

**ORDINANCE NO. O-2009-69**

**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 NORTHERN, WESTERN AND SOUTHERN BOUNDARY LIMITS OF THE CITY OF TYLER AND REFERRED TO AS THE ANNEXATION APPLICATION A06-09-003; CONSTITUTING APPROXIMATELY 236.347ACRES OF LAND AS DESCRIBED BY A METES AND BOUNDS DESCRIPTION, LOCATED WEST OF LOOP 323 SSW AND NORTH OF SPUR 364, AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE CITY OF TYLER EXTRATERRITORIAL JURISDICTION; ESTABLISHING THE INITIAL LAND USE DESIGNATION, AND ESTABLISHING ORIGINAL ZONING.**

**WHEREAS**, a public hearing was held before the City Council of the City of Tyler, Texas, on the 10th day of December, 2008, 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 236.347 acres of land;

**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" 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 6.038 acres for "C-1", Light Commercial District, and 230.309 acres for "R1-A" Single-Family Residential District, as shown on Exhibit "D", hereinabove mentioned.

**PART 4:** That the initial Land Use Designation for the annexed area is hereby established as Neighborhood Commercial, and Single-Family Low/Medium Density, 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, City 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.

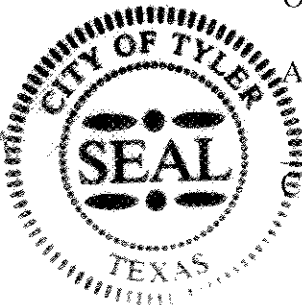
**PART 9:** That this ordinance shall be in full force and effect from and after the date of its passage and approval by the City Council.

**PASSED AND APPROVED THIS** the 10<sup>th</sup> day of June A. D., 2009.

  
\_\_\_\_\_  
BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

  
\_\_\_\_\_  
CITY CLERK



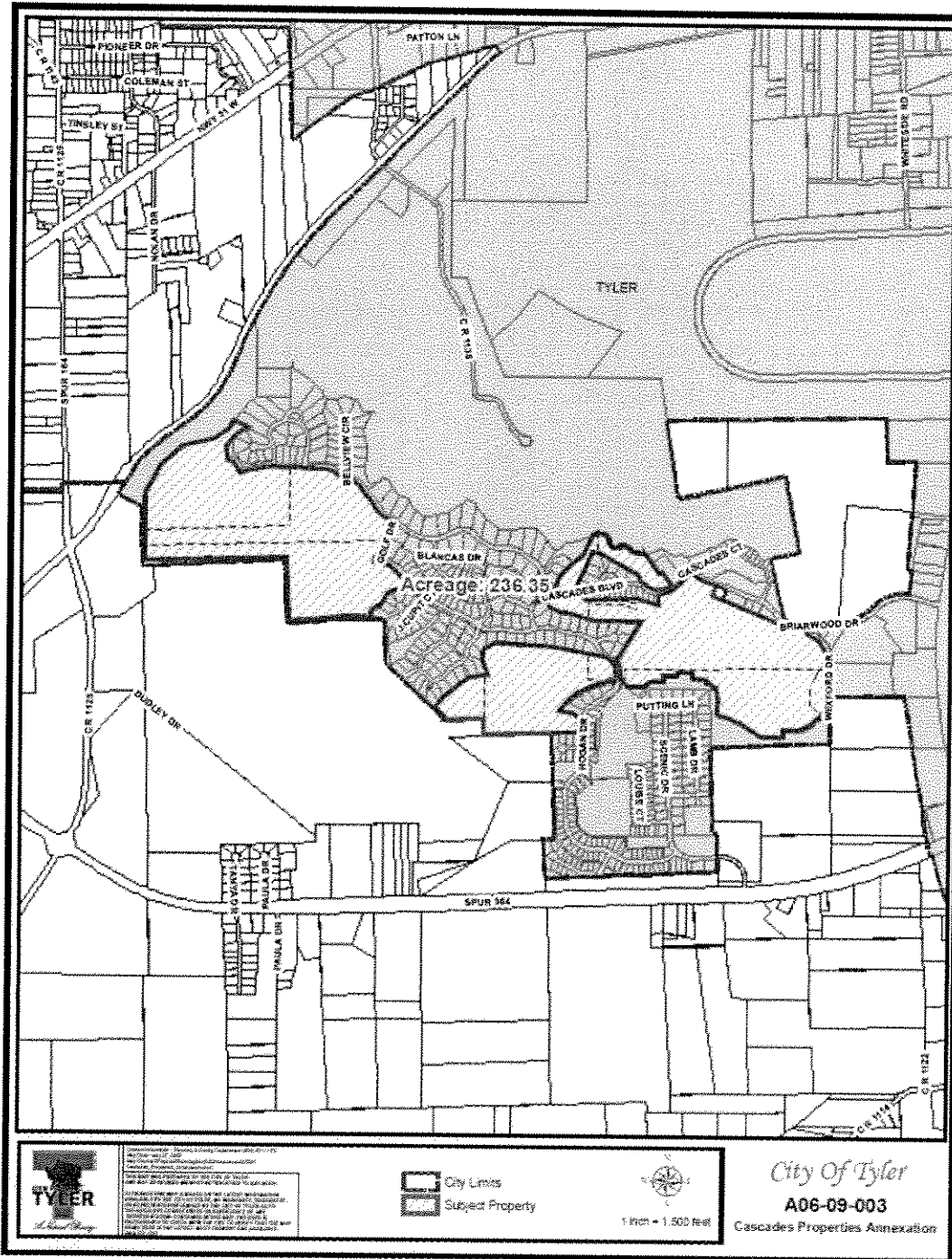
APPROVED:

  
\_\_\_\_\_  
CITY ATTORNEY

Exhibit A = map  
Exhibit B = legal description  
Exhibit C = owner petition  
Exhibit D = zoning map

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EXHIBIT "A"  
MAP



# ORDINANCE NO. 0-2009-69

## EXHIBIT "B" LEGAL DESCRIPTION Page 1 of 11



2026 Republic Drive, Suite B  
Tyler, Texas 75701  
Mailing Address:  
P.O. Box 9505  
Tyler, Texas 75711

Phone: 903.509.2030  
Fax: 903.509.2034

40.267 Acres  
Cascades Golf Course  
Tyler, Texas

Job No: 08-070088

All that certain lot, tract or parcel of land within the McKinney & Williams Survey, Abstract No. 727 and McKinney & Williams Survey, Abstract No. 728 and the S. A. & M. G. R. R. Co. Survey, Abstract No. 963, Smith County, Texas, and being part of a called 285.099 acre tract of land described in Deed from Stella Mae Henshaw, trustee to Cascade Properties, Ltd., dated August 30, 2002, and recorded in Volume 6636 on Page 206 of the Official Public Records of Smith County, Texas, and being part of a called 146.1722 acre tract described in Deed from Headquarters of Briarwood Golf Club, L.P. to Bellwood Lake Partnership, LTD., dated July 2, 2002, and recorded in Volume 6492 on Page 290 of the Official Public Records of Smith County, Texas, and being part of a called 49.214 acre tract of land described in Deed from Jarvco, Inc. to Cascade Properties, Ltd., dated March 23, 2005, and recorded in Volume 7759 on Page 359 of the Official Public Records of Smith County, Texas, and this 40.267 acre tract being more completely described as follows:

**BEGINNING** at a 1/2" Iron Rod found in concrete for the Southwest corner of said called 146.1722 acre tract, same being located in the South boundary line of said McKinney & Williams Survey, Abstract No. 727, same being the North boundary line of McKinney & Williams Survey, Abstract No. 728, said 1/2" Iron Rod having a Latitude of 32 deg. 19 min. 03.79 sec., Longitude of 95 deg. 21 min. 38.81 sec., Convergence of 01 deg. 42 min. 44 sec. and a Scale Factor of 0.9999540, Texas Coordinate System, NAD83, Texas North Central Zone, Surface Coordinate;

**THENCE** North 01 deg. 49 min. 30 sec. West, with the Western most boundary line of said called 146.1722 acre tract, a distance of 199.80 feet to a 1/2" Iron Rod found for the most Southerly Southeast corner of said called 285.099 acre tract;

**THENCE** South 88 deg. 01 min. 43 sec. West, with the most Southern boundary line of said called 285.099 acre tract, a distance of 508.70 feet to 1/2" Iron Rod set at the most Southerly corner of a called 21.148 acre tract described in Deed from Cascade Properties, Ltd. to City of Tyler, dated February 9, 2004, and recorded in Volume 7474 on Page 799 of the Official Public Records of Smith County, Texas;

**THENCE** North 43 deg. 41 min. 18 sec. East a distance of 30.00 feet to a 1/2" Iron Rod set at the most Eastern corner of said called 21.148 acre tract;

**THENCE** North 46 deg. 18 min. 42 sec. West a distance of 209.29 feet to a 1/2" Iron Rod found for the most Southerly Southeast corner of the Replat of Cascades Addition, Unit No. 4, Cabinet D Slides 371-A through 371-C of the Plat Records of Smith County, Texas, same being the South corner of Lot 10, N.C.B. 1801-L of said Replat of Cascades Addition, Unit No. 4;

**THENCE** North 41 deg. 40 min. 24 sec. East, with the East boundary line of said Replat of Cascades Addition, Unit No. 4, a distance of 193.48 feet to a 1/2" Iron Rod found for corner in the East boundary line of Lot 8, N.C.B. 1801-L of said Replat of Cascades Addition, Unit No. 4;

**THENCE** North 52 deg. 58 min. 03 sec. East, continuing with the East boundary line of said Replat of Cascades Addition, Unit No. 4, a distance of 394.88 feet to a 1/2" Iron Rod found for the Southwest corner of Lot 4, N.C.B. 1801-L of said Replat of Cascades Addition, Unit No. 4;

**THENCE** North 81 deg. 28 min. 58 sec. East, continuing with the East boundary line of said Replat of Cascades Addition, Unit No. 4, a distance of 247.44 feet to a 1/2" Iron Rod found for the Southeast corner of Lot 3, N.C.B. 1801-L of said Replat of Cascades Addition, Unit No. 4;

**THENCE** North 20 deg. 04 min. 06 sec. West, continuing with the East boundary line of said Replat of Cascades Addition, Unit No. 4, a distance of 195.55 feet to a 1/2" Iron Rod found for the Northeast corner of Lot 3, N.C.B. 1801-L and the Southeast corner of Lot 2, N.C.B. 1801-L of said Replat of Cascades Addition, Unit No. 4;

**THENCE** North 02 deg. 21 min. 25 sec. East, continuing with the East boundary line of said Replat of Cascades Addition, Unit No. 4, a distance of 111.93 feet to a 1/2" Iron Rod set for the Northeast corner of Lot 2, N.C.B. 1801-L and the South corner of Lot 1, N.C.B. 1801-L of said Replat of Cascades Addition, Unit No. 4;

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EXHIBIT "B"

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**THENCE** North 35 deg. 24 min. 16 sec. East, continuing with the East boundary line of said Replat of Cascades Addition, Unit No. 4, a distance of 73.54 feet to a 1/2" Iron Rod set for the East corner of Lot 1, N.C.B. 1801-L and the Southwest corner Lot 14-A, N.C.B. 1801-L of said Replat of Cascades Addition, Unit No. 4;

**THENCE** North 88 deg. 02 min. 39 sec. East, continuing with the South boundary line of said Lot 14-A, a distance of 19.50 feet to a 1/2" Iron Rod found for corner in the South boundary line of same;

**THENCE** North 62 deg. 09 min. 39 sec. East, continuing with the South boundary line of said Lot 14-A, a distance of 117.48 feet to a 1/2" Iron Rod set for corner in the Southeast corner of same at the Southwest corner of Lot 13, N.C.B. 1801-E according to the Final Plat of Tyler Cascades, Unit One, Section Two, recorded in Cabinet D on Slides 225-B and 225-C of the Plat Records of Smith County, Texas;

**THENCE** South 86 deg. 41 min. 07 sec. East, continuing with the South boundary line of said N.C.B. 1801-E, a distance of 747.34 feet to a 5/8" Iron Rod found;

**THENCE** South 79 deg. 50 min. 43 sec. East, continuing with the South boundary line of said N.C.B. 1801-E and the South boundary line of N.C.B. 1801-E according to the Resubdivision Plat of Lots 6-11, N.C.B. 1801-D & Lots 1-7, N.C.B. 1801-E, Tyler Cascades, Unit One, Section Two, recorded in Cabinet D on Slide 293-C of the Plat Records of Smith County, Texas, a distance of 673.23 feet to a 1/2" Iron Rod set in the West right-of-way line of Hogan Drive;

**THENCE** South 57 deg. 33 min. 55 sec. East, with the West right-of-way line of Hogan Drive, a distance of 38.25 feet to a 5/8" Iron Rod found bent at the Point of Curvature of a curve to the right having a radius of 220.00 feet;

**THENCE** Southeasterly along said curve to the right having a Radius of 220.00 feet, a Delta Angle of 72 deg. 00 min. 53 sec., a Chord Bearing of South 21 deg. 33 min. 31 sec. East, a Chord Distance of 258.67 feet and an Arc Length of 276.52 feet to a 1/2" Iron Rod set at the Point of Tangency;

**THENCE** South 14 deg. 27 min. 08 sec. West, continuing with the West right-of-way line of Hogan Drive, a distance of 50.08 feet to a 5/8" Iron Rod found at the Point of Curvature of a curve to the right having a radius of 220.00 feet;

**THENCE** Southwesterly along said curve to the right having a Radius of 220.00 feet, a Delta Angle of 07 deg. 49 min. 43 sec., a Chord Bearing of South 18 deg. 22 min. 00 sec. West, a Chord Distance of 30.04 feet and an Arc Length of 30.06 feet to a 5/8" Iron Rod found bent at the East corner of Lot 5, N.C.B. 1802-C according to the Second Amending Plat of Cascades VI, recorded in Cabinet E on Slide 92-B of the Plat Records of Smith County, Texas;

**THENCE** North 34 deg. 43 min. 03 sec. West, with the Northerly East boundary line of said Lot 5, N.C.B. 1802-C, a distance of 65.66 feet to a 1/2" Iron Rod found for the North corner of same;

**THENCE** South 61 deg. 50 min. 08 sec. West, with the West boundary line of said Second Amending Plat of Cascades VI, a distance of 97.92 feet to a 5/8" Iron Rod found for corner in the North boundary line of said Lot 5, N.C.B. 1802-C;

**THENCE** South 73 deg. 44 min. 40 sec. West, continuing with the West boundary line of said Second Amending Plat of Cascades VI, a distance of 94.50 feet to a 5/8" Iron Rod found for the West corner of said Lot 5, and the North corner of Lot 4, N.C.B. 1802-C;

**THENCE** South 67 deg. 21 min. 34 sec. West, continuing with the West boundary line of said Second Amending Plat of Cascades VI, a distance of 129.32 feet to a 1/2" Iron Rod found for the West corner of said Lot 4, and the North corner of Lot 3, N.C.B. 1802-C;

**THENCE** South 64 deg. 23 min. 08 sec. West, continuing with the West boundary line of said Second Amending Plat of Cascades VI, a distance of 143.43 feet to a 1/2" Iron Rod found for the West corner of said Lot 3, and the North corner of Lot 2, N.C.B. 1802-C;

**THENCE** South 50 deg. 22 min. 41 sec. West, continuing with the West boundary line of said Second Amending Plat of Cascades VI, a distance of 149.74 feet to a 1/2" Iron Rod found for the West corner of said Lot 3, and the North corner of Lot 1, N.C.B. 1802-C;

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**THENCE** South 39 deg. 17 min. 09 sec. West, continuing with the West boundary line of said Second Amending Plat of Cascades VI, a distance of 172.32 feet to a 1/2" Iron Rod found for the West corner of said Lot 1, N.C.B. 1802-C;

**THENCE** South 79 deg. 10 min. 37 sec. East, continuing with the West boundary line of said Second Amending Plat of Cascades VI, a distance of 186.26 feet to a 5/8" Iron Rod found for corner in the South boundary line said Lot 1, N.C.B. 1802-C;

**THENCE** South 54 deg. 56 min. 56 sec. East, continuing with the West boundary line of said Second Amending Plat of Cascades VI, a distance of 96.15 feet to a 1/2" Iron Rod set for the Southeast corner of said Lot 1, N.C.B. 1802-C, same being located in the West right-of-way line of Hogan Drive, in a curve to the left having a radius of 330.00 feet;

**THENCE** Southerly, continuing with the West boundary line of said Second Amending Plat of Cascades VI and the West right-of-way line of Hogan Drive, with said curve to the left having a Radius of 330.00 feet, a Delta Angle of 11 deg. 25 min. 27 sec., a Chord Bearing of South 04 deg. 03 min. 59 sec. West, a Chord Distance of 65.69 feet and an Arc Length of 65.80 feet to a 1/2" Iron Rod set at the Point of Tangency;

**THENCE** South 01 deg. 40 min. 20 sec. East, continuing with the West boundary line of said Second Amending Plat of Cascades VI and the West right-of-way line of Hogan Drive, a distance of 116.47 feet to a 1/2" Iron Rod set for corner in the West right-of-way line of Hogan Drive, same being the Northeast corner of Lot 39, N.C.B. 1802-B, Second Amending Plat of Cascades VI;

**THENCE** South 88 deg. 18 min. 19 sec. West, continuing with the West boundary line of said Second Amending Plat of Cascades VI, a distance of 353.10 feet to a 5/8" Iron Rod found for the Northwest corner of Lot 36, N.C.B. 1802-B, Second Amending Plat of Cascades VI;

**THENCE** North 02 deg. 04 min. 19 sec. West a distance of 9.33 feet to a 1" Strap Iron found for the Northwest corner of said called 49.214 acre tract, having a Latitude of 32 deg. 19 min. 03.98 sec., Longitude of 95 deg. 21 min. 28.54 sec., Convergence of 01 deg. 42 min. 49 sec. and a Scale Factor of 0.9999540, Texas Coordinate System, NAD83, Texas North Central Zone, Surface Coordinate, in the South boundary line of McKinney & Williams Survey, Abstract No. 727, same being the North boundary line of McKinney & Williams Survey, Abstract No. 728;

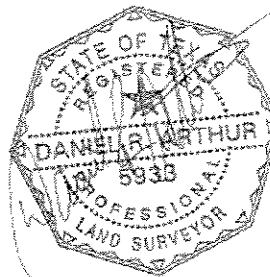
**THENCE** South 87 deg. 01 min. 16 sec. West, with the South boundary line of McKinney & Williams Survey, Abstract No. 727, same being the North boundary line of McKinney & Williams Survey, Abstract No. 728, a distance of 881.55 feet to the **PLACE OF BEGINNING AND CONTAINING 40.267 ACRES OF LAND.**

The bearings hereon are based on Texas Coordinate System, NAD83, Texas North Central Zone, Surface Coordinates. Scale Factor and Convergence as indicated.

I, Daniel R. Arthur, do hereby state that the above field notes were prepared from a survey made under my supervision during the month of March, 2009.

GIVEN UNDER MY HAND AND SEAL, this 17<sup>th</sup> day of March, 2009.

  
Daniel R. Arthur  
Registered Professional Land Surveyor  
State of Texas No. 5933



See Map No. 08-070088 prepared in conjunction with these field notes.

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Job No: 08-070088

9.237 Acres  
Cascades Golf Course  
Tyler, Texas

All that certain lot, tract or parcel of land within the McKinney & Williams Survey, Abstract No. 727 and the S. A. & M. G. R. Co. Survey, Abstract No. 963, Smith County, Texas, and being part of a called 285.099 acre tract of land described in Deed from Stella Mae Henshaw, trustee to Cascade Properties, Ltd., dated August 30, 2002, and recorded in Volume 6636 on Page 206 of the Official Public Records of Smith County, Texas, and being part of a called 146.1722 acre tract described in Deed from Headquarters of Briarwood Golf Club, L.P. to Bellwood Lake Partnership, LTD., dated July 2, 2002, and recorded in Volume 6492 on Page 290 of the Official Public Records of Smith County, Texas, and being part of a called 21.148 acre tract of land described in Deed from City of Tyler to Cascade Properties, Ltd., dated February 9, 2004, and recorded in Volume 7438 on Page 423 of the Official Public Records of Smith County, Texas, and this 9.237 acre tract being more completely described as follows:

**BEGINNING** at a 3/4" Iron Rod found in for the Southwest corner of Lot 8, N.C.B. 1801-A, according to the Amended Plat of Tyler Cascades, Unit One, recorded in Cabinet D on Slides 266-A through 267-A of the Plat Records of Smith County, Texas, in the North right-of-way of Cascades Boulevard, said 3/4" Iron Rod having a Latitude of 32 deg. 19 min. 21.79 sec., Longitude of 95 deg. 21 min. 24.89 sec., Convergence of 01 deg. 42 min. 51 sec. and a Scale Factor of 0.9999529, Texas Coordinate System, NAD83, Texas North Central Zone, Surface Coordinate;

**THENCE** South 87 deg. 12 min. 39 sec. West, with the North right-of-way line of Cascades Boulevard, a distance of 123.16 feet to a 3/4" Iron Rod set in same at the Point of Curvature of a curve to the right having a radius of 469.97 feet;

**THENCE** Westerly, continuing with the North right-of-way line of Cascades Boulevard, along said curve to the right having a Radius of 469.97 feet, a Delta Angle of 06 deg. 15 min. 53 sec., a Chord Bearing of North 89 deg. 40 min. 29 sec. West, a Chord Distance of 51.36 feet and an Arc Length of 51.39 feet to a 3/4" Iron Rod set at the Point of Tangency in same;

**THENCE** North 86 deg. 32 min. 33 sec. West, continuing with the North right-of-way line of Cascades Boulevard, a distance of 28.66 feet to a 3/4" Iron Rod set at the intersection of the North right-of-way of Cascades Boulevard and the North right-of-way of Cascades Shore Drive;

**THENCE** North 37 deg. 09 min. 26 sec. West, with the North right-of-way of Cascades Shore Drive, a distance of 65.51 feet to a 5/8" Iron Rod found for the South corner of Lot 1, N.C.B. 1801-B, of said Amended Plat of Tyler Cascades, Unit One;

**THENCE** North 22 deg. 02 min. 15 sec. East, with the East boundary line of said Lot 1, N.C.B. 1801-B, of said Amended Plat of Tyler Cascades, Unit One, a distance of 168.00 feet to a 3/4" Iron Rod found for the East corner of same, same being the Southeast corner of Lot 2, N.C.B. 1801-B, of said Amended Plat of Tyler Cascades, Unit One;

**THENCE** North 43 deg. 58 min. 07 sec. East, with the East boundary line of Lot 2 and Lot 3, N.C.B. 1801-B, of said Amended Plat of Tyler Cascades, Unit One, a distance of 252.59 feet to a 3/4" Iron Rod found for the East corner of said Lot 3, and the Southeast corner of Lot 4-A, N.C.B. 1801-B, according to the Resubdivision Plat of Lot 4, N.C.B. 1801-B, Tyler Cascades, Unit One, recorded in Cabinet D on Slide 258-C of the Plat Records of Smith County, Texas;

**THENCE** North 50 deg. 15 min. 41 sec. East, with the East boundary line of said of Lot 4-A, N.C.B. 1801-B, Resubdivision Plat of Lot 4, N.C.B. 1801-B, Tyler Cascades, Unit One, a distance of 152.82 feet to a 3/4" Iron Rod set;

**THENCE** North 25 deg. 15 min. 46 sec. East, continuing with the East boundary line of said of Lot 4-A, N.C.B. 1801-B, Resubdivision Plat of Lot 4, N.C.B. 1801-B, Tyler Cascades, Unit One, a distance of 275.02 feet to a 3/4" Iron Rod set for the Northeast corner of said Lot 4-A, N.C.B. 1801-B, same being in the North boundary line of said called 21.148 acre tract and the edge of Bellwood Lake;

**THENCE** with the North boundary line of said called 21.148 acre tract as follows:

North 73 deg. 38 min. 48 sec. East a distance of 23.93 feet to a 3/4" Iron Rod set;

North 77 deg. 03 min. 41 sec. East a distance of 94.29 feet to a 3/4" Iron Rod set;

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EXHIBIT "B"  
LEGAL DESCRIPTION Page 5 of 11



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South 64 deg. 54 min. 05 sec. East a distance of 85.69 feet to a 1/2" Iron Rod set;  
South 25 deg. 16 min. 29 sec. East a distance of 78.26 feet to a 1/2" Iron Rod set;  
South 33 deg. 18 min. 17 sec. East a distance of 86.92 feet to a 1/2" Iron Rod set;  
South 82 deg. 59 min. 06 sec. East a distance of 73.77 feet to a 1/2" Iron Rod set;  
North 53 deg. 19 min. 45 sec. East a distance of 53.24 feet to a 1/2" Iron Rod set;  
South 62 deg. 24 min. 43 sec. East a distance of 129.76 feet to a 1/2" Iron Rod set;  
South 73 deg. 03 min. 33 sec. East a distance of 137.24 feet to a 1/2" Iron Rod set;  
North 84 deg. 07 min. 39 sec. East a distance of 74.62 feet to a 1/2" Iron Rod set at the Northeast corner of Lot 17, N.C.B. 1800, according to the Resubdivision Plat of Lots 16-21, N.C.B. 1800, Condos at the Cascades, recorded in Cabinet D on Slide 388-A and 388-B of the Plat Records of Smith County, Texas;

**THENCE** South 34 deg. 48 min. 57 sec. East, with the West boundary line of Resubdivision Plat of Lots 16-21, N.C.B. 1800, Condos at the Cascades, a distance of 332.22 feet to a 1/2" Iron Rod set at the most Northerly Southeast corner of Lot 16, N.C.B. 1800, Resubdivision Plat of Lots 16-21, N.C.B. 1800, Condos at the Cascades;

**THENCE** North 55 deg. 11 min. 03 sec. East a distance of 45.89 feet to a 1/2" Iron Rod set for an interior ell corner of said Lot 16, N.C.B. 1800;

**THENCE** South 36 deg. 09 min. 53 sec. East, continuing with the West boundary line of Resubdivision Plat of Lots 16-21, N.C.B. 1800, Condos at the Cascades, a distance of 217.22 feet to a 1/2" Iron Rod set for the Southeast corner of said Lot 16, N.C.B. 1800, same being located in the North right-of-way line of Cascades Boulevard, in a curve to the right having a radius of 260.00 feet;

**THENCE** Westerly, continuing with the North right-of-way line of Cascades Boulevard, with said curve to the right having a Radius of 260.00 feet, a Delta Angle of 34 deg. 01 min. 51 sec., a Chord Bearing of South 66 deg. 26 min. 02 sec. West, a Chord Distance of 152.17 feet and an Arc Length of 154.43 feet to a 1/2" Iron Rod set at the Point of Compounding Curve of a curve to the right having a radius of 280.15 feet;

**THENCE** Westerly, continuing with the North right-of-way line of Cascades Boulevard, with said curve to the right having a Radius of 280.15 feet, a Delta Angle of 30 deg. 10 min. 54 sec., a Chord Bearing of North 79 deg. 53 min. 36 sec. West, a Chord Distance of 145.87 feet and an Arc Length of 147.57 feet to a 1/2" Iron Rod set at the Point of Tangency;

**THENCE** North 64 deg. 48 min. 04 sec. West, continuing with the North right-of-way line of Cascades Boulevard, a distance of 37.82 feet to a 1/2" Iron Rod set in the same at the Point of Curvature of a curve to the right having a radius of 269.67 feet;

**THENCE** Westerly, continuing with the North right-of-way line of Cascades Boulevard, with said curve to the right having a Radius of 269.67 feet, a Delta Angle of 14 deg. 38 min. 32 sec., a Chord Bearing of North 57 deg. 20 min. 29 sec. West, a Chord Distance of 68.73 feet and an Arc Length of 68.92 feet to a 1/2" Iron Rod set at the Point of Reverse Curve to the left having a radius of 230.06 feet;

**THENCE** Westerly, continuing with the North right-of-way line of Cascades Boulevard, with said curve to the right having a Radius of 230.06 feet, a Delta Angle of 17 deg. 14 min. 24 sec., a Chord Bearing of North 58 deg. 42 min. 00 sec. West, a Chord Distance of 68.96 feet and an Arc Length of 69.22 feet to a 1/2" Iron Rod found at the Southeast corner of Lot 1, N.C.B. 1801-A, Amended Plat of Tyler Cascades, Unit One;

**THENCE** North 20 deg. 09 min. 07 sec. West, with the East boundary line of said N.C.B. 1801-A, Amended Plat of Tyler Cascades, Unit One, a distance of 85.30 feet to a 1/2" Iron Rod found for the Northeast corner of Lot 1, N.C.B. 1801-A, Amended Plat of Tyler Cascades, Unit One;

**THENCE** North 60 deg. 59 min. 26 sec. West, with the North boundary line of said N.C.B. 1801-A, Amended Plat of Tyler Cascades, Unit One, a distance of 584.59 feet to a 1/2" Iron Rod found for the Northwest corner of Lot 4 and the Northeast corner of Lot 5, N.C.B. 1801-A, Amended Plat of Tyler Cascades, Unit One;

**THENCE** South 88 deg. 30 min. 15 sec. West, continuing with the North boundary line of said N.C.B. 1801-A, Amended Plat of Tyler Cascades, Unit One, a distance of 88.43 feet to a 1/2" Iron Rod found for the Northwest corner of Lot 5, N.C.B. 1801-A, Amended Plat of Tyler Cascades, Unit One;

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LEGAL DESCRIPTION Page 6 of 11



2026 Republic Drive, Suite B  
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**THENCE** South 21 deg. 55 min. 16 sec. West, with the West boundary line of said N.C.B. 1801-A, Amended Plat of Tyler Cascades, Unit One, a distance of 248.42 feet to a 1/2" Iron Rod found for the Northwest corner of Lot 7 and the Southwest corner of Lot 6, N.C.B. 1801-A, Amended Plat of Tyler Cascades, Unit One, having a Latitude of 32 deg. 19 min. 24.45 sec., Longitude of 95 deg. 21 min. 23.16 sec., Convergence of 01 deg. 42 min. 55 sec. and a Scale Factor of 0.9999528, Texas Coordinate System, NAD83, Texas North Central Zone, Surface Coordinate;

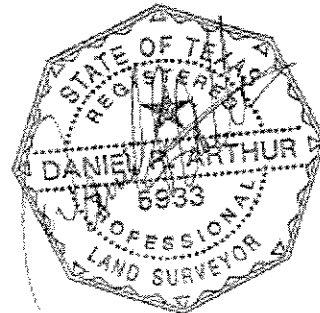
**THENCE** South 27 deg. 12 min. 03 sec. West, with the West boundary line of said N.C.B. 1801-A, Amended Plat of Tyler Cascades, Unit One, a distance of 307.24 feet to **the PLACE OF BEGINNING AND CONTAINING 9.237 ACRES OF LAND.**

The bearings hereon are based on Texas Coordinate System, NAD83, Texas North Central Zone, Surface Coordinates. Scale Factor and Convergence as indicated.

I, Daniel R. Arthur, do hereby state that the above field notes were prepared from a survey made under my supervision during the month of March, 2009.

GIVEN UNDER MY HAND AND SEAL, this 17<sup>th</sup> day of March, 2009.

  
Daniel R. Arthur  
Registered Professional Land Surveyor  
State of Texas No. 5933



See Map No. 08-070088 prepared in conjunction with these field notes.

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Job No: 08-070088

82.483 Acres  
Cascades Golf Course  
Tyler, Texas

All that certain lot, tract or parcel of land within the McKinney & Williams Survey, Abstract No. 727 and and the S. A. & M. G. R. R. Co. Survey, Abstract No. 963, Smith County, Texas, and being part of a called 285.099 acre tract of land described in Deed from Stella Mae Henshaw, trustee to Cascade Properties, Ltd., dated August 30, 2002, and recorded in Volume 6636 on Page 206 of the Official Public Records of Smith County, Texas, and being part of a called 146.1722 acre tract described in Deed from Headquarters of Briarwood Golf Club, L.P. to Bellwood Lake Partnership, LTD., dated July 2, 2002, and recorded in Volume 6492 on Page 290 of the Official Public Records of Smith County, Texas, and this 82.483 acre tract being more completely described as follows:

**BEGINNING** at a 1/2" Iron Rod found for the Northeast corner of Lot 10-A, N.C.B. 1801-D, according to the Resubdivision Plat of Lots 6-11, N.C.B. 1801-D & Lots 1-7, N.C.B. 1801-E, Tyler Cascades, Unit One, Section Two, recorded in Cabinet D on Slide 293-C of the Plat Records of Smith County, Texas, said 1/2" Iron Rod having a Latitude of 32 deg. 19 min. 17.79 sec., Longitude of 95 deg. 21 min. 14.88 sec., Convergence of 01 deg. 42 min. 57 sec. and a Scale Factor of 0.9999532, Texas Coordinate System, NAD83, Texas North Central Zone, Surface Coordinate;

**THENCE** North 89 deg. 10 min. 46 sec. West, with the North boundary line of said Resubdivision Plat of Lots 6-11, N.C.B. 1801-D & Lots 1-7, N.C.B. 1801-E, Tyler Cascades, Unit One, Section Two, a distance of 590.12 feet to a 1/2" Iron Rod found for corner in the North boundary line of same, and being located in the North boundary line of Lot 7-A, N.C.B. 1801-D, said 1/2" Iron Rod having a Latitude of 32 deg. 19 min. 18.05 sec., Longitude of 95 deg. 21 min. 21.75 sec., Convergence of 01 deg. 42 min. 53 sec. and a Scale Factor of 0.9999532, Texas Coordinate System, NAD83, Texas North Central Zone, Surface Coordinate;

**THENCE** North 75 deg. 08 min. 40 sec. West, continuing with the North boundary line of said Resubdivision Plat of Lots 6-11, N.C.B. 1801-D & Lots 1-7, N.C.B. 1801-E, Tyler Cascades, Unit One, Section Two and the North boundary line of the Final Plat of Tyler Cascades, Unit One, Section Two, recorded in Cabinet D on Slides 225-B & 225-C of the Plat Records of Smith County, Texas, a distance of 201.73 feet to 1/2" Iron Rod found for the Northwest corner of Lot 6-A, N.C.B. 1801-D and the Northeast corner of Lot 5, N.C.B. 1801-D;

**THENCE** North 75 deg. 08 min. 51 sec. West, continuing with the North boundary line of the Final Plat of Tyler Cascades, Unit One, Section Two, a distance of 125.54 feet to a 1/2" Iron Rod found for the Northwest corner of Lot 5, N.C.B. 1801-D and the Northeast corner of Lot 4, N.C.B. 1801-D;

**THENCE** North 81 deg. 07 min. 36 sec. West, continuing with the North boundary line of the Final Plat of Tyler Cascades, Unit One, Section Two, a distance of 125.04 feet to a 1/2" Iron Rod found for the Northwest corner of Lot 4, N.C.B. 1801-D and the Northeast corner of Lot 3, N.C.B. 1801-D;

**THENCE** North 65 deg. 29 min. 13 sec. West, continuing with the North boundary line of the Final Plat of Tyler Cascades, Unit One, Section Two, a distance of 150.85 feet to a 1/2" Iron Rod found for corner in the Northeast boundary line of Lot 2, N.C.B. 1801-D;

**THENCE** North 14 deg. 28 min. 56 sec. West, continuing with the North boundary line of the Final Plat of Tyler Cascades, Unit One, Section Two, a distance of 76.36 feet to a 1/2" Iron Rod found for the Northeast corner of Lot 1, N.C.B. 1801-D;

**THENCE** South 89 deg. 41 min. 20 sec. West, continuing with the North boundary line of the Final Plat of Tyler Cascades, Unit One, Section Two, a distance of 136.22 feet to a 1/2" Iron Rod set for the Northwest corner of Lot 1, N.C.B. 1801-D, same being located in the South right-of-way line of Cascades Boulevard;

**THENCE** North 54 deg. 48 min. 24 sec. East, with the South right-of-way line of Cascades Boulevard, a distance of 106.46 feet to a 1/2" Iron Rod set for the Point of Curvature of a curve to the right having a radius of 69.92 feet;

**THENCE** Easterly, continuing with the South right-of-way line of Cascades Boulevard, along said curve to the right having a Radius of 69.92 feet, a Delta Angle of 38 deg. 36 min. 57 sec., a Chord Bearing of North 74 deg. 07 min. 02 sec. East, a Chord Distance of 46.24 feet and an Arc Length of 47.12 feet to a 1/2" Iron Rod set at the Point of Tangency;

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**THENCE** South 86 deg. 32 min. 33 sec. East, continuing with the South right-of-way line of Cascades Boulevard, a distance of 142.63 feet to a 1/2" Iron Rod set at the Point of Curvature of a curve to the left having a radius of 529.80 feet;

**THENCE** Easterly, continuing with the South right-of-way line of Cascades Boulevard, along said curve to the left having a Radius of 529.80 feet, a Delta Angle of 06 deg. 15 min. 53 sec., a Chord Bearing of South 89 deg. 40 min. 25 sec. East, a Chord Distance of 57.90 feet and an Arc Length of 57.93 feet to a 1/2" Iron Rod set at the Point of Tangency;

**THENCE** North 87 deg. 12 min. 39 sec. East, continuing with the South right-of-way line of Cascades Boulevard, a distance of 171.26 feet to a 1/2" Iron Rod set at the Point of Curvature of a curve to the left having a radius of 280.00 feet;

**THENCE** Easterly, continuing with the South right-of-way line of Cascades Boulevard, along said curve to the left having a Radius of 280.00 feet, a Delta Angle of 14 deg. 46 min. 54 sec., a Chord Bearing of North 79 deg. 51 min. 17 sec. East, a Chord Distance of 72.04 feet and an Arc Length of 72.24 feet to a 1/2" Iron Rod found for the Northwest corner of Lot 13-A, N.C.B. 1801-C, Resubdivision Plat of Lots 1-7, N.C.B. 1801-C, Tyler Cascades, Unit One, recorded in Cabinet D on Slide 256-A of the Plat Records of Smith County, Texas;

**THENCE** South 43 deg. 46 min. 02 sec. East, with the West boundary line of said Lot 13-A, N.C.B. 1801-C, a distance of 87.05 feet to a 1/2" Iron Rod found for the Southwest corner of said Lot 13-A, N.C.B. 1801-C;

**THENCE** North 87 deg. 25 min. 34 sec. East, with the South boundary line of said Resubdivision Plat of Lots 1-7, N.C.B. 1801-C, Tyler Cascades, Unit One, a distance of 166.35 feet to a 1/2" Iron Rod found for corner in the South boundary line of Lot 11-A, N.C.B. 1801-C;

**THENCE** North 87 deg. 18 min. 13 sec. East, continuing with the South boundary line of said Resubdivision Plat of Lots 1-7, N.C.B. 1801-C, Tyler Cascades, Unit One, a distance of 472.44 feet to a 1/2" iron Rod set for corner in the South boundary line of Lot 4-A, N.C.B. 1801-C;

**THENCE** South 74 deg. 22 min. 49 sec. East, continuing with the South boundary line of said Resubdivision Plat of Lots 1-7, N.C.B. 1801-C, Tyler Cascades, Unit One, a distance of 292.03 feet to a 1/2" Iron Rod found for the Southeast corner of Lot 1-A, N.C.B. 1801-C;

**THENCE** North 02 deg. 32 min. 48 sec. West, with the East boundary line of said Resubdivision Plat of Lots 1-7, N.C.B. 1801-C, Tyler Cascades, Unit One, a distance of 125.58 feet to a 1/2" Iron Rod found for the Northeast corner of Lot 1-A, N.C.B. 1801-C, same being located in the South right-of-way line of Cascades Boulevard, in a curve to the left having a radius of 340.15 feet;

**THENCE** Easterly, with the South right-of-way line of Cascades Boulevard, along said curve to the left having a Radius of 340.15 feet, a Delta Angle of 11 deg. 18 min. 28 sec., a Chord Bearing of South 89 deg. 28 min. 05 sec. East, a Chord Distance of 67.02 feet and an Arc Length of 67.13 feet to a 1/2" Iron Rod set at the Point of Compounding Curve to the left having a radius of 320.00 feet;

**THENCE** Easterly, continuing with the South right-of-way line of Cascades Boulevard, along said curve to the left having a Radius of 320.00 feet, a Delta Angle of 42 deg. 13 min. 48 sec., a Chord Bearing of North 62 deg. 28 min. 54 sec. East, a Chord Distance of 230.55 feet and an Arc Length of 235.86 feet to a 1/2" Iron Rod set at the Point of Tangency;

**THENCE** North 41 deg. 22 min. 00 sec. East, continuing with the South right-of-way line of Cascades Boulevard, a distance of 216.82 feet to a 1/2" Iron Rod set at the Point of Curvature of a curve to the right having a radius of 470.00 feet;

**THENCE** North Easterly, continuing with the South right-of-way line of Cascades Boulevard, along said curve to the left having a Radius of 470.00 feet, a Delta Angle of 03 deg. 07 min. 09 sec., a Chord Bearing of North 42 deg. 55 min. 34 sec. East, a Chord Distance of 25.58 feet and an Arc Length of 25.59 feet to a 1/2" Iron Rod set at the Point of Compounding Curve to the right having a radius of 20.00 feet;

**THENCE** Easterly along said curve to the right having a Radius of 20.00 feet, a Delta Angle of 90 deg. 10 min. 37 sec., a Chord Bearing of North 89 deg. 34 min. 27 sec. East, a Chord Distance of 28.33 feet and an Arc Length of 31.48 feet to a 1/2" Iron Rod set at the Point of Tangency;

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**THENCE** South 45 deg. 20 min. 15 sec. East a distance of 48.65 feet to a 1/2" Iron Rod set at the Point of Curvature of a curve to the left having a radius of 330.00 feet;

**THENCE** Easterly along said curve to the left having a Radius of 330.00 feet, a Delta Angle of 22 deg. 24 min. 20 sec., a Chord Bearing of South 56 deg. 32 min. 25 sec. East, a Chord Distance of 128.23 feet and an Arc Length of 129.05 feet to a 1/2" Iron Rod set at the Point of Tangency;

**THENCE** South 67 deg. 44 min. 35 sec. East a distance of 154.52 feet to a 1/2" Iron Rod set at the Point of Curvature of a curve to the right having a radius of 4596.98 feet, same being located in the South right-of-way line of Briarwood Drive, Briarwood Shadows Addition, recorded in Volume 9 on Page 111 of the Plat Records of Smith County, Texas;

**THENCE** Southerly, continuing with the South right-of-way line of Briarwood Drive, with said curve to the right having a Radius of 4596.98 feet, a Delta Angle of 02 deg. 23 min. 11 sec., a Chord Bearing of South 70 deg. 22 min. 31 sec. East, a Chord Distance of 191.46 feet and an Arc Length of 191.47 feet to a 1/2" Iron Rod set at the Northwest corner of Lot 3, the Northeast corner of Lot 2 of Briarwood Shadows Addition;

**THENCE** South 22 deg. 07 min. 45 sec. West a distance of 151.57 feet to a 1/2" Iron Rod set for the Southwest corner of Lot 3, the Southeast corner of Lot 2 of Briarwood Shadows Addition;

**THENCE** South 67 deg. 53 min. 11 sec. East, continuing with the South boundary line of said Briarwood Shadows Addition, a distance of 822.46 feet to a 1/2" Iron Rod set for corner in the South boundary line of same and Lot 7;

**THENCE** North 87 deg. 28 min. 36 sec. East a distance of 226.65 feet to a PK Nail set for corner in the South right-of-way line of Briarwood Drive in the driving surface of Wexford Drive, in a curve to the left having a Radius of 180.00 feet;

**THENCE** Southerly with said curve to the Left having a Radius of 180.00 feet, a Delta Angle of 53 deg. 23 min. 08 sec., a Chord Bearing of South 35 deg. 50 min. 37 sec. East, a Chord Distance of 161.71 feet and an Arc Length of 167.72 feet to an "X" Scribed at the Point of Tangency;

**THENCE** South 62 deg. 32 min. 13 sec. East a distance of 56.94 feet to an "X" Scribed at the Point of Curvature of a curve to the right having a radius of 220.00 feet;

**THENCE** Southerly with said curve to the Left having a Radius of 220.00 feet, a Delta Angle of 14 deg. 59 min. 59 sec., a Chord Bearing of South 55 deg. 02 min. 13 sec. East, a Chord Distance of 57.43 feet and an Arc Length of 57.59 feet to an "X" Scribed at the Point of Tangency;

**THENCE** South 47 deg. 32 min. 13 sec. East a distance of 17.78 feet to an "X" Scribed at the Point of Curvature of a curve to the right having a radius of 220.00 feet;

**THENCE** Southerly with said curve to the Left having a Radius of 220.00 feet, a Delta Angle of 45 deg. 04 min. 23 sec., a Chord Bearing of South 25 deg. 03 min. 00 sec. East, a Chord Distance of 168.64 feet and an Arc Length of 173.07 feet to a 1/2" Iron Rod set at the Point of Tangency;

**THENCE** South 02 deg. 27 min. 48 sec. East a distance of 44.93 feet to a 1/2" Iron Rod set for corner in the West right-of-way line of Wexford Drive;

**THENCE** South 02 deg. 23 min. 32 sec. East, continuing with the West right-of-way line of Wexford Drive, a distance of 713.28 feet to a 1/2" Iron Rod set at the Point of Curvature of a curve to the left having a radius of 50.00 feet;

**THENCE** Southerly, continuing with the West right-of-way line of Wexford Drive, with said curve to the Left having a Radius of 50.00 feet, a Delta Angle of 108 deg. 22 min. 04 sec., a Chord Bearing of South 34 deg. 33 min. 59 sec. West, a Chord Distance of 81.09 feet and an Arc Length of 94.57 feet to a 1/2" Iron Rod set for corner at the intersection of the West right-of-way line of Wexford Drive and the North boundary line of Lot 1, N.C.B. 1800, The Cascades, recorded in Cabinet D on Slide 204-C of the Plat Records of Smith County, Texas;

**THENCE** South 37 deg. 50 min. 09 sec. West, with the North boundary line of said Lot 1, N.C.B. 1800, The Cascades, a distance of 43.66 feet to a 1/2" Iron Rod set;

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**THENCE** South 42 deg. 50 min. 09 sec. West, continuing with the North boundary line of said Lot 1, N.C.B. 1800, The Cascades, a distance of 125.67 feet to a 1/4" Iron Rod set;

**THENCE** South 65 deg. 20 min. 09 sec. West, continuing with the North boundary line of said Lot 1, N.C.B. 1800, The Cascades, a distance of 172.83 feet to a 1/2" Iron Rod found;

**THENCE** South 87 deg. 50 min. 09 sec. West, continuing with the North boundary line of said Lot 1, N.C.B. 1800, The Cascades, a distance of 166.81 feet to a 1/2" Iron Rod found;

**THENCE** South 02 deg. 12 min. 25 sec. East, continuing with the North boundary line of said Lot 1, N.C.B. 1800, The Cascades, a distance of 76.85 feet to a 1/2" Iron Rod found;

**THENCE** South 87 deg. 58 min. 38 sec. West, continuing with the North boundary line of said Lot 1, N.C.B. 1800, The Cascades, a distance of 107.27 feet to a 1/2" Iron Rod found for the Northwest corner of same, in the East boundary line of Lot 1, N.C.B. 1806, Mansions at The Cascades, recorded in Cabinet D on Slides 396-A and 396-B of the Plat Records of Smith County, Texas;

**THENCE** North 02 deg. 07 min. 17 sec. West, with the East boundary line of said Lot 1, N.C.B. 1806, Mansions at The Cascades, a distance of 4.32 feet to a 1/2" Iron Rod found for the most Easterly Northeast corner of same;

**THENCE** West with the North boundary line of said Lot 1, N.C.B. 1806, Mansions at The Cascades as follows:

North 89 deg. 21 min. 48 sec. West a distance of 124.32 feet to a 1/2" Iron Rod set;  
South 88 deg. 16 min. 46 sec. West a distance of 108.44 feet to a 1/2" Iron Rod found;  
North 57 deg. 22 min. 09 sec. West a distance of 327.92 feet to a 1/2" Iron Rod found;  
South 44 deg. 28 min. 50 sec. West a distance of 7.90 feet to a 1/2" Iron Rod found;  
North 66 deg. 23 min. 15 sec. West a distance of 152.40 feet to a 1/2" Iron Rod found;  
North 73 deg. 22 min. 09 sec. West a distance of 149.50 feet to a 1/2" Iron Rod found;  
North 02 deg. 58 min. 32 sec. East a distance of 182.77 feet to a 1/2" Iron Rod found bent;  
North 08 deg. 23 min. 13 sec. West a distance of 167.45 feet to a 1/2" Iron Rod found;  
South 81 deg. 21 min. 32 sec. West a distance of 43.75 feet to a 1/2" Iron Rod found for a Point of Curvature of a curve to the left having a radius of 73.00 feet;

Northerly with said curve to the Left having a Radius of 73.00 feet, a Delta Angle of 93 deg. 30 min. 55 sec., a Chord Bearing of North 50 deg. 13 min. 31 sec. West, a Chord Distance of 106.36 feet and an Arc Length of 119.15 feet to a 1/2" Iron Rod found;

North 03 deg. 58 min. 30 sec. East a distance of 43.33 feet to a 1/2" Iron Rod found;  
North 85 deg. 11 min. 10 sec. West a distance of 182.06 feet to a 1/2" Iron Rod found;  
North 01 deg. 33 min. 45 sec. West a distance of 77.20 feet to a 1/2" Iron Rod found;  
South 88 deg. 27 min. 21 sec. West a distance of 190.10 feet to a 1/2" Iron Rod found;  
South 00 deg. 28 min. 15 sec. East a distance of 40.73 feet to a 1/2" Iron Rod set;  
South 89 deg. 12 min. 22 sec. West a distance of 176.96 feet to a 1/2" Iron Rod set;  
South 00 deg. 27 min. 38 sec. East a distance of 77.80 feet to a 5/8" Iron Rod found;  
South 89 deg. 39 min. 10 sec. West a distance of 136.31 feet to a 5/8" Iron Rod found for a Point of Curvature of a curve to the left having a radius of 99.87 feet;

Westerly with said curve to the Left having a Radius of 99.87 feet, a Delta Angle of 48 deg. 05 min. 45 sec., a Chord Bearing of South 65 deg. 46 min. 48 sec. West, a Chord Distance of 81.40 feet and an Arc Length of 83.83 feet to a 1/2" Iron Rod set at the Point of Tangency;

South 41 deg. 43 min. 55 sec. West a distance of 105.90 feet to a 1/2" Iron Rod set;  
South 48 deg. 16 min. 05 sec. East a distance of 11.98 feet to a 1/2" Iron Rod set;  
South 41 deg. 43 min. 55 sec. West a distance of 79.99 feet to an "X" found in concrete;  
North 48 deg. 23 min. 09 sec. West a distance of 256.03 feet to a 5/8" Iron Rod found for a Point of Curvature of a curve to the right having a radius of 507.76 feet;

South Westerly with said curve to the Left having a Radius of 507.76 feet, a Delta Angle of 15 deg. 48 min. 05 sec., a Chord Bearing of South 40 deg. 01 min. 05 sec. West, a Chord Distance of 139.59 feet and an Arc Length of 140.03 feet to a 5/8" Iron Rod found at the Point of Tangency;

South 45 deg. 33 min. 45 sec. West a distance of 84.97 feet to a 5/8" Iron Rod found at the Point of Curvature of a curve to the left having a radius of 518.03 feet;

South Westerly with said curve to the Left having a Radius of 518.03 feet, a Delta Angle of 20 deg. 34 min. 39 sec., a Chord Bearing of South 35 deg. 16 min. 26 sec. West, a Chord Distance of 185.05 feet and an Arc Length of 185.05 feet to a 1/2" Iron Rod set;

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North 50 deg. 13 min. 58 sec. West a distance of 79.28 feet to a 1/2" Iron Rod set in the East right-of-way line of Hogan Drive for the Northwest corner of said Lot 1, N.C.B. 1806;

**THENCE** North 57 deg. 06 min. 23 sec. East, with the East right-of-way line of Hogan Drive, a distance of 179.66 feet to a 5/8" Iron Rod found at the Point of Curvature of a curve to the left having a radius of 280.00 feet;

**THENCE** Northerly, continuing with the East right-of-way line of Hogan Drive, with said curve to the Left having a Radius of 280.00 feet, a Delta Angle of 42 deg. 40 min. 20 sec., a Chord Bearing of North 35 deg. 46 min. 19 sec. East, a Chord Distance of 203.75 feet and an Arc Length of 208.53 feet to a 5/8" Iron Rod found at the Point of Tangency;

**THENCE** North 14 deg. 26 min. 45 sec. East, continuing with the East right-of-way line of Hogan Drive, a distance of 50.02 feet to a 1/2" Iron Rod set at the Point of Curvature of a curve to the left having a radius of 280.00 feet;

**THENCE** Northerly, continuing with the East right-of-way line of Hogan Drive, with said curve to the Left having a Radius of 280.00 feet, a Delta Angle of 55 deg. 26 min. 51 sec., a Chord Bearing of North 13 deg. 16 min. 36 sec. West, a Chord Distance of 260.52 feet and an Arc Length of 270.97 feet to a 1/2" Iron Rod set in the South boundary line of said Resubdivision Plat of Lots 6-11, N.C.B. 1801-D & Lots 1-7, N.C.B. 1801-E, Tyler Cascades, Unit One, Section Two;

**THENCE** South 79 deg. 50 min. 43 sec. East, with the South boundary line of said Resubdivision Plat of Lots 6-11, N.C.B. 1801-D & Lots 1-7, N.C.B. 1801-E, Tyler Cascades, Unit One, Section Two, a distance of 31.19 to a 1/2" Iron Rod set at the Southeast corner of Lot 12-A, N.C.B. 1801-D;

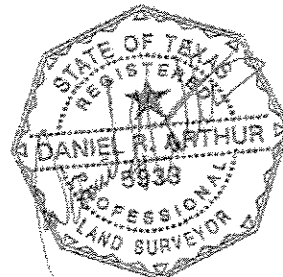
**THENCE** North 31 deg. 27 min. 32 sec. East, with the East boundary line said Resubdivision Plat of Lots 6-11, N.C.B. 1801-D & Lots 1-7, N.C.B. 1801-E, Tyler Cascades, Unit One, Section Two, a distance of 571.60 feet to the **PLACE OF BEGINNING AND CONTAINING 82.483 ACRES OF LAND.**

The bearings hereon are based on Texas Coordinate System, NAD83, Texas North Central Zone, Surface Coordinates. Scale Factor and Convergence as indicated.

I, Daniel R. Arthur, do hereby state that the above field notes were prepared from a survey made under my supervision during the month of March, 2009.

GIVEN UNDER MY HAND AND SEAL, this 18<sup>th</sup> day of March, 2009.

  
Daniel R. Arthur  
Registered Professional Land Surveyor  
State of Texas No. 5933



See Map No. 08-070088 prepared in conjunction with these field notes.

ORDINANCE NO. 0-2009-69

EXHIBIT "C"  
OWNER PETITION

Page 1 of 7

RECEIVED

MAY 26 2009 FORM

REQUEST FOR ANNEXATION OF SPARSELY OCCUPIED AREA  
BY THE OWNER(S) OF AREA PLANNING DEPARTMENT

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:

SEE ATTACHED FIELD NOTES (40.267 Ac., 9.237 Ac., 82.483 Ac. & 104.36Ac.) AND EXHIBIT PLATS

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.

William R. Cawley William R. Cawley  
SIGNATURE PRINT NAME

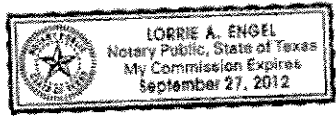
5/21/09  
DATE

(ACKNOWLEDGMENT)

THE STATE OF Texas  
COUNTY OF Dallas

This petition was acknowledged before me on the 21<sup>st</sup> day of May, 2009 by  
William R. Cawley

Lorrie A. Engel  
Notary Public  
State of Texas



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] William R. Cawley  
SIGNATURE PRINT NAME  
DATE 5/21/09

\_\_\_\_\_  
SIGNATURE PRINT NAME  
DATE

(ACKNOWLEDGMENT)

THE STATE OF Texas  
COUNTY OF Dallas

This petition was acknowledged before me on the 21<sup>st</sup> day of May, 2009 by William R. Cawley

[Signature]  
Notary Public  
State of Texas



(ACKNOWLEDGMENT)

THE STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

This petition was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
State of \_\_\_\_\_

ORDINANCE NO. 0-2009-69

Exhibit "C"  
Page 3 of 7

FORM I

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):

The property will be used as a golf course with clubhouse, parking, driving range and other supporting amenities.

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

Annexation is being requested per prior agreements and to have City fire and police service.

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

Presently, the property is being used as a golf course with clubhouse, parking, driving range and other supporting amenities.

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)

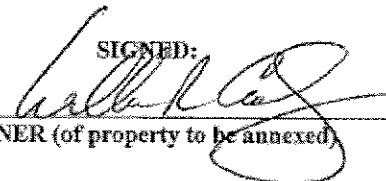
The clubhouse is currently served with City of Tyler water and sanitary sewer service as a result of prior extensions of main by Cascades Ltd.

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

903-592-2551  
Owner's Telephone Number

OR

903-597-2122  
Agent's Telephone Number

SIGNED:  
  
OWNER (of property to be annexed)

  
AGENT (When applicable - See Form E)

ORDINANCE NO. 0-2009-69

Exhibit "C"  
Page 4 of 7

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. Bellwood Lake Partnership LTD      2611 Cascades Golf Club Drive, Tyler TX, 75709
2. Cascade Properties LTD      2611 Cascades Golf Club Drive, Tyler TX, 75709
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_
16. \_\_\_\_\_
17. \_\_\_\_\_
18. \_\_\_\_\_
19. \_\_\_\_\_
20. \_\_\_\_\_

ORDINANCE NO. 0-2009-69

Exhibit "C"  
Page 5 of 7

FORM D

LIST OF NAMES OF ALL QUALIFIED VOTERS RESIDING IN THE AREA

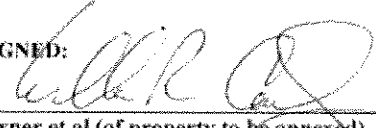
In order for an area to qualify for annexation under Texas Local Government Code Section 43.028, the area must be vacant or without residents, or on which fewer than three (3) qualified voters reside.

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.

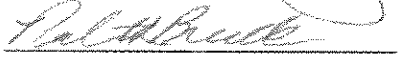
NAME AND AGE      MAILING ADDRESS

- 1.            None \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_
- 8. \_\_\_\_\_
- 9. \_\_\_\_\_
- 10. \_\_\_\_\_

SIGNED:

  
\_\_\_\_\_

Owner et al (of property to be annexed)

  
\_\_\_\_\_

Agent (when applicable - See Form E)

ORDINANCE NO. 0-2009-69

Exhibit "C"  
Page 6 of 7

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) The Brannon Corporation 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. [Signature]      2611 Cascades Golf Club Drive, Tyler, TX 75709
- 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".)

ORDINANCE NO. 0-2009-69

Exhibit "C"  
Page 7 of 7

FORM G

PETITION FOR ORIGINAL ZONING OF SPARSELY OCCUPIED AREA TO BE ANNEXED

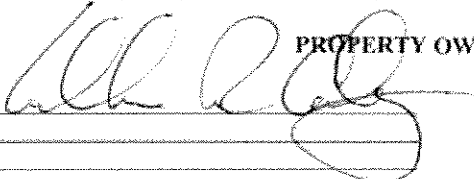
Before the City Planning and Zoning Commission and the City Council  
of the City of Tyler, Texas

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) R-1A for golf course and undeveloped land & C-1 for clubhouse and parking. 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

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
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.

ORDINANCE NO. 0-2009-69

EXHIBIT "D"  
Zoning Map

