

**ORDINANCE NO. 0-2010-68**

**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 "R-1B", SINGLE-FAMILY RESIDENTIAL DISTRICT TO "M-1", LIGHT INDUSTRIAL DISTRICT ON LOT 8 AND A PORTION OF LOT 9 OF NCB 911, TWO LOTS TOTALING APPROXIMATELY 3.05 ACRES LOCATED WEST OF THE SOUTHWEST INTERSECTION OF EAST COMMERCE STREET AND NORTH NORTHEAST LOOP 323 (2515 AND 2512 EAST COMMERCE STREET); 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 Z07-10-049**

That the following described property, which has heretofore been zoned "R-1B", Single-Family Residential District, shall hereafter bear the zoning classification of "M-1", Light Industrial District, to wit:

Lot 8 and a portion of Lot 9 of NCB 911, two lots totaling approximately 3.05 acres located west of the southwest intersection of East Commerce Street and North Northeast Loop 323 (2515 and 2512 East Commerce Street) 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 28<sup>th</sup> day of July, A.D., 2010.

  
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BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

  
\_\_\_\_\_  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

  
\_\_\_\_\_  
GARY C. LANDERS, CITY ATTORNEY

**O-2010-68**  
**EXHIBIT "A"**

FIELD NOTES FOR 2.43 OF AN ACRE  
PART OF LOT 9, N.C.B. 911, CITY OF TYLER  
SMITH COUNTY, TEXAS

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All that certain lot, tract or parcel of land, being 2.43 of an acre situated in the Jesse Kincannon Survey, Abstract No. 549, being part of Lot 9, New City Block 911, City of Tyler, Smith County, Texas, also being part of that certain called 3.0 acre tract described in a Warranty Deed from Ronald E. Jerger and Elsa Grace Jerger to Omar Valdovinos, executed September 17, 2008 and recorded in the Official Records of Smith County, Texas under Clerk's Document No. 2008-44934. Said 2.43 of an acre being more completely described as follows to-wit:

**Beginning** at the southwest corner of Lot 8, New City Block 911, also being the southwest corner of the called 0.60 acre tract conveyed by Anna Jerger McIver to Santiago Valdovinos in Warranty Deed recorded in the Official Records of Smith County, Texas under Clerk's Document No. 2009-01013;

**Thence** South 89 degrees 15 minutes East, with the south line of said Lot 8, a distance of 136.11 feet to the southeast corner of said Lot 8 same being the southeast corner of said 0.60 acre tract and being the northeast corner of said Lot 9 and the above referenced 3.0 acre tract:

**Thence** South 00 degrees 45 minutes West, along the east line of said Lot 9, a distance of 366.64 feet to the southeast corner of said Lot 9 and said 3.0 acre tract:

**Thence** South 89 degrees 15 minutes West, along the south line of Lot 9 and said 3.0 acres, a distance of 285.69 feet to the southwest corner of said 3.0 acre tract and said Lot 9:

**Thence** North 00 degrees 45 minutes East, with the west of said 3.0 acre tract and said Lot 9, a distance of 374.12 feet:

**Thence** South 89 degrees 15 minutes East, a distance of 149.48 feet to the **POINT OF BEGINNING** and containing 2.43 of an acre of land.