

ORDINANCE NO. 0-2010-48

AN ORDINANCE OF THE CITY OF TYLER, TEXAS, PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH THE PROPERTIES WHOSE ADDRESSES INCLUDE 212 BORDER AVENUE; 613, 624, 638, 710, 714, & 812 WEST FERGUSON STREET; AND 512, 520, 527, 623, 700, 711, 717, 725, & 829 WEST ERWIN STREET CONTAINING APPROXIMATELY 11.059 ACRES OF LAND IN TYLER, TEXAS, TO FACILITATE THE CERTIFICATION OF SAID PROPERTY WITH A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY PURSUANT TO THE TEXAS SOLID WASTE DISPOSAL ACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of certain parcels of property whose addresses include 212 Border Avenue; 613, 624, 638, 710, 714, & 812 West Ferguson Street; and 512, 520, 527, 623, 700, 711, 717, 725, & 829 West Erwin Street located in the downtown Tyler area and containing approximately 11.059 acres of land in Tyler, Texas, (the "Properties" or "MSD Site") desires to obtain a municipal setting designation ("MSD") from the Texas Commission on Environmental Quality ("TCEQ") to address concerns regarding certain pollutants or contaminants that have been identified on the Properties; and

WHEREAS, Texas Local Government Code Section 401.005 authorizes the governing body of a municipality to regulate the pumping, extraction, or use of groundwater by persons other than retail public utilities, as defined by Section 13.002 of the Texas Water Code, to prevent the use of or contact with groundwater that presents an actual or potential threat to human health for the purpose of establishing and enforcing a MSD; and

WHEREAS, the Texas legislature has provided legislation in the Texas Health & Safety Code, Chapter 361, Subchapter W of the Texas Solid Waste Disposal Act that authorizes the Executive Director of the TCEQ to certify a MSD for certain qualifying properties upon receipt and approval of a properly submitted application to limit the scope of or eliminate the need for investigation of or response actions addressing contaminant impacts to groundwater that has been restricted from use as potable water by ordinance or restrictive covenant (the "MSD legislation"); and

WHEREAS, the Texas legislature, in enacting the MSD legislation, found that an action by a municipality to restrict access to or the use of groundwater in support of or to facilitate a MSD advances a substantial and legitimate state interest; and

WHEREAS, as a part of the application process for a MSD, the applicant is required to provide documentation that the property for which said designation is sought is subject to an ordinance that prohibits the use of designated groundwater from beneath the property as potable water and that appropriately restricts other uses of and contact with that groundwater; and

WHEREAS, as a part of the application process for a MSD, the applicant is required to provide documentation that the property for which the designation is sought is supported by a resolution adopted by statutorily designated interested parties; and

WHEREAS, the applicant may have continuing obligations to satisfy applicable statutory and regulatory provisions concerning groundwater contamination investigation and response actions at the MSD Site; and

WHEREAS, in order for the TCEQ to certify a MSD for the Properties, the City of Tyler must prohibit the use of groundwater from beneath the MSD Site as potable water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes; and

WHEREAS, a public drinking water supply system exists that supplies or is capable of supplying water to the MSD Site and to all surrounding properties within one-half mile of the MSD Site; and

WHEREAS, the City Council of the City of Tyler is of the opinion that it is in the best interest of the public and the City to facilitate the applicant's efforts to secure a MSD from the TCEQ;

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

PART 1: All of the declarations and findings contained in the preamble of this ordinance are made a part hereof and incorporated herein by reference, and shall be fully effective as a part of the ordained subject matter of this ordinance.

PART 2: The City Council finds that it is in the best interest and welfare of the public to facilitate the Texas Commission on Environmental Quality's certification of a municipal setting designation for the Properties, the legal descriptions of which are set forth in Exhibits "A1" through "A7" and as shown on Exhibits "B1" through "B7" attached hereto and incorporated herein by reference for all purposes allowed by law.

PART 3: Upon and after the effective date of this Ordinance, the drilling of wells and the use of designated groundwater for any purpose, including but not limited to any potable purpose, excepting only: (i) wells used as monitoring, wells for the collection of groundwater samples for chemical or biological laboratory analysis; and (ii) wells used for the purpose of remediation of soil or groundwater contamination, is hereby prohibited on or from any portion of the MSD property.

PART 4: This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Tyler, which date is expected to be Friday, May 28, 2010.

PASSED AND APPROVED this 26th day of May, A. D., 2010.

Barbara Bass
BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

Cassandra Brager Mary C Landers
CASSANDRA BRAGER, CITY CLERK MARY C. LANDERS, CITY ATTORNEY



Exhibit "A1" to Ordinance 0-2010-48

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**MSD BOUNDARY
CITY OF TYLER
SMITH COUNTY, TEXAS**

**Includes the following addresses: 527 W. Erwin St., 623 W. Erwin St.,
711 W. Erwin St., 624 W. Ferguson St., 638 W. Ferguson St. ,
710 W. Ferguson St.**

ALL THAT CERTAIN lot, tract, or parcel of land situated within the Isaac Lollar Survey Abstract 574, City of Tyler, Smith County, Texas, and being all of Lot 19-A, N.C.B. 91 as shown on a Plat of King Chevrolet Unit 2 recorded in Cabinet D, Slide 33-C in the Plat Records of Smith County, Texas, same being Tract One (call 2.821 acres) as described in a deed to City of Tyler, recorded in Document No. 2008-R00039671, and being all of Tract Three (call 0.669 acres) as described in a deed to City of Tyler recorded in Document No. 2008-R00039671, and being all of Tract Two (call 0.217 acres) as described in a deed to City of Tyler recorded in Document No. 2008-R00053949, and being all of Tract One (call 1.325 acres) as described in a deed to City of Tyler recorded in Document No. 2008-R00038605 of the Deed Records of Smith County, Texas and being more completely described as follows:

BEGINNING at a point for the northeast corner of said Lot 19-A, same being at the intersection of the south right of way line of West Ferguson Street with the west right of way line of North Bonner Avenue;

THENCE South 01 deg. 24 min. 45 sec. West with the west right of way line of North Bonner Avenue, same being the east line of said Lot 19-A, a distance of 301.65 feet to a point for the southeast corner of said Lot 19-A, same being at the intersection of the north right of way line of West Erwin Street;

THENCE North 89 deg. 16 min. 01 sec. West with the north right of way line of West Erwin Street and the south line of said Lot 19-A, a distance of 346.14 feet to a point for the southernmost southwest corner of said Lot 19-A, same being the southeast corner of said 1.325 acre tract;

THENCE South 89 deg. 28 min. 54 sec. West continuing with said north right of way line and the south line of said 1.325 acre tract, a distance of 122.43 feet to a point for corner;

THENCE South 88 deg. 54 min. 27 sec. West continuing with said north right of way line and said south line, a distance of 269.87 feet to a point for the southwest corner of said 1.325 acre tract, same being in the east line of an alley;

Exhibit "A1" to Ordinance 0-2010-48

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THENCE North 00 deg. 34 min. 53 sec. East with said east line of alley and the west line of said 1.325 acre tract, a distance of 148.17 feet to a point for the northwest corner of said 1.325 acre tract, same being the southwest corner of said 0.217 acre tract;

THENCE North 00 deg. 30 min. 15 sec. East continuing with said east line of said alley and the west line of said 0.217 acre tract, a distance of 144.93 feet to a point for the northwest corner of said 0.217 acre tract, same being at the intersection of the south right of way line of West Ferguson Street;

THENCE North 88 deg. 06 min. 09 sec. East with the south right of way line of West Ferguson Street and the north line of said 0.217 acre tract, a distance of 64.05 feet to a point for the northeast corner of said 0.217 acre tract, same being the northwest corner of said 0.669 acre tract;

THENCE East continuing with said south right of way line and the north line of said 0.669 acre tract, a distance of 191.60 feet to a point for the northeast corner of said 0.669 acre tract, same being the northwest corner of said Lot 19-A;

THENCE East continuing with said south right of way line and the north line of said Lot 19-A, a distance of 477.52 feet to the **PLACE OF BEGINNING** containing approximately 5.032 acres of land.

This document was prepared under 22 TAC 66.21 and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. Bearings, distances and acreage shown hereon based on recorded documents only.

 3/16/10

Monty Nixon
Registered Professional Land Surveyor No. 5542



Exhibit "A2" to Ordinance 0-2010-48

**MSD BOUNDARY
CITY OF TYLER
SMITH COUNTY, TEXAS
Includes the following address: 714 W. Ferguson St.**

ALL THAT CERTAIN lot, tract, or parcel of land situated within the Isaac Lollar Survey Abstract 574, City of Tyler, Smith County, Texas, and being all of Tract One (call 0.161 acres) as described in a deed to City of Tyler, recorded in Document No. 2008-R00053949 in the Deed Records of Smith County, Texas and being more completely described as follows:

BEGINNING at a point for the northeast corner of said 0.161 acre tract, same being at the intersection of the south right of way line of West Ferguson Street with the west line of an alley;

THENCE South 00 deg. 30 min. 44 sec. West with the west line of said alley and the east line of said 0.161 acre tract, a distance of 135.04 feet to a point for the southeast corner of said 0.161 acre tract at the intersection of said east line with the north line of an alley;

THENCE North 89 deg. 07 min. 38 sec. West with the north line of said alley and the south line of said 0.161 acre tract, a distance of 49.60 feet to a point for the southwest corner of said 0.161 acre tract;

THENCE North 01 deg. 53 min. 34 sec. West with the west line of said 0.161 acre tract, a distance of 132.49 feet to a point for the northwest corner of said 0.161 acre tract at the intersection of said west line with the south right of way line of West Ferguson Street;

THENCE North 88 deg. 03 min. 43 sec. East with the south right of way line of West Ferguson Street and the north line of said 0.161 acre tract, a distance of 55.21 feet to the **PLACE OF BEGINNING** containing approximately 0.161 acres of land.

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3/16/10
Monty Nixon
Registered Professional Land Surveyor No. 5542

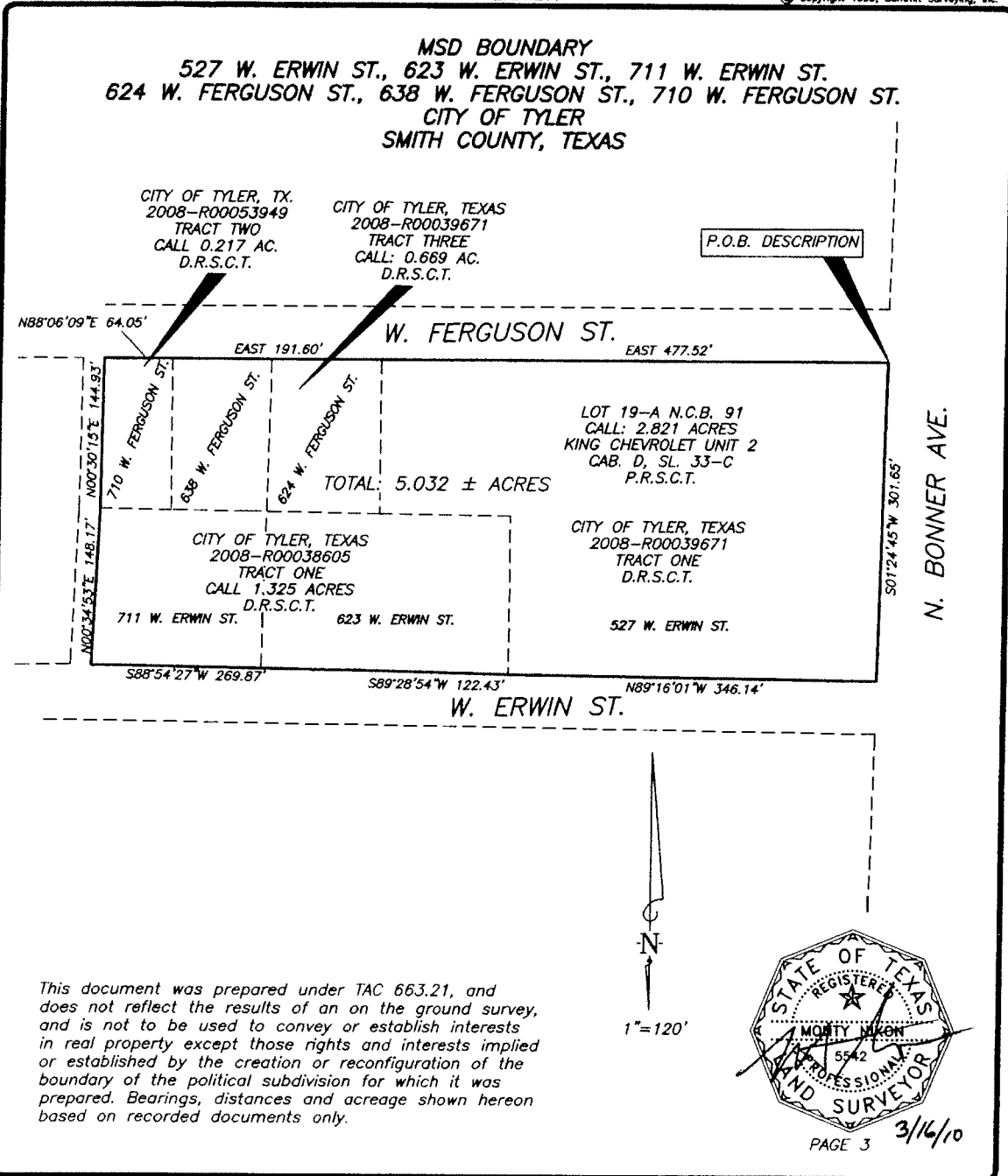


Exhibit "B1" to Ordinance 0-2010-48

SUMMIT DRAWING NO.

EXHIBIT

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2040 Deerbrook Drive, Tyler, Texas 75703 • (903)-561-9544

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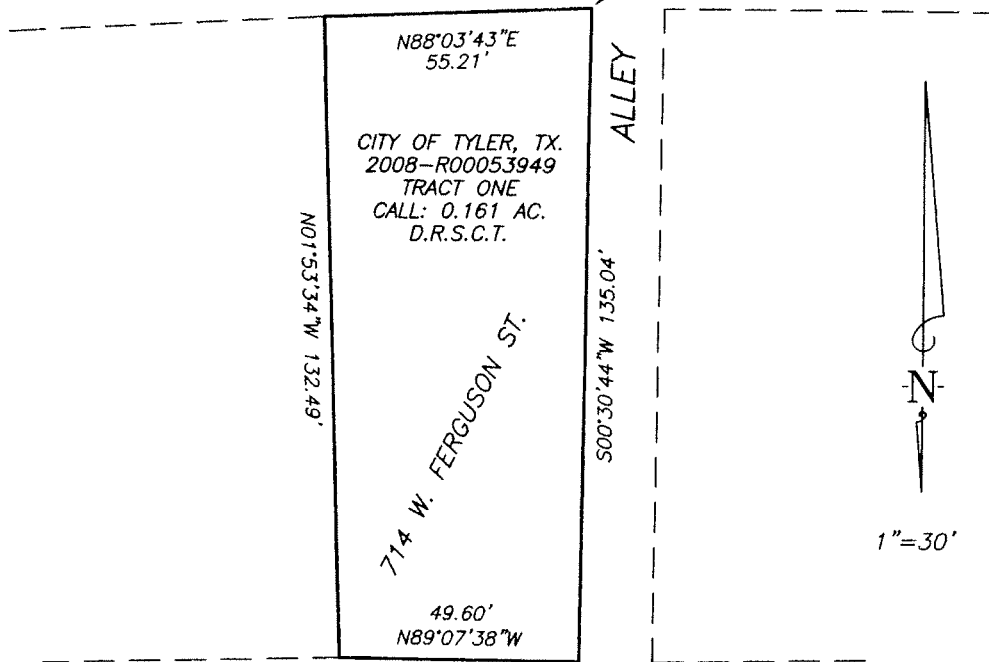
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MSD BOUNDARY
714 W. FERGUSON ST.
CITY OF TYLER
SMITH COUNTY, TEXAS

P.O.B. DESCRIPTION

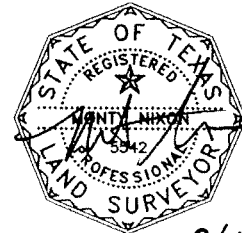
W. FERGUSON ST.



1"=30'

ALLEY

This document was prepared under TAC 663.21, and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. Bearings, distances and acreage shown hereon based on recorded documents only.



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Exhibit "A3" to Ordinance 0-2010-48

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**MSD BOUNDARY
CITY OF TYLER
SMITH COUNTY, TEXAS**

Includes the following addresses: 717 W. Erwin St. & 725 W. Erwin St.

ALL THAT CERTAIN lot, tract, or parcel of land situated within the Isaac Lollar Survey Abstract 574, City of Tyler, Smith County, Texas, and being all of a called 0.273 acre tract as described in a deed to City of Tyler, recorded in Document No. 2008-R00056756, and all of a called 0.246 acre tract as described in a deed to City of Tyler, recorded in Document No. 2008-R00056732 in the Deed Records of Smith County, Texas and being more completely described as follows:

BEGINNING at a point for the southeast corner of said 0.273 acre tract, same being at the intersection of the north right of way line of West Erwin Street with the west line of an alley;

THENCE South 89 deg. 00 min. 44 sec. West with the north right of way line of West Erwin Street and the south line of said 0.273 acre tract, passing the southwest corner of said 0.273 acre tract, same being the southeast corner of said 0.246 acre tract at 80.71 feet, continuing with said north right of way line and the south line of said 0.246 acre tract a total distance of 155.20 feet to a point for the southwest corner of said 0.246 acre tract;

THENCE North 00 deg. 55 min. 48 sec. West with the west line of said 0.246 acre tract, a distance of 143.93 feet to a point for the northwest corner of said 0.246 acre tract and being in the south line of an alley;

THENCE North 89 deg. 03 min. 15 sec. East with the south line of said alley and the north line of said 0.246 acre tract, passing the northeast corner of said 0.246 acre tract, same being the northwest corner of said 0.273 acre tract at 74.49 feet, continuing with the south line of said alley and the north line of said 0.273 acre tract, a total distance of 158.82 feet to a point for the northeast corner of said 0.273 acre tract and being in the west line of an alley;

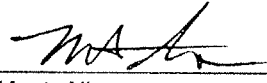
THENCE South 00 deg. 30 min. 44 sec. West with the west line of said alley and the east line of said 0.273 acre tract, a distance of 143.87 feet to the **PLACE OF BEGINNING** containing approximately 0.519 acres of land.

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Exhibit "A3" to Ordinance 0-2010-48

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which it was prepared. Bearings, distances and acreage shown hereon based on recorded documents only.

 3/16/10

Monty Nixon
Registered Professional Land Surveyor No. 5542



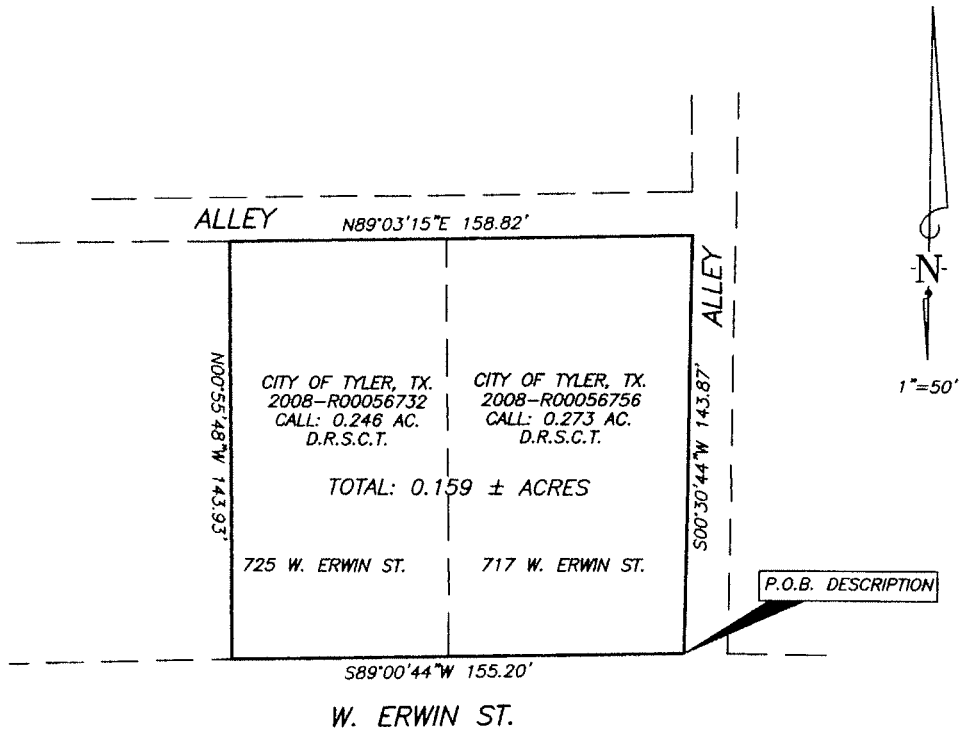
Exhibit "B3" to Ordinance 0-2010-48

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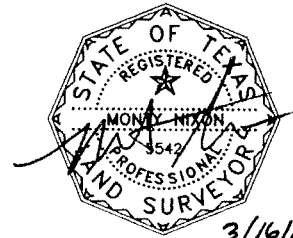
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MSD BOUNDARY
717 W. ERWIN ST. & 725 W. ERWIN ST.
CITY OF TYLER
SMITH COUNTY, TEXAS



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Exhibit "A4" to Ordinance 0-2010-48

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**MSD BOUNDARY
CITY OF TYLER
SMITH COUNTY, TEXAS**

Includes the following addresses: 812 W. Ferguson St. & 829 W. Erwin St.

ALL THAT CERTAIN lot, tract, or parcel of land situated within the Isaac Lollar Survey Abstract 574, City of Tyler, Smith County, Texas, and being all of Lot 12-B, N.C.B. 343 as shown on a plat of the Bill Welk Addition, recorded in Cabinet E, Slide 89-B in the Plat Records of Smith County, Texas, same being described in a deed to City of Tyler, recorded in Document No. 2008-R00059860, and being all of a called 1.145 acre tract as described in a deed to City of Tyler, recorded in Document No. 2009-R00001198 in the Deed Records of Smith County, Texas and being more completely described as follows:

BEGINNING at a point for the southeast corner of said 1.145 acre tract, same being in the north right of way line of West Erwin Street;

THENCE South 87 deg. 42 min. 10 sec. West with the north right of way line of West Erwin Street and the south line of said 1.145 acre tract, a distance of 137.85 feet to a point for the southwest corner of said 1.145 acre tract, same being the southeast corner of said Lot 12-B;

THENCE South 89 deg. 40 min. 52 sec. West continuing with said north right of way line and the south line of said Lot 12-B, a distance of 141.24 feet to a point for the southwest corner of said Lot 12-B;

THENCE North 00 deg. 11 min. 43 sec. East with the west line of said Lot 12-B, a distance of 94.93 feet to a point for corner in same;

THENCE North 00 deg. 14 min. 58 sec. East continuing with said west line, a distance of 48.51 feet to a point for the westernmost northwest corner of said Lot 12-B;

THENCE North 62 deg. 24 min. 01 sec. East with the northwest line of Lot 12-B, a distance of 32.60 feet to a point for corner in same;

THENCE North 89 deg. 44 min. 55 sec. East with the north line of said Lot 12-B, a distance of 74.72 feet to a point for the northeast corner of said Lot 12-B, and being in the west line of said 1.145 acre tract;

THENCE North 17 deg. 47 min. 34 sec. West with said west line, a distance of 50.97 feet (by subtraction) to a point for corner;

Exhibit "A4" to Ordinance 0-2010-48

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THENCE North 24 deg. 27 min. 52 sec. West continuing with said west line, a distance of 78.36 feet to a point for the northwest corner of said 1.145 acre tract, same being in the south right of way line of West Ferguson Street;

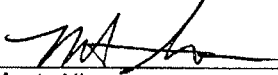
THENCE North 88 deg. 06 min. 32 sec. East with said south right of way line and the north line of said 1.145 acre tract, a distance of 224.95 feet to a point for the northeast corner of said 1.145 acre tract;

THENCE South 00 deg. 50 min. 03 sec. East with the east line of said 1.145 acre tract, a distance of 128.00 feet to a point for corner in same;

THENCE South 00 deg. 38 min. 33 sec. West continuing with said east line, a distance of 15.72 feet to a point for corner,

THENCE South 00 deg. 35 min. 49 sec. East along said east line, a distance of 140.17 feet to the **PLACE OF BEGINNING** containing approximately 1.589 acres of land.

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Monty Nixon
Registered Professional Land Surveyor No. 5542

3/16/10



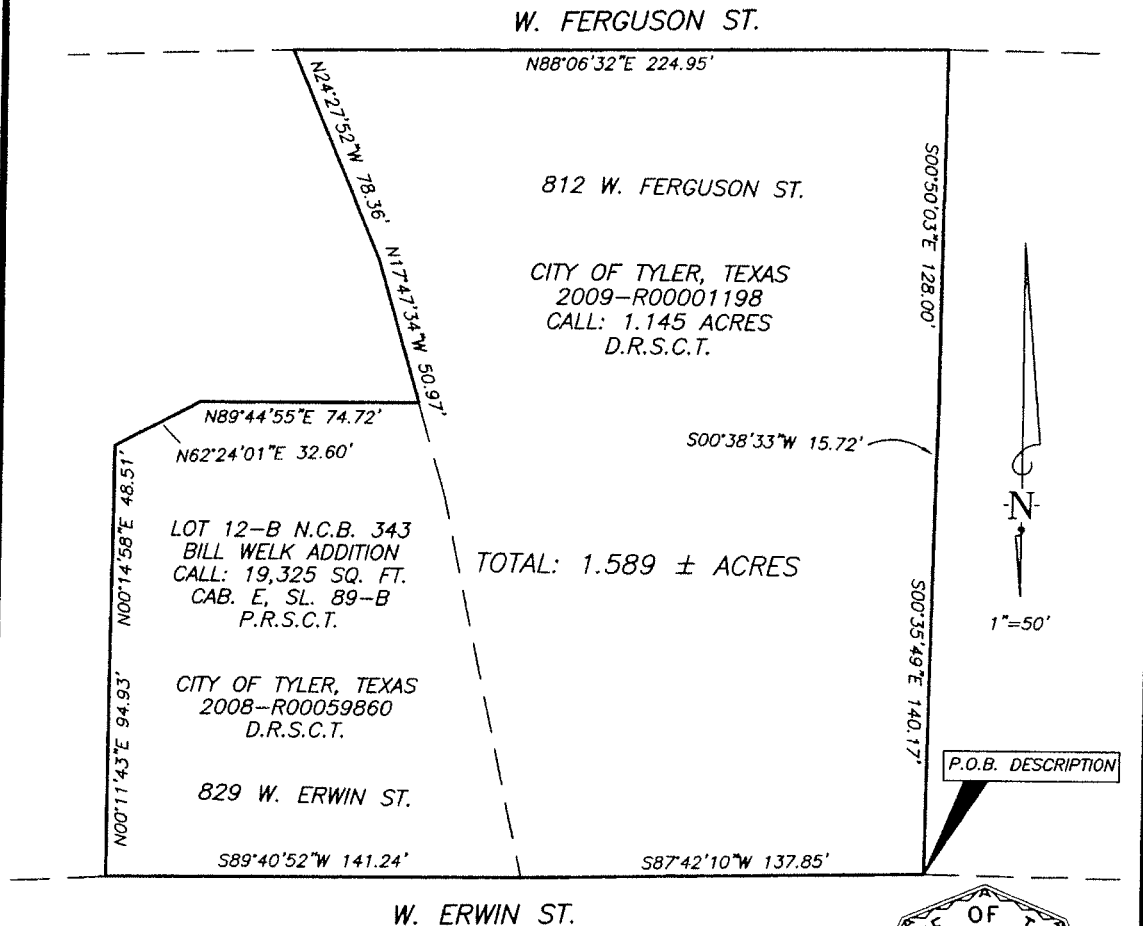
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EXHIBIT

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MSD BOUNDARY
812 W. FERGUSON ST. & 829 W. ERWIN ST.
CITY OF TYLER
SMITH COUNTY, TEXAS



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Exhibit "A5" to Ordinance 0-2010-48

**MSD BOUNDARY
CITY OF TYLER
SMITH COUNTY, TEXAS**

Includes the following address: 700 W. Erwin St.

ALL THAT CERTAIN lot, tract, or parcel of land situated within the Isaac Lollar Survey Abstract 574, City of Tyler, Smith County, Texas, and being all of Lot 17, N.C.B. 187 as shown on a plat of the Kimberly Addition, recorded in Cabinet C, Slide 63-A in the Plat Records of Smith County, Texas, same being Tract Two as described in a deed to City of Tyler, recorded in Document No. 2008-R00038605 in the Deed Records of Smith County, Texas and being more completely described as follows:

BEGINNING at a point for the westernmost northeast corner of said Lot 17, same being at the intersection of the south right of way line of West Erwin Street with the west right of way line of South Vine Avenue;

THENCE South 52 deg. 45 min. 48 sec. East with said west right of way line and a northeast line of said Lot 17, a distance of 11.33 feet to a point for corner;

THENCE South 00 deg. 29 min. 06 sec. East continuing with said west right of way line and the east line of Lot 17, a distance of 210.94 feet to a point for the southeast corner of said Lot 17;

THENCE South 89 deg. 58 min. 26 sec. West with the south line of said Lot 17, a distance of 298.35 feet to a point for the southwest corner of same;

THENCE North 00 deg. 13 min. 17 sec. West with the west line of said Lot 17, a distance of 217.79 feet to a point for the northwest corner of same, and being in the south right of way line of West Erwin Street;

THENCE North 89 deg. 58 min. 26 sec. East with said south right of way line and the north line of said Lot 17, a distance of 291.96 feet to the **PLACE OF BEGINNING** containing approximately 1.4977 acres of land.

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3/16/10
Monty Nixon
Registered Professional Land Surveyor No. 5542

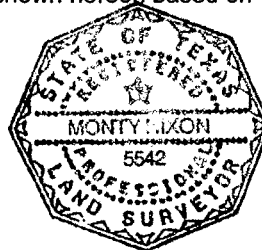


Exhibit "B5" to Ordinance 0-2010-48

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EXHIBIT

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MSD BOUNDARY
700 W. ERWIN ST.
CITY OF TYLER
SMITH COUNTY, TEXAS

W. ERWIN ST.

P.O.B. DESCRIPTION

N89°58'26"E 291.96'

S52°45'48"E 11.33'

700 W. ERWIN ST.

LOT 17, N.C.B. 187
KIMBERLEY ADDITION
CALL 1.4977 ACRES
CAB. C, SL. 63-A
P.R.S.C.T.

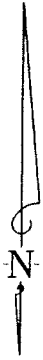
CITY OF TYLER, TEXAS
2008-R00038605
TRACT TWO
D.R.S.C.T.

S00°29'06"E 210.94'

S. VINE AVE.

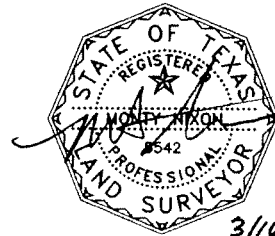
S89°58'26"W 298.35'

N00°13'17"W 217.79'



1"=50'

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Exhibit "A6" to Ordinance 0-2010-48

Page 1 of 2

**MSD BOUNDARY
CITY OF TYLER
SMITH COUNTY, TEXAS**

Includes the following addresses: 512 W. Erwin St. & 520 W. Erwin St.

ALL THAT CERTAIN lot, tract, or parcel of land situated within the Isaac Lollar Survey Abstract 574, City of Tyler, Smith County, Texas, and being all of Lot 2-A, N.C.B. 90 as shown on a plat of the King Chevrolet Addition, recorded in Cabinet C, Slide 150-D in the Plat Records of Smith County, Texas, same being Tract Four as described in a deed to City of Tyler, recorded in Document No. 2008-R00039671, and being all of Tract Five (call 0.159 acres) as described in a deed to City of Tyler, recorded in Document No. 2008-R00039671 in the Deed Records of Smith County, Texas and being more completely described as follows:

BEGINNING at a point for the northeast corner of said 0.159 acre tract, same being at the intersection of the south right of way line of West Erwin Street with the west right of way line of North Bonner Avenue;

THENCE South 00 deg. 47 min. 33 sec. West with said west right of way line and the east line of said 0.159 acre tract, a distance of 80.32 feet to a point for the southeast corner of said 0.159 acre tract;

THENCE North 88 deg. 42 min. 27 sec. West with the south line of said 0.159 acre tract, a distance of 87.76 feet to a point for the southwest corner of same and being in the east line of said Lot 2-A;

THENCE South 01 deg. 11 min. 13 sec. West with said east line, a distance of 94.51 feet (by subtraction) to a point for the southeast corner of said Lot 2-A;

THENCE South 89 deg. 53 min. 56 sec. West with the south line of said Lot 2-A, a distance of 313.86 feet to a point for the southwest corner of same;

THENCE North 00 deg. 01 min. 38 sec. East with the west line of said Lot 2-A, a distance of 171.25 feet to a point for the northwest corner of same, and being in the south right of way line of West Erwin Street;

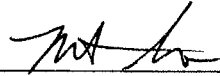
THENCE North 89 deg. 25 min. 24 sec. East with said south right of way line and the north right of way line of said Lot 2-A, a distance of 317.39 feet to a point for the northeast corner of said Lot 2-A, same being the northwest corner of said 0.159 acre tract;

THENCE South 89 deg. 19 min. 35 sec. East with said south right of way line and the north line of said 0.159 acre tract, a distance of 85.46 feet to the **PLACE OF BEGINNING** containing approximately 1.409 acres of land.

Exhibit "A6" to Ordinance 0-2010-48

Page 2 of 2

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3/16/10

Monty Nixon
Registered Professional Land Surveyor No. 5542



Exhibit "B6" to Ordinance 0-2010-48

SUBMIT DRAWING NO.

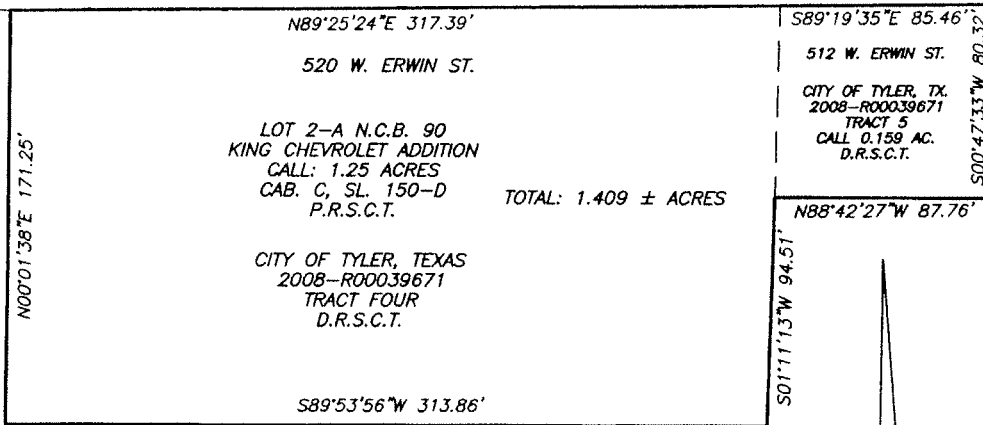
EXHIBIT

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MSD BOUNDARY
512 W. ERWIN ST. & 520 W. ERWIN ST.
CITY OF TYLER
SMITH COUNTY, TEXAS

W. ERWIN ST.

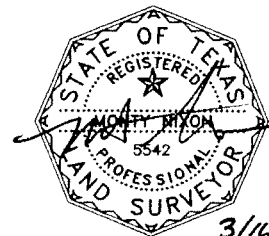
P.O.B. DESCRIPTION



N. BONNER AVE.



1"=60'



3/16/10

PAGE 16

This document was prepared under TAC 663.21, and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. Bearings, distances and acreage shown hereon based on recorded documents only.

Exhibit "A7" to Ordinance 0-2010-48

Page 1 of 2

**MSD BOUNDARY
CITY OF TYLER
SMITH COUNTY, TEXAS**
Includes the following addresses: 212 North Border Ave.,
613 W. Ferguson St.

ALL THAT CERTAIN lot, tract, or parcel of land situated within the Isaac Lollar Survey Abstract 574, City of Tyler, Smith County, Texas, and being all of Tract Two (call 0.929 acres) described in a deed to City of Tyler, recorded in Document No. 2008-R00039671 in the Deed Records of Smith County, Texas and being more completely described as follows:

BEGINNING at a point for the southeast corner of said 0.929 acre tract, same being at the intersection of the north right of way line of West Ferguson Street with the west right of way line of North Border Avenue;

THENCE South 89 deg. 41 min. 57 sec. West with the north right of way line of West Ferguson Street and the south line of said 0.929 acre tract, a distance of 198.33 feet to a point for the southwest corner of said 0.929 acre tract;

THENCE North 01 deg. 13 min. 03 sec. East with the west line of said 0.929 acre tract, a distance of 298.54 feet to a point for the northwest corner of same;

THENCE South 89 deg. 12 min. 33 sec. East with the westernmost north line of said 0.929 acre tract, a distance of 89.93 feet to a point for northernmost northeast corner of same;

THENCE South 00 deg. 48 min. 41 sec. West with the northernmost east line of said 0.929 acre tract, a distance of 171.63 feet to a point for an interior ell corner of same;

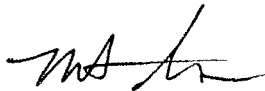
THENCE North 89 deg. 42 min. 53 sec. East with the easternmost north line of said 0.929 acre tract, a distance of 107.58 feet to a point for the easternmost northeast corner of same and being in the west right of way line of said North Border Avenue;

THENCE South 01 deg. 24 min. 45 sec. West with the southernmost east line of said 0.929 acre tract and said west right of way line, a distance of 125.16 feet to the **PLACE OF BEGINNING** containing approximately 0.929 acres of land.

Exhibit "A7" to Ordinance 0-2010-48

Page 2 of 2

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Monty Nixon
Registered Professional Land Surveyor No. 5542

3/16/10

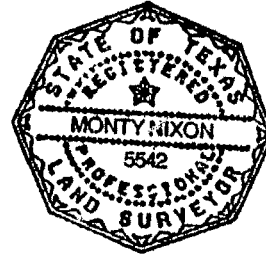


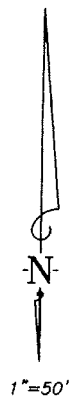
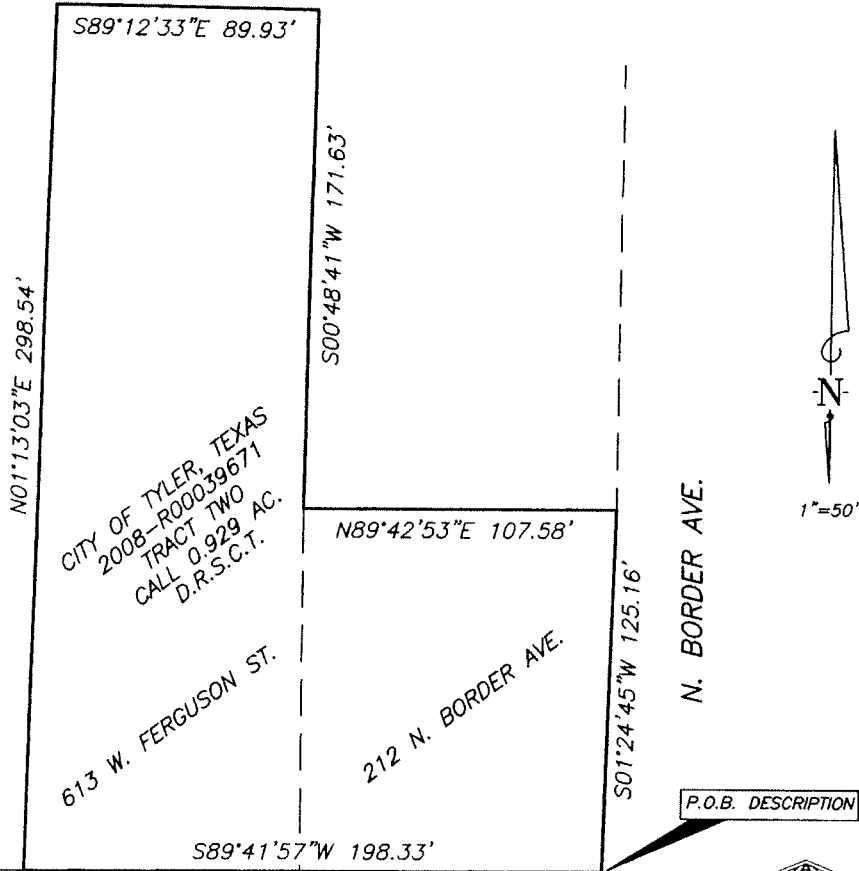
Exhibit "B7" to Ordinance 0-2010-48

SUMMIT DRAWING NO.

EXHIBIT

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MSD BOUNDARY
 613 W. FERGUSON ST. & 212 NORTH BORDER AVE.
 CITY OF TYLER
 SMITH COUNTY, TEXAS



CITY OF TYLER, TEXAS
 2008-R00039671
 TRACT TWO
 CALL 0.929 AC.
 D.R.S.C.T.

P.O.B. DESCRIPTION

W. FERGUSON ST.

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3/16/10

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