

ORDINANCE NO. O-2009-47

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 WESTERN BOUNDARY LIMITS OF THE CITY OF TYLER AND REFERRED TO AS THE ANNEXATION APPLICATION A04-09-001 (ARMOR MATERIALS); A FIVE-FOOT STRIP BEGINNING AT THE EASTERN PROPERTY LINE OF ARMOR MATERIALS PROPERTY GOING NORTH FOR APPROXIMATELY 342 FEET, THEN CONTINUING WEST FOR APPROXIMATELY 1,700 FEET TO THE INTERSECTION OF F.M. 206 AS DESCRIBED BY A METES AND BOUNDS DESCRIPTION, LOCATED WEST OF BELLWOOD LAKE; AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE CITY OF TYLER EXTRATERRITORIAL JURISDICTION; ESTABLISHING THE INITIAL LAND USE DESIGNATION; ESTABLISHING ORIGINAL ZONING; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a public hearing was held before the City Council of the City of Tyler, Texas, on the 22nd day of April, 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 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 is a five-foot strip containing approximately .545 acres of land and crossing the area described in Exhibit "B";

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 as Exhibit "B", a five-foot strip crossing the area 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 5 foot strip 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. The current value of the .545 acres is approximately \$655.68 which will yield a current city tax obligation of \$1.34 per year. The owner would receive two tax statements, one for the 5 foot strip and a separate statement for the remainder of the property. Receipt of such statements will serve as written proof that the value of the 5 foot strip is being kept to a minimal amount. The landowner would not begin receiving the "second" tax statement on the 5 foot area until the year 2010. At that time, the total City tax on such 5 foot strip is expected to remain miniscule (estimated to be less than \$5.00). 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 "AG", Agricultural District, as shown on Exhibit "D", hereinabove mentioned.

PART 4: That the initial Land Use Designation for the annexed area is hereby established as Agricultural and it is directed that the Land Use Guide be amended to reflect said uses.

PART 5: That the annexed area shall be added to the West District #2, Council single member district and the official Voting District Map amended accordingly.

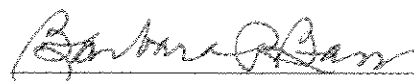
PART 6: That the Planning and Zoning Department shall send to the Texas Secretary of State a copy of the ordinance and statement that the annexation is not involved in any litigation.

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 April A. D., 2009.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CITY CLERK



APPROVED:


CITY ATTORNEY

Exhibit A = map

Exhibit A-1 = legal description - sketch

Exhibit B = legal description

Exhibit C = owner petitions

Exhibit D = zoning map

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EXHIBIT "A"
MAP

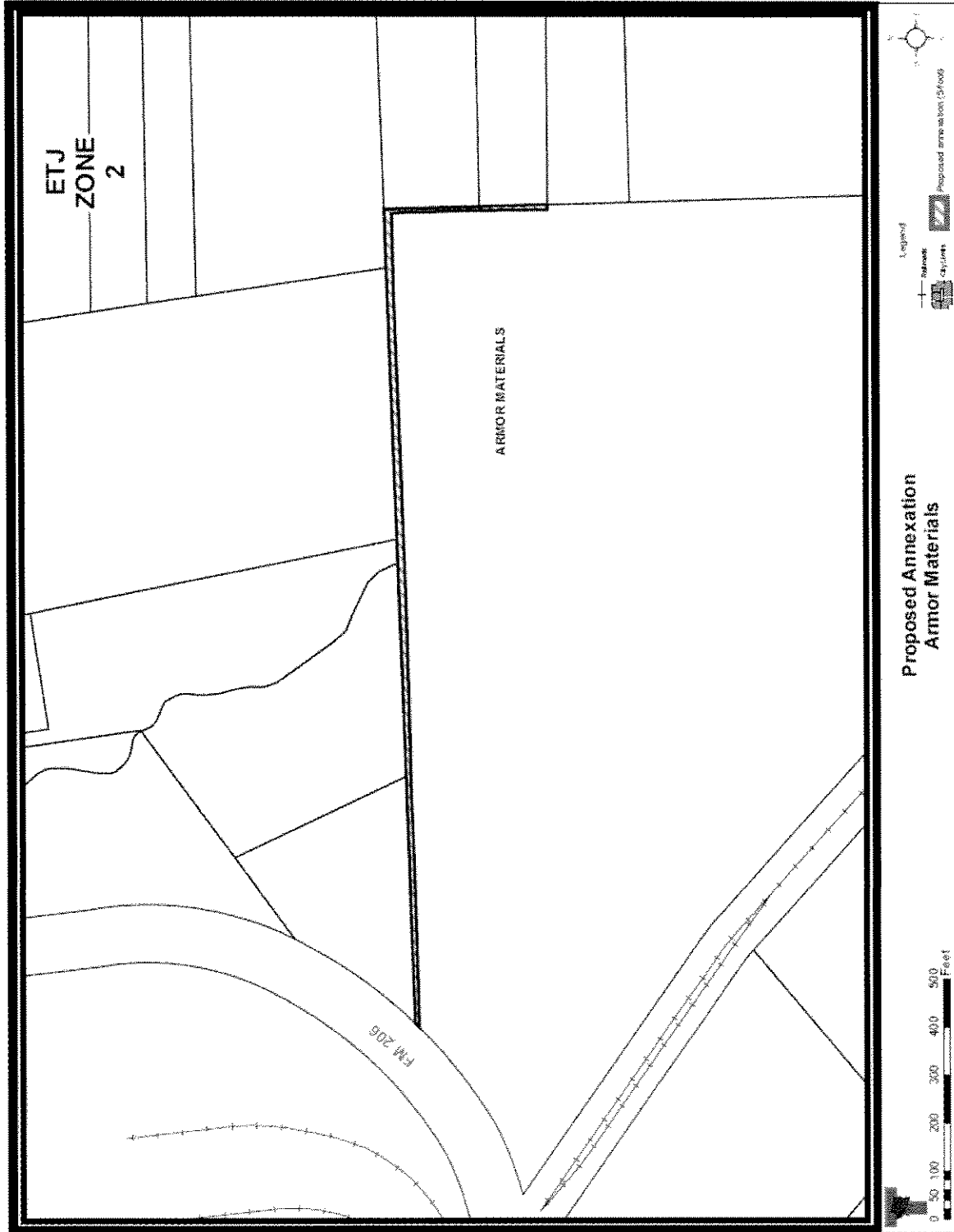
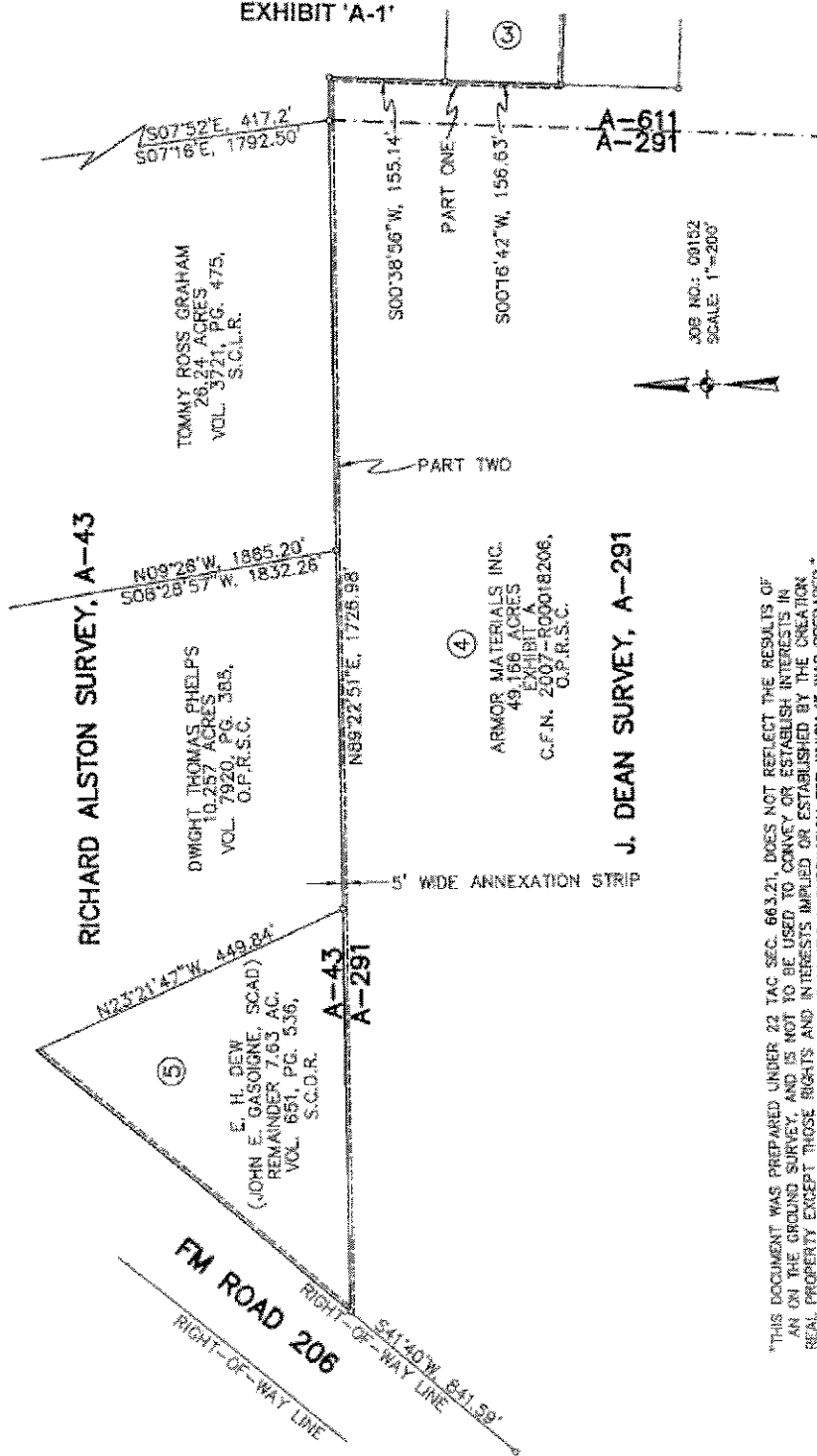


EXHIBIT "A-1"
LEGAL DESCRIPTION SKETCH



THIS DOCUMENT WAS PREPARED UNDER TAC SEC. 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

ALL BEARINGS AND DISTANCES ARE RECORD INFORMATION PER DEEDS OF CONVEYANCE.

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EXHIBIT "B" LEGAL DESCRIPTION

EXHIBIT 'B' LEGAL DESCRIPTION

USA-CoE Annexation Armor Materials, Inc. Tract - 5.00-Ft. Wide Strip

All that certain tract or parcel of land situated in the John Dean Survey, Abstract 291, and the Thomas Largent Survey, Abstract 611, Smith County, Texas, being out of and a part of that certain Tract 1, called 49.166 acres described in a Special Warranty Deed from Tyler Asphalt, Ltd., to Armor Materials, Inc., dated April 2, 2007, and recorded under Clerk's File Number 2007-R00018206 of the Official Public Records of Smith County, Texas, and being more particularly described by bounds as follows:

Part One

Being a 5.00 foot wide strip of land adjoining the east boundary line of said 49.166 acre tract, same being the west line (record: South 00°38'56" West, 155.14 feet) of that certain called 3.826 acre tract described in a Deed to Patsy Grace Thomson Lewis et vir, and recorded in Volume 1640, Page 853 of the Deed Records of Smith County, Texas, and same being the west line (record: South 00°16'42" West, 156.13 feet) of that certain called 3.424 acre tract described in a Deed to Kenneth D. Lewis et ux Patsy Grace Thompson Lewis, and recorded in Volume 4261, Page 85 of the Official Public Records of Smith County, Texas, said 5.00 foot wide strip extending in a westerly direction from said east boundary line, from the northeast corner of said 49.166 acres, same being the northwest corner of said 3.826 acres, in a southerly direction to the southwest corner of said 3.424 acres, same being an east corner of said 49.166 acres.

Part Two

Being a 5.00 foot wide strip of land adjoining the north boundary line (record: North 89°22'51" East, 1,726.98 feet) of said 49.166 acre tract, said 5.00 foot wide strip extending in a southerly direction from said north boundary line, from the northeast corner of said 49.166 acres, in a westerly direction to the northwest corner of said 49.166 acres, said corner being in the east right-of-way line of F.M. Road 206.

(This document was prepared under 22 TAC Section 663.21, does not reflect the results of an on-the-ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. All bearings and distances recited are record information per deeds of conveyance.)

EXHIBIT "C"
Page 1 of 7
OWNER PETITION



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, to-wit:

Armor Materials Inc. respectfully requests a five foot (5') wide annexation area being on the northern property line of the Armor materials property, commencing at the northwest corner of the Armor Materials property (Point A) then extending easterly from FM206 to the northeast corner of the Armor Materials property where said property line intersects with the property line of Patsy G. Lewis (Point B), as designated and depicted in pink highlights and point references on the attached aerial photo. No other property is submitted or requested for annexation by the undersigned. No field notes or metes and bounds description are submitted with this request.

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 above and on the attached aerial photo, 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, the undersigned, as an authorized representative of the owner of the real property described herein and requested 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.

Armor Materials Inc.

S. Travis Rice

SIGNATURE

PRINT NAME

DATE

4-8-09
For Armor Materials, Inc.

ACKNOWLEDGMENT

THE STATE OF TEXAS
COUNTY OF DALLAS

This petition was acknowledged before me on the 8th day of April, 2009, by S. Travis Rice acting in his capacity as Vice President of Armor Materials, Inc. and not individually.



Notary Public
State of Texas

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EXHIBIT "C"
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OWNER PETITION



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] S. Theis Rice
SIGNATURE PRINT NAME
4-8-09
DATE For Armor Materials, Inc.

SIGNATURE PRINT NAME

DATE

(ACKNOWLEDGMENT)

THE STATE OF TEXAS
COUNTY OF TARRANT

This petition was acknowledged before me on the 8th day of April, 2009, by S. Theis Rice acting in his capacity as Vice President of Armor Materials, Inc. and not individually.



Notary Public [Signature]
State of Texas

(ACKNOWLEDGMENT)

THE STATE OF _____
COUNTY OF _____

This petition was acknowledged before me on the _____ day of _____, by _____.

Notary Public
State of _____

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EXHIBIT "C"
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OWNER PETITION



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):

This five foot strip of land is currently vacant and the proposed zoning/land use is agricultural.

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

To assist the city in successfully annexing property to the west for the proposed National Guard Facility.

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

Vacant

4. What is the location of the nearest water and sewer lines?

(This information is available at the City Water Utilities Department, 511 West Locust Street)


City of Tyler will provide water and sewer line information

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

None

214 631 4420
Owner's Telephone Number

SIGNED:


OWNER (of property to be annexed)
for Armor Materials, Inc.

OR

Agent's Telephone Number

AGENT (When applicable - See Form E)

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EXHIBIT "C"
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OWNER PETITION



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. <u>Armor Materials, Inc.</u>	<u>PO Box 5028, Tyler, Texas 75712</u>
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"

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OWNER PETITION



FORM E

AUTHORIZATION OF AGENT

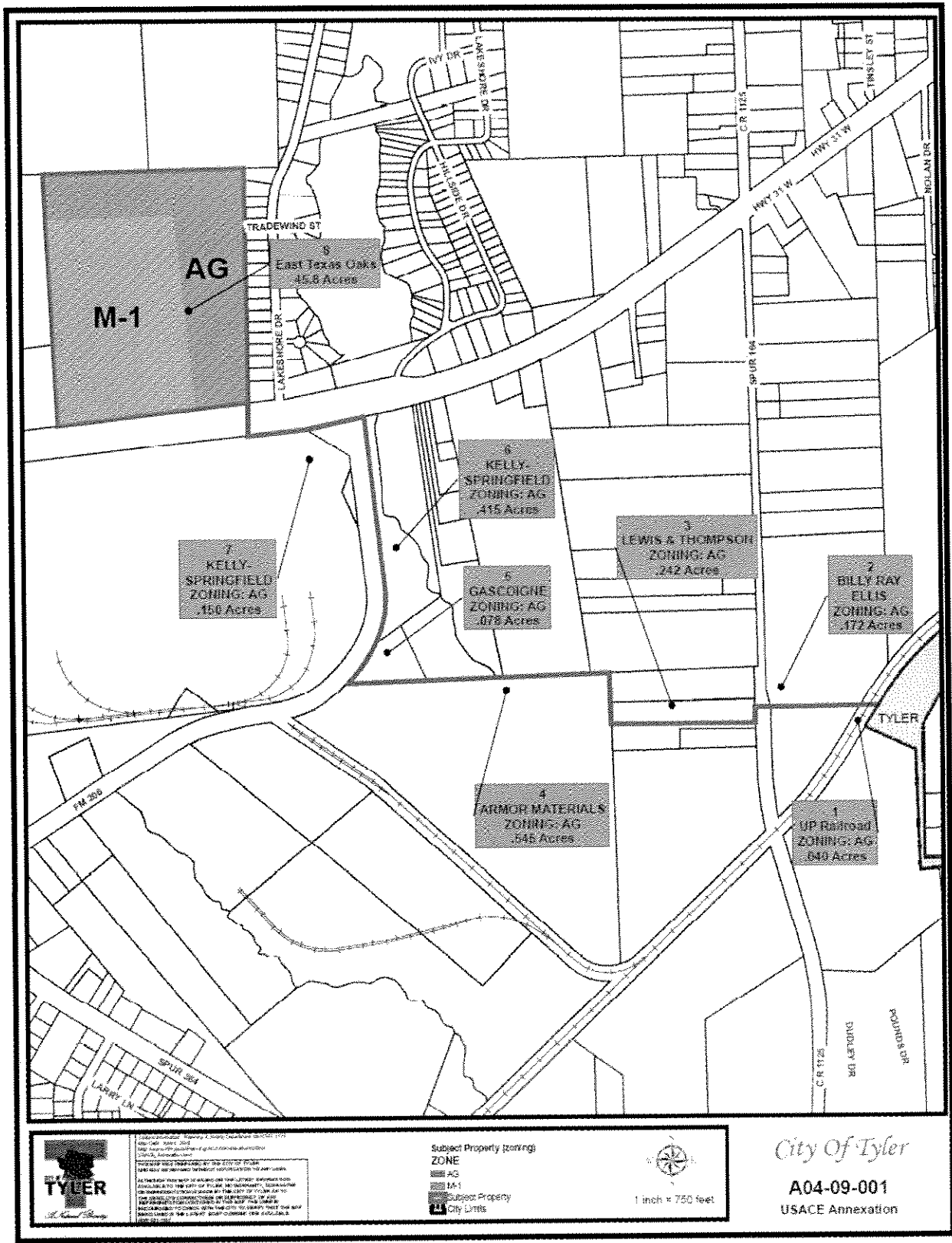
I (We), the undersigned, being owners of real property to be annexed according to this Application, do hereby authorize (print name and address of Agent) NONE to act as our Agent in the matter of this annexation. The term "Agent" shall mean any lessee, developer, option holder, or other individual who 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.	N/A
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 & G as "Agent".)

EXHIBIT "D"
ZONING MAP



City of Tyler, Texas
 1000 Tyler Street, Suite 100
 Tyler, Texas 75701
 Phone: 936.283.1000
 Fax: 936.283.1001
 Website: www.tyler-texas.gov

Subject Property (zoning)
 ZONE
 AG
 M-1
 Subject Property
 City Limits



1 inch = 750 feet

City of Tyler

A04-09-001
 USACE Annexation