

ORDINANCE NO. O-2009-51

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 (EAST TEXAS OAK, LP; U.S. ARMY NATIONAL GUARD); CONSTITUTING A 45.8 ACRE TRACT, TOGETHER WITH A FIVE FOOT STRIP OF LAND ACROSS HIGHWAY 31 WEST TO THE KELLY SPRINGFIELD PROPERTY AND AS DESCRIBED BY A METES AND BOUNDS DESCRIPTION, LOCATED NORTH OF THE KELLY SPRINGFIELD PROPERTY 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 contains approximately 45.8 acres of land, together with a five-foot strip of land across Highway 31 West to the Kelly Springfield property;

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 in Exhibit "B" together with a 5' strip of land across Highway 31 West to the Kelly Springfield property, 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 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 approximately 24 acres for "AG", Agricultural District, and approximately 25 acres for "M-1" Light Industrial 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 Industrial 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 Northwest District #3, 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 B = legal description
- Exhibit C = owner petitions
- Exhibit D = zoning map

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EXHIBIT "A"
MAP



Proposed Annexation
East Texas Oaks LP

ORDINANCE NO. 0-2009-51

EXHIBIT "B"
PAGE 1 OF 4
LEGAL DESCRIPTION

0062472

2006-R0011147

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE

SPECIAL WARRANTY DEED

Date: March 2, 2006

Grantor: West Spring Business Partners, Ltd.

Grantor's Mailing Address:

5300 North Franklin St.
Denver, CO 80216

Grantee: Iron Texas Oaks, LP

Grantee's Mailing Address:

6 Mike Keeble
6600 Arrow Road
Rancho Cucamonga, CA 91730

Consideration: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration.

Property (including any improvements): See Exhibit A attached hereto and made a part hereof.

Reservations from and Exceptions to Conveyance and Warranty: Subject to the exceptions described on Exhibit B.

Notwithstanding anything contained in this Deed to the contrary, Grantor reserves and retains fifty percent (50%) of Grantor's interest in the oil, gas, and other minerals in, on, or under the Property, and all other substances, whether or not legally classified as "minerals" however mined or severed, including, but not limited to, lignite, coal, and uranium wherever found in, on, or under the Property (collectively, "Minerals"). Grantor waives its right to use the surface of the Property to explore, develop, or recover the Minerals.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grant, sell, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors to warrant and forever defend all and singular

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EXHIBIT "B"
PAGE 2 OF 4
LEGAL DESCRIPTION

the property to Grantor and Grantor's successors and assigns against every person whatsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

When the correct requires, singular nouns and pronouns include the plural.

SELLER:

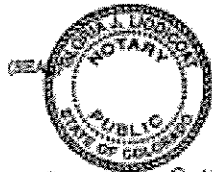
West Spring Business Partners, Ltd.

By: West Spring Business Partners GP, L.L.C.
its General Partner

Lance L. Moore
its Manager

STATE OF Colorado
COUNTY OF Denver

This instrument was acknowledged before me on the 13 day of May, 2006, by Lance L. Moore, Manager of West Spring Business Partners GP, L.L.C., a Texas limited liability company, as General Partner of West Spring Business Partners, Ltd., a Texas limited partnership on its behalf.



My Commission Expires 3-14-09

Shirley J. Johnson
NOTARY PUBLIC, STATE OF CO
Printed name: Shirley J. Johnson
My commission expires: 3-14-09

After Recording Return To:
Dewey B. Leggett
Leggett & Clemens
1743 North Dallas Parkway
Suite 310
Plano, Texas 75093

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EXHIBIT "B"
PAGE 3 OF 4
LEGAL DESCRIPTION

EXHIBIT A
LEGAL DESCRIPTION

Tract 1:

Being all of Lots One (01), Two (02) and Three (03), and Lots Eighteen (18) through Twenty-Four (24), Both Inclusive, of WEST SPRING BUSINESS PARK SUBDIVISION, PHASE I, a subdivision of South County, Texas, according to the map or plat thereof recorded in Volume 177, Page 288-B and 290-A of the Map Records of Bexar County, Texas.

Tract 2:

All that certain lot, tract or parcel of land, being part of the Wilcox Cox Survey, Abstract No. 224 in Bexar County, Texas, being part of that certain lot called 45,296 acre tract surveyed in West Spring Business Park, Ltd. from Lee Higher Huggins, Trustee of the May H. Davidson Trust and recorded on the 2nd day of August, 2004 in Volume 7335, Page 385, of the Official Public Records of South County, Texas, and being more completely described as follows, to-wit:

BEING AND AS A 10° line and found in the north line of Wilcox Cox Survey Abstract No. 224 for the Northwest corner of the above parcel and 45,296 acre tract, being the Northwest corner of Lot 18 of Hidden Hills Subdivision, Unit No. 2 as provided by Volume 7, Page 85 of the 734 records of South County, Texas, being in the South line of the George Myers Survey Abstract No. 643 and the South line of a called 13,254 acre Tract Two described in subject to these few lines, as shown in Volume 5-234, Page 31 of the Official Public Records of South County, Texas, from which a 34° line shall run from North 85 degrees 27 minutes 26 seconds East - 125.00 feet;

THENCE South 03 degrees 17 minutes 47 seconds East, with the East line of said 45,296 acre tract and the West line of said Hidden Hills Subdivision for a distance of 1189.56 feet to the Northeast corner of Lot 3 of the West Spring Business Park Subdivision, Phase I;

THENCE South 89 degrees 36 minutes 07 seconds West with the North line of said Phase I, a distance of 115.00 feet to a corner;

THENCE Southwesterly with a curve to the right with a central angle of 86 degrees 17 minutes 07 seconds, radius of 93.13 feet chord of South 32 degrees 38 minutes 07 seconds West - 121.84 feet, a distance of 107.75 feet to a corner;

THENCE Westerly, continuing with the North line of said Phase I, as follows: North 27 degrees 14 minutes 03 seconds West - 308.37 feet, South 52 degrees 56 minutes 28 seconds West - 82.07 feet, South 83 degrees 54 minutes 06 seconds West - 3-4630 feet, North 04 degrees 06 minutes 07 seconds West - 30.29 feet and South 85 degrees 58 minutes 03 seconds West - 312.03 feet to the Northwest corner of Lot 18 of Phase I, in the West line of said 45,296 acre tract;

THENCE North 06 degrees 41 minutes 03 seconds West with the West line of said 45,296 acre tract, a distance of 990.73 to a 10° iron rod (corner) for the Northwest corner of same, to the North line of said Cox Survey, the South line of said Myers Survey;

THENCE Easterly with said survey line and the North line of said 45,296 acre tract, as follows: North 80 degrees 35 minutes 02 seconds East - 639.35 feet to a 10° iron rod (corner) for corner and North 89 degrees 07 minutes 37 seconds East - 411.25 feet to the place of beginning and remaining 39,913.97 acres of land.

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EXHIBIT "B"
PAGE 4 OF 4
LEGAL DESCRIPTION

EXHIBIT B
EXCEPTIONS TO CONVEYANCE AND WARRANTY

- a. Aerial Power Line easement to Texas Power & Light Company, recorded in Volume 1523, Page 434, Deed Records of Smith County, Texas. And recorded in Volume 1160, Page 193, of the Deed Records of Smith County, Texas, and as shown on survey of Mark C. Brea, R.P.L.S. #4254, dated 02/02/2005. (Sheet 1 and 3)
- b. All Easements, Burial, Set Back Lines and other matters set forth on the record plat of West Spring Business Park Subdivision, Phase I, recorded in Map Chapter "D", SMC 238-D and 238-A of the Map Records of Smith County, Texas, and as shown on survey of Mark C. Brea, R.P.L.S. #1256, dated 02/02/2005. (Tract 1)
- c. Mineral estate and interest, and all rights incident thereto, described in instrument recorded in Volume 1576, Page 393, Deed/Land Records of Smith County, Texas. This is said interest as checked subsequent to the date thereof.
- d. Mineral estate and interest, and all rights incident thereto, described in instrument recorded in Volume 3051, Page 124, Deed/Land Records of Smith County, Texas. This is said interest as checked subsequent to the date thereof.
- e. Mineral lease, and all rights incident thereto, described in instrument recorded in Volume 505, Page 193, Deed Records of Smith County, Texas. This is said interest as checked subsequent to the date thereof. Also recorded in Volume 702, Page 243, Volume 1146, Page 436, Volume 1515, Page 471, Volume 1573, Page 333, Volume 1715, Page 742, of the Deed/Land Records, of Smith County, Texas.

STATE OF TEXAS COUNTY OF SMITH
I hereby certify that this instrument was
filed on the date and time stated herein
from and true copy recorded in the Public
Records of Smith County, Texas.



MAR 08 2009

Judy Carnes
JUDY CARNES
COUNTY CLERK, SMITH COUNTY, TEXAS

Filed for Record on:
SMITH COUNTY, TEXAS
JUDY CARNES, COUNTY CLERK
On: MAR 08 2009
At 10:30am
Received by: JAMES
Recorded by: JUDY CARNES
Fee/Type: \$300-000000
Deputy: Rebecca Galbreath

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EXHIBIT "C"
PAGE 1 OF 9
OWNERS 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 (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.

Michael Krcevic
SIGNATURE
3/31/09
DATE

MICHAEL KRCEVIC
PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF _____
COUNTY OF _____

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

Notary Public
State of _____

EXHIBIT "C"
PAGE 2 OF 9
OWNERS PETITION

ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Bernardino } ss.

On 03-31-2009, before me, Jenneen Halladay, Notary Public,
DATE
personally appeared Michael Krcelic, who proved to me on the

basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Jenneen N. Halladay
NOTARY'S SIGNATURE

PLACE NOTARY SEAL IN ABOVE SPACE

OPTIONAL INFORMATION

The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- INDIVIDUAL
- CORPORATE OFFICER VP
TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

Request for Annexation
TITLE OR TYPE OF DOCUMENT

1
NUMBER OF PAGES

3-31-09
DATE OF DOCUMENT

SIGNER (PRINCIPAL) IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

Allmark

RIGHT
THUMBPRINT
OF
SIGNER



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EXHIBIT "C"
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OWNERS 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.

Michael Kröelic
SIGNATURE
3/31/09
DATE

MICHAEL KRÖELIC
PRINT NAME

SIGNATURE

DATE

PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF _____
COUNTY OF _____

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

Notary Public
State of _____

(ACKNOWLEDGMENT)

THE STATE OF _____
COUNTY OF _____

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

Notary Public
State of _____

ORDINANCE NO. 0-2009-51

EXHIBIT "C"
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OWNERS PETITION

ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Bernardino } SS.

On 03-31-2009, before me, Jennifer Halladay, Notary Public,
DATE
personally appeared Michael Krcelin, who proved to me on the

basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Jennifer N. Halladay
NOTARY'S SIGNATURE

PLACE NOTARY SEAL IN ABOVE SPACE

OPTIONAL INFORMATION

The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- INDIVIDUAL
- CORPORATE OFFICER VP TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

annexation petition
TITLE OR TYPE OF DOCUMENT

1
NUMBER OF PAGES

3-31-09
DATE OF DOCUMENT

SIGNER (PRINCIPAL) IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)
Allmark

OTHER
RIGHT THUMBPRINT OF SIGNER



ORDINANCE NO. 0-2009-51

EXHIBIT "C"
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OWNERS 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):
WE CURRENTLY OWN 45 ACRES AND ARE UNDER CONTRACT TO SELL 25 ACRES TO THE US ARMY FOR A NATIONAL GUARD RESERVE BASE. THE REMAINING 20 ACRES WILL REMAIN IN AG STATUS.
2. I (We) am/are requesting this annexation for the following reason(s):
TO SUPPORT THE LAND ACQUISITION AND CONSTRUCTION OF AN ARMED FORCES RESERVE CENTER.
3. State present use and condition of property and/or structures:
THIS IS ALL RAW LAND WITH NO STRUCTURES. THERE ARE CURRENTLY SOME TREES ON THE EAST AND SOUTH PERIMETERS WHILE THE BULK OF THE PROPERTY IS COVERED WITH NATURAL VEG.
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)
5. Any additional information that you wish to provide concerning your annexation request:

(909) 989-7556
Owner's Telephone Number

EAST TEXAS OAK LP
SIGNED:
OWNER (of property to be annexed)

OR

Agent's Telephone Number

AGENT (When applicable - See Form E)

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EXHIBIT "C"
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OWNERS 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. EAST TEXAS OAK LP	10070 ARROW ROUTE
2.	RANCHO CUCAMONGA, CA 91730
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

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OWNERS PETITION



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.

NAME AND AGE

MAILING ADDRESS

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

EAST TEXAS OAK LP

SIGNED:

Neil Kuli

Owner et al (of property to be annexed)

Agent (when applicable -- See Form E)

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OWNERS 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) _____ 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. _____	_____
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".)

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EXHIBIT "C"
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OWNERS PETITION



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) M-1 UAG. 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

Neil K. K...

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

