

ORDINANCE NO. 2005-98

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF TALTY, TEXAS, ENLARGING AND EXPANDING THE EXTRATERRITORIAL JURISDICTION OF THE TOWN IN ACCORDANCE WITH A PETITION SUBMITTED BY THE OWNERS OF THE SUBJECT PROPERTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town has received a Petition submitted by the owners of real property more specifically described in Exhibit “A” attached hereto and incorporated herein (the “Property”) requesting the expansion of the extraterritorial jurisdiction of the Town to encompass and include all of the Property;

WHEREAS, the Property is contiguous to the otherwise existing extraterritorial jurisdiction of the Town;

WHEREAS, the City of Forney, Texas, through lawful action of its governing body and on the request of the owners of the Property, has released the Property from the extraterritorial jurisdiction of the City of Forney so as to enable the Town to assume said Property within its extraterritorial jurisdiction;

WHEREAS, the Board of Aldermen of the Town find and determine that the enlargement of the Town’s existing extraterritorial jurisdiction to encompass and include the Property is in the best interest of the health, safety, welfare and morals of the citizens of the Town; Now, Therefore,

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

SECTION 1. That the extraterritorial jurisdiction of the Town of Talty, Texas, be and is hereby modified, enlarged, and expanded to include and encompass all of the property generally described as a 24.67-acre tract of real estate in the Stephen White Survey, Abstract 587, situated in Kaufman County, Texas, and being more specifically described in Exhibit “A” attached hereto and incorporated herein. The boundaries of the extraterritorial jurisdiction of the Town be and

are hereby amended so as to encompass and include the entirety of the Property described herein and the owners thereof shall inure to the rights, benefits and privileges of owners of property similarly situated.

SECTION 2. That the official map of the Town's territorial limits and of the Town's extraterritorial jurisdiction be and is hereby amended to include all of the Property described herein.

SECTION 3. 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 thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED by the Board of Aldermen of the Town of Talty, Texas, on the 8th day of February, 2005.

APPROVED:

Allison Weaver, Mayor

ATTEST:

Roberta Owens, Town Secretary

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LEGAL DESCRIPTION OF PROPERTY

EXHIBIT "A"

BEING a 24.670 acre (1,074,630 square foot) tract in the Stephen White Survey, Abstract No. 587, Kaufman County, Texas and being a tract of land described in deed to Riley E. Morgan and

L. Lori Morgan as recorded in Volume 2433, Page 544 of the Official Public Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod and cap stamped “Vannoy” found for the Easternmost East corner of said Morgan Tract, in the Southwest boundary line of Lot 2 of the Stasch Addition, a subdivision in Kaufman County, Texas, as recorded in Cabinet 2, Page 524 of the Plat Records of Kaufman County, Texas, and being South 34•55’15” East, a distance of 202.70 feet from the West corner of said Lot 2;

THENCE, SOUTH 34•55’15” EAST, along the Northeast boundary line of said Morgan Tract and the Southwest boundary line of said Stasch Addition, passing a point for the South corner of said Stasch Addition and continuing with the Northeast boundary line of said Morgan Tract, in all a distance of 1540.62 feet to a ½ inch iron rod with blue plastic cap stamped “Tri-Tech Surveying” set for the East corner of said Morgan Tract and being in the Northwest boundary line of a tract of land described in deed to Steve Howle, as recorded in Volume 1259, Page 521 of said Official Public Records;

THENCE, SOUTH 43•34’14” WEST, along the Southeast boundary line of said Morgan Tract and the Northwest boundary line of said Howle Tract, a distance of 446.40 feet to a ½ inch iron rod with blue plastic cap stamped “Tri-Tech Surveying” set;

THENCE, SOUTH 69•07’42” WEST, continuing along the Southeast boundary line of said Morgan Tract and the Northwest boundary line of said Howle Tract, a distance of 396.29 feet to a ½ inch iron rod with blue plastic cap stamped “Tri-Tech Surveying” set for the South corner of said Morgan Tract and the East corner of a tract of land described in deed to Clemente Munguia and Alicia Munguia, recorded in Volume 1128, Page 789 of said Official Public Records, and being in the Northwest boundary line of said Howle Tract;

THENCE, NORTH 34•53’23” WEST, along the Southwest boundary line of said Morgan Tract and the Northeast boundary line of said Morgan Tract, passing a point for the North corner of said Munguia Tract and the East corner of a tract of land described in deed to Donal Powell, and wife, Angela W. Powell, and continuing with the Southwest boundary line of said Morgan Tract and the Northeast boundary line of said Powell Tract, in all a distance of 788.34 feet to a ½ inch iron rod found for the North corner of said Powell Tract and the East corner of a tract of land described in deed to Gary Halliday and wife, Kathleen A. Halliday as recorded in Volume 2384, Page 484 of said Official Public Records;

THENCE, NORTH 35•01’31” WEST, along the Southwest boundary line of said Morgan Tract and the Northeast boundary line of said Halliday Tract, a distance of 31.26 feet to a ½ inch iron rod with cap stamped “Vannoy” found for the Southernmost West corner of said Morgan Tract

and being in the Northeast boundary line of said Halliday Tract;

THENCE, NORTH 47•13'45" EAST, along the Northwesterly boundary line of said Morgan Tract, a distance of 249.59 feet to a ½ inch iron rod with cap stamped "Vannoy" found for an interior ell corner;

THENCE, NORTH 35•15'12" WEST, along the Southwesterly boundary line of said Morgan Tract, a distance of 182.58 feet to a point for corner;

THENCE, NORTH 10•48'46" WEST, continuing along the Southwesterly boundary line of said Morgan Tract, a distance of 530.58 feet to a point for corner;

THENCE, NORTH 35•16'56" WEST, continuing along the Southwesterly boundary line of said Morgan Tract, at 150.00 feet passing a ½ inch iron rod with cap stamped "Vannoy", in all a distance of 173.15 feet to a point for the Northernmost West corner of said Morgan Tract, and being in the centerline of County Road 211 (Helms Trail);

THENCE, NORTH 43•35'29" EAST, along the Northwest boundary line of said Morgan Tract and the centerline of said County Road, a distance of 61.15 feet to a point for corner;

THENCE, SOUTH 35•16'56" EAST, along the Northeast boundary line of said Morgan Tract, at 23.14 feet pass a ½ inch iron rod with cap stamped "Vannoy" found, in all a distance of 235.10 feet to ½ inch iron rod with cap stamped "Vannoy" found for an interior ell corner;

THENCE NORTH 43•12'38" EAST, along the Northeasterly boundary line of said Morgan Tract, a distance of 304.78 feet to the POINT OF BEGINNING, and containing 24.670 acres (1,074,630 square feet) of land.