

RESOLUTION NO. R-2025-38

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER,
TEXAS CONSENTING TO THE ADDITION OF TERRITORY TO THE
BOUNDARIES OF THE EAST TEXAS MUNICIPAL UTILITY DISTRICT
OF SMITH COUNTY**

WHEREAS, between September, 2014, and February, 2019, the East Texas Municipal Utility District of Smith County ("District") purported to annex seven tracts of land located in the City's extraterritorial jurisdiction ("ETJ") to the District's boundaries pursuant to petitions of landowners (the "Petitioners"), which petitions are attached hereto as Exhibit "A"; and,

WHEREAS, the seven tracts of land (the "Properties") are located within the extraterritorial jurisdiction of the City of Tyler, Texas (the "City"); and

WHEREAS, Section 42.0425, Texas Local Government Code, as amended, requires that a political subdivision such as the District may not add land that is located in the extraterritorial jurisdiction of a municipality unless the governing body of the municipality gives its written consent by ordinance or resolution, subject to certain allowable conditions; and

WHEREAS, the City Council finds and determines that it is in the public interest to grant consent to the addition of the Properties to the District, taking into consideration the public health, safety, and general welfare; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCL OF THE
CITY OF TYLER, TEXAS:**

Part 1. That the findings and recitals contained in the preamble of this Resolution are determined to be true and correct and are hereby adopted as part of this Resolution.

Part 2. The City Council officially finds, determines, recites and declares that a sufficient notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been

discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Part 3. The City Council of the City hereby specifically gives its written consent, as provided by Section 42.0425, Texas Local Government Code, as amended, to the District's annexation of the Properties.

Part 4. The consent of the City is subject to the following conditions as authorized by Section 42.0425(a), Texas Local Government Code and Sections 54.016(e) and 54.0165(a), Texas Water Code:

After the date of this resolution,

(1) the District will not add additional territory to its boundaries except with the prior written consent of the City;

(2) the District shall construct all new facilities to serve the Properties in accordance with plans and specifications that have been approved by the City;

(3) the City shall have the right to inspect all facilities being constructed by the District to serve the Properties;

(4) the City shall have the right to review and approve the District's bonds and notes relating to the provision of service to the Properties prior to issuance, including refunding bonds, which shall, unless otherwise agreed to by the City, comply with the following requirements, provided such requirements do not generally render the bonds unmarketable:

- a. maximum maturity of 25 years for any one series of bonds;
- b. interest rate that does not exceed 2% above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one month period next preceding the date notice of the sale of such bonds is given; and
- c. expressly provide that the District shall reserve the right to redeem bonds at any time subsequent to the tenth (10th) anniversary of the date of issuance, without premium.

Part 5. The consent of the City to the addition of the Properties to the District does not in any way release the Properties from the extraterritorial jurisdiction of the City nor alter or affect the terms and conditions of the Interlocal Agreement Regarding Utility Services effective February 26, 2025.

Part 6. The terms and provisions of this Resolution shall be deemed to be severable and if the validity of any section, subsection, sentence, clause, or phrase of this Resolution should

be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this Resolution

Part 7. That this ordinance shall take effect immediately upon its passage and approval by the Mayor and Council.

PASSED, APPROVED, AND ADOPTED on this 12th day of June, 2025.

DONALD P. WARREN, MAYOR OF
THE CITY OF TYLER

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK



DEBORAH G. PULLUM, CITY
ATTORNEY

Exhibit A

#40400000

20160100046405

PETITION FOR ANNEXATION

STATE OF TEXAS
COUNTY OF SMITH

TO: Board of Directors,
Smith County Municipal
Utility District #1
Smith County, Texas

FROM:

William Allen
12189 CR 336
Tyler TX 75708

Pursuant to Section 51.714 of the Texas Water Code, petition is hereby made by the undersigned landowner for annexation into Smith County Municipal Utility District #1 for all purposes, the real property described by metes and bounds in Attachment "A" of this petition, also specifically incorporated herein for all purposes.

Petitioner would also request that after notice is given, pursuant to Section 51.714 of the Texas Water Code, the Board grant a hearing on this petition. After reviewing all the supporting evidence, Petitioner hereby considered to be of benefit to the District and that the water supply and other improvements are sufficient to supply the added territory without injuring the land already in the District, that the Board approve the annexation of territory without conditions and be incorporated into Smith County Municipal Utility District #1 herein for all purposes.

Petitioner would also request that the annexed area shall bear its pro rata share of all bonds, notes, or other obligations or taxes that may be owed, contracted, or authorized by the Smith County Municipal Utility District #1 to which it is been added.

Respectfully Submitted,

William Allen

LAND OWNER

This instrument was acknowledged before me the undersigned authority, on the 9th day of Sept.
by William E. Allen, who was personally known to me.

Guadalupe S. Aparicio
NOTARY PUBLIC

(SEAL)

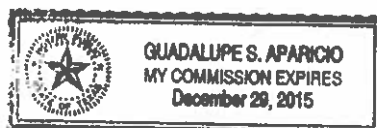
Be it ordered and ordained:

Whereas: the Board of Directors by a vote of _____ for,

and _____ against. Therefore: the Board of Directors approve this petition and do annex for all purposes this territory into the Smith County Municipal Utility District #1 this _____ day of _____, 20____

W.L. Smith
Jimmie Boultinghouse

Jimmie Boultinghouse
President of the Board



(SEAL)

Guadalupe S. Aparicio
Royce West

Royce West
Secretary of the Board



#140403000

20160100046404

PETITION FOR ANNEXATION

STATE OF TEXAS
COUNTY OF SMITH

TO: Board of Directors,
Smith County Municipal
Utility District #1
Smith County, Texas

FROM: Bruce L. Roberts
6701 Glen Eagles
Tyler, Texas
75703

Pursuant to Section 51.714 of the Texas Water Code, petition is hereby made by the undersigned landowner for annexation into Smith County Municipal Utility District #1 for all purposes, the real property described by metes and bounds in Attachment "A" of this petition, also specifically incorporated herein for all purposes.

Petitioner would also request that after notice is given, pursuant to Section 51.714 of the Texas Water Code, the Board grant a hearing on this petition. After reviewing all the supporting evidence, Petitioner hereby considered to be of benefit to the District and that the water supply and other improvements are sufficient to supply the added territory without injuring the land already in the District, that the Board approve the annexation of territory without conditions and be incorporated into Smith County Municipal Utility District #1 herein for all purposes.

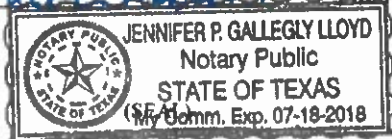
Petitioner would also request that the annexed area shall bear its pro rata share of all bonds, notes, or other obligations or taxes that may be owed, contracted, or authorized by the Smith County Municipal Utility District #1 to which it is been added.

Respectfully Submitted,



LAND OWNER

This instrument was acknowledged before me the undersigned authority, on the 3 day of November by Bruce L. Roberts who was personally known to me.



Jennifer P. Gallegly Lloyd
NOTARY PUBLIC

Be it ordered and ordained: Whereas: the Board of Directors by a vote of _____ for, and _____ against. Therefore: the Board of Directors approve this petition and do annex for all purposes this territory into the Smith County Municipal Utility District #1 this _____ day of November, 2015.

W.L. Swider
W.L. Swider
Jimmie Boultinghouse

President of the Board

William S. Davis
William S. Davis
Royce West

Secretary of the Board

(SEAL)



20190100024485

12162 STATE HWY 155 N.
TYLER, TEXAS 75708
903-877-3644

PETITION FOR ANNEXATION

STATE OF TEXAS }
COUNTY OF SMITH }

TO: Board of Directors,
East Texas Municipal
Utility District
Smith County, Texas

FROM: Terry D. Warren
Regg Machine mfg
10898 Hwy 271
Tyler TX 75708

Pursuant to Section 51.714 of Texas Water Code, Petition is hereby made by the undersigned landowner for annexation into East Texas Municipal Utility District for all purposes, the real property described by metes and bounds in Attachment "A" of this petition, also specifically incorporated herein for all purposes.

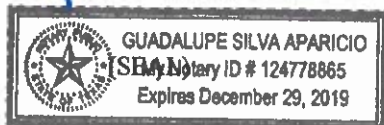
Petitioner would also request that after notice is given, pursuant to Section 51.714 of the Texas Water Code, the Board grant a hearing on his petition. After reviewing all the supporting evidence, Petitioner hereby considered to be of benefit to the District and that the water supply and other improvements are sufficient to supply the added territory without injuring the land already in the District, that the Board approve the annexation territory without conditions and be incorporated into East Texas Municipal Utility district herein for all purposes.

Petitioner would also request that the annexed area shall bear its pro rata share of all bonds, notes, or other obligations or taxes that may be owed, contracted, or authorized by the east Texas Municipal Utility District to which it is been added.

Respectfully Submitted,

Terry D. Warren
LAND OWNER

This instrument was acknowledged before me the undersigned authority, on the 01/30 day of 2019 by Terry Warren, who was personally known to me.



[Signature]
NOTARY PUBLIC

Be it ordered and ordained: Whereas: the Board of Directors by a vote of 4 for. And 0 against.
Therefore: the Board of Directors approve this petition and do annex for all purposes this territory into the East Texas Municipal Utility District his 31 day of January, 2019.

W.L. Snider
W.L. SNIDER
President of the Board

Rita Cline
RITA CLINE
Secretary of the Board

(SEAL)



20190100024486

12162 STATE HWY 155 N.
TYLER, TEXAS 75708
903-877-3644

PETITION FOR ANNEXATION

STATE OF TEXAS }
COUNTY OF SMITH }

TO: Board of Directors,
East Texas Municipal
Utility District
Smith County, Texas

FROM: Rick Sage
Sage & Cross/ACS
10809 Hwy 271 N
Tyler, Tx 75708

Pursuant to Section 51.714 of Texas Water Code, Petition is hereby made by the undersigned landowner for annexation into East Texas Municipal Utility District for all purposes, the real property described by metes and bounds in Attachment "A" of this petition, also specifically incorporated herein for all purposes.

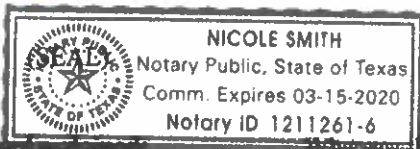
Petitioner would also request that after notice is given, pursuant to Section 51.714 of the Texas Water Code, the Board grant a hearing on this petition. After reviewing all the supporting evidence, Petitioner hereby considered to be of benefit to the District and that the water supply and other improvements are sufficient to supply the added territory without injuring the land already in the District, that the Board approve the annexation territory without conditions and be incorporated into East Texas Municipal Utility district herein for all purposes.

Petitioner would also request that the annexed area shall bear its pro rata share of all bonds, notes, or other obligations or taxes that may be owed, contracted, or authorized by the East Texas Municipal Utility District to which it is been added.

Respectfully Submitted,

LAND OWNER

This instrument was acknowledged before me the undersigned authority, on the 1st day of Feb., 2019 by Rick Sage, who was personally known to me.



NOTARY PUBLIC

Be it ordered and ordained that the Board of Directors by a vote of 4 for. And 0 against.

Therefore: the Board of Directors approve this petition and do annex for all purposes this territory into the East Texas Municipal Utility District his 11th day of April, 2019.

W.L. Snider

W.L. SNIDER
President of the Board

Rita M. Cline

RITA CLINE
Secretary of the Board

(SEAL)



20190100024488

12162 STATE HWY 155 N.
TYLER, TEXAS 75708
903-877-3644

PETITION FOR ANNEXATION

STATE OF TEXAS }
COUNTY OF SMITH }

TO: Board of Directors,
 East Texas Municipal
 Utility District
 Smith County, Texas

FROM: Rick Sage
Loos Pick & Pull
10810 CR 383
Tyler, TX 75708

Pursuant to Section 51.714 of Texas Water Code, Petition is hereby made by the undersigned landowner for annexation into East Texas Municipal Utility District for all purposes, the real property described by metes and bounds in Attachment "A" of this petition, also specifically incorporated herein for all purposes.

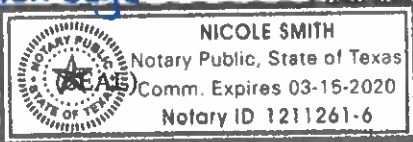
Petitioner would also request that after notice is given, pursuant to Section 51.714 of the Texas Water Code, the Board grant a hearing on his petition. After reviewing all the supporting evidence, Petitioner hereby considered to be of benefit to the District and that the water supply and other improvements are sufficient to supply the added territory without injuring the land already in the District, that the Board approve the annexation territory without conditions and be incorporated into East Texas Municipal Utility district herein for all purposes.

Petitioner would also request that the annexed area shall bear its pro rata share of all bonds, notes, or other obligations or taxes that may be owed, contracted, or authorized by the east Texas Municipal Utility District to which it is been added.

Respectfully Submitted,

LAND OWNER

This instrument was acknowledged before me the undersigned authority, on the 1st day of Feb 2019 by Rick Sage who was personally known to me.



Nicole Smith

NOTARY PUBLIC

Be it ordered and ordained: Whereas: the Board of Directors by a vote of 4 for. And 0 against.

Therefore: the Board of Directors approve this petition and do annex for all purposes this territory into the East Texas Municipal Utility District his 1st day of April, 2019.

W.L. Snider

W.L. SNIDER
President of the Board

Rita M Cline

RITA CLINE
Secretary of the Board

(SEAL)

#40401400

20170100042846

PETITION FOR ANNEXATION

STATE OF TEXAS }
COUNTY OF SMITH }

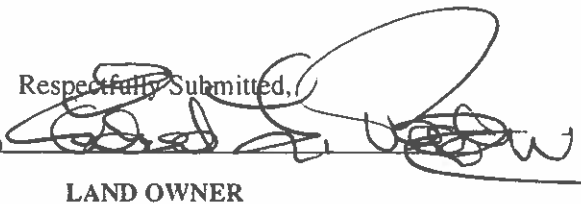
TO: Board of Directors,
East Texas Municipal
Utility District
Smith County, Texas

FROM: Eldred & Patti Peeples
10948 C.R. 337
Tyler, TX 75708

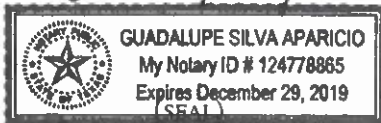
Pursuant to Section 51.714 of the Texas Water Code, petition is hereby made by the undersigned landowner for annexation into East Texas Municipal Utility District for all purposes, the real property described by metes and bounds in Attachment "A" of this petition, also specifically incorporated herein for all purposes.

Petitioner would also request that after notice is given, pursuant to Section 51.714 of the Texas Water Code, the Board grant a hearing on this petition. After reviewing all the supporting evidence, Petitioner hereby considered to be of benefit to the District and that the water supply and other improvements are sufficient to supply the added territory without injuring the land already in the District, that the Board approve the annexation of territory without conditions and be incorporated into East Texas Municipal Utility District herein for all purposes.

Petitioner would also request that the annexed area shall bear its pro rata share of all bonds, notes, or other obligations or taxes that may be owed, contracted, or authorized by the East Texas Municipal Utility District to which it is been added.

Patti Peeples Respectfully Submitted,

LAND OWNER

This instrument was acknowledged before me the undersigned authority, on the 6 day of April, 2017
by Pattijoe Peeples/Eldred Peeples who was personally known to me.



G. Aparicio
NOTARY PUBLIC

Be it ordered and ordained:

Whereas: the Board of Directors by a vote of 5 for,
and 0 against. **Therefore:** the Board of Directors approve this petition and do annex for all purposes
this territory into the East Texas Municipal Utility District this Aug. day of 21, 20 17.

W.L. Snider

W.L. SNIDER
President of the Board

William S. Davis

William S. Davis
Secretary of the Board

(SEAL)



20190100024487

12162 STATE HWY 155 N.
TYLER, TEXAS 75708
903-877-3644

PETITION FOR ANNEXATION

STATE OF TEXAS }
COUNTY OF SMITH }

TO: Board of Directors,
East Texas Municipal
Utility District
Smith County, Texas

FROM: Barbara Bradley
10780 CR 383
Tyler, Tx 75708

Pursuant to Section 51.714 of Texas Water Code, Petition is hereby made by the undersigned landowner for annexation into East Texas Municipal Utility District for all purposes, the real property described by metes and bounds in Attachment "A" of this petition, also specifically incorporated herein for all purposes.

Petitioner would also request that after notice is given, pursuant to Section 51.714 of the Texas Water Code, the Board grant a hearing on his petition. After reviewing all the supporting evidence, Petitioner hereby considered to be of benefit to the District and that the water supply and other improvements are sufficient to supply the added territory without injuring the land already in the District, that the Board approve the annexation territory without conditions and be incorporated into East Texas Municipal Utility district herein for all purposes.

Petitioner would also request that the annexed area shall bear its pro rata share of all bonds, notes, or other obligations or taxes that may be owed, contracted, or authorized by the east Texas Municipal Utility District to which it is been added.

Respectfully Submitted,

Barbara Bradley

19th day of Feb. 2019 by

This instrument was acknowledged before me the undersigned authority, on the 19th day of Feb. 2019 by Barbara Bradley, who was personally known to me.



Spain

NOTARY PUBLIC

Be it ordered and ordained:

Whereas: the Board of Directors by a vote of 4 for. And 0 against.

Therefore: the Board of Directors approve this petition and do annex for all purposes this territory into the East Texas Municipal Utility District his 11th day of April, 2019.

W.L. Snider

W.L. SNIDER
President of the Board

Rita M Cline

RITA CLINE
Secretary of the Board

(SEAL)