

ORDINANCE NO. O-2010-23

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CHANGING THE ZONING FROM "AG", AGRICULTURAL DISTRICT TO "R-MF", MULTI-FAMILY RESIDENTIAL DISTRICT ON AN 11.57 ACRE PORTION OF A TRACT TOTALING APPROXIMATELY 159.69 ACRES OF LAND. IT IS LOCATED SOUTHEAST OF THE INTERSECTION OF EAST NORTHEAST LOOP 323 AND NORTH BROADWAY AVENUE (3895 NORTH BROADWAY AVENUE); DIRECTING THE AMENDMENT OF THE ZONING MAP; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Tyler, Texas, and the City Council of the City of Tyler, Texas, in compliance with the Charter and the State law with reference to the zoning ordinance of the City of Tyler, Texas, and zoning map, have given requisite notices by publication and otherwise and after holding a due hearing and affording a full and fair hearing to all the property owners, generally and to the persons interested, situated in the affected area and in the vicinity thereof, the City Council is of the opinion that the zoning change should be made as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That the following zone change is hereby approved as follows:

I. APPLICATION Z03-10-017

That the following described property, which has heretofore been zoned "AG", Agricultural District, shall hereafter bear the zoning classification of "R-MF", Multi-Family Residential District, to wit:

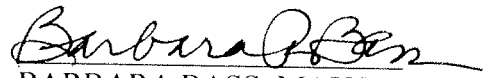
An 11.57 acre portion of a tract totaling approximately 159.69 acres of land. It is located southeast of the intersection of East Northeast Loop 323 and North Broadway Avenue (3895 North Broadway Avenue), as described in a metes and bounds description as shown in Exhibit "A".

PART 2: That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning.

PART 3: Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

PART 4: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 24th day of March, A.D., 2010.

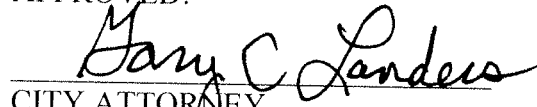

BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


CITY ATTORNEY

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EXHIBIT "A"

Metes and Bounds Description
11.568 Acre Tract

All that certain tract or parcel of land situated in the E. Bodenheimer Survey, Abstract 94, Smith County, Texas, being out of and a part of that certain called 159.687 acre tract described in a Special Warranty Deed with Vendor's Lien from Westchase Center, Inc. to Northchase Development LLC, dated February 20, 2008, and recorded in C.F.N. 2008-R00008839 of the Official Public Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod set for the northwest corner of the herein described tract, same being in the west line of said called 159.687 acre tract, same being in the east right-of-way line of North Broadway Avenue: for reference, a ½" iron rod found for the northwest corner of said called 159.687 acre tract bears North 01°45'15" West, 978.25 feet;

THENCE, South 89°00'03" East, a distance of 105.30 feet to a ½" iron rod set for a corner, same being the beginning of a curve to the left having a radius of 482.44 feet;

THENCE, along said curve to the left having a radius of 482.44 feet, a central angle of 23°08'21", and a chord bearing and distance of North 79°25'47" East, 193.52 feet, an arc length of 194.84 feet to a ½" iron rod set for a corner and the end of said curve, same being a point of reverse curvature and the beginning of a curve to the right having a radius of 433.52 feet;

THENCE, along said curve to the right having a radius of 433.52 feet, a central angle of 36°58'29", and a chord bearing and distance of North 86°20'51" East, 274.93 feet, an arc length of 279.76 feet to a ½" iron rod set for a corner and the end of said curve, same being the northeast corner of the herein described tract, same being in a curve to the left having a radius of 1,000.00 feet;

THENCE, along said curve to the left having a radius of 1,000.00 feet, a central angle of 28°45'49", and a chord bearing and distance of South 04°26'31" West, 496.76 feet, an arc length of 502.02 feet to a ½" iron rod set for a corner and the end of said curve;

THENCE, South 09°56'23" East, a distance of 161.49 feet to a ½" iron rod set for a corner, same being the beginning of a curve to the right having a radius of 314.92 feet;

THENCE, along said curve to the right having a radius of 314.92 feet, a central angle of 96°57'35", and a chord bearing and distance of South 40°30'03" West, 471.48 feet, an arc length of 532.93 feet to a ½" iron rod set for a corner and the end of said curve;

THENCE, South 89°05'40" West, a distance of 223.49 feet to a ½" iron rod set for the southwest corner of the herein described tract, same being in said west line of said 159.687 acre tract, same being in said east right-of-way line of North Broadway Avenue;

THENCE, North 01°45'15" West, with said west line of said 159.687 acre tract, same being said east right-of-way line of North Broadway Avenue (and the bearing basis of this survey as related to the record bearing), a distance of 965.73 feet to the POINT OF BEGINNING and containing 11.568 acres of land.

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EXHIBIT "A"

Exhibit 'A'
11.568 Acres
Page 2

I hereby certify that the above description was prepared from an actual survey made on the ground under my direction and supervision during the Month of February, 2010. GIVEN UNDER MY HAND AND SEAL this date. 3 February 2010.

(Reference is hereby made to the plat of survey, Job No. 10-042)

Robert Matush
Registered Professional Land Surveyor
Texas Registration No. 3683

