

CITY OF LAVON
ORDINANCE NO. 2022-05-01

Annexing into Lavon ETJ – 40 acres, Boyd Farm

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID EXTRATERRITORIAL JURISDICTION SO AS TO INCLUDE THE DESCRIBED PROPERTY WITHIN THE EXTRATERRITORIAL JURISDICTION; 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 (“**Lavon**”) is authorized, pursuant to Section 42.022 of the Texas Local Government Code to expand its extraterritorial jurisdiction (“**ETJ**”) through annexation to include area that on the date of annexation is located in the ETJ of another municipality if a written agreement between the municipalities in effect on the date of annexation allocates the area to the ETJ of the annexing municipality; and

WHEREAS, on request of the owner of the hereinafter defined Property, Lavon entered into that certain Boundary Adjustment Agreement Between the Cities of Lavon and Wylie (“**Boundary Agreement**”) with the City of Wylie (“**Wylie**”), effective as of April 26, 2022, wherein Wylie released certain property, described herein at **Exhibit “A”** and depicted in **Exhibit “B”**, each attached hereto and incorporated herein for all purposes (the “**Property**”), from its ETJ and allocated the Property to the ETJ of Lavon; and

WHEREAS, this City Council of Lavon (the “**City Council**”) approved the Boundary Agreement by Resolution No. 2022-04-05 on April 5, 2022; and

WHEREAS, Wylie passed Ordinance No. 2022-36 on April 26, 2022 to approve the Boundary Agreement and amend the official boundaries and map of Wylie to reflect the release of the Property from the Wylie ETJ; and

WHEREAS, all of the Property described herein is contiguous to, and within one-half mile of the corporate limits of Lavon; and

WHEREAS, the City Council finds and determines that annexation of the Property into Lavon’s ETJ is in the best interests of the citizens 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 into ETJ. The Property is hereby annexed into the ETJ of Lavon, and the boundary limits of the ETJ of Lavon are hereby extended to include the Property within the ETJ of Lavon.

SECTION 3. Official Map. The official map and boundaries of Lavon, previously adopted, are amended to include the Property as part of the ETJ 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 Lavon to add the annexed Property as required by applicable law.

SECTION 4. Severability Clause. It is hereby declared by the City Council 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.

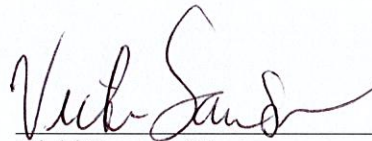
SECTION 5. Cumulative Clause. This Ordinance shall be cumulative of all provisions of ordinances of Lavon except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 6. 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 7. 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 8. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage and approval by the City Council.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 3rd day of May 2022.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary



EXHIBIT A
Legal Description of the Property

SITUATED in the State of Texas and the County of Collin, being part of the W. A. S. Bohannon Survey, Abstract No. 121, being all of a called 40 acre tract of land conveyed to Betty Boyd Skelton by deed recorded in Volume 4996, Page 5221 of the Deed Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod capped "Roome" set for comer in the west right-of-way line of State Highway 205 (100 foot right-of-way) and marking the northeast comer of a tract of land described in a deed to Iola Albright and recorded in Volume 700, Page 110 of the Deed Records of Collin County, Texas and the southeast comer of said 40 acre tract;

THENCE with the general line of a wire fence, the north line of said Albright tract and the south line of said 40 acre tract, South 89°28'29" West, 1564.77 feet to 1/2 inch iron pipe found for comer in the east line of a called 44.61 acre tract of land conveyed to the City of Dallas by deed recorded in Volume 698, Page 367 of the Deed Records of Collin County, Texas and marking the northwest comer of said Albright tract and the southwest comer of said 40 acre tract;

THENCE with the east line of said 44.61 acre tract and the west line of said 40 acre tract as follows:

North 34°01'59" East, 450.00 feet to a City of Dallas monument found for comer,

North 03°40'18" East, 434.58 feet to a City of Dallas monument found for comer,

North 04°08,07" West, 235.31 feet to a point for comer, and

North 25°00'30" West, 241.40 feet to a City of Dallas monument found for comer in the south line of a called 19.501 acre tract of land conveyed to S R Equipment Company, Ltd. by deed recorded in Document No. 201000610000588700 of the Deed Records of Collin County, Texas and marking the northeast comer of said 44.61 acre tract and the northwest comer of said 40 acre tract;

THENCE with the south line of said 19.501 acre tract and the north line of said 40 acre tract, South 88°46'35" East, 344.09 feet to a 1/2 inch capped iron rod found for comer in the west line of Grand Heritage - West C, an addition to the City of Lavon, Collin County, Texas, according to the plat thereof recorded in Volume 2008, Page 290 of the Plat Records of Collin County, Texas and marking the southeast comer of said 19.501 acre tract and a northeast comer of said 40 acre tract;

THENCE with the west line of said Grand Heritage - West C and an east line of said 40 acre tract, South 00°28'03" West, 11.55 feet to a 1/2 inch iron rod capped "Roome" set for comer marking the southwest comer of said Grand Heritage - West C and an ell comer of said 40 acre tract;

THENCE with the south line of said Grand Heritage - West C, the south line of a called 2.94 acre tract conveyed to DPB Investments, LP by deed recorded in Document No. 20110606000576510 of the Deed Records of Collin County, Texas, the south line of a called 2.04 acre tract conveyed to World Land Developers, LP by deed recorded in Document No. 20071213001657580 of the Deed Records of Collin County, Texas and the north line of said 40 acre tract, South 88°17'02" East, 1320.94 feet to a 1/2 inch iron rod found for comer in the curving west right-of-way line of State Highway 205 and marking the southeast comer of said 2.04 acre tract and the northeast comer of said 40 acre tract;

THENCE southwesterly with said west right-of-way line, the east line of said 40 acre tract and with a curve to the right having a radius of 5679.58 feet, a central angle of 12°17'06", an arc length of 1217.79 feet and a chord bearing and distance of South 12°21'45" West, 1215.46 feet to the Point of Beginning and containing 42.058 acres of land, more or less.

LESS that certain property taken by condemnation conveyance to the State of Texas identified as that certain 65,859 square feet of land, more or less in W.A.S. Bohannon Survey, Abstract No. 121, Collin County, Texas, and being part of a called 42.058 acre tract of land conveyed by General Warranty Deed from Idena, LLC to 3002 HOP, Ltd., executed May 9, 2016, as recorded in Instrument No. 20160511000577640, Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said 65,859 square feet (1.5119 Acres) of land being more particularly described by metes and bounds as follows:

COMMENCING at a found 1/2 inch iron pipe (controlling monument) for the southwest corner of said 3002 HOP, Ltd. tract, being on the north line of a called 57 acre tract of land conveyed in a deed to Iola K. Albright, executed December 15, 1964, as recorded in Volume 700, Page 110, said Official Public Records (O.P.R.C.C.T.);

THENCE North 89 degrees 29 minutes 42 seconds East, along the south line of said 3002 HOP, Ltd. tract and the north line of said Iola K. Albright tract, a distance of 1,503.68 feet to a 5/8 inch iron rod with pink plastic cap stamped "TEXAS DEPARTMENT OF TRANSPORTATION ROW MONUMENT"* (hereafter referred to as a set "TxDOT" monument) on the new west right of way line of State Highway 205 (a variable width right of way), and at the POINT OF BEGINNING, and being 75.00 feet left of Station 1210+20.07, and have a N.A.D. 83 (2011 Adjustment), Texas State Plane North Central Zone (4202) surface coordinate of Northing 7,058,577.42 and Easting 2,594,774.76, being the beginning of a curve to the left;

1) THENCE departing the south line of said 3002 HOP, Ltd. tract and the north line of said Iola K. Albright tract, along the new west right of way line of said State Highway 205, 1,222.51 feet along the arc of said curve to the left, through a central angle of 10 degrees 06 minutes 53 seconds, having a radius of 6,925.00 feet and long chord which bears North 13 degrees 16 minutes 52 seconds East, 1,220.92 feet to a set "TxDOT" monument* on the north line of said 3002 HOP, Ltd. tract and the south line of a called 3.401 acre tract of land conveyed as Tract No. 4 in a deed to DPB Investments, LP executed January 1, 2010, as recorded in Instrument No. 201110606000576510, said Office Public Records (O.P.R.C.C.T.);

2) THENCE South 88 degrees 14 minutes 55 seconds East, departing the new west right of way line of said State Highway 205, along the north line of said 3002 HOP, Ltd. tract and the south line of said DPB Investments, LP Tract No. 4, a distance of 41.31 feet to a found 3/8 inch iron rod (controlling monument) for the northeast corner of said 3002 HOP, Ltd. tract and the southeast corner of said DPB Investments, LP Tract No. 4, on the existing west right of way line of State Highway 205 (a 100 feet wide right of way) described in a deed to the State of Texas, as recorded in Volume 388, Page 365, Deed Records, Collin County, Texas (D.R.C.C.T.), being the beginning of a curve to the right;

3) THENCE departing the north line of said 3002 HOP, Ltd. tract and the south line of said DPB Investments, LP Tract No 4, along the existing west right of way line of said State Highway 205 and the east line of said 3002 HOP, Ltd. tract, 1,216.88 feet along the arc of said curve to the right, through a central angle of 12 degrees 16 minutes 33 seconds, having a radius of

5,679.58 feet and a long chord which bears South 12 degrees 20 minutes 55 seconds West, 1,214.56 feet to a found 3/8 inch iron rod with cap stamped "ROOKE" or "ROOME" for the southeast corner of said 3002 HOP, Ltd. tract and the northeast corner of said Iola K. Albright tract.

EXHIBIT B
Depiction of the Property

