

ORDINANCE NO. 2006-01-03

AN ORDINANCE PROVIDING FOR THE ANNEXATION INTO THE CITY OF WESTON, TEXAS TERRITORY DESCRIBED AS 329.1668 ACRES OF THAT CERTAIN 92.816 ACRE TRACT AND 823.48 ACRE TRACT SITUATED IN THE HEZEKIAH CULWELL SURVEY, ABSTRACT NO. 185 AND THE A.J. CULWELL SURVEY, ABSTRACT NO. 209 AND THE GRIZZELL KENNEDY SURVEY, ABSTRACT NO. 498, COLLIN COUNTY, TEXAS, FOR ALL MUNICIPAL PURPOSES; APPROVING A SERVICE PLAN FOR SUCH TERRITORY; 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 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, by proper petition, the property owner requested that his property be annexed into the City of Weston; and

WHEREAS, after proper notice was provided in accordance with Chapter 43 of the Texas Local Government Code, public hearings on the proposed annexation were held before the Weston City Council, said hearing dates being not more than forty days nor less than twenty days before the adoption of this ordinance on first reading; 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 presented at the public hearings and is attached to and adopted with this Ordinance; and

WHEREAS, all requirements of law have been met to require 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, being comprised of 329.1668 acres of that certain 92.816 acre tract and 823.48 acre tract situated in the Hezekiah Culwell Survey, Abstract No. 185 and the A.J. Culwell Survey, Abstract No. 209 and the Grizzell Kennedy Survey, Abstract No. 498, 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 more particularly described on Exhibit "A" 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 City to add the territory annexed as required by law.

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.

SECTION 5. SERVICE PLAN

The Service Plan, attached as Exhibit "B" 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, 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 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 this the 10TH day of JANUARY 2006.

Patti Harrington
Patti Harrington, Mayor

ATTEST:
Susan M Coffey
Susan M Coffey, City Secretary



RECEIVED

JUL 06 2005

City of Weston

PETITION REQUESTING EXPANSION OF ETJ
AND FULL ANNEXATION

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

TO THE MAYOR AND GOVERNING BODY OF THE CITY OF WESTON,
COLLIN COUNTY, TEXAS:

The undersigned owner of a portion of the hereinafter described tract(s) of land, being more particularly described by metes and bounds description in Exhibit "A" (the "Area"), attached hereto and incorporated herein by reference for all purposes of this Petition, does hereby petition your Honorable Body to 1) expand the extraterritorial jurisdiction of the City of Weston to include the Area; and 2) annex all parts of the Area into the City of Weston so that the entire Area shall be included within the incorporated City of Weston, Texas, and does hereby certify and represent the following:

1. The Area is contiguous to the existing corporate limits and extraterritorial jurisdiction of the City of Weston; and

2. The Area is not included in the extraterritorial jurisdiction of any other municipality; and

3. The Area is vacant and without residents or has less than three qualified resident voters; and

4. The Area is one-half mile or less in width.

Paul W Bayle

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

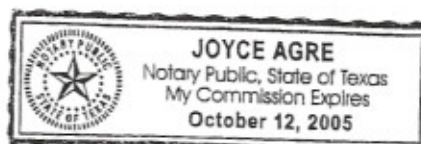
This instrument was acknowledged before me on the 6 day of July, 2005, by Joyce AGRE.

Joyce AGRE
Notary Public in and for the
State of Texas

My Commission Expires:

10-12-05

Joyce AGRE
Type or Print Notary's Name



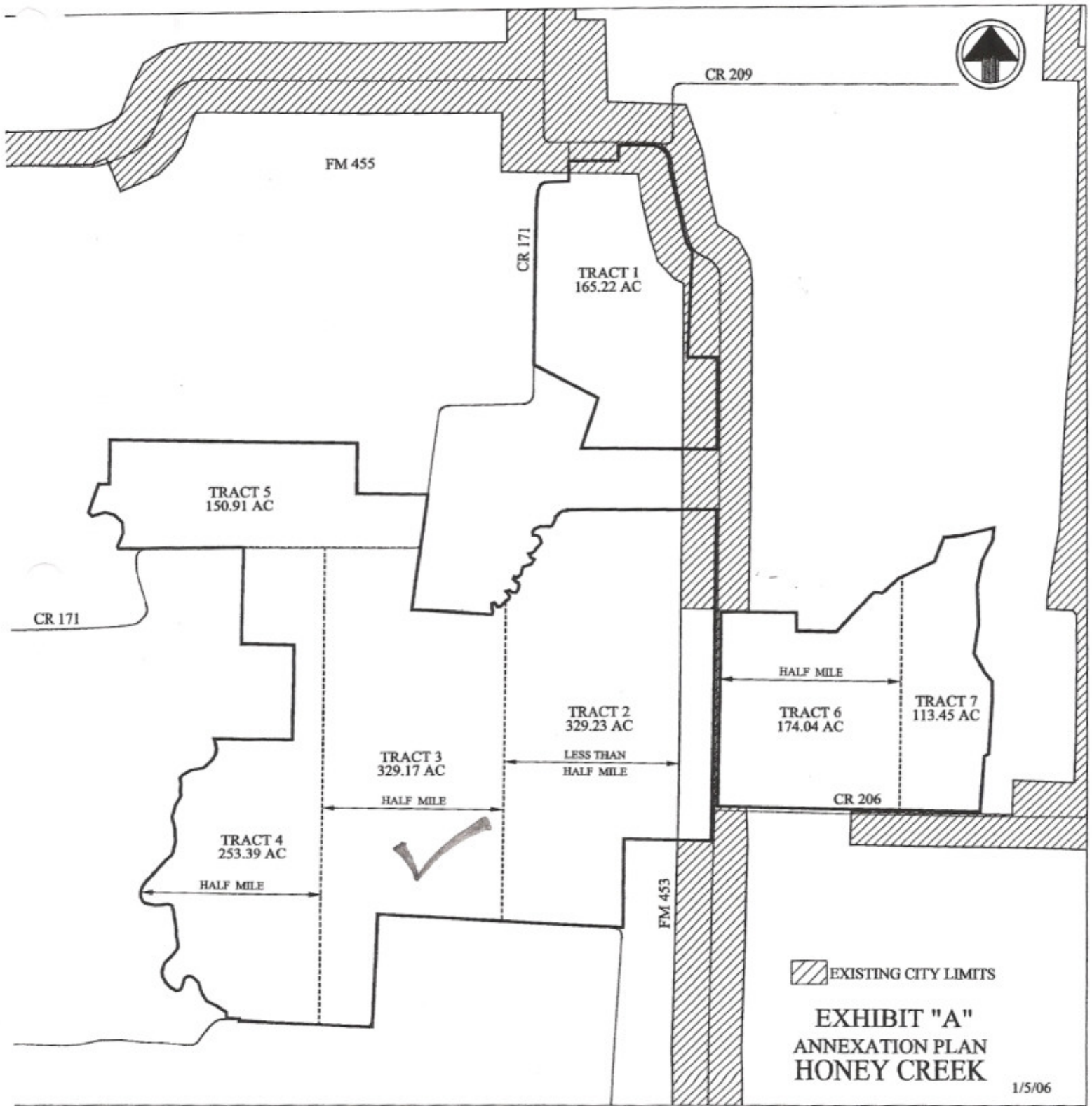


EXHIBIT "A"**PROPERTY DESCRIPTION
TOWN OF WESTON ANNEXATION
329.1668 ACRE TRACT 3**

BEING a part of that certain called 92.816 acre tract of land conveyed to Raymond E. Marshall by deed recorded in Volume 4539, Page 956, and a part of that certain called 823.48 acre tract of land conveyed to Honey Creek Ranch Corporation by deed recorded in Volume 4768, Page 3562, in the Hezekiah Culwell Survey, Abstract No. 185, the A.J. Culwell Survey, Abstract No. 209 and Grizzell Kennedy Survey, Abstract No. 498, situated in Collin County, Texas, and being more particularly described as follows:

COMMENCING at a Southeast corner of said 823.48 acre tract and the Northeast corner of that certain called 133 acre tract of land conveyed to L.M. King by deed recorded in Volume 1011, Page 643, and being on the West line of that certain called 135.2 acre tract of land conveyed to Bob B. Caveness by deed recorded in Volume 2964, Page 67;

THENCE along the North line of said 133 acre tract and the approximate centerline of County Road No. 170 as follows:

North 87°29'30" West, 1185.40 feet;

North 86°50'48" West, 518.95 feet;

North 87°01'16" West, 60.92 feet to the PLACE OF BEGINNING of this description;

THENCE, continuing along said centerline of County Road No. 170 as follows:

North 87°01'16" West along the North line of said 133 acre tract, 1440.07 feet;

North 86°55'02" West along said North line of said 133 acre tract, 385.39 feet to its Northwest corner;

South 2°44'24" West, 1610.72 feet to the Southwest corner of said 133 acre tract, said point being on the North line of that certain called 25.64 acre tract conveyed to John Kendall Dowell by deed recorded in County Clerk File No. 94-0028473 of the Deed Records of Collin County, Texas;

North 87°19'44" West, 763.97 feet;

THENCE North 0°53' East, 6986.14 feet to a point on the North line of said 823.48 acre tract and the South line of that certain called 132.349 acre tract conveyed to Honey Creek Ranch Corporation by deed recorded in Volume 5001, Page 2172 of the Deed Records of Collin County, Texas, and being on the approximate centerline of County Road No. 171;

THENCE South 89°07'02" East along said North line of said 823.48 acre tract, the centerline of County Road No. 171 and the South line of said 132.349 acre tract, 432.51 feet to an iron rod found at the Southeast corner of said 132.349 acre tract;

THENCE South 88°53'33" East, continuing along the North line of said 823.48 acre tract and said centerline of County Road No. 171, 925.11 feet to an iron rod found on the West line of that certain called 37.15 acre tract conveyed to Peter K. Knudsen by deed recorded in Volume 2605, Page 224 of the Deed Records of Collin County, Texas;

THENCE along the West and South line of said 37.15 acre tract as follows:

South 7°39'20" West, 924.35 feet to an iron rod found;

South 87°51'59" East, 301.88 feet to an iron rod found;

South 84°51'36" East, 229.52 feet to an iron rod found;

South 86°20'05" East, 640.82 feet to the Southeast corner of said 37.15 acre tract and being on the approximate centerline of a creek;

THENCE along the East line of said 37.15 acre tract and said centerline of said creek as follows:

North 10°28'54" East, 43.70 feet;

North 13°41'14" West, 48.22 feet to the Southwest corner of said 92.816 acre tract;

THENCE along the Westerly line of said 92.816 acre tract, the East line of said 37.15 acre tract and said centerline of said creek as follows:

North 4°30'18" East, 70.91 feet;

North 72°19'41" East, 34.34 feet;

South 35°04'35" East, 74.58 feet;

North 81°57'18" East, 52.96 feet;

North 43°49'57" East, 111.10 feet;

North 60°37'03" East, 19.25 feet;

THENCE South 0°53' West, 4701.64 feet to the PLACE OF BEGINNING, and containing 329.1668 acres of land, more or less.

BEARING BASIS: Bearings of record called out in deed of 823.48 acre tract conveyed to Honey Creek Ranch Corporation recorded in Volume 4768, Page 3562 of the Deed Records of Collin County, Texas.

**CITY OF WESTON
ANNEXATION SERVICE PLAN**

For land in the City of Weston, Texas, described in the attached and incorporated Exhibit "A," services mandated by Chapter 43 of the Texas Local Government Code will be provided in accordance with the following service plan and the attached and incorporated Development Agreement (Exhibit "B" hereto). To the extent the provisions of this service plan conflict with the provisions of the attached Development Agreement, that Development Agreement will control.

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 the Weston Water Supply Corp., Gunter Rural Water Supply or the North Collin Water Supply Corp.

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 sub-development 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.