**ORDINANCE NO. 2013-004**

**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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2013.

APPROVED:

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

#  MAYOR

ATTEST:

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

TOWN SECRETARY

**EXHIBIT “A”**

**TOWN OF TALTY**

**ANNEXATION SERVICE PLAN**

**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 “RESIDENTIAL” 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.

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