

**ORDINANCE NO. O-2013-35**

**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 "C-2", GENERAL COMMERCIAL DISTRICT TO "R-MF", MULTI-FAMILY RESIDENTIAL DISTRICT ON 7.93 ACRE PORTION OF A TRACT OF LAND CONTAINING APPROXIMATELY 113.81 ACRES LOCATED SOUTHEAST OF THE INTERSECTION OF HIGHWAY 69 NORTH AND JAMES FAIR PARKWAY; 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 Z04-13-023**

That the following described property, which has heretofore been zoned "C-2", General Commercial District, shall hereafter bear the zoning classification of "R-MF", Multi-Family Residential District, to wit:


A 7.93 acre portion of a tract of land containing approximately 113.81 acres located southeast of the intersection of Highway 69 North and James Fair Parkway, 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 Multi-Family.

**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 8<sup>th</sup> day of May, A.D., 2013.

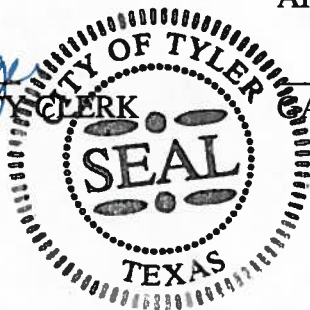
  
BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

APPROVED:

  
GARY C. LANDERS, CITY ATTORNEY



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**Exhibit "A"**

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**7.93 Acres**

**BEING** a 7.93 acre tract situated in the S.M. Grace Survey, A-371, part of a called 390.752 acre tract of land described in a deed to Robert Wood Fair Trust Number Two, Allen Whaley Trust Number Two, and Virginia Rice Fair Trust Number Two, ( 1/4 interest each ), as recorded in Volume 1602, Page 250 of the Deed Records of Smith County, Texas, with a 1/4 interest described in a deed to King Land and Cattle, LTD., as recorded in Volume 5237, Page 333 of the Deed Records of Smith County, Texas.

**BEGINNING** at a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set for the Northeast corner of this 7.93 acre tract, being in the East boundary line of said called 390.752 acre tract of land, and being on the West boundary line of a called 3.121 acre tract of land described in a deed to Mark and Regina Rooney in Volume 3883, Page 467 of the Deed Records of Smith County, Texas, from which a 1/2" iron rod found at the Northeast corner of said 390.752 acre tract bears North 01 degrees 36 minutes 36 seconds West, a distance of 345.00 feet;

**THENCE** South 0 degrees 49 minutes 24 seconds East, a distance of 240.60 feet with said East boundary line of called 370.752 acre tract and West boundary line of said 3.121 acre tract to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

**THENCE** South 61 degrees 14 minutes 06 seconds West, a distance of 724.58 feet to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

**THENCE** North 29 degrees 10 minutes 22 seconds West, a distance of 640.00 feet to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

**THENCE** North 88 degrees 09 minutes 08 seconds East, a distance of 944.17 feet to the PLACE FO BEGINNING containing 7.93 acres of land, more or less.

Bearing basis is the Texas State Plane Coordinate System, Grid North Central Zone, NAD 83 (Feet) (1993 adjustment of NAD 83 System).

I, Roland Navarro, Registered Professional Land Surveyor No. 5876, 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 April, 2010.

**GIVEN UNDER MY HAND AND SEAL** this 11<sup>th</sup> day of February, 2013.

*Roland Navarro*  
Roland Navarro  
Registered Professional Land Surveyor  
State of Texas No. 5876  
**K. L. KILGORE & COMPANY, INC.**  
**6712 PALUXY DRIVE**  
**TYLER, TX. 75703 PH. (903) 581-7800**  
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