

**ORDINANCE NO. O-2023-48**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE VOLUNTARY ANNEXATION OF APPROXIMATELY 55.06 ACRES OF LAND LYING ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF TYLER LOCATED WEST OF THE INTERSECTION OF ELKTON TRAIL AND OLD NOONDAY ROAD; AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE BOUNDARY OF THE CITY COUNCIL DISTRICT #2; AUTHORIZING THE CITY MANAGER TO SIGN A WRITTEN AGREEMENT FOR PROVISION OF CITY SERVICES PER TEXAS LOCAL GOVERNMENT CODE SECTION 43.0672; DIRECTING THE AMENDMENT OF THE FUTURE LAND USE DESIGNATION; ESTABLISHING ORIGINAL ZONING; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, a public hearing was held before the City Council of the City of Tyler, Texas, on the 28th day of June, 2023, via regular meeting, wherein all interested persons were provided an opportunity to be heard on the proposed voluntary annexation of the territory hereinafter described. A copy of the Texas Local Government Code Section 43.0671 petition is attached and made a part hereof as Exhibit "C"; and

**WHEREAS**, the area to be annexed is contiguous to the City of Tyler; and

**WHEREAS**, the hereinafter described territory lies within the extraterritorial jurisdiction of the City of Tyler, Texas; and

**WHEREAS**, the hereinafter described territory contains approximately 55.06 acres of land; and

**WHEREAS**, Texas Local Government Code Section 43.0671 states that a municipality may annex an area if each owner of the land in the area requests the annexation; and

**WHEREAS**, Texas Local Government Code Section 43.0672(a) states that the governing body of a municipality that elects to annex an area under Texas Local Government Code Chapter 43, Subchapter C-3, must first negotiate and enter into an agreement with the owners of the land in the area for the provision of services in the area; and

**WHEREAS**, the notice requirements of Texas Local Government Code Section 43.0673 have been met; and

**WHEREAS**, Exhibits "A", "B", "C", and "D" attached hereto are hereby incorporated for all purposes;

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

**PART 1:** That pursuant to Tyler City Code Sections 10-800 through 10-802, the Texas Local Government Code Section 43.0671 petition is hereby granted and the following described land and territories lying adjacent to and adjoining the City of Tyler, Texas, are hereby added to and annexed to the City of Tyler, Texas, and as shown on the map attached as Exhibit "A" described therein shall be included within the boundary limits of said City, and the present boundary limits of such City, at the various points contiguous to the areas being annexed, are altered and amended so as to include said areas within the corporate limits of the City of Tyler, Texas. Accordingly, the official Tyler City limits map is hereby adjusted as described in Tyler City Code Section 10-802 and that section and map are amended to reflect this annexation.

**PART 2:** That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article IV., "Subdivision Design and Improvements", Division E., "Participation and Escrow Policies", is hereby amended by amending the list of annexations in Section 10-143 to add this Ordinance Number, with no other changes.

**PART 3:** That the area so annexed shall be part of the City of Tyler, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Tyler, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Tyler, Texas.

**PART 4:** That upon final passage, the annexed area shall be zoned for 10.80 acres of "C-1", Light Commercial District, 14.20 acres of "R-MF", Multi-Family Residential District, and 30.00 acres of "R-1A", Single-Family Residential District.

**PART 5:** That the Future Land Use Designation for the annexed area is hereby amended to Mixed-Use Center.

**PART 6:** That the annexed area shall be added to the Council District #2, City Council single member district and the official Voting District Map amended accordingly.

**PART 7:** That the City Manager is hereby authorized to sign an agreement of municipal services per Texas Local Government Code Section 43.0672.

**PART 8:** That the City Clerk shall send to the Texas Secretary of State a copy of the ordinance and statement that the annexation is not involved in any litigation.

**PART 9:** That the City Clerk shall send to the State Comptroller by certified mail a map showing new boundaries for sales tax and a certified copy of the ordinance showing the effective date of the boundary changes.

**PART 10:** That within thirty (30) days of notice of U. S. Justice Department approval of this annexation, the Planning Department, on behalf of the Mayor, shall file a certified copy of this ordinance and a copy or duplicate of the petition with the County Clerk. The Planning Department shall also file annexation information with the Smith County Appraisal District and anyone else who has requested such information.

**PART 11:** That certified notice of the Annexation shall be sent by the Legal Department to any Emergency Services District that is located within the annexed area.

**PART 12:** Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

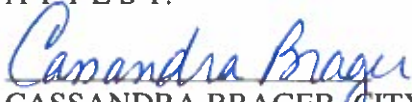
**PART 13:** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be June 30<sup>th</sup>, 2023.

PASSED AND APPROVED THIS the 28<sup>th</sup> day of June A. D., 2023



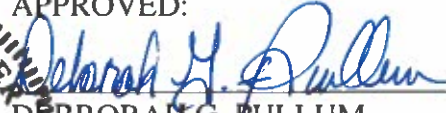
DONALD P. WARREN, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

APPROVED:

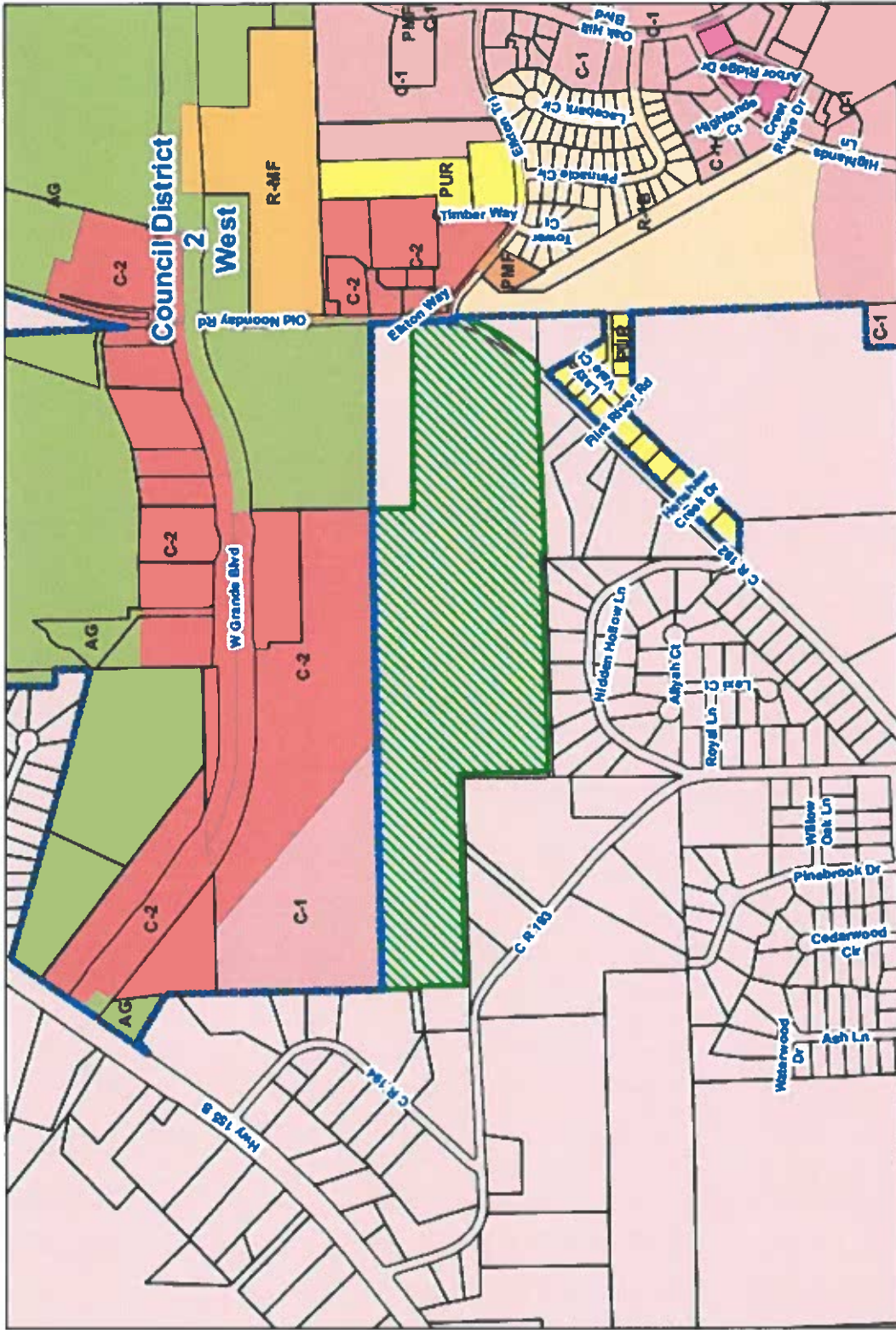


DEBORAH G. PULLUM,  
CITY ATTORNEY



- Exhibit A = location map
- Exhibit B = property survey
- Exhibit C = owner petition
- Exhibit D = zoning map

**ORDINANCE NO. O-2023-48  
EXHIBIT "A"  
LOCATION MAP**



 Subject Property  
 City Limits  
 Council District Boundary

**ZONING CASE**  
 Zoning Case #: A23-003  
 Annexation  
**GARRETT MOORE COMPANY**


  
 This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.  
 0 675 Feet



**ORDINANCE NO. O-2023-48  
EXHIBIT "C"  
OWNER PETITION**



RECEIVED: \_\_\_\_\_  
REFERRAL NO.: \_\_\_\_\_

APPLICATION NO. \_\_\_\_\_

**REQUEST FOR ANNEXATION OF  
AREA ON REQUEST OF OWNERS**

**ITEMS REQUIRED FOR EACH APPLICATION:**

(The following items are included in this packet. Instructions are included on each form. There is some repetition because the different forms are necessary for different reasons.)

- A. PETITION FOR ANNEXATION
- B. APPLICANT'S SUPPORT INFORMATION FOR ANNEXATION REQUEST
- C. LIST OF OWNERS OF ALL PROPERTY TO BE ANNEXED
- D. AUTHORIZATION OF AGENT
- E. MAP OF AREA (FORM E IS AN EXAMPLE ONLY.)

(Provide a map of the area of the annexation request drawn to scale. Show all land uses, identify the ownership of each parcel of land, show any public ways within or abounding the areas, show any easements within or bordering the areas, and show the existing city limits.)

(NOTE: Filing fee of \$420.00 (City Code Sec. 10-776) must be received with annexation petition)

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**ALL ANNEXATION IS BY ORDINANCE, AND ONLY THE CITY COUNCIL HAS THE AUTHORITY TO MAKE OR TO ENACT AN ORDINANCE. THIS REQUEST FOR ANNEXATION WILL NOT BE EFFECTIVE UNLESS IT IS PASSED BY THE CITY COUNCIL.**

**ANNEXATION PETITIONS MUST BE FILED IN THE PLANNING DEPARTMENT, TYLER DEVELOPMENT CENTER, 423 WEST FERGUSON.**

**PLEASE HAVE A REPRESENTATIVE PRESENT AT ALL PUBLIC HEARINGS. THE APPLICANT HAS THE DUTY TO PRODUCE EVIDENCE BEFORE THE PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL TO JUSTIFY LEGALLY THE PROPOSED ANNEXATION.**



FORM A

**REQUEST FOR ANNEXATION OF  
AREA ON REQUEST OF OWNERS**

**TO THE HONORABLE MAYOR AND GOVERNING BODY  
OF THE CITY OF TYLER, TEXAS**

The undersigned owners of the hereinafter described tract of land hereby request your Honorable Body to extend the present City limits so as to include as a part of the City of Tyler, Texas, the following described territory (complete and accurate field notes must be attached), to-wit:

Pursuant to Texas Local Government Code Section 43.0671, which provides for the annexation of an area if each owner of land in the area requests the annexation.

That I (we), the undersigned, hereby certify that the tract described on FORM A and attached field notes, which is the subject of this annexation petition, is located adjacent to and adjoins the existing corporate limits of the City of Tyler, Texas, and that this petition is signed and duly acknowledged by each and every individual or corporation having a proprietary interest in said land.

IN WITNESS WHEREOF, I (We), as owner(s) of real property in the area described herein, hereby request annexation of this area, pursuant to Texas Local Government Code Section 43.0671, by signing this request on the date shown below.

Terry Moore  
SIGNATURE  
5/1/23  
DATE

GARRETT MOORE COMPANY  
PRINT NAME. TERRY MOORE

(ACKNOWLEDGMENT)

THE STATE OF Texas  
COUNTY OF Dallas

This petition was acknowledged before me on the 1st day of May, 2023 by Terry Moore

Sharon Pinner  
Notary Public  
State of Texas





FORM A1

That I (we), the undersigned, hereby certify that the tract described on FORM A, which is the subject of this annexation petition, is located adjacent to and adjoins the existing corporate limits of the City of Tyler, Texas, and that this petition is signed and duly acknowledged by each and every individual or corporation having a proprietary interest in said land.

IN WITNESS WHEREOF, I (We), as owner(s) of real property in the area described herein, hereby request annexation of this area, pursuant to Texas Local Government Code Section 43.0671, by signing this request on the date shown below.

Terry Moore  
SIGNATURE  
5/11/23  
DATE

GARRETT MOORE COMPANY  
PRINT NAME TERRY MOORE

\_\_\_\_\_  
SIGNATURE  
\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF Texas  
COUNTY OF Dallas

This petition was acknowledged before me on the 1st day of May, 2023 by TERRY MOORE.



Shanon Prosser  
Notary Public  
State of Texas

(ACKNOWLEDGMENT)

THE STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

This petition was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
State of \_\_\_\_\_



**APPLICANT'S SUPPORT INFORMATION FOR ANNEXATION REQUEST**

Applicants shall submit the following information in support of their petition for annexation. This information will be utilized by the staff in preparing comments for City Council and in responding to citizens' inquiries.

1. I (We) propose to utilize this property for the following purpose(s):

Single Family (R-1A) and Multi Family (R\_FM)

2. I (We) am/are requesting this annexation for the following reason(s):

To Provide Water and Sewer Utility Services for Development

3. State present use and condition of property and/or structures:

Unimproved tree/vegetation covered Property

4. What is the location of the nearest water and sewer lines? Please indicate location on area map. (This information is available at the City Water Utilities Department, 511 West Locust Street)

Water Lines are along Grande to the north

Closest Sewer is along Old Noontday Road near the South East Corner of the Property (see map)

5. Any additional information that you desire to provide concerning your annexation request:

972-742-2804  
Owner's Telephone Number

SIGNED:   
GARRETT MOORE COMPANY  
OWNER (of property to be annexed)

OR

903-521-8116  
Agent's Telephone Number

Brian E Capps, P.E.  
AGENT (When applicable - See Form D)



**LIST OWNER(S) OF ALL PROPERTY REQUESTED TO BE ANNEXED**

List the names and addresses of all owners of property included within the area requested by the annexation petition. (Please print)

NAME	MAILING ADDRESS
1. GARRETT MOORE COMPANY	4625 Greenville Ave #003; Dallas TX 75206
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
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20.	



FORM D

**AUTHORIZATION OF AGENT**

I (We), the undersigned, being owners of real property requested to be annexed according to this Application, do hereby authorize (print name and address of agent) Brian R Capps, P.E. to act as our Agent in the matter of this annexation request. The term "agent" shall mean any lessee, developer, option holder, or other authorized individual who is authorized to act in behalf of the owner(s) of said property requested to be annexed.

(Form to be signed below by all owners of property requested to be annexed.)

**SIGNATURE**

**MAILING ADDRESS**

- 1. \_\_\_\_\_ 4625 Greenville Ave. #303; Dallas TX 75206 \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_
- 8. \_\_\_\_\_
- 9. \_\_\_\_\_
- 10. \_\_\_\_\_
- 11. \_\_\_\_\_
- 12. \_\_\_\_\_
- 13. \_\_\_\_\_
- 14. \_\_\_\_\_
- 15. \_\_\_\_\_

(This form is necessary only when the person representing this request does not own any of the property requested to be annexed. Person must also sign Form B as "Agent".)

**ORDINANCE NO. O-2023-48  
EXHIBIT "D"  
ZONING MAP**

