

ORDINANCE NO. O-2013-21

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 "AG", AGRICULTURAL DISTRICT TO "C-1", LIGHT COMMERCIAL DISTRICT ON A 40.96 ACRE PORTION OF A TRACT OF LAND CONTAINING APPROXIMATELY 213.87 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF WEST NORTHWEST LOOP 323 AND NORTH BROADWAY AVENUE (850 WNW LOOP 323; DIRECTING THE AMENDMENT OF THE ZONING MAP; DIRECTING THE AMENDMENT TO THE FUTURE LAND USE GUIDE; 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 Z03-13-019

That the following described property, which has heretofore been zoned "AG", Agricultural District, shall hereafter bear the zoning classification of "C-1", Light Commercial District, to wit:

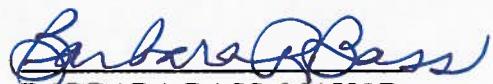
A 40.96 acre portion of a tract of land containing approximately 213.87 acres located at the southwest intersection of West Northwest Loop 323 and North Broadway Avenue (850 WNW Loop 323), as described in Exhibit "A" attached hereto.

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 and that the Future Land Use Guide be revised to reflect Mixed-Use Center.

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.

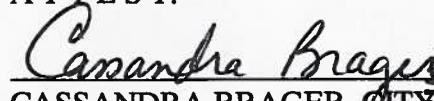
PART 4: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 27th day of March, A.D., 2013.



BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

APPROVED:



GARY C. LANDERS, CITY ATTORNEY



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EXHIBIT 'A'

**Metes and Bounds Description
40.96 Acre Tract**

All that certain tract or parcel of land situated in the Thomas Burbridge Abstract 161, and the S.M. Haggerty Survey, Abstract 435, Smith County, Texas, being out of and a part of that certain called 213.873 acre tract described in a Special Warranty Deed with Vendor's Lien from Westchase Center, Inc. to Northchase Development LLC, dated February 20, 2008, and recorded in C.F.N. 2008-R00008839 of the Official Public Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a a 60-D Nail set for Nail in concrete found for the northeast corner of said called 213.873 acre tract, same being the point of intersection of the south right-of-way line of North Northwest Loop 323 with the west right-of-way line of South Broadway Avenue;

THENCE, South 01°45'47" East, with said east line of said 213.873 acre tract, same being said west right-of-way line of North Broadway Avenue, a distance of 609.95 feet to a $\frac{1}{2}$ " iron rod set for the southeast corner of the herein described tract, same being the northeast corner of Forest Meadows North, a subdivision of record in Cabinet 'E', Slide 198-A of the Plat Records of Smith County;

THENCE, South 88°14'26" West, with the north line of said Forest Meadows North, a distance of 659.12 feet to a $\frac{1}{2}$ " iron rod set for the southwest corner of the herein described tract, same being the northwest corner of said Forest Meadows North;

THENCE, North 17°04'59" East, a distance of 124.75 feet to a 1/2" iron rod set for a corner;

THENCE, South 87°16'25" West, a distance of 575.09 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 1,715.15 feet;

THENCE, with said curve to the left having a radius of 1,715.15 feet, a central angle of 27°14'46", and a chord bearing and distance of South 71°31'51" West, 807.95 feet, an arc length of 815.61 feet to a corner and the end of said curve;

THENCE, South 58°19'44" West, a distance of 1,458.49 feet to a 1/2" iron rod set for the southwest corner of the herein described tract, same being in the northernmost west line of said 213.873 acre tract;

THENCE, North 02°14'17" West, with said northernmost west line of said 213.873 acre tract, a distance of 572.31 feet to a 1/2" iron rod found for the northernmost northwest corner of same, and being in said south right-of-way line of North Northwest Loop 323;

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40.86 Acres
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THENCE, North 58°35'38" East, with said north line of said 213.873 acre tract, same being said south right-of-way line of North Northwest Loop 323, a distance of 212.14 feet to a concrete R.O.W. monument found for a corner;

THENCE, North 63°40'49" East, continuing with said north line of said 213.873 acre tract, same being said south right-of-way line of North Northwest Loop 323, a distance of 100.36 feet to a concrete R.O.W. monument found for a corner;

THENCE, North 52°36'57" East, continuing with said north line of said 213.873 acre tract, same being said south right-of-way line of North Northwest Loop 323, a distance of 100.73 feet to a concrete R.O.W. monument found for a corner;

THENCE, North 58°19'53" East, continuing with said north line of said 213.873 acre tract, same being said south right-of-way line of North Northwest Loop 323, a distance of 649.31 feet to a concrete R.O.W. monument found for a corner;

THENCE, North 60°12'01" East, continuing with said north line of said 213.873 acre tract, same being said south right-of-way line of North Northwest Loop 323, a distance of 331.69 feet to a concrete R.O.W. monument found for a corner;

THENCE, North 70°28'03" East, continuing with said north line of said 213.873 acre tract, same being said south right-of-way line of North Northwest Loop 323, a distance of 93.87 feet to a concrete R.O.W. monument found for a corner;

THENCE, North 71°05'28" East, continuing with said north line of said 213.873 acre tract, same being said south right-of-way line of North Northwest Loop 323, a distance of 381.95 feet to a concrete R.O.W. monument found for a corner;

THENCE, North 75°49'08" East, continuing with said north line of said 213.873 acre tract, same being said south right-of-way line of North Northwest Loop 323, a distance of 191.86 feet to a concrete R.O.W. monument found for a corner;

THENCE, North 82°49'02" East, continuing with said north line of said 213.873 acre tract, same being said south right-of-way line of North Northwest Loop 323, a distance of 247.27 feet to a concrete R.O.W. monument found for a corner;

THENCE, North 87°12'13" East, continuing with said north line of said 213.873 acre tract, same being said south right-of-way line of North Northwest Loop 323, a distance of 143.20 feet to a concrete R.O.W. monument found for a corner;

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THENCE, South 86°56'07" East, continuing with said north line of said 213.873 acre tract, same being said south right-of-way line of North Northwest Loop 323, a distance of 98.78 feet to a concrete R.O.W. monument found for a corner;

THENCE, North 87°20'43" East, continuing with said north line of said 213.873 acre tract, same being said south right-of-way line of North Northwest Loop 323, a distance of 616.82 feet to a $\frac{1}{2}$ " iron rod set for a corner, same being the beginning of a curve to the right having a radius of 3,749.72 feet;

THENCE, continuing with said north line of said 213.873 acre tract, same being said south right-of-way line of North Northwest Loop 323, and along said curve to the right having a radius of 3,749.72 feet, a central angle of 04°14'20", and a chord bearing and distance of North 89°28'13" East, 277.34 feet, an arc length of 277.42 feet to the POINT OF BEGINNING and containing 40.96 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 April, 2011. GIVEN UNDER MY HAND AND SEAL this date, 29 January 2013.

(Reference is hereby made to the plat of survey, Job No. 11-150. Bearings are based on the Texas Coordinate System, North Central Zone, NAD83 Map Datum)

Robert Matush
Registered Professional Land Surveyor
Texas Registration No. 3683

