

ORDINANCE NO. O-2016-82

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ANNEXATION OF CERTAIN TERRITORY REFERRED TO AS CUMBERLAND HILLS LOCATED ADJACENT TO THE PRESENT SOUTHERN AND EASTERN BOUNDARY LIMITS OF THE CITY OF TYLER, AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE CITY OF TYLER EXTRATERRITORIAL JURISDICTION; ADJUSTING THE BOUNDARY OF THE CITY COUNCIL DISTRICT #6; ESTABLISHING THE INITIAL LAND USE DESIGNATION; PROVIDING FOR ORIGINAL ZONING; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, public hearings were held before the City Council of the City of Tyler, Texas, on the 24th day of August, 2016, and on the 31st day of August, 2016, 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 dates are not more than forty (40) nor less than twenty-one (21) days prior to the consideration of the annexation ordinance; and

WHEREAS, notices of such public hearings held in the Council Chambers, City Hall were published prior thereto in a newspaper having general circulation in the City of Tyler, Texas, and in the hereinafter described territory on the 11th day of August, 2016, and on the 17th day of August, 2016, which date was not more than twenty (20) nor less than eleven (11) days prior to the date of such public hearings; and

WHEREAS, notices of such public hearings held in the Council Chambers, City Hall were posted prior thereto on the City's internet website, which date was not more than twenty (20) nor less than eleven (11) days prior to the date of such public hearings; and

WHEREAS, the population of the City of Tyler, Texas, is in excess of 100,000 inhabitants; 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 22.7 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 10-801, and Chapter 43 of the Texas Local Government Code, 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. The present boundary limits of such City, at the various points contiguous to the areas being annexed, are hereby 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 of the citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Tyler, Texas.

PART 4: That the Service Plan attached as Exhibit "C" is hereby adopted as part of this ordinance.

PART 5: That upon final passage, the annexed area shall be zoned as "R-1B", Single-Family Residential District and "R-MF", Multi-Family Residential District as shown on Exhibit "D", hereinabove mentioned and incorporated herein.

PART 6: That the initial Land Use Designation for the annexed area is hereby established as Single-Family Medium/Low Density and Townhouse/Garden Apartment, and it is directed that the Land Use Guide be amended to reflect said uses.

PART 7: That the annexed area shall be added to the South District #6, City Council single member district and the official Voting District Map amended accordingly.

PART 8: That said annexation is contingent upon and shall not become effective until and unless the applicant provides to City evidence of proposed deed restrictions to only allow townhouse style development, and also a plat, drawing or other evidence showing the proposed reconfiguration of the streets to the satisfaction of the City.

PART 9: 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 10: 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.

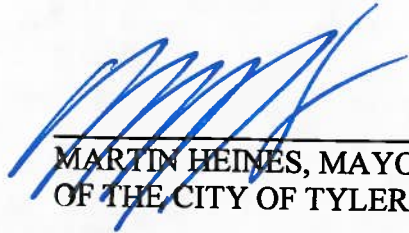
PART 11: That within thirty (30) days of notice of U. S. Justice Department approval of this annexation, the Planning Department, on behalf of the Mayor, shall file a certified copy of this ordinance and a copy or duplicate of the petition with the County Clerk. The Planning Department shall also file annexation information with the Smith County Appraisal District and anyone else who has requested such information.

PART 12: 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 13: 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 14: 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 28th day of September A. D., 2016.



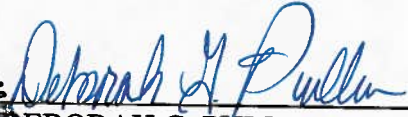
MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK



DEBORAH G. PULLUM,
CITY ATTORNEY

- Exhibit A = location map
- Exhibit B = property exhibit
- Exhibit C = service plan
- Exhibit D = zoning map

**ORDINANCE NO. O-2016-82
EXHIBIT "A"
LOCATION MAP**



Subject Property
200 Notification Buffer
City Limits

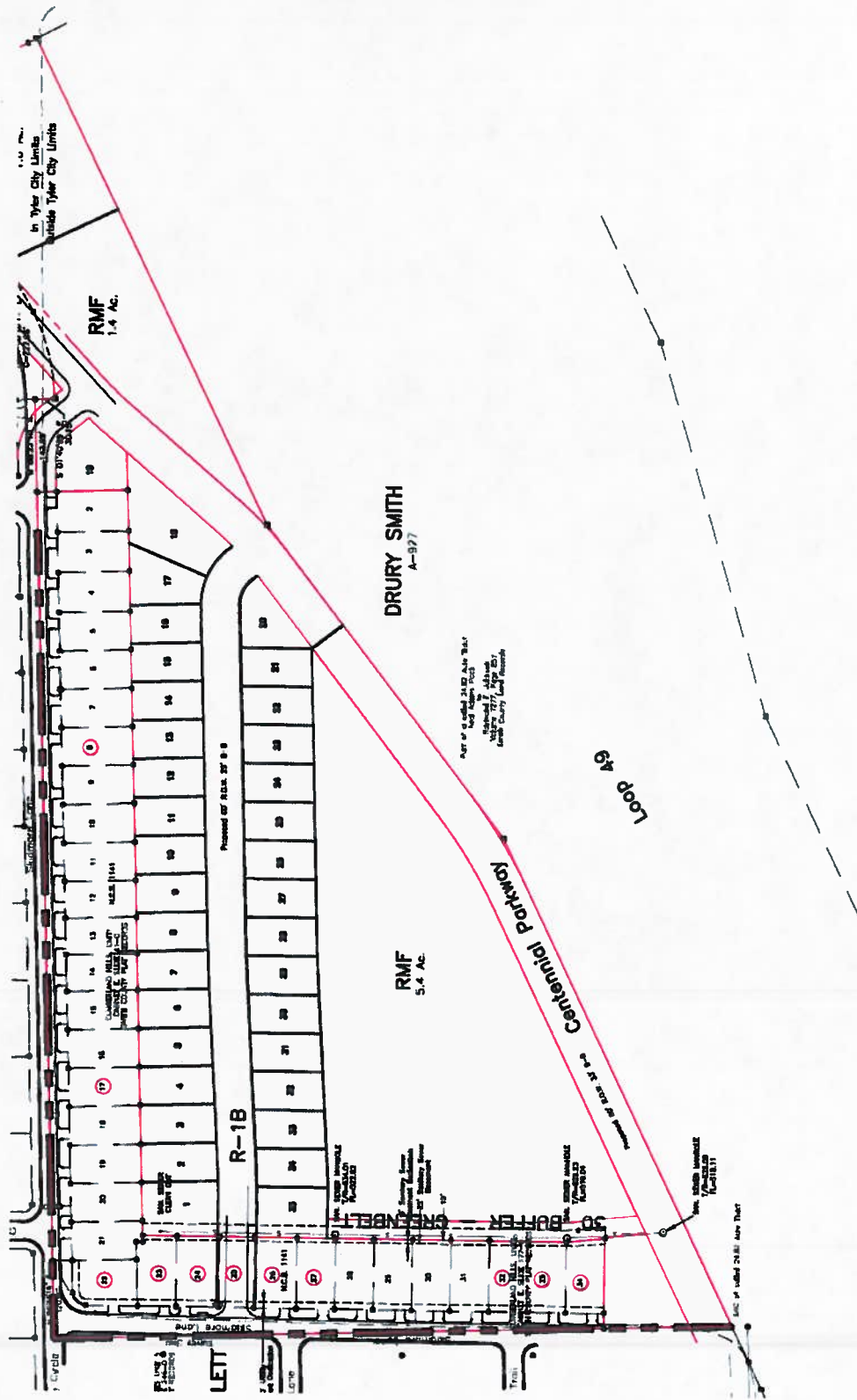
ANNEXATION CASE
Annexation Case #: A06-16-005
Cumberland Hills Annexation

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.



Lot	Block	Owner	Lot	Block	Owner
1	1	HOUSTON, JAMES	1	1	HOUSTON, JAMES
2	1	HOUSTON, JAMES	2	1	HOUSTON, JAMES
3	1	HOUSTON, JAMES	3	1	HOUSTON, JAMES
4	1	HOUSTON, JAMES	4	1	HOUSTON, JAMES
5	1	HOUSTON, JAMES	5	1	HOUSTON, JAMES
6	1	HOUSTON, JAMES	6	1	HOUSTON, JAMES
7	1	HOUSTON, JAMES	7	1	HOUSTON, JAMES
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97	1	HOUSTON, JAMES	97	1	HOUSTON, JAMES
98	1	HOUSTON, JAMES	98	1	HOUSTON, JAMES
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100	1	HOUSTON, JAMES	100	1	HOUSTON, JAMES

**ORDINANCE NO. O-2016-82
EXHIBIT "B"
PROPERTY EXHIBIT**



**ORDINANCE NO. O-2016-82
EXHIBIT "C"
SERVICE PLAN – PAGE 1/5**

COMPREHENSIVE MUNICIPAL SERVICE PLAN

**CUMBERLAND HILLS
(1527 – 1681 Skidmore Lane)**

The City has initiated an assessment of the services 1527 – 1681 Skidmore Lane would receive upon annexation.

1. police protection;
2. fire protection;
3. solid waste collection;
4. operation and maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;
5. operation and maintenance of roads and streets, including road and street lighting;
6. operation and maintenance of public parks, playgrounds, and swimming pools, and
7. operation and maintenance of any other publicly owned facility, building, or service.

The proposed annexation encompasses Cumberland Hills located at the northwest intersection of Paluxy Drive and Toll 49. (See attached map)

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EXHIBIT "C"
SERVICE PLAN – PAGE 2/5

MUNICIPAL SERVICES TO BE PROVIDED

FIRE:

The Fire Department currently has a facility, Fire Station #9, which is located approximately 0.5 miles from these lots. Upon annexation the Fire Department will provide fire protection, rescue services, first responder emergency medical response, public service and inspection services to the newly annexed area at the same or similar level of service now being provided to other areas in the city of Tyler. These services can be provided within the current budget appropriation.

POLICE:

Currently, the area is under the jurisdiction of the Smith County Sheriff's Office. However, upon annexation, the City of Tyler Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities to this area can be effectively accommodated with no impact on the current budget.

BUILDING INSPECTION

The Building Inspection Department will provide permitting and building code compliance review upon annexation. This includes issuing building, electrical, and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Tyler. These services can be provided within current budget appropriation. Structures which are constructed or under construction will be grandfathered and subject to the City of Tyler's non-conforming regulations.

ENVIRONMENTAL:

Environmental will provide Code Enforcement Services upon annexation including enforcement of codes pertaining to weed lots, abandoned vehicles and other environmental problems. These services can be provided within current budget appropriations.

PLANNING

The Planning Department's responsibility for regulating development and land use through the administration of the City of Tyler's Zoning Ordinance will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Tyler Subdivision Ordinance. These services can be provided within the department's current budget.

Staff is recommending that the lots be zoned "R-1B" Single Family Residential District at the time of annexation.

ORDINANCE NO. O-2016-82
EXHIBIT "C"
SERVICE PLAN – PAGE 3/5

LIBRARY:

Upon the effective date of annexation, free library use privileges will be available to anyone residing in this area. These privileges can be provided within the current budget appropriation.

Any library cards that were issued to non-Tyler residents should be returned. A new card will be issued and the old card number will be retired so that it will not be used by any other patrons. If a resident has a punch card, please return it to the library for a refund of any unused punches at 50¢ a punch.

If a resident has never had a library card before, it is necessary to bring proof of address.

HEALTH DISTRICT - ANIMAL CONTROL ENFORCEMENT SERVICE:

The Northeast Texas Public Health District will implement the enforcement of the City of Tyler's animal control ordinance on the effective date of the annexation. Such services can be provided with current Health Department Personnel and within the current budget appropriation.

STREET:

The subject annexation will not add additional miles of roadways to the City of Tyler Street inventory. Skidmore Lane is currently within the city limits and maintained by the Streets Department. Minimal impact to the budget is expected from this annexation.

STORM WATER MANAGEMENT:

Any new development will be required to provide adequate storm water drainage systems, with the expense being borne by the developer, and will be inspected by the Building Services Department and the Engineering Department. The City will then maintain any public drainage systems properly installed and included in an approved, properly sized, and dedicated drainage easement.

STREET LIGHTING:

The City of Tyler will coordinate any request for street lighting with ONCOR in accordance with standard policy.

TRAFFIC ENGINEERING:

As Skidmore Lane is currently inside the city limits, all traffic control devices including signs, pavement markings, speed limits and street lamps are currently maintained by the Traffic Engineering Department. No impact to the budget is expected from this annexation.

ORDINANCE NO. O-2016-82
EXHIBIT "C"
SERVICE PLAN – PAGE 4/5

WATER SERVICE:

Water service is currently supplied by Tyler Water Utilities. No impact to the budget is expected from this annexation.

SANITARY SEWER SERVICE:

Sanitary sewer service is currently supplied by Tyler Water Utilities. No impact to the budget is expected from this annexation.

SOLID WASTE SERVICES:

Tyler Solid Waste currently provides trash collection services to these properties. No impact to the budget is expected from this annexation.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Tyler's established policies governing extension of municipal services to newly annexed areas.

SUMMARY

The City of Tyler has completed their analysis of the proposed annexation and has determined that the inclusion of this subdivision would be a logical extension to our city limits.

**ORDINANCE NO. O-2016-82
EXHIBIT "C"
SERVICE PLAN – PAGE 5/5**



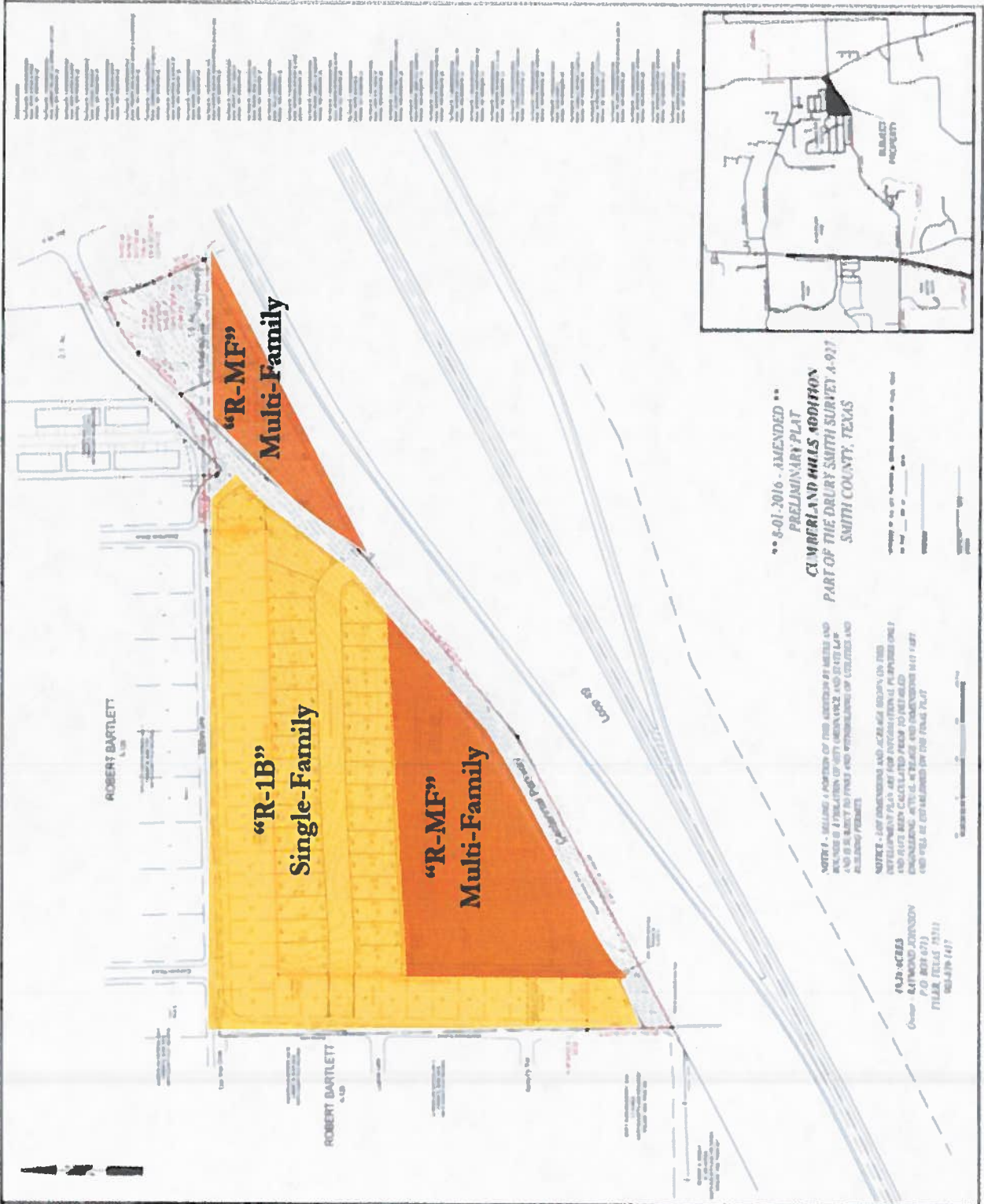
ANNEXATION CASE
Annexation Case #: A06-16-005
Cumberland Hills Annexation

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**ORDINANCE NO. O-2016-82
EXHIBIT "D"
ZONING MAP**

<p>KLK Rigore CONSULTING INC. 4172 N. Highway 170 P.O. Box 170 CUMBERLAND, TEXAS 75821 TEL: 409.683.1700 WWW.KLKRIGORE.COM</p>	<p>Amended Preliminary Plat Cumberland Hill Addition Raymond Johnson 19.26 Acres Smith County, Texas</p>	<p>DATE: 11/17/16 SCALE: AS SHOWN DRAWN BY: [Name] CHECKED BY: [Name] DATE: 11/17/16</p>
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**** 8-01-2016 - AMENDED **
PRELIMINARY PLAT
CUMBERLAND HILLS ADDITION
PART OF THE DELURY SMITH SURVEY A-917
SMITH COUNTY, TEXAS**

NOTE 1: - BEARING AND DISTANCE OF THIS SECTION OF METES AND BOUNDS IS A VERIFICATION OF METE AND DISTANCE AND IS SUBJECT TO FINAL SURVEY AND WITHDRAWAL OF ALL RIGHTS AND RESERVATIONS.

NOTE 2: - FOR INFORMATION AND CLARIFICATION, THE DISTANCES AND BEARINGS ARE FOR INFORMATIONAL PURPOSES ONLY AND HAVE BEEN CALCULATED FROM THE MET BOUNDS ENCLOSING WITH BEARING AND DISTANCE METERS AND WILL BE SET ASHED FOR THE FINAL PLAT.

IN WITNESS WHEREOF,
RAYMOND JOHNSON
P.O. BOX 6713
TILAR TEXAS 75131
08/17/16