

**ORDINANCE NO. O-2022-75**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CHANGING THE ZONING FROM “AG”, AGRICULTURAL DISTRICT TO “R-MF”, MULTI-FAMILY RESIDENTIAL DISTRICT ON AN 8.10 ACRE PORTION OF TRACT 1B & A435 TR5C OF ABST A0094 E BODENHEIMER, ONE TRACT CONTAINING APPROXIMATELY 89.50 ACRES OF LAND LOCATED AT THE SOUTHEAST INTERSECTION OF NORTH LOOP 323 AND NORTH BROADWAY AVENUE (3895 NORTH BROADWAY AVENUE); DIRECTING THE AMENDMENT OF THE ZONING MAP; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Tyler, Texas, and the City Council of the City of Tyler, Texas, in compliance with the Charter and the State law with reference to the zoning ordinance of the City of Tyler, Texas, and zoning map, have given requisite notices by publication and otherwise and after holding a due hearing and affording a full and fair hearing to all the property owners, generally and to the persons interested, situated in the affected area and in the vicinity thereof, the City Council is of the opinion that the zoning change should be made as set forth herein;

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

**PART 1:** That the following zone change is hereby approved as follows:

**I. APPLICATION Z22-049**

That the following described property, which has heretofore been zoned “AG”, Agricultural District, shall hereafter bear the zoning classification of “R-MF”, Multi-Family Residential District, to wit:

On an 8.10 acre portion of Tract 1B & A435 TR5C of ABST A0094 E BODENHEIMER, one tract containing approximately 89.50 acres of land located at the southeast intersection of North Loop 323 and North Broadway Avenue (3895 North Broadway Avenue), as shown in Exhibit “A” attached hereto and incorporated herein.

**PART 2:** That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning.

**PART 3:** 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.

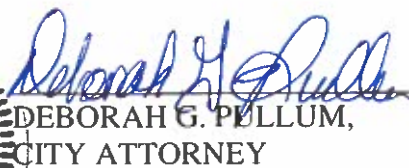
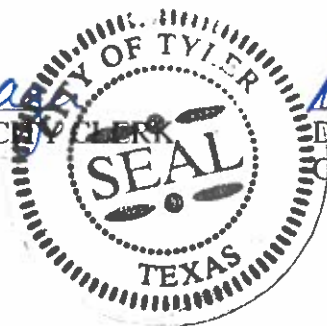
PASSED AND APPROVED this the 24<sup>th</sup> day of August A.D., 2022.



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

ATTEST:

APPROVED:

  
CASSANDRA BRAGER, CITY CLERK  
DEBORAH G. PELLUM,  
CITY ATTORNEY

**ORDINANCE NO. O-2022-75**  
**EXHIBIT "A"**

**EXHIBIT "A"**

Metes and Bounds Description  
9.082 Acre Tract

All that certain tract or parcel of land situated in the E. Bodenheimer Survey, Abstract 94, Smith County, Texas, being out of and a part of that certain called 159.687 acre tract, described in a Special Warranty Deed with Vendor's Lien from Westchase Center, Inc. to Northchase Development LLC, dated February 20, 2008, and recorded in C.F.N. 2008-R00008839 of the Official Public Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the northwest corner of Lot 1, N.C.B. 500-L, of Pinnacle Housing Additions, according to the Final Plat thereof recorded in Cabinet 'E', Slide 178-A of the Plat Records of Smith County, Texas, same being in the west line of said called 159.687 acre tract, same being in the east right-of-way line of North Broadway Avenue;

THENCE, North 01°45'39" West, with said west line of said 159.687 acre tract and said east right-of-way line of North Broadway Avenue, a distance of 466.29 feet to the northwest corner of the herein described tract, from which a 1/2" iron rod found for the northwest corner of said 159.687 acre tract bears North 01°45'39" West, a distance of 512.00 feet, for reference;

THENCE, North 88°31'00" East, across said 159.687 acre tract, a distance of 679.53 feet to the northeast corner of the herein described tract;

THENCE, South 01°29'00" East, continuing across said 159.687 acre tract, a distance of 790.00 feet to the southeast corner of the herein described tract;

THENCE, South 88°31'00" West, a distance of 168.19 feet to the southerly southwest corner of the herein described tract, same being in an east line of said Lot 1, same being in a curve to the right having a radius of 1,000.00 feet;

THENCE, with said curve to the right having a radius of 1,000.00 feet, a central angle of 08°25'24", and a chord bearing and distance of North 01°54'29" East, 146.88 feet, an arc length of 147.02 feet to a 1/2" iron rod found for the northeast corner of said Lot 1, same being the beginning of a curve to the right having a radius of 325.88 feet;

THENCE, with said curve to the right having a radius of 325.88 feet, a central angle of 31°34'55", and a chord bearing and distance of North 58°58'21" West, 177.36 feet, an arc length of 179.63 feet to a 1/2" iron rod found for a corner in the north line of said Lot 1 and the end of said curve, same being the beginning of a curve to the left having a radius of 228.02 feet;

THENCE, with said curve to the left having a radius of 228.02 feet, a central angle of 45°17'27", and a chord bearing and distance of North 66°40'55" West, 175.59 feet, an arc length of 180.24 feet to a 1/2" iron rod found for a corner in said north line of said Lot 1 and the end of said curve;

THENCE, North 89°15'35" West, a distance of 208.97 feet to the POINT OF BEGINNING and containing 9.082 acres of land.

Exhibit 'A'  
9.082 Acre Tract  
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I hereby certify that the above description was prepared from an actual survey made on the ground under my direction and supervision during the Month of June 2022. GIVEN UNDER MY HAND AND SEAL this date, 27 June 2022.

(Reference is hereby made to the plat of survey, Job No. 22-215. Bearings are based on the Texas Coordinate System, North Central Zone, NAD83 Map Datum.)

Joseph K. Pollard  
Registered Professional Land Surveyor  
Texas Registration No. 6499

