

CITY OF LAVON
ORDINANCE NO. 2023-12-04

ETJ Disannexation – 219.944 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 December 1, 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 19th day of December 2023.


Vicki Sanson, Mayor

ATTEST:

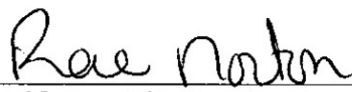

Rae Norton, City Secretary



EXHIBIT A

Legal Description of the Property

BEING a 219.944 acre tract of land situated in the Joseph Strickland Survey, Abstract No. 794, and the Cuadrilla Irr. Co. Survey, Abstract No. 1051, Collin County, Texas and being a part of that certain called 264.3664 acre tract of land described in a deed to Dong Won Kang, recorded in Volume 4703 Page 1402, Deed Records, Collin County (D.R.C.C.T.), Texas, said 219.944 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found for the southwest corner of said 264.3664 acre tract and an ell corner of a 637.32 acre tract of land described in deed to W.W. Caruth, Jr., as recorded in Volume 66, Page 494, Deed Records, Rockwall County, Texas (D.R.R.C.T.);

THENCE North 00 degrees 26 minute 56 seconds East, with the common boundary line of said 637.32 acre tract and said 264.3664 acre tract, a distance of 1932.08 feet to a 1/2-inch iron rod found for the northwest corner of said 264.3664 acre tract;

THENCE North 63 degrees 55 minute 48 seconds East, with the north boundary line of said 264.3664 acre tract and partly with the south lines of various tracts described in deeds to the Lumpkin Family Limited Partnership, recorded in Volume 5938, Page 360 and Volume 5145, Page 1, respectively, D.R.R.C.T., a total distance of 3836.41 feet to a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for corner;

THENCE South 00 degrees 04 minutes 12 seconds West, a distance of 842.35 feet to a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for corner;

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

THENCE South 00 degrees 59 minutes 33 seconds East, a distance of 1402.34 feet to a 5/8-inch iron rod with yellow cap stamped "RPLS 3963" set for corner in the common boundary line of said 264.3664 acre tract and 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, D.R.R.C.T.;

THENCE South 89 degrees 55 minutes 48 seconds West, with the common boundary line of said 202.68 acre tract and said 264.3664 acre tract, a distance of 1251.40 feet to a 1/2-inch iron rod found for corner at an angle point in same;

THENCE North 89 degrees 30 minutes 20 seconds West, with the common boundary line of said 202.68 acre tract and said 264.3664 acre tract, a distance of 149.39 feet to a 1/2-inch iron rod found for corner at an angle point in same;

THENCE North 89 degrees 59 minutes 22 seconds West, with the common boundary line of said 202.68 acre tract and said 264.3664 acre tract, passing the northwest corner of said 202.68 acre tract and the northeast corner a 405.184 acre tract of land described in deed to Breezy Hill 405, Ltd., as recorded in Volume 5010, Page 244, D.R.R.C.T. at a distance of 3.29 feet and continuing with the common boundary line of said 264.3664 acre tract and said 405.184 acre tract, a total distance of 2077.85 feet to the POINT OF BEGINNING AND CONTAINING 9,580,763 square feet or 219.944 acres of land.

EXHIBIT B

Depiction of the Property

