

**ORDINANCE NO. O-2025-2**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE VOLUNTARY ANNEXATION OF APPROXIMATELY 11.06 ACRES OF LAND LYING ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF TYLER LOCATED SOUTH OF THE INTERSECTION OF OLD NOONDAY ROAD/COUNTY ROAD 192 AND HENSHAW CREEK DRIVE; 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 11.06 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 11.06 acres of "PUR", Planned Unit Residential District with written narrative.

**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.

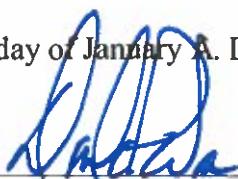
**PART 11:** That certified notice of the Annexation shall be sent by the Legal Department to any Emergency Services District that is located within the annexed area.

**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 24<sup>th</sup>, 2025.

**PASSED AND APPROVED THIS** the 22<sup>nd</sup> day of January A. D., 2025

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

ATTEST:

  
CASSANDRA BRAGER, CLERK

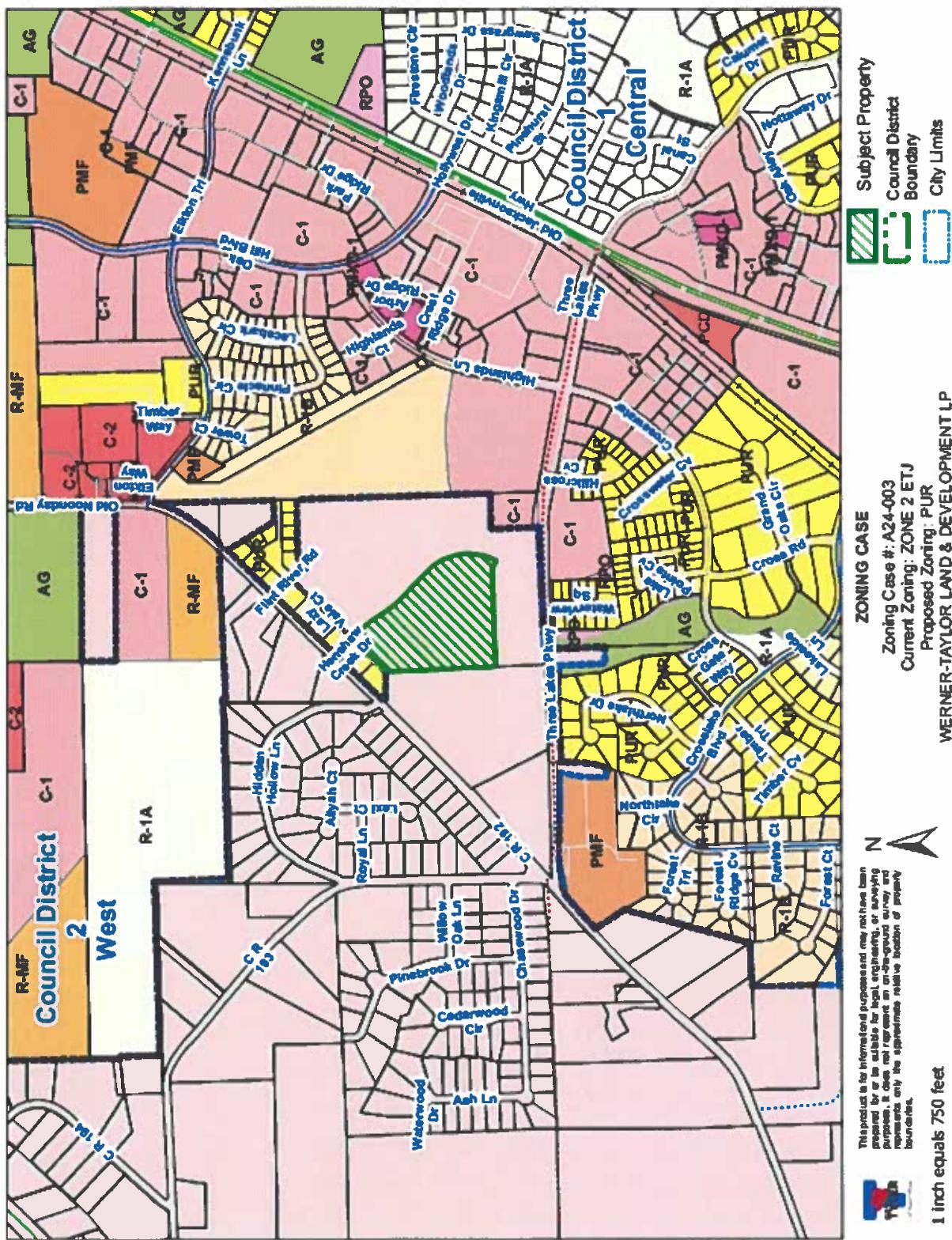


Exhibit A = location map  
Exhibit B = property survey  
Exhibit C = owner petition  
Exhibit D = "PUR" written narrative

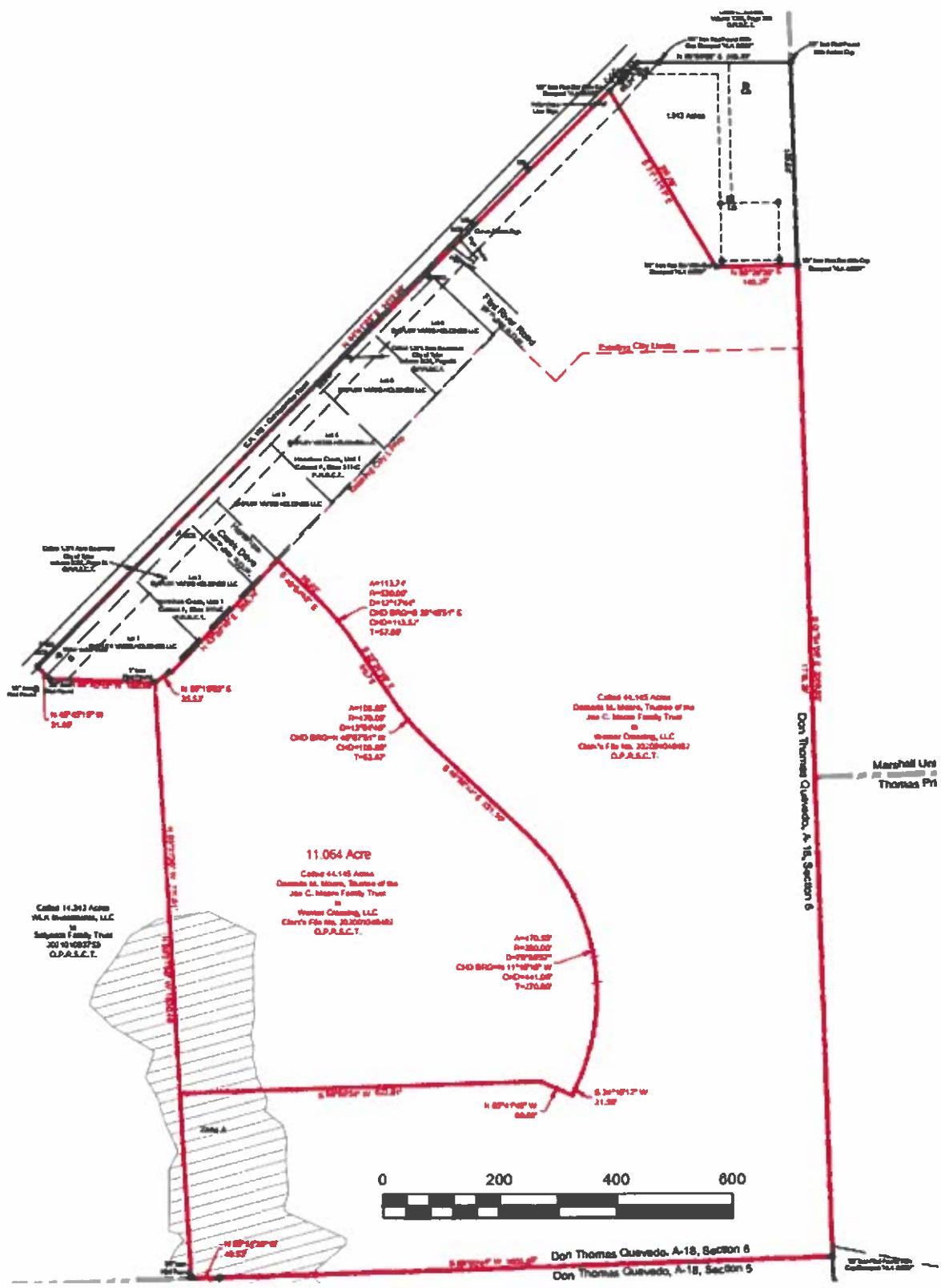
APPROVED:

  
DEBORAH G. PULLUM,  
CITY ATTORNEY

**ORDINANCE NO. O-2025-2  
EXHIBIT "A"  
LOCATION MAP**



**ORDINANCE NO. O-2025-2  
EXHIBIT "B"  
PROPERTY SURVEY**





- Surveying
- Mapping
- Planning

6712 Paluxy Drive • Tyler, Texas 75703 • 903.581.7800 • 903.581.3756

**Exhibit A**  
**11.064 Acre Annexation Tract**  
**Don Thomas Quevedo Survey, Abstract No. 18, Section 6**

**Being a 11.064 Acre tract in the Don Thomas Quevedo Survey Abstract No. 18, Section 6, Smith County, Texas and being part of a called 44.145 acre tract of land described in a Deed from Damaris M. Moore, Trustee of the Joe C. Moore Family Trust to Werner Crossing, LLC recorded under Clerk's File No. 202001048482 of the Official Public Records (O.P.R.S.C.T.) of Smith County, Texas:**

**Beginning at a 1" iron pipe (N: 6,797,284.19 E: 2,942,334.06) on the West boundary line of said 44.145 acre tract on the existing city limits line of The City of Tyler, said beginning point also being at the Northeast corner of a called 14.342 acre tract described in a Deed from WLK Investments, LLC to Salyards Family Trust recorded under Clerk's File No. 2021101003753 of said O.P.R.S.C.T.;**

**Thence North 59 degrees 15 minutes 03 seconds East, a distance of 35.53 feet along said existing City Limits to a point for corner;**

**Thence North 43 degrees 29 minutes 10 seconds East, a distance of 265.74 feet continuing along said City Limits line to a point for corner;**

**Thence South 45 degrees 54 minutes 43 seconds East, a distance of 90.02 feet to a point for corner at the beginning of a curve to the right;**

**Thence with said curve to the right which has a Radius of 530.00 feet, a chord of 113.52 feet, a tangent of 57.09 feet, a delta of 12°17'44", chord bearing of South 39 degrees 45 minutes 51 seconds East, for an arc length of 113.74 feet to a point at the end of this curve;**

**Thence South 33 degrees 36 minutes 59 seconds East a distance of 99.79 feet to a point for corner at the beginning of a curve to the left;**

**Thence with said curve to the left which has a Radius of 470.00 feet, a chord of 106.65 feet, a tangent of 53.67 feet, a delta of 13°01'46", chord bearing of South 40 degrees 07 minutes 51 seconds East, for an arc length of 106.88 feet to a point at the end of this curve;**

**Thence South 46 degrees 38 minutes 44 seconds East, a distance of 231.10 feet to a point for corner at the beginning of a curve to the right;**

**Thence with said curve to the right which has a Radius of 380.00 feet, a chord of 441.06 feet, a tangent of 270.80 feet, a delta of 70°56'57", chord bearing of South 11 degrees 10 minutes 16 seconds East, for an arc length of 470.55 feet to a point at the end of this curve;**

**Thence South 24 degrees 18 minutes 12 seconds West, a distance of 21.55 feet to a point for corner;**

**Thence North 65 degrees 41 minutes 48 seconds West, a distance of 60.00 feet to a point for corner;**

Thence South 88 degrees 05 minutes 54 seconds West, a distance of 622.01 feet to a point for corner on the West boundary line of said 44.145 acre tract and East boundary line of said 14.342 acre tract;

Thence North 03 degrees 27 minutes 30 seconds West, a distance of 711.81 feet with said West boundary line of called 44.145 acre tract and East boundary line of said 14.342 acre tract to the place of beginning, containing 11.064 acres of land more or less.

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 Reference Monument is Station FAA TYRA.

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 March, 2022.

GIVEN UNDER MY HAND AND SEAL, This the 12th day of November, 2024.



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



ORDINANCE NO. O-2025-2  
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 this request on the date shown below.

Michael J. Werner  
SIGNATURE  
11/22/21  
DATE

Michael J. Werner  
PRINT NAME

**(ACKNOWLEDGMENT)**

THE STATE OF Texas  
COUNTY OF Smith

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

Judy Turcios  
Notary Public  
State of Texas





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

  
PRINT NAME

DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

PRINT NAME \_\_\_\_\_

DATE \_\_\_\_\_

(ACKNOWLEDGMENT)

THE STATE OF Texas  
COUNTY OF Smith

This petition was acknowledged before me on the 22<sup>nd</sup> day of November,  
2024, by Michael J. Werner.



Notary Public  
State of 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, 511 West Locust Street)

Existing utilities available along Henshaw Creek Drive

5. Any additional information that you desire to provide concerning your annexation request:

Establish original zoning of PUR consistent with preliminary plat  
and the attached development plan.

SIGNED:

  
OWNER (of property to be annexed)

OR



AGENT (When applicable – See Form D)

903-539 9634

Owner's Telephone Number

903-312-7075

Agent's Telephone Number



**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 &amp; DEVELOPMENT LP</u>	<u>7266 CROSS WATER</u>	<u>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. 

**MAILING ADDRESS**

2. 7266 Conewa 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".)

ORDINANCE NO. O-2025-2  
EXHIBIT "D"  
"PUR" WRITTEN NARRATIVE



PUR Henshaw Creek

Cottage Square – Small Detached single family (20 lots)

Min lot size – 5,000 sf

Setbacks      Front – 20'

Side – 5'

Rear – 15'

Corner – 10'

Height - 2 ½ stories

Off street parking – 2 spaces per lot

Landscaping – per UDC requirements for residential detached

Cottages - Large Detached single family (13 lots)

Min lot size – 6,800 sf

Setbacks      Front – 20'

Side – 7.5'

Rear – 15'

Corner – 10'

Height - 2 ½ stories

Off street parking – 2 spaces per lot

Landscaping – per UDC requirements for residential detached

All other UDC regulations pertaining to R-1A will apply.

