

ORDINANCE NO. O-2009-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ANNEXATION OF CERTAIN TERRITORY REFERRED TO AS THE BRIARWOOD DRIVE ANNEXATION, LYING ADJACENT TO AND CONTIGUOUS TO THE PRESENT NORTHERN AND EASTERNLY 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; PROVIDING FOR ORIGINAL ZONING; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, public hearings were held before the City Council of the City of Tyler, Texas, on the 25th day of February, 2009, and on the 4th day of March, 2009, 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 13th day of February, 2009, which date was 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 53.65 square miles on the 1st day of January, 2009, and

WHEREAS, the hereinafter described territory contains approximately 3.9 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 "R-1A" 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 single family medium/low density, 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: 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.

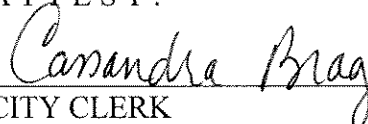
PART 11: That this ordinance shall be in full force and effect ninety days from the date of its passage and approval by the City Council, which effective date shall be June 22, 2009.

PASSED AND APPROVED THIS the 25th day of March, A. D., 2009.



BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CITY CLERK



APPROVED:



CITY ATTORNEY

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

EXHIBIT "A" TO
ORDINANCE NO. 0-2009-31
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ANNEXATION MAP

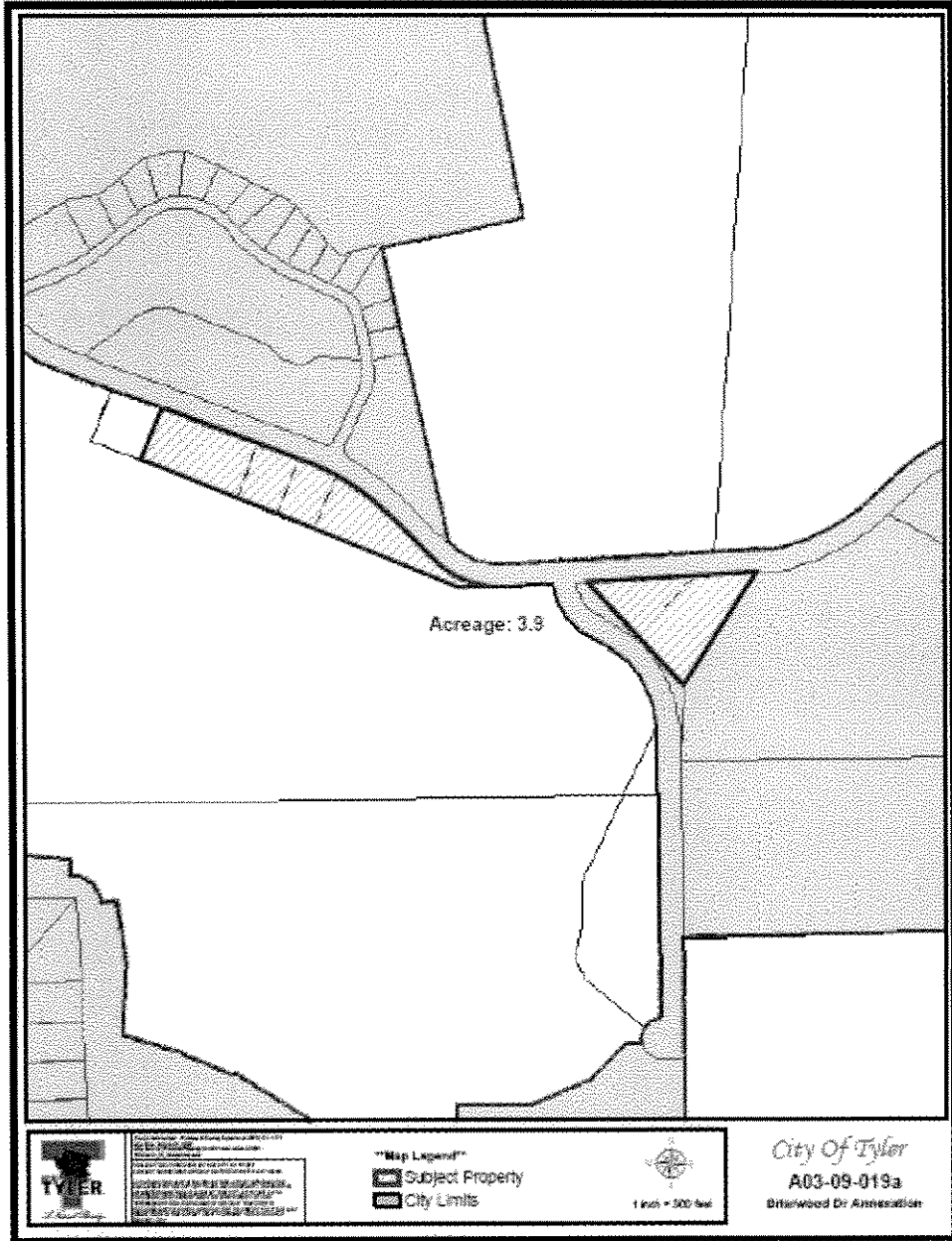


EXHIBIT "A" TO
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ZONING MAP

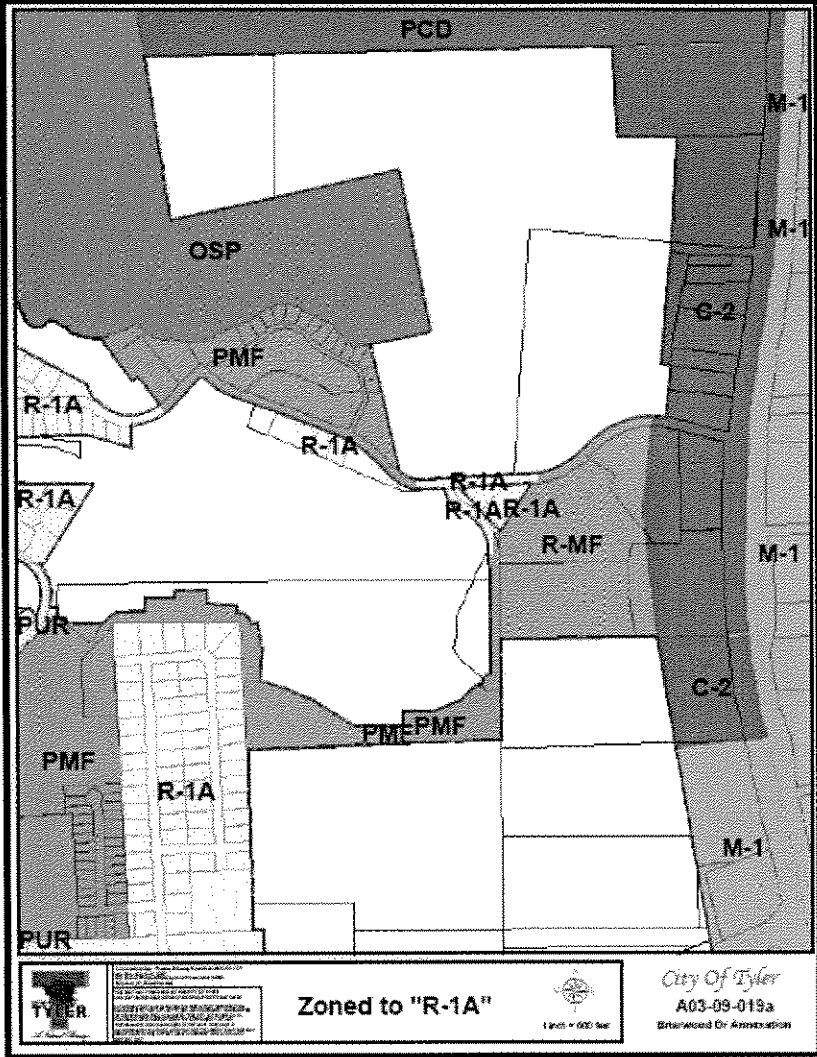


EXHIBIT "C" TO ORDINANCE NO. 0-2009-31
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MUNICIPAL SERVICE PLAN

(4010, 4016, 4110, 4116, 4122 and 4128 Briarwood Drive)

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 six residential lots, that is contiguous to the existing city limits on the north boundaries. The area consists of a total of 3.9 acres of land, and is developed with residential homes. The Municipal Annexation Service Plan was prepared with the residential 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.

MUNICIPAL SERVICE PLAN

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. Adequate service will be provided to the annexation area with the planned addition of Fire Station # 5. Therefore, being served by the City of Tyler Fire Department will result in an ISO rating change, dropping the rating from a 7 to a 3. This should result in a 15% reduction in the cost of residential insurance. An assessment of the current conditions and pressures of existing fire hydrants will be conducted after the effective date of the annexation. An additional outdoor siren is planned to be installed in the Cascades area by year 2009 by the City of Tyler Fire Department. The cost will be \$32,000.

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.

DEVELOPMENT SERVICES

The Development Services 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 Services 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 (UDC) will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Tyler's UDC. These services can be provided within the department's current budget. Staff is

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MUNICIPAL SERVICE PLAN

recommending that the proposed Briarwood Drive area be zoned as "R-1A" Single Family Residential District and amend the Future Land Use Guide to reflect Single-Family Medium/Low Density land use at the time of annexation.

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. This area will not require any new streets signs.

WATER SERVICE

Water is currently provided by an out of City service agreement between the City and the property owners. The proposed annexed area is located in the Tyler Water Utilities certificated service area. Once annexed the property owners' water rate will be reduced from the out of City service agreement rate (1.5 times the in-city rate) to the normal in-City water rates.

SANITARY SEWER SERVICE

Under City Ordinance (Sec.19-50.c) a resident has 15 years, from the approved annexation date to connect to the City's sanitary sewer system. Today, these homes do not have public sanitary sewer service

MUNICIPAL SERVICE PLAN

but rely on “on-site” sewerage facilities (septic tanks). The sanitary sewer infrastructure would be designed and constructed by an approved engineer and contractor. The location of the sanitary sewer will be in the street. The estimated cost is \$26,826.

SOLID WASTE SERVICES

Solid waste collection will be provided to the area upon annexation using existing crews and equipment. However, the property owner may opt to remain with their existing independent solid waste collector. This option is available for the first three years from the approved date of annexation; then the property owner must convert over to the City of Tyler Solid Waste Collection. City of Tyler Solid Waste Collection is twice weekly. City of Tyler also offers a free bulky item pickup during the Spring and Fall Clean-up Weeks. The cost for trash pick-up currently is a monthly charge of \$11.97 plus tax. A garbage cart is included in the monthly charge. You can choose between a 96-gallon, 65-gallon or 48-gallon cart. The City of Tyler Solid Waste Department offers subscription-based curbside recycling to residential customers. Residents can sign up for this optional program and receive two curbside recycling pickups per month for an additional \$2.50 plus tax per month. A recycling cart is included in the subscription price. Recycling is picked up twice a month on Wednesdays. Access to the Greenwood Farms Landfill will also be available upon annexation.

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 two of these properties would resolve a “doughnut hole” issue created by surrounding voluntary annexations that occurred in 2005 through 2006. In regards to the remaining four properties, with the proximity in location to the other properties, it is logical to annex them into the City at this time.

EXHIBIT "C" TO ORDINANCE NO. 0-2009-31

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MUNICIPAL SERVICE PLAN

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
ENVIRONMEN TAL	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	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.	\$26,826	0	0	0	0
SEWER EASEMENTS	0	0	0	0	0
TRAFFIC					
FIRE	\$32,000				
TOTAL	\$58,826	\$0	\$0	\$0	\$0

CAPITAL OUTLAY TOTAL	\$58,826
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TOTAL PROJECTED 5 YEAR COST	\$58,826
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REVENUE	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
LOCAL*	\$1451	\$1451	\$1451	\$1451	\$1451
WATER CHARGES	0	0	0	0	0
SANITARY SEWER	\$1520	0	0	0	0
SOLID WASTE FEES	0	0	0	\$72	\$72
TOTAL	\$2971	\$1451	\$1451	\$1523	\$1523

TOTAL PROJECTED 5 YEAR REVENUE	\$8919
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* Revenue is based on current SCAD valuations.