

CITY OF LAVON
ORDINANCE NO. 2017-08-03

Annexation – 41.8 acres – Lavon Farms

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 June 20, 2017, the City Council passed Resolution No. 2017-06-01 which granted the petition of Brenda Collier, 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 2653997, 2087762 and 2507840, being 41.801 acres of land situated in the D. Anglin Survey, Abstract No. 2, Collin County, Texas, and being a part of a called 38.42 acre tract of land described in deed to Belinda Collier, recorded as Instrument No. 20130605000772120, Deed Records, Collin County Texas, (DRCCT), all of a called 4.74 acre tract of land (out of said 38.42 acres) described in deed to Belinda Collier, recorded as Instrument No. 20130605000772100, (DRCCT), and all of a called 10.00 acre tract of land described in deed to Belinda Collier, recorded as Instrument No. 20130605000772130, (DRCCT), and the right-of-way of CR 483 adjacent to the above described property, adjacent to and located 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. 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, approval and two readings 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,

First Reading: August 24, 2017

Second Reading: September 5, 2017



Charles A. Teske, Jr., Mayor

ATTEST:



Kim Dobbs, City Administrator | City Secretary



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EXHIBIT A – DESCRIPTION

ANNEXATION LEGAL DESCRIPTION

BEING 41.801 acres of land situated in the D. Anglin Survey, Abstract No. 2, Collin County, Texas, and being a part of a called 38.42 acre tract of land described in deed to Belinda Collier, recorded as Instrument No. 20130605000772120, Deed Records, Collin County Texas, (DRCCT), all of a called 4.74 acre tract of land (out of said 38.42 acres) described in deed to Belinda Collier, recorded as Instrument No. 20130605000772100, (DRCCT), and all of a called 10.00 acre tract of land described in deed to Belinda Collier, recorded as Instrument No. 20130605000772130, (DRCCT), and being more particularly described as follows:

BEGINNING at a point in the south line of F.M. Hwy 2755 (McClendon Road- a variable width right-of-way), at the northwest corner of said 38.42 and 4.74 acre tracts, common to the northeast corner of a called 22.04 acre tract of land described in deed to Gary Ronald Dean, SR. and Bobbie N. St. John, recorded in Volume 4059, Page 0236, (DRCCT);

THENCE Easterly along the south lines of said HWY and the common north lines of said 4.74 acre tract and said 38.42 acre tract, the following courses and distances:

South 89°10'16" East, a distance of 269.32 feet to a point for corner, from which a 1/2" iron rod found for reference bears North 11°31'14" West, a distance of 0.29 feet;

North 82°04'51" East, a distance of 101.47 feet to a 5/8" iron rod with a yellow plastic cap stamped "RPLS 3963" set for corner;

South 89°09'55" East, at 78.22 feet passing the northeast corner of said 4.74 acre tract and continuing with a north line of said 38.42 acre tract for a total distance of 1009.83 feet to a point for corner at an angle point;

South 44-18-06 East a distance of 41.83 to a point for corner at an angle point;

South 89°09'55" East a distance of 15.03 feet to a point for corner in the center of County Road 483 and east line of said 38.42 acre tract;

THENCE South 03°46'27" West, along the centerline of said road and the east line of said 38.42 acre tract, a distance of 372.57 feet to a point for corner at the northeast corner of a called 1.25 acre tract of land described in deed to Jerold Carter, recorded as Instrument No. 20130617000834110, (DRCCT);

THENCE North 89°11'58" West, along the north line of said 1.25 acre tract a distance of 337.03 feet, to a point for corner at the northwest corner thereof;

THENCE South 00°51'58" West, with the west line of last mentioned tract for a distance of 163.74 feet to a point for corner at the southwest corner thereof and being in the north line of a

called 2.11 acre tract of land described in deed to CR 483 Trust, Mazen Fatayri Trustee, recorded as Instrument No. 20110819000880540, (DRCCT), from which a 1/2" iron rod found for reference bears, North 72°06'52" East a distance of 0.30 feet;

THENCE North 89°10'06" West, along the north line of said 2.11 acre tract a distance of 88.19 feet, to a 1/2" iron rod found for corner at the northwest corner thereof;

THENCE South 00°51'29" West, along the west line of said 2.11 acre tract a distance of 223.83 feet to a 1" iron pipe found for corner at the southwest corner thereof;

THENCE South 89°15'31" East, along the south line of said 2.11 acre tract a distance of 406.13 feet to a point for corner at the southeast corner thereof, said point also being in the east line of said 38.42 acre tract, and in the centerline of County Road 483, , from which a 1" iron pipe found for reference bears North 89°09'51" West, a distance of 30.18 feet;

THENCE South 03°43'43" West, along the centerline of said road and the east line of said 38.42 acre tract,, a distance of 205.84 feet to a point for corner at an upper southeast corner of said 38.42 acre tract, common to the northeast corner of a called 2.111 acre tract of land described in deed to Jonathan David Greene and Brittany Greene, recorded as Instrument No. 20140701000672130, (DRCCT), from which a 1/2" iron rod found for reference bears North 89°15'41" West, a distance of 29.87 feet;

THENCE North 89°10'32" West, along a lower boundary of said 38.42 acre tract, and along the north lines of said 2.111 acre tract, a called 1.81 acre tract, and a called 2.190 acre tract recorded as Instrument No. 20160122000077250, (DRCCT) and Instrument No. 20160627000811300, (DRCCT), respectively, passing at a distance of 805.97 feet, an interior "ell" corner of said 38.42 acre tract, common to the northwest corner of said 2.190 acre tract, and the northeast corner of a called 2.20 acre tract of land described as Instrument No. 20161220001727400, (DRCCT) and continuing for a total distance of 1017.02 feet to a 1/2" iron rod found for corner at the northwest corner of said 2.20 acre tract;

THENCE South 00°48'52" West, along the west line of said 2.20 acre tract a distance of 226.96 feet to a point for corner at the northeast corner of a called 1.102 acre tract of land described in deed to Walter O. Silva and Judith J. Silva, recorded as Instrument No. 20131122001570900, (DRCCT), from which a steel fence post found for reference bears, North 03°29'32" West, a distance of 23.26 feet;

THENCE North 89°29'54" West, along the north line of said of said 1.102 acre tract a distance of 211.00 feet to the northwest corner thereof and being in a common line of said 10.00 acre and 38.42 acre tracts, from which a steel fence post found for reference bears, North 01°16'28" East, a distance of 49.48 feet;

THENCE South 00°49'28" West, along the common lines of last mentioned 3 tracts, a distance of 227.56 feet to a point at the common south corner thereof, and in the north line of a called 50.64 acre tract of land described in deed to Michael J. Box, recorded in Volume 5420, Page

487, (DRCCT), said point also being in the centerline of said County Road 483, from which a 1/2" iron rod found for reference bears North 00°36'50" East, a distance of 29.92 feet;

THENCE North 89°32'43" West, along the common lines of said 10.00 acre tract, said 50.64 acre tract, and a called 31.269 acre tract of land described in deed to The City of Lavon, recorded in Instrument No. 20060725001041390, (DRCCT), a distance of 700.95 feet to a point for corner in the centerline of a creek, at an interior "ell" corner of said 31.269 acre tract, from which a 1/2" iron rod found for reference bears, South 89°32'43 East, a distance of 50.34 feet;

THENCE along and near the centerline of said creek, partly with the east lines of said 31.269 acre tract, all of the east lines of said 22.04 acre tract and all of the west lines of said 10.00 acre, 38.42 acre, and 4.74 acre tracts, the following courses and distances:

North 11°43'37" East, a distance of 83.62 feet to a point for corner;

North 33°00'52" East, a distance of 141.23 feet to a point for corner;

North 04°26'02" West, a distance of 101.81 feet to a point for corner;

North 39°21'27" West, a distance of 103.75 feet to a point for corner;

North 24°43'50" East, a distance of 144.19 feet to a point for corner;

North 47°54'58" East, a distance of 190.14 feet to a point for corner;

North 07°24'23" East, a distance of 93.46 feet to a point for corner, from which a 5/8" iron rod with a cap found for reference bears South 54°51'31" East, a distance of 56.08 feet

North 16°37'32" West, a distance of 99.62 feet to a point for corner;

North 22°40'19" East, a distance of 103.68 feet to a point for corner;

North 74°03'24" East, a distance of 92.98 feet to a point for corner;

North 29°25'38" East, a distance of 66.80 feet to a point for corner;

North 43°00'29" East, a distance of 164.40 feet to a point for corner;

North 59°38'43" East, a distance of 61.65 feet to a point for corner;

North 13°31'58" East, a distance of 58.93 feet to a point for corner;

North 36°51'42" West, a distance of 177.74 feet to a point for corner;

North 64°25'48" East, a distance of 122.13 feet to a point for corner;

North 51°02'48 East, a distance of 31.21 feet to the PLACE OF BEGINNING and containing 41.801 acres or 1,820,862 square feet 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: Lavon Farms – June 2017

Description:

1. *Being 41.801 acres 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 described in deed to Belinda Collier, recorded as Instrument No. 20130605000772120, Instrument No. 20130605000772100 and Instrument No. 20130605000772130, Deed Records, Collin County Texas.*

2. *The land consisting of the portion of Collin County Road 483 and FM 2755 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.