

ORDINANCE NO. O-2008-136

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 A10-08-007A; CONSTITUTING APPROXIMATELY 8.276 ACRES OF LAND BEING A PORTION OF TRACT 1D OUT OF THE E. BODENHEIMER SURVEY, A-094; 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 22nd day of October, 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 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 8.276 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 10-800 through 10-802, 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, are 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 10-802 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 "R-1D" Single-Family Detached and Attached District as shown on Exhibit "D", hereinabove mentioned.

PART 4: That the initial Land Use Designation for the annexed area is hereby established as single-family medium/low density, and it is directed that the Land Use Guide be amended to reflect said use.

PART 5: That the annexed area shall be added to the Northwest District #3, 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.

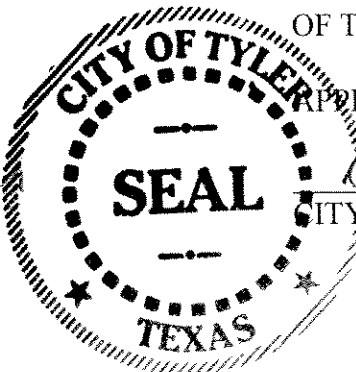
PART 9: That this ordinance shall be in full force and effect from and after the date of its passage and approval by the City Council.


PASSED AND APPROVED THIS the 22nd day of October A. D., 2008.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CITY CLERK

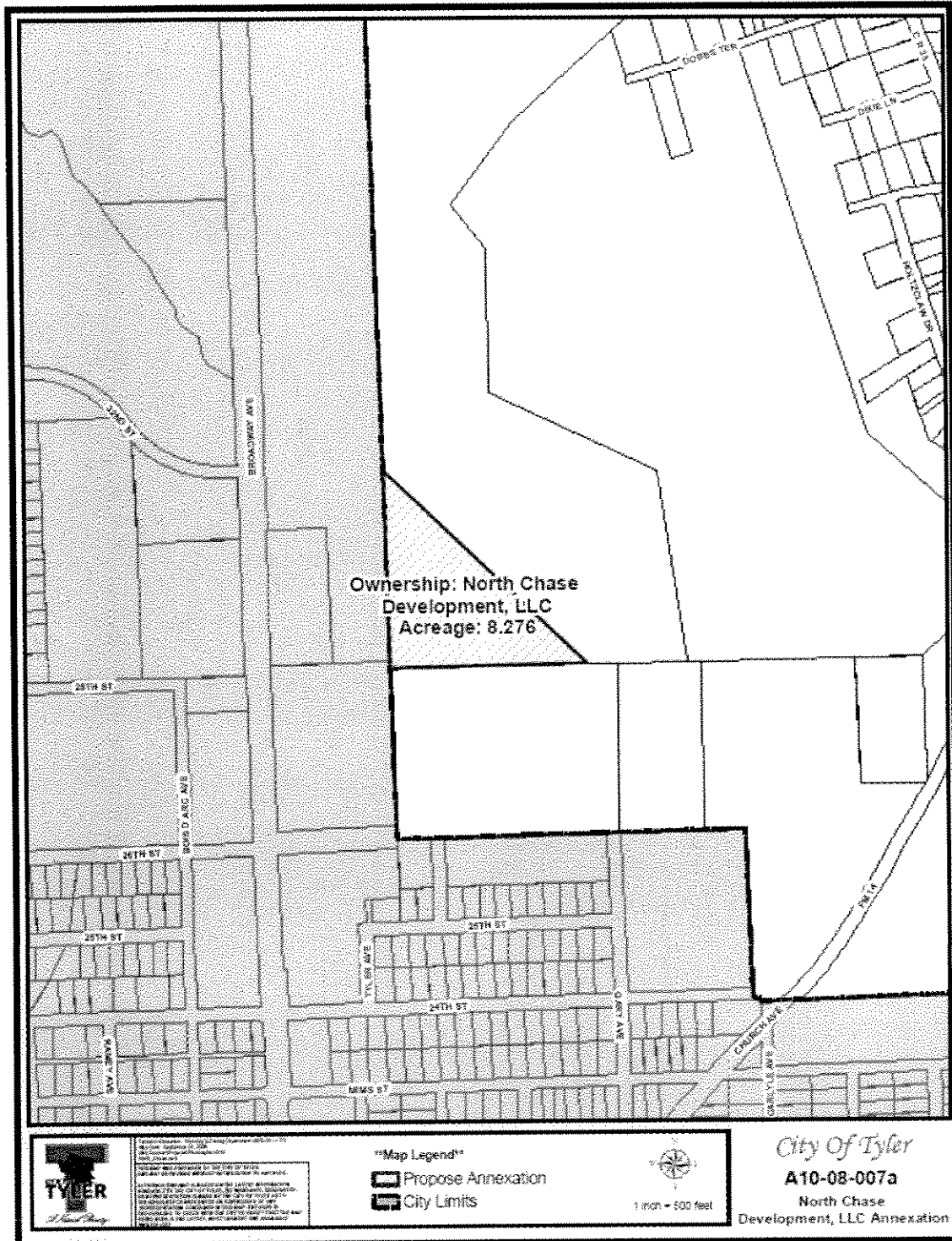


APPROVED:

CITY ATTORNEY

- Exhibit A = map
- Exhibit B = legal description
- Exhibit C = owner petition
- Exhibit D = zoning map

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EXHIBIT "A"
MAP



ORDINANCE NO. 0-2008-136

EXHIBIT "B"
LEGAL DESCRIPTION

EXHIBIT "B"

Metes and Bounds Description
8.276 Acre Tract
Outside City Limits

All that certain tract or parcel of land situated in the E. Bodenheimer Survey, Abstract 94, Smith County, Texas, being out of and a part of that certain called 159.687 acre tract described in a Special Warranty Deed with Vendor's Lien from Westchase Center, Inc. to Northchase Development LLC, dated February 20, 2008, and recorded in C.F.N. 2008-R00008639 of the Official Public Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of the herein described tract, same being in the City Limit Annexation Line; for reference, a 1/2" iron rod found for the southwest corner of said called 159.687 acre tract, same being in the east right-of-way line of North Broadway Avenue, bears North 88°50'01" West, a distance of 500.00 feet;

THENCE, North 00°17'24" East, with said City Limit Annexation Line, same being parallel with said east right-of-way line of North Broadway Avenue, a distance of 851.27 feet to the northwest corner of the herein described tract;

THENCE, South 44°37'39" East, a distance of 1,199.57 feet to a corner in the south line of said 159.687 acre tract;

THENCE, North 89°50'01" West, with said south line of said 159.687 acre tract (and the bearing basis of this survey as related to the record bearing), a distance of 847.00 feet to the POINT OF BEGINNING and containing 8.276 acres of land.

I hereby certify that the above description was prepared from an actual survey made on the ground under my direction and supervision during the Month of August, 2008. GIVEN UNDER MY HAND AND SEAL this date, 4 September 2008.

(Reference is hereby made to the plat of survey, Job No. 08-161)

Robert Matush
Registered Professional Land Surveyor
Texas Registration No. 3683



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EXHIBIT "C"
OWNER PETITION

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A10-03-007A



INFORMATION FOR REQUESTING ANNEXATION

ITEMS REQUIRED FOR EACH APPLICATION:

(The following items are included in this packet. Instructions are located on each form. There is some repetition because the different forms go for different processing.)

- A. PETITION FOR ANNEXATION
- B. APPLICANT'S SUPPORT INFORMATION FOR ANNEXATION REQUEST
- C. LIST OF OWNERS OF SURROUNDING PROPERTY WITHIN THE CITY LIMITS
- D. LIST OF OWNERS OF ALL PROPERTY TO BE ANNEXED
- E. AUTHORIZATION OF AGENT
- F. MAP OF AREA (FORM F IS AN EXAMPLE ONLY)

(Provide a map of the area of the annexation request. Show all land uses for at least 200 feet in all directions outside the area and outline the area to be annexed.)

G. PETITION FOR ORIGINAL ZONING

(NOTE: Filing Fee of \$250.00 (City Code Sec. 10-1) must be received with annexation petition.)

ALL ANNEXATION IS BY ORDINANCE, AND ONLY THE CITY COUNCIL HAS THE AUTHORITY TO MAKE OR TO CHANGE AN ORDINANCE. THE COUNCIL HAS ASSIGNED THE STUDY OF ANNEXATION TO THE CITY PLANNING AND ZONING COMMISSION, WHICH WILL MAKE RECOMMENDATIONS TO THE COUNCIL. THIS REQUEST FOR ANNEXATION WILL NOT BE EFFECTIVE UNLESS IT IS PASSED BY THE CITY COUNCIL.

(NOTE: The Planning and Zoning Commission hears all requests on the first Tuesday of each month at 1:30 p.m. in the City Council Chambers, City Hall, 212 N. Bonner Avenue)

ANNEXATION PETITIONS MUST BE FILED IN THE PLANNING AND ZONING DEPARTMENT, TYLER DEVELOPMENT CENTER, 423 WEST FERGUSON.

THE FILING DEADLINE FOR THE _____, PLANNING AND ZONING COMMISSION MEETING WILL BE _____, _____ AT 5:00 P.M. PLEASE HAVE A REPRESENTATIVE PRESENT AT ALL PUBLIC HEARINGS. THE APPLICANT HAS THE DUTY TO PRODUCE EVIDENCE BEFORE THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL TO JUSTIFY THE PROPOSED ANNEXATION.

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Exhibit "C"
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FORM A

REQUEST FOR ANNEXATION
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; a metes and bounds description is required), to-wit:

We certify that the above-described tract of land lies adjacent to and adjoins the City of Tyler, Texas, and that this petition is signed and duly acknowledged by each and every person or corporation having an interest in said land.

Ed Thompson

2870 Latosha Ln.
Tyler TX 75706

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FORM B

APPLICANT'S SUPPORT INFORMATION FOR ANNEXATION REQUEST

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 use this property for the following purpose(s):

Town homes - R1D

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

develop w/ in City of Tyler

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

Undeveloped

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)

Broadway

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

903-780-0360
Owner's Telephone Number

SIGNED:

North Chase Development LLC
OWNER (of property to be annexed)

OR

Agent's Telephone Number

Edward Stinson
AGENT (When applicable. See Form E)

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Exhibit "C"
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N/A

FORM D

LIST OWNERS OF ALL PROPERTY TO BE ASSESSED

List the names and addresses of all owners of property included within the area to be annexed. (Please print)

NAME	MAILING ADDRESS
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

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Exhibit "C"



N/A

FORM E

AUTHORIZATION OF AGENT

We, the undersigned, being owners of real property to be annexed according to this Application, do hereby authorize (print name and address of agent) _____ 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. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____

(This form is necessary only when the person representing this request does not own any of the property to be annexed. Person must also sign Forms B & C as "Agent".)

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Exhibit "C"



FORM G

PETITION FOR ORIGINAL ZONING OF 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) R-10. 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. A metes and bounds description is required.

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.*

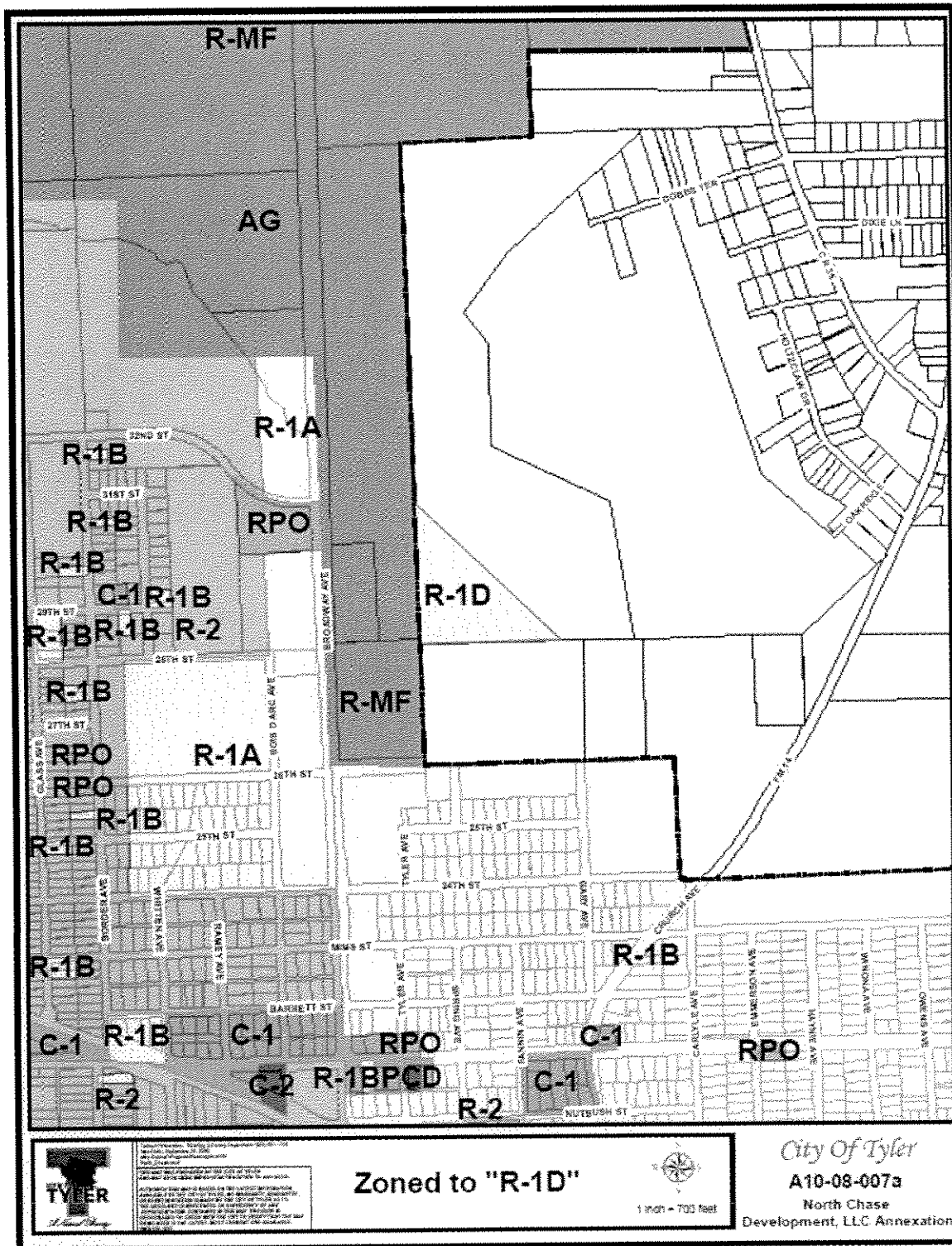
PROPERTY OWNERS' SIGNATURES

Edward Thompson

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 area of the City for which the annexed area will become a part.

EXHIBIT "D"
Zoning Map



City of Tyler, Texas Planning Department 2008-05-07
Map Scale: 1 inch = 700 feet
Map Date: 05/07/08
Map Title: Zoning Map
Map Author: City of Tyler
Map Reviewer: City of Tyler
Map Approved: City of Tyler
Map Contact: City of Tyler
Map Copyright: City of Tyler
Map Disclaimer: This map is provided for informational purposes only. It is not intended to be used as a legal document. The City of Tyler is not responsible for any errors or omissions on this map. The City of Tyler is not responsible for any damages or losses resulting from the use of this map.

Zoned to "R-1D"



City of Tyler
A10-08-007a
North Chase
Development, LLC Annexation