

CITY OF LAVON
ORDINANCE NO. 2023-09-04

ETJ Disannexation – 2.805 acres

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, DISANNEXING THE HEREINAFTER DESCRIBED TERRITORY FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS, AND ADJUSTING THE BOUNDARY LIMITS OF SAID EXTRATERRITORIAL JURISDICTION SO AS TO EXCLUDE THE DESCRIBED PROPERTY FROM 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, on September 13, 2023, the owners of the hereinafter defined Property, submitted a Petition requesting to be released from the City of Lavon extraterritorial jurisdiction (the “**ETJ**”), such Property described herein in **Exhibit “A”** and depicted in **Exhibit “B”**, each attached hereto and incorporated herein for all purposes (the “**Property**”); and

WHEREAS, in accordance with the provisions of Texas SB 2038, effective September 1, 2023, the City Secretary verified the Petition on September 13, 2023 and notified the landowners of the results of the Petition; and

WHEREAS, the City Council finds and determines that disannexation of the Property from Lavon’s ETJ is in the best interests of the citizens of Lavon.

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. Disannexation from ETJ. The Property is hereby disannexed from the ETJ of Lavon, and the boundary limits of the ETJ of Lavon are hereby adjusted to exclude the Property from within the ETJ of Lavon.

SECTION 3. Official Map. The official map and boundaries of Lavon, previously adopted, are amended to exclude the Property from 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 remove the disannexed 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 19th day of September 2023.

Vicki Sanson

Vicki Sanson, Mayor

ATTEST:

Rae Norton

Rae Norton, City Secretary



EXHIBIT A

Legal Description of the Property

Property (including any improvements):

BEING all that tract of land in Collin County, Texas, out of the Drury Anglin Survey, A-2, and being part of that called 4.610 acres of land described in deed to Jen-y & Virginia Spearman as recorded in Volume 747, Page 311 of the Deed Records of Collin County, Texas, and being further described as follows:

BEGINNING at a point in the center of County Road No. 535, and at the Northwest corner of that called 0.504 acres of land described in deed to Jennifer H. Brady and Bryan E. Brady as recorded under CC# 2022000068955 of the Official Public Records of Collin County, Texas, from which a 5/8 inch steel rod found bears South 88 degrees 20 minutes 18 seconds East, 25.00 feet for witness;

THENCE North 01 degrees 22 minutes 24 seconds East (Directional Control Line), 522.33 feet along the center of said County Road No. 535 to a 1/2 inch steel rod found on the Southwest line of F.M. Highway No. 2755, at the North corner of said 4.610 acres, and at point of non-tangent curve;

THENCE Southeasterly, 682.72 feet along said highway and a curve to the left having a radius of 863.51 feet and a central angle of 45 degrees 18 minutes 00 seconds (Chord bears South 40 degrees 30 minutes 37 seconds East, 665.08 feet) to a 5/8 inch steel rod set at the Northeast corner of said 4.610 acres, and at the Northerly most Northwest corner of that called 1.61 acres of land described in deed to Anthony & Kathleen Senase as recorded under CC# 20140320000260890 of the Official Public Records of Collin County, Texas;

THENCE South 01 degrees 12 minutes 42 seconds East, 151.43 feet to a 5/8 inch steel rod set at the Easterly most Southeast corner of said 4.610 acres, and at an ell corner of said 1.61 acres;

THENCE North 88 degrees 58 minutes 42 seconds West, 241.87 feet to a 5/8 inch steel rod set at an ell corner of that called 1.315 acres of land described in deed to Nathan Jackson Brown as recorded under CC# 2022000110049 of the Official Public Records of Collin County, Texas;

THENCE North 01 degrees 22 minutes 42 seconds East, 124.53 feet to a 5/8 inch steel rod found at the Northeast corner of said 0.504 acres;

THENCE North 88 degrees 20 minutes 18 seconds West, 209.00 feet along the North line of said 0.504 acres to the POINT OF BEGINNING, containing 2.805 acres of land.

Security: The note described above is secured by a Vendor's Lien retained in this Deed in favor of Community National Bank to the extent of \$195,000.00. The note is further secured by a Deed of Trust of even date from Grantee to William D. Stovall, Trustee.

