

**CITY OF LAVON**  
**ORDINANCE NO. 2022-11-02**

Annexation – SH 205 at Boyd Farm

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, ANNEXING A 4.30-ACRE TRACT OF LAND SITUATED IN THE W.A.S. BOHANNAN SURVEY, ABSTRACT 121, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT A AND DEPICTED IN EXHIBIT B IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF LAVON INTO THE CORPORATE LIMITS OF THE CITY OF LAVON, 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; 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 AMENDING 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, including the right of way of a street or highway, and extend the corporate limits of the City, subject to state law; and

**WHEREAS**, pursuant to Texas Local Government Code Section 43.1056, a municipality that is annexing an area under Texas Local Government Code Chapter 43, Subchapters C-3, C-4, C-5, or D may also annex the right-of-way of a street, highway, alley, or other public way contiguous to the area; and

**WHEREAS**, the City provided notice of the annexation described herein to the owner of the right-of-way described in Exhibit A and depicted in Exhibit B (the “Property”) not later than the 61<sup>st</sup> day before the date of the annexation and the owner of the Property did not submit a written objection to the City before the date of this Ordinance; and

**WHEREAS**, by this Ordinance, the City is annexing the Property, being right-of-way contiguous to property with annexation occurring under Ordinance No. 2022-05-06 of the City; 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 and all requirements for such annexation have been provided, held, and met in accordance with applicable law; and

**WHEREAS**, the City Council of the City (the “City Council”) finds and determines that annexation of the Property hereinafter described is in the best interests of the citizens of the City 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 Property described in **Exhibit A**, attached hereto and incorporated herein for all purposes, be and the same is hereby annexed into the City, and that the boundary limits of the City, be and the same are hereby extended to include the Property within the city limits of the City, 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, and shall be bound by the ordinances, resolutions, acts and regulations of the City.

SECTION 3. Official Map. The official map and boundaries of the City, previously adopted, are amended to include the Property as part of the City. 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 4. Severability Clause. It is hereby declared by the City Council 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 5. Cumulative Clause. This ordinance shall be cumulative of all provisions of ordinances of the City 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 6. 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 7. 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 8. Effective Date. This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council.

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Texas, this 1<sup>st</sup> day of November 2022.

  
Vicki Sanson, Mayor

ATTEST:

  
Rae Norton, City Secretary



## **EXHIBIT A**

### **Description of the Property**

#### **EXHIBIT A**

##### **Legal Description of the Property**

Being a 4.30-acre tract of land, situated in the W. A. S. Bohannon Survey, Abstract 121, Collin County, Texas, and being part of the 100-foot right-of-way (ROW) of State Highway Number 205 (SH 205), and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 5/8" iron rod with pink plastic cap stamped "TEXAS DEPARTMENT OF TRANSPORTATION ROW MONUMENT" (hereafter referred to as a "TxDOT" monument), said point being the southeast corner of a 40.546-acre tract, conveyed to 3002 HOP LTD, as recorded in Volume 5569, Page 2651 of the Official Public Records of Collin County, Texas (OPRCCT), said point also being in the western ROW line of SH 205, said point also being the southwest corner of a 1.512-acre tract of land taken by condemnation conveyance to the State of Texas identified as that certain 35,859 square feet of land, more or less, as recorded in Instrument Number 20160511000577640, OPRCCT, said point also being the beginning of a curve to the left ;

**THENCE** a distance of 1223.36 feet along said curve to the left having a central angle of 10°07'19", a radius of 6924.99 feet, and whose chord bears N 13°17'06" E, 1221.77 feet to a TxDOT monument, said point being the northeast corner of said 40.546-acre tract, said point also being the northwest corner of said 1.512-acre tract;

**THENCE** S 88°17'03" E, passing the southeast corner of a 2.965-acre tract of land conveyed to DPB Investments LP as recorded in Instrument Number 20110606000576510, a distance of 141.62 to a point for corner, said point being in the eastern ROW line of SH 205, said point also being the beginning of a curve to the right;

**THENCE** along said eastern ROW line a distance of 1212.65 feet along said curve to the right having a central angle of 12°01'18", a radius of 5779.58 feet, and whose chord bears S 12°09'10" W, 1210.43 feet to a point for corner;

**THENCE** leaving said eastern ROW line, S 89°28'29" W, passing the northeast corner of a 55.3337-acre tract of land conveyed to the Estate of Iola K Albright as recorded in Instrument Number 20190327000320280, a distance of 167.50 feet to the **POINT OF BEGINNING**, and containing 4.30 acres (187,313 square feet), more or less.

# EXHIBIT B

## Depiction of the Property

