

CITY OF LAVON
ORDINANCE NO. 2023-11-09

ETJ Disannexation – 35.76 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 26, 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 November 14, 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 21st day of November 2023.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary

EXHIBIT A

Legal Description of the Property

TRACT I

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 that tract of land conveyed to Jonathan M. Graff and Audrey Miklius, by deed recorded in Document No. 20110812000853910, Official Public Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING 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 South 89 degrees 06 minutes 46 minutes East, along the North line of said remainder of Stubblefield tract (20110715000734820), a distance of 1,344.18 feet to a point for corner, and being the POINT OF BEGINNING of the herein described tract;

THENCE North 00 degrees 31 minutes 30 seconds West, a distance of 1,326.02 feet to a point for corner, said corner being along the South line 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 along the South lines of said KWB Associates tract, the following bearing and distances:

North 77 degrees 29 minutes 54 seconds East, a distance of 106.57 feet to a point for corner;

North 59 degrees 36 minutes 33 seconds East, a distance of 271.46 feet to a point for corner;

North 84 degrees 12 minutes 52 seconds East, a distance of 330.63 feet to a point for corner;

North 79 degrees 54 minutes 09 seconds West, a distance of 205.81 feet to a point for corner;

South 67 degrees 47 minutes 01 seconds East, a distance of 224.16 feet to a point for corner, said corner being the Northwest corner of that tract of land conveyed to Jonathan Michael Graff and Audrey B. Miklius, by deed recorded in Volume 5561, Page 3747, Deed Records, Collin County, Texas;

THENCE South 01 degrees 05 minutes 53 seconds West, along the West line of said Graff/Miklius tract, a distance of 1,434.66 feet to a 60d nail found for corner, said corner being

the Southwest corner of said Graff/Miklius tract, same being along said North line of said remainder of Stubblefield tract (20110715000734820), from which a 1/2 inch iron rod found for witness bears North 18 degrees 33 minutes 32 seconds West, a distance of 5.19 feet;

THENCE North 87 degrees 39 minutes 42 seconds West, along said North line of said remainder of Stubblefield tract (20110715000734820), a distance of 768.88 feet to a 1/2 inch iron rod found for corner;

THENCE North 89 degrees 06 minutes 46 seconds West, along said North line of said remainder of Stubblefield tract (20110715000734820), a distance of 269.44 feet to the POINT OF BEGINNING and containing 1,557,912 square feet or 35.76 acres of land.

