

CITY OF LAVON, TEXAS

ORDINANCE NO. 2021-07-03

Extension of Local Option – Sale of Beer and Wine for Off-Premise Consumption
DPB Investments SH 205

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 CONSISTING OF 2.9647 ACRES DESCRIBED AS W. A. S. BOHANNAN SURVEY, ABSTRACT NO. 0121, TRACT 19; 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 July 6, 2021; 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 5. **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 6. **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 6th day of July 2021.



Vicki Sanson
Mayor

ATTEST:



Rae Norton
City Secretary



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EXHIBIT A

2.9647 acres described as W. A. S. Bohannon Survey, Abstract No. 0121, Tract 19

