

ORDINANCE NO. O-2017-23

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 A16-001; CONSTITUTING APPROXIMATELY 19.01 ACRES OF LAND AS DESCRIBED BY METES AND BOUNDS DESCRIPTIONS, LOCATED ADJACENT TO THE CITY OF TYLER ON ITS NORTHERN BOUNDARY, AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE BOUNDARY OF THE CITY COUNCIL DISTRICT # 6; ESTABLISHING THE INITIAL LAND USE DESIGNATION, AND 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 22nd day of March, 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 "D"; 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 19.01 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 "B" and as described in Exhibit "C" and as incorporated herein, 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 11.70 acres of "PMF", Planned Multi-Family Residential District with final site plan and 7.29 acres of "PXR", Planned Mixed Residential District with final site plan as shown on Exhibit "A", hereinabove mentioned and incorporated herein.

PART 5: That the initial Land Use Designation for the annexed area is hereby established as Townhouse/Garden Apartment, 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 South District #6, City Council single member district and the official Voting District Map amended accordingly.

PART 7: That the Planning 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.

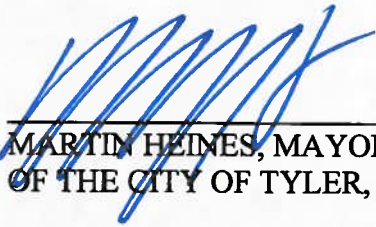
PART 9: That within thirty (30) days of notice of U. S. Justice Department approval of this annexation, the Planning Department, on behalf of the Mayor, shall file a certified copy of this ordinance and a copy or duplicate of the petition with the County Clerk. The Planning Department shall also file annexation information with the Smith County Appraisal District and anyone else who has requested such information.

PART 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: 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 12: 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 24th, 2017.


PASSED AND APPROVED THIS the 22nd day of March A. D., 2017.


MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

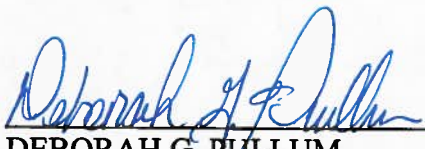
ATTEST:

APPROVED:


CASSANDRA BRAGER, CITY CLERK

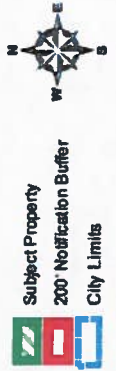
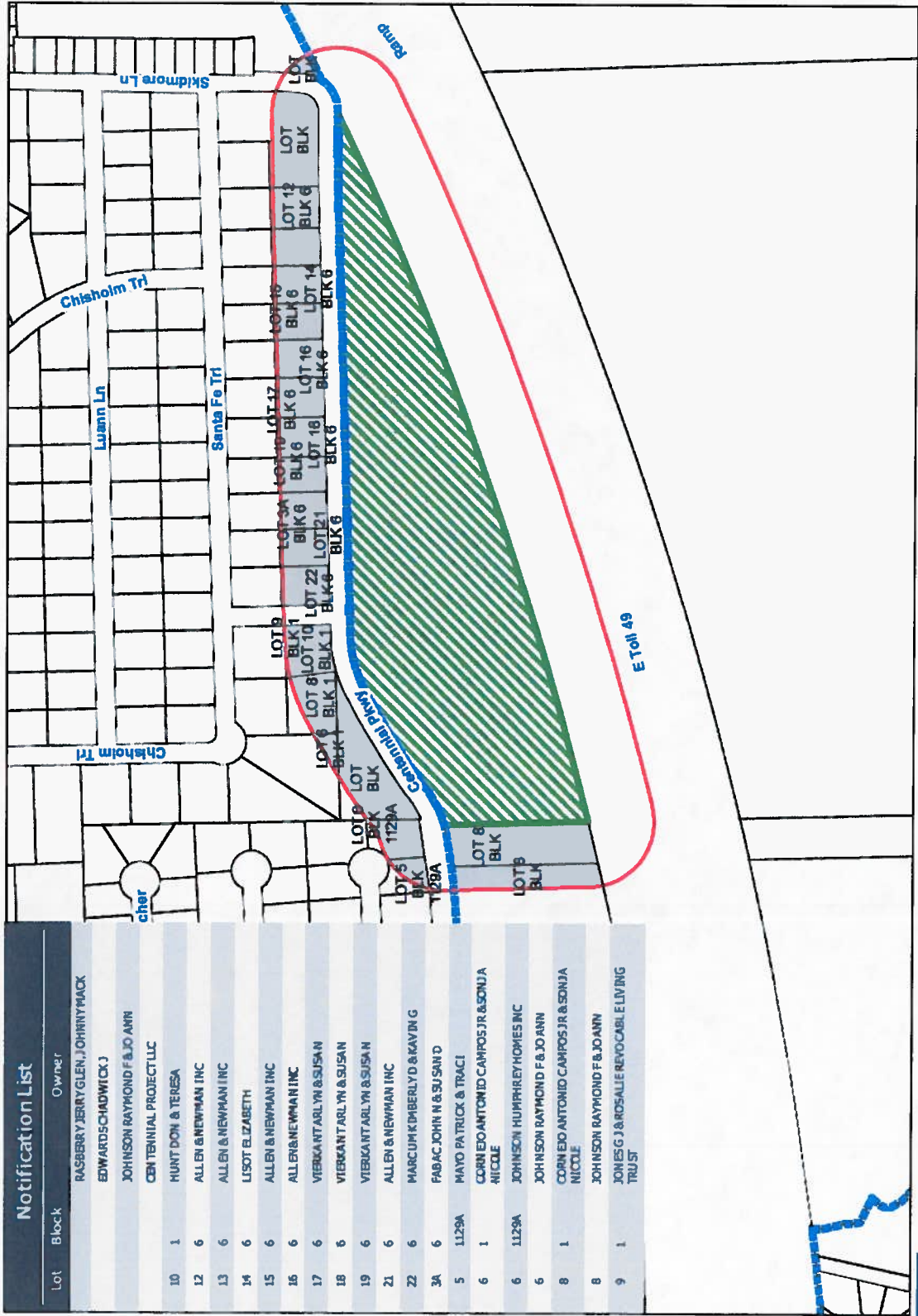


The seal is circular with a double-line border. The outer ring contains the text "CITY OF TYLER" at the top and "TEXAS" at the bottom. The inner circle features a central emblem with a scale of justice and the word "SEAL" in large, bold letters across the middle.


DEBORAH G. PULLUM,
CITY ATTORNEY

- Exhibit A = site plan
- Exhibit B = location map
- Exhibit C = legal descriptions
- Exhibit D = owner petition
- Exhibit E = zoning map

**ORDINANCE NO. O-2017-23
EXHIBIT "B"
LOCATION MAP**



Zoning Case
Zoning Case #: A16-008
Annexation
Applicant: Centennial Project, LLC

Notification List	
Lot	Owner
10	RASBERRY JERRY GLEN, JOHNNY MACK EDWARDS CHADWICK J
12	JOHNSON RAYMOND F & JO ANN CENTENNIAL PROJECT LLC
13	HUNT DON & TERESA ALLEN & NEWMAN INC
14	ALLEN & NEWMAN INC LISOT ELIZABETH
15	ALLEN & NEWMAN INC ALLEN & NEWMAN INC
16	VIKANT ARLYN & SUSAN VIKANT ARLYN & SUSAN
17	VIKANT ARLYN & SUSAN VIKANT ARLYN & SUSAN
18	VIKANT ARLYN & SUSAN ALLEN & NEWMAN INC
21	MARCUM KIMBERLY D & KAVIN G FABAC JOHN N & SUSAN D
22	MAYO PATRICK & TRACI
3A	CORN EIO ANTONIO CAMPOS JR & SON JA NICOLE
5	JOHNSON HUMPHREY HOMES INC
6	JOHNSON RAYMOND F & JO ANN NICOLE
6	JOHNSON RAYMOND F & JO ANN JONES J & ROSALLE REVOCABLE LIVING TRU ST
8	
8	
9	

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.



ORDINANCE NO. O-2017-23
EXHIBIT "C"
LEGAL DESCRIPTIONS

Metes and Bounds Description
11.706 Acre Tract
PMF Annexation

All that certain tract or parcel of land situated in the Robert Bartlett Survey, Abstract 129 Smith County, Texas, being a part of that certain called 19.005 acre tract described in a Warranty Deed with Vendor's Lien from Kinsey Properties, Ltd., to Centennial Project, LLC, dated January 29, 2013, recorded in C.F.N. 2013-00004629 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 set for the northwest corner of said called 19.005 acre tract, same being the southwest corner of that certain called 1.6825 acre tract described in a Warranty Deed from Paul W. Powell to Chadwick J. Edwards, dated September 15, 2005, and recorded in Volume 7928, Page 645 of said Official Public Records;

THENCE, North 49°16'41" East, with the north line of said 19.005 acre tract, a distance of 162.32 feet to a steel spindle set for a corner in the pavement of Skidmore Lane;

THENCE, North 59°32'24" East, continuing with said north line of said 19.005 acre tract, a distance of 176.18 feet to a steel spindle set for a corner in said pavement of Skidmore Lane;

THENCE, North 64°40'49" East, continuing with said north line of said 19.005 acre tract, a distance of 87.43 feet to a steel spindle set for a corner in said pavement of Skidmore Lane;

THENCE, North 80°19'31" East, continuing with said north line of said 19.005 acre tract, a distance of 126.00 feet to a 1/2" iron rod set for a corner;

THENCE, North 83°25'10" East, continuing with said north line of said 19.005 acre tract, a distance of 295.36 feet to a 1/2" iron rod set for a corner;

THENCE, North 85°01'27" East, continuing with said north line of said 19.005 acre tract, a distance of 136.49 feet to a steel spindle set in said pavement of Skidmore Lane for the northeast corner of the herein described tract;

THENCE, South 12°36'20" East, a distance of 128.73 feet to a 1/2" iron rod set for a corner, same being the beginning of a curve to the left having a radius of 82.50 feet;

THENCE, with said curve to the left having a radius of 82.50 feet, a central angle of 38°09'23", and a chord bearing and distance of South 31°41'01" West, 53.93 feet, an arc length of 54.94 feet to a 1/2" iron rod set for a corner and the end of said curve;

THENCE, South 01°51'20" East, a distance of 201.37 feet to a 1/2" iron rod set for a corner;

THENCE, South 19°17'52" East, a distance of 84.61 feet to a 1/2" iron rod set for the southeast corner of the herein described tract, north right-of-way line of Loop 49, same being in a curve to the right having a radius of 11,234.16 feet;

THENCE, with said north right-of-way line of Loop 49, and along said curve to the right having a radius of 11,234.16 feet, a central angle of 05°14'32", and a chord bearing and distance of South 73°25'22" West, 1,027.49 feet, an arc length of 1,027.85 feet to a 1/2" iron rod found for the southwest corner of said 19.005 acre tract;

THENCE, North 01°45'46" West, with said west line of said 19.005 acre tract, a distance of 429.78 feet to a 1/2" iron rod found for a corner;

THENCE, North 01°23'35" West, continuing with said west line of said 19.005 acre tract, a distance of 16.75 feet to the POINT OF BEGINNING and containing 11.706 acres of land.

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 August, 2016 GIVEN UNDER MY HAND AND SEAL this date, 11 August 2016.

(Reference is hereby made to the plat of survey, Job No. 12-638. Bearings are based on the Texas Coordinate System, North Central Zone, NAD1983 Map Datum. All iron rods set are marked with a plastic cap: RPLS 2114 and RPLS 3683).

Robert Matush
Registered Professional Land Surveyor
Texas Registration No. 3683

**Metes and Bounds Description
7.299 Acre Tract
PXR Annexation**

All that certain tract or parcel of land situated in the Robert Bartlett Survey, Abstract 129 Smith County, Texas, being a part of that certain called 19.005 acre tract described in a Warranty Deed with Vendor's Lien from Kinsey Properties, Ltd., to Centennial Project, LLC, dated January 29, 2013, recorded in C.F.N. 2013-00004629 of the Official Public Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a steel spindle set for the northeast corner of the herein described tract, same being in the north line of said called 97.665 acre tract, same being a north corner of said called 24.723 acre tract, same being in the north right-of-way line of Loop 49, from which a 1/2" iron rod found for the northeast corner of said 97.665 acre tract and the northeast corner of said 24.723 acre tract bears North 88°12'23" East, 55.71 feet, for reference;

THENCE, South 64°21'07" West, with said north right-of-way line of Loop 49, a distance of 46.60 feet to a 1/2" iron rod set for a north corner of said 24.723 acre tract, same being the beginning of a curve to the right having a radius of 11,234.16 feet;

THENCE, continuing with said north right-of-way line of Loop 49, and along said curve to the right having a radius of 11,234.16 feet, a central angle of 06°26'59", and a chord bearing and distance of South 67°34'37" West, 1,263.95 feet, an arc length of 1,264.62 feet to a 1/2" iron rod set for the southwest corner of the herein described tract;

THENCE, North 19°17'52" West, a distance of 84.61 feet to a 1/2" iron rod set for a corner;

THENCE, North 01°51'20" West, a distance of 201.37 feet to a 1/2" iron rod set for a corner, same being the beginning of a curve to the right having a radius of 82.50 feet;

THENCE, with said curve to the right having a radius of 82.50 feet, a central angle of 38°09'23", and a chord bearing and distance of North 31°41'01" East, 53.93 feet, an arc length of 54.94 feet to a 1/2" iron rod set for a corner and the end of said curve;

THENCE, North 12°36'20" West, a distance of 128.73 feet to a 1/2" iron rod set for the northwest corner of the herein described tract, same being in the north line of said 19.005 acre tract;

THENCE, North 85°01'27" East, with said north line of said 19.005 acre tract, a distance of 174.51 feet to a steel spindle set for a corner in the pavement of Skidmore Lane;

THENCE, North 88°13'27" East, continuing with said north line of said 19.005 acre tract, a distance of 481.19 feet to a steel spindle set for a corner in said pavement of Skidmore Lane;

THENCE, North 88°15'46" East, continuing with said north line of said 19.005 acre tract, a distance of 646.79 feet to the POINT OF BEGINNING and containing 7.299 acres of land.

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 August, 2016 GIVEN UNDER MY HAND AND SEAL this date, 11 August 2016.

(Reference is hereby made to the plat of survey, Job No. 12-638. Bearings are based on the Texas Coordinate System, North Central Zone, NAD1983 Map Datum. All iron rods set are marked with a plastic cap: RPLS 2114 and RPLS 3683).

Robert Matush
Registered Professional Land Surveyor
Texas Registration No. 3683

ORDINANCE NO. O-2017-23
EXHIBIT "D"
OWNER PETITION



PLANNING DEPARTMENT

RECEIVED
AUG 10 2016

RECEIVED

RECEIVED

AUG 10 2016

PLANNING DEPARTMENT

RECEIVED: _____
REFERRAL NO.: _____

APPLICATION NO. A16-001

**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 \$471.00 (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.



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):

TOWN HOME & SINGLE FAMILY

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

TO PROVIDE FOR CITY SERVICES INCLUDING WATER & SEWER

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

MOSTLY UNDEVELOPED. SOME UNITS UNDER CONSTRUCTION. NO CURRENT OCCUPANCY.

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 & SEWER ADJACENT TO PROPERTY IN CENTENNIAL RIGHT OF WAY

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

K

903-941-1900

Owner's Telephone Number

SIGNED:

OWNER (of property to be annexed)

OR

903-312-7075

Agent's Telephone Number

AGENT (When applicable - See Form E)



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. JAYESH PATEL	1820 SIMMONS #1401 TULSA TX
2. JOHN MCCINNEY	1820 SIMMONS #1401 TULSA TX
3. RANDY HANSON	1820 SIMMONS #1401 TULSA TX
4. TRUNG NUYGEN	1820 SIMMONS #1401 TULSA TX
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____



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. _____	_____
2. <u>NONE</u>	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

SIGNED:

Owner et al (of property to be annexed)




Agent (when applicable - See 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 PRIESTNER 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 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.  | 1820 SHILOH ROAD #1401 TYLER TX |
| 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".)



PETITION FOR ORIGINAL ZONING OF SPARSELY OCCUPIED AREA TO BE ANNEXED

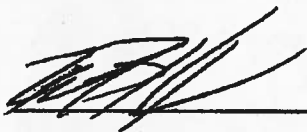
**Before the City Planning and Zoning Commission and the City Council
of the City of Tyler, Texas**

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) PXR & PNE. 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

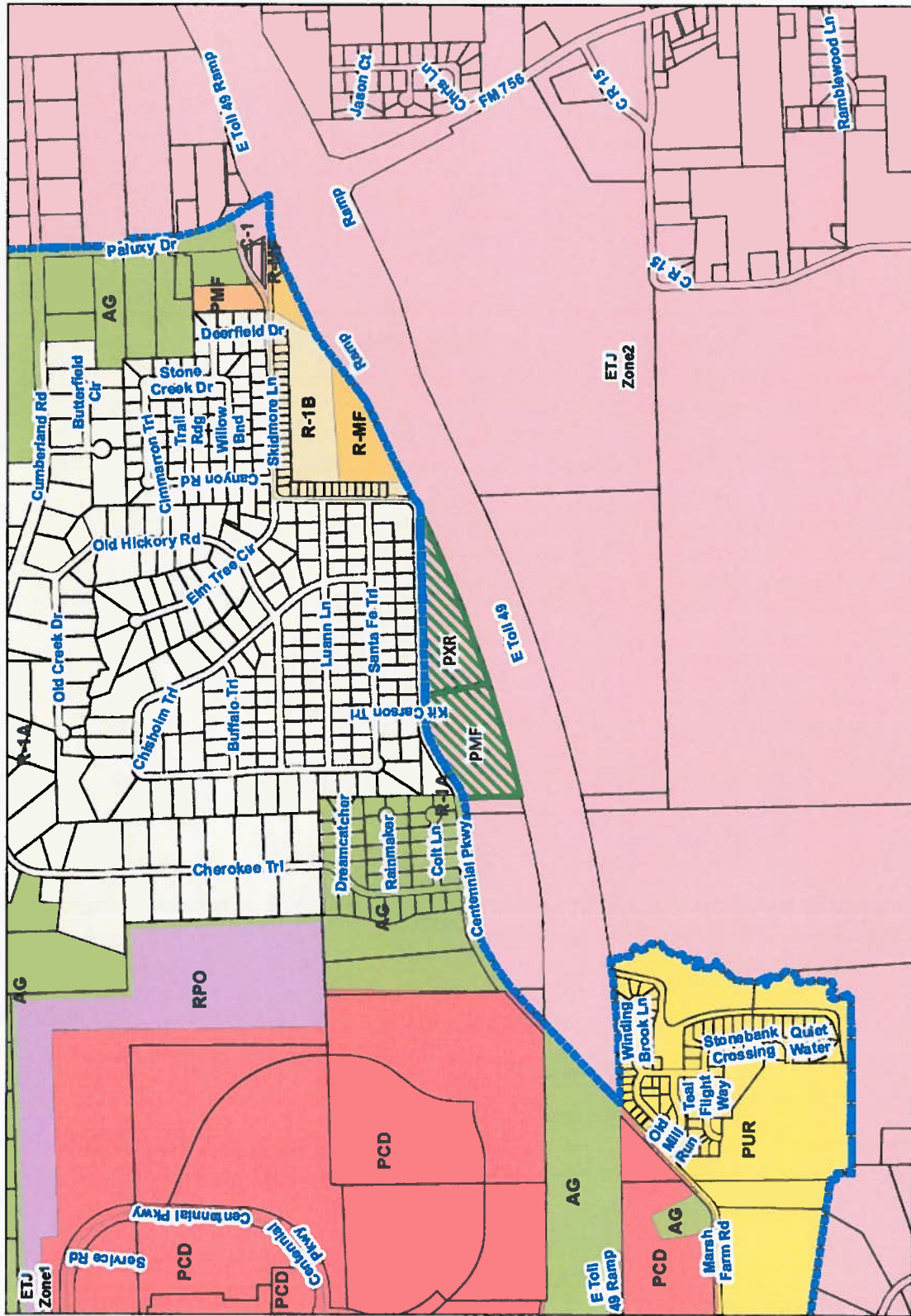




Agent (When Applicable - See Form E)

* 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-2017-23
EXHIBIT "E"
ZONING MAP**



Zoning Case
 Zoning Case #: A16-006
 Annexation
 Applicant: Centennial Project, LLC

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.

