

ORDINANCE NO. O-2010-55

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 "C-1", LIGHT COMMERCIAL DISTRICT ON A PORTION OF LOT 19 OF NCB 1539M, ONE TRACT TOTALING APPROXIMATELY 170.84 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF OLD JACKSONVILLE HIGHWAY AND WEST GRANDE BOULEVARD (2519 WEST GRANDE BOULEVARD); 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 Z06-10-043

That the following described property, which has heretofore been zoned "AG", Agricultural District, shall hereafter bear the zoning classification of "C-1", Light Commercial District, to wit:


A portion of Lot 19 of NCB 1539M, one tract totaling approximately 170.84 acres of land located at the northwest intersection of Old Jacksonville Highway and West Grande Boulevard (2519 West Grande Boulevard), as shown on the drawing attached hereto as Exhibit "A" and described in the metes and bounds hereto as Exhibit "B".

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 23rd day of June, A.D., 2010.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


GARY C. LANDERS, CITY ATTORNEY



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All that certain lot, tract or parcel of land within the Marshall University Survey, Abstract No. 624, City of Tyler, Smith County, Texas, and being part of called 178.55 acre tract of land described in Deed from MSJ Properties, Ltd., Tradd Street, LLC., Richard Lilly, Edward G.R. Bennett, Adelaida U. Bennett, Edward G. Lilly, Jr., Craig M. Bennett, Jr., & Sandra S. Bennett to Ryno Texas Holdings Inc., dated March 17, 2008, and recorded in Clerk's File No. 2008-R0012815 of the Official Public Records of Smith County, Texas, and this 19.879 acre tract being more completely described as follows:

BEGINNING at a Type II Concrete Right-of-way Monument found at the Southeast corner of said called 178.55 acre tract of land, at the Intersection of the North right-of-way of State Highway No. (SH) 57, Grande Boulevard, and West boundary line of a called 19.63 acre tract of land described in Deed to The State of Texas and recorded in Volume 3817 on Page 570 of the Official Public Records of Smith County, Texas;

THENCE in a Westerly direction along the North right-of-way of said SH 57, along a curve to the Right having a Radius of 933.48 feet, a Delta Angle of 08 deg. 23 min. 17 sec., an Arc Length of 136.66 feet, a Chord Bearing of North 68 deg. 38 min. 35 sec. East, and a Chord Length of 136.54 feet to a Type II Concrete Right-of-way Monument found for the Point of Tangency;

THENCE North 64 deg. 26 min. 56 sec. West, continuing along said North right-of-way of SH 57, a distance of 358.98 feet to a Type II Concrete Right-of-way Monument found for the Point of Curvature of a Curve to the Left;

THENCE continuing in a Westerly direction along the North right-of-way of said SH 57, along said curve to the Left having a Radius of 1219.10 feet, a Delta Angle of 13 deg. 22 min. 01 sec., an Arc Length of 284.41 feet, a Chord Bearing of North 71 deg. 07 min. 57 sec. West, and a Chord Length of 283.77 feet to a 1/2" Iron Rod found for the Point of Tangency;

THENCE North 11 deg. 56 min. 57 sec. East a distance of 136.79 feet to a 1/2" Iron Rod set at the Point of Curvature of a Curve to the Right;

THENCE with said curve to the Right having a Radius of 996.47 feet, a Delta Angle of 27 deg. 07 min. 18 sec., and Arc Length of 471.69 feet, a Chord Bearing of North 25 deg. 30 min. 36 sec. East and a Chord Length of 467.30 feet to a 1/2" Iron Rod set for the Point of Tangency;

THENCE North 39 deg. 04 min. 15 sec. East a distance of 270.55 feet to a 1/2" Iron Road set for the Point of Curvature of a Curve to the Left;

THENCE with said curve to the Left having a Radius of 1588.58 feet, a Delta Angle of 08 deg. 26 min. 19 sec. an Arc Length of 233.97 feet, a Chord Bearing of North 34 deg. 51 min. 06 sec. East and a Chord Length of 233.76 feet to a 1/2" Iron Rod set for corner;

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THENCE South 56 deg. 22 min. 04 sec. East a distance of 82.24 feet to a ½" Iron Rod set for the Point of Curvature of a Curve to the Left;

THENCE with said curve to the Left having a Radius of 300.00 feet, a Delta Angle of 04 deg. 44 min. 00 sec., an Arc Length of 24.78 feet, a Chord Bearing of South 61 deg. 44 min. 03 sec. East and a Chord Length of 24.78 feet to a ½" Iron Rod set for the Point of Tangency;


THENCE South 64 deg. 06 min. 03 sec. East a distance of 635.12 feet to a ½" Iron Rod set in the East boundary line of said called 178.55 acre tract and the West boundary line of said called 19.63 acre tract, from which a PK Nail found near the centerline of County Road No. 159 (Crow Road) bears North 25 deg. 53 min. 57 sec. East a distance of 1075.51 feet;

THENCE South 25 deg. 53 min. 57 sec. West, with the East boundary line of said called 178.55 acre tract and the West boundary line of said called 19.63 acre tract, a distance of 1038.68 feet to the **PLACE OF BEGINNING AND CONTAINING 19.879 ACRES OF LAND.**

The bearings hereon were oriented to agree with the Deed Record call along the monumented East boundary line of said called 178.55 acre tract of land described in Clerk's File No. 2008-R0012815 of the Official Public Records of Smith County, Texas.

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 June, 2008 and October and November, 2009.

GIVEN UNDER MY HAND AND SEAL, this 22nd day of April 2010.


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

See Map No. 08-060066 prepared in conjunction with these field notes.

