

ORDINANCE NO. O-2020-51

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ANNEXATION OF CERTAIN SPARSELY OCCUPIED AND OWNER-REQUESTED TERRITORY AND REFERRED TO AS ANNEXATION APPLICATION A20-001; CONSTITUTING APPROXIMATELY 80.31 ACRES OF LAND AS DESCRIBED BY A METES AND BOUNDS DESCRIPTION, LOCATED ADJACENT TO THE CITY OF TYLER ON ITS EASTERN AND SOUTHERN BOUNDARY, 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 THE 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 24th day of June, 2020, via teleconference, 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 80.13 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" and as described in Exhibit "B" 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 "NR", Neighborhood Residential District, "C-1", Light Commercial District and "C-2", General Commercial District as shown on Exhibit "D", hereinabove mentioned.

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 West District #2, City Council single member district and the official Voting District Map amended accordingly.

PART 7: That the City Manager be authorized to sign an agreement of municipal services per the 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.

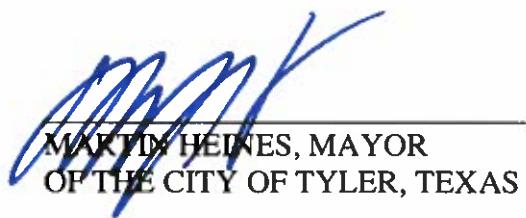
PART 9: That the City Clerk shall send to the State Comptroller by certified mail a map showing new boundaries for sales tax and a certified copy of the ordinance showing the effective date of the boundary changes.

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 24th day of June A. D., 2020.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



Cassandra Brager

CASSANDRA BRAGER, CITY CLERK



APPROVED:

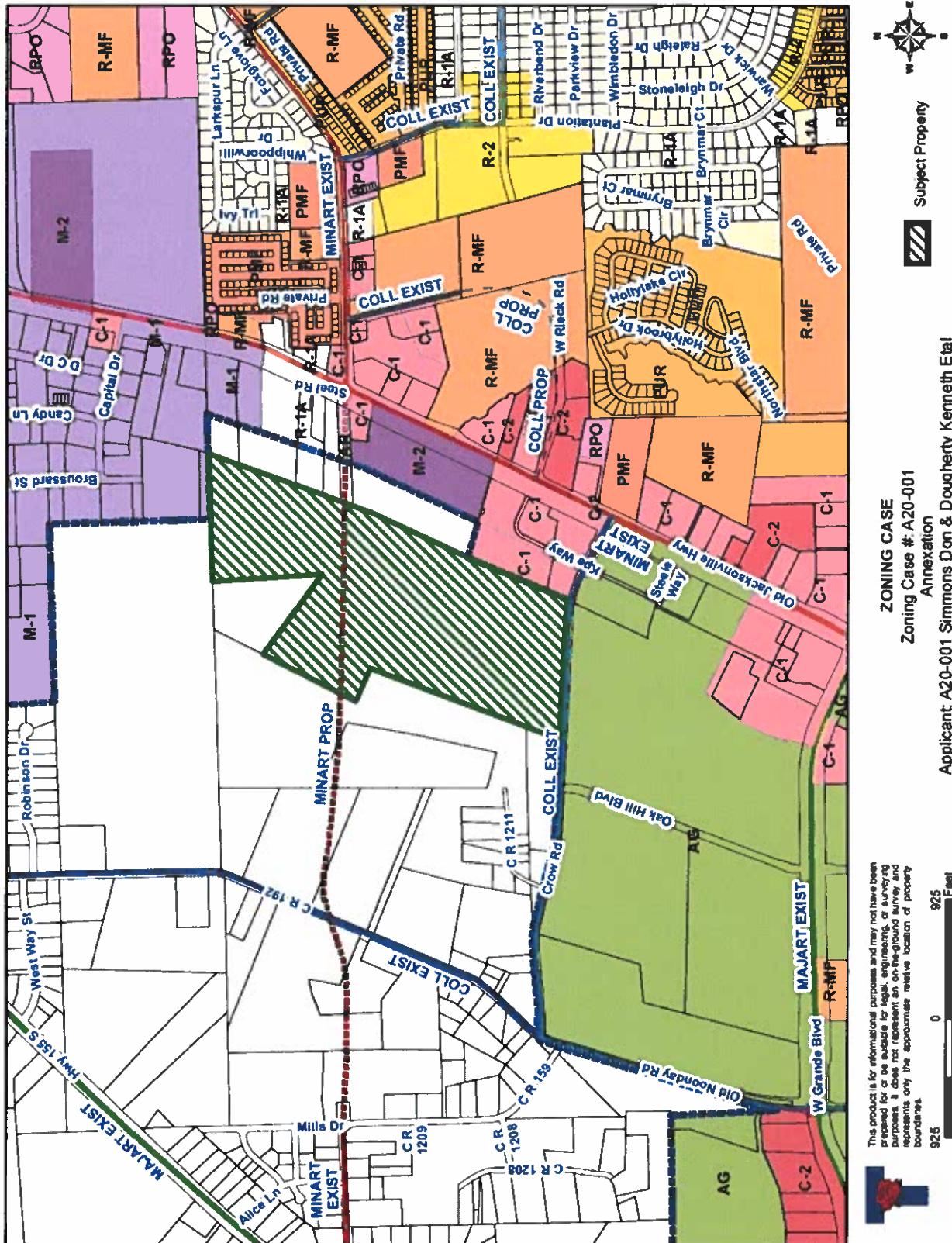


Deborah G. Pullum

DEBORAH G. PULLUM,
CITY ATTORNEY

Exhibit A = location map
Exhibit B = metes and bounds description
Exhibit C = owner petition
Exhibit D = zoning map

ORDINANCE NO. O-2020-51
EXHIBIT "A"
LOCATION MAP



ORDINANCE NO. O-2020-51
EXHIBIT "B"
METES AND BOUNDS DESCRIPTION

EXHIBIT "A"

80.317 Acres of Land
Marshall University Survey, A-624
Smith County, Texas
JN 8124 (Ref. # 7948)

METES & BOUNDS DESCRIPTION OF 80.317 ACRES OF LAND

Being 80.317 acres of land situated in the Marshall University Survey, A-624, Smith County, Texas, being the remainder of that 50 acre tract called tract one and the remainder of that 43.18 acre tract called tract two, both conveyed to Hilton Hitt in Volume 7267, Page 249 in the Smith County Official Public Records, said 80.317 acre tract being more fully described as follows:

BEGINNING: at a 1/2" iron pipe found near a fence corner post, on the west line of the tract herein described, same being the Southeast corner of a called 33.927 acre tract conveyed to Bobbie Jim Pritchard, et ux in Volume 1112, Page 567, and being an inner corner of the above mentioned 43.18 acre tract, from which a $\frac{3}{4}$ " iron pipe found (crimped) for the Southwest corner of said 33.927 acre tract bears North 89°00'37" West a distance of 242.68 feet;

THENCE: North 23°55'00" East (Record Bearing), with the Northerly West line of the above mentioned 43.18 acre tract and the Southerly East line of Pritchard's 33.927 acre tract, a distance of 1296.82 feet to a $\frac{1}{2}$ " iron pipe found near a fence corner post for the Northwest corner of said 43.18 acre tract, same being the Southerly Northeast corner of Pritchard's 33.927 acre tract, and being on the South line of the above mentioned 50 acre tract;

THENCE: North 64°52'53" West, with the Southerly North line of said 33.927 acre tract, a distance of 282.45 feet to a buggy axle found near a fence corner, said axle being up 2.0 feet and leaning Northeast for the inner corner of said 33.927 acre tract, and being the Southwest corner of the above mentioned 50 acre tract;

THENCE: North 29°49'11" East, with the Northerly East Line of said 33.927 acre tract and the West line of said 50 acre tract, a distance of 1031.31 feet to a $\frac{1}{2}$ " iron pipe found near a fence corner for the Southwest corner of the Wisenbaker, Fix & Associates tract called 1.14 acres described in Volume 424, Page 555, from which a buggy axle found for the Northwest corner of said 1.14 acre tract, same being the Northeast corner of Pritchard's 33.927 acre tract, and being the Northeast corner of the above mentioned 50 acre tract bears North 30°19'01" East a distance of 218.52 feet;

THENCE: South 83°29'24" East, with the South Line of said 1.14 acre tract, a distance of 315.51 feet to a $\frac{1}{2}$ " iron pipe found for the southeast corner of the same;

EXHIBIT "A" CONTINUED

THENCE: North 02°04'14" West, with the recognized East line of said 1.14 acre tract, a distance of 221.89 feet to a point for corner in the recognized North line of the above mentioned 50 acre tract, and the recognized North line of the Marshall University Survey, A-624, same being the South Line of the Oliver Anderson Survey, A-30, from which a fence corner post bears South 02°04'14" East a distance of 2.15 feet, from said point for corner the above referenced buggy axle found for the Northwest corner of said 1.14 acre tract, same being the Northeast corner of Pritchard's 33.927 acre tract, and being the Northeast corner of the above mentioned 50 acre tract bears North 89°13'09" West a distance of 195.17 feet;

THENCE: South 89°13'09" West, with the recognized survey line and the recognized North line of said 50 acre tract, at distance of 676.47 feet pass the Southeast corner of a called 80.68 acre tract conveyed to Royce E. Wisenbaker, et al in Volume 1187, Page 65, continuing in all a total distance 1189.09 feet to a 1/2" iron rod found for the Northeast corner of this tract, same being the Northwest corner of Lot 1, N.C.B. 1550-G of Candy Park South Addition, Unit No. 2, recorded in Cabinet D, Slide 55-D of the Smith County Plat Records;

THENCE: South 22°48'53" West, with the West line of said Lot 1, N.C.B. 1550-G, a distance of 253.75 feet to a cross tie fence corner post found for the southwest of the same, and being the Northwest corner of a called 8.691 acre tract conveyed to Richard Don Camp, et ux in Volume 1047, Page 21;

THENCE: South 23°16'31" West, with the West line of said 8.691 acre tract, a distance of 689.07 feet to a 1/2" iron pipe found for an angle break in the recognized East line of the above mentioned 50 acre tract;

THENCE: South 24°22'30" West, continuing with the recognized East line of the above mentioned 50 acre tract, at distance of 130.66 feet pass a 1/2" iron pipe found, in all a total distance of 244.93 feet to a point for corner for the Northwest corner of a called 16.038 acre tract conveyed to M. G. Moore in Volume 1290, Page 325, from which a 1/2" iron rod found for reference bears South 88°25'20" East a distance of 9.42 feet;

THENCE: South 26°42'08" West, with the West line of said 16.038 acre tract, a distance of 987.38 feet to a 3/8" iron rod found in the Southwest base of a 24" Hickory, for the southwest corner of said 16.038 acre tract, same being the Northwest corner of a called 2.221 acre tract conveyed to Dali, Inc. in Volume 2210, Page 7;

THENCE: South 25°55'05" West, with the West line of said 2.221 acre tract, a distance of 239.97 feet to a 3/8" iron rod found in the edge of an oil sand drive for the southwest corner of said 2.221 acre tract and being the Northwest corner of the remainder of a called 13.103 acre tract conveyed to Joe C. Moore, et ux in Volume 7170, Page 41;

THENCE: South 25°58'24" West, with the West line of said 13.103 acre tract, a distance of 639.38 feet to a 1/2" iron rod found (0.4 feet deep) in oil sand drive on the north side of Crow Road (County Road No. 159) for the Southwest corner of said 13.103 acre tract, same being the Southeast corner of the above mentioned 43.18 acre tract;

THENCE: North 83°17'06" West, with the South line of said 43.18 acre tract, a distance of 1104.52 feet to a 1/2" iron pipe found (bent) in the edge of an asphalt drive, for the Southwest corner of tract, same being the Southeast corner of a called 5.5 acre tract conveyed to Charles Mark Gibson in Volume 3893, Page 680;

THENCE: North 24°28'30" East, with the East line of said 5.5 acre tract, a distance of 289.67 feet to the place of Beginning, containing 80.317 acres of land.

ORDINANCE NO. O-2020-51
EXHIBIT "C"
OWNER PETITION



RECEIVED: _____
REFERRAL NO.: _____

APPLICATION NO. _____

INFORMATION FOR COMPLETING FORMS REQUESTING ANNEXATION
FOR SPARSELY POPULATED AREAS

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. LIST OF QUALIFIED VOTERS RESIDING IN AREA TO BE ANNEXED
- E. AUTHORIZATION OF AGENT
- F. MAP OF AREA (FORM F 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.)

G. PETITION FOR ORIGINAL ZONING

H. (NOTE: Filing fee of \$250.00 (City code Sec. 10-1) 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. THE COUNCIL HAS ASSIGNED THE STUDY OF ANNEXATIONS TO THE CITY PLANNING AND ZONING COMMISSION, WHICH WILL MAKE RECOMMENDATIONS TO THE COUNCIL. THIS REQUEST FOR ANNEXATION WILL NOT BE EFFECTIVE UNTIL IT IS PASSED BY THE CITY COUNCIL.

(NOTE: The Planning and Zoning Commission hears all requests on the first Tuesday of each month at 1:30 p.m. in the City Council Chambers, City Hall, 212 N. Bonner Avenue.)

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

THE FILING DEADLINE FOR THE JUNE 2, 2020, PLANNING AND ZONING COMMISSION MEETING WILL BE APRIL 27, 2020, AT 5:00 P.M. PLEASE HAVE A REPRESENTATIVE PRESENT AT ALL PUBLIC HEARINGS. THE APPLICANT HAS THE DUTY TO PRODUCE EVIDENCE BEFORE THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL TO JUSTIFY LEGALLY THE PROPOSED ANNEXATION.



FORM A

REQUEST FOR ANNEXATION OF SPARSELY POPULATED AREAS
BY THE OWNER(S) OF AREA

**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:

Being the above described area is one-half (1/2) mile or less in width and is sparsely populated, the owner(s) request that the City of Tyler, Texas, annex this area on petition of the area landowner(s), pursuant to Texas Local Government Code Section 43.028, which provides for the annexation of sparsely populated areas without the hearings and rigid time schedule required for general annexations or those annexations undertaken unilaterally by the City.

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, that this area is one-half (1/2) mile or less in width, that this area is sparsely populated as evidenced by the list on FORM D of the qualified voters residing in the area to be annexed, 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 to be annexed, request annexation of this area, pursuant to Texas Local Government Code Section 43.028, by signing this annexation on the date shown below.


SIGNATURE

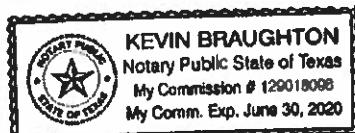

PRINT NAME

4-27-2020
DATE

(ACKNOWLEDGMENT)

THE STATE OF TEXAS
COUNTY OF SMITH

This petition was acknowledged before me on the 27th day of APRIL,
2020 by Kevin Braughton.



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, that this area is one-half (1/2) mile or less in width, that this area is sparsely populated as evidenced by the list on FORM D of the qualified voters residing in the area to be annexed, 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 to be annexed, request annexation of this area, pursuant to Texas Local Government Code Section 43.028, by signing this annexation on the date shown below.

* John Smith
SIGNATURE
4-27-2020
DATE

* Don Simmon
PRINT NAME

SIGNATURE

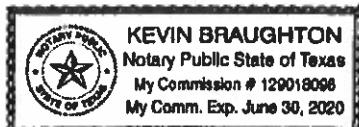
DATE

PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF TEXAS
COUNTY OF SMITH

This petition was acknowledged before me on the 27th day of APRIL,
2020 by KEVIN BRAUGHTON. PL



Notary Public
State of TEXAS

(ACKNOWLEDGMENT)

THE STATE OF _____
COUNTY OF _____

This petition was acknowledged before me on the _____ day of _____,
by _____.

Notary Public
State of _____



FORM B

APPLICANT'S SUPPORT INFORMATION FOR ANNEXATION REQUEST

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

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

COMMERCIAL & RESIDENTIAL DEVELOPMENT

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

Develop Property with City Utilities & Services

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

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)

OLD JACKSONVILLE HIGH & CROW ROAD

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

* 903-530-9088
Owner's Telephone Number

SIGNED:

Darlene
OWNER (of property to be annexed)

OR

903-312-7075
Agent's Telephone Number

RT
AGENT (When applicable - See Form E)



FORM C

LIST OWNER(S) OF ALL PROPERTY TO BE ANNEXED

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

NAME	MAILING ADDRESS
* 1. <u>Don Simmons</u>	<u>100 Independence Place, Suite 200</u> <u>Tyler, TX 757</u>
2. _____	
3. _____	
4. _____	
5. _____	
6. _____	
7. _____	
8. _____	
9. _____	
10. _____	
11. _____	
12. _____	
13. _____	
14. _____	
15. _____	
16. _____	
17. _____	
18. _____	
19. _____	
20. _____	



FORM D

LIST OF NAMES OF ALL QUALIFIED VOTERS RESIDING IN THE AREA

In order for an area to qualify for annexation under Texas Local Government Code Section 43.028, the area must be vacant or without residents, or on which fewer than three (3) qualified voters reside.

List the names, age and address of all qualified voters residing within the area requested to be annexed by this petition. For purposes of this annexation request, a qualified voter is an individual of legal age in the State of Texas, 18 years or older, which meets the residency requirements and is therefore qualified to register to vote.

<u>NAME AND AGE</u>	<u>MAILING ADDRESS</u>
1. <u>NONE</u>	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

SIGNED:

Owner et al (of property to be annexed)


Agent (when applicable – See Form E)



FORM E

AUTHORIZATION OF AGENT

I (We), the undersigned, being owners of real property to be annexed according to this Application, do hereby authorize (print name and address of agent) Mark Prestone - Planning Concepts to act as our Agent in the matter of this annexation. 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 to be annexed.

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

* SIGNATURE	MAILING ADDRESS
1. <u>John Sammons</u>	<u>100 Independence Place, Suite 200,</u> <u>Tyler, TX 75713</u>
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 to be annexed. Person must also sign Forms B & G as "Agent".)



FORM G

PETITION FOR ORIGINAL ZONING OF THE AREA TO BE ANNEXED

Before the City Planning and Zoning Commission and the City Council
of the City of Tyler, Texas

The undersigned, as owner(s) or agent for the owner(s) of the area to be annexed, hereby makes application for the original zoning of the area to be annexed (insert zoning classification desired) C-1, C-2 & NR. If more than one zoning classification is requested for the area, please indicate on the area map what zoning classification is requested for each portion. Complete and accurate field notes are required delineating the different zones requested.

For the property owner which does not request original zoning, the Planning and Zoning Commission as part of its recommendation for approval of this annexation will recommend a zoning classification(s) for the area to be annexed.

Wherefore, the owner(s) request that the Planning and Zoning Commission consider the original zoning requested, and that the Planning and Zoning Commission recommend this zoning to the City Council of the City of Tyler, Texas for adoption.*

PROPERTY OWNERS' SIGNATURES



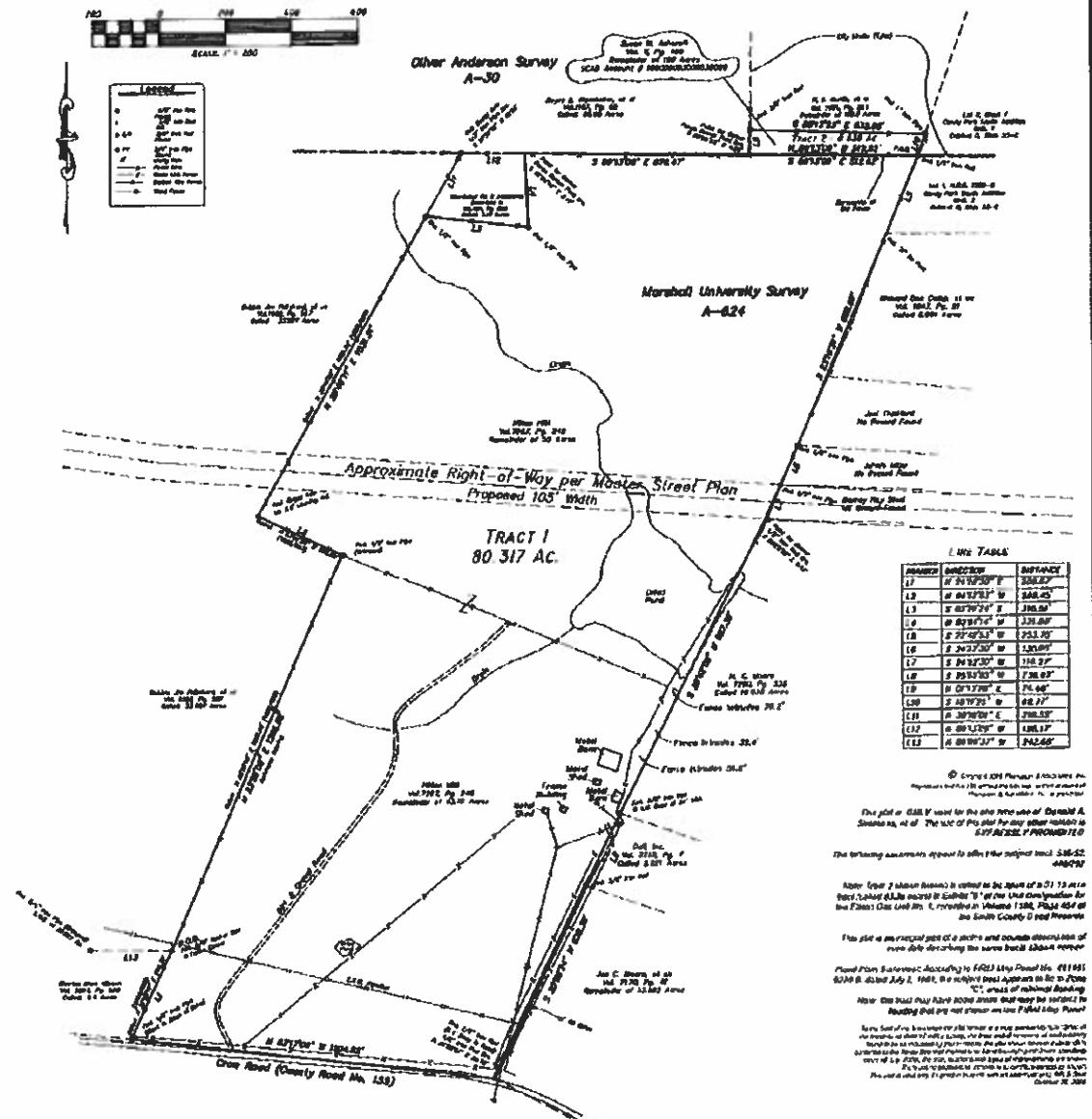


Agent (When Applicable - See Form E)

* The Planning and Zoning Commission in recommending this annexation, and the City Council in approving the annexation, are not obligated to also approve the original zoning requested by the property owner(s). All land contained within the corporate limits of the City of Tyler must be zoned, and the Planning and Zoning Commission and the City Council will endeavor to approve original zoning for the area to be annexed as requested by the property owner(s) if such zoning is appropriate for the existing or likely use of the property to be annexed, and is compatible with current zoning and existing development in that section of the City for which the annexed area will become a part.

Plat of Survey

Marshall University Survey, A-624 (Tract One)
Oliver Anderson Survey, A-30 (Tract Two)
Smith County, Texas
By Dr. Donald A. Shrimpton et al.



PRELIMINARY

**ORDINANCE NO. O-2020-51
EXHIBIT "D"
ZONING MAP**

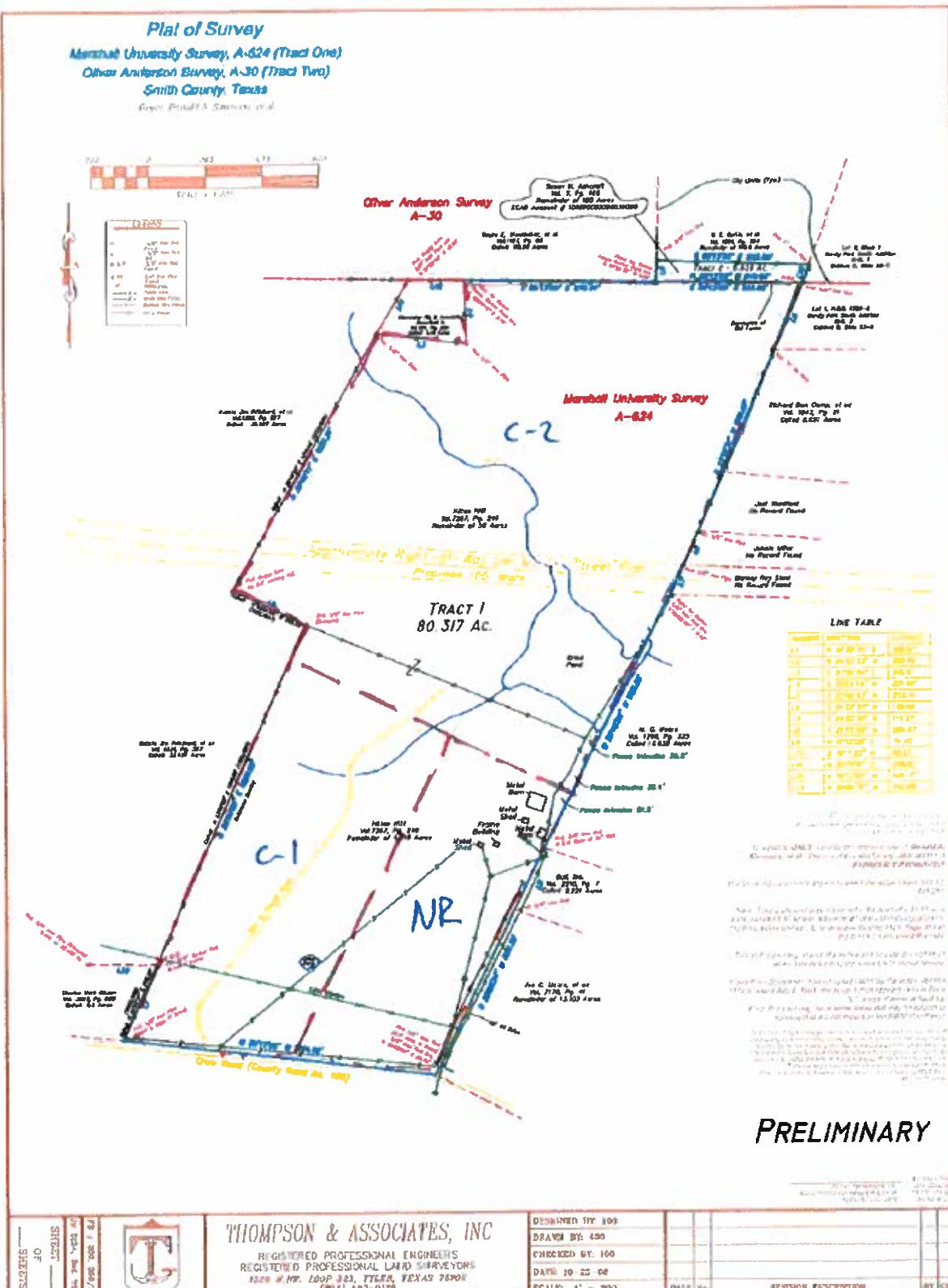
Plat of Survey

Abraham University Survey, A-624 (Tract One)

Other Amerson Survey, A-30 (Track Two)

Smith County, Texas

GREGORY P. HALLA & S. MANSOURI ET AL.



PRELIMINARY



THOMPSON & ASSOCIATES, INC.

REGISTERED PROFESSIONAL ENGINEERS
REGISTERED PROFESSIONAL LAND SURVEYORS
1500 N. SHP 121, FORT WORTH, TEXAS 76102

DRAWN BY: 103			
DRAWN BY: 430			
CHECKED BY: 100			
DATE: 10-25-04			
SCALE: 1" = 300	DATE: 10-25-04	REVISION DESCRIPTION	BY CH