

**CITY OF LAVON**  
**ORDINANCE NO. 2017-06-01**

Annexation – 75.249 acres - Crestridge Meadows

**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; ADOPTING A SERVICE PLAN; FINDING AND DETERMINING THAT ALL REQUIREMENTS FOR ANNEXATION INCLUDING PUBLIC HEARINGS, NOTICES AND OPEN MEETINGS HAVE BEEN MET ACCORDING TO LAW; PROVIDING INSTRUCTIONS FOR FILING THIS ORDINANCE AND FOR CORRECTING THE OFFICIAL MAP AND BOUNDARIES OF SAID CITY; PROVIDING SEVERABILITY AND CUMULATIVE CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, on May 2, 2017, the City Council passed Resolution No. 2017-05-01 which granted the petition of Tom Moon, property owner of described property, requesting to be voluntarily annexed into the City of Lavon.

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

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

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

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

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

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

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

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

**Collin County CAD ID#’s 2117877 and 2087761, being a 75.249 acre parcel of land adjacent to and located within the extraterritorial jurisdiction of the City of Lavon, Texas and situated in the Drury Anglin Survey, Abstract No. 2, Collin County, Texas, and being all that tract of land described in deed to Thomas J. Moon and wife, Jennifer A. Moon, recorded in Document No. 96-0085000, of the Land Records, of Collin County, Texas, and being a part of that called 414 acre tract described in deed to Maude E. Daugherty, recorded in Volume 165, Page 483, Deed Records, Collin County, Texas and approximately 1.0 acres of land consisting of the portion of Collin County Road 484 that abuts the above-described property and the right-of-way adjacent thereto and being more particularly described in Exhibit “A” and depicted in Exhibit “B” attached hereto and made a part hereof.**

be and the same is hereby annexed into the City of Lavon, 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. Service Plan.** A Service Plan prepared in accordance with applicable provision of state law pertaining to annexation is attached hereto as Exhibit “C” and is hereby incorporated herein by reference and adopted as part of this ordinance and the same shall govern the delivery of municipal services to the annexed territory.

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

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

**SECTION 6. Cumulative Clause.** This ordinance shall be cumulative of all provisions of ordinances of the City of Lavon except where the provisions of this ordinance are in direct

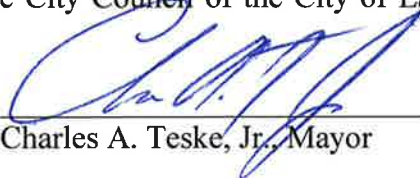
conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

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

**SECTION 8. Filing Instructions.** The City Secretary is hereby directed to file a certified copy of this ordinance with the County Clerk of 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, Collin County, Texas, on this the 20<sup>th</sup> day of June, 2017.

  
\_\_\_\_\_  
Charles A. Teske, Jr., Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kim Dobbs, City Administrator | City Secretary



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**EXHIBIT A – DESCRIPTION**

Being all that certain lot, tract, or parcel of land located in the DRURY ANGLIN SURVEY, Abstract No. 2, Collin County, Texas, and being all that tract of land described in deed to Thomas J. Moon and wife, Jennifer A. Moon, recorded in Document No. 96-0085000, of the Land Records, of Collin County, Texas, and being a part of that called 414 acre tract described in deed to Maude E. Daugherty, recorded in Volume 165, Page 483, Deed Records, Collin County, Texas, and being more particularly described as follows:

Commencing at a 1/2" iron rod found for corner in or near the Center line of County Road No. 484, and being the Southwest corner of said 414 acre tract, and being the Northwest corner of a tract of land described in deed to Blake Boyd McCarthy, recorded in Document No. 2000- 58716, Official Public Records, Collin County, Texas;

Thence North 00°15'00" East, along the West line of said 414 acre tract, a distance of 289.23' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the PLACE OF BEGINNING of the tract of land herein described;

Thence North 00°15'00" East, along or near the center line of said County Road No. 484, and the said West line of 414 acre tract, a distance of 1243.32' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set at the Southwest corner of a tract of land described in deed to City of Lavon, recorded in Instrument No. 20060725001041390, Official Public Records, Collin County, Texas;

Thence Easterly, along or near the center of a creek and along the common line of said City of Lavon Tract and said Moon Tract the following three (3) courses and distances;

1) Thence South 70°00'00" East, a distance of 196.59' to a point for corner;

2) Thence North 69°00'00" East, a distance of 452.12' to a point for corner;

3) Thence South 55°15'00" East, passing at a distance of 68.76' the Southeast corner of said City of Lavon tract, and the Southwest corner of a tract of land described in deed to Cape Cod Bank and Trust Company, recorded in Volume 2651, Page 27, Deed Records, Collin County, Texas, continuing a total distance of 133.28' to a point for corner;

Thence Easterly, along or near the center of a creek and along common line of said Cape Cod Bank and Trust Company tract and said Moon Tract the following five (5) courses and distances;

1) Thence North 76°00'00" East, a distance of 139.43' to a point for corner;

2) Thence South 65°26'49" East, a distance of 98.46' to a point for corner;

3) Thence North 52°44'00" East, a distance of 278.92' to a point for corner;

4) Thence South 84°45'00" East, a distance of 139.43' to a point for corner;

- 5) Thence North 61°00'00" East, a distance of 155.83' to a point at the Southeast corner of said tract of land described in deed to City of Lavon, (Inst. No. 20060725001041390);

Thence Easterly, along or near the center of a creek and along the common line of said City of Lavon Tract and said Moon Tract the following six (6) courses and distances;

- 1) Thence North 45°00'00" East, a distance of 146.60' to a point for corner;
- 2) Thence North 65°15'00" East, a distance of 240.92' to a point for corner;
- 3) Thence North 63°30'00" East, a distance of 131.23' to a point for corner;
- 4) Thence North 78°45'00" East, a distance of 344.47' to a point for corner;
- 5) Thence South 55°45'00" East, a distance of 156.86' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 6) Thence South 37°15'00" East, a distance of 69.24' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence South 00°01'02" West, passing through said 414 acre tract, and passing at a distance of 255.57' to the Northwest corner of a tract of land described in deed to World Land Developers, recorded in Instrument No. 20070913001281380, Official Public Records, Collin County, Texas, and continuing a total distance of 1414.76' to a 1/2" iron rod found for corner in the South line of said 414 acre tract, and being in the North line of a tract of land described in deed to Roy Brian Webb and Andrea Kay Campbell, recorded in Volume 4761, Page 200, Deed Records, Collin County, Texas;

Thence South 76°03'28" West, along said North line of said Webb and Campbell tract, a distance of 909.33' to a 1/2" iron rod found for corner;

Thence South 76°03'28" West, a distance of 179.42' to a 1/2" iron rod found for corner at the Northwest corner of said Webb and Campbell tract;

Thence South 78°01'55" West, along said South line of the 414 acre tract, a distance of 313.41' to a 1/2" iron rod found for corner;

Thence North 17°00'56" West, passing through said 414 acre tract, a distance of 283.50' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence South 77°55'53" West, a distance of 968.44' to the PLACE OF BEGINNING and containing 3,277,850 square feet or 75.249 acres of land.

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**EXHIBIT B – MAP**



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EXHIBIT C – SERVICE PLAN

**CITY OF LAVON  
ANNEXATION SERVICE PLAN**

**Case Name:** Crestridge Meadows – May 2017

**Description:**

- 1. Being a 75.249 acre parcel of land adjacent to and located within the extraterritorial jurisdiction of the City of Lavon, Texas and situated in the Drury Anglin Survey, Abstract No. 2, Collin County, Texas, and being all that tract of land described in deed to Thomas J. Moon and wife, Jennifer A. Moon, recorded in Document No. 96-0085000, of the Land Records, of Collin County, Texas, and being a part of that called 414 acre tract described in deed to Maude E. Daugherty, recorded in Volume 165, Page 483, Deed Records, Collin County, Texas and being more particularly described in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.*
- 2. Approximately 1.0 acres of land consisting of the portion of Collin County Road 484 that abuts the above-described property and the right-of-way adjacent thereto.*

**PUBLIC SAFETY SERVICES**

**FIRE SERVICES**

**Existing Services:** Nevada Volunteer Fire Department

**Services to be Provided:** Fire suppression will be available to the area upon annexation at the same or similar level as is provided to other areas of the City. Primary fire response will be provided by the Nevada Volunteer Fire Department (NVFD) Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed. The NVFD 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:** Upon 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:** Beginning on the effective date of the annexation ordinance, the area will become a part of 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:** Any inspection services now provided by the City (building, electrical, plumbing, gas, housing, health, etc.) will begin in the annexed area on the effective date of annexation. Services can be provided within the current budget appropriation.

**MUNICIPAL SERVICES**

**PLANNING & ZONING SERVICES**

**Existing Services:** None

**Services to be Provided:** The Planning and Zoning jurisdiction of the City will extend to the annexed area on the effective date of annexation. City planning will thereafter encompass the annexed area. Services can be provided within the current budget appropriation.

**STORM DRAINAGE SERVICES**

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, 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, taking into account 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:** County Road Maintenance

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, 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:** Beginning on the effective date of the annexation ordinance, 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 annexed 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:** Beginning on the effective date of the annexation ordinance, all of 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:** Beginning on the effective date of the annexation ordinance, 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:** Sanitary sewer service will be provided in accordance with applicable codes and departmental policy. Upon completion of construction 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**

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.