



20111020001129010

10/20/2011 02:27:55 PM 00 1/12

**ORDINANCE NO. 2011-06-01**

**AN ORDINANCE ANNEXING PROPERTY INTO THE CITY OF WESTON, COLLIN COUNTY, TEXAS, GENERALLY COMPRISING ± 141 ACRES OF LAND 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:**

**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.

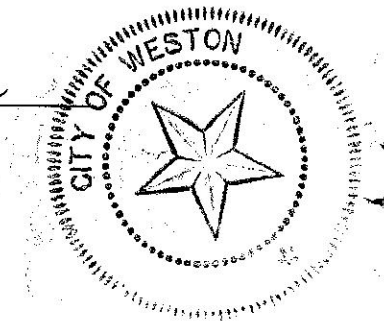
**SECTION X.  
EFFECTIVE CLAUSE**

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

PASSED AND APPROVED ON THIS 4<sup>th</sup> DAY OF June, 2011.

APPROVED BY:

Patti Harrington  
Patti Harrington, Mayor



ATTEST;

Michele Smith  
Michele Smith, Secretary



133.103 ACRES

FIELD NOTES TO ALL THAT CERTAIN TRACT OF LAND SITUATED IN THE JONAS DAWSON SURVEY, ABSTRACT NO. 265, COLLIN COUNTY, AND BEING A PART OF A CALLED 141.023 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO SWISHER PARTNERS, L.P., AS RECORDED IN COUNTY CLERK'S FILE NO. 05-30010, DEED RECORDS OF COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND AT A POINT IN THE WEST LINE OF SAID SWISHER PARTNERS TRACT THAT BEARS SOUTH 00 DEGREES 33 MINUTES 32 SECONDS WEST A DISTANCE OF 345.00 FEET FROM A 1/2 INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID SWISHER PARTNERS TRACT AND AT THE SOUTHWEST CORNER OF A TRACT CONVEYED TO COLLIN COUNTY FOR RIGHT-OF-WAY FOR COUNTY ROAD NO. 206, AS RECORDED IN VOLUME 5101, PAGE 131, SAID DEED RECORDS, AND IN THE EAST LINE OF A TRACT OF LAND DESCRIBED IN THE DEED TO ROBERT STONE, AS RECORDED IN VOLUME 4528, PAGE 2666, SAID DEED RECORDS;

THENCE SOUTH 89 DEGREES 24 MINUTES 45 SECONDS EAST, SEVERING SAID SWISHER PARTNERS TRACT, A DISTANCE OF 1000.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS EAST, SEVERING SAID SWISHER PARTNERS TRACT, A DISTANCE OF 345.00 FEET TO A POINT FOR CORNER IN THE NORTH LINE OF SAID SWISHER PARTNERS TRACT AND IN SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 206;

THENCE SOUTH 89 DEGREES 24 MINUTES 45 SECONDS EAST WITH THE NORTH LINE OF SAID SWISHER PARTNERS TRACT AND WITH THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 206, A DISTANCE OF 1010.51 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE NORTHWEST CORNER OF A CALLED 2.814 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO WESTON WATER SUPPLY CORP., AS RECORDED IN VOLUME 5558, PAGE 5741, SAID DEED RECORDS;

THENCE SOUTH 2 DEGREES 32 MINUTES 39 SECONDS WEST WITH THE WEST LINE OF SAID 2.814 ACRE TRACT A DISTANCE OF 350.20 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE SOUTHWEST CORNER OF SAID 2.814 ACRE TRACT;

THENCE SOUTH 89 DEGREES 24 MINUTES 45 SECONDS EAST WITH THE SOUTH LINE OF SAID 2.814 ACRE TRACT A DISTANCE OF 350.20 FEET TO A 1/2" IRON ROD FOUND FOR CORNER IN THE WEST LINE OF A CALLED 5.0 ACRE TRACT DESCRIBED IN THE DEED TO BOBBY BLANSETT AS RECORDED IN VOLUME 1546, PAGE 341, SAID DEED RECORDS;

THENCE SOUTH 2 DEGREES 32 MINUTES 39 SECONDS WEST WITH THE EAST LINE OF SAID SWISHER PARTNERS TRACT AND WITH THE WEST LINE OF SAID BLANSETT TRACT A DISTANCE OF 1122.16 FEET TO A 1/2" IRON ROD FOUND FOR CORNER IN A RUNOFF DITCH AT THE SOUTHWEST CORNER OF SAID BLANSETT TRACT AND THE NORTHWEST CORNER OF A CALLED 90.33 ACRE TRACT

DESCRIBED IN THE DEED TO CAY/MEM JOINT VENTURE & CAY TRUST NO. 2 ET AL, AS RECORDED IN VOLUME 5596, PAGE 5486, SAID DEED RECORDS;

THENCE FOLLOWING THIRTEEN (13) COURSES AND DISTANCES WITH SAID RUNOFF DITCH:

1. SOUTH 10 DEGREES 07 MINUTES 34 SECONDS WEST A DISTANCE OF 89.00 FEET TO A POINT FOR CORNER;
2. SOUTH 03 DEGREES 47 MINUTES 29 SECONDS EAST A DISTANCE OF 67.66 FEET TO A POINT FOR CORNER;
3. SOUTH 12 DEGREES 35 MINUTES 04 SECONDS WEST A DISTANCE OF 73.81 FEET TO A POINT FOR CORNER;
4. SOUTH 37 DEGREES 55 MINUTES 24 SECONDS WEST A DISTANCE OF 181.11 FEET TO A POINT FOR CORNER;
5. SOUTH 50 DEGREES 45 MINUTES 43 SECONDS WEST A DISTANCE OF 59.08 FEET TO A POINT FOR CORNER;
6. SOUTH 07 DEGREES 31 MINUTES 51 SECONDS WEST A DISTANCE OF 80.36 FEET TO A POINT FOR CORNER;
7. SOUTH 22 DEGREES 58 MINUTES 28 SECONDS EAST A DISTANCE OF 41.70 FEET TO A POINT FOR CORNER;
8. SOUTH 68 DEGREES 22 MINUTES 48 SECONDS EAST A DISTANCE OF 44.29 FEET TO A POINT FOR CORNER;
9. SOUTH 03 DEGREES 00 MINUTES 19 SECONDS WEST A DISTANCE OF 36.52 FEET TO A POINT FOR CORNER;
10. SOUTH 06 DEGREES 05 MINUTES 16 SECONDS EAST A DISTANCE OF 153.48 FEET TO A POINT FOR CORNER;
11. SOUTH 12 DEGREES 25 MINUTES 42 SECONDS EAST A DISTANCE OF 84.53 FEET TO A POINT FOR CORNER;
12. SOUTH 21 DEGREES 10 MINUTES 12 SECONDS EAST A DISTANCE OF 174.98 FEET TO A POINT FOR CORNER;
13. SOUTH 32 DEGREES 11 MINUTES 09 SECONDS EAST A DISTANCE OF 95.17 FEET TO A POINT FOR CORNER AT THE SOUTHWEST CORNER OF SAID SWISHER PARTNERS TRACT;

THENCE NORTH 89 DEGREES 31 MINUTES 07 SECONDS WEST WITH THE SOUTH LINE OF SAID SWISHER PARTNERS TRACT, PASSING EN ROUTE AT A DISTANCE OF 69.30 FEET A ½" IRON ROD FOUND FOR WITNESS, AND CONTINUING ON SAID COURSE A TOTAL DISTANCE OF 2659.47 FEET TO A ½" IRON ROD FOUND FOR CORNER AT THE SOUTHWEST CORENR OF SAID SWISHER PARTNERS TRACT;

THENCE NORTH 00 DEGREES 08 MINUTES 20 SECONDS WEST WITH THE WEST LINE OF SAID SWISHER PARTNERS TRACT A DISTANCE OF 786.39 FEET TO A ½" IRON ROD FOUND FOR CORNER;

THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS EAST, CONTINUING WITH THE WEST LINE OF SAID SWISHER PARTNERS TRACT A DISTANCE OF 609.86 FEET TO A ½" IRON ROD FOUND FOR CORNER AT THE SOUTHWEST CORNER OF SAID STONE TRACT;

THENCE SOUTH 89 DEGREES 32 MINUTES 12 SECONDS EAST A DISTANCE OF 340.00 FEET TO A ½" IRON ROD FOUND FOR CORNER AT THE SOUTHEAST CORNER OF SAID STONE TRACT;

THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS EAST A DISTANCE OF 791.47 FEET TO THE POINT OF BEGINNING AND ENCLOSING 133.103 ACRES OF LAND, MORE OR LESS.



7.920 ACRES

FIELD NOTES TO ALL THAT CERTAIN TRACT OF LAND SITUATED IN THE JONAS DAWSON SURVEY, ABSTRACT NO. 265, COLLIN COUNTY, AND BEING A PART OF A CALLED 141.023 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO SWISHER PARTNERS, L.P., AS RECORDED IN COUNTY CLERK'S FILE NO. 05-30010, DEED RECORDS OF COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND AT A ½" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID SWISHER PARTNERS TRACT AND AT THE SOUTHWEST CORNER OF A TRACT CONVEYED TO COLLIN COUNTY FOR RIGHT-OF-WAY FOR COUNTY ROAD NO. 206, AS RECORDED IN VOLUME 5101, PAGE 131, SAID DEED RECORDS, AND IN THE EAST LINE OF A TRACT OF LAND DESCRIBED IN THE DEED TO ROBERT STONE, AS RECORDED IN VOLUME 4528, PAGE 2666, SAID DEED RECORDS;

THENCE SOUTH 89 DEGREES 24 MINUTES 45 SECONDS EAST WITH THE NORTH LINE OF SAID SWISHER PARTNERS TRACT AND WITH THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 206 A DISTANCE OF 1000.00 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00 DEGREES 33 MINUTES 32 SECONDS WEST, SEVERING SAID SWISHER PARTNERS TRACT, A DISTANCE OF 345.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 89 DEGREES 24 MINUTES 45 SECONDS WEST, SEVERING SAID SWISHER PARTNERS TRACT, A DISTANCE OF 1000.00 FEET TO A POINT FOR CORNER IN THE WEST LINE OF SAID SWISHER PARTNERS TRACT AND IN THE EAST LINE OF SAID STONE TRACT;

THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS EAST WITH THE WEST LINE OF SAID SWISHER PARTNERS TRACT AND WITH THE EAST LINE OF SAID STONE TRACT A DISTANCE OF 345.00 FEET TO THE POINT OF BEGINNING AND ENCLOSING 7.920 ACRES OF LAND, MORE OR LESS.

# 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

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  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
10/20/2011 02:27:55 PM  
\$60.00 CJAMAL  
20111020001129010



A handwritten signature in cursive script that reads "Stacey Kemp".