

ORDINANCE NO. O-2011-101

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, ACCEPTING AND APPROVING THE CITY OF TYLER'S TEXAS LOCAL GOVERNMENT CODE SECTION 42.022(b) PETITION TO EXPAND THE CITY OF TYLER EXTRATERRITORIAL JURISDICTION TO INCLUDE CERTAIN CITY OF TYLER-OWNED AREAS AND LANDS IN, AROUND, SURROUNDING AND INCLUDING LAKE TYLER AND LAKE TYLER EAST, THAT ARE NOT OTHERWISE WITHIN THE EXISTING EXTRATERRITORIAL JURISDICTION OF ANOTHER CITY; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, the extraterritorial jurisdiction of municipalities is established by Texas Local Government Code Section 42.021; and

WHEREAS, the population of the City of Tyler, Texas, is in excess of 100,000 inhabitants; and

WHEREAS, pursuant to Texas Local Government Code Section 41.001, the City of Tyler, Texas has adopted a map showing the boundaries of its extraterritorial jurisdiction in Tyler City Code Section 10-143; and

WHEREAS, Texas Local Government Code Section 42.022(b) states that the extraterritorial jurisdiction may expand beyond the distance limitations imposed by Texas Local Government Code Section 42.021 to include an area contiguous to the otherwise existing extraterritorial jurisdiction of the municipality if the owners of the area request the expansion; and

WHEREAS, Texas Local Government Code Section 42.022(c) states that the expansion of the extraterritorial jurisdiction through annexation, request, or increase in the number of inhabitants may not include any area in the existing extraterritorial jurisdiction of another municipality; and

WHEREAS, the City of Tyler is the owner of certain areas and lands in, around, surrounding and including Lake Tyler and Lake Tyler East, that are not within the existing extraterritorial jurisdiction of another city and that are contiguous to the existing extraterritorial jurisdiction of the City of Tyler, Texas; and

WHEREAS, the Tyler City Council has received a petition from the City of Tyler pursuant to Texas Local Government Code Section 42.022(b), requesting that the above-

referenced areas and lands not currently within the existing extraterritorial jurisdiction of another city be included within the extraterritorial jurisdiction; and

WHEREAS, it is considered to be in the public interest for such described areas to be included within the extraterritorial jurisdiction of the City of Tyler, Texas, as allowed by State law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That the Tyler City Council hereby acknowledges receipt of the Texas Local Government Code Section 42.022(b) petition from the City of Tyler, and Exhibit "A" attached thereto, which are both attached hereto as Exhibit "1" and which are hereby incorporated herein.

PART 2: That the Tyler City Council hereby finds and acknowledges that the City of Tyler, Texas, is the owner of certain areas and lands in, around, surrounding and including Lake Tyler and Lake Tyler East, as described in the City of Tyler's Texas Local Government Code Section 42.022(b) petition and as further shown in Exhibit "A" attached thereto, both attached hereto as Exhibit "1", that are not within the existing extraterritorial jurisdiction of another city.

PART 3: That the Tyler City Council hereby finds that the areas and lands described in the City of Tyler's Texas Local Government Code Section 42.022(b) petition and Exhibit "A", both attached hereto as Exhibit "1", are contiguous to the existing extraterritorial jurisdiction of the City of Tyler, Texas.

PART 4: That the Tyler City Council hereby finds that it is within the public interest to accept and approve, and does hereby accept and approve, the City of Tyler's Texas Local Government Code Section 42.022(b) petition and Exhibit "A", requesting expansion of the existing extraterritorial jurisdiction of the City of Tyler, Texas, to include all City of Tyler-owned areas and lands in, around, surrounding and including Lake Tyler and Lake Tyler East, and that are not otherwise located within the existing extraterritorial jurisdiction of another city.

PART 5: That the extraterritorial jurisdiction of the City of Tyler, Texas, is hereby expanded to include those City of Tyler-owned areas and lands in, around, surrounding and including Lake Tyler and Lake Tyler East that are not within the existing extraterritorial jurisdiction of another city, and as more fully described in Exhibit "A" of the City of Tyler's Texas Local Government Code Section 42.022(b) petition, which are both attached hereto as Exhibit "1".

PART 6: That the areas and lands described in Exhibit "A" of the City of Tyler's Texas Local Government Code Section 42.022(b) Petition, are hereby added to the City of Tyler's extraterritorial jurisdiction.

PART 7: That the official City of Tyler Extraterritorial Map in Tyler City Code Section 10-143 is hereby altered and amended so as to include the areas and lands described in Exhibit "A" of the City of Tyler's Texas Local Government Code Section 42.022(b) petition, which are both attached hereto as Exhibit "1".


PART 8: That the inhabitants of the areas and lands described in Exhibit "A" of the City of Tyler's Texas Local Government Code Section 42.022(b) Petition shall be bound by the acts, ordinances, rules, resolutions, and regulations applicable to the City of Tyler extraterritorial

jurisdiction, and said acts, ordinances, rules, resolutions and regulations of the City of Tyler shall be applicable to said areas and lands.

PART 9: That if any provision or any section of this ordinance shall be deemed to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 10: That this ordinance shall be in full force and effect from and after the date of its passage and approval by the City Council of the City of Tyler, Texas.

PASSED AND APPROVED THIS the 16th day of November A. D., 2011.



BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

APPROVED:



GARY C. LANDERS, CITY ATTORNEY



EXHIBIT "1" TO ORDINANCE NO. 0-2011-101
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Petition of City of Tyler, Texas
For inclusion of City of Tyler-owned Areas and lands
In, Around, Surrounding and Including Lake Tyler and Lake Tyler East, and that are not
in the existing extraterritorial jurisdiction of another city,
To be included within the Extraterritorial Jurisdiction of the City of Tyler.

Texas Local Government Code Section 42.022(b) states that the extraterritorial jurisdiction may expand beyond the distance limitations imposed by Texas Local Government Code Section 42.021 to include an area contiguous to the otherwise existing extraterritorial jurisdiction of the municipality if the owners of the area request the expansion.

Texas Local Government Code Section 42.022(c) states that the expansion of the extraterritorial jurisdiction through annexation, request, or increase in the number of inhabitants may not include any area in the existing extraterritorial jurisdiction of another municipality.

The City of Tyler, Texas, is the owner of Lake Tyler, Lake Tyler East and the areas and lands, shown on the attached Exhibit "A", which is hereby incorporated herein. Said Lake Tyler, Lake Tyler East, and the areas and lands shown on the attached Exhibit "A" are contiguous to the existing extraterritorial jurisdiction of the City of Tyler, Texas.

As owner of Lake Tyler, Lake Tyler East, and the areas and lands shown in Exhibit "A", the City of Tyler, Texas, hereby requests that all City of Tyler-owned areas and lands in, around, surrounding and including Lake Tyler and Lake Tyler East, as shown in Exhibit "A", and that are not within the existing extraterritorial jurisdiction of another city, be included within the extraterritorial jurisdiction of the City of Tyler, Texas.

Signed: Mark McDaniel
Title: Mark McDaniel, City Manager

STATE OF TEXAS
COUNTY OF SMITH

This instrument was acknowledged before me on the 22 day of November, 2011, by Mark McDaniel, City Manager for the City of Tyler, Texas.

Darcel Veal Thompson
Notary Public, State of Texas



EXHIBIT "1" TO ORDINANCE NO. 0-2011-101

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Exhibit "A" of Petition

