

**ORDINANCE NO. O-2009-12**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CHANGING THE ZONING FROM "AG", AGRICULTURAL DISTRICT TO "C-1", LIGHT COMMERCIAL DISTRICT ON APPROXIMATELY 14.899 ACRES OF LAND, LOCATED AT THE SOUTHWEST INTERSECTION OF GRANDE BOULEVARD AND NEW COPELAND ROAD; DIRECTING THE AMENDMENT OF THE ZONING MAP; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Tyler, Texas, and the City Council of the City of Tyler, Texas, in compliance with the Charter and the State law with reference to the zoning ordinance of the City of Tyler, Texas, and zoning map, have given requisite notices by publication and otherwise and after holding a due hearing and affording a full and fair hearing to all the property owners, generally and to the persons interested, situated in the affected area and in the vicinity thereof, the City Council is of the opinion that the zoning change should be made as set forth herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:**

**PART 1:** That the following zone change is hereby approved as follows:

**I. APPLICATION Z02-09-007A**

That the following described property, which has heretofore been zoned "AG", Agricultural District, shall hereafter bear the zoning classification of "C-1", Light Commercial District, to-wit:

Approximately 14.899 acres located at the southwest intersection of Grande Boulevard and New Copeland Road, as described in a metes and bounds description as shown in Exhibit "A".

**PART 2:** That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning.

**PART 3:** Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

**PART 4:** That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 25<sup>th</sup> day of February, A.D., 2009.

Barbara Bass  
BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

Cassandra Brager  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

Mary C Landers  
CITY ATTORNEY

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- *Surveying*
- *Mapping*
- *Planning*

6712 Paluxy Drive • Tyler, Texas 75703 • 903.581.7800 • 903.581.3756

**Field Notes**  
**14.899 Acre Tract**  
**Susannah Butler Survey, A-86**  
**Job No. 200159**

Being a 14.899 acre tract situated in the Susannah Butler Survey, Abstract No. 86, part of a called 32.851 acre tract, (Tract Two), from Harriet Sue McArthur and Elbert Hayes Caldwell, Jr. to Mezayek Building, Limited described in a Deed recorded in Volume 3993, Page 434 of the Official Public Records of Smith County, Texas, said 14.899 acre tract being more completely described as follows:

**Beginning** at a ½" iron rod set in the East boundary line of said 32.851 acre tract and said Susannah Butler Survey, said iron rod set also being in the West boundary line of the Isaac Hill Survey, Abstract No. 474, from which a ½" iron rod found bears South 02 degrees 11 minutes 47 seconds East, a distance of 225.03 feet, said iron rod found being the Southeast corner of said 32.851 acre tract and also being in the North boundary line of Lot 1, Block 4 of Sleepy Hollow Addition, Unit 4 according to a plat thereof recorded in Cabinet B, Slide 157-C of the Plat Records of Smith County, Texas;

**Thence** South 86 degrees 52 minutes 18 seconds West, a distance of 250.76 feet to a ½" iron rod set;

**Thence** South 87 degrees 03 minutes 13 seconds West, a distance of 104.00 feet to a ½" iron rod set;

**Thence** South 87 degrees 11 minutes 26 seconds West, a distance of 105.19 feet to a ½" iron rod set;

**Thence** South 86 degrees 50 minutes 25 seconds West, a distance of 105.11 feet to a ½" iron rod set;

**Thence** South 87 degrees 00 minutes 41 seconds West, a distance of 585.67 feet to a ½" iron rod set;

**Thence** South 86 degrees 59 minutes 18 seconds West, a distance of 118.38 feet to a ½" iron rod set;

**Thence** South 86 degrees 55 minutes 22 seconds West, a distance of 118.62 feet to a ½" iron rod set;

**Thence** South 86 degrees 34 minutes 26 seconds West, a distance of 115.27 feet to a ½" iron rod set;

**Thence** North 02 degrees 05 minutes 28 seconds West, a distance of 130.88 feet to a ½" iron rod set;

**Thence** North 02 degrees 18 minutes 52 seconds West, a distance of 184.95 feet to a ½" iron rod set;

**Thence** North 02 degrees 12 minutes 02 seconds West, a distance of 264.71 feet to a ½" iron rod set;

**Thence** North 02 degrees 12 minutes 19 seconds West, a distance of 116.70 feet to a ½" iron rod set in the South right of way line of Grande Boulevard, (variable width right of way), said ½" iron rod set also being at the beginning of a curve in a clockwise direction;

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**Thence** along said South right of way line of Grande Boulevard and around said curve having a delta angle of 03 degrees 48 minutes 46 seconds, an arc distance of 168.36 feet, a radius of 2529.96 feet, and a chord of South 77 degrees 51 minutes 54 seconds East, a chord distance of 168.33 to a ½" iron rod found;

**Thence** South 76 degrees 40 minutes 46 seconds East, a distance of 1002.01 feet continuing along said South right of way line to a ½" iron rod set;

**Thence** South 40 degrees 21 minutes 03 seconds East, a distance of 282.34 feet continuing along said South right of way line to a ½" iron rod set;

**Thence** South 02 degrees 11 minutes 47 seconds East, a distance of 145.85 feet to the **PLACE OF BEGINNING containing 14.899 acres of land.**

Bearing basis is the Texas State Plane Coordinate System, Grid North Central Zone, NAD 83 (Feet) base on the 1993 adjustment of the NAD 83 System. The Reference Monument is Station FAA TYRA.

I, Roland Navarro, Registered Professional Land Surveyor No. 5876, 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 February, 2007.

GIVEN UNDER MY HAND AND SEAL, This 15th day of January, 2009.

*Roland Navarro*

**Roland Navarro, R.P.L.S. 5876**

200159(14.899Ac)C-11tractfn.doc

