

CITY OF LAVON, TEXAS
ORDINANCE NO. 2020-10-03

Extension of Local Option – Sale of Beer and Wine for Off-Premise Consumption
Lot 2, 7-Eleven Addition

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AUTHORIZING THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION PURSUANT TO THE AUTHORITY OF TEXAS ALCOHOLIC BEVERAGE CODE, SECTION 251.725 TO COMMERCIALY-ZONED PROPERTY ON LOT 2, 7-ELEVEN ADDITION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the residents of the City of Lavon, Texas voted in favor of the legal sale of beer and wine for off-premise consumption on November 2, 2010; and

WHEREAS, the City of Lavon annexed the property shown on Exhibit “A” on March 15, 2011; and

WHEREAS, the property shown on Exhibit “A” is less than one percent (1%) of the total area covered by the city of Lavon, and

WHEREAS, all of the land proposed for the extension of the local option in the annexed area is zoned for commercial use only; and

WHEREAS, the land proposed for the extension of the local option in the annexed area is not adjacent to residential, church or school property; and

WHEREAS, all conditions described in the Texas Alcoholic Beverage Code, Section 251.725 have been met.

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

SECTION 1. Findings.

The above findings are hereby found to be true and correct and are incorporated herein in their entirety.

SECTION 2. Authorization.

The property shown on Exhibit “A” attached hereto and incorporated herein is hereby legally authorized for the sale of beer and wine for off-premise consumption. No townhome or multi-family developments shall be developed directly adjacent to property that is developed for the sale of beer and wine for off-premise consumption.

SECTION 3. Severability Clause.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. Cumulative/Repealer Clause.

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Lavon, Texas, whether codified or uncodified, 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 to the extent of such conflict.

SECTION 6. Savings Clause.

Should any word, phrase, sentence or section contained herein be found to be invalid, such validity shall not affect any other portion of this ordinance.

SECTION 7. Effective Date.

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 20th day of October 2020.



Vicki Sanson
Mayor

ATTEST:



Rae Norton
City Secretary

CITY OF LAVON, TEXAS
ORDINANCE NO. 2020-10-03

EXHIBIT A

Part of Lot 2, 7-Eleven Addition

N



EXHIBIT 'A'

SCALE
1" = 40'

LOT 11, BLOCK A
GRAND HERITAGE CLUB ADDITION
INSTRUMENT NUMBER
20080412010001400
OPRCCT

LOT 10, BLOCK A
GRAND HERITAGE CLUB ADDITION
INSTRUMENT NUMBER
20080412010001400
OPRCCT

LOT 9, BLOCK A
GRAND HERITAGE CLUB ADDITION
INSTRUMENT NUMBER
20080412010001400
OPRCCT

LOT 8, BLOCK A
GRAND HERITAGE CLUB
ADDITION
INSTRUMENT NUMBER
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FOUND 1/2" IRON ROD
W/CAP STAMPED
"ypassociates.com"

15' UTILITY EASEMENT
INSTRUMENT NUMBER
20070831001219060
OPRCCT

15' SANITARY SEWER EASEMENT
INSTRUMENT NUMBER
20070226000257420, OPRCCT

POC

NO°33'29"W
15.01'

FOUND 1/2" IRON ROD

S115°55"W
15.00'

S88°38'47"E 211.34'

20' REAR SETBACK
INSTRUMENT NUMBER
2019-257, OPRCCT

POB

NO°33'29"W 87.54'

0.399 ACRES
17,392 SQUARE FEET

PART OF A CALLED
0.86 ACRE ANNEXATION TRACT/
CITY OF LAVON, TEXAS
ORDINANCE NO: 2011-03-02

LOT 2, BLOCK 1
LAVON 7-ELEVEN ADDITION
INSTRUMENT NUMBER 2019-257
OPRCCT

LOT 1, BLOCK 1
LAVON 7-ELEVEN ADDITION
INSTRUMENT NUMBER 2019-257
OPRCCT

(S0°33'29"E 293.44')

208.75' S88°46'51"W

10' SIDE SETBACK
INSTRUMENT NUMBER
2019-257, OPRCCT

S115°55"W
78.12'

LOT 1, BLOCK 1
LAVON SONIC ADDITION
INSTRUMENT NUMBER
2003-0071138
OPRCCT

186.24' S115°55"W
(S2°03'15"W 289.36')

**W.H. MOORE SURVEY
ABSTRACT NO. 638**

LOT 2, BLOCK 1
LAVON 7-ELEVEN ADDITION
INSTRUMENT NUMBER 2019-257
OPRCCT

FOUND MAG NAIL WITH SHINER
STAMPED "YPASSOCIATES.COM"

FOUND MAG NAIL WITH SHINER
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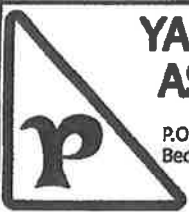
STATE HIGHWAY NO. 78

(VARIABLE WIDTH RIGHT-OF-WAY)
VOLUME 631, PAGE 157, OPRCCT

NOTES

- Grid Bearings based on the Texas Coordinate System of the North American Datum of 1983 (2011) EPOCH 2010, North Central Zone 4202 from GPS observations using the RTK Cooperative Network.
- Improvements not shown.
- OPRCCT = Official Public Records, Collin County, Texas
- () = Indicates Plat Call
- POC = Point of Commencing / POB = Point of Beginning
- This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

A metes and bounds description of even date accompanies this exhibit.



YAZEL PEEBLES & ASSOCIATES LLC

TBPELS 10194022
P.O. Box 210097 817.268.3316
Bedford, TX 76095 ypassociates.com



0.399 ACRE TRACT

PART OF LOT 2, BLOCK 1
LAVON 7-ELEVEN ADDITION
RECORDED IN
INSTRUMENT NUMBER 2019-257, OPRCCT
SITUATED IN THE W.H. MOORE SURVEY,
ABSTRACT NO. 638

CITY OF LAVON
COLLIN COUNTY, TEXAS

EXHIBIT 'A'

PROPERTY DESCRIPTION

BEING a 0.399 acre tract of land situated in the W.H. Moore Survey, Abstract Number 638, located in the City of Lavon, Collin County, Texas, being a part of Lot 2, Block 1, The Lavon 7-Eleven Addition, recorded in Instrument Number 2019-257, Official Public Records Collin County, Texas (OPRCCT), and part of a called 0.86 acre Annexation tract described in City of Lavon Ordinance No: 2011-03-02, passed and approved March 15, 2011, said 0.399 acre tract being more particularly described as follows:

COMMENCING at a found 1/2" iron rod at the northeast corner of said Lot 2, Block 1, the northeast corner of said 0.86 acre tract, and the northwest corner of Lot 1, Block 1, Lavon Sonic Addition, an addition to the City of Lavon, recorded in Instrument Number 2003-0071138, OPRCCT;

THENCE South 01 degrees 15 minutes 55 seconds West, with the east line of said Lot 2, Block 1, the east line of said 0.86 acre tract and the west line of said Lot 1, Block 1, Lavon Sonic Addition, a distance of 15.00 feet to the POINT OF BEGINNING of the herein described tract, being the eastern most southeast corner of a .033 acre utility easement described in the Special Warranty Deed to 78 Lavon, LP recorded in Instrument Number 20070831001219060, OPRCCT;

THENCE South 01 degrees 15 minutes 55 seconds West, continuing with the east line of said Lot 2, Block 1, the east line of said 0.86 acre tract and the west line of said Lot 1, Block 1, Lavon Sonic Addition, a distance of 78.12 feet to a point for corner, from which a found mag nail with shiner stamped "YPASSOCIATES.COM" at the intersection of said east and west line with the north right-of-way line of State Highway No. 78 (variable width right-of-way), recorded in Volume 631, Page 157, OPRCCT, bears South 01 degrees 15 minutes 55 seconds West, a distance of 196.24 feet;

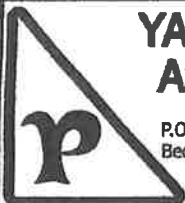
THENCE South 88 degrees 46 minutes 51 seconds West, with the south line of said 0.86 acre tract across said Lot 2, Block 1, a distance of 208.75 feet to a point for corner at the intersection of the south line of said 0.86 acre tract with the west line of said Lot 2, Block 1, from which a found mag nail with shiner stamped "YPASSOCIATES.COM" at the intersection of the west line of Lot 2, Block 1 and east line of Lot 1, Block 1, Lavon 7-Eleven Addition, recorded in Instrument Number 2019-257, OPRCCT, with the north right-of-way line of State Highway No. 78 bears South 00 degrees 33 minutes 29 seconds East, a distance of 190.89 feet;

THENCE North 00 degrees 33 minutes 29 seconds West, with the west line of said Lot 2, Block 1, and the east line of said Lot 1, Block 1, Lavon 7-Eleven Addition, a distance of 87.54 feet to a point for corner from which a found 1/2" iron rod with cap stamped "ypassociates.com" at the northwest corner of said Lot 2, Block 1, bears North 00 degrees 33 minutes 29 seconds West, a distance of 15.01 feet;

THENCE South 88 degrees 38 minutes 47 seconds East, with the south line of said utility easement, across said Lot 2, Block 1, a distance of 211.34 feet to the POINT OF BEGINNING and containing 0.399 acres or 17,392 square feet of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

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**YAZEL PEEBLES &
ASSOCIATES LLC**

TBPPELS 10194022

P.O. Box 210097
Bedford, TX 76095

817.268.3316
ypassociates.com



0.399 ACRE TRACT

PART OF LOT 2, BLOCK 1
LAVON 7-ELEVEN ADDITON
RECORDED IN
INSTRUMENT NUMBER 2019-257, OPRCCT
SITUATED IN THE W.H. MOORE SURVEY,
ABSTRACT NO. 638

CITY OF LAVON
COLLIN COUNTY, TEXAS

<p>Election Summary Report General Elections Summary For Jurisdiction Wide, All Counters, All Races Combined Accumulated Totals 72 of 72 Vote Centers Reporting</p>	<p>11/10/10 16:11:58</p>
--	------------------------------

Registered Voters 424548 - Cards Cast 157849
37.18%

Num. Report Precinct 179 - Num. Reporting 179
100.00%

Proposition 1 - Dallas		
	Total	
Number of Precincts	14	
Precincts Reporting	14	100.0 %
Vote For	1	
Times Counted	9995/26113	38.3 %
Total Votes	9344	
Times Blank Voted	649	
Times Over Voted	2	
Number Of Under Votes	0	
For	7231	77.39%
Against	2113	22.61%

Proposition 2 - Dallas		
	Total	
Number of Precincts	14	
Precincts Reporting	14	100.0 %
Vote For	1	
Times Counted	9995/26113	38.3 %
Total Votes	9306	
Times Blank Voted	684	
Times Over Voted	5	
Number Of Under Votes	0	
For	7200	77.37%
Against	2106	22.63%

Proposition 3 - Dallas		
	Total	
Number of Precincts	14	
Precincts Reporting	14	100.0 %
Vote For	1	
Times Counted	9995/26113	38.3 %
Total Votes	8429	
Times Blank Voted	1565	
Times Over Voted	1	

Vote For	1	
Times Counted	1327/3150	42.1 %
Total Votes	1278	
Times Blank Voted	49	
Times Over Voted	0	
Number Of Under Votes	0	
For	923	72.22%
Against	355	27.78%

Local option - Lavon		
	Total	
Number of Precincts	2	
Precincts Reporting	2	100.0 %
Vote For	1	
Times Counted	566/1158	48.9 %
Total Votes	549	
Times Blank Voted	17	
Times Over Voted	0	
Number Of Under Votes	0	
For	335	61.02%
Against	214	38.98%

Straight Party			
		Total	
Number of Precincts		179	
Precincts Reporting		179	100.0 %
Vote For		1	
Times Counted	157785/424548		37.2 %
Total Votes		97417	
Times Blank Voted		60363	
Times Over Voted		5	
Number Of Under Votes		0	
Republican	REP	71016	72.90%
Democrat	DEM	25577	26.26%
Libertarian	LIB	700	0.72%
Green	GRN	124	0.13%

US Rep 3			
		Total	
Number of Precincts		130	
Precincts Reporting		130	100.0 %
Vote For		1	
Times Counted	113022/306396		36.9 %
Total Votes		110689	
Times Blank Voted		2331	
Times Over Voted		2	
Number Of Under Votes		0	

**NOTICE OF LOCAL OPTION ELECTION
(AVISO DE ELECCION DE OPCION LOCAL)**

THE STATE OF TEXAS
(EL ESTADO DE TEXAS)

(CONDADO DE) COLLIN COUNTY, TEXAS

TO THE QUALIFIED VOTERS OF THE CITY OF LAVON, TEXAS.
(A LOS VOTANTES CAPACITADOS LA CIUDAD LAVON, TEXAS).

TAKE NOTICE that an election will be held on the 2nd day of November, 2010,
(TOMEN NOTA que se llevarán a cabo elecciones el 2 día de Noviembre de 2010,) at the places, First Baptist Church, located at 209 Main Street, Nevada, Texas, and all Election Day Vote Centers established under HB719, Countywide Election Day Precincts if applicable, in the manner, and on the issue The legal sale of all beer and wine for off-premise consumption only, set forth in the attached copy of an ORDER.
(en la lugar, First Baptist Church, 209 Main Street, Nevada, Texas, en la forma, y sobre el asunto Para legalizar la venta legal de cerveza y vino para consumo solamente fuera del establecimiento, como constatable en el apogado copia de un orden).

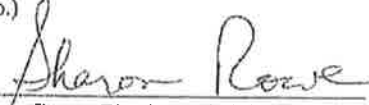
FOR LOCAL OPTION ELECTION to Legalize
(PARA ELECCION DE OPCION LOCAL para Legalizar)

Duly entered by the Commissioners' Court of Collin County, Texas,
(Debidamente asentada por la Corte de Comisionados del Condado de Collin, Texas,)

On the 2nd day of July, 2010.
(El 2 día de Julio, 2010).

Said attached ORDER FOR LOCAL OPTION ELECTION to Legalize
(Dicha ORDEN PARA ELECCION DE OPCION LOCAL anexa, para Legalizar)

is made a part of this notice for all intents and purposes.
(Se considera en todo caso ser parte de este aviso.)


Sharon Rowe, Elections Administrator
(Condado de) Collin County, Texas

FILED

2010 OCT 12 PM 4:24

RECEIVED
COLLIN COUNTY CLERK
BY: [Signature]

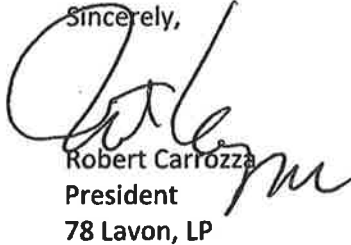
78 Lavon, LP
2714 Routh Street
Dallas Tx, 75201

Robert Carrozza: (214) 922 – 8191

City of Lavon, Kim Dobbs,

This letter serves as a formal request to seek approval for beer and wine sales for the 0.399 acre tract on State Hwy 205. I have included exhibits to show the size and location of this tract referred to as Lot 2, Block 1 of the W.H. Moore Survey Abstract NO. 638. The 0.399 acre tract (17,392 square feet) is referenced as the Lavon 7 – Eleven Addition Instrument Number 2019-257 OPRCCT. Please let me know if there is anything else needed to facilitate this request. Thanks in advance for all your help regarding this matter.

Sincerely,



Robert Carrozza
President
78 Lavon, LP

RECEIVED
OCT 05 2020
CITY OF LAVON

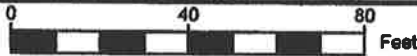


EXHIBIT 'A'

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1" = 40'

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INSTRUMENT NUMBER
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S115°55'W
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S88°38'47"E 211.34'

20' REAR SETBACK
INSTRUMENT NUMBER
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PART OF A CALLED
0.86 ACRE ANNEXATION TRACT/
CITY OF LAVON, TEXAS
ORDINANCE NO: 2011-03-02

0.399 ACRES
17,392 SQUARE FEET

LOT 2, BLOCK 1
LAVON 7-ELEVEN ADDITION
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10' SIDE SETBACK
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LOT 1, BLOCK 1
LAVON SONIC ADDITION
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OPRCCT

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(S2°03'15"W 289.36')

W.H. MOORE SURVEY
ABSTRACT NO. 638

LOT 2, BLOCK 1
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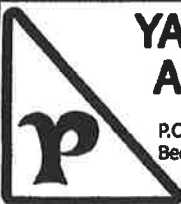
STATE HIGHWAY NO. 78

(VARIABLE WIDTH RIGHT-OF-WAY)
VOLUME 831, PAGE 157, OPRCCT

NOTES

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0.399 ACRE TRACT

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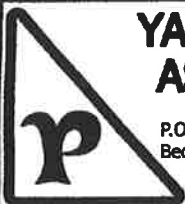
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ypassociates.com

P.O. Box 210097
Bedford, TX 76095



0.399 ACRE TRACT

PART OF LOT 2, BLOCK 1
LAVON 7-ELEVEN ADDITION
RECORDED IN
INSTRUMENT NUMBER 2019-257, OPRCCT
SITUATED IN THE W.H. MOORE SURVEY,
ABSTRACT NO. 638

CITY OF LAVON
COLLIN COUNTY, TEXAS

11817

FROM:
R-6638 002 0280.1 / 1.109 AC
R-6638 002 0040.1 / 1.145 AC
FOR TAX YEAR 2020



LINE TYPE LEGEND

---	BOUNDARY LINE
---	ADJACENT PROPERTY
---	EXISTING EASEMENT
---	EXISTING RIGHT-OF-WAY
---	EXISTING UTILITY
---	EXISTING CONCRETE
---	EXISTING ASPHALT
---	EXISTING GRAVEL
---	EXISTING DIRT
---	EXISTING FENCE
---	EXISTING CURB
---	EXISTING DRIVE
---	EXISTING SIDEWALK
---	EXISTING WALKWAY
---	EXISTING BIKEWAY
---	EXISTING TRAIL
---	EXISTING CANAL
---	EXISTING DRAINAGE
---	EXISTING FLOODPLAIN
---	EXISTING WETLAND
---	EXISTING WOODLAND
---	EXISTING PRAIRIE
---	EXISTING SAVANNAH
---	EXISTING TROPICAL FOREST
---	EXISTING TEMPERATE FOREST
---	EXISTING BOREAL FOREST
---	EXISTING TUNDRA
---	EXISTING ICE
---	EXISTING SNOW
---	EXISTING SAND
---	EXISTING CLAY
---	EXISTING SILT
---	EXISTING LOESS
---	EXISTING ALLUVIUM
---	EXISTING COLLUVIUM
---	EXISTING RESIDUAL SOIL
---	EXISTING PARENT MATERIAL
---	EXISTING BEDROCK
---	EXISTING GROUNDWATER
---	EXISTING SURFACE WATER
---	EXISTING UNDERGROUND WATER
---	EXISTING AIR
---	EXISTING SOIL
---	EXISTING VEGETATION
---	EXISTING ANIMALS
---	EXISTING PLANTS
---	EXISTING FUNGI
---	EXISTING BACTERIA
---	EXISTING VIRUSES
---	EXISTING PROTOZOA
---	EXISTING INVERTEBRATES
---	EXISTING VERTEBRATES
---	EXISTING HUMANS



STATE HIGHWAY NO. 78
UNIMPROVED
UNPAVED
UNIMPROVED

OWNER:
KCH LAYON, LLC
1311 SOUTH WHITE CHAPEL BLVD.
SOUTHLAKE, TX 76092

78 LAVON, LP
2717 SOUTH STREET
DALLAS, TX 75201

ENGINEER:
THE DIMENSION GROUP
10755 SANDHILL ROAD
DALLAS, TX 75238
PHONE: 214.343.9400

SURVEYOR:
YAZEL PEEBLES & ASSOCIATES LLC
PO BOX 210097
BEDFORD, TX 76095
PHONE: 682.233.2030

NOTES:

1. Borrowed based on the Texas Geographic System of the North American Datum of 1983 (NAD 83) (EPSG:4311), from Central Zone GSD from GPS observations using the NAD 83 datum.

YAZEL PEEBLES & ASSOCIATES LLC
REGISTERED PROFESSIONAL SURVEYOR
10000 W. PARKWAY
SUITE 100
DALLAS, TEXAS 75241
PHONE: 682.233.2030

OWNER RECORD

STATE OF TEXAS

COUNTY OF DALLAS

SECTION 10, TOWNSHIP 10N, RANGE 14E

PLAT NO. 11817

DATE OF RECORD: 03/19/2019

RECORD NO. 11817

BOOK 100, PAGE 11817

ACRES 2.494

OWNER: KCH LAYON, LLC

ADDRESS: 1311 SOUTH WHITE CHAPEL BLVD., SOUTHLAKE, TX 76092

LEGAL DESCRIPTION: LOT 1, BLOCK 1, TRACT 1, ADDITION TO THE CITY OF LAVON, COUNTY OF DALLAS, TEXAS, 1.109 ACRES.

DATE OF SURVEY: 03/19/2019

SURVEYOR: THE DIMENSION GROUP

REGISTERED PROFESSIONAL SURVEYOR NO. 11817

PLAT NO. 11817

SECTION 10, TOWNSHIP 10N, RANGE 14E

COUNTY OF DALLAS

STATE OF TEXAS

OWNER RECORD

STATE OF TEXAS

COUNTY OF DALLAS

SECTION 10, TOWNSHIP 10N, RANGE 14E

PLAT NO. 11817

DATE OF RECORD: 03/19/2019

RECORD NO. 11817

BOOK 100, PAGE 11817

ACRES 2.494

OWNER: KCH LAYON, LLC

ADDRESS: 1311 SOUTH WHITE CHAPEL BLVD., SOUTHLAKE, TX 76092

LEGAL DESCRIPTION: LOT 2, BLOCK 1, TRACT 1, ADDITION TO THE CITY OF LAVON, COUNTY OF DALLAS, TEXAS, 1.383 ACRES.

DATE OF SURVEY: 03/19/2019

SURVEYOR: THE DIMENSION GROUP

REGISTERED PROFESSIONAL SURVEYOR NO. 11817

PLAT NO. 11817

SECTION 10, TOWNSHIP 10N, RANGE 14E

COUNTY OF DALLAS

STATE OF TEXAS

OWNER RECORD

STATE OF TEXAS

COUNTY OF DALLAS

SECTION 10, TOWNSHIP 10N, RANGE 14E

PLAT NO. 11817

DATE OF RECORD: 03/19/2019

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BOOK 100, PAGE 11817

ACRES 2.494

OWNER: KCH LAYON, LLC

ADDRESS: 1311 SOUTH WHITE CHAPEL BLVD., SOUTHLAKE, TX 76092

LEGAL DESCRIPTION: LOT 1 & 2, BLOCK 1, TRACT 1, ADDITION TO THE CITY OF LAVON, COUNTY OF DALLAS, TEXAS, 2.494 ACRES.

DATE OF SURVEY: 03/19/2019

SURVEYOR: THE DIMENSION GROUP

REGISTERED PROFESSIONAL SURVEYOR NO. 11817

PLAT NO. 11817

SECTION 10, TOWNSHIP 10N, RANGE 14E

COUNTY OF DALLAS

STATE OF TEXAS

OWNER RECORD

STATE OF TEXAS

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COUNTY OF DALLAS

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PLAT NO. 11817

SECTION 10, TOWNSHIP 10N, RANGE 14E

COUNTY OF DALLAS

STATE OF TEXAS

S11817

FINAL PLAT
OF
LOTS 1 & 2, BLOCK 1
LAVON 7-ELEVEN
ADDITION
(2.492 ACRES)



SITUATED IN THE W.H. MOORE SURVEY,
ABSTRACT 638
CITY OF LAVON,
COLLIN COUNTY, TEXAS

2019-057
03/19/2019

02
03/19/2019

02
03/19/2019

02
03/19/2019

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03/19/2019

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03/19/2019

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03/19/2019

02
03/19/2019

City of Lavon Annexation Map January 2020



0 600 1,200 1,800 Feet

