



ORDINANCE NO. 2013-07-01

AN ORDINANCE PROVIDING FOR THE ANNEXATION INTO THE CITY OF WESTON PROPERTY DESCRIBED BELOW AND DEPICTED IN EXHIBITS "A" AND "B," LOCATED WITHIN THE CURRENT ETJ OF THE CITY OF WESTON, TEXAS, FOR ALL MUNICIPAL PURPOSES; APPROVING A SERVICE PLAN FOR SUCH TERRITORY; PROVIDING FOR FILING NOTICE OF THIS ANNEXATION IN DEED RECORDS OF COLLIN COUNTY AND WITH THE COLLIN COUNTY APPRAISAL DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; 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, the property owner has submitted a proper petition requesting the annexation of the hereinafter described property; and

WHEREAS, after proper notice was provided in accordance with Chapters 43 of the Texas Local Government Code, public hearings on the proposed annexations were held before the Weston City Council; and

WHEREAS, all of the property described herein is adjacent to and within the exclusive extraterritorial jurisdiction of the City of Weston; and

WHEREAS, a Service Plan has been prepared and is attached to and adopted with this Ordinance; and

WHEREAS, all requirements of law have been met to authorize this annexation, including compliance with the provisions of Chapter 43 of the Texas Local Government Code.

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

**SECTION 1.
ANNEXATION**

That all portions of the following parcel (the "Territory") located in Collin County, Texas, are hereby annexed to the City of Weston as a part of the city for all municipal purposes, and the city limits are extended to include such Territory: being approximately 70.514 acres of land situated in Collin County, Texas, and being known as part of the Joseph House Survey, Abstract No. 439, Collin County, Texas, and being part of the 74 acre tract described as First Tract in a deed to Charlseay Adams, recorded in volume 528, Page 217 of the Deed Records of Collin County, Texas as more particularly described in Exhibit "A" and depicted on Exhibit "B," attached to and incorporated in this Ordinance for all purposes.

**SECTION 2.
RIGHTS AND DUTIES OF OWNERS AND
INHABITANTS IN NEWLY ANNEXED AREA**

The owners and inhabitants of the Territory are entitled to all of the rights and privileges of all other citizens and property owners of the City of Weston, and are bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be subsequently adopted.

**SECTION 3.
OFFICIAL MAP**

The official map and boundaries of the City, previously adopted, are amended to include the Territory as a part of the City of Weston, Texas. The City Secretary is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the town to add the territory annexed as required by law. A copy of the revised map shall be filed with the Collin County Appraisal District.

**SECTION 4.
FILING CERTIFIED COPY**

The City Secretary is directed to file or cause to be filed a certified copy of this ordinance in the office of the county clerk of Collin County, Texas and with the Collin County Appraisal District.

**SECTION 5.
SERVICE PLAN**

The Service Plan for the Territory, attached as Exhibit "C" and incorporated in this Ordinance, is approved in all things and made a part of this ordinance for all purposes.

**SECTION 6.
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances of the City of Weston, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 7.
SEVERABILITY CLAUSE**

Should any section or part of this ordinance be held unconstitutional, illegal or invalid, or the application thereof, the unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portions, the same shall be and remain in full force and effect.

**SECTION 8.
AREAS EXCEPTED FROM ANNEXATION**

Should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Weston, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to the remainder of such area. The City Council hereby declares it to be its purpose to annex to the City of Weston every part of the area described in Section 1 of this ordinance, regardless of whether any part of such described area is hereby not effectively annexed to the City. Provided, further, that if there is included within the general description of territory set out in Section 1 of this ordinance to be hereby annexed to the City of Weston any lands or area which are presently part of and included within the limits of any other City, Town or Village, for which permission is not granted for Weston to annex the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described herein, if permission has not been granted.

**SECTION 9.
EFFECTIVE CLAUSE**

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED by Council this the 9th day of July, 2013

APPROVED BY:

Patti Harrington
Patti Harrington, Mayor

ATTESTED BY:

Michele Smith
Michele Smith, City Secretary



EXHIBIT "A"
DESCRIPTION

29954

D-3740

STATE OF TEXAS *

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN *

That I, GRADY H. VAUGHN, ^{III} for and in consideration of the sum of ~~100.00~~ \$10.00 cash in hand to me paid by H. SAM DAVIS, JR., the receipt of which is hereby acknowledged, and other good and valuable consideration, the receipt and sufficiency of which is also hereby acknowledged, HAVE GRANTED, SOLD AND CONVEYED and do by these presents grant, sell and convey unto the said H. SAM DAVIS, JR., the following described real estate, to-wit:

SITUATED in Collin County, Texas, and being known as part of the Joseph House Survey, Abst. No. 439, Collin County, Texas, and being part of the 74 acre tract described as First Tract in deed to Charlseay Adams, recorded in Volume 528, Page 217 of the Deed Records of Collin County, and being described more particularly as follows:

BEGINNING at the southeast corner of said 74 acre tract, a steel rod on the center line of a rock road running north and south along the dividing line between the east line of said House Survey and the west line of the Pleasant Taylor Survey, Abst. No. 1020, said beginning point being the northeast corner of the 189.453 acre tract conveyed to John Parker Burg by deed recorded in Volume 809, Page 583 of the said Deed Records;

THENCE NORTH 89 deg. 56 min. West, at 20.0 feet passing a steel rod on the west line of said road, and continuing along an old turn row mound, being the north line of said Burg tract, a total distance of 2582.6 feet to a pipe for corner on the east line of the 50.69 acre tract described in deed from J.P. Gainey et ux, to R. O. Roberts, recorded in Volume 434, Page 371 of said Deed Records;

THENCE NORTH 00 deg. 10 min. East, along the old turn row on the dividing line, as occupied, between the west line of said House Survey and the east line of the Jonas Dawson Survey, Abst. No. 265, being said Roberts line, at 1136.8 feet passing a steel rod on the south line of a public road, undedicated, 40.0 feet wide in use, in all a distance of 1156.8 feet to a steel rod for corner on the center line of said road being the south line of the 23 acre tract in the J. B. Harbert Survey, Abst. No. 389, conveyed by Charlseay McAdams to Veterans Land Board of the State of Texas and conveyed to Samuel A. Dunlap, II;

THENCE EASTERLY, along the center line of said road, a rock roadway, being the south line of said Dunlap tract and also the south line of the tract conveyed by said Charlseay McAdams to said Dunlap, as follows:

SOUTH 89 deg. 17 min. East, 620.6 feet to a steel rod at the beginning of a curve: to the left;

EASTERLY, along said curve, having a radius of 2476.8 feet, an arc distance of 399.14 feet, said arc having a central angle of 09 deg. 14 min. to a steel rod at the end of said curve;

EXHIBIT "A"
DESCRIPTION

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NORTH 81 deg. 29 min. East, 140.5 feet to a steel rod at the beginning of a curve to the right;

EASTERLY, along said curve, having a radius of 2723.7 feet, arc distance of 399.31 feet, said arc having a central angle of 08 deg. 24 min. to a steel rod at the end of said curve;

NORTH 89 deg. 53 min. East, 798.1 feet to a steel rod at the beginning of a curve to the right, and being 12.0 feet east of the southeast corner of the entire Dunlap tract;

AND SOUTHEASTERLY, along said curve, having a radius of 209.8 feet an arc distance of 323.57 feet, said arc having a central angle of 88 deg. 22 min. to a steel rod at the end of said curve on the center of said north and south road;

AND SOUTHERLY, along the center line of said road, SOUTH 01 deg. 45 min. East, 544.9 feet to a steel rod at an angle, and,

SOUTH 00 deg. 05 min. West, 483.6 feet to the place of beginning; and,

CONTAINING 70.514 acres of land.

SUBJECT, however, to the following:

1. Any portion of the property lying within the bounds of a public road.
2. Easement to Texas Power & Light Company by Charlseay McAdams dated November 24, 1969, and filed under County Clerk's File No. 14080 on December 22, 1969.
3. Power Line as shown on survey prepared by Charles J. Pisors, dated August 13, 1973.
4. Unrecorded easement dated April 26, 1948, from Mrs. Iva McAdams to Grayson-Collin Electric Corporation, Inc.
5. One-half interest in and to the mineral rights upon the property described herein reserved in Warranty Deed dated August 29th, 1973, executed by Charlseay McAdams to Grady H. Vaughn, III, filed under County Clerk's File No. 19633 on August 31, 1973.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said H. SAM DAVIS, JR., his heirs and assigns forever.

And I do hereby bind myself, my heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the said H. SAM DAVIS, JR., his heirs and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS MY HAND this the 24th day of August, 1979.


GRADY H. VAUGHN

EXHIBIT "A"
DESCRIPTION

FILED

1970 SEP -7 AM 11:04

JAS. REWER, CLERK FOURTH COURT
CULLUM COUNTY, TEXAS

BY *[Signature]* DEPUTY

DO NOT PUBLISH

GRADY H. VAUGHN

ITC

H. SAM DAVIS, JR.

DEED

RETURN TO:

*Mr. B. R. Bonner
T. P. & L. Co
Fidelity Union Life Bldg
Dallas, Texas*

ABERNATHY & ROEDER
ATTORNEYS AND COUNSELORS

112 WEST VIRGINIA
MCKINNEY, TEXAS 75069

[Signature]

EXHIBIT "B"
DEPICTION

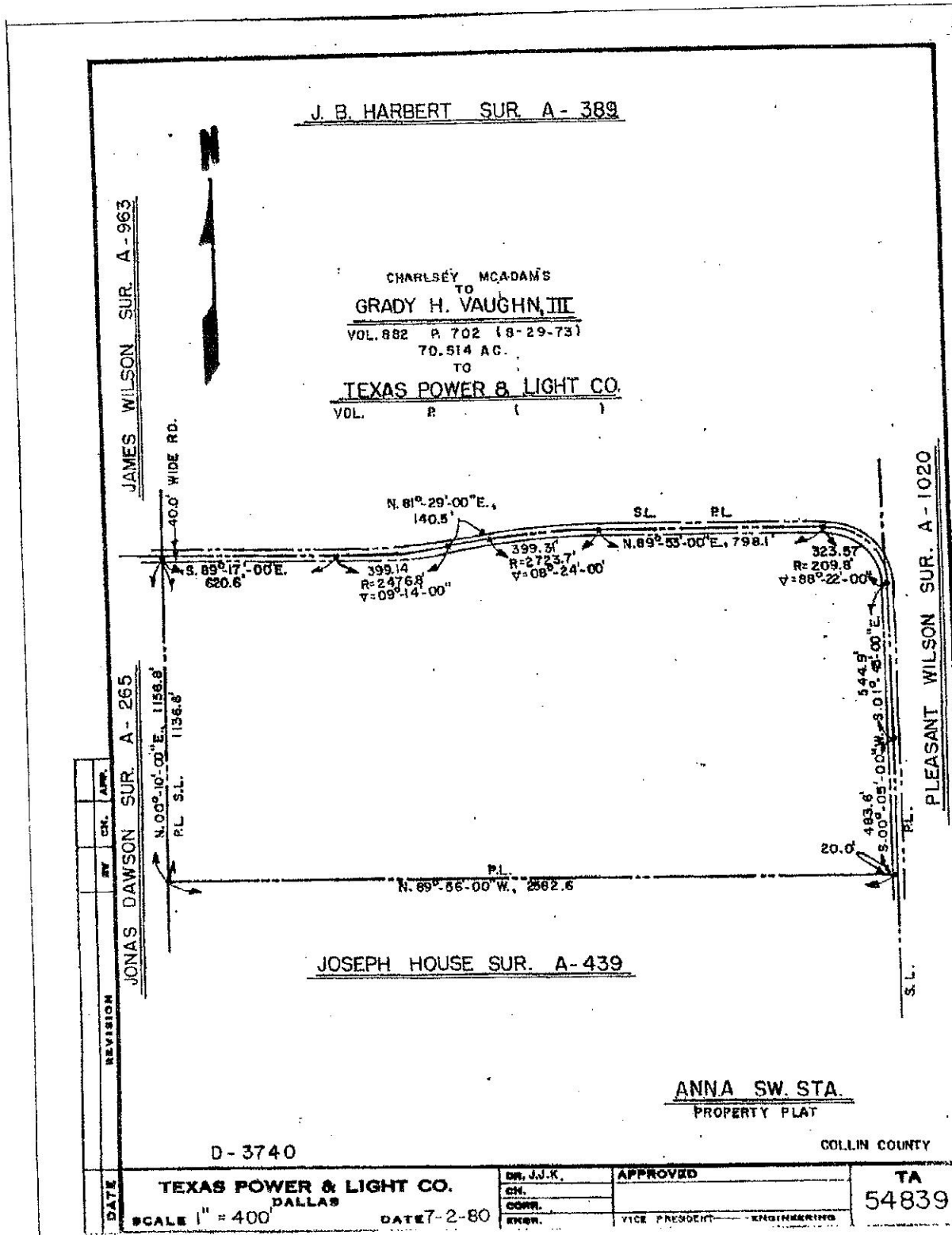


EXHIBIT "C"
CITY OF WESTON
SERVICE PLAN

For land in the City of Weston, Texas, described in the attached and incorporated Exhibit "A".

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City of Weston, Texas does not provide police protection within the City. Police protection may be available through the Collin County Sheriff's Office.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City of Weston, Texas does not provide fire or EMS service protection. Fire protection may be available through the Weston Volunteer Fire Department.

3. SOLID WASTE COLLECTION

At the present time the City of Weston, Texas, is using a designated, specified contractor for collection of solid waste and refuse within the city limits of the City of Weston, Texas. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the newly annexed area to the extent that the City's contractor has access to the area to be serviced.

4. MAINTENANCE OF WATER AND WASTE WATER FACILITIES

The City does not own or maintain any water or wastewater facilities. Water service may be available through North Collin Water Supply.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City of Weston, Texas, or which are owned by the City of Weston, Texas, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City of Weston, Texas, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council of the City of Weston, Texas, is not aware of the existence of any parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City of Weston, Texas, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City of Weston, Texas.

7. MAINTENANCE OF MUNICIPALLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council of the City of Weston, Texas, is not aware of the existence of any municipally owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such municipally owned facility, building or municipal service does exist and are public facilities, the City of Weston, Texas, will maintain such areas to the same extent and degree that it maintains publicly owned facilities, buildings or municipal services of the City now incorporated in the City of Weston, Texas.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council of the City of Weston, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement for the purposes of providing police protection, fire protection, or emergency medical services. Because the City of Weston does not provide police, fire or EMS services, the City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City of Weston, Texas, with the same or similar topography, land use and population density, without reducing by more than a negligible amount the level of fire, police and emergency services provided within the corporate limits of the City.

2. WATER FACILITIES

The City Council of the City of Weston, Texas, has determined that water is available for point of service extension from the appropriate third party provider in accordance with the City's utility polices and ordinances. Therefore, capital improvements are not necessary to provide full municipal services for water.

3. WASTE WATER FACILITIES

The City Council of the City of Weston, Texas, has determined that wastewater service is unavailable for any area of the City, including the newly annexed area. As a result, capital improvements are not necessary to provide equivalent wastewater service.

4. ROADS AND STREETS

Within 2 ½ years, the City of Weston, Texas, with a cooperative effort of the City's designated utility company, will undertake to provide the same degree of road and street lighting as is provided in areas of similar topography, land use and population density within the present corporate limits of the City of Weston, Texas. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and subdevelopment of the annexed property. Developers will be required pursuant to the ordinances of the City of Weston, Texas, to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City of Weston, Texas, for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

5. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

SPECIFIC FINDINGS

The City Council of the City of Weston, Texas finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided other areas of the City of Weston, Texas. These differences are specifically dictated because of differing characteristics of the property and the City of Weston, Texas will undertake to perform consistent with this contract so as to provide the newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Weston, Texas who reside in areas of similar topography, land utilization and population.

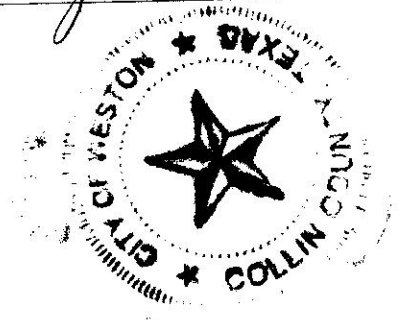
PASSED AND APPROVED by Council this the 9th day of July, 2013

APPROVED BY:

Patti Harrington
Patti Harrington, Mayor

ATTESTED BY:

Michele Smith
Michele Smith, City Secretary



Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
11/14/2013 03:04:02 PM
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Stacey Kemp