal Assistant

July 6, 2022

VIA U.S. CERTIFIED RRR MAIL

VIA EMAIL

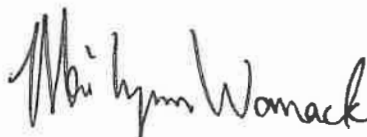
Mr. Michael E. Harney
6315 Bayonne Drive
Spring, Texas 77389

Re: Creation of Tomball Business Improvement District No. 1 (the "District")

Dear Mr. Harney:

In connection with the proposed creation of the District, please find enclosed the Texas Commission on Environmental Quality's Notice of District Petition for Creation Hearing ("Notice") scheduled for August 10, 2022. Pursuant to Title 30 of the Texas Administrative Code, §293.12(g)(2)(B) and Texas Local Government Code §375.024, you are receiving this Notice as a property owner in the District.

Sincerely,



Mai Lynn Womack

Enclosure

cc: Ms. Jessica Holoubek (Firm)

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HOUSTON, TEXAS 77027
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mwomack@abhr.com

Mai Lynn Womack

Legal Assistant

July 6, 2022

VIA U.S. CERTIFIED RRR MAIL

VIA EMAIL

Mr. Jorge Guerra, Jr.
14715 Sierra Garden Drive
Houston, Texas 77069

Re: Creation of Tomball Business Improvement District No. 1 (the "District")

Dear Mr. Guerra:

In connection with the proposed creation of the District, please find enclosed the Texas Commission on Environmental Quality's Notice of District Petition for Creation Hearing ("Notice") scheduled for August 10, 2022. Pursuant to Title 30 of the Texas Administrative Code, §293.12(g)(2)(B) and Texas Local Government Code §375.024, you are receiving this Notice as a property owner in the District.

Sincerely,



Mai Lynn Womack

Enclosure

cc: Ms. Jessica Holoubek (Firm)

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Mai Lynn Womack
Legal Assistant

July 6, 2022

VIA U.S. CERTIFIED RRR MAIL

VIA EMAIL

Mr. Jorge Guerra, Jr.
21418 Petherton Dr.
Tomball, TX 77375

Re: Creation of Tomball Business Improvement District No. 1 (the "District")

Dear Mr. Guerra:

In connection with the proposed creation of the District, please find enclosed the Texas Commission on Environmental Quality's Notice of District Petition for Creation Hearing ("Notice") scheduled for August 10, 2022. Pursuant to Title 30 of the Texas Administrative Code, §293.12(g)(2)(B) and Texas Local Government Code §375.024, you are receiving this Notice as a property owner in the District.

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Mai Lynn Womack

Enclosure

cc: Ms. Jessica Holoubek (Firm)

USPS Manifest Mailing System

Page

Mailer's Name & Address
 Allen Boone & Humphries
 3200 Southwest Fwy
 Ste 2600
 Houston, TX 77027

Article #/ Piece ID	Addressee Name Delivery Address	ES Type	Postage	ES Fee	Insurance Amount	Due/ Sender	Tot Chr
9414814902117969072116 9414814902117969072116	LIT Interchange 249 Business Park, LLC c/o Ms. Carmen Pearson, P.E. 1902 Washington Avenue, Suite A Houston, TX 77007	ERR C	0.710	1.75 3.60			6.0
9414814902117969072123 9414814902117969072123	LIT Interchange 249 Hanks Owner, LLC c/o Ms. Carmen Pearson, P.E. 1902 Washington Avenue, Suite A Houston, TX 77007	ERR C	0.710	1.75 3.60			6.0
9414814902117969072130 9414814902117969072130	Mr. Jorge Guerra, Jr. 14715 Sierra Garden Dr Houston, TX 77069	ERR C	0.710	1.75 3.60			6.0
9414814902117969072147 9414814902117969072147	Mr. Joe Elkin 14103 Spring Pines Dr. Tomball, TX 77375	ERR C	0.710	1.75 3.60			6.0
9414814902117969072154 9414814902117969072154	Mr. Michael E. Harney 8315 Bayonne Drive Spring, TX 77389	ERR C	0.710	1.75 3.60			6.0
9414814902117969072161 9414814902117969072161	Mr. Joel Curtis 15418 Swain Creek Drive Houston, TX 77066	ERR C	0.710	1.75 3.60			6.0
9414814902117969072185 9414814902117969072185	Mr. Randall Parr 14107 Spring Pines Dr. Tomball, TX 77375	ERR C	0.710	1.75 3.60			6.0
Page Totals	7		4.97	37.45			42
Cumulative Totals	7		4.97	37.45			42

USPS CERTIFICATION

Total Number Of Pieces Received _____

Round Stamp _____

Signature of Receiving Employee _____

PS Form 3877 (Facsimile)

Extra Service Codes:

C Certified
 ERR Return Receipt



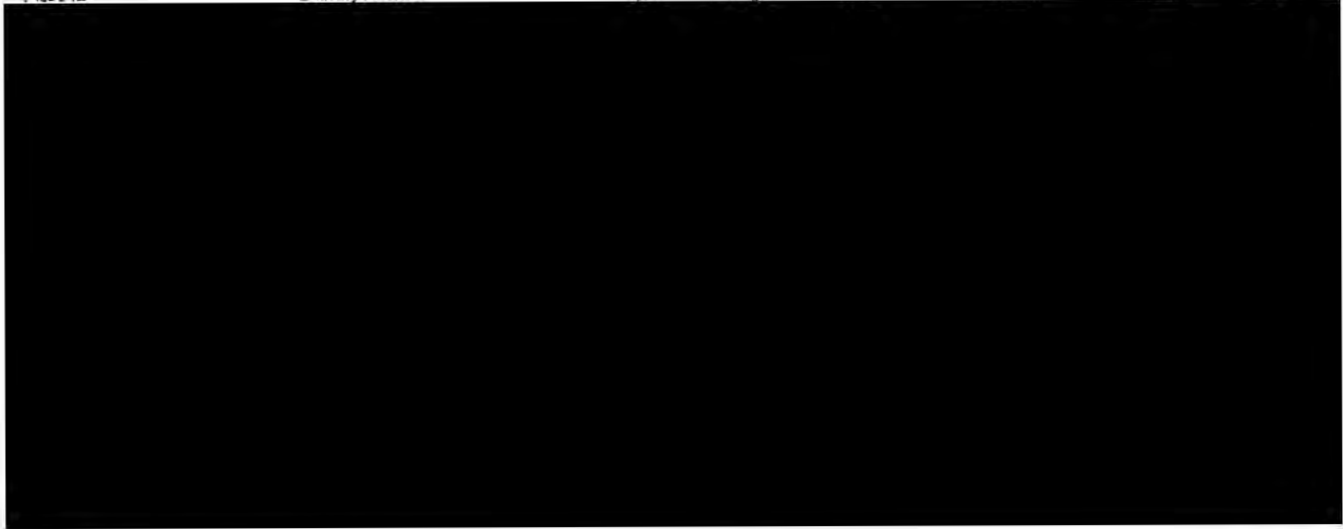
USPS Manifest Mailing System

Page

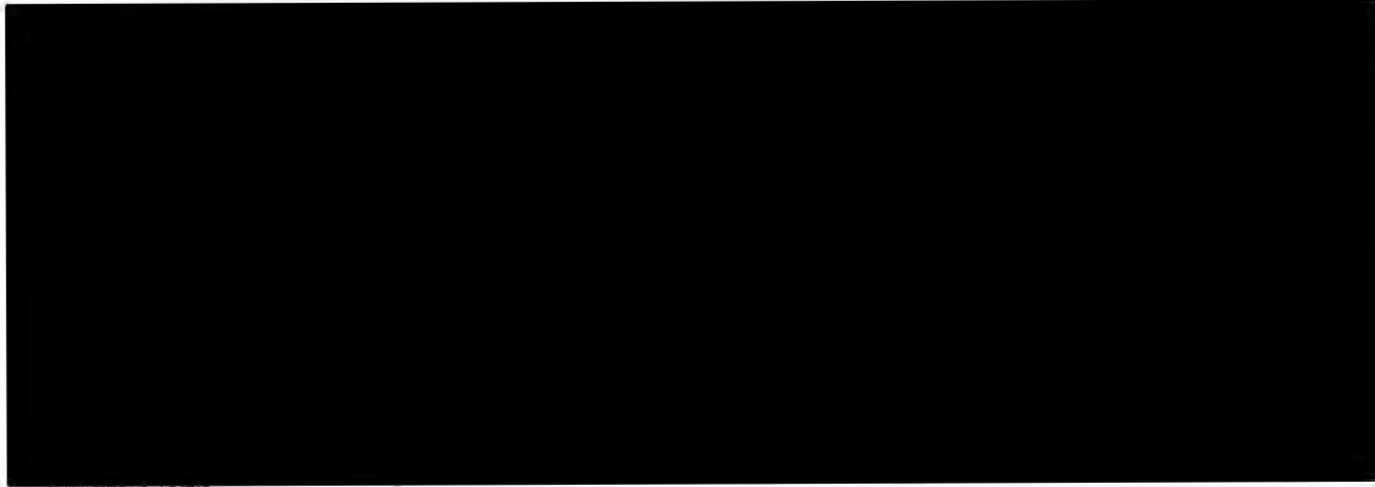
Mailer's Name & Address
Allen Boone & Humphries
3200 Southwest Fwy
Ste 2800
Houston, TX 77027



Article #/ Piece ID	Addressee Name Delivery Address	ES Type	Postage	ES Fee	Insurance Amount	Due/ Sender	Tot Chg
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9414814902117969072239	Mr. Jorge Guerra, Jr.		0.710				6.0
9414814902117969072239	21418 Petherton Dr. Tomball, TX 77375	ERR C		1.75 3.60			



USPS CERTIFICATION

Total Number Of Pieces Received _____

Signature of Receiving Employee _____

PS Form 3877 (Facsimile)

Round Stamp _____

Extra Service Codes:

C Certified
ERR Return Receipt

JUL 2022

Attachment 6

Mailing List

MAILING LIST

Tomball Business Improvement District No. 1
TCEQ Docket No. 2022-0535-DIS
TCEQ Internal Control No. D-03292022-056

<p>Jessica Holoubek Allen Boone Humphries Robinson, LLP 3200 Southwest Freeway, Suite 2600 Houston, Texas 77027</p> <p>Stephanie White, P.E. Kimley-Horn 11700 Katy Freeway, Suite 800 Houston, Texas 77079</p> <p>Nicole Bealle TCEQ Region 12 5425 Polk Street, Suite H Houston, Texas 77023</p> <p>The Honorable Tom Oliverson State Representative, District No. 130 12345 Jones Road, #221 Houston, Texas 77070</p> <p>The Honorable Paul Bettencourt State Senator, District No. 7 11451 Katy Freeway, Suite 209 Houston, Texas 77079</p> <p>City of Tomball Attn: Doris Speer, City Secretary 401 Market Street Tomball, Texas 77375</p> <p>Harris County Attn: Teneshia Hudspeth, County Clerk PO Box 1525 Houston, Texas 77251</p> <p>Chuck Wemple, Executive Director Houston-Galveston Area Council 3555 Timmons Lane, Suite 120 Houston, Texas 77227</p>	<p>Texas Commission on Environmental Quality P. O. Box 13087 Austin, Texas 78711 <i>via Inter-Agency Mail</i></p> <p>Todd Galiga, Senior Attorney Environmental Law Division, MC-173</p> <p>James Walker, Technical Manager Water Supply Division, MC-152</p> <p>Stephanie DeSouza, Technical Staff Water Supply Division, MC-152</p> <p>Justin Taack, Section Manager Water Supply Division, MC-152</p> <p>Sean Ables, P.G., Section Special Assistant Water Supply Division, MC-153</p> <p>Vic McWherter, Office of the Public Interest Counsel, MC-103</p>
--	---

Attachment 7
Caption

Docket No. 2022-0535-DIS. Consideration and hearing on a petition from LIT Interchange 249 Business Park LLC, for creation of Tomball Business Improvement District No.1 ("District") of Harris County, pursuant to Chapter 375, Texas Local Government Code. The proposed District is comprised of approximately 240.075 acres of land wholly within the corporate limits of the City of Tomball, Harris County, Texas. (Kayla Murray, James Walker)