

ORDINANCE NO. 2005-12

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING THE PARAGRAPH DEFINING *TITLE CERTIFICATE* IN SECTION 70-2 OF CHAPTER 70 AND SUBSTITUTING THEREFOR A NEW PARAGRAPH DEFINING *TITLE CERTIFICATE* IN SECTION 70-2 AND BY DELETING THE FIRST PARAGRAPH OF SECTION 70-17 OF CHAPTER 70 AND SUBSTITUTING THEREFOR A NEW FIRST PARAGRAPH OF SECTION 70-17; PROVIDING THAT A TITLE CERTIFICATE SHALL NOT HAVE BEEN EXECUTED MORE THAN 45 DAYS PRIOR TO SUBMISSION OF SAME TO THE COMMISSION AND THAT A SEARCH OF THE APPROPRIATE RECORDS WITH REGARD THERETO WAS PERFORMED WITHIN 45 DAYS PRIOR TO THE DATE THE FINAL PLAT IS DATED AND FILED; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

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

Section 1. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting the paragraph defining *Title certificate* in Section 70-2 of Chapter 70, and substituting therefore a new paragraph defining *Title certificate* in Section 70-2 to provide as follows:

“Sec. 70-2. Definitions.

. . .

Title certificate means a certificate prepared and executed by a title company authorized to do business in the state or an attorney licensed in the state describing all encumbrances of record that affect the property, together with all deeds recorded from and after August 15, 1983. Such certificate shall include all property included within the platted area, and such certificate shall not have been executed more than 45 days prior to submission of same to the commission.”

Section 2. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting the first paragraph of Section 70-17 of Chapter 70, and substituting therefore a new first paragraph of Section 70-17 to provide as follows:

“Sec. 70-17. Title report.

A current title report, statement or opinion, title policy or certificate or letter from a title company authorized to do business in the state or an attorney licensed as such in the state shall be provided certifying that, within 45 days prior to the date the final plat is dated and filed with the commission, a search of the appropriate records was performed covering the land proposed to be platted and providing the following information concerning the title to said land:”

Section 3. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500. Each day of violation shall constitute a separate offense.

Section 4. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 21ST DAY OF NOVEMBER 2005.

COUNCILMEMBER QUINN	<u> AYE </u>
COUNCILMEMBER FORD	<u> AYE </u>
COUNCILMEMBER FAGAN	<u> AYE </u>
COUNCILMEMBER GATLIN	<u> AYE </u>
COUNCILMEMBER DRIVER	<u> AYE </u>

