

ORDINANCE NO. 2003-53

AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, ANNEXING A TRACT OF LAND OWNED BY MAHER PROPERTIES ONE, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF; ADOPTING A SERVICE PLAN AS DESCRIBED IN EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Aldermen of the Town of Talty has conducted two public hearings at which persons interested in the annexation have been given the opportunity to be heard; and

WHEREAS, such public hearings were conducted pursuant to notice published in a newspaper of general circulation in the Town and in the area proposed for annexation at least once on or after the twentieth day but before the tenth day before the date of each such hearing; and

WHEREAS, a service plan for the area has been approved as required by law; and

WHEREAS, this ordinance is enacted not less than twenty (20) days after the second of such public hearings and not more than forty (40) days after the first of such public hearings;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF TALTY, TEXAS:

Section 1. That all of the property described in Exhibit "A" attached hereto and made a part hereof for all purposes is within the exclusive extraterritorial jurisdiction of the Town of Talty, and adjacent and contiguous to the boundary limits thereof and the same is hereby annexed into the Town of Talty, and the boundary lines of the Town of Talty are hereby extended to include such described property within the Town limits of Talty, and the same shall hereafter be included within the territorial limits of said Town and the inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the Town of Talty, and shall be bound by the acts, ordinances, resolutions, and regulations of said Town.

Section 2. That the premises hereof are found and determined by the Board of Aldermen to be correct in all respects.

Section 3. That it is the intent of the Board of Aldermen to annex into the corporate limits of the Town of Talty all the property described in Exhibit "A" and the Board of Aldermen hereby finds and determines that the provisions of Chapter 43 of the Texas Local Government Code have been complied with in effecting this annexation. It is not the intent of the Town of Talty to annex any territory which it has no legal right to annex, but to annex only such territory as may be legally annexed by it within the limits of the described property.

Section 4. That a service plan, as required by Section 43.056 of the Texas Local Government Code for such property, is attached hereto as Exhibit "B", made a part hereof for all purposes, and adopted and approved as a part of this ordinance.

Section 5. This ordinance shall take effect immediately from and after its passage as the law and Charter in such cases provide.

DULY APPROVED AND PASSED by the Board of Aldermen of the Town of Talty, Texas on the 19th day August, 2003.

APPROVED:

Allison Weaver, Mayor

ATTEST:

Carla Milligan, Town Secretary

EXHIBIT "A"**LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED**

All that certain lot, tract or parcel of land, part of the S. White Survey, Abstract No. 567, Kaufman County, Texas, part of that certain Tract 1, called 209.5 acres, and part of that certain Tract 2, called 209.5 acres conveyed to Maher Properties One, recorded in Vol. 694 page 142 of the Deed Records of Kaufman County, Texas, part of that certain called 222.44 acres conveyed to Maher Properties One, recorded in Vol. 694 page 162 of the Deed Records of Kaufman County, Texas and being more completely described as follows, to-wit:

BEGINNING at a point at the North corner of the above mentioned 222.44 acre tract and being in the centerline of Farm to Market Road No. 1641.

THENCE in a Southeasterly direction with the centerline of Farm to Market Road No. 1641 to a point at the intersection of same and the Westerly one half mile Extra Territorial Jurisdiction line of the Town of Talty, Texas as shown on a map prepared by Statewide Surveying Service in March of 2002.

THENCE in a Southwesterly direction with said E. T. J. line to a point at the intersection of same with the Southwest line of the above mentioned Tract 2.

THENCE in a Northwesterly direction with the Southwest line of said Tract 2, passing the West corner of same, continuing with the Southwest line of the above mentioned Tract 1, passing the West corner of same, continuing with the Southwest line of the above mentioned 222.44 acre tract to a point at the West corner of said 222.44 acre tract and being within Interstate No. 20.

THENCE in a Northeasterly direction, passing the North Right of Way line of Interstate No. 20 and continuing with the Northwest line of said 222.44 acre tract to the point of beginning.

EXHIBIT "B"

ANNEXATION SERVICE PLAN

In connection with the annexation of property owned by Maher Properties One by the Town of Talty, Kaufman County, Texas, as described in Exhibit "A", the following service plan is adopted as required by Section 43.056 of the Texas Local Government Code.

The Town of Talty will provide the following service in the area upon the effective date of the annexation of the area:

1. Fire protection and emergency medical services;

The Town of Talty will also provide other services such as planning, zoning, code enforcement, subdivision regulation, municipal court, construction and building codes and general administration on the effective date of the annexation.

Miscellaneous Provisions:

1. This service plan is valid for ten years. Renewal of the service plan is at the discretion of the Town of Talty.
2. This service plan does not require a uniform level of full municipal services to each area of the Town, including the annexed area, if different characteristics of the topography, land use, and population density are considered a sufficient basis for providing different levels of service.
3. This service plan shall not be amended unless public hearings are held in accordance with VTCA, Local Government Code, Section 43.052.
4. This service plan is adopted as Exhibit "B" to the Ordinance annexing the property described in Exhibit "A" to the Town of Talty. The Town shall provide the area or cause the area to be provided with services in accordance with this service plan.

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