

RESOLUTION NO. 2021-12-01

A RESOLUTION OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, DENYING CONSENT TO THE CREATION OF COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 7 COMPRISING APPROXIMATELY 184 ACRES OF LAND LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF WESTON; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weston (the "City") received a Petition for Consent to the Creation of a Political Subdivision in the Extraterritorial Jurisdiction of the City of Weston, Texas on September 30, 2021 attached hereto as Exhibit A (the "Petition"), requesting the City's consent to the creation of Collin County Municipal Utility District No. 7 (the "Proposed District") comprised of approximately 184 acres of land located wholly within the City's ETJ as more particularly described in the Petition (the "Property"); and

WHEREAS, the Proposed District would be created for all of the purposes set forth in Article XVI, Section 59 and Article III, Section 52, Texas Constitution; Chapters 49 and 54, Texas Water Code, as amended; and purposes and authority concurrently or subsequently acquired and approved for roadways by Chapter 54, Water Code or other applicable law; and

WHEREAS, creation of Proposed District within the City ETJ or the City's corporate limits requires the consent of the City; and

WHEREAS, the Petition states that the Proposed District would be designated a non-city service subdivision because the Proposed District does not currently propose to connect to the City's water or sewer system or propose to contract with a regional water and wastewater facilities provider serving the area within the Proposed District, as of the date the Petition is filed; and

WHEREAS, the City has determined that the land described in the Petition is not located wholly within the City's ETJ, and that a portion of the land described in the Petition is located in the City's corporate limits; and

WHEREAS, the City has determined that the Property is located within the state certificated service areas of retail public utilities for water and wastewater service; and

WHEREAS, the City has determined that it will promote the health, safety, and welfare of the residents of the City of Weston to withhold consent to the creation of the Proposed District as requested by the Petition.

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

SECTION 1 FINDINGS OF FACT

The foregoing recitals are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.

SECTION 2 DENIAL OF PETITION

The City Council of the City of Weston, Texas, hereby DENIES the relief requested in the Petition and WITHHOLDS CONSENT to the creation of the Proposed District.

SECTION 3 EFFECTIVE DATE

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

APPROVED AND ADOPTED this 14th day of DECEMBER, 2021.



APPROVE

James M. Marischen, Mayor

ATTEST

Susan Coffer, City Secretary

**EXHIBIT A
R-2021-12-01**

**PETITION FOR CONSENT TO CREATION OF POLITICAL SUBDIVISION
IN THE EXTRATERRITORIAL JURISDICTION
OF THE CITY OF WESTON, TEXAS**

THE STATE OF TEXAS

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COUNTY OF COLLIN

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TO THE HONORABLE MAYOR AND
CITY COUNCIL OF THE CITY OF WESTON:

The undersigned petitioner (herein the "Petitioner", whether one or more), being a majority of the persons who hold title to land(s) situated within the area hereinafter described, which represents a total value of more than 50% of the value of all such area, and being a majority in value of the holders of title of the land within said area as indicated by the tax rolls of the Collin County Appraisal District, acting pursuant to the applicable provisions of the Texas Water Code, as amended, and Section 42.042, Texas Local Government Code, together with all amendments and additions thereto, respectfully petitions this Honorable Body for consent to the creation of a conservation and reclamation district and political subdivision of the State of Texas under Article XVI, Section 59 and Article III, Section 52 of the Texas Constitution within the extraterritorial jurisdiction of the City of Weston, Texas (the "City"), and would respectfully show the following:

I.

The name of the proposed district shall be "COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 7" (the "District"). There is no other conservation or reclamation district in Collin County, Texas with the same name.

II.

The District shall be created and organized and shall exist under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code, as amended, together with all amendments and additions thereto.

III.

The District shall contain an area of approximately 184 acres of land, situated within Collin County, Texas, described by metes and bounds in **Exhibit "A"**, which is attached hereto and made a part hereof for all purposes. The described property is wholly located within the extraterritorial jurisdiction of the City of Weston, Texas.

IV.

The undersigned constitute the current landowners of the property to be included within the District. There are no lienholders on the property.

V.

The District shall be created for all of the purposes set forth in Article XVI, Section 59 and Article III, Section 52, Texas Constitution; Chapters 49 and 54, Texas Water Code, as amended; and purposes and authority concurrently or subsequently acquired and approved for roadways by Chapter 54, Water Code or other applicable law.

VI.

The general nature of the work proposed to be done by the District at the present time is the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; the construction, installation, maintenance, purchase and operation of drainage and roadway facilities and improvements; and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consonant with the purposes for which the District is organized.

VII.

There is a necessity for the improvements described above for the following reasons: The area of the District is urban in nature and is in close proximity to populous and developed sections of Collin County. The District's area will, within the immediate future, experience a substantial and sustained residential and commercial growth. Said area is not supplied with adequate water and sanitary sewer facilities and services or with adequate drainage facilities and does not have adequate fire suppression facilities, parks and recreational land and facilities, or roads or improvements in aid thereof. The health and welfare of the future inhabitants of the area and of territories adjacent thereto require the installation and acquisition of an adequate water supply and sewage disposal system, an adequate drainage system for and within the area of the District, adequate fire suppression facilities, adequate parks and recreational land and facilities, and roads or improvements in aid thereof.

A public necessity exists for the organization of such District to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system, such drainage facilities, such fire suppression facilities, parks and recreational land and facilities, and roads or improvements in aid thereof, in order to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VIII.

Said proposed improvements are practicable and feasible, in that the terrain of the territory to be included in the District is of such a nature that a waterworks, sanitary sewer, drainage, storm sewer and roadway system can be constructed at a reasonable cost, currently estimated at \$41,400,000, with reasonable ad valorem tax and assessment rates and water and sewer rates, and said territory will be developed for residential and commercial purposes. The District shall be designated a noncity service district in the meaning of Section 54.106, Texas Water Code, as the District does not currently propose to connect to the City's water or sewer system or propose to contract with a regional water and wastewater facilities provider serving the area within the District, as of the date this Petition is filed.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City of Weston give its written consent to the creation of the District, and for such other orders, acts, procedure and relief as are proper and necessary and appropriate to the purpose of creating and organizing the District and to the execution of the purposes for which the District shall be organized.

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EXECUTED THIS 5 day of August, 2021.

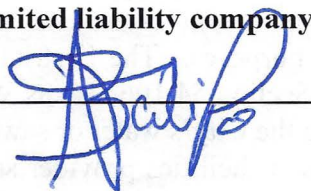
PETITIONER:

HONEYCREEK VENETIAN, LLC,
a Wyoming limited liability company

By: _____

Name: _____

Title: _____



THE STATE OF TEXAS

COUNTY OF Dallas

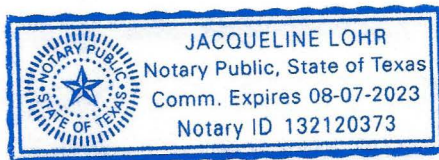
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This instrument was acknowledged before me on this the 5 day of August, 2021, by Armin Afzalipour, Co-President of Honeycreek Venetian, LLC., on behalf of said partnership.



Notary Public, State of Texas

(SEAL)



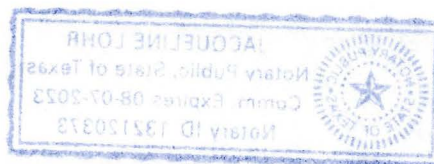
thereof, in order to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VIII.

Said proposed improvements are practicable and feasible, in that the terrain of the territory to be included in the District is of such a nature that a waterworks, sanitary sewer, drainage, storm sewer and roadway system can be constructed at a reasonable cost, currently estimated at \$____,000,000, with reasonable ad valorem tax and assessment rates and water and sewer rates, and said territory will be developed for residential and commercial purposes. The District shall be designated a noncity service district in the meaning of Section 54.106, Texas Water Code, as the District does not currently propose to connect to the City's water or sewer system or propose to contract with a regional water and wastewater facilities provider serving the area within the District, as of the date this Petition is filed.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City of Weston give its written consent to the creation of the District, and for such other orders, acts, procedure and relief as are proper and necessary and appropriate to the purpose of creating and organizing the District and to the execution of the purposes for which the District shall be organized.

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EXECUTED THIS 4 day of August, 2021.

PETITIONER:

LAURENCE PAUL WHITAKER

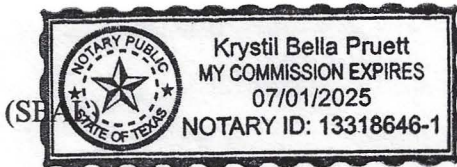
By: *Laurence Paul Whitaker*
Laurence Paul Whitaker
In His Individual Capacity

THE STATE OF TEXAS

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COUNTY OF COLLIN

Sworn to and subscribed before me on the 4th day of AUGUST, 2021
by Lawrence Paul Whitaker, in his individual capacity.



Krystil Bella Pruett
Notary Public, State of Texas

EXHIBIT "A"

TRACT 1:

Lot 4, of WESTON PIRATES, an Addition to the City of Weston, Collin County, Texas, according to the Plat thereof recorded in Volume 2019, Page 156, of the Plat Records of Collin County, Texas.

TRACT 2:

BEING a tract or parcel of land situated in Collin County, Texas, being part of the Jonas Dawson Survey, Abstract No. 265 and being all of that tract of land described as "Tract 5" in deed to Perry N. Bolin, Jerry D. Bolin and Kathy Bolin Hallman recorded in Volume 1031, Page 253 of the Deed Records of Collin County Texas and further described in deed to Perry Bolin and Edna Katherine Bolin recorded in Volume 625, Page 174 of the Deed Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner in the center of Collin County Road Number 205, being the Southeasterly corner of said Bolin tract and the Southeasterly corner of that tract of land described in deed to Russell D. and Laura Easton recorded in Volume 4660, Page 2326 of the Deed Records of Collin County, Texas;

THENCE North 00 deg. 40' 18" East along the Westerly line of said Bolin tract and the Easterly line of said Easton tract and along the Easterly line of those tracts of land described in deeds to James V. and Lisa J. Palmer, recorded in Volume 4620, Page 2547; John B. and Brenda Fritz, recorded in Volume 4492, Page 3841; Everett B. Johnson, Jr. and Rhonda L. Johnson, recorded in Volume 4617, Page 2674; David and Caroline Chandler recorded in Volume 5855, Page 1458; Christopher and Tracy Fisher recorded in Volume 5822, Page 3367; and Linton Lachausse recorded in Volume 5138, Page 1435 all of the Deed Records of Collin County, Texas and generally along or near a wire fence a distance of 2423.80 feet to a 1/2 inch iron rod found for corner, being the Northwesterly corner of said Bolin tract and the Southwesterly corner of that tract of land described in deed to Weston Land 146, L.P. recorded in Volume 4876, Page 2869 of the Deed Records of Collin County, Texas;

THENCE South 89 deg. 32' 39" East along the Northerly line of said Bolin tract and the Southerly line of said Weston Land 146, L.P. tract and generally along or near a wire fence a distance of 2770.41 feet to a point for corner in the center of a creek, being the Northeasterly corner of said Bolin tract and the Southeasterly corner of said Weston Land 146, L.P. tract and being in the Westerly line of that tract of land described in deed to Cay/Mem Joint Venture, Cay Trust No. 2, Nine Fifteen Trust for Michael Edward Marvin and Nine Fifteen Trust for Margaret Elizabeth Marvin recorded in Volume 5596, Page 5486 of the Deed Records of Collin County, Texas, from which a 1/2 inch iron rod with cap stamped "LONE STAR" found for reference bears North 89 deg. 32' 39" West, 125.00 feet;

THENCE in a Southerly Southwesterly direction along Easterly line of said Bolin tract and the Westerly line of said Cay/Mem Joint Venture, Cay Trust No. 2, Nine Fifteen Trust for Michael

Edward Marvin and Nine Fifteen Trust for Margaret Elizabeth Marvin tract and along the meanders of said creek the following courses:

South 49 deg. 24' 36" West, 7.45 feet;
South 15 deg. 19' 50" East, 55.18 feet;
South 06 deg. 48' 29" West, 28.86 feet;
South 30 deg. 43' 39" West, 21.11 feet;
South 09 deg. 53' 41" West, 112.76 feet;
South 15 deg. 56' 33" West, 103.71 feet;
South 08 deg. 03' 37" West, 111.60 feet;
South 14 deg. 54' 27" West, 96.92 feet;
South 08 deg. 03' 14" West, 163.67 feet;
South 20 deg. 51' 36" West, 101.73 feet;
South 16 deg. 05' 41" West, 195.45 feet;
South 16 deg. 10' 57" West, 112.69 feet;
South 07 deg. 15' 26" West, 112.73 feet;
South 02 deg. 41' 47" East, 47.19 feet;
South 27 deg. 32' 36" West, 43.88 feet;
South 08 deg. 33' 02" West, 82.38 feet;
South 37 deg. 32' 32" East, 37.29 feet;
South 01 deg. 00' 29" East, 29.80 feet;
South 27 deg. 16' 48" West, 41.39 feet;

THENCE South 60 deg. 27' 48" West continuing along said Easterly and Westerly line and said center of creek a distance of 31.95 feet to a point for corner in the Northerly line of that tract of land described in deed to Landon L. and Lauralea A. Holly recorded under County Clerk's File No. 96-0041624 Deed Records of Collin County, Texas and being the Southwesterly corner of said Cay/Mem Joint Venture, Cay Trust No. 2, Nine Fifteen Trust for Michael Edward Marvin and Nine Fifteen Trust for Margaret Elizabeth Marvin tract;

THENCE South 88 deg. 46' 40" West along an offset in the Westerly line of said Bolin tract and along the Northerly line of said Holly tract a distance of 26.39 feet to a 1/2 inch iron rod found for corner, at the Northwestern corner of said Holly tract;

THENCE South 01 deg. 21' 02" West continuing along the Easterly line of said Bolin tract and along the Westerly line of said Holly tract and generally along a wire fence a distance of 1245.80 feet to a 1/2 inch iron rod found for corner in said center of Collin County Road Number 205, being the Southeasterly corner of said Bolin tract and the Southwesterly corner of said Holly tract;

THENCE North 89 deg. 47' 51" West along the Southerly line of said Bolin tract and along the center of said Collin County Road Number 205 a distance of 2439.98 feet to the Point of Beginning and Containing 6,929,110 square feet or 159.070 acres of land, more or less.