

ORDINANCE NO. 2006-01

AN ORDINANCE OF THE CITY OF TULIA, TEXAS, AMENDING CHAPTER 8 ENTITLED "OFFENSES AND NUISANCES", ARTICLE 8.05 ENTITLED "CURFEW FOR MINORS", OF THE TULIA CITY CODE, AS AMENDED BY REPLACING THE EXISTING PROVISIONS OF SAID CHAPTER AND ARTICLE THAT HAVE EXPIRED; DEFINING TERMS; CREATING OFFENSES FOR MINORS, PARENTS AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS; PROVIDING DEFENSES; PROVIDING FOR ENFORCEMENT BY POLICE DEPARTMENT PROVIDING FOR WAIVER BY THE MUNICIPAL COURT OF JURISDICTION OVER A MINOR WHEN REQUIRED UNDER THE TEXAS FAMILY CODE; PROVIDING FOR A PENALTY IN ACCORDANCE WITH SECTION 1.01.009 OF THE TULIA CITY CODE; CONFLICTS CLAUSE; SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Tulia has determined that there is still a substantial problem with juvenile violence, and crime by persons under the age of 17 in the City of Tulia; and

WHEREAS, persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in the unlawful and gang-related activities and to be victims of older perpetrators of crime; and

WHEREAS, the City of Tulia has an obligation for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities; and

WHEREAS, a curfew for those under the age of 17 will be in the interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Tulia;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TULIA:

PART I

That Chapter 8 entitled "Offenses and Nuisances" Article 8 entitled "Curfews for Minors" of the Tulia City Code, as amended, is hereby amended to read as follows:

ARTICLE 8. CURFEW FOR MINORS

Sec. 8.05001

Definitions

Chief of Police. The city chief of police or his/her designated representative.

Curfew Hours. Means:

(1) For Minors under the age of 16 and over the age of 13:

(A) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and,

(B) 12:00 a.m. on any Friday or Saturday until 6:00 a.m. of the following day.

(2) For Minors 13 years of age and under:

(A) 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 .m. of the following day; and,

(B) 11:00 p.m. on any Friday or Saturday until 6:00 a.m. of the following day.

(3) For Minors age 6 to 16 years of age:

(A) 8:30 a.m. to 3:30 p.m. on school days.

Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment. Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian. Means:

(1) a person who, under court order, is the guardian of the person of a minor; or

(2) a public or private agency with whom a minor has been placed by a court.

Holding Location. A place designated by the Chief of Police to which a minor taken into custody for a violation of this section will be delivered to await pick up by a parent or juvenile authorities.

Minor. Means:

(1) For the purposes of the night-time curfew hours, any person under 16 years of age.

(2) For the purposes of the day-time curfew, any person ages 6 to 16.

Operator. Any individual, firm association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent. A person who is:

- (1) a natural parent, adoptive parents, or step-parent of another person; or
- (2) a court-appointed guardian of another person; or
- (3) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public Place. Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common shops, playgrounds, parks, or other places used by or open to the public.

Remain. To:

- (1) linger or stay; or
- (2) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Serious Bodily Injury. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sec. 8.05.002 Offenses

- (a) A minor commits an offense if he is in any public place or on the premises of any establishment within the city during curfew hours.
- (b) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to be in any public place or on the premises of any establishment within the city during curfew hours. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in such parent's custody. It shall be prima facie of violation of this provision if a parent has no knowledge of a minor's whereabouts for which they have responsibility during the hours of curfew established by this ordinance.
- (c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.
- (d) An offense committed under this ordinance is a Class C Misdemeanor.

Sec. 8.05.003

DEFENSES

(a) It is a defense to prosecution under section 8.05.002 that the minor was:

- (1) accompanies by the minor's parent or guardian;
- (2) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) in a motor vehicle involved in interstate travel;
- (4) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) involved in an emergency;
- (6) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor who did not complain to the police department about the minors presence;
- (7) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Tulia, a civic organization, or another similar entity that takes responsibility for the minor or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Tulia, a civic organization, or another similar entity that takes responsibility for the minor;
- (8) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (9) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.
- (10) With respect to subsection (3) of the definition of "curfew hours" in section 8.05.001, it shall be an exception that the offense occurred during a scheduled vacation of the school in which the minor is enrolled; a holiday observed by said school; a time during said hours when the minor is not scheduled to be in a class, including lunch periods, if said school does not require the minor to remain on the school grounds during said periods; that the minor has graduated from high school or received a high school equivalency certificate; that the minor has been emancipated by law; or that the minor has permission to be absent from school or to be in a public place from a school official, which in the case of a minor being educated in a home school includes a parent.

(b) It is a defense to prosecution under Section 8.05.002 that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refuse to leave.

Sec. 8.05.004 Enforcement

(a) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or take a minor into custody under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 8.05.003 is present.

(b) A police officer upon finding a minor in violation of section 8.05.002 shall:

(1) ascertain the name and address of the minor;

(2) issue to the minor a written warning that the minor is in violation of section 8.05.002; and,

(3) order the minor to go promptly home by a direct route or deliver the minor directly to a parent, at the police officer's discretion.

(c) Notwithstanding subsection (b) of this section, a police officer, upon finding a minor in violation of section 8.05.002, may take the minor into custody and deliver the minor to the holding location or deliver the minor directly to a parent if:

(1) the minor has received previous warning or citation for a violation of section 8.05.002; or,

(2) reasonable ground exist to believe the minor has engaged in delinquent conduct or conduct indicating a need for supervision in accordance with 51.30 and 52.01 of the Texas Family Code.

(d) If a minor is taken into custody under this section and delivered to the holding location, the police department shall immediately attempt to notify a parent to pick up the minor at the holding location. After a parent arrives at a holding location, the police officer may request said parent to provide information deemed appropriate by the Chief of Police, including information from which to file an incident report. After the requested information, if any, has been provided, the minor shall be released into the custody of such parent. If a parent cannot be located by reasonable efforts or fails to take charge of the minor, the minor shall be released to the juvenile authorities.

(e) Upon any violation of section 8.05.002, the police department shall, by certified mail (return receipt requested), or by personal hand delivery, notify a parent of a violation and include a warning that a subsequent violation may result in prosecution of the minor and the parents under this section. A notice to any parent living in the home with the minor shall constitute notice to all parents, as herein defined, of the minor living in the home with the minor. If the minor was found in violation of Section 8.05.002 at an establishment, the police department shall, by certified mail (return receipt requested), or by personal hand delivery, notify the owner, operator

or employee of the establishment of the violation and include a warning in the notice that any subsequent violation may result in prosecution of the owner, operator or employee under this Ordinance.

(f) A police officer shall, within 24 hours after finding a minor in violation of Section 8.05.002, file a written report on the incident or assist to the extent possible in the preparation and filing of the report of a supervisor.

Sec. 8.05.005 Penalties

(a) Any minor who violates section 8.05.002 of this article three or more times within any 24-month period is subject to appropriate action by a juvenile court in accordance with Chapters 51 and 52 of the Texas Family Code.

(b) A person who violates a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine in accordance with the general penalty provision found in section 1.01.009 of this code.

(c) If a person is unable to pay the fine assessed by the municipal court under (b) above, the person may, in the alternative, be sentenced to community service. If requested by the person and approved by the court, in addition to or in lieu of a fine or community service, the person may participate in any educational, counseling or other rehabilitative program deemed appropriate by the municipal court.

(d) When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates section 8.05.002 of this article and shall refer the minor to juvenile court.

Sec. 8.05.006 Review of Provisions

Before the third anniversary date of the adoption of this article, and within three years of any continuance or modification of the ordinance thereafter, the City Council shall,

- (1) review the article's effect on the community and on problems the article was intended to remedy;
- (2) conduct public hearing/s as required by law on the need to continue the article; and,
- (3) take action to abolish, continue or modify the article.

PART II.

All ordinances or parts of ordinances in conflict here within are hereby expressly repealed.

PART III

The invalidity of any section, subsection, paragraph, sentence, clause, phrase, word or words shall not invalidate any 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.

PART IV.

This ordinance shall take effect and be in full force on FEB. 21, 2006, after its passage, approval, adoption and publication as required by law.

PASSED, APPROVED AND ADOPTED THIS 21 DAY OF FEBRUARY, 2006.



BOYD W. VAUGHN, Mayor

ATTEST:


Sheila Durr
City Secretary

ORDINANCE NO. 2006-02

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED PROPERTY OF THE CITY OF TULIA, SWISHER COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS AND GRANTING THE INHABITANTS THEREOF ALL OF THE RIGHTS AND PRIVILEGES OF THE CITIZENS OF THE CITY OF TULIA, TEXAS, WHO SHALL BE BOUNDS BY THE ACTS AND ORDINANCES MADE IN CONFORMITY THERETO.

WHEREAS, the City Council of the City of Tulia desires to extend the boundaries of said City to include the property described on Exhibit "A", attached hereto and incorporated for all purposes, the legal and equitable Owners of the property having petitioned for annexation pursuant to Section 43.028 of the Texas Local Government Code on November 28, 2005, said property being a tract less than one-half mile in width, being contiguous to the City of Tulia, Texas, and being vacant and without residents;

WHEREAS, the City Council of the City of Tulia, pursuant to Section 43.028 of the Texas Local Government Code, after having heard the petition and arguments for and against the petition, granted the petition of the Owners to annex the area on December 15, 2005;

WHEREAS, the City Council held public hearings to consider said annexation in the City Council Chambers of the City Hall of the City of Tulia, Texas, at 127 SW 2nd Street, Suite 300, Tulia, TX, on the 17th day of February, 2006, at 12:00 p.m. and on the 21st day of February, 2006, at 7:00 p.m.;

WHEREAS, in compliance with Section 43.057 of the Texas Local Government Code, the Tulia City Council finds that, although the annexation of the property described on Exhibit "A" will result in an area not within the City of Tulia that will be completely surrounded by the City of Tulia, surrounding the area is in the public interest;

WHEREAS, all notices of said hearings required by law were duly made in accordance with the law;

WHEREAS, the service plan required by law is attached as Exhibit "B" to this Ordinance annexing the area is approved as a part of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Tulia, Texas:

That the property described on Exhibit "A" attached hereto and incorporated herein for all purposes be and the same is hereby annexed to the City of Tulia, Swisher County, Texas, and that the boundary limits of the City of Tulia, Texas, be and the same are hereby extended to include the above described territory within the city limits of the City of Tulia, Texas, and the same shall

hereafter be included within the territorial limits of said City. The inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City of Tulia, Texas, and shall be bound by the acts and ordinances made in conformity thereto.

The City Secretary is directed to file with the County Clerk of Swisher County, Texas, a certified copy of this Ordinance.

ATTESTED, APPROVED AND ADOPTED by an affirmative vote of all members of the City Council present this 15th day of March, 2006, a quorum of the City Council being present.


BOYD W. VAUGHN, Mayor





City Secretary

EXHIBIT "A"

All that portion of the East Sixty (60') feet of a 3 acre tract of land out of Section No. 27, Block W-1, Abstract No. 268, Original Grantee H&OB RR Co., Certificate No. 221, Patented to B.H. Wisdom, Assignee, on March 20, 1978, Patent No. 29, Vol. 39, Swisher County, Texas, not currently within the city limits of the City of Tulia, Texas, said 3 acre tract of land being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point 30 feet North and 617.5 feet East of the Northeast corner of Block No. 18, of the Rush Addition to the Town of Tulia, Swisher County, Texas, same being the Northeast corner of the Edmondson Subdivision;

THENCE East 372.11 feet, the Northeast corner of this tract;

THENCE South 383.4 feet along old fence line to a prior point in the North right-of-way line of Highway 86, said point being 989.8 feet East of the Southwest corner of the Edmondson Subdivision;

THENCE West along the North right-of-way line of Highway 86, 376 feet to a point for the Southwest corner of this tract and the Southeast corner of the Edmondson Subdivision;

THENCE North along the East boundary line of the Edmondson Subdivision 383.4 feet to the **PLACE OF BEGINNING**;

SAVE AND EXCEPT a tract 166.65 x 176 feet out of the Southwest corner of said 3 acre tract heretofore conveyed to Harold Ray Caraway by Harlan Vanderzee, et us, in deed dated January 6, 1966, recorded in Vol. 182, page 505, Deed Records, Swisher County, Texas, to which reference is here made for all purposes.

EXHIBIT "B"

CITY OF TULIA, TEXAS
SERVICE PLAN FOR EXTENSION OF CITY
SERVICES INTO AN AREA TO BE ANNEXED

The City Manager, in conjunction with each department head concerned with the services hereinafter designated, has developed the following plan for the extension of city services, upon annexation, to the property more particularly described in Exhibit "A", which is attached herein and incorporated herein by reference for all purposes:

1. Police Protection. Police protection will be provided to the area annexed immediately upon annexation to the same extent as provided to all areas of the City, including patrol and radio dispatch.

2. Fire Protection. Fire protection will be provided to the area annexed immediately upon annexation to the same extent as provided to all areas of the City. Said fire protection will be on a permanent basis as opposed to the present contractual arrangements with the County for such area.

3. Animal Control Services. Animal control services will begin to the area annexed immediately upon annexation to the same extent as provided for other areas of the City. The services will include the patrolling for stray dogs and animals.

4. Vector Control Services. Spraying for flies and mosquitoes for control of health hazards will be provided to the area annexed immediately upon annexation to the same extent as provided for other areas of the city.

5. Sanitation Services. Garbage and trash pickup services will be available to the area annexed immediately upon annexation.

6. Land Fill. Citizens of the area annexed will immediately upon annexation to have access to the City solid waste land fill on a permanent basis.

7. Code Enforcement Services. Citizens of the area annexed will immediately upon annexation have availability of inspections for water, sewer, electrical, plumbing and other code enforcement services to the same extent provided for citizens in other areas of the City.

8. Street and Road Maintenance. Streets and roads in the area annexed will be maintained immediately upon annexation to the same extent as other areas of the City.

9. Water and Sewer Services. Water and sewer services availability adequate to serve the area are to be provided to the area no later than 1 year after the effective date of the annexation. Water and sewer services will then be maintained to the same extent as provided for citizens in other areas of the City.

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BRENDA HUDSON
COUNTY AND DISTRICT CLERK
SWISHER COUNTY, TEXAS

J. Herman
Deputy



STATE OF TEXAS)
COUNTY OF SWISHER) OFFICIAL PUBLIC RECORD

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the volume and page of the named record of Swisher County, Texas, as stamped hereon by me.

Brenda Hudson
BRENDA HUDSON
COUNTY AND DISTRICT CLERK
SWISHER COUNTY, TEXAS

BY *J. Herman* Deputy

ORDINANCE NO. 2006-03

AN ORDINANCE AMENDING SECTION 14.08.005 (a) (2) OF THE CODE OF ORDINANCES OF THE CITY OF TULIA TEXAS, AS AMENDED, BY GRANTING A SPECIFIC USE PERMIT FOR THE PROPERTY DESCRIBED ON EXHIBIT "A" LOCATED IN THE TOWN OF TULIA, SWISHER COUNTY, TEXAS, TO PERMIT SUCH PROPERTY TO BE UTILIZED FOR A MOBILE HOME LOCATION UNDER THE TERMS AND CONDITIONS HEREINAFTER SET FORTH; PROVIDING FOR A REPEAT OF ALL ORDINANCES IN CONFLICT HERewith; AND CONTAINING A SAVINGS CLAUSE.

WHEREAS, Carlos Magallanes and Linda Magallanes, the owners of the property described on Exhibit "A", attached hereto and incorporated herein for all purposes, has requested that Section 14.08.005 (a) (2) of the Code of Ordinances of the City of Tulia, Texas, as amended, be amended by granting a specific use permit for the location of a mobile home location; 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) (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 mobile home location on the following described property, to-wit:

See Exhibit "A", which is attached hereto and incorporated herein for all purposes,

under the following terms and conditions:

1. The mobile home to be located on the property shall be connected to City of Tulia water and sewer services and shall meet all city code requirements for the location of a mobile home in the City of Tulia.
2. Only one mobile home shall be located on the property, with no additional mobile homes to be located on the property of the Owners adjoining the property described on Exhibit "A", whether within the city limits of the City of Tulia, Texas, or outside said city limits.
3. This specific use permit shall be granted for an indefinite period ending when the Owners ownership of the property or their adjacent property, or any portion thereof, terminates.
4. Failure of the Owners 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.

5. Upon termination of the specific use permit herein granted, Owners shall remove the mobile home from the property within 30 days.


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 18th day of April, 2006.



Mayor, City of Tulia, Texas

ATTEST:



City Secretary

EXHIBIT "A"

All that portion of the East Sixty (60') feet of a 3 acre tract of land out of Section No. 27, Block W-1, Abstract No. 268, Original Grantee H&OB RR Co., Certificate No. 221, Patented to B.H. Wisdom, Assignee, on March 20, 1978, Patent No. 29, Vol. 39, Swisher County, Texas, annexed into the City of Tulia by Ordinance No. 2006-02 on March 15, 2006, said 3 acre tract of land being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point 30 feet North and 617.5 feet East of the Northeast corner of Block No. 18, of the Rush Addition to the Town of Tulia, Swisher County, Texas, same being the Northeast corner of the Edmondson Subdivision;

THENCE East 372.11 feet, the Northeast corner of this tract;

THENCE South 383.4 feet along old fence line to a prior point in the North right-of-way line of Highway 86, said point being 989.8 feet East of the Southwest corner of the Edmondson Subdivision;

THENCE West along the North right-of-way line of Highway 86, 376 feet to a point for the Southwest corner of this tract and the Southeast corner of the Edmondson Subdivision;

THENCE North along the East boundary line of the Edmondson Subdivision 383.4 feet to the **PLACE OF BEGINNING**;

SAVE AND EXCEPT a tract 166.65 x 176 feet out of the Southwest corner of said 3 acre tract heretofore conveyed to Harold Ray Caraway by Harlan Vanderzee, et us, in deed dated January 6, 1966, recorded in Vol. 182, page 505, Deed Records, Swisher County, Texas, to which reference is here made for all purposes.

**AN ORDINANCE PROVIDING FOR A FEE TO DEFRAID COSTS OF
COLLECTING DELINQUENT FINES, FEES, AND OTHER DEBTS
PURSUANT TO ARTICLE 103.0031 OF THE TEXAS CODE OF
CRIMINAL PROCEDURE**

STATE OF TEXAS §
 §
COUNTY OF SWISHER §

WHEREAS, Article 103.0031 of the Texas Code of Criminal Procedure authorizes the City of Tulia City Council to contract with a private attorney for the collection of the fees listed above and to impose an additional collection fee in the amount of thirty percent on each debt or account receivable that is more than sixty days past due and which has been referred to an attorney for collection; and

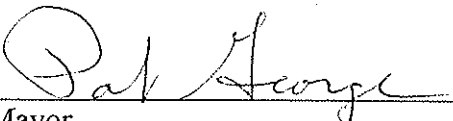
WHEREAS, the City of Tulia City Council has determined that it is in the public interest to ensure the prompt payment of delinquent court imposed fines and fees as provided by Article 103.0031, Texas Code of Criminal Procedure; and

WHEREAS, the City of Tulia, pursuant to Article 103.0031, Texas Code of Criminal Procedure, has entered into a contract with a private attorney to provide services for the collection of debts and accounts receivable, i.e.: fines, fees, restitution, other debts, and costs ordered to be paid by a court serving the City of Tulia,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TULIA THAT:

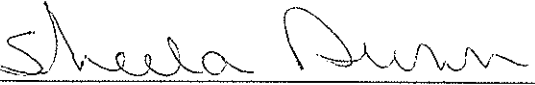
In accordance with Article 103.0031 of the Texas Code of Criminal Procedure, there shall be imposed an additional fee of thirty percent on all debts and accounts receivable, i.e.: fines, fees, restitution, other debts, and costs that are more than sixty days past due and have been referred to an attorney for collection.

ORDAINED this the 29th day of AUGUST, 2006.



Mayor

ATTEST:



Secretary

ORDINANCE NO. 2006-05

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TULIA, TEXAS, BY AMENDING CHAPTER 13 ENTITLED "UTILITIES" BY ADDING THERETO ARTICLE 13.08 ENTITLED "POLE ATTACHMENT RATES"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Senate Bill 5, enacted in the Second Call Session of the 79th Texas Legislature, has amended Section 54.204(c) of the Texas Utility Code to require municipalities to charge communications providers a single uniform rate for pole attachments regardless of the nature of the services provided; and

WHEREAS, the City Council desires to implement the requirements of S.B. 5:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TULIA AS FOLLOWS:

PART 1. The Code of Ordinances of the City of Tulia City, Texas is hereby amended by amending Chapter 13, entitled "Utilities" by adding Article 13.08 entitled "Pole Attachment Rates" which article as adopted shall read as follows:

Article 13.08 Pole Attachment Rates

13.08 (a) Definitions

1. "Communications provider" includes a cable provider, certificated telecommunications provider, and any other entity providing voice, video, cable, data, internet, or information services to the general public. The term does not include the City or a governmental entity providing governmental services.
2. "Conduit" means a structure containing one or more ducts.
3. "Duct" means a single enclosed raceway for a conductor, cable, or wire.
4. "Pole attachment" means any attachment by a communications provider to a utility pole, duct or conduit owned by the City.
5. "Telecommunications carrier" shall have the meaning assigned to such term by Title 47 U.S.C. § 153.

13.08 (b) Attachment Rules

1. Within 120 days of the adoption of this Article and in any event, prior to the execution of any pole attachment agreement or prior to the modification of the pole attachment rate contained in any existing pole attachment agreement, the City Manager or his designee shall determine a single non-discriminatory, competitively neutral pole attachment rate to be charged for each pole attachment, regardless of the nature of the service provided. Such pole attachment rate shall not exceed the maximum rate the municipality would be permitted to charge a telecommunications carrier under the Federal Communication Commission's rules

implementing subsection (3) of 47 U.S.C. §244 if the municipality's pole attachments rates were regulated by the FCC. To the extent permitted by law, such pole attachment rate may be modified from time to time by action of the City Council.

2. If a communications provider is a party to an existing pole attachment contact with the City, the pole attachment rate determined under part (1) above shall be applied to such communications carrier's pole attachments in a manner consistent with the terms and conditions of the existing contract.

3. The pole attachment rate shall be in addition to any other fees, charges, or costs required to be paid by or assessed against a communications carrier pursuant to its pole attachment contract or any ordinance, rule or law.

PART 2. All ordinances or part of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

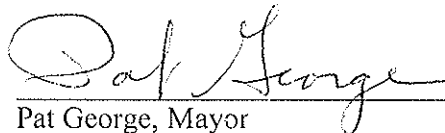
PART 3. If any section, sub-section, clause, phrase or portion of this ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not effect the validity of the remaining portions.

PART 4. The City Secretary is hereby authorized and directed to cause publication of this ordinance in accordance with law.

PART 5. This ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

PASSED AND APPROVED, this 29th day of AUGUST, 2006.

CITY OF TULIA


Pat George, Mayor

ATTEST:


City Secretary

ORDINANCE NO. 2006-05

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TULIA, TEXAS, BY AMENDING CHAPTER 13 ENTITLED "UTILITIES" BY ADDING THERETO ARTICLE 13.08 ENTITLED "POLE ATTACHMENT RATES"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Senate Bill 5, enacted in the Second Call Session of the 79th Texas Legislature, has amended Section 54.204(c) of the Texas Utility Code to require municipalities to charge communications providers a single uniform rate for pole attachments regardless of the nature of the services provided; and

WHEREAS, the City Council desires to implement the requirements of S.B. 5:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TULIA AS FOLLOWS:

PART 1. The Code of Ordinances of the City of Tulia City, Texas is hereby amended by amending Chapter 13, entitled "Utilities" by adding Article 13.08 entitled "Pole Attachment Rates" which article as adopted shall read as follows:

Article 13.08 Pole Attachment Rates

13.08 (a) Definitions

1. "Communications provider" includes a cable provider, certificated telecommunications provider, and any other entity providing voice, video, cable, data, internet, or information services to the general public. The term does not include the City or a governmental entity providing governmental services.
2. "Conduit" means a structure containing one or more ducts.
3. "Duct" means a single enclosed raceway for a conductor, cable, or wire.
4. "Pole attachment" means any attachment by a communications provider to a utility pole, duct or conduit owned by the City.
5. "Telecommunications carrier" shall have the meaning assigned to such term by Title 47 U.S.C. § 153.

13.08 (b) Attachment Rules

1. Within 120 days of the adoption of this Article and in any event, prior to the execution of any pole attachment agreement or prior to the modification of the pole attachment rate contained in any existing pole attachment agreement, the City Manager or his designee shall determine a single non-discriminatory, competitively neutral pole attachment rate to be charged for each pole attachment, regardless of the nature of the service provided. Such pole attachment rate shall not exceed the maximum rate the municipality would be permitted to charge a telecommunications carrier under the Federal Communication Commission's rules

implementing subsection (3) of 47 U.S.C. §244 if the municipality's pole attachments rates were regulated by the FCC. To the extent permitted by law, such pole attachment rate may be modified from time to time by action of the City Council.

2. If a communications provider is a party to an existing pole attachment contact with the City, the pole attachment rate determined under part (1) above shall be applied to such communications carrier's pole attachments in a manner consistent with the terms and conditions of the existing contract.

3. The pole attachment rate shall be in addition to any other fees, charges, or costs required to be paid by or assessed against a communications carrier pursuant to its pole attachment contract or any ordinance, rule or law.

PART 2. All ordinances or part of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

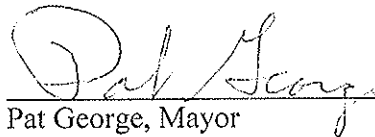
PART 3. If any section, sub-section, clause, phrase or portion of this ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not effect the validity of the remaining portions.

PART 4. The City Secretary is hereby authorized and directed to cause publication of this ordinance in accordance with law.

PART 5. This ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

PASSED AND APPROVED, this _____ day of _____, 2006.

CITY OF TULIA


Pat George, Mayor

ATTEST:

City Secretary

ORDINANCE 2006 – 06

AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF TULIA, TEXAS AND PROVIDING FOR THE FISCAL YEAR 2006 – 2007; PROVIDING FOR THE TIME AND MANNER OF PAYING THE AD VALOREM TAXES LEVIED.

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

Section 1. That there is hereby levied and there shall be collected for the use and support of the Municipal government of the City of Tulia, Texas, the year Two Thousand and Six (2006) upon all property, real, personal, and mixed within the corporate limits of said City subject to taxation, a tax of twenty-six and nine hundredth cents (\$.260955) on each One Hundred Dollars (\$100) based on 100% assessed valuation; for the maintenance and support of the general government and for the operation of the City Government to be placed in the General Fund 100% of the total amount received.

Section 2. It is hereby made the duty of the City Treasurer and every such person collecting money for the City of Tulia to deposit to the General Fund of the City.

Section 3. The ad valorem taxes herein levied shall become due on the 1st day of October, 2006, and may be paid up to and including the following January 31, 2007, without penalty, but, if not sooner paid, such taxes shall become delinquent on the following day, February 1, 2007. Penalties, interest and the recovery of costs and expenses on and related to a delinquent tax shall be as provided by Chapter 33 of the Texas Property Tax Code.

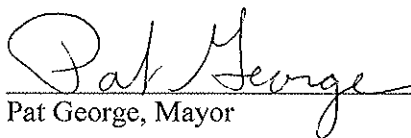
Section 4. All taxpayers shall be allowed discounts for the payment of taxes prior to January, 2007, said discounts to be allowed under the following conditions (a) three percent (3%) discount on all ad valorem taxes due, if such taxes are paid during the month of October, 2006, (b) two percent (2%) on all ad valorem taxes due, if such taxes are paid during the month of November, 2006,); one percent (1%) on all ad valorem taxes due, if such taxes are paid during the month of December 2006.

Section 5. The taxes herein levied shall be a first and prior lien against the property upon which they are assessed and the said first lien shall be superior and prior to all other liens, charges, and encumbrances, and this lien shall be attached to personal property to the same extent and with the same priorities as to real estate.

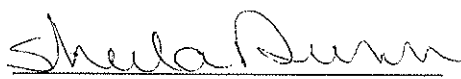
Section 6. This Ordinance shall take effect and be in force from and after its passage.

Section 7. Should any part of this Ordinance be declared invalid, for any reason, that invalidity shall not affect the remainder of this Ordinance.

PASSED AND APPROVED THE 19TH DAY OF SEPTEMBER, 2006.


Pat George, Mayor

ATTEST:


City Secretary, Sheila Dunn

ORDINANCE 2007-07

AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF TULIA, TEXAS AND PROVIDING FOR THE FISCAL YEAR 2007-- 2008; PROVIDING FOR THE TIME AND MANNER OF PAYING THE AD VALOREM TAXES LEVIED.

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

Section 1. That there is hereby levied and there shall be collected for the use and support of the Municipal government of the City of Tulia, Texas, the year Two Thousand and Seven (2007) upon all property, real, personal, and mixed within the corporate limits of said City subject to taxation, a tax of twenty-four and thirty six hundredth cents (\$.243656) on each One Hundred Dollars (\$100) based on 100% assessed valuation; for the maintenance and support of the general government and for the operation of the City Government to be placed in the General Fund 100% of the total amount received.

Section 2. It is hereby made the duty of the City Treasurer and every such person collecting money for the City of Tulia to deposit to the General Fund of the City.

Section 3. The ad valorem taxes herein levied shall become due on the 1st day of October, 2007, and may be paid up to and including the following January 31, 2008, without penalty, but, if not sooner paid, such taxes shall become delinquent on the following day, February 1, 2008. Penalties, interest and the recovery of costs and expenses on and related to a delinquent tax shall be as provided by Chapter 33 of the Texas Property Tax Code.

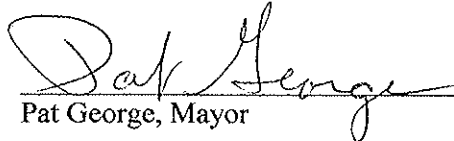
Section 4. All taxpayers shall be allowed discounts for the payment of taxes prior to January, 2008, said discounts to be allowed under the following conditions (a) three percent (3%) discount on all ad valorem taxes due, if such taxes are paid during the month of October, 2007, (b) two percent (2%) on all ad valorem taxes due, if such taxes are paid during the month of November, 2007,); one percent (1%) on all ad valorem taxes due, if such taxes are paid during the month of December 2007.

Section 5. The taxes herein levied shall be a first and prior lien against the property upon which they are assessed and the said first lien shall be superior and prior to all other liens, charges, and encumbrances, and this lien shall be attached to personal property to the same extent and with the same priorities as to real estate.

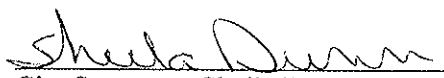
Section 6. This Ordinance shall take effect and be in force from and after its passage.

Section 7. Should any part of this Ordinance be declared invalid, for any reason, that invalidity shall not affect the remainder of this Ordinance.

PASSED AND APPROVED THE 4TH DAY OF SEPTEMBER, 2007.


Pat George, Mayor

ATTEST:


City Secretary, Sheila Dunn

2007 Effective Tax Rate
City of Tulia

	Subtotal	Total
1. 2006 total taxable value on roll today		\$ 82,325,903
2. 2006 Tax ceilings		
3. Preliminary 2006 adjusted taxable value		\$ 82,325,903
4. 2006 total adopted tax rate		\$ 0.260955
5. 2006 taxable value lost due to court appeals		
a) Original 2006 ARB values		
b) 2006 values from final court decisions		
c) 2006 Value loss		\$ -
6. 2006 taxable value adj for court appeals		\$ 82,325,903
7. 2006 taxable value deannexed property		\$ -
8. 2006 taxable value lost - 1st qualified for exemption in 2006		
a) Absolute exemption. 2006 mkt value	\$ 5,740	
b) Partial exemption 2007 exemption amount	\$ 107,750	
c) Value loss - Add A and B		\$ 113,490
9. 2006 taxable value lost - ag		
a) 2006 market value		
b) 2007 productivity value		
c) Value loss		\$ -
10. Total Adjustments for lost value.		\$ 113,490
11. 2006 adjusted taxable value		\$ 82,212,413
12. Adjusted 2006 taxes		\$ 214,537.40
13. Taxes refund for preceding years		\$ -
14. TIF		
15. Adjusted 2006 taxes with refunds		\$ 214,537.40
16. Total 2007 taxable value on the 2007 cert roll today		
a) Certified values only	\$ 88,242,209	
b) Counties: include railroad rolling stock		
c) Pollution control exemption		
d) TIF		
e) Total		\$ 88,242,209
17. Total value of properties under protest or not included on roll		
a) 2007 taxable value under protest		
b) 2007 value not under protest or on cert roll		
c) Total value under protest or not certified		\$ -
18. 2007 tax ceilings		
19. 2007 taxable value		\$ 88,242,209
20. Total 2007 taxable value annexed after 1/06		\$ 58,240
21. Total 2007 taxable value of new improvements		\$ 134,540
22. Total adjustments to the 2007 taxable value		\$ 192,780
23. 2007 adjusted taxable value.		\$ 88,049,429
24. 2007 effective tax rate		\$ 0.243656
25. COUNTIES ONLY		
<u>ROLLBACK WORKSHEET</u>		
26. 2006 M & O tax rate		\$ 0.260955
27. 2006 adjusted value		\$ 82,212,413
28. 2006 M & O taxes		
a) multiply line 26 by 27 & divide by \$100	\$ 214,537.40	
b) City, county and hospital w/sales tax	\$ 80,530.31	
c) Counties		
d) Transferring function		
e) Prior year refunds		
f) indigent health care		
g) TIF		
h) Adjusted M & O		\$ 295,067.71

$88,242,209 * (0.243656/100) \rightarrow 21,504.26$
 $88,049,429 * (0.243656/100) \rightarrow 214,576.46$
 100 - 400 - 4000 Budgeted 2007

2007 Effective Tax Rate
City of Tulia

29. 2007 adjusted taxable value		\$ 88,049,429
30. 2007 effective M & O rate		\$ 0.335116
31. 2007 Rollback M & O rate		\$ 0.361925
32. Total 2007 debt to be paid with sales tax (I & S)		
33. Certified 2006 excess debt collections		\$ -
34. Adjusted 2007 debt		\$ -
35. Certified 2007 anticipated collection rate		100%
36. 2007 debt adjusted for collections		\$ -
37. 2007 total taxable value		\$ 88,242,209
38. 2007 debt tax rate		\$ -
39. 2007 rollback tax rate		\$ 0.361925
40. COUNTY		
<u>ADDITIONAL STATES TAX RATE</u>		
41. N/A		
42. Est sales tax revenue = sales tax revenue for previous 4 qtrs		\$ 80,531.31
43. 2007 taxable value		\$ 88,242,209
44. Sales tax adjustment rate		\$ 0.091262
45. 2007 effective tax rate unadjusted		\$ 0.243656
46. 2007 effective tax rate, adj for sales tax		\$ 0.243656
47. 2007 rollback tax rate, unadjusted		\$ 0.361925
✓ 48. 2007 rollback tax rate, adj for sales tax		\$ 0.270664 ✓

The City of Tulia will hold a Public Hearing on the Tax Rate for 2007-2008 Annual Budget. The hearing will be at 7 p.m. on Tuesday, Sept. 4, 2007, in the City Council Chambers located at 127 S.W. 1st St., Suite 300, Tulia, Texas 758. All written or oral comments will be accepted at this meeting. 0735-1c

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

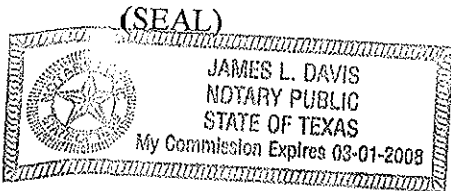
COUNTY OF SWISHER

BEFORE ME, the undersigned authority, on this day personally appeared Chris Russett, or a duly appointed representative, who after being by me first duly sworn, stated upon oath that he is the publisher of *The Tulia Herald* and says:

The attached notice was published in *The Tulia Herald*, a newspaper published in the English language and of general circulation in the city of Tulia, Swisher County, Texas, in the issues of Aug 30, 2007, and the attached newspaper clipping is a true and correct copy of said published notice.

[Signature]

SWORN TO AND SUBSCRIBED before me this 4th day of September, 2007, to certify which witness my hand and seal of office.



[Signature]

Notary Public in and for Swisher County, Texas

ORDINANCE 2006 -07


AN ORDINANCE APPROVING THE BUDGET SUBMITTED BY THE CITY MANAGER OF THE CITY OF TULIA, TEXAS, FOR THE FISCAL YEAR 2006-2007.

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

Section 1. That the operating budget and capital budget prepared by the City Manager of Tulia, Texas for the City of Tulia, Texas for the year commencing October 1, 2006 through and including September 30, 2007, is hereby approved and ordered filed with the City Secretary of the City of Tulia, Texas.

Section 2. The City Secretary is hereby ordered to file a copy of said budget with the Swisher County Clerk, Tulia, Texas.

PASSED AND APPROVED THE 19TH DAY OF SEPTEMBER, 2006.



Pat George, Mayor

ATTEST:



Sheila Dunn, City Secretary

ORDINANCE NO. 2006-09

AN ORDINANCE AMENDING ARTICLE 12.03 ENTITLED "SPEED REGULATIONS" OF CHAPTER 12 ENTITLED "TRAFFIC AND VEHICLES", OF THE TULIA CITY CODE ADOPTED SEPTEMBER 21, 2004, AS AMENDED, BY ADDING SECTION 12.03.004 ENTITLED "EXHIBITION OF SPEED" PROHIBITING UNSAFE EXHIBITION OF VEHICLE SPEED OR ACCELERATION AND CONTAINING A PENALTY CLAUSE; CONTAINING A REPEALING CLAUSE, A SAVINGS CLAUSE AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. That Article 12.03 entitled "Speed Regulations" of Chapter 12 entitled "Traffic and Vehicles", of the Tulia City Code adopted September 21, 2004, as amended, is hereby amended by adding thereto Section 12.03.004 entitled "Exhibition of Speed" as follows:

Sec. 12.03.004. Exhibition of Speed.

(a) A person may not participate in any manner in an exhibition of vehicle speed or acceleration.

(b) Definitions:

(1) Exhibition of acceleration of speed or acceleration means the operation of:

(a) One or more vehicles from a point at accelerated speeds in such a manner as to create an unsafe condition.

(c) Penalty:

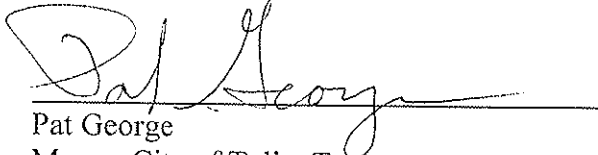
Any person, firm or corporation violating this Section 12.03.004 shall be deemed guilty of a Class C misdemeanor and upon conviction in municipal court shall be fined in an amount not to exceed two hundred dollars (\$200.00).


Section 2. 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 3. 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 4. This ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

PASSED AND APPROVED this the 7th day of November, 2006.


Pat George
Mayor, City of Tulia, Texas


City Secretary

ORDINANCE NO. 2006-08

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED PROPERTY OF THE CITY OF TULIA, SWISHER COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS AND GRANTING THE INHABITANTS THEREOF ALL OF THE RIGHTS AND PRIVILEGES OF THE CITIZENS OF THE CITY OF TULIA, TEXAS, WHO SHALL BE BOUNDS BY THE ACTS AND ORDINANCES MADE IN CONFORMITY THERETO.

WHEREAS, the City Council of the City of Tulia desires to extend the boundaries of said City to include the property described on Exhibit "A", attached hereto and incorporated for all purposes, the legal and equitable Owners of the property having petitioned for annexation pursuant to Section 43.028 of the Texas Local Government Code on August 29, 2006, said property being a tract less than one-half mile in width, being contiguous to the City of Tulia, Texas, and being vacant and without residents;

WHEREAS, the City Council of the City of Tulia, pursuant to Section 43.028 of the Texas Local Government Code, after having heard the petition and arguments for and against the petition, granted the petition of the Owners to annex the area on September 5, 2006;

WHEREAS, the City Council held public hearings to consider said annexation in the City Council Chambers of the City Hall of the City of Tulia, Texas, at 127 SW 2nd Street, Suite 300, Tulia, TX, on the 16th day of October, 2006, at 12:00 p.m. and on the 10th day of October, 2006, at 7:00 p.m.;

WHEREAS, all notices of said hearings required by law were duly made in accordance with the law;

WHEREAS, the service plan required by law is attached as Exhibit "B" to this Ordinance annexing the area is approved as a part of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Tulia, Texas:

That the property described on Exhibit "A" attached hereto and incorporated herein for all purposes be and the same is hereby annexed to the City of Tulia, Swisher County, Texas, and that the boundary limits of the City of Tulia, Texas, be and the same are hereby extended to include the above described territory within the city limits of the City of Tulia, Texas, and the same shall hereafter be included within the territorial limits of said City. The inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City of Tulia, Texas, and shall be bound by the acts and ordinances made in conformity thereto.

The City Secretary is directed to file with the County Clerk of Swisher County, Texas, a

certified copy of this Ordinance.

ATTESTED, APPROVED AND ADOPTED by an affirmative vote of all members of the City Council present this 10th day of October, 2006, a quorum of the City Council being present.


PAT GEORGE, Mayor

ATTEST:

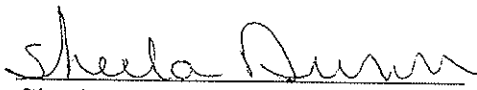

City Secretary

EXHIBIT "A"

A tract of land out of and BEGINNING at the SE corner of the following described tract of land in Swisher County, Texas:

Being an 11.043 acre tract in Section 12, Block W-1, H&OB Railway Company Survey, Swisher County, Texas, and being a part of that certain tract conveyed to L.G. Conner by instrument of record in Volume 127, Page 574 of the Deed Records of Swisher County, Texas, said 11.043 acre tract being described by metes and bounds as follows:

COMMENCING at a ½ inch iron rod found in pavement, at the place of the W.B. Hutchison iron pipe marking the Northeast corner of Section 12, Block W-1, H&OB Railway Company Survey, Swisher County, Texas;

THENCE South 0 degrees 04 minutes 39 seconds West, 1291.40 feet along the East line of Section 12, to a ½ inch iron rod found, the Southeast corner of that certain five acre tract conveyed to Ray Vaughn by instrument of record in Volume 307, Page 245 of the Deed Records for the Northeast corner of the herein described tract and PLACE OF BEGINNING;

THENCE South 0 degrees 04 minutes 39 seconds West, 882.49 feet along the east line of Section 12, to a ½ inch iron rod found with a yellow cap marked "DORSEY 1912", the Northeast corner of L.G. Conner Addition Unit No. 4, an addition to the City of Tulia of record in Volume 185, Page 89, of the Deed Records, the Southeast corner of the herein described tract;

THENCE North 89 degrees 55 minutes 20 seconds West, 50.0 feet to a ½ inch iron rod found with a yellow cap marked "DORSEY 1912", the beginning of a nontangent curve to the left;

THENCE Westerly, 403.63 feet along the arc of said curve to the left and along the North line of a 20 foot wide alley (Angle = 27 degrees 16 minutes 0 seconds; Radius = 848.16 feet; and Long Chord = South 75 degrees 49 minutes 06 seconds West, 399.83 feet) to a ½ inch iron rod found with a yellow cap marked "DORSEY 1912";

THENCE South 62 degrees 11 minutes 05 seconds West, 10.80 feet along the North line of said alley to a ½ inch iron rod found with a yellow cap marked "DORSEY 1912", the beginning of a curve to the right;

THENCE Westerly, 78.99 feet along the arc of said curve to the right and along the north line of a 20 foot wide alley (Angle = 10 degrees 34 minutes 11 seconds; Radius = 428.16 feet; and Long Chord = South 67 degrees 28

minutes 11 seconds West, 78.87 feet) to a 3/8 inch iron rod set with a yellow cap marked HBD for the Southwest corner of this tract;

THENCE North 0 degrees 04 minutes 39 seconds East, 1015.81 feet along a line parallel to the East line of Section 12 to a ½ inch iron rod found with a yellow cap marked "DORSEY 1912", the Southwest corner of the aforesaid five acre tract conveyed to Ray Vaughn by instrument of record in Volume 307, Page 245, of the Deed Records for the Northwest corner of this tract;

THENCE South 89 degrees 58 minutes 54 seconds East along the South line of the Ray Vaughn tract, at 491.77 feet pass a ½ inch iron rod found with a yellow cap marked "DORSEY 1912", at a total distance of 519.87 feet to the PLACE OF BEGINNING and containing a computed area of 11.043 acres, said 11.043 acre tract of land being conveyed by deed dated May 25, 2006, from BUTCH LOVELESS and MARILYN LOVELESS to DUSTY GEORGE and KIM GEORGE, recorded in Volume 357, page 799, Official Public Records, Swisher County, Texas;

THENCE North along the east boundary line of said 11.043 acre tract 225 feet to a point for the NE corner of this tract;

THENCE West 241 feet to a point 235 feet north of the South line of said 11.043 acre tract;

THENCE South to a point in the South line of said 11.043 acre tract;

THENCE Northeasterly along the South line of said 11.043 acre tract to the PLACE OF BEGINNING.

EXHIBIT "B"

CITY OF TULIA, TEXAS
SERVICE PLAN FOR EXTENSION OF CITY
SERVICES INTO AN AREA TO BE ANNEXED

The City Manager, in conjunction with each department head concerned with the services hereinafter designated, has developed the following plan for the extension of city services, upon annexation, to the property more particularly described in Exhibit "A", which is attached herein and incorporated herein by reference for all purposes:

1. Police Protection. Police protection will be provided to the area annexed immediately upon annexation to the same extent as provided to all areas of the City, including patrol and radio dispatch.
2. Fire Protection. Fire protection will be provided to the area annexed immediately upon annexation to the same extent as provided to all areas of the City. Said fire protection will be on a permanent basis as opposed to the present contractual arrangements with the County for such area.
3. Animal Control Services. Animal control services will begin to the area annexed immediately upon annexation to the same extent as provided for other areas of the City. The services will include the patrolling for stray dogs and animals.
4. Vector Control Services. Spraying for flies and mosquitoes for control of health hazards will be provided to the area annexed immediately upon annexation to the same extent as provided for other areas of the city.
5. Sanitation Services. Garbage and trash pickup services will be available to the area annexed immediately upon annexation.
6. Land Fill. Citizens of the area annexed will immediately upon annexation to have access to the City solid waste land fill on a permanent basis.
7. Code Enforcement Services. Citizens of the area annexed will immediately upon annexation have availability of inspections for water, sewer, electrical, plumbing and other code enforcement services to the same extent provided for citizens in other areas of the City.
8. Street and Road Maintenance. Streets and roads in the area annexed will be maintained immediately upon annexation to the same extent as other areas of the City.
9. Water and Sewer Services. Water and sewer services availability adequate to serve the area are to be provided to the area no later than 1 year after the effective date of the annexation. Water and sewer services will then be maintained to the same extent as provided for citizens in other areas of the City.

1092

FILED

2006 DEC 20 P 2:45

DEPT. OF COUNTY CLERKS
COUNTY OF SWISHER, TEXAS
Mary Lynn CLERK



STATE OF TEXAS } OFFICIAL PUBLIC
COUNTY OF SWISHER } RECORD

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the volume and page of the named record of Swisher County, Texas, as stamped hereon by me.

Brenda Hudson
BRENDA HUDSON
COUNTY AND DISTRICT CLERK
SWISHER COUNTY, TEXAS

BY *Mary Lynn* Deputy