

ORDINANCE NO. 2017-03-01

AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE NUMBER 2002-09-05, ZONING REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION ON THAT CERTAIN PROPERTY KNOWN AS 8055 WESTON ROAD IN THE CITY OF WESTON; REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING CUMULATIVE REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; 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, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential or other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, the owner of the property known as 8055 Weston Road, Abs A0982 Leonidas Wilson Survey, Tract 2, and containing approximately 135.2 acres has requested to rezone the property to RED-1 (Residential Estate District); and

WHEREAS, the City Council of the City of Weston, Texas, held a public hearing on November 8, 2016, with respect to the zoning change described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the rezoning of the property.

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

SECTION 1 ADOPTION

The Comprehensive Zoning Ordinance, as amended, is hereby amended by rezoning the property shown in Exhibit "A", further described at Metes and Bounds, to RED-1 (Residential Estate District).

SECTION 2 ZONING MAP

The official zoning map of the City of Weston is hereby amended and adopted, reflecting the approved zoning as set forth above.

SECTION 3 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 4 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 5
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 6
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, the 14th day of March, 2017.

APPROVE

Patti Harrington

Patti Harrington, Mayor

ATTEST

Susan M. Coffey

Susan Coffey, City Secretary

WESTON
T E X A S



Oldest City in Collin County

EXHIBIT "A"

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.