

ORDINANCE NO. O-2013-45

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ANNEXATION OF AN AREA UPON VOLUNTARY PETITION OF MORE THAN 50 PERCENT OF REAL PROPERTY OWNERS IN THE AREA AND REFERRED TO AS ANNEXATION APPLICATION A03-13-001; CONSTITUTING APPROXIMATELY 2.13 ACRES OF LAND AS DESCRIBED BY A METES AND BOUNDS DESCRIPTION, AND ADJOINING RIGHT-OF-WAY, LOCATED ADJACENT TO THE PRESENT SOUTHEAST 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 #4; ESTABLISHING ORIGINAL ZONING; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, public hearings were held before the City Council of the City of Tyler, Texas, on the 22nd day of May, 2013, and on the 5th day of June, 2013, 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 dates are not more than forty (40) nor less than twenty-one (21) days prior to the consideration of the annexation ordinance; and

WHEREAS, notices of such public hearings held in the Council Chambers, City Hall were published prior thereto in a newspaper having general circulation in the City of Tyler, Texas, and in the hereinafter described territory on the 10th day of May, 2013, which date was not more than twenty (20) nor less than eleven (11) days prior to the date of such public hearings; and

WHEREAS, notices of such public hearings held in the Council Chambers, City Hall were posted prior thereto on the City's internet website, which date was not more than twenty (20) nor less than eleven (11) days prior to the date of such public hearings; and

WHEREAS, the population of the City of Tyler, Texas, is in excess of 100,000 inhabitants; 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 2.13 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, Chapter 43 of the Texas Local Government Code, the following described land and territories lying adjacent to and adjoining the City of Tyler, Texas, as well as adjoining right-of-way, 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 the Service Plan attached as Exhibit "C" is hereby adopted as part of this ordinance.

PART 5: That upon final passage, the annexed area shall be zoned as 2.13 acres for "R-MF", Multi-Family Residential District as shown on Exhibit "E", hereinabove mentioned.

PART 6: That the annexed area shall be added to the Northeast District #4, 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.

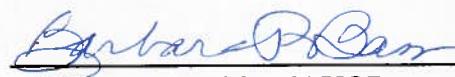
PART 9: That within thirty (30) days of notice of U. S. Justice Department approval of this annexation, the Planning Department, on behalf of the Mayor, shall file a certified copy of this ordinance and a copy or duplicate of the petition with the County Clerk. The Planning Department shall also file 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 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 26th day of June A. D., 2013.



BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

A T T E S T:



CASSANDRA BRAGER, CITY CLERK

APPROVED:



GARY C. LANDERS, CITY ATTORNEY

Exhibit A = map

Exhibit B = legal description

Exhibit C = service plan

Exhibit D = owner petition

Exhibit E = zoning map



ORDINANCE NO. 0-2013-45
EXHIBIT "A"
MAP



ORDINANCE NO. 0-2013-45
EXHIBIT "B"
LEGAL DESCRIPTION

FORM A

<p style="text-align: center;">SURVEY CERTIFICATE SECTION</p> <p>To Royal 77, LLC, Bach Investment Group, LLC, Comerica Bank Capital II, LLC, Comerica Bank and the surveyors and/or designees of Bach Real Estate Capital II, LLC:</p> <p>This is to certify that this map of land and the survey as which it is based are in record in accordance with the 2011 Suburban Standard Deed Recordation for All Purpose Land Title Survey, jointly established and adopted by ASA and NSPE, and contains the following: 1, 2, 3, 30, 169, 181, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 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1909, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1998, </p>
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SCHEDULE B ITEMS

1. Tracts One and Two are not affected by the easement and/or right-of-way granted to T P & L Co., of record in Vol 448, Pg. 480, S.C.D.R.
2. Tract Two is subject to an easement and/or right-of-way granted to T P & L Co., of record in Vol. 1055, Pg. 698, S.C.D.R., and is shown at the southeast corner of Tract Two on the survey.
3. Tract Two is subject to an easement and/or right-of-way granted to T P & L Co., of record in Vol. 1017, Pg. 69, S.C.D.R., and is shown along the north boundary line of Tract Two on the survey.
4. Tract Two is subject to easements and building setback lines shown on the adjoining map of Penco Office Park, of record in Control 'E', Sheet 38-C, Plat Records of Smith County, which are shown on the survey.
5. Tracts One and Two are subject to an easement and Right-of-way granted to Oncor Electric Delivery Company, LLC, of record in C.F.N. 2000-R00021101, O.P.R.S.C., as shown on the survey, and designated as segments 'A', 'B', 'C' on Tract Two, and segment 'D' on Tract One.

NOTES

1. Evaluation of restrictions and easements has been limited to those provided in Schedule B of the Commonwealth Land Title Insurance Company Title Commitment of NO 611328UCO, with an effective date June 27, 2011.
2. Tracts One and Two have access to Adam Henry Drive (County Road 272), a publicly dedicated street maintained by Smith County Road and Bridge Department. Tract One has physical access to Adam Henry Drive by means of a concrete driveway at its northeast corner, as shown on the survey.
3. There is no observable, visible, apparent or above ground evidence of cemeteries, gravesites and burial grounds on Tracts One and Two.
4. The legal descriptions on the same property as included in the title commitment may not have been noted herein.

**ALTA/ACSM SURVEY
LOT 11, N.C.B. 1635
PENCO OFFICE PARK
AND 1.995 ACRES
WILLIAM KEYS SURVEY, A-528
CITY OF TYLER
SMITH COUNTY, TEXAS**

**BOB MATUSH SURVEYING, INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
2824 KENSINGTON DRIVE, SUITE 107 TYLER, TEXAS 75703
TEL (903) 561-7287 FAX (903) 561-2013**

JOB NO. 07-312 DATE: 4 AUGUST 2011 SCALE: 1"=40'

**ORDINANCE NO. 0-2013-45
EXHIBIT "C"
SERVICE PLAN**

COMPREHENSIVE MUNICIPAL SERVICE PLAN

(A03-13-001 Royal Tyler, LLC)

In accordance with Texas Local Code Section 43.056, the City of Tyler has prepared a Municipal Annexation Service Plan for the area being considered for annexation. **The document includes a program under which the municipality will provide full municipal services in the annexed area no later than 2 1/2 years after the effective date of the annexation.**

The document represents a consolidation of all departmental service plans submitted by each department responsible for providing municipal services to the area. Each departmental service plan detailed the overall impact that the proposed annexation will have on each individual department. As a consequence, the Comprehensive Municipal Annexation Service Plan outlines the process and cost of implementing all major municipal services to the annexation area. This is detailed on the Fiscal Note Analysis.

The property included in the annexation is 11261 County Road 272, which is contiguous to the existing city limits on its west boundary. The proposed annexation area is approximately 2.13 acres of land, and is developed with a multi-family residential complex. The Municipal Annexation Service Plan was prepared with the aforementioned land use in mind.

The City of Tyler, Texas, will provide the following services in the area beginning the same date as the effective date of the annexation:

1. Police protection;
2. Fire protection;
3. Solid waste collection;
4. Operation and maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;
5. Operation and maintenance of roads and streets, including road and street lighting;
6. Operation and maintenance of public parks, playgrounds, and swimming pools; and
7. Operation and maintenance of any other publicly owned facility, building, or service.

MUNICIPAL SERVICES TO BE PROVIDED

FIRE

The Fire Department will provide fire protection, rescue services, first responder emergency medical response, public service and inspection services to the newly annexed area at the same or similar level of service now being provided to other areas in the city of Tyler. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed. An assessment of the current conditions and pressures of existing fire hydrants will be conducted after the effective date of the annexation.

POLICE

Currently, the area is under the jurisdiction of the Smith County Sheriff's Office. However, upon annexation, the City of Tyler Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities to this area can be effectively accommodated with no impact on the current budget.

BUILDING INSPECTION

The Building Inspection Department will provide permitting and building code compliance review upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the city of Tyler. These services can be provided within current budget appropriation. Structures which are constructed or under construction will be grandfathered and subject to the City of Tyler's non-conforming regulations.

ENVIRONMENTAL

Environmental will provide Code Enforcement Services upon annexation, including enforcement of codes pertaining to weed lots, abandoned vehicles and other environmental problems. These services can be provided within current appropriations.

PLANNING

The Planning Department's responsibility for regulating development and land use through the administration of the City of Tyler's Zoning Ordinance will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Tyler Subdivision Ordinance. These services can be provided within the department's current budget.

Staff is recommending that the property be zoned "R-MF", Multi-Family Residential District at the time of annexation.

LIBRARY

Upon the effective date of annexation, free library use privileges will be available to anyone residing in this area. These privileges can be provided within the current budget appropriation.

Any library cards that were issued to non-Tyler residents should be returned. A new card will be

issued and the old card number will be retired so that it will not be used by any other patrons. If a resident has a punch card, please return it to the library for a refund of any unused punches at 50¢ a punch. If a six month card has been issued, the resident may return the card for a pro-rata refund.

If a resident has never had a library card before, it is necessary to bring proof of address.

HEALTH DISTRICT - ANIMAL CONTROL ENFORCEMENT SERVICE

The Smith County Public Health District will implement the enforcement of the City of Tyler's animal control ordinance on the effective date of the annexation. Such services can be provided with current Health Department personnel and within the current budget appropriation.

STREET

The subject annexation will add a small portion of County Road 272 to the City of Tyler Street inventory. The street currently has no curb and gutter and will need to have the edges cleaned to improve drainage. The street may require a Seal Coat at the cost of \$5,500 in three years.

STORM WATER MANAGEMENT

Any new development will be required to provide storm water drainage, with the expense being borne by the developer, and will be inspected by the Engineering Department at the time of completion. The City will then maintain the drainage upon approval.

TRAFFIC ENGINEERING

The annexation will have a minimal impact on current services.

WATER SERVICE

Water service to the Annexed Property is currently supplied by the City of Tyler.

SANITARY SEWER SERVICE

Sanitary sewer service is currently supplied by the City of Tyler.

SOLID WASTE SERVICES

The property has the option of choosing their commercial carrier and the City of Tyler will be one option. The Solid Waste Landfill will also be available upon annexation.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Tyler's established policies governing extension of municipal services to newly annexed areas.

SUMMARY

The City of Tyler has completed their analysis of the proposed annexation and has determined that the annexation will have a minimal impact on City services and facilities.

ORDINANCE NO. 0-2013-45
EXHIBIT "D"
OWNER PETITION

Page 1 of 9



RECEIVED: _____

APPLICATION NO. _____

REFERRAL NO.: _____

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 \$350.00 (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.



FORM A1

L. K. Clegg

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.

Chad Warner
SIGNATURE
1-11-13 4-32-13
DATE

Chad Warner
PRINT NAME

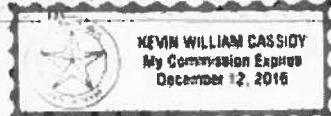
SIGNATURE
DATE

PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF TEXAS
COUNTY OF TYLER

This petition was acknowledged before me on the 11th day of January,



Chad Warner
Notary Public
State of TX

(ACKNOWLEDGMENT)

THE STATE OF _____
COUNTY OF _____

Chad Warner
by _____
This petition was acknowledged before me on the _____ day of _____

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):

See Attachment

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

1.

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

1.

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)

1.

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

SIGNED:

512-345-5300
Owner's Telephone Number

Jeff Tolson
OWNER (of property to be annexed)

OR

Agent's Telephone Number

AGENT (When applicable - See Form E)

FORM B

Annexation Request

1. I (We) propose to use this property for the following purpose(s): The site is already developed as a multi-housing complex and is part of the larger complex located directly across the street, which is located inside the city limits.

2. I (We) am/are requesting the annexation for the following reason(s): We have been talking with the Tyler Police Department about partnering on a program called Crime Free Multi-Housing (see link for more detail) <http://www.crime-free-association.org/index.html>

This program is an effort to help reduce the potential for criminal activity at/around our complex. Unfortunately our fourth building is directly across the street from the city limits and therefore can not participate in this program if it is not annexed into the city.

3. State present use and condition of property and/or structures: There is one apartment building consisting of 24 apartment units located on this property. The property is fenced/gated and has a parking lot for these units as well as a mail kiosk.

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): The property is already tied into the city water and sewer as part of the original construction of the complex.

5. Any additional information that you desire to provide concerning your annexation request: Just that we are trying to create a safer environment, which is the only reason that we are looking to annex this property into the city.



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. <u>Royal Tyler C.C.S.</u>	<u>11261 C.R. 272, Tyler Tx 75707</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____



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.)

SIGNATURE

1. _____

2. _____

3. _____

4. _____

5. _____ *N/A*

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".)



FORM G

PETITION FOR ORIGINAL ZONING OF SPARSELY OCCUPIED AREA TO BE ANNEXED

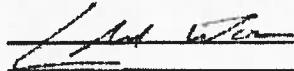
Before the City Planning and Zoning Commission and the City Council
of the City of Tyler, Texas

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) Already R-MF. 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

A handwritten signature in black ink, appearing to read 'John Wren', is placed above a series of six horizontal lines for 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 unnnexed area will become a part.



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:

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

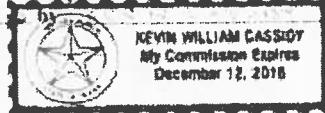
PRINT NAME

DATE

(ACKNOWLEDGMENT)

THE STATE OF TEXAS
COUNTY OF TYLER

This petition was acknowledged before me on the 11th day of JANUARY,



Notary Public
State of TK

**ORDINANCE NO. 0-2013-45
EXHIBIT "E"
ZONING MAP**

