

**ORDINANCE NO. 2003-44**

**AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, TO GRANT ZONING OF “AG” AGRICULTURE 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 zoning of “AG” Agriculture 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of the ordinances of the Town of Talty in conflict with the provisions of this ordinance be and the same are hereby repealed.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 22nd day of April, 2003.

APPROVED:

---

Allison Weaver, MAYOR

ATTEST:

---

Carla Milligan, TOWN SECRETARY

**EXHIBIT "A"**

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 in the Southeast line of the above mentioned Tract 2, at the West corner of Winners Circle, a subdivision shown by plat of same, recorded in Cabinet 2 page 143 of the Plat Records of Kaufman County, Texas at the North corner of Winners Circle, phase 2, a subdivision shown by plat of same, recorded in Cabinet 2 page 385 of the Plat Records of Kaufman County, Texas, at a Westerly corner of the existing limits of the Town of Talty, Texas and being in the centerline of County Road No. 214.

THENCE, in a Southwesterly direction with the centerline of County Road No. 214 to a point at the South corner of said Tract 2 and being at the East corner of the Charles M. Bratton 55.294 acre tract, recorded in Vol. 675 page 355 of the Deed Records of Kaufman County, Texas.

THENCE, in a Northwesterly direction with the Southwest line of said Tract 2 to a point at the intersection of same with the existing Westerly one half of a mile Extra Territorial Jurisdiction line of the Town of Talty, Texas.

THENCE, in a Northerly direction with said E. T. J. line to point at the intersection of same with 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 with a Northwesterly line of the existing limits of the Town of Talty, Texas.

THENCE, in a Southwesterly direction with said town limits line to a point at an ell corner of

same.

THENCE, in a Southeasterly direction with said town limits line to a point at an ell corner of same, in the Southeast line of the above mentioned Tract 2, in the Northwest line of the above mentioned Winners Circle and being in the centerline of County Road No. 214.

THENCE, in a Southwesterly direction with the centerline of County Road No. 214 to the point of beginning.

**ORDINANCE NO. 2003-44**

**AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, TO GRANT ZONING OF "AG" AGRICULTURE 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.**

**DULY PASSED** by the Board of Aldermen of the Town of Talty, Texas, on the 22nd day of April, 2003.

APPROVED:

---

Allison Weaver, MAYOR

ATTEST:

---

Carla Milligan, TOWN SECRETARY