

RESOLUTION NO. 2010-08-01

A RESOLUTION OF THE CITY OF WESTON, TEXAS, RATIFYING AND CONFIRMING THE 2004 ULTIMATE BOUNDARY AGREEMENT BETWEEN THE CITIES OF WESTON, MCKINNEY, CELINA AND PROSPER AND THE DECLARATORY JUDGMENT IN CAUSE NO. 199-00878-03 IN THE DISTRICT COURT OF COLLIN COUNTY, TEXAS; DECLARING NULL AND VOID THE DECEMBER 11, 2007 ACTION OF THE WESTON CITY COUNCIL REGARDING A REQUEST FOR A BOUNDARY ADJUSTMENT WITH THE CITY OF MCKINNEY AND A REQUEST FOR THE RELEASE OF CERTAIN PROPERTY FROM THE CITY OF WESTON'S BOUNDARY AND EXTRATERRITORIAL JURISDICTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, in 2001 the cities of Celina, McKinney, Prosper and Weston entered into an Ultimate Boundary Agreement which fixed their ultimate common boundaries and their respective future annexations; and

WHEREAS, on April 20, 2004, the District Court of Collin County, Texas, 199th District, in cause No. 199-00878-03, styled *In Re: Collin County, Texas, Celina, Texas, McKinney, Texas, Prosper, Texas, and Weston, Texas*, entered a declaratory judgment which fixed and confirmed the common boundaries of those cities; and

WHEREAS, the declaratory judgment entered by the 199th District Court was not appealed and is a valid final judgment; and

WHEREAS, on May 1, 2010, the then-Mayor of the City of Weston sent a letter to the City of McKinney, stating that on December 11, 2007, the Weston City Council had released Mr. Norman Gidney's property (I.D. # 1054012 and 2121281) from the City of Weston's boundary and ETJ and had approved a boundary adjustment between the City of Weston and the City of McKinney; and

WHEREAS, the City Council finds it necessary to clarify the effect of the City Council action on December 11, 2007 and the then-Mayor's letter of May 7, 2010.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS THAT:

SECTION 1.

The above recitals are true and correct and are made a part of this Resolution to the same extent as if copied in this Section.

SECTION 2.

The City Council hereby ratifies and confirms the 2001 Ultimate Boundary Agreement between the cities of Celina, McKinney, Prosper and Weston, and the 2004 Declaratory Judgment of the District Court of Collin County, 199th District, in cause No. 199-00878-03.

SECTION 3.

The City Council hereby declares the action of the City Council on December 11, 2007 to be null and void because it violates the provisions of the Ultimate Boundary Agreement and is inconsistent with the Declaratory Judgment of the District Court of Collin County, 199th District, and the City Council hereby rescinds the December 11, 2007 City Council action.

SECTION 4.

The City Council hereby denies the request to release the property owned by Norman Gibney from the boundary and extraterritorial jurisdiction of the City of Weston, and hereby denies the request for a boundary adjustment between the City of Weston and the City of McKinney.

SECTION 5.

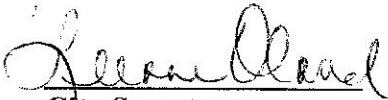
The Mayor is directed to send copies of this Resolution to the Mayors of the cities of Celina, McKinney, and Prosper

SECTION 6.

This resolution shall be effective from and after its passage and adoption by the City Council.

RESOLVED AND ENTERED this the 10th day of August, 2010.

ATTEST:


City Secretary

CITY OF WESTON


MAYOR



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS,
AUTHORIZING THE EXECUTION OF AN ULTIMATE BOUNDARY LINE AGREEMENT
WITH THE CITY OF CELINA, TEXAS.

WHEREAS, the governing bodies of the cities of Weston, Texas, and Celina, Texas have worked with each other to plan for the ultimate growth and development of their respective communities, giving due regard to existing and proposed roads and transportation corridors, water supply availability, fire and police protection, and their respective abilities to provide other necessary governmental services and functions; and,

WHEREAS, said cities desire to designate their preferred ultimate city limit boundary lines insofar as they will separate the two cities in the future; and,

WHEREAS, said cities desire and are willing to commit to each other by contract their respective plans for future annexations and expansion of their communities; and,

WHEREAS, Chapter 791, Texas Government Code, authorizes local governments to contract with one another related to future provisions of governmental functions and services; and,

WHEREAS, Section 42.023, Local Government Code, authorizes a municipality to reduce its extra-territorial jurisdiction by a resolution adopted by the governing body of the municipality;

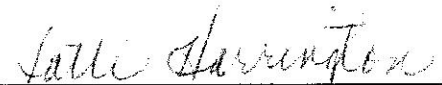
NOW THEREFORE, be it resolved by the City Council of the City of Weston, Texas, that:

Section 1. The City Council of the City of Weston, Texas, desires to enter into that certain ultimate boundary line agreement with the City of Celina, Texas, which is attached hereto and intended to be a part hereof for all purposes and intents.

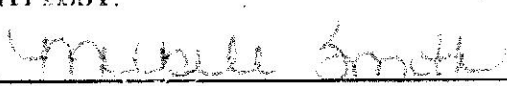
Section 2. The Mayor of Weston is hereby authorized to execute the boundary agreement and to forever bind the City thereto.

Section 3. The City Secretary is directed to file one copy of the original document with the Land Records of Collin County, Texas, to put all persons on notice as to the future ultimate expansion plans of the City.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS ON THE 4th DAY OF October, 2001.



Mayor

ATTEST:


City Secretary

RESOLUTION NO. 2010-38R

A RESOLUTION OF THE CITY OF CELINA, TEXAS, SUPPORTING, CONCURRING WITH AND ENDORSING A RESOLUTION ADOPTED BY THE CITY OF WESTON, TEXAS ON AUGUST 10, 2010; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the cities of Celina, McKinney, Prosper and Weston entered into an Ultimate Boundary Agreement in 2001 which fixed their ultimate common boundaries and their respective future annexations; and

WHEREAS, on April 20, 2004, the District Court of Collin County, Texas, 199th District, in cause No. 199-00878-03, styled *In Re: Collin County, Texas, Celina, Texas, McKinney, Texas, Prosper, Texas, and Weston, Texas*, entered a declaratory judgment which fixed and confirmed the common boundaries of those cities; and

WHEREAS, on August 10, 2010, the City of Weston adopted a Resolution rescinding certain action taken in 2007 regarding a requested boundary adjustment between the City of Weston and the City of McKinney, a copy of which Resolution is attached hereto, marked Exhibit "A" and made a part hereof; and

WHEREAS, the attached Resolution of the City of Weston also ratifies and confirms such Ultimate Boundary Agreement and declaratory judgment.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS THAT:

SECTION 1.

The City of Celina hereby supports, concurs with and fully endorses the attached Resolution adopted by the City of Weston on August 10, 2010.

SECTION 2.

The Mayor of the City of Celina is directed to send copies of this Resolution to the Mayors of the cities of Weston, McKinney, and Prosper

SECTION 3.

This resolution shall be effective from and after its passage and adoption by the City Council.

RESOLVED AND ENTERED this the 11 day of October, 2010.

ATTEST:

Vicki Faulkner
City Secretary

CITY OF CELINA

James H. Lee
MAYOR



ULTIMATE BOUNDARY LINE AGREEMENT

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF COLLIN §

This Agreement is made and entered into by and between the City of Weston, Texas (“Weston”) and the City of Celina, Texas (“Celina”).

WHEREAS, Weston and Celina are governed by the laws of the State of Texas governing municipalities; and

WHEREAS, Weston and Celina are adjacent cities; and

WHEREAS, Section 43.031 of the LOCAL GOVERNMENT CODE, Texas Revised Civil Statutes, authorizes adjacent municipalities to make mutually agreeable changes in their boundaries; and

WHEREAS, Chapter 791, Texas Government Code, permits local governments to enter into agreements relating to future provisions of governmental functions and services; and

WHEREAS, Weston and Celina desire to enter into this Agreement designating the future ultimate boundary line between the two cities so that each of them can plan for the provision of future governmental services and functions;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the parties hereto agree as follows:

1. Weston and Celina agree that their future ultimate common boundary lines and their future respective annexations shall meet at the points and along the lines more specifically set out in Exhibit A attached hereto for all purposes and intents.
2. Weston hereby discontinues and relinquishes from its corporate limits and extraterritorial jurisdiction any territory which is currently beyond the boundary line described in Exhibit A, if any, and adjusts its corporate limits and extraterritorial jurisdiction accordingly.
3. Celina hereby discontinues and relinquishes from its corporate limits and extraterritorial jurisdiction any territory which is currently beyond the boundary line described in Exhibit A, if any, and adjusts its corporate limits and extraterritorial jurisdiction accordingly.
4. Weston and Celina agree that their future annexations will not conflict with the terms and intent of this Agreement and that neither will attempt to annex or claim territory or extraterritorial jurisdiction contrary to the terms of this Agreement.
5. Weston and Celina agree that this Agreement repeals and replaces any prior ordinances or agreements between the two cities, but only to the extent that such prior ordinances or agreements conflict with this Ultimate Boundary Line

Agreement.

6. Weston and Celina acknowledge and consent to any proposed adjustment of the other city's territory and boundaries to comply with this Agreement and agree that neither party, as a result of the mutual execution of this Agreement, now encroaches over the ultimate boundary line. Weston and Celina agree that they will not, in the future, encroach upon the other parties' area beyond the agreed boundary line as adjusted herein without the express written consent of the other.
7. This Ultimate Boundary Line Agreement is executed on behalf of the respective cities by their respective Mayors as authorized by Resolutions of the City Councils of the respective cities, which were duly passed.

EXECUTED IN MULTIPLE COPIES this 9th day of October, 2001.

Fatti Harrington
Mayor, City of Weston, Texas

ATTEST:

Michelle Smith
City Secretary

Mark D. Pett
Mayor, City of Celina, Texas

ATTEST:

Vicki Faulkner
City Secretary

EXHIBIT A

BEGINNING at the intersection of the centerline of F.M. 248 and the South Row of C.R. 170;

THENCE in a Northerly direction along the East Row of F.M. 2478 an approximate distance of 11,500.0 feet to the intersection of F.M. 2478 and the East Row of C.R. 133;

THENCE in a Northerly direction leaving the right-of-way line of F.M. 2478 and continuing along the East Row of C.R. 133 an approximate distance of 10,700.0 feet to the intersection of the East Row of C.R. 133 and the North Row of C.R. 134;

THENCE in an Easterly direction along the North Row of C.R. 134 an approximate distance of 2,750.0 feet to the intersection of the North Row of C.R. 134 and the centerline of Honey Creek;

THENCE in a Northwesterly direction along the centerline of Honey Creek an approximate distance of 6,400.0 feet to the intersection of the centerline of Honey Creek and the centerline of C.R. 135;

THENCE in an Easterly direction along the South Row of C.R. 135 an approximate distance of 1,900.0 feet to the intersection of C.R. 135 and the East Row of C.R. 136;

THENCE in a Northerly direction along the East Row of C.R. 136 an approximate distance of 7,750.0 feet to the intersection of the East Row of C.R. 136 and the North Row of C.R. 138;

THENCE in a Westerly direction along the North Row of C.R. 138 an approximate distance of 5,400.0 feet to the intersection of the North Row of C.R. 138 and the East Row of C.R. 137;

THENCE in a Northerly direction along the East Row of C.R. 137 an approximate distance of 760.0 feet to the intersection of the East Row of C.R. 137 and Collin County line, and containing a total length of approximately 47,160.0 feet.

COPY

CAUSE NO. 199-00878-03

IN RE:

COLLIN COUNTY, TEXAS,
CELINA, TEXAS, MCKINNEY,
TEXAS, PROSPER, TEXAS and
WESTON, TEXAS

§
§
§
§
§
§

IN THE DISTRICT COURT OF
COLLIN COUNTY, TEXAS
199TH JUDICIAL DISTRICT

DECLARATORY JUDGMENT

ON THIS DATE came on to be heard the petition of the Plaintiff, Collin County, Texas, for Declaratory Judgment with regard to the common boundaries of the municipalities of Celina, McKinney, Prosper, and Weston, Texas. The Court, upon reviewing the petition, and the pleadings on file, is of the opinion it has jurisdiction of the matter as all parties before the Court.

The Court finds that a public purpose is served in municipal and county planning growth and future development. An integral element of planning is the identification of an area under the control of each jurisdiction. All municipal parties to this action have approved interlocal agreements pursuant to Section 43.031 of the Local Government Code, Texas Revised Civil Statutes, to make mutually agreeable changes in their boundaries and, pursuant to Chapter 791, Texas Government Code, municipal parties to this

into written interlocal agreements relating to future provision of governmental services.

The Court finds the parties have agreed to this judgment.

The Court, upon considering the benefits to each municipality in this direction and clarity as to the growth and expansion of the municipalities and noting that the request of the municipalities for the approval

any conformation or review of the municipalities current city limits, extra territorial jurisdictions, or other matters, finds and issues judgment of the Court as follows:

IT IS THEREFORE ORDERED THAT:

1. The boundaries map attached hereto as Exhibit "A", which depicts common and/or mutual boundary lines for the cities of McKinney, Celina and Weston and the Town of Prosper (the "Cities") is a depiction of the common and/or mutual boundaries of the Cities.

2. a) Exhibit "B", attached hereto, is approved as the ultimate mutual boundary line between the City of McKinney and the City of Weston;

b) Exhibit "C", attached hereto, is approved as the ultimate mutual boundary line between the City of McKinney and the City of Celina;

c) Exhibit "D", attached hereto, is approved as the ultimate mutual boundary line between the City of Celina and the City of Weston;

d) Exhibit "E", attached hereto, is approved as the mutual boundary line between the City of Celina and the Town of Prosper in Collin County, Texas; and

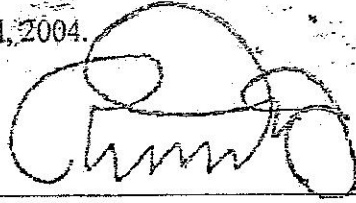
(e) Exhibit "F", attached hereto, is approved as the mutual boundary line

between the City of McKinney and the Town of Prosper.

3. Costs are to be paid by the party incurring same.

4. All other relief not expressly granted in this judgment is hereby denied. This is a final and appealable judgment.

SIGNED on the 20 day of April, 2004.



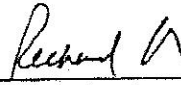
JUDGE PRESIDING

APPROVED AS TO FORM:

James E. Shepherd
Attorney for Collin County, Texas

Mark Houser
Attorney for City of McKinney, Texas

Lance Vanzant
Attorney for City of Celina, Texas



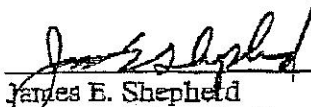
Richard M. Abernathy
Attorney for Town of Prosper, Texas

Bryn Meredith
Attorney for City of Weston, Texas

SIGNED on the _____ day of April, 2004.

JUDGE PRESIDING

APPROVED AS TO FORM:


James E. Shepherd
Attorney for Collin County, Texas

Mark Houser
Attorney for City of McKinney, Texas

Lance Vanzant
Attorney for City of Celina, Texas

Richard M. Abernathy
Attorney for Town of Prosper, Texas

Bryn Meredith
Attorney for City of Weston, Texas

SIGNED on the _____ day of April, 2004.

JUDGE PRESIDING

APPROVED AS TO FORM:

James E. Shepherd
Attorney for Collin County, Texas

Mark Houser
Attorney for City of McKinney, Texas

Lance Vanzant
Attorney for City of Celina, Texas

Richard M. Abernathy
Attorney for Town of Prosper, Texas

Bryn Meredith
Attorney for City of Weston, Texas

SIGNED on the _____ day of April, 2004.

JUDGE PRESIDING

APPROVED AS TO FORM:

James B. Shepherd
Attorney for Collin County, Texas

Mark Houser
Attorney for City of McKinney, Texas

Lance Vanzant
Attorney for City of Celina, Texas

Richard M. Abernathy
Attorney for Town of Prosper, Texas



Bryn Meredith
Attorney for City of Weston, Texas

SIGNED on the _____ day of April, 2004.

JUDGE PRESIDING

APPROVED AS TO FORM:

James E. Shepherd
Attorney for Collin County, Texas

by Gordon R. Houser

Mark Houser
Attorney for City of McKinney, Texas

Lance Vanzant
Attorney for City of Celina, Texas

Richard M. Abernathy
Attorney for Town of Prosper, Texas

Bryn Meredith
Attorney for City of Weston, Texas

**Ultimate Mutu
Boundaries**
Celine, McKinney,
Prosper and West

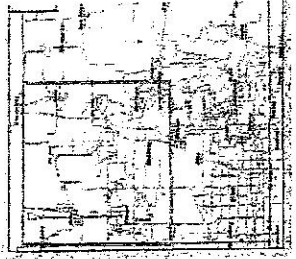
**Cause No:
199-00878-03**

Legend

Symbol	Description
[Solid Line]	Boundary
[Dashed Line]	County Boundary
[Thick Dashed Line]	Water
[Thin Dashed Line]	Other Water
[Stippled Area]	Forest
[Diagonal Lines]	Barren
[Wavy Lines]	Rock
[Dotted Area]	Soil
[Shaded Area]	Other Soil
[White Area]	Urban
[Black Area]	Other Urban
[Thin Solid Line]	Other
[Thick Solid Line]	Other
[Box]	Other
[Circle]	Other
[Triangle]	Other
[Square]	Other



ISIGIS



Persons who have obtained from the public records, from the maps and other documents filed in the office of the County Clerk, the names and addresses of the owners of the land in the above described section, tract, block, lot, or parcel, and who have failed to comply with the provisions of the law in that behalf made, are hereby notified that they are liable for the costs and expenses of this proceeding.

The court will hear the application for this cause on the 15th day of August 2010 at 10:00 o'clock in the forenoon of that day at the courthouse in the City of Dallas, Texas. Any party who desires to object to the application, or to the proposed map, or to the proposed decree, should file a written objection with the court at least 10 days before the date of the hearing.

August 2010

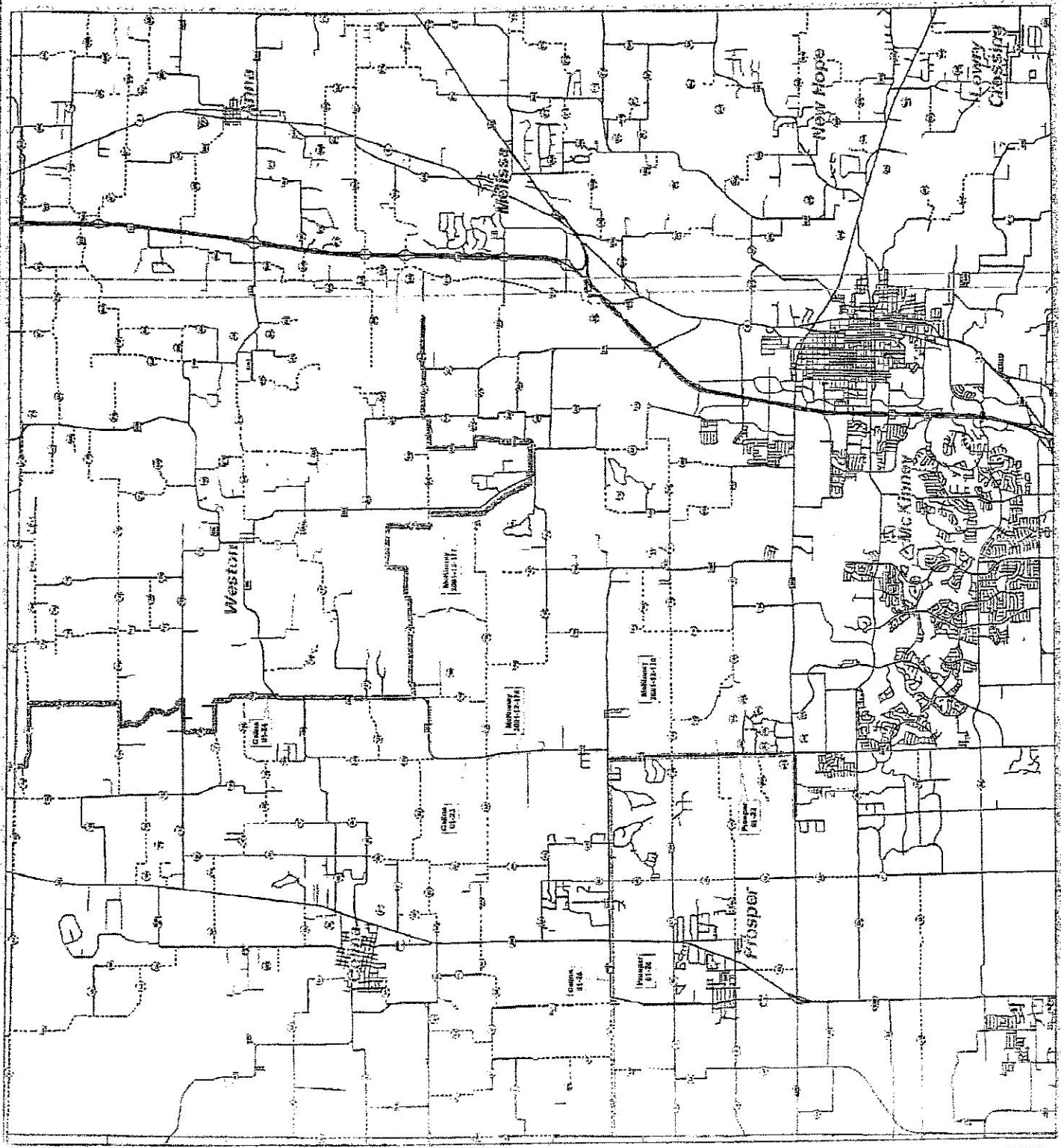


EXHIBIT B

McKinney - Weston

BEGINNING at the intersection of the west right-of-way line of F.M. Highway 2478 with the extended south right-of-way line of County Road 170;

THENCE in an easterly direction crossing F.M. Highway 2478 and continuing along the south right-of-way line of County Road 170 an approximate distance of 21,400 feet to the intersection of the south right-of-way line of said County Road 170 with the west corporate boundary line for the City of Weston, said point being a distance of 500 feet west of the centerline of F.M. Highway 543;

THENCE in a southerly direction along a line parallel to and 500 feet west of the centerline of F.M. Highway 543 an approximate distance of 9900 feet to the most southwesterly corner of the corporate boundary line for the City of Weston, said point being 500 feet west of the centerline of said F.M. Highway 543 and 500 feet north of the north right-of-way line of County Road 168;

THENCE in an easterly direction along a line 500 feet north of and parallel to the north right-of-way line of County Road 168, F.M. Highway 543 and County Road 203, respectively, for an approximate distance of 3600 feet to a point on the west right-of-way line of the north-south portion of said County Road 203;

THENCE in a northerly direction along the west right-of-way line of County Road 203 an approximate distance of 4800 feet to the intersection of the west right-of-way line of said County Road 203 with the south right-of-way line of County Road 204;

THENCE in a westerly and northerly direction along the south and west right-of-way line of County Road 204 an approximate distance of 5000 feet to the intersection of the projected west right-of-way line of said County Road 204 with the north right-of-way line of County Road 205;

THENCE in an easterly direction along the north right-of-way line of County Road 205 an approximate distance of 2600 feet to the intersection of the north right-of-way line of said County Road 205 with the west right-of-way line of County Road 206;

THENCE in a northerly direction along the west right-of-way line of County Road 206 an approximate distance of 500 feet to the intersection of the west right-of-way line of said County Road 206 with the projected north right-of-way line of County Road 281;

THENCE in an easterly direction along the north right-of-way line of County Road 281 an approximate distance of 4200 feet to the intersection of the north right-of-way line of said County Road 281 with the north right-of-way line of County Road 282;

THENCE in an easterly direction along the north right-of-way line of County Road 282 an approximate distance of 4600 feet to the intersection of the north right-of-way line of said County Road 282 with the centerline of the East Fork Trinity River, and being approximately 56,600 feet in length.

EXHIBIT C

McKinney - Celina

BEGINNING at a point where the projected west right-of-way line of F.M. Highway 2478 intersects the centerline of F.M. Highway 1461, said point being 45 feet north of the intersection of the west right-of-way line of F.M. Highway 2478 with the south right-of-way line of F.M. Highway 1461;

THENCE in a northerly direction an approximate distance of 45 feet to a point on the north right-of-way line of F.M. Highway 1461;

THENCE in an easterly direction along the north right-of-way line of F.M. Highway 1461 an approximate distance of 800 feet to the intersection of the north right-of-way line of F.M. Highway 1461 with the west right-of-way line of F.M. Highway 2478;

THENCE in a northerly and easterly direction along the west and north right-of-way line of F.M. Highway 2478 an approximate distance of 22,000 feet to the intersection of the west right-of-way line of F.M. Highway 2478 with the projected south right-of-way line of County Road 170, and being approximately 22,840 feet in length.

EXHIBIT D

Celina - Weston

BEGINNING at the intersection of the east right-of-way line of F.M. Highway 2478 with the south right-of-way line of County Road 170;

THENCE in a northerly direction along the east right-of-way line of F.M. Highway 2478 an approximate distance of 9240 feet to it's intersection with the east right-of-way line of F.M. Highway 455, and continuing in a northerly direction along the east right-of-way line of F.M. Highway 455 for an approximate total distance of 11,500 feet to a point where the projected east right-of-way line of County Road 133 intersects the southeasterly right-of-way line of F.M. Highway 455;

THENCE in a northerly direction crossing F.M. Highway 455 and continuing along the east right-of-way line of County Road 133 an approximate distance of 10,700 feet to a point where the projected east right-of-way line of County Road 133 intersects the north right-of-way line of County Road 134;

THENCE in an easterly direction along the north right-of-way line of County Road 134 an approximate distance of 2750 feet to the intersection of the north right-of-way line of said County Road 134 with the centerline of Honey Creek;

THENCE in a northerly direction along the centerline meanders of Honey Creek an approximate distance of 6400 feet to the intersection of the centerline of said Honey Creek with the south right-of-way line of County Road 135;

THENCE in an easterly direction along the south right-of-way line of County Road 135 an approximate distance of 1900 feet to the intersection of the south right-of-way line of said County Road 135 with the projected east right-of-way line of County Road 136;

THENCE in a northerly direction crossing County Road 135, and continuing along the east right-of-way line of County Road 136 an approximate distance of 7750 feet to a point where the projected east right-of-way line of County Road 136 intersects the north right-of-way line of County Road 138;

THENCE in a westerly direction along the north right-of-way line of County Road 138 an approximate distance of 5400 feet to a point where the north right-of-way line of County Road 138 intersects the east right-of-way line of County Road 137;

THENCE in a northerly direction along the east right-of-way line of County Road 137 an approximate distance of 760 feet to a point where the east right-of-way line of County Road 137 intersects with the Collin-Grayson County line, and being approximately 47,160 feet in length,

EXHIBIT E

City of Celina - Town of Prosper

BEGINNING at a point where the projected west right-of-way line of F.M. Highway 2478 intersects the centerline of F.M. Highway 1461, said point being 45 feet north of the intersection of the west right-of-way line of F.M. Highway 2478 with the south right-of-way line of F.M. Highway 1461;

THENCE in a westerly direction along the centerline of F.M. Highway 1461 an approximate distance of 16,500 feet to the intersection of the centerline of F.M. Highway 1461 with the centerline of State Highway 289, also being the centerline intersection of Business Highway 289 from the west;

THENCE continuing in a westerly direction along the centerline of Business Highway 289 an approximate distance of 5100 feet to a point where it's projected centerline intersects the east right-of-way line of the Burlington Northern & Sante Fe Railroad ("BNSF"), said point also being in the center of County Road 5;

THENCE in a westerly direction crossing the BNSF and continuing along the centerline of County Road 5 an approximate distance of 11,400 feet to the intersection of the projected centerline of County Road 5 with the west right-of-way line of County Road 6, and being approximately 33,000 feet in length.

EXHIBIT F

City of McKinney and Town of Prosper

BEGINNING at a point approximately 180.0 feet north of the northeast corner of Redbud Estates, said point also being on the north right-of-way line of U.S. 380 (University Dr.);

THENCE, in an Easterly direction along the North right-of-way line of U.S. 380 an approximate distance of 5,200.0 feet to the intersection of the North right-of-way line of U.S. 380 and the West right-of-way line of F.M. 2478;

THENCE in a Northerly direction along the West right-of-way line of F.M. 2478 an approximate distance of 15,900.0 feet to the intersection of the West right-of-way line of F.M. 2478 and the South right-of-way line of F.M. 1461;

THENCE in a Northerly direction leaving the South right-of-way line of F.M. 1461 an approximate distance of 40.0 feet to a point on the centerline of F.M. 1461 and containing a total length of approximately 26,540.0 feet.

RESOLUTION NO. 10-091**A RESOLUTION OF THE TOWN OF PROSPER, TEXAS, SUPPORTING, CONCURRING WITH AND ENDORSING A RESOLUTION ADOPTED BY THE CITY OF WESTON, TEXAS ON AUGUST 10, 2010; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the cities of Prosper, McKinney, Celina and Weston entered into an Ultimate Boundary Agreement in 2001 which fixed their ultimate common boundaries and their respective future annexations; and

WHEREAS, on April 20, 2004, the District Court of Collin County, Texas, 199th District, in Cause No. 199-00878-033, styled *In Re: Collin County, Texas, Prosper, Texas, McKinney, Texas, Celina, Texas, and Weston, Texas*, entered a declaratory judgment which fixed and confirmed the common boundaries of those cities; and

WHEREAS, on August 10, 2010, the City of Weston adopted a Resolution rescinding certain actions taken in 2007 regarding a requested boundary adjustment between the City of Weston and the City of McKinney, a copy of which Resolution is attached hereto, marked "Exhibit A" and made a part hereof; and

WHEREAS, the attached Resolution of the City of Weston also ratifies and confirms such Ultimate Boundary Agreement and declaratory judgment.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1.

The Town of Prosper hereby supports, concurs with and fully endorses the attached resolution adopted by the City of Weston on August 10, 2010.

SECTION 2.

The Mayor of the Town of Prosper is directed to send copies of this Resolution to the Mayors of the cities of Weston, McKinney, and Celina.

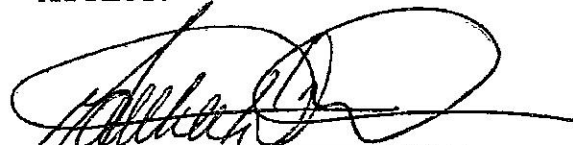
SECTION 3.

This resolution shall be effective from and after its passage and adoption by the Town Council.

RESOLVED AND ENTERED this the 12th day of October, 2010.

ATTEST:

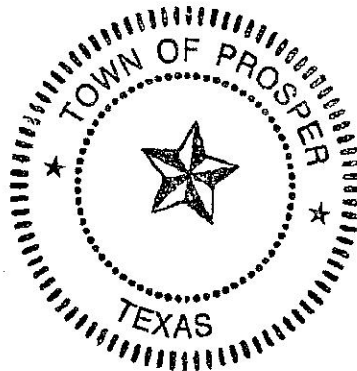
TOWN OF PROSPER



**Matthew D. Denton, TRMC
Town Secretary**



Ray Smith, Mayor



Sep 23 10 12:08p

Leeann Oland

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RESOLUTION NO. 2010-08-01

A RESOLUTION OF THE CITY OF WESTON, TEXAS, RATIFYING AND CONFIRMING THE 2004 ULTIMATE BOUNDARY AGREEMENT BETWEEN THE CITIES OF WESTON, MCKINNEY, CELINA AND PROSPER AND THE DECLARATORY JUDGMENT IN CAUSE NO. 199-00878-03 IN THE DISTRICT COURT OF COLLIN COUNTY, TEXAS; DECLARING NULL AND VOID THE DECEMBER 11, 2007 ACTION OF THE WESTON CITY COUNCIL REGARDING A REQUEST FOR A BOUNDARY ADJUSTMENT WITH THE CITY OF MCKINNEY AND A REQUEST FOR THE RELEASE OF CERTAIN PROPERTY FROM THE CITY OF WESTON'S BOUNDARY AND EXTRATERRITORIAL JURISDICTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, in 2001 the cities of Celina, McKinney, Prosper and Weston entered into an Ultimate Boundary Agreement which fixed their ultimate common boundaries and their respective future annexations; and

WHEREAS, on April 20, 2004, the District Court of Collin County, Texas, 199th District, in cause No. 199-00878-03, styled *In Re: Collin County, Texas, Celina, Texas, McKinney, Texas, Prosper, Texas, and Weston, Texas*, entered a declaratory judgment which fixed and confirmed the common boundaries of those cities; and

WHEREAS, the declaratory judgment entered by the 199th District Court was not appealed and is a valid final judgment; and

WHEREAS, on May 1, 2010, the then-Mayor of the City of Weston sent a letter to the City of McKinney, stating that on December 11, 2007, the Weston City Council had released Mr. Norman Gidney's property (I.D. # 1054012 and 2121281) from the City of Weston's boundary and ETJ and had approved a boundary adjustment between the City of Weston and the City of McKinney; and

WHEREAS, the City Council finds it necessary to clarify the effect of the City Council action on December 11, 2007 and the then-Mayor's letter of May 7, 2010.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS THAT:

Sep 23 10 12:08p

Leeann Oland

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SECTION 1.

The above recitals are true and correct and are made a part of this Resolution to the same extent as if copied in this Section.

SECTION 2.

The City Council hereby ratifies and confirms the 2001 Ultimate Boundary Agreement between the cities of Celina, McKinney, Prosper and Weston, and the 2004 Declaratory Judgment of the District Court of Collin County, 199th District, in cause No. 199-00878-03.

SECTION 3.

The City Council hereby declares the action of the City Council on December 11, 2007 to be null and void because it violates the provisions of the Ultimate Boundary Agreement and is inconsistent with the Declaratory Judgment of the District Court of Collin County, 199th District, and the City Council hereby rescinds the December 11, 2007 City Council action.

SECTION 4.

The City Council hereby denies the request to release the property owned by Norman Gibney from the boundary and extraterritorial jurisdiction of the City of Weston, and hereby denies the request for a boundary adjustment between the City of Weston and the City of McKinney.

SECTION 5.

The Mayor is directed to send copies of this Resolution to the Mayors of the cities of Celina, McKinney, and Prosper

SECTION 6.

This resolution shall be effective from and after its passage and adoption by the City Council.

RESOLVED AND ENTERED this the 10th day of August, 2010.

ATTEST:

Leeann Oland
City Secretary

CITY OF WESTON

Patti Harrington
MAYOR





May 1, 2010

City of McKinney
221 N. Tennessee
McKinney, TX 75069
c/o Mark Houser

Re: Norman Gidney's Property
Property I.D. # 1054012 and 2121261

Mr. Houser,

On 12-11-07 the Weston City Council approved the release of Mr. Gidney's property from the City of Weston's boundary and ETJ. The council has approved that a boundary adjustment between the City of Weston and McKinney must be done. The council has authorized the City's legal council to do what is necessary to complete this task.

Sincerely

A handwritten signature in black ink, appearing to read "Scott Morrissey". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Scott Morrissey
Mayor
City of Weston