



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-1

Date: April 23, 2008

Subject: APPLICATION A12-07-001B CITY OF TYLER WATER UTILITY DEPARTMENT

Request that the City Council consider adoption of an ordinance amending certain sparsely populated and owner requested territory, known generally as Lake Bellwood, constituting approximately 357.615 acres of land out of the George Myers Survey, A-643, the S.A. & M.G.R.R. Co. Survey, A-963, the E.D. Holland Survey, A-478 and the McKinney & Williams Survey, A-727 as described by a metes and bounds description. The property to be annexed is located west of Loop 323 WSW, north and west of The Cascades residential development, west of All Saints Episcopal School, and south of County Road 1138.

Also consider establishing:

- A. The new boundary of the City Limits.**
- B. The new boundary of the Extraterritorial Jurisdiction.**
- C. The new boundary of the City Council Districts.**
- D. The Land Use Guide to reflect recreational and open space land uses.**
- E. Original zoning for 357.615 acres of “OSP” Open Space and Parkland with a “MU-O” Municipal Use Overlay.**

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Item Reference: Texas Local Government Code Section 43.028; Annexation of Sparsely Populated Areas

The City of Tyler is the owner of Lake Bellwood and surrounding dry land, and is proposing “OSP” zoning with a municipal use overlay. The applicant is requesting annexation under the guidelines for sparsely populated areas pursuant to Texas Local Government Code Section 43.028. This section provides for the annexation of sparsely populated areas without the requirements associated with other types of annexations. Section 43.028 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 north of the Cascades residential development, west of All Saints Episcopal School, and south of County Road 1138. The subject property is contiguous to the City of Tyler corporate limits on the south and north. The property consists of Lake Bellwood and vacant land that is currently used for a water resource area and also for fishing and picnicking.

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The newly adopted Future Land Use Guide depicts this area as recreational and open space land uses. With the newly adopted Unified Development Code (UDC), a new zoning district “OSP” Open Space and Parkland, has been created. This district will address the needs of the public to protect this site. The open space and parkland district was created in order to preserve and enhance both public and private open space and recreational areas throughout the City. By annexing this property and zoning this property as “OSP”, the property will be required to follow all regulations under City Ordinances, specifically, the Landscape and Tree Preservation Ordinance. The City has no current plans for development. The site is recommended for an overlay district that protects the water resource and that allows municipal uses.

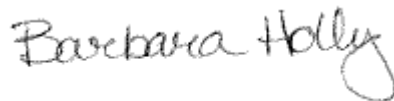
Of the 18 notices mailed, one notice was returned in favor of the request and one notice (0.33 percent of the land area) was returned in opposition to the request. At the April 15, 2008, Planning and Zoning Commission meeting there were two citizens who spoke. Ms. Jan Wood, who was not against the annexation, shared concerns about tree protection, the wetlands and the overall preservation of the site as a nature preserve. She asked that the City appoint an oversight committee to assist in the design of the 37 acre piece adjacent to the hotel/conference center approved on the north side of the lake. Mr. Larry Meckley spoke against the application.

All other departments have reviewed the request and anticipate improved impact on services with the proposed annexation and original zoning designations.

RECOMMENDATION:

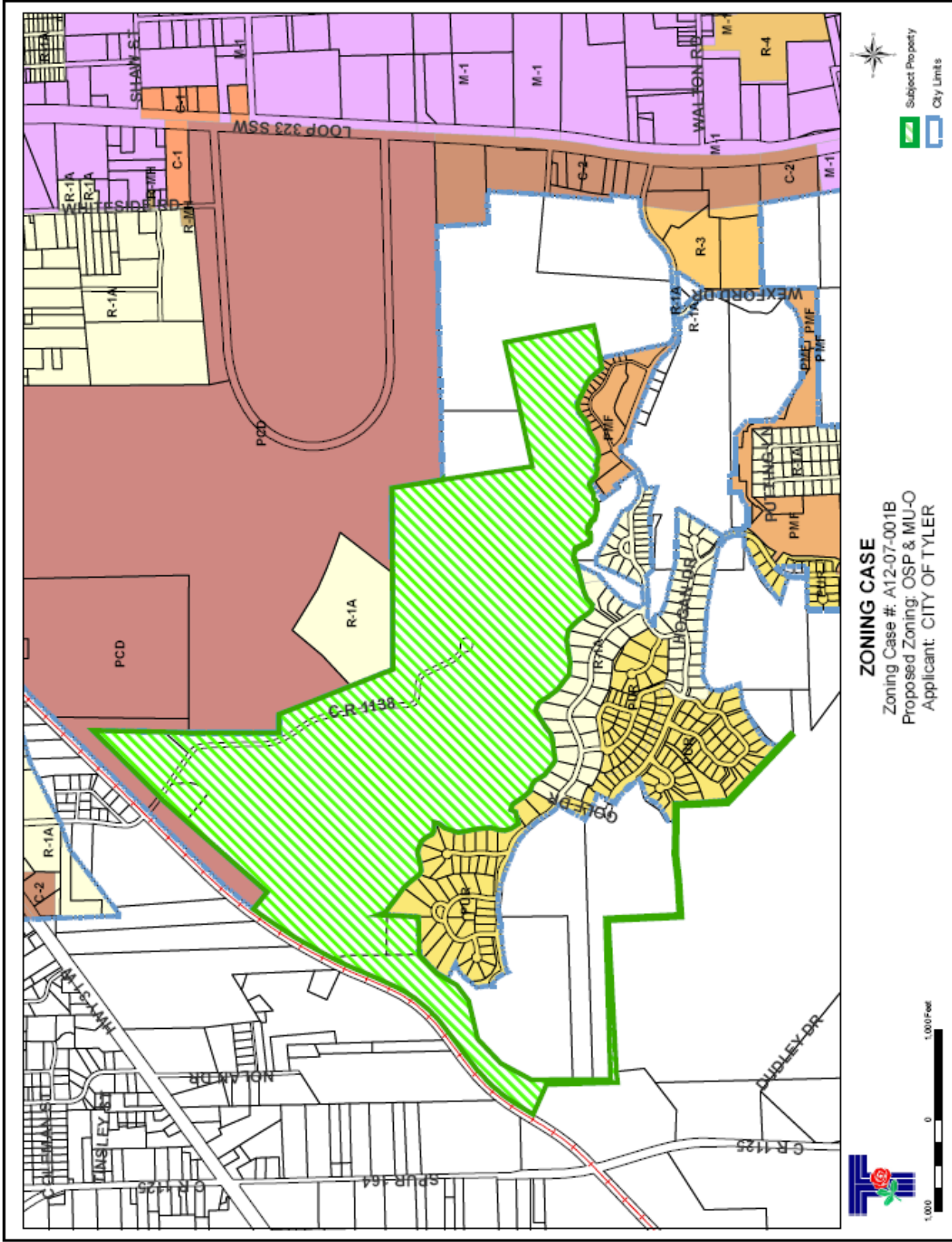
The Planning and Zoning Commission, by a vote of 7-0, recommends that the City Council approve the annexation by adopting the attached ordinance that does the following:

- Establishes the new boundary of the City Limits;
- Establishes the new boundary of the Extraterritorial Jurisdiction;
- Establishes the new boundary of the City Council Districts;
- Implements the Land Use Guide to reflect recreational and open space land uses; and
- Establishes original zoning for 357.615 acres of “OSP” Open Space and Parkland with a “MU-O” Municipal Use Overlay.



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

Edited/Submitted By:
City Manager



ORDINANCE NO. O-2008-49

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 A12-07-001B; CONSTITUTING APPROXIMATELY 357.615 ACRES OF LAND OUT OF THE GEORGE MYERS SURVEY, A-643, THE S.A. & M.G.R.R. CO. SURVEY, A-963, THE E.D. HOLLAND SURVEY, A-478 AND THE MCKINNEY & WILLIAMS SURVEY, A-727, AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE CITY OF TYLER EXTRATERRITORIAL JURISDICTION; ESTABLISHING THE INITIAL LAND USE DESIGNATION, ESTABLISHING NEW BOUNDARIES OF THE CITY COUNCIL DISTRICTS; AND ESTABLISHING ORIGINAL ZONING.

WHEREAS, a public hearing was held before the City Council of the City of Tyler, Texas, on the 23rd day of April, 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 357.615 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 10-801, 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.0-2008-20 and the City's ETJ are hereby adjusted as described in Tyler City Code Section 10-143 and that section and maps 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 "OSP" Open Space/Parkland with MU-O Municipal-Use Overlay as shown on Exhibit "D", hereinabove mentioned.

PART 4: That the initial Land Use Designation for the annexed area is hereby established as recreational and open space land uses, 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 District #2, 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 after the date of its passage and approval by the City Council and after publication of the new amendments to Chapter 10 in the UDC ordinance adopted earlier today, which date is expected to be April 24, 2008.

PASSED AND APPROVED THIS the 23rd day of April A. D., 2008.

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

A T T E S T:

APPROVED:

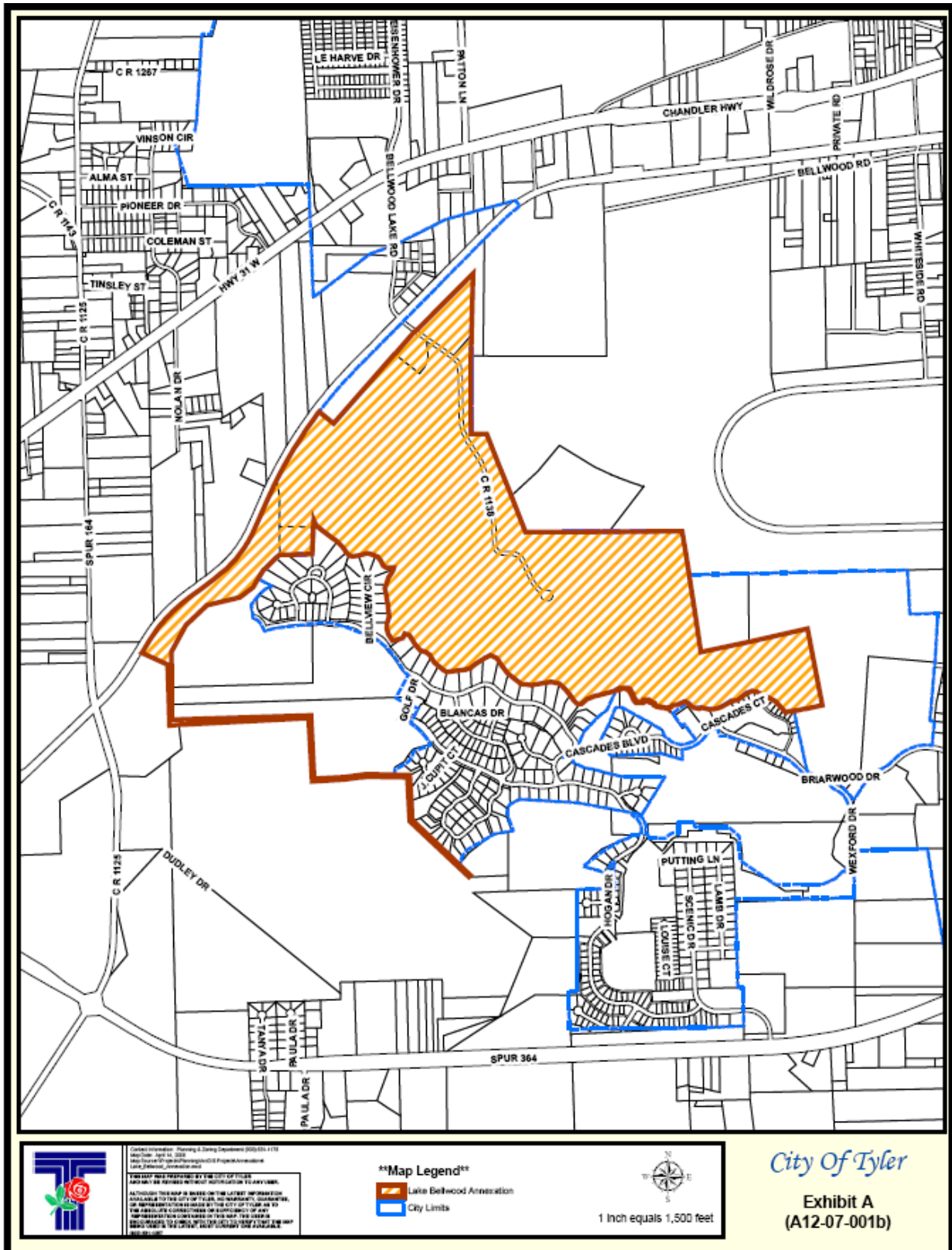
CITY CLERK

CITY ATTORNEY

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

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EXHIBIT "A"
MAP



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EXHIBIT "B"
LEGAL DESCRIPTION
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E.L.S. SURVEYING & MAPPING, INC.
2004 W. Grande Blvd.
903-581-7759

Tyler, Texas
Fax 903-581-5279



HARRY L. JOHNSON & ASSOC.
75703-0537
903-581-2631

November 13, 2007

**FIELD NOTES FOR 357.615 ACRES OF LAND
GEORGE MYERS SURVEY, ABSTRACT No. 643
S.A. & M.G.R.R. Co. SURVEY, ABSTRACT No. 963
E.D. HOLLAND SURVEY, ABSTRACT No. 478
McKINNEY & WILLIAMS SURVEY, ABSTRACT No. 727
SMITH COUNTY, TEXAS**

BEING 357.615 ACRES OF LAND situated in the George Myers Survey, Abstract No. 643, the S.A. & M.G.R.R. Co. Survey, Abstract No. 963, the E.D. Holland Survey, Abstract No. 478 and the McKinney & Williams Survey, Abstract No. 727, Smith County, Texas and being all of that certain called 37.3 acre tract described as "Tract A" and all of that certain called 78.8 acre tract described as the "Tract D" in a deed dated May 4, 1917 from Ben B. Cain to the City of Tyler as recorded in Volume 131, Page 190 of the Deed Records of Smith County, Texas, all of that certain called 21.148 acre tract and all of that certain called 1.489 acre tract described in a deed dated April 5, 2004 from Cascade Properties, Ltd. to the City of Tyler as recorded in Volume 7439, Page 388 of the Official Public Records of Smith County, Texas, and all of that certain called 239.6 acre tract described in a deed dated December 8, 1916 from Ben B. Cain to Tyler Water Company as recorded in Volume 127, Page 579 of the Deed Records of Smith County, Texas save and except that certain called 21.148 acre tract described in a deed dated February 18, 2004 from the City of Tyler to Cascade Properties, Ltd. as recorded in Volume 7438, Page 423 of the Official Public Records of Smith County, Texas, said 357.615 acre tract being more particularly described by metes and bounds as follows:

Note: Bearings are based on Texas State Plane Coordinate System, North Central Zone (1927 Datum) as collected by a Trimble 5700 GPS unit.

BEGINNING at a 1- $\frac{1}{4}$ " sucker rod found for an ell corner in the easternmost north line of said called 78.8 acre tract, said point being the westernmost southwest corner of that certain called 100.3411 acre tract described in a deed to All Saints Episcopal School as recorded in Volume 3282, Page 232 of the Land Records of Smith County, Texas, and having a coordinate value of N=246,160.89, E=2,663,184.64;

THENCE North 79°02'20" East with the easternmost north line of said called 78.8 acre tract and the westernmost south line of said called 100.3411 acre tract a distance of 1400.76 feet to a 1- $\frac{1}{2}$ " iron pipe found for the easternmost northeast corner of said called 78.8 acre tract and an ell corner of said called 100.3441 acre tract, said point having a coordinate value of N=246,427.24, E=2,664,559.84, from said point a 36" Red Oak marked "X" bears North 48°55' West a distance of 3.1 feet;

THENCE South 11°49'15" East with the southernmost east line of said called 78.8 acre tract and a west line of said called 100.3411 acre tract a distance of 1002.33 feet to a $\frac{1}{2}$ " iron rod set for the easternmost southeast corner of said called 78.8 acre tract and an ell corner of said called 100.3411 acre tract, said point having a coordinate value of N=245,446.17, E=2,664,765.17;

THENCE South 78°44'54" West with the easternmost south line of said called 78.8 acre tract and the southernmost north line of said called 100.3411 acre tract a distance of 346.00 feet to a $\frac{1}{2}$ " iron rod found for the southernmost northwest corner of said called 100.3411 acre tract, said point being the northeast corner of the Condos at the Cascades, according to the plat of same as recorded in Cabinet D, Slide 318-A of the Official Plat Records of Smith County, Texas, said point also being the northeast corner of the Tyler Cascades, Unit One, Section One, according to the plat of same as recorded in Cabinet D, Slides 224-A, 224-B and 224-C of the Official Plat Records of Smith County, Texas;

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THENCE South 78°31'28" West with the easternmost south line of said called 78.8 acre tract and the north line of said Condos at the Cascades and said Tyler Cascades, Unit One, Section One a distance of 108.33 feet to the southernmost southwest corner of said called 78.8 acre tract and the east corner of said Cascade Properties, Ltd. called 21.148 acre tract;

THENCE with the southwest line of said called 78.8 acre tract, the northeast line of said Cascade Properties, Ltd. called 21.148 acre tract, the northeast line of said Condos at the Cascades and the northeast line of the Cascades Addition, Unit 5, according to the plat of same as recorded in Document No. R00057215 of the Official Plat Records of Smith County, Texas as follows:

North 40°00'43" West a distance of 73.01 feet to a point for corner;
North 40°53'00" West a distance of 120.19 feet to a point for corner;
North 62°22'39" West a distance of 284.58 feet to a point for corner;
North 85°36'05" West a distance of 48.29 feet to a point for corner;
South 70°35'24" West a distance of 70.35 feet to a point for corner;
South 51°52'53" West a distance of 151.15 feet to a point for corner;
South 83°35'06" West a distance of 76.32 feet to a point for corner;
South 59°43'37" West a distance of 62.73 feet to a point for corner;
South 61°23'21" West a distance of 110.87 feet to a point for corner;
South 74°53'38" West a distance of 78.53 feet to a point for corner;
South 84°42'43" West a distance of 66.94 feet to a point for corner;
North 73°01'33" West a distance of 97.45 feet to a point for corner;
South 66°20'14" West a distance of 30.71 feet to a point for corner;
North 78°30'38" West a distance of 85.26 feet to a point for corner;
North 49°54'45" West a distance of 128.34 feet to a point for corner;
South 70°51'40" West a distance of 27.73 feet to a point for corner;
South 63°04'14" West a distance of 84.30 feet to a point for corner;
South 86°43'27" West a distance of 59.49 feet to a point for corner;
South 35°07'10" West a distance of 32.15 feet to a point for corner;
South 84°41'04" West a distance of 115.58 feet to a ½" iron rod found;
North 72°35'37" West a distance of 137.29 feet to a point for corner;
North 61°56'48" West a distance of 129.80 feet to a point for corner;
South 53°47'40" West a distance of 53.23 feet to a point for corner;
North 82°31'11" West a distance of 73.80 feet to a point for corner;
North 32°50'21" West a distance of 86.95 feet to a ½" iron rod found;
North 24°49'13" West a distance of 78.33 feet to a point for corner;
North 64°26'49" West a distance of 85.74 feet to a point for corner;
South 77°30'57" West a distance of 94.35 feet to a point for corner, from which a ½" iron rod found bears South 72°30'45" West a distance of 24.12 feet;
South 74°05'15" West a distance of 171.22 feet to a point for corner;
South 76°35'56" West a distance of 160.73 feet to a point for corner;
South 67°38'46" West a distance of 76.71 feet to a point for corner;
South 48°51'24" West a distance of 99.95 feet to a point for corner;
North 82°20'26" West a distance of 58.44 feet to a point for corner;
North 45°14'23" West a distance of 61.86 feet to a point for corner;
North 32°27'32" West a distance of 82.73 feet to a point for corner, from which a ½" iron rod found with cap bears South 47°48'33" West a distance of 21.56 feet;
North 38°41'17" West a distance of 85.80 feet to a point for corner;
North 45°53'50" West a distance of 111.22 feet to a point for corner, from which a ½" iron rod found with cap bears South 23°29'20" West a distance of 22.80 feet;
North 78°43'21" West a distance of 114.23 feet to a point for corner, from which a ½" iron rod found with cap bears South 62°29'24" West a distance of 65.74 feet;
South 80°41'56" West a distance of 245.72 feet to a point for corner;
North 81°37'10" West a distance of 60.99 feet to a point for corner;
North 85°38'11" West a distance of 74.81 feet to a point for corner, from which a 1-½" iron pipe found bears South 24°56'25" West a distance of 96.16 feet;
North 51°24'29" West a distance of 102.97 feet to a point for corner;
North 52°09'18" West a distance of 109.32 feet to a point for corner, from which a ½" iron rod found bears South 48°46'10" East a distance of 12.82 feet;
North 36°53'43" West a distance of 114.62 feet to a point for corner;

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EXHIBIT "B"
LEGAL DESCRIPTION

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North 32°43'04" West a distance of 125.16 feet to a point for corner, from which a ½" iron pipe found bears South 43°05'21" West a distance of 93.05 feet;
North 66°12'19" West a distance of 88.00 feet to a point for corner;
South 63°10'40" West a distance of 69.53 feet to a point for corner, from which a ½" iron rod found bears South 36°20'29" West a distance of 56.46 feet;
South 57°36'49" West a distance of 147.56 feet to a point for corner;
South 53°47'18" West a distance of 95.27 feet to a point for corner, from which a ½" iron rod found bears South 32°19'23" East a distance of 20.45 feet;
South 74°04'59" West a distance of 54.61 feet to a point for corner, from which a 3" iron pipe found bears South 00°37'09" East a distance of 86.52 feet;
South 82°56'06" West a distance of 145.35 feet to a point for corner;
South 81°23'13" West a distance of 94.18 feet to a point for corner;
South 59°42'19" West a distance of 55.72 feet to a ½" iron rod found;
North 50°58'46" West a distance of 146.65 feet to a point for corner, from which a ½" iron rod found bears South 50°59'39" East a distance of 62.49 feet;
North 32°37'10" West a distance of 116.53 feet to a point for corner, from which a ½" iron rod found bears South 10°33'21" East a distance of 46.92 feet;
North 52°45'40" West a distance of 67.16 feet to a point for corner;
North 66°52'00" West a distance of 73.29 feet to a point for corner, from which a 3" iron pipe found bears South 69°12'39" West a distance of 84.26 feet;
North 40°11'21" West a distance of 98.27 feet to a point for corner;
North 33°32'45" West a distance of 140.87 feet to a point for corner;
North 68°56'46" West a distance of 64.65 feet to a point for corner;
South 23°40'39" West a distance of 60.38 feet to a point for corner;
South 75°23'23" West a distance of 132.87 feet to a ½" iron rod found, from which a ½" iron rod found with cap bears North 49°16'50" East a distance of 2.44 feet;
North 33°55'21" West a distance of 99.17 feet to a point for corner;
North 16°16'46" West a distance of 74.64 feet to a point for corner;
North 06°32'16" East a distance of 75.91 feet to a point for corner, from which a ½" iron rod found with cap bears South 67°53'43" West a distance of 1.20 feet;
North 18°37'33" East a distance of 77.79 feet to a point for corner, from which a ½" iron rod found with cap bears North 05°56'12" West a distance of 43.46 feet;
North 04°34'07" West a distance of 87.27 feet to a point for corner, from which a ½" iron rod found with cap bears South 62°21'55" West a distance of 0.93 feet;
North 04°55'51" West a distance of 53.91 feet to a point for corner, from which a ½" iron rod found with cap bears South 63°30'54" West a distance of 0.79 feet, another ½" iron rod found with cap bears North 11°34'07" West a distance of 27.08 feet;
North 09°51'27" West a distance of 225.75 feet to a point for corner, from which a ½" iron rod found with cap bears North 18°35'55" East a distance of 49.06 feet;
North 18°47'22" East a distance of 156.67 feet to a point for corner;
North 37°20'42" East a distance of 74.63 feet to a point for corner;
North 18°41'41" East a distance of 59.73 feet to a point for corner, from which a ½" iron rod found with cap bears South 09°55'44" East a distance of 0.43 feet, another ½" iron rod found with cap bears South 18°11'21" West a distance of 20.61 feet;
North 88°55'07" West a distance of 96.45 feet to a point for corner;
North 59°15'10" West a distance of 43.36 feet to a point for corner;
North 25°57'52" West a distance of 67.26 feet to a point for corner;
North 36°54'01" West a distance of 69.46 feet to a point for corner;
North 65°54'23" West a distance of 50.04 feet to a point for corner, from which a ½" iron rod found with cap bears South 65°56'49" East a distance of 16.70 feet;
North 67°57'01" West a distance of 51.18 feet to a point for corner;
North 80°07'07" West a distance of 42.32 feet to a point for corner;
South 74°48'09" West a distance of 111.37 feet to a point for corner, from which a ½" iron rod found with cap bears North 24°59'08" East a distance of 0.10 feet;
South 84°25'19" West a distance of 87.08 feet to a point for corner, from which a ½" iron rod found bears North 82°58'16" East a distance of 17.77 feet;
North 69°23'59" West a distance of 41.97 feet to a ½" iron rod found;
North 38°07'20" West a distance of 140.27 feet to a point for corner;
North 42°31'50" West a distance of 103.11 feet to a point for corner;
North 54°06'55" West a distance of 74.34 feet to a point for corner;
North 52°28'14" West a distance of 156.46 feet to a point for corner;
North 51°39'08" West a distance of 35.23 feet to a point for corner;

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North 52°13'32" West a distance of 50.74 feet to a point for corner;
North 27°50'39" West a distance of 50.72 feet to a point for corner;
North 20°37'09" West a distance of 30.36 feet to a ½" iron rod set for corner, said point being the north corner of said Cascade Properties, Ltd. called 21.148 acre tract, said point also being the north corner of said Cascades Addition, Unit 5 and having a coordinate value of N=247,866.57, E=2,658,262.42;

THENCE South 03°10'11" West with the west line of said Cascade Properties, Ltd. called 21.148 acre tract and the northernmost west line of said Cascades Addition, Unit 5 a distance of 433.31 feet to a ½" iron rod found with cap, said point being the southwest corner of said Cascade Properties, Ltd. called 21.148 acre tract and an ell corner of said Cascades Addition, Unit 5, said point being in the south line of said called 239.6 acre tract and having a coordinate value of N=247,433.92, E=2,658,238.46;

THENCE South 88°27'36" West with the south line of said called 239.6 acre tract and the north line of said Cascades Addition, Unit 5 a distance of 416.23 feet to a ½" iron pipe found in concrete for the southwest corner of said called 239.6 acre tract and the southeast corner of said City of Tyler called 21.148 acre tract;

THENCE South 52°32'21" West with the southeast line of said City of Tyler called 21.148 acre tract and the northwest line of said Cascades Addition, Unit 5 a distance of 78.58 feet to a ½" iron rod set for corner, from which a ½" iron rod found with cap bears North 48°50'53" East a distance of 16.66 feet;

THENCE South 45°37'36" West continuing with the southeast line of said City of Tyler called 21.148 acre tract and the northwest line of said Cascades Addition, Unit 5 a distance of 205.43 feet to a ½" iron rod set for corner;

THENCE South 32°09'07" West with the southeast line of said City of Tyler called 21.148 acre tract and the northwest line of said Cascades Addition, Unit 5 a distance of 261.80 feet to a ½" iron rod set for corner, from which a ½" iron rod found bears North 32°55'15" East a distance of 130.06 feet, another ½" iron rod found bears South 42°36'07" East a distance of 119.57 feet;

THENCE with the southeast line of said City of Tyler called 21.148 acre tract as follows:

South 53°37'52" West a distance of 214.86 feet to a ½" iron rod set for corner;
South 77°31'25" West a distance of 434.70 feet to a ½" iron rod found;
South 46°39'32" West a distance of 365.24 feet to a ½" iron rod found with cap;
South 28°21'42" West a distance of 388.76 feet to a ½" iron rod found with cap, said point having a coordinate value of N=246,195.53, E=2,656,426.10;
South 00°03'47" West a distance of 869.10 feet to a ½" iron rod found;
North 88°46'07" East a distance of 1778.72 feet to a ½" iron rod found with cap, said point having a coordinate value of N=245,364.65, E=2,658,203.46;
South 02°20'26" East a distance of 809.73 feet to a ½" iron rod found with cap;
North 87°03'36" East a distance of 108.62 feet to a ½" iron rod found;
North 87°20'49" East a distance of 280.06 feet to a ½" iron rod found with cap;
North 83°33'17" East a distance of 260.46 feet to the southernmost northeast corner of said City of Tyler called 21.148 acre tract, said point being the northernmost northwest corner of said called 1.489 acre tract;

THENCE with the northeast line of said called 1.489 acre tract as follows:

North 83°33'17" East a distance of 17.73 feet to a ½" iron rod found;
South 88°52'18" East a distance of 560.83 feet to a ½" iron rod found with cap, said point having a coordinate value of N=244,594.32, E=2,659,461.93;
South 02°13'49" East a distance of 575.94 feet to a point for corner, from which a ½" iron rod found bears South 45°51'01" East a distance of 54.73 feet;
South 45°51'01" East a distance of 1030.12 feet to a point for corner, said point being the southernmost northeast corner of said called 1.489 acre tract, from which a ½" iron rod found bears North 45°51'01" West a distance of 379.76 feet;

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THENCE South 44°08'32" West with the southernmost east line of said called 1.489 acre tract a distance of **30.67 feet** to a point for corner, said point being the southernmost southeast corner of said called 1.489 acre tract and the northwest corner of that certain called 1.86 acre tract described in a deed to Greenbriar Lake Club as recorded in Volume 1023, Page 713 of the Deed Records of Smith County, Texas, said point being in the northeast line of that certain called 27.331 acre tract described in a deed to Greenbriar Orchard Company as recorded in Volume 810, Page 284 of the Deed Records of Smith County, Texas;

THENCE North 45°51'01" West with the southwest line of said called 1.489 acre tract and the northeast line of said called 27.331 acre tract a distance of **1042.13 feet** to a ½" iron rod found, said point being the southeast corner of that certain called 6.17 acre tract described in a deed to Greenbriar Lake Club as recorded in Volume 1023, Page 713 of the Deed Records of Smith County, Texas and having a coordinate value of **N=244,005.16, E=2,659,454.36**;

THENCE North 02°13'49" West with the southwest line of said called 1.489 acre tract and the east line of said called 6.17 acre tract a distance of **560.51 feet** to an ell corner of said called 1.489 acre tract, said point being the northeast corner of said called 6.17 acre tract;

THENCE North 88°52'18" West with the southwest line of said called 1.489 acre tract and the north line of said called 6.17 acre tract a distance of **529.27 feet** to a ½" iron rod found;

THENCE South 83°30'21" West continuing with the southwest line of said called 1.489 acre tract and the north line of said called 6.17 acre tract a distance of **15.64 feet** to a point for corner, said point being the northernmost southwest corner of said called 1.489 acre tract and the southernmost southeast corner of said City of Tyler called 21.148 acre tract;

THENCE South 83°30'21" West with the southwest line of said City of Tyler called 21.148 acre tract and the north line of said called 6.17 acre tract a distance of **262.30 feet** to a ½" iron rod found;

THENCE South 87°11'34" West continuing with the southwest line of said City of Tyler called 21.148 acre tract and the north line of said called 6.17 acre tract, also with a north line of that certain called 117.95 acre tract described in a deed to Greenbriar Orchard Company as recorded in Volume 165, Page 279 of the Deed Records of Smith County, Texas a distance of **280.12 feet** to a ½" iron rod found in same;

THENCE South 87°25'39" West with the southwest line of said City of Tyler called 21.148 acre tract and a north line of said called 117.95 acre tract a distance of **139.77 feet** to a ½" iron rod found for a southwest corner of said City of Tyler called 21.148 acre tract and an ell corner of said called 117.95 acre tract, said point having a coordinate value of **N=244,524.25, E=2,658,207.81**;

THENCE North 02°20'32" West with the southwest line of said City of Tyler called 21.148 acre tract and the northernmost east line of said called 117.95 acre tract a distance of **810.40 feet** to a ½" iron rod found for an ell corner of said City of Tyler called 21.148 acre tract and the northernmost northeast corner of said called 117.95 acre tract, said point being in the north line of said McKinney & Williams Survey and the south line of said S.A. & M.G.R.R. Co. Survey;

THENCE South 88°46'16" West with the southwest line of said City of Tyler called 21.148 acre tract, the westernmost north line of said called 117.95 acre tract, the north line of said McKinney & Williams Survey and the south line of said S.A. & M.G.R.R. Co. Survey a distance of **1780.72 feet** to a ½" iron rod found for a southwest corner of said City of Tyler called 21.148 acre tract and the northwest corner of said called 117.95 acre tract, said point being the northwest corner of said McKinney & Williams Survey, the southwest corner of said S.A. & M.G.R.R. Co. Survey and in the east line of the Thomas Largent Survey, Abstract No. 611, said point also being in the east line of that certain called 17.92 acre tract described in a deed to the State of Texas as recorded in Volume 178, Page 418 of the Deed Records of Smith County, Texas and having a coordinate value of **N=245,295.78, E=2,656,394.38**;

THENCE North 00°05'31" East with the southwest line of said City of Tyler called 21.148 acre tract, the east line of said called 17.92 acre tract, the east line of that certain called 3.561

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EXHIBIT "B" LEGAL DESCRIPTION

Page 6 of 7

acre tract described in a deed to the State of Texas as recorded in Volume 184, Page 134 of the Deed Records of Smith County, Texas, the west line of said S.A. & M.G.R.R. Co. Survey and the east line of said Thomas Largent Survey a distance of 854.52 feet to a 4" iron pipe found, said point being an ell corner of said City of Tyler called 21.148 acre tract and the northeast corner of said called 3.561 acre tract;

THENCE North 60°42'29" West with the southwest line of said City of Tyler called 21.148 acre tract and the northeast line of said called 3.561 acre tract a distance of 313.08 feet to a 4" iron pipe found, said point being the southwest corner of said City of Tyler called 21.148 acre tract, the north corner of said called 3.561 acre tract, said point also being in the southeast right of way of St. Louis and Southwestern Railroad and having a coordinate value of N=246,303.48, E=2,656,122.71;

THENCE North 32°03'48" East with the northwest line of said City of Tyler called 21.148 acre tract and the southeast right of way of said railroad a distance of 76.89 feet to a point, said point being the point of curvature of a curve to the right having a radius of 1931.93 feet, a delta angle of 21°27'25" and a chord that bears North 43°06'54" East a distance of 719.28 feet;

THENCE continuing with the northwest line of said City of Tyler called 21.148 acre tract, the southeast right of way of said railroad and along said curve a distance of 723.50 feet to the point of tangency;

THENCE North 53°54'48" East continuing with the northwest line of said City of Tyler called 21.148 acre tract and the southeast right of way of said railroad a distance of 476.52 feet to a point, said point being the point of curvature of a curve to the left having a radius of 1527.58 feet, a delta angle of 28°45'29" and a chord that bears North 38°28'09" East a distance of 758.70 feet;

THENCE continuing with the northwest line of said City of Tyler called 21.148 acre tract, the southeast right of way of said railroad and along said curve a distance of 766.72 feet to the point of tangency;

THENCE North 24°02'15" East continuing with the northwest line of said City of Tyler called 21.148 acre tract, the southeast right of way of said railroad a distance of 338.29 feet to a point, said point being the point of curvature of a curve to the right having a radius of 5630.37 feet, a delta angle of 13°02'22" and a chord that bears North 30°08'40" East a distance of 1278.60 feet;

THENCE continuing with the northwest line of said City of Tyler called 21.148 acre tract, the southeast right of way of said railroad, the northwest line of said called 239.6 acre tract and along said curve a distance of 1281.36 feet to the point of tangency, said point being a northwest corner of said called 239.6 acre tract and a west corner of that certain called 941.292 acre tract described in a deed to W.S. Wagley, Trustee as recorded in Volume 870, Page 502 of the Deed Records of Smith County, Texas, from which a ½" iron rod found with cap bears South 42°46'46" East a distance of 4.32 feet;

THENCE South 42°46'46" East with a northeast line of said called 239.6 acre tract and a southwest line of said called 941.292 acre tract a distance of 208.13 feet to a iron rod found with cap having a coordinate value of N=249,030.27, E=2,658,433.44, said point being an ell corner of said called 239.6 acre tract, a southeast corner of said called 941.292 acre tract, the westernmost southwest corner of said called 37.3 acre tract and the point of curvature of a non tangent curve to the right having a radius of 5480.05 feet, a delta angle of 09°12'31" and a chord that bears North 40°37'54" East a distance of 879.82 feet;

THENCE with the northwest line of said called 37.3 acre tract, a southeast line of said called 941.292 acre tract and along said curve a distance of 880.77 feet to the point of tangency, from which a ½" iron rod found with cap bears North 82°50'32" West a distance of 0.42 feet, another ½" iron rod found with cap bears North 65°23'16" West a distance of 0.82 feet;

THENCE North 45°10'52" East continuing with the northwest line of said called 37.3 acre tract and a southeast line of said called 941.292 acre tract a distance of 1790.99 feet to a ½" iron rod found with cap for the north corner of said called 37.3 acre tract and an ell corner of said

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EXHIBIT "B"
LEGAL DESCRIPTION
Page 7 of 7

called 941.292 acre tract, said point having a coordinate value of N=250,960.39, E=2,660,276.79, from which a sucker rod found (bent) bears South 76°06'46" East a distance of 0.06 feet;

THENCE South 01°49'30" East with the east line of said called 37.3 acre tract and a west line of said called 941.292 acre tract a distance of **2159.34 feet** to a 1-½" iron pipe found, said point being the southeast corner of said called 37.3 acre tract and a southwest corner of said called 941.292 acre tract, said point also being in the north line of said called 239.6 acre tract and having a coordinate value of N=248,802.14, E=2,660,345.56;

THENCE North 88°01'53" East with the north line of said called 239.6 acre tract and a southwest line of said called 941.292 acre tract a distance of **199.78 feet** to a 3" iron pipe found, said point being a northeast corner of said called 239.6 acre tract, the north corner of said called 78.8 acre tract and an ell corner of said called 941.292 acre tract, said point having a coordinate value of N=248,809.01, E=2,660,545.22;


THENCE South 31°10'48" East with the northeast line of said called 78.8 acre tract and a southwest line of said called 941.292 acre tract a distance of **1350.53 feet** to a 2-½" iron pipe found, said point being an ell corner of said called 78.8 acre tract, a southwest corner of said called 941.292 acre tract and having a coordinate value of N=247,653.56, E=2,661,244.43;

THENCE North 88°47'14" East continuing with the northeast line of said called 78.8 acre tract and a southwest line of said called 941.292 acre tract a distance of **1639.33 feet** to a ½" iron rod found with cap, said point being a northeast corner of said called 78.8 acre tract, an ell corner of said called 941.292 acre tract and having a coordinate value of N=247,688.26, E=2,662,883.39;

THENCE South 11°09'27" East continuing with the northeast line of said called 78.8 acre tract and a southwest line of said called 941.292 acre tract, and with the northernmost west line of said called 100.3411 acre tract a distance of **1556.79 feet** back to the **PLACE OF BEGINNING** and containing **357.615 ACRES OF LAND**.

I, E.L. Sartain, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from an actual on the ground survey made under my direction and supervision. See plat prepared even date.

GIVEN UNDER MY HAND AND SEAL, this the 13th day of November, 2007.



E.L. Sartain
Registered Professional Land Surveyor
State of Texas No. 1978
G:/2007/273648/273648.doc



EXHIBIT "C"
OWNER PETITION

Page 1 of 6



A12-07-001B

FORM A

REQUEST FOR ANNEXATION OF SPARSELY OCCUPIED AREA
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:

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 occupied 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 petition on the date shown below.

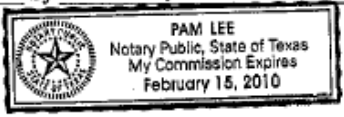
[Signature]
SIGNATURE
04/03/08
DATE

GABRIEL M MORGAN
PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 3rd day of April, 2008 by Kimber.



Pam Lee
Notary Public
State of Texas

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Exhibit "C"
Page 2 of 6



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 occupied 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 petition on the date shown below.

[Signature]
SIGNATURE
04/03/08
DATE

GREGORY M MORGAN
PRINT NAME
DIRECTOR OF UTILITIES & PUBLIC WORKS

SIGNATURE

DATE

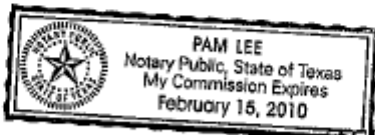
PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 3rd day of April,
2008 by Pam Lee.

Pam Lee
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 _____

ORDINANCE NO. 0-2008-49

Exhibit "C"

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FORM B

APPLICANT'S SUPPORT INFORMATION FOR REQUEST FOR ANNEXATION OF SPARSELY OCCUPIED AREA

Applicants shall 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 use this property for the following purpose(s):

WATER IMPOUNDMENT FOR DRINKING WATER

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

TO BRING IT INTO THE CITY UNDER ZONING PROTECTION

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

WATER IMPOUNDMENT (LAKE BELLWOOD)
RECREATION USES

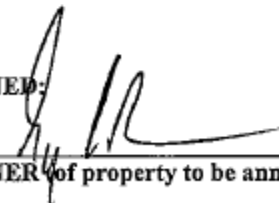
4. What is the location of the nearest water and sewer lines? Please indicate location on area map. (This information is available at the City Water Utilities Department, 511 West Locust Street)

WATER + SEWER ARE AVAILABLE AT CASCADES + BRIDGWOOD ESTATES

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

THIS WILL PROTECT A CITY ASSET.

903.531.1234
Owner's Telephone Number

SIGNED: 
OWNER (of property to be annexed)

OR

Agent's Telephone Number

AGENT (When applicable -- See Form E)

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Exhibit "C"
Page 4 of 6



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. CITY OF TYLER	PO BOX 2039 75710
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

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FORM D

LIST OF NAMES OF ALL QUALIFIED VOTERS RESIDING IN THE AREA

In order for an area to qualify for annexation under Texas Local Government Code Section 43.028, the area must be vacant or without residents, or on which fewer than three (3) qualified voters reside.

List the names, age and address of all qualified voters residing within the area requested to be annexed by this petition. For purposes of this annexation request, a qualified voter is an individual of legal age in the State of Texas, 18 years or older, which meets the residency requirements and is therefor qualified to register to vote.

<u>NAME AND AGE</u>	<u>MAILING ADDRESS</u>
1. <u>NONE</u>	
2. _____	
3. _____	
4. _____	
5. _____	
6. _____	
7. _____	
8. _____	
9. _____	
10. _____	

SIGNED:



Owner et al (of property to be annexed)

Agent (when applicable – See Form E)

ORDINANCE NO. 0-2008-49

Exhibit "C"
Page 6 of 6



FORM G

PETITION FOR ORIGINAL ZONING OF SPARSELY OCCUPIED 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) DPS - MU - O. 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



Agent (When Applicable - See Form E)

* The Planning and Zoning Commission in recommending any annexation, and the City Council in approving any 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.

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EXHIBIT "D"
Zoning Map

