

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
April 24, 2019**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, April 24, 2019 at 9:00 a.m. in the City Council Chambers, 2nd floor of City Hall, Tyler, Texas, with the following present:

Mayor:	Martin Heines
Mayor Pro Tem:	Linda Sellers
Councilmembers:	Bob Westbrook Don Warren Broderick McGee Ed Moore
City Manager:	Edward Broussard
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Assistant City Attorney:	Regina Moss
Managing Director of Administrative Services/HR:	ReNissa Wade
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
Police Chief:	Jimmy Toler
Managing Director of Culture, Recreation and Tourism Services:	Stephanie Franklin
Managing Director of Planning & Economic Development:	Heather Nick
Water Business Office Manager:	Jim Yanker
City Engineer:	Lisa Crossman
Managing Director of Utilities and Public Works:	Jimmie Johnson
Director of Utilities:	Cassandra Brager

INVOCATION

The Invocation was given by Assistant Pastor Doug Baker, Marvin Methodist Church.

MINUTES

Motion by Mayor Pro Tem Sellers to approve the March 6, 2019 special called minutes; seconded by Councilmember Warren; motion carried 6 - 0 & approved as presented.

AWARDS

A-1 We would like to recognize the following employee for his years of service and commitment to the City of Tyler. At this important milestone, we express our sincere appreciation for your dedication and for the special contribution you make to our organization. He represents 20 years of service with the City of Tyler.

Service Awards

Date of Hire	First Name	Last Name	Title	Department	Years of Service
4/5/1999	Billy	Yates	Assistant Police Chief I	Police	20

A-2 Request that the City Council consider recognizing a City employee as the Blueprint Blue Ribbon Award winner, for placing the highest premium on responsiveness to citizens' needs.

Lauren Justice was as the Blueprint Blue Ribbon Award winner for April 2019, for placing the highest premium on responsiveness to citizens' needs.

RESOLUTIONS

R-1 Request that the City Council consider adopting a resolution supporting the passage of legislation relating to the creation of the Rose City Municipal Utility District. (R-2019-19)

City Manager, Edward Broussard – Stated that the proposed legislation authored by State Representative District 6 Matt Shaefer intends to create a municipal utility district to be known as the Rose City Municipal Utility District, being approximately 27,300 acres located within the corporate limits and extraterritorial jurisdiction of the southern and southwestern portions of the City of Tyler, and partly in the extraterritorial jurisdiction of the City of Bullard. According to the proposed bill, the district would be overseen by a board of five directors appointed by the local governing bodies and the state representative whose legislative district encompasses the majority of the area.

Among other powers, the proposed district would have the authority to issue bonds, impose fees, and provide sewer and wastewater services without a certificate of convenience and necessity, and contract with the City to operate and maintain the district's sewer and wastewater facilities. However, the proposed legislation also provides a mechanism for the utility commission to decertify the territory inside the district of an existing retail public utility certificate holder, and compensate the existing certificate holder in an amount determined by the utility commission.

County Judge, Nathaniel Moran and Jeff Warr - Spoke in favor of the Rose City Municipal Utility District.

Monroe Kirby, 11105 CR 249, Chapel Hill community – Stated that he owns property on 155 South a mile past Loop 323, has no service there, and wanted to know why the city keeps passing him up.

Mayor Heines – Stated that it will take a lift station in that area but the city is working on something in that area.

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Motion by Councilmember Warren; seconded by Mayor Pro Tem Sellers; motion carried 6 - 0 & approved as presented.

ZONING

Z-1 S19-001 RENFRO VICTORIA Y (711 MOCKINGBIRD LANE) Request that the City Council consider approving a Special Use Permit to allow for a child home day care.

Motion by Councilmember McGee; seconded by Councilmember Moore; motion carried 6 - 0 & approved as presented.

Z-2 Z19-003 MARTINEZ JUAN (1325 AND 1329 CONNALLY STREET) Request that the City Council consider approving a zone change from "R-2", Two-Family Residential District to "R-1D", Single-Family Attached and Detached Residential District. (O-2019-26)

Motion by Councilmember McGee; seconded by Councilmember Warren; motion carried 6 - 0 & approved as presented.

Z-3 Z18-043 LINDA L WHEAT (3615 WOODBINE BOULEVARD) Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "AR", Adaptive Reuse District. (O-2019-27)

Motion by Councilmember Westbrook; seconded by Councilmember Moore; motion carried 6 - 0 & approved as presented.

Z-4 PD18-033 GENECOV INVESTMENTS (318.69 ACRES OF LAND) Request that the City Council consider approving a zone change from "AG", Agricultural District and "R-1A", Single-Family Residential District to "R-1A", Single-Family Residential District, "R-1B", Single-Family Residential District, "R-1D", Single-Family Attached/Detached Residential District, "PXR", Planned Mixed Residential District with written narrative, "PMF", Planned Multi-Family Residential District with written narrative, "R-MF", Multi-Family Residential District, "C-1", Light Commercial District, and "PMXD-1", Planned Mixed Use District with written narrative. (O-2019-28)

Mark Priestner, 3815 Old Bullard Rd. – Planning consultant for landowner; spoke in favor of item.

(Council recessed meeting at 10:16 for a break – Council reconvened regular session at 10:26 am)

Ray McKinney, 1350 Dominion Plaza – President of Genecov group; spoke in favor of item.

Jeannie Weaver, 2009 Hollystone Dr. – Spoke in opposition of the item; requested that no additional access/traffic be allowed onto Hollytree Drive.

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Marcy Justis, 7402 MaCallan Cove – Spoke in opposition of the item; stated he was concerned about buffers between subdivision sections, and protection of endangered wildlife through environmental studies.

Gordon Bryson, 2205 Thornwood - Spoke in opposition of the item; stated he was concerned about having no information on whether there has been an environmental study for the area around Legacy Trail; concerned about the protection of the historic cemetery in the area.

Angela Bridges, 1605 Royal Oak Dr. – Spoke in opposition of the item; presented a petition of citizens concerned about items such as: lack of infrastructure for internet, increased crime, impact on school zones, and traffic safety.

Robert Justis, 7402 MaCallan Cove – Spoke in opposition of the item; proposed alternative plan for collector street access; requested that Hollytree not connect to Old Jacksonville; proposed that it break in two key areas: 1) that it does not cross the creek and 2) that it does not cross the new Legacy Trail.

Bettye Baty, 2210 Firestone Circle – Spoke in opposition of the item; stated that she and her husband undertook the reclamation of the historic cemetery in the area; her husband is now buried in the cemetery, and she is concerned about the protection of the historic cemetery in the area.

Carolyn Bronston, 7912 Hollytree Drive – Spoke in opposition of the item; requested further modifications of the development in accordance with the wishes of the current residents of the Hollytree subdivision.

John Hart, 1839 Bent Tree Ln – (President of Hollytree Homeowners Association but was speaking in his personal/individual capacity) Spoke in opposition of the item; stated that current plan is premature and not adequately studied. He stated that his primary concern is traffic safety; other concerns include drainage and lack of environmental studies. (Following citizen's comments and Priestner's responses, Mr. Hart was asked to respond.) Mr. Hart responded that he would take some of the suggestions to improve traffic safety along Hollytree Drive back to the HOA for further consideration and possible coordination and implementation with the City.

Mark Loughmiller, 7418 Prinedale – Spoke in opposition of the item; stated that he was concerned about the protection of the historic cemetery and particularly the frontage track adjacent to the cemetery; also concerned about the density on the RMF tract. (Following citizen's comments and Priestner's responses, Mr. Loughmiller was asked to respond.) Mr. Loughmiller stated although the plan is not perfect, he is pleased with the concessions and/or modifications made by Genecov on the single-family tracts.

Harry Bergman, 7429 Prinedale – Spoke in opposition of the item; stated that current plan is premature and not adequately studied; requested that the Council consider the alternate plan put forward by Robert Justis.

Trey Brewer, 1350 Dominion Plaza – Vice President of Genecov; stated he was present

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to answer any questions.

Bob InLow, 7224 Prinedale – Spoke in opposition of the item; stated that he agreed with the other speakers, and was primarily concerned about traffic safety.

Duane Griffith, 766 Esperanza Pl- Spoke in opposition of the item; stated his main concern about the zoning request was the potential change in aesthetics, quality of neighborhood, and decrease of home values.

Parker Cuvelier, 7132 Shaddock Ridge – Spoke in opposition of the item; stated he was concerned about the traffic intensity on the roadways in the neighborhood, and about the traffic on the trail that would be placed directly behind his house.

Ashley Smith, 7034 Walden Dr. – Spoke in opposition of the item; stated that current Genecov plan was not in character with the current neighborhood; stated he was concerned about the environmental impact of the development on the natural characteristics of the property in the neighborhood;

Brook Swann, 6705 Hollytree Circle – Spoke in opposition of the item; stated he was concerned about the possible impact of the proposed development on traffic safety and increased crime;

Art Hughes, 1404 Woodlands Dr. – Spoke in opposition of the item; stated he did not want Hollytree to be a thoroughfare; and he did not want unoccupied homes.

Dawn Von Eschenbach, 2186 Pinehurst - Spoke in opposition of the item; stated he was concerned about the amount of proposed green space that is in the Genecov plan, about the density of the development, and about whether the surrounding schools could accommodate the impact; also stated his concern about the traffic impact.

Joe Nichols, 7135 Turnberry Ct. – Spoke in opposition of the item; stated that as an entertainer, he was concerned with the privacy and safety of his children, the possible higher traffic volume, and the possible increase in crime (noting that break-ins and burglaries have been on the rise in the neighborhood lately); also stated his concern with the extent of future development.

Kerri Seamans, 7207 Cherryhill Dr. – Spoke in opposition of the item; stated she supports the other speakers' comments; requested that there not be access to Hollytree Drive if the development is allowed.

Wanda Feliciano, 6503 Gleneagles Dr. – Spoke in opposition of the item; stated that she does not want the neighborhood to change. She stated she would at least ask that there be no traffic connection from the proposed development to Hollytree.

Mark Priestner, 3815 Old Bullard Rd - Spoke in favor of the item and responded to the expressed concerns. He stated the following:

- The traffic impact has been determined to be total trip generation of 15,000 cars

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- per day, and peak hour trips of 1,300 per day;
- Hollytree Drive is a major collector rather than a residential collector, and is at a current capacity of 11 percent, post development would be increased to 18 percent capacity; and
- They anticipate that more traffic will be going through the proposed development from Hollytree than traffic going through Hollytree from the development.

Motion by Councilmember Westbrook to approve the zone change **excepting out** the 24.95 acre tract identified as tract 4B in the applicant's application (*see attached Exhibit "C", page 20 of 24 which contains Exhibit "A" Tract 4B*); seconded by Mayor Pro Tem Sellers; motion carried 6 - 0 as amended. (Councilmember Sellers exits.) Council recessed for a short period and then reconvened.

Z-5 Z19-005 GARAGE PROPERTIES LLC (412 AND 418 EAST ERWIN STREET)
Request that the City Council consider approving a zone change from "M-1", Light Industrial District to "DBAC", Downtown Business, Arts and Culture District. (O-2019-29)

Motion by Councilmember Warren; seconded by Councilmember McGee; motion carried 5 - 0 & approved as presented.

Z-6 Z19-006 TYLERTEX HOLDINGS LLC (7906 AND 7716 NEIGHBORS ROAD)
Request that the City Council consider approving a zone change from "M-2", General Industrial District to "R-1B" Single-Family Residential District. (O-2019-30)

Motion by Councilmember Westbrook; seconded by Councilmember Moore; motion carried 5 - 0 & approved as presented.

Z-7 Z19-007 PARSLEY DWIGHT & KATHY (1937 DEERBROOK DRIVE) Request that the City Council consider approving a zone change from "M-1", Light Industrial District to "C-2" General Commercial District. (O-2019- 31)

Motion by Councilmember Westbrook; seconded by Councilmember McGee; motion carried 5 - 0 & approved as presented.

Z-8 Z19-002 ZB3 PROPERTIES LLC (2469 EARL CAMPBELL PARKWAY) Request that the City Council consider approving a "PCD", Planned Commercial District amendment with a written narrative. (O-2019-32)

Motion by Councilmember Warren; seconded by Councilmember Moore; motion carried 5 - 0 & approved as presented.

CONSENT

(These items are considered to be routine or have been previously discussed, and can be approved in one motion, unless a Council Member asks for separate consideration of an item.)

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C-A-1 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 845 Turner Avenue within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2019-20)

C-A-2 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1009 South Englewood Street within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2019-21)

C-A-3 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1100 North Bois D Arc within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2019-22)

C-A-4 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1107 West 32nd Street within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2019-23)

C-A-5 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1207 Lenox within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2019-24)

C-A-6 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 2202 Woodlawn Street within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2019-25)

C-A-7 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at South Peach Avenue within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2019-26)

C-A-8 Request that the City Council authorize the City Manager to ratify staff action of \$40,000.00 for the emergency replacement of the High Service Pump No. 5 motor starter at the Golden Road Water Treatment Plant, to Alan Fielding Electric.

C-A-9 Request that City Council authorize the City Manager to renew the memorandum of understanding with the East Texas Symphony Orchestra for the operations of Liberty Hall.

C-A-10 Request that the City Council consider adoption of a Resolution to authorize continued participation by the City of Tyler with the Steering Committee of Cities Served by Oncor, and authorizing the annual assessment payment of eight (8) cents per capita to the Steering Committee. (R-2019-27)

C-A-11 Request that the City Council consider authorizing the purchase of new chairs for Harvey Convention Center and the Rose Garden Center in the amount of \$34,004.32 to Mity Lite, Inc.

Motion by Councilmember Westbrook; seconded by Councilmember Moore; motion carried 5 - 0 & approved as presented.

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CITY MANAGER'S REPORT

Nothing to report

EXECUTIVE SESSION – City Council convened into executive session at 2:27 pm.

Executive Item No. 1:

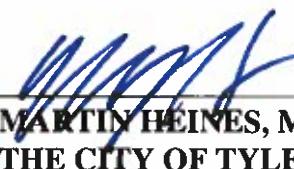
Under Texas Government Code Section 551.071 "Litigation" deliberation regarding the following:

Pending or contemplated litigation or settlement offer involving *ETMC EMS, et al v. Champion EMS, et al v. City of Tyler, et al.*

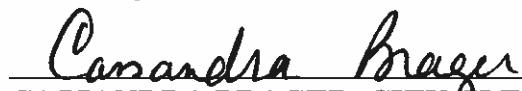
City council reconvened from executive session at 3:18 pm with no action taken.

ADJOURNMENT

Motion by Councilmember Warren; seconded by Councilmember Moore; motion carried 5- 0 & approved as presented.

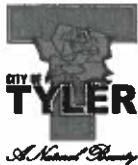

MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



ATTACHMENT TO THE
MINUTES OF THE APRIL 24, 2019 COUNCIL MEETING



CITY OF TYLER
CITY COUNCIL COMMUNICATION

Agenda Number: **Z-4**

Date: **April 24, 2019**

Subject: **PD18-033 GENECOV INVESTMENTS (318.69 ACRES OF LAND)**
Request that the City Council consider approving a zone change from
“AG”, Agricultural District and “R-1A”, Single-Family Residential
District to “R-1A”, Single-Family Residential District, “R-1B”,
Single-Family Residential District, “R-1D”, Single-Family
Attached/Detached Residential District, “PXR”, Planned Mixed
Residential District with written narrative, “PMF”, Planned Multi-
Family Residential District with written narrative, “R-MF”, Multi-
Family Residential District, “C-1”, Light Commercial District, and
“PMXD-1”, Planned Mixed Use District with written narrative.

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Item Reference:

The applicant is requesting the zone change to allow for a mixture of office, retail and residential uses on approximately 318.69 acres of land located generally between Old Jacksonville Highway and Waljim Road from west to east, and between Dueling Oaks and West Cumberland Road from north to south (Tracts 5A, 5B, 5C, 5D, 10, and 11A of Abstract A0562 M Long, Tracts 7B, 7C of Abstract A0794 T Price, Tracts 18A, 18A.1, 18B and 18B.1 of Abstract A0443 J Hope).

According to the Unified Development Code (UDC), the “R-1A”, Single-Family Residential District is primarily intended to accommodate development of detached, single-family housing on large individual lots. In addition, the district allows churches, schools, and accessory buildings and uses. The maximum building height is 42 feet. Setback requirements are 25 feet in the front and rear, seven and one-half feet on the interior side and 12 feet on the corner side. Minimum lot size is 9,000 square feet.

According to the UDC, the “R-1B”, Single-Family Residential District is primarily intended to accommodate development of detached, single-family housing on smaller individual lots. In addition, the district allows churches, schools, and accessory buildings and uses. The maximum building height is 42 feet. Setback requirements are 25 feet in the front and rear, six feet on the interior side and 12 feet on the corner side. Minimum lot size is 6,000 square feet.

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According to the UDC, the “R-1D”, Single-Family Detached and Attached Residential District is primarily intended to accommodate single-family detached and attached housing, such as duplexes, townhouses and rowhouses on small individual lots. In addition, the district allows churches, schools, and accessory buildings and uses. The maximum building height is 42 feet. Setback requirements are 25 feet in the front, 15 feet in the rear, zero feet on the interior side and 12 feet on the corner side. Minimum lot size is 3,000 square feet.

According to the UDC, the “R-MF”, Multi-Family Residential District is primarily intended to accommodate multi-family development at a maximum density of 24 dwelling units per acre. In addition, the district allows churches, group living facilities, schools, and accessory buildings and uses. The maximum building height is 50 feet, however, the building height is allowed to exceed stated maximum height if front, rear and side setback are increased at least one foot for each foot of additional building height. Setback requirements are 25 feet in the front, rear, and interior side and 12 on the corner side. Minimum lot size is 12,500 square feet.

According to the UDC, the “PXR”, Planned Mixed Residential District is primarily intended to provide for medium-density development of innovative forms of detached and attached single-family housing. The PXR district is also intended to permit, where appropriate pursuant to the Tyler 1st Comprehensive Plan and Future Land Use Guide (FLUG), a mixture of single-family attached and detached housing types in areas using individually platted lots. All developments created in a PXR district must be designed and developed in accordance with an approved site development plan and submitted for approval to the Planning and Zoning Commission and to City Council.

According to the UDC, the “PMF”, Planned Multi-Family District is primarily intended to implement the Tyler 1st Comprehensive Plan by providing for the medium to high density development of condominiums, apartments, and nursing homes. A PMF development may include common open spaces, scenic and recreational areas. All developments created in a PMF district must be designed and developed in accordance with an approved site development plan and submitted for approval to the Planning and Zoning Commission and to City Council.

According to the UDC, the “C-1”, Light Commercial District allows restaurants, private clubs, antique shops, banks, service stations, offices and retail stores without any outdoor display or storage of merchandise or goods. The maximum building height allowed within this district is two and one-half stories or 42 feet in height. The setback requirements are 10 feet in the front, 10 feet in the rear, zero feet on the interior side (10 feet if abuts a residential district) and 15 feet on the corner side. The minimum lot area is 7,000 square feet. Off-street parking is determined by the specific use proposed. Properties with a commercial designation are subject to UDC Development Standards such as landscaping and tree preservation, bufferyards, and sign regulations.

According to the UDC, the “PMXD-1”, Planned Mixed Use District is primarily intended to implement the Tyler 1st Comprehensive Plan by promoting a mix of residential, retail, and services, office, institutional, park and government uses. The PMXD-1 district is intended for areas near key intersections of major arterial roadways, and other areas with access to a full range of public facilities and infrastructure. All developments created in a PMXD-1 district must be designed and developed in accordance with an approved site development plan or a written narrative detailing the development parameters with sufficient detail that it can be evaluated and submitted for approval to the Planning and Zoning Commission and to City Council. Where narrative is submitted and approved by the City Council, future site plans may be approved by staff when they are consistent

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with the standards included in the narrative.

According to UDC Section 10-617, the City Council will consider the following approval criteria for zoning changes:

- a. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action;
- b. The zoning change is consistent with the Tyler 1st Comprehensive Plan;
- c. The zoning change promotes the health, safety, or general welfare of the city and the safe, orderly, and healthful development of the city;
- d. The zoning change is compatible with the present zoning and/or conforming uses of nearby property and with the character of the neighborhood; and
- e. The property to be rezoned is suitable for uses permitted by the District that would be applied by the proposed amendment.

In addition to the zoning change criteria above, the City Council will consider the following specific objectives and criteria for approving any type of planned district currently permitted in this code:

- a. A variety of housing types, employment opportunities, or commercial services to achieve a balanced community;
- b. An orderly and creative arrangement of all land uses with respect to each other and to the entire community;
- c. A planned and integrated comprehensive transportation system providing for a separation of pedestrian and vehicular traffic, to include facilities such as roadways, bicycle ways and pedestrian walkways;
- d. The provisions of cultural or recreational facilities for all segments of the community;
- e. The location of general building envelopes to take maximum advantage of the natural and manmade environment; and
- f. The staging of development in a manner which can be accommodated by the timely provision of public utilities, facilities, and services.

The adjacent properties are generally zoned "AG", Agricultural District, "R-1A", Single-Family Residential District, "R-1B", Single-Family Residential District, "PUR", Planned Unit Residential District, "PMF", Planned Multi-Family Residential District and "C-1", Light Commercial District. The properties are generally developed with single-family homes including large lot, medium lot, and garden homes. The "PMF" zoned properties are developed with condominiums.

The adopted Future Land Use Guide (FLUG) identifies this property as Single-Family Medium/Low Density and Mixed-Use Center. This request is generally consistent with the FLUG, but it will amend medium density residential areas to Townhouse/Garden Apartment and nonresidential areas to Mixed-Use Center.

The applicant is requesting to establish zoning appropriate for imminent development of approximately 318.69 acres of land south of the Hollytree community and along West Mud Creek. The area was annexed into the City of Tyler in 1996 and 2000 and was given an original zoning of "AG", Agricultural District, which is standard practice for vacant acreage.

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On August 12, 2016, the West Cumberland Road extension was completed. West Cumberland Road is a four-lane, divided arterial street that connects Old Jacksonville Highway to South Broadway Avenue. It is anticipated to become a highly-travelled thoroughfare. Maple Lane was also recently connected to Hollytree Drive. Both streets are 70 feet wide major collector streets. Hollytree is on the Master Street Plan to connect into Old Jacksonville Highway.

The applicant is proposing a mixture of residential densities as well as complimentary neighborhood-serving commercial uses. The proposed zoning recognizes that the planned thoroughfares and connections will support a diversity of residential density types. The proposed zoning allows for the appropriate transition of uses from Cumberland Road and for appropriate residential densities near the intersection of Maple Lane and Hollytree Drive (collector streets).

The applicant originally requested a zone change for the northeast corner of West Cumberland Road and Maple Lane. The request was tabled by the Planning and Zoning Commission on January 8, 2019 and February 5, 2019 to allow the applicant to meet with surrounding neighborhoods. The applicant met with homeowners from the Hollytree community on January 15, 2019, the Prestonwood community on February 12, 2019, and the Bishops Gate community on February 19, 2019. All meetings were held at the Faulkner Park Police Substation and were well-attended by members of these communities. The applicant discussed the overall plan for the Genecov property and listened to concerns from neighbors. The applicant amended portions of their request after hearing feedback from neighbors.

The applicant has submitted site narratives for the areas to be zoned “PXR”, “PMF” and “PMXD-1”. The “PXR” narrative proposes a maximum height of 42 feet and setbacks of 20 feet front, zero side interior if attached, five side interior if detached, 12 feet side corner, and 15 feet rear yard. These areas will be developed with a mixture of attached and detached housing.

“PMF” zoning near the intersection of Hollytree Drive and Maple Lane will be limited to two story or 40 feet in height with a maximum density of 15 units per acre. The UDC allows for a maximum density of 24 units per acre for multi-family zoning. Uses will be restricted to attached and detached single-family homes on one large lot and multi-family apartments. The narrative restricts Crisis Center, Halfway House, and Rescue Mission uses. The narrative also stipulates a 25 foot landscape buffer along Hollytree Drive, except for driveway access.

“PMF” zoning near the intersection of Cumberland Road and a future extension of Deer Ridge Lane (adjacent to Hamilton Commons) will be limited to a maximum height of three stories or 45 feet whereas the UDC does not stipulate a maximum height for “PMF” zoning.

“PMXD-1” development will be limited to loft residential, “RPO” and “C-1” uses. Signage will be consistent with “C-1” standards.

On April 2, 2019, the Planning and Zoning Commission held a public hearing for this request. Representatives from Genecov, Ray McKinney and Trey Brewer, spoke in favor of the request. They discussed their engagement process with the surrounding neighborhoods and the changes they made after hearing feedback. Mark Priestner, the applicant’s consultant, also discussed the project. A number of neighbors spoke in opposition with concerns about potential impacts to property values,

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traffic and the overall quality of the area. There was considerable discussion about the proposed “R-MF” zoning near the west end of the property. Owners within the Bishops Gate community were concerned about the view of multi-family housing along the Legacy Trail. The applicant discussed that they will place a stipulation in the deed restrictions to leave a buffer to protect the view. Staff notes that a potential deed restriction will not be enforceable by the City and that the restriction cannot be added to “R-MF” zoning approval.

As of Friday, April 12, 2019, of the 138 notices mailed, two notices were returned in favor of the request and 33 were returned in opposition with a total protest calculation of 6.49 percent. Other forms of notice were provided including a publication in the Tyler Morning Telegraph and yellow signs posted in highly visible locations on the property. A number of neighbors from outside of the 200 foot mailed notification area submitted letters in opposition as well.

Neighbors in opposition to the request cited concerns with the potential impact to property values, loss of trees, increased traffic in the area and multi-family development. While “R-1D” zoning allows for attached units (townhomes), it is still single-family zoning as each unit will be on an individual lot. “R-1D” also allows for a diversity of housing types for all stages of the life cycle. The “PMF” zoning is located in areas that are either already zoned for multi-family use or nearby mixed-use centers. Higher density housing near neighborhood-serving commercial areas can alleviate vehicle trips elsewhere on the street system and promote alternative modes of transportation.

All other departments have reviewed the application and anticipate no significant impact on services and facilities by the proposed rezoning request.

RECOMMENDATION:

The Planning and Zoning Commission by a 4-2 vote recommends approval of the zone change from “AG”, Agricultural District and “R-1A”, Single-Family Residential District to “R-1A”, Single-Family Residential District, “R-1B”, Single-Family Residential District, “R-1D”, Single-Family Attached/Detached Residential District, “PXR”, Planned Mixed Residential District with written narrative, “PMF”, Planned Multi-Family Residential District with written narrative, “R-MF”, Multi-Family Residential District, “C-1”, Light Commercial District, and “PMXD-1”, Planned Mixed Use District with written narrative.

ATTACHMENTS:

1. Ordinance
2. Exhibit “A”: Written Narratives
3. Exhibit “B”: Proposed Zoning Map
4. Exhibit “C”: Metes and Bounds Descriptions
5. Exhibit “D”: Location Map
6. Exhibit “E”: Tyler 1st Future Land Use Map
7. Exhibit “F”: Notification



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**Drafted/Recommended By:
Department Leader**

**Heather Nick, AICP
Managing Director**

**Edited/Submitted By:
City Manager**

ORDINANCE NO. O-2019-

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CHANGING THE ZONING FROM "AG", AGRICULTURAL DISTRICT AND "R-1A", SINGLE-FAMILY RESIDENTIAL DISTRICT TO "R-1A", SINGLE-FAMILY RESIDENTIAL DISTRICT, "R-1B", SINGLE-FAMILY RESIDENTIAL DISTRICT, "R-1D", SINGLE-FAMILY ATTACHED/DETACHED RESIDENTIAL DISTRICT, "PXR", PLANNED MIXED RESIDENTIAL DISTRICT WITH WRITTEN NARRATIVE, "PMF", PLANNED MULTI-FAMILY RESIDENTIAL DISTRICT WITH WRITTEN NARRATIVE, "R-MF", MULTI-FAMILY RESIDENTIAL DISTRICT, "C-1", LIGHT COMMERCIAL DISTRICT, AND "PMXD-1", PLANNED MIXED USE DISTRICT WITH WRITTEN NARRATIVE ON APPROXIMATELY 318.69 ACRES OF LAND LOCATED GENERALLY BETWEEN OLD JACKSONVILLE HIGHWAY AND WALJIM ROAD FROM WEST TO EAST, AND BETWEEN DUELING OAKS AND WEST CUMBERLAND ROAD FROM NORTH TO SOUTH (TRACTS 5A, 5B, 5C, 5D, 10, AND 11A OF ABST. A0562 M LONG, TRACTS 7B, 7C OF ABST. A0794 T PRICE, TRACTS 18A, 18A.1, 18B AND 18B.1 OF ABST. A0443 J HOPE); DIRECTING THE AMENDMENT OF THE ZONING MAP; DIRECTING THE AMENDMENT OF THE FUTURE LAND USE GUIDE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Tyler, Texas, and the City Council of the City of Tyler, Texas, in compliance with the Charter and the State law with reference to the zoning ordinance of the City of Tyler, Texas, and zoning map, have given requisite notices by publication and otherwise and after holding a due hearing and affording a full and fair hearing to all the property owners, generally and to the persons interested, situated in the affected area and in the vicinity thereof, the City Council is of the opinion that the zoning change should be made as set forth herein;

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

PART 1: That the following zone change is hereby approved as follows:

I. APPLICATION PD18-033

That the following described property, which has heretofore been zoned "AG", Agricultural District and "R-1A", Single-Family Residential District shall hereafter bear the zoning classification of "R-1A", Single-Family Residential District, "R-1B", Single-Family Residential District, "R-1D", Single-Family Attached/Detached Residential District, "PXR", Planned Mixed Residential District with written narrative, "PMF", Planned Multi-Family Residential District with written narrative, "R-MF", Multi-Family Residential District, "C-1", Light Commercial District, and "PMXD-1", Planned Mixed Use District with written narrative, to wit:

Approximately 318.69 acres of land located generally between Old Jacksonville Highway and Waljim Road from west to east, and between Dueling Oaks and West Cumberland Road from north to south (Tracts 5A, 5B, 5C, 5D, 10, and 11A of Abst. A0562 M Long, Tracts 7B, 7C of Abst. A0794 T Price, Tracts 18A, 18A.1, 18B and 18B.1 of Abst. A0443 J Hope), in accordance with Exhibit "A" and as described by Exhibits "B" and "C", all attached hereto

and incorporated herein.

PART 2: That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning and the Future Land Use Guide to reflect Single-Family and Single-Family Attached Medium/High Density ("R-1D" and "PXR" areas) and Mixed-Use Center ("R-MF", "PMF", "C-1", and "PMXD-1" areas).

PART 3: 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 4: 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 April 26th, 2019.

PASSED AND APPROVED this the 24th day of April A.D., 2019.

MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

A T T E S T:

CASSANDRA BRAGER, CITY CLERK

STEVEN M. KEAN,
DEPUTY CITY ATTORNEY

APPROVED:

ORDINANCE 0-2019
EXHIBIT "A"
WRITTEN NARRATIVES
1 OF 2



Zoning areas and Planned District Narrative – Genecov Properties

All regulations and uses per the Tyler UDC except where noted below.

Tract 8 - PMXD-1 Planned Mixed-Use District

PMXD-1

Uses – All C-1, RPO and Residential

Setbacks – Front – 10'

Sides – 5' / 10' Street

Rear – 10'

Minimum 10' between structure

Maximum Lot Coverage – 60%

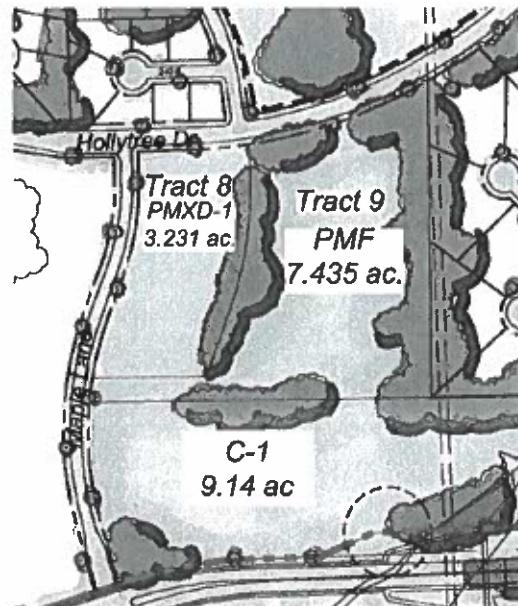
Maximum Height – 3 story / 45'

Minimum Lot Frontage – 25'

Parking and Landscaping to meet

City of Tyler UDC standards

Signage to be consistent with C-1 regulations



Tract 9 - PMF Planned Multi-family

PMF

Uses – Attached / Detached Single Family and Multi-family Residential except for Crises Center, Halfway House and Rescue Mission/Home as defined by the UDC.

Setbacks – 15' from exterior zoning district boundary

Minimum 10' between attached / detached single family structures

Minimum 15' between multi-family structures

Maximum Height – 2 story / 40'

Density – 15 units per acre max

Maximum Lot Coverage – 60%

Parking, Landscaping and Signage per City of Tyler UDC

25' landscape buffer along Hollytree Drive (driveway access permitted)

EXHIBIT "A"
WRITTEN NARRATIVES
2 OF 2

Tract 2 - PMF Planned Multi-family

PMF

Uses – Attached / Detached Single Family and Multi-family Residential

Setbacks – 15' from exterior zoning district boundary

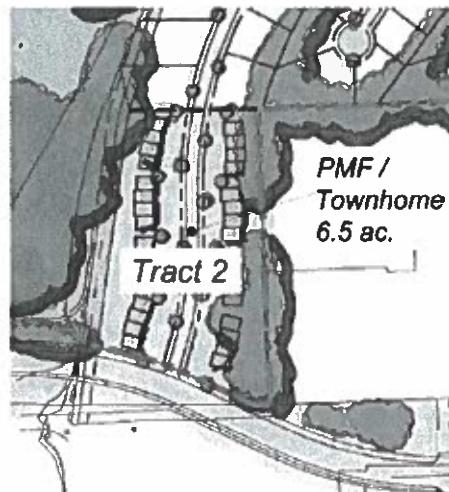
Minimum 10' between attached / detached single family structures

Minimum 15' between multi-family structures

Maximum Height – 3 story / 45'

Maximum Lot Coverage – 60%

Parking, Landscaping and Signage per City of Tyler UDC



Tracts 5 & 6 - PXR Planned Mixed Residential

PXR

Uses – Attached / Detached Single Family

Maximum Height – 2.5 story / 42'

Minimum lot size – 2,700 sf

Setbacks (attached) – Front – 20'

Sides – 0' interior / 12' street

Rear – 15'

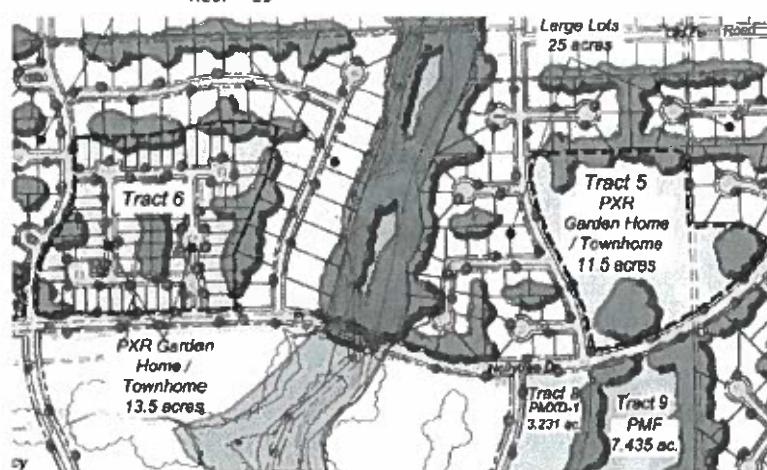
15' between structures

Maximum six (6) attached units in a single row

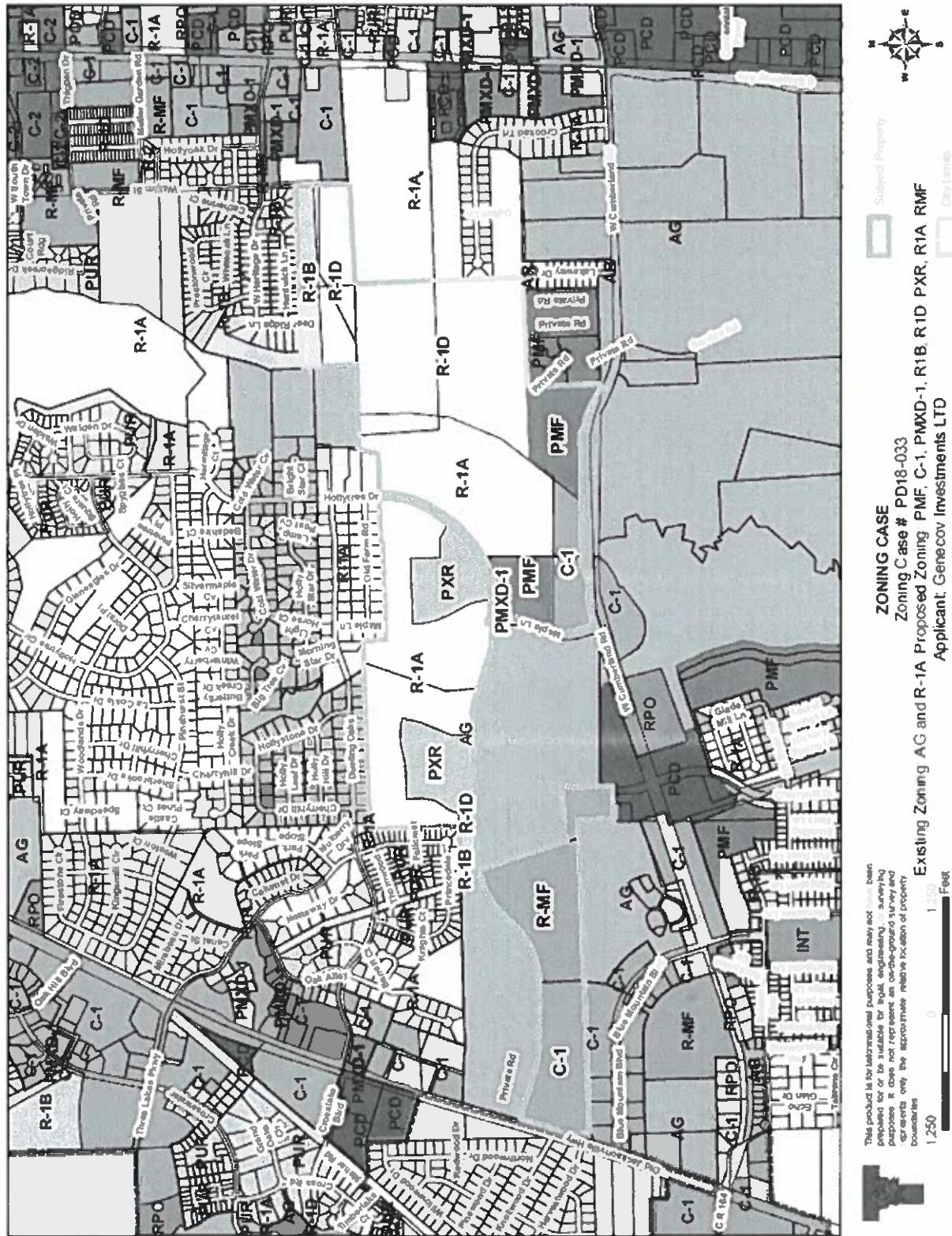
Setbacks (detached) – Front – 20'

Sides – 5' interior / 12' street

Rear – 15'



ORDINANCE 0-2019
EXHIBIT "B"
PROPOSED ZONING MAP



ORDINANCE O-2019
EXHIBIT "C"
METES AND BOUNDS DESCRIPTIONS
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- Surveying
- Mapping
- Planning

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EXHIBIT "A"

PARCEL 1, R1B
90.974-Acre Tract

Being a 90.974-acre tract of land situated in the John Hope Survey, Abstract No. 443 and the Mary M. Long Survey, Abstract No. 562, City of Tyler, Smith County, Texas, and being part of a called 434.2-acre tract of land described in a Deed from Roosth Farm Rental, LLC to West Cumberland, LLC recorded under County Clerk's File No. 20170100029364 of the Official Public Records of Smith County, Texas, (O.P.R.S.C.T.), said 90.974-acre tract of land being more completely described by metes and bounds as follows:

Beginning at a 1" iron rod found for the Southeast corner of Lot 11, N C B. 1606-G of Holly Heights, Unit 5 as evidenced by a Final Plat thereof recorded in Cabinet E, Slide 203-D of the Plat Records of Smith County, Texas, (P.R.S.C.T.), said 1" iron rod found being in the North boundary line of said Mary M. Long Survey and said 434.2-acre tract and the South boundary line of said John Hope Survey;

Thence North 03 degrees 03 minutes 26 seconds West, a distance of 554.80 feet along the East boundary line of said Lot 11 to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687" in the East boundary line of Lot 22, N C B. 1604 of Holly Star as evidenced by a Final Plat thereof recorded in Cabinet D, Slide 216-D, P.R.S.C.T., same being the Southwest corner of Prestonwood, Unit 5 as evidenced by a Final Plat thereof recorded in Cabinet D, Slide 185-C, P.R.S.C.T.,

Thence North 87 degrees 49 minutes 12 seconds East, a distance of 1980.68 feet along the North boundary line of said 434.2-acre tract and the South boundary line of said Prestonwood, Unit 5 and the South boundary line of Prestonwood, Unit 4 to 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found for the Northeast corner of said 434.2-acre tract, in the East boundary line of said John Hope Survey, and the West boundary line of the Robert Tombs Survey, Abstract No. 987;

Thence South 01 degree 56 minutes 36 seconds East, a distance of 300.37 feet along the East boundary line of said 434.2-acre tract and said John Hope Survey and the West boundary line of said Robert Tombs Survey to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687";

Thence South 01 degree 56 minutes 01 second East, a distance of 286.29 feet continuing along the East boundary line of said 434.2-acre tract and John Hope Survey and the West boundary line of said Robert Tombs Survey to a 1/2" iron rod found for an exterior corner in the East boundary line of said Hope Survey and an interior corner in the West boundary line of said Tombs Survey, said iron rod found also being in the North boundary line of a called 45.8388-acre tract to Dunwood Cemetery Service Co. described in a Deed as being part of a called 50-acre tract from W. E. Hale to T. L. Wright recorded in Volume 358, Page 620 of the Deed Records of Smith County, Texas, (D.R.S.C.T.);

Thence South 88 degrees 30 minutes 25 seconds West, a distance of 1101.14 feet along an upper South boundary line of said 434.2-acre tract and the South boundary line of said John Hope Survey and the North boundary line of said 45.8388-acre tract and said Robert Tombs Survey to a 1/2" iron rod found with plastic cap stamped "MSM" for an interior corner in the East boundary line of said 434.2-acre tract

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EXHIBIT "C"
METES AND BOUNDS DESCRIPTIONS
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and the Northeast corner of said Mary M. Long Survey, the Northwest corner of said 45.8388-acre tract, and an exterior corner in the West boundary line of said Tombs Survey;

Thence South 01 degree 50 minutes 10 seconds East, a distance of 763.74 feet along the East boundary line of said 434.2-acre tract and said Mary M. Long Survey and the West boundary line of said 45.8388-acre tract and said Robert Tombs Survey to a 1-1/2" iron pipe found;

Thence South 02 degrees 02 minutes 18 seconds East, a distance of 115.50 feet continuing along the East boundary line of said 434.2-acre tract and said Mary M. Long Survey and the West boundary line of said 45.8388-acre tract and said Robert Tombs Survey to a bent sucker rod found for the Southwest corner of said 45.8388-acre tract and the Northwest corner of Lot 54, N.C.B. 1546-I of Cumberland Place West, Unit 1 as evidenced by and Amended Plat thereof recorded in Cabinet E, Slide 271-8 of the Plat Records of Smith County, Texas, P.R.S.C.T.;

Thence South 02 degrees 05 minutes 01 second East, a distance of 955.22 feet along the East boundary line of said 434.2-acre tract and said Mary M. Long Survey and the West boundary line of said Cumberland Place West, Unit 1 and said Robert Tombs Survey to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687" for an exterior corner in the East boundary line of said 434.2-acre tract, also being in the North boundary line of Lot 2-A, N.C.B. 1546-D of Cumberland Park as evidenced by a First Amendment Plat thereof recorded in Cabinet E, Slide 161-D, P.R.S.C.T.;

Thence South 87 degrees 55 minutes 56 seconds West, along a South boundary line of said 434.2-acre tract and the North boundary line of said Lot 2-A, Lot 1-D and Lot 1-C, N.C.B. 1546-H, Hamilton Commons as evidenced by a 1st Amendment Plat thereof recorded in Cabinet E, Slide 227-D, P.R.S.C.T., at a distance of 1177.36 feet, passing a 1" square iron bolt found for the Northwest corner of said Lot 1-C, at an interior corner in the East boundary line of said 434.2-acre tract and continuing along said course for a total distance of 1965.07 feet to a point for corner;

Thence North 38 degrees 11 minutes 30 seconds East, a distance of 394.68 feet to a point for corner;

Thence North 22 degrees 28 minutes 54 seconds East, a distance of 591.74 feet to a point for corner;

Thence North 06 degrees 31 minutes 14 seconds East, a distance of 436.03 feet to a point for corner;

Thence North 01 degree 56 minutes 49 seconds West, a distance of 582.02 feet to a point for corner in the South boundary line of aforementioned Lot 11 of Holly Heights, Unit 5 and said John Hope Survey and the North boundary line of said Mary M. Long Survey;

Thence North 88 degrees 03 minutes 11 seconds East, a distance of 532.00 feet to the place of beginning, containing 90.974 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 April, 2016.

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EXHIBIT "C"
METES AND BOUNDS DESCRIPTIONS
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GIVEN UNDER MY HAND AND SEAL, This the 30th day of January, 2019.



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



ORDINANCE O-2019
EXHIBIT "C"
METES AND BOUNDS DESCRIPTIONS
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- *Surveying*
- *Mapping*
- *Planning*

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EXHIBIT "A"
PARCEL 2, PMF
14.449-Acre Tract

Being a 14.449-acre tract of land situated in the Mary M. Long Survey, Abstract No. 562, City of Tyler, Smith County, Texas, and being part of a called 434.2-acre tract of land described in a Deed from Roosth Farm Rental, LLC to West Cumberland, LLC recorded under County Clerk's File No. 20170100029364 of the Official Public Records of Smith County, Texas, (O.P.R.S.C.T.), said 14.449-acre tract of land being more completely described by metes and bounds as follows:

Beginning at a 1" square iron bolt found for the Northwest corner of said Lot 1-C, N.C.B. 1546-H of Hamilton Commons as evidenced by a 1" Amendment Plat thereof recorded in Cabinet E, Slide 227-D, of the Plat Records of Smith County, Texas, (P.R.S.C.T.), same being an interior ell corner in the East boundary line of said 434.2-acre tract;

Thence South 02 degrees 25 minutes 58 seconds East, a distance of 789.92 feet along the East boundary line of said 434.2-acre tract and the West boundary line of said Lot 1-C to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687" for the Southeast corner of said 434.2-acre tract and the Southwest corner of said Lot 1-C;

Thence South 87 degrees 37 minutes 47 seconds West, a distance of 38.38 feet along the South boundary line of said 434.2-acre tract to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687" in the North right-of-way line of West Cumberland Road;

Thence North 65 degrees 00 minutes 26 seconds West, a distance of 173.81 feet along the North right-of-way line of West Cumberland Road, same being the South boundary line of said 434.2-acre tract to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687";

Thence continuing along the North right-of-way line of said West Cumberland Road and the South boundary line of said 434.2-acre tract and along a curve to the left with a delta angle of 15 degrees 27 minutes 07 seconds, a radius of 1052.50 feet, an arc length of 283.84 feet, a chord bearing of North 72 degrees 43 minutes 59 seconds West, and a chord length of 282.98 feet to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687";

Thence North 62 degrees 50 minutes 36 seconds West, a distance of 154.49 feet continuing along the North right-of-way line of said West Cumberland Road and South boundary line of said 434.2-acre tract to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687";

Thence South 88 degrees 00 minutes 37 seconds West, a distance of 655.90 feet to a point for corner;

Thence North 38 degrees 11 minutes 30 seconds East, a distance of 708.96 feet to a point for corner;

Thence North 87 degrees 55 minutes 56 seconds East, a distance of 787.71 feet to the place of beginning, containing 14.449 acres of land.

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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 April, 2016.

GIVEN UNDER MY HAND AND SEAL, This the 30th day of January, 2019.



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



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EXHIBIT "C"
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- *Surveying*
- *Mapping*
- *Planning*

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EXHIBIT "A"
PARCEL 3, R1A
52.309-Acre Tract

Being a 52.309-acre tract of land situated in the Mary M. Long Survey, Abstract No. 562, City of Tyler, Smith County, Texas, and being part of a called 434.2-acre tract of land described in a Deed from Roosth Farm Rental, LLC to West Cumberland, LLC recorded under County Clerk's File No. 20170100029364 of the Official Public Records of Smith County, Texas, (O.P.R.S.C.T.), said 52.309-acre tract of land being more completely described by metes and bounds as follows:

Beginning at a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687" in the East right-of-way line of Hollytree Drive, (variable width right-of-way) as evidenced by a Final Plat of Hollytree South, Unit 1, Right-of-Way Dedication recorded in Cabinet F, Slide 33-A of the Plat Records of Smith County, Texas, (P.R.S.C.T.) same being the Southwest corner of a called 0.193-acre tract, described in a Deed from Genecov Investments, Ltd. & Sam Roosth, Trustee to Jim and Dottie Hairston Family Partnership, LP recorded Smith County Clerk's File No. 2013-R00022068, O.P.R.S.C.T.;

Thence North 88 degrees 12 minutes 08 seconds East, a distance of 419.51 feet along the South boundary line of said 0.193-acre tract to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687" for the Southeast corner of same;

Thence North 04 degrees 05 minutes 06 seconds East, a distance of 64.09 feet along the East boundary line of said 0.193-acre tract and the East boundary line of Lot 9, N.C.B. 1606-G of Holly Heights, Unit 5 as evidenced by a Final Plat thereof recorded in Cabinet E, Slide 203-D, P.R.S.C.T. to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687";

Thence North 12 degrees 52 minutes 18 seconds East, a distance of 169.63 feet continuing along said East boundary line of Lot 9 and along the East boundary line of Lot 10, N.C.B. 1606-G, of said Holly Heights, Unit 5 to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687" in the North boundary line of aforementioned Mary M. Long Survey and 434.2-acre tract and the South boundary line of the John Hope Survey, Abstract No. 443 and Lot 11, N.C.B. 1606-G, Holly Heights, Unit 5;

Thence North 88 degrees 03 minutes 01 second East, a distance of 379.25 feet along said North and South boundary lines to a point for corner;

Thence South 01 degree 56 minutes 49 seconds East, a distance of 582.02 feet to a point for corner;

Thence South 06 degrees 31 minutes 14 seconds West, a distance of 436.03 feet to a point for corner;

Thence South 22 degrees 28 minutes 54 seconds West, a distance of 591.74 feet to a point for corner;

Thence South 38 degrees 11 minutes 30 seconds West, a distance of 1103.64 feet to a point for corner in the North right-of-way line of West Cumberland Road and the South boundary line of said 434.2-acre tract;

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Thence South 88 degrees 00 minutes 37 seconds West, a distance of 547.99 feet continuing along the North right-of-way line of said West Cumberland Road and the South boundary line of said 434.2-acre tract to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found;

Thence North 02 degrees 03 minutes 05 seconds West, a distance of 1077.18 feet to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found in the South right-of-way line of aforementioned Hollytree Drive;

Thence along said South right-of-way line of Hollytree Drive and a curve to the left with a delta angle of 27 degrees 47 minutes 58 seconds, a radius of 1185.00 feet, an arc length of 574.95 feet, a chord bearing of North 47 degrees 16 minutes 09 seconds East, for a chord length of 569.33 feet to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found;

Thence North 33 degrees 22 minutes 10 seconds East, a distance of 188.73 feet continuing along the Southeast right-of-way line of Hollytree Drive to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found;

Thence along the East right-of-way line of Hollytree Drive and a curve to the left with a delta angle of 35 degrees 08 minutes 47 seconds, a radius of 985.00 feet, an arc length of 604.22 feet, a chord bearing of North 15 degrees 47 minutes 47 seconds East, for a chord length of 594.79 feet to the place of beginning, containing 52.309 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 April, 2016.

GIVEN UNDER MY HAND AND SEAL, This the 30th day of January, 2019.



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



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EXHIBIT "C"
METES AND BOUNDS DESCRIPTIONS
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- Surveying
- Mapping
- Planning

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EXHIBIT "A"
PARCEL 4, R1A
61.734-Acre Tract

Being a 61.734-acre tract of land situated in the Mary M. Long Survey, Abstract No. 562, City of Tyler, Smith County, Texas, and being part of a called 434.2-acre tract of land described in a Deed from Roosth Farm Rental, LLC to West Cumberland, LLC recorded under County Clerk's File No. 20170100029364 of the Official Public Records of Smith County, Texas, (O.P.R.S.C.T.), said 61.734-acre tract of land being more completely described by metes and bounds as follows:

Beginning at a 1/2" iron rod found in the North boundary line of said 434.2-acre tract for the Southwest corner of Lot 1, N.C.B. 1570-M as evidenced by a Corrected Final Plat of Bishops Gate at Oak Hollow Unit 1 recorded in Cabinet E, Slide 32-A of the Plat Records of Smith County, Texas, (P.R.S.C.T.), said iron rod found also being the Northwest corner of said Mary M. Long Survey and being an interior ell corner in the East boundary line of the Thomas Price Survey, Abstract No. 794;

Thence North 87 degrees 59 minutes 15 seconds East, a distance of 2034.43 feet along the South boundary line of said Lot 1 of Bishops Gate at Oak Hollow Unit 1, the South boundary line of Holly Heights, Unit 4 as evidenced by a Corrected Final Plat thereof recorded in Cabinet D, Slide 346-B, P.R.S.C.T., the South boundary line of Holly Heights, Unit 9 as evidenced by a Final Plat thereof recorded in Cabinet F, Slide 25-D, P.R.S.C.T., said Thomas Price Survey, and John Hope Survey, Abstract No. 443, and the North boundary line of said Mary M. Long Survey to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687" at an interior ell corner in the South boundary line of said Holly Heights, Unit 9;

Thence South 01 degree 52 minutes 52 seconds East, a distance of 230.00 feet along a Southerly West boundary line of Holly Heights, Unit 9 and the West boundary line of a called 0.702-acre tract described in a Deed from Genecov Investments, Ltd. & Sam Roosth to Jim & Dottie Hairston Family Partnership, LP recorded under Smith County Clerk's File No. 2013-R00022068, O.P.R.S.C.T. to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found for the Southwest corner of same;

Thence North 88 degrees 12 minutes 08 seconds East, a distance of 1529.86 feet along the South boundary line of said 0.702-acre tract to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found in the West right-of-way line of Hollytree Drive, (variable width right-of-way) as evidenced by a Final Plat of Hollytree South, Unit 1, Right-of-Way Dedication recorded in Cabinet F, Slide 33-A of the Plat Records of Smith County, Texas, (P.R.S.C.T.) same being the Southeast corner of a said 0.702-acre tract;

Thence along said West right-of-way line of Hollytree Drive and a curve to the right with a delta angle of 35 degrees 08 minutes 30 seconds, a radius of 915.00 feet, an arc length of 561.20 feet, a chord bearing of South 15 degrees 46 minutes 51 seconds West, for a chord length of 552.45 feet to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found;

Thence South 33 degrees 22 minutes 10 seconds West, a distance of 188.73 feet continuing along said West right-of-way line of said Hollytree Drive to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found;

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Thence continuing along said West right-of-way line of Hollytree Drive and along a curve to the right with a delta angle of 01 degree 58 minutes 53 seconds, a radius of 1115.00 feet, an arc length of 38.56 feet, a chord bearing of South 34 degrees 21 minutes 37 seconds West, for a chord length of 38.56 feet to a point for corner;

Thence North 59 degrees 45 minutes 51 seconds West, a distance of 163.15 feet to a point for corner;

Thence South 88 degrees 16 minutes 56 seconds West, a distance of 203.02 feet to a point for corner;

Thence North 02 degrees 16 minutes 52 seconds West, a distance of 320.25 feet to a point for corner;

Thence South 88 degrees 12 minutes 08 seconds West, a distance of 705.90 feet to a point for corner;

Thence South 01 degree 01 minute 30 seconds East, a distance of 39.78 feet to a point for corner;

Thence along a curve to the left with a delta angle of 25 degrees 27 minutes 53 seconds, a radius of 833.11 feet, an arc length of 370.27 feet, a chord bearing of South 14 degrees 45 minutes 15 seconds East, for a chord length of 367.23 feet to a point for corner;

Thence South 28 degrees 38 minutes 30 seconds East, a distance of 145.32 feet to a point for corner;

Thence along a curve to the right with a delta angle of 20 degrees 31 minutes 00 seconds, a radius of 641.81 feet, an arc length of 229.82 feet, a chord bearing of South 20 degrees 46 minutes 55 seconds East, for a chord length of 228.60 feet to a point for corner;

Thence South 07 degrees 50 minutes 37 seconds East, a distance of 100.98 feet to a point for corner in the North right-of-way line of aforesaid Hollytree Drive;

Thence North 87 degrees 31 minutes 36 seconds West, a distance of 69.31 feet along said North right-of-way line of Hollytree Drive to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found;

Thence South 88 degrees 07 minutes 09 seconds West, a distance of 115.36 feet to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found;

Thence along a curve to the right with a delta angle of 90 degrees 06 minutes 11 seconds, a radius of 30.00 feet, an arc length of 47.18 feet, a chord bearing of North 46 degrees 49 minutes 46 seconds West, and a chord length of 42.46 feet to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687" in the East right-of-way line of Maple Lane per aforementioned Final Plat of Hollytree South, Unit 1, Right-of-Way Dedication recorded in Cabinet F, Slide 33-A, P.R.S.C.T.;

Thence South 88 degrees 13 minutes 20 seconds West, a distance of 60.00 feet to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687" in the West right-of-way line of Maple Lane;

Thence South 01 degree 46 minutes 40 seconds East, a distance of 10.22 feet along said West right-of-way line of Maple Lane to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687";

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Thence along a curve to the right with a delta angle of 89 degrees 53 minutes 49 seconds, a radius of 30.00 feet, an arc length of 47.07 feet, a chord bearing of South 43 degrees 10 minutes 14 seconds West, and a chord length of 42.39 feet to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687" in the North right-of-way line of Hollytree Drive;

Thence South 88 degrees 07 minutes 09 seconds West, a distance of 10.25 feet along said North right-of-way line of Hollytree Drive to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687" in the North right-of-way line of Hollytree Drive;

Thence South 01 degree 52 minutes 51 seconds East, a distance of 35.00 feet to a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687" in the proposed centerline of Hollytree Drive;

Thence South 88 degrees 07 minutes 09 seconds West, a distance of 94.86 feet along said proposed centerline of Hollytree Drive to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found;

Thence continuing along said proposed centerline of Hollytree Drive and along a curve to the right with a delta angle of 20 degrees 25 minutes 45 seconds, a radius of 700.00 feet, an arc length of 249.59 feet, a chord bearing of North 81 degrees 39 minutes 59 seconds West, for a chord length of 248.27 feet to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found;

Thence North 71 degrees 27 minutes 06 seconds West, a distance of 456.40 feet continuing along said proposed centerline of Hollytree Drive to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found;

Thence continuing along said proposed centerline of Hollytree Drive and along a curve to the left with a delta angle of 20 degrees 57 minutes 01 second, a radius of 700.00 feet, an arc length of 255.96 feet, a chord bearing of North 81 degrees 55 minutes 37 seconds West, for a chord length of 254.53 feet to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found;

Thence South 87 degrees 35 minutes 53 seconds West, a distance of 116.64 feet continuing along said proposed centerline of Hollytree Drive to a point for corner;

Thence North 01 degree 08 minutes 55 seconds West, a distance of 256.20 feet to a point for corner;

Thence North 22 degrees 44 minutes 00 seconds East, a distance of 345.08 feet to a point for corner;

Thence North 13 degrees 00 minutes 52 seconds East, a distance of 216.29 feet to a point for corner;

Thence along a curve to the left with a delta angle of 29 degrees 05 minutes 12 seconds, a radius of 705.70 feet, an arc length of 358.25 feet, a chord bearing of North 89 degrees 49 minutes 42 seconds West, for a chord length of 354.42 feet to a point for corner;

Thence along a reverse curve to the right with a delta angle of 14 degrees 51 minutes 11 seconds, a radius of 977.60 feet, an arc length of 253.43 feet, a chord bearing of South 81 degrees 04 minutes 10 seconds West, for a chord length of 252.72 feet to a point for corner;

Thence South 88 degrees 41 minutes 50 seconds West, a distance of 270.59 feet to a point for corner;

Thence South 00 degrees 55 minutes 59 seconds East, a distance of 187.39 feet to a point for corner;

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Thence along a curve to the right with a delta angle of 34 degrees 00 minutes 16 seconds, a radius of 300.00 feet, an arc length of 178.05 feet, a chord bearing of South 16 degrees 04 minutes 09 seconds West, for a chord length of 175.45 feet to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" set;

Thence South 33 degrees 04 minutes 17 seconds West, a distance of 111.74 feet to a point for corner;

Thence along a curve to the left with a delta angle of 24 degrees 36 minutes 57 seconds, a radius of 300.00 feet, an arc length of 128.89 feet, a chord bearing of South 20 degrees 45 minutes 49 seconds West, for a chord length of 127.90 feet to a point for corner;

Thence South 88 degrees 08 minutes 19 seconds West, a distance of 158.39 feet to a 1/2" iron rod found for the Southeast corner of Lots 20 and 19, N.C.B. 1570-M of Bishops Gate at Oak Hollow Unit 3 as evidenced by a Final Plat thereof recorded in Cabinet E, Slide 257-C, P.R.S.C.T., said iron rod found also being in an East boundary line of said Thomas Price Survey and the West boundary line of said Mary M. Long Survey;

Thence North 01 degree 38 minutes 50 seconds West, a distance of 968.79 feet along the upper West boundary line of said 434.2-acre tract and the West boundary line of said Mary M. Long Survey and the East boundary line of Bishops Gate at Oak Hollow, Unit 3, First Amendment Bishops Gate at Oak Hollow Unit 2 as evidenced by a Plat thereof recorded in Cabinet E, Slide 210-B, P.R.S.C.T., and Bishops Gate at Oak Hollow Unit 2 as evidenced by a Final Plat thereof recorded in Cabinet E, Slide 136-A, P.R.S.C.T., and said Thomas Price Survey to the place of beginning, containing 61.734 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 April, 2016.

GIVEN UNDER MY HAND AND SEAL, This the 30th day of January, 2019.



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



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- *Surveying*
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EXHIBIT "A"
PARCEL 5, GH
13.022-Acre Tract

Being a 13.022-acre tract of land situated in the Mary M. Long Survey, Abstract No. 562, City of Tyler, Smith County, Texas, and being part of a called 434.2-acre tract of land described in a Deed from Roosth Farm Rental, LLC to West Cumberland, LLC recorded under County Clerk's File No. 20170100029364 of the Official Public Records of Smith County, Texas, (O.P.R.S.C.T.), said 13.022-acre tract of land being more completely described by metes and bounds as follows:

Beginning at a point for corner from which a 1/2" iron rod found in the North boundary line of said 434.2-acre tract for the Southwest corner of Lot 1, N.C.B. 1570-M as evidenced by a Corrected Final Plat of Bishops Gate at Oak Hollow Unit 1 recorded in Cabinet E, Slide 32-A of the Plat Records of Smith County, Texas, (P.R.S.C.T.), also being the Northwest corner of said Mary M. Long Survey and being an interior ell corner in the East boundary line of the Thomas Price Survey, Abstract No. 794, bears North 78 degrees 24 minutes 49 seconds West, a distance of 2278.26 feet;

Thence North 88 degrees 12 minutes 08 seconds East, a distance of 705.90 feet to a point for corner;

Thence South 02 degrees 16 minutes 52 seconds East, a distance of 320.25 feet to a point for corner;

Thence North 88 degrees 16 minutes 56 seconds East, a distance of 203.02 feet to a point for corner;

Thence South 59 degrees 45 minutes 51 seconds East, a distance of 163.15 feet to a point for corner in the North right-of-way line of Hollytree Drive, (variable width right-of-way) as evidenced by a Final Plat of Hollytree South, Unit 1, Right-of-Way Dedication recorded in Cabinet F, Slide 33-A of the Plat Records of Smith County, Texas, (P.R.S.C.T.);

Thence along said North right-of-way line of Hollytree Drive and a curve to the right with a delta angle of 48 degrees 17 minutes 18 seconds, a radius of 1115.00 feet, an arc length of 939.71 feet, a chord bearing of South 59 degrees 29 minutes 42 seconds West, for a chord length of 912.15 feet to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found;

Thence North 87 degrees 31 minutes 36 seconds West, a distance of 17.53 feet continuing with said North right-of-way line to a point for corner;

Thence North 07 degrees 50 minutes 37 seconds West, a distance of 100.98 feet to a point for corner;

Thence along a curve to the left with a delta angle of 20 degrees 31 minutes 00 seconds, a radius of 641.81 feet, an arc length of 229.82 feet, a chord bearing of North 20 degrees 46 minutes 55 seconds West, for a chord length of 228.60 feet to a point for corner;

Thence North 28 degrees 38 minutes 30 seconds West, a distance of 145.32 feet to a point for corner;

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Thence along a curve to the right with a delta angle of 25 degrees 27 minutes 53 seconds, a radius of 833.11 feet, an arc length of 370.27 feet, a chord bearing of North 14 degrees 45 minutes 15 seconds West, for a chord length of 367.23 feet to a point for corner;

Thence North 01 degree 01 minute 30 seconds West, a distance of 39.78 feet to the place of beginning, containing 13.022 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 April, 2016.

GIVEN UNDER MY HAND AND SEAL, This the 30th day of January, 2019.



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



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EXHIBIT "A"
PARCEL 6, GH
15.005-Acre Tract

Being a 15.005-acre tract of land situated in the Mary M. Long Survey, Abstract No. 562, City of Tyler, Smith County, Texas, and being part of a called 434.2-acre tract of land described in a Deed from Roosth Farm Rental, LLC to West Cumberland, LLC recorded under County Clerk's File No. 20170100029364 of the Official Public Records of Smith County, Texas, (O.P.R.S.C.T.), said 15.005-acre tract of land being more completely described by metes and bounds as follows:

Beginning at a point for corner from which a 1/2" iron rod found in the North boundary line of said 434.2-acre tract for the Southwest corner of Lot 1, N.C.B. 1570-M as evidenced by a Corrected Final Plat of Bishops Gate at Oak Hollow Unit 1 recorded in Cabinet E, Slide 32-A of the Plat Records of Smith County, Texas, (P.R.S.C.T.), also being the Northwest corner of said Mary M. Long Survey and being an interior ell corner in the East boundary line of the Thomas Price Survey, Abstract No. 794, bears North 40 degrees 37 minutes 11 seconds West, a distance of 519.15 feet;

Thence North 88 degrees 41 minutes 50 seconds East, a distance of 270.59 feet to a point for corner;

Thence along a curve to the left with a delta angle of 14 degrees 51 minutes 11 seconds, a radius of 977.60 feet, an arc length of 253.43 feet, a chord bearing of North 81 degrees 04 minutes 10 seconds East, for a chord length of 252.72 feet to a point for corner;

Thence along a reverse curve to the right with a delta angle of 29 degrees 05 minutes 12 seconds, a radius of 705.70 feet, an arc length of 358.25 feet, a chord bearing of South 89 degrees 49 minutes 42 seconds East, for a chord length of 354.42 feet to a point for corner;

Thence South 13 degrees 00 minutes 52 seconds West, a distance of 216.29 feet to a point for corner;

Thence South 22 degrees 44 minutes 00 seconds West, a distance of 345.08 feet to a point for corner;

Thence South 01 degree 08 minutes 55 seconds East, a distance of 256.20 feet to a point for corner in the proposed centerline of Hollytree Drive;

Thence South 87 degrees 35 minutes 53 seconds West, a distance of 849.12 feet along said proposed centerline of Hollytree Drive to a point for corner;

Thence North 01 degree 34 minutes 32 seconds West, a distance of 154.94 feet to a point for corner;

Thence along a curve to the right with a delta angle of 34 degrees 38 minutes 49 seconds, a radius of 300.00 feet, an arc length of 181.41 feet, a chord bearing of North 15 degrees 44 minutes 52 seconds East, for a chord length of 178.66 feet to a point for corner;

Thence North 33 degrees 04 minutes 17 seconds East, a distance of 111.74 feet to a point for corner;

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Thence along a curve to the left with a delta angle of 34 degrees 00 minutes 16 seconds, a radius of 300.00 feet, an arc length of 178.05 feet, a chord bearing of North 16 degrees 04 minutes 09 seconds East, for a chord length of 175.45 feet to a point for corner;

Thence North 00 degrees 55 minutes 59 seconds West, a distance of 187.39 feet to the place of beginning, containing 15.005 acres of land.

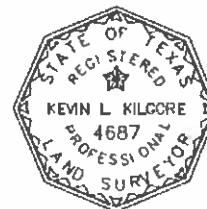
Bearing basis is the Texas State Plane Coordinate System, Grid North Central Zone, NAD 83, (feet), based on the 1993 adjustment of the NAD 83 System. The Control Monument is TJC1-Tyler, Leica Geosystems Smartnet of North America.

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 April, 2016.

GIVEN UNDER MY HAND AND SEAL, This the 30th day of January, 2019.



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



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EXHIBIT "A"

PARCEL 7

3.311-Acre Tract

Being a 3.311-acre tract of land situated in the Thomas Price Survey, Abstract No. 794 and the Mary M. Long Survey, Abstract No. 562, City of Tyler, Smith County, Texas, and being part of a called 434.2-acre tract of land described in a Deed from Roosth Farm Rental, LLC to West Cumberland, LLC recorded under County Clerk's File No. 20170100029364 of the Official Public Records of Smith County, Texas, (O.P.R.S.C.T.), said 3.311-acre tract of land being more completely described by metes and bounds as follows:

Beginning at a 1/2" iron rod found for the Southeast corner of Lots 20 and 19, N.C.B. 1570-M of Bishops Gate at Oak Hollow Unit 3 as evidenced by a Final Plat thereof recorded in Cabinet E, Slide 257-C of the Plat Records of Smith County, Texas, (P.R.S.C.T.), said iron rod found also being on an East boundary line of said Thomas Price Survey and the West boundary line of said Mary M. Long Survey;

Thence North 88 degrees 08 minutes 19 seconds East, a distance of 158.39 feet to a point for corner;

Thence along a curve to the left with a delta angle of 10 degrees 01 minute 52 seconds, a radius of 300.00 feet, an arc length of 52.52 feet, a chord bearing of South 03 degrees 26 minutes 24 seconds West, for a chord length of 52.46 feet to a point for corner;

Thence South 01 degree 34 minutes 32 seconds East, a distance of 154.94 feet to a point for corner in the proposed centerline of Hollytree Drive;

Thence South 87 degrees 35 minutes 53 seconds West, a distance of 516.78 feet along said proposed centerline of Hollytree Drive to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found;

Thence along said proposed centerline of Hollytree Drive and a curve to the left with a delta angle of 08 degrees 25 minutes 02 seconds, a radius of 900.00 feet, an arc length of 132.22 feet, a chord bearing of South 83 degrees 23 minutes 22 seconds West, for a chord length of 132.10 feet to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found in the centerline of a 100.00-foot wide easement to Texas Power & Light Company described in a Deed recorded in Volume 673, Page 166 of the Deed Records of Smith County, Texas, (D.R.S.C.T.);

Thence North 18 degrees 12 minutes 33 seconds West, a distance of 232.38 feet along the centerline of said Texas Power & Light Company easement to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found in the North boundary line of aforementioned 434.2-acre tract;

Thence North 88 degrees 08 minutes 19 seconds East, a distance of 561.04 feet along the North boundary line of said 434.2-acre tract and the South boundary line of aforementioned Bishops Gate at Oak Hollow, Unit 3 to the place of beginning, containing 3.311 acres of land.

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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 April, 2016.

GIVEN UNDER MY HAND AND SEAL, This the 30th day of January, 2019.



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



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EXHIBIT "A"
TRACT 4A
19.66-Acre Tract

Being a 19.66-acre tract of land situated in the Thomas Price Survey, Abstract No. 794, City of Tyler, Smith County, Texas, and being part of a called 434.2-acre tract of land described in a Deed from Roosth Farm Rental, LLC to West Cumberland, LLC recorded under County Clerk's File No. 20170100029364 of the Official Public Records of Smith County, Texas, (O.P.R.S.C.T.), said 19.66-acre tract of land being more completely described by metes and bounds as follows:

Beginning at a 1/2" iron rod found for the Southwest corner of said 434.2-acre tract in the East boundary line of a called 0.233-acre tract of land described in a Deed to Jimmy Ray McManus recorded in Volume 4893, Page 60, O.P.R.S.C.T. and the Don Thomas Quevado Survey, Abstract No. 18, Section No. 5, the West boundary line of said Thomas Price Survey, and the North boundary line of Lot 1, N.C.B. 1137-Q as evidenced by a Final Plat of Blue Mountain, Unit 1 at Cumberland Gap recorded in Cabinet D, Slide 312-A of the Plat Records of Smith County, Texas, (P.R.S.C.T.);

Thence North 01 degree 44 minutes 58 seconds West, a distance of 111.72 feet along the West boundary line of said 434.2-acre tract and the East boundary line of said 0.233-acre tract to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687" in the East right-of-way line of Old Jacksonville Highway/Farm to Market Highway No. 2493, (variable width right-of-way);

Thence North 19 degrees 11 minutes 16 seconds East, a distance of 365.88 feet along the West boundary line of said 434.2-acre tract and said East right-of-way line of Old Jacksonville Highway/F. M. 2493 to a found Texas Department of Transportation Type II right-of-way monument, (brass disc in concrete flush with ground);

Thence North 12 degrees 10 minutes 58 seconds East, a distance of 259.00 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687" in the proposed centerline of Hollytree Drive;

Thence South 73 degrees 28 minutes 27 seconds East, a distance of 491.31 feet along said proposed centerline of Hollytree Drive to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687";

Thence along said proposed centerline of Hollytree Drive and a curve to the left with a delta angle of 18 degrees 14 minutes 42 seconds, a radius of 1285.00 feet, an arc length of 409.19 feet, a chord bearing of South 82 degrees 35 minutes 48 seconds East, and a chord length of 407.46 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687";

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Thence North 88 degrees 16 minutes 50 seconds East, a distance of 587.11 feet continuing along said proposed centerline of Hollytree Drive to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687";

Thence South 01 degree 51 minutes 41 seconds East, a distance of 486.50 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687" in the South boundary line of said 434.2-acre tract and the North boundary line of Lot 1, N.C.B. 1137-R of Rose Lawn Addition Unit 1 At Cumberland Gap as evidenced by a Final Plat recorded in Cabinet D, Slide 318-B of the Plat Records of Smith County, Texas, (P.R.S.C.T.);

Thence South 88 degrees 16 minutes 50 seconds West, a distance of 1649.97 feet along the South boundary line of said 434.2-acre tract, the North boundary line of said Lot 1, and the North boundary line of aforementioned Blue Mountain Unit 1 At Cumberland Gap to the place of beginning containing 19.66 acres of land.

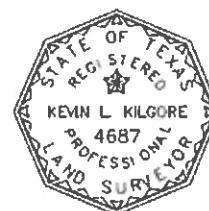
Bearing basis is the Texas State Plane Coordinate System, Grid North Central Zone, NAD 83, (feet), based on the 1993 adjustment of the NAD 83 System. The Control Monument is TJC1-Tyler, Leica Geosystems Smartnet of North America.

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 April, 2016.

GIVEN UNDER MY HAND AND SEAL, This the 7th day of June, 2018.



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



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EXHIBIT "A"
TRACT 4B
24.95-Acre Tract

Being a 24.95-acre tract of land situated in the Thomas Price Survey, Abstract No. 794, City of Tyler, Smith County, Texas, and being part of a called 434.2-acre tract of land described in a Deed from Roost Farm Rental, LLC to West Cumberland, LLC recorded under County Clerk's File No. 20170100029364 of the Official Public Records of Smith County, Texas, (O.P.R.S.C.T.), said 24.95-acre tract of land being more completely described by metes and bounds as follows:

Beginning at a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687" in the South boundary line of said 434.2-acre tract and the North boundary line of Lot 1, N.C.B. 1137-R of Rose Lawn Addition Unit 1 At Cumberland Gap as evidenced by a Final Plat thereof recorded in Cabinet D, Slide 318-B of the Plat Records of Smith County, Texas, (P.R.S.C. T.), from which a 1/2" iron rod found for the Southwest corner of said 434.2-acre tract bears South 88 degrees 16 minutes 50 seconds West, a distance of 1649.97 feet;

Thence North 01 degree 51 minutes 41 seconds West, a distance of 486.50 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687" in the proposed centerline of Hollytree Drive, (variable width right-of-way);

Thence along said proposed centerline of Hollytree Drive and a curve to the left having a delta angle of 48 degrees 28 minutes 52 seconds, a radius of 900.00 feet, an arc length of 761.54 feet, a chord bearing of North 63 degrees 53 minutes 53 seconds East, and a chord length of 739.02 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687";

Thence along a reverse curve to the right having a delta angle of 39 degrees 31 minutes 24 seconds, a radius of 900.00 feet, an arc length of 620.83 feet, a chord bearing of North 59 degrees 25 minutes 09 seconds East, and a chord length of 608.59 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. 4687" in the centerline of a 100.00-ft wide Texas Power & Light Company easement recorded in Volume 673, Page 166 of the Deed Records of Smith County, Texas, (D.R.S.C.T.);

Thence South 18 degrees 12 minutes 33 seconds East, a distance of 1131.91 feet along the centerline of said Texas Power & Light Company to a 1/2" iron set with plastic cap stamped "K.L.K #4687" in the South boundary line of said 434.2-acre tract and the North boundary line of aforementioned Lot 1, N.C.B. 1137-R of Rose Lawn Addition Unit 1;

Thence South 88 degrees 16 minutes 50 seconds West, a distance of 1526.19 feet along said South boundary line and said North boundary line to the place of beginning containing 24.95 acres of land.

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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 April, 2016.

GIVEN UNDER MY HAND AND SEAL, This the 7th day of June, 2018.



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



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EXHIBIT "A"
TRACT 4C
5.06-Acre Tract

Being a 5.06-acre tract of land situated in the Thomas Price Survey, Abstract No. 794 and the Mary M. Long Survey, Abstract No. 562, City of Tyler, Smith County, Texas, and being part of a called 434.2-acre tract of land described in a Deed from Roosth Farm Rental, LLC to West Cumberland, LLC recorded under County Clerk's File No. 20170100029364 of the Official Public Records of Smith County, Texas, (O.P.R.S.C.T.), said 5.06-acre tract of land being more completely described by metes and bounds as follows:

Beginning at a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687" in the South boundary line of said 434.2-acre tract and the North boundary line of Lot 1, N.C.B. 1137-R of Rose Lawn Addition Unit 1 At Cumberland Gap as evidenced by a Final Plat thereof recorded in Cabinet D, Slide 318-B of the Plat Records of Smith County, Texas, (P.R.S.C.T.), from which a 1/2" iron rod found for the Northeast corner of same in the East boundary line of said Thomas Price Survey and the West boundary line of said Mary M. Long Survey, bears North 88 degrees 16 minutes 50 seconds East, a distance of 171.20 feet, said iron rod found also being in the centerline of a 100.00-foot wide Texas Power & Light Company easement recorded in Volume 673, Page 166 of the Deed Records of Smith County, Texas, (D.R.S.C.T.);

Thence North 18 degrees 12 minutes 33 seconds West, a distance of 128.86 feet along the centerline of said Texas Power & Light Company easement to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687";

Thence North 71 degrees 47 minutes 27 seconds East, a distance of 50.00 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687";

Thence North 53 degrees 36 minutes 09 seconds East, a distance of 14.13 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687";

Thence North 63 degrees 27 minutes 13 seconds East, a distance of 23.38 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687";

Thence North 85 degrees 18 minutes 18 seconds East, a distance of 36.12 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687";

Thence North 86 degrees 22 minutes 53 seconds East, a distance of 37.77 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687";

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Thence South 79 degrees 20 minutes 53 seconds East, a distance of 39.67 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687" "CC";

Thence South 89 degrees 05 minutes 29 seconds East, a distance of 26.27 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687";

Thence North 83 degrees 55 minutes 38 seconds East, a distance of 92.97 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687";

Thence North 84 degrees 11 minutes 53 seconds East, a distance of 66.64 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687";

Thence North 84 degrees 47 minutes 56 seconds East, a distance of 126.78 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687";

Thence North 88 degrees 10 minutes 51 seconds East, a distance of 54.70 feet to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687" in the proposed centerline of Cherryhill Drive, (variable width right-of-way);

Thence South 01 degree 52 minutes 54 seconds East, a distance of 551.16 feet along said proposed centerline of Cherryhill Drive to a 1/2" iron rod set with plastic cap stamped "K.L.K. #4687" in the South boundary line of said 434.2-acre tract and the North boundary line of a called 8.651-acre Right-of-Way Acquisition tract described in a Deed from Tyler Blue Ridge, LLC to City of Tyler, Texas recorded under Smith County Clerk's File No. 2014-R00019453, O.P.R.S.C.T.;

Thence South 88 degrees 05 minutes 25 seconds West, a distance of 353.61 feet along the South boundary line of said 434.2-acre tract and the North boundary line of said 8.651-acre tract and a called 1.0-acre tract of land reserved as Graveyard by R. B. Long, Sr. described in a Deed recorded in Volume 31, Page 168 of the Deed Records of Smith County, Texas, (D.R.S.C.T.) to a 1/2" iron rod found for the Northwest corner of said 1.0-acre tract, same being in the East boundary line of Lot 1, N.C.B. 1137-R of Rose Lawn Addition, Unit 1 at Cumberland Gap as evidenced by a Final Plat thereof recorded in Cabinet D, Slide 318-8, P.R.S.C.T.;

Thence North 01 degree 44 minutes 50 seconds West, a distance of 383.71 feet along the East boundary line of said Lot 1 and a West boundary line of said 434.2-acre tract to a 1/2" iron rod found for the Northeast corner of said Lot 1;

Thence South 88 degrees 16 minutes 50 seconds West, a distance of 171.19 feet along the South boundary line of said 434.2-acre tract and the North boundary line of said Rose Lawn Addition, Unit 1 to the place of beginning containing 5.06 acres of land.

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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 April, 2016.

GIVEN UNDER MY HAND AND SEAL, This the 7th day of June, 2018.



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



EXHIBIT "D"
LOCATION MAP

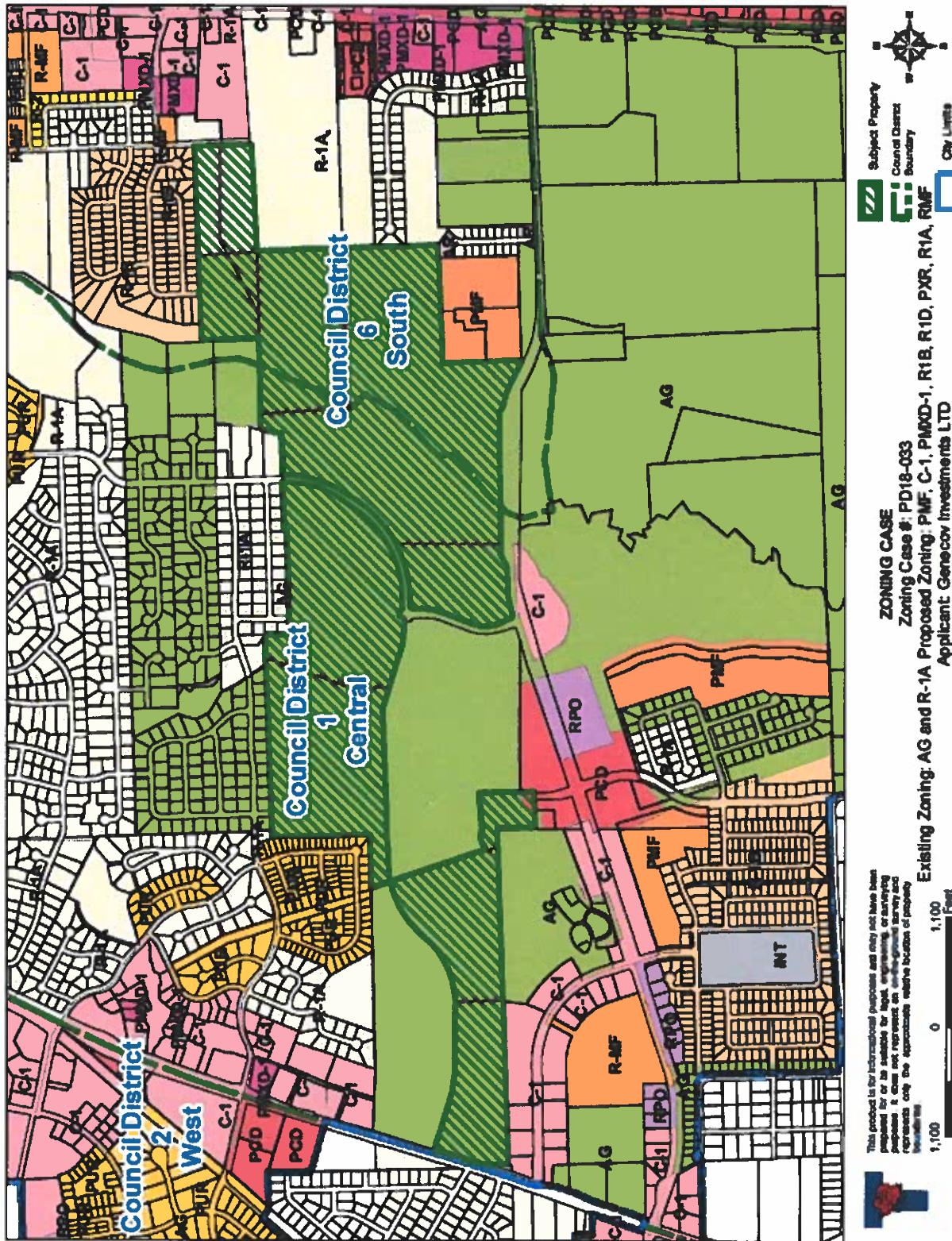


EXHIBIT "E"
TYLER 1ST FUTURE LAND USE GUIDE

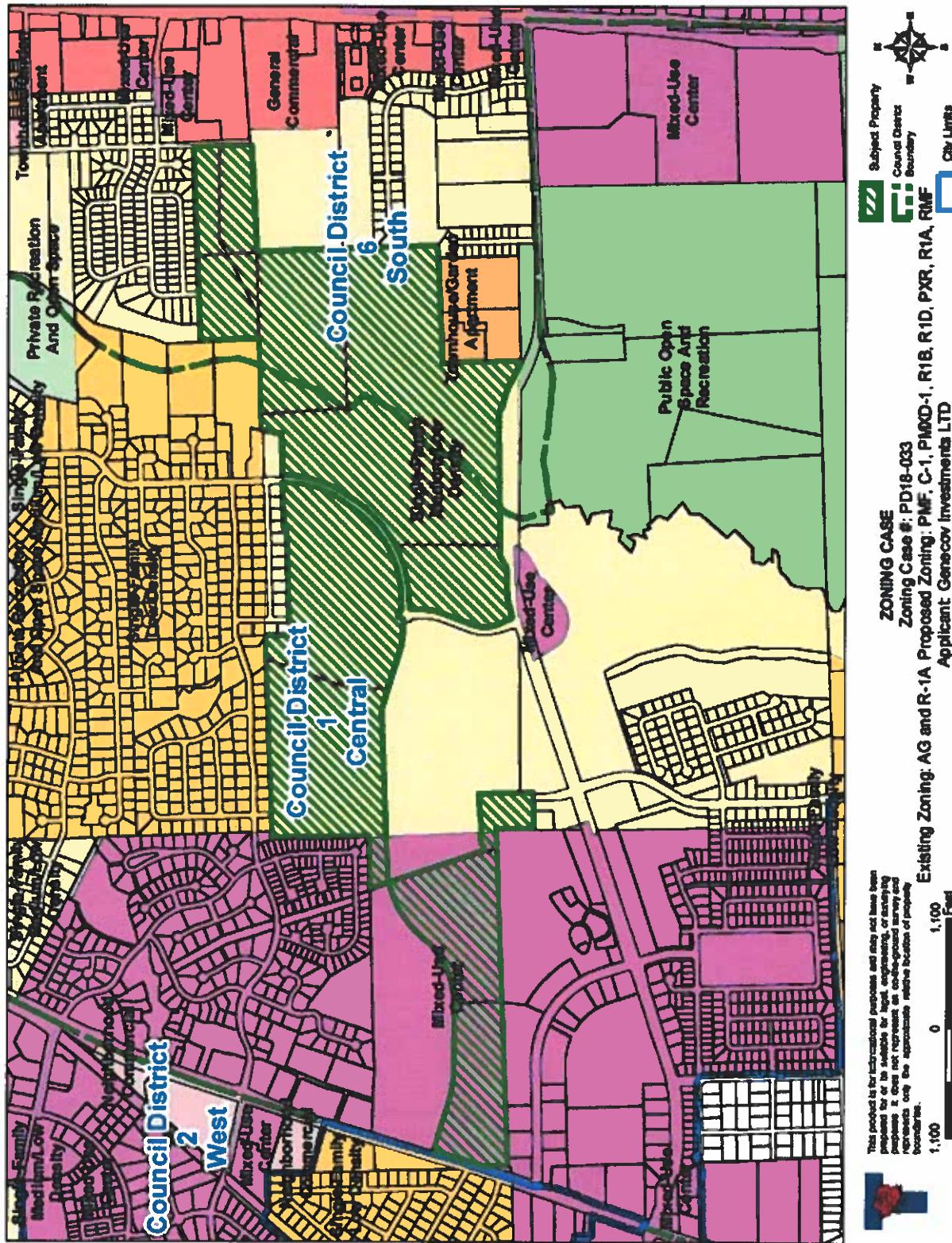


EXHIBIT "F"
NOTIFICATION MAP

