

ORDINANCE NO. 2009-01

AN ORDINANCE PROHIBITING TRUCK USE OF ENGINE BRAKES WITHIN THE CITY LIMITS OF THE CITY OF TULIA, TEXAS; CONTAINING A PENALTY CLAUSE, 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 the use of any engine brake, sometimes known as a bleeder or exhaust brake, or a similar device, by a driver of any vehicle, including but not limited to motor carriers, trucks, semi-trailers and tractor trailers, within the City of Tulia, Texas, which increases the noise emission levels of the engine, is hereby prohibited.


Section 2. Penalty. Any person, firm or corporation violating this Ordinance shall be deemed guilty of a misdemeanor and upon conviction in municipal court shall be fined in an amount not to exceed five hundred dollars (\$500.00), for each offense.

Section 3. 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parts of ordinances inconsistent or in conflict with the provisions of this ordinance shall be, and the same are hereby repealed.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 4. 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 5. This ordinance shall take effect and be in full force from and after its passage, approval, publication and posting of signs as required by law.

PASSED AND APPROVED this the 17th day of February, 2009.



PAT GEORGE
Mayor, City of Tulia, Texas



Sheila Dunn, City Secretary

Public Notice

Ordinance No. 2009-01. An ordinance prohibiting truck use of engine breaks within the city limits of the city of Tulia, Texas, containing a penalty clause and providing for the effective date of this ordinance.

State of Texas
County of Swisher
I, Sheila Dunn, City Secretary of the City of Tulia, do hereby certify that the above and foregoing is a true and exact caption of an ordinance duly passed and approved by the City Council of the City of Tulia, on the 17th day of February,

Sheila Dunn
Sheila Dunn 0910-1c

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

COUNTY OF SWISHER

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

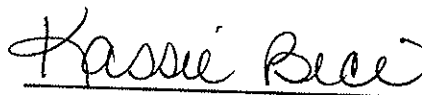
The attached notice was published in *The Tulia Herald*, a newspaper published in the English language and of general circulation in the city of Tulia, Swisher County, Texas, in the issues of February 26 and March 5, 2009, and the attached newspaper clipping is a true and correct copy of said published notice.



SWORN TO AND SUBSCRIBED before me this 20th day of March, 2009, to certify which witness my hand and seal of office.



(SEAL)



Notary Public in and for Swisher County, Texas

ORDINANCE NO. 2009-02

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF TULIA, TEXAS, BY CHANGING LOT NOS. 5, 6 AND 7, IN BLOCK NO. 124 IN THE TOWN OF TULIA, SWISHER COUNTY, TEXAS, FROM AN R-2 MULTI-FAMILY RESIDENTIAL DISTRICT TO A C-1 RETAIL BUSINESS DISTRICT, AS SUCH DISTRICTS ARE DEFINED BY CHAPTER 14, ENTITLED "ZONING" OF THE CODE OF ORDINANCES, 2004, CITY OF TULIA, TEXAS, AS AMENDED, PROVIDING A REPEALING CLAUSE AND A SAVINGS CLAUSE.

WHEREAS, the City Council of the City of Tulia, Texas, has been requested to change the zoning of Lot Nos. 5, 6 and 7, in Block No. 124 in the Town of Tulia, Swisher County, Texas, from an R-2 Multi-Family Residential District to an C-1 Retail Business District;

WHEREAS, such proposed amendment to the zoning map of the City of Tulia, Texas, has been referred to the Planning and Zoning Commission; the proper notices having been provided as required by law to those persons entitled to such notice of a public hearing concerning such proposed amendment and, notice of such public hearing having been published in the Tulia Herald prior to the hearing date; and,;

WHEREAS, the Planning and Zoning Commission held a public hearing on the 2nd day of June, 2009, on such proposed amendment, and the Planning and Zoning Commission has recommended to the City Council that such amendment be made; and,

WHEREAS, June 23, 2009 the City Council, after proper notices as provided by law, and, notice of a public hearing having been published in the Tulia Herald for at least 15 days prior to the hearing date, held a public hearing on the proposed amendment on June 23, 2009, and the City Council is of the opinion that such amendment should be made;

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

Section 1. Pursuant to Chapter 14 entitled "Zoning", of the Code of Ordinance, 2004, as amended the City Council of the City of Tulia, Texas, hereby changes the zoning of Lot Nos. 5, 6 and 7, in Block No. 124, in the Town of Tulia, Swisher County, Texas, from an R-2 Multi-Family Residential District to an C-1 Retail Business District.

Section 2. The change in the zoning referred to in Section 1 above, shall not become effective until it has been duly entered upon the official zoning map of the City of Tulia, Texas.


Section 3. 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 4. 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 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 23rd day of June, 2009.



Pat George, Mayor, City of Tulia, Texas

ATTEST:



City Secretary

AN ORDINANCE ADOPTING A CITY OF TULIA WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; TO PROMOTE RESPONSIBLE USE OF WATER; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES RELATED TO DROUGHT OR SHORTAGES; PROVIDING A PENALTY OF NOT LESS THAN TEN DOLLARS (\$ 10) PER DAY NOR MORE THAN TWO HUNDRED DOLLARS (\$ 200) PER DAY FOR EACH DAY OF NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN, AND/OR DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN AND WATER CONSERVATION PLAN.

WHEREAS, the City of Tulia, Texas (the "City"), recognizes that the amount of water available to the City and its water customers is limited;

WHEREAS, the City recognizes that due to natural limitations due to drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times;

WHEREAS, in order to obtain a loan from the Texas Water development Board the City was required to adopt a Water Conservation Plan and Drought Contingency Plan;

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Water Conservation and Drought Contingency Plan; and

WHEREAS, the City Council of the City of Tulia desires approval of the Water Conservation and Drought Contingency Plan and adopt such Plan as official City policy;

NOW THEREFORE,

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

Section 1. The City Council hereby approves and adopts the City's Water Conservation and Drought Contingency Plan, attached hereto as Addendum A, and to be included in full as a part of this Ordinance as if recited verbatim herein. The City commits to implement the program according to the procedures set forth in the adopted Plan.

Section 2. THAT Ordinance No. 94-05 adopted on 7-21-94 is hereby repealed.

Section 3. City water customers that do not comply with the Drought Contingency Plan shall be subject to (i) a penalty and fine of not less than TEN dollars (\$ 10) per

day nor more than ^{two-} hundred dollars (\$ 200) per day for each day of noncompliance; and/or (ii) discontinuance of water services to water customers by the City

Section 4. Water customers of the City that do not comply with the Drought Contingency Plan, adopted as part of this ordinance, shall be subject to the enforcement described in Section 10.8 of the attached Water Conservation and Drought Contingency Plan, including a penalty of discontinuance by the City of water services to such water customers.

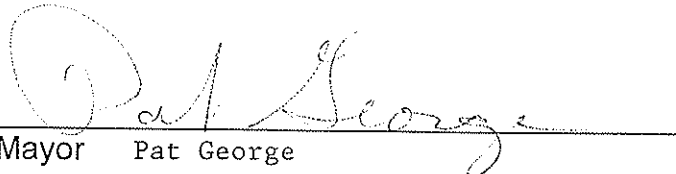
Section 5. The City Council finds and declares that a sufficient written notice of the date, hour, place and subject of the meeting of the Council was posted at a designated place convenient to the public at the City Hall for the time required by law preceding this meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section 6. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

Section 7. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

AND SO IT IS ORDERED

Passed by the City Council on this 2 th day of JUNE , 2009 .



Mayor Pat George

Attest:



City Secretary Sheila Dunn

Ordinance 2009-03
An ordinance adopting a City of Tulia water conservation and drought contingency plan; to promote responsible use of water; establishing restrictions on certain water uses related to drought or shortages; providing a penalty of not less than ten dollars (\$10) per day nor more than two hundred dollars (\$200) per day for each day of noncompliance with the provisions of the drought contingency plan, and/or disconnection of water service for noncompliance with the provisions of the drought contingency plan and water conservation plan. 0924-1c

ORDINANCE 2009 -- 03

ICE ADOPTING A CITY OF TULIA WATER CONSERVATION AND CONTINGENCY PLAN; TO PROMOTE RESPONSIBLE USE OF ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES RELATED TO DROUGHT OR SHORTAGES; PROVIDING A PENALTY OF NOT LESS THEN TEN DOLLARS (\$10.00) PER DAY NOR MORE THAN TWO HUNDRED DOLLARS (\$200.00) PER DAY FOR EACH DAY OF NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN, AND/OR DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN AND WATER CONSERVATION PLAN.

STATE OF TEXAS

COUNTY OF SWISHER

I, SHEILA DUNN, City Secretary of the City of Tulia, Texas, do hereby certify that the above and foregoing is a true and exact copy of the caption of an ordinance duly passed and approved by the City Council of the City of Tulia, Texas, on the 2nd day of June 2009.

Sheila Dunn, City Secretary

STATE OF TEXAS

COUNTY OF SWISHER

BEFORE ME, the undersigned authority, on this day personally appeared Chris Russett, who, on his oath stated:

I am the editor of the Tulia Herald, a newspaper published weekly in the City of Tulia, Swisher County, Texas, and know the facts in this affidavit. The printed matter attached hereto is a true and correct copy of the caption of an ordinance of the City of Tulia, as same was in the Tulia Herald on the 11th day of June 2009.

Chris Russett
Chris Russett

SUBSCRIBED AND SWORN TO before me by Chris Russett, this the 10th day of June 2009.



Kassie Bice

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TULIA, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS WEST TEXAS CITIES STEERING COMMITTEE ("STEERING COMMITTEE") AND ATMOS ENERGY CORP., WEST TEXAS DIVISION ("ATMOS WEST TEXAS" OR "COMPANY") REGARDING THE COMPANY'S SECOND ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS' PROOF OF REVENUES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

WHEREAS, the City of Tulia, Texas ("City") is a gas utility customer of Atmos Energy Corp., West Texas Division ("Atmos West Texas" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos West Texas; and

WHEREAS, the City and similarly situated municipalities working together as the Steering Committee of Cities Served by Atmos West Texas ("Steering Committee") were previously in continuing disagreement, dispute, and litigation with the Company over the application of Section 104.301 of the Texas Utilities Code and the interim rate adjustments ("GRIP rate increases") established by the Railroad Commission of Texas ("RRC" or the "Commission"); and

WHEREAS, pursuant to the terms of the November 15, 2007 stipulation settling the Company's GRIP rate increase application filed July 25, 2007, the Steering Committee and the Company collaboratively developed the Rate Review Mechanism ("RRM") tariff, ultimately authorized by the City in 2008, that allows for an expedited rate review process controlled in a three year experiment by Steering Committee Cities as a substitute to the current GRIP process;

WHEREAS, on or after April 1, 2009, Atmos West Texas filed with the City its second application pursuant to the RRM tariff to increase natural gas rates by approximately \$15.4 million, such increase to be effective in every municipality within its West Texas Division; and

WHEREAS, the Steering Committee, assisted by its attorneys and consultants, coordinated the review of the Atmos West Texas RRM filing and designated the Executive Committee to resolve issues regarding the Company's RRM filing; and

WHEREAS, the Company has filed evidence that existing rates are unreasonable and should be changed; and

WHEREAS, independent analysis by the Steering Committee's rate expert concluded that Atmos West Texas is able to justify a rate increase of up to \$12.23 million; and

WHEREAS, after negotiation and review, Atmos West Texas representatives and the Executive Committee were able to reach agreement that a \$12.23 million increase in the Company's revenue requirement is reasonable; and

WHEREAS, the Steering Committee supports efforts to hedge natural gas futures in order to mitigate the volatility of natural gas prices, which are a pass-through to customers; and

WHEREAS, the stipulation contemplates reimbursement of the Steering Committee's reasonable expenses associated with RRM applications; and

WHEREAS, the Executive Committee, as well as Steering Committee lawyers and consultants, recommend that Steering Committee members approve the attached rate tariffs (“Attachment A” to this Ordinance), which will increase the Company's revenue requirement by \$12.23 million consistent with the negotiated resolution; and

WHEREAS, the attached tariffs implementing new rates and the Atmos West Texas Proof of Revenues (“Attachment B” to this Ordinance) are consistent with the negotiated resolution reached by the Steering Committee and are just, reasonable, and in the public interest; and

WHEREAS, it is the intention of the parties that if the City determines any rates, revenues, terms and conditions, or benefits resulting from a Final Order or subsequent negotiated settlement approved in any proceeding addressing the issues raised in the Company’s RRM filing would be more beneficial to the City than the terms of the attached tariffs, then the more favorable rates, revenues, terms and conditions, or benefits shall additionally accrue to the City;

WHEREAS, the negotiated resolution of the Company's RRM filing and the resulting rates are, as a whole, in the public interest.

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the City Council finds that the existing rates for natural gas service provided by Atmos West Texas are unreasonable and new tariffs and the Atmos West Texas Proof of Revenues, which are attached hereto and incorporated herein as Attachments A and B, are just and reasonable and are hereby adopted.

Section 3. That Atmos West Texas shall reimburse the reasonable rate making expenses of the Steering Committee Cities in processing the Company's rate application.

Section 4. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. That if the City determines any rates, revenues, terms and conditions, or benefits resulting from a Final Order or subsequent negotiated settlement approved in any proceeding addressing the issues raised in the Company's RRM filing would be more beneficial to the City than the terms of the attached tariffs, then the more favorable rates, revenues, terms and conditions, or benefits shall additionally accrue to the City.

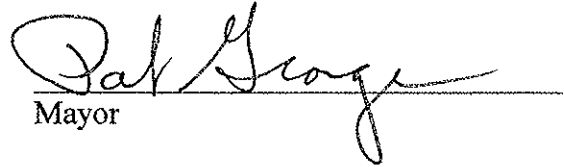
Section 8. That the Company's Gas Cost Recovery tariff is revised to permit recovery of certain costs associated with hedging natural gas futures.

Section 9. That this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after August 1, 2009.

Section 10. That a copy of this Ordinance shall be sent to Atmos West Texas, care of C. W. "Bill" Guy, at Atmos Energy Corporation, 5110 80th Street, Lubbock, Texas 79424 and to

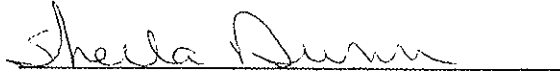
Geoffrey Gay, Steering Committee Counsel, at Lloyd Gosselink Rochelle & Townsend, P.C.,
P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this 7th day of AUGUST, 2009.



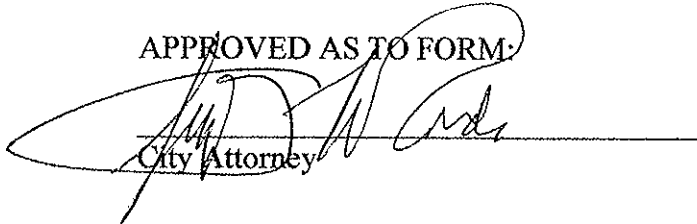
Mayor

ATTEST;



City Secretary

APPROVED AS TO FORM:



City Attorney

ORDINANCE 2009 -05

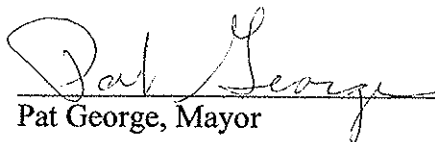
AN ORDINANCE APPROVING THE BUDGET SUBMITTED BY THE CITY MANAGER OF THE CITY OF TULIA, TEXAS, FOR THE FISCAL YEAR 2009-2010.

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, 2009 through and including September 30, 2010, 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 15TH DAY OF SEPTEMBER, 2009.


Pat George, Mayor

ATTEST:


Sheila Dunn, City Secretary

ORDINANCE 2009-06

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 2009– 2010; 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 Nine (2009) upon all property, real, personal, and mixed within the corporate limits of said City subject to taxation, a tax of thirty-three and sixty forty-four hundredth cents (\$.336044) 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 , 2009, and may be paid up to and including the following January 31, 2010, without penalty, but, if not sooner paid, such taxes shall become delinquent on the following day, February 1, 2010. 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.

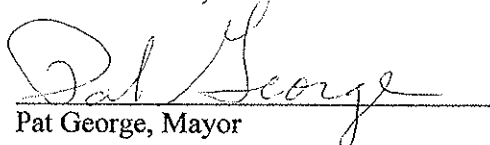
Section 4. All taxpayers shall be allowed discounts for the payment of taxes prior to January, 2010, said discounts to be allowed under the following conditions (a) three percent (3%) discount on all ad valorem taxes due, if such taxes are paid during the month of October , 2009, (b) two percent (2%) on all ad valorem taxes due, if such taxes are paid during the month of November, 2009,); one percent (1%) on all ad valorem taxes due, if such taxes are paid during the month of December 2009.

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 15th DAY OF SEPTEMBER, 2009.


Pat George, Mayor

ATTEST:


City Secretary, Sheila Dunn

ORDINANCE NO. 2009-10

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-1 DISTRICT, USE OF PROPERTY AS A WELLNESS CENTER, AND GRANTING A SPECIFIC USE PERMIT FOR A PARCEL OF LAND 120 FEET BY 155 FEET LOCATED IN THE NW CORNER OF BLOCK 22 OF THE RUSH ADDITION TO THE TOWN OF TULIA, SWISHER COUNTY, TEXAS, TO PERMIT SUCH PROPERTY TO BE UTILIZED FOR A WELLNESS CENTER; PROVIDING FOR A REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND CONTAINING A SAVINGS CLAUSE.

WHEREAS, Eric Cox and Angela D. Cox, the owners of the hereinafter described property, have 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-1 District, a Wellness Center, and by granting a specific use permit for the operation of a Wellness Center 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 said Section 14-08.005 (a) (1) the following:

<u>Specific Use</u>	<u>District</u>
Wellness Center	R-1

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 Wellness Center to be located on the following described property, to-wit:

A parcel of land 120 feet by 155 feet located in the NW corner of Block 22 of the Rush Addition to the town of Tulia, Swisher County, Texas, more particularly described as two tracts of land in deed from Margie B. Washington to Eric Cox and Angela D. Cox, recorded in Volume 373, page 789, Official Public Records, Swisher County, Texas;

under the following terms and conditions:

a. The Wellness Center shall be for operation of a spa, message therapy, sauna, smoothie/juice bar and related health and human services.

b. The Owner/Operator of the Wellness Center shall comply with all laws, rules and regulations of the State of Texas, or subdivisions thereof having jurisdiction over the business and premises.

c. This specific use permit shall be granted for an indefinite period ending when the ownership of the property by Eric Cox and Angela D. Cox terminates.

d. 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.

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 September, 2009.



Mayor, City of Tulia, Texas

ATTEST:



City Secretary

ORDINANCE NO. 2009-11

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 C-1 DISTRICT, USE OF PROPERTY AS A COMMERCIAL STORAGE FACILITY, AND GRANTING A SPECIFIC USE PERMIT FOR LOTS 16, 17 AND 18, IN BLOCK NUMBER 37, IN THE TOWN OF TULIA, SWISHER COUNTY, TEXAS, TO PERMIT SUCH PROPERTY TO BE UTILIZED FOR A COMMERCIAL STORAGE FACILITY; PROVIDING FOR A REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND CONTAINING A SAVINGS CLAUSE.

WHEREAS, Kornerstone Directors, LTD, is the current owner of the hereinafter described property and Sadler-Chapman-Howard Agency, Inc. is the prospective owner of the hereinafter described property, and each have 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 C-1 District, a Commercial Storage Facility, and by granting a specific use permit for the operation of a Commercial 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 said Section 14-08.005 (a) (1) the following:

<u>Specific Use</u>	<u>District</u>
Commercial Storage Facility	C-1

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 Commercial Storage Facility to be located on the following described property, to-wit:

All of Lot Nos. 16, 17 and 18, in Block No. 37, in the town of Tulia, Swisher County, Texas;

under the following terms and conditions:

a. The Prospective Owner of the property shall purchase the property from the Owner and shall construction on the property a 30 foot by 80 foot steel building with an awning on the front of the building facing Southwest 2nd Street in Tulia, Texas.

b. The Commercial Storage Facility shall comply with all laws, rules and regulations of the State of Texas, or subdivisions thereof having jurisdiction over the business and premises.

c. 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.

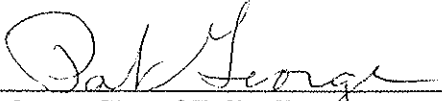
Section 3. Unless earlier terminated by the conditions set forth in Section 2 above, the specific use herein above granted shall terminate when such use of the property for the specific use herein granted is discontinued or abandoned, and shall not thereafter be used except in conformance with the regulations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

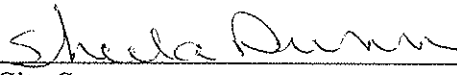
Section 6. This ordinance shall take effect and be in full force from and after its passage and approval.

PASSED AND APPROVED this 15th day of September, 2009.



Mayor, City of Tulia, Texas

ATTEST:



City Secretary