

ORDINANCE NO. O-2014-108

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CHANGING THE ZONING FROM "PUR", PLANNED UNIT RESIDENTIAL DISTRICT TO "R-1A", SINGLE-FAMILY RESIDENTIAL DISTRICT ON A 28.79 ACRE PORTION OF A TRACT CONTAINING 34.3 ACRES OF LAND LOCATED EAST OF THE INTERSECTION OF JEFF DAVIS DRIVE AND PALUXY DRIVE (7200 PALUXY DRIVE); DIRECTING THE AMENDMENT OF THE ZONING MAP; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Tyler, Texas, and the City Council of the City of Tyler, Texas, in compliance with the Charter and the State law with reference to the zoning ordinance of the City of Tyler, Texas, and zoning map, have given requisite notices by publication and otherwise and after holding a due hearing and affording a full and fair hearing to all the property owners, generally and to the persons interested, situated in the affected area and in the vicinity thereof, the City Council is of the opinion that the zoning change should be made as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That the following zone change is hereby approved as follows:

I. APPLICATION Z11-14-007

That the following described property, which has heretofore been zoned "PUR", Planned Unit Residential District, shall hereafter bear the zoning classification of "R-1A", Single-Family Residential District, to wit:

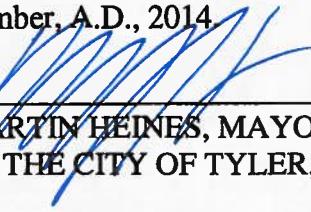
A 28.79 acre portion of a tract containing 34.3 acres of land located east of the intersection of Jeff Davis Drive and Paluxy Drive (7200 Paluxy Drive) and in accordance with the metes and bounds description attached hereto as Exhibit "A".

PART 2: That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning.

PART 3: 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 4: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

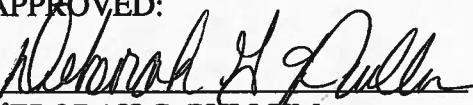
PASSED AND APPROVED this the 10th day of December, A.D., 2014

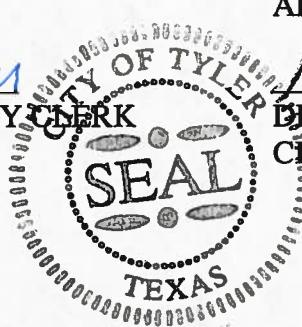

MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY



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**Highmark Land, LLC
28.785 Acre Tract
Isaac Hill Survey, Abstract No. 472**

Being a 28.785 acre tract in the Isaac Hill Survey, Abstract No. 472 and being part of a called 34.3 acre tract described in a Deed from Myra Ann Callaway and spouse, William M. Callaway to Eli Rebich in under Clerk's File Number 2006-R00027331 of the Official Public Records of Smith County, Texas and being more completely described as follows:

Beginning at a $\frac{1}{2}$ " iron rod found on the South boundary line of said Isaac Hill Survey at the Southeast corner of said 34.3 acre tract, same being the Southwest corner of a called 32.376 acre tract described in a Deed to Richard E. Stewart in Volume 3794, Page 475 of the Smith County Land Records, said beginning point also being on the North boundary line of a called 23.268 acre tract described in a Deed to Steve D. Shoup in Volume 6098, Page 121 of said Smith County Land Records;

Thence South 87 degrees 26 minutes 09 seconds West, a distance of 1555.06 feet with the South boundary line of said 34.3 acres and Isaac Hill Survey to a $\frac{5}{8}$ " iron rod found at the Southeast corner of a called 1.0 acre tract described in a Deed to Jeffie Lee Taylor in Volume 687, Page 448 of said Smith County Deed Records, said $\frac{5}{8}$ " iron rod also being on the North boundary line of a called 50 acre tract described in a Deed to Clarence Fortson, et al in Volume 2974, Page 147 of said Smith County Land Records;

Thence North 02 degrees 38 minutes 02 seconds West, a distance of 278.11 feet to a $\frac{5}{8}$ " iron rod found at the Northeast corner of a called 1.0 acre tract described in a Deed to Leroy Taylor in Volume 687, Page 436 of said Smith County Deed Records;

Thence North 02 degrees 38 minutes 02 seconds West, a distance of 529.37 feet to a $\frac{1}{2}$ " iron rod set on the North boundary line of said 34.3 acre tract and also being on the South boundary line of a called 1 acre tract described in a Deed to Patricia Staples Leatherwood in Volume 3354, Page 709 of said Smith County Land Records;

Thence North 87 degrees 25 minutes 03 seconds East, a distance of 1549.58 feet with the North boundary line of said 34.3 acre tract to a buggy axle found at the Northeast corner of same and also being the Southeast corner of Prestige Estates as shown on a plat recorded in Cabinet D, Slide 366-B of the Smith County Plat Records and being on the West boundary line of a called 0.652 acre tract described in a Deed to Richard E. Stewart in Volume 7416, Page 653 of said Official Public Records of Smith County, Texas;

Thence South 03 degrees 03 minutes 04 seconds East, a distance of 223.89 feet with the East boundary line of said 34.3 acre tract to a $\frac{1}{2}$ " iron rod found at the Southwest corner of a called 0.527 acre tract described in a Deed to Maria Eva Morena Cuahutemoc Flores in Volume 5658, Page 101 of said Official Public Records of Smith County, Texas;

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Thence South 03 degrees 00 minutes 41 seconds East, a distance of 584.11 feet with the East boundary line of said 34.3 acre tract and the West boundary line of aforementioned 32.376 acre tract to the Place of Beginning containing 28.785 acres of land.

Bearings are based on the Texas State Plane Coordinate System, Grid North Central Zone NAD 83, Feet Based on 1993 Adjustment of NAD 83 System. (Reference Monument is TJC-Tyler, Leica Geosystems Smartnet of North America).

I, Kevin L. Kilgore, Registered Professional Land Surveyor No. 4687, Texas, do hereby certify that the above field note description was prepared from an actual on-the-ground survey made under my direction and supervision during the month of November, 2014.

GIVEN UNDER MY HAND AND SEAL, This the 18th day of November, 2014.



Kevin L. Kilgore, R.P.L.S. 4687

