

ORDINANCE NO. 2017-09-01

AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, PURSUANT TO SECTION 42.022(b) OF THE TEXAS LOCAL OF GOVERNMENT CODE (“LGC”), EXTENDING THE EXTRATERRITORIAL JURISDICTION (“ETJ”) OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY; PROVIDING CUMULATIVE REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weston, Texas is 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 City received a Petition for Voluntary ETJ Expansion (“Petition”), pursuant to Section 42.022(b) of the LGC, from land owners as listed in Exhibit “A” (“Petitioner”) requesting the acceptance of land, less any portion of such land that may be presently in the corporate limits or extraterritorial jurisdiction of another city (“Property”) into the ETJ of the City of Weston, Collin County, TX, being that certain property described in Exhibit “A”: and

WHEREAS, LGC Ch. 42.022(b) permits a municipality to expand its extraterritorial jurisdiction beyond the distance limitations imposed by Section 42.021 to include an area contiguous to the otherwise existing extraterritorial jurisdiction of the municipality if the owners of the area request the expansion; and

WHEREAS, the City has reviewed said petition and has determined that the facts therein stated are true and correct; the Petitioner is the owner of the territory described in Exhibit “A” hereto; and that said territory is contiguous to the otherwise existing extraterritorial jurisdiction of the City of Weston, Collin County, TX, and, at the time of adoption of this Ordinance, not within the corporate limits or extraterritorial jurisdiction of any other municipality; and

WHEREAS, the City has determined that it will be in the best interest of the City and the territory described in Exhibit “A” attached hereto if the city extends and expands its ETJ to include such territory.

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

SECTION 1 ACCEPTANCE

The City of Weston hereby accepts the Property into and as part of the ETJ of the City of Weston, Collin County, TX, hereby extending its ETJ to include the property described in Exhibit “A”, and depicted in Exhibit “B”, less and except any portion of the property that may presently be in the corporate limits or ETJ of another city. The written requests of the owners of each tract is attached as Exhibit B to this Ordinance and incorporated herein for all purposes.

SECTION 2 CUMULATIVE REPEALER CLAUSE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 3 PROVISIONS SEVERABLE

It is hereby declared to be the intention of the City Council that the phrases, clauses, paragraphs and sections 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 or 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.

**SECTION 4
SAVINGS CLAUSE**

All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of any ordinance that has accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6
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's ETJ, 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's ETJ every part of the area described in Exhibit A of this ordinance, regardless of whether any part of such described area is hereby not effectively annexed to the City's ETJ. Provided, further, that if there is included within the general description of territory set out in Exhibit A of this ordinance to be hereby annexed to the City of Weston's ETJ any lands or area which are presently part of and included within the limits of any other City, Town or Village, or which are not within the City of Weston's jurisdiction 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.

**SECTION 7
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by Council this, the 12th day of September, 2017.



APPROVE

Patti Harrington
Patti Harrington, Mayor

ATTEST

Susan Coffey
Susan Coffey, City Secretary

Oldest City in Collin County

EXHIBIT "A"

Property Owner BOGARD CURTIS & PATRICIA A
Situs Address 3246 CR 205
Geographic Property ID R-6265-000-0260-1
Collin CAD Parcel ID 2655153
Abstract A0265
Survey JONAS DAWSON SURVEY
Tract 26
Acres 2.06

Property Owner VENEZIA BART J ETAL
Situs Address 3362 CR 205
Geographic Property ID R-6265-000-0240-1
Collin CAD Parcel ID 1750162
Abstract A0265
Survey JONAS DAWSON SURVEY
Tract 24
Acres 8.38

Property Owner RAGER DENNIS E & MIDGE M
Situs Address 3142 CR 205
Geographic Property ID R-2162-000-0020-1
Collin CAD Parcel ID 1931878
Abstract S2162
Survey THOMPSON #1
Tract 2
Acres 0.85599174

Property Owner COFFIN DANY P & TITA N
Situs Address 3172 CR 205
Geographic Property ID R-2162-000-0010-1
Collin CAD Parcel ID 1931869
Abstract S2162
Survey THOMPSON #1
Tract 1
Acres 1

Property Owner O'BRIEN KEVIN S
Situs Address 3120 CR 205
Geographic Property ID R-6265-000-0100-1
Collin CAD Parcel ID 2677058
Abstract A0265
Survey JONAS DAWSON SURVEY
Tract 10
Acres 7.38

Property Owner O'BRIEN KEVIN S
Situs Address 3126 CR 205
Geographic Property ID R-6265-000-0700-1
Collin CAD Parcel ID 2677059
Abstract A0265
Survey JONAS DAWSON SURVEY
Tract 70
Acres 1.00

EXHIBIT "B"

