

ORDINANCE NO. O-2025-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE VOLUNTARY ANNEXATION OF APPROXIMATELY 25.81 ACRES OF LAND LYING ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF TYLER LOCATED SOUTHWEST OF THE INTERSECTION OF OLD NOONDAY ROAD/COUNTY ROAD 192 AND THREE LAKES PARKWAY; AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE BOUNDARY OF THE CITY COUNCIL DISTRICT #2; AUTHORIZING THE CITY MANAGER TO SIGN A WRITTEN AGREEMENT FOR PROVISION OF CITY SERVICES PER TEXAS LOCAL GOVERNMENT CODE SECTION 43.0672; DIRECTING THE AMENDMENT OF THE FUTURE LAND USE DESIGNATION; ESTABLISHING ORIGINAL ZONING; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a public hearing was held before the City Council of the City of Tyler, Texas, on the 22nd day of January, 2025, via regular meeting, wherein all interested persons were provided an opportunity to be heard on the proposed voluntary annexation of the territory hereinafter described. A copy of the Texas Local Government Code Section 43.0671 petition is attached and made a part hereof as Exhibit "C"; and

WHEREAS, the area to be annexed is contiguous to the City of Tyler; 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 25.81 acres of land; and

WHEREAS, Texas Local Government Code Section 43.0671 states that a municipality may annex an area if each owner of the land in the area requests the annexation; and

WHEREAS, Texas Local Government Code Section 43.0672(a) states that the governing body of a municipality that elects to annex an area under Texas Local Government Code Chapter 43, Subchapter C-3, must first negotiate and enter into an agreement with the owners of the land in the area for the provision of services in the area; and

WHEREAS, the notice requirements of Texas Local Government Code Section 43.0673 have been met; and

WHEREAS, Exhibits "A", "B", "C", and "D" attached hereto are hereby incorporated for all purposes;

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, the Texas Local Government Code Section 43.0671 petition is hereby granted and 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 as shown on the map attached as Exhibit "A" described therein 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 is 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 upon final passage, the annexed area shall be zoned for 25.81 acres of "R-1B", Single-Family Residential District.

PART 5: That the Future Land Use Designation for the annexed area is hereby amended to Single-Family Medium/Low Density.

PART 6: That the annexed area shall be added to the Council District #2, City Council single member district and the official Voting District Map amended accordingly.

PART 7: That the City Manager is hereby authorized to sign an agreement of municipal services per Texas Local Government Code Section 43.0672.

PART 8: That the City Clerk 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 9: 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 10: 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.

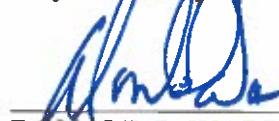
PART 11: That certified notice of the Annexation shall be sent by the Legal Department to any Emergency Services District that is located within the annexed area.

PART 12: 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 13: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be January 24th, 2025.

PASSED AND APPROVED THIS the 22nd day of January A. D., 2025



DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

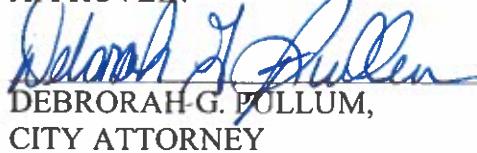
ATTEST:


CASSANDRA BRAGER, CITY CLERK

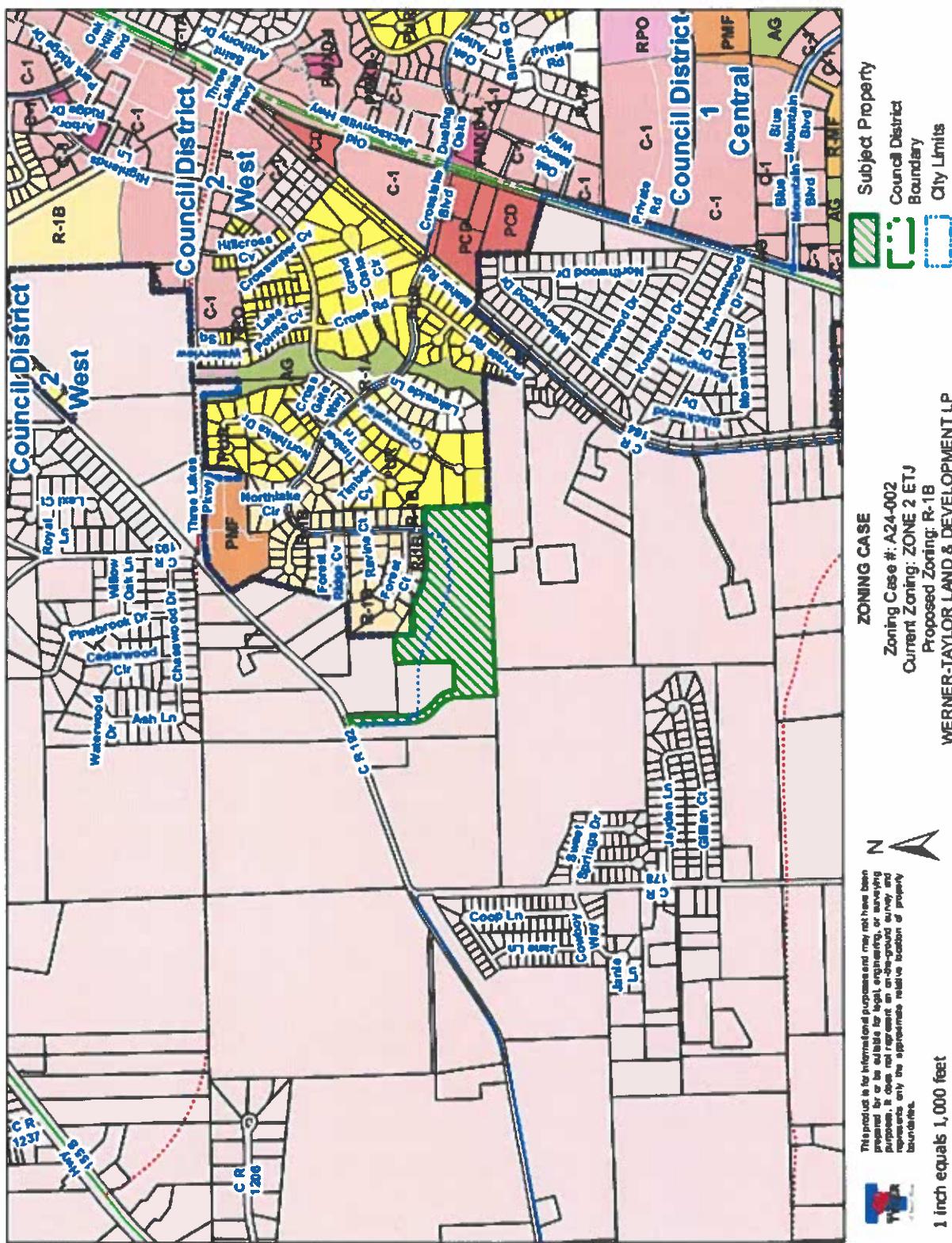
Exhibit A = location map
Exhibit B = property survey
Exhibit C = owner petition



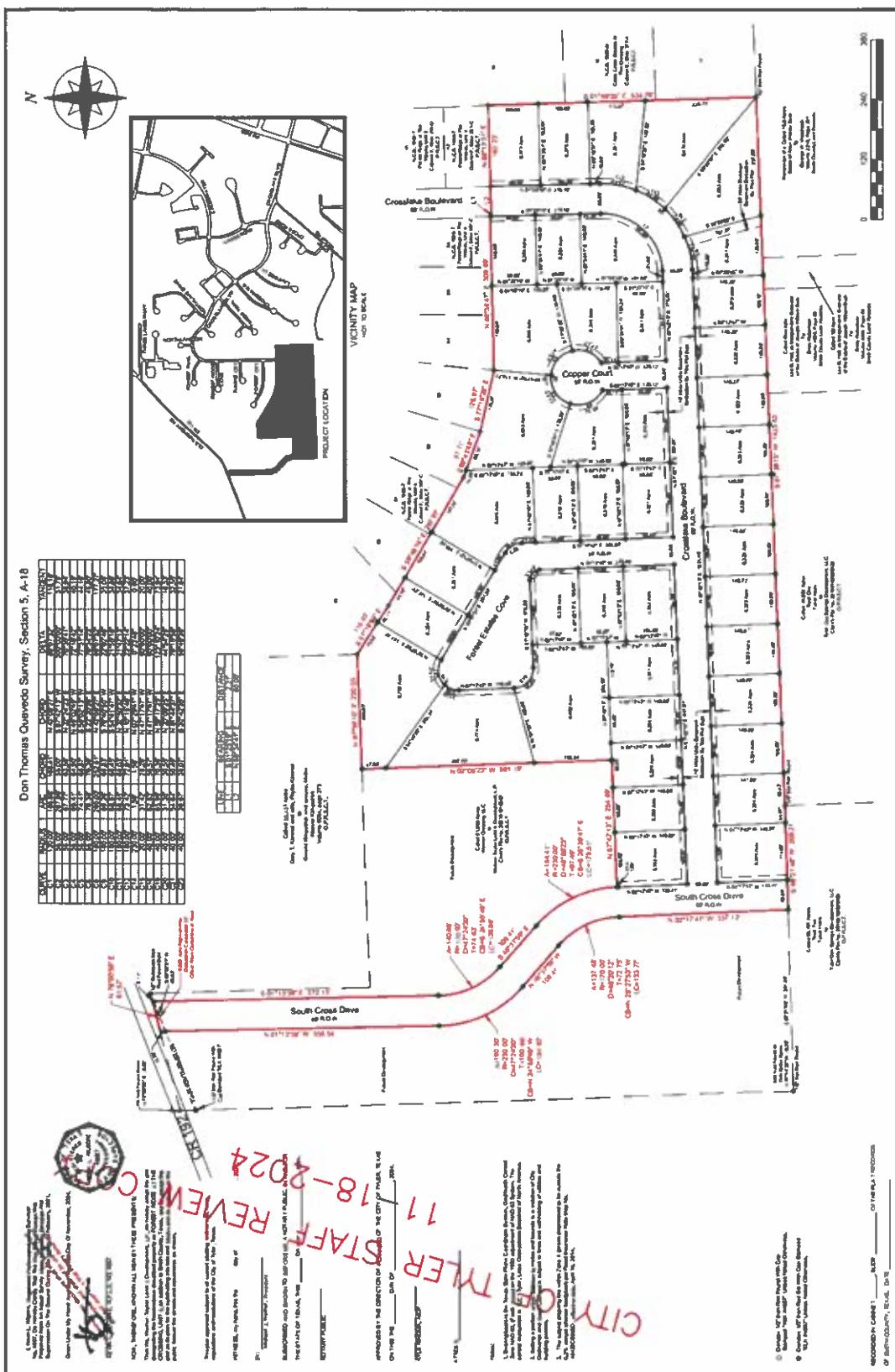
APPROVED:


DEBORAH G. POLLUM,
CITY ATTORNEY

ORDINANCE NO. O-2025-1
EXHIBIT "A"
LOCATION MAP



**ORDINANCE NO. O-2025-1
EXHIBIT "B"
PROPERTY SURVEY**



Final Plat Showing		
Forest Ridge at The Crossing, Unit 5		
44 Lots - 23.45 Acres		
Smith County, Texas		
REVISIONS		
NO.	DATE	REMARKS
CONTRACT NO. 203347		
SHEET NO.		
1	or	1



6712 Paluxy Drive
Tyler, Texas 75703
•
(903)581-7800
Fax (903)581-1756

- Surveying
- Mapping
- Planning

TPLS MRV NO. 1004900

Exhibit "A"
25.81 Acre Annexation Tract

Being a 25.81 acre tract of land situated in the Don Thomas Quevedo Survey, Abstract No. 18, Section No. 3, Smith County, Texas and being part of a called 31.000 acre tract described in a Deed from Werner Crossing, LLC to Werner-Taylor Land & Development, LP, recorded under Clerk's File No. 202101018368 of the Official Public Records of Smith County, Texas, [O.P.R.S.C.T.], said 25.81 acre tract being more particularly described as follows:

Beginning at a 1/2" iron rod found with plastic cap stamped "KLK #4687" at the Southeast corner of Lot 42, N.C.B. 1660-T of Forest Ridge at The Crossing, Unit 4 according to a Final Plat thereof recorded in Cabinet F, Slide 357-C of the Plat Records of Smith County, Texas and being on the East boundary line of said 31.000 acre tract and the West boundary line of Lot 19, N.C.B. 1660-M of Cross Creek Estates at The Crossing according to a Final Plat thereof recorded in Cabinet E, Slide 377-A of said P.R.S.C.T.;

Thence South 01 degree 49 minutes 39 seconds East, a distance of 334.76 feet along the East boundary line of said 31.000 acre tract and the West boundary line of Lots 19, 18 & 17 of said Cross Creek Estates at The Crossing to a 1/2" iron rod found at the Southwest corner of said 31.000 acre tract, same being the Southwest corner of said Lot 17 and being on the North boundary line of a called 13.0 acre tract of land described in a Deed from Estate of Alton Wesley Buck to George W. Woodcock recorded in Volume 2210, Page 301 of the Land records of Smith County, Texas [L.R.S.C.T.],

Thence South 87 degrees 39 minutes 19 seconds West, a distance of 1423.43 feet along the South boundary line of said 31.000 acre tract and the North boundary line of said 13.0 acre tract and a called 1/2 acre tract and called 1 acre tract of land described in a Deed from Lee B. Hall, as Independent Executor of the Estate of Joseph William Buck to Emily Robertson recorded in Volume 4696, Page 88 of said L.R.S.C.T. and the North boundary line of a called 44.005 acre tract of land described as Tract One in a Deed from Tynes Heirs to Tyler Oak Springs Development, LLC recorded under Clerk's File No. 20160100023923 of said O.P.R.S.C.T. to a 3/8" iron rod found at the Northwest corner of said 44.005 acre tract, same being the Northeast corner of a called 33.707 acre tract of land described as Tract Two in said Deed from Tynes Heirs to Tyler Oak Springs Development, LLC recorded under Clerk's File No. 20160100023923 of said O.P.R.S.C.T.;

Thence South 88 degrees 21 minutes 45 seconds West, a distance of 370.69 feet continuing along the South boundary line of said 31.000 acre tract and along the North boundary line of said 33.707 acre tract to a 1/2" iron rod found at the Southwest corner of said 31.000 acre tract, same being the Southeast corner of a called 30.47 acre tract of land described in a Deed from John Eric Armine to John E. Schulz and wife, Pamela Schulz recorded under Clerk's File No. 20140100030006 of said O.P.R.S.C.T.;

Thence North 01 degree 31 minutes 12 seconds West, a distance of 334.37 feet along the West boundary line of said 31.000 acre tract and the East boundary line of said 30.47 acre tract to a 1/2" iron rod set with plastic cap stamped "KLK #4687";

Thence North 88 degrees 18 minutes 15 seconds East, a distance of 242.36 feet continuing along the existing city limits line to a point on the South boundary line of said Forest Ridge at The Crossing, Unit 4;

Thence South 59 degrees 46 minutes 16 seconds East, a distance of 129.23 feet continuing along said South boundary line and the existing city limits line to a 1/2" iron rod found with plastic cap stamped "KLK #4687";

Thence South 69 degrees 43 minutes 48 seconds East, a distance of 97.71 feet continuing along said South boundary line and the existing city limits line to a 1/2" iron rod found with plastic cap stamped "KLK #4687";

Thence South 77 degrees 16 minutes 29 seconds East, a distance of 129.97 feet continuing along said South boundary line and the existing city limits line to a 1/2" iron rod found with plastic cap stamped "KLK #4687";

Thence North 88 degrees 34 minutes 41 seconds East, a distance of 309.39 feet continuing along said South boundary line and the existing city limits line to a 1/2" iron rod found with plastic cap stamped "KLK #4687" at the Southeast corner of Lot 56 of said Forest Ridge at The Crossing, Unit 4 and being on the West right-of-way line of Crosstex Boulevard (55' right-of-way);

Thence South 01 degrees 25 minutes 19 seconds East, a distance of 2.21 feet along said West right-of-way line and the existing city limits line to a 1/2" iron rod found with plastic cap stamped "KLK #4687";

Thence North 88 degrees 34 minutes 41 seconds East, a distance of 60.00 feet continuing along the existing city limits line and across said Crosstex Boulevard to a 1/2" iron rod found with plastic cap stamped "KLK #4687" on the East right-of-way line of same and being at the Southwest corner of said Lot 42;

Thence North 88 degrees 13 minutes 31 seconds East, a distance of 162.23 feet continuing along the existing city limits line and along the South boundary line of said Lot 42 to the place of beginning, containing 25.81 acres of land.

Bearing basis is the Texas State Plane Coordinate System, Grid North Central Zone NAD 83, (Feet) based on the 1993 adjustment of the NAD 83 System. The control monument is TJC1-Tyler, Leica Geosystems Smartnet of North America.

I, Kevin L. Kilgore, Registered Professional Land Surveyor No. 4687, Texas, do hereby certify that the above field note description was prepared from an actual on-the-ground survey made under my direction and supervision during the month of January, 2024.

GIVEN UNDER MY HAND AND SEAL, This the 20th day of September 2024.



Kevin L. Kilgore, R.P.L.S. 4687

200347 25.81 Ac Annexation Tract (PRS) m.docx



ORDINANCE NO. O-2025-1
EXHIBIT "C"
OWNER PETITION



RECEIVED: _____
REFERRAL NO.: _____

APPLICATION NO. _____

**REQUEST FOR ANNEXATION OF
AREA ON REQUEST OF OWNERS**

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. AUTHORIZATION OF AGENT
- E. MAP OF AREA (FORM E 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.)

(NOTE: Filing fee of \$420.00 (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 MAKE OR TO ENACT AN ORDINANCE. THIS REQUEST FOR ANNEXATION WILL NOT BE EFFECTIVE UNLESS IT IS PASSED BY THE CITY COUNCIL.

ANNEXATION PETITIONS MUST BE FILED IN THE PLANNING DEPARTMENT, TYLER DEVELOPMENT CENTER, 423 WEST FERGUSON.

PLEASE HAVE A REPRESENTATIVE PRESENT AT ALL PUBLIC HEARINGS. THE APPLICANT HAS THE DUTY TO PRODUCE EVIDENCE BEFORE THE PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL TO JUSTIFY LEGALLY THE PROPOSED ANNEXATION.



FORM A

**REQUEST FOR ANNEXATION OF
AREA ON REQUEST OF OWNERS**

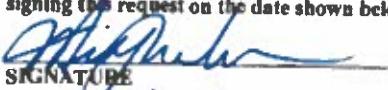
**TO THE HONORABLE MAYOR AND GOVERNING BODY
OF THE CITY OF TYLER, TEXAS**

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), to-wit:

Pursuant to Texas Local Government Code Section 43.0671, which provides for the annexation of an area if each owner of land in the area requests the annexation.

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, 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 described herein, hereby request annexation of this area, pursuant to Texas Local Government Code Section 43.0671, by signing the request on the date shown below.

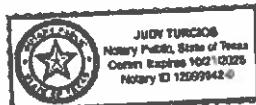

SIGNATURE
4/22/24
DATE


PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 22 day of November,
2024 by Michael J. Werner.



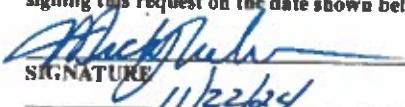

Notary Public
State of Texas 4/22/24



FORM A1

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, 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 described herein, hereby request annexation of this area, pursuant to Texas Local Government Code Section 43.0671, by signing this request on the date shown below.


SIGNATURE
11/22/24
DATE


PRINT NAME

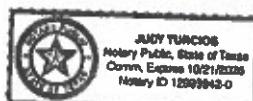
SIGNATURE
DATE

PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

2024 by Michael J. Warner



Notary Public
State of Judy Tuncios
Texas

(ACKNOWLEDGMENT)

THE STATE OF _____
COUNTY OF _____

This petition was acknowledged before me on the _____ day of _____,
by _____.

Notary Public
State of _____



FORM B

APPLICANT'S SUPPORT INFORMATION FOR ANNEXATION REQUEST

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 City Council and in responding to citizens' inquiries.

1. I (We) propose to utilize this property for the following purpose(s):
Residential Development

2. I (We) am/are requesting this annexation for the following reason(s):
Develop the property with City of Tyler services and utilities

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

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, 311 West Locust Street)
Existing utilities available along Crosslake Boulevard

5. Any additional information that you desire to provide concerning your annexation request:
Establish original zoning of R1B consistent with preliminary plat and the attached development plan.

SIGNED:


OWNER (of property to be annexed)

OR


AGENT (When applicable – See Form D)



FORM C

LIST OWNER(S) OF ALL PROPERTY REQUESTED TO BE ANNEXED

List the names and addresses of all owners of property included within the area requested by the annexation petition. (Please print)

NAME	MAILING ADDRESS
1. <u>WERNER-TAYLOR LAND & DEVELOPMENT LP</u>	<u>7266 CROSS WATER Tyler, Tx 75703</u>
2. _____	
3. _____	
4. _____	
5. _____	
6. _____	
7. _____	
8. _____	
9. _____	
10. _____	
11. _____	
12. _____	
13. _____	
14. _____	
15. _____	
16. _____	
17. _____	
18. _____	
19. _____	
20. _____	



FORM D

AUTHORIZATION OF AGENT

I (We), the undersigned, being owners of real property requested to be annexed according to this Application, do hereby authorize (print name and address of agent) Mark Priestner to act as our Agent in the matter of this annexation request. The term "agent" shall mean any lessee, developer, option holder, or other authorized individual who is authorized to act in behalf of the owner(s) of said property requested to be annexed.

(Form to be signed below by all owners of property requested to be annexed.)

SIGNATURE

1. *Mark Priestner*

MAILING ADDRESS

2. 7266 Crosswater Tyler TX
75703

3. _____
4. _____
5. _____
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 requested to be annexed. Person must also sign Form B as "Agent".)