

ORDINANCE NO. O-2022-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE VOLUNTARY ANNEXATION OF APPROXIMATELY 0.80 ACRES OF LAND LYING ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF TYLER LOCATED WEST OF THE INTERSECTION OF OLD JACKSONVILLE HIGHWAY AND STEELE ROAD; 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; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a public hearing was held before the City Council of the City of Tyler, Texas, on the 12th day of January, 2022, 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 0.80 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; and

WHEREAS, Exhibits "A", "B", "C", and "D" attached hereto are hereby incorporated for all purposes;

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 "C-1", Light Commercial District.

PART 5: That the initial Land Use Designation for the annexed area is hereby established as Neighborhood 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: 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 13: 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 January 27th, 2022.

PASSED AND APPROVED THIS the 12th day of January A. D., 2022.



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

ATTEST:



CASSANDRA BRAGER, CITY CLERK



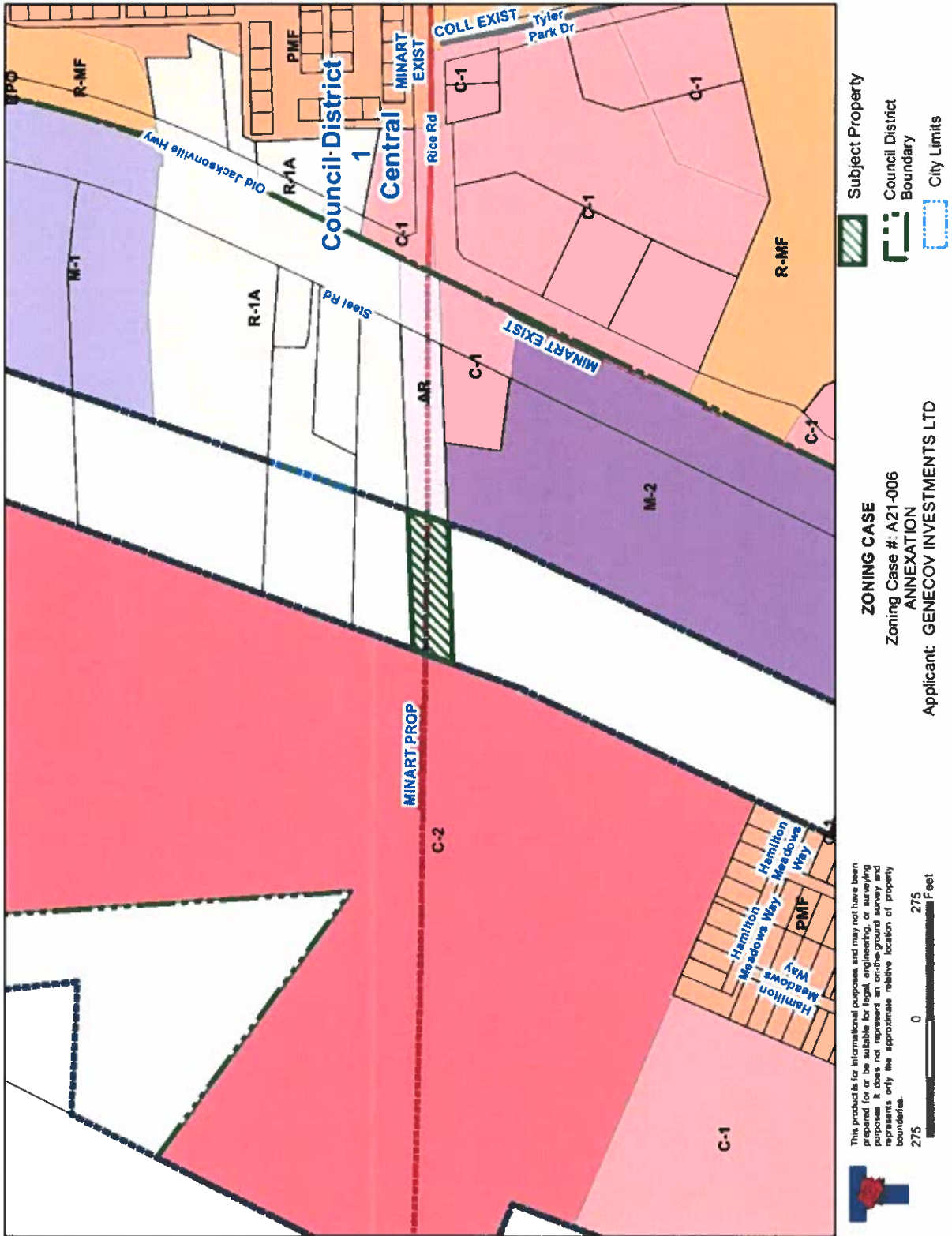
APPROVED:



DEBORAH G. PULLUM,
CITY ATTORNEY

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

ORDINANCE NO. O-2022-05
EXHIBIT "A"
LOCATION MAP



ORDINANCE NO. O-2022-05
EXHIBIT "B"
PROPERTY METES AND BOUNDS



6712 Paluxy Drive
Tyler, Texas 75703
(903)581-7800
Fax (903)581-3756

• **Surveying**
• **Mapping**
• **Planning**

TBPLS FIRM NO. 10044500

Exhibit "A"
0.801 Acre Annexation Tract

Being a 0.801 acre tract of land situated in the Marshall University Survey, Abstract No. 624, Smith County, Texas and being part of a called 1.833 acre tract described in a Gift Deed from Connie Maye Steel, Kenneth Ray Steel, Melvin C. Steel, Jr., Glenda Acord A/K/A Glenda Loretta Acord, Marion L. Steel, Fersonda Ann Hussain, Joseph Glen Steel, Gary Lane Wroten, Melissa Nicole Oldham A/K/A Nici Oldham, Gladys Jean Wroten, Norma Gene Faye Buckalew, Gladys Louise Maddox A/K/A Gladys Louise Tomlinson, Kathy Loretta Boeh, Sheryle Ann Wright, individually and as Independent Executrix of the Estate of Constance Burleson, Donald Rudolph Burleson, Jr. and Karen Lea Rosson to Genecov Investments, Ltd. recorded under Clerk's File No. 20190100030826 of the Official Records of Smith County, Texas, (O.P.R.S.C.T.), said 0.801 acre tract being more particularly described as follows:

Beginning at a 1/2" iron pipe found at the Northwest corner of said 1.833 acre tract, same being the Southwest corner of a called 2-1/4 acre tract described in a Warranty Deed with Vendor's Lien from E.M. Nunn and wife, Cleo Nunn to Jack M. Miller and wife, Johnie Miller recorded in Volume 812, Page 7 of the Deed Records of Smith County, Texas (D.R.S.C.T.) and being on the East boundary line of a called 80.317 acre tract described in a Warranty Deed with Vendor's Lien from Hilton Hitt aka Hilton R. Hitt to Kenneth P. Dougherty et al recorded under Clerk's File No. 2006-R00058769 of said O.P.R.S.C.T.;

Thence North 88 degrees 51 minutes 04 seconds East, a distance of 329.38 feet along the North boundary line of said 1.833 acre tract and the South boundary line of said 2-1/4 acre tract to a point on the existing City of Tyler city limits line;

Thence South 19 degrees 45 minutes 37 seconds West, a distance of 112.36 feet along said existing City of Tyler city limits line to a point on the South boundary line of said 1.833 acre tract and the North boundary line of a called 16.139 acre tract described in a Correction Special Warranty Deed from AMI Materials, Inc. to APAC-Texas, Inc. recorded under Clerk's File No. 2010-R00051531 of said O.P.R.S.C.T.;

Thence South 88 degrees 43 minutes 29 seconds West, a distance of 333.02 feet along said boundary lines to a point at the Southwest corner of said 1.833 acre tract, same being the Northwest corner of said 16.139 acre tract and being on the East boundary line of said 80.317 acre tract from which a 1/2" iron rod found bears North 88 degrees 55 minutes 41 seconds East, a distance of 9.54 feet;

Thence North 21 degrees 19 minutes 58 seconds East, a distance of 114.39 feet along the West boundary line of said 1.833 acre tract and the East boundary line of said 80.317 acre tract to the **place of beginning**, containing 0.801 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 July, 2019.

GIVEN UNDER MY HAND AND SEAL, This the 15th day of October 2020.

A handwritten signature in black ink, appearing to be 'K. Kilgore', with a long horizontal stroke extending to the right.

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

201953 0.801 Ac Annexation Tract.docx



**ORDINANCE NO. O-2022-05
EXHIBIT "C"
OWNER PETITION**



RECEIVED: 10-15-2021
REFERRAL NO.: _____

APPLICATION NO. A21-006

**INFORMATION FOR COMPLETING FORMS REQUESTING ANNEXATION
FOR SPARSELY POPULATED AREAS**

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
- H.

(NOTE: Filing fee of \$250.00 (City code Sec. 10-1) must be received with annexation petition)

ALL ANNEXATION IS BY ORDINANCE, AND ONLY THE CITY COUNCIL HAS THE AUTHORITY TO MAKE OR 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 UNTIL 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 December 7, 2021, PLANNING AND ZONING COMMISSION MEETING WILL BE November 1, 2021, 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 LEGALLY THE PROPOSED ANNEXATION.



FORM A

REQUEST FOR ANNEXATION OF SPARSELY POPULATED AREAS
BY THE OWNER(S) OF AREA

**TO THE HONORABLE MAYOR AND GOVERNING BODY
OF THE CITY OF TYLER, TEXAS**

The undersigned owners of the hereinafter described tract of land hereby request your Honorable Body to extend the present City limits so as to include as a part of the City of Tyler, Texas, the following described territory (complete and accurate field notes must be attached), to-wit:

Being the above described area is one-half (1/2) mile or less in width and is sparsely populated, the owner(s) request that the City of Tyler, Texas, annex this area on petition of the area landowner(s), pursuant to Texas Local Government Code Section 43.028, which provides for the annexation of sparsely populated areas without the hearings and rigid time schedule required for general annexations or those annexations undertaken unilaterally by the City.

That I (we), the undersigned, hereby certify that the tract described on FORM A and attached field notes, 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.

William R. Brewer, III
SIGNATURE

William R. Brewer, III
PRINT NAME

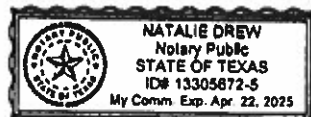
10-14-21
DATE

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

Genecov Investments LTD.,
Acting By and Through
A Texas Limited Partnership
The Genecov Group, Inc.,
A Texas Corporation, Its
General Partner

This petition was acknowledged before me on the 14th day of October,
2021 by William R. Brewer, III.



Natalie Drew
Notary Public
State of Texas



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.

William R. Brewer, III
SIGNATURE
10-14-21
DATE

SIGNATURE

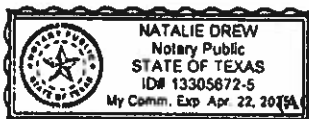
DATE

William R. Brewer, III
PRINT NAME
Gonecov Investments LTD.,
Acting By and Through
A Texas Limited Partnership
The Gonecov Group, Inc.,
PRINT NAME
A Texas Corporation, its
General Partner

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 14th day of October,
2021 by William R. Brewer, III.



Natalie Drew
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):

Residential / Commercial use

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

To take advantage of the amenities (sewer & water) provided to residents of the city of Tyler

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

vacant land

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)

see attached sheet

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

past development on this property was frozen due to the city placing this property on the master street plan list. We just found out this is being changed and are ready to develop.

903-509-8844
Owner's Telephone Number

William R Brown III VP real estate
OWNER (of property to be annexed)

OR

Agent's Telephone Number

William R Brown III VP real estate
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>Genecov Investments Ltd</u>	<u>1350 Drummien Plaza Tyler, TX 75703</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.

<u>NAME AND AGE</u>	<u>MAILING ADDRESS</u>
1. N/A	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

SIGNED:

Genecov Investments, Ltd.
Owner et al (of property to be annexed)

W. J. R. Brown III
Agent (when applicable - See Form E)
VP - R

Genecov Investments LTD.,
Acting By and Through
A Texas Limited Partnership
The Genecov Group, Inc.,
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