



AGENDA
APRIL 7, 2020
LAVON CITY COUNCIL
6:00 PM EXECUTIVE SESSION
7:00 PM REGULAR MEETING
TELEPHONIC MEETING
DIAL IN: (844) 854-2222
ACCESS CODE: 856485

In accordance with the orders of the Office of the Governor, the City Council of the City of Lavon will conduct the meeting by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). There will be no physical location for the meeting. The meeting agenda and packet are posted online at www.cityoflavon.com.

The public dial-in number to participate in the telephonic regular meeting is **(844) 854-2222**. The Access Code to the public meeting is **856485**.

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting. A recording of the telephonic meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

1. PRESIDING OFFICER TO CALL THE MEETING TO ORDER AND ANNOUNCE THAT A QUORUM IS PRESENT AT 6:00 PM

2. INVOCATION

3. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may recess into Executive Session (closed meeting) to discuss the following items pursuant to 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: (i) Abston Hills Development and (ii) Grand Heritage Development.

Note: the public will not have access to the meeting from 6:00-7:00 pm during the executive session

4. RECONVENE INTO REGULAR SESSION AT 7:00 PM

Consider and take any action necessary as a result of executive session.

5. CITIZENS COMMENTS

Citizens may provide comments (3-minute time limit/person). The City Council response regarding items that are not on the agenda may be to request items be placed on a future agenda or referred to city staff.

6. ITEMS OF INTEREST/COMMUNICATIONS

Members may identify community events, functions and other activities.

7. PRESENTATION – FINANCIAL STATEMENTS

Presentation of the 2019 Financial Statements and Independent Audit Report – Mike Ward Accounting & Financial Consulting, PLLC.

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

8. WORK SESSION

Receive from and discuss information with the city engineer, financial advisor, bond counsel and city staff regarding draft capital improvements plan (CIP) projects, project funding options and management of the tax rate. Discuss a long-term financial plan, a long-term capital plan and debt management policy

9. 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 March 17, 2020 meeting.
- B. Approve the minutes of the March 23, 2020 meeting.
- C. Approve the minutes of the March 27, 2020 meeting.
- D. Approve Resolution No. 2020-04-01 approving a Long-Term Financial Plan.
- E. Approve Resolution No. 2020-04-02 approving a Long-Term Capital Plan.
- F. Approve Resolution No. 2020-04-03 approving a Debt Management Policy.
- G. Approve Resolution No. 2020-04-04 directing the publication of notice of intention to issue combination tax and revenue certificates of obligation.
- H. Approve Resolution No. 2020-04-05 authorizing the Mayor to execute an encroachment license 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 in the vicinity of Bear Creek, Phases 3, 4 and 5.
- I. Approve Resolution No. 2020-04-06 authorizing the Mayor to execute a Service Agreement for Plan Supervisor with TML Health Benefits Pool for a Health Reimbursement Arrangement.

10. ITEMS FOR CONSIDERATION

- A. Discussion and action regarding Ordinance No. 2020-04-01 providing guidance to protect the safety and welfare of the public including and supplemental to the Declaration of Local State of Disaster due to Public Health Emergency executed by Mayor Vicki Sanson on March 16, 2020, extended by the City Council on March 23, 2020 and clarified on March 27, 2020 until April 30, 2020; providing a penalty; providing for severability, savings and repealing clauses; and providing for publication and an effective date.
- B. Public hearing, discussion and action regarding the application for a zoning change from Planned Development-Single Family (PD-SF) established by Ordinance No. 2004-09-05 to Retail (R) on 0.21 acres, a part of the 10.6219 acres of property described as WAS Bohannon Survey, ABS 0121, Sheet 3, Tract 72, CCAD Property ID 2664090, southwest of 9930 SH 78 and northeast of Grand Heritage West C, City of Lavon, Texas, requested by RaceTrac Petroleum.
 - 1) Presentation of request.
 - 2) **PUBLIC HEARING** to receive comments regarding the request.
 - 3) Discussion and action regarding the request and accompanying Ordinance No. 2020-04-02.
- C. Public hearing, discussion and action regarding the application for a Conditional Use Permit for an automobile fueling and gasoline filling station at 1000 SH 78 (also 9930 SH 78), WAS Bohannon Survey, ABS 0121, Sheet 3, Tracts 54, 68 and 72, CCAD Property IDs 2593398, 2133957 and 2664090 respectively, southwest of the intersection of SH 78 and SH 205, City of Lavon, Texas, requested by RaceTrac Petroleum.
 - 1) Presentation of request.
 - 2) **PUBLIC HEARING** to receive comments regarding the request.
 - 3) Discussion and action regarding the request and accompanying Ordinance No. 2020-04-03.

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- D. Public hearing, discussion and action regarding the application for a zoning change from Temporary Agricultural (A) to Planned Development – Mixed Use (PD-MU) zoning district consisting of single family residential uses with 109 lots on 32 acres associated with SF-4 (avg lot 8500 sq ft) and retail uses on 27 acres associated with R described as Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2152129), southwest of the intersection of SH 78 and FM 6, City of Lavon, Texas, requested by Lavon 678 Development, LLC.
 - 1) Presentation of request.
 - 2) **PUBLIC HEARING** to receive comments regarding the request.
 - 3) Discussion and action regarding the request and accompanying Ordinance No. **2020-04-04**.
- E. Discussion and action regarding extension of the preliminary plat and the final plat of Crestridge Meadows, Phase 2 on 34.746 acres of land situated in the Drury Anglin Survey, Abstract No. 2 (CCAD Property ID 2773841), south of Bear Creek and east of and in the vicinity of the 10700 block of CR 484, City of Lavon, Texas.
- F. Discussion and action to appoint liaison(s) to a working group to meet with the Abston Hills developer to discuss the development project and related matters.
- G. Conduct a public hearing to consider testimony regarding the addition of lands to the Heritage Public Improvement District No. 1 (Residential), being approximately 57.075 acres located to the south of the eastern portion of the original District as created by the Creation Resolution and 30.485 acres located to the east of the portion of the District adjacent to Mustang Estates in the corporate limits of the City of Lavon, Texas and on the advisability of the improvements, the nature of the improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs between the District and the City.
 - 1) Presentation of proposal.
 - 2) **PUBLIC HEARING** to receive comments.
- H. Discussion and action regarding Resolution No. **2020-04-07** adding lands to Heritage Public Improvement District No. 1 (Residential) within the City of Lavon pursuant to Chapter 372 Texas Local Government Code.
- I. Discussion and action regarding Resolution No. **2020-04-08** calling and noticing a public hearing on May 5, 2020 to consider the advisability of certain authorized improvements and the costs thereof to be financed by Bear Creek Phases 3-5 located in the Heritage Public Improvement District No. 1 (Residential); directing city staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto.
- J. Discussion and action regarding Resolution No. **2020-04-09** authorizing the Mayor to execute a Reimbursement Agreement with Bloomfield Homes, L.P. for professional services and associated expenses relating to the Additional Heritage PID No. 1 property and the financing of costs for improvements on the property.
- K. Discussion and action regarding Resolution No. **2020-04-10** accepting a Petition to Dissolve the Heritage Public Improvement District No. 2 (Commercial), calling for a public hearing and authorizing notices.

11. 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.

April 21 –Regular Meeting - Telephonic

12. 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.

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. The Council may vote and/or act upon each of the items listed in this Agenda except for discussion items.
3. The Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (discussing purchase, exchange, lease or value of real property); §551.074 (discussing personnel or to hear complaints against personnel); and §551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

This is to certify that this Agenda was duly posted on the City's website at www.cityoflavon.com and at City Hall and on or before 6:00 PM on April 3, 2020.



Kim Dobbs, City Administrator/City Secretary



CITY OF LAVON Agenda Brief

MEETING: April 7, 2020

ITEM: 7

Item:

Presentation of the 2019 Financial Statements and Independent Audit Report – Mike Ward Accounting & Financial Consulting, PLLC.

Background:

The Texas Local Government Code requires that the City’s financial statements shall be audited annually by an independent certified public accountant. The professional audit firm, Mike Ward Accounting & Financial Consulting, PLLC was hired by the City Council to conduct the annual audit for FY 2018-19.

The annual audit was conducted in accordance with governmental auditing standards and fulfills the requirements set out in state law.

Staff has been informed that the audit resulted in an unmodified (“clean”) opinion indicating that the financial statements are presented fairly, in all material respects, in accordance with generally accepted accounting principles. This represents the best opinion possible.

The audit report will be provided by the auditor prior to the meeting.

January 7, 2019



CITY OF LAVON

Agenda Brief

MEETING: April 7, 2020

ITEM: 8

Item:

WORK SESSION

Receive from and discuss information with the city engineer, financial advisor, bond counsel and city staff regarding draft capital improvements plan (CIP) projects, project funding options and management of the tax rate. Discuss a long-term financial plan, a long-term capital plan and debt management policy.

Background:

During the FY 2019-20 budget discussions, city staff presented certain capital projects determined to be in need of immediate attention. The City Council discussed the benefit of a capital improvements plan (CIP) to identify and prioritize a comprehensive list of capital projects. At that time, specific limited street and drainage CIP projects were estimated to cost roughly \$2,500,000. In FY 19-20, 2.33 cents of the ad valorem tax rate per hundred dollars valuation was allocated to capital projects resulting in \$79,836 budgeted in a new account line item Capital Improvement Project Reserves (Account 50-8023). With this decisive action, the City Council communicated that certain projects could not be deferred any longer.

On January 7, 2020, the City Council engaged Freeman Millican, Inc. to prepare a CIP and conducted work sessions on January 21, 2020 and February 18, 2020 to discuss the CIP process, elements and priorities. At the end of February, with a remarkably positive outlook for municipal bond sales, the financial advisor, bond counsel, and staff discussed moving forward rapidly to maximize the City's position.

Items on the CIP project provide for:

- 1) maintenance of existing infrastructure in need of repair or reconstruction;
- 2) anticipated future growth; and/or
- 3) improved and enhanced safety.

With the turn of recent events, it is important to note that the process to finance improvements has a forty-five-day waiting period per state law and if the financial forecast for selling bonds changes, these beginning steps do not obligate the city to take action. At any time, the City Council can reduce the program or abandon it altogether. Depending on economic indicators, the project list may be adjusted. The proposed schedule allows for flexibility so that if it makes sense to obtain funding for specific projects deemed immediately critical, there is no lag time.

The proposed program does not require an increase in the property tax rate.

As part of this process, it is recommended that the City Council adopt a long-term financial plan, a long-term capital plan and a debt management policy. The financial advisor will discuss the city's financial position - current and projected – and what steps the City can take to manage the tax rate to ensure there are appropriate resources for maintenance and operations as well as capital projects.

The CIP **matters**:

Community Vision Assessment

In the Community Engagement Feedback Takeaways, a key feedback takeaway from the planning process includes ***City Services & Infrastructure...*** “*prioritize improvements to the city's streets, mobility, and drainage infrastructure and would like to see an increased investment in parks, community facilities, and code enforcement.*” (CVA, p.9)

2019-21 Strategic Plan

The ***Core Purpose*** includes a purpose statement, “*Serve as stewards of planning, infrastructure, and investment*” (CVA, p.11). The second ***Core Value*** identifies “*Safety – We believe that providing a safe community, with high quality infrastructure and services, is one of the primary purposes of our city government and maintaining safety as a strength of Lavan is extremely important*” (CVA, p. 11). Among ***Two-Year Goals***, the second goal is, “*Research Pricing and Prepare a Scope for a Capital improvements Program (CIP).*” (CVA, p.13) The specific ***Goal 2*** description states that a “*CIP can include items such as:*

- *Infrastructure (including Drainage and Storm Sewer, Sidewalks, and Trails.*
- *Streets/ Mobility*
- *City Facilities & Amenities (Including Parks)*” (CVA, 14)

Attachment: Draft Schedule for Obtaining Funding for CIP projects



**Certificates of Obligations, Series 2020
General Obligation Refunding Bonds, Series 2020
Preliminary Schedule of Events**

Mar-20							Apr-20							May-20						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4						1	2
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30
														31						

Jun-20							Jul-20						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6				1	2	3	4
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

Complete By	Day	Event
9-Mar-20	Monday	HilltopSecurities requests information for preparation of the Official Statement
6-Apr-20	Monday	HilltopSecurities receives requested information. HilltopSecurities begins preparation of the Official Statement
7-Apr-20	Tuesday	Council meeting to approve publication of Notice of Intent for Certificates
8-Apr-20	Wednesday	1st Notice of Intent Published
15-Apr-20	Wednesday	2nd Notice of Intent Published
15-Apr-20	Wednesday	Draft Preliminary Official Statement distributed to the City and Bond Counsel
22-Apr-20	Wednesday	HilltopSecurities receives comments on Preliminary Official Statement
27-Apr-20	Monday	Distribute POS to Rating Agency
Week of May 4th thru 8th		Rating Conference Call
22-May-20	Friday	Receive Rating
26-May-20	Tuesday	Electronically mail Official Statement to Potential Purchasers
2-Jun-20	Tuesday	Pricing
2-Jun-20	Tuesday	City passes Ordinance authorizing issuance of the Certificates and Bonds
2-Jul-20	Thursday	Closing and Delivery of Funds to the City and the Paying Agent

Bold Indicates City Council action

Prepared by: Hilltop Securities Inc.



**MINUTES
MARCH 17, 2020
LAVON CITY COUNCIL
REGULAR MEETING
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 7:02 P.M. AND ANNOUNCED A QUORUM PRESENT.**
2. **MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND MR. DILL DELIVERED THE INVOCATION.**

3. **CITIZENS COMMENTS**

Joshua Murray, 1762 Lake Rd., Collin County, stated concern regarding economic conditions and the housing industry and first-time homebuyers.

4. **ITEMS OF INTEREST/COMMUNICATIONS**

- LVFD Board Meeting Thursday - March 12, 2020 for NIMS
- P&Z - March 24, 2020
- Mayoral Proclamation was read for "National Medal of Honor Day - March 25"

5. **CONSENT AGENDA**

- A. **Approve the minutes of the March 3, 2020 meeting.**
- B. **Approve Task Order #4 with Freeman-Millican, Inc. for professional engineering services relating to the preparation of a Preliminary Design for Main Street Sanitary Sewer not to exceed \$3,300.00.**
- C. **Accept the Heritage Public Improvement District #1 Assessment Report Summary dated 2/29/2020 and authorize the payment of invoices included therein.**

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: WRIGHT
SECONDED: KELL
APPROVED: UNANIMOUS

6. **ITEMS FOR CONSIDERATION**

- A. **Public hearing, discussion and action regarding establishing a curfew for minors and parental responsibility; setting the hours of curfew for minors; providing for affirmative defenses to prosecution; providing a penalty not to exceed five hundred dollars (\$500.00) for each offense; providing severability and providing an effective date.**

Presentation of Request.

City Administrator Kim Dobbs provided information regarding the curfew and explained that this was the second of two public hearings. Ms. Dobbs added that police warnings are typically employed to gain voluntary compliance and that no tickets have been written for curfew violations since August 2016. Ms. Dobbs reported that Police Chief Jones has expressed his support for the curfew.

PUBLIC HEARING regarding the request.

Mayor Sanson opened the public hearing at 7:12 p.m. and invited comments for or against the request. There being no comments, Mayor Sanson closed the public hearing at 7:12 p.m.

MOTION: APPROVE ORDINANCE NO. 2020-03-02 RENEWING AND ESTABLISHING, AS PREVIOUSLY ESTABLISHED BY ORDINANCE NO. 2016-08-01, A CURFEW FOR MINORS AND PARENTAL RESPONSIBILITY; SETTING THE HOURS OF CURFEW FOR MINORS; PROVIDING FOR AFFIRMATIVE DEFENSES TO PROSECUTION; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: SERKLAND
SECONDED: DILL
APPROVED: UNANIMOUS

- B. Discussion and action regarding Resolution No. 2020-03-02 recognizing the authority of the Lavon Volunteer Fire Department to seek reimbursement for costs associated with hazardous materials abatement, environmental incidents and safety and rescue responses.**

Ms. Dobbs reviewed the agreement with Sure Fire Recovery Services, LLC, and their services relating to the recovery of costs of providing services and at no direct cost to the City or the LVFD.

MOTION: APPROVE RESOLUTION NO. 2020-03-02 RECOGNIZING THE AUTHORITY OF THE LAVON VOLUNTEER FIRE DEPARTMENT TO SEEK REIMBURSEMENT FOR COSTS ASSOCIATED WITH HAZARDOUS MATERIALS ABATEMENT, ENVIROMENTAL INCIDENTS AND SAFETY AND RESCUE RESPONSES.

MOTION MADE: DILL
SECONDED: WRIGHT
APPROVED: UNANIMOUS

- C. Discussion and action regarding Resolution No. 2020-03-03 approving and authorizing the Mayor to execute a Change Order to the construction contract with Heritage Constructors, Inc. for the City of Lavon Bear Creek Wastewater Treatment Plant, Phase 3 Expansion in an amount not to exceed \$20,000.00 for the addition of two valves and modification of piping at the lift station; and providing an effective date.**

Ms. Dobbs provided information regarding the Change Order and its necessity and stated it provides the most efficient and cost-effective solution for the construction.

MOTION: APPROVE RESOLUTION NO. 2020-03-03 APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH HERITAGE CONSTRUCTORS, INC. FOR THE CITY OF LAVON BEAR CREEK WASTEWATER TREATMENT PLANT, PHASE 3 EXPANSION IN AN AMOUNT NOT TO EXCEED \$20,000.00 FOR THE ADDITION OF TWO VALVES AND MODIFICATION OF PIPING AT THE LIFT STATION; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: SERKLAND
APPROVED: UNANIMOUS

- D. Discussion and action regarding Resolution No. 2020-03-04 authorizing the Mayor to execute an Interlocal Agreement for Mowing and Maintenance with the Northeast Texas Rural Rail District (NETEX); and providing an effective date.**

Ms. Dobbs informed the council that County Commissioner Cheryl Williams contacted the City about participating in a cooperative effort to maintain the NETEX right of way in the City. Clarification of mowing and maintenance duties was recommended. Ms. Dobbs noted that the City Attorney reviewed and approved the proposed agreement.

MOTION: APPROVE RESOLUTION NO. 2020-03-04 AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT FOR MOWING AND MAINTENANCE WITH THE NORTHEAST TEXAS RURAL RAIL DISTRICT (NETEX); AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: KELL
APPROVED: UNANIMOUS

E. Discussion and action regarding Resolution No. 2020-03-05 accepting a petition for addition of lands to Heritage Public Improvement District No. 1 (Residential) and calling for a public hearing.

Ms. Dobbs provided information regarding the petition for addition of two parcels of land to the existing Heritage No. 1 Public Improvement District (PID) and informed the council that notice of public hearing must be published in the newspaper and mailed to each property owner in the proposed addition at least 15 days prior to the date of the public hearing on April 7, 2020. PID Administrator Mary Petty, P3Works, provided additional information and answered questions.

MOTION: APPROVE RESOLUTION NO. 2020-03-05 ACCEPTING A PETITION FOR ADDITION OF LANDS TO HERITAGE PUBLIC IMPROVEMENT DISTRICT NO. 1 (RESIDENTIAL) AND CALLING FOR A PUBLIC HEARING.

MOTION MADE: KELL
SECONDED: DILL
APPROVED: UNANIMOUS

F. Discussion and action regarding Board and Commission Appointments.

Ms. Dobbs presented a spreadsheet of appointments and volunteer applications. Ms. Serkland clarified that residency is required on all but the LEDC Board.

MOTION: FOR VACANT UNEXPIRED TERMS, APPOINT JOSE GARCIA TO THE LAVON ECONOMIC DEVELOPMENT CORPORATION BOARD, JENNA CURLY TO THE PLANNING & ZONING COMMISSION AND JENNIFER WHITE TO THE PARKS & RECREATION BOARD.

MOTION MADE: WRIGHT
SECONDED: KELL
APPROVED: UNANIMOUS

G. Discussion and action regarding the appointment of chairpersons for the Planning & Zoning Commission and Reinvestment Zone#1 (TIF) Board of Directors.

MOTION: APPOINT KAY WRIGHT AS CHAIRMAN OF THE REINVESTMENT ZONE#1 (TIF) BOARD OF DIRECTORS AND DAVID ROSENQUIST AS CHAIRMAN OF THE PLANNING & ZONING COMMISSION.

MOTION MADE: SERKLAND
SECONDED: COOK
APPROVED: UNANIMOUS

H. Discussion and action regarding the Public Utility Commission of Texas inquiry relating to the 2020 consumer price index (CPI) adjustment to municipal telecommunications right-of-way access lines rates.

Ms. Dobbs provided information regarding the 2020 consumer price index (CPI) adjustment to municipal telecommunications right-of-way access lines rates, stated that the line rates are paid by the telecommunications companies to the City to compensate for using the city's right-of-way and explained that if the City takes no action, the increase will automatically be implemented. The consensus of the Council was for no action to be taken in order to allow the rates to be implemented as presented. No action was taken.

I. Discussion and action regarding preparation, process, advisories and declarations relating to the 2019 Coronavirus Disease (COVID-19).

Ms. Dobbs presented information relating to the Coronavirus (COVID-19) and actions being undertaken by various agencies and public partners. Ms. Dobbs stated that at the time of agenda posting, there were none but potential county and state orders and city council action were anticipated. The staff reviewed and the City Council discussed and expressed support for the following actions and steps:

- Mayor’s 3-16-2020 Disaster Declaration - emergency reimbursement and aid options – City Council to renew if needed in 7 days on 03-23-2020; County Judge 3-16-2020 Proclamation
- Adopt National Incident Management System (NIMS) – Ms. Dobbs advised that staff believed the City had previously adopted NIMS and were looking for the documentation. In the meantime, Ms. Dobbs suggested adopting by resolution in case it had not already been done.
- Consider Draft Business Disruption Plan (BDP).
- Close city facilities to the public; remain fully-staffed – 2-3 weeks. Close City Hall & gym, Municipal Court, Police Department Offices for as long as needed.
- Conduct telephonic Public Meetings per Open Meetings Act.
- Provide salary continuation for COVID-19 related leave for up to two weeks.
- Temporarily suspend disconnection for delinquent utility payments.
- Cancel Breakfast with the Bunny on 04-04-2020.
- Suspend training and meetings, ie. LVFD – postpone HazMat class; LVFD regular meeting

Ms. Dobbs reviewed several communications and resources for the City Council’s information:

- President’s Coronavirus Guidelines for America: 15 Days to Slow the Spread
- TML Coronavirus Update #2
- Financial Advisor Credit Outlook
- City Attorney memo – Public Information Act
- Texas Attorney General: Open Meeting Laws Subject to Temporary Suspension
- Collin County Update
- Area Closures and Modified Closures: Community ISD
Bear Creek SUD
Collin Central Appraisal District
City of Farmersville

MOTION: APPROVE RESOLUTION NO. 2020-03-06 ADOPTING THE IMPLEMENTATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM; PROVIDING AN EFFECTIVE DATE.

MOTION MADE: SERKLAND
SECONDED: WRIGHT
APPROVED: UNANIMOUS

7. DEPARTMENT REPORTS

- A. Police Services** – reports regarding traffic stops, calls for service and call breakout information.
- B. Fire Services** – call report.
- C. Public Works** – report regarding general public works and street maintenance including mowing and trash collection and the sewer plant expansion construction status of the wastewater treatment plant expansion and subdivisions in progress. The Mayor acknowledged the quick and through service of the Public Works Department for the graffiti removal at Eagle Pond and the City Council expressed appreciation.
- D. Administration** – Ms. Dobbs referenced and offered to answer questions regarding the reports provided in the meeting packet including the Financial Outlooks; Building Permits Report; CWD

Recycling Reports; Collin County Tax Collection Report; Sales Tax Report and the TxDOT SH 205 Status Report.

8. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.

April 7, 2020 7 p.m. Regular City Council Meeting

9. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 8:27 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 7th day of April 2020.

Vicki Sanson
Mayor

ATTEST:

Kim Dobbs
City Administrator/City Secretary



**MINUTES
MARCH 23, 2020
LAVON CITY COUNCIL
SPECIAL MEETING
4:30 P.M.**

The meeting was conducted telephonically in accordance with the orders of the Office of the Governor in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the Coronavirus (COVID-19). The meeting agenda and packet were posted on the city website prior to the meeting.

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 4:30 P.M., CONDUCTED A ROLL CALL AND ANNOUNCED A QUORUM PRESENT.**
2. **MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND OBSERVED A MOMENT OF SILENCE.**
3. **CITIZENS COMMENTS**

Joshua Murray, 1762 Lake Rd., Collin County, expressed concern for the uncertain times and for financial burdens on residents.

4. **ITEMS FOR CONSIDERATION**

- A. **Discussion and action regarding Resolution No. 2020-03-07 consenting to the extension of the Declaration of Local State of Disaster Due to Public Health Emergency executed by Mayor Vicki Sanson on March 16, 2020 until April 8, 2020; and providing an effective date.**

Mayor Sanson shared information from a conference call earlier in the day with Collin County Judge Chris Hill and area mayors regarding a county declaration. Mayor Sanson noted that the mayors agreed that working in unity with other cities will help them provide safety for all citizens of Collin County. Mr. Kell thanked Mayor Sanson for the continued support of the citizens and asked the council to consider cancelling all non-essential board and commission meetings until further notice. Mr. Kell further expressed desire for stricter measures such as a shelter-in-place order and noted that the Economic Development Corporation would be checking on the small businesses in the area to see what support they may need. Ms. Wright inquired if the county had given any indication of a shelter-in-place order and noted that she thinks Planning & Zoning meetings should be held as needed. Mayor Sanson stated that the mayors have been working together and feel they want to keep as many citizens employed as possible while first and foremost protecting public health. Ms. Serkland added that based on Dallas County some businesses are exempt from the shelter-in-place order and those decisions need to be made on a case by case basis.

MOTION: APPROVE RESOLUTION NO. 2020-03-07 CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY EXECUTED BY MAYOR VICKI SANSON ON MARCH 16, 2020 UNTIL APRIL 8, 2020; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: SERKLAND
SECONDED: KELL
APPROVED: UNANIMOUS

The Mayor called roll for the vote:

PLACE 1-JOHN KELL	FOR
PLACE 2-MIKE COOK	FOR
PLACE 3-KAY WRIGHT	FOR
PLACE 4-TED DILL	FOR
PLACE 5-MINIDI SERKLAND	FOR

5. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 4:47 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 7th day of April 2020.

Vicki Sanson
Mayor

ATTEST:

Kim Dobbs
City Administrator/City Secretary



**MINUTES
MARCH 27, 2020
LAVON CITY COUNCIL
SPECIAL MEETING
3:00 P.M.**

The meeting was conducted telephonically in accordance with the orders of the Office of the Governor in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the Coronavirus (COVID-19). The meeting agenda and packet were posted on the city website prior to the meeting.

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 3:02 P.M., CONDUCTED A ROLL CALL AND ANNOUNCED A QUORUM PRESENT.**
2. **MAYOR SANSON OBSERVED A MOMENT OF SILENCE.**
3. **CITIZENS COMMENTS**

Joshua Murray, 1762 Lake Rd., Collin County, stated concern with the delay of hiring additional police personnel and the potential future crime rate caused by the coronavirus.

4. ITEMS FOR CONSIDERATION

- A. Discussion and action regarding Resolution No. 2020-03-08 providing guidance to protect the safety and welfare of the public supplemental to the Declaration of Local State of Disaster Due to Public Health Emergency executed by Mayor Vicki Sanson on March 16, 2020 and extended by the City Council on March 23, 2020 until April 8, 2020; and providing an effective date.**

City Administrator Kim Dobbs reviewed changes from the original resolution outlined in the presented red-line copy. A grammatical change was made to Section 7. There was discussion of the terminology shelter-in-place and stay-at-home. City Attorney John Lawson stated that the verbiage is only a guideline. Mr. Cook relayed that his experience at his Dallas retail location was that after the shelter-in-place declaration the attitude and actions of shoppers changed dramatically, that it seemed to get their attention better and conveyed the seriousness of matters. Council members Kell, Serkland and Dill expressed support for shelter-in-place language. Mayor Sanson asked what the impact would be on the average citizen and Mr. Lawson stated that the citizens should understand from the declaration that the Council has a genuine concern for the residents of Lavon.

Ms. Dobbs recapped that the resolution contains provisions discussed on March 17, 2020 to temporarily suspend utility disconnections, close public playground and picnic facilities, discontinue non-essential meetings and a small number of businesses may be required to temporarily close. Ms. Dobbs stated that the goal is to encourage citizens to act responsibly during this time. Ms. Wright expressed support for shelter-in-place language and for the resolution as proposed.

Ms. Dobbs advised that the staff is monitoring financial activity and assessing the potential impacts of the economy on city fiscal conditions, noting a temporary freeze on hiring of the second new authorized police officer. Chief Jones added that at this time there was not a candidate for the position and he felt there would be no impact to operations resulting from a delay in hiring. Mayor Sanson confirmed that one of the two officers had been hired and Chief Jones noted that there are presently 11 fulltime sworn personnel and 7 reserve officers.

Mayor Sanson polled each council member to see if there were any questions or issues for discussion relating to this item.

MOTION: APPROVE RESOLUTION NO. 2020-03-08 PROVIDING GUIDANCE TO PROTECT THE SAFETY AND WELFARE OF THE PUBLIC SUPPLEMENTAL TO THE DECLARATION OF LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY EXECUTED BY MAYOR VICKI SANSON ON MARCH 16, 2020 UNTIL APRIL 8, 2020, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: KELL
SECONDED: DILL
APPROVED: UNANIMOUS

The Mayor called roll for the vote:

PLACE 1-JOHN KELL	FOR
PLACE 2-MIKE COOK	FOR
PLACE 3-KAY WRIGHT	FOR
PLACE 4-TED DILL	FOR
PLACE 5-MINIDI SERKLAND	FOR

Ms. Dobbs noted that the resolution would be scheduled for consideration and possible extension at the April 7, 2020 meeting.

5. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 3:57 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 7th day of April 2020.

Vicki Sanson
Mayor

ATTEST:

Kim Dobbs
City Administrator/City Secretary



CITY OF LAVON Agenda Brief

MEETING: April 7, 2020

ITEM: 9 - D

Item:

CONSENT AGENDA

Approve Resolution No. 2020-04-01 approving a Long-Term Financial Plan.

Background:

Adoption of a Long-Term Financial Plan is recommended to improve the City's ability to properly maintain and plan for current and long-term resources.

According to Government Finance Officers Association (GFOA)

Long-term financial planning combines financial forecasting with strategizing. It is a highly collaborative process that considers future scenarios and helps governments navigate challenges. ... Long-term financial planning is the process of aligning financial capacity with long-term service objectives.

The Financial Advisor will participate in the preparation of information for the City Council's routine review and use.

Staff Notes:

Approval is recommended.

Attachments: GFOA – Information regarding Long-Term Financial Plans
Proposed Resolution and Long-Term Financial Plan
Sample Draft Spreadsheet



Home / Home - GFOA's 12-Stage Financial Recovery Process: Recovery from Financial Distress and Fiscal First Aid / Stage 9: Long-Term Financial Planning / What is a Long-Term Financial Plan?

What is a Long-Term Financial Plan?

What is a Long-Term Financial Plan?

On this page you will find a definition of long-term financial planning and well as answers to other frequent questions about what a plan is.

A Long-Term Financial Plan is:

- ▶ **A combination of technical analysis and strategizing.** Long-term forecasts and analysis are used to identify long-term imbalances. Then, financial strategies are developed to counteract these imbalances.
- ▶ **A collaborative and visionary process.** A plan does not just forecast the status quo into the future. It considers different possible futures. It also involves other stakeholders. Elected officials, operating departments, and the public can all help identify financial issues, develop consensus strategies, and ensure a successful implementation.
- ▶ **An anchor of financial sustainability.** A plan develops big-picture and long-term thinking among elected and appointed officials.

Other Frequently Asked Questions

Q. What is the time horizon of a financial plan?

A. Most plans cover between five and ten years. Some plans have certain components that take a longer view. For example, a plan may include a 20-year forecast of facility needs. Key is to match the time horizon with the time horizon of the financial issues most important to the community.

Q. What funds are considered?

A. A plan could consider a range of funds, but beginners tend to limit themselves to fewer funds. In any case, the plan must include the funds that are relevant to the most pressing issues the community faces. For example, if street repair is a big issue, then the street repair fund must be included.

Q. How often is a plan prepared?

A. A plan can be prepared annually or as-needed. Annually is ideal so that the plan can act as prelude to the budget process and contribute a long-term perspective to budget deliberations. A hybrid approach is also a possibility, where a plan is prepared annually but more sophisticated elements are only undertaken every few years. For example, perhaps an extensive citizen survey is only done every few years.

Q. What is in the plan?

A. The essential elements of a plan are an analysis of the financial and economic environment, long-term forecasts, debt analysis, and financial strategies. A financial plan should also be complemented by financial policies.

CITY OF LAVON, TEXAS
RESOLUTION NO. 2020-04-01

Long-Term Financial Plan

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS ADOPTING A LONG-TERM FINANCIAL PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a long-term financial plan is a key element of financial stability; and

WHEREAS, a long-term financial plan aids in the measure of economic stability; and

WHEREAS, the annual review of a long-term financial plan will mitigate financial risk from unforeseen revenue fluctuations, unanticipated expenditures, and other similar circumstances.

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

SECTION 1. The City Council has reviewed and desires to adopt the Long-Term Financial Plan 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 7th day of April 2020.

Vicki Sanson
Mayor

ATTEST:

Kim Dobbs
City Administrator / City Secretary

CITY OF LAVON, TEXAS
RESOLUTION NO. 2020-04-01

EXHIBIT A

Long- Term Financial Plan



City of Lavon

Long-Term Financial Plan

Objective: The City's Long-Term Financial Plan is designed to help the City anticipate and project future revenues and expenditures in the General Fund and serve as a guide/management tool for City Administration when evaluating financial decisions that affect the City. It is meant to address maintenance and operations, and when combined with the Long-Term Capital Plan, capital improvements as well. To this point, the maintenance and operations (M&O) and interest and sinking (I&S) tax rates necessary to cover the day-to-day operations of the City and to cover the City's debt payments are projected. The Long-Term Financial Plan covers a period of five years.

Review: City Council will review and approve the Long-Term Financial Plan every year during the budget process. However, review of and changes to the Long-Term Financial Plan may be made during the fiscal year as needed.

Assumptions: City Staff will review and update the assumptions at least annually. Following is the basis for certain assumptions:

Revenues

- Projected future taxable assessed valuations will be based on conservative growth rates, taking into account factors such as building permits, development agreements put in place, commercial and retail growth, etc.
- Sales tax projections will be based on historical trends, as well as new commercial and retail activity generated within the City.
- Other revenue growth rates will be based on historical trends, as well as conservative growth rates.
- One-time revenues are matched with one-time expenses
- Fund reserve requirements for cash balances

Expenses

- Expenditure growth rates will be based on historical trends, as well as taking into account inflation rates.
- Projections will take into account potential future personnel costs
- Projections will take into account potential cash funded (non-debt) capital costs

SAMPLE DRAFT - LONG-TERM FINANCIAL PLAN

	2019	2020	2021	2022	2023	2024
Taxable Assessed Valuation		\$ 343,275,346	\$ 350,140,853	\$ 357,143,670	\$ 360,715,107	\$ 364,322,258
TAV Growth Rate		98.0%	2.0%	2.0%	1.0%	1.0%
Collection Percentage		98.0%	98.0%	98.0%	98.0%	98.0%
Target M&O Rate		\$0.2794	\$0.2794	\$0.2794	\$0.2794	\$0.2794
Annual Sales Tax Growth Rate		5.0%	0.0%	0.0%	0.0%	0.0%
Other Revenue Growth Rate		1.0%	1.0%	1.0%	1.0%	1.0%
Expenditure Growth Rate		3.0%	3.0%	3.0%	3.0%	3.0%

	PROJECTED					
	2020	2021	2022	2023	2024	
ACTUAL						
2019						
Revenues:						
Ad Valorem Taxes	\$ 1,301,592	\$ 958,728	\$ 977,902	\$ 987,681	\$ 997,558	
Franchise Taxes	132,014	134,667	136,014	137,374	138,748	
Sales Taxes	344,566	361,794	361,794	361,794	361,794	
Charge for Services	41,920	42,339	43,190	43,622	44,058	
Intergovernmental revenue	37,779	38,157	38,538	39,313	39,706	
Licenses and Permits	460,297	511,390	536,959	563,807	591,998	
Fines and Fees	127,293	123,423	124,658	125,904	127,163	
Donations	14,120	14,404	14,548	14,693	14,840	
Miscellaneous	137	140	141	143	144	
Investment Income	5,894	6,012	6,073	6,133	6,195	
[RESERVED]	-	-	-	-	-	
[RESERVED]	-	-	-	-	-	
[RESERVED]	-	-	-	-	-	
Total Revenues	\$ 2,465,612	\$ 2,191,860	\$ 2,240,203	\$ 2,280,466	\$ 2,322,205	
Expenditures:						
General Government	\$ 754,229	\$ 871,134	\$ 936,470	\$ 1,006,705	\$ 1,036,906	
Public Services	131,415	139,418	143,601	147,909	152,346	
Public Safety	784,749	832,540	857,516	883,242	909,739	
Public Works	310,490	342,315	359,431	370,214	385,022	
D/S - Principal Retirement	125,078	132,850	136,676	140,776	145,000	
D/S - Interest	11,748	12,100	12,463	12,822	13,619	
Capital Outlay - Public Safety	194,980	206,854	213,060	219,452	226,035	
Capital Outlay - Public Works	238,764	253,305	260,904	268,731	276,793	
[RESERVED]	-	-	-	-	-	
[RESERVED]	-	-	-	-	-	
[RESERVED]	-	-	-	-	-	
Total Expenditures	\$ 2,551,453	\$ 2,790,726	\$ 2,920,495	\$ 3,050,251	\$ 3,145,461	
Excess (deficit) of Revenues Over Expenditures	\$ (85,841)	\$ (598,866)	\$ (680,292)	\$ (769,785)	\$ (823,256)	
Other Financing Sources (Uses):						
Operating Transfers In (Out)	\$ 244,370	\$ -	\$ -	\$ -	\$ -	
Proceeds of Capital Leases	223,750	-	-	-	-	
Proceeds from Issuance of Bonds	-	-	-	-	-	
Bond Issuance Costs	-	-	-	-	-	
Proceeds from Sale of Assets	1,275	-	-	-	-	
Transfers for Debt Service	-	-	-	-	-	
Total Other Financing Sources (Uses)	\$ 469,395	\$ -	\$ -	\$ -	\$ -	
Excess (Deficit) of Revenues and Other Sources Over Expenditures and Other Uses	\$ 383,554	\$ (598,866)	\$ (680,292)	\$ (769,785)	\$ (823,256)	
Beginning Fund Balance	617,732	1,001,286	475,002	(123,864)	(1,573,941)	
Ending Fund Balance	\$ 1,001,286	\$ 475,002	\$ (123,864)	\$ (804,156)	\$ (2,397,197)	
Required Fund Balance per City Policy (25%)	\$ 637,863	\$ 697,681	\$ 730,124	\$ 762,563	\$ 786,365	
(Shortfall)/Surplus	\$ 363,423	\$ (821,545)	\$ (1,534,279)	\$ (2,336,504)	\$ (3,183,562)	



CITY OF LAVON Agenda Brief

MEETING: April 7, 2020

ITEM: 9 - E

Item:

CONSENT AGENDA

Approve Resolution No. 2020-04-02 approving a Long-Term Capital Plan.

Background:

Adoption of a Long-Term Capital Plan is recommended to improve the City's ability to properly maintain and plan for current and long-term resources.

According to Government Finance Officers Association (GFOA)

Capital planning is critical to water, sewer, transportation, sanitation, and other essential public services. It is also an important component of a community's economic development program and strategic plan. Capital facilities and infrastructure are important legacies that serve current and future generations. It is extremely difficult for governments to address the current and long-term needs of their citizens without a sound multi-year capital plan that clearly identifies capital needs, funding options, and operating budget impacts.

The Financial Advisor will participate in the preparation of information for the City Council's routine review and use.

Staff Notes:

Approval is recommended.

Attachments: GFOA – Information regarding Capital Planning
Proposed Resolution and Long-Term Capital Plan
Sample Draft Spreadsheet



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Multi-Year Capital Planning

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Type: Best Practice

Background:

Infrastructure, technology, and major equipment are the physical foundation for providing services to constituents. The procurement, design, construction, maintenance, and operation of capital assets are a critical activity of governments and therefore require careful planning.

Capital planning is critical to water, sewer, transportation, sanitation, and other essential public services. It is also an important component of a community's economic development program and strategic plan. Capital facilities and infrastructure are important legacies that serve current and future generations. It is extremely difficult for governments to address the current and long-term needs of their citizens without a sound multi-year capital plan that clearly identifies capital needs, funding options, and operating budget impacts.

A properly prepared capital plan is essential to the future financial health of an organization and continued delivery of services to citizens and businesses.

Recommendation:

GFOA recommends that state and local governments prepare and adopt comprehensive, fiscally sustainable, and multi-year capital plans to ensure effective management of capital assets. A prudent multi-year capital plan identifies and prioritizes expected needs based on a strategic plan, establishes project scope and cost, details estimated amounts of funding from various sources, and projects future operating and maintenance costs. A capital plan should cover a period of at least three years, preferably five or more.

Identify needs. The first step in capital planning is identifying needs. Governments should develop a capital asset life cycle for major capital assets. The capital asset life cycle should include costs to operate, maintain, administer and renew or replace the capital asset. This will assist in identifying the need and schedule for capital asset replacement or major renewal. In addition, using information such as development projections, strategic plans, comprehensive plans, facility master plans, and regional plans; governments should identify present and future service needs that require capital infrastructure or equipment. In this process, attention should be given to:

- Infrastructure improvements that support private development and the good of the public
- Changes in policy or community entity needs
- Incorporating input and participation from major stakeholders and the general public
- Projects with revenue-generating potential
- Analyze the non-financial impacts of the project (e.g., environmental) on the community

Determine financial impacts. GFOA recommends that the full extent of the capital project/asset and the associated life cycle costs be determined when developing the multi-year capital plan. In this process, attention should be given to:

- The scope and timing of a planned project should be well defined in the early stages of the planning process
- Governments should identify and use the most appropriate approaches when estimating project costs and potential revenues
 - If a government's internal resources are not sufficient to estimate a capital project's cost, revenues and/or life cycle costs, outside assistance should be procured
- For projects programmed beyond the first year of the plan, governments should adjust cost projections based on anticipated inflation
- A clear estimate of all major components required to implement a project should be outlined, including land acquisition needs, design, construction, contingency and post-construction costs
- The ongoing life cycle costs associated with each project should be quantified, and the sources of funding for those costs should be identified
 - Life cycle costs will impact future annual operating budgets

Prioritize capital requests. Though the initial prioritization process may be impacted by legal requirements and/or mandates, GFOA recommends that, when evaluating capital requests, governments should first prioritize based on:

- › Health and Safety - Priority should be given to high risk safety issues that require a capital project to correct
- › Asset Preservation - Capital assets that require renewal or replacement based on capital asset life cycle
- › Service/Asset Expansion/Addition - Infrastructure improvements needed to support government's policies, plans, and studies

In this process, attention should be given to:

- › Coordination with related entities
- › Allow submitting agencies to provide an initial prioritization
- › Incorporate input and participation from major stakeholders and the general public
- › The impact on operating budget impacts resulting from capital projects
- › Apply analytical techniques, as appropriate, for evaluating potential projects (e.g., net present value, payback period, cost-benefit analysis, life cycle costing, cash flow modeling)
- › Use a rating system to facilitate decision-making

Develop a comprehensive financial plan. GFOA recommends that governments develop a viable overall multi-year financing plan covering the multi-year period of the capital plan to ensure that the proposed capital plan is achievable within expected available resources. Financing strategies should align with expected project requirements while sustaining the financial health of the government. Governments undertaking a capital financing plan should:

- › Anticipate expected revenue and expenditure trends including their relationship to multi-year financial plans and ongoing impacts to the operating budget due to the capital plan
- › Prepare cash flow projections of the amount and timing of the capital financing
- › Continue compliance with all established financial policies
- › Recognize appropriate legal constraints
- › Consider and estimate funding amounts from all appropriate funding alternatives
- › Consider sources and uses for debt service
- › Ensure reliability and stability of identified funding sources
- › Evaluate the affordability of the financing strategy, including the impact on debt ratios, applicable tax rates, and/or service fees

Committee: Economic Development and Capital Planning (CEDCP)

Notes:

Last updated in May 2016.

The County of San Diego, CA was awarded the GFOA Award for Excellence for outstanding use of GFOA's Best Practice on Multi-Year Capital Planning. To learn more about the County's implementation process, please visit their award page.

Approved by GFOA's Executive Board: February 2006

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CITY OF LAVON, TEXAS
RESOLUTION NO. 2020-04-02

Long-Term Capital Plan

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS ADOPTING A LONG-TERM CAPITAL PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a long-term capital plan is a key element of financial stability; and

WHEREAS, a long-term capital plan aids in the measure of economic stability; and

WHEREAS, the annual review of a long-term capital plan will mitigate financial risk from unforeseen revenue fluctuations, unanticipated expenditures, and other similar circumstances and will further help to identify capital needs, funding options and operating budget impacts.

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

SECTION 1. The City Council has reviewed and desires to adopt the Long-Term Capital Plan 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 7th day of April 2020.

Vicki Sanson
Mayor

ATTEST:

Kim Dobbs
City Administrator / City Secretary

CITY OF LAVON, TEXAS
RESOLUTION NO. 2020-04-02

EXHIBIT A

Long- Term Capital Plan



City of Lavon

Long-Term Capital Plan

Objective: The City's Long-Term Capital Plan is designed to help the City anticipate and project future capital needs, including construction, renovation and repairs, and providing equipment to various City departments. The Long-Term Capital Plan covers a period of five years.

Review: City Council will review and approve the Long-Term Capital Plan every year during the budget process. However, review of and changes to the Long-Term Capital Plan may be made during the fiscal year as needed.

Assumptions: City Staff will review and update the assumptions at least annually. Following is the basis for certain assumptions:

- Debt will only be issued for projects that have at least a five-year average life, and in the vast majority of cases the average life will be substantially longer.
- The City will amortize debt at least as quickly as the average life of the asset that is being funded.
- It is the City's intent to fund capital items with fixed rate debt.
- The City's financial advisor will provide updated debt schedules at least annually based on the projects included in the Long-Term Capital Plan in order to forecast the aggregate amount of debt service and the associated interested and sinking (I&S) tax rate, water and sewer rates and/or other revenues needed to service the debt.
- The Long-Term Capital Plan will cover funding for projects anticipated to be repaid with I&S taxes, as well as project funding anticipated to be repaid with water, sewer and/or drainage revenues. In certain instances, debt may be repaid with other sources and will be notated as such.

SAMPLE DRAFT - CAPITAL PLANNING

	2020	2021	2022	2023	2024	Total
Streets	\$ 2,000,000	\$ -	\$ -	\$ 350,000	\$ -	\$ 2,350,000
Building/Structures	500,000	-	-	-	-	500,000
Downtown Development	1,500,000	-	-	250,000	-	1,750,000
Fire/EMS	-	2,500,000	-	-	-	2,500,000
[RESERVED]	-	-	-	-	-	-
[RESERVED]	-	-	-	-	-	-
Other	-	-	-	-	-	-
LESS: Cash/Impact Fee Funded Projects	\$ -	\$ -	\$ -	\$ 350,000	\$ -	\$ 350,000
Net I&S Tax-Supported Projects	\$ 4,000,000	\$ 2,500,000	\$ -	\$ 250,000	\$ -	\$ 6,750,000
Water/Sewer/Drainage Projects	\$ 3,200,000	\$ 1,000,000	\$ 500,000	\$ 250,000	\$ 150,000	\$ 5,100,000
LESS: Cash/Impact Fee Funded Projects	\$ -	\$ 250,000	\$ -	\$ 250,000	\$ -	\$ 500,000
Net Water/Sewer/Drainage Debt Projects	\$ 3,200,000	\$ 750,000	\$ 500,000	\$ -	\$ 150,000	\$ 4,600,000
Total Projects	\$ 7,200,000	\$ 3,500,000	\$ 500,000	\$ 850,000	\$ 150,000	\$ 12,200,000
Total Cash/Impact Fee Funded	\$ -	\$ 250,000	\$ -	\$ 600,000	\$ -	\$ 850,000
Total Debt Funded	\$ 7,200,000	\$ 3,250,000	\$ 500,000	\$ 250,000	\$ 150,000	\$ 11,350,000



CITY OF LAVON

Agenda Brief

MEETING: April 7, 2020

ITEM: 9 - F

Item:

CONSENT AGENDA

Approve Resolution No. 2020-04-03 approving a Debt Management Policy.

Background:

Adoption of a Debt Management Policy is recommended to improve the City's ability to properly maintain and plan for current and long-term resources.

According to Government Finance Officers Association (GFOA)

GFOA Best Practices provide a comprehensive overview of the requirements associated with a debt issuance. ... Adherence to a debt management policy signals to rating agencies and the capital markets that a government is well managed and therefore is likely to meet its debt obligations in a timely manner.

The Financial Advisor will participate in the preparation of information for the City Council's routine review and use.

Staff Notes:

Approval is recommended.

Attachments: GFOA – Information regarding Debt Management Proposed Resolution and Debt Management Policy

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Debt Management

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- [Treasury and Investment Management](#)

Debt Management

Debt management refers to strategies state and local governments use to manage their debt. There is a variety of debt management strategies state and local governments employ. Common strategies include adopting policies on debt, such as limits, structure practices, issuance practices, and general management practices. Debt limits are acceptable levels of debt and may be determined by legal restrictions, internal standards, and/or financial restrictions. Debt structuring practices refers to the term, maturity, and debt service payments. Debt issuance practices relates to determining the sale method and investment of proceeds and use of credit and bond services and ratings as well as professional service providers to assist with such matters. General debt management practices refer to disclosure and compliance practices associated with debt issuance as well as investor relations efforts.

Government Finance Review Articles

- [2016 Federal Outlook](#)
- [2017 Federal Outlook](#)
- [Accountability and Transparency in the American Recovery and Reinvestment Act](#) [More](#)

Research Reports

- [2019 Legislative and Regulatory Agenda](#)
- [Understanding Financing Options Used for Public Infrastructure](#)

Other Publications

- [An Elected Official's Guide: Debt Issuance](#)
- [An Elected Official's Guide: Economic Development](#)
- [An Elected Official's Guide: Government Finance](#) [More](#)

Training

- [Debt Management Best Practices, Live Class, December 14, 2020](#)
- [Debt Management Best Practices, Live Class, April 12, 2021](#)

News

- [U.S. Treasury Department Forms New Municipal Issuers Oversight Unit](#)
- [SEC Seeks Further Enforcement of Municipal Securities Issuers through Self Reporting](#)
- [GFOA Issues Survey on SEC MCDC Initiative](#) [More](#)

Other Resources

- [Debt 101 \(Volume 1\) - Issuing a Bond](#)
- [Debt 101 \(Volume 2\) - Responsibilities After Bond Issuance](#)
- [Debt Management Policy Examples](#) [More](#)

CITY OF LAVON, TEXAS
RESOLUTION NO. 2020-04-03

Debt Management Policy

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS ADOPTING A DEBT MANAGEMENT POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a debt management policy is a key element of financial stability; and

WHEREAS, a debt management policy aids in the measure of economic stability; and

WHEREAS, the annual review of a debt management policy will mitigate financial risk from unforeseen revenue fluctuations, unanticipated expenditures, and other similar circumstances and will further help ensure that debt obligations will be made in a timely manner.

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

SECTION 1. The City Council has reviewed and desires to adopt the Debt Management Policy 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 7th day of April 2020.

Vicki Sanson
Mayor

ATTEST:

Kim Dobbs
City Administrator / City Secretary

CITY OF LAVON, TEXAS
RESOLUTION NO. 2020-04-03

EXHIBIT A

Debt Management Policy



City of Lavon

Debt Management Policy

I. **DEBT MANAGEMENT POLICY**

1.0 **POLICY**

Adherence to a debt management policy helps ensure that the City maintains the current or an improved bond rating in order to minimize borrowing costs and preserve access to credit.

The City's Debt Management Policy ("the Debt Policy") provides guidance for staff to:

- a. Ensure high quality debt management decisions;
- b. Ensure support for debt issuances both internally and externally;
- c. Impose order and discipline in the debt issuance process;
- d. Promote consistency and continuity in the decision making process;
- e. Ensure that the debt management decisions are viewed positively by rating agencies, investment community and taxpayers; and
- f. Demonstrate a commitment to long-term financial planning objectives.

2.0 **SCOPE**

This Policy applies to all debt instruments issued by the City regardless of the funding source. Funding sources can be derived from, and debt secured by, ad valorem taxes, general City revenues, enterprise fund revenues or any other identifiable source of revenue that may be identified for appropriate pledging for bonded indebtedness.

3.0 **OBJECTIVES**

The primary objective of this Policy is to ensure that the City establishes and maintains a solid position with respect to its debt service and bond proceed funds, and that proceeds from long-term debt will not be used for current operations but rather for capital improvements, and related expenses, and other long-term assets in accordance with State law and City ordinances.

The City will seek all possible federal and state reimbursement for mandated projects and /or programs. The City will pursue a balanced relationship between issuing debt and pay-as-you-go financing as dictated by prevailing economic factors and as directed by the City Council.

Other objectives include:

- a. Bonds shall be paid back within a period not to exceed, and preferably sooner than, the expected useful life of the capital project;
- b. Decisions shall be made based on a number of factors and will be evaluated against long-term goals rather than a short-term fix; and
- c. Debt service and bond proceed funds shall be managed and invested in accordance with all federal, state and local laws and in conjunction with the Tax Compliance

Certificate of each bond issue to assure availability to cover project costs and debt service payments when due.

4.0 IMPLEMENTATION

The Policy requires:

- a. Payment of principal and interest on all outstanding debt in full and timely manner;
- b. Incurrence of debt for those purposes permissible under State law and the charter of the City;
- c. Development, approval and financing of capital improvements in accordance with City Code and the capital improvement budgeting process;
- d. Structuring of principal and interest retirement schedules to: (1) achieve a low borrowing cost for the City, (2) accommodate the debt service payments of existing debt, and (3) respond to perceptions of market demand;
- e. Selection of a method of sale that shall maximize the financial benefit to the City;
- f. Effective communication with bond rating agencies to ensure complete and clear understanding of the credit worthiness of the City; and
- g. Full, complete, and accurate disclosure of financial conditions and operating results in every financial report, bond prospectus and Annual Information Statement ("AIS"). All reports shall conform to guidelines issued by the Government Finance Officers Association ("GFOA"), Securities and Exchange Commission ("SEC"), and the Internal Revenue Service (IRS) to meet the disclosure needs of rating agencies, underwriters, investors, and taxpayers.

5.0 STRUCTURE OF DEBT

Debt service shall be structured to the greatest extent possible to:

- a. Match projected cash flows and pledged revenues;
- b. Minimize the impact of future tax levies;
- c. Maintain a consistent and as rapid as feasible payment of principal;
- d. Maintain a level overall annual debt service payment structure; and
- e. Equal the lesser of the useful life of the asset being financed or the maximum legal maturity for the obligations issued to finance the acquisition and construction of the asset.

6.0 METHODS OF SALE

The City's debt obligations may be sold by competitive or negotiated sale methods. The selected method of sale depends upon the option which is expected to result in the lowest cost and most favorable terms to the City given the financial structure used, market conditions, and prior experience. When considering the method of sale, the City may consider the following issues:

- a. Financial conditions;
- b. Market conditions;
- c. Transaction-specific conditions;
- d. City-related conditions;
- e. Risks associated with each method;
- f. Complexity of the Issue – Municipal securities with complex security features require greater marketing and buyer education efforts on the part of the underwriter, to improve the investors' willingness to purchase;
- g. Volatility of Bond Yields – If municipal markets are subject to abrupt changes in interest rates, there may be a need to have some flexibility in the timing of the sale to

- take advantage of positive market changes or to delay a sale in the face of negative market changes; and
- h. Size of the Issue - The City may choose to offer sizable issues as negotiated sales so that pre-marketing and buyer education efforts may be done to more effectively promote the bond sale.

6.1 Competitive Sale

In a competitive sale, bonds are awarded in a sealed bid sale to an underwriter or syndicate of underwriters that provides the lowest TIC bid. TIC is defined as the rate, which will discount the aggregate amount of debt service payable over the life of the bond issue to its present value on the date of delivery.

6.2 Negotiated Sale

In a negotiated sale, the City chooses an underwriter or underwriting syndicate that is interested in reoffering a particular series of bonds to investors. The terms of the sale, including the size of the underwriter's discount, date of sale, and other factors, are negotiated between the two parties.

6.3 Private Placement

A private placement is a negotiated sale of debt securities to a limited number of selected investors including financial institutions or government agencies or authorities. The City may engage a placement agent to identify likely investors if deemed necessary. A private placement may be beneficial when the issue size is small, when the security of the bonds is somewhat weaker, or when a governmental lending agency or authority can provide beneficial interest rates or terms compared to financing in the public market.

7.0 REFUNDING OF DEBT

All forms of refunding debt shall be approved by Council in accordance with City ordinances and in accordance with State law.

7.1 Taxable Advance Refunding

Taxable advanced refunding and forward delivery refunding transactions for savings may be considered when the net present value savings as a percentage of the par amount of refunded bonds is approximately three percent.

7.2 Current Refunding

Current refunding transactions issued for savings maybe considered when the net present value savings as a percentage of the par amount of refunded bonds is approximately three percent.

7.3 Refunding for Debt Restructuring

From time to time, the City may also issue refunding debt for other purposes, rather than net present value savings, such as restructuring debt, changing covenants, or changing the repayment source of the bonds.

8.0 RATINGS

Adherence to a debt management policy helps insure that the City maintains the current or an improved bond rating in order to minimize borrowing costs and preserve access to credit. Toward that end, the City will take the following steps.

8.1 Strive to maintain good relationships with bond rating agencies as well as disclose financial reports and information to these agencies and to the public.

8.2 Obtain a rating from at least one nationally recognized bond-rating agency on all issues being sold in the public market.

8.3 Make timely disclosure of annual financial information or other requested information to the rating agencies.

9.0 **CONTINUING DISCLOSURE**

The City will take all appropriate steps to comply with federal securities laws, including, but not limited to, Securities and Exchange Commission ("SEC") Rule 15c2 -12 the ("Rule"). The City will make annual and event disclosure filings to the MSRB via EMMA as required by the Rule and its continuing disclosure undertakings.

II. **DEBT MANAGEMENT POLICY REVIEW**

This Debt Management Policy shall be reviewed at least once every two years by the City Council. Any modifications to this Policy, at any time, shall be approved by City Council.



CITY OF LAVON

Agenda Brief

MEETING: April 7, 2020

ITEM: 9 - G

Item:

CONSENT AGENDA

Approve Resolution No. 2020-04-04 directing the publication of notice of intention to issue combination tax and revenue certificates of obligation.

Background:

The first step to obtain funding for proposed capital projects is to publish a notice of intention, or notice of intent (NOI), to sell certificates of obligations. Based on conservative assumptions, the proposed program **does not** require a property tax increase.

Publishing the NOI does not commit the City to proceed.

The City Council can scale back or discontinue the program at any time.

The financial advisor is closely monitoring and will report on market conditions in order to provide guidance on the best course of action to take to accomplish construction of the critical projects in the most economically viable way.

Staff Notes:

The Resolution and NOI were prepared by the City's Bond Counsel and approval is recommended.

Attachments: Proposed Resolution and Notice

ADOPTED, APPROVED AND EFFECTIVE this April 7, 2020.

Mayor, City of Lavon, Texas

ATTEST:

City Clerk, City of Lavon, Texas

[CITY SEAL]

Exhibit A

CITY OF LAVON, TEXAS
NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Lavon, Texas, at its meeting to commence at 7:00 p.m. on June 2, 2020, at its regular meeting place at City Hall, 120 School Road, Lavon, Texas, tentatively proposes to authorize the issuance of interest bearing certificates of obligation of the City, in one or more series, in an aggregate principal amount not to exceed \$14,700,000, for the purpose of paying all or a portion of the City's contractual obligations incurred in connection with (i) constructing, installing, acquiring and equipping additions, extensions and improvements to the City's wastewater system including treatment plant expansion; (ii) constructing and improving streets, including sidewalks, landscaping, bridges, lighting, drainage and utility line relocations; (iii) constructing, installing and equipping municipal drainage facilities; (iv) constructing and equipping major repairs and renovations to existing municipal buildings, including City Hall and police and fire department buildings; (v) improving City Hall parking lot and constructing and equipping additional parking for City Hall; (vi) constructing and equipping a fire station and acquisition of a fire truck; (vi) acquiring and installing of communications and technology equipment for various municipal departments, including an internet fiber network; (vii) acquiring, constructing, installing and equipping municipal park and trail improvements; (viii) acquiring land and interests in land necessary for such projects; and (ix) paying legal, fiscal, design and engineering fees in connection with these projects. The City proposes to provide for the payment of said series (one or more) of such certificates of obligation from a pledge of ad valorem taxes levied and collected in the City as provided by law, and from a limited pledge of surplus revenues of the City's wastewater system, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve, and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding), which are payable from all or any part of the net revenues of the City's waterworks and sewer system. In the event that the City Council will be unable to meet at City Hall on June 2, 2020, the City will post on its website, www.cityoflavon.com, information for persons to attend the meeting by telephone, teleconference or other electronic means.

The maximum interest rate for the certificates will not exceed 4.00%, the maximum maturity date for the certificates is August 15, 2041, and the estimated combined principal and interest required to pay the certificates to be authorized on time and in full is \$22,500,000. The City currently has outstanding debt obligations secured by and payable from ad valorem taxes equal to \$2,731,000 in principal amount and \$2,994,633 in combined principal and interest required to pay such outstanding debt obligations on time and in full.

The certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271.

CITY OF LAVON, TEXAS



CITY OF LAVON

Agenda Brief

MEETING: April 7, 2020

ITEM: 9 - H

Item:

CONSENT AGENDA

Approve Resolution No. 2020-04-05 authorizing the Mayor to execute an encroachment license 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 in the vicinity of Bear Creek, Phases 3, 4 and 5.

Background:

In conjunction with the approved construction plans for the Grand Heritage Bear Creek, Phases 3, 4 and 5 additions, 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 license agreement is required.

Staff Notes:

The City Attorney has reviewed the agreement and approval is recommended.

Attachments: Proposed Resolution and agreement

CITY OF LAVON, TEXAS
RESOLUTION NO. 2020-04-05

Encroachment License Agreement – GP&L – Bear Creek Ph 3, 4 and 5

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AUTHORIZING THE MAYOR TO EXECUTE AN ENCROACHMENT LICENSE 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 license 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 7th day of April 2020.

Vicki Sanson
Mayor

ATTEST:

Kim Dobbs
City Administrator/City Secretary

CITY OF LAVON, TEXAS
RESOLUTION NO. 2020-04-05

EXHIBIT A

ENCROACHMENT LICENSE AGREEMENT

Encroachment License Agreement

This Encroachment License Agreement (“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, Texas 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 513, Page 364 of the Real Property Records of Collin County, Texas (“**Easement**”); and City of Lavon (“**Owner**”), desires a license for a new fifteen foot (15’) easement to install a new eight inch (8”) sanitary sewer line centered within the fifteen foot (15’) new sanitary sewer easement from southern GP&L easement limit point Line F Station Number 12+61.11 to northern GP&L easement limit point Line F Station Number 13+41.21 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. For and in consideration of the sum of Ten and No/100 Dollars (\$10.00), payment of which is hereby acknowledged, and such other good and valuable consideration, GP&L hereby grants Owner a license to install the Encroachment within the Easement, subject to the terms and conditions herein (“**License**”).
2. Owner may locate the Encroachment in the Easement Area as described and shown on the attached drawings marked Bear Creek Phase 3 Final Plat Tract 1 and Tract 2 in the D. Anglin Survey, Abstract NO. 2 City of Lavon, Collin County, Texas dated December 2019, Sanitary Sewer Plan Sheet 11 of 75 and Sanitary Sewer Profile Line F Sheet 14 of 75 dated 12/13/2019 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.
3. 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.

4. 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.
5. 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.
6. Owner agrees that, if in the future GP&L, in its sole discretion, determines the Encroachment interferes with GP&L's use or enjoyment of its easement rights, GP&L shall have the right to revoke this License and require removal of the Encroachment at Owner's expense. GP&L will notify Owner in writing of such determination. Owner will have 90 days to remove the Encroachment. If upon passage of 90 days the Encroachment has not been removed by Owner, GP&L will remove the Encroachment at Owner's Expense.
7. **TO THE EXTENT PERMITTED BY LAW, 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 REASONABLE 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, OR ARISING FROM OR IN ANY WAY CONNECTED WITH ANY REMOVAL OR RELOCATION, IN WHOLE OR IN PART, OF THE ENCROACHMENT. NOTWITHSTANDING THE FOREGOING, NOTHING HEREIN SHALL BE CONSTRUED TO REQUIRE OWNER FROM LEVYING A TAX OR CREATING A SINKING FUND TO FULFILL ITS OBLIGATIONS HEREUNDER.**

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 by email at ROW@gpltexas.org and receive written reply of confirmation from the GP&L Transmission Department prior to the commencement of any work in Easement area or the use of any boom-type equipment on the GP&L easement.

8. Owner may, with GP&L's prior approval, transfer this License to a subsequent landowner, but only upon Owner's sale or transfer of the ownership interest in the underlying real property. The transferee shall be bound to all terms and conditions of this License. In the event that Owner sells or otherwise transfers the underlying real property (including transfers through heirship or by any other means) without first obtaining GP&L's written approval, this License shall expire 90 days after Owner ceases to own the underlying real property.

9. GP&L shall send all notices required under the terms of this Agreement to the current landowner identified in the Real Property Records of Collin County, Texas. Owner shall send all notices required under this Agreement to contact at ROW@gpltexas.org.

Executed this ____ day of _____, 20__

Approval:

City of Garland ("GP&L")

By: _____

Name: _____

Title: _____

State of Texas
County of _____

This instrument was acknowledged before me on _____, 20__ by

_____.

Notary Public's Signature

Accepted:

Name of Owner

By: _____

Name: _____

Title: _____

State of Texas
County of _____

This instrument was acknowledged before me on _____, 20__ by

_____.

Notary Public's Signature



CITY OF LAVON Agenda Brief

MEETING: April 7, 2020

ITEM: 9 - I

Item:

CONSENT AGENDA

Approve Resolution No. 2020-04-06 authorizing the Mayor to execute a Service Agreement for Plan Supervisor with TML Health Benefits Pool for a Health Reimbursement Arrangement.

Background:

A part of the group health insurance program for the City is the health reimbursement program to off-set an adjustment in benefit levels.

The group health insurance provider submitted the plan agreement in accordance with the requirements of the Internal Revenue Service required for them to administer the plan.

Staff Notes:

Approval is recommended.

Attachments: Proposed Resolution and agreement

CITY OF LAVON, TEXAS
RESOLUTION NO. 2020-04-06

TML Health Reimbursement Arrangement

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT FOR PLAN SUPERVISOR WITH TML HEALTH BENEFITS POOL FOR A HEALTH REIMBURSEMENT ARRANGEMENT.

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 a Service Agreement for Plan Supervisor with TML Health Benefits Pool for a Health Reimbursement Arrangement, 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 7th day of April 2020.

Vicki Sanson
Mayor

ATTEST:

Kim Dobbs
City Administrator/City Secretary

CITY OF LAVON, TEXAS
RESOLUTION NO. 2020-04-06

EXHIBIT A

AGREEMENT

TML Health Benefits Pool

Health Reimbursement Arrangement

City of Lavon

Service Agreement for Plan Supervisor

This SERVICE AGREEMENT between the City of Lavon, (Plan Sponsor) and TML MultiState Intergovernmental Employee Benefits Pool doing business as TML Health Benefits Pool (TML Health), (Plan Supervisor) will be effective on 10/1/19.

WITNESSETH:

Section I - The Plan

- 1.1 The City of Lavon, (Plan Sponsor) has adopted a Health Reimbursement Arrangement (HRA) under the Internal Revenue Service Code (the "Code"). This Plan is offered to all eligible employees who are qualified by employment status.
- 1.2 The Plan Participants are the employees enrolled in the Plan.
- 1.3 All contributions to the Plan shall be deposited in the name of the Plan with a Bank designated by the Plan Supervisor subject to approval of the Plan Sponsor if requested by the Plan Sponsor.
- 1.4 The Plan Sponsor agrees that an HRA is a health plan under Title II of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The Plan Sponsor agrees that it is the Plan Sponsor's, and not the Plan Supervisor's, responsibility to ensure that its HRA plan, if any, is compliant with all relevant sections of HIPAA Title II or any other law.

Section II - The Plan Supervisor

- 2.1 The Plan Supervisor shall provide consulting services, and shall assist the Plan Sponsor in the administration of the HRA Plan.
- 2.2 The Plan Supervisor shall have the full responsibility for maintaining accounts for each eligible person electing to participate in the Plan. The Plan Supervisor shall arrange for eligible claims payments from funds deposited by the Plan Sponsor as directed by their participating employees. The claims payments shall be made by the Plan Supervisor by issuing a check or draft to the participant upon the Plan Bank Account, if such account is provided for this purpose, in an amount equal to the qualified charges from the submitted claim. The claims submitted by the Plan Participants shall be paid within ten days of receipt by the Plan Supervisor. Paper claim submissions on behalf of the Participant must equal or exceed \$5.00 per submission, except in the final month of the Plan Year.

- 2.3 To the extent that information is available to the Plan Supervisor, the Plan Supervisor shall assist the Plan Sponsor in the preparation of any report, tax return or similar papers required by state or the federal government pertaining to the operation or management of the HRA; however, the ultimate responsibility for filing any governmental document shall be with the Plan Sponsor.
- 2.4 The Plan Supervisor shall render periodic reports to each participant, which shall include the following:
 - a. Receipts of the Plan Contributions;
 - b. Disbursement of Plan Contributions through claims payments; and
 - c. Statements of (a) and (b) above shall automatically be provided each Participant following the submission and payment of a qualified claim.
- 2.5 The Plan Supervisor, shall prepare a Plan Document for the HRA sponsored by the Plan Sponsor. The Plan Sponsor shall assume the responsibility of obtaining legal review of the Plan Document. The Plan Document is attached hereto as Attachment 1 and fully incorporated by reference.
- 2.6 Unless otherwise provided, the Plan Supervisor is authorized to do all the things necessary or convenient to carry out the terms and purposes of the Plan.

Section III - Procedure for Making and Payment of Claims for Benefits from the Fund

- 3.1 Any covered person may make application for benefits from the Plan as provided by the Plan upon the form or forms provided by the Plan Supervisor. The applicant shall fully and truthfully complete such application for benefits and the applicant shall supply all such pertinent information including copies of paid receipts, as may be required under the Code and specified by the Plan Supervisor.
- 3.2 The Plan Supervisor shall accept copies of any application for benefits made in the appropriate manner, shall duly investigate and verify the statements made on the application and determine benefit eligibility. If the facts as stated in such application entitle the covered person to receive payment of benefits from the Plan, the Plan Supervisor shall forthwith arrange for the proper payment.
- 3.3 Claim filings shall be mailed/faxed to the person or department designated by the Plan Supervisor. If appropriate, claims could be submitted through the debit card transaction. Claims checks are processed each week. Only paper claims that equal or exceed twenty-five dollars (\$25.00) or more shall be filed with the Plan Supervisor unless said claim is being submitted during the last Plan Month of the Plan Year. During the last month, eligible claims of any amount shall be processed by the Plan Supervisor.
- 3.4 All Plan benefits processed by the Plan Supervisor shall be mailed to the qualified Plan Participant within ten (10) days of approval.

If the Plan Supervisor finds that the Plan Participant is not entitled to a claim payment under the Plan, the claim application shall be denied, all or in part, and returned to the Plan Participant with the Plan Supervisor's reason for denial. The Plan Participant may appeal a denial by the Plan Supervisor to the Plan Sponsor. The Plan Sponsor's determination is final and conclusive upon the covered person.

- 3.5 The Plan Supervisor shall not be liable for any failure or refusal to pay or honor any application for benefits made pursuant to this Agreement; and the Plan Supervisor must be indemnified by the Plan Sponsor for any liability related to its duties herein, and shall be reimbursed by the Plan Sponsor for any expense, loss, damage, or legal fees incurred by the Plan Supervisor in defending any claims or demands made against the Plan Sponsor, the Plan Supervisor or the Plan. This paragraph will not apply for any loss due to the gross negligence or willful misconduct of the Plan Supervisor.

Section IV - Costs of Administrator

- 4.1 The Plan Supervisor shall be entitled to a fee or fees for its service to the Plan in accordance with the Schedule of Fees attached hereto as Attachment 2, and fully incorporated by reference. The fees shall be paid in the form of an advance start-up costs, a pass through of printing or printing preparation costs and monthly service fee.
- 4.2 Spenddown period administration shall be available from the Plan Supervisor for a period of up to twelve (12) months following cessation of contributions to the Plan by the Plan Sponsor provided the Plan Sponsor continues to pay the Monthly Service Fee stated above.

Section V - The Plan Sponsor

- 5.1 As of the effective date of this Agreement, the Plan Sponsor shall provide the Plan Supervisor with a complete list of all employees who are eligible for benefits under the Plan. The Plan Sponsor shall arrange for enrollment meetings and, with the Plan Supervisor's assistance, complete Plan enrollment.
- 5.2 The Plan Sponsor shall remit contributions to the Plan Supervisor on a monthly (or pay period) basis.
- 5.3 The Plan Sponsor shall forward the appropriate service fees to the Plan Supervisor on the first (1st) of each calendar month or in conjunction with the monthly plan fund collections.
- 5.4 The Plan Sponsor shall assist in the enrollment of eligible employees in the Plan, notify the Plan Supervisor of any change of eligibility, cooperate with the Plan Supervisor with regard to proper claim settlement, transmit to the Plan Supervisor proper claim settlement and transmit to the Plan Supervisor all inquiries pertaining to the Plan.
- 5.5 The Plan Sponsor shall be responsible for filing any documents required by the Internal Revenue Service.

Section VI - Termination of the Agreement

- 6.1 This Agreement may be terminated by the Plan Sponsor or the Plan Supervisor by written notice of intention to terminate given to the other party, to be effective as of an annual plan anniversary date. Said written notice shall be given not less than thirty (30) days prior to such termination. The thirtieth (30th) day shall coincide with the last day of a calendar month. The Plan Supervisor may also terminate this agreement following the termination of any medical, dental, or vision coverage provided by the Plan Supervisor to the Plan Sponsor, to be effective upon ten (10) days written notice sent to the Plan Sponsor, effective on the date specified in the notice. All obligations of the Plan Supervisor related to the relevant rights of the covered Participant to payments of benefits from the Plan will be terminated and extinguished on the effective date of termination given in the notice whether or not the claim for such benefits arose prior to or following the termination of this Agreement. Absent a written notice of termination this agreement will annually renew on the

effective date set forth at inception. The Additional Contract Documents referenced in Section 8.8 may be amended by Notice of Renewal for each renewal Plan Year or by Notice of Mid-Year Plan Amendments. In the event any such Additional Contract Document is amended, said amended document will be attached to this Agreement and incorporated by reference to said document. In no case shall termination by the Plan Supervisor relieve the Plan Sponsor of its obligation to maintain the Plan.

Section VII - Qualifications

- 7.1 To qualify the Plan Sponsor must have on file a current Interlocal Agreement with the TML Health Benefits Pool. The Plan Sponsor must have ten (10) percent of the eligible employees participate in the Plan. Should these qualifications not be met, or maintained, the Plan Supervisor may terminate this agreement pursuant to Section VI.

Section VIII - Miscellaneous Provisions

- 8.1 In the event of resignation or inability to serve as the Plan Supervisor, the Plan Sponsor may appoint a successor.
- 8.2 If during the operation of the Plan, the United States Government, the government of any state or any instrumentality or either shall assess any tax against the Plan and the Plan Supervisor is required to pay such tax, the Plan Supervisor shall report the payment to the Plan Sponsor who will reimburse the Plan Supervisor for such tax or assessment.
- 8.3 The Plan Supervisor shall incur no liability to the Plan Sponsor or to an employee or dependent of the Plan Sponsor for any act or failure to act not directly connected with processing and payment of claims as provided in this Agreement, except where the liability is proximately caused solely by the gross negligence or willful misconduct of the Plan Supervisor. To the extent allowed by law, the Plan Sponsor shall hold the Plan Supervisor harmless from and indemnify it against any and all liability, claims, damages (including punitive or consequential damages), costs, expenses, or fees (legal or otherwise) incurred or paid in connection therewith which might be asserted by the Plan, the Plan Sponsor's employees or other persons for which the Plan Supervisor would not be liable to the Plan Sponsor as set forth above.
- 8.4 Where the context of the Agreement requires, the singular shall include the plural and the masculine gender shall include the feminine.
- 8.5 This Agreement may be amended by the Plan Sponsor and the Plan Supervisor at any time by mutual written consent of said parties.
- 8.6 The Plan Sponsor hereby is designated the agent for service of legal process on behalf of the Plan, in its principal office.
- 8.7 Funding for the HRA/RRA will be distributed (mark one):
- Monthly
 - Annually

8.8 Additional Contract Documents

The following attachments are additional contract documents:

1. Attachment 1 – HRA Plan Document
2. Attachment 2 – Schedule of Fees
3. Attachment 3 – Not Applicable
4. Attachment 4 – Not Applicable
5. Attachment 5 – Spenddown Arrangement Addendum
6. Attachment 6 – HRA Forms
7. *[Add Attachment Documents for Optional Services Selected]*

IN WITNESS THEREOF, the Plan Sponsor and the Plan Supervisor have executed this Agreement this day of _____, 20__.

The HRA Plan Year is October 1, 2019 to September 30, 2020.

TML Health

City of Lavon



Jennifer Hoff

Print name

Print Name

Signature

Signature

Executive Director

Title

Title

Date

Date

APPROVED AS TO FORM:

Leah Simon, General Counsel

Attachment 1

HRA Plan Document

Article I - Introduction

1.1 Establishment of Plan

The undersigned City of Lavon hereby adopts the TML MultiState Intergovernmental Employee Benefits Pool doing business as TML Health Benefits Pool (TML Health) Health Reimbursement Arrangement (HRA) Plan (the “Plan”) effective 10/1/19 (the “Effective Date”) as established by the TML Health for adoption by Member political subdivisions of the Risk and Non-Risk members of the Pool. Capitalized terms used in this Plan that are not otherwise defined shall have the meanings set forth in Article II. This Plan is intended to permit an Eligible Employee to obtain reimbursement of Eligible Medical Care Expenses on a nontaxable basis from the HRA Account.

1.2 Legal Status

This Plan is intended to qualify as an employer-provided medical reimbursement plan under Code §§105 and 106 and regulations issued thereunder, and as a health reimbursement arrangement as defined under the Code and implementing rules and regulations, and shall be interpreted to accomplish that objective. The Medical Care Expenses reimbursed under the Plan are intended to be eligible for exclusion from participating employees’ gross incomes under the Code.

Article II - Definitions

2.1 Definitions

“**Administrator**” means TML Health.

“**Adopting Employer**” means a political subdivision thereof that adopts this Plan by completing and executing an Adoption Agreement.

“**Adoption Agreement**” means the separate agreement, or portions thereof, completed and executed by an Adopting Employer setting forth the Adopting Employer’s selection of options under the plan.

“**Benefits**” means the reimbursement benefits for Medical Care Expenses described under Article VI.

“**Claims Administrator**” means the entity designated by and under contract with the Plan Administrator to perform certain administrative functions with respect to the Plan, including, but not limited to, claims administration and recordkeeping. If no such entity is designated by the Plan Administrator, the Plan Administrator shall serve as the Claims Administrator.

“**COBRA Coverage**” means the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended, coverage which is a continuation of Plan coverage when it would otherwise end because of a life event called a “qualifying event”.

“**Code**” means the Internal Revenue Code of 1986, as amended.

“**Compensation**” means the wages or salary paid to an Employee by the Employer.

“Covered Individual” means a Participant, Spouse or Dependent.

“Dependent” means any individual who is enrolled on the Employer’s Health Benefits Plan and is also a qualifying child or qualifying relative under the Code.

“Effective Date” of this Plan has the meaning described in Section 1.1.

“Eligible Employee” means an Employee who works for the Employer on a regular basis in the usual course of the Employer’s business at least twenty (20) hours per week. An elected official while holding office is considered an Eligible Employee for purposes of this Plan.

“Employer” means TML Health or any related Member Employer that adopts this Plan with administrative approval of TML Health.

“Employment Commencement Date” means the first regularly scheduled working day on which the Employee first performs an hour of service for the Employer for Compensation.

“Employer Contribution” means a non-elective contribution in an amount not less than \$25.00 per employee per month made by the Adopting Employer on behalf of each Participant in the Plan. The Employer contribution is an amount that has not been actually or constructively received by the Participant, and it is made available to the Participant exclusively for reimbursement under the Plan.

“Enrollment Form” means any form that may be provided by the Administrator for the purpose of allowing an eligible Employee to participate in this Plan.

“Flexible Spending Arrangement” means an arrangement that allows employees to be reimbursed for medical expenses and are usually funded through voluntary salary reduction agreements with your employer but the employer may also contribute. Benefits include: contributions made by your employer can be excluded from your gross income; no employment or federal income taxes are deducted from the contributions; reimbursements may be taxed free if you pay qualified medical expenses; and you can use an FSA to pay qualified medical expenses even if you haven’t yet placed the funds in the account.

“FMLA” means the Family and Medical Leave Act of 1993, as amended.

“Health FSA” means a Health Flexible Spending Arrangement that is an employer-established benefit plan that allows an enrolled employee to be reimbursed for medical expenses.

“Health FSA – grace period” means that coverage during a grace period by a general purpose health FSA that is allowed if the balance in the health FSA at the end of its prior year plan is zero.

“Health Benefits Plan” means the plan(s) that the Employer maintains for its Employees (and for their Spouses and Dependents that may be eligible under the terms of such plan), providing major medical type benefits through a group or partially self-funded health plan(s).

“Health Care Expenses” or “Medical Expenses” are the costs an employee paid for diagnosis, cure, mitigation, treatment, or prevention of disease, and for the purpose of affecting any part or function of the body, including the costs of equipment, supplies, and diagnostic devices needed for these purposes. Expenses may also include the premiums an employee paid for the plan that covers the expenses of medical care, and the amounts paid for transportation to get medical care. They do not include expenses that are merely beneficial to general health, such as vitamins or a vacation.

“HIPAA” means the Health Insurance Portability and Accountability Act of 1996, as amended, which affects group health plan coverage by: providing individuals special enrollment rights in group health coverage when specific events occur; prohibiting discrimination in group health plan eligibility, benefits, and premiums based on specific health factors; and prohibiting preexisting condition exclusions in plan years.

“HRA” means a Health Reimbursement Arrangement that is an employer-funded plan that reimburses employees for medical expenses, up to a maximum dollar amount for a coverage period, that aren’t included in the employee’s income.

“HRA Account” means a tax-exempt custodial account solely funded by employer contributions from which the enrolled employee may withdraw funds to pay for certain medical expenses.

“HSA” means a Health Savings Account that is a tax-exempt custodial account the Administrator establishes to pay or reimburse certain medical expenses an enrolled employee incurs.

“Limited-purpose Health FSA or HRA” means the types of arrangements that can pay or reimburse the items allowed under other health coverage if you have other insurance that provide benefits for the following items: liabilities incurred under workers’ compensation laws, tort liabilities, or liabilities related to ownership or use of property; a specific disease or illness; or a fixed amount per day (or other period) of hospitalization. Also allowed under coverage (whether provided through insurance or otherwise) for the following items: accidents; disability; dental care; vision care; or long-term care. These arrangements can also pay or reimburse preventative care expenses because they can be paid without having to satisfy the deductible.

“Medical Care Expenses” or **“Health Care Expenses”** are the costs an employee paid for diagnosis, cure, mitigation, treatment, or prevention of disease, and for the purpose of affecting any part or function of the body, including the costs of equipment, supplies, and diagnostic devices needed for these purposes. Expenses may also include the premiums an employee paid for the plan that covers the expenses of medical care, and the amounts paid for transportation to get medical care. They do not include expenses that are merely beneficial to general health, such as vitamins or a vacation..

“Open Enrollment Period” with respect to a Plan Year means a period of time at some point preceding the Plan Year, or such other period as may be prescribed by the Administrator.

“Other Health Coverage” with respect to a “Limited-purpose” health FSA or HRA means other insurance that provide benefits for the following items: liabilities incurred under workers’ compensation laws, tort liabilities, or liabilities related to ownership or use of property; a specific disease or illness; or a fixed amount per day (or other period) of hospitalization. Also allowed under coverage (whether provided through insurance or otherwise) for the following items: accidents; disability; dental care; vision care; or long-term care.

“Participant” means a person who is an Eligible Employee and who is participating in this Plan in accordance with the provisions of Article III.

“Period of Coverage” means the plan year, with the following exceptions: (a) for Employees who first become eligible to participate, it shall mean the portion of the plan year following the date participation commences; and (b) for Employees who terminate participation, it shall mean the portion of the plan year prior to the date participation terminates, as described in Section 3.2. A different Period of Coverage (e.g., monthly) may be established by the Administrator and communicated to Participants.

“Plan” means the TML Health Benefits Pool HRA Plan as set forth herein and as amended from time-to-time.

“Plan Year” means the twelve (12) month period beginning and ending as indicated in the Adoption Agreement. The initial Plan Year may be a “short” Plan Year beginning and ending as indicated in the Adoption Agreement.

“Post-deductible health FSA or HRA” means arrangements that do not pay or reimburse any medical expenses incurred before the minimum annual deductible amount is met. The deductible for these arrangements doesn’t have to be the same as the deductible for the HDHP, but benefits may not be provided before the minimum annual deductible amount is met.

“Protected Health Information” shall have the meaning described in 45 C.F.R. § 160.103 and generally includes individually identifiable health information held by, or on behalf of, the Plan.

“QMCSO” means a qualified medical child support order, as defined in ERISA § 609(a).

“Retirement HRA” means an arrangement that pays or reimburses only those medical expenses incurred after retirement. After retirement you are no longer eligible to make contributions to an HSA.

“Spendedown Period” means the period of time (1) following termination of employment and before election of and payment for COBRA coverage during which the Participant may continue to access the HRA benefits for expenses incurred during the HRA benefit period and/or during the Spendedown Period; (2) following the death of the Participant and before election of and payment for COBRA coverage during which the Spouse or Dependent may continue to access the HRA benefits for expenses incurred during the HRA benefit period and/or during the Spendedown Period; or (3) following termination of the HRA plan by the Employer during which the Participant may continue to access the HRA benefits for expenses incurred during the HRA benefit period and/or during the spend down period.

“Spouse” means an individual who is enrolled on the Health Benefits Plan and is also legally married to a Participant under the laws of any state.

“Suspended HRA” means the election to suspend the HRA before the beginning of an HRA coverage period. The HRA doesn’t pay or reimburse, at any time, the medical expenses incurred during the suspension period except preventive care and items listed under “other health coverage”. When suspension period ends, you are no longer eligible to make contributions to an HSA.

“USERRA” means the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended.

“You” means a Participant.

Article III - Eligibility and Participation

3.1 Enrollment Requirements

The names, social security numbers, genders, and birth dates of all persons in a family enrolling in the Plan must be provided to the Administrator on an enrollment form or a change form signed and dated by the Participant and Employer and received by the Administrator. Appropriate documentation may be required.

a. Participants

Participants will receive coverage when TML Health Benefits Pool receives complete enrollment information within thirty-one (31) days of the commencement of employment with the Employer regardless if the employer has a waiting period, or within thirty-one (31) days of the date the Employer first offers coverage. Upon timely enrollment, an Eligible Employee’s coverage will begin the later of:

1. the date the Eligible Employee became an Active Employee of the Employer working at least twenty (20) hours per week; or

2. the date the Eligible Employee completes any waiting period established by the Employer.

Eligible Employees must enroll within the initial enrollment period, following a qualifying event or wait until the next Open Enrollment period.

b. Dependents

Dependents will be covered under the Health Reimbursement Arrangement at the time of initial enrollment or during an Open Enrollment period when, a Participant furnishes the Administrator, in writing, the names of his or her Dependents eligible to receive benefits under the HRA Plan. Coverage for Dependents enrolled at the time of initial enrollment will be effective on the same date that the Participant's coverage is effective. Coverage for Dependents enrolled during an open enrollment period will be effective on the first day of the Plan Year following the open enrollment period.

During the Plan Year, certain qualifying events will permit a Participant to add a Dependent(s) other than during an Open Enrollment period. The Participant must first enroll the Dependent in the Employer's Health Benefits Plan. The Participant must add a Dependent(s) within thirty-one (31) days of the qualifying event and must submit documentation of the qualifying event to the Administrator, when requested or wait until the next Open Enrollment period. Coverage for Dependents enrolled within thirty-one (31) days of a qualifying event will be effective the first day of the month following the Administrator's receipt of an approved enrollment form and any required documentation. Except, in the case of a newborn child, the Participant has sixty (60) days from the child's date of birth to add the child, and, when enrolled within sixty (60) days, coverage for the newborn child will be effective on the child's date of birth.

Qualifying events are:

1. marriage;
2. within sixty (60) days of the birth, adoption or placement for adoption of a child;
3. losing eligibility under Medicaid or SCHIP;
4. loss of coverage due to termination of a Spouse's or Dependent's employment;
5. loss of coverage due to change from full-time to part-time of the Spouse's or Dependent's employment;
6. loss of coverage due to an unpaid leave of absence from the Spouse's or Dependent's employment;
7. a significant increase (i.e., an increase of at least 10%) in the cost of health coverage under the Spouse's or Dependent's Employer-sponsored health plan; and
8. any other qualifying change in status event described by federal regulation.

c. Mentally or Physically Disabled Children

1. If a child of a covered individual attains the age of twenty-six (26) (at which time coverage would normally terminate) but the child is mentally or physically disabled and for whom the Participant may claim a personal exemption tax deduction, coverage may be continued. You must submit satisfactory proof of the child's disability to the Group Benefits Administrator within thirty-one (31) days of the date the child attains the age of twenty-six (26). Coverage may continue for such child as long as the disability continues, subject to payment of the required contribution and all other terms of the Plan.
2. The Group Benefits Administrator may require satisfactory proof of the continued disability by the Social Security Administration (SSA). The Group Benefits

Administrator may have a physician examine the child or may request proof to confirm the disability, but not more often than once a year. If you fail to submit proof when reasonably required or refuse to allow the Group Benefits Administrator to have the child examined, then coverage for the child will terminate.

d. Active Duty Reservists

1. If covered by the Plan as an employee at the time of call to active duty, participants who are active duty reservists or guard members and their covered Dependents can maintain eligibility on the HRA Plan for up to twenty-four (24) months. The date on which the Participant's absence begins is the qualifying event for Continuation of Coverage (COBRA) to be offered to the reservist or guard member. If a fire fighter or police officer employed by a Texas municipality is called to active duty for any period, the employing municipality must continue to maintain any health, dental or life coverage received through the date the fire fighter or police officer was called to active military duty until the municipality receives written instructions from the fire fighter or police officer to change or discontinue the coverage. Eligibility will meet or exceed requirements of USERRA and/or regulatory compliance.
2. In administering this coverage, TML Health Benefits Pool will follow the time guidelines for COBRA under 42 U.S.C.A. 300bb-1 *et seq.* To qualify for this coverage, the Participant must give written notice to the Employer within 60 days of the qualifying event. The Employer must notify TML Health Benefits Pool that a Participant has been called to active duty and submit a copy of the Employer's Active Reservist Policy.
3. An employee who is called for military leave may have rights to COBRA Continuation of Coverage for up to twenty-four (24) months and a right to reemployment once he/she is discharged from active military service.
4. If the Participant will be on active duty for thirty (31) days or less, the Employer will keep the Participant on the Plan with no change in coverage. If the Participant will be on active duty for more than thirty (31) days, the Employer will notify TML Health Benefits Pool of the qualifying event and submit a copy of the employee's written order for call to duty.
5. If TML Health Benefits Pool administers COBRA Continuation of Coverage, Employer must notify TML Health Benefits Pool by sending a Qualifying Event Notice and mark the qualifying event "Called to Active Duty" and attach a copy of the employee's written order for the call to duty. If the Employer administers its own COBRA Continuation of Coverage, the Employer must notify TML Health Benefits Pool of the termination if call to active duty is more than thirty-one (31) days. The Employer is responsible for all required notices.
6. Texas law may require an employer to "continue to maintain" coverage on a police officer or fire fighter while he/she is on military leave if the employer has adopted civil service requirements and the leave has been approved by the Fire Fighters' and Police Officers' Civil Service Commission.
For the Participant to return to the HRA Plan and continue his or her benefits with no waiting period, the Participant must return to work within the time periods required by state and federal law for such return.
7. The additional 2% contribution for Continuation of Coverage is not charged for (1) a Participant called to active duty or (2) a surviving spouse or dependent who continues coverage pursuant to Chapter 615, Texas Government Code.

3.2 Termination Date of Coverage

Information concerning rights to Continuation of Coverage is in the section of this Plan on Continuation of Coverage.

a. Participant Coverage

Coverage will terminate on the earliest of:

1. the date the Plan terminates coverage with the Employer;
2. the date the Employer is no longer participating under the Plan; or
3. upon Employee termination, the terminated Employee has continued access to the HRA as specified in c. below, and in compliance with regulatory guidelines.

b. Dependent Coverage

Coverage will terminate on the earliest of:

1. the end of the month the covered individual's employment terminates, if contributions are paid, or the date the covered individual ceases to be an active Employee
2. the end of the month in which a Dependent no longer meets the definition of Dependent under the Plan;
3. the date the Plan terminates coverage with the Employer;
4. the date the Dependent becomes enrolled in Medicaid;
5. the end of the month in which a Dependent child attains age twenty-six (26);
6. the date the Employer is no longer participating under the Plan; or
7. the end of the month the Participant voluntarily drops Dependent coverage.

Coverage for a Dependent cannot extend beyond the date coverage for the active Employee ends, unless required by Section 615.071 of Chapter 615 of the Government Code for survivors of certain employees described in Section 615.003 of the Chapter who are killed in the line of duty. Section 615.075(c) requires that the survivor must give the Employer notice of election to purchase coverage within one hundred eighty (180) days of the decedent's death.

c. Termination of Coverage

Coverage may terminate as follows:

1. The end of the month in which the Participant voluntarily drops coverage.
2. If the Employee terms with the Employer, the Participant is allowed a Spenddown Period of N/A days.
3. If an Employee terms with the Employer the HRA funds may be accessed as a COBRA benefit. To access the HRA funds under the COBRA benefit, the COBRA participant will have to make an HRA deposit monthly per the HRA funding requirements that the Employer has implemented. If the Employer charges a 2% administrative fee on the COBRA services the COBRA participant will have to pay the HRA monthly deposit requirement plus 2%. At this time the HRA COBRA benefit can be accessed without accessing COBRA on the Medical Plan. If elected, the COBRA benefit coverage period shall commence immediately following the final day of the Spenddown Period.
4. Upon expiration of the Spenddown Period or if elected, the COBRA benefit coverage, any remaining HRA funds held for that Participant revert to the Employer.

5. If the Employee elects to draw pension benefits through the retirement plan of the Employer, following a rollover of HRA funds to a Retiree Reimbursement Arrangement (RRA) if such an RRA program has been established by the Employer.
 6. If the Employer terminates with the Pool, the HRA funds will be submitted to the Employer and the Employer will need to find a new HRA administrator and an administrator that will administer the HRA COBRA benefit.
 7. If the Employer stays with the Pool, but terminates providing the HRA plan, the HRA excess monies would go back to the Employer after a Spenddown Period of N/A days following the termination of that benefit.
 8. The HRA can never have cash value to the Employee. It can never be cashed out.
 9. Access to the HRA money as a COBRA benefit will operate under the COBRA rules. If you have any questions, please call TML Health Benefits Pool customer care at 800-348-7879.
- d. **Coordination with Cafeteria Plan**
 To the extent the Adopting Employer also sponsors a medical reimbursement program as part of its cafeteria plan within the meaning of Section 125 of the Code, a Participant participates in the medical reimbursement program, and the Participant or a Covered Individual covered through such a Participant incurs an eligible Health Care Expense that is also eligible for reimbursement under the medical reimbursement program, which program pays first is described in the Adoption Agreement.

3.3 Limitations and Exceptions

- a. If you (and your spouse, if you have family coverage) have HDHP coverage, you generally can't have other health coverage. However, you can still be an eligible individual even if your spouse has non-HDHP coverage provided you aren't covered by that plan.
- b. An employee covered by an HDHP and a health FSA or an HRA that pays or reimburses qualified medical expenses generally can't make contributions to an HSA.
- c. If the employee at any time becomes covered under a Qualified High Deductible Health Plan ("HDHP"), as prescribed by Section 223 of the Internal Revenue Code) with an accompanying health savings account ("HSA") then the carryover HRA balance will automatically convert from a general purpose HRA to a limited purpose or post-deductible HRA for any amounts incurred when the HDHP is in effect. This means that expenses for non-preventive medical costs will not be paid until the deductible for the HDHP has been met, and then only to the extent that those costs exceed the deductible.

Article IV - Method and Timing of Enrollment

4.1 Enrollment When First Eligible

An Employee who first becomes eligible to participate in this Plan will commence participation on the first day of the month after the eligibility requirements have been satisfied, provided that an Enrollment Form, if such is necessary, is submitted to the Administrator before the first day of the month in which participation will commence. Once enrolled, the Eligible Employee's participation will continue from month-to-month and year-to-year until the Eligible Employee's participation ceases pursuant to Article III. The Enrollment Form shall identify the Spouse and Dependents whose medical expenses may be submitted to the HRA. The Participant must promptly notify the Administrator if this information changes.

Article V - Benefits Offered and Method of Funding

5.1 Benefits Offered

When an Eligible Employee becomes a Participant in accordance with Articles III and IV, an HRA Account will be established for such Participant to receive Benefits in the form of reimbursements for Eligible Medical Care Expenses, as described in Article VI. In no event shall Benefits be provided in the form of cash or any other taxable or nontaxable benefit other than reimbursement for Medical Care Expenses.

5.2 Employer and Participant Contributions

- a. *Employer Contributions.* The Employer funds the full amount of the HRA Accounts in an amount established by the Employer. Nothing in this plan shall be interpreted to restrict the Employer from changing prospective contributions on a month-to-month basis.
- b. *Participant Contributions.* Participant contributions for Benefits under the Plan are prohibited.
- c. *No Funding Under Cafeteria Plan.* Under no circumstances will the Benefits be funded with salary reduction contributions, Employer contributions (e.g., flex credits) or otherwise under a cafeteria plan, nor will salary reduction contributions or Employer contributions be treated as Employer contributions to the Plan.

5.3 Funding This Plan

All of the amounts payable under this Plan shall be paid from the general assets of the Employer. Nothing herein will be construed to require the Employer or the Administrator to maintain any fund or to segregate any amount for the benefit of any Covered Individual, and no Covered Individual or other person shall have any claim against, right to, or security or other interest in any fund, account or asset of the Employer from which any payment under this Plan may be made. There is no trust or other fund from which Benefits are paid.

Article VI - Health Reimbursement Benefits

6.1 Benefits

The Plan will reimburse Participants for Medical Care Expenses up to the unused amount in the Participant's HRA Account, as set forth and adjusted under Section 6.4.

6.2 Eligible Medical Care Expenses

Under the HRA Account, a Participant may receive reimbursement for Eligible Medical Care Expenses incurred during an HRA Period of Coverage.

- a. *Incurred.* A Medical Care Expense is incurred at the time the medical care or service giving rise to the expense is furnished, and not when the individual incurring the expense is formally billed for, is charged for or pays for the medical care. Medical Care Expenses incurred before a Covered Individual first becomes covered by the Plan are not eligible.
- b. *Medical Care Expenses Generally.* "Medical Care Expenses" means expenses incurred by a Participant or by his or her Spouse or Dependents for medical care, as defined in Code § 213 (including, for example, amounts for certain hospital bills, doctor and dental bills and prescription drugs). Reimbursements due for Medical Care Expenses incurred by the Participant or the Participant's Spouse or Dependents shall be charged against the Participant's HRA Account. Reimbursement for expenses incurred for a medicine or a drug shall be treated as a reimbursement for medical expenses only if such medicine or drug is a prescribed drug (determined without regard to whether such drug is available without a prescription) or is insulin.

- c. *Cannot Be Reimbursed or Reimbursable From Another Source.* Medical Care Expenses can only be reimbursed to the extent that the Participant or other person incurring the expense is not reimbursed for the expense (nor is the expense reimbursable) through the Health Benefits Plan, other health coverage or any other accident or health plan (but see Section 6.8 if the other health plan is a Health FSA Account). If only a portion of a Medical Care Expense has been reimbursed elsewhere (e.g., because the Health Benefits Plan imposes copayment or deductible limitations), the HRA Account can reimburse the remaining portion of such Medical Care Expense if it otherwise meets the requirements of this Article VI.
- d. The Plan does not cover expenses incurred for any loss caused by or resulting from injury or disease for which benefits are payable under any worker's compensation law or other employer, union or association.
- e. The Plan does not cover expenses incurred for any loss caused by or resulting from injury or disease for which benefits are received by the Participant under any health and accident insurance policy or program, whether or not premiums are paid by the Adopting Employer or by the Participant, the Participant's Spouse or the Participant's Dependent Child.

6.3 Maximum Benefits

- a. *Maximum Benefits.* The maximum dollar amount that may be credited to an HRA Account for an Employee who participates for an entire twelve (12) month Period of Coverage shall be determined by the Employer. Unused amounts may be carried over to the next Period of Coverage, as provided in Section 6.5.
- b. *Changes.* For subsequent plan years, the maximum dollar limit may be changed by the Employer and shall be communicated to Employees through the Enrollment Form, the Schedule of Medical Expense Benefits or Plan document.
- c. *Nondiscrimination.* Reimbursements to highly compensated Individuals may be limited or treated as taxable compensation to comply with Code § 105(h), as may be determined by the Administrator in its sole discretion.

6.4 Establishment of Account

The Administrator will establish and maintain an HRA Account. The HRA Account so established will reimburse eligible medical expenses in accordance with the Code.

- a. *Crediting of Accounts.* A Participant's HRA Account will be credited at the beginning of each month with an amount equal to the applicable maximum dollar limit for the Period of Coverage divided by the number of months in that Period of Coverage (e.g., divided by twelve (12) in a twelve (12) month Plan Year), increased by any carryover of unused HRA Account balance from a prior Period(s) of Coverage.
- b. *Debiting of Accounts.* A Participant's HRA Account will be debited during each Period of Coverage for any reimbursement of Medical Care Expenses incurred during the Period of Coverage.
- c. *Available Amount.* The amount available for reimbursement of Medical Care Expenses is the amount credited to the Participant's HRA Account under subsection (a) reduced by prior reimbursements debited under subsection (b).

6.5 Carryover of Accounts

If any balance remains in the Participant's HRA Account for a Period of Coverage after all reimbursements have been made for the Period of Coverage, such balance shall be carried over to the next HRA Plan Year to reimburse the Participant for Medical Care Expenses incurred during a subsequent Period of Coverage.

6.6 Reimbursement Procedure

- a. **Timing.** In cases where a Participant pays for a medical expenses by means other than a debit card tied to the HRA Account, the Participant must submit a reimbursement claim to the Administrator. Within thirty (30) days of a reimbursement claim from a Participant; 1) the Employer will reimburse the Participant for the Participant's Medical Care Expenses (if the Administrator approves the claim); or 2) the Administrator will notify the Participant that his or her claim has been denied (see Section 8.1 regarding procedures for claim denials and appeals procedures). This time period may be extended for an additional fifteen (15) days for matters beyond the control of the Administrator, including in cases where a reimbursement claim is incomplete. The Administrator will provide written notice of any extension, including the reasons for the extension, and will allow the Participant forty-five (45) days in which to complete an incomplete reimbursement claim.
- b. **Claims Substantiation.** A Participant who seeks Benefits may apply for reimbursement by submitting an application in writing to the Administrator in such form as the Administrator may prescribe, by no later than the last day of the third (3rd) month following the close of the Plan Year in which the Medical Care Expense was incurred, setting forth:
 - the person or persons on whose behalf Medical Care Expenses have been incurred;
 - the nature and date of the Medical Care Expenses so incurred;
 - the amount of the requested reimbursement; and
 - a statement that such Medical Care Expenses have not otherwise been reimbursed and are not reimbursable through any other source and that Health FSA Account coverage, if any, for such Medical Care Expenses has been exhausted.The application shall be accompanied by bills, invoices or other statements from an independent third party showing that the Medical Care Expenses have been incurred and the amounts of such Medical Care Expenses, together with any additional documentation that the Administrator may request.
- c. **Claims Denied.** For reimbursement claims that are denied, see the appeals procedure in Article VIII.
- d. **Claim filing Deadline.** A claim for reimbursement of expenses under the HRA must be submitted to the Administrator within three hundred sixty (360) days of the incurred date within the HRA plan year.

6.7 COBRA Continuation of Coverage

- a. **Introduction**

COBRA Continuation of Coverage can become available to the Participant and other members of the Participant's family when the Participant's group health coverage would otherwise end. For more information about the Participant's rights and obligations under the Plan and under federal law, the Participant should review the Plan booklet or contact TML Health Benefits Pool, 1821 Rutherford Lane, Suite 300, Austin, Texas 78754 or by telephone (800) 282-5385.
- b. **What is COBRA Continuation of Coverage?**

COBRA Continuation of Coverage is a continuation of Plan coverage when it would otherwise end because of a life event. This is also called a "qualifying event." Specific qualifying events are listed later in this notice. After a qualifying event, COBRA Continuation of Coverage must be offered to each person who is a "qualified beneficiary." The Participant, the Participant's spouse and the Participant's dependent children could become qualified beneficiaries if coverage under the Plan is lost because of the qualifying

event. Under the Plan, qualified beneficiaries who elect COBRA Continuation of Coverage may be required to pay for coverage depending on the policy of the Participant's Employer. If the Participant was an employee, the Participant will become a qualified beneficiary if the Participant loses coverage under the Plan because of either one of the following qualifying events:

1. The Participant's hours of employment are reduced; or
2. The Participant's employment ends for any reason other than your gross misconduct.

The spouse of the Participant, becomes a qualified beneficiary if the Participant's spouse loses coverage under the Plan because of any of the following qualifying events:

1. The Participant's spouse dies;
2. The Participant's spouse's hours of employment are reduced;
3. The Participant's spouse's employment ends for any reason other than his or her gross misconduct;
4. The Participant's spouse becomes entitled to Medicare benefits (under Part A, Part B and/or Part C); or
5. The Participant divorces or legally separates from the Participant's spouse.

The Participant's dependent children will become qualified beneficiaries if the Participant's dependent children lose coverage under the Plan because of any of the following qualifying events:

1. The parent-employee dies;
2. The parent-employee's hours of employment are reduced;
3. The parent-employee's employment ends for any reason other than his or her gross misconduct;
4. The parent-employee becomes entitled to Medicare benefits (Part A, Part B and/or Part C);
5. The parents become divorced or legally separated; or
6. The child stops being eligible for coverage under the Plan as a "dependent child."

Any decision of whether an Employee was terminated because of gross misconduct will be made by the Employer. The Employer may not change its decision on whether or not a termination was for gross misconduct later than the forty-fifth (45th) day after the date employment terminated or the date a COBRA Continuation of Coverage election notice was mailed to the employee, whichever is earlier. Any determination of gross misconduct shall be based on events that occurred prior to the termination of employment.

Sometimes, filing a proceeding in bankruptcy under Title 11 of the United States Code can be a qualifying event. If a proceeding in bankruptcy is filed with respect to the Participant's Employer, and that bankruptcy results in the loss of coverage for any retired employee covered under the Plan, the retired employee will become a qualified beneficiary. The retired employee's spouse, surviving spouse and dependent children will also become qualified beneficiaries if bankruptcy results in the loss of their coverage under the Plan.

Please note that COBRA Continuation of Coverage does not include any life benefits. If the Participant had voluntary life coverage, the Participant may convert it to an individual policy within thirty-one (31) days of the Participant's qualifying event. Contact the Participant's Employer's human resources office for more information and conversion forms.

- c. **When is COBRA Continuation of Coverage Available?**
 The Plan will offer COBRA Continuation of Coverage to qualified beneficiaries only after TML Health Benefits Pool has been notified that a qualifying event has occurred. The Employer must notify TML Health Benefits Pool of the following qualifying events:
1. The end of employment or reduction of hours of employment;
 2. Death of the employee;
 3. Commencement of a proceeding in bankruptcy with respect to the employer; or
 4. The employee's becoming entitled to Medicare benefits (under Part A, Part B and/or Part C).
- d. **Participant Must Give Notice of Some Qualifying Events**
 For all other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), the Participant must notify TML Health Benefits Pool within sixty (60) days after the qualifying event occurs. The Participant must provide notice to: TML Health Benefits Pool, 1821 Rutherford Lane, Suite 300, Austin, Texas 78754 or by telephone (800) 282-5385.
- e. **How is COBRA Continuation of Coverage Provided?**
 Once TML Health Benefits Pool receives notice that a qualifying event has occurred, COBRA Continuation of Coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA Continuation of Coverage. Participants may elect COBRA Continuation of Coverage on behalf of their spouses, and parents may elect COBRA Continuation of Coverage on behalf of their children.
- COBRA Continuation of Coverage is a temporary continuation of coverage. When the qualifying event is the death of the Participant, the Participant's becoming entitled to Medicare benefits (Part A, Part B and/or Part C), divorce or legal separation of the Participant from his or her Spouse or a Dependent child's losing eligibility as a Dependent child, COBRA Continuation of Coverage lasts for up to a total of 36 months. When the qualifying event is the end of employment or reduction of the Participant's hours of employment, and the Participant became entitled to Medicare benefits less than 18 months before the qualifying event, COBRA Continuation of Coverage for qualified beneficiaries other than the Participant lasts until 36 months after the date of Medicare entitlement. For example, if a Participant becomes entitled to Medicare 8 months before the date on which his or her employment terminates, COBRA Continuation of Coverage for the Participant's Spouse and Dependent children can last up to 36 months after the date of Medicare entitlement, which is equal to 28 months after the date of the qualifying event (36 months minus 8 months). Otherwise, when the qualifying event is the end of employment or reduction of the Participant's hours of employment, COBRA Continuation of Coverage generally lasts for only up to a total of 18 months. There are three (3) ways in which this 18-month period of COBRA Continuation of Coverage can be extended.
- f. **Active Duty Reservists extension of COBRA Continuation of Coverage**
 If covered by the Plan as Participant at the time of call to active duty, active duty reservists or guard members and their covered dependents can maintain eligibility on the Plan for up to twenty-four (24) months as prescribed by and subject to the terms and conditions of the Uniformed Services Employment and Reemployment Rights Act (USERRA). The date on which the Participant's absence begins is the qualifying event for COBRA Continuation of Coverage (COC) to be offered to the reservist or guard member.

If a fire fighter or police officer is called to active duty for any period, the Employer must continue to maintain any health, dental, or life coverage received on the date the fire fighter or police officer was called to active military duty until the Employer receives written instructions from the fire fighter or police officer to change or discontinue the coverage. Such instruction shall be provided no later than sixty (60) days following the Qualifying Event. If no such instruction is given, then coverage will terminate on the sixty-first (61st) day, which shall then become the Qualifying Event for COBRA Continuation of Coverage purposes. Eligibility will meet or exceed requirements of USERRA and/or regulatory compliance.

In administering this coverage, TML Health Benefits Pool will follow the time guidelines of COBRA Continuation of Coverage under 42 U.S.C.A.300bb-1 *et seq.* To qualify for this coverage, the Participant must give written notice to the Employer within sixty (60) days of the qualifying event. The Employer member must notify TML Health Benefits Pool that an employee has been called to active duty and submit a copy of the Employer member's active reservist policy to TML Health Benefits Pool.

- g. Disability extension of COBRA Continuation of Coverage
If the Participant or anyone in the Participant's family covered under the Plan is determined by Social Security to be disabled and the Participant notifies TML Health Benefits Pool within sixty (60) days of that determination, the Participant and the Participant's entire family may be entitled to receive up to an additional 11 months of COBRA Continuation of Coverage for a total maximum of 29 months. The disability must start at some time before the 60th day of COBRA Continuation of Coverage and must last at least until the end of the eighteen (18) or twenty-four (24) month period of COBRA Continuation of Coverage. The Participant may contact TML Health Benefits Pool about a disability determination at 1821 Rutherford Lane, Suite #300, Austin, Texas 78754 or by telephone at (800) 282-5385.
- h. Second Qualifying Event extension of COBRA Continuation of Coverage
If the Participant's family experiences another qualifying event while receiving eighteen (18) or twenty-four (24) months of COBRA Continuation of Coverage, the spouse and dependent children in the Participant's family can get up to eighteen (18) additional months of COBRA Continuation of Coverage, for a maximum of thirty-six (36) months, if TML Health Benefits Pool is properly notified about the second qualifying event. This extension may be available to the spouse and any dependent children getting COBRA Continuation of Coverage if the Participant or former Participant dies, becomes entitled to Medicare benefits (Part A, Part B and/or Part C) gets divorced or legally separated, or if the dependent child stops being eligible under the Plan as a dependent child. This extension is available only if the second qualifying event would have caused the spouse or dependent child to lose coverage under the Plan had the first qualifying event not occurred.
- i. Are there other coverage options besides COBRA Continuation of Coverage?
Yes. Instead of enrolling in COBRA Continuation of Coverage, there may be other coverage options for the Participant and the Participant's family through the Health Insurance Marketplace, Medicaid or other group health plan coverage options (such as a spouse's plan) through what is called a "special enrollment period." Some of these options may cost less than COBRA Continuation of Coverage.

The Participant can learn more about many of these options at <http://www.healthcare.gov>.

- j. **Adding Dependents**
If the Participant is a COBRA Continuation of Coverage participant, the Participant has the same rights to add dependents to the Participant's COBRA Continuation of Coverage as an active employee Participant. For example, the Participant may add dependents to the Participant's COBRA Continuation of Coverage within thirty-one (31) days of marriage or sixty (60) days of the birth, adoption or placement for adoption of a child. Also, the Participant may add dependents to the Participant's COBRA Continuation of Coverage during the Employer's Open Enrollment. However, these dependents who were not covered under the Plan before the Participant's qualifying event occurred are not qualified beneficiaries and do not have individual COBRA Continuation of Coverage rights, except for children added within sixty (60) days of birth, adoption or placement for adoption. Children added to your COBRA Continuation of Coverage within sixty (60) days of birth, adoption or placement for adoption are qualified beneficiaries and have their own COBRA Continuation of Coverage rights.
- k. **If the Participant has Questions**
Questions concerning the Participant's COBRA Continuation of Coverage rights should be addressed to the contact or contacts identified below. State and local government employees seeking more information about their rights under COBRA Continuation of Coverage, the Health Insurance Portability and Accountability Act (HIPAA) and other laws affecting group health plans, can contact the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services at:
- https://www.cms.gov/CCIIO/Programs-and-Initiatives/Other-Insurance-Protections/cobra_fact_sheet.html; or
 - <https://www.cms.gov/CCIIO/Resources/Forms-Reports-and-Other-Resources/index.html#COBRA>
- l. **Keep the Plan Informed of Address Changes**
In order to protect the Participant's and the Participant's family's rights, the Participant should keep TML Health Benefits Pool informed of any changes in addresses of family members. The Participant should also keep a copy, for the Participant's records, of any notices the Participant sends to the Participant's Employer and TML Health Benefits Pool.

6.8 Coordination of Benefits: Health FSA to Reimburse First

Benefits under this Plan are intended to reimburse Participants solely for Medical Care Expenses not previously reimbursed or reimbursable elsewhere. To the extent that an otherwise eligible Medical Care Expense is payable or reimbursable from another source, that other source shall pay or reimburse prior to payment or reimbursement from this Plan. Without limiting the foregoing, if the Participant's Medical Care Expenses are covered by both this Plan and by a Health FSA, then this Plan is not available for reimbursement of such Medical Care Expenses until after amounts available for reimbursement under the Health FSA Account have been exhausted.

If the Participant's Medical Care Expenses are covered by both this Plan and by a Health Savings Account, then this Plan is not available for reimbursement (except for preventive care) of such Medical Care Expenses until the deductible on the accompanying Qualified High Deductible Health Plan has been met.

Article VII - HIPAA Privacy and Security

7.1 Permitted Disclosure of Enrollment/Non-enrollment Information

The Plan may disclose to the Employer information on whether an individual is participating in the Plan.

7.2 Permitted Uses and Disclosures of Summary Health Information

The Plan may disclose Summary Health Information to the Employer, provided that the Employer requests the Summary Health Information for the purpose of modifying, amending or terminating the Plan. "Summary Health Information" means information (1) that summarizes the claims history, claims expenses or type of claims experienced by individuals for whom a plan sponsor had provided health benefits under a Health Plan; and (2) from which the information described at 42 CFR § 164.514(b)(2)(i) has been deleted, except that the geographic information described in 42 CFR § 164.514(b)(2)(i)(B) need only be aggregated to the level of a five-digit ZIP code.

Article VIII - Appeals Procedure

8.1 Procedure if Benefits are Denied under this Plan

If a claim for reimbursement under this Plan is wholly or partially denied, appeals shall be reviewed in accordance with the appeal provision in the Benefit Plan. Appeals must be made in writing and submitted within twelve (12) months of the denial of benefits.

8.2 Submission & Consideration of Comments

Authorized representatives will have the opportunity to submit documents, written comments, or other information in support of the appeal. The review of the adverse benefit determinations will take into account all new information, whether or not presented or available at the initial determination. No deference will be afforded to the initial determination.

Article IX - Recordkeeping and Administration

9.1 Administrator

The administration of this Plan shall be under the supervision of the Administrator. It is the principal duty of the Administrator to see that this Plan is carried out, in accordance with its terms, for the exclusive benefit of persons entitled to participate in this Plan without discrimination among them.

9.2 Powers of the Administrator

The Administrator shall have such duties and powers as it considers necessary or appropriate to discharge its duties. It shall have the exclusive right to interpret the Plan and to decide all matters there under, and all determinations of the Administrator with respect to any matter hereunder shall be conclusive and binding on all persons.

Without limiting the generality of the foregoing, the Administrator shall have the following discretionary authority:

- a. To construe and interpret this Plan, including all possible ambiguities, inconsistencies and omissions in the Plan and related documents, and to decide all questions of fact, questions relating to eligibility and participation, and questions of benefits under this Plan;
- b. To prescribe procedures to be followed and the forms to be used by Eligible Employees and Participants to enroll in and submit claims pursuant to this Plan;
- c. To prepare and distribute information explaining this Plan and the benefits under this Plan in such manner as the Administrator determines to be appropriate;

- d. To request and receive from all Eligible Employees and Participants such information as the Administrator shall from time to time determine to be necessary for the proper administration of this Plan;
- e. To furnish each Eligible Employee and Participant with such reports with respect to the administration of this Plan as the Administrator determines to be reasonable and appropriate;
- f. To receive, review and keep on file such reports and information concerning the benefits covered by this Plan as the Administrator determines from time-to-time to be necessary and proper;
- g. To appoint and employ such individuals or entities to assist in the administration of this Plan as it determines to be necessary or advisable, including legal counsel and benefit consultants;
- h. To sign documents for the purposes of administering this Plan, or to designate an individual or individuals to sign documents for the purposes of administering this Plan;
- i. To secure independent medical or other advice and require such evidence as it deems necessary to decide any claim or appeal; and
- j. To maintain the books of accounts, records and other data in the manner necessary for proper administration of this Plan and to meet any applicable disclosure and reporting requirements.

9.3 Reliance on Participant, Tables, etc.

The Administrator may rely upon the information submitted by an Eligible Employee or Participant as being proper under the Plan and shall not be responsible for any act or failure to act because of a direction or lack of direction by an Eligible Employee or Participant. The Administrator will also be entitled, to the extent permitted by law, to rely conclusively on all tables, valuations, certificates, opinions and reports that are furnished by accountants, attorneys or other experts employed or engaged by the Administrator.

9.4 Provision for Third-Party Plan Service Providers

The Administrator may employ the services of such persons as it may deem necessary or desirable in connection with the operation of the Plan. Unless otherwise provided in the service agreement, obligations under this Plan shall remain the obligation of the Employer.

9.5 Fiduciary Liability

To the extent permitted by law, the Administrator shall not incur any liability for any acts or for failure to act except for their own willful misconduct or willful breach of this Plan.

9.6 Health Benefits Plan Contracts

The Employer shall have the right (a) to enter into a contract with one or more vendors for the purposes of providing any Benefits under the Plan; and (b) to replace any of such vendors or contracts. Any dividends, retroactive rate adjustments or other refunds of any type that may become payable under any such contract shall not be assets of the Plan but shall be the property of, and be retained by, the Employer, to the extent that such amounts are less than aggregate Employer contributions toward such contract.

9.7 Inability to Locate Payee

If the Employer is unable to make payment to any Participant or other person to whom a payment is due under the Plan because it cannot ascertain the identity or whereabouts of such Participant or other person after reasonable efforts have been made to identify or locate such person, then such payment and all subsequent payments otherwise due to such Participant or other person shall be forfeited following a reasonable time after the date that any such payment first became due.

9.8 Effect of Mistake

In the event of a mistake as to the eligibility or participation of an individual, or the allocations made to the account of any Participant, or the amount of Benefits paid or to be paid to a Participant or other person, the Administrator shall, to the extent that it deems administratively possible and otherwise permissible under Code § 105, the regulations issued thereunder or other applicable law, cause to be allocated or cause to be withheld or accelerated, or otherwise make adjustment of, such amounts as will, in its judgment, accord to such Participant or other person the credits to the HRA Account or distributions to which he or she is properly entitled under the Plan. Such action by the Administrator may include withholding of any amounts due to the Plan or the Employer from Compensation paid by the Employer.

Article X - General Provisions

10.1 Expenses

All reasonable eligible expenses incurred in administering the Plan are currently paid by the Employer.

10.2 No Contract of Employment

Nothing herein contained is intended to be or shall be construed as constituting a contract or other arrangement between any Eligible Employee and the Employer to the effect that such Eligible Employee will be employed for any specific period of time. All Eligible Employees are considered to be employed at the will of the Employer.

10.3 Amendment and Termination

This Plan has been established with the intent of being maintained for an indefinite period of time. Nonetheless, the Administrator may amend or terminate all or any part of this Plan at any time for any reason by resolution of the Administrator’s Board of Trustees or by any person or persons authorized by the Board of Trustees to take such action, and any such amendment or termination will automatically apply to the Member Employers that are participating in this Plan.

10.4 Governing Law

This Plan shall be construed, administered and enforced according to the laws of the State of Texas to the extent not superseded by the Code or any other federal law.

10.5 Code Compliance

It is intended that this Plan meet all applicable requirements of the Code, and of all regulations issued thereunder. This Plan shall be construed, operated and administered accordingly, and in the event of any conflict between any part, clause or provision of this Plan and the Code, the provisions of the Code shall be deemed controlling, and any conflicting part, clause or provision of this Plan shall be deemed superseded to the extent of the conflict.

10.6 No Guarantee of Tax Consequences

Neither the Administrator nor the Employer makes any commitment or guarantee that any amounts paid to or for the benefit of a Participant under this Plan will be excludable from the Participant’s gross income for federal, state or local income tax purposes.

It shall be the obligation of each Participant to determine whether each payment under this Plan is excludable from the Participant’s gross income for federal, state and local income tax purposes, and to notify the Administrator if the Participant has any reason to believe that such payment is not so excludable.

10.7 Indemnification of Employer

If any Participant receives one or more payments or reimbursements under this Plan on a tax-free basis, and such payments do not qualify for such treatment under the Code, such Participant shall indemnify and reimburse the Employer for any liability it may incur for failure to withhold federal income taxes, Social Security taxes or other taxes from such payments or reimbursements.

10.8 Non-Assignability of Rights

The right of any Participant to receive any reimbursement under this Plan shall not be alienable by the Participant by assignment or any other method and shall not be subject to claims by the Participant’s creditors by any process whatsoever. Any attempt to cause such right to be so subjected will not be recognized, except to such extent as may be required by law.

10.9 Headings

The headings of the various Articles and Sections (but not subsections) are inserted for convenience of reference and are not to be regarded as part of this Plan or as indicating or controlling the meaning or construction of any provision.

10.10 Plan Provisions Controlling

In the event that the terms or provisions of any summary or description of this Plan, or of any other instrument, are in any construction interpreted as being in conflict with the provisions of this Plan as set forth in this document, the provisions of this Plan shall be controlling.

10.11 Severability

Should a court of competent jurisdiction subsequently invalidate any part of this Plan, the remainder of the Plan shall be given effect to the maximum extent possible.

10.12 Compensation and Expenses

The Claim Administrator shall be entitled to reasonable fees for its services hereunder, which shall be described in an administrative services agreement incurred by the Claims Administrator in connection with the Plan.

10.13 Family and Medical Leave Act of 1993 (“FMLA”)

Notwithstanding any provision of this Plan to the contrary, this Plan shall be cooperated and maintained in a manner consistent with FMLA, to the extent the Adopting Employer is subject to such law.

IN WITNESS WHEREOF, and as conclusive evidence of the adoption of the foregoing instrument comprising the TML Health HRA Plan, Employer has caused this Plan to be executed in its name and on its behalf, on this ____ day of _____, 20____.

City of Lavon

By: _____

Attachment 2

Schedule of HRA Plan Administration Services Fees

1. Employer: City of Lavon
2. Effective Date: 10/1/19

Item	Cost	Payable
Setup Fee	\$ 50 /Group	One time ⁽¹⁾
Monthly Service Fee ⁽²⁾	\$ 3.70 /Participant Debit \$ 5.00 /Participant Paper	Monthly
Special Reports ⁽³⁾	As agreed upon	30 days following receipt of report

(1) One time set up fee for each group that enrolls in the HRA Plan.

(2) Monthly Service Fee includes:

- a) processing contribution;
- b) processing claims (review and verification);
- c) paying claims (direct mail to employee);
- d) paying dependent premium (if applicable);
- e) employee fund balance statement with each reimbursement; and statement of fund balances and projected year-end balance at close of Plan Year fourth quarter.

(3) Normal Reports to the Plan Sponsor, at no additional cost are:

- a) initial enrollment verification;
- b) quarterly fund balance; and
- c) projected year-end fund balance at the close of the Plan Year fourth quarter.

If Employer funds annually, any employees hired mid-plan year will be funded as follows (mark one):

- The full annual funded amount at date of hire
- A pro-rated amount (mark one):
- Annual rate divisible by twelve (12) months (not to exceed 102% of active rate) \$ _____
 - Only the administrative fee of \$ _____
 - Other \$ _____

If Employer funds annually and TML Health administers Continuation of Coverage (COC), terminated employees will be billed one of the following for monthly fee (mark one):

- Annual rate divisible by twelve (12) months (not to exceed 102% of active rate) \$ _____
- Only the administrative fee of \$ _____
- Other (not to exceed 102% of active rate) \$ _____

Attachment 5

Spenddown Arrangement Addendum

The City of Lavon has authorized the Spenddown Arrangement Health Reimbursement Arrangement (HRA). The operation of the Spenddown Arrangement (HRA) will continue on the same terms and conditions as the HRA with the following employer decisions regarding the HRA account:

Responsibility of the \$ 3.70 administration fee

- Retiree is responsible for the administration fee of \$ _____.
- Employer will be responsible for the administration fee.

ADOPTED:
City of Lavon

By

(Signature)

Name

Title

Address

Attachment 6

HRA Forms

HRA Employee Request for Change Form



Employer Name					Employer Group #						
Social Security #					Last Name			First Name		MI	Change Effective Date

Please Mark Change Desired

Address Change
 Name Change _____ (former name)

Retired
 Date of Retirement _____
 Medicare Eligible
 Yes
 No
 If Yes, Medicare (HIC or MBI) # _____

Medicare Effective Date _____

Employee and Dependent Alternate Mailing Address

Employee Mailing Address

_____ Street _____ City _____ State _____ Zip Code

_____ Preferred Contact Phone # _____ E-mail

Dependent Alternate Address

_____ Street _____ City _____ State _____ Zip Code

Dependent/Spouse Coverage Information

- Only the dependents listed below will have the coverage selected.
- The term dependent will not include any person who is eligible for coverage as an employee. Children may be covered under only one Employ

Spouse Name (First, M.I.)	Date of Birth	Dependent Name (First, M.I.)	Date of Birth	Dependent Name (First, M.I.)	Date of Birth
Dependent Name (First, M.I.)	Date of Birth	Dependent Name (First, M.I.)	Date of Birth	Dependent Name (First, M.I.)	Date of Birth

Annually
Monthly

Employer Contribution for Health Reimbursement Arrangement
 \$ _____ \$ _____

Employee Acceptance Employee Signature _____ Date _____	Employer Accepted By _____ Date _____	Reason for Add or Change Notes
--	--	---

Please return this form to your employer.

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Direct Deposit Authorization Agreement



As a service of TML Health, we are offering you the opportunity to have the following claim payments deposited via electronic 'direct deposit' into your bank account:

- **Flexible Spending Arrangement (Section 125)**
- **Health Reimbursement Arrangement (HRA)**

When you agree to allow an automatic funds transfer (*direct deposit*) into your bank account, the permission to do so will remain in effect until you notify TML Health that you are removing that permission.

If you are interested in taking advantage of this opportunity, please complete and return this form with a voided check and mail to:

TML Health
Accounting
P. O. Box 140526
Austin, TX 78714-0526

If you have any questions regarding this form, please contact Kathie Miller at (800) 348-7879.

Please Print

As a duly authorized signatory of the account number listed below I, the undersigned, authorize TML Health to initiate credit entries through Chase Bank – Austin or other transaction facilitating entities to my account, as indicated below and located at the contracted depository named below.

Bank Name: _____

Type of Account: Checking Savings

Attach a voided check for the account or provide the following:

ABA (Bank) Routing Number: _____
(9 characters, normally located on bottom of check next to Account Number)

Account Number: _____

This authority is to remain in full force and effect until TML Health has received written notification from an authorized signatory of the account in such a time and in such a manner as to afford the TML Health reasonable opportunity to act upon said notification.

_____ Employee Name	_____ Employee Social Security #
_____ Employer Name	_____ Employer Group Number
_____ Signature	_____ Date
_____ Preferred Contact Phone #	

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CITY OF LAVON Agenda Brief

MEETING: April 7, 2020

ITEM: 10 – A

Item:

Discussion and action regarding Ordinance No. 2020-04-01 providing guidance to protect the safety and welfare of the public including and supplemental to the Declaration of Local State of Disaster due to Public Health Emergency executed by Mayor Vicki Sanson on March 16, 2020, extended by the City Council on March 23, 2020 and clarified on March 27, 2020 until April 30, 2020; providing a penalty; providing for severability, savings and repealing clauses; and providing for publication and an effective date..

Background:

The proposed ordinance incorporates the regulations adopted in Resolution No. 2020-03-08 and the most recent Executive Order of Governor Greg Abbott. The proposed ordinance is not in conflict with Collin County Judge Chris Hill's updated Executive Order of March 31, 2020.

In place of an amendment to the approved Resolution, an ordinance has been prepared to provide enhanced enforcement capabilities.

Resources for Up-to-Date Information:

[Center for Disease Control \(CDC\)](#)

[World Health Organization \(WHO\)](#)

[Federal Emergency Management Agency \(FEMA\)](#)

[Executive Office of the President of the United States](#)

[Collin County Health News & Advisories](#)

[Public Assistance – finding food, paying housing bills, or other essential services](#)

Staff Notes:

The city attorney and police chief participated in the preparation of the proposed ordinance and approval is recommended.

- Attachments:**
- 1) Proposed Ordinance No. 2020-04-01
 - 2) Governor Greg Abbott's Executive Order, March 31, 2020
 - 3) County Judge Chris Hill's Executive Order, March 31, 2020
 - 4) Resolution No. 2020-03-08

CITY OF LAVON, TEXAS
ORDINANCE NO. 2020-04-01

Declaring a Public Health Emergency to Help Stop the Spread of COVID-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, PROVIDING GUIDANCE TO PROTECT THE SAFETY AND WELFARE OF THE PUBLIC INCLUDING AND SUPPLEMENTAL TO THE DECLARATION OF LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY EXECUTED BY MAYOR VICKI SANSON ON MARCH 16, 2020, EXTENDED BY THE CITY COUNCIL ON MARCH 23, 2020 AND CLARIFIED ON MARCH 27, 2020 UNTIL APRIL 30, 2020; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Lavon (the "City") is a general law Type "A" municipality acting pursuant to Chapter 6 of the Local Government Code; and

WHEREAS, the **City of Lavon Strategic Plan** states that the first *Core Purpose* of the city organization is "to ensure a safe and secure community;" and

WHEREAS, the novel coronavirus now designated SARS-CoV-2 which causes the disease COVID-19, has spread through the world and has been declared a global pandemic by the World Health Organization; and according to the Center for Disease Control and Prevention, the COVID- 19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, prudence dictates that extraordinary measures must be taken to contain COVID- 19 and prevent its spread throughout the City of Lavon, including the quarantine of individuals, groups of individuals and occupied structures and, additionally, including compelling individuals, groups of individuals, or occupied structures to undergo additional health measures that prevent or control the spread of the virus; and

WHEREAS, on March 16, 2020, Mayor Vicki Sanson issued and on March 23, 2020, the City Council extended a Declaration of Local State of Disaster Due to Public Health Emergency for the City of Lavon pursuant to section 418.108(a) of the Texas Government Code until April 8, 2020; and

WHEREAS, on March 27, 2020 the Lavon City Council (the "City Council") convened, provided input, deliberated and adopted measures to protect the safety and welfare of the public supplemental to the Mayor's Declaration of Local State of Disaster Due to Public Health Emergency for the City of Lavon; and

WHEREAS, on March 31, 2020, Governor Greg Abbott issued Executive Order GA 14

relating to COVID-19 preparedness and mitigation.

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

SECTION 1. A local public health emergency is hereby declared and continued for the City of Lavon, Texas, pursuant to section 122.005 of the Texas Health and Safety Code.

SECTION 2. The directives contained herein include and are supplemental to the Declaration of Local State of Disaster due to Public Health Emergency executed by Mayor Vicki Sanson on March 16, 2020, extended by the City Council on March 23, 2020, and clarified by the City Council on March 27, 2020 until April 30, 2020 as set out herein.

SECTION 3. That this Ordinance authorizes the City to take any actions necessary to promote health and suppress the virus, including shelter-in-place provisions and other provisions for the protection of the public health, safety and welfare due to COVID-19. This Ordinance further authorizes the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, and insuring compliance for those who do not comply with the City's Ordinance, pursuant to section 122.005 of the Texas Health and Safety Code.

SECTION 4. This Ordinance hereby incorporates and enacts the following regulations from the Governor's Executive Order No. GA-14 regarding the conduct of persons/people and schools:

1. In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas shall, except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household.
2. "Essential services" shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and in any approved additions. Requests for additions should be directed to TDEM at EssentialServices@tdem.texas.gov or by visiting www.tdem.texas.gov/essentialservices.
3. In providing or obtaining essential services, people and businesses should follow the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home if possible. In particular, all services should be provided through remote telework from home unless they are essential services that cannot be provided through remote telework. If religious services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines from the President

and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19.

4. In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms, massage establishments, tattoo studios, piercing studios, or cosmetology salons; provided, however, that the use of drive-thru, pickup, or delivery options for food and drinks is allowed and highly encouraged throughout the limited duration of this executive order.

5. This executive order does not prohibit people from accessing essential services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential services, visiting parks, hunting or fishing, or engaging in physical activity like jogging or bicycling, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in person contact with people who are not in the same household.

6. In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission.

7. In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance and shall not recommence before May 4, 2020.

SECTION 5. Public or private gatherings and community gatherings of ten or more people shall be prohibited. Nothing herein prohibits the gathering of members of a household or living unit.

SECTION 6. Restaurants and food establishments, with or without drive-in or drive-through services, shall only provide take-out, curbside, delivery, or drive-through service. If an establishment provides take-out services, the establishment shall require that Social Distancing Guidelines outlined herein are observed, particularly maintaining six-foot social distancing and limiting the assembly of a crowd to ten or less persons for both employees, customers and the general public.

SECTION 7. Retail stores except grocery, auto repair, pet supply and pharmacy; gyms, fitness centers, nail salons, spas, hair and beauty salons, and all other non-medical, personal care services that cannot be provided while maintaining appropriate social distance shall temporarily close. To the extent that goods and services may be provided by these establishments virtually, by take-out and/or delivery, residents are encouraged to support our local businesses.

SECTION 8. Public playground equipment and picnic facilities and recreational structures shall be closed.

SECTION 9. Elective medical, surgical and dental procedures should be prohibited and establishments providing such services shall identify and postpone or cancel procedures and

services based on patient risk considering the emergency need for redirection of resources to COVID-19 response and for promotion of the public health.

SECTION 10. Businesses operating within Lavon shall comply with Social Distancing Guidelines outlined herein, including maintaining six-foot social distancing for both employees and the general public and shall limit occupancy to ten or less persons.

SECTION 11. Due to the public health emergency, the Office of Mayor requests that the Collin County Justices of the Peace suspend eviction hearings and writs of possession for a period of sixty days hence to prevent renters from being displaced.

SECTION 12. The disconnection of utility services for non-payment shall be suspended for the effective period of this Ordinance; however, all fees for trash and sewer services remain in effect, accrue and are due and payable, including appropriate late charges in accordance with the approved fee schedule.

SECTION 13. If someone in a household has tested positive for coronavirus, all members of the household shall isolate at home and not go to public places or attend work or school until such time as they can do so without potentially posing a threat to others.

SECTION 14. If someone in a household has tested positive for coronavirus and if the infected person or any member of the infected person's household place a call for police, fire or emergency medical assistance, the caller shall notify dispatch personnel of the positive test so that first responders can adequately prepare to safely provide assistance and reduce the risk of further exposure.

SECTION 15. All City boards and commission meetings, except the City Council and Planning and Zoning Commission and any other meeting required by law, should be postponed for the duration of this Ordinance. Whenever possible, teleconferencing should be utilized for meetings held under this Section.

SECTION 16. The following approved Social Distancing Recommendations are incorporated into this Ordinance and all residents should observe them to promote and provide for the health, safety and welfare of the City:

(1) Vulnerable Populations: Limit Outings

- a. Vulnerable populations include people who are:
 - 1. 60 years old and older.
 - 2. People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems.
- b. Don't go to gatherings unless it is essential. Stay home. Avoid people who are sick.

(2) Workplace and Businesses: Minimize Exposure

- a. Suspend nonessential employee travel.

- b. Ensure employees practice social distancing and do not work within six feet of one another.
- c. Urge essential employees to stay home when they are sick and maximize flexibility in sick leave benefits.
- d. Do not require a doctor's note for employees who are sick.
- e. Maximize telecommuting options.
- f. Persons who need to be at work to provide essential services of great benefit to the community must take steps in their workplace to minimize risk.

(3) Cancel Non-essential Events

- a. Cancel non-essential events.
- b. Do not attend any essential or non-essential events or gatherings, if sick.
- c. For events that meet the Recommendations herein and which aren't cancelled:
 1. Have hand washing capabilities, hand sanitizers and tissues available.
 2. Frequently clean high touch surface areas like counter tops and handrails.
 3. Find ways to implement social distancing.

(4) Schools: Safety First

- a. Do not have your child attend school if sick.
- b. If you have a child with chronic health conditions, consult the child's doctor about school attendance.
- c. Schools should equip all classrooms with hand sanitizers and tissues.
- d. Recommend rescheduling or cancelling events that are not essential.
- e. Explore remote teaching and online options to continue learning.
- f. Schools should develop a plan for citywide school closures, and families should prepare for further closures.

(5) Transit: Cleaning and Protection

- a. Increase cleaning of vehicles and high touch surface areas.
- b. Provide hand washing/hand sanitizers and tissues in stations and on vehicles.
- c. Ensure social distancing practices are implemented to the full extent possible.

(6) Health Care Settings: Avoid as possible, protect the vulnerable

- a. Long-term care facilities should have a COVID-19 plan in accordance with CDC or state guidelines.

- b. Long-term care facilities should restrict all visitations except for certain compassionate care situations, such as end of life situations.
- c. The general public should avoid going to medical settings such as hospitals, nursing homes and long-term care facilities, even if you are not ill.
- d. If you are ill, call your health care provider ahead of time, and you may be able to be served by phone.
- e. Do not visit emergency rooms unless it is essential.
- f. Follow guidance and directions of all facilities.

(7) Everyone: Do your part

The best way for all residents to reduce their risk of getting sick, as with seasonal colds or the flu, still applies to prevent COVID-19:

- a. Wash hands with soap and water for at least 20 seconds.
- b. Cough or sneeze into your elbow or a tissue. Throw the tissue in the trash.
- c. Stay home if you are sick.
- d. Avoid touching your face.
- e. Try alternatives to shaking hands, like an elbow bump or wave.
- f. If you have recently returned from a country, state or region with ongoing COVID- 19 infections, monitor your health and follow the instructions of public health officials and CDC guidance.
- g. There is no recommendation to wear masks at this time to prevent yourself from getting sick.

You can also prepare for the disruption caused by an outbreak. Preparedness actions include:

- a. Prepare to work from home if that is possible for your job, and your employer.
- b. Make sure you have a supply of all essential medications for your family.
- c. Prepare a childcare plan if you or a caregiver are sick.
- d. Make arrangements about how your family will manage school closures.
- e. Plan for how you can care for a sick family member without getting sick yourself.
- f. Take care of each other and check in by phone with friends, family and neighbors that are vulnerable to serious illness or death if they get COVID-19.
- g. Keep common spaces clean to help maintain a healthy environment for you and others. Frequently touched surfaces should be cleaned regularly with disinfecting sprays, wipes or common household cleaning products.

SECTION 17. The City Council hereby enacts these shelter-in-place provisions and strongly urges every person living and working in our City to do their part to limit the spread of COVID- 19 to help ensure a safe and secure community.

SECTION 18. Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed one thousand dollars (\$1,000.00) for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 19. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 20. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Lavon hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

SECTION 21. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 22. That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 7th day of April 2020.

Vicki Sanson
Mayor

ATTEST:

Kim Dobbs
City Administrator / City Secretary

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
March 31, 2020

EXECUTIVE ORDER
GA 14

*Relating to statewide continuity of essential services and activities
during the COVID-19 disaster.*

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued numerous executive orders and suspensions of Texas laws in response to the COVID-19 disaster, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) on March 16, 2020, which called upon Americans to take actions to slow the spread of COVID-19 for 15 days; and

WHEREAS, Executive Order GA-08 is subject to expiration at 11:59 p.m. on April 3, 2020, absent further action by the governor; and

WHEREAS, on March 29, 2020, to avoid scenarios that could lead to hundreds of thousands of deaths, the President announced that, based on advice from Dr. Anthony Fauci and Dr. Deborah Birx, the restrictive social-distancing Guidelines should extend through April 30, 2020; and

WHEREAS, DSHS Commissioner Dr. Hellerstedt and White House Coronavirus Response Coordinator Dr. Birx say that the spread of COVID-19 can be reduced by minimizing social gatherings; and

WHEREAS, on March 28, 2020, the U.S. Department of Homeland Security issued its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, which provides an advisory list of critical-infrastructure sectors, workers, and functions that should continue during the COVID-19 response; and

WHEREAS, for state agencies and their employees and agents, the Office of the Attorney General of Texas has advised that local restrictions issued in response to the COVID-19 disaster do not apply to restrict the conduct of state business; and

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

MAR 31 2020

WHEREAS, all government entities and businesses should be allowed to continue providing essential services during the COVID-19 disaster, and all critical infrastructure should be allowed to remain operational; and

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the “governor may issue executive orders ... hav[ing] the force and effect of law;” and

WHEREAS, under Section 418.016(a), the “governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;” and

WHEREAS, under Section 418.017(a), the “governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster;” and

WHEREAS, under Section 418.018(c), the “governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;” and

WHEREAS, under Section 418.173, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective 12:01 a.m. on April 2, 2020, and continuing through April 30, 2020, subject to extension based on the status of COVID-19 in Texas and the recommendations of the CDC and the White House Coronavirus Task Force:

In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas shall, except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household.

“Essential services” shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and in any approved additions. Requests for additions should be directed to TDEM at EssentialServices@tdem.texas.gov or by visiting www.tdem.texas.gov/essentialservices.

In providing or obtaining essential services, people and businesses should follow the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home if possible. In particular, all services should be provided through remote telework from

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SECRETARY OF STATE
2 PM O'CLOCK
MAR 31 2020

home unless they are essential services that cannot be provided through remote telework. If religious services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19.

In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms, massage establishments, tattoo studios, piercing studios, or cosmetology salons; provided, however, that the use of drive-thru, pickup, or delivery options for food and drinks is allowed and highly encouraged throughout the limited duration of this executive order.

This executive order does not prohibit people from accessing essential services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential services, visiting parks, hunting or fishing, or engaging in physical activity like jogging or bicycling, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.

In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission.

In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance and shall not recommence before May 4, 2020.

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services allowed by this executive order or allows gatherings prohibited by this executive order. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

This executive order supersedes Executive Order GA-08, but not Executive Orders GA-09, GA-10, GA-11, GA-12, or GA-13, and shall remain in effect and in full force until April 30, 2020, unless it is modified, amended, rescinded, or superseded by the governor.



Given under my hand this the 31st day of
March, 2020.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

MAR 31 2020

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK
MAR 31 2020



Order of the County Judge

Executive Order CH-03

March 31, 2020

WHEREAS, the novel coronavirus now designated SARS-CoV-2 which causes the disease COVID-19 has spread through the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, President Donald Trump has proclaimed the COVID-19 outbreak a national emergency in the United States and Texas Governor Greg Abbott on March 13, 2020, issued a Declaration of Local Disaster for Public Health Emergency in response to the novel coronavirus now designated SARS-CoV-2 (COVID-19); and

WHEREAS, on March 16, 2020, I, Collin County Judge Chris Hill, issued a Declaration of Local Disaster for Public Health Emergency in response to the novel coronavirus now designated SARS-CoV-2 (COVID-19); and

WHEREAS, I issued my First Executive Order on March 20, 2020, and my Second Executive Order on March 24, 2020; and

WHEREAS, Governor Greg Abbott issued Executive Order GA-14 on March 31, 2020; and

WHEREAS, on March 18, 2020, President Donald Trump signed into law the Families First Coronavirus Response Act ("FFCRA"), which provides sweeping relief for Americans and seeks to assist persons impacted by the COVID-19 global pandemic; and

WHEREAS, the U.S. Department of Labor has provided guidelines and definitions for the interpretation and application of the FFCRA; and

WHEREAS, Collin County recognizes and appreciates the dedication of all its employees in working to protect the health, safety and well-being of Collin County citizens during these challenging times and seeks to provide fair and equitable compensation to its employees;

NOW, THEREFORE, I, Chris Hill, County Judge of Collin County, Texas, under the authority of Texas Government Code Section 418.108, do hereby order the following:

SECTION 1

I hereby rescind my Second Executive Order issued on March 24, 2020.

SECTION 2. Definition of Health Care Provider & Emergency Responder and Election of Exclusion from FFCRA

For the purposes of Collin County operations and the application of and exclusion from the FFCRA, a “Health Care Provider” is anyone:

- (1) employed by Collin County Health Care Services or the Collin County Medical Examiner’s Office; or
- (2) further defined as a “Health Care Provider” by the U.S. Department of Labor for purposes of the application of the FFCRA.

For the purposes of Collin County operations and the application of and exclusion from the FFCRA, an “Emergency Responder” is anyone:

- (1) employed by the Collin County Sheriff’s Office, the Collin County Criminal District Attorney’s Office, a Collin County Constable’s Office, the Collin County Animal Services Department, the Collin County Development Services Department, or the Collin County Fire Marshal’s Office; or
- (2) certified by the Texas Commission on Law Enforcement (“TCOLE”) as a Peace Officer, Jailer, or Telecommunicator, whose Statement of Appointed Officer or Peace, Jailer or Telecommunicator license is carried by the Collin County Sheriff, the Collin County Criminal District Attorney, a Collin County Constable, the Collin County Fire Marshal, or any other Collin County official; or
- (3) who is necessary for the provision of transport, care, health care, comfort, and nutrition of patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to law enforcement officers, correctional institution personnel/detention officers, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators and dispatchers, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for facilities employing these individuals and whose work is necessary to maintain the operation of the facility; or
- (4) further defined as an “Emergency Responder” by the U.S. Department of Labor for purposes of the application of the FFCRA.

SECTION 3. Fair and Equitable Compensation

The Collin County Human Resources Department, Administration Department, and all other applicable departments are hereby directed to develop a comprehensive plan for the fair and equitable compensation of County employees in accordance with the FFCRA, and present such plan to the Commissioners Court on or before Monday, April 6, 2020, for consideration and all appropriate action.

SECTION 4. Prompt Filing

In accordance with Texas Government Code section 418.108(c), this order shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Collin County.

SECTION 5. Term

This order shall take effect immediately from its issuance and shall continue for a period of not more than seven days unless continued or renewed by the Commissioners Court of Collin County, Texas.

Ordered this 31st day of March, 2020.



A handwritten signature in blue ink, appearing to read "Chris Hill", is written above a horizontal line.

Collin County Judge Chris Hill

A handwritten signature in blue ink, appearing to read "Stacey Kemp", is written above a horizontal line.

Collin County Clerk Stacey Kemp



GOVERNOR GREG ABBOTT

March 31, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

MAR 31 2020


Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

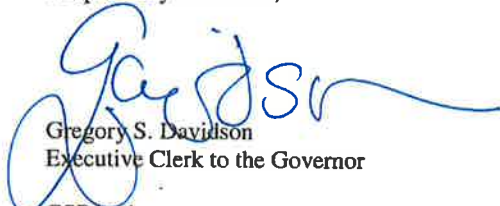
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-14 relating to statewide continuity of essential services
and activities during the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

CITY OF LAVON
RESOLUTION NO. 2020-03-08

Supplement to Declaration of Local State of Disaster Due to Public Health Emergency
to enact Shelter-in-Place Provisions

A RESOLUTION OF THE CITY COUNCIL OF LAVON TEXAS, PROVIDING GUIDANCE TO PROTECT THE SAFETY AND WELFARE OF THE PUBLIC SUPPLEMENTAL TO THE DECLARATION OF LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY EXECUTED BY MAYOR VICKI SANSON ON MARCH 16, 2020 AND EXTENDED BY THE CITY COUNCIL ON MARCH 23, 2020 UNTIL APRIL 8, 2020; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon (the “City”) is a general law Type “A” municipality acting pursuant to Chapter 6 of the Local Government Code; and

WHEREAS, the **City of Lavon Strategic Plan** states that the first *Core Purpose* of the city organization is “to ensure a safe and secure community;” and

WHEREAS, the novel coronavirus now designated SARS-CoV-2 which causes the disease COVID-19, has spread through the world and has been declared a global pandemic by the World Health Organization; and according to the Center for Disease Control and Prevention, the COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, prudence dictates that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Lavon, including the quarantine of individuals, groups of individuals and occupied structures and, additionally, including compelling individuals, groups of individuals, or occupied structures to undergo additional health measures that prevent or control the spread of the virus; and

WHEREAS, on March 16, 2020, Mayor Vicki Sanson issued and on March 23, 2020, the City Council extended a Declaration of Local State of Disaster Due to Public Health Emergency for the City of Lavon pursuant to section 418.108(a) of the Texas Government Code until April 8, 2020; and

WHEREAS, on March 19, 2020, Governor Greg Abbott issued Executive Order GA 08 relating to COVID-19 preparedness and mitigation; and on March 24, 2020, Collin County Judge Chris Hill issued an Order to protect the physical health and well-being of Collin County citizens, to protect the financial health and well-being of Collin County citizens; and

WHEREAS, on March 27, 2020 the Lavon City Council (the “City Council”) convened, provided input and deliberated measures to protect the safety and welfare of the public supplemental to the Mayor’s Declaration of Local State of Disaster Due to Public Health Emergency for the City of Lavon.

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

SECTION 1. A local state of disaster due to public health emergency is hereby declared and continued for the City of Lavon, Texas, pursuant to section 418.108(a-b) of the Texas Government Code.

SECTION 2. The directives contained herein are supplemental to the Declaration of Local State of Disaster due to Public Health Emergency executed by Mayor Vicki Sanson on March 16, 2020 and extended by the City Council on March 23, 2020 until April 8, 2020 as set out herein.

SECTION 3. That this declaration authorizes the City to take any actions necessary to promote health and suppress the virus, including shelter-in-place provisions and other provisions for the protection of the public health, safety and welfare due to COVID-19. This declaration further authorizes the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, and insuring compliance for those who do not comply with the City's resolution, pursuant to section 122.005 of the Texas Health and Safety Code.

SECTION 4. This Declaration hereby incorporates and enacts the following regulations from the Governor's Executive Order No. GA-08 regarding the conduct of persons/people and schools:

1. Every person shall avoid social gatherings of more than 10 people.
2. People shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged.
3. People shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
4. Schools shall temporarily close.

SECTION 5. Public or private gatherings and community gatherings of ten or more people shall be prohibited. Nothing herein prohibits the gathering of members of a household or living unit.

SECTION 6. Restaurants and food establishments, with or without drive-in or drive-through services, shall only provide take-out, curbside, delivery, or drive-through service. If an establishment provides take-out services, the establishment shall require that Social Distancing Guidelines outlined herein are observed, particularly maintaining six-foot social distancing and limiting the assembly of a crowd to ten or less persons for both employees, customers and the general public.

SECTION 7. Retail stores except grocery, auto repair, pet supply and pharmacy; gyms; fitness centers; nail salons; spas; hair and beauty salons; and all other non-medical, personal care services that cannot be provided while maintaining appropriate social distance shall temporarily close. To the extent that goods and services may be provided by these establishments virtually, by take-out and/or delivery, residents are encouraged to support our local businesses.

SECTION 8. Public playground equipment and picnic facilities and recreational structures shall be closed.

SECTION 9. Elective medical, surgical and dental procedures should be prohibited and establishments providing such services shall identify and postpone or cancel procedures and

services based on patient risk considering the emergency need for redirection of resources to COVID-19 response and for promotion of the public health.

SECTION 10. Businesses operating within Lavon shall comply with Social Distancing Guidelines outlined herein, including maintaining six-foot social distancing for both employees and the general public and shall limit occupancy to ten or less persons.

SECTION 11. Due to the public health emergency, the Office of Mayor requests that the Dallas, Rockwall and Collin County Justices of the Peace suspend eviction hearings and writs of possession for a period of sixty days hence to prevent renters from being displaced.

SECTION 12. The disconnection of utility services for non-payment shall be suspended for the duration of the declaration; however, all fees for trash and sewer services remain in effect, accrue and are due and payable, including appropriate late charges in accordance with the approved fee schedule.

SECTION 13. If someone in a household has tested positive for coronavirus, all members of the household shall isolate at home and not go to public places or attend work or school until such time as they can do so without potentially posing a threat to others.

SECTION 14. All City boards and commission meetings, except the City Council and Planning and Zoning Commission and any other meeting required by law, should be postponed for the duration of the declaration. Whenever possible, teleconferencing should be utilized for meetings held under this Section.

SECTION 15. The following approved Social Distancing Recommendations are incorporated into this Resolution and all residents should observe them to promote and provide for the health, safety and welfare of the City:

(1) Vulnerable Populations: Limit Outings

- a. Vulnerable populations include people who are:
 1. 60 years old and older.
 2. People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems.
- b. Don't go to gatherings unless it is essential. Stay home. Avoid people who are sick.

(2) Workplace and Businesses: Minimize Exposure

- a. Suspend nonessential employee travel.
- b. Ensure employees practice social distancing and do not work within six feet of one another.
- c. Urge essential employees to stay home when they are sick and maximize flexibility in sick leave benefits.
- d. Do not require a doctor's note for employees who are sick.
- e. Maximize telecommuting options.
- f. Persons who need to be at work to provide essential services of great benefit to the community must take steps in their workplace to minimize risk.

(3) Cancel Non-essential Events

- a. Cancel non-essential events.
- b. Do not attend any essential or non-essential events or gatherings, if sick.
- c. For events that meet the Recommendations herein and which aren't cancelled:
 1. Have hand washing capabilities, hand sanitizers and tissues available.
 2. Frequently clean high touch surface areas like counter tops and handrails.
 3. Find ways to implement social distancing.

(4) Schools: Safety First

- a. Do not have your child attend school if sick.
- b. If you have a child with chronic health conditions, consult the child's doctor about school attendance.
- c. Schools should equip all classrooms with hand sanitizers and tissues.
- d. Recommend rescheduling or cancelling events that are not essential.
- e. Explore remote teaching and online options to continue learning.
- f. Schools should develop a plan for citywide school closures, and families should prepare for further closures.

(5) Transit: Cleaning and Protection

- a. Increase cleaning of vehicles and high touch surface areas.
- b. Provide hand washing/hand sanitizers and tissues in stations and on vehicles.
- c. Ensure social distancing practices are implemented to the full extent possible.

(6) Health Care Settings: Avoid as possible, protect the vulnerable

- a. Long-term care facilities should have a COVID-19 plan in accordance with CDC or state guidelines.
- b. Long-term care facilities should restrict all visitation except for certain compassionate care situations, such as end of life situations.
- c. The general public should avoid going to medical settings such as hospitals, nursing homes and long-term care facilities, even if you are not ill.
- d. If you are ill, call your health care provider ahead of time, and you may be able to be served by phone.
- e. Do not visit emergency rooms unless it is essential.
- f. Follow guidance and directions of all facilities.

(7) Everyone: Do your part

The best way for all residents to reduce their risk of getting sick, as with seasonal colds or the flu, still applies to prevent COVID-19:

- a. Wash hands with soap and water for at least 20 seconds.
- b. Cough or sneeze into your elbow or a tissue. Throw the tissue in the trash.
- c. Stay home if you are sick.
- d. Avoid touching your face.
- e. Try alternatives to shaking hands, like an elbow bump or wave.
- f. If you have recently returned from a country, state or region with ongoing COVID-19 infections, monitor your health and follow the instructions of public health officials and CDC guidance.
- g. There is no recommendation to wear masks at this time to prevent yourself from getting sick.

You can also prepare for the disruption caused by an outbreak. Preparedness actions include:

- a. Prepare to work from home if that is possible for your job, and your employer.
- b. Make sure you have a supply of all essential medications for your family.
- c. Prepare a childcare plan if you or a caregiver are sick.
- d. Make arrangements about how your family will manage school closures.
- e. Plan for how you can care for a sick family member without getting sick yourself.
- f. Take care of each other and check in by phone with friends, family and neighbors that are vulnerable to serious illness or death if they get COVID-19.
- g. Keep common spaces clean to help maintain a healthy environment for you and others. Frequently touched surfaces should be cleaned regularly with disinfecting sprays, wipes or common household cleaning products.

SECTION 16. The City Council hereby enacts these shelter-in-place provisions and strongly urges every person living and working in our City to do their part to limit the spread of COVID-19 to help ensure a safe and secure community.

SECTION 17. This Resolution shall be entered in the official records of the City by the City Secretary and shall take effect immediately from and after its adoption, and it is so resolved.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 27th day of March 2020.



Vicki Sanson
Mayor

ATTEST:



Kim Dobbs
City Administrator / City Secretary





CITY OF LAVON Agenda Brief

MEETING: April 7, 2020

ITEM: 10 – B

Item:

Public hearing, discussion and action regarding the application for a zoning change from Planned Development-Single Family (PD-SF) established by Ordinance No. 2004-09-05 to Retail (R) on 0.21 acres, a part of the 10.6219 acres of property described as WAS Bohannan Survey, ABS 0121, Sheet 3, Tract 72, CCAD Property ID 2664090, southwest of 9930 SH 78 and northeast of Grand Heritage West C, City of Lavon, Texas, requested by RaceTrac Petroleum.

- 1) Presentation of request.
- 2) **PUBLIC HEARING** to receive comments regarding the request.
- 3) Discussion and action regarding the request and accompanying Ordinance No. 2020-04-02.

Application Information

Owner(s): 205-78, Ltd. And World Land Developers, LP.

Applicant: Andrew Malzer, RaceTrac Petroleum

Representative: Brad Williams, Winstead PC

Location: Southwest corner of the intersection of SH 78 and SH 205 and northwest of Grand Heritage West

Description: 1000 SH 78, Lavon, Texas (also referred to as 9930 SH 78)
Portion of ABS A0121 W A S Bohannan Survey, Sheet 3, Tract 72
(CCAD Property ID 2664090)

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

Request: Zoning Change

Background

The applicant is seeking approval of a zoning change from Planned Development – Single Family (PD-SF) to Retail (R) of a 0.21 acre property located southwest of corner of the intersection of SH 78 and SH 205, generally in the vicinity of where Big Daddy's is presently located.

Racetrac began meeting with the City staff regarding the proposed project in 2018. The applicant has satisfied all comments provided by the city staff and city engineer. The addition or attachment of the parcel for which the zoning change is requested to the existing adjacent development presently zoned Retail provides for more generous setbacks for the structures on the property.

The subject PD-SF property was not developed when the adjacent residential properties were developed. The developer constructed a masonry wall abutting the developed residential property that implies a separation from non-residential property. The geometry of the PD-SF property is not conducive to residential development.

For informational purposes, the applicant provided a draft Site Plan and draft Landscape Plan as well as draft elevations of the proposed structures. None of the forgoing are scheduled for consideration or action at this time.

Planning and Zoning Commission Report

MOTION: RECOMMEND APPROVAL OF THE APPLICATION FOR A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY (PD-SF) ESTABLISHED BY ORDINANCE NO. 2004-09-05 TO RETAIL (R) ON 0.21 ACRES, A PART OF THE PROPERTY DESCRIBED AS WAS BOHANNAN SURVEY, ABS 0121, SHEET 3, TRACT 72, CCAD PROPERTY ID 2664090, SOUTHWEST OF 9930 SH 78 AND NORTHEAST OF GRAND HERITAGE WEST C, CITY OF LAVON, TEXAS, REQUESTED BY RACETRAC PETROLEUM.

MOTION MADE: NABORS
 SECONDED: SMITH
 APPROVED: UNANIMOUS

SEAT 1- CURLEY	ABSENT
SEAT 2- NABORS	FOR
SEAT 3- COKER	ABSENT
SEAT 4- SMITH	FOR
SEAT 5- ROSENQUIST	FOR

Staff Notes:

The proposed application is consistent with the Zoning Ordinance, Future Land Use Plan and the Comprehensive Plan. The requisite public hearing notice was published in the newspaper and posted on the website and zoning change signs were placed on the property. In accordance with state and local laws, eight (8) neighbor notices were mailed to the owners of property located within 200 feet of the applicant’s property. Supplemental notices were mailed to neighboring property owners with instructions for the telephonic meeting. One (1) notice was returned in favor of the request.

Approval is recommended.

- Attachments:**
1. Proposed Ordinance No. 2020-04-02
 2. Application
 3. Location exhibits
 4. Applicant presentation
 5. Neighbor notices

CITY OF LAVON
ORDINANCE NO. 2020-04-02

Zoning Change – Retail (R) - RaceTrac

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO CHANGE THE ZONING CLASSIFICATION FROM PLANNED DEVELOPMENT – SINGLE FAMILY TO RETAIL (R) DISTRICT ON 0.21 ACRES, A PART OF THE 10.6219 ACRES OF PROPERTY DESCRIBED AS WAS BOHANNAN SURVEY, ABS 0121, SHEET 3, TRACT 72 AND SITUATED SOUTHWEST OF 9930 SH 78 AND NORTHEAST OF GRAND HERITAGE WEST C, 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, at its meeting held on March 24, 2020, the Planning & Zoning Commission considered and made recommendations on a certain request for a zoning change to Retail (R) district for the above described property; and

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

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals and general welfare:

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. Amendment.

- A. That the Zoning Classification for and the Comprehensive Zoning Map depicting the Property described in Exhibit A and depicted in Exhibit B attached hereto is hereby rezoned from Planned Development Single Family (PD-SF) to Retail (R) District.
- B. That the Comprehensive Zoning Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

Section 3. 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 4. Cumulative/Repealer Clause. This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Lavon, 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 5. 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 be 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 6. 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 7. 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 7th day of April 2020.

Vicki Sanson
Mayor

ATTEST:

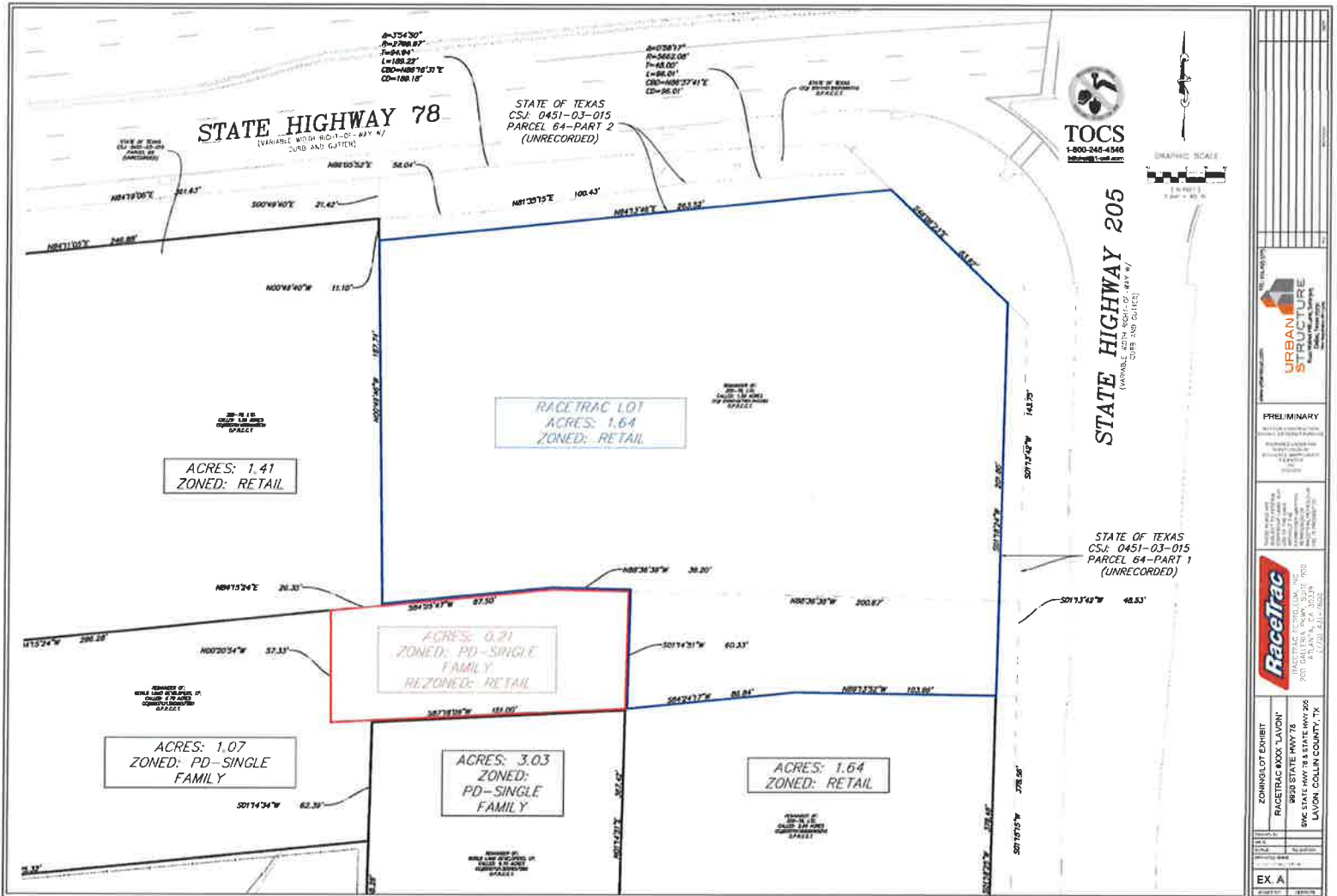
Kim Dobbs
City Administrator | City Secretary

ORDINANCE NO. 2020-04-02

EXHIBIT A - DESCRIPTION OF AREA

Being 0.21 acres of property, a portion of the
 10.6219 acres of property described as
 WAS Bohannon Survey, Abstract 0121, Sheet 3, Tract 72
 CCAD Property ID 2664090

EXHIBIT B - DEPICTION





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

Andrew Malzer, RaceTrac Petroleum

Applicants Name

02/13/2020

Date

Brad Williams, Winstead PC

Representative or Agent

214-745-5264

Phone Number

2728 N Harwood, Suite 500

Street

Dallas, Texas 75201

City, State, Zip

1000 TX78 (SWC of TX78 and SH205)

Location of Property

See Attached

Legal Description of Property

Retail; PD-SF

Current Zoning

Check which zoning category you wish to change to:

Lot Size: 1/2 acre or more 3/4 acre or more 1 acre or more

Single Family – 1 (1800 sq. ft. min. home)

Retail

Single Family – 2 (1500 sq. ft. min. home)

Business District 1 / 2

Single Family – 3 (1200 sq. ft. min. home)

Planned Development

Special Use Permit

Mobile Home District

Other: CUP - Auto Fueling Station

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: Andrew Malzer

* 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: _____

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FEB 14 2020

CITY OF LAVON

500 Winstead Building
2728 N. Harwood Street
Dallas, Texas 75201

214.745.5400 OFFICE
214.745.5390 FAX
winstead.com

bwilliams@winstead.com

214.745.5264 DIRECT

VIA HAND DELIVERY

February 13, 2019

Kim Dobbs
City of Lavon
120 School Road
Lavon, Texas 75166

Dear Kim,

On behalf of RaceTrac Petroleum, Inc. ("RaceTrac"), please accept the enclosed zoning and CUP applications in connection with a proposed auto fueling station and convenience store at the southwest corner of SH 205 and SH 78. The project consists of an approximately 5,400 square foot convenience store along with 8 fuel pumps (16 fueling positions) located on approximately 1.85 acres of land.

The majority of the property is currently zoned retail, which permits an auto fueling station with SUP. The remaining 0.21 acre of the property (more or less) is currently zoned PD-SF, and is proposed to be re-zoned to Retail. This 0.21 acre of single family property is undeveloped and located outside the masonry screening wall that defines the Grand Heritage West neighborhood. Given the development pattern in the area and the frontage on 78 and 205, it is unlikely property located outside the existing subdivision will be developed with residential in accordance with the existing zoning. As such, rezoning to retail is appropriate at this time to facilitate the highest and best use of the property.

Given the high-traffic volume of this intersection, the proposed auto fueling station is an appropriate and compatible land use. The distance from the nearest residential property, as well as the existence of an existing masonry screening wall along the perimeter of the neighborhood buffers the residential from future commercial development and mitigates potential incompatibilities. A market-leading convenience offering (hot food, bean-to-cup coffee, frozen yogurt, etc.), coupled with the indisputable public need for gasoline, will contribute to, enhance, and promote the general welfare of the City and the adjacent area.

RaceTrac is excited for this opportunity to proudly serve the residents of Lavon at this location with their latest fuel and convenience offers. If you have any questions, please do not hesitate to contact me, or Andrew Malzer with RaceTrac at 706-288-7672.

Sincerely,



Brad R. Williams

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FEB 14 2020

CITY OF LAVON



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: 2-6-2020

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, 205-78, Ltd.,
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.

[Handwritten Signature]
Signature (Owner)

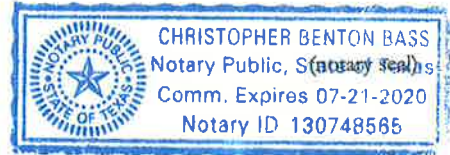
Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas

Before me, the undersigned authority, appeared Michael Hopkins,
on this the 6th day of February, 2020.

[Handwritten Signature]



Notary Public in and for Dallas County, Texas

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FEB 14 2020

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: 2-6-2020

To the City of Lavon
 Collin County, Texas

This letter will serve as notice that I/we, 205-78, Ltd.,
 am/are the owner(s) of record of the property described in the attached survey
 documentation, submitted with this form, and do hereby authorize
Andrew Malzer & Brad Williams to represent me (us) and my (our)
 interests in the property described in the attached exhibits(s) for the expressed
 purpose of this request.

My / signature
 Signature (Owner)

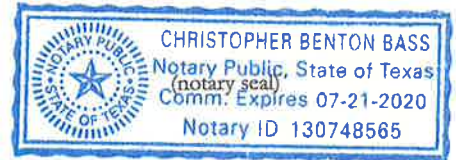
 Signature (Owner)

 Signature (Owner)

The State of Texas
 County of Dallas

Before me, the undersigned authority, appeared Michael Hopkins,
 on this the 6th day of February, 2020.

Christopher Benton Bass
 Notary Public in and for Dallas County, Texas



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FEB 14 2020

CITY OF LAVON



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: 2-10-20

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, World Land Developers LP,
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.

Alan Bain, Vice President

Signature (Owner)

Signature (Owner)

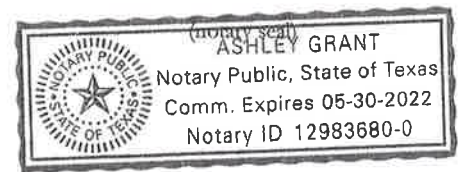
Signature (Owner)

The State of Texas
County of Dallas

Before me, the undersigned authority, appeared Alan Bain,
on this the 10 day of February, 2020.

Ashley Grant

Notary Public in and for Dallas County, Texas



County, Texas **RECEIVED**

FEB 14 2020

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: 2-10-20

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, World Land Developers LP,
am/are the owner(s) of record of the property described in the attached survey
documentation, submitted with this form, and do hereby authorize
Andrew Malzer & Brad Williams to represent me (us) and my (our)
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purpose of this request.

Alan Bain, Vice President
Signature (Owner)

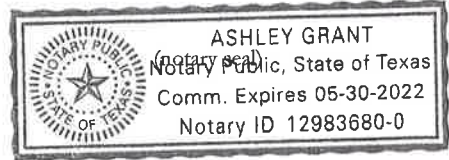
Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas

Before me, the undersigned authority, appeared Alan Bain,
on this the 10 day of February, 2020.

Ashley Grant
Notary Public in and for Dallas County, Texas



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FEB 14 2020
CITY OF LAVON

BEING 1.853 ACRES OF LAND LOCATED IN THE W.A.S. BOHANNAN SURVEY, ABSTRACT NO. 121, COLLIN COUNTY, TEXAS, BEING ALL OF THE REMAINDER OF THAT CERTAIN CALLED 1.58 ACRE TRACT AS CONVEYED TO 205-78, LTD. BY DEED RECORDED IN COUNTY CLERK FILE NO. (CC#) 20061027001545290, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (OPRCCT), A PORTION OF THAT CERTAIN CALLED 2.95 ACRE TRACT AS CONVEYED TO 205-78, LTD, BY DEED RECORDED IN CC# 20070116000069210, (OPRCCT), A PORTION OF THAT CERTAIN CALLED 6.70 ACRE TRACT AS CONVEYED TO WORLD LAND DEVELOPERS, LP, BY DEED RECORDED IN CC#20071213001657580, (OPRCCT), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH YELLOW CAP FOUND IN THE NORTH LINE OF THE ABOVE-MENTIONED 6.70 ACRE TRACT AT THE SOUTHWEST CORNER OF THE ABOVE-MENTIONED 1.58 ACRE TRACT;

THENCE NORTH 00 DEGREES 49 MINUTES 40 SECONDS WEST, WITH THE WEST LINE OF SAID 1.58 ACRE TRACT, A DISTANCE OF 187.74 FEET TO THE PROPOSED SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 78;

THENCE NORTH 84 DEGREES 13 MINUTES 46 SECONDS EAST, WITH THE PROPOSED SOUTH LINE, A DISTANCE OF 263.52 FEET TO A P.K. NAIL FOUND AT THE NORTH END OF RIGHT-OF-WAY CORNER CLIP, SAME BEING IN THE NORTHEAST LINE OF SAID 1.58 ACRE TRACT;

THENCE SOUTH 46 DEGREES 06 MINUTES 23 SECONDS EAST, WITH SAID RIGHT-OF-WAY CORNER CLIP AND THE NORTHEAST LINE OF SAID 1.58 ACRE TRACT, A DISTANCE OF 83.91 FEET TO AN ALUMINUM "TXDOT" MONUMENT FOUND AT THE INTERSECTION OF SAID RIGHT-OF-WAY CORNER CLIP AND THE PROPOSED WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 205;

THENCE SOUTH 01 DEGREES 18 MINUTES 25 SECONDS WEST, OVER AND ACROSS SAID 1.58 ACRE TRACT AND THE ABOVE-MENTIONED 2.95 ACRE TRACT, AND WITH THE PROPOSED WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 205, A DISTANCE OF 201.80 FEET;

THENCE CONTINUING OVER AND ACROSS SAID 2.95 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1) NORTH 89 DEGREES 13 MINUTES 52 SECONDS WEST, A DISTANCE OF 103.96 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" FOUND;
- 2) SOUTH 84 DEGREES 24 MINUTES 17 SECONDS WEST, A DISTANCE OF 86.84 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" FOUND IN THE WEST LINE OF SAID 2.95 ACRE TRACT AND THE COMMON EAST LINE OF SAID 6.70 ACRE TRACT;

THENCE OVER AND ACROSS SAID 6.70 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1) SOUTH 87 DEGREES 16 MINUTES 09 SECONDS WEST, A DISTANCE OF 151.00 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" FOUND;
- 2) NORTH 00 DEGREES 20 MINUTES 54 SECONDS WEST, A DISTANCE OF 57.33 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" FOUND IN THE NORTH LINE OF SAID 6.70 ACRE TRACT;

THENCE NORTH 84 DEGREES 15 MINUTES 24 SECONDS EAST, WITH THE NORTH LINE OF SAID 6.70 ACRE TRACT, A DISTANCE OF 26.35 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 1.853 ACRES OF LAND, MORE OR LESS.

RECEIVED

MAR 14 2020

CITY OF LAVON

BEING 0.211 ACRES (9,194 SQUARE FEET) OF LAND LOCATED IN THE W.A.S. BOHANNAN SURVEY, ABSTRACT NO. 121, COLLIN COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN CALLED 6.70 ACRE TRACT AS CONVEYED TO WORLD LAND DEVELOPERS, LP, BY DEED RECORDED IN CC# 20071213001657580, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (OPRCCT), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2" IRON ROD WITH RED CAP FOUND IN THE WEST LINE OF STATE HIGHWAY 205 (VARIABLE WIDTH RIGHT-OF-WAY) AT THE SOUTHEAST CORNER OF THAT CERTAIN CALLED 1.58 ACRE TRACT AS CONVEYED TO 205-78, LTD. BY DEED RECORDED IN CC# 2006102700154290, (OPRCCT) AND THE COMMON NORTHEAST CORNER OF THAT CERTAIN CALLED 2.95 ACRE TRACT AS CONVEYED TO 205-78, LTD. BY DEED RECORDED IN CC# 20070116000069210, (OPRCCT);

THENCE NORTH 88 DEGREES 36 MINUTES 38 SECONDS WEST, ALONG THE COMMON LINE OF THE ABOVE-MENTIONED 1.58 ACRE TRACT AND 2.95 ACRE TRACT, A DISTANCE OF 200.67 FEET TO A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER OF THE REMAINDER OF THE ABOVE-MENTIONED 6.70 ACRE TRACT FOR THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 01 DEGREES 14 MINUTES 51 SECONDS WEST, ALONG THE WEST LINE OF SAID 2.95 ACRE TRACT AND THE COMMON EAST LINE OF REMAINDER OF SAID 6.70 ACRE TRACT, A DISTANCE OF 60.33 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;

THENCE OVER AND ACROSS THE REMAINDER OF SAID 6.70 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1) SOUTH 87 DEGREES 16 MINUTES 09 SECONDS WEST, A DISTANCE OF 151.00 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;
- 2) NORTH 00 DEGREES 20 MINUTES 54 SECONDS WEST, A DISTANCE OF 57.41 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET IN THE NORTH LINE OF THE REMAINDER OF SAID 6.70 ACRE TRACT;

THENCE NORTH 84 DEGREES 25 MINUTES 47 SECONDS EAST, ALONG THE NORTH LINE OF THE REMAINDER OF SAID 6.70 ACRE TRACT, AT A DISTANCE OF 26.34 FEET PASS A 1/2" IRON ROD WITH YELLOW CAP FOUND, AND CONTINUING FOR A TOTAL DISTANCE OF 113.84 FEET TO A 1/2" IRON ROD WITH YELLOW CAP FOUND;

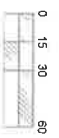
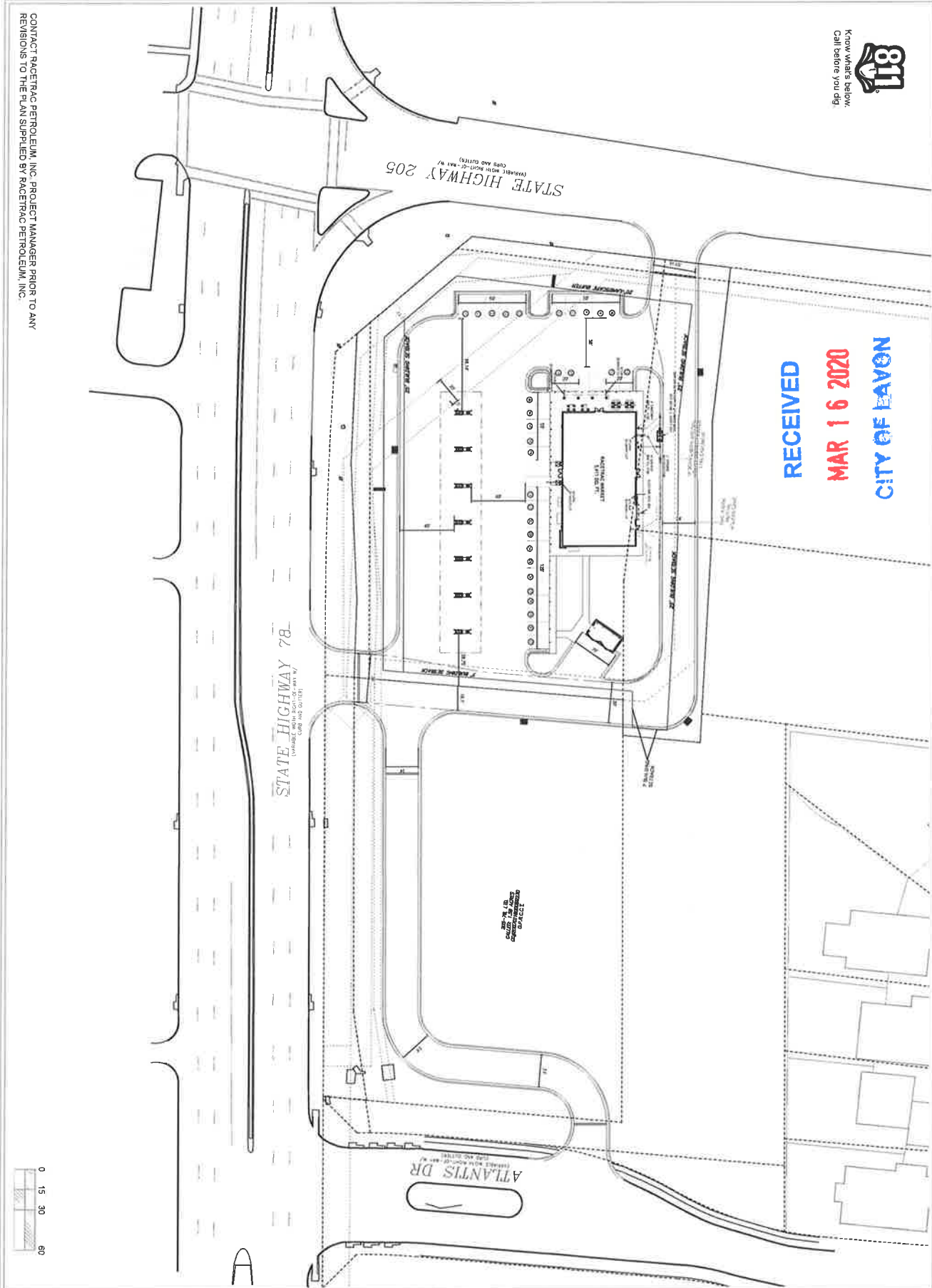
THENCE SOUTH 88 DEGREES 36 MINUTES 38 SECONDS EAST, CONTINUING ALONG THE NORTH LINE OF THE REMAINDER OF SAID 6.70 ACRE TRACT, A DISTANCE OF 39.20 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 0.211 ACRES (9,194 SQUARE FEET) OF LAND, MORE OR LESS.

RECEIVED

MAY 14 2020

CITY OF LAVON

RECEIVED
MAR 16 2020
CITY OF LAVON



SHEET NO. 1 DATE DRAWN BY CHECKED BY	SITE PLAN RT MARKET #1383 - 78 @ 205 LAVON 1000 TX-78 LAVON, TX	 RACETRAC PETROLEUM, INC. 200 CALLEJA PARKWAY SE SUITE 900 ATLANTA, GA 30338 (770) 431-7800	THESE PLANS ARE SUBJECT TO FEDERAL COPYRIGHT LAWS. ANY USE OF SAME WITHOUT THE EXPRESS WRITTEN PERMISSION OF RACETRAC PETROLEUM, INC. IS PROHIBITED.	NO.	DATE
	0 15 30 60			1	1/16/20

CONTACT RACETRAC PETROLEUM, INC. PROJECT MANAGER PRIOR TO ANY REVISIONS TO THE PLAN SUPPLIED BY RACETRAC PETROLEUM, INC.

Future Land Use Plan

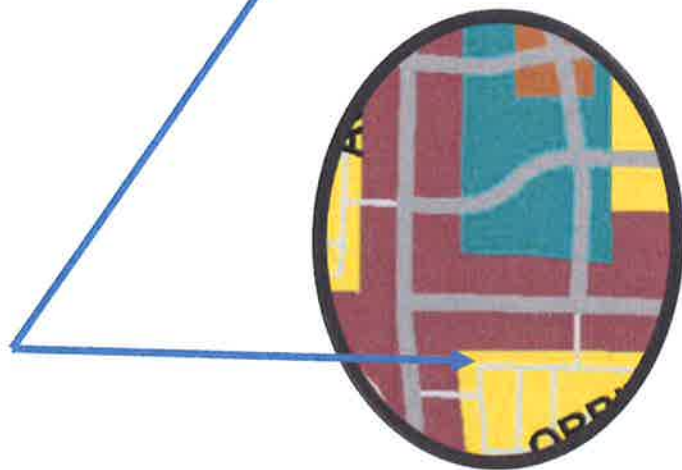
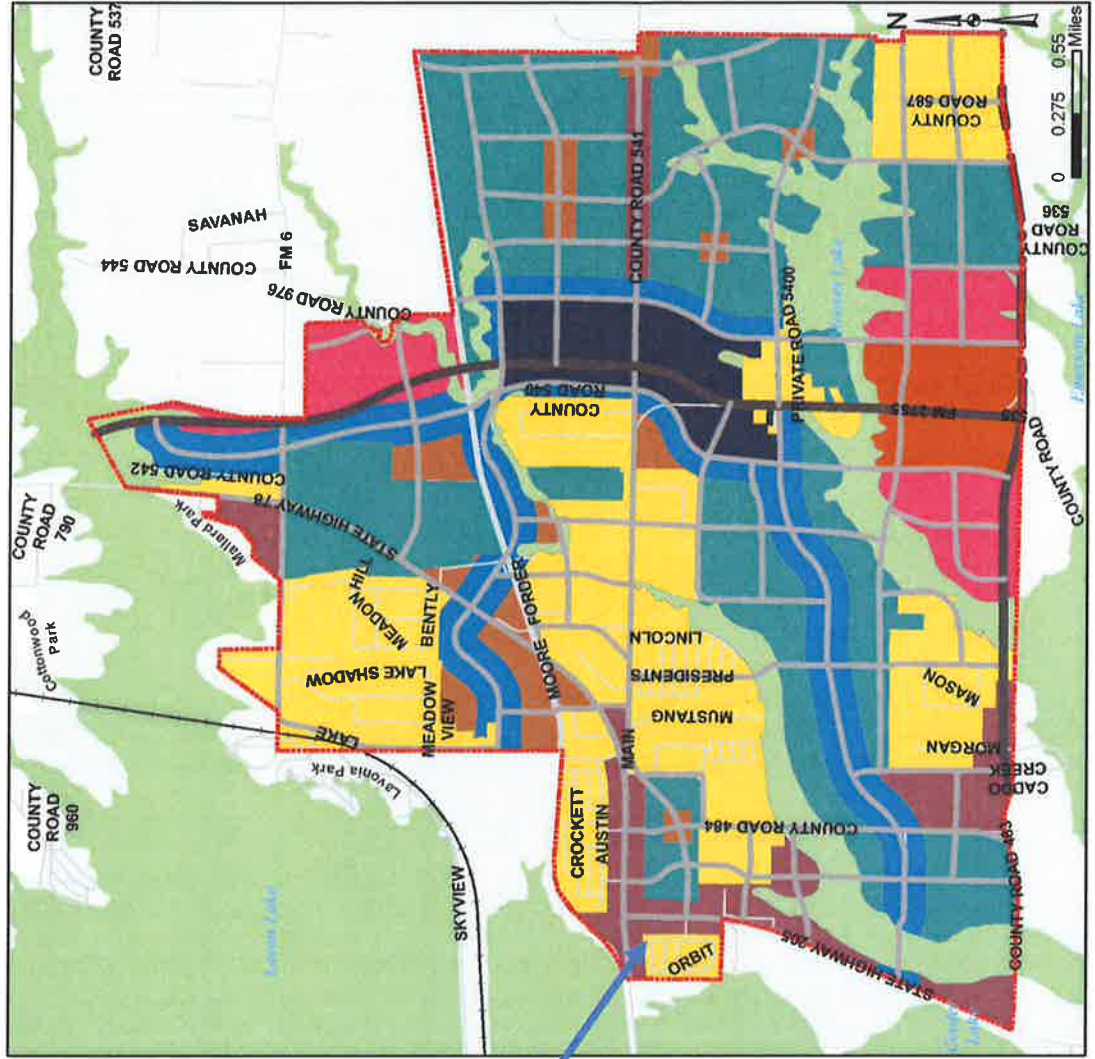
Zoning Change RaceTrac Petroleum



Lavon Future Land Use Plan
 Source: Ideation Planning, Lee Engineering, 2019

Legend

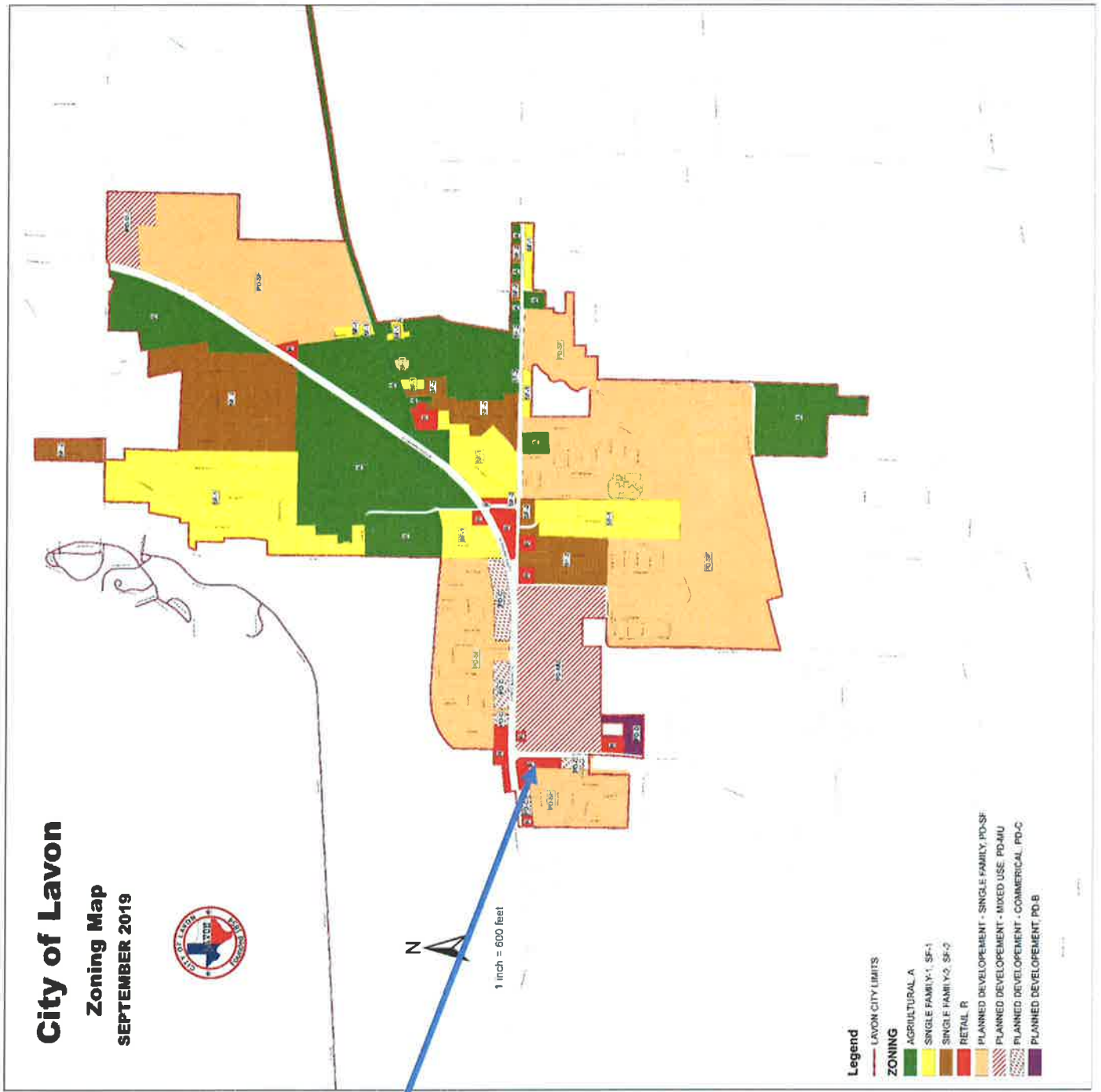
- Floodplain
- Creative Lakes District
- Lake Connector Corridor
- Regional Mixed-Use 1
- Regional Mixed-Use 2
- City Village
- Commercial
- Master Planned Community
- Existing Neighborhood
- Potential Future Lavon
- NETEX Transportation Corridor
- Freeway (Collin County)
- KCS Railway
- MTP Roadway



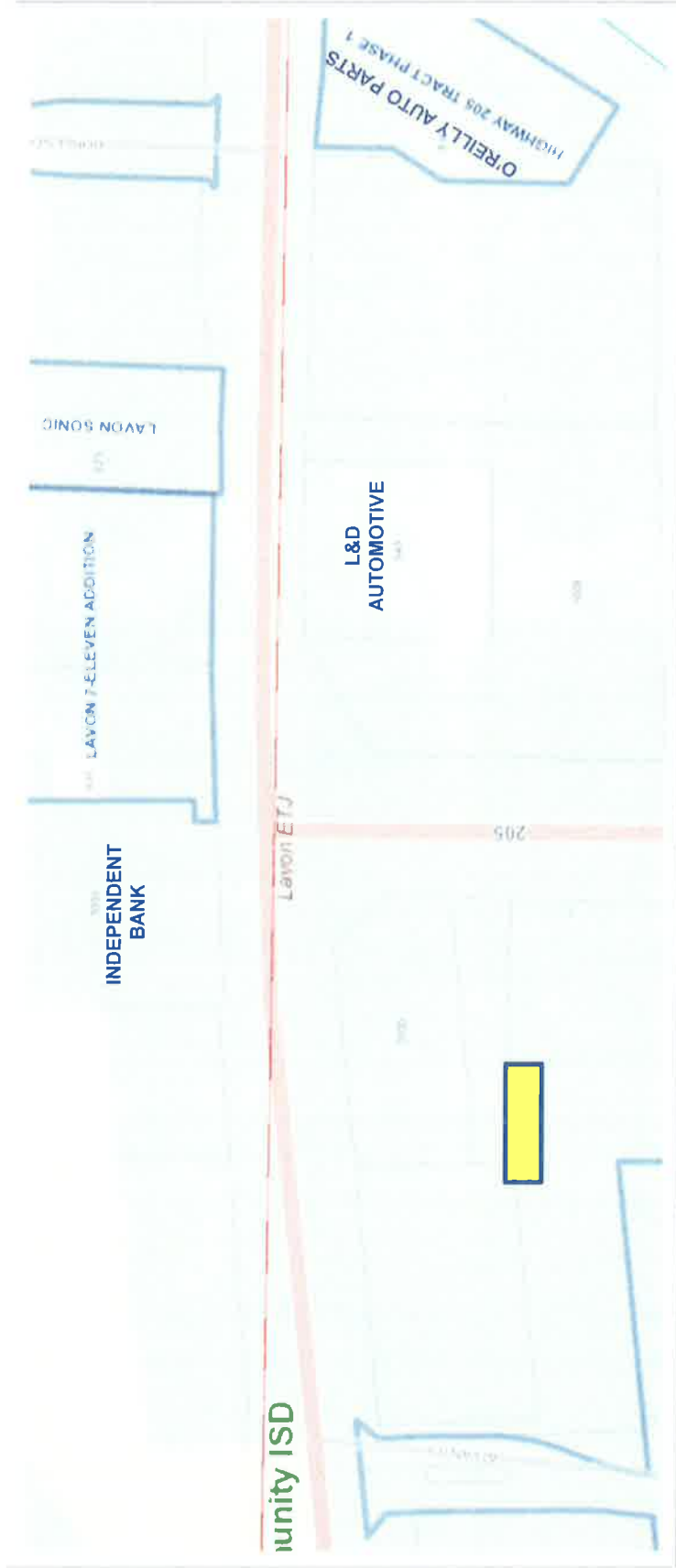
A comprehensive plan shall not constitute a zoning regulation or establish zoning district boundaries.

Zoning Map

RaceTrac Petroleum



RaceTrac Petroleum – Location Exhibit



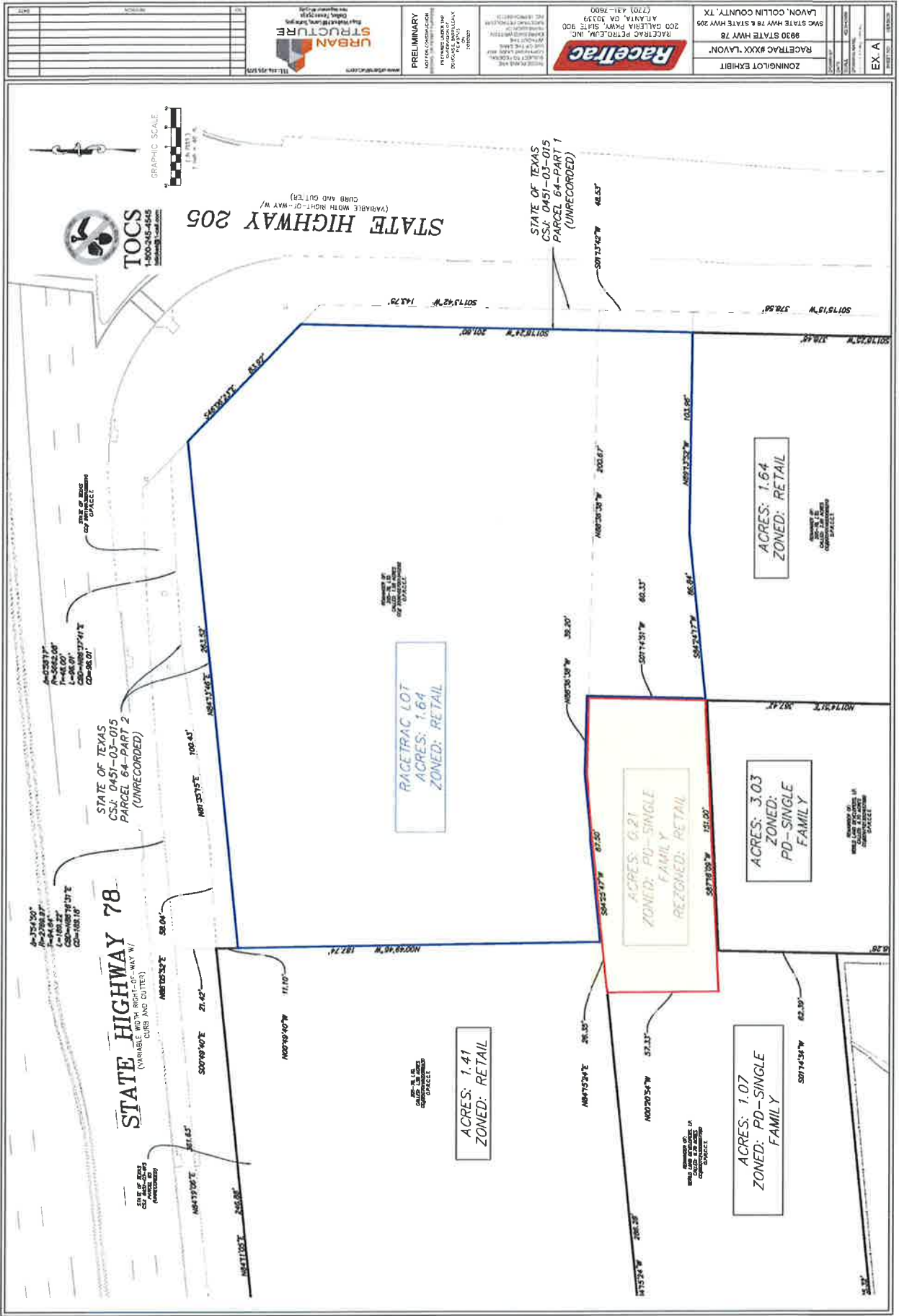
RaceTrac Petroleum – Location Exhibit



RaceTrac Petroleum – Location Exhibit

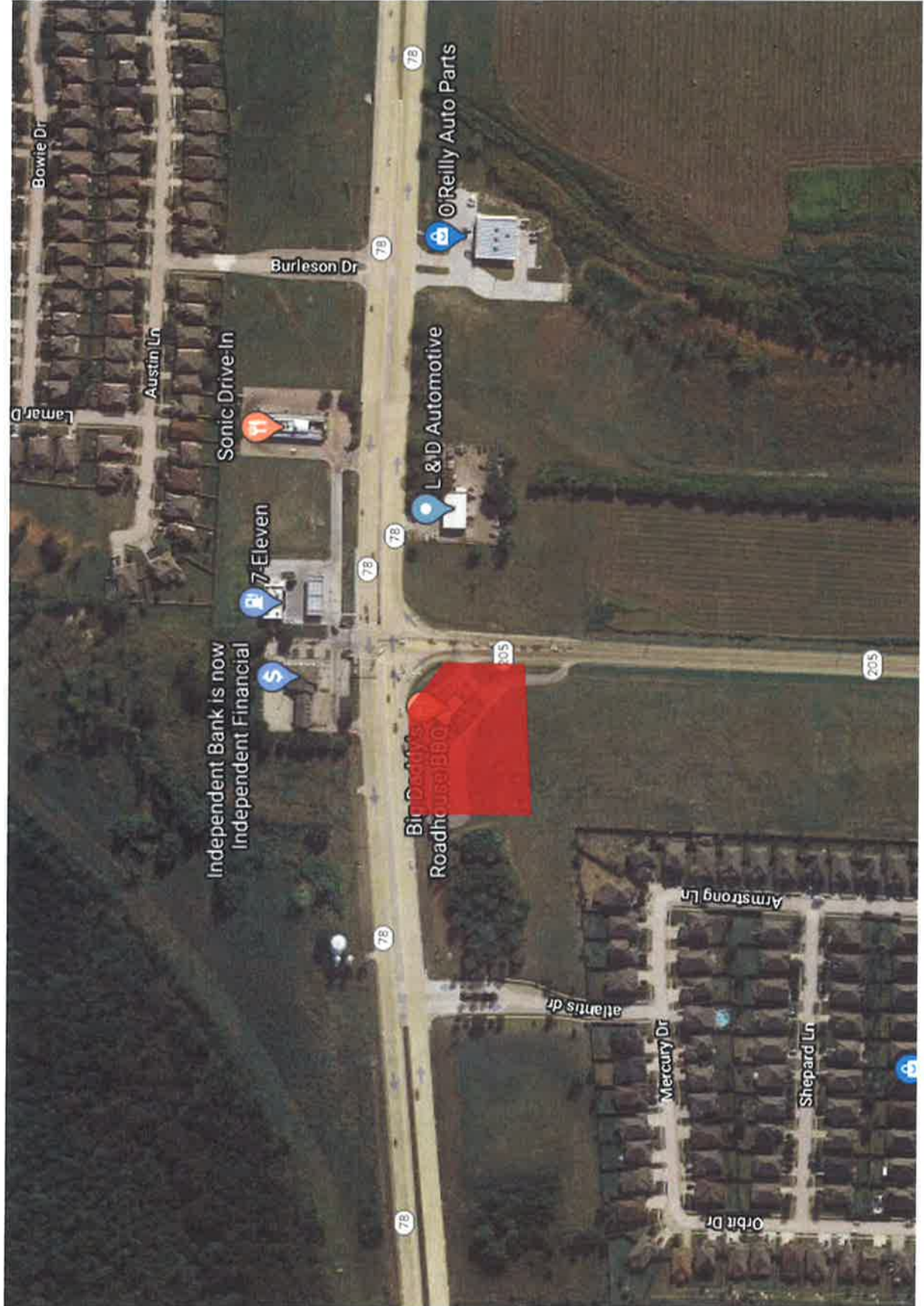


RaceTrac Petroleum – Zoning Exhibit





City Council
City of Lavon
April 7, 2020



Request Summary

Use	Gas Station & Market
Location	SWC (78 & 205)
Total Area	1.85 acres
SF to Retail	0.21 acres
Existing Zoning	Retail and PD-SF
Proposed Zoning	Retail w/ CUP

Who is RaceTrac?

- Third-generation, family-owned and well-capitalized business
- Serving guests since 1934
- Headquartered in Atlanta, GA
- Over 500 company-owned and corporately-run stores operating in the Southeast

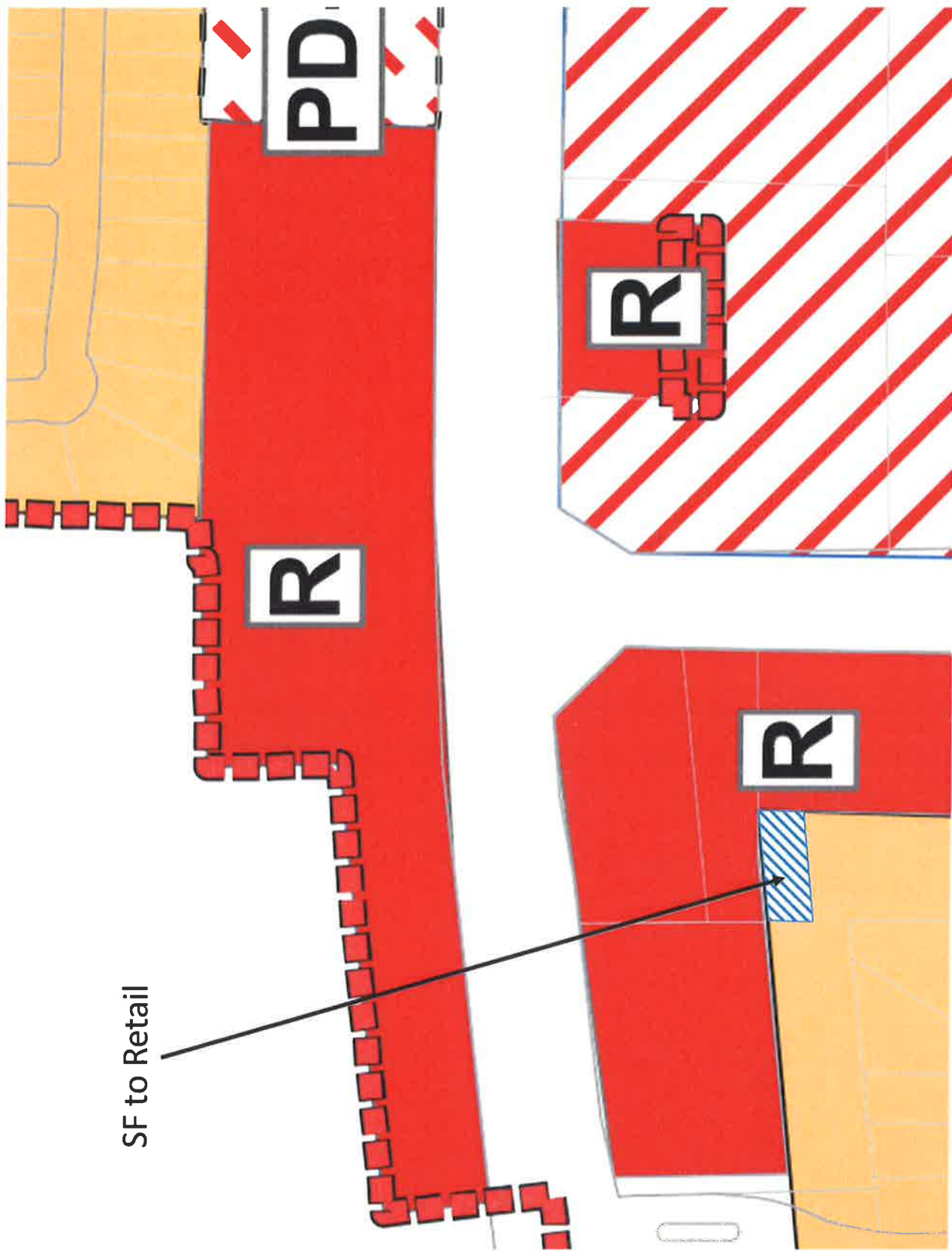


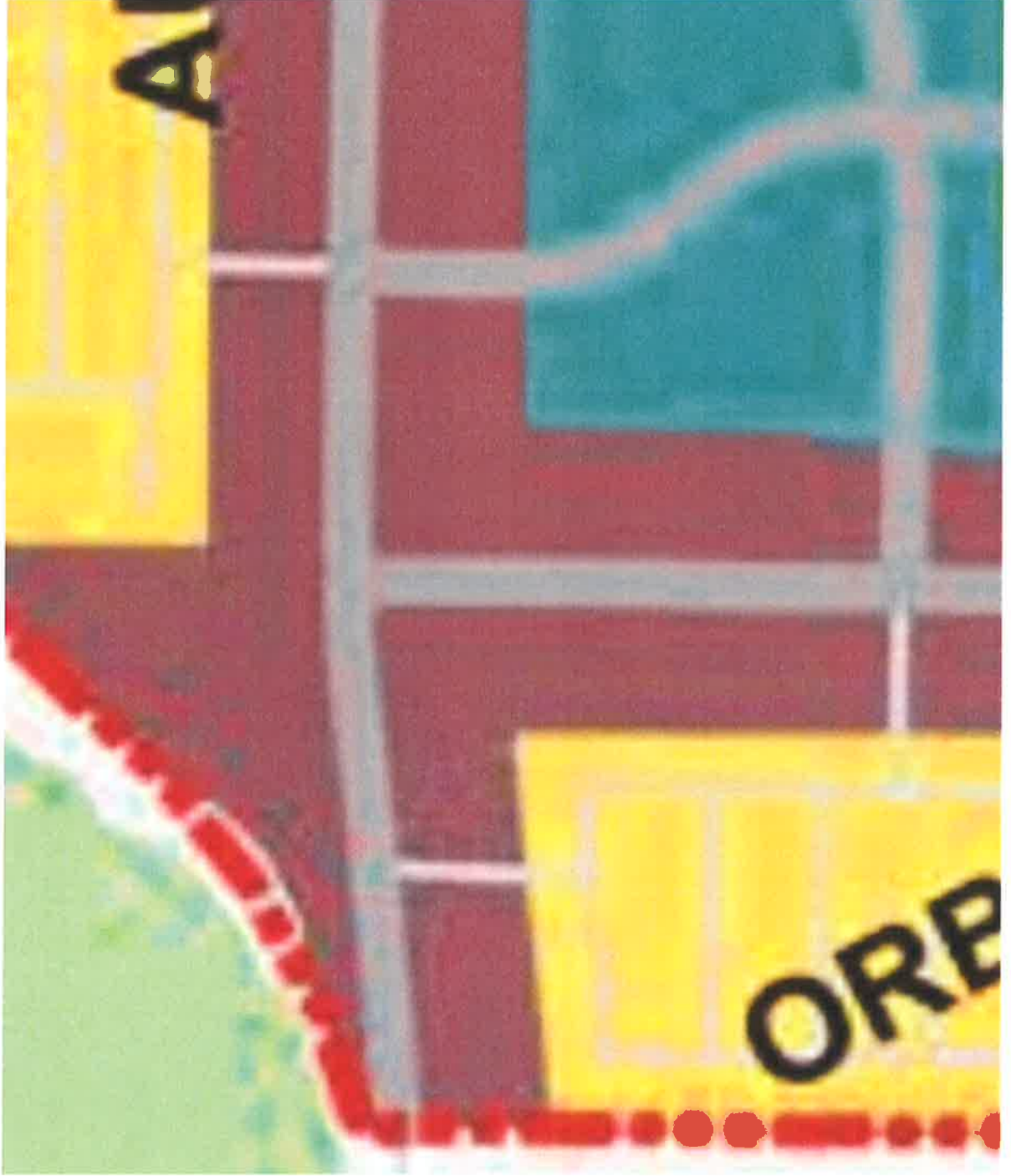


Who is RaceTrac?



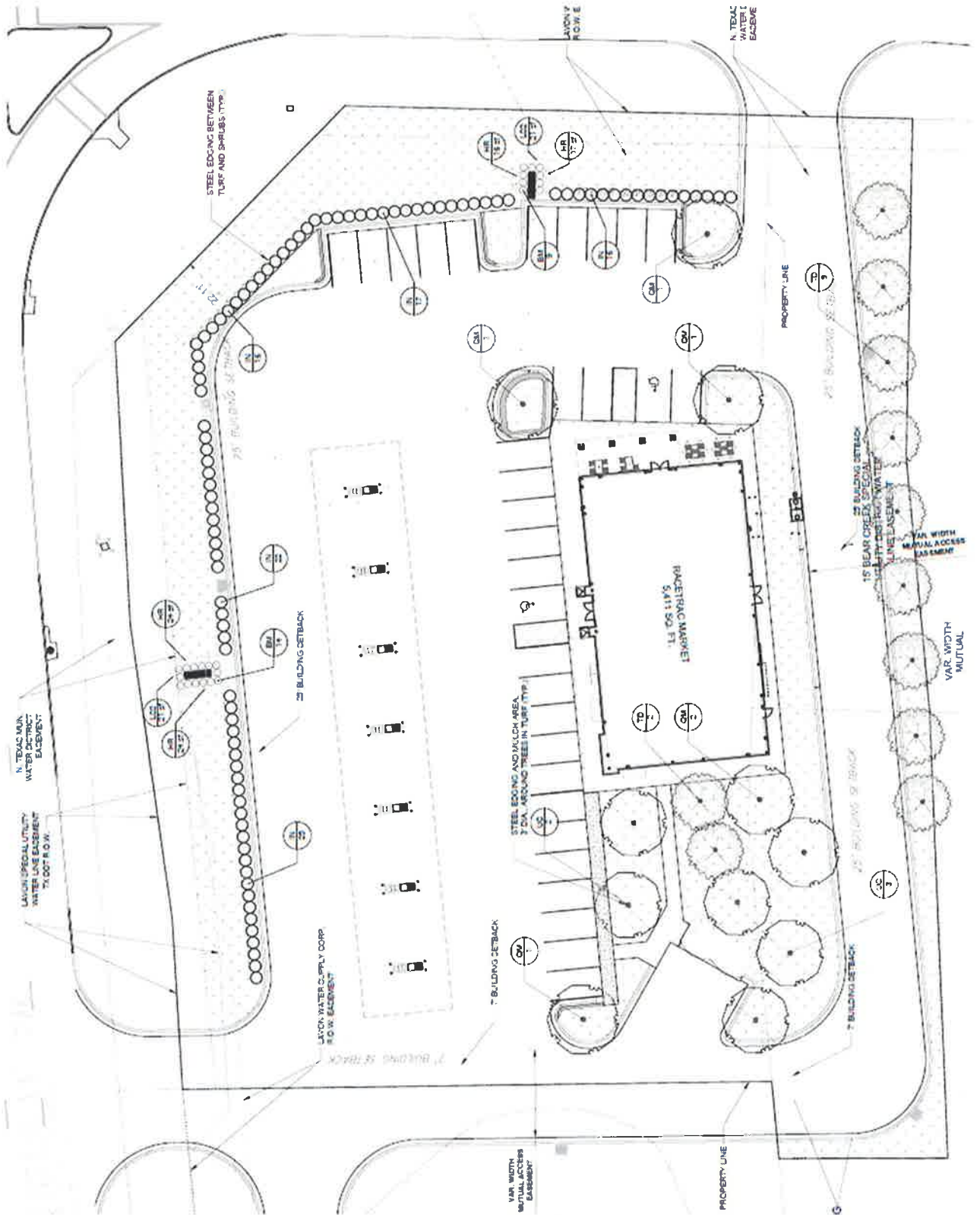


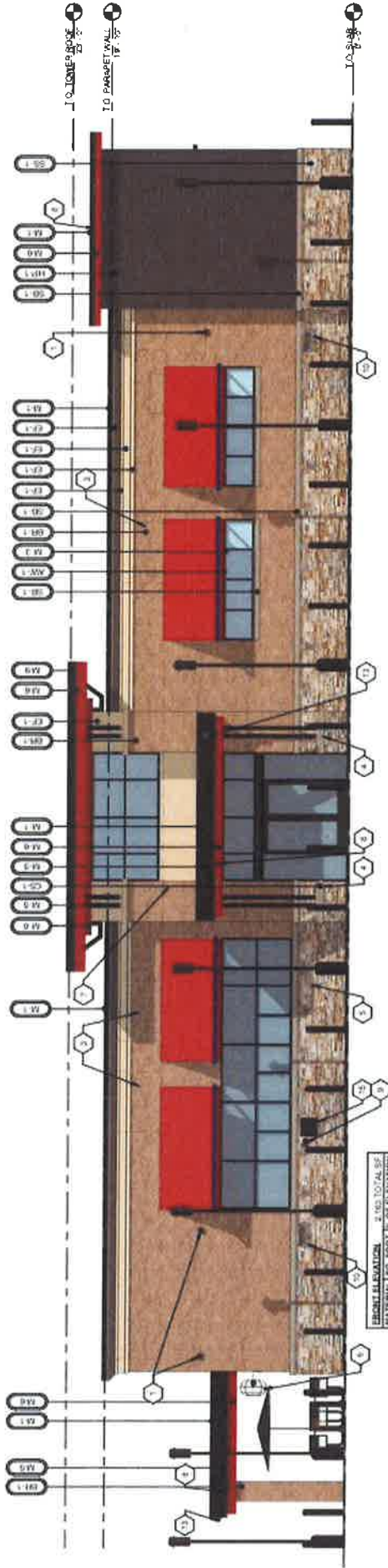




- F) Conditional Use Permit Review Criteria. In evaluating a Conditional Use Permit application, the Planning and Zoning Commission and the City Council shall consider whether the proposed use:**
- 1) Compliments or is compatible with the surrounding uses and community facilities;**
 - 2) Contributes to, enhances, or promotes the welfare of the area of request and adjacent properties;**
 - 3) Is not detrimental to the public health, safety, or general welfare;**
 - 4) Conforms in all other respects to all applicable zoning regulations and standards; and**
 - 5) Is in conformance with the Comprehensive Plan.**

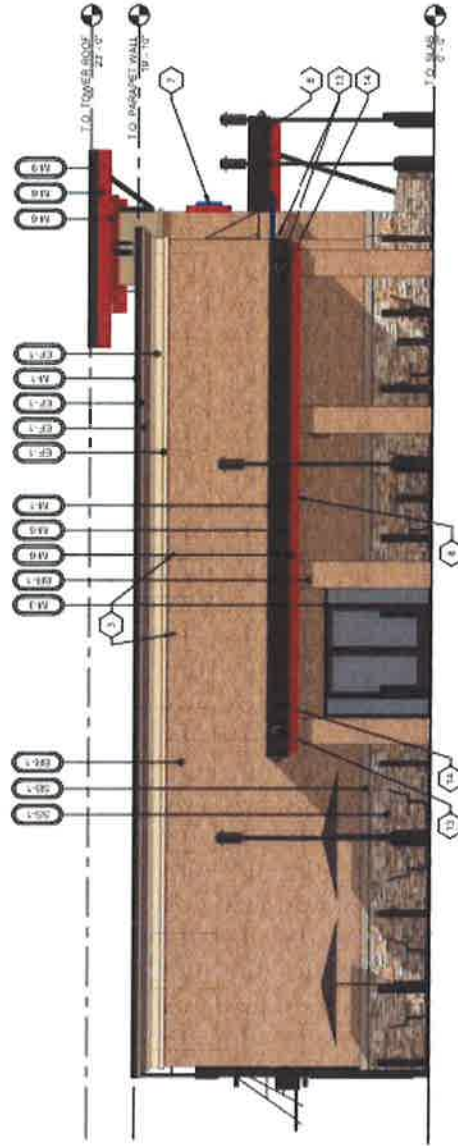
- **Compatible w/ surrounding uses**
 - Gas station is compatible with commercial uses abutting major thoroughfares
 - Adequate separation from residential
- **Promotes general welfare**
 - Fuel sales and food/beverage market serve needs of adjacent and travelling community
 - RaceTrac to make significant investment and improvements
- **No detriment to health, safety, welfare**
- **Conforms to zoning & comp. plan**





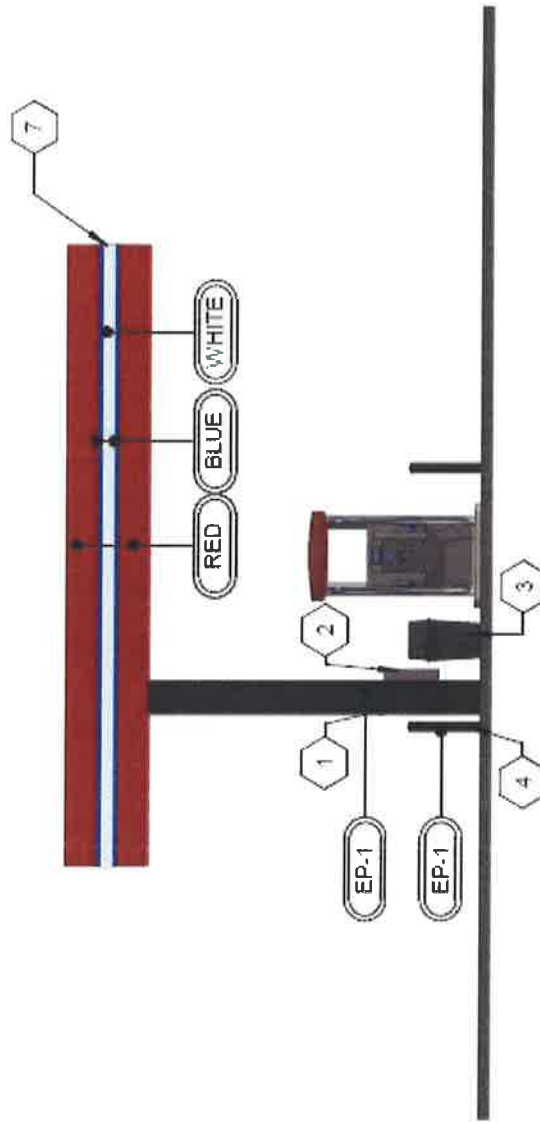
FRONT ELEVATION - 3'x6" TOTAL SF	
MATERIAL	SQ. FOOT. % OF ELEVATION
STONE	421 10%
BRICK	842 40%
GLASS	181 8%
PAINTING	311 13%
WOOD	211 10%

1 FRONT ELEVATION
3'x6" - 1'-0"



LEFT ELEVATION - 1,000 TOTAL SF	
MATERIAL	SQ. FOOT. % OF ELEVATION
STONE	100 10%
BRICK	100 10%
GLASS	100 10%
PAINTING	100 10%
WOOD	100 10%

4 LEFT ELEVATION
3'x6" - 1'-0"





QUESTIONS?

Racetrac Zoning Letters

Name	Mailing Address	City	State Zip	Physical Add	City	State Zip	Abstract Lot
World Land Developers LP	2101 Cedar Springs Rd. Ste 600	Dallas	TX, 75201	State Hwy 205	Lavon	TX, 75166	Abs A0121 W A S Bonhannan Survey, Sheet 3, Tract 72, 10.6219 Acres
William & Catherine Marcom	200 Armstrong Lane	Lavon	TX, 75166	200 Armstrong Lane	Lavon	TX, 75166	Grand Heritage - West C, Blk A, Lot 6
Salvado Neba Abumbi	1001 Mercury Drive	Lavon	TX, 75166	1001 Mercury Drive	Lavon	TX, 75166	Grand Heritage - West C, Blk A, Lot 5
Nicholas & Ashlee Matley	1009 Mercury Drive	Lavon	TX, 75166	1009 Mercury Drive	Lavon	TX, 75166	Grand Heritage - West C, Blk A, Lot 4
205 - 78 Ltd	7995 Lbj Fwy Ste 250	Dallas	TX, 75251	Lavon State Hwy 78	Lavon	TX, 75166	Abs A0121 W A S Bonhannan Survey, Sheet 3, Tract 79, 1.857 Acres
205 - 78 Ltd	7995 Lbj Fwy Ste 250	Dallas	TX, 75251	9930 St Hwy 78	Lavon	TX, 75166	Abs A0121 W A S Bonhannan Survey, Sheet 3, Tract 54, .9878 Acres
205 - 78 Ltd	7995 Lbj Fwy Ste 250	Dallas	TX, 75251	State Hwy 205	Lavon	TX, 75166	Abs A0121 W A S Bonhannan Survey, Sheet 3, Tract 80, 1.3514 Acres
205 - 78 Ltd	7995 Lbj Fwy Ste 250	Dallas	TX, 75251	Lavon State Hwy 78	Lavon	TX, 75166	Abs A0121 W A S Bonhannan Survey, Sheet 3, Tract 68, .3828 Acres



SUPPLEMENTAL NOTICE OF PUBLIC HEARING BY TELEPHONE CONFERENCE

In accordance with order of the Office of the Governor issued March 16, 2020, the Planning and Zoning Commission of the City of Lavon will conduct the meeting scheduled for March 24, 2020 at 7:00 p.m. by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). There will be no physical location for the meeting. The meeting agenda and packet will be posted online at www.cityoflavon.com .

The public dial-in number to participate in the telephonic meeting is **425-436-6349**.
The Access Code to the public meeting is **856485**.

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting. A recording of the telephonic meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

The April 7, 2020 meeting agenda will be posted on April 3, 2020 at www.cityoflavon.com and will specify if the meeting will occur in person or by telephone.

Updated: March 19, 2020

Previously mailed notice:



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, **March 24, 2020** 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, **April 7, 2020** at Lavon City Hall. At such times and place, the Commission and the Council will receive comments and consider the application for:

- 1) a zoning change from Planned Development-Single Family (PD-SF) established by Ordinance No. **2004-09-05** to Retail (R) on 0.21 acres, a part of the property described as WAS Bohannan Survey, ABS 0121, Sheet 3, Tract 72, CCAD Property ID 2664090, southwest of 9930 SH 78 and northeast of Grand Heritage West C, City of Lavon, Texas.

Additional information 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.



**CITY OF LAVON, TEXAS
NOTICE OF PUBLIC HEARINGS BEFORE THE
PLANNING AND ZONING COMMISSION
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Additional information regarding the requests is on the reverse of this notice and 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: _____

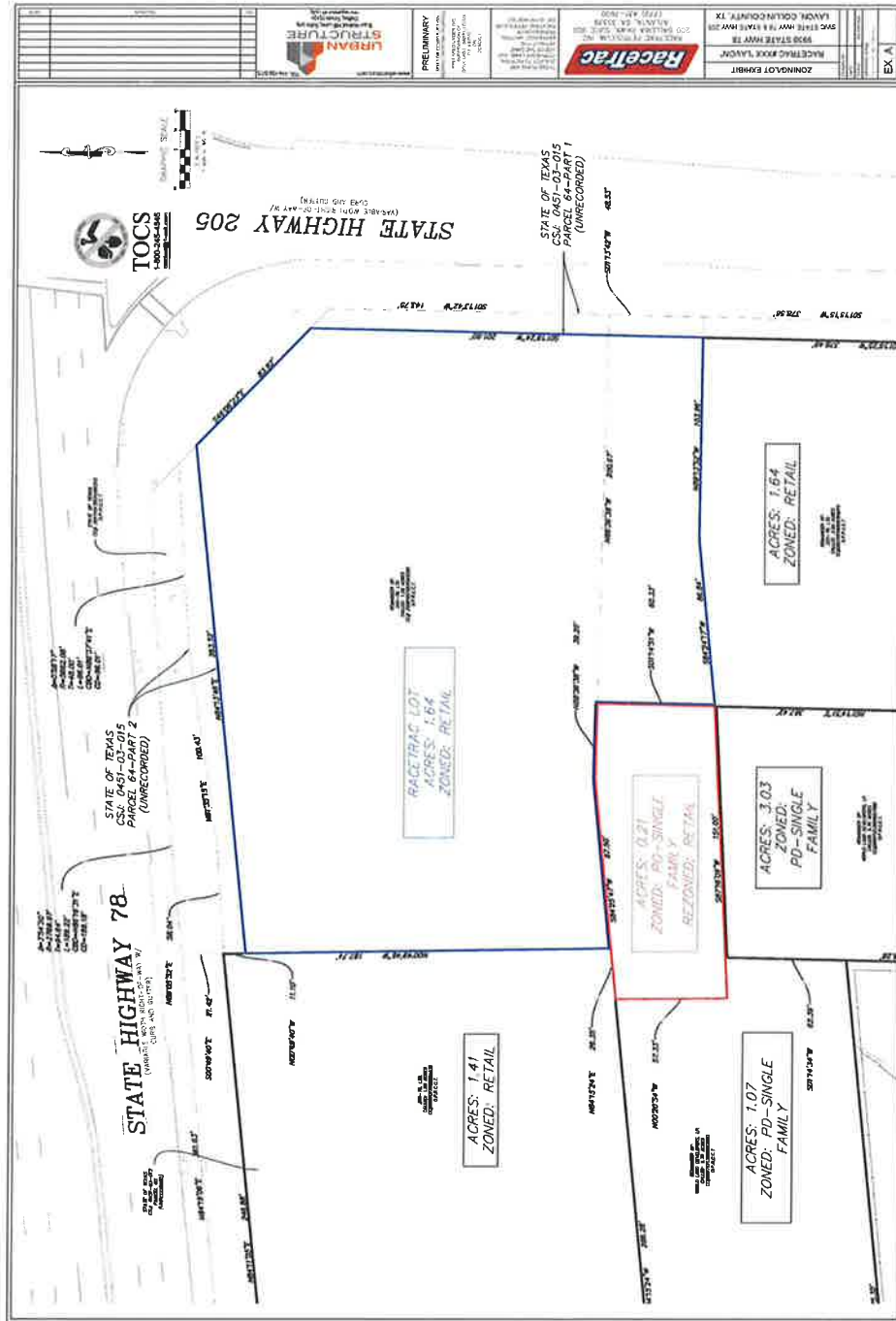
Phone/Email Address (optional): _____

You may return this form to:

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

Information Regarding Request

1) Zoning Change to Retail on 0.21 acres



The application is to rezone the 0.21-acre area outlined in red from PD-Residential to Retail, which is the same zoning designation as the adjacent property outlined in blue. The area of the proposed zoning change is 62.39 feet from the nearest residentially developed property and is further separated by an existing masonry wall.



**CITY OF LAVON, TEXAS
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PLANNING AND ZONING COMMISSION
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- 1) a zoning change from Planned Development-Single Family (PD-SF) established by Ordinance No. **2004-09-05** to Retail (R) on 0.21 acres, a part of the property described as WAS Bohannon Survey, ABS 0121, Sheet 3, Tract 72, CCAD Property ID 2664090, southwest of 9930 SH 78 and northeast of Grand Heritage West C, City of Lavon, Texas.

Additional information regarding the requests is on the reverse of this notice and 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: David Hopkins

Name (printed): David Hopkins

Address: 7995 LBJ Fwy suite 250 Dallas, TX 75251

Phone/Email Address (optional): _____

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



CITY OF LAVON Agenda Brief

MEETING: April 7, 2020

ITEM: 10 – C

Item:

Public hearing, discussion and action regarding the application for a Conditional Use Permit for an automobile fueling and gasoline filling station at 1000 SH 78 (also 9930 SH 78), WAS Bohannan Survey, ABS 0121, Sheet 3, Tracts 54, 68 and 72, CCAD Property IDs 2593398, 2133957 and 2664090 respectively, southwest of the intersection of SH 78 and SH 205, City of Lavon, Texas, requested by RaceTrac Petroleum.

- 1) Presentation of request.
- 2) **PUBLIC HEARING** to receive comments regarding the request.
- 3) Discussion and action regarding the request and accompanying Ordinance No. **2020-04-03**.

Application Information

Owner(s): 205-78, Ltd. And World Land Developers, LP.

Applicant: Andrew Malzer, RaceTrac Petroleum

Representative: Brad Williams, Winstead PC

Location: Southwest corner of the intersection of SH 78 and SH 205 and northwest of Grand Heritage West

Description: 1000 SH 78, Lavon, Texas (also referred to as 9930 SH 78)
ABS A0121 W A S Bohannan Survey, Sheet 3, Tract 54, .9878 Acres; ABS A0121 W A S Bohannan Survey, Sheet 3, Tract 68, .3828 Acres; and a portion of ABS A0121 W A S Bohannan Survey, Sheet 3, Tract 72, (CCAD Property IDs 2593398, 2133957, 2664090 respectively)

Current Zoning: Retail (R) and Planned Development – Single Family (PD-SF)
note: 0.21 acre subject to a zoning change request to R from PD-SF

Request: Conditional Use Permit (CUP) for a gasoline fueling station

Background

The applicant is seeking approval of a CUP to permit the construction of a Racetrac convenience store including an automobile fueling/gasoline filling station at 1000 SH 78, the southwest corner of the intersection of SH 78 and SH 205, generally in the vicinity of where Big Daddy's is presently located.

Racetrac began meeting with the City staff regarding the proposed project in 2018. The applicant has satisfied all notes provided by the city staff and city engineer. The convenience store alone is a permitted use pursuant to the Zoning Ordinance. The automobile fueling/gasoline filling station aspect of the proposal requires a CUP pursuant to the Zoning Ordinance.

Code Excerpts:

CITY OF LAVON – ZONING ORDINANCE

9.1.6.1 RETAIL DISTRICT (R)

- C) Conditional Uses.
 - 1) Automobile fueling and gasoline filling station

According to the developer, the development is proposed to include a roughly 5,400 square foot store along with seven (7) dual-sided fuel pumps. Commercial truck fueling is neither requested nor permitted at this site. The design and architecture of the store will be representative of RaceTrac’s newest concept. The proposed building, constructed of masonry and stone materials, has a 150-foot setback from the nearest single-family lot. Site lighting will not create light trespass within adjacent residential areas. The landscape plan shows dense landscaping at the southwestern portion of the property as a buffer to the single family in addition to the existing masonry wall that separates the neighborhood from the abutting properties to reduce the impact on surrounding residential property.

For informational purposes, the applicant provided the draft Site Plan and Landscape Plan as well as draft elevations of the proposed structures. None of the forgoing are scheduled for consideration or action at this time.

Planning and Zoning Commission Report

MOTION: RECOMMEND APPROVAL OF THE APPLICATION FOR A CONDITIONAL USE PERMIT FOR AN AUTOMOBILE FUELING AND GASOLINE FILLING STATION AT 1000 SH 78 (ALSO 9930 SH 78), WAS BOHANNAN SURVEY, ABS 0121, SHEET 3, TRACTS 54, 68 AND 72, CCAD PROPERTY ID’S 2593398, 2133957 AND 2664090 RESPECTIVELY, SOUTHWEST OF THE INTERSECTION OF SH 78 AND SH 205, CITY OF LAVON, TEXAS, REQUESTED BY RACETRAC PETROLEUM.

MOTION MADE: NABORS
 SECONDED: SMITH
 APPROVED: UNANIMOUS

SEAT 1- CURLEY	ABSENT
SEAT 2- NABORS	FOR
SEAT 3- COKER	FOR
SEAT 4- SMITH	FOR
SEAT 5- ROSENQUIST	FOR

Staff Notes:

The proposed application is consistent with the Zoning Ordinance, Future Land Use Plan and the Comprehensive Plan. The requisite public hearing notice was published in the newspaper and

posted on the website, and thirteen (13) neighbor notices were mailed to the owners of property located within 200 feet of the applicant's property. Supplemental notices were mailed to neighboring property owners with instructions for the telephonic meeting. One (1) notice was returned in favor of the application.

The application meets the standards for approval.

- Attachments:**
1. Proposed Ordinance No. 2020-04-03
 2. Application
 3. Location exhibits
 4. Applicant's presentation – See prior item for presentation
 5. Neighbor notices

CITY OF LAVON, TEXAS
ORDINANCE NO. 2020-04-03

Conditional Use Permit – RaceTrac Gas & Fueling Station

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 9, ZONING ORDINANCE, OF THE CODE OF ORDINANCES, AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT TO APPLICANT RACETRAC PETROLEUM FOR AN AUTO FUELING STATION ON 1.853 ACRES OF LAND LOCATED IN THE WAS BOHANNAN SURVEY, ABSTRACT 121 LOCATED SOUTHWEST OF THE INTERSECTION OF SH 78 AND SH 205; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2000.00) DOLLARS AND THAT A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY OF VIOLATION; PROVIDING SEVERABILITY AND CUMULATIVE CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a conditional use permit for an auto fueling station has been requested by RaceTrac Petroleum on behalf of owners 205-78 Ltd. And World Land Developers LP, of the property described in Exhibit “A” in accordance with the conditions set forth in Exhibit “B” attached hereto; and

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Lavon, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Lavon, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that Chapter 9, Zoning Ordinance of the City of Lavon Code of Ordinances be amended as follows:

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

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. Authorization.

That Chapter 9, Zoning Ordinance, of the City of Lavon Code of Ordinances as heretofore amended, and the same is hereby amended so as to grant a Conditional Use Permit in a Retail (R) Zoning District on the property described and depicted in Exhibit “A” for an auto fueling station. That the above described property shall only be used in the manner and for the purpose provided for in the Zoning Code of the City of Lavon as heretofore amended by granting of this conditional use permit and as may be amended in the future.

SECTION 3. 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 4. Cumulative/Repealer Clause.

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Lavon, 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 5. 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 be 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 6. 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 7. 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 7th day of April 2020.

Vicki Sanson
Mayor

ATTEST:

Kim Dobbs
City Administrator/City Secretary

CITY OF LAVON, TEXAS
ORDINANCE NO. 2020-04-03

EXHIBIT A

DESCRIPTION AND DEPICTION OF PROPERTY

BEING 1.853 ACRES OF LAND LOCATED IN THE W.A.S. BOHANNAN SURVEY, ABSTRACT NO. 121, COLLIN COUNTY, TEXAS, BEING ALL OF THE REMAINDER OF THAT CERTAIN CALLED 1.58 ACRE TRACT AS CONVEYED TO 205-78, LTD. BY DEED RECORDED IN COUNTY CLERK FILE NO. (CC#) 20061027001545290, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (OPRCCT), A PORTION OF THAT CERTAIN CALLED 2.95 ACRE TRACT AS CONVEYED TO 205-78, LTD, BY DEED RECORDED IN CC# 20070116000069210, (OPRCCT), A PORTION OF THAT CERTAIN CALLED 6.70 ACRE TRACT AS CONVEYED TO WORLD LAND DEVELOPERS, LP, BY DEED RECORDED IN CC#20071213001657580, (OPRCCT), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH YELLOW CAP FOUND IN THE NORTH LINE OF THE ABOVE-MENTIONED 6.70 ACRE TRACT AT THE SOUTHWEST CORNER OF THE ABOVE-MENTIONED 1.58 ACRE TRACT;

THENCE NORTH 00 DEGREES 49 MINUTES 40 SECONDS WEST, WITH THE WEST LINE OF SAID 1.58 ACRE TRACT, A DISTANCE OF 187.74 FEET TO THE PROPOSED SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 78;

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THENCE SOUTH 01 DEGREES 18 MINUTES 25 SECONDS WEST, OVER AND ACROSS SAID 1.58 ACRE TRACT AND THE ABOVE-MENTIONED 2.95 ACRE TRACT, AND WITH THE PROPOSED WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 205, A DISTANCE OF 201.80 FEET;

THENCE CONTINUING OVER AND ACROSS SAID 2.95 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1) NORTH 89 DEGREES 13 MINUTES 52 SECONDS WEST, A DISTANCE OF 103.96 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" FOUND;
- 2) SOUTH 84 DEGREES 24 MINUTES 17 SECONDS WEST, A DISTANCE OF 86.84 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" FOUND IN THE WEST LINE OF SAID 2.95 ACRE TRACT AND THE COMMON EAST LINE OF SAID 6.70 ACRE TRACT;

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- 1) SOUTH 87 DEGREES 16 MINUTES 09 SECONDS WEST, A DISTANCE OF 151.00 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" FOUND;
- 2) NORTH 00 DEGREES 20 MINUTES 54 SECONDS WEST, A DISTANCE OF 57.33 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" FOUND IN THE NORTH LINE OF SAID 6.70 ACRE TRACT;

THENCE NORTH 84 DEGREES 15 MINUTES 24 SECONDS EAST, WITH THE NORTH LINE OF SAID 6.70 ACRE TRACT, A DISTANCE OF 26.35 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 1.853 ACRES OF LAND, MORE OR LESS.

RECEIVED

APR 14 2020

CITY OF LAVON

BEING 0.211 ACRES (9,194 SQUARE FEET) OF LAND LOCATED IN THE W.A.S. BOHANNAN SURVEY, ABSTRACT NO. 121, COLLIN COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN CALLED 6.70 ACRE TRACT AS CONVEYED TO WORLD LAND DEVELOPERS, LP, BY DEED RECORDED IN CC# 20071213001657580, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (OPRCCT), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2" IRON ROD WITH RED CAP FOUND IN THE WEST LINE OF STATE HIGHWAY 205 (VARIABLE WIDTH RIGHT-OF-WAY) AT THE SOUTHEAST CORNER OF THAT CERTAIN CALLED 1.58 ACRE TRACT AS CONVEYED TO 205-78, LTD. BY DEED RECORDED IN CC# 2006102700154290, (OPRCCT) AND THE COMMON NORTHEAST CORNER OF THAT CERTAIN CALLED 2.95 ACRE TRACT AS CONVEYED TO 205-78, LTD. BY DEED RECORDED IN CC# 20070116000069210, (OPRCCT);

THENCE NORTH 88 DEGREES 36 MINUTES 38 SECONDS WEST, ALONG THE COMMON LINE OF THE ABOVE-MENTIONED 1.58 ACRE TRACT AND 2.95 ACRE TRACT, A DISTANCE OF 200.67 FEET TO A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER OF THE REMAINDER OF THE ABOVE-MENTIONED 6.70 ACRE TRACT FOR THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 01 DEGREES 14 MINUTES 51 SECONDS WEST, ALONG THE WEST LINE OF SAID 2.95 ACRE TRACT AND THE COMMON EAST LINE OF REMAINDER OF SAID 6.70 ACRE TRACT, A DISTANCE OF 60.33 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;

THENCE OVER AND ACROSS THE REMAINDER OF SAID 6.70 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1) SOUTH 87 DEGREES 16 MINUTES 09 SECONDS WEST, A DISTANCE OF 151.00 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;
- 2) NORTH 00 DEGREES 20 MINUTES 54 SECONDS WEST, A DISTANCE OF 57.41 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET IN THE NORTH LINE OF THE REMAINDER OF SAID 6.70 ACRE TRACT;

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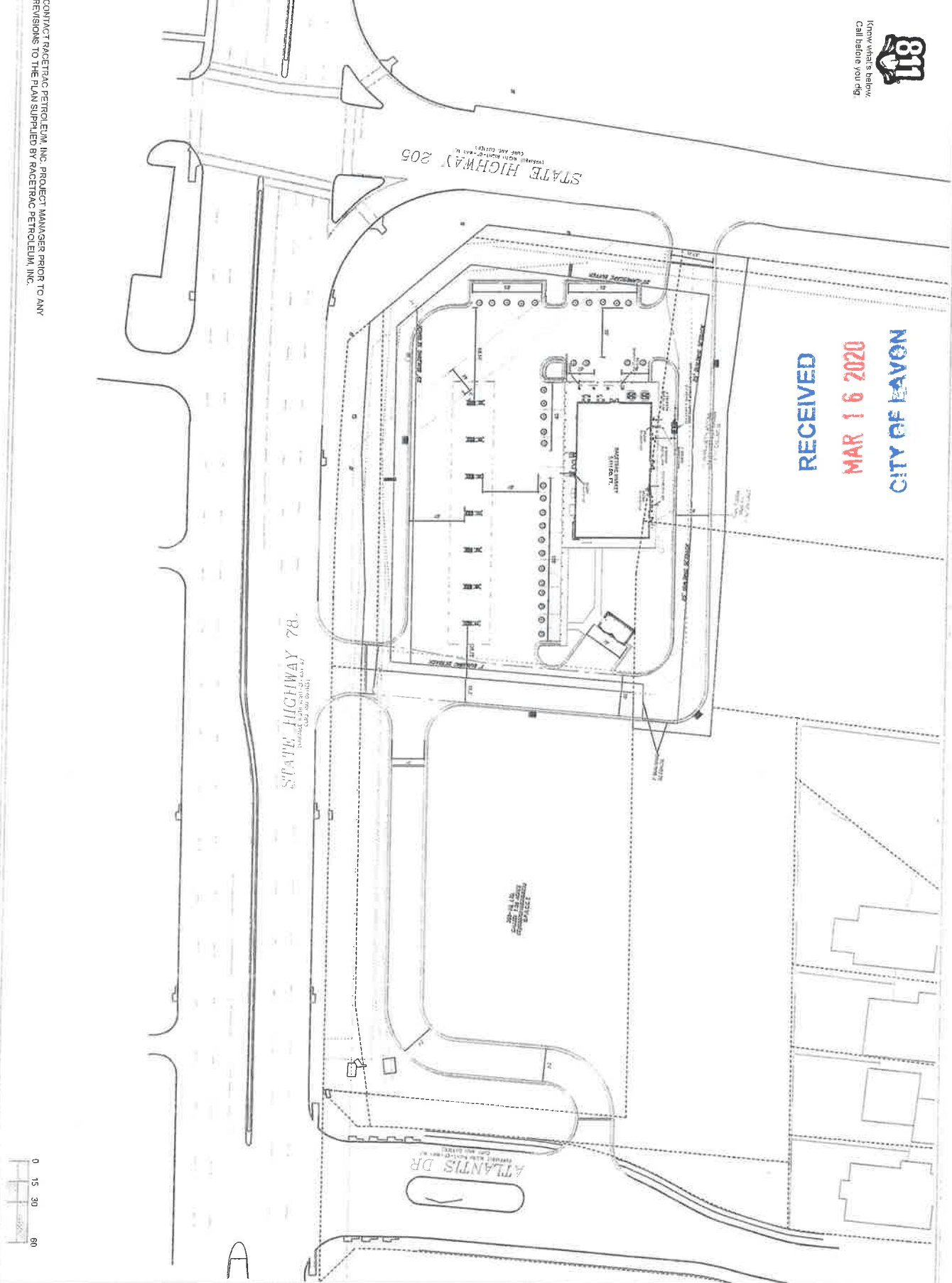
THENCE SOUTH 88 DEGREES 36 MINUTES 38 SECONDS EAST, CONTINUING ALONG THE NORTH LINE OF THE REMAINDER OF SAID 6.70 ACRE TRACT, A DISTANCE OF 39.20 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 0.211 ACRES (9,194 SQUARE FEET) OF LAND, MORE OR LESS.

RECEIVED

MAR 14 2020

CITY OF LAVON

RECEIVED
MAR 16 2020
CITY OF LAVON



CONTACT RACETRAC PETROLEUM, INC. PROJECT MANAGER PRIOR TO ANY REVISIONS TO THE PLAN SUPPLIED BY RACETRAC PETROLEUM, INC.

SITE PLAN		 <p>THESE PLANS ARE SUBJECT TO FEDERAL COPYRIGHT LAWS. ANY USE OF SAME WITHOUT THE EXPRESSED WRITTEN PERMISSION OF RACETRAC PETROLEUM, INC. IS PROHIBITED.</p>
RT MARKET #1383 - 78@205 LAVON		
<p>1000 TX-78 LAVON, TX</p>	<p>RACETRAC PETROLEUM, INC. 200 GALLERIA PARKWAY SE SUITE 800 ATLANTA, GA 30339 (770) 431-7800</p>	<p>DATE</p>



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

Andrew Malzer, RaceTrac Petroleum

Applicants Name

02/13/2020

Date

Brad Williams, Winstead PC

Representative or Agent

214-745-5264

Phone Number

2728 N Harwood, Suite 500

Street

Dallas, Texas 75201

City, State, Zip

1000 TX78 (SWC of TX78 and SH205)

Location of Property

See Attached

Legal Description of Property

Retail; PD-SF

Current Zoning

Check which zoning category you wish to change to:

Lot Size: 1/2 acre or more 3/4 acre or more 1 acre or more

Single Family – 1 (1800 sq. ft. min. home)

Retail

Single Family – 2 (1500 sq. ft. min. home)

Business District 1 / 2

Single Family – 3 (1200 sq. ft. min. home)

Planned Development

Special Use Permit

Mobile Home District

Other: CUP - Auto Fueling Station

- 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.
- 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: Andrew Malzer

* 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
FEB 14 2020
CITY OF LAVON

500 Winstead Building
2728 N. Harwood Street
Dallas, Texas 75201

214.745.5400 *OFFICE*
214.745.5390 *FAX*
winstead.com

bwilliams@winstead.com

214.745.5264 *DIRECT*

VIA HAND DELIVERY

February 13, 2019

Kim Dobbs
City of Lavon
120 School Road
Lavon, Texas 75166

Dear Kim,

On behalf of RaceTrac Petroleum, Inc. ("RaceTrac"), please accept the enclosed zoning and CUP applications in connection with a proposed auto fueling station and convenience store at the southwest corner of SH 205 and SH 78. The project consists of an approximately 5,400 square foot convenience store along with 8 fuel pumps (16 fueling positions) located on approximately 1.85 acres of land.

The majority of the property is currently zoned retail, which permits an auto fueling station with SUP. The remaining 0.21 acre of the property (more or less) is currently zoned PD-SF, and is proposed to be re-zoned to Retail. This 0.21 acre of single family property is undeveloped and located outside the masonry screening wall that defines the Grand Heritage West neighborhood. Given the development pattern in the area and the frontage on 78 and 205, it is unlikely property located outside the existing subdivision will be developed with residential in accordance with the existing zoning. As such, rezoning to retail is appropriate at this time to facilitate the highest and best use of the property.

Given the high-traffic volume of this intersection, the proposed auto fueling station is an appropriate and compatible land use. The distance from the nearest residential property, as well as the existence of an existing masonry screening wall along the perimeter of the neighborhood buffers the residential from future commercial development and mitigates potential incompatibilities. A market-leading convenience offering (hot food, bean-to-cup coffee, frozen yogurt, etc.), coupled with the indisputable public need for gasoline, will contribute to, enhance, and promote the general welfare of the City and the adjacent area.

RaceTrac is excited for this opportunity to proudly serve the residents of Lavon at this location with their latest fuel and convenience offers. If you have any questions, please do not hesitate to contact me, or Andrew Malzer with RaceTrac at 706-288-7672.

Sincerely,



Brad R. Williams

RECEIVED

FEB 14 2020

CITY OF LAVON



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: 2-6-2020

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, 205-78, Ltd.,
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.

[Handwritten Signature]

Signature (Owner)

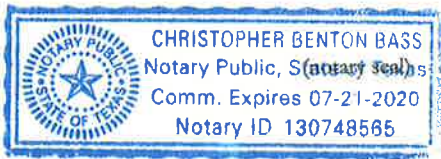
Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas

Before me, the undersigned authority, appeared Michael Hopkins,
on this the 6th day of February, 2020.

[Handwritten Signature]



Notary Public in and for Dallas County, Texas

RECEIVED
FEB 14 2020
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: 2-6-2020

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, 205-78, Ltd.,
am/are the owner(s) of record of the property described in the attached survey
documentation, submitted with this form, and do hereby authorize
Andrew Malzer & Brad Williams to represent me (us) and my (our)
interests in the property described in the attached exhibits(s) for the expressed
purpose of this request.

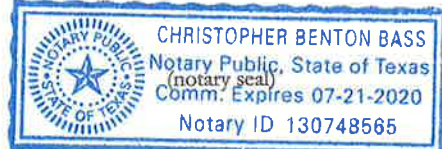
My / Signi
Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas

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[Signature]
Notary Public in and for Dallas County, Texas

RECEIVED
FEB 14 2020
CITY OF LAVON



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: 2-10-20

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, World Land Developers LP,
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.

Alan Bain, Vice President

Signature (Owner)

Signature (Owner)

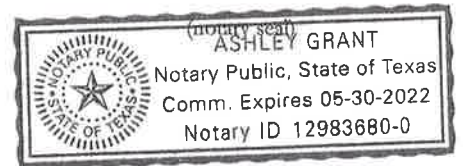
Signature (Owner)

The State of Texas
County of Dallas

Before me, the undersigned authority, appeared Alan Bain,
on this the 10 day of February, 2020.

Ashley Grant

Notary Public in and for Dallas County, Texas



RECEIVED

FEB 14 2020

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: 2-10-20

To the City of Lavon
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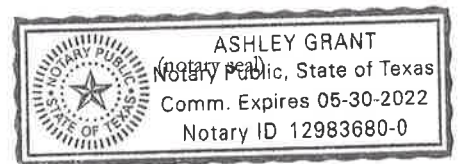
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 Signature (Owner)

The State of Texas
 County of Dallas

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Ashley Grant
 Notary Public in and for Dallas County, Texas



RECEIVED
FEB 14 2020
CITY OF LAVON

BEING 1.853 ACRES OF LAND LOCATED IN THE W.A.S. BOHANNAN SURVEY, ABSTRACT NO. 121, COLLIN COUNTY, TEXAS, BEING ALL OF THE REMAINDER OF THAT CERTAIN CALLED 1.58 ACRE TRACT AS CONVEYED TO 205-78, LTD. BY DEED RECORDED IN COUNTY CLERK FILE NO. (CC#) 20061027001545290, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (OPRCCT), A PORTION OF THAT CERTAIN CALLED 2.95 ACRE TRACT AS CONVEYED TO 205-78, LTD, BY DEED RECORDED IN CC# 20070116000069210, (OPRCCT), A PORTION OF THAT CERTAIN CALLED 6.70 ACRE TRACT AS CONVEYED TO WORLD LAND DEVELOPERS, LP, BY DEED RECORDED IN CC#20071213001657580, (OPRCCT), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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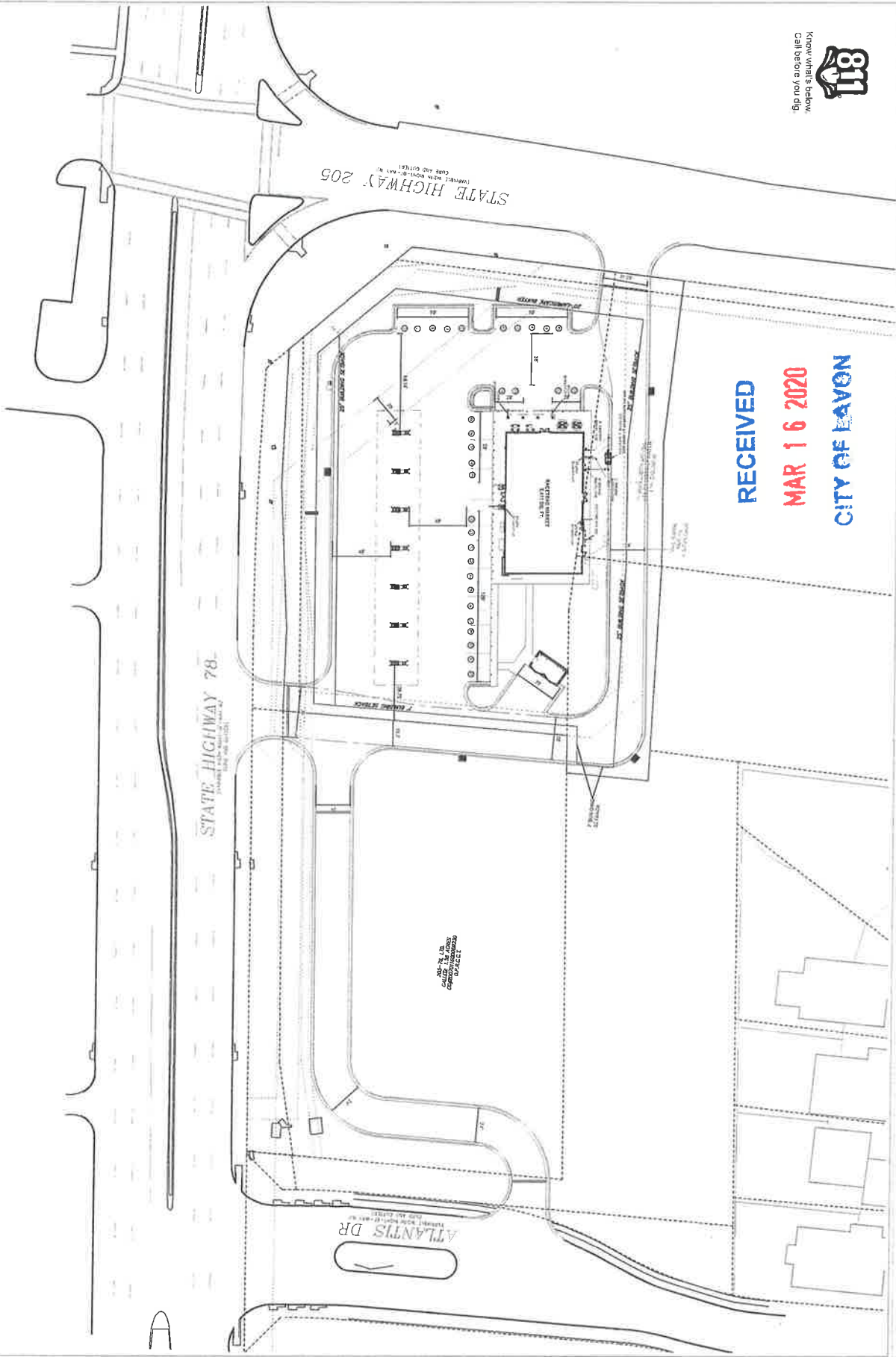
APR 14 2020

CITY OF LAVON

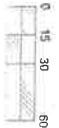


Know what's below.
Call before you dig.

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MAR 16 2020
CITY OF LAVON

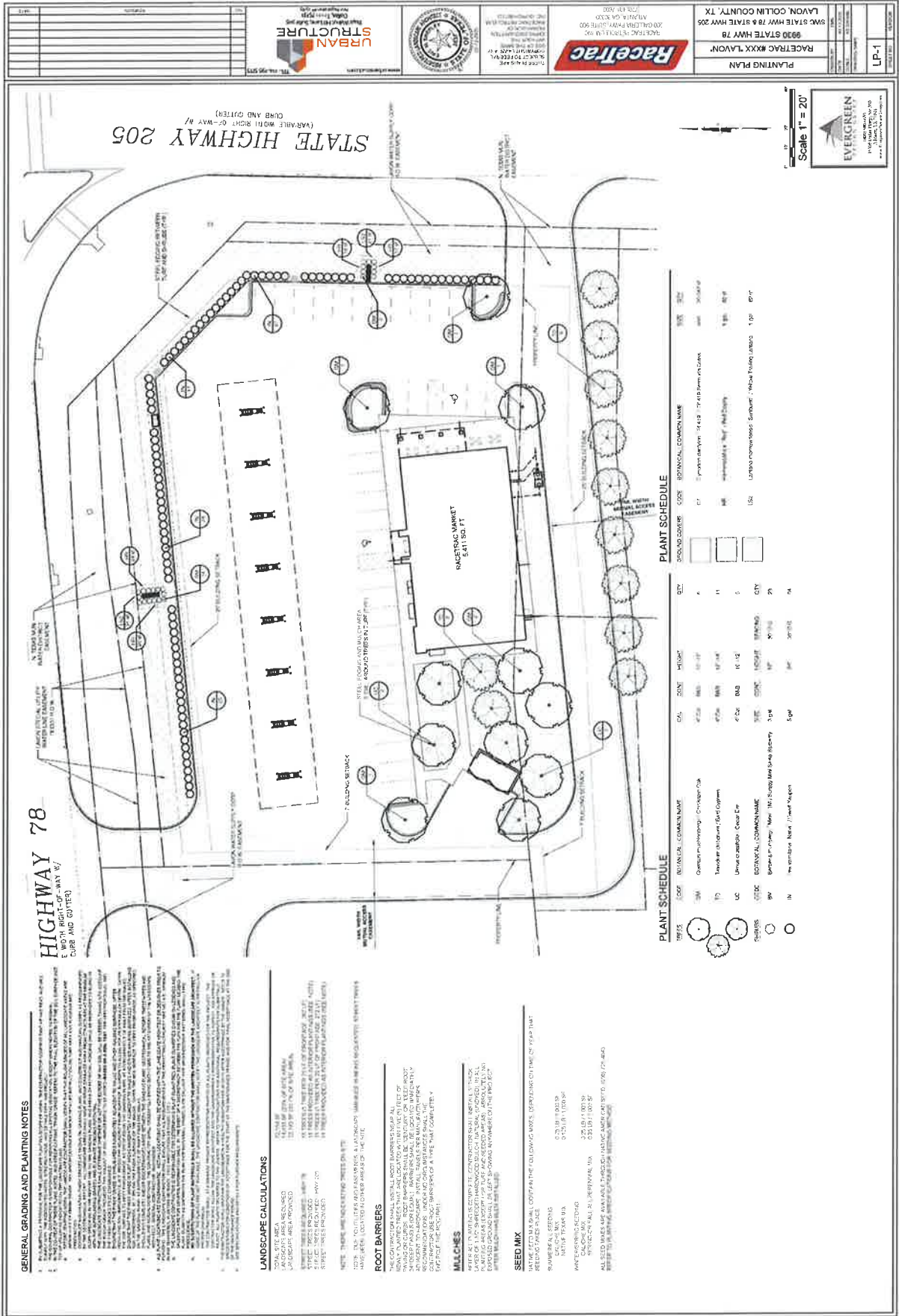


CONTRACT RACETRAC PETROLEUM, INC. PROJECT MANAGER PRIOR TO ANY REVISIONS TO THE PLAN SUPPLIED BY RACETRAC PETROLEUM, INC.



SHEET NO. 1000000000	DATE	SITE PLAN			THESE PLANS ARE SUBJECT TO FEDERAL COPYRIGHT LAWS. ANY USE OF SAME WITHOUT THE EXPRESSED WRITTEN PERMISSION OF RACETRAC PETROLEUM, INC. IS PROHIBITED.
		RT MARKET #1383 - 78@205 LAVON	1000 TX-78 LAVON TX RACETRAC PETROLEUM, INC. 300 GALLERIA PARKWAY SE SUITE 500 ATLANTA, GA 30379 (770) 431-8000		
CONTRACT NO. DRAWING NO. DATE BY CHECKED BY	NO. DATE				

RaceTrac – Proposed Landscape Plan DRAFT



RaceTrac
 1000 TX-78
 LAYTON, TEXAS
 78 & 205
 PROJECT NUMBER
 19-713-00

HR
 ARCHITECTURE
 ENGINEERING
 1400 PLACENTIA HILL ROAD
 DUBLIN, CALIFORNIA 94568
 925-835-3333
 www.hrarchitect.com

RaceTrac
 RACING FURNISHING, INC.
 4100 W. 14TH STREET
 FORT WORTH, TEXAS 76107
 (817) 421-1383

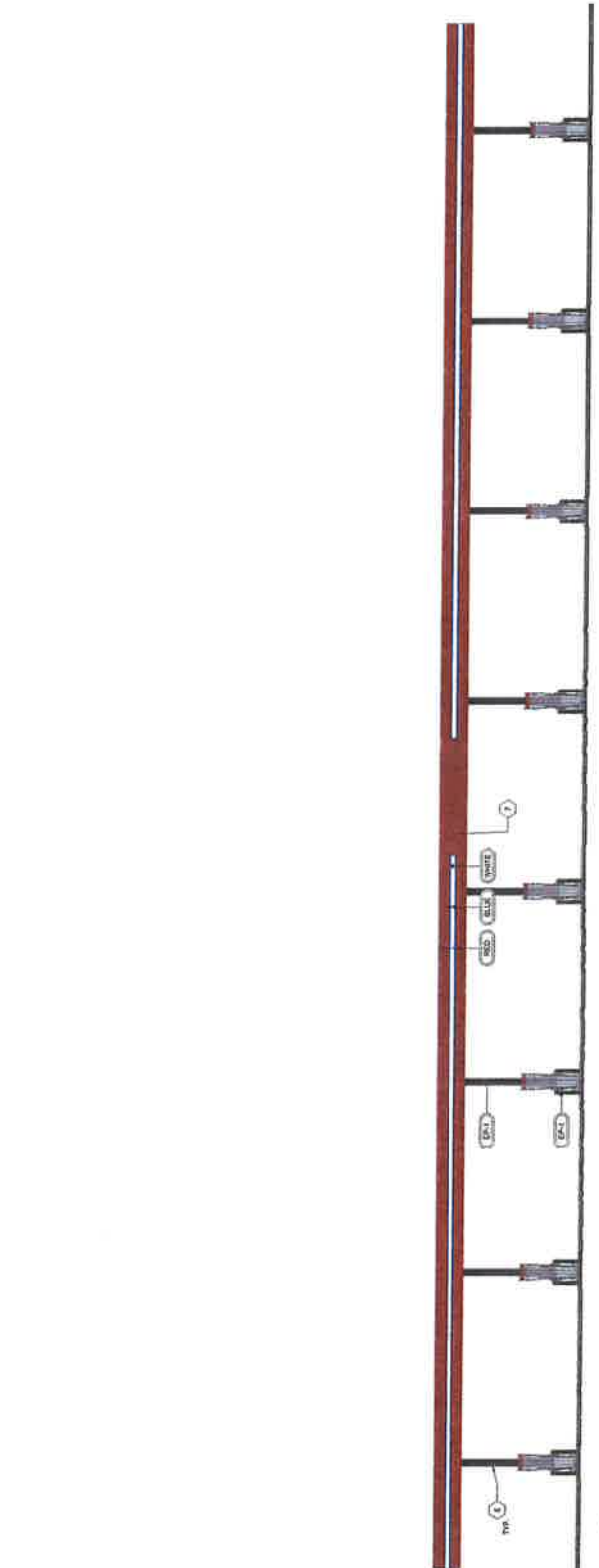
#1383
 PROTOTYPE SERIES 5, SN 2.2
 2620 LH RD 0105
 PLUM INDICATOR NOTICE
 SHEET NO. 0105 DATE 02/17/20

78 & 205
 1000 TX-78
 LAYTON, TEXAS
 RACETRAC STORE NUMBER
 #1383



C100
 FUEL CANOPY ELEVATIONS

PROJECT NUMBER
 19-713-00
 SHEET TITLE
 FUEL CANOPY ELEVATIONS
 SHEET NUMBER
 C100



2 CANOPY FRONT ELEVATION
 1/8" = 1'-0"



1 CANOPY ELEVATION
 1/8" = 1'-0"

SHEET KEYNOTES

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND MATERIALS AGAINST THE RACETRAC STORE NUMBER #1383.
2. ALL DIMENSIONS SHALL BE TO FACE UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS SHALL BE TO FACE UNLESS NOTED OTHERWISE.
4. ALL DIMENSIONS SHALL BE TO FACE UNLESS NOTED OTHERWISE.
5. ALL DIMENSIONS SHALL BE TO FACE UNLESS NOTED OTHERWISE.
6. ALL DIMENSIONS SHALL BE TO FACE UNLESS NOTED OTHERWISE.
7. ALL DIMENSIONS SHALL BE TO FACE UNLESS NOTED OTHERWISE.

FUEL CANOPY FINISH SCHEDULE

ID	MANUF.	MATERIAL	COMMENTS
1			
2			
3			
4			
5			
6			
7			

STANDARD CANOPY FINISH SCHEDULE

CANOPY COLOR	STANDARD COLOR
WHITE	WHITE
BLUE	BLUE
RED	RED
BLACK	BLACK
GRAY	GRAY
GREEN	GREEN
BROWN	BROWN
PURPLE	PURPLE
PINK	PINK
YELLOW	YELLOW
ORANGE	ORANGE
PALM	PALM
RED	RED

PROJECT NAME
70 & 205

PROJECT NUMBER
70 & 205

DATE
 10/14/2020

SCALE
 AS SHOWN

PROJECT LOCATION
 70 & 205

PROJECT DESCRIPTION
 DUMPSTER ENCLOSURE

RaceTrac
 18700 N. HWY 75, SUITE 100, DALLAS, TX 75244
 (214) 343-8888
 WWW.RACETRAC.COM

70 & 205
 1000 N. GILBERT
 DALLAS, TEXAS

REGISTERED PROFESSIONAL ENGINEER
 STATE OF TEXAS
 LICENSE NO. 12588

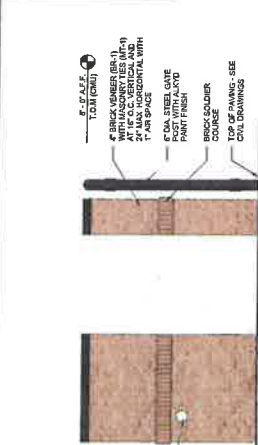
PLAN REVISIONS
 NO. DATE DESCRIPTION

PROFESSIONAL SEAL
 HUNTER ROBERTSON
 ASSOCIATES
 ARCHITECTURE
 ENGINEERING
 1000 N. GILBERT STREET, SUITE 100
 DALLAS, TEXAS 75217
 (214) 766-8888
 WWW.HUNTERROBERTSON.COM

SHEET NUMBER
A010

DUMPSTER FINISH SCHEDULE

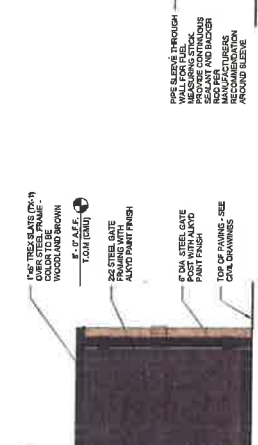
ID	MANUF.	MATERIAL	COMMENTS
001	WOOD	WOOD	WOOD-LAND BROWN
002	METAL	METAL TO MATCH	METAL TO MATCH
003	BRICK	BRICK	BRICK
004	STEEL	STEEL	STEEL
005	PAINT	PAINT	PAINT
006	CONCRETE	CONCRETE	CONCRETE
007	GLASS	GLASS	GLASS
008	ROUBER	ROUBER	ROUBER
009	ROUBER	ROUBER	ROUBER
010	ROUBER	ROUBER	ROUBER



FRONT ELEVATION - SEE TOTAL SP

MATERIAL	QTY	UNIT	AREA
WOOD	100	SF	100
BRICK	100	SF	100
STEEL	100	SF	100
PAINT	100	SF	100
CONCRETE	100	SF	100
GLASS	100	SF	100
ROUBER	100	SF	100
ROUBER	100	SF	100
ROUBER	100	SF	100

5 DUMPSTER ENCLOSURE FRONT ELEVATION
 3/8" = 1'-0"



LEFT ELEVATION - SEE TOTAL SP

MATERIAL	QTY	UNIT	AREA
WOOD	100	SF	100
BRICK	100	SF	100
STEEL	100	SF	100
PAINT	100	SF	100
CONCRETE	100	SF	100
GLASS	100	SF	100
ROUBER	100	SF	100
ROUBER	100	SF	100
ROUBER	100	SF	100

3 DUMPSTER ENCLOSURE LEFT ELEVATION
 3/8" = 1'-0"



REAR ELEVATION - SEE TOTAL SP

MATERIAL	QTY	UNIT	AREA
WOOD	100	SF	100
BRICK	100	SF	100
STEEL	100	SF	100
PAINT	100	SF	100
CONCRETE	100	SF	100
GLASS	100	SF	100
ROUBER	100	SF	100
ROUBER	100	SF	100
ROUBER	100	SF	100

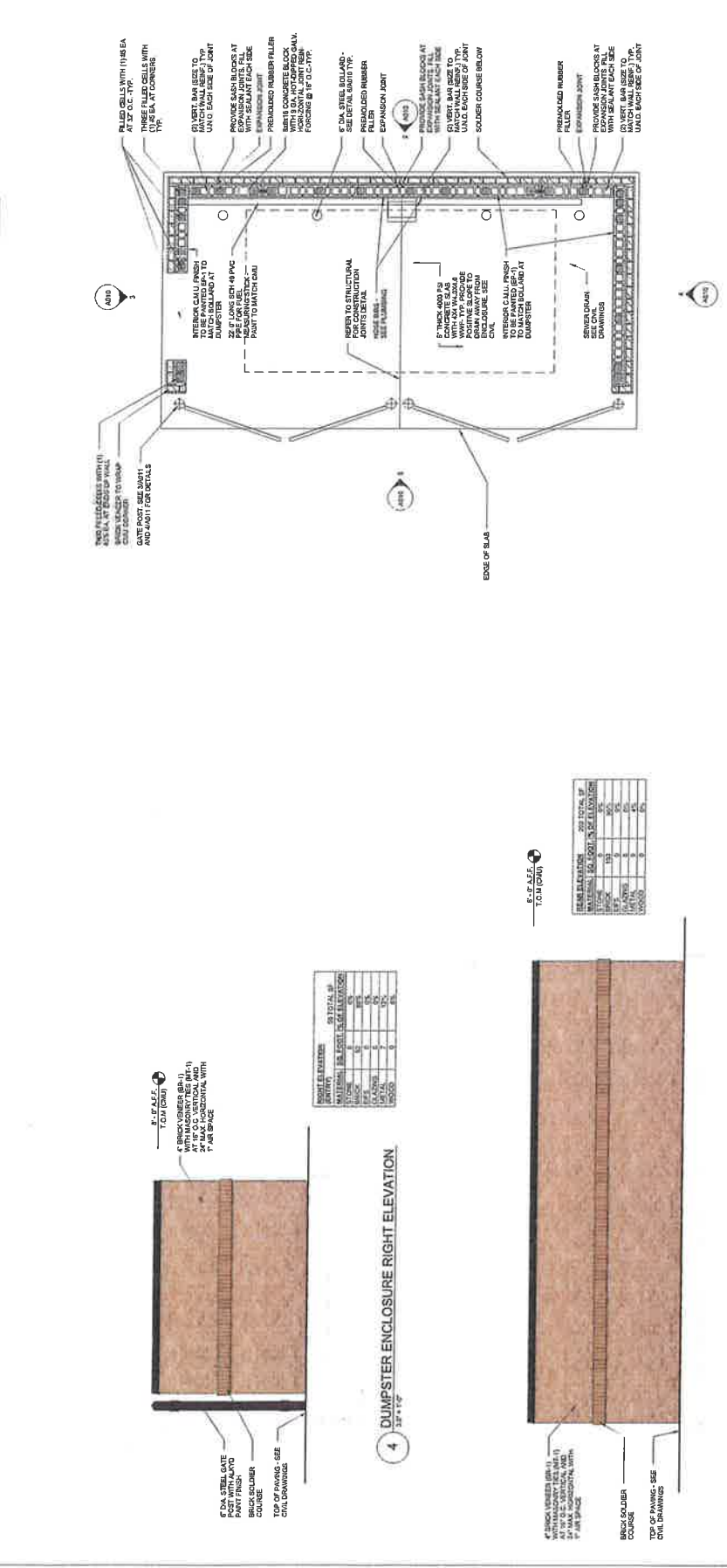
2 DUMPSTER ENCLOSURE REAR ELEVATION
 3/8" = 1'-0"



RIGHT ELEVATION - SEE TOTAL SP

MATERIAL	QTY	UNIT	AREA
WOOD	100	SF	100
BRICK	100	SF	100
STEEL	100	SF	100
PAINT	100	SF	100
CONCRETE	100	SF	100
GLASS	100	SF	100
ROUBER	100	SF	100
ROUBER	100	SF	100
ROUBER	100	SF	100

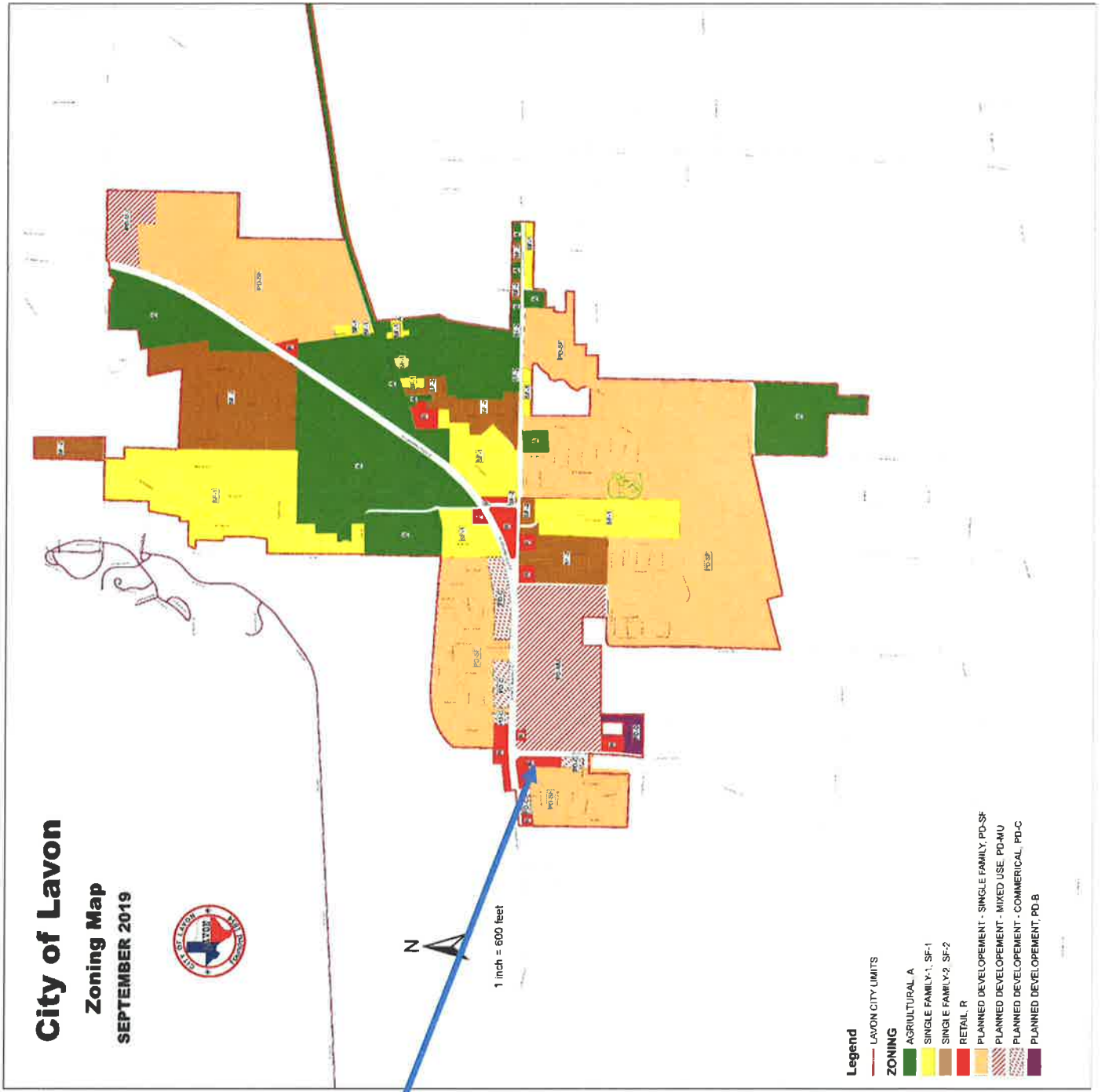
4 DUMPSTER ENCLOSURE RIGHT ELEVATION
 3/8" = 1'-0"



1 DUMPSTER ENCLOSURE PLAN
 3/8" = 1'-0"

Zoning Map

RaceTrac Petroleum



RaceTrac Petroleum – Location Exhibit



CUP Letters for Racetrac

Name	Mailing Address	City	State Zip	Physical Add	City	State Zip	Abstract Lot
World Land Developers LP	2101 Cedar Springs Rd. Ste 600	Dallas	TX, 75201	State Hwy 205	Lavon	TX, 75166	Abs A0121 W A S Bonhannan Survey, Sheet 3, Tract 72, 10.6219 Acres
William & Catherine Marcom	200 Armstrong Lane	Lavon	TX, 75166	200 Armstrong Lane	Lavon	TX, 75166	Grand Heritage - West C, Blk A, Lot 6
Salvado Neba Abumbi	1001 Mercury Drive	Lavon	TX, 75166	1001 Mercury Drive	Lavon	TX, 75166	Grand Heritage - West C, Blk A, Lot 5
Nicholas & Ashlee Matley	1009 Mercury Drive	Lavon	TX, 75166	1009 Mercury Drive	Lavon	TX, 75166	Grand Heritage - West C, Blk A, Lot 4
205 - 78 Ltd	7995 Lbj Fwy Ste 250	Dallas	TX, 75251	Lavon State Hwy 78	Lavon	TX, 75166	Abs A0121 W A S Bonhannan Survey, Sheet 3, Tract 79, 1.857 Acres
205 - 78 Ltd	7995 Lbj Fwy Ste 250	Dallas	TX, 75251	9930 St Hwy 78	Lavon	TX, 75166	Abs A0121 W A S Bonhannan Survey, Sheet 3, Tract 54, .9878 Acres
205 - 78 Ltd	7995 Lbj Fwy Ste 250	Dallas	TX, 75251	State Hwy 205	Lavon	TX, 75166	Abs A0121 W A S Bohannan Survey, Sheet 3, Tract 80, 1.3514 Acres
205 - 78 Ltd	7995 Lbj Fwy Ste 250	Dallas	TX, 75251	Lavon State Hwy 78	Lavon	TX, 75166	Abs A0121 W A S Bohannan Survey, Sheet 3, Tract 68, .3828 Acres
Kch Lavon LLC	1211 S. White Chapel Blvd	Southlake	TX, 76092	991 S State Hwy 78	Lavon	TX, 75166	Lavon 7-Eleven Addition, Blk 1, Lot 1
First Bank Farnersville	P.O. Box 592	Farnersville	TX, 75442	1009 S. State Hwy 78	Lavon	TX, 75166	Abs A0638 William H Moore Survey, Sheet 2, Tract 13, 1.684 Acres
Madhusudan Raju Konduru & Jyothirmayi Gadhiraaju & Venkat Reddy Thandra	116 Collin Ct	Murphy	TX, 75094	Lavon State Hwy 78	Lavon	TX, 75166	Abs A0638 William H Moore Survey, Sheet 2, Tract 6, 9.372 Acres

CUP Letters for Racetrac

Collin County	2300 Bloomdale Rd.	McKinney	TX, 75071	121 Private Rd 5681	Lavon	TX, 75166	Abs A0638 William H Moor Survey, Sheet 2, Tract 27, 2.39 Acres
Bear Creek Commercial Properties LP C/O Ad Valorem Tax Dept	2101 Cedar Springs Rd. Ste 600	Dallas	TX, 75201	1008 S St. Hwy 78	Lavon	TX, 75166	Abs A0121 W A S Bohannan Survey, Sheet 3, Tract 65, 2.7588 Acres



SUPPLEMENTAL NOTICE OF PUBLIC HEARING BY TELEPHONE CONFERENCE

In accordance with order of the Office of the Governor issued March 16, 2020, the Planning and Zoning Commission of the City of Lavon will conduct the meeting scheduled for March 24, 2020 at 7:00 p.m. by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19). There will be no physical location for the meeting. The meeting agenda and packet will be posted online at www.cityoflavon.com.

The public dial-in number to participate in the telephonic meeting is **425-436-6349**.
The Access Code to the public meeting is **856485**.

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting. A recording of the telephonic meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

The April 7, 2020 meeting agenda will be posted on April 3, 2020 at www.cityoflavon.com and will specify if the meeting will occur in person or by telephone.

Updated: March 19, 2020

Previously mailed notice:



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, **March 24, 2020** 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, **April 7, 2020** at Lavon City Hall. At such times and place, the Commission and the Council will receive comments and consider the application for:

- 1) a Conditional Use Permit for an automobile fueling and gasoline filling station at 9930 SH 78, WAS Bohannon Survey, ABS 0121, Sheet 3, Tracts 54, 68 and 72, CCAD Property IDs 2593398, 2133957 and 2664090, southwest of the intersection of SH 78 and SH 205, City of Lavon, Texas.

Additional information 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.



**CITY OF LAVON, TEXAS
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PLANNING AND ZONING COMMISSION
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Additional information regarding the requests is on the reverse of this notice and 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@cityoflavon.org*

Information Regarding Request

1) Conditional Use Permit (CUP) for automobile fueling and gasoline service station

Per City of Lavon Code of Ordinances, Chapter 9, Exhibit B – Zoning Ordinance, Chapter 6, Regulations Applicable to Mixed Use and Nonresidential Districts – Section 9.1.6.1 Retail District (R), C) Conditional Uses 1) Automobile fueling and gasoline filling station.

www.cityoflavon.com

The area of the proposed CUP is 62.39 feet from the nearest residentially developed property and is further separated by an existing masonry wall.



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NOTICE OF PUBLIC HEARINGS BEFORE THE
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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)

Signature: 

Name (printed): David Hopkins

Address: 7995 LBJ Fwy Suite 250 Dallas TX 75251

Phone/Email Address (optional): _____

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

RECEIVED
MAR 23 2020
CITY OF LAVON



CITY OF LAVON Agenda Brief

MEETING: April 7, 2020

ITEM: 10 – D

Item:

Public hearing, discussion and action regarding the application for a zoning change from Temporary Agricultural (A) to Planned Development – Mixed Use (PD-MU) zoning district consisting of single family residential uses with 109 lots on 32 acres associated with SF-4 (avg lot 8500 sq ft) and retail uses on 27 acres associated with R described as Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2152129), southwest of the intersection of SH 78 and FM 6, City of Lavon, Texas, requested by Lavon 678 Development, LLC.

- 1) Presentation of request.
- 2) **PUBLIC HEARING** to receive comments regarding the request.
- 3) Discussion and action regarding the request and accompanying Ordinance No. 2020-04-04.

Application Information

- Owner(s):** Lavon 678 Development, LLC
- Applicant:** Bryan Klein, ION Design Group LLC
- Location:** Southwest of the intersection of SH 78 and FM 6/Lake Road (CR 486) and east of and adjacent to Bently Farms
- Description:** Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2152129), (59 acres)
- Current Zoning:** Agricultural (A)
- Request:** Planned Development – Mixed Use (PD-MU) residential and commercial uses

Background

On January 28, 2020, the Planning and Zoning Commission conducted a public hearing on the application and deferred action at the applicant's request. Because of the published and mailed notices, on February 3, 2020, the City Council opened and continued a public hearing on the application. No comments were offered and no action was taken on the application. On February 13, 2020, the applicant withdrew the original November 12, 2019 application and submitted a new application. The revised supporting documents were received on March 11, 2020.

A new notice of the public hearing was published and posted, signs were placed on the property and new notices were mailed to the owners of property located within 200 feet of the subject property.

Request Details

The concept plan provides for retail uses along SH 78 and a combination of retail and residential uses abutting the residential properties in Bently Farms. There have been no identified retail users disclosed at this time.

Residential Density: The proposed development is situated on 59 acres, of which 32 acres are specified for residential development. The applicant is seeking approval of a maximum 109 residential lots with minimum lot area of 7,200 square foot (.165 acres), minimum lot width of sixty feet (60') and a minimum lot depth of one hundred and twenty-five feet (120'). The proposed density per acre is 3.4 units per acre. The project will be served by the City's wastewater system.

Zoning: The following uses are provided for in the proposed Planned Development:

Residential – provides for single-family detached dwelling units and accessory uses. Zoning standards of design such as architectural details, masonry, roof material and pitch requirements and garage orientation are not permitted per state law but may be addressed through deed restrictions or covenants. Guidelines for landscaping and fencing beyond the minimum zoning requirements have been proposed.

Exceptions to the SF-4 District standards are included on a table provided with the application and include changing: the minimum lot width from 80' to 60'; the minimum lot width on a corner lot from 100' to 70'; minimum lot depth from 125' to 120'; minimum side yard from 10' to 7.5'; corner side yard from 25' to 15'; and the minimum rear yard double-frontage from 45' to 25'.

Exceptions to the SF-4 District permitted uses are included on a table provided with the application and include changing real estate model home from a conditional to a permitted use; prohibiting the conditional use of wind energy, utility or communication towers; and permitting the conditional use of a temporary concrete batch plant. Lot coverage and accessory structure size restrictions would affect any accessory uses.

Commercial – provides for the uses permitted in the Retail (R) districts with exceptions noted on the Zoning Use table.

Exceptions to the Retail District standards are included on a table provided with the application and include changing: minimum lot are from one acre to ½ acre lots as permitted on the concept plan (note: the minimum area of commercial lots adjacent to Bentley Farms remains one acre); a conditional use provision for larger maximum building size and for otherwise certain prohibited canopies, drive-thru lanes and service doors; and the minimum sidewalk width from 8' to 6' and removal of the requirements regarding shade provision.

Numerous proposed exceptions to the Retail District permitted and conditional uses are included on a table provided with the application. Proposed variances are consistent with other approve planned developments.

Subsequent to and in response to comments at the Planning and Zoning Commission meeting, the applicant clarified that the separation between uses along the proposed commercial property adjacent to Bentley Farms will have a 15' dense landscape buffer and drainage area.

Floodplain: The developer has advised that the proposed development does 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 three points of ingress and egress with the main entrances being on SH 78 and a secondary entrance on Lake Road (CR 486). Proposed access adequately provides for public safety and transportation considerations. Improvements will be installed in accordance with the Traffic Impact Analysis (TIA) to be prepared in conjunction with platting.

Parkland Development: The applicant has identified three acres within the development specified for open space, landscape and detention.

Planning and Zoning Commission Report

MOTION: RECOMMEND APPROVAL OF THE APPLICATION FOR A ZONING CHANGE FROM TEMPORARY AGRICULTURAL (A) TO PLANNED DEVELOPMENT – MIXED USE (PD-MU) ZONING DISTRICT CONSISTING OF SINGLE FAMILY RESIDENTIAL USES WITH 109 LOTS ON 32 ACRES ASSOCIATED WITH SF-4 (AVG LOT 8500 SQ FT) AND RETAIL USES ON 27 ACRES ASSOCIATED WITH R DESCRIBED AS SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740, (CCAD PROPERTY ID 2152129), SOUTHWEST OF THE INTERSECTION OF SH 78 AND FM 6, CITY OF LAVON, TEXAS, REQUESTED BY LAVON 678 DEVELOPMENT, LLC.

MOTION MADE: NABORS
SECONDED: COKER
APPROVED: UNANIMOUS
SEAT 1- CURLEY ABSENT
SEAT 2- NABORS FOR
SEAT 3- COKER FOR
SEAT 4- SMITH FOR
SEAT 5- ROSENQUIST FOR

Staff Notes:

The proposed application is consistent with the Future Land Use Plan and the Comprehensive Plan. Twenty-four (24) neighbor notices were mailed to the owners of property located within 200 feet of the applicant’s property. Three (3) notices were returned in opposition to the request.

- Attachments:**
- 1. Proposed Ordinance No. **2020-04-04**
 - 2. Application with concept plan, use and standards variance tables
 - 3. Location exhibits
 - 4. Developer presentation
 - 5. Staff notes / developer responses
 - 6. Neighbor notices

CITY OF LAVON
ORDINANCE NO. 2020-04-04

Planned Development – Lake Breeze

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 59 ACRE TRACT OF LAND DESCRIBED HEREIN AND LOCATED GENERALLY SOUTHWEST OF THE INTERSECTION OF CR 486/LAKE ROAD 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 59 acres described as Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2152129), southwest of the intersection of SH 78 and CR 486/Lake Road, Collin County, Texas for one-hundred nine (109) 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 Uses and Design Regulations 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 be 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 7th day of April 2020.

Vicki Sanson
Mayor

ATTEST:

Kim Dobbs
City Administrator/City Secretary

ORDINANCE NO. 2020-04-04
EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

BEING A TRACT OF LAND LOCATED IN THE S.M. RANIER SURVEY, ABSTRACT NO. 740, COLLIN COUNTY, TEXAS AND BEING PART OF A TRACT OF LAND DESCRIBED IN DEED TO LAVON 678 DEVELOPMENT, LLC, RECORDED IN INSTRUMENT NO. 20190522000575640, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.C.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER IN THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 78, A VARIABLE WIDTH RIGHT-OF-WAY, AT THE SOUTH COMMON CORNER OF SAID LAVON 678 DEVELOPMENT TRACT AND BENTLY FARMS, AN ADDITION TO THE CITY OF LAVON, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT THERE OF RECORDED IN CABINET M, SLIDE 189, MAP RECORDS, COLLIN COUNTY, TEXAS (M.R.C.C.T.);

THENCE NORTH 00°54'13" EAST, ALONG THE COMMON LINE OF SAID LAVON 678 DEVELOPMENT TRACT AND SAID ADDITION, PASSING A 1/2-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID ADDITION AND BENTLY FARMS PHASE TWO, AN ADDITION TO THE CITY OF LAVON, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET N, SLIDE 169, M.R.C.C.T., AND CONTINUING NORTHERLY, ALONG THE COMMON LINE OF SAID LAVON 678 DEVELOPMENT TRACT AND SAID BENTLY FARMS PHASE TWO, FOR A TOTAL DISTANCE OF 1,275.00 FEET TO A POINT FOR CORNER IN THE SOUTH LINE OF BENTLY FARMS PHASE THREE, AN ADDITION TO THE CITY OF LAVON, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET Q, SLIDE 56, M.R.C.C.T. AT THE NORTHEAST CORNER OF SAID BENTLY FARMS PHASE TWO;

THENCE SOUTH 89°54'53" EAST, ALONG THE COMMON LINE OF SAID LAVON 678 DEVELOPMENT TRACT AND SAID BENTLY FARMS PHASE THREE, A DISTANCE OF 218.76 FEET TO A 1/2-INCH IRON ROD WITH AN ORANGE CAP (ILLEGIBLE) FOUND AT THE SOUTHEAST CORNER OF SAID BENTLY FARMS PHASE THREE;

THENCE NORTH 08°52'29" WEST, CONTINUING ALONG THE COMMON LINE OF SAID LAVON 678 DEVELOPMENT TRACT AND SAID BENTLY FARMS PHASE THREE, A DISTANCE OF 1,169.81 FEET TO A 1/2-INCH IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID BENTLY FARMS PHASE THREE AND THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO DONALD M. BROCK, RECORDED IN INSTRUMENT NO. 20101101001187570, O.P.R.C.C.T.;

THENCE NORTH 10°18'42" WEST, ALONG THE COMMON LINE OF SAID LAVON 678 DEVELOPMENT TRACT AND SAID BROCK TRACT, A DISTANCE OF 140.98 FEET TO A 1/2-INCH IRON ROD WITH A YELLOW CAP STAMPED "RHODES SURVEYING" FOUND AT THE EAST COMMON CORNER OF SAID BROCK TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO VICTORIA MEIRELES, RECORDED IN INSTRUMENT NO. 20190110000032130, O.P.R.C.C.T., SAID POINT BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO SCOTT EVANS, RECORDED IN INSTRUMENT NO. 20190522000575660, O.P.R.C.C.T.;

THENCE NORTH 79°47'22" EAST, LEAVING SAID COMMON LINE AND ALONG THE SOUTH LINE OF SAID EVANS TRACT, A DISTANCE OF 410.48 FEET TO THE SOUTHEAST CORNER OF SAID EVANS TRACT;

THENCE NORTH 00°31'02" EAST, ALONG THE EAST LINE OF SAID EVANS TRACT, A DISTANCE OF 568.43 FEET TO A POINT IN COUNTY ROAD 486 AND THE NORTH LINE OF SAID LAVON 678 DEVELOPMENT TRACT AT THE NORTHEAST CORNER OF SAID EVANS TRACT;

THENCE SOUTH 89°28'18" EAST, ALONG THE NORTH LINE OF SAID LAVON 678 DEVELOPMENT TRACT AND SAID COUNTY ROAD, A DISTANCE OF 760.88 FEET TO A PK NAIL FOUND AT THE NORTH COMMON CORNER OF SAID LAVON 678 DEVELOPMENT TRACT AND THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN INSTRUMENT NO. 20120329000364840, O.P.R.C.C.T.;

THENCE SOUTHEASTERLY, ALONG THE SOUTHWESTERLY LINES OF SAID STATE OF TEXAS TRACT. THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

SOUTH 01°08'51" EAST, A DISTANCE OF 39.57 FEET TO AN ALUMINUM DISK STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION ROW MONUMENT" (TXDOT MONUMENT) FOUND FOR CORNER;

SOUTH 71°57'36" EAST, A DISTANCE OF 207.76 FEET TO A POINT FOR CORNER;

NORTH 89°32'49" EAST, A DISTANCE OF 130.00 FEET TO A TXDOT MONUMENT FOUND FOR CORNER;

SOUTH 09°18'37" EAST, A DISTANCE OF 195.44 FEET TO A TXDOT MONUMENT FOUND FOR CORNER IN SAID WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 78, AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 19°21'05", A RADIUS OF 5,669.58 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 24°05'10" WEST, 1,905.79 FEET;

THENCE SOUTHWESTERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

SOUTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 1,914.88 FEET TO A 1/2-INCH IRON ROD (POSSIBLE TXDOT MONUMENT MISSING CAP) FOUND FOR CORNER;

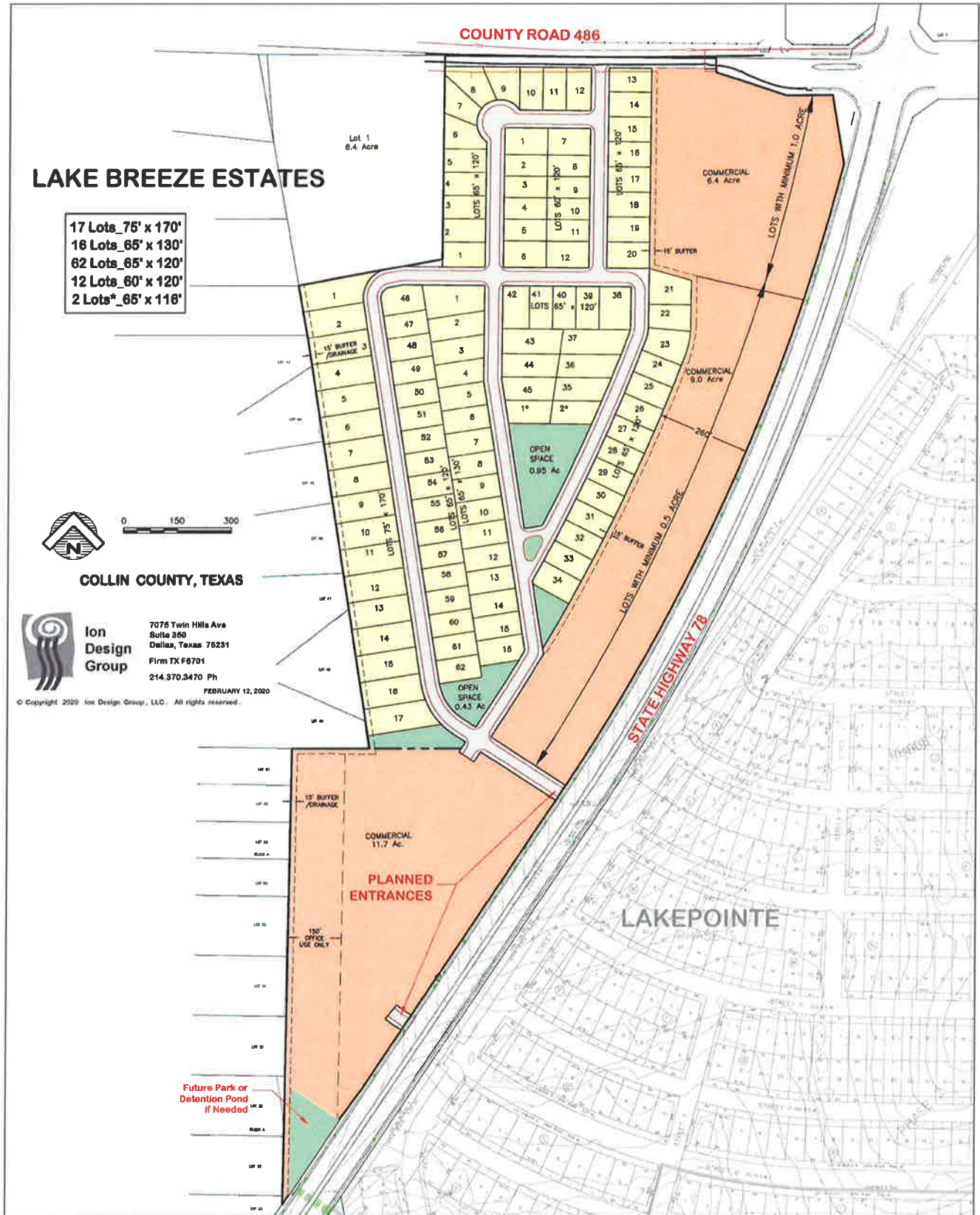
SOUTH 33°43'13" WEST, A DISTANCE OF 1,011.55 FEET TO A TXDOT MONUMENT FOUND FOR CORNER;

SOUTH 36°35'49" WEST, A DISTANCE OF 99.87 FEET TO A TXDOT MONUMENT FOUND FOR CORNER;

SOUTH 33°43'13" WEST, A DISTANCE OF 295.82 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 2,581,937 SQUARE FEET OR 59.273 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE (4202) AS DERIVED FROM GPS OBSERVATIONS. ALL DISTANCES AND AREAS ARE SURFACE MEASUREMENTS.

ORDINANCE NO. 2020-04-04
EXHIBIT B
CONCEPT PLAN



LAKE BREEZE ESTATES

17 Lots_75' x 170'
 16 Lots_65' x 130'
 62 Lots_65' x 120'
 12 Lots_60' x 120'
 2 Lots_65' x 116'



0 150 300

COLLIN COUNTY, TEXAS



**Ion
Design
Group**

7076 Twin Hills Ave
 Suite 360
 Dallas, Texas 76231
 Firm TX F6704
 214.370.3470 Ph

FEBRUARY 12, 2020

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ORDINANCE NO. 2020-04-04
EXHIBIT C

ZONING USES AND DESIGN GUIDELINES



Date: April 1, 2020
To: Kim Dobbs, City Administrator / City Secretary
From: Bryan D. Klein, Managing Director
Re: Lake Breeze Estates, Revised Zoning Application - Updated

Project: Lake Breeze Estates

Applicant: William Sorrels, Lavon 678 Development, LLC, 519 East I-30 Suite 723, Rockwall, TX 75087

Project Representative: Bryan D. Klein, Ion Design Group, LLC, 7075 Twin Hills Avenue, Dallas, TX 75231

Project Description: The 59-acre site is located immediately west of State Highway 78 and south of County Road 486. Applicant proposes to develop under the Planned Development District approximately 32 acres of single-family residential development and approximately 27 acres of commercial/office development. The proposed 109 residential lots encompassing approximately 21.5 acres of the residential acreage will follow the SF-4 Single-Family District standards and uses with some modifications and the retail commercial will follow the Retail District standards and uses with some modifications as shown below (all open space will be maintained by Homeowners/Property Owners Association):

SF-4 Standards	Existing SF-4	Modification
D) Following are the yard, lot and space requirements for the Single Family-4 District. (SF-4)		
1. Density - Maximum:		
	4 units per gross acre	No Change (Proposed = 3.4 units per gross acre)
2. Lot Size		
a) Minimum Lot Area:	10,000 sf	7200 sf (average lot size is 8500 sf) ¹
b) Minimum Lot Width:	80 feet	60 feet ²
c) Minimum Lot Width of Corner Lots:	100 feet	70 feet
d) Minimum Lot Depth:	125 feet	120 feet ²
3. Dwelling Regulations		
a) Minimum Square Footage:	1,500 sf	No Change
b) Maximum Number of Single-Family Detached Dwellings Units Per Lot:	1	No Change
4. Yard Requirements - Main Structures.		
a) Minimum Front Yard:	25 feet	No Change
b) Minimum Side Yard:	10 feet	7.5 feet
c) Minimum Side Yard of Corner Lots:	25 feet	15 feet ²
d) Minimum Side Yard of Allowable Nonresidential Use:	30 feet	No Change
e) Minimum Rear Yard:	25 feet	No Change ²
f) Minimum Rear Yard Double Front Lots:	45 feet	25 feet ²
g) Maximum Lot Coverage:	45%	45%
5. Height of Structures.		
a) Maximum Main Structure:	40 feet	No Change
b) Maximum Accessory Structure:	15 feet	No Change
E) Additional Provisions.		
¹ Average lot size is defined as total acreage in residential lots divided by total number of lots as shown on the Concept Plan. ² Up to 10% of the residential lots may deviate (reduction) from the required minimum lot depth, width, rear setback or corner lot side yard setback by no more than 10%.		

Retail District Standards		Retail	Modification
D)	Area Requirements.		
1.	Minimum Lot Area:	1 acre (43,560 sf)	½ acre lots permitted as shown on Concept Plan
2.	Lot Dimensions:	None	No Change
3.	Minimum Building Size:	2,500 sf	No Change
4.	Maximum Building Size:	20,000 sf	Larger square footage permitted upon approval of CUP
5.	Yard Requirements - Main Structures.		
	a) Minimum Front Yard:	25 feet	No Change
	b) Minimum Side Yard:	7 feet except adjoining residential where side yard shall be 15 feet	No Change
	c) Minimum Side Yard of Corner Lots:	25 feet	No Change
	d) Minimum Rear Yard:	None except adjoining residential where rear yard shall be 15 feet	No Change
	e) Minimum Rear Yard Double Front Lots:	25 feet	No Change
	f) Maximum Lot Coverage:	80%	No Change
6.	Height of Structures.		
	a) Maximum Main Structure:	45 feet	No Change
	b) Maximum Accessory Structure:	14 feet	No Change
E)	Building Placement, Orientation and Site Design.		
1.	No service canopies, drive-thru lanes, service doors for auto or similar service shall face the public street nor a residential lot or residential zoning district.		Permitted upon approval of CUP
2.	All utility lines (power, phone, cable, etc.) shall be placed underground.		No Change
3.	Sidewalks (8 foot minimum width) shall be provided along lot lines adjoining the public streets. Interior walkways are required and shall be connected to adjoining public sidewalks.		6 foot min.
4.	Marked pedestrian crosswalks shall be provided at all public street intersections adjoining the development.		No Change
5.	Architectural and/or landscape elements shall be designed to provide shade on the south and west exposures to protect patrons in plazas, patios and other public spaces.		No Applicable
6.	Shopping cart areas, within the tenant space shall be screened from view with decorative screening or landscaping as high as the carts.		No Change
7.	Exterior display of retail sales, vending, amusements and seasonal sales shall be pre-planned and proposed locations for such activities shall be depicted on the site plan for approval by City.		No Change
8.	Accessory structures such as trash enclosures, utility services, telecommunication equipment and heating/cooling systems shall be screened from view of neighboring buildings, sites and roadways. Materials to screen around these systems shall match or compliment adjacent building materials. Gates shall not allow for view of the contents of the enclosure.		No Change
9.	Highly visible detention basins for storm drainage shall be contoured, use curvilinear design forms and shall be aesthetically landscaped and maintained.		No Change
10.	All sides of a building shall be designed with consistent architectural and façade elements. Roofline silhouettes shall be broken up through the use of large cornices, changes in parapet heights, or other techniques such as awnings, bulb-outs, and reliefs. At least fifty percent (50%) of the total façade shall use features such as windows, awnings, entryways, columns, architectural relief to discourage long expanses of bare wall. All exterior metals and plastics (vents, flashings, and gutters) shall be screened from view, painted or treated to blend in with the adjacent surrounding materials.		No Change
11.	All glass, plastic or other transparent materials shall be treated to eliminate reflective glare.		No Change
12.	Retail and Commercial Uses adjacent to a residential use or zone shall provide a masonry wall or dense landscaped screen along the lot line from the front yard through the rear yard.		No Change

Zoning Use Table	P = Permitted Use	C = Conditional Use	-- = Not Permitted
RESIDENTIAL USES			SF-4 Retail
Single family (SF) detached dwelling	P		--
Home based business within a SF dwelling	P		--
Single family - zero lot line	--		--
Single family attached - townhomes	--		--
Duplex	--		--
Multi-family dwelling	--		--
Real estate model home and temporary construction buildings	C P		-- P
Vertically mixed use multifamily residential and retail	--		--
Bed and Breakfast	--		--
Manufactured home detached dwelling park	--		--
Guest house, caretaker or security quarters for SF dwelling	--		--
Accessory structure with restrictions	P		--
SF parking garage	P		--
SF swimming pool	P		--
SF hobby shed	P		--
SF tennis court	P		--
RETAIL, COMMERCIAL, PERSONAL SERVICE USES			SF-4 Retail
Amusement establishment	--		C P
Animal boarding, kennel or shelter (indoor only)	--		-- P
Automobile fueling station (limited to one in PD)	--		C P
Automobile service establishment	--		C
Bakery/confectionery retail establishment	--		C
Building material sales	--		C P
Business service and sales	--		P
Car wash	--		C
Cash and retail lending service establishment	--		C
Commercial greenhouse or nursery	--		--
Commercial stable	--		--
Dry-cleaning retail establishment	--		C P
Establishments > 75% revenue from alcohol sales	--		C
Exercise and sports establishment	--		C P
Financial institution	--		P
Home and residence services	--		P
Hotel and other hospitality establishments	--		C P
Insurance	--		P
Medical and state licensed health services	--		P
Merchandise rental	--		C P
Nursery, garden, landscape material sales	--		C P
Outdoor or drive-thru sales or service	--		C P
Personal services	--		P
Pet grooming and care services	--		C P
Pharmacy	--		P
Private clubs and organizations (indoor)	--		C
Professional service and sales	--		P
Recreational vehicle park	--		--
Real estate	--		P
Restaurant with drive-thru operations permitted	--		P
Retail sales	--		P
Retail storage facilities (See Additional Development Standards)	--		C P
Second-hand/used goods/pawn shop	--		C --
Tattoo service and similar body artwork	--		C --
Technical service and sales	--		P

Vapor smoking services	--	C --
Vehicle display and sales	--	--
Vehicle parking garage	--	--
Vertically mixed use retail and multifamily residential	--	--
Veterinarian service, animal clinic (indoor only)	--	C P
INSTITUTIONAL & CIVIC USES	SF-4	Retail
Cemetery or mausoleum	--	--
Church or place of worship	P	C P
Community recreational use	C	-- P
Community swimming pool	C	-- P
Country club	C	--
Day care and educational facility - privately-owned	C	P
Educational facility - public	P	--
Federal, State or City owned or controlled facilities	P	P
Franchise-holding facilities and utilities	C	--
Golf course	C	--
Municipal uses	P	P
Nursing home, assisted living facility and independent living	--	-- P
Open Space Preserves	P	P
Public parks and playgrounds including private playgrounds	P	P
Public recreational facilities	P	P
Wind energy, utility or telecommunication tower	C --	--
AGRICULTURAL USES	SF-4	Retail
Animal husbandry, livestock	--	--
Crop cultivation, forestry, farming	--	--
Dairy farm	--	--
Wholesale plant nursery	--	--
Horse stables, riding academies and equestrian boarding	--	--
INDUSTRIAL USES	SF-4	Retail
Auto, tool or equipment rental	--	-- P
Commercial cleaning or laundry plant	--	--
Data center and software design	--	--
Information assembly, broadcasting, carriers	--	--
Information data processing	--	--
Information distribution, publication, production	--	--
Information telecommunication, sellers	--	--
Machinery, heavy equipment, truck sales and service	--	--
Manufacturing - appliance, instrument, controller	--	--
Manufacturing - device, parts, vehicle	--	--
Manufacturing - die, tooling, equipment, machinery	--	--
Materials bending, cutting, machining, molding, welding	--	--
Medical or scientific laboratory	--	--
Open storage and open processing operations	--	--
Outside sales and storage	--	--
Packaging of parts and materials previous manufactured	--	--
Parts assembly, materials sorting previous manufactured	--	--
Professional, scientific and technical services	--	--
Storage of flammable liquids and materials	--	--
Temporary concrete batch plant servicing the PD	C P	-- P
Trade contractor office and dispatch	--	--
Truck repairs and service	--	--
Warehousing and distribution facilities	--	--
Wholesale enterprises w/o materials storage and distribution	--	--

Additional Development Standards for Lake Breeze Estates

Concept Plan

- a. The Concept Plan may be modified by applicant to the extent noted below:
 1. There is no increase in the overall number of residential lots.
 2. As more detailed engineering and platting are completed, the boundaries between the area designated as residential and the area designated as commercial/office & institutional on the Concept Plan may be adjusted up to 50 feet without additional approvals. Adjustment to boundaries shall not reduce the required setbacks/buffers shown on the Concept Plan.
 3. Overall acreages of designated as residential and commercial/office & institutional uses may be modified up to 5% without additional approvals. Modification of acreages shall not reduce the required setbacks/buffers shown on the Concept Plan.
- b. Park, Landscaped Open Space and Potential Detention Area:
 1. Areas designated as "Park, Landscaped Open Space and Potential Detention Areas" are shown on the Concept Plan.
 2. All park, landscaped open space and potential detention areas within the residential areas shall be owned and maintained by the Home Owners Association and by the Property Owners Association within the commercial areas.

Residential Area

Residential Structures: The following standards pertain to residential structures within Lake Breeze:

- a. There shall be no duplication of the same house elevation or exterior color palette within three adjacent lots on either side of the lot or on the lot directly across the street.
- b. All elevations of residential structures (excluding doors and windows) shall be 80% masonry or stone construction as the primary building material; except the rear elevation may be a minimum of 50% masonry or stone if the remainder of the rear elevation is constructed of cementitious fiberboard.
- c. Cementitious fiberboard shall be used as a secondary façade material in locations where wood material would be utilized; when installed as overlapping boards, cementitious fiberboard shall be installed horizontally.
- d. Vinyl siding or similar façade materials shall be prohibited.
- e. All roofs will have a minimum roof pitch of 8:12 within 80% of the roof area.
- f. Roof shingles throughout the development shall have the same color tones and be a minimum 30-year asphalt composition.
- g. Heating and air conditioning equipment shall be located in rear yards unless inside main fenced yard area.

Fence Standards. Fencing within residential building lots shall meet the following standards:

- a. Fences shall be located only within the side or rear lot area of the lot on which they are constructed and shall not exceed 6 feet in height.
- b. Fences shall be constructed of spruce or cedar with steel support posts installed in concrete footings.

- c. If abutting a public street or open spaces or a side lot line of another residential lot, fences shall be stained and have pickets placed on the public side facing the street, open space or side lot line of adjacent lot.
- d. Fencing abutting CR 486 shall have caps on support posts and shall have standardized construction along the entire length of CR 486.
- e. Fences may not be located within the front yard forward of the front building face (front of the house on the lot on which they are constructed).
- f. If located on a corner lot, side yard fencing shall not extend further than 15 feet beyond the side of the home which is adjacent to street.
- g. All fencing shall be in place prior to issuance of a certificate of occupancy.
- h. Installation of the masonry wall abutting the commercial development shall be required prior to completion of each phase of the residential development abutting the planned commercial area.

Home Owners Association: A Homeowners Association shall be established to own and maintain all neighborhood parks, open spaces, common areas, drainage and detention areas that are within the residential area. Membership is mandatory for all residential lot owners.

Landscaping: The following landscaping shall be provided within the residential area:

- a. Each residential building lot shall be fully sodded (20% may be other landscape materials) and fully irrigated.
- b. Each lot shall have a minimum of one 3-inch (DBH) caliper tree installed in the front or rear yard.
- c. Each lot shall have front yard landscaping containing mulch and a minimum of two 10-gallon shrubs, eleven 5-gallon shrubs or native grasses, fourteen 3-gallon shrubs or native grasses.

Mailboxes: Cluster mailboxes shall be utilized in accordance with USPS standards and shall be placed within reasonable proximity to a streetlight.

Platting. The preliminary plat for the residential area shall serve as the required Site Plan and shall generally conform to the Concept Plan.

Sidewalks:

- a. Residential sidewalks shall be 5 feet in width installed by the home builder and located within the public rights-of-way or within an easement on the residential lot.
- b. Sidewalks along residential streets not abutting residential lots shall be constructed by the developer prior to completion of each phase of the residential development.
- c. A residential sidewalk shall be provided along CR 486 east of the residential entryway into Lake Breeze Estates to connect the residential area to the commercial area of Lake Breeze Estates abutting CR 486.

Utilities: Installation of new utility service shall be underground except for required aerial service from existing utility poles; above ground utility service shall be permitted for utility appurtenances such as transformers, switch gears, meters, and temporary lines during construction.

Commercial Area

Access Easements: Commercial lots shall provide access easements to adjacent commercial lots.

Buffer Areas - Masonry Wall & Landscape/Drainage Area:

- a. A 15-foot buffer area shall be provided on commercial lots abutting Lake Breeze Estates residential lots and a 6-foot masonry wall shall be required to be constructed abutting these lots residential lots prior to completion of each phase of the residential development.

- b. A 15-foot dense landscaped buffer and drainage area shall be provided along the westernmost edge (and a small area to the north) of the office/institutional area abutting Bently Farms residential lots at the time the office/institutional uses are constructed.

Designated Office/Institutional Area: The westernmost 150 feet of the commercial area and a 50-foot area abutting a portion of a residential lot within Bently Farms shall be limited to office or institutional uses and required drainage/detention improvements (see Concept Plan).

Landscaping. A 20-foot landscaped area shall be provided adjacent to the public rights-of-way along State Highway 78 and FM 486 and a 10-foot landscaped area shall be provided adjacent to entry streets along interior streets.

Lighting: Lighting within the commercial area shall not create light trespass within adjacent residential areas.

Platting. Prior to issuance of commercial building permits, a Site Plan shall be provided showing an overall design theme for planned commercial buildings, egress and ingress points, and landscaping.

Property Association: A Property Association shall be established to own and maintain all common areas, drainage and detention areas that are within the commercial area. Membership is mandatory for all commercial lot owners.

Retail Storage Facilities (self-storage facilities): Retail storage facilities shall have a maximum height of 24 feet and screened with a masonry or concrete sight-barring wall at least 8 feet in height incorporated into the building's structure. No storage facility shall be within 250 feet of Highway 78 or CR 486 on the lot shown on the Concept Plan as "Commercial 6.4 acres" or within 100 feet of the Highway 78 right-of-way on the remainder of the commercial acreage.

Sidewalks: Upon development of commercial lots, a minimum of 6-foot wide sidewalks shall be constructed to provide pedestrian connections within commercial areas and connecting to the Lake Breeze Estates residential area.

Utilities: Installation of new utility service shall be underground except for required aerial service from existing utility poles; above ground utility service shall be permitted for utility appurtenances such as transformers, switch gears, meters, and temporary lines during construction.

City of Lavon Entry Sign: Lake Breeze Estates will work with the City of Lavon to locate a suitable site for a "City of Lavon" sign of the type and size currently constructed by the City, provided such location does not limit the usability of the commercial area.



CITY OF LAVON

120 School Road, P.O. Box 340, Lavon, TX 75166
(972) 843-4220
cityhall@cityoflavon.org

APPLICATION FOR ZONING CHANGE

Lavon 678 Development, LLC 2/13/20
Applicant Name Date

Bryan Klein, Ion Design Group, LLC 214 228 0132
Representative, Agent or Owner Phone

Ion Design Group, LLC bryan@iondesigngroup.net
Company Email address

7075 Twin Hills Avenue #350 Dallas, TX 75231
Street City, State, Zip

South of County road 486, west of state highway 78
Address and Location of Property

ABS A0740 5M Rainer Survey Sheet 1, Tract 59 (59.29 acres)
Legal Description of Property

Existing Zoning: AG

PROPOSED Zoning: PD

There (ARE) ARE NOT (circle one) deed restrictions pertaining to the intended use of the property.

Attach a Plat or exhibit showing the property which is the subject of this request.

I CERTIFY THAT I AM THE LEGAL OWNER OF THE ABOVE REFERENCED PROPERTY, OR THE AUTHORIZED AGENT, AND THAT TO THE BEST OF MY KNOWLEDGE THIS IS A TRUE DESCRIPTION OF THE PROPERTY UPON WHICH I HAVE REQUESTED THE ABOVE ACTION. I UNDERSTAND THAT I AM FULLY RESPONSIBLE FOR THE ACCURACY OF THE LEGAL DESCRIPTION GIVEN.

Signature of Applicant or Representative: [Signature]

For Office Use Only

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

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

RECEIVED
FEB 13 2020
CITY OF LAVON



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

Authorization of Representation

Date: 2/13/20

To the City of Lavon
 Collin County, Texas

This letter will serve as notice that I/we, Lavon 678 Development, 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 Bryan Klein / Ian Design Group 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]
 Signature (Owner)

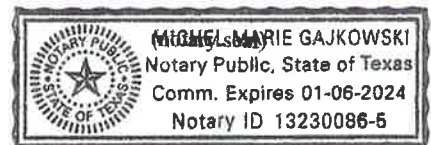
 Signature (Owner)

 Signature (Owner)

The State of Texas
 County of Rockwall

Before me, the undersigned authority, appeared William Sorens,
 on this the 13th day of February, 2020.

Michal Gajkowski [Signature]



Notary Public in and for Rockwall

County, Texas **RECEIVED**

FEB 13 2020

CITY OF LAVON



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

Declaration of Ownership

Date: 2/13/20

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Lavon 678 Development, 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]
Signature (Owner)

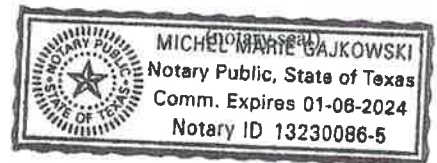
Signature (Owner)

Signature (Owner)

The State of Texas
County of Rockwall

Before me, the undersigned authority, appeared William Sonnes,
on this the 13th day of FEBRUARY, 2020.

[Signature]



Notary Public in and for Rockwall County, Texas

RECEIVED

FEB 13 2020

CITY OF LAVON



RECEIVED
 APR 02 2020
 CITY OF LAVON

Date: April 1, 2020
To: Kim Dobbs, City Administrator / City Secretary
From: Bryan D. Klein, Managing Director
Re: Lake Breeze Estates, Revised Zoning Application - Updated

Project: Lake Breeze Estates

Applicant: William Sorrels, Lavon 678 Development, LLC, 519 East I-30 Suite 723, Rockwall, TX 75087

Project Representative: Bryan D. Klein, Ion Design Group, LLC, 7075 Twin Hills Avenue, Dallas, TX 75231

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a) Minimum Square Footage:	1,500 sf	No Change
b) Maximum Number of Single-Family Detached Dwellings Units Per Lot:	1	No Change
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c) Minimum Side Yard of Corner Lots:	25 feet	15 feet ²
d) Minimum Side Yard of Allowable Nonresidential Use:	30 feet	No Change
e) Minimum Rear Yard:	25 feet	No Change ²
f) Minimum Rear Yard Double Front Lots:	45 feet	25 feet ²
g) Maximum Lot Coverage:	45%	45%
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E) Additional Provisions.		
¹ Average lot size is defined as total acreage in residential lots divided by total number of lots as shown on the Concept Plan.		
² Up to 10% of the residential lots may deviate (reduction) from the required minimum lot depth, width, rear setback or corner lot side yard setback by no more than 10%.		

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2.	Lot Dimensions:	None	No Change
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1.	No service canopies, drive-thru lanes, service doors for auto or similar service shall face the public street nor a residential lot or residential zoning district.		Permitted upon approval of CUP
2.	All utility lines (power, phone, cable, etc.) shall be placed underground.		No Change
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6.	Shopping cart areas, within the tenant space shall be screened from view with decorative screening or landscaping as high as the carts.		No Change
7.	Exterior display of retail sales, vending, amusements and seasonal sales shall be pre-planned and proposed locations for such activities shall be depicted on the site plan for approval by City.		No Change
8.	Accessory structures such as trash enclosures, utility services, telecommunication equipment and heating/cooling systems shall be screened from view of neighboring buildings, sites and roadways. Materials to screen around these systems shall match or compliment adjacent building materials. Gates shall not allow for view of the contents of the enclosure.		No Change
9.	Highly visible detention basins for storm drainage shall be contoured, use curvilinear design forms and shall be aesthetically landscaped and maintained.		No Change
10.	All sides of a building shall be designed with consistent architectural and façade elements. Roofline silhouettes shall be broken up through the use of large cornices, changes in parapet heights, or other techniques such as awnings, bulb-outs, and reliefs. At least fifty percent (50%) of the total façade shall use features such as windows, awnings, entryways, columns, architectural relief to discourage long expanses of bare wall. All exterior metals and plastics (vents, flashings, and gutters) shall be screened from view, painted or treated to blend in with the adjacent surrounding materials.		No Change
11.	All glass, plastic or other transparent materials shall be treated to eliminate reflective glare.		No Change
12.	Retail and Commercial Uses adjacent to a residential use or zone shall provide a masonry wall or dense landscaped screen along the lot line from the front yard through the rear yard.		No Change

Zoning Use Table	P = Permitted Use	C = Conditional Use	-- = Not Permitted
RESIDENTIAL USES			SF-4 Retail
Single family (SF) detached dwelling	P		--
Home based business within a SF dwelling	P		--
Single family - zero lot line	--		--
Single family attached - townhomes	--		--
Duplex	--		--
Multi-family dwelling	--		--
Real estate model home and temporary construction buildings	C P		-- P
Vertically mixed use multifamily residential and retail	--		--
Bed and Breakfast	--		--
Manufactured home detached dwelling park	--		--
Guest house, caretaker or security quarters for SF dwelling	--		--
Accessory structure with restrictions	P		--
SF parking garage	P		--
SF swimming pool	P		--
SF hobby shed	P		--
SF tennis court	P		--
RETAIL, COMMERCIAL, PERSONAL SERVICE USES			SF-4 Retail
Amusement establishment	--		C P
Animal boarding, kennel or shelter (indoor only)	--		-- P
Automobile fueling station (limited to one in PD)	--		C P
Automobile service establishment	--		C
Bakery/confectionery retail establishment	--		C
Building material sales	--		C P
Business service and sales	--		P
Car wash	--		C
Cash and retail lending service establishment	--		C
Commercial greenhouse or nursery	--		--
Commercial stable	--		--
Dry-cleaning retail establishment	--		C P
Establishments > 75% revenue from alcohol sales	--		C
Exercise and sports establishment	--		C P
Financial institution	--		P
Home and residence services	--		P
Hotel and other hospitality establishments	--		C P
Insurance	--		P
Medical and state licensed health services	--		P
Merchandise rental	--		C P
Nursery, garden, landscape material sales	--		C P
Outdoor or drive-thru sales or service	--		C P
Personal services	--		P
Pet grooming and care services	--		C P
Pharmacy	--		P
Private clubs and organizations (indoor)	--		C
Professional service and sales	--		P
Recreational vehicle park	--		--
Real estate	--		P
Restaurant with drive-thru operations permitted	--		P
Retail sales	--		P
Retail storage facilities (See Additional Development Standards)	--		C P
Second-hand/used goods/pawn shop	--		C --
Tattoo service and similar body artwork	--		C --
Technical service and sales	--		P

Vapor smoking services	--	C--
Vehicle display and sales	--	--
Vehicle parking garage	--	--
Vertically mixed use retail and multifamily residential	--	--
Veterinarian service, animal clinic (indoor only)	--	C P
INSTITUTIONAL & CIVIC USES	SF-4	Retail
Cemetery or mausoleum	--	--
Church or place of worship	P	C P
Community recreational use	C	-- P
Community swimming pool	C	-- P
Country club	C	--
Day care and educational facility - privately-owned	C	P
Educational facility - public	P	--
Federal, State or City owned or controlled facilities	P	P
Franchise-holding facilities and utilities	C	--
Golf course	C	--
Municipal uses	P	P
Nursing home, assisted living facility and independent living	--	-- P
Open Space Preserves	P	P
Public parks and playgrounds including private playgrounds	P	P
Public recreational facilities	P	P
Wind energy, utility or telecommunication tower	C--	--
AGRICULTURAL USES	SF-4	Retail
Animal husbandry, livestock	--	--
Crop cultivation, forestry, farming	--	--
Dairy farm	--	--
Wholesale plant nursery	--	--
Horse stables, riding academies and equestrian boarding	--	--
INDUSTRIAL USES	SF-4	Retail
Auto, tool or equipment rental	--	-- P
Commercial cleaning or laundry plant	--	--
Data center and software design	--	--
Information assembly, broadcasting, carriers	--	--
Information data processing	--	--
Information distribution, publication, production	--	--
Information telecommunication, sellers	--	--
Machinery, heavy equipment, truck sales and service	--	--
Manufacturing - appliance, instrument, controller	--	--
Manufacturing - device, parts, vehicle	--	--
Manufacturing - die, tooling, equipment, machinery	--	--
Materials bending, cutting, machining, molding, welding	--	--
Medical or scientific laboratory	--	--
Open storage and open processing operations	--	--
Outside sales and storage	--	--
Packaging of parts and materials previous manufactured	--	--
Parts assembly, materials sorting previous manufactured	--	--
Professional, scientific and technical services	--	--
Storage of flammable liquids and materials	--	--
Temporary concrete batch plant serving the PD	C P	-- P
Trade contractor office and dispatch	--	--
Truck repairs and service	--	--
Warehousing and distribution facilities	--	--
Wholesale enterprises w/o materials storage and distribution	--	--

Additional Development Standards for Lake Breeze Estates

Concept Plan

- a. The Concept Plan may be modified by applicant to the extent noted below:
 1. There is no increase in the overall number of residential lots.
 2. As more detailed engineering and platting are completed, the boundaries between the area designated as residential and the area designated as commercial/office & institutional on the Concept Plan may be adjusted up to 50 feet without additional approvals. Adjustment to boundaries shall not reduce the required setbacks/buffers shown on the Concept Plan.
 3. Overall acreages of designated as residential and commercial/office & institutional uses may be modified up to 5% without additional approvals. Modification of acreages shall not reduce the required setbacks/buffers shown on the Concept Plan.
- b. Park, Landscaped Open Space and Potential Detention Area:
 1. Areas designated as “Park, Landscaped Open Space and Potential Detention Areas” are shown on the Concept Plan.
 2. All park, landscaped open space and potential detention areas within the residential areas shall be owned and maintained by the Home Owners Association and by the Property Owners Association within the commercial areas.

Residential Area

Residential Structures: The following standards pertain to residential structures within Lake Breeze:

- a. There shall be no duplication of the same house elevation or exterior color palette within three adjacent lots on either side of the lot or on the lot directly across the street.
- b. All elevations of residential structures (excluding doors and windows) shall be 80% masonry or stone construction as the primary building material; except the rear elevation may be a minimum of 50% masonry or stone if the remainder of the rear elevation is constructed of cementitious fiberboard.
- c. Cementitious fiberboard shall be used as a secondary façade material in locations where wood material would be utilized; when installed as overlapping boards, cementitious fiberboard shall be installed horizontally.
- d. Vinyl siding or similar façade materials shall be prohibited.
- e. All roofs will have a minimum roof pitch of 8:12 within 80% of the roof area.
- f. Roof shingles throughout the development shall have the same color tones and be a minimum 30-year asphalt composition.
- g. Heating and air conditioning equipment shall be located in rear yards unless inside main fenced yard area.

Fence Standards. Fencing within residential building lots shall meet the following standards:

- a. Fences shall be located only within the side or rear lot area of the lot on which they are constructed and shall not exceed 6 feet in height.
- b. Fences shall be constructed of spruce or cedar with steel support posts installed in concrete footings.

- c. If abutting a public street or open spaces or a side lot line of another residential lot, fences shall be stained and have pickets placed on the public side facing the street, open space or side lot line of adjacent lot.
- d. Fencing abutting CR 486 shall have caps on support posts and shall have standardized construction along the entire length of CR 486.
- e. Fences may not be located within the front yard forward of the front building face (front of the house on the lot on which they are constructed).
- f. If located on a corner lot, side yard fencing shall not extend further than 15 feet beyond the side of the home which is adjacent to street.
- g. All fencing shall be in place prior to issuance of a certificate of occupancy.
- h. Installation of the masonry wall abutting the commercial development shall be required prior to completion of each phase of the residential development abutting the planned commercial area.

Home Owners Association: A Homeowners Association shall be established to own and maintain all neighborhood parks, open spaces, common areas, drainage and detention areas that are within the residential area. Membership is mandatory for all residential lot owners.

Landscaping: The following landscaping shall be provided within the residential area:

- a. Each residential building lot shall be fully sodded (20% may be other landscape materials) and fully irrigated.
- b. Each lot shall have a minimum of one 3-inch (DBH) caliper tree installed in the front or rear yard.
- c. Each lot shall have front yard landscaping containing mulch and a minimum of two 10-gallon shrubs, eleven 5-gallon shrubs or native grasses, fourteen 3-gallon shrubs or native grasses.

Mailboxes: Cluster mailboxes shall be utilized in accordance with USPS standards and shall be placed within reasonable proximity to a streetlight.

Platting. The preliminary plat for the residential area shall serve as the required Site Plan and shall generally conform to the Concept Plan.

Sidewalks:

- a. Residential sidewalks shall be 5 feet in width installed by the home builder and located within the public rights-of-way or within an easement on the residential lot.
- b. Sidewalks along residential streets not abutting residential lots shall be constructed by the developer prior to completion of each phase of the residential development.
- c. A residential sidewalk shall be provided along CR 486 east of the residential entryway into Lake Breeze Estates to connect the residential area to the commercial area of Lake Breeze Estates abutting CR 486.

Utilities: Installation of new utility service shall be underground except for required aerial service from existing utility poles; above ground utility service shall be permitted for utility appurtenances such as transformers, switch gears, meters, and temporary lines during construction.

Commercial Area

Access Easements: Commercial lots shall provide access easements to adjacent commercial lots.

Buffer Areas - Masonry Wall & Landscape/Drainage Area:

- a. A 15-foot buffer area shall be provided on commercial lots abutting Lake Breeze Estates residential lots and a 6-foot masonry wall shall be required to be constructed abutting these lots residential lots prior to completion of each phase of the residential development.

- b. A 15-foot dense landscaped buffer and drainage area shall be provided along the westernmost edge (and a small area to the north) of the office/institutional area abutting Bently Farms residential lots at the time the office/institutional uses are constructed.

Designated Office/Institutional Area: The westernmost 150 feet of the commercial area and a 50-foot area abutting a portion of a residential lot within Bently Farms shall be limited to office or institutional uses and required drainage/detention improvements (see Concept Plan).

Landscaping. A 20-foot landscaped area shall be provided adjacent to the public rights-of-way along State Highway 78 and FM 486 and a 10-foot landscaped area shall be provided adjacent to entry streets along interior streets.

Lighting: Lighting within the commercial area shall not create light trespass within adjacent residential areas.

Platting. Prior to issuance of commercial building permits, a Site Plan shall be provided showing an overall design theme for planned commercial buildings, egress and ingress points, and landscaping.

Property Association: A Property Association shall be established to own and maintain all common areas, drainage and detention areas that are within the commercial area. Membership is mandatory for all commercial lot owners.

Retail Storage Facilities (self-storage facilities): Retail storage facilities shall have a maximum height of 24 feet and screened with a masonry or concrete sight-barring wall at least 8 feet in height incorporated into the building's structure. No storage facility shall be within 250 feet of Highway 78 or CR 486 on the lot shown on the Concept Plan as "Commercial 6.4 acres" or within 100 feet of the Highway 78 right-of-way on the remainder of the commercial acreage.

Sidewalks: Upon development of commercial lots, a minimum of 6-foot wide sidewalks shall be constructed to provide pedestrian connections within commercial areas and connecting to the Lake Breeze Estates residential area.

Utilities: Installation of new utility service shall be underground except for required aerial service from existing utility poles; above ground utility service shall be permitted for utility appurtenances such as transformers, switch gears, meters, and temporary lines during construction.

City of Lavon Entry Sign: Lake Breeze Estates will work with the City of Lavon to locate a suitable site for a "City of Lavon" sign of the type and size currently constructed by the City, provided such location does not limit the usability of the commercial area.



Lavon Future Land Use Plan

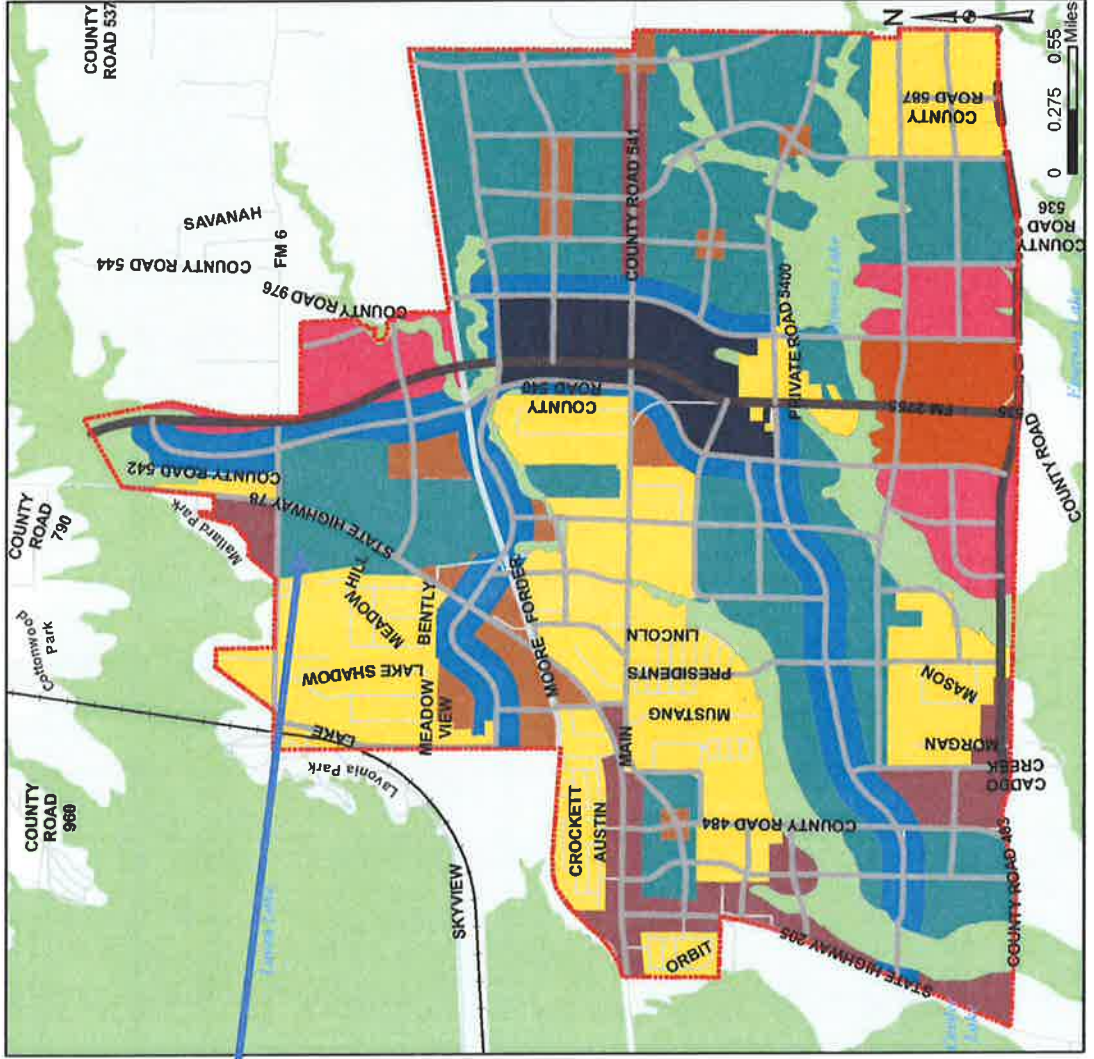
Source: Ideation Planning, Lee Engineering, 2019

Future Land Use Plan

Lake Breeze Estates

Legend

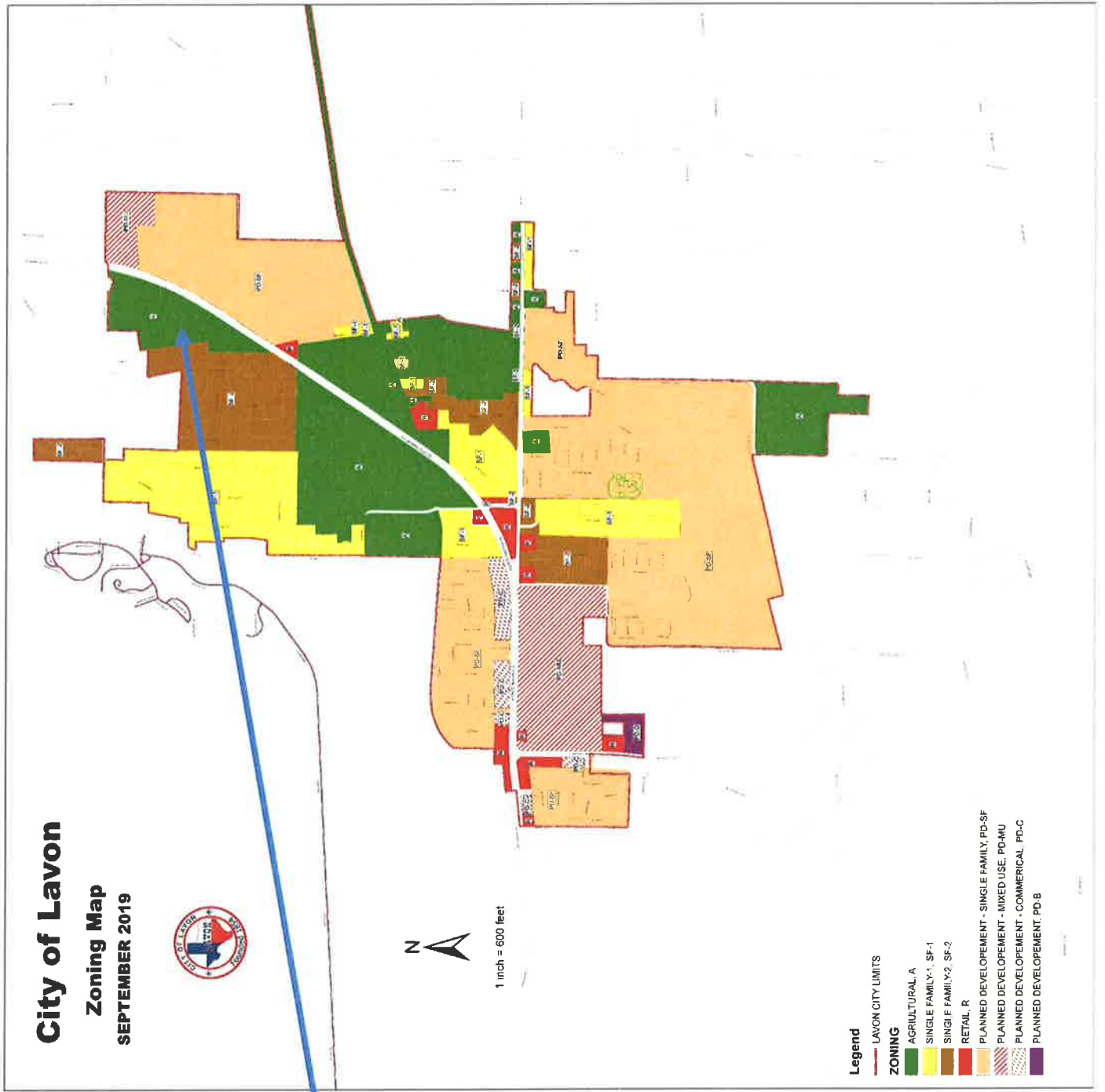
- Floodplain
- Creative Lakes District
- Lake Connector Corridor
- Regional Mixed-Use 1
- Regional Mixed-Use 2
- City Village
- Lake Connector Corridor
- Regional Mixed-Use 1
- Existing Neighborhood
- Potential Future Lavon
- KCS Railway
- MTP Roadway
- NETEX Transportation Corridor
- Freeway (Collin County)



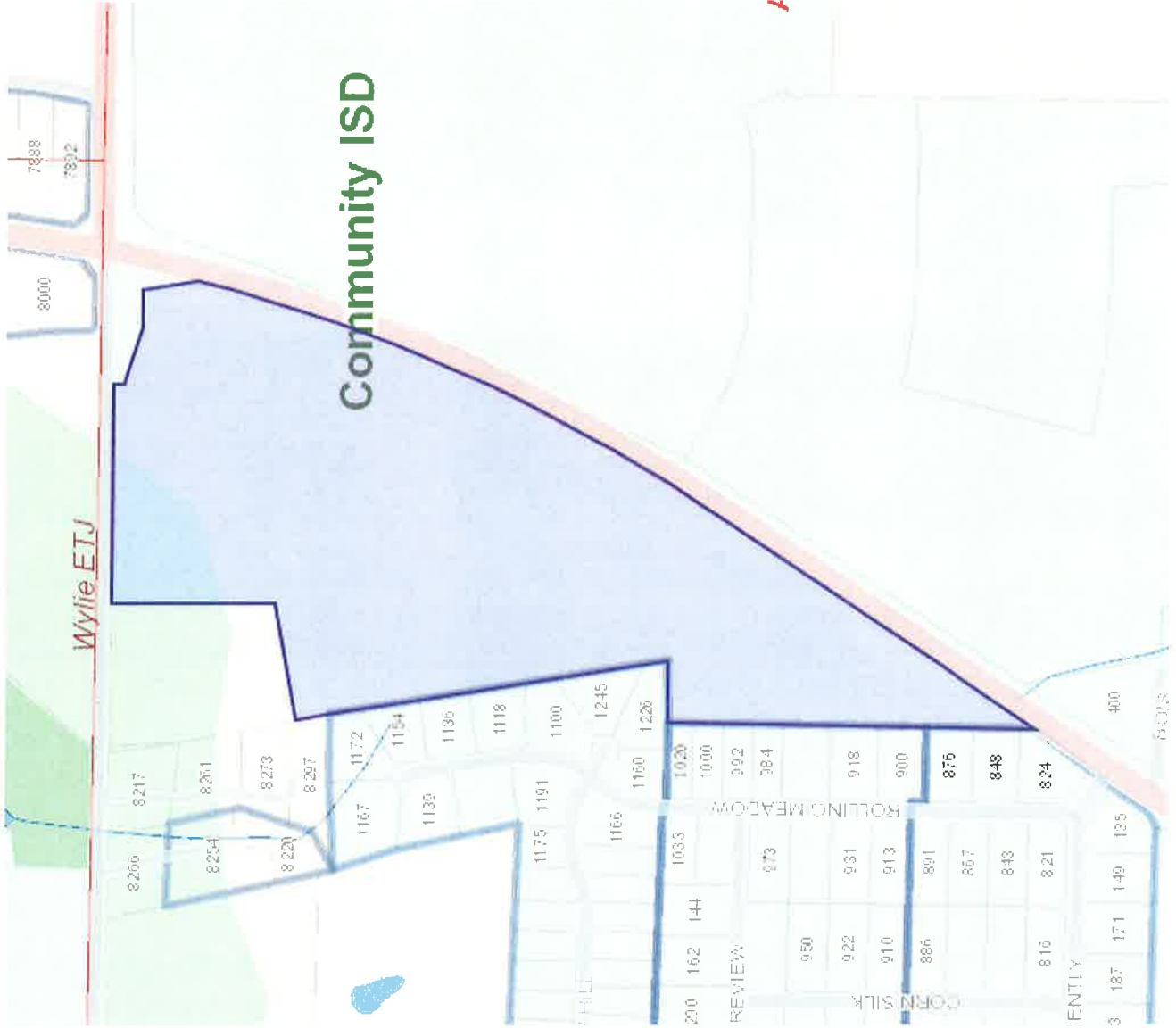
A comprehensive plan shall not constitute a zoning regulation or establish zoning district boundaries.

Zoning Map

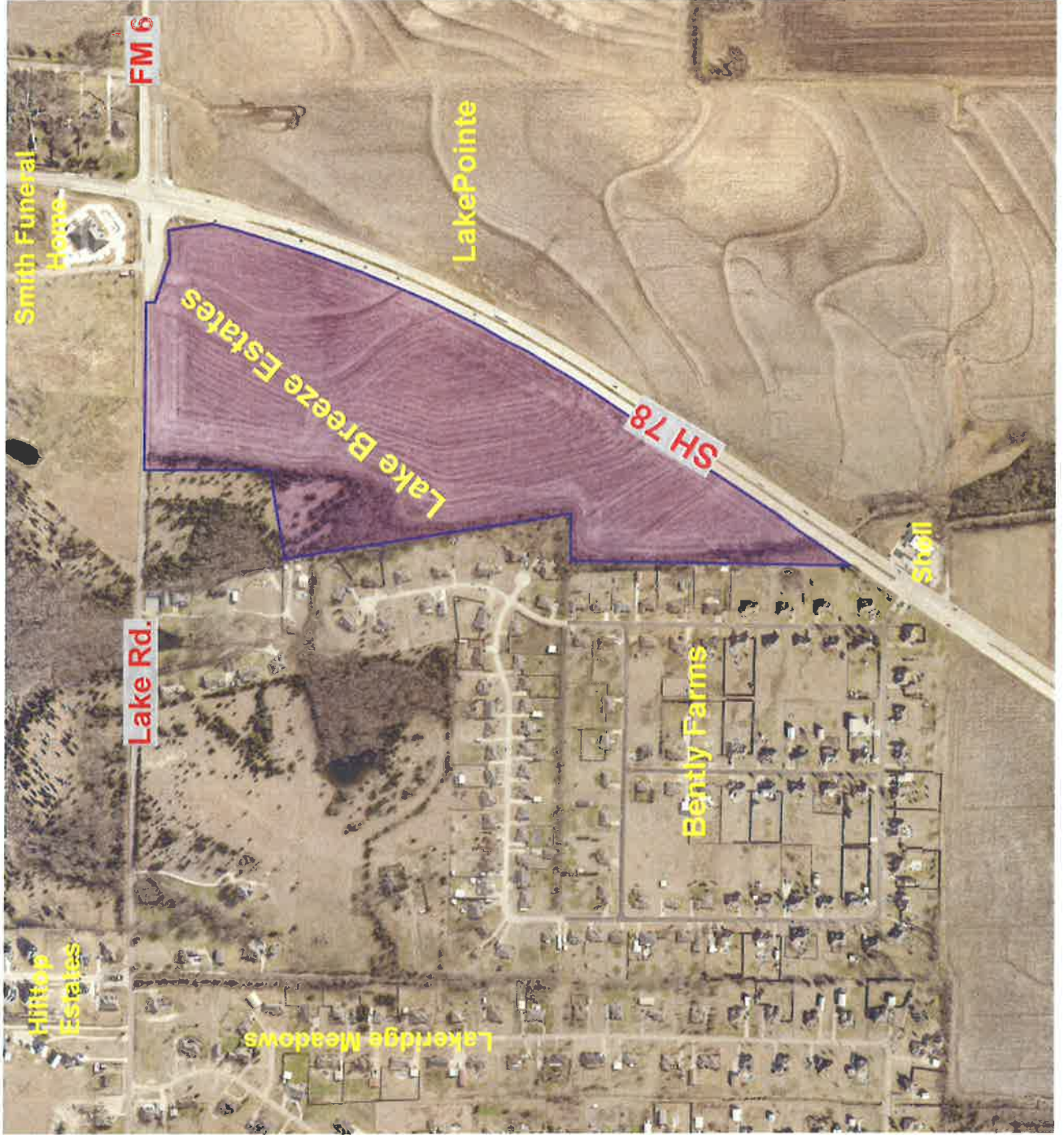
Lake Breeze Estates



Lake Breeze Estates – Location Exhibit



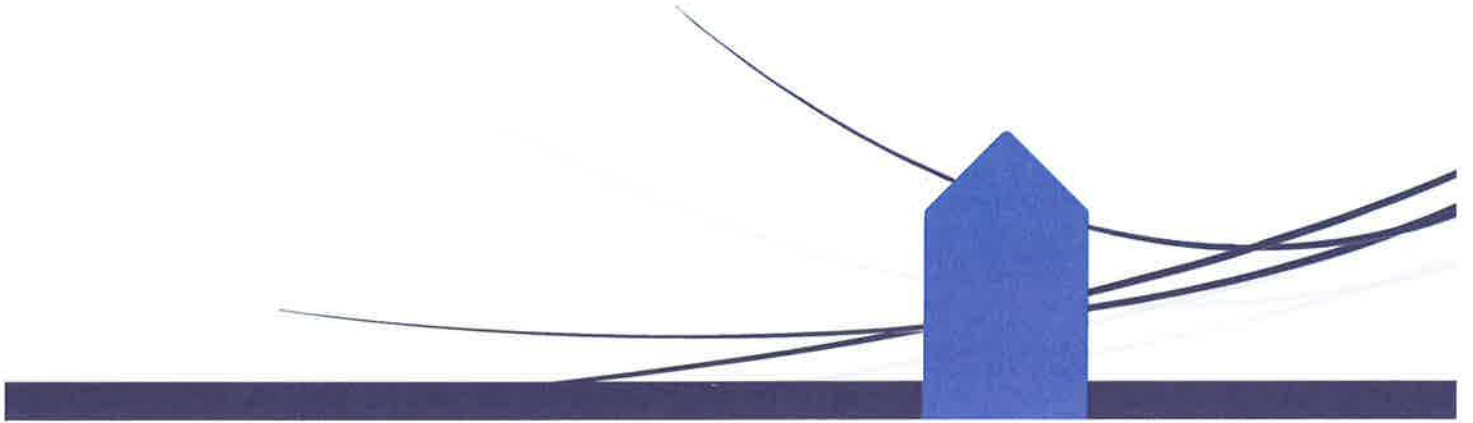
Lake Breeze Estates – Location Exhibit



Lake Breeze Estates

Lavon City Council Meeting

April 7, 2020



Lake Breeze Estates

2



Lake Breeze Estates – Overview

- ▶ Rezoning Request:
 - ▶ Agricultural to Planned Development – Mixed Use (PD-MU).
 - ▶ PD-MU rezoning requests some modifications to SF-4 Residential & R Retail standards.
- ▶ 59 acres – west of Highway 78 and south of County Road 486.
 - ▶ 34 acres residential and 25 acres commercial, office & institutional
- ▶ Lake Breeze Estates will have a minimum of 3 acres of park area and landscaped open space.
- ▶ Consistent with the City’s Future Land Use Plan as Master Planned Community and City’s Comprehensive Plan.

Single-Family Residential – 34 acres

- 109 single-family homes
- Home prices \$300,000+
- Home sizes 1800 sf – 4000 sf (SF-4 is 1500+ sf)
- Average lot sizes are approximately 30% larger than those in Lake Pointe



Homes Built by Kingsbridge

5





Residential Amenities (cont'd)

- ▶ Homes will be 80% masonry/stone, except rear elevation may be 50%.
- ▶ To ensure a mix of façades (front exterior), there will be no duplication of the same house elevation or exterior color palette within 3 adjacent lots.
- ▶ Vinyl siding or similar materials are not permitted.
- ▶ Roofs will have a minimum roof pitch of 8:12 and 30-year asphalt composition.
- ▶ Fences abutting streets or open space will be stained with pickets facing outward.
- ▶ Fences located on corner lots will not extend further than 15 feet from side of home adjacent to the street.

Residential Amenities (cont'd)

- ▶ Residential lots will be fully sodded and irrigated with one 3-inch caliper tree provided for each lot.
- ▶ Cluster mailboxes will be utilized for postal delivery.
- ▶ 5-foot sidewalks will be installed along all residential streets.
- ▶ Underground utility service will be provided throughout.
- ▶ Homeowners Association will own & maintain neighborhood parks, open spaces, common areas, drainage and detention areas within residential area.

Commercial – 25 acres

- ▶ ½-acre min. lot sizes in 9-acre area; 1-acre min. lots to north and south.
- ▶ Western edge (150 ft/50 ft) restricted to office/institutional.
- ▶ 20-foot landscaped area bordering Hwy. 78 & FM 486
- ▶ Buffers
 - ▶ 6-foot masonry wall in 15-ft buffer area abutting Lake Breeze residential (installed as part of residential development). 
 - ▶ 15-foot landscaped buffer/drainage area abutting Bently Farms (installed as part of office / institutional construction). 



Commercial Development (cont'd)

- ▶ All sides of a building will be designed with consistent architectural and façade elements.
- ▶ Trash enclosures, heating/cooling systems etc. will be screened from view.
- ▶ Lighting prohibited from creating “light trespass” on adjacent residential areas.
- ▶ 6-foot sidewalks along entry roads connecting to residential and underground utilities.
- ▶ Property Association will own/maintain all common areas, drainage and detention areas.
- ▶ Developer will work with City to locate a site for a “City of Lavon” sign provided such location does not limit the usability of the commercial area.



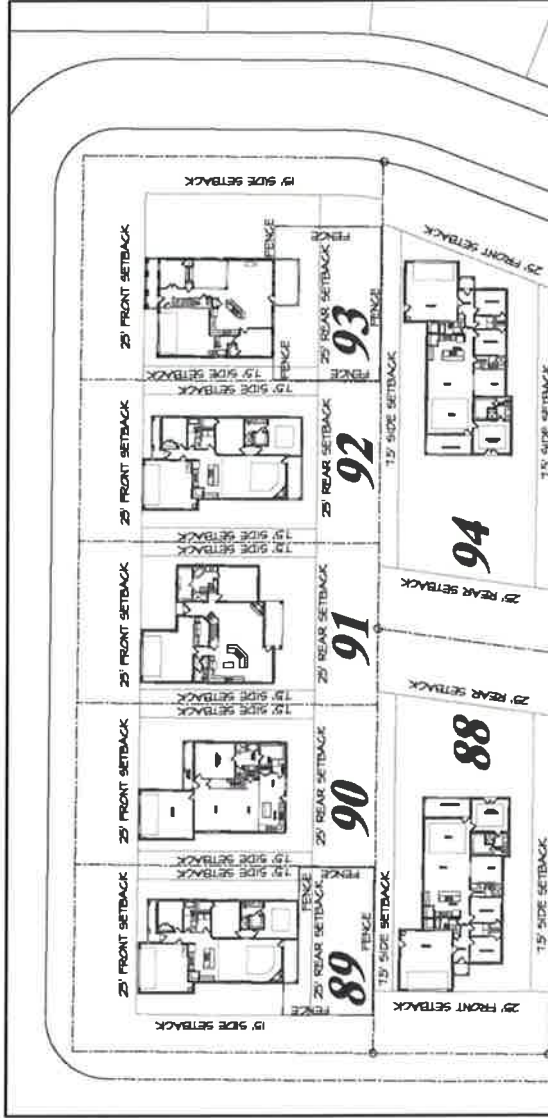
**We would greatly
appreciate your support
of our rezoning
application to PD MU...**

Thank you!

***We look forward to responding to any
questions you may have!***

Additional Slide – Residential Fences

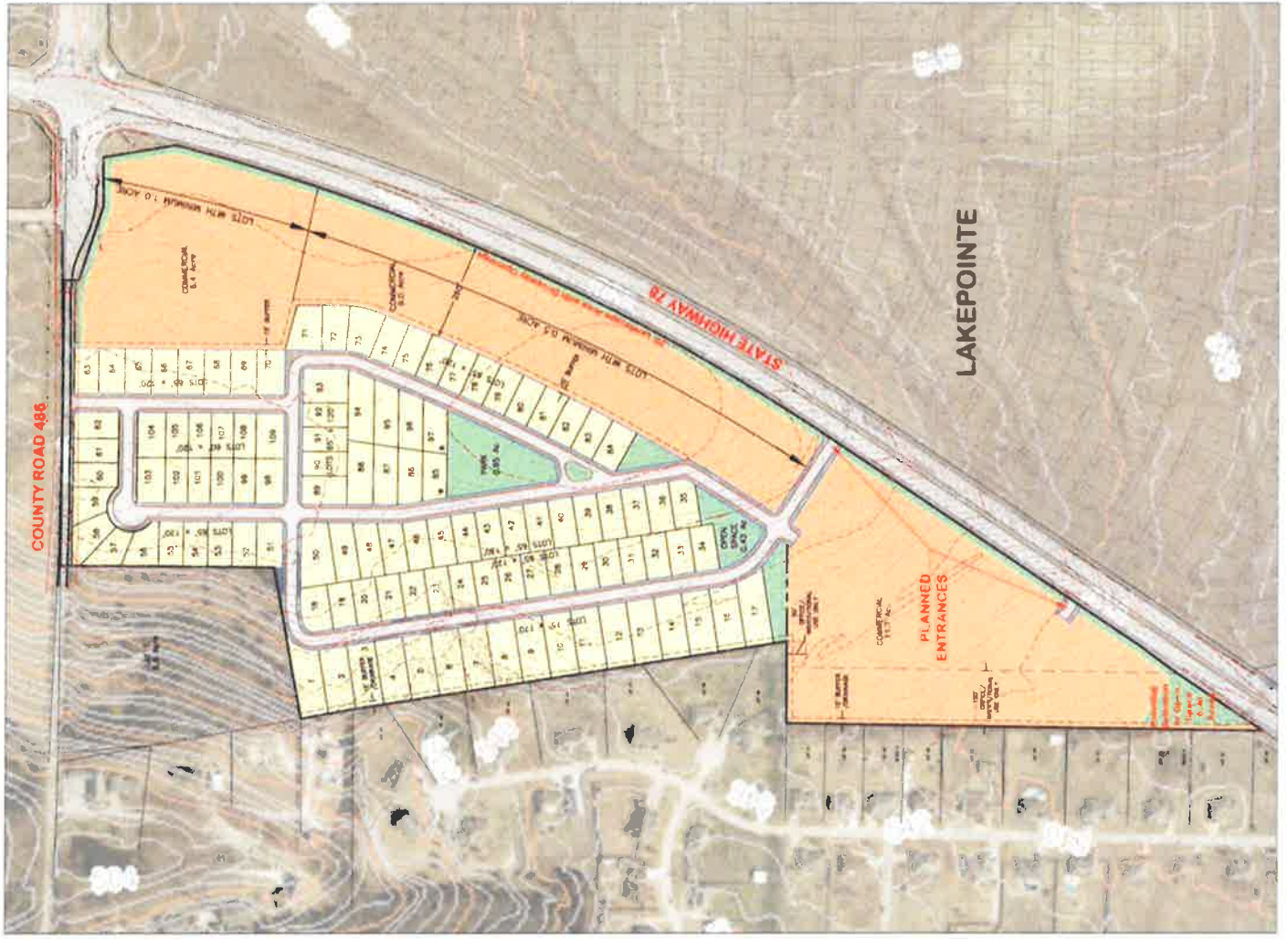
11



12

Additional Slide

Lake Breeze Estates with Topo & Aerial



SF-4 Residential Standards/Modifications

SF-4 Standards		Existing SF-4	Modification
1.	Density – Max.	4 units/gross ac	No Change (3.4 units/ac.)
2.	Lot Size		
	a) Min. Lot Area:	10,000 sf	7200 sf (average 8500 sf) ¹
	a) Min. Lot Width:	80 feet	60 feet ²
	a) Min. Lot Width of Corner Lots:	100 feet	70 feet
	a) Min. Lot Depth:	125 feet	120 feet ²
3.	Dwelling Regulations		
	a) Min. Square Footage:	1,500 sf	No Change
	a) Max. SF Dwellings Per Lot:	1	No Change
4.	Yard Requirements - Main Structures.		
	a) Min. Front Yard:	25 feet	No Change
	a) Min. Side Yard:	10 feet	7.5 feet
	a) Min. Side Yard of Corner Lots:	25 feet	15 feet ²
	a) Min. Side Yard (Nonresidential):	30 feet	No Change
	a) Min. Rear Yard:	25 feet	No Change ²
	a) Min. Rear Yard Double Front Lots:	45 feet	25 feet ²
	a) Max. Lot Coverage:	45%	No Change
5.	Height of Structures.		
	a) Max. Main Structure:	40 feet	No Change
	a) Max. Accessory Structure:	15 feet	No Change
E)	Additional Provisions.		

¹ Average lot size is defined as tot. acreage in residential lots divided by tot. lots as shown on Concept Plan.

² Up to 10% of the residential lots may deviate (reduction) from the required minimum lot depth, width, rear setback or corner lot side yard setback by no more than 10%.

R – Retail Standards/Modifications

Retail District Standards	Retail	Modification
a. Area Requirements.		
1. Min. Lot Area:	1 acre (43,560 sf)	1/2 acre
2. Lot Dimensions:	None	No Change
3. Min. Building Size:	2,500 sf	No Change
4. Max. Building Size:	20,000 sf	Larger with CUP
5. Yard Requirements - Main Structures.		
a) Min. Front Yard:	25 feet	No Change
a) Min. Side Yard:	7 ft; 15 ft next to residential	No Change
a) Min. Side Yard of Corner Lots:	25 feet	No Change
a) Min. Rear Yard:	None; 15 ft next to residential	No Change
a) Min. Rear Yard Double Front Lots:	25 feet	No Change
a) Max. Lot Coverage:	80%	No Change
6. Height of Structures.		
a) Max. Main Structure:	45 feet	No Change
a) Max. Accessory Structure:	14 feet	No Change
E) Building Placement, Orientation and Site Design.		
1. No service canopies, drive-thrus, service doors face public street or residential.		With CUP
2. All utility lines (power, phone, cable, etc.) underground.		No Change
3. Sidewalks (8-foot min.) adjoining public streets with connecting interior walkways.		6-foot min.
4. Marked pedestrian crosswalks at all public street intersections.		No Change
5. Architectural & landscape designed to provide shade on south and west exposures.		Not Applicable
6. Screened shopping cart areas from view with decorative screening or landscaping.		No Change
7. Site plan required to show exterior retail sales/display, vending, amusements, etc.		No Change
8. Accessory structures screened from view with complementary design.		No Change
9. Highly visible detention basins with curvilinear design & aesthetically landscaped.		No Change
10. All building sides designed with consistent architectural. Rooflines broken up through architectural treatments; Min. of 50% façade wt. windows, awnings, architectural relief etc. to discourage long bare walls., etc.		No Change
11. Glass, plastic, other transparent materials treated to eliminate reflective glare.		No Change
12. Retail and Commercial Uses adjacent to residential use or zone provided with masonry wall or dense landscaping along lot line from front yard through rear yard.		No Change



CITY OF LAVON

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March 5, 2020

Bryan Klein, Ion Design Group, LLC
7075 Twin Hills Ave., #350
Dallas, TX 75231

Via email atbryan@iondesigngroup.net

RE: Zoning Change Application –Lake Breeze Estates

Dear Mr. Klein,

The development review committee (DRC) for the City of Lavon has reviewed the zoning application and concept plan submitted for the above-referenced project. The following comments were noted.

SF-4 Standards

- 1) In footnote #1, would you consider revising the deviation limit from 7200 square foot to 8500 square foot in order to be able to maintain the overall average lot size of 8500 sq ft?

Deleted reference "subject to the lot area not falling below 7200 square feet" since it appears to confuse things.

We clarified what is meant by "overall average lot size" by adding footnote – "Average lot size is defined as total acreage in residential lots divided by total number of lots as shown on the Concept Plan."

Retail Standards

No notes

Residential and Retail Uses

- 2) Would you consider replacing pages 3 and 4 of the "Feb 21, 2020 Zoning Application Narrative" with the "Feb 13, 2020 Zoning Use Table-Comparative Use Table" that shows red-line proposed changes to the uses, with the removal of the Lake Pointe PID and All PIDS columns?

OK

- 3) Under Retail, Commercial Personal Service Uses, **Automobile fueling station**, revise the proposed note from "(limited to one)" to "(limited to one in the PD)".

OK

- 4) Under Retail, Commercial Personal Service Uses, **Retail storage facilities**, add a footnote with these restrictions: "Maximum Height of twenty-four feet (24'). 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." *Note:* these restrictions are included in the Lake Pointe PD.

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Ion Design Group's Response to City of Lavon Review of Lake Breeze Estates Zoning Application – Mar 10, 2020

MAR 11 2020

CITY OF LAVON

OK – Added: Retail Storage Facilities (self-storage facilities): Retail storage facilities shall have a maximum height of 24 feet and screened with a masonry or concrete sight-barring wall at least 8 feet in height incorporated into the building's structure. No storage facility shall be within 250 feet of Highway 78 or CR 486 on the lot shown on the Concept Plan as "Commercial 6.4 acres" or within 100 feet of the Highway 78 right-of-way on the remainder of the commercial acreage.

- 5) Under Industrial Uses, **Temporary concrete batch plant**, add the note "serving the PD".

OK

Additional Development Standards for Lake Breeze Estates

Residential Area

- 6) Add a note that cluster mailboxes shall be utilized in accordance with USPS standards and that they shall be placed within reasonable proximity to a streetlight.

OK

Fence Standards

- 7) Do you want to add a requirement that the wood fences adjacent to public streets be stained?
Note: that is a requirement of the Lake Pointe PD.

OK – Added "If abutting a public street or open spaces or a side lot line of another residential lot, fences shall be stained ..."

- 8) Would you consider requiring caps and/or otherwise standardizing the fence design requirements for lots abutting CR 486?

OK

- 9) With respect to Standard #g, installation of the masonry wall will be required at the time of the construction of the residential subdivision infrastructure; there will not be a need for rear yard temporary fence materials.

OK – Added "Installation of the masonry wall abutting the commercial development shall be required prior to completion of each phase of the residential development abutting the planned commercial area." [Note. Do not know at this time if it will be completed in one or more phases]

Sidewalks

- 10) Sidewalks are required to be five feet (5') in width.

OK

- 11) Include a note that the developer will construct sidewalks adjacent to the sections of road where there are no homes abutting the road.

OK – Added: "Sidewalks along residential streets not abutting residential lots shall be constructed by the developer prior to completion of each phase of the residential development."

- 12) Include a note that a sidewalk will be constructed along CR 486 in the landscape area.

OK – Added: "A residential sidewalk shall be provided along CR 486 east of the residential entryway into Lake Breeze Estates to connect the residential area to the commercial area of Lake Breeze Estates abutting CR 486." [Note: At this time a sidewalk will not be provided west of the Lake Breeze entryway onto CR 486 since the County's roadway has a bar ditch cross section.]

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MAR 11 2020

CITY OF LAVON

Neighborhood Entry Signage

- 13) Add a note that signage is permitted in accordance with the city sign regulations.

Did not address signage since "signs" are not a part of the Zoning Ordinance.

Commercial Area

- 14) Add a note that each commercial lot will be required to provide access easements to adjacent commercial lots.

OK

Commercial Platting

- 15) Clarify what the site plan provides (typo).

OK

Buffer Area/Masonry Wall

- 16) Revise to note that the wall will be constructed with the installation of the residential infrastructure.

OK – Revised: "A 15-foot buffer area shall be provided on commercial lots abutting Lake Breeze Estates residential lots and a 6-foot masonry wall shall be required to be constructed abutting these lots residential lots prior to completion of each phase of the residential development."

Commercial Entry Signage

- 17) Add a note that the signage is permitted in accordance with the city sign regulations.

Did not address signage since "signs" are not a part of the Zoning Ordinance.

Conceptual Plan

- 18) Clarify note #b regarding lot boundary adjustments of 150'.

OK – Revised: "As more detailed engineering and platting are completed, the boundaries between the area designated as residential and the area designated as commercial/office & institutional on the Concept Plan may be adjusted up to 50 feet without additional approvals. Adjustment of boundaries may reduce the required setbacks/buffers shown on the Concept Plan." [Note: Moved this section to front of Additional Development Standards]

Lot Layout Plan

- 19) Add block numbers or renumber lots consecutively for easier reference.

OK

- 20) Identify in the table/legend, the acreage for parks and open space. The generally accepted national standard is 9.5 acres per 1000 residents. The layout should provide for almost 3 acres of open space/parks to serve approximately 311 residents. Trails may be included in the park land calculation.

We will identify acreage available as park and open space.. However, using the National Recreation and Parks Association standard of 9.5 acres per 1000 is a standard for public parks – not a standard intended to be applied to residential subdivisions. In fact, private recreation is not considered in calculating the parkland ratio. Residential subdivisions offer homeowners private backyards that provide usable open space for residents.

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- 21) Will there be designated locations for the residential section to access the commercial areas by sidewalk?

Residential areas will access commercial areas along planned roadway connections and a sidewalk planned to connect the development along CR 486; there will not be breaks in the masonry wall allowing lot-to-lot access.

- 22) In the triangle section, the configuration of Lots 37 and 38 and Lots 43 and 42 appear to create fence issues with respect to sight lines and visual clutter. Can you please provide an exhibit to show how the homes and fences will be oriented on these lots?

This lot configuration is not unusual when your overall site is triangular. We will provide an illustration.

- 23) Please extend the 150' Office Buffer along the northwest boundary where it is adjacent to the residential lot in Bently Farms?

Will add 50-foot buffer at the northern end since a 150-foot buffer creates too much of a reduction of usable lot area (this area is located at the very back tip of the Bently Farms lot so has minimum impact..

This application is scheduled for hearing and consideration by the Planning and Zoning Commission on March 24, 2020. If possible, please provide responses by March 11, 2020 to ensure inclusion in the packet.

If there are any questions or if you would like to meet to discuss the comments, please let me know.

Sincerely,



Kim Dobbs

City Administrator

C: Connie Cooper, Cooper Consulting Company Via email at cconniecooper@cs.com

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MAR 11 2020
CITY OF LAVON

COUNTY ROAD 486

LAKE BREEZE ESTATES CONCEPT PLAN

- 17 Lots 75' x 170'
- 16 Lots 65' x 130'
- 62 Lots 65' x 120'
- 12 Lots 60' x 120'
- 2 Lots* 65' x 116'

Park/Landscaped Open Space and Potential Detention Area
3.0 Acres



0 150 300

COLLIN COUNTY, TEXAS

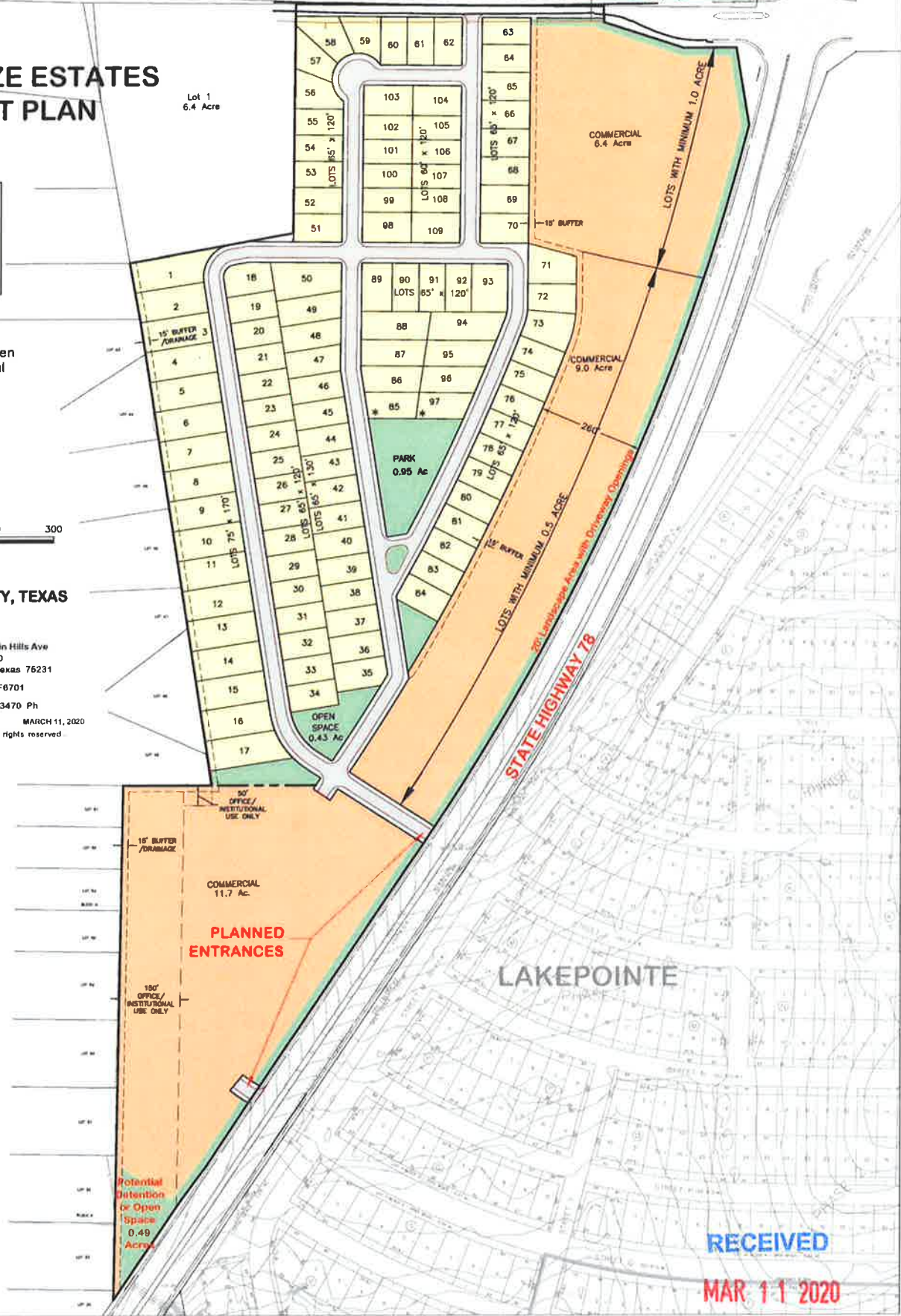


**Ion
Design
Group**

7075 Twin Hills Ave
Suite 350
Dallas, Texas 76231
Firm TX F6701
214.370.3470 Ph

MARCH 11, 2020

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MAR 11 2020

CITY OF LAWON

Lake Breeze Zoning Change Letters

Name	Mailing Address	City	State	Zip	Physical Add	City	State	Zip	Abstract Lot
Mjkmart LLC Lavon Lakepointe Development LLC	116 Collin Ct	Murphy	TX	75094	400 N St. Hwy 78	Lavon	TX	75166	Abs A0740 S M Rainer Survey Sheet 1, Tract 58, 2.245
LDC Lavon LLC Daniel & Sandra L Mcelwain	520 Central Pkwy E Ste 104	Plano	TX	75074	SM Rainer Survey Hwy 78	Lavon	TX	75166	Abs A0740 S M Rainer Survey Sheet 1, Tract 160, 53.425
Paul & Vera Hernandez Lissa & Edward Groter Deborah A. & Ronnie J. Smith	520 Central Pkwy E Ste 104	Plano	TX	75074	SM Rainer Survey Hwy 78	Lavon	TX	75166	Abs 0740 S M Rainer Survey, Sheet 1, Tract 40, 147.489
Martin Malcolm Christopher E. Jr. & Debra L. Theobold	824 Rolling Meadows Dr.	Lavon	TX	75166	824 Rolling Meadows Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 34
Michael A. & Becky J. Cooper	848 Rolling Meadow Dr.	Lavon	TX	75166	848 Rolling Meadow Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 33
Dyer Thomas & Karen F Dyer Revocable Living Carl B. & Cynthia L. McKinney	876 Rolling Meadow Dr.	Lavon	TX	75166	876 Rolling Meadow Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 32
William Wright James Robert & Darlene Mabell Foss	900 Rolling Meadow Dr.	Lavon	TX	75166	900 Rolling Meadow Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 57
Anthony & Thereasa Anthony	918 Rolling Meadow Dr.	Lavon	TX	75166	918 Rolling Meadow Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 56
Matthew & Jennifer Mccormick	940 Rolling Meadow Dr.	Lavon	TX	75166	940 Rolling Meadow Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 55
Trona E. Jurden Gloria Talens Reynolds Shannon D. Howard Edward Vernon Meier	984 Rolling Meadow Dr.	Lavon	TX	75166	984 Rolling Meadow Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 54
	992 Rolling Meadow Dr.	Lavon	TX	75166	992 Rolling Meadow Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 53
	1000 Rolling Meadow Dr.	Lavon	TX	75166	1000 Rolling Meadow Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 52
	1020 Rolling Meadow Dr.	Lavon	TX	75166	1020 Rolling Meadow Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 51
	1160 Rolling Meadows Dr.	Lavon	TX	75166	1160 Rolling Meadows Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 50
	1226 Meadow Hill Dr.	Lavon	TX	75166	1226 Meadow Hill Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 49
	1245 Meadow Hill Dr.	Lavon	TX	75166	1245 Meadow Hill Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 48
	1100 Rolling Meadow Dr.	Lavon	TX	75166	1100 Rolling Meadow Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 47
	1118 Rolling Meadow Dr.	Lavon	TX	75166	1118 Rolling Meadow Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 46
	1136 Rolling Meadow Dr.	Lavon	TX	75166	1136 Rolling Meadow Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 45
	1154 Rolling Meadow Dr.	Lavon	TX	75166	1154 Rolling Meadow Dr.	Lavon	TX	75166	Bently Farms, BIKA, Lot 44

Lake Breeze Zoning Change Letters

Mark W. & Karen L. Elliot	1172 Rolling Meadow Dr.	Lavon	TX, 75166	1172 Rolling Meadow Dr.	Lavon	TX, 75166	Bently Farms, BIKA, Lot 43
Donald M. Brock	8297 Chappel Lane	Lavon	TX, 75166	8297 Chappel Lane	Lavon	TX, 75166	AbsA0740 S M Rainer Survey, Sheet 1, Tract 127, 1.3423
Victoria Meireles	7205 Seascape Dr.	Rowlett	TX, 75166	8237 Chappel Lane	Lavon	TX, 75166	AbsA0740 S M Rainer Survey, Sheet 1, Tract 118, 1.3725
Scott Evans	3208 Guildford Lane	McKinney	TX, 75072	SM Rainer Survey Hwy 78	Lavon	TX, 75166	AbsA0740 S M Rainer Survey, Sheet 1, Tract 159, 6.448



SUPPLEMENTAL NOTICE OF PUBLIC HEARING BY TELEPHONE CONFERENCE

In accordance with order of the Office of the Governor issued March 16, 2020, the Planning and Zoning Commission of the City of Lavon will conduct the meeting scheduled for March 24, 2020 at 7:00 p.m. by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). There will be no physical location for the meeting. The meeting agenda and packet will be posted online at www.cityoflavon.com .

The public dial-in number to participate in the telephonic meeting is **425-436-6349**.
The Access Code to the public meeting is **856485**.

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting. A recording of the telephonic meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

The April 7, 2020 meeting agenda will be posted on April 3, 2020 at www.cityoflavon.com and will specify if the meeting will occur in person or by telephone.

Updated: March 19, 2020

Previously mailed notice:



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, **March 24, 2020** 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, **April 7, 2020** at Lavon City Hall. At such times and place, the Commission and the Council will receive comments and consider the application for:

Request: the application for a zoning change from Temporary Agricultural (A) to Planned Development–Mixed Use (PD-MU) zoning district consisting of single family residential with 109 lots on 32 acres associated with SF-4 (avg lot 8500 sq ft) and retail uses on 27 acres associated with R, described as Samuel M. Rainer Survey, Abstract No. 740, CCAD Property ID 2152129, southwest of the intersection of SH 78 and FM 6, City of Lavon, Texas.

Property Description: Proposed Lake Breeze addition, consisting of 59 acres of recently annexed property described as Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2152129), southwest of the intersection of SH 78 and FM 6, Collin County, Texas.

Additional information may be obtained at cityhall@cityoflawn.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.



**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)

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@cityoflavon.org**

Information Regarding Request

LAKE BREEZE ESTATES

- 17 Lots_75' x 170'
- 16 Lots_65' x 130'
- 62 Lots_65' x 120'
- 12 Lots_60' x 120'
- 2 Lots*_65' x 116'



0 150 300

COLLIN COUNTY, TEXAS



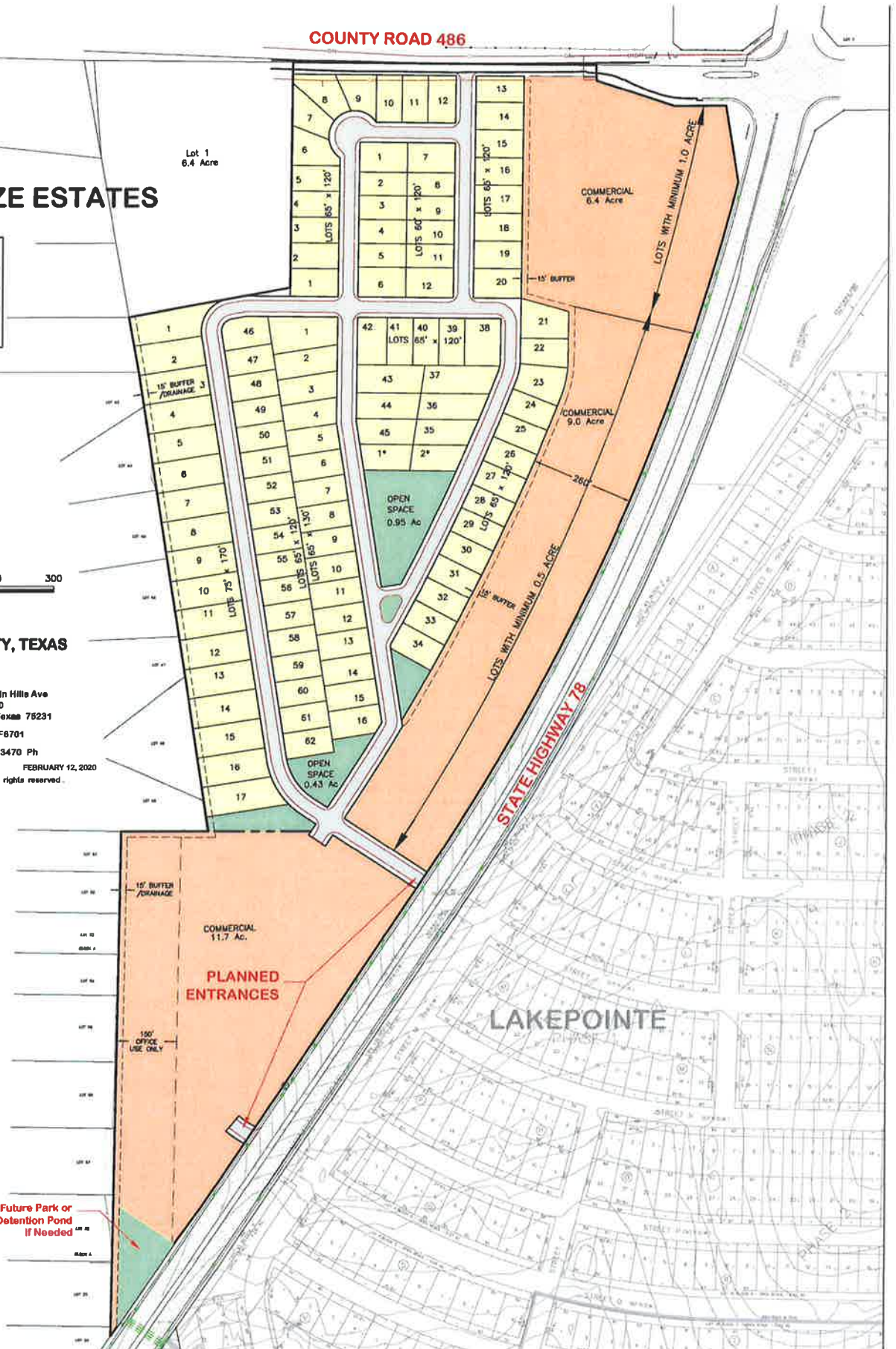
**Ion
Design
Group**

7075 Twin Hills Ave
Suite 350
Dallas, Texas 78231
Firm TX F8701
214.370.3470 Ph

FEBRUARY 12, 2020

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Future Park or
Detention Pond
if Needed





**CITY OF LAVON, TEXAS
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Check one: I am in favor of the request. I am opposed to the request.

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

please see attached

Signature: *[Handwritten Signature]*

Name (printed): *Yara Meier*

Address: *1154 Rolling Meadow Dr Lavon TX 75166*

Phone/Email Address (optional): *214-577-9093 yameier2@gmail.com*

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

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MAR 20 2020

CITY OF LAVON

The reason I opposed this is due to water problems. I know the developer is working hard on this and would like to thank them. It shows a 15' buffer I think it will need to be a 15' easement right away. Where no one can build, plant, or change grade of flow line. It will need access for city maintenance washout, repair, storm pipe and inlet maintenance flow line. I would like to see gates on the end to keep recreation vehicles off to protect the flow line. Maybe a walking trail with no vehicles. I would also like to suggest a back fence for pets and privacy.

Who will maintain it after the developer is finished? The City not having an easement for the storm water, no inlet, no one maintaining the flow line, and the lack of flow line fill maintenance is a big part of the flooding problem we have now.

The City needs to be more involved instead of saying it is homeowner's responsibility. To help guarantee that homeowners will do their part not disrupting the flow line.

Thank you for your time,
Vernon Meier





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

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

*Residential too dense compared to adjacent properties
Do not see 150' set back from my property to commercial
concerned with odors, light, noise and crime from commercial*

Signature: _____

Name (printed): Kenneth Anthony

Address: 1226 Meadow Hill Dr.

Phone/Email Address (optional): 469-323-7994 / KWA1226@yahoo.com

You may return this form to:

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



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

_____ Don't want to loose my Tree Line
 _____ (Keep Lavon Country)

Signature: Mike & Bucky Cooper

Name (printed): Mike And Bucky Cooper

Address: 989 Rolling Meadow Dr Lavon TX 75166

Phone/Email Address (optional): mihero@yahoo.com

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

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MAR 26 2020

CITY OF LAVON



CITY OF LAVON Agenda Brief

MEETING: April 7, 2020

ITEM: 10 – E

Item:

Discussion and action regarding extension of the preliminary plat and the final plat of Crestridge Meadows, Phase 2 on 34.746 acres of land situated in the Drury Anglin Survey, Abstract No. 2 (CCAD Property ID 2773841), south of Bear Creek and east of and in the vicinity of the 10700 block of CR 484, City of Lavon, Texas.

Background Information

- Owner(s):** Starlight Homes Texas, L.L.C.
- Applicant:** Daniel Satsky, Starlight Homes Texas
- Location:** Situated south of Bear Creek and east of and in the vicinity of the 10700 block of CR 484
- Description:** CCAD Tract 114, Drury Anglin Survey, A-2,
Collin County, Texas (34.746 acres out of 75.249 acres)
CCAD Parcel ID: 2773841
- Current Zoning:** (PD) Planned Development – Residential
- Request:** Consideration of a Final Plat

Request Details

The applicant has submitted a final plat for Phase 2 of a residential development consisting of 134 residential lots and common area lots on 34.746 acres. The final plat conforms to the approved zoning and preliminary plat.

Code Excerpt:

City of Lavon –Subdivision Ordinance

Section 4.04 FINAL PLAT

After approval of the preliminary plat by the planning and zoning commission and City Council, a final plat, prepared by a registered public surveyor bearing his or her seal and the construction plans prepared by a registered professional civil engineer bearing his or her seal, shall be submitted to the planning and zoning commission.

Planning and Zoning Commission Report

MOTION: RECOMMEND APPROVAL THE FINAL PLAT OF CRESTRIDGE MEADOWS, PHASE 2 ON 34.476 ACRES OF LAND SITUATED IN THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2 (CCAD PROPERTY ID 2773841), SOUTH OF BEAR CREEK AND EAST OF AND IN THE VICINITY OF THE 10700 BLOCK OF CR 484, CITY OF LAVON, TEXAS SUBJECT TO THE CITY COUNCIL EXTENSION OF THE EFFECTIVE DATE OF THE PRELIMINARY PLAT AND SATISFACTION OF THE CITY ENGINEER.

MOTION MADE: NABORS
SECONDED COKER
APPROVED: UNANIMOUS
SEAT 1- CURLEY ABSENT
SEAT 2- NABORS FOR
SEAT 3- COKER FOR
SEAT 4- SMITH FOR
SEAT 5- ROSENQUIST FOR

Staff Notes:

On July 18, 2017, the City Council approved the preliminary plat of the Crestridge Meadows addition. The proposed development plan contains 274 residential lots on 75.24 acres. The Phase 2 final plat is submitted for 134 lots in the development.

Primary access to the development is provided on through the first phase of the development and by a through connection constructed to Bear Creek Phases 3, 4 and 5 to the west. Ingress and egress conform to a Traffic Impact Analysis (TIA) provided with the first phase.

The development will provide for the extension of public infrastructure systems for water, sanitary sewer and trails. A facilities development agreement outlining specific public infrastructure requirements related to the development was approved by the City Council in conjunction with the final plat of the first phase.

The proposed final plat and construction plans were reviewed by the staff development review committee and the City's consulting engineer. The city staff and city engineer's comments have been satisfied. The final plat conforms to the approved zoning and approved preliminary plat.

Approval is recommended subject to the City Council extension of the effective date of the preliminary plat and satisfaction of the City Engineer.

- Attachments:**
1. Final Plat
 2. Location Exhibits
 3. Application
 4. Engineer's correspondence



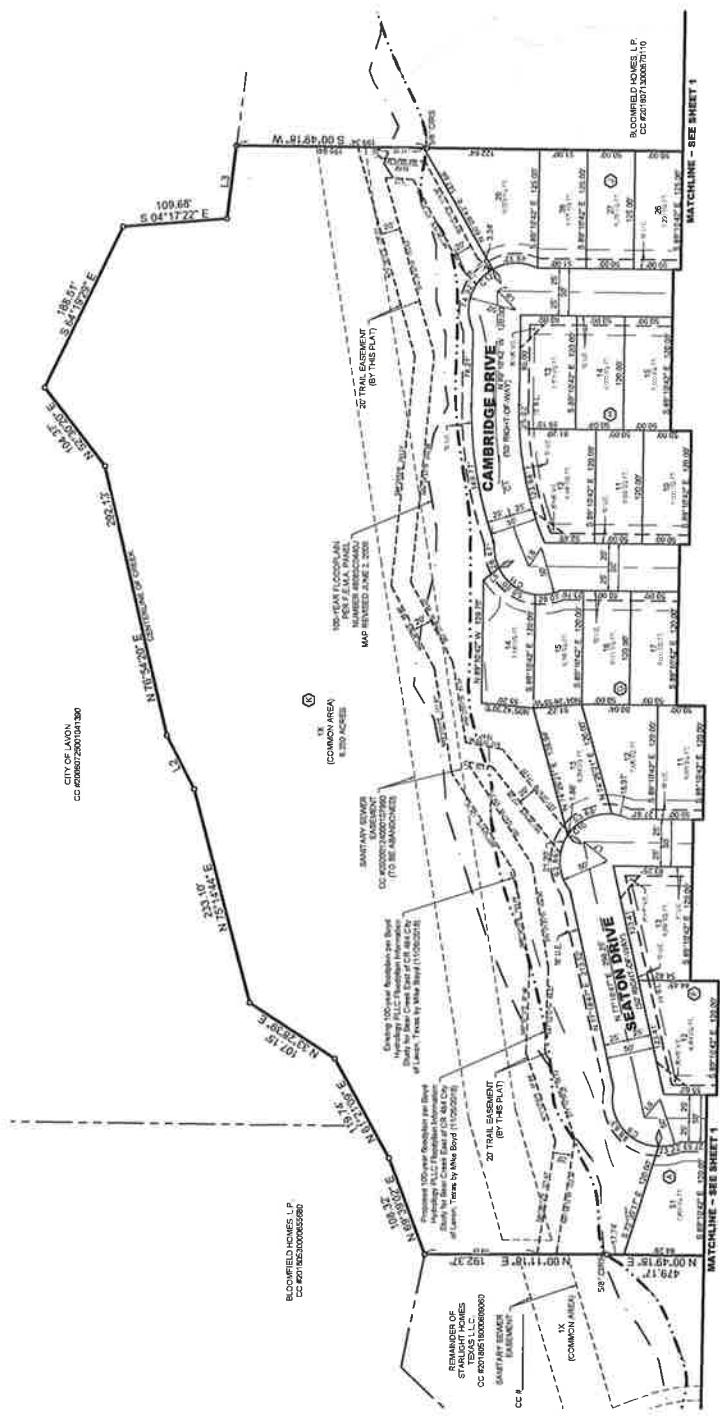
ABBREVIATION LEGEND

ABBR.	DEFINITION
CHS	Iron cast or vitreous asphalted pipe
BF	Iron rod band
DM	Controlled movement
OPACCT.	Open Public Records, Collin County, Texas
U.E.	Utility easement
D.E.	Drainage easement
D.A.L.C.	Drainage & utility easement
W.E.	Water easement
M.E.	Maintenance easement
C.A.	Common Area
⊕	Indicates street frame change
⊙	Block



GENERAL NOTES:

1. Bearings are based on True City, City, County, Texas, North Central Zone 4322 Lambert Government Corner Feet (TMS-VCF).
2. By graphical plotting and of the parcel described herein the Special Flood Hazard Area (SFHA) Zone "X" as shown on the Flood Insurance Rate Map (FIRM) No. 48058C0400, dated June 2, 2008, as published by the Federal Emergency Management Agency.
3. Common Area Lot "X" Block shall be owned and maintained by the Homeowners Association. The HOA shall own and maintain the 21' utility easement, the 8' wide sidewalks and on Lot 15. The City shall own and maintain the 21' utility sewer line on the block.
4. Staff of a portion of this address by meter and located in a violation of the City ordinance and shall be subject to the same as any other address in the City.
5. The lines are intended to indicate and building permits.
6. Approval of this Final Plan does not make any liability for the City of Lavon should any job or street zone.
7. The water system is owned and operated by Bear Creek Sewer Utility, District (BOSDU) and full construction shall be completed by the City of Lavon.
8. All lot corners shall be set by 1/2" x 1/2" white cast metal Adams Suburban Corner, LLC.



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MAR 18 2021

CITY OF LAVON

CRESTRIDGE MEADOWS, PHASE 2
 TRAIL 24-7
 LOTS 1-27, BLOCK A; LOTS 1-24, BLOCK F;
 LOTS 1-27, BLOCK G; LOTS 1-24, BLOCK H;
 LOTS 1-27, BLOCK I; LOTS 1-24, BLOCK J; LOT
 15, BLOCK K (COMMON AREA);
 15, BLOCK N (COMMON AREA);
 34.74 ACRES OUT OF THE
 88.00 ACRES OF THE
 CITY OF LAVON, COLLIN COUNTY, TEXAS
 DATE OF PREPARATION: 11.12.2020

SHEET	2	OF	3
DATE	03.18.2021	SCALE	1" = 50'
PROJECT NO.	19719	PROJECT NAME	19719

ENGINEERING CONCEPTS

301 WOODCOCK LANE, SUITE 200, WILLOW PARK, TEXAS 75087
 (972) 420-0000 FAX (972) 420-0001
 WWW.ECONCEPTS.COM

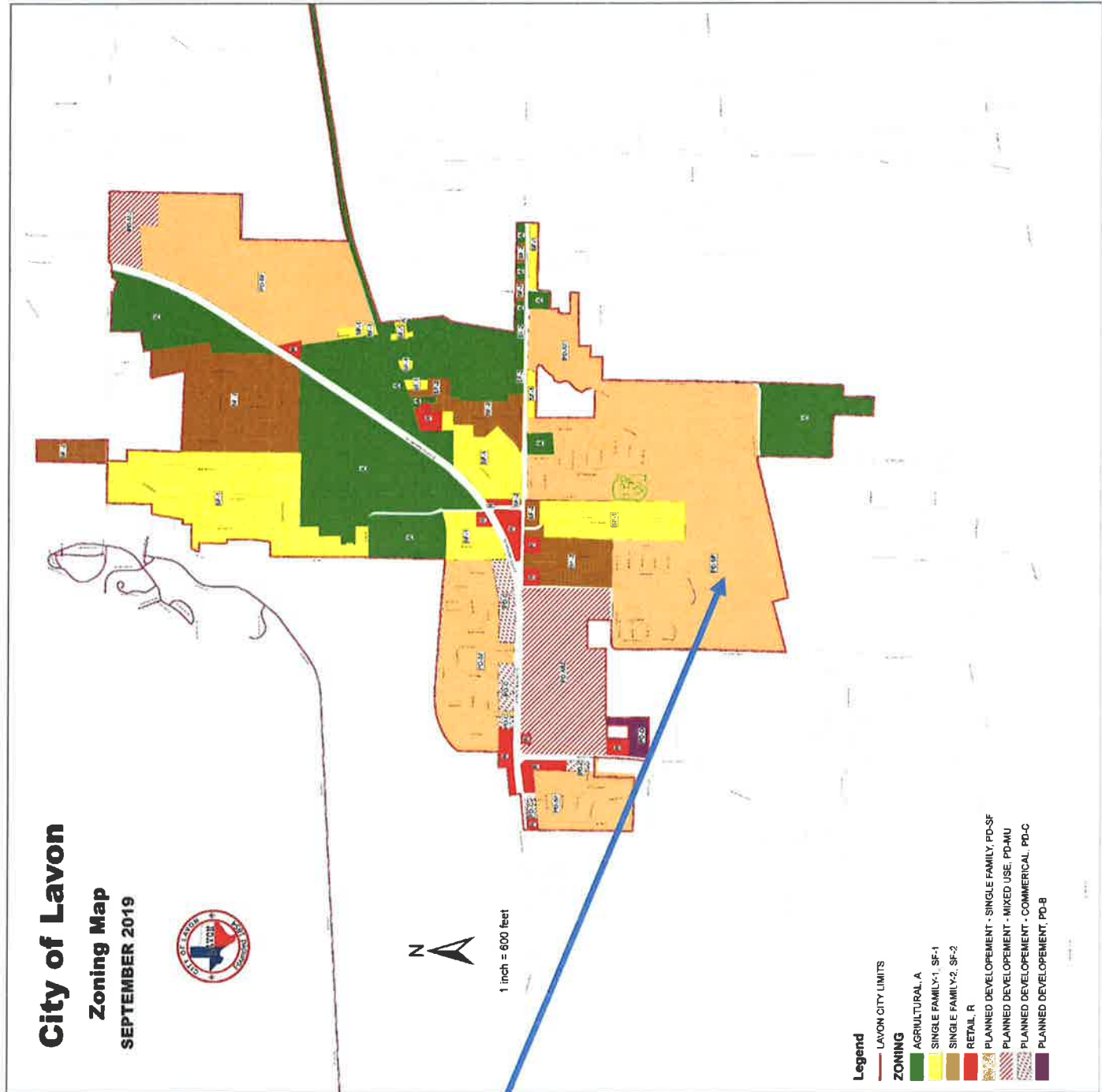
LAND SURVEYOR

LAURENCE M. HARRIS, L.L.C.
 1425 HICKORY DRIVE, SUITE 205
 WILLOW PARK, TEXAS 75087
 (972) 420-0000
 (972) 420-0001
 WWW.LMHSURVEYING.COM

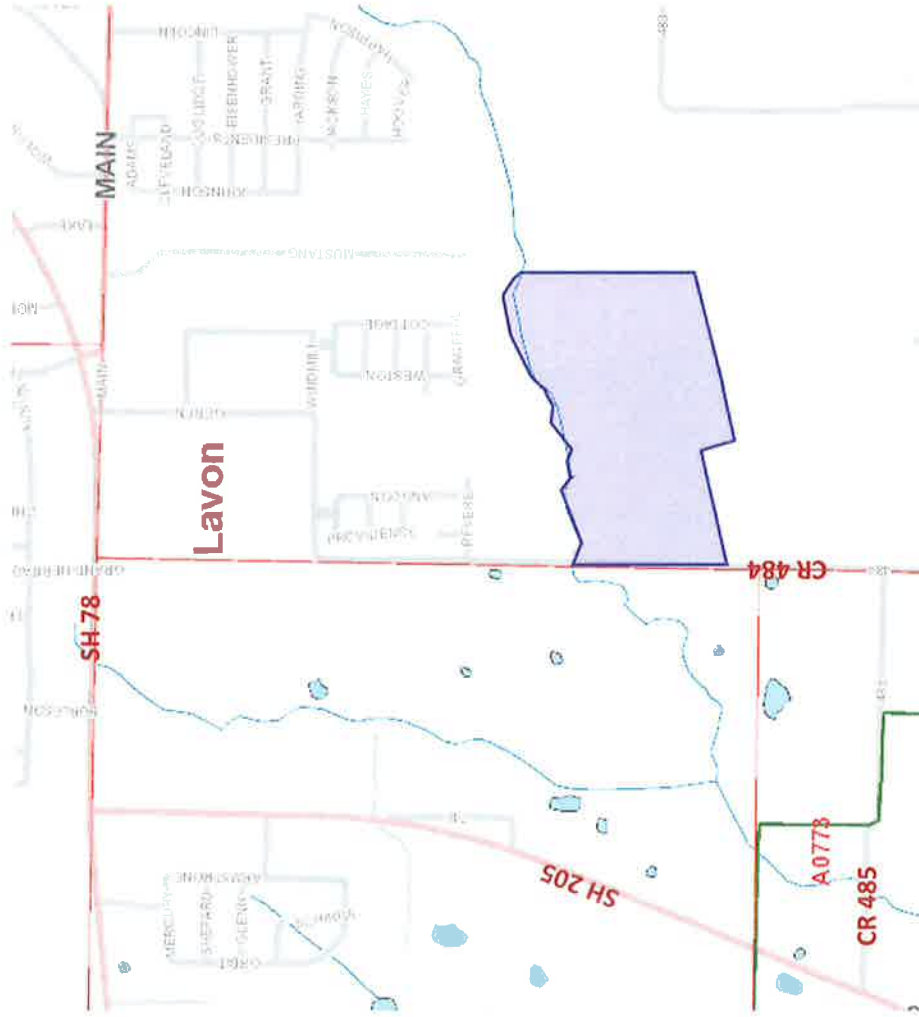
OWNER

BLOOMFIELD HONES L.P.
 1001 Valley View Lane, Suite 100
 WILLOW PARK, TEXAS 75087
 (972) 420-0000

Zoning Map
Crestridge
Meadows, Ph 2



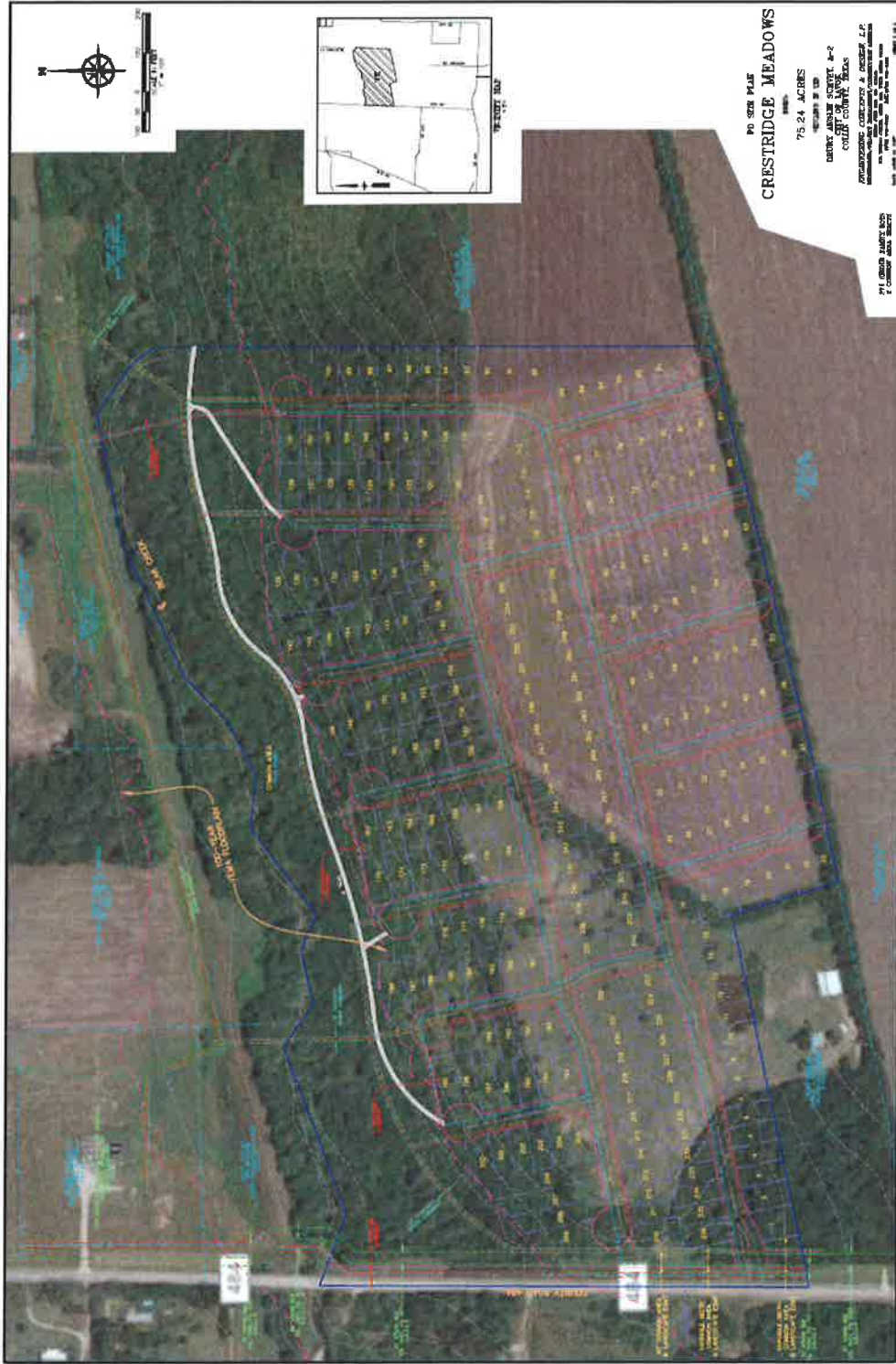
Crestridge Meadows – Location Exhibit



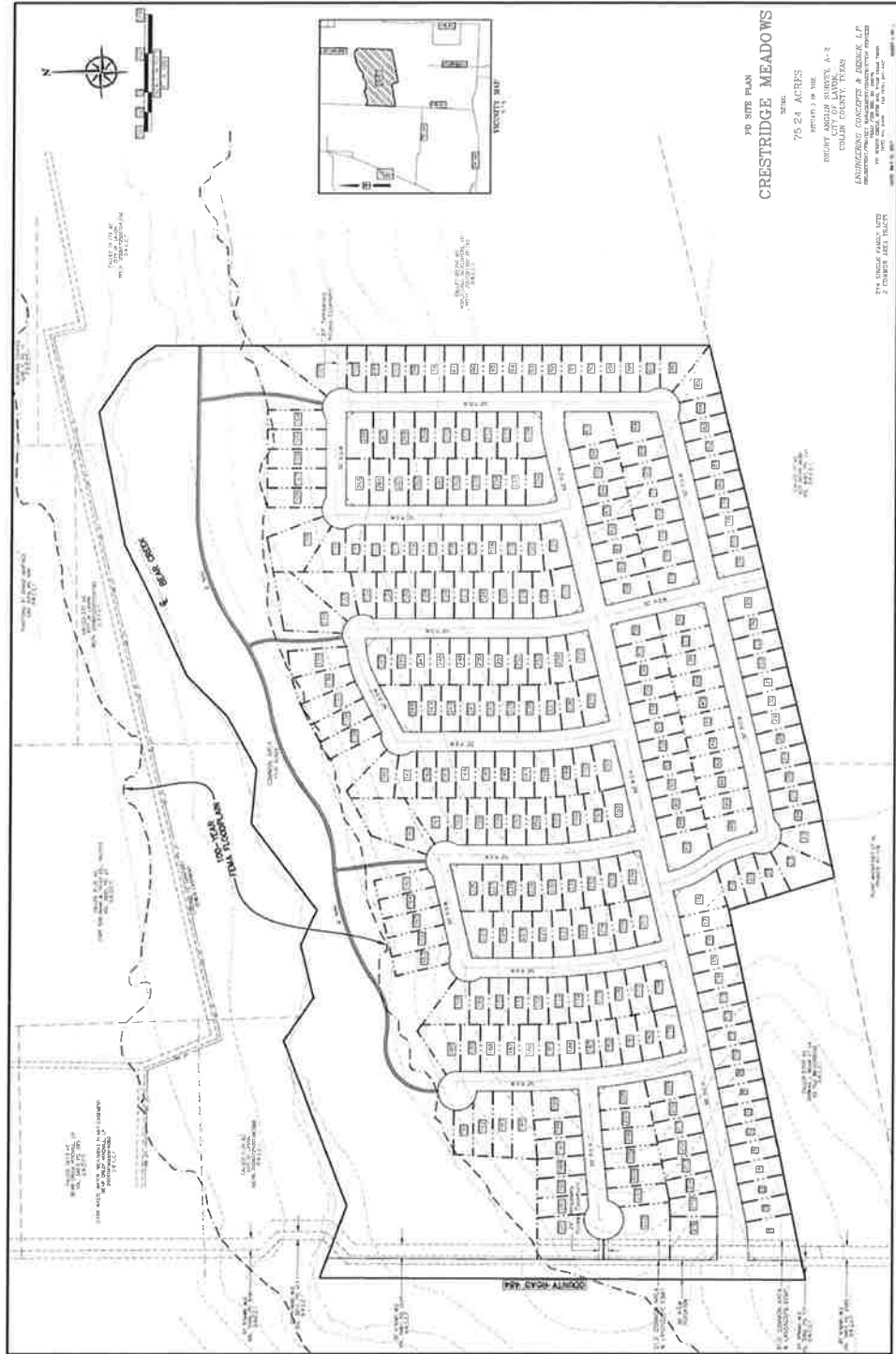
Crestridge Meadows – Location Exhibit



Crestridge Meadows – Concept Plan



Crestridge Meadows – Concept Plan



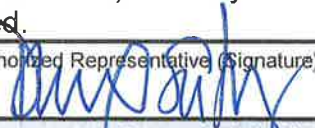


CITY OF LAVON

P.O. Box 340 – 120 School Rd. – Lavon, TX 75166
 Office 972-843-4220 – Inspection 972-853-0855
 Email: leann.mcclendon@cityoflavon.org

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Company Making Submission			Property Owner		
Name: <u>Engineering Concepts & Design</u>			Name: <u>Starlight Homes Texas, LLC</u>		
Address: <u>201 Windco Circle, Ste. 200</u>			Address: <u>1800 Valley View Lane, Ste. 100</u>		
City/State/Zip: <u>Wylie, TX 75098</u>			City/State/Zip: <u>Famers Branch, TX 75234</u>		
Phone #: <u>972-941-8400</u> Fax #: <u>972-941-8401</u>			Phone #: <u>214-616-6887</u> Fax #: <u>N/A</u>		
Authorized Person: <u>Ryan C. King, PE</u>			Authorized Person: <u>Daniel Satsky</u>		
Type of Submission		Date	Check List of Items Submitted		
<input type="checkbox"/> Preliminary Plat			<input checked="" type="checkbox"/> (two) full size sets of plats (24x36)		
<input checked="" type="checkbox"/> Final Plat			<input checked="" type="checkbox"/> (two) full size construction sets (24x36)		
<input type="checkbox"/> Re-Submittal			<input checked="" type="checkbox"/> (one) half size sets of plats (11x17)		
<input checked="" type="checkbox"/> Construction Plans			<input checked="" type="checkbox"/> (ten) half size sets of plats with final submission (11x17)		
<input type="checkbox"/> Other			<input checked="" type="checkbox"/> (one) PDF plats (on separate CD's)		
			<input checked="" type="checkbox"/> (one) PDF construction plans (can be included on plat CD)		
Pricing					
Preliminary Plat: C*D*		\$500.00 plus \$5.00 per lot (Plus engineer review costs)			
Final Plat: C*D*		\$500.00 plus \$5.00 per lot plus \$50.00 filing fee (Plus engineer review costs)			
Re-Plat: C*D*		\$325.00 plus \$5.00 per lot plus \$50.00 filing fee (Plus engineer review costs)			
Public Infrastructure Inspection: C*E*		4 percent of project or Cost (whichever is greater)			
<p>C* Costs shall include the actual costs to the City plus a 10 percent administrative fee. These fees shall be in addition to the permit fee required. D* A deposit of \$500.00 shall be required to cover engineers review, with additional costs to be billed upon engineers recommendation. Any portion of the deposit not used shall be refunded after the engineer's recommendation. E* An estimate of the testing and inspection shall be made at the time of the engineers review of construction plans and a deposit equal to that amount shall be due before any construction may begin, with additional costs to be billed when the costs are incurred.</p>					
<p>NOTICE TO APPLICANT: Any approval will be issued based on the information furnished in this application and on any submitted plats. It is subject to the provisions and requirements of the City of Lavon Code of Ordinances (# 2002-01-03) and any other applicable ordinances of the City, regardless of information and/or plans submitted.</p>					
Authorized Representative (Printed Name) <u>Daniel Satsky</u>		Authorized Representative (Signature) 			Date: <u>Jan. 8, 2020</u>
To be completed by the City					
In Takers Name:					
In takers Review Date:	PW Review Date:	COO Review Date:	Engineer Review Date:	P&Z Review Date:	Council Action Date:
<input type="checkbox"/> Accepted	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved
<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected
Comments:					

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JAN 17 2020

CITY OF LAVON



CITY OF LAVON

P.O. Box 340 – 120 School Rd. – Lavon, TX 75166
Office 972-843-4220 – Inspection 972-853-0855
Email: leann.mcclendon@cityoflavon.org

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Authorization of Representation

Date: January 8, 2020

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Starlight Homes Texas, 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 Engineering Concepts & Design to represent me (us) and my (our) interests in the property described in the attached exhibits (s) for the expressed purpose of this request.

[Handwritten Signature]

Signature (Owner)

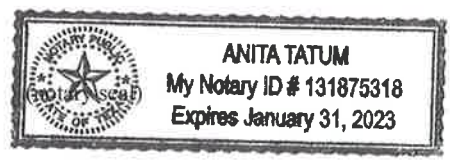
Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas

Before me, the undersigned authority, appeared Daniel Satsky,
on this the 15th day of January, 20 20.

Anita Tatum



Notary Public in and for Dallas County, Texas

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JAN 17 2020
CITY OF LAVON



CITY OF LAVON

P.O. Box 340 – 120 School Rd. – Lavon, TX 75166
Office 972-843-4220 – Inspection 972-853-0855
Email: leann.mcclendon@cityoflavon.org

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Declaration of Ownership

Date: January 8, 2020

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Starlight Homes Texas, 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.

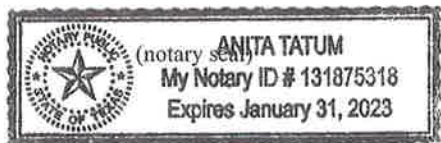
Signature (Owner)

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The State of Texas
County of Dallas

Before me, the undersigned authority, appeared Daniel Satsky,
on this the 15th day of January, 2020.



Anita Tatum

Notary Public in and for Dallas County, Texas



CITY OF LAVON

P.O. Box 340 – 120 School Rd. – Lavon, TX 75166

Office 972-843-4220 - Inspection 972-853-0855

Email: leann.mcclendon@cityoflavon.org

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Plat Submittal Checklist

The below items are to be submitted with all plat applications.

- Application (signed and dated)
- 3 full size sets of plats (24x36)
- 3 full size sets of construction plans (24x36)
 - Titles on pages should be descriptive & listed on table of contents.
- 1 PDF and DWG plat(s) on CD
- 1 PDF and DWG complete construction plan set(s) on CD
(Can be submitted on same disk as plat, but are not considered one)
Must include the following:
 - Detailed file description
 - Number of pages contained in file
- 1 half size sets of plats
- 10 ½ size sets if it is **Final Submittal (Only on plat submittals)**
- \$500.00 deposit for engineer review
- Public Infrastructure Inspection fee on construction plans
(4% of project or cost; whichever is greater)

Project Representative:

If all required documentation are not submitted together your application will be denied.

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JAN 17 2020

CITY OF LAVON

TO: City of Lavon

I desire to extend the 30-day period set out in the Texas Local Government Code Section 212.009 for plat approval.

Sec. 212.009. APPROVAL PROCEDURE: INITIAL APPROVAL. (a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed. A plan or plat is approved by the municipal authority unless it is disapproved within that period and in accordance with Section 212.0091.

(b) If an ordinance requires that a plan or plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the plan or plat within 30 days after the date the plan or plat is approved by the planning commission or is approved by the inaction of the commission. A plan or plat is approved by the governing body unless it is disapproved within that period and in accordance with Section 212.0091.

(b-1) Notwithstanding Subsection (a) or (b), if a groundwater availability certification is required under Section 212.0101, the 30-day period described by those subsections begins on the date the applicant submits the groundwater availability certification to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable.

(b-2) Notwithstanding Subsection (a) or (b), the parties may extend the 30-day period described by those subsections for a period not to exceed 30 days if:

(1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and

(2) the municipal authority or governing body, as applicable, approves the extension request.

The City did not request or require this waiver. The Applicant submits it voluntarily and acknowledges the City is in compliance with Section 212.0097.

Sec. 212.0097. APPROVAL PROCEDURE: WAIVER PROHIBITED. A municipal authority responsible for approving plats or the governing body of a municipality may not request or require an applicant to waive a deadline or other approval procedure under this subchapter.

Application: Crystalline Meadows 2

Signed: [Signature]

Date: 1-17-20

Approved: [Signature]

Date: 01-17-2020

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JAN 17 2020
CITY OF LAVON

March 18, 2020

Ms. Kim Dobbs
City of Lavon
PO Box 340
Lavon, TX 75166

Re: Crestridge Meadows, Phase 2 - 133 Lots, 1 Common Area, 34.746 Acres
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Final Plat dated March 18, 2020 and revised Construction Plans dated March 9, 2020 as prepared by Engineering Concepts & Design, LP for the above referenced property. In addition, we have reviewed an updated Traffic Impact Analysis (TIA) as prepared by G.T. (Tom) Walton, P.E. dated March 2020. The property is located east of Crestridge Meadows Phase 1. Our comments are as follows:

Final Plat

1. All previous comments have been satisfactorily addressed.
2. The property description includes the adjoiner of Crestridge Meadows, Phase 1. The filing information will need to be included prior to filing of this Phase 2 Plat.
3. An easement for the proposed trail has been included. It should be noted that this may change based upon the "As-Built" location of the trail. This would be updated prior to filing.
4. Note that the sanitary sewer easement is "to be abandoned". A new sanitary sewer easement will be provided based upon "As-Built" location of the Bear Creek Trunk Sewer. This will be updated prior to filing.

Drainage Calculations

5. Inlets G-2, H-3 and H-4 have been modified to eliminate carryover to downstream inlets.

Storm Line FA

6. An erosion control blanket is being provided within the ditch downstream of the outfall for Line FA (per revised sheet dated 03-18-2020).

Sanitary Sewer Plan

7. It should be noted that the 21" PVC line (SS Line 9) has changed. The "As-Built" locations will be provided to the Engineer to modify their plans as needed.

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MAR 18 2020

CITY OF LAVON

Ms. Kim Dobbs
Crestridge Meadows, Phase 2, Final Plat
March 18, 2020
Page 2 of 2

Water Plan and Waterline Profile

8. Approval from Bear Creek SUD (BCSUD) is required prior to commencing any construction activities.

Trail Plan

9. A trail plan has been provided as requested.

Details

10. The updated Lavon Standard Construction Details have been provided as requested.

Traffic Impact Analysis

11. This TIA is an update of the previous TIA to reflect the single entrance onto CR 484.
12. The TIA document should be signed and sealed by a licensed Professional Engineer in the State of Texas.
13. The Engineer should verify the use of 6' wide shoulders in the computer analysis. There are no shoulders on the county roads (as described in the TIA narrative).
14. The Engineer should justify the 51%/49% split used for the HCS of CR 484 north of CR 485. This does not appear to be supported by the traffic counts provided.

This concludes our review of the above referenced Final Plat, Civil Construction Plans and revised TIA. **We recommend Approval of the Final Plat and Construction Plans.**

The TIA comments should be addressed prior to scheduling a preconstruction conference.

The review conducted by FMI was for the limited purpose of code and ordinance compliance review for the exclusive benefit of the City of Lavon. The above referenced documents were not reviewed as to their quality or for errors on the part of the surveyor or engineer.

If there are any questions, please contact me at 214-503-0555 x115 or by email at mdhill@fmi-dallas.com.

Sincerely,
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.
Consulting City Engineering

Cc: Sonny Mancias, Mike Jones, Danny Anthony, Ryan King

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2020-March-09

Kim Dobbs
City Administrator/City Secretary
City of Lavon
120 School Road
Lavon, TX 75166

RE: Crestridge Meadows Phase 2– Engineering
Response to Freeman-Millican, Inc. Engineering Review Comments

Ms. Dobbs:

We have completed our plan updates based on the Freeman-Millican review/redline comments provided on 2020-February-14, for the Final Plat and Construction Plan submittal of Crestridge Meadows Phase 2 and offer the following responses in **bold font**:

General

1. The property is being platted into 133 single family lots and one (1) common area tract.
2. The property is being developed as a Planned Development per Ordinance 2017-06-03.
3. This is the final phase of the Crestridge Meadows development as identified in the Preliminary Plat.
4. The Traffic Impact Analysis (TIA) for Crestridge Meadows (July 2017) assumed two (2) points of access to CR 484. Subsequent to the study, the points of access is now only one (1), the divided entrance of Crestridge Drive. We recommend that the TIA be updated to reflect the reduction of access points to CR 484.
Response: Updated TIA is currently being completed. We will forward to you in the as soon as it is complete.

Final Plat

5. Line L1 is missing from the written description.
Response: The description has been updated to include L1.
6. The Deed for the adjacent property to the east differs between the drawing and the written description.
Response: The description has been revised.
7. The City should verify acceptability of the street names.
Response: Street names have been reviewed by the City.
8. The sanitary sewer easement along the north side in lot 1X should be shown.
Response: The existing sanitary sewer easement has been added.
9. An easement for the trail should be provided.
Response: An easement was not required or provided in Phase 1.
10. We recommend that the adjoiner for Phase 1 should be included in the written description.

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MAR 11 2020
CITY OF LAVON

Response: The description has been revised.

11. We recommend that adjoiners be used for callouts along the creek.

Response: The description has been revised.

12. The dates for the City Secretary signature block should be updated.

Response: Dates have been updated.

Paving Plans

13. A trail plan should be provided.

Response: A trail plan has been included as Sheet 33.

Grading Plan

14. Note that grading activities were included as part of Phase 1.

Response: Note has been added.

Drainage Calculations

15. Inlets G-2, H-3 and H-4 have carryover to downstream inlets. The Engineer should consider installing larger inlets to eliminate carryover.

Response: Inlet sizes have been revised to eliminate carryover.

Storm Line FA

16. The note for the rip-rap at the end of the outfall should be modified to be grouted rip-rap.

Response: Grouted riprap has been specified.

17. A typical ditch section should be provided.

Response: Typical ditch has been added.

Storm Line FA & FA5

18. Lateral FA5 stationing should be modified (see markups)

Response: The stationing for FA5 has been revised to show the correct stations.

Sanitary Sewer Plan

19. The manholes along the north side (by others) are 5' diameter, not 4'.

Response: Manholes (by others) revised to show them as 5 ft. diameter.

20. The easement along the 21" sanitary sewer line should be shown.

Response: Easement shown as requested.

Sanitary Profiles

21. The existing manholes on the 21" sanitary sewer are 5' diameter.

Response: Manholes revised to show them as 5 ft. diameter.

22. The stubouts on the 21" sanitary sewer line should be located at the same elevation as the 21": pipeline to eliminate the need for drop connections. These should already be installed and can be field verified. Mat add "Field Verify" to notes.

Response: Stubouts and connections to them have been lowered and noted to be Field Verified.

Water Plan

23. The sanitary sewer notes should be removed.

Response: Sanitary Sewer notes have been removed.

24. Approval from Bear Creek SUD (BCSUD) is required prior to approval of the Final Plat and Construction Plans.

Response: Plans have been submitted to Bear Creek SUD and approval will be provided.

Waterline Profile

25. These sheets shall be approved by the BCSUD. A copy of their approval is required prior to approval of the Final Plat and construction plans.

Response: Plans have been submitted to Bear Creek SUD and approval will be provided.

Sidewalk, Lighting & Signage Plan

26. A Trail Plan should be provided.

Response: A trail plan has been included as Sheet 33.

27. The Engineer should verify if another cluster mailbox is to be part of this Phase of development. If so, a note should be added that a street light should be located at the location of the cluster mailbox.

Response: This is being worked through with the owner.

Details

28. The updated Lavon Standard Construction Details should be used for this project.

Response: The latest City details from December 2019 have been included.

Please find our Construction Plans Submittal Set dated March 9, 2020 included with this response.

Respectfully,



Ryan C. King P.E.
Engineering Concepts & Design, L.P.

February 14, 2020

Ms. Kim Dobbs
City of Lavon
PO Box 340
Lavon, TX 75166

Re: Crestridge Meadows, Phase 2 - 133 Lots, 1 Common Area, 34.746 Acres
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the Final Plat dated January 13, 2020 and Construction Plans dated January 9, 2020 as prepared by Engineering Concepts & Design, LP for the above referenced property. The property is located east of Crestridge Meadows Phase 1. Our comments are as follows:

General

1. The property is being platted into 133 single family lots and one (1) common area tract.
2. The property is being developed as a Planned Development per Ordinance 2017-06-03.
3. This is the final phase of the Crestridge Meadows development as identified in the Preliminary Plat.
4. The Traffic Impact Analysis (TIA) for Crestridge Meadows (July 2017) assumed two (2) points of access to CR 484. Subsequent to the study, the points of access is now only one (1), the divided entrance of Crestridge Drive. We recommend that the TIA be updated to reflect the reduction of access points to CR 484.

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11. We recommend that adjoiners be used for callouts along the creek.
12. The dates for the City Secretary signature block should be updated.

Paving Plans

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22. The stubouts on the 21" sanitary sewer line should be located at the same elevation as the 21" pipeline to eliminate the need for drop connections. These should already be installed and can be field verified. May add "Field Verify" to notes.

Water Plan

23. The sanitary sewer notes should be removed.
24. Approval from Bear Creek SUD (BCSUD) is required prior to approval of the Final Plat and Construction Plans.

Waterline Profile

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Sidewalk, Lighting & Signage Plan

26. A trail plan should be provided.

27. The Engineer should verify if another cluster mailbox is to be part of this Phase of development. If so, a note should be added that a street light should be located at the location of the cluster mailbox.

Details

28. The updated Lavon Standard Construction Details should be used for this project.

This concludes our review of the above referenced Final Plat and Civil Construction Plans. A copy of the applicable plan sheets with markups, is attached for your use.

To facilitate further review, we recommend that all changes be clouded or otherwise noted and a cover letter be included that addresses all items.

The review conducted by FMI was for the limited purpose of code and ordinance compliance review for the exclusive benefit of the City of Lavon. The above referenced documents were not reviewed as to their quality or for errors on the part of the surveyor or engineer.

If there are any questions, please contact me at 214-503-0555 x115 or by email at mdhill@fmi-dallas.com.

Sincerely,
FREEMAN-MILLICAN, INC.



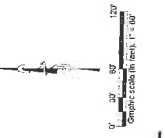
Mark D. Hill, P.E.
Consulting City Engineering

Cc: Sonny Mancias, Mike Jones, Danny Anthony, Ryan King

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ABBREVIATION LEGEND

ABBR	DEFINITION
ASBR	As Shown
AS	As Shown
AS-PT	As Shown - Proposed
CM	Consulting Engineer
CP-N/CCT	City of Public Records, Civil County, Texas
U	Utility
U-E	Utility Easement
D.E.	Drainage Easement
D&U-E	Drainage & Utility Easement
W-E	Water Easement
W	Water
C.A.	Conduit Area
<->	Indicated sheet name change



- GENERAL NOTES:**
1. Existing on base on Texas State Plane Coordinate System, NAD 83, Texas North Zone 14N, 4202, Lambert Conformal Conic, Feet (7.5x10 NAD).
 2. By mutual agreement, part of the parcel depicted to the west, depicted as Lot 10 of Block 14, is hereby relinquished to the City of Lanes, Texas, for use as a public right-of-way.
 3. Common Area 14.14, Block 14, is an easement and is not subject to the City of Lanes, Texas, subdivision.
 4. Being a portion of the subdivision by means and under the authority of the City of Lanes, Texas, Ordinance No. 2015-06-03.
 5. This property is subject to the PD Ordinance for Outdwellers, Ordinance No. 2015-06-03.
 6. Approval of this Final Plat does not imply any liability for the City of Lanes, Texas, or for the engineer.
 7. This plat is subject to the City of Lanes, Texas, Ordinance No. 2015-06-03.
 8. All water service shall be done per 82.0253 specifications.

CURVE TABLE

NO	DELTA	RADIUS	LENGTH	CHL	CHB
C1	157.72°	100.00'	171.24'	114.29'	107.00'
C2	157.72°	200.00'	342.48'	228.58'	214.00'
C3	157.72°	300.00'	513.72'	342.87'	321.00'
C4	157.72°	400.00'	684.96'	457.16'	428.00'
C5	157.72°	500.00'	856.20'	571.45'	535.00'
C6	157.72°	1,000.00'	1,712.40'	1,142.90'	1,070.00'
C7	157.72°	2,000.00'	3,424.80'	2,285.80'	2,140.00'
C8	157.72°	3,000.00'	5,137.20'	3,428.70'	3,210.00'

LINE TABLE

LINE #	BEARING	DISTANCE
L1	N 12° 56' 19" W	10.00'
L2	N 62° 44' 31" E	63.56'
L3	S 81° 08' 11" E	37.66'
L4	N 12° 56' 19" W	22.00'
L5	N 38° 52' 07" E	25.20'
L6	S 69° 03' 07" E	28.47'
L7	S 89° 03' 07" W	33.31'
L8	S 62° 27' 06" E	33.77'
L9	S 45° 07' 07" E	20.20'
L10	N 89° 03' 07" W	33.00'
L11	S 12° 56' 19" E	18.00'
L12	S 12° 56' 19" W	10.00'
L13	N 12° 56' 19" E	10.00'
L14	N 12° 56' 19" W	10.00'



CRESTRIDGE MEADOWS, PHASE 2
 LOTS 28-31, BLOCK 4, LOTS 1-24, BLOCK 5,
 LOTS 1-27, BLOCK 6, LOTS 1-24, BLOCK 7,
 LOTS 1-27, BLOCK 8, LOTS 1-24, BLOCK 9,
 LOTS 1-27, BLOCK 10, COMMON AREA
 14.14, COMMON AREA 14.14
 24th STREET DISTRICT OF THE CITY OF LANES, COLLIER COUNTY, TEXAS
 CITY OF LANES, COLLIER COUNTY, TEXAS
 STREET FRONTAGE: 18,122.00'

OWNER
 LANS INCORPORATED
 1000 Maple View Lane, Suite 303
 Baytown, Texas 77520
 (409) 661-9888

ENGINEERING CONCEPTS
 ENGINEERING PROJECT MANAGEMENT, L.L.C.
 4005 W. Loop West, Suite 100
 Fort Worth, Texas 76104
 Fax: (817) 235-8344
 www.ecm.com

2017 BURNETT
 ARCHITECTS
 1000 W. Loop West, Suite 100
 Fort Worth, Texas 76104
 (817) 235-8344

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 Fort Worth, Texas 76104
 (817) 235-8344

2017 BURNETT
 ARCHITECTS
 1000 W. Loop West, Suite 100
 Fort Worth, Texas 76104
 (817) 235-8344



CITY OF LAVON Agenda Brief

MEETING: April 7, 2020

ITEM: 10 - F

Item:

Discussion and action to appoint liaison(s) to a working group to meet with the Abston Hills developer to discuss the development project and related matters.

Background:

Series of Actions:

On December 3, 2019, the City Council denied the November 13, 2019 application of Abston Hills for a preliminary plat. Subsequently, the city engineer and city staff have been working with the developer to resolve the issues identified in the original denial.

On January 24, 2020, the City informed the developer that the City is able to and desires to provide wastewater service to the proposed development.

In February, the city attorney and city administrator met with the developer and developer's counsel to discuss ways for moving forward and coexisting as neighbors.

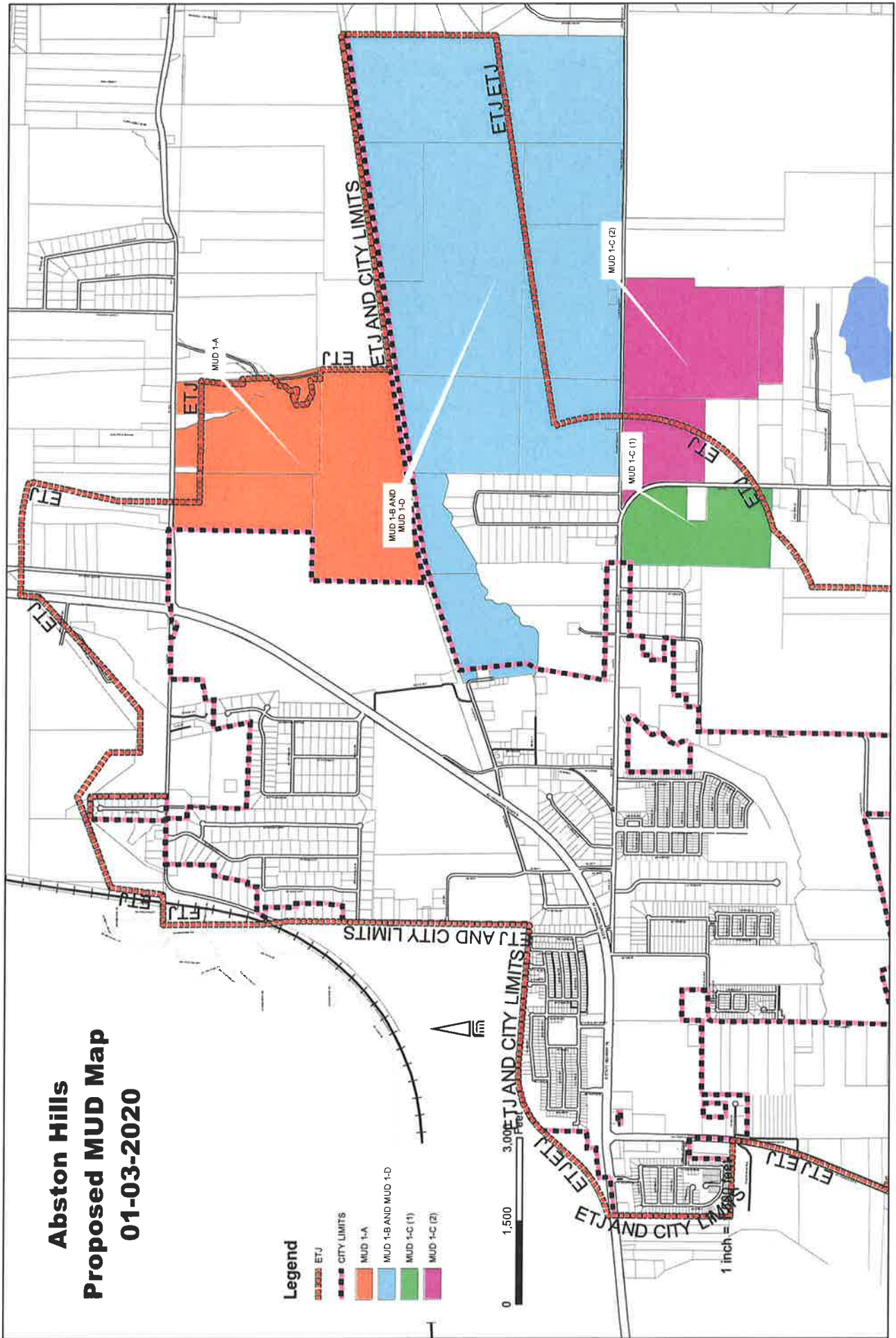
On March 11, 2020, the City informed the owner and developer that the City Council did not support or consent to the creation of the Abston Hills Municipal Utility Districts.

During a conference call with staff, the PID/TIRZ Administrator and the developer group it was suggested that a working group comprised of staff, the PID/TIRZ Administrator and two elected officials, one of which is the Mayor, would be helpful to facilitate communication and identify a path forward for the various issues relating to the development.

The working group would be scheduled to meet regularly, potentially on Thursday evenings.

Attachment: Map of development area

Abston Hills Proposed MUD Map 01-03-2020





CITY OF LAVON Agenda Brief

MEETING: April 7, 2020

ITEM: 10 – G

Item:

Conduct a public hearing to consider testimony regarding the addition of lands to the Heritage Public Improvement District No. 1 (Residential), being approximately 57.075 acres located to the south of the eastern portion of the original District as created by the Creation Resolution and 30.485 acres located to the east of the portion of the District adjacent to Mustang Estates in the corporate limits of the City of Lavon, Texas and on the advisability of the improvements, the nature of the improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs between the District and the City.

- 1) Presentation of proposal.
- 2) PUBLIC HEARING to receive comments.

Background:

On March 17, the City Council accepted the petition to add lands to the Heritage Public Improvement District No. 1 (Residential) and set a public hearing for April 7, 2020.

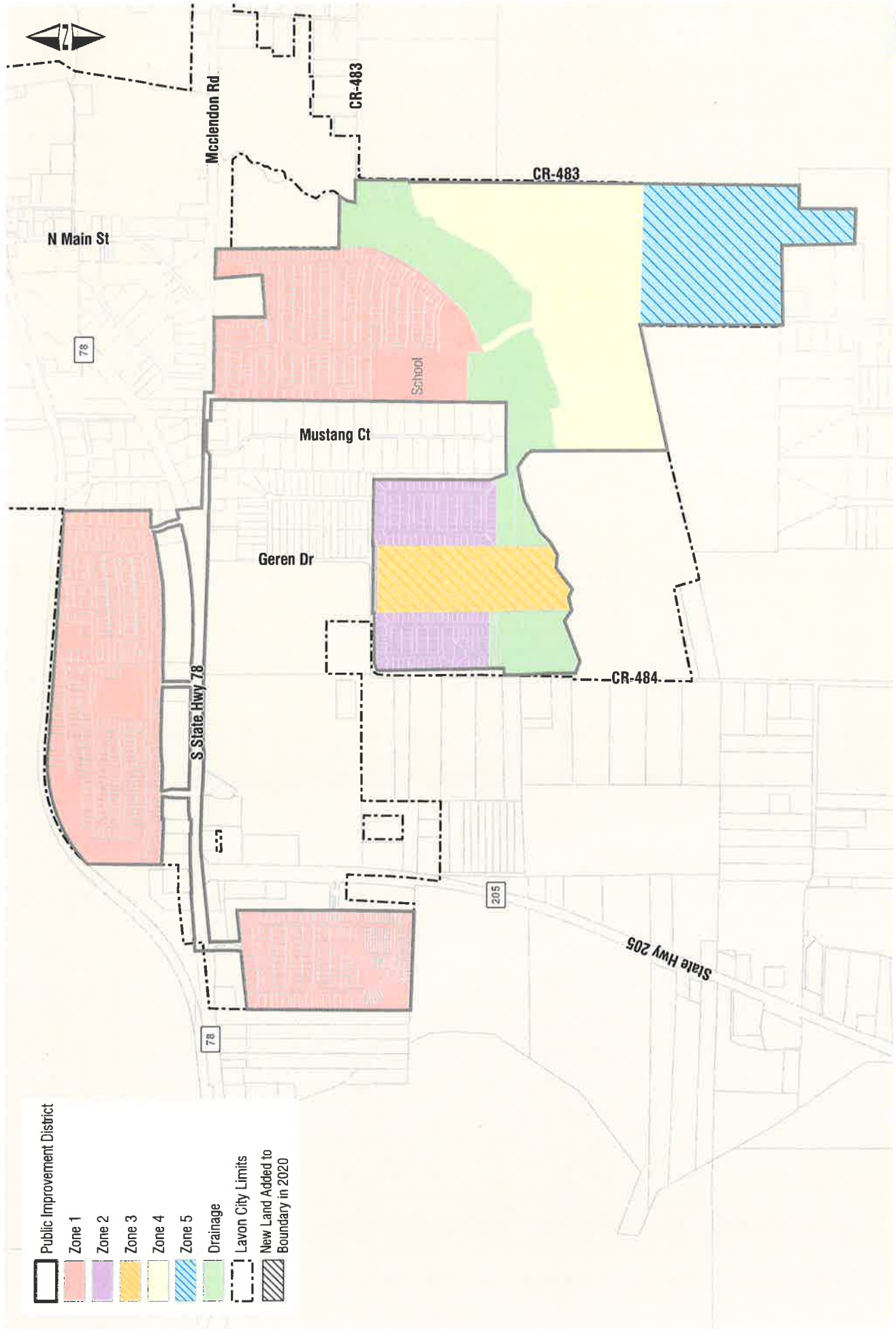
Notice of the public hearing was published in a newspaper and mailed to each property owner in the proposed PID at least 15 days prior to the date of the public hearing.

The public hearing may be continued or adjourned from time to time. After the conclusion of public hearing, the City Council has up to 6 months to adopt a resolution authorizing the creation of the PID. After adoption, the creation resolution must be published in a newspaper.

The date of publication is the effective date of the creation of the PID.

Attachments: Revised Area Map

GRAND HERITAGE PUBLIC IMPROVEMENT DISTRICT





CITY OF LAVON Agenda Brief

MEETING: April 7, 2020

ITEM: 10 – H

Item:

Discussion and action regarding Resolution No. 2020-04-07 adding lands to Heritage Public Improvement District No. 1 (Residential) within the City of Lavon pursuant to Chapter 372 Texas Local Government Code.

Background:

Please see the previous item for information relating to the addition of lands to the Heritage PID No. 1 (Residential).

Staff Notes:

The City Attorney and Bond Counsel reviewed the proposed resolution. Approval is recommended.

Attachments: Proposed Resolution

CITY OF LAVON, TEXAS

RESOLUTION NO. 2020-04-07

Adding Lands to Heritage PID No. 1 (Residential)

RESOLUTION OF THE CITY OF LAVON, TEXAS, ADDING LANDS TO HERITAGE PUBLIC IMPROVEMENT DISTRICT NO. 1 (RESIDENTIAL) WITHIN THE CITY OF LAVON AND REVISING THE BOUNDARIES THEREOF PURSUANT TO CHAPTER 372 TEXAS LOCAL GOVERNMENT CODE

WHEREAS, the City Council of the City (the “City Council”) of Lavon, Texas (the “City”) has received a petition (the “Petition”) requesting the addition of lands to Heritage Public Improvement District No. 1 (Residential) (the “District”) within the City under Chapter 372 of the Texas Local Government Code (the “Act”), from the record owners of taxable real property representing more than fifty percent (50%) of the appraised value of the taxable real property liable for assessment (as determined by the most recent certified appraisal roll for Collin County) in the lands to be added to the District and the record owners of taxable real property that constitute more than 50% of all of the area of all taxable real property that is liable for assessment in the lands to be added to the District under the proposal; and

WHEREAS, the Petition, has been examined, verified, and found to meet the requirements of Section 372.005(b) of the Act and to be sufficient for consideration by the City Council; and

WHEREAS, the boundaries of the proposed addition to the District are described in Exhibit A attached hereto (the “Additional Land”), said Additional Land being located wholly within the corporate limits of the City; and

WHEREAS, after providing all notices required by the Act, the City, on April 7, 2020, conducted a public hearing pursuant to Section 372.012 of the Act on the advisability of the addition of lands and the Authorized Improvements (as such term is defined herein) and services for the addition of lands as described in the Petition; and

WHEREAS, the City Council adjourned and closed the public hearing.

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

SECTION 1: The findings set forth in the recitals of this Resolution are hereby found to be true and correct.

SECTION 2: The Petition submitted to the City was filed with the City Secretary and complies with Subchapter A of the Act.

SECTION 3. Pursuant to the requirements of the Act, the City Council, after considering the Petition and the evidence and testimony presented at the public hearing on April 7, 2020, hereby finds and declares:

- (a) Advisability of the Proposed Improvements. It is advisable to add the Additional Land to the District to provide the Authorized Improvements (as defined herein) and services to the Additional Land as described in the Petition and this Resolution. The Authorized Improvements are necessary to serve the Additional Land, will promote the interests of the City and will confer a special benefit on the District, including the Additional Land.
- (b) General Nature of the Improvements. The general nature of the proposed Authorized Improvements to be provided in and to the Additional Land include the design, acquisition and construction of those improvements for which the District was created and identified in the resolution creating the District (the “Initial Improvements”), Resolution 2004-10-01 adopted by the City Council on October 28, 2004 (the “Creation Resolution”) and additional improvements including the design, acquisition, and construction of public improvement projects authorized by Chapter 372, Texas Local Government Code (the “Act”) that are necessary for development of the Additional Land, which public improvements will include water and wastewater system improvements, drainage improvements, street, roadway and sidewalk improvements, including related drainage, utility relocation, signalization, landscaping, lighting and signage, right-of-way acquisition, utility easement acquisition, projects similar to those listed above authorized by the Act, including similar off-site projects that provide a benefit to such property; payment of costs associated with operating and maintaining the public improvements listed above; payment of costs associated with developing and financing the public improvements listed above; and costs of establishing, administering, and operating the District (collectively, the “Additional Improvements” and, together with the Initial Improvements, the “Authorized Improvements”).
- (c) Estimated Cost of the Authorized Improvements. The estimated cost to design, acquire and construct the Additional Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs incurred in establishment, administration and operation of the District is \$14,000,000. The costs of the Additional Improvements described herein shall be borne solely by the land in the Additional Land area. This cost amount is in addition to the \$13,300,000 costs of Initial Improvements identified in the Creation Resolution, the costs of which shall be borne solely by land described in the Creation Resolution.
- (d) Boundaries. The revised boundaries of the Heritage Public Improvement District No. 1 (Residential) after addition of the Additional Land are set forth in Exhibit B, attached hereto.
- (e) Proposed Method of Assessment. The City shall levy assessments on each lot or tract within the Additional Land, in a manner and using an assessment methodology that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including accrued and unpaid interest), or in annual installments (including interest). If an assessment is allowed to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed in whole or in part by the assessment, and must continue for a period necessary to retire the indebtedness on those Authorized Improvements (including interest). A report will be prepared showing the

special benefit accruing to property in the Additional Land and how the costs of the Authorized Improvements are assessed to property on the basis of special benefit.

- (f) Apportionment of Cost between the City and the District. All of the costs of the Additional Improvements will be paid from assessments levied on properties within the Additional Land or bonds to be issued by the City, which bonds will be repaid from the assessments levied on properties within the Additional Land and from other sources of funds, if any, available to the City. All assessments levied or to be levied on a property within the Additional Land shall be apportioned the basis of the special benefit accruing to such property relating to the Additional Improvements.
- (g) Management of the District. The District, including the Additional Land, shall continue to be managed by the City or with the assistance of a consultant, who shall, from time to time, advise the City regarding certain operations of the District.
- (h) Advisory Body. The District, including the Additional Land, shall continue to be managed without the creation of an advisory body.

SECTION 4. The Additional Land is hereby added to the boundaries of Heritage Public Improvement District No. 1 (Residential) under the Act in accordance with the findings as to the advisability of the Authorized Improvements and addition of the Additional Land contained in this Resolution.

SECTION 5. The City's staff is directed to give notice of the authorization for the addition of the Additional Land to the District and the revised boundaries of the Heritage Public Improvement District No. 1 (Residential) by publishing a copy of this Resolution once in a newspaper of general circulation within the City. Such authorization shall take effect and the Additional Land shall become a part of Heritage Public Improvement District No. 1 (Residential) and assume the rights and obligations accruing by inclusion thereto effective upon the publication of such notice. The Heritage Public Improvement District No. 1 (Residential), including the Additional Land, shall exist until dissolved or terminated as provided by law.

SECTION 6. This Resolution shall take effect immediately from and after its passage and it is accordingly so resolved.

[Signature page follows]

PASSED AND APPROVED ON APRIL 7, 2020.

APPROVED:

Vicki Sanson, Mayor

ATTEST:

Kim Dobbs, City Administrator

EXHIBIT A

LEGAL DESCRIPTION OF ADDITIONAL LAND

(See attached)

TRACT I

BEING A 57.075 ACRE TRACT OF LAND SITUATED IN THE D. ANGLIN SURVEY, ABSTRACT NUMBER 2, COLLIN COUNTY, TEXAS, AND BEING ALL OF A CALLED 56.22 ACRE TRACT OF LAND CONVEYED AS "TRACT ONE" TO JOHN SVENSON, TRACI SVENSON, ORLIN S. SVENSON AND CHARLES O. SVENSON, IN VOLUME 2651, PAGE 24; VOLUME 2651, PAGE 30; VOLUME 2651, PAGE 33 AND VOLUME 2651, PAGE 36, DEED RECORDS, COLLIN COUNTY, TEXAS. SAID 57.075 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83(2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND COLLIN CORS ARP (PID-DF8982), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR THE NORTHEAST CORNER OF SAID 56.22 ACRE TRACT AND THE SOUTHEAST CORNER OF A 92.296 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" TO WORLD LAND DEVELOPERS, LP, AS RECORDED IN COUNTY CLERK'S FILE NO. 20070913001271380, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS;

THENCE, SOUTH 00 DEGREES 54 MINUTES 45 SECONDS WEST, ALONG THE EAST LINE OF SAID 56.22 ACRE TRACT, A DISTANCE OF 1637.22 FEET TO A POINT FOR A SOUTHEAST CORNER OF SAID 56.22 ACRE TRACT, SAID POINT BEING ON THE NORTH LINE OF A 15.51 ACRE TRACT OF LAND CONVEYED TO JAMES L. BRANNON AND PEGGY M. BRANNON, AS RECORDED IN COUNTY CLERK'S FILE NO. 20160919001247770, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS, FROM WHICH A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 15.51 ACRE TRACT AND A SOUTHEAST CORNER OF THE REMAINDER OF AN 8.25 ACRE TRACT OF LAND CONVEYED AS "SECOND TRACT" TO W.W. TOLLETT, AS RECORDED IN VOLUME 105, PAGE 280, DEED RECORDS, COLLIN COUNTY, TEXAS BEARS SOUTH 89 DEGREES 02 MINUTES 07 SECONDS EAST, A DISTANCE OF 174.02 FEET;

THENCE, ALONG THE SOUTH LINE OF SAID 56.22 ACRE TRACT AND SAID NORTH LINE OF 15.51 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 89 DEGREES 02 MINUTES 07 SECONDS WEST, A DISTANCE OF 240.24 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "BOUNDARY SOL" FOUND FOR CORNER;

SOUTH 01 DEGREES 52 MINUTES 31 SECONDS WEST, A DISTANCE OF 592.17 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

NORTH 87 DEGREES 36 MINUTES 12 SECONDS WEST, A DISTANCE OF 363.54 FEET TO A 1/2 INCH IRON ROD FOUND FOR A SOUTHWEST CORNER OF SAID 56.22 ACRE TRACT, SAID POINT BEING ON THE EAST LINE OF EAST HUBBARD PROPERTIES, AN ADDITION TO COLLIN COUNTY, TEXAS, AS RECORDED IN CABINET G, PAGE 22, PLAT RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 00 DEGREES 00 MINUTES 43 SECONDS EAST, ALONG A WEST LINE OF SAID 56.22 ACRE TRACT AND SAID EAST LINE OF EAST HUBBARD PROPERTIES, A DISTANCE OF 761.55 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID EAST HUBBARD PROPERTIES;

THENCE, NORTH 89 DEGREES 29 MINUTES 20 SECONDS WEST, ALONG THE SOUTH LINE OF SAID 56.22 ACRE TRACT AND THE NORTH LINE OF SAID EAST HUBBARD PROPERTIES, PASSING AT A DISTANCE OF 780.56 FEET A 5/8 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID EAST HUBBARD PROPERTIES, CONTINUING ALONG SAID SOUTH LINE OF SAID 56.22 ACRE TRACT, IN ALL A TOTAL DISTANCE OF 840.83 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 56.22 ACRE TRACT AND THE SOUTHEAST CORNER OF A 90.00 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" TO ROY BRIAN WEBB AND ANDREA KAY CAMPBELL, AS RECORDED IN VOLUME 4761, PAGE 200, DEED RECORDS, COLLIN COUNTY, TEXAS, SAID POINT BEING ON THE NORTH LINE OF LOT 19, BLOCK B OF MEADOW CREEK ESTATES, AN ADDITION TO COLLIN COUNTY, TEXAS, AS RECORDED IN CABINET G, PAGE 485, PLAT RECORDS, COLLIN COUNTY, TEXAS AND BEING ON APPROXIMATE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 483 (A VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY);

THENCE, NORTH 00 DEGREES 32 MINUTES 30 SECONDS EAST, ALONG THE WEST LINE OF SAID 56.22 ACRE TRACT, THE EAST LINE OF SAID 90.00 ACRE TRACT AND SAID WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 483, A DISTANCE OF 1474.64 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID 56.22 ACRE TRACT;

THENCE, SOUTH 88 DEGREES 40 MINUTES 46 SECONDS EAST, ALONG THE NORTH LINE OF SAID 56.22 ACRE TRACT, PASSING AT A DISTANCE OF 0.56 FEET A 1/2 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF AFORESAID 92.296 ACRE TRACT, CONTINUING ALONG SAID NORTH LINE OF 56.22 ACRE TRACT, THE SOUTH LINE OF SAID 92.296 ACRE TRACT AND WITH THE APPROXIMATE CENTERLINE OF AFORESAID COUNTY ROAD NO. 483, IN ALL A TOTAL DISTANCE OF 1475.98 FEET TO A THE POINT OF BEGINNING AND CONTAINING 57.075 ACRES LAND, MORE OR LESS.

TRACT II

BEING A 30.485 ACRE TRACT OF LAND SITUATED IN THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, CITY OF LAVON, COLLIN COUNTY, TEXAS, AND BEING A PARCEL OR TRACT OF LAND DESCRIBED TO CAPE COD BANK & TRUST COMPANY IN DEED RECORDED IN VOLUME 2651, PAGE 27 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD WITH RED CAP STAMPED "USA INC" FOUND FOR CORNER, SAID ROD BEING THE NORTHEAST CORNER OF TRADITIONS AT GRAND HERITAGE WEST AN ADDITION TO THE CITY OF LAVON, AS RECORDED IN VOLUME 2017, PAGE 900 OF THE DEED RECORDS OF COLLINS COUNTY, TEXAS, SAID POINT BEING A DEDICATED RIGHT-OF-WAY FOR COUNTY ROAD F.M. 484;

THENCE NORTH 00 DEGREES 47 MINUTES 17 SECONDS EAST A DISTANCE OF 30.16 FEET TO A POINT FOR CORNER, SAID POINT BEING IN THE APPROXIMATE CENTERLINE OF SAID COUNTY ROAD F. M. 484, (CURRENTLY A VARIABLE-WIDTH PRESCRIPTIVE-BY-USE PUBLIC RIGHT-OF-WAY);

THENCE SOUTH 89 DEGREES 22 MINUTES 38 SECONDS EAST, ALONG THE APPROXIMATE CENTERLINE OF COUNTY ROAD F. M. 484, A DISTANCE OF 555.40 FEET TO A 1/2 INCH IRON ROD WITH RED CAP STAMPED "USA INC." FOUND FOR CORNER, SAID POINT BEING A POINT FOR THE SOUTHERLY RIGHT-OF-WAY LINE FOR WINDMILL DRIVE (50 FOOT RIGHT-OF-WAY);

THENCE SOUTH 89 DEGREES 00 MINUTES 06 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF WINDMILL DRIVE A DISTANCE OF 131.60 FEET TO A 1/2 INCH IRON RID WITH RED CAP STAMPED "USA INC" FOUND FOR CORNER, SAID POINT BEING THE NORTHWEST CORNER OF TRADITIONS AT GRAND HERITAGE AN ADDITION TO THE CITY OF LAVON, AS RECORDED IN VOLUME 2016, PAGE 689, OF THE DEED RECORDS OF COLLINS COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 47 MINUTES 17 SECONDS WEST DEPARTING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WINDMILL DRIVE, AND ALONG THE EASTERLY LINE OF SAID CAPE COD TRACT, AND ALONG THE WESTERLY LINE OF SAID TRADITIONS AT GRAND HERITAGE, AND PASSING A 1/2 INCH IRON ROD WITH RED CAP STAMPED "USA INC" AT A DISTANCE OF 1,279.93 FEET FOUND FOR THE NORTHWEST CORNER OF AN H.O.A., P.A.E.D.E., S.S.E. & W.E TRACT, AND PASSING A DISTANCE OF 197.64 A 1/2 INCH IRON ROD WITH RED CAP STAMPED "USA INC" FOR THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO CITY OF LAVON COLLINS COUNTY, TEXAS AS RECORDED IN DOCUMENT NUMBER 20060725001041390 OF THE OFFICIAL PUBLIC RECORDS, COLLINS COUNTY, TEXAS, FOR A TOTAL DISTANCE OF 1,832.19 FEET TO A POINT

FOR CORNER, SAID POINT BEING THE SOUTHEAST CORNER OF SAID CAPE COD TRACT AND THE NORTHERLY LINE OF A TRACT OF AND DESCRIBED IN DEED TO JOHN DAVID SANDERS AS RECORDED IN VOLUME 4589, PAGE 1490 OF THE DEED RECORDS, COLLINS COUNTY, TEXAS, SAID POINT ALSO BEING ALONG THE APPROXIMATE CENTERLINE OF BEAR CREEK;

THENCE SOUTH 74 DEGREES 24 MINUTES 58 SECONDS WEST ALONG SAID APPROXIMATE CENTERLINE OF BEAR CREEK AND THE NORTHERLY LINE OF SAID SANDERS TRACT AND THE SOUTHERLY LINE OF SAID CAPE COD TRACT A DISTANCE OF 716.06 FEET TO A POINT FOR CORNER, SAID POINT BEING IN THE SOUTHWEST CORNER OF SAID CAPE COD TRACT AND THE SOUTHEAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO BEAR CREEK WINDMILL LP AS RECORDED IN VOLUME 5467, PAGE 695 OF THE DEED RECORDS, COLLINS COUNTY, TEXAS;

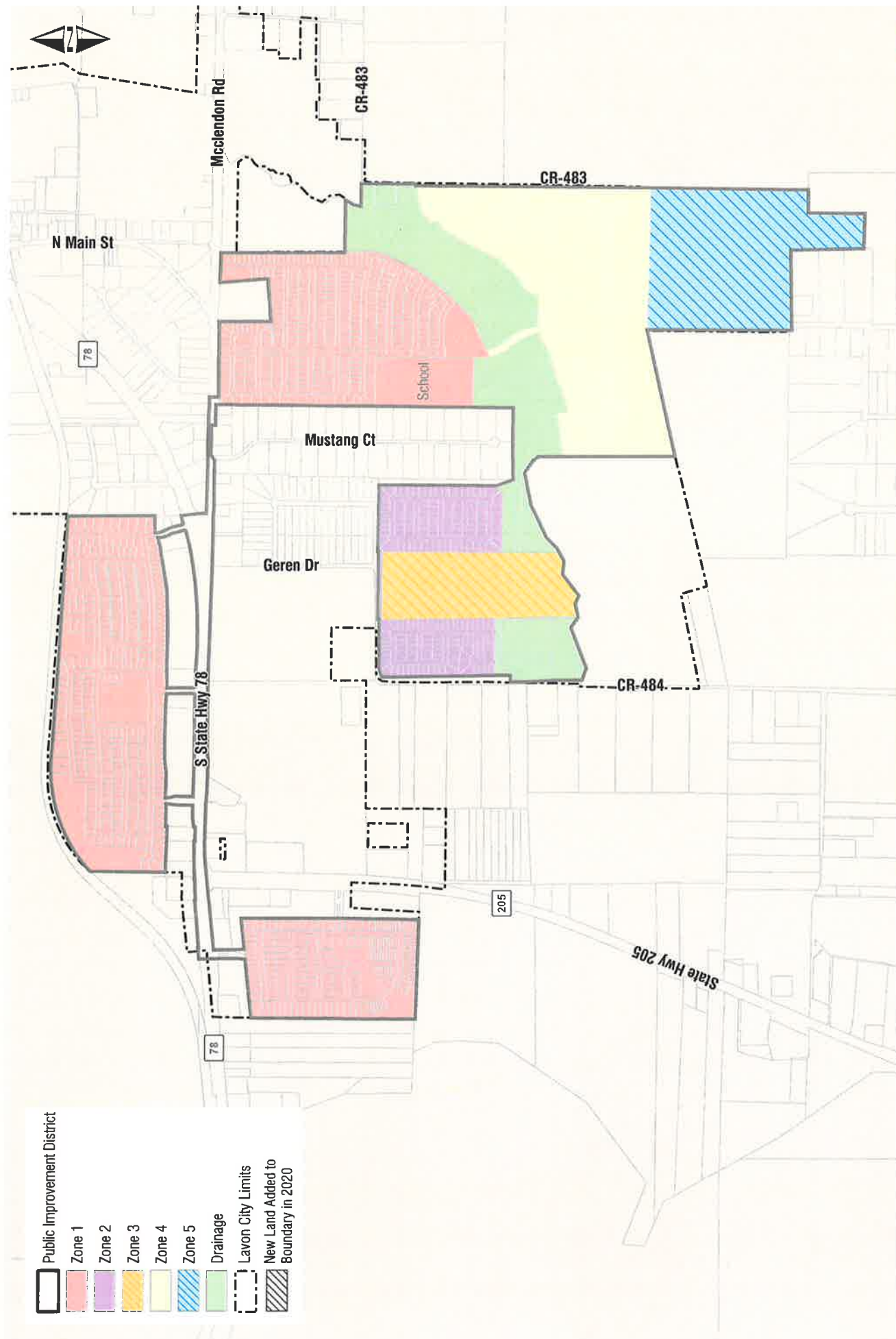
THENCE NORTH 00 DEGREES 47 MINUTES 17 SECONDS EAST PASSING A 1/2 INCH IRON ROD WITH RED CAP STAMPED "USA INC" AT A DISTANCE OF 745.11 FOR THE SOUTHEAST CORNER OF SAID TRADITIONS AT GRAND HERITAGE WEST SAID POINT BEING THE NORTHEAST CORNER OF SAID BEAR CREEK WINDMILL LP TRACT AND BEING ALONG THE WESTERLY LINE OF SAID CAPE COD TRACT AND BEING ALONG THE EASTERLY LINE OF SAID TRADITIONS AT GRAND HERITAGE WEST TRACT FOR A TOTAL DISTANCE OF 2,002.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,327,916 SQUARE FEET OR 30.485 ACRES OF LAND, MORE OR LESS.

EXHIBIT B

REVISED DISTRICT BOUNDARIES AND MAP

(See attached)

GRAND HERITAGE PUBLIC IMPROVEMENT DISTRICT





CITY OF LAVON Agenda Brief

MEETING: April 7, 2020

ITEM: 10 – I

Item:

Discussion and action regarding Resolution No. **2020-04-08** calling and noticing a public hearing on May 5, 2020 to consider the advisability of certain authorized improvements and the costs thereof to be financed by Bear Creek Phases 3-5 located in the Heritage Public Improvement District No. 1 (Residential); directing city staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto.

Background:

The process for the owner to fund improvements through the public improvement district begins with a public hearing.

This process is limited to improvements in the Bear Creek, Phases 3, 4 and 5 addition, located south of NeSmith Elementary School across the Presidents Blvd. bridge. The original sections of the Heritage PID No. 1 will not be affected by this process.

Staff Notes:

The City Attorney and Bond Counsel have reviewed the proposed resolution. Approval is recommended.

Attachments: Proposed Resolution

CITY OF LAVON, TEXAS

RESOLUTION NO. 2020-04-08

Public Hearing - Add Authorized Imp to Heritage PID No. 1- Bear Creek, Ph 3, 4, 5

A RESOLUTION OF THE CITY OF LAVON, TEXAS CALLING AND NOTICING A PUBLIC HEARING ON MAY 5, 2020 TO CONSIDER THE ADVISABILITY OF CERTAIN AUTHORIZED IMPROVEMENTS AND THE COSTS THEREOF TO BE FINANCED BY BEAR CREEK PHASES 3-5 LOCATED IN THE HERITAGE PUBLIC IMPROVEMENT DISTRICT NO. 1 (RESIDENTIAL); DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

RECITALS

WHEREAS, the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the “Act”) authorizes the governing body (the “City Council”) of the City of Lavon, Texas (the “City”) to create a public improvement district within the City or the extraterritorial jurisdiction of the City; and

WHEREAS, the City has previously created Heritage Public Improvement District No. 1 (Residential) (the “Original District”) pursuant to Resolution 2004-10-01 adopted on October 28, 2004 (the “Creation Resolution”), which Creation Resolution established the District containing approximately 434.171 acres (the “Original District Land”); and

WHEREAS, on April 7, 2020, the City Council adopted Resolution 2020-04-__ (the “Addition Resolution”) adding certain land containing approximately 87.56 acres (the “Additional District Land”) to the Original District and amending the boundaries of Heritage Public Improvement District No. 1 (Residential) to include the 521.731 acres of Original District Land and Additional District Land (such area, containing the Original District Land and the Additional District Land being referred to herein as the “District”); and

WHEREAS, the City authorized the creation of the Original District to allow for financing the design, acquisition and construction of those improvements identified in the Creation Resolution (the “Initial Improvements”) and authorized the addition of the Additional District Land to finance certain other public improvements authorized by the Act for the benefit of the property within the Additional District Land (the “Additional Improvements” and, together with the Initial Improvements, the “Authorized Improvements”); and

WHEREAS, pursuant to the Addition Resolution, the City Council found and determined that the estimated costs of the Additional Improvements was approximately \$14,000,000; and

WHEREAS, a portion of the costs of the Initial Improvements were intended to benefit approximately 92.267 acres of land included in the Original District known as “Bear Creek Phases #3-5”, which land is more particularly described on Exhibit B hereto and depicted on Exhibit C

hereto (“Bear Creek Phases 3-5”), and the City intends to consider the advisability of additional public improvements as the relate to Bear Creek Phases 3-5 (the “Bear Creek Improvements”) and the estimated costs thereof, which costs are estimated to be \$14,000,000 (the “Bear Creek Costs”) and other matters as required by Section 372.009 of the Act; and

WHEREAS, the Act requires that a public hearing (the “Public Hearing”) be called to consider the advisability of the Bear Creek Improvements and requires the City Council to hear and pass on any objections to the Bear Creek Improvements at, or on the adjournment of, the Public Hearing; and

WHEREAS, the Act requires that notice of the Public Hearing be mailed to property owners and published in a newspaper of general circulation in the City before the fifteenth (15th) day before the date of the Public Hearing.

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

SECTION 1. The recitals set forth above in this Resolution are true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2. The City Council calls a public hearing to be scheduled at or after 7:00 p.m. on May 5, 2020 to be held at Lavon City Hall, 120 School Road, Lavon, Texas 75166, or telephonically at toll-free 844-854-2222, access code 856485 if warranted, on the advisability of the Bear Creek Improvements and the estimated Bear Creek Costs, the nature of the improvements contemplated, the method of assessment relating to the Bear Creek Improvements, and the apportionment, if any, of the Bear Creek Costs between the land in Bear Creek Phases 3-5 located in the District and the City. Attached hereto as Exhibit A is a form of the Notice of Public Hearing, the form and substance of which is hereby adopted and approved. All residents and property owners within Bear Creek Phases 3-5 and within the District, and all other persons, are hereby invited to appear in person, or by their attorney, and speak on the advisability of the Bear Creek Improvements and matters related thereto.

SECTION 3. The Public Hearing may be adjourned from time to time. Upon the closing of the Public Hearing, the City Council may consider the adoption of a resolution determining the advisability of the Bear Creek Improvements and the estimated Bear Creek Costs, the nature of the improvements contemplated, the method of assessment relating to the Bear Creek Improvements, and the apportionment, if any, of the Bear Creek Costs between Bear Creek Phases 3-5, located within the District, and the City or may defer the adoption of such a resolution for up to six months, within the sole discretion of the City Council.

SECTION 4. The City Council hereby authorizes and directs the City Secretary, on or before April 15, 2020, in accordance with the Act, to: (a) publish notice of the Public Hearing in a newspaper of general circulation in the City; and (b) mail notice of the Public Hearing to the owners of the land as required under the Act.

SECTION 5. City staff is authorized and directed to take such other actions as are required (including, but not limited to, notice of the public hearing as required by the Texas Open Meetings Act and the Act) to place the public hearing on the agenda for the May 5, 2020 meeting of the City Council.

SECTION 6. This Resolution shall become effective from and after its date of passage in accordance with law.

[SIGNATURES TO FOLLOW]

PASSED AND APPROVED ON APRIL 7, 2020.

APPROVED:

Vicki Sanson, Mayor

ATTEST:

Kim Dobbs, City Administrator

EXHIBIT A

NOTICE OF PUBLIC HEARING REGARDING ADVISABILITY OF IMPROVEMENTS RELATED TO BEAR CREEK PHASES 3-5 LOCATED IN HERITAGE PUBLIC IMPROVEMENT DISTRICT NO. 1 (RESIDENTIAL)

Pursuant to Section 372.009(c) and (d) of the Texas Local Government Code, as amended, notice is hereby given that the City Council of the City of Lavon, Texas (“Lavon”), will hold a public hearing to accept public comments and discuss the advisability of certain “Bear Creek Improvements” as they relate to property within “Bear Creek Phases 3-5”, which property is located within and is a part of Heritage Public Improvement District No. 1 (Residential) (the “District”).

Time and Place of the Hearing. The public hearing will start at or after 7:00 p.m. on May 5, 2020 at Lavon City Hall, 120 School Road, Lavon, Texas 75166 or telephonically at toll-free 844-854-2222, access code 856485 if warranted.

General Nature of the Bear Creek Improvements. The Bear Creek Improvements include the design, acquisition, and construction of public improvement projects authorized by Chapter 372, Texas Local Government Code (the “Act”) that are necessary for development of the property within Bear Creek Phases 3-5, which public improvements will include water and wastewater system improvements, drainage improvements, street, roadway and sidewalk improvements, including related drainage, utility relocation, signalization, landscaping, lighting and signage, right-of-way acquisition, utility easement acquisition, projects similar to those listed above authorized by the Act, including similar off-site projects that provide a benefit to the property within Bear Creek Phases 3-5 payment of costs associated with operating and maintaining the public improvements listed above; payment of costs associated with developing and financing the public improvements listed above; and costs of establishing, administering, and operating the District (such portion, the “Bear Creek Improvements”). The Bear Creek Improvements shall promote the interests of the City and confer a special benefit on the land within Bear Creek Phases 3-5.

Estimated Cost of the Bear Creek Improvements. The estimated cost to design, acquire and construct the Bear Creek Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs incurred in establishment, administration and operation of the District is \$14,000,000.

Boundaries of Bear Creek Phases 3-5. Bear Creek Phases 3-5 includes approximately 92.267 acres located to the south of the bridge across Bear Creek and Presidents Blvd, east of FM 483, west of FM 484, south and north of Meadow Creek Estates, and all as more particularly described by a metes and bounds description available at Lavon City Hall located at 120 School Road, Lavon, Texas 75166 and available for public inspection. A map of the boundaries of Bear Creek Phases 3-5 may also be obtained by accessing the Public Notices posted on the website of the City of Lavon located at www.cityoflavon.com, or by calling 972-843-4220.

Proposed Method of Assessment in Bear Creek Phases 3-5. The proposed method of assessment will be identical to the proposed method of assessment previously approved by the City for the District. A report will be prepared showing the special benefits accruing to the property within Bear Creek Phases 3-5 and how the costs of the Bear Creek Improvements are assessed to the property within Bear Creek Phases 3-5 on the basis of the special benefits. The result will be that equal shares of the costs will be imposed on the

portions of the property similarly benefited.

Proposed Apportionment of Cost between Bear Creek Phases 3-5 and Layon. Layon shall not be obligated to provide any funds to finance the Bear Creek Improvements. The cost of the Bear Creek Improvements will be paid from assessments to be levied only on property within Bear Creek Phases 3-5 or bonds to be issued by the City, which bonds will be repaid from assessments to be levied on Bear Creek Phases 3-5 and from other sources of funds, if any, available to the City.

EXHIBIT B

LEGAL DESCRIPTION OF BEAR CREEK PHASES 3-5

Legal Description

BEING A 92.267 ACRE TRACT OF LAND SITUATED IN THE D. ANGLIN SURVEY, ABSTRACT NUMBER 2, CITY OF LAVON, COLLIN COUNTY, TEXAS, AND BEING ALL OF A 92.296 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" TO WORLD LAND DEVELOPERS, LP AS RECORDED IN COUNTY CLERK FILE NUMBER 20070913001271380, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS. SAID 92.267 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83(2011)EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND COLLIN CORS ARP (PID-DF8982), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF GRAND HERITAGE-EAST A2 AN ADDITION TO THE CITY OF LAVON, COLLIN COUNTY, TEXAS AND THE NORTHWEST CORNER OF A REMAINDER OF AN 18.459 ACRE TRACT OF LAND CONVEYED AS "TRACT 2" TO WORLD LAND DEVELOPERS, LP, AS RECORDED IN COUNTY CLERKS FILE NUMBER. 20070913001271380, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS; SAID POINT BEING ON THE EAST LINE OF COMMUNITY ISD ELEMENTARY ADDITION, AS RECORDED IN VOLUME 2008, PAGE 164, PLAT RECORDS, COLLIN COUNTY, TEXAS;

THENCE, ALONG THE WEST LINE OF SAID TRACT 2 AND THE COMMON EAST LINE OF SAID COMMUNITY ISD ELEMENTARY ADDITION, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 00 DEGREES 47 MINUTES 34 SECONDS WEST, A DISTANCE OF 195.02 FEET TO A POINT FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 06 DEGREES 43 MINUTES 16 SECONDS, A RADIUS OF 500.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 02 DEGREES 34 MINUTES 04 SECONDS EAST A DISTANCE OF 58.62 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 58.65 FEET TO A POINT FOR CORNER;

SOUTH 05 DEGREES 55 MINUTES 22 SECONDS EAST, A DISTANCE OF 47.26 FEET TO A POINT FOR CORNER;

NORTH 89 DEGREES 12 MINUTES 26 SECONDS WEST, A DISTANCE OF 10.07 FEET TO A POINT FOR CORNER;

SOUTH 05 DEGREES 55 MINUTES 02 SECONDS EAST, A DISTANCE OF 120.88 FEET TO A POINT FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07 DEGREES 41

MINUTES 00 SECONDS, A RADIUS OF 440.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 09 DEGREES 45 MINUTES 32 SECONDS EAST, A DISTANCE OF 58.96 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 59.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR THE **POINT OF BEGINNING**, SAID POINT BEING THE SOUTHWEST CORNER OF SAID TRACT 2 AND BEING THE MOST NORTHERLY NORTHWEST CORNER OF AFORESAID WORLD LAND DEVELOPERS, LP TRACT 1;

THENCE, NORTH 63 DEGREES 56 MINUTES 26 SECONDS EAST, ALONG THE COMMON SOUTH LINE OF SAID TRACT 2 AND THE NORTH LINE OF SAID TRACT 1, A DISTANCE OF 82.38 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER, SAID POINT BEING THE NORTHWEST CORNER OF A 31.269 ACRE TRACT OF LAND CONVEYED AS TRACT 1 BY DEED TO THE CITY OF LAVON RECORDED IN COUNTY CLERK'S FILE NO. 20060725001041390, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 27 DEGREES 38 MINUTES 23 SECONDS, A RADIUS OF 360.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 24 DEGREES 35 MINUTES 26 SECONDS EAST, A DISTANCE OF 171.99 FEET;

THENCE, ALONG THE COMMON EAST LINE OF WORLD LAND DEVELOPERS, LP TRACT 1 AND THE WEST LINE OF CITY OF LAVON TRACT 1, THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 173.67 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

SOUTH 38 DEGREES 24 MINUTES 38 SECONDS EAST, A DISTANCE OF 79.99 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 30 DEGREES 23 MINUTES 10 SECONDS, A RADIUS OF 640.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 23 DEGREES 13 MINUTES 03 SECONDS EAST, A DISTANCE OF 335.45 FEET;

ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 339.42 FEET TO A POINT FOR CORNER AT A NORTHEAST CORNER OF WORLD LAND DEVELOPERS, LP TRACT 1 AND THE SOUTHWEST CORNER OF SAID CITY OF LAVON TRACT 1;

THENCE, ALONG THE COMMON NORTH LINE OF WORLD LAND DEVELOPERS, LP TRACT 1 AND THE SOUTH LINE OF CITY OF LAVON TRACT 1, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 89 DEGREES 15 MINUTES 18 SECONDS EAST, A DISTANCE OF 315.26 FEET TO A POINT FOR CORNER AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 53 DEGREES 11 MINUTES 19 SECONDS, A RADIUS OF 245.03 FEET, AND A LONG CHORD THAT BEARS NORTH 35 DEGREES 19 MINUTES 43 SECONDS EAST, A DISTANCE OF 219.38 FEET;

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 227.47 FEET TO A POINT FOR CORNER AND THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 18 DEGREES 51 MINUTES 49 SECONDS, A RADIUS OF 465.00 FEET, AND A LONG CHORD THAT BEARS NORTH 52 DEGREES 29 MINUTES 28 SECONDS EAST, A DISTANCE OF 152.40 FEET;

ALONG SAID REVERSE CURVE TO THE LEFT, AN ARC DISTANCE OF 153.09 FEET TO A POINT FOR CORNER;

NORTH 43 DEGREES 03 MINUTES 34 SECONDS EAST, A DISTANCE OF 131.07 FEET TO A POINT FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 15 DEGREES 16 MINUTES 33 SECONDS, A RADIUS OF 465.00 FEET, AND A LONG CHORD THAT BEARS NORTH 35 DEGREES 25 MINUTES 17 SECONDS EAST, A DISTANCE OF 123.61 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 123.98 FEET TO A POINT FOR CORNER;

NORTH 27 DEGREES 47 MINUTES 01 SECONDS EAST, A DISTANCE OF 451.43 FEET TO A POINT FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 03 DEGREES 45 MINUTES 10 SECONDS, A RADIUS OF 535.00 FEET, AND A LONG CHORD THAT BEARS NORTH 29 DEGREES 39 MINUTES 36 SECONDS EAST, A DISTANCE OF 35.04 FEET;

ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 35.04 FEET TO A POINT FOR CORNER;

NORTH 31 DEGREES 32 MINUTES 11 SECONDS EAST, A DISTANCE OF 109.36 FEET TO A POINT FOR CORNER;

NORTH 76 DEGREES 13 MINUTES 07 SECONDS EAST, A DISTANCE OF 98.34 FEET TO A POINT FOR CORNER;

NORTH 13 DEGREES 46 MINUTES 53 SECONDS WEST, A DISTANCE OF 97.03 FEET TO A POINT FOR CORNER;

NORTH 42 DEGREES 43 MINUTES 18 SECONDS EAST, A DISTANCE OF 66.37 FEET TO A POINT FOR CORNER;

NORTH 54 DEGREES 35 MINUTES 32 SECONDS EAST, A DISTANCE OF 55.78 FEET TO A POINT FOR CORNER;

NORTH 65 DEGREES 30 MINUTES 47 SECONDS EAST, A DISTANCE OF 52.54 FEET TO A POINT FOR CORNER;

NORTH 73 DEGREES 29 MINUTES 14 SECONDS EAST, A DISTANCE OF 26.51 FEET TO A POINT FOR CORNER;

NORTH 76 DEGREES 09 MINUTES 12 SECONDS EAST, PASSING AT A DISTANCE OF 190.00 FEET A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR WITNESS AND CONTINUING A TOTAL DISTANCE OF 222.78 FEET TO A POINT FOR A NORTHEAST CORNER OF WORLD LAND DEVELOPERS, LP TRACT 1 AND THE SOUTHEAST CORNER OF SAID CITY OF LAVON TRACT 1, SAID POINT LYING IN COUNTY ROAD NO. 483 AND BEING ON THE EAST LINE OF A 50.64 ACRE TRACT CONVEYED BY DEED TO MICHAEL J BOX RECORDED IN VOLUME 5420, PAGE 485, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE, SOUTH 00 DEGREES 44 MINUTES 42 SECONDS WEST, ALONG THE EAST LINE OF SAID WORLD LAND DEVELOPERS, LP TRACT 1, THE WEST LINE OF WEST LINE OF SAID 50.64 ACRES AND IN THE GENERAL DIRECTION OF SAID COUNTY ROAD NO. 483, A DISTANCE OF 2441.30 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR SOUTHEAST CORNER OF SAID WORLD LAND DEVELOPERS, LP TRACT 1;

THENCE, NORTH 88 DEGREES 40 MINUTES 46 SECONDS WEST, ALONG THE SOUTH LINE OF SAID WORLD LAND DEVELOPERS, LP TRACT 1, THE NORTH LINE OF A 56.22 ACRE TRACT OF LAND CONVEYED AS TRACT 1 TO ORLIN S. SVENSON RECORDED IN VOLUME 2651, PAGE 33, OFFICIAL PUBLIC RECORD, COLLIN COUNTY, TEXAS AND IN THE GENERAL DIRECTION OF SAID COUNTY ROAD NO. 483, A DISTANCE OF 1475.42 FEET TO A 1/2" IRON ROD FOUND FOR A SOUTHERLY CORNER OF SAID WORLD LAND DEVELOPERS, LP TRACT 1, THE NORTHWEST CORNER OF SAID 56.22 ACRE TRACT AND BEING ON THE EAST LINE OF A CALLED 70 ACRE TRACT OF LAND CONVEYED AS TRACT 1 BY DEED TO ROY BRIAN WEBB AND ANDREA KAY CAMPBELL RECORDED IN VOLUME 4761, PAGE 200, OFFICIAL PUBLIC RECORD, COLLIN COUNTY, TEXAS;

THENCE, NORTH 03 DEGREES 48 MINUTES 07 SECONDS WEST, A DISTANCE OF 7.42 FEET TO A 1/2" IRON ROD FOUND FOR A SOUTHERLY ELL CORNER OF SAID WORLD LAND DEVELOPERS, LP TRACT 1 AND THE NORTH CORNER OF SAID 70 ACRE TRACT;

THENCE, SOUTH 76 DEGREES 49 MINUTES 14 SECONDS WEST, ALONG THE COMMON SOUTH LINE OF SAID WORLD LAND DEVELOPERS, LP TRACT 1, THE NORTH LINE OF SAID 70 ACRE TRACT AND WITH THE GENERAL DIRECTION OF AN OLD TREE LINE, A DISTANCE OF 1357.98 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID WORLD LAND DEVELOPERS, LP TRACT 1 AND BEING THE COMMON SOUTHEAST CORNER OF 75.249 ACRE TRACT OF LAND CONVEYED TO ROCKWALL RETAIL INVESTORS, LLC. BY DEED RECORDED IN COUNTY CLERK'S FILE NO. 20170921001268790, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 00 DEGREES 44 MINUTES 48 SECONDS EAST, ALONG THE COMMON LINE OF SAID WORLD LAND DEVELOPERS, LP TRACT 1 AND THE EAST LINE OF SAID 75.249 ACRE TRACT, A DISTANCE OF 1159.24 POINT FOR CORNER, SAID POINT BEING THE NORTHWEST CORNER OF SAID WORLD LAND DEVELOPERS, LP TRACT 1 AND THE SOUTHWEST CORNER OF A 19.779 ACRE TRACT OF LAND CONVEYED AS TRACT 2 BY DEED TO THE CITY OF LAVON RECORDED IN COUNTY CLERK'S FILE NO. 20060725001041390, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS;

THENCE, ALONG THE NORTHLINE OF SAID WORLD LAND DEVELOPERS, LP TRACT 1 AND THE SOUTH LINE OF SAID CITY OF LAVON TRACT 2, THE FOLLOWING COURSES AND DISTANCES:

NORTH 65 DEGREES 27 MINUTES 42 SECONDS EAST, A DISTANCE OF 131.58 FEET TO A POINT FOR CORNER;

SOUTH 72 DEGREES 03 MINUTES 21 SECONDS EAST, A DISTANCE OF 35.21 FEET TO A POINT FOR CORNER;

NORTH 86 DEGREES 08 MINUTES 49 SECONDS EAST, A DISTANCE OF 56.57 FEET TO A POINT FOR CORNER;

NORTH 87 DEGREES 53 MINUTES 04 SECONDS EAST, A DISTANCE OF 49.16 FEET TO A POINT FOR CORNER;

NORTH 81 DEGREES 40 MINUTES 28 SECONDS EAST, A DISTANCE OF 48.22 FEET TO A POINT FOR CORNER;

NORTH 77 DEGREES 02 MINUTES 07 SECONDS EAST, A DISTANCE OF 56.51 FEET TO POINT FOR CORNER;

NORTH 76 DEGREES 49 MINUTES 12 SECONDS EAST, A DISTANCE OF 69.98 FEET TO A POINT FOR CORNER;

SOUTH 13 DEGREES 10 MINUTES 48 SECONDS EAST, A DISTANCE OF 120.00 FEET TO A POINT FOR CORNER;

NORTH 76 DEGREES 49 MINUTES 12 SECONDS EAST, A DISTANCE OF 91.46 FEET TO A POINT FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11 DEGREES 36 MINUTES 17 SECONDS, A RADIUS OF 1165.00 FEET, AND A LONG CHORD THAT BEARS NORTH 71 DEGREES 01 MINUTES 04 SECONDS EAST, A DISTANCE OF 235.56 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 235.96 FEET TO A POINT FOR CORNER AND THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 16 DEGREES 55 MINUTES 19 SECONDS, A RADIUS OF 1060.00 FEET, AND A LONG CHORD THAT BEARS NORTH 73 DEGREES 40 MINUTES 35 SECONDS EAST, A DISTANCE OF 311.93 FEET;

ALONG SAID REVERSE CURVE TO THE RIGHT, AN ARC DISTANCE OF 313.07 FEET TO A POINT FOR CORNER AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 50 DEGREES 33 MINUTES 55 SECONDS, A RADIUS OF 60.00 FEET, AND A LONG CHORD THAT BEARS NORTH 74 DEGREES 44 MINUTES 17 SECONDS EAST, A DISTANCE OF 51.25 FEET;

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 52.95 FEET TO A POINT FOR CORNER;

NORTH 19 DEGREES 36 MINUTES 56 SECONDS EAST, A DISTANCE OF 13.37 FEET TO A POINT FOR CORNER;

NORTH 48 DEGREES 00 MINUTES 27 SECONDS EAST, A DISTANCE OF 80.10 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 86 DEGREES 11 MINUTES 50 SECONDS EAST, A DISTANCE OF 95.68 FEET TO FOR THE SOUTHEAST CORNER OF SAID CITY OF LAVON TRACT 2 AND A NORTHERLY ELL CORNER OF SAID WORLD LAND DEVELOPERS, LP TRACT 1 SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 33 DEGREES 35 MINUTES 03 SECONDS, A RADIUS OF 560.00 FEET, AND A LONG CHORD THAT BEARS NORTH 21 DEGREES 37 MINUTES 07 SECONDS WEST, A DISTANCE OF 323.57 FEET;

THENCE, ALONG THE EAST LINE OF SAID CITY OF LAVON TRACT 2 AND THE WEST LINE OF SAID WORLD LAND DEVELOPERS, LP TRACT 1, THE FOLLOWING COURSES AND DISTANCES:

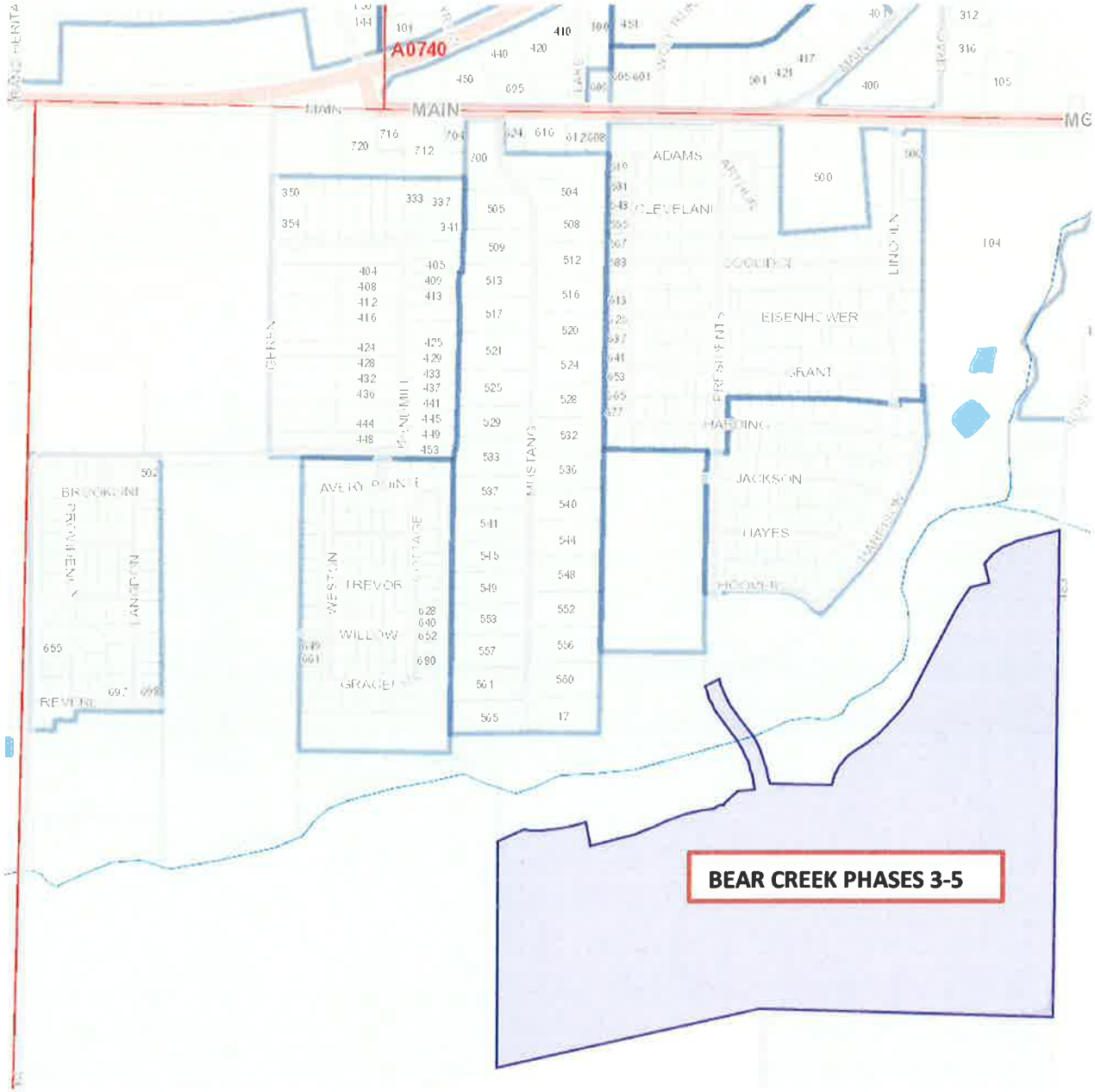
ALONG SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 328.25 FEET TO A POINT FOR CORNER;

NORTH 38 DEGREES 24 MINUTES 38 SECONDS WEST, A DISTANCE OF 79.99 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 24 DEGREES 48 MINUTES 36 SECONDS, A RADIUS OF 440.00 FEET, AND A LONG CHORD THAT BEARS NORTH 26 DEGREES 00 MINUTES 20 SECONDS WEST, A DISTANCE OF 189.04 FEET;

ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 190.53 FEET TO A THE **POINT OF BEGINNING** AND CONTAINING 92.267 ACRES LAND, MORE OR LESS.

EXHIBIT C

DEPICTION OF BEAR CREEK PHASES 3-5





CITY OF LAVON Agenda Brief

MEETING: April 7, 2020

ITEM: 10 – J

Item:

Discussion and action regarding Resolution No. 2020-04-09 authorizing the Mayor to execute a Reimbursement Agreement with Bloomfield Homes, L.P. for professional services and associated expenses relating to the Additional Heritage PID No. 1 property and the financing of costs for improvements on the property

Background:

It is a common practice for a developer to agree to reimburse a City for the City's costs incurred with legal and professional consultants retained by the City to provide professional services in relation to a proposed development.

The City Attorney and Bond Counsel were involved in the development of the proposed agreements and has approved their form.

Staff Notes:

Approval is recommended.

Attachments: Proposed Resolution and professional services agreement

July 13, 2018

CITY OF LAVON, TEXAS

RESOLUTION NO. 2040-04-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BLOOMFIELD HOMES, L.P. FOR REIMBURSEMENT TO THE CITY FOR COSTS INCURRED IN REVIEWING, MODIFYING AND UPDATING HERITAGE PUBLIC IMPROVEMENT DISTRICT NO. 1.

WHEREAS, the City Council of the City of Lavon, Texas (“City”) has determined that it is in the best interest of the citizens of the City for the City to receive reimbursement for costs incurred by the City in reviewing, modifying and updating Heritage Public Improvement District No. 1.

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

SECTION 1: Recitals Incorporated. The findings recited above are incorporated as if fully set forth in the body of this Resolution.

SECTION 2: Authorization to Execute. The Mayor of the City is hereby authorized and directed, on behalf of the City Council of Lavon, Texas, to execute an agreement by and between the City of Lavon, Texas and Bloomfield Homes, L.P., a copy of which is attached hereto as Exhibit “A”.

SECTION 3: This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED this the 7th day of April 2020.

Attest:

Approved:

Kim Dobbs, City Administrator

Vicki Sanson, Mayor

EXHIBIT A

Reimbursement Agreement for City Costs

REIMBURSEMENT AGREEMENT

This Reimbursement Agreement (this “Agreement”), effective as of the ____ day of March, 2020, (the “Effective Date”), is made and entered into by and between the City of Lavon, Texas (the “City”) and Bloomfield Homes, L.P. (“Owner”), herein collectively referred to as (“Party” or “Parties”).

WHEREAS, the Owner owns approximately 92.267 acres of land in the City that it desires to develop which is further described in Exhibit A hereto (the “Existing PID Property”);

WHEREAS, the Existing PID Property is located within the Heritage Public Improvement District No. 1 (Residential) (the “PID”) previously created by the City pursuant to Resolution 2004-10-01 adopted on October 28, 2004, and Chapter 372, Texas Local Government Code, as amended, entitled the Public Improvement District Assessment Act (“PID Act”); and

WHEREAS, the City and the Owner have no existing development agreement or other agreement between the parties with respect to the development of the Existing PID Property or use of the PID to finance costs of public improvements necessary for the development of the Existing PID Property; and

WHEREAS, the Owner also owns approximately 87.56 acres of land in the City that it desires to develop which is further described in Exhibit B hereto (the “Additional PID Property” and, together with the Existing PID Property, the “Property”); and

WHEREAS, the Parties have determined that the financing of a portion of the costs of the public improvements necessary for the development of the Property can be achieved by means of the PID Act; and

WHEREAS, the Owner desires to develop the Property and has made petition to the City to add the Additional PID Property to the boundaries of the PID under the PID Act; and

WHEREAS, the Parties hereto recognize that the City will continue to incur expenses through the entire PID review process until final completion of the development (“City Expenses”) including but not limited to: professional services, legal publications, notices, reproduction of materials, public hearing expenses, recording of documents, engineering fees, attorney fees, special consultant fees, and fees for administrative time of City staff; and

NOW, THEREFORE, in consideration of the mutual benefits and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Payment for Professional Services. The Owner shall deposit with the City \$20,000 for payment of City Expenses necessary to conduct the review of the PID request and addition of the Additional PID Property to the PID within ten (10) days of receipt of request by

the City:

- (a) City agrees to hold all Owner' s contributions in a separate fund maintained by the City which may only be used for City Expenses related to the PID.
- (b) The City will pay City Expenses out of the amount deposited with the City and keep accounting of all charges for City Expenses incurred for the PID and any unused contributions shall be returned to the Owner.
- (c) Owner agrees that in the event the funds for City Expenses balance falls below \$5,000, then Owner shall remit an additional amount of not less than \$15,000.
- (d) In the event the balance for City Expenses is exhausted, upon notice, Owner shall pay the balance owed in full within fifteen (15) days in addition to the remittance of the additional funds as provided above.
- (e) In the instance that deposits of additional funds are not timely made, the City has no obligation to incur any additional costs and expenses in connection with the PID.
- (f) Failure of Owner to meet its obligations above may result in the suspension or revocation of any active development permits.

2. No Obligation to Add Property to PID. The Owner acknowledges that the City has no obligation to add the Additional PID Property to the PID or to levy assessments or issue any bonds or other indebtedness with respect to the Property, and nothing contained within this Agreement shall create any such obligation. The Owners obligation to pay the City Expenses shall exist and continue independent of whether the PID or assessments or bonds or other indebtedness are approved. This Agreement shall confer no vested rights or development rights on the Property or to the Owner. Further, this Agreement shall provide no assurances, promises, or covenants to approve any development in the Property.

3. Termination. This Agreement shall terminate upon the completion of the PID as determined by the City.

4. Entire Agreement. This Agreement contains the entire agreement between the Parties with respect to the transactions contemplated herein.

5. Amendment. This Agreement may only be amended, altered or revoked by written instrument approved by the City Council.

6. Successors and Assigns. Neither City nor Owner may assign or transfer their interest in the Agreement without prior written consent of the other Party.

7. Notice. Any notice and/or statement required and permitted to be delivered shall be deemed delivered by depositing same in the United States Mail, Certified, with Return Receipt

Requested, postage prepaid, addressed to the appropriate party at the following addresses, or at such other addresses provided by the parties in writing:

City:

City of Lavon
Kim Dobbs, City Administrator
120 School Road
Lavon, Texas 75166
Email Address: kim.dobbs@cityoflavon.org
Phone Number: (972) 843-4220

Owner:

Bloomfield Homes, L.P.
Attn: Don Dykstra
1050 E. Hwy 114, Ste 210
Southlake, TX 76092
Email Address: Don@bloomfieldhomes.net
Phone Number: 972-877-1458

8. Interpretation. Regardless of the actual drafter of this Agreement, this Agreement shall, in the event of any dispute over its meaning or application, be interpreted fairly and reasonably and neither more strongly for or against either party.

9. Applicable Law. This Agreement is made, and shall be construed in accordance with the laws of the State of Texas and venue shall lie in Collin County, Texas.

10. Severability. In the event any portion or provision of this Agreement is illegal, invalid, or unenforceable under present or future law, then and in that event, it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby, and it is also the intention of the parties to this Agreement that in lieu of each clause or provision that is found to be illegal, invalid or unenforceable, a provision be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

11. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which shall constitute one instrument.

[Signature page follows]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed effective as of the Effective Date.

CITY OF LAVON, TEXAS

By _____
Vicki Sanson, Mayor

Date: _____

OWNER

BLOOMFIELD HOMES, L.P.,
a Texas limited partnership

By: Bloomfield Properties, Inc.,
a Texas corporation, its General Partner

By: _____
Donald J. Dykstra, President

Date: _____

EXHIBIT A

EXISTING PID PROPERTY

DESCRIPTION OF THE LAND

ZONING TRACT WEST "D"

BEING A 32.13 ACRE TRACT OF LAND SITUATED IN THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, COLLIN COUNTY, TEXAS AND BEING ALL THAT TRACT OF LAND DESCRIBED IN DEED TO LAVON WINDMILL ESTATES, LTD., A TEXAS LIMITED PARTNERSHIP RECORDED IN VOLUME 4959, PAGE 2938, DEED RECORDS COLLIN COUNTY, TEXAS (D.R.C.C.T.). SAID 32.13 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

BEGINNING AT A POINT FOR THE NORTHEAST CORNER OF SAID LAVON WINDMILL ESTATES TRACT AND THE COMMON NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED AS "TRACT TWO" IN DEED TO CAPE COD BANK AND TRUST, RECORDED IN VOLUME 3254, PAGE 258 (D.R.C.C.T.) SAID POINT ALSO BEING ON THE APPROXIMATE CENTERLINE OF COUNTY ROAD NO. 484 (RAY SMITH ROAD-A VARIABLE WIDTH PRESCRIPTIVE R.O.W.), AND THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO ROBERT BROWN McGAUGHEY, RECORDED IN VOLUME 211, PAGE 215 (D.R.C.C.T.);

THENCE, S 00°00'21" E, ALONG THE EAST LINE OF SAID LAVON WINDMILL ESTATES TRACT AND THE COMMON WEST LINE OF SAID CAPE COD BANK AND TRUST TRACT A DISTANCE OF 2051.66 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID LAVON WINDMILL;

THENCE ALONG THE SOUTH LINE OF SAID LAVON WINDMILL ESTATES TRACT THE FOLLOWING COURSES AND DISTANCES:

N 55°18'44" W, A DISTANCE OF 69.19 FEET TO A POINT FOR CORNER;

S 68°56'16" W, A DISTANCE OF 452.16 FEET TO A POINT FOR CORNER;

N 70°03'44" W, A DISTANCE OF 200.24 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID LAVON WINDMILL ESTATES;

THENCE ALONG THE WEST LINE OF SAID LAVON WINDMILL ESTATES TRACT THE FOLLOWING COURSES AND DISTANCES:

N 00°17'10" E, A DISTANCE OF 221.19 FEET TO A POINT FOR CORNER;

N 00°10'07" E, A DISTANCE OF 323.30 FEET TO A POINT FOR CORNER;

N 00°03'11" E, A DISTANCE OF 447.68 FEET TO A POINT FOR CORNER;

N 00°30'30" W, A DISTANCE OF 676.09 FEET TO A POINT FOR CORNER;

N 00°06'00" E, A DISTANCE OF 431.75 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID LAVON WINDMILL ESTATES TRACT AND THE COMMON SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO NORTH

TEXAS MUNICIPAL WATER DISTRICT, RECORDED IN VOLUME 3078, PAGE 604 (D.R.C.C.T.) SAID POINT ALSO BEING IN THE APPROXIMATE CENTERLINE OF SAID COUNTY ROAD NO. 484;

THENCE, N 89°22'02" E, ALONG THE NORTH LINE OF SAID LAVON WINDMILL ESTATES TRACT AND THE COMMON SOUTH LINE OF SAID NORTH TEXAS MUNICIPAL TRACT ALONG THE APPROXIMATE CENTERLINE OF SAID COUNTY ROAD NO. 484 A DISTANCE OF 553.12 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID NORTH TEXAS MUNICIPAL TRACT;

THENCE, N 89°47'55" E, ALONG THE NORTH LINE OF SAID LAVON WINDMILL ESTATES TRACT AND THE COMMON SOUTH LINE OF SAID McGAUGHEY TRACT ALONG THE APPROXIMATE CENTERLINE OF SAID COUNTY ROAD NO. 484 A DISTANCE OF 116.56 FEET TO THE POINT OF BEGINNING, AND CONTAINING 32.13 ACRES OF LAND, MORE OR LESS.

ZONING TRACT EAST RESIDENTIAL "A"

BEING A 117.250 ACRE TRACT OF LAND SITUATED IN THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, COLLIN COUNTY, TEXAS, AND BEING ALL OF THOSE TRACTS OF LAND DESCRIBED IN DEEDS TO LAVON REALTY PARTNERS L.P., RECORDED IN VOLUME 5365, PAGE 7569, VOLUME 5328, PAGE 1298, DEED RECORDS COLLIN COUNTY, TEXAS (D.R.C.C.T.), ALL OF THOSE TRACTS OF LAND DESCRIBED IN DEED TO KENNETH BLACK RECORDED IN COUNTY CLERK'S FILE NO. (CC#) 2002-0058176 D.R.C.C.T. AND CC# 92-0011429, D.R.C.C.T. SAID 117.250 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LAVON REALTY TRACT;

THENCE N 00°44'42" E, ALONG THE WEST LINE OF SAID LAVON REALTY ACRE TRACT, A DISTANCE OF 1414.73 FEET TO POINT FOR CORNER IN THE SOUTH LINE OF SAID BLACK TRACT FOR THE POINT OF BEGINNING;

THENCE ALONG THE SOUTH LINE OF SAID BLACK TRACT THE FOLLOWING COURSES AND DISTANCES;

N 36°29'45" W, A DISTANCE OF 69.26 FEET TO A POINT FOR CORNER;

N 54°59'16" W, A DISTANCE OF 156.86 FEET TO A POINT FOR CORNER;

S 79°30'44" W, A DISTANCE OF 106.48 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID BLACK TRACT;

THENCE ALONG THE WEST LINE OF SAID BLACK TRACT THE FOLLOWING COURSES AND DISTANCES;

N 00°47'50" E, A DISTANCE OF 172.27 FEET TO A POINT FOR CORNER;

S 89°11'49" E, A DISTANCE OF 752.29 FEET TO A POINT FOR CORNER;

N 00°47'34" E, A DISTANCE OF 2915.08 FEET TO A POINT FOR CORNER;

N 00°14'09" E, A DISTANCE OF 175.16 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID BLACK TRACT IN THE SOUTH RIGHT-OF-WAY (R.O.W.) LINE OF F.M. HWY. NO. 2755 (VARIABLE R.O.W.);

THENCE S 89°16'38" E, ALONG THE SOUTH R.O.W. LINE OF SAID F.M. HWY. NO. 2755 (VARIABLE WIDTH R.O.W.) AND THE COMMON NORTH LINE OF SAID BLACK TRACT, A DISTANCE OF 204.39 FEET TO A POINT AT THE NORTHEAST CORNER OF SAID BLACK TRACT AND THE COMMON NORTHWEST CORNER OF SAID LAVON REALTY TRACT;

THENCE ALONG THE NORTH LINE OF SAID LAVON REALTY TRACT THE FOLLOWING COURSES AND DISTANCES:

S 89°28'05" E, A DISTANCE OF 667.17 FEET TO A POINT FOR CORNER;

S 00°03'44" W, A DISTANCE OF 553.86 FEET TO A POINT FOR CORNER;

N 85°44'09" E, A DISTANCE OF 446.94 FEET TO A POINT FOR CORNER;

N 04°44'43" W, A DISTANCE OF 493.05 FEET TO A POINT FOR CORNER IN THE SOUTH RIGHT-OF-WAY (R.O.W.) LINE OF SAID F.M. HWY. NO. 2755;

THENCE CONTINUING ALONG THE NORTH LINE OF LAVON REALTY TRACT AND THE COMMON SOUTH R.O.W. LINE OF SAID F.M. HWY. NO. 2755, THE FOLLOWING COURSES AND DISTANCES;

S 88°40'56" E, A DISTANCE OF 2.28 FEET TO A POINT FOR CORNER;

S 88°45'56" E, A DISTANCE OF 24.23 FEET TO A POINT FOR CORNER;

S 85°53'56" E, A DISTANCE OF 100.13 FEET TO A POINT FOR CORNER;

S 88°44'22" E, A DISTANCE OF 180.89 FEET TO THE NORTHEAST CORNER OF SAID LAVON REALTY TRACT;

THENCE ALONG THE EAST LINE OF SAID LAVON REALTY TRACT THE FOLLOWING COURSES AND DISTANCES;

S 00°14'02" W, A DISTANCE OF 1288.84 FEET TO A POINT FOR CORNER;

S 88°40'56" E, A DISTANCE OF 546.17 FEET TO A POINT FOR CORNER;

S 33°00'26" W, A DISTANCE OF 89.81 FEET TO A POINT FOR CORNER;

S 11°43'11" W, A DISTANCE OF 83.04 FEET TO A POINT FOR CORNER;

THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID BEAR CREEK, THE FOLLOWING COURSES AND DISTANCES:

S 25°31'30" W, A DISTANCE OF 1314.07 FEET TO A POINT FOR CORNER;

S 61°56'23" W, A DISTANCE OF 843.24 FEET TO A POINT FOR CORNER;

S 70°13'21" W, A DISTANCE OF 415.82 FEET TO A POINT FOR CORNER;
S 66°32'59" W, A DISTANCE OF 252.36 FEET TO A POINT FOR CORNER;
S 73°15'44" W, A DISTANCE OF 25.26 FEET TO A POINT FOR CORNER;
N 67°14'16" W, A DISTANCE OF 146.60 FEET TO A POINT FOR CORNER;
S 67°30'44" W, A DISTANCE OF 148.65 FEET TO A POINT FOR CORNER;
N 86°29'21" W, A DISTANCE OF 168.14 FEET TO A POINT FOR CORNER;
S 53°15'41" W, A DISTANCE OF 174.27 FEET TO A POINT FOR CORNER;
N 36°29'45" W, A DISTANCE OF 68.12 FEET TO THE POINT OF BEGINNING,
AND CONTAINING 117.25 ACRES OF LAND, MORE OR LESS.

ZONING TRACT EAST RESIDENTIAL "B"

BEING A 114.191 ACRE TRACT OF LAND SITUATED IN THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, COLLIN COUNTY, TEXAS, AND BEING ALL OF THOSE TRACTS OF LAND DESCRIBED IN DEEDS TO LAVON REALTY PARTNERS L.P., RECORDED IN VOLUME 5365, PAGE 7569, VOLUME 5328, PAGE 1298, DEED RECORDS COLLIN COUNTY, TEXAS (D.R.C.C.T.), ALL OF THOSE TRACTS OF LAND DESCRIBED IN DEED TO KENNETH BLACK RECORDED IN COUNTY CLERK'S FILE NO. (CC#) 2002-0058176 D.R.C.C.T. AND CC# 92-0011429, D.R.C.C.T. SAID 114.191 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LAVON REALTY TRACT;

THENCE N 00°44'42" E, ALONG THE WEST LINE OF SAID LAVON REALTY ACRE TRACT, A DISTANCE OF 1414.73 FEET TO A POINT FOR CORNER IN THE SOUTH LINE OF SAID BLACK TRACT;

THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID BEAR CREEK, THE FOLLOWING COURSES AND DISTANCES:

S 36°29'45" E, A DISTANCE OF 68.12 FEET TO A POINT FOR CORNER;
N 53°15'44" E A DISTANCE OF 174.27 FEET TO A POINT FOR CORNER;
S 86°29'21" E, A DISTANCE OF 168.14 FEET TO A POINT FOR CORNER;
N 67°30'44" E, A DISTANCE OF 148.65 FEET TO A POINT FOR CORNER;
S 67°14'16" E, A DISTANCE OF 146.60 FEET TO A POINT FOR CORNER;
N 73°15'44" E, A DISTANCE OF 25.26 FEET TO A POINT FOR CORNER;
N 66°32'59" E, A DISTANCE OF 252.36 FEET TO A POINT FOR CORNER;

N 70°13'21" E, A DISTANCE OF 415.82 FEET TO A POINT FOR CORNER;

N 61°56'23" E, A DISTANCE OF 843.24 FEET TO A POINT FOR CORNER;

N 25°31'30" E, A DISTANCE OF 1314.07 FEET TO A POINT FOR CORNER IN THE EAST LINE OF SAID LAVON REALTY TRACT;

THENCE ALONG THE EAST LINE OF SAID LAVON REALTY TRACT THE FOLLOWING COURSES AND DISTANCES:

S 89°30'20" E, A DISTANCE OF 240.91 FEET TO A POINT FOR CORNER;

S 00°44'42" W, A DISTANCE OF 3015.30 FEET TO THE SOUTHEAST CORNER OF SAID LAVON REALTY TRACT;

THENCE ALONG THE SOUTH LINE OF SAID LAVON REALTY TRACT THE FOLLOWING COURSES AND DISTANCES:

N 88°40'48" W, A DISTANCE OF 1476.00 FEET TO A POINT FOR CORNER;

N 00°45'44" E, A DISTANCE OF 8.00 FEET TO A POINT FOR CORNER;

S 76°49'12" W, A DISTANCE OF 1358.24 FEET TO THE POINT OF BEGINNING, AND CONTAINING 114.191 ACRES OF LAND, MORE OR LESS.

ZONING TRACT WEST RESIDENTIAL "C"

BEING A 49.895 ACRE TRACT OF LAND SITUATED IN THE W.S. BOHANNON SURVEY, ABSTRACT NO. 121, COLLIN COUNTY, TEXAS AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN DEED TO D.P. BROWN, RECORDED IN VOLUME 226, PAGE 176 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS (D.R.C.C.T.) BASIS OF BEARINGS FOR THIS SURVEY IS GEODETIC NORTH. SAID 49.895 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A POINT IN THE SOUTH LINE OF SAID BROWN TRACT FROM WHICH A 3/8" IRON ROD FOUND IN THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF STATE HIGHWAY NO. 205 (100' R.O.W.) BEARS S 88°17'02 " E, A DISTANCE OF 200.00 FEET;

THENCE N 88°17'02" W, ALONG THE SOUTH LINE OF SAID BROWN TRACT, A DISTANCE OF 1120.95 FEET TO A WOODEN FENCE CORNER POST FOUND FOR THE SOUTHWEST CORNER OF SAID BROWN TRACT;

THENCE N 00°28'03" E, ALONG THE WEST LINE OF SAID BROWN TRACT A DISTANCE OF 1812.76 FEET TO A POINT FOR CORNER;

THENCE OVER AND ACROSS SAID BROWN TRACT THE FOLLOWING COURSES AND DISTANCES;

N 84°14'47 " E, A DISTANCE OF 1135.39 FEET TO A POINT FOR CORNER;

S 88°36'33" E, A DISTANCE OF 39.26 FEET TO A POINT FOR CORNER FROM WHICH A 1/2" IRON ROD STAMPED "RSCI" FOUND BEARS S 88°36'33" E, A DISTANCE OF 200.74 FEET;

S 01°13'03" W, A DISTANCE OF 1241.34 FEET TO A POINT FOR CORNER;

S 02°56'28" W, A DISTANCE OF 719.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 49.895 ACRES OF LAND, MORE OR LESS

ZONING TRACT WEST "E"

BEING A 28.653 ACRE TRACT OF LAND SITUATED IN THE DRUARY ANGLIN SURVEY, ABSTRACT NO. 2, COLLIN COUNTY, TEXAS AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN DEED TO LAVON REALTY PARTNERS, LTD., RECORDED IN VOLUME 5298, PAGE 4958 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS (D.R.C.C.T.). SAID 28.653 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A POINT FOR THE SOUTHEAST CORNER OF WINDMILL ESTATES PHASE 1, AN ADDITION TO THE CITY OF LAVON, COLLIN COUNTY, TEXAS RECORDED IN CABINET N, PAGE 542 PLAT RECORDS COLLIN COUNTY TEXAS (P.R.C.C.T.) AND IN THE EAST LINE OF SAID LAVON REALTY PARTNERS TRACT AND THE COMMON WEST LINE OF MUSTANG ESTATES, AN ADDITION TO THE CITY OF LAVON, COLLIN COUNTY TEXAS RECORDED IN CABINET S, PAGE 1640, (P.R.C.C.T.);

THENCE, S 00°00'21" E, ALONG THE EAST LINE OF SAID LAVON REALTY PARTNERS TRACT AND THE COMMON WEST LINE OF SAID MUSTANG ESTATES A DISTANCE OF 1541.93 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID LAVON REALTY PARTNERS TRACT SAID POINT ALSO BEING IN BEAR CREEK;

THENCE ALONG THE SOUTH LINE OF SAID LAVON REALTY PARTNERS TRACT AND SAID BEAR CREEK THE FOLLOWING COURSES AND DISTANCES:

S 80°20'00" W, A DISTANCE OF 143.00 FEET TO A POINT FOR CORNER;

S 77°00'00" W, A DISTANCE OF 115.00 FEET TO A POINT FOR CORNER;

S 65°00'00" W, A DISTANCE OF 105.00 FEET TO A POINT FOR CORNER;

S 68°10'00" W, A DISTANCE OF 102.00 FEET TO A POINT FOR CORNER;

S 73°00'00" W, A DISTANCE OF 150.00 FEET TO A POINT FOR CORNER;

S 63°00'00" W, A DISTANCE OF 84.22 FEET TO A POINT FOR CORNER;

S 52°10'00" W, A DISTANCE OF 117.82 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID LAVON REALTY PARTNERS TRACT AND ALONG THE COMMON EAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO CAPE COD BANK & TRUST RECORDED IN VOLUME 3254, PAGE 258, D.R.C.C.T.;

THENCE, N 00°00'21" W, ALONG THE WEST LINE OF SAID LAVON REALTY PARTNERS TRACT AND THE COMMON EAST LINE OF SAID CAPE COD TRACT A DISTANCE OF 1832.05 FEET TO A POINT FOR AN INTERIOR ELL CORNER OF SAID LAVON REALTY PARTNERS TRACT AND THE COMMON NORTHEAST CORNER OF SAID CAPE COD TRACT, SAID POINT ALSO BEING IN THE SOUTH LINE OF SAID WINDMILL ESTATES PHASE 1;

THENCE, S 89°43'43" E, ALONG THE SOUTH LINE OF SAID WINDMILL ESTATES PHASE 1, A DISTANCE OF 754.45 FEET TO THE POINT OF BEGINNING, AND CONTAINING 28.653 ACRES OF LAND, MORE OR LESS.

ZONING TRACT WEST RESIDENTIAL "A"

BEING A 92.052 ACRE TRACT OF LAND SITUATED IN THE W.H. MOORE SURVEY, ABSTRACT NO. 638, COLLIN COUNTY, TEXAS AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN DEED TO BENNIE WHITE DAUGHERTY TO W.C. DAUGHERTY, JR., ANN DAUGHERTY TICKNOR AND JOHN KINGSLEY DAUGHTERTY RECORDED IN VOLUME 2092, PAGE 223, DEED RECORDS, COLLIN COUNTY, TEXAS, (D.R.C.C.T.). SAID 92.052 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ST. LOUIS SOUTHWESTERN RAILROAD FOR THE NORTHEAST CORNER OF SAID DAUGHTERTY TRACT;

THENCE, S 00°16'03" W, ALONG THE EAST LINE OF SAID DAUGHTERTY TRACT, A DISTANCE OF 900.15 FEET TO POINT IN THE EAST LINE SAID DAUGHTERTY TRACT;

THENCE OVER AND ACROSS SAID DAUGHTERTY TRACT THE FOLLOWING COURSES AND DISTANCES:

N 89°13'26" W, A DISTANCE OF 141.54 FEET TO A POINT FOR CORNER;

S 74°59'05" W, A DISTANCE OF 52.06 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 9°15'30", A RADIUS OF 1150.00 FEET, AN ARC LENGTH OF 185.83 FEET, A CHORD BEARING OF S 79°05'25" W, AND A CHORD LENGTH OF 185.62 FEET, TO A POINT FOR CORNER;

S 09°32'37" E, A DISTANCE OF 0.10 FEET TO A POINT FOR CORNER;

S 80°27'23" W, A DISTANCE OF 328.31 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 728°20", A RADIUS OF 1150.00 FEET, AN ARC LENGTH OF 149.98 FEET, A CHORD BEARING OF S 84°11'33" W, AND A CHORD LENGTH OF 149.87 FEET, TO A POINT FOR CORNER;

S 87°55'43" W, A DISTANCE OF 317.62 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 3°14'40", A RADIUS OF 1150.00 FEET, AN ARC LENGTH OF 65.12 FEET, A CHORD BEARING OF S 89°33'03" W, AND A CHORD LENGTH OF 65.11 FEET, TO A POINT FOR CORNER;

N 88°49'37" W, A DISTANCE OF 327.76 FEET TO A POINT FOR CORNER;

N 88°49'37" W, A DISTANCE OF 50.36 FEET TO A POINT FOR CORNER;

N 88°49'37" W, A DISTANCE OF 27.82 FEET TO A POINT FOR CORNER;

N 88°07'18" W, A DISTANCE OF 317.80 FEET TO A POINT FOR CORNER;

N 88°49'37" W, A DISTANCE OF 19.37 FEET TO A POINT FOR CORNER;

N 88°49'37" W, A DISTANCE OF 142.99 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 4°25'32", A RADIUS OF 365.00 FEET, AN ARC LENGTH OF 28.19 FEET, A CHORD BEARING OF S 88°57'37" W, AND A CHORD LENGTH OF 28.19 FEET, TO A POINT FOR CORNER;

S 88°44'51" W, A DISTANCE OF 542.46 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 4°33'03", A RADIUS OF 635.00 FEET, AN ARC LENGTH OF 50.44 FEET, A CHORD BEARING OF S 89°01'22" W, AND A CHORD LENGTH OF 50.42 FEET, TO A POINT FOR CORNER;

N 88°42'06" W, A DISTANCE OF 192.63 FEET TO A POINT FOR CORNER;

N 88°42'06" W, A DISTANCE OF 64.99 FEET TO A POINT FOR CORNER;

N 88°42'06" W, A DISTANCE OF 246.18 FEET TO A POINT FOR CORNER;

N 0°19'14" E, A DISTANCE OF 3.27 FEET TO A POINT FOR CORNER;

S 88°43'30" W, A DISTANCE OF 475.49 FEET TO A POINT IN THE EAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO FARMERSVILLE BANKSHARE RECORDED IN VOLUME 4317, PAGE 2685, D.R.C.C.T.;

THENCE

N 0°19'12" E, ALONG THE EAST LINE OF SAID FARMERSVILLE BANKSHARE TRACT A DISTANCE OF 778.51 FEET TO A POINT IN THE SOUTH R.O.W. LINE OF SAID ST. LOUIS SOUTHWESTERN RAILROAD;

THENCE

ALONG THE SOUTH R.O.W. LINE OF SAID ST. LOUIS SOUTHWESTERN RAILROAD THE FOLLOWING COURSES AND DISTANCES:

ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 49°33'55", A RADIUS OF 1382.39 FEET, AN ARC LENGTH OF 1195.87 FEET, A CHORD BEARING OF N 68°46'09" E, AND A CHORD LENGTH OF 1158.93 FEET, TO A POINT FOR CORNER;

S 86°26'53" E, A DISTANCE OF 2613.57 FEET TO A POINT FOR CORNER; TO THE POINT OF BEGINNING, AND CONTAINING 92.052 ACRES OF LAND, MORE OR LESS.

EXHIBIT B

ADDITIONAL PID PROPERTY

TRACT I

BEING A 57.075 ACRE TRACT OF LAND SITUATED IN THE D. ANGLIN SURVEY, ABSTRACT NUMBER 2, COLLIN COUNTY, TEXAS, AND BEING ALL OF A CALLED 56.22 ACRE TRACT OF LAND CONVEYED AS "TRACT ONE" TO JOHN SVENSON, TRACI SVENSON, ORLIN S. SVENSON AND CHARLES O. SVENSON, IN VOLUME 2651, PAGE 24; VOLUME 2651, PAGE 30; VOLUME 2651, PAGE 33 AND VOLUME 2651, PAGE 36, DEED RECORDS, COLLIN COUNTY, TEXAS. SAID 57.075 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83(2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND COLLIN CORS ARP (PID-DF8982), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR THE NORTHEAST CORNER OF SAID 56.22 ACRE TRACT AND THE SOUTHEAST CORNER OF A 92.296 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" TO WORLD LAND DEVELOPERS, LP, AS RECORDED IN COUNTY CLERK'S FILE NO. 20070913001271380, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS;

THENCE, SOUTH 00 DEGREES 54 MINUTES 45 SECONDS WEST, ALONG THE EAST LINE OF SAID 56.22 ACRE TRACT, A DISTANCE OF 1637.22 FEET TO A POINT FOR A SOUTHEAST CORNER OF SAID 56.22 ACRE TRACT, SAID POINT BEING ON THE NORTH LINE OF A 15.51 ACRE TRACT OF LAND CONVEYED TO JAMES L. BRANNON AND PEGGY M. BRANNON, AS RECORDED IN COUNTY CLERK'S FILE NO. 20160919001247770, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS, FROM WHICH A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 15.51 ACRE TRACT AND A SOUTHEAST CORNER OF THE REMAINDER OF AN 8.25 ACRE TRACT OF LAND CONVEYED AS "SECOND TRACT" TO W.W. TOLLETT, AS RECORDED IN VOLUME 105, PAGE 280, DEED RECORDS, COLLIN COUNTY, TEXAS BEARS SOUTH 89 DEGREES 02 MINUTES 07 SECONDS EAST, A DISTANCE OF 174.02 FEET;

THENCE, ALONG THE SOUTH LINE OF SAID 56.22 ACRE TRACT AND SAID NORTH LINE OF 15.51 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 89 DEGREES 02 MINUTES 07 SECONDS WEST, A DISTANCE OF 240.24 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "BOUNDARY SOL" FOUND FOR CORNER;

SOUTH 01 DEGREES 52 MINUTES 31 SECONDS WEST, A DISTANCE OF 592.17 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

NORTH 87 DEGREES 36 MINUTES 12 SECONDS WEST, A DISTANCE OF 363.54 FEET TO A 1/2 INCH IRON ROD FOUND FOR A SOUTHWEST CORNER OF SAID 56.22 ACRE TRACT, SAID POINT BEING ON THE EAST LINE OF EAST HUBBARD PROPERTIES, AN ADDITION TO COLLIN COUNTY, TEXAS, AS RECORDED IN CABINET G, PAGE 22, PLAT RECORDS, COLLIN COUNTY, TEXAS;

THENCE, NORTH 00 DEGREES 00 MINUTES 43 SECONDS EAST, ALONG A WEST LINE OF SAID 56.22 ACRE TRACT AND SAID EAST LINE OF EAST HUBBARD PROPERTIES, A DISTANCE OF 761.55 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID EAST HUBBARD PROPERTIES;

THENCE, NORTH 89 DEGREES 29 MINUTES 20 SECONDS WEST, ALONG THE SOUTH LINE OF SAID 56.22 ACRE TRACT AND THE NORTH LINE OF SAID EAST HUBBARD PROPERTIES, PASSING AT A DISTANCE OF 780.56 FEET A 5/8 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID EAST HUBBARD PROPERTIES, CONTINUING ALONG SAID SOUTH LINE OF SAID 56.22 ACRE TRACT, IN ALL A TOTAL DISTANCE OF 840.83 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 56.22 ACRE TRACT AND THE SOUTHEAST CORNER OF A 90.00 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" TO ROY BRIAN WEBB AND ANDREA KAY CAMPBELL, AS RECORDED IN VOLUME 4761, PAGE 200, DEED RECORDS, COLLIN COUNTY, TEXAS, SAID POINT BEING ON THE NORTH LINE OF LOT 19, BLOCK B OF MEADOW CREEK ESTATES, AN ADDITION TO COLLIN COUNTY, TEXAS, AS RECORDED IN CABINET G, PAGE 485, PLAT RECORDS, COLLIN COUNTY, TEXAS AND BEING ON APPROXIMATE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 483 (A VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY);

THENCE, NORTH 00 DEGREES 32 MINUTES 30 SECONDS EAST, ALONG THE WEST LINE OF SAID 56.22 ACRE TRACT, THE EAST LINE OF SAID 90.00 ACRE TRACT AND SAID WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 483, A DISTANCE OF 1474.64 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID 56.22 ACRE TRACT;

THENCE, SOUTH 88 DEGREES 40 MINUTES 46 SECONDS EAST, ALONG THE NORTH LINE OF SAID 56.22 ACRE TRACT, PASSING AT A DISTANCE OF 0.56 FEET A 1/2 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF AFORESAID 92.296 ACRE TRACT, CONTINUING ALONG SAID NORTH LINE OF 56.22 ACRE TRACT, THE SOUTH LINE OF SAID 92.296 ACRE TRACT AND WITH THE APPROXIMATE CENTERLINE OF AFORESAID COUNTY ROAD NO. 483, IN ALL A TOTAL DISTANCE OF 1475.98 FEET TO A THE POINT OF BEGINNING AND CONTAINING 57.075 ACRES LAND, MORE OR LESS.

TRACT II

BEING A 30.485 ACRE TRACT OF LAND SITUATED IN THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, CITY OF LAVON, COLLIN COUNTY, TEXAS, AND BEING A PARCEL OR TRACT OF LAND DESCRIBED TO CAPE COD BANK & TRUST COMPANY IN DEED RECORDED IN VOLUME 2651, PAGE 27 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD WITH RED CAP STAMPED "USA INC" FOUND FOR CORNER, SAID ROD BEING THE NORTHEAST CORNER OF TRADITIONS AT GRAND HERITAGE WEST AN ADDITION TO THE CITY OF LAVON, AS RECORDED IN VOLUME 2017, PAGE 900 OF THE DEED RECORDS OF COLLINS COUNTY, TEXAS, SAID POINT BEING A DEDICATED RIGHT-OF-WAY FOR COUNTY ROAD F.M. 484;

THENCE NORTH 00 DEGREES 47 MINUTES 17 SECONDS EAST A DISTANCE OF 30.16 FEET TO A POINT FOR CORNER, SAID POINT BEING IN THE APPROXIMATE CENTERLINE OF SAID COUNTY ROAD F. M. 484, (CURRENTLY A VARIABLE-WIDTH PRESCRIPTIVE-BY-USE PUBLIC RIGHT-OF-WAY);

THENCE SOUTH 89 DEGREES 22 MINUTES 38 SECONDS EAST, ALONG THE APPROXIMATE CENTERLINE OF COUNTY ROAD F. M. 484, A DISTANCE OF 555.40 FEET TO A 1/2 INCH IRON ROD WITH RED CAP STAMPED "USA INC." FOUND FOR CORNER, SAID POINT BEING A POINT FOR THE SOUTHERLY RIGHT-OF-WAY LINE FOR WINDMILL DRIVE (50 FOOT RIGHT-OF-WAY);

THENCE SOUTH 89 DEGREES 00 MINUTES 06 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF WINDMILL DRIVE A DISTANCE OF 131.60 FEET TO A 1/2 INCH IRON RID WITH RED CAP STAMPED "USA INC" FOUND FOR CORNER, SAID POINT BEING THE NORTHWEST CORNER OF TRADITIONS AT GRAND HERITAGE AN ADDITION TO THE CITY OF LAVON, AS RECORDED IN VOLUME 2016, PAGE 689, OF THE DEED RECORDS OF COLLINS COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 47 MINUTES 17 SECONDS WEST DEPARTING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WINDMILL DRIVE, AND ALONG THE EASTERLY LINE OF SAID CAPE COD TRACT, AND ALONG THE WESTERLY LINE OF SAID TRADITIONS AT GRAND HERITAGE, AND PASSING A 1/2 INCH IRON ROD WITH RED CAP STAMPED "USA INC" AT A DISTANCE OF 1,279.93 FEET FOUND FOR THE NORTHWEST CORNER OF AN H.O.A., P.A.E.D.E., S.S.E. & W.E TRACT, AND PASSING A DISTANCE OF 197.64 A 1/2 INCH IRON ROD WITH RED CAP STAMPED "USA INC" FOR THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO CITY OF LAVON COLLINS COUNTY, TEXAS AS RECORDED IN DOCUMENT NUMBER 20060725001041390 OF THE OFFICIAL PUBLIC RECORDS, COLLINS COUNTY, TEXAS, FOR A TOTAL DISTANCE OF 1,832.19 FEET TO A POINT

FOR CORNER, SAID POINT BEING THE SOUTHEAST CORNER OF SAID CAPE COD TRACT AND THE NORTHERLY LINE OF A TRACT OF AND DESCRIBED IN DEED TO JOHN DAVID SANDERS AS RECORDED IN VOLUME 4589, PAGE 1490 OF THE DEED RECORDS, COLLINS COUNTY, TEXAS, SAID POINT ALSO BEING ALONG THE APPROXIMATE CENTERLINE OF BEAR CREEK;

THENCE SOUTH 74 DEGREES 24 MINUTES 58 SECONDS WEST ALONG SAID APPROXIMATE CENTERLINE OF BEAR CREEK AND THE NORTHERLY LINE OF SAID SANDERS TRACT AND THE SOUTHERLY LINE OF SAID CAPE COD TRACT A DISTANCE OF 716.06 FEET TO A POINT FOR CORNER, SAID POINT BEING IN THE SOUTHWEST CORNER OF SAID CAPE COD TRACT AND THE SOUTHEAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO BEAR CREEK WINDMILL LP AS RECORDED IN VOLUME 5467, PAGE 695 OF THE DEED RECORDS, COLLINS COUNTY, TEXAS;

THENCE NORTH 00 DEGREES 47 MINUTES 17 SECONDS EAST PASSING A 1/2 INCH IRON ROD WITH RED CAP STAMPED "USA INC" AT A DISTANCE OF 745.11 FOR THE SOUTHEAST CORNER OF SAID TRADITIONS AT GRAND HERITAGE WEST SAID POINT BEING THE NORTHEAST CORNER OF SAID BEAR CREEK WINDMILL LP TRACT AND BEING ALONG THE WESTERLY LINE OF SAID CAPE COD TRACT AND BEING ALONG THE EASTERLY LINE OF SAID TRADITIONS AT GRAND HERITAGE WEST TRACT FOR A TOTAL DISTANCE OF 2,002.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,327,916 SQUARE FEET OR 30.485 ACRES OF LAND, MORE OR LESS.



CITY OF LAVON Agenda Brief

MEETING: April 7, 2020

ITEM: 10 – K

Item:

Discussion and action regarding Resolution No. 2020-04-10 accepting a Petition to Dissolve the Heritage Public Improvement District No. 2 (Commercial), calling for a public hearing and authorizing notices.

Background:

The owner has expressed a desire to dissolve the Heritage Public Improvement District No. 2 (Commercial). That process is initiated by petition and a subsequent public hearing.

A Service and Assessment Plan has not ever been presented for the Heritage Public Improvement District No. 2 (Commercial). No bonds have been sold and no assessments have been levied on the property included within the District.

Attachments:

- 1) Heritage Public Improvement District No. 2 (Commercial) Exhibit
- 2) Proposed Resolution and Petition

CITY OF LAVON, TEXAS

RESOLUTION NO. 2020-04-10

Petition - Dissolution of Heritage Public Improvement District No. 2 (Commercial)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, ACCEPTING A PETITION TO DISSOLVE THE HERITAGE PUBLIC IMPROVEMENT DISTRICT NO. 2 (COMMERCIAL), CALLING FOR A PUBLIC HEARING AND AUTHORIZING NOTICES.

WHEREAS, Chapter 372 of the Texas Local Government Code (the “Act”) authorizes the creation of public improvement districts; and

WHEREAS, on October 28, 2004 by Resolution No. 2004-10-2, the City Council of the City of Lavon (the “City Council”), after public hearing, authorized the creation of The Heritage Public Improvement District No. 2 (Commercial)(the “District”); and

WHEREAS, on or about April 6, 2020 the owners of real property delivered to the City of Lavon, Texas a petition (the “Petition”, which is attached as Exhibit “A”) requesting that the City Council dissolve the District, as shown in the exhibits attached to the Petition, and meeting the requirements of the Act and indicating it is signed by (1) the owners of taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment in the District, as determined by the current roll of the appraisal district in which the property is located; and (2) record owners of real property liable for assessment in the District who: (A) constitute more than 50 percent of all record owners of property that is liable for assessment in the District; or (B) own taxable real property that constitutes more than 50 percent of the area of all taxable real property that is liable for assessment in the District; and

WHEREAS, the Act further requires that prior to the adoption of the resolution dissolving the District, the City Council must hold a public hearing on the advisability of dissolving the District in the same manner as a public hearing under Section 372.009 of the Act.

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

Section 1. The findings set forth in the recitals of this Resolution are found to be true and correct.

Section 2. City staff reviewed the Petition and determined that same complied with the requirements of the Act and the City Council accepts the Petition. The Petition is filed in the office of the City Secretary and is available for public inspection.

Section 3. The City Council calls a public hearing to be scheduled at or after 7:00 p.m. on May 5, 2020 to be held at Lavon City Hall, 120 School Road, Lavon, Texas 75166, or telephonically at toll-free 844-854-2222, access code 856485 if warranted, on the advisability of

dissolving the District. All residents and property owners within the District, and all other persons, are hereby invited to appear in person, or by their attorney, and speak on the dissolution of the District. Following adjournment of the public hearing the City Council may dissolve the District.

Section 4. The City Council hereby authorizes and directs the City Secretary, on or before April 15, 2020, in accordance with the Act, to: (a) publish notice of the Public Hearing in a newspaper of general circulation in the City; and (b) mail notice of the Public Hearing to the owners of the land as required under the Act.

Section 5. City staff is authorized and directed to take such other actions as are required (including, but not limited to, notice of the public hearing as required by the Texas Open Meetings Act and the Act) to place the public hearing on the agenda for the May 5, 2020 meeting of the City Council.

Section 6. This Resolution shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED THIS THE 7th DAY OF APRIL 2020.

APPROVED:

Vicki Sanson, Mayor

ATTEST:

Kim Dobbs, City Administrator

EXHIBIT A
DISSOLUTION PETITION WITH LEGAL DESCRIPTION

**PETITION FOR THE DISSOLUTION OF A PUBLIC IMPROVEMENT DISTRICT
WITHIN THE CITY OF LAVON, TEXAS FOR THE HERITAGE PUBLIC
IMPROVEMENT DISTRICT NO. 2 (COMMERCIAL)**

This petition (“Petition”) is submitted and filed with the City Secretary of the City of Lavon, Texas (“City”), by Bear Creek, L.P., Bear Creek Residential, L.P. and Bear Creek Commercial Properties, L.P., each a Texas limited partnership; owners of a majority of the real property (the “Petitioners”). Acting pursuant to the provisions of Chapter 372, Texas Local Government Code, as amended (the “Act”), the Petitioners request that the City dissolve Heritage Public Improvement District No. 2 (Commercial) created by Resolution No. 2004-10-02 (the “District”), that included property located within the city limits of the City (the “Property”), more particularly described by a metes and bounds description and depicted in **Exhibit A**. In support of this Petition, the Petitioners would present the following:

Section 1. Boundaries of the District. The District created includes the Property.

Section 2. The Petitioners Request Dissolution of the District. The person(s) signing this Petition request(s) the dissolution of the District, are duly authorized, and have the corporate authority to execute and deliver the Petition.

Section 3. Landowner(s).

This Petition has been signed by (1) the owners of taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment in the District, as determined by the current roll of the appraisal district in which the property is located; and (2) record owners of real property liable for assessment in the District who: (A) constitute more than 50 percent of all record owners of property that is liable for assessment in the District; or (B) own taxable real property that constitutes more than 50 percent of the area of all taxable real property that is liable for assessment in the District.

This Petition is hereby filed with the City Secretary of the City, or other officer performing the functions of the municipal secretary, in support of the dissolution of the District by the City Council of the City as herein provided. The undersigned request that the City Council of the City call a public hearing on the advisability of dissolving the District, give notice thereof as provided by law and grant all matters requested in this Petition and grant such other relief, in law or in equity, to which Petitioners may show themselves to be entitled.

RESPECTFULLY SUBMITTED, on this the _____ day of April, 2020.

OWNER:

Bear Creek, L.P.,
a Texas limited partnership

By: _____, LLC,
a Texas limited liability company
Its General Partner

By: _____
Name: _____
Its: Manager

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2020 by
_____ of _____, as _____ of _____, as
_____ of Bear Creek, L.P., a Texas limited partnership on behalf of said entity.

Notary Public, State of Texas

OWNER:

Bear Creek Residential, L.P.,
a Texas limited partnership

By: _____, LLC,
a Texas limited liability company
Its General Partner

By: _____
Name: _____
Its: Manager

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2020 by
_____ of _____, as _____ of _____, as
_____ of Bear Creek Residential, L.P., a Texas limited partnership on behalf of said entity.

Notary Public, State of Texas

OWNER:

Bear Creek Commercial Properties, L.P.,
a Texas limited partnership

By: _____, LLC,
a Texas limited liability company
Its General Partner

By: _____
Name: _____
Its: Manager

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2020 by
_____ of _____, as _____ of _____, as
_____ of Bear Creek Commercial Properties, L.P., a Texas limited partnership on behalf of
said entity.

Notary Public, State of Texas

EXHIBIT A

Metes and Bounds and Property Depiction

ZONING TRACT WEST NON-RESIDENTIAL C-1

BEING A 2.521 ACRE TRACT OF LAND SITUATED IN THE W.S. BOHANNON SURVEY, ABSTRACT NO. 121, COLLIN COUNTY, TEXAS AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN DEED TO D.P. BROWN, RECORDED IN VOLUME 226, PAGE 176 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS (D.R.C.C.T.) BASIS OF BEARINGS FOR THIS SURVEY IS GEODETIC NORTH. SAID 2.521 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 78 (120' RIGHT-OF-WAY) FROM WHICH A WOODEN HIGHWAY MONUMENT FOUND BEARS N 84°14'55" E, A DISTANCE OF 362.61 FEET;

THENCE OVER AND ACROSS SAID BROWN TRACT THE FOLLOWING COURSES AND DISTANCES;

S 00°46'02" E, A DISTANCE OF 220.48 FEET TO A POINT FOR CORNER;

S 84°14'47" W, A DISTANCE OF 500.00 FEET TO A POINT FOR CORNER;

N 00°46'02" W, A DISTANCE OF 220.48 FEET TO A POINT FOR CORNER IN THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 78 (120' RIGHT-OF-WAY), FROM WHICH THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF SAID STATE HIGHWAY 78 AND THE WEST LINE OF SAID BROWN TRACT BEARS S 84°14'47" W, A DISTANCE OF 230.58 FEET;

THENCE N 84°14'47" E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY NO. 78, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.521 ACRES OF LAND, MORE OF LESS

ZONING TRACT WEST NON-RESIDENTIAL C-2

BEING A 2.755 ACRE TRACT OF LAND SITUATED IN THE W.S. BOHANNON SURVEY, ABSTRACT NO. 121, COLLIN COUNTY, TEXAS AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN DEED TO D.P. BROWN, RECORDED IN VOLUME 226, PAGE 176 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS (D.R.C.C.T.) BASIS OF BEARINGS FOR THIS SURVEY IS GEODETIC NORTH. SAID 2.755 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A POINT FOR CORNER IN THE EAST LINE OF SAID BROWN TRACT AND THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF STATE HIGHWAY NO. 205 (100' R.O.W.) FROM WHICH A CONCRETE MONUMENT FOUND FOR CORNER BEARS S 01°13'03" W, A DISTANCE OF 225.19 FEET AND THE SOUTHEAST CORNER OF SAID BROWN TRACT BEARS S 03°43'08" W, A DISTANCE OF 495.72 FEET;

THENCE OVER AND ACROSS SAID BROWN TRACT THE FOLLOWING COURSES AND DISTANCES:

Exhibit A

N 88°46'57" W, A DISTANCE OF 200.00 FEET TO A POINT FOR CORNER;

N 01°13'03" E, A DISTANCE OF 600.00 FEET TO A POINT FOR CORNER;

S 88°46'57" E, A DISTANCE OF 200.00 FEET TO A POINT FOR CORNER IN THE EAST LINE OF SAID BROWN TRACT AND THE WEST R.O.W. LINE OF SAID STATE HIGHWAY NO. 205;

THENCE S 01°13'03" W, ALONG THE EAST LINE OF SAID BROWN TRACT, A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.755 ACRES OF LAND, MORE OR LESS

ZONING TRACT WEST FLEX "B"

BEING A 113.375 ACRE TRACT OF LAND SITUATED IN THE BOHANNON SURVEY, ABSTRACT NO. 121, AND THE D. ANGLIN SURVEY, ABSTRACT NO. 2, COLLIN COUNTY, TEXAS IN THE CITY OF LAVON AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN DEED TO ROBERT BROWN McGAUGHEY, RECORDED IN VOLUME 211, PAGE 215 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS (D.R.C.C.T.) BASIS OF BEARINGS FOR THIS SURVEY IS GEODETIC NORTH. SAID 113.375 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A POINT IN THE APPROXIMATE CENTER LINE OF COUNTY ROAD NO. 484 (RAY SMITH ROAD – A VARIABLE WIDTH PRESCRIPTIVE R.O.W.), AND THE SOUTH RIGHT-OF-WAY (R.O.W.) LINE OF STATE HIGHWAY NO. 78, SAID POINT BEING IN THE EAST LINE OF SAID McGAUGHEY TRACT AND THE COMMON WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO MALCOLM GEREN, RECORDED IN VOLUME 362, PAGE 10, D.R.C.C.T.;

THENCE SOUTH 00 DEGREES 08 MINUTES 31 SECONDS WEST, ALONG THE APPROXIMATE CENTER LINE OF SAID COUNTY ROAD NO. 484 AND THE EAST LINE OF SAID McGAUGHEY TRACT, A DISTANCE OF 1694.95 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE SOUTHEAST CORNER OF SAID McGAUGHEY TRACT;

THENCE NORTH 89 DEGREES 51 MINUTES 29 SECONDS WEST, ALONG THE APPROXIMATE CENTERLINE OF SAID COUNTY ROAD NO. 484, AND THE SOUTH LINE OF SAID McGAUGHEY TRACT A DISTANCE OF 644.07 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "HCE" FOUND FOR THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO NORTH TEXAS MUNICIPAL WATER DISTRICT (N.T.M.W.D.), RECORDED IN VOLUME 3078, PAGE 594, D.R.C.C.T., IN THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO LAVON WINDMILL ESTATES, RECORDED IN VOLUME 4959, PAGE 2938, D.R.C.C.T.

THENCE NORTH 00 DEGREES 08 MINUTES 31 SECONDS EAST, ALONG THE WEST LINE OF SAID N.T.M.W.D.T. TRACT, A DISTANCE OF 450.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE NORTHEAST CORNER OF SAID N.T.M.W.D. TRACT;

Exhibit A

THENCE NORTH 89 DEGREES 51 MINUTES 29 SECONDS WEST, ALONG THE NORTH LINE OF SAID N.T.M.W.D.T. TRACT, A DISTANCE OF 553.17 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE NORTHWEST CORNER OF SAID N.T.M.W.D. TRACT;

THENCE SOUTH 00 DEGREES 08 MINUTES 31 SECONDS WEST, A DISTANCE OF 341.90 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER IN THE SOUTH LINE OF SAID McGAUGHEY TRACT, SAID POINT BEING SOUTH 00 DEGREES 08 MINUTES 31 SECONDS WEST, A DISTANCE OF 108.10 FEET FROM A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "HCE" FOUND FOR THE SOUTHWEST CORNER OF SAID N.T.M.W.D. TRACT;

THENCE SOUTH 89 DEGREES 23 MINUTES 05 SECONDS WEST, ALONG THE SOUTH LINE OF SAID McGAUGHEY TRACT, PASSING AT A DISTANCE OF 5.57 FEET A FENCE POST FOUND FOR THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO CHARLES STANLEY, RECORDED IN VOLUME 755, PAGE 47, D.R.C.C.T., CONTINUING ALONG THE SOUTH LINE OF SAID McGAUGHEY TRACT AND THE COMMON NORTH LINE OF SAID STANLEY TRACT, PASSING AT A DISTANCE OF 1314.06 FEET A 3/8" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID STANLEY TRACT AND THE COMMON NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO D.P. BROWN, RECORDED IN VOLUME 341, PAGE 638, D.R.C.C.T., CONTINUING ALONG THE SOUTH LINE OF SAID McGAUGHEY TRACT AND THE COMMON NORTH LINE OF SAID BROWN TRACT, A TOTAL DISTANCE OF 2044.85 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET IN THE EAST R.O.W. LINE OF STATE HIGHWAY NO. 205, SAID POINT BEING NORTH 01 DEGREES 13 MINUTES 03 SECONDS EAST, A DISTANCE OF 47.81 FEET FROM A CONCRETE MONUMENT FOUND;

THENCE NORTH 01 DEGREES 13 MINUTES 03 SECONDS EAST, A DISTANCE OF 1250.37 FEET TO 1/2" IRON ROD FOUND AT THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO HWY. 205/78 L.P., A TEXAS LIMITED PARTNERSHIP RECORDED IN COUNTY CLERKS' FILE NO. 2000-0103656 D.R.C.C.T.;

THENCE SOUTH 89 DEGREES 33 MINUTES 54 SECONDS EAST, ALONG THE SOUTH LINE OF SAID HWY. 205/78 L.P., TRACT A DISTANCE OF 440.49 FEET TO A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID HWY. 205/78 L.P., TRACT;

THENCE NORTH 01 DEGREES 28 MINUTES 02 SECONDS EAST, ALONG THE EAST LINE OF SAID HWY. 205/78 L.P., TRACT A DISTANCE OF 417.76 FEET TO A POINT FOR CORNER IN THE SOUTH R.O.W. LINE OF SAID HIGHWAY NO. 78;

THENCE SOUTH 88 DEGREES 47 MINUTES 20 SECONDS EAST, ALONG THE SOUTH R.O.W. LINE OF SAID HIGHWAY 78 AND THE NORTH LINE OF SAID McGAUGHEY TRACT, A DISTANCE OF 2453.77 FEET TO THE POINT OF BEGINNING AND CONTAINING 113.375 ACRES OF LAND, MORE OR LESS.

ZONING TRACT WEST NON-RESIDENTIAL, "A"

BEING A 22.530 ACRE TRACT OF LAND SITUATED IN THE W.H. MOORE SURVEY, ABSTRACT NO. 638, COLLIN COUNTY, TEXAS AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN DEED TO BENNIE WHITE DAUGHERTY TO W.C.

Exhibit A

DAUGHERTY, JR., ANN DAUGHERTY TICKNOR AND JOHN KINGSLEY DAUGHTERTY RECORDED IN VOLUME 2092, PAGE 223, REAL PROPERTY RECORDS, COLLIN COUNTY, TEXAS, (R.P.R.C.C.T.). SAID 22.530 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER IN THE EAST LINE OF SAID DAUGHERTY TRACT FROM WHICH THE NORTHEAST CORNER OF SAID DAUGHTERY TRACT BEARS N 00°16'03"W, A DISTANCE OF 900.15 FEET;

THENCE S 00°16'03" W, ALONG THE EAST LINE OF SAID DAUGHTERTY TRACT, A DISTANCE OF 271.55 FEET TO POINT FOR THE SOUTHEAST CORNER OF SAID DAUGHTERY TRACT, IN THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF STATE HIGHWAY NO. 78;

THENCE ALONG THE NORTH R.O.W. LINE OF SAID STATE HIGHWAY NO. 78 THE FOLLOWING COURSES AND DISTANCES:

S 74°16'57" W, A DISTANCE OF 270.28 FEET TO A POINT FOR CORNER;

S 80°27'23" W, A DISTANCE OF 486.40 FEET TO A POINT FOR CORNER;

S 87°55'43" W, A DISTANCE OF 453.37 FEET TO A POINT FOR CORNER;

N 88°49'37" W, A DISTANCE OF 1035.71 FEET TO A POINT FOR CORNER;

S 89°15'50" W, A DISTANCE OF 300.17 FEET TO A POINT FOR CORNER;

S 82°52'05" W, A DISTANCE OF 138.46 FEET TO A POINT FOR CORNER;

N 88°42'06" W, A DISTANCE OF 578.05 FEET TO A POINT FOR CORNER;

THENCE OVER AND ACROSS SAID DAUGHTERTY TRACT THE FOLLOWING COURSES AND DISTANCES:

N 01°19'13" E, A DISTANCE OF 300.00 FEET TO A POINT FOR CORNER;

Exhibit A

S 88°42'06" E, A DISTANCE OF 246.18 FEET TO A POINT FOR CORNER;

S 88°42'06" E, A DISTANCE OF 64.99 FEET TO A POINT FOR CORNER;

S 88°42'06" E, A DISTANCE OF 192.63 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 4°33'03", A RADIUS OF 635.00 FEET, AN ARC LENGTH OF 50.44 FEET, A CHORD BEARING OF N 89°01'22" E, AND A CHORD LENGTH OF 50.42 FEET, TO A POINT FOR CORNER;

N 86°44'51" E, A DISTANCE OF 542.46 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 4°25'32", A RADIUS OF 365.00 FEET, AN ARC LENGTH OF 28.19 FEET, A CHORD BEARING OF N 88°57'37" E, AND A CHORD LENGTH OF 28.19 FEET, TO A POINT FOR CORNER;

S 88°49'37" E, A DISTANCE OF 142.99 FEET TO A POINT FOR CORNER;

S 88°49'37" E, A DISTANCE OF 19.37 FEET TO A POINT FOR CORNER;

S 86°07'18" E, A DISTANCE OF 317.80 FEET TO A POINT FOR CORNER;

S 88°49'37" E, A DISTANCE OF 27.82 FEET TO A POINT FOR CORNER;

S 88°49'37" E, A DISTANCE OF 50.36 FEET TO A POINT FOR CORNER;

S 88°49'37" E, A DISTANCE OF 327.76 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 3°14'40", A RADIUS OF 1150.00 FEET, AN ARC LENGTH OF 65.12 FEET, A CHORD BEARING OF N 89°33'03" E, AND A CHORD LENGTH OF 65.11 FEET, TO A POINT FOR CORNER;

Exhibit A

N 87°55'43" E, A DISTANCE OF 317.62 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 7°28'20", A RADIUS OF 1150.00 FEET, AN ARC LENGTH OF 149.98 FEET, A CHORD BEARING OF N 84°11'33" E, AND A CHORD LENGTH OF 149.87 FEET, TO A POINT FOR CORNER;

N 80°27'23" E, A DISTANCE OF 328.31 FEET TO A POINT FOR CORNER;

N 09°32'37" W, A DISTANCE OF 0.10 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 9°15'30", A RADIUS OF 1150.00 FEET, AN ARC LENGTH OF 185.83 FEET, A CHORD BEARING OF N 75°05'25" E, AND A CHORD LENGTH OF 185.62 FEET, TO A POINT FOR CORNER;

N 74°59'05" E, A DISTANCE OF 52.06 FEET TO A POINT FOR CORNER;

S 89°13'26" E, A DISTANCE OF 141.54 FEET TO THE **POINT OF BEGINNING**, AND CONTAINING 22.530 ACRES OF LAND, MORE OR LESS.

Exhibit A