

ORDINANCE NO. O-2011-102

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 A12-11-001; CONSTITUTING APPROXIMATELY 113.81 ACRES OF LAND AS DESCRIBED BY A METES AND BOUNDS DESCRIPTION, LOCATED ADJACENT TO THE PRESENT NORTH 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 # 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 14th day of December, 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 113.81 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 113.81 acres for C-2", General Commercial District as shown on Exhibit "D", hereinabove mentioned.

PART 5: 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 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 and Zoning Department shall send to the Texas Secretary of State a copy of the ordinance and statement that the annexation is not involved in any litigation.


PART 8: That the City Clerk shall send to the State Comptroller by certified mail a map showing new boundaries for sales tax and a certified copy of the ordinance showing the effective date of the boundary changes.

PART 9: That within thirty (30) days of 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. The Planning and Zoning 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 14th day of December A. D., 2011.



BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS


A T T E S T:



CASANDRA BRAGGS
CITY CLERK

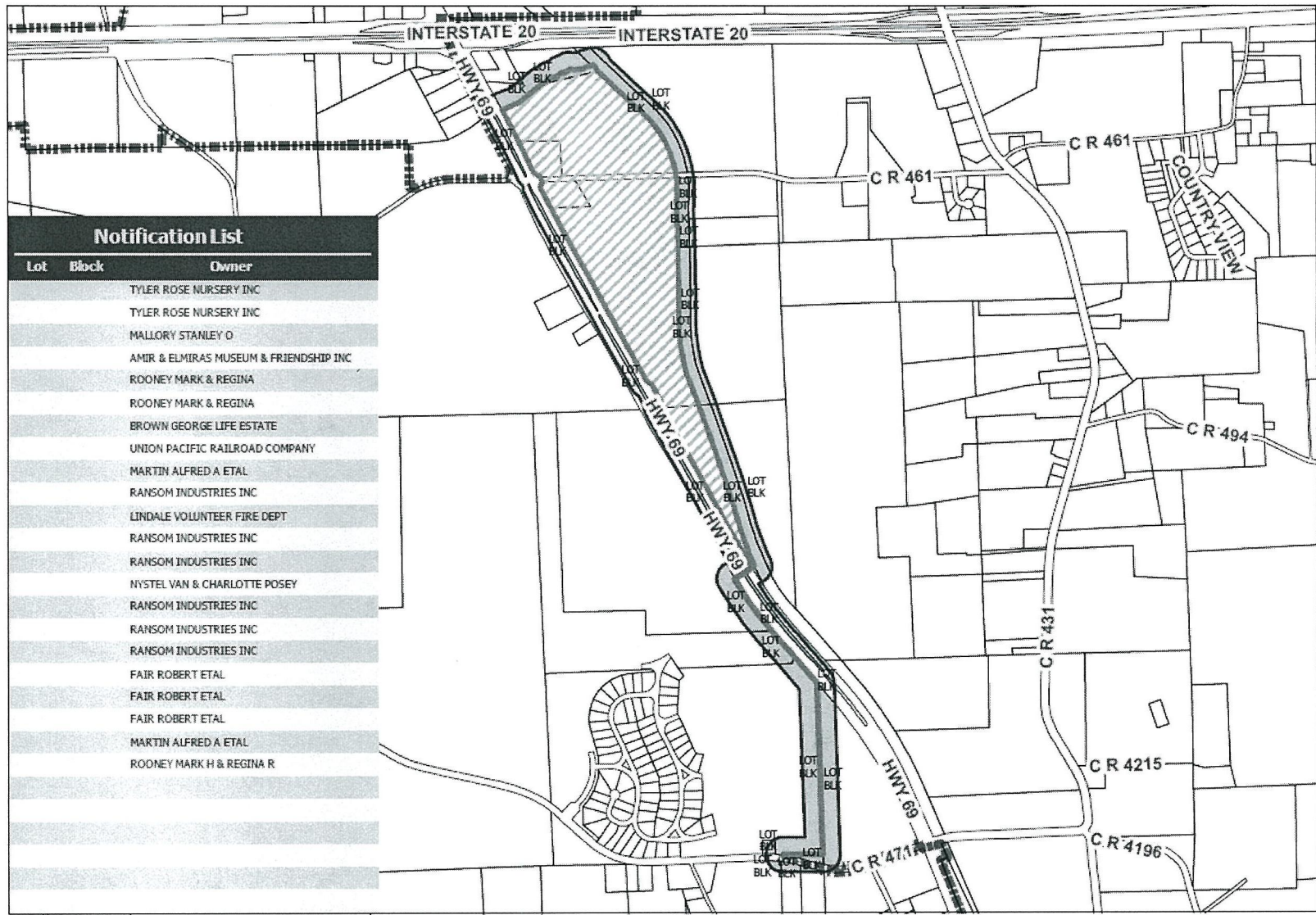


APPROVED:



GARY C. LANDERS, CITY ATTORNEY

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



Notification List		
Lot	Block	Owner
		TYLER ROSE NURSERY INC
		TYLER ROSE NURSERY INC
		MALLORY STANLEY D
		AMIR & ELMIRAS MUSEUM & FRIENDSHIP INC
		ROONEY MARK & REGINA
		ROONEY MARK & REGINA
		BROWN GEORGE LIFE ESTATE
		UNION PACIFIC RAILROAD COMPANY
		MARTIN ALFRED A ETAL
		RANSOM INDUSTRIES INC
		LINDALE VOLUNTEER FIRE DEPT
		RANSOM INDUSTRIES INC
		RANSOM INDUSTRIES INC
		NYSTEL VAN & CHARLOTTE POSEY
		RANSOM INDUSTRIES INC
		RANSOM INDUSTRIES INC
		RANSOM INDUSTRIES INC
		FAIR ROBERT ETAL
		FAIR ROBERT ETAL
		FAIR ROBERT ETAL
		MARTIN ALFRED A ETAL
		ROONEY MARK H & REGINA R

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.

ANNEXATION CASE
 Zoning Case #: A12-11-001
 Annexation with Original Zoning: "C-2"
 Applicant: FAIR TRUST NUMBER TWO

Subject Property
 200' Notification Buffer

EXHIBIT "B" TO ORDINANCE NO. 0-2011-102

LEGAL DESCRIPTION

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Metes and Bounds Description Fair Annexation

TRACT ONE: 0.989 Acre in 10-Ft. Wide Strip

All that certain tract or parcel of land situated in the Francis Gilkerson Survey, Abstract 407, and the Henry Jacobs Survey, Abstract 504, Smith County, Texas, being out of and a part of that certain called 403.1 acre tract described in a Warranty Deed from R.W. Fair to James W. Fair, dated February 29, 1960, and recorded in Volume 973, Page 459 of the Deed Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an 8" concrete fence corner post found for the southeast corner of said called 403.1 acre tract;

THENCE, South 88°16'25" West, with the south line of said 403.1 acre tract, a distance of 427.90 feet to a corner;

THENCE, South 87°33'51" West, continuing with said south line of said 403.1 acre tract, a distance of 68.87 feet to a 5/8" iron rod found for the southwest corner of the herein described tract, same being the northwest corner of that certain Tract 42, called 8.0 acres, described in a Deed to Ransom Industries, of record in Volume 3909, Page 25 of the Official Public Records of Smith County;

THENCE, North 02°26'09" West, a distance of 10.00 feet to a 1/2" iron rod set for the southernmost northwest corner of the herein described tract;

THENCE, North 87°33'51" East, a distance of 68.93 feet to a corner;

THENCE, North 88°16'25" East, a distance of 417.90 feet to a 1/2" iron rod set for an interior corner of the herein described tract;

THENCE, North 02°03'37" West, a distance of 2,019.24 feet to a 1/2" iron rod set for an interior corner of the herein described tract;

THENCE, North 41°30'13" West, a distance of 574.16 feet to a 1/2" iron rod set for a corner and the beginning of a curve to the right having a radius of 5,907.65 feet;

THENCE, with said curve to the right having a radius of 5,907.65 feet, a central angle of 09°31'41", and a chord bearing and distance of North 36°44'23" West, 981.30 feet, an arc length of 982.43 feet to a 1/2" iron rod set for the northernmost northwest corner of the herein described tract;

THENCE, North 58°08'01" East, at 10.00 feet pass a 1/2" iron rod set for reference in the west right-of-way line of U.S. Highway 69 (from which a concrete R.O.W. monument found for reference bears North 25°24'20" West, 93.84 feet), and crossing said Highway, continuing in all a total distance of 244.40 feet to a 1/2" iron rod set for the northernmost northeast corner of the

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herein described tract, same being in the east right-of-way line of U.S. Highway 69, same being in a curve to the left having a radius of 5,664.65 feet;

THENCE, with said east right-of-way line of U.S. Highway 69, and along said curve to the left having a radius of 5,664.65 feet, a central angle of 00°05'49", and a chord bearing and distance of South 31°56'02" East, 10.00 feet, an arc length of 10.00 feet to a ½" iron rod found for a corner and the end of said curve;

THENCE, South 58°08'01" West, crossing said Highway, a distance of 234.38 feet to a ½" iron rod set for an interior corner of the herein described tract, same being in said west right-of-way line of U.S. Highway 69, same being in a curve to the left having a radius of 5,897.65 feet:

THENCE, with said west right-of-way line of U.S. Highway 69, and along said curve to the left having a radius of 5,897.65 feet, a central angle of 09°25'51", and a chord bearing and distance of South 36°47'18" East, 969.65 feet, an arc length of 970.75 feet to a ½" iron rod set for a corner and the end of said curve;

THENCE, South 41°30'13" East, continuing with said west right-of-way line of U.S. Highway 69, a distance of 577.75 feet to a ½" iron rod set for the southernmost northeast corner of the herein described tract, same being in the east line of said 403.1 acre tract;

THENCE, South 02°03'37" East, with said east line of said 403.1 acre tract, a distance of 2,032.89 feet to the POINT OF BEGINNING and containing 0.989 acre of land.

TRACT TWO: 112.824 Acres

All that certain tract or parcel of land situated in the S.M. Grace Survey, Abstract 371, and the Henry Jacobs Survey, Abstract 504, Smith County, Texas, being out of and a part of that certain called 62.1 acre tract described in a Warranty Deed from H.A. Rowan to June Falls, dated January 29, 1915, and recorded in Volume 105, Page 555 of the Deed Records of Smith County, Texas, and being out of and a part of that certain called 371.492 acre tract described in a Warranty Deed with Vendor's Lien from Burk Y. White to James W. Fair, dated June 23, 1958, and recorded in Volume 914, Page 235 of the Deed Records of Smith County, Texas, and also being described in a Warranty Deed recorded in Volume 1602, Page 247 of the Deed Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found for the southwest corner of the herein described tract, same being the east right-of-way line of U.S. Highway 69, and being North 60°28'35" East, a distance of 244.61 feet from the northernmost northeast corner of the above described Tract One, for reference; said found ½" iron rod also being in a curve to the right having a radius of 5,664.65 feet;

THENCE, with said east right-of-way line of U.S. Highway 69, and along said curve to the right having a radius of 5,664.65 feet, a central angle of 02°52'20", and a chord bearing and distance of North 30°32'54" West, 283.94 feet, an arc length of 283.97 feet to a concrete R.O.W.

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LEGAL DESCRIPTION

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monument found for a corner and the end of said curve;

THENCE, North 29°09'47" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 412.94 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 29°04'58" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 599.25 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 29°08'55" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 700.07 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 09°59'56" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 105.81 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 29°08'58" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 797.78 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 48°04'21" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 105.39 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 29°13'14" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 400.31 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 15°08'47" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 103.36 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 29°08'50" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 500.17 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 43°08'04" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 103.41 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 29°09'36" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 528.39 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 27°14'40" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 225.95 feet to a ½" iron rod found for the southwest corner of a called 3.1136 acre tract described in a Deed recorded in Volume 6819, Page 140 of the Official Public Records of Smith County;

THENCE, North 27°19'10" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 209.70 feet to a ½" iron rod found for a corner of same;

THENCE, North 33°40'54" East, continuing with said east right-of-way line of U.S. Highway 69, a distance of 101.41 feet to a corner of same;

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THENCE, North 15°35'22" West, continuing with said east right-of-way line of U.S. Highway 69, and crossing County Road 461, a distance of 90.93 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 59°05'55" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 170.66 feet to a concrete R.O.W. monument found for a corner of same;

THENCE, North 25°09'33" West, continuing with said east right-of-way line of U.S. Highway 69, a distance of 811.95 feet to the westernmost northwest corner of the herein described tract, same being in the north line of said called 61.2 acre tract, same being in the center line of a creek, from which a concrete R.O.W. monument found for reference bears North 25°09'33" West, 325.75 feet;

THENCE, with said north line of said called 61.2 acre tract, and generally with the centerline meanders of said creek, same being the south line of that certain adjoining 6.157 acre tract and 2.246 acre tract as described in a Warranty Deed to Stanley O. Mallory, dated March 31, 1998, and recorded in Volume 4284, Page 42 of said Official Public Records, the following nineteen (19) courses:

North 75°57'27" East, a distance of 99.30 feet to a corner;

North 63°37'27" East, a distance of 107.80 feet to a corner;

North 54°22'59" East, a distance of 316.99 feet to a corner from which a ½" iron rod found for reference bears North 86°14'23" West, 20.00 feet;

North 58°26'41" East, a distance of 67.77 feet to a corner;

North 49°35'32" East, a distance of 69.81 feet to a corner;

North 70°19'37" East, a distance of 32.29 feet to a corner;

North 82°06'36" East, a distance of 47.58 feet to a corner;

North 35°25'19" East, a distance of 28.27 feet to a corner;

North 63°15'28" East, a distance of 28.00 feet to a corner;

North 31°15'03" East, a distance of 18.87 feet to a corner;

South 71°44'37" East, a distance of 21.21 feet to a corner;

North 28°33'38" East, a distance of 15.81 feet to a corner;

North 86°38'31" East, a distance of 40.31 feet to a corner;

North 28°33'45" East, a distance of 31.62 feet to a corner;

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South 84°55'01" East, a distance of 68.26 feet to a corner;

North 84°16'22" East, a distance of 104.18 feet to a corner;

North 54°32'08" East, a distance of 44.59 feet to a corner;

North 80°32'32" East, a distance of 80.00 feet to a corner;

South 83°52'02" East, a distance of 99.30 feet to the northeast corner of said 61.2 acre tract, same being in the west line of the former I. & G.N. Railroad right-of-way, from which a ½" iron rod found for reference bears North 49°26'32" West, 20.00 feet;

THENCE, with the east line of said 61.2 acre tract, same being said west line of said former I. & G.N. Railroad right-of-way, the following seven (7) courses:

South 49°35'13" East, a distance of 555.87 feet to a corner;

South 47°18'08" East, a distance of 208.00 feet to a corner;

South 39°45'08" East, a distance of 200.50 feet to a corner;

South 31°51'08" East, a distance of 183.30 feet to a corner;

South 24°25'08" East, a distance of 158.40 feet to a corner;

South 17°59'08" East, a distance of 157.45 feet to a corner;

South 10°53'01" East, a distance of 183.01 feet to a ½" iron rod found for the southeast corner of said 61.2 acre tract, same being the northeast corner of said called 371.492 acre tract, same being in County Road 461;

THENCE, with the east line of said 371.49 acre tract, same being said west line of said former I. & G.N. Railroad right-of-way, the following six (6) courses:

South 11°29'17" East, a distance of 110.00 feet to a corner;

South 01°03'17" East, a distance of 1,760.00 feet to a corner;

South 04°34'17" East, a distance of 244.40 feet to a corner;

South 12°15'04" East, a distance of 223.58 feet to a corner;

South 19°58'12" East, at 357.79 feet pass a ½" iron rod found for reference, and continuing in all a total distance of 2,334.16 feet to a ½" iron rod found for a corner and the beginning of a curve to the left having a radius of 1,852.99 feet;

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THENCE, along said curve to the left having a radius of 1,852.99 feet, a central angle of 02°02'55", and a chord bearing and distance of South 20°57'05" East, 66.25 feet, an arc length of 66.25 feet to a ½" iron rod found for the southeast corner of the herein described tract;

THENCE, South 58°08'01" West, a distance of 59.63 feet to the POINT OF BEGINNING and containing 112.824 acres of land.

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 August, 2011. GIVEN UNDER MY HAND AND SEAL this date, 30 August 2011.

(Reference is hereby made to the plat of survey, Job No. 11-281. Bearings are based on the Texas Coordinate System, North Central Zone, Nad83 Map Datum).

Robert Matush
Registered Professional Land Surveyor
Texas Registration No. 3683

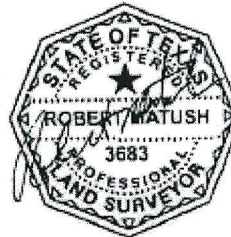


EXHIBIT "B" TO ORDINANCE NO. 0-2011-102

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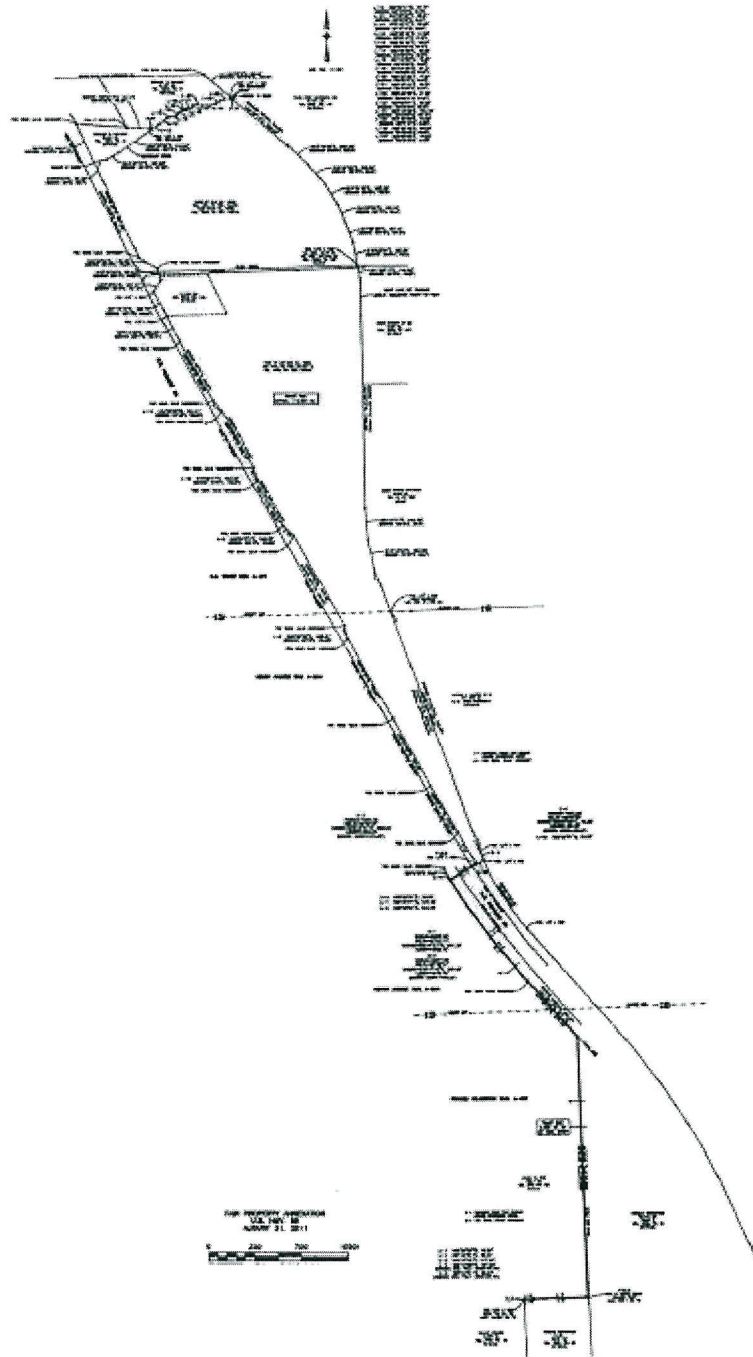


EXHIBIT "C" TO ORDINANCE NO. 0-2011-102

OWNER PETITION

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RECEIVED: 11/1/11
REFERRAL NO.: _____

APPLICATION NO. A18-11-001

**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: Please see Chapter 10. Section 10-776. Fees. in the Unified Development Code)

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 _____, _____, 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.

RECEIVED

NOV 01 2011

PLANNING DEPARTMENT

OWNER PETITION

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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:

- Attached as Exhibit A

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.

ROBERT WOOD FAIR TRUST NUMBER TWO
ALLEN WHALEY FAIR TRUST NUMBER TWO
VIRGINIA RICE FAIR TRUST NUMBER TWO
By: Barbara King Fair
Barbara King Fair
Its: Trustee

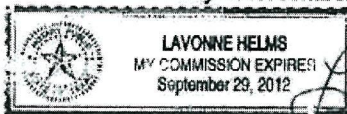
King Land and Cattle, Ltd.

By: Bette H. King
Bette H. King
Its: Managing Partner

By: John R. Garrett
John R. Garrett
Its: Trustee

State of Texas
County of Smith

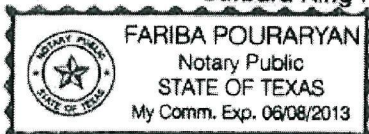
This petition was acknowledge before me on
1st day of November, 2011 by Bette H. King.



Lavonne Helms
Notary Public
State of Texas

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 31th day of October,
2011 by Barbara King Fair, John R. Garrett,



Fariba Pouraryan
Notary Public
State of Texas

EXHIBIT "C" TO ORDINANCE NO. 0-2011-102

OWNER PETITION

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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

ROBERT WOOD FAIR TRUST NUMBER TWO
ALLEN WHALEY FAIR TRUST NUMBER TWO
By VIRGINIA RICE FAIR TRUST NUMBER TWO
Barbara King Fair *Barbara King Fair*
Its: Trustee

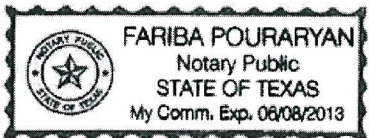
King Land and Cattle, Ltd.
By: *Bette H. King*
Bette H. King
Its: Managing Partner

By: *[Signature]*
John R. Garrett
Its: Trustee

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 31th day of October, 2011 by Barbara King Fair, John R. Garrett



[Signature]
Notary Public
State of Texas

(ACKNOWLEDGMENT)

THE STATE OF Texas
COUNTY OF Smith

This petition was acknowledged before me on the 1st day of November, 2011 by Bette H. King

[Signature]
Notary Public
State of Texas



EXHIBIT "C" TO ORDINANCE NO. 0-2011-102

OWNER PETITION

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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):

- Future Development

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

- City Utilities now available

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

- Vacant


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)

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

ROBERT WOOD FAIR TRUST NUMBER TWO
ALLEN WHALEY FAIR TRUST NUMBER TWO
VIRGINIA RICE FAIR TRUST NUMBER TWO


John R. Garrett, Trustee

King Land and Cattle, Ltd.


Bette H. King, Managing Partner

903-510-6517

Owner's Telephone Number


Barbara King Fair, Trustee

OR

903-510-6517

Agent's Telephone Number

John R. Garrett

AGENT (..) (see Form E)

EXHIBIT "C" TO ORDINANCE NO. 0-2011-102

OWNER PETITION

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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. _____	_____
2. ROBERT WOOD FAIR TRUST NUMBER TWO ALLEN WHALEY FAIR TRUST NUMBER TWO VIRGINIA RICE FAIR TRUST NUMBER TWO	P. O. Box 1084 Tyler, TX 75710
3. _____	_____
4. King Land and Cattle, Ltd.	309 Glenhaven Tyler, TX, 75701
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____

EXHIBIT "C" TO ORDINANCE NO. 0-2011-102

OWNER PETITION

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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.

NAME AND AGE

MAILING ADDRESS

- 1. _____
- 2. _____
- 3. **NONE** _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____

King Land and Cattle, Ltd.

Bette H. King
Bette H. King, Managing Partner

SIGNED:

ROBERT WOOD FAIR TRUST NUMBER TWO
ALLEN WHALEY FAIR TRUST NUMBER TWO
VIRGINIA RICE FAIR TRUST NUMBER TWO

John R. Garrett
John R. Garrett, Trustee

Barbara King Fair
Barbara King Fair, Trustee

EXHIBIT "C" TO ORDINANCE NO. 0-2011-102

OWNER PETITION

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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) John R. Garrett _____ P. O. Box 1084, Tyler, TX, 75710 _____ 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. _____

ROBERT WOOD FAIR TRUST NUMBER TWO
ALLEN WHALEY FAIR TRUST NUMBER TWO
VIRGINIA RICE FAIR TRUST NUMBER TWO

2. _____

3. _____

4.  _____
John R. Garrett, Trustee

5. _____

6.  _____

7. Barbara King Fair, Trustee

8. _____

9. _____

10. King Land and Cattle, Ltd. _____

11. _____

12.  _____
Bette H. King, Managing Partner

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".)

OWNER PETITION

Page 8 of 8



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) C-2. 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

ROBERT WOOD FAIR TRUST NUMBER TWO
ALLEN WHALEY FAIR TRUST NUMBER TWO
VIRGINIA RICE FAIR TRUST NUMBER TWO

[Signature]
John R. Garrett, Trustee

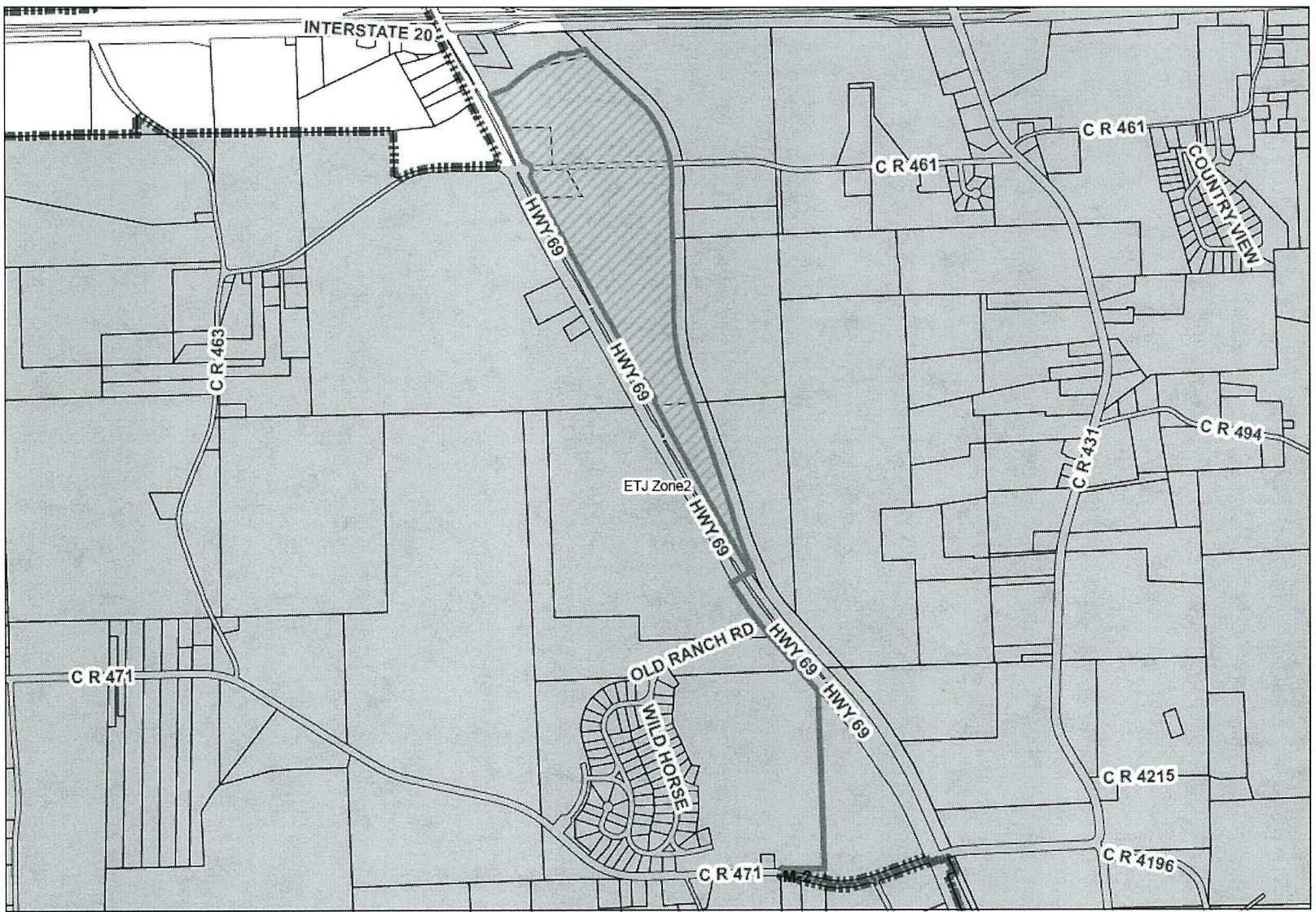
[Signature]
Barbara King Fair, Trustee

King and Cattle, Ltd. _____

[Signature]
Bette H. King, Managing Partner

John R. Garrett
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.



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.



ANNEXATION CASE
 Zoning Case #: A12-11-001
 Annexation with Original Zoning: "C-2"
 Applicant: FAIR TRUST NUMBER TWO

 Subject Property

