

ORDINANCE NO. O-2017-102

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 A17-007; CONSTITUTING APPROXIMATELY 50.8 ACRES OF LAND AS DESCRIBED BY A METES AND BOUNDS DESCRIPTION, LOCATED ADJACENT TO THE CITY OF TYLER ON ITS SOUTHERN BOUNDARY, 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, ESTABLISHING ORIGINAL ZONING; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a public hearing was held before the City Council of the City of Tyler, Texas, on the 8th day of November, 2017, 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 50.8 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 depicted 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 Tyler City Code Chapter 10, "Tyler Unified Development Code", Article IV., "Subdivision Design and Improvements", Division E., "Participation and Escrow Policies", is hereby amended by amending the list of annexations in Section 10-143 to add this Ordinance Number, with no other changes.

PART 3: 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 4: That upon final passage, the annexed area shall be zoned as 50.8 acres for "M-1", Light Industrial District as shown on Exhibit "D", hereinabove mentioned.

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 Guide be amended to reflect said uses.

PART 6: 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 7: That the Planning 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 notice of U. S. Justice Department approval of this annexation, the Planning 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. The Planning Department shall also file annexation information with the Smith County Appraisal District and anyone else who has requested such information.

PART 10: That certified notice of the Annexation shall be sent by the Legal Department to any Emergency Services District that is located within the annexed area.

PART 11: 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 8th day of November A. D., 2017.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

A T T E S T:

APPROVED:

Cassandra Brager

CASSANDRA BRAGER, CITY CLERK



Deborah G. Pullum

DEBORAH G. PULLUM,
CITY ATTORNEY

- Exhibit A = location map
- Exhibit B = metes and bounds description
- Exhibit C = owner petition
- Exhibit D = zoning map

**ORDINANCE NO. O-2017-102
EXHIBIT "A"
LOCATION MAP**



Notification List	
TYLER ECONOMIC DEVELOPMENT COUNCIL INC	
UNIVERSITY OF TEXAS HEALTH	
SOULES JOHN	
M & E PROPERTIES LLC	
M & E PROPERTIES LLC	
M & E PROPERTIES LLC	
M & E PROPERTIES LLC	
TEXAS STATE OF	

ZONING CASE
Zoning Case #: A17-007
Proposed Zoning: M-1
Applicant: Tyler Economic Development Council

Subject Property
200' Notification Buffer
City Limits

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

500 0 500 Feet

ORDINANCE NO. O-2017-102
EXHIBIT "B"
METES AND BOUNDS DESCRIPTION

FIELD NOTES
50.8 ACRES
TEXAS CHEST FOUNDATION
JOB NO. 99056B12

BEING a 50.8 acre tract in the Elijah Chisum Survey, A-198, and the Nicholas Wren Survey, A-1014, Smith County, Texas and being all of a called 50.79 acre tract described in a Deed from Triton Development Corporation to Texas Chest Foundation in Volume 3757, Page 551 of the Smith County Land Records, Smith County, Texas:

BEGINNING at a UTHC aluminum disk in concrete found at the Southeast corner of said 50.79 acre tract on the Northwest boundary line of a called 7.096 acre tract described in a deed to John Soules in Volume 3761, Page 126 of said Smith County Land Records;

THENCE South 88 degrees 24 minutes 28 seconds West, a distance of 1896.49 feet with the South boundary line of said 50.79 acre tract to a 1/2" iron rod found at the Southwest corner of same and also being the Southeast corner of a called 68.23 acre tract also described in Volume 3757, Page 551;

THENCE North 1 degrees 35 minutes 32 seconds West, a distance of 890.00 feet with the West boundary line of said 50.79 acre tract, same being the East boundary line of said 68.23 acre tract to a 1/2" iron rod found at an angle point in same;

THENCE North 16 degrees 10 minutes 06 seconds East, a distance of 859.61 feet with said West boundary line of said 50.79 acre tract, same being the East boundary line of said 68.23 acre tract to a 1/2" iron rod found at the Northwest corner of said 50.79 acre tract, same being the Northeast corner of said 68.23 acre tract and being on the South right-of-way of County Road 334 (80' wide right-of-way);

THENCE with said South right-of-way of County Road 334 and North boundary line of said 50.79 acre tract around a curve in a clockwise direction having a delta angle of 32 degrees 25 minutes 32 seconds, an arc distance of 895.41 feet, a radius of 1582.19 feet, and a chord of South 60 degrees 46 minutes 30 seconds East, a distance of 883.51 feet to a 1/2" iron rod found at the point of tangency of said curve;

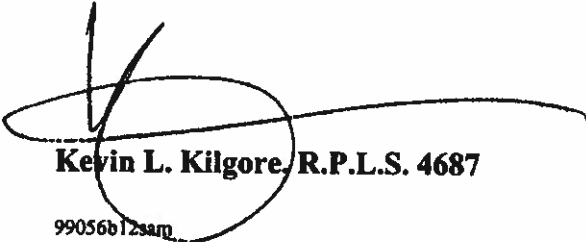
THENCE South 44 degrees 33 minutes 45 seconds East, a distance of 1483.26 feet continuing with said South right-of-way and North boundary line to a 1/2" iron rod found at the Northeast corner of said 50.79 acre tract and being the most Northerly corner of aforementioned 7.096 acre Soules tract;

THENCE South 36 degrees 50 minutes 56 seconds West, a distance of 217.94 feet with the East boundary line of said 50.79 acre tract to the **PLACE OF BEGINNING** containing 50.8 acres.

I, Kevin L. Kilgore, Registered Professional Land Surveyor No. 4687, Texas do hereby certify that the above field note description was prepared from an actual on-the-ground survey made under my direction and supervision during the month of August, 1999.

SEE PLAT PREPARED EVEN DATE.

GIVEN UNDER MY HAND AND SEAL This the 19th day of August, 1999.


Kevin L. Kilgore, R.P.L.S. 4687
99056b123am



**ORDINANCE NO. O-2017-102
EXHIBIT "C"
OWNER PETITION**



RECEIVED: _____
REFERRAL NO.: _____

APPLICATION NO. _____

**INFORMATION FOR 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 \$350.00 (City Code Sec. 10-776) 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 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 _____, _____, PLANNING AND ZONING COMMISSION MEETING WILL BE _____, _____, 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.



**REQUEST FOR ANNEXATION OF SPARSELY OCCUPIED AREA
BY THE OWNER(S) OF AREA**

**TO THE HONORABLE MAYOR AND GOVERNING BODY
OF THE CITY OF TYLER, TEXAS**

The undersigned owners of the hereinafter described tract of land hereby request your Honorable Body to extend the present City limits so as to include as a part of the City of Tyler, Texas, the following described territory (complete and accurate field notes must be attached; a metes and bounds description is required), to-wit:

Being the above described area is one-half (1/2) mile or less in width and is sparsely populated, the owner(s) request that the City of Tyler, Texas, annex this area on petition of the area landowner(s), pursuant to Texas Local Government Code Section 43.028, which provides for the annexation of sparsely occupied areas without the hearings and rigid time schedule required for general annexations or those annexations undertaken unilaterally by the City.

That I (we), the undersigned, hereby certify that the tract described on FORM A and attached field notes, which is the subject of this annexation petition, is located adjacent to and adjoins the existing corporate limits of the City of Tyler, Texas, that this area is one-half (1/2) mile or less in width, that this area is sparsely populated as evidenced by the list on FORM D of the qualified voters residing in the area to be annexed, and that this petition is signed and duly acknowledged by each and every individual or corporation having a proprietary interest in said land.

IN WITNESS WHEREOF, I (We), as owner(s) of real property in the area to be annexed, request annexation of this area, pursuant to Texas Local Government Code Section 43.028, by signing this petition on the date shown below.

Thomas G. Mullins
SIGNATURE

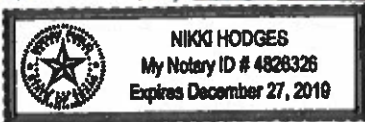
Tom Mullins
PRINT NAME

Oct. 23, 2017
DATE

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 23 day of October, 2017 by Thomas G. Mullins.



Nikki Hodges
Notary Public
State of Texas



That I (we), the undersigned, hereby certify that the tract described on FORM A, which is the subject of this annexation petition, is located adjacent to and adjoins the existing corporate limits of the City of Tyler, Texas, that this area is one-half (1/2) mile or less in width, that this area is sparsely occupied as evidenced by the list on FORM D of the qualified voters residing in the area to be annexed, and that this petition is signed and duly acknowledged by each and every individual or corporation having a proprietary interest in said land.

IN WITNESS WHEREOF, I (We), as owner(s) of real property in the area to be annexed, request annexation of this area, pursuant to Texas Local Government Code Section 43.028, by signing this petition on the date shown below.

Thomas G. Mullins
SIGNATURE
Oct 23 2017
DATE

Tom Mullins
PRINT NAME

SIGNATURE

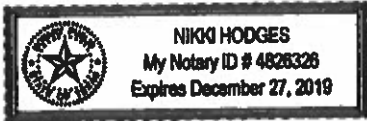
DATE

PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 23 day of October,
2017 by Thomas G. Mullins.



Nikki Hodges
Notary Public
State of Texas

(ACKNOWLEDGMENT)

THE STATE OF _____
COUNTY OF _____

This petition was acknowledged before me on the _____ day of _____,
by _____.

Notary Public
State of _____



FORM B

APPLICANT'S SUPPORT INFORMATION FOR REQUEST FOR ANNEXATION OF SPARSELY OCCUPIED AREA

Applicants shall submit the following information in support of their petition for annexation. This information will be utilized by the staff in preparing comments for the Planning and Zoning Commission and City Council, and in responding to citizens' inquiries.

1. I (We) propose to use this property for the following purpose(s):

Master Planned as a Bioscience Park owned by The Tyler Economic Development Council.
Uses include: Business/Office Park, Light Industrial/Manufacturing, Warehousing/Distribution.

2. I (We) am/are requesting this annexation for the following reason(s):

Economic development and business attraction.

3. State present use and condition of property and/or structures:

Undeveloped land without structures or residences.

4. What is the location of the nearest water and sewer lines? Please indicate location on area map. (This information is available at the City Water Utilities Department, 511 West Locust Street)

Not applicable. Water and sewer service is to be provided to the property by the East Texas Municipal Utility District of Smith County.

5. Any additional information that you wish to provide concerning your annexation request:

903-593-2004 X246
Owner's Telephone Number

SIGNED:


OWNER (of property to be annexed)

OR

Agent's Telephone Number

AGENT (When applicable – See Form E)



LIST OWNER(S) OF ALL PROPERTY TO BE ANNEXED

List the names and addresses of **all owners** of property included within the area requested by the petition to be annexed. (Please print)

NAME	MAILING ADDRESS
1. <u>Tyler Economic Development Council Inc.</u>	<u>315 N. Broadway, Third Floor, Tyler, TX, 75702</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____



LIST OF NAMES OF ALL QUALIFIED VOTERS RESIDING IN THE AREA

In order for an area to qualify for annexation under Texas Local Government Code Section 43.028, the area must be vacant or without residents, or on which fewer than three (3) qualified voters reside.

List the names, age and address of all qualified voters residing within the area requested to be annexed by this petition. For purposes of this annexation request, a qualified voter is an individual of legal age in the State of Texas, 18 years or older, which meets the residency requirements and is therefor qualified to register to vote.

<u>NAME AND AGE</u>	<u>MAILING ADDRESS</u>
1. N/A	N/A
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

SIGNED:


Owner et al (of property to be annexed)

Agent (when applicable – See Form E)



AUTHORIZATION OF AGENT

I (We), the undersigned, being owners of real property to be annexed according to this Application, do hereby authorize (print name and address of Agent) _____ to act as our Agent in the matter of this annexation. The term "Agent" shall mean any lessee, developer, option holder, or other individual who is authorized to act in behalf of the owner(s) of said property to be annexed.

(Form to be signed below by all owners of property to be annexed.)

SIGNATURE

MAILING ADDRESS

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____

(This form is necessary only when the person representing this request does not own any of the property to be annexed. Person must also sign Forms B & G as "Agent".)



PETITION FOR ORIGINAL ZONING OF SPARSELY OCCUPIED AREA TO BE ANNEXED


**Before the City Planning and Zoning Commission and the City Council
of the City of Tyler, Texas**

The undersigned, as owner(s) or agent for the owner(s) of the area to be annexed, hereby makes application for the original zoning of the area to be annexed (insert zoning classification desired) "M-1", Light Industrial District. If more than one zoning classification is requested for the area, please indicate on the area map what zoning classification is requested for each portion. Complete and accurate field notes are required delineating the different zones requested. A metes and bounds description is required.

For the property owner which does not request original zoning, the Planning and Zoning Commission as part of its recommendation for approval of this annexation will recommend a zoning classification(s) for the area to be annexed.

Wherefore, the owner(s) request that the Planning and Zoning Commission consider the original zoning requested, and that the Planning and Zoning Commission recommend this zoning to the City Council of the City of Tyler, Texas for adoption.*

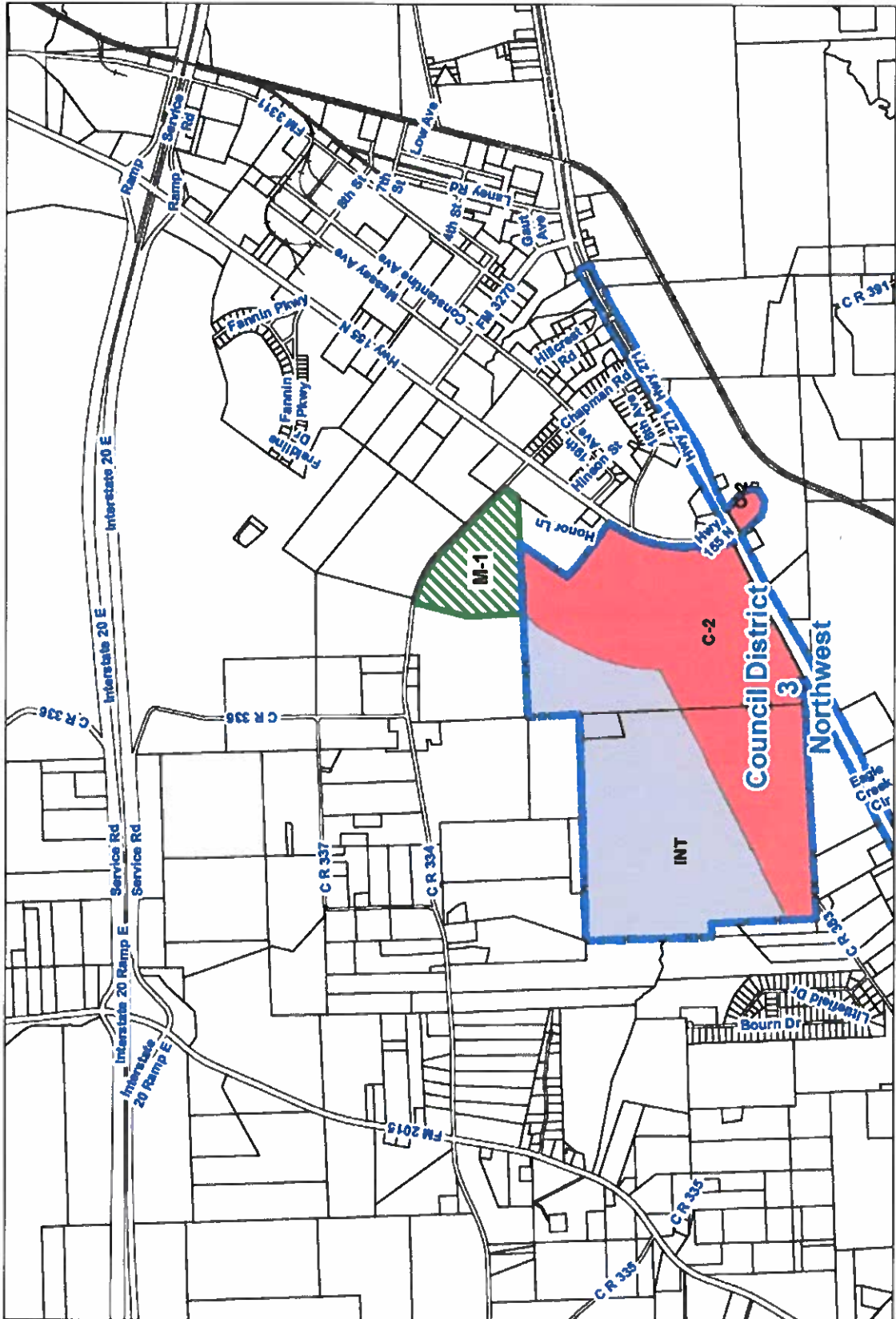
PROPERTY OWNERS' SIGNATURES

	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Agent (When Applicable – See Form E)

* The Planning and Zoning Commission in recommending any annexation, and the City Council in approving any annexation, are not obligated to also approve the original zoning requested by the property owner(s). All land contained within the corporate limits of the City of Tyler must be zoned, and the Planning and Zoning Commission and the City Council will endeavor to approve original zoning for the area to be annexed as requested by the property owner(s) if such zoning is appropriate for the existing or likely use of the property to be annexed, and is compatible with current zoning and existing development in that section of the City for which the annexed area will become a part.

**ORDINANCE NO. O-2017-102
EXHIBIT "D"
ZONING MAP**



ZONING CASE
Zoning Case #: A17-007
Proposed Zoning: M-1
Applicant: Tyler Economic Development Council

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
0 2,000 Feet

