

**ORDINANCE NO. O-2021-79**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE VOLUNTARY ANNEXATION OF APPROXIMATELY 1.54 ACRES OF LAND LYING ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF TYLER LOCATED AT THE NORTHWEST INTERSECTION OF FRANKSTON HIGHWAY AND COUNTY ROAD 1114; AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE BOUNDARY OF THE CITY COUNCIL DISTRICT #2; AUTHORIZING THE CITY MANAGER TO SIGN A WRITTEN AGREEMENT FOR PROVISION OF CITY SERVICES PER TEXAS LOCAL GOVERNMENT CODE SECTION 43.0672; 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 25th day of August, 2021, via regular meeting, wherein all interested persons were provided an opportunity to be heard on the proposed voluntary annexation of the territory hereinafter described. A copy of the Texas Local Government Code Section 43.0671 petition is attached and made a part hereof as Exhibit "C"; and

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

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

**WHEREAS**, the hereinafter described territory contains approximately 1.54 acres of land; and

**WHEREAS**, Texas Local Government Code Section 43.0671 states that a municipality may annex an area if each owner of the land in the area requests the annexation; and

**WHEREAS**, Texas Local Government Code Section 43.0672(a) states that the governing body of a municipality that elects to annex an area under Texas Local Government Code Chapter 43, Subchapter C-3, must first negotiate and enter into an agreement with the owners of the land in the area for the provision of services in the area; and

**WHEREAS**, the notice requirements of Texas Local Government Code Section 43.0673 have been met;

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

**PART 1:** That pursuant to Tyler City Code Sections 10-800 through 10-802, the Texas Local Government Code Section 43.0671 petition is hereby granted and the following described land and territories lying adjacent to and adjoining the City of Tyler, Texas, are hereby added to and annexed to the City of Tyler, Texas, and as shown on the map attached as Exhibit "A" described therein shall be included within the boundary limits of said City, and the present boundary limits of such City, at the various points contiguous to the areas being annexed, are altered and amended so as to include said areas within the corporate limits of the City of Tyler,

Texas. Accordingly, the official Tyler City limits map is hereby adjusted as described in Tyler City Code Section 10-802 and that section and map are amended to reflect this annexation.

**PART 2:** That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article IV., "Subdivision Design and Improvements", Division E., "Participation and Escrow Policies", is hereby amended by amending the list of annexations in Section 10-143 to add this Ordinance Number, with no other changes.

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

**PART 4:** That upon final passage, the annexed area shall be zoned for "PCD", Planned Commercial District with final site plan.

**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 Council District #2, City Council single member district and the official Voting District Map amended accordingly.

**PART 7:** That the City Manager is hereby authorized to sign an agreement of municipal services per Texas Local Government Code Section 43.0672.

**PART 8:** That the City Clerk shall send to the Texas Secretary of State a copy of the ordinance and statement that the annexation is not involved in any litigation.

**PART 9:** That the City Clerk shall send to the State Comptroller by certified mail a map showing new boundaries for sales tax and a certified copy of the ordinance showing the effective date of the boundary changes.

**PART 10:** That within thirty (30) days of notice of U. S. Justice Department approval of this annexation, the Planning Department, on behalf of the Mayor, shall file a certified copy of this ordinance and a copy or duplicate of the petition with the County Clerk. The Planning Department shall also file annexation information with the Smith County Appraisal District and anyone else who has requested such information.

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

**PART 12:** 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 25<sup>th</sup> day of August A. D., 2021.



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

ATTEST:

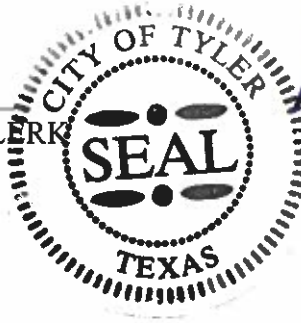


CASSANDRA BRAGER, CITY CLERK

APPROVED:

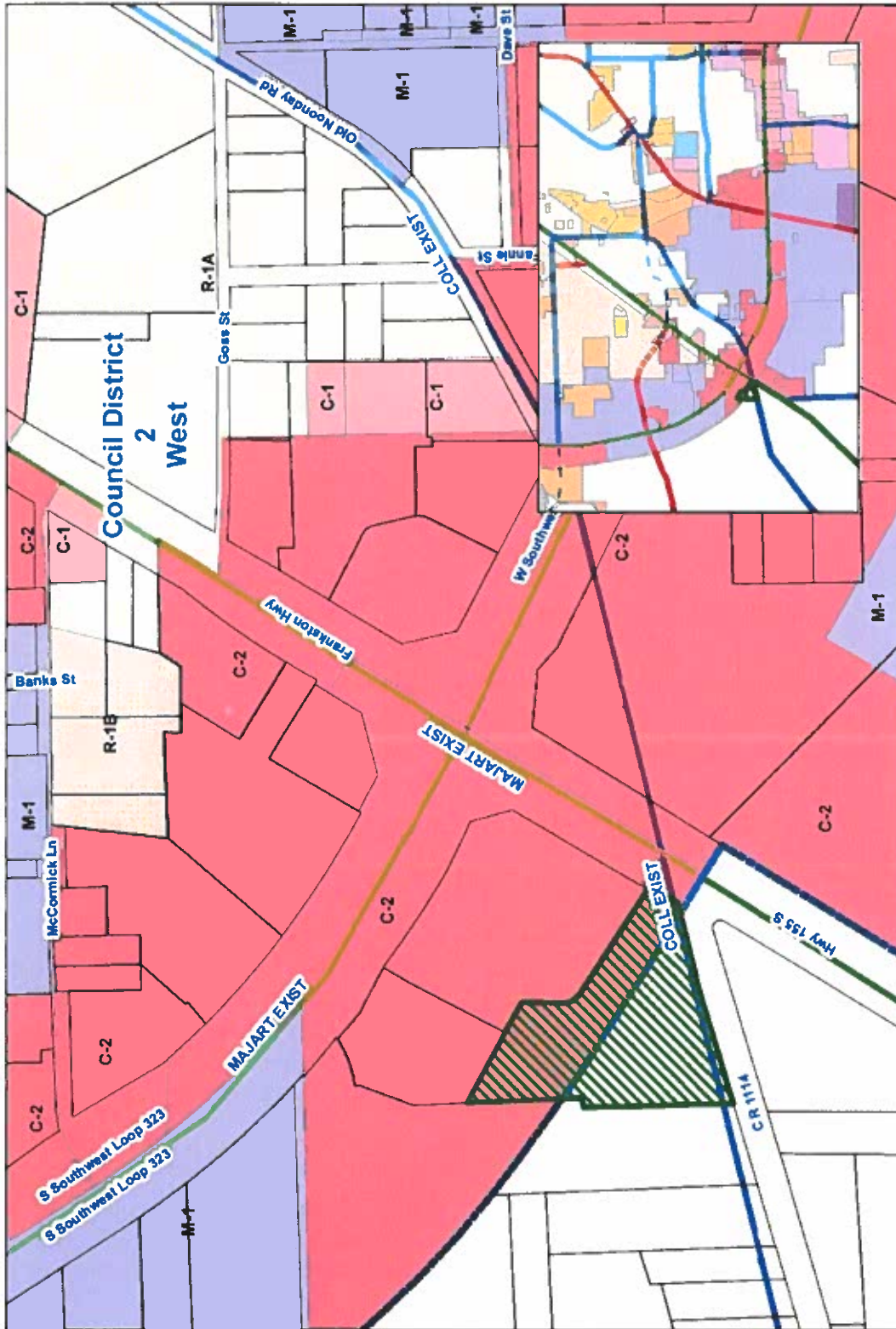


DEBORAH G. PULLUM,  
CITY ATTORNEY



- Exhibit A = location map
- Exhibit B = property survey
- Exhibit C = owner petition
- Exhibit D = zoning map

**ORDINANCE NO. O-2021-79  
EXHIBIT "A"  
LOCATION MAP**

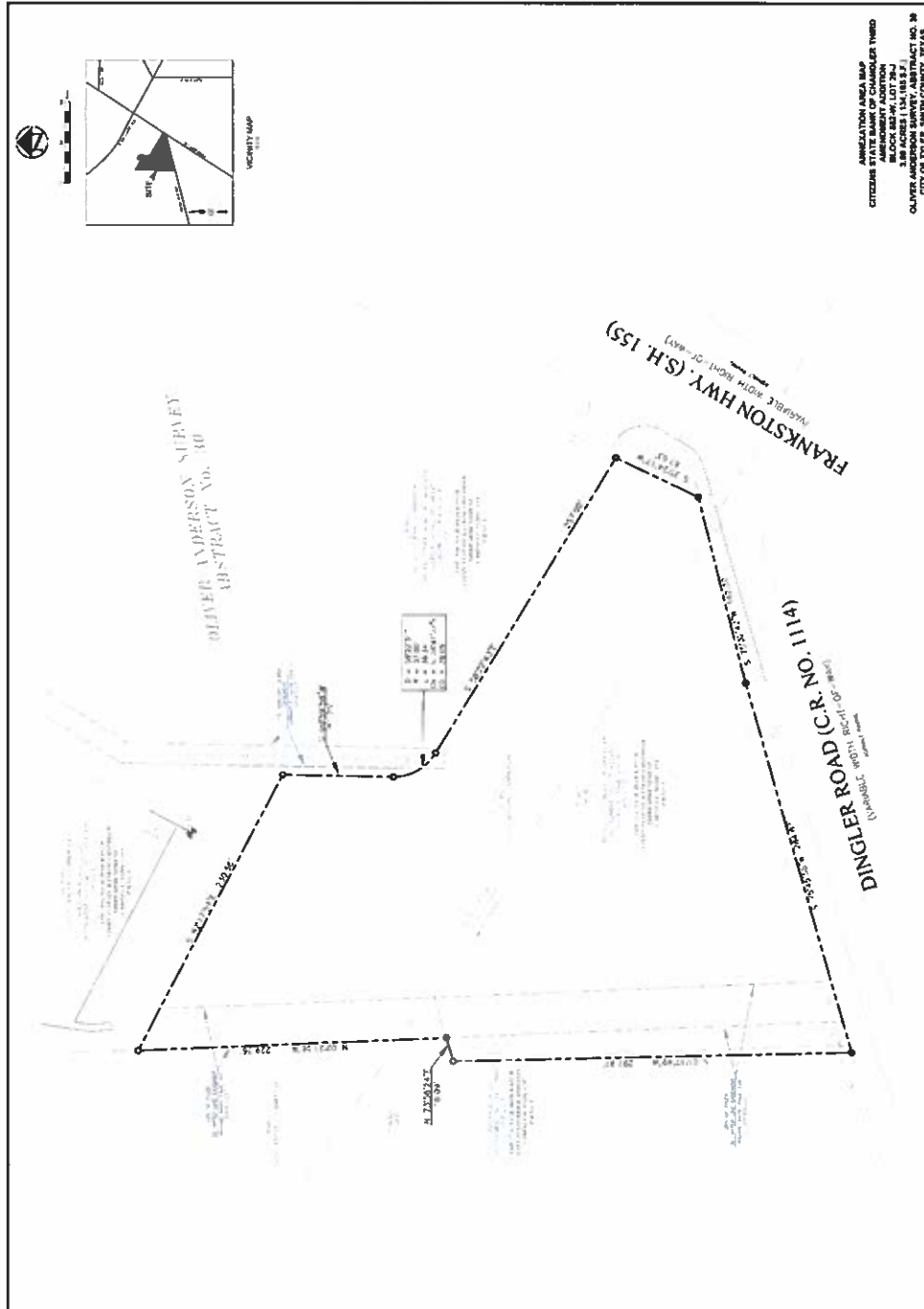


**ZONING CASE**  
Zoning Case # A21-003  
**ANNEXATION**  
Applicant: Spirit of Texas Bank

**Subject Property**  
 **City Limits**

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.

SHEET 8  
AM





**CITY OF TYLER**  
EST. 1905

**FORM A**

Reviewed by Legal 6/2/99



FORM A1

That I (we), the undersigned, hereby certify that the tract described on FORM A, which is the subject of this annexation petition, is located adjacent to and adjoins the existing corporate limits of the City of Tyler, Texas, that this area is one-half (1/2) mile or less in width, that this area is sparsely populated as evidenced by the list on FORM D of the qualified voters residing in the area to be annexed, and that this petition is signed and duly acknowledged by each and every individual or corporation having a proprietary interest in said land.

IN WITNESS WHEREOF, I (We), as owner(s) of real property in the area to be annexed, request annexation of this area, pursuant to Texas Local Government Code Section 43.028, by signing this annexation on the date shown below.

*[Signature]*  
SIGNATURE  
06/23/2021  
DATE

Michael L. Durham General  
PRINT NAME Council

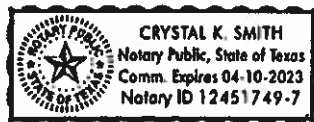
\_\_\_\_\_  
SIGNATURE  
\_\_\_\_\_  
DATE

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

(ACKNOWLEDGMENT)

THE STATE OF Texas  
COUNTY OF Montgomery

This petition was acknowledged before me on the 23 day of June,  
2021 by Michael L. Durham



Crystal K. Smith  
Notary Public  
State of Texas

(ACKNOWLEDGMENT)

THE STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

This petition was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_,  
by \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
State of \_\_\_\_\_



**FORM B**

**APPLICANT'S SUPPORT INFORMATION FOR ANNEXATION REQUEST**

Applicants should 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 utilize this property for the following purpose(s):  
Auto/Truck Paint & Body Shop
  
2. I (We) am/are requesting this annexation for the following reason(s):  
To rezone the 50% of the property in the city limits and the 50% of the property in the ETJ to (PCD) Planned Commercial District.
  
3. State present use and condition of property and/or structures:  
The property is undeveloped land with no structures.
  
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)  
A 36" waterline runs along the western boundary.  
A manhole with an 8" line is at the center of the northern boundary.
  
5. Any additional information that you desire to provide concerning your annexation request:

**SIGNED:**

\_\_\_\_\_  
**Owner's Telephone Number**

469-331-8566 Ext. 113

\_\_\_\_\_  
**Agent's Telephone Number**

\_\_\_\_\_  
**OWNER (of property to be annexed)**

**OR** Jack Zanger

\_\_\_\_\_  
**AGENT (When applicable - See Form E)**



FORM C

**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. <u>STACY G. TOLAN, Owner</u>	<u>1234 S. 22nd St., Tyler, Texas 75701</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____



**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.

**NAME AND AGE**

**MAILING ADDRESS**

1. The Property is vacant and without residents.
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

**SIGNED:**

\_\_\_\_\_  
**Owner et al (of property to be annexed)**

Jack Zanger *[Signature]*

\_\_\_\_\_  
**Agent (when applicable – See Form E)**



FORM E

**AUTHORIZATION OF AGENT**

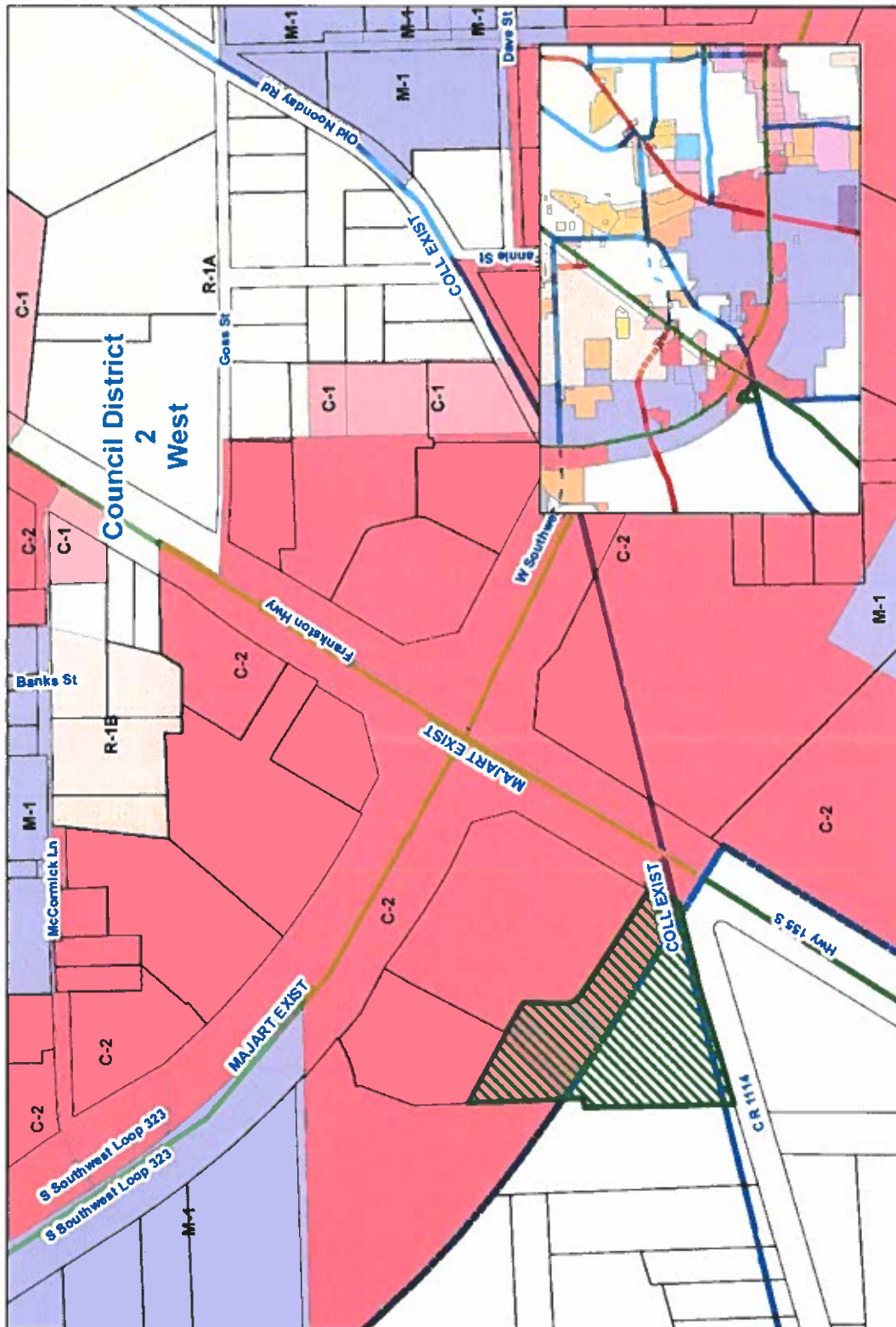
I (We), the undersigned, being owners of real property to be annexed according to this Application, do hereby authorize (print name and address of agent) Jack Zanger  
1784 W. McDermott Dr, Suite 110 Allen, TX to act as our Agent in the matter of this annexation. The term "agent" shall mean any lessee, developer, option holder, or other authorized individual who is authorized to act in behalf of the owner(s) of said property to be annexed.

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

SIGNATURE	MAILING ADDRESS
1. <u>[Signature]</u>	<u>1784 W. McDermott Dr, Suite 110 Allen, TX</u>
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".)

**ORDINANCE NO. O-2021-79**  
**EXHIBIT "D"**  
**ZONING MAP**



**ZONING CASE**  
Zoning Case # A21-003  
**ANNEXATION**  
Applicant: Spirit of Texas Bank

**Subject Property**  
City Limits

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250 0 250 Feet