

ORDINANCE NO. O-2011-36

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ANNEXATION OF CERTAIN TERRITORY REFERRED TO AS THE TYLER POUNDS REGIONAL AIRPORT ANNEXATION, LYING ADJACENT TO AND CONTIGUOUS TO THE PRESENT WESTERN BOUNDARY LIMITS OF THE CITY OF TYLER; AMENDING THE TYLER CITY LIMITS MAP; AND PROVIDING FOR ANNEXATION OF THE PUBLIC RIGHT-OF-WAY CONNECTING THE AIRPORT TO THE CITY BY THE MOST DIRECT ROUTE; ADJUSTING THE CITY OF TYLER EXTRATERRITORIAL JURISDICTION; ADJUSTING THE BOUNDARY OF THE CITY COUNCIL DISTRICT # 2; ESTABLISHING THE INITIAL LAND USE DESIGNATION; PROVIDING FOR ORIGINAL ZONING, PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Texas Local Government Code Section 43.102 provides that a municipality may annex an airport owned by the municipality and the right-of-way of any public road or highway connecting the airport to the municipality by the most direct route; and

**WHEREAS**, the area to be annexed is a municipally owned airport; and

**WHEREAS**, the area to be annexed includes rights-of-way of public roads and highways connecting the airport to the municipality by the most direct route; and

**WHEREAS**, none of the area is more than eight miles from the municipality's boundaries; 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 923.3 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 and 10-802 and Texas Local Government Code Section 43.102, approximately 923.3 acres of land containing the Tyler Pounds Regional Airport terminal and airfield, and including the public rights-of-way along State Highway 31 and County Road 1141 leading to the airport property, are hereby annexed. The annexation excludes private leaseholds where the buildings are owned privately and the underlying land is owned by the City. The following described land and territories lying adjacent to and adjoining the City of Tyler, Texas, is hereby added to and annexed to the City of Tyler, Texas, and said territory as shown on the map attached as Exhibit "A" and as described in Exhibit "B", and as shown in Exhibit "C". 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 is also 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 "M-1", Light Industrial District and "MU-O", Municipal Use-Overlay District as shown on the map attached as Exhibit "C".

**PART 5:** That the initial Land Use Designation for the annexed area is hereby established as Light Industrial / Warehouse, and it is directed that the Land Use Map be amended to reflect said use.

**PART 6:** That the annexed area shall be added to the District #2 West, City Council single member district and the official Voting District Map amended accordingly.

**PART 7:** 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 8:** 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 9:** That within thirty (30) days of approval of this annexation, the Planning and Zoning Department, on behalf of the Mayor, shall file a certified copy of this ordinance with the County Clerk.

**PART 10:** 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 11:** That this ordinance shall be in full force and effect upon the date of its passage and approval by the City Council, which effective date shall be May 25, 2011.

**PASSED AND APPROVED THIS** the 25th day of May, A. D., 2011.

  
BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

APPROVED:  
  
GARY C. LANDERS, CITY ATTORNEY

Exhibit A = map  
Exhibit B = legal description  
Exhibit C = zoning map





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EXHIBIT "B"  
LEGAL DESCRIPTION

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EXHIBIT 'B' LEGAL DESCRIPTION

AIRPORT ANNEXATION  
923.3 ACRES

TRACT ONE  
S.H. 31 WEST RIGHT-OF-WAY  
FROM U.S.A.-C.O.E. ARMORY TO COUNTY ROAD 1141

All that certain tract or parcel of land situated in the William Cox Survey, Abstract 234, the Margaret Brown Survey, Abstract 144, and the J.A. Burruss Survey, Abstract 149, Smith County, Texas, being out of and a part of the right-of-way of State Highway 31, and being more particularly described by bounds as follows:

BEGINNING at the southeast corner of that certain called 45.556 acre tract described in a Timber Deed from East Texas Oaks, L.P., to Golden Land & Timber Company, and recorded under Clerk's File Number 2006-R00033034 of the Official Public Records of Smith County, Texas, same being the southeast corner of Lot 2 of West Spring Business Park Subdivision, as shown on the Final Plat of Phase 1 recorded in Cabinet 'D', Slide 289-D of the Plat Records of Smith County, same being the southwest corner of Lot 126 of Hidden Hill Lake Unit 2, a subdivision of record in Volume 7, Page 65 of said Plat Records, same being in the north right-of-way line of said State Highway 31;

THENCE, South 06°58'03" East, a distance of 191.61 feet to a ½" iron rod set for the easternmost southeast corner of the herein described tract, same being in the south right-of-way line of said State Highway 31;

THENCE, with said south right-of-way line of said State Highway 31, the following twenty (20) courses:

South 83°26'27" West, a distance of 2,038.77 feet to a corner;

South 31°41'51" West, a distance of 48.42 feet to a corner;

South 83°11'04" West, a distance of 400.00 feet to a concrete R.O.W. monument found for a corner;

South 48°41'31" West, a distance of 157.38 feet to a concrete R.O.W. monument found for a corner in the east right-of-way line of Spur 364;

South 83°21'08" West, a distance of 138.00 feet to a concrete R.O.W. monument found for a corner in the west right-of-way line of Spur 364;

North 52°17'19" West, a distance of 115.04 feet to a concrete R.O.W. monument found for a corner;

North 89°01'37" West, a distance of 312.73 feet to a ½" iron rod found for a corner;

South 81°41'58" West, a distance of 415.52 feet to a concrete R.O.W. monument found for a corner;

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EXHIBIT "B"

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South 82°26'21" West, a distance of 406.63 feet to a concrete R.O.W. monument found for a corner;

South 83°30'31" West, a distance of 319.18 feet to a concrete R.O.W. monument found for a corner;

South 77°48'42" West, a distance of 251.58 feet to a concrete R.O.W. monument found for a corner;

South 83°26'18" West, a distance of 1,299.31 feet to a concrete R.O.W. monument found for a corner;

South 80°38'05" West, a distance of 901.21 feet to a concrete R.O.W. monument found for a corner;

South 83°23'21" West, a distance of 199.54 feet to a concrete R.O.W. monument found for a corner;

South 89°03'58" West, a distance of 603.13 feet to a concrete R.O.W. monument found for a corner;

South 38°48'09" West, a distance of 77.49 feet to a concrete R.O.W. monument found for a corner in the east right-of-way line of County Road 1141;

South 87°56'28" West, a distance of 54.82 feet to a concrete R.O.W. monument found for a corner in the west right-of-way line of County Road 1141;

South 72°09'10" West, a distance of 98.88 feet to a concrete R.O.W. monument found for a corner;

South 83°31'21" West, a distance of 300.29 feet to a concrete R.O.W. monument found for a corner;

South 77°48'41" West, a distance of 204.75 feet to a ½" iron rod set for the westernmost southwest corner of the herein described tract;

THENCE, North 12°11'19" West, a distance of 287.49 feet to a ½" iron rod set for the westernmost northwest corner of the herein described tract, same being in said north right-of-way line of said State Highway 31, same being in the west right-of-way line of County Road 1141;

THENCE, with said north right-of-way line of said State Highway 31, the following nine (9) courses:

North 83°30'21" East, a distance of 48.82 feet to a corner in said County Road 1141;

North 78°00'18" East, a distance of 140.75 feet to a corner;

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