

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS, ANNEXING, ON APPLICATION OF THE LANDOWNER, AN AREA OF LAND CONSISTING OF 125± ACRES, SITUATED IN THE WILLIAM CULWELL SURVEY, ABSTRACT NO. A0184, COLLIN COUNTY, TEXAS; EXTENDING THE BOUNDARY LIMITS OF THE CITY OF WESTON TO INCLUDE SAID AREA OF LAND WITHIN THE CITY OF WESTON CITY LIMITS; PROVIDING THAT THE OWNERS AND INHABITANTS OF THE SUBJECT AREA OF LAND SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS OF THE CITY OF WESTON AND SHALL BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND HEREINAFTER ADOPTED; AUTHORIZING EXECUTION OF THE ANNEXATION SERVICE PLAN AGREEMENTS; PROVIDING FOR A PENALTY FOR A VIOLATION OF THIS ORDINANCE AND WESTON'S ZONING ORDINANCE, ORDINANCE NO. 2016-11-02, AND ANY AMENDMENTS THERETO; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, HONEYCREEK VENETIAN LLC ("Landowner") is the sole owner of real property within that certain area of land consisting of 125± acres in the aggregate, situated in the William Culwell Survey, Abstract No. A0184, Collin County, Texas, more particularly described in Exhibit A, attached hereto and incorporated herein for all purposes ("Property"); and

WHEREAS, Landowner submitted an application to the City of Weston, Texas ("Weston"), requesting voluntary annexation of the Property into the city limits of Weston; and

WHEREAS, the City Council of the City of Weston, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to Weston and its citizens to annex the Property under the authority of Chapter 43 of the Texas Local Government Code; and

WHEREAS, the City Council finds that Weston has complied with all requirements for the consideration and adoption of this Ordinance pursuant to Chapter 43 of the Texas Local Government Code; and

WHEREAS, the City Council also investigated and determined that the Property is within the extraterritorial jurisdiction of Weston and is adjacent and contiguous to the existing city limits of Weston; and

WHEREAS, the Landowner and Weston have negotiated and are prepared to enter into a written annexation service plan agreement, copies of which is attached hereto as Exhibit B, in accordance with Section 43.0672 of the Texas Local Government Code; and

WHEREAS, the City Council finds that the field notes close the boundaries of the Property; and

WHEREAS, the City Council has conducted a public hearing at which persons interested in the annexation were given an opportunity to be heard regarding the proposed annexation; and

WHEREAS, the City Council finds that all legal notices, hearings, procedures and publishing requirements for annexation have been performed and completed in the manner and form required by law.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Annexation Service Plan Agreement. The Mayor or his designee is hereby authorized and directed to execute, on behalf of Weston, the annexation service plan agreements between Weston and the Landowner, a copy of which is attached hereto as Exhibit B.

SECTION 3: Property Annexed. The Property described as follows and all public streets, roadways and alleyways located within or contiguous to the same are hereby annexed to Weston, to-wit:

BEING real property consisting of 125± acres in the aggregate, situated in the William Culwell Survey, Abstract No. A0184, Collin County, Texas, more particularly described in Exhibit A.

SECTION 4: Rights/Privileges/Inhabitants Bound by Ordinances and Regulations. From and after the passage of this Ordinance, the Property shall be a part of Weston, and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens of Weston and shall be bound by all of the ordinances and regulations enacted pursuant to and in conformity with the laws of the State of Texas.

SECTION 5: Official Map and Boundaries Amended. The official map and boundaries of Weston are hereby amended to include the Property as part of Weston. A certified copy of this Ordinance shall be filed in the County Clerk's Office of Collin County, Texas.

SECTION 6: Unlawful Use. It shall be unlawful for any person, firm, entity or corporation to use the Property in a manner other than as authorized by this Ordinance and Weston's Zoning Ordinance, as they exist or may be amended, and it shall be unlawful for any person, firm, entity or corporation to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance and the Zoning Ordinance, as they exist or may be amended.

SECTION 7: Penalty. Any person, firm, entity or corporation violating any provision of this Ordinance or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding

Two Thousand and 00/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Weston from filing suit to enjoin the violation. Weston retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 8: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 9: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof regardless of the fact that any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 10: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS on this 9th day of April, 2024.



Jerry Randall, Mayor

Exhibit A
Legal Description and Depiction of the Property

Star #1

Metes and Bounds Description Of 125.273 Acres (Star 1)

BEING all that certain lot, tract, or parcel of land, situated in the W. Culwell Survey, Abstract Number 184, City of Weston, Collin County, Texas, and being all of that certain tract of land, described by deed to Honeycreek Venetian LLC, recorded in Instrument Number 20210825001720410, Official Public Records, Collin County, Texas, and being all that certain tract of land, described in deed to CR171, Partners, LLC, recorded in Instrument Number 20180622000773810, Official Public Records, Collin County, Texas, and being all of those tracts of land, described as First Tract, Second Tract, and a portion of the Third Tract, in deed to Bobeye Jack Minshaw and Terrye Louise Hernandez, recorded in Volume 3073, Page 745, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a PK Nail found in asphalt, at the most easterly southeast corner of said Honeycreek tract and said CR171 tract, same being the northeast corner of a certain tract of land, described by deed to Billie Ross Isbell, recorded in Volume 2209, Page 215, Deed Records, Collin County, Texas, being in the west line of a certain tract of land, described by deed to Honey Creek Ranch Corp, recorded in Volume 4768, Page 3562, Deed Records, Collin County, Texas, and being in the approximate center of County Road 171 (commonly known as South Street;

THENCE S 89°17'17" W, with a south line of said Honeycreek tract and said CR171 tract, same being the north line of said Isbell tract, a distance of 1236.98 feet to a 1/2" capped rebar found, stamped "ARTHUR";

THENCE S 89°41'14" W, with a south line of said Honeycreek tract, same being the north line of said Isbell tract, a distance of 44.72 feet to a 1/2" capped rebar set stamped "MCADAMS" at the base of a T Post found at an inner ell corner of said Honeycreek tract, same being the northwest corner of said Isbell tract;

THENCE S 00°05'14" E, with a south line of said Honeycreek tract and said CR171 tract, same being the west line of said Isbell tract, a distance of 271.97 feet to a 1/2" rebar found, at the southwest corner thereof, and being the most westerly southeast corner of said Honeycreek tract, and being in the north line of a certain tract of land, described by deed to Gary E. Cawthon, recorded in Instrument Number 20110321000296800, Official Public Records, Collin County, Texas;

THENCE S 89°41'47" W, with the south line of said Honeycreek tract and said CR171 tract, same being with the north line of said Cawthon tract, a distance of 1283.26 feet to a 1/2" rebar found and a 1" pipe found at the southwest corner of said Honeycreek tract, same being the northwest corner of said Cawthon tract, and being in the east line of a certain tract of land, described by deed to Katherine E. Sookma, recorded in Instrument Number 20160119000058480, Official Public Records, Collin County, Texas;

THENCE with the west line of said Honeycreek tract and said CR171 tract, and with the east line of said Sookma tract, the following four (4) calls:

N 01°08'57" W, a distance of 254.20 feet to a 1/2" capped rebar set, stamped "MCADAMS";

N 01°33'33" W, a distance of 708.02 feet to a 1/2" rebar found;

N 00°45'19" W, a distance of 527.60 feet to a 1/2" capped rebar found, stamped "ARTHUR";

N 00°11'45" W, a distance of 653.56 feet to a 1/2" rebar found at the northwest corner of said Honeycreek tract and said CR171 tract, same being the southwest corner of a certain tract of land, described by deed to John Huff, recorded in Instrument Number 20120920001183640, Official Public Records, Collin County, Texas, and being in the east line of said Sookma tract;

THENCE N 86°29'27" E, with the north line of said Honeycreek tract and said CR171 tract, and with the south line of said Huff tract, passing the southwest corner of a certain tract of land, described by deed to Janet L. Sweet, recorded in Instrument Number 20120920001183660, Official Public Records, Collin County, Texas, continuing with the south line thereof, a total distance of 660.17 feet to a 1/2" capped rebar found, stamped "ARTHUR";

THENCE N 88°27'02" E, with the north line of said Honeycreek tract and said CR171 tract, and with the south line of said Sweet tract and said Huff tract, a distance of 565.89 feet to a 1/2" rebar found;

THENCE N 82°49'08" E, with the north line of said Honeycreek tract and said CR171 tract, and with the south line of said Sweet tract and said Huff tract, a distance of 415.63 feet to a 1/2" rebar found;

THENCE N 75°49'40" E, with the north line of said Honeycreek tract and said CR171 tract, and with the south line of said Sweet tract and said Huff tract, a distance of 13.04 feet to a 1/2" rebar found, at the southeast corner thereof;

THENCE with the north line of said Honeycreek tract and said CR171 tract, and continuing with the south line of said Huff tract (20120920001183640), the following four (4) calls:

N 82°51'27" E, a distance of 385.90 feet to a 1/2" capped rebar found, stamped "ARTHUR";

N 71°25'20" E, a distance of 85.36 feet to a 1/2" capped rebar found, stamped "ARTHUR";

N 85°43'24" E, a distance of 237.89 feet to a 1/2" capped rebar found, stamped "ARTHUR";

N 87°51'50" E, passing at a distance of 300.37 feet a 1/2" rebar found at the southeast corner of said Huff tract, continuing with the north line of said Honeycreek tract a total distance of 318.39 feet to a 1/2" capped rebar found, stamped "ATS" at the most northerly northeast corner thereof;

THENCE S 02°16'20" E, with an east line of said Honeycreek tract, passing the most northerly northwest corner of that certain tract of land, described in deed to Mounger McKinney Rentals, recorded in Instrument Number 20160830001144750, Official Public Records, Collin County, Texas, continuing with the most a west line thereof a total distance of 27.98 feet to a 1/2" capped rebar found, stamped "ATS" at the most northerly southeast corner of said Honeycreek tract, same being the inner ell corner of said Mounger tract;

THENCE S 87°52'51" W, with the most and east line of said Honeycreek tract and said CR171 tract, and the a north line of said Mounger tract, a distance of 241.63 feet to a 1/2" capped rebar found, stamped "BUSBY RPLS 4967" at an inner ell of said Honeycreek tract, same being the westerly northwest corner of said Mounger tract;

THENCE S 01°21'44" E, with an east line of said Honeycreek tract and said CR171 tract, and with the west line of said Mounger tract, a distance of 200.00 feet to a 60D Nail found in a fence post at the southwest corner thereof, same being an inner ell of said Honeycreek tract;

THENCE N 87°59'10" E, with the most an east line of said Honeycreek tract and said CR171 tract, and the south line of said Mounger tract, passing the southeast corner thereof, same being the southwest corner of a certain tract of land, described by deed to Daniel G. Antwiler, recorded in Instrument Number 20220401000527510, Official Public Records, Collin County, Texas, continuing with the south line thereof, a total distance of 437.67 feet to a 1/2" capped rebar found, stamped "ARTHUR" and a 1/2" capped rebar found, stamped "ATS" at the southeast corner thereof, same being the most easterly northeast corner of said Honercreek tract, and being in the west line of a certain tract of land, described by deed to Steve & Epi Goldstein, recorded in Instrument Number 20171222001691940, Official Public Records, Collin County, Texas;

THENCE S 00°15'14" E, with the east line of said Honeycreek tract and said CR171 tract, and the west line of said Goldstein tract (20171222001691940), a distance of 93.14 feet to a 1/2" capped rebar found, stamped "ARTHUR" at the southwest corner thereof, same being the northwest corner of a certain tract of land, described by deed to Steve & Epi Goldstein, recorded in Instrument Number 20130920001323210, Official Public Records, Collin County, Texas,;

THENCE S 02°00'36" E, with the east line of said Honeycreek tract and said CR171 tract, same being the west line of said Goldstein tract (20130920001323210), a distance of 92.75 feet to a 1/2" capped rebar found, stamped "ARTHUR" at the southwest corner thereof, same being the northerly northwest corner of a certain tract of land, described by deed to Damon L. Malone, recorded in Volume 4569, Page 1308, Deed Records, Collin County, Texas;

THENCE S 00°50'16" W, with the east line of said Honeycreek tract and said CR171 tract, and the west line of said Malone tract, a distance of 36.71 feet to a 1/2" capped rebar found, stamped "ATS" at the inner ell corner thereof;

THENCE S 80°52'17" W, with the east line of said Honeycreek tract and said CR171 tract, and a west line of said Malone tract, a distance of 64.92 feet to a 1/2" rebar found, at the westerly northwest corner thereof;

THENCE S 03°49'10" E, with the east line of said Honeycreek tract and said CR171 tract, and the west line of said Malone tract, a distance of 32.22 feet to a 1/2" capped rebar set, stamped "MCADAMS" at the northeast corner of Lot 1, Block A, Bichunko Addition, an addition to the

City of Weston, according to the plat thereof, recorded in Document Number 2020-87, Plat Records, Collin County, Texas;

THENCE S 85°43'09" W, with an east line of said Honeycreek tract and said CR171 tract, and with the north line of said Lot 1, a distance of 182.00 feet to a 1/2" capped rebar found, stamped "CBG" at the northwest corner thereof;

THENCE S 03°49'10" E, with the east line of said Honeycreek tract and said CR171 tract, and the west line of said Lot 1, a distance of 120.00 feet to a 1/2" capped rebar set, stamped "MCADAMS" at the southwest corner thereof;

THENCE N 85°43'09" E, with an east line of said Honeycreek tract and said CR171 tract, and with the south line of said Lot 1, a distance of 60.78 feet to a PK Nail found in the approximate center of said County Road 171, and being in the west line of said Honey Creek Ranch Corp tract, from which a 1/2" rebar found at the southeast corner of said Lot 1, bears N 85°43'09" E, 121.18 feet;

THENCE with the east line of said Honeycreek tract and said CR171 tract, and with the west line of said Honey Creek Ranch tract, and the approximate center of County Road 171, the following five (5) calls:

S 52°56'39" W, a distance of 69.10 feet to a PK Nail found in asphalt;

S 19°57'23" W, a distance of 88.84 feet to a PK Nail found in asphalt;

S 07°04'44" W, a distance of 124.76 feet to a PK Nail found in asphalt;

S 01°41'46" W, a distance of 179.11 feet to a PK Nail found in asphalt;

S 00°17'31" E, a distance of 1021.08 feet to the **POINT OF BEGINNING** and containing approximately 125.273 acres of land.

Exhibit B
Annexation Service Plan Agreement

[__pages attached hereto]