

**ORDINANCE NO. O-2016-32**

**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 A04-16-002; CONSTITUTING APPROXIMATELY 0.42 ACRES OF LAND AS DESCRIBED BY A METES AND BOUNDS DESCRIPTION, LOCATED ADJACENT TO THE PRESENT WESTERN BOUNDARY LIMITS OF THE CITY OF TYLER, AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE CITY OF TYLER EXTRATERRITORIAL JURISDICTION; ADJUSTING THE BOUNDARY OF THE CITY COUNCIL DISTRICT #3; ESTABLISHING THE INITIAL LAND USE DESIGNATION; PROVIDING FOR ORIGINAL ZONING; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, a public hearing was held before the City Council of the City of Tyler, Texas, on the 27<sup>th</sup> of April, 2016, 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 0.42 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 0.42 acres of "R-MF", Multi-Family Residential District as shown on Exhibit "D", hereinabove mentioned.

**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 Northwest District #3, 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.

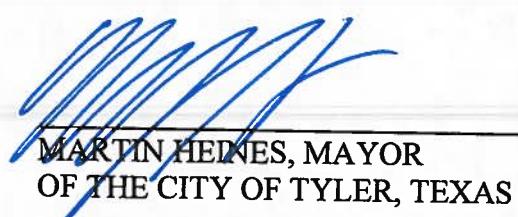
**PART 8:** That the City Clerk shall send to the State Comptroller by certified mail a map showing new boundaries for sales tax and a certified copy of the ordinance showing the effective date of the boundary changes.

**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:** 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 27th day of April A. D., 2016.



MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

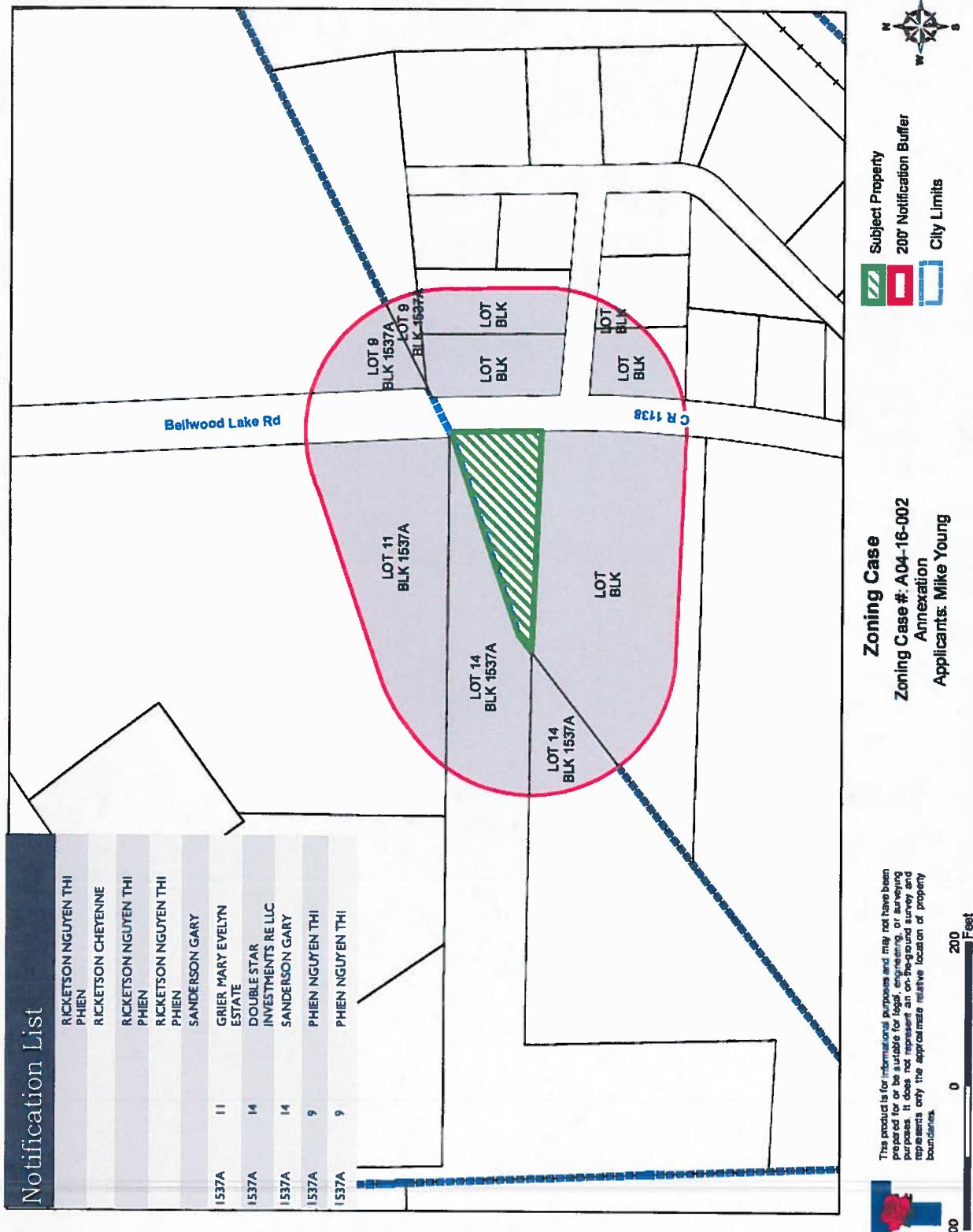
*Cassandra Brager*  
CASSANDRA BRAGER, CITY CLERK



*Deborah G. Pullum*  
DEBORAH G. PULLUM,  
CITY ATTORNEY

Exhibit A = location map  
Exhibit B = legal description  
Exhibit C = owner petition  
Exhibit D = zoning map

ORDINANCE NO. O-2016-32  
EXHIBIT "A"  
LOCATION MAP



ORDINANCE NO. O-2016-32  
EXHIBIT "B"  
LEGAL DESCRIPTION

FIELD NOTES DESCRIPTION  
SURVEYED 0.423 ACRES  
GEORGE MEYERS SURVEY A-643  
SMITH COUNTY, TEXAS  
J11305

February 24, 2016

Field Note description for a 0.423 acre tract located in the GEORGE MEYERS SURVEY Abstract No: 643 and being part of the land being called 5.021 acres as conveyed to Double Star Investments as described and recorded in Document Number 2015-007638 of the Deed Records of Smith County, Texas. Said 0.423 acre tract to be more particularly described as follows;

*Bearings are based on the State Plane Coordinate System, Texas North Central Zone, N.A.D. 1983.*

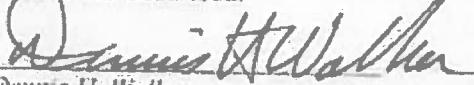
**BEGINNING** at a  $\frac{1}{4}$ " iron pipe found for the most Easterly Northeast corner of herein described tract, same point also being the Southeast corner of a called 7.620 acre tract conveyed to the Estate of Mary Evelyn Grier as described and recorded in Document Number 2004-49594 of the Deed Records of Smith County, Texas, same point also being on the West line of C.R. 1138 also being known as Bellwood Lake Road;

**THENCE** South 00°36'40" East along and with the West line of C.R. 1138 a distance of 139.40 feet to a  $\frac{1}{4}$ " iron rod found for corner, same point being on the West line of C.R. 1138, same point also being the Northeast corner of a called 29.59 acre tract conveyed to Gary Sanderson as described and recorded in Document Number 2007-03755 of the Deed Records of Smith County, Texas;

**THENCE** South 87°53'02" West along and with the North line of said called 29.59 acre tract a distance of 254.41 feet to a point for corner, same point being on the North line of said called 29.59 acre tract, same point also being on the line of the Annexation of the City of Tyler being called 788.608 acres as Approved on December 18, 1979, same point also being the beginning of a curve to the right;

**THENCE** along and with said curve to the right having a radius of 2985.90 feet and a chord direction of North 59°30'55" East and a chord distance of 293.29 feet and having an arc distance of 293.41 feet back to the **PLACE OF BEGINNING** and containing 0.423 acres of land.

I, Dennis H. Walker, do hereby state that these Field Notes represent an on the ground survey made under my supervision in February 2016, and is being submitted along with a Plat of said tract herein described.

  
Dennis H. Walker  
Registered Professional Land Surveyor  
State of Texas No. 2117  
J11305/Annexation Legal



ORDINANCE NO. O-2016-32  
EXHIBIT "C"  
OWNER PETITION



RECEIVED: \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_  
REFERRAL NO.: \_\_\_\_\_

**INFORMATION FOR COMPLETING FORMS 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: Please see Chapter 10, Section 10-776, Fees, in the Unified Development Code)

\*\*\*\*\*

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 and third 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:

Lot 1  
Surveyed 5.021 Acres  
Double Star Investments RE LLC  
Called 0.258 Acres  
Doc. No: 2015-007638

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.

SIGNATURE

PRINT NAME

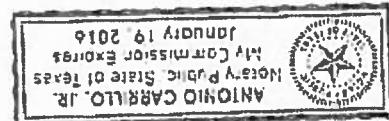
DATE

(ACKNOWLEDGMENT)

THE STATE OF Texas  
COUNTY OF Smith

This petition was acknowledged before me on the 17 day of January,  
2016 by Mike Young.

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 occupied 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.

Mike Young  
SIGNATURE

DATE

2-17-2016

Mike Young  
PRINT NAME

SIGNATURE

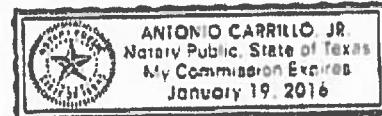
PRINT NAME

DATE

Mike Young 4-18-2016

(ACKNOWLEDGMENT)

THE STATE OF Texas  
COUNTY OF Smith



This petition was acknowledged before me on the 17 day of January,  
2016 by Mike Young.

Mike Young  
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 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):

Multi-family housing in apartment complex

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

To facilitate the connection to city services (sewer and water)

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

Single family residence with wooded acreage.

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)

Bellwood Lake Road (see attached map)

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

The part to be annexed is a small triangle, part of the entire property that is already inside the city limits.

*Mark J. J*  
Owner's Telephone Number

(409) 718-1446

*Mark J. J*

4-18-2016

Agent's Telephone Number

SIGNED:

*Mike Yarce*  
OWNER (of property to be annexed)

OR

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. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
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16. \_\_\_\_\_
17. \_\_\_\_\_
18. \_\_\_\_\_
19. \_\_\_\_\_
20. \_\_\_\_\_



FORM 1

**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.

**NAME AND AGE**

**MAILING ADDRESS**

1. \_\_\_\_\_
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) \_\_\_\_\_ 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.)

<b>SIGNATURE</b>	<b>MAILING ADDRESS</b>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
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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 SPARSELY OCCUPIED AREA TO BE ANNEXED**

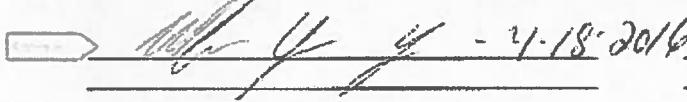
Before the City Planning and Zoning Commission and the City Council  
of the City of Tyler, Texas

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) R-2. 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**

 - 1-18-2016

\_\_\_\_\_  
\_\_\_\_\_  
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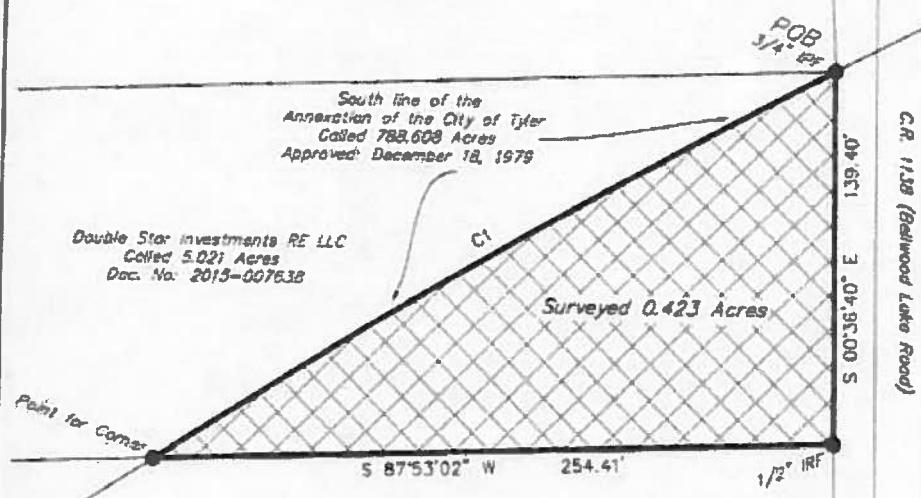
Agent (When Applicable – See Form E)

\* 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.

S1 Curve Information	
Radius	2985.90'
Chord Bearing	N 59°30'55" E
Chord Distance	293.29'
Arc Distance	293.41'

GEORGE MEYERS  
A-643

Estate of Mary Evelyn Oter  
Called 7.620 Acres  
Doc. No. 2004-43534



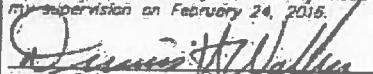
Gary Sanderson  
Called 29.59 Acres  
Doc. No. 2007-03755



= New Area to be Annexed

Note: Bearings are based on the Texas State Plane Coordinate System,  
Texas North Central Zone 4202, N.A.D. 1983.

I, Dennis H. Walker, do hereby state that this plot  
represents an on the ground survey made under  
my supervision on February 24, 2016.

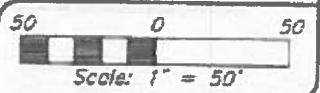
  
Dennis H. Walker  
Registered Professional Land Surveyor  
State of Texas No. 2117

© 2016, ALL RIGHTS RESERVED  
WALKER & ASSOCIATES SURVEYING INC.  
February, 2016

This Plot is NOT valid unless it has an Original Signature in COLORED ink.  
This Plot and its information is solely owned by Walker & Associates Surveying Inc.



This Survey was ordered by  
Total Engineering Services, LLC



ORDINANCE NO. O-2016-32  
EXHIBIT "D"  
ZONING MAP

