

**ORDINANCE NO. O-2009-13**

**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 2.21 ACRES OF LAND, LOCATED AT THE NORTHWEST 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 Z02-09-008A**

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 2.21 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*  
MARY C LANDERS, CITY ATTORNEY

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**EXHIBIT "A" – Legal Description**  
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- *Surveying*
- *Mapping*
- *Planning*

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

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

**Being** a 2.214 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 2.214 acre tract being more completely described as follows:

**Beginning** at a ½" iron rod found in the West right-of-way line of Copeland Road, (100.00 foot wide right-of-way), at the beginning of a curve in a counterclockwise direction, said iron rod found being the Northeast corner of said 32.851 acre tract and also being the Southeast corner of a called 8.467 acre tract from Hayes Caldwell and Harriet Caldwell to the City of Tyler described in a Deed recorded in Volume 4642, Page 211 of said Smith County Official Public Records;

**Thence** along said West right-of-way line, the East boundary line of said 32.851 acre tract, and said curve having a delta angle of 07 degrees 21 minutes 25 seconds, an arc distance of 97.70 feet, a radius of 760.85 feet, and a chord of South 21 degrees 20 minutes 59 seconds East, a chord distance of 97.63 feet to a ½" iron rod found for corner in same, said iron rod found also being in the East boundary line of said Susannah Butler Survey and the West boundary line of the Marshall University Survey, Abstract No. 636;

**Thence** South 02 degrees 11 minutes 47 seconds East, a distance of 7.74 feet along the East boundary line of said 32.851 acre tract and said Susannah Butler Survey and the West boundary line of said Marshall University Survey to a ½" iron rod set for corner in the North right-of-way line of Grande Boulevard, (variable width right-of-way);

**Thence** South 43 degrees 22 minutes 52 seconds West, a distance of 154.71 feet along said North right-of-way line of Grande Boulevard to a ½" iron rod set for corner in same;

**Thence** North 76 degrees 27 minutes 30 seconds West, a distance of 522.77 feet continuing along said North right-of-way line of Grande Boulevard to a ½" iron rod set for corner in same at the beginning of a curve in a clockwise direction;

**Thence** continuing along said North right-of-way line of Grande Boulevard and said curve having a delta angle of 02 degrees 23 minutes 38 seconds, an arc distance of 118.50 feet, a radius of 2836.29 feet, and a chord of North 75 degrees 15 minutes 42 seconds West, a chord distance of 118.49 feet to a ½" iron rod found for corner in same;

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**Thence** North 74 degrees 03 minutes 53 seconds West, a distance of 140.58 feet continuing along said North right-of-way line of Grande Boulevard to a 1/2" iron rod found for corner in the North boundary line of said 32.851 acre tract and the South boundary line of said 8.467 acre tract;

**Thence** North 88 degrees 37 minutes 12 seconds East, a distance of 828.66 feet along the North boundary line of said 32.851 acre tract and the South boundary line of said 8.467 acre tract to th **place of beginning containing 2.214 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 1YRA.

I, Roland Navarro, Registered Professional Land Surveyor No. 5876, Texas, do hereby certify th the above field note description was prepared from an actual on-the-ground survey made under direction and supervision during the month of February, 2007.

GIVEN UNDER MY HAND AND SEAL, This 5th day of December, 2009.

*Roland Navarro*

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

200159(2.214Ac)fn.doc

