

ORDINANCE NO 2006-04-01

AN ORDINANCE PROVIDING FOR THE ANNEXATION INTO THE CITY OF WESTON, TEXAS TERRITORY DESCRIBED AS 38.7290 ACRES OF THAT CERTAIN 31.769 ACRE TRACT, 16.70 ACRE TRACT, 16.70 ACRE TRACT, AND 823.48 ACRE TRACT SITUATED IN 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 38.7290 acres of that certain 31.769 acre tract, 16.70 acre tract, 16.70 acre tract, and 823.48 acre tract situated in 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 DATE

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

PASSED AND APPROVED this the 17th day of April 2006.

Patti Harrington
Patti Harrington, Mayor

ATTEST:
Susan M Coffey
Susan M Coffey, City Secretary



PETITION REQUESTING ANNEXATION

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

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

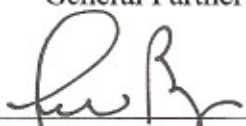
The undersigned owner of a portion of the hereinafter described tracts of land, being more particularly described in Exhibit "A" (the "Area"), attached hereto and incorporated herein by reference for all purposes of this Petition, does hereby petition your Honorable Body to annex all parts of the Area into the City of Weston, Texas and does here by certify and represent the following:

- 1. The Area contiguous to the existing corporate limits of City of Weston; and
- 2. The Area is not included in the extra territorial jurisdiction of any other municipality; and
- 3. The Area is vacant and without residents or has less than three qualified resident voters; and
- 3. All portions of the Area not owned by the City of Weston are owned by HONEY CREEK PARTNERS, L.P. and no other entity or person has an ownership interest in the Area.

EXECUTED as of 1/6/2006, 2006.

HONEY CREEK PARTNERS, L.P., a Texas limited partnership

By: Honey Creek Partners GP, Inc., a Texas corporation,
General Partner

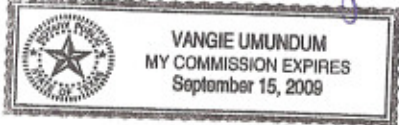
By: 
Jon W. Bayless, President

RECEIVED
JAN 30 2006
City of Weston

STATE OF TEXAS §
 §
COUNTY OF Dallas §

This instrument was acknowledged before me on the 10th day of January, 2006

by Jon W. Rayless.



Vangie Church
Notary Public in and for the State of Texas

My Commission Expires:
9-15-09

Type or Print Notary's Name:
Vangie Umundum

RECEIVED
JAN 30 2006
City of Weston

EXHIBIT "A"**PROPERTY DESCRIPTION
TOWN OF WESTON ANNEXATION
38.7290 ACRE TRACT 1**

BEING a part of that certain called 31.769 acre tract of land conveyed to Honey Creek Ranch Corporation by deed recorded in Volume 4929, Page 3986 of the Deed Records of Collin County, Texas, a part of that certain called 16.70 acre tract of land conveyed to Glidewell T. Fletcher by deed recorded in Volume 3985, Page 616, a part of that certain called 16.70 acre tract of land conveyed to Bobby J. Bradley by deed recorded in County Clerk File No. 95-0008551, 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 A.J. Culwell Survey, Abstract No. 209 and the Grizzell Kennedy Survey, Abstract No. 498, situated in Collin County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the centerline of F.M. Road No. 543 with the South line of said 31.769 acre tract, said point being on the existing boundary limit of the Town of Weston;

THENCE South $87^{\circ}52'41''$ West along said South line of said 31.769 acre tract and said existing boundary limit of the Town of Weston, 500.07 feet;

THENCE North $1^{\circ}08'17''$ East, 208.36 feet;

THENCE North $0^{\circ}56'45''$ East, 786.33 feet;

THENCE North $0^{\circ}52'21''$ East, 430.20 feet;

THENCE North $0^{\circ}40'27''$ East, 227.62 feet;

THENCE North $1^{\circ}00'24''$ East, 571.21 feet;

THENCE North $0^{\circ}53'00''$ East, 1145.50 feet to a point on the South line of that certain called 92.816 acre tract of land conveyed to Raymond E. Marshall by deed recorded in Volume 4539, Page 956 of the Deed Records of Collin County, Texas, and being on the existing boundary limit of the Town of Weston;

THENCE South $88^{\circ}59'20''$ East along said South line of said 92.816 acre tract and along said existing boundary limit of the Town of Weston, 500.00 feet to a point on the centerline of F.M. Road No. 543;

THENCE along said centerline of F.M. Road No. 543 as follows:

South $0^{\circ}53'$ West, 1144.92 feet;

South $1^{\circ}00'24''$ West, 570.30 feet;

South $0^{\circ}40'27''$ West, 227.04 feet;

South 0°52'21" West, 431.38 feet;

South 0°56'45" West, 787.49 feet;

South 1°08'17" West, 217.79 feet to the PLACE OF BEGINNING, and containing 38.7290 acres of land, more or less.



FM 455

CR 209



CR 171

TRACT 1
38.73 AC

CR 171

CR 206

FM 453

-  PROPOSED ANNEXATION
-  EXISTING CITY LIMITS

ANNEXATION AREA ~ 38.73 ACRES

EXHIBIT "A"
ANNEXATION PLAN
HONEY CREEK

1/23/2006

