

ORDINANCE NO. O-2010-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ANNEXATION OF CERTAIN SPARSELY OCCUPIED AND OWNER-REQUESTED TERRITORY AND REFERRED TO AS THE ANNEXATION APPLICATION A04-10-001; CONSTITUTING APPROXIMATELY 0.52 ACRES OF LAND AS DESCRIBED BY A METES AND BOUNDS DESCRIPTION, LOCATED AT THE SOUTHEAST INTERSECTION OF STATE HIGHWAY 69 AND COUNTY ROAD 493, AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE CITY OF TYLER EXTRATERRITORIAL JURISDICTION; ADJUSTING THE BOUNDARY OF THE CITY COUNCIL DISTRICT # 3; 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 14th day of April, 2010, 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 0.52 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 0.52 acres for "AG", Agricultural District, as shown on Exhibit "D", hereinabove mentioned.

PART 4: That the initial Land Use Designation for the annexed area is hereby established as General Commercial, 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, 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 14th day of April A. D., 2010.

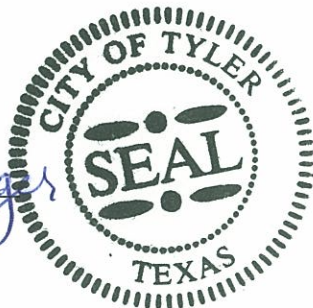


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

A T T E S T:



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 "B"
LEGAL DESCRIPTION

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EXHIBIT "B" (Page 1 of 3)

EXHIBIT B-ILLUSTRATION
LIMITED INCORPORATED ANNEXATION
COUNTY ROAD 493
CHAMBLEE 5 FOOT STRIP

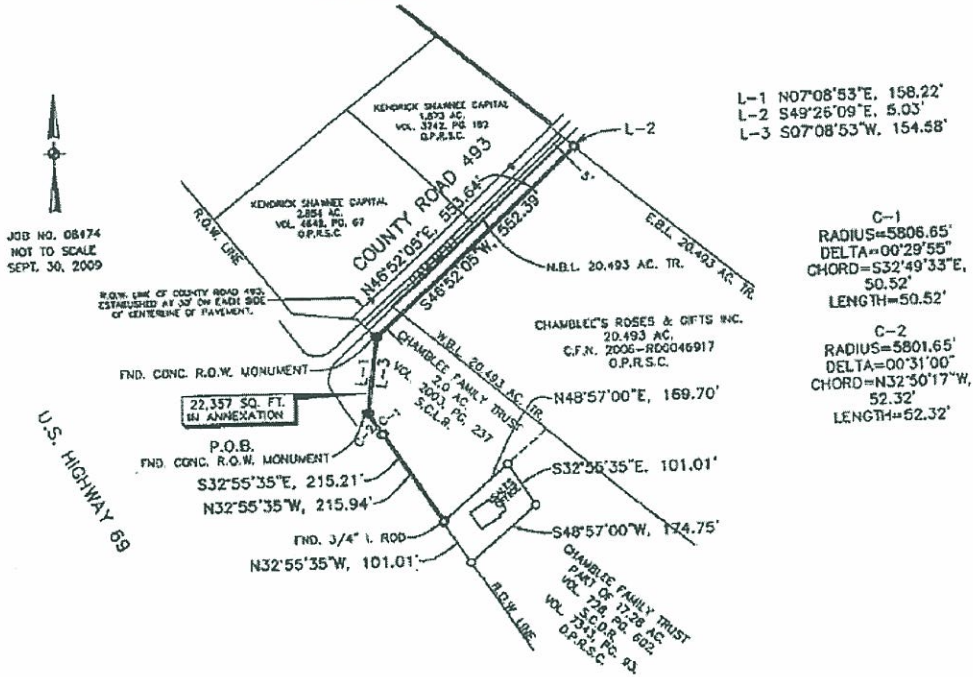


EXHIBIT "B" (Page 2 of 3)**Exhibit B - Metes and Bounds Description
Limited Incorporated Annexation
County Road 493**

All that certain tract or parcel of land situated in the Herry Mickleborough Survey, Abstract 851, Smith County, Texas, being out of and a part of the 17.28 acre remainder of that certain tract described in a Warranty Deed with Vendor's Lien from Effie Lee Jackson to Roland W. Chamblee et ux Emma Sarah Chamblee, of record in Volume 728, Page 602 of the Deed Records of Smith County, Texas, being out of and a part of that certain called 2 acre tract described in a Warranty Deed from Roland W. Chamblee et ux Emma Sarah Chamblee to Chamblee's Roses and Gifts, Inc., of record in Volume 2003, Page 237 of the Land Records of Smith County, Texas, and being out of and a part of that certain called 20.493 acre tract described in a Deed Without Warranty from Union Pacific Railroad Company to Chamblee's Roses and Gifts, Inc., dated September 19, 2006, and filed for record under Clerk's File Number 2006-R00046917 of the Official Public Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a concrete R.O.W. monument found for a corner in the east right-of-way line of U.S. Highway 69, same being an interior corner of that certain called 0.255 acre tract described in a Deed from Roland W. Chamblee et ux Emma Sarah Chamblee to the State of Texas, dated September 5, 1961, and recorded in Volume 1019, Page 585 of the Deed Records of Smith County;

THENCE, North 07°08'53" East, with said east right-of-way line of U.S. Highway 69, a distance of 156.22 feet to a concrete R.O.W. monument found for a corner in the east right-of-way line of U.S. Highway 69, same being 30.00 feet perpendicular in a southeasterly direction from the centerline of pavement of County Road 493;

THENCE, North 46°52'05" East, along a line being 30.00 feet perpendicular in a southeasterly direction from and parallel with said centerline of pavement of County Road 493, a distance of 553.64 feet to the northeast corner of the herein described tract, same being in the east line of said 20.493 acre tract;

THENCE, South 49°26'09" East, with said east line of said 20.493 acre tract, a distance of 5.03 feet to the southeast corner of the herein described tract;

THENCE, South 46°52'05" West, along a line being 35.00 feet perpendicular in a southeasterly direction from and parallel with said centerline of pavement of County Road 493 a distance of 552.39 feet to a corner;

THENCE, South 07°08'53" West, along a line being 5.00 feet perpendicular in an easterly direction from and parallel with said east right-of-way line of U.S. Highway 69, a distance of 154.53 feet to a corner, same being in a curve to the right having a radius of 5,806.65 feet;

THENCE, continuing along a line being 5.00 feet perpendicular in an easterly direction from and parallel with said east right-of-way line of U.S. Highway 69, and along said curve to the right having a radius of 5,806.65 feet, a central angle of 00°29'55", and a chord bearing and distance of South 32°48'33" East, 50.53 feet, an arc length of 50.53 feet to a corner and the end of said curve;

EXHIBIT "B" (Page 3 of 3)

Exhibit "A"
Chamblee
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THENCE, South $32^{\circ}55'35''$ East, continuing along a line being 5.00 feet perpendicular in an easterly direction from and parallel with said east right-of-way line of U.S. Highway 69, a distance of 215.21 feet to a corner;

THENCE, North $48^{\circ}57'00''$ East, a distance of 169.70 feet to a corner;

THENCE, South $32^{\circ}55'35''$ East, a distance of 101.01 feet to a corner;

THENCE, South $48^{\circ}57'00''$ West, a distance of 174.75 feet to the southwest corner of the herein described tract, same being in said east right-of-way line of U.S. Highway 69;

THENCE, North $32^{\circ}55'35''$ West, with said east right-of-way line of U.S. Highway 69, at 101.01 feet pass a $3/4''$ iron rod found for the southwest corner of said 2 acre tract, and continuing in all a total distance of 316.95 feet to a corner, same being the beginning of a curve to the left having a radius of 5,801.65 feet;

THENCE, continuing with said east right-of-way line of U.S. Highway 69, and along said curve to the left having a radius of 5,801.65 feet, a central angle of $00^{\circ}31'00''$, and a chord bearing and distance of North $32^{\circ}50'17''$ West, 52.32 feet, an arc length of 52.32 feet to the POINT OF BEGINNING and containing 22.357 square feet of land (0.5133 acre), more or less.

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 September, 2009. GIVEN UNDER MY HAND AND SEAL this date, 30 September 2009.

(Reference is hereby made to the plat of survey, Job No. 08-474. Bearings are based on the Texas Coordinate System, North Central Zone, Nad83 Map Datum).

Robert Matush
Registered Professional Land Surveyor
Texas Registration No. 3683

