

ORDINANCE NO. O-2010-63

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 "RPO", RESTRICTED PROFESSIONAL OFFICE DISTRICT AND "C-1", LIGHT COMMERCIAL OFFICE DISTRICT TO "RMF", MULTI-FAMILY RESIDENTIAL DISTRICT ON A 13.32 ACRE PORTION OF A TRACT CONTAINING APPROXIMATELY 20.32 ACRES LOCATED NORTH OF THE NORTHEAST INTERSECTION OF WEST GRANDE BOULEVARD AND OLD JACKSONVILLE HIGHWAY (5858 OLD JACKSONVILLE HIGHWAY); 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 Z04-10-027

That the following described property, which has heretofore been zoned "RPO", Restricted Professional Office District and "C-1", Light Commercial District, shall hereafter bear the zoning classification of "RMF", Multi-Family Residential District, to wit:

A 13.32 acre portion of a tract containing approximately 20.32 acres located north of the northeast intersection of West Grande Boulevard and Old Jacksonville Highway (5858 Old Jacksonville Highway) and in accordance with the description attached hereto as 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 14th day of July, 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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EXHIBIT 'A'

Metes and Bounds Description
13.322 Acre Tract

All that certain tract or parcel of land situated in the Marshall University Survey, Abstract 624, Smith County, Texas, being out of and a part of that certain called 25.616 acre tract described in a Warranty Deed with Vendor's Lien from Mary Sue Nelson Johnson et al to 110 Retail, Ltd., et al, dated September 3, 2004, and recorded in Volume 7605, Page 739 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 found for the southeast corner of said called 25.616 acre tract, same being an interior corner of Lot S1, Block 1 (North Star Boulevard), Hollycreek Village Unit 1, a subdivision of record in Cabinet 'C', Slide 166-D of the Plat records of Smith County;

THENCE, North 82°20'59" West, generally with the south line of said 25.616 acre tract, at 60.75 feet pass the northeast corner of Lot 3, New City Block 1548, of Grand Court Addition, a subdivision of record in Cabinet 'C', Slide 163-D of said Plat records, and continuing in all a total distance of 486.05 feet to a ½" iron rod found for the northwest corner of said Lot 3, same being the northeast corner of Lot 4, New City Block 1548, of Kelly Tyler Federal Credit Union Addition, a subdivision of record in Cabinet 'D', Slide 144-D of said Plat Records;

THENCE, North 82°22'29" West, a distance of 73.49 feet to a ½" iron rod found for a north corner of said Lot 4;

THENCE, North 82°29'50" West, a distance of 36.54 feet to a ½" iron rod found for a north corner of said Lot 4;

THENCE, North 83°31'58" West, a distance of 116.09 feet to a ½" iron rod found for the northwest corner of said Lot 4, same being the northeast corner of Lot 5-D, N.C.B. 1554-C of Grande Commons, a subdivision of record in Cabinet 'E', Slide 146-B, of said Plat Records, same being in said south line of said 25.616 acre tract;

THENCE, North 83°30'40" West, continuing with said south line of said 25.616 acre tract, same being the northernmost line of said Lot 5-D, a distance of 173.22 feet to a ½" iron rod set for the southernmost southwest corner of the herein described tract, same being in the east line of Lot 6, N.C.B. 1554-C of said Grande Commons;

THENCE, North 25°50'45" East, with said east line of Lot 6 and Lot 7, N.C.B. 1554-C, a distance of 391.73 feet to a ½" iron rod set for the northeast corner of said Lot 7, same being an interior corner of the herein described tract;

THENCE, North 64°00'12" West, a distance of 343.82 feet to a ½" iron rod set for the northwest corner of said Lot 7, same being in the west line of said 25.616 acre tract, same being in the east right-of-way line of Old Jacksonville Highway (F.M. Road 2493);

THENCE, North 25°53'18" East, with said west line of said 25.616 acre tract, same being said east right-of-way line of Old Jacksonville Highway, a distance of 28.00 feet to a ½" iron rod set for the westernmost northwest corner of the herein described tract;

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13.322 Acres
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THENCE, South 64°00'12" East, a distance of 15.00 feet to a ½" iron rod set for a corner;

THENCE, South 25°53'18" West, a distance of 10.00 feet to a ½" iron rod set for a corner;

THENCE, South 64°00'12" East, a distance of 328.80 feet to a ½" iron rod set for a corner;

THENCE, North 25°50'45" East, a distance of 509.01 feet to a ½" iron rod set for the easternmost northwest corner of the herein described tract, same being in the south line of Lot 6, N.C.B. 1554-A, of Signature Senior Living Addition, a subdivision of record in Cabinet 'D', Slide 334-B, of said Plat Records;

THENCE, South 79°22'20" East, with said south line of said Lot 6, N.C.B. 1554-A, a distance of 455.98 feet to a ½" iron rod found the southeast corner of said Lot 6, same being in the east line of said 25.616 acre tract;

THENCE, South 01°58'21" East, with said east line of said 25.616 acre tract, at 562.10 feet pass a ½" iron rod found for reference, and continuing in all a total distance of 855.13 feet to the POINT OF BEGINNING and containing 13.322 acres of land.

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. 09-500. Bearings are based on the Texas Coordinate System, North Central Zone, NAD83 Map Datum)

Robert Matush
Registered Professional Land Surveyor
Texas Registration No. 3683

GF NO. 6101456/CO

