

CITY OF LAVON
ORDINANCE NO. 2023-12-01

ETJ Disannexation – 159.9476 acres -Anna Cade Rd.

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 November 21, 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 December 1, 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 5th day of December 2023.



Vicki Sanson, Mayor

ATTEST:


Rae Norton, City Secretary



EXHIBIT A

Legal Description of the Property

LEGAL DESCRIPTION

David and Sacha Stubblefield Property

TRACT A

BEING a tract of land situated in the Joseph Strickland Survey, Abstract No. 794, Collin County, Texas, being all of that certain 147.41 acres tract of land conveyed to David S. and Sacha L. Stubblefield by Warranty Deed recorded in Instrument No. 20110715000734820, Official Public Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner in the ROW line of Dark Hollow Drive and the North ROW line of Anna Cade Road, being at the Southeast corner of said Dong Won Kang 147.41 acre tract and the Southwest corner of a 7.6 acre tract of land conveyed to Michael I. Smith by Deed recorded in Volume 5195, Page 779, Official Public Records, Collin County, Texas;

THENCE: South 89 degrees 52 minutes 44 seconds West, along the North ROW line of Anna Cade Road and the South line of said Dong Won Kang 147.41 acre tract, a distance of 716.28 feet to a 1/2 inch iron rod found for angle point:

THENCE: North 76 degrees 16 minutes 49 seconds West, along the South line of said Dong Won Kang 147.41 acre tract, a distance of 20.96 feet to a 60d nail found for angle point:

THENCE: South 88 degrees 00 minutes 28 seconds West, along the South line of said Dong Won Kang 147.41 acre tract, a distance of 550.21 feet to a 1-inch pipe found for corner at the Southwest corner of said 147.41 acre tract and the Southeast corner of a 264.36 acre tract of land conveyed to Dong Won Kang by Deed recorded in County Clerk's File No. 2000-0070197, Official Public Records, Collin County, Texas;

THENCE: along the common line of said Dong Won Kang 147.41 acre tract and said Dong Won Kang 264.36 acre tract, the following bearings and distances:

North 00 degrees 57 minutes 46 seconds West, a distance of 1372.96 feet to a 1/2 inch iron rod found for corner;

North 88 degrees 41 minutes 28 seconds West, a distance of 1272.36 feet to a 1/2 inch iron rod found for corner;

North 00 degrees 16 minutes 23 seconds East, a distance of 1373.62 feet to a 1/2 inch iron rod found for corner;

North 82 degrees 27 minutes 30 seconds East, a distance of 93.00 feet to a 1/2 inch iron rod found at the most Northerly Southeast corner of said Dong Won Kang 264.36 acre tract and the Southwest corner of a 47.41 acre tract of land conveyed to Jonathan M. Graff by Deed recorded in Instrument No. 201102280002151100, Official Public Records, Collin County, Texas;

THENCE: along the common line of said Dong Won Kang 147.41 acre tract and said Jonathan M. Graff 47.41 acre tract, the following bearings and distances:

South 88 degrees 23 minutes 52 seconds East, a distance of 1613.97 feet to a 1/2 inch iron rod found for corner at the most Southerly Southeast corner of said 47.41 acre tract;

North 02 degrees 50 minutes 46 seconds East, a distance of 1409.00 feet to a 60d nail found for corner at the most Northerly Northwest corner of said 147.41 acre tract;

South 81 degrees 34 minutes 14 seconds East, a distance of 746.95 feet to a 60d nail found in the West line of a 23.85 acre tract of land conveyed to Jonathan M. Graff by Deed recorded in Volume 5561, Page 3747, Official Public Records, Collin County, Texas, being at the most Northerly Northeast corner of said Dong Won Kang 147.41 acre tract and the most Northerly Southeast corner of said Jonathan M. Graff 47.41 acre tract;

THENCE: South 01 degrees 45 minutes 21 seconds West, along the common line of said Dong Won Kang 147.41 acre tract and said Jonathan M. Graff 23.85 acre tract, a distance of 1338.59 feet to a 60d nail found for corner at the Southwest corner of said 23.85 acre tract;

THENCE: South 87 degrees 00 minutes 11 seconds East, along said common line, a distance of 171.34 feet to a 1/2 inch iron rod set in the ROW line of Dark Hollow Drive, being at the most Southerly Northeast corner of said 147.41 acre tract

THENCE: along the East line of said Dong Won Kang 147.41 acre tract and the ROW line of Dark Hollow Drive, the following bearings and distances:

South 01 degrees 35 minutes 20 seconds West, a distance of 1511.73 feet to a 1/2 inch iron rod found for angle point;

South 01 degrees 21 minutes 00 seconds West, a distance of 364.49 feet to a 1/2 inch iron rod set for angle point;

South 01 degrees 29 minutes 22 seconds West, a distance of 490.86 feet to a 1/2 inch iron rod set for angle point;

South 01 degrees 08 minutes 03 seconds West, a distance of 311.51 feet to the PLACE OF BEGINNING and containing 147.528 acres of land.

SAVE AND EXCEPT

That tract of and situated in the Joseph Strickland Survey, Abstract No 794, Collin County, Texas, conveyed by David S. and Sacha L. Stubblefield to Jonathan M. Graff and Audrey Miklius Deed by Warranty Deed recorded in Instrument No. 20110812000853910, Official Public Records, Collin County, Texas and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod set for corner in the ROW line of Dark Hollow Drive and the South line of a 23.85 acre tract of land conveyed to Jonathan M Graff by Deed recorded in Volume 5561, Page 3747, Official Public Records, Collin County, Texas, being at the most Southerly Northeast corner of said Dong Won Kang 147 41 acre tract,

THENCE. North 87 degrees 00 minutes 11 seconds West, along the common line of said Dong Won Kang 147.41 acre tract and said Jonathan M. Graff 23.85 acre tract, a distance of 171.34 feet to a 60d nail found at the TRUE PLACE OF BEGINNING,

THENCE. North 87 degrees 00 minutes 11 seconds West, a distance of 768.87 feet to a 1/2 inch iron rod found at the most Southerly Southeast corner of a 47.41 acre tract of land conveyed to Jonathan M. Graff by Deed recorded in Instrument No. 201102280002151100. Official Public Records, Collin County, Texas,

THENCE: North 02 degrees 50 minutes 46 seconds East, along the common line of said Dong Won Kang 147.41 acre tract and said Jonathan M. Graff 47.41 acre tract, a distance of 1409.00 feet to a 60d nail found for corner at the most Northerly Northwest corner of said 147.41 acre tract,

THENCE. South 81 degrees 34 minutes 14 seconds East, along said common line, a distance of 746.95 feet to a 60d nail found in the West line of a 23.85 acre tract of land conveyed to Jonathan M. Graff by Deed recorded in Volume 5561, Page 3747, Official Public Records. Collin County, Texas. being at the most Northerly Northeast corner of said Dong Won Kang 147.41 acre tract and the most Northerly Southeast corner of said Jonathan M. Graff 47.41 acre tract,

THENCE: South 01 degree 45 minutes 21 seconds West, along the common line of said Dong Won Kang 147.41 acre tract and said Jonathan M. Graff 23.85 acre tract, a distance of 1338.59 feet to the TRUE PLACE OF BEGINNING and containing 23.834 acres of land.

AND SAVE AND EXCEPT

That tract of and situated in the Joseph Strickland Survey, Abstract No 794, Collin County, Texas, conveyed by David S. and Sacha L. Stubblefield to Rade W. Parker II by Warranty Deed recorded in Instrument No. 20120713000847480, Official Public Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a found 1/2-inch iron rod on the north line of that certain tract of land described in deed to William Riggs and Helen Riggs, as recorded in Volume 518, Page 497, Deed Records of Collin County, said iron rod being the southwest corner of that certain tract of land described in deed to Michael I. Smith and Sharon J. Smith, as recorded in Volume 5195, Page 779, said Deed Records, and the southeast corner of said Stubblefield tract;

THENCE South 89° 34' 39" West, along said north line and the south line of said Stubblefield tract, a distance of 460.32 feet to a set pk nail;

THENCE North 00° 38' 49" West, departing said north line, a distance of 601.01 feet to a fence corner;

THENCE North 26° 29' 53" East, a distance of 151.67 to a fence corner;

THENCE North 89° 46' 26" East, a distance of 419.89 feet to a 60d nail set in Dark Hollow Drive, said nail being on the west line of aforementioned Smith tract;

THENCE South 01° 52' 53" West, along said west line, a distance of 421.52 feet to an angle point, from which a found 1/2-inch Iron rod bears North 13° 01' 01" East a distance of 16.75 feet;

THENCE South 01° 12' 34" West (bearing base from aforementioned deed 20110715000734820) along said west line, a distance of 313.75 feet to the POINT OF BEGINNING and containing 343,759 square feet or 7.89 acres of land, more or less, SAVE AND EXCEPT the following .3376 acre reserved portion of such 7.89 acre tract:

BEGINNING at a found 1/2-inch iron rod on the north line of that certain tract of land described in deed to William Riggs and Helen Riggs, as recorded in Volume 518, Page 497, Deed Records of Collin County, said iron rod being the southwest corner of that certain tract of land described in deed to Michael I. Smith and Sharon J. Smith, as recorded in Volume 5195, Page 779, said Deed Records, and the southeast corner of said Stubblefield tract;

THENCE South 89° 34' 39" West, along said north line and the south line of said Stubblefield tract, a distance of 20.00 feet to a point for corner;

THENCE North 01° 12' 34" East (bearing base from aforementioned deed 20110715000734820), a distance of 313.75 feet to an angle point;

THENCE North 01° 52' 53" East, a distance of 421.52 feet to a point for corner;

THENCE North 89° 46' 26" East, a distance of 20.00 feet to a 60d nail set in Dark Hollow Drive, said nail being on the west line of aforementioned Smith tract;

THENCE South 01° 52' 53" West, along said west line, a distance of 421.52 feet to an angle point, from which a found 1/2-inch Iron rod bears North 13° 01' 01" East a distance of 16.75 feet;

THENCE South 01° 12' 34" West (bearing base from aforementioned deed 20110715000734820) along said west line, a distance of 313.75 feet to the POINT OF BEGINNING and containing 14,705.40 square feet or .3376 acres of land, more or less, for a net parcel conveyed of 7.5524 acres of land.

ANS SAVE AND EXCEPT

That tract of and situated in the Joseph Strickland Survey, Abstract No 794, Collin County, Texas, conveyed by David S. and Sacha L. Stubblefield to Jonathan M. Graff and Audrey Miklius by Warranty Deed recorded in Instrument No. 20141231001424340, Official Public Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch yellow capped iron rod set for corner being in the South line of a tract conveyed to Jonathan Graff as recorded in Volume 5561, Page 3747, Deed Records, Collin County, Texas, being a Northwest corner of a tract conveyed to George Henry as recorded in C.C. # 96-0008719, Deed Records, Collin County, Texas and being the Northeast corner of said Stubblefield tract;

THENCE South 00 degrees 10 minutes 26 seconds West, a distance of 1,086.70 feet to a 1/2 inch iron rod found for corner being in the North line of a tract conveyed to James and Debbie Daffron,

as recorded in C.C.# 20091021001292730, Deed Records, Collin County, Texas;

THENCE South 86 degrees 53 minutes 06 seconds West, a distance of 22.91 feet to a 1/2 inch yellow capped iron rod set for corner;

THENCE along a hog wire fence North 01 degrees 21 minutes 08 seconds West, a distance of 182.61 feet to a 60 D nail set for corner;

THENCE along said hog wire fence North 00 degrees 00 minutes 58 seconds East, a distance of 642.87 feet to a 1/2 inch yellow capped iron rod set for corner;

THENCE along said hog wire fence North 00 degrees 09 minutes 30 seconds East, a distance of 262.86 feet to a 1/2 inch yellow capped iron rod set for corner;

THENCE South 89 degrees 10 minutes 59 seconds East, a distance of 24.44 feet to the PLACE OF BEGINNING and containing 27,372 square feet or 0.63 of an acre of land.

TRACT B

BEING a tract of land situated in the Joseph Strickland Survey, Abstract No. 794, Collin County, Texas, being all of that certain 44.436 acre tract of land conveyed to David S. and Sacha L. Stubblefield by Warranty Deed recorded in Instrument No. 20131111001524990, Official Public Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found for the southeast corner of that 264.3664 acre tract of land described in deed to Charles William Sinks II and Sandra Lynn Sinks recorded as Instrument 20131111001524540 and the southwest corner of a 147.528 acre tract of land described in deed to David S. Stubblefield and Sacha L. Stubblefield., as recorded in Instrument 20110715000734820, (D.R.C.C.T.), said corner being in the north boundary line of a 202.68 acre tract of land described in deed to Helen Joy Riggs and William Audy Riggs, as recorded in Volume 54, Page 456, Deed Records, Rockwall County, Texas;

THENCE South 89 degrees 55 minutes 48 seconds West, with the common boundary line of said 264.3664 acre tract and said 202.68 acre tract, a distance of 1296.65 feet to a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for corner;

THENCE North 00 degrees 59 minutes 34 seconds West, a distance of 1402.14 feet to a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for corner;

THENCE North 00 degrees 14 minutes 38 seconds East, a distance of 1373.68 feet to a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for corner;

THENCE North 00 degrees 04 minutes 12 seconds East, a distance of 842.55 feet to a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for corner in the north boundary line of said 202.68 acre tract;

THENCE North 63 degrees 55 minutes 48 seconds East, with the north boundary line of said 264.3664 acre tract, a distance of 131.51 feet to a 1/2-inch iron rod found for the northeast corner of said 264.3664 acre tract;

THENCE South 00 degrees 07 minutes 34 seconds West, with an east boundary line of said 264.3664 acre tract, a distance of 888.39 feet to a 1/2-inch iron rod found for an exterior ell corner thereof, and also being an angle point in the north line of said 147.528 acre tract;

THENCE with the common boundary lines of said 147.528 acre tract and said 264.3664 acre tract, the following courses:

South 82 degrees 40 minutes 14 seconds West, a distance of 92.96 feet to a 1/2- inch iron rod found for an interior ell corner of said 264.3664 acre tract and the northwest corner of said 147.528 acre tract;

South 00 degrees 14 minutes 38 seconds West, a distance of 1373.41 feet to a 1/2-inch iron rod found at a common corner of last mentioned tracts;

South 88 degrees 43 minutes 50 seconds East, a distance of 1272.48 feet to a 1/2-inch iron rod found at a common corner of last mentioned tracts;

South 00 degrees 59 minute 33 seconds East, a distance of 1272.48 feet to the POINT OF BEGINNING AND CONTAINING 1,935,642 square feet or 44.436 acres of land.

The combined total of Tract A and Tract B is 159.9476 acres.

EXHIBIT B

Depiction of the Property

12080

2

12090

12101

Community ISD

1550

794

12207

12273

1644

12317

DARK HOLLOW

Rockwall
County