

ORDINANCE NO. 2013-12-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF LAVON, ROCKWALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF THE PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING THE INHABITANTS BY ALL OF THE ORDINANCES, RESOLUTIONS, ACTS AND REGULATIONS OF THE CITY; ADOPTING A SERVICE PLAN; FINDING AND DETERMINING THAT ALL REQUIREMENTS FOR ANNEXATION INCLUDING PUBLIC HEARINGS, NOTICES AND OPEN MEETINGS HAVE BEEN MET ACCORDING TO LAW; PROVIDING INSTRUCTIONS FOR FILING THIS ORDINANCE AND FOR CORRECTING THE OFFICIAL MAP AND BOUNDARIES OF SAID CITY; PROVIDING SEVERABILITY AND CUMULATIVE CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon, Texas (“City”) is authorized, pursuant to Chapter 43 of the Texas Local Government Code to annex territory and extend the corporate limits of the City, subject to state law; and

WHEREAS, on October 29, 2013, the City Council passed Resolution No. 2013-10-02 which granted a petition of Lavon Business Park, L.L.C., a Texas Liability Company and property owner of described property, requesting to be annexed into the City of Lavon.

WHEREAS, the City desires to annex certain territory described herein (the “Property”); and

WHEREAS, all of the Property described herein is contiguous to and within the exclusive extraterritorial jurisdiction of the City; and

WHEREAS, all required notices, all public hearings, and all requirements for such annexation have been provided, held, and met in accordance with applicable law; and

WHEREAS, in accordance with Chapter 43 of the Texas Local Government Code, a Service Plan for the area to be annexed was prepared and made available to the public and is attached hereto and incorporated herein; and

WHEREAS, the City Council of the City of Lavon finds and determines that annexation of the Property hereinafter described is in the best interests of the citizens of the City of Lavon and the owners and residents of the area.

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

SECTION 1. Findings. It is hereby officially determined that the findings and recitations contained above in the preamble of this ordinance are true and correct and are incorporated herein by reference.

SECTION 2. Annexation. That the following described territory, to wit:

Collin CAD Property ID 2666582, being all that certain lot, tract or parcel of land located in the W.A.S. Bohannon Survey, Abstract No. 121, Collin County, Texas, and being an approximate 4.104 acre part of a 24.73 acre tract of land described in a Deed from D.P. Brown to Lavon Business Park, a Texas Joint Venture, dated November 26, 2003 and being recorded in Volume 341, Page 638, Official Public Records of Collin County, Texas, and being more particularly described in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

be and the same is hereby annexed into the City of Lavon, Rockwall County, Texas, and that the boundary limits of the City of Lavon, Texas, be and the same are hereby extended to include the above-described territory within the city limits of the City of Lavon, and that same shall hereafter be included within the territorial limits of said City and said land and the inhabitants thereof shall be hereafter entitled to all rights and privileges of all other citizens of the City of Lavon, Texas, and shall be bound by the ordinances, resolutions, acts and regulations of the City.

SECTION 3. Service Plan. A Service Plan prepared in accordance with applicable provision of state law pertaining to annexation is attached hereto as Exhibit "C" and is hereby incorporated herein by reference and adopted as part of this ordinance and the same shall govern the delivery of municipal services to the annexed territory.

SECTION 4. Official Map. The official map and boundaries of the City, previously adopted, are amended to include the Property as part of the City of Lavon. The City Secretary is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add the annexed Property as required by applicable law.

SECTION 5. Severability Clause. It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

SECTION 6. Cumulative Clause. This ordinance shall be cumulative of all provisions of ordinances of the City of Lavon except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 7. Public Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

SECTION 8. Filing Instructions. The City Secretary is hereby directed to file a certified copy of this ordinance with the County Clerk of Rockwall County, Texas, and with other appropriate officials and agencies as required by state and federal law.

SECTION 9. Effective Date. This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council of the City of Lavon, Texas.

PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 30th day of December, 2013.



Mayor, Charles Teske

ATTEST:



Chris Wess, City Secretary

APPROVED AS TO FORM:

Jennifer W. DeCurtis, Assistant City Attorney

EXHIBIT A

Situated in the W.A.S. Bohannon Survey, Abstract No. 121 in Collin County, Texas, and being part of a 30 acre tract of land described in Deed recorded in Volume 341, page 638 of the deed records of Collin County, Texas, being more particularly described by metes and bounds to-wit:

Beginning at an iron pin found, being the Southeast corner of said tract;

Thence South $87^{\circ}35'0''$ West with the South line of said tract 778.58 feet to an iron pin set in County Road 746;

Thence North $0^{\circ}49'0''$ West with the West line of said 30 acre tract, same being in County Road 746 a distance of 921 feet to a Railroad Spike set in the East right-of-way line of State Highway 205;

Thence with said line on a curve to the left having a central angle of $0^{\circ}34'31''$ radius of 5779.58 feet and a chord bearing of North $6^{\circ}44'52''$ East a distance of 58.03 feet to an iron pin set;

Thence East 343.75 feet to an iron pin set;

Thence North $0^{\circ}35'0''$ West 715.41 feet to an iron pin set in the North line of said 30 acre tract;

Thence North $88^{\circ}04'45''$ East with said North line 430.89 feet to an iron pin found, being the Northeast corner of said 30 acre tract;

Thence South $0^{\circ}35'03''$ East with the East line of said tract 1675.62 feet to the place of beginning, containing 24.37 acres.

EXHIBIT B

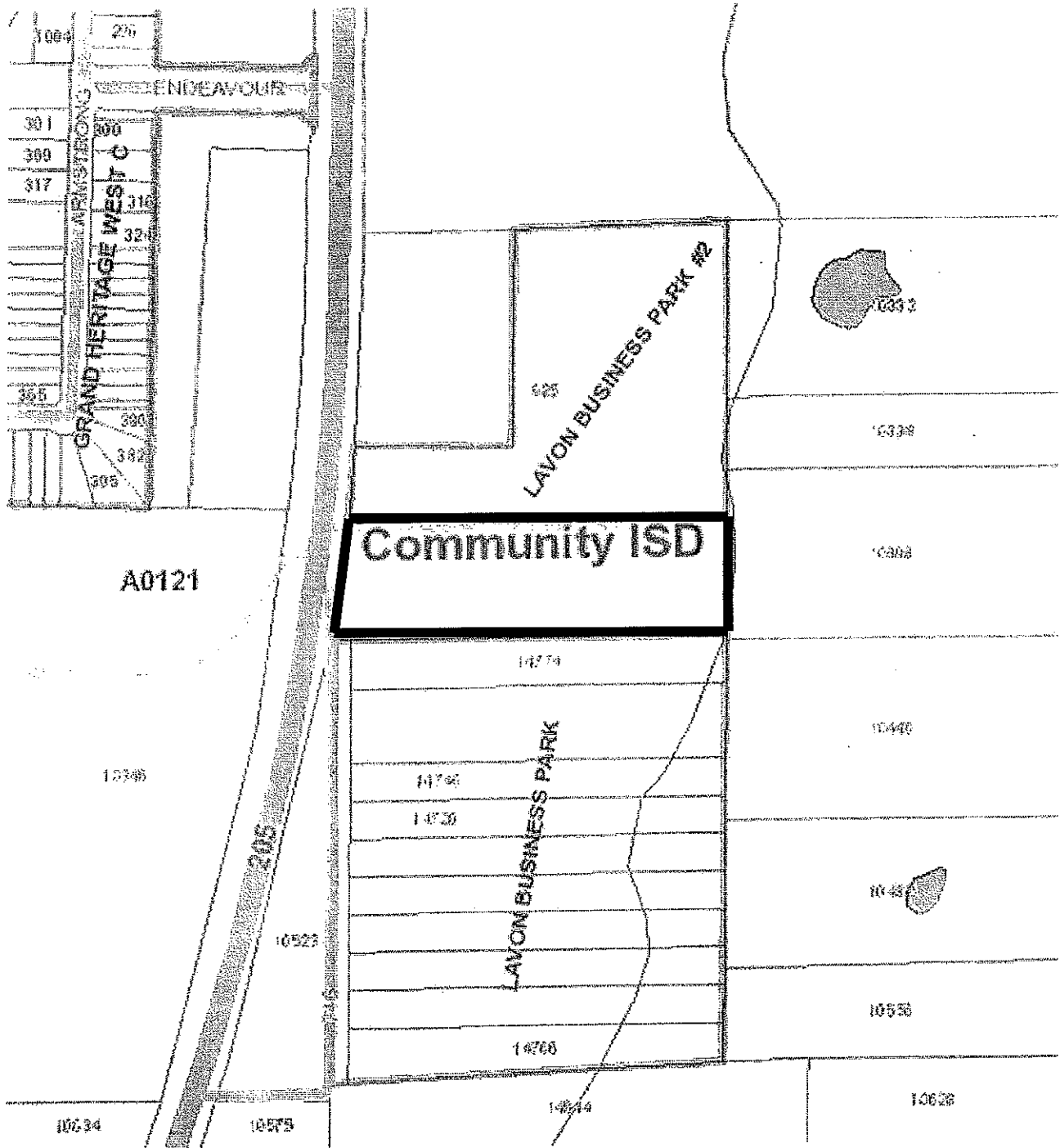


EXHIBIT "C"
CITY OF LAVON, TEXAS
MUNICIPAL SERVICE PLAN

SECTION 1

In accordance with the time frames of Section 43.056 of the TEXAS LOCAL GOVERNMENT CODE, the City of Lavon (the "City") will provide the following services to the territory or property so annexed within two and one-half years unless certain services cannot be reasonably provided within that time and the City proposes a schedule to provide services within four and one-half years:

A. Police protection

- 1) Including but not limited to patrolling, radio responses to calls and other routing police services, using present personnel and equipment, in accordance with the City of Lavon ordinances and state and federal law will be provided on the effective date of annexation;
- 2) Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards.

B. Volunteer fire department service in accordance with City of Lavon ordinances and state and federal law;

C. Ambulance Services

- 1) Upon the effective date of annexation, the area will become a part of the Southeast Collin County EMS/Ambulance Coalition and ambulance service will be provided by the same provider that the City uses.

D. Solid waste collection

- 1) The same regular refuse collection service now provided within one month after the effective date of annexation.

E. Streets

- 1) Emergency maintenance of streets (repair of hazardous chuck holes, measurer necessary for traffic flow, etc.) will begin on the effective date of acceptance of the streets within the new subdivision.

- 2) Routine maintenance on the same basis as in the present city will begin in the annexed area on the effective date of annexation.
 - 3) Reconstruction and resurfacing of streets repair of storm drainage facilities, repair of curbs and gutters, and other such major improvements, as the need therefore is determined by the governing body, will be accomplished under the policy of the City.
- F. Inspection Service
- 1) Any inspection services now provided by the City (building, electrical, plumbing, gas, housing, etc.) will begin in the annexed area on the effective date of annexation.
- G. Planning and Zoning
- 1) The Planning and Zoning jurisdiction of the City will extend to the annexed area on the effective date of annexation. City planning will thereafter encompass the annexed area.
- H. Water
- 1) The City recommends the use of Lavon Water Supply Corporation for water supply.
- I. Sewer
- 1) At a time when the City offers sewer service, properties in the annexed areas will be connected to sewer lines in accordance with the proposed schedule of connection.
- J. Publicly Owned Facilities
- 1) Upon the effective date of annexation, any publicly owned facility, building or service located within the annexed area, and not otherwise owned or maintained by another governmental entity, shall be maintained by the City of Lavon.
- K. All other applicable municipal services will be provided to the area in accordance with the City of Lavon' established policies governing extension of municipal services to newly annexed areas.

SECTION 2

Nothing in this plan shall require the City of Lavon to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

SECTION 3

This service plan shall be valid for a term of ten (10) years. Renewal of the service plan shall be at the discretion of the City Council.

SECTION 4

This service plan may be amended if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this service plan unworkable or obsolete. The City Council may amend the service plan to conform to the changed conditions or subsequent occurrences pursuant to TEXAS LOCAL GOVERNMENT CODE, Section 43.056.

SECTION 5

Extension and provision of City services to the annexed area, and the construction, inspection and maintenance of all improvements necessary to provide such services shall be in accordance with standards contained in the City's subdivision regulations or engineering standards, or other standard specifications, as may be amended, except as expressly provided herein to the contrary.

SECTION 6

Any improvements which may be placed, constructed or installed on any portion of a development shall conform to the minimum specifications as called for in the Building Code, the Fire Code, applicable engineering standards, and other City regulations, as to size, quality of materials, height, and strength of improvements. For the purpose of the foregoing, the following shall be considered improvements: water lines, fire hydrants, and sanitary sewer systems, or any similar improvement designed to ensure the health and safety of the public, residents, employees, or customers. In the event private drives or streets are constructed for the development of the property, they shall conform to the Fire Code, and applicable engineering standards for their construction, to assure that Fire Department vehicles may safely use them. Developers or landowners shall not permit occupancy and the City shall not issue occupancy permits for any buildings or portions thereof until such private improvements are fully completed to serve the developed area, including compliance with City regulations.

SECTION 7

Extension and provision of City services to the annexed area, and the construction, inspection and maintenance of all improvements necessary to provide such services shall be in accordance with standards contained in the City's subdivision regulations or engineering manuals, or other standard specifications, as may be amended, except as expressly provided herein to the contrary.

SECTION 8

In accordance with state law and the City's land development and subdivision ordinances and regulations, any division of the annexed area into two or more tracts or parcels for the purposes of sale will require the filing of a subdivision plat. Developers and landowners shall complete those portions of the public improvements which the City may require in order to ensure contiguity and proper service for the public improvements to the portion of the annexed property for which plat approval may be sought.