

**CITY OF LAVON, TEXAS**

**ORDINANCE NO. 2023-08-01**

Amend Grand Heritage PD Regulations relating to Commercial Uses on 89.275 acres

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING THE GRAND HERITAGE PLANNED DEVELOPMENT (PD) DISTRICT REGULATIONS ESTABLISHED BY ORDINANCE NO. 2004-09-05, TO REMOVE COMMERCIAL PUBLIC HEARING REQUIREMENTS, RESTRICT COMMERCIAL HEIGHT REQUIREMENTS, ADJUST THE PERMITTED USES, REMOVE RESIDENTIAL MINIMUM FLOOR AREA REQUIREMENTS, AND ADJUST COMPATIBILITY SETBACK DIMENSIONS, SCREENING, AND BUFFERING REQUIREMENTS ON APPROXIMATELY 89.275 ACRES OF LAND SITUATED ON THE SOUTHEAST CORNER OF SH 205 AND SH 78 AND ON THE NORTH SIDE OF SH 78, ON SEVERAL TRACTS OF LAND WITHIN APPROXIMATELY 1,500 FEET EAST AND WEST OF GRAND HERITAGE BOULEVARD; PROVIDING A PENALTY CLAUSE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City of Lavon (hereinafter referred to as “City”) is a Home Rule municipality organized under the Constitution and laws of the State of Texas; and; and

**WHEREAS**, Chapter 211 “Municipal Zoning Authority” of the Texas Local Government Code authorizes a city to adopt ordinances regulating the zoning of property within the City; and

**WHEREAS**, the City Council of the City (the “City Council”) adopted Ordinance No. 2004-09-05, which set forth various regulations for the Grand Heritage Planned Development District (the “Grand Heritage PD Ordinance”); and

**WHEREAS**, the City Council desires to amend the Grand Heritage PD Ordinance to remove commercial public hearing requirements, restrict commercial height requirements, adjust the permitted uses, remove residential minimum floor area requirements, and adjust compatibility setback dimensions, screening, and buffering requirements for only the property described in Exhibit “A” attached hereto and incorporated herein, being a portion of the entire property covered by the Grand Heritage PD Ordinance; and

**WHEREAS**, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Council the adoption of the amendment to the Grand Heritage PD Ordinance as set forth in this Ordinance; and

**WHEREAS**, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which the City Council considered the recommendation of the Planning

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and Zoning Commission, and among other things, the necessity for orderly and appropriate regulations of the use of land and the erection of structures thereon, and having considered the proposed amendment to the Grand Heritage PD Ordinance and the appropriateness of the amendment, the City Council does hereby find that the amendment to the Grand Heritage PD Ordinance approved hereby accomplishes such objectives.

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

**SECTION 1. INCORPORATION OF PREMISES.** The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2. FINDINGS.** After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and of the public health, safety, and welfare of its citizens.

**SECTION 3. AMENDMENT.**

The following sections of the Grand Heritage Planned Development (PD) District regulations established by Ordinance No. 2004-09-05, are hereby amended or added, to be applicable to approximately 89.275 acres of land, and to read as provided herein:

- 1) **Section 2.6.2 Commercial Planning Areas.** Prior to the issuance of any building permit for the purpose of constructing any new building in a Commercial Planning Area, the applicant for the building permit must submit to city staff a site plan and landscape plan drawn to an acceptable scale. City staff must review the applicant's proposed site plan and landscape plan for compliance with this PD Ordinance and other applicable city regulations not in conflict with this PD Ordinance. Within 20 days of the applicant's submittal or resubmittal of a site plan and landscape plan to city staff for review under this paragraph, city staff must provide the applicant with a letter stating that the site plan and landscape plan comply with this PD Ordinance and other applicable city regulations not in conflict with this PD Ordinance, or in the alternative, a letter describing in detail any deficiencies in the applicant's site plan or landscape plan.

Within 30 days of staff's determination, the site plan and landscape plan, along with staff's recommendation shall be reviewed by the Planning and Zoning Commission. The Planning and Zoning Commission will determine if the site plan and landscaping plan complies with this Ordinance and other applicable city regulations not in conflict with this PD Ordinance. After such determination, the Planning and Zoning Commission shall forward a recommendation to the City Council to approve or deny the site plan and landscaping plan based solely on whether the site plan complies with this PD Ordinance. Within 30 days of a recommendation by the Planning and Zoning Commission, the City Council will approve or deny the site plan and landscaping plan based solely on whether the site plan and landscape plan complies with this PD Ordinance and other applicable city regulations not in conflict with this PD Ordinance. The site plan shall show, but not be limited to, the arrangement of the proposed improvements, together with the essential requirements such as parking facilities, location of buildings and other structures, means of ingress and egress, together with any other requirements provided by this PD Ordinance. It shall be unlawful to issue a building permit prior to the approval of the site plan by City Council.

- 2) **Section 3.1.1.2 Commercial Height Requirements.** The maximum height for all structures located in a Commercial Planning Area shall be 45 feet, except where adjacent to residential uses other than multiple family, the maximum height shall be 30 feet for the first 50 feet from the shared property line.
- 3) **Section 3.2.4 Uses in Commercial Planning Areas.** Unless otherwise noted by a [SUP] symbol, the following uses are permitted principal or main uses for all Commercial Planning Areas identified on the Site Plan. Uses with a [SUP] notation must comply with the Specific Use Permit ("SUP") provisions set forth in Section 3.2.5:

Commercial and Business Service Uses.

- Catering Service.
- Commercial Cleaning or Laundry Plant.
- Custom Business Services.
- Electronics Service Center.
- Job or Lithographic Printing.
- Machinery, Heavy Equipment, or Truck Sales and Services.
- Machine or Welding Shop.
- Medical or Scientific Laboratory.
- Outside Sales and Storage. [Requires City Council Approval- See Section 3.14]
- Tool or Equipment Rental.

Industrial Uses.

- Temporary Concrete Batching Plant\*. [SUP]

Institutional and Community Service Uses.

- Adult Day Care Facility.
- Ambulance Service.
- Assisted Living Center/Memory Care/Nursing Care
- Child-Care Facility.
- Church or Use Associated with a Religious Institution.
- Civic Club.
- College, University, or Seminary.
- Community Service Center.
- Hospital.
- Library, Art Gallery, or Museum.
- Public, Private, or Charter School.
- Technical School.

Lodging Uses.

- Hotel and Motel.
- Lodging or Boarding House.

Office Uses.

- Financial Institution with or without Drive-In Window.
- Medical Clinic or Ambulatory Surgical Center.
- Office.
- Professional Services.

Recreation Uses.

- Carnival or Circus (temporary).
- Country Club with Private Membership.
- Private Recreation Center, Club, or Area
- Public Park, Playground, or Golf Course.
- Sport/ tennis Courts.
- Trails.

Residential Uses (Permitted above Ground Floor Commercial Uses Only with a Maximum Density of Three Dwelling Units per Gross Acre).

- Home Occupation.
- Single Family Attached (Townhomes).
- Multi-family

Retail and Personal Service Uses.

- Alcohol-related Uses (with Associated Standards) in the "R" – Retail District per Ordinance No. 2022-07-02.
- Animal Shelter or Clinic without Outside Runs.
- Auto Service Center. [SUP]
- Business School.
- Commercial Amusement.
- Commercial Parking Lot or Garage.
- Dry Cleaning or Laundry Store.
- Furniture Store.
- General Merchandise or Food Store.
- Home Improvement Center, Lumber, Brick, or Building Materials Sales Yard.
- Household Equipment and Appliance Repair.
- Model Homes.
- Commercial Wedding Chapel.
- Motor Vehicle Fueling Station.
- Nursery, Garden Shop, or Plant Sales.
- Personal Services.
- Restaurant With or Without Drive-In or Drive-Through Service, including outdoor dining / serving areas and sidewalk cafes.
- Motor Vehicle Fueling Station (only as an Accessory to a Grocer)
- Temporary Construction or Sales Office.
- Temporary Retail Use. [SUP]
- Theater.

Transportation Uses.

- Public and Private Streets/Alley/Drives.
- Transit Passenger Shelter.
- Transit Passenger Station or Transfer Center.

*\*Temporary concrete batch plant must be removed immediately upon the end of its intended use, which intended use must be concrete street work to be performed within the PD District only.*

- 4) **Section 3.3 Building Size.** The minimum floor area for single-family detached residential units shall be 1,500 square feet of air conditioned living area, not including garages. All single-family detached residential units must provide an enclosed garage to accommodate at least two (2) cars. All single-family attached and duplex residential units must provide an enclosed garage to accommodate at least

one (1) car for one (1) bedroom dwellings and an enclosed garage to accommodate at least two (2) cars for dwelling units with two (2) or more bedrooms.

- 5) **Section 3.6.2.2 Commercial Planning Area Setbacks-Rear Yard.** The minimum rear yard setbacks are established by the table in Section 3.6.2.4. Required rear yards must be open and unobstructed except for fences, landscaping, lighting, retaining walls, and off-street parking. A Restaurant Without Drive-In or Drive-Through Service may locate outdoor dining and serving areas, as well as sidewalk cafes, in the required rear yard setback. A dedicated alley or private drive is not required behind any lot or tract. The rear yard setback is measured from the rear lot line. The required landscape buffer can be included within the required rear yard.

- 6) **Section 3.6.2.4 Setback Standards.** All measurements are in feet.

| Minimum Setback and Separation Standards for Structures in Commercial Planning Areas |                  |
|--|------------------|
| Standard   | Dimension (Feet) |
| <b>Front Yard:</b>   |                  |
| Abutting SH 78 or SH 205   | 30               |
| Not abutting S.H. 78 or S.H. 205   | 20               |
| <b>Rear Yard:</b>  |                  |
| Adjacent to a Residential Planning Area  | 50               |
| Adjacent to or in a Commercial Planning Area   | 10               |
| <b>Side Yard:</b>  |                  |
| Abutting SH 78 or SH 205   | 30               |
| Corner Lots  | 30               |
| Adjacent to a Residential Planning Area  | 25               |
| Adjacent to or in a Commercial Planning Area   | 5                |

- 7) **Section 3.11.1 Buffering Between Uses.** Lots containing commercial uses that are located in a Commercial A or West Flex B and adjacent to a lot containing a residential use must, upon the construction of any commercial structure, construct and maintain a masonry sight-barring fence at least eight (8) feet high constructed on the commercial lot line exclusive of vision clearance areas as required by Section 3.7 of this PD Ordinance. Fences required by this Section must be constructed generally in accordance with the design concepts shown in Exhibit B. This requirement shall not, however, apply to commercial lots used for Open Space or Common Areas owned or maintained by the owner's association.

Section 3.11.3 shall be replaced with:

- 8) **Section 3.11.3.1 Commercial Screening in West Commercial A** For any portion of the West Commercial A Planning Area used for non-residential or mixed-use purposes, the developer must provide a minimum 20-foot (depth) planted bufferyard that includes an eight (8) foot tall screening fence between the non-residential use and the shared property line. The screening fence shall be constructed generally in conformance with Exhibit B. The planted bufferyard shall contain a minimum of one canopy tree for each 30 linear feet, or portion thereof of adjacent exposure. These trees shall not be clustered. Where utility conflicts are present, an alternative landscape plan providing shrubs or other plant material will be considered and approved by the City Engineer.

- 9) **Section 3.11.3.2. Commercial Screening in West Flex B Planning Area.** If any portion of the West Flex B Planning Area adjacent to Geren Road is to be used for non-residential purposes, the developer

must provide a 20-foot planted bufferyard that includes a six (6) foot tall screening fence between the non-residential use and the bufferyard. The screening fence shall be constructed generally in conformance with Exhibit B. This requirement shall not, however, apply to lots used for Open Space or Common Area.

**SECTION 4: SAVINGS/REPEALING CLAUSE.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect. This Ordinance shall not repeal, alter, or amend, or be interpreted as conflicting with any ordinance having created a planned development district prior to this Ordinance.


**SECTION 5: SEVERABILITY.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 6: PENALTY.** Any person, firm, corporation, or entity violating this Ordinance or any provision of the City's Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2000.00). Each continuing days' violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.


**SECTION 7: PUBLICATION AND EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

**SECTION 8. OPEN MEETING.** That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Collin County, Texas, on this the 1<sup>st</sup> day of August 2023.

  
Vicki Sanson, Mayor

ATTEST:

  
Rae Norton, City Secretary



**ORDINANCE NO. 2023-08-01**

**EXHIBIT A**

Property Description

Highway 205 Addition

**WHEREAS BEAR CREEK COMMERCIAL PROPERTIES, LP**, is the owner of a tract of land, situated in the County of Collin, State of Texas and being part of a 73.268-acre tract of land, situated in the W. A. S. Bohannon Survey, Abstract 121, Collin County, Texas, and being a part of a 105.568-acre tract conveyed to **BEAR CREEK COMMERCIAL PROPERTIES, LP**, recorded in Volume 5376, Page 5572 of the Official Public Records of Collin County, Texas (OPRCCT) and being more particularly described by metes and bounds as follows:

**BEGINNING** at a ½" capped iron rod set in the south right-of-way (ROW) of State Highway 78, a variable width ROW, said point being the northeast corner of said 73.268-acre tract;

**THENCE** departing said south ROW, S 00°08'31" W a distance of 1609.20 feet to a ½" capped iron rod set, said corner being the northeast corner of that certain 10.00 acre tract conveyed to Charles Stanley as recorded in Volume 775, Page 47 OPRCCT;

**THENCE** along the north line of said 10.00 acre tract, S 89°23'05" W a distance of 2044.85 feet to a ½" capped iron rod set, said point lying in the east ROW of SH 205;

**THENCE** along said SH 205 ROW, N 01°13'03" E a distance of 1558.91 feet to a ½" capped iron rod;

**THENCE** N 46°16'13" E a distance of 141.72 feet to a monument found in the south right of way of SH 78;

**THENCE** N 88°01'06" E a distance of 76.46 feet to a 5/8" iron rod found, said point being the northwest corner of a 1.00 acre tract conveyed to Joe David Williams, Jr. & wife as recorded in Volume 4219, Page 2408 OPRCCT;

**THENCE** along said 1.00 acre tract, S 01°06'34" W a distance of 200.47 feet to a ½" iron rod found, said corner being the southwest corner of said 1.00 acre tract;

**THENCE** along said 1.00 acre tract S 89°36'18" E a distance of 214.47 feet to a ½" capped iron rod found, said corner being the southeast corner of said 1.00 acre tract;

**THENCE** along said 1.00 acre tract N 01°26'58" E a distance of 205.52 feet to a ½" iron rod found, said corner being the northeast corner of said 1.00 acre tract, and being within the south ROW of SH 78;

**THENCE** along the south SH 78 ROW as follows:

S 88°48'42" E a distance of 364.94 feet to a monument found;

S 84°29'11" E, a distance of 99.33 feet to a point for corner;  
S 87°59'36" E, a distance of 350.04 feet to a point for corner;  
N 82°50'32" E, a distance of 102.25 feet to a point for corner;

**THENCE** S 88°47'20" E, along said south ROW of State Highway 78, a distance of 706.14 feet to a monument found, said point being in said south ROW, the **POINT OF BEGINNING**, and containing 73.268 acres, more or less.

Victory at Lavon

**WHEREAS 78 COMMERCIAL WEST, LP**, is the owner of a tract of land, situated in the W. H. Moore Survey, Abstract Number 638, in the City of Lavon, Collin County, Texas, and being a portion of that same tract of land described by deed to 78 Commercial West, LP, a Texas Limited Partnership, as recorded in Document Number 20081112001321990, Official Public Records of Collin County, Texas, the subject tract being more particularly described by metes and bounds as follows (bearings are based on State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83)):

**BEGINNING** at a 1/2 inch rebar with an illegible cap found for the southwest corner of the 78 Commercial tract and the herein described tract;

**THENCE** with the perimeter and to the corners of said 78 Commercial tract, the following calls:

1. North 01 degrees 19 minutes 13 seconds East, a distance of 300.01 feet to a 5/8 inch rebar with an illegible cap found;
2. South 88 degrees 42 minutes 45 seconds East, a distance of 236.52 feet to a 5/8 inch rebar with an illegible cap found at the beginning of a curve to the right, having a radius of 408.50 feet, with a delta angle of 08 degrees 51 minutes 38 seconds, whose chord bears South 05 degrees 45 minutes 16 seconds West, a distance of 63.11 feet
3. Along said curve to the right, an arc length of 63.17 feet to a point from which a 1/2 inch rebar found bears South 75 degrees East, a distance of 0.69 feet, said point being at the beginning of a curve to the left, having a radius of 431.50 feet, with a delta angle of 08 degrees 51 minutes 51 seconds, whose chord bears South 05 degrees 45 minutes 09 seconds West, a distance of 66.69 feet;
4. Along said curve to the left, an arc length of 66.76 feet to a 5/8 inch rebar found;
5. South 01 degrees 19 minutes 13 seconds West, a distance of 155.91 feet to a 1/2 inch rebar with pink cap stamped "BARTON CHAPA" set (hereinafter called "capped rebar set") in the east line of 78 Commercial tract and the northeast corner of a tract of land described by deed to the State of Texas, as recorded in Document Number 20120217000181730, Official Public Records of Collin County, Texas;

**THENCE** North 88 degrees 41 minutes 42 seconds West, through the interior of said 78 Commercial tract and with the north line of said State of Texas tract, a distance of 116.33 feet to a capped rebar set;

**THENCE** South 83 degrees 40 minutes 26 seconds West, through the interior of said 78 Commercial tract and with the north line of said State of Texas tract, a distance of 111.15 feet

to the **POINT OF BEGINNING** and enclosing 1.573 acres (68,541 square feet) of land, more or less.

SMI Addition

**WHEREAS 78 COMMERCIAL WEST, LP** is the owner of a 6.27 acre tract or parcel of land situated in the WILLIAM H. MOORE SURVEY, ABSTRACT NUMBER 638, in the City of Lavon, Collin County, Texas, and being a portion of a called 6.369 acre tract designated as "Tract Two" in the Correction Warranty Deed to 78 Commercial West, LP, recorded in Document Number 20081112001321990, of the Official Public Records of Collin County, Texas.

**BEGINNING**, at a 1/2" iron rod with plastic cap stamped "BURNS" found in the east right-of-way line of Burleson Drive (a variable width right-of-way), at the southwest corner of Lot 1, Block E, Grand Heritage Club, a subdivision of record in Volume 2006, Page 211, of the Plat Records of Collin County, Texas, and the northwest corner of said 6.369 acre tract;

**THENCE**, along the common line of said Grand Heritage Club and said 6.369 acre tract, the following five (5) courses and distances:

1. S88°38'20"E, a distance of 259.80 feet to a 1/2" iron rod found;
2. N82°49'08"E, a distance of 132.92 feet to a 5/8" iron rod with yellow plastic cap stamped "CARTER & BURGESS" found;
3. N89°14'08"E, a distance of 321.86 feet to a 1/2" iron rod with green plastic cap stamped "EAGLE SURVEYING" set;
4. S88°43'00"E, a distance of 226.85 feet to a 1/2" iron rod with green plastic cap stamped "EAGLE SURVEYING" set;
5. S01°41'06"W, a distance of 299.60 feet to an aluminum TXDOT monument found in the north right-of-way line of State Highway 78 (a variable width right-of-way), at the southwest corner of Lot 1, Block S of said Grand Heritage Club and the southeast corner of said 6.369 acre tract;

**THENCE**, along the north line of said State Highway 78, the following four (4) courses and distances:

1. N88°49'22"W, a distance of 219.20 feet to a 1/2" iron rod with green plastic cap stamped "EAGLE SURVEYING" set;
2. S89°12'44"W, a distance of 300.17 feet to a 5/8" iron rod with yellow plastic cap stamped "CARTER & BURGESS" found;
3. S83°07'32"W, a distance of 44.61 feet to a 1/2" iron rod with green plastic cap stamped "EAGLE SURVEYING" set;
4. N88°27'12"W, a distance of 354.65 feet to a 1/2" iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the east right-of-way line of said Burleson Drive, being the east line of said 6.369 acre tract;

**THENCE**, along the common line of said Burleson Drive and said 6.369 acre tract, the following three (3) courses and distances:

1. N01°14'12"E, a distance of 151.08 feet to a 5/8" iron rod with yellow plastic cap stamped "CARTER & BURGESS" found at the beginning of a non-tangent curve to the left;
2. Along said non-tangent curve to the left, having a radius of 241.50 feet, a chord bearing of N06°52'11"W, a chord length of 70.74 feet, a delta angle of 16°50'40", an arc length of 71.00 feet to a 5/8" iron rod with plastic cap found (illegible) at the beginning of a reverse curve to the right;
3. Along said reverse curve to the right, having a radius of 218.50 feet, a chord bearing of N07°14'09"W, a chord length of 64.44 feet, a delta angle of 16°57'30", an arc length of 64.67 feet to the POINT OF BEGINNING and containing an area of 6.27 Acres, or (272947 Square Feet) of land, more or less.

78 Commercial East

**WHEREAS 78 COMMERCIAL EAST, LP** is the owner of a 8.64 acre tract of land situated in the WILLIAM H. MOORE SURVEY, Abstract No. 638, situated in the City of Lavon, Collin County, Texas, and being all of a called 8.636 acre tract of land conveyed to 78 Commercial East, LP by deed of record in Document Number 20081112001321980 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING**, at a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the North right-of-way line of State Highway 78 (120-foot right-of-way), being the Southwest corner of Commercial Tract No. 1, Block J of Grand Heritage Club, a subdivision of record in Volume 2006, Page 211 of the Plat Records of Collin County, Texas, and being the Southeast corner of said 8.636 acre tract, from which an aluminum TxDOT monument found bears N80°29'23"E, a distance of 64.89 feet;

**THENCE**, along the North right-of-way line of State Highway 78, being the common South line of said 8.636 acre tract, the following three (3) courses and distances:

1. S80°29'23"W, a distance of 420.87 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set;
2. S87°55'40"W, a distance of 453.37 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set;
3. N88°49'40"W, a distance of 408.32 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Southeast corner of Lot 1, Block R of said Grand Heritage Club, being the Southwest corner of said 8.636 acre tract;

**THENCE**, N00°42'58"E, leaving the North right-of-way line of State Highway 78, along the East line of said Lot 1, being the common West line of said 8.636 acre tract, a distance of

299.99 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the South line of Lot 1, Block J of said Grand Heritage Club, being an exterior ell corner in the West line of said Lot 1, Block R, and being the Northwest corner of said 8.636 acre tract;

**THENCE**, along the North line of said 8.636 acre tract, being in part, the common South line of said Lot 1, Block J, in part, the common South right-of-way line of Alley J (15-foot wide alley of record in said Grand Heritage Club), in part, the common South line of Lot 23 of said Block J, and in part, the common South line of Lot 24 of said Block J, the following five (5) courses and distances:

1. S88°49'40"E, a distance of 400.53 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the beginning of a tangent curve to the left;
2. Along said tangent curve to the left, having a radius of 250.00 feet, a chord bearing of N89°33'00"E, a chord length of 14.15 feet, a delta angle of 03°14'40", an arc length of 14.16 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the end of said curve;
3. N87°55'40"E, a distance of 402.04 feet to a 5/8 inch iron rod with yellow plastic cap stamped "CARTER & BURGESS" found at the beginning of a tangent curve to the left;
4. Along said tangent curve to the left, having a radius of 250.00 feet, a chord bearing of N84°12'32"E, a chord length of 32.43 feet, a delta angle of 07°26'16", an arc length of 32.45 feet to a 5/8 inch iron rod with yellow plastic cap stamped "CARTER & BURGESS" found at the end of said curve;
5. N80°29'23"E, passing at a distance of 291.50 feet a 5/8 inch iron rod with yellow plastic cap stamped "CARTER & BURGESS" found at the common South corner of said Alley J and said Lot 23, and passing at an additional distance of 50.01 feet a 5/8 inch iron rod with yellow plastic cap stamped "CARTER & BURGESS" found at the common South corner of said Lot 23 and said Lot 24, and continuing a total distance of 379.81 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Northwest corner of said Commercial Tract No. 1, being the Northeast corner of said 8.636 acre tract, from which a 5/8 inch iron rod with yellow plastic cap stamped "CARTER & BURGESS" found bears N80°29'23"E, a distance of 53.80 feet;

**THENCE**, S09°30'37"E, along the West line of said Commercial Tract No. 1, being the common East line of said 8.636 acre tract, a distance of 298.98 feet to the **POINT OF BEGINNING**, and containing an area of 8.64 acres (376,181 square feet) of land, more or less.

**SAVE AND EXCEPT** a 1.24 acre tract of land out of the William H. Moore Survey, Abstract No. 638, situated in the City of Lavon, Collin County, Texas, and being all of a portion of a called 8.636 acre tract of land conveyed to 78 Commercial East, LP by deed of record in Document Number 20081112001321980 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

**COMMENCING**, at a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the North right-of-way line of State Highway 78 (120-foot right-of-way), being the Southeast corner of Lot 1, Block R, Common Area No. 3 & Drainage Easement of Grand Heritage Club, a subdivision of record in Volume 2006, Page 211 of the Plat Records of Collin County, Texas and the Southwest corner of said 8.636 acre tract;

**THENCE**, S88°49'40"E, along the North right-of-way line of said State Highway 78, a distance of 42.54 feet to a 1/2" iron rod with green plastic cap stamped "EAGLE SURVEYING" set for the **POINT OF BEGINNING**;

**THENCE**, N00°42'58"E, over and across said 8.636 acre tract of land, a distance of 299.99 feet to a 1/2" iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the south line of a 15' alley, Block J of Grand Heritage Club, a subdivision of record in Volume 2006, Page 211 of the Plat Records of Collin County, Texas;

**THENCE**, S88°49'40"E, along the South line of said 15' alley, being the common North line of said 8.636 acre tract, a distance of 180.01 feet to a 1/2" iron rod with green plastic cap stamped "EAGLE SURVEYING" set;

**THENCE**, S00°42'58"W, over and across said 8.636 acre tract, a distance of 299.99 feet to a 1/2" iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the North right-of-way line of said State Highway 78;

**THENCE**, N88°49'40"W, along the North right-of-way line of said State Highway 78, being the common South line of said 8.636 acre tract, a distance of 180.01 feet to the **POINT OF BEGINNING**, containing 1.24 acres or 53,998 square feet, more or less.

Grand Heritage Club Addition

Commercial Tract 1 being 1.12 acres land in the Grand Heritage Club Addition

**WHEREAS WORLD LAND DEVELOPERS, LP** is the sole owner of a 1.115 acre tract of land situated in the W. H. Moore Survey1, Abstract 638, in the City of Lavon, Collin County, Texas and being all of Grand Heritage Club, Commercial Tract No. One as recorded in Document Number 20060412010001400, Official Public Records of Collin County, Texas (OPRCCT) and being more particularly described by metes and bounds as follows:

**BEGINNING** at the northeast corner of said 1.115 Acre Tract, said point being the southeast corner of Lot 26, Block J of Grand Heritage Club, same being in the west Right-of-Way of Burnett Drive;

**THENCE** southerly along said west ROW the following:

N 01°53'48" E a distance of 5.50 feet to the beginning of a curve to the left;

Along said curve to the left, having a radius of 227.50 ft. and a central angle of 31°55'26" (chord bears N 14°01'10" W, 125.12 ft.), an arc distance of 126.76 ft. to a point being the beginning of a curve to the right;

Along said curve to the right, having a radius of 195.00 ft. and a central angle of  $14^{\circ}59'15''$  (chord bears  $N 22^{\circ}29'16'' W$ , 50.86 ft.), an arc distance of 51.01 ft. to a point;

$N 14^{\circ}59'38'' W$  a distance of 107.53 feet to a point;

$N 29^{\circ}36'49'' E$  a distance of 14.34 feet to a point, said point being in the north ROW line of SH 78;

**THENCE** along the north ROW line of SH 78,  $S 74^{\circ}13'18'' W$  a distance of 106.78 feet to a point;

**THENCE** continuing along said US 78 ROW,  $S 80^{\circ}28'47'' W$  a distance of 64.89 feet to a point;

**THENCE** departing said SH 78 ROW,  $N 09^{\circ}31'13'' W$  along the west line of said 1.115 Acre tract, same being the east line of that certain 8.630 Acre Tract as conveyed to 78 Commercial East LP as recorded in Document Number 20081112001321980, Official Public Records of Collin County, Texas (OPRCCT), 298.98 feet to the northeast corner of said 8.630 acre tract, same being in the south line of Lot 24, Block J of said Grand Heritage Club;

**THENCE**  $N 80^{\circ}28'47'' E$ , along the south line of lot 24 and Lot 25, Block J of said Grand Heritage Club, 53.80 feet to a point:

**THENCE**  $S 74^{\circ}13'18'' W$ , along the south line of lot 25 and Lot 26, Block J of said Grand Heritage Club a distance of 96.46 feet to the **POINT OF BEGINNING**, and containing 1.115 acres of land, more or less.