

ORDINANCE NO. O-2017-16

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 A17-001; CONSTITUTING APPROXIMATELY 83.11 ACRES OF LAND AS DESCRIBED BY A METES AND BOUNDS DESCRIPTION, LOCATED ADJACENT TO THE CITY OF TYLER ON ITS NORTHERN AND WESTERN BOUNDARIES, AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE CITY OF TYLER EXTRATERRITORIAL JURISDICTION; ADJUSTING THE BOUNDARY OF THE CITY COUNCIL DISTRICT # 5; ESTABLISHING THE INITIAL LAND USE DESIGNATION, AND ESTABLISHING ORIGINAL ZONING.

WHEREAS, a public hearing was held before the City Council of the City of Tyler, Texas, on the 22nd day of February, 2017, in the Council Chambers, City Hall, 212 North Bonner, Tyler, Texas, wherein all interested persons were provided an opportunity to be heard on the proposed annexation of the territory hereinafter described, which date is not more than thirty (30) nor less than five (5) days after the filing of the complete Texas Local Government Code Section 43.028 petition, a copy of which is attached and made a part hereof as Exhibit "C"; and

WHEREAS, the area to be annexed is one-half mile or less in width; and

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

WHEREAS, the area to be annexed is vacant and without residents or has fewer than three (3) Qualified Voters; 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 83.11 acres of land;

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 43.028 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 and the City's ETJ are 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 as 83.11 acres for "INT", Institutional District as shown on Exhibit "D", hereinabove mentioned.

PART 5: That the initial Land Use Designation for the annexed area is hereby established as Institutional, 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 East District #5, City Council single member district and the official Voting District Map amended accordingly.

PART 7: That the Planning and Zoning Department shall send to the Texas Secretary of State a copy of the ordinance and statement that the annexation is not involved in any litigation.

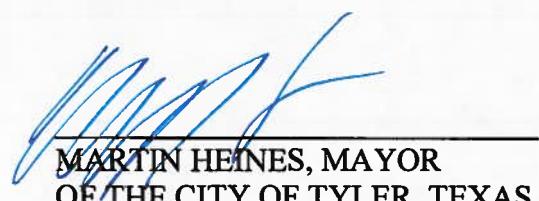
PART 8: That the City Clerk shall send to the State Comptroller by certified mail a map showing new boundaries for sales tax and a certified copy of the ordinance showing the effective date of the boundary changes.

PART 9: That within thirty (30) days of notice of U. S. Justice Department approval of this annexation, the Planning and Zoning 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 and Zoning Department shall also file annexation information with the Smith County Appraisal District and anyone else who has requested such information.

PART 10: 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 11: 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 22nd day of February A. D., 2017.



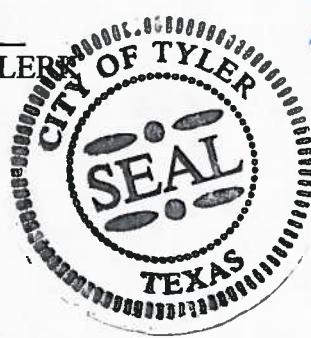
MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

A T T E S T:

APPROVED:

Cassandra Brager

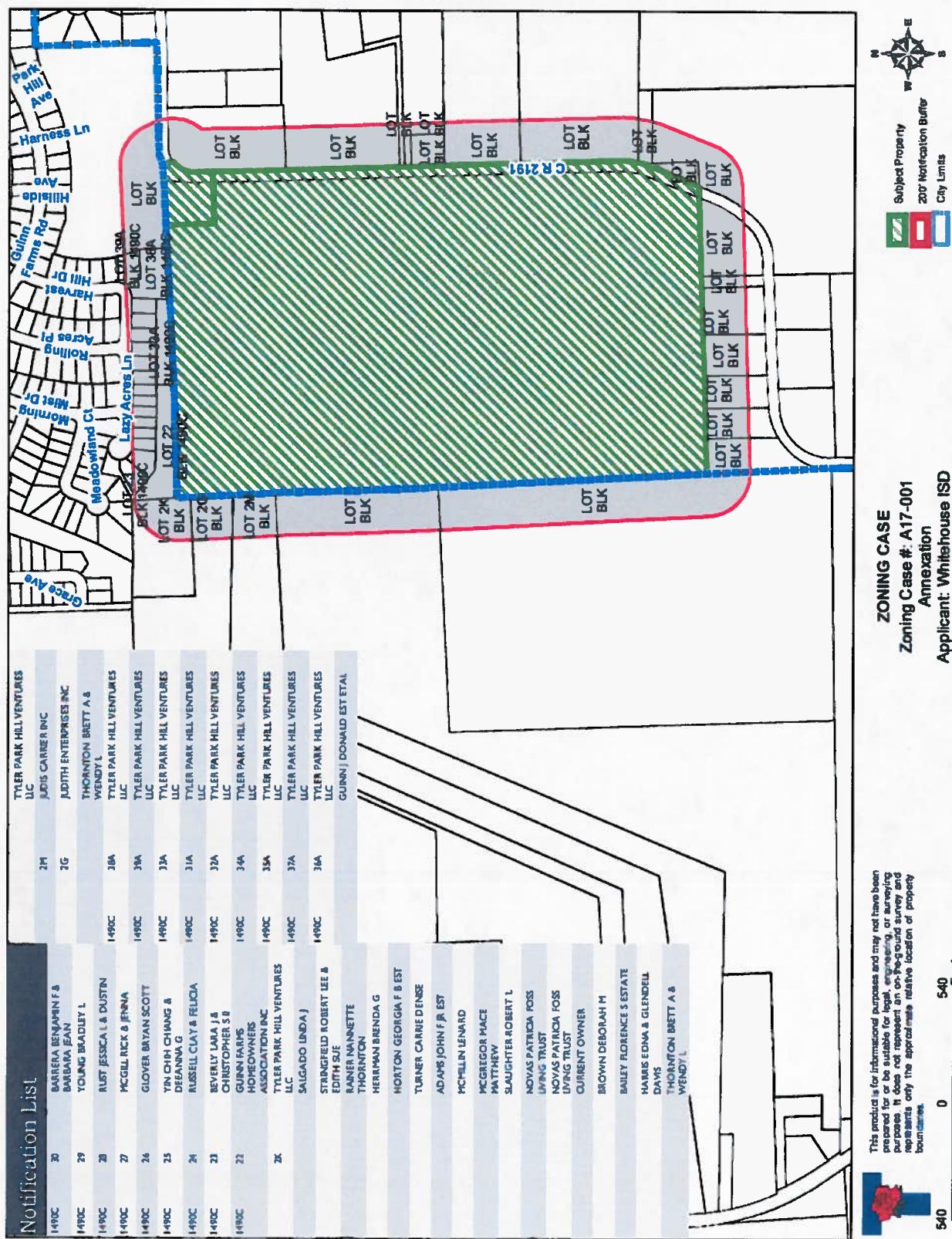
CASSANDRA BRAGER, CITY CLERK



Deborah G. Pullum

DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2017-16
EXHIBIT "A"
LOCATION MAP



ORDINANCE NO. O-2017-16
EXHIBIT "B"
LEGAL DESCRIPTION



1595 E. Grande Blvd.
Tyler, TX. 75703
903.534.0174 Ph.
903.594-8060 Fax
www.stangercorp.com
TBPLS Firm No.: 10025700

WILLIAM NEWELL SURVEY, ABSTRACT 744
SMITH COUNTY, TEXAS
T160288 2177/55

DESCRIPTION OF ANNEXATION

BEING 80.466 acres of land situated in the William Newell Survey, A-744, Smith County, Texas, and being part of that certain called 83.110 acre tract as described in a deed from Donald Greg Guinn, et al, to Whitehouse Independent School District, and recorded in Instrument No. 20180100048927, of the Deed Records of Smith County, Texas, said 80.466 acres of land to be more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ " iron rod (found) at the southwest corner of the above referenced 83.110 acre tract, being at the northwest corner of the that certain called 1.401 acre tract as described in Volume 5408, Page 248, and being in the east boundary line of that certain called 49 acre tract as described in Volume 670, Page 429;

THENCE North 01° 35' 15" West, for a distance of 1248.42 feet, with the west boundary line of said 83.110 tract, and with the east boundary line of the above mentioned 49 acre tract, to a rock (found) at an existing fence corner, being at the northeast corner of said 49 acre tract, being at the southeast corner of that certain called 57.521 acre tract as described in Volume 3787, Page 421;

THENCE North 00° 48' 57" West, for a distance of 832.24 feet, with the east boundary line of said 57.521 acre tract, to a $\frac{1}{2}$ " iron rod (found) at the northeast corner of said 57.521 acre tract, being at the southeast corner of that certain called 7.734 acre tract as described in Instrument No. 2010-R0001031;

THENCE North 00° 48' 49" West, for a distance of 365.19 feet, with the east boundary line of the above mentioned 7.734 acre tract, with the east boundary line of that certain called 39.046 acre tract as described in Instrument No. 2015-0100019389, with the east boundary line of that certain called 3.491 acre tract described as Tract Two, in Instrument No. 2014-00011446, with the west boundary line of said 83.110 acre tract, to a $\frac{1}{2}$ " iron rod (found) at the southwest corner of Lot 22, N.C.B. 1490-C, Guinn Farms Addition, Unit 1, as recorded in Cabinet D, Slide 323-A;

THENCE North 88° 43' 20" East, for a distance of 1158.82 feet, with the south boundary line of said Lot 22, with the south boundary line of Lot 33-A, and Lot 38-A, N.C.B. 1490-C, Guinn Farms Addition, Unit 2, as recorded in Cabinet E, Slide 317B; to a $\frac{1}{2}$ " iron rod (found) at the southeast corner of the above mentioned Lot 38-A, being in the south boundary line of that certain called 108.764 acre tract as described in Volume 7611, Page 070, and being an angle corner in the north boundary line of that said 83.110 acre tract;

THENCE North 88° 29' 13" East, for a distance of 283.33 feet, with the south boundary line of the above mentioned 108.764 acre tract, with the north boundary line of said 83.110 acre tract, to a point for corner in same, from which a $\frac{1}{2}$ " iron rod (found) at the northeast corner of said 83.110 acre tract bears North 88°29'13" East, a distance of 63.92 feet;

THENCE South 00° 41' 00" East, for a distance of 2060.83 feet, across said 83.110 acre tract, to a point for corner, at the beginning of a curve to the right;

THENCE in a southerly direction, for an arc distance of 203.84 feet, across said 83.110 acre tract, and with the above mentioned curve (to the right), whose radius is 485.00 feet, whose central angle is 24°04'52", and whose long chord is South 11°21'27" West, a distance of 202.35 feet, to a point for corner;

THENCE South 23° 23' 53" West, for a distance of 231.31 feet, to a point in the south boundary line of said 83.110 acre tract, being in the north boundary line of that certain called 1.50 acre tract as described in Instrument No. 2009-R00061907, from which a $\frac{1}{2}$ " iron rod (set with cap marked "STANGER") for reference bears North 89°40'40" East a distance of 27.05 feet;

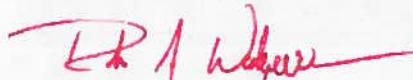
THENCE South 89° 40' 40" West, for a distance of 1283.04 feet, with the south boundary line of said 83.110 acre tract, with the north boundary line of the above mentioned 1.50 acre tract, with the north boundary line of that certain called 2.09 acre tract as described in Instrument No. 2008-R00033887, with the north boundary line of that certain called 1.50 acre tract as described in Instrument No. 2014-00019250, with the north boundary line of that certain called 1.055 acre tract as described in Volume 5265, Page 533, with the north boundary line of that certain called 1.073 acre tract as described in Volume 1329, Page 304, with the north boundary line of that certain called 1.152 acre tract as described in Volume 7905, Page 059, and with the north boundary line of the above mentioned 1.401 acre tract, back to the place of beginning and containing 80.466 acres of land;

Bearing based on the monumented east boundary line of that certain called 57.521 acre tract as recorded in Volume 3787, Page 241, of the Deed Records of Smith County, Texas.

See Plat of Survey prepared even date.

I, Robert A. Wedgeworth, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from an actual survey made on the ground, under my supervision, during the month of October, 2016.

GIVEN UNDER MY HAND AND SEAL, this the 21st day of February, 2017.



Robert A. Wedgeworth
Registered Professional Land Surveyor
State of Texas No. 5791



ORDINANCE NO. O-2017-16
EXHIBIT "C"
OWNER PETITION



RECEIVI

NOV 30 2

PLANNING DEPA

RECEIVED: 11/20/14
REFERRAL NO.: _____

APPLICATION NO. A16-002

INFORMATION FOR REQUESTING ANNEXATION
FOR SPARSELY OCCUPIED AREA

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

(NOTE: Filing fee of \$350.00 (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 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 UNLESS 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 _____, PLANNING AND ZONING COMMISSION MEETING WILL BE _____, 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 THE PROPOSED ANNEXATION.



FORM A

REQUEST FOR ANNEXATION OF SPARSELY OCCUPIED AREA
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; a metes and bounds description is required), to-wit:

See attached Exhibit A and Exhibit B for 83.110 Acre Tract Description

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 occupied 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 petition on the date shown below.

Christopher Moran
SIGNATURE
Superintendent

11/30/16
DATE

Christopher Moran
PRINT NAME
Whitehouse Independent School District

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith



This petition was acknowledged before me on the 30th day of November,
2016 by Christopher Moran.

Kristi Lynn Creech
Notary Public
State of Texas



FORM B

APPLICANT'S SUPPORT INFORMATION FOR REQUEST FOR ANNEXATION OF SPARSELY OCCUPIED AREA

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 the Planning and Zoning Commission and City Council, and in responding to citizens' inquiries.

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

A new Elementary School for Whitehouse Independent School District.

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

For Police and Fire protection, and water and sanitary sewer service

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

Agricultural Use with a metal barn and two small residential rental units.

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)

A 12-inch water line is located north of the northeast property corner. A 12-inch sanitary sewer line is located north of the northwest corner of the property. See Exhibit B.4 Overall Existing Utility Map.

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

None.

SIGNED:

Christela Moran
Whitehouse Independent School District
OWNER (of property to be annexed)

OR

903-597-2122
Agent's Telephone Number

Lee D. Boudreaux
The C. T. Brannon Corporation
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. Whitehouse Independent School District:	106 Wildcat Drive, Whitehouse, Texas 75791 Phone #903-839-5500
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 therefor qualified to register to vote.

<u>NAME AND AGE</u>	<u>MAILING ADDRESS</u>
1. <u>TONY BOSWELL, AGE 38</u>	<u>14584 CR 2191</u>
2. _____	<u>WHITEHOUSE, TX 75791</u>
3. _____	
4. _____	
5. _____	
6. _____	
7. _____	
8. _____	
9. _____	
10. _____	

SIGNED:

Christopher Moran
Owner et al (of property to be annexed)

Lee A. Boudreaux
The C. T. Brannon Corporation
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) The C. T. Brannon Corporation: 1321 S. Broadway, Tyler, Texas-75701 to act as our Agent in the matter of this annexation. The term "Agent" shall mean any lessee, developer, option holder, or other 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

1. Christopher Moran
Christopher Moran

MAILING ADDRESS

Whitehouse Independent School District:
106 Wildcat Drive, Whitehouse, Texas 75791
Phone #903-839-5500

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

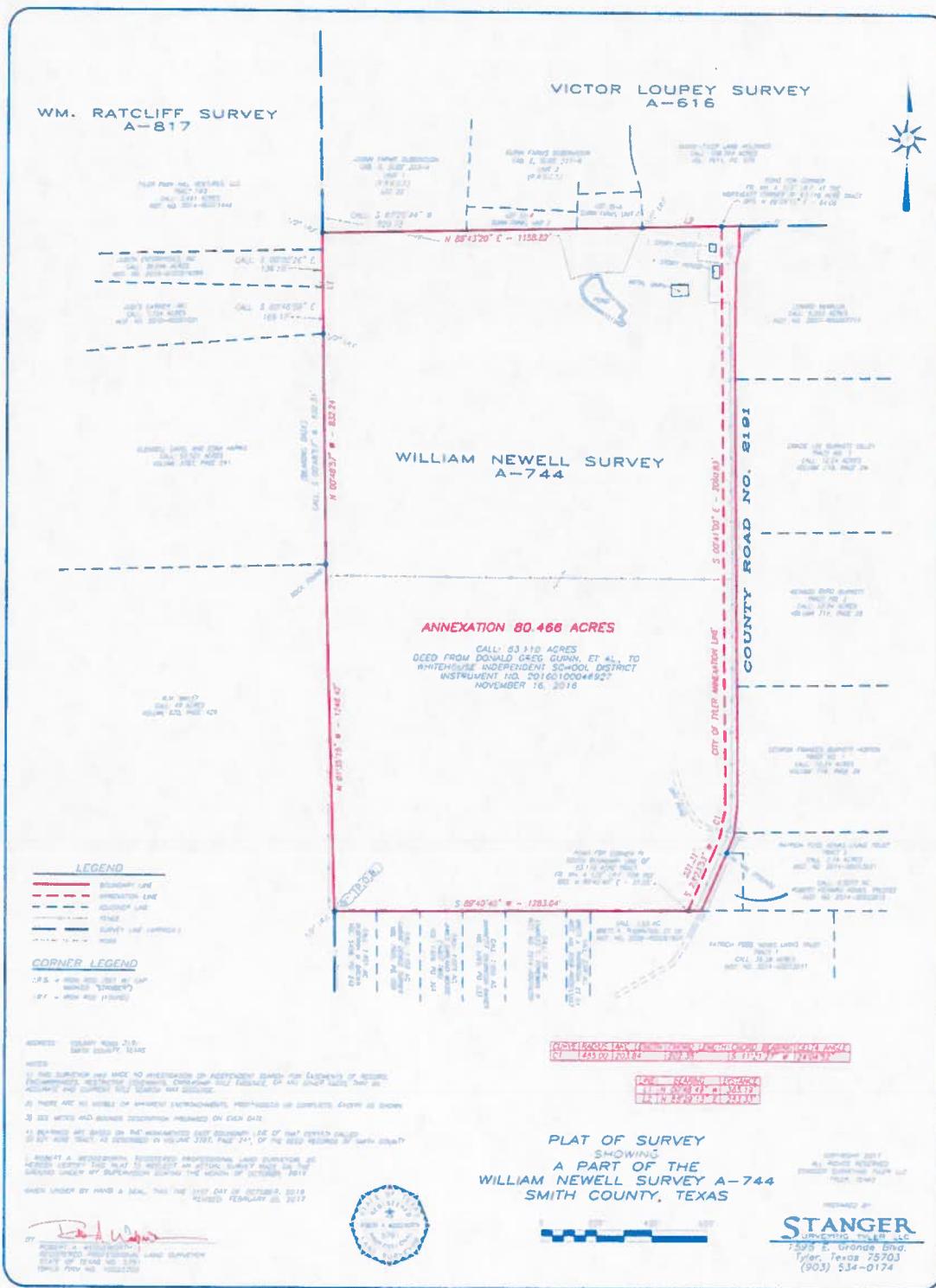
14. _____

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".)



AREA MAP





FORM G

PETITION FOR ORIGINAL ZONING OF SPARSELY OCCUPIED 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) **INSTITUTIONAL (INT)**. 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. A metes and bounds description is required.

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

* Christopher Moran
CHRISTOPHER MORAN
SUPERINTENDENT
WISD

Ree A Brundage
The C. T. Brannon Corporation

Agent (When Applicable - See Form E)

* The Planning and Zoning Commission in recommending any annexation, and the City Council in approving any 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.

**ORDINANCE NO. O-2017-16
EXHIBIT "D"
ZONING MAP**

