

ORDINANCE NO. O-2011-18

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 "R-1D", SINGLE-FAMILY DETACHED AND ATTACHED RESIDENTIAL DISTRICT ON A 6.73 ACRE PORTION OF A TRACT CONTAINING APPROXIMATELY 60.53 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF WEST NORTHWEST LOOP 323 AND NORTH BROADWAY AVENUE (3896 NORTH BROADWAY AVENUE); 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 Z03-11-019

That the following described property, which has heretofore been zoned "AG", Agricultural District, shall hereafter bear the zoning classification of "R-1D", Single-Family Detached and Attached Residential District, to wit:

A 6.73 acre portion of a tract containing approximately 60.53 acres of land located at the southwest intersection of WNW Loop 323 and North Broadway Avenue (3896 North Broadway Avenue) as described in Exhibit A.

PART 2: 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 3: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 23rd day of March, A.D., 2011.

Barbara Bass

BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

Cassandra Brager

CASSANDRA BRAGER, CITY CLERK

APPROVED:

Gary C. Landers

GARY C. LANDERS, CITY ATTORNEY



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EXHIBIT 'A'

Metes and Bounds Description 6.726 Acre Tract

All that certain tract or parcel of land situated in the E. Bodenheimer Survey, Abstract 94, 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 $\frac{1}{2}$ " iron pipe found for the southeast corner of the herein described tract, same being in the east line of said called 213.873 acre tract, from which a $\frac{1}{2}$ " iron rod found for the northeast corner of said 213.873 acres bears North $01^{\circ}45'47''$ West, a distance of 1,000.00 feet, for reference; said southeast corner also being the northeast corner of Lot 1 of Tyler Lake View Apartments, according to the Final Plat thereof recorded in Cabinet 'E', Slide 149-B of the Plat Records of Smith County, and being in the west right-of-way line of North Broadway Avenue;

THENCE, South $88^{\circ}14'26''$ West, with the north line of said Lot 1, a distance of 843.46 feet to a $\frac{1}{2}$ " iron rod set for the southwest corner of the herein described tract;

THENCE, North $23^{\circ}32'09''$ East, a distance of 431.36 feet to a $\frac{1}{2}$ " iron rod set for the northwest corner of the herein described tract;

THENCE, North $88^{\circ}14'26''$ East, a distance of 659.12 feet to a $\frac{1}{2}$ " iron rod set for the northeast corner of the herein described tract, same being in said east line of said 213.873 acre tract, same being in said west right-of-way line of North Broadway Avenue;

THENCE, South $01^{\circ}45'47''$ 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 390.00 feet to the POINT OF BEGINNING and containing 6.726 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 January, 2011. GIVEN UNDER MY HAND AND SEAL this date, 7 March 2011.

(Reference is hereby made to the plat of survey, Job No. 10-451. Bearings are based on the Texas Coordinate System, North Central Zone, NAD83 Map Datum)

Robert Matush
Registered Professional Land Surveyor
Texas Registration No. 3683

