

**ORDINANCE NO. 2016-11-04**

**AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, GRANTING THE PETITION FOR VOLUNTARY ANNEXATION SUBMITTED BY CAVENESS FAMILY LLC, FOR THE ANENXATION OF THAT CERTAIN TERRITORY CONSISTING OF AN APPROXIMATE 135.2 ACRE TRACT OF LAND, INTO THE CITY OF WESTON, COLLIN COUNTY, TEXAS; PROVIDING CUMULATIVE REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on October 19, 2016, the City of Weston, Collin County, Texas ("City") received a petition for voluntary annexation, attached hereto as Exhibit A, from Caveness Family LLC ("Petitioner"), requesting annexation into the City of Weston that certain property described as Abs A0982 Leonidas Wilson Survey, Tract 2, 135.2 acres, and more particularly described by metes and bounds attached hereto as Exhibit "B"; and

**WHEREAS**, the Petitioner request to be annexed meets the applicable requirements of law for annexation of property by voluntary petition of the landowner of a sparsely occupied area pursuant to Sec. 43.028 of the Texas Local Government Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS:**

**SECTION 1  
ADOPTION**

The City does hereby grant Petitioner's petition for voluntary annexation.

**SECTION 2  
CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect

**SECTION 3  
PROVISIONS SEVERABLE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4  
SAVINGS CLAUSE**

All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of any ordinance that has accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 5  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

**PASSED AND APPROVED** by Council this 19 day of November, 2016.

APPROVE

  
Patti Harrington, Mayor



ATTEST

  
Susan Coffey, City Secretary





WESTON

T E X A S

*Oldest City in Collin County*

PETITION REQUESTING FULL ANNEXATION

STATE OF TEXAS §
COUNTY OF COLLIN §

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

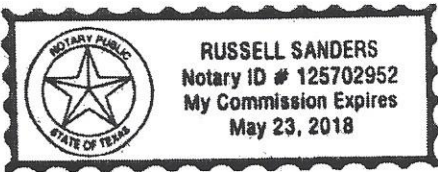
The undersigned owner of a portion of the hereinafter described tract(s) of land, being more particularly described by metes and bounds description in Exhibit "A" (the "Area"), attached hereto and incorporated herein by reference for all purposes of this Petition, does hereby petition your Honorable Body to 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.

Handwritten signature of William B. Caviness and printed name WILLIAM B. CAVINESS

STATE OF TEXAS §
COUNTY OF COLLIN Dallas §

This instrument was acknowledged before me on the 17th day of October, 2016, 2016, by William B. Caviness.



Handwritten signature of Russell Sanders and printed title Notary Public in and for the State of Texas

My Commission Expires: May 23, 2018

Printed name Russell Sanders and instruction Type or Print Notary's Name



## EXHIBIT "B"

BEING a tract of land situated in the Leonidas Wilson Survey, Abstract Number 982, Collin County, Texas, according to the deed thereof described to Caveness Family, LLC, as recorded in Instrument Number 2010-1183830 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the Northeast corner of the herein described tract, and being the Southeast corner of a tract of land described in a deed to Honey Creek Ranch Corporation, according to the deed thereof recorded in Instrument Number 2001-0062681 of the Official Public Records of Collin County, Texas, said point lies in the West Right-of-Way line of Farm to Market Road 543 (Known locally as Weston Road);

Thence South 00.30'06" East with the West Right-of-Way of said road for a distance of 793.61 feet to a 1/2" capped iron rod set stamped "Eagle Surveying";

Thence South 00"29'44" East continuing along said course for a distance of 283.22 feet to a 1/2" iron rod found for the Northeast corner of a tract of land described in a deed to Erik E. Fuller & Victoria J. Fuller, according to the deed thereof recorded in Instrument Number 2015-974490 of the Official Public Records of Collin County, Texas;

Thence South 81"22'08" West with the North boundary line of said Fuller tract for a distance of 22.14 feet to a 60d nail found; Thence South 67"20'10" West continuing along said course for a distance of 290.10 feet to a 1/2" capped iron rod stamped "Eagle Surveying" for the Northwest corner of said Fuller tract;

Thence South 15"59'17" West with the West boundary line of said tract, and the following tracts of land; to J. Marc Hesse as recorded in Instrument Number 2002-0043013, Sandra Keller Scott as recorded in Instrument Number 2005-0083599, John Shannon Brinton as recorded in Instrument Number 2013-934040, Javier Meza & Veronica Meza as recorded in Instrument Number 2001-0110309, and Steven Wade Ford & Lisa Ovigian as recorded in Instrument Number 2015-1003760 of the Official Public Records of Collin County, Texas, in all for a distance of 1467.99 feet to a metal fence corner post found for corner, said point also being the Southwest corner of said Ford-Ovigian tract;

Thence North 89"59'44" East with the South boundary line of said Ford-Ovigian tract for a distance of 704.69 feet to a 1/2" capped iron rod set stamped "Eagle Surveying" in the West Right-of-Way line of aforementioned Farm to Market Road 543;

Thence along the West Right-of-Way line of said Farm to Market Road 543 the following courses to wit: South 00"36'07" East for a distance of 907.32 feet to a 112" capped iron rod set stamped "Eagle Surveying"; South 00"42'55" East for a distance of 1007.72 feet to a 112" capped iron rod set stamped "Eagle Surveying"; South 00"04'30" West for a distance of 350.63 feet to a mag nail set in County Road 170 for the Southeast corner of the herein described tract, and being the Northwest corner of a tract of land described in a deed to BFJ Land, LLC, according to the deed thereof recorded in Instrument Number 2013-1293160 of the Official Public Records of Collin County, Texas;

Thence North 89"43'09" West with the North boundary line of said BFJ tract for a distance of 1455.74 feet to a capped iron rod stamped "RPLS #4857" found for the Southwest corner of the herein described tract;

Thence along the East boundary line of said BFJ tract the following courses to wit: North 01"54'58" East for a distance of 706.06 feet to a mag nail set near the centerline of said County Road 170; North 01"31'41" East for a distance of 1549.66 feet to a mag nail set near the centerline of said road; North 02"56'58" East for a distance of 1352.66 feet to a 1/2" capped iron rod set stamped "Eagle Surveying";

Thence North 00"52'23" West continuing along said course, and passing the tracts of land described to Michael G. McKee as recorded in Instrument Number 2004-0162135 and James Earl Johnson as recorded in Instrument Number 2003-0093303 of the Official Public Records of Collin County, Texas, in all for a distance of 1260.28 feet to a 112" iron rod found for the Northwest corner of the herein described tract, and being the Northeast corner of said Johnson tract, the Southeast corner of a tract of land described in a deed to Honey Creek Ranch Corporation as recorded in Instrument Number 2000-0110063, and the Southwest corner of aforementioned Honey Creek Ranch Corporation tract recorded in Instrument Number 2001-0062681;

Thence North 89"56'00" East with the South boundary line of said tract for a distance of 798.92 feet to a 1/2" iron rod found;

Thence South 89"23'48" East continuing along said course for a distance of 499.69 feet to the POINT OF BEGINNING and there terminating, enclosing 135.37 acres of land, more or less.