

CITY OF LAVON
ORDINANCE NO. 2021-07-01

Annexation – 2.9647 acres and SH 205 – DPB Inv.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF LAVON, COLLIN 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; INCORPORATING AN EXECUTED MUNICIPAL SERVICES AGREEMENT; FINDING AND DETERMINING THAT ALL REQUIREMENTS FOR ANNEXATION INCLUDING A PUBLIC HEARING, 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, state law requires that county roads adjacent to annexation areas shall also be annexed;

WHEREAS, the property owner has requested to voluntarily annex and 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, a public hearing, 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 Municipal Services Agreement has been executed; 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:

Being 2.9647 acres described as W. A. S. Bohannon Survey, Abstract No. 0121, Tract 19 (CCAD Property ID 2671476), southwest of the intersection of SH 205 and Endeavor Drive, and the portion of SH 205, and the right-of-way adjacent to and abutting the property within the extraterritorial jurisdiction of the City of Lavon, Collin County, Texas, described in the attached 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, Collin 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. Municipal Services Agreement. The City Council entered into a written Municipal Services Agreement with the property owner prepared in accordance with applicable provision of state law which 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 Collin 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.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 6th day of July 2021.



Vicki Sanson
Mayor

ATTEST:



Rae Norton
City Secretary



ORDINANCE NO. 2021-07-01

EXHIBIT A - DESCRIPTION OF AREA

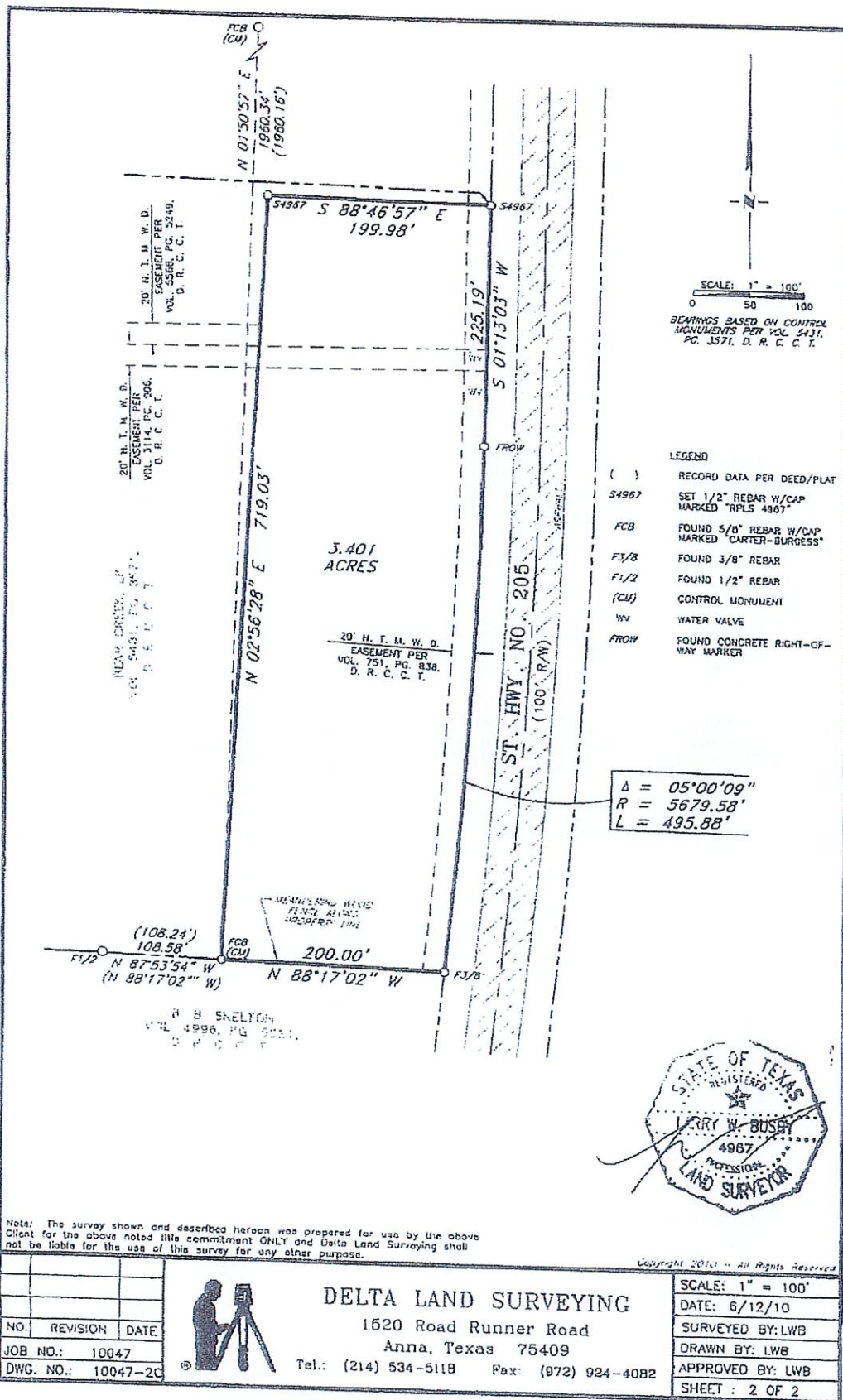
Being 2.9647 acres described as W. A. S. Bohannon Survey,
Abstract No. 0121, Tract 19 (CCAD Property ID 2671476),
southwest of the intersection of SH 205 and Endeavor Drive, and
the portion of SH 205, and the right-of-way adjacent to and
abutting the property within the extraterritorial jurisdiction of
the City of Lavon, Collin County, Texas, described in the
attached Exhibit "A" and depicted in Exhibit "B" attached hereto
and made a part hereof

and

EXHIBIT B – MAP

EXHIBIT "A"

The property in this application is 2.9647 acres. It is the 3.401 acres described on the attached survey less .4363 acre sold to TXDOT, as described on the other attached survey.



Improvement Survey for (Reference Name): D. P. Brown Estate
 Client: D. P. Brown Estate
 For Title Commitment by: None @ Client's Request GF # None ONLY.
 Property Address: (Unposted) State Hwy. No. 205

DESCRIPTION

A tract of land situated within the W. A. S. Bahannon Survey, Abstract Number 121, Collin County, Texas, and being a remaining portion of a tract of land conveyed to D. P. Brown by a deed filed for record in Volume 226 at Page 176 of the Deed Records of Collin County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Beginning at a 3/8" rebar found, on the West right-of-way line of State Highway Number 205 for the common East corner of the tract of land herein described and a tract of land conveyed to B. B. Skelton by a deed filed for record in Volume 4996 at Page 5221 of the Deed Records of Collin County, Texas:

Thence N 88°17'02" W, along the common boundary line of the tract of land herein described and the aforementioned Skelton tract, 200.00 feet to a 5/8" rebar with a cap marked "Carter-Burgess" found for the common South corner of the tract of land herein described and a tract of land conveyed to Bear Creek, LP by a deed filed for record in Volume 5431 at Page 3571 of the Deed Records of Collin County, Texas, from which a 5/8" rebar with a cap marked "Carter-Burgess" found for a corner of said Bear Creek tract bears N 01°50'57" E, 1960.34 feet;

Thence N 02°56'28" E, along the common boundary line of the tract of land herein described and the aforementioned Bear Creek tract, 719.03 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner;

Thence S 88°46'57" E, continuing along the common boundary line, 199.98 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner on the above-mentioned West right-of-way line (;

Thence S 01°13'03" W, along the aforementioned established (Vol. 5431, Pg. 3571) West right-of-way line, 225.19 feet to a concrete right-of-way monument found at the beginning of a curve;

Thence Southwesterly, 495.88 feet along the aforementioned West right-of-way line and the arc of a curve to the right, having a central angle of 05°00'09", a radius of 5679.58 feet and a chord which bears S 03°43'01" W, 495.72 feet to the Point of Beginning.

Said tract of land containing 148,147 square feet or 3.401 acres, more or less.

Note: The tract of land surveyed and described hereon was prepared without the benefit of a current title commitment and may be subject to easements and other matters of records which would be reflected by a current title commitment.

With reference to my copy of the Federal Emergency Management Agency Flood Insurance Rate Map for Collin County, Texas, Community Panel No. 480B5C-0440-J, Revised on 6/2/09, the subject property's scaled location lies within Flood Zone(s) X, which is not designated a 100 year Special Flood Hazard Area. The above map may not include all Special Flood Hazard Areas and after a more detailed study the Special Flood Hazard Areas may be modified and other areas added. Localized flooding may occur someday due to changes in adjacent drainage patterns.

I do hereby certify that this survey was made on the ground, under my direct supervision and the plat hereon is a true and correct representation of this property, said survey and plat meet the Minimum Standards for Land Surveying in the State of Texas; there are no visible conflicts, encroachments, overlapping of improvements or easements except as shown; all easements and other matters of record of which I have been advised, by the above commitment, are as shown hereon. Delta Land Surveying makes no representation as to the accuracy or completeness of said commitment.

Larry W. Busby
 TX R.P.L.S. No. 4967



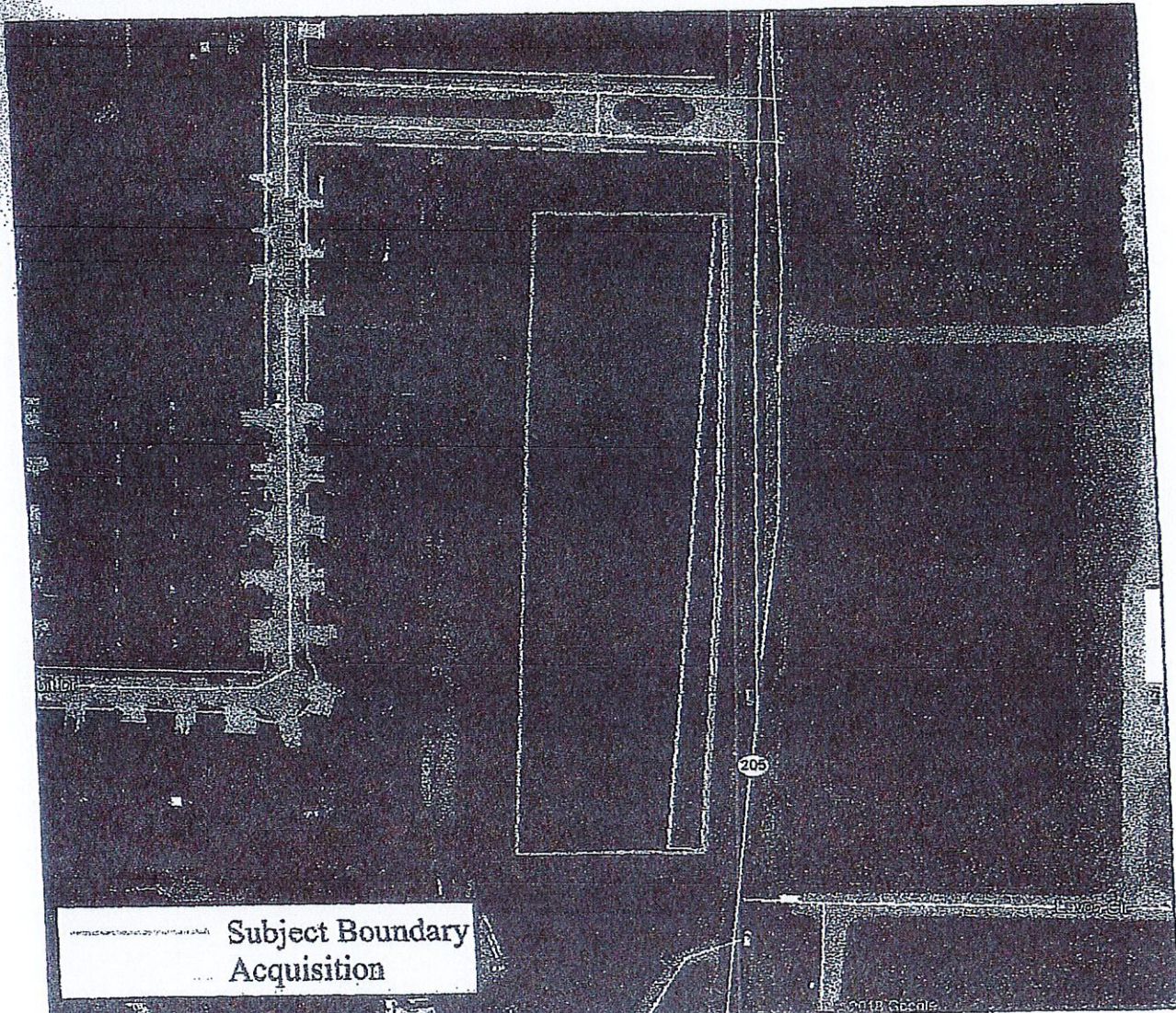
Note: The survey shown and described hereon was prepared for use by the above Client for the above noted title commitment ONLY and Delta Land Surveying shall not be liable for the use of this survey for any other purpose.

Copyright 2010 - All Rights Reserved

			DELTA LAND SURVEYING 1520 Road Runner Road Anna, Texas 75409 Tel.: (214) 534-5118 Fax: (972) 924-4082		SCALE: 1" = 100' DATE: 6/12/10 SURVEYED BY: LWB DRAWN BY: LWB APPROVED BY: LWB SHEET : 1 OF 2
NO.	REVISION	DATE			
JOB NO.:	10047				
DWG. NO.:	10047C-1				

PROPERTY IDENTIFICATION AND PROPOSED ACQUISITION

The subject is located along the western line of State Highway 205, 50' north of Lavon Circle, Collin County, Texas. The property does not have a physical address. The site contains approximately 3.401 acres, or 148,148 square feet of vacant land. The proposed part to be acquired (Parcel 54) by the Texas Department of Transportation totals 19,007 square feet, or 0.4363 acres. The acquisition is along the eastern boundary line of the site.



Source: Google Earth

*LOCATION OF BOUNDARY AND PROPOSED ACQUISITION ARE APPROXIMATE

Exhibit "A"

County: Collin
Highway: State Highway 205
Parcel 54
STA. 1213+55.82 to STA. 1220+85.82
R.O.W. CSJ: 0451-03-015

Page 1 of 5
June 28, 2018

Description for Parcel 54

BEING 19,007 square feet of land, more or less, in W.A.S. Bohannon Survey, Abstract Number 121, Collin County, Texas, and being part of a called 3.401 acre tract of land conveyed as Tract 4 by Deed Contributing Real Property To Limited Partnership from Robert B. McGaughey, Jr., Elizabeth M. Payne, and Shannon M. Baade to DPB Investments, LP, executed January 1, 2010, as recorded in Instrument No. 20110606000576510, Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said 19,007 square feet [0.4363 Acres] of land being more particularly described by metes and bounds as follows:

COMMENCING at a found 1/2 inch iron rod with red plastic cap stamped "BUSBY" (controlling monument) for the northwest corner of said DPB Investments, LP Tract 4 and an interior ell corner of a called 2.04 acre tract of land conveyed as Tract 3 by deed to World Land Developers, LP, executed January 3, 2007, as recorded in Instrument No. 20071213001657580, said Official Public Records (O.P.R.C.C.T.);

THENCE South 88 degrees 42 minutes 34 seconds East, along the north line of said DPB Investments, LP Tract 4 and a south line of said World Land Developers, LP Tract 3, a distance of 187.49 feet to a set 5/8 inch iron rod with pink plastic cap stamped "TEXAS DEPARTMENT OF TRANSPORTATION ROW MONUMENT" (hereafter referred to as a set "TxDOT" monument) on the new west right of way line of State Highway 205 (a variable width right of way), and at the POINT OF BEGINNING, and being 75.00 feet right of Station 1225+68.79, and having a N.A.D. 83 (2011 Adjustment), Texas State Plane North Central Zone (4202) surface coordinate of Northing 7,060,484.53 and Easting 2,595,121.11;

- 1) THENCE South 88 degrees 42 minutes 34 seconds East, continuing along the north line of said DPB Investments, LP Tract 4 and a south line of said World Land Developers, LP Tract 3, a distance of 12.44 feet to a set 5/8 inch iron rod with cap stamped "LTRA" for the northeast corner of said DPB Investments, LP Tract 4, being the southeast corner of said World Land Developers, LP Tract 3, on the existing west right of way line of State Highway 205 (a 100 feet wide right of way) described in a deed to the State of Texas, as recorded in Volume 388, Page 365, Deed Records, Collin County, Texas (D.R.C.C.T.);
- 2) THENCE South 01 degrees 15 minutes 30 minutes West, departing the north line of said DPB Investments, LP Tract 4 and a south line of said World Land Developers, LP Tract 3, along the existing west right of way line of said State Highway 205 and the east line of said DPB Investments, LP Tract 4, a distance of 230.19 feet to a set 5/8 inch iron rod with cap stamped "LTRA" at the beginning of a curve to the right;
- 3) THENCE continuing along the existing west right of way line of said State Highway 205 and the east line of said DPB Investments, LP Tract 4, 490.88 feet along the arc of said curve to the right, through a central angle of 04 degrees 57 minutes 07 seconds, having a radius of 5,679.58 feet, and a long chord which bears South 03 degrees 44 minutes 05 seconds West, 490.73 feet to a found 3/8 inch iron rod (controlling monument) for the southeast corner of said DPB Investments, LP Tract 4, and the northeast corner of a called 42.058 acre tract of land conveyed in a deed to 3002 Hop, Ltd., executed May 9, 2016, as recorded in Instrument No. 20160511000577640, said Official Public Records (O.P.R.C.C.T.);

Exhibit "A"

County: Collin

Highway: State Highway 205

Parcel 54

STA. 1213+55.82 to STA. 1220+85.82

R.O.W. CSJ: 0451-03-015

Page 2 of 5
June 28, 2018

Description for Parcel 54

- 4) THENCE North 88 degrees 14 minutes 55 seconds West, departing the existing west right of way line of said State Highway 205 and the east line of said DPB Investments, LP Tract 4, along the south line of said DPB Investments, LP Tract 4 and the north line of said 3002 Hop, Ltd. tract, a distance of 41.31 feet to a set "TxDOT" monument on the new west right of way line of said State Highway 205, being the beginning of a curve to the left;
- 5) THENCE departing the south line of said DPB Investments, LP Tract 4 and the north line of said 3002 Hop, Ltd. tract, along the new west right of way line of said State Highway 205, 722.18 feet along the arc of said curve to the left, through a central angle of 05 degrees 58 minutes 30 seconds, having a radius of 6,925.00 feet, and a long chord which bears North 05 degrees 14 minutes 10 seconds East, 721.85 feet to the POINT OF BEGINNING and containing 19,007 square feet [0.4363 Acres] of land, more or less.

The Basis of Bearings is the Texas State Plane Coordinate System of 1983, North Central Zone (4202), North American Datum (NAD83) 2011 Adjustment, EPOCH 2010. All distances coordinates shown are surface, unless otherwise noted, and may be converted to grid by dividing by the TxDOT combined scale factor of 1.000146135. Unit of measure is Survey Foot.

Station and Offset Information refers to the baseline described in the Project Schematic dated 08-31-2017; Control-Section-Number 0451-03-013.

Survey plat of even date herewith accompanies the legal description.

I, Stanley M. Brewer, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

Stanley M. Brewer 7/6/2018
Stanley M. Brewer, R.P.L.S. Date
Texas Registration No. 6072

Lina T. Ramey & Associates
3320 Belt Line Road
Farmers Branch, Texas 75234
Ph. 214-979-1144
TBPLS FIRM NO. 1014070



ORDINANCE NO. 2021-07-01

EXHIBIT C - MUNICIPAL SERVICES AGREEMENT

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF TEXAS)

)

COUNTY OF COLLIN)

**CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE
MUNICIPAL SERVICES AGREEMENT**

This Municipal Services Agreement ("Agreement") is entered into pursuant to Section 43.0672 of the Texas Local Government Code by and between the City of Lavon, Texas (the "City") and the undersigned property owner(s) (the "Owner"). The term "Owner" includes all owners of the Property. City and Owner may be referred individually as a "Party" and collectively referred to as the "Parties."

WHEREAS, the Owner owns a parcel of real property (the "Property") in Collin County, Texas, legally described as 2.9647 acres in the W. A. S. Bohannon Survey, Abstract No. 0121, Tract 19, and more particularly described on Exhibit "A" attached hereto; and

WHEREAS, the Parties desire to enter into this Agreement pursuant to Section 43.0672 of the Texas Local Government Code in order to address the provision of municipal services to be offered to the Property on the date of annexation, and a schedule that includes the period within which the City will provide any municipal service that is not provided on the effective date of annexation, as shown in Exhibit "B" attached hereto; and

WHEREAS, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term (defined below) of this Agreement; and

WHEREAS, this Agreement is to be recorded in the Real Property Records of Collin County.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereto agree as follows:

Section 1. The City acknowledges and agrees that it shall provide the municipal services listed in Exhibit "B" to the Property pursuant to Chapter 43 of Texas Local Government Code upon annexation of the Property.

Section 2. The Owner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and **the Owner who signs this Agreement covenants and agrees, jointly and severably, to indemnify, hold harmless, and defend the City against any and all legal claims, by any person claiming an ownership interest in the Property who has not signed the Agreement, arising in any way from the City's reliance on this Agreement.**

Section 3. The Owner agrees and stipulates that such annexation of the Property is voluntary, and the Owner has submitted a petition for such annexation to the City. Furthermore, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken. Owner acknowledges and stipulates that this Agreement is not a permit, as defined in Texas Local Government Code, Section 245.001(1), required by the City.

Section 4. The Parties acknowledge and agree that nothing in this Agreement shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed Property, if different characteristics of topography, land use, and population density are considered a sufficient basis for provided different levels of municipal service. Furthermore, the Parties acknowledge and agree that this Agreement will not provide any fewer services, and it will not provide a lower level of services, than were in existence in the annexed area at the time immediately preceding the annexation process.

Section 5. The Owner acknowledges that the City's codes, ordinances, regulations and policies ("Regulations") that apply throughout the City, including the Property, may be reviewed at City Hall and at www.cityoflavon.com and shall adhere to all such regulations in development of the Property.

Section 6. This Agreement shall be valid for a term of ten (10) years. Renewal of the Agreement shall be at the discretion of the City Council and must be approved by ordinance. The Owner agrees that this Agreement may be amended without the written consent or knowledge of the Owner if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this Agreement unworkable or obsolete. Furthermore, the Owner acknowledges and agrees that the City Council may amend the services provided under this Agreement without the written consent of the Owner in order to conform to the changed conditions, subsequent occurrences or any other legally sufficient circumstances existing pursuant to the Local Government Code or other Texas or Federal laws that make this Agreement unworkable, obsolete or unlawful.

Section 7. Owner acknowledges and agrees that pursuant to the Development Agreement, the Property to be annexed will initially be zoned AG – Agricultural pursuant to the City's Code of Ordinances, pending determination of the property's permanent zoning in accordance with the provisions of applicable law and the City's Code of Ordinances. Owner acknowledges and agrees that any subsequent rezoning of the Property will be pursuant to the Regulations of the City.

Section 8. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by depositing same in the United States mail, addressed to the Party to be notified, postage pre-paid and registered or certified with return receipt requested, or by delivering the same in person to such Party via facsimile or a hand-delivery service, Federal Express or any courier service that provides a return receipt showing the date of actual delivery of same to the addressee thereof. Notice given in accordance herewith shall be effective upon receipt at the address of the addressee. For purposes of notice, the addresses of the Parties shall be as follows:

To City:

City of Lavon
Attn: City Administrator
P.O. Box 340
Lavon, TX 75166

With Copy to:

Messer, Rockefeller & Fort, P.L.L.C.
Attn: Wm. Andrew Messer
6371 Preston Road, Suite 200
Frisco, Texas 75034

To Owner:

DPB Investments, L.P.
Attn: Robert B. McGaughey Jr

PO Box 4475

Wichita Falls, TX 76308

Section 9. A certified copy of this Agreement shall be recorded in the real property records of Collin County, Texas, and this Agreement shall constitute a covenant that runs with the Property.

Section 10. If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

Section 11. This Agreement may be enforced by any Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter. Notwithstanding the preceding terms of this section, the City does not waive immunity from suit or liability. Owner acknowledges and agrees that the only recourse against the City for breach or default of the Agreement is disannexation for failure to provide services pursuant to Chapter 43 of the Texas Local Government Code.

Section 12. Owner and City acknowledge and expressly agree that no subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the properties covered herein pursuant to the terms of this Agreement.

Section 13. The validity of this Agreement and any of its terms and provisions, as well as the rights and duties of the Parties, shall be governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall be only in Collin County, Texas.

Section 14. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

Section 15. This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 2, 3, 4 and 11 herein.

Section 16. This Agreement embodies the complete agreement of the Parties hereto, superseding all oral or written, previous and contemporary agreements between the Parties and relating to the matters in this Agreement and except as otherwise provided herein, cannot be modified without written agreement of the Parties to be attached to and made a part of this Agreement.

Section 17. The determinations recited and declared in the preambles to this Agreement are hereby incorporated herein as part of this Agreement.

Section 18. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

Entered into this 18 day of May, 2021.

SIGNATURES ON FOLLOWING PAGE(S)

CITY OF LAVON

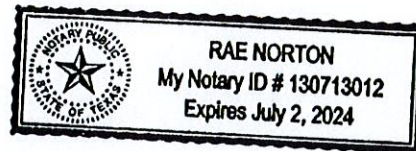
By: Vicki Sanson
Name: Vicki Sanson
Title: Mayor
Date: 5-19-21



THE STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on May 19, 2021, by Vicki Sanson, Mayor of the City of Lavon, Texas on behalf of said City.

Rae Norton
Notary Public in and for the State of TEXAS



OWNER: DPB Investments, LP

By: Robert B McGaughey Jr
Name: Authorized Agent of Owner
Title: President
Date: 5/7/2021

THE STATE OF TEXAS §
 §
COUNTY OF Wichita §

This instrument was acknowledged before me on May 7, 2021, by Robert B McGaughey Jr., owner of said Property.

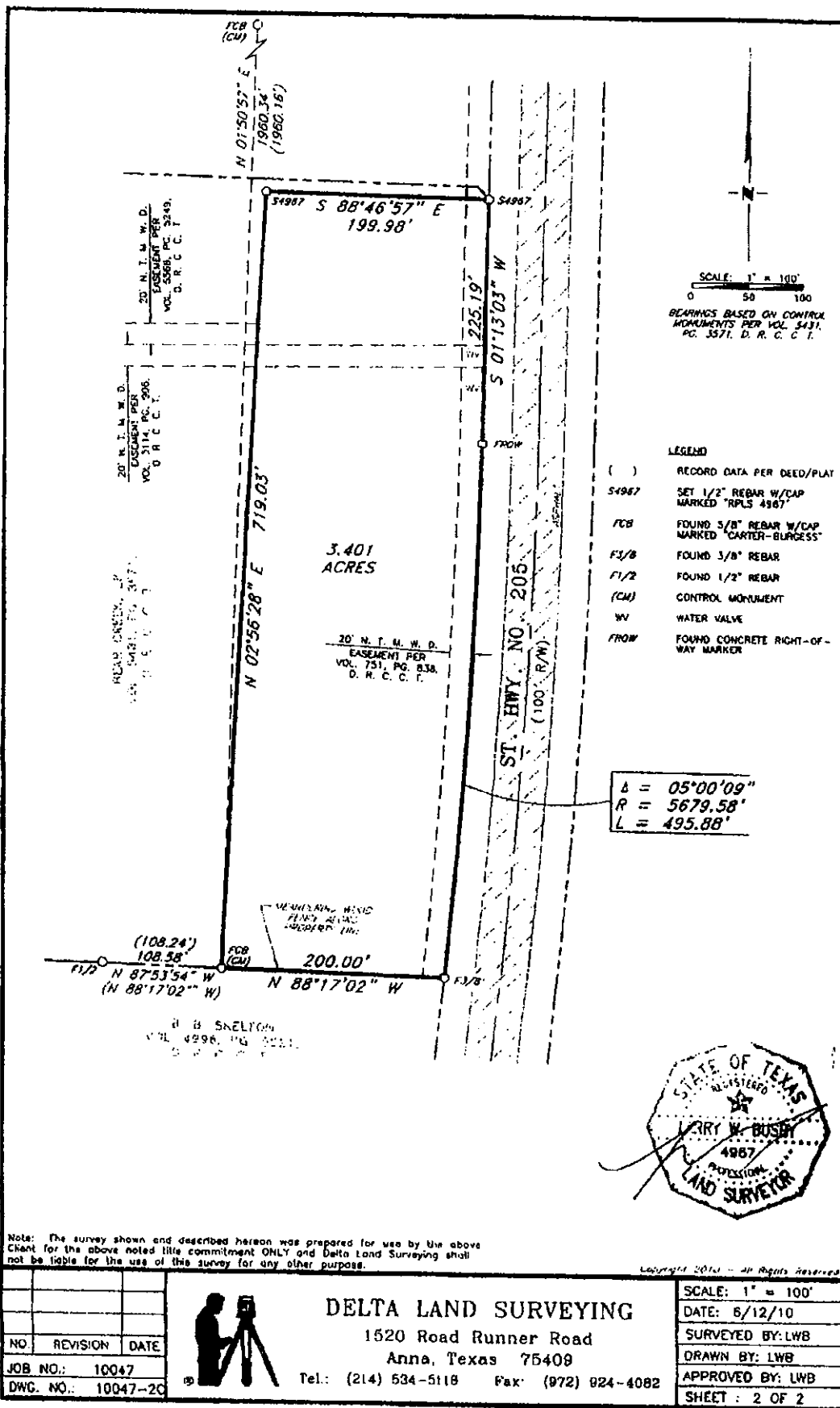
Karen Beaman
Notary Public in and for the State of TEXAS



EXHIBIT "A"
Property Description and Depiction

BEING: *Attached Survey*

The property in this application is 2.9647 acres. It is the 3.401 acres described on the attached survey less .4363 acre sold to TXDOT, as described on the other attached survey.



Improvement Survey for (Reference Name): D. P. Brown Estate
Client: D. P. Brown Estate
For Title Commitment By: None ☒ Client's Request GF ☐ None ONLY
Property Address: (Unposted) State Hwy. No. 205

DESCRIPTION

A tract of land situated within the W. A. S. Bahannon Survey, Abstract Number 121, Collin County, Texas, and being a remaining portion of a tract of land conveyed to D. P. Brown by a deed filed for record in Volume 226 at Page 176 of the Deed Records of Collin County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Beginning at a 3/8" rebar found, on the West right-of-way line of State Highway Number 205 for the common East corner of the tract of land herein described and a tract of land conveyed to B. B. Skelton by a deed filed for record in Volume 4996 at Page 5221 of the Deed Records of Collin County, Texas;

Thence N 88°17'02" W, along the common boundary line of the tract of land herein described and the aforementioned Skelton tract, 200.00 feet to a 5/8" rebar with a cap marked "Carter-Burgess" found for the common South corner of the tract of land herein described and a tract of land conveyed to Bear Creek, LP by a deed filed for record in Volume 5431 at Page 3571 of the Deed Records of Collin County, Texas, from which a 5/8" rebar with a cap marked "Carter-Burgess" found for a corner of said Bear Creek tract bears N 01°50'57" E, 1960.34 feet;

Thence N 02°56'28" E, along the common boundary line of the tract of land herein described and the aforementioned Bear Creek tract, 719.03 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner;

Thence S 88°46'57" E, continuing along the common boundary line, 199.98 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner on the above-mentioned West right-of-way line;

Thence S 01°13'03" W, along the aforementioned established (Vol. 5431, Pg. 3571) West right-of-way line, 225.19 feet to a concrete right-of-way monument found at the beginning of a curve;

Thence Southwesterly, 495.88 feet along the aforementioned West right-of-way line and the arc of a curve to the right, having a central angle of 05°00'09", a radius of 5679.58 feet and a chord which bears S 03°43'01" W, 495.72 feet to the Point of Beginning.

Said tract of land containing 148.147 square feet or 3.401 acres, more or less.

Note: The tract of land surveyed and described hereon was prepared without the benefit of a current title commitment and may be subject to easements and other matters of records which would be reflected by a current title commitment.

With reference to my copy of the Federal Emergency Management Agency Flood Insurance Rate Map for Collin County, Texas, Community Panel No. 48085C-0440-J, Revised on 6/2/09, the subject property's scaled location lies within Flood Zone(s) X, which is not designated a 100 year Special Flood Hazard Area. The above map may not include all Special Flood Hazard Areas and after a more detailed study the Special Flood Hazard Areas may be modified and other areas added. Localized flooding may occur someday due to changes in adjacent drainage patterns.

I do hereby certify that this survey was made on the ground, under my direct supervision and the plat hereon is a true and correct representation of this property, said survey and plat meet the Minimum Standards for Land Surveying in the State of Texas; there are no visible conflicts, encroachments, overlapping of improvements or easements except as shown; all easements and other matters of record of which I have been advised, by the above commitment, are as shown hereon. Delta Land Surveying makes no representation as to the accuracy or completeness of said commitment.

Larry W. Busby
TX R.P.L.S. No. 4967



Note: The survey shown and described hereon was prepared for use by the above Client for the above noted title commitment ONLY and Delta Land Surveying shall not be liable for the use of this survey for any other purpose.

Copyright 2010 - All Rights Reserved

NO.	REVISION	DATE
JOB NO.:	10047	
DWG. NO.:	10047C-1	



DELTA LAND SURVEYING

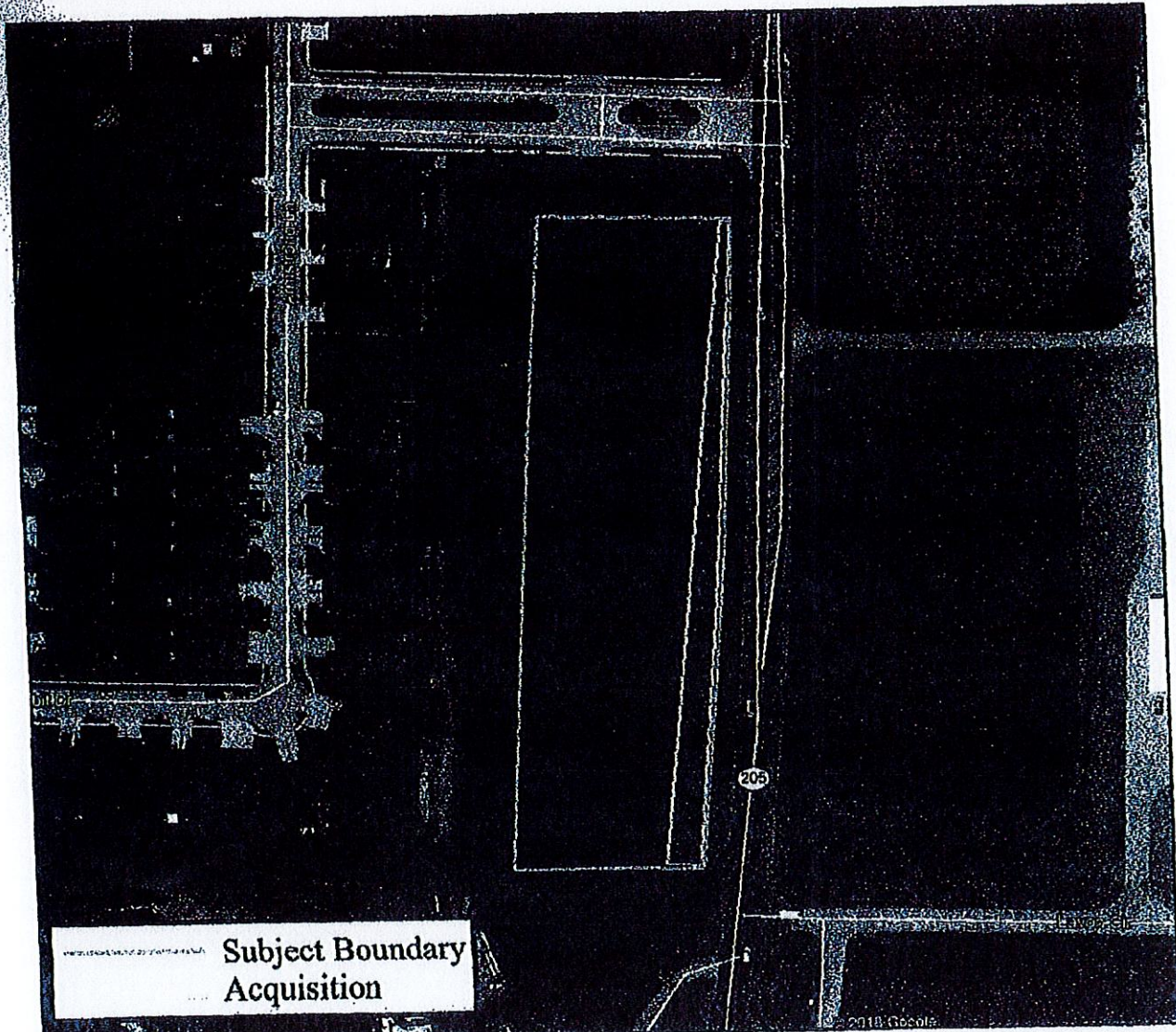
1520 Road Runner Road
Anna, Texas 75409

Tel.: (214) 534-5118 Fax: (972) 924-4082

SCALE: 1" = 100'
DATE: 6/12/10
SURVEYED BY: LWB
DRAWN BY: LWB
APPROVED BY: LWB
SHEET: 1 OF 2

PROPERTY IDENTIFICATION AND PROPOSED ACQUISITION

The subject is located along the western line of State Highway 205, 50' north of Lavon Circle, Collin County, Texas. The property does not have a physical address. The site contains approximately 3.401 acres, or 148,148 square feet of vacant land. The proposed part to be acquired (Parcel 54) by the Texas Department of Transportation totals 19,007 square feet, or 0.4363 acres. The acquisition is along the eastern boundary line of the site.



Source: Google Earth

*LOCATION OF BOUNDARY AND PROPOSED ACQUISITION ARE APPROXIMATE

Exhibit "A"

County: Collin
Highway: State Highway 205
Parcel 54
STA. 1213+55.82 to STA. 1220+85.82
R.O.W. CSJ: 0451-03-015

Page 1 of 5
June 28, 2018

Description for Parcel 54

BRING 19,007 square feet of land, more or less, in W.A.S. Bohannon Survey, Abstract Number 121, Collin County, Texas, and being part of a called 3.401 acre tract of land conveyed as Tract 4 by Deed Contributing Real Property To Limited Partnership from Robert B. McGaughey, Jr., Elizabeth M. Payne, and Shannon M. Baade to DPB Investments, LP, executed January 1, 2010, as recorded in Instrument No. 20110606000576510, Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said 19,007 square feet [0.4363 Acres] of land being more particularly described by metes and bounds as follows:

COMMENCING at a found 1/2 inch iron rod with red plastic cap stamped "BUSBY" (controlling monument) for the northwest corner of said DPB Investments, LP Tract 4 and an interior ell corner of a called 2.04 acre tract of land conveyed as Tract 3 by deed to World Land Developers, LP, executed January 3, 2007, as recorded in Instrument No. 20071213001657580, said Official Public Records (O.P.R.C.C.T.);

THENCE South 88 degrees 42 minutes 34 seconds East, along the north line of said DPB Investments, LP Tract 4 and a south line of said World Land Developers, LP Tract 3, a distance of 187.49 feet to a set 5/8 inch iron rod with pink plastic cap stamped "TEXAS DEPARTMENT OF TRANSPORTATION ROW MONUMENT" (hereafter referred to as a set "TxDOT" monument) on the new west right of way line of State Highway 205 (a variable width right of way), and at the POINT OF BEGINNING, and being 75.00 feet right of Station 1225+68.79, and having a N.A.D. 83 (2011 Adjustment), Texas State Plane North Central Zone (4202) surface coordinate of Northing 7,060,484.53 and Easting 2,595,121.11;

- 1) THENCE South 88 degrees 42 minutes 34 seconds East, continuing along the north line of said DPB Investments, LP Tract 4 and a south line of said World Land Developers, LP Tract 3, a distance of 12.44 feet to a set 5/8 inch iron rod with cap stamped "LTRA" for the northeast corner of said DPB Investments, LP Tract 4, being the southeast corner of said World Land Developers, LP Tract 3, on the existing west right of way line of State Highway 205 (a 100 feet wide right of way) described in a deed to the State of Texas, as recorded in Volume 388, Page 365, Deed Records, Collin County, Texas (O.P.R.C.C.T.);
- 2) THENCE South 01 degrees 15 minutes 30 minutes West, departing the north line of said DPB Investments, LP Tract 4 and a south line of said World Land Developers, LP Tract 3, along the existing west right of way line of said State Highway 205 and the east line of said DPB Investments, LP Tract 4, a distance of 230.19 feet to a set 5/8 inch iron rod with cap stamped "LTRA" at the beginning of a curve to the right;
- 3) THENCE continuing along the existing west right of way line of said State Highway 205 and the east line of said DPB Investments, LP Tract 4, 490.88 feet along the arc of said curve to the right, through a central angle of 04 degrees 57 minutes 07 seconds, having a radius of 5,679.58 feet, and a long chord which bears South 03 degrees 44 minutes 05 seconds West, 490.73 feet to a found 3/8 inch iron rod (controlling monument) for the southeast corner of said DPB Investments, LP Tract 4, and the northeast corner of a called 42.058 acre tract of land conveyed in a deed to 3002 Hop, Ltd., executed May 9, 2016, as recorded in Instrument No. 20160511000577640, said Official Public Records (O.P.R.C.C.T.);

Exhibit "A"

County: Collin
Highway: State Highway 205
Parcel 54
STA. 1213+55.82 to STA. 1220+85.82
R.O.W. CSJ: 0451-03-015

Page 2 of 5
June 28, 2018

Description for Parcel 54


- 4) THENCE North 88 degrees 14 minutes 55 seconds West, departing the existing west right of way line of said State Highway 205 and the east line of said DPB Investments, LP Tract 4, along the south line of said DPB Investments, LP Tract 4 and the north line of said 3002 Hop, Ltd. tract, a distance of 41.31 feet to a set "TxDOT" monument on the new west right of way line of said State Highway 205, being the beginning of a curve to the left;
- 5) THENCE departing the south line of said DPB Investments, LP Tract 4 and the north line of said 3002 Hop, Ltd. tract, along the new west right of way line of said State Highway 205, 722.18 feet along the arc of said curve to the left, through a central angle of 05 degrees 58 minutes 30 seconds, having a radius of 6,925.00 feet, and a long chord which bears North 05 degrees 14 minutes 10 seconds East, 721.85 feet to the POINT OF BEGINNING and containing 19,007 square feet [0.4363 Acres] of land, more or less.

The Basis of Bearings is the Texas State Plane Coordinate System of 1983, North Central Zone (4202), North American Datum (NAD83) 2011 Adjustment, EPOCH 2010. All distances coordinates shown are surface, unless otherwise noted, and may be converted to grid by dividing by the TxDOT combined scale factor of 1.000146135. Unit of measure is Survey Foot.

Station and Offset Information refers to the baseline described in the Project Schematic dated 08-31-2017; Control-Section-Number 0451-03-013.

Survey plat of even date herewith accompanies the legal description.

I, Stanley M. Brewer, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.


Stanley M. Brewer, R.P.L.S. Date
Texas Registration No. 6072

Lina T. Ramay & Associates
3320 Belt Line Road
Farmers Branch, Texas 75234
Ph. 214-979-1144
TBPLS FIRM NO. 1014070

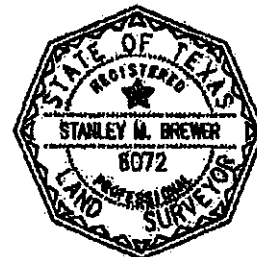


EXHIBIT "B"
Municipal Service Plan

CITY OF LAVON
ANNEXATION SERVICE PLAN

PUBLIC SAFETY SERVICES

FIRE SERVICES

Existing Services: Lavon Fire Department

Services to be Provided: On the effective date of annexation, fire suppression will be available to the area at the same or similar level as is provided to other areas of the City. Primary fire response will be provided by the Lavon Fire Department (LFD). Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshal's office as needed. The LFD is party to several Mutual Aid Agreements with area volunteer departments that will provide back-up service as appropriate.

POLICE SERVICES

Existing Services: Currently, the area is under the jurisdiction of the Collin County Sheriff's Office.

Services to be Provided: On the effective date of annexation, the City of Lavon Police Department will extend regular and routine patrol and police services to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

EMERGENCY MEDICAL SERVICES

Existing Services: None

Services to be Provided: On the effective date of annexation, the area will become a part of the area served by the Southeast Collin County EMS/Ambulance Coalition and ambulance service will be provided pursuant to the City's contract for services. Services can be provided within the current budget appropriation.

CODE ENFORCEMENT SERVICES

Existing Services: None

Services to be Provided: On the effective date of annexation, any inspection services now provided by the City (building, electrical, plumbing, gas, housing, health, etc.) will be provided in the annexed area. Services can be provided within the current budget appropriation.

MUNICIPAL SERVICES

PLANNING & ZONING SERVICES

Existing Services: None

Services to be Provided: On the effective date of annexation, the planning and zoning jurisdiction of the City will extend to the annexed area. City planning will thereafter encompass the annexed area. Services can be provided within the current budget appropriation.

STORM DRAINAGE SERVICES

Existing Services: None

Services to be Provided: On the effective date of annexation, the City of Lavon will include the annexed area in its service area for drainage services at the same or similar level as is provided to other areas of the City, considering different characteristics of topography, land uses and population density. Services will include but are not limited to: routine review and monitoring of culverts and storm sewers; flood plain design and assistance; and engineering review as the area relates to the City as a whole. Services

can be provided within the current budget appropriation.

STREET SERVICES

Existing Services: None

Services to be Provided: On the effective date of annexation, the City of Lavon will provide maintenance for streets in accordance with existing City ordinances, resolutions, and regulations. Municipal services will include, but are not limited to routine maintenance, street lighting, ice and snow monitoring of major thoroughfares, and assessment of street conditions for long-term maintenance scheduling. As streets are constructed in undeveloped portions of the annexed area, the appropriate City ordinances, resolutions, and regulations of the City shall apply. Services can be provided within the current budget appropriation.

TRANSPORTATION AND TRAFFIC SERVICES

Existing Services: None

Services to be Provided: On the effective date of annexation, the City of Lavon will join Collin County and the State of Texas Department of Transportation in providing transportation-planning services to the annexed area. The area will be included in the City of Lavon's Thoroughfare Plan and will receive an enhanced voice in the Transportation Planning Process through the City of Lavon's representation on regional planning teams. Services can be provided within the current budget appropriation.

PARKS SERVICES

Existing Services: None

Services to be Provided: On the effective date of annexation, all the city's parks and recreation facilities shall be available for use by residents of the annexed area. The annexed area will be included in the park planning processes. Services can be provided within the current budget appropriation.

UTILITY SERVICES

SOLID WASTE COLLECTION SERVICES

Existing Services: None

Services to be Provided: On the effective date of annexation, the City of Lavon will provide solid waste collection and recycling services. Service is provided in accordance with City regulations and is provided as a fee-based service per contract with a private provider. Service requests and billing are administered through the City. Service shall comply with existing City policies.

WATER SERVICES

Existing Services: Bear Creek Special Utility District

Services to be Provided: Water service shall continue to be provided to the annexed area by a special utility district in accordance with existing State laws, City ordinances, resolutions, regulations, and policies. Construction of water utility-related facilities will be built in accordance with the City of Lavon construction standards.

SANITARY SEWER SERVICES

Existing Services: None

Services to be Provided: On the effective date of annexation, sanitary sewer service will be provided in accordance with applicable codes and departmental policy. Upon the completion of extension, construction and dedication of sanitary sewer facilities, including off-site facilities, the City shall assume maintenance and service responsibilities for the sanitary sewer system in the annexed area in accordance with existing City ordinances, resolutions regulations and policies.

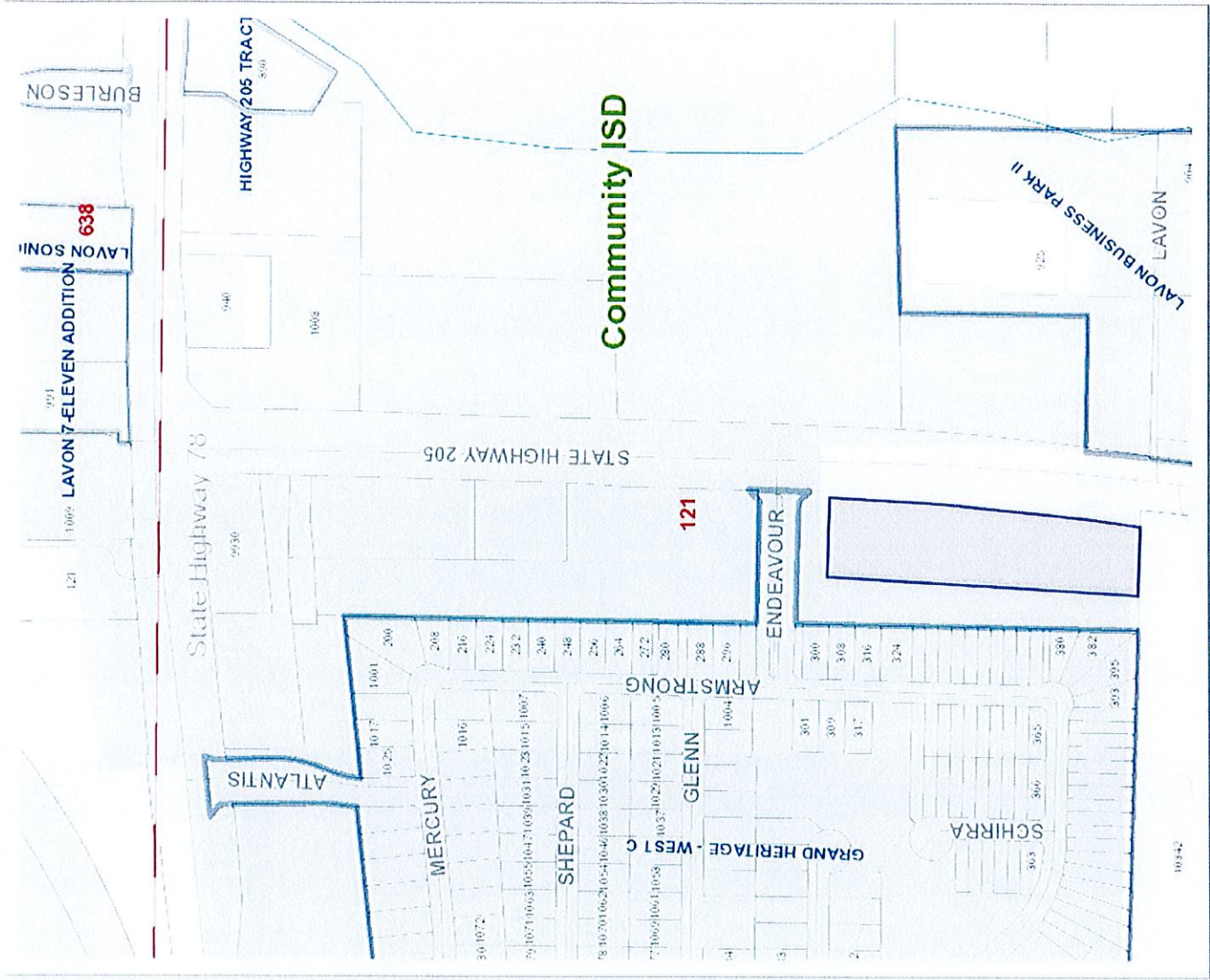
MISCELLANEOUS SERVICES

On the effective date of annexation, all other applicable municipal services will be provided to the area in accordance with the City of Lavon's established policies governing extension of municipal services to newly annexed areas.

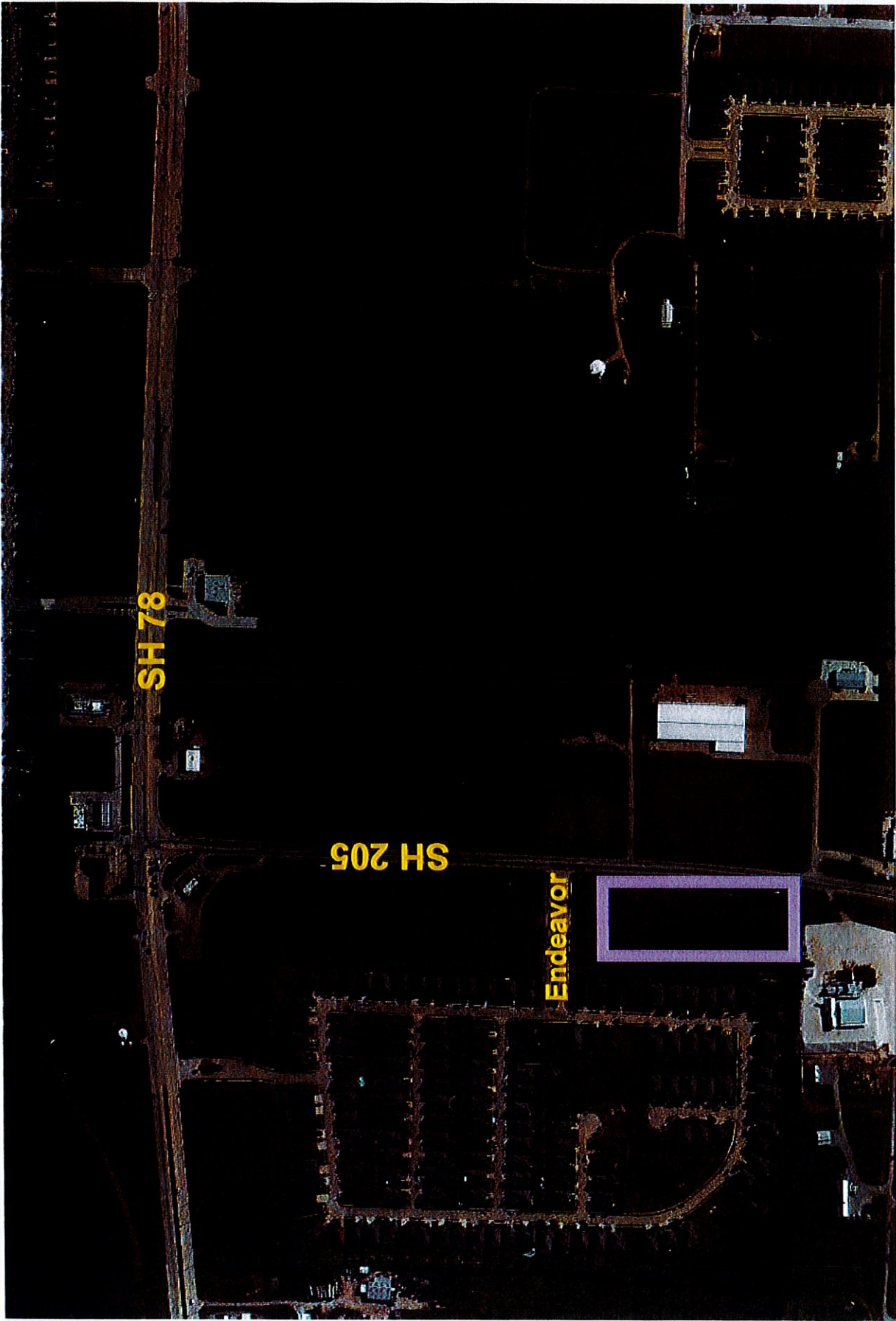
Annexation Petition Location Exhibit

City limits shaded light blue

Area proposed for annexation
shaded in lilac



Annexation Petition - Location Exhibit



PETITION REQUESTING ANNEXATION BY AREA LANDOWNER(S)

TO THE MAYOR OF THE GOVERNING BODY OF THE CITY OF LAVON, TEXAS:

Pursuant to Texas Local Government Code, Section 43.0671, the undersigned owner(s) of the hereinafter described tract of land, petition your honorable Body to extend the present city limits so as to include as part of the City of Lavon, Texas, the following described territory, to wit:

Attachment A

Insert or attach a legal description of the property, including the metes and bounds

I/We certify that the above-described tract of land is contiguous and adjacent to the City of Lavon, Texas, is not more than one-half mile in width [only limited by Local Government Code Section 43.028], and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

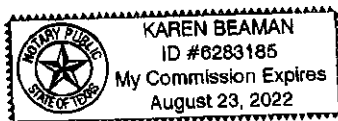
By: Robert B. McGaughey
Printed: Robert B. McGaughey

THE STATE OF TEXAS

COUNTY OF Wichita

BEFORE ME, the undersigned authority, on this day personally appeared Robert B. McGaughey known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 4th day of May, 2021.



Karen Beaman
Notary Public in and for
Wichita County, Texas.

Improvement Survey for (Reference Name): U. P. Brown Estate
 Client: D. P. Brown Estate
 For Title Commitment by: None ☒ Client's Request GF ☐ None ONLY
 Property Address: (Unposted) State Hwy. No. 205

DESCRIPTION

A tract of land situated within the W A S Bahannon Survey, Abstract Number 121, Collin County, Texas, and being a remaining portion of a tract of land conveyed to D. P. Brown by a deed filed for record in Volume 226 at Page 176 of the Deed Records of Collin County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Beginning at a 3/8" rebar found, on the West right-of-way line of State Highway Number 205 for the common East corner of the tract of land herein described and a tract of land conveyed to B. B. Skelton by a deed filed for record in Volume 4996 at Page 5221 of the Deed Records of Collin County, Texas;

Thence N 88°17'02" W, along the common boundary line of the tract of land herein described and the aforementioned Skelton tract, 200.00 feet to a 5/8" rebar with a cap marked "Carter-Burgess" found for the common South corner of the tract of land herein described and a tract of land conveyed to Bear Creek, LP by a deed filed for record in Volume 5431 at Page 3571 of the Deed Records of Collin County, Texas, from which a 5/8" rebar with a cap marked "Carter-Burgess" found for a corner of said Bear Creek tract bears N 01°50'57" E, 1960.34 feet.

Thence N 02°56'28" E, along the common boundary line of the tract of land herein described and the aforementioned Bear Creek tract, 719.03 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner;

Thence S 88°46'57" E, continuing along the common boundary line, 199.98 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner on the above-mentioned West right-of-way line (;

Thence S 01°13'03" W, along the aforementioned established (Vol. 5431, Pg. 3571) West right-of-way line, 225.19 feet to a concrete right-of-way monument found at the beginning of a curve;

Thence Southwesterly, 495.88 feet along the aforementioned West right-of-way line and the arc of a curve to the right, having a central angle of 05°00'09", a radius of 5679.58 feet and a chord which bears S 03°43'01" W, 495.72 feet to the Point of Beginning.

Said tract of land containing 148.147 square feet or 3.401 acres, more or less.

Note: The tract of land surveyed and described hereon was prepared without the benefit of a current title commitment and may be subject to easements and other matters of records which would be reflected by a current title commitment.

With reference to my copy of the Federal Emergency Management Agency Flood Insurance Rate Map for Collin County, Texas, Community Panel No. 48085C-0440-J, Revised on 6/2/09, the subject property's scaled location lies within Flood Zone(s) X, which is not designated a 100 year Special Flood Hazard Area. The above map may not include all Special Flood Hazard Areas and after a more detailed study the Special Flood Hazard Areas may be modified and other areas added. Localized flooding may occur someday due to changes in adjacent drainage patterns.

I do hereby certify that this survey was made on the ground, under my direct supervision and the plat hereon is a true and correct representation of this property, said survey and plat meet the Minimum Standards for Land Surveying in the State of Texas, there are no visible conflicts, encroachments, overlapping of improvements or easements except as shown; all easements and other matters of record of which I have been advised, by the above commitment, are as shown hereon. Delta Land Surveying makes no representation as to the accuracy or completeness of said commitment.

Larry W. Busby
 TX R.P.L.S. No. 4967



Note: The survey shown and described hereon was prepared for use by the above Client for the above noted title commitment ONLY and Delta Land Surveying shall not be liable for the use of this survey for any other purpose.

Copyright 2010 - All Rights Reserved

			DELTA LAND SURVEYING 1520 Road Runner Road Anna, Texas 75409 Tel: (214) 534-5118 Fax: (972) 924-4082		SCALE: 1" = 100' DATE: 6/12/10 SURVEYED BY: LWB DRAWN BY: LWB APPROVED BY: LWB SHEET: 1 OF 2
NO.	REVISION	DATE			
JOB NO.	10047				
DWG. NO.	10047C-1				

