

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS, ANNEXING, ON APPLICATION OF THE LANDOWNER, AN AREA OF LAND CONSISTING OF 25± ACRES, SITUATED IN THE J. WILSON SURVEY, ABSTRACT NUMBER 963, CITY OF WESTON, AND BEING ALL OF LOT 4, WESTON PIRATES, 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, MCI-DST 1 DEPOSITOR LLC ("Landowner") is the sole owner of real property within that certain area of land consisting of 25± acres in the aggregate, situated in the J. Wilson Survey, Abstract Number 963, City of Weston, and being all of Lot 4, Weston Pirates, 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 25± acres in the aggregate, situated in the J. Wilson Survey, Abstract Number 963, City of Weston, and being all of Lot 4, Weston Pirates, 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 #3

Metes and Bounds Description of 25 Acres (Star 3)

BEING all that certain lot, tract, or parcel of land, situated in the J. Wilson Survey, Abstract Number 963, City of Weston, Collin County, Texas, and being all of Lot 4, Weston Pirates, an addition to the City of Weston ETJ, according to the plat thereof, recorded in Instrument Number 20190228010000980, Plat Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a Mag Nail found in asphalt at the southwest corner of said Lot 4, being in the east line of a certain right-of-way dedication to the City of Weston, recorded in Volume 5101, Page 147, Deed Records, Collin County, Texas, and being in County Road 206 (Chambersville Road);

THENCE N 03°08'20" E, with the most southerly west line of said Lot 4, and the east line of said right-of-way dedication, passing at a distance of 43.68 feet, a 1/2" capped rebar found, stamped "RPLS 5686" at the northeast corner thereof, same being the southeast corner of Venetian at Weston, Phase 1, an addition to the City of Weston, according to the plat thereof, recorded in Instrument Number 20220414010001480, Plat Records, Collin County, Texas, continuing with the east line thereof, passing the northeast corner thereof, same being in the east line of a certain tract of land, described by deed to Honeycreek Venetian LLC, recorded in Instrument Number 20200817001333980, Deed Records, Collin County, Texas, continuing with the east line thereof a total distance of 923.14 feet to a 1/2" capped rebar found, stamped "RPLS 5686" at the most southerly northwest corner of said Lot 4;

THENCE N 88°30'31" E, with the most southerly north line of said Lot 4, and the east line of said Honeycreek tract, a distance of 53.18 feet to a 1/2" capped rebar found, stamped "RPLS 5686" at an inner ell corner of said Lot 4;

THENCE N 01°32'23" E, with the most northerly west line of said Lot 4, same being the east line of said Honeycreek tract, a distance of 163.97 feet to a 1/2" capped rebar found, stamped "RPLS 5686" at the most northerly northwest corner of said Lot 4, same being the southwest corner of Lot 3, of said Western Pirates plat, and being in the east line of said Honeycreek tract;

THENCE N 87°33'38" E, with the most northerly north line of said Lot 4, same being the south line of said Lot 3, passing at a distance of 1226.69 feet a 1/2" rebar found (witness), continuing a total distance of 1256.73 feet to a PK Nail found in asphalt at the northeast corner of said Lot 4, same being the southeast corner of said Lot 3, being in the west line of a certain called 59.825 acre tract to Nathan and Teri Franzmeier, recorded in Volume 4508, Page 1918, Deed Records, Collin County, Texas, and being in the center of County Road 209 (Bourland Bend);

THENCE S 00°33'14" E, with the east line of said Lot 4, the center of County Road 209, and the west line of said Franzmeier tract, passing the southwest corner thereof, same being the northwest corner of a certain 30' right-of-way dedication to the City of Weston, recorded in Cabinet H. Page 245. Plat Records. Collin County. Texas. continuing with the west line thereof. a distance of 341.34 feet to a PK Nail set in asphalt at the most easterly southeast corner of

said Lot 4, same being the northeast corner of a certain tract of land, described by deed to James A. Lewis ETAL, recorded in Instrument Number 19920420000244840, Deed Records, Collin County, Texas, being in the west line of said 30' right-of-way dedication, and being in the center of County Road 209;

THENCE with a south line of said Lot 4, the north line of said Lewis tract, and the center of a creek the following fourteen (14) calls:

N 67°03'44" W, a distance of 36.00 feet;

S 48°26'01" W, a distance of 55.54 feet;

S 20°27'42" W, a distance of 100.95 feet;

S 58°53'21" W, a distance of 41.69 feet;

N 48°37'10" W, a distance of 65.16 feet;

S 23°31'46" W, a distance of 41.78 feet;

S 82°55'55" W, a distance of 98.20 feet;

S 49°25'03" W, a distance of 100.73 feet;

S 25°38'09" W, a distance of 54.23 feet;

S 43°27'51" W, a distance of 48.46 feet;

S 32°47'10" W, a distance of 184.34 feet;

S 76°59'19" W, a distance of 68.33 feet;

N 88°51'32" W, a distance of 40.22 feet;

S 00°40'34" W, passing the most westerly southwest corner of said Lewis tract, same being the northwest corner of a certain tract of land, described by deed to Viki Janelle Birmes, recorded in Instrument Number 20140626000655390, Deed Records, Collin County, Texas, continuing with the west line thereof, a distance of 319.02 feet to a 1/2" capped rebar found, stamped "RPLS 5686" at the southwest corner of said Birmes tract, same being the most westerly southeast corner of said Lot 4;

THENCE S 88°48'42" W, with a south line of said Lot 4, a distance of 714.76 feet to the POINT OF BEGINNING and containing approximately 25.1940 acres of land.

Exhibit B
Annexation Service Plan Agreement

[__ *pages attached hereto*]