

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 7, 2005 GENERAL CITY ELECTION, ELECTED TO OFFICES; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the general city election was called for May 7, 2005, for the purpose of election members to the city council; and

WHEREAS, the city secretary has certified in writing that there is no proposition on the ballot, that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

WHEREAS, under these circumstances, Subchapter C, Chapter 2, Election Code, authorizes the city council to declare the candidates elected to office and cancel the election; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TULIA, TEXAS:

Section 1. The following candidates, who are unopposed in the May 7, 2005 general city election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

Ross James-District I

Ken Dawson – District II

Section 2. The May 7, 2005 general city election is canceled, and the city secretary is directed to cause a copy of this ordinance to be posted on election day at each of the polling places that would have been used in the election.

Section 3. It is declared to be the intent of the city council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section

of this ordinance is declared invalid by the judgement or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the city council would have enacted them without the invalid portion.

Section 4. This ordinance shall take effect upon its final passage, and it is so ordained.

Passed and approved this the 12 day of APRIL, 2005



Boyd Vaughn
Boyd Vaughn
Mayor

ATTEST:



Sheila Dunn
Sheila Dunn
City Secretary

ORDINANCE NO. 2005-04

AN ORDINANCE AMENDING SECTION 14.08.005 (a) (1) OF THE CODE OF ORDINANCES OF THE CITY OF TULIA TEXAS, AS AMENDED, BY ADDING THERETO AS A USE FOR WHICH A SPECIFIC USE PERMIT MAY BE GRANTED IN AN R-2 DISTRICT, USE OF PROPERTY AS A VEHICLE STORAGE FACILITY, AND GRANTING A SPECIFIC USE PERMIT FOR LOTS 9 AND 10, IN BLOCK 106, TOWN OF TULIA, SWISHER COUNTY, TEXAS, TO PERMIT SUCH PROPERTY TO BE UTILIZED FOR A VEHICLE STORAGE FACILITY; PROVIDING FOR A REPEAT OF ALL ORDINANCES IN CONFLICT HEREWITH; AND CONTAINING A SAVINGS CLAUSE.

WHEREAS, Guillermo Carbajal, III, the owner of the hereinafter described property, has requested that Section 14.08.005 (a) (1) of the Code of Ordinances of the City of Tulia, Texas, as amended, be amended by adding thereto as a use for which a specific use permit may be granted in an R-2 District, a vehicle storage facility, and by granting a specific use permit for the operation of a vehicle storage facility on the property hereinafter described; and

WHEREAS, all proper notices required by law were given and the Planning and Zoning Commission of the City of Tulia, Texas has recommended that the request be approved;

NOW, THEREFORE, be it ordained by the City Council of the City of Tulia, Texas:

Section 1. Section 14-08.005 (a) (1) of the Code of Ordinances of the City of Tulia, Texas, as amended, is hereby amended so that there shall be added to the list of permitted specific uses as set out in such subsection of said Section 14-08.005 (a) (1) the following:

Specific Use

District

Vehicle Storage Facility

R-2

Section 2. Section 14-08.005 (a) (2) of the Code of Ordinances of the City of Tulia, Texas, as amended, is hereby amended so that there shall be added thereto the following:

A specific use is hereby granted for a vehicle storage facility to be located on the following described property, to-wit:

**All of Lots 9 and 10, in Block 106, Town of Tulia, Swisher
County, Texas,**

under the following terms and conditions:

1. The vehicle storage facility shall be for the temporary storage of motorize vehicles only, with no such vehicle to be stored on such property for a period in excess of one hundred

twenty (120) days.

2. Prior to commencing the operation of a vehicle storage facility on the property, the owner shall construct an exterior fence on the property, such fence to be an opaque fence to be constructed of wood or metal at least six (6') feet in height.

3. This specific use permit shall be granted for a period of **THREE (3) YEARS ONLY** from the date of adoption of this ordinance. Thereafter, another application to and approval by the City for an extension of this specific use permit will be necessary to continue the operation of a vehicle storage facility on said property.

4. The owner of the property must comply with all Texas Department of Transportation rules and regulations related to such a vehicle storage facility.

5. Failure of the owner of the property to cure any violation of any term or condition herein set forth within fifteen (15) days after notification from the City of said violation will automatically terminate the specific use permit granted by hereby.

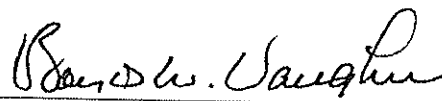
Section 3. Unless earlier terminated by the conditions set forth in Section 2 above, the specific use herein above granted shall terminate when such use of the property is discontinued or abandoned, and shall not thereafter be used except in conformance with the regulations of the District in which is it located.

Section 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance shall be, and the same are hereby repealed.

Section 5. The invalidity of any section, subsection, paragraph, sentence, clause, phrase, word or words shall not invalidate any other part of this ordinance. It is the intention of the City Council in enacting this ordinance that the provisions are separable, and no provision hereof shall become inoperative or fail by reason of the invalidity of any other provision.


Section 6. This ordinance shall take effect and be in full force from and after its passage and approval.

PASSED AND APPROVED this 15th day of November, 2005.



Mayor, City of Tulia, Texas

ATTEST:



City Secretary