Mayor Todd Kana
Daniel Miller, Position 1
Matthew Dantzer, Position 2
Richard Carby, Mayor Pro Tem, Position 3
Brenda Hoppe, Position 4
Jack L Hulit, Jr., Position 5

Don Doering, City Administrator
Kandice Garrett, City Secretary
Leonard Schneider, City Attorney
Kyle Montgomery, Police Chief
Beverly Standley, Finance/HR Administrator
Tana Ross, Planning Consultant
Mike Kurzy, AEI Engineering

NOTICE OF PUBLIC MEETING OF THE MAGNOLIA CITY COUNCIL

AMENDED AGENDA
SPECIAL CITY COUNCIL MEETING
TUESDAY, MAY 17, 2022 – 6:00 P.M.

Sewall Smith Council Chambers
18111 Buddy Riley Boulevard, Magnolia, Texas 77354

1. **CALL MEETING TO ORDER**
   a. INVOCATION
   b. PLEDGE OF ALLEGIANCE
   c. ROLL CALL AND CERTIFICATION OF A QUORUM

2. **PRESENTATION OF CANVASS OF GENERAL ELECTION**
   The City Council of the City of Magnolia shall canvass the returns of the election at a special meeting on Tuesday, May 17, 2022 at 6:00 p.m. In the event that the final returns are not available by Tuesday, May 17, the canvass will be rescheduled and notice shall be posted in accordance with the Chapter 551, Open Meetings Act of the Government Code.

3. **CONSIDERATION – ORDINANCE NO. O-2022-016 – GENERAL ELECTION CANVASS**
   Consideration and possible action to adopt:

   ORDINANCE NO. O-2020-016

   AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, PROVIDING FOR CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) COUNCIL MEMBERS.

4. **SWEARING IN OF NEWLY ELECTED OFFICIALS**
   Swearing in and presentation of Certificate of Election to newly elected officials for Mayor, and Council Positions 4 and 5 for two-year terms to end May 2024.

5. **CONSIDERATION – ANNUAL ELECTION OF MAYOR PRO-TEM** (Mayor Todd Kana)

6. **CONSIDERATION AND POSSIBLE ACTION TO RESCIND ORDINANCE NO. O-2022-007 (APPROVING THE REZONING OF 0.9183 ACRES AT 31525 NICHOLS SAWMILL ROAD) BY ADOPTING ORDINANCE NO. O-2022-017** (Mayor Todd Kana)
Consideration and possible action to adopt:

ORDINANCE NO. O-2022-017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS RESCINDING ORDINANCE NO. O-2022-007 MAKING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

7. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE MAGNOLIA PLACE SECTION 1 AMENDING PLAT NO. 1** (Mayor Todd Kana)

8. **ADJOURN**

If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive Session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 – consultation with counsel on legal matters; Section 551.072 – deliberation regarding purchase, exchange, lease or value of real property; Section 551.073 – deliberation regarding a prospective gift; Section 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; Section 551.076 – implementation of security personnel or devices; Section 551.086 – deliberation regarding competitive matters of a public power utility ; Section 551.087 – deliberation regarding economic development negotiation; and/or other matters as authorized under Texas Government Code. If a Closed or Executive Session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office at (281-305-0550), two working days prior to the meeting for appropriate arrangements.

CERTIFICATE

I certify that a copy of the *Notice of Meeting* was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofmagnolia.com, in compliance with Chapter 551, Texas Government Code.

DATE 5/13/2022
TIME 2:45 PM
TAKEN DOWN

CITY OF MAGNOLIA INCORPORATED 1988 MONTGOMERY COUNTY, TEXAS

Don Doering, City Administrator

MONTGOMERY COUNTY ELECTIONS

P. O. Box 2646
Conroe, Texas 77305-2646

Suzie Harvey www.MontgomeryVotes.org **(936) 539-7843**
Elections Administrator election@mctx.org **Fax (936) 788-8340**

May 17, 2022

Re: City of Magnolia General Election and Special Election

I, Suzie Harvey, Montgomery County Elections Administrator, do hereby certify that the attached pages are the final results of the City of Magnolia General Election and Special Election held in Montgomery County, Texas, on May 7, 2022.

Suzie Harvey
Elections Administrator

City of Magnolia General Election and Special Election Canvass Report — Total Voters — Official

Montgomery County, Texas — Joint Election — May 07, 2022

05/16/2022 01:47 PM

Total Number of Voters : 29,606 of 394,894 = 7.50%
Number of District Voters: 181 of 1,706 = 10.61%

Precincts Reporting 52 of 52 = 100.00%
District Precincts Reporting 4 of 4 = 100.00%

City of Magnolia Mayor

Precinct	Absentee Ballots Cast	Early Ballots Cast	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Todd Kana	Totals
CP	0	0	0	0	0	00.00%	0	0
CQ	0	2	0	2	17	11.76%	0	0
CR	10	108	51	169	1604	10.54%	117	117
CS	0	9	1	10	85	11.76%	10	10
Totals	10	119	52	181	1706		127	127

City of Magnolia General Election and Special Election Canvass Report — Total Voters — Official

Montgomery County, Texas — Joint Election — May 07, 2022

05/16/2022 01:47 PM

Total Number of Voters : 29,606 of 394,894 = 7.50%
Number of District Voters: 181 of 1,706 = 10.61%

Precincts Reporting 52 of 52 = 100.00%
District Precincts Reporting 4 of 4 = 100.00%

City of Magnolia Council Position 4

Precinct	Absentee Ballots Cast	Early Ballots Cast	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Brenda Hoppe	Frank M Parker III	Totals
CP	0	0	0	0	0	00.00%	0	0	0
CQ	0	2	0	2	17	11.76%	0	2	2
CR	10	108	51	169	1604	10.54%	87	78	165
CS	0	9	1	10	85	11.76%	6	4	10
Totals	10	119	52	181	1706		93	84	177

City of Magnolia General Election and Special Election Canvass Report — Total Voters — Official

Montgomery County, Texas — Joint Election — May 07, 2022

05/16/2022 01:47 PM

Total Number of Voters : 29,606 of 394,894 = 7.50%
Number of District Voters: 181 of 1,706 = 10.61%

Precincts Reporting 52 of 52 = 100.00%
District Precincts Reporting 4 of 4 = 100.00%

City of Magnolia Council Position 5

Precinct	Absentee Ballots Cast	Early Ballots Cast	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Cathy Yowell	Jack L Hultt Jr	Totals
CP	0	0	0	0	0	00.00%	0	0	0
CQ	0	2	0	2	17	11.76%	0	1	1
CR	10	108	51	169	1604	10.54%	68	87	155
CS	0	9	1	10	85	11.76%	2	8	10
Totals	10	119	52	181	1706		70	96	166

City of Magnolia General Election and Special Election Canvass Report — Total Voters — Official

Montgomery County, Texas — Joint Election — May 07, 2022

05/16/2022 01:47 PM

Total Number of Voters : 29,606 of 394,894 = 7.50%
Number of District Voters: 181 of 1,706 = 10.61%

Precincts Reporting 52 of 52 = 100.00%
District Precincts Reporting 4 of 4 = 100.00%

City of Magnolia Proposition A Reauthorization of Local Sales and Use Tax

Precinct	Absentee Ballots Cast	Early Ballots Cast	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	FOR	AGAINST	Totals
CP	0	0	0	0	0	00.00%	0	0	0
CQ	0	2	0	2	17	11.76%	1	0	1
CR	10	108	51	169	1604	10.54%	135	27	162
CS	0	9	1	10	85	11.76%	9	1	10
Totals	10	119	52	181	1706		145	28	173

City of Magnolia General Election and Special Election Cumulative Report — Official

Montgomery County, Texas — Joint Election — May 07, 2022

05/16/2022 01:47 PM

Total Number of Voters : 29,606 of 394,894 = 7.50%
Number of District Voters: 181 of 1,706 = 10.61%

Precincts Reporting 52 of 52 = 100.00%
District Precincts Reporting 4 of 4 = 100.00%

Party	Candidate	Absentee		Early		Election		Total	
City of Magnolia Mayor, Vote For 1									
	Todd Kana	6	100.00%	82	100.00%	39	100.00%	127	100.00%
	Cast Votes:	6	60.00%	82	68.91%	39	75.00%	127	70.17%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	4	40.00%	37	31.09%	13	25.00%	54	29.83%
City of Magnolia Council Position 4, Vote For 1									
	Brenda Hoppe	4	40.00%	59	50.86%	30	58.82%	93	52.54%
	Frank M Parker III	6	60.00%	57	49.14%	21	41.18%	84	47.46%
	Cast Votes:	10	100.00%	116	97.48%	51	98.08%	177	97.79%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	3	2.52%	1	1.92%	4	2.21%
City of Magnolia Council Position 5, Vote For 1									
	Cathy Yowell	5	55.56%	50	45.87%	15	31.25%	70	42.17%
	Jack L Hullt Jr	4	44.44%	59	54.13%	33	68.75%	96	57.83%
	Cast Votes:	9	90.00%	109	91.60%	48	92.31%	166	91.71%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	1	10.00%	10	8.40%	4	7.69%	15	8.29%
City of Magnolia Proposition A Reauthorization of Local Sales and Use Tax, Vote For 1									
	FOR	9	90.00%	98	86.73%	38	76.00%	145	83.82%
	AGAINST	1	10.00%	15	13.27%	12	24.00%	28	16.18%
	Cast Votes:	10	100.00%	113	94.96%	50	96.15%	173	95.58%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	6	5.04%	2	3.85%	8	4.42%

City of Magnolia General Election and Special Election Precinct Report — Official

Montgomery County, Texas — Joint Election — May 07, 2022

05/16/2022 01:48 PM

Total Number of Voters : 29,606 of 394,894 = 7.50%

Number of District Voters: 181 of 1,706 = 10.61%

Precincts Reporting 52 of 52 = 100.00%

District Precincts Reporting 4 of 4 = 100.00%

Party	Candidate	Absentee		Early		Election		Total	
Precinct CP (Ballots Cast: 0)									
City of Magnolia Mayor, Vote For 1									
	Todd Kana	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
City of Magnolia Council Position 4, Vote For 1									
	Brenda Hoppe	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Frank M Parker III	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
City of Magnolia Council Position 5, Vote For 1									
	Cathy Yowell	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Jack L Huitt Jr	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
City of Magnolia Proposition A Reauthorization of Local Sales and Use Tax, Vote For 1									
	FOR	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	AGAINST	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%

City of Magnolia General Election and Special Election Precinct Report — Official

Montgomery County, Texas — Joint Election — May 07, 2022

05/16/2022 01:48 PM

Total Number of Voters : 29,606 of 394,894 = 7.50%
Number of District Voters: 181 of 1,706 = 10.61%

Precincts Reporting 52 of 52 = 100.00%
District Precincts Reporting 4 of 4 = 100.00%

Party	Candidate	Absentee		Early		Election		Total	
Precinct CQ (Ballots Cast: 2)									
City of Magnolia Mayor, Vote For 1									
	Todd Kana	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	2	100.00%	0	0.00%	2	100.00%
City of Magnolia Council Position 4, Vote For 1									
	Brenda Hoppe	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Frank M Parker III	0	0.00%	2	100.00%	0	0.00%	2	100.00%
	Cast Votes:	0	0.00%	2	100.00%	0	0.00%	2	100.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
City of Magnolia Council Position 5, Vote For 1									
	Cathy Yowell	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Jack L Huitt Jr	0	0.00%	1	100.00%	0	0.00%	1	100.00%
	Cast Votes:	0	0.00%	1	50.00%	0	0.00%	1	50.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	1	50.00%	0	0.00%	1	50.00%
City of Magnolia Proposition A Reauthorization of Local Sales and Use Tax, Vote For 1									
	FOR	0	0.00%	1	100.00%	0	0.00%	1	100.00%
	AGAINST	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	1	50.00%	0	0.00%	1	50.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	1	50.00%	0	0.00%	1	50.00%

City of Magnolia General Election and Special Election Precinct Report — Official

Montgomery County, Texas — Joint Election — May 07, 2022

05/16/2022 01:48 PM

Total Number of Voters : 29,606 of 394,894 = 7.50%
Number of District Voters: 181 of 1,706 = 10.61%

Precincts Reporting 52 of 52 = 100.00%
District Precincts Reporting 4 of 4 = 100.00%

Party	Candidate	Absentee		Early		Election		Total	
Precinct CR (Ballots Cast: 169)									
City of Magnolia Mayor, Vote For 1									
	Todd Kana	6	100.00%	73	100.00%	38	100.00%	117	100.00%
	Cast Votes:	6	60.00%	73	67.59%	38	74.51%	117	69.23%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	4	40.00%	35	32.41%	13	25.49%	52	30.77%
City of Magnolia Council Position 4, Vote For 1									
	Brenda Hoppe	4	40.00%	53	50.48%	30	60.00%	87	52.73%
	Frank M Parker III	6	60.00%	52	49.52%	20	40.00%	78	47.27%
	Cast Votes:	10	100.00%	105	97.22%	50	98.04%	165	97.63%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	3	2.78%	1	1.96%	4	2.37%
City of Magnolia Council Position 5, Vote For 1									
	Cathy Yowell	5	55.56%	49	49.49%	14	29.79%	68	43.87%
	Jack L Hultt Jr	4	44.44%	50	50.51%	33	70.21%	87	56.13%
	Cast Votes:	9	90.00%	99	91.67%	47	92.16%	155	91.72%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	1	10.00%	9	8.33%	4	7.84%	14	8.28%
City of Magnolia Proposition A Reauthorization of Local Sales and Use Tax, Vote For 1									
	FOR	9	90.00%	89	86.41%	37	75.51%	135	83.33%
	AGAINST	1	10.00%	14	13.59%	12	24.49%	27	16.67%
	Cast Votes:	10	100.00%	103	95.37%	49	96.08%	162	95.86%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	5	4.63%	2	3.92%	7	4.14%

City of Magnolia General Election and Special Election Precinct Report — Official

Montgomery County, Texas — Joint Election — May 07, 2022

05/16/2022 01:48 PM

Total Number of Voters : 29,606 of 394,894 = 7.50%

Number of District Voters: 181 of 1,706 = 10.61%

Precincts Reporting 52 of 52 = 100.00%

District Precincts Reporting 4 of 4 = 100.00%

Party	Candidate	Absentee		Early		Election		Total	
Precinct CS (Ballots Cast: 10)									
City of Magnolia Mayor, Vote For 1									
	Todd Kana	0	0.00%	9	100.00%	1	100.00%	10	100.00%
	Cast Votes:	0	0.00%	9	100.00%	1	100.00%	10	100.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
City of Magnolia Council Position 4, Vote For 1									
	Brenda Hoppe	0	0.00%	6	66.67%	0	0.00%	6	60.00%
	Frank M Parker III	0	0.00%	3	33.33%	1	100.00%	4	40.00%
	Cast Votes:	0	0.00%	9	100.00%	1	100.00%	10	100.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
City of Magnolia Council Position 5, Vote For 1									
	Cathy Yowell	0	0.00%	1	11.11%	1	100.00%	2	20.00%
	Jack L Huitt Jr	0	0.00%	8	88.89%	0	0.00%	8	80.00%
	Cast Votes:	0	0.00%	9	100.00%	1	100.00%	10	100.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
City of Magnolia Proposition A Reauthorization of Local Sales and Use Tax, Vote For 1									
	FOR	0	0.00%	8	88.89%	1	100.00%	9	90.00%
	AGAINST	0	0.00%	1	11.11%	0	0.00%	1	10.00%
	Cast Votes:	0	0.00%	9	100.00%	1	100.00%	10	100.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%

ORDINANCE NO. O-2022-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, PROVIDING FOR CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) COUNCIL MEMBERS, AND THE SPECIAL ELECTION FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY ONE PROPOSITION TO REAUTHORIZE THE LOCAL SALES AND USE TAX IN THE CITY OF MAGNOLIA, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS .

* * * * * *

WHEREAS, the City of Magnolia, Texas (the "City") pursuant to the laws of the State of Texas, as amended, is required to hold a general election by State Law which requires the general election for 2022 to be held on the first Saturday of May to elect a Mayor and two Councilpersons, whose terms are expiring, and for the purpose of a special election submitting to the qualified voters of the City one (1) proposition to reauthorize the local sales and use tax in the City of Magnolia, Texas at the rate of one-fourth of one percent for maintenance and repair of municipal streets; and

WHEREAS, pursuant to Chapters 31 and 271 of the Texas Election Code, the City is authorized to enter into a Joint Election Agreement with the Magnolia Independent School District and Contract for Election Services and Election Agreement with Montgomery County and the City has entered into said agreements; and

WHEREAS, by state law and uniform election date for the month of May 2022 falls on May 7, 2022; and

WHEREAS, a general election was held in the City of Magnolia, Texas, on May 7, 2022, at which election it was submitted to the resident qualified voters of the City for the purpose of electing the following officials of the City:

- Mayor, for a two-year term ending May 2024; and
- Council Position 4, for a two-year term ending May 2024; and
- Council Position 5, for a two-year term ending May 2024; and

WHEREAS, a special election was held in the City of Magnolia, Texas, on May 7, 2022, at which election it was submitted to the resident qualified voters of the City one (1) proposition to reauthorize the local sales and use tax in the City of Magnolia, Texas at the rate of one-fourth of one percent:

- Proposition to reauthorize the local sales and use tax in the City of Magnolia, Texas at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:

Section 1. Findings. The facts and opinions in the preamble to this Ordinance are true and correct.

Section 2. The official canvass of the returns of the general election held on May 7, 2022 reflects the following:

Mayor
Todd Kana Total votes: 127

Council Position 4
Brenda Hoppe Total votes: 93
Frank Parker III Total votes: 84

Council Position 5
Cathy Yowell Total votes: 70
Jack L Huitt Jr. Total votes: 96

Proposition
To reauthorize the local sales and use tax in the City of Magnolia, Texas at the rate of one-fourth of one percent.
Total votes for: 145
Total votes against: 28

Total ballots cast: 181
Registered voters: 1706
Percent turnout: 33.06%

Section 3. Todd Kana was unopposed and received a majority of the votes at the

election for the office of Mayor, and accordingly, Todd Kana is declared elected to the office of Mayor, subject to the taking of his oath. Brenda Hoppe received a majority of the votes cast at the election for the office of Councilmember, Position No. 4, and accordingly, Brenda Hoppe is declared elected to the office of Councilmember, Position No. 4, subject to the taking of her oath. Jack L Huitt Jr. received a majority of the votes cast at the election for the office of Councilmember, Position No. 5, and accordingly, Josh Abernathy is declared elected to the office of Councilmember, Position No. 5, subject to the taking of his oath. The local sales and use tax in the City of Magnolia Texas was reauthorized at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets and will expire on the fourth anniversary of this election unless the imposition of the tax is reauthorized.

Section 4. The election held in and throughout the City of Magnolia, Texas, on the 7th day of May 2022, which election is more particularly described in the preamble of this Ordinance, was duly called and notice thereof was given and the election was held under and in strict conformity with law; that only duly qualified resident electors of the City voted at the election; that due returns of the election have been made by the proper officers.

Section 5. It is hereby officially found and determined that notice of the meeting at which this Ordinance is adopted was given as required by the Texas Open Meeting Act, and that such meeting has been open to the public at all times when this Ordinance was discussed and acted upon.

PASSED, APPROVED and **ADOPTED** by the City Council of the City of Magnolia, Montgomery County, Texas on this the 17th day of May, 2022.

CITY OF MAGNOLIA, TEXAS

_____
Richard Carby, Mayor Pro Tem

ATTEST:

_____
Kandice Garrett, City Secretary

In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, **BRENDA HOPPE**, do solemnly swear, that I will faithfully execute the duties of the office of **COUNCIL MEMBER POSITION 4**, of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

_____
Affiant

SWORN TO and subscribed before me by affiant on May 17th, 2022.

CITY OF MAGNOLIA
INCORPORATED
1968
MONTGOMERY COUNTY, TEXAS

_____
Signature of Person Administering Oath

Kandice Garrett
Printed Name

City Secretary
Title

In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, **JACK L HUITT JR**, do solemnly swear, that I will faithfully execute the duties of the office of **COUNCIL MEMBER POSITION 5**, of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

_____
Affiant

SWORN TO and subscribed before me by affiant on May 17th, 2022.

CITY OF MAGNOLIA
INCORPORATED
1968
MONTGOMERY COUNTY, TEXAS

_____
Signature of Person Administering Oath

Kandice Garrett
Printed Name

City Secretary
Title

ORDINANCE NO. O-2022-017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS RESCINDING ORDINANCE NO. O-2022-007 MAKING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Magnolia previously adopted Ordinance O-2022-007 approving the rezoning a tract of land of approximately 0.9183 acres at 31525 Nichols Sawmill Road, Magnolia, Texas (the "Property") from Neighborhood Conservation 2 (NC.2) to Suburban Village (SV).

WHEREAS, after review and study of the procedures followed for the rezoning the City Council determines that it is appropriate to restart the process to consider the application to rezone the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, THAT:

Section 1. Findings. The City Council finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

Section 2. That Ordinance No. O-2022-007 previously adopted and passed by the City Council is hereby rescinded in its entirety.

Section 3. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

Section 4. Compliance Clause and Effective Date. The City Council finds, determines and declares that a sufficient written notice was posted and this Ordinance was passed in accordance with the Open Meetings Act and that this Ordinance takes effect immediately upon passage and approval by the City Council.

Section 5. The Official Zoning Map of the City of Magnolia shall be reviewed and amended if necessary to show the Property was not rezoned by Ordinance O-2022-007.

Section 6. The City Secretary is instructed to attach this Ordinance to Ordinance No. O-2022-007.

PASSED, APPROVED, AND ADOPTED this 17th day of May, 2022.

CITY OF MAGNOLIA, TEXAS

_____

Richard Carby, Mayor Pro Tem

ATTEST:

_____

Kandice Garrett, City Secretary

Approved as to form:

_____

Leonard Schneider, City Attorney

AEI ENGINEERING
a BAXTER & WOODMAN company

May 16, 2022

Mr. Don Doering
City Administrator
City of Magnolia
18111 Buddy Riley Boulevard
Magnolia, Texas 77354

Reference: ***Magnolia Place Section 1 Amending Plat No. 1 – Letter of No Objection***
City of Magnolia
AEI Job No. 220968.80-001

Dear Mr. Doering:

We received the plat for the proposed Magnolia Place Section 1 Amending Plat No. 1 on May 5, 2022, and additional documents on May 16, 2022. On behalf of City of Magnolia (the "City"), we have reviewed the submitted documents and offer no objection to the approval of this project, subject to the following comments:

1. Show contours lines.
2. Final plat shall be signed and sealed by a Professional Surveyor licensed in the State of Texas.
3. In the event that any portion of this development may change at a future date, the City reserves the right to review and approve the proposed changes prior to initiating the change.

Should you have any questions or require additional information, please contact the undersigned or Michael A. Kurzy, P.E. at (281) 350-7027.

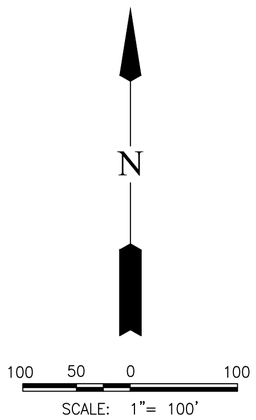
Sincerely,

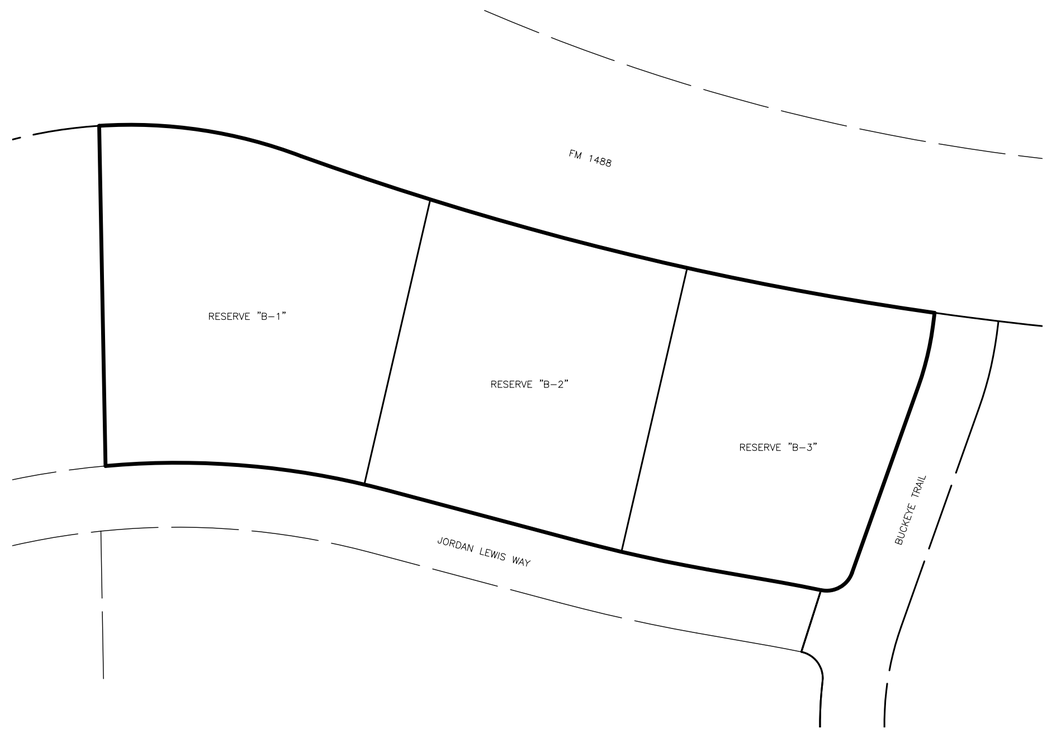
Robel E. Giackero

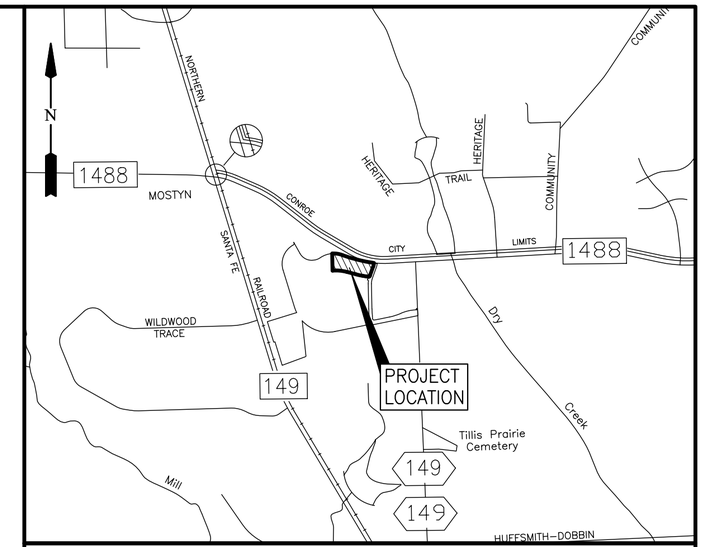
Robel E. Giackero, P.E.
Project Engineer

AEI Engineering, a Baxter & Woodman Company
TBPELS Registration No. F-21783

XC: Ms. Tana Ross – City of Magnolia - Planning and Zoning Commission
Mr. Burt Smith – City of Magnolia – Director of Public Works
Mr. Michael A. Kurzy, P.E. – AEI Engineering, a Baxter & Woodman Company
Ms. Marie Escue – LJA Engineering, Inc.







VICINITY MAP
SCALE: 1"= 2000'

KEY MAP NO. 213F

MAGNOLIA PLACE
SECTION 1
AMENDING PLAT NO. 1

A SUBDIVISION OF 4.849 ACRES OF LAND SITUATED IN THE
JOHN B. RICHARDS SURVEY, ABSTRACT 449
CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS,
BEING AN AMENDING PLAT OF
MAGNOLIA PLACE SECTION 1 REPLAT OF RESERVE "B" NO. 2,
A SUBDIVISION RECORDED IN CABINET "Z", SHEETS 8334–8336,
MAP RECORDS OF MONTGOMERY COUNTY, TEXAS.

REASON FOR AMENDING PLAT: TO ADJUST 2 RESERVE LINES

OWNER: MAGNOLIA EAST 149, LLC
A TEXAS LIMITED LIABILITY COMPANY
212 LAVACA STREET, SUITE 300
AUSTIN, TEXAS 78701

SURVEYOR:

GBI PARTNERS
LAND SURVEYING CONSULTANTS
4724 VISTA ROAD · PASADENA, TX 77505
PHONE: 281-499-4539 · GBIsurvey@GBIsurvey.com
TBPELS FIRM #10130300 · www.GBIsurvey.com

ENGINEER:

LJA Engineering, Inc.
1904 W. Grand Parkway North
Suite 100
Katy, Texas 77449
Phone 713.953.5200
Fax 713.953.5026
FRN-F-1386

DATE: MAY 2, 2022

0	LOTS
0	BLOCKS
3	RESERVES
4.849	ACRES IN RESERVE

MYLAR CHECK: SURVEY _____ PLATTING MGR. _____
LAST SAVED: 5/12/2022 9:32 AM BY: MARIE ESCUE – PLOT DATE: 5/12/2022 9:34 AM BY: MARIE ESCUE
PATH\NAME: I:\PROJDSK1\PLATTING\2559\FINPLT\MAGNOLIA PLACE SEC 1 AMENDING PLAT NO.1.DWG
MAGNOLIA PLACE SECTION 1 AMENDING PLAT NO. 1
LJA JOB NO. 2559–1912

STATE OF TEXAS
COUNTY OF MONTGOMERY

I, ERIN D. PICKENS, SENIOR VICE PRESIDENT, OF MAGNOLIA EAST 149, LLC., A TEXAS LIMITED LIABILITY COMPANY, OWNER OF THE PROPERTY SUBDIVIDED IN THE ABOVE AND FOREGOING MAP OF MAGNOLIA PLACE SECTION 1 AMENDING PLAT NO. 1, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID MAGNOLIA EAST 149, LLC, A TEXAS LIMITED LIABILITY COMPANY, ACCORDING TO THE LINES, STREETS, LOTS, ALLEYS, PARKS, BUILDING LINES, AND EASEMENTS THEREON SHOWN, AND DESIGNATE SAID SUBDIVISION AS MAGNOLIA PLACE SECTION 1 AMENDING PLAT NO. 1, LOCATED IN THE JOHN B. RICHARDS SURVEY, ABSTRACT 449, MONTGOMERY COUNTY, TEXAS, AND ON BEHALF OF SAID MAGNOLIA EAST 149, LLC, A TEXAS LIMITED LIABILITY COMPANY; AND DEDICATE TO PUBLIC USE, AS SUCH, THE STREETS, ALLEYS, PARKS, AND EASEMENTS (EXCEPT THOSE INDICATED AS BEING PRIVATE OR CREATED PURSUANT TO SEPARATE INSTRUMENT) SHOWN THEREON FOREVER; AND DO HEREBY WAIVE ANY CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHING OF GRADES AS APPROVED FOR THE STREETS AND ALLEYS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE OF ANY PORTION OF STREETS OR ALLEYS TO CONFORM TO SUCH GRADES.

FURTHER, MAGNOLIA EAST 149, LLC., A TEXAS LIMITED LIABILITY COMPANY, DOES HEREBY DEDICATE FOREVER TO THE PUBLIC A STRIP OF LAND A MINIMUM OF FIFTEEN (15) FEET WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL GULLIES, RAVINES, DRAWS, SLOUGHS OR OTHER NATURAL DRAINAGE COURSES LOCATED IN THE SAID SUBDIVISION, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING MONTGOMERY COUNTY AND/OR ANY OTHER PUBLIC AGENCY THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSE OF CONSTRUCTING AND/OR MAINTAINING DRAINAGE WORK AND/OR STRUCTURES.

FURTHER, ALL OF THE PROPERTY SUBDIVIDED IN THE ABOVE AND FOREGOING MAP SHALL BE RESTRICTED IN ITS USE, WHICH RESTRICTIONS SHALL RUN WITH THE TITLE OF THE PROPERTY, AND SHALL BE ENFORCEABLE, AT THE OPTION OF MONTGOMERY COUNTY, BY MONTGOMERY COUNTY OR ANY CITIZEN THEREOF, BY INJUNCTION, AS FOLLOWS:

1. THE DRAINAGE OF SEPTIC TANKS INTO ROAD, STREET, ALLEY, OR OTHER PUBLIC DITCHES, EITHER DIRECTLY OR INDIRECTLY, IS STRICTLY PROHIBITED.

2. DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER, AND SHALL BE A MINIMUM OF ONE AND THREE QUARTERS (1-3/4) SQUARE FEET (18" DIAMETER PIPE CULVERT).

FURTHER, OWNER DOES HEREBY CERTIFY THAT IT IS THE OWNER OF ALL PROPERTY IMMEDIATELY ADJACENT TO THE BOUNDARIES OF THE ABOVE AND FORGOING SUBDIVISION OF MAGNOLIA PLACE SECTION 1 AMENDING PLAT NO. 1 WHERE BUILDING SETBACK LINES OR PUBLIC UTILITY EASEMENTS ARE TO BE ESTABLISHED OUTSIDE THE BOUNDARIES OF THE ABOVE AND FORGOING SUBDIVISION AND DO HEREBY MAKE AND ESTABLISH ALL BUILDING SETBACK LINES AND DEDICATE TO THE USE OF THE PUBLIC, ALL PUBLIC UTILITY EASEMENTS SHOWN IN SAID ADJACENT ACREAGE.

IN TESTIMONY WHEREOF, THE MAGNOLIA EAST 149, LLC., A TEXAS LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED BY ERIN D. PICKENS, ITS SENIOR VICE PRESIDENT, THEREUNTO AUTHORIZED,

THIS _____ DAY OF _____, 20__.

MAGNOLIA EAST 149, LLC.
A TEXAS LIMITED LIABILITY COMPANY

BY: _____
ERIN D. PICKENS, SENIOR VICE PRESIDENT

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ERIN D. PICKENS, SENIOR VICE PRESIDENT OF MAGNOLIA EAST 149, LLC., A TEXAS LIMITED LIABILITY COMPANY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN AND HEREIN SET OUT AND AS THE ACT AND DEED OF SAID COMPANY.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,

THIS _____ DAY OF _____, 20__.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

THIS IS TO CERTIFY THAT I, KYLE A. KACAL, A LICENSED SURVEYOR OF THE STATE OF TEXAS, HAVE PLATTED THE ABOVE SUBDIVISION FROM AN ACTUAL SURVEY ON THE GROUND; AND THAT ALL BLOCKS, LOT CORNERS, ANGLE POINTS AND POINTS OF CURVATURE ARE PROPERLY MARKED WITH FIVE-EIGHTHS (5/8) INCH IRON RODS WITH PLASTIC CAP STAMPED "GBI PARTNERS" AND THREE (3) FEET IN LENGTH, UNLESS OTHERWISE NOTED.

_____
KYLE A. KACAL, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6652

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF MAGNOLIA, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF MAGNOLIA PLACE SECTION 1 AMENDING PLAT NO. 1 AS SHOWN HEREIN.

IN TESTIMONY WHEREOF, IN WITNESS OF THE OFFICIAL SIGNATURES OF THE MAYOR, AND THE CITY SECRETARY OF THE CITY OF MAGNOLIA, TEXAS, THIS THE _____ DAY OF _____, 20__, DO APPROVE THIS PLAT TO BE RECORDED IN THE OFFICIAL RECORD AT THE MONTGOMERY COUNTY CLERK'S OFFICE.

_____
CHAIRMAN

_____
CITY SECRETARY

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, HAS ACCEPTED THIS PLAT AND SUBDIVISION OF MAGNOLIA PLACE SECTION 1 AMENDING PLAT NO. 1 AS SHOWN HEREIN.

IN TESTIMONY WHEREOF, IN WITNESS OF THE OFFICIAL SIGNATURES OF THE MAYOR, AND THE CITY SECRETARY OF THE CITY OF MAGNOLIA, TEXAS, THIS THE _____ DAY OF _____, 20__, DO APPROVE THIS PLAT TO BE RECORDED IN THE OFFICIAL RECORD AT THE MONTGOMERY COUNTY CLERK'S OFFICE.

_____
MAYOR

_____
CITY SECRETARY

STATE OF TEXAS
COUNTY OF MONTGOMERY

I, MARK TURNBULL, CLERK OF THE COUNTY COURT OF MONTGOMERY COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____, 20__, AT _____ O'CLOCK _____.M., AND DULY RECORDED ON _____, 20__, AT _____ O'CLOCK ___.M., IN CABINET _____ SHEET _____, OF RECORD OF _____ FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT CONROE, MONTGOMERY COUNTY, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

_____
MARK TURNBULL, CLERK, COUNTY COURT,
MONTGOMERY COUNTY, TEXAS

BY: _____
DEPUTY

MAGNOLIA PLACE
SECTION 1
AMENDING PLAT NO. 1

OWNER: MAGNOLIA EAST 149, LLC
A TEXAS LIMITED LIABILITY COMPANY
212 LAVACA STREET, SUITE 300
AUSTIN, TEXAS 78701

PLATTING MGR. _____
MYLAR CHECK: SURVEY _____
LAST SAVED: 5/12/2022 9:32 AM BY: MARIE ESCUE – PLOT DATE: 5/12/2022 9:34 AM BY: MARIE ESCUE
PATH\NAME: I:\PROJDSK1\PLATTING\2559\FINPLT\MAGNOLIA PLACE SEC 1 AMENDING PLAT NO.1.DWG
MAGNOLIA PLACE SECTION 1 AMENDING PLAT NO. 1
LJA JOB NO. 2559-1912

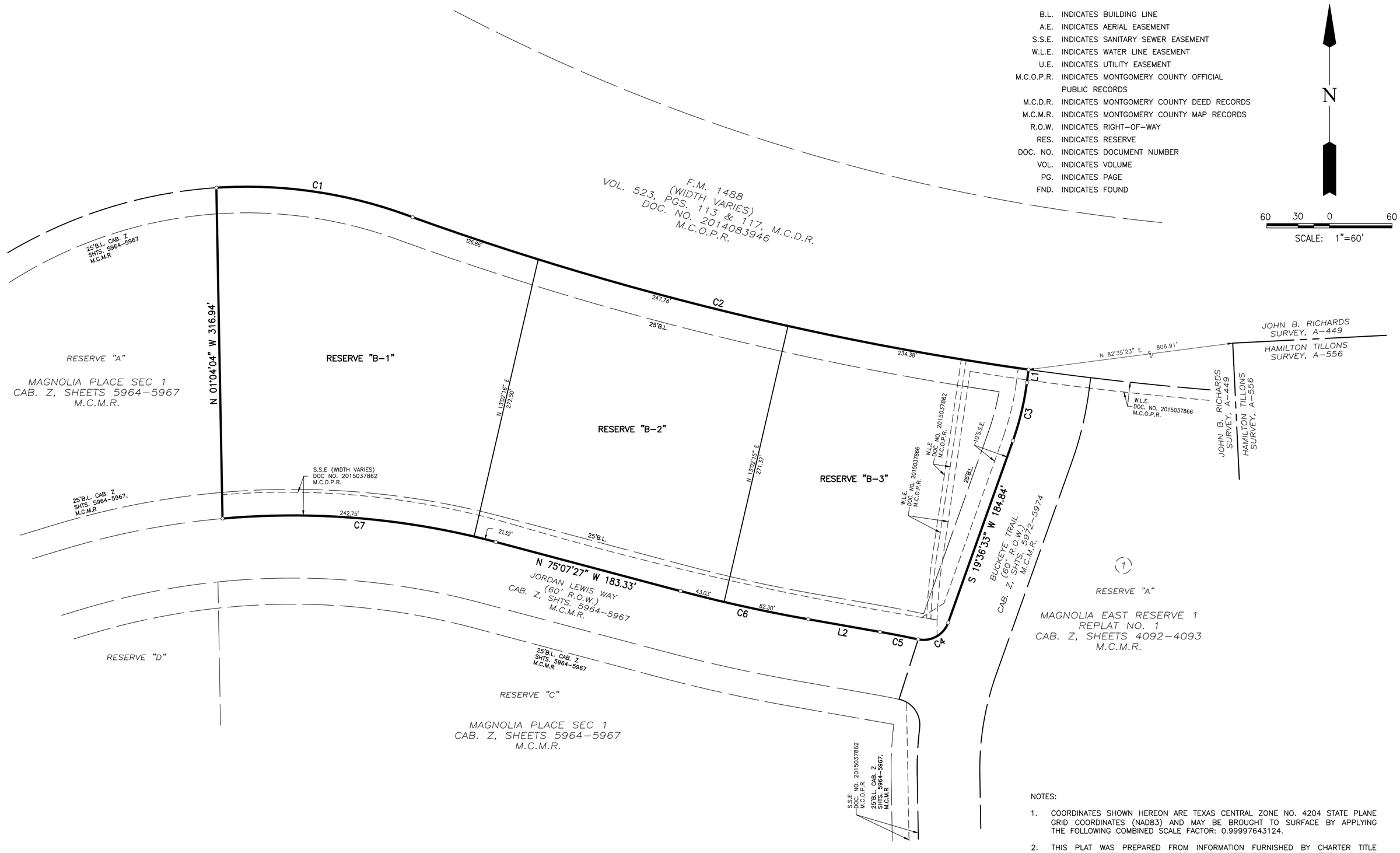
LEGEND

B.L.	INDICATES BUILDING LINE
A.E.	INDICATES AERIAL EASEMENT
S.S.E.	INDICATES SANITARY SEWER EASEMENT
W.L.E.	INDICATES WATER LINE EASEMENT
U.E.	INDICATES UTILITY EASEMENT
M.C.O.P.R.	INDICATES MONTGOMERY COUNTY OFFICIAL PUBLIC RECORDS
M.C.D.R.	INDICATES MONTGOMERY COUNTY DEED RECORDS
M.C.M.R.	INDICATES MONTGOMERY COUNTY MAP RECORDS
R.O.W.	INDICATES RIGHT-OF-WAY
RES.	INDICATES RESERVE
DOC. NO.	INDICATES DOCUMENT NUMBER
VOL.	INDICATES VOLUME
PG.	INDICATES PAGE
FND.	INDICATES FOUND

N

60 30 0 60

SCALE: 1"=60'



NOTES:

1. COORDINATES SHOWN HEREON ARE TEXAS CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE FACTOR: 0.99997643124.
2. THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY CHARTER TITLE COMPANY, ORDER NO. 2019-0305, DATED SEPTEMBER 12, 2019. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.
3. FIVE-EIGHTHS (5/8) INCH IRON RODS WITH PLASTIC CAP STAMPED "GBI PARTNERS" AND THREE (3) FEET IN LENGTH ARE SET ON ALL PERIMETER BOUNDARY CORNERS, UNLESS OTHERWISE NOTED.
4. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, MAP NO. 48339C0480G AND 48339C0485G, EFFECTIVE DATE AUGUST 18, 2014, THE SUBJECT TRACT LIES WITHIN ZONE X (UNSHADED) AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE OF FLOODPLAIN. LJA DOES NOT WARRANT NOR SUBSCRIBE TO THE ACCURACY OR SCALE OF SAID MAPS.

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 07°25'46" W	12.60'
L2	N 80°00'32" W	69.89'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD BEARING	CHORD
C1	446.66'	24°36'10"	191.80'	S 81°26'39" E	190.33'
C2	2968.79'	11°45'13"	609.01'	S 76°06'54" E	607.94'
C3	270.00'	12°10'47"	57.40'	S 13°31'09" W	57.29'
C4	25.00'	82°27'04"	35.98'	S 60°50'05" W	32.95'
C5	1030.00'	2°04'10"	37.20'	N 78°58'28" W	37.20'
C6	1470.00'	4°53'05"	125.33'	N 77°34'00" W	125.29'
C7	758.00'	19°57'38"	264.07'	N 85°06'16" W	262.74'

RESERVE TABLE

RESERVE	ACREAGE	SQ.FT.	TYPE
B-1	1.905	82,979	RESTRICTED TO COMMERCIAL
B-2	1.537	66,930	RESTRICTED TO COMMERCIAL
B-3	1.408	61,321	RESTRICTED TO COMMERCIAL
TOTAL	4.849	211,230	

MAGNOLIA PLACE
SECTION 1
AMENDING PLAT NO. 1

OWNER: MAGNOLIA EAST 149, LLC
A TEXAS LIMITED LIABILITY COMPANY
212 LAVACA STREET, SUITE 300
AUSTIN, TEXAS 78701

SHEET 3 OF 3

MYLAR CHECK: SURVEY _____ PLATTING MGR. _____

LAST SAVED: 5/12/2022 9:32 AM BY: MARIE ESCUE – PLOT DATE: 5/12/2022 9:34 AM BY: MARIE ESCUE
PATH\NAME: I:\PROJDSK\PLATTING\2559\PNPL1\MAGNOLIA PLACE SEC 1 AMENDING PLAT NO.1.DWG

MAGNOLIA PLACE SECTION 1 AMENDING PLAT NO. 1
LJA JOB NO. 2559-1912