

RESOLUTION NO. 2004-96

A RESOLUTION OF THE TOWN OF TALTY, TEXAS, ACKNOWLEDGING ITS GENERAL, NONBINDING INTENT TO CONSIDER AND ACCEPT INTO ITS EXTRATERRITORIAL JURISDICTION CERTAIN PROPERTY THAT MAY BE RELEASED FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MESQUITE TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Talty (“Talty”) is a Type A General Law city with fewer than 5,000 inhabitants;

WHEREAS, Talty has a one-half mile extraterritorial jurisdiction (“ETJ”) as provided for by Texas Local Government Code Section 42.021(1).

WHEREAS, on August 19, 2003, Talty extended its town limits to the west along Interstate 20 in Kaufman County in response to a petition received from the property owner, Maher Properties One (“Maher Property”), to annex their property;

WHEREAS, the annexation of the Maher Property also resulted in the movement of the one-half mile ETJ of Talty as provided for by Texas Local Government Code Section 42.022(a);

WHEREAS, the City of Mesquite (“Mesquite”) has a five mile ETJ which extends into Kaufman County and is currently contiguous to the town limits and ETJ of Talty;

WHEREAS, Talty does not have a one-half mile ETJ to the west of its town limits along Interstate 20 at FM 2932 and Helms Trail as this area was already in Mesquite’s ETJ at the time that Talty annexed the Maher Property;

WHEREAS, Talty Town Hall is located at 9550 Helms Trail which is fully in Mesquite’s ETJ;

WHEREAS, the Talty Board of Aldermen desires to request Mesquite to release their ETJ along Interstate 20 at FM 2932 and Helms Trail representing the one-half mile ETJ of Talty;

WHEREAS, the area of the ETJ requested to be released by Mesquite is described in the attached Exhibit A;

WHEREAS, once the described area of ETJ is released by Mesquite, the Board of Aldermen of Talty will pass a resolution declaring the one-half mile area as part of Talty’s ETJ and will update the official town map accordingly; and

WHEREAS, Talty desires that development within its ETJ occur in a manner that protects the public health, safety and welfare of its present and future citizens.

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

Section 1. Adoption of Above Premises. All of the above premises are true and correct findings of the Board of Aldermen and they are hereby approved and incorporated into the body of this Resolution as if copied and set forth herein in their entirety.

Section 2. Acknowledgement of General, Nonbinding Intent. The Board of Aldermen of the Town of Talty, Texas hereby acknowledges its general, nonbinding intent to consider and, as may be appropriate within the sole discretion of the Board of Aldermen, accept into its ETJ the portion of Mesquite's ETJ along Interstate 20 at FM 2932 and Helms Trail, as described in Exhibit A, upon release of the ETJ area by Mesquite.

Section 3. Effective Date. This Resolution shall take effect immediately from and after the date of passage.

PASSED, APPROVED AND ADOPTED by the Board of Aldermen of the Town of Talty, Texas, on this the 14th day of December, 2004.

Allison Weaver, Mayor

ATTEST:

Roberta Owens, Town Secretary

**RESOLUTION 2004-96
EXHIBIT A**

All that certain lot, tract or parcel of land, part of the A. Hyer Survey, Abstract No. 203, the J. Moore Survey, Abstract No. 309 and the S. White Survey, Abstract No. 567, Kaufman County,

Texas, all of that certain overlap of the Eastern portion of the Extra Territorial Jurisdiction of the City of Mesquite, Texas and the Western portion of the Extra Territorial Jurisdiction and corporate limits of the Town of Talty, Texas, as shown on a map prepared by Dunkin Sefko & Associates, Inc., dated May 13, 2004 and being more completely described as follows, to-wit:

BEGINNING at a point at the South intersection of the Easterly E.T.J. line of the City of Mesquite, Texas with the Westerly E.T.J. line of the Town of Talty, Texas, said point being Southeast of the intersection of Farm to Market Road No. 2932 and Griffin Lane.

THENCE in a Northwesterly and Northeasterly direction with the Westerly E.T.J. line of the Town of Talty, Texas to a point at the North intersection of same with the Easterly E.T.J. line of the City of Mesquite, Texas, said point being Northwest of the intersection of Helms Trail and Woodbridge Drive.

THENCE in a Southerly direction with the Easterly E.T.J. line of the City of Mesquite, Texas to the point of beginning.