



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-14

Date: October 24, 2007

Subject: APPLICATION A09-07-003B WERNER-TAYLOR-YONKE

Request that the City Council consider adoption of an ordinance annexing certain sparsely populated and owner requested territory constituting approximately 178.8 acres of land out of the Thomas Price Survey, A-794 and the Don Thomas Quevado Seven League Grant, A-18, as described by a metes and bounds description and the Final Plat of Cross Road Estates Subdivision as recorded in Cabinet E, Slide 27A of the Plat Records Smith County, Texas and the Final Plat of the Crossing, Phase 1 as recorded in Cabinet E, Slide 1B of the Plat Records Smith County, Texas and land described in Book 4002, Page 299 of the Deed Records of Smith County, located at the southwest intersection of Three Lakes Parkway and Old Jacksonville Highway. Also, consider establishing original zoning of 26.25 acres of "C-1" Light Commercial District, 11.75 acres of "RPO" Restricted Professional Office, 60.2 acres of "PUR" Planned Residential District, 29 acres of "R-1A" Single Family Residential District, 24.75 acres of "R-1B" Single Family Residential District, 8.35 acres of "R-TH" Townhouse Residential District and 8.75 acres of "AG" Agricultural District.

Together with an approximate 6.87 acre tract being a portion of land described by a metes and bounds description as recorded in Book 4002, Page 299 of the Deed Records of Smith County, Texas.

Also consider:

- A. Establishing the new boundary of the City Limits
- B. Establishing the new boundary of the Extra Territorial Jurisdiction
- C. Establishing the new boundary of the City Council Districts
- D. Updating the Land Use Map to reflect the following land uses: agricultural, single family residential, town homes residential, professional office and commercial.
- E. Establishing original zoning for 178.8 acres of the following: 26.25 acres of "C-1" Light Commercial District, 11.75 acres of "RPO" Restricted Professional Office, 60.2 acres of "PUR" Planned Residential District, 29 acres of "R-1A" Single Family Residential District, 24.75 acres of "R-1B" Single Family Residential District, 8.35 acres of "R-TH" Townhouse Residential District and 15.62 acres of "AG" Agricultural District.

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The applicants are requesting the annexation in order to receive city services and requesting the zoning to allow for a mixed use development that includes commercial, professional office, residential uses and open space.

The applicants are 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 public hearings and requires that the petition for annexation be heard by the City Council after the 5th day but on or before the 30th day after the date the petition is filed.

The subject property is located on the west side of Old Jacksonville Highway, just south of the intersection of Old Jacksonville Highway and the proposed Three Lakes Parkway. The subject property is contiguous to the corporate limits with the S & T Development tract to the north.

The applicants are requesting a mixed use development with 7.25 acres of lake, 1.5 acres for parkland, 53 townhomes, 76 garden homes, 227 single family homes, 11.75 acres of office, and 26.25 acres of commercial. With the location of the site at two major arterial roads, (Old Jacksonville Highway and Three Lakes Parkway) and the surrounding properties to the north being residential and commercial, the proposed mixed use development is a suitable land use for the area. The 6.87 acre tract is owned by the State of Texas and is the proposed site for the extension of the Rose-Rudman Hiking Trail.

Of the 29 notices mailed, nine notices were returned in favor of the application and one notice was returned in opposition to the request. The protest letter was from a property owner that resides outside the city limits; therefore his protest is not calculated into the protest calculations required by ordinance. At the September 18, 2007, Planning and Zoning Meeting, no one spoke in favor of or in protest to 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 designations.

If this proposed annexation is approved along with the Saddle Club annexation being considered by the City Council today, then this would result in an area being surrounded by the City limits. Texas Government Code Section 43.057 provides that if a proposed annexation would cause an area to be entirely surrounded by the annexing municipality, but would not include the area itself within the municipality, then the governing body must find, before completing the annexation, that surrounding such area is within the public interest. City Staff believes that this annexation is in the public interest because annexation was requested by both this applicant and the applicant for the Saddle Club annexation. The petitioners would benefit from the City services being provided.

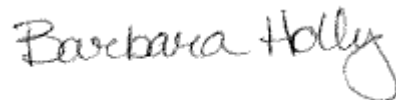
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The City is currently in the process of negotiating with the owner of the land that would constitute the “donut hole” to apply for voluntary annexation. In the event that negotiations are not successful, the size of the area to be surrounded is such that annexation by the City could still be done and the City would initiate annexation proceedings on its own.

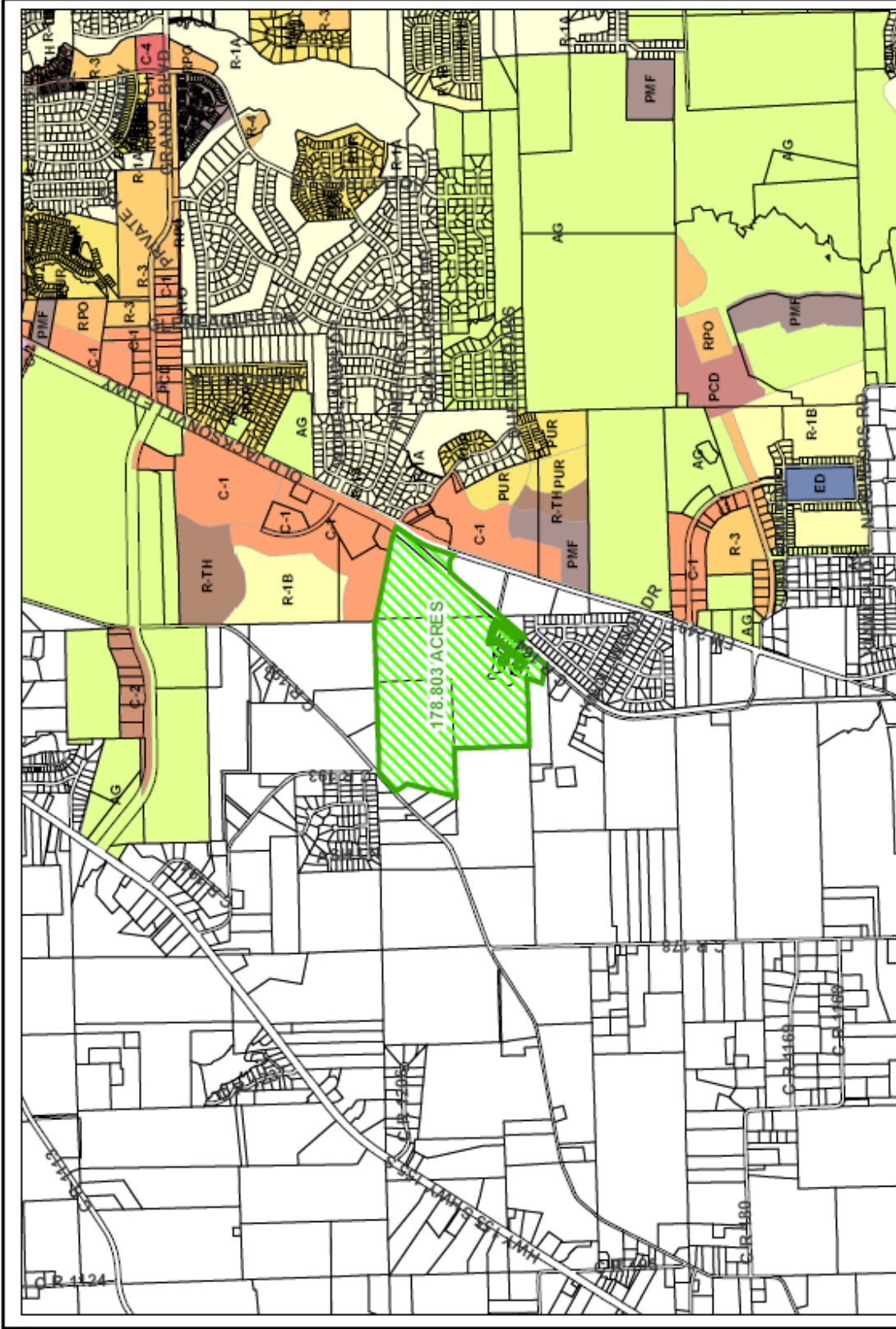
RECOMMENDATION:

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 Werner-Taylor-Yonke area, 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 land uses for agricultural, single family residential, town homes residential, professional office and commercial; and establishing the original zoning of “C-1” Light Commercial District, “RPO” Professional Office, “PUR” Planned Residential District, “R-1A” Single Family Residential District, “R-1B” Single Family Residential District, “R-TH” Townhouse Residential District and “AG” Agricultural District. It is also requested that the City Council make a finding that this annexation is in the public interest.



Drafted/Recommended By: Barbara Holly
Department Leader Director of Planning

Edited/Submitted By:
City Manager



ZONING CASE
 Case#: A09-07-003B
 Proposed Zoning: C-1
 Applicant: WERNER, TAYLOR & WERNER, LLC, MARK & CAROL YONKE, AND LARRY & SANDY TAYLOR





Subject Property
2007 Notification Buffer



ZONING CASE

Case#: A09-07-003B
Proposed Zoning: C-1

Applicant: WERNER, TAYLOR & WERNER, LLC., MARK & CAROL YONKE, AND LARRY & SANDY TAYLOR



ORDINANCE NO. O-2007-124

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ANNEXATION OF CERTAIN SPARSELY OCCUPIED AND OWNER-REQUESTED TERRITORY LYING ADJACENT TO AND CONTIGUOUS TO THE PRESENT NORTHERN AND EASTERN BOUNDARY LIMITS OF THE CITY OF TYLER AND REFERRED TO AS THE ANNEXATION APPLICATION A09-09-003A CONSTITUTING APPROXIMATELY 178.8 ACRES OUT OF THE THOMAS PRICE SURVEY, A-794 AND THE DON THOMAS QUEVADO SEVEN LEAGUE GRANT, A-18, AS DESCRIBED BY A METES AND BOUNDS DESCRIPTION AND THE FINAL PLAT OF CROSS ROAD ESTATES SUBDIVISION AS RECORDED IN CABINET E, SLIDE 27A OF THE PLAT RECORDS OF SMITH COUNTY, TEXAS AND THE FINAL PLAT OF THE CROSSING, PHASE 1 AS RECORDED IN CABINET E, SLIDE 1B OF THE PLAT RECORDS OF SMITH COUNTY, TEXAS AND AN APPROXIMATE 6.87 ACRE TRACT BEING A PORTION OF LAND DESCRIBED BY A METES AND BOUNDS DESCRIPTION AS RECORDED IN BOOK 4002, PAGE 299 OF THE DEED RECORDS OF SMITH COUNTY, TEXAS, LOCATED AT THE SOUTHWEST INTERSECTION OF THREE LAKES PARKWAY AND OLD JACKSONVILLE HIGHWAY ; AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE CITY OF TYLER EXTRATERRITORIAL JURISDICTION; ESTABLISHING THE INITIAL LAND USE DESIGNATION, AND ESTABLISHING ORIGINAL ZONING.

WHEREAS, a public hearing was held before the City Council of the City of Tyler, Texas, on the 24 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 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 area to be annexed is one-half mile or less in width; and

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

WHEREAS, the area to be annexed is vacant and without residents or has fewer than three (3) Qualified Voters; and

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

WHEREAS, the hereinafter described territory contains approximately 178.8 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, and as shown on the map attached as Exhibit "A" and as 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 are 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 upon final passage, the annexed area shall be zoned as 26.25 acres of "C-1" light commercial district, 11.75 acres of "RPO" restricted professional office, 60.2 acres of "PUR" planned residential district, 29 acres of "R-1A" single family residential district, 24.75 acres of "R-1B" single family residential district, 8.35 acres of "R-TH" townhouse residential district and 15.62 acres of "AG" agricultural district as shown on the map attached as Exhibit "A" hereinabove mentioned.

PART 4: That the initial Land Use Designation for the annexed area is hereby established as commercial, office, residential, and agricultural, and it is directed that the Land Use Map be amended to reflect said use.

PART 5: That the annexed area shall be added to the District, # 1, City Council single member district and the official Voting District Map amended accordingly.

PART 6: 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 7: 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 8: That within thirty (30) days of notice of U. S. Justice Department approval of this annexation, the Planning and Zoning Department, on behalf of the Mayor, shall file a certified copy of this ordinance and a copy or duplicate of the petition with the County Clerk.

PART 9: 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:

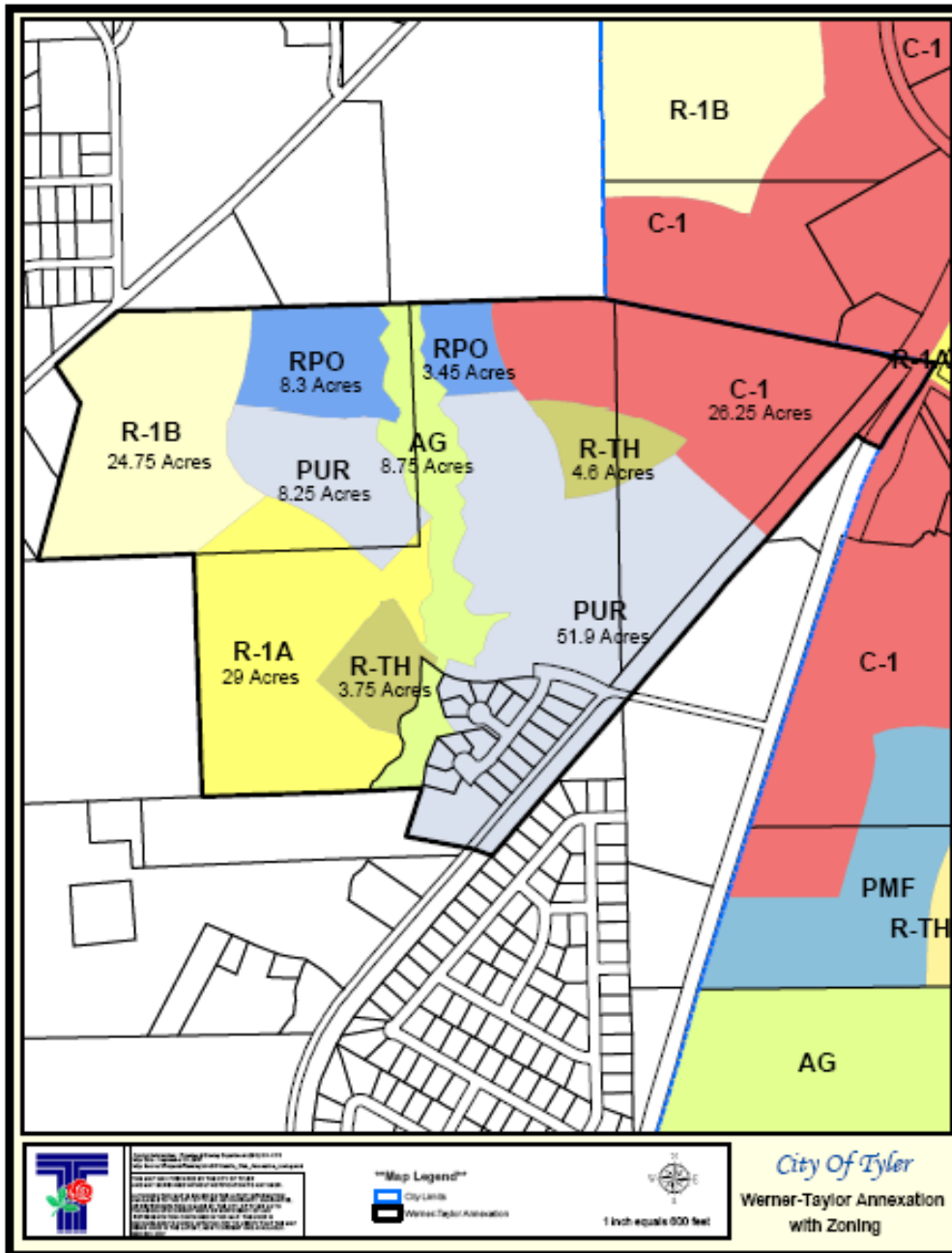
APPROVED:

CITY CLERK

CITY ATTORNEY

Exhibit A = map
Exhibit B = legal description
Exhibit C = owner petition

ZONING MAP



METES AND BOUNDS DESCRIPTION

**Field Notes for
Werner-Taylor Land & Development
169.3 Acre Tract**

BEING a 169.3 acre tract in the Thomas Price Survey, Abstract 794 and the Don Thomas Quevado Seven League Grant, Abstract 18, Section 5, Smith County, Texas and being all of a called 2.941 acre tract described in a Deed from Petrofac, Inc. to Larry J. Taylor recorded in Volume 3317, Page 828 of the Official Public Records of Smith County, Texas, part of a called 119.715 acre tract described in a Deed from BPG, Inc. to Larry J. Taylor recorded in Volume 3416, Page 128 of said Smith County Official Public Records, and all of a called 49.61 acre tract described in a Deed from Timothy J. Beverley et al to Mollie A. Winston recorded in Volume 7356, Page 374 of said Smith County Official Public Records, said 169.3 acre tract being more completely described as follows:

BEGINNING at a ½" iron rod set at the Southeast corner of said 2.941 acre tract on the West boundary line of a called 29.84 acre tract described in a Deed to The State of Texas in Volume 4003, Page 176 of said Smith County Land Records, said ½" iron rod also being the Northeast corner of a called 15.0 acre tract described in a Deed to George W. Woodeock recorded in Volume 2210, Page 301 of said Smith County Land Records;

THENCE North 80 degrees 09 minutes 37 seconds West, a distance of 325.97 feet with the South boundary line of said 2.941 acre tract to a ½" iron rod set at the Southwest corner of same and being at an ell corner in the North boundary line of said 15.0 acre tract;

THENCE North 17 degrees 02 minutes 16 seconds East, a distance of 270.80 feet with the West boundary line of said 2.941 acre tract to a 1/2" iron rod set at the Northwest corner of same and being on the North boundary line of said 15.0 acre tract, same being the South boundary line of said 119.715 acre tract;

THENCE South 87 degrees 40 minutes 07 seconds West, a distance of 1125.71 feet with the South boundary line of said 119.715 acre tract and North boundary line of said 15.0 acre tract to a 1/2" iron rod found for the most Southerly Southwest corner of said 119.715 acre tract, same being the Southeast corner of a called 58.431 acre tract described in a Deed to Gerald Kirkpatrick et ux recorded in Volume 6084, Page 273 of said Smith County Official Public Records;

THENCE North 01 degree 50 minutes 24 seconds West, a distance of 1245.52 feet along with the West boundary line of said 119.715 acre tract and the East boundary line of said 58.431 acre tract to a ½" iron rod found for an ell corner in the West boundary line of said 119.715 acre tract, the Northeast corner of said 58.431 acre tract, and being in the South boundary line of said 49.61 acre tract;

THENCE South 87 degrees 48 minutes 32 seconds West, a distance of 806.92 feet with the South boundary line of said 49.61 acre tract and the North boundary line of said 58.431 acre tract to a ½" iron rod found at an iron tee-post for the East corner of a 2.723 acre tract described in a Deed to Steel Family Trust recorded in Volume 3264, Page 466 of said Smith County Official Public Records and the South corner of a called 1.038 acre tract described in a Deed to William L. Burleson and wife, Jannita M. Burleson recorded in Volume 1750, Page 716 of said Smith County Official Public Records;

THENCE North 16 degrees 08 minutes 39 seconds East, a distance of 403.99 feet with the West boundary line of said 49.61 acre tract and the East boundary line of said 1.038 acre tract to a ½" iron rod found for the East corner of said 1.038 acre tract and the South corner of a called 2.676 acre tract described in a Deed to Charles Randal Mase recorded in Volume 5292, Page 123 of said Smith County Official Public Records;

Exhibit "B" to Ordinance 0-2007-124

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THENCE North 14 degrees 06 minutes 55 seconds East, a distance of 421.44 feet continuing with the West boundary line of said 49.61 acre tract and with the Southeast boundary line of said 2.676 acre tract to a 1/2" iron rod found for the East corner of said 2.676 acre tract;

THENCE North 32 degrees 28 minutes 12 seconds West, a distance of 262.88 feet with the continuing with the West boundary line of said 49.61 acre tract and the Northeast boundary line of said 2.676 acre tract to a 1/2" iron rod found in County Road No. 192, Old Noonday Road, for an angle corner in said West boundary line and for the North corner of said 2.676 acre tract;

THENCE North 48 degrees 26 minutes 45 seconds East, a distance of 244.55 feet with said County Road No. 192 and the Northwest boundary line of said 49.61 acre tract to a 60 penny nail set for corner in same, at the beginning of a curve in a counterclockwise direction;

THENCE around said curve in a counterclockwise direction having a delta angle of 15 degrees 59 minutes 00 seconds, an arc distance of 182.02 feet, a radius of 652.50 feet, and a chord of North 77 degrees 20 minutes 16 seconds East, a chord distance of 181.43 feet to a 1/2" iron rod set at the beginning of a curve in a clockwise direction;

THENCE around said curve in a clockwise direction having a delta angle of 20 degrees 39 minutes 40 seconds, an arc distance of 192.38 feet, a radius of 533.49 feet, and a chord of North 81 degrees 26 minutes 36 seconds East, a chord distance of 191.34 feet to a 1/2" iron rod set;

THENCE South 87 degrees 50 minutes 48 seconds East, a distance of 236.74 feet to a 1/2" iron rod set;

THENCE East, a distance of 239.71 feet to a 1/2" iron rod set;

THENCE South 01 degree 25 minutes 21 seconds East, a distance of 20.73 feet to a 1/2" iron rod set at the beginning of a curve in a clockwise direction;

THENCE around said curve in a clockwise direction having a delta angle of 15 degrees 01 minute 27 seconds, an arc distance of 279.27 feet, a radius of 1065.00 feet, and a chord of South 06 degrees 05 minutes 23 seconds West, a chord distance of 278.47 feet to a 1/2" iron rod set;

THENCE South 76 degrees 23 minutes 54 seconds East, a distance of 70.00 feet to a 1/2" iron rod set at the beginning of a curve in a counterclockwise direction;

THENCE around said curve in a counterclockwise direction having a delta angle of 15 degrees 01 minute 27 seconds, an arc distance of 297.62 feet, a radius of 1135.00 feet, and a chord of North 6 degrees 05 minutes 23 seconds East, a chord distance of 296.77 feet to a 1/2" iron rod set;

THENCE North 01 degree 25 minutes 21 seconds West, a distance of 18.99 feet to a 1/2" iron rod set;

THENCE East, a distance of 464.91 feet to a 1/2" iron rod set;

THENCE North 87 degrees 16 minutes 25 seconds East, a distance of 188.70 feet to a 1/2" iron rod set;

THENCE South 01 degree 43 minutes 49 seconds East, a distance of 300.00 feet to a 1/2" iron rod set;

THENCE North 88 degrees 16 minutes 11 seconds East, a distance of 100.00 feet to a 1/2" iron rod set;

Exhibit "B" to Ordinance 0-2007-124

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THENCE North 01 degree 43 minutes 49 seconds West, a distance of 359.37 feet to a 1/2" iron rod set in the South boundary line of Section 6 of said Don Thomas Quevado Seven League Grant, Abstract 18 and a called 46.185 acre tract described in a Deed to Joe C. Moore recorded in Volume 1521, Page 511 of said Smith County Official Public Records, and the North boundary line of said Section 5 of said Quevado Seven League Grant and said 119.715 acre tract from which a 1/2" iron rod found for the Northwest corner of said 119.715 acre tract bears South 88 degrees 09 minutes 23 seconds West, a distance of 69.20 feet;

THENCE North 88 degrees 09 minutes 23 seconds East, a distance of 987.04 feet with the North boundary line of said 119.715 acre tract and said Section 5 and the South boundary line of said 46.185 acre tract and said Section 6 to a rock found the Northeast corner of said Don Thomas Quevado Seven League Grant, Abstract 18, Section 5, the Southeast corner of Section 6 of said Quevado Survey and said 46.185 acre tract, and in the West boundary line of said Thomas Price Survey, Abstract 794;

THENCE South 01 degree 02 minutes 08 seconds East, a distance of 39.75 feet with the East boundary line of said Quevado Survey, Section 5, the North boundary line of said 119.715 acre tract, and the West boundary line of said Thomas Price Survey and a called 84 acre tract, Parcel 3, described in a Deed recorded in Volume 5595, Page 93 of said Smith County Official Public Records to a 1/2" iron bolt found for the Southwest corner of said 84 acre tract;

THENCE South 78 degrees 57 minutes 00 seconds East, a distance of 1479.14 feet with the North boundary line of said 119.715 acre tract and the South boundary line of said 84 acre tract to a 1/2" iron rod set in the West boundary line of aforementioned 29.84 acre tract to the State of Texas in Volume 4003, Page 176 of said Smith County Official Public Records, for the Northeast corner of said 119.715 acre tract, and being at the beginning of a curve in a clockwise direction;

THENCE with the East boundary line of said 119.715 and around said curve in a clockwise direction having a delta angle of 02 degrees 43 minutes 35 seconds, an arc distance of 93.95 feet, a radius of 1974.45 feet, and a chord of South 39 degrees 20 minutes 05 seconds West, a chord distance of 93.94 feet to a 1/2" iron rod set;

THENCE South 40 degrees 39 minutes 48 seconds West, a distance of 3203.70 feet with the East boundary line of said 119.715 acre tract, the West boundary line of said 29.84 acre tract, and the East boundary line of said 2.941 acre tract to the PLACE OF BEGINNING containing 169.3 acres of land.

Bearing basis is the Texas State Plane Coordinate System, Grid North Central Zone, NAD 83 Feet, based on the 1993 adjustment of the NAD 83 System. Reference monument is FAA TYRA.

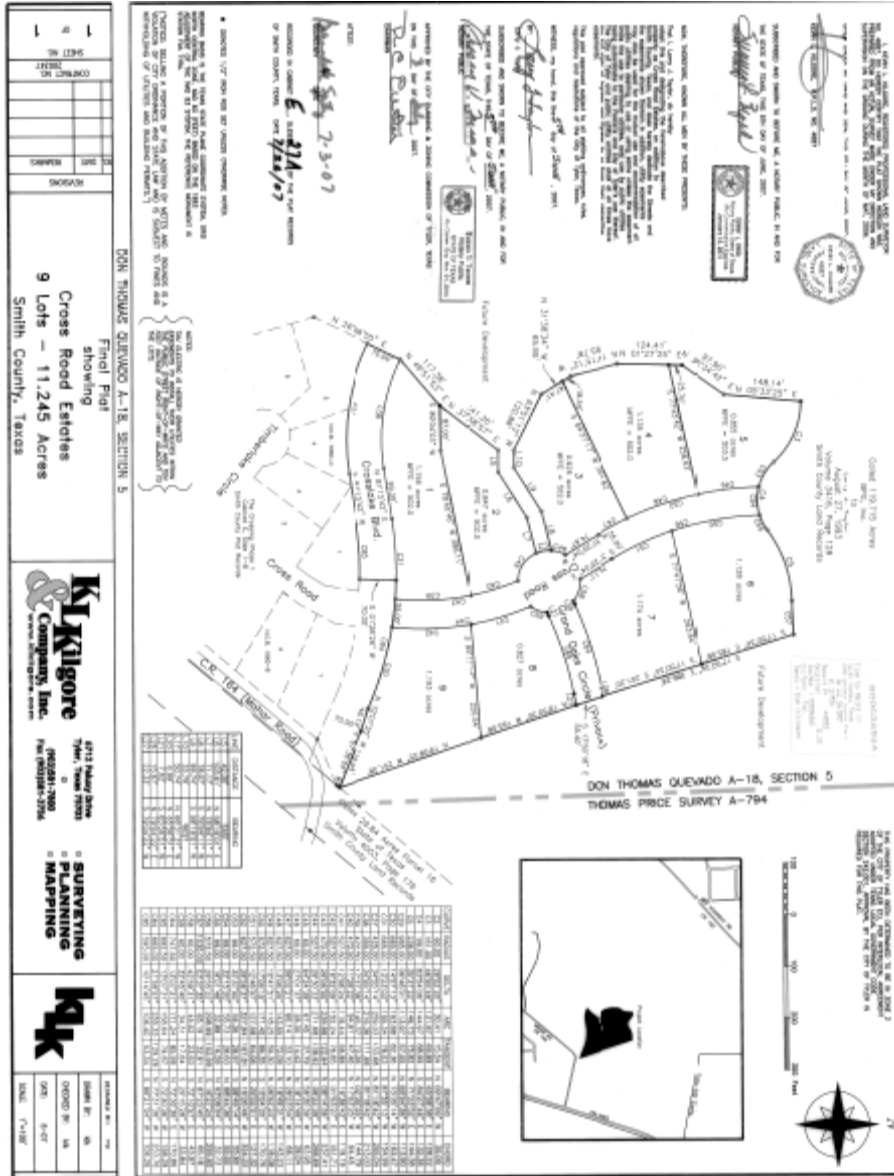
I, Kevin L. Kilgore, Registered Professional Land Surveyor No. 4687, Texas, do hereby certify that the above field note description was prepared from an actual on-the-ground survey made under my direction and supervision during the month of January, 2006.

GIVEN UNDER MY HAND AND SEAL, This the 7th day of August, 2007.

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



Exhibit "B" to Ordinance 0-2007-124
 Page 5 of 5



OWNER PETITION



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.

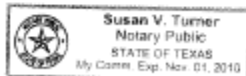
[Signature]
SIGNATURE
10/11/07
DATE

Michael J. Warner
PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF TEXAS
COUNTY OF SMITH

This petition was acknowledged before me on the 11th day of OCTOBER,
2007, by SUSAN V. TURNER



Susan V. Turner
Notary Public
State of TEXAS

Exhibit "C" to Ordinance 0-2007-124
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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.

Michael J. Werner
SIGNATURE
10/11/07
DATE

Michael J. Werner
PRINT NAME

SIGNATURE

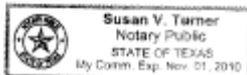
DATE

PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF TEXAS
COUNTY OF SMITH

This petition was acknowledged before me on the 11th day of OCTOBER, 2007 by SUSAN V. TURNER



Susan V. Turner
Notary Public
State of TEXAS

(ACKNOWLEDGMENT)

THE STATE OF _____
COUNTY OF _____

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

Notary Public
State of _____



FORM 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.

Larry J. Taylor
SIGNATURE
10/11/07
DATE

LARRY J. TAYLOR
PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF TEXAS
COUNTY OF SMITH

This petition was acknowledged before me on the 11th day of OCTOBER,
2007 by SUSAN V. TURNER.

Susan V. Turner
Notary Public
State of TEXAS

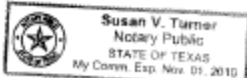


Exhibit "C" to Ordinance 0-2007-124
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FORM A1

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.

Larry J. Taylor
SIGNATURE
10/11/07
DATE

LARRY J. TAYLOR
PRINT NAME

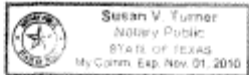
Sandra C. Taylor
SIGNATURE
10/11/07
DATE

SANDRA C. TAYLOR
PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF TEXAS
COUNTY OF SMITH

This petition was acknowledged before me on the 11th day of OCTOBER, 2007, by SUSAN V. TURNER.

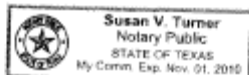


Susan V. Turner
Notary Public
State of TEXAS

(ACKNOWLEDGMENT)

THE STATE OF TEXAS
COUNTY OF SMITH

This petition was acknowledged before me on the 11th day of OCTOBER, 2007, by SUSAN V. TURNER.



Susan V. Turner
Notary Public
State of TEXAS

DCT-11-0087 11:26A FROM:EMER TAYLOR 903-592-0651 TO:1305640041 T P.2/3



**REQUEST FOR ANNEXATION OF SPARSELY POPULATED AREAS
BY THE OWNERS OF AREA**

FORM A

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 amend 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 43.823, 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 abjoins 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 43.823, by signing this annexation on the date shown below.

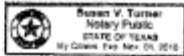
ANNE GALE CARROLL ANNE A GALE CARROLL
SIGNATURE PRINT NAME

DATE _____

(ACKNOWLEDGMENT)

THE STATE OF TEXAS
COUNTY OF SMITH

This petition was acknowledged before me on the 11th day of OCTOBER
2007 by SUSAN V. TURNER



Susan V. Turner
Notary Public
State of Texas

Exhibit "C" to Ordinance 0-2007-124
 Page 6 of 13

OCT-11-2007 53-DVA FREDERICK TAYLOR 383-592-9031 TU:1825048247 P.53



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 abuts 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 lot on FORM D of the qualified voters residing in this 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 43.018, by signing this petition on the date above below.

[Signature]
 SIGNATURE

MARK R. YOUNG
 PRINT NAME

DATE

[Signature]
 SIGNATURE

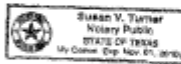
MARK R. YOUNG
 PRINT NAME

DATE

(ACKNOWLEDGMENT)

THE STATE OF TEXAS
 COUNTY OF SOUTH

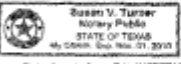
This petition was acknowledged before me on the 11th day of OCTOBER, 2007, by SUSAN V. TURNER



[Signature]
 Notary Public
 State of TEXAS

THE STATE OF TEXAS
 COUNTY OF SOUTH

This petition was acknowledged before me on the 11th day of OCTOBER, 2007, by SUSAN V. TURNER



[Signature]
 Notary Public
 State of TEXAS



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):

Mixed use Development including Commercial, Professional Office, Residential
2. I (We) am/are requesting this annexation for the following reason(s):

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

Vacant. Streets are under construction
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)

Old Jacksonville Highway along north of tract
5. Any additional information that you desire to provide concerning your annexation request:

SIGNED:

Owner's Telephone Number _____

OWNER (of property to be annexed) _____

903-561-4950
Agent's Telephone Number

OR

Aleahna
AGENT (When applicable - See Form B)



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. Larry & Sandy Taylor	100 E. Amherst St. Tyler TX 75701-9036
2. Warner, Taylor & Warner, LLC	100 Independence Place Suite 308 Tyler 75703
3. Warner-Taylor Land & Development, L.P.	100 Independence Place Suite 308 Tyler TX 75703
4. Tyler TX 75703	
5. Mark R. Yonke & Carol A. Yonke	328 Montoya Way, Danville, Ca. 94526
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

Exhibit "C" to Ordinance 0-2007-124
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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 therefore qualified to register to vote.

<u>NAME AND AGE</u>	<u>MAILING ADDRESS</u>
1. <i>There are none -</i>	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

SIGNED:

Owner et al (of property to be annexed)

Stephanie [Signature]
Agent (when applicable - See Form E)



FORM E

AUTHORIZATION OF AGENT

I (We), the undersigned, being owners of real property to be annexed according to this Application, do hereby authorize (print name and address of agent) Stephanie Rollings and Mark Priestner of Planning Concepts 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>Michael Williams</u>	<u>100 Independence Place Suite 308 Tyler TX 75703</u>
2. <u>Larry Taylor</u>	<u>1100 E. Amherst St. Tyler TX 75701-9026</u>
3. <u>[Signature]</u>	<u>328 Montoya Way, Danville, Ca 94526</u>
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".)

JUL-26-2007 10:53A FROM: WERNER TYLOR 903-592-8691 TO: 19256482417 P.5-6



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) _____. 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

Paul R. Galt _____

Donald D. Spinks _____

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.

Exhibit "C" to Ordinance 0-2007-124
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JUL-26-2007 10:15:29 FROM: WERNER TAYLOR 903-592-8991 TO: 19256482417 P. 4/6



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) Stephanie Rollins Dr. Mark Presley's Planning Concepts to act as our Agent in the matter of this annexation. The term "agent" shall mean any lessor, 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>Mark P. Gault</u>	<u>318 Mountain Way, Dallas TX 75226</u>
2. <u>Carol A. Gault</u>	<u>318 Mountain Way, Dallas TX 75226</u>
3. <u>Carol A. Gault</u>	
4.	
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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".)



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) see attached zoning map. 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

Michael Williams _____
Gregory J. Taylor _____

Hydramic R.
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.