



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-1

Date: October 11, 2006

Subject: APPLICATION A10-06-004A MATT HILES

Request that the City Council consider adopting 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 A10-06-004A, Tracts 5C, 23, 23A, and 54A of the McKinney & Williams Survey, A-727 and S.A. & M.G.R.R. Survey, A-963, four tracts totaling 21± acres located at the end of Hogan Drive and 945± feet west of the intersection of Scenic Drive and Spur 364, extending 1860± feet west and extending north 452± feet from Scenic Drive, then south 258± feet, and then 462± feet west from the end of Hogan Drive to join with the west property line of The Mansions at The Cascades. Also, consider establishing the original zoning of “PUR” Planned Unit Residential District without final site plan approval.

Page: 1 of 2

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 October 3, 2006, the Planning and Zoning Commission held a public hearing on this request. Two written letters of protest were filed. No one spoke in opposition to the request. Jackie Palmer said she did not oppose the annexation, but asked that more greenbelts be included in the development and that maintenance-free fences be constructed between The Cascades and the Briarwood Subdivision. Bob Manaois appeared on behalf of the application.

The final site development plan will be heard at the next City Council meeting to be held on October 24th, 2006, where any issues related to the plan may be addressed.

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

Agenda Number: Z-1

Page: 2 of 2

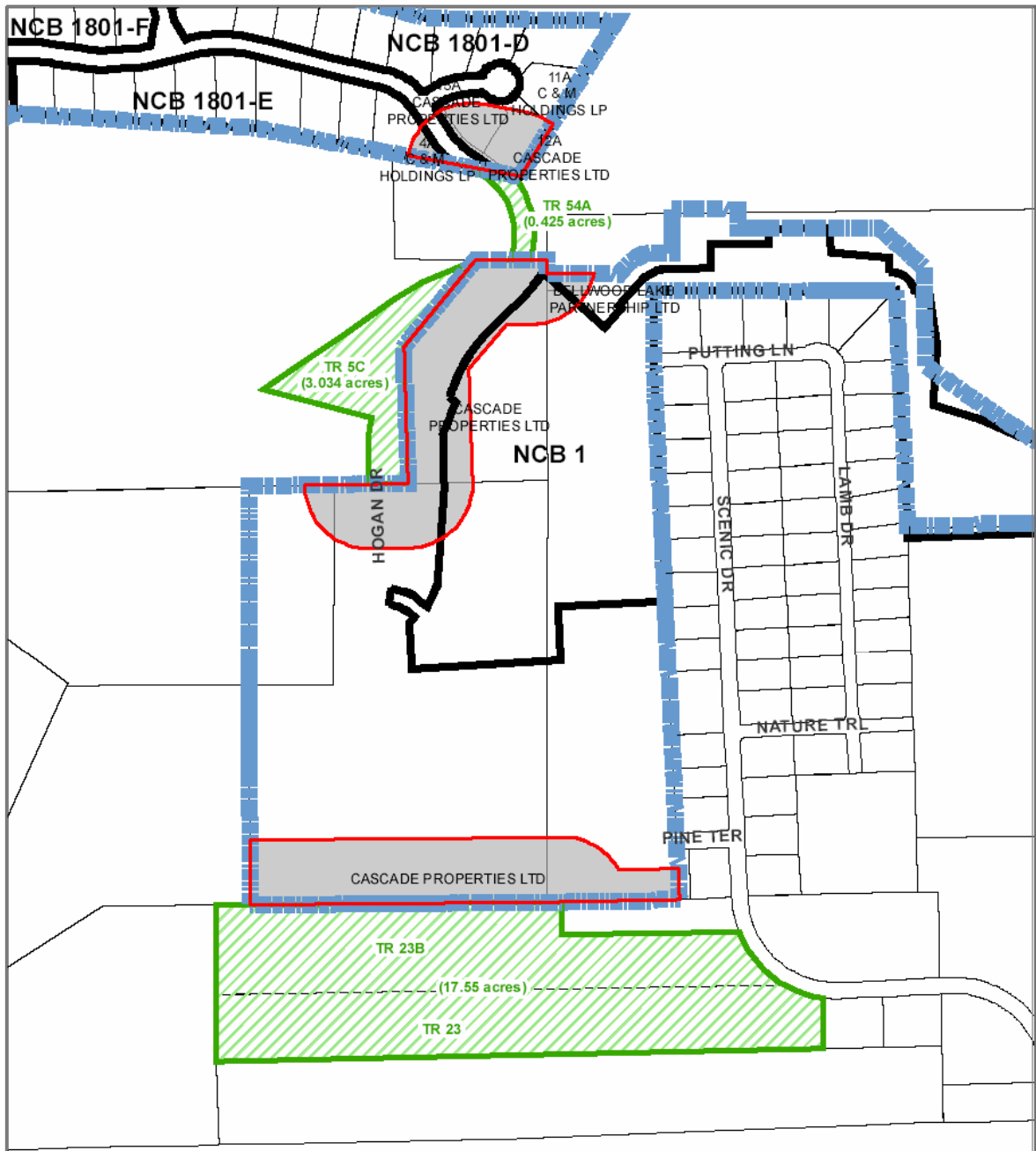
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the request to annex and establish the original zoning of "PUR" Planned Unit Residential District without final site plan approval for Tracts 5C, 23, 23A, and 54A of the McKinney & Williams Survey, A-727 and S.A. & M.G.R.R. Survey, A-963, four tracts totaling 21± acres located at the end of Hogan Drive and 945± feet west of the intersection of Scenic Drive and Spur 364, extending 1860± feet west and extending north 452± feet from Scenic Drive, then south 258± feet, and then 462± feet west from the end of Hogan Drive to join with the west property line of The Mansions at Cascades.



Drafted/Recommended By: Heather Nick
Department Leader Interim Director of Planning

Edited/Submitted By:
City Manager






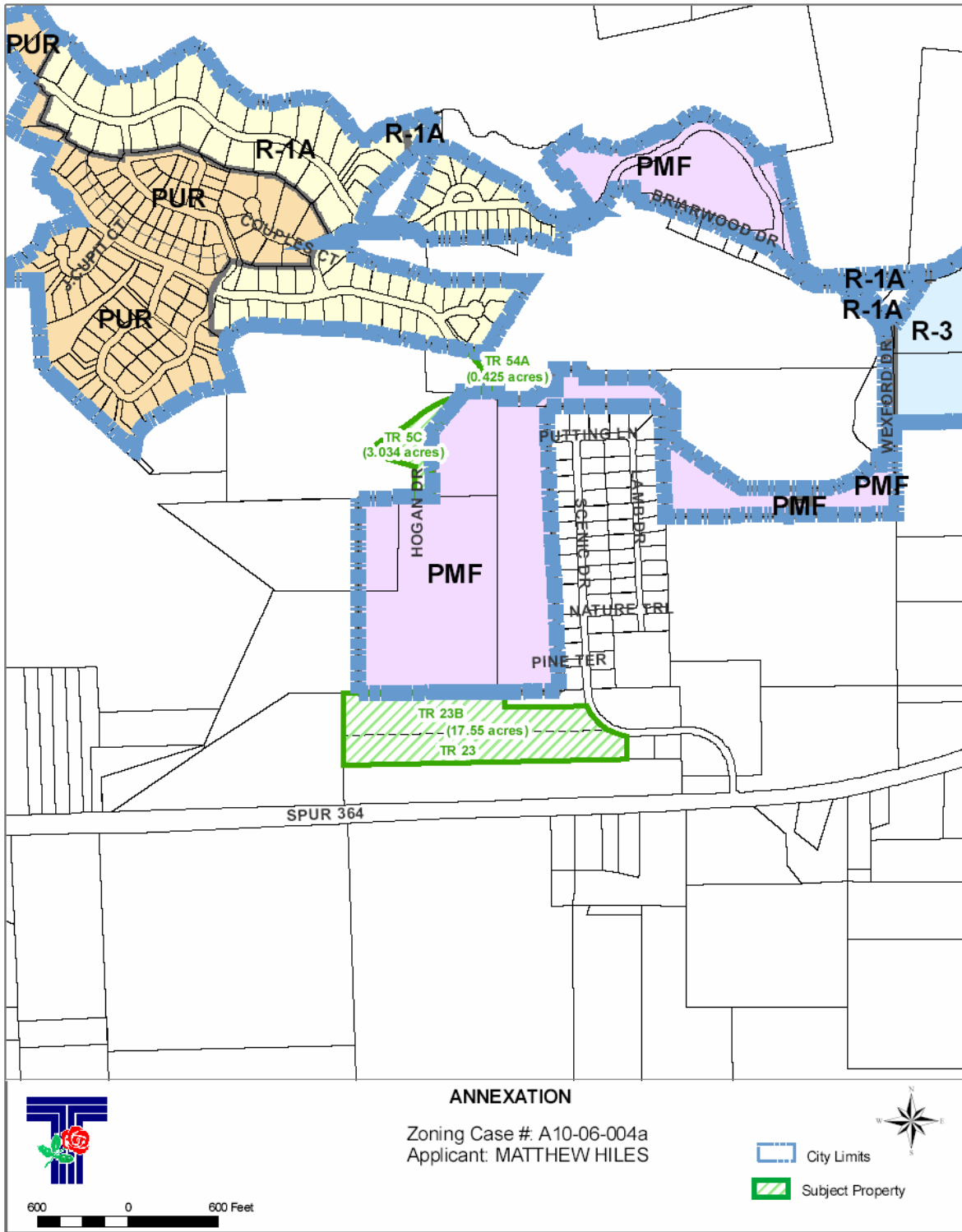
300 0 300 Feet

ANNEXATION

Zoning Case #: A10-06-004a
 Applicant: MATTHEW HILES



-  City Limits
-  Subject Property
-  200' Notification Buffer



ORDINANCE NO. O-2006-85

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 REFERRED TO AS ANNEXATION APPLICATION A10-06-004A , TRACTS 5C, 23, 23A, and 54A OF THE MCKINNEY & WILLIAMS SURVEY, A-727 AND S.A. & M.G.R.R. SURVEY, A-963, FOUR TRACTS TOTALING 21± ACRES LOCATED AT THE END OF HOGAN DRIVE AND 945± FEET WEST OF THE INTERSECTION OF SCENIC DRIVE AND SPUR 364, EXTENDING 1860± FEET WEST AND EXTENDING NORTH 452± FEET FROM SCENIC DRIVE, THEN SOUTH 258± FEET, AND THEN 462± FEET WEST FROM THE END OF HOGAN DRIVE TO JOIN WITH THE WEST PROPERTY LINE OF THE MANSIONS AT THE CASCADES. ALSO, ESTABLISH ORIGINAL ZONING OF “PUR” PLANNED UNIT RESIDENTIAL DISTRICT WITHOUT FINAL SITE PLAN APPROVAL.

WHEREAS, a public hearing was held before the City Council of the City of Tyler, Texas, on the 3rd day of October, 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 21± 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 "PUR" Planned Multi-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 October, 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 (north and south)
Exhibit B = Map
Exhibit C = Owner Petition

EXHIBIT "A" TO ORDINANCE NO. 0-2006-85
PAGE 1 OF 10

LEGAL DESCRIPTION

BEING a tract of land situated in Smith County, Texas out of the McKinney & Williams Survey, Abstract No. 727 and the S.A. & M.G.R.R. Survey, Abstract No. 963 and being part of a 146.1722 acre tract of land conveyed to Bellwood Lake Partnership, Ltd. according to the deed filed for record in Volume 6492, Page 290, Deed Records, Smith County, Texas and part of a 49.214 acre tract of land conveyed to Cascade Properties, Ltd. according to the deed filed for record in Volume 7759, Page 359, Deed Records, Smith County, Texas and part of Hogan Drive (60' right of way) as dedicated by plat recorded in Cabinet D, Slide 361-D, Map Records, Smith County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod found in a south line of the remainder of said 146.1722 acre tract, a northwest corner of the remainder of said 49.214 acre tract;

THENCE, along the south line of said 146.1722 acre remainder tract and the north line of said 49.214 acre remainder tract, North 89 degrees, 54 minutes, 58 seconds East, a distance of 353.22 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199" in the proposed west right of way line of Hogan Drive, the **POINT OF BEGINNING**;

THENCE, departing said common line, along said proposed west right of way line, North 00 degrees 03 minutes 01 seconds East, a distance of 107.87 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the beginning of a tangent curve to the right;

THENCE, continuing along said proposed west right of way line, along said curve to the right through a central angle of 17 degrees 06 minutes 16 seconds, a radius of 330.00 feet, an arc length of 98.51 feet, a chord bearing of North 08 degrees 36 minutes 09 seconds East, a chord distance of 98.15 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

THENCE, North 72 degrees 50 minutes 43 seconds West, a distance of 296.22 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

THENCE, North 53 degrees 23 minutes 25 seconds East, a distance of 365.51 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

THENCE, North 60 degrees 53 minutes 25 seconds East, a distance of 176.68 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

THENCE, North 32 degrees 16 minutes 38 seconds West, a distance of 10.38 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

THENCE, North 72 degrees 10 minutes 22 seconds East, a distance of 203.25 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

THENCE, North 80 degrees 23 minutes 32 seconds East, a distance of 104.22 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199" in the west right of way line of said Hogan Drive, the beginning of a non-tangent curve to the left;

(CONTINUED ON SHEET 2 OF 5)

ANNEXATION EXHIBIT
PART OF 146.1722 ACRE TRACT OF LAND
PART OF 49.214 ACRE TRACT OF LAND
PART OF HOGAN DRIVE (60' R.O.W.)
SMITH COUNTY, TEXAS

Date: 09/11/2006 Scale: N/A Project No. 0614812



811 E. Plano Parkway
Suite 117
Plano, Texas 75074
(972) 424-7002 Voice
(972) 633-1702 Fax
WWW.SurveyConsultantsInc.Com

EXHIBIT "A" TO ORDINANCE NO. 0-2006-85
PAGE 2 OF 10

LEGAL DESCRIPTION

THENCE, along said west right of way line, along said curve to the left through a central angle of 72 degrees 00 minutes 47 seconds, a radius of 220.00 feet, an arc length of 276.51 feet, a chord bearing of North 19 degrees 49 minutes 48 seconds West, a chord distance of 258.67 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the end of said curve;

THENCE, continuing along said west right of way line, North 55 degrees 50 minutes 12 seconds West, a distance of 39.11 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the southeast corner of Lot 4A, N.C.B. 1801-E, Replat of Tyler Cascades, Unit 1, Section 2 according to the plat thereof recorded in Cabinet B, Slide 293-C, Map Records, Smith County, Texas;

THENCE, South 78 degrees 07 minutes 15 seconds East, a distance of 127.98 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199" in the east right of way line of said Hogan Drive, the most southerly southwest corner of Lot 12A, N.C.B. 1801-D of said addition, the beginning of a non-tangent curve to the right;

THENCE, along said curve to the right through a central angle of 56 degrees 30 minutes 35 seconds, a radius of 280.00 feet, an arc length of 276.16 feet, a chord bearing of South 11 degrees 07 minutes 36 seconds East, a chord distance of 265.10 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199" in the south line of said 146.1722 acre remainder tract and the north line of said 49.214 acre remainder tract;

THENCE, along said common line, North 88 degrees 38 minutes 10 seconds West, a distance of 63.04 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199" in the west right of way line of said Hogan Drive, the beginning of a non-tangent curve to the right;

THENCE, along said west right of way line, along said curve to the right through a central angle of 25 degrees 40 minutes 15 seconds, a radius of 220.00 feet, an arc length of 98.57 feet, a chord bearing of South 34 degrees 25 minutes 42 seconds West, a chord distance of 97.75 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the end of said curve;

THENCE, continuing along said west right of way line, South 47 degrees 15 minutes 50 seconds West, a distance of 160.33 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the beginning of a non-tangent curve to the right;

THENCE, continuing along said west right of way line, along said curve to the right through a central angle of 11 degrees 41 minutes 13 seconds, a radius of 220.91 feet, an arc length of 45.06 feet, a chord bearing of South 53 degrees 07 minutes 10 seconds West, a chord distance of 44.98 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the end of said curve;

THENCE, continuing along said west right of way line, South 58 degrees 59 minutes 48 seconds West, a distance of 65.43 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the beginning of a non-tangent curve to the left;

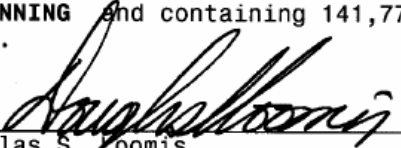
(CONTINUED ON SHEET 3 OF 5)

LEGAL DESCRIPTION

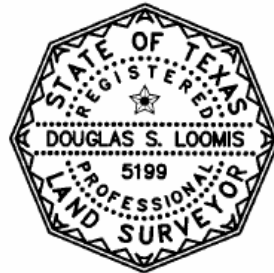
THENCE, continuing along said west right of way line, along said curve to the left through a central angle of 59 degrees 12 minutes 04 seconds, a radius of 380.00 feet, an arc length of 392.64 feet, a chord bearing of South 29 degrees 23 minutes 44 seconds West, a chord distance of 375.40 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the end of said curve;

THENCE, continuing along said west right of way line, South 00 degrees 12 minutes 18 seconds East, a distance of 87.72 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199" in the south line of said 146.1722 acre remainder tract, the north line of said 49.214 acre remainder tract;

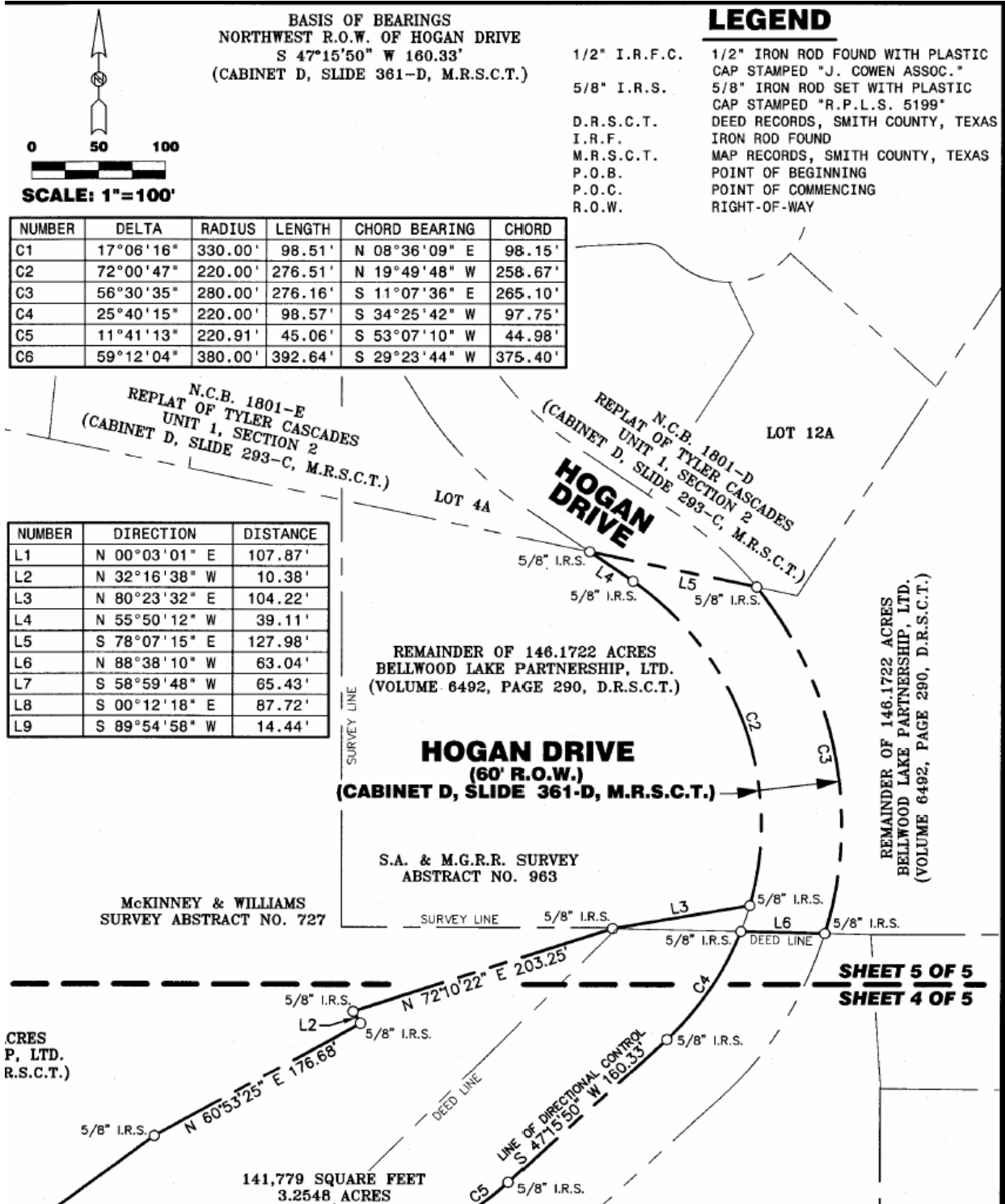
THENCE, departing said west right of way line, along said common line, South 89 degrees 54 minutes 58 seconds West, a distance of 14.44 feet to the **POINT OF BEGINNING** and containing 141,779 square feet or 3.2548 acres of land, more or less.




Douglas S. Loomis
Registered Professional Land Surveyor No. 5199



**EXHIBIT "A" TO ORDINANCE NO. 0-2006-85
PAGE 5 OF 10**



<p>ANNEXATION EXHIBIT PART OF 146.1722 ACRE TRACT OF LAND PART OF 49.214 ACRE TRACT OF LAND PART OF HOGAN DRIVE (60' R.O.W.) SMITH COUNTY, TEXAS</p> <p>Date: 09/11/2006 Scale: 1"=100' Project No. 0614812</p>	 <p>811 E. Plano Parkway Suite 117 Plano, Texas 75074 (972) 424-7002 Voice (972) 633-1702 Fax WWW.SurveyConsultantsInc.Com</p>
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LEGAL DESCRIPTION

BEING a tract of land situated in Smith County, Texas out of the Tobias Coulter Survey, Abstract No. 199 and being all of a 17.707 acre tract of land conveyed to Cascade Properties, Ltd. according to the deed filed for record in County Clerk's File Number 2006-R00038902, Deed Records, Smith County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the northwest corner of said 17.707 acre tract;

THENCE, along the north line of said 17.707 acre tract, North 89 degrees 21 minutes 50 seconds East, a distance of 142.80 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the southwest corner of the remainder of a 49.214 acre tract of land conveyed to Cascade Properties, Ltd. according to the deed filed for record in Volume 7759, Page 359, Deed Records, Smith County, Texas;

THENCE, continuing along said north line, the south line of said remainder tract, North 89 degrees 17 minutes 57 seconds East, a distance of 912.78 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the southeast corner of said remainder tract, the most southerly southwest corner of a 17.341 acre tract of land conveyed to Western Rim Investors 2006-5 according to the deed filed for record in County Clerk's File Number 2006-R00040928, Deed Records, Smith County, Texas and also being the northwest corner of the remainder of a 9.6193 acre tract of land conveyed to M.L. Hayes according to the deed filed for record in Volume 3720, Page 687, Deed Records, Smith County, Texas;

THENCE, continuing along said north line, the west line of said remainder tract, South 02 degrees 05 minutes 15 seconds East, a distance of 134.49 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the southwest corner of said remainder tract;

THENCE, continuing along said north line, the south line of said remainder tract, North 89 degrees 12 minutes 58 seconds East, a distance of 538.75 feet to a 1/2" iron rod found in the southwest right of way line of Scenic Drive (60' right of way), the most northerly northeast corner of said 17.707 acre tract, also being the southeast corner of said remainder tract, the beginning of a non-tangent curve to the left;

THENCE, along said southwest right of way line, the northeasterly line of said 17.707 acre tract, along said curve to the left through a central angle of 61 degrees 49 minutes 08 seconds, a radius of 325.16 feet, an arc length of 350.83 feet, a chord bearing of South 54 degrees 57 minutes 30 seconds East, a chord distance of 334.06 feet to a 1/2" iron rod found with plastic cap stamped "J. Cowen Assoc.", the most easterly northeast corner of said 17.707 acre tract, also being the northwest corner of Lot 1, Hayes Addition according to the plat thereof recorded in Cabinet D, Slide 322-D, Deed Records, Smith County, Texas;

THENCE, departing said southwest right of way line, along the east line of said 17.707 acre tract, the west line of said Lot 1, South 00 degrees 58 minutes 51 seconds West, a distance of 161.84 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199" in the north line of a 11.020 acre tract of land conveyed to Thomas Malcolm Roosth according to the deed filed for record in Volume 4808, Page 255, Deed Records, Smith County, Texas, the southeast corner of said 17.707 acre tract, also being the southwest corner of said Lot 1;

ANNEXATION EXHIBIT
17.707 ACRE TRACT OF LAND
(C.C.F. NO. 2006-R00038902, D.R.S.C.T.)
TOBIAS COULTER SURVEY, ABSTRACT NO. 199
SMITH COUNTY, TEXAS

Date: 09/11/2006 Scale: N/A Project No. 0614812



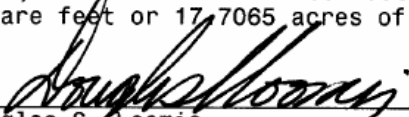
811 E. Plano Parkway
 Suite 117
 Plano, Texas 75074
 (972) 424-7002 Voice
 (972) 633-1702 Fax
 WWW.SurveyConsultantsInc.Com

LEGAL DESCRIPTION

THENCE, along said north line, the south line of said 17.707 acre tract, South 89 degrees 17 minutes 29 seconds West, a distance of 1862.52 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the southwest corner of said 17.707 acre tract, also being the northwest corner of said 11.020 acre tract;

THENCE, along the west line of said 17.707 acre tract, North 01 degrees 28 minutes 12 seconds West, a distance of 240.63 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

THENCE, continuing along said west line, North 00 degrees 17 minutes 37 seconds West, a distance of 250.39 feet to the **POINT OF BEGINNING** and containing 771,297 square feet or 17.7065 acres of land, more or less.



Douglas S. Loomis
Registered Professional Land Surveyor No. 5199



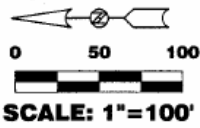
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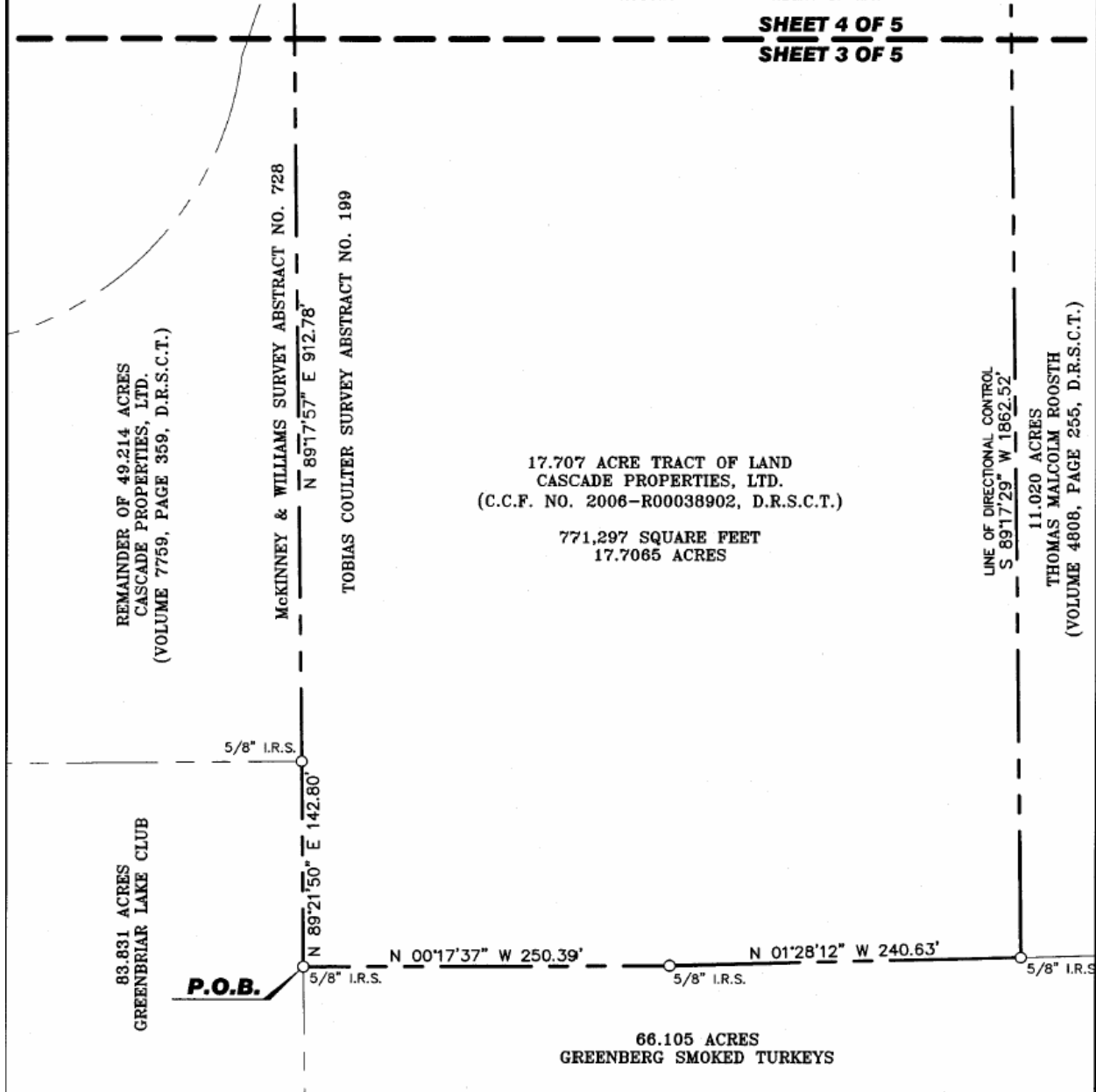
**EXHIBIT "A" TO ORDINANCE NO. 0-2006-85
PAGE 8 OF 10**



BASIS OF BEARINGS
SOUTH LINE OF SUBJECT PROPERTY
S 89°17'29" W 1862.52'
(C.C.F. NO. 2006-R00038902, D.R.S.C.T.)

LEGEND	
1/2" I.R.F.C.	1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "J. COWEN ASSOC."
5/8" I.R.S.	5/8" IRON ROD SET WITH PLASTIC CAP STAMPED "R.P.L.S. 5199"
D.R.S.C.T.	DEED RECORDS, SMITH COUNTY, TEXAS
I.R.F.	IRON ROD FOUND
M.R.S.C.T.	MAP RECORDS, SMITH COUNTY, TEXAS
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY

**SHEET 4 OF 5
SHEET 3 OF 5**



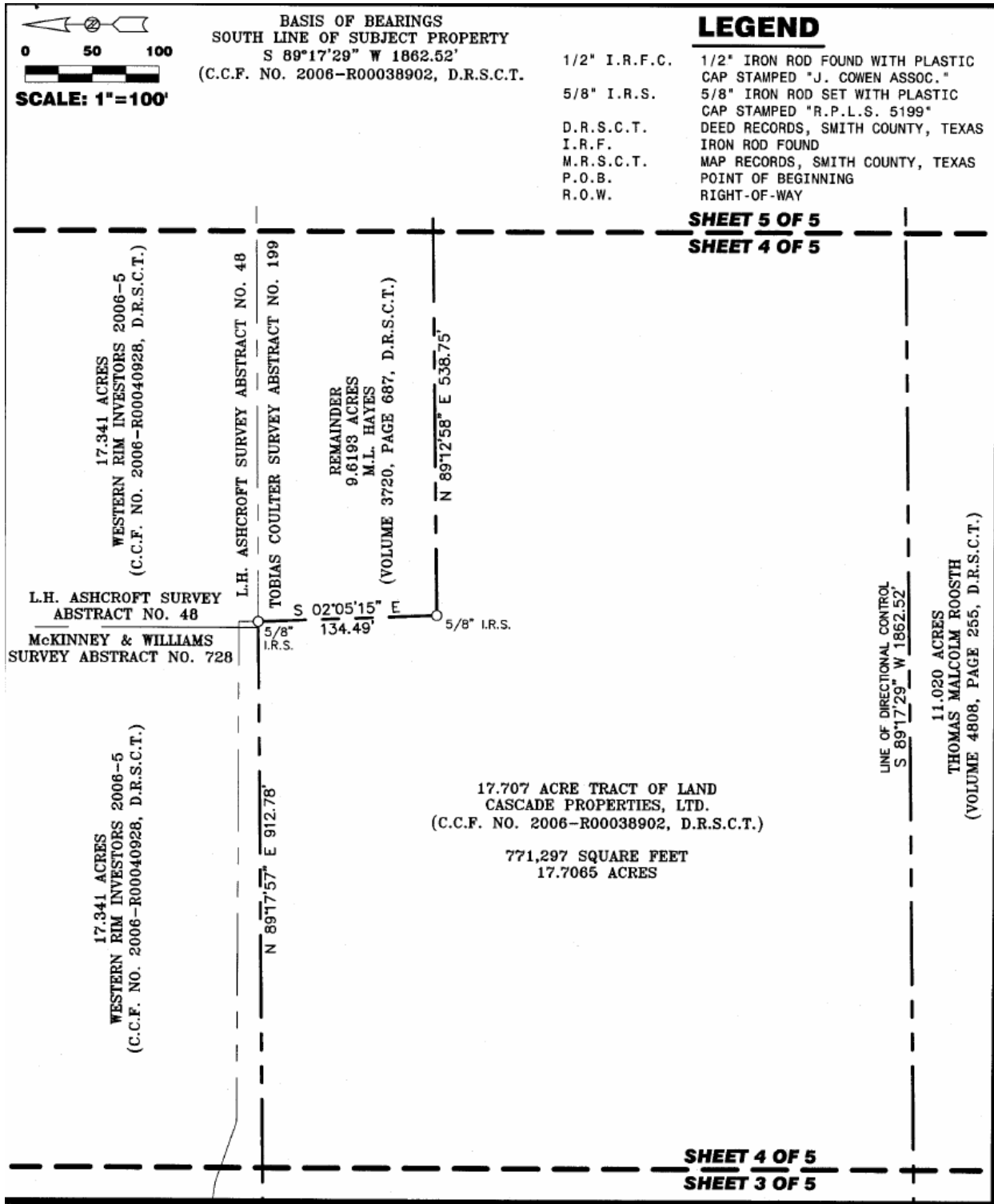
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(C.C.F. NO. 2006-R00038902, D.R.S.C.T.)
TOBIAS COULTER SURVEY, ABSTRACT NO. 199
SMITH COUNTY, TEXAS

Date: 09/11/2006 Scale: 1"=100' Project No. 0614812



811 E. Plano Parkway
Suite 117
Plano, Texas 75074
(972) 424-7002 Voice
(972) 633-1702 Fax
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**EXHIBIT "A" TO ORDINANCE NO. 0-2006-85
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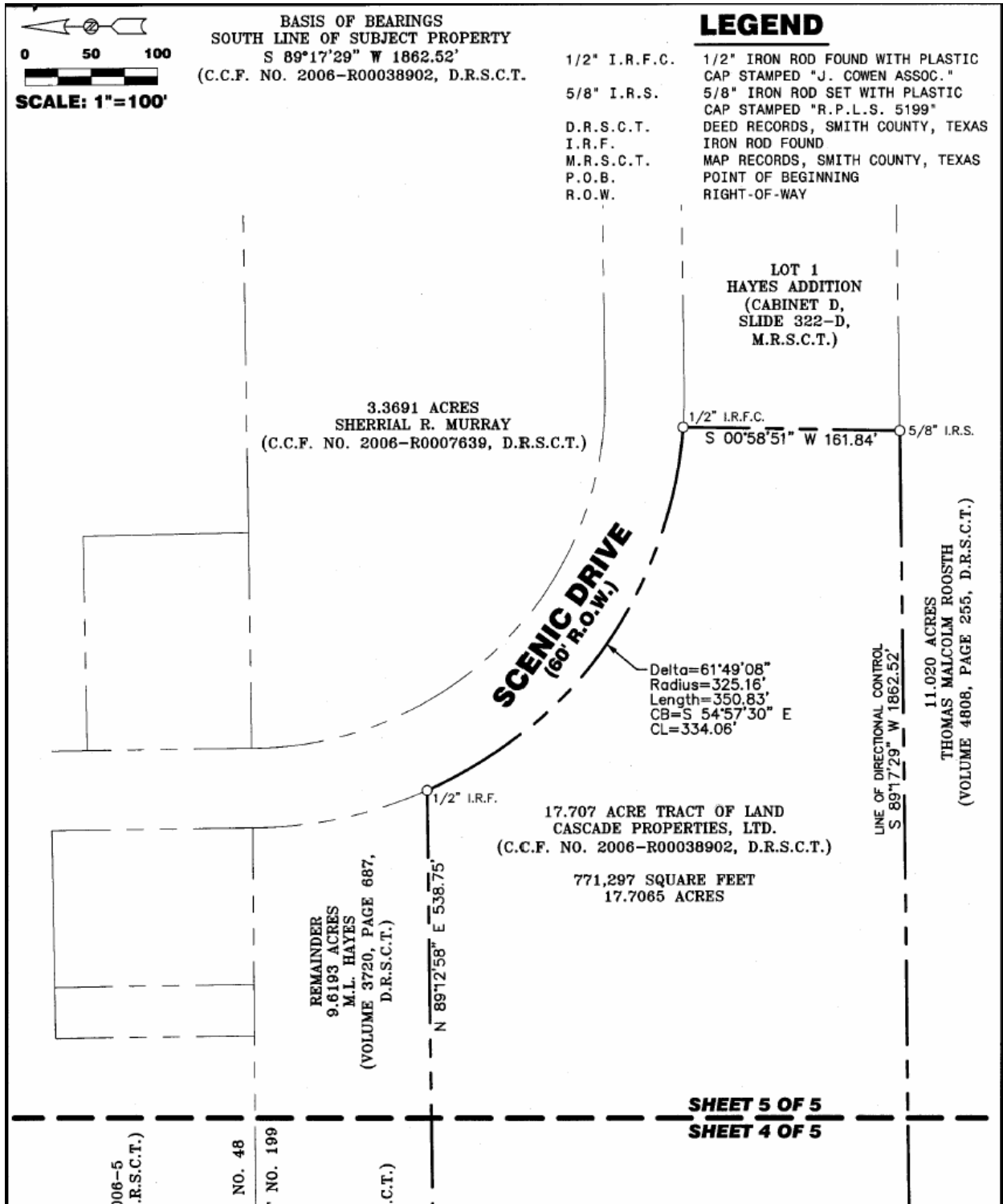
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17.707 ACRE TRACT OF LAND
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SMITH COUNTY, TEXAS

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SCI
Survey Consultants, Inc.

811 E. Plano Parkway
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(972) 424-7002 Voice
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**EXHIBIT "A" TO ORDINANCE NO. 0-2006-85
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<p align="center">ANNEXATION EXHIBIT 17.707 ACRE TRACT OF LAND (C.C.F. NO. 2006-R00038902, D.R.S.C.T.) TOBIAS COULTER SURVEY, ABSTRACT NO. 199 SMITH COUNTY, TEXAS</p> <p>Date: 09/11/2006 Scale: 1"=100' Project No. 0614812</p>	 <p>811 E. Plano Parkway Suite 117 Plano, Texas 75074 (972) 424-7002 Voice (972) 633-1702 Fax WWW.SurveyConsultantsInc.Com</p>
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EXHIBIT "B" TO ORDINANCE NO. 0-2006-85
PAGE 1 OF 1

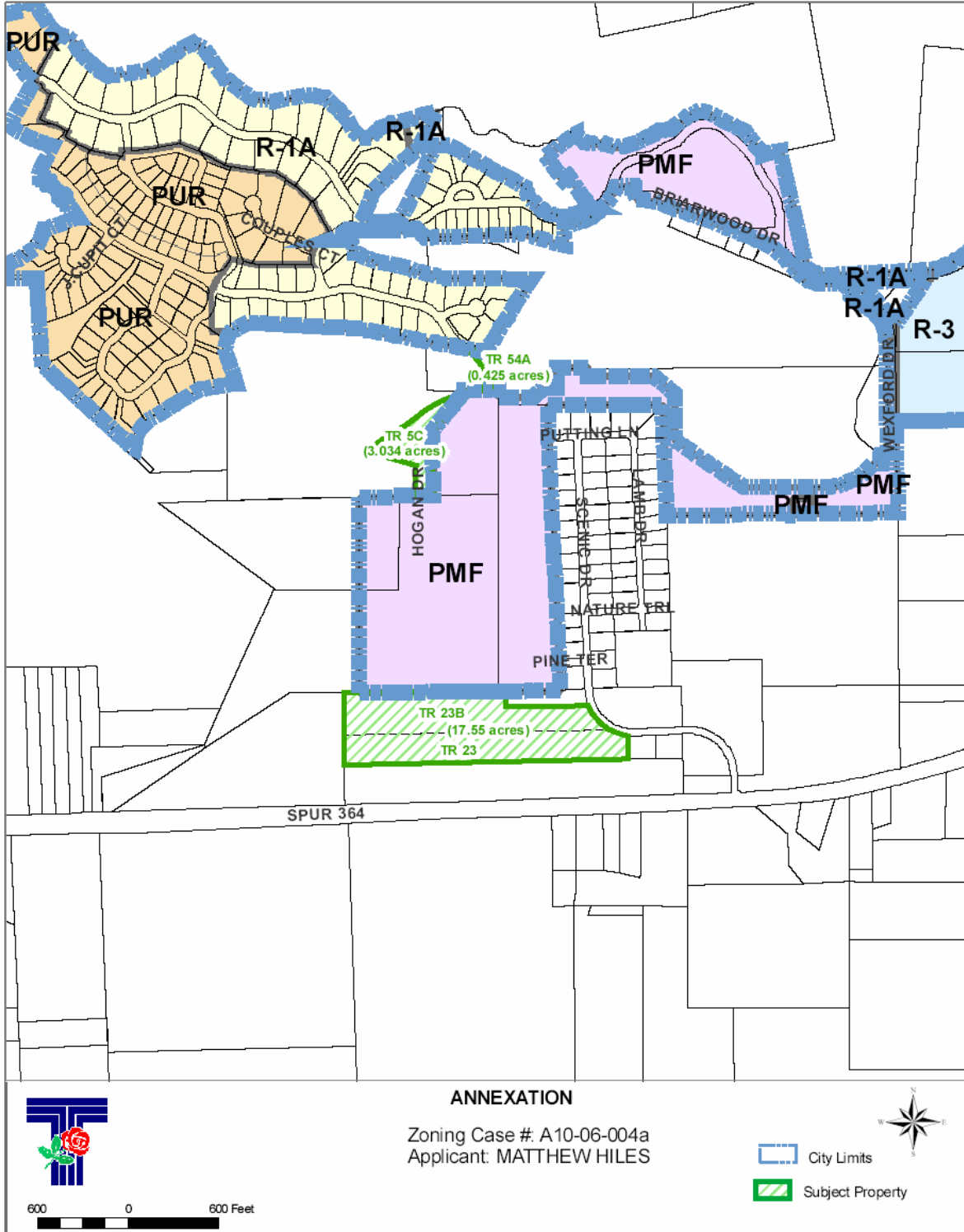


EXHIBIT "C" TO ORDINANCE NO. 0-2006-85
PAGE 1 OF 8

A10-06-004A
Ref. 179504
9/16/06



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:

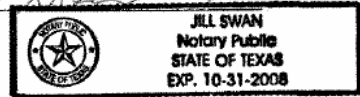
Being the above described area is one-half (1/2) mile or less in width and is sparsely populated, the owner(s) request that the City of Tyler, Texas, annex this area on petition of the area landowner(s), pursuant to Texas Local Government Code Section 43.028, which provides for the annexation of sparsely 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
9/16/06
DATE

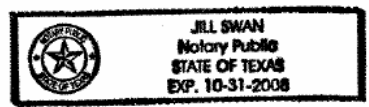
Matthew Hiles
PRINT NAME
[Signature] 10/3/06



(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 3rd day of October, 2006 by Matthew Hiles



[Signature]
Notary Public
State of Texas
[Signature]
Texas
Notary Public for State of Texas

EXHIBIT "C" TO ORDINANCE NO. 0-2006-85
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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.

Matthew Hiles
SIGNATURE
9/26/06
DATE

Matthew Hiles
PRINT NAME

SIGNATURE

DATE

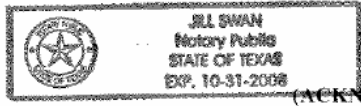
PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 21st day of September, 2006 by Matthew Hiles

Jill Swan
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 _____

EXHIBIT "C" TO ORDINANCE NO. 0-2006-85
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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.

Matthew Hiles
SIGNATURE
9/6/06
DATE

Matthew Hiles
PRINT NAME

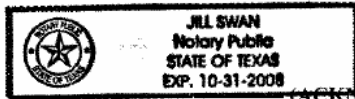
Matthew Hiles
SIGNATURE
10/3/06
DATE

Matthew Hiles
PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 10th day of September, 2006 by Matthew Hiles

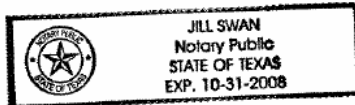


Jill Swan
Notary Public
State of Texas

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 3rd day of October, 2006 by Matthew Hiles



Jill Swan
Notary Public
State of Texas

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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):

Multi family & Single family residential development

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

*1. Extension of sewer and water
2. Police & 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:

972-471-8722
Owner's Telephone Number

SIGNED:

OT Matthew Hills
OWNER (of property to be annexed)

(214) 432-8070
Agent's Telephone Number

OR

Robert Hills
AGENT (When applicable - See Form E)

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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
2.	Dr., Tyler, TX 75709
3.	
4.	601 Canyon Dr # 101
5.	Coppell, TX 75019 75019
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

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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)

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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) RKM Consulting Engineers, Inc. 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>Matthew Tyler</u> | <u>601 Canyon Dr. #101 Coppell, TX 75019</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".)

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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) PMF & PUR. 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

[Handwritten Signature]

[Handwritten Signature]
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.