

ORDINANCE NO. O-2011-30

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 19.16 ACRES, AND TO "C-2", GENERAL COMMERCIAL DISTRICT ON 25.57 ACRES, TOTALING 44.73 ACRES OF A TRACT OF LAND TOTALING APPROXIMATELY 53.47 ACRES IN THE T. QUEVADO SURVEY, A-018, LOCATED EAST OF THE SOUTHEAST INTERSECTION OF HIGHWAY 155 SOUTH AND WEST GRANDE BOULEVARD (3556 WEST GRANDE BOULEVARD); DIRECTING THE AMENDMENT OF THE ZONING MAP; AMENDING THE FUTURE LAND USE GUIDE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; 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 Z04-11-025

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 and "C-2", General Commercial District, to wit:

Tract one: 19.16 acres of "C-1", Light Commercial District; and

Tract two: 25.57 acres of "C-2", General Commercial District.

Said tracts of land total approximately 44.73 acres of the 53.47 acre tract in the T. Quevado Survey, A-018, located east of the southeast intersection of Highway 155 South and West Grande Boulevard (3556 West Grande Boulevard).

Said zoning shall be in accordance with the zoning exhibit, metes and bounds description, and division location map attached hereto as Exhibits "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 and that the Future Land Use Guide be revised to reflect "Neighborhood Commercial".

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 April, A.D., 2011.

Barbara Bass

BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

A T T E S T:

Cassandra Brager

CASSANDRA BRAGER, CITY CLERK



APPROVED:

Gary C. Landers

GARY C. LANDERS, CITY ATTORNEY

EXHIBIT "A" PAGE 1/3

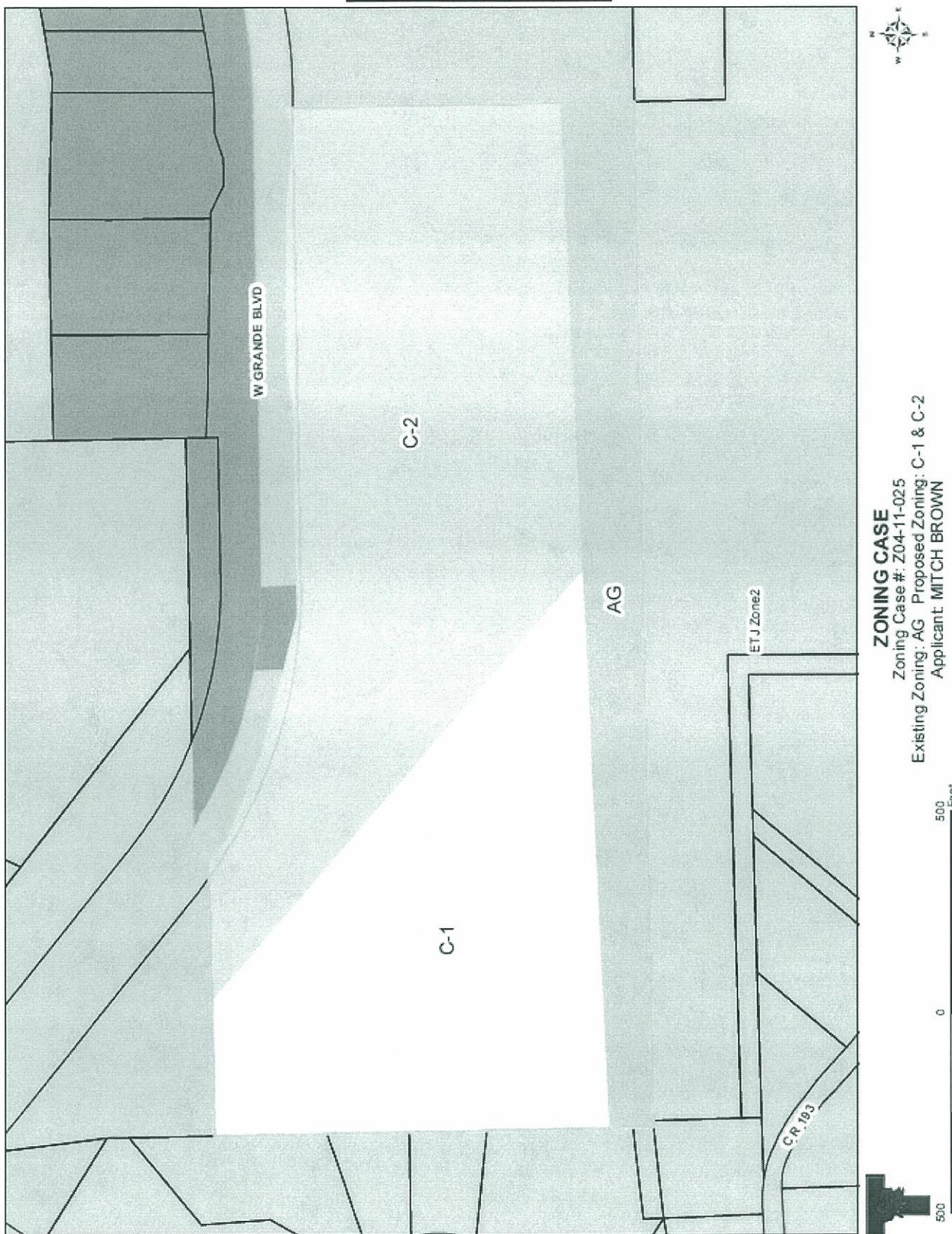


EXHIBIT "A" PAGE 2/3

3/4" IPP

S 88°36'01"

Field Notes for HKB Holdings, LLC
 44.5298 Acres
 Don Thomas Quevado Seven League Grant Survey A-18
 City of Tyler
 Smith County, Texas

Vol 7805 Pg 193
 call 1.41 acres

GENERAL DESCRIPTION

All that certain tract lot or parcel of land, a part of the Don Thomas Quevado Seven League Grant Survey A-18, City of Tyler, Smith County, Texas, and also being all of that certain called 44.611 acre tract of land that is described in a Deed dated January 20, 2010 from Ethelyne Taylor to HKB Holdings, LLC that is recorded under file # 2010-200602763 of the Property Records of County, Texas, and being more completely described as follows to wit;

METES AND BOUNDS DESCRIPTION

Beginning at a $\frac{1}{2}$ Inch Iron Rod found for corner at the N.W.C. of said tract and the S.W.C. of a called 4.641 acres (2006-R00057580);

Thence North 87 degrees 43 minutes 10 seconds East, along the N.E.L. of said tract and the S.E.L. of said called 4.641 acres for a distance of 680.74 feet to a $\frac{1}{2}$ Inch Iron Rod found for corner at the Northerly N.E.C. of said tract and in the S.W.E.L. of same (S.H. # 57);

Thence South 50 degrees 10 minutes 06 seconds East, along the N.E.L. of said tract and the S.E.L. of said Highway for a distance of 79.91 feet to a Brass R.O.W. Monument;

Thence South 68 degrees 37 minutes 16 seconds East, continuing along said lines for a distance of 236.70 feet to a Brass R.O.W. Monument;

Thence South 76 degrees 09 minutes 39 seconds East, continuing along said lines for a distance of 224.11 feet to a $\frac{1}{2}$ Inch Iron Rod found for corner;

Thence South 76 degrees 17 minutes 17 seconds East, continuing along said lines for a distance of 127.06 feet to a Brass R.O.W. Monument;

Thence North 88 degrees 17 minutes 20 seconds East, continuing along said lines for a distance of 85.12 feet to a $\frac{1}{2}$ Inch Iron Rod found for corner;

Thence North 88 degrees 23 minutes 55 seconds East, continuing along said lines for a distance of 445.94 feet to a Brass R.O.W. Monument (broken);

Thence North 77 degrees 07 minutes 41 seconds East, continuing along said lines for a distance of 80.44 feet to a $\frac{1}{2}$ Inch Iron Rod found for corner;

Thence North 89 degrees 00 minutes 23 seconds East, continuing along said lines for a distance of 393.91 feet to a $\frac{1}{2}$ Inch Iron Rod found for corner;

Thence South 85 degrees 10 minutes 44 seconds East, continuing along said lines for a distance of 197.75 feet to a $\frac{1}{2}$ Inch Iron Rod found for corner;

Thence North 72 degrees 26 minutes 31 seconds East, continuing along said lines for a distance of 68.82 feet to a $\frac{1}{2}$ Inch Iron Rod found for corner;

Thence North 87 degrees 05 minutes 17 seconds East, continuing along said lines for a distance of 9.94 feet to a $\frac{1}{2}$ Inch Iron Rod (bent) found for corner at the N.E.C. of said tract and the N.E.C. of a proposed 10.0 acres (F.N. by R.P.L.S. No 5669 dated January 21, 2011);

Thence South 00 degrees 40 minutes 08 seconds East, along the E.B.L. of said tract and the E.E.L. of said proposed 10.0 acres and the W.B.L. of a called 14.00 acres to Texas Power and Light (Vol 503 Pg 238) for a distance of 680.42 feet to a $\frac{1}{2}$ Inch Iron Rod found for corner at the S.E.C. of said tract;

Thence South 88 degrees 36 minutes 01 seconds West, along the S.B.L. of said tract and the N.B.L. of a called 52.480 acres (Vol 6687 Pg 120) at 641.91 feet pass a $\frac{1}{2}$ Inch Iron Rod set for corner at the proposed S.W.C. of said called 10.00 acres and continue for a total distance of 2554.37 feet to a $\frac{1}{2}$ Inch Iron Pipe found for corner at the S.W.C. of said tract;

Thence North 05 degrees 18 minutes 09 seconds West, along the W.B.L. of said tract and the E.B.L. of a called 3.696 acres (2006-R00049189) for a distance of 75.64 feet to a $\frac{1}{2}$ Inch Iron Rod found for corner at an angle point in said lines;

Thence North 04 degrees 10 minutes 40 seconds West, continuing along said lines for a distance of 159.58 feet to a $\frac{1}{2}$ Inch Iron Rod found for corner at the N.E.C. of said called 3.696 acres;

Thence North 02 degrees 12 minutes 27 seconds West, continuing along the W.B.L. of said tract and the E.B.L. of a called 1.01 acres (Vol 3774 Pg 481) for a distance of 192.24 feet to a $\frac{1}{2}$ Inch Iron Rod found for corner at the N.E.C. of said called 1.01 acres;

Thence North 01 degrees 13 minutes 41 seconds West, continuing along the W.B.L. of said tract and the E.B.L. of a called 3.455 acres (2006-R0003401) for a distance of 207.28 feet to a $\frac{1}{2}$ Inch Iron Rod found for corner at an angle point in said lines;

Thence North 00 degrees 22 minutes 07 seconds West, continuing along said lines for a distance of 258.31 feet to the place of beginning containing 44.5298 Acres

EXHIBIT "A" PAGE 3/3

