**ORDINANCE NO. 2011-008**

**AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE TOWN OF TALTY, KAUFMAN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID TOWN SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE TOWN LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF THE SAID TOWN; ADOPTING A SERVICE PLAN; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, an election for annexation has been conducted among the residents of the property and territory described in Exhibit “A,” attached hereto and made a part hereof, which election has been attested to by the filing of an affidavit by three qualified voters of the territory; and

**WHEREAS**, said affidavit certifies that the majority of the qualified voters of the territory have voted in favor of becoming a part of the Town, the mayor has certified the affidavit to the Board of Aldermen of the Town; and

**WHEREAS**, said territory is within the exclusive extraterritorial jurisdiction of the Town of Talty, Texas, is contiguous and adjacent to the Town of Talty, Texas, and is not more than one-half (1/2) mile in width; and

**WHEREAS**, the governing body of the Town, in compliance with state laws with reference to the annexation of land, have given the requisite notice by publication and otherwise, and after holding two public hearings and affording a full and fair hearing to all property owners and interested persons generally, the governing body of the Town Talty is of the opinion that the territory described herein be annexed to and made a part of the Town; Now, Therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TALTY, TEXAS:

**SECTION 1.** That the territory and real property described in Exhibit “A” which is attached hereto and made a part hereof for all purposes, be and the same is hereby annexed into and forever made a part of the territorial and corporate limits of the Town of Talty, Texas, and the limits and boundaries of the Town be and the same are hereby extended to include the territory.

**SECTION 2.** The inhabitants of the above described property shall hereafter be entitled to all rights and privileges of other citizens of the Town of Talty, Texas, and shall be bound by the acts and ordinances of said Town. The Town Secretary is hereby directed to file with the County Clerk of Kaufman County, Texas, a certified copy of this ordinance.

**SECTION 3.** That the premises hereof are found and determined by the Town Council to be correct in all respects.

**SECTION 4.** That a service plan as required by the Texas Local Government Code for such property is attached hereto as Exhibit “B,” made a part hereof for all purposes, and adopted and approved as a part of this Ordinance.

**SECTION 5.** That it is the intent of the Town Council to annex into the corporate limits of the Town of Talty all the property described herein and the Town Council hereby finds and determines that the provisions of Chapter 43 of the Texas Local Government Code have been complied with in effecting this annexation. It is not the intent of the Town of Talty to annex any territory which it has no legal right to annex, but to annex only such territory as may be legally annexed by it within the limits of the described property.

**SECTION 6.** That this Ordinance shall take effect immediately from and after its passage as the law in such cases provides.

**DULY PASSED** by the Town Council of the Town of Talty, Texas, on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2011.

APPROVED:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# MAYOR

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

TOWN SECRETARY

**EXHIBIT “A”**

**TOWN OF TALTY**

**ANNEXATION SERVICE PLAN**

Being a tract of land situated in the S. White Survey, Abstract 567, and being a portion of a called 100.00 acre tract described in the deed to Terrell Farm Supply Co., Inc. recorded in Volume 639, Page 42 of the Deed of Records of Kaufman County, Texas, (D.R.K.C.T.) and being more particularly described as follows:

Beginning at a point for corner of the North corner of the S. White Survey and lying in a Public Road, from which a 3/8 inch rod found bears South 44 degrees 23 minutes 47 seconds West 15.53 feet:

HENCE South 45 degrees 26 minutes 28 seconds East with the Southeast line of said 100.00 acre tract with the Northeast line of said S. White Survey and with generally with the centerline of said Public Road, for a distance of 1,298.11 feet to a 5/8 inch iron rod with cap stamped R.P.L.S. 5430 set at the said 100.00 acre tract:

THENCE South 44 degrees 50 seconds West leaving said Public Road with the Southeast linje of said 100.00 acre tract, for a distance of 3,191.89 feet to a ½ inch iron rod found in concrete ying on the Northern right-of-way line of Interstate Highway 20:

THENCE, North 89 degrees 56 minutes 30 seconds West with said right-of-way line, for a distance of 205.54 feet to a concrete right-of-way marker found at an angle point in same, and lying on the Southwest line of said 100.00 acre tract:

THENCE North 45 degrees 18 minutes 06 seconds West along the southwest line of said 100.00 tract passing a 5/8 inch iron rod at a distance of 934082 feet, the southeast corner of a tract of land described by deed to Bernard B. Hesse and wife Debra Beaman Hesse, recorded in Volume 1160, Page 204 D.R.K.C.T., and continuing for a total distance of 1,149.92 feet to a 5/8 inch iron rod with cap stamped R.P.L.S. 5430 found at the West corner of said 100.00 acre tract, same being the South corner of a tract of land described by deed to Leslie D. Ware and wife Amy Abboud Ware, recorded in Volume 02076, Page 00144 D.R.K.C.T.:

THENCE North 44 degrees 22 minutes 18 seconds East along the southeast line of said lot 324 a distance of 349.11 feet to a 5/8 inch iron road with cap stamped 5430 in the southwest right-of-way line of Delaney Lane (60.00 feet wide);

THENCE South 45 degrees 15 minutes 07 seconds East along the southwest right-of-way line of said Delaney Lane a distance of 102.12 feet to a 5/8 inch iron rod cap stamped 5430 set in the northwest line of said 100.00 acre tract:

THENCE North 44 degrees 23 minutes 07 seconds West along the common line of said 100.00 acre tract and said Shamrock Ridge Phase VII Addition, for a distance of 2983.35 feet to the PLACE OF BEGINNING, and containing 4,349,721 square feet of 99.8559 acres of land more or less of which 0.470 of an acre more or less is lying in a Public Road.

Being a tract of land situated in the S. White Survey, Abstract 467, and being a portion of a called 100.00 acre tract described in the deed to Terrell Farm Supply Co., Inc. recorded in Volume 639, Page 42 of the Deed of Records of Kaufman County, Texas, (D.R.K.C.T.), and being more particularly described as follows:

Beginning at a point for corner of the North corner of the S. White Survey and lying in a Public Road, from which a 3/8 inch rod found bears South 44 degrees 23 minutes 47 seconds West 15.53 feet:

HENCE South 45 degrees 26 minutes 28 seconds East with the Southeast line of said 100.00 acre tract with the Northeast line of said S. White Survey and with generally with the centerline of said Public Road, for a distance of 1,298.11 feet to a 5/8 inch iron rod with cap stamped R.P.L.S. 5430 set at the said 100.00 acre tract:

THENCE South 44 degrees 50 seconds West leaving said Public Road with the Southeast line of said 100.00 acre tract, for a distance of 3,191.89 feet to a ½ inch iron rod found in concrete lying on the Northern right-of-way line of Interstate Highway 20:

THENCE North 89 degrees 57 minutes 30 seconds West with said right-of-way line, for a distance of 205.54 feet to a concrete right-of-way marker found at an angle point in same, and lying on the Southwest line of said 100.00 acre tract:

THENCE North 45 degrees 18 minutes 06 seconds West along the southwest line of said 100.00 tract passing a 5/8/inch iron rod at a distance of 934082 feet, the southeast corner of a tract of land described by deed to Bernard B. Hesse and wife Debra Beaman Hesse, recorded in Volume 1160, Page 204 D.R.K.D.T., and continuing for a total distance of 1,149.92 feet to a 5/8 inch rod with cap stamped R.P.L.S. 5430 found at the West corner of said 100.00 acre tract, same being the South corner of a tract of land descrdibed by deed to Leslie D. Ware and wife Amy Abboud Ware recorded in Volume 02076, Page 00144 D.R.K.C.T.:

THENCE North 44 degrees 22 minutes 18 seconds East along the southeast line of said lot 324 a distance of 349.11 feet to a 5/8 inch iron road with cap stamped 5430 in the southwest right-of-way line of Delaney Lane (60.00 feet wide);

THENCE South 45 degrees 15 minutes 07 seconds East along the southwest right-of-way line of said Delaney Lane a distance of 102.12 feet to a 5/8 inch iron rod cap stamped 5430 set in the northwest line the said 100.00 acre tract:

THENCE North 44 degrees 23 minutes 07 seconds West along the common line of said 100.00 acre tract and said Shamrock Ridge Phase VII Addition, for a distance of 2983.35 feet to the PLACE OF BEGINNING, and containing 4,349,721 square feet of 99.8559 acres of land more or less of which 0.470 of an acre more or less is lying in a Public Road.

**EXHIBIT “B”**

**TOWN OF TALTY**

**ANNEXATION SERVICE PLAN**

This proposed service plan is for the delivery of municipal services to the territory which is proposed to be annexed to the Town of Talty. This tract of land, a description of which is attached and labeled Exhibit “A,” to the Annexation Ordinance thereof, is adjacent and contiguous to the present boundaries of the Town.

In accordance with the provisions of Chapter 43 of the Texas Local Government Code, the following municipal services will be provided immediately upon annexation by Town of Talty, or within sixty (60) days after the effective date of the annexation ordinance:

1. Police Protection (currently to be provided by Kaufman County Sheriff’s Department as same to all other Town residents);

2. Fire Protection (currently provided through an interlocal agreement with the City of Forney);

3. Ambulance Protection/Service (currently primary response to be provided into the annexed area from the City of Forney);

4. Street and Road Maintenance for streets dedicated to the public and accepted ;

*5.* Maintenance of Parks, playgrounds, and public facilities;

6. Building Inspection and Code Enforcement Services;

7. Solid Waste Collection (currently provided in accordance with existing Town policy through a contract between the Town and its independent contractor); and,

8. Planning and Zoning Services.

The foregoing services will be provided by the Town at the same or comparable level as that provided in other areas of the Town. This service plan does not, however, require a uniform level of full municipal services to each area of the Town, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

The subject territory annexed into the Town will be zoned “\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_” without regard to its present use or potential use. Changes in zoning for specific tracts will be processed in accordance with State law and Town ordinances, including public hearings before the Planning and Zoning Commission and the Town Council prior to final action. Existing uses of property at the time of annexation, if inconsistent with the zoning designation adopted herein, will be allowed to continue as non-conforming uses.

As provided by the Texas Local Government Code, no money received for the sale of bonds or evidenced by other instruments of indebtedness may be allocated to the annexed area for a period of 180 days after annexation. No plans currently exist for any capital improvements to be made in the annexed area.

General municipal administration and administrative services of the Town shall be available to the annexed area beginning with the effective date of the annexation ordinance.

This service plan is valid for a period of ten years. Renewal of the service plan is at the discretion of the Town. This service plan is adopted as Exhibit “B” to the Ordinance annexing the subject property.

**ORDINANCE NO. 2011-008**

**AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE TOWN OF TALTY, KAUFMAN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID TOWN SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE TOWN LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF THE SAID TOWN; ADOPTING A SERVICE PLAN; AND PROVIDING AN EFFECTIVE DATE.**