



**CITY OF TYLER, TEXAS  
CITY COUNCIL COMMUNICATION**

**Agenda Number: Z-12**

**Date: October 24, 2007**

**Subject: APPLICATION A07-07-002B BRIARWOOD ESTATES**  
Request that the City Council consider adoption of an ordinance providing for the annexation of the Briarwood Estates Subdivision. The proposed annexation area consists of territory lying adjacent to and contiguous to the present boundary limits of the City of Tyler, approximately 34.23 acres of land contained in Lot 1, Block 1; Lots 1-16, Block 2; Lots 1-22, Block 3; Lots 15-28, Block 4; Lot 1, Block 8 and Lots 1-5, Block 9 of the Final Plat of Briarwood Estates Unit 1 Subdivision as recorded in Cabinet B, Slide 260B of the Plat Records of Smith County, Texas; Tract 12A of the L. Ashcraft Survey, Abstract Number 48; Lot 1 of the Hayes Addition as recorded in Cabinet B, Slide 322D of the Plat Records of Smith County, Texas; 1.65 acres of land being a portion of the 9.61 acres of land out of the Tobias Coulter Survey, Abstract Number 199 as recorded in Volume 3720, Page 687 of the Deed Records of Smith County, Texas; 0.629 acres of land out of the Tobias Coulter Survey, Abstract Number 199 as recorded in Volume 7682, Page 940 of the Deed Records of Smith County, Texas; 3.36 acres of land out of the Tobias Coulter Survey, Abstract Number 199 as recorded in Document Number 2006-R0007639 of the Deed Records of Smith County, Texas and 3.11 acres of land out of the L.H. Ashcraft Survey, Abstract Number 48 as recorded in Book 4288, Page 196 of the Deed Records of Smith County, Texas located north of the intersection of Scenic Drive and Spur Road 364.

**Also, consider a request for original zoning for “R-1A” Single Family Residential District for the approximately 34.23 acres of land.**

- A. Establish the new boundary of the City Limits**
- B. Establish the new boundary of the Extra Territorial Jurisdiction**
- C. Establish the new boundary of the City Council Districts**
- D. Update the Land Use Map to reflect the following land uses:  
single family residential**
- E. Establishing original zoning for the approximately 34.23 acres of land for “R-1A” Single Family Residential**

State law, at Texas Local Government Code Section 43.052(h), authorizes municipalities to annex an area upon petition of more than 50 percent of real property owners in the area, or by vote or petition of qualified voters or real property owners. The City of Tyler has received an annexation petition from a majority of the property owners in the Briarwood Estates area. On August 22, 2007, the City Council adopted Resolution R-2007-26 initiating annexation proceedings for the Briarwood Estates Subdivision and authorizing the development of a service plan for the area. In accordance with Texas Local Government Code Section 43.063(a), the municipality must conduct two public hearings at which time persons interested in the annexation are given the opportunity to be heard. On September 26, 2007, and October 3, 2007, the City Council conducted the two required public hearings on the proposed annexation.

The proposed annexation area is approximately 34.23 acres of land and is also known as the Briarwood Subdivision located on Scenic Drive, east of Spur 364. The subdivision consists of 58 single family lots along with four individual single family tracts of land. The property owners are seeking to receive water and wastewater service from the City of Tyler. In order to accomplish this, they must be annexed into the City.

The property is contiguous to the city limits on the north, west and a portion of the eastern boundaries by the newly developed Cascades Subdivision. With the Cascades development virtually surrounding the existing Briarwood neighborhood, it is in both the best interests of the City and the neighborhood to annex these properties. Copies of the service plan developed for the area, as well as an area map, are attached for your review.

The adjacent properties to the north, west, and south are zoned "PMF" Planned Multi Family Residential District and "PUR" Planned Unit Residential District. The properties to the east are zoned "PMF" Planned Multi Family Residential District and are located outside of the city limits.

The existing uses are residential and the surrounding area is currently being developed as a planned residential subdivision with a golf course and several varied types of residential living.

Both the City Staff and the property owners of Briarwood Estates are proposing "R-1-A" Single Family Residential District. This zoning district will accommodate the existing large lot subdivision.

Of the 61 notices mailed, 11 notices were returned in favor of and one notice was returned in opposition to the application. The protest letter was received from a property owner within the Briarwood Subdivision. At the August 7, 2007 Planning and Zoning Commission meeting there were two persons who spoke. Mrs. Peggy Nichols who wrote a letter of protest had a question concerning her existing water well. City Operations Manager Greg Morgan sought to address the concerns raised by Mrs. Nichols in a letter dated August 16, 2007. Councilmen Donald Sanders spoke in favor of the application.

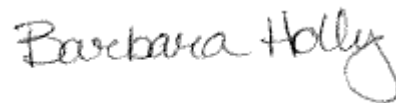
No one spoke at the public hearing held by the City Council on September 26, 2007, and Mr. Nathan Hollis, President of the Homewoners Association spoke infavor of the application at the October 3, 2007 public hearing held by the City Council.

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**RECOMMENDATION:**

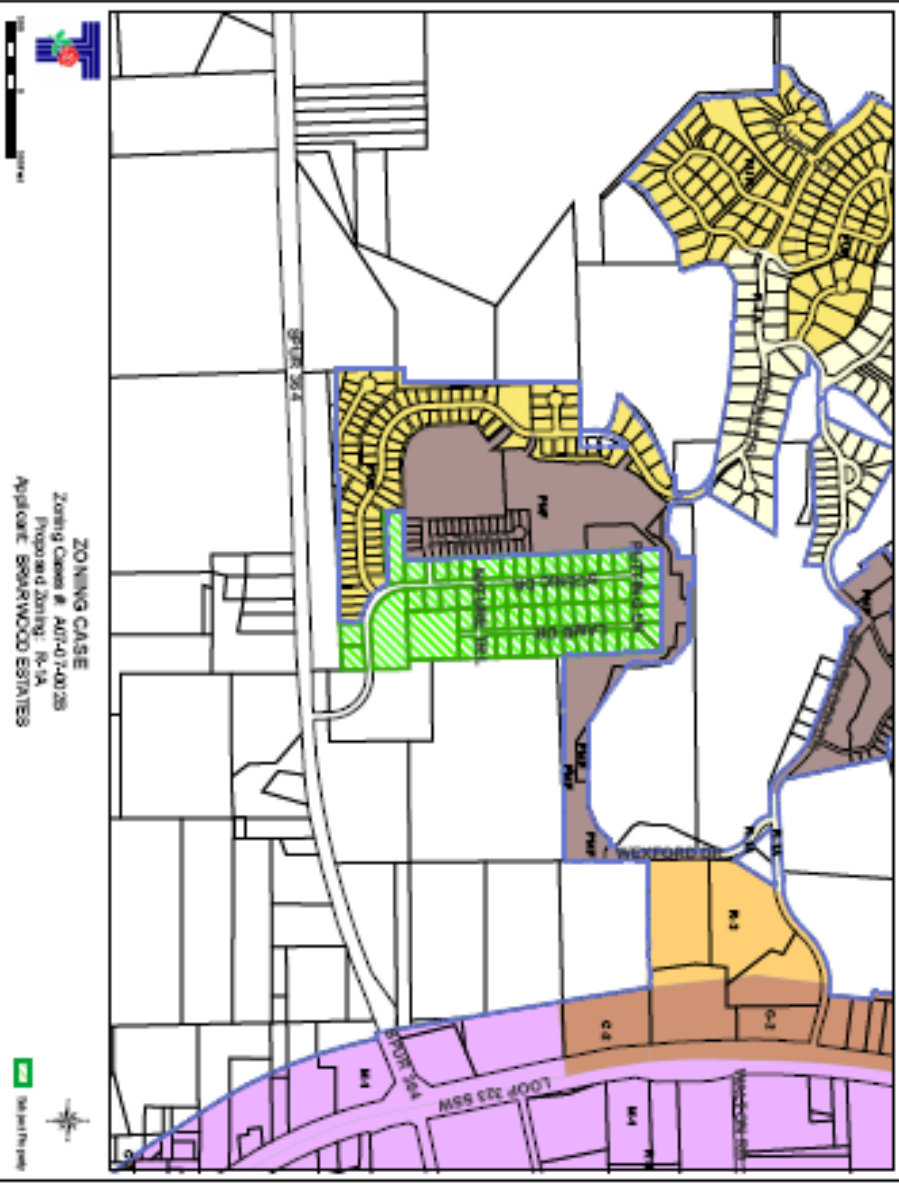
The Planning and Zoning Commission, by a vote of 7-0, recommends that the City Council adopt an ordinance providing for the annexation of the Briarwood Estates Subdivision, establishing the new boundary of the City limits, establishing the new boundary of the extraterritorial jurisdiction, establishing the new boundary of the City Council districts, updating the Land Use Map to reflect a land use for single-family residential, and establishing the original zoning of "R-1A" Single Family Residential for the Briarwood Estates Subdivision.

A handwritten signature in cursive script that reads "Barbara Holly".

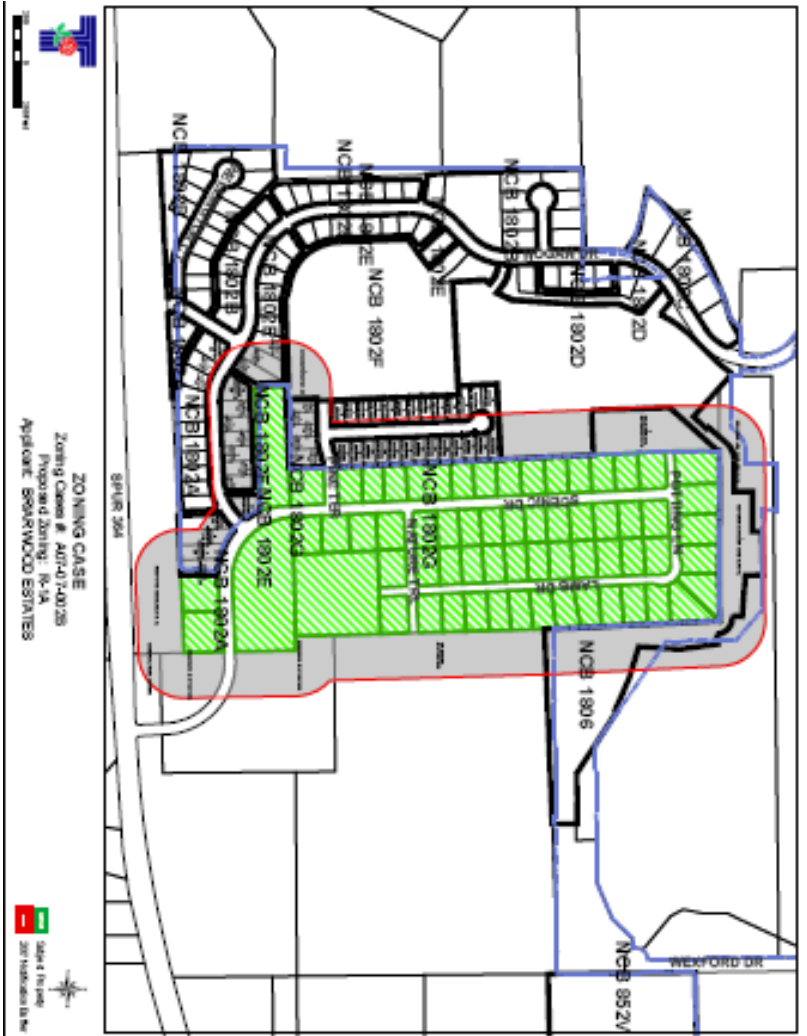
**Drafted/Recommended By:  
Department Leader**

**Barbara Holly, Planning Director**

**Edited/Submitted By:  
City Manager**



ZONING CASE  
Zoning Change # A07-07-0028  
Proposed zoning: R-1A  
Applicant: SEAWOOD ESTATES



**ORDINANCE NO. O-2007-122**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ANNEXATION OF CERTAIN TERRITORY REFERRED TO AS THE BRIARWOOD SUBDIVISION LYING ADJACENT TO AND CONTIGUOUS TO THE PRESENT NORTHERN, EASTERN AND SOUTHERN BOUNDARY LIMITS OF THE CITY OF TYLER; AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE CITY OF TYLER EXTRATERRITORIAL JURISDICTION; ESTABLISHING THE INITIAL LAND USE DESIGNATION, AND PROVIDING FOR ORIGINAL ZONING.**

**WHEREAS**, public hearings were held before the City Council of the City of Tyler, Texas, on the 26th day of September, 2007, and on the 3<sup>rd</sup> day of October, 2007, 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 dates are not more than forty (40) nor less than twenty-one (21) days prior to the consideration of the annexation ordinance; and

**WHEREAS**, notices of such public hearings held in the Council Chambers, City Hall were published prior thereto in a newspaper having general circulation in the City of Tyler, Texas, and in the hereinafter described territory on the 7th day of September, 2007, and 20<sup>th</sup> day of September, 2007 which dates were not more than twenty (20) nor less than eleven (11) days prior to the date of such public hearings; and

**WHEREAS**, notices of such public hearings held in the Council Chambers, City Hall were posted prior thereto on the City's internet website, which dates were not more than twenty (20) nor less than eleven (11) days prior to the date of such public hearings; and

**WHEREAS**, the population of the City of Tyler, Texas, is in excess of 100,000 inhabitants; and

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

**WHEREAS**, the corporate area of the City of Tyler was approximately 52.42 square miles on the 1<sup>st</sup> Day of January, 2007; and

**WHEREAS**, the hereinafter described territory contains approximately 34.23 acres of land; and

**WHEREAS**, a Service Plan for the extension and maintenance of City services and facilities has been prepared and is attached; and

**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 and 10-2 and Chapter 43 of the Texas Local Government Code, 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, and said territory as shown on the map attached as Exhibit "A," and 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 adopted by Ord.0-2007-53, and the City's ETJ is also hereby adjusted as described in Tyler City Code Section 10-47 and that section and map are amended to reflect this annexation.

**PART 2:** 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 3:** That the Service Plan attached as Exhibit "C" is hereby adopted as part of this ordinance.

**PART 4:** That upon final passage, the annexed area shall be zoned as "R-1A" as shown on the map attached as Exhibit "A" hereinabove mentioned.

**PART 5:** That the initial Land Use Designation for the annexed area is hereby established as single family residential, and it is directed that the Land Use Map be amended to reflect said use.

**PART 6:** That the annexed area shall be added to the District #2 West, City Council single member district and the official Voting District Map amended accordingly.

**PART 7:** That the Planning and Zoning Department 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 approval of this annexation, the Planning and Zoning Department, on behalf of the Mayor, shall file a certified copy of this ordinance with the County Clerk.

**PART 10:** 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 24th day of October, A. D., 2007.

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

A T T E S T :

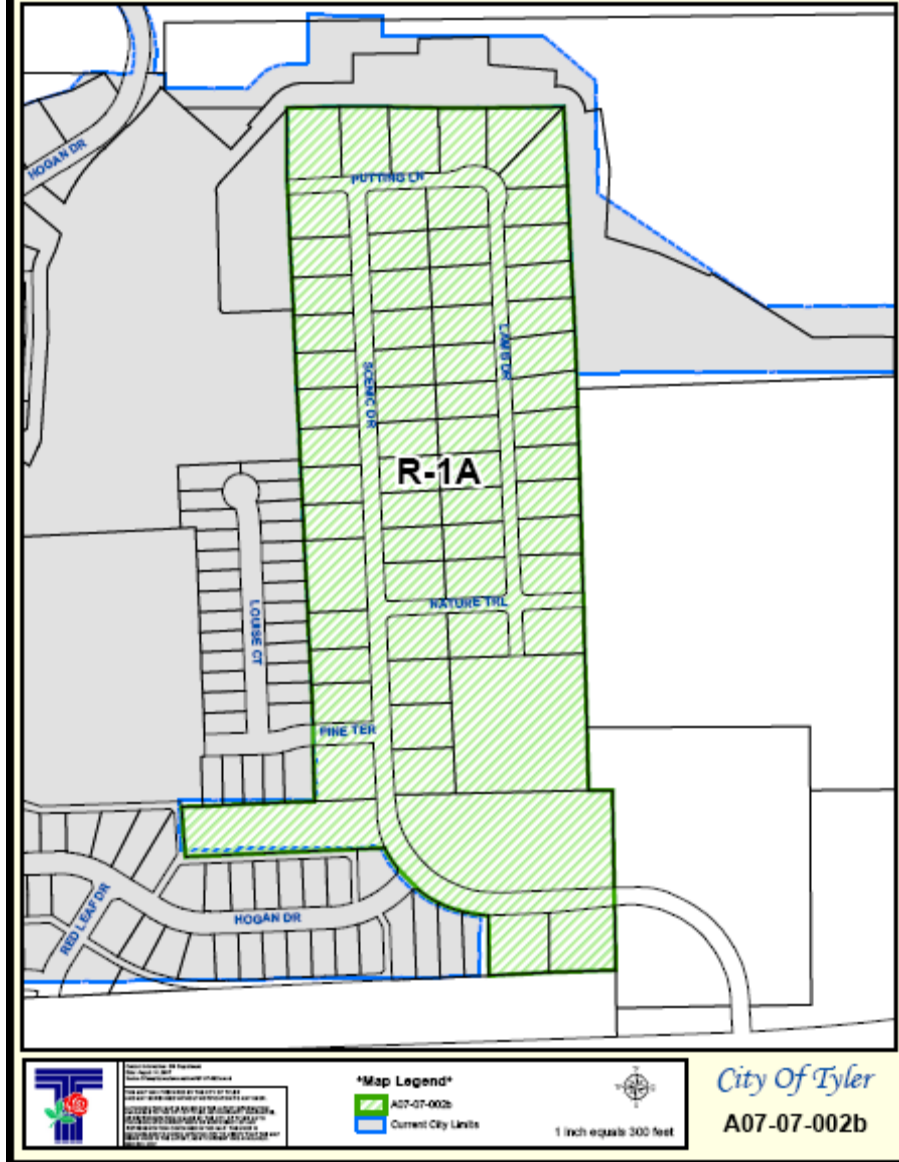
APPROVED:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
CITY ATTORNEY

Exhibit A = maps  
Exhibit B = legal description  
Exhibit C = service plan

Zoning Map, Briarwood



City of Tyler  
1000 East Tyler Street  
Tyler, Texas 75701  
714.252.1234  
www.cityoftyler.com

**\*Map Legend\***  
A07-07-002b  
Current City Limits



1 inch equals 300 feet

City Of Tyler  
A07-07-002b

Annexation Map, Briarwood

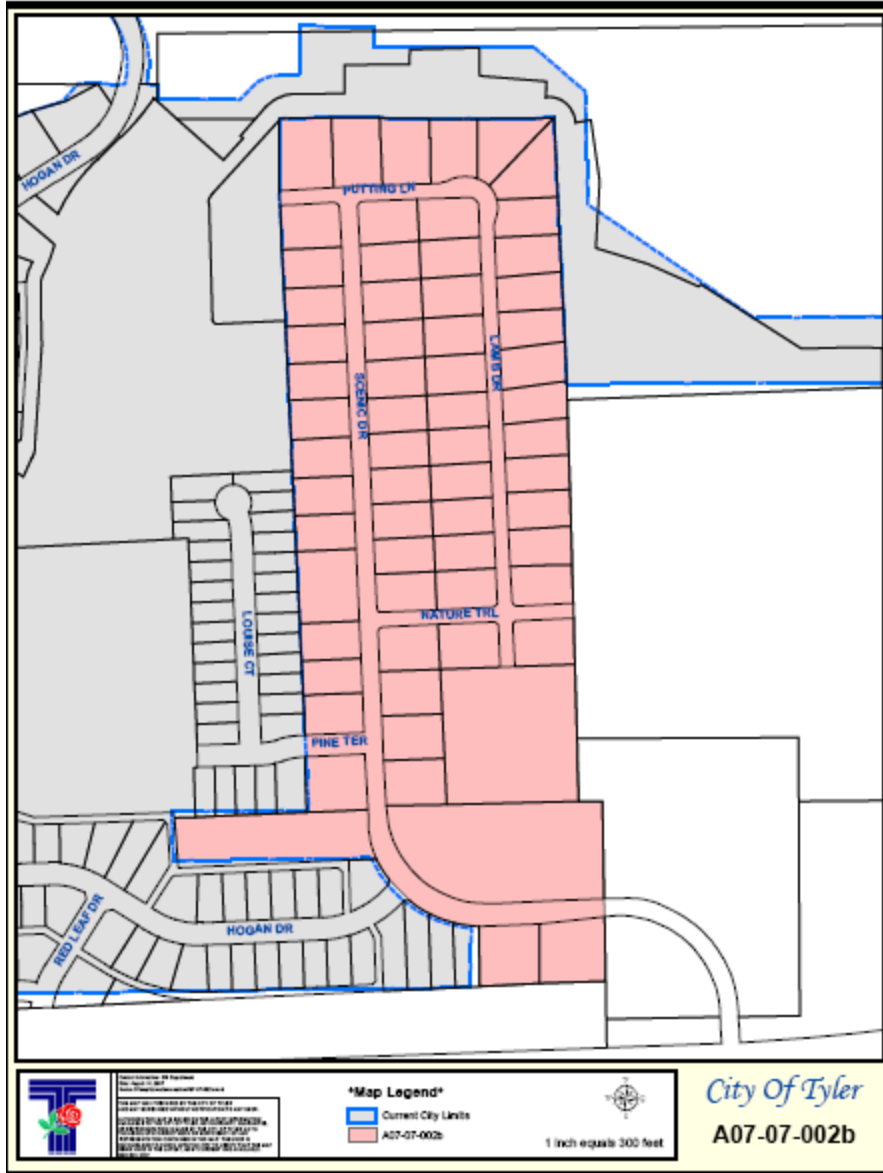
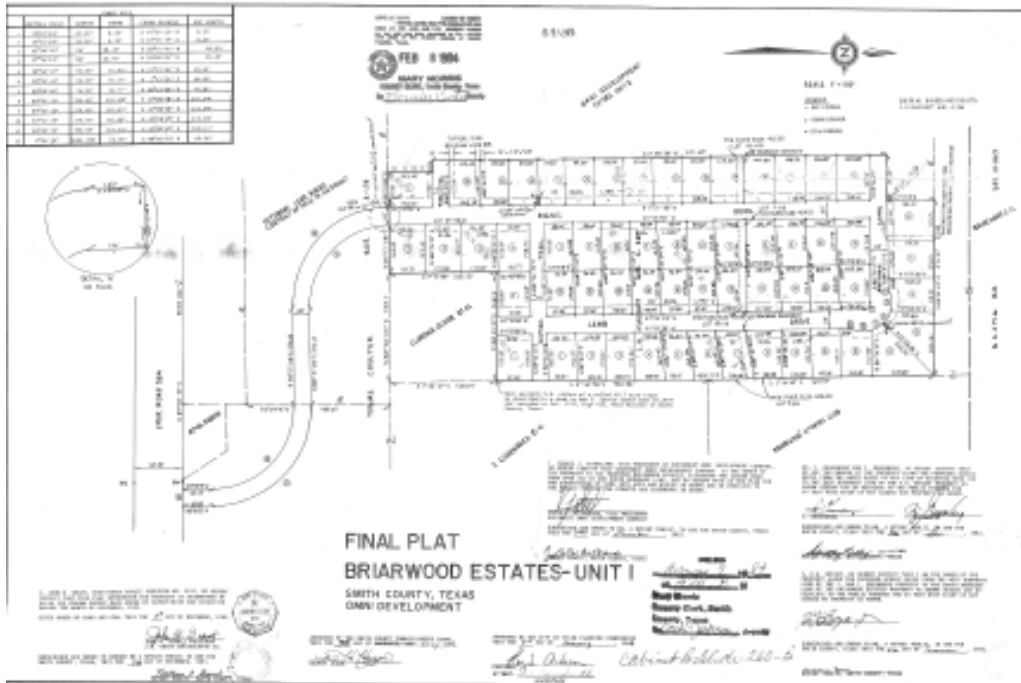


Exhibit "B" to Ordinance 0-2007-122  
Page 1 of 6

Legal Description





REL 4288 198

All that certain tract or parcel of land situated in the L. B. ASHCRAFT SURVEY, Abstract 48, Smith County, Texas, being all of that certain called 3.114 acre tract described in a Partition Deed by and between HEN JARVIS, J. J. BROUSSARD, CLARENCE OLIVER, MARY OLIVER RUFFORD, ALICE RUTH OLIVER MITCHELL, OPAL BROOKS DUNN, VIVIAN BROOKS ARNOLD and OTIS BROOKS, of record in Volume 1806, Page 426 of the Deed Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron Pipe found for the Southwest corner of said called 3.114 acre tract, same being the Southeast corner of that certain 48.7 acre tract described in a deed recorded in Volume 116, Page 374 of said Deed Records, same being in the South line of said L. B. Ashcraft Survey, A-48;

THENCE South 89 degrees 08 minutes 28 seconds West, with the South line of said 48.7 acre tract and said L. B. Ashcraft Survey, a distance of 368.33 feet to a 1/2" Iron Rod found for the Southwest corner of said 3.114 acre tract, same being the Southeast corner of Lot 1, Block 9 of Briarwood Estates Unit 1, a subdivision of record in Exhibit B, Slide 260-B of the Plat Records of Smith County;

THENCE North 01 degrees 39 minutes 56 seconds West, a distance of 124.38 feet to a 1/2" Iron Rod found for the Northeast corner of said Lot 1, same being the Southeast corner of Lot 2, Block 9 of said Briarwood Estates Unit 1;

THENCE North 01 degrees 01 minutes 45 seconds West, with the East line of Lots 2 and 3, Block 9, a distance of 243.84 feet to a 1/2" Iron Rod found for the Northeast corner of said Lot 3, same being the Northwest corner of said 3.114 acre tract;

THENCE North 89 degrees 09 minutes 28 seconds East, with the North line of said 3.114 acre tract (and the bearing basis of this survey as related to the record bearing), at 125.09 feet pass the Southwest corner of Lamb Drive, at 215.09 feet pass the Southeast corner of said Lamb Drive, and continuing in all a total distance of 368.16 feet to a 1/2" Iron Rod found for the Northeast corner of said 3.114 acre tract;

THENCE South 01 degree 25 minutes 17 seconds East, with the East line of said 3.114 acre tract, a distance of 368.11 feet to the POINT OF BEGINNING and containing 3.115 acres of land.

STATE OF TEXAS COUNTY OF SMITH  
I hereby certify that this instrument was filed  
with the county clerk of Smith County, Texas,  
and is a true and correct copy of the original  
as shown to me by the State Public Records  
at Smith County, Texas.



APR 17 1958

MARY MORRIS  
COUNTY CLERK, Smith County, Texas  
*Mary Morris*  
Deputy

WL7682 BME942

All that certain lot, tract or parcel of land, part of the Tobias Coulter Survey, Abstract No. 199, Smith County, Texas, being part of that certain called 12.1471 acre tract described in a deed from Fred M. Barber et ux to M. L. Hayes et ux on January 16, 1997 and recorded in Volume 1904, Page 463 of the Official Public Records of Smith County, Texas and being more completely described as follows, to-wit:

**BEGINNING** at a 1/2" iron rod (found) for the Southeast corner of the above mentioned 12.1471 acre tract, the Southwest corner of a 8.720 acre tract described in Volume 2970, Page 618, in the North line of a 11.02 acre tract described in Volume 4808, Page 255;

**THENCE** North 88 deg. 41 min. 10 sec. West with the South line of said 12.1471 acre tract, the North line of said 11.02 acre tract, a distance of 175.00 ft. to a 1/2" iron rod (set) for corner;

**THENCE** North 00 deg. 29 min. 07 sec. East, at 152.65 ft. pass a 1/2" iron rod (set) for corner in the South right-of-way of Scenic Drive and continue for a total distance of 212.65 ft. to a corner in the North line of said 12.1471 acre tract, the South line of a 3.360 acre tract described in Volume 3513, Page 293, in the North right-of-way of Scenic Drive;

**THENCE** North 88 deg. 40 min. 33 sec. East with the North right-of-way of Scenic Drive, the South line of said 3.360 acre tract, the North line of said 12.1471 acre tract, a distance of 174.98 ft. to a 1/2" iron rod (found) for the Northeast corner of same, the Southeast corner of said 3.360 acre tract, in the West line of said 8.720 acre tract;

**THENCE** South 00 deg. 27 min. 39 sec. West with the East line of said 12.1471 acre tract, the West line of said 8.720 acre tract, at 60.00 ft. pass a 1/2" iron rod (found) for corner in the South right-of-way of Scenic Drive and continue for a total distance of 230.71 ft. to the place of beginning, containing 0.870 acres of land, of which 0.241 of an acre is within the right-of-way of Scenic Drive, leaving 0.629 net acres of land.

COUNTY CLERK'S OFFICE  
SMITH COUNTY, TEXAS  
RECORDED FOR THE  
PURPOSES OF THIS  
INSTRUMENT  
INDEXED

STATE OF TEXAS      COUNTY OF SMITH  
I hereby certify that this instrument was  
filed on this date and time, stamped has not  
to be and was duly recorded in the Official  
Public records of Smith County, Texas.



DEC 21 2004

*Judy Carnes*  
JUDY CARNES  
COUNTY CLERK, SMITH COUNTY, TEXAS

Filed for Record in  
SMITH COUNTY, TEXAS  
NOT RECORDED, COUNTY CLERK  
ON 12/21/2004  
at 10:11pm  
Receipt #: 210621  
Recording: 10.00  
Balance: 2004-00000000  
Receipt #: REC  
County -Judy Carter

Survey File No. 042703-0217

All that certain lot, tract or parcel of land situated in Smith County, Texas, being a part of the Tobias Coulter Survey, Abstract Number 199, and beginning at a 2" galvanized Iron Pipe (found) in the North line of the above mentioned Tobias Coulter Survey, and being the Northeast corner of the above mentioned 3.3691 acre and 12.0 acre tracts, from which a 26" Hickory bears North 86 deg. 56 min. 43 sec. West-14.18 ft.;

THENCE South 89 deg. 58 min. 58 sec. East, with the East lines of said 3.3691 acre and 12.0 acre tracts, a distance of 268.88 ft. to a 1/2" iron rod (found) for the Southeast corner of said 3.3691 acre tract in the North right-of-way line of Scenic Drive (County Road No. 1311);

THENCE South 88 deg. 39 min. 58 sec. West, with the South line of said 3.3691 acre tract and the North right-of-way line of said Scenic Drive, a distance of 334.30 ft. to a 1/2" iron rod (found) for the P.C. of a curve to the right;

THENCE continuing with the South line of said 3.3691 acre tract and the North right-of-way line of Scenic Drive and curve to the right, having an angle of 91.00 ft., tangent of 265.16 ft., a radius of 265.16 and Chord of North 46 deg. 20 min. 01 sec. West - 375.0 ft., a distance of 416.52 ft. to a 1/2" iron rod (set) for the P.T. of same;

THENCE North 81 deg. 21 min. 08 sec. West, with the West line of said 3.3691 acre tract and the East right-of-way line of said Scenic Drive, a distance of 5.38 ft. to a 1/2" iron rod (found) in the North line of said Tobias Coulter Survey, the North line of said 12.0 acre tract and being for the Southwest corner of Lot 1, Block 9 of Briarwood Estates, Unit 1 according to Plat of same recorded in Cabinet B, Slide 260-B of the Plat Records of Smith County, Texas;

THENCE North 88 deg. 53 min. 38 sec. East, with the North line of said Tobias Coulter Survey, the North line of said 3.3691 acre and 12.0 acre tracts, and with the South line of said Lot 1 of Block 9, a distance of 169.25 ft. to a 1.2" iron rod (found) for the Southeast corner of same;

THENCE North 88 deg. 48 min. 63 sec. East, with the North line of said Tobias Coulter Survey and the North line of said 3.3691 acre and 12.0 acre tracts, a distance of 448.88 ft. to the Place of Beginning, containing 3.3691 acres of land, more or less.

The Company is prohibited from insuring the area or quantity of the land described herein. Therefore, the Company does not represent that the acreage or square footage calculations are correct. References to quantity are for informational purposes only.

STATE OF TEXAS COUNTY OF SMITH  
I hereby certify that this instrument was  
read in the clerk's office and the original hereof  
is on file and was duly recorded in the public  
office records of Smith County, Texas.



FEB 15 2016

*Judy Carnes*  
JUDY CARNES  
COUNTY CLERK, Smith County, Texas

vol.3720 p.689

All that certain lot, tract or parcel of land, part of the Tobias Coulter Survey, Abstract No. 199, Smith County, Texas, being part of that certain called 25.0 acre tract described in a deed from F.J. Watson et al, to Clarence Oliver, on December 18, 1873, recorded in Volume 163, Page 58, being part of that Veteran's Land Board of Texas to Henry H. Bryant on November 3, 1993, recorded in Volume 3273, Page 682, and that certain called 11.0 acre Tract No. 1 described in a deed from June H. Bryant to Henry H. Bryant on September 30, 1993, recorded in Volume 3283, Page 619 of the Land Records of Smith County, Texas and being more completely described as follows, to-wit:

**BEGINNING** at 1/2" Iron Pipe and a 1 1/2" Iron Pipe (found) for the Northwest corner of the above mentioned 25.0 acre tract and Coulter Survey;

**THENCE** North 88 degrees 46 minutes 48 seconds East with the North line of said Coulter Survey, the North line of said 25.0 acre tract, a distance of 1690.85 feet to a 1/2" Iron Rod (found) for the Northwest corner of a 3.3691 acre tract, in the East Right-of-Way of scenic Drive (County Road No. 1311);

**THENCE** South 88 degrees 06 minutes 37 seconds East with the West line of said 3.3691 acre tract, the East Right-of-Way of said scenic Drive, a distance of 5.51 feet to a 1/2" Iron Rod (found) for the P. C. of a curve to the Left;

**THENCE** Southeastely with said curve to the left whose central angle is 70 degrees, radius is 265.16 feet, tangent is 265.16 feet, a distance of 311.45 feet to a 1/2" Iron Rod (set) for corner;

**THENCE** South 88 degrees 41 minutes 18 seconds West, a distance of 1795.76 feet to a 1/2" Iron Rod (set) for corner in West line of said 25.0 acre tract and Coulter Survey;

**THENCE** North 00 degrees 54 minutes 31 seconds West with the West line of said 25.0 acre tract and said Coulter Survey, a distance of 126.89 feet to the place of beginning, containing 9.6183 acres of land.

STATE OF TEXAS COUNTY OF SMITH  
I hereby certify that the foregoing was filed in the  
office and has been stamped herefor me and was duly  
recorded in the said Records of Smith County, Texas.

\_\_\_\_\_  
Notary Public

**MUNICIPAL SERVICE PLAN**

**(A-07-07-002B Scenic Dr. /Spur 364/Briarwood Subdivision)**

In accordance with Texas Local Code Section 43.056, the City of Tyler has prepared a Municipal Annexation Service Plan for the area being considered for annexation. **The document includes a program under which the municipality will provide full municipal services in the annexed area no later than 2 1/2 years after the effective date of the annexation.**

The document represents a consolidation of all departmental service plans submitted by each department responsible for providing municipal services to the area. Each departmental service plan details the overall impact that the proposed annexation will have on each individual department. As a consequence, the Comprehensive Municipal Annexation Service Plan outlines the process and cost of implementing all major municipal services to the annexation area. This is detailed on the Fiscal Note Analysis.

The area included in the annexation is the Briarwood residential subdivision, which is contiguous to the existing city limits on north, east and part of the southern boundaries. The area is developed as a large lot residential subdivision. The Municipal Annexation Service Plan was prepared with the aforementioned land use in mind.

Under normal circumstances, the property owners of a voluntary annexation are responsible for all costs associated with the annexation. In this case, the City is offering to pay the initial costs and establish a reimbursement program for the sanitary sewer installation. Further, the City is offering to absorb the cost of acquiring the water provider, Southern Utilities, as well as the cost of bringing the pavement section up to par with an overlay planned for FY 08-09.

The City of Tyler, Texas, will provide the following services in the area beginning the same date as the effective date of the annexation:

1. Police protection;
2. Fire protection;
3. Solid waste collection;
4. Operation and maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;
5. Operation and maintenance of roads and streets, including road and street lighting;
6. Operation and maintenance of public parks, playgrounds, and swimming pools;  
and

7. Operation and maintenance of any other publicly owned facility, building, or service.

## **MUNICIPAL SERVICES TO BE PROVIDED**

### **FIRE**

The Fire Department will provide fire protection, rescue services, first responder emergency medical response, public service and inspection services to the newly annexed area at the same or similar level of service now being provided to other areas in the City of Tyler. Adequate fire suppression activities can be provided to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed. An initial assessment of the area shows that 6 additional fire hydrants will be needed within the Briarwood Subdivision at an estimated cost of \$1,500.00 per fire hydrant **(\$9,000.00)**. Therefore, being served by the City of Tyler Fire Department will result in an ISO rating change, dropping the rating from a 9 to a 3. This should result in a 20% reduction on the cost of residential insurance. An assessment of the current conditions and pressures of existing fire hydrants will be conducted after the effective date of the annexation.

### **POLICE**

Currently, the area is under the jurisdiction of the Smith County Sheriff's Office. However, upon annexation, the City of Tyler Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities to this area can be effectively accommodated with no impact on the current budget.

### **BUILDING INSPECTION**

The Building Inspection Division of the Development Services Department will provide permitting and building code compliance review upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Tyler. These services can be provided within current budget appropriation. Structures which are constructed or under construction will be grandfathered and subject to the City of Tyler's non-conforming regulations.

### **ENVIRONMENTAL**

Environmental will provide Code Enforcement Services upon annexation, including enforcement of codes pertaining to weed lots, abandoned vehicles and other environmental problems. These services can be provided within current appropriations.

### **PLANNING AND ZONING**

The Planning and Zoning Department's responsibility for regulating development and land use through the administration of the City of Tyler's Zoning Ordinance will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the

## **Exhibit “C” to Ordinance 0-2007-122**

### **Page 3 of 6**

requirements of the City of Tyler Subdivision Ordinance. These services can be provided within the department’s current budget.

Staff is recommending that the Briarwood Subdivision be zoned “R-1A” Single Family Residential District at the time of annexation.

### **LIBRARY**

Upon the effective date of annexation, free library use privileges will be available to anyone residing in this area. These privileges can be provided within the current budget appropriation.

Any library cards that were issued to non-Tyler residents should be returned. A new card will be issued and the old card number will be retired so that it will not be used by any other patrons. If a resident has a punch card, please return it to the library for a refund of any unused punches at 50¢ a punch.

If a resident has never had a library card before, it is necessary to bring proof of address.

### **HEALTH DISTRICT - ANIMAL CONTROL ENFORCEMENT SERVICE**

The Northeast Texas Public Health District will implement the enforcement of the City of Tyler’s animal control ordinance on the effective date of the annexation. Such services will be provided with current personnel and within the current budget appropriation.

### **STREET**

The subject annexation will add 1.07 additional miles of roadway. The Street Dept. has driven the area and the streets will be added to the street inventory list and their conditions rated to monitor maintenance needs. The streets will receive City maintenance upon annexation. The estimated costs for maintenance of the ‘C’ grade streets for slurry seal and the ‘D’ grade streets for overlay to be completed in fiscal year 2008 and 2009 is approximately **\$110,000.00**. Then, in 2013 an additional expense of \$85,000.00 for overlay maintenance will be required on all streets within the subdivision.

### **STORM WATER MANAGEMENT**

Any new development will be required to provide storm water drainage, with the expense being borne by the developer, and will be inspected by the Engineering Department at the time of completion. The City will then maintain the drainage upon approval and acceptance of the storm drainage improvement.

### **TRAFFIC ENGINEERING**

The Traffic Engineering Department will install traffic control devices such as street name signs, stop signs, speed limit signs, and pavement markings at the time of annexation. In addition, streetlights will be added according to the City of Tyler street light standards for residential areas. All street name signs will be replaced with City signs. Other traffic control devices will

be replaced according to urban standards. The area will also be served by the outdoor warning system.

**Traffic Signs/Street Name Signs:** Upon annexation, the City of Tyler Traffic Engineering Department will replace existing street name signs and other traffic signs with signs that meet City of Tyler standards. The estimated costs of the six new street name signs are **\$726.00**.

**Street Lights:** The City of Tyler Traffic Engineering Department is responsible for the design and placement of new street light installations according to traffic safety criteria. The City places residential street lights at street intersections, mid-block on long blocks, and curves. TXU installs and maintains residential street lights for the City of Tyler.

The Traffic Engineering Department has evaluated the Briarwood subdivision street layout and TXU power pole availability to determine the proposed locations for streetlights. The City proposes to install seven new sodium vapor streetlights throughout the subdivision. It was found that there are no existing streetlights; however there are existing power poles. The cost to the city for the new streetlights is approximately **\$1,000.00**.

The City of Tyler is prepared to submit the order to TXU for the proposed seven streetlights prior to the effective date of annexation. Upon annexation, TXU would begin the street light installation.

### **WATER SERVICE**

Water is currently provided to 46 houses by Southern Utilities Company. Briarwood Estates is located in the Tyler Water Utilities certificated service area. The most economical way to provide water is to purchase the Southern Utilities Company infrastructure and customer base. Historically, Tyler Water Utilities has paid \$1,000.00 per meter (**\$46,000.00**) and the process takes nine to twelve months. The cost will be absorbed by the City of Tyler and not pro-rated to the homeowners.

### **SANITARY SEWER SERVICE**

Under Tyler City Code (Sec.19-50.c) a resident has 15 years, from the date available (in this case annexation date), to connect to the City’s sanitary sewer system. Today, Briarwood Estates does not have sanitary sewer service. Houses are served by on-site sewage facilities. Based on the age of the subdivision, systems should be reaching the end of their life expectancy if they have not already been replaced.

Tyler Water Utilities has worked with a neighboring developer, Western Rim Development, to construct a sanitary sewer outfall across Briarwood Estates using an existing drainage easement. An easement has been secured, and this gravity sewer will provide the backbone of the gravity sanitary sewer system to serve the entire subdivision at no cost to the city or the residents.

The remaining sanitary sewer infrastructure would be designed and constructed by an approved engineer and contractor. The location of the sanitary sewer will be located in either the street or backyards of the existing lots. If sanitary sewer is placed in the backyards, then 62 new easements across the existing lots will be required. The estimated cost is **\$449,115.00**. It is proposed that the per lot cost be capped at the actual cost or \$5,000.00, whichever is less.

Homeowners would not be assessed any fees until such time as connection is actually made to the sewer system. Under current ordinance homeowners have fifteen years from the date of availability to connect to the sanitary sewer system. All costs are due prior to activation of sanitary sewer service. As a result, a portion of the City’s installation costs will be reimbursed over the 15 year period as not all lots have homes or are expected to have homes constructed within the 15 year period.

**SOLID WASTE SERVICES**

Solid waste collection will be provided to the area upon annexation using existing crews and equipment. However, the residents may opt to remain with their existing independent solid waste collector for the first three years from date of annexation. Following that, the resident must convert to the City of Tyler Solid Waste Collection. City of Tyler Solid Waste Collection is twice weekly and twice a year during the Spring and Fall Clean-up Weeks in which the City offers free bulky item pick-up. The cost for trash pick-up is a monthly charge of \$11.97 plus tax. The Solid Waste Landfill will also be available upon annexation.

**MISCELLANEOUS**

All other applicable municipal services will be provided to the area in accordance with the City of Tyler's established policies governing extension of municipal services to newly annexed areas.

**SUMMARY**

The City of Tyler has completed its analysis of the proposed annexation and has determined that the inclusion of this subdivision would be a logical extension to our city limits.

**Exhibit “C” to Ordinance 0-2007-122**

| OPERATING EXPENSES | YEAR 1     | YEAR 2     | YEAR 3     | YEAR 4     | YEAR 5     |
|--------------------|------------|------------|------------|------------|------------|
| FIRE               | 0          | 0          | 0          | 0          | 0          |
| POLICE             | 0          | 0          | 0          | 0          | 0          |
| PARKS              | 0          | 0          | 0          | 0          | 0          |
| ENVIRONMENTAL      | 0          | 0          | 0          | 0          | 0          |
| STREETS            | 0          | 0          | 0          | 0          | 0          |
| TRAFFIC            | 0          | 0          | 0          | 0          | 0          |
| WATER              | 0          | 0          | 0          | 0          | 0          |
| SOLID WASTE        |            | 0          | 0          | 0          | 0          |
| <b>TOTAL</b>       | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

|                          |            |
|--------------------------|------------|
| <b>OPERATING EXPENSE</b> | <b>\$0</b> |
|--------------------------|------------|

| CAPITAL OUTLAY                | YEAR 1          | YEAR 2            | YEAR 3     | YEAR 4     | YEAR 5     |
|-------------------------------|-----------------|-------------------|------------|------------|------------|
| WATER SYSTEM CONST.           | 46,000.         | 0                 | 0          | 0          | 0          |
| SEWER SYSTEM CONST.           | 449,115.        | 0                 | 0          | 0          | 0          |
| SEWER EASEMENTS               | 0               | 0                 | 0          | 0          | 0          |
| FIRE<br>(\$1,500 per hydrant) | 9000.           | 0                 | 0          | 0          | 0          |
| STREET SIGNS/LIGHTS           | 1726.           |                   |            |            |            |
| STREET OVERLAY                | 0               | 110,000.          | 0          | 0          | 0          |
| <b>TOTAL</b>                  | <b>505,841.</b> | <b>\$110,000.</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

|                             |                     |
|-----------------------------|---------------------|
| <b>CAPITAL OUTLAY TOTAL</b> | <b>\$615,841.00</b> |
|-----------------------------|---------------------|

|                                    |                     |
|------------------------------------|---------------------|
| <b>TOTAL PROJECTED 5 YEAR COST</b> | <b>\$615,841.00</b> |
|------------------------------------|---------------------|

| REVENUE             | YEAR 1             | YEAR 2             | YEAR 3             | YEAR 4             | YEAR 5             |
|---------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| LOCAL*              | 16,613.00          | 16,613.00          | 16,613.00          | 16,613.00          | 16,613.00          |
| WATER CHARGES       | 23,867.52          | 23,867.52          | 23,867.52          | 23,867.52          | 23,867.52          |
| SANITARY SEWER**    | 17,692.32          | 17,692.32          | 17,692.32          | 17,692.32          | 17,692.32          |
| SOLID WASTE FEES*** | 8,905.68           | 8,905.68           | 8,905.68           | 8,905.68           | 8,905.68           |
| STORMWATER****      | 3,028.28           | 3,028.28           | 3,028.28           | 3,028.28           | 3,028.28           |
| <b>TOTAL</b>        | <b>\$70,106.80</b> | <b>\$70,106.80</b> | <b>\$70,106.80</b> | <b>\$70,106.80</b> | <b>\$70,106.80</b> |

|                                       |                     |
|---------------------------------------|---------------------|
| <b>TOTAL PROJECTED 5 YEAR REVENUE</b> | <b>\$350,534.00</b> |
|---------------------------------------|---------------------|

\* Revenue is based on current SCAD valuations.

\*\*Revenue is based on first year cost if all homeowners connected to sanitary sewer service.

\*\*\*Revenue is based on first year cost if all homeowners connected to City’s solid waste service.

\*\*\*\*Revenue is based on a percentage of water and sanitary sewer fees.