

## RESOLUTION NO. 2004-95

**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 FORNEY TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Riley E. and L. Lori Morgan (“Property Owners”) are the owners of a 24.67 acre tract (“Morgan Property”) in the Stephen White Survey, Abstract No. 587, Kaufman County, Texas. Their ownership is documented in a deed recorded in Volume 2433, Page 544 of the official public records of Kaufman County, Texas;

**WHEREAS**, a portion of the Morgan Property is located in the extraterritorial jurisdiction (“ETJ”) of the Town of Talty (“Talty”) and a portion of the Morgan Property is located in the ETJ of the City of Forney (“Forney”);

**WHEREAS**, the Property Owners are developing this property in compliance with Talty’s subdivision regulations and Talty has approved a preliminary plan for the subdivision development known as Bantry Gardens;

**WHEREAS**, Forney has been contacted by the Property Owners and/or their agent regarding their desire to have the entire Morgan Property located within the ETJ of Talty;

**WHEREAS**, the Property Owners shall (1) submit a petition to Forney formally requesting that Forney release from its ETJ the portion of the Morgan Property currently part of Forney’s ETJ (“Forney Petition”); (2) Forney will consider such petition request, which if approved, will result in Forney releasing from its ETJ the portion of the Morgan Property currently located in its ETJ; and (3) the Property Owners shall submit a petition to Talty formally requesting that Talty take action to include the portion of the Morgan Property currently not located in Talty’s ETJ, within Talty’s ETJ upon the release of such property by Forney (“Talty Petition”); and

**WHEREAS**, the Property Owners, Forney and Talty (collectively, the “Parties”) acknowledge that neither Forney nor Talty is obligated to act favorably on the Forney Petition or the Talty Petition; and

**WHEREAS**, Forney requests that before it considers the Forney Petition, Talty acknowledge its general, nonbinding intent to consider and if appropriate, accept the Morgan Property into Talty’s ETJ pursuant to the Talty Petition in the event that Forney releases the portion of the property

located in its ETJ; 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 the Morgan Property as Forney may release from its ETJ, subject to (1) the Property Owner's submission of a petition to Forney formally requesting that Forney release from its ETJ the portion of the Morgan Property currently part of Forney's ETJ ("Forney Petition"); (2) Forney's approval of such petition request, thereby releasing from its ETJ the portion of the Morgan Property currently located in its ETJ; and (3) the Property Owners' submission of a petition to Talty formally requesting that Talty take action to include the portion of the Morgan Property currently not located in Talty's ETJ, within Talty's ETJ upon the release of such property by Forney ("Talty Petition").

**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 14<sup>th</sup> day of December, 2004.

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Allison Weaver, Mayor

ATTEST:

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Roberta Owens, Town Secretary