

ORDINANCE NO. 2003-56

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 and Zoning 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of the ordinances of the Town of Talty in conflict with the provisions of this ordinance be and the same are hereby repealed.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 19th day of August, 2003.

APPROVED:

Allison Weaver, MAYOR

ATTEST:

Carla Milligan, TOWN SECRETARY

LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

EXHIBIT "A"

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 99.3 acre tract conveyed to Alberta Layden, recorded in Vol. 437 page 129 of the Deed Records of Kaufman County, Texas and part of that certain called 99.3 acre tract conveyed to A. J. Layden, recorded in Vol. 487 page 203 of the Deed Records of Kaufman County, Texas and being more completely described as follows, to-wit:

BEGINNING at a point at the East corner of the above mentioned 99.3 acre tract, recorded in Vol. 437 page 129, at the South corner of Shamrock Ridge Phase 6, recorded in Cabinet 2 page 426 of the Plat Records of Kaufman County, Texas, in the centerline of County Road No. 213 and being at an ell corner in a line of the existing limits of the City of Talty, Texas.

THENCE, in a Southwesterly direction with the centerline of County Road No. 213, to a point at the South corner of said 99.3 acre tract, recorded in Vol. 437 page 129, at the East corner of the above mentioned 99.3 acre tract, recorded in Vol. 487 page 203 and being at an ell corner in a line of the existing limits of the City of Talty, Texas.

THENCE, in a Northwesterly direction with the Northeast line of said 99.3 acre tract, recorded in Vol. 487 page 203, to a point at an ell corner in a line of the existing limits of the City of Talty, Texas.

THENCE, in a Southwesterly direction with the City Limits line, to a point at the intersection of the same with the centerline of Farm to market Road No. 1641.

THENCE, in a Northwesterly direction with the centerline of Farm to Market Road No. 1641, to a point at the intersection of same with the projection of the Northwest line of the above mentioned 99.3 acre tract, recorded in Vol. 487 page 203.

THENCE, in a Northeasterly direction, to a point at the North corner of the above mentioned 99.3 acre tract, recorded in Vol. 437 page 129, at the West corner of the above mentioned Shamrock Ridge Phase 6 and being at an ell corner in a line of the existing limits of the City of Talty, Texas.

THENCE, in a Southeasterly direction with the Northeast line of said 99.3 acre tract, recorded in Vol. 437 page 129, to the point of beginning.

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