

CITY OF LAVON
ORDINANCE NO. 2023-11-03

ETJ Disannexation – 35.77 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

Vicki Sanson, Mayor

ATTEST:

Rae Norton

Rae Norton, City Secretary



EXHIBIT A

Legal Description of the Property

TRACT II

Being a tract of land situated in the Dury Anglin Survey, Abstract No. 2, Collin County, Texas, same being a portion of that tract of land conveyed to Jonathan M. Graff and Audrey Miklius, by deed recorded in Document No. 20110228000215110, Official Public Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being a Southeast corner of that tract of land conveyed to David S. Stubblefield and Sacha L. Stubblefield, by deed recorded in Document No. 20131111001524990, Official Public Records, Collin County, Texas, same being along the North line of the remainder of that tract of land conveyed to David S. Stubblefield and Sacha L. Stubblefield, by deed recorded in Document No. 20110715000734820, Official Public Records, Collin County, Texas;

THENCE North 00 degrees 31 minutes 30 seconds West, along the East line of said Stubblefield tract (20131111001524990), passing at a distance of 888.31 feet to a 1/2 inch iron rod found on-line for reference, continuing a total distance of 948.17 feet to a point for corner, said corner being along the East line of Caddo Creek Estates, an Addition to Collin County, Texas, according to the Plat thereof recorded in Volume Q, Page 137, Plat records, Collin County, Texas, same being the Southwest corner of that tract of land conveyed to KWB Associates, a Texas joint venture, by deed recorded in Volume 2094, Page 808, Deed Records, Collin County, Texas;

THENCE North 68 degrees 26 minutes 12 seconds East, along the South line of said KWB Associates tract, a distance of 99.30 feet to a point for corner;

THENCE North 68 degrees 03 minutes 55 seconds East, along the South line of said KWB Associates tract, a distance of 260.73 feet to a point for corner;

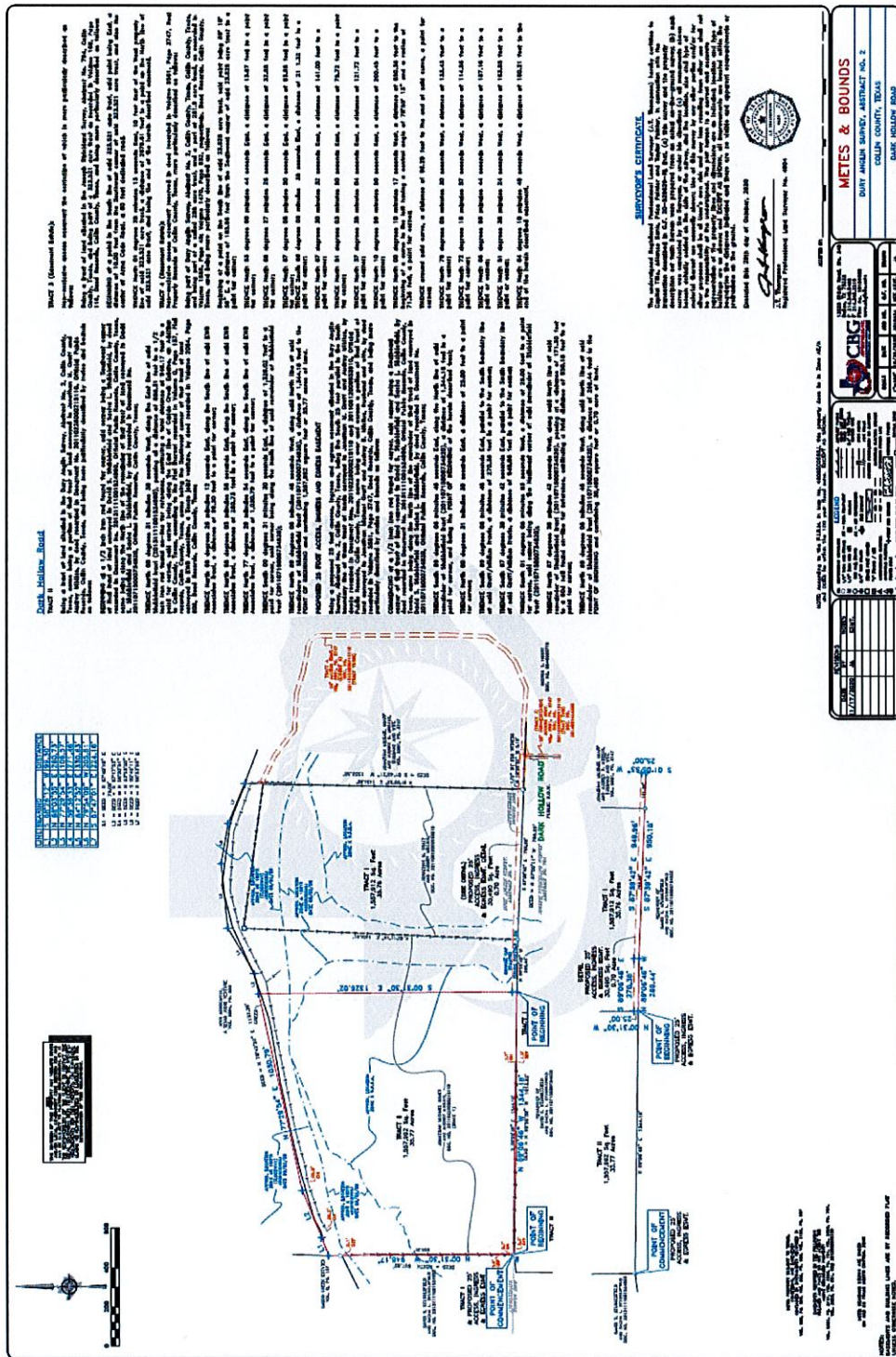
THENCE North 77 degrees 29 minutes 54 seconds East, along the South line of said KWB Associates tract, a distance of 1,030.79 feet to a point for corner;

THENCE South 00 degrees 31 minutes 30 seconds East, a distance of 1,326.02 feet to a point for corner, said corner being along the North line of said remainder of Stubblefield tract (20110715000734820);

THENCE North 89 degrees 06 minutes 46 seconds West, along said North line of said remainder of Stubblefield tract (20110715000734820), a distance of 1,344.18 feet to the POINT OF BEGINNING and containing 1,557,992 square feet or 35.77 acres of land.

EXHIBIT B

Depiction of the Property



DEED RECORDS - BOUND

Tract 1: 112.00 feet, N 89° 15' 00" E, to the south boundary of Tract 1, 112.00 feet, S 89° 15' 00" E, to the east boundary of Tract 1, 112.00 feet, N 00° 00' 00" E, to the north boundary of Tract 1, 112.00 feet, S 00° 00' 00" E, to the west boundary of Tract 1.

Tract 2: 112.00 feet, S 89° 15' 00" E, to the south boundary of Tract 2, 112.00 feet, N 89° 15' 00" E, to the east boundary of Tract 2, 112.00 feet, S 00° 00' 00" E, to the north boundary of Tract 2, 112.00 feet, N 00° 00' 00" E, to the west boundary of Tract 2.

Tract 3: 112.00 feet, N 00° 00' 00" E, to the south boundary of Tract 3, 112.00 feet, S 89° 15' 00" E, to the east boundary of Tract 3, 112.00 feet, N 89° 15' 00" E, to the north boundary of Tract 3, 112.00 feet, S 00° 00' 00" E, to the west boundary of Tract 3.

Tract 4: 112.00 feet, S 00° 00' 00" E, to the south boundary of Tract 4, 112.00 feet, N 89° 15' 00" E, to the east boundary of Tract 4, 112.00 feet, S 89° 15' 00" E, to the north boundary of Tract 4, 112.00 feet, N 00° 00' 00" E, to the west boundary of Tract 4.

Tract 5: 112.00 feet, N 89° 15' 00" E, to the south boundary of Tract 5, 112.00 feet, S 89° 15' 00" E, to the east boundary of Tract 5, 112.00 feet, N 00° 00' 00" E, to the north boundary of Tract 5, 112.00 feet, S 00° 00' 00" E, to the west boundary of Tract 5.

Tract 6: 112.00 feet, S 89° 15' 00" E, to the south boundary of Tract 6, 112.00 feet, N 89° 15' 00" E, to the east boundary of Tract 6, 112.00 feet, S 00° 00' 00" E, to the north boundary of Tract 6, 112.00 feet, N 00° 00' 00" E, to the west boundary of Tract 6.

Tract 7: 112.00 feet, N 00° 00' 00" E, to the south boundary of Tract 7, 112.00 feet, S 89° 15' 00" E, to the east boundary of Tract 7, 112.00 feet, N 89° 15' 00" E, to the north boundary of Tract 7, 112.00 feet, S 00° 00' 00" E, to the west boundary of Tract 7.

Tract 8: 112.00 feet, S 00° 00' 00" E, to the south boundary of Tract 8, 112.00 feet, N 89° 15' 00" E, to the east boundary of Tract 8, 112.00 feet, S 89° 15' 00" E, to the north boundary of Tract 8, 112.00 feet, N 00° 00' 00" E, to the west boundary of Tract 8.

Tract 9: 112.00 feet, N 89° 15' 00" E, to the south boundary of Tract 9, 112.00 feet, S 89° 15' 00" E, to the east boundary of Tract 9, 112.00 feet, N 00° 00' 00" E, to the north boundary of Tract 9, 112.00 feet, S 00° 00' 00" E, to the west boundary of Tract 9.

Tract 10: 112.00 feet, S 89° 15' 00" E, to the south boundary of Tract 10, 112.00 feet, N 89° 15' 00" E, to the east boundary of Tract 10, 112.00 feet, S 00° 00' 00" E, to the north boundary of Tract 10, 112.00 feet, N 00° 00' 00" E, to the west boundary of Tract 10.

Tract 11: 112.00 feet, N 00° 00' 00" E, to the south boundary of Tract 11, 112.00 feet, S 89° 15' 00" E, to the east boundary of Tract 11, 112.00 feet, N 89° 15' 00" E, to the north boundary of Tract 11, 112.00 feet, S 00° 00' 00" E, to the west boundary of Tract 11.

Tract 12: 112.00 feet, S 00° 00' 00" E, to the south boundary of Tract 12, 112.00 feet, N 89° 15' 00" E, to the east boundary of Tract 12, 112.00 feet, S 89° 15' 00" E, to the north boundary of Tract 12, 112.00 feet, N 00° 00' 00" E, to the west boundary of Tract 12.

Tract 13: 112.00 feet, N 89° 15' 00" E, to the south boundary of Tract 13, 112.00 feet, S 89° 15' 00" E, to the east boundary of Tract 13, 112.00 feet, N 00° 00' 00" E, to the north boundary of Tract 13, 112.00 feet, S 00° 00' 00" E, to the west boundary of Tract 13.

Tract 14: 112.00 feet, S 89° 15' 00" E, to the south boundary of Tract 14, 112.00 feet, N 89° 15' 00" E, to the east boundary of Tract 14, 112.00 feet, S 00° 00' 00" E, to the north boundary of Tract 14, 112.00 feet, N 00° 00' 00" E, to the west boundary of Tract 14.

Tract 15: 112.00 feet, N 00° 00' 00" E, to the south boundary of Tract 15, 112.00 feet, S 89° 15' 00" E, to the east boundary of Tract 15, 112.00 feet, N 89° 15' 00" E, to the north boundary of Tract 15, 112.00 feet, S 00° 00' 00" E, to the west boundary of Tract 15.

Tract 16: 112.00 feet, S 00° 00' 00" E, to the south boundary of Tract 16, 112.00 feet, N 89° 15' 00" E, to the east boundary of Tract 16, 112.00 feet, S 89° 15' 00" E, to the north boundary of Tract 16, 112.00 feet, N 00° 00' 00" E, to the west boundary of Tract 16.

Tract 17: 112.00 feet, N 89° 15' 00" E, to the south boundary of Tract 17, 112.00 feet, S 89° 15' 00" E, to the east boundary of Tract 17, 112.00 feet, N 00° 00' 00" E, to the north boundary of Tract 17, 112.00 feet, S 00° 00' 00" E, to the west boundary of Tract 17.

Tract 18: 112.00 feet, S 89° 15' 00" E, to the south boundary of Tract 18, 112.00 feet, N 89° 15' 00" E, to the east boundary of Tract 18, 112.00 feet, S 00° 00' 00" E, to the north boundary of Tract 18, 112.00 feet, N 00° 00' 00" E, to the west boundary of Tract 18.

Tract 19: 112.00 feet, N 00° 00' 00" E, to the south boundary of Tract 19, 112.00 feet, S 89° 15' 00" E, to the east boundary of Tract 19, 112.00 feet, N 89° 15' 00" E, to the north boundary of Tract 19, 112.00 feet, S 00° 00' 00" E, to the west boundary of Tract 19.

Tract 20: 112.00 feet, S 00° 00' 00" E, to the south boundary of Tract 20, 112.00 feet, N 89° 15' 00" E, to the east boundary of Tract 20, 112.00 feet, S 89° 15' 00" E, to the north boundary of Tract 20, 112.00 feet, N 00° 00' 00" E, to the west boundary of Tract 20.

SURVEYOR'S CERTIFICATE

I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the same, and that the same has been compared with the original survey as shown to me by the owner of the same, and that the same is a true and correct copy of the original survey as shown to me by the owner of the same.

Dated this 15th day of October, 2009.

[Signature]

Surveyor

METES & BOUNDS

DUTY AMPLI SURVEY, ABSTRACT NO. 2

COLLIN COUNTY, TEXAS

DARK HOLLOW ROAD

Tract	Area	Acres
Tract 1	112.00	1.00
Tract 2	112.00	1.00
Tract 3	112.00	1.00
Tract 4	112.00	1.00
Tract 5	112.00	1.00
Tract 6	112.00	1.00
Tract 7	112.00	1.00
Tract 8	112.00	1.00
Tract 9	112.00	1.00
Tract 10	112.00	1.00
Tract 11	112.00	1.00
Tract 12	112.00	1.00
Tract 13	112.00	1.00
Tract 14	112.00	1.00
Tract 15	112.00	1.00
Tract 16	112.00	1.00
Tract 17	112.00	1.00
Tract 18	112.00	1.00
Tract 19	112.00	1.00
Tract 20	112.00	1.00

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACTS OF 1909 AND 1929, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING ENGINEERS OF THE STATE OF TEXAS.

ALL RIGHTS RESERVED.