

RESOLUTION NO. 2021-12-02

A RESOLUTION OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, DENYING CONSENT TO THE CREATION OF COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 8 COMPRISING APPROXIMATELY 125 ACRES OF LAND LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF WESTON; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weston (the "City") received a Petition for Consent to the Creation of a Political Subdivision in the Extraterritorial Jurisdiction of the City of Weston, Texas on September 30, 2021 attached hereto as Exhibit A (the "Petition"), requesting the City's consent to the creation of Collin County Municipal Utility District No. 8 (the "Proposed District") comprised of approximately 125 acres of land located wholly within the City's ETJ as more particularly described in the Petition (the "Property"); and

WHEREAS, the Proposed District would be created for all of the purposes set forth in Article XVI, Section 59 and Article III, Section 52, Texas Constitution; Chapters 49 and 54, Texas Water Code, as amended; and purposes and authority concurrently or subsequently acquired and approved for roadways by Chapter 54, Water Code or other applicable law; and

WHEREAS, creation of Proposed District within the City ETJ or the City's corporate limits requires the consent of the City; and

WHEREAS, the Petition states that the Proposed District would be designated a non-city service subdivision because the Proposed District does not currently propose to connect to the City's water or sewer system or propose to contract with a regional water and wastewater facilities provider serving the area within the Proposed District, as of the date the Petition is filed; and

WHEREAS, the City has determined that the land described in the Petition is not located wholly within the City's ETJ, and that a portion of the land described in the Petition is located in the City's corporate limits; and

WHEREAS, the City has determined that the Property is located within the state certificated service areas of retail public utilities for water and wastewater service; and

WHEREAS, the City has determined that it will promote the health, safety, and welfare of the residents of the City of Weston to withhold consent to the creation of the Proposed District as requested by the Petition.

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

SECTION 1 FINDINGS OF FACT

The foregoing recitals are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.

SECTION 2 DENIAL OF PETITION

The City Council of the City of Weston, Texas, hereby DENIES the relief requested in the Petition and WITHHOLDS CONSENT to the creation of the Proposed District.

SECTION 3 EFFECTIVE DATE

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

APPROVED AND ADOPTED this 14th day of DECEMBER, 2021.



APPROVE

James M Marischen
James M Marischen, Mayor

ATTEST

Susan Coffe
Susan Coffe, City Secretary

IV.

The undersigned constitute the current landowners of the property to be included within the District. There are no lienholders on the property, except MCI Preferred Income Fund II, LLC, whose consent to this petition is attached as **Exhibit "B"**.

V.

The District shall be created for all of the purposes set forth in Article XVI, Section 59 and Article III, Section 52, Texas Constitution; Chapters 49 and 54, Texas Water Code, as amended; and purposes and authority concurrently or subsequently acquired and approved for roadways by Chapter 54, Water Code or other applicable law.

VI.

The general nature of the work proposed to be done by the District at the present time is the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; the construction, installation, maintenance, purchase and operation of drainage and roadway facilities and improvements; and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consonant with the purposes for which the District is organized.

VII.

There is a necessity for the improvements described above for the following reasons: The area of the District is urban in nature and is in close proximity to populous and developed sections of Collin County. The District's area will, within the immediate future, experience a substantial and sustained residential and commercial growth. Said area is not supplied with adequate water and sanitary sewer facilities and services or with adequate drainage facilities and does not have adequate fire suppression facilities, parks and recreational land and facilities, or roads or improvements in aid thereof. The health and welfare of the future inhabitants of the area and of territories adjacent thereto require the installation and acquisition of an adequate water supply and sewage disposal system, an adequate drainage system for and within the area of the District, adequate fire suppression facilities, adequate parks and recreational land and facilities, and roads or improvements in aid thereof.

A public necessity exists for the organization of such District to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system, such drainage facilities, such fire suppression facilities, parks and recreational land and facilities, and roads or improvements in aid

thereof, in order to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VIII.

Said proposed improvements are practicable and feasible, in that the terrain of the territory to be included in the District is of such a nature that a waterworks, sanitary sewer, drainage, storm sewer and roadway system can be constructed at a reasonable cost, currently estimated at \$30,894,000, with reasonable ad valorem tax and assessment rates and water and sewer rates, and said territory will be developed for residential and commercial purposes. The District shall be designated a noncity service district in the meaning of Section 54.106, Texas Water Code, as the District does not currently propose to connect to the City's water or sewer system or propose to contract with a regional water and wastewater facilities provider serving the area within the District, as of the date this Petition is filed.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City of Weston give its written consent to the creation of the District, and for such other orders, acts, procedure and relief as are proper and necessary and appropriate to the purpose of creating and organizing the District and to the execution of the purposes for which the District shall be organized.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

EXECUTED THIS 9 day of September, 2021.

PETITIONER:

HONEYCREEK VENETIAN, LLC,

a Wyoming limited liability company

By: X 

Name:

Title:

THE STATE OF TEXAS §
 §
COUNTY OF Dallas §

This instrument was acknowledged before me on this the 9 day of September, 2021, by Armin Afzalipour, Co-President of _____, LTD., on behalf of said partnership.



Notary Public, State of Texas

(SEAL)

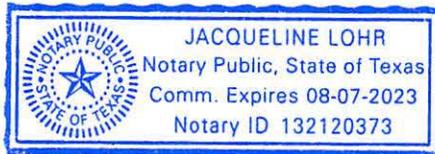


EXHIBIT "A"

BEING all that certain lot, tract, or parcel of land situated in the W. Culwell Survey, Abstract Number 184, in Collin County, Texas, and being that tract of land described by deed to Bobbye Jack Minshew & Terrye Louise Hernandez as recorded under Volume 3073, Page 745, Official Public Records of Collin County, Texas,(O.P.R.C.C.T.), together and with that same tract of land described by deed to Bobbye Jack Minshew as recorded under Instrument Number 20090401000378470, (O.P.R.C.C.T.), and being more particularly described by metes and bounds as follows:

Beginning at a "PK" nail found for the easternmost southeast corner of the herein described tract, same being the southeast corner of said Minshew tract (30731745), and being the northeast corner of a tract of land described as "East Tract" by deed to L. Gardell Chandler as recorded under Volume 4768, Page 3562, (O.P.R.C.C.T.), and being in a west line of a tract of land described by deed to Honey Creek Ranch, Corp. as recorded under Volume 4768, Page 3562, (O.P.R.C.C.T.), said point also being within CR 171;

THENCE South 89 degrees 17 minutes 39 seconds West, with the north line of said "East Tract", a distance of 1237.26 feet to a 1/2 inch iron rod with yellow cap stamped, "Arthur Surveying Company" (ASC) set for corner, same being a north corner thereof ;

THENCE South 89 degrees 41 minutes 14 seconds West, with the north line of said "East Tract", a distance of 44.71 feet to a 1/2 inch iron rod found for corner, same being the northwest corner thereof, and being the northeast corner of said Minshew tract (20090401000378470);

THENCE South 00 degrees 05 minutes 14 seconds East, with the west line of said "East Tract" and with the east line of said Minshew tract (20090401000378470), a distance of 271.62 feet to a 1/2 inch iron rod found for corner, same being the southeast corner thereof, and being the southwest corner of said "East Tract", said point also being in the north line of a tract of land described by deed to Carl Cawthon and wife, Georgia Mae Cawthon as recorded under Volume 472, Page 84, (O.P. R.C.C.T.);

THENCE, South 89 degrees 41 minutes 47 seconds West, with the north line of said Cawthon tract, a distance on 281.26 feet to a cedar fence post found for corner, same being a northwest corner thereof, and being the southwest corner of said Minshew tract (20090401000378470), said point also being in an east line of a tract of land described by deed to Katherine E. Sookma as recorded under Instrument Number 20160119000058480,(O.P.R.C.C.T.);

THENCE North 01 degrees 36 minutes 04 seconds West, with an east line of said Sookma tract, a distance of 254.09 feet to a 1/2 inch iron rod with ASC cap set for corner, same being an east corner thereof;

THENCE North 01 degrees 33 minutes 33 seconds West, with an east line of said Sookma tract, passing at a distance of 17.40 feet a 1/2 inch iron rod found for the northwest corner of said Minshew tract (20090401000378470) , same being the southernmost southwest corner of said Minshew tract (3073/745), and continuing said east line for a total distance

of 708.02 feet to a 1/2 inch iron rod with ASC cap set for corner, same being an east corner of said Sookma tract;

THENCE North 00 degrees 48 minutes 03 seconds West, with an east line of said Sookma tract, a distance of 527.52 feet to a 1/2 inch iron rod with ASC cap set for corner, same being an east corner thereof;

THENCE North 00 degrees 10 minutes 40 seconds West, with an east line of said Sookma tract, a distance of 653.79 feet to a 1/2 inch iron rod found for corner, same being an east corner thereof, and being the southwest corner of a tract of land (Third Tract) described by deed to John Huff as recorded under Instrument Number 20120920001183640, (O.P.R.C.C.T.);

THENCE North 86 degrees 29 minutes 27 seconds East, with the south line of said Huff tract, passing at a distance of 438.64 feet, a nail found in tree for the southeast corner thereof, same being the southwest corner of a tract of land described by deed to Janet L. Sweet as recorded under Instrument Number 20120920001183660,(O.P.R.C.C.T.), and continuing with a south line thereof for a total distance of 660.17 feet to a 1/2 inch iron rod with ASC cap set for corner, same being a south corner thereof;

THENCE North 88 degrees 27 minutes 23 seconds East, with a south line of said Sweet tract, a distance of 566.25 feet to a 1/2 inch iron rod with ASC cap set for corner near a cedar fence post, same being a south corner thereof;

THENCE North 82 degrees 49 minutes 08 seconds East, with a south line of said Sweet tract, a distance of 415.63 feet to a 1/2 inch iron rod with ASC cap set for corner, same being a south corner thereof;

THENCE North 75 degrees 49 minutes 40 seconds East, with a south line of said Sweet tract, a distance of 13.04 feet to a 1/2 inch iron rod with ASC cap set for corner near a Bois D'Arc tree, same being the southeast corner thereof, and being the southwest corner of (Second Tract) of said Huff tract (20120920001183640);

THENCE North 82 degrees 51 minutes 29 seconds East, with a south line of said Second Tract, a distance of 386.06 feet to a 1/2 inch iron rod with ASC cap set for corner near a cedar fence post, same being a south corner thereof;

THENCE North 71 degrees 25 minutes 20 seconds East, with a south line of said Second Tract, a distance of 85.36 feet to a 1/2 inch iron rod with ASC cap set for corner near a cedar fence post, same being a south corner thereof;

THENCE North 85 degrees 43 minutes 24 seconds East, with a south line of said Second Tract, a distance of 237.89 feet to a 1/2 inch iron rod with ASC cap set for corner, same being a south corner thereof;

THENCE North 87 degrees 51 minutes 50 seconds East, with a south line of said Second Tract, passing at distance of 299.85 feet to a 1/2 inch iron rod with cap stamped, "RPLS 4488" found for corner, same being the southeast corner thereof, said point also being in

the west line of West Street, and continuing for a total distance of 318.39 feet to a 1/2 inch iron rod with ASC cap set for corner;

THENCE South 02 degrees 16 minutes 20 seconds East, with the west line of said West Street, passing a northwest corner of a tract of land described by deed to Mounger McKinney Rentals as recorded under Instrument Number 20160830001144750, (O.P.R.C.C.T.), and continuing with a west line thereof for a total distance of 27.98 feet to 1/2 iron rod with ASC cap set for corner, same being an ell corner thereof;

THENCE South 87 degrees 52 minutes 51 seconds West, with a north line of said Mounger tract, a distance of 241.63 feet to a 1/2 inch iron rod with cap stamped, "RPLS 4967" found for corner, same being the westernmost northwest thereof;

THENCE South 01 degrees 21 minutes 44 seconds East, with a west line of said Mounger tract, a distance of 200.00 feet to a 1/2 inch iron rod with ASC cap set for corner, same being the southwest corner thereof;

THENCE North 87 degrees 59 minutes 10 seconds East, with the south line of said Mounger tract, passing the southeast corner thereof, same being the southwest corner of a tract of land described by deed to Alma Faye Antwiler as recorded under Volume 4700, Page 3188 , (O.P.R.C.C.T.), and continuing for a total distance of 437.67 feet to a 1/2 inch iron rod with ASC cap set for corner, same being the southeast corner thereof, said point also being in a west line of a tract of land described by deed to Kenneth R. Cowan as recorded under Volume 4282, Page 1966, (O.P.R.C.C.T.);

THENCE South 00 degrees 15 minutes 14 seconds East, with a west line of said Cowan tract, passing the southwest corner thereof, same being the northwest corner of a tract of land described as "Tract Three" by deed to Kenneth Cowan and wife, Mary Cowan as recorded under Instrument Number 96-49138, (O.P.R.C.C.T.), and continuing for a total distance of 93.14 feet to a 1/2 inch iron rod with ASC cap set for corner, same being the southwest corner thereof, and being the northwest corner of a tract of land described by deed to Steven Goldstein and spouse, Epi Goldstein as recorded under Instrument Number 20130920001323210, (O.P.R.C.C.T.);

THENCE South 02 degrees 00 minutes 36 seconds East, with the west line of said Goldstein tract, a distance of 92.75 feet to a 1/2 inch iron rod with ASC cap set for corner, same being the southwest corner thereof, and being the northernmost northwest corner of a tract of land described by deed to Damon L Malone as recorded under Volume 4569, Page 1308, (O.P.R.C.C.T.);

THENCE South 00 degrees 50 minutes 16 seconds West , with the northernmost west line of said Malone tract, a distance of 36.71 feet to a 6 inch cedar fence post found for corner, same being an ell corner thereof;

THENCE South 80 degrees 52 minutes 17 seconds West, with the westernmost north line of said Malone tract, a distance of 64.92 feet to a 1/2 inch iron rod found for corner, same being the westernmost northwest corner thereof;

THENCE South 03 degrees 49 minutes 10 seconds East, with the westernmost west line of said Malone tract, a distance of 32.22 feet to a 1/2 inch iron rod with ASC cap set for corner, same being the northeast corner of a tract of land described by deed to Thomas Salmon, LLC as recorded under Instrument Number 20160421000482480, (O.P.R.C.C.T.);

THENCE South 85 degrees 43 minutes 09 seconds West, with the north line of said Salmon tract, a distance of 182.00 feet to a 1/2 inch iron rod with ASC cap set for corner, same being the northwest corner thereof;

THENCE South 03 degrees 49 minutes 10 seconds East, with the west line of said Salmon tract, a distance of 120.00 feet to a 1/2 inch iron rod with ASC cap set for corner, same being the southwest corner thereof;

THENCE North 85 degrees 43 minutes 09 seconds East, with the south line of said Salmon tract, a distance of 60.78 feet to a "PK" nail found in asphalt for corner, same being a northwest corner of said Honey Creek tract, said point also being within said CR 171;

THENCE South 52 degrees 56 minutes 39 seconds West, along and with said CR 171, and with a west line of said Honey Creek tract, a distance of 69.10 feet to a "PK" nail found in asphalt for corner, same being a northwest corner thereof;

THENCE South 19 degrees 57 minutes 23 seconds West, along and with said CR 171, and with a west line of said Honey Creek tract, a distance of 88.84 feet to a "PK" nail found in asphalt for corner;

THENCE South 07 degrees 04 minutes 44 seconds West, along and with said CR 171, and with a west line of said Honey Creek tract, a distance of 124.76 feet to a "PK" nail found in asphalt for corner, same being a west corner thereof;

THENCE South 01 degrees 41 minutes 46 seconds West, along and with said CR 171, and with a west line of said Honey Creek tract, a distance of 179.11 feet to a "PK" nail set in asphalt for corner, same being a west corner thereof;

THENCE South 00 degrees 17 minutes 21 seconds East, along and with said CR 171, and with a west line of said CR 171, a distance of 1021.51 feet to THE POINT OF BEGINNING and containing 125.298 acres of land, more or less.

EXHIBIT "B"

CERTIFICATE OF LIENHOLDER'S CONSENT

THE STATE OF TEXAS §
 §
COUNTY OF COLLIN §

The undersigned being the holder of a lien on all or a portion of the land that is proposed to be included in Collin County Municipal Utility District No. 8 (the "District") as described in the Petition for Consent to the Creation of a Political Subdivision (the "Petition") and to which this Certificate is attached, hereby consents to the Petition and the addition of the land described in Exhibit "A" of the Petition to the District.

LIENHOLDER:

MCI Preferred Income Fund II, LLC,
a Delaware LLC

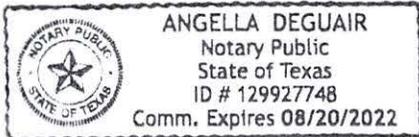
By: 

Name: Armin Afzalipour

Title: Co-President

THE STATE OF TEXAS §
 §
COUNTY OF Dallas §

This instrument was acknowledged before me on the 13th day of September, 2021 by Armin Afzalipour, Co president of _____, a Texas banking corporation, on behalf of said banking corporation.

(SEAL) 


Notary Public, State of Texas