

**ORDINANCE NO. O-2022-102**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE VOLUNTARY ANNEXATION OF APPROXIMATELY 1.48 ACRES OF LAND LYING ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF TYLER LOCATED NORTHWEST OF THE INTERSECTION OF THREE LAKES PARKWAY AND HILLCROSS COVE; 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; ESTABLISHING THE INITIAL LAND USE DESIGNATION; ESTABLISHING ORIGINAL ZONING; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, a public hearing was held before the City Council of the City of Tyler, Texas, on the 26th day of October, 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 1.48 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;

**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 "C-1", Light Commercial District.

**PART 5:** That the initial Land Use Designation for the annexed area is hereby established as Mixed Use Center, 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 #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.

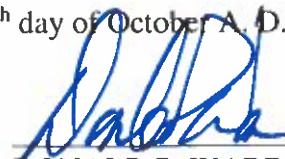
**PART 9:** That the City Clerk shall send to the State Comptroller by certified mail a map showing new boundaries for sales tax and a certified copy of the ordinance showing the effective date of the boundary changes.

**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:** That this ordinance shall be in full force and effect from and after the date of its passage and approval by the City Council.

PASSED AND APPROVED THIS the 26<sup>th</sup> day of October A. D., 2022.



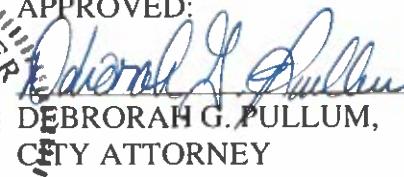
DONALD P. WARREN, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

APPROVED:

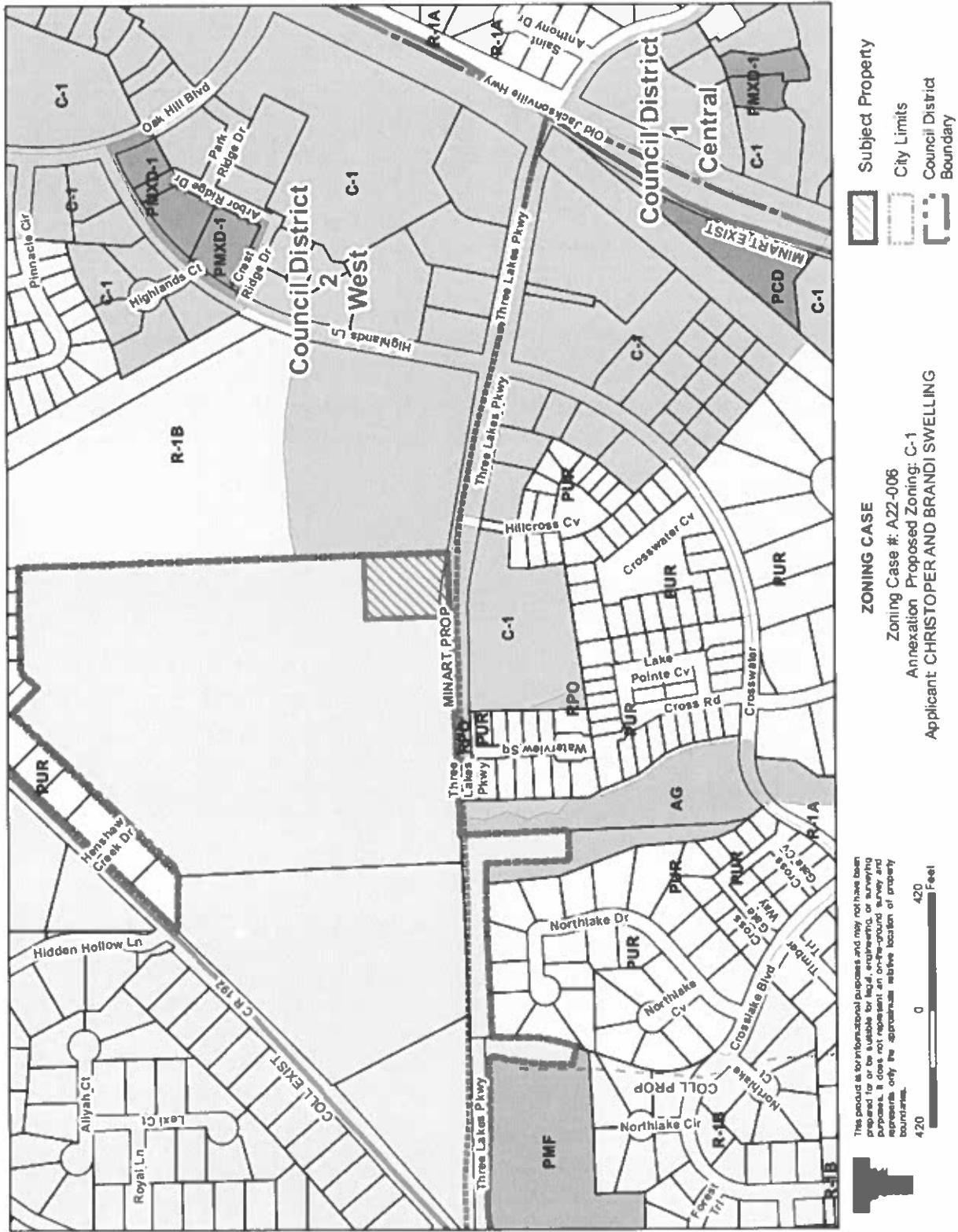


DEBORAH G. PULLUM,  
CITY ATTORNEY

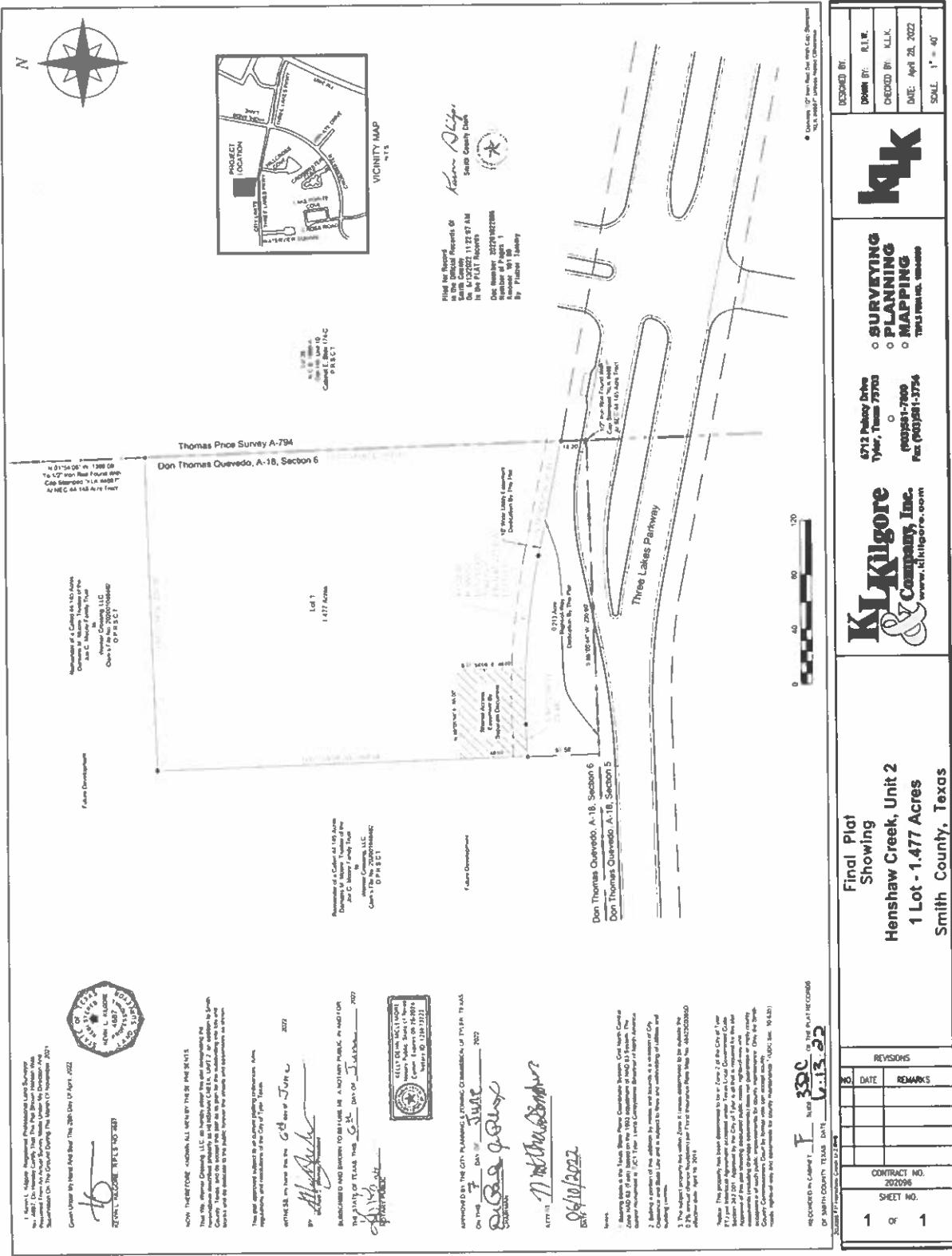


Exhibit A = location map  
Exhibit B = property survey  
Exhibit C = owner petition  
Exhibit D = zoning map

**ORDINANCE NO. O-2022-102**  
**EXHIBIT "A"**  
**LOCATION MAP**



**ORDINANCE NO. O-2022-102  
EXHIBIT "B"  
PROPERTY SURVEY**



ORDINANCE NO. O-2022-102  
EXHIBIT "C"  
OWNER PETITION



RECEIVED: \_\_\_\_\_

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

REFERRAL 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.

SIGNATURE  
8/25/22

Christopher Swelling  
PRINT NAME

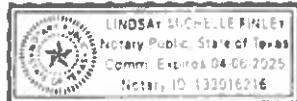
DATE

**(ACKNOWLEDGMENT)**

THE STATE OF Texas  
COUNTY OF Smith

This petition was acknowledged before me on the 25<sup>th</sup> day of August, 2022, by Christopher Swelling.

Notary Public  
State of Texas





FORM A

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.

Christopher Swelling  
SIGNATURE 8-25-22

DATE

Brandi Swelling  
SIGNATURE 8-25-22

DATE

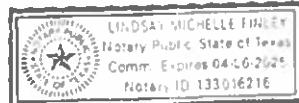
Christopher Swelling  
PRINT NAME

Brandi Swelling  
PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF Texas  
COUNTY OF Smith

This petition was acknowledged before me on the 25<sup>th</sup> day of August,  
2022 by Brandi Swelling.

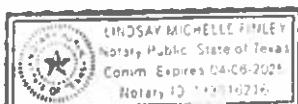


Brandi Swelling  
Notary Public  
State of Texas

(ACKNOWLEDGMENT)

THE STATE OF Texas  
COUNTY OF Smith

This petition was acknowledged before me on the 25<sup>th</sup> day of August,  
2022 by Christopher Swelling.



Christopher Swelling  
Notary Public  
State of Texas



FORM B

APPLICANT'S SUPPORT INFORMATION FOR ANNEXATION REQUEST

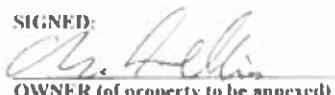
Applicants shall submit the following information in support of their petition for annexation. This information will be utilized by the staff in preparing comments for City Council and in responding to citizens' inquiries.

1. I (We) propose to utilize this property for the following purpose(s):  
office / commercial development
  
2. I (We) am/are requesting this annexation for the following reason(s):  
allow for property to be in the City Limits of Tyler and utilize city utilities
  
3. State present use and condition of property and/or structures:  
property is currently undeveloped
  
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 and sewer run just south of the property along Three Lakes Parkway
  
5. Any additional information that you desire to provide concerning your annexation request:  
requesting initial zoning of C-1 Light Commercial

903-805-0028

Owner's Telephone Number

SIGNED:

  
OWNER (of property to be annexed)

OR

903-312-7075

Agent's Telephone Number

AGENT (When applicable - See Form D)



FORM C

**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. Christopher Swelling | 22227 Mallards Cove Ct. Bullard, TX 75757 |
| 2. Brandi Swelling      | 22227 Mallards Cove Ct. Bullard, TX 75757 |
| 3. _____                | _____                                     |
| 4. _____                | _____                                     |
| 5. _____                | _____                                     |
| 6. _____                | _____                                     |
| 7. _____                | _____                                     |
| 8. _____                | _____                                     |
| 9. _____                | _____                                     |
| 10. _____               | _____                                     |
| 11. _____               | _____                                     |
| 12. _____               | _____                                     |
| 13. _____               | _____                                     |
| 14. _____               | _____                                     |
| 15. _____               | _____                                     |
| 16. _____               | _____                                     |
| 17. _____               | _____                                     |
| 18. _____               | _____                                     |
| 19. _____               | _____                                     |
| 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) Mark Prestner, Hallif Associates 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

1. John G. Miller MAILING ADDRESS  
22227 Mallards Cove Ct. Bullard, TX 75757

2. Barbara 22227 Mallards Cove Ct. Bullard, TX 75757

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-2022-102  
EXHIBIT "D"  
ZONING MAP

