

ORDINANCE NO. 2002-24

AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, TO GRANT A CHANGE IN ZONING TO “R1” SINGLE FAMILY RESIDENTIAL DISTRICT FOR THE TRACT AND LOT DESCRIBED IN EXHIBIT “A” ATTACHED HERETO, IN THE TOWN OF TALTY, KAUFMAN COUNTY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning, Zoning and Ordinance Committee of the Town of Talty and the governing body of the Town of Talty, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance and Map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the Town of Talty is of the opinion that said zoning ordinance should be amended as provided herein; Now, Therefore,

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the Town of Talty, Texas, as heretofore amended, be and the same are hereby amended to grant a change in zoning from “RE10” Residential Estate District to “R1” Single Family Residential District for the tract and lot described in Exhibit “A”, situated in the Town of Talty, Kaufman County, Texas.

SECTION 2. That the above-described property shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the Town of Talty, as heretofore amended.

SECTION 3. That all provisions of the ordinances of the Town of Talty in conflict with the provisions of this ordinance be and the same are hereby repealed.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section

of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the Town of Talty, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

DULY PASSED by the Board of Aldermen of the Town of Talty, Texas, on the 13th day of August, 2002.

APPROVED:

Allison Weaver, MAYOR

ATTEST:

Carla Milligan, TOWN SECRETARY

APPROVED AS TO FORM:

David Berman, TOWN ATTORNEY

(49081)

EXHIBIT "A"

**LEGAL DESCRIPTION FOR
SHAMROCK RIDGE PHASE 6
AS REFLECTED ON THE FINAL PLAT**

All that certain lot, tract or parcel of land, part of the S. White Survey, Abstract No. 567, Kaufman County, Texas, all of that certain called 89.511 acre tract conveyed to Leslie D. Ware, et. ux. by Barbara Sepmoree, et. al. on December 13, 1999, recorded in Vol. 1410 page 192 of the Deed Records of Kaufman County, Texas and being more completely described as follows, to-wit:

BEGINNING at a point for corner at the East corner of the above mentioned 89.511 acre tract , at the South corner of the Rick Barnes 2.0 acre tract, recorded in Vol. 1252 page 510 of the Deed Records of Kaufman County, Texas and being in the centerline of County Road No. 213, from which a 3/8" iron rod set in the Northwest line of said road bears N 45 deg 09 min 51 sec W-30.00 ft.

THENCE S 44 deg. 22 min. 18 sec. W. with the Southeast line of said 89.511 acre tract and with the centerline of County Road No. 213, a distance of 1708.22 ft. to a point for corner at the South corner of said 89.511 acre tract and being at the East corner of the Alberta Coleman Layden 99.3 acre tract, recorded in Vol. 437 page 129 of the Deed Records of Kaufman County, Texas, from which a 3/8" iron rod set in the Northwest line of said road bears N 45 deg. 37 min. 42 sec. W-30.00 ft.

THENCE N 45 deg 37 min 42 sec W. with the Southwest line of said 89.511 acre tract, a distance of 2280.02 ft to a 3/8" iron rod set at the West corner of same, at the North corner of said 99.3 acre tract and being in the Southeast line of Lot No. 65 of Shamrock Ridge, Phase Three, a subdivision shown by plat of same, recorded in Cabinet 2 page 227 of the Deed Records of Kaufman County, Texas.

THENCE N 45 deg. 00 min. 00 sec. E. with the Northwest line of said 89.511 acre tract, a distance of 1726.64 ft. to a 3/8" iron rod set at the North corner of same and being at the West corner of the Richard Curry 7.84 acre tract recorded in Vol. 1252 page 502 of the Deed Records of Kaufman County, Texas.

THENCE S 45 deg. 09 min. 51 sec. E. with the Northeast line of said 89.511 acre tract, a distance of 2261.15 ft. to the point of beginning, containing 89.520 acres of land, of which 1.176 acres is within the above mentioned County Road No. 213.

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