

CITY OF LAVON
ORDINANCE NO. 2023-11-02

ETJ Disannexation – 2.637 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 October 16, 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 October 23, 2023 and notified the landowners of the results of the Petition; and

WHEREAS, the City Council accepts the City Secretary’s verification of the Petition, 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.

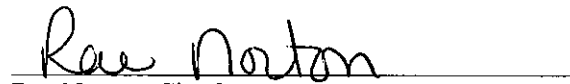
SECTION 8. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage and approval by the City Council.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 7th day of November 2023.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary



EXHIBIT A

Legal Description of the Property

BEING situated in Collin County, Texas, and being out of the S. A. Roberts Survey, Abstract No. 773 and being a part of a 56.5 acre tract as described in a deed from J. A. Payton, et ux to Leo W. Smith dated August 14, 1957, recorded in Volume 531, Page 536, Deed Records, Collin County, Texas, and being part of a 27.00 acre tract as conveyed to Leo W. Smith by J. A. Payton by deed recorded in Volume 531, Page 536 of the Deed Records of Collin County, Texas, and being a part of a 64.514 acre tract as described in a Deed of Trust as conveyed by Gary P. Willeford and wife, Joan M. Willeford to C. Truett Smith, and being more particularly described as follows:

COMMENCING at the Northwest corner of said 64.514 acre tract, said point being in the Centerline of County Road 485 on the East right-of-way line of State Highway No. 205;

THENCE North 89 degrees, 34 minutes, East with the centerline of said County Road 485 and the North line of said 64.514 acre tract 200.00 feet to the **PLACE OF BEGINNING**;

THENCE North 89 degrees, 34 minutes, East with the centerline of County Road 485 554.0 feet to a stake set for corner in said road;

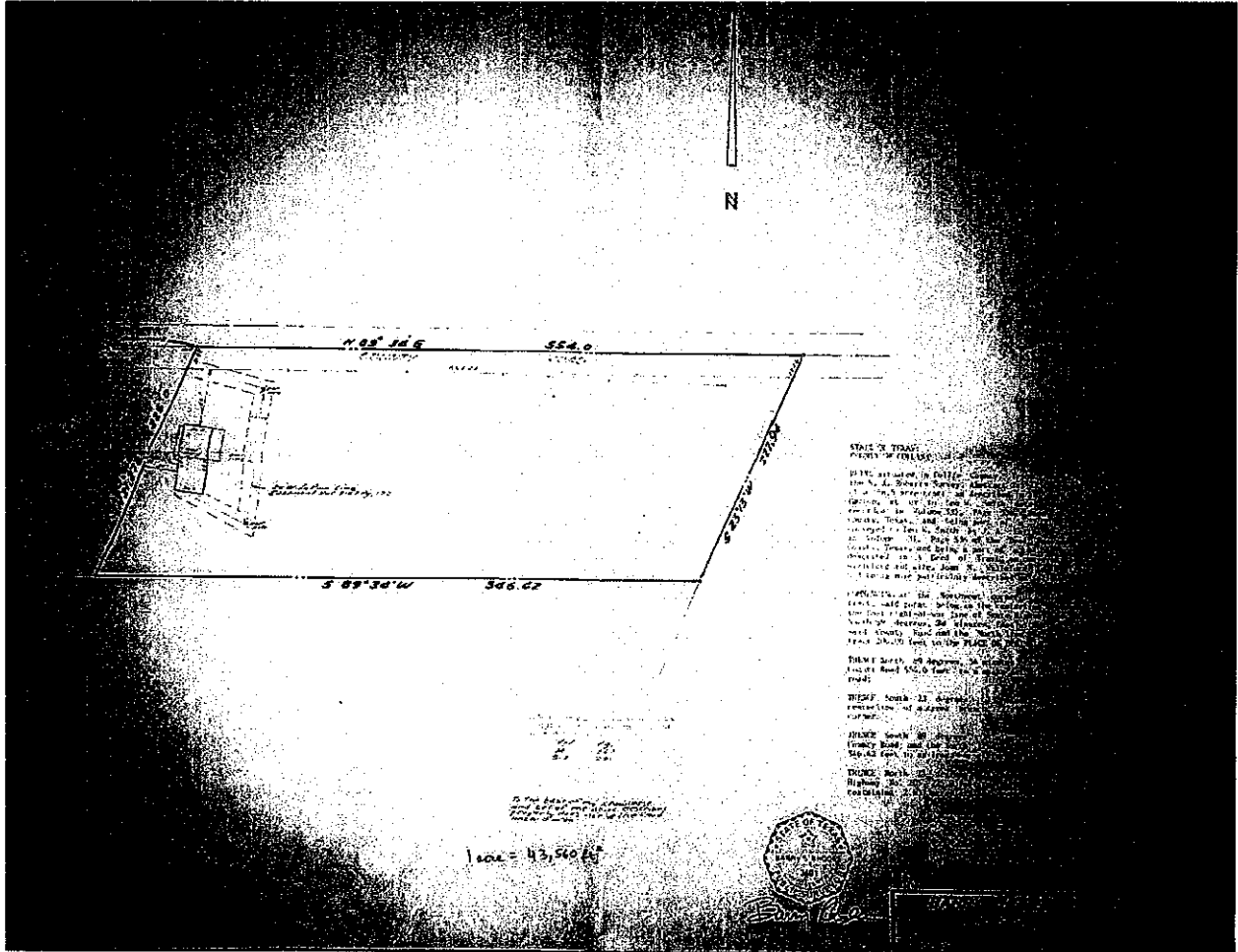
THENCE South 23 degrees, 13 minutes, West with the centerline of a creek branch, 227.94 feet to point for corner;

THENCE South 89 Degrees, 34 minutes, West parallel to County Road 485 and the North line of said 64.514 acre tract 546.42 feet to an iron stake set for corner;

THENCE North 21 degrees, 27 minutes, East parallel to Highway No. 205, 225.0 feet to the **PLACE OF BEGINNING** and containing 2.637 acres of land, more or less.

EXHIBIT B

Depiction of the Property





CERTIFICATE OF CITY SECRETARY

I, Rae Norton, City Secretary for the City of Lavon, Texas, hereby certify that I have reviewed and verified the Petition for the release from the City of Lavon Extraterritorial Jurisdiction for property located at 12080 Dark Hollow Rd., Rockwall, TX 75087-A0002 DRURY ANGLIN SURVEY, SHEET 4, TRACT 95, 35.77 ACRES:

Number of petitioners: 2

Number of owners: 2

As provided in Texas Senate Bill No. 2038, a petition signature is valid when it contains the signature, signers' printed name, date of birth or voter registration number.

The petition is attached hereto.

Dated this 25th day of October, 2023

City of Lavon, Texas

Rae Norton

Rae Norton, City Secretary