

**ORDINANCE NO. 2172**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, GRANTING A SPECIFIC USE PERMIT FOR A COMMUNICATION TOWER ON PROPERTY DESCRIBED AS LOT 3 BLOCK D, METROCREST ADDITION OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:**

**ARTICLE I**

**WHEREAS**, the City Council of the City of Terrell, Texas, following a public hearing and recommendation by the Planning and Zoning Commission, held a public hearing on Tuesday, May 6, 2003, on a request to issue a Specific Use Permit for a communication tower on property described as Lot 3, Block D, Metrocrest Addition; and

**WHEREAS**, the City Council has determined that all notice requirements have been given in compliance with State Law and the ordinances of the City of Terrell; and

**WHEREAS**, the City Council has determined that it would be in the best interest of the citizens of the City of Terrell to grant the Specific Use Permit.

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Terrell that:

A Specific Use Permit is granted to locate one (1) telecommunication tower on property described as Lot 3, Block D, Metrocrest Addition, City of Terrell, Kaufman County, Texas.

This Specific Use Permit shall take effect immediately from and after its passage and upon said facility complying with all terms and conditions set further herein.

**ARTICLE II.**

All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

**ARTICLE III.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**ARTICLE IV.**

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

**PASSED AND APPROVED THIS THE 6<sup>TH</sup> DAY OF MAY, 2003.**

**PASSED AND ADOPTED THIS THE 20<sup>TH</sup> DAY OF MAY, 2003.**

**APPROVED:**

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FRANCES R. ANDERSON, MAYOR

**ATTEST:**

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JOHN ROUNSAVALL, CITY SECRETARY

**APPROVED AS TO FORM:**

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Mary Gayle Ramsey, City Attorney