

CITY OF LAVON
ORDINANCE NO. 2022-11-03

Annexation – FM 2755 at Elevon

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, ANNEXING A 4.82-ACRE TRACT OF LAND SITUATED IN THE DRURY ANGLIN SURVEY, ABSTRACT 002, AND IN THE S.M. RAINER SURVEY, ABSTRACT 740, AND A 2.18-ACRE TRACT OF LAND SITUATED IN THE DRURY ANGLIN SURVEY, ABSTRACT 002, 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 61st day before the date of the annexation and the owner of the right-of-way 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. 2022-04-05; 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 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 Property described in **Exhibit A** and depicted in **Exhibit B**, each 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 1st day of November 2022.


Vicki Sanson, Mayor

ATTEST:

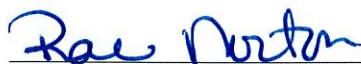

Rae Norton, City Secretary



EXHIBIT A
Description of the Property

EXHIBIT A
TRACT ONE
Legal Description of the Property

Being a 4.82-acre tract of land, situated in the Drury Anglin Survey, Abstract 002, and in the S.M. Rainer Survey, Abstract 740, Collin County, Texas, and being part of the 90-foot right-of-way (ROW) of Farm-to-Market Highway Number 2755 (FM 2755), and being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of that called Tract One - 80.324-acre tract, conveyed to Petro-Hunt LLC, as recorded in Volume 5569, Page 2651 of the Official Public Records of Collin County, Texas (OPRCCT), said point also being in the southern ROW line of FM 2755;

THENCE leaving said southern ROW line and passing the northern survey line of said Anglin Survey and the southern survey line of said Rainer Survey, N 01°06'04" E, a distance of 90.00 feet to a point for corner, said point being in the northern ROW line of FM 2755;

THENCE along the northern and eastern ROW line of FM 2755 as follows:

S 89°24'15" E, a distance of 861.90 feet to a point for corner, said point being the beginning of a curve to the right;

Southeasterly, passing said survey line, 1163.54 feet along said curve to the right having a central angle of 77°12'12", a radius of 863.51 feet, and whose chord bears S 35°18'48", 1077.49 feet to a point for corner;

S 01°05'45" W, a distance of 377.03 feet to a point for corner;

THENCE leaving said eastern ROW line, N 88°51'38" W, a distance of 90.00 feet to a point for corner, said point being in the western ROW line of FM 2755, said point also being an ell corner of said 80.324-acre tract, said point also being the northeast corner of Block 1, Lot 1 of the Wylie Switchyard Addition, a 4.905-acre tract conveyed to the City of Garland, as recorded in Instrument Number 20150528010001690, OPRCCT;

THENCE along the western and southern ROW line of FM 2755 as follows:

N 01°05'45" E, a distance of 378.73 feet to a point for corner, said point being the beginning of a curve to the left;

Northwesterly, 1032.03 feet along said curve to the left having a central angle of 76°26'43", a radius of 773.51 feet, and whose chord bears N 34°48'37" W, 957.17 feet to a point for corner;

THENCE N 89°24'15" W, along said southern ROW line of FM 2755 and the northern line of said 80.324-acre tract, a distance of 850.11 feet to the **POINT OF BEGINNING**, and containing 4.82 acres (209,851 square feet), more or less.

EXHIBIT A
TRACT TWO
Legal Description of the Property

Being a 2.18-acre tract of land, situated in the Drury Anglin Survey, Abstract 002, Collin County, Texas, and being part of the 90-foot right-of-way (ROW) of Farm-to-Market Highway Number 2755 (FM 2755), and being more particularly described by metes and bounds as follows:

BEGINNING at the easternmost southeast corner of said 80.324-acre tract, said point also being in the western ROW line of FM 2755, said point also being the northeast corner of a 1.00-acre tract of land, conveyed to Craig & Zandrea Gorsuch, as recorded in Document Number 20191125001502520, Official Public Records of Collin County Texas (OPRCCT);

THENCE N 00°49'45" E, along said western ROW line, a distance of 900.56 feet to a point, said point being in the east line of said 80.324-acre tract;

THENCE N 01°05'45" E, along said western ROW line, a distance of 155.00 feet to a point for corner, said point being an ell corner of said 80.324-acre tract, said point also being the southeast corner of Block 1, Lot 1 of the Wylie Switchyard Addition, a 4.905-acre tract conveyed to the City of Garland, as recorded in Document Number 20150528010001690, OPRCCT;

THENCE leaving said western ROW line, S 88°54'15" E, a distance of 90.00 feet to a point, said point being in the eastern ROW line of FM 2755;

THENCE along the eastern ROW line of FM 2755 as follows:

S 01°07'00" W, a distance of 127.09 feet to a point;

S 00°51'04" W, a distance of 761.38 feet to a point;

S 00°48'25" W, a distance of 20.00 feet to a point;

S 00°45'04" W, a distance of 147.02 feet to a point;

THENCE leaving said eastern ROW line, N 88°57'03" W, a distance of 90.00 feet to the **POINT OF BEGINNING**, and containing 2.18 acres (94,926 square feet), more or less.

EXHIBIT B **Depiction of the Property**

