

ORDINANCE NO. O-2011-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ANNEXATION OF CERTAIN TERRITORY REFERRED TO AS THE GRANDE BOULEVARD ANNEXATION, LYING ADJACENT TO AND CONTIGUOUS TO THE PRESENT EASTERN 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 # 5; ESTABLISHING THE INITIAL LAND USE DESIGNATION; PROVIDING FOR 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 6th day of April, 2011, and on the 13th day of April, 2011, 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 25th day of March, 2011, 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 dates were 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 98.664 acres of land; and

WHEREAS, a Service Plan for the extension and maintenance of City services and facilities has been prepared and is attached;

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 and 10-802 and Chapter 43 of the Texas Local Government Code, the following described land and territories lying adjacent to and adjoining the City of Tyler, Texas, are hereby added to and annexed to the City of Tyler, Texas, and said territory as shown on the map attached as Exhibit "A," 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 is also 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 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 3: That the Service Plan attached as Exhibit "C" is hereby adopted as part of this ordinance.

PART 4: That upon final passage, the annexed area shall be zoned as 19.179 acres of "R-MF", Multi-Family Residential District, 48.442 acres of "AG", Agricultural District, and 31.043 acres of "C-2", General Commercial District as shown on the map attached as Exhibit "C".

PART 5: That the initial Land Use Designation for the annexed area is hereby established as Multifamily for the 19.179 acres of "R-MF", Multi-Family Residential District, General Commercial for the 31.043 acres of "C-2", General Commercial District, and Agricultural land use for the 48.442 acres of "AG", Agricultural District, and it is directed that the Land Use Map be amended to reflect said use.

PART 6: That the annexed area shall be added to the District #5 East, City Council single member district and the official Voting District Map amended accordingly.

PART 7: That the Planning and Zoning 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 approval of this annexation, the Planning and Zoning Department, on behalf of the Mayor, shall file a certified copy of this ordinance with the County Clerk.

PART 10: 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 11: That this ordinance shall be in full force and effect upon the date of its passage and approval by the City Council, which effective date shall be May 11, 2011.

PASSED AND APPROVED THIS the 11th day of May, A. D., 2011.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CITY CLERK

APPROVED:

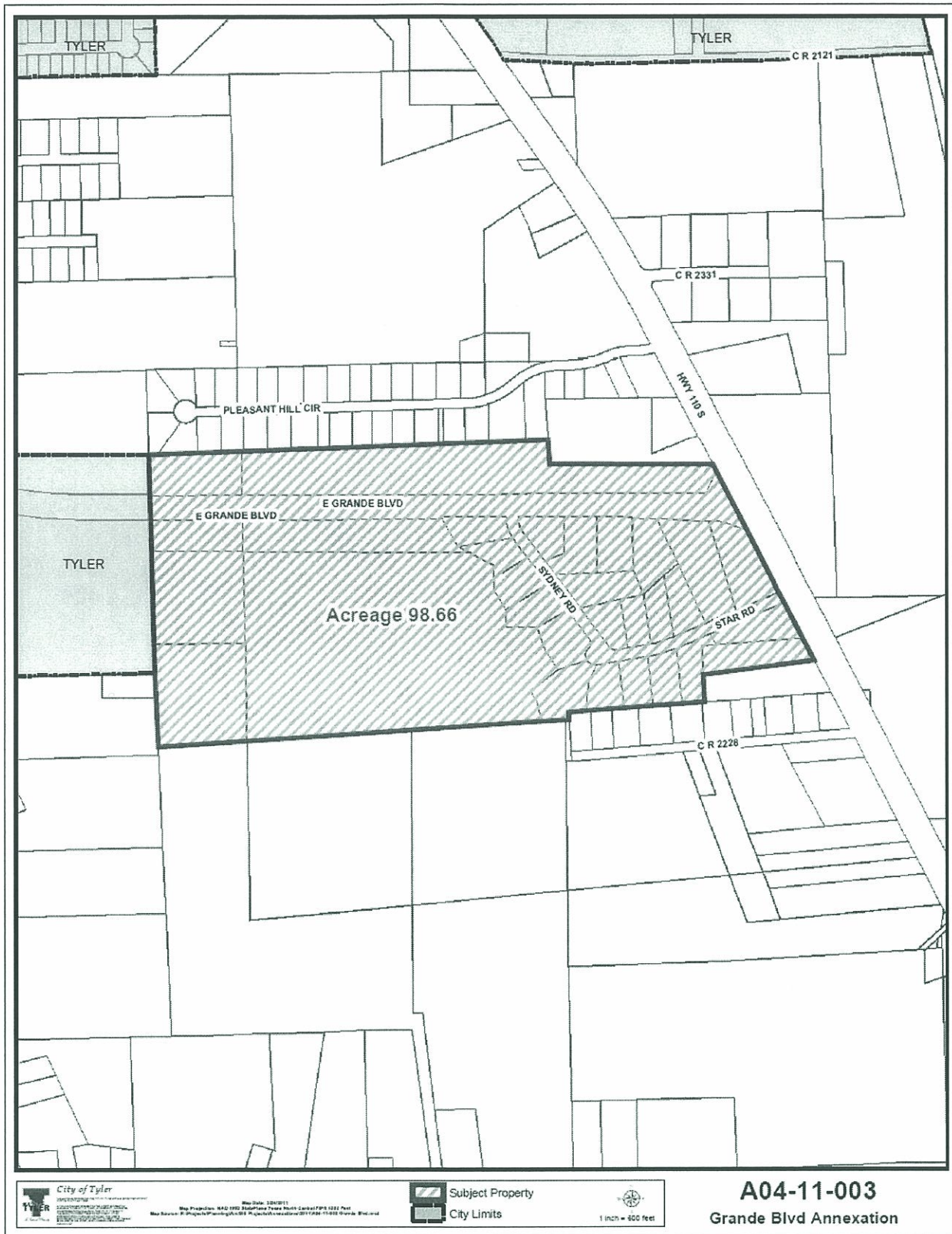

GARY C. LANDERS, CITY ATTORNEY



Exhibit A = maps
Exhibit B = service plan
Exhibit C = zoning map

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EXHIBIT "A"
MAP



ORDINANCE NO. 0-2011-32

EXHIBIT "B" Page 1 of 5 SERVICE PLAN

MUNICIPAL SERVICE PLAN

(A04-11-003 Grande Boulevard)

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 4 1/2 years as sewer services cannot reasonably be provided within 2 1/2 years after the effective date of the annexation.** However under the program the municipality must provide the following services in the area 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.

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 site is approximately 98.664 acres of land located along the Grande Boulevard extension on the west side of State Highway 110, known as Abstract A0616 V Loupy Tracts 32A, 32, 33, 34; Abstract A0690 L McGuire Tracts 8E, 8, 29; Lots 10 and 11 of Block 1 of the Tyler South Commercial Park, Unit 2; 13650, 13660, 13661, 13670, 13671, 13680, 13681, 13690, 13691 Sydney Road; 9800, 9810, 9820, 9821, 9830, 9831, 9840, 9841, 9850, 9851, 9861 Star Road; and 13970 State Highway 110 South. Staff is recommending that the properties be zoned a mixture of "AG", Agricultural District, "R-MF", Multi-Family Residential District for the ONCOR property, and "C-2", General Commercial District. (See attached map) The Municipal Annexation Service Plan was prepared with the aforementioned land use in mind.

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 of the City of Tyler. Therefore, being served by the City of Tyler Fire Department will result in an ISO rating changes, dropping the rating from 8B to 2. This should result in a significant reduction on the cost of property insurance.

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 impacts 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 budget appropriations.

PLANNING AND ZONING

The Planning and Zoning 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.

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.

HEALTH DISTRICT - ANIMAL CONTROL ENFORCEMENT SERVICE

The Northeast Texas 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 0.91 additional miles of roadways and will be inspected by the City. The City will then assume maintenance upon approval of dedication.

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 Development Services Department during and at the time of completion. The city will then maintain the drainage upon acceptance and after the one year warranty period has expired.

STREET LIGHTING

The City of Tyler will coordinate any request for street lighting with TXU Electric in accordance with standard policy.

TRAFFIC ENGINEERING

The Traffic Engineering Department is responsible for installing any traffic control devices such as street name signs, stop signs, speed limit signs, and pavement markings at the time of annexation. Other traffic control devices will be replaced according to urban standards. At this time there are no additional traffic control devices needed in the annexation area.

WATER SERVICE

Water mains are in place along Grande Boulevard and interior to the one existing development named Tyler South Commercial Park. Water main extensions will not be required for this annexation. Any new development will be required to provide water service, with the expense being borne by the developer, and will be inspected by the City Engineers at time of completions. The City will then maintain the system upon approval. As property develops in the annexation areas, water service shall be provided in accordance with existing City ordinances and codes.

SANITARY SEWER SERVICE

Sanitary sewer mains, including a lift station will be required to serve the existing development with an estimated cost of \$1,403,453. The mains and lift station would commence in the fall of 2013 and be completed within two years. Any new development will be required to provide sanitary sewer service, with the expense being borne by the developer, and will be inspected by the City Engineers at time of completions. The City will then maintain the system upon approval. As property develops in the annexation areas, sanitary sewer service shall be provided in accordance with existing City ordinances and codes.

SOLID WASTE SERVICES

Solid waste collection will be available to the area upon annexation using existing crews and equipment. Commercial property owners use the licensed trash hauler of their choice.

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

A preliminary fiscal note analysis has been prepared to assess and summarize the potential impact the annexation will have on the City of Tyler. In summary, the projected costs will exceed the projected revenue associated with providing municipal services to this area within a five year window.

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EXHIBIT "B" Page 5 of 5

OPERATING EXPENSES	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
FIRE	0	0	0	0	0
POLICE	0	0	0	0	0
PARKS	0	0	0	0	0
ENVIRONMENTAL	0	0	0	0	0
STREETS	0	0	0	0	0
TRAFFIC	0	0	0	0	0
WATER	4,000	4,100	4,150	4,200	4,233
SOLID WASTE	0	0	0	0	0
SANITARY SEWER	0	0	2,922	2,950	2,980
TOTAL	4,000	4,100	7,072	7,150	7,213

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CAPITAL OUTLAY	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
WATER SYSTEM CONST.	0	0	0	0	0
SEWER SYSTEM CONST.	0	0	93,593	1,259,860	0
R.O.W. EASEMENTS	0	0	50,000	0	0
TOTAL	0	0	143,593	1,259,860	0

TOTAL PROJECTED 5 YEAR COST	\$ 1,432,988
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REVENUE	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
LOCAL*	6,342.09	6,342.09	6,342.09	6,342.09	6,342.09
WATER CHARGES	359	366	368	370	372
SANITARY SEWER	0	0	0	288	289
SOLID WASTE FEES	0	0	0	0	0
STORM WATER	21	22	22	39	40
TOTAL	6,722.09	6,730.09	6,732.09	7,039.09	7,043.09

TOTAL PROJECTED 5 YEAR REVENUE	\$34,266.45
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EXHIBIT "C" ZONING MAP

