



**AGENDA**  
**MAY 2, 2017**  
**LAVON CITY COUNCIL**  
**CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS**  
**REGULAR MEETING –PUBLIC HEARING**  
**EXECUTIVE SESSION**  
**7:00 P.M.**

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**1. PRESIDING OFFICER TO CALL THE MEETING TO ORDER AND ANNOUNCE THAT A QUORUM IS PRESENT.**

**2. PLEDGE OF ALLEGIANCE AND INVOCATION**

**3. CITIZENS COMMENTS**

Citizens, who wish to address the Council and who have not previously expressed to the Council or staff a desire to discuss such matters, may discuss matters not on the agenda. The Council response can only be to request the items to be placed on a future agenda for consideration.

**4. ITEMS OF INTEREST/COMMUNICATIONS**

*Members have the opportunity to notify others of community events, functions and other activities.*

May 6 - Special Election

May 20 – LEDC Spring Small Business Bazaar

June 10 – CWD X-treme Green Event

**5. CONSENT AGENDA**

*Consent items are considered to be routine or non-controversial and will be voted on in one motion unless a separate discussion is requested.*

A. Approve the Minutes of the April 18, 2017 Meeting.

**6. PUBLIC HEARING AND CONSIDERATION**

A. Presentation of a proposed amendment to Ordinance No. 2002-01-03 Subdivision Ordinance, Section 8.00 Bonds and Insurance, Subsection (a) to increase the warranty bond requirements.

B. **PUBLIC HEARING** to receive comments regarding the proposed amendment to Ordinance No. 2002-01-03 Subdivision Ordinance, Section 8.00 Bonds and Insurance, Subsection (a) to change the warranty bond requirements.

C. Discussion and action regarding Ordinance No. 2017-05-01 amending Ordinance No. 2002-01-03 Subdivision Ordinance, Section 8.00 Bonds and Insurance, Subsection (a) to increase the warranty bond requirements.

**7. ITEMS FOR CONSIDERATION**

A. Discussion and action regarding Resolution No. 2017-05-01 granting a petition of the owner of certain property to annex 75.249 acres in the Drury Anglin Survey, Abstract No. 2 adjacent to the southern boundary of the City abutting County Road 484 into the City of Lavon, proposing the annexation of the adjacent county road and right-of-way, finding of public interest for an annexation that surrounds an area, setting dates, times and places for public hearings regarding the proposed annexation, and authorizing and directing the publication of notice of such public hearings.

- B. Discussion and action regarding Resolution No. 2017-05-02 authorizing the annexation of property owned by the City of Lavon, setting dates, times and places for public hearings regarding the proposed annexation, and authorizing and directing the publication of notice of such public hearings.
- C. Discussion and action regarding Ordinance No. 2017-05-02 amending the Minimum Construction Standards established by Ordinance No. 2017-04-03 to remove Raven 405 as an option from Standards for Manhole Construction.

**8. EXECUTIVE SESSION**

The City Council will recess into Executive Session (closed meeting) pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code: §551.087 to discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the City and with which the City Council is conducting economic development negotiations; and/or to deliberate the offer of a financial or other incentive to a business prospect.

- Discussion concerning an Economic Development Agreement with Bloomfield Homes, L.P.

**9. RECONVENE INTO REGULAR SESSION**

In accordance with Texas Government Code, Section 551.001, et seq., the City Council will reconvene into Regular Session to discuss and take any action regarding the executive session item(s).

**10. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS**

Council Members and staff may request items be placed on a future agenda or request a special meeting be called.

**11. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING**

1. Notice is hereby given that members of the Lavon Economic Development Corporation Board, Lavon Planning and Zoning Commission, Parks and Recreation Board, and Reinvestment Zone #1 (TIF) Board of Directors may be in attendance at the Lavon City Council Meeting.
2. The Council may vote and/or act upon each of the items listed in this Agenda except for discussion items.
3. The Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (discussing purchase, exchange, lease or value of real property); §551.074 (discussing personnel or to hear complaints against personnel); and §551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

This is to certify that this Agenda was duly posted on the glass of the front door of the City Hall, facing the outside, the City’s website at [www.cityoflavon.com](http://www.cityoflavon.com) and on the City Hall bulletin board, on or before 6:00 PM on April 28, 2017.



Kim Dobbs, City Administrator | City Secretary

Removed from posting: \_\_\_\_\_

Signed \_\_\_\_\_

Lavon City Hall will provide reasonable accommodations for persons attending meetings. Please contact the City Secretary at 972-843-4220 no later than 48 hours prior to a meeting if you require special assistance | WiFi password: Guest2014



Minutes  
April 18, 2017  
City of Lavon City Council  
Lavon City Hall, 120 School Rd., Lavon, TX  
Regular Meeting

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**1. MAYOR TESKE CALLED THE MEETING TO ORDER AT 7:02 P.M. AND ANNOUNCED A QUORUM PRESENT.**

ATTENDING: CHUCK TESKE, MAYOR  
VICKI SANSON, PLACE 1  
DONNIE SPRADLIN, PLACE 2  
KAY WRIGHT, PLACE 3  
MATT CHILDERS, MAYOR PRO TEM, PLACE 4

ABSENT: MINDI SERKLAND, PLACE 5

**2. MAYOR TESKE LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND DELIVERED THE INVOCATION.**

**3. CITIZENS COMMENTS**

There were none.

**4. ITEMS OF INTEREST/CITY COUNCIL COMMUNICATIONS**

Upcoming items noted: Special election on May 6, 2017, LEDC Spring Small Business Bazaar on May 20, 2017 and the CWD Xtreme Green event on June 10, 2017. City Administrator Kim Dobbs announced that the Annual Lavon Chamber of Commerce Banquet is April 27 and that city employee LeAnn McClendon and LEDC Executive Director Pam Mundo were nominated for awards.

**5. CONSENT AGENDA**

**A. Approve the Minutes of the April 4, 2017 Meeting.**

**B. Accept the Heritage Public Improvement District #1 Assessment Report Summary dated 03/31/2017 and authorize the payment of invoices included therein.**

**MOTION: APPROVE THE CONSENT AGENDA, AS PRESENTED.**

**MOTION MADE:** SPRADLIN

**SECONDED:** SANSON

**APPROVED:** UNANIMOUS

Absent: SERKLAND

**6. STAFF REPORTS**

**A. Police Department.** Police Chief Mike Jones provided a report regarding: 1) Appreciation Letter from Chief Spivey of the Richardson Police Department in regards to Director Jon Scott, Chief J. Michael Jones, Corporal Sneed, Officers Moore and Peralta; 2) Police Department statistics March 2016 through March 2017 and 3) Enhanced traffic enforcement (Speed Study). Mr. Jones reported that the public's response to the speed trailer has been overwhelmingly positive and that it has already provided valuable data regarding traffic patterns, counts and rates of speed. Mr. Jones reported that stop signs have been ordered for placement at the intersection of Bently and Corn Silk.

**B. Fire Department.** Director of Health and Life Safety Jon Scott provided a report regarding: 1) installation of a weather station and weather warning alerts; 2) Storm Siren update; 3) AED Training

at City Hall; 4) EMS response time report January-March 2017; 5) Collin College Fire School and training facility update. Mr. Scott provided information regarding Storm Ready City program requirements and the applicability to Lavon.

- C. **Public Works Department.** Director of Public Works Sonny Mancias provided a report regarding: 1) General public works and street maintenance including mowing and trash collection, 2) "No Engine Brake" signs installed at the city limits, 3) M-tech lift station, 4) Walk through at The Traditions for a final punch list, 5) Reset school zone sign at Jackson Lane, and 6) storm report: NTMWD lost a storage shed at treatment plant and we had some trees removed by the county when storms came through City on March 29.
- D. **Administration.** Ms. Dobbs provided a report regarding: 1) Financial Outlook; 2) building permits report; 3) personnel leave report for 2016, 4) Collin County Appraisal District (CCAD) Report, 5) Collin County Cities Tax Rates Report and 6) items submitted for Council information: March 2017 Monthly Tax Collection Report, February 2017 Recycling Services summary, and NCTCOG Collin County Roadway Action Plan Presentation.

## 7. ITEMS FOR CONSIDERATION

- A. **Discussion and action regarding Resolution No. 2017-04-03 confirming the authorization of the submission of the grant application to the Office of the Governor, Criminal Justice Division for the Lavon Police Law Enforcement Communications Project; designating the authorized official; and providing for an immediate effective date.**

Ms. Dobbs informed the Council that this is a process requirement to submit the Lavon Police law Enforcement Communications Project grant. Mr. Jones provided information about and answered questions regarding the grant.

**MOTION: APPROVE RESOLUTION NO. 2017-04-03 CONFIRMING THE AUTHORIZATION OF THE SUBMISSION OF THE GRANT APPLICATION TO THE OFFICE OF THE GOVENOR, CRIMINAL JUSTICE DIVISION FOR THE LAVON POLICE LAW ENFORCEMENT COMMUNICATIONS PROJECT; DESIGNATING THE AUTHORIZED OFFICAL AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**MOTION MADE:** WRIGHT  
**SECONDED:** CHILDERS  
**APPROVED:** UNANIMOUS  
Absent: SERKLAND

- B. **Discussion and action regarding Ordinance No. 2017-04-01 providing for the regulation of non-domestic grease management systems.**

Ms. Dobbs provided information about and answered questions regarding the proposed regulations that track model regulations provided by the Texas Commission on Environmental Quality (TCEQ).

**MOTION: APPROVE RESOLUTION NO. 2017-04-01 PROVIDING FOR THE REGULATION OF NON-DOMESTIC GREASE MANAGEMENT SYSTEMS.**

**MOTION MADE:** CHILDERS  
**SECONDED:** SPRADLIN  
**APPROVED:** UNANIMOUS  
Absent: SERKLAND

- C. **Discussion and action regarding Ordinance No. 2017-04-02 adopting the NCTCOG Public Works Construction Standards dated October 2004, as amended.**

Ms. Dobbs advised that the City and those operating in the City have been following the constructions standards and the proposed ordinance formalizes current practices.

**MOTION: APPROVE RESOLUTION NO. 2017-04-02 ADOPTING THE NCTCOG PUBLIC WORKS CONSTRUCTION STANDARDS DATED OCTOBER 2004, AS AMENDED.**

**MOTION MADE:** WRIGHT  
**SECONDED:** SANSON  
**APPROVED:** UNANIMOUS  
Absent: SERKLAND

**D. Discussion and action regarding Ordinance No. 2017-04-03 amending the minimum construction standards established in Ordinance No. 2006-06-01 to add standards for manhole construction and storm drain curb markers.**

Ms. Dobbs and Mr. Mancias provided information regarding and answered questions about the proposed regulations. It was noted that the regulations target stormwater pollution prevention and water quality respectively.

**MOTION: APPROVE ORDINANCE NO. 2017-04-03 AMENDING THE MINIMUM CONSTRUCTION STANDARDS ESTABLISHED IN ORDINANCE NO. 2006-06-01 TO ADD STANDARDS FOR MANHOLE CONSTRUCTION AND STORM DRAIN CURB MARKERS.**

**MOTION MADE:** SPRADLIN  
**SECONDED:** SANSON  
**APPROVED:** UNANIMOUS  
Absent: SERKLAND

**8. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS**

Ms. Dobbs advised that the next regular meeting will be May 2, 2017. Ms. Dobbs asked if a quorum of the City Council could attend a special meeting on May 23, 2017 to conduct annexation public hearings. The consensus of the Council was that a quorum could attend and the May 23 meeting would be at 6:00 p.m. prior to the Planning & Zoning Commission meeting. Ms. Dobbs noted that no action would be taken regarding the annexation proceedings at the special meeting.

**9. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING AT 7:48 PM**

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 2<sup>nd</sup> day of May 2017.

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Charles A. Teske, Jr.  
Mayor

**ATTEST:**

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Kim Dobbs  
City Administrator | City Secretary



**CITY OF LAVON  
CITY COUNCIL  
Agenda Brief**

**MEETING: May 2, 2017**

**ITEM: 6A - 6C**

**Item:**

- A. Presentation of a proposed amendment to Ordinance No. 2002-01-03 Subdivision Ordinance, Section 8.00 Bonds and Insurance, Subsection (a) to increase the warranty bond requirements.
- B. **PUBLIC HEARING** to receive comments regarding the proposed amendment to Ordinance No. 2002-01-03 Subdivision Ordinance, Section 8.00 Bonds and Insurance, Subsection (a) to change the warranty bond requirements.
- C. Discussion and action regarding Ordinance No. 2017-05-01 amending Ordinance No. 2002-01-03 Subdivision Ordinance, Section 8.00 Bonds and Insurance, Subsection (a) to increase the warranty bond requirements.

**Background:**

The Subdivision Code (Ordinance 2002-01-03) currently requires a developer who constructs public infrastructure like streets, sewer and storm drainage systems to provide a warranty bond for a period of one year or an escrow amount of 10% of the cost of construction for a year.

**Excerpt:**

8.00 BONDS AND INSURANCE

(a) Any subdivider/developer shall furnish a maintenance bond for one (1) year from date of acceptance, or place in escrow for one (1) year from date of acceptance, an amount that represents ten percent (10%) of the total cost of public improvements (streets, drainage, water/sewer lines, etc.) for said development in order to indemnify the City against any repairs which may be necessary in connection with construction of said improvements arising from defective workmanship or materials for a period of one (1) full year from final acceptance of each phase of the development. Final acceptance of a subdivision or a phase of a subdivision will be withheld until said maintenance bond or proof of establishment of escrow account has been furnished to the City.

To protect the public interest staff recommends that the City amend the Code to require a longer period and amount of warranty. A review of area cities indicate that the proposed amendment is in line with general practices.

The Local Government Code, Section 212.002 requires that a public hearing be conducted in relation to amendments to the Subdivision regulations.

**Attachments:** Proposed Ordinance

April 28, 2017

**CITY OF LAVON, TEXAS**  
**ORDINANCE NO. 2017-05-01**

Subdivision Code – Warranty Bonds

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AMENDING ORDINANCE NO. 2002-01-03 SUBDIVISION ORDINANCE, SECTION 8.00 BONDS AND INSURANCE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the adoption of this amendment is done to ensure the integrity of public infrastructure by the City of Lavon relating to construction within the City of Lavon, Texas and relating to public safety, health and general welfare:

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, THAT:**

**SECTION 1.** Section 8.0 Bonds and Insurance of Ordinance No. 2002-01-03, Subdivision Ordinance, shall be amended in Subsection (a) to read as follows:

- (a) Warranty Bond. Upon completion of all improvements in accordance with the city's specifications and standards, and their acceptance by the city, the developer or his or her contractor shall furnish the city with a maintenance warranty bond executed by a corporate surety holding a permit from the State of Texas to act as surety or other surety acceptable to the city. The bond amount shall equal one hundred percent (100%) of the construction cost of all improvements and shall be in effect for two (2) years from the date of completion and acceptance by the city. The form of such bond shall be substantially as provided for in the following form.

STATE OF TEXAS           §

SUBDIVISION WARRANTY BOND

COUNTY OF COLLIN       §

KNOW ALL MEN BY THESE PRESENTS, that we (Subdivider) and (Subdivision Contractor) as Principals, and (Bonding Company), a corporation authorized to do business in the State of Texas, as Surety, are held and firmly bound unto the City of Lavon, Texas, in the full and just sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_), lawful money of the United States of America, which amount is equal to one hundred percent (100%) of total construction cost of the below described improvements for (Name of Subdivision), said subdivision being of record in Book \_\_\_\_\_, Page \_\_\_\_\_, of the \_\_\_\_\_ County Plat Records, for which payment we and each of

us bind ourselves, our heirs, executors, administrators, successors and assigns, jointly by these presents:

The Principals have completed the improvements set out below in the above named subdivision; to wit:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

all in accordance with the Subdivision Ordinance of the City of Lavon, and hereby guarantee and warrant to the City that such subdivision improvements are free from defects or faulty workmanship.

NOW THEREFORE, the condition of this obligation is such that is the above bounded Principals shall remedy without cost [to] the City of Lavon any defects and/or faulty workmanship in the above referenced improvements which may develop during a period of two (2) years from the date of acceptance of the above named subdivision, then this obligation shall be void; otherwise, it shall be and remain in full force and effect and the City of Lavon may call upon such warranty bond to remedy construction defects and/or faulty workmanship of such subdivision improvements during the term of this bond.

IN WITNESS WHEREOF, the said Principals and Surety have duly executed this bond this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

SUBDIVIDER:

\_\_\_\_\_

WITNESS:

\_\_\_\_\_

By: \_\_\_\_\_

SUBDIVISION CONTRACTOR:

\_\_\_\_\_

By: \_\_\_\_\_

(SEAL)

SURETY:

\_\_\_\_\_

By: \_\_\_\_\_

Attorney-in-Fact

**SECTION 2. PENALTIES**

That any person or corporation violating any of the provisions of the Standards adopted by this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars (\$2,000.00) per day and each and every day that the provisions of the Standards are violated shall be constituted a separate and distinct offense.

**SECTION 3. REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of an ordinance inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**SECTION 4. SEVERABILITY**

In the event any clause, phrase, provision, sentence, or any part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provisions hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Lavon, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**SECTION 5. OPEN MEETING.**

It is hereby officially found and determined that all notice required by law has been given and notice of this Ordinance was posted and the Ordinance passed in accordance with the Open Meeting Act.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 2<sup>nd</sup> day of May 2017.

\_\_\_\_\_  
Charles A. Teske, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Kim Dobbs, City Administrator | City Secretary



**CITY OF LAVON  
CITY COUNCIL  
Agenda Brief**

**MEETING: May 2, 2017**

**ITEM: 7-A**

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**Item:**

Discussion and action regarding Resolution No. **2017-05-01** granting a petition of the owner of certain property to annex 75.249 acres in the Drury Anglin Survey, Abstract No. 2 adjacent to the southern boundary of the City abutting County Road 484 into the City of Lavon, proposing the annexation of the adjacent county road and right-of-way, finding of public interest for an annexation that surrounds an area, setting dates, times and places for public hearings regarding the proposed annexation, and authorizing and directing the publication of notice of such public hearings.

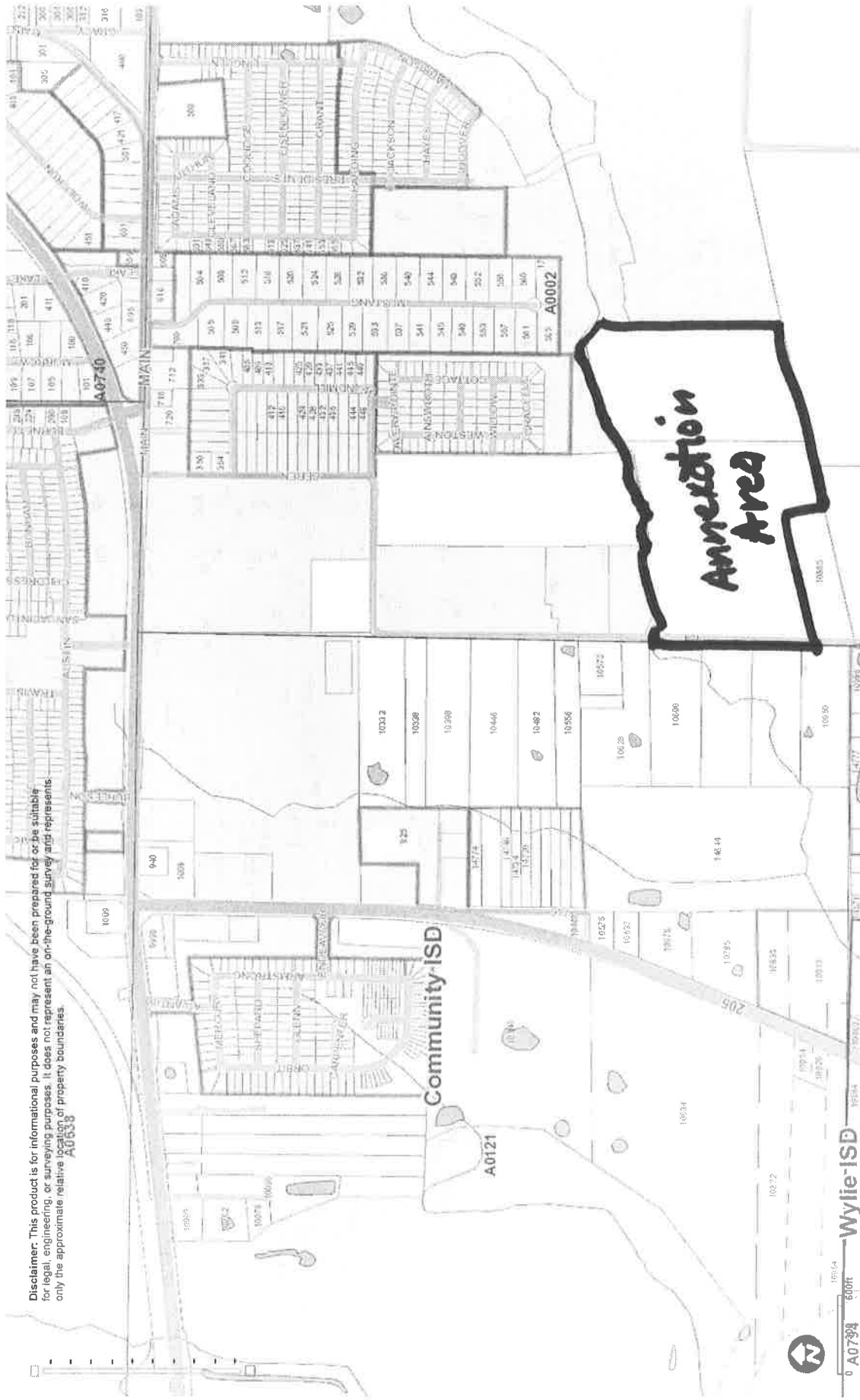
**Background:**

On April 19, 2017 the City received a Petition for Annexation from Tom Moon for the voluntary annexation of 75.249 acres of land adjacent to the City. The property is presently vacant and undeveloped.

Pursuant to Texas Local Government Code (LGC), Section 43.106, the City is required to annex the portion of the county road and the right-of-way adjacent to the proposed annexation area. The proposed annexation of the property would surround an area directly north of the proposed annexed area and, in accordance with LGC Section 43.057, the City Council must find that surrounding the unincorporated area is in the public interest.

**Attachments:**           Annexation Site Exhibit  
                                  Proposed Resolution  
                                  Annexation Petition  
                                  Annexation Timeline  
                                  Draft Service Plan

April 28, 2017



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



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**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2017-05-01**

Annexation Petition and Public Hearings

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, GRANTING A PETITION OF THE OWNER OF CERTAIN PROPERTY TO ANNEX 75.249 ACRES IN THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2 ADJACENT TO THE SOUTHERN BOUNDARY OF THE CITY ABUTTING COUNTY ROAD 484 INTO THE CITY OF LAVON, PROPOSING THE ANNEXATION OF THE ADJACENT COUNTY ROAD AND RIGHT-OF-WAY, FINDING OF PUBLIC INTEREST FOR AN ANNEXATION THAT SURROUNDS AN AREA, SETTING DATES, TIMES AND PLACES FOR PUBLIC HEARINGS REGARDING THE PROPOSED ANNEXATION, AND AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARINGS.**

**WHEREAS**, the City Council desires to manage growth and development in areas currently within the City's extraterritorial jurisdiction in accordance with adopted goals and standards; and

**WHEREAS**, on April 19, 2017, Tom Moon, the owner of an area of land described herein below, filed a Petition for Annexation to have the property annexed into and become a part of the City; and

**WHEREAS**, the City Council of the City Lavon has found and determined that the Petition for Annexation is appropriate and that it is in the best interest of the City, to grant the Petition;

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, THAT:**

**SECTION 1.** The recitals and findings set forth above are true and correct and are incorporated into the body of this resolution as if fully set forth herein.

**SECTION 2.** The Petition for Annexation is for the immediate annexation by the City of the following described property, to-wit:

Being a 75.249 acre parcel of land adjacent to and located within the extraterritorial jurisdiction of the City of Lavon, Texas and situated in the Drury Anglin Survey, Abstract No. 2, Collin County, Texas, and being all that tract of land described in deed to Thomas J. Moon and wife, Jennifer A. Moon, recorded in Document No. 96-0085000, of the Land Records, of Collin County, Texas, and being a part of that called 414 acre tract described in deed to Maude E. Daugherty, recorded in Volume 165, Page 483, Deed Records, Collin County, Texas and being more particularly described in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

**SECTION 3.** A true and correct copy of the Petition is attached hereto as Attachment “C”.

**SECTION 4.** Pursuant to Section 43.106 of the Texas Local Government Code that provides that a municipality that proposes to annex territory that abuts a county road must also annex the county road and adjacent right-of-way, the City of Lavon proposes to annex the portion of Collin County Road 484 that abuts the above-described property and the right-of-way adjacent thereto.

**SECTION 5.** Because the proposed annexation will cause an estimated 31.26 acre parcel situated in the Drury Anglin Survey, Abstract No. 2 and located south of and abutting Geren Road, east of Traditions at Grand Heritage West and west of Traditions at Grand Heritage, to be entirely surrounded but not included in the annexation, as set out in Section 43.057 of the Texas Local Government Code, the City Council finds that surrounding the area is in the public interest.

**SECTION 6.** On May 16, 2017 and May 23, 2017, at a meeting that begins at 7:00 p.m., in the City Council Chambers of the City Hall of the City of Lavon, Texas, the City Council will conduct public hearings giving all interested persons the right to appear and be heard on the proposed annexation of the above-described property, road and right-of-way.

**SECTION 7.** The Mayor of the City of Lavon is hereby authorized and directed to cause notice of such public hearings to be published once each in a newspaper having general circulation in the city and in the above-described territory not more than twenty days nor not less than ten days prior to the dates of such public hearings, in accordance with the Municipal Annexation Act.

**SECTION 8.** The City Council hereby finds, determines and declares that the meeting, at which this resolution is passed, approved and adopted, was open to the public, and that the public notice of time, place and subject matter to be considered was posted as required by law.

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Texas on the 2<sup>nd</sup> day of May, 2017.

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Charles A. Teske, Jr., Mayor

ATTEST:

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Kim Dobbs,  
City Administrator | City Secretary

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2017-05-01**

**EXHIBIT A**

## LEGAL DESCRIPTION (Moon Property CR-484)

Being all that certain lot, tract, or parcel of land located in the DRURY ANGLIN SURVEY, Abstract No. 2, Collin County, Texas, and being all that tract of land described in deed to Thomas J. Moon and wife, Jennifer A. Moon, recorded in Document No. 96-0085000, of the Land Records, of Collin county, Texas, and being a part of that called 414 acre tract described in deed to Maude E. Daugherty, recorded in Volume 165, Page 483, Deed Records, Collin County, Texas, and being more particular1y described as follows:

Commencing at a 112• iron rod found for comer in or near the Center line of county Road No. 484, and being the Southwest corner of said 414acre tract, and being the Northwest corner of a tract of land described in deed to Blake Boyd McCarthy, recorded in Document No. 2000-58716, Official Public Records, Collin County, Texas;

Thence North 00°15'00" East, along the West line of said 414acre tract, a distance of 289.23' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for comer at the PLACE OF BEGINNING of the tract of land herein described;

Thence North 0oe15•00" East, along or near the centerline of said County Road No. 484, and the said West line of 414acre tract, a distance of 1243.32' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set at the Southwest comer of a b'act of land described in deed to City of Lavon, recorded in Instrument No. 20060725001041390, Official Public Records, Collin County, Texas;

Thence Easterly, along or near the center of a creek and alo11Q the common line of said City of Lavon Tract and said Moon Tract the following three (3) courses and distances;

- 1) Thence South 70°00'00" East, a distance of 196.59' to a point for corner;
- 2) Thence North 69°00'00• East, a distance of 452.12' to a point for corner;
- 3) Thence South 55°15'00" East, passing at a distance of 68.76' the Southeast corner of said City of Lavon tract, and the Southwest corner of a tract of land described in deed to Cape Cod Bank and Trust Company, recorded in Volume 2651, Page 27, Deed Records, Collin County, Texas, continuing a total distance of 133.28' to a point for corner;

Thence Easterly, along or near the center of a creek and along common line of said Cape Cod Bank and Trust Company tract and said Moon Tract the following five (5) courses and distances;

- 1) Thence North 76°00'00" East, a distance of 139.43' to a point for corner;
- 2) Thence South 65°26'49" East, a distance of 98.46' to a point for corner;
- 3) Thence North 52°44'00" East, a distance of 278.92' to a point for corner;
- 4) Thence South 84°45'00" East, a distance of 139.43' to a point for corner;
- 5) Thence North 61°00'00" East, a distance of 155.83' to a point at the Southeast corner of said tract of land described in deed to City of Lavon, (Inst. No. 20060725001041390);

Thence Easterly, along or near the center of a creek and along the common line of said City of Lavon Tract and said Moon Tract the following six (6) courses and distances;

- 1) Thence North 45°00'00" East, a distance of 146.60' to a point for corner;
- 2) Thence North 65°15'00" East, a distance of 240.92' to a point for corner;
- 3) Thence North 63°30'00" East, a distance of 131.23' to a point for corner;
- 4) Thence North 78°45'00" East, a distance of 344.47' to a point for corner;
- 5) Thence South 55°45'00" East, a distance of 156.86' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 6) Thence South 37°15'00" East, a distance of 69.24' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence South 00°01'02" West, passing through said 414 acre tract, and passing at a distance of 255.57' to the Northwest corner of a tract of land described in deed to World Land Developers, recorded in Instrument No. 20070913001281380, Official Public Records, Collin County, Texas, and continuing a total distance of 1414.76' to a 1/2" iron rod found for corner in the South line of said 414 acre tract, and being in the North line of a tract of land described in deed to Roy Brian Webb and Andrea Kay Campbell, recorded in Volume 4761, Page 200, Deed Records, Collin County, Texas;

Thence South 76°03'28" West, along said North line of said Webb and Campbell tract, a distance of 909.33' to a 1/2" iron rod found for corner;

Thence South 76°03'28" West, a distance of 179.42' to a 1/2" iron rod found for corner at the Northwest corner of said Webb and Campbell tract;

Thence South 78°01'55" West, along said South line of the 414 acre tract, a distance of 313.41' to a 1/2" iron rod found for corner;

Thence North 17°00'56" West, passing through said 414 acre tract, a distance of 283.50' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence South 77°55'53" West, a distance of 968.44' to the PLACE OF BEGINNING end containing 3,277,850 square feet or 75.249 acres of land.

## Notes

10.f: Easement to the City of Greenville, recorded in Volume 513, Page 364, D.R.C.C.T.  
(To the best of knowledge and belief, this easement does not physically affect the subject property - Not Plottable)

10.g: Easement to North Texas Municipal Utility District, recorded in Volume 3382, Page 127, R.P.R.C.C.T.  
(Subject to - Plotted Hereon)

10.h: Easement to Collin County, recorded in Volume 2993, Page 444, R.P.R.C.C.T.  
(Subject to - Plotted Hereon)

10.i: Easement to North Texas Municipal Utility District, recorded in Volume 5467, Page 2574, R.P.R.C.C.T.  
(Subject to - Plotted Hereon)

10.j: Easement to Collin County, recorded in Volume 4130, Page 1418, R.P.R.C.C.T.  
(Does Not Affect- Not Plottable)

10.k: Easement to Lavon Water Supply Corporation, recorded in Doc. No. 94-0095889, O.P.R.C.C.T.  
(The 15' water line described and shown on easement document does not appear to be on subject property, however, document states the right of ingress and egress over the adjacent lands. Surveyor does not know if this affects subject property - Not Plottable)

10.l: Easement to Lavon Water Supply Corporation, recorded in Doc. No. 94-0032470, O.P.R.C.C.T.  
(The 15' water line described and shown on easement document does not appear to be on subject property, however, document states the right of ingress and egress over the adjacent lands. Surveyor does not know if this affects subject property - Not Plottable)

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2017-05-01**

**EXHIBIT B**



**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2017-05-01**

**EXHIBIT C**

**PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS**

TO THE MAYOR OF THE GOVERNING BODY OF THE CITY OF LAVON, TEXAS:

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby waive the requirement to be offered a development agreement pursuant to Section 43.035 and petition your honorable Body to extend the present city limits so as to include as part of the City of Lavon, Texas, the following described territory, to wit:

**Attachment A**

Description of the territory covered by the petition by metes and bounds

We certify that the above described tract of land is contiguous and adjacent to the City of Lavon, Texas, is not more than one-half mile in width [only limited by Local Government Code Section 43.028], and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

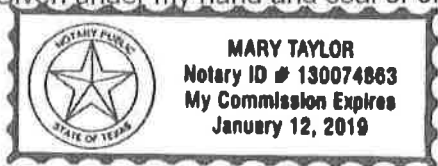
Signed: \_\_\_\_\_  
Signed: Russell S. Phillips FOR ROCKWALL RETAIL INVESTORS, LLC  
Signed: \_\_\_\_\_

THE STATE OF TEXAS

COUNTY OF Rockwall

BEFORE ME, the undersigned authority, on this day personally appeared Thomas Mason known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 19th day of April, 2017



Mary Taylor  
Notary Public in and for  
Rockwall County, Texas.

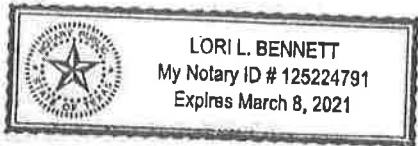
THE STATE OF TEXAS

COUNTY OF Rockwall

BEFORE ME, the undersigned authority, on this day personally appeared Russell Phillips known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

RECEIVED  
APR 19 2017  
CITY OF LAVON

Given under my hand and seal of office, this 18th day of April, 2017



Lori L. Bennett  
Notary Public in and for  
Rockwall County, Texas.

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for  
\_\_\_\_\_ County, Texas.

## Attachment A

### METES AND BOUNDS DESCRIPTION OF THE PROPERTY

Being all that certain lot, tract, or parcel of land located in the DRURY ANGLIN SURVEY, Abstract No. 2, Collin County, Texas, and being all that tract of land described in deed to Thomas J. Moon and wife, Jennifer A. Moon, recorded in Document No. 96-0085000, of the Larxl Records, of Collin county, Texas, and being a part of that called 414 acre tract described in deed to Maude E. Daugherty, recorded in Volume 165, Page 483, Deed Records, Collin County, Texas, and being more particularly described as follows:

Commencing at a 112• iron rod found for comer in or near the Center line of county Road No. 484, and being the Southwest corner of said 414acre tract, and being the Northwest corner of a tract of land described in deed to Blake Boyd McCarthy, recorded in Document No. 2000-58716, Official Public Records, Collin County, Texas;

Thence North 00°15'00" East, along the West line of said 414acre tract, a distance of 289.23' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for comer at the PLACE OF BEGINNING of the tract of land herein described;

Thence North 00°15'00" East, along or near the centerline of said County Road No. 484, and the said West line of 414acre tract, a distance of 1243.32' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set at the Southwest comer of a b'act of land described in deed to City of Lavon, recorded in Instrument No. 20060725001041390, Official Public Records, Collin County, Texas;

Thence Easterly, along or near the center of a creek and alo11Q the common line of said City of Lavon Tract and said Moon Tract the following three (3) courses and distances;

- 1) Thence South 70°00'00" East, a distance of 196.59' to a point for corner;
- 2) Thence North 69°00'00• East, a distance of 452.12' to a point for corner;
- 3) Thence South 55°15'00" East, passing at a distance of 68.76' the Southeast corner of said City of Lavon tract, and the Southwest corner of a tract of land described in deed to Cape Cod Bank and Trust Company, recorded in Volume 2651, Page 27, Deed Records, Collin County, Texas, continuing a total distance of 133.28' to a point for corner;

Thence Easterly, along or near the center of a creek and along common line of said Cape Cod Bank and Trust Company tract and said Moon Tract the following five (5) courses and distances;

- 1) Thence North 76°00'00" East, a distance of 139.43' to a point for corner;
- 2) Thence South 65°26'49" East, a distance of 98.46' to a point for corner;
- 3) Thence North 52°44'00" East, a distance of 278.92' to a point for corner;
- 4) Thence South 84°45'00" East, a distance of 139.43' to a point for corner;
- 5) Thence North 61°00'00" East, a distance of 155.83' to a point at the Southeast corner of said tract of land described in deed to City of Lavon, (Inst. No. 20060725001041390);

Thence Easterly, along or near the center of a creek and along the common line of said City of Lavon Tract and said Moon Tract the following six (6) courses and distances;

- 1) Thence North 45°00'00" East, a distance of 146.60' to a point for corner;
- 2) Thence North 65°15'00" East, a distance of 240.92' to a point for corner;
- 3) Thence North 63°30'00" East, a distance of 131.23' to a point for corner;
- 4) Thence North 78°45'00" East, a distance of 344.47' to a point for corner;
- 5) Thence South 55°45'00" East, a distance of 156.86' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 6) Thence South 37°15'00" East, a distance of 69.24' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence South 00°01'02" West, passing through said 414 acre tract, and passing at a distance of 255.57' to the Northwest corner of a tract of land described in deed to World Land Developers, recorded in Instrument No. 20070913001281380, Official Public Records, Collin County, Texas, and continuing a total distance of 1414.76' to a 1/2" iron rod found for corner in the South line of said 414 acre tract, and being in the North line of a tract of land described in deed to Roy Brian Webb and Andrea Kay Campbell, recorded in Volume 4761, Page 200, Deed Records, Collin County, Texas;

Thence South 76°03'28• West, along said North line of said Webb and Campbell tract, a distance of 909.33' to a 1/2" iron rod found for corner;

Thence South 76°03'28• West, a distance of 179.42' to a 1/2" iron rod found for corner at the Northwest corner of said Webb and Campbell tract;

Thence South 78°01'55• West, along said South line of the 414 acre tract, a distance of 313.41' to a 1/2" iron rod found for corner;

Thence North 17°00'56" West, passing through said 414 acre tract, a distance of 283.50' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence South 77°55'53• West, a distance of 968.44' to the PLACE OF BEGINNING end containing 3,277,850 square feet or 75.249 acres of land

City of Lavon, Texas

**Annexation of Area Exempt  
from the Annexation Plan Requirement  
(including Annexation on Petition of Area Landowners or Voters)**

- April 19      Petition for Annexation submitted to the City
- May 2        Resolution of the City Council to accept the petition and schedule public Hearings. May 16 and May 23
- May 3        Publish notice of first hearing. §43.063.
- Post notice of first public hearing on Internet Web site, if city has an internet website. §43.063(c).
- Send written notice to each public school district in the area to be annexed. §43.905.
- May 10      Publish notice of second hearing. §43.053.
- Post notice of second public hearing on Internet Web site, if city has an internet website. §43.063(c).
- May 16      Hold first public hearing. §43.063.
- May 23      Hold second public hearing. §43.063. **Special Meeting**
- June 16      Post notice of annexation ordinance adoption under Open Meetings Act.
- June 20      Adopt Annexation Ordinance** (Institution of Proceedings—proceedings are instituted and completed at same time in city that only requires one reading).

**CITY OF LAVON  
ANNEXATION SERVICE PLAN**

**Case Name:** Crestridge Meadows – May 2017

**Description:**

- 1. Being a 75.249 acre parcel of land adjacent to and located within the extraterritorial jurisdiction of the City of Lavon, Texas and situated in the Drury Anglin Survey, Abstract No. 2, Collin County, Texas, and being all that tract of land described in deed to Thomas J. Moon and wife, Jennifer A. Moon, recorded in Document No. 96-0085000, of the Land Records, of Collin County, Texas, and being a part of that called 414 acre tract described in deed to Maude E. Daugherty, recorded in Volume 165, Page 483, Deed Records, Collin County, Texas and being more particularly described in Exhibit “A” and depicted in Exhibit “B” attached hereto and made a part hereof.*
- 2. Approximately 1.0 acres of land consisting of the portion of Collin County Road 484 that abuts the above-described property and the right-of-way adjacent thereto.*

**PUBLIC SAFETY SERVICES**

**FIRE SERVICES**

**Existing Services:** Nevada Volunteer Fire Department

**Services to be Provided:** Fire suppression will be available to the area upon annexation at the same or similar level as is provided to other areas of the City. Primary fire response will be provided by the Nevada Volunteer Fire Department (NVFD) Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall’s office as needed. The NVFD is party to several Mutual Aid Agreements with area volunteer departments that will provide back-up service as appropriate.

**POLICE SERVICES**

**Existing Services:** Currently, the area is under the jurisdiction of the Collin County Sheriff’s Office.

**Services to be Provided:** Upon annexation, the City of Lavon Police Department will extend regular and routine patrol and police services to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

**EMERGENCY MEDICAL SERVICES**

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, the area will become a part of the Southeast Collin County EMS/Ambulance Coalition and ambulance service will be provided pursuant to the City’s contract for services.. Services can be provided within the current budget appropriation.

## CODE ENFORCEMENT SERVICES

**Existing Services:** None

**Services to be Provided:** Any inspection services now provided by the City (building, electrical, plumbing, gas, housing, health, etc.) will begin in the annexed area on the effective date of annexation. Services can be provided within the current budget appropriation.

## MUNICIPAL SERVICES

### PLANNING & ZONING SERVICES

**Existing Services:** None

**Services to be Provided:** The Planning and Zoning jurisdiction of the City will extend to the annexed area on the effective date of annexation. City planning will thereafter encompass the annexed area. Services can be provided within the current budget appropriation.

### STORM DRAINAGE SERVICES

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, the City of Lavon will include the annexed area in its service area for drainage services at the same or similar level as is provided to other areas of the City, taking into account different characteristics of topography, land uses and population density. Services will include, but are not limited to: routine review and monitoring of culverts and storm sewers; flood plain design and assistance; and engineering review as the area relates to the City as a whole. Services can be provided within the current budget appropriation.

### STREET SERVICES

**Existing Services:** County Road Maintenance

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, the City of Lavon will provide maintenance for streets in accordance with existing City ordinances, resolutions and regulations. Municipal services will include, but are not limited to: routine maintenance, street lighting, ice and snow monitoring of major thoroughfares, and assessment of street conditions for long-term maintenance scheduling. As streets are constructed in undeveloped portions of the annexed area, the appropriate City ordinances, resolutions and regulations of the City shall apply. Services can be provided within the current budget appropriation.

### TRANSPORTATION AND TRAFFIC SERVICES

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, the City of Lavon will join Collin County and the State of Texas Department of Transportation in providing transportation-planning services to the annexed area. The annexed area will be included in the City of Lavon's Thoroughfare Plan and will receive an enhanced voice in the Transportation Planning Process through the City of Lavon's representation on regional planning teams. Services can be provided within the current budget appropriation.

## **PARKS SERVICES**

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, all of the city's parks and recreation facilities shall be available for use by residents of the annexed area. The annexed area will be included in the park planning processes. Services can be provided within the current budget appropriation.

## **UTILITY SERVICES**

### **SOLID WASTE COLLECTION SERVICES**

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, the City of Lavon will provide solid waste collection and recycling services. Service is provided in accordance with City regulations and is provided as a fee-based service per contract with a private provider. Service requests and billing are administered through the City. Service shall comply with existing City policies.

### **WATER SERVICES**

**Existing Services:** Bear Creek Special Utility District

**Services to be Provided:** Water service shall continue to be provided to the annexed area by a special utility district in accordance with existing State laws, City ordinances, resolutions, regulations and policies. Construction of water utility-related facilities will be built in accordance with the City of Lavon construction standards.

### **SANITARY SEWER SERVICES**

**Existing Services:** None

**Services to be Provided:** Sanitary sewer service will be provided in accordance with applicable codes and departmental policy. Upon completion of construction of sanitary sewer facilities, including off-site facilities, the City shall assume maintenance and service responsibilities for the sanitary sewer system in the annexed area in accordance with existing City ordinances, resolutions regulations and policies.

## **MISCELLANEOUS SERVICES**

All other applicable municipal services will be provided to the area in accordance with the City of Lavon's established policies governing extension of municipal services to newly annexed areas.



**CITY OF LAVON  
CITY COUNCIL  
Agenda Brief**

**MEETING: May 2, 2017**

**ITEM: 7-B**

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**Item:**

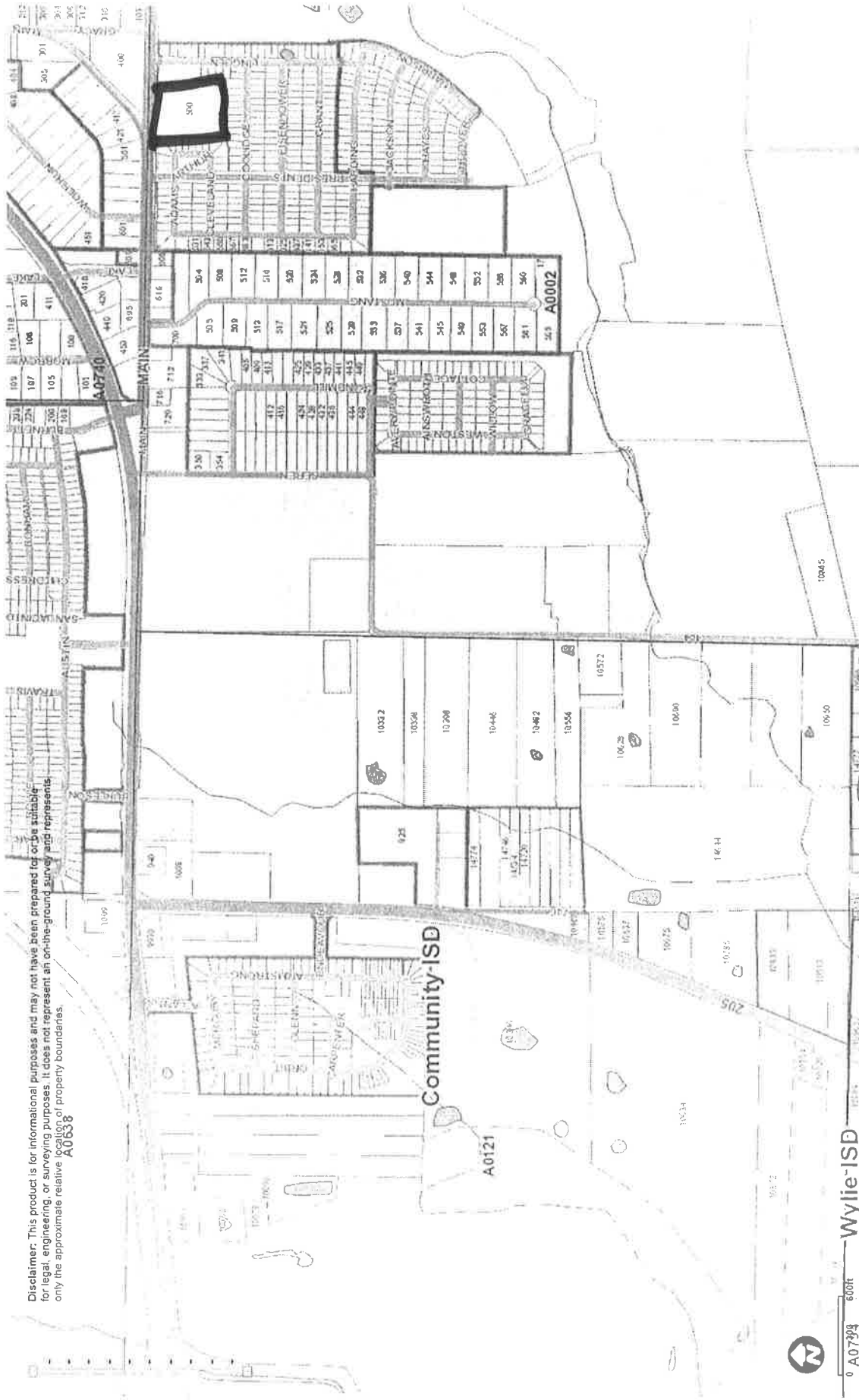
Discussion and action regarding Resolution No. 2017-05-02 authorizing the annexation of property owned by the City of Lavon, setting dates, times and places for public hearings regarding the proposed annexation, and authorizing and directing the publication of notice of such public hearings.

**Background:**

Pursuant to Texas Local Government Code (LGC), Section 43.026, the City may annex property that the City owns. This proceeding will annex the property in the vicinity of the intersection of Main St. and FM 2755 that is adjacent to the Police and Fire buildings.

**Attachments:**      Annexation Site Exhibit  
                             Proposed Resolution  
                             Annexation Timeline  
                             Draft Service Plan

April 28, 2017



**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2017-05-02**

Annexation Public Hearings

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AUTHORIZING THE ANNEXATION OF PROPERTY OWNED BY THE CITY, SETTING DATES, TIMES AND PLACES FOR PUBLIC HEARINGS REGARDING THE PROPOSED ANNEXATION, AND AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARINGS.**

**WHEREAS**, the City Council desires to manage growth and development in areas currently within the City's extraterritorial jurisdiction in accordance with adopted goals and standards; and

**WHEREAS**, the City Council desires to annex property owned by the City as provided for in Section 43.026 of the Texas Local Government Code.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, THAT:**

**SECTION 1.** The recitals and findings set forth above are true and correct and are incorporated into the body of this resolution as if fully set forth herein.

**SECTION 2.** On May 16, 2017 and May 23, 2017, at a meeting that begins at 7:00 p.m., in the City Council Chambers of the City Hall of the City of Lavon, Texas, the City Council will conduct public hearings giving all interested persons the right to appear and be heard on the proposed annexation by the City of the following described property, to-wit:

Being 5.1 acres of all that certain lot, tract or parcel of land located in the Drury Anglin Survey, Abstract No. 2, Lavon, Collin County, Texas and being the same tract of land described in Deed to Robert C. Lea, recorded in Instrument No. 93-0032886, Deed Records, Collin County, Texas and being more particularly described in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

**SECTION 3.** The Mayor of the City of Lavon is hereby authorized and directed to cause notice of such public hearings to be published once each in a newspaper having general circulation in the city and in the above-described territory not more than twenty days nor not less than ten days prior to the dates of such public hearings, in accordance with the Municipal Annexation Act.

**SECTION 4.** The City Council hereby finds, determines and declares that the meeting, at which this resolution is passed, approved and adopted, was open to the public, and that the public notice of time, place and subject matter to be considered was posted as required by law.

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Texas on the 2<sup>nd</sup> day of May, 2017.

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Charles A. Teske, Jr., Mayor

ATTEST:

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Kim Dobbs  
City Administrator | City Secretary

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2017-05-02**

**EXHIBIT A**

Being all that certain lot, tract or parcel of land located in the Drury Anglin Survey, Abstract No. 2, Lavon, Collin County, Texas and being the same tract of land described in Deed to Robert C. Lea, recorded in Instrument No. 93-0032886, Deed Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a ½ inch iron rod with a yellow plastic cap stamped “RPLS 5310” set in the south line of Main Street, a variable width public right-of-way, at the northwest corner of said Lea Tract, same being a northerly corner of Heritage East “A”, Phase I Addition, an Addition to the City of Lavon, Collin County, Texas according to the plat thereof recorded in Volume 2006, Page 323, Map Records, Collin County, Texas;

THENCE South 85 deg. 51 min. 35 sec. East, along the south line of said Main Street, a distance of 405.37 feet to a ½ inch iron rod found at the northeast corner of said Lea Tract, same being a northerly corner of said addition;

THENCE South 04 deg. 44 min. 43 sec. East, a distance of 493.05 feet to a ½ inch iron rod with a plastic cap stamped “RPLS 5310” set at the southeast corner of said Lea Tract, same being an interior “ELL” corner of said addition, from which a ½ inch iron rod found for reference bears North 85 deg. 44 min., 09 sec. East, a distance of 0.4 feet;

THENCE South 85 deg. 44 min. 09 sec. West, a distance of 446.94 feet to a ½ inch iron rod found at the southwest corner of said Lea Tract, same being an interior “ELL” corner of said addition;

THENCE North 00 deg. 03 min. 44 sec. East, a distance of 553.86 feet to the PLACE OF BEGINNING and CONTAINING 5.100 acres of land, more or less.

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2017-05-02**

**EXHIBIT B**

S9095

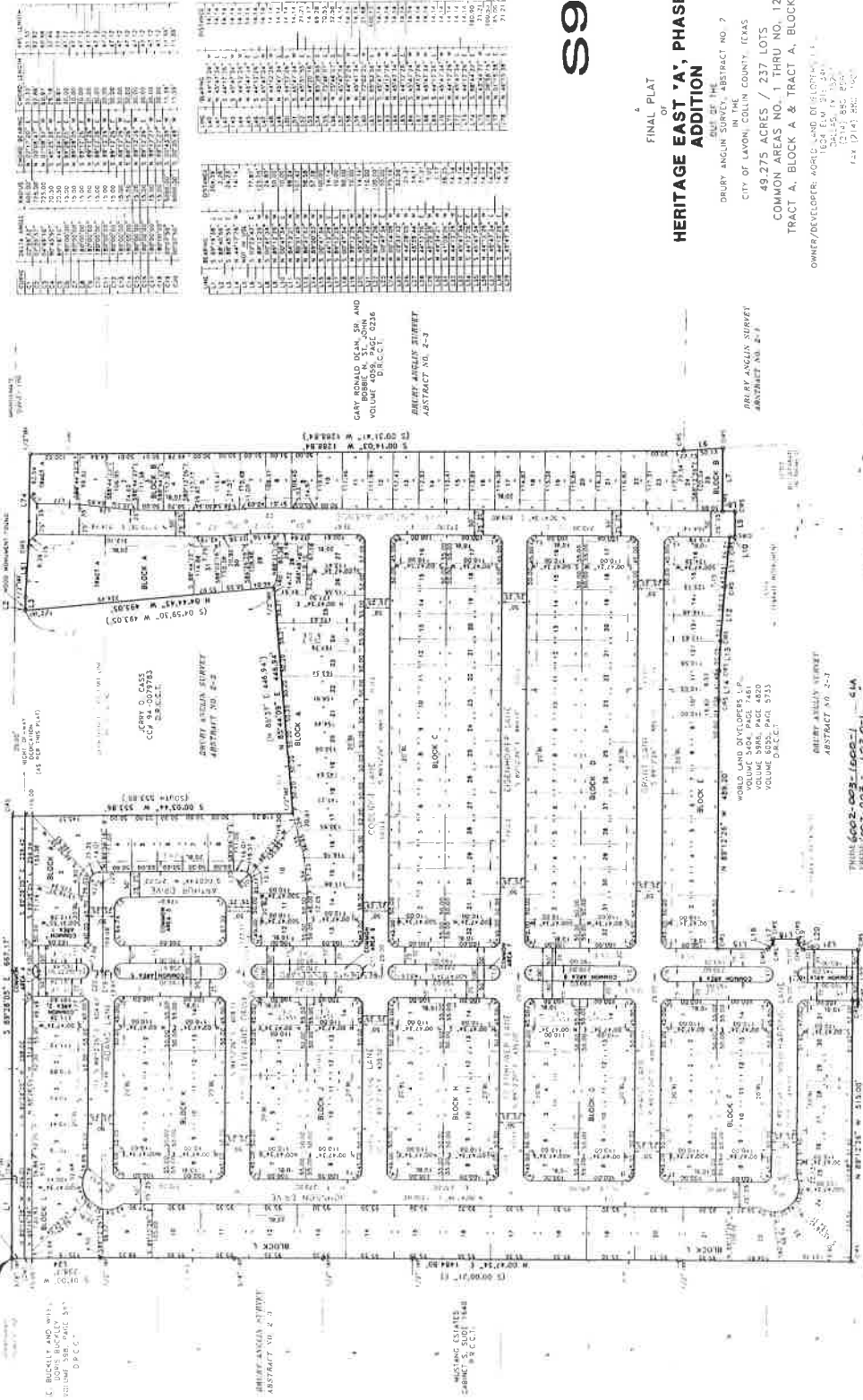
FINAL PLAN OF HERITAGE EAST 'A', PHASE 1 ADDITION

CITY OF LAVON, COLLIN COUNTY, TEXAS 49.275 ACRES / 237 LOTS COMMON AREAS NO. 1 THRU NO. 12 TRACT A, BLOCK A & TRACT A, BLOCK B

OWNER/DEVELOPER: WORLD LAND DEVELOPERS, L.P.

ENGINEER/SURVICTOR: Carter-Burgess

MAY 2006 SHEET 1 OF 2



Amundson

ROO1

P.O.B.

SCALE 1" = 40'

SCALE IN FEET 1" = 40'

SCALE IN METERS 1" = 100'

LEGEND

6002-003-0150-1

6002-003-0150-1

6002-003-0150-1

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6002-003-0150-1

City of Lavon, Texas

**Annexation of Area Exempt  
from the Annexation Plan Requirement  
(including Annexation on Petition of Area Landowners or Voters)**

- May 2            Resolution of the City Council to authorize the annexation and schedule Public Hearings. May 16 and May 23
- May 3            Publish notice of first hearing. §43.063.
- Post notice of first public hearing on Internet Web site, if city has an internet website. §43.063(c).
- Send written notice to each public school district in the area to be annexed. §43.905.
- May 10           Publish notice of second hearing. §43.053.
- Post notice of second public hearing on Internet Web site, if city has an internet website. §43.063(c).
- May 16           Hold first public hearing. §43.063.
- May 23           Hold second public hearing. §43.063. ***Special Meeting***
- June 16           Post notice of annexation ordinance adoption under Open Meetings Act.
- June 20           Adopt Annexation Ordinance** (Institution of Proceedings—proceedings are instituted and completed at same time in city that only requires one reading).

**CITY OF LAVON  
ANNEXATION SERVICE PLAN**

**Case Name:** City 5.1 acres– May 2017

**Description:**

*5.1 acres of land being all that certain lot, tract or parcel of land located in the Drury Anglin Survey, Abstract No. 2, Lavon, Collin County, Texas and being the same tract of land described in Deed to Robert C. Lea, recorded in Instrument No. 93-0032886, Deed Records, Collin County, Texas.*

**PUBLIC SAFETY SERVICES**

**FIRE SERVICES**

**Existing Services:** Nevada Volunteer Fire Department

**Services to be Provided:** Fire suppression will be available to the area upon annexation at the same or similar level as is provided to other areas of the City. Primary fire response will be provided by the Nevada Volunteer Fire Department (NVFD). Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed. The NVFD is party to several Mutual Aid Agreements with area volunteer departments that will provide back-up service as appropriate.

**POLICE SERVICES**

**Existing Services:** None

**Services to be Provided:** Currently, the area is under the jurisdiction of the Collin County Sheriff's Office. However, upon annexation, the City of Lavon Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

**EMERGENCY MEDICAL SERVICES**

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, the area will become a part of the EMS Southeast Collin County EMS/Ambulance Coalition and ambulance service will be provided by the same provider that the City uses. Services can be provided within the current budget appropriation.

**CODE ENFORCEMENT SERVICES**

**Existing Services:** None

**Services to be Provided:** Any inspection services now provided by the City (building, electrical, plumbing, gas, housing, health, etc.) will begin in the annexed area on the effective date of annexation. Services can be provided within the current budget appropriation.

## MUNICIPAL SERVICES

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### **PLANNING & ZONING SERVICES**

**Existing Services:** None

**Services to be Provided:** The Planning and Zoning jurisdiction of the City will extend to the annexed area on the effective date of annexation. City planning will thereafter encompass the annexed area. Services can be provided within the current budget appropriation.

### **STORM DRAINAGE SERVICES**

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, the City of Lavon will include the annexed area in its service area for drainage services at the same or similar level as is provided to other areas of the City, taking into account different characteristics of topography, land uses and population density. Services will include, but are not limited to: routine review and monitoring of culverts and storm sewers; flood plain design and assistance; and engineering review as the area relates to the City as a whole. Services can be provided within the current budget appropriation.

### **STREET SERVICES**

**Existing Services:** County Street Maintenance

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, the City of Lavon will provide maintenance for streets in accordance with existing City ordinances, resolutions and regulations. Municipal services will include, but are not limited to: routine maintenance, street lighting, ice and snow monitoring of major thoroughfares, and assessment of street conditions for long-term maintenance scheduling. As streets are constructed in undeveloped portions of the annexed area, the appropriate City ordinances, resolutions and regulations of the City shall apply. Services can be provided within the current budget appropriation.

### **TRANSPORTATION AND TRAFFIC SERVICES**

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, the City of Lavon will join Collin County and the State of Texas Department of Transportation in providing transportation-planning services to the annexed area. The annexed area will be included in the City of Lavon's Thoroughfare Plan and will receive an enhanced voice in the Transportation Planning Process through the City of Lavon's representation on regional planning teams. Services can be provided within the current budget appropriation.

### **PARKS SERVICES**

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, all of the city's parks and recreation facilities shall be available for use by residents of the annexed area. The annexed area will be included in the park planning processes. Services can be provided within the current budget appropriation.

## UTILITY SERVICES

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### **SOLID WASTE COLLECTION SERVICES**

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, the City of Lavon will provide solid waste collection and recycling services. Service is provided in accordance with City regulations and is provided as a fee-based service per contract with a private provider. Service requests and billing are administered through the City. Service shall comply with existing City policies.

### **WATER SERVICES**

**Existing Services:** None

**Services to be Provided:** Water service shall be provided to the annexed area by a special utility district in accordance with existing State laws, City ordinances, resolutions, regulations and policies. Construction of water utility-related facilities will be built in accordance with the City of Lavon construction standards.

### **SANITARY SEWER SERVICES**

**Existing Services:** None

**Services to be Provided:** Sanitary sewer service will be provided in accordance with applicable codes and departmental policy. Upon completion of construction of sanitary sewer facilities, including off-site facilities, the City shall assume maintenance and service responsibilities for the sanitary sewer system in the annexed area in accordance with existing City ordinances, resolutions regulations and policies.

## MISCELLANEOUS SERVICES

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All other applicable municipal services will be provided to the area in accordance with the City of Lavon's established policies governing extension of municipal services to newly annexed areas.



**CITY OF LAVON  
CITY COUNCIL  
Agenda Brief**

**MEETING:** May 2, 2017

**ITEM:** 7-C

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**Item:**

Discussion and action regarding Ordinance No. 2017-05-02 amending the Minimum Construction Standards established by Ordinance No. 2017-04-03 to remove Raven 405 as an option from Standards for Manhole Construction.

**Background:**

On April 18, 2017, the City Council approved specific minimum construction standards for manhole construction. Early this week, It was determined that one of the two options approved in the standards was not as desirable as the other. The staff recommends revising the options to remove Raven 405 as a construction alternative.

**Attachments:** Proposed Ordinance  
Ordinance No. 2017-04-03

April 28, 2017

**CITY OF LAVON, TEXAS**  
**ORDINANCE NO. 2017-05-02**

Minimum Construction Standards Amendment

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AMENDING THE MINIMUM CONSTRUCTION STANDARDS ESTABLISHED IN ORDINANCE NO. 2017-04-03 TO AMEND STANDARDS FOR MANHOLE CONSTRUCTION; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the adoption of these standards is done to facilitate proper construction standards by the City of Lavon relating to construction within the City of Lavon, Texas and relating to public safety, health and general welfare:

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, THAT:**

**SECTION 1. ADOPTION OF STANDARDS**

The City Council of the City of Lavon hereby amends Ordinance No. 2017-04-03, Section 2. MINIMUM CONSTRUCTION STANDARDS as follows:

**F) Manholes**

1) Manholes shall be pre-cast concrete or cast-in-place and shall conform to the City's construction standards. ~~Raven 405 (125 mils thick) light blue colored only epoxy coating~~, ConShield, or approved equal, shall be installed in all new manholes and in existing manholes being modified. ConShield must have terracotta color dye mixed in the precast and cast-in-place concrete.

2) Manhole Coatings (No dark colors allowed) • ~~Raven 405 (125 mils thick) light blue colored only~~ • ConShield-terra cotta colored only (must be spark tested per NACE International Standard).

**SECTION 2. PENALTIES**

That any person or corporation violating any of the provisions of the Standards adopted by this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars (\$2,000.00) per day and each and every day that the provisions of the Standards are violated shall be constituted a separate and distinct offense.

**SECTION 3. REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of an ordinance inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**SECTION 4. SEVERABILITY**

In the event any clause, phrase, provision, sentence, or any part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provisions hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Lavon, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**SECTION 5. OPEN MEETING.**

It is hereby officially found and determined that all notice required by law has been given and notice of this Ordinance was posted and the Ordinance passed in accordance with the Open Meeting Act.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 2<sup>nd</sup> day of May 2017.

\_\_\_\_\_  
Charles A. Teske, Jr., Mayor

**ATTEST:**

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Kim Dobbs, City Administrator | City Secretary

**CITY OF LAVON, TEXAS**  
**ORDINANCE NO. 2017-04-03**

Minimum Construction Standards Amendment

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AMENDING THE MINIMUM CONSTRUCTION STANDARDS ESTABLISHED IN ORDINANCE NO. 2006-06-01 TO ADD STANDARDS FOR MANHOLE CONSTRUCTION AND STORM DRAIN CURB MARKERS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the adoption of these standards is done to facilitate proper construction standards by the City of Lavon relating to construction within the City of Lavon, Texas and relating to public safety, health and general welfare:

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, THAT:**

**SECTION 1. ADOPTION OF STANDARDS**

The City Council of the City of Lavon hereby amends Ordinance No. 2006-06-01, Section 2. MINIMUM CONSTRUCTION STANDARDS with the addition of the following:

**F) Manholes**

1) Manholes shall be pre-cast concrete or cast-in-place and shall conform to the City's construction standards. Raven 405 (125 mils thick)-light blue colored only epoxy coating, ConShield, or approved equal, shall be installed in all new manholes and in existing manholes being modified. Consheild must have terracotta color dye mixed in the precast and cast-in-place concrete.

2) Manhole Coatings (No dark colors allowed) • Raven 405 (125 mils thick)-light blue colored only • ConShield-terra cotta colored only (must be spark tested per NACE International Standard).

**G) Storm Drain Curb Markers**

1) Storm drains shall be marked at the curb with an approved marker that says "Illegal to Dump, Es llegal Contaminar".

2) The storm drain curb markers shall be made of permanent stainless steel or

aluminum and shall measure four inches (4") in diameter.

**SECTION 2. PENALTIES**

That any person or corporation violating any of the provisions of the Standards adopted by this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars (\$2,000.00) per day and each and every day that the provisions of the Standards are violated shall be constituted a separate and distinct offense.

**SECTION 3. REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of an ordinance inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**SECTION 4. SEVERABILITY**

In the event any clause, phrase, provision, sentence, or any part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provisions hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Lavon, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**SECTION 5. OPEN MEETING.**

It is hereby officially found and determined that all notice required by law has been given and notice of this Ordinance was posted and the Ordinance passed in accordance with the Open Meeting Act.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 18<sup>th</sup> day of April 2017.



Charles A. Teske, Jr., Mayor

ATTEST:



Kim Dobbs, City Administrator | City Secretary

