

ORDINANCE NO. O-2011-24

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 ANNEXATION APPLICATION A04-11-004; CONSTITUTING APPROXIMATELY 5.68 ACRES OF LAND AS DESCRIBED BY A METES AND BOUNDS DESCRIPTION, LOCATED ADJACENT TO US HIGHWAY 271, 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 27th day of April, 2011, 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 5.68 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 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 5.68 acres for "C-2", General Commercial 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 27th day of April A. D., 2011.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CITY CLERK



APPROVED:

CITY ATTORNEY

- Exhibit A = map
- Exhibit B = legal description
- Exhibit C = owner petition
- Exhibit D = zoning map

EXHIBIT "A" TO ORDINANCE NO. 0-2011-24

MAP

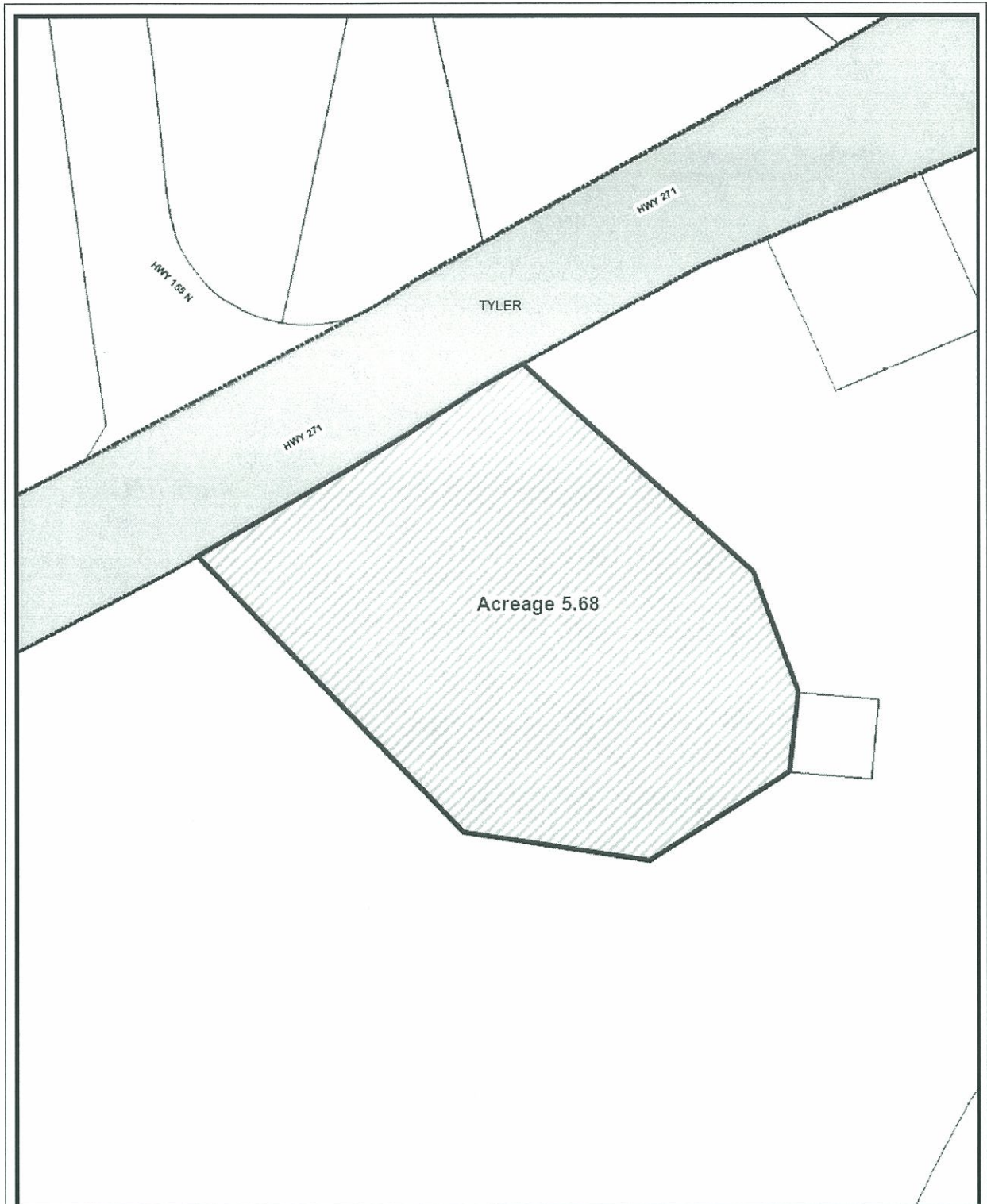


EXHIBIT "B" ORDINANCE NO. 0-2011-24

LEGAL DESCRIPTION

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903-534-5452
Andy Osborn

SSC

STANGER SURVEYING COMPANY

6381 NEW COPELAND ROAD
TYLER, TEXAS 75703

PH: 903-534-0174

FAX: 903-534-0176

**ELIJAH CHISUM SURVEY, ABSTRACT No. 198
SMITH COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION FOR 5.684 ACRES OF LAND

BEING a 5.684 acre tract of land situated in the Elijah Chisum Survey, Abstract No. 198 of Smith County, Texas, and being a part of the residue of that certain called 187.25 acre tract of land described in a deed from Martha Cashion, et al. to John M. Robbins, dated August 1, 1997 and recorded in Volume 3998, Page 620 of the Land Records of Smith County, Texas, said 5.684 acre tract of land to be more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod (set) at the northwest corner of the herein described tract and being in the north boundary line of the above referenced 187.25 acre tract, same being the south right-of-way line of U. S. Highway No. 271, also being located in a curve to the left whose functions are as follows: a radius of 11496.86, a degree of curve of 00°49'09" and a chord of North 60°05'10" East a distance of 164.34 feet, from which a ½" iron rod (found) at the P.C. of said curve bears, South 61°37'09" West, a distance of 444.29 feet, and said point of beginning being located at the coordinates of 6,853,241.49 feet North and 2,984,387.66 feet East;

THENCE with the above mentioned curve to the left, with the north boundary line of the above mentioned 187.25 acre tract, and with the south right-of-way of the above mentioned U. S. Highway No. 271, for an arc distance of 164.34 feet, to a concrete monument (found) at the P.T. of same;

THENCE North 63°02'52" East, for a distance of 246.19 feet, with the north boundary line of said 187.25 acre tract and with south right-of-way of said U. S. Highway No. 271, to a ½" iron rod (set) for corner, from which a concrete monument (found) at a right-of-way break bears, North 63°02'52" East, a distance of 127.13 feet;

THENCE South 51°45'12" East, for a distance of 387.31 feet, to a ½" iron rod (set) for corner;

THENCE South 22°04'31" East, for a distance of 172.38 feet, to a ½" iron rod (set) for corner at the northwest corner of that certain called 0.2296 of an acre tract of land as described in Volume 5871, Page 277;

THENCE South 05°58'38" West, for a distance of 100.00 feet, to a ½" iron rod (set) for corner at the southwest corner of the above mentioned 0.2296 of an acre tract;

THENCE South 68°05'35" West, for a distance of 178.92 feet, to a ½" iron rod (set) for corner;

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THENCE North 63°05'25" West, for a distance of 232.91 feet, to a ½" iron rod (set) for corner;

THENCE North 43°12'08" West, for a distance of 472.18, back to the point of beginning and containing 5.684 acres of land.

Bearings and coordinates are based on the Texas Coordinate System, North Central Zone (NAD 1983 – Feet), and are referenced to Smith County Appraisal District Monuments 15 and 19 by G.P.S. observations.

See "Plat of Survey" prepared even date.

I, R. L. McCrary, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from a survey made on the ground under my supervision during the month of May 2002.

GIVEN UNDER MY HAND AND SEAL, this the 22nd day of May 2002.

R. L. McCrary
R. L. McCrary
Registered Professional Land Surveyor
State of Texas No. 5384



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EXHIBIT "C" ORDINANCE NO. 0-2011-24
OWNER PETITION



RECEIVED

APR 01 2011

RECEIVED: _____
REFERRAL NO.: _____

APPLICATION NO. A04-11-004

INFORMATION FOR COMPLETING FORMS REQUESTING ANNEXATION
FOR SPARSELY OCCUPIED AREA

ITEMS REQUIRED FOR EACH APPLICATION:

(The following items are included in this packet. Instructions are included on each form. There is some repetition because the different forms are necessary for different reasons.)

- A. PETITION FOR ANNEXATION
- B. APPLICANT'S SUPPORT INFORMATION FOR ANNEXATION REQUEST
- C. LIST OF OWNERS OF ALL PROPERTY TO BE ANNEXED
- D. LIST OF QUALIFIED VOTERS RESIDING IN AREA TO BE ANNEXED
- E. AUTHORIZATION OF AGENT
- F. MAP OF AREA (FORM F IS AN EXAMPLE ONLY.)

(Provide a map of the area of the annexation request drawn to scale. Show all land uses, identify the ownership of each parcel of land, show any public ways within or abounding the areas, show any easements within or bordering the areas, and show the existing city limits.)

- G. PETITION FOR ORIGINAL ZONING

(NOTE: Filing fee of \$250.00 (City Code Sec. 10-1) must be received with annexation petition)

ALL ANNEXATION IS BY ORDINANCE, AND ONLY THE CITY COUNCIL HAS THE AUTHORITY TO ENACT AN ORDINANCE. THE COUNCIL HAS ASSIGNED THE STUDY OF ANNEXATIONS TO THE CITY PLANNING AND ZONING COMMISSION, WHICH WILL MAKE RECOMMENDATIONS TO THE COUNCIL. THIS REQUEST FOR ANNEXATION WILL NOT BE EFFECTIVE UNLESS IT IS PASSED BY THE CITY COUNCIL.

(NOTE: The Planning and Zoning Commission hears all requests on the first and third Tuesday of each month at 1:30 p.m. in the City Council Chambers, City Hall, 212 N. Bonner Avenue.)

ANNEXATION PETITIONS MUST BE FILED IN THE PLANNING AND ZONING DEPARTMENT, TYLER DEVELOPMENT CENTER, 423 WEST FERGUSON.

THE FILING DEADLINE FOR THE APRIL 4, 2011, PLANNING AND ZONING COMMISSION MEETING WILL BE APRIL 1, 2011, AT 5:00 P.M. PLEASE HAVE A REPRESENTATIVE PRESENT AT ALL PUBLIC HEARINGS. THE APPLICANT HAS THE DUTY TO PRODUCE EVIDENCE BEFORE THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL TO JUSTIFY THE PROPOSED ANNEXATION.