

ORDINANCE NO. O-2022-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE VOLUNTARY ANNEXATION OF APPROXIMATELY 32.78 ACRES OF LAND LYING ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF TYLER LOCATED WEST OF THE NORTHWEST INTERSECTION OF U.S.HIGHWAY 69 NORTH AND OLD RANCH ROAD; AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE BOUNDARY OF THE CITY COUNCIL DISTRICT #3; AUTHORIZING THE CITY MANAGER TO SIGN A WRITTEN AGREEMENT FOR PROVISION OF CITY SERVICES PER TEXAS LOCAL GOVERNMENT CODE SECTION 43.0672; ESTABLISHING THE INITIAL 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 23rd day of March, 2022, 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 32.78 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", "D" and "E" 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 "R-1D", Single-Family Detached and Attached Residential District, "PMF", Planned Multi-Family with a final site narrative and "C-2", General Commercial District.

PART 5: That the initial Land Use Designation for the annexed area is hereby established as Single-Family Medium/High Density and Townhouse/Garden Apartment and General Commercial, and it is directed that the Land Use Guide be amended to reflect said uses.

PART 6: That the annexed area shall be added to the Council District #3, 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 March 25th, 2022.


PASSED AND APPROVED THIS the 23rd day of March A. D. 2022.


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

ATTEST:


CASSANDRA BRAGER, CITY CLERK

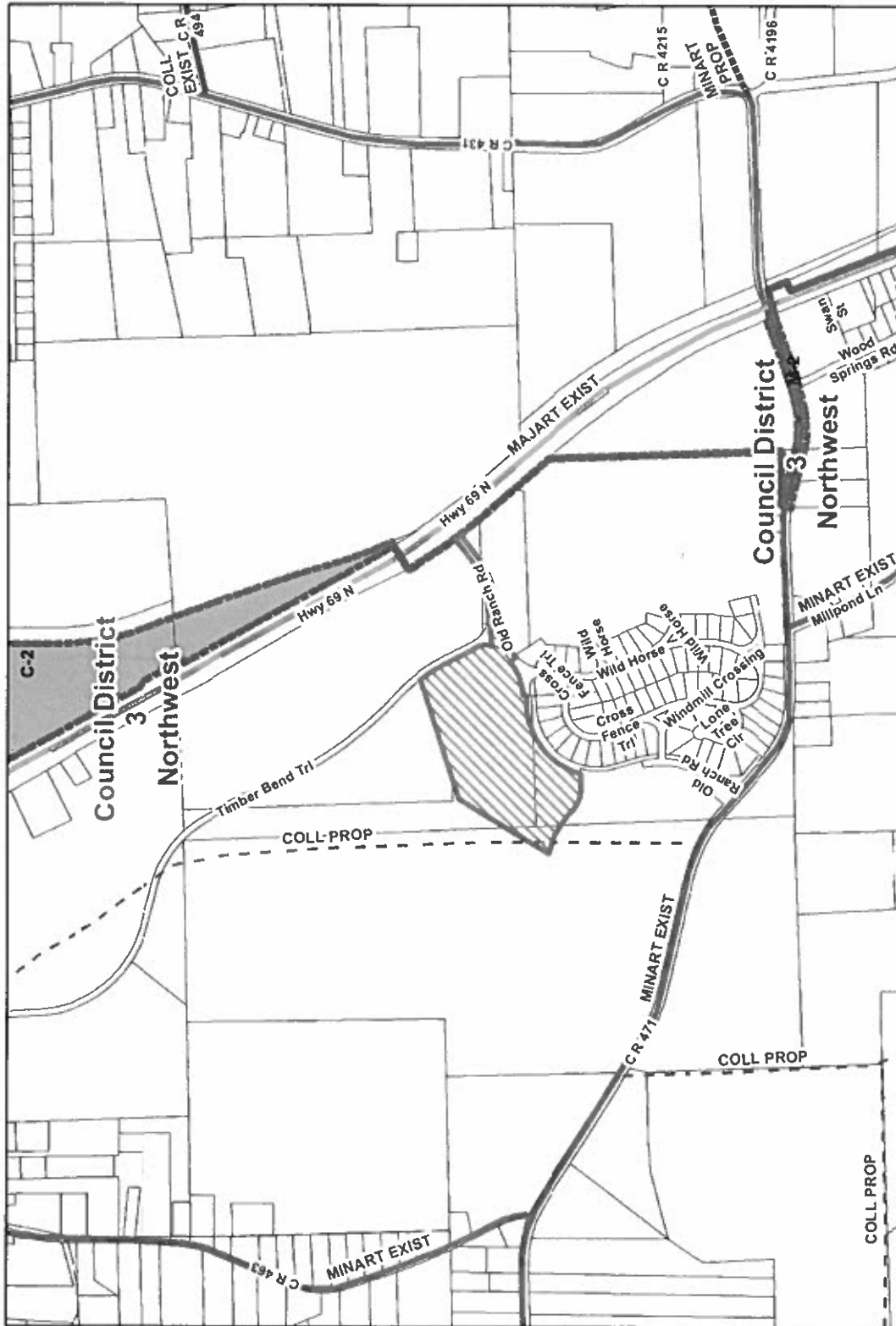
APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY

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



ORDINANCE NO. O-2022-29
EXHIBIT "A"
LOCATION MAP



ZONING CASE
 Zoning Case #: A21-009
 Annexation
 Applicant: GENECOV WEST MUD CREEK AND FAIR ROBERT ET AL

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.

1,000 0 1,000 Feet

ORDINANCE NO. O-2022-29
EXHIBIT "B"
SITE NARRATIVE

PMF:

Setback:

Front – 19 feet
Side (interior) – 0 feet
Side – 5 feet
Rear – 20 feet

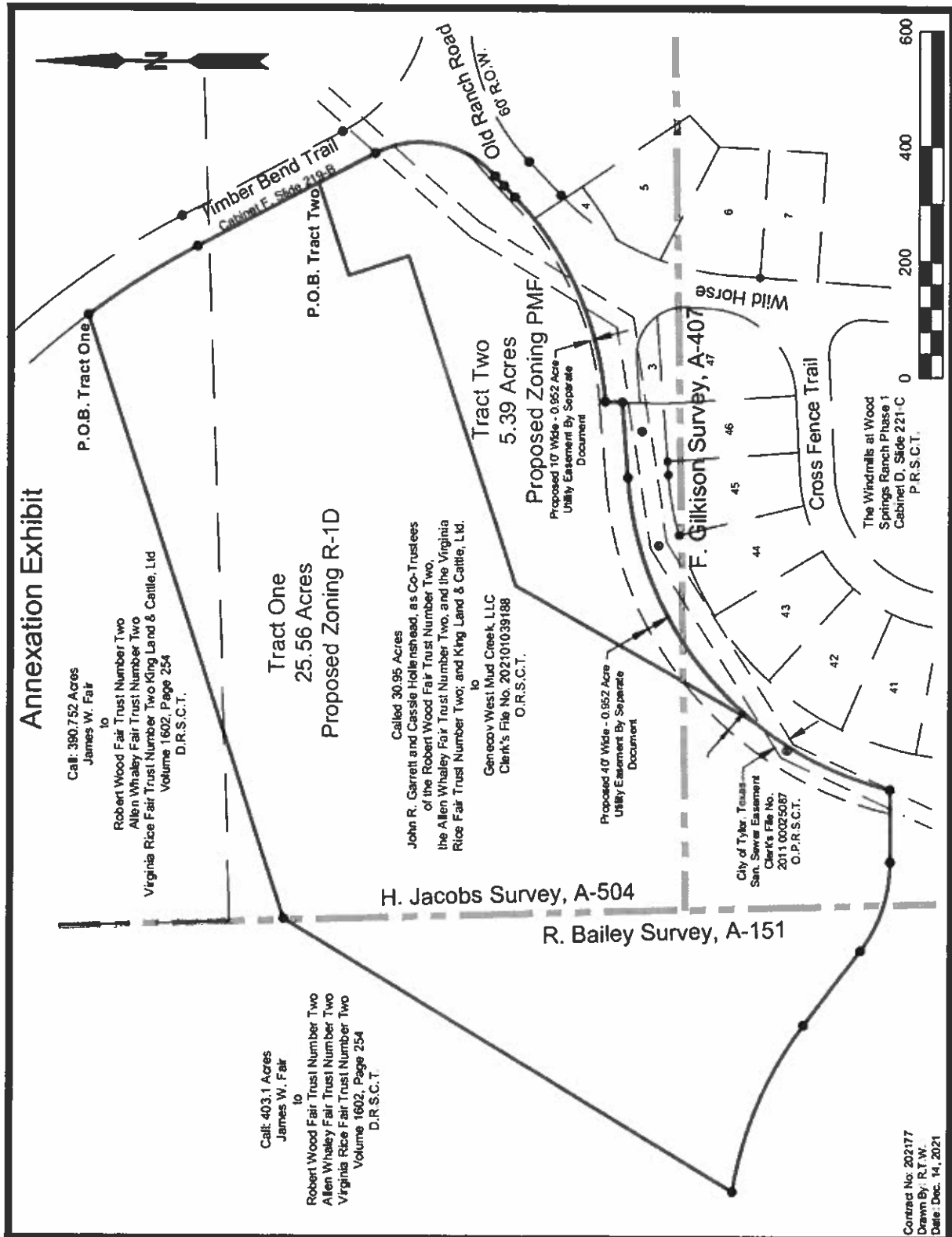
Density: 7 units per acre

Height: 42 feet

Signage, Landscaping, Parking: UDC standards

Minimum Open Space Requirements: 300 square feet per dwelling unit

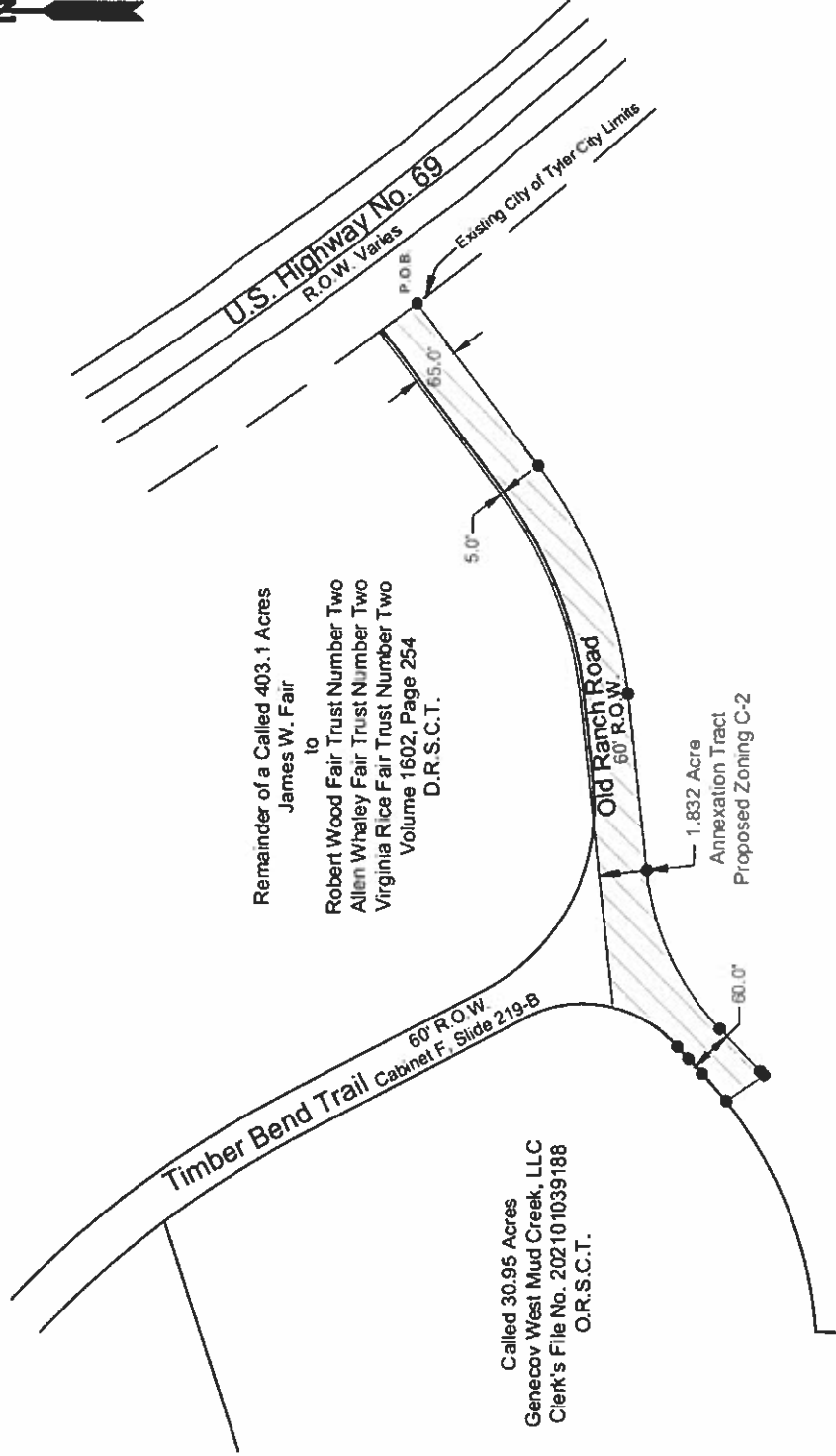
ORDINANCE NO. O-2022-29
EXHIBIT "C"
PROPERTY SURVEY



CITY OF TYLER, TEXAS

Annexation Exhibit

1.832 Acres in The H. Jacobs Survey, A-504



Contract No. 202177
Drawn By: R.T.W.
Date: Dec. 15, 2021

ORDINANCE NO. O-2022-29
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)

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.

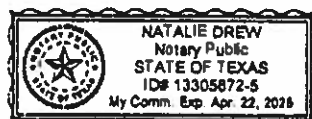
William R. Brewer, III Manager William R. Brewer, III
SIGNATURE Genecow Westmud Creek, LLC PRINT NAME

12-21-21
DATE

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 21 day of December,
2021 by William R. Brewer, III.



Natalie Drew
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.

William R. Brewer, III
SIGNATURE Manager, Venice West Mud Creek LLC PRINT NAME
12-21-21

DATE
[Signature]
SIGNATURE
[Signature]
DATE

ROBERT WOOD FAIR TRUST NUMBER TWO;
ALLEN WHALEY FAIR TRUST NUMBER TWO; &
VIRGINIA RICE FAIR TRUST NUMBER TWO.

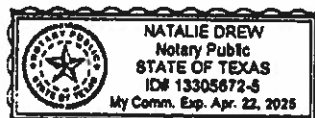
By: John R. Garrett & Cassie Hollenshead, Co-Trustees

JAN 13 2022

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 21 day of December,
2021 by William R. Brewer, III.

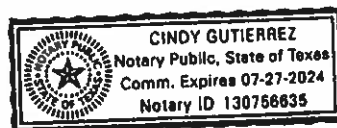


Natalie Drew
Notary Public
State of Texas

(ACKNOWLEDGMENT)

THE STATE OF TEXAS
COUNTY OF SMITH

This petition was acknowledged before me on the 13th day of January,
2022 by John R. Garrett & Cassie Hollenshead, Co-Trustees.



Cindy Gutierrez
Notary Public
State of TEXAS



FORM B

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):

Residential Subdivision

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

Residential Subdivision

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

Vacant Land

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)

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

903-509-8844
Owner's Telephone Number

SIGNED:

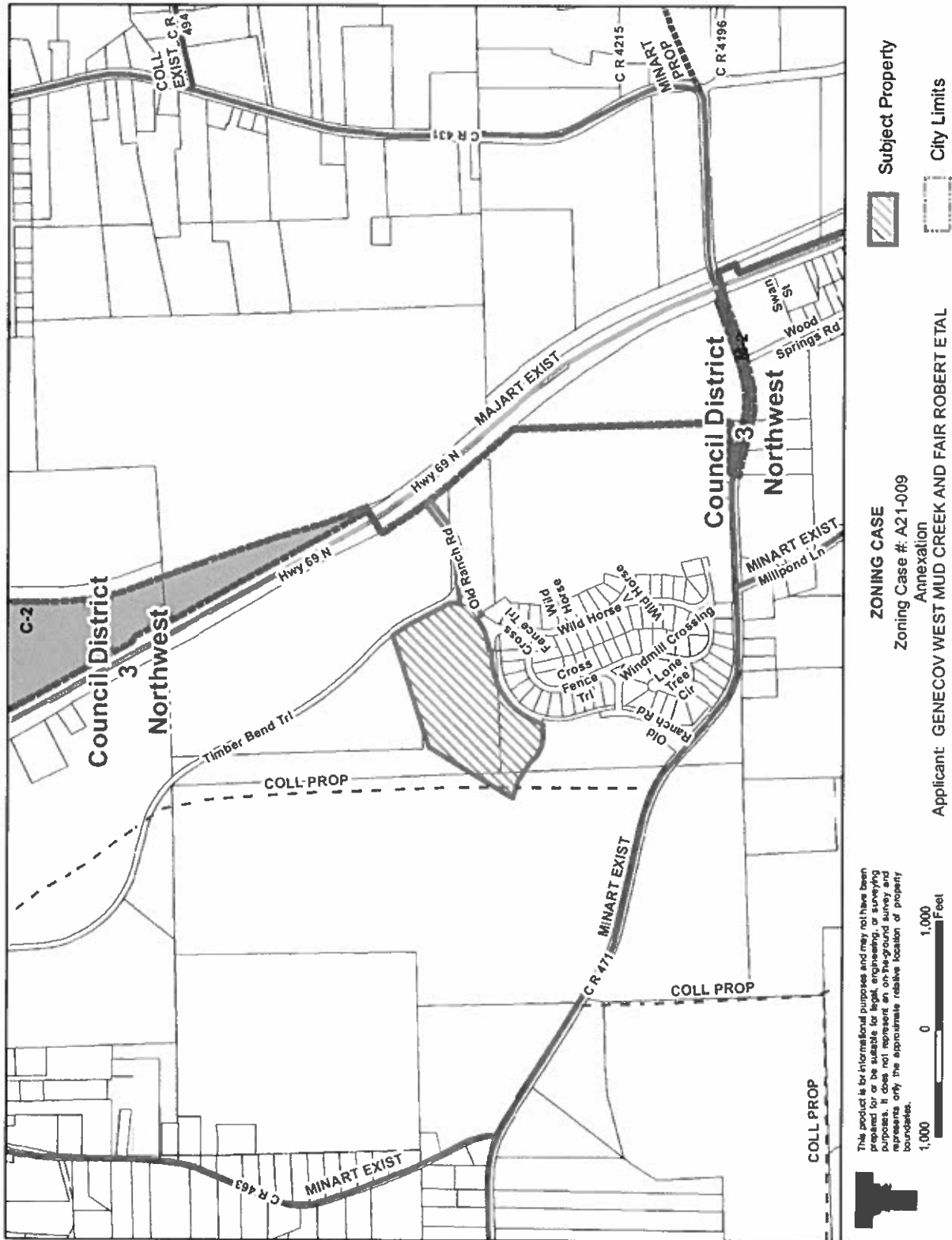
W. J. R. Brown III
OWNER (of property to be annexed)
Manager, Genecor West Mud Creek, IL

OR

Agent's Telephone Number

AGENT (When applicable - See Form D)

ORDINANCE NO. O-2022-29
EXHIBIT "D"
ZONING MAP



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.