

ORDINANCE NO. O-2018-47

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ANNEXATION OF CERTAIN SPARSELY OCCUPIED AND OWNER-REQUESTED TERRITORY AND REFERRED TO AS ANNEXATION APPLICATION A18-002; CONSTITUTING APPROXIMATELY 11.59 ACRES OF LAND AS DESCRIBED BY A METES AND BOUNDS DESCRIPTION, LOCATED ADJACENT TO THE CITY OF TYLER ON ITS SOUTHERN BOUNDARY, AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE BOUNDARY OF THE CITY COUNCIL DISTRICT #3; ESTABLISHING THE INITIAL LAND USE DESIGNATION; ESTABLISHING ORIGINAL ZONING; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a public hearing was held before the City Council of the City of Tyler, Texas, on the 27th day of June, 2018, in the Council Chambers, City Hall, 212 North Bonner, Tyler, Texas, wherein all interested persons were provided an opportunity to be heard on the proposed annexation of the territory hereinafter described, which date is not more than thirty (30) nor less than five (5) days after the filing of the complete Texas Local Government Code Section 43.028 petition, a copy of which is attached and made a part hereof as Exhibit "C"; and

WHEREAS, the area to be annexed is one-half mile or less in width; and

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

WHEREAS, the area to be annexed is vacant and without residents or has fewer than three (3) Qualified Voters; and

WHEREAS, the hereinafter described territory lies within the extraterritorial jurisdiction of the City of Tyler, Texas; and

WHEREAS, the hereinafter described territory contains approximately 11.59 acres of land;

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

PART 1: That pursuant to Tyler City Code Sections 10-800 through 10-802, the Texas Local Government Code Section 43.028 petition is hereby granted and the following described land and territories lying adjacent to and adjoining the City of Tyler, Texas, are hereby added to and annexed to the City of Tyler, Texas, and as shown on the map attached as Exhibit "A" and as described in Exhibit "B" shall be included within the boundary limits of said City, and the present boundary limits of such City, at the various points contiguous to the areas being annexed, are altered and amended so as to include said areas within the corporate limits of the City of Tyler, Texas. Accordingly, the official Tyler City limits map is hereby adjusted as described in Tyler City Code Section 10-802 and that section and map are amended to reflect this annexation.

PART 2: That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article IV., "Subdivision Design and Improvements", Division E., "Participation and Escrow Policies",

is hereby amended by amending the list of annexations in Section 10-143 to add this Ordinance Number, with no other changes.

PART 3: That the area so annexed shall be part of the City of Tyler, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Tyler, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Tyler, Texas.

PART 4: That upon final passage, the annexed area shall be zoned as 11.59 acres for "C-2", General Commercial District as shown on Exhibit "D", hereinabove mentioned.

PART 5: That the initial Land Use Designation for the annexed area is hereby established as General Commercial, and it is directed that the Land Use Guide be amended to reflect said uses.

PART 6: That the annexed area shall be added to the Northwest District #3, City Council single member district and the official Voting District Map amended accordingly.

PART 7: That the City Clerk shall send to the Texas Secretary of State a copy of the ordinance and statement that the annexation is not involved in any litigation.

PART 8: That the City Clerk shall send to the State Comptroller by certified mail a map showing new boundaries for sales tax and a certified copy of the ordinance showing the effective date of the boundary changes.

PART 9: That within thirty (30) days of notice of U. S. Justice Department approval of this annexation, the Planning Department, on behalf of the Mayor, shall file a certified copy of this ordinance and a copy or duplicate of the petition with the County Clerk. The Planning Department shall also file annexation information with the Smith County Appraisal District and anyone else who has requested such information.

PART 10: That certified notice of the Annexation shall be sent by the Legal Department to any Emergency Services District that is located within the annexed area.

PART 11: That this ordinance shall be in full force and effect from and after the date of its passage and approval by the City Council.

PASSED AND APPROVED THIS the 27th day of June A. D., 2018.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

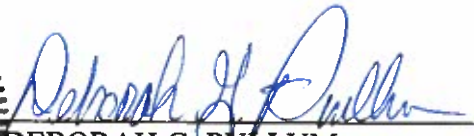
ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK

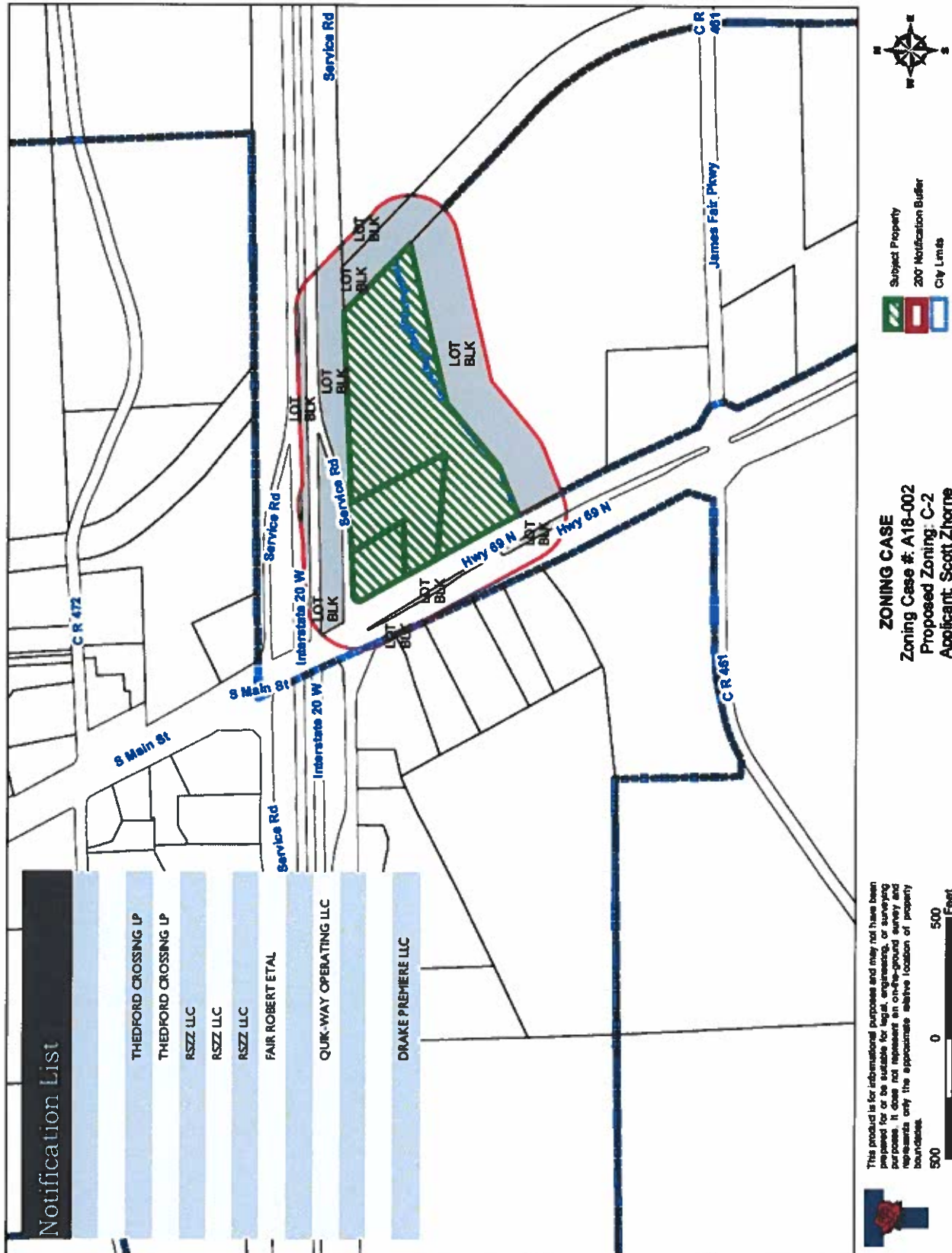




DEBORAH G. PULLUM,
CITY ATTORNEY

Exhibit A = location map
Exhibit B = metes and bounds description
Exhibit C = owner petition
Exhibit D = zoning map

**ORDINANCE NO. O-2018-47
EXHIBIT "A"
LOCATION MAP**



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

ORDINANCE NO. O-2018-47
EXHIBIT "B"
METES AND BOUNDS DESCRIPTION

11.599 Acre Tract

Being a 11.599 acre tract of land situated in the S.M. Grace Survey, Abstract No. 371, Smith County, Texas and being all of a called 1.000 acre tract (Tract Three) and all of a called 2.14 acre tract (Tract One), described in a Deed from Latif Mehdizadeh to Amit & Elmira's Museum & Friendship, Inc. in Volume 4606, Page 169 of the Official Public Records of Smith County, Texas, Also being all of a called 3 acre tract less 0.754 acres (Tract Two) and all of a called 6.157 acre tract (Tract One) described in a Deed for Stanley O. Mallory to 5 M Family Partners, LP under County Clerks File Number 2012-00036420 of said Official Public Records of Smith County, Texas, said 11.599 acre tract of land being more completely described as follows:

Beginning at a ½" Iron rod found at the Northwest corner of said 1.000 acre tract and being at the intersection of the East right of way of U.S. Highway 69 with the South right of way of Interstate 20;

Thence North 88 degrees 43 minutes 14 seconds East, a distance of 327.67 feet with the North boundary line of said 1.000 acre tract and South right of way of Interstate 20 to a ½" iron rod found at the Northeast corner of said 1.000 acre tract, same being the Northwest corner of said 6.157 acre tract;

Thence North 88 degrees 57 minutes 05 seconds East, a distance of 834.67 feet with the North boundary line of said 6.157 acre tract and South right of way of Interstate 20 to a TxDOT Type I concrete monument found at the Northeast corner of said 6.157 acre tract and being the Northwest corner of a called 6.724 acre tract described in a Deed to Thedford Crossing, LP under Clerk's File Number 2014-00016713 of said Official Public Records of Smith County, Texas;

Thence South 49 degrees 20 minutes 57 seconds East, a distance of 283.84 feet with the East boundary line of said 6.157 acre tract and West boundary line of said 6.724 acre tract to a point for corner in a creek at the Southeast corner of said 6.157 acre tract and also being the Northeast corner of a called 62.44 acre tract described in a Deed form James W. Fair to B.B. Palmore et al in Volume 1602, Page 247 of the Smith County Land Records, a ½" Iron rod found for reference bears North 49 degrees 20 minutes 57 seconds West, a distance of 19.97 feet;

Thence in a Southwesterly direction generally with said creek and with the South Boundary line of said 6.157 acre tract and then said 3 acre tract and with the North boundary line of said 62.44 acre tract as follows:

**South 89 degrees 32 minutes 42 seconds West, a distance of 20.16 feet;
South 73 degrees 38 minutes 14 seconds West, a distance of 127.48 feet;
South 87 degrees 10 minutes 16 seconds West, a distance of 65.02 feet;
South 74 degrees 31 minutes 40 seconds West, a distance of 57.27 feet;
North 73 degrees 51 minutes 02 seconds West, a distance of 45.55 feet;
South 25 degrees 39 minutes 01 seconds West, a distance of 30.14 feet;
South 85 degrees 33 minutes 44 seconds West, a distance of 43.63 feet;
South 15 degrees 26 minutes 17 seconds West, a distance of 15.01 feet;**

North 53 degrees 22 minutes 05 seconds West, a distance of 16.60 feet;
South 46 degrees 59 minutes 57 seconds West, a distance of 79.16 feet;
South 80 degrees 15 minutes 48 seconds West, a distance of 59.58 feet;
South 70 degrees 24 minutes 27 seconds West, a distance of 30.37 feet;
South 39 degrees 14 minutes 16 seconds West, a distance of 43.34 feet;
South 61 degrees 08 minutes 20 seconds West, a distance of 50.12 feet;
South 50 degrees 48 minutes 06 seconds West, a distance of 136.74 feet;
South 54 degrees 12 minutes 31 seconds West, a distance of 116.81 feet;
South 36 degrees 52 minutes 57 seconds West, a distance of 34.79 feet;
South 67 degrees 52 minutes 27 seconds West, a distance of 47.83 feet;
South 52 degrees 50 minutes 10 seconds West, a distance of 80.19 feet;
South 71 degrees 28 minutes 36 seconds West, a distance of 43.08 feet;
South 54 degrees 57 minutes 35 seconds West, a distance of 34.19 feet;
South 85 degrees 49 minutes 47 seconds West, a distance of 75.32 feet to a ½" iron rod set with cap stamped "KLK #4687" on the South boundary line of said 3 acre tract and being on the East right of way of U.S. Highway 69 and also being the Northwest corner of said 62.44 acre tract;

Thence North 25 degrees 07 minutes 08 seconds West, a distance of 338.22 feet with the West boundary line of said 3 acre tract and East right of way of U.S. Highway 69 to a TxDOT Type I concrete monument found at the Northwest corner of said 3 acre tract and being the Southwest corner of said 2.14 acre tract;

Thence North 28 degrees 52 minutes 09 seconds West, a distance of 103.15 feet with the West boundary line of said 2.14 acre tract and East right of way of U.S. Highway 69 to a ½" iron rod found at an angle point in same;

Thence North 28 degrees 28 minutes 06 seconds West, a distance of 240.97 feet with the West boundary line of said 2.14 acre tract and then 1.000 acre tract and continuing with said East right of way of U.S. Highway 69 TxDOT Type I concrete monument found at an angle point in in said 1.000 acre tract;

Thence North 01 degrees 27 minutes 23 seconds East, a distance of 50.75 feet with the West boundary line of said 1.000 acre tract and East right of way of U.S. Highway 69 to the place of beginning, containing 11.599 acres of land.

Bearings are based on the Texas State Plane Coordinate System, North Central Zone (NAD 83) as derived from average RTK positions using the Trimble RTK Network.

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 August, 2017.

GIVEN UNDER MY HAND AND SEAL, This the 21st day of August, 2017.



Kevin L. Kilgore,



R.P.L.S. 4687

**ORDINANCE NO. O-2018-47
EXHIBIT "C"
OWNER PETITION**



RECEIVED: _____
REFERRAL NO.: _____

APPLICATION NO. _____

**INFORMATION FOR REQUESTING ANNEXATION
FOR SPARSELY OCCUPIED AREA**

ITEMS REQUIRED FOR EACH APPLICATION:

(The following items are included in this packet. Instructions are included on each form. There is some repetition because the different forms are necessary for different reasons.)

- A. PETITION FOR ANNEXATION
- B. APPLICANT'S SUPPORT INFORMATION FOR ANNEXATION REQUEST
- C. LIST OF OWNERS OF ALL PROPERTY TO BE ANNEXED
- D. LIST OF QUALIFIED VOTERS RESIDING IN AREA TO BE ANNEXED
- E. AUTHORIZATION OF AGENT
- F. MAP OF AREA (FORM F IS AN EXAMPLE ONLY.)

(Provide a map of the area of the annexation request drawn to scale. Show all land uses, identify the ownership of each parcel of land, show any public ways within or abounding the areas, show any easements within or bordering the areas, and show the existing city limits.)

- G. PETITION FOR ORIGINAL ZONING

(NOTE: Filing fee of \$350.00 (City Code Sec. 10-776) must be received with annexation petition)

ALL ANNEXATION IS BY ORDINANCE, AND ONLY THE CITY COUNCIL HAS THE AUTHORITY TO ENACT AN ORDINANCE. THE COUNCIL HAS ASSIGNED THE STUDY OF ANNEXATIONS TO THE CITY PLANNING AND ZONING COMMISSION, WHICH WILL MAKE RECOMMENDATIONS TO THE COUNCIL. THIS REQUEST FOR ANNEXATION WILL NOT BE EFFECTIVE UNLESS IT IS PASSED BY THE CITY COUNCIL.

(NOTE: The Planning and Zoning Commission hears all requests on the first Tuesday of each month at 1:30 p.m. in the City Council Chambers, City Hall, 212 N. Bonner Avenue.)

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

THE FILING DEADLINE FOR THE _____, _____, PLANNING AND ZONING COMMISSION MEETING WILL BE _____, _____, AT 5:00 P.M. PLEASE HAVE A REPRESENTATIVE PRESENT AT ALL PUBLIC HEARINGS. THE APPLICANT HAS THE DUTY TO PRODUCE EVIDENCE BEFORE THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL TO JUSTIFY THE PROPOSED ANNEXATION.



RECEIVED

MAY 01 2018

PLANNING DEPARTMENT

FORM B

APPLICANT'S SUPPORT INFORMATION FOR REQUEST FOR ANNEXATION OF SPARSELY OCCUPIED AREA

Applicants shall submit the following information in support of their petition for annexation. This information will be utilized by the staff in preparing comments for the Planning and Zoning Commission and City Council, and in responding to citizens' inquiries.

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

COMMERCIAL DEVELOPMENT

2. I (We) am/are requesting this annexation for the following reason(s):

DESIRE DEVELOPMENT TO BE IN THE CITY LIMITS OF TYLER

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

SOME COMMERCIAL USES - MOSTLY UNDEVELOPED

4. What is the location of the nearest water and sewer lines? Please indicate location on area map. (This information is available at the City Water Utilities Department, 511 West Locust Street)

WATER ALONG US 69 FRONTAGE. SEWER AT JAMES FAIR PARKWAY.

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

DEVELOPMENT PLAN FOR ENTIRE CORNER.
SEEKING SAME ZONING AS EXISTING PARCELS.

SIGNED:

Owner's Telephone Number

OWNER (of property to be annexed)

OR

Agent's Telephone Number

AGENT (When applicable - See Form E)

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

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

NAME	MAILING ADDRESS
1. RSZZ LLL	330 E. LOOP 281 LONGVIEW, TX 75605
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	



MAY 01 2018

PLANNING DEPARTMENT
FORM D

LIST OF NAMES OF ALL QUALIFIED VOTERS RESIDING IN THE AREA

In order for an area to qualify for annexation under Texas Local Government Code Section 43.028, the area must be vacant or without residents, or on which fewer than three (3) qualified voters reside.

List the names, age and address of all qualified voters residing within the area requested to be annexed by this petition. For purposes of this annexation request, a qualified voter is an individual of legal age in the State of Texas, 18 years or older, which meets the residency requirements and is therefor qualified to register to vote.

<u>NAME AND AGE</u>	<u>MAILING ADDRESS</u>
1. <u>NONE</u>	
2. _____	
3. _____	
4. _____	
5. _____	
6. _____	
7. _____	
8. _____	
9. _____	
10. _____	

SIGNED:

Owner et al (of property to be annexed)


Agent (when applicable – See Form E)



RECEIVED

MAY 01 2018

PLANNING DEPARTMENT

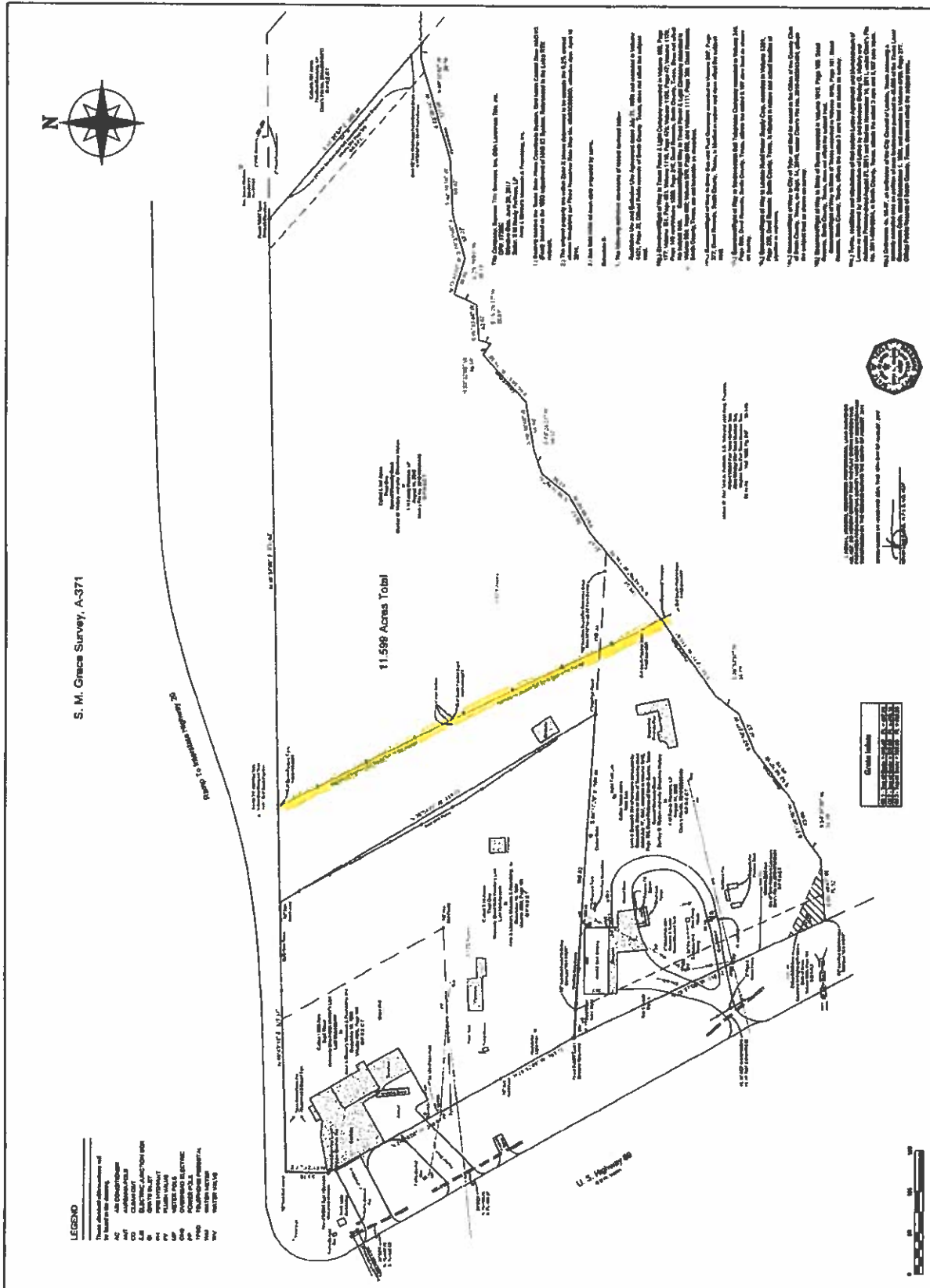
AUTHORIZATION OF AGENT

I (We), the undersigned, being owners of real property to be annexed according to this Application, do hereby authorize (print name and address of Agent) MARK PRIESTNER 3815 OLD BOWLER RD TYLER TX to act as our Agent in the matter of this annexation. The term "Agent" shall mean any lessee, developer, option holder, or other individual who is authorized to act in behalf of the owner(s) of said property to be annexed.

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

	SIGNATURE	MAILING ADDRESS
*1.		330 E LOOP 281 LONGVIEW, TX 75605
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

(This form is necessary only when the person representing this request does not own any of the property to be annexed. Person must also sign Forms B & G as "Agent".)





RECEIVED
MAY 01 2018
FORM G
PLANNING DEPARTMENT

PETITION FOR ORIGINAL ZONING OF SPARSELY OCCUPIED AREA TO BE ANNEXED

**Before the City Planning and Zoning Commission and the City Council
of the City of Tyler, Texas**

The undersigned, as owner(s) or agent for the owner(s) of the area to be annexed, hereby makes application for the original zoning of the area to be annexed (insert zoning classification desired) C-2. If more than one zoning classification is requested for the area, please indicate on the area map what zoning classification is requested for each portion. Complete and accurate field notes are required delineating the different zones requested. A metes and bounds description is required.

For the property owner which does not request original zoning, the Planning and Zoning Commission as part of its recommendation for approval of this annexation will recommend a zoning classification(s) for the area to be annexed.

Wherefore, the owner(s) request that the Planning and Zoning Commission consider the original zoning requested, and that the Planning and Zoning Commission recommend this zoning to the City Council of the City of Tyler, Texas for adoption.*

PROPERTY OWNERS' SIGNATURES


Agent (When Applicable – See Form E)

* The Planning and Zoning Commission in recommending any annexation, and the City Council in approving any annexation, are not obligated to also approve the original zoning requested by the property owner(s). All land contained within the corporate limits of the City of Tyler must be zoned, and the Planning and Zoning Commission and the City Council will endeavor to approve original zoning for the area to be annexed as requested by the property owner(s) if such zoning is appropriate for the existing or likely use of the property to be annexed, and is compatible with current zoning and existing development in that section of the City for which the annexed area will become a part.

**ORDINANCE NO. O-2018-47
EXHIBIT "D"
ZONING MAP**

