

ORDINANCE NO. O-2008-132

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ANNEXATION OF CERTAIN TERRITORY REFERRED TO AS THE NATIONS MS, LLC LYING ADJACENT TO AND CONTIGUOUS TO THE PRESENT NORTHERN, WESTERN 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 10th day of September, 2008, and on the 17th day of September, 2008, 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 28th day of August, 2008, and 29th day of August, 2008 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 1st Day of January, 2007; and

WHEREAS, the hereinafter described territory contains approximately 2.07 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 10-800 and 10-801 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 10-800 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 "C-1" 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 neighborhood commercial, 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 8th day of October, A. D., 2008.

Barbara Bass

BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

Cassandra Braye
CITY CLERK

APPROVED:

Gary C. Sanders
CITY ATTORNEY

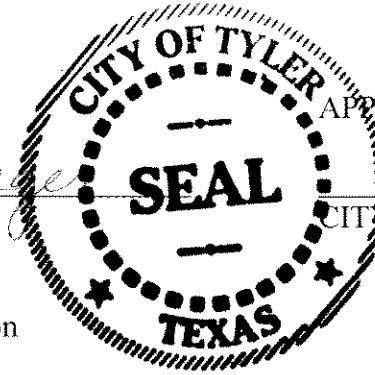
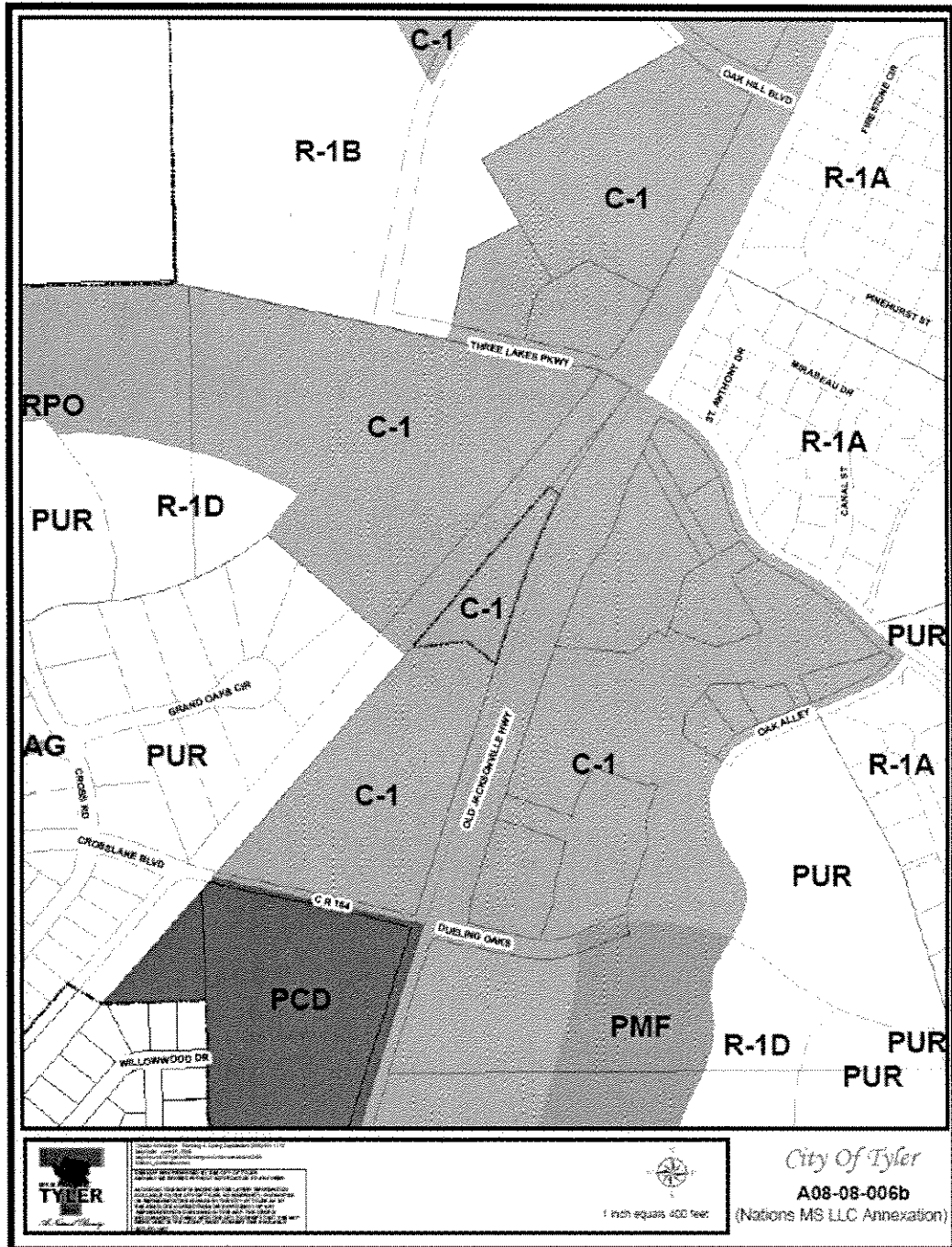


Exhibit A = maps
Exhibit B = legal description
Exhibit C = service plan

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Exhibit "A" – Zoning Map, Nations

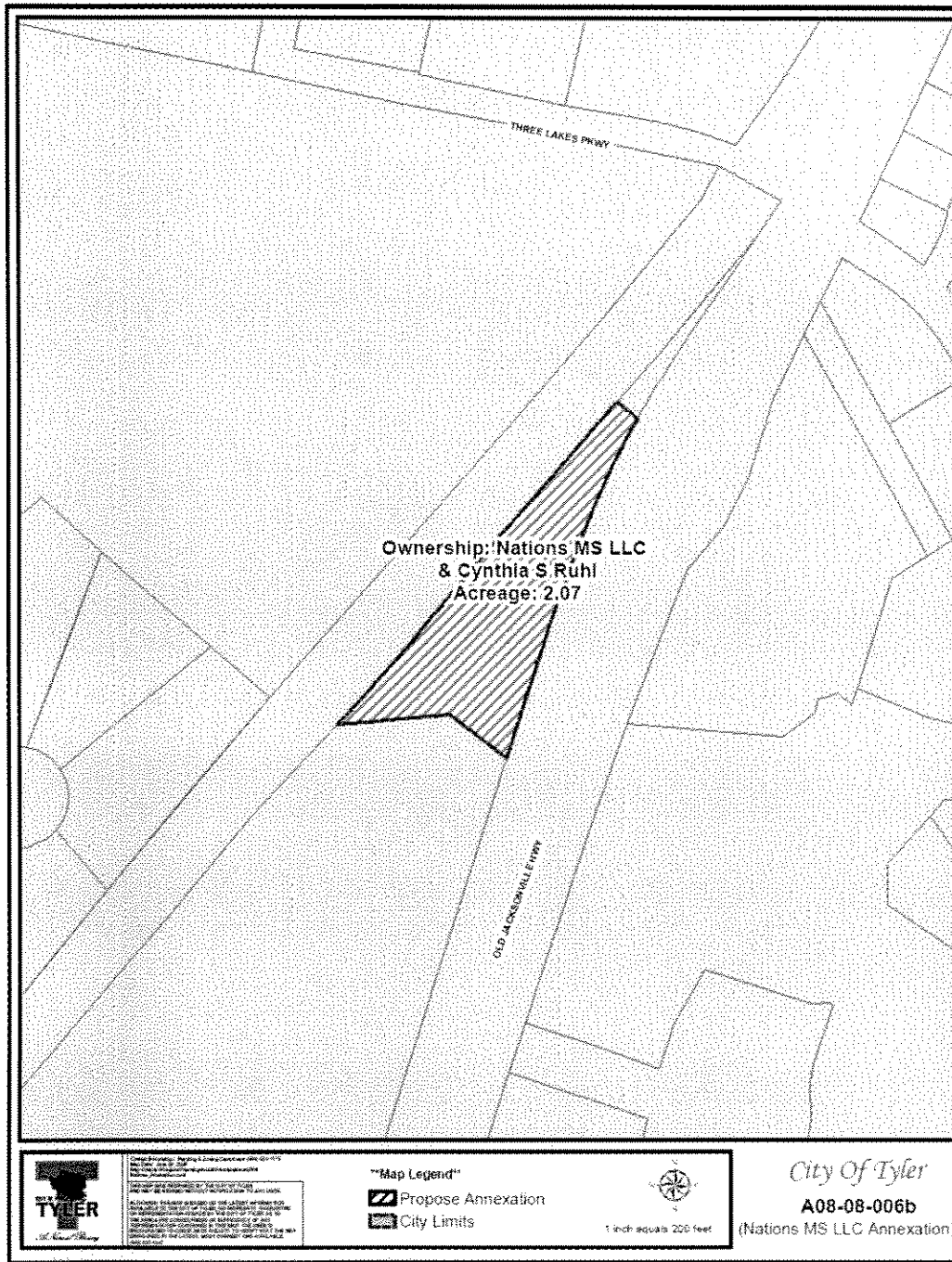
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Exhibit "A" - Annexation Map, Nations

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City of Tyler
Planning & Development Department
1000 East Tyler Street
Tyler, Texas 75701
Phone: 936.283.1234
Fax: 936.283.1235
www.cityoftyler.com

Map Legend

- Propose Annexation
- City Limits



1 inch equals 200 feet

City of Tyler

A08-08-006b

(Nations MS LLC Annexation)

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Exhibit "B" - Legal

Exhibit 'B'

BEING all that certain 1.98 acre tract located in the Thomas Price Survey, A-794, and being all of that same tract called 1.856 acres in a Warranty Deed with Vendor's Lien from Wayne Moses and Bobby Moses to Don W. McKenzie et al dated October 25, 1995 and recorded in Volume 3726, Page 605 of the Land Records of Smith County, Texas and being the same land described in an Assumption Special Warranty Deed from M.S.M. Investments to Moore-McKenzie Investments, L.L.C., dated January 26, 2001 and recorded in Volume 5517, Page 59 of the Official Public Records of Smith County, Texas and also being a part of a called 5.53 acre tract conveyed to Tyler Saddle Club, Inc. by J. M. Sanders in May, 1963 by Deed recorded in Volume 1877, Page 423 of the Deed Records of Smith County, Texas and being more completely described as follows, to-wit:

BEGINNING at a one inch axle with gear (three inch monument) found at the northwest corner of the tract herein described and being the northwest corner of the cited 5.53 acre tract, being the southwest corner of the Larry J. and Sandra C. Taylor called 6.185 of an acre tract (Volume 3398 Page 835), in the east right of way of the State of Texas tract, aka Rails to Trails, described in Deed (Volume 3817 Page 570) (formerly the St. Louis Southern Railway Company 100 foot wide right of way tract and being part of the same land described in an Oil and Gas Lease to Humble Oil and Refining Company May 28, 1943);

THENCE S412551°E 48.76 (called 43.51 Volume 5617 Page 50 and called 49.53 feet in Volume 3398 Page 835) feet to a one inch axle, found at the northeast corner herein, being the southeast corner of the Taylor tract, in the west right of way of Farm to Market Road No. 2493, and being approximately 40 feet west of the current location of the centerline of said highway and the City Limits of the City of Tyler, Texas and in a highway curve to the left;

THENCE with best fitting curve to the left having a Delta of 48240°, Arc Length of 208.83 feet, Radius of 1971.96 feet, along a chord of S251638°W 207.94 feet to a nail at the PT of said curve in the west right of way of Farm to Market Road No. 2493, being approximately 40 feet west of the City Limits of the City of Tyler, Texas (said F.M. 2493 has a variable width right of way);

THENCE S190131°W 345.18 feet with the east boundary line of this tract and the west right of way of Farm to Market Road to a 1/2 inch iron rod, found at the southeast corner herein, being the northeast corner of the Tyler Saddle Club, Inc. tract (Volume 1877 Page 420) in the middle of a dry drain, a right of way monument on the east right of way of said highway bears N470649°E 378.29 feet;

THENCE along and with the middle of said dry drain to T-posts set by southerly neighbor to mark the corners of said dry drain and the south boundary line herein and the north boundary line of the Tyler Saddle Club, Inc. tract as follows: N754311°W 76.98 feet to T-Post, N885038°W 55.95 feet to T-Post, S823710°W 72.55 feet to T-Post leaving dry drain, and N890210°W 86.95 feet to a 1/2 inch iron rod, found at the southwest corner herein on the north side of the dry drain, being the northwest corner of the Tyler Saddle Club, Inc. tract and in the east line of the State of Texas called 7.49 acre tract;

THENCE N404019°E 694.64 feet with the west boundary line herein and the east boundary line of said State of Texas 7.49 acre tract to the PLACE OF BEGINNING, containing 1.98 acres of land.

Description

TRUE AND CORRECT COPY OF ORIGINAL FILED IN SMITH COUNTY CLERK'S OFFICE

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MUNICIPAL SERVICE PLAN
Exhibit "C"
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(A-08-08-006B Nations MS LLC)

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 detailed 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 Nations MS LLC property, which is contiguous to the existing city limits on all boundaries. The site is 2.07 acres located approximately 420 feet southwest of the intersection of Three Lakes Parkway and Old Jacksonville Highway. The area is developed as a mini warehouse storage facility. The Municipal Annexation Service Plan was prepared with the aforementioned land use in mind.

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.

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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. Therefore, being served by the City of Tyler Fire Department will result in an ISO rating change, dropping the rating from 9 to 3. This should result in a reduction on the cost of property insurance.

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 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 Unified Development Code will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the subdivision requirements of the City of Tyler Unified Development Code. These services can be provided within the department's current budget.

Staff is recommending that the Nations MS LLC be zoned "C-1", Light Commercial District at the time of annexation.

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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.

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 can be provided with current Health Department personnel and within the current budget appropriation.

STREET

The subject annexation will add no new additional miles of roadway.

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 Development Services Department during and at the time of completion. The City will then maintain the drainage upon acceptance and after the one year warranty period has expired.

TRAFFIC ENGINEERING

The Traffic Engineering Department is responsible for installing any traffic control devices such as street name signs, stop signs, speed limit signs, and pavement markings at the time of annexation. Other traffic control devices will be replaced according to urban standards. At this time there is no additional traffic control devices needed in the annexation area.

WATER SERVICE

Nations MS, LLC is served by Southern Utilities. At this time there is no requirement to switch over to city water services.

SANITARY SEWER SERVICE

Today, Nations MS, LLC is served via an on-site sewer facility. Currently the property is served by Tall Timbers Utility Company; as such the city is prohibited from providing service. The city is currently in negotiations with Tall Timbers Utility Company to purchase the sanitary sewer rights in this area.

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SOLID WASTE SERVICES

Solid waste collection will be available to the area upon annexation using existing crews and equipment. Commercial property must use the licensed trash hauler of their choice.

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 their analysis of the proposed annexation and has determined that the inclusion of this property is logical and would remove a "doughnut hole" created by surrounding voluntary annexations that occurred in October 2007.

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FISCAL NOTE ANALYSIS

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
ENVIRONM ENTAL	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
TOTAL	\$0	\$0	\$0	\$0	\$0

OPERATING EXPENSE	\$0
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CAPITAL OUTLAY	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
WATER SYSTEM CONST.	0	0	0	0	0
SEWER SYSTEM CONST.	0	0	0	0	0
SEWER EASEMENTS	0	0	0	0	0
FIRE					
TOTAL	\$0	\$0	\$0	\$0	\$0

CAPITAL OUTLAY TOTAL	\$0
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TOTAL PROJECTED 5 YEAR COST	\$0
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REVENUE	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
LOCAL*	\$1605.15	\$1605.15	\$1605.15	\$1605.15	\$1605.15
WATER	0	0	0	0	0
CHARGES					
SANITARY	0	0	0	0	0
SEWER					
SOLID	\$	0	0	0	0
WASTE FEES					
TOTAL	\$1605.15	\$1605.15	\$1605.15	\$1605.15	\$1605.15

TOTAL PROJECTED 5 YEAR REVENUE	\$8025.75
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