AGENDA
JULY 2, 2019
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
REGULAR MEETING 7:00 PM

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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 may comment on items that are not on the agenda (3-minute time limit/person). The only response can be to request the items to be placed on a future agenda for discussion and consideration.

4. **ITEMS OF INTEREST/COMMUNICATIONS**
   Members may identify community events, functions and other activities.

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

   A. Approve the minutes of the June 18, 2019 meeting.

   B. Approve Resolution No. **2019-07-01** authorizing the Mayor to execute an encroachment agreement with the City of Garland doing business as Garland Power & Light (GP&L) for the installation of a sanitary sewer line within a portion of a GP&L easement.

6. **ITEMS FOR CONSIDERATION**

   A. Public hearing, discussion and action regarding the application of Meritage Homes of Texas, L.L.C. on behalf of owner Pacesetter Homes for an amendment to the Planned Development – Single-Family (PD-SF) zoning district for the Lavon Farms addition to amend and expand the minimum roof pitch exception for a 4:12 roof pitch for sunrooms and porches to include attached garages on property consisting of 38.62 acres of land situated in the Drury Anglin Survey, Abstract No. 2, (Collin County CAD ID 2767400), generally located southwest of the intersection of FM 2755 and CR 483, Lavon, Collin County, TX.

      1) Presentation of request.
      2) **PUBLIC HEARING** to receive comments regarding the request.
      3) Discussion and action regarding the request and accompanying Ordinance No. **2019-07-01**.

   B. Public Hearing, discussion and action regarding the request of the owners of certain property to amend the Comprehensive Plan to change the future land use on property southeast of and in the vicinity of the intersection of SH 78 and FM 6 from commercial to a combination of commercial and residential uses.

      1) Presentation of request.
      2) **PUBLIC HEARING** to receive comments regarding the request.
      3) Discussion and action regarding the request and accompanying Ordinance No. **2019-07-02**.

   C. Public Hearing, discussion and action regarding the request of the owner of certain property to voluntarily annex property consisting of 200.9089 acres described as Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2663916), southeast of the intersection of SH 78 and FM 6, Collin County, Texas and the portion of FM 6 and the right-of-way adjacent to and abutting the property into the City of Lavon. *This is the second of two public hearings.*

      1) Presentation of request.

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

2) **PUBLIC HEARING** to receive comments regarding the request.
3) Discussion and action regarding the request and accompanying Ordinance No. **2019-07-03**.

D. Public hearing, discussion and action regarding the application of LDC Lavon, L.L.C. for a zoning change from Agricultural (A) to Planned Development – Mixed Use (PD-MU) zoning district for property consisting of 200.9089 acres described as Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2663916), southeast of the intersection of SH 78 and FM 6, Collin County, Texas for seven hundred (700) residential lots and one (1) commercial lot.

1) Presentation of request.
2) **PUBLIC HEARING** to receive comments regarding the request.
3) Discussion and action regarding the request and accompanying Ordinance No. **2019-07-04**.

E. Discussion and action regarding Resolution No. **2019-07-02** authorizing the Mayor to execute an amendment to the professional services agreement for traffic engineering services with Lee Engineering for an update to the Thoroughfare System Map and transportation planning services from an amount not to exceed $10,000.00 to $12,000.00.

F. Discussion and action regarding Resolution No. **2019-07-03** expressing support for the 2020 Census.

7. 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.

- July 16, 2019 City Council Meeting – 6:00 pm Budget Work Session
- August 17, 2019 PlanLavon! City Council and Staff Retreat
- September 7, 2019 PlanLavon! Public Design Studio – for public to provide input and feedback

8. 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 at City Hall and on the City's website at www.cityoflavon.com on or before 6:00 PM on June 28, 2019.

Kim Dobbs, City Administrator | City Secretary

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

PANCAKE BREAKFAST

IN HONOR OF OUR

NATION'S INDEPENDENCE

JOHN ABSTON AND ELIAS BELLEW

JULY 04, 2019 - 9:00 AM

STATE HWY 78 – LAKE VIEW CEMETERY

2343 LAKE RD LAVON TX 75166

MINUTES
JUNE 18, 2019
LAVON CITY COUNCIL
REGULAR MEETING – EXECUTIVE SESSION
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
7:00 P.M.

ATTENDING: VICKI SANSON, MAYOR
JOHN KELL, PLACE 1
MIKE COOK, PLACE 2
KAY WRIGHT, MAYOR PRO TEM, PLACE 3
TED DILL, PLACE 4
MINDI SERKLAND, PLACE 5

1. **MAYOR SANSON CALLED THE MEETING TO ORDER AT 7:00 P.M. AND ANNOUNCED A QUORUM PRESENT.**
2. **MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND POLICE CHIEF JONES DELIVERED THE INVOCATION.**
3. **CITIZENS COMMENTS**
   There were none.
4. **ITEMS OF INTEREST/COMMUNICATIONS**
   - Pancake Breakfast 9am on July 4th hosted by Resident Charlie Allen.
5. **CONSENT AGENDA**
   A. **Approve the minutes of the June 4, 2019 meeting.**
   B. **Accept the Heritage Public Improvement District #1 Assessment Report Summary dated 5/31/2019 and authorize the payment of invoices included therein.**

   MOTION: APPROVE THE CONSENT AGENDA AS WRITTEN.
   MOTION MADE: SERKLAND
   SECONDED: DILL
   APPROVED: UNANIMOUS
6. **ITEMS FOR CONSIDERATION**
   A. **Public hearing regarding the request of the owner of certain property to voluntarily annex the balance of 200.9089 acres of property described as Samuel M. Rainer Survey, Abstract No. 740 (CCAD Property ID 2663916), southeast of the intersection of SH 78 and FM 6, Collin County, Texas and the portion of FM 6 and the right-of-way adjacent to and abutting the property into the corporate limits of the City of Lavon, Texas.** ***This is the first of two public hearings. The second public hearing is set for July 2, 2019.***

   Presentation of request.

   Ms. Dobbs provided information regarding the request for voluntary annexation and approved development agreement and noted that this is the first of two public hearings with the second set for July 2, 2019.

   PUBLIC HEARING to receive comments regarding the request.

   Mayor Sanson opened the public hearing at 7:08 p.m. and invited comments in favor of or opposition to the annexation. There being no comments, Mayor Sanson closed the public hearing at 7:08 p.m.

   No action was taken.

B. Discussion and action regarding Resolution No. 2019-06-02 determining the costs of certain public improvements to be financed by the LakePointe Public Improvement District; approving a preliminary service plan and assessment plan, including proposed assessment rolls; directing the filing of the proposed assessment rolls with the city secretary to make available for public inspections; noticing a public hearing for July 2, 2019 to consider an ordinance levying assessments on property located within the LakePointe Public Improvement District; directing city staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto.

Ms. Dobbs relayed a request from the developer to remove the item from the agenda to allow their new attorney to review the documents. No action was taken.

C. Discussion and action regarding Resolution No. 2019-06-05 authorizing the Mayor to execute a letter agreement with Integra Realty Resources – DFW for valuation and consulting services for the LakePointe Development.

Ms. Dobbs explained that with the creation of the LakePointe Public Improvement District (PID), property appraisals are required. It was noted that in April the City Council engaged Integra Realty Resources to provide appraisal services and then was subsequently determined that a separate agreement would be appropriate for the appraisal of right of way.

MOTION: APPROVE RESOLUTION NO. 2019-06-05 AUTHORIZING THE MAYOR TO EXECUTE A LETTER AGREEMENT WITH INTEGRA REALTY RESOURCES – DFW FOR VAULATION AND CONSULTING SERVICES FOR THE LAKEPOINTE DEVELOPMENT.
MOTION MADE: KELL
SECONDED: SERKLAND
APPROVED: UNANIMOUS

D. Discussion and action regarding Ordinance No. 2019-06-07 amending Chapter 4, "Building Regulations", Article 4.06, "Fences", to amend the Rules, Regulations, and Procedures for Regulating Fences, including adding provisions for variances and appeals process; providing for severability, savings and repealing clauses; and providing for an effective date of the ordinance.

Ms. Dobbs provided information regarding the proposed ordinance intended to clarify the provisions for and provide a more structure framework for consideration of variances to the Fence Ordinance.

MOTION: APPROVE ORDINANCE NO. 2019-06-07 AMENDING CHAPTER 4, "BUILDING REGULATION", ARTICLE 4.06, "FENCES", TO AMEND THE RULES, REGULATIONS, AND PROCEDURES FOR REGULATING FENCES, INCLUDING ADDING PROVISIONS FOR VARIANCES AND APPEALS PROCESS; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE.
MOTION MADE: DILL
SECONDED: COOK
APPROVED: UNANIMOUS

7. STAFF REPORTS

A. Camp 911 & Babysitter Training Class Recap-

Rae Norton provided a presentation with photos and video recapping Camp 911 and the Babysitter Training Class, which included information regarding attendance as well as participating agencies. The City Council expressed appreciation for the events, the sponsors and especially the work of Ms. Norton and the city staff who participated.

B. Police Services –Chief Jones provided information and referenced the provided reports regarding traffic stops, calls for service and call breakout information and monthly reserve participation. Chief Jones provided an update on the new report format and content that was added to the council packet that will include investigations.

C. **Fire Services** – Fire Chief Danny Anthony provided the LVFD call, membership and equipment reports noting 28 calls made. Chief Anthony also demonstrated the Thermal Imaging Camera purchased with a grant provided by Atmos Energy and commented on a pending Helping Hands Grant from the Forest Service that will provide bunker gear. Mr. Kell asked if as an extension of the presentation on the Babysitter Training Class, there might be a possibility of offering CPR certification to residents and Chief. Anthony said he would look into it.

D. **Public Works** – Director of Public Works Sonny Mancias provided a report regarding general public works and street maintenance including mowing and trash collection and the sewer plant expansion. Mr. Mancias also informed the council of the status of the developments' infrastructure work. Ms. Dobbs noted that the public works staff did an outstanding job preparing for and supporting Camp 911.

E. **Administration** – Ms. Dobbs directed the Council to the reports provided in the meeting packet regarding the Financial Outlooks; Building Permits Report; CWD Recycling Reports; Collin County Monthly Tax Collection Report, Sales Tax Report, TexSTAR Newsletter, Lavon Economic Development Corporation Board Report, SH 205 Update and the Press Release regarding the PlanLavon! Community Survey.

10. BUDGET WORK SESSION

Discussion regarding the financial status for current Fiscal Year (FY) 2018-19, budget calendar, anticipated commitments, departmental service levels, fee schedule, and projected needs for FY 2019-20.

Ms. Dobbs presented a review of the budget process and timeline. The City Council discussed goals for the budget that included maintaining current levels of service and the current tax rate, containing costs, identifying efficiencies to maximize savings, planning for capital needs, allocating fund balance reserves and protecting and improving property values and the quality of life of residents. Revenue and expenditure factors were discussed. The Council asked to see the comprehensive departmental requests, not just the requests selected in order to balance the budget. Ms. Dobbs expressed a goal of implementing multi-year budget planning into the process. The Council requested that when needed, budget work sessions be scheduled for 6:00 pm preceding City Council meetings. The next budget work session was tentatively set for July 16.

8. EXECUTIVE SESSION

At 8:13 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive session (closed meeting) to discuss the following:

(a) Section 551.071: Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: development agreement – Abston Hills.

(b) Section 551.087: Deliberation Regarding Economic Development Negotiations; Closed meeting (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Section 551.087(1).

9. RECONVENE INTO REGULAR SESSION

In accordance with Texas Governmental Code Section 551.001, et seq., Mayor Sanson reconvened the meeting at 8:31 p.m. and stated that no action was taken in executive session.

10. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.

- July 2, 2019 Regular Meeting at 7:00p.m.

11. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 8:43 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 2nd day of July 2019

_____
Vicki Sanson
Mayor

ATTEST:

_____
Kim Dobbs
City Administrator/City Secretary

CITY OF LAVON
CITY COUNCIL
Agenda Brief

MEETING: July 2, 2019 **ITEM: 5 - B**

Item:

CONSENT AGENDA

Approve Resolution No. **2019-07-01** authorizing the Mayor to execute an encroachment agreement with the City of Garland doing business as Garland Power & Light (GP&L) for the installation of a sanitary sewer line within a portion of a GP&L easement.

Background:

In conjunction with the approved construction plans for the Crestridge Meadows addition, a sanitary sewer line is planned to serve the development and greater system that will cross an easement held by Garland Power & Light. In order to install the sanitary sewer line, an encroachment agreement is required.

Approval is recommended.

Attachments: 1. Resolution No. **2019-07-01** and agreement

June 28, 2109

CITY OF LAVON, TEXAS

RESOLUTION NO. 2019-07-01

Encroachment Agreement – GP&L

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AUTHORIZING THE MAYOR TO EXECUTE AN ENCROACHMENT AGREEMENT WITH THE CITY OF GARLAND DOING BUSINESS AS GARLAND POWER & LIGHT (GP&L) FOR THE INSTALLATION OF A SANITARY SEWER LINE WITHIN A PORTION OF A GP&L EASEMENT; AND DECLARING AN EFFECTIVE DATE.

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

SECTION 1. The City Council does hereby authorize the Mayor to execute an encroachment agreement with the City of Garland doing business as Garland Power & Light (GP&L) for the installation of a sanitary sewer line within a portion of a GP&L easement, attached hereto as Exhibit "A".

SECTION 2. That this resolution shall take effect from and after the date of its passage.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 2nd day of July 2019.

_____

Vicki Sanson
Mayor

ATTEST:

_____

Kim Dobbs
City Administrator/City Secretary

CITY OF LAVON, TEXAS

RESOLUTION NO. 2019-07-01

EXHIBIT A

ENCROACHMENT AGREEMENT

Encroachment Agreement

This Agreement made and entered into this_____ day of _____, 20___, by and between City of Lavon (hereinafter referred to as **"Owner"**) whose address is 120 School Road, Lavon, TX 75166 and **City of Garland, Texas**, a Texas home-rule municipality doing business as Garland Power & Light (hereinafter referred to as "GP&L") whose address is 217 N. 5th Street, Garland, Texas 75040.

WHEREAS, GP&L is the holder of an easement in Collin County, Texas, which is recorded at Volume 516, Page 161 of the Real Property Records of Collin County, Texas ("**Easement**"); and City of Lavon (**"Owner"**), desires to install one new 24" PVC sanitary sewer line from north GPL easement line at SS Line 1 Station Number 0+25.79 to south GPL easement line at SS Line 1 Station number 0+86.99 within a portion of the Easement (hereinafter referred to as "**Encroachment**").

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, GP&L and Owner do hereby agree as follows:

1. GP&L hereby consents to the installation by Owner of the Encroachment within the Easement, subject to the terms and conditions herein.

2. In consideration of GP&L's consent to the installation of the Encroachment within the Easement, Owner hereby agrees that in the event that GP&L determines that it is necessary to construct, maintain, repair, remove or replace any facilities of GP&L located or to be located within the Easement, and such work requires the removal or relocation of the Encroachment in whole or in part, such removal and replacement may be done by GP&L or its agents or subcontractors at the sole cost and expense of the Owner.

3. Owner may locate the Encroachment in the Easement Area as described and shown on the attached drawings marked Crestridge Meadows Phase I Sanitary Plan sheet 34 of 55 and Sanitary Profile 1 sheet 35 of 55 by Engineering Concepts dated 6/11/2019 and incorporated herein. Owner may not relocate the Encroachment within the Easement Area without the consent and approval of GP&L, which consent and approval shall be at GP&L's sole discretion.

4. Owner shall occupy only as much of the Easement Area deemed necessary to maintain the Encroachment. Owner shall, at its own cost and expense, comply with all applicable laws, including but not limited to existing zoning ordinances, governmental rules and regulations enacted or promulgated by any governmental authority and shall promptly execute and fulfill all orders and requirements imposed by such governmental authorities for the correction, prevention and abatement of nuisances in or upon or connected with said Encroachment. Owner shall obtain, at its sole cost and expense, any and all land rights necessary for Owner's construction and operation of the Encroachment.

5. Owner shall maintain the Encroachment at Owner's sole expense. GP&L will not be responsible for any costs pertaining to construction, maintenance or removal of Owner's Encroachment.

6. Owner shall not make any improvements to the Easement Area without the consent of GP&L, which consent shall be at GP&L's sole discretion.

7. **OWNER HEREBY AGREES TO INDEMNIFY AND HOLD HARMLESS GP&L, ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL LIABILITIES, DAMAGES, CLAIMS, COST AND EXPENSES, INCLUDING ATTORNEY'S FEES, WHICH MAY BE IMPOSED UPON OR ASSERTED AGAINST GP&L, ITS OFFICERS, AGENTS AND EMPLOYEES ARISING FROM IN ANY WAY CONNECTED WITH THE INSTALLATION, DESIGN, MAINTENANCE AND USE OF THE ENCROACHMENT WITH THE EASEMENT.**

8. Use of draglines or other boom-type equipment in connection with any work to be performed on the GP&L easement by Owner, its employees, agents, invitees, contractors or subcontractors must comply with Chapter 752, Texas Health Safety Code, the National Electric Safety Code and any other applicable safety or clearance requirements. Notwithstanding anything to the contrary herein, in no event shall any equipment be within twenty (20) feet of GP&L power lines situated on the aforesaid property. Owner must notify the Transmission Manager at **(972) 205-3470 or (214) 535-5074 or by email and receive written reply of confirmation from sfoster@gpltexas.org**, 48 hours prior to the commencement of any work in Easement area or the use of any boom-type equipment on the GP&L easement. Alternate notification GPL contact Transmission Supervisor at **(214) 882-2015, scobler@gpltexas.org**

Executed this _____ day of _____, 20____

Approval:

City of Garland ("GP&L)

By: _____

Name: _____

Title: _____

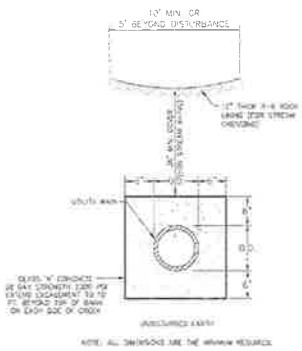
Accepted:

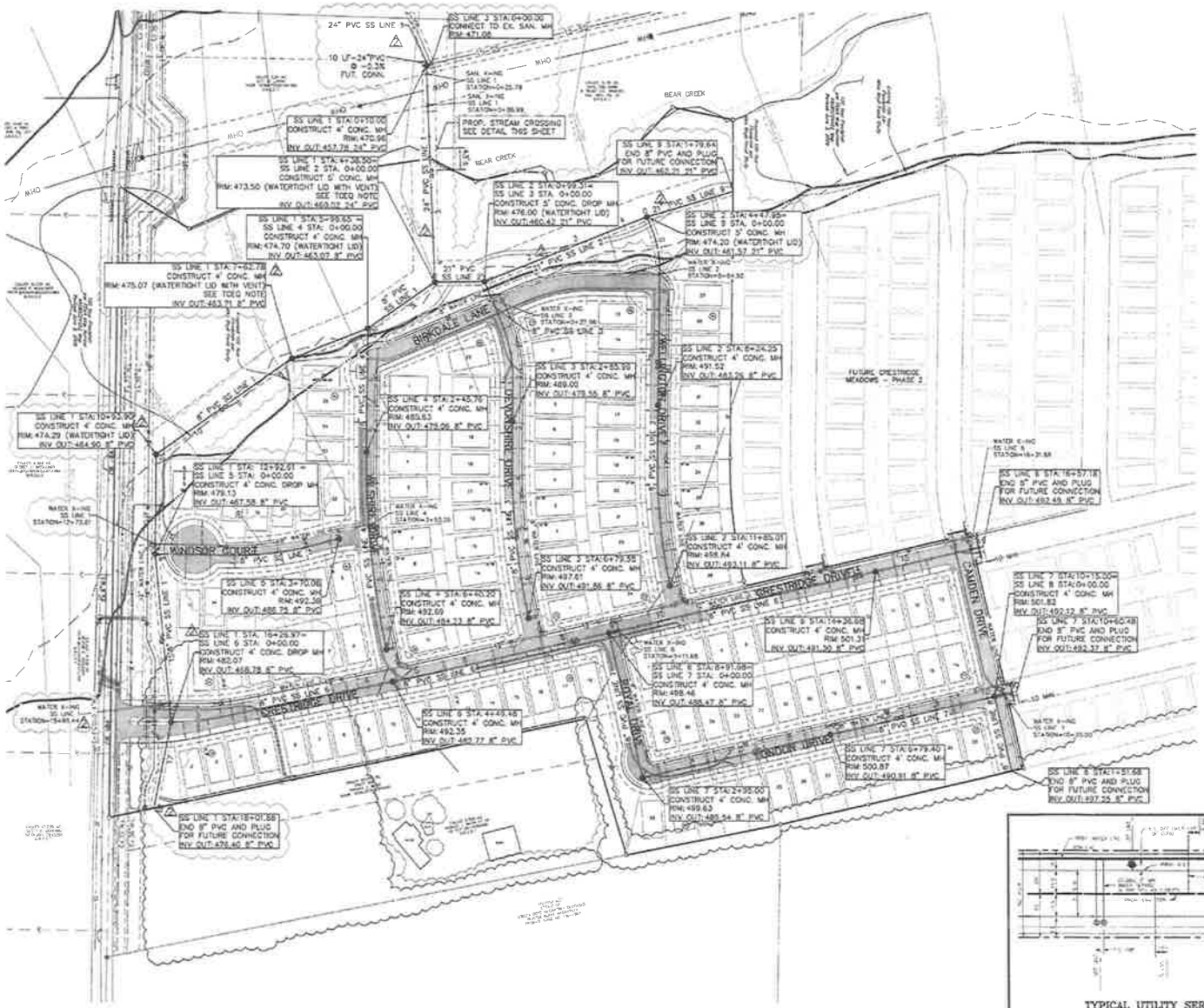
Name of Owner

By: _____

Name: _____

Title: _____



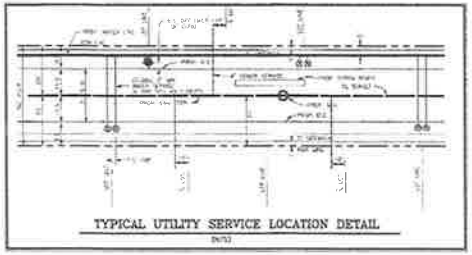


TCEQ NOTE:
ALL PROPOSED SANITARY MANHOLES LOCATED WITHIN THE 100 YEAR FLOODPLAIN SHALL BE CONSTRUCTED WITH A WATERTIGHT LID (GASKET AND LID BOLTED TO RING) AND VENT PER TCEQ REGULATIONS (TAC 30, PART 1, CH. 217, SUBCH. C).

SCALE IN FEET 1" = 100'

LEGEND

- MATCHLINE
- PROPOSED WATER LINE
- EXISTING WATER LINE
- PROPOSED SANITARY LINE
- EXISTING SANITARY LINE
- PROPOSED STORM LINE
- EXISTING STORM LINE
- R.O.W. CENTER LINE
- R.O.W. LINE LINE
- EXISTING UTILITY POLE
- EXISTING OVERHEAD UTILITY
- PROPOSED SANITARY SERVICE
- PROPOSED WATER SERVICE



CAUTION! EXISTING UTILITIES

CONTRACTOR SHOULD CALL 1-800-DIG-TESS PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITIES FOR EXISTING UTILITY LOCATIONS. EXISTING UTILITIES AND UNDERGROUND FACILITIES INDICATED ON THESE PLANS HAVE BEEN LOCATED FROM REFERENCE INFORMATION. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY BOTH HORIZONTALLY AND VERTICALLY THE LOCATION OF ALL EXISTING UTILITIES AND UNDERGROUND FACILITIES PRIOR TO CONSTRUCTION AND TO TAKE NECESSARY PRECAUTIONS IN ORDER TO PROTECT ALL FACILITIES ENCOUNTERED. THE CONTRACTOR SHALL PRESERVE AND PROTECT ALL EXISTING UTILITIES FROM DAMAGE DURING CONSTRUCTION.

BENCHMARKS:
Pt. No. 3 - Aluminum Disk (Collin County) in concrete headwall east side of CR 484, north side of Bear Creek. Elev = 472.06'
Pt. No. 126 - 5/8 inch capped iron rod located +/- 10' west of centerline of CR 484 & 672' south of the center of Bear Creek. Elev = 470.54'
Pt. No. 127 - 5/8" inch capped iron rod located +/-10' west of centerline of CR 484 & 892' south of the center of Bear Creek. Elev = 471.67'
Pt. No. 133 - 5/8 inch copper iron rod located +/- 17.5' west of centerline of CR 484 & 1270' south of the center of Bear Creek. Elev = 467.37'

ENGINEERINGCONCEPTS & DESIGN, L.P.

ENGINEERING / PROJECT MANAGEMENT / CONSTRUCTION SERVICES - FIRM REG. #F-001145
201 WINDCO CIR. STE 200, WYLIE, TX 75098
972-941-8600 FAX: 972-941-8601 WWW.ECDLP.COM

REVISIONS:
4/11/2019 - UPSIZED SAN SEWER TRUNK LINE

DRAWN: RCK
CHECKED: EEH
DATE: 6/13/2019
PROJECT NO: EF023
SHEET FILE NAME: 24x36 ST.DWG

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF CONSTRUCTION. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY RYAN C. KING, P.E. 123635.

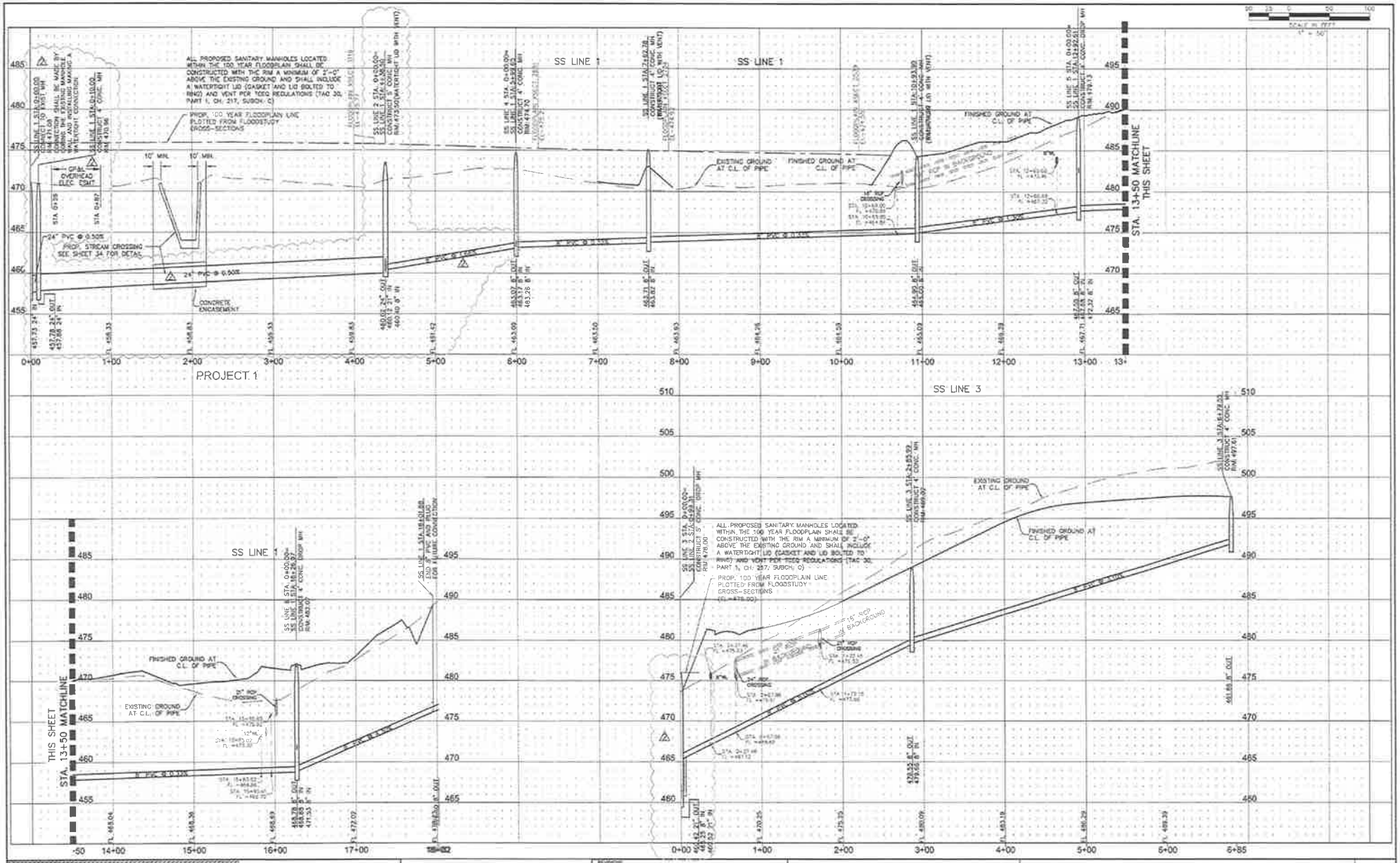
STATE OF TEXAS
RYAN C. KING
123635
REGISTERED PROFESSIONAL ENGINEER

SANITARY PLAN

CRESTRIDGE MEADOWS PHASE 1

CITY OF LAVON, COLLIN COUNTY, TEXAS

SHEET 34 OF 55



CAUTION! EXISTING UTILITIES

CONTRACTOR SHOULD CALL 1-800-DIG-TESS PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITIES FOR EXISTING UTILITY LOCATIONS. EXISTING UTILITIES AND UNDERGROUND FACILITIES INDICATED ON THESE PLANS HAVE BEEN LOCATED FROM REFERENCE INFORMATION. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY BOTH HORIZONTALLY AND VERTICALLY THE LOCATION OF ALL EXISTING UTILITIES AND UNDERGROUND FACILITIES PRIOR TO CONSTRUCTION AND TO TAKE NECESSARY PRECAUTIONS IN ORDER TO PROTECT ALL FACILITIES ENCOUNTERED. THE CONTRACTOR SHALL PRESERVE AND PROTECT ALL EXISTING UTILITIES FROM DAMAGE DURING CONSTRUCTION.

BENCHMARKS

Pt. No. 3 - Aluminum Disk (Collin County) in concrete headwall and side of CR 484, north side of Bear Creek. Elev = 472.08'

Pt. No. 126 - 5/8-inch capped iron rod located +/- 15' west of centerline of CR 484 & 470' south of the center of Bear Creek. Elev = 479.54

Pt. No. 127 - 5/8"-inch capped iron rod located +/- 50' west of centerline of CR 484 & 155' south of the center of Bear Creek. Elev = 475.63

Pt. No. 128 - 5/8-inch capped iron rod located +/-21.5' west of centerline of CR 484 & 53.70' south of the center of Bear Creek. Elev = 482.53

ENGINEERINGCONCEPTS & DESIGN, L.P.

ENGINEERING / PROJECT MANAGEMENT / CONSTRUCTION SERVICES - FIRM REG. #F-00145
201 WINDCO CIR, STE 200, WYLIE, TX 75098
972-941-8400 FAX: 972-941-8401 WWW.ECDLP.COM

REVISIONS: 1 6/11/2019 - UPSIZED SAN SEWER TRUNK LINE

DRAWN: RCK DATE:
CHECKED: RCD DATE: 6/11/2019
PROJECT NO: 08026
ENG FILE NAME: 08026 CT.DWG

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF CONSTRUCTION. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY RYAN C. KING, P.E. 123635

STATE OF TEXAS RYAN C. KING 123635 REGISTERED PROFESSIONAL ENGINEER

SANITARY PROFILE 1

CRESTRIDGE MEADOWS PHASE 1

CITY OF LAVON, COLLIN COUNTY, TEXAS

SHEET 35 OF 55

CITY OF LAVON
CITY COUNCIL
Agenda Brief

MEETING: July 2, 2019 **ITEM: 6 – A**

Item:

Public hearing, discussion and action regarding the application of Meritage Homes of Texas, L.L.C. on behalf of owner Pacesetter Homes for an amendment to the Planned Development – Single-Family (PD-SF) zoning district for the Lavon Farms addition to amend and expand the minimum roof pitch exception for a 4:12 roof pitch for sunrooms and porches to include attached garages on property consisting of 38.62 acres of land situated in the Drury Anglin Survey, Abstract No. 2, (Collin County CAD ID 2767400), generally located southwest of the intersection of FM 2755 and CR 483, Lavon, Collin County, TX.

1) Presentation of request.
2) **PUBLIC HEARING** to receive comments regarding the request.
3) Discussion and action regarding the request and accompanying Ordinance No. **2019-07-01**.

Application Information

Owner(s): Pacesetter Homes, LLC

Applicant: Meritage Homes of Texas, LLC

Location: Generally located southwest of the intersection of FM 2755 and CR 483

Description: Lavon Farms, Drury Anglin Survey, A-2, Sheet 3, Tract 113; 38.82 acres Collin County CAD ID # 2767400; Collin County, Texas

Current Zoning: Planned Development – Single Family (PD-SF)

Request: Request to amend and expand the minimum roof pitch exception for a 4:12 roof pitch for sunrooms and porches to include attached garages.

Background

With the adoption of Ordinance No. **2017-09-01**, the City Council approved Planned Development – Single Family (PD-SF) for the Lavon Farms addition consisting of 150 dwelling units on 38.82 acres.

Among the provisions of the Planned Development, there is a requirement for all homes to have a minimum 8:12 roof pitch for all structures, with the exceptions of sunrooms and porches that can have a roof pitch of 4:12.

***Excerpts*: Ordinance No. 2017-09-01**

Section 7. Development Standards.

C. Building Standards.

2. Roof Pitch. A minimum of an 8:12 roof pitch is required on all structures with the exception of sunrooms and porches, which shall have a minimum of a 4:12 roof pitch.

Request Details

The applicant is seeking to expand the exceptions of Section 7. C. 2. to allow a roof pitch of 4:12 for attached garages in addition to sunrooms and porches. According to the applicant, the change will allow builders to provide more variety in front elevations and reduce monotony within the development.

The applicant provided comparative elevations to illustrate the request.

Staff Notes:

The requisite public hearing notice was published in the newspaper and posted on the website, zoning change signs placed on the property and fifteen (15) neighbor notices were mailed to the owners of property located within 200 feet of the applicant's property. No notices have been returned in favor of or opposition to the request.

The applicant met with city staff and the building official to review the proposed application prior to submittal. The building official had no objections to the proposed amendment.

Planning and Zoning Commission Report

MOTION: APPROVE THE APPLICATION OF MERITAGE HOMES OF TEXAS, L.L.C. ON BEHALF OF OWNER PACESETTER HOMES FOR AN AMENDMENT TO THE PLANNED DEVELOPMENT ZONING DISTRICT FOR THE LAVON FARMS ADDITION TO AMEND AND EXPAND THE MINIMUM ROOF PITCH EXCEPTION FOR A 4:12 ROOF PITCH FOR SUNROOMS AND PORCHES TO INCLUDE ATTACHED GARAGES ON PROPERTY CONSISTING OF 38.62 ACRES OF LAND SITUATED IN THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, (COLLIN COUNTY CAD ID 2767400), GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF FM 2755 AND CR 483, LAVON, COLLIN COUNTY, TX.

MOTION MADE: **TIEGS**
SECONDED: **NABORS**
APPROVED: **UNANIMOUS**

Approval is recommended.

Attachments:

1. Ordinance No. **2019-07-01**
2. Application
3. Location Exhibits
4. Applicant presentation
5. Neighborhood Notice and List

June 26, 2019

CITY OF LAVON, TEXAS

ORDINANCE NO. 2019-07-01

Zoning Change – Amend PD – Lavon Farms

AN ORDINANCE OF THE CITY OF LAVON, TEXAS AMENDING THE ZONING ORDINANCE OF THE CODE OF ORDINANCES TO AMEND ORDINANCE NO. 2017-09-01 THAT ESTABLISHED THE PLANNED DEVELOPMENT FOR THE LAVON FARMS ADDITION TO PERMIT A ROOF PITCH OF 4:12 FOR ATTACHED GARAGES; PROVIDING A SAVINGS CLAUSE; A CUMULATIVE REPEALER CLAUSE; A SEVERABILITY CLAUSE; A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS an application was submitted to amend the Planned Development District established by Ordinance No. **2017-09-01** to allow a roof pitch of 4:12 for attached garages for the Lavon Farms Addition, consisting of 38.62 acres in the Drury Anglin Survey, Abstract No. 2, City of Lavon, Collin County, Texas (the "Property"); and

WHEREAS, the Planning and Zoning Commission of the City of Lavon and the City Council of the City of Lavon, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Lavon is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended;

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

SECTION 1. INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT

The Planned Development - Single Family (PD-SF) District regulations established by Ordinance No. **2017-09-01** for the Lavon Farms addition are hereby amended as follows:

Section 7. Development Standards

C. Building Standards

2. Roof Pitch. A minimum of an 8:12 roof pitch is required on all structures with the exception of sunrooms, porches, and attached garages which shall have a minimum of a 4:12 roof pitch.

SECTION 3. SAVINGS

That all rights and remedies of the City of Lavon are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 4. CUMULATIVE REPEALER

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5. SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One Dollar ($1.00) nor more than Two Thousand Dollars ($2,000.00), and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the governing body of the City of Lavon determines that a violation of this Ordinance creates a threat to the public safety, the City may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.

SECTION 7. PUBLICATION

The City Secretary of the City of Lavon is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 8. EFFECTIVE DATE

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 2nd day of July 2019.

_____
Vicki Sanson., Mayor

ATTEST:

_____
Kim Dobbs
City Administrator | City Secretary

CITY OF LAVON

120 School Road P.O. Box 340
Lavon, TX 75166
Phone (972) 843-4220 Fax (972) 843-0397
leann.mcclendon@cityoflavon.org

Request for a Change in Zoning

Fee: $300.00 plus $10.00 per acre on a tract of land

Meritage Homes of Texas LLC — 5/24/2019
Applicants Name — Date

Stephen Pepper — 972-580-6345
Representative or Agent — Phone Number

8840 Cypress Waters Blvd. Suite 100 — Dallas, TX 75019
Street — City, State, Zip

SW Corner of McClendon Rd and Cross Rd
Location of Property

Abs A0002 Drury Anglin Survey, Sheet 3, Tract 113 — PD (97-12-08) Lavon Farms
Legal Description of Property — Current Zoning

Check which zoning category you wish to change to:

Lot Size: ☐ ½ acre or more ☐ ¾ acre or more ☐ 1 acre or more

☐ Single Family – 1(1800 sq. ft. min. home)
☐ Single Family – 2 (1500 sq. ft. min. home)
☐ Single Family – 3 (1200 sq. ft. min. home)
☐ Special Use Permit
☐ Other: _____

☐ Retail
☐ Business District 1 / 2
☒ Planned Development
☐ Mobile Home District

1. **Beer & Wine** - $500.00 per year (or any portion of a year) each such permit shall be renewed each year on January 1st. Renewal fees shall be the same amount as the original fee.
2. **Other** - $100.00 plus any inspections. This includes Christmas tree sales, outside commercial sales, construction shacks, sales trailers, or similar uses.

Signature of Applicant or Representative: _____

* Cost shall include: Actual cost to City plus a 10% administrative fee. These fees are in addition to required permit fee.

For Office Use Only

Date Received: _____ **Date Paid:** _____ **Fee Paid:** _____

Next P & Z Meeting: _____ **Next City Council Meeting:** _____

RECEIVED
MAY 28 2019
CITY OF LAVON

CITY OF LAVON
120 School Road P.O. Box 340
Lavon, TX 75166
Phone (972) 843-4220 Fax (972) 843-0396

Authorization of Representation

Date: 5/24/19

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Pacesetter Homes LLC, am/are the owner(s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize Blake Friesenhahn to represent me (us) and my (our) interests in the property described in the attached exhibits(s) for the expressed purpose of this request.

Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of Collin

Before me, the undersigned authority, appeared in person,
on this the 28 day of May, 2019.

Jessica N Auld
My Commission Expires
06/08/2021
ID No. 131163550

(notary seal)

Notary Public in and for Collin County, Texas

CITY OF LAVON
120 School Road P.O. Box 340
Lavon, TX 75166
Phone (972) 843-4220 Fax (972) 843-0397
leann.mcclendon@cityoflavon.org

Declaration of Ownership

Date: 5/24/19

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Pacesetter Homes LLC, am/are the owner(s) of record of the property described in the attached survey documentation, submitted with this form, for the purpose of any future proposed request(s) relating to this property.

Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of Collin

Before me, the undersigned authority, appeared in person,
on this the 28 day of May, 2019.

NOTARY PUBLIC STATE OF TEXAS
Jessica N Auld
My Commission Expires
06/08/2021
ID No. 131163550
(notary seal)

Notary Public in and for Collin County, Texas

Statement of Intent and Purpose

Lavon Farms

Lavon Farms is a 150-lot single family residential community located south of McLendon Road and West of Cross Road. Located on approximately 38 acres, the Lavon Farms community will provide future residents with an appealing community nestled along a natural floodplain boundary along the western most portion of the site.

The property is currently zoned as a Planned Development (Ordinance No. 2017-09-01) that allows for the development of the property into detached single-family homes. One of the requirements of the PD is for all homes to have a minimum 8:12 roof pitch for all structures, while sunrooms and porches are allowed to have a 4:12 roof pitch.

We are currently requesting that the minimum 4:12 roof pitch be expanded to include attached garages, in order to break up the front façade of two story homes where there is living space above the garage. This change will allow the builders to provide more variety in their elevations in situations where it is not possible to implement an 8:12 roof pitch due to conflicts with windows. For clarification, no changes to the primary roof pitch are being requested at this time. We are only requesting to expand the areas allowed to have a 4:12 roof pitch as defined below.

Existing:

C) Building Standards. All development shall adhere to the following building standards:

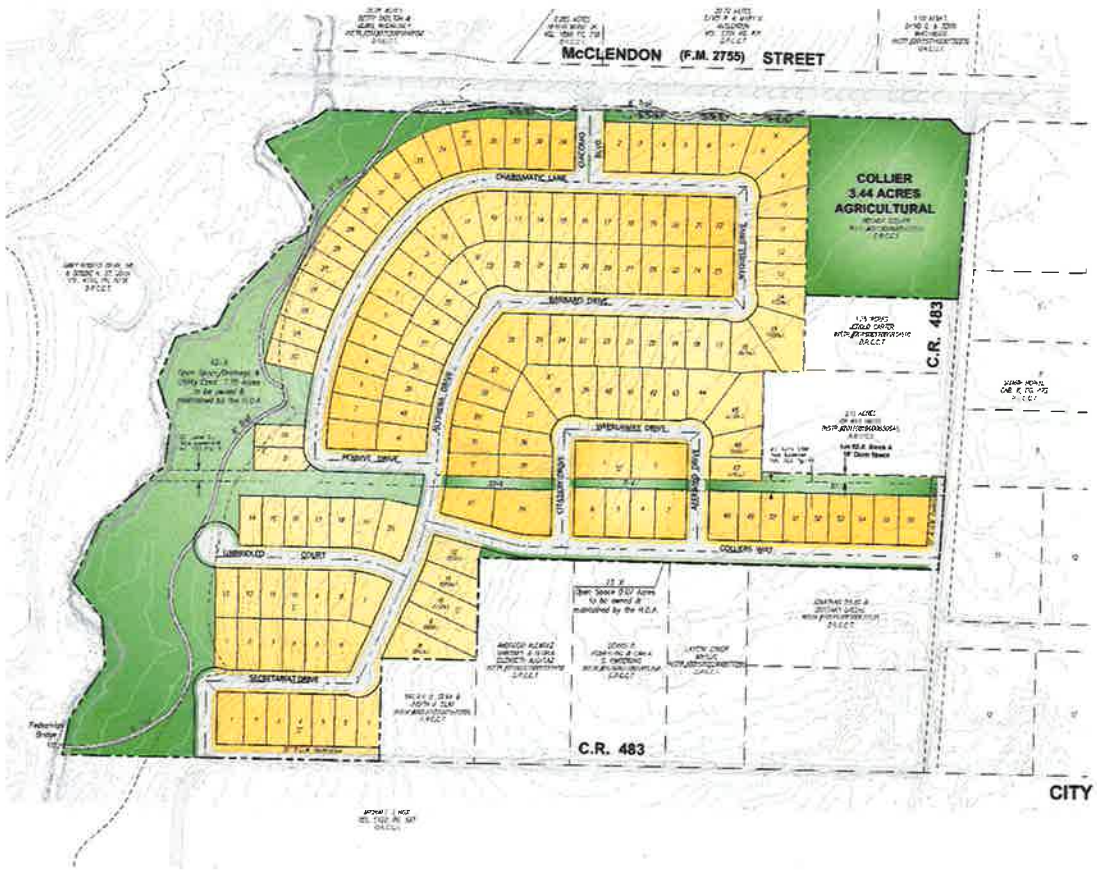
> 2. Roof Pitch. A minimum of an 8:12 roof pitch is required on all structures with the exception of sunrooms and porches, which shall have a minimum of a 4:12 roof pitch.

Revised:

C) Building Standards. All development shall adhere to the following building standards:

> 2. Roof Pitch. A minimum of an 8:12 roof pitch is required on all structures with the exception of sunrooms, ~~and~~ porches, and attached garages which shall have a minimum of a 4:12 roof pitch.

Lavon Farms – Location Exhibit



CONCEPT PLAN
OF

LAVON FARMS
38.62 ACRES

IN THE
CITY OF LAVON, COLLIN COUNTY, TEXAS
50'x110' TYPICAL LOT
152 RESIDENTIAL LOTS
6 OPEN SPACE LOTS

Engineer:

ENGINEERING CONCEPTS & DESIGN, L.P.

Developer:

SADDLE STAR
3076 HAYS LANE
ROCKWALL, TEXAS 75087
972-388-6383
Contact: Pat Atkins

AUGUST 30, 2017

Meritage Homes®

Setting the standard
for energy-efficient homes®

Lavon Farms

PD Zoning Change Request

LIFE. BUILT. BETTER.®

General Community Overview

LIFE. BUILT. BETTER.

General Community Overview

LIFE. BUILT. BETTER.

Zoning Change Request Overview

The property is currently zoned as a Planned Development (Ordinance No. 2017-09-01) that allows for the development of the property into detached single-family homes. One of the requirements of the PD is for all homes to have a minimum 8:12 roof pitch for all structures, while sunrooms and porches are allowed to have a 4:12 roof pitch.

Existing:

C) Building Standards. All development shall adhere to the following building standards:

2. Roof Pitch. A minimum of an 8:12 roof pitch is required on all structures with the exception of sunrooms and porches, which shall have a minimum of a 4:12 roof pitch.

Revised:

C) Building Standards. All development shall adhere to the following building standards:

2. Roof Pitch. A minimum of an 8:12 roof pitch is required on all structures with the exception of sunrooms, ~~and~~ porches, and attached garages which shall have a minimum of a 4:12 roof pitch.

Meritage Plan Renderings

Meritage Plan Renderings

Meritage Plan Renderings

Meets Current Zoning Requirements

Does Not Meet Current Zoning Requirements

Meritage Plan Renderings

- Roof pitch matches the porch pitch.
- Provides aesthetic relief from a flat front home.
- Provides variation in elevations reducing monotony.
- Can't be increased to 8:12 without removing windows above.

Meritage Homes®

Setting the standard
for energy-efficient homes®

Questions?

LIFE. BUILT. BETTER.®

LAVON FARMS

Owner Name	Mailing Address	Physical Address	Legal Description
Belinda Collier	364 Vz County Road 1215 Canton, TX 75103-6566	Lavon, TX	Abs A0002 Drury Anglin Survey, Sheet 3, Tract 121, 3.14 Acres
Jerold Carter	9740 County Road 483 Lavon, TX 75166-1616	9740 County Road 483 Lavon, TX 75166	Abs A0002 Drury Anglin Survey, Sheet 3, Tract 139, 1.25 Acres
Trust Mazen Fatayri Trustee	402 S Virginia St Terrell, TX 75160-3720	9770 County Road 483 Lavon, TX 75166	Abs A0002 Drury Anglin Survey, Sheet 3, Tract 141, 2.11 Acres
Jonathan David & Brittany Greene	9880 County Road 483 Lavon, TX 75166-1612	9880 County Road 483 Lavon, TX 75166	Abs A0002 Drury Anglin Survey, Sheet 3, Tract 118, 2.11 Acres
Menotti St LLC	Po Box 587 Hardeeville, SC 29927-0587	10030 County Road 483 Lavon, TX 75166	Abs A0002 Drury Anglin Survey, Sheet 3, Tract 115, 1.81 Acres
Dennis R & Carla S Kimberling	10060 County Road 483 Lavon, TX 75166-1620	10060 County Road 483 Lavon, TX 75166	Abs A0002 Drury Anglin Survey, Sheet 3, Tract 116, 2.19 Acres
Alcaraz Martines Ambrocil & Gloria Elizabeth Alcaraz	2437 Emerson Dr Garland, TX 75044-7549	10084 County Road 483 Lavon, TX 75166	Abs A0002 Drury Anglin Survey, Sheet 3, Tract 122, 2.2 Acres
Silva Walter O & Judith J	10122 County Road 483 Lavon, TX 75166-1680	10122 County Road 483 Lavon, TX 75166	Abs A0002 Drury Anglin Survey, Sheet 3, Tract 127, 1.1 Acres
Lavon City Of	Po Box 340 Lavon, TX 75166-0340	FM 2755 Lavon, TX 75166	Abs A0002 Drury Anglin Survey, Sheet 3, Tract 138, 31.269 Acres
Gary Ronald Sr Dean & Bobbie N Dean	Po Box 478 Lavon, TX 75166-0478	104 Mcclendon Rd Lavon, TX 75166	Abs A0002 Drury Anglin Survey, Sheet 3, Tract 111, 22.04 Acres
Michael J Box	Po Box 1 Lavon, TX 75166-0001	9939 County Road 483 Lavon, TX 75166	Abs A0002 Drury Anglin Survey, Sheet 1, Tract 58, 50.64 Acres
Betty Skelton & Blake Mccartney	6023 Riverview Way Houston, TX 77057-1435	Mcclendon Rd Lavon, TX 75166	Abs A0740 S M Rainer Survey, Sheet 2, Tract 50, 38.2645 Acres
Benito Jr Etux Muniz	Po Box 194 Lavon, TX 75166-0194	301 Mcclendon Rd Lavon, TX 75166	Abs A0740 S M Rainer Survey, Sheet 2, Tract 114, .285 Acres
David R & Mary N McClendon	Po Box 33 Lavon, TX 75166-0033	Irenes Vw Lavon, TX 75166	Abs A0740 S M Rainer Survey, Sheet 2, Tract 49, 39.72 Acres
Pacesetter Homes LLC	14400 The Lakes Blvd Ste 200 Bldg C Pflugerville, TX 78660-4642	County Road 483 Lavon, TX 75166	Abs A0002 Drury Anglin Survey, Sheet 3, Tract 113, 38.62 Acres

CITY OF LAVON, TEXAS
NOTICE OF PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL

Notice is hereby given that the **Planning and Zoning Commission** will hold a public hearing at the meeting starting at 7:00 PM, Tuesday, **June 25, 2019** at Lavon City Hall, 120 School Rd.

Further notice is given that a second public hearing is scheduled where the request and the recommendation of the Planning and Zoning Commission will be considered by the **City Council** at a meeting starting at 7:00 PM, Tuesday, **July 2, 2019** at Lavon City Hall. At such times and place, the Commission and the Council will hear and take action on:

Request: the application of Meritage Homes on behalf of owner Pacesetter Homes for a zoning change/ amendment to the Lavon Farms Planned Development – Single-Family (PD-SF) zoning district to amend and expand the minimum roof pitch exception for a 4:12 roof pitch for sunrooms and porches to include garages.

Property Description: Lavon Farms addition consisting of 38.62 acres of land in the Drury Anglin Survey, Abstract No. 2, (CCAD Property ID 2767400), generally located southwest of the intersection of FM 2755 and CR 483, Lavon, Collin County, TX.

Information regarding the request may be obtained at cityhall@cityoflavon.org or at 972-843-4220. You are receiving this notice because the subject property is located within 200 feet of your property The public hearing may be continued should an applicant so request. Interested citizens are invited to attend the public hearing and participate in the same.

Optional: The following may be filled out and returned to Lavon City Hall before the hearing date.

***Check one*:** ☐ **I am in favor of the request.** ☐ **I am opposed to the request.**

Reasons: (attach separate sheet(s) as needed)

_____

_____

_____

_____

Signature: _____

Name (printed): _____

Address: _____

Phone/Email Address (optional): _____

You may return this form to:

City of Lavon
P.O. Box 340
Lavon, Texas 75166
or email CityHall@cityof lavon.org

CITY OF LAVON
CITY COUNCIL
Agenda Brief

MEETING: July 2, 2019 **ITEM: 6 – B**

Item:

Public Hearing, discussion and action regarding the request of the owners of certain property to amend the Comprehensive Plan to change the future land use on property southeast of and in the vicinity of the intersection of SH 78 and FM 6 from commercial to a combination of commercial and residential uses.

1) Presentation of request.
2) **PUBLIC HEARING** to receive comments regarding the request.
3) Discussion and action regarding the request and accompanying Ordinance No. **2019-07-02**.

Application Information

Owner(s): LDC Lavon, LLC

Applicant: Corwin Engineering, Inc.

Location: Southeast of the intersection of SH 78 and FM 6 and north of the NETEX right of way

Description: Samuel M. Rainer Survey, Abstract No. 740, CCAD property ID 2663916 Collin County, Texas (200.909 acres)

Current Zoning: Zoning application pending – Planned Development for residential and commercial uses

Request: Comprehensive Plan Amendment

Request Details

The proposed Comprehensive Plan amendment conforms to the proposed land use designations set forth in the applicant's pending zoning application and development agreement approved by the City Council on March 19, 2019.

Earlier this year in January and March, the developer conducted work sessions regarding the proposed development design regulations and concept plan and to which the City Council, Planning and Zoning Commission and public were invited to attend and participate.

At this time, a petition for voluntary annexation is pending before the City Council. The owner has also submitted a zoning change application for Planned Development – Mixed Use (PD-MU) to be processed concurrently with the annexation.

The Comprehensive Plan identifies the entire property as Commercial. The owner proposes to develop residential and commercial uses on the property. As prescribed in the Local Government Code, the owner submitted a request to amend the Comprehensive Plan.

***Excerpt*: Texas Local Government Code**
Section 211.004

Sec. 211.004. COMPLIANCE WITH COMPREHENSIVE PLAN. (a) Zoning regulations must be adopted in accordance with a comprehensive plan and must be designed to:

(1) lessen congestion in the streets;
(2) secure safety from fire, panic, and other dangers;
(3) promote health and the general welfare;
(4) provide adequate light and air;
(5) prevent the overcrowding of land;
(6) avoid undue concentration of population; or
(7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

Analysis

Two conflicting cases in Texas have been decided with respect to Section 211.004: Weatherford v. City of San Marcos and City of Laredo v. Rio Grande H2O Guardian. The advice of the city attorney is to follow this *Rule of Thumb*: "If the requested land use is shown on the Comprehensive Plan, the City's decision on a zoning case is discretionary. If the requested use is NOT shown on the Comprehensive Plan, the City should amend the Comprehensive Plan or deny the request."

***Excerpt*: Texas Local Government Code**
Section 213.003

Sec. 213.003. ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN. (a) A comprehensive plan may be adopted or amended by ordinance following:

(1) a hearing at which the public is given the opportunity to give testimony and present written evidence; and
(2) review by the municipality's planning commission or department, if one exists.

(b) A municipality may establish, in its charter or by ordinance, procedures for adopting and amending a comprehensive plan.

Staff Notes:

Although not required by law, notice of the proposed change was published in the newspaper and posted on the City's website. As the applicant, the owner is aware of the proposed change.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF THE AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE DESIGNATION FROM COMMERCIAL/BUSINESS TO A COMBINATION OF COMMERCIAL/ BUSINESS AND RESIDENTIAL ON 200.9089 ACRES IN THE SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740, (CCAD PROPERTY ID 2663916), SOUTHEAST OF THE INTERSECTION OF SH 78 AND FM 6, COLLIN COUNTY, TEXAS REQUESTED BY LDC LAVON, L.L.C.

MOTION MADE: **TIEGS**
SECONDED: **NABORS**
APPROVED: **UNANIMOUS**

Approval is recommended.

Attachments:

1. Ordinance No. **2019-07-02**
2. Application
3. Location Exhibits
4. Published Notice

June 26, 2019

CITY OF LAVON, TEXAS

ORDINANCE NO. 2019-07-02

Amend Comprehensive Plan - LakePointe

AN ORDINANCE OF THE CITY OF LAVON, TEXAS AMENDING THE COMPREHENSIVE PLAN TO CHANGE FUTURE LAND USE DESIGNATION FOR THE LAKEPOINTE ADDITION; PROVIDING A SAVINGS CLAUSE; A CUMULATIVE REPEALER CLAUSE; A SEVERABILITY CLAUSE; A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS an application was submitted to amend the Comprehensive Plan land use designation from Commercial to a combination of Commercial/Business and Residential in the LakePointe Addition on 200.9089 acres of property in the Samuel M. Rainer Survey, Abstract No. 740, Collin County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Lavon and the City Council of the City of Lavon, in compliance with the laws of the State of Texas, have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Lavon is of the opinion and finds that said changes should be granted and that the Comprehensive Plan should be amended;

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

SECTION 1. INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT

The Land Use designation in the Future Land Use plan and Comprehensive Plan be amended from Commercial to a combination of Commercial/Business and Residential in the LakePointe Addition on 200.9089 acres of property in the Samuel M. Rainer Survey, Abstract No. 740, Collin County, Texas generally consistent with a concept plan attached hereto as **Exhibit "A".**

SECTION 3. SAVINGS

That all rights and remedies of the City of Lavon are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under

such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 4. CUMULATIVE REPEALER

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5. SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One Dollar ($1.00) nor more than Two Thousand Dollars ($2,000.00), and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the governing body of the City of Lavon determines that a violation of this Ordinance creates a threat to the public safety, the City may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.

SECTION 7. PUBLICATION

The City Secretary of the City of Lavon is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 8. EFFECTIVE DATE

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 2nd day of July 2019.

_____
Vicki Sanson., Mayor

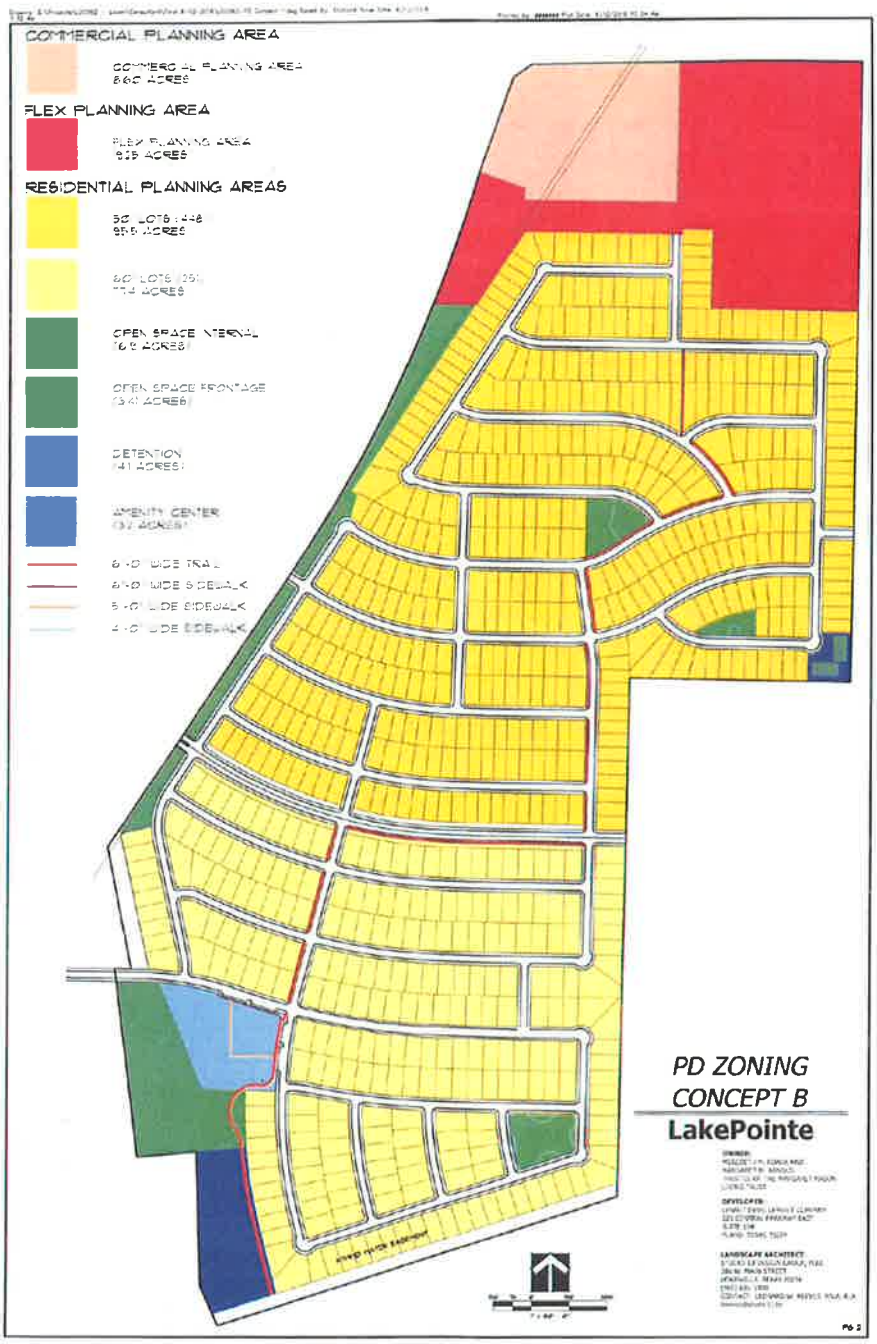
ATTEST:

_____
Kim Dobbs
City Administrator/City Secretary

ORDINANCE NO. 2019-07-02

EXHIBIT A

CONCEPT PLAN



CITY OF LAVON

120 School Road P.O. Box 340
Lavon, TX 75166
Phone (972) 843-4220 Fax (972) 843-0397
leann.mcclendon@cityoflavon.org

Request for a Change in Zoning and Change to Comprehensive Plan

Fee: $300.00 plus $10.00 per acre on a tract of land

LDC Lavon, LLC
Applicants Name

Date

Steve Lenart
Representative or Agent

469-446-3544
Phone Number

520 Central Parkway E #104
Street

Plano, TX. 75074
City, State, Zip

SE Corner of HWY 78 and FM 6
Location of Property

Abs A0740 SM Rainer Survey, Sheet1 Tract 40
Legal Description of Property

AG
Current Zoning

Check which zoning category you wish to change to:

Lot Size: ☐ ½ acre or more ☐ ¾ acre or more ☐ 1 acre or more

☐ Single Family – 1(1800 sq. ft. min. home)
☐ Single Family – 2 (1500 sq. ft. min. home)
☐ Single Family – 3 (1200 sq. ft. min. home)
☐ Special Use Permit
☐ Other: _____

☐ Retail
☐ Business District 1 / 2
☒ Planned Development
☐ Mobile Home District

1. **Beer & Wine** - $500.00 per year (or any portion of a year) each such permit shall be renewed each year on January 1st. Renewal fees shall be the same amount as the original fee.
2. **Other** - $100.00 plus any inspections. This includes Christmas tree sales, outside commercial sales, construction shacks, sales trailers, or similar uses.

Signature of Applicant or Representative: _____

* Cost shall include: Actual cost to City plus a 10% administrative fee. These fees are in addition to required permit fee.

For Office Use Only

Date Received: _____ **Date Paid:** _____ **Fee Paid:** _____

Next P & Z Meeting: _____ **Next City Council Meeting:** _____

RECEIVED
MAY 29 2019
CITY OF LAVON

CITY OF LAVON

120 School Road P.O. Box 340
Lavon, TX 75166
Phone (972) 843-4220 Fax (972) 843-0396

Authorization of Representation

Date: 5/28/19

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, LDC Lavon LLC, am/are the owner(s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize Steve Lenart to represent me (us) and my (our) interests in the property described in the attached exhibits(s) for the expressed purpose of this request.

Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of Collin

Before me, the undersigned authority, appeared Steve Lenart,
on this the 28 day of May, 2019.

COLLEEN GACCIONE
Notary Public, State of Texas
Comm. Expires 05-11-2023
Notary ID 13022230-1

Notary Public in and for Collin County, Texas

CITY OF LAVON

120 School Road P.O. Box 340
Lavon, TX 75166
Phone (972) 843-4220 Fax (972) 843-0397
leann.mcclendon@cityoflavon.org

Declaration of Ownership

Date: 5/28/19

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, LDC Lavon LLC, am/are the owner(s) of record of the property described in the attached survey documentation, submitted with this form, for the purpose of any future proposed request(s) relating to this property.

Signature (Owner)

Signature (Owner)

Signature (Owner)

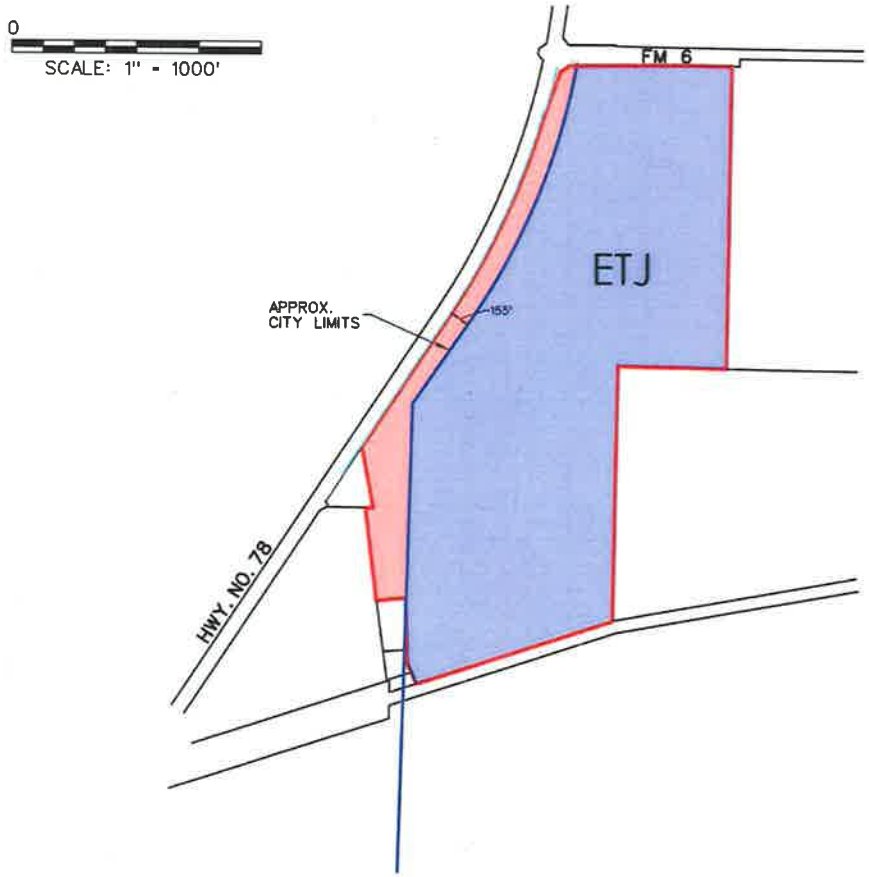
The State of Texas
County of Collin

Before me, the undersigned authority, appeared Steve Lenart,
on this the 28th day of May, 2019.

COLLEEN GACCIONE
Notary Public, State of Texas
Comm. Expires 05-11-2023
Notary ID 13022230-1
(notary seal)

Notary Public in and for Collin County, Texas

EXHIBIT '1A'

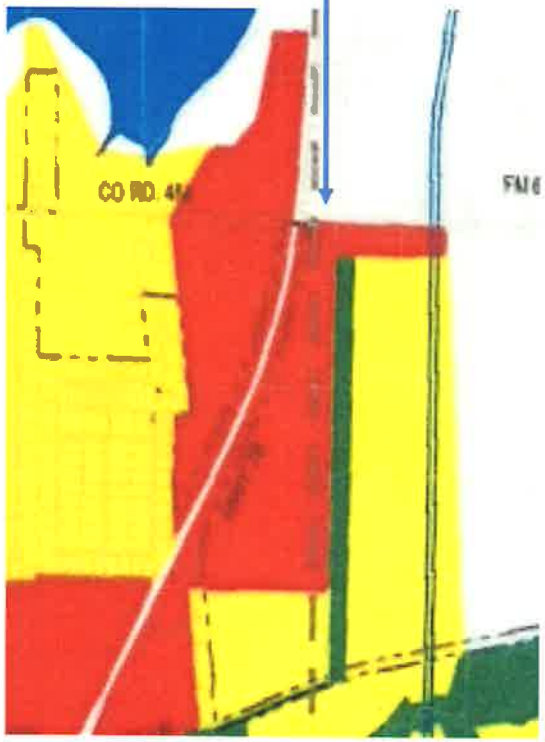


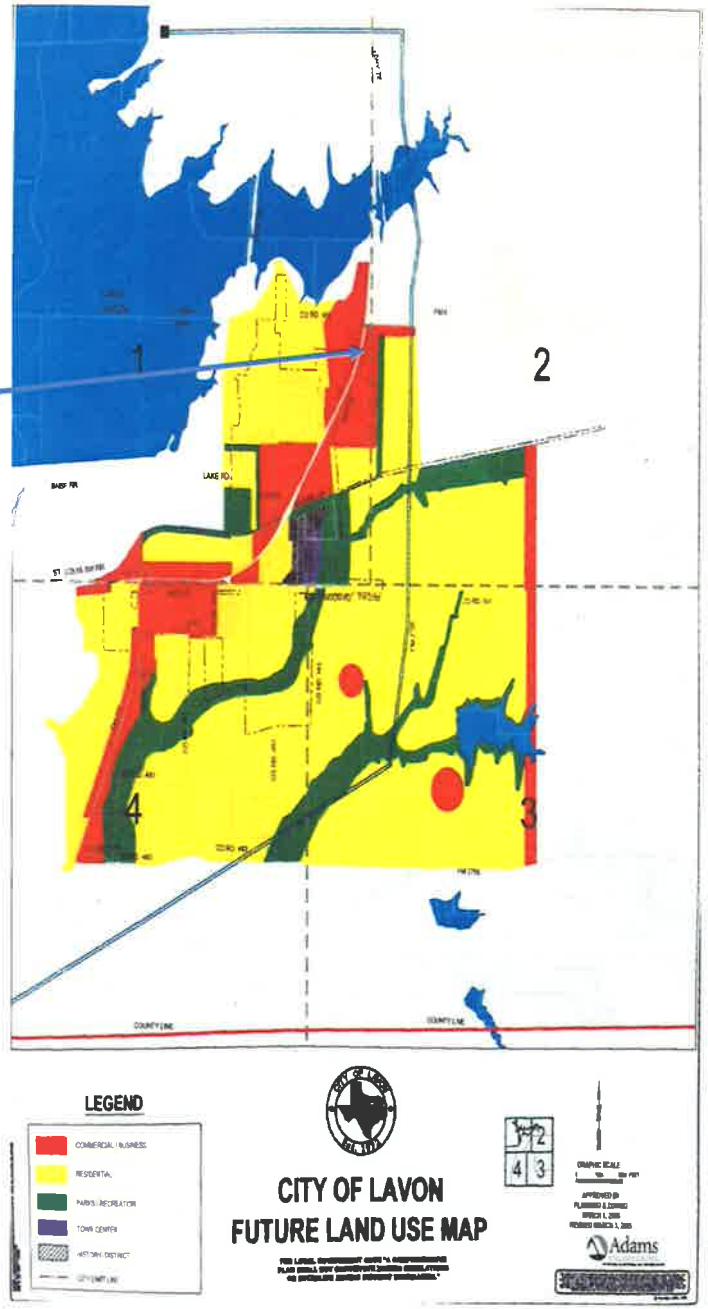
CORWIN ENGINEERING, INC.
200 W. Belmont, Suite E Allen, Texas 75013 (972) 396-1200
TBPLS#10031700

CITY LIMIT EXHIBIT
LAKEPOINTE
CITY OF LAVON
COLLIN COUNTY, TEXAS

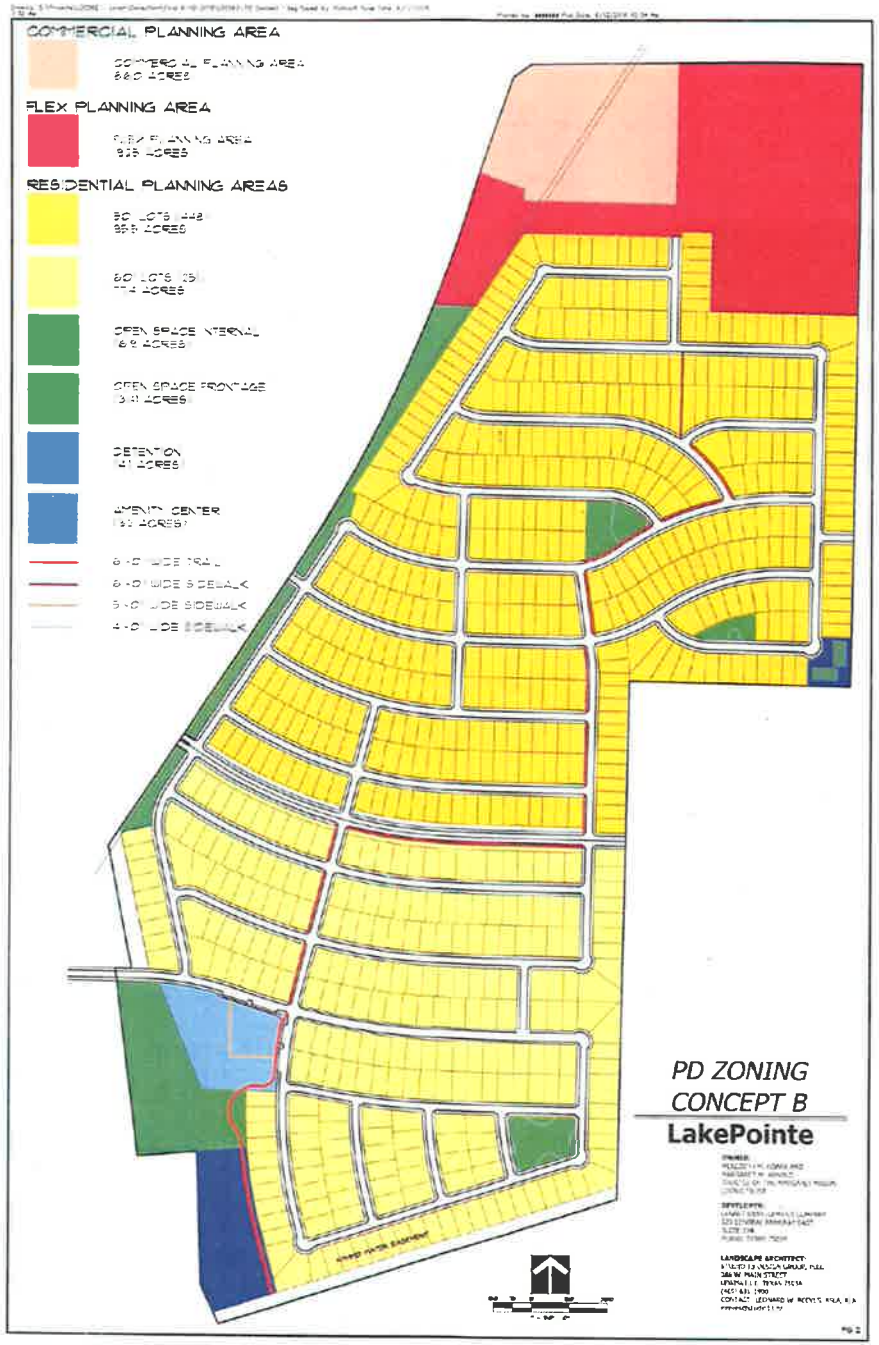
Future Land Use Map

LakePointe



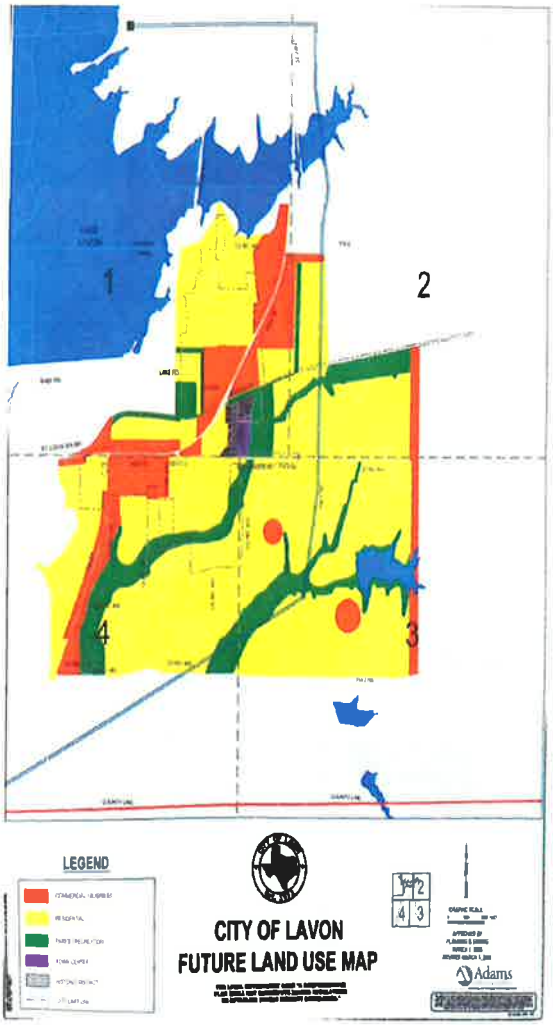


Proposed Concept Plan
LakePointe



CITY OF LAVON, TEXAS
NOTICE OF PUBLIC HEARINGS BEFORE THE
PLANNING AND ZONING COMMISSION
AND THE CITY COUNCIL

Notice is hereby given that the Planning and Zoning Commission will hold a public hearing at a meeting starting at 7:00 PM, Tuesday, June 25, 2019 at Lavon City Hall, 120 School Rd. Further notice is given that the City Council will hold a public hearing at a meeting starting at 7:00 PM, Tuesday, July 2, 2019 at Lavon City Hall. At such times and places, the Commission and the Council will hear and consider a proposed amendment to the Comprehensive Plan to change the future land use designation from Commercial/Business to a combination of Commercial/Business and Residential on 200.9089 acres in the Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2663916), southeast of the intersection of SH 78 and FM 6, Collin County, Texas, requested by LDC Lavon, L.L.C. Citizens are invited to attend and participate in the public hearings. Additional information regarding the amendment may be obtained at cityhall@cityoflavon.org or by calling 972-843-4220.



CITY OF LAVON
CITY COUNCIL
Agenda Brief

MEETING: July 2, 2019 **ITEM: 6 - C**

Item:

Public Hearing regarding the request of the owner of certain property to voluntarily annex the balance of 200.9089 acres of property described as Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2663916), southeast of the intersection of SH 78 and FM 6, Collin County, Texas and the portion of FM 6 and the right-of-way adjacent to and abutting the property into the corporate limits of the City of Lavon, Texas. *This is the second of two public hearings.*

1) Presentation of request.
2) **PUBLIC HEARING** to receive comments regarding the request.
3) Discussion and action regarding the request and accompanying Ordinance No. **2019-07-03**.

Background:

LDC Lavon, L.L.C. owns property consisting of 200.9089 acres in and adjacent to the City of Lavon. A portion of the property along SH 78 was included in the City's original incorporation. The owner has indicated their desire to annex the portion of the property that is outside of the corporate limits so that the entire property will be wholly situated within the corporate limits of the City of Lavon.

In conjunction with a development agreement that was approved by the City Council on March 19, 2019, LDC Lavon, L.L.C. submitted a request for voluntary annexation of the balance of the 200.9089 acres of land adjacent to the city limits. On June 4, 2019, the City Council approved a Municipal Services Agreement with the property owner which has been fully executed and scheduled two public hearings on the proposed annexation.

State law requires the annexation of roadways adjacent to and abutting annexed property.

Code Excerpt:

TEXAS LOCAL GOVERNMENT CODE

SUBCHAPTER C-3. ANNEXATION OF AREA ON REQUEST OF OWNERS: TIER 2 MUNICIPALITIES

Sec. 43.067. APPLICABILITY. This subchapter applies only to a tier 2 municipality.

Sec. 43.0671. AUTHORITY TO ANNEX AREA ON REQUEST OF OWNERS. Notwithstanding Subchapter C-4 or C-5, a municipality may annex an area if each owner of land in the area requests the annexation.

Sec. 43.0672. WRITTEN AGREEMENT REGARDING SERVICES. (a) The governing body of the municipality that elects to annex an area under this subchapter must first negotiate and enter into a written agreement with the owners of land in the area for the provision of services in the area.
(b) The agreement must include:
(1) a list of each service the municipality will provide on the effective date of the annexation; and
(2) a schedule that includes the period within which the municipality will provide each service that is not provided on the effective date of the annexation.
(c) The municipality is not required to provide a service that is not included in the agreement.

Sec. 43.0673. PUBLIC HEARINGS. (a) Before a municipality may adopt an ordinance annexing an area under this section, the governing body of the municipality must conduct at least two public hearings.
(b) The hearings must be conducted not less than 10 business days apart.
(c) During the first public hearing, the governing body must provide persons interested in the annexation the opportunity to be heard. During the final public hearing, the governing body may adopt an ordinance annexing the area.
(d) The municipality must post notice of the hearings on the municipality's Internet website if the municipality has an Internet website and publish notice of the hearings in a newspaper of general circulation in the municipality and in the area proposed for annexation. The notice for each hearing must be published at least once on or after the 20th day but before the 10th day before the date of the hearing. The notice for each hearing must be posted on the municipality's Internet website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing.

Added by Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 26, eff. December 1, 2017.

This is the second of two public hearings. Pursuant to the development agreement, the annexation is to be completed concurrently with the sale of public improvement district bonds. The owner has requested that the City institute and complete the annexation proceedings in advance of the timeline set our in the development agreement.

Attachments:
1. Ordinance No. **2019-07-03**
2. Location Exhibit
3. Petition for Annexation
4. Annexation Timeline
5. Notice

June 28, 2019

CITY OF LAVON

ORDINANCE NO. 2019-07-04

Planned Development – LakePointe

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING A PLANNED DEVELOPMENT – MIXED USES (PD-MU) DISTRICT FOR COMMERCIAL AND RESIDENTIAL USES ON A 200.9089 ACRE TRACT OF LAND DESCRIBED HEREIN AND LOCATED GENERALLY SOUTHEAST OF THE INTERSECTION OF FM 6 AND STATE HIGHWAY 78, LAVON, COLLIN COUNTY, TX; AMENDING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY OF $2,000 PER DAY; PROVIDING SEVERABILITY, SAVINGS, AND CUMULATIVE/ REPEALER CLAUSES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the owner submitted an Application to change the zoning from (A) Agricultural to (PD-MU) Planned Development for Mixed Uses on 200.9089 acres described as Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2663916), southeast of the intersection of SH 78 and FM 6, Collin County, Texas for seven hundred (700) residential lots and one (1) commercial lot City of Lavon, Texas; and

WHEREAS, this zoning change is in accordance with the adopted Comprehensive Plan of the City of Lavon; and

WHEREAS, the Planning and Zoning Commission of the City of Lavon and the City Council of the City of Lavon, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Lavon is of the opinion and finds that said changes would provide for and would be in the best interest of the health, safety, morals and general welfare and should be granted and that the Comprehensive Zoning Ordinance and Map should be amended;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lavon, Texas, as follows:

Section 1. Incorporation of Premises. That all of the above recitals are found to be true and correct and are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. Definitions. Definitions shall be those contained in Chapter 9, Exhibit B, Zoning Ordinance of the City of Lavon Code of Ordinances, as amended unless specifically defined herein.

Section 3. That the Comprehensive Zoning Ordinance and the Official Zoning Map of the City of Lavon are hereby amended to reflect the action taken herein. Specifically the Zoning Classification for and the Zoning Map depicting the property, described in "**Exhibit A**" attached hereto, are hereby changed to incorporate the Concept Plan, attached hereto as "**Exhibit B**", and the Zoning Development Design Regulations and Concept attached hereto as "**Exhibit C**".

WHEREAS, the City Council of the City of Lavon finds and determines that annexation of the Property hereinafter described is in the best interests of the citizens of the City of Lavon and the owners and residents of the area.

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. Annexation. That the following described territory, to wit:

Being the balance of 200.9089 acres described as Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2663916), southeast of the intersection of SH 78 and FM 6, Collin County, Texas and the portion of FM 6 and the right-of-way adjacent to and abutting the property, within the extraterritorial jurisdiction of the City of Lavon, Collin County, Texas, described in the attached Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

be and the same is hereby annexed into the City of Lavon, Collin County, Texas, and that the boundary limits of the City of Lavon, Texas, be and the same are hereby extended to include the above-described territory within the city limits of the City of Lavon, and that same shall hereafter be included within the territorial limits of said City and said land and the inhabitants thereof shall be hereafter entitled to all rights and privileges of all other citizens of the City of Lavon, Texas, and shall be bound by the ordinances, resolutions, acts and regulations of the City.

SECTION 3. Municipal Services Agreement. The City Council entered into a written Municipal Services Agreement with the property owner prepared in accordance with applicable provision of state law which is attached hereto as Exhibit "C" and is hereby incorporated herein by reference and adopted as part of this ordinance and the same shall govern the delivery of municipal services to the annexed territory.

SECTION 4. Official Map. The official map and boundaries of the City, previously adopted, are amended to include the Property as part of the City 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 the City to add the annexed Property as required by applicable law.

SECTION 5. Severability Clause. It is hereby declared by the City Council of the City of Lavon 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 6. Cumulative Clause. This ordinance shall be cumulative of all provisions of ordinances of the City 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 7. 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 8. 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 9. Effective Date. This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council of the City of Lavon, Texas.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 2nd day of July 2019.

_____
Vicki Sanson, Mayor

ATTEST:

_____
Kim Dobbs, City Administrator/City Secretary

ORDINANCE NO. 2019-07-03

EXHIBIT A - DESCRIPTION OF AREA

Metes and Bounds Description of Property

and

the portion of FM 6 and the right of way adjacent to and abutting the above described property.

Attachment A to Annexation Petition
Metes and Bounds Description of Property

BEING a tract of land situated in the Samuel M. Ranier Survey, Abstract Number 470, in the City of Lavon, Collin County, Texas, being part of a tract of land described in a deed to Meredith M. Roark and Margaret M. Arnold, recorded in Document No. 2010526000533270, in the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the southeast corner of said Roark and Arnold tract, being the southwest corner of a called 140.22 acre tract of land described in a deed to Petro Hunt, LLC, as recorded in Document No. 20070208000186500, in said Deed Records, also being in the north line of a tract of land described in a deed to Northeast Texas Rural Rail Transportation District, recorded in Volume 5585, Page 2680, in said Deed Records;

THENCE South 72 degrees 03 minutes 07 seconds West, with the south line of said Roark and Arnold tract and the north line of said Northeast Texas Rural Rail Transportation District tract, a distance of 1,656.82 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the southwest corner of said Roark and Arnold tract, being southeast corner of a 0.478 acre tract of land described in a deed to North Texas Municipal Water District, recorded in Document No. 20121116001469900, in said Deed Records;

THENCE North 23 degrees 30 minutes 56 seconds West, departing the north line of said Northeast Texas Rural Rail Transportation District tract, with the west line of said Roark and Arnold tract, and with the east lines of said 0.478 acre tract and a called 0.91 acre tract described in a deed to Mary Evans, recorded in Document No. 200804070014460, in said Deed Records, a distance of 173.19 feet to a 1/2-inch iron rod found;

THENCE North 01 degree 53 minutes 11 seconds West, continuing with the west line of said Roark and Arnold tract, and with the east lines of said 0.91 acre tract and a called 2.062 acre tract of land described in a deed to Connie S. Miller, recorded in Volume 4001, Page 947, in said Deed Records, a distance of 530.40 feet to a 1/2-inch iron rod found at the northeast corner of said 2.062 acre tract;

THENCE South 84 degrees 43 minutes 14 seconds West, continuing with the west line of said Roark and Arnold tract and with the north line of said 2.062 acre tract, a distance of 236.18 feet to a 1/2-inch iron rod found at the northwest corner of said 2.062 acre tract, being in the east line of a tract of land described as Tract Two in a deed to 78 Straddle, LP, recorded in Volume 5571, Page 3351, in said Deed Records, also being the approximate center of Bois D'Arc Lane (no recording information found);

THENCE North 06 degrees 53 minutes 43 seconds West, continuing with the west line of said Roark and Arnold tact, with the east lines of said Tract Two and a tract of land described as Tract No. 2 in a deed to DPB Investments, LP, recorded in Document No. 20110606000576510, in said Deed Records, and along said Bois D'Arc Lane, a distance of 748.23 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the northeast corner of said Tract No. 2, being in the south line of a called 2.25 acre tract of land described in a deed to MJKMart, LLC, recorded in Document No. 20120906001115340, in said Deed Records;

THENCE South 89 degrees 16 minutes 47 seconds East, continuing with the west line of said Roark and Arnold tract and with the south line of said 2.25 acre tract, a distance of 64.98 feet to a 1/2-inch iron rod found at the southeast corner of said 2.25 acre tract;

THENCE North 11 degrees 02 minutes 32 seconds West, continuing with the west line of said Roark and Arnold tract and with the east line of said 2.25 acre tract, a distance of 490.85 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the north corner of said 2.25 acre tract, being in the east line of State Highway 78 (variable width right-of-way);

THENCE North 33 degrees 42 minutes 56 seconds East, continuing with the west line of said Roark and Arnold tract and with the east line of said State Highway 78, a distance of 1,298.45 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found on a non-tangent curve to the left, having a radius of 5,729.57 feet and a central angle of 17 degrees 07 minutes 34 seconds;

THENCE continuing with the west line of said Roark and Arnold tract and the east line of said State Highway 78, and with said curve to the left, an arc distance of 1,712.61 feet (Chord Bearing North 25 degrees 17 minutes 32 seconds East – 1,706.24 feet), to a 5/8-inch iron rod with TxDOT Aluminum cap found;

THENCE North 19 degrees 58 minutes 32 seconds East, continuing with the west line of said Roark and Arnold tract and the east line of said State Highway 78, a distance of 419.76 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING";

THENCE North 54 degrees 55 minutes 30 seconds East, continuing with the east line of said State Highway 78, a distance of 87.34 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found in the south line of FM 6 (variable width right-of-way);

THENCE North 89 degrees 32 minutes 36 seconds East, with the south line of said FM 6, a distance of 931.18 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found;

THENCE South 89 degrees 00 minutes 51 seconds East, continuing with the south line of said FM 6, a distance of 376.39 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found in the east line of said Roark and Arnold tract, being in the west line of called 59.757 acre tract described in a deed to Petro Hunt LLC, records in Document No. 20070208000183240, in said Deed Records;

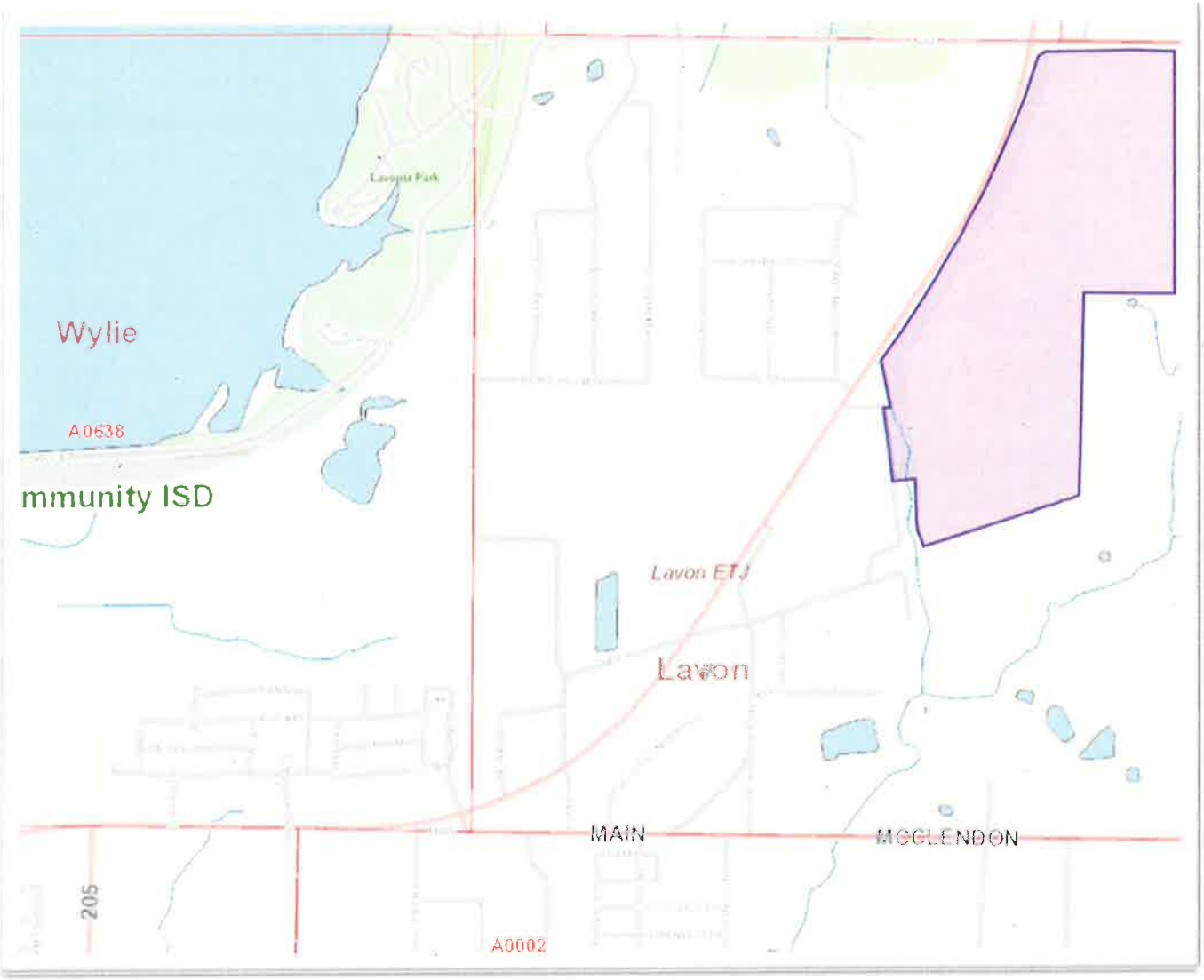
THENCE South 01 degree 00 minutes 58 seconds West, departing the south line of said FM 6, with the east line of said Roark and Arnold tract, and with the west line of said 59.757 acre tract, a distance of 2,424.12 feet to the southwest corner of said 59.757 acre tract, being in the north line of the aforementioned 140.22 acre tract;

THENCE North 88 degrees 51 minutes 38 seconds West, continuing with the east line of said Roark and Arnold tract and with the north line said 140.22 acre tract, a distance of 871.25 feet to a 1/2-inch iron rod found at the northwest corner of said 140.22 acre tract;

THENCE South 01 degree 09 minutes 20 seconds West, continuing with the east line of said Roark and Arnold tract and with the west line said 140.22 acre tract, a distance of 2,042.77 feet to the POINT OF BEGINNING and containing 200.9089 acres of land.

ORDINANCE NO. 2019-07-03

EXHIBIT B – MAP



ORDINANCE NO. 2019-07-03

EXHIBIT C – MUNICIPAL SERVICES AGREEMENT

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF TEXAS)
)
COUNTY OF COLLIN)

CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE MUNICIPAL SERVICES AGREEMENT

This Municipal Services Agreement ("Agreement") is entered into pursuant to Section 43.0672 of the Texas Local Government Code by and between the City of Lavon, Texas (the "City") and the undersigned property owner(s) (the "Owner"). The term "Owner" includes all owners of the Property. City and Owner may be referred individually as a "Party" and collectively referred to as the "Parties."

WHEREAS, the Owner owns a parcel of real property (the "Property") in Collin County, Texas, legally described ABS A0740 SM Rainer Survey, Sheet 1, Tract 40 200.9089 acres and more particularly described on **Exhibit "A"** attached hereto; and

WHEREAS, the Parties desire to enter into this Agreement pursuant to Section 43.0672 of the Texas Local Government Code in order to address the provision of municipal services to be offered to the Property on the date of annexation, and a schedule that includes the period within which the City will provide any municipal service that is not provided on the effective date of annexation, as shown in Exhibit "B" attached hereto; and

WHEREAS, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term (defined below) of this Agreement; and

WHEREAS, this Agreement is to be recorded in the Real Property Records of Collin County.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereto agree as follows:

Section 1. The City acknowledges and agrees that it shall provide the municipal services listed in Exhibit "B" to the Property pursuant to Chapter 43 of Texas Local Government Code upon annexation of the Property.

Section 2. The Owner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and **the Owner who signs this Agreement covenants and agrees, jointly and severably, to indemnify, hold harmless, and defend the City against any and all legal claims, by any person claiming an ownership interest in the Property who has not signed the Agreement,** arising in any way from the City's reliance on this Agreement.

Section 3. The Owner agrees and stipulates that such annexation of the Property is voluntary, and the Owner has submitted a petition for such annexation to the City. Furthermore, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken. Owner acknowledges and stipulates that this Agreement is not a permit, as defined in Texas Local Government Code, Section 245.001(1), required by the City.

Section 4. The Parties acknowledge and agree that nothing in this Agreement shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed Property, if different characteristics of topography, land use, and population density are considered a sufficient basis for provided different levels of municipal service. Furthermore, the Parties acknowledge and agree that this Agreement will not provide any fewer services, and it will not provide a lower level of services, than were in existence in the annexed area at the time immediately preceding the annexation process.

Section 5. The Owner acknowledges that the City's codes, ordinances, regulations and policies ("Regulations") that apply throughout the City, including the Property, may be reviewed at City Hall and at http://cityoflavon.com/code-regulations.htm and shall adhere to all such regulations in development of the Property.

Section 6. This Agreement shall be valid for a term of ten (10) years. Renewal of the Agreement shall be at the discretion of the City Council and must be approved by ordinance. The Owner agrees that this Agreement may be amended without the written consent or knowledge of the Owner if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this Agreement unworkable or obsolete. Furthermore, the Owner acknowledges and agrees that the City Council may amend the services provided under this Agreement without the written consent of the Owner in order to conform to the changed conditions, subsequent occurrences or any other legally sufficient circumstances existing pursuant to the Local Government Code or other Texas or Federal laws that make this Agreement unworkable, obsolete or unlawful.

Section 7. The Owner of the Property, upon the Property being annexed into the City, shall submit a zoning application consistent with the terms of the Development Agreement (as defined in Section 19), and the City shall consider the application. Owner acknowledges and agrees that any subsequent rezoning of the Property will be pursuant to the Regulations of the City.

Section 8. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by depositing same in the United States mail, addressed to the Party to be notified, postage pre-paid and registered or certified with return receipt requested, or by delivering the same in person to such Party via facsimile or a hand–delivery service, Federal Express or any courier service that provides a return receipt showing the date of actual delivery of same to the addressee thereof. Notice given in accordance herewith shall be effective upon receipt at the address of the addressee. For purposes of notice, the addresses of the Parties shall be as follows:

To City:

City of Lavon
Attn: City Administrator
P.O. Box 340
Lavon, TX 75166

With Copy to:

Messer, Rockefeller & Fort, P.L.L.C.
Attn: Wm. Andrew Messer
6371 Preston Road, Suite 200
Frisco, Texas 75034

To Owner:

LDC Lavon, LLC.
Attn: Steve Lenart
520 Central Parkway East, Suite 104
Plano, TX 75074
s_lenart@lenartdevelopment.com

With Copy to:

Glen Bellinger
Bellinger & Suberg, LLP.
12221 Merit Drive, Suite 1750
Dallas, Texas 75251
gbellinger@bellingersuberg.com

Robert Miklos
Miklos Cinclair
1800 Valley View Ln., Suite 360
Farmers Branch, TX. 75234
robert@m-clegal.com

Section 9. A certified copy of this Agreement shall be recorded in the real property records of Collin County, Texas, and this Agreement shall constitute a covenant that runs with the Property.

Section 10. If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

Section 11. This Agreement may be enforced by any Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter. Notwithstanding the preceding terms of this section, the City does not waive immunity from suit or liability. Owner acknowledges and agrees that the only recourse against the City for breach or default of the Agreement

is disannexation for failure to provide services pursuant to Chapter 43 of the Texas Local Government Code.

Section 12. Owner and City acknowledge and expressly agree that no subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the properties covered herein pursuant to the terms of this Agreement.

Section 13. The validity of this Agreement and any of its terms and provisions, as well as the rights and duties of the Parties, shall be governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall be only in Collin County, Texas.

Section 14. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

Section 15. This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 2, 3, 4 and 11 herein.

Section 16. This Agreement embodies the complete agreement of the Parties hereto, superseding all oral or written, previous and contemporary agreements between the Parties and relating to the matters in this Agreement and except as otherwise provided herein, cannot be modified without written agreement of the Parties to be attached to and made a part of this Agreement.

Section 17. The determinations recited and declared in the preambles to this Agreement are hereby incorporated herein as part of this Agreement.

Section 18. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

Section 19. All items in this Agreement for the Property are subject to an executed Development Agreement under Texas Local Government Code Section 212.172 filed in the land records of Collin County on May 7, 2019 as document 20190507000511340 . If there is any conflict between the provisions of said Development Agreement and this Agreement, the Development Agreement controls, and the Owner has vested to those rules and regulations expressly provided for in the Development Agreement.

Entered into this 31 day of May, 2019.

SIGNATURES ON FOLLOWING PAGE(S)

CITY OF LAVON

By: Vicki Sanson
Name: Vicki Sanson
Title: Mayor
Date: 06-04-2019

CITY OF LAVON, TEXAS

THE STATE OF TEXAS §
§
COUNTY OF COLLIN §

This instrument was acknowledged before me on June 4, 2019, by Vicki Sanson, Mayor of the City of Lavon, Texas on behalf of said City.

Rae L Norton
Notary Public in and for the State of TEXAS

RAE L NORTON
My Notary ID # 130713012
Expires June 23, 2020

OWNER: LDC Lavon, LLC.

By:
Name: Steven I. Lenart
Title: Manager
Date: 5/31/19

COLLEEN GACCIONE
Notary Public, State of Texas
Comm. Expires 05-11-2023
Notary ID 13022230-1

THE STATE OF TEXAS §
§
COUNTY OF Collin §

This instrument was acknowledged before me on May 31, 2019, by Steve Lenart, owner of said Property.

Colleen Gaccione
Notary Public in and for the State of TEXAS

EXHIBIT "A"
Property Description and Depiction

BEING

LEGAL DESCRIPTION

BEING a tract of land situated in the Samuel M. Ranier Survey, Abstract Number 740, in, Collin County, Texas, being part of a tract of a 200.9089 acre tract, recorded in Document No. 20180821001049570, in the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with TxDOT Aluminum cap found at the northeast corner of said 200.9089 acre tract in the south line of FM 6 (Variable R.O.W.);

THENCE South 01°00'58" West, departing the south line of said FM 6, with the east line of said 200.9089 acre tract, for a distance of 2,424.13 feet to ½ inch iron rod found;

THENCE North 88°51'38" West, continuing with said east line, for a distance of 871.25 feet to a 1/2-inch iron rod found;

THENCE South 01°09'20" West, continuing with said east line, for a distance of 2,042.77 feet, to a ½ inch iron rod found at the southeast corner of said 200.9089 acre tract;

THENCE South 72°03'07" West, with the south line of said 200.9089 acre tract, for a distance of 1,656.82 feet to a 1/2-inch iron rod found at the most southerly southwest corner of said 200.9089 acre tract;

THENCE North 23°03'56" West, with the west line of said 200.9089 acre tract, for a distance of 173.19 feet to a 1/2-inch iron rod found;

THENCE North 01°53'11" West, continuing with said west line, a distance of 530.40 feet to a 1/2-inch iron rod found;

THENCE South 84° 43'14" West, continuing with said west line, for a distance of 26.10 feet, to a calculated point for corner, said point being on the east boundary line of Lavon Texas as described in document Volume 41, Page 278 of the Commissioners Court of Collin County Texas records;

THENCE North 06°53'43" West, departing the west line of said 200.9089 acre tract , and along said east boundary line of Lavon Texas, for a distance of 1,215.86 feet, to a calculated point for corner;

THENCE, North 33°42'56" East, along said east boundary line, said line being 210 feet east of and parallel to the centerline of Highway 78, for a distance of 1,195.18 feet, to a point on a non-tangent curve to the left, having a radius of 5,879.58 feet, a central angle of 22°02'15";

THENCE, continuing along said east boundary line and said curve to the left for an arc distance of 2,261.45 feet (Chord Bearing North 22°50'11" East – 2,247.54 feet), to a point in the south line of said FM 6;

THENCE North 89°32'36" East, departing said east boundary line and with the south line of said FM 6, for a distance of 878.18 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found;

THENCE South 89°00'51" East, continuing with the south line of said FM 6, for a distance of 376.39 feet to the POINT OF BEGINNING and containing 183.840 acres of land.

EXHIBIT "B"
Municipal Service Plan

CITY OF LAVON
ANNEXATION SERVICE PLAN

PUBLIC SAFETY SERVICES

FIRE SERVICES

Existing Services: Nevada Volunteer Fire Department

Services to be Provided: On the effective date of annexation, fire suppression will be available to the area at the same or similar level as is provided to other areas of the City. Primary fire response will be provided by the Lavon Volunteer Fire Department (LVFD) Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshal's office as needed. The LVFD 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: On the effective date of 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: On the effective date of annexation, the area will become a part of the area served by 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: On the effective date of annexation, any inspection services now provided by the City (building, electrical, plumbing, gas, housing, health, etc.) will be provided in the annexed area. Services can be provided within the current budget appropriation.

MUNICIPAL SERVICES

PLANNING & ZONING SERVICES

Existing Services: None

Services to be Provided: On the effective date of annexation, the planning and zoning jurisdiction of the City will extend to the annexed area. 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: On the effective date of annexation, 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: On the effective date of annexation, 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: Collin County and State of Texas Department of Transportation

Services to be Provided: On the effective date of annexation, 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 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: On the effective date of annexation, 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: On the effective date of annexation, 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

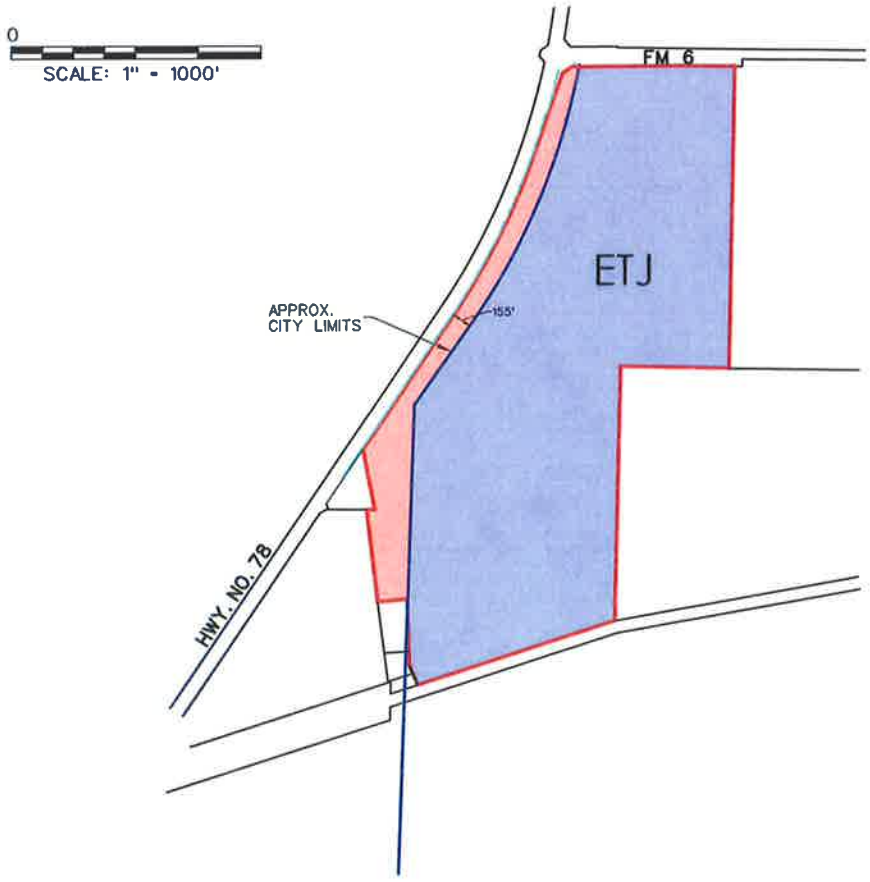
Existing Services: None

Services to be Provided: On the effective date of annexation, sanitary sewer service will be provided in accordance with applicable codes and departmental policy. Upon completion of construction and dedication 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

On the effective date of annexation, 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.

EXHIBIT '1A'



CORWIN ENGINEERING, INC.
200 W. Belmont, Suite E Allen, Texas 75013 (972) 396-1200
TBPLS#10031700

CITY LIMIT EXHIBIT
LAKEPOINTE
CITY OF LAVON
COLLIN COUNTY, TEXAS

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: _____

Signed: _____

THE STATE OF TEXAS

COUNTY OF Collin

BEFORE ME, the undersigned authority, on this day personally appeared Steve Lenart 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 15 day of February, 2019

COLLEEN GACCIONE
Notary Public, State of Texas
My Commission Expires
May 11, 2019

Colleen Gaccione
Notary Public in and for
Collin 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.

Attachment A to Annexation Petition
Metes and Bounds Description of Property

BEING a tract of land situated in the Samuel M. Ranier Survey, Abstract Number 470, in the City of Lavon, Collin County, Texas, being part of a tract of land described in a deed to Meredith M. Roark and Margaret M. Arnold, recorded in Document No. 2010526000533270, in the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the southeast corner of said Roark and Arnold tract, being the southwest corner of a called 140.22 acre tract of land described in a deed to Petro Hunt, LLC, as recorded in Document No. 20070208000186500, in said Deed Records, also being in the north line of a tract of land described in a deed to Northeast Texas Rural Rail Transportation District, recorded in Volume 5585, Page 2680, in said Deed Records;

THENCE South 72 degrees 03 minutes 07 seconds West, with the south line of said Roark and Arnold tract and the north line of said Northeast Texas Rural Rail Transportation District tract, a distance of 1,656.82 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the southwest corner of said Roark and Arnold tract, being southeast corner of a 0.478 acre tract of land described in a deed to North Texas Municipal Water District, recorded in Document No. 20121116001469900, in said Deed Records;

THENCE North 23 degrees 30 minutes 56 seconds West, departing the north line of said Northeast Texas Rural Rail Transportation District tract, with the west line of said Roark and Arnold tract, and with the east lines of said 0.478 acre tract and a called 0.91 acre tract described in a deed to Mary Evans, recorded in Document No. 200804070014460, in said Deed Records, a distance of 173.19 feet to a 1/2-inch iron rod found;

THENCE North 01 degree 53 minutes 11 seconds West, continuing with the west line of said Roark and Arnold tract, and with the east lines of said 0.91 acre tract and a called 2.062 acre tract of land described in a deed to Connie S. Miller, recorded in Volume 4001, Page 947, in said Deed Records, a distance of 530.40 feet to a 1/2-inch iron rod found at the northeast corner of said 2.062 acre tract;

THENCE South 84 degrees 43 minutes 14 seconds West, continuing with the west line of said Roark and Arnold tract and with the north line of said 2.062 acre tract, a distance of 236.18 feet to a 1/2-inch iron rod found at the northwest corner of said 2.062 acre tract, being in the east line of a tract of land described as Tract Two in a deed to 78 Straddle, LP, recorded in Volume 5571, Page 3351, in said Deed Records, also being the approximate center of Bois D'Arc Lane (no recording information found);

THENCE North 06 degrees 53 minutes 43 seconds West, continuing with the west line of said Roark and Arnold tact, with the east lines of said Tract Two and a tract of land described as Tract No. 2 in a deed to DPB Investments, LP, recorded in Document No. 20110606000576510, in said Deed Records, and along said Bois D'Arc Lane, a distance of 748.23 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the northeast corner of said Tract No. 2, being in the south line of a called 2.25 acre tract of land described in a deed to MJKMart, LLC, recorded in Document No. 20120906001115340, in said Deed Records;

THENCE South 89 degrees 16 minutes 47 seconds East, continuing with the west line of said Roark and Arnold tract and with the south line of said 2.25 acre tract, a distance of 64.98 feet to a 1/2-inch iron rod found at the southeast corner of said 2.25 acre tract;

THENCE North 11 degrees 02 minutes 32 seconds West, continuing with the west line of said Roark and Arnold tract and with the east line of said 2.25 acre tract, a distance of 490.85 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the north corner of said 2.25 acre tract, being in the east line of State Highway 78 (variable width right-of-way);

THENCE North 33 degrees 42 minutes 56 seconds East, continuing with the west line of said Roark and Arnold tract and with the east line of said State Highway 78, a distance of 1,298.45 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found on a non-tangent curve to the left, having a radius of 5,729.57 feet and a central angle of 17 degrees 07 minutes 34 seconds;

THENCE continuing with the west line of said Roark and Arnold tract and the east line of said State Highway 78, and with said curve to the left, an arc distance of 1,712.61 feet (Chord Bearing North 25 degrees 17 minutes 32 seconds East – 1,706.24 feet), to a 5/8-inch iron rod with TxDOT Aluminum cap found;

THENCE North 19 degrees 58 minutes 32 seconds East, continuing with the west line of said Roark and Arnold tract and the east line of said State Highway 78, a distance of 419.76 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING";

THENCE North 54 degrees 55 minutes 30 seconds East, continuing with the east line of said State Highway 78, a distance of 87.34 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found in the south line of FM 6 (variable width right-of-way);

THENCE North 89 degrees 32 minutes 36 seconds East, with the south line of said FM 6, a distance of 931.18 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found;

THENCE South 89 degrees 00 minutes 51 seconds East, continuing with the south line of said FM 6, a distance of 376.39 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found in the east line of said Roark and Arnold tract, being in the west line of called 59.757 acre tract described in a deed to Petro Hunt LLC, records in Document No. 20070208000183240, in said Deed Records;

THENCE South 01 degree 00 minutes 58 seconds West, departing the south line of said FM 6, with the east line of said Roark and Arnold tract, and with the west line of said 59.757 acre tract, a distance of 2,424.12 feet to the southwest corner of said 59.757 acre tract, being in the north line of the aforementioned 140.22 acre tract;

THENCE North 88 degrees 51 minutes 38 seconds West, continuing with the east line of said Roark and Arnold tract and with the north line said 140.22 acre tract, a distance of 871.25 feet to a 1/2-inch iron rod found at the northwest corner of said 140.22 acre tract;

THENCE South 01 degree 09 minutes 20 seconds West, continuing with the east line of said Roark and Arnold tract and with the west line said 140.22 acre tract, a distance of 2,042.77 feet to the POINT OF BEGINNING and containing 200.9089 acres of land.

City of Lavon, Texas
LakePointe Property – 200.9089 acres

Tier 2 Municipality - Annexation of Area Exempt from the Annexation Plan Requirement including Annexation on Request of Area Landowners

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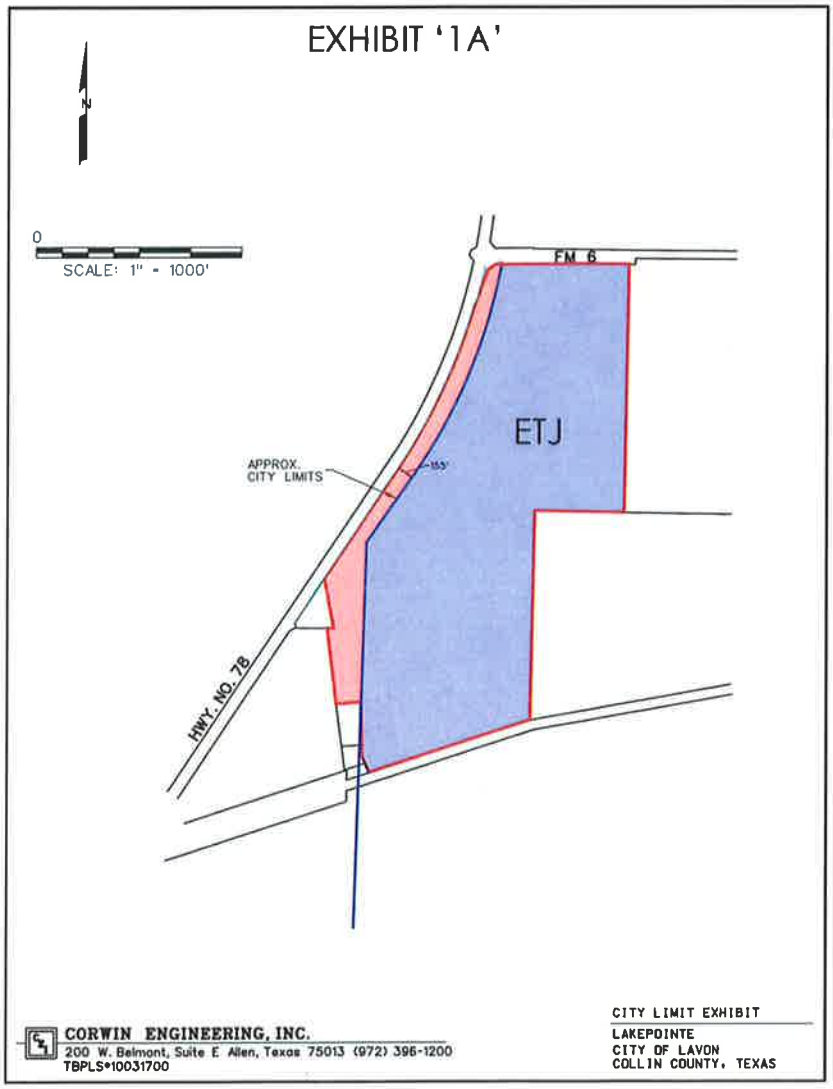
May 2	Request for Annexation submitted by landowner to the City
May 28	Executed Municipal Service Agreement submitted by landowner to the City
	Notice of public hearings to newspaper for publication 6/5 and 6/19 (no more than 20 or less than 10 days of hearing)
Jun 4	Consider written service agreement
Jun 4	Resolution of the City Council regarding municipal services agreement and schedule of public hearings. 6/18 and 7/2 (at least 10 business days apart)
Jun 5	Publish notice of first hearing. §43.0673 (d). Obtain required affidavit of publication from newspaper.
	Post notice of public hearings on website. §43.0673(d).
	Send written notice to public school district in the area to be annexed. §43.905.
	Send written notice to Collin County, EMS, BCSUD (§ 43.9051)
Jun 14	Post notice of first public hearing per Open Meetings Act.
Jun 18	Hold first public hearing. §43.0673.
Jun 19	Publish notice of second hearing. §43.0673 (d). Obtain required affidavit of publication from newspaper.
Jun 28	Post notice of second public hearing per Open Meetings Act.
Jun 28	Post notice of annexation ordinance consideration per Open Meetings Act.
Jul 2	Hold second public hearing. §43.0673.
Jul 2	Consider Annexation Ordinance

CITY OF LAVON, TEXAS
NOTICE OF ANNEXATION PUBLIC HEARINGS
BEFORE THE CITY COUNCIL

The Lavon City Council will hold public hearings at meetings starting at 7:00 p.m. on June 18, 2019 and on July 2, 2019 at City Hall, 120 School Rd., Lavon, TX regarding the voluntary annexation of 200.9089 acres described as Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2663916), southeast of the intersection of SH 78 and FM 6, Collin County, Texas and the portion of FM 6 and the right-of-way adjacent to and abutting the property. Interested persons are invited to attend the public hearing and participate in the same. Contact cityhall@cityoflavon.org or 972-843-4220 for additional information.



CITY OF LAVON
CITY COUNCIL
Agenda Brief

MEETING: July 2, 2019 **ITEM: 6 – D**

Item:

Public hearing, discussion and action regarding the application of LDC Lavon, L.L.C. for a zoning change from Agricultural (A) to Planned Development – Mixed Use (PD-MU) zoning district for property consisting of 200.9089 acres described as Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2663916), southeast of the intersection of SH 78 and FM 6, Collin County, Texas for seven hundred (700) residential lots and one (1) commercial lot.

1) Presentation of request.
2) **PUBLIC HEARING** to receive comments regarding the request.
3) Discussion and action regarding the request and accompanying Ordinance No. **2019-07-04**.

Application Information

Owner(s): LDC Lavon, LLC

Applicant: Corwin Engineering, Inc.

Location: Southeast of the intersection of SH 78 and FM 6 and north of the NETEX right of way

Description: Samuel M. Rainer Survey, Abstract No. 740, CCAD property ID 2663916 Collin County, Texas (200.909 acres)

Current Zoning: Agricultural (A)

Request: Planned Development – Mixed Use (PD-MU) for residential and commercial uses

Background

Earlier this year in January and March, the developer conducted work sessions regarding the proposed development design regulations and concept plan and to which the City Council, Planning and Zoning Commission and public were invited to attend and participate. On March 19, 2019, the City Council approved a Development Agreement with the owner that provided

that the property would be developed in accordance with the specific design guidelines that had been presented in the previous work sessions. The design guidelines were reviewed by the city attorney's office, city staff and a certified planner prior to the City Council's consideration.

***Excerpts*: Resolution No. 2019-03-03**
Development Agreement

Recitals: **WHEREAS**, immediately following annexation of the Property, the Parties desire to zone the Property for land uses in accordance with the planned development standards ("**Development Regulations**") attached hereto as **Exhibit D**; and

ARTICLE VI
ANNEXATION AND ZONING

(b) Following the Effective Date of this Agreement, the City agrees to (i) annex the ETJ Property into the City's corporate limits (ii) concurrently zone the ETJ Property as a planned development, and (iii) if requested by Developer, concurrently approve the preliminary plat of the Property subject to Developer delivering the preliminary plat to the City on or before the deadlines set forth in the City Regulations for submission and approval of preliminary plats. An amendment to or compliance with the City's Comprehensive Master Plan, Land Use Plan or Zoning Ordinance (as defined in the Development Regulations) shall not be a condition to the zoning of the Property as long as such zoning is in accordance with the Development Regulations and the Concept Plan. Developer shall initiate a rezoning of the Property using the procedures set forth in the City Regulations as a Planned Development District or similar zoning classification consistent with **Exhibit D** and **Exhibit E** at a time that will allow the City to concurrently consider zoning with the annexation.

If you would like a copy of the Development Agreement, please let the city staff know.

Request Details

In addition to the Application for Zoning, the owner submitted a request for voluntary annexation and a request to amend the Comprehensive Plan, both of which will be scheduled for consideration prior to the zoning change application. Approval of the annexation of the property will precede City Council action regarding zoning.

Residential Density: The proposed development is situated on 200.9089 acres. The applicant is seeking approval of 700 residential lots with minimum lot widths of fifty feet (50') and sixty feet (60'). The applicant indicated that the residential sections will be developed in three phases.

Zoning:
The following uses are provided for:

- Residential - Single Family detached dwelling units and accessory uses on 50' and 60' lots. Standards include minimum area requirements, masonry and roof pitch requirements, landscaping, garage orientation, fencing and trail construction. Residential uses in the Commercial Planning area include townhome and multifamily uses and regulations.

- Commercial and Mixed Use – provides for the uses permitted in the Retail (R) and Business Park (B) districts.
- Buffer Area – the city staff suggested that the developer incorporate a non-residential buffer area that could enable the extension of the local option status to the commercial area to allow for a retail store to sell beer and wine for off-premise consumption.

Floodplain: The developer has advised that the proposed development will not encroach into or reclaim existing floodplain. The developer will further study the floodplain and drainage in conjunction with platting and will be required to certify that the development has no adverse impact on drainage upstream or downstream of the proposed development.

Road Connection: The developer has proposed multiple points of ingress and egress with the main entrance being on SH 78 at a future signalized intersection and secondary entrances on SH 78 and FM 6. The proposed access adequately provides for public safety and transportation considerations and improvements will be installed in accordance with the Traffic Impact Analysis (TIA).

Parkland Development: The applicant has proposed a trail connection and several open space areas that will be dedicated as public open space to be owned and maintained by the homeowners association.

Staff Notes:

The requisite public hearing notice was published in the newspaper and posted on the website, zoning change signs placed on the property and ten (10) neighbor notices were mailed to the owners of property located within 200 feet of the applicant's property.

One notice was returned in opposition to the request. My understanding is that after the Planning and Zoning Commission meeting, the property owner and applicant discussed the property owner's concern regarding a potential encroachment onto her property and that her concerns have been resolved.

Planning and Zoning Commission Report

MOTION: APPROVE THE APPLICATION OF LDC LAVON, L.L.C. FOR A ZONING CHANGE FROM AGRICULTURAL (A) TO PLANNED DEVELOPMENT – MIXED USE (PD-MU) ZONING DISTRICT FOR PROPERTY CONSISTING OF 200.9089 ACRES DESCRIBED AS SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740, (CCAD PROPERTY ID 2663916), SOUTHEAST OF THE INTERSECTION OF SH 78 AND FM 6, COLLIN COUNTY, TEXAS FOR SEVEN HUNDRED (700) RESIDENTIAL LOTS AND (1) COMMERCIAL LOT.
MOTION MADE: COKER
SECONDED: TIEGS
APPROVED: UNANIMOUS

Approval is recommended.

Attachments:

1. Ordinance No. **2019-07-04**
2. Location Exhibits
3. Neighborhood Notices and List

June 26, 2019

CITY OF LAVON

ORDINANCE NO. 2019-07-04

Planned Development – LakePointe

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING A PLANNED DEVELOPMENT – MIXED USES (PD-MU) DISTRICT FOR COMMERCIAL AND RESIDENTIAL USES ON A 200.9089 ACRE TRACT OF LAND DESCRIBED HEREIN AND LOCATED GENERALLY SOUTHEAST OF THE INTERSECTION OF FM 6 AND STATE HIGHWAY 78, LAVON, COLLIN COUNTY, TX; AMENDING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY OF $2,000 PER DAY; PROVIDING SEVERABILITY, SAVINGS, AND CUMULATIVE/ REPEALER CLAUSES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the owner submitted an Application to change the zoning from (A) Agricultural to (PD-MU) Planned Development for Mixed Uses on 200.9089 acres described as Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2663916), southeast of the intersection of SH 78 and FM 6, Collin County, Texas for seven hundred (700) residential lots and one (1) commercial lot City of Lavon, Texas; and

WHEREAS, this zoning change is in accordance with the adopted Comprehensive Plan of the City of Lavon; and

WHEREAS, the Planning and Zoning Commission of the City of Heath and the City Council of the City of Heath, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Lavon is of the opinion and finds that said changes would provide for and would be in the best interest of the health, safety, morals and general welfare and should be granted and that the Comprehensive Zoning Ordinance and Map should be amended;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lavon, Texas, as follows:

Section 1. Incorporation of Premises. That all of the above recitals are found to be true and correct and are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. Definitions. Definitions shall be those contained in Chapter 9, Exhibit B, Zoning Ordinance of the City of Lavon Code of Ordinances, as amended unless specifically defined herein.

Section 3. That the Comprehensive Zoning Ordinance and the Official Zoning Map of the City of Lavon are hereby amended to reflect the action taken herein. Specifically the Zoning Classification for and the Zoning Map depicting the property, described in "**Exhibit A**" attached hereto, are hereby changed to incorporate the Concept Plan, attached hereto as "**Exhibit B**", and the Zoning Development Design Regulations and Concept attached hereto as "**Exhibit C**".

Section 4. That the granting of the Planned Development – Mixed Use (PD-MU) Zoning Classification to the property described in Exhibit "A" hereto is subject to the regulations of the City of Lavon excepting the following Special Conditions:

A. The entire tract shall be developed generally in accordance with the Concept Plan, as amended and attached hereto, and made a part hereof as "**Exhibit B**".

B. The entire tract shall be developed generally in accordance with the Zoning Development Design Regulations and Concept attached hereto and made a part hereof as "**Exhibit C**".

Section 5. That Chapter 9, Exhibit B, Zoning Ordinance of the City of Lavon Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 6. Severability Clause. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 7. Cumulative/Repealer Clause. This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, whether codified or uncodified, 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 to the extent of such conflict.

Section 8. Penalty Clause. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Lavon, Texas, shall he punished by a fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 9. Savings Clause. Should any word, phrase, sentence or section contained herein be found to be invalid, such validity shall not affect any other portion of this ordinance.

Section 10. Effective Date. This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 2nd day of July 2019.

_____
Vicki Sanson, Mayor

ATTEST:

_____
Kim Dobbs, City Administrator/City Secretary

ORDINANCE NO. 2019-07-04

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

BEING a tract of land situated in the Samuel M. Ranier Survey, Abstract Number 470, in the City of Lavon, Collin County, Texas, being part of a tract of land described in a deed to Meredith M. Roark and Margaret M. Arnold, recorded in Document No. 2010526000533270, in the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the southeast corner of said Roark and Arnold tract, being the southwest corner of a called 140.22 acre tract of land described in a deed to Petro Hunt, LLC, as recorded in Document No. 20070208000186500, in said Deed Records, also being in the north line of a tract of land described in a deed to Northeast Texas Rural Rail Transportation District, recorded in Volume 5585, Page 2680, in said Deed Records;

THENCE South 72 degrees 03 minutes 07 seconds West, with the south line of said Roark and Arnold tract and the north line of said Northeast Texas Rural Rail Transportation District tract, a distance of 1,656.82 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the southwest corner of said Roark and Arnold tract, being southeast corner of a 0.478 acre tract of land described in a deed to North Texas Municipal Water District, recorded in Document No. 20121116001469900, in said Deed Records;

THENCE North 23 degrees 30 minutes 56 seconds West, departing the north line of said Northeast Texas Rural Rail Transportation District tract, with the west line of said Roark and Arnold tract, and with the east lines of said 0.478 acre tract and a called 0.91 acre tract described in a deed to Mary Evans, recorded in Document No. 200804070014460, in said Deed Records, a distance of 173.19 feet to a 1/2-inch iron rod found;

THENCE North 01 degree 53 minutes 11 seconds West, continuing with the west line of said Roark and Arnold tract, and with the east lines of said 0.91 acre tract and a called 2.062 acre tract of land described in a deed to Connie S. Miller, recorded in Volume 4001, Page 947, in said Deed Records, a distance of 530.40 feet to a 1/2-inch iron rod found at the northeast corner of said 2.062 acre tract;

THENCE South 84 degrees 43 minutes 14 seconds West, continuing with the west line of said Roark and Arnold tract and with the north line of said 2.062 acre tract, a distance of 236.18 feet to a 1/2-inch iron rod found at the northwest corner of said 2.062 acre tract, being in the east line of a tract of land described as Tract Two in a deed to 78 Straddle, LP, recorded in Volume 5571, Page 3351, in said Deed Records, also being the approximate center of Bois D'Arc Lane (no recording information found);

THENCE North 06 degrees 53 minutes 43 seconds West, continuing with the west line of said Roark and Arnold tact, with the east lines of said Tract Two and a tract of land described as Tract No. 2 in a deed to DPB Investments, LP, recorded in Document No. 20110606000576510, in said Deed Records, and along said Bois D'Arc Lane, a distance of 748.23 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the northeast corner of said Tract No. 2, being in the south line of a called 2.25 acre tract of land described in a deed to MJKMart, LLC, recorded in Document No. 20120906001115340, in said Deed Records;

THENCE South 89 degrees 16 minutes 47 seconds East, continuing with the west line of said Roark and Arnold tract and with the south line of said 2.25-acre tract, a distance of 64.98 feet to a 1/2-inch iron rod found at the southeast corner of said 2.25 acre tract;

THENCE North 11 degrees 02 minutes 32 seconds West, continuing with the west line of said Roark and Arnold tract and with the east line of said 2.25 acre tract, a distance of 490.85 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the north corner of said 2.25 acre tract, being in the east line of State Highway 78 (variable width right-of-way);

THENCE North 33 degrees 42 minutes 56 seconds East, continuing with the west line of said Roark and Arnold tract and with the east line of said State Highway 78, a distance of 1,298.45 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found on a non-tangent curve to the left, having a radius of 5,729.57 feet and a central angle of 17 degrees 07 minutes 34 seconds;

THENCE continuing with the west line of said Roark and Arnold tract and the east line of said State Highway 78, and with said curve to the left, an arc distance of 1,712.61 feet (Chord Bearing North 25 degrees 17 minutes 32 seconds East – 1,706.24 feet), to a 5/8-inch iron rod with TxDOT Aluminum cap found;

THENCE North 19 degrees 58 minutes 32 seconds East, continuing with the west line of said Roark and Arnold tract and the east line of said State Highway 78, a distance of 419.76 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING";

THENCE North 54 degrees 55 minutes 30 seconds East, continuing with the east line of said State Highway 78, a distance of 87.34 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found in the south line of FM 6 (variable width right-of-way);

THENCE North 89 degrees 32 minutes 36 seconds East, with the south line of said FM 6, a distance of 931.18 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found;

THENCE South 89 degrees 00 minutes 51 seconds East, continuing with the south line of said FM 6, a distance of 376.39 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found in the east line of said Roark and Arnold tract, being in the west line of called 59.757 acre tract described in a deed to Petro Hunt LLC, records in Document No. 20070208000183240, in said Deed Records;

THENCE South 01 degree 00 minutes 58 seconds West, departing the south line of said FM 6, with the east line of said Roark and Arnold tract, and with the west line of said 59.757-acre tract, a distance of 2,424.12 feet to the southwest corner of said 59.757-acre tract, being in the north line of the aforementioned 140.22-acre tract;

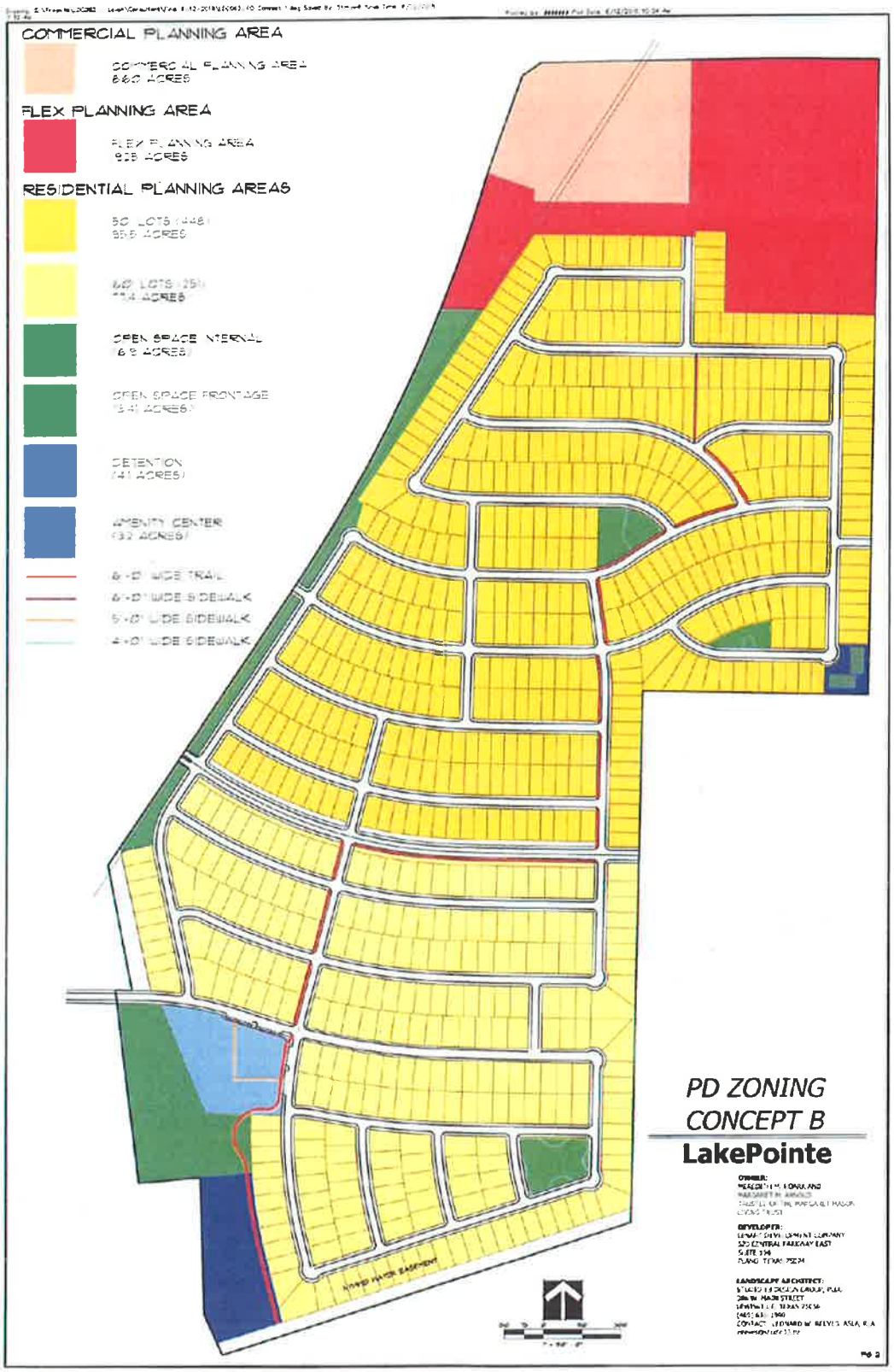
THENCE North 88 degrees 51 minutes 38 seconds West, continuing with the east line of said Roark and Arnold tract and with the north line said 140.22-acre tract, a distance of 871.25 feet to a 1/2-inch iron rod found at the northwest corner of said 140.22-acre tract;

THENCE South 01 degree 09 minutes 20 seconds West, continuing with the east line of said Roark and Arnold tract and with the west line said 140.22-acre tract, a distance of 2,042.77 feet to the POINT OF BEGINNING and containing 200.9089 acres of land.

ORDINANCE NO. 2019-07-04

EXHIBIT B

CONCEPT PLAN



ORDINANCE NO. 2019-07-04

EXHIBIT C

ZONING DEVELOPMENT DESIGN GUIDELINES AND CONCEPT

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ARTICLE I.
GENERAL PROVISIONS

1.1 Purposes & Definitions. The Development Design Regulations and Concept are intended to (a) create a mixed-use, master planned community within the corporate limits of the City, (b) ensure a high-quality residential and commercial development, (c) provide increased recreation and/or open space, and (d) provide amenities and features of special benefit to the Property owners.

Buffer Area means the area identified as "Buffer" on the Concept Plan attached hereto as **Exhibit 2**.

Commercial Planning Area means the area identified as "Commercial" on the Concept Plan attached hereto as **Exhibit 2**.

Exterior Architectural Features means the building enhancements described in **Paragraph 5** on **Exhibit 6** attached hereto.

LakePointe Development means the approximately 200-acre master planned community generally located in Collin County at the southeast corner of Farm to Market Road 6 ("**FM 6**") and Texas State Highway 78 ("**SH 78**"), containing the Residential Planning Area and the Commercial Planning Area, which may be developed as shown on the Concept Plan attached hereto as **Exhibit 3** and more particularly described by metes and bounds legal description on **Exhibit 1** attached hereto.

Residential Planning Area means the area identified as "Residential" on the Concept Plan attached hereto as **Exhibit 2**.

ARTICLE II.
INTERPRETATION

2.1 Applicability of Existing Regulations. Except as provided herein , (a) the Residential Planning Area shall be developed in accordance with the development standards established for the Single Family Residential District (SF-4) in the Zoning Ordinance, (b) the Commercial Planning Area shall be developed in accordance with the development standards established for the Retail (R) and/or Business Park (B) Districts in the Zoning Ordinance, although any Site Plan submitted shall conform to the standards in either Retail (R) or Business Park (B) mutually exclusive from the other, unless otherwise allowed herein, and (c) development of the Property shall otherwise be governed by the applicable City ordinances related to the least restrictive zoning district in existence. In the event of any conflict or inconsistency between this Concept and the Zoning Ordinance or any other City ordinances, the terms, provisions, and intent of this Concept shall control and prevail. To the extent this Concept includes standards or regulations (including approval procedures) that apply to a particular aspect of development and/or construction, such standards, regulations, and procedures shall be exclusive (i.e., the only standards, regulations, or procedures that apply to such aspect of development and/or construction). For example, this Concept includes standards and regulations for residential landscaping; consequently, such standards and regulations are the only residential landscaping standards and regulations that apply within the development.

2.2 Amendments. Any major or minor amendments to the Concept and Concept Plan may be made in accordance with the Zoning Ordinance.

2.3 Plans and Studies. The Concept Plan is attached as **Exhibit 3**, and the Concept Plan, including all graphic depictions and notes., The Concept Plan shows the boundaries of the Development, which are more specifically described by the metes and bounds description attached as **Exhibit 1**. For purposes of this Concept, the Development is divided into multiple planning areas as shown on the Concept Plan.

2.4 Preliminary Plat and Site Plans

(a) Residential Planning Area. The preliminary plat for the Residential Planning Area will serve as the site plan and shall generally conform to the Concept Plan attached as **Exhibit 3**. The preliminary plat shall substantially comply with the Concept Plan.

(b) Commercial Planning Area. Prior to the issuance of any building permit in the Commercial Planning Area, a site plan shall be submitted for review and approval to the City in accordance with the Zoning Ordinance and this Concept.

2.5 Phasing.

(a) Infrastructure and Open Space. Needed infrastructure and open space required to support each phase or section of development shall be constructed in conjunction with development of such phase or section. Sections or phases identified on the Concept Plan are named or identified for convenience only and are not an indication of development sequence. Sections or phases may be developed in any order and in any number of sections or phases as mutually agreed to by the Owner and the City.

(b) Amenity Center. An amenity center shall be constructed in connection with development of Phase 2 of the Residential Planning Area. No building permits shall be issued in Phase 3 of the Residential Planning Area until the amenity center has received a Certificate of Occupancy from the City.

ARTICLE III.
RESIDENTIAL PLANNING AREA DEVELOPMENT STANDARDS

3.1 Density in Residential Planning Area. The maximum number of residential dwellings within the Residential Planning Area shall not exceed 700. All lots shall conform to the standards as reflected in **Exhibit 5** attached hereto.

3.2 Uses in Residential Planning Area.

(a) The following uses are permitted uses ("**Permitted Uses**") in the Residential Planning Area:

(i) Single family detached dwelling.

(ii) Amenity center, community swimming pool, playground, park, open space, storm water detention area, common area, and non-lighted athletic field.

(iii) Model home, including those with onsite sales offices

(iv) Accessory Use, Unit, Structures, or Building as defined by the Zoning Ordinance.

(v) Temporary concrete batch plants serving the Development.

(vi) Temporary buildings incidental to infrastructure construction work, including temporary development, construction and sales trailers.

(b) An applicant may request an interpretation from the City's Planning and Zoning Commission for uses that are undefined or not listed in **Section 3.2(a)**.

3.3 Development Standards. Development of the Residential Planning Area shall be in accordance with the development standards established herein including the following:

(a) Lot Specifications and Layout. The lot layout and specifications shall generally conform to the Concept Plan depicted in **Exhibit 3** and as stated herein. Allowances for changes to the quantity and locations of each lot type are permitted in conformance with the requirements listed herein. For the Residential Planning Area, the lot dimensions and other specifications are reflected on **Exhibit 5** attached hereto.

(b) Building Standards. All dwellings constructed in the Residential Planning Area shall adhere to the building standards reflected on **Exhibit 6** attached hereto.

(c) Fencing Standards. All lots within the Residential Planning Area shall contain a wood or wrought iron/tubular steel fence constructed prior to issuance of a Certificate of Occupancy per the requirements below:

(i) Wood Fences

(A) Wood fences shall be a minimum of 6' and a maximum of 8' in height, utilize steel posts, and be constructed of spruce or cedar.

(B) Wood fences adjacent to public streets shall be stained with all pickets placed on the "public side" facing the street.

(C) Rear yard fences that extend towards the front of the dwelling shall terminate no closer than 10' to the Minimum Front Yard Setback line, as defined on **Exhibit 5**.

(D) On corner lots, side yard fencing shall not encroach more than 5' beyond the side building line that is adjacent to the side street.

(E) Wooden fencing adjacent to open spaces, common areas, detention areas, and the exterior Property boundary shall comply with **Exhibits 4 and 4C**.

(ii) Wrought iron/ Tubular Steel Fencing

A. Wrought iron/tubular steel fencing shall be a minimum of 6' and a maximum of 8' in height and painted black.

B. Wrought iron/tubular steel fencing locations and construction shall comply with **Exhibits 4 and 4C** attached hereto.

(d) Landscape Standards. The landscape standards within the Residential Planning Area are set forth below:

(i) All lots with single family dwellings shall be fully sodded and irrigated.

(ii) All lots with single family dwellings shall have a single three-inch (3") caliper tree installed in the front or rear of each single-family lot. A list of approved tree species is listed on **Exhibit 7** attached hereto, which list may be updated from time to time with the written approval of the City and the Owner. No tree shall be planted closer than 5' to any front, rear, or side property line on any single-family lot.

(iii) All lots with single family dwellings shall have a landscaping bed in the front yard containing mulch top-dressing and minimally the following plantings:

(A) 50' Lots: Two – 10-gallon shrubs, seven – 5-gallon shrubs or native grasses, ten – 3-gallon shrubs or native grasses

(B) 60' Lots: Two – 10-gallon shrubs, eleven – 5-gallon shrubs or native grasses, fourteen – 3-gallon shrubs or native grasses

(e) Major Sidewalk. In connection with development and/or construction of a phase or section in the Residential Planning Area, an 8' wide concrete walking path ("**Major Sidewalk**") shall be constructed within the boundaries of the applicable phase consistent with **Exhibit 4** attached hereto. The Major Sidewalk to support each phase or section of the development shall be constructed in conjunction with development of such phases or section as shown on the Concept Plan. The Major Sidewalk shown on the Concept Plan through the Commercial Planning Area connecting to FM 6 is conceptual only and subject to realignment as the phase or sections of the Property develop. Additionally, no driveways serving single family lots shall cross the Major Sidewalk.

(f) Sidewalks. Sidewalks in the Residential Planning Area shall be five (5) feet wide and will be placed adjacent to all public right of ways. Sidewalks may be located on, adjacent to, or partially in public right of way, lots, amenity centers, open space, common areas, and detention areas. Sidewalks on or adjacent to a lot will be installed by the builder in connection with the construction of a dwelling on such lot.

(g) Mailboxes. Single or dual mailboxes may be constructed on the lots, which mailboxes shall be freestanding and consist of a minimum of 100% masonry materials. If required by the United States Postal Service, metal cluster mailboxes may be constructed in various locations within the Property to serve multiple lots and such cluster mailboxes shall be placed within reasonable proximity to a streetlight.

(h) Open Spaces, Common Areas, Detention Areas and Amenity Centers. The location and number of open spaces shall generally conform to the Concept Plan and **Exhibits 4,**

4A, 4B, 4C and 4D attached hereto. All open spaces, common areas, detention areas and amenity centers in the Residential Planning Area shall be owned and maintained by the homeowners' association (the "**Homeowners' Association**") formed for the Residential Planning Area. No additional reserve areas, parks, open spaces or common areas shall be required.

(i) Neighborhood Signage. Permanent subdivision signage shall be allowed at all entry points to the Residential Planning Area, on open spaces, and on common areas.

(j) Homeowners' Association. A Homeowners' Association formed for the applicable Residential Planning Area shall own and maintain all neighborhood parks, open spaces, common areas, detention areas, masonry screening walls/entry features, and amenity centers within the Residential Planning Area. Membership in the association is mandatory for all lots within the Residential Planning Area.

(k) Non-Repetition of Building Form. The same house elevation and brick color may not be duplicated within three (3) lots adjacent to the applicable lot on the same side of the street and on the lot directly across the street from the applicable lot.

(l) Perimeter Walls and Fences. All perimeter walls and fences shall comply with the attached **Exhibits 4, 4A and 4C** in terms of location and construction material.

(m) Electric Utility Lines. New overhead utility distribution lines installed by or on behalf of Owner exclusively servicing the Property are prohibited. Such lines must be buried underground. The following may be located above ground: (a) existing utility lines; (b) appurtenances to utility lines (e.g., transformers, switch gears, meters, and pedestals); (c) temporary utility lines; (d) utility transmission lines and other lines of such size and capacity making it impractical to locate such lines underground; (e) temporary poles, lines and appurtenances necessary for development or building construction; and (f) temporary poles, lines and appurtenances necessary on unplatted portions of the Concept to facilitate phasing of the development.

ARTICLE IV.
COMMERCIAL PLANNING AREA DEVELOPMENT STANDARDS

4.1 Uses in Commercial Planning Area. (a) In addition to the permitted and conditional uses established in the Zoning Ordnance for the Retail (R) and Business Park (B) Districts the following uses are Permitted Uses in and for the Commercial Planning Area identified on **Exhibit 2**:

(i) Retail (R) Classification Retail; commercial; residential; personal service; amusement establishments; animal boarding (indoor boarding facilities only); automobile fueling stations (limited to one operation within the Commercial Planning Area); building material sales; business service and sales; dry-cleaning retail establishments; exercise and sports establishments; hotels and other hospitality establishments; merchandise rentals; nursery, garden, and landscape material sales; pet grooming and care services; multifamily and townhome residential uses, including age – restricted; veterinarian services, animal clinics; community recreational use; community swimming pool; independent living, assisted living, and nursing home facilities; auto, tool or equipment rentals; restaurants with drive-thru operations; self-service ice vending operations (when adjacent to another existing use);

(ii) Business Park (B) Classification Data centers and software design; medical or scientific laboratories; open processing operations; outside sales and storage; storage facilities; trade contractor offices and dispatch; mini-storage facilities; mini-warehouse facilities;

(iii) Temporary concrete batch plants serving the Development.

(iv) Accessory Uses, Buildings, Structures and Units as defined by the Zoning Ordinance.

(b) An applicant may request an interpretation from the City's Planning and Zoning Commission for uses that are undefined or not listed in **Section 4.1**.

(c) New overhead utility distribution lines installed by or on behalf of Owner exclusively servicing the Property are prohibited. Such lines must be buried underground. The following may be located above ground: (a) existing utility lines; (b) appurtenances to utility lines (e.g., transformers, switch gears, meters, and pedestals); (c) temporary utility lines; (d) utility transmission lines and other lines of such size and capacity making it impractical to locate such lines underground; (e) temporary poles, lines and appurtenances necessary for development or building construction; and (f) temporary poles, lines and appurtenances necessary on unplatted portions of the Development to facilitate phasing of the development.

(d) The Buffer Area, as defined in **Section 1.1**, shall contain only landscaping, irrigation, screening walls or fences, sidewalks, public roads, access roads, parking lots, utility lines and other associated items. The Buffer Area may be included within the required setback distances established in this Concept.

4.2 Building Permits. Following Site Plan approval, permits for the construction of structures in a particular phase or section of the Commercial Planning Area shall be available and issued upon completion of the on-site public infrastructure improvements in such phase or section without regard to completion of any private improvements in such phase or section.

4.3 Buffering and Screening in Commercial Planning Area. Lots containing commercial uses that are located in a Commercial Planning Area used for commercial purposes and adjacent to the Residential Planning Area must, upon the construction of any commercial structure, construct and maintain a masonry or concrete sight-barring fence at least eight (8) feet high constructed on the property line between the two Planning Areas.

(a) Mini – storage and mini – warehouse buffering. All storage buildings shall be setback from Highway 78 a minimum of 250 feet and screened with a masonry or concrete sight – barring fence at least eight (8) feet high adjacent to Highway 78. Such masonry or concrete fence may be incorporated into the building's structure.

4.4 Major Sidewalk Connection. The Major Sidewalk shown on **Exhibit 4** through the Commercial Planning Area shall connect to the FM 6 right – of – way. The Major Sidewalk shall be constructed through the Commercial Planning Area concurrently with the development of the Commercial Planning Area and shall be phased accordingly. The exact location and routing will be subject to change based on site plan approvals within the Commercial Planning Area.

4.5 Commercial Planning Area Requirements for all Uses other than Townhome or Multifamily. The requirements in the Zoning Ordinance for each respective use shall apply except as noted in Sections 4.5 (a) – (f) below.

(a) Minimum Lot area. 30,000 square feet for Retail (R) uses and 80,000 square feet for Business Park (B) uses

(b) Minimum Building Size. 1,500 square feet for Retail (R) uses and 5,000 square feet for Business Park (B) uses.

(c) Maximum height. The maximum height for all structures located within the Commercial Planning Area shall be forty-five feet (45'), with the exception of Hotel uses, which maximum height shall be sixty-five feet (65'). No portion of any structure located within one hundred feet (100') of the Residential Planning Area shall be greater than forty – five feet (45') in height. Additionally, the maximum height for mini – storage or mini – warehouse structure shall be twenty-four feet (24').

(d) Front yard. The minimum front yard setback is 25 feet for all of the Commercial Planning Area. A restaurant may locate outdoor dining and serving areas, as well as sidewalk cafes, in the required front yard setback.

(e) Lot Coverage. A maximum of 80% lot coverage is allowed in all of the Commercial Planning Area.

(f) Landscaping Requirements shall comply with Chapter 9 of the Zoning Ordinance, subject to the following:

(i) A 20' landscape buffer is required adjacent to Texas State Highway 78 and FM 6. Additionally, a 10' landscape buffer is required adjacent to any other public right – of way. A 20' landscaped median may be placed in any public right – of – way in lieu of the 10' landscape buffer. This area may include entrance/exit driveways, utilities, sidewalks, hardscape, lighting, signage, fencing, and gates. The area shall be 100% irrigated and landscaped. A minimum of one – 4" tree shall be planted every 20' as measured along the public right – of – way, excluding entrance and exit driveways, subject to the requirements above. The trees may be grouped or clustered to provide a more natural appearance.

(ii) Trees may be planted in open spaces, common areas, detention areas, yards, and within the Buffer Area.

(iv) Detention areas may be wet or dry, and may contain amenities such as sidewalks, hardscape, lighting, signage, and fencing. Centralized detention is allowed that serves more than one tract in the Commercial Planning Area.

(iii) All areas of the site, other than building footprints, shall count towards the 20% landscaping requirements established in the Zoning Ordinance.

4.6 Commercial Planning Area Requirements for all Townhome or Multifamily Uses.

(a) Maximum Acreage and Density for Townhome or Multifamily Uses. The Townhome and Multifamily uses shall be limited to a maximum of twelve (12) acres within the Commercial Planning Area. The maximum density for Townhome uses is nine (9) units per acre and the maximum density for Multifamily uses shall be limited to eighteen (17) units per acre.

(b) Townhomes and Multifamily sales and/or leases may be age-restricted.

(c) Townhome Requirements.

(i) Minimum Lot Area: 2,500 square feet

(ii) Minimum Townhome size: 1,200 square feet

(iii) Maximum height: 38 feet

(iv) Minimum Lot width: 25 feet on interior lots, 35 feet on corner lots

(v) Front or rear driveway access is allowed, and each Townhome shall contain a two – car garage

(vi) Setback standards.

(A) Front yard: 20' minimum

(B) Rear yard: 15' minimum on front driveway access, 20' minimum on rear driveway access

(C) Side yard: 5' minimum on interior lots between buildings; 10' minimum on sides adjacent to a public street (corner lot).

(vii) Building Standards: All Townhomes shall comply with the Building Standards on **Exhibit 6**.

(viii) Parking requirements: Off street parking shall be provided at the rate of .5 parking spaces per each Townhome Lot. Off street parking may be parallel parking and/or head – in parking. Parallel parking may not be adjacent to the front of any Townhome Lot with a front – entry garage. Additionally, all parallel parking spaces shall be a minimum of 8' wide and this width shall be added to the standard street pavement width of the street where the parallel parking space is located and the right of way of the road shall also be widened by 8'.

(d) Multifamily Requirements.

(i) Minimum Living Area:

(A) Efficiency or One Bedroom - 690 square feet

(B) Two Bedroom - 970 square feet

(C) Three Bedroom - 1,200 square feet

(ii) Maximum height: Two (2) stories with a maximum height of thirty-nine (39') feet.

(iii) Setback standards.

(A) Perimeter setbacks: Buildings shall be a minimum 30' from the front property line, and a minimum 10' from side or rear property lines.

(B) Building setbacks: All buildings shall comply with the setback requirements established City's adopted Fire Code.

(iv) A swimming pool shall be required within the Multifamily boundary for use of the Multifamily residents. Additionally, an on – site management office is required within the Multifamily boundary.

(v) Building Standards: All Multifamily building elevations shall consist of brick, stone, synthetic stone, stucco, decorative pattern cementitious fiberboard (as referenced in **Exhibit 5**), and cementitious fiberboard siding, excluding windows, doors, and other normal openings, fascia, and architectural details (corbels, exposed beams, guardrails, handrails, dormers, etc.).

(A) Exterior elevations adjacent to a public roadway shall consist of brick, stone, synthetic stone, stucco, and/or decorative pattern cementitious fiberboard.

(B) All other elevations may contain brick, stone, synthetic stone, stucco, decorative pattern cementitious fiberboard, and/or cementitious fiberboard siding, with no more than 50% of any elevation containing cementitious fiberboard siding.

(C) Detached garages may contain brick, stone, synthetic stone, stucco, decorative pattern cementitious fiberboard, and/or cementitious fiberboard siding.

(vi) Parking shall comply with the Zoning Ordinance, Chapter 8 Paragraph (P). Covered parking (carports), attached garages, and detached garages are allowed and the parking spaces within these shall count toward any parking requirements.

(vii) The Multifamily area may be gated, and the perimeter fence shall be a 6' wrought-iron fence with stone or brick columns placed at a minimum of 100' on – center. Any portion of the Multifamily lot adjacent to the Residential Planning Area shall comply with the Screening Requirements in **Section 4.3**.

(f) Landscaping Requirements shall comply with Chapter 9 of the Zoning Ordinance, subject to the following:

(i) Townhomes shall follow the requirements for the Residential Planning Area in **Section 3.3 (d)**

(ii) The Multifamily site shall comply with the following requirements:

(A) A 20' landscape buffer is required adjacent to any public right – of – way adjoining the Multifamily site. This area may include entrance/exit driveways, utilities, sidewalks, hardscape, lighting, signage, fencing, and gates. The area shall be 100% irrigated and landscaped. A minimum of one – 4" tree shall be planted every 20' as measured along the public right – of – way, excluding entrance and exit driveways. The trees may be grouped or clustered to provide a more natural appearance.

(B) A minimum of one – 4" tree shall be planted per every 10,000 square feet of platted area. These trees may be planted in open spaces, common areas, yards, and within the Buffer Area.

(C) All non – paved areas within the site shall be irrigated and landscaped. In lieu of irrigation and landscaping, decorative brick pavers, decomposed granite, or other similar finishes may be used.

(D) The site shall contain a centrally located open space gathering area containing the amenity center. This space shall be a minimum of 15,000 square feet.

(E) All areas of the site, other than building footprints, shall count towards the 20% landscaping requirements established in the Zoning Ordinance.

[THE BALANCE OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

EXHIBIT 1

TO

DEVELOPMENT DESIGN REGULATIONS & CONCEPT

LEGAL DESCRIPTION OF THE PROPERTY

BEING a tract of land situated in the Samuel M. Ranier Survey, Abstract Number 470, in the City of Lavon, Collin County, Texas, being part of a tract of land described in a deed to Meredith M. Roark and Margaret M. Arnold, recorded in Document No. 2010526000533270, in the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the southeast corner of said Roark and Arnold tract, being the southwest corner of a called 140.22 acre tract of land described in a deed to Petro Hunt, LLC, as recorded in Document No. 20070208000186500, in said Deed Records, also being in the north line of a tract of land described in a deed to Northeast Texas Rural Rail Transportation District, recorded in Volume 5585, Page 2680, in said Deed Records;

THENCE South 72 degrees 03 minutes 07 seconds West, with the south line of said Roark and Arnold tract and the north line of said Northeast Texas Rural Rail Transportation District tract, a distance of 1,656.82 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the southwest corner of said Roark and Arnold tract, being southeast corner of a 0.478 acre tract of land described in a deed to North Texas Municipal Water District, recorded in Document No. 20121116001469900, in said Deed Records;

THENCE North 23 degrees 30 minutes 56 seconds West, departing the north line of said Northeast Texas Rural Rail Transportation District tract, with the west line of said Roark and Arnold tract, and with the east lines of said 0.478 acre tract and a called 0.91 acre tract described in a deed to Mary Evans, recorded in Document No. 200804070014460, in said Deed Records, a distance of 173.19 feet to a 1/2-inch iron rod found;

THENCE North 01 degree 53 minutes 11 seconds West, continuing with the west line of said Roark and Arnold tract, and with the east lines of said 0.91 acre tract and a called 2.062 acre tract of land described in a deed to Connie S. Miller, recorded in Volume 4001, Page 947, in said Deed Records, a distance of 530.40 feet to a 1/2-inch iron rod found at the northeast corner of said 2.062 acre tract;

THENCE South 84 degrees 43 minutes 14 seconds West, continuing with the west line of said Roark and Arnold tract and with the north line of said 2.062 acre tract, a distance of 236.18 feet to a 1/2-inch iron rod found at the northwest corner of said 2.062 acre tract, being in the east line of a tract of land described as Tract Two in a deed to 78 Straddle, LP, recorded in Volume 5571, Page 3351, in said Deed Records, also being the approximate center of Bois D'Arc Lane (no recording information found);

THENCE North 06 degrees 53 minutes 43 seconds West, continuing with the west line of said Roark and Arnold tact, with the east lines of said Tract Two and a tract of land described as Tract No. 2 in a deed to DPB Investments, LP, recorded in Document No. 20110606000576510, in said Deed Records, and along said Bois D'Arc Lane, a distance of 748.23 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the northeast corner of said Tract No. 2, being in the south line of a called 2.25 acre tract of land described in a deed to MJKMart, LLC, recorded in Document No. 20120906001115340, in said Deed Records;

THENCE South 89 degrees 16 minutes 47 seconds East, continuing with the west line of said Roark and Arnold tract and with the south line of said 2.25-acre tract, a distance of 64.98 feet to a 1/2-inch iron rod found at the southeast corner of said 2.25 acre tract;

THENCE North 11 degrees 02 minutes 32 seconds West, continuing with the west line of said Roark and Arnold tract and with the east line of said 2.25 acre tract, a distance of 490.85 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" set at the north corner of said 2.25 acre tract, being in the east line of State Highway 78 (variable width right-of-way);

THENCE North 33 degrees 42 minutes 56 seconds East, continuing with the west line of said Roark and Arnold tract and with the east line of said State Highway 78, a distance of 1,298.45 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found on a non-tangent curve to the left, having a radius of 5,729.57 feet and a central angle of 17 degrees 07 minutes 34 seconds;

THENCE continuing with the west line of said Roark and Arnold tract and the east line of said State Highway 78, and with said curve to the left, an arc distance of 1,712.61 feet (Chord Bearing North 25 degrees 17 minutes 32 seconds East – 1,706.24 feet), to a 5/8-inch iron rod with TxDOT Aluminum cap found;

THENCE North 19 degrees 58 minutes 32 seconds East, continuing with the west line of said Roark and Arnold tract and the east line of said State Highway 78, a distance of 419.76 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING";

THENCE North 54 degrees 55 minutes 30 seconds East, continuing with the east line of said State Highway 78, a distance of 87.34 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found in the south line of FM 6 (variable width right-of-way);

THENCE North 89 degrees 32 minutes 36 seconds East, with the south line of said FM 6, a distance of 931.18 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found;

THENCE South 89 degrees 00 minutes 51 seconds East, continuing with the south line of said FM 6, a distance of 376.39 feet to a 5/8-inch iron rod with TxDOT Aluminum cap found in the east line of said Roark and Arnold tract, being in the west line of called 59.757 acre tract described in a deed to Petro Hunt LLC, records in Document No. 20070208000183240, in said Deed Records;

THENCE South 01 degree 00 minutes 58 seconds West, departing the south line of said FM 6, with the east line of said Roark and Arnold tract, and with the west line of said 59.757-acre tract, a distance of 2,424.12 feet to the southwest corner of said 59.757-acre tract, being in the north line of the aforementioned 140.22-acre tract;

THENCE North 88 degrees 51 minutes 38 seconds West, continuing with the east line of said Roark and Arnold tract and with the north line said 140.22-acre tract, a distance of 871.25 feet to a 1/2-inch iron rod found at the northwest corner of said 140.22-acre tract;

THENCE South 01 degree 09 minutes 20 seconds West, continuing with the east line of said Roark and Arnold tract and with the west line said 140.22-acre tract, a distance of 2,042.77 feet to the POINT OF BEGINNING and containing 200.9089 acres of land.

EXHIBIT 2

TO

DEVELOPMENT DESIGN REGULATIONS & CONCEPT

PLANNING AREAS

[SEE ATTACHED]

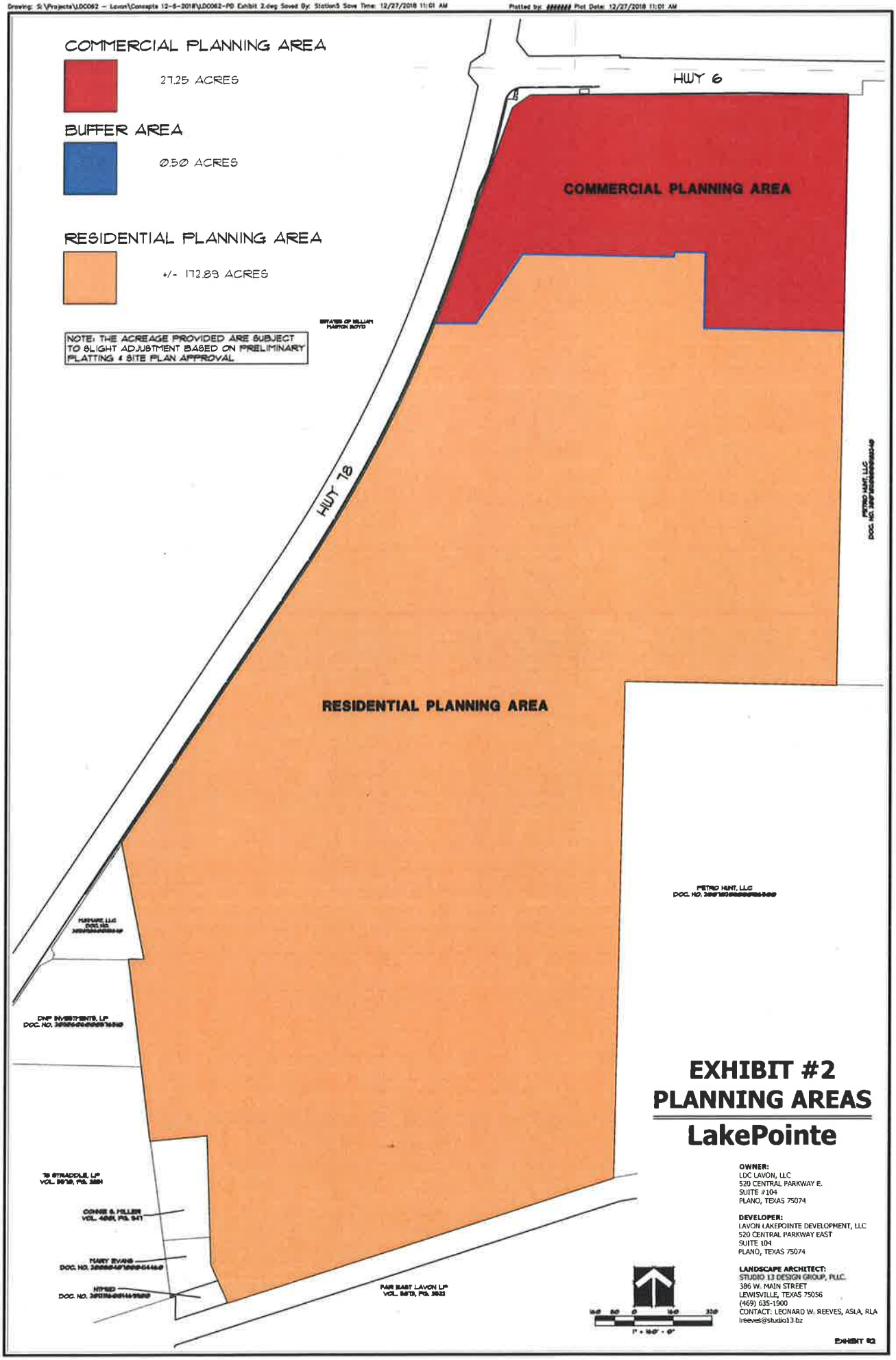

COMMERCIAL PLANNING AREA
27.25 ACRES
BUFFER AREA
0.50 ACRES
RESIDENTIAL PLANNING AREA
+/- 172.89 ACRES
NOTE: THE ACREAGE PROVIDED ARE SUBJECT TO SLIGHT ADJUSTMENT BASED ON PRELIMINARY PLATTING & SITE PLAN APPROVAL
HWY 6
COMMERCIAL PLANNING AREA
HWY 78
RESIDENTIAL PLANNING AREA
PETRO HUNT, LLC
PETRO HUNT, LLC
DNP INVESTMENTS, LP
78 STRADDLE, LP
CONNIE S. FULLER
MARY EVANS
FAIR EAST LAVON LP
EXHIBIT #2
PLANNING AREAS
LakePointe
OWNER:
LDC LAVON, LLC
520 CENTRAL PARKWAY E.
SUITE #104
PLANO, TEXAS 75074
DEVELOPER:
LAVON LAKEPOINTE DEVELOPMENT, LLC
520 CENTRAL PARKWAY EAST
SUITE 104
PLANO, TEXAS 75074
LANDSCAPE ARCHITECT:
STUDIO 13 DESIGN GROUP, PLLC
386 W. MAIN STREET
LEWISVILLE, TEXAS 75056
(469) 635-1900
CONTACT: LEONARD W. REEVES, ASLA, RLA
lreeves@studio13.bz
EXHIBIT #2

EXHIBIT 3

TO

DEVELOPMENT DESIGN REGULATIONS & CONCEPT

CONCEPT PLAN

[SEE ATTACHED]

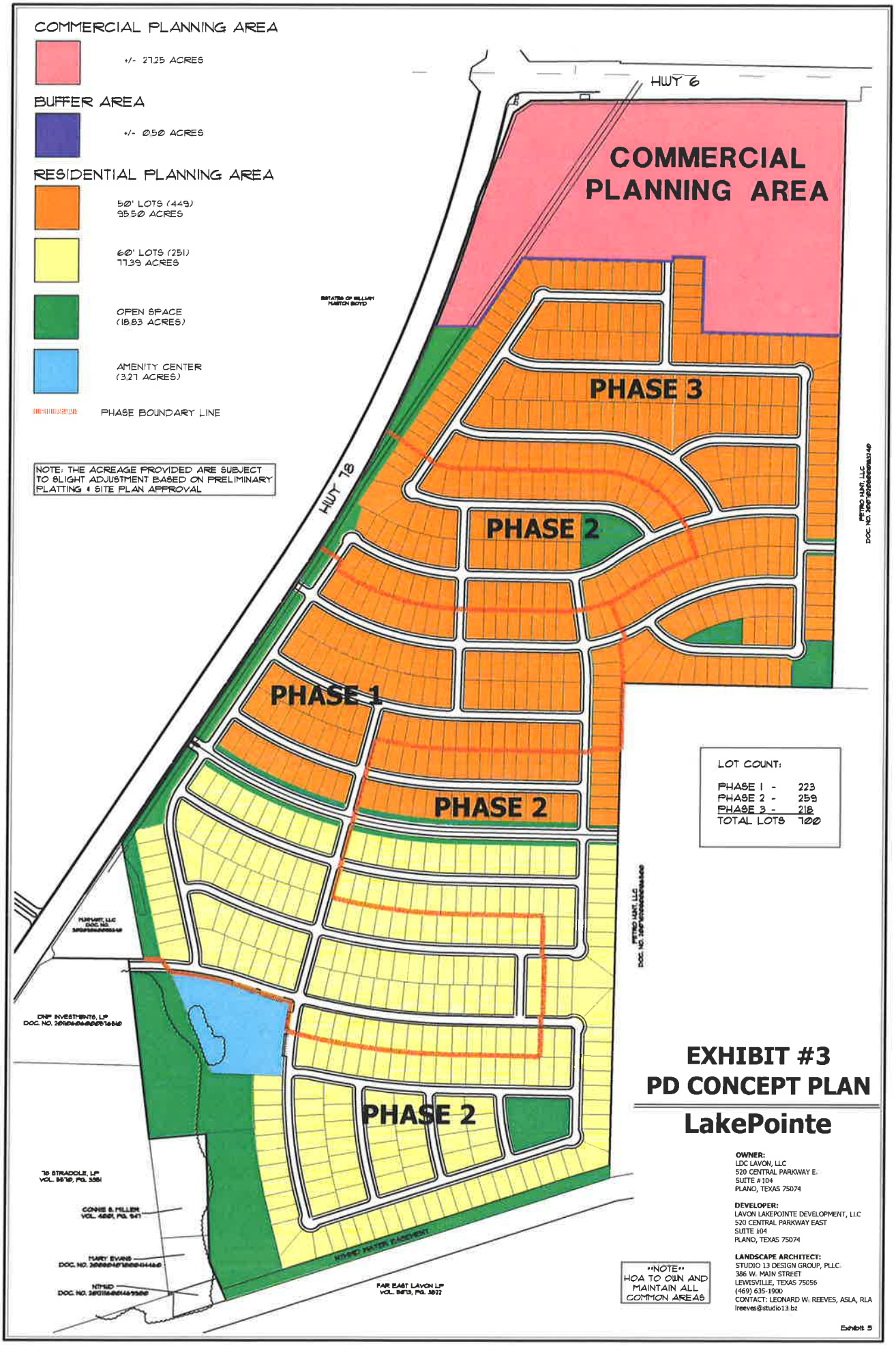

COMMERCIAL PLANNING AREA
+/- 27.25 ACRES
BUFFER AREA
+/- 0.50 ACRES
RESIDENTIAL PLANNING AREA
50' LOTS (449)
95.50 ACRES
60' LOTS (251)
77.39 ACRES
OPEN SPACE
(18.83 ACRES)
AMENITY CENTER
(3.27 ACRES)
PHASE BOUNDARY LINE
NOTE: THE ACREAGE PROVIDED ARE SUBJECT TO SLIGHT ADJUSTMENT BASED ON PRELIMINARY PLATTING & SITE PLAN APPROVAL
HWY 6
HWY 78
COMMERCIAL PLANNING AREA
PHASE 3
PHASE 2
PHASE 1
PHASE 2
PHASE 2
LOT COUNT:
PHASE 1 - 223
PHASE 2 - 259
PHASE 3 - 218
TOTAL LOTS 700
EXHIBIT #3
PD CONCEPT PLAN
LakePointe
OWNER:
LDC LAVON, LLC
520 CENTRAL PARKWAY E.
SUITE #104
PLANO, TEXAS 75074
DEVELOPER:
LAVON LAKEPOINTE DEVELOPMENT, LLC
520 CENTRAL PARKWAY EAST
SUITE 104
PLANO, TEXAS 75074
LANDSCAPE ARCHITECT:
STUDIO 13 DESIGN GROUP, PLLC.
386 W. MAIN STREET
LEWISVILLE, TEXAS 75056
(469) 635-1900
CONTACT: LEONARD W. REEVES, ASLA, RLA
lreeves@studio13.biz
"NOTE"
HOA TO OWN AND MAINTAIN ALL COMMON AREAS
Exhibit 3

EXHIBIT 4

TO

DEVELOPMENT DESIGN REGULATIONS & CONCEPT

HARDSCAPE PLAN

[SEE ATTACHED]

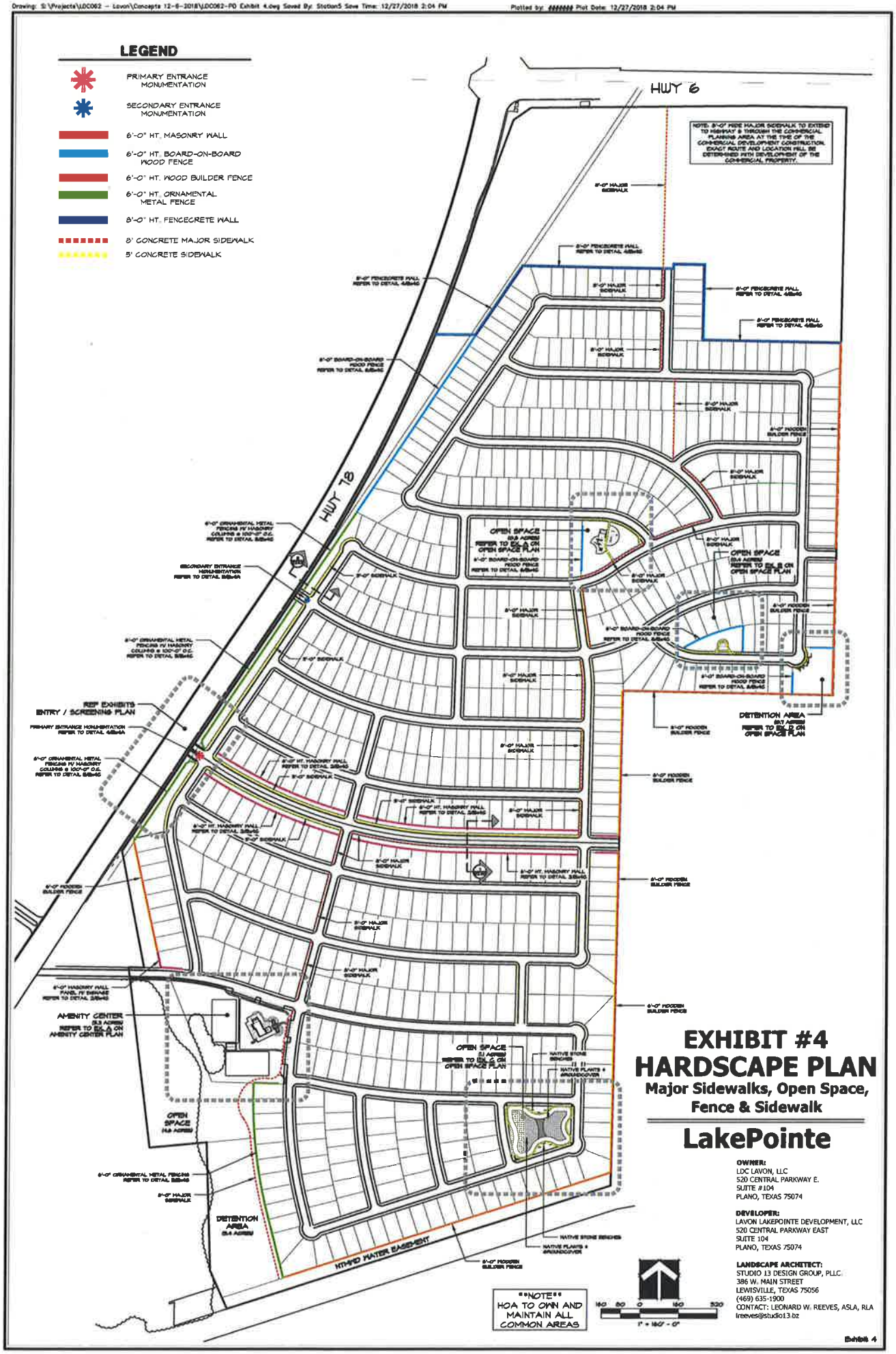


EXHIBIT #4
HARDSCAPE PLAN
Major Sidewalks, Open Space, Fence & Sidewalk

LakePointe

OWNER:
LDC LAVON, LLC
520 CENTRAL PARKWAY E.
SUITE #104
PLANO, TEXAS 75074

DEVELOPER:
LAVON LAKEPOINTE DEVELOPMENT, LLC
520 CENTRAL PARKWAY EAST
SUITE 104
PLANO, TEXAS 75074

LANDSCAPE ARCHITECT:
STUDIO 13 DESIGN GROUP, PLLC.
386 W. MAIN STREET
LEWISVILLE, TEXAS 75056
(469) 635-1900
CONTACT: LEONARD W. REEVES, ASLA, RLA
lreeves@studio13.bz

Exhibit 4

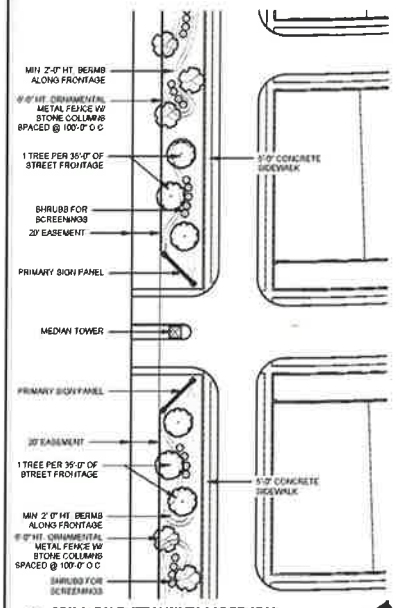
EXHIBIT 4A

TO

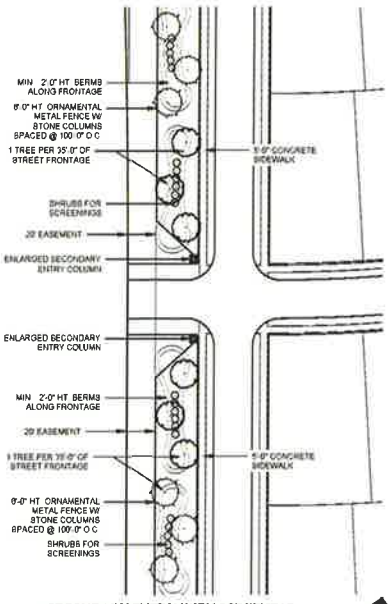
DEVELOPMENT DESIGN REGULATIONS & CONCEPT

ENTRY / SCREENING PLANS

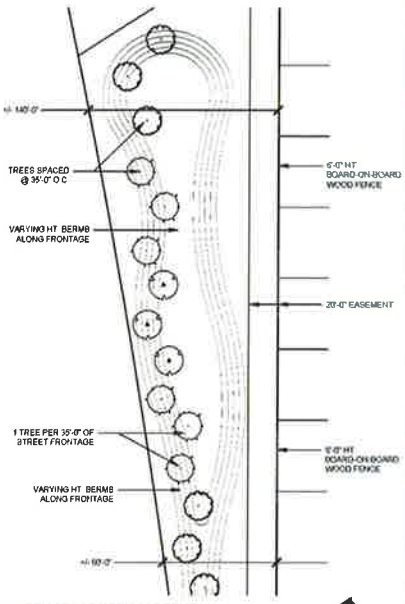
[SEE ATTACHED]



1 PRIMARY ENTRY WITH SCREENING
PLAN SCALE: 1" = 40'-0"

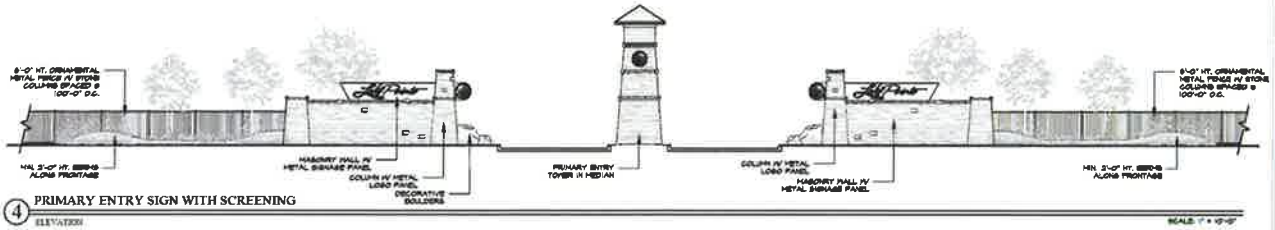


2 SECONDARY ENTRY WITH SCREENING
PLAN SCALE: 1" = 40'-0"



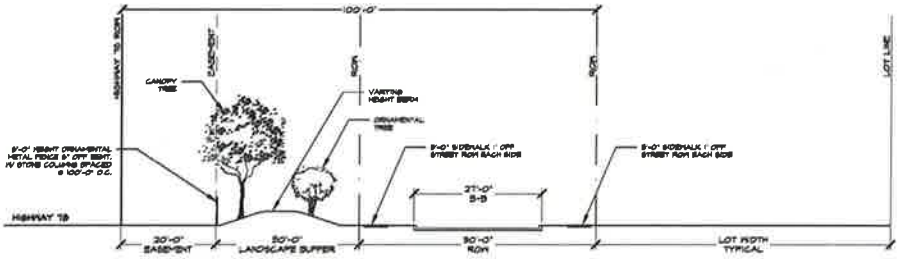
3 OPEN SPACE WITH SCREENING
PLAN SCALE: 1" = 40'-0"

NOTE: TREES TO BE PROVIDED AT A RATE OF 1 TREE PER 35 LINEAR FEET OF STREET FRONTAGE. TREES MAY BE CLUSTERED OR GROUPED IN A NATURAL MANNER.



4 PRIMARY ENTRY SIGN WITH SCREENING
ELEVATION SCALE: 1" = 10'-0"

5 SECONDARY ENTRY WITH SCREENING
ELEVATION SCALE: 1" = 10'-0"



6 TYPICAL SECTION: LANDSCAPE BUFFER ALONG HWY 78
SCALE: NTS

EXHIBIT #4A

ENTRY / SCREENING PLANS

LakePointe

EXAMPLE OF BERMS W/ METAL FENCE SCREENING

OWNER:
LDC LAVON, LLC
520 CENTRAL PARKWAY E.
SUITE #104
PLANO, TEXAS 75074

DEVELOPER:
LAVON LAKEPOINTE DEVELOPMENT, LLC
520 CENTRAL PARKWAY EAST
SUITE 104
PLANO, TEXAS 75074

LANDSCAPE ARCHITECT:
STUDIO 13 DESIGN GROUP, PLLC.
386 W. MAIN STREET
LEWISVILLE, TEXAS 75056
(469) 635-1900
CONTACT: LEONARD W. REEVES, ASLA, RLA
lreeves@studio13.biz

"NOTE"
HOA TO OWN AND MAINTAIN ALL COMMON AREAS

Exhibit 4A

EXHIBIT 4B

TO

DEVELOPMENT DESIGN REGULATIONS & CONCEPT

OPEN SPACE / DETENTION PLANS

[SEE ATTACHED]

A OPEN SPACE - PLAY STRUCTURE

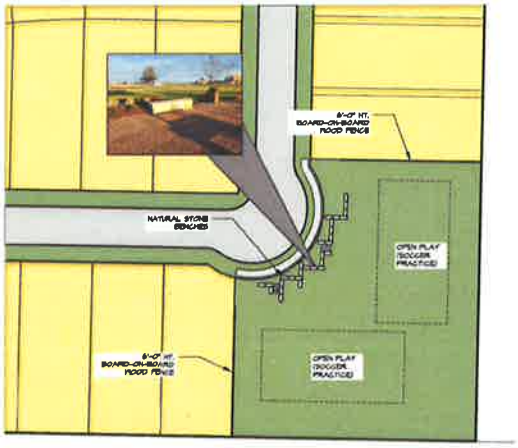
SCALE: 1" = 40'-0"

B OPEN SPACE

SCALE: 1" = 40'-0"

C NATURAL AREA - OPEN SPACE

SCALE: 1" = 40'-0"



D DETENTION - OPEN PLAY

SCALE: 1" = 40'-0"

LINDHEIMER MUHLY GRASS

BLUE MIST FLOWER

CHICK BUSTER GRASS

SUTHERLY BUSH

SOUTHWESTERN BRISTLEGRASS

ACTIVE SAGE

NATIVE GRASSES

NATIVE PLANTINGS WITH COLOR

NOTE: TREES TO BE PROVIDED AT A RATE OF 1 TREE PER 35 LINEAR FEET OF STREET FRONTAGE. TREES MAY BE CLUSTERED OR GROUPED IN A NATURAL MANNER.

EXHIBIT #4B

OPEN SPACE / DETENTION PLANS

LakePointe

OWNER:
LDC LAVON, LLC
520 CENTRAL PARKWAY E.
SUITE #104
PLANO, TEXAS 75074

DEVELOPER:
LAVON LAKEPOINTE DEVELOPMENT, LLC
520 CENTRAL PARKWAY EAST
SUITE 104
PLANO, TEXAS 75074

LANDSCAPE ARCHITECT:
STUDIO 13 DESIGN GROUP, PLLC
386 W. MAIN STREET
LEWISVILLE, TEXAS 75056
(469) 635-1900
CONTACT: LEONARD W. REEVES, ASLA, RLA
lreeves@studio13.bz

"NOTE"
HOA TO OWN AND MAINTAIN ALL COMMON AREAS

Exhibit 4B

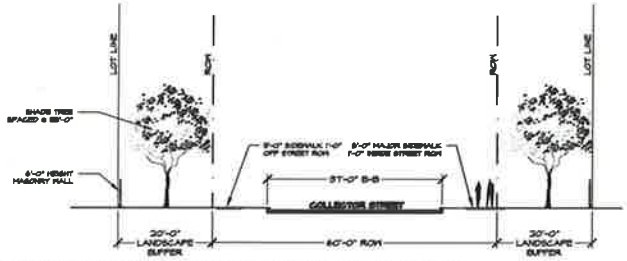
EXHIBIT 4C

TO

DEVELOPMENT DESIGN REGULATIONS & CONCEPT

SCREENING / BUFFER PLAN

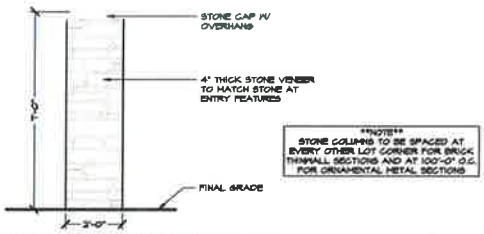
[SEE ATTACHED]



1 TYPICAL SECTION: LANDSCAPE BUFFER ALONG COLLECTOR STREET

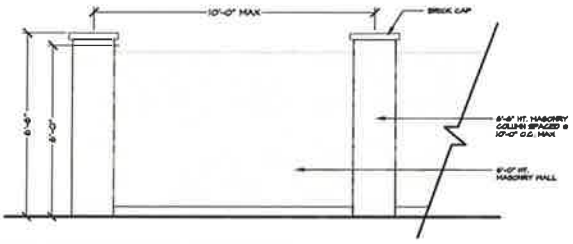
SCALE: NTS

NOTE: TREES TO BE PROVIDED AT A RATE OF 1 TREE PER 30 LINEAR FEET OF STREET FRONTAGE. TREES MAY BE CLUSTERED OR GROUPED IN A NATURAL MANNER.



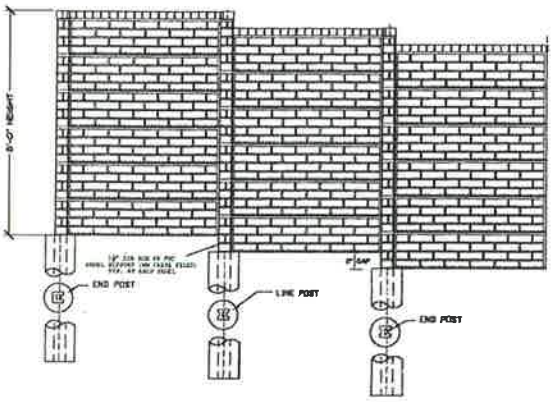
2 TYPICAL ELEVATION: 7'-0" HT. STONE COLUMN

SCALE: 1/2" = 1'-0"



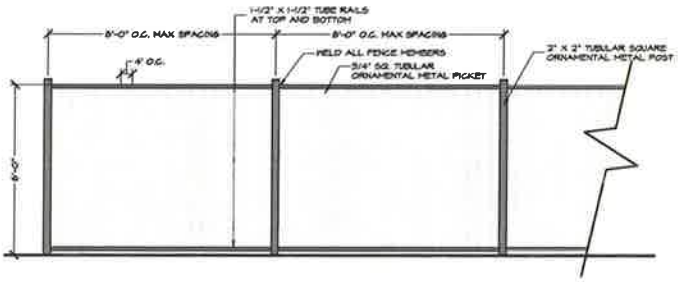
3 TYPICAL ELEVATION: 6'-0" HT. MASONRY WALL

SCALE: 1/2" = 1'-0"



4 TYPICAL ELEVATION: 8'-0" HT. FENCECRETE WALL

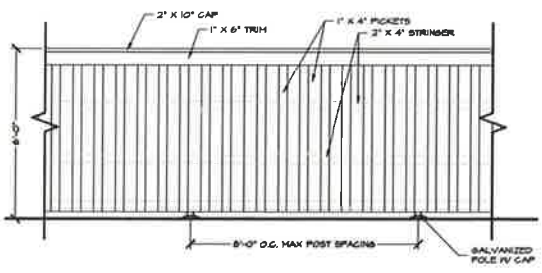
SCALE: N.T.S.

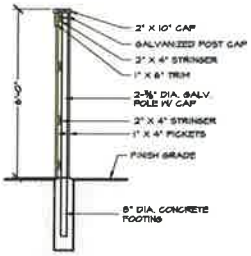


5 TYPICAL ELEVATION: 6'-0" HT. ORNAMENTAL METAL FENCE

SCALE: 1/2" = 1'-0"

EXAMPLE OF CONCRETE MAJOR SIDEWALK WITHIN LANDSCAPE BUFFER





6 TYPICAL ELEVATION & SECTION: 6'-0" HT. BOARD-ON-BOARD WOOD FENCE

SCALE: 1/2" = 1'-0"

EXHIBIT #4C

SCREENING / BUFFER PLAN

LakePointe

OWNER:
LDC LAVON, LLC
520 CENTRAL PARKWAY E.
SUITE #104
PLANO, TEXAS 75074

DEVELOPER:
LAVON LAKEPOINTE DEVELOPMENT, LLC
520 CENTRAL PARKWAY EAST
SUITE 104
PLANO, TEXAS 75074

LANDSCAPE ARCHITECT:
STUDIO 13 DESIGN GROUP, PLLC.
386 W. MAIN STREET
LEWISVILLE, TEXAS 75056
(469) 635-1900
CONTACT: LEONARD W. REEVES, ASLA, RLA
lreeves@studio13.biz

**NOTE
HOA TO OWN AND MAINTAIN ALL COMMON AREAS

Exhibit 4C

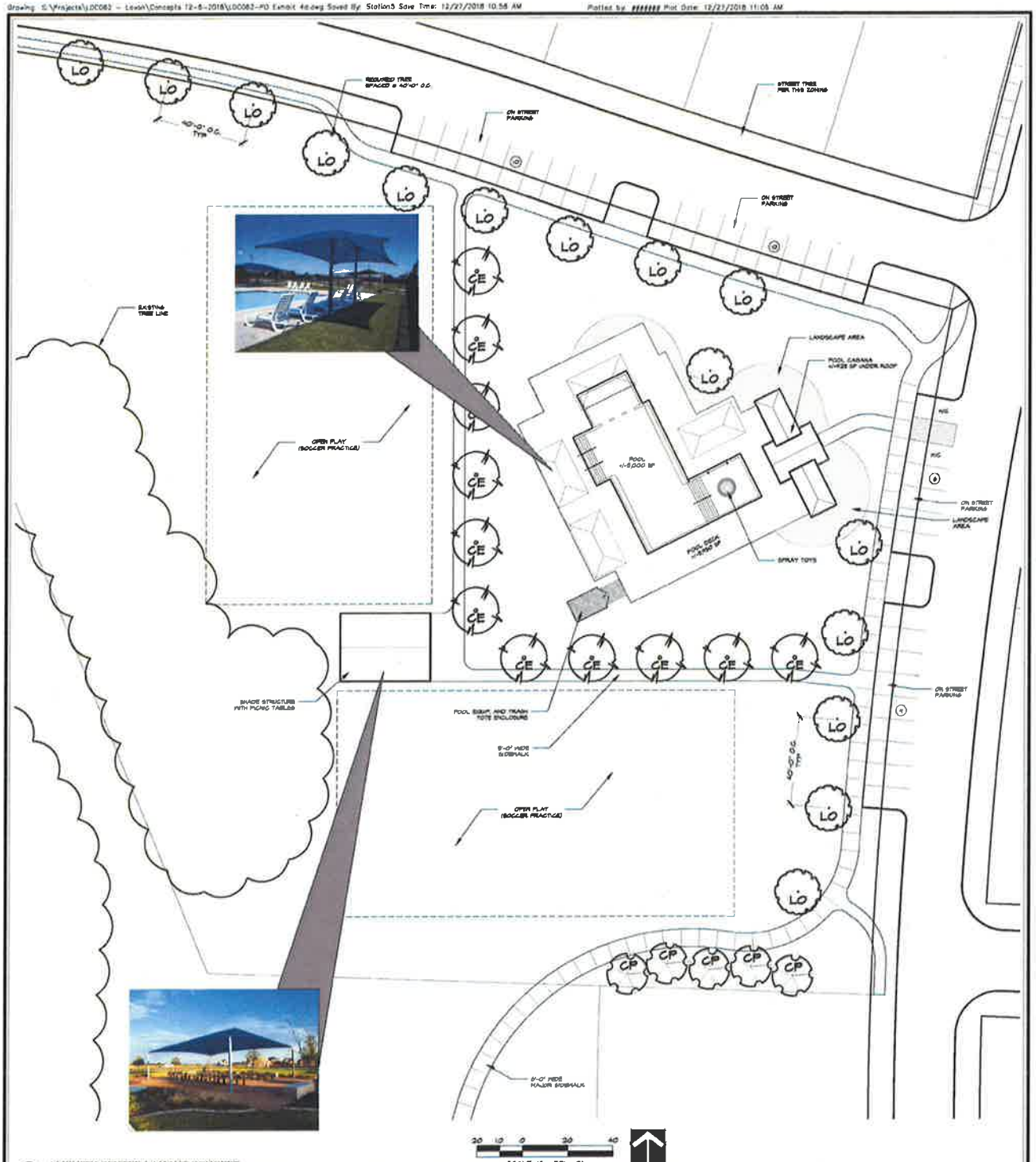
EXHIBIT 4D

TO

DEVELOPMENT DESIGN REGULATIONS & CONCEPT

AMENITY CENTER

[SEE ATTACHED]



1 AMENITY CENTER LAYOUT CONCEPT

2 AMENITY CENTER - FRONT ELEVATION

3 AMENITY CENTER - REAR ELEVATION

4 AMENITY CENTER - SIDE ELEVATION

5 AMENITY CENTER - SIDE ELEVATION

EXHIBIT #4D
AMENITY CENTER
LakePointe

OWNER:
LDC LAVON, LLC
520 CENTRAL PARKWAY E.
SUITE #104
PLANO, TEXAS 75074

DEVELOPER:
LAVON LAKEPOINTE DEVELOPMENT, LLC
520 CENTRAL PARKWAY EAST
SUITE 104
PLANO, TEXAS 75074

LANDSCAPE ARCHITECT:
STUDIO 13 DESIGN GROUP, PLLC.
386 W. MAIN STREET
LEWISVILLE, TEXAS 75056
(469) 635-1900
CONTACT: LEONARD W. REEVES, ASLA, RLA
lreeves@studio13.biz

"NOTE"
HOA TO OWN AND MAINTAIN ALL COMMON AREAS

Exhibit 4D

EXHIBIT 5

TO

DEVELOPMENT DESIGN REGULATIONS & CONCEPT

RESIDENTIAL PLANNING AREA SPECIFICATIONS

TABLE 1

Description	50' Lots	60' Lots
Minimum Lot Width on standard lots [1]	50'	60'
Minimum Lot Width on Lots at the terminus of a cul-de-sac or along street elbows/eyebrows [2]	45'	55'
Minimum Lot Depth	110'	110'
Minimum Lot Area	6,000 SF	7,200 SF
Minimum Front Yard Setback	20'	20'
Minimum Side Yard Setback	5'	5'
Minimum Side Yard Setback (adjacent to a street)	10'	10'
Minimum Rear Yard Setback	10'	10'
Minimum Length of Driveway	20'	20'
Maximum Roof Height	36'	36'
Minimum Area/Dwelling Unit (SF)	1,300	1,500

[1] As measured at the building line.

[2] As measured along the arc of the front building line.

EXHIBIT 6

TO

DEVELOPMENT DESIGN REGULATIONS & CONCEPT

RESIDENTIAL PLANNING AREA BUILDING STANDARDS

1. Exterior Materials. Exterior construction materials for residential structures (excluding accessory structures) shall consist of: brick, stone, synthetic stone, stucco, decorative pattern cementitious fiberboard, and cementitious fiberboard siding, excluding windows, doors, and other normal openings, fascia, and architectural details (corbels, exposed beams, guardrails, handrails, dormers, etc.). Brick, stone, synthetic stone, and stucco shall be defined herein as "Masonry Materials".

(a) The front elevation shall consist of 100% Masonry Materials, with the exception that up to 25% of the front elevation may include decorative pattern cementitious fiberboard.

(b) The side elevations shall consist of no less than 75% Masonry Materials.

(c) The rear elevation shall consist of no less than 50% Masonry Materials.

(d) See **Exhibit 6A** for examples of decorative pattern cementitious fiberboard.

(e) Cementitious fiberboard siding is classified as siding that overlaps horizontally, with no vertical overlapping of the material.

2. Chimneys. Construction materials for a chimney built on an exterior wall shall consist of 100% Masonry Material. Construction materials for all other chimneys shall consist of cementitious fiberboard.

3. Roofs. A minimum of a 6:12 roof pitch is required on all structures with the exception of garages, patios and porches, which shall have a minimum of a 4:12 roof pitch. Roofs shall be constructed of composition shingles, tile, slate or metal. A variance to this Concept may be requested in accordance with the Zoning Ordinance for a conditional use permit for roof pitches less than 6:12. Additionally, gutters shall be placed on all main roof edges.

4. Garage Orientation. Garages may be front, side or rear facing.

5. Exterior Architectural Features: All single-family detached dwellings shall utilize the following:

- "Upgraded" garage doors. Upgraded garage doors shall include one or more of the following: accent hardware, windows, wood or wood-like texture, or other architectural features. See **Exhibit 6B** for examples of upgraded garage doors.
- Two or more offsets in the front facade of at least 12" depth
- Air conditioning equipment screened by a fence or landscaping

Additionally, all single-family detached dwellings shall utilize at least two (2) of the following design Exterior Architectural Features to provide visual relief along the front of the residence or side of the residence facing a street:

- Front elevation comprised of 100% brick and/or stone
- Multiple 8' garage doors in lieu of a single garage door

- Side or Rear entry garages on a corner lot
- Eyebrow or arched front windows
- Cast stone accents on the front elevation
- Covered front porches of a minimum of 50 square feet
- Front porch railings of either wood or wrought iron
- Front door with at least 20% area covered with decorative glass or wrought iron
- Gables facing the public street
- Metal roof accents. See **Exhibit 6C** for examples of metal roof accents.
- Recessed entryway, a minimum of three (3') feet deep
- Variable roof pitch with one of the pitches greater than 6:12
- Wooden or synthetic shutters on the front elevation or on any side elevation facing a street. A minimum of six shutters facing the respective street are required to satisfy this Exterior Architectural Feature. No plastic shutters are permitted.

FIGURE 6A.1

FIGURE 6A.3

FIGURE 6A.2

FIGURE 6A.4

NOTE
IMAGE PROVIDED ARE EXAMPLES ONLY AND THE HOMES WILL ADHERE TO THE EXTERIOR MATERIAL REQUIREMENTS ON EXHIBIT 6

EXHIBIT #6A

SIDING EXAMPLES

LakePointe

OWNER:
LDC LAVON, LLC
520 CENTRAL PARKWAY E.
SUITE #104
PLANO, TEXAS 75074

DEVELOPER:
LAVON LAKEPOINTE DEVELOPMENT, LLC
520 CENTRAL PARKWAY EAST
SUITE 104
PLANO, TEXAS 75074

LANDSCAPE ARCHITECT:
STUDIO 13 DESIGN GROUP, PLLC
386 W. MAIN STREET
LEWISVILLE, TEXAS 75056
(469) 635-1900
CONTACT: LEONARD W. REEVES, ASLA, RLA
lreeves@studio13.biz

FIGURE 6B.1

FIGURE 6B.4

FIGURE 6B.2

FIGURE 6B.5

FIGURE 6B.3

"NOTE"
IMAGE PROVIDED ARE EXAMPLES ONLY AND THE HOMES WILL ADHERE TO THE EXTERIOR MATERIAL REQUIREMENTS ON EXHIBIT 6.

EXHIBIT #6B

UPGRADED GARAGE DOOR EXAMPLES

LakePointe

OWNER:
LDC LAVON, LLC
520 CENTRAL PARKWAY E.
SUITE #104
PLANO, TEXAS 75074

DEVELOPER:
LAVON LAKEPOINTE DEVELOPMENT, LLC
520 CENTRAL PARKWAY EAST
SUITE 104
PLANO, TEXAS 75074

LANDSCAPE ARCHITECT:
STUDIO 13 DESIGN GROUP, PLLC.
386 W. MAIN STREET
LEWISVILLE, TEXAS 75056
(469) 635-1900
CONTACT: LEONARD W. REEVES, ASLA, RLA
lreeves@studio13.bz

FIGURE 6C.1

FIGURE 6C.3

FIGURE 6C.2

FIGURE 6C.4

NOTE
IMAGE PROVIDED ARE EXAMPLES ONLY AND THE HOMES WILL ADHERE TO THE EXTERIOR MATERIAL REQUIREMENTS ON EXHIBIT 6

EXHIBIT #6C
ROOFING EXAMPLES
LakePointe

OWNER:
LDC LAVON, LLC
520 CENTRAL PARKWAY E.
SUITE #104
PLANO, TEXAS 75074

DEVELOPER:
LAVON LAKEPOINTE DEVELOPMENT, LLC
520 CENTRAL PARKWAY EAST
SUITE 104
PLANO, TEXAS 75074

LANDSCAPE ARCHITECT:
STUDIO 13 DESIGN GROUP, PLLC
386 W. MAIN STREET
LEWISVILLE, TEXAS 75056
(469) 635-1900
CONTACT: LEONARD W. REEVES, ASLA, RLA
lreeves@studio13.biz

EXHIBIT 7

TO

DEVELOPMENT DESIGN REGULATIONS & CONCEPT

APPROVED TREE SPECIES LIST

Canopy/Shade Trees:

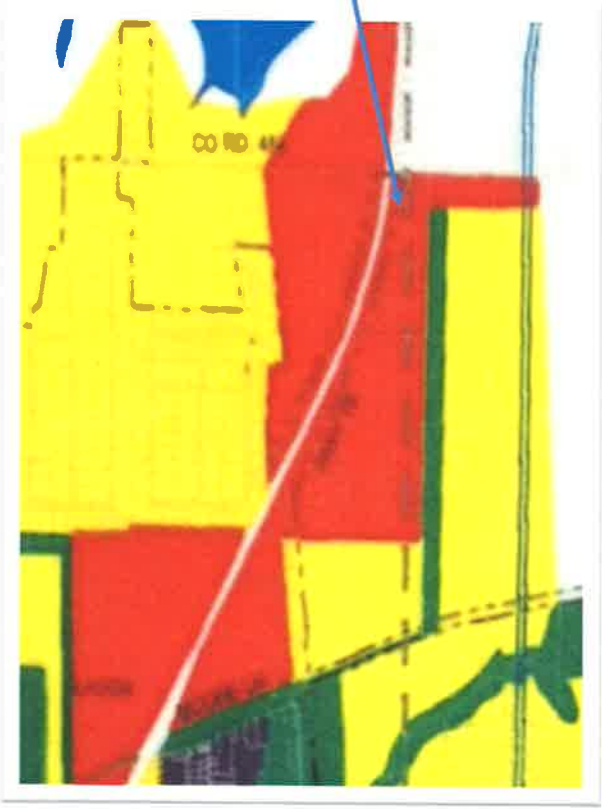
Red Maple – Acer rubrum
Caddo Maple – Acer saccharum 'Caddo'
Shantung Maple – Acer truncatum
Pecan – Carya illinoinensis
Eastern Persimmon – Diospyrus virginiana
Texas Ash – Fraxinus pennsylvanica
Black Walnut – Juglans nigra
Eastern Red Cedar – Juniperus virginiana
Sweetgum – Liquidambar styraciflua
Southern Magnolia – Magnolia grandiflora
Chinese Pistache – Pistachia chinensis
Sycamore – Platanus occidentalis
Buckleys Oak – Quercus buckleyi
Bur Oak – Quercus macrocarpa
Chinquapin Oak – Quercus muhlenbergii
Shumard Oak – Quercus shumardii
Live Oak – Quercus virginiana
American Elm – Ulmus americana
Cedar Elm – Ulmus Crassifolia
Lacebark Elm – Ulmus parvifolia

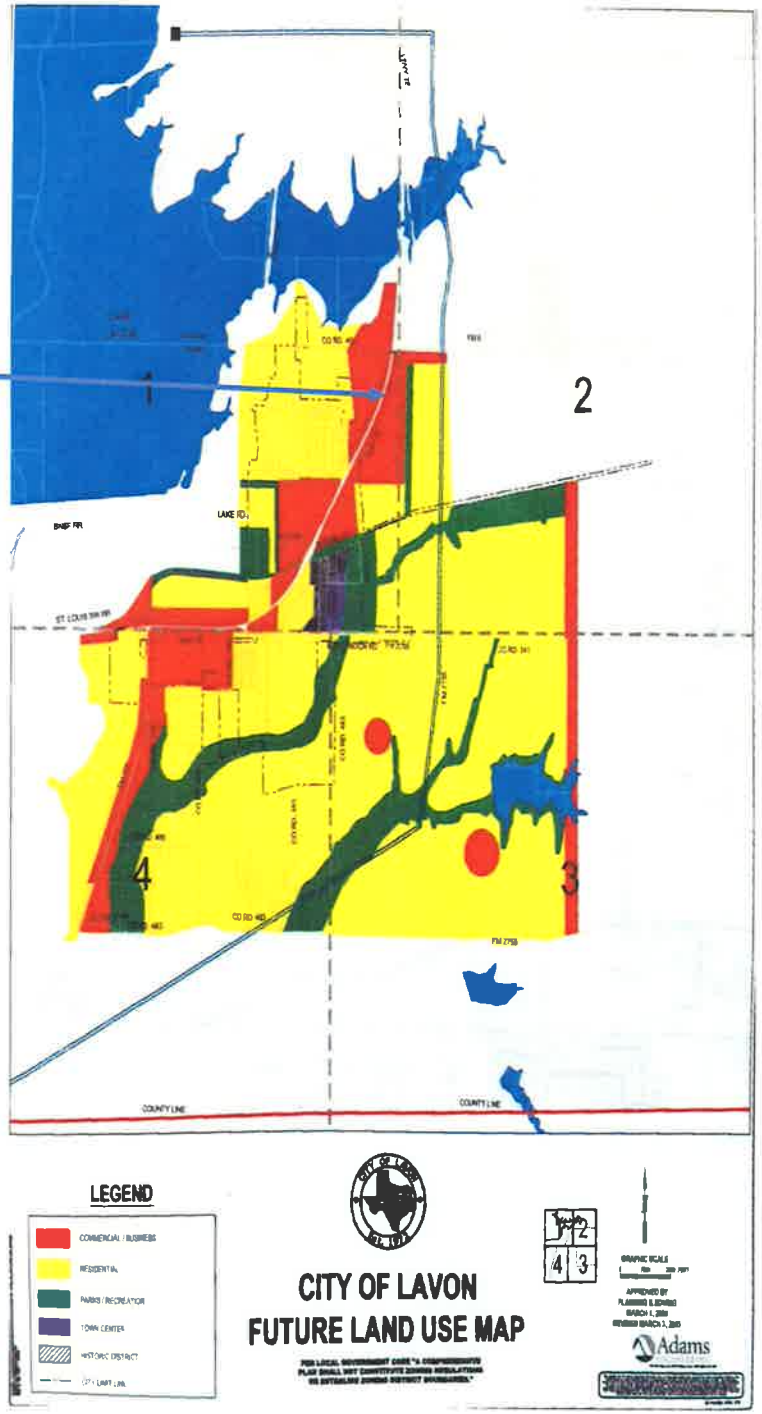
Ornamental Trees:

Eastern Redbud – Cercis canadensis
Texas Redbud – Cercis canadensis var. texensis
Desert Willow – Chilopsis linearis
Chitalpa – Chitalpa tashkentensis
Flowering Dogwood – Cornus florida
American Smoketree – Cotinus obovatus
Arizona Cypress 'Blue Ice' – Cuppressus arizonica
Possumhaw Holly – Ilex decidua
Yaupon Holly – Ilex vomitoria
Foster Holly – Ilex x attenuate 'Fosteri'
Savannah Holly – Ilex x attenuata 'Savannah'
Crape Myrtle – Lagerstroemia indica
'Little Gem' Magnolia – Magnolia grandiflora 'Little Gem'
Wax Myrtle – Myrica cerifera
Afghan Pine – Pinus eldarica
Mexican Plum – Prunus mexicana
Lacey Oak – Quercus laceyi
Carolina Buckthorne – Rhamnus caroliniana
Flameleaf Sumac – Rhus lanceolata
Eve's Necklace – Sophora affinis
Texas Sophora – sophora segundiflora
Mexican Buckey – Ungnadia speciosa
Rusty Blackhaw – Viburnum rufidilum
Chaste Tree – Vitex agnus-castus

Future Land Use Map

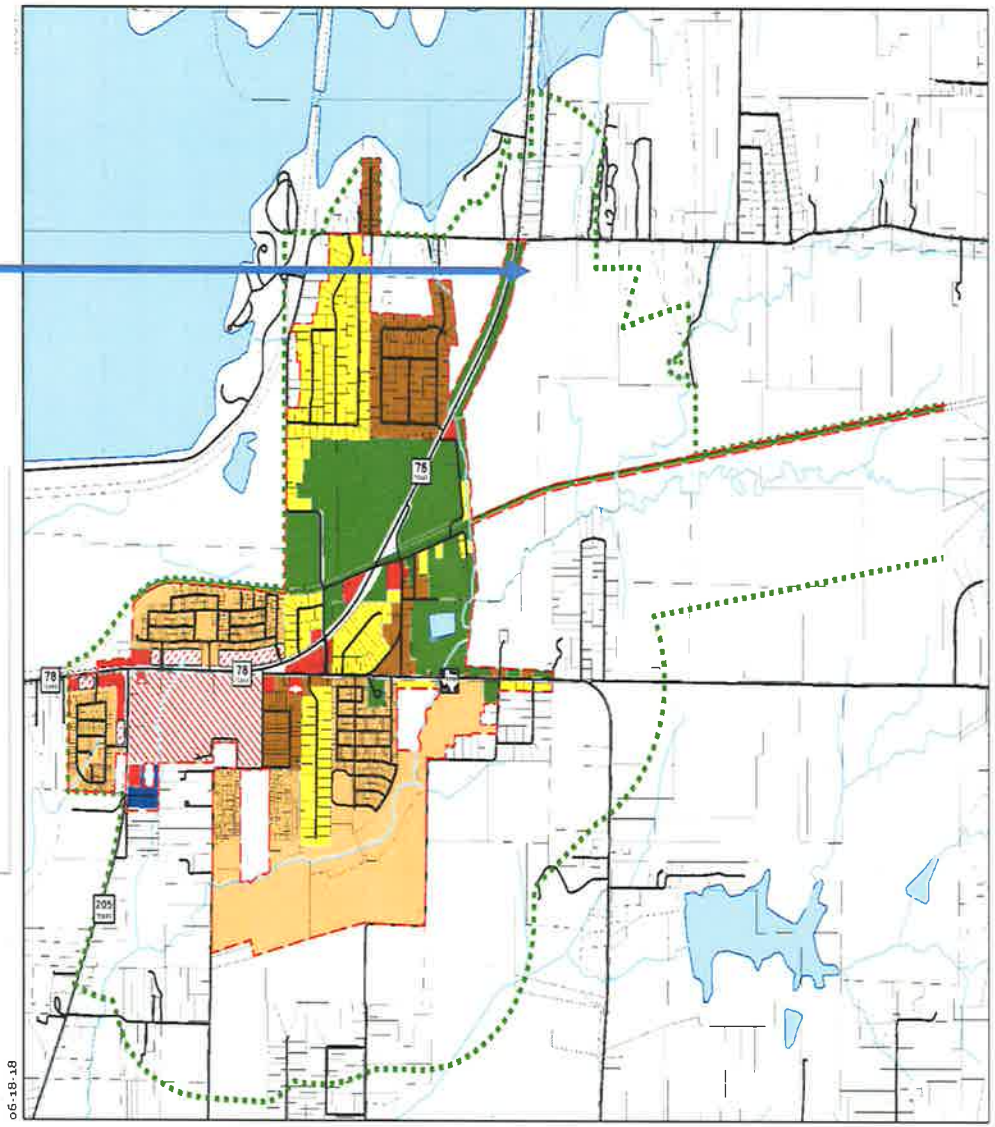
LakePointe





Zoning Map

LakePointe



ZONING MAP

Ordinance No. 2018-03-02
March 6th, 2018

Legend

- Agricultural (A)
- Single Family-1 (SF-1)
- Single Family-2 (SF-2)
- Retail (R)
- Planned Development – Single Family (PD-SF)
- Planned Development – Mixed Use (PD-MU)
- Planned Development – Commercial (PD –C)
- Planned Development – Business (PD-B)
- Lavon City Limits

For Planned Development Regulations
See the City of Lavon Ordinance applicable to the specific site.

Unassigned Zoning Districts

Single-Family -4 (SF-4)
Main Street
Business Park District (B-2)

For General Regulations of these Zoning Districts
see the City of Lavon Zoning Ordinance

N
W E
S

0 0.2 0.4 0.8 Miles

MUNDO
Mundo & Associates

LAKEPOINTE ZONING NOTICES

Owner Name	Mailing Address	Physical Address	Legal Description
William Ronny & Cynthia Mcguire	Po Box 2225 Wylie, TX 75098-2225	Pecan Tree Estates Nevada, TX 75173	Pecan Trees Estates (Gcn), Lot 1
Blake Etal Mccartney	3845 Forney Rd Mesquite TX 75149-2752	County Road 542 Nevada, TX 75173	Abs A0955 S Williams Survey, Tract 36, 35.33 Acres
Donald Thompson	7749 County Road 542 Nevada, TX 75173-8049	1558 W FM 6 Nevada, TX 75173	Abs A0955 S Williams Survey, Tract 35, 14.5 Acres
Petro Hunt LLC C/O Ad Valorem Tax Dept	2101 Cedar Springs Rd Ste 600 Dallas, TX 75201-1591	FM 6 Lavon, TX 75166	Abs A0740 S M Rainer Survey, Sheet 4, Tract 36, 59.549 Acres
Petro Hunt LLC C/O Ad Valorem Tax Dept	2101 Cedar Springs Rd Ste 600 Dallas, TX 75201-1591	County Road 541 Lavon, TX 75166	Abs A0740 S M Rainer Survey, Sheet 4, Tract 23, 140.224 Acres
Far East Lavon LP C/O Ad Valorem Tax Dept	2101 Cedar Springs Rd Ste 600 Dallas, TX 75201-1591	County Road 541 Lavon, TX 75166	Abs A0740 S M Rainer Survey, Sheet 2, Tract 51, 54.0 Acres
Mary Evans	803 N Josephine St Royse City, TX 75189-2912	200 Bois D Arc Lavon, TX 75166	Abs A0740 S M Rainer Survey, Sheet 1, Tract 54, .91 Acres
Connie S Miller	Po Box 354 Lavon, TX 75166-0354	208 Bois D Arc Lavon, TX 75166	Abs A0740 S M Rainer Survey, Sheet 1, Tract 55, 2.069 Acres
Ldc Lavon LLC Attn: Steve Lenart	520 Central Pkwy E Ste 104 Plano, TX 75074-5526	N State Hwy 78 Lavon, TX 75166	Abs A0740 S M Rainer Survey, Sheet 1, Tract 40, 200.9089 Acres
Mjkmart LLC	116 Collin Ct Murphy, TX 75094-3792	400 N State Hwy 78 Lavon, TX 75166	Abs A0740 S M Rainer Survey, Sheet 1, Tract 58, 2.245 Acres

CITY OF LAVON, TEXAS
NOTICE OF PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL

Notice is hereby given that the **Planning and Zoning Commission** will hold a public hearing at the meeting starting at 7:00 PM, Tuesday, **June 25, 2019** at Lavon City Hall, 120 School Rd.

Further notice is given that a second public hearing is scheduled where the request and the recommendation of the Planning and Zoning Commission will be considered by the **City Council** at a meeting starting at 7:00 PM, Tuesday, **July 2, 2019** at Lavon City Hall. At such times and place, the Commission and the Council will hear and take action on:

Request: the application of Lavon LDC, LLC for a zoning change from Temporary Agricultural (A) to Planned Development – Mixed Use (PD-MU) zoning district for mixed uses consisting of single family residential with a density of 700 lots on 173.5 acres and commercial uses including retail, business park, multi-family and townhome uses on 27.25 acres.

Property Description: Proposed LakePointe addition, consisting of 200.989 acres of newly annexed property described as Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2663916), southeast of the intersection of SH 78 and FM 6, Collin County, Texas.

Information regarding the request may be obtained at cityhall@cityoflavon.org or at 972-843-4220. You are receiving this notice because the subject property is located within 200 feet of your property. The public hearing may be continued should an applicant so request. Interested citizens are invited to attend the public hearing and participate in the same.

Optional: The following may be filled out and returned to Lavon City Hall before the hearing date.

Check one: ☐ **I am in favor of the request.** ☐ **I am opposed to the request.**

Reasons: (attach separate sheet(s) as needed)

_____

_____

_____

_____

_____

Signature: _____

Name (printed): _____

Address: _____

Phone/Email Address (optional): _____

You may return this form to:

City of Lavon
P.O. Box 340
Lavon, Texas 75166
or email CityHall@cityof lavon.org

CITY OF LAVON, TEXAS
NOTICE OF PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL

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Optional: The following may be filled out and returned to Lavon City Hall before the hearing date.

Check one: ☐ **I am in favor of the request.** ☑ **I am opposed to the request.**

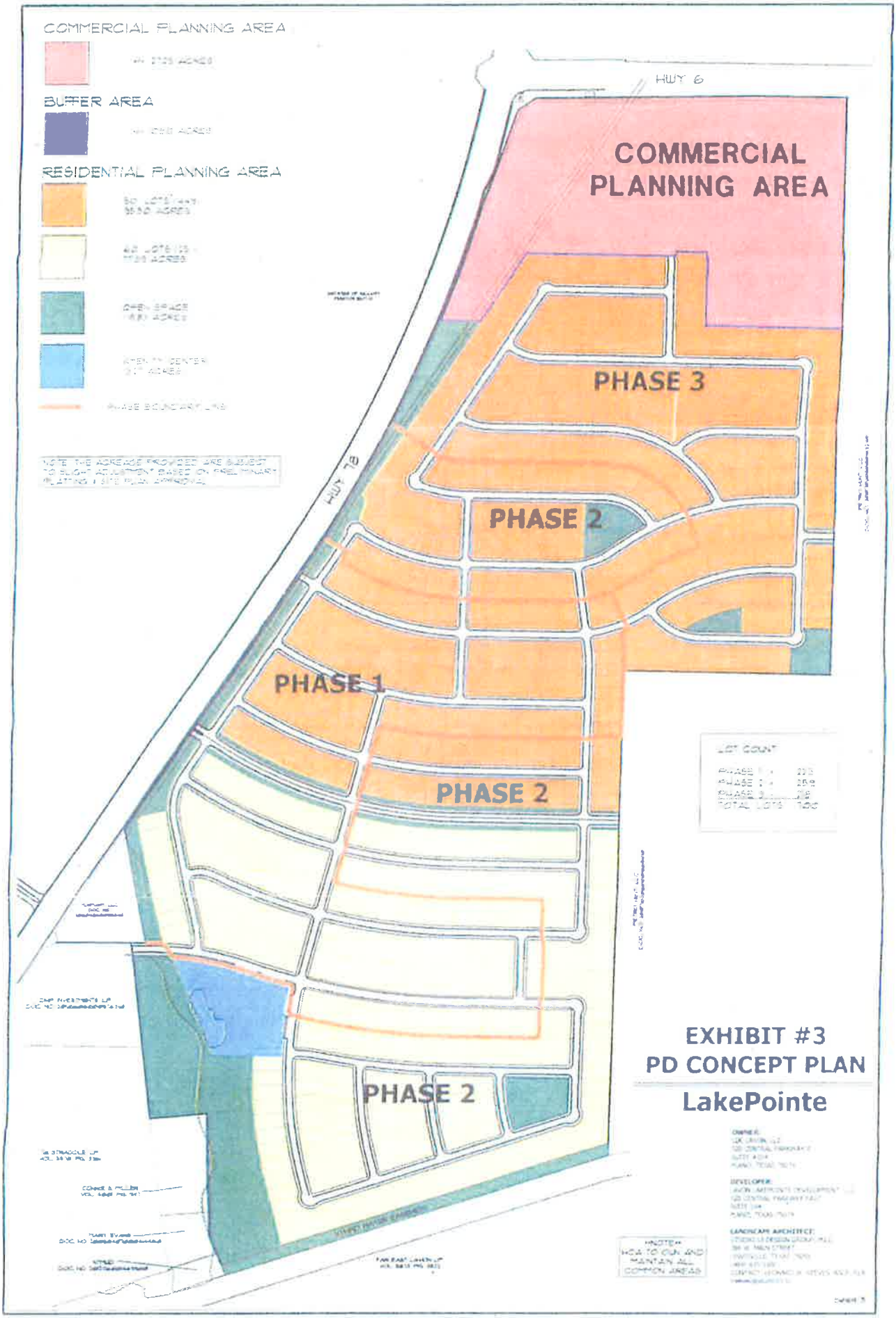
Reasons: (attach separate sheet(s) as needed)
See attached list.

Signature: Connie Miller
Name (printed): Connie Miller
Address: 208 BOIS D ARC LANE, LAVON, TX
Phone/Email Address (optional): [redacted]

You may return this form to: *City of Lavon*
P.O. Box 340
Lavon, Texas 75166
or email CityHall@cityoflavon.org

208 Bois D Arc Lavon, TX 75166, Abs A0740 S M Rainer Survey, Sheet 1, Tract 55, 2.069 Acres

RECEIVED
JUN 25 2019
CITY OF LAVON


COMMERCIAL PLANNING AREA
BUFFER AREA
RESIDENTIAL PLANNING AREA
HWY 6
HWY 78
COMMERCIAL PLANNING AREA
PHASE 3
PHASE 2
PHASE 1
PHASE 2
PHASE 2
LOT COUNT
EXHIBIT #3
PD CONCEPT PLAN
LakePointe

Connie S. Miller, 208 Bois D Arc, Lavon, TX 75166, Cell Phone 469-301-0284, Email - cmil13m@gmail.com

Reasons for opposing the Proposed LakePointe addition as requested by the City Of Lavon, Texas

1. Property layout on Exhibit 3 shown as Connie S. Miller appears to not include my true property boundaries. I have enclosed a survey at time of purchase for the property noted.
2. Based on the above and the creek line shown in Exhibit 3 - my property boundaries are part of the identified "Open Space", and would not be "open" to the public or Lavon LakePointe Development or any of its/their
3. It appears there will be a lead-in road for the proposed property from Hwy. 78 and down Bois D Arc (or Ark as noted on the street sign) which have cause for several concerns:

a. Does this block the creek flow? With all the heavy rains the creek as been at capacity on several occasions this year and there is a concern of flooding if the creek is further blocked.

b. Bois D Arc/Ark is already in extremely poor shape due to traffic, flooding from field runoff, lack of attendance to the ditches (which are now almost nonexistent), etc. This access road would undoubtedly increase traffic, therefore, increasing road damage and potential danger (head-on collision, danger to regular

SHEET 1 OF 2

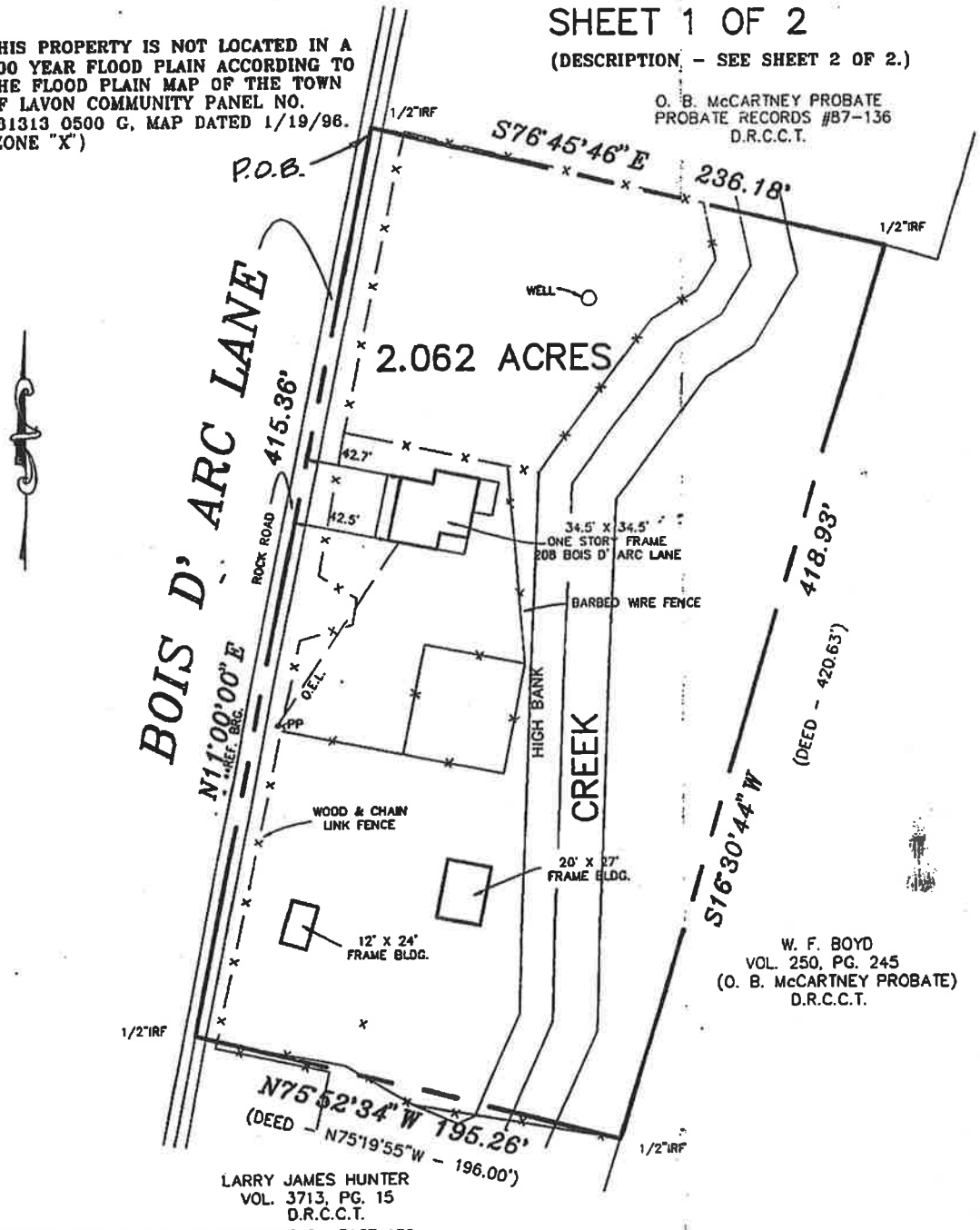
DANIEL A. SMITH, INC.

900 VIA AVENIDA
MESQUITE, TEXAS 75150
(972) 682-1794 FAX (972) 279-1503

SCALE: 1" = 60'
DATE: 7-9-97
JOB #: DAS673

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at 208 BOIS D' ARC LANE in the Town of LAVON, Texas, described as follows:

THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN ACCORDING TO THE FLOOD PLAIN MAP OF THE TOWN OF LAVON COMMUNITY PANEL NO. 481313 0500 G, MAP DATED 1/19/96. (ZONE "X")



** BEARINGS ARE BASED ON VOLUME 2121, PAGE 186.
• MONUMENTS FOUND OR SET ARE WITNESSES TO THE RECORDED PLAT CORNERS.

The plat hereon is a true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location, and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated, and that the distance from the nearest intersecting street, or road, is as shown on said plat.

THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN.

This survey was performed in connection with the transaction described in GF NO. 9706048 BC of COMMONWEALTH Title Co. Use of this survey for any other purpose or by any other parties shall be at their own risk and the undersigned is not responsible to others for any loss resulting therefrom.

REGISTERED PROFESSIONAL LAND SURVEYOR

Daniel A. Smith, R.P.L.S. No. 4645

REGISTERED DANIEL A. SMITH 4645 PROFESSIONAL LAND SURVEYOR

CITY OF LAVON
CITY COUNCIL
Agenda Brief

MEETING: July 2, 2019 **ITEM: 6 - E**

Item:

Discussion and action regarding Resolution No. **2019-07-02** authorizing the Mayor to execute an amendment to the professional services agreement for traffic engineering services with Lee Engineering for an update to the Thoroughfare System Map and transportation planning services from an amount not to exceed $10,000.00 to $12,000.00.

Background:

In January 2018, the City Council engaged Lee Engineering to work on an update to the City's Thoroughfare Plan Map. Over the past eighteen months, Collin County and the North Central Texas Council of Governments have worked with the City on the potential alignment of a future Collin County highway in or near Lavon. The alignment determination has delayed the City's completion of the Thoroughfare Plan map and required additional meetings with property owners and interested parties.

The scope of work has exceeded what was initially anticipated. Lee Engineering reviewed the status of the project and the additional workload and provided a revised agreement.

Information about the firm can be found at http://www.leeengineering.com/traffic-engineering-studies.aspx. Funding is available in the Outsourcing Consulting/Professional Services and City Engineer accounts.

Approval is recommended.

Attachments:
1. Resolution No. **2019-07-02** and the agreement
2. Resolution No. **2018-01-01**

June 27, 2109

CITY OF LAVON, TEXAS

RESOLUTION NO. 2019-07-02

Amendment – Professional Services – Lee Engineering

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR TRAFFIC ENGINEERING SERVICES WITH LEE ENGINEERING FOR AN UPDATE TO THE THOROUGHFARE SYSTEM MAP AND TRANSPORTATION PLANNING SERVICES FROM AN AMOUNT NOT TO EXCEED $10,000.00 TO $12,000.00.

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

SECTION 1. The City Council does hereby authorize the Mayor to execute amendment to the professional services agreement for traffic engineering services with Lee Engineering for an update to the Thoroughfare System Map and transportation planning services from an amount not to exceed $10,000.00 to $12,000.00, attached hereto as Exhibit "A".

SECTION 2. That this resolution shall take effect from and after the date of its passage.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 2nd day of July 2019.

_____

Vicki Sanson
Mayor

ATTEST:

_____

Kim Dobbs
City Administrator/City Secretary

CITY OF LAVON, TEXAS

RESOLUTION NO. 2019-07-02

EXHIBIT A

AGREEMENT

ARIZONA
TEXAS
NEW MEXICO
OKLAHOMA

June 18, 2019

Ms. Kim Dobbs
City Administrator | City Secretary
City of Lavon
P.O. Box 340
Lavon, TX 75166

Re: City of Lavon Thoroughfare System Map Update – Additional Services

Dear Ms. Dobbs:

Lee Engineering appreciates the opportunity to submit this proposal to provide additional professional traffic engineering services for the City of Lavon. If accepted, this letter will be an agreement between the City of Lavon (CITY) and Lee Engineering, LLC (LEE) to provide the services outlined in the Scope of Services below.

SCOPE OF SERVICES - THOROUGHFARE PLAN REVIEW

ADDITIONAL SERVICES AND MEETINGS

LEE will participate in meetings with City, Collin County, NCTCOG staff and impacted developers as needed. Any meetings will be performed as additional services and will be billed on an hourly basis according to our attached standard hourly rates.

FEE AND SCHEDULE

LEE will perform these services on an hourly basis. This agreement will increase our not to exceed fee for additional services to $12,000 without prior authorization and according to the attached terms and conditions dated April 2, 2018.

If you have any questions, please contact me at (972) 248-3006. We appreciate the opportunity to submit this proposal and look forward to continuing to work with you on this project.

Sincerely,

Joseph T. Short, P.E., PTOE
President

Accepted:

_____ _____
City of Lavon Date

3030 LBJ Freeway, Suite 1660, Dallas, TX 75234
(972) 248-3006 office (972) 248-3855 fax | www.leeengineering.com

Lee Engineering
Terms and Conditions
April 2, 2018

Additional services as authorized by you will be performed at the following rates:

Principal	$250.00/per hour
Senior Project Manager	$210.00/per hour
Project Manager	$170.00/per hour
Senior Program Manager	$210.00/per hour
Program Manager	$170.00/per hour
Senior Engineer	$160.00/per hour
Project Engineer	$135.00/per hour
Sr. Engineering Designer	$115.00/per hour
Engineering Designer	$100.00/per hour
Senior ITS System Designer	$175.00/per hour
ITS System Designer	$130.00/per hour
Senior Technician	$100.00/per hour
Technician	$ 75.00/per hour
Admin Assistant/Accountant	$ 75.00/per hour
Secretarial	$ 50.00/per hour
Intern	$ 45.00/per hour
Highway travel	IRS Allowable Rate
Meals, lodging, air fares	out-of-pocket costs
Other Direct Expenses	at cost

TERMS AND CONDITIONS:

1. Invoices will be submitted monthly.
2. Invoices are due and payable when received.
3. Interest at the rate of 1.5% per month will be applied to invoices not paid within 30 days of initial billing date.
4. We reserve the right to cease work on delinquent accounts.
5. We reserve the right to bill for expenses related to project delays caused by contracting party.
6. Contracting party is responsible for paying all fees and expenses associated with all activities related to an engagement. Credit will be given for payments received directly from clients of the contracting party or from others.
7. The retainer fee will be credited against fee with the final invoice.
8. In addition to invoices rendered and interest thereon, contracting party agrees to pay any and all legal fees and costs incurred in collecting overdue accounts.
9. Rates are subject to change annually. Work performed in subsequent years will be charged at the adjusted rates.
10. Draft reports are for review purposes only and are not to be released to any entity that is not party to this agreement.
11. Extra copies of reports will be billed at $10.00 per copy.
12. All contracts shall be subject to the laws of the State of Arizona.

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CITY OF LAVON, TEXAS

RESOLUTION NO. 2018-01-01

Professional Services Agreement - Lee Engineering

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AUTHORIZING THE MAYOR PRO TEM TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH LEE ENGINEERING FOR PROFESSIONAL TRAFFIC ENGINEERING SERVICES REQUIRED TO UPDATE THE THOROUGHFARE SYSTEM MAP, IN AN AMOUNT NOT TO EXCEED OF $10,000.00.

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

SECTION 1. The City Council does hereby authorize the Mayor Pro Tem to Execute a Professional Services Agreement with Lee Engineering for professional traffic engineering services required to update the Thoroughfare System Map, in an amount not to exceed $10,000.00 and attached hereto as Exhibit "A".

SECTION 2. That this resolution shall take effect from and after the date of its passage.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 2nd day of January, 2018.

Vicki Sanson, Mayor Pro Tem

ATTEST:

Kim Dobbs
City Administrator | City Secretary

CITY OF LAVON, TEXAS

CITY OF LAVON, TEXAS

RESOLUTION NO. 2018-01-01

EXHIBIT A

PROFESSIONAL SERVICES AGREEMENT

ARIZONA
TEXAS
NEW MEXICO
OKLAHOMA

December 21, 2017

Ms. Kim Dobbs
City Administrator | City Secretary
City of Lavon
P.O. Box 340
Lavon, TX 75166

Re: City of Lavon Thoroughfare System Map Update

Dear Ms. Dobbs:

Lee Engineering is pleased to submit this proposal to provide professional traffic engineering services for the City of Lavon. It is our understanding that the City of Lavon would like to update their Thoroughfare System Map to account for the future development patterns within the City and to consider the impacts of other proposed Regional Thoroughfare Planning exercises. No changes to the functional classification system or standards will be included as part of this work effort. If accepted, this letter will be an agreement between the City of Lavon (CITY) and Lee Engineering, LLC (LEE) to provide the services outlined in the Scope of Services below.

SCOPE OF SERVICES

TASK 1 - THOROUGHFARE PLAN REVIEW

Task 1.1 – Gather Existing Plans

LEE will gather and review existing thoroughfare plans for the City of Lavon, Collin County and the NCTCOG Regional Thoroughfare Plan, as well as thoroughfare plans from the City of Wylie, adjacent to Lavon. The most current available aerial imagery, GIS base files and the regional travel demand model for the city will be obtained from the CITY and/or NCTCOG. We have assumed that the existing City of Lavon Thoroughfare System Map will be provided in either CAD or GIS format. We will also gather and review any other relevant studies, reports, and standards such as the city's Comprehensive Plan and/or Future Land Use Plan.

Task 1.2 – Inventory and Data Collection

LEE will inventory the existing arterial and collector roadway cross-sections within the City of Lavon. Arterial roadways surrounding the City of Lavon in adjoining cities will also be inventoried.

Task 1.3 – Roadway Review

LEE will use the inventory compiled in Task 1.2 and compare the existing roadway system to the current Thoroughfare System Map to identify changes in the area roadways since current Thoroughfare System Map was developed.

RECEIVED
DEC 21 2017
CITY OF LAVON

3030 LBJ Freeway, Suite 1660, Dallas, TX 75234
(972) 248-3006 office (972) 248-3855 fax | www.leeengineering.com

Task 1.4 – Existing and Future Development Review

LEE will identify existing development within the City of Lavon and compare it with the future land use plan to help identify future areas of growth.

Task 1.5 – Roadway Needs Assessment

Using the information obtained from previous Tasks, LEE will identify the thoroughfare needs of the existing and proposed development and determine changes necessary to the Thoroughfare System Map. We will also compare the changes to those proposed in the Collin County and NCTCOG Regional Thoroughfare Plans.

Task 1.6 – Thoroughfare System Map

LEE will produce an updated Thoroughfare System Map and submit for City review. We will present a summary of the map and collected inventory data to City staff via a conference call/WebEx meeting. This discussion will highlight any roadway segments that are missing or not built to current thoroughfare plan standards, changes to the current Thoroughfare System Map and any differences against the Collin County and NCTCOG Regional Thoroughfare Plan. Upon receiving any comments from the City, a final Thoroughfare System Map will be produced.

TASK 2 - ADDITIONAL SERVICES AND MEETINGS

LEE will be available to participate in any additional meetings with City staff, as needed. Any meetings or any other work not included in Task 1 will be performed as additional services and will be billed on an hourly basis according to our attached standard hourly rates.

FEE AND SCHEDULE

LEE will perform the work included above in Task 1 for a lump sum fee of $7,400 and provide a DRAFT of the Thoroughfare System Map within thirty (30) working days. Any meetings included in Task 2 or any additional services beyond the Scope of this project will be performed on an hourly basis for a fee not to exceed $2,000 without prior authorization and according to the attached terms and conditions dated May 11, 2017.

If you have any questions, please contact me at (972) 248-3006. We appreciate the opportunity to submit this proposal and look forward to working with you on this project. We can begin work upon receipt of a signed copy of this letter.

Sincerely,

Joseph T. Short, P.E., PTOE
President

Accepted:

_____ _____
City of Lavon Date

Lee Engineering
Terms and Conditions
May 11, 2017

Additional services as authorized by you will be performed at the following rates:

Principal	$240.00/per hour
Senior Project Manager	$205.00/per hour
Project Manager	$170.00/per hour
Senior Program Manager	$205.00/per hour
Program Manager	$170.00/per hour
Senior Engineer	$150.00/per hour
Project Engineer	$130.00/per hour
Sr. Engineering Designer	$115.00/per hour
Engineering Designer	$ 95.00/per hour
Senior ITS System Designer	$175.00/per hour
ITS System Designer	$130.00/per hour
Senior Technician	$100.00/per hour
Technician	$ 60.00/per hour
Admin Assistant/Accountant	$ 75.00/per hour
Secretarial	$ 50.00/per hour
Intern	$ 45.00/per hour
Highway travel	IRS Allowable Rate
Meals, lodging, air fares	out-of-pocket costs
Other Direct Expenses	at cost

TERMS AND CONDITIONS:

1. Invoices will be submitted monthly.
2. Invoices are due and payable when received.
3. Interest at the rate of 1.5% per month will be applied to invoices not paid within 30 days of initial billing date.
4. We reserve the right to cease work on delinquent accounts.
5. Contracting party is responsible for paying all fees and expenses associated with all activities related to an engagement. Credit will be given for payments received directly from clients of the contracting party or from others.
6. The retainer fee will be credited against fee with the final invoice.
7. In addition to invoices rendered and interest thereon, contracting party agrees to pay any and all legal fees and costs incurred in collecting overdue accounts.
8. Rates are subject to change annually. Work performed in subsequent years will be charged at the adjusted rates.
9. Draft reports are for review purposes only and are not to be released to any entity that is not party to this agreement.
10. Extra copies of reports will be billed at $10.00 per copy.
11. All contracts shall be subject to the laws of the State of Arizona.

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CITY OF LAVON
CITY COUNCIL
Agenda Brief

MEETING: July 2, 2019 **ITEM: 6 - F**

Item:

Discussion and action regarding Resolution No. **2019-07-03** expressing support for the 2020 Census.

Background:

Representatives of the 2020 Census met with city staff recently to provide information about the upcoming 2020 Census efforts and the impact the Census may have on city operations.

The representative indicated that Census will be hiring local residents to assist in the data collection efforts. Employment information can be found at https://2020census.gov/en/jobs .

Approval is recommended.

Attachments:
1. Resolution No. **2019-07-03**
2. Census information

June 28, 2109

CITY OF LAVON, TEXAS

RESOLUTION NO. 2019-07-03

2020 Census Partnership

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS EXPRESSING SUPPORT FOR THE 2020 CENSUS; AND DECLARING AN EFFECTIVE DATE.

WHEREAS the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy;

WHEREAS the City Council of the City of Lavon is committed to ensuring every resident is counted;

WHEREAS federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing;

WHEREAS census data helps determine how many seats each state will have in the U.S. House of Representatives and is necessary for an accurate and fair districting of state legislative seats, county and voting districts;

WHEREAS information from the 2020 Census and American Community Survey are vital tools for economic development and increased employment;

WHEREAS the information collected by the census is confidential and protected by law;

WHEREAS a united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our citizens;

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

SECTION 1.

The City of Lavon is committed to partnering with the U.S. Census Bureau and the State of Texas and will:

1. Support the goals and ideals for the 2020 Census and will disseminate 2020 Census information.
2. Encourage residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation.
3. Support census takers as they help our city complete an accurate count.
4. Strive to achieve a complete and accurate count of all persons within our city.

SECTION 2.

That this resolution shall take effect from and after the date of its passage.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 2nd day of July 2019.

_____

Vicki Sanson
Mayor

ATTEST:

_____

Kim Dobbs
City Administrator/City Secretary

Census Fast Facts

- As mandated by the U.S. Constitution, America gets just one chance each decade to count its population. The U.S. Census Bureau counts every resident in the United States. It is mandated by Article I, Section 2 of the U.S. Constitution and takes place every 10 years. Not only do we have to count people, we have to know where they live so we can provide accurate population numbers for counties, states, municipios, etc. These numbers are used to draw school and voting districts.
- Census data, collected every 10 years, determines your representation in Congress and determines how funds are spent in your community on things like roads, schools, and hospitals.
- The 2020 Census will use a new design that incorporates online and phone response options in addition to the traditional paper option. The online response option allows people to respond on their desktop computers, laptops, smartphones, or tablets.
- Here's how the census helps you and your community:
  - Communities use the information to plan bus routes, draw school district boundaries, and offer community services.
  - Businesses use census data to decide where to put a store, office, or plant. These new locations create jobs and support the community's economy.
  - Businesses use the information to determine what to sell in their stores so communities get what they need.
  - The information helps your community receive funding from the federal government.

United States Census 2020

CENSUS 101: WHAT YOU NEED TO KNOW

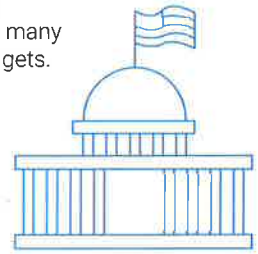
The 2020 Census is closer than you think!
Here's a quick refresher of what it is and why it's essential that everyone is counted.

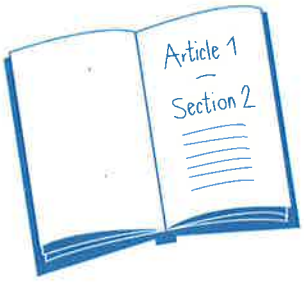
Everyone counts.

The census counts every person living in the U.S. once, only once, and in the right place.

It's about fair representation.

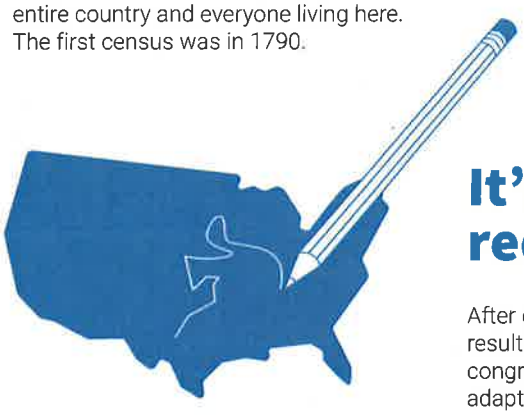
Every 10 years, the results of the census are used to reapportion the House of Representatives, determining how many seats each state gets.





It's in the Constitution.

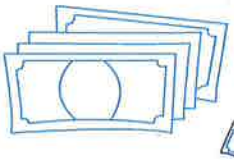
The U.S. Constitution requires a census every 10 years. The census covers the entire country and everyone living here. The first census was in 1790.



It's about redistricting.

After each census, state officials use the results to redraw the boundaries of their congressional and state legislative districts, adapting to population shifts.

It means $675 billion.

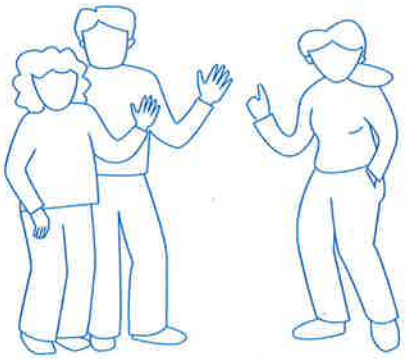


Census data determine how more than $675 billion are spent, supporting your state, county and community's vital programs.

Taking part is your civic duty.

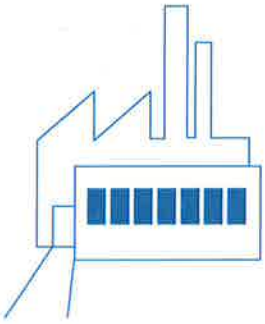
Completing the census is required: it's a way to participate in our democracy and say "I COUNT!"

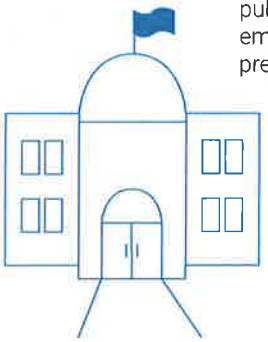
Census data are being used all around you.



Residents use the census to support community initiatives involving legislation, quality-of-life and consumer advocacy.

Businesses use census data to decide where to build factories, offices and stores, which create jobs.





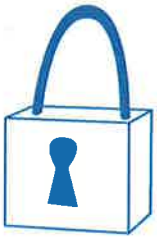
Local governments use the census for public safety and emergency preparedness.

Real estate developers use the census to build new homes and revitalize old neighborhoods.

Your data are confidential.

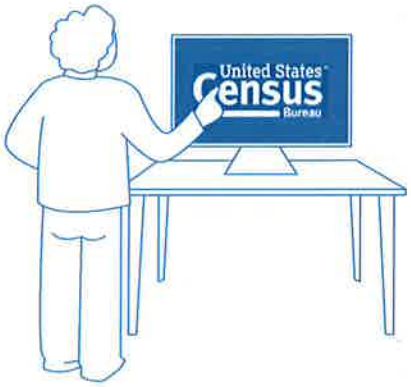
Federal law protects your census responses. Your answers can only be used to produce statistics.

By law we cannot share your information with immigration enforcement agencies, law enforcement agencies, or allow it to be used to determine your eligibility for government benefits.



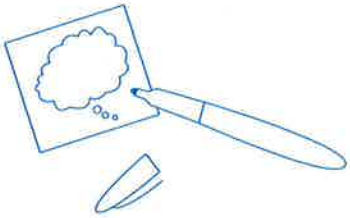
2020 will be easier than ever.

In 2020, you will be able to respond to the census online.



You can help.

You are the expert—we need your ideas on the best way to make sure everyone in your community gets counted.



United States Census Bureau

U.S. Department of Commerce
Economics and Statistics Administration
U.S. CENSUS BUREAU
census.gov

FIND OUT HOW TO HELP AT CENSUS.GOV/PARTNERS