

**ORDINANCE NO. O-2015-79**

**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 A01-15-003; CONSTITUTING APPROXIMATELY 5.58 ACRES OF LAND AS DESCRIBED BY A METES AND BOUNDS DESCRIPTION, LOCATED ADJACENT TO THE PRESENT 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 #5; PROVIDING FOR ORIGINAL ZONING; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, a public hearing was held before the City Council of the City of Tyler, Texas, on the 12<sup>th</sup> of August, 2015, 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 5.58 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 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 3.38 acres of "C-2", General Commercial District and 2.18 acres of "AG", Agricultural District as shown on Exhibit "D", hereinabove mentioned.

**PART 5:** That the annexed area shall be added to the East District #5, City Council single member district and the official Voting District Map amended accordingly.

**PART 6:** 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 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 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 9:** 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 10:** 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 12th day of August A. D., 2015.

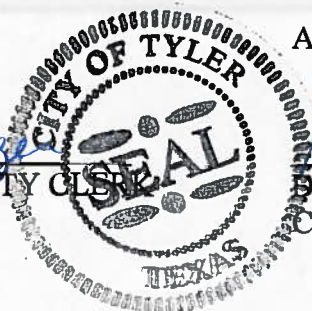
  
\_\_\_\_\_  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

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

APPROVED:

  
\_\_\_\_\_  
DEBORAH G. PULLUM,  
CITY ATTORNEY




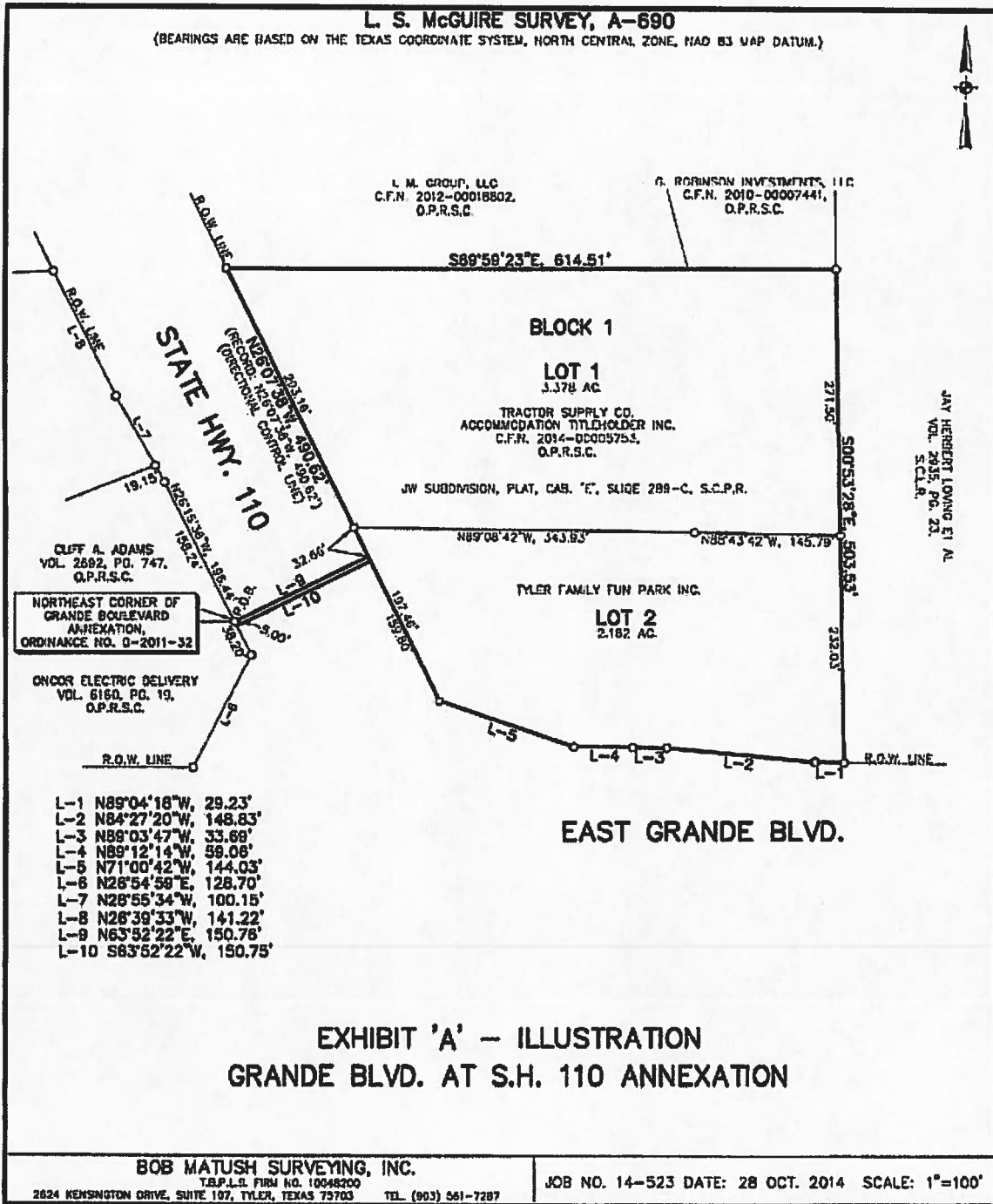


Exhibit A = location map  
Exhibit B = legal description  
Exhibit C = owner petition  
Exhibit D = zoning map



**ORDINANCE NO. O-2015-79  
EXHIBIT "A"  
LOCATION MAP**



**ORDINANCE NO. O-2015-79**

**EXHIBIT "B"**

**LEGAL DESCRIPTION**

**Exhibit B - Metes and Bounds Description  
Incorporated Annexation  
Grande Boulevard at S.H. 110**

All that certain tract or parcel of land situated in the L.S. McGuire Survey, Abstract 690, Smith County, Texas, being out of and a part of the right-of-way of State Highway 110, and being all of Lots 1 and 2, Block 1, of the JW Subdivision, according to the Final Plat thereof recorded in Cabinet 'E', Slide 289-C of the Plat Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2" iron rod found for a corner in the west right-of-way line of State Highway 110, same being the northeast corner of that certain called 11.87 acre tract described in a Deed to Oncor Electric Delivery Company, of record in Volume 6190, Page 19 of the Official Public Records of Smith County, same being the northeast corner of the Grande Boulevard Annexation per City of Tyler Ordinance O-2011-32;

**THENCE**, North 63°52'22" East, a distance of 150.76 feet to a corner in the east right-of-way line of State Highway 110, same being in the west line of said Lot 2, Block 1, of said JW Subdivision;

**THENCE**, North 26°07'38" West, with said east right-of-way line of State Highway 110, at 32.66 feet pass a 1/2" iron rod found for the northwest corner of said Lot 2, same being the southwest corner of said Lot 1, and continuing in all a total distance of 325.82 feet to a 1/2" iron rod found for the northwest corner of said Lot 1;

**THENCE**, South 89°59'23" East, a distance of 614.51 feet to a 1/2" iron rod found for the northeast corner of said Lot 1;

**THENCE**, South 00°53'28" East, with the east line of said Lots 1 and 2, a distance of 503.53 feet to the southeast corner of said Lot 2, same being in the north right-of-way line of East Grande Boulevard;

**THENCE**, North 89°04'18" West, with said north right-of-way line of East Grande Boulevard, a distance of 29.23 feet to a south corner of said Lot 2;

**THENCE**, North 84°27'20" West, with said north right-of-way line of East Grande Boulevard, a distance of 148.83 feet to a south corner of said Lot 2;

**THENCE**, North 89°03'47" West, with said north right-of-way line of East Grande Boulevard, a distance of 33.69 feet to a south corner of said Lot 2;

**THENCE**, North 89°12'14" West, with said north right-of-way line of East Grande Boulevard, a distance of 59.06 feet to a south corner of said Lot 2;

**Annexation  
Page 2**

**THENCE, North 71°00'42" West, with said north right-of-way line of East Grande Boulevard, a distance of 144.03 feet to the southwest corner of said Lot 2, same being in said east right-of-way line of State Highway 110;**

**THENCE, North 26°07'38" West, with said west line of said Lot 2, same being said east right-of-way line of State Highway 110, a distance of 159.80 feet to a corner;**

**THENCE, South 63°52'22" West, a distance of 150.75 feet to a corner in said west right-of-way line of State Highway 110;**

**THENCE, North 26°15'36" West, with said west right-of-way line of State Highway 110, a distance of 5.00 feet to the POINT OF BEGINNING and containing 5.58 acres of land, more or less.**

**I hereby certify that the above description was prepared from an actual survey made on the ground under my direction and supervision during the Month of October, 2014. GIVEN UNDER MY HAND AND SEAL this date, 31 October 2014.**

**(Reference is hereby made to the plat of survey, Job No. 14-523. Bearings are based on the Texas Coordinate System, North Central Zone, Nad83 Map Datum).**

**Robert Matush  
Registered Professional Land Surveyor  
Texas Registration No. 3683**



ORDINANCE NO. O-2015-79  
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

(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
- H. LETTER WAIVING FILING FEE under City Code Sec. 10-776

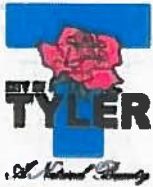
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ALL ANNEXATION IS BY ORDINANCE, AND ONLY THE CITY COUNCIL HAS THE AUTHORITY TO ENACT AN ORDINANCE. THE COUNCIL HAS ASSIGNED THE STUDY OF ANNEXATIONS TO THE CITY PLANNING AND ZONING COMMISSION, WHICH WILL MAKE RECOMMENDATIONS TO THE COUNCIL. THIS REQUEST 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 \_\_\_\_\_, 2015, PLANNING AND ZONING COMMISSION MEETING WILL BE \_\_\_\_\_, 2015, 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**

**JW Tyler, Ltd., as the owner of the hereinafter described tract of land (the "JW Tyler Tract") hereby requests 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:**

**SEE ATTACHED EXHIBIT "B"**

**The above referenced request and the certification made herein, are contingent upon the annexation of that certain tract owned by the City of Tyler, Texas, as shown on EXHIBIT B-2, being more particularly described as Block 1, Lot 2, JW Subdivision, Smith County, Texas (the "City Tract"). Being that the JW Tyler Tract 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 owner, 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 the undersigned hereby certifies that the tract described on EXHIBIT B, which is the subject of this annexation petition, shall, upon annexation of the City Tract, be located adjacent to and will adjoin 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 ownership interest in the surface of said land.**

**IN WITNESS WHEREOF, JW Tyler, Ltd., as owner of the JW Tyler Tract, requests annexation of the JW Tyler Tract conditioned upon the annexation of the City Tract, pursuant to Texas Local Government Code Section 43.028, by signing this petition on the date shown below.**

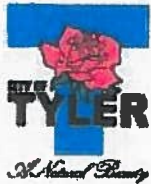
**SIGNATURE**

**By: Duane Bingham, President of  
JW Tyler GP, LLC, the general partner of  
JW Tyler, Ltd.**

**DATE**

*7-20-15*





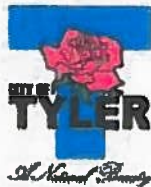
(ACKNOWLEDGMENT)

THE STATE OF TEXAS  
COUNTY OF BURNET

This petition was acknowledged before me on the 20<sup>th</sup> day of July, 2015 by Duane Bingham, in his capacity as President of JW Tyler GP, LLC, a Texas limited liability company, in its capacity as the general partner of JW Tyler, Ltd., a Texas limited partnership, on behalf of said partnership.



[Signature]  
Notary Public  
State of Texas



## EXHIBIT B

### JW Tyler Tract Property Description

#### Property Description

Lot(s) 1, Block 1, JW SUBDIVISION, a subdivision in Smith County, Texas, according to the map or plat thereof, recorded in Cabinet E, Slide(s) 289-C of the Plat Records of Smith County, Texas. Said tract described as follows:

Fieldnotes to that certain lot, tract, or parcel of land situated in the L. McGuire Survey, A-680, Smith County, Texas, being 3.37 acres, more or less, and being the same tract referred to in a deed dated February 13, 2014, from Tyler Family Fun Park, Inc. to Accommodation Titleholder, Inc., as the exchange accommodation titleholder in a qualified exchange accommodation arrangement for JW Tyler, Ltd., and recorded as Document Number 20140000573, Deed Records, Smith County, Texas, and further being known as Lot 1, Block 1 of the JW Subdivision, as shown on a plat recorded in Cabinet E, Slide 289-C, Plat Records, Smith County, Texas, to which references are hereby made to for any and all purposes. Said tract described by metes and bounds as follows, to wit:

**BEGINNING** at a ½" iron rod found for the northwest corner of the referenced tract and the southwest corner of a called 2.933 acre tract conveyed to the L M Group, LLC by Document Number 201200018802. Same being in the northeastern right of way of State Highway No. 110 ( 150 foot wide right of way at this location). From said point a ½" iron rod found for the northwest corner of said 2.933 acre tract bears **N28°31'00"W 231.09 feet**;

**THENCE NORTH 89°59'32" EAST 814.49 feet**, along the northern line of the referenced tract(s), the southern line of said 2.933 acre tract, and picking up the southern line of a called 3.010 acre tract conveyed to G. Robinson Investments, LLC, by Document Number 201000007441, to a ½" iron rod found for the northeast corner of the referenced tract(s) and the southeast corner of said 3.010 acre tract. Same being in the western line of a called 48.1 acre tract conveyed to Jay Herbert Loving, et al by deed of record in Volume 2835, Page 23;

**THENCE SOUTH 00°54'08" EAST 271.48 feet**, with the eastern line of the referenced tract(s) and the western line of said 48.1 acre tract, to a ½" iron rod (capped Goodwin-Lasiter) reset for the southeast corner of said tracts. Same being the northeastern corner of Lot 2 in the aforesaid JW Subdivision. From said point a ½" iron rod found for reference to the southwest corner of said 48.1 acre tract, in the northern line of the remainder of a called 11.83 acre tract, conveyed to Murray G. Jones and Susan Jones, by deed of record in Volume 616, Page 441, and the southeastern corner of Lot 3 of the aforesaid subdivision bears **S00°54'08"E 782.13 feet**;

**THENCE** in a western direction with the southern line of the referenced tract(s) and the northern line of said Lot 2, as follows:

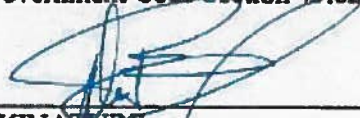
**NORTH 88°43'42" WEST 145.79 feet** to a capped ½" iron rod reset for a common bend, and **NORTH 89°12'44" WEST 343.86 feet** to a ½" iron rod (bent) found for a common western corner of said tracts in the northeastern right of way of State Highway 110;

**THENCE NORTH 26°07'36" WEST 293.36 feet**, along the western line of the referenced tract(s) and said northeastern right of way (this line was used as the basis of bearings) to the Point of Beginning and containing 3.37 acres, more or less.



That the undersigned, hereby certifies that the tract described on EXHIBIT B, which is the subject of this annexation petition will, upon annexation by the City of Tyler of the City Tract, be located adjacent to and will adjoin 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, JW Tyler, Ltd., as owner of the JW Tyler Tract, being the 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.

  
 \_\_\_\_\_  
 SIGNATURE

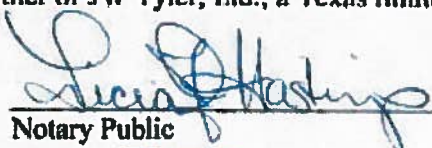
By: Duane Bingham, President of  
 JW Tyler GP, LLC, the general partner of  
 JW Tyler, Ltd.

7-20-15  
 \_\_\_\_\_  
 DATE

(ACKNOWLEDGMENT)

THE STATE OF TEXAS  
 COUNTY OF BURNET

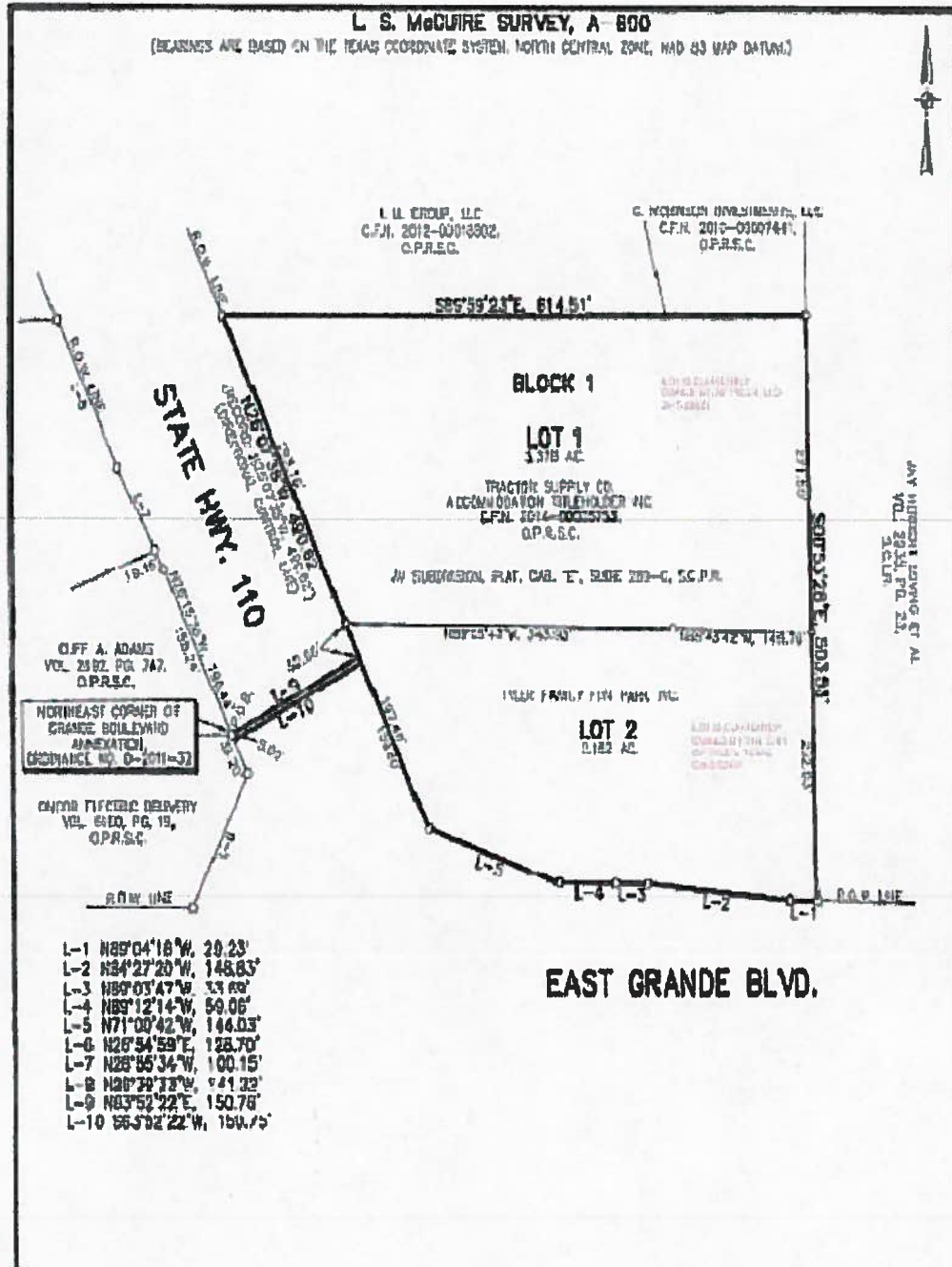
This petition was acknowledged before me on the 20<sup>th</sup> day of July, 2015 by Duane Bingham, in his capacity as President of JW Tyler GP, LLC, a Texas limited liability company, in its capacity as the general partner of JW Tyler, Ltd., a Texas limited partnership, on behalf of said partnership.

  
 \_\_\_\_\_  
 Notary Public  
 State of TEXAS





**EXHIBIT B-2**





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. **JW Tyler, Ltd. proposes to use the JW Tyler Tract for the following purpose(s):**

**General Commercial District C-2. Said JW Tyler Tract is a fully developed commercial building, lawfully in existence and lawfully constructed at the time of annexation. The regular and continuous occupancy of the building has been maintained by a Tractor Supply Company retail store that offers home improvement, agriculture, livestock, equine, pet care and lawn and garden maintenance products. The JW Tyler Tract's use includes outdoor display, signage and a billboard, all of which are allowed uses under General Commercial District C-2. Pursuant to the City of Tyler Unified Development Code, Article III-Use Regulations, Division F, Section 10-90. Nonconforming Uses. The JW Tyler Tract's use is deemed to be non-conforming with respect to parking, signage, billboard, and/or with respect to any bulk and area requirements, including but not limited to maximum lot coverage. Further, the JW Tyler Tract is also deemed non-conforming with respect to any landscaping and/or tree preservation requirements pursuant to City of Tyler Unified Development Code, Article VI-Landscaping and Tree Preservation, Division A, Section 10-300.**

2. **JW Tyler, Ltd. is requesting this annexation for the following reason(s):**

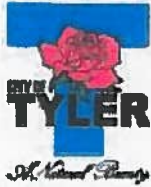
**Pursuant to that certain City of Tyler Application for Water-Sewer Service Outside City Limits dated February 17, 2014, by and between JW Tyler, Ltd. and the City of Tyler ("Water-Sewer Service Agreement").**

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

**The JW Tyler Tract has a fully developed commercial building, lawfully in existence and lawfully constructed at the time of annexation, used as Tractor Supply Company retail store. Use of the JW Tyler Tract includes the outdoor display of merchandise (a) on the sidewalk in front of the building; (b) inside the fenced outdoor display yard; and (c) in the permanent trailer & equipment display area. JW Tyler Tract also includes signage and a billboard sign. See attached photo. These uses are allowed used under General Commercial District C-2.**

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)**

**Water and sewer lines have been extended to the JW Tyler Tract from Hwy 110 pursuant to the Water-Sewer Service Agreement.**



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

**JW Tyler, Ltd. requests that the City Council approve the JW Tyler Tract's zoning designation as General Commercial District C-2 and specifically ratify JW Tyler Tract's use designation as non-conforming with respect to City of Tyler Unified Development Code, Article III-Use Regulations, Division F, Section 10-90 with respect to parking, signage, billboard sign, and/or with respect to any bulk and area requirements, including but not limited to maximum lot coverage. Further, the JW Tyler Tract is also deemed non-conforming with respect to any landscaping and/or tree preservation requirements pursuant to City of Tyler Unified Development Code, Article VI-Landscaping and Tree Preservation, Division A, Section 10-300.**

  
\_\_\_\_\_  
**SIGNATURE**

**By: Duane Bingham, President of  
JW Tyler GP, LLC, the general partner of  
JW Tyler, Ltd.  
Telephone: 830 693 8944**

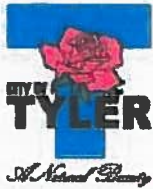


FORM C

**LIST OWNER(S) OF ALL PROPERTY TO BE ANNEXED**

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

NAME	MAILING ADDRESS
1. JW Tyler, Ltd.	806 Avenue U, Marble Falls, Texas 78654
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
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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.

**NAME AND AGE**

**MAILING ADDRESS**

1. **Not Applicable - Commercial Property**

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

**SIGNATURE**

**By: Duane Bingham, President of  
JW Tyler GP, LLC, the general partner of  
JW Tyler, Ltd.  
Telephone: 830 693 8944**





**AUTHORIZATION OF AGENT**

I (We), the undersigned, being owners of the JW Tyler Tract, the real property to be annexed according to this Application, do hereby authorize (print name and address of Agent) N/A 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".)



FORM G

**PETITION FOR ORIGINAL ZONING OF SPARSELY OCCUPIED AREA TO BE ANNEXED**

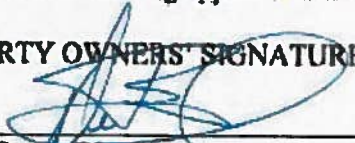
**Before the City Planning and Zoning Commission and the City Council  
of the City of Tyler, Texas**

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 General Commercial C-2 for the Tractor Supply Tract, Lot 1, Block 1, of the J W Subdivision, an addition to Smith County, Texas in the L. McGuire Survey, Abstract No. 690, as shown on the plat thereof, recorded in Cabinet E., Slide 289-C, Plat Records of Smith County, Texas, as more particular described in metes and bounds on Exhibit B to this Request for Annexation. 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.

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, owner's application and that the Planning and Zoning Commission recommend this zoning application to the City Council of the City of Tyler, Texas for adoption.\*

**PROPERTY OWNERS' SIGNATURES**

  
By: Duane Bingham  
President of JW Tyler GP, LLC  
General Partner of JW Tyler, Ltd.  
Telephone: 830 693 8944

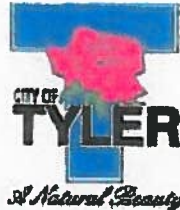
**Agent (When Applicable - See Form E)**

\* 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.

**EXHIBIT H  
Waiver of Filing Fees**

**Planning Department**  
423 West Ferguson Street

Phone: (903) 531-1175  
Fax: (903) 531-1170  
www.tylerpz.org



**Mailing Address**  
City of Tyler  
Attn: Planning Department  
P.O. Box 2039  
Tyler, Texas 75710-2039

**March 12, 2015**

**Duane Bingham**  
**President**  
JW Tyler, Ltd.  
806 Avenue U  
Marble Falls, TX 78654

**Re: Annexation Fee Waiver**

**Dear Mr. Bingham:**

This letter is to confirm that the City of Tyler has chosen to waive the fee for your annexation application for your property located at 13641 Highway 110 South (Lot 1 of the JW Subdivision).

If you have any questions, please contact me at the Planning Department at (903) 531-1175.

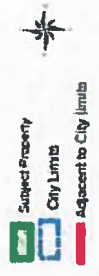
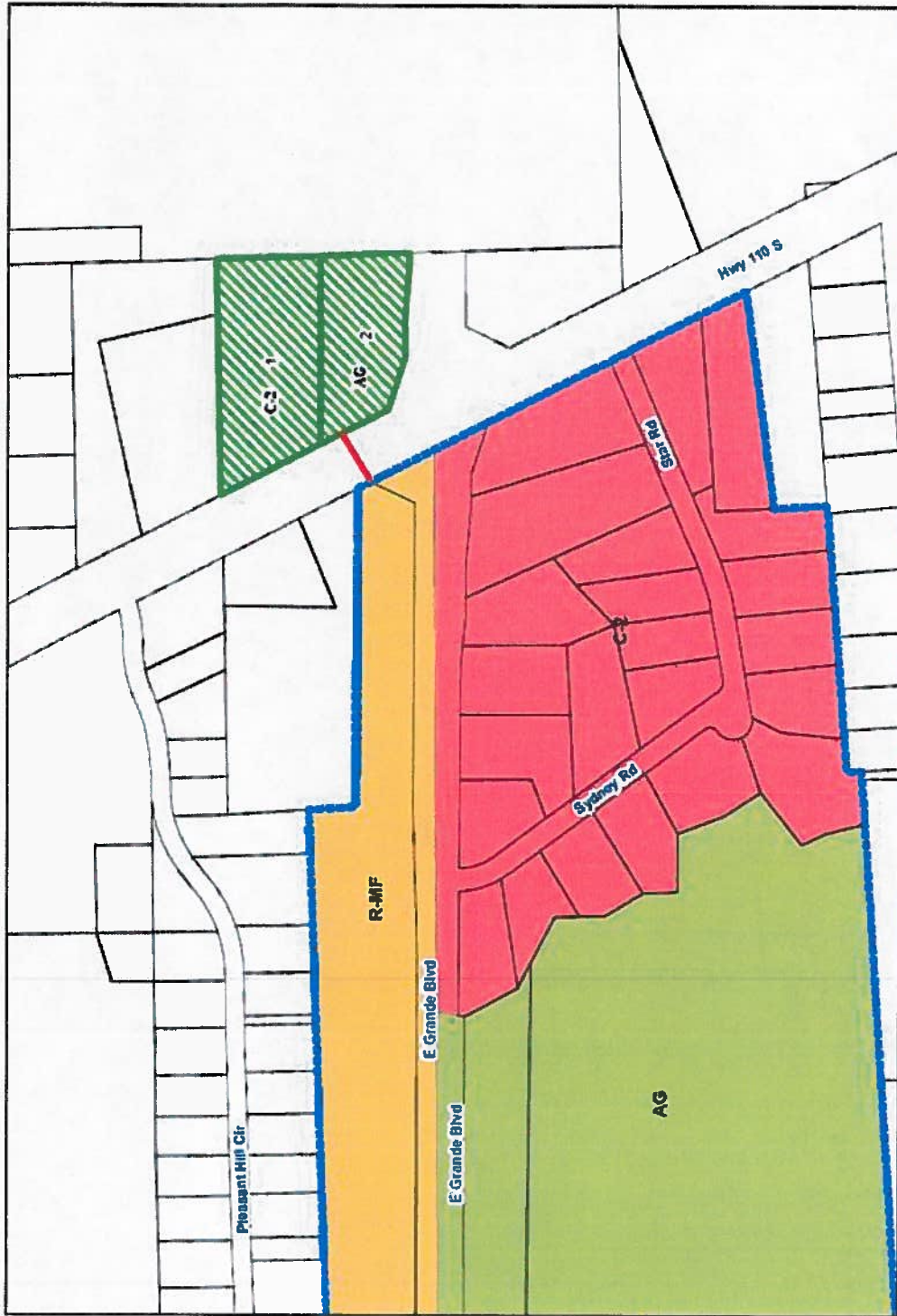
Sincerely,

*Michael Howell*

**Michael Howell – Principal Planner**  
**City of Tyler Planning Department**

**cc: Heather Nick, AICP, Planning Director**

ORDINANCE NO. 0-2015-79  
EXHIBIT "D"  
ZONING MAP



Zoning Case  
Zoning Case # A01-15-003

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 boundaries only for approximate relative location of property boundaries.

