

ORDINANCE NO. 2013-07-02

AN ORDINANCE PROVIDING FOR THE ANNEXATION INTO THE CITY OF WESTON PROPERTY DESCRIBED BELOW AND DEPICTED IN EXHIBITS “A” AND “B,” LOCATED WITHIN THE CURRENT ETJ OF THE CITY OF WESTON, TEXAS, FOR ALL MUNICIPAL PURPOSES; APPROVING A SERVICE PLAN FOR SUCH TERRITORY; PROVIDING FOR FILING NOTICE OF THIS ANNEXATION IN DEED RECORDS OF COLLIN COUNTY AND WITH THE COLLIN COUNTY APPRAISAL DISTRICT; 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 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, the property owner has submitted a proper petition requesting the annexation of the hereinafter described property; and

WHEREAS, after proper notice was provided in accordance with Chapters 43 of the Texas Local Government Code, public hearings on the proposed annexations were held before the Weston City Council; 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 is attached to and adopted with this Ordinance; and

WHEREAS, all requirements of law have been met to authorize 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, 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 approximately 8.171 acres of land situated in the J. Dawson Survey, Abstract No. 265, Collin County, Texas, being all of that called 8.163 acre tract of land described in a deed to Texas Power & Light Company, and recorded in Volume 1708, Page 447, Deed Records, Collin County, Texas as more particularly described in Exhibit “A” and depicted on Exhibit “B,” 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 town to add the territory annexed as required by law. A copy of the revised map shall be filed with the Collin County Appraisal District.

**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 and with the Collin County Appraisal District.

**SECTION 5.
SERVICE PLAN**

The Service Plan for the Territory, attached as Exhibit "C" 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, for which permission is not granted for Weston 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, if permission has not been granted.

**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 by Council this the 9th day of July, 2013

APPROVED BY:

Patti Harrington
Patti Harrington, Mayor

ATTESTED BY:

Michele Smith
Michele Smith, City Secretary

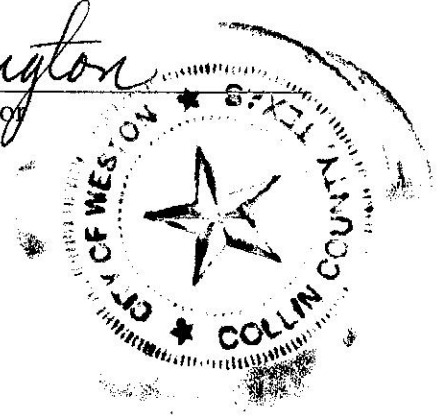


EXHIBIT "A"
DESCRIPTION

ONCOR ELECTRIC DELIVERY COMPANY
KRUM WEST TO ANNA
COLLIN COUNTY, TEXAS
8.171 ACRES (355,945 SQUARE FEET)

FN11721-KRUMWTOANNA-CCN1579(GLF).doc
SAM, Inc. Job No. 031120
CCN 1579
Page 1 of 2

EXHIBIT "A"

DESCRIPTION OF AN 8.171 ACRE (355,945 SQUARE FEET) TRACT OF LAND SITUATED IN THE J. DAWSON SURVEY, ABSTRACT NO. 265, COLLIN COUNTY, TEXAS, BEING ALL OF THAT CALLED 8.163 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TEXAS POWER & LIGHT COMPANY, AND RECORDED IN VOLUME 1708, PAGE 447, DEED RECORDS, COLLIN COUNTY, TEXAS; SAID 8.171 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8 inch iron rod found on the west line of a called 11.00 acre tract of land described in deed to First Regional Bank Custodian Fbo Quentin Mimms Ira #57035, recorded in Document No. 20070801001066430, Official Public Records, Collin County, Texas, at the southeast corner of said 8.163 acre tract and the northeast corner of a called 230.36 acre tract of land (Tract One) described in a deed to Collin Land, Ltd., recorded in Document No. 20060330000413020, Official Public Records, Collin County, Texas, for the southeast corner of the herein described tract, from which a 5/8 inch iron rod found on the east line of said 230.36 acre tract, bears S 00°10'24"W, a distance of 429.71 feet, said **POINT OF BEGINNING** having calculated grid coordinates of N: 7166492.90, E: 2535263.09;

THENCE S 89°03'24" W, with the south line of said 8.163 acre tract and the north line of said 230.36 acre tract, a distance of 752.58 feet to a 1/2 inch iron rod found at the southwest corner of said 8.163 acre tract and the southeast corner of a called 1.989 acre tract of land described in deed to Jeffery Harpole and Johnnie Harpole, recorded in Document No. 20060303000275610, Official Public Records, Collin County, Texas, for the southwest corner of the herein described tract, from which a 1/2 inch iron rod found at the southwest corner of said 1.989 acre tract, bears S 88°43'33"W, a distance of 146.04 feet;

THENCE N 01°14'06" W, with the west line of said 8.163 acre tract and the east line of said 1.989 acre tract, a distance of 448.91 feet to the calculated northwest corner of said 8.163 acre tract and southwest corner of a called 8.00 acre tract of land (Tract One) described in deed to Thomas Troy Ginn, et ux, recorded in Volume 2551, Page 421, Deed Records, Collin County, Texas, for the northwest corner of the herein described tract, from which a 1/2 inch iron rod found at the northeast corner of said 1.989 acre tract, bears N 01°14'06" W, a distance of 152.83 feet;

THENCE with the north line of said 8.163 acre tract, the south line of said 8.00 acre tract, and the south line of a called 10.369 acre tract of land (Tract Two) described in deed to Thomas Troy Ginn, et ux, recorded in Volume 2551, Page 421, Deed Records, Collin County, Texas the following three (3) courses and distances:

- 1) N 89°00'10" E, at a distance of 0.41 feet passing a bent 1/2 inch iron rod found, at a distance of 326.75 feet passing the southeast corner of said 8.00 acre tract, continuing a total distance of 567.75 to a 1/2 inch iron rod set with yellow plastic cap stamped "SAM, Inc." for an angle corner of said 8.163 acre tract and said 10.369 acre tract,
- 2) N 46°32'43" E, a distance of 184.87 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "SAM, Inc." for an angle corner of said 8.163 acre tract and said 10.369 acre tract, and

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DESCRIPTION**

ONCOR ELECTRIC DELIVERY COMPANY
KRUM WEST TO ANNA
COLLIN COUNTY, TEXAS
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SAM, Inc. Job No. 031120
CCN 1579
Page 2 of 2

- 3) N 89°00'02" E, a distance of 57.06 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "SAM, Inc." on the west line of a called 70.514 acre tract of land described in deed to Texas Power & Light Company, recorded in Volume 1194, Page 227, Deed Records, Collin County, Texas, at the northeast corner of said 8.163 acre tract and the southeast corner of said 10.369 acre tract, for the northeast corner of the herein described tract;

THENCE S 00°57'53" E, with the east line of said 8.163 acre tract and the west line of said 70.514 acre tract, a distance of 214.89 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "SAM, Inc." at the southwest corner of said 70.514 acre tract and the northwest corner of said 11.00 acre tract;

THENCE S 00°03'38" W, with the east line of said 8.163 acre tract and the west line of said 11.00 acre tract, a distance of 359.59 feet to the **POINT OF BEGINNING** and containing 8.171 acres (355,945 square feet) of land.

Bearing Basis: Texas Coordinate System, North American Datum of 1983, (CORS 1996, Epoch 2002), North Central Zone (4202).

All coordinates at Grid values. All distances at Surface values. To compute grid values, multiply surface distances by a Combined Scale Factor of 0.99988. All distances are in U.S. Survey Feet.

Reference is herein made to the Survey Plat accompanying this metes and bounds description of even date and same corresponding CCN number.

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, Gina Loftis-Franklin, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on the date shown below.

SURVEYING AND MAPPING, Inc.
4801 Southwest Parkway
Parkway Two, Suite 100
Austin, Texas 78735

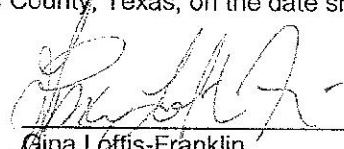
 6-25-12
Gina Loftis-Franklin Date
Registered Professional Land Surveyor
Texas Registration No. 6087



EXHIBIT "B"

DATE 06/2012
PAGE 1 OF 1

**EXHIBIT "B"
DEPICTION**



THOMAS TROY GINN, ET UX
CALLED 8.00 ACRES
TRACT ONE
VOL. 2551, PG. 421
D. R. C. C. T.

THOMAS TROY GINN, ET UX
CALLED 10.369 ACRES
TRACT TWO
VOL. 2551, PG. 421
D. R. C. C. T.

J. DAWSON SURVEY
ABSTRACT 265

J. HOUSE SURVEY
ABSTRACT 439
TEXAS POWER &
LIGHT COMPANY
170' WIDE EASEMENT
CALLED 6.049 AC.
VOL. 747, PG. 676
D. R. C. C. T.

JEFFERY HARPOLE AND
JOHNNIE HARPOLE
CALLED 1.989 ACRES
DOC. NO. 20060303000275610
O. P. R. C. C. T.

SEE
DETAIL "A"

326.75'

N89°00'10"E 567.75'
(S89°45'47"E 568.13')

(1579)

8.171 ACRES
TEXAS POWER & LIGHT COMPANY
CALLED 8.163 ACRES
VOL. 1708, PG. 447
D. R. C. C. T.

ELECTRIC LINE
EASEMENT
CALLED 0.017 ACRE
VOL. 1371 PG. 349
D. R. C. C. T.

TEXAS POWER &
LIGHT COMPANY
CALLED 70.514 ACRES
VOL. 1194, PG. 227
D. R. C. C. T.

FIRST REGIONAL BANK
CUSTODIAN FBO QUENTIN MIMMS
IRA #057035
CALLED 11.00 ACRES
DOC. NO. 20070801001066430
O. P. R. C. C. T.

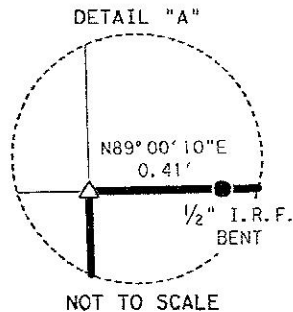
P. O. B.
N=7166492.90
E=2535263.09

COLLIN LAND, LTD.
"TRACT ONE"
CALLED 230.36 ACRES
DOC. NO. 20060330000413020
O. P. R. C. C. T.

WANDA M. WADE
REMAINDER OF
CALLED 40.00 ACRES
DOC. NO. 96-0030092
O. P. R. C. C. T.

NOTES:

1. BASIS OF BEARINGS IS THE TEXAS COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (CORS 1996, Epoch 2002), NORTH CENTRAL ZONE (4202). ALL COORDINATES AT GRID VALUES. ALL DISTANCES AT SURFACE VALUES. TO COMPUTE GRID VALUES, MULTIPLY SURFACE DISTANCES BY A COMBINED SCALE FACTOR OF 0.99988. ALL DISTANCES ARE IN U.S. SURVEY FEET.
2. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS OR OTHER MATTERS OF RECORD NOT SHOWN HEREON. RECORD INFORMATION IS BASED ON A LIMITED TITLE CERTIFICATE PERFORMED BY CONTRACT LAND STAFF, LLC, DATED SEPTEMBER 1, 2011.
3. REFERENCE IS HEREIN MADE TO THE METES AND BOUNDS DESCRIPTION ACCOMPANYING THIS SKETCH OF EVEN DATE AND THE SAME CORRESPONDING CCN NUMBER.

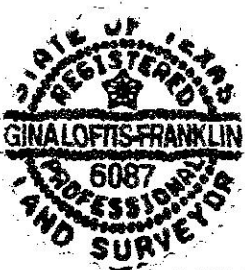


- LEGEND**
- (1579) PROJECT CCN NUMBER
 - IRON ROD FOUND - I. R. F. (SIZE NOTED)
 - 1/2" IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "SAM, INC."
 - △ CALCULATED POINT
 - P.O.B. POINT OF BEGINNING
 - () RECORD DEED INFORMATION
 - D. R. C. C. T. DEED RECORDS, COLLIN COUNTY TX.
 - O. P. R. C. C. T. OFFICIAL PUBLIC RECORDS COLLIN COUNTY, TX.

SURVEYOR'S SIGNATURE:

[Handwritten Signature] 6-25-12

Gina Loftis-Franklin, PLS 6087
Surveying And Mapping, Inc.
4201 Southwest Parkway, Suite 100
Austin, Texas 78735
512-447-0575



KRUM WEST TO ANNA

CCN No.: 1579
8.171 ACRES

J. DAWSON SURVEY, ABSTRACT No.265,
COLLIN COUNTY, TEXAS

O-2013-07-02 Annexation Oncor Substation (Krum W to Anna-CCN1579)

EXHIBIT "C"
CITY OF WESTON
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 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 North Collin Water Supply.

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 subdevelopment 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.

PASSED AND APPROVED by Council this the 9th day of July, 2013

APPROVED BY:

Patti Harrington
Patti Harrington, Mayor

ATTESTED BY:

Michele Smith
Michele Smith, City Secretary

