



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-2

Date: January 11, 2006

Subject: APPLICATION A01-06-001 MANSIONS AT THE CASCADES

Request that the City Council consider an Ordinance providing for the annexation of certain sparsely populated and owner requested territory lying adjacent to and contiguous to the present boundary limits of the City of Tyler, referred to as Annexation Application A01-06-001, located on Tracts 12, 6, 10, and 13S of the L. Ashcroft Survey, A-48, four tracts totaling 62± acres located at the end of Pine Terrace and Putting Lane in the Briarwood Estates Unit 1, extending 900± feet west from Pine Terrace and extending north 1800± feet and then east 630± feet and then 1125± feet south and southeast to join with the west property line of The Stretford at Cascades. Also, consider establishing the original zoning of “PMF” Planned Multi-Family Development District with final site plan approval, and “R-1A” Single-Family Residential District.

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Item Reference: Texas Local Government Code Section 43.028 Annexation of Sparsely Populated Areas

The applicant is requesting annexation under the guidelines for sparsely populated areas pursuant to Texas Local Government Code Section 43.028. This section provides for the annexation of sparsely populated areas without the public hearings and without the requirement of a service plan prepared by the City. Section 43.028 further specifies that the petition for annexation be heard by the City Council within five to thirty days of the receipt of the petition.

On January 3, 2006, the Planning and Zoning Commission held a public hearing on this request. No written letters of protest were filed and no one spoke in opposition to the request. Bob Breedlove, The Brannon Corporation, appeared on behalf of the application.

All other departments have reviewed the request and anticipate no significant impact on services or facilities by the proposed annexation and original zoning designation.

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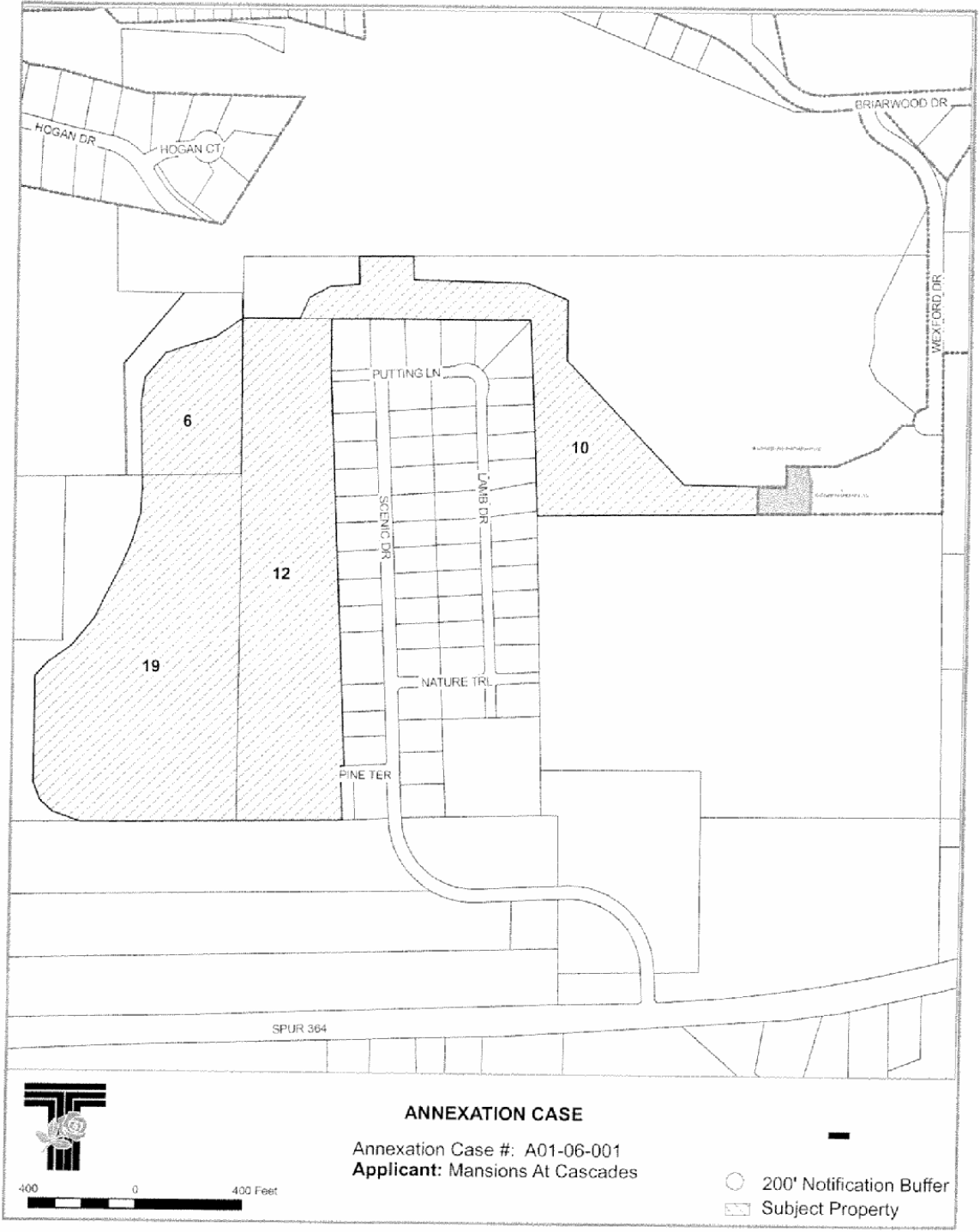
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the request to annex Mansions of The Cascades, west of the City limits, and recommends establishing the original zoning designation as “PMF” Planned Multi-Family Residential District without final site development approval and “R-1A” Single-Family Residential District.



Drafted/Recommended By: Stephanie Rollings
Department Leader Director of Planning

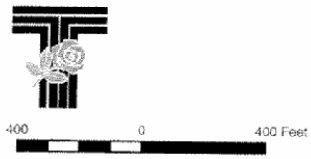
Edited/Submitted By:
City Manager

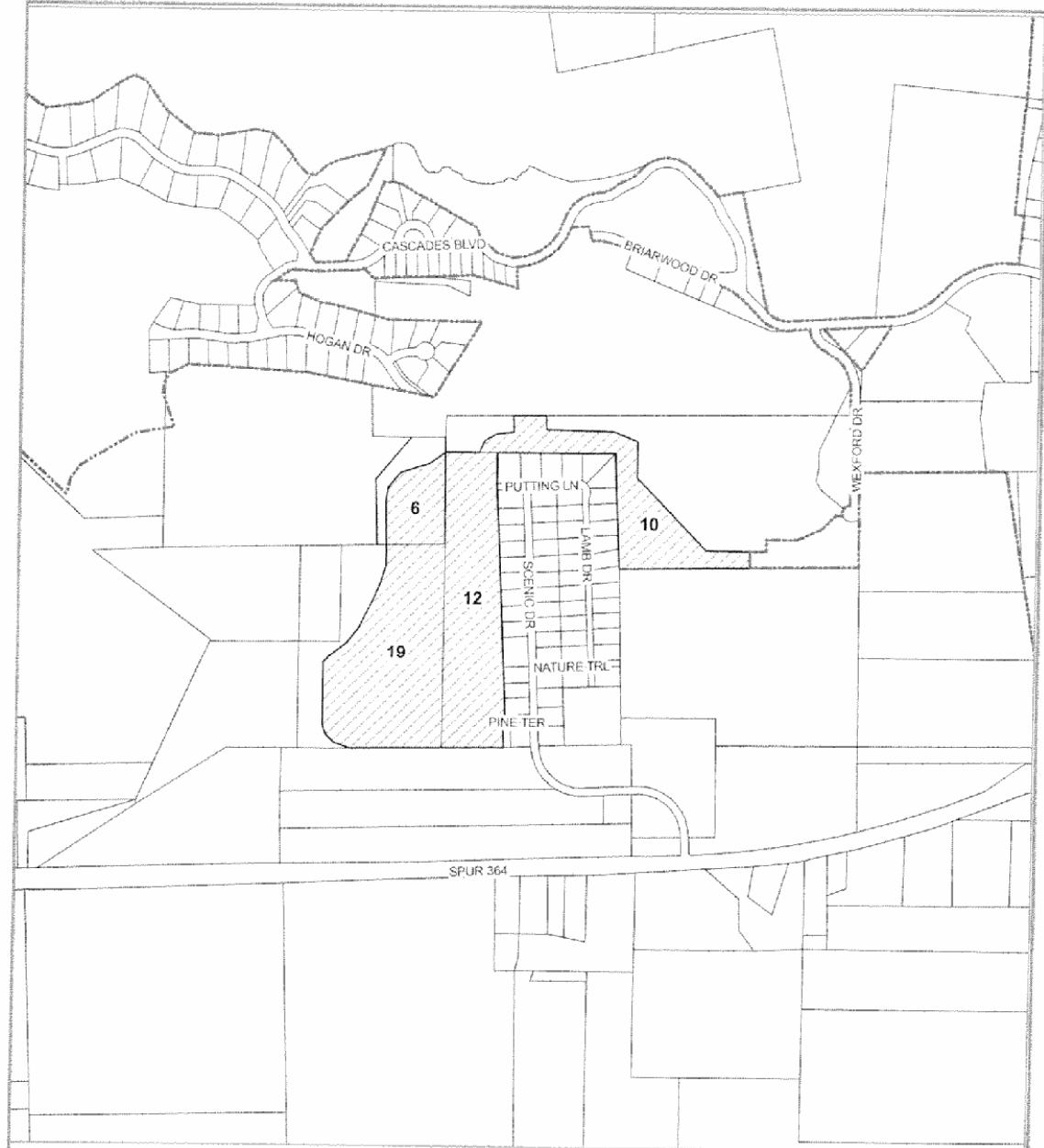


ANNEXATION CASE

Annexation Case #: A01-06-001
 Applicant: Mansions At Cascades

- 200' Notification Buffer
- ▨ Subject Property





ANNEXATION CASE

Annexation Case #: A01-06-001
 Applicant: Mansions At Cascades



- 200' Notification Buffer
- ▨ Subject Property

ORDINANCE NO. O-2006-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ANNEXATION OF CERTAIN SPARSELY POPULATED AND OWNER-REQUESTED TERRITORY LYING ADJACENT TO AND CONTIGUOUS TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF TYLER, LOCATED ON TRACTS 12, 6, 10, AND 13S OF THE L. ASHCROFT SURVEY, A-48, FOUR TRACTS TOTALING 62± ACRES LOCATED AT THE END OF PINE TERRACE AND PUTTING LANE IN THE BRIARWOOD ESTATES, UNIT 1, EXTENDING 900± FEET WEST FROM PINE TERRACE AND EXTENDING NORTH 1800± FEET, THEN EAST 630± FEET, THEN 1125± FEET SOUTH AND SOUTHEAST TO JOIN WITH THE WEST PROPERTY LINE OF THE STRETFORD AT THE CASCADES. ALSO, CONSIDER ESTABLISHING THE ORIGINAL ZONING OF “PMF” PLANNED MULTI-FAMILY DEVELOPMENT DISTRICT WITHOUT FINAL SITE PLAN APPROVAL, AND “R-1A” SINGLE-FAMILY RESIDENTIAL DISTRICT.

WHEREAS, a public hearing was held before the City Council of the City of Tyler, Texas, on the 3rd day of January, 2006, in the Council Chambers, City Hall, 212 North Bonner, 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 areas to be annexed are one-half mile or less in width; and

WHEREAS, the areas to be annexed are contiguous to the City of Tyler; and

WHEREAS, the areas to be annexed are vacant and without residents; and

WHEREAS, the hereinafter described territories lie within the extraterritorial jurisdiction of the City of Tyler, Texas; and

WHEREAS, the hereinafter described territories contain a total of approximately 62± 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 10-1 through 10-2, 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, is hereby added to and annexed to the City of Tyler, Texas, described in Exhibit “A”, and as shown on the map attached as 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.

PART 2: That the areas 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 3: That upon final passage, the annexed areas shall be zoned as “PMF” Planned Multi-Family Residential District with final site plan approval and “R-1A” Single Family Residential District as shown on the map attached as Exhibit “B” hereinabove mentioned.

PART 4: That the annexed areas shall be added to the West, #2, City Council single member district and the official Voting District Map amended accordingly.

PART 5: That within thirty (30) days of notice of U. S. Justice Department approval of this annexation, the City Clerk, 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.

PART 6: 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 11th day of January, A.D., 2006.

JOSEPH O. SEEBER, MAYOR
OF THE CITY OF TYLER, TEXAS

A T T E S T :

APPROVED:

CITY CLERK

CITY ATTORNEY

Exhibit A = Legal Description
Exhibit B = Map
Exhibit C = Owner Petition

EXHIBIT "A"

Vannoy & Assoc., Inc.
Surveyors - Planners

Ray L. Vannoy
Registered Professional Land Surveyor
Licensed State Land Surveyor

ANNEXATION DESCRIPTION

STATE OF TEXAS
COUNTY OF SMITH

BEING all of that tract of land in Smith County, Texas, out of the following surveys:

McKinney & Williams Survey, A-727
McKinney & Williams Survey, A-728
L. H. Ashcraft Survey, A-48
S. A. & M.G. Railroad Survey, A-963,

and being all of that called 49.214 acres described in a deed to Cascade Properties, Ltd. recorded in Volume 7759, Page 359 of the Deed Records of Smith County, Texas, and being a part of that called 146.1722 acres described in a deed to Bellwood Lake Partnership, Ltd. recorded in Volume 6492 Page 290 of the Deed Records of Smith County, Texas, and being further described as follows:

BEGINNING at a 1" steel rod found at the Southwest corner of said 49.214 acres, being on the North line of that 9.6193 acre tract described in a deed to M. L. Hayes recorded in Volume 3720, Page 687 of the Deed Records of Smith County, Texas;

THENCE North 00 degrees 32 minutes 43 seconds West, 1346.33 feet to a flat iron found at the most Westerly Northwest corner of said 49.214 acres;

THENCE North 89 degrees 55 minutes 31 seconds East, 482.57 feet to a 1/2" steel rod found at an inside corner of said 49.214 acres;

THENCE North 00 degrees 43 minutes 39 seconds West, 422.56 feet to a 1/2" steel rod found for corner;

THENCE North 45 degrees 14 minutes 52 seconds East, 347.14 feet to a 1/2" steel rod found for corner;

THENCE South 88 degrees 37 minutes 37 seconds East, 190.23 feet to a flat iron found at the most Northerly Northeast corner of said 49.214 acres;

THENCE South 03 degrees 37 minutes 56 seconds East, 116.20 feet to a 1/2" steel rod found at an inside corner of said 49.214 acres;

THENCE South 89 degrees 26 minutes 35 seconds East, 256.80 feet, to a 1/2" steel rod set for corner;

THENCE North 43 degrees 22 minutes 03 seconds East, 44.65 feet to a 1/2" steel rod set at a point of curve;

THENCE Northeasterly, 86.64 feet along a curve to the right with a radius of 106.00 feet and a central angle of 46 degrees 49 minutes 52 seconds (Chord bears North 66 degrees 46 minutes 56 seconds East, 84.25 feet) to a 1/2" steel rod set at the point of tangency;

THENCE South 89 degrees 48 minutes 11 seconds East, 54.54 feet to a 1/2" steel rod set for corner;

THENCE North 00 degrees 11 minutes 49 seconds East, 135.11 feet to a 1/2" steel rod set for corner;

THENCE South 89 degrees 48 minutes 11 seconds East, 203.67 feet to a 1/2" steel rod set for corner;

THENCE South 00 degrees 11 minutes 49 seconds West, 57.27 feet to a 1/2" steel rod set for corner;

Vannoy & Assoc., Inc.
Surveyors - Planners

Ray L. Vannoy

Registered Professional Land Surveyor

Licensed State Land Surveyor

THENCE South 89 degrees 48 minutes 11 seconds East, 436.90 feet to a 1/2" steel rod set for corner;

THENCE South 49 degrees 27 minutes 50 seconds East, 181.35 feet to a 1/2" steel rod set for corner;

THENCE South 01 degrees 16 minutes 16 seconds East, 308.63 feet to a 1/2" steel rod set for corner;

THENCE South 55 degrees 38 minutes 53 seconds East, 601.91 feet to a 1/2" steel rod set for corner;

THENCE North 89 degrees 56 minutes 47 seconds East, 379.04 feet to a 1/2" steel rod set on a West line of Lot 1, N.C.B. 1800 as shown in Cabinet D, Slide 204-C of the Plat Records of Smith County, Texas;

THENCE South 00 degrees 24 minutes 47 seconds East, 42.62 feet to a 1/2" steel rod found at an inside corner of said Lot 1;

THENCE South 89 degrees 35 minutes 13 seconds West, 106.90 feet to a 1/2" steel rod found at the most Westerly Northwest corner of said Lot 1;

THENCE South 00 degrees 24 minutes 47 seconds East, 103.00 feet to a 1/2" steel rod found at the Southwest corner of said Lot 1, being also on the North line of that 99.6238 acres described in a deed to Greenberg Joint Venture recorded in Volume 2970, Page 618 of the Deed Records of Smith County, Texas;

THENCE South 89 degrees 35 minutes 13 seconds West (Bearing Basis), 876.30 feet along the North line of said 99.6238 acres and a South line of said 146.1722 acres to a 2" pipe found at the most Southerly Southwest corner of said 146.1722 acres;

THENCE North 01 degrees 21 minutes 59 seconds West, 769.46 feet along the East line of Briarwood Estates, Unit 1 as shown in Cabinet B, Slide 260-B of the Plat Records of Smith County, Texas to a 1/2" steel rod found at the Northeast corner of same;

THENCE North 89 degrees 26 minutes 22 seconds West, 748.43 feet to a 1/2" steel rod set at the Northwest corner of Briarwood Estates;

THENCE South 00 degrees 57 minutes 30 seconds East, 1725.10 feet, to a bend, a 1/2" bent steel rod found bearing North 54 degrees 31 minutes 39 seconds West, 0.79 feet for witness;

THENCE South 00 degrees 48 minutes 33 seconds East, 149.17 feet to a 1/2" steel rod found at the Southeast corner of said 49.214 acres;

THENCE South 89 degrees 16 minutes 35 seconds West, 1271.51 feet along the North line of said Hayes tract to the **POINT OF BEGINNING**, containing 58.812 acres of land.

The description shown hereon was prepared from an on-the-ground survey performed under my supervision during the month of December, 2005.

December 7, 2005

Ray L. Vannoy
R.P.L.S. No. 1988



Field notes attached

Exhibit "B" to Ordinance No. 0-2006-2

EXHIBIT "B"

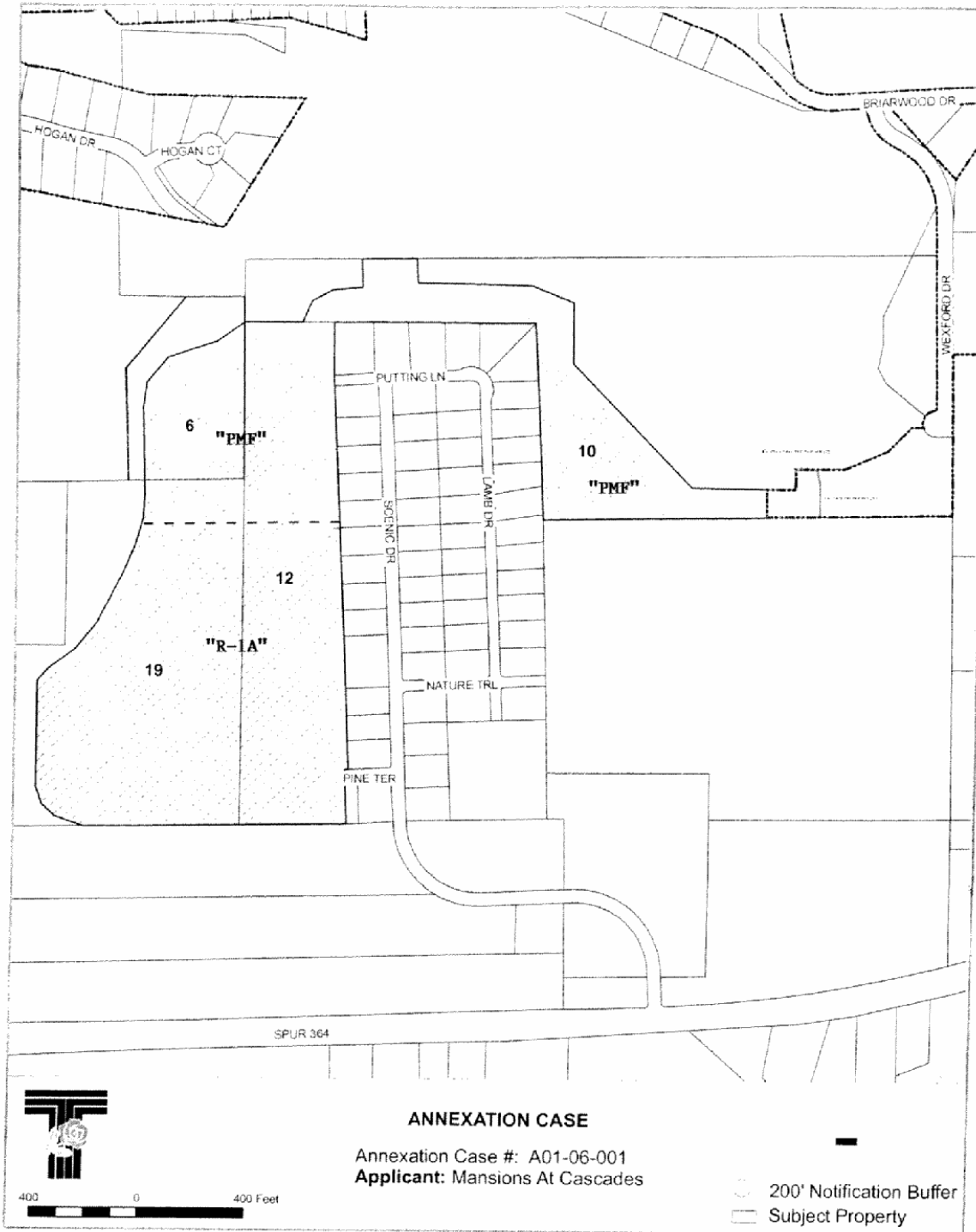


Exhibit "C" to Ordinance No. 0-2006-2
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EXHIBIT "C"



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.

[Signature]
SIGNATURE
12-07-05
DATE

Lew Anderton, President
PRINT NAME
[Signature]
DATE
11/5/06
(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 5th day of January, 2006,
2005 by Lew Anderton.



Patricia R. Barber
Notary Public
State of Texas

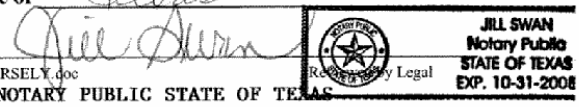


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AUTHORIZATION OF AGENT

FORM E

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) Brannon Corporation 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. 	2611 Cascades Golf Club Dr., Tyler, TX 75709
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".)

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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.	


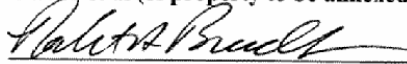
SIGNED: 
Owner et al (of property to be annexed)

Agent (when applicable - See Form E)

Exhibit "C" to Ordinance No. 0-2006-2
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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. Cascades Properties, Ltd.	2611 Cascades Golf Club Drive
2.	Tyler, Texas 75709
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

Exhibit "C" to Ordinance No. 0-2006-2
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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):

Multifamily and single family residential development

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

1. Extension of water and sanitary sewer
2. Police and fire protection

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

Undeveloped property
No structures or improvements

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)

Nearest water and sewer: Hogan Drive

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

817 821-8200

Owner's Telephone Number

SIGNED:

OWNER (of property to be annexed)

OR

903 597-2122

Agent's Telephone Number

AGENT (When applicable - See Form E)

Exhibit "C" to Ordinance No. 0-2006-2
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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.

Lew Anderton
SIGNATURE
10-05-05
DATE

Lew Anderton, President
PRINT NAME

SIGNATURE

DATE

PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF _____
COUNTY OF _____

This petition was acknowledged before me on the _____ day of _____,
by _____.

Notary Public
State of _____

(ACKNOWLEDGMENT)

THE STATE OF _____
COUNTY OF _____

This petition was acknowledged before me on the _____ day of _____,
by _____.

Notary Public
State of _____



FORM G

PETITION FOR ORIGINAL ZONING OF THE 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) P.M.F. + R1-A. 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.

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 this annexation, and the City Council in approving the 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.