

**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 27<sup>th</sup> 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

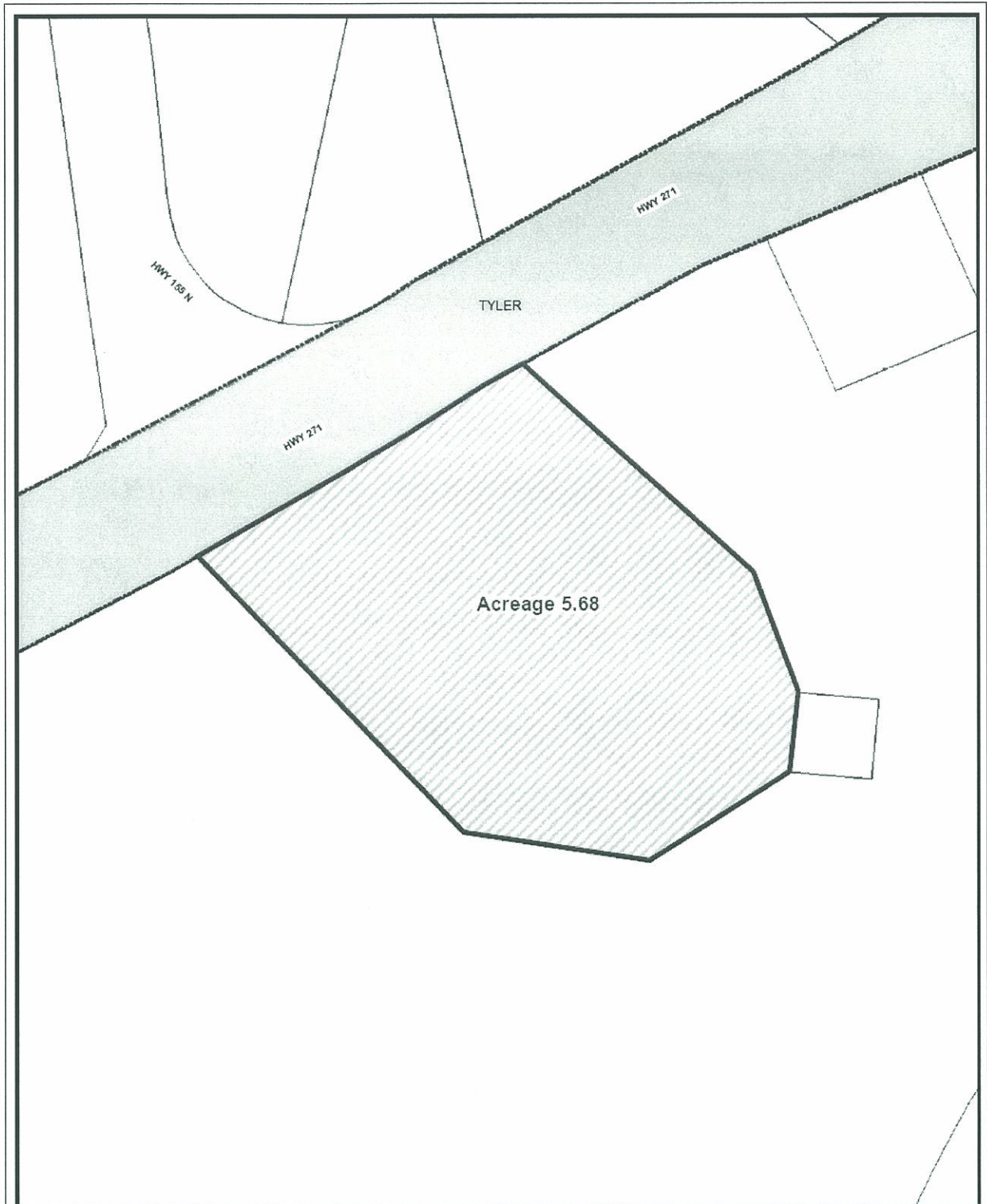


EXHIBIT "B" ORDINANCE NO. 0-2011-24

LEGAL DESCRIPTION

Page 1 of 2

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

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THENCE North 63°05'25" West, for a distance of 232.91 feet, to a 1/2" 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.

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

OWNER PETITION



FORM A

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.

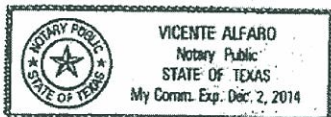
John A. Osborn  
SIGNATURE  
April 1, 2011  
DATE

Robbins Osborn Road Island EXHIBIT A  
John A. Osborn  
PRINT NAME  
(President)

(ACKNOWLEDGMENT)

THE STATE OF Texas  
COUNTY OF Smith

This petition was acknowledged before me on the 1 day of April,  
2011 by John A. Osborn.



[Signature]  
Notary Public  
State of Texas

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



FORM A1

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.

\_\_\_\_\_  
SIGNATURE  
\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
SIGNATURE  
\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

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

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

(ACKNOWLEDGMENT)

THE STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

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

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



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



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):

*GAS STATION - TRUCK STOP*

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

*I WOULD LIKE TO TAKE ADVANTAGE OF ANYTHING  
THE CITY OF TYLER HAS TO OFFER, NOW OR IN THE FUTURE.*

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

*① GAS STATION - TRUCK STOP                      ① TRUCK REPAIR SHOP  
② BUILDINGS ARE TEN YEARS OLD.            ② TWO APARTMENTS  
③ WAREHOUSE*

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)

*WE DO NOT EXPECT FURNISHED UTILITY SERVICE  
BY THE CITY.*

*WATER & SEWER LINES ARE APPROXIMATELY 5 MILES AWAY.*

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

*COLLECTED SALES TAXES ON \$1,539,802 FOR 2009.*

903-540-5452  
Owner's Telephone Number

SIGNED:

John A. Osborn  
OWNER (of property to be annexed)

OR

\_\_\_\_\_  
Agent's Telephone Number

\_\_\_\_\_  
AGENT (When applicable - See Form E)

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



FORM C

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. <i>ROBBINS OSBORN ROAD ISLAND INC.</i>	<i>P.O. Box 302</i>
2.	<i>WHITEHOUSE TX 75791</i>
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

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



FORM D

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. BENNY SOHN PRESTON 47	12010 HWY 271
2. TINA MARIE PRESTON 42	TYLER TX 75708
3.	UNIT 10
4.	
5.	
6.	
7.	
8.	
9.	
10.	

SIGNED:

John A. Osborn  
Owner et al (of property to be annexed)

Agent (when applicable – See Form E)

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



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".)

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



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 (insert zoning classification desired) C2. 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

<u>John A. Osborn</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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



FORM F



FORM F  
OK

AREA MAP

(EXAMPLE ONLY)

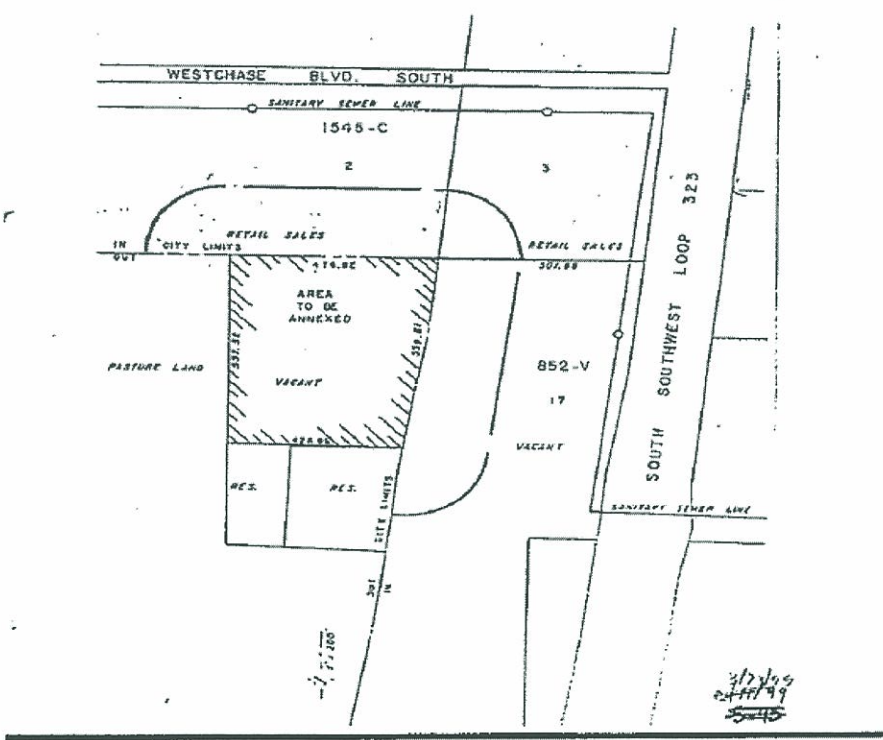


EXHIBIT "C" ORDINANCE NO. 0-2011-24  
OWNER PETITION

Page 10 of 14

**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 3999, 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 11496.66, a degree of curve of 00°49'09" and a chord of North 60°06'10" 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;

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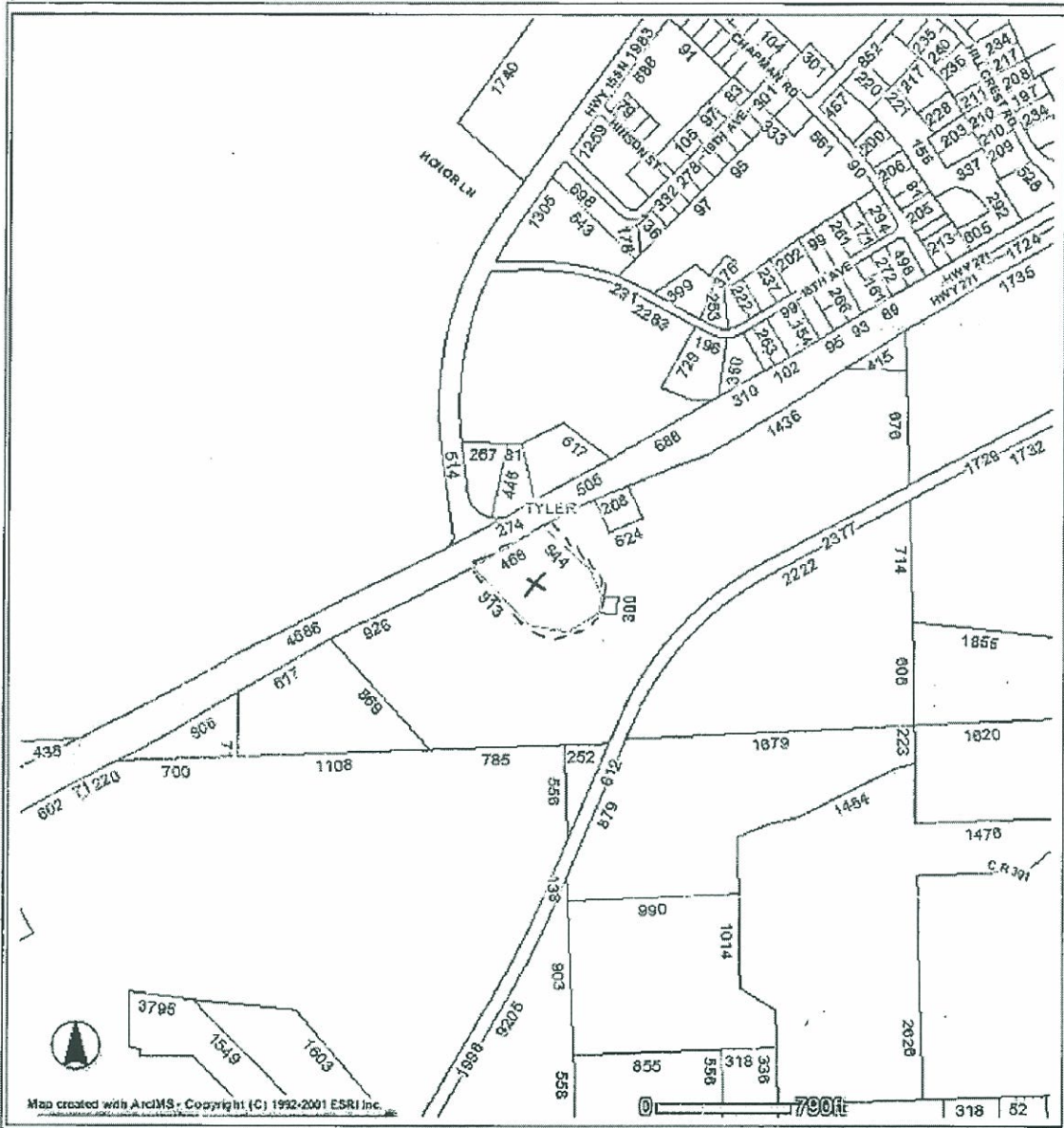
**THENCE** South 22°04'31" East, for a distance of 172.38 feet, to a ½" iron rod (set) for corner at the northwest corner of that certain called 0.2296 of an acre tract of land as described in Volume 5871, Page 277;

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



	<p><b>Smith County Appraisal District</b></p>	
<p>THIS MAP WAS PREPARED BY THE SMITH COUNTY APPRAISAL DISTRICT FOR ITS USE ONLY, AND MAY BE REVISED WITHOUT NOTIFICATION TO ANY USER. NO WARRANTY, GUARANTEE, OR REPRESENTATION IS MADE BY THE SMITH COUNTY APPRAISAL DISTRICT AS TO THE ABSOLUTE CORRECTNESS OR SUFFICIENCY OF ANY REPRESENTATION CONTAINED IN THIS MAP, AND THE SMITH COUNTY APPRAISAL DISTRICT ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.</p>		



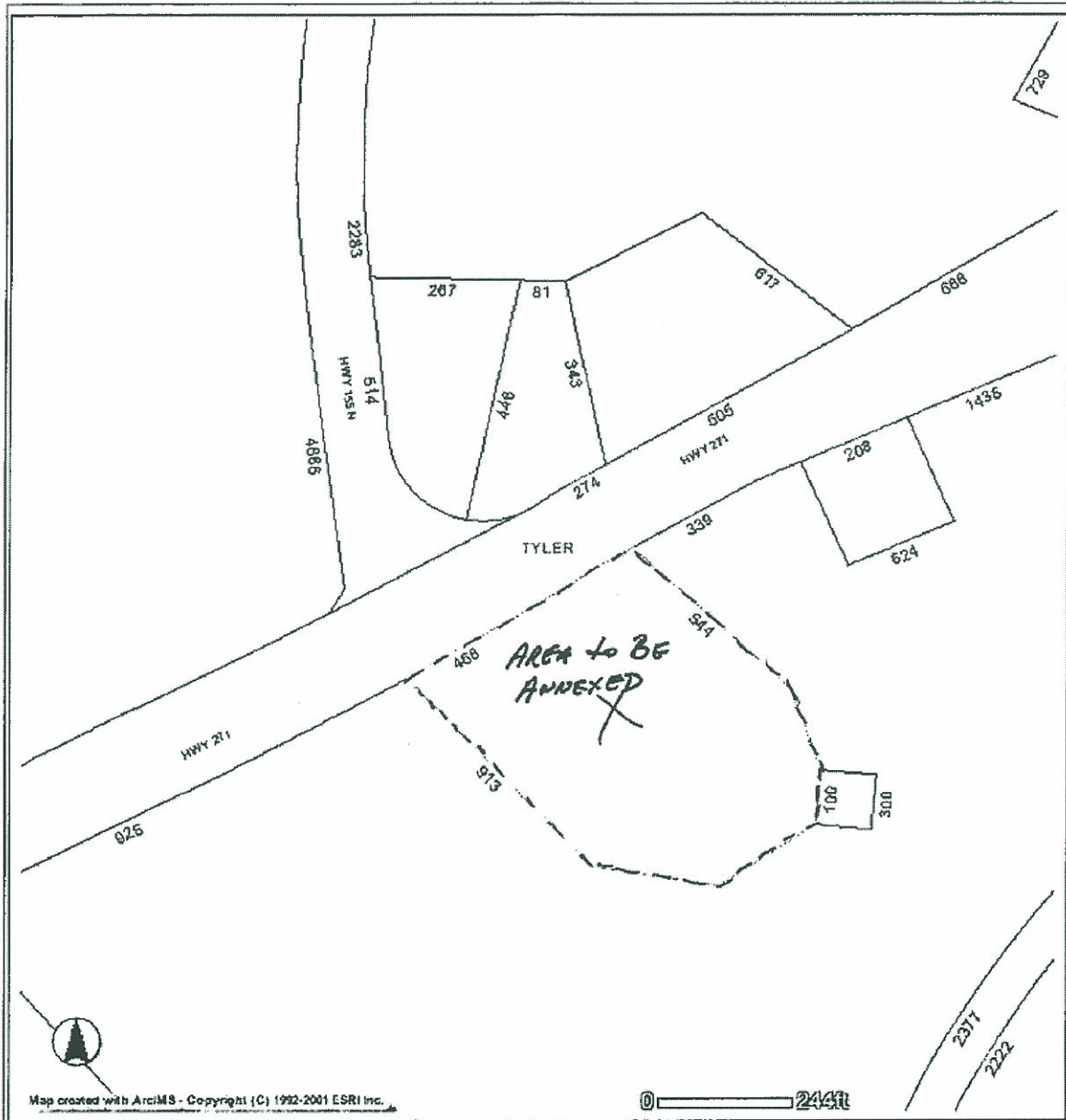
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OWNER PETITION



Map created with ArcIMS. Copyright © 2011 ESRI, Inc.

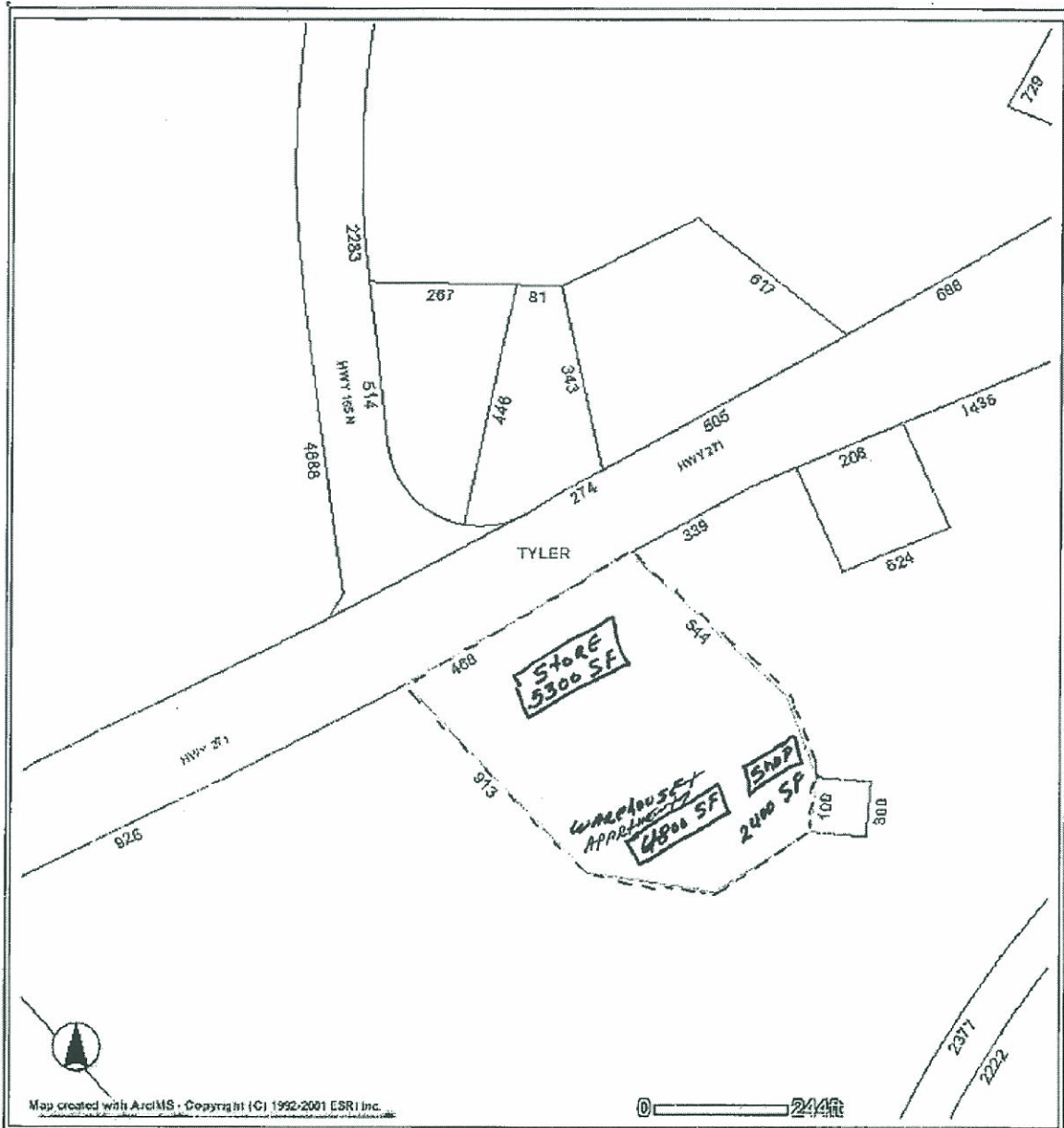


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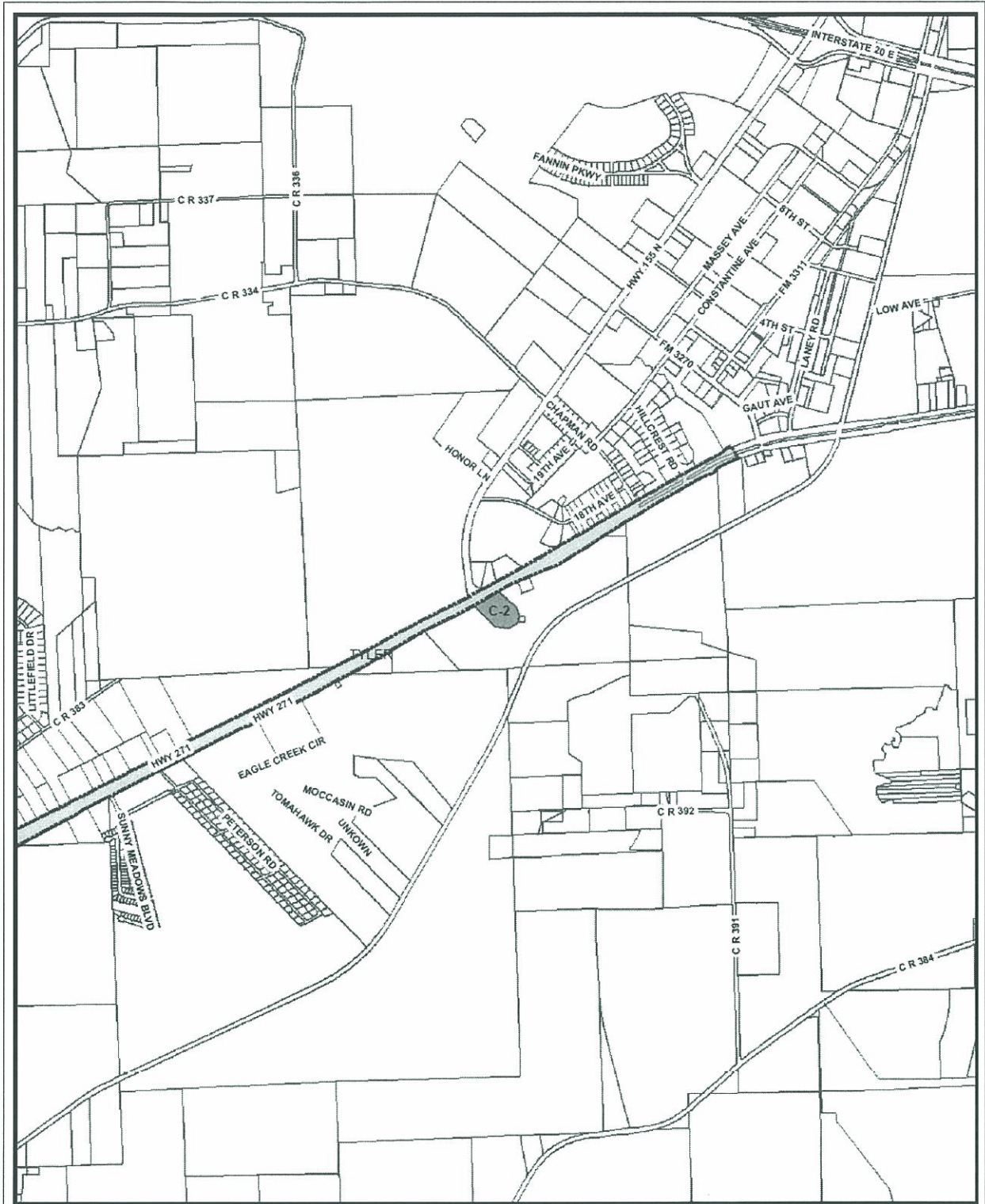
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EXHIBIT "D" ORDINANCE NO. 0-2011-24

Zoning Map



City of Tyler  
UNINCORPORATED TERRITORY  
Map Projection: NAD 83 UTM Zone 16N  
Map Scale: 1:2000  
Map Source: GIS Department  
Map Date: 3/10/2011  
Map Author: GIS Department

Zoned to "C-2"



A04-11-004  
Robbins Osborn Rd Island Annexation