

**RESOLUTION NO. R-2025-39**

**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**, by petition of C G Land Company, LLC (the "Petitioner") which petition is attached hereto as Exhibit "A", the Petitioner requested annexation of the 293.210-acre tract described in Exhibit "A" (the "Property") into the boundaries of the East Texas Municipal Utility District of Smith County, formerly Smith County Municipal Utility District No. 1 (the "District"); and

**WHEREAS**, the Property is 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 Property to the District, taking into consideration the public health, safety, and general welfare; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL 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 Property.

**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:

(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 facilities to serve the Property 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 Property.

(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 Property prior to issuance. Bonds, including refunding bonds issued by the district, 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. The bonds shall 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.

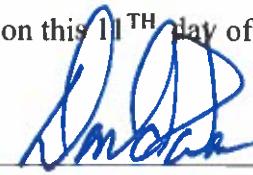
**Part 5.** The consent of the City to the addition of the Property to the District does not in any way release the Property from the extraterritorial jurisdiction of the City nor alter or affect the terms and conditions of the Interlocal Agreement Regarding Utility Services effective February 26, 2025.

**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 resolution shall take effect immediately upon its passage and approval by the Mayor and Council.

**PASSED, APPROVED AND ADOPTED** on this 11<sup>TH</sup> day of June, 2025.



DONALD P. WARREN, MAYOR  
OF THE CITY OF TYLER

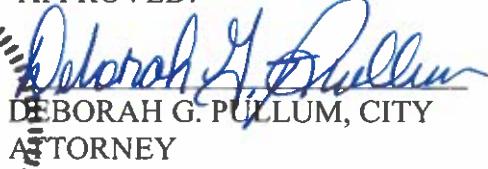
ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:



DEBORAH G. PULLUM, CITY  
ATTORNEY

## **Exhibit A**

**PETITION FOR CONSENT TO INCLUDE ADDITIONAL LAND  
INTO EAST TEXAS MUNICIPAL UTILITY DISTRICT OF SMITH COUNTY**

THE STATE OF TEXAS §

COUNTY OF SMITH §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TYLER:

CG Land Company, LLC, being the holder of title to all of, and therefore, a majority in value of the land hereinafter described, as such values are indicated by the tax rolls of the central appraisal district of Smith County, Texas ("Landowner" or "Petitioner"), acting pursuant to the provisions of the Section 42.0425, Texas Local Government Code, as amended, respectfully petitions for consent to include additional land in East Texas Municipal Utility District of Smith County (the "District"). In support of this petition, Petitioner would show as follows:

I.

The District, to which the land hereinafter described is sought to be annexed, exists under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapter 49, 51 and 54 of the Water Code. Landowner is the sole owner and holder of fee simple title to the land sought to be annexed to the District, as indicated by the tax rolls of the central appraisal district of Smith County, Texas.

II.

The land sought to be added to the District contains approximately 293.210 acres of land, more or less, as described in Exhibit "A", attached hereto and incorporated herein by reference, and lies wholly within Smith County, Texas. No part of said area is within the limits of any incorporated city or town. Under the provisions of Section 42.001, Local Government Code, as amended, said area is within the extraterritorial jurisdiction of the City of Tyler and is not within such jurisdiction of any other city. All of the territory to be annexed may properly be annexed to the District.

III.

The general nature of the work proposed to be done in the area sought to be annexed shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to provide a water supply for municipal, domestic and commercial purposes and to collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state.

IV.

The area of the District is urban in nature, is near the growing environs of the City of Tyler, and is in close proximity to populous and developed sections of Smith County. There is a necessity for the improvements described above because the land sought to be added to the District is not supplied with adequate water and sanitary sewer facilities, nor is it presently economically feasible for such facilities to be added to said land. The health and welfare of the present and future inhabitants of the District, the land sought to be added to the District, and of the territories adjacent thereto require the installation and acquisition of adequate water and sanitary sewer facilities for the land sought to be added to the District.

V.

A public necessity exists for the addition of said lands to the District to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community, by and through the construction, extension, improvement, maintenance and operation of water and sanitary sewer facilities.

WHEREFORE, Petitioner respectfully prays that this petition be granted in all respects and that the City of Tyler give its consent to the annexation of the aforesaid land into said District.

*[Remainder of Page Intentionally Blank]*

RESPECTFULLY SUBMITTED the 17<sup>th</sup> day of April, 2025.

**PETITIONER:**

CG Land Company LLC



Name: Katherine Riley  
Title: Authorized Rep

THE STATE OF TEXAS §

COUNTY OF SMITH §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Katherine Riley of CG Land Company on behalf of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 17<sup>th</sup> day of April, 2025.



(Notary Seal)

Notary Public in and for the State of Texas

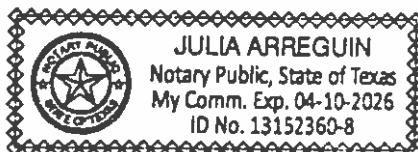


EXHIBIT "A"

LEGAL DESCRIPTION

# ***ISLAND LAKE RANCH***

*All of that Called 293.210 Acre Tract  
Described in Document No. 202401016225  
Official Records of Smith County, Texas  
John Bushnell Survey, Abstract No. 164  
J. F. Crawford Survey, Abstract No. 249  
James Jarmon Survey, Abstract No. 524  
John O'Neil Survey, Abstract No. 762  
Smith County, Texas*