

ORDINANCE NO. 2010-11-01

AN ORDINANCE PROVIDING FOR THE ANNEXATION INTO THE CITY OF WESTON, COLLIN COUNTY, TEXAS, OF LAND IN "EXHIBIT A" LOCATED IN COLLIN COUNTY TEXAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; 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, in accordance with the provisions of Chapter 43, Texas Government Code, the City of Weston has received a petition from qualified voters requesting that the property described in the attached Exhibit "A" be annexed into the City of Weston; and

WHEREAS, the area is located within the exclusive ETJ of the city of Weston and not within the ETJ of any other municipality; and

WHEREAS, a Service Plan "Exhibit B" has been prepared for the territory to be annexed 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:

201011000123050
11/10/2010 02:11:28 PM 00 1115

**SECTION I.
ANNEXATION**

All portions of the following territory located in Collin County, Texas, (the "Territory"), described in Exhibit "A", is hereby annexed to the City of Weston, Texas for all municipal purposes and the corporate city limits are hereby extended to include such territory:

described in Exhibit "A" incorporated in this Ordinance for all purposes.

**SECTION II.
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 III.
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 IV.
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 V.
SERVICE PLAN**

The Service Plan for the Territory, 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 VI.
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 VII.
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 VIII.
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, Texas every part of the area described in Section I 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 I 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 the City of Weston, or 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.

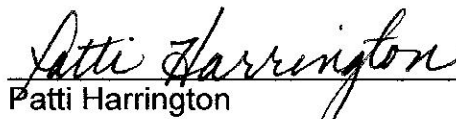
**SECTION IX.
ENGROSS AND ENROLL**

The City Secretary of the City of Weston is directed to engross and enroll this ordinance by copying the caption, publication clause and effective date clause in the minutes of the City Council and by filing the ordinance in the ordinance records of the City.

**SECTION X.
EFFECTIVE CLAUSE**

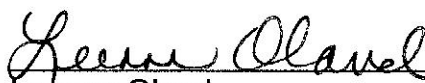
This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED ON THIS 9th DAY OF November, 2010.



Patti Harrington
MAYOR

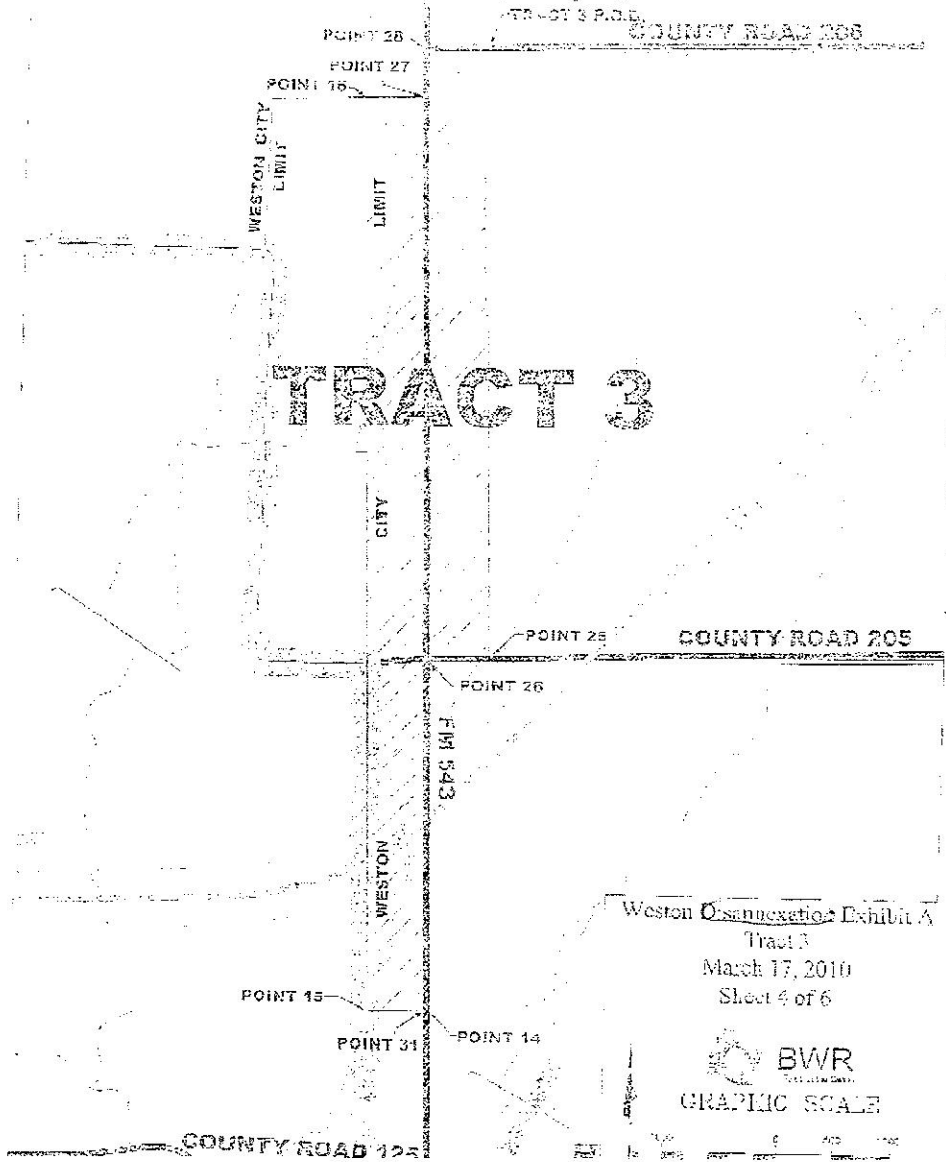
ATTEST:



Leeann Oland
CITY SECRETARY



EXHIBIT "A"

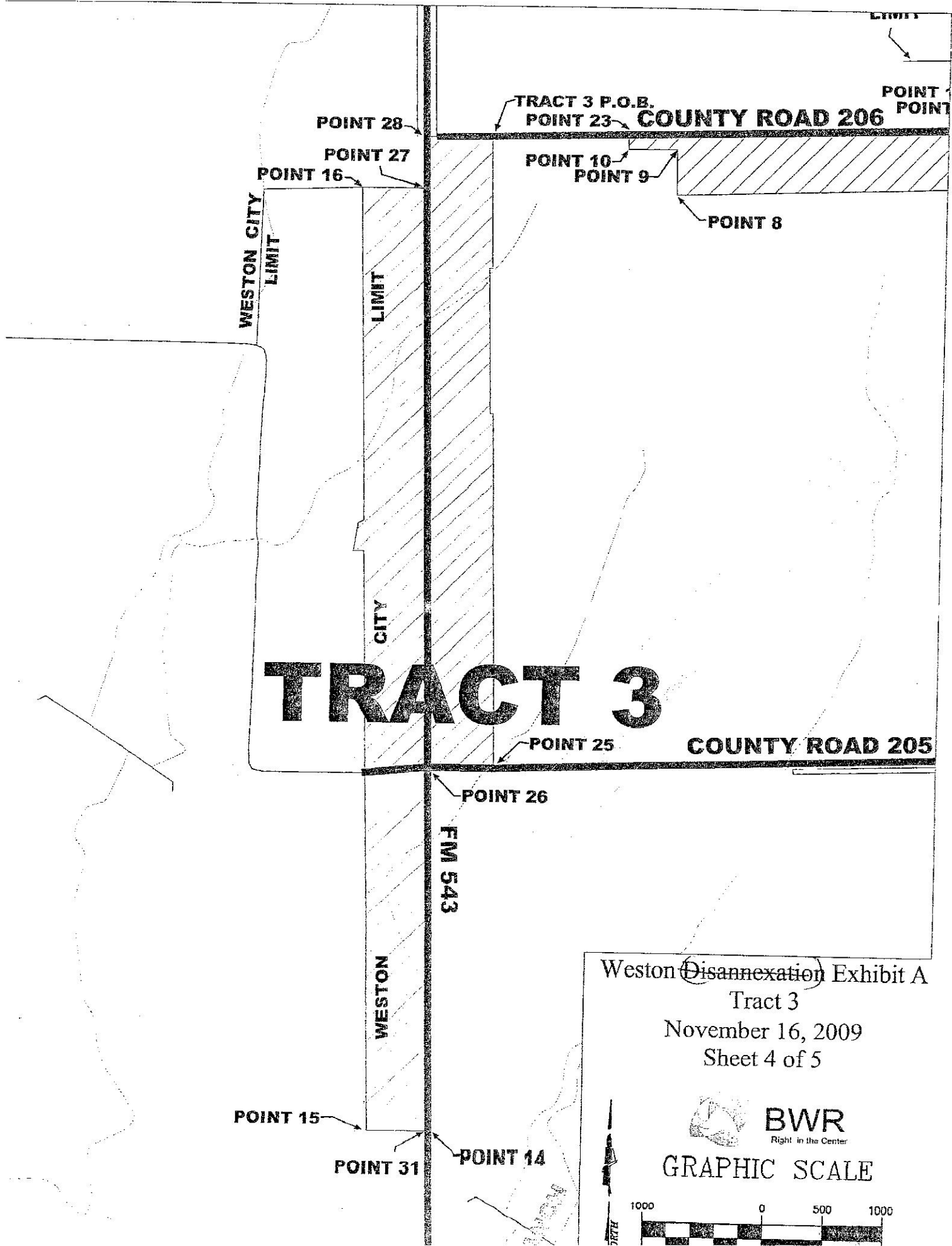


Weston annexation Exhibit "A"

Tract 3

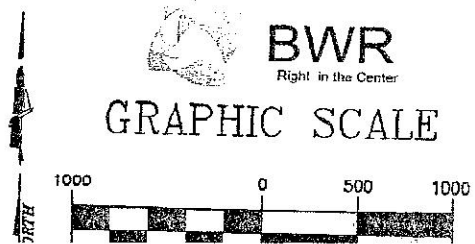
Land Record Information

7 sheets total (including cover sheet)



TRACT 3

Weston Disannexation Exhibit A
 Tract 3
 November 16, 2009
 Sheet 4 of 5



Weston ~~Disannexation~~ Exhibit B
Legal Description

TRACT 3

Beginning at a point (TRACT 3 P.O.B.) which is the northeast corner of a property along County Road 206 known as Abstract A0265 Dawson, Jonas, Tract 40;

Thence, southerly along an eastern boundary of the current Weston city limits to a point which is the center line of County Road 205 (POINT 25);

Thence, westerly along the center line of County Road 205, also a southern city limit line, to a point of intersection with the eastern Right of Way line of FM 543 (POINT 26);

Thence, southerly along the eastern Right of Way line of FM 543, also a Weston city limit line, to a point (POINT 14);

Thence, westerly across FM 543 Right of Way to a point (POINT 31) along the western Right of Way line of FM 543 which is also the southeast corner of a property known as Abstract A0507 Key, G T, Tract 1;

Thence, westerly along southern property line, also a Weston city limit line, of property known as Abstract A0507 Key, G T, Tract 1 to the southwest corner (POINT 15) of the same property;

Thence, northerly along the western boundary and city limit line of the property known as Abstract A0507 Key, G T, Tract 1 and continuing along a western boundary of the current Weston city limits to a point (POINT 16) which is the northwest corner of a property known as Abstract A0982 Wilson Leonidas, Tract 10;

Thence, easterly along the northern property line of property known as Abstract A0982 Wilson Leonidas, Tract 10 to a point which is on the western Right of Way line of FM 543 (POINT 27);

Thence, northerly along the western Right of Way line of FM 543 to a point which is in line with the center line of County Road 206 (POINT 28);

Thence, easterly to and then following the center line of County Road 206 to the Point of Beginning (Tract 3 P.O.B.)

EXHIBIT "B"

CITY OF WESTON ANNEXATION 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 Department.

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. EMS protection is provided by an Inter-local Agreement with Collin County.

3. SOLID WASTE COLLECTION

At the present time the City of Weston, Texas does not contract for solid waste collection. Refuse collection is available through private contractors in the area.

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 Corporation, Weston Water Supply Corporation or Gunter Water Supply Corporation.

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 policies 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.

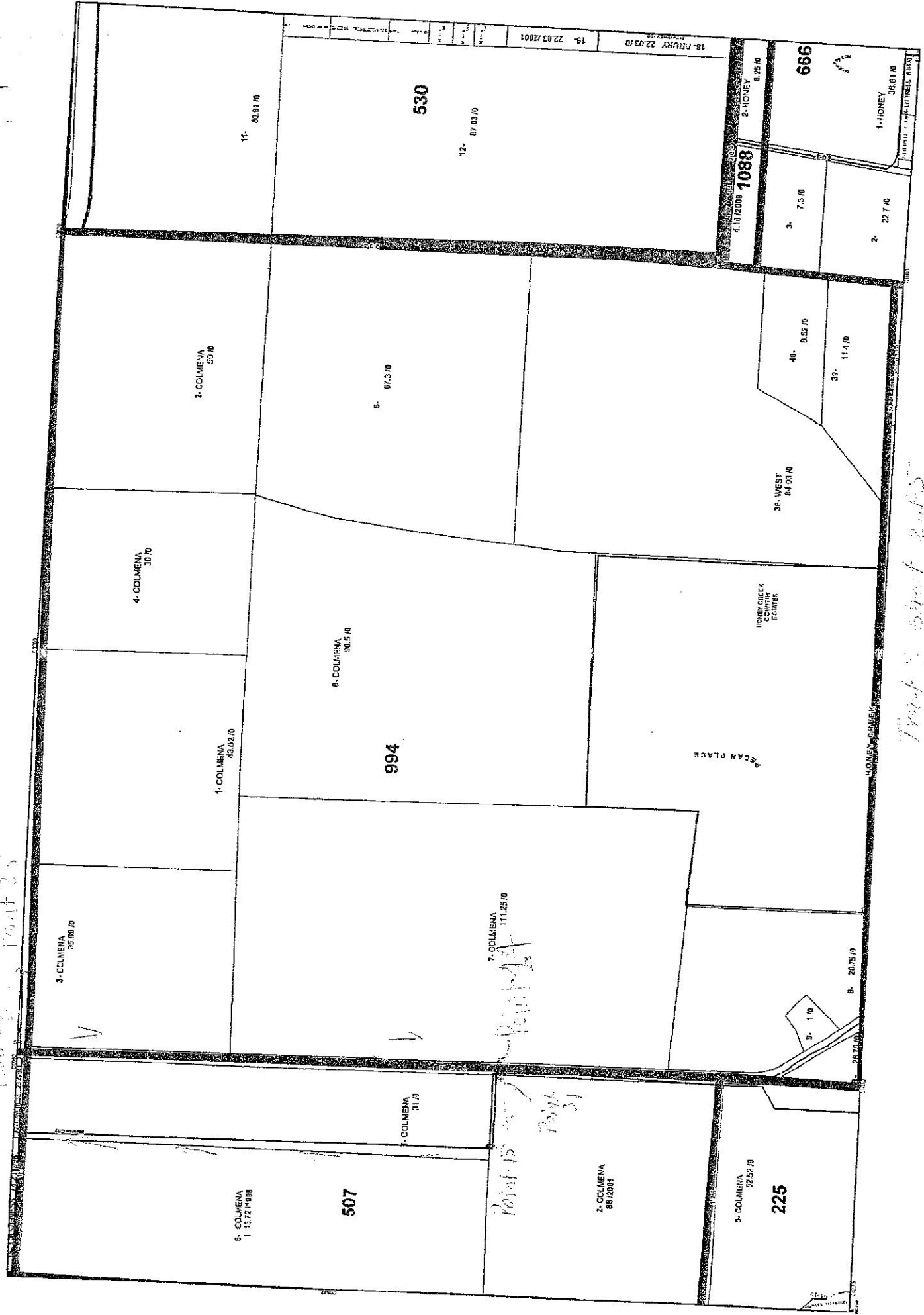
Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided other areas of the City of Weston, Texas. These differences are specifically dictated 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.

Filed and Recorded
Official Public Records
Sandy Kemp, County Clerk
Collin County, TEXAS
11/10/2010 02:11:28 PM
\$72.00 BNOPP
20101110001230150



A handwritten signature in cursive script, appearing to read "Sandy Kemp".

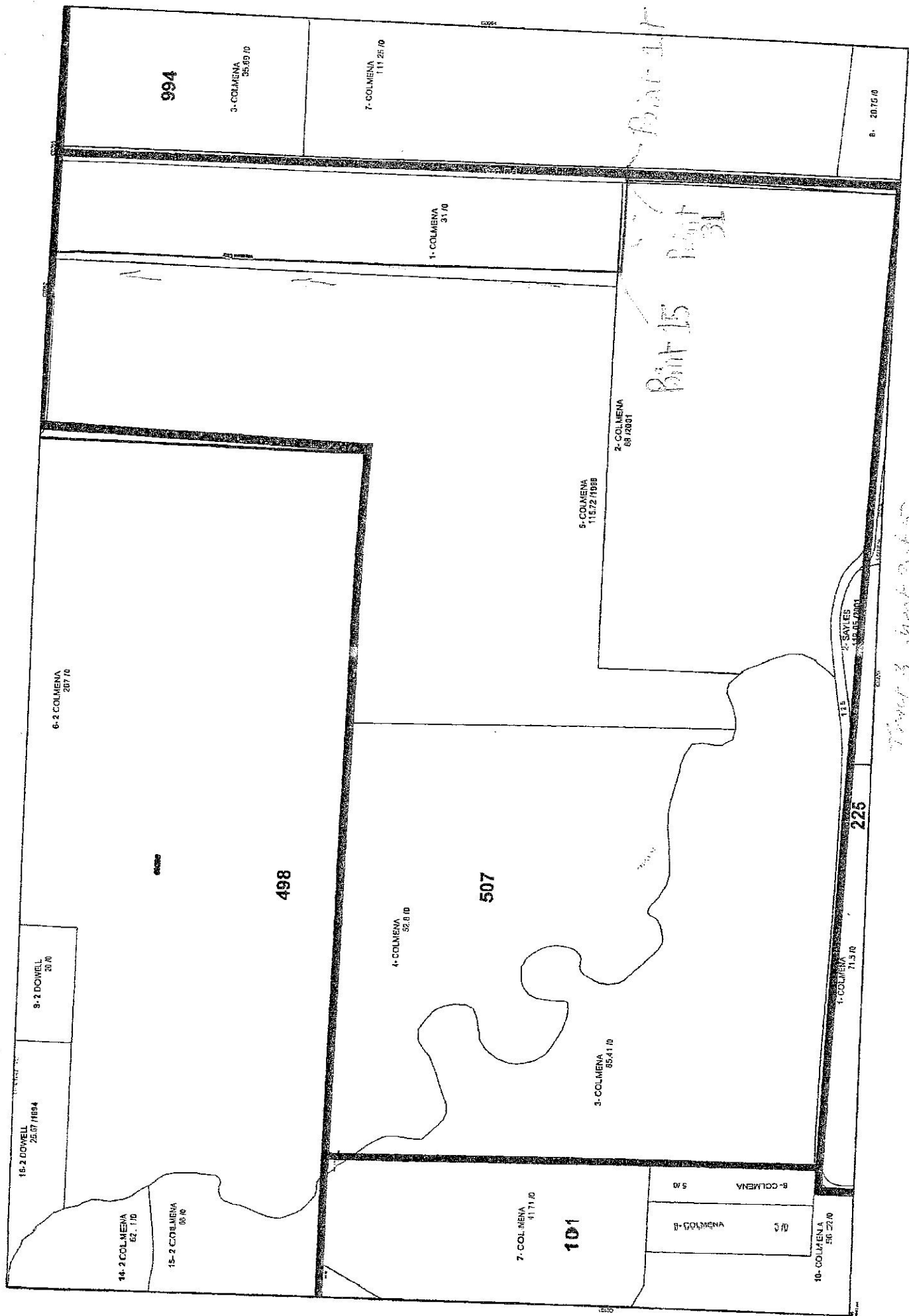
Part 25



Tract 25 about 2.45
Lobby of C.

Point 25

Point 31



994

3-COLMENA
35.69 /0

7-COLMENA
111.25 /0

8- 20.75 /0

1-COLMENA
31 /0

Bait 15

Bait 31

2-COLMENA
68.22001

5-COLMENA
115.72 /1988

6-2 COLMENA
287 /0

498

507

4-COLMENA
32.0 /0

3-COLMENA
93.41 /0

2-SAYLES
14.152001

225

4-COLMENA
71.5 /0

16-2 DOWELL
25.07 /1804

8-2 DOWELL
20 /0

14-2 COLMENA
62.1 /0

15-2 COLMENA
80 /0

7-COLMENA
41.71 /0

101

5 /0

8-COLMENA

3 /0

9-COLMENA

10-COLMENA
56.27 /0

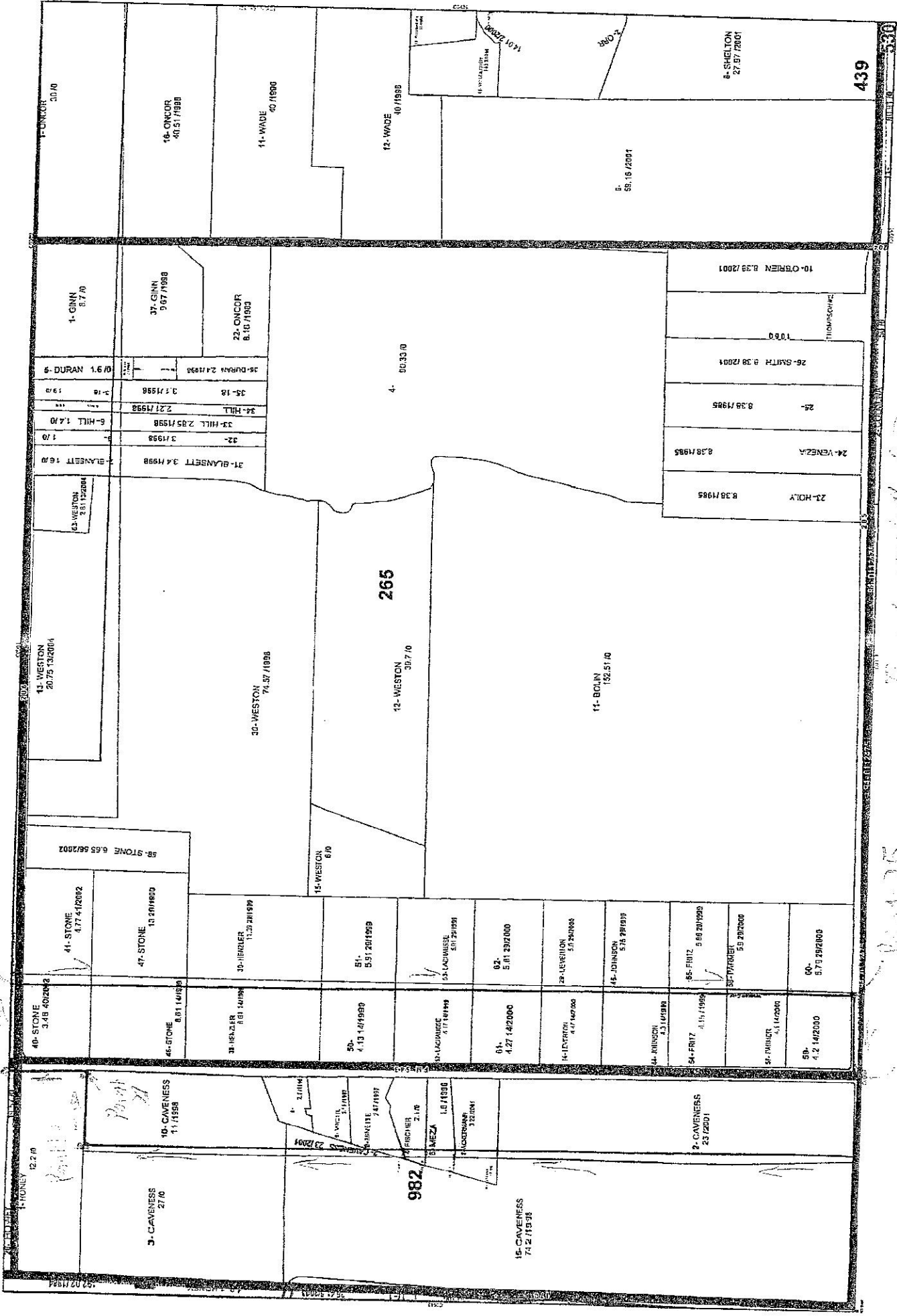
*Tract 3 sheet B of S
Exhibit C*

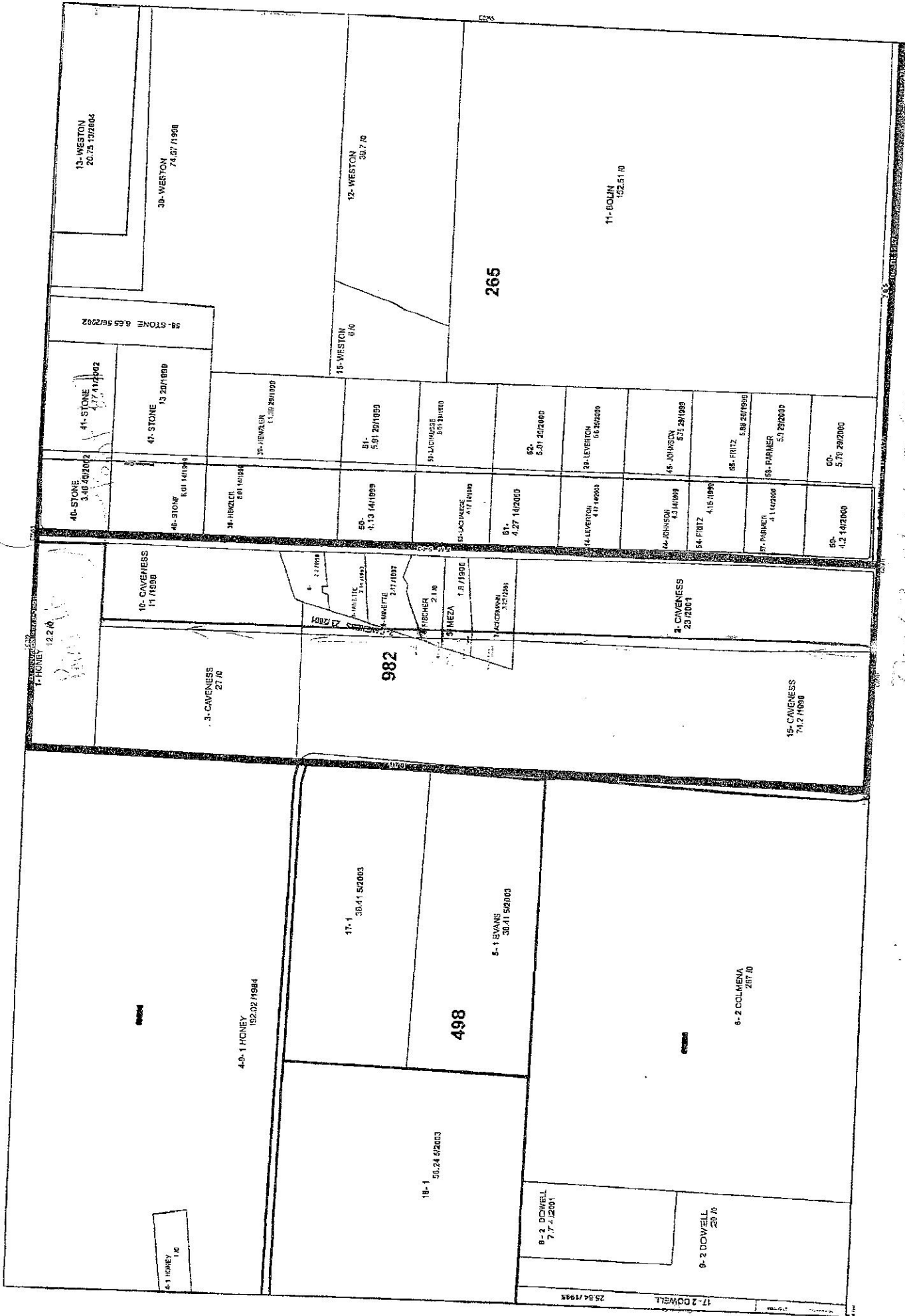
Part 25

Part 25

Part 25

Part 26

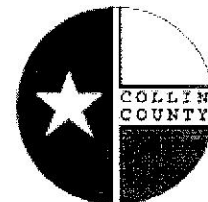




Trap 3 short ends
L. H. H. C.

13-WESTON 20.75 1/28/84	30-WESTON 74.07 1/9/88	12-WESTON 38.7 A	265	11-BOWEN 152.51 A
46-STONE 3.10 4/12/02	41-STONE 4.77 1/12/02	47-STONE 13.20 1/9/00		58-STONE 6.55 5/22/02
40-STONE 3.10 4/12/02	46-STONE 8.01 1/11/99	34-HENSLER 5.01 1/11/99	51- 5.01 2/11/99	59-LACHARRE 0.0 1/11/00
10-CAVENESS 11 1/8/00	3-CAVENESS 27 1/8	50- 4.13 1/4/1999	51- 4.27 1/2/00	28-LEVERTON 0.6 2/2/00
17-1 30.41 5/20/03	5-1 EVANS 30.41 5/20/03	51- 4.17 1/2/00	42-JOHNSON 4.13 1/11/99	45-JOHNSON 5.72 2/11/99
18-1 50.24 5/20/03	498	54-FRITZ 4.15 1/19/95	58-FRITZ 5.00 2/11/99	58-PARKER 5.0 2/2/00
17-2 DOWELL 25.94 1/19/95	9-2 DOWELL 20 1/8	57-PARKER 4.1 1/2/00	60- 5.70 2/12/00	60- 4.2 1/4/20/00
49-1 HONEY 182.02 1/19/94	17-1 HONEY 12.2 1/8	2-CAVENESS 20 12/01	2-CAVENESS 20 12/01	15-CAVENESS 74.2 1/8/00
6-1 HONEY 1/8	6-2 COLMENA 267 1/8	1-ANNETTE 2.17 1/19/97	1-ANNETTE 2.17 1/19/97	
		4-FISCHER 2.1 1/8	4-FISCHER 2.1 1/8	
		3-MEZA 1.0 1/8/00	3-MEZA 1.0 1/8/00	
		1-ACKERMAN 3.33 1/2/91	1-ACKERMAN 3.33 1/2/91	

COLLIN COUNTY, TEXAS
2300 Bloomdale Rd, Suite 2104
McKinney TX 75071
972-548-4185



Stacey Kemp
COUNTY CLERK

Receipt for Services

Cashier BNOPP

Batch # 546272

Date: 11/10/2010 Time: 02:11:28PM

Customer Name CITY OF WESTON
PO BOX 248
WESTON, TX 75097

Date	Instrument No	Document Type	Transaction Type	GF Number	Pg/Amt
11/10/2010	2:11:28PM	20101110001230750	OO		15
		OO		Total:	72.00
		Fee Total:			72.00
CASH					80.00
CASH		Change Made			-8.00
				Payment Total:	72.00