



**AGENDA  
NOVEMBER 2, 2021  
LAVON CITY COUNCIL  
BOARD OF ADJUSTMENT  
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS  
REGULAR MEETING  
6:00 PM**

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

**2. EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may recess into Executive Session (closed meeting) pursuant to Section 551.071 (2) Consultation with 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 including (i) for the provision of municipal services in an unincorporated area; and (ii) Elevon Development Agreement; and pursuant to Section 551.072 Deliberation regarding the purchase, exchange, lease or value of real property.

**3. RECONVENE INTO REGULAR SESSION**

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

**4. PLEDGE OF ALLEGIANCE AND INVOCATION**

**5. PROCLAMATION**

Veterans Day – November 11, 2021

**6. 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.*

**7. ITEMS OF INTEREST/COMMUNICATIONS**

*Members may identify community events, functions, and other activities.*

**8. 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 October 19, 2021 meeting.
- B.** Approve and authorize the Mayor to execute drainage and sanitary sewer easement forms related to the Trails of Lavon development.
- C.** Approve and authorize the Mayor to execute a sanitary sewer easement form related to the L&D Automotive Sanitary Sewer project.
- D.** Approve and 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 roadway and related infrastructure within a portion of a GP&L easement in the vicinity of the Elevon development project.
- E.** Approve Resolution No. **2021-11-01** authorizing the submission of one or more Hazard Mitigation Grant Program (HMGP) Application(s) through the Texas Division of Emergency Management and authorizing the Mayor and City Administrator to act as the city's Executive Officers and Authorized Representatives in all matters pertaining to the city's participation in the DR-4586 Hazard Mitigation Grant Program.

- F. Approve Resolution No. **2021-11-02** approving and authorizing the Mayor to execute a First Amendment to the Professional Services Reimbursement Agreement with Meritage Homes related to the Trails of Lavon development project.
- G. Approve Resolution No. **2021-11-03** approving and authorizing the Mayor to execute Task Order #9 with Freeman-Millican, Inc., pursuant to Resolution No. **2018-06-01** for professional engineering services for the design and preparation of bid documents, construction plans and administration for the Bear Creek Trail Connector project, not to exceed \$49,300.00.
- H. Approve Resolution No. **2021-11-04** approving and authorizing the Mayor to execute Task Order #10 with Freeman-Millican, Inc., pursuant to Resolution No. **2018-06-01** for professional engineering services for the design and preparation of bid documents, construction plans and administration for the Lake Road Phase 1 (CIP-16) reconstruction project, not to exceed \$74,200.00.

## 9. BOARD OF ADJUSTMENT

*In accordance with the Texas Local Government Code, Section 211.008 (g) and Section 9.1.11.1 (C)(3) of the Code of Ordinances, the Lavon City Council will act as the Board of Adjustment to consider and act on a request for a variance from the Zoning Ordinance.*

Public hearing, discussion, and action regarding the application of Tony Ramji for a variance to Section 3.6.2.4 Setback Standards of Ordinance No. **2004-09-05**, as amended, that established the Grand Heritage Planned Development, to permit a minimum side yard building setback of 10 feet that is 20 feet less than the required minimum building setback of 30 feet, on the corner lot northwest of the intersection of Burleson and S. SH 78, William H. Moore Survey, A00638, Tract 23 (CCAD# 2614364) at 963 S. S.H. 78, Lavon, TX.

- 1) Presentation of the request.
- 2) **PUBLIC HEARING** to receive comments regarding the request.
- 3) Discussion and action regarding the request, findings, and accompanying Order.

## 10. ITEMS FOR CONSIDERATION

- A. Receive presentation, discussion, and action regarding Resolution No. **2021-11-05** approving an amendment to the contract with Community Waste Disposal (CWD) for the collection, hauling and disposal of municipal solid waste to approve a market adjustment to rates charged.
- B. Discussion and action regarding Resolution **2021-11-06** approving and authorizing the Mayor to execute Task Order #2 with AG|CM, Inc., pursuant to Resolution No. **2021-05-06** for professional services for the design and preparation of bid documents, construction plans and administration for the fire, police, and public works facilities expansion project, not to exceed \$93,868.00.
- C. Discussion and action regarding an application for a site plan and landscape plan for the LakePointe Amenity Center on LakePointe Phase 2A, Tract 4, Block U at 176 Cyprus Grove, Lavon, Texas, (CCAD Property ID 266391).
- D. Discussion and action regarding the extension of the effective date of the preliminary plat of the Grand Heritage Addition.
- E. Discussion and action regarding an application for a final plat of the Victory at Lavon Addition consisting of 1 commercial lot on a 1.517-acre parcel of land in the Grand Heritage Addition, identified as part of the William H Moore Survey, A-0638, Sheet 2, Tract 23, Lavon, Texas located at 963 S. SH 78, northwest of the intersection of SH 78 and Burleson Dr. (CCAD Property ID 2614364).
- F. Discussion and action regarding an application for a site plan and landscape plan of the Victory at Lavon Addition consisting of 1 commercial lot on a 1.517-acre parcel of land in the Grand Heritage Addition, identified as part of the William H Moore Survey, A-0638, Sheet 2, Tract 23, Lavon, Texas located at 963 S. SH 78, northwest of the intersection of SH 78 and Burleson Dr. (CCAD Property ID 2614364).

- G.** Conduct a public hearing that was opened on October 19, 2021 and continued to November 2, 2021 to consider testimony and act on a resolution creating the Elevon Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code; being approximately 982.719 acres of land situated in the Samuel M. Ranier Survey, Abstract No. 740, the Drury Anglin Survey, Abstract No. 2, and the James. P. Davis Survey, Abstract No. 249 within the extraterritorial jurisdiction and/or corporate limits of City of Lavon, Texas; providing for related matters; and providing an effective date.
- 1) Presentation of request.
  - 2) **PUBLIC HEARING** to receive comments regarding the request.
  - 3) Discussion and action regarding the request and accompanying Resolution No. **2021-11-07**.
- H.** Discussion and action regarding the final plat of the Elevon, Section 1, Phase 2B Addition consisting of 85 residential lots and 3 non-residential lots on 15.704 acres of land out of the Samuel M. Rainer Survey, Abstract No. 740, Sheet 4, Tract 23, Collin County, Texas located south of FM 6 and east of Elevon, Phase 1, (CCAD Property ID 2829214).
- I.** Discussion and action regarding the final Plat of the Section 2, Elevon Parkway (Onsite) consisting of 20 lots on 39.993 acres out of the Samuel M. Rainer Survey, Abstract No. 740, extraterritorial jurisdiction of the City of Lavon, Collin County, Texas, and containing a roadway extending predominately east to west with a north-south connection point on CR 541 located north of CR 541, east of Lavon Ranchettes, and south of the NETEX right of way in the Abston Hills MUD 1-B and 1-D, (CCAD Property IDs 1290178, 1290169, 1290203, 1290132, 2032794, 1290150).
- J.** Discussion and action regarding the preliminary plat of the Elevon West Commercial Addition consisting of 5 lots on 87.266 acres out of the Samuel M. Rainer Survey, Abstract 740, Sheet 1, Tract 148, City of Lavon, Texas, situated north of Moore Lane, east of SH 78 and south of the Bently Farms and Lakeridge Meadows Additions (CCAD Property ID 2542828).
- K.** Discussion and action regarding Resolution No. **2021-11-08** approving and authorizing the Mayor to execute a Gas Franchise Fee Chapter 380 Agreement with MA Partners, LLC.
- L.** Discussion and action regarding Resolution No. **2021-11-09** casting three (3) votes to elect the Collin Central Appraisal District Board of Directors.
- M.** Discussion and action regarding Resolution No. **2021-11-10** approving and authorizing the Mayor to execute a First Amendment to the Development Agreement with LDC Lavon, LLC pertaining to the Lakepointe Addition.
- N.** Discussion and action regarding Resolution No. **2021-11-11** determining the costs of certain authorized improvements to be financed by the Lakepointe Public Improvement District; approving a Preliminary Amended Service Plan and Assessment Plan, including Proposed Improvement Area #2 Assessment Roll; calling a meeting and noticing a public hearing for *November 16, 2021* to consider an ordinance levying assessments on property located within the Lakepointe Public Improvement District; directing the filing of the Proposed Improvement Area #2 Assessment Roll with the city secretary to make available for public inspection; directing city staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto.
- O.** Discussion and action regarding Resolution No. **2021-11-12** rescinding Resolution No. **2021-09-07**, which approved a Development Agreement between the City of Lavon and MA Partners, LLC, Petro-Hunt, LLC, Far East Lavon, LLC, 78 Straddle, LP, East Lavon Partners, LP, and World Land Developers, LP, after re-negotiation of the terms, and approving and authorizing the Mayor to execute a new version of the Development Agreement.

## **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.*

November 15, 2021 - Special Meeting to canvass election results – 8:30 am

November 16, 2021 – Regular City Council Meeting

November 30, 2021 – Special City Council Meeting

Discuss Holiday meeting schedule.

## **12. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING**

1. Notice is hereby given that members of the City Council, Economic Development Corporation Board, Planning and Zoning Commission, and Parks and Recreation Board may attend the meeting.
2. The body 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](http://www.cityoflavon.com) and at City Hall and on or before 6:00 PM on October 29, 2021.



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Kim Dobbs, City Administrator



## PROCLAMATION City of Lavon, Texas

### Veterans Day

**WHEREAS**, over one hundred years ago in November 1919, President Woodrow Wilson declared November 11 as the first commemoration of Armistice Day stating: "To us in America, the reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in the country's service and with gratitude for the victory, both because of the thing from which it has freed us and because of the opportunity it has given America to show her sympathy with peace and justice in the councils of the nations..."; and in 1954, the United States Congress redesignated November 11 as Veterans Day in honor of all veterans who served in the armed forces; and

**WHEREAS**, the men and women of the armed forces inspired and continue to inspire us with their courage, leadership and service to our country, their pledge to peace, liberty and security and the sacrifice of those who valiantly paid the ultimate price for our freedom; and

**WHEREAS**, we in the City of Lavon solemnly honor and remember our military community and embrace the charge by President Dwight D. Eisenhower to "... reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain;" and

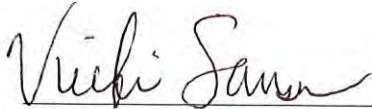
**NOW THEREFORE**, I, Vicki Sanson, Mayor of the City of Lavon do hereby proclaim that in observance of

### **Veterans Day on Thursday, November 11, 2021**

the citizens of the City of Lavon proudly join hands in the common purpose to salute and to pay homage to those men and women who have served in the Armed Forces of the United States of America; and

**IN WITNESS WHEREOF**, I cause the Official Seal of the City of Lavon to be affixed this 2<sup>nd</sup> day of November 2021.



  
Vicki Sanson, Mayor



Join us for the

# 2021 Holiday Grease Roundup

Recolección de Grasa de Festividades 2021

Don't pour your grease down the drain. Recycle it for free instead!

No tire los restos de grasa de la cocina por el desagüe! Recicléla gratis.



Nov. 22-Jan. 10 / nov. 22-ene. 10



**DEFEND**  
\*\*\* YOUR \*\*\*  
**DRAINS**

[www.DefendYourDrainsNorthTexas.com](http://www.DefendYourDrainsNorthTexas.com)

#HolidayGreaseRoundup

What Happens to the Grease?  
(¿Qué ocurre con la grasa?)

We will use the collected cooking oil and grease to create biodiesel or turn it into biogas for energy production.

Vamos a utilizar el aceite de cocina recogida y grasa para crear biodiesel o convertirlo en biogás para la producción de energía.

This collection is for cooking oil and grease only. Motor oil and other automotive fluids are not accepted.

Este sitio solamente es para aceite y grasa de cocina. No se acepta aceite de motor u otros líquidos automotrices.



## City Facilities for Recycling

Instalaciones de la Ciudad para reciclaje

120 School Road

Lavon, TX 75166

Collection Hours / Horario de Recolección

Monday-Friday 8 am to 5 pm





**MINUTES  
OCTOBER 19, 2021  
LAVON CITY COUNCIL  
REGULAR MEETING  
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS  
7:00 P.M.**

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

1. **MAYOR SANSON CALLED THE MEETING TO ORDER AT 7:00 P.M. AND ANNOUNCED A QUORUM PRESENT.**

2. **MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND CHIEF JONES DELIVERED THE INVOCATION.**

3. **PROCLAMATIONS**

Mayor Sanson and the City Council presented Proclamations for Breast Cancer Awareness Month and First Responders Day, October 28, 2021.

4. **CITIZENS COMMENTS**

There were no citizens comments.

5. **ITEMS OF INTEREST/COMMUNICATIONS**

- October 23 National Drug Take back at LPD from 10am-2pm.
- October 30 Lavon Fall Festival and Trick or Treat Street from 4:30pm-6:30 pm.

6. **CONSENT AGENDA**

- A. **Approve the minutes of the September 21, 2021 meeting.**
- B. **Approve Ordinance No. 2021-10-01 approving the 2021 Tax Roll Summary for the City of Lavon as presented by the Collin County Tax Assessor Collector's Office.**
- C. **Approve Resolution No. 2021-10-01 approving and authorizing the Mayor to execute FY 2022 Amendment to the Interlocal Agreement with Collin County for Fire Inspection and Fire Plan Review Services for commercial buildings and subdivisions.**
- D. **Approve Resolution No. 2021-10-02 approving and authorizing the Mayor to execute an Interlocal Agreement with Collin County for the 2018 Parks and Open Space Bond Project for the Bear Creek Trail Crossing Connector project.**
- E. **Approve the presentation of the Official Zoning Map.**

**MOTION: APPROVE THE CONSENT AGENDA.**

MOTION MADE: WRIGHT

SECONDED: KELL

APPROVED: UNANIMOUS (Absent: Cook, Serkland)

7. **ITEMS FOR CONSIDERATION**

- A. **Discussion, and action regarding Ordinance No. 2021-10-02 amending Ordinance No. 2021-09-02 that approved and adopted a Budget for the city for the fiscal year October 1, 2021 through**

**September 30, 2022 to amend adopted revenues and expenditures of the budget; and declaring an effective date.**

City Administrator Kim Dobbs provided information regarding receipt of the notification of non-award of a Staffing for Adequate Fire and Emergency Response (SAFER) Grant and reviewed the City Council's direction during budget work sessions. The proposed amendment is consistent with direction that in the event the grant was not awarded, funding should be available for staffing the first shift of firefighters.

**MOTION: APPROVE ORDINANCE NO. 2021-10-02 AMENDING ORDINANCE NO. 2021-09-02 THAT APPROVED AND ADOPTED A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022 TO AMEND ADOPTED REVENUES AND EXPENDITURES OF THE BUDGET; AND DECLARING AN EFFECTIVE DATE.**

MOTION MADE: KELL

SECONDED: DILL

APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- B. Public hearing, discussion, and action regarding the property owner's petition for the voluntary annexation of 205.503 acres of land situated in the S. Roberts Survey, Abstract No. 773 and the D. Anglin Survey, Abstract No. 2, and the portions of County Road 485, County Road 484, and County Road 483, and adjacent right-of-way abutting the property, Collin County, Texas.**

Ms. Dobbs provided information regarding voluntary annexation process and property details.

**PUBLIC HEARING to receive comments regarding the request.**

Mayor Sanson opened the public hearing at 7:19 p.m. and invited comments for or against the application. Bryan Bartoli, 14879 CR 485, Collin County, expressed opposition citing concerns regarding the present and future road conditions and drainage. There being no further comments, Mayor Sanson closed the public hearing at 7:22 p.m.

**Discussion and action regarding the request and accompanying Ordinance.**

Ms. Dobbs stated that the requisite public notices were published, posted and mailed and reviewed the landowner executed Municipal Services Agreement.

**MOTION: APPROVE ORDINANCE NO. 2021-10-03 GRANTING THE OWNER'S PETITION FOR THE VOLUNTARY ANNEXATION OF AND ANNEXING 205.503 ACRES OF LAND SITUATED IN THE S. ROBERTS SURVEY, ABSTRACT NO. 773 AND THE D. ANGLIN SURVEY, ABSTRACT NO. 2, AND THE PORTIONS OF COUNTY ROAD 485, COUNTY ROAD 484, AND COUNTY ROAD 483, AND ADJACENT RIGHTS-OF-WAY ABUTTING THE PROPERTY, COLLIN COUNTY, TEXAS.**

MOTION MADE: WRIGHT

SECONDED: KELL

APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- C. Public hearing discussion, and action regarding an application for a zoning change from temporary Agricultural (A) District to a Planned Development (PD) District consisting of 653 residential lots and a 10-acre commercial lot on 205.503 acres of land, the Trails of Lavon, proposed for annexation, identified as part of the Drury Anglin Survey, A-2, Tract 74, 68 and the S A Roberts Survey, A-773, Tract 3 (CCAD Prop ID 1249928, 1249982, and 1291872), Collin County, Texas, south of Crestridge Meadows and Bear Creek Phases 3, 4, and 5, west of Meadowcreek Estates, northeast of the intersection of CR 484 and CR 483, and southwest of the intersection of CR 484 and CR 485, requested by Meritage Homes of Texas, LLC.**

Lucas Tribble, Land Acquisition Manager, Meritage Homes, presented the proposed application and information regarding the zoning request.

**PUBLIC HEARING to receive comments regarding the request.**

Mayor Sanson opened the public hearing at 7:32 p.m. and invited comments for or against the application. There being no comments, Mayor Sanson closed the public hearing at 7:32 p.m.

**Discussion and action regarding the request and accompanying Ordinance.**

Ms. Dobbs provided the report from the Planning & Zoning Commission and stated that the requisite public hearing notice was published in the newspaper and posted on the website, zoning change signs were placed on the property, and neighbor notices were mailed to the owners of property located within 200 feet of the applicant property.

**MOTION: APPROVE ORDINANCE NO. 2021-10-04 APPROVING THE APPLICATION FOR A ZONING CHANGE FROM TEMPORARY AGRICULTURAL (A) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT CONSISTING OF 653 RESIDENTIAL LOTS AND A 10-ACRE COMMERCIAL LOT ON 205.503 ACRES OF LAND, THE TRAILS OF LAVON, IDENTIFIED AS PART OF THE DRURY ANGLIN SURVEY, A-2, TRACT 74, 68 AND THE S A ROBERTS SURVEY, A-773, TRACT 3 (CCAD PROP ID 1249928, 1249982, AND 1291872), COLLIN COUNTY, TEXAS, SOUTH OF CRESTRIDGE MEADOWS AND BEAR CREEK PHASES 3, 4, AND 5, WEST OF MEADOWCREEK ESTATES, NORTHEAST OF THE INTERSECTION OF CR 484 AND CR 483, AND SOUTHWEST OF THE INTERSECTION OF CR 484 AND CR 485.**

MOTION MADE: WRIGHT  
SECONDED: DILL  
APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- D. Discussion and action regarding an application for a preliminary plat consisting of 653 residential lots and a 10-acre commercial lot on 205.503 acres of land identified as part of the Drury Anglin Survey, A-2, Tract 74, 68 and the S A Roberts Survey, A-773, Tract 3 (CCAD Prop ID 1249928, 1249982, and 1291872), south of Crestridge Meadows and Bear Creek Phases 3, 4, and 5, west of Meadowcreek Estates, northeast of the intersection of CR 484 and CR 483, and southwest of the intersection of CR 484 and CR 485, Collin County, Texas, requested by Meritage Homes of Texas, LLC.**

Lucas Tribble, Land Acquisition Manager, Meritage Homes, presented the proposed application and preliminary plat. Bryan Moody, P.E, Kimley-Horn was available to answer questions. Ms. Dobbs provided the report from the Planning & Zoning Commission and noted that the proposed preliminary plat conforms to the zoning and subdivision ordinances.

**MOTION: APPROVE THE PRELIMINARY PLAT OF THE TRIALS OF LAVON CONSISTING OF 653 RESIDENTIAL LOTS AND A 10-ACRE COMMERCIAL LOT ON 205.503 ACRES OF LAND IDENTIFIED AS PART OF THE DRURY ANGLIN SURVEY, A-2, TRACT 74, 68 AND THE S A ROBERTS SURVEY, A-773, TRACT 3 (CCAD PROP ID 1249928, 1249982, AND 1291872), SOUTH OF CRESTRIDGE MEADOWS AND BEAR CREEK PHASES 3, 4, AND 5, WEST OF MEADOWCREEK ESTATES, NORTHEAST OF THE INTERSECTION OF CR 484 AND CR 483, AND SOUTHWEST OF THE INTERSECTION OF CR 484 AND CR 485, COLLIN COUNTY, TEXAS.**

MOTION MADE: KELL  
SECONDED: WRIGHT  
APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- E. Public hearing, discussion, and action to consider testimony and act on a resolution creating the Trails of Lavon Public Improvement District/PID in accordance with Chapter 372 of the Texas Local Government Code; being approximately 205.503 acres of land, identified as part of the Drury Anglin Survey, A-2, Tract 74, 68 and the S A Roberts Survey, A-773, Tract 3 and**

**generally located southeast of the intersection of SH 78 and FM 6 and within the corporate limits of City of Lavon, Texas; providing for related matters; and providing an effective date.**

The City's PID Consultant and Administrator Mary Petty, P-3 Works, provided information regarding the creation process for the public improvement district (PID).

**PUBLIC HEARING to receive comments regarding the resolution.**

Mayor Sanson opened the public hearing at 7:39 p.m. and invited comments for or against the resolution. There being no comments, Mayor Sanson closed the public hearing at 7:39 p.m.

**Discussion and action regarding the request.**

**MOTION: APPROVE RESOLUTION NO. 2021-10-03 APPROVING AND CREATING THE TRAILS OF LAVON PUBLIC IMPROVEMENT DISTRICT/PID IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; BEING APPROXIMATELY 205.503 ACRES OF LAND, IDENTIFIED AS PART OF THE DRURY ANGLIN SURVEY, A-2, TRACT 74, 68 AND THE S A ROBERTS SURVEY, A-773, TRACT 3 AND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SH 78 AND FM 6 AND WITHIN THE CORPORATE LIMITS OF CITY OF LAVON, TEXAS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.**

MOTION MADE: DILL

SECONDED: KELL

APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- F. Public hearing, discussion, and action regarding an application to amend Ordinance No. 2019-07-04 that established the LakePointe Planned Development (PD), Section 3.1 of the Zoning Development Design Guidelines and Concept, to add 4 single-family residential lots for a total of 221 lots on a 44.633-acre parcel of land identified as the LakePointe Addition Phase 3 (CCAD Prop ID 2663916), Lavon, Texas, southeast of the intersection of SH 78 and FM 6, requested by LDC Lavon, LLC / Lavon LakePointe Development, LLC.**

Ms. Dobbs provided information regarding the application. Michael Nader, Lenart Development Company, LLC clarified that the requested four lots will be located in the third phase and will not decrease any programmed open or green space. Mr. Nader presented a preliminary draft plan of the proposed lot locations.

**PUBLIC HEARING to receive comments regarding the request.**

Mayor Sanson opened the public hearing at 7:43 p.m. and invited comments for or against the application. There being no comments, Mayor Sanson closed the public hearing at 7:44 p.m.

**Discussion and action regarding the request.**

Ms. Dobbs provided the report from the Planning & Zoning Commission and stated that the requisite public hearing notice was published in the newspaper and posted on the website, zoning change signs were placed on the property, and neighbor notices were mailed to the owners of property located within 200 feet of the applicant property.

**MOTION: APPROVE ORDINANCE NO. 2021-10-05 AMENDING ORDINANCE NO. 2019-07-04 THAT ESTABLISHED THE LAKEPOINTE PLANNED DEVELOPMENT (PD), SECTION 3.1 OF THE ZONING DEVELOPMENT DESIGN GUIDELINES AND CONCEPT, TO ADD 4 SINGLE-FAMILY RESIDENTIAL LOTS FOR A TOTAL OF 221 LOTS ON A 44.633-ACRE PARCEL OF LAND IDENTIFIED AS THE LAKEPOINTE ADDITION PHASE 3 (CCAD PROP ID 2663916), LAVON, TEXAS, SOUTHEAST OF THE INTERSECTION OF SH 78 AND FM 6, REQUESTED BY LDC LAVON, LLC / LAVON LAKEPOINTE DEVELOPMENT, LLC.**

MOTION MADE: WRIGHT

SECONDED: KELL

APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- G. Receive presentation, discussion, and action regarding the provision of sanitary sewer service outside the city limits and outside the extraterritorial jurisdiction of the City, requested by Bill Lisle, Smith-Lile Holdings.**

Bill Lisle, Smith-Lile Holdings presented a request for sanitary sewer service to be provided to his property that is located in the City of Nevada's extraterritorial jurisdiction (ETJ) north of FM 6 outside the city limits and the City of Lavon's ETJ.

**MOTION: DENY THE REQUEST FOR SANITARY SEWER SERVICE OUTSIDE THE CITY LIMITS AND OUTSIDE THE EXTRATERRITORIAL JURISDICTION OF THE CITY, REQUESTED BY BILL LISLE, SMITH-LISLE HOLDINGS.**

MOTION MADE: WRIGHT  
SECONDED: KELL  
APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- H. Discussion and action Resolution No. 2021-10-04 approving and authorizing the Mayor to execute a Right of Way Use Agreement with Campus Communications Group, Inc. for the installation of fiber that allows for the delivery of high-speed internet service.**

Ms. Dobbs provided information regarding the agreement with Campus Communications Group, Inc. and their proposal to install and offer high-speed internet service to current and future Lavon residents and businesses. Ms. Dobbs noted that the staff working group of the Director of Public Works, City Engineer, IT Specialist and City Administrator met with the firm multiple times regarding the proposal and that the City Attorney had reviewed and approved the form of the proposed agreement.

**MOTION: APPROVE RESOLUTION NO. 2021-10-04 APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A RIGHT OF WAY USE AGREEMENT WITH CAMPUS COMMUNICATIONS GROUP, INC. FOR THE INSTALLATION OF FIBER THAT ALLOWS FOR THE DELIVERY OF HIGH-SPEED INTERNET SERVICE.**

MOTION MADE: KELL  
SECONDED: DILL  
APPROVED: UNANIMOUS (Absent: Cook, Serkland)

## **9. EXECUTIVE SESSION**

At 7:57 p.m., in accordance with the Texas Government Code, Annotated, Subchapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) pursuant to Section 551.071 (2) Consultation with 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.

## **10. RECONVENE INTO REGULAR SESSION**

In accordance with Texas Government Code, Section 551.001, et seq., Mayor Sanson reconvened the meeting at 8:28 p.m. and stated that no action was taken in executive session.

## **7. ITEMS FOR CONSIDERATION**

- M. Discussion and action regarding orders and regulations, programming, city facilities and operations related to COVID-19.**

Staff provided information regarding open facilities implementation, programing, and city programs.

## **8. STAFF REPORTS**

- A. Police Services** – Police Chief Mike Jones provided information and referenced the provided reports regarding traffic stops, calls for service and call breakout information. Officer Carissa Vargas reported on upcoming programs for the holiday season, including the Vacation Watch form and the “Stop, Lock and Take” program.
- B. Fire Services** – Fire Chief Danny Anthony provided the LFD call report and answered questions.

- C. **Public Works** – Mr. Carter provided general information regarding public works, street maintenance including mowing and trash collection and the X-treme Green Event.
- D. **Administration** – Ms. Dobbs referenced reports in the meeting packet regarding the Building Permits Report; CWD Services; Collin County Monthly Tax Collection Report; Sales Tax Report; Financial Reports and general staff reports.

**EXECUTIVE SESSION**

At 8:50 p.m., in accordance with the Texas Government Code, Annotated, Subchapter 551, Subchapter D, the City Council recessed again into Executive Session (closed meeting) pursuant to Section 551.071 (2) Consultation with 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.

**RECONVENE INTO REGULAR SESSION**

In accordance with Texas Government Code, Section 551.001, et seq., Mayor Sanson reconvened the meeting at 9:02 p.m. and stated that no action was taken in executive session.

**7. ITEMS FOR CONSIDERATION**

- I. **Public hearing, discussion, and action regarding an application for a zoning change from Agricultural (A) District to a Planned Development (PD) District consisting of 251 single-family one-unit and two-unit residential structures on a 29.076-acre parcel of land, The Villas at Elevon, identified as part of the Samuel M. Rainer Survey, A-740, Tract 1 (CCAD Prop ID 2542828), Lavon, Texas, near 208 Moore Ln., northwest of the intersection of SH 78 and Moore Ln., requested by 78 Straddle, L.P.**

Ms. Dobbs provided information regarding the proposed concept plan of the Elevon development project. Jerry Silo, JBI Properties, presented information regarding the proposed concept, infrastructure, design guidelines, product type and architectural plans for the proposed development. Ms. Dobbs stated that a requirement of the proposed zoning is that a new road from SH 78 will be constructed to provide the primary access for the development.

**PUBLIC HEARING to receive comments regarding the request.**

Mayor Sanson opened the public hearing at 9:06 p.m. and invited comments for or against the application. There being no comments, Mayor Sanson closed the public hearing at 9:06 p.m.

**Discussion and action regarding the request.**

Ms. Dobbs provided the report from the Planning & Zoning Commission and stated that the requisite public hearing notice was published in the newspaper and posted on the website, zoning change signs were placed on the property, and neighbor notices were mailed to the owners of property located within 200 feet of the applicant property.

**MOTION: APPROVE ORDINANCE NO. 2021-10-06 APPROVING AN APPLICATION FOR A ZONING CHANGE FROM AGRICULTURAL (A) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT CONSISTING OF 251 SINGLE-FAMILY ONE-UNIT AND TWO-UNIT RESIDENTIAL STRUCTURES ON A 29.076-ACRE PARCEL OF LAND, THE VILLAS AT ELEVON, IDENTIFIED AS PART OF THE SAMUEL M. RAINER SURVEY, A-740, TRACT 1 (CCAD PROP ID 2542828), LAVON, TEXAS, NEAR 208 MOORE LN., NORTHWEST OF THE INTERSECTION OF SH 78 AND MOORE LN.**

MOTION MADE: WRIGHT  
 SECONDED: KELL  
 APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- J. **Public hearing, discussion, and action to consider testimony and act on an ordinance designating a contiguous geographic area within the extraterritorial jurisdiction and corporate limits of the city, being approximately 1292.19 acres of land generally located east of Highway 78, as a reinvestment zone pursuant to Chapter 311 of the Texas Tax Code, to be known as**

**Reinvestment Zone Number Two [TIRZ NO. 2], City of Lavon; describing the boundaries of the zone; creating a board of directors for the zone; establishing a Tax Increment Fund for the zone; containing findings related to the creation of the zone; providing a date for the termination of the zone; providing that the zone take effect immediately upon passage of the ordinance; providing a severability clause; and providing an effective date.**

Ms. Petty provided information regarding the creation of the TIRZ No. 2 for the Elevon project.

**PUBLIC HEARING to receive comments regarding the ordinance.**

Mayor Sanson opened the public hearing at 9:16 p.m. and invited comments for or against the ordinance. There being no comments, Mayor Sanson closed the public hearing at 9:16 p.m.

**Discussion and action regarding the request.**

**MOTION: APPROVE ORDINANCE NO. 2021-10-07 DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA WITHIN THE EXTRATERRITORIAL JURISDICTION AND CORPORATE LIMITS OF THE CITY, BEING APPROXIMATELY 1292.19 ACRES OF LAND GENERALLY LOCATED EAST OF HIGHWAY 78, AS A REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, TO BE KNOWN AS REINVESTMENT ZONE NUMBER TWO [TIRZ NO. 2], CITY OF LAVON; DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE; ESTABLISHING A TAX INCREMENT FUND FOR THE ZONE; CONTAINING FINDINGS RELATED TO THE CREATION OF THE ZONE; PROVIDING A DATE FOR THE TERMINATION OF THE ZONE; PROVIDING THAT THE ZONE TAKE EFFECT IMMEDIATELY UPON PASSAGE OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

MOTION MADE: KELL

SECONDED: DILL

APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- K. Public Hearing, discussion, and action to consider testimony and act on a resolution creating the Elevon Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code; being approximately 982.719 acres of land situated in the Samuel M. Ranier Survey, Abstract No. 740, the Drury Anglin Survey, Abstract No. 2, and the James. P. Davis Survey, Abstract No. 249 within the extraterritorial jurisdiction and/or corporate limits of City of Lavon, Texas; providing for related matters; and providing an effective date.**

Ms. Petty provided information regarding the proposed Elevon PID and recommended that the public hearing be opened and continued to a date specific per the advice of the City's bond counsel and financial advisor to allow for the clarification of related details.

**PUBLIC HEARING to receive comments regarding the resolution.**

Mayor Sanson opened the public hearing at 9:19 pm. and invited comments for or against the resolution. No comments were offered. At 9:19 p.m. Mayor Sanson recessed the public hearing and announced it would remain open to be continued to the November 2, 2021 meeting at Lavon City Hall, 120 School Rd. that begins at 6:00 pm.

**Discussion and action regarding the request.**

**MOTION: LEAVE OPEN AND RECESS THE PUBLIC HEARING TO THE NOVEMBER, 2, 2021 MEETING AT CITY HALL, 120 SCHOOL RD., THAT BEGINS AT 6:00 P.M.**

MOTION MADE: WRIGHT

SECONDED: DILL

APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- L. Discussion and action regarding Resolution No. 2021-10-06 approving and authorizing the Mayor to execute a Gas Franchise Fee Chapter 380 Agreement with MA Partners, LLC.**

Ms. Dobbs recommended that the proposed agreement be deferred to the November 2, 2021 City Council meeting and no action was taken.

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

- November 2, 2021 Regular Meeting at 6:00 p.m.
- November 15, 2021 Special Meeting at 8:30a.m. to canvass election – 2 members minimum
- November 16, 2021 Regular Meeting
- November 30, 2021 Special Meeting

**12. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 9:23 P.M.**

**DULY PASSED and APPROVED** by the City Council of Lavon, Texas, on this 2<sup>nd</sup> day of November 2021.

\_\_\_\_\_  
Vicki Sanson  
Mayor

**ATTEST:**

\_\_\_\_\_  
Rae Norton  
City Secretary



## CITY OF LAVON Agenda Brief

**MEETING:** November 2, 2021

**ITEM:** 8 – B

---

**Item:**

CONSENT AGENDA

Approve and authorize the Mayor to execute drainage and sanitary sewer easement forms related to the Trails of Lavon development.

**Background:**

On October 19, 2019, the City Council approved the preliminary plat of the Trails of Lavon Addition.

To move forward with preparation of the final plat and civil engineering plans, the developer obtained certain easements necessary for the provision of services to the Trails of Lavon.

- Thomas J. Moon and Jennifer A. Moon – Drainage Easement
- Starlight Homes – Drainage Easement
- Starlight Homes – Sanitary Sewer Easement

**Financial Implication:**

There are no financial implications.

**Staff Notes:**

The city attorney and city engineer have reviewed and approved the forms. Approval is recommended.

**Attachments:** Proposed Easements

STATE OF TEXAS       §  
                                  §  
COUNTY OF COLLIN   §

**KNOW ALL MEN BY THESE PRESENTS**

**DRAINAGE EASEMENT**

DATE:

**GRANTOR: THOMAS J. MOON AND JENNIFER A. MOON**

**GRANTOR'S MAILING ADDRESS (Including County):  
10865 COUNTY ROAD 484  
LAVON, COLLIN COUNTY, TX 75166**

**GRANTEE: CITY OF LAVON**

**GRANTEE'S MAILING ADDRESS (Including County):  
120 SCHOOL ROAD  
P.O. BOX 340  
LAVON, COLLIN COUNTY, TX, 75166**

**CONSIDERATION:** Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

**PROPERTY: Being more particularly described in the attached Exhibit A.**

Grantor, for the consideration paid to grantor and other good and valuable consideration, hereby grants, sells, and conveys to grantee, its successors and assigns, an exclusive, perpetual easement for the construction, operation maintenance, replacement, upgrade, and repair of a Permanent Drainage Facility, hereafter referred to as "Facility". The Facility includes all incidental underground and above ground attachments, equipment and appurtenances, including, but not limited to manholes, pipelines, junction boxes, inlets, flumes, headwalls, wingwalls, slope pavement, gabions, rock rip-rap, drop structures and access ramps, and other erosion control measures in, upon, under and across a portion of the Easement Property and more fully described in Exhibit "A" attached hereto and incorporated herein for all pertinent purposes, together with the right and privilege at any and all times to enter Easement Property, or any part thereof, for the purpose of constructing, operating, maintaining, replacing, upgrading, and repairing said Facility. In no event shall Grantor (1) use the Easement Property in any manner which interferes in any material way or is inconsistent with the rights granted hereunder, or (2) erect or permit to be erected within the Easement Property a permanent structure or building, including, but not limited to, monument sign, pole sign, billboard, brick or masonry fences or walls or other structures that require a building permit, or any structure not requiring a building permit but which may threaten the structural integrity or capacity of the Facility and its appearances. The right is hereby reserved

to Grantor, its successors and assigns, to use such property to landscape and build and construct fences, driveways, parking lots, and other associated improvements over or across said easement; provided, however, that in no event shall a wall, structure or building of any type other than those previously described or any piling, pier or isolated footing of any wall, structure or building be placed directly on said easement. Grantee shall be obligated to restore the surface of the Easement Property which may have been removed, relocated, altered, damaged, or destroyed as a result of the Grantee's use of the Easement Property granted hereunder provided, however, that Grantee shall not be obligated to restore or replace irrigation systems or other improvements installed in violation of the provisions and intended use of this Easement Property.

TO HAVE AND TO HOLD the above-described Easement Property, together with all and singular the rights and appurtenances thereto in anyway belonging unto Grantee, and Grantee's successors and assigns forever, and Grantor does hereby bind itself and its successors and assigns to warrant and forever defend all and singular the Easement unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

When the context requires, singular nouns and pronouns include the plural.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGE]**

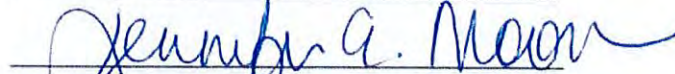
IN WITNESS WHEREOF, GRANTOR has caused this Easement to be signed, and the GRANTEE has caused its acceptance of this Easement to be evidenced by the signatures of its duly authorized officers this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

GRANTOR:

  
\_\_\_\_\_

By: Thomas J. Moon

Its: Owner

  
\_\_\_\_\_

By: Jennifer A. Moon

Its: Owner

GRANTEE:

ATTEST:

\_\_\_\_\_  
By: Vicki Sanson, Mayor

\_\_\_\_\_

**ACKNOWLEDGMENTS**

STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_.

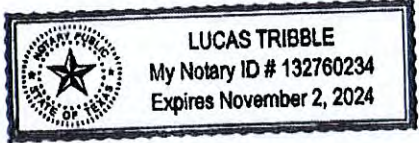
\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed Name:

My commission expires: \_\_\_\_\_

STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before me on the 21<sup>st</sup> day of September, 2021, by Thomas J. Moon, the Property Owner

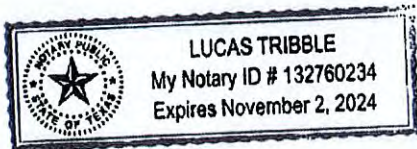


[Signature]  
Notary Public, State of Texas  
Notary's Printed Name: Lucas Tribble  
My commission expires: 11/2/2024

STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before me on the 21<sup>st</sup> day of September, 2021, by Jennifer A. Moon, the Property Owner of



[Signature]  
Notary Public, State of Texas  
Notary's Printed Name: Lucas Tribble  
My commission expires: 11/2/2024

**EXHIBIT "A"**  
***Drainage Easement Depiction***

**BEING** a tract of land situated in the D. Anglin Survey, Abstract No. 2, Collin County, Texas, and being a portion of a called 5.000 acre tract of land described in a deed to Thomas Moon, as recorded in Instrument No. 96-0085000 of the Land Records of Collin County, Texas, and also being a portion of a called 45.000 acre tract of land described as Tract 1 in a deed to Thomas Moon, as recorded in Instrument No. 20061227001816440 of the Official Public Records of Collin County, Texas, and being more particularly described as follows:

**COMMENCING** at a 1/2 inch iron rod found for the northwest corner of a called 112.5 acre tract of land described as Parcel No. 1 - Tract 6 - Monkey Run East in a Partition Deed to O'Reda Boyd McCartney, as recorded in Volume 816, Page 651 of the Deed Records of Collin County, Texas, common to the southwest corner of said 5.000 acre tract, being on the easterly line of a called 10.239 acre tract of land described in a deed to Scott Goodwin and Kathy Goodwin, as recorded in Instrument No. 95-0043368 of the Land Records of Collin County, Texas, and in County Road No. 484, a variable width right-of-way, no record found;


**THENCE** North 79°37'10" East, departing the easterly line of said 10.239 acre tract and said County Road No. 484, and along the northerly line of said Tract 6 and the southerly line of said 5.000 acre tract, a distance of 66.33 feet to the **POINT OF BEGINNING** of the herein described easement tract;

**THENCE** N 0°49'08" E, departing the northerly line of said Tract 6 and the southerly line of said 5.000 acre tract, and crossing said 5.000 acre tract and said 45.000 acre tract, a distance of 281.01 feet to a point for corner on the southerly line of Crestridge Meadows Phase 1, according to the plat thereof recorded in Volume 2020, Page 649 of the Plat Records of Collin County, Texas;

**THENCE** N 78°15'06" E, along the southerly line of said Crestridge Meadows Phase 1, a distance of 20.49 feet to a point for corner;

**THENCE** S 0°49'08" W, departing the southerly line of said Crestridge Meadows Phase 1 and crossing said 45.000 acre tract and said 5.000 acre tract, a distance of 281.50 feet to a point for corner on the southerly line of said 5.000 acre tract and the northerly line of said Tract 6, from which, a 1/2 inch iron rod found for corner bears North 79°37'10" East, 527.56 feet;

**THENCE** S 79°37'10" W, along the southerly line of said 5.000 acre tract and the northerly line of said Tract 6, a distance of 20.39 feet to the **POINT OF BEGINNING** and containing 0.129 of an acre (5,625 square feet) of land, more or less.

  
 SYLVIANA GUNAWAN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 6461  
 6160 WARREN PKWY., SUITE 210  
 FRISCO, TEXAS 75034  
 PH. 972-335-3580  
 sylviana.gunawan@kimley-horn.com



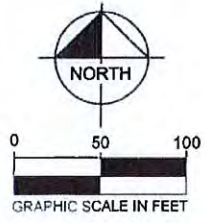
09/14/2021

**20' DRAINAGE EASEMENT**  
**D. ANGLIN SURVEY,**  
**ABSTRACT NO. 2**  
**COLLIN COUNTY, TEXAS**

**Kimley»Horn**

6160 Warren Parkway, Suite 210 Frisco, Texas 75034 FIRM # 10193822 Tel. No. (972) 335-3580 Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SG	KHA	08/31/2021	061179320	1 OF 2



CRESTRIDGE DRIVE

**NOTES**  
 All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. All dimensions shown are ground distances. To obtain a grid distance, multiply the ground distance by the Project Combined Factor (PCF) of 0.99985291.

W.A.S. BOHANNAN SURVEY, A-121

REMAINDER TRACT 1 (CALLED 45.000 ACRES) THOMAS MOON INST. NO. 20061227001816440, O.P.R.C.C.T.

CR 484 (VARIABLE WIDTH PRESCRIPTIVE R.O.W.) (NO RECORD FOUND)  
 CALLED 10.239 ACRES SCOTT GOODWIN & KATHY GOODWIN INST. NO. 95-0043368, L.R.C.C.T.

CRESTRIDGE MEADOWS PHASE 1 VOL. 2020, PG. 649 P.R.C.C.T.

CITY OF LAVON CITY LIMIT  
 CITY OF LAVON ETJ

REMAINDER OF CALLED 5.000 ACRES THOMAS MOON INST. NO. 96-0085000, L.R.C.C.T.

20' DRAINAGE EASEMENT  
 0.129 ACRE (5,625 SQ. FT.)

APPROXIMATE LOCATION OF ABSTRACT LINE

P.O.C. 1/2" IRF

10' RIGHT-OF-WAY DEDICATION  
 WHITSON ESTATES CAB. F, PG. 293 P.R.C.C.T.

S. ROBERTS SURVEY ABSTRACT NO. 773

D. ANGLIN SURVEY ABSTRACT NO. 2

P.O.B.  
 REMAINDER OF PARCEL NO. 1 - TRACT 6 CALLED 112.5 ACRES O'REDA BOYD MCCARTNEY VOL. 816, PG. 651 D.R.C.C.T.

LINE TABLE		
NO.	BEARING	LENGTH
L1	N79°37'10"E	66.33'
L2	N00°49'08"E	281.01'
L3	N78°15'06"E	20.49'
L4	S00°49'08"W	281.50'
L5	S79°37'10"W	20.39'

**LEGEND**

- P.O.B. = POINT OF BEGINNING
- IRFC = IRON ROD W/CAP FOUND
- IRF = IRON ROD FOUND
- D.R.C.C.T. = DEED RECORDS OF COLLIN COUNTY, TEXAS
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS

*Sylviana Gunawan*  
 SYLVIANA GUNAWAN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 6461  
 6160 WARREN PKWY., SUITE 210  
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 PH. 972-335-3580  
 sylviana.gunawan@kimley-horn.com



09/14/2021

**20' DRAINAGE EASEMENT  
 D. ANGLIN SURVEY,  
 ABSTRACT NO. 2  
 COLLIN COUNTY, TEXAS**

**Kimley»Horn**  
 6160 Warren Parkway, Suite 210 Frisco, Texas 75034 FIRM # 10193822 Tel. No. (972) 335-3580 Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	SG	KHA	08/31/2021	061179320	2 OF 2

**SANITARY SEWER EASEMENT**

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

STATE OF TEXAS       §

COUNTY OF COLLIN       §

STARLIGHT HOMES TEXAS L.L.C., a Texas limited liability company (hereinafter called "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) to it cash in hand paid and other good and valuable consideration, paid by the CITY OF LAVON TEXAS (120 School Rd., Lavon, Texas) (hereinafter called "Grantee"), the receipt and sufficiency of which is hereby acknowledged and confessed, have granted, sold and conveyed and by these presents does grant, sell and convey unto the CITY OF LAVON, TEXAS, an exclusive Sanitary Sewer Easement which shall be used, among other things, for the purpose of placing, constructing, operating, repairing, maintaining, rebuilding, replacing, relocating, and removing sanitary sewer lines and services, together with the customary uses attendant thereto, under, across and along the following described property situated in Collin County, Texas, to-wit:

Description:

A portion of 795 County Road 484 Lavon, TX 75166 (Crestridge Meadows Phase One (CLA), BLK A, LOT IX), as described and depicted in attached Exhibit "A".

TO HAVE AND TO HOLD unto the said City of Lavon, Texas, its successors and assigns, the above-described easement perpetually.

The Grantee herein, its successors and assigns, shall have and it is hereby granted the rights of ingress and egress for all purposes incidental to said grant upon the conditions that the Grantee will at all times after doing work in connection with the construction, alteration or repair of said underground easement, restore said premises to substantially the same condition in which same were found before such work was undertaken.

This instrument shall not be considered as a deed to said property or any part thereof, and the right is hereby reserved to Grantor, its successors and assigns, to use such property to landscape and build and construct fences, driveways, parking lots and other associated improvements over or across said easement; provided, however, that in no event shall a wall, structure or building of any type other than those previously described or any piling, pier or isolated footing of any wall, structure or building be placed directly on said easement.

This instrument shall be binding upon the successors and assigns of the parties hereto.

This agreement, together with the other provisions herein, shall constitute a covenant running with the land for the benefit of Grantee and Grantor and their successors and assigns.

IN WITNESS WHEREOF, GRANTOR has caused this Easement to be signed, and the GRANTEE has caused its acceptance of this Easement to be evidenced by the signatures of its duly authorized officers this 27 day of Sept., 2021.

**GRANTOR:**

STARLIGHT HOMES TEXAS L.L.C., a Texas limited liability company

By: [Signature]  
Name: Tom Howser  
Title: D.P.

**GRANTEE:**

CITY OF LAVON, TEXAS

ATTEST:

\_\_\_\_\_  
By: Vicki Sanson, Mayor

\_\_\_\_\_

ACKNOWLEDGMENTS

STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before me on the 27 day of September 2021, by Tom Hauser, the D.P. of Starlight Homes Texas LLC



Melissa Callaway

Notary Public, State of Texas

Notary's Printed Name:

Melissa Callaway

My commission expires: 2-5-2025

**EXHIBIT "A" SANITARY SEWER EASEMENT**

*Sewer Easement Area*

**BEING** a tract of land situated in the D. Anglin Survey, Abstract No. 2, City of Lavon, Collin County, Texas, and being a portion of Lot 1X, Block D of Crestridge Meadows Phase One, according to the Final Plat thereof recorded in Volume 2020, Page, 649 of the Plat Records of Collin County, Texas, and being more particularly described as follows:

**COMMENCING** at a 1/2 inch iron rod found for the northwest corner of a called 112.5 acre tract of land described as Parcel No. 1 - Tract 6 - Monkey Run East in a Partition Deed to O'Reda Boyd McCartney, as recorded in Volume, 816, Page 651 of the Deed Records of Collin County, Texas, common to the southwest corner of a called 5.000 acre tract of land described in a deed to Thomas Moon, as recorded in Instrument No. 96-0085000 of the Land Records of Collin County, Texas, being on the easterly line of a called 10.239 acre tract of land described in a deed to Scott Goodwin and Kathy Goodwin, as recorded in Instrument No. 95-0043368 of the Land Records of Collin County, Texas and in County Road No. 484, a variable width right-of-way, no record found;

**THENCE** North 01°08'39" East, along said County Road No. 484, the easterly line of said 10.239 acre tract, the westerly line of said 5.000 acre tract and the westerly line of a called 45.000 acre tract of land described as Tract 1 in a deed to Thomas Moon, as recorded in Instrument No. 20061227001816440 of the Official Public Records of Collin County, Texas, a distance of 279.74 feet to the southwest corner of a right-of-way dedication created in said Final Plat;

**THENCE** North 78°15'06" East, departing the easterly line of said 10.239 acre tract, along the southerly line of said right-of-way dedication, a distance of 13.53 feet to the southeast corner of said right-of-way dedication, common to the southwest corner of said Lot 1X, and the **POINT OF BEGINNING** of the herein described easement tract, same being on the easterly right-of-way line of said County Road No. 484;

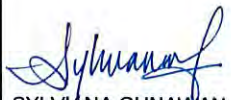
**THENCE** North 00°47'50" East, along the easterly right-of-way line of said County Road No. 484 and along the westerly line of said Lot 1X, a distance of 15.37 feet a point for corner;

**THENCE** North 78°15'06" East, departing the easterly right-of-way line of said County Road No. 484 and the westerly line of said Lot 1X, and crossing said Lot 1X, a distance of 72.16 feet to a point for corner on the westerly line of a 15 foot wide Sanitary Sewer Easement dedicated in said Final Plat;

**THENCE** South 11°33'49" West, along the westerly line of said easement and continuing across said Lot 1X, a distance of 16.33 feet to the southwest corner of said easement being on the southerly line of said Lot 1X;

**THENCE** South 78°15'06" West, along the southerly line of said Lot 1X, a distance of 69.03 feet to the **POINT OF BEGINNING** and containing 0.024 of an acre (1,059 square feet) of land, more or less.

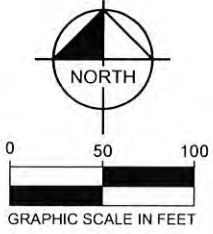
**SANITARY SEWER EASEMENT**  
 LOT 1X, BLOCK D  
 CRESTRIDGE MEADOWS PHASE ONE  
 D. ANGLIN SURVEY, ABSTRACT NO. 2  
 COLLIN COUNTY, TEXAS

  
 SYLVIANA GUNAWAN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 6461  
 6160 WARREN PKWY., SUITE 210  
 FRISCO, TEXAS 75034  
 PH. 972-335-3580  
 sylviana.gunawan@kimley-horn.com



**Kimley»Horn**  
 6160 Warren Parkway, Suite 210  
 Frisco, Texas 75034  
 Tel. No. (972) 335-3580  
 FIRM # 10193822

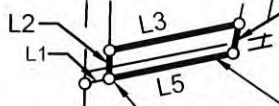
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N/A	JCC	KHA	10/28/2021	061179320	1 OF 2



15' S.S.E.  
VOL. 2020, PG. 649  
P.R.C.C.T.

CRESTRIDGE MEADOWS  
PHASE ONE  
VOL. 2020, PG. 649  
P.R.C.C.T.  
CITY OF LAVON  
CITY LIMIT  
CITY OF LAVON ETJ

BLOCK D



**SANITARY SEWER  
EASEMENT**  
0.024 ACRE  
(1,059 SQ. FT.)

REMAINDER TRACT 1  
(CALLED 45.000 ACRES)  
THOMAS MOON  
INST. NO. 20061227001816440,  
O.P.R.C.C.T.

CALLED 10.239 ACRES  
SCOTT GOODWIN &  
KATHY GOODWIN  
INST. NO. 95-0043368, L.R.C.C.T.

W.A.S. BOHANNAN  
SURVEY, A-121

CR 484  
(VARIABLE WIDTH  
PRESCRIPTIVE R.O.W.)  
(NO RECORD FOUND)  
N1°08'39"E 279.74'

APPROXIMATE LOCATION  
OF ABSTRACT LINE  
REMAINDER OF  
CALLED 5.000 ACRES  
THOMAS MOON  
INST. NO. 96-0085000, L.R.C.C.T.

D. ANGLIN SURVEY  
ABSTRACT NO. 2

APPROXIMATE LOCATION  
OF ABSTRACT LINE

P.O.C.  
1/2" IRF

N79°37'10"E 614.28'

WHITSON ESTATES  
CAB. F, PG. 293  
P.R.C.C.T.

10' RIGHT-OF-WAY  
DEDICATION  
CAB. F, PG. 293  
P.R.C.C.T.

S. ROBERTS SURVEY  
ABSTRACT NO. 773

REMAINDER OF  
PARCEL NO. 1 - TRACT 6  
CALLED 112.5 ACRES  
O'REDA BOYD MCCARTNEY  
VOL. 816, PG. 651  
D.R.C.C.T.

LINE TABLE		
NO.	BEARING	LENGTH
L1	N78°15'06"E	13.53'
L2	N00°47'50"E	15.37'
L3	N78°15'06"E	72.16'
L4	S11°33'49"W	16.33'
L5	S78°15'06"W	69.03'

LEGEND

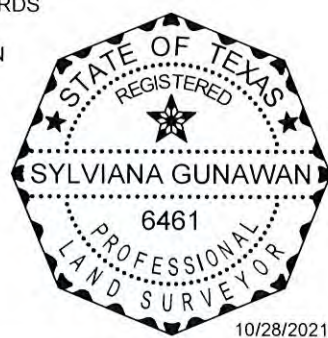
- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
- IRFC = IRON ROD W/CAP FOUND
- D.R.C.C.T. = DEED RECORDS OF COLLIN COUNTY, TEXAS
- L.R.C.C.T. = LAND RECORDS OF COLLIN COUNTY, TEXAS
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
- P.R.C.C.T. = PLAT RECORDS OF COLLIN COUNTY, TEXAS

NOTES

Bearing system based on the Texas  
Coordinate System of 1983, North Central  
Zone (4202), North American Datum of 1983.

**SANITARY SEWER EASEMENT**  
LOT 1X, BLOCK D  
CRESTRIDGE MEADOWS PHASE ONE  
D. ANGLIN SURVEY, ABSTRACT NO. 2  
COLLIN COUNTY, TEXAS

*Sylviana Gunawan*  
SYLVIANA GUNAWAN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6461  
6160 WARREN PKWY., SUITE 210  
FRISCO, TEXAS 75034  
PH. 972-335-3580  
sylviana.gunawan@kimley-horn.com



**Kimley»Horn**  
6160 Warren Parkway, Suite 210 Frisco, Texas 75034  
Tel. No. (972) 335-3580  
FIRM # 10193822

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	JCC	KHA	10/28/2021	061179320	2 OF 2

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

STATE OF TEXAS           §  
  §                   **KNOW ALL MEN BY THESE PRESENTS**  
COUNTY OF COLLIN    §

**DRAINAGE EASEMENT**

DATE:

GRANTOR: **STARLIGHT HOMES TEXAS L.L.C.**, a Texas limited liability company

GRANTOR'S MAILING ADDRESS (Including County):  
**1800 VALLEY VIEW LANE, SUITE 100  
DALLAS, TX 75234**

GRANTEE: **CITY OF LAVON, TEXAS**

GRANTEE'S MAILING ADDRESS (Including County):  
**120 SCHOOL ROAD  
P.O. BOX 340  
LAVON, COLLIN COUNTY, TX, 75166**

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

**PROPERTY: Being more particularly described and depicted in the attached Exhibit A.**

Grantor, for the consideration paid to grantor and other good and valuable consideration, hereby grants, sells, and conveys to Grantee, its successors and assigns, an exclusive, perpetual easement for the construction, operation maintenance, replacement, upgrade, and repair of a Permanent Drainage Facility, hereafter referred to as "Facility". The Facility includes all incidental underground and above ground attachments, equipment and appurtenances, including, but not limited to manholes, pipelines, junction boxes, inlets, flumes, headwalls, wingwalls, slope pavement, gabions, rock rip-rap, drop structures and access ramps, and other erosion control measures in, upon, under and across a portion of the Easement Property and more fully described and depicted described in Exhibit "A" attached hereto and incorporated herein for all pertinent purposes, together with the right and privilege at any and all times to enter Easement Property, or any part thereof, for the purpose of constructing, operating, maintaining, replacing, upgrading, and repairing said Facility. In no event shall Grantor (1) use the Easement Property in any manner which interferes in any material way or is inconsistent with the rights granted hereunder, or (2)

erect or permit to be erected within the Easement Property a permanent structure or building, including, but not limited to, monument sign, pole sign, billboard, brick or masonry fences or walls or other structures that require a building permit, or any structure not requiring a building permit but which may threaten the structural integrity or capacity of the Facility and its appearances. Grantee shall be obligated to restore the surface of the Easement Property which may have been removed, relocated, altered, damaged, or destroyed as a result of the Grantee's use of the Easement Property granted hereunder provided, however, that Grantee shall not be obligated to restore or replace irrigation systems or other improvements installed in violation of the provisions and intended use of this Easement Property.

TO HAVE AND TO HOLD the above-described Easement Property, together with all and singular the rights and appurtenances thereto in anyway belonging unto Grantee, and Grantee's successors and assigns forever, and Grantor does hereby bind itself and its successors and assigns to warrant and forever defend all and singular the Easement unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

When the context requires, singular nouns and pronouns include the plural.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGE]**

IN WITNESS WHEREOF, GRANTOR has caused this Easement to be signed, and the GRANTEE has caused its acceptance of this Easement to be evidenced by the signatures of its duly authorized officers this 27 day of Sept., 2021.

**GRANTOR:**

STARLIGHT HOMES TEXAS L.L.C., a Texas limited liability company

By: [Signature]  
Name: Tom Houser  
Title: D.P.

**GRANTEE:**

CITY OF LAVON, TEXAS

ATTEST:

By: Vicki Sanson, Mayor

\_\_\_\_\_

**ACKNOWLEDGMENTS**

STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before me on the 27 day of September 2021, by TOM Houser, the D.P. of Starlight Homes Texas LLC



Melissa Calloway  
Notary Public, State of Texas

Notary's Printed Name: Melissa Calloway Melissa Calloway  
My commission expires: 2-5-2025

**EXHIBIT "A" TO DRAINAGE EASEMENT**

*Drainage Easement Area*

**BEING** a tract of land situated in the D. Anglin Survey, Abstract No. 2, City of Lavon, Collin County, Texas, and being a portion of Lot 1X, Block D of Crestridge Meadows Phase One, according to the Final Plat thereof recorded in Volume 2020, Page, 649 of the Plat Records of Collin County, Texas, and being more particularly described as follows:

**COMMENCING** at a 1/2 inch iron rod found for the northwest corner of a called 112.5 acre tract of land described as Parcel No. 1 - Tract 6 - Monkey Run East in a Partition Deed to O'Reda Boyd McCartney, as recorded in Volume, 816, Page 651 of the Deed Records of Collin County, Texas, common to the southwest corner of a called 5.000 acre tract of land described in a deed to Thomas Moon, as recorded in Instrument No. 96-0085000 of the Land Records of Collin County, Texas, being on the easterly line of a called 10.239 acre tract of land described in a deed to Scott Goodwin and Kathy Goodwin, as recorded in Instrument No. 95-0043368 of the Land Records of Collin County, Texas and in County Road No. 484, a variable width right-of-way, no record found;

**THENCE** North 01°08'39" East, along said County Road No. 484, the easterly line of said 10.239 acre tract, the westerly line of said 5.000 acre tract and the westerly line of a called 45.000 acre tract of land described as Tract 1 in a deed to Thomas Moon, as recorded in Instrument No. 20061227001816440 of the Official Public Records of Collin County, Texas, a distance of 279.74 feet to the southwest corner of a right-of-way dedication created in said Crestridge Meadows Phase One;

**THENCE** North 78°15'06" East, departing said County Road No. 484 and the easterly line of said 10.239 acre tract, along the southerly line of said right-of-way dedication and the southerly line of said Lot 1X, a distance of 65.04 feet to the **POINT OF BEGINNING** of the herein described easement tract;


**THENCE** departing the southerly line of said Lot 1X and crossing said Lot 1X, the following courses and distances:

North 0°49'08" East, a distance of 56.02 feet to a point for corner;

South 89°10'52" East, a distance of 20.00 feet to a point for corner;

South 0°49'08" West, a distance of 51.56 feet to a point for corner on the southerly line of said Lot 1X;

**THENCE** South 78°15'06" West, along the southerly line of said Lot 1X, a distance of 20.49 feet to the **POINT OF BEGINNING** and containing 0.025 of an acre (1,076 square feet) of land, more or less.

  
 SYLVIANA GUNAWAN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 6461  
 6160 WARREN PKWY., SUITE 210  
 FRISCO, TEXAS 75034  
 PH. 972-335-3580  
 sylviana.gunawan@kimley-horn.com



09/14/2021

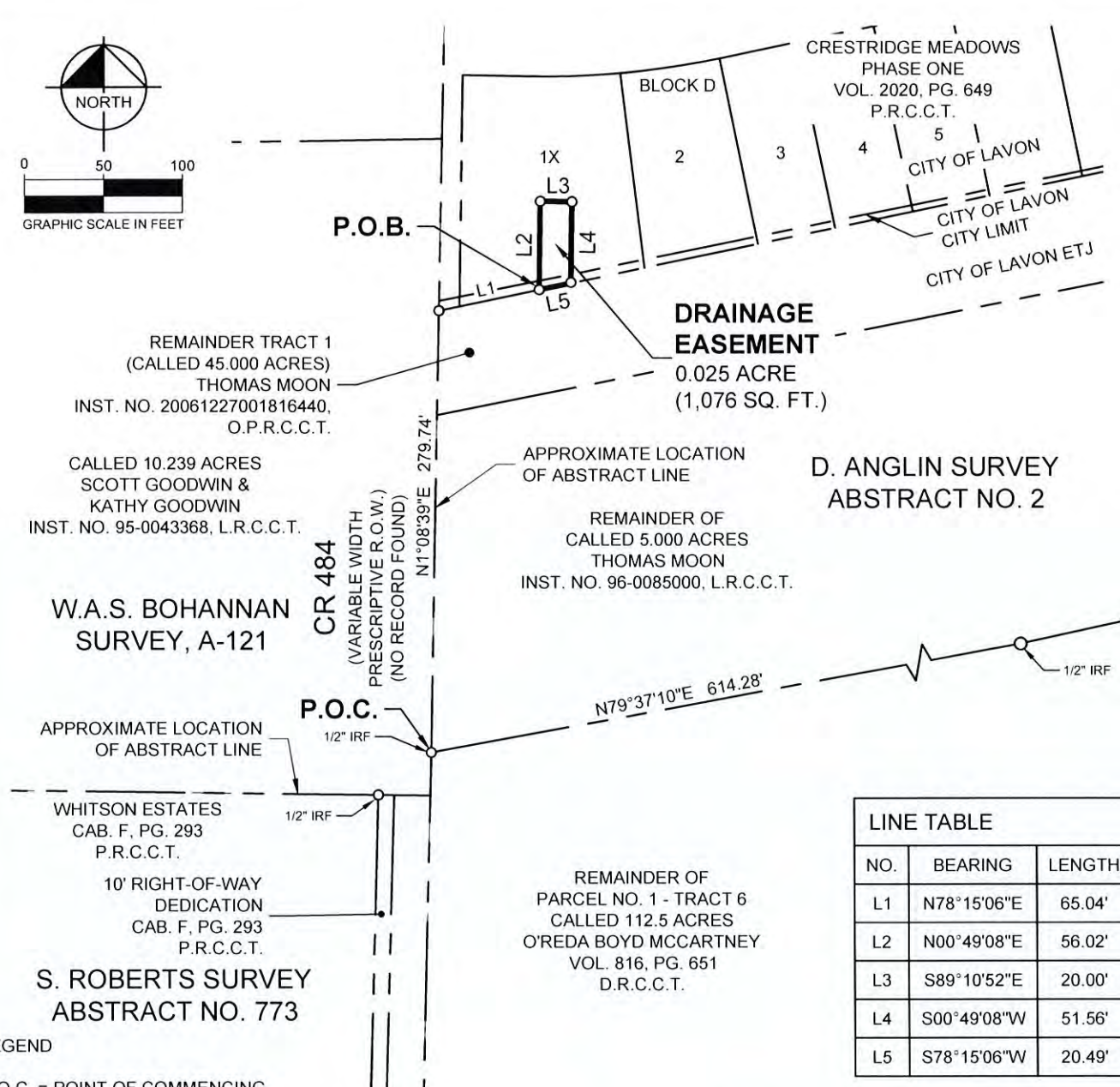
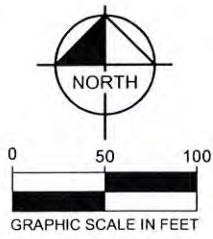
**DRAINAGE EASEMENT**  
 LOT 1X, BLOCK D  
 CRESTRIDGE MEADOWS PHASE ONE  
 D. ANGLIN SURVEY, ABSTRACT NO. 2  
 COLLIN COUNTY, TEXAS

**Kimley»Horn**

6160 Warren Parkway, Suite 210  
 Frisco, Texas 75034

Tel. No. (972) 335-3580  
 FIRM # 10193822

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JCC	KHA	09/14/2021	061179320	1 OF 2



LINE TABLE		
NO.	BEARING	LENGTH
L1	N78°15'06\"E	65.04'
L2	N00°49'08\"E	56.02'
L3	S89°10'52\"E	20.00'
L4	S00°49'08\"W	51.56'
L5	S78°15'06\"W	20.49'

**LEGEND**

P.O.C. = POINT OF COMMENCING  
 P.O.B. = POINT OF BEGINNING  
 IRSC = 5/8\" IRON ROD W/ \"KHA\" CAP SET  
 IRFC = IRON ROD W/CAP FOUND  
 D.R.C.C.T. = DEED RECORDS OF COLLIN COUNTY, TEXAS  
 L.R.C.C.T. = LAND RECORDS OF COLLIN COUNTY, TEXAS  
 O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS  
 P.R.C.C.T. = PLAT RECORDS OF COLLIN COUNTY, TEXAS

**NOTES**

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

**DRAINAGE EASEMENT**  
 LOT 1X, BLOCK D  
 CRESTRIDGE MEADOWS PHASE ONE  
 D. ANGLIN SURVEY, ABSTRACT NO. 2  
 COLLIN COUNTY, TEXAS



*Sylviana Gunawan*  
 SYLVIANA GUNAWAN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 6461  
 6160 WARREN PKWY., SUITE 210  
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6160 Warren Parkway, Suite 210  
 Frisco, Texas 75034

Tel. No. (972) 335-3580  
 FIRM # 10193822

Scale 1\" = 100'	Drawn by JCC	Checked by KHA	Date 09/14/2021	Project No. 061179320	Sheet No. 2 OF 2
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## CITY OF LAVON Agenda Brief

**MEETING:** November 2, 2021

**ITEM:** 8 – C

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**Item:**

CONSENT AGENDA

Approve and authorize the Mayor to execute a sanitary sewer easement form related to the L&D Automotive Sanitary Sewer project.

**Background:**

L&D Automotive is undertaking a sanitary sewer construction project to connect to the City's sanitary sewer system. To connect to the system, an easement from Bear Creek Commercial Properties to the City of Lavon is required.

To move forward with preparation of the final engineering plans, L&D Automotive obtained the easements necessary for the extension and connection.

**Financial Implication:**

There are no financial implications.

**Staff Notes:**

The city attorney and city engineer have reviewed and approved the form. Approval is recommended.

**Attachments:** Proposed Easement

**PERMANENT SANITARY SEWER EASEMENT**

**STATE OF TEXAS            §**  
**§            KNOW ALL MEN BY THESE PRESENTS**  
**COUNTY OF COLLIN        §**

That Bear Creek Commercial Properties, LP, of the County of Collin and State of Texas (GRANTOR), in consideration of the sum of Ten Dollars (\$10.00) to me in hand paid, the receipt of which is hereby acknowledged, and in consideration of the special benefits to be derived by my property; by these presents do grant and convey unto the City of Lavon (GRANTEE), a municipal corporation, a non-exclusive 15-foot wide permanent sanitary sewer easement under, in and along the hereinafter described property for the purpose of constructing, maintaining, operating, repairing, replacing, and removing an underground sanitary sewer line(s) and associated appurtenances (collectively, the FACILITIES) on the property described in **Exhibit A** and shown on **Exhibit B** hereto (EASEMENT PROPERTY).

To have and to hold the above-described easement unto the Grantee for the purposes hereinbefore provided, and Grantee shall have the right to go upon the Easement Property for the purpose of operating or repairing the Facilities. All expenses in the construction and maintenance of the Facilities shall be at the expense of the Grantee and in the construction of the Facilities, should Grantee find it needful to remove any improvements now on the Easement Property, such removal, and the replacing of same shall be wholly at the cost of the Grantee.

The Easement Property may be used by Grantor for any purpose that does not unreasonably interfere with the Grantee's use and enjoyment of the easement granted herein, including, for parking, access and landscaping. Notwithstanding any provision herein to the contrary, Grantor shall have the right to construct improvements (not including buildings), or dedicate and grant public or private easements, under, over, and across the Easement Property only with the Grantee's permission, which shall not be unreasonably withheld, and so long as such particular use does not unreasonably interfere with or prevent Grantee's use of the Easement Property for the easement purpose provided herein. Grantee shall have the right to remove and keep removed all or parts of any buildings, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance, or efficiency of the Facilities without the necessity, at any time, of procuring the permission of anyone. Landscaping (trees & shrubs) shall not be placed within five (5) feet of the pipeline and/or manholes. The Grantee is not responsible for loss of landscaping due to maintenance, operation, replacement, or removal of the facilities. In the event that landscaping is within the 15-foot easement and must be removed, the Grantee shall be required to install sod within the disturbed area.

This conveyance is made by Grantor and accepted by Grantee subject to any and all existing easements, covenants, rights-of-way, conditions, restrictions, and outstanding mineral interests and royalty interests, if any, relating to the Easement Property, to the extent, and only to the extent, that the same may still be in force and effect, and either shown of record in the office of the County Clerk of Collin County, Texas, or that may be apparent on the Easement Property.

Grantor makes no representations or warranties, express or implied concerning the physical condition of the Easement Property, and Grantee accepts the physical condition of the Easement Property in its "AS IS" condition.

In Testimony Whereof, witness my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ACKNOWLEDGED AND AGREED TO BY:

**GRANTOR:**

Bear Creek Commercial Properties, LP,  
a Texas Limited Partnership

By: Hunt Land Holdings, LLC,  
General Partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Authorized Representative

STATE OF TEXAS           §  
                                     §  
COUNTY OF \_\_\_\_\_ §

Before me, a Notary Public in and for Dallas County, Texas, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that (he) (she) executed the same for the purposed and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public, State of Texas

**GRANTEE:**

**City of Lavon,**  
a Texas municipal corporation

By: \_\_\_\_\_  
Vicki Sanson, Mayor

STATE OF TEXAS           §  
                                     §  
COUNTY OF COLLIN   §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, by VICKI SANSON, on behalf of CITY OF LAVON, a Texas municipal corporation, as its Mayor.

\_\_\_\_\_  
Notary Public, State of Texas

**Exhibit A**  
**Legal Description**

PERMANENT SANITARY SEWER EASEMENT  
Bear Creek Commercial Properties, LP

**Exhibit B  
Depiction**

PERMANENT 15' SANITARY SEWER EASEMENT

FIELD NOTES:

BEING a 0.298 acre tract of land situated in the S.M. Rainer Survey, Abstract Number 740, in the City of Lavon, Texas, Collin County, Texas and being part of a tract of land described in deed to Bear Creek Commercial Properties LP , as recorded in Volume 5446, Page 3422 of the Official Public Records, Collin County, Texas, also being part of a tract of land described in deed to Bear Creek Commercial Properties LP , as recorded in Instrument number 2007040000453370 of the Official Public Records, Collin County, Texas, also being part of a tract of land described in deed to Bear Creek Commercial Properties LP , as recorded in Volume 5376, Page 5572 of the Official Public Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found said corner being the Northeasterly corner of a tract of land described in deed to L&D Property Holdings LLC as recorded in Instrument number 20210201000208920 of the Official Public Records, Collin County, Texas, and a Northerly corner of a tract of land described in deed to Bear Creek Commercial Properties LP as recorded in Instrument Number 2007040000453370 of the Official Public Records, Collin County, Texas, said point also being in the South Right of Way of F.M. 78.

THENCE South 01 degrees 17 minutes 10 seconds West along the common line of said L&D Property Holdings LLC Tract, and said Bear Creek Commercial Properties LP Tract a distance of 15.00 feet to a point for corner, said point being in the South line of a 15' utility easement as recorded in Document number 94-0085627 of the Official Public Records, Collin County, Texas;

THENCE South 88 degrees 41 minutes 36 seconds along the South line of said 15' utility easement a distance of 9.97 feet to the POINT OF BEGINNING;

THENCE South 88 degrees 41 minutes 36 seconds East a distance of 40.34 feet to point for corner, said corner being in the common line of said Bear Creek Commercial Properties LP Tract, and a tract of land as described in deed to Bear Creek Commercial Properties LP. as recorded in Volume 5446, Page 3422 of the Official Public Records, Collin County, Texas;

THENCE crossing said Bear Creek Commercial Properties LP Tract the following meets and bounds

South 88 degrees 44 minutes 43 East a distance of 258.10 feet to a point for corner, said corner being in the East line of a variable width access easement as recorded in Instrument number 2018206001488430 of the Official Public Records, Collin County, Texas;

South 01 degrees 18 minutes 28 seconds West along said access easement a distance of 284.51 feet to a point for corner;

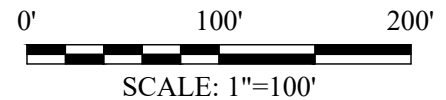
South 22 degrees 39 minutes 59 seconds East along said access easement a distance of 15.35 feet to a point for corner;

South 27 degrees 13 minutes 36 seconds East passing the west property line of a tract of land as described in deed to Bear Creek Commercial Properties LP as recorded in Volume 5376, Page 5572 of the Official Public Records, Collin County, Texas, and the east property line of said Bear Creek Commercial Properties LP, at a distance of 102.68 feet and continuing for a total distance of 144.89 feet to a point for corner, said corner being in the Northwesterly line of an existing 15' sanitary sewer easement as recorded in Volume 5999, Page 119 of the Official Public Records, Collin County, Texas,



Notes:

- 1. Surveyor has not abstracted the property.
2. Property is subject to all easements of record.



USA PROFESSIONAL SERVICES GROUP, INC.

CIVIL ENGINEERS - SURVEYORS PLANNERS - LANDSCAPE ARCHITECTS
TEXAS BOARD OF PROFESSIONAL ENGINEERS - REGISTERED ENGINEERING FIRM F-1845
TEXAS BOARD OF LAND SURVEYORS - REGISTERED FIRM 101074-00
1525 Viceroy Drive
Dallas, Texas 75235
(214) 634-3300

15' SANITARY SEWER EASEMENT
12,993 SQUARE FEET / 0.298 ACRES
SAMUEL M. RAINER, Abstract No. 740
CITY OF LAVON, TEXAS
COLLIN COUNTY, TEXAS
OCTOBER 2021

BEARING BASIS:
BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM,
NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.

EXHIBIT "A"

PERMANENT 15' SANITARY SEWER EASEMENT

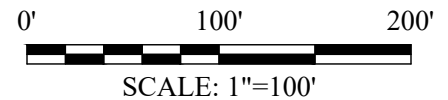
**THENCE** South 32 degrees 08 minutes 09 seconds West continuing along the Northwesterly line of said 15' sanitary sewer easement a distance of 11.44 feet to a point for corner;  
**THENCE** South 21 degrees 26 minutes 58 seconds East continuing along the Northwesterly line of said 15' sanitary sewer easement a distance of 6.86 feet to a point for corner;  
**THENCE** North 27 degrees 36 minutes 30 seconds West departing the Northwesterly line of said 15' sanitary sewer easement passing the west property line of said Bear Creek Commercial Properties LP tract, and the east property line of said Bear Creek Commercial Properties LP tract, at a distance of 49.58 feet and continuing for a total distance of 170.34 feet to a point for corner;  
**THENCE** North 01 degrees 18 minutes 28 seconds East a distance of 278.13 feet to a point for corner;  
**THENCE** North 88 degrees 44 minutes 43 seconds West a distance of 243.21 feet to a point for corner, said corner being in the east property line of said Bear Creek Commercial Properties LP tract, Instrument Number 2007040000453370 and the west property line of said Bear Creek Commercial Properties LP tract, Volume 5446, Page 3422;  
**THENCE** North 88 degrees 41 minutes 36 seconds West a distance of 25.25 feet to a point for corner;  
**THENCE** South 01 degrees 23 minutes 29 seconds West a distance of 121.67 feet to a point for corner;  
**THENCE** North 88 degrees 36 minutes 31 seconds West a distance of 15.00 feet to a point for corner, said corner being in the east line of a 10' utility easement as recorded in Document number 93-108439 of the Official Public Records, Collin County, Texas,  
**THENCE** North 01 degrees 23 minutes 29 seconds East continuing along the east line of said 10' utility easement a distance of 136.67 feet to the **POINT OF BEGINNING** containing 12,993 square feet or 0.298 acres of land more or less.

Line Table		
Line #	Length	Direction
L1	15.00	S01° 17' 10"W
L2	9.97	S88° 41' 36"E
L3	15.35	S22° 39' 59"W
L4	15.00	N88° 36' 31"W
L5	40.34	S88° 41' 36"E
L6	25.25	N88° 41' 36"W
L7	11.44	S32° 08' 09"W
L8	6.86	S21° 26' 58"E



Notes:

1. Surveyor has not abstracted the property.
2. Property is subject to all easements of record.



**USA PROFESSIONAL SERVICES GROUP, INC.**

CIVIL ENGINEERS - SURVEYORS PLANNERS - LANDSCAPE ARCHITECTS  
 TEXAS BOARD OF PROFESSIONAL ENGINEERS - REGISTERED ENGINEERING FIRM F-1845  
 TEXAS BOARD OF LAND SURVEYORS - REGISTERED FIRM 101074-00  
 1525 Viceroy Drive  
 Dallas, Texas 75235  
 (214) 634-3300

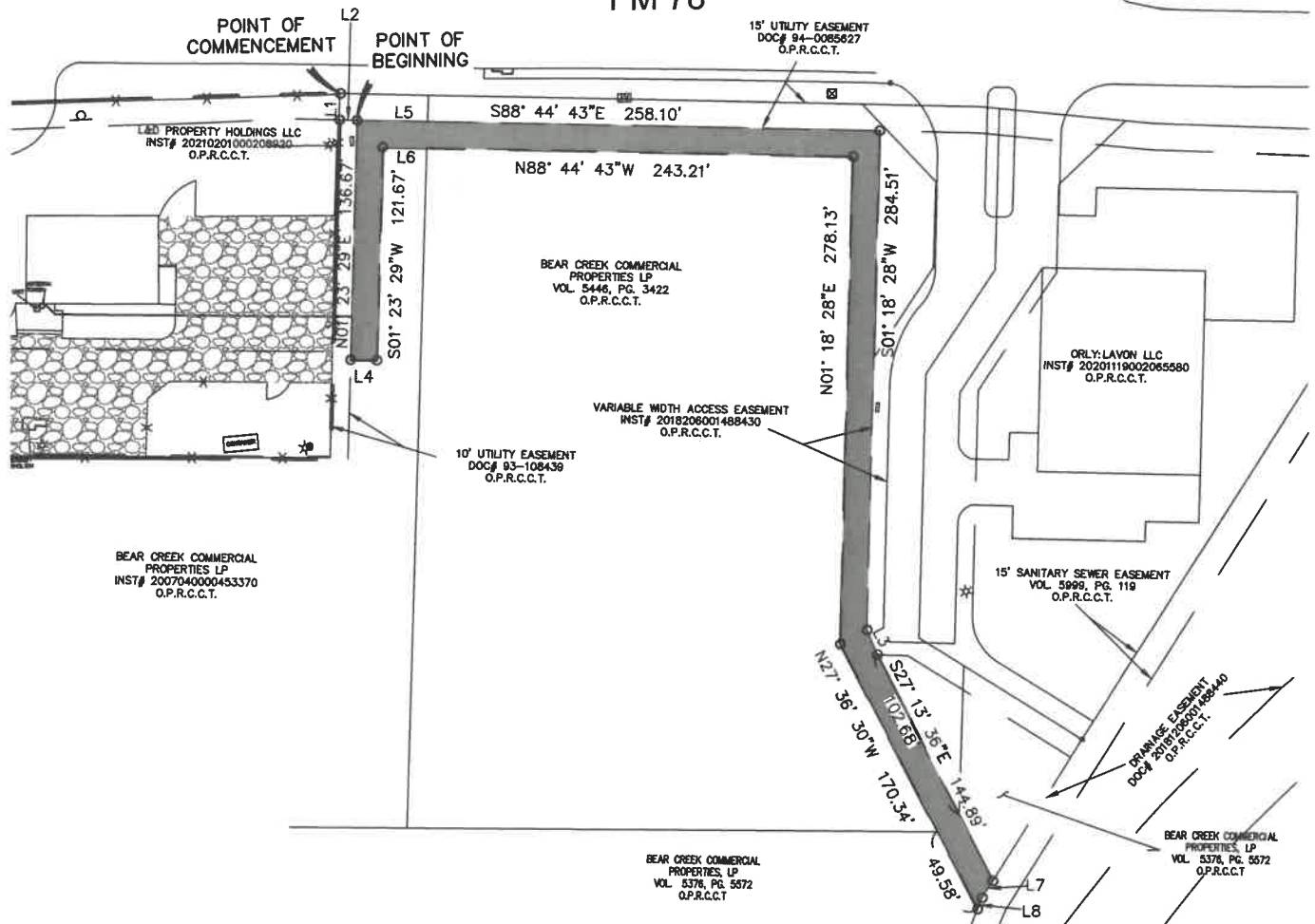
**BEARING BASIS:**

BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM,  
 NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.

**15' SANITARY SEWER EASEMENT**  
 12,993 SQUARE FEET / 0.298 ACRES  
 SAMUEL M. RAINER, Abstract No. 740  
 CITY OF LAVON, TEXAS  
 COLLIN COUNTY, TEXAS  
 OCTOBER 2021

EXHIBIT "B"

FM 78



CERTIFIED TO BE TRUE AND CORRECT AS SURVEYED UNDER MY SUPERVISION ON THE GROUND THIS 27TH DAY OF OCTOBER, 2021.

*William V. Perry*

WILLIAM V. PERRY  
REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 4699



LEGEND

- |            |   |
|------------|---|
| D.R.C.C.T. | DEED RECORDS, COLLIN COUNTY, TEXAS            |
| O.P.R.K.C. | OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS |
| P.R.K.C.T. | PLAT RECORDS, COLLIN COUNTY, TEXAS            |
| VOL.       | VOLUME  |
| PG.        | PAGE  |

Notes:

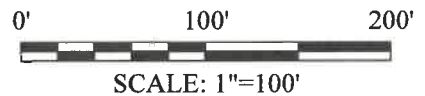
1. Surveyor has not abstracted the property.
2. Property is subject to all easements of record.



**USA PROFESSIONAL SERVICES GROUP, INC.**  
CIVIL ENGINEERS - SURVEYORS PLANNERS - LANDSCAPE ARCHITECTS  
TEXAS BOARD OF PROFESSIONAL ENGINEERS - REGISTERED ENGINEERING FIRM F-1845  
TEXAS BOARD OF LAND SURVEYORS - REGISTERED FIRM 101074-00  
1525 Viceroy Drive  
Dallas, Texas 75235  
(214) 634-3300

BEARING BASIS:

BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.



**15' SANITARY SEWER EASEMENT**  
12,993 SQUARE FEET / 0.298 ACRES  
SAMUEL M. RAINER, Abstract No. 740  
CITY OF LAVON, TEXAS  
COLLIN COUNTY, TEXAS  
OCTOBER 2021

2021013.00

SHEET 5 OF 5

P:\Sdskengm\2021013.00 L&D Auto (Carol Williams)\DWG\Survey Dwgs\work drawings\San sew esmt.dwg, Ss esmt 1, 10/27/2021 9:07:44 AM, Dylan Moore



## CITY OF LAVON Agenda Brief

**MEETING:** November 2, 2021

**ITEM:** 8 – D

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**Item:**

CONSENT AGENDA

Approve and 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 roadway and related infrastructure within a portion of a GP&L easement in the vicinity of the Elevon development project.

**Background:**

In connection with the Elevon development project, Elevon Parkway will be constructed and serve as the primary access for the addition, connecting to SH 78. Construction of Elevon Parkway will require a crossing of the Garland Power & Light power line easement.

The City of Garland requires an encroachment license agreement to install any infrastructure within the easement.

**Financial Implication:**

There are no financial implications.

**Staff Notes:**

The city attorney and city engineer have reviewed and approved the form. Approval is recommended.

**Attachments:** Proposed 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. 5<sup>th</sup> Street, Garland, Texas 75040.

WHEREAS, GP&L is the holder of an easement in Collin County, Texas, which is recorded at Volume 709, Page 791 of the Real Property Records of Collin County, Texas (“**Easement**”); and City of Lavon (“**Owner**”), desires a license to construct a 6-lane roadway and storm sewers within a proposed 120-foot right-of-way (ROW), Station 49+39.85 to Station 50+40.04. Proposed ROW beginning at Point 1.1 N: 7064287.13 E: 2606068.37, then easterly to Point 1.2 N: 7064295.42 E: 2606168.45, then southerly to Point 1.3 N: 7064171.61 E: 2606166.77, then westerly to Point 1.4 N: 7064166.86 E: 2606066.69, then northerly to Point 1.1; and an 18-inch sanitary sewer within a proposed 15-foot easement, Station 34+32.71 to Station 35+32.73. Easement beginning at Point 2.1 N: 7064113.79 E: 2606065.95, then easterly to Point 2.2 N: 7064113.95 E: 2606165.97, then southerly to Point 2.3 N: 7064098.95 E: 2606165.75, then westerly to Point 2.4 N: 7064098.79 E: 2606065.75, then northerly to Point 2.1; 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 drawing marked Exhibit A – Elevon Parkway, City of Lavon 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. **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](mailto: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.

- 7. 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.
- 8. GP&L shall send all notices required under the terms of this Agreement to the current landowner identified in the Real Property Records of Dallas County, Texas. Owner shall send all notices required under this Agreement to contact at [ROW@gpltexas.org](mailto: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:**

**City of Lavon**

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: November 2, 2021

ITEM: 8 – E

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**Item:**

CONSENT AGENDA

Approve Resolution No. 2021-11-01 authorizing the submission of one or more Hazard Mitigation Grant Program (HMGP) Application(s) through the Texas Division of Emergency Management and authorizing the Mayor and City Administrator to act as the city's Executive Officers and Authorized Representatives in all matters pertaining to the city's participation in the DR-4586 Hazard Mitigation Grant Program

**Background:**

Many cities sustained significant damage from the February winter storms. The City of Lavon was able to reduce the levels of potential damage through the concerted efforts of the public safety and public works departments. One substantial purchase stemming from the winter storm is the order for a generator to be installed at a sanitary sewer lift station.

The City desires to reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship, by lessening the impact of future disasters. Specifically, to address the need for a central warming location, ensure continued delivery of critical services, and to protect city assets, the City would like to submit grant applications to the Texas Department of Emergency Management for the purchase of generators to be installed at City Hall, the Police Department and replace the non-functioning generator at the Fire Department. The Emergency Operations Center currently has a generator installed.

In July, the City engaged Traylor & Associates, LLC and Freeman Millican, Inc. to assist in the grant application and administration process.

**Financial Implication:**

If the grant is awarded and matching funds are required, the City Council may appropriate funds from fund balance by a budget amendment.

**Staff Notes:**

It is recommended that the City Council authorize the submission of applications for grants from Texas Department of Emergency Management (TDEM) Hazard Mitigation Grant Program (HMGP) for DR-4586 February Winter Weather.

**Attachment:** Proposed Resolution  
Grant information

**CITY OF LAVON**

**RESOLUTION NO. 2021-11-01**

Submission of HMGP Application

**A RESOLUTION OF THE CITY OF LAVON, TEXAS, AUTHORIZING THE SUBMISSION OF A HAZARD MITIGATION GRANT PROGRAM (HMGP) APPLICATION THROUGH THE TEXAS DIVISION OF EMERGENCY MANAGEMENT AND AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO ACT AS THE CITY'S EXECUTIVE OFFICERS AND AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE DR-4586 HAZARD MITIGATION GRANT PROGRAM.**

**WHEREAS**, the City Council of the City of Lavon, Texas desires to reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship, by lessening the impact of future disasters; and

**WHEREAS**, the City desires to develop a viable community, including decent housing and a suitable living environment; and

**WHEREAS**, it is necessary and in the best interests of the City to apply for funding under the DR-4586 Hazard Mitigation Grant Program;

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

1. That one or more Hazard Mitigation Grant Program applications is hereby authorized to be filed on behalf of the City with the Texas Division of Emergency Management for eligible projects.
2. That the City's application(s) be placed in competition for funding under the February Winter Weather DR-4586 program.
3. That the application(s) be for up to \$\_\_\_\_\_ of grant funds to construct improvements, project engineering, acquisition, and grant administration.
4. That the City Council directs and designates the Mayor and City Administrator as the City's Chief Executive Officers and Authorized Representatives to act in all matters in connection with this application and the City's participation in the Hazard Mitigation Grant Program.
5. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.
6. That it further be stated that the City is committing up to \$\_\_\_\_\_ from its General Fund as a cash contribution and/or in-kind services toward the administration and construction activities of the selected project.

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Texas on the 2<sup>nd</sup> day of November 2021.

\_\_\_\_\_  
Vicki Sanson, Mayor

**ATTEST:**

\_\_\_\_\_  
Rae Norton, City Secretary



Texas Emergency Management

Texas Winter Storm DR 4586

**Incident Period: February 11, 2021 – February 21, 2021**

**Declaration Date: February 19, 2021**

**Application Period: May 10, 2021 through November 5, 2021**

Governor Abbott and the Texas Division of Emergency Management (TDEM) announce the open application period for the Hazard Mitigation Grant Program (HMGP) related to FEMA-DR-4586 (Severe Winter Storms). The application period will be open from May 10, 2021 through November 5, 2021. TDEM will receive the final lock amount one year after the declaration date of February 19, 2021.

Eligible subapplicants include state agencies, local governments, tribal governments, and certain private nonprofit organizations. Pre-award costs incurred after February 19, 2021 may be considered for those projects selected for funding.

All entities seeking funding under this opportunity must have a FEMA approved Hazard Mitigation Plan at the time the project is submitted to FEMA for consideration and at the time an award is made except for projects to develop or update mitigation plans. An exception to this requirement may be requested on a case-by-case basis in accordance with FEMA's 2015 Hazard Mitigation Assistance Guidance <https://www.fema.gov/hazard-mitigation-assistance-program-guidance>.

All applications must be received by TDEM through the Grants Management System (GMS) (<https://grants.tdem.texas.gov>) no later than November 5, 2021 at 5:00 PM order to be considered for funding.

Any questions regarding this opportunity should be directed to the TDEM Recovery and Mitigation, Hazard Mitigation Section at [TDEM-Mitigation@tdem.texas.gov](mailto:TDEM-Mitigation@tdem.texas.gov) (mailto:TDEM-Mitigation@tdem.texas.gov), (512) 424-2423, or to the hazard mitigation coordinator/specialist assigned to your region.

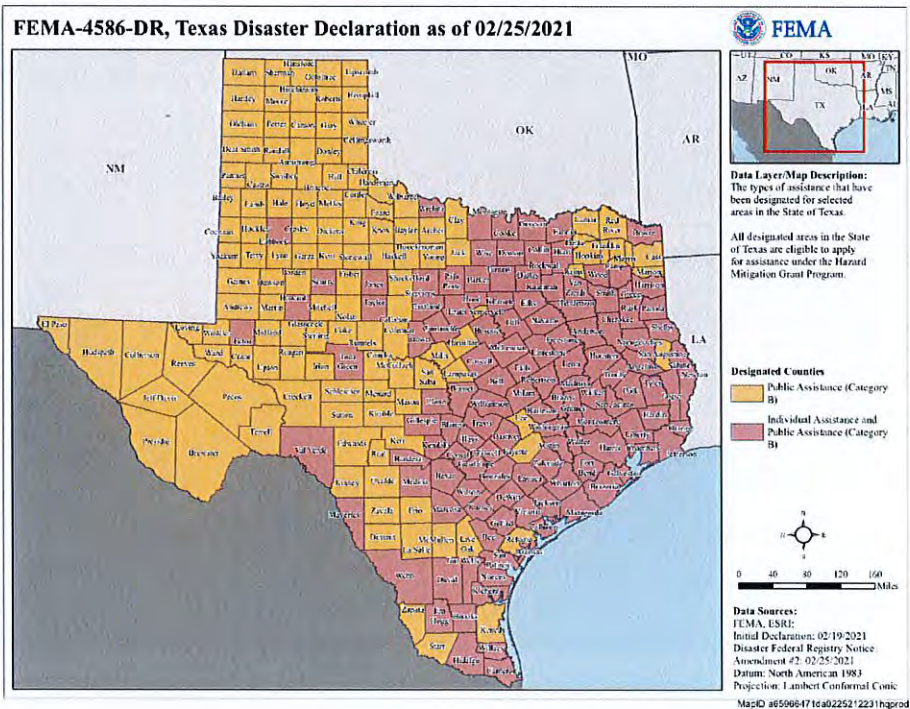
DR-4586 Winter Storm Notice (<https://tdem.texas.gov/wp-content/uploads/2019/08/DR-4586-Winter-Storm-Notice-of-Availability-20210806.pdf>)

Hazard Mitigation GMS Application Process (<https://txdem.sharepoint.com/v/s/TDEMWebsiteFiles/EeKMfQmB0xPnNgEqB0BzY87A0FVtZ0p047k0mz/bg?/s/TDEMWebsiteFiles/EbcQb5JovVxOh3e=uxajyF>)

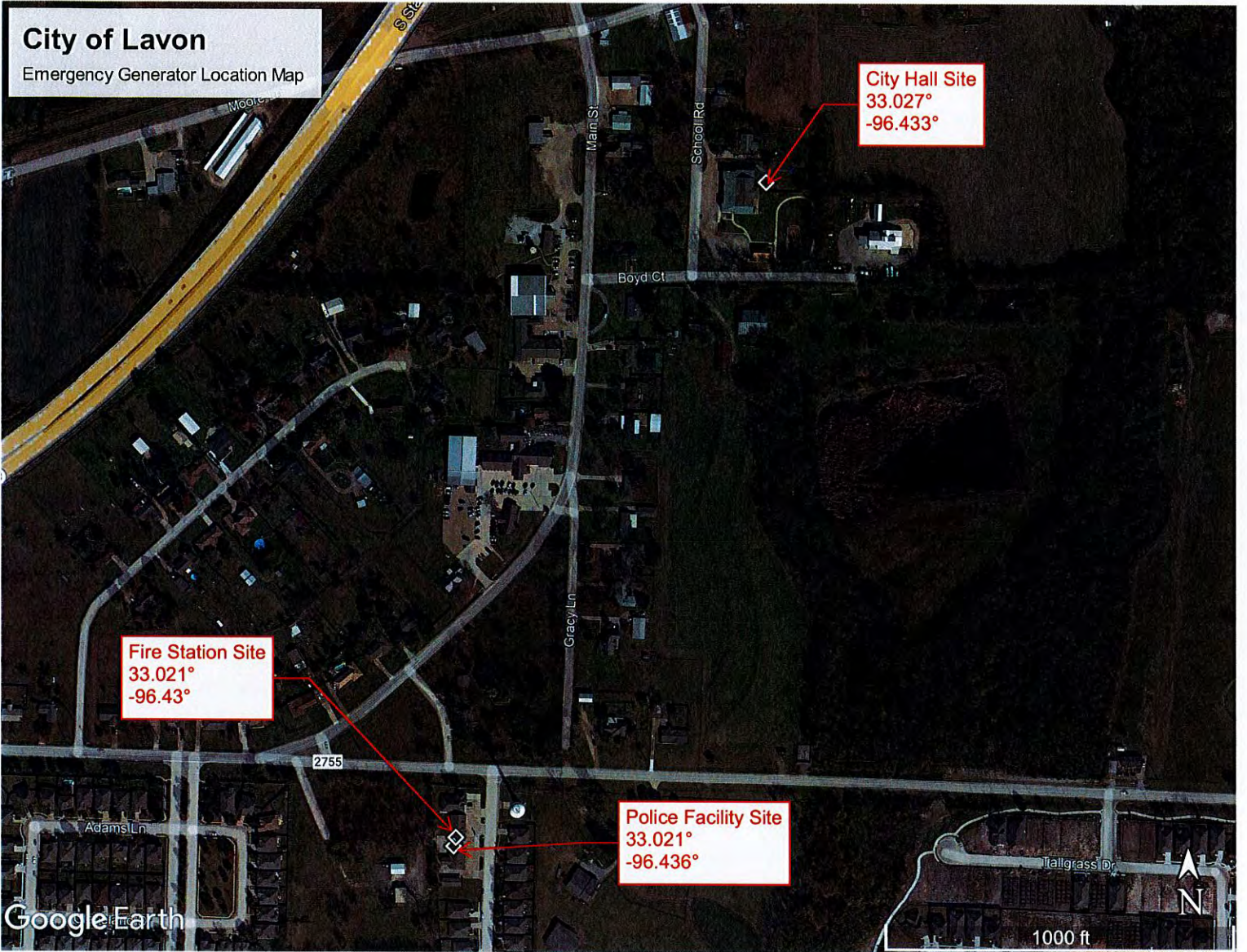
DR 4586 - HM DSAP (<https://tdem.texas.gov/wp-content/uploads/2021/02/DR-4586-HM-DSAP.pdf>)

DR-4586 Greensheet ([https://txdem.sharepoint.com/\\_b/s/TDEMWebsiteFiles/EY-Ro6UFjUBKmoJE-ycobigBtDNres4BcSo2-S-nCqHZ-w?e=89mTvd](https://txdem.sharepoint.com/_b/s/TDEMWebsiteFiles/EY-Ro6UFjUBKmoJE-ycobigBtDNres4BcSo2-S-nCqHZ-w?e=89mTvd))

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**City of Lavon**  
Emergency Generator Location Map



DR-4586  
City of Lavon  
Emergency Generators  
Cost Breakdown  
29 OCT 21

Item Name	Unit Qty	Unit of Measure	Unit Cost	Cost Estimate	Federal Share	Local Share
<b>Sub-recipient Management Costs</b>						
Contract Administration/Program Administration	1	Each	14,350.00	14,350.00	14,350.00	0.00
<b>Total Sub-recipient Management Costs (cannot exceed 5% of Project Costs)</b>				<b>14,350.00</b>	<b>14,350.00</b>	<b>0.00</b>
<b>Project Costs</b>						
City Hall Generator (50 KW)	1	LS	56,000.00	56,000.00	42,000.00	14,000.00
City Hall Generator ATS	1	LS	12,000.00	12,000.00	9,000.00	3,000.00
City Hall Generator Foundation (10'x8')	1	LS	8,000.00	10,000.00	7,500.00	2,500.00
City Hall Generator Electrical Feed Modifications	1	LS	26,000.00	26,000.00	19,500.00	6,500.00
Police Facility Generator (30 KW)	1	LS	44,000.00	44,000.00	33,000.00	11,000.00
Police Facility Generator ATS	1	LS	6,000.00	6,000.00	4,500.00	1,500.00
Police Facility Generator Concrete Foundation (10'x6')	1	LS	8,000.00	8,000.00	6,000.00	2,000.00
Police Facility Generator Electrical Feed Modifications	1	LS	18,000.00	18,000.00	13,500.00	4,500.00
Police Facility Fencing	20	LF	50.00	1,000.00	750.00	250.00
Fire Station Generator (30 KW)	1	LS	44,000.00	44,000.00	33,000.00	11,000.00
Fire Station Generator ATS	1	LS	6,000.00	6,000.00	4,500.00	1,500.00
Fire Station Generator Concrete Foundation (10'x6')	1	LS	8,000.00	8,000.00	6,000.00	2,000.00
Fire Station Generator Electrical Feed Modifications	1	LS	9,000.00	9,000.00	6,750.00	2,250.00
Fire Station Fencing	20	LS	50.00	1,000.00	750.00	250.00
Preliminary Design	1	LS	22,000.00	22,000.00	16,500.00	5,500.00
Final Design	1	LS	11,000.00	11,000.00	8,250.00	2,750.00
Bid Services	1	LS	2,000.00	2,000.00	1,500.00	500.00
Construction Administration	1	LS	3,000.00	3,000.00	2,250.00	750.00
<b>Total Project Cost</b>				<b>287,000.00</b>	<b>215,250.00</b>	<b>71,750.00</b>



## CITY OF LAVON Agenda Brief

MEETING: November 2, 2021

ITEM: 8 – F

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**Item:**

CONSENT AGENDA

Approve Resolution No. 2021-11-02 approving and authorizing the Mayor to execute a First Amendment to the Professional Services Reimbursement Agreement with Meritage Homes related to the Trails of Lavon development project.

**Background:**

On March 17, 2021, the City Council passed Resolution No. 2021-03-01 approving a Professional Services Reimbursement Agreement between the City and Meritage Homes of Texas, LLC for the developer to reimburse the City for costs associated with professional services in connection with the Trails of Lavon development.

The original Agreement had an expiration date and did not address professional services after the public improvement district (PID) was created and before bonds are sold. The City and developer have agreed for the developer to include additional funding by the Developer to the City for City expenses related to the City's sale of PID bonds, and to extend the Agreement until after the issuance of the final PID bonds for the development described by the Agreement.

***Staff Notes:***

The developer and city attorney have reviewed the proposed agreement and approval is recommended.

**Attachment:** Proposed Resolution and Agreement

**CITY OF LAVON, TEXAS**

**RESOLUTION NO. 2021-11-02**

First Amendment to Professional Services Agreement - Meritage

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES REIMBURSEMENT AGREEMENT WITH MERITAGE HOMES RELATED TO THE TRAILS OF LAVON DEVELOPMENT PROJECT.**

**WHEREAS**, the City of Lavon, Texas is a Type A general law municipality (“City”); and

**WHEREAS**, the City passed Resolution No. **2021-03-01** on March 17, 2021, approving a Professional Services Reimbursement Agreement (the “Agreement”) between the City and Meritage Homes of Texas, LLC (collectively, the “Parties”), providing for professional services in connection with the development described by the Agreement; and

**WHEREAS**, the Parties have agreed to amend the Agreement to include additional funding by the Developer to the City for City Expenses related to the City’s sale of PID bonds, and to extend the Agreement until after the issuance of the final PID bonds for the development described by the Agreement (the “First Amendment”).

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

**SECTION 1.** The findings set forth in the recitals of this Resolution are found to be true and correct.

**SECTION 2.** The City Council hereby approves and authorizes the Mayor to execute the First Amendment, attached hereto as **Exhibit “A”**, between the Parties.

**SECTION 3.** This Resolution shall be effective from and after its date of in accordance with law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON** this 2<sup>nd</sup> day of November, 2021.

\_\_\_\_\_  
Vicki Sanson, Mayor

ATTEST:

\_\_\_\_\_  
Rae Norton, City Secretary

**EXHIBIT A**  
**FIRST AMENDMENT - PSA**

**FIRST AMENDMENT TO PROFESSIONAL  
SERVICES REIMBURSEMENT AGREEMENT**

This First Amendment to Professional Services Reimbursement Agreement (the “**First Amendment**”) is made and entered into by and between **Meritage Homes of Texas, LLC**, an Arizona limited liability company (“**Developer**”), and the **City of Lavon, Texas** (the “**City**”), in light of the following Recitals which are incorporated into and made a part of this First Amendment for all purposes:

R E C I T A L S:

**WHEREAS**, the Developer and the City (collectively the “**Parties**”) entered into the Professional Services Reimbursement Agreement (the “**Agreement**”) on the 17th day of March, 2021, wherein Developer would deposit funds for City Expenses for professional services in connection with the development described by the Agreement; and

**WHEREAS**, the Parties desire to make certain amendments to the Agreement in order to include additional funding by the Developer to the City for City Expenses related to the City’s sale of PID bonds, and to extend the Agreement until after the issuance of the final PID bonds for the development described by the Agreement.

**NOW THEREFORE**, for and in consideration of these premises and of the mutual promises, obligations, covenants and benefits herein contained, the Parties contract and agree to the following:

- 1. Amendments:** The Parties agree to amend the Agreement as follows:
  - a. Those service expenses described as “City Expenses” in the fifth recital of the Agreement shall include all actual out-of-pocket expenses reasonably necessary for the City to facilitate the sale of PID bonds for the development described by the Agreement.
  - b. The Termination Date shall be extended to the date that is thirty (30) days after the issuance of the final PID bonds for the development described by the Agreement.
- 2. Defined Terms:** Capitalized terms not defined herein shall have the same meaning as in the Agreement.
- 3. Effective Date of Applicability of Amendment:** After the City and Developer execute this First Amendment, this First Amendment shall be deemed immediately effective as to the entire Agreement. Unless further amended, this First Amendment shall expire concurrently with the Agreement.

4. **Severability:** If any provision of this First Amendment is illegal, invalid, or unenforceable in whole or in part for any reason, under present or future laws, then and in that event, it is the intention of the parties hereto that the remaining provisions of this First Amendment shall remain in full force and effect and shall not be affected.
5. **Binding Obligation:** This First Amendment shall bind and inure to the benefit of the Parties, their successors, and their permitted assignees.
6. **Authority:** Developer represents and warrants that: (1) it has sufficient legal authority to conduct business in the State of Texas; (2) it has full capacity and authority to grant all rights and assume all obligations that it has granted and assumed under this First Amendment; and (3) that the person or persons executing this First Amendment on its behalf has been duly authorized to do so. The City represents and warrants that: (1) it has sufficient legal authority to conduct business in the State of Texas; (2) it has full capacity and authority to grant all rights and assume all obligations that it has granted and assumed under this First Amendment; and (3) that the person or persons executing this First Amendment on its behalf has been duly authorized to do so.
7. **Agreement in Effect:** Except to the extent amended by this First Amendment, the Parties acknowledge and agree the Agreement remains in full force and effect without further amendment, notwithstanding any interpretation that the initial term of the Agreement has expired. The Agreement and this First Amendment constitute the entire agreement between the Parties with respect to the transactions contemplated in the Agreement. Any oral representations or modifications shall be of no force and effect, except a subsequent modification in writing, signed by the Parties and supported by consideration.

*[Signature pages follow]*

IN WITNESS WHEREOF, the undersigned parties have executed this Amendment as of the date last set forth below (the "**Effective Date**");

**Developer**

MERITAGE HOMES OF TEXAS, LLC  
An Arizona limited liability company

By: \_\_\_\_\_  
David Aughinbaugh, Division Vice President

Date: \_\_\_\_\_

STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2021, by David Aughinbaugh, Division Vice President of Meritage Homes of Texas, LLC, an Arizona limited liability company by and on behalf of the corporation.

\_\_\_\_\_  
Notary Public in and for the State of Texas

**City**

CITY OF LAVON, TEXAS

By: \_\_\_\_\_  
Vicki Sanson, Mayor

Date: \_\_\_\_\_

**STATE OF TEXAS**

§  
§  
§

**COUNTY OF COLLIN**

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2021, by Vicki Sanson, Mayor of the City of Lavon, Texas, on behalf of the municipality.

\_\_\_\_\_  
Notary Public in and for the State of Texas





## CITY OF LAVON Agenda Brief

**MEETING:** November 2, 2021

**ITEM:** 8 - G

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**Item:**

CONSENT AGENDA

Approve Resolution No. **2021-11-03** approving and authorizing the Mayor to execute Task Order #9 with Freeman-Millican, Inc., pursuant to Resolution No. **2018-06-01** for professional engineering services for the design and preparation of bid documents, construction plans and administration for the Bear Creek Trail Connector project, not to exceed \$49,300.00.

**Background:**

In July 2017, the City Council engaged Freeman-Millican Inc. (FMI) to perform professional engineering services, serve as the City's professional engineering representative and provide professional engineering consultation and advice in connection with subdivision and development plat and plan review and general engineering consultation and project design. The professional services agreement and amendments provide for additional services to be engaged pursuant to separate Task Orders.

The City of Lavon was recently awarded a grant associated with the Collin County 2018 Parks and Open Space Bond Project for the Bear Creek Trail Crossing Connector project. FMI has submitted a proposal for Task Order #9 for professional engineering services for the design and preparation of bid documents, construction plans and administration for the Bear Creek Trail Connector project, not to exceed \$49,300.00.

**Financial Impact**

Funding for the expenditure associated with the services is allocated in the CIP Fund from Series 2020 certificates of obligation and was allocated in the annual budget.

**Staff Notes:**

Approval is recommended.

**Attachments:** Proposed Resolution and Task Order #9

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2021-11-03**

Task Order # 9 – Freeman Millican Inc.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE TASK ORDER #9 WITH FREEMAN-MILLICAN, INC., PURSUANT TO RESOLUTION NO. 2018-06-01 FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN AND PREPARATION OF BID DOCUMENTS, CONSTRUCTION PLANS AND ADMINISTRATION FOR THE BEAR CREEK TRAIL CONNECTOR PROJECT, NOT TO EXCEED \$49,300.00.**

**WHEREAS**, the City of Lavon was awarded a grant associated with the Collin County 2018 Parks and Open Space Bond Project for the Bear Creek Trail Crossing Connector project; and

**WHEREAS**, the City Council of the City of Lavon, Texas (“City Council”) has determined that Task Order # 9 between the City of Lavon, Texas and Freeman Millican Inc. (the “Agreement”) is appropriate and in the best interest of the citizens of the City to approve.

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

**SECTION 1.** The findings set forth in the recitals of this Resolution are found to be true and correct.

**SECTION 2.** The City Council hereby approves and authorizes the Mayor to execute Task Order #9, attached hereto as **Exhibit “A”**, between the Parties.

**SECTION 3.** This Resolution shall be effective from and after its date of in accordance with law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON** this 2<sup>nd</sup> day of November, 2021.

\_\_\_\_\_  
Vicki Sanson, Mayor

ATTEST:

\_\_\_\_\_  
Rae Norton, City Secretary

**RESOLUTION NO. 2021-11-03**

**EXHIBIT "A"**

**TASK ORDER No. 9**

**BEAR CREEK TRAIL CONNECTOR**

**TASK ORDER No. 9**

This Task Order is made part of and governed by the terms and provisions of the Agreement between Owner and Engineer for Professional Services, dated June 5, 2018 ("Agreement"), by and between the City of Lavon ("OWNER") and Freeman-Millican, Inc. ("ENGINEER"). All capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Agreement.

**PROJECT: BEAR CREEK TRAIL CREEK CROSSING CONNECTION [CIP-15]**

**SCOPE OF SERVICES:**

1. Determine alignment of trail & bridge location. Currently the bridge is assumed to parallel the existing sanitary sewer crossing at the creek.
2. Review Bear Creek flood study information to determine bridge span length. Coordinate with LJA regarding FEMA requirements and submission for constructing within the floodplain. LJA performed the flood study for this area and, therefore, has the data needed to analyze the bridge impact on the floodplain and the pending LOMR at FEMA.
3. Procure geotechnical investigation for bridge support design.
4. Develop construction plans and specifications for the prefabricated bridge structure, supporting piers and abutments, fill areas for trail, secondary creek crossing and associated items.
5. Assist City in procurement of sealed bids.
6. Provide a recommendation for award of the bid.
7. Provide construction administration services including submittal review, Request for Information (RFI) response, preparation of Record Drawings. Construction inspection will be performed by the City of Lavon.

**PAYMENT BASIS:**

Compensation for professional services for the Bear Creek Trail Creek Crossing Connection project outlined above shall be paid as shown below.

Analysis & Sizing	\$ 1,600	Lump Sum
LJA Floodplain Services (Estimated)	\$ 10,000	Cost + 10%
Geotechnical Investigation (Estimated)	\$ 10,000	Cost + 10%
Design Services	\$ 22,400	Lump Sum
Bid Services	\$ 1,700	Lump Sum
Construction Administration	\$ 3,600	Lump Sum

Invoices for the work performed shall be submitted on a monthly basis by FMI. Invoices are due and payable on receipt.

**APPROVAL/ACCEPTANCE**

Acceptance of the terms of this Task Order is acknowledged by the following signatures of the authorized representatives of the parties to the Agreement. This Task Order consists of this document and any supplemental pages attached and referenced hereto.

ENGINEER: Freeman-Millican, Inc.

OWNER: City of Lavon

By: 

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

Name: Mark D. Hill, P.E.

Name: Vicki Sanson

Title: Project Manager

Title: Mayor

Date: 29 OCT 21

Date: \_\_\_\_\_





## CITY OF LAVON Agenda Brief

MEETING: November 2, 2021

ITEM: 8 - H

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**Item:**

CONSENT AGENDA

Approve Resolution No. 2021-11-04 approving and authorizing the Mayor to execute Task Order #10 with Freeman-Millican, Inc., pursuant to Resolution No. 2018-06-01 for professional engineering services for the design and preparation of bid documents, construction plans and administration for the Lake Road Phase 1 (CIP-16) reconstruction project, not to exceed \$74,200.00.

**Background:**

In July 2017, the City Council engaged Freeman-Millican Inc. (FMI) to perform professional engineering services, serve as the City's professional engineering representative and provide professional engineering consultation and advice in connection with subdivision and development plat and plan review and general engineering consultation and project design. The professional services agreement and amendments provide for additional services to be engaged pursuant to separate Task Orders.

In conjunction with approval of the Annual Budget the City Council approved the updated Five-Year Capital Improvements Plan on September 7, 2021 and Lake Road Reconstruction, Phase 1 is an approved project. FMI has submitted a proposal for Task Order #10 for professional engineering services for the design and preparation of bid documents, construction plans and administration for the Lake Road Phase 1 project, not to exceed \$74,200.00.

**Financial Impact**

Funding for the expenditure associated with the services is allocated in the CIP Fund and Street Maintenance Fund. Revenue is provided from street maintenance sales tax revenue and Series 2020 certificates of obligation.

**Staff Notes:**

Approval is recommended.

**Attachments:** Proposed Resolution and Task Order #10

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2021-11-04**

Task Order # 10 – Freeman Millican Inc.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE TASK ORDER #9 WITH FREEMAN-MILLICAN, INC., PURSUANT TO RESOLUTION NO. 2018-06-01 FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN AND PREPARATION OF BID DOCUMENTS, CONSTRUCTION PLANS AND ADMINISTRATION FOR THE LAKE ROAD PHASE 1 (CIP-16) RECONSTRUCTION PROJECT, NOT TO EXCEED \$74,200.00.**

**WHEREAS**, the City Council approved the updated Five-Year Capital Improvements Plan on September 7, 2021 and Lake Road Reconstruction, Phase 1 is an approved project; and

**WHEREAS**, the City Council of the City of Lavon, Texas (“City Council”) has determined that Task Order # 10 between the City of Lavon, Texas and Freeman Millican Inc. (the “Agreement”) is appropriate and in the best interest of the citizens of the City to approve.

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

**SECTION 1.** The findings set forth in the recitals of this Resolution are found to be true and correct.

**SECTION 2.** The City Council hereby approves and authorizes the Mayor to execute Task Order #10, attached hereto as **Exhibit “A”**, between the Parties.

**SECTION 3.** This Resolution shall be effective from and after its date of in accordance with law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON** this 2<sup>nd</sup> day of November, 2021.

\_\_\_\_\_  
Vicki Sanson, Mayor

ATTEST:

\_\_\_\_\_  
Rae Norton, City Secretary

**RESOLUTION NO. 2021-11-04**

**EXHIBIT "A"**

**TASK ORDER No. 10**

**LAKE ROAD PHASE I CONSTRUCTION**

**TASK ORDER No. 10**

This Task Order is made part of and governed by the terms and provisions of the Agreement between Owner and Engineer for Professional Services, dated June 5, 2018 ("Agreement"), by and between the City of Lavon ("OWNER") and Freeman-Millican, Inc. ("ENGINEER"). All capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Agreement.

**PROJECT: LAKE ROAD PHASE 1 [CIP-16]**

This project consists of the design of Lake Road from SH 78 north app. 2,300 l.f. to the curve to the west. It is anticipated that this section will consist of a concrete street with curb & gutter and storm sewer. The final street section is to be determined based upon existing and projected vehicle traffic from adjacent development. The intersection with SH 78 will be coordinated with TxDOT.

**SCOPE OF SERVICES:**

1. Review Developer data for determination of projected traffic flow.
2. Update topographic survey to reflect recent modifications (Moore Lane, BCSUD waterline).
3. Procure updated geotechnical report to address proposed road section (curb & gutter) which was not within the original scope.
4. Prepare Drainage Area Map for design of the storm sewer system.
5. Coordinate with NETEX and NTMWD for improvements within /across their respective property and easement.
6. Coordinate with TxDOT for the SH 78 connection.
7. It is anticipated that additional Right-of-Way will not be required.
8. Provide design and develop construction plans & specifications for concrete curb & gutter street with storm sewer system (may be totally enclosed or combination of enclosed and ditch).
9. Assist City in procurement of sealed bids.
10. Provide a recommendation for award of the bid.
11. Provide construction administration services including submittal review, Request for Information (RFI) response, preparation of Record Drawings. Construction inspection will be performed by the City of Lavon.

**PAYMENT BASIS:**

Compensation for professional services for the Lake Road Phase 1 project outlined above shall be paid as shown below.

Topographic Survey	\$ 2,100	Lump Sum
Preliminary Design	\$ 37,200	Lump Sum
Final Design	\$ 21,600	Lump Sum
Bid Services	\$ 2,200	Lump Sum
Construction Administration	\$ 6,100	Lump Sum
Updated Geotechnical Report (estimate)	\$ 5,000	Cost +10%

Invoices for the work performed shall be submitted on a monthly basis by FMI. Invoices are due and payable on receipt.

**APPROVAL/ACCEPTANCE**

Acceptance of the terms of this Task Order is acknowledged by the following signatures of the authorized representatives of the parties to the Agreement. This Task Order consists of this document and any supplemental pages attached and referenced hereto.

ENGINEER: Freeman-Millican, Inc.

OWNER: City of Lavon

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

Name: Mark D. Hill, P.E. Name: Vicki Sanson

Title: Project Manager Title: Mayor

Date: 29 OCT 21 Date: \_\_\_\_\_





# CITY OF LAVON

## Agenda Brief

MEETING: November 2, 2021

ITEM: 9

**Item:**

**BOARD OF ADJUSTMENT**

*In accordance with the Texas Local Government Code, Section 211.008 (g) and Section 9.1.11.1 (C)(3) of the Code of Ordinances, the Lavon City Council will act as the Board of Adjustment to consider and act on a request for a variance from the Zoning Ordinance.*

Public hearing, discussion, and action regarding the application of Tony Ramji for a variance to Section 3.6.2.4 Setback Standards of Ordinance No. **2004-09-05**, as amended, that established the Grand Heritage Planned Development, to permit a minimum side yard building setback of 10 feet that is 20 feet less than the required minimum building setback of 30 feet, on the corner lot northwest of the intersection of Burluson and S. SH 78, William H. Moore Survey, A00638, Tract 23 (CCAD# 2614364) at 963 S. S.H. 78, Lavon, TX.

- 1) Presentation of the request.
- 2) **PUBLIC HEARING** to receive comments regarding the request.
- 3) Discussion and action regarding the request, findings, and accompanying Order.

**Background:**

Owner(s): Toni Ramji

Applicant: Patrick Filson

Location: 963 S. SH 78, Lavon, Collin County, TX

Description: Grand Heritage Addition, William H Moore Survey, Abstract 638, Sheet 2, Tract 23, Lavon, Texas, Collin County, Texas (1.517 acres), CCAD Property ID 2614364

Current Zoning: Planned Development (PD) for commercial uses

Request: Variance to the side yard setback adjacent to Burluson Dr.

**Request Details**

The property is undeveloped and was zoned and preliminary platted in 2004 with the Grand Heritage Addition. The applicant desires to construct a retail shopping center that is consistent with the permitted uses. The applicant has submitted an application for a variance to allow the building setback in the side yard to be reduced from 30 feet to 10 feet. On a corner lot in the Grand Heritage PD, the minimum side yard setback is 30 feet. On interior lots, the side yard setback is 5 feet.

**Code Excerpt:**

**Lavon Code of Ordinances – Zoning Ordinance**

**Ordinance No. 2004-09-05**

**Section 3.6.2.4. Setback Standards**

**Setback and Separation Standards Structures in Commercial Planning Areas**

<b>Standards</b>	<b><u>Dimension (Feet)</u></b>
<b><u>Minimum Building Setbacks</u></b>	
<b>Side Yard</b>	
Abutting SH 78 or SH 205	30
Corner Lots	30
Adjacent to a Residential Planning Area	25
Adjacent to or in a Commercial Planning Area	5

The site fronts SH 78 and Burleson Drive and is adjacent to residential property on the north and commercial property on all other sides. The side yard setback for a corner lot is commonly the same or similar to the front yard setback so that the side yard protrusion is not inconsistent with neighboring property. In this case, the residential structure on the adjacent lot is oriented opposite from the site and both lots have side yards adjacent to Burleson. The side yard setback for the adjacent residential lot is 5 feet.

The adjacent property has a privacy fence constructed on the side yard and a masonry screen will be constructed on the shared property line. The widening of the right of way for the divided median on Burleson Drive adjacent to the site provides further visual clearance. Burleson Drive is one of two secondary entrances for the subdivision.

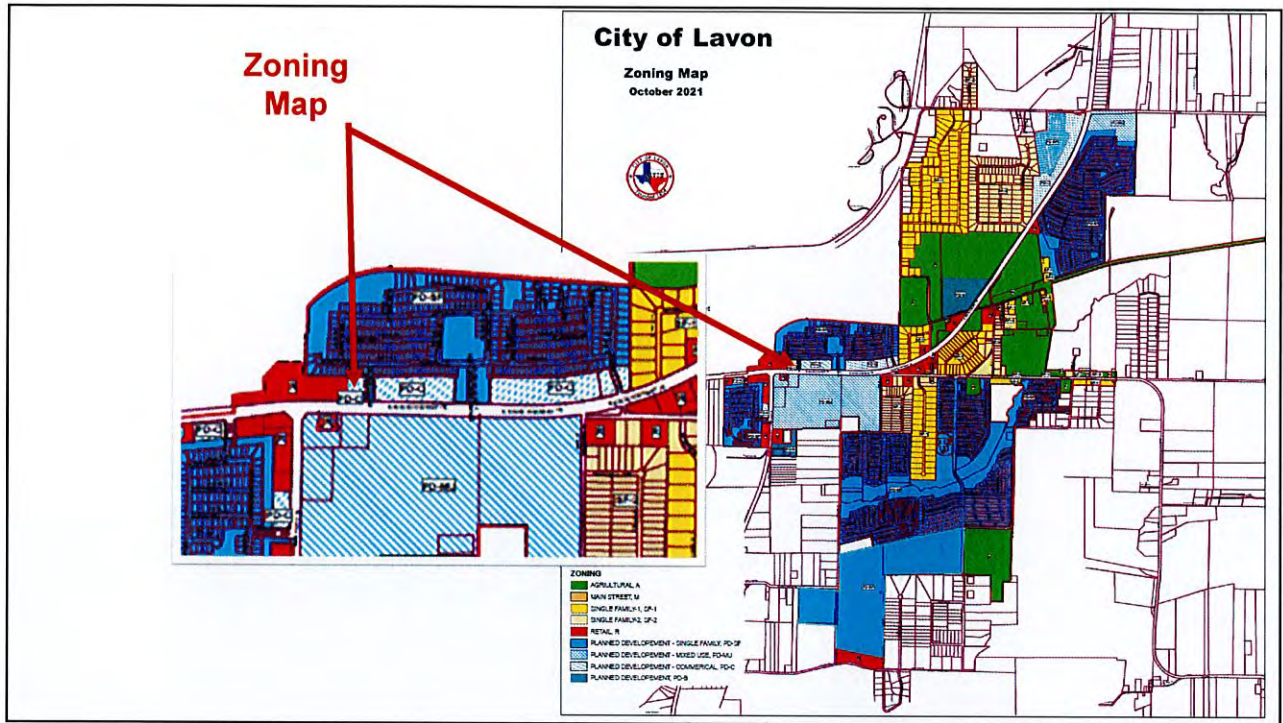
Typically, a variance may be granted if the Board determines that, among other things, enforcing the zoning ordinance as written would result in an “unnecessary hardship”, that is generally not of the applicant’s making, is personal in nature, is related to the property for which the variance is sought and is not a solely financial hardship. The recent adoption of H.B. 1475 adds additional objective criteria that the Board may consider in determining whether compliance with the zoning ordinance as applied to this structure would result in an unnecessary hardship. The additional criteria are specified in the attached Findings of Fact form.

The requisite public hearing notice was posted, published and twenty-six (26) neighbor notices were mailed to the owners of properties located within 200 feet of the applicant’s property. No notices have been returned in favor of or opposition to the request.

***Staff Notes:***

Upon a review of the application, site-specific facts, and legal standards recently adopted by the state legislature, approval is recommended, conditioned upon enhanced landscaping and context-sensitive lighting in the rear and side yards.

- Attachments:**
- Location Exhibits
  - Application
  - Neighbor Notices
  - Findings of Fact and Order



10



11

### Victory at Lavon – Building Elevations



**south elevation**

*Store names are conceptual and are not all confirmed tenants.*



**north elevation**

12

### Victory at Lavon – Building Elevations



**east elevation**



**west elevation**

13

### Victory at Lavon – Building Elevations

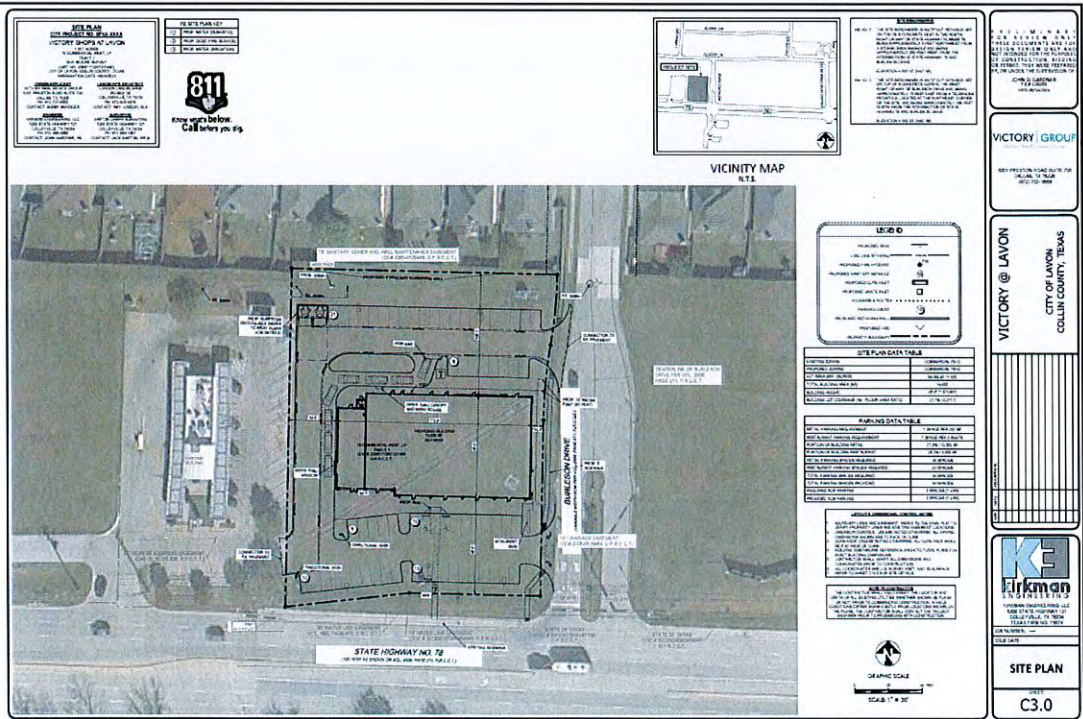


### lighting study

*Store names are conceptual and are not all confirmed tenants.*

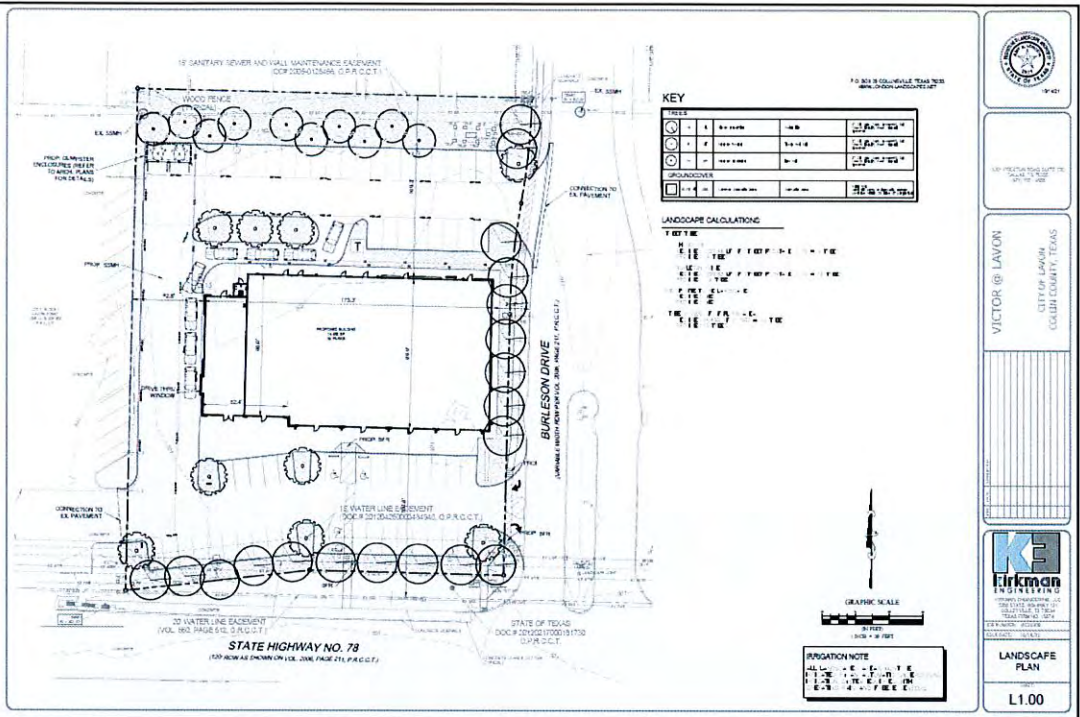
14

### Victory at Lavon Proposed Site Plan



15

**Victory at Lavon  
Proposed  
Landscape  
Plan**

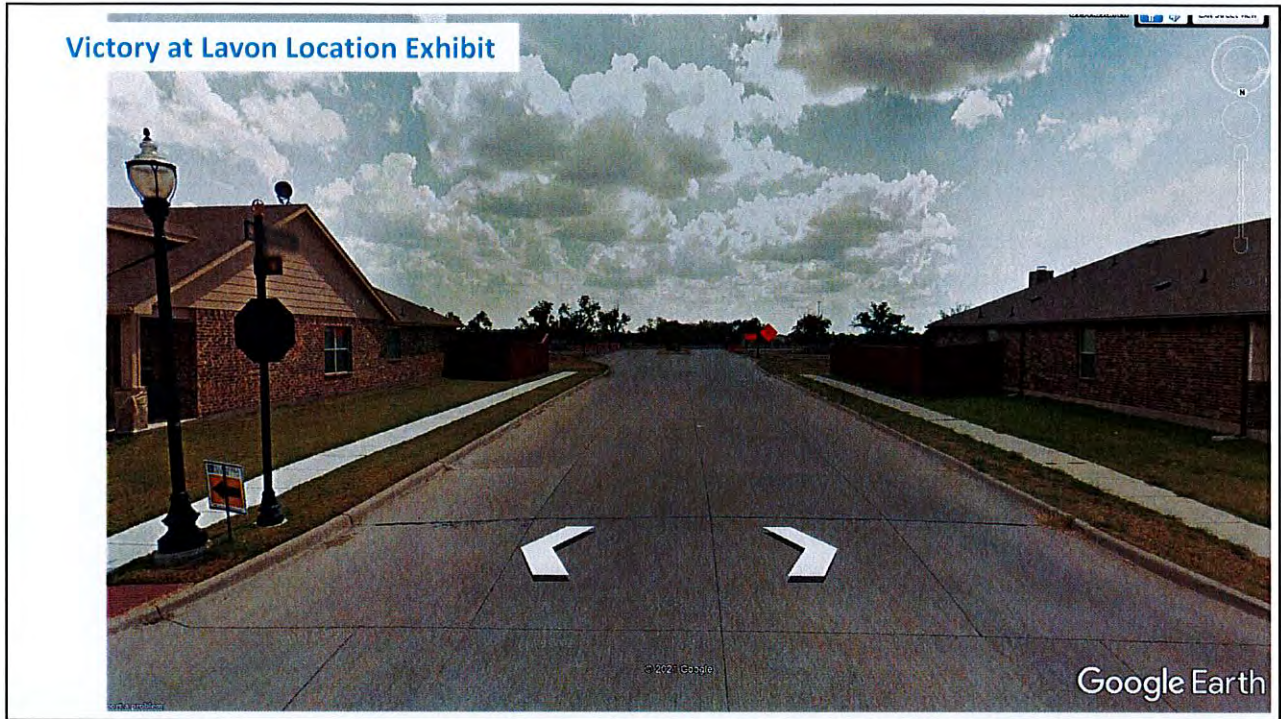


16

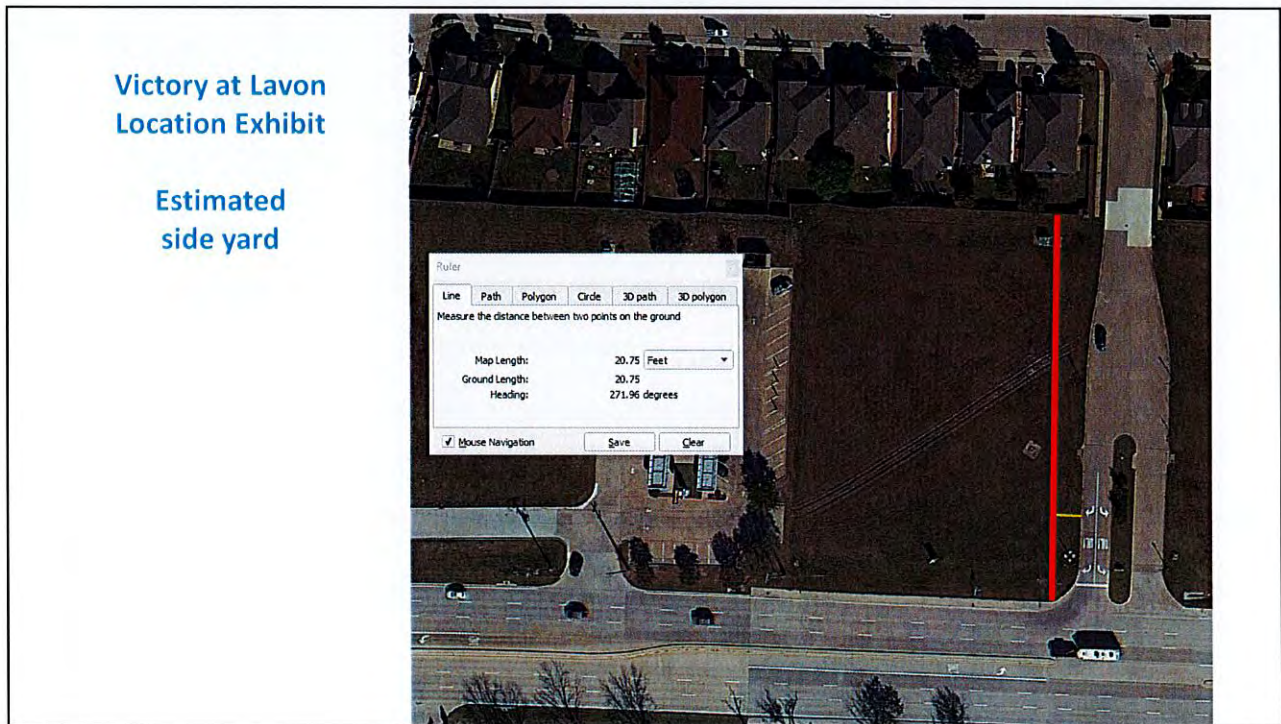
**Victory at Lavon  
Location Exhibit**



17



18



19





**CITY OF LAVON**  
 P.O. Box 340 120 School Rd.  
 Lavon, TX 75166  
 Office (972) 843-4220

## Application for an Appeal, Variance, or Adjustment

Fee \$450.00 plus costs

(Costs shall include the actual cost to the City plus 10% administrative fee.)

### Items to be included with Variance Application:

1. Ordinance or Requirement of which you are requesting a variance.
2. Written description of exactly what is to be varied within Rule or Ordinance.
3. Hardship necessitating this variance.

Tony Ramji \_\_\_\_\_ 9/15/21 \_\_\_\_\_  
 Owner Name Date

8201 Preston Road \_\_\_\_\_ Dallas, Texas, 75225 \_\_\_\_\_ 972-707-9555 \_\_\_\_\_  
 Street Address City, State, Zip Phone Number

Patrick Filson \_\_\_\_\_ 817-488-4960 \_\_\_\_\_  
 Representative or Agent Phone Number

HWY 78 and Burleson Road \_\_\_\_\_ Building Setback Along Burleson Road \_\_\_\_\_  
 Location of Property Type of Variance

### Office Use Only

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
 Date Received Fee Receipt/Check #

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
 Date Paid Next P&Z Meeting Next CC Meeting

Kirkman Engineering  
5200 State Highway 121  
Colleyville, TX 76034  
817.488.4960



City of Lavon  
PO Box 340  
120 School Road  
Lavon, TX 75166

September 13, 2021

**RE: Victory at Lavon, 1 Lot, 1.517 Acres, Variance Request**

To whom it may concern,

Per the PD ordinance Section 3.6.2.4 a 30' building setback is required for corner lots. To stay consistent with other developments in the area a request to reduce the side yard setback to 10' is being requested. The reduction to the building setback is being offset with an additional landscape buffer area in the rear of the property between the commercial development and the existing residential homes.

Should you have any questions feel free to contact me at 817.488.4960 or email me at [Patrick.filson@trustke.com](mailto:Patrick.filson@trustke.com).

Kind Regards,

*Patrick Filson*

Patrick Filson, P.E.



**CITY OF LAVON, TEXAS  
NOTICE OF PUBLIC HEARINGS BEFORE THE  
BOARD OF ADJUSTMENT**

Notice is hereby given that the Board of Adjustment of the City of Lavon will hold a public hearing at a meeting that begins at 7:00 PM on Tuesday, November 2, 2021 at City Hall, 120 School Road, Lavon, Texas. At such time and place, the Board will receive comments and consider the application of Tony Ramji for a variance to Section 3.6.2.4 Setback Standards of Ordinance No. 2004-09-05, as amended, that established the Grand Heritage Planned Development, to permit a minimum side yard building setback of 10 feet that is 20 feet less than the required minimum building setback of 30 feet, on the corner lot northwest of the intersection of Burleson and S. SH 78, William H. Moore Survey, A00638, Tract 23 (CCAD# 2614364) at 963 S. S.H. 78, Lavon, TX.

Additional information regarding the request may be obtained at [cityhall@cityoflavon.com](mailto:cityhall@cityoflavon.com) 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.

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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)

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**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](mailto:CityHall@cityoflavon.org)*



VICTORY AT LAVON - BOARD OF ADJUSTMENT

Name	Physical Add	City/State	Legal Description
L & D Property Holdings, LLC	940 S. SH 78	Lavon, TX 75166	ABS A0121 W A S BOHANNAN SURVEY, SHEET 3, TRACT 11, .9968 ACRES
78 Lavon LP	S SH 78	Lavon, TX 75166	LAVON 7-ELEVEN ADDITION, BLK 1, LOT 2
Spirit Master Funding X LLC	925 S. SH 78	Lavon, TX 75166	LAVON SONIC, BLK 1, LOT 1
Bear Creek Commercial Property LP	SH 205	Lavon, TX 75166	ABS A0121 W A S BOHANNAN SURVEY, SHEET 3, TRACT 10, 7.1412 ACRES
Orly: Lavon LLC	890 SH 78	Lavon, TX 75166	HIGHWAY 205 TRACT PHASE 1, BLK A, LOT 1
78 Commercial West LP	S. SH 78	Lavon, TX 75166	ABS A0638 WILLIAM H MOORE SURVEY, SHEET 2, TRACT 21, 6.2745 ACRES
Jessica Ratliff	890 Austin Ln.	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK E, LOT 3
James & Maria Flores	892 Austin Ln.	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK E, LOT 2
Christi Sage & Jimmie Allison	896 Austin Ln.	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK E, LOT 1; UDI 2016,
Hanh Phu Pham	900 Austin Ln.	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK A, LOT 1
Thelma & Brian Rosado-Galindo	908 Austin Ln.	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK A, LOT 2
Dave & Carmenie Dabideen	914 Austin Ln	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK A, LOT 3
Naoyuki Yoshiasa	920 Austin Ln.	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK A, LOT 4
Lee Wells	938 Austin Ln	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK A, LOT 5
Hussain & Sadia Aijaz	944 Austin Ln	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK A, LOT 6
Yigezu Mekdes	950 Austin Ln	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK A, LOT 7
Brad Mateski	958 Austin Ln	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK A, LOT 8
Sean & Monica Henderson	964 Austin Ln	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK A, LOT 9
Jennifer Taylor	953 Austin Ln	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK B, LOT 42
Oscar Guevara	943 Austin Ln	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK B, LOT 41
Michael & Amanda Brown	933 Austin Ln	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK B, LOT 40
Christopher & Lisa Colley	923 Austin Ln	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK B, LOT 39
Shaynon Crawford	913 Austin Ln	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK B, LOT 38
Lily Fentie	903 Austin Ln.	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK B, LOT 37
Shanequa King & Bryan Davis	895 Austin Ln	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK B, LOT 36
Arpi Reit LLC	893 Austin Ln	Lavon, TX 75166	GRAND HERITAGE CLUB, BLK B, LOT 35

**City of Lavon**  
**Board of Adjustment Findings of Fact**  
**for Special Exception or Variance Request**

**Applicant:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Address:** \_\_\_\_\_

Upon giving public notice and conducting a public hearing on this variance request, the Board of Adjustment adopts these specific, written findings as follows.

	Yes	No	N/A
1. There are special circumstances or conditions peculiar to the property involved.			
2. The strict application of the terms of the Ordinance will impose upon the applicant unusual and practical difficulties or unnecessary hardship.			
3. The cost of compliance with the zoning ordinance is greater than 50% of the appraised value of the structure as shown on the most recent certified appraisal roll.			
4. Compliance would result in a loss to the lot on which the structure is located of at least 25% of the area on which development may physically occur.			
5. Compliance would result in the structure not in compliance with a requirement of another city ordinance, building code, or other requirement.			
6. Compliance would result in the unreasonable encroachment on an adjacent property or easement.			
7. The proposed structure is considered a nonconforming structure.			
8. Literal interpretation of the Ordinance will deprive the applicant of rights commonly enjoyed by other properties in the same district under the Ordinance			
9. The proposed variance is in harmony with the Ordinance's general purpose and intent.			
10. The granting of the variance will not merely serve as a convenience to the applicant.			
11. 6. The granting of the variance will alleviate some demonstrable and unusual hardship or difficulty for the applicant.			
12. Granting the variance will not confer upon the applicant any special privilege that is denied by Ordinance to other similarly situated properties in the same district.			
13. The variance is in the public interest and will ensure that public substantial justice will be done.			
14. The surrounding property will be properly protected.			
15. Remaining regulations are adequate to govern the project.			

Rev 08-27-2021

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

**Determination:**

With \_\_\_\_\_ members present, and upon a vote of:

\_\_\_\_\_ for

\_\_\_\_\_ against

\_\_\_\_\_ abstaining,

The variance is hereby:      \_\_\_\_\_ granted      \_\_\_\_\_ denied

\_\_\_\_\_  
Presiding Officer of BoA

\_\_\_\_\_  
Date

**CITY OF LAVON, TEXAS**  
**ORDER OF THE BOARD OF ADJUSTMENT**  
**ORDER NO. 21-1102**

**WHEREAS**, the Board of Adjustment conducted a public hearing on the 2<sup>nd</sup> day of November 2021 to receive input, consider and act on the application of Tony Ramji for a variance to Section 3.6.2.4 Setback Standards of Ordinance No. 2004-09-05, as amended, that established the Grand Heritage Planned Development, to permit a minimum side yard building setback of 10 feet that is 20 feet less than the required minimum building setback of 30 feet, on the corner lot northwest of the intersection of Burleson and S. SH 78, William H. Moore Survey, A00638, Tract 23 (CCAD# 2614364) at 963 S. S.H. 78, Lavon, TX.; and

**WHEREAS**, after due consideration and discussion it appears that the granting of such a variance is not contrary to the public interest; that, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and that by granting the variance, the spirit of the ordinance is observed and substantial justice is done.

**NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF LAVON, TEXAS:**

**Section 1.** That all of the above premises are found and determined to be true and correct and are incorporated into the body of this Order as if copied in their entirety.

**Section 2.** That the request of the Applicant for this Board to grant a variance to Section 3.6.2.4 Setback Standards of Ordinance No. 2004-09-05, as amended, that established the Grand Heritage Planned Development, to permit a minimum side yard building setback of 10 feet that is 20 feet less than the required minimum building setback of 30 feet, on the corner lot northwest of the intersection of at 963 S. S.H. 78, Lavon, TX is hereby (GRANTED / DENIED).

**Section 3.** That this Order was passed by a unanimous vote of the Board of Adjustment and is effective as of the 2<sup>nd</sup> day of November 2021.

APPROVED:

\_\_\_\_\_  
Vicki Sanson  
Mayor and Presiding Officer

ATTEST:

\_\_\_\_\_  
Rae Norton  
City Secretary



# CITY OF LAVON

## Agenda Brief

**MEETING:** November 2, 2021

**ITEM:** 10 - A

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**Item:**

Receive presentation, discussion, and action regarding Resolution No. **2021-11-05** approving an amendment to the contract with Community Waste Disposal (CWD) for the collection, hauling and disposal of municipal solid waste to approve a market adjustment to rates.

**Background:**

In 2014, the City and CWD entered into a contract for the provision of services related to refuse collection, removal and disposal services and recyclable materials collection. The contract was extended in May 2019.

The contract specifies in Section 12. Rates that all rates charged to the City by CWD will be subject to an Annual Consumer Price Index (CPI)/Fuel/Disposal Cost Adjustment.

In April, CWD notified the City of the upcoming annual CPI adjustment as is provided in the contract. CWD subsequently requested to defer the adjustment for three months. During the three-month deferral, CWD has communicated with the City regularly regarding service-related inquiries, organizational modifications, and pandemic recovery planning. The adjustment does not represent an increase to residents or businesses.

The current proposed adjustment is calculated based upon the economic indicators that were used in May, which is likely more favorable to the City, and the adjustment will become effective for the October billing cycle. The annual impact to the City of the residential rate adjustment is 5%.

**Financial Implication:**

It is not recommended that a rate increase be passed through to residential garbage customers. With modest reductions in expenditures and the increase in customer base, the garbage enterprise fund will have adequate resources available to absorb the rate increase. Commercial rates will be studied to determine if rates to customers should be adjusted, but no increase is recommended at this time.

**Staff Notes:**

Approval is recommended.

**Attachments:** 1) Resolution and CWD Request  
2) CWD correspondence

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2021-11-05**

CWD Annual Market Adjustment

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, APPROVING AND AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO THE CONTRACT WITH COMMUNITY WASTE DISPOSAL (CWD) FOR THE COLLECTION, HAULING AND DISPOSAL OF MUNICIPAL SOLID WASTE TO APPROVE A MARKET ADJUSTMENT TO RATES CHARGED; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has considered and determined that it is necessary and in the best interests of City of Lavon to approve the automatic annual rate adjustment pursuant to the contract with CWD.

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

**SECTION 1.** That the City does hereby authorize an amendment to the contract with CWD, being attached hereto and labeled "Exhibit A", for the collection, hauling and disposal of municipal solid waste a to approve a market adjustment to rates charged.

**SECTION 2.** The City Council hereby finds, determines, and declares that the meeting, at which this resolution is passed, approved, and adopted was open to the public, and that the public notice of time, place, and subject matter to be considered was posted as required by law.

**SECTION 3.** That this resolution shall take effect upon passage.

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Texas on the 2<sup>nd</sup> day of November 2021.

\_\_\_\_\_  
Vicki Sanson  
Mayor

ATTEST:

\_\_\_\_\_  
Rae Norton  
City Secretary

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2021-11-05**

**EXHIBIT A**



October 12, 2021

Kim Dobbs  
City Secretary  
City of Lavon  
120 School Road  
Lavon, TX 75166

**RE: Request for Market Adjustment Effective October 01, 2021**

Dear Kim:

In accordance with the Solid Waste & Recycling Contract, Community Waste Disposal (CWD) may request an annual market adjustment. This notice is to inform you of our request for a Market Adjustment effective October 01, 2021. Attached is a new 2021 schedule "A" outlining the changes in rates, the U.S. Department of Labor information regarding the CPI index, the EIA Henry Hub Natural Gas Spot Prices for 2020 & 2021 and a worksheet that recaps the changes from above.

The information below reflects a sample of the adjustments for Lavon's customer base.

2020 Residential trash rate	\$ 10.54	2020 Residential recycle rate	\$ 4.73
2021 Residential trash rate	\$ 11.08	2021 Residential recycle rate	\$ 4.98
2020 Additional Carts each	\$ 7.45	2020 Commercial 1x8x1	\$ 167.44
2021 Additional Carts each	\$ 7.83	2021 Commercial 1x8x1	\$ 175.55

If you have any questions concerning this matter, please feel free to contact Nicole Roemer at 972.392.9300 ext. 2070 or 972.375.4646.

Sincerely,

David Dalrymple  
Accounts Receivable Manager

Enc: Schedule A  
CPI Statistical Summary Data  
Market Adjustment Worksheet  
EIA Henry Hub Natural Gas Spot Prices

CC: Nicole Roemer  
Greg Roemer  
Dale Pound

2010 California Crossing Road  
Dallas, Texas 75220-2310  
*Telephone*  
972.392.9300 or 817.795.9300  
*Facsimile*  
972.392.9301

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**OCT 13 2021**  
**CITY OF LAVON**



CommunityWasteDisposal.com  
Since 1989

August 20, 2021

City of Lavon  
Kim Dobbs  
City Administrator  
120 School Road  
Lavon, TX 75166

**RE: CWD Pandemic/FEMA Disaster Recovery Plan**

Mrs. Dobbs,

I provided a letter on April 29, 2021 referencing CWD's current state and plan of action. Since that time several things have changed. The purpose of today's letter is to provide you an update as to our current state of affairs.

Beginning March 2020, CWD has battled five service and cost altering situations.

1. **Pandemic:** CWD has had 27% of our workforce test positive for COVID-19. While the number of positive cases has reduced since January 2021, we are now seeing a major uptick in the month of August. This, coupled with an increased labor shortage, CWD employees testing positive proves challenging to fulfill our service commitments.
2. **Residential Trash Volumes:** Since the pandemic, the City of Lavon residential trash, bulk and brush tonnage has increased by 32%. More trash means more hours on the existing trucks and routes. This has led to a substantial increase in the cost of providing services to for the residential community.
3. **February FEMA Declared Disaster:** From March 2021 – July 2021, the City of Lavon average monthly residential trash, bulk and brush volume has increased 54% over pre-pandemic tonnage volumes. This puts a further and greater strain on CWD's current fleet and personnel.
4. **Labor Shortage:** Since the pandemic began, employee applications are down by 33%. As of this month, CWD has an unprecedented number of unfilled employment positions.

2010 California Crossing Road  
Dallas, Texas 75220-2310  
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Facsimile  
972.392.9301

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## 5. Inflation

We are now faced with a new wave of challenges, all centered around an increase in the cost of doing business. Our agreement calls for the usage of these three public indexes to be used in calculating the next 12 months cost of service, all of which are seeing substantial year-over-year changes.

- **CPI** – 5-6% increase
- **Fuel** – 98.84% increase
- **Disposal** – 5-6% increase – disposal costs vary throughout the DFW metroplex, but most are increasing at the rate equal to CPI.

While we have not yet calculated the City of Lavon rate adjustment, we are seeing a large portion of these adjustments coming in between 10-12%. These inflation indexes are in no way related to the CWD Recovery Plan discussed above.

I am committed to the challenges presented to us today and will steward the plan that guides CWD to the resumption of the quality of service that you expect and deserve.

The results of the above five items have been felt at CWD at every level, through every employee, and every piece of equipment. For example, our incoming call volume has increased 100% since the pandemic began. This resulted in 50% of the customer service reps resigning along with the department manager.

Phone calls from the City of Lavon have increased as well. Though calls remain higher than we desire, actions that we have taken have brought calls down significantly. The following helps illustrate this comment:

- City of Lavon grievances per 1000 service opportunities
  - Pre-pandemic .19
  - Post pandemic .25
  - Post February FEMA disaster .39

### **CWD Recovery Plan**

Since June 2021, CWD has initiated several pandemic responses that have cost hundreds of thousands of dollars.

1. **Labor:** CWD increased driver and helper wages 18% in June 2021. This was to incentivize our current employees to stay and attract new talent. The outsized wage increase will cost CWD over \$505,000.00 in additional payroll per year.
2. **Customer Service:** Increased Customer Service Representative wages by 25% in June 2021 and increased staffing by 100%, from 9 to 18 Customer Service Representatives beginning April 2021.

3. **Equipment:** CWD purchased five new residential trash trucks for approximately \$2 million in April/May 2021. These extra vehicles will cost roughly \$150,000.00 per month to operate. This investment was solely acquired to support the additional residential trash volumes for all our municipal partners from the pandemic. CWD has no new additional clients to justify this equipment acquisition.

The cost of residential waste collection will be going up and perhaps substantially in the future. Faced with no choice but to accept additional operational expenses, I am committed to acquiring whatever assets are necessary to provide the City of Lavon the best quality solid waste services.

While we are still not out of the woods, the CWD team consisting of over 300 hard-working men and women are 100% committed to fulfilling your service needs with prompt, safe and reliable solid waste services.

With your approval I will make a request in the near future, to speak to the City Council to present CWD's current state of affairs. Thank you for your past patronage and I look forward to our next meeting.

If you have any questions or comments, please do not hesitate to contact me by cell (972.333.6101) or email at [groemer@cwd.to](mailto:groemer@cwd.to).

Sincerely,



Greg Roemer  
President  
[groemer@cwd.to](mailto:groemer@cwd.to)

CC:  
Vicki Sanson



June 1, 2021

City of Lavon  
Kim Dobbs  
City Administrator  
120 School Rd.  
Lavon, TX 75166

**RE: Solid Waste and Recycling Collection – CWD Current State and Plan of Action**

First and foremost, providing service in City of Lavon in a safe and timely manner is how CWD has grown to the company that it is today. With that being said, some of you have noticed a recent increase in service-related inquiries over the last few months. This is never an easy thing to address, but as the President and Founder, you are owed an explanation as to why we believe this increase is occurring and what CWD is doing to solve these problems.

Troubles in service generally fall into three categories: labor, vehicles and material volume. Any combination of these three accelerate the difficulties for any solid waste hauler. We are not having major issues with equipment; however, a significant labor pool shortage and sustained high material volumes are directly related to the challenges in the City of Lavon.

**The Problem**

Labor

1. New applications are down 113%, 1st quarter 2020 to 2021. This labor pool shortage is further exposed in situations such as: a positive COVID case and subsequent quarantine, scheduled vacation or an employee leaves CWD.

Volume

1. COVID Increase - material volumes are still up as high as 15% in some areas of business and we all know why. When will it end, never is not the answer, but when is difficult to predict.
2. FEMA Declared Disaster (February 13-19, 2021) – Disaster killed thousands of plants/vegetation and caused considerable residential damage due to broken pipes. When comparing the six weeks pre and post February snow/freeze, waste volumes increased by 34% in trash, bulk and brush tonnage.

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Dallas, Texas 75220-2310  
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972.392.9301

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**Solutions – What are we doing about it?**

- A. Assistant General Manager – brand new position to oversee all residential collection and increased focus on hiring / driver retention
- B. Advertising - advertising expense have been increased by 40%
- C. Billboards - we have increased the number of billboards from 1 to 3 at an expense increase of 160%.
- D. Truck Stickers - tailgates of pick-ups and certain disposal trucks will display an “hiring” message
- E. Banners - our facility on California Crossing is equips with large banners advertising “hiring”
- F. Agency Recruiter - They have a representative, full time at our facility.
- G. Hiring Bonus - Increase by 100%
- H. Referral Bonus - increased by 127%
- I. Customer Service – hired new Customer Service Manager and in the process of increasing the number of department representatives by 38%
- J. Overtime – a current analysis of CWD residential collection overtime hours, shows a 32% increase over prior like period. Though CWD is governed by Department of Transportation (DOT) daily driver working hour limits, we have built a great workforce of individuals choosing to go the extra mile to get the job done.

*\*none of the expense or cost of items C-H are included in the advertising budget in item B*

Proof that what we are doing is working is best judged by completing residential and commercial collection routes on-time and in a safe manner. Labor and volume issues all stem from the pandemic, and just like many of you, cannot wait to see this country get back to work.

If you have any questions or comments, please do not hesitate to contact me by cell (972.333.6101) or email at [groemer@cwd.to](mailto:groemer@cwd.to).

Sincerely,



Greg Roemer  
President  
[groemer@cwd.to](mailto:groemer@cwd.to)

CC:  
Vicki Sanson



May 12, 2021

Kim Dobbs  
City Secretary  
City of Lavon  
120 School Road  
Lavon, TX 75166

**RE: Request for Market Adjustment Effective July 01, 2021**

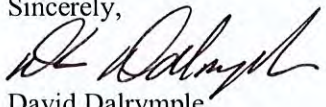
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Sincerely,  
  
David Dalrymple  
Accounts Receivable Manager

Enc: Schedule A  
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CC: Nicole Roemer  
Greg Roemer  
Dale Pound

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**2021 CITY of LAVON Schedule "A"  
Effective July 01, 2021**

<b>Solid Waste Collection and Recycling Services</b>	2020 Net Rate to CWD	CPI Adjustment	Fuel Adjustment	Disposal Adjustment	Total Adjustment	2020 Net Rate to CWD
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*Note: CWD considers this material as proprietary rate information that could affect their competitiveness if the waste services contract goes to competitive bid process. Therefore, CWD requests that their extension request letters and all associated discussion information to be exempt from public disclosure. CWD request this information is exempt from Public Records, and is only allowed to be part of Public Records, after a ruling of the Attorney General of Texas.*

<b>" Services Billed by City to Customer"</b>						
<b>Residential Collection</b>						
		75%	5%	20%		
Residential Trash Rate to Residents (once a week)	\$10.54	\$0.21	\$0.33	\$0.00	\$0.54	\$11.08
Additional Residential Trash Cart Pricing (Each)	\$7.45	\$0.15	\$0.23	\$0.00	\$0.38	\$7.83
		84%	5%	11%		
Residential Recycling Rate to Residents (once a week)	\$4.73	\$0.10	\$0.15	\$0.00	\$0.25	\$4.98
Additional Residential Recycling Cart Pricing (Each)	\$3.33	\$0.07	\$0.11	\$0.00	\$0.18	\$3.51
		63%	5%	32%		
Extreme Green Events (one per year)	\$0.92	\$0.02	\$0.03	\$0.00	\$0.05	\$0.97
		95%	5%	0%		
Storm Debris; Emergency Disaster Response	\$195.00	n/a	n/a	n/a	\$0.00	\$195.00
		100%	0%	0%		
Replace lost/stolen Trash or Recycle Cart (Each)	\$73.46	\$1.91	\$0.00	\$0.00	\$1.91	\$75.37
<b>Commercial Recycle Cart</b>						
		84%	5%	11%		
Recycle Poly-Cart	\$18.35	\$0.40	\$0.58	\$0.00	\$0.98	\$19.33
<b>Front Load Commercial Trash Container Services</b>						
		65%	5%	30%		
<b>2 Cubic Yard Container</b>						
One time per week	\$64.35	\$1.09	\$2.03	\$0.00	\$3.12	\$67.47
Two times per week	\$123.01	\$2.08	\$3.88	\$0.00	\$5.96	\$128.97
Three times per week	\$171.55	\$2.90	\$5.41	\$0.00	\$8.31	\$179.86
Four times per week	\$217.84	\$3.68	\$6.87	\$0.00	\$10.55	\$228.39
Five times per week	\$257.34	\$4.35	\$8.12	\$0.00	\$12.47	\$269.81
<b>3 Cubic Yard Container</b>						
One time per week	\$95.08	\$1.61	\$3.00	\$0.00	\$4.61	\$99.69
Two times per week	\$181.09	\$3.06	\$5.71	\$0.00	\$8.77	\$189.86
Three times per week	\$250.55	\$4.23	\$7.90	\$0.00	\$12.13	\$262.68
Four times per week	\$313.92	\$5.31	\$9.90	\$0.00	\$15.21	\$329.13
Five times per week	\$386.37	\$6.53	\$12.19	\$0.00	\$18.72	\$405.09
<b>4 Cubic Yard Container</b>						
One time per week	\$109.89	\$1.86	\$3.47	\$0.00	\$5.33	\$115.22
Two times per week	\$206.71	\$3.49	\$6.52	\$0.00	\$10.01	\$216.72
Three times per week	\$290.37	\$4.91	\$9.16	\$0.00	\$14.07	\$304.44
Four times per week	\$367.49	\$6.21	\$11.59	\$0.00	\$17.80	\$385.29
Five times per week	\$429.82	\$7.26	\$13.56	\$0.00	\$20.82	\$450.64
<b>6 Cubic Yard Container</b>						
One time per week	\$139.97	\$2.37	\$4.41	\$0.00	\$6.78	\$146.75
Two times per week	\$255.14	\$4.31	\$8.05	\$0.00	\$12.36	\$267.50
Three times per week	\$357.89	\$6.05	\$11.29	\$0.00	\$17.34	\$375.23
Four times per week	\$448.26	\$7.58	\$14.14	\$0.00	\$21.72	\$469.98
Five times per week	\$529.76	\$8.95	\$16.71	\$0.00	\$25.66	\$555.42
<b>8 Cubic Yard Container</b>						
One time per week	\$167.44	\$2.83	\$5.28	\$0.00	\$8.11	\$175.55
Two times per week	\$308.31	\$5.21	\$9.72	\$0.00	\$14.93	\$323.24
Three times per week	\$433.89	\$7.33	\$13.68	\$0.00	\$21.01	\$454.90
Four times per week	\$540.47	\$9.13	\$17.05	\$0.00	\$26.18	\$566.65
Five times per week	\$635.60	\$10.74	\$20.05	\$0.00	\$30.79	\$666.39
<b>Extra Pick-Ups</b>						
2 cu. Yd. Containers	\$48.52	\$0.82	\$1.53	\$0.00	\$2.35	\$50.87
3 cu. Yd. Containers	\$49.93	\$0.84	\$1.57	\$0.00	\$2.41	\$52.34
4 cu. Yd. Containers	\$51.36	\$0.87	\$1.62	\$0.00	\$2.49	\$53.85
6 cu. Yd. Containers	\$54.20	\$0.92	\$1.71	\$0.00	\$2.63	\$56.83
8 cu. yd. Containers	\$55.62	\$0.94	\$1.75	\$0.00	\$2.69	\$58.31
<b>Refills</b>						
2 cu. Yd. Containers	\$50.51	\$0.85	\$1.59	\$0.00	\$2.44	\$52.95
3 cu. Yd. Containers	\$51.98	\$0.88	\$1.64	\$0.00	\$2.52	\$54.50
4 cu. Yd. Containers	\$53.48	\$0.90	\$1.69	\$0.00	\$2.59	\$56.07
6 cu. Yd. Containers	\$56.44	\$0.95	\$1.78	\$0.00	\$2.73	\$59.17
8 cu. Yd. Containers	\$57.93	\$0.98	\$1.83	\$0.00	\$2.81	\$60.74
<b>Front Load Commercial Special Services</b>						
		100%	0%	0%		
Container Inside Four Side Enclosures - Per Pick-Up, Per Container	\$7.41	\$0.19	\$0.00	\$0.00	\$0.19	\$7.60
Caster - (<4 cu. Yd.) Per Pick-up, Per Container	\$7.41	\$0.19	\$0.00	\$0.00	\$0.19	\$7.60
Locks - Per Pick Up, Per Container	\$7.41	\$0.19	\$0.00	\$0.00	\$0.19	\$7.60

**2021 CITY of LAVON Schedule "A"  
Effective July 01, 2021**

<b>Solid Waste Collection and Recycling Services</b>	<b>2020 Net Rate to CWD</b>	<b>CPI Adjustment</b>	<b>Fuel Adjustment</b>	<b>Disposal Adjustment</b>	<b>Total Adjustment</b>	<b>2020 Net Rate to CWD</b>
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<b>" Services Billed by CWD to Customer"</b>						
<b>Residential Open Top Rolloff Containers</b>						
		95%	5%	0%		
Delivery - weekday	\$101.20	\$2.50	\$3.19	\$0.00	\$5.69	\$106.89
Trip Charge (Dry Run) - weekday	\$101.20	\$2.50	\$3.19	\$0.00	\$5.69	\$106.89
Weekly Rental	\$46.74	\$1.22	\$0.00	\$0.00	\$1.22	\$47.96
		55%	5%	40%		
12 Cubic Yard Per Haul - weekday ** Plus Disposal if over 4,000 lb.'s **	\$413.97	\$5.92	\$13.06	\$0.00	\$18.98	\$432.95
		0%	0%	100%		
** Disposal Per Ton (over 4001 to 8,000 lb.'s)	\$94.72	\$0.00	\$0.00	\$0.00	\$0.00	\$94.72
** Disposal Per Ton (over 8001 lb.'s)	\$132.60	\$0.00	\$0.00	\$0.00	\$0.00	\$132.60
<b>Commercial Rolloff Containers</b>						
		95%	5%	0%		
Delivery - weekday	\$101.20	\$2.50	\$3.19	\$0.00	\$5.69	\$106.89
Trip Charge (Dry Run) - weekday	\$101.20	\$2.50	\$3.19	\$0.00	\$5.69	\$106.89
Weekly Rental	\$46.74	\$1.22	\$0.00	\$0.00	\$1.22	\$47.96
		55%	5%	40%		
Per Haul - weekday ** ++ Plus Disposal if over 8,000 lb.'s ** ++	\$600.81	\$8.59	\$18.95	\$0.00	\$27.54	\$628.35
		0%	0%	100%		
** Disposal Per Ton (if load is over 8001 lb.'s to trucks GVW of 54,000 lb.'s)	\$40.80	\$0.00	\$0.00	\$0.00	\$0.00	\$40.80
** Excess Disposal Per Ton (over trucks GVW of 54,000 lb.'s)	\$102.00	\$0.00	\$0.00	\$0.00	\$0.00	\$102.00
<b>City Services</b>						
City Facilities	N/C	N/C	N/C	N/C	N/C	N/C
<b>City Clean Up Week:</b>						
Eight (8) thirty (30) yard roll off hauls per year	N/C	N/C	N/C	N/C	N/C	N/C
<b>Special Events:</b>						
Aggregate of twenty (20) polycarts for solid waste at up to four (4) events	N/C	N/C	N/C	N/C	N/C	N/C

All Rates at Net to Contractor and do not include any Franchise Fees or Sales Tax

**CITY of LAVON**  
**MARKET ADJUST WORKSHEET**

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CPI-U LESS ENERGY (MARCH)	2.60%
---------------------------	-------

**LANDFILL WORKSHEET**

2020 Disposal per Ton	\$	42.00
2021 Disposal per Ton	\$	42.00
	\$	-
Landfill Adjustment		0.00%

**FUEL WORKSHEET**

HENRY HUB NATURAL GAS SPOT PRICE					
	2020	2021			
week #1	1.95	3.12	week #1		
week #2	1.89	4.63	week #2		
week #3	1.90		week #3		
week #4	2.00	2.86	week #4		
week #5	1.88	2.79	week #5		
week #6	1.80	2.65	week #6		
week #7	1.86	2.53	week #7		
week #8	1.82	2.54	week #8		
week #9	1.74	2.54	week #9		
week #10	1.63	2.45	week #10		
week #11	1.77	2.59	week #11		
week #12	0.72	2.76	week #12		
week #13	1.85	2.88	week #13		
	22.81	34.34			
# of Weeks	13	12	Increase		
Fuel Average	1.755	2.862	1.107		

<b>FUEL WORKSHEET</b>	<b>63.08%</b>	<b>Cost Adjustment</b>
-----------------------	---------------	------------------------

Week 3 was removed from this calculation. Week 3 was the week of the winter storm and CNG was at 12.18. If left in the fuel adjustment would have increased to 103.87%.

	F/L	R/O	R/O Excessive Weight	Resi Trash	Resi Rcy
CPI	65%	55%	0%	75%	84%
CNG Fuel	5%	5%	0%	5%	5%
Disposal	30%	40%	100%	20%	11%
	100%	100%	100%	100%	100%

	F/L	R/O	R/O Excessive Weight	Resi Trash	Resi Rcy
CPI	1.69%	1.43%	0.00%	1.95%	2.18%
Fuel	3.15%	3.15%	0.00%	3.15%	3.15%
Disposal	0.00%	0.00%	0.00%	0.00%	0.00%
<b>Total</b>	<b>4.84%</b>	<b>4.58%</b>	<b>0.00%</b>	<b>5.10%</b>	<b>5.34%</b>



**U.S. BUREAU OF LABOR STATISTICS**

## Databases, Tables & Calculators by Subject

Change Output Options: From:  To:  [GO](#)

include graphs  include annual averages [More Formatting Options](#)

Data extracted on: April 13, 2021 (3:46:07 PM)

### CPI for All Urban Consumers (CPI-U)

**Series Id:** CUURS37ASA0LE,CUUSS37ASA0LE

Not Seasonally Adjusted

**Series Title:** All items less energy in Dallas-Fort Worth-Arlington, TX, all urban consumers, not seasonally adjusted

**Area:** Dallas-Fort Worth-Arlington, TX

**Item:** All items less energy

**Base Period:** 1982-84=100

Download: [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2011	204.112		206.036		206.064		206.418		207.691		209.171		206.797	205.596	207.998
2012	209.278		210.745		211.017		211.076		212.619		213.603		211.587	210.496	212.679
2013	214.034		215.132		214.590		215.479		216.630		216.241		215.472	214.706	216.239
2014	216.948		218.185		218.293		218.085		218.872		219.281		218.398	217.903	218.893
2015	219.851		221.760		221.630		221.408		222.473		223.021		221.817	221.209	222.425
2016	224.102		225.823		226.910		227.315		227.995		228.292		226.940	225.868	228.013
2017	228.486		229.667		230.934		231.424		233.624		234.845		231.645	229.824	233.467
2018	234.774		235.907		237.847		237.289		238.686		240.358		237.587	236.353	238.822
2019	241.185		242.060		241.921		243.642		245.477		244.604		243.399	242.075	244.724
2020	244.920		246.282		245.301		247.299		248.120		247.458		246.709	245.580	247.838
2021	249.525		252.804												

### 12-Month Percent Change

**Series Id:** CUURS37ASA0LE,CUUSS37ASA0LE

Not Seasonally Adjusted

**Series Title:** All items less energy in Dallas-Fort Worth-Arlington, TX, all urban consumers, not seasonally adjusted

**Area:** Dallas-Fort Worth-Arlington, TX

**Item:** All items less energy

**Base Period:** 1982-84=100

Download: [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2011	0.2		1.2		1.6		2.5		2.0		3.0		1.8	1.2	2.5
2012	2.5		2.3		2.4		2.3		2.4		2.1		2.3	2.4	2.3
2013	2.3		2.1		1.7		2.1		1.9		1.2		1.8	2.0	1.7
2014	1.4		1.4		1.7		1.2		1.0		1.4		1.4	1.5	1.2
2015	1.3		1.6		1.5		1.5		1.6		1.7		1.6	1.5	1.6
2016	1.9		1.8		2.4		2.7		2.5		2.4		2.3	2.1	2.5
2017	2.0		1.7		1.8		1.8		2.5		2.9		2.1	1.8	2.4
2018	2.8		2.7		3.0		2.5		2.2		2.3		2.6	2.8	2.3
2019	2.7		2.6		1.7		2.7		2.8		1.8		2.4	2.4	2.5
2020	1.5		1.7		1.4		1.5		1.1		1.2		1.4	1.4	1.3
2021	1.9		2.6												

U.S. BUREAU OF LABOR STATISTICS Postal Square Building 2 Massachusetts Avenue NE Washington, DC 20212-0001  
 Telephone:1-202-691-5200 Federal Relay Service:1-800-877-8339 [www.bls.gov](http://www.bls.gov) [Contact Us](#)

2013-Nov	11/01	3.55	11/08	3.47	11/15	3.62	11/22	3.68	11/29	3.87
2013-Dec	12/06	3.94	12/13	4.31	12/20	4.25	12/27	4.45		
2014-Jan	01/03	4.36	01/10	4.31	01/17	4.39	01/24	5.08	01/31	5.29
2014-Feb	02/07	6.35	02/14	6.55	02/21	6.00	02/28	5.10		
2014-Mar	03/07	6.24	03/14	4.58	03/21	4.43	03/28	4.46		
2014-Apr	04/04	4.45	04/11	4.63	04/18	4.65	04/25	4.80		
2014-May	05/02	4.76	05/09	4.74	05/16	4.46	05/23	4.52	05/30	4.52
2014-Jun	06/06	4.61	06/13	4.61	06/20	4.66	06/27	4.52		
2014-Jul	07/04	4.41	07/11	4.19	07/18	4.11	07/25	3.84		
2014-Aug	08/01	3.79	08/08	3.92	08/15	3.90	08/22	3.85	08/29	4.01
2014-Sep	09/05	3.93	09/12	3.91	09/19	3.95	09/26	3.88		
2014-Oct	10/03	4.02	10/10	3.87	10/17	3.82	10/24	3.63	10/31	3.65
2014-Nov	11/07	3.83	11/14	4.16	11/21	4.34	11/28	4.16		
2014-Dec	12/05	3.75	12/12	3.66	12/19	3.69	12/26	2.94		
2015-Jan	01/02	3.09	01/09	3.03	01/16	3.08	01/23	2.95	01/30	2.91
2015-Feb	02/06	2.72	02/13	2.75	02/20	2.90	02/27	3.13		
2015-Mar	03/06	3.04	03/13	2.76	03/20	2.80	03/27	2.79		
2015-Apr	04/03	2.64	04/10	2.67	04/17	2.61	04/24	2.60		
2015-May	05/01	2.57	05/08	2.75	05/15	2.88	05/22	2.99	05/29	2.80
2015-Jun	06/05	2.65	06/12	2.78	06/19	2.90	06/26	2.80		
2015-Jul	07/03	2.79	07/10	2.75	07/17	2.89	07/24	2.88	07/31	2.87
2015-Aug	08/07	2.80	08/14	2.88	08/21	2.75	08/28	2.69		
2015-Sep	09/04	2.69	09/11	2.70	09/18	2.70	09/25	2.61		
2015-Oct	10/02	2.49	10/09	2.38	10/16	2.48	10/23	2.38	10/30	2.12
2015-Nov	11/06	2.02	11/13	2.11	11/20	2.09	11/27	2.15		
2015-Dec	12/04	2.13	12/11	1.96	12/18	1.72	12/25	1.68		
2016-Jan	01/01	2.27	01/08	2.38	01/15	2.32	01/22	2.20	01/29	2.22
2016-Feb	02/05	2.11	02/12	2.16	02/19	1.94	02/26	1.82		
2016-Mar	03/04	1.57	03/11	1.64	03/18	1.79	03/25	1.79		
2016-Apr	04/01	1.86	04/08	1.96	04/15	1.90	04/22	1.91	04/29	1.92
2016-May	05/06	1.96	05/13	2.00	05/20	1.89	05/27	1.84		
2016-Jun	06/03	2.15	06/10	2.36	06/17	2.59	06/24	2.75		
2016-Jul	07/01	2.89	07/08	2.82	07/15	2.81	07/22	2.79	07/29	2.85
2016-Aug	08/05	2.88	08/12	2.77	08/19	2.73	08/26	2.82		
2016-Sep	09/02	2.94	09/09	2.87	09/16	3.02	09/23	3.11	09/30	3.01
2016-Oct	10/07	2.91	10/14	3.17	10/21	3.14	10/28	2.72		
2016-Nov	11/04	2.50	11/11	2.22	11/18	2.44	11/25	2.76		
2016-Dec	12/02	3.21	12/09	3.69	12/16	3.57	12/23	3.51	12/30	3.69
2017-Jan	01/06	3.47	01/13	3.27	01/20	3.29	01/27	3.27		
2017-Feb	02/03	3.12	02/10	3.04	02/17	2.87	02/24	2.62		
2017-Mar	03/03	2.52	03/10	2.75	03/17	2.96	03/24	2.99	03/31	3.03
2017-Apr	04/07	3.18	04/14	3.05	04/21	3.10	04/28	3.09		
2017-May	05/05	3.14	05/12	3.12	05/19	3.21	05/26	3.18		
2017-Jun	06/02	3.03	06/09	2.98	06/16	3.03	06/23	2.89	06/30	3.01
2017-Jul	07/07	2.95	07/14	2.96	07/21	3.09	07/28	2.96		
2017-Aug	08/04	2.80	08/11	2.85	08/18	2.95	08/25	2.97		
2017-Sep	09/01	2.93	09/08	2.91	09/15	2.96	09/22	3.09	09/29	2.96
2017-Oct	10/06	2.84	10/13	2.92	10/20	2.84	10/27	2.91		
2017-Nov	11/03	2.78	11/10	3.12	11/17	3.10	11/24	3.05		
2017-Dec	12/01	2.94	12/08	2.84	12/15	2.77	12/22	2.69	12/29	3.03
2018-Jan	01/05	5.71	01/12	3.24	01/19	4.12	01/26	3.43		
2018-Feb	02/02	3.30	02/09	2.75	02/16	2.54	02/23	2.62		
2018-Mar	03/02	2.64	03/09	2.74	03/16	2.71	03/23	2.66	03/30	2.67
2018-Apr	04/06	2.79	04/13	2.78	04/20	2.83	04/27	2.80		
2018-May	05/04	2.75	05/11	2.76	05/18	2.80	05/25	2.83		
2018-Jun	06/01	2.88	06/08	2.92	06/15	2.99	06/22	2.99	06/29	2.98
2018-Jul	07/06	2.91	07/13	2.89	07/20	2.78	07/27	2.79		
2018-Aug	08/03	2.80	08/10	2.96	08/17	3.00	08/24	3.01	08/31	2.97
2018-Sep	09/07	2.94	09/14	2.93	09/21	3.03	09/28	3.06		
2018-Oct	10/05	3.23	10/12	3.30	10/19	3.26	10/26	3.32		
2018-Nov	11/02	3.28	11/09	3.58	11/16	4.23	11/23	4.67	11/30	4.43
2018-Dec	12/07	4.49	12/14	4.38	12/21	3.73	12/28	3.26		
2019-Jan	01/04	2.92	01/11	2.89	01/18	3.50	01/25	3.19		
2019-Feb	02/01	2.90	02/08	2.59	02/15	2.65	02/22	2.71		
2019-Mar	03/01	2.91	03/08	3.28	03/15	2.89	03/22	2.86	03/29	2.71
2019-Apr	04/05	2.70	04/12	2.72	04/19	2.62	04/26	2.56		
2019-May	05/03	2.59	05/10	2.60	05/17	2.67	05/24	2.66	05/31	2.66
2019-Jun	06/07	2.45	06/14	2.41	06/21	2.40	06/28	2.34		
2019-Jul	07/05	2.31	07/12	2.47	07/19	2.44	07/26	2.30		
2019-Aug	08/02	2.24	08/09	2.11	08/16	2.21	08/23	2.27	08/30	2.28
2019-Sep	09/06	2.46	09/13	2.64	09/20	2.63	09/27	2.52		
2019-Oct	10/04	2.33	10/11	2.26	10/18	2.25	10/25	2.25		
2019-Nov	11/01	2.62	11/08	2.82	11/15	2.73	11/22	2.58	11/29	2.49
2019-Dec	12/06	2.38	12/13	2.24	12/20	2.28	12/27	2.03		
2020-Jan	01/03	2.05	01/10	2.09	01/17	2.06	01/24	1.93	01/31	1.95
2020-Feb	02/07	1.89	02/14	1.90	02/21	2.00	02/28	1.88		
2020-Mar	03/06	1.80	03/13	1.86	03/20	1.82	03/27	1.74		
2020-Apr	04/03	1.63	04/10	1.77	04/17	1.72	04/24	1.85		
2020-May	05/01	1.71	05/08	1.84	05/15	1.63	05/22	1.78	05/29	1.76
2020-Jun	06/05	1.70	06/12	1.70	06/19	1.52	06/26	1.57		
2020-Jul	07/03	1.71	07/10	1.78	07/17	1.77	07/24	1.72	07/31	1.82
2020-Aug	08/07	2.13	08/14	2.17	08/21	2.39	08/28	2.52		
2020-Sep	09/04	2.16	09/11	2.16	09/18	1.93	09/25	1.68		
2020-Oct	10/02	1.65	10/09	1.91	10/16	2.17	10/23	2.74	10/30	3.09
2020-Nov	11/06	2.78	11/13	2.75	11/20	2.39	11/27	2.39		
2020-Dec	12/04	2.69	12/11	2.44	12/18	2.70	12/25	2.72		

2021-Jan	01/01	2.38	01/08	2.74	01/15	2.82	01/22	2.54	01/29	2.71
2021-Feb	02/05	3.12	02/12	4.63	02/19	12.18	02/26	2.86		
2021-Mar	03/05	2.79	03/12	2.65	03/19	2.53	03/26	2.54		
2021-Apr	04/02	2.54	04/09	2.45	04/16	2.59	04/23	2.76	04/30	2.88

- = No Data Reported; -- = Not Applicable; NA = Not Available; W = Withheld to avoid disclosure of individual company data.

Release Date: 5/5/2021

Next Release Date: 5/12/2021

Referring Pages:

- [Natural Gas Futures Prices \(NYMEX\)](#)



CommunityWasteDisposal.com

*Since 1984*

April 19, 2021

Kim Dobbs  
City Administrator  
City of Lavon  
120 School Road  
Lavon, TX 75166

**RE: Notice of Request for 2021 Market Adjustment**

Dear Kim:

This notice is to inform you of our request for a market adjustment effective July 01, 2021. Within the next few weeks CWD will be providing to you the details of the requested market adjustment. In the mean time if you have any question concerning this matter please contact CWD's Municipal Coordinator, Nicole Roemer at 972.392.9300 ext. 2070 or on her cell at 972.375.4646.

Thank you in advance for your courteous attention to this matter.

Sincerely,

David Dalrymple  
Accounts Receivable Manager

RECEIVED

APR 21 2021

CITY OF LAVON

cc: Greg Roemer  
cc: Dale Pound  
cc: Nicole Roemer





## CITY OF LAVON Agenda Brief

**MEETING:** November 2, 2021

**ITEM:** 10 - B

---

**Item:**

Discussion and action regarding Resolution 2021-11-06 approving and authorizing the Mayor to execute Task Order #2 with AG|CM, Inc., pursuant to Resolution No. 2021-05-06 for professional services for the design and preparation of bid documents, construction plans and administration for the fire, police, and public works facilities expansion project, not to exceed \$93,868.00.

**Background:**

The City engaged AG|CM in May, 2021 to provide project management support for the capital improvements plan (CIP) project for the interim improvement/expansion of the fire, police, and public works facilities at 501 Lincoln and 500 S. Main Street. AG|CM worked with the staff on a Facilities Needs Assessment and reviewed many options for the most efficient and economical steps to meet the needs of the growing city.

Chief Jones suggested and the management staff agreed that site considerations and planning for the future ultimate police department facility in the near term was preferable to substantial remodeling of the current facility. Additionally, Chief Anthony surveyed the expected boundaries of the City and determined that the current fire department location is ideally located to serve the needs of the City for the foreseeable future. Consequently, the police aspect of the CIP project has been segregated for time-being in deference to the operational and time requirements and for the protection of equipment for the fire and public works departments. The police facilities planning is still a critical need and will be addressed separately and timely.

AG|CM has prepared a proposed Task Order to for comprehensive project management and construction management for the renovation and additions to the fire and public works facilities. The Task Order includes the scope of services and has a not to exceed amount of \$93,868.

**Financial Implication:**

Funding from the Series 2020 Certificates of Obligation for the services is allocated in the capital improvements plan and annual budget. In today's construction environment with materials issues, subcontractor issues, labor, etc., the Task Order may conservatively contemplate more hours and a longer construction period than is anticipated.

**Staff Notes:**

Approval is recommended.

**Attachments:** Resolution and proposed Task Order #2

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2021-11-06**

Task Order # 2 – AG|CM Project/Construction Management

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE TASK ORDER #2 WITH AG|CM, INC., PURSUANT TO RESOLUTION NO. 2021-05-06 FOR PROFESSIONAL SERVICES FOR THE DESIGN AND PREPARATION OF BID DOCUMENTS, CONSTRUCTION PLANS AND ADMINISTRATION FOR THE FIRE, POLICE, AND PUBLIC WORKS FACILITIES EXPANSION PROJECT, NOT TO EXCEED \$93,868.00.**

**WHEREAS**, the City Council approved the updated Five-Year Capital Improvements Plan on September 7, 2021 and Interim Improvements and Expansion to the Police, Fire and Public Works Facilities is an approved project; and

**WHEREAS**, the City Council of the City of Lavon, Texas (“City Council”) has determined that Task Order # 2 between the City of Lavon, Texas and AG|CM, Inc. (the “Agreement”) is appropriate and in the best interest of the citizens of the City to approve.

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

**SECTION 1.** The findings set forth in the recitals of this Resolution are found to be true and correct.

**SECTION 2.** The City Council hereby approves and authorizes the Mayor to execute Task Order #2, attached hereto as **Exhibit “A”**, between the Parties.

**SECTION 3.** This Resolution shall be effective from and after its date of in accordance with law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON** this 2<sup>nd</sup> day of November, 2021.

\_\_\_\_\_  
Vicki Sanson, Mayor

ATTEST:

\_\_\_\_\_  
Rae Norton, City Secretary

**RESOLUTION NO. 2021-11-06**

**EXHIBIT "A"**

**TASK ORDER No. 2**

**PROJECT/CONSTRUCTION MANAGEMENT**

**FIRE AND PUBLIC WORKS FACILITIES**



**DALLAS**  
5606 SMU Blvd  
Suite #600752  
Dallas, TX 75360  
210/542-3066  
[www.agcm.com](http://www.agcm.com)

October 27<sup>th</sup>, 2021

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

SUBJECT: Task Order Number 2 PM/CM Services for Fire Department/Public Works.

Ms. Dobbs,

AG|CM. Inc. is pleased to provide the following proposal for Project Management/Construction Management for Task Order Number 2 Addition/Renovation of Fire Department and addition for Public Works. AG|CM. Inc. will assist the City of Lavon as follows:

- See attached "Exhibit A – Scope of Services"
- AG|CM. Inc. will perform these services by billing at an hourly rate, with a "Not to Exceed" fee of \$93,868. This not to exceed amount will be based on project completion by April 10<sup>th</sup>, 2023, as shown on attached "Exhibit B".

Please indicate your acceptance of this proposal by signing below. Upon execution, we will provide an contract to The City of Lavon for review and execution by all parties. Let me know if you have any questions, and thank you again for the opportunity. We look forward to the next phase with the City of Lavon.

Respectfully,

Ryan Rosborough, CCM  
VP -Regional Manager  
AG|CM, Inc.

Approved By:

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Attachments: Exhibit A – Scope of Services, Exhibit B – Manpower Schedule.

## EXHIBIT A

### Services Required:

Project Management Support Services shall consist of providing Project Management support personnel to work under the direct supervision of the City of Lavon staff to provide pre-construction and construction support for the Project. The Project Manager will be responsible for providing all necessary equipment including but not limited to computer, software, digital camera and cell phone as part of their overhead and without separate reimbursement. Activities for which Project Manager support personnel will be required include any or all of the following:

#### Programming Phase

- Assist in Development of Design RFQ Documents, and Consultant Interviews and Selections (Design team, Geotech, Materials Testing, Etc...)
- Assist with determining procurement process and aligning with client goals.
- Develop Master Budget/Master Schedule parameters, including Owner Occupancy and Owner Provided Items.

#### Pre-Construction Phase

- Establish and maintain communication protocol between the Owner, Architect and General Contractor
- Assist in developing RFP/RFQ documents for procurement of General Contractor.
- Assist in selection/evaluation of General Contractor
- Manage coordination and correspondence between Owner, Architect and General Contractor.
- Monitor and maintain all party's efforts for conformance to schedule and budget.
- Notify Owner of Design and Budget concerns throughout design process.
- Assist in development of value engineering options as requested.
- Assist in facilitating preconstruction conference.
- Coordinate with local Utilities, Cities, Entities, etc on Owners behalf.

### Construction Phase

- Monitor and assist with communications between the Owner, Architect, and Contractor.
- Monitor overall budget and schedule and advise the Owner of any trends that affect the budget or timely completion of the projects.
- Maintain basic knowledge of the plans and specifications.
- Utilize construction software (Procore) to manage project controls/documents.
- Monitor major assemblies placed in the construction for general compliance to the contract documents.
- Monitor construction logistics between the General Contractor and the Owner.
- Attend, arrange and conduct a variety of meetings, as requested by the Owner.
- Review monthly pay applications from Contractor, and make recommendations for approval.
- Review and analyze proposed change orders and make recommendations to Owner.
- Generate weekly site visit reports during construction phase describing general events, noting problems and unusual events.
- Assist the Owner with FFE procurement and logistics.
- Attend construction meetings and board meetings as necessary.
- Monitor preparation of the punch-list and manage punch-list process.
- Monitor close-out procedures, including transfer of complete Project record drawings to the Owner.

EXHIBIT B

AG CM, Inc. City of Lavon Project Planning Services						
			Year	Year	Year	Total
		Title/Position/Item	2021	2022	2023	
		PERSONNEL				
	1	Project Manager	\$11,160	\$64,480	\$18,228	\$93,868
		Manhour Subtotal	\$11,160	\$64,480	\$18,228	\$93,868

EXHIBIT B  
2021

City of Lavon Project Planning Services		2021												
Title/Position	Total Hours	October			November				December					
		10/4	10/11	10/18	10/25	11/1	11/8	11/15	11/22	11/29	12/6	12/13	12/20	12/27
Project Manager	72					8	8	8	8	8	8	8	8	8
Estimated Subtotal		0	0	0	0	8	8	8	8	8	8	8	8	8
Task		Program/RFO Writing								AE Procurement				







# CITY OF LAVON

## Agenda Brief

**MEETING:** November 2, 2021

**ITEM:** 10 – C

**Item:**

Discussion and action regarding an application for a site plan and landscape plan for the LakePointe Amenity Center on LakePointe Phase 2A, Tract 4, Block U at 176 Cyprus Grove, Lavon, Texas, (CCAD Property ID 266391).

**Application Information**

**Owner(s):** LDC Lavon, LLC

**Applicant:** Leonard Reeves, Studio 13 Design Group

**Location:** 176 Cyprus Grove, Lavon, Texas.

**Description:** 176 Cyprus Grove, Lavon, Texas  
LakePointe Phase 2A, Tract 4, Block U  
CCAD Property ID 2663916

**Current Zoning:** Planned Development (PD)

**Request:** Site Plan and Landscape Plan

The applicant has submitted a site plan and landscape plan for a proposed amenity center for the LakePointe Addition, located in Phase 2. The amenity center will be constructed in accordance with Ordinance No. 2019-07-04, Exhibit #4D Amenity Center.

***Code Excerpt:***

**LAVON CODE OF ORDINANCES – ZONING ORDINANCE  
CHAPTER 7 – SITE PLAN**

**9.1.7.1 PURPOSE**

The purpose of this Section is to regulate the manner in which land in the City of Lavon is used and developed, minimize adverse effects on surrounding property or the general public, protection from fire, protection of adjacent uses from obstructions to light, air and visibility plus provision of adequate storm water drainage facilities, transportation, water and sanitary sewage facilities.

**9.1.7.4 CRITERIA FOR APPROVAL**

- A) All applicable City of Lavon Comprehensive Master Plan and Ordinance requirements shall have been met as a condition of site plan approval.
- B) All applicable Site Plan requirements of this Subtitle shall have been met as a

condition of site plan approval.

C) The adequate capacity of public or private facilities for water, sewer and access to, from and through the development shall be met as a condition of site plan approval. City reserves the right to deny approval of a site plan based upon insufficient capacity of any public facility or facilities.

The application and plans satisfy the criteria for approval.

Zoning: The property is zoned Planned Development (PD) and the proposed development of the Amenity Center is a permitted use.

Platting: The final plat has been approved.

Access: Access to the site is located on Cypress Grove and Brookstone Drive with at least two points of ingress and egress proposed for safe circulation.

Utilities: The site will be served water by the Bear Creek Special Utility District and sanitary sewer by the City of Lavon.

Screening and Landscaping: As applicable, screening between the amenity center and residential properties will be installed as specified in the PD ordinance.

**Planning and Zoning Commission Report:**

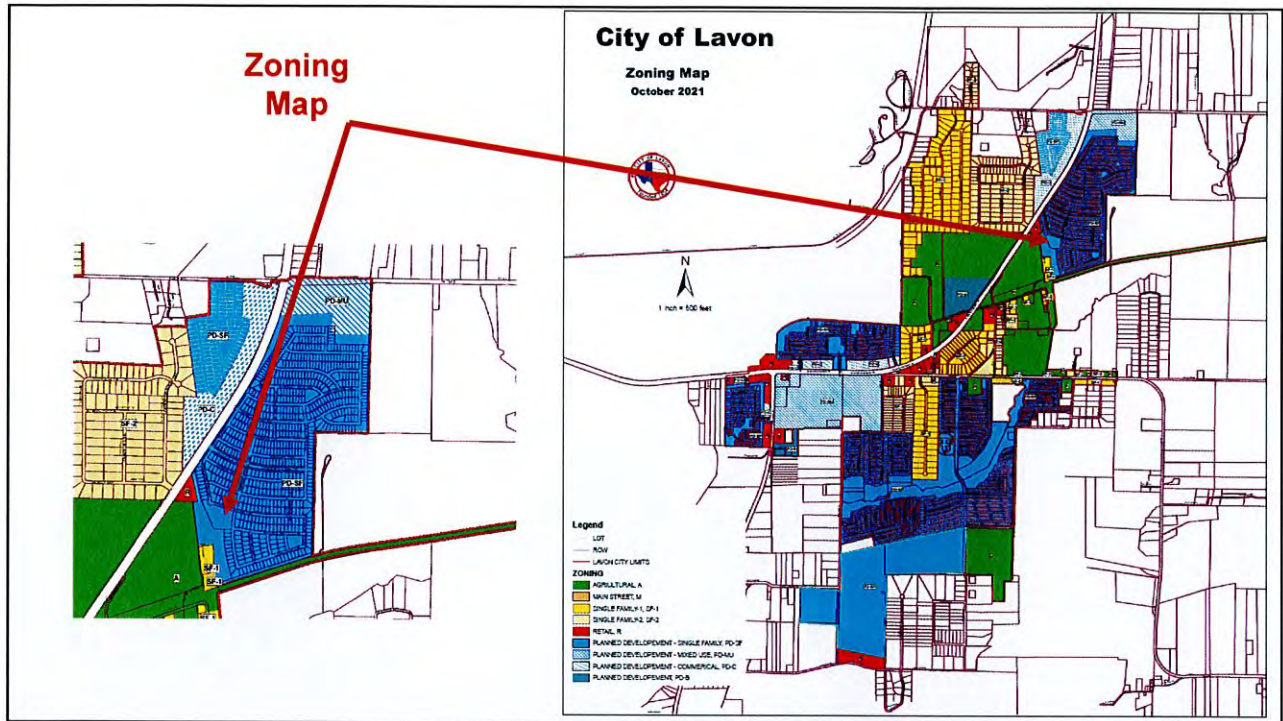
**MOTION: RECOMMEND APPROVAL OF THE SITE PLAN AND LANDSCAPE PLAN OF THE LAKEPOINTE AMENITY CENTER IN LAKEPOINTE PHASE 2A, TRACT 4, BLOCK U AT 176 CYPRUS GROVE, LAVON, TEXAS.**

MOTION MADE: NABORS  
SECONDED: TIEGS  
APPROVED: UNANIMOUS (Bedell, Smith)

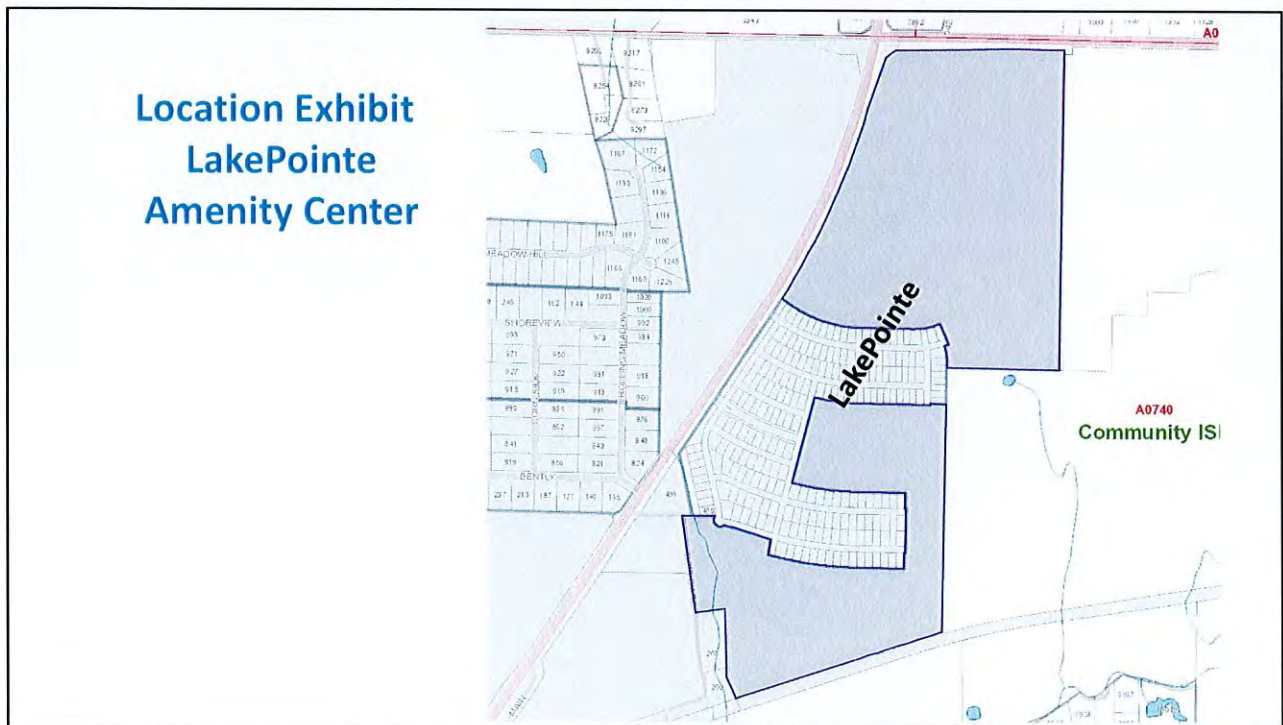
***Staff Notes:***

The proposed site plan was reviewed by the City Engineer and staff development review committee (DRC). Approval of the site plan and landscape plan is recommended.

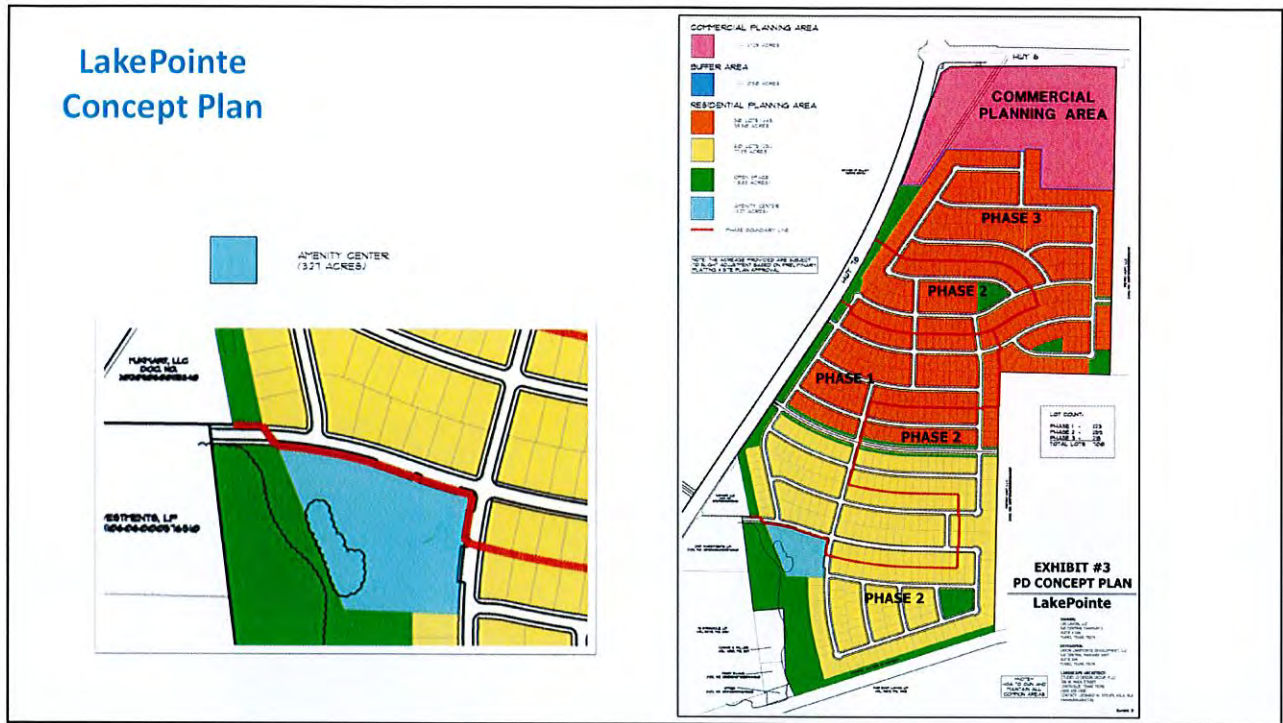
- Attachments:**
1. Location Exhibits
  2. Site Plan
  3. Landscape Plan
  4. Application
  5. Engineer's correspondence



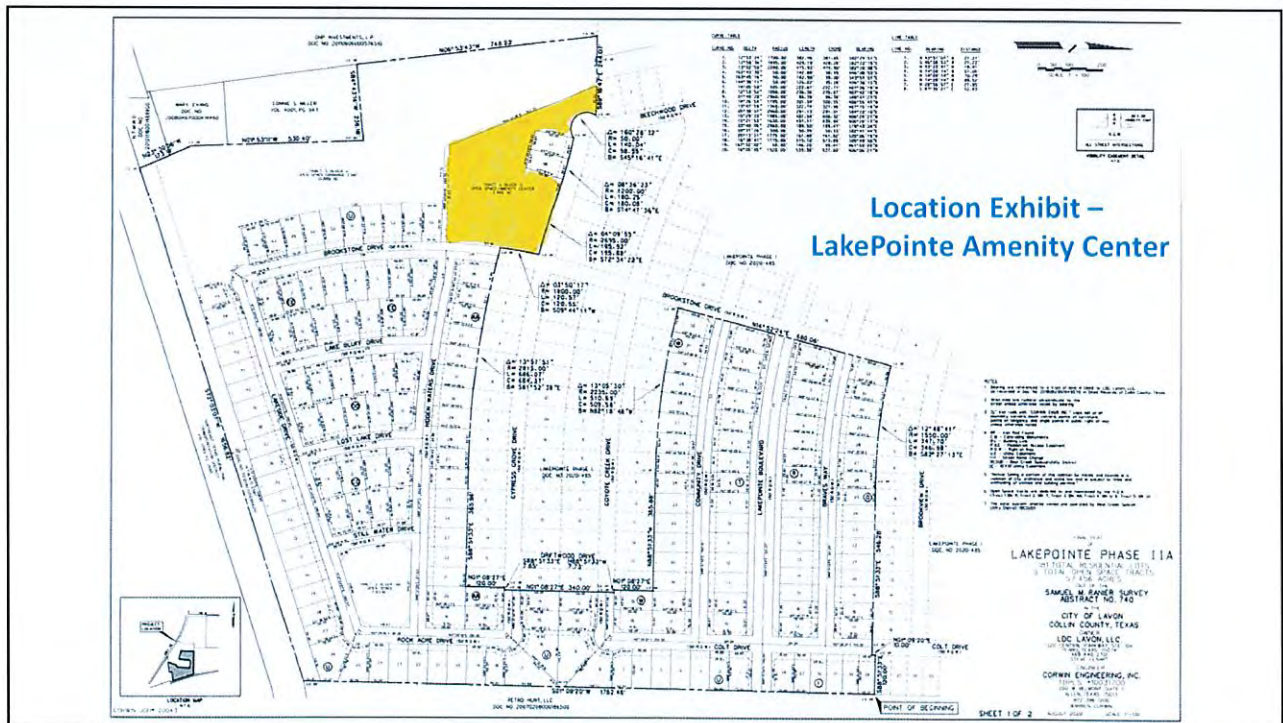
30



31

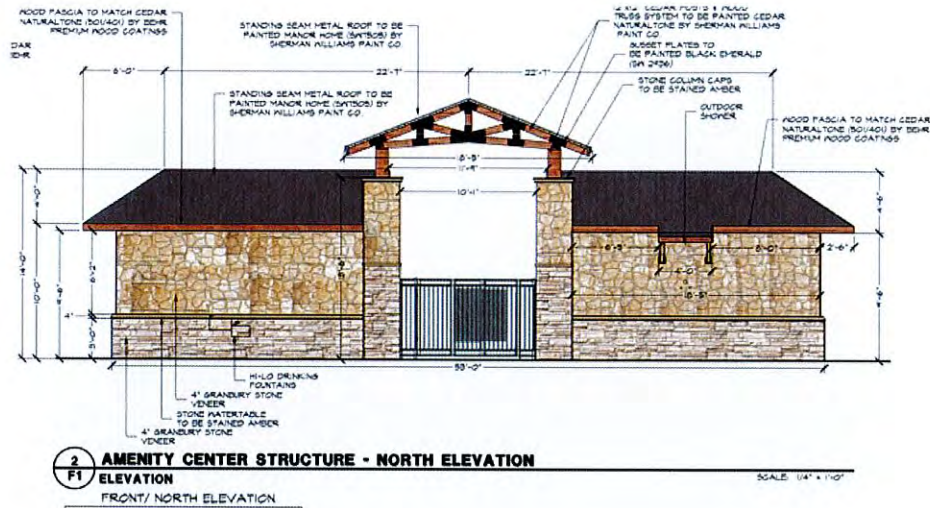


32



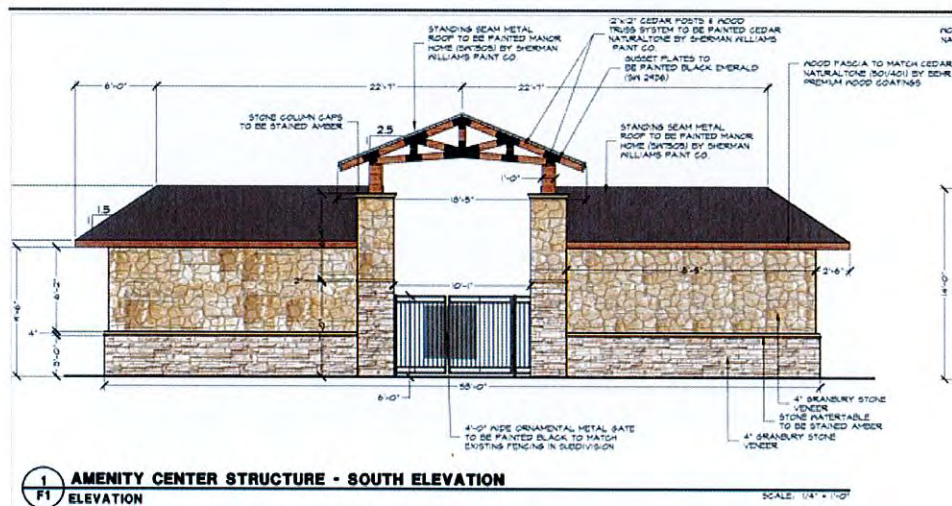
33

### LakePointe Amenity Center – Building Elevations



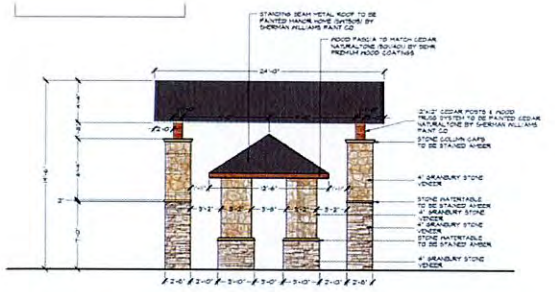
34

### LakePointe Amenity Center – Building Elevations

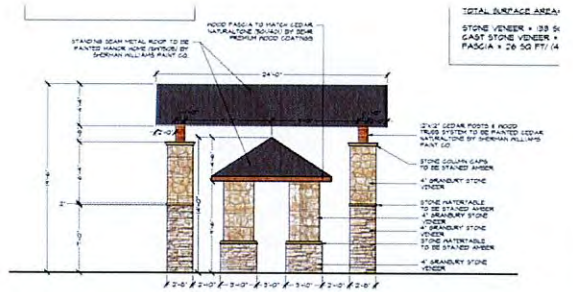


35

### LakePointe Amenity Center – Building Elevations



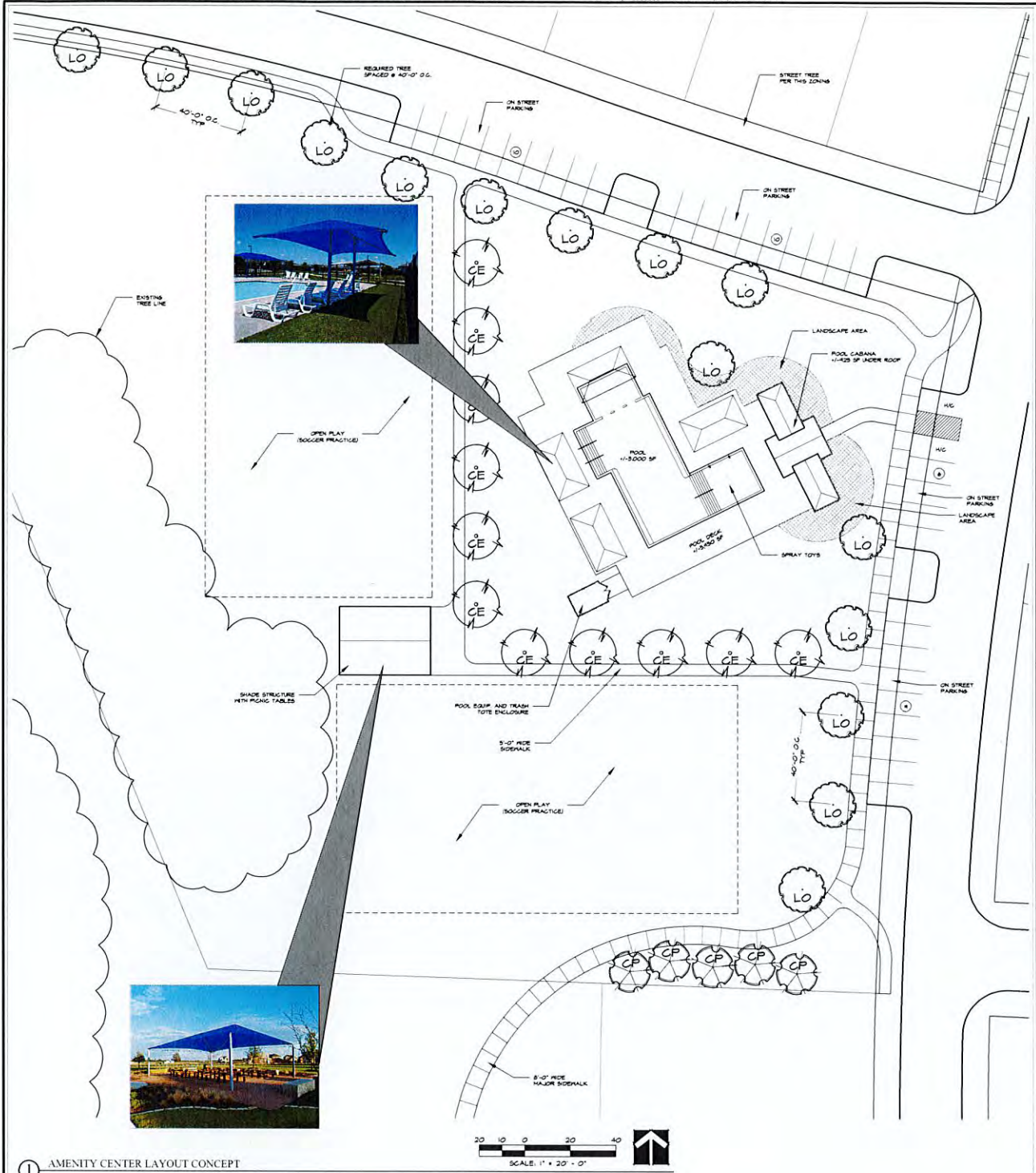
AMENITY CENTER STRUCTURE - EAST ELEVATION  
ELEVATION SCALE: 1/4" = 1'-0"



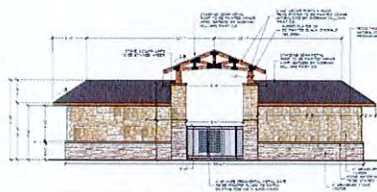
AMENITY CENTER STRUCTURE - WEST ELEVATION  
ELEVATION SCALE: 1/4" = 1'-0"

TOTAL SURFACE AREA:  
STONE VENEER = 28 SQ FT  
CAST STONE VENEER =  
FASCIA = 26 SQ FT / 4

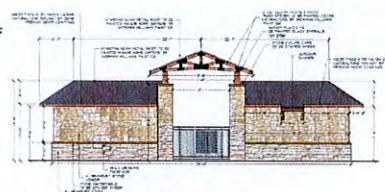




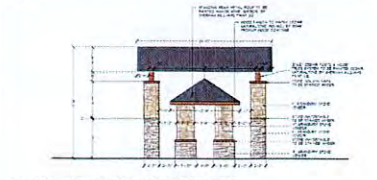
1 AMENITY CENTER LAYOUT CONCEPT



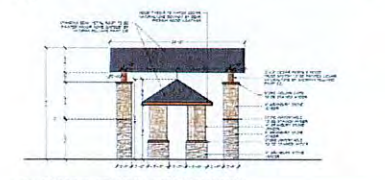
2 AMENITY CENTER - FRONT ELEVATION



3 AMENITY CENTER - REAR ELEVATION



4 AMENITY CENTER - SIDE ELEVATION



5 AMENITY CENTER - SIDE ELEVATION

## EXHIBIT #4D AMENITY CENTER LakePointe

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

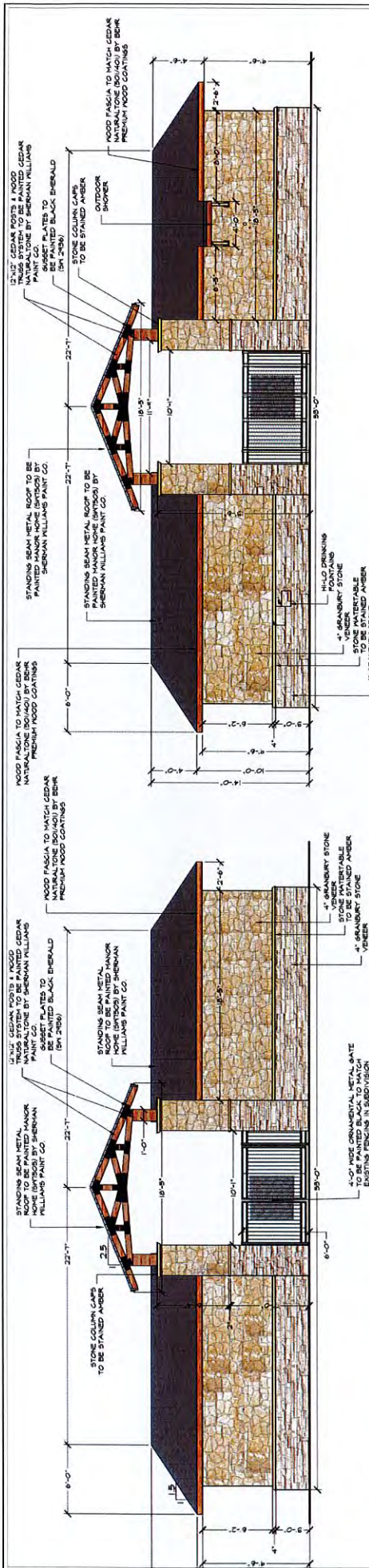
**DEVELOPER:**  
LAVON LAKEPOINTE DEVELOPMENT, LLC  
520 CENTRAL PARKWAY EAST  
SUITE 104  
PLANO, TEXAS 75074

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

**\*\*\*NOTE\*\***  
HOA TO OWN AND  
MAINTAIN ALL  
COMMON AREAS







**1** AMENITY CENTER STRUCTURE - SOUTH ELEVATION  
ELEVATION

SCALE: 1/4" = 1'-0"

FRONT/ SOUTH ELEVATION  
TOTAL SURFACE AREA = 447 SQ FT  
STONE VENEER = 411 SQ FT (92.5%)  
CAST STONE VENEER = 15 SQ FT (3.5%)  
FASCIA = 21 SQ FT (4.7%)

**2** AMENITY CENTER STRUCTURE - NORTH ELEVATION  
ELEVATION

SCALE: 1/4" = 1'-0"

FRONT/ NORTH ELEVATION  
TOTAL SURFACE AREA = 440 SQ FT  
STONE VENEER = 404 SQ FT (91.8%)  
CAST STONE VENEER = 15 SQ FT (3.5%)  
FASCIA = 21 SQ FT (4.7%)

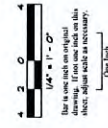
**3** AMENITY CENTER STRUCTURE - EAST ELEVATION  
ELEVATION

SCALE: 1/4" = 1'-0"

**4** AMENITY CENTER STRUCTURE - WEST ELEVATION  
ELEVATION

SCALE: 1/4" = 1'-0"

SIDE/ WEST ELEVATION  
TOTAL SURFACE AREA = 65 SQ FT  
STONE VENEER = 59 SQ FT (91.8%)  
CAST STONE VENEER = 6 SQ FT (9.3%)  
FASCIA = 20 SQ FT (31.0%)



FACADE PLAN  
LakePointe Ph. 2A  
Tract 4, Block U  
~AMENITY CENTER~







# CITY OF LAVON SITE PLAN APPLICATION

P.O. Box 340 120 School Rd., Lavon, TX 75166  
Office (972) 843-4220

### APPLICATION INFORMATION

Name: LEONARD W REEVES  
Address: 386 W. MAIN ST  
Telephone Number: 469-635-1900  
Email Address: lreeves@studio13.biz

### LEGAL DESCRIPTION: (Lot, Block, Subdivision, or CAD Tract No, Survey, Abstract, Address)

LAKE PONTE PH. 2A lot

SUBDIVISION NAME: (approved plat is prerequisite) LAKE PONTE

ZONING: PLANNED DEV. - S2-SFES-SF7

LEGAL OWNER OF PROPERTY INVOLVED: LDC LAVON LLC

520 CENTRAL PARKWAY #104 PUNN TX 75074

If Applicant is NOT the Owner, Relationship to Owner: CONSULTANT

I AM THE OWNER OR AGENT AUTHORIZED TO MAKE THE ABOVE STATEMENTS AND REPRESENTATIONS HEREIN ON BEHALF OF THE OWNER.

Signature: [Signature]  
Owner / Authorized Agent

9/14/2021  
Date

Printed Name: LEONARD W. REEVES  
Owner / Authorized Agent

Title: PRINCIPAL

Company: STUDIO 13 DESIGN GROUP

RECEIVED  
SEP 16 2021  
CITY OF LAVON

### City Office Use Only:

Fee paid (due at time of application)	Amount:	Check #	or Cash _____
Cost \$200 plus - \$500 deposit			
Required items submitted			
Development Engineer Comments			
Development Review Committee Comments			
Comments Addressed by Applicant			
Planning & Zoning Action			
City Council Action			



**City of Lavon  
Site Plan – Requirements**

**Zoning Ordinance  
Code of Ord Art. 9.03  
Division 7**

	<b>Item</b>	<b>complete</b>
1	All applicable City of Lavon Comprehensive Master Plan and Ordinance requirements shall have been met as a condition of the site plan approval	✓
2	Prior to issuance of any building permit for new structure	✓
	Essential requirements:	
3	The adequate capacity of public or private facilities for water, sewer, and access to, from and through development	✓
4	Project Name, North Arrow and Date	✓
5	Vicinity Map at scale of less than 1": 1,000 and scale of the site plan drawing shall be no less than 1": 50	✓
6	Aerial photography upon which the proposed development features shall be placed	
7	Public street names and location of all existing and proposed streets right-of-way, within or on the boundary of the proposed development, pavement widths, sidewalks, and bikeways	✓
8	Lot layout with dimensions for all lot lines, all yards and building sites	✓
9	Zoning designations of proposed development and all adjoining lots and development	✓
10	Location all existing structures fences, structures, and buildings on site as well as within 200 feet	✓
11	Location and sizes of all existing proposed easements for public utilities in and adjacent to the proposed development including:	✓
12	Water lines and diameter, fire hydrants, connections to water	✓
13	Sanitary sewer lines, diameters, manholes, connections to City Sewer Line	✓
14	Storm water detention/retention facilities, outlets, and inlets with per and post detention facilities for five (5) to one hundred (100) year storms in five-year increments	✓
15	Electric and gas facilities and easements	✓
16	Telecommunication facilities and easements	✓
17	Show existing land topography at contour interval or not more than two (2) feet, floodplains and proposed grading and changes to topography.	✓
18	Proposed open space reserves, park lands and recreation lands	✓
19	Proposed location of all parking and loading areas	✓
20	Location of existing landscape, existing trees, creeks, wetlands, FEMA flood plains or ponds	✓
21	Landscape plan showing detail of location, type, and size of proposed landscaping	✓
22	Architectural elevations for all buildings on all sides. Plan to include color, texture, windows doors, and other designs	✓
23	Signage plans shall include signs drawn to scale, illumination type, height, and material	✓
24	Illumination plans shall be provided that show the illumination of the buildings and structures and lighting levels within the site within (20) feet of the site.	✓
25	Parkland, recreation land and open space reserve plans showing detail	✓
26	Data to be provided include gross area of site, number of dwelling units, percent of lot coverage, percentage of lot covered by impervious surfaces, percent of landscaping, and total number of parking and loading spaces.	✓
27	Landscape Plan is required – See Landscape Plan Checklist	✓

October 22, 2021

Ms. Kim Dobbs  
City of Lavon  
120 School Road  
Lavon, TX 75166

Re: LakePointe Amenity Center  
Site Plan

Dear Ms. Dobbs:

As requested, we have reviewed the revised Site Plan with accompanying Construction Plans dated October 18, 2021, as prepared by Studio 13 Design Group for the above project. This amenity center is located within LakePointe Phase 2A as Lot 4, Block U (176 Cyprus Grove).

All previous comments have been satisfactorily addressed.

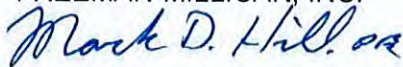
1. Notes should be added to Sheet L1 that generally state that all pavement for parking spaces shall conform to City of Lavon Construction Standards. Concrete pavement shall be minimum 5" thick w/ #3@24" o.c.e.w. Curb shall be horizontally cut.

This concludes our review of the above referenced revised Site Plan with associated construction plans. **We recommend APPROVAL of the Site Plan and associated construction plans.** The revised Sheet L1 shall be provided prior to consideration by City Council.

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, engineer or landscape architect.

If there are any questions, please contact me at 214-503-0555 x115 or by email at [mdhill@fmi-dallas.com](mailto:mdhill@fmi-dallas.com).

Sincerely,  
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.  
Consulting City Engineer

Attachment

Cc: David Carter, Mike Jones, Danny Anthony, Leonard W. Reeves, ASLA, RLA, LI

F:\17024 - LAV General Servies\9 - Review\Lakepointe (Lenart)\Amenity Center\LakePointe Amenity Center - Site Plan - Rev 1.docx

October 13, 2021

Ms. Kim Dobbs  
City of Lavon  
120 School Road  
Lavon, TX 75166

Re: LakePointe Amenity Center  
Site Plan

Dear Ms. Dobbs:

As requested, we have reviewed the Site Plan with accompanying Construction Plans dated September 13, 2021, as prepared by Studio 13 Design Group for the above project. This amenity center is located within LakePointe Phase 2A as Lot 4, Block U (176 Cyprus Grove). Our comments are as follows:

1. The project includes removal of a portion of the curb on Cyprus Grove Dr and Brookstone Dr for installation of parking spaces.
2. The location of water and sanitary sewer services should be shown on the Utility Plan. These should be identified as to existing or proposed and size of service line. If proposed, method of construction within any paved areas should be identified.
3. We recommend that the topographical information shown on the grading plan be updated to reflect the addition of Phase 2A.
4. The contours shown do not conform to the Legend.
5. Per the Drainage Plans for Phase 2A, this lot is shown to drain into the detention pond. It appears that this lot is shown to drain directly to the adjacent waterway without detention. This should be corrected.
6. Per the photometric drawing, a maximum of 0.1 fc is on any adjacent lot.

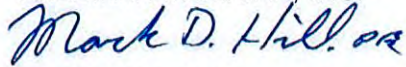
This concludes our review of the above referenced Site Plan with associated construction plans. A copy of markup sheets are attached for your convenience.

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.

Ms. Kim Dobbs  
LakePointe Amenity Center – Site Plan  
October 13, 2021  
Page 2 of 2

If there are any questions, please contact me at 214-503-0555 x115 or by email at [mdhill@fmi-dallas.com](mailto:mdhill@fmi-dallas.com).

Sincerely,  
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.  
Consulting City Engineer

Attachment

Cc: David Carter, Mike Jones, Danny Anthony, Leonard W. Reeves, ASLA, RLA, LI

F:\17024 - LAV General Services\9 - Review\Lakepointe (Lenart)\Amenity Center\LakePointe Amenity Center - Site Plan - Rev 0.docx



# CITY OF LAVON

## Agenda Brief

MEETING: November 2, 2021

ITEM: 10 – D

---

**Item:**

Discussion and action regarding the extension of the effective date of the preliminary plat of the Grand Heritage Addition.

### Background Information

**Owner(s):** 78 Commercial West LP

**Applicant:** Kirkman Engineering

**Location:** 963 S. SH 78, Lavon, Collin County, TX

**Description:** Grand Heritage Addition, William H Moore Survey, Abstract 638, Sheet 2, Tract 23, Lavon, Texas, Collin County, Texas (1.517 acres), CCAD Property ID 2614364

**Current Zoning:** Planned Development (PD) for commercial uses

**Request:** Consideration of a request to extend the effective date of the preliminary plat.

### Request Details

On January 22, 2004, the City Council approved the preliminary plat of the Grand Heritage Addition. The commercial area of the preliminary plat has not been final platted.

On October 22, 2021, the applicant submitted a written request for the extension of the effective date of the preliminary plat.

### ***Code Excerpt:***

#### **City of Lavon –Subdivision Ordinance**

##### Section 4.03 PRELIMINARY PLAT

(h) Approval. The approval of the preliminary plat by the City Council shall be effective for a period of one hundred eighty (180) days after the approval date, unless reviewed by the City Council in the light of new or significant information, which would necessitate the revision of the preliminary plat, such revision being subject to the same procedures as the original preliminary plat.

If a final plat for the subdivision, or a portion thereof has not been submitted, or if a change in requirements has not occurred which would affect the preliminary plat, at the end of the one hundred eight [eighty] (180) days after approval, then the City Council will declare the preliminary plat null and void, unless the subdivider has, in writing, requested and received an extension of time.

***Staff Notes:***

Approval is recommended.

**Attachments:**        Developer Request for Extension

## Kim Dobbs

---

**From:** John Gardner <john.gardner@trustke.com>  
**Sent:** Friday, October 22, 2021 5:06 PM  
**To:** Kim Dobbs  
**Subject:** Victory at Lavon

Kim,

We would like to extend the effective date of the preliminary plat approval.

Thanks,

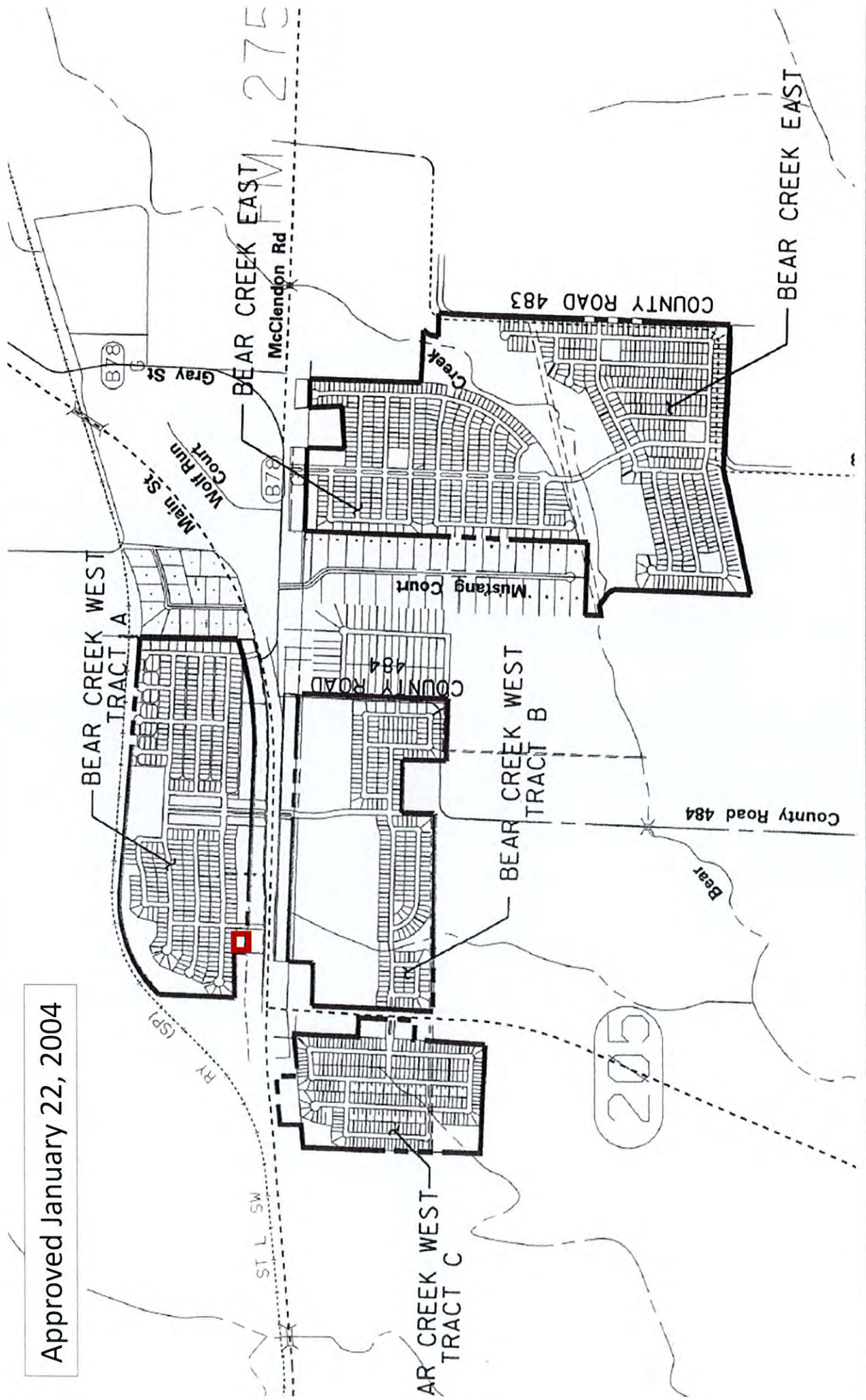
John Gardner, PE



5200 State Highway 121  
Colleyville, TX 76034  
817.488.4960 o  
903.279.7702 c

# Grand Heritage - Preliminary Plat

Approved January 22, 2004





## CITY OF LAVON Agenda Brief

**MEETING:** November 2, 2021

**ITEM:** 10 – E

---

**Item:**

Discussion and action regarding an application for a final plat of the Victory at Lavon Addition consisting of 1 commercial lot on a 1.517-acre parcel of land in the Grand Heritage Addition, identified as part of the William H Moore Survey, A-0638, Sheet 2, Tract 23, Lavon, Texas located at 963 S. SH 78, northwest of the intersection of SH 78 and Burluson Dr. (CCAD Property ID 2614364).

### Application Information

**Owner(s):** 78 Commercial West LP

**Applicant:** Kirkman Engineering

**Location:** 963 S. SH 78, Lavon, Collin County, TX

**Description:** Grand Heritage Addition, William H Moore Survey, Abstract 638, Sheet 2, Tract 23, Lavon, Texas, Collin County, Texas (1.517 acres), CCAD Property ID 2614364

**Current Zoning:** Planned Development (PD) for commercial uses

**Request:** Final Plat

### Request Details

The applicant is seeking approval of a final plat for Victory at Lavon, in the Grand Heritage development consisting of a single commercial lot on 1.517 acres. The final plat conforms to the approved preliminary plat.

***Code Excerpts:***

**TEXAS LOCAL GOVERNMENT CODE  
§ 212.004. PLAT REQUIRED**

Sec. 212.004. PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division

of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

## **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.

#### **Background:**

On January 22, 2004, the City Council approved the preliminary plat of the Grand Heritage Addition in conformance with Ordinance No. 2004-09-05 that established the Grand Heritage Planned Development zoning.

The applicant has requested in writing that the effective date of the preliminary plat approval be extended.

The site is located northwest of the intersection of SH 78 and Burleson Dr. and is adjacent to both roads. Access to the development is from SH 78 via cross access across the Lavon Sonic Addition and from Burleson Drive.

The property will be served water by Bear Creek Special Utility District (BCSUD) and sanitary sewer service will be provided by the City of Lavon.

#### **Planning and Zoning Commission Report:**

**MOTION: RECOMMEND APPROVAL OF THE FINAL PLAT OF THE VICTORY AT LAVON ADDITION CONSISTING OF 1 COMMERCIAL LOT ON A 1.517-ACRE PARCEL OF LAND IN THE GRAND HERITAGE ADDITION, IDENTIFIED AS PART OF THE WILLIAM H MOORE SURVEY, A-0638, SHEET 2, TRACT 23, LAVON, TEXAS LOCATED AT 963 S. SH 78, NORTHWEST OF THE INTERSECTION OF SH 78 AND BURLESON DR. (CCAD PROPERTY ID 2614364), SUBJECT TO THE CITY COUNCIL'S EXTENSION OF THE EFFECTIVE DATE OF THE PRELIMINARY PLAT AND THE CITY ENGINEER'S REVIEW AND APPROVAL OF THE CIVIL ENGINEERING PLANS.**

MOTION MADE: NABORS  
SECONDED: ROSENQUIST  
APPROVED: UNANIMOUS (Absent: Bedell, Smith)

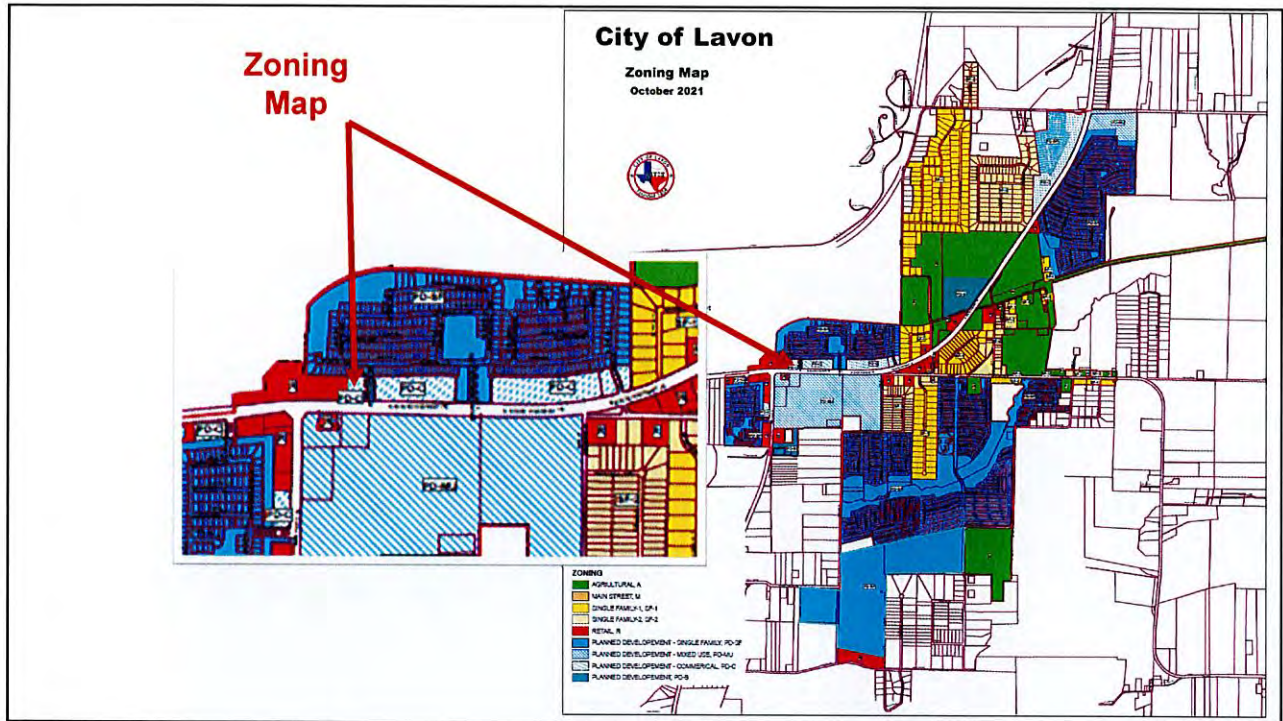
#### **Staff Notes:**

The proposed final plat and construction plans were reviewed by the staff development review committee, the city engineer and the city's consulting traffic engineer. The final plat meets the technical requirements of and complies with the zoning and subdivision regulations.

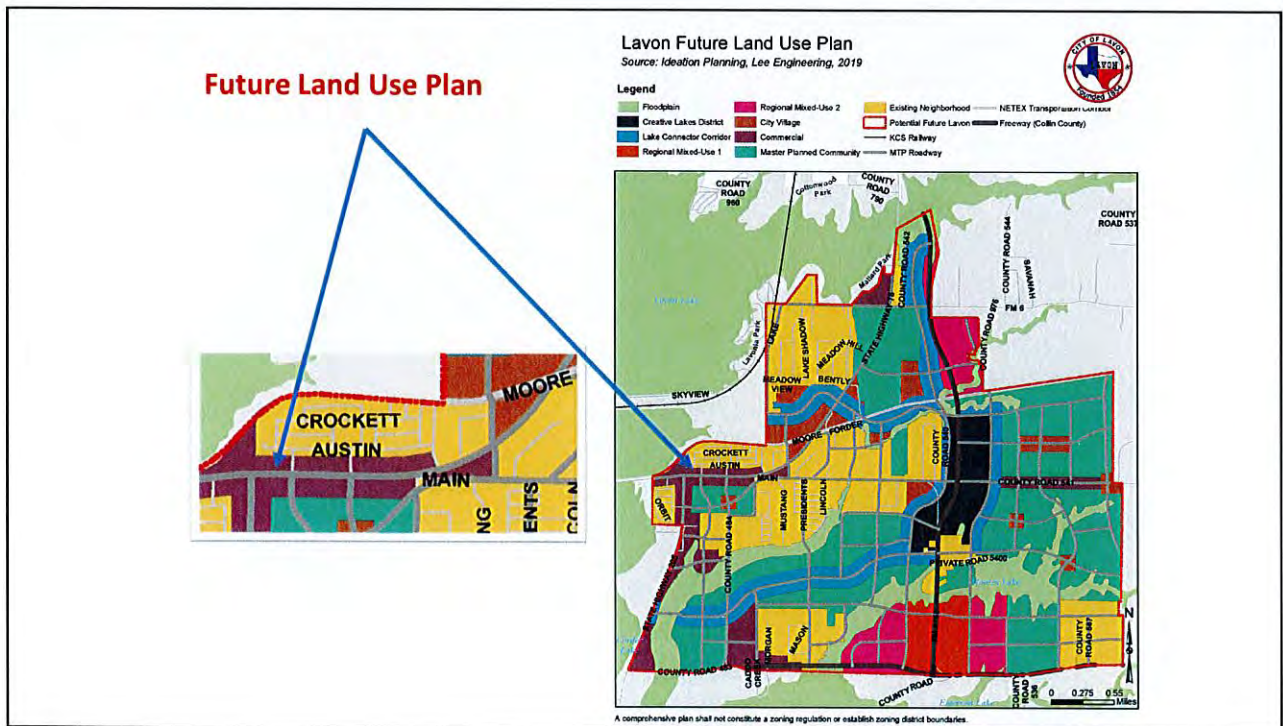
Approval is recommended subject to the City Council's extension of the effective date of the preliminary plat and the City Engineer's review and approval of the civil engineering plans.

**Attachments:**

1. Location Exhibits
2. Final Plat
3. Application
4. Engineer's correspondence



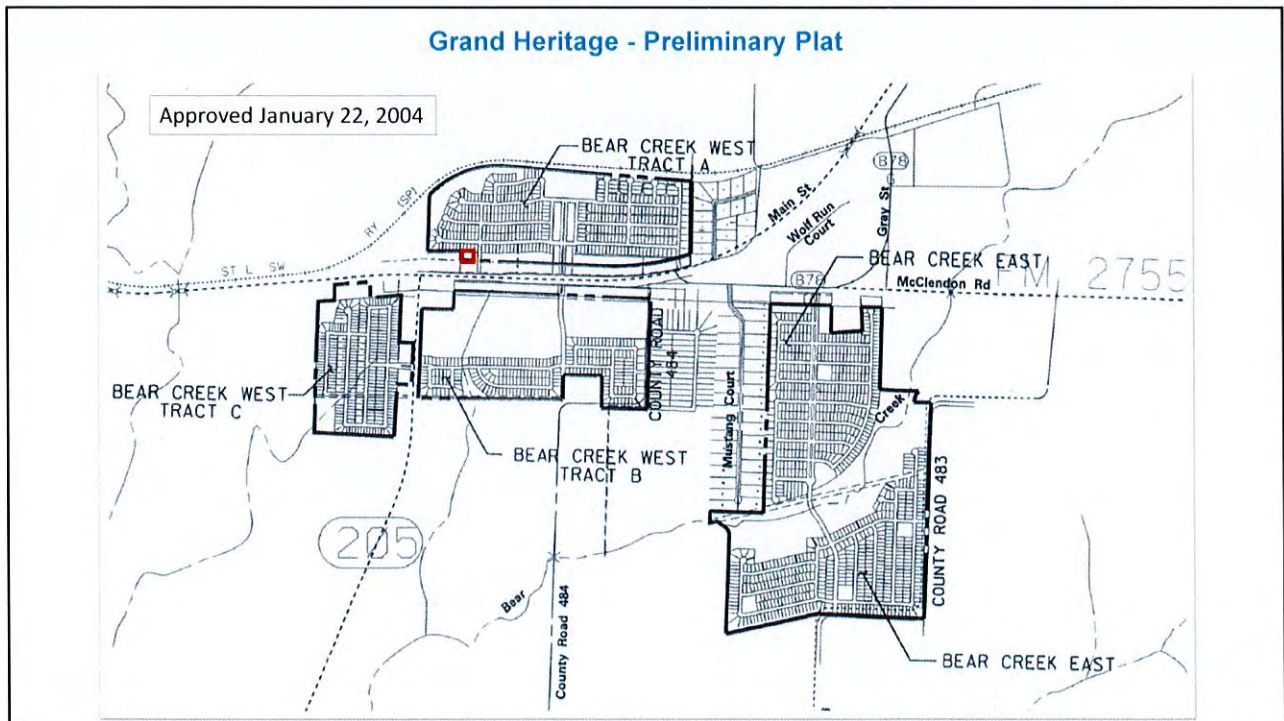
10



11




12



13





**Kirkman**  
ENGINEERING

2540 State Highway 271  
Collegeside, TX 76044  
Phone: 817-488-1860

DATE: 08/13/2021  
DRAWN: RLS  
CHECKED: JHH

**TABLE OF REVISIONS**

DATE	SUMMARY

PROJECT: LAYON, TEXAS

19481

**STATE OF TEXAS**  
**COUNTY OF COLLIN**

**BEFORE ME, the undersigned authority, on this day personally appeared JOHN H. BARTON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the presence of the following witnesses:**

Notary Public in and for the State of Texas

**PRELIMINARY**  
**THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED, VIEWED, OR RELIED UPON AS A FINAL SURVEY DOCUMENT August 13, 2021**

(Date of Preparation) August 13, 2021

John H. Barton, Notary Public

**STATE OF TEXAS**  
**COUNTY OF TARRANT**

**BEFORE ME, the undersigned authority, on this day personally appeared JOHN H. BARTON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the presence of the following witnesses:**

Notary Public in and for the State of Texas

**SURVEYOR'S CERTIFICATE**

I, John H. Barton, a Registered Professional Land Surveyor of the State of Texas, do hereby certify that the map shown hereon represents the official plat of a survey made by me on the ground, under my direction and supervision.

(Date of Field Work) August 13, 2021

**FINAL PLAT**  
**LOT 1, BLOCK 1**  
**VICTORY AT LAYON**

1.577 ACRES SITUATED IN THE  
W.H. MOORE SURVEY, ABSTRACT #638  
CITY OF LAYON  
COLLIN COUNTY, TEXAS


**LEGEND OF ABBREVIATIONS**

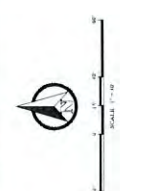
- P.A.C.T. PLAT RECORDS, COLLIN COUNTY, TEXAS
- D.P.A.C.T. OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
- D.E.C. DOCUMENT NUMBER
- S.C.T. SURVEYOR'S CERTIFICATE
- H.O.W. RIGHT OF WAY
- C.R.S. CAPPUCCI-HELAN S.I.

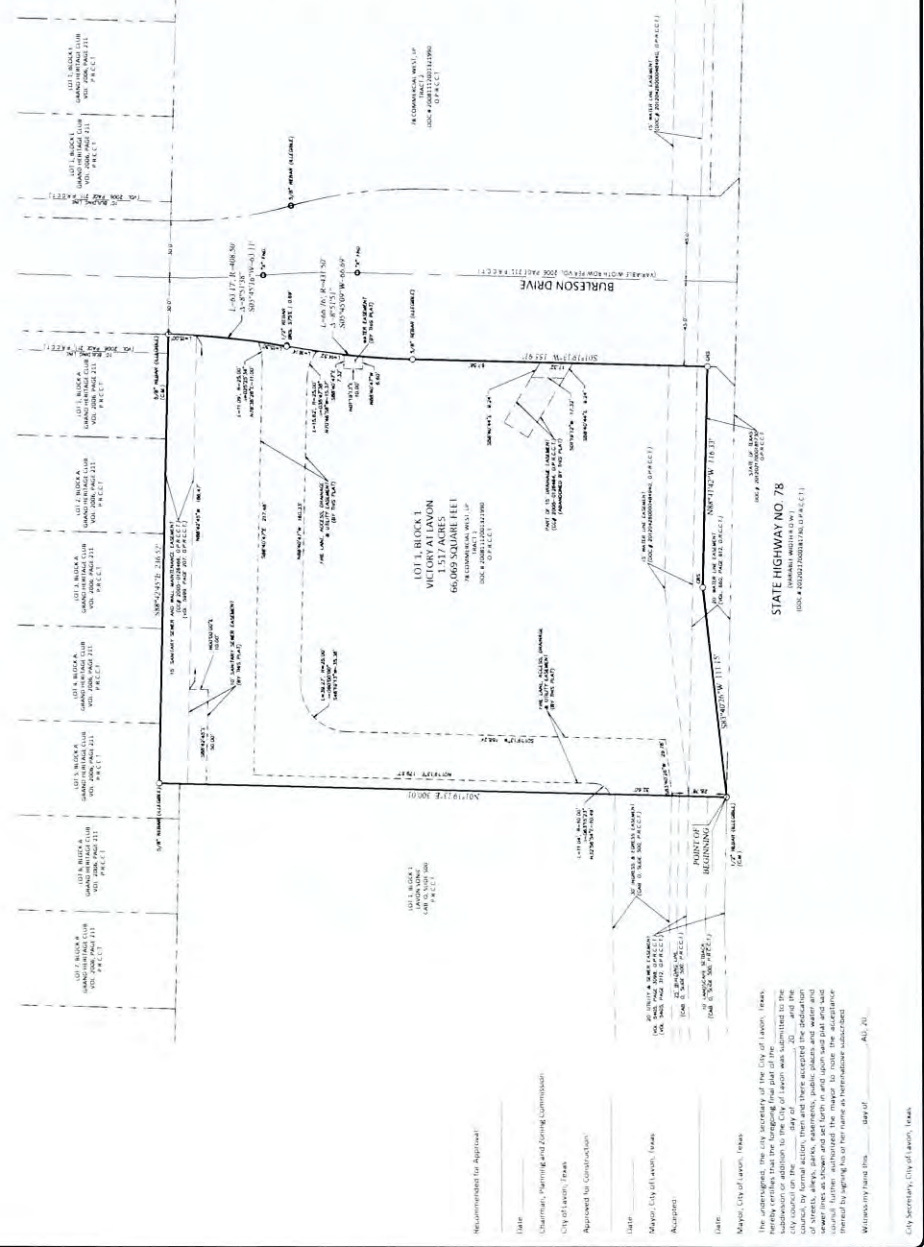
**PROPERTY NOTES:**

- Bearings are based on the State Plane Coordinate System, Texas North Central Zone, with a combined scale factor of 1.00002711.
- This property lies within Zone "X" of the Flood Insurance Rate Map for Collin County, Texas, and incorporated Areas, map no. 48863C040, with an effective date of June 2, 2009; we studied map location and graphic plotting.
- Measurements are borne unless specifically designated as air.

**VICTORY MAP - NOT TO SCALE**







Recommended for Approval: \_\_\_\_\_

Date: \_\_\_\_\_

Chairman, Planning and Zoning Commission: \_\_\_\_\_

City of Layton, Texas

Approved for Construction: \_\_\_\_\_

Date: \_\_\_\_\_

Mayor, City of Layton, Texas

Accepted: \_\_\_\_\_

Date: \_\_\_\_\_

Notary Public in and for the State of Texas

John H. Barton, Notary Public

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

City Secretary, City of Layton, Texas



# CITY OF LAVON

P.O. Box 340, School Rd. Lavon, TX 75166  
Office 972-843-4220 – Inspection 972-853-0855

## PLAT APPLICATION

Incomplete applications will not be accepted.

Company Making Submission	Property Owner
Name: <u>Kirkman Engineering</u>	Name: <u>78 Commercial West LP</u>
Address: <u>5200 State Highway 121</u>	Address: <u>2101 Cedar Springs Rd Ste 600</u>
City/State/Zip: <u>Colleyville, TX 76034</u>	City/State/Zip: <u>Dallas, TX 75201</u>
Phone #: <u>817-488-4960</u> Fax #: _____	Phone # <u>972-707-9555</u> Fax # _____
Authorized Person: <u>John Gardner</u>	Authorized Person: <u>Bobby Mendoza</u>

Type of Submission	Date
<input type="checkbox"/> Preliminary Plat	
<input checked="" type="checkbox"/> Final Plat	
<input type="checkbox"/> Re-Submittal	
<input type="checkbox"/> Construction Plans	
<input type="checkbox"/> Other	

Check List of Items Submitted
<input type="checkbox"/> (two) full size sets of plats (24x36)
<input type="checkbox"/> (two) full size construction sets (24x36)
<input type="checkbox"/> (one) half size sets of plats (11x17)
<input type="checkbox"/> (ten) half size sets of plats with final submission (11x17)
<input type="checkbox"/> (one) PDF plats (on separate CD's)
<input type="checkbox"/> (one) PDF construction plans (can be included on plat CD)

Pricing	
Preliminary Plat: C* D*	\$500.00 plus \$75.00 per lot (Plus engineer review costs)
Final Plat: C* D*	\$500.00 plus \$50.00 per lot (Plus engineer review costs)
Re-Plat: C* D*	\$400.00 plus \$25.00 per acre (Plus engineer review costs)
Public Infrastructure Inspection	4 percent of project or Cost (whichever is greater)

**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\* To complete the plat please sign up as a collaborator in the MyGov system [https://public.mygov.us/lavon\\_tx](https://public.mygov.us/lavon_tx) request access to the City of Lavon. Make a new request for the plat and download these forms along with plans.**

**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 and any other applicable ordinances of the City, regardless of information and/or plans submitted.

Authorized Representative (Printed Name) <b>John Gardner</b>	Authorized Representative (Signature) 	Date: <b>08/17/2021</b>
---	---	----------------------------

**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"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected

Comments:

RECEIVED

AUG 18 2021

CITY OF LAVON

October 13, 2021

Ms. Kim Dobbs  
City of Lavon  
PO Box 340  
120 School Road  
Lavon, TX 75166

Re: Victory at Lavon, 1 Lot, 1.517 Acres  
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Final Plat dated August 13, 2021 (received October 13, 2021) as prepared by Barton Chapa Surveying, LLC and revised Site Plan received October 13, 2021 for the above referenced property. This development is located adjacent to the Grand Heritage Club development at the northwest corner of Burleson Dr and SH 78. Our comments are as follows:

General

1. The Developer is requesting a variance to the 30' side yard setback as required per the PD Ordinance (2004-09-05, Sec 3.6.2.4).
2. Per the Developer, final Construction Plans are to be prepared once action is taken on the variance request.

Final Plat

3. All comments have been satisfactorily addressed.

Site Plan

4. All comments have been satisfactorily addressed. The Site plan submitted is based upon the grating of the 30' side yard variance.

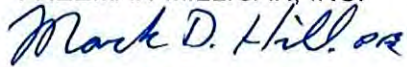
This concludes our review of the above referenced Final Plat and Site Plan. **We recommend APPROVAL of the Final Plat by the P&Z. We recommend APPROVAL of the Site Plan subject to the approval of the variance for the side yard width.** A copy of these sheets are attached for your convenience.

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.

Ms. Kim Dobbs  
Victory at Lavon – Final Plat  
October 13, 2021  
Page 2 of 2

If there are any questions, please contact me at 214-503-0555 x115 or by email at [mdhill@fmi-dallas.com](mailto:mdhill@fmi-dallas.com).

Sincerely,  
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.  
Consulting City Engineer

Attachment

Cc: David Carter, Mike Jones, Danny Anthony, Patrick Filson

F:\17024 - LAV General Servies\9 - Review\Victory Shops Lavon\Victory Lavon - Final Plat - Rev 1.docx

Kirkman Engineering  
5200 State Highway 121  
Colleyville, TX 76034  
817.488.4960



City of Lavon  
PO Box 340  
120 School Road  
Lavon, TX 75166

September 13, 2021

**RE: Victory at Lavon, 1 Lot, 1.517 Acres, Final Plat, Site Plan**

To whom it may concern,

Thank you for your time and efforts in your review. Here are the responses to the comments we received, regarding the project above:

#### **General**

1. The property is being platted into 1 lot.  
KE: Correct
2. This property is identified as part "West Commercial A" and is part of Planned Development District No.1 as defined in Ordinance No 2004-09-05. Therefore, this PD will govern design standards.  
KE: Correct
3. The proposed use consists of a commercial/retail building with a drive through food establishment in accordance with the allowed uses for the PD.  
KE: Understood

#### **Final Plat**

4. In order to place the existing sanitary sewer within an easement, a 10'x50' sewer easement should be dedicated as shown on the attached markups.  
KE: an easement has been added to the plat
5. The Final Plat includes the abandonment of a portion of an existing drainage easement.  
KE: The plat has been updated to only abandon a portion of the drainage easement.
6. An access easement is being provided to continue the mutual access from the adjacent property (Sonic).  
KE: Correct

#### **Site Plan**

7. The site plan has been modified from the original submission. All comments below are based upon the revised site plan.  
KE: Correct

8. A masonry wall is required along the north property line since it is adjacent to a residential property (PD Ordinance Sec. 3.11 & Exhibit B, Pg 1).  
KE: A masonry wall note has been added to the site plan. The developed sites adjacent to our site have not provided a masonry wall. This would be the only location of the masonry wall.
9. Per the PD Ordinance, a corner lot requires a 30' side yard setback (Sec. 3.6.2.4).  
KE: A variance has been requested.
10. A sidewalk is required to be constructed along Burleson Dr (Sec. 3.8.2). We recommend a minimum 5' width, in lieu of the required 4' width, since this is a commercial area.  
KE: A 5' sidewalk has been added.
11. The existing sidewalk along US 78 should be shown on the site plan.  
KE: The existing sidewalk has been labeled.
12. For clarity, the old ROW line that was removed per Doc #20120217000181730 should not be shown.  
KE: The old ROW line has been removed.
13. There are some drafting issues that should be resolved (construction notes that point to nothing).  
KE: The unused notes have been removed.
14. The Engineer has provided exhibits showing that large vehicles (SUV) can make the turn into the drive through from the west.  
KE:
15. The Engineer has provided an exhibit that shows an eastbound fire truck (40' length, 22' wheel base) can turn north within the proposed fire lane. This is being further reviewed by the Fire Marshal.  
KE:

#### Construction Plans

16. Plan sheets to be updated per revised Site Plan. Comments below are general in nature subject to revisions with the revised site plan.  
KE: Understood.

#### General Notes

17. The general notes should be updated to the latest version (2019-12-01).  
KE: The updated general notes have been added to the plan set.

#### Grading Plan

18. There appears to be grading activities within TXDOT ROW. This will require a TXDOT permit.  
KE: A sidewalk connection will be added and TxDOT permit will be acquired.

#### Proposed Drainage Area Map

19. The proposed drainage area map is incomplete. Calculations for the entire site should be included. An analysis of the existing storm sewer capacity should be included.  
KE: DA map has been updated to include all areas.

#### Utility Plan

20. The 6" sanitary sewer service line will be private, not public as currently labeled.  
KE: The note has been modified to be called private.

### Paving Plan

21. Fire lanes to be a minimum 7" thick with #4 bars @ 18" o.c.e.w.  
KE: The note has been updated to match.
22. Dumpster area to be a minimum 8" thick with #4 bars @ 18" o.c.e.w.  
KE: The note has been updated to match.

### Erosion Control Plan

23. Add note that Burleson Rd shall be kept clean of any mud or debris during construction.  
KE: This note has been added.
24. Add a note that construction traffic is not allowed on the adjacent property.  
KE: This note has been added.

### Details

25. Use updated City of Lavon details (2019-12-01).  
KE: The details have been updated.

Should you have any questions feel free to contact me at 817.488.4960 or email me at [Patrick.filson@trustke.com](mailto:Patrick.filson@trustke.com).

Kind Regards,

Patrick Filson, P.E.

September 13, 2021

Ms. Kim Dobbs  
City of Lavon  
PO Box 340  
120 School Road  
Lavon, TX 75166

Re: Victory at Lavon, 1 Lot, 1.517 Acres  
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the Final Plat dated August 13, 2021 as prepared by Barton Chapa Surveying, LLC and Construction Plans dated August 16, 2021 as prepared by Kirkman Engineering, LLC, including an updated Site Plan received September 10, 2021 for the above referenced property. This development is located adjacent to the Grand Heritage Club development at the northwest corner of Burlson Dr and SH 78. Our comments are as follows:

#### General

1. The property is being platted into 1 lot.
2. This property is identified as part "West Commercial A" and is part of Planned Development District No.1 as defined in Ordinance No 2004-09-05. Therefore, this PD will govern design standards.
3. The proposed use consists of a commercial/retail building with a drive through food establishment in accordance with the allowed uses for the PD.

#### Final Plat

4. In order to place the existing sanitary sewer within an easement, a 10'x50' sewer easement should be dedicated as shown on the attached markups.
5. The Final Plat includes the abandonment of a portion of an existing drainage easement.
6. An access easement is being provided to continue the mutual access from the adjacent property (Sonic).

#### Site Plan

7. The site plan has been modified from the original submission. All comments below are based upon the revised site plan.
8. A masonry wall is required along the north property line since it is adjacent to a residential property (PD Ordinance Sec. 3.11 & Exhibit B, Pg 1).
9. Per the PD Ordinance, a corner lot requires a 30' sideyard setback (Sec. 3.6.2.4).
10. A sidewalk is required to be constructed along Burlseon Dr (Sec. 3.8.2). We recommend a minimum 5' width, in lieu of the required 4' width, since this is a commercial area.

11. The existing sidewalk along US 78 should be shown on the site plan.
12. For clarity, the old ROW line that was removed per Doc #20120217000181730 should not be shown.
13. There are some drafting issues that should be resolved (construction notes that point to nothing).
14. The Engineer has provided exhibits showing that large vehicles (SUV) can make the turn into the drive through from the west.
15. The Engineer has provided an exhibit that shows an eastbound fire truck (40' length, 22' wheel base) can turn north within the proposed fire lane. This is being further reviewed by the Fire Marshal.

#### Construction plans

16. Plan sheets to be updated per revised Site Plan. Comments below are general in nature subject to revisions with the revised site plan.

#### General Notes

17. The general notes should be updated to the latest version (2019-12-01).

#### Grading Plan

18. There appears to be grading activities within TXDOT ROW. This will require a TXDOT permit.

#### Proposed Drainage Area Map

19. The proposed drainage area map is incomplete. Calculations for the entire site should be included. An analysis of the existing storm sewer capacity should be included.

#### Utility Plan

20. The 6" sanitary sewer service line will be private, not public as currently labeled.

#### Paving Plan

21. Fire lanes to be a minimum 7" thick w/ #4 bars @ 18" o.c.e.w.
22. Dumpster area to be a minimum 8" thick w/ #4 bars @ 18" o.c.e.w.

#### Erosion Control Plan

23. Add note that Burleson Rd shall be kept clean of any mud or debris during construction.
24. Add a note that construction traffic is not allowed on the adjacent property.

#### Details

25. Use updated City of Lavon details (2019-12-01).

Ms. Kim Dobbs  
Victory at Lavon – Final Plat  
September 13, 2021  
Page 3 of 3

This concludes our review of the above referenced Final Plat and Construction Plans. A copy of the applicable sheets with markups, is attached for your use.

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](mailto:mdhill@fmi-dallas.com).

Sincerely,  
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.  
Consulting City Engineer

Attachment

Cc: David Carter, Mike Jones, Danny Anthony, Patrick Filson

F:\17024 - LAV General Servies\9 - Review\Victory Shops Lavon\Victory Lavon - Final Plat - Rev 0.docx



## CITY OF LAVON Agenda Brief

**MEETING:** November 2, 2021

**ITEM:** 10 – F

---

**Item:**

Discussion and action regarding an application for a site plan and landscape plan of the Victory at Lavon Addition consisting of 1 commercial lot on a 1.517-acre parcel of land in the Grand Heritage Addition, identified as part of the William H Moore Survey, A-0638, Sheet 2, Tract 23, Lavon, Texas located at 963 S. SH 78, northwest of the intersection of SH 78 and Burluson Dr. (CCAD Property ID 2614364).

### Application Information

**Owner(s):** 78 Commercial West LP

**Applicant:** Kirkman Engineering

**Location:** 963 S. SH 78, Lavon, Collin County, TX

**Description:** Grand Heritage Addition, William H Moore Survey, Abstract 638, Sheet 2, Tract 23, Lavon, Texas, Collin County, Texas (1.517 acres), CCAD Property ID 2614364

**Current Zoning:** Planned Development (PD) for commercial uses

**Request:** Site Plan and Landscape Plan

### Request Details

The applicant is seeking approval of the Site Plan and Landscape Plan for the Victory at Lavon project in the Grand Heritage development. The site will be developed in accordance with Ordinance No. 2004-09-05 that established the Grand Heritage Planned Development (PD), as amended. Ordinance No. 2004-09-05 provides that in commercial planning areas, a project must obtain approval of a site plan and landscape plan pursuant to city regulations.

**Code Excerpt:**

**LAVON CODE OF ORDINANCES – ZONING ORDINANCE  
CHAPTER 7 – SITE PLAN**

**9.1.7.1 PURPOSE**

The purpose of this Section is to regulate the manner in which land in the City of Lavon is used and developed, minimize adverse effects on surrounding property or the general

public, protection from fire, protection of adjacent uses from obstructions to light, air and visibility plus provision of adequate storm water drainage facilities, transportation, water and sanitary sewage facilities.

#### 9.1.7.4 CRITERIA FOR APPROVAL

- A) All applicable City of Lavon Comprehensive Master Plan and Ordinance requirements shall have been met as a condition of site plan approval.
- B) All applicable Site Plan requirements of this Subtitle shall have been met as a condition of site plan approval.
- C) The adequate capacity of public or private facilities for water, sewer and access to, from and through the development shall be met as a condition of site plan approval. City reserves the right to deny approval of a site plan based upon insufficient capacity of any public facility or facilities.

Zoning: The property is zoned Planned Development (PD) and the proposed development of the property is a permitted use and the site plan prepared generally in conformance with the zoning.

The applicant is seeking a variance to Section 3.6.2.4 Setback Standards of Ordinance No. 2004-09-05, as amended, that established the Grand Heritage Planned Development, to permit a minimum side yard building setback of 10 feet that is 20 feet less than the required minimum building setback of 30 feet. The application for variance is scheduled for consideration on November 2, 2021. The site plan and landscape plan have been prepared predicated upon a 10-foot side yard setback adjacent to Burleson Drive. The project contains one drive-through which is a permitted use in the PD.

Platting: An application for approval of a final plat has been submitted.

Access: Access to the site is located on Cypress Grove and Brookstone Drive with at least two points of ingress and egress proposed for safe circulation.

Utilities: The site will be served water by the Bear Creek Special Utility District and sanitary sewer by the City of Lavon.

Screening and Landscaping: A masonry wall will be installed between the proposed development and adjacent residential properties as specified in the PD ordinance. Landscaped area is provided between the residential areas and the proposed parking area.

The application and plans satisfy the criteria for approval.

#### Planning and Zoning Commission Report:

**MOTION: RECOMMEND APPROVAL OF THE SITE PLAN AND LANDSCAPE PLAN OF THE VICTORY AT LAVON ADDITION CONSISTING OF 1 COMMERCIAL LOT ON A 1.517-ACRE PARCEL OF LAND IN THE GRAND HERITAGE ADDITION, IDENTIFIED AS PART OF THE WILLIAM H MOORE SURVEY, A-0638, SHEET 2, TRACT 23, LAVON, TEXAS LOCATED AT 963 S. SH 78, NORTHWEST OF THE INTERSECTION OF SH 78 AND BURLESON DR., SUBJECT TO THE APPROVAL OF THE PROPOSED VARIANCE BY THE BOARD OF ADJUSTMENT AND CITY ENGINEER APPROVAL OF THE CIVIL ENGINEERING PLANS.**

MOTION MADE: TIEGS  
SECONDED: NABORS  
APPROVED: UNANIMOUS (Absent: Bedell, Smith)

***Staff Notes:***

The proposed site plan was reviewed by the city engineer, consulting traffic engineer, and staff development review committee (DRC). Approval of the site plan and landscape plan is recommended subject to approval of the requested variance and the city engineer's approval of the civil engineering plans.

**Attachments:**

1. Location Exhibits – see prior agenda item
2. Site Plan
3. Landscape Plan
4. Application
5. Engineer's correspondence – see prior agenda item



**PRELIMINARY**  
 FOR REVIEW ONLY.  
 NOT BE USED FOR THE PURPOSES  
 OF A PERMIT. THEY WERE PREPARED  
 BY OR UNDER THE SUPERVISION OF  
 A PROFESSIONAL ENGINEER.  
 DATE: 08/14/2018

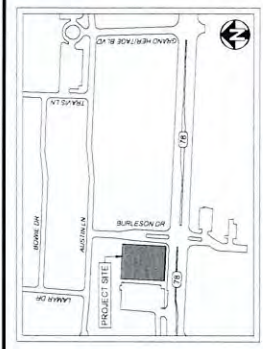
**VICTORY GROUP**  
 4057 PRESTON ROAD SUITE 700  
 DALLAS, TX 75220  
 (972) 707-8555

**VICTORY @ LAVON**  
 CITY OF LAVON  
 COLLIN COUNTY, TEXAS

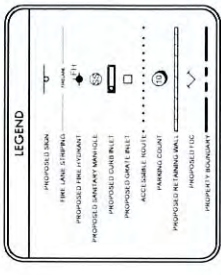


**SITE PLAN**  
 SHEET  
**C3.0**

**ALL DIMENSIONS**  
 UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS SHALL BE MEASURED FROM THE CENTERLINE OF THE ROADWAY UNLESS OTHERWISE NOTED.  
 ELEVATION SHALL BE AS SHOWN ON THE SURFACE OF THE SITE UNLESS OTHERWISE NOTED.  
 ELEVATION SHALL BE AS SHOWN ON THE SURFACE OF THE SITE UNLESS OTHERWISE NOTED.



**VICINITY MAP**  
 N.T.S.



**SITE PLAN DATA TABLE**

LASTING ZONING	COMMERCIAL, PD-C
PROPOSED ZONING	COMMERCIAL, PD-C
TOTAL BUILDING AREA (S.F.)	177,377
TOTAL BUILDING AREA (S.F.)	177,377
BUILDING HEIGHT	24'-0" (11 STORIES)
BUILDING LOT COVERAGE (%) (LOOK AREA METHOD)	27.7% (2,271 S.F.)

**PARKING DATA TABLE**

NET PARKING REQUIREMENT	1 SPACE PER 200 SF
RESTAURANT PARKING REQUIREMENT	1 SPACE PER 3 SEATS
PORTION OF BUILDING NET AREA	77,961.10 (S.F.)
NET PARKING SPACES REQUIRED	28 PARKING SPACES
NET PARKING SPACES PROVIDED	40 SPACES
REQUIRED CAR PARKING	3 SPACES (1 VAN)
PROPOSED CAR PARKING	3 SPACES (1 VAN)

- LEGISLATIVE & REGULATORY CONTROL NOTES:**
- THE CITY OF LAVON HAS ADOPTED THE 2012 INTERNATIONAL BUILDING CODE (IBC) WITH AMENDMENTS TO THE IBC AS APPLICABLE TO THE CITY OF LAVON.
  - THE CITY OF LAVON HAS ADOPTED THE 2012 INTERNATIONAL FIRE CODE (IFC) WITH AMENDMENTS TO THE IFC AS APPLICABLE TO THE CITY OF LAVON.
  - THE CITY OF LAVON HAS ADOPTED THE 2012 INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC) WITH AMENDMENTS TO THE IMC AS APPLICABLE TO THE CITY OF LAVON.
  - THE CITY OF LAVON HAS ADOPTED THE 2012 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) WITH AMENDMENTS TO THE IECC AS APPLICABLE TO THE CITY OF LAVON.
  - THE CITY OF LAVON HAS ADOPTED THE 2012 INTERNATIONAL SIGN CODE (ISC) WITH AMENDMENTS TO THE ISC AS APPLICABLE TO THE CITY OF LAVON.
  - THE CITY OF LAVON HAS ADOPTED THE 2012 INTERNATIONAL SAFETY CODE (ISC) WITH AMENDMENTS TO THE ISC AS APPLICABLE TO THE CITY OF LAVON.
  - THE CITY OF LAVON HAS ADOPTED THE 2012 INTERNATIONAL WIND-BURNING RESISTANCE CODE (IWBR) WITH AMENDMENTS TO THE IWBR AS APPLICABLE TO THE CITY OF LAVON.
  - THE CITY OF LAVON HAS ADOPTED THE 2012 INTERNATIONAL WIND-BURNING RESISTANCE CODE (IWBR) WITH AMENDMENTS TO THE IWBR AS APPLICABLE TO THE CITY OF LAVON.



**SITE PLAN KEY**

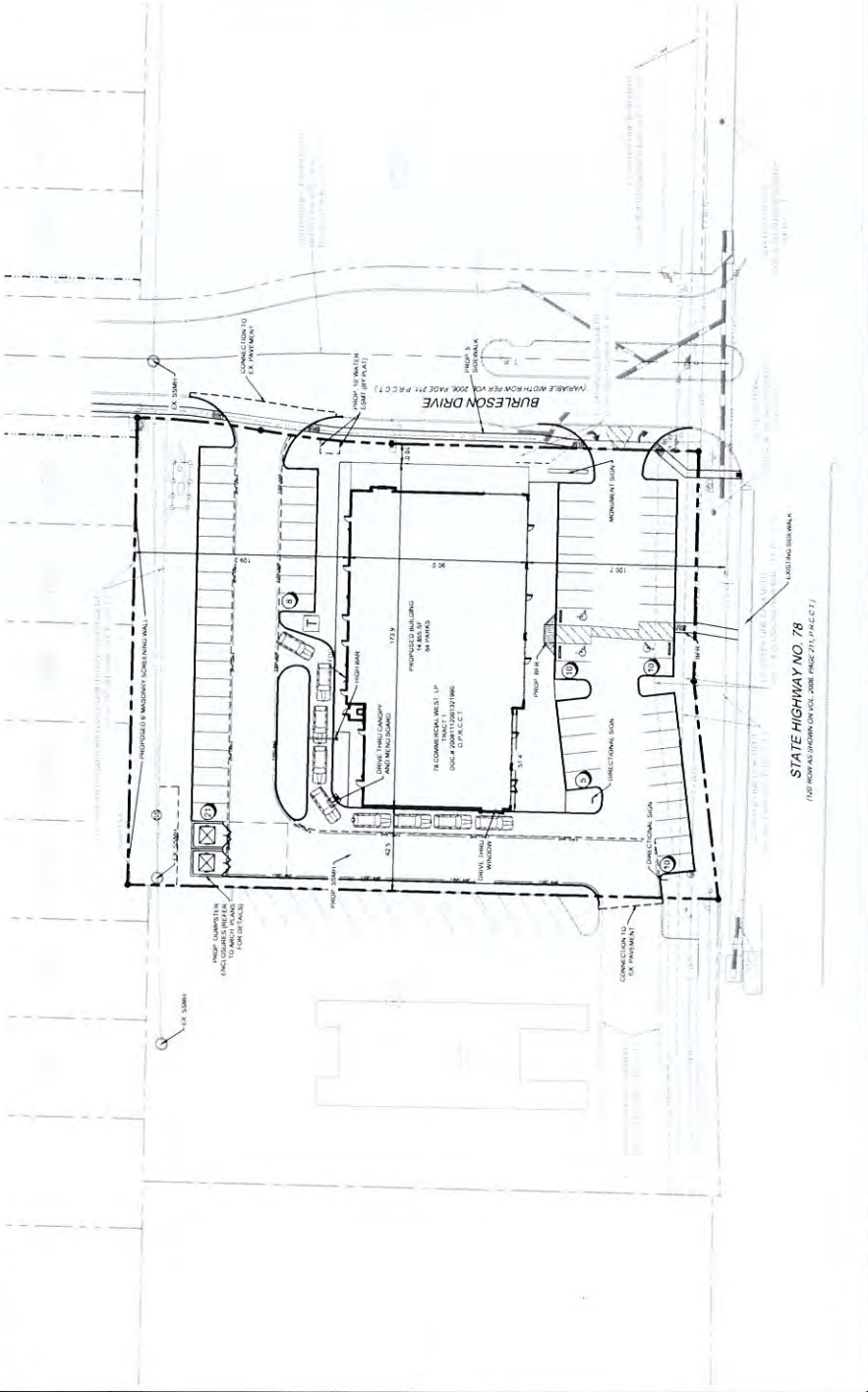
- PROJ. METER (DIMENSIONS)
- PROJ. LEGAL (LINE SHOWN)
- PROJ. METRIC (DIMENSIONS)

**SITE PLAN NO. 3743433**  
**CITY PROJECT NO. 3743433**  
**VICTORY @ LAVON**

PREPARED BY: VICTORY GROUP  
 DATE: 08/14/2018

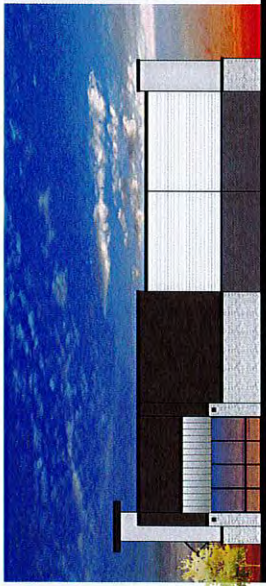
**CONTRACTOR:**  
 KIRKMAN ENGINEERING, LLC  
 4057 PRESTON ROAD SUITE 700  
 DALLAS, TX 75220  
 (972) 707-8555  
 CONTACT: JENNIFER WILSON

**OWNER:**  
 VICTORY GROUP  
 4057 PRESTON ROAD SUITE 700  
 DALLAS, TX 75220  
 (972) 707-8555  
 CONTACT: JENNIFER WILSON

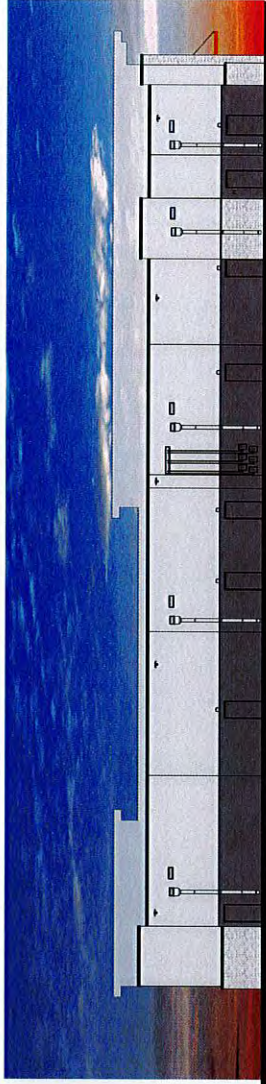


**STATE HIGHWAY NO. 78**  
 (FOR ROADWAY DESIGN ONLY, SEE SHEET 271.1 (PAGE 1))

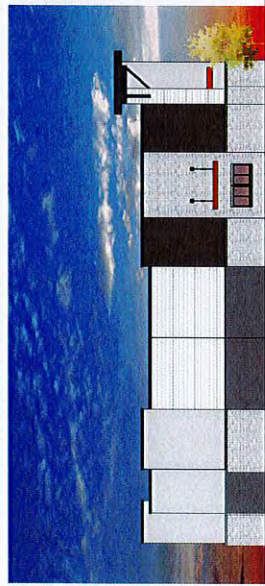
*Store names are conceptual and are not all confirmed tenants.*



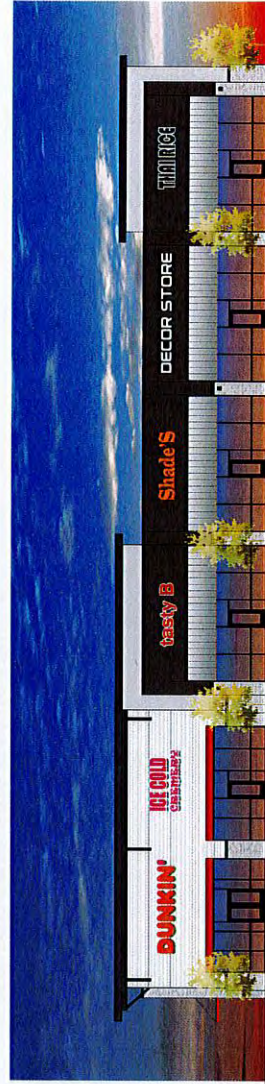
**east elevation**



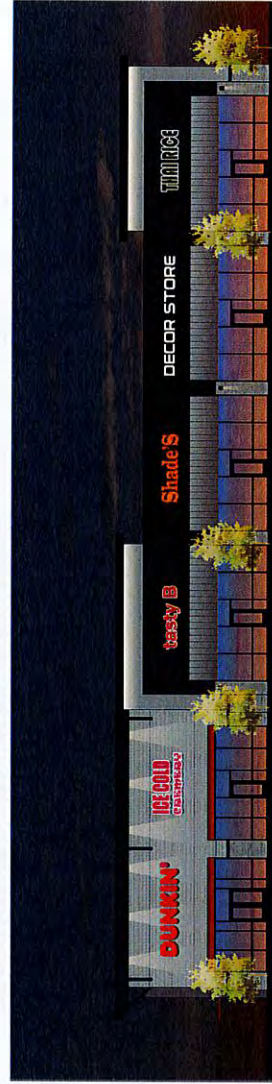
**north elevation**



**west elevation**



**south elevation**



**lighting study**



21030-01 tws 09/30/21

# VICTORY LAVON

**Lavon, Texas**



1914271

VICTORY GROUP  
Landscape Architecture

VICTOR @ LAVON  
CITY OF LAVON  
COLLIN COUNTY, TEXAS



LANDSCAPE  
PLAN

L1.00

**LONDON  
LANDSCAPES**  
1100 ROCK HILL MANOR, SUITE 100, ROCK HILL, SC 29730  
WWW.LONDONLANDSCAPES.NET

**KEY**

TREES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1" Cal. Oak, 18" Spaced	2" Cal. Oak, 18" Spaced	3" Cal. Oak, 18" Spaced	4" Cal. Oak, 18" Spaced	5" Cal. Oak, 18" Spaced	6" Cal. Oak, 18" Spaced	7" Cal. Oak, 18" Spaced	8" Cal. Oak, 18" Spaced	9" Cal. Oak, 18" Spaced	10" Cal. Oak, 18" Spaced	11" Cal. Oak, 18" Spaced	12" Cal. Oak, 18" Spaced	13" Cal. Oak, 18" Spaced	14" Cal. Oak, 18" Spaced	15" Cal. Oak, 18" Spaced	16" Cal. Oak, 18" Spaced	17" Cal. Oak, 18" Spaced	18" Cal. Oak, 18" Spaced	19" Cal. Oak, 18" Spaced	20" Cal. Oak, 18" Spaced	21" Cal. Oak, 18" Spaced	22" Cal. Oak, 18" Spaced	23" Cal. Oak, 18" Spaced	24" Cal. Oak, 18" Spaced	25" Cal. Oak, 18" Spaced	26" Cal. Oak, 18" Spaced	27" Cal. Oak, 18" Spaced	28" Cal. Oak, 18" Spaced	29" Cal. Oak, 18" Spaced	30" Cal. Oak, 18" Spaced	31" Cal. Oak, 18" Spaced	32" Cal. Oak, 18" Spaced	33" Cal. Oak, 18" Spaced	34" Cal. Oak, 18" Spaced	35" Cal. Oak, 18" Spaced	36" Cal. Oak, 18" Spaced	37" Cal. Oak, 18" Spaced	38" Cal. Oak, 18" Spaced	39" Cal. Oak, 18" Spaced	40" Cal. Oak, 18" Spaced	41" Cal. Oak, 18" Spaced	42" Cal. Oak, 18" Spaced	43" Cal. Oak, 18" Spaced	44" Cal. Oak, 18" Spaced	45" Cal. Oak, 18" Spaced	46" Cal. Oak, 18" Spaced	47" Cal. Oak, 18" Spaced	48" Cal. Oak, 18" Spaced	49" Cal. Oak, 18" Spaced	50" Cal. Oak, 18" Spaced	51" Cal. Oak, 18" Spaced	52" Cal. Oak, 18" Spaced	53" Cal. Oak, 18" Spaced	54" Cal. Oak, 18" Spaced	55" Cal. Oak, 18" Spaced	56" Cal. Oak, 18" Spaced	57" Cal. Oak, 18" Spaced	58" Cal. Oak, 18" Spaced	59" Cal. Oak, 18" Spaced	60" Cal. Oak, 18" Spaced	61" Cal. Oak, 18" Spaced	62" Cal. Oak, 18" Spaced	63" Cal. Oak, 18" Spaced	64" Cal. Oak, 18" Spaced	65" Cal. Oak, 18" Spaced	66" Cal. Oak, 18" Spaced	67" Cal. Oak, 18" Spaced	68" Cal. Oak, 18" Spaced	69" Cal. Oak, 18" Spaced	70" Cal. Oak, 18" Spaced	71" Cal. Oak, 18" Spaced	72" Cal. Oak, 18" Spaced	73" Cal. Oak, 18" Spaced	74" Cal. Oak, 18" Spaced	75" Cal. Oak, 18" Spaced	76" Cal. Oak, 18" Spaced	77" Cal. Oak, 18" Spaced	78" Cal. Oak, 18" Spaced	79" Cal. Oak, 18" Spaced	80" Cal. Oak, 18" Spaced	81" Cal. Oak, 18" Spaced	82" Cal. Oak, 18" Spaced	83" Cal. Oak, 18" Spaced	84" Cal. Oak, 18" Spaced	85" Cal. Oak, 18" Spaced	86" Cal. Oak, 18" Spaced	87" Cal. Oak, 18" Spaced	88" Cal. Oak, 18" Spaced	89" Cal. Oak, 18" Spaced	90" Cal. Oak, 18" Spaced	91" Cal. Oak, 18" Spaced	92" Cal. Oak, 18" Spaced	93" Cal. Oak, 18" Spaced	94" Cal. Oak, 18" Spaced	95" Cal. Oak, 18" Spaced	96" Cal. Oak, 18" Spaced	97" Cal. Oak, 18" Spaced	98" Cal. Oak, 18" Spaced	99" Cal. Oak, 18" Spaced	100" Cal. Oak, 18" Spaced	

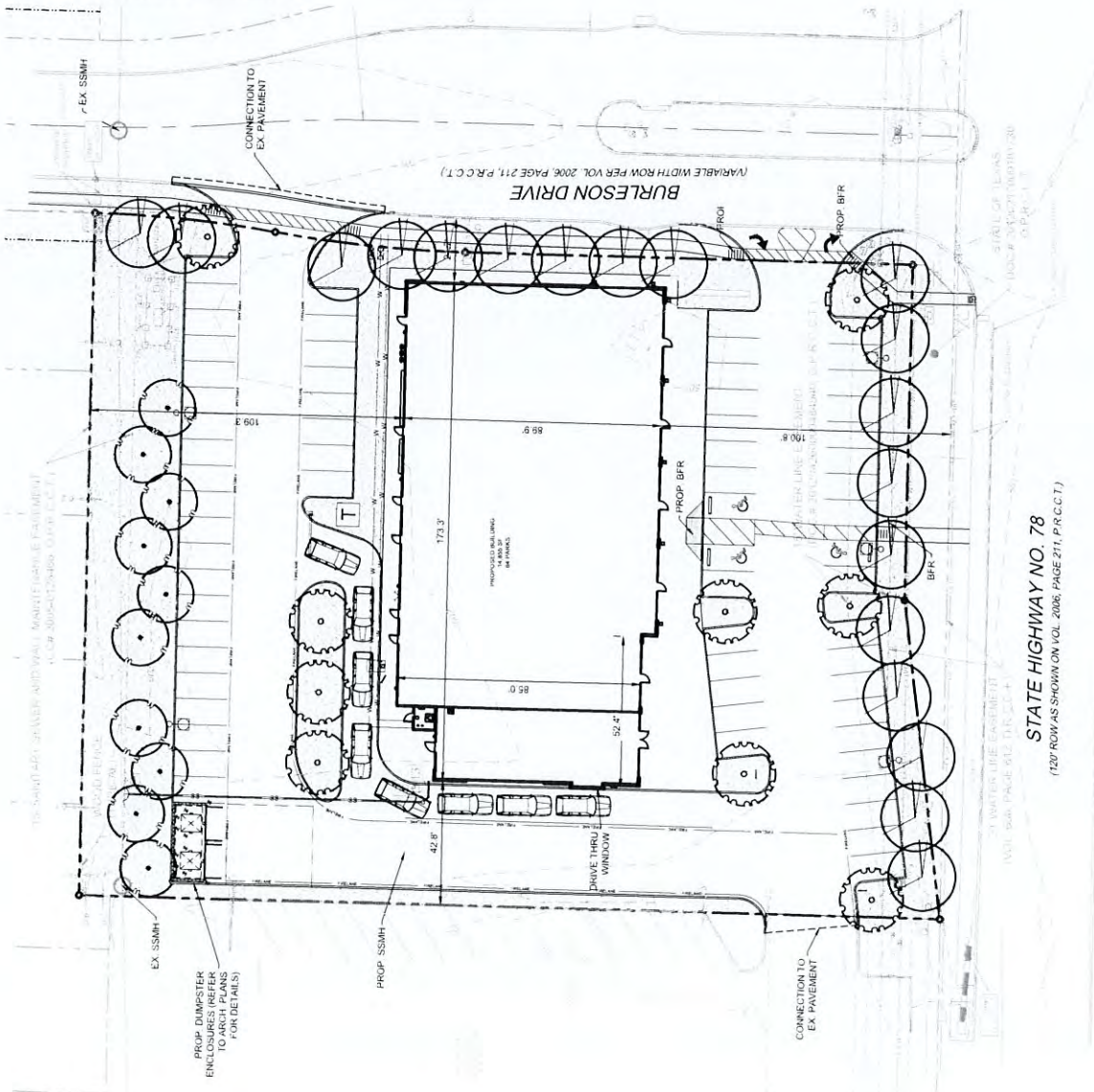
**LANDSCAPE CALCULATIONS**

**STREET TREES**  
 SP. NO. / H. 25' / 25' 48" LF OF STREET FRONTAGE / 25 = 9 TREES  
 PROVIDED: 9 TREES

**BURLESON DRIVE**  
 REQUIRED: 294.53 LF OF STREET FRONTAGE / 25 = 12 TREES  
 PROVIDED: 12 TREES

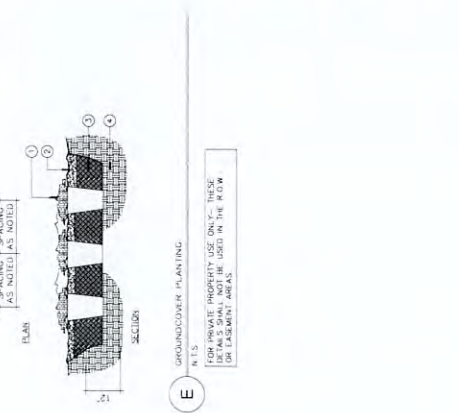
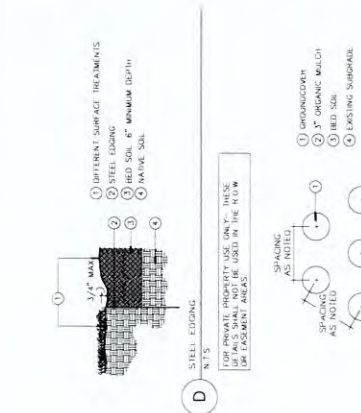
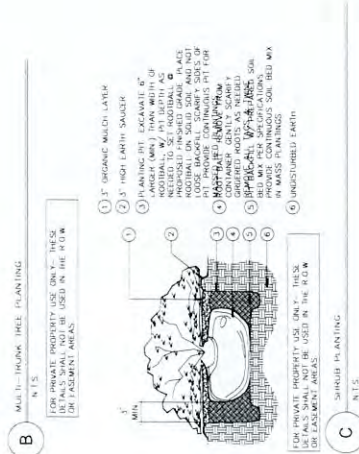
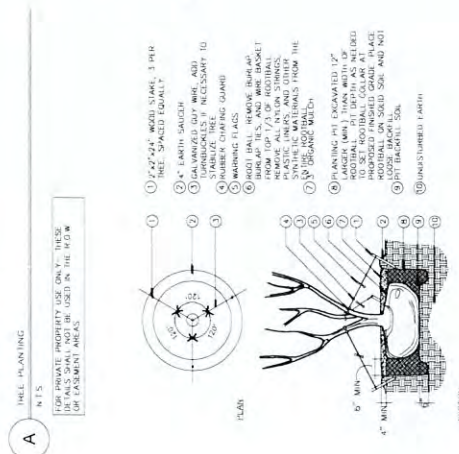
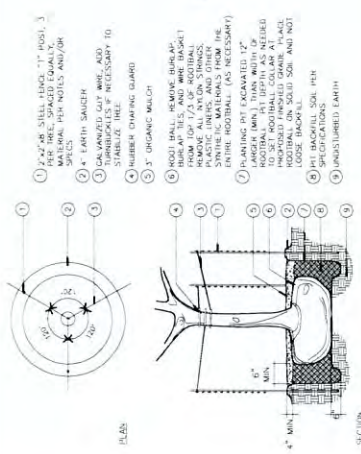
**75% OF SITE TO BE LANDSCAPED**  
 REQUIRED: 14,400 SF / 1,000 = 14 TREES  
 PROVIDED: 14 TREES

**1 TREE / 1,000 SF OF B.C.O.M. AREA**  
 REQUIRED: 14,400 SF / 1,000 = 14 TREES  
 PROVIDED: 14 TREES



**LANDSCAPE NOTES**

1. PLANT MATERIAL SHALL BE MEASURED AND SPEC'D ACCORDING TO THE LATEST EDITION OF THE TEXAS NURSERY & LANDSCAPE ASSOCIATION (TNLA) SPECIFICATIONS, GRASSES & STANDARDS.
2. ALL PLANT SUBSTITUTIONS ARE SUBJECT TO TOWN APPROVAL AND MUST BE SPECIFIED ON THE APPROVED LANDSCAPE PLAN.
3. ALL TURF AREAS TO BE ESTABLISHED PRIOR TO THE CERTIFICATE OF OCCUPANCY, UNLESS OTHERWISE APPROVED BY THE TOWN.
4. GROUND COVERS USED IN LIEU OF TURF GRASS MUST PROVIDE COMPLETE COVERAGE FOR THE ENTIRE AREA OF PLANTING AND MAINTAIN ADEQUATE COVERAGE AS APPROVED BY THE TOWN.
5. TREES MUST BE PLANTED (OR SET) FOR PROTECTION FROM CURBS, SIDEWALKS, UTILITY LINES, SCREENING WALLS, AND/OR OTHER STRUCTURES. THE TOWN HAS FINAL APPROVAL FOR ALL TREE PLACEMENTS.
6. TREE PITS SHALL HAVE ROUGHENED SIDES AND BE TWO TO THREE TIMES WIDER THAN THE ROOT BALL OF THE TREE IN ORDER TO FACILITATE IDEAL ROOT GROWTH. THE ROOT BALL SHALL BE PLANTED WITH A 24-HOUR PERIOD. THE CONTRACTOR SHALL PROVIDE BRACING OR TIE-INS ALTERNATIVE DRAINAGE.
7. TREES SHALL NOT BE PLANTED DEEPER THAN THE BASE OF THE TRUNK FLARE - OTHER DEBRIS.
8. THE TREE PIT SHALL BE BACKFILLED WITH NATIVE TOPSOIL FREE OF ROCK AND OTHER DEBRIS.
9. BURLAP, TWINE, AND WIRE BASKETS SHALL BE LOOSENEED AND PULLED BACK FROM THE TRUNK OF TREE AS MUCH AS POSSIBLE.
10. TREES SHALL NOT BE WATERED TO EXCESS THAT RESULTS IN SOIL SATURATION. IF EXCESS WATER IS OBSERVED, THE CONTRACTOR SHALL TAKE MEASURES TO ALLOW FOR DRAINAGE AND ABSORPTION OF THE EXCESS WATER.
11. A 3"-4" LAYER OF MULCH SHALL BE PROVIDED AROUND THE BASE OF THE PLANTED TREE. THE MULCH SHALL BE PULLED BACK 1'-2" FROM THE TRUNK OF THE TREE.
12. NO PERSON(S) OR ENTITY MAY USE IMPROPER OR MALICIOUS MAINTENANCE OR PRUNING TECHNIQUES WHICH WOULD LEAD TO THE DEATH OF THE TREE. SUCH MAINTENANCE OR PRUNING SHALL BE PERFORMED IN ACCORDANCE WITH THE TEXAS NURSERY & LANDSCAPE ASSOCIATION (TNLA) SPECIFICATIONS OR OTHER UNLAWFUL TRIMMING OF TREES, TRIMMING TREES WITH A BACKHOSE, OR USE OF FIRE OR POISON TO CAUSE THE DEATH OF A TREE.
13. TOPSOIL SHALL BE A MINIMUM OF 8 INCHES IN DEPTH IN PLANTING AREAS. SOIL SHALL BE TESTED FOR PHOSPHORUS, POTASSIUM, AND CALCIUM BY ANOTHER TOWN MATERIAL THAT IS NOT BEING USED FOR ANOTHER PURPOSE.
14. ALL PLANT BEDS SHALL BE TOP-DRESSED WITH A MINIMUM OF 3 INCHES OF MULCH.
15. TREES OVERHANGING DRIVEWAYS AND PARKING SHALL HAVE A MINIMUM CLEAR TRUNK HEIGHT OF 7 FEET. TREES OVERHANGING PUBLIC STREET PAVEMENT DRIVE ASSES AND THE LANES SHALL HAVE A MINIMUM CLEAR TRUNK HEIGHT OF 14 FEET.
16. A VISIBILITY TRIANGLE MUST BE PROVIDED AT ALL INTERSECTIONS, WHERE SHRUBS OR TREES ARE PLANTED. SHRUBS SHALL BE 4 FEET IN HEIGHT, AND TREES SHALL HAVE A MINIMUM CLEAR TRUNK HEIGHT OF 9 FEET.
17. TREES PLANTED ON A SLOPE SHALL HAVE THE TREE WELL AT THE AVERAGE GRADE OF SLOPE.
18. NO SHRUBS SHALL BE PLANTED WITHIN AREAS LESS THAN 3 FEET IN WIDTH. ALL BEDS LESS THAN 3 FEET IN WIDTH SHALL BE GRASS, GROUNDCOVER, OR SOME TYPE OF FIXED PAVING.
19. THE OWNER, TENANT, AND/OR THEIR AGENTS, IF ANY, SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL PLANTING. PLANTING SHALL BE MAINTAINED IN A HEALTHY AND ORDERLY MANNER AT ALL TIMES. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE PROTECTION AND MAINTENANCE OF ALL PLANTING FROM DAMAGE BY OTHER ACTIVITIES NECESSARY FOR THE MAINTENANCE OF LANDSCAPED AREAS.
20. ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF THE YEAR. PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION UNTIL THE PLANT MATERIAL OF SIMILAR SIZE AND VARIETY WITHIN 30 DAYS UNLESS OTHERWISE APPROVED IN WRITING BY THE TOWN OF PROSPER.
21. LANDSCAPE AND OPEN AREAS SHALL BE KEPT FREE OF TRASH, LITTER, AND WEEDS.
22. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE PROVIDED TO IRRIGATE ALL PLANTING AREAS. THE SYSTEM SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE BUILDING INSPECTION DEPARTMENT IS REQUIRED FOR EACH IRRIGATION SYSTEM.
23. NO PLANT MATERIAL SHALL BE ALLOWED TO ENCRUST OR ROOT-OR-WAY. SUCH MATERIAL SHALL BE REMOVED FROM THE SURFACE OF THE DRIVEWAY OR ROUTE OF TRAVEL FOR VEHICULAR, PEDESTRIAN, OR BICYCLE TRAFFIC AS APPLICABLE.
24. NO PLANTING AREAS SHALL EXCEED 3:1 SLOPE. 3:1 HORIZONTAL TO 1:1 VERTICAL.
25. EXISTING TREES SHALL NOT INCLUDE CONSTRUCTION DEBRIS. CONTRACTOR MUST PRIOR TO ACCEPTANCE.
26. CONTACT TOWN OF PROSPER PARKS AND RECREATION DIVISION AT (972) 346-2502 FOR LANDSCAPE INSPECTION. NOTE THAT LANDSCAPE INSTALLATION MUST COMPLY WITH APPROVED LANDSCAPE PLANS AND TO THE TOWN OF PROSPER PUBLIC WORKS DEPARTMENT STANDARDS.
27. FINAL PROTECTION AND MAINTENANCE OF PLANTING SHALL BE OBSERVATION AND LANDSCAPE IS SUBJECT TO ALL PUBLIC UTILITIES, INCLUDING BUT NOT LIMITED TO MANHOLES, VALVES, WATER METERS, CLEANOUTS, AND OTHER APPEARANCES, TO THE TOWN OF PROSPER STANDARDS.
28. PRIOR TO CALLING FOR A LANDSCAPE INSPECTION, CONTRACTOR IS RESPONSIBLE FOR MARKING ALL MANHOLES, VALVES, WATER METERS, CLEANOUTS, AND OTHER UTILITY APPEARANCES WITH FLAGGING FOR FIELD VERIFICATION BY THE TOWN.





**City of Lavon  
Landscape Plan – Requirements**

**Zoning Ordinance  
Code of Ord Art. 9.03  
Division 9**

*\*If applicable, consult PD for landscape requirements*

	<b>Item</b>	<b>complete</b>
1	Prior to issuance of any commercial certificate of occupancy	COMPLETED
2	Minimum of twenty (20) percent of property shall be landscaped and ten (10) percent of existing trees over six (6) inches shall be preserved	COMPLETED
3	The landscape plan, drawn to a minimum scale of one (1) inch equals fifty (50) feet, shall provide, at a minimum, the following:	COMPLETED
4	Property limits, topography of the site, north arrow, date name of preparer	COMPLETED
5	Location, size and species of trees to be preserved indicating the size measured at twenty-four (24) inches above ground level, location and species of Texas landscape materials to be maintained	COMPLETED
6	Location and spacing of all plants and landscaping materials to include plants, paving, benches, screens, fountains, statues, earthen berms, ponds to include depth	COMPLETED
7	Species of all plants	COMPLETED
8	Size of all plant materials at time of planting and size of plant at maturity	COMPLETED
9	Layout of irrigation, sprinkler or water systems including water source	
10	Description of landscape maintenance requirements for all landscape features	COMPLETED
	Required Landscaping Standards:	COMPLETED
11	Planting Strip. Along each public street, a twenty (20) foot wide landscaped planting strip shall be required in all districts except in the Main Street District where the planting strip shall be (10) feet wide.	COMPLETED
12	Street Trees. For all development, a minimum of one (4) inch caliper, eight-foot (8) height tree shall be required every twenty-five (25) linear feet	COMPLETED
13	For all single detached residential development lots, a minimum of one (1) tree shall be planted for each dwelling unit on the development property	N/A
14	For multi-family residential development lots, a minimum of one (1) tree shall be planted for each dwelling unit	N/A
15	For development within Retail, Main Street and Planned Commercial Districts a minimum of one (1) tree shall be planed every fifteen hundred (1,500) square feet of floor area with the site	COMPLETED
16	For the Business Park District a minimum of two (1) [sic] trees shall be planted for every five thousand (5,000) square feet of floor area within the site	N/A
17	Planting strips less than six (6) feet wide are prohibited	N/A
18	Where landscaping is intended to provide visual screen, the species, quantity, maturity (size), and spacing of the initial plantings shall be enough to provide functional screen within a single growing season	✓
19	Planters shall be guarded from automobiles by raised curbs or wheel stops	COMPLETED
20	Vegetative matter shall cover seventy-five (75) percent of any landscape area	COMPLETED
21	Storm water detention facilities do not meet the landscape requirements	N/A



# CITY OF LAVON

## LANDSCAPE PLAN APPLICATION

P.O. Box 340 120 School Rd., Lavon, TX 75166  
Office (972) 843-4220 Fax (972) 843-0397

### APPLICATION INFORMATION

Name: John Gardner

Address: 5200 State Highway 121 Colleyville, TX 76034

Telephone Number: 817-488-4960

Email Address: john.gardner@trustke.com

### LEGAL DESCRIPTION: (Lot, Block, Subdivision, or CAD Tract No, Survey, Abstract, Address)

ABS A0638 William H Moore Survey, Sheet 2, Tract 23

**SUBDIVISION NAME:** (approved plat is prerequisite)

**ZONING:** Commercial PD-C

**LEGAL OWNER OF PROPERTY INVOLVED:** 78 Commercial West LP

**If Applicant is NOT the Owner, Relationship to Owner:** Engineer

**I AM THE OWNER OR AGENT AUTHORIZED TO MAKE THE ABOVE STATEMENTS AND REPRESENTATIONS HEREIN ON BEHALF OF THE OWNER.**

Signature: *John Gardner* 08/17/2021  
Owner / Authorized Agent Date

Printed Name: John Gardner  
Owner / Authorized Agent

Title: Project Manager

Company: Kirkman Engineering

**City Office Use Only:**

	Amount:	Check #	or Cash _____
Fee paid (due at time of application)			
Cost plus admin fee - \$500 deposit			
Required items submitted			
Development Engineer Comments			
Development Review Committee Comments			
Comments Addressed by Applicant			
Planning & Zoning Action			
City Council Action			



# CITY OF LAVON SITE PLAN APPLICATION

P.O. Box 340 120 School Rd., Lavon, TX 75166  
Office (972) 843-4220

## APPLICATION INFORMATION

Name: John Gardner  
Address: 5200 State Highway 121 Colleyville, TX 76034  
Telephone Number: 817-488-4960  
Email Address: john.gardner@trustke.com

## LEGAL DESCRIPTION: (Lot, Block, Subdivision, or CAD Tract No, Survey, Abstract, Address)

ABS A0638 William H Moore Survey, Sheet 2, Tract 23

## SUBDIVISION NAME: (approved plat is prerequisite) \_\_\_\_\_

## ZONING: Commercial PD-C

## LEGAL OWNER OF PROPERTY INVOLVED: 78 Commercial West LP

## If Applicant is NOT the Owner, Relationship to Owner: Engineer

I AM THE OWNER OR AGENT AUTHORIZED TO MAKE THE ABOVE STATEMENTS AND REPRESENTATIONS HEREIN ON BEHALF OF THE OWNER.

Signature: *John Gardner*  
Owner / Authorized Agent

08/17/2021  
Date

Printed Name: John Gardner  
Owner / Authorized Agent  
Title: Project Manager  
Company: Kirkman Engineering

### City Office Use Only:

	Amount:	Check #	or Cash _____
Fee paid (due at time of application) Cost \$200 plus - \$500 deposit			
Required items submitted			
Development Engineer Comments			
Development Review Committee Comments			
Comments Addressed by Applicant			
Planning & Zoning Action			
City Council Action			





## CITY OF LAVON Agenda Brief

**MEETING:** November 2, 2021

**ITEM:** 10 – G

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**Item:**

Conduct a public hearing that was opened on October 19, 2021 and continued to November 2, 2021 to consider testimony and act on a resolution creating the Elevon Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code; being approximately 982.719 acres of land situated in the Samuel M. Ranier Survey, Abstract No. 740, the Drury Anglin Survey, Abstract No. 2, and the James. P. Davis Survey, Abstract No. 249 within the extraterritorial jurisdiction and/or corporate limits of City of Lavon, Texas; providing for related matters; and providing an effective date.

- 1) Presentation of request.
- 2) **PUBLIC HEARING** to receive comments regarding the request.
- 3) Discussion and action regarding the request and accompanying Resolution No. **2021-11-07**.

**Background:**

On September 21, 2021, the City Council determined that a valid petition by property owners requesting the creation of a public improvement district ("PID") had been filed and adopted a resolution accepting the petition and setting a public hearing on October 19, 2021 to receive input regarding the creation of the PID. A schedule is attached that sets out the steps for the creation of a PID and for the levy of assessments on property within the PID. On October 19, 2021, the public hearing was opened and continued to November 2, 2021.

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. After the conclusion of the 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.

Actual construction of the public improvements to be funded by the PID may not begin until after the 20<sup>th</sup> day following the effective date of the creation of the PID. Construction of the public improvements may not begin if during the 20-day period a written protest is signed by at least two-thirds of the owners of record of property within the PID or by the owners of record of property comprising at least two-thirds of the total area of the PID.

The City's PID Policy provides that a development agreement will be approved prior to creation of a PID. The City Council approved a development agreement for the Elevon development on September 21, 2021, a copy of which is on file in the City Secretary's office.

**Attachment:** Proposed Resolution for PID creation

CITY OF LAVON, TEXAS

RESOLUTION NO. 2021-11-07

Elevon PID Creation

**A RESOLUTION OF THE CITY OF LAVON, TEXAS AUTHORIZING AND CREATING THE ELEVON PUBLIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lavon, Texas (the "City" or "Lavon"), is authorized under Chapter 372 of the Texas Local Government Code (the "Act"), to create a public improvement district within its City limits and its extraterritorial jurisdiction (the "ETJ"); and

**WHEREAS**, on *September 20, 2021*, the (1) owners of taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment under the proposal, 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 under the proposal who: (A) constitute more than 50 percent of all record owners of property that is liable for assessment under the proposal; 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 under the proposal (the "Petitioners"), within the ETJ of the City, submitted and filed with the City Secretary of Lavon (the "City Secretary") a petition ("Petition") requesting the establishment of a public improvement district for property within the ETJ of the City; and

**WHEREAS**, the Petition requested the creation of the Elevon Public Improvement District (the "District"), which District is located within the ETJ of the City and more particularly depicted in **Exhibit A** and described by metes and bounds in **Exhibit B** (the "Property") each attached hereto and incorporated herein for all purposes; and

**WHEREAS**, the City Council of Lavon (the "City Council") has investigated and determined that the facts contained in the Petition are true and correct; and

**WHEREAS**, after publishing notice in a newspaper of general circulation in Lavon and in the ETJ of Lavon, and mailing notice of the hearing, all as required by and in conformity with the

Act, the City Council opened, conducted and continued a public hearing on the advisability of the improvements and services on *October 19, 2021*; and

**WHEREAS**, the City Council of Lavon reopened, conducted and closed the public hearing on the advisability of the improvements and services on *November 2, 2021*; and

**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. The Petition submitted to Lavon by the Petitioners was filed with the City Secretary and complies with Section 372.005 of the Act.

Section 3. Pursuant to the requirements of the Act, including, without limitation, Sections 372.006, 372.009(a), and 372.009(b), the City Council of Lavon, after considering the Petition and the evidence and testimony presented at the public hearing on *October 19, 2021* and *November 2, 2021*, hereby finds and declares:

- (a) **Advisability of the Proposed Improvements.** It is advisable to create the District to provide the Authorized Improvements (as defined and described below). The Authorized Improvements are feasible and desirable and will promote the interests of Lavon and will confer a special benefit on the Property.
- (b) **General Nature of the Authorized Improvements.** The purposes of the District include the design, acquisition, construction, and improvement of public improvement projects authorized by the Act (the "Authorized Improvements") that are necessary for the development of the Property, which Authorized Improvements will include: (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein;

(iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) special supplemental services for improvement and promotion of the District; (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (vi) above; and (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (vi) above, and costs of establishing, administering and operating the District.

**(c) Estimated Costs of the Authorized Improvements and Apportionment of Costs.**

The estimated total costs of the Authorized Improvements is \$250,000,000.00, which costs shall be paid by assessment of the property owners within the proposed District. Lavon will not be obligated to provide any funds to finance the Authorized Improvements, other than from assessments levied on the Property, and possible tax increment reinvestment zone revenue. No municipal property in the District shall be assessed. The developer of the property (the "Developer") may also pay certain costs of the Authorized Improvements from other funds available to the Developer.

**(d) Boundaries of the District.** The District is proposed to include approximately 982.719 acres of land generally located *east of Highway 78*, located within the ETJ of the City, as more particularly depicted in **Exhibit A** attached hereto, and as more properly described in the metes and bounds described in **Exhibit B** attached hereto.

**(e) Proposed Method of Assessment.** Lavon shall levy an assessment on each parcel of the Property within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments, including interest, may be paid in full at any time, and certain assessments may be paid in annual installments, with 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 by the assessments, and must continue for a period necessary to retire the indebtedness for those Authorized Improvements (including interest).

(f) **Management of the District.** The District shall be managed by Lavon, with the assistance of a consultant, who shall, from time to time, advise Lavon regarding certain operations of the District.

(g) **Advisory Board.** The District shall be managed without the creation of an advisory board.

Section 4. The Elevon Public Improvement District is hereby authorized and created as a public improvement district under the Act in accordance with the findings of the City Council as to the advisability of the Authorized Improvements contained in this Resolution, the nature and the estimated costs of the Authorized Improvements, the boundaries of the District, the method of assessment, and the apportionment of costs as described herein; and the conclusion that the District is needed to fund such Authorized Improvements.

Section 5. Not later than the seventh day after the date of the adoption of this Resolution, City staff is hereby authorized and directed to file a copy of this Resolution creating the District with the county clerk of each county in which all or a part of the District is located.

Section 6. The authorization of the District pursuant to this Resolution shall take effect upon the date this resolution is adopted by the City Council.

*[Remainder of page intentionally left blank]*

**PASSED AND APPROVED THIS THE 2ND DAY OF NOVEMBER, 2021.**

**CITY OF LAVON, TEXAS**

**ATTEST:**

\_\_\_\_\_  
Vicki Sanson, Mayor

\_\_\_\_\_  
Rae Norton, City Secretary



**EXHIBIT B**  
**PROPERTY METES AND BOUNDS DESCRIPTION**

LEGAL DESCRIPTION

TRACT 1

Being a parcel of land located in Collin County, Texas, a part of the Samuel M. Rainer Survey, Abstract Number 740, and being a part of that called 472.8955 acre tract of land described in deed to Far East Lavon, L.P. as recorded in Volume 5873, Page 3522, Official Public Records of Collin County, Texas, and also being a part of that called 180.339 acre tract of land described in deed to Petro-Hunt, L.L.C. as recorded in Volume 5588, Page 3612, Official Public Records of Collin County, Texas, and being further described as follows:

BEGINNING at the southwest corner of said 180.339 acre tract, said point being the southeast corner of Lot 29, Lavon Ranchettes Plat, an Addition to Collin County as recorded in Volume B, Page 45, Official Public Records of Collin County, Texas, said point also being in the north right-of-way line of County Road 541;

THENCE along the west line of said 180.339 acre tract and along the east line of said Lavon Ranchettes Addition as follows:

North 01 degrees 21 minutes 21 seconds East, 157.69 feet to a point for corner;

North 01 degrees 07 minutes 18 seconds East, 1,375.04 feet to a point for corner;

North 01 degrees 01 minutes 24 seconds East, 240.18 feet to a point for corner, said point being the northwest corner of said 180.339 acre tract, said point also being in the south line of said 472.8955 acre tract;

THENCE North 01 degrees 07 minutes 21 seconds East, at 1,306.98 feet passing the northeast corner of said Lavon Ranchettes Addition, in all a total distance of 1,925.93 feet to a point for corner, said point being in the north line of said 472.8955 acre tract, said point also being in the south right-of-way line of that tract of land described in deed to Northeast Texas Rural Rail Transportation District as recorded in Volume 5585, Page 2680, Official Public Records of Collin County, Texas;

THENCE North 81 degrees 09 minutes 48 seconds East, 6,008.29 feet along the north line of said 472.8955 acre tract and along the south right-of-way line of said Northeast Texas Rural Rail Transportation District to a point for corner, said point being the northeast corner of said 472.8955 acre tract, said point also being the northwest corner of that called 216.85 acre

tract of land described in deed to East Lavon, L.P. as recorded in Document Number 20190408000368940, Official Public Records of Collin County, Texas;

THENCE North 81 degrees 12 minutes 20 seconds East, 1,968.14 feet along the north line of said 216.85 acre tract to a point for corner, said point being the northeast corner of said 216.85 acre tract;

THENCE along the east line of said 216.85 acre tract as follows:

South 00 degrees 32 minutes 19 seconds West, 2,448.70 feet to a point or corner;

South 00 degrees 30 minutes 32 seconds West, 2,570.14 feet to a point for corner in the southeast corner of said 216.85 acre tract, said point also being in the approximate centerline of County Road 541;

THENCE along the approximate centerline of County Road Number 541 as follows:

South 89 degrees 53 minutes 52 seconds West, 1,944.34 feet to a point for corner, said point being the southwest corner of said 216.85 acre tract, said point also being the southeast corner of said 472.8955 acre tract;

North 89 degrees 08 minutes 13 seconds West, 1,466.14 feet to a point for corner, said point being the most southerly southwest corner of said 472.8955 acre tract;

THENCE North 00 degrees 22 minutes 15 seconds East, 30.66 feet along the west line of said 472.8955 acre tract to a point for corner, said point being the southeast corner of said 180.339 acre tract, said point also being in the north right-of-way line of County Road Number 541;

THENCE North 89 degrees 28 minutes 43 seconds West, 1,350.92 feet to a point for corner;

THENCE North 00 degrees 31 minutes 17 seconds East, 147.58 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE North 89 degrees 28 minutes 43 seconds West, 147.58 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 00 degrees 31 minutes 17 seconds West, 147.58 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner, said point being in the south line of said 180.339 acre tract, said point also being in the north right-of-way line of County Road 541;

THENCE North 89 degrees 28 minutes 43 seconds West, 1,266.00 feet along the south line of said 180.339 acre tract and along the north right-of-way line of County Road 541 to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE North 89 degrees 23 minutes 25 seconds West, 705.75 feet to a point for corner;

THENCE North 00 degrees 45 minutes 47 seconds East, 253.51 feet to a point for corner;

THENCE North 87 degrees 47 minutes 23 seconds West, 180.66 feet to a point for corner;

THENCE South 00 degrees 37 minutes 46 seconds West, 257.91 feet to a point for corner;

THENCE North 89 degrees 10 minutes 57 seconds West, 848.67 feet to the POINT OF BEGINNING and containing 34,367,739 square feet or 788.975 acres of land.

"This document was prepared under 22 TAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

#### LEGAL DESCRIPTION

##### TRACT 2

Being a parcel of land located in Collin County, Texas, a part of the Drury Anglin Survey, Abstract Number 2, and being a part James P. Davis Survey, Abstract Number 249, and being all of that called Tract Two – 173.739 acre tract of land described in deed to Petro-Hunt, L.L.C. as recorded in Volume 5569, Page 2651, Official Public Records of Collin County, Texas, and also being all of that called 20.005 acre tract of land described in deed to Petro-Hunt, L.L.C. as recorded in Volume 5710, Page 3283, Official Public Records of Collin County, Texas, and being further described as follows:

BEGINNING at the southeast corner of said 20.005 acre tract;

THENCE North 89 degrees 47 minutes 26 seconds West, 2,014.28 feet to a point for corner, said point being the southwest corner of said 20.005 acre tract;

THENCE North 00 degrees 26 minutes 04 seconds East, 432.62 feet to a point for corner, said point being the northwest corner of said 20.005 acre tract, said point also being in the south line of said 173.739 acre tract;

THENCE North 89 degrees 47 minutes 26 seconds West, 108.39 feet to the most southerly southwest corner of said 173.739 acre tract;

THENCE along the west line of said 173.739 acre tract as follows:

North 00 degrees 12 minutes 34 seconds East, 929.80 feet to a point for corner;

North 89 degrees 47 minutes 26 seconds West, 1399.55 feet to a point for corner, said point being the most westerly southwest corner of said 173.739 acre tract, said point also being in the east right-of-way line of Farm-to-Market Highway Number 2755;

THENCE continuing along the west line of said 173.739 acre tract and along the east right-of-way line of Farm-to-Market Highway Number 2755;

North 01 degrees 07 minutes 01 seconds East, 715.54 feet to a point for corner;

Northwesterly, 966.03 feet along a curve to the left having a central angle of 64 degrees 05 minutes 55 seconds, a radius of 863.51 feet, a tangent of 540.61 feet, and whose chord bears North 30 degrees 55 minutes 56 seconds West, 916.44 feet to a point for corner;

North 00 degrees 37 minutes 01 seconds East, 15.07 feet to a point for corner, said point being the northwest corner of said 173.739 acre tract, said point also being at the intersection of the east right-of-way line of Farm-to-Market Highway Number 2755 with the south right-of-way line of County Road Number 541;

THENCE South 89 degrees 24 minutes 15 seconds East, 4,152.64 feet along the south right-of-way line of County Road Number 541 to a point for corner, said point being the northeast corner of said 173.739 acre tract;

THENCE along the east line of said 173.739 acre tract as follows:

South 00 degrees 25 minutes 05 seconds West, 1279.32 feet to a point for corner;

North 89 degrees 39 minutes 34 seconds West, 159.29 feet to a point for corner;

South 00 degrees 24 minutes 16 seconds West, 1137.75 feet to a point for corner, said point being the southeast corner of said 173.739 acre tract, said point also being the northeast corner of said 20.005 acre tract;

THENCE South 00 degrees 26 minutes 04 seconds West, 432.62 to the POINT OF BEGINNING and containing 8,439,493 square feet or 193.744 acres of land.

"This document was prepared under 22 TAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."





## CITY OF LAVON Agenda Brief

MEETING: November 2, 2021

ITEM: 10 - H

**Item:**

Discussion and action regarding the final plat of the Elevon, Section 1, Phase 2B Addition consisting of 85 residential lots and 3 non-residential lots on 15.704 acres of land out of the Samuel M. Rainer Survey, Abstract No. 740, Sheet 4, Tract 23, Collin County, Texas located south of FM 6 and east of Elevon, Phase 1, (CCAD Property ID 2829214).

### Application Information

**Owner(s):** M.A. Lavon 292, LLC

**Applicant:** JBI Partners

**Location:** Southeast of the intersection of SH 78 and FM 6, east of Elevon Phase 1A and north of the NETEX right of way

**Description:** Samuel M. Rainer Survey, Abstract No. 740, CCAD Prop ID# 2829214  
Collin County, Texas (15.74 acres), City of Lavon ETJ, Collin County, TX

**Current Zoning:** The property is in the City's extraterritorial jurisdiction (ETJ)

**Request:** Final Plat

### Request Details

The applicant is seeking approval of a final plat for Elevon, Section 1, Phase 2B, a residential subdivision. Phase 2B consists of 85 residential lots and 3 non-residential lots. The property is situated in the Abston Hills Municipal Utility District (MUD) No. 1-A which is in the City of Lavon extraterritorial jurisdiction (ETJ). The City of Lavon has authority for the review and approval of the plats of property in the City's ETJ pursuant to an agreement with Collin County. There are no zoning regulations in the ETJ with which the plat is required to comply. The final plat conforms to the Future Land Use Plan that was in effect on the date of original application.

### *Code Excerpts:*

#### **TEXAS LOCAL GOVERNMENT CODE § 212.004. PLAT REQUIRED**

Sec. 212.004. PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division

of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

## **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.

#### **Background:**

The northern boundary of the addition is the agreed ETJ boundary between the City of Lavon and City of Nevada. The agreed ETJ boundary was originally established by a 2009 agreement and subsequently amended in May of 2020. The final plat of the Elevon Addition, Section 1, Phase 2B will take access through Section 1, Phase 2A located in the City of Nevada ETJ approved by the City of Nevada earlier this month.

On June 2, 2020, the City Council approved the preliminary plat of the Abston Hills Addition consisting of 435 residential lots and 18 HOA open space lots on 113.72 acres. The preliminary plat did not reflect phases. The final plat substantially conforms to the approved preliminary plat.

The developer submitted a Traffic Impact Analysis (TIA) which is available for review upon request and the City of Lavon has submitted a request to TxDOT for suggested improvements to the intersection of FM 6 and SH 78. The development will provide for the construction of public infrastructure systems for water, sanitary sewer, open space, and trails. Additionally, the developer will construct sidewalks in the locations where sidewalks will not be constructed with new home construction. The addition will obtain police services from Collin County and fire services from the Nevada Volunteer Fire Department.

The proposed final plat and construction plans were reviewed by the staff development review committee and the City Engineer. The final plat meets the technical requirements of and complies with the subdivision regulations.

#### **Planning and Zoning Commission Report:**

**MOTION: RECOMMEND APPROVAL OF THE FINAL PLAT OF THE ELEVON, SECTION 1, PHASE 2B ADDITION CONSISTING OF 85 RESIDENTIAL LOTS AND 3 NON-RESIDENTIAL LOTS ON 15.704 ACRES OF LAND OUT OF THE SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740, SHEET 4, TRACT 23, COLLIN COUNTY, TEXAS LOCATED SOUTH OF FM 6 AND EAST OF ELEVON, PHASE 1, (CCAD PROPERTY ID 2829214) SUBJECT TO SATISFACTION OF THE CITY ENGINEER'S NOTES AND APPROVAL OF THE CIVIL ENGINEERING PLANS.**

MOTION MADE: NABORS

SECONDED: TIEGS

APPROVED: UNANIMOUS (Absent- Bedell, Smith)

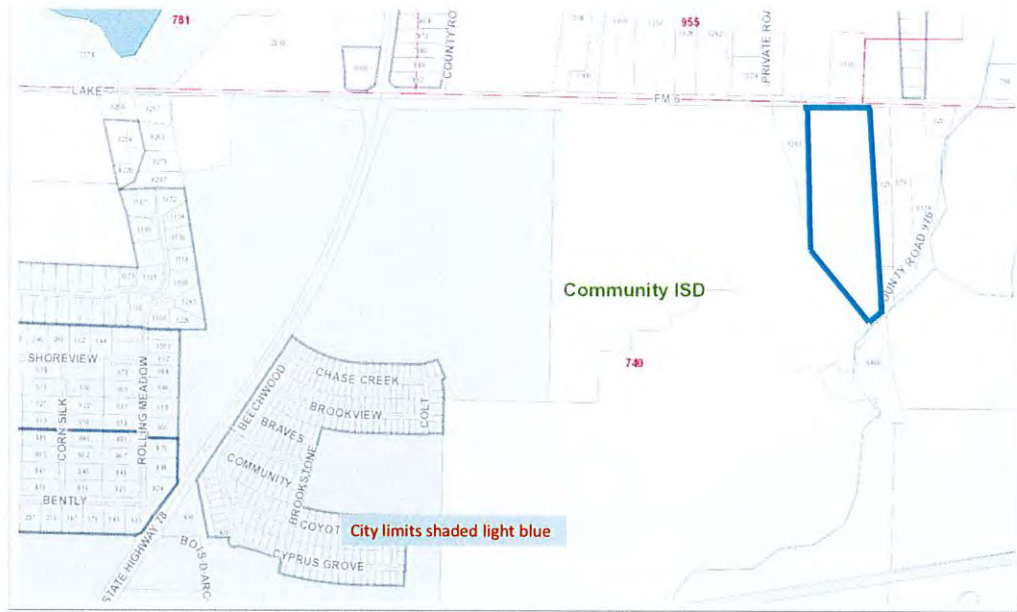
***Staff Notes:***

The City Engineer has concluded review and approval is recommended.

**Attachments:**

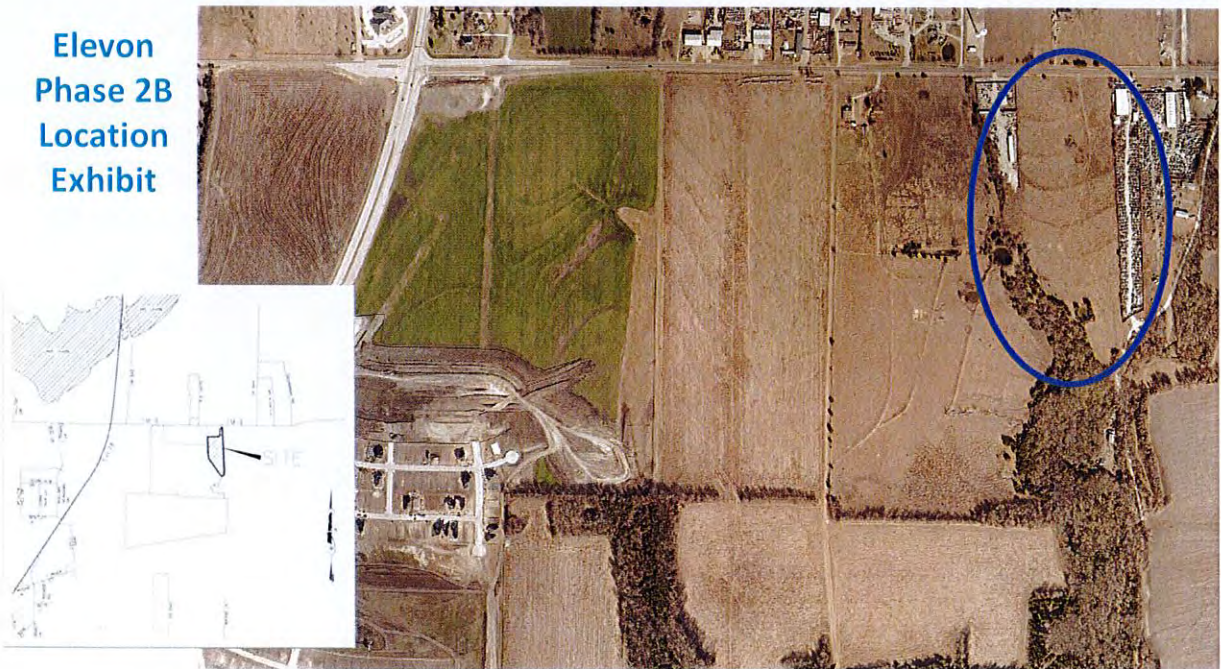
1. Location Exhibits
2. Final Plat
3. Application
4. Engineer's correspondence

### Elevon Phase 2B Location Exhibit

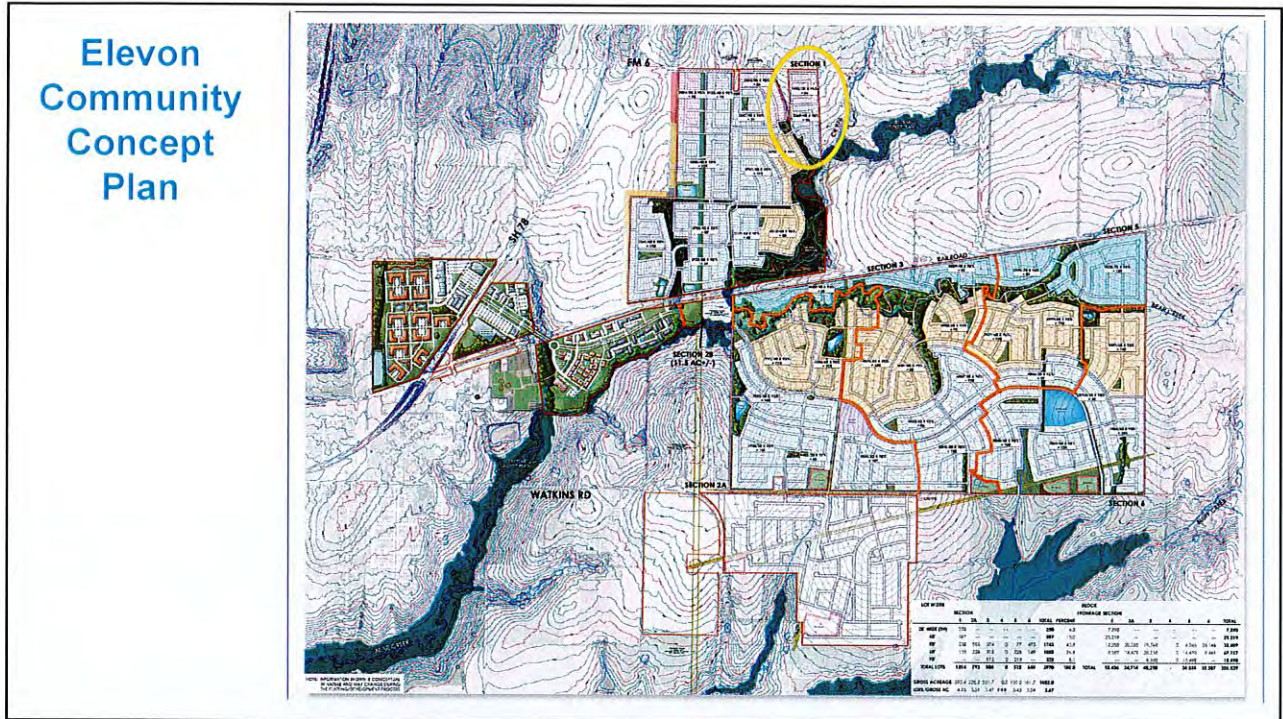


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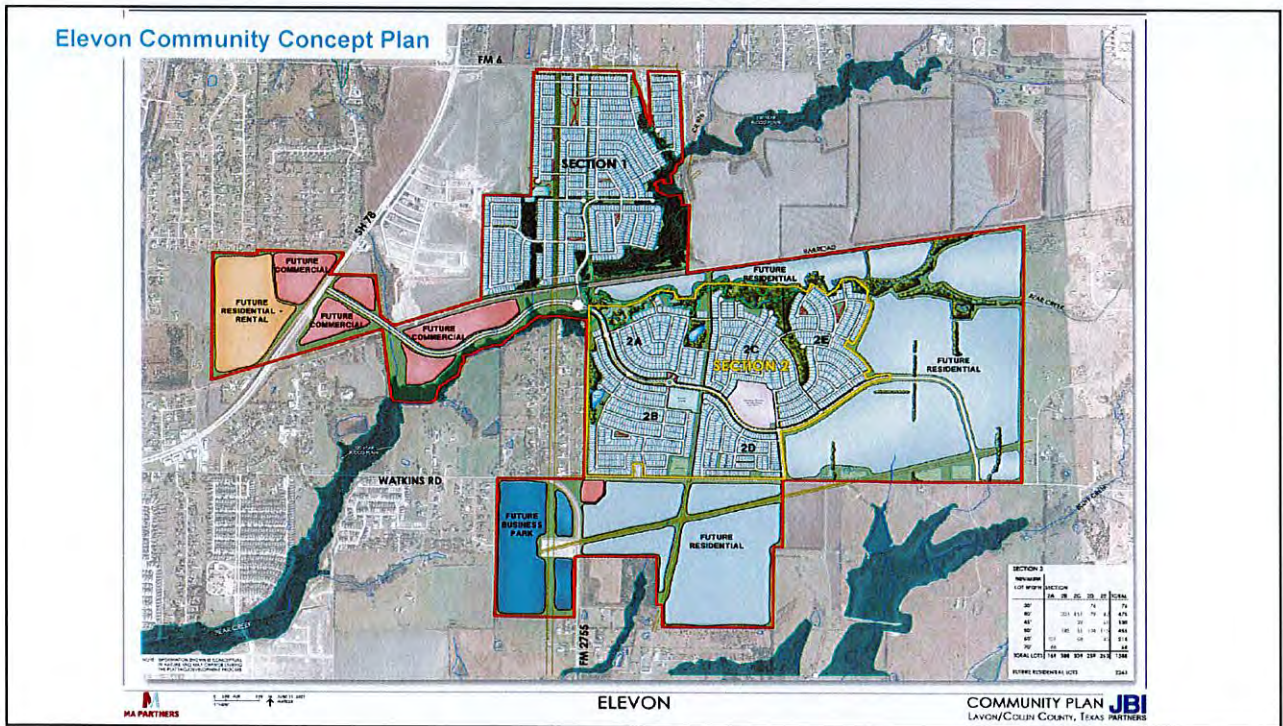
### Elevon Phase 2B Location Exhibit



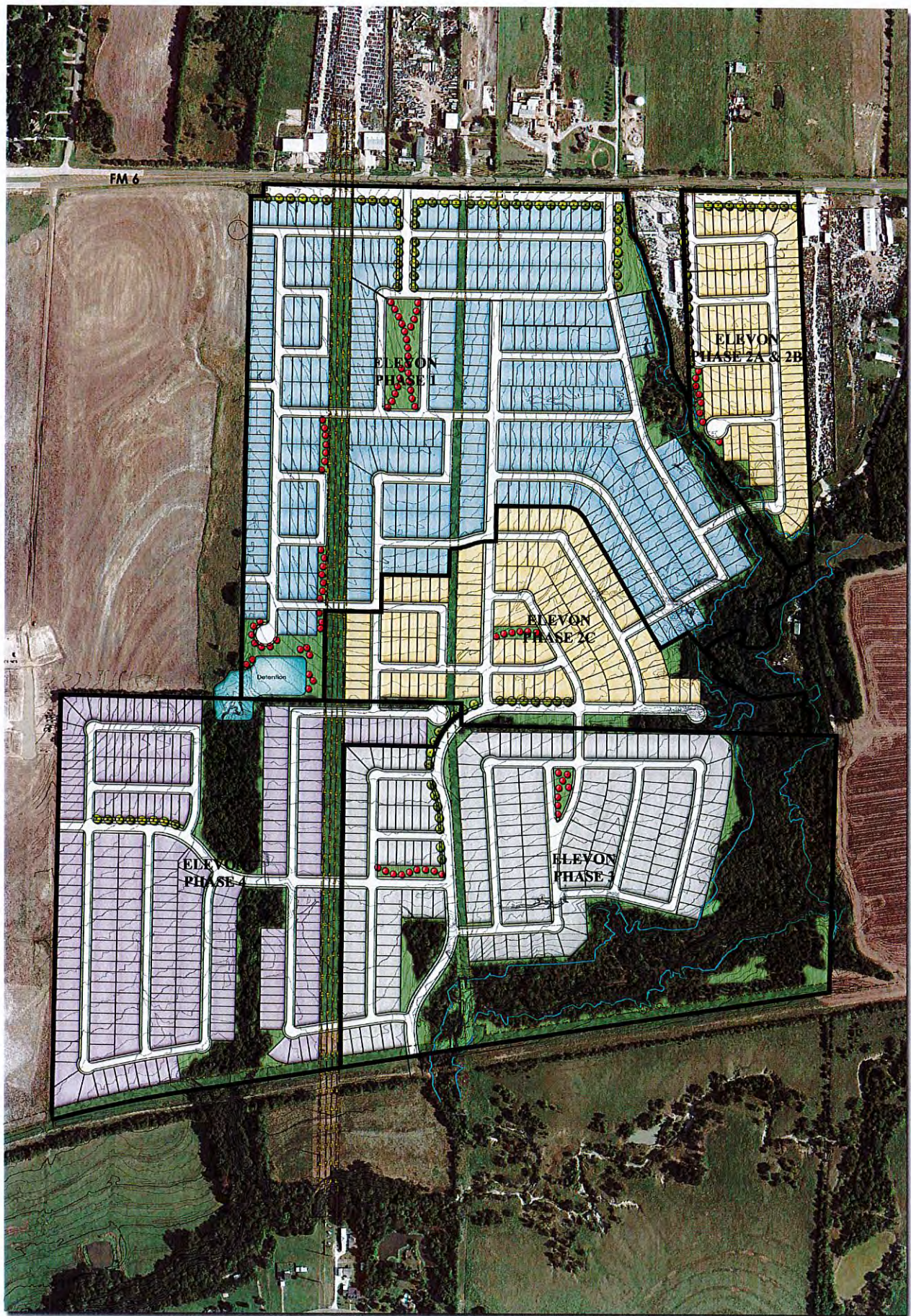
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0 100 200 400 N AUG 24, 2021  
 1"=200' MAT031

# ELEVON

PHASING PLAN **JB**I  
 COLLIN COUNTY, TEXAS PARTNERS







## CITY OF LAVON

P.O. Box 340, School Rd. Lavon, TX 75166  
Office 972-843-4220 - Inspection 972-853-0855

### PLAT APPLICATION

Incomplete applications will not be accepted.

<b>Company Making Submission</b>			<b>Property Owner</b>		
Name: <u>JBI PARTNERS</u>			Name: <u>MA Lavon 292, LLC</u>		
Address: <u>2121 Midway Road, Suite 300</u>			Address: <u>15443 Knoll Trail, Suite 130</u>		
City/State/Zip: <u>Carrollton/TX/75006</u>			City/State/Zip: <u>Dallas/TX/75248</u>		
Phone #: <u>972.738.0243</u>		Fax #: _____	Phone # <u>972.715.6449</u>		Fax # _____
Authorized Person: <u>Daniel Dewey, P.E.</u>			Authorized Person: <u>John Marlin</u>		
<b>Type of Submission</b>		<b>Date</b>	<b>Check List of Items Submitted</b>		
<input type="checkbox"/> Preliminary Plat			<input type="checkbox"/> (two) full size sets of plats (24x36)		
<input checked="" type="checkbox"/> Final Plat		(Elevon Section 1, Phase 2B) <u>9/20/2021</u>	<input type="checkbox"/> (two) full size construction sets (24x36)		
<input type="checkbox"/> Re-Submittal			<input type="checkbox"/> (one) half size sets of plats (11x17)		
<input checked="" type="checkbox"/> Construction Plans		(Elevon Section 1, Phase 2B) <u>9/20/2021</u>	<input 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) <small>(Via MyGov)</small>		
			<input checked="" type="checkbox"/> (one) PDF construction plans (can be included on plat CD) <small>(Via MyGov)</small>		
<b>Pricing</b>					
Preliminary Plat: C* D*		Per Fee Schedule			
Final Plat: C* D*		Per Fee Schedule			
Re-Plat: C* D*		Per Fee Schedule			
Public Infrastructure Inspection		Per Fee Schedule			
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* To complete the plat please sign up as a collaborator in the MyGov system <a href="https://public.mygov.us/lavon_tx">https://public.mygov.us/lavon_tx</a> request access to the City of Lavon. Make a new request for the plat and download these forms along with plans.					
<b>NOTICE TO APPLICANT:</b> 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 and any other applicable ordinances of the City, regardless of information and/or plans submitted.					
Authorized Representative (Printed Name)		Authorized Representative (Signature)			Date:
Daniel Dewey					09-20-2021
(To be completed by the City)					
<b>In Takers Name:</b>					
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:					

RECEIVED

SEP 21 2021

CITY OF LAVON





**CITY OF LAVON**

P.O. Box 340 - 120 School Rd. - Lavon, TX 75166  
Office 972-843-4220 - Fax 972-843-0397 - Inspection 972-853-0855  
Email: [leann.mcclendon@cityoflavon.org](mailto:leann.mcclendon@cityoflavon.org)

**PLAT APPLICATION**

Please type or print clearly. Incomplete applications will not be accepted.

**Declaration of Ownership**

Date: September 20, 2021

To the City of Lavon  
Collin County, Texas

This letter will serve as notice that I/we, MA Lavon 292, LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, for the purpose of any future proposed request (s) relating to this property.

\_\_\_\_\_  
Signature (Owner)

\_\_\_\_\_  
Signature (Owner)

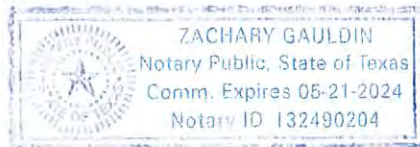
\_\_\_\_\_  
Signature (Owner)

The State of Texas  
County of Dallas

Before me, the undersigned authority, appeared \_\_\_\_\_,  
on this the 20<sup>th</sup> day of September, 2021.

(notary seal)

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



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:

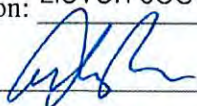
(1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and

(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: Elevon Section 1, Phase 2B

Signed: 

Date: 9/20/2021

---

Received: \_\_\_\_\_

Date: \_\_\_\_\_

October 28, 2021

Ms. Kim Dobbs  
City of Lavon  
120 School Road  
Lavon, TX 75166

Re: Elevon Section 1, Phase 2B, 85 Lots, 3 HOA open space, 15.704 Acres  
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Engineering Plans dated October 27, 2021 as prepared by JBI Partners, Inc. for the above referenced property. The Final Plat was previously reviewed on October 21, 2021. The property is generally located east of Elevon Section 1, Phase 1A. The property is within the City's ETJ and is part of Abston Hills MUD #1-A. Our comments are as follows:

Final Plat (From previous review)

1. All previous comments have been satisfactorily addressed.

Engineering Plans

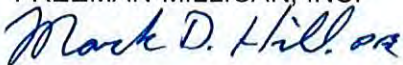
2. Sheet 0.08 – The existing pond has been determined to be non-jurisdictional per the Developer's wetlands report.

This concludes our review of the above referenced Final Plat and Engineering Plans. **We recommend APPROVAL of the Final Plat and Engineering Plans.**

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](mailto:mdhill@fmi-dallas.com).

Sincerely,  
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.  
Consulting City Engineer

Cc: David Carter, Mike Jones, Danny Anthony, Daniel Dewey, P.E.

F:\17024 - LAV General Servies\9 - Review\Elevon\Phase 2B\Sect 1 Ph 2B - Final Plat - Rev 2.docx

October 21, 2021

Ms. Kim Dobbs  
City of Lavon  
120 School Road  
Lavon, TX 75166

Re: Elevon Section 1, Phase 2B, 85 Lots, 3 HOA open space, 15.704 Acres  
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Final Plat dated October 21, 2021 and Engineering Plans dated September 20, 2021 as prepared by JBI Partners, Inc. for the above referenced property. The property is generally located east of Elevon Section 1, Phase 1A. The property is within the City's ETJ and is part of Abston Hills MUD #1-A. Revised Engineering plans are to be submitted at a later date.

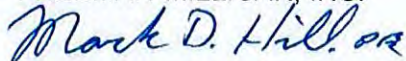
All previous comments on the Final Plat have been satisfactorily addressed.

This concludes our review of the above referenced Final Plat. **We recommend APPROVAL of the Final Plat by the P&Z.** Engineering plans are to be reviewed as part of submission for City Council action.

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.

If there are any questions, please contact me at 214-503-0555 x115 or by email at [mdhill@fmi-dallas.com](mailto:mdhill@fmi-dallas.com).

Sincerely,  
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.  
Consulting City Engineer

Cc: David Carter, Mike Jones, Danny Anthony, Daniel Dewey, P.E.

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October 21, 2021

Ms. Kim Dobbs  
City of Lavon  
PO Box 340  
120 School Road  
Lavon, TX 75166

**Re: Elevon Section 1, Phase 2B, 85 Lots, 3 HOA open space, 15.704 Acres  
Final Plat**

Dear Ms. Dobbs

JBI Partners received your comments via email form on October 13, 2021 from Mark Hill at Freeman-Millican, Inc. for the first submittal review of the Elevon Phase 2B final plat. We have addressed the comments pertaining on the final plat and are resubmitting the revised final plat for review and approval. We are continuing to work on the engineering comments. Below is a summary of how each comment is addressed.

**GENERAL**

1. The northern boundary of the plat is the adjusted ETJ line between the City of Lavon and City of Nevada (Resolution 2021-01-04)
2. Access to this section is from FM 2 through Phase 2A within the City of Nevada ETJ and on the south end via Calm Creek Lane in Phase 1A.

**Final Plat**

3. There is a misspelling in Note #3  
*Spelling error in note 3 has been corrected.*
4. In the dedication statement, the last line – “ETJ” should be removed.  
*The dedication statement has been updated to remove ETJ where noted.*
5. The “Preliminary Plan for Review Purposes Only” signature block should be removed.  
*The preliminary stamp has been removed.*
6. The visibility easements should be identified or a typical detail be provided.  
*A detail for the visibility easements has been added next to the legend.*

If you have any questions, or require additional information regarding this submittal, please contact me at (972) 738-0243.

Thank you,

***Daniel Dewey***  
Daniel Dewey, PE  
JBI Partners, Inc.

October 13, 2021

Ms. Kim Dobbs  
City of Lavon  
120 School Road  
Lavon, TX 75166

Re: Elevon Section 1, Phase 2B, 85 Lots, 3 HOA open space, 15.704 Acres  
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the Final Plat dated September 21, 2021 and Engineering Plans dated September 20, 2021 as prepared by JBI Partners, Inc. for the above referenced property. The property is generally located east of Elevon Section 1, Phase 1A. The property is within the City's ETJ and is part of Abston Hills MUD #1-A. Our comments are as follows:

#### GENERAL

1. The northern boundary is the adjusted ETJ line between the City of Lavon and the City of Nevada (Resolution 2021-01-04).
2. Access to this section is from FM 6 through Phase 2A within the City of Nevada ETJ and on the south end via Calm Creek Lane in Phase 1A.

#### Final Plat

3. There is a misspelling in Note #3 (See attached)
4. In the dedication statement, the last line – "ETJ" should be removed.
5. The "Preliminary Plan for Review Purposes Only" signature block should be removed.
6. The visibility easements should be identified or a typical detail be provided.

#### Engineering Plans

7. Sheet 0.08 – There is an existing pond identified to be "Mucked and Filled". This pond is shown on the National Wetlands Inventory Map as published by US Fish & Wildlife. Engineer should verify that all required permits to remove this wetland have been obtained.
8. Sheet 1.06 – The proposed box culverts should be shown in the profile.
9. Rock check dams should include information on height and width. Height and width should be suitable to minimize over-topping and side bypass.
10. Dimensions for rip-rap placement at outfalls should be provided in plan and profile views.
11. Storm Sewer B2-1 has not been provided in profile. In addition, calculations have not been provided.
12. Engineer to verify size of B2-1. Existing is 24" but all proposed is shown to be 21".

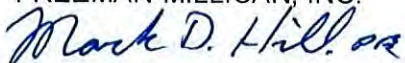
Ms. Kim Dobbs  
Elevon Section 1, Phases 2B, Final Plat  
October 13, 2021  
Page 2 of 2

This concludes our review of the above referenced Final Plat and Engineering Plans. A copy of the Final Plat and Engineering Plans, with markups, is attached for your convenience.

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.

If there are any questions, please contact me at 214-503-0555 x115 or by email at [mdhill@fmi-dallas.com](mailto:mdhill@fmi-dallas.com).

Sincerely,  
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.  
Consulting City Engineer

Cc: David Carter, Mike Jones, Danny Anthony, Daniel Dewey, P.E.

F:\17024 - LAV General Servies\9 - Review\Elevon\Phase 2B\Sect 1 Ph 2B - Final Plat - Rev 0.docx





# CITY OF LAVON

## Agenda Brief

**MEETING:** November 2, 2021

**ITEM:** 10 - I

**Item:**

Discussion and action regarding the final Plat of the Section 2, Elevon Parkway (Onsite) consisting of 20 lots on 39.993 acres out of the Samuel M. Rainer Survey, Abstract No. 740, extraterritorial jurisdiction of the City of Lavon, Collin County, Texas, and containing a roadway extending predominately east to west with a north-south connection point on CR 541 located north of CR 541, east of Lavon Ranchettes, and south of the NETEX right of way in the Abston Hills MUD 1-B and 1-D, (CCAD Property IDs 1290178, 1290169, 1290203, 1290132, 2032794, 1290150).

### Application Information

**Owner(s):** M.A. Lavon 292, LLC

**Applicant:** JBI Partners

**Location:** Southeast of the intersection of SH 78 and FM 6, south of Elevon Section 1 the NETEX right of way, north of CR 541

**Description:** Samuel M. Rainer Survey, Abstract No. 740, (39.993 acres), City of Lavon ETJ, Collin County, TX, (CCAD Property IDs 1290178, 1290169, 1290203, 1290132, 2032794, 1290150)

**Current Zoning:** The property is in the extraterritorial jurisdiction (ETJ)

**Request:** Final Plat

### Request Details

The applicant is seeking approval of a final plat for Elevon, Section 2, Elevon Parkway (Onsite), part of a residential subdivision. Section 2, Elevon Parkway consists of 20 non-residential and is primarily road right of way serving the Elevon Addition, Section 2, Phases 2A-2E. The property is situated in the Abston Hills Municipal Utility Districts (MUDs) No. 1-B and 1-D located in the City of Lavon extraterritorial jurisdiction (ETJ). The City of Lavon has authority for the review and approval of the plats of property in the City's ETJ pursuant to an agreement with Collin County.

### *Code Excerpts:*

#### **TEXAS LOCAL GOVERNMENT CODE** **§ 212.004. PLAT REQUIRED**

Sec. 212.004. PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or

other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

## **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.

#### **Background:**

On September 7, 2021, the City Council approved the preliminary plat of the Elevon Addition, Section 2, Phases 2A-2E consisting of 1,389 residential lots and 37 HOA open space lots on 377.258 acres of land. The proposed final plat substantially conforms to the approved preliminary plat. There are no zoning regulations in the ETJ with which the plat is required to comply. The final plat is consistent with the Future Land Use Plan that was in effect on the date of original application.

The proposed addition is situated in Section 2 of the Elevon development project and takes access at three points from CR 541 and future access from the connecting offsite Elevon Parkway that will connect to SH 78. Additional access is proposed to connect to a future collector road east of Phase 2E. The developer submitted a Traffic Impact Analysis (TIA) which is available for review upon request. The City of Lavon has submitted a request to TxDOT for suggested improvements to the intersection Elevon Parkway and SH 78. The City of Lavon is also working with Collin County to provide for appropriate thoroughfare and circulation planning.

The development will provide for the construction of public infrastructure systems for roads, water, sanitary sewer, open space, and trails. Additionally, the developer will construct trails and/or sidewalks in the locations where sidewalks will not be constructed with new home construction.

#### **Planning and Zoning Commission Report:**

**MOTION: RECOMMEND APPROVAL OF THE PRELIMINARY PLAT OF THE ELEVON WEST COMMERCIAL ADDITION CONSISTING OF 5 LOTS ON 87.266 ACRES OUT OF THE SAMUEL M. RAINER SURVEY, ABSTRACT 740, SHEET 1, TRACT 148, CITY OF LAVON, TEXAS, SITUATED NORTH OF MOORE LANE, EAST OF SH 78 AND SOUTH OF THE BENTLY FARMS AND LAKERIDGE MEADOWS ADDITIONS (CCAD PROPERTY ID 2542828) SUBJECT TO SATISFACTION OF THE CITY ENGINEER'S NOTES AND APPROVAL OF THE CIVIL ENGINEERING PLANS.**

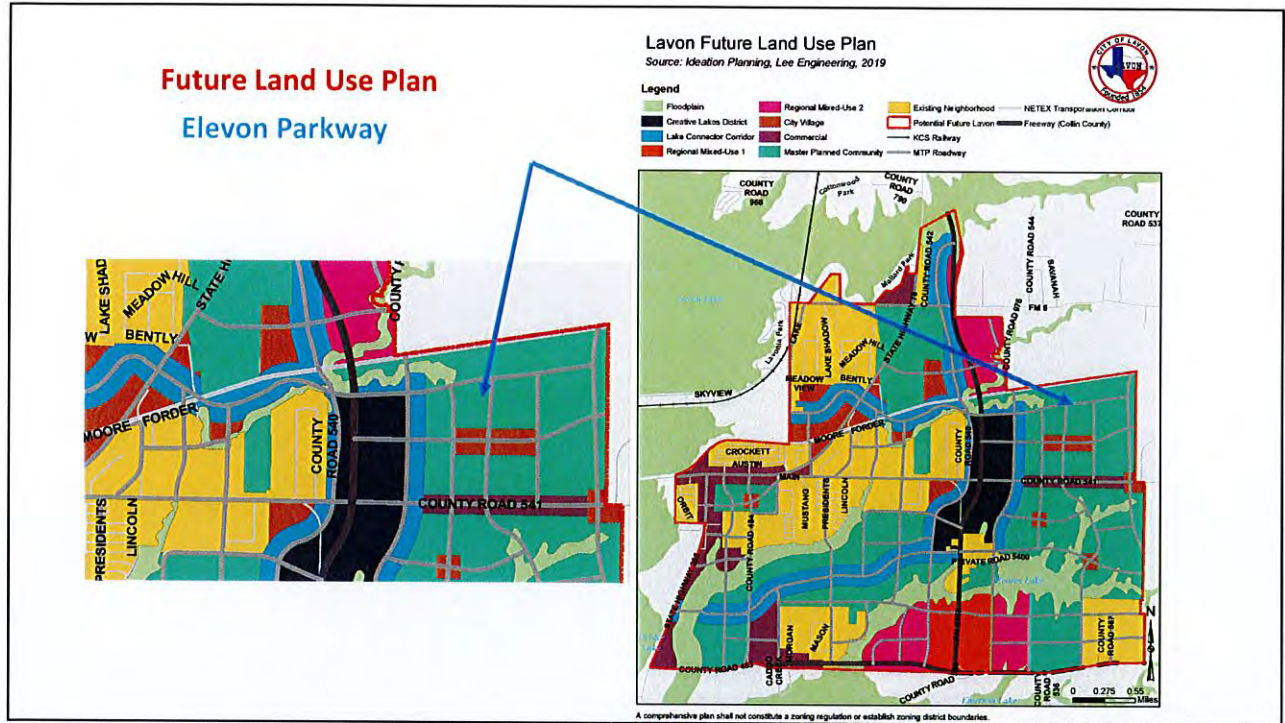
MOTION MADE: NABORS  
SECONDED: TIEGS  
APPROVED: UNANIMOUS (Absent-Bedell, Smith)

***Staff Notes:***

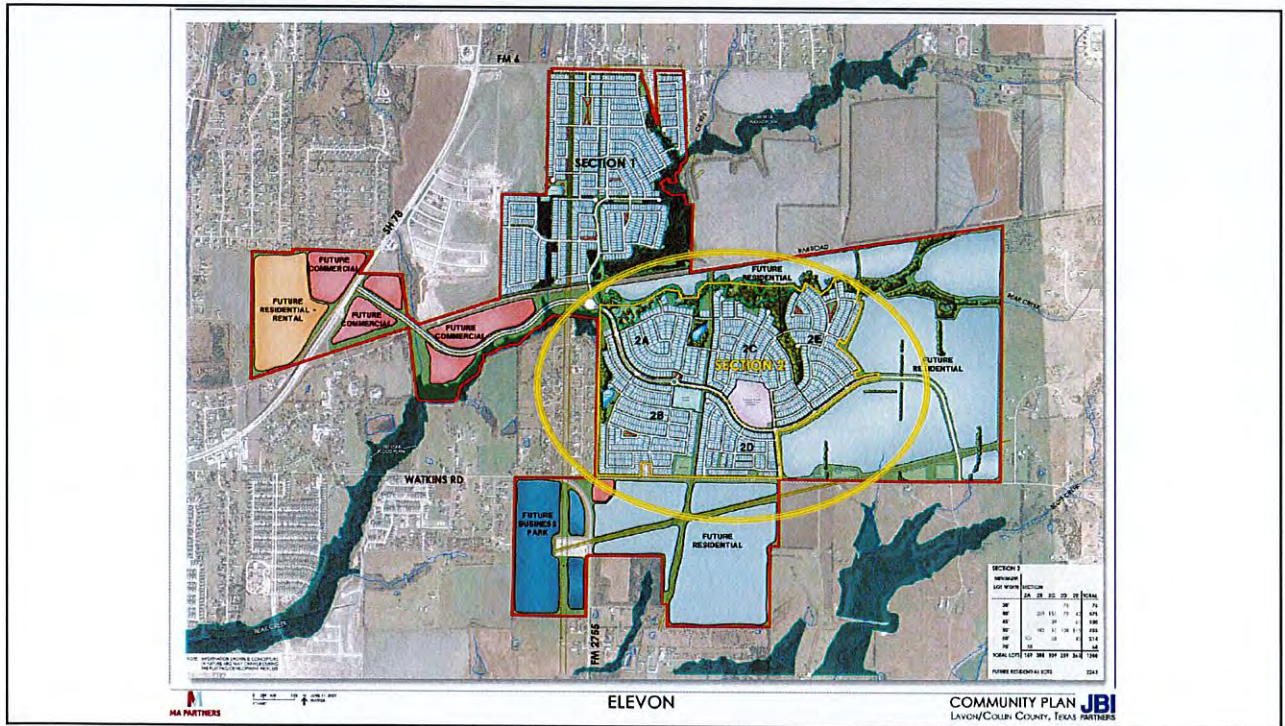
The proposed final plat and construction plans were reviewed by the staff development review committee and the City Engineer. The final plat meets the technical requirements of and complies with the subdivision regulations. Approval is recommended subject to the applicant satisfactorily addressing the City Engineer's comments set out in the October 28, 2021 letter, including approval of the bridge plans and offsite sewer.

**Attachments:**

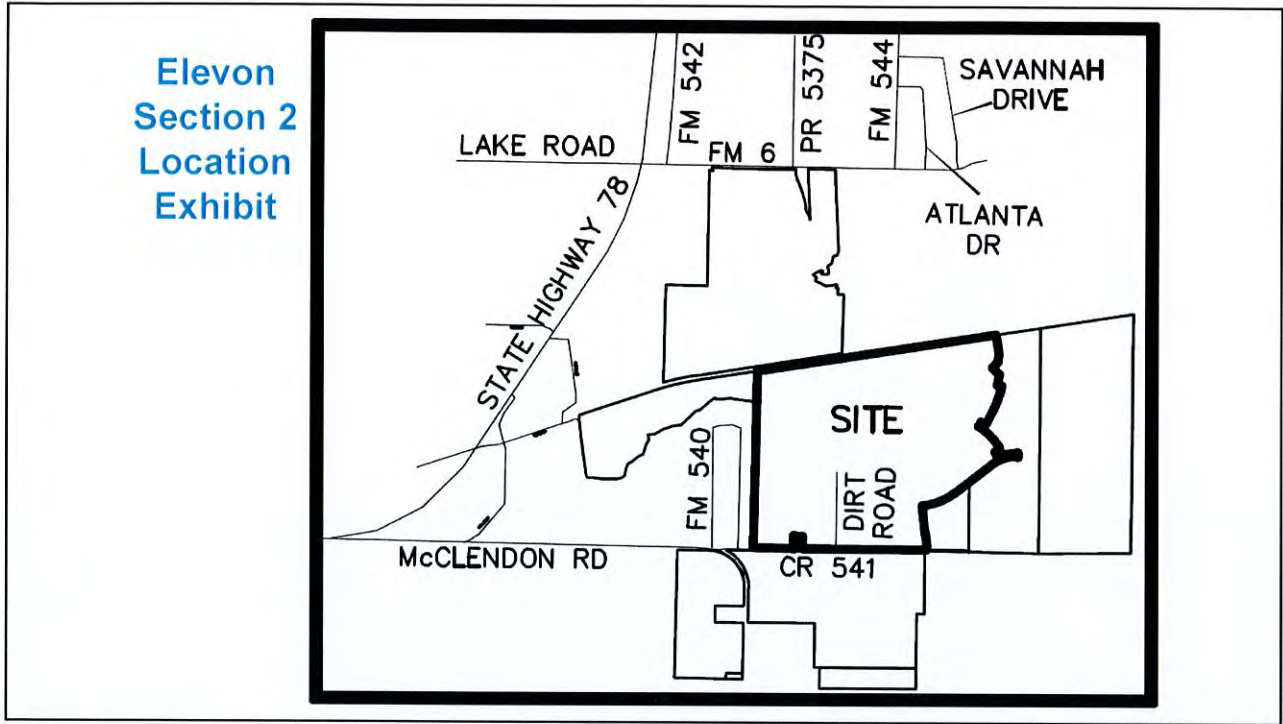
1. Location Exhibits
2. Final Plat
3. Application
4. Engineer's correspondence



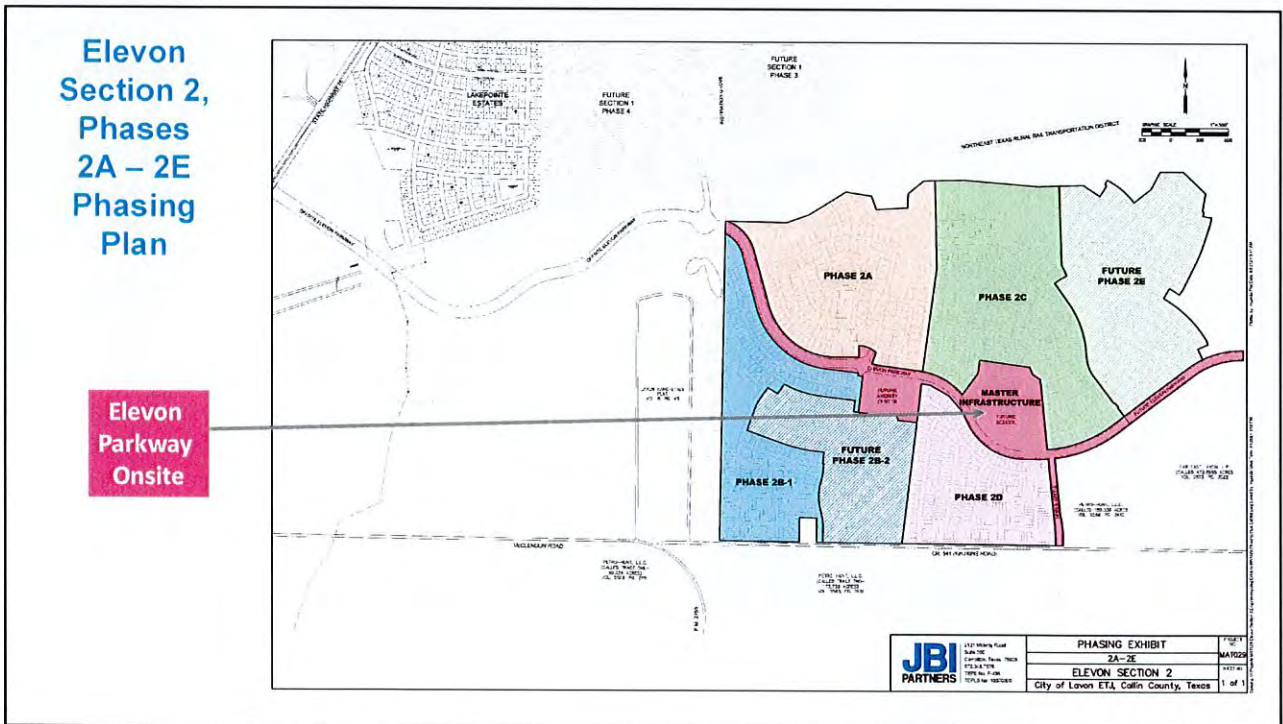
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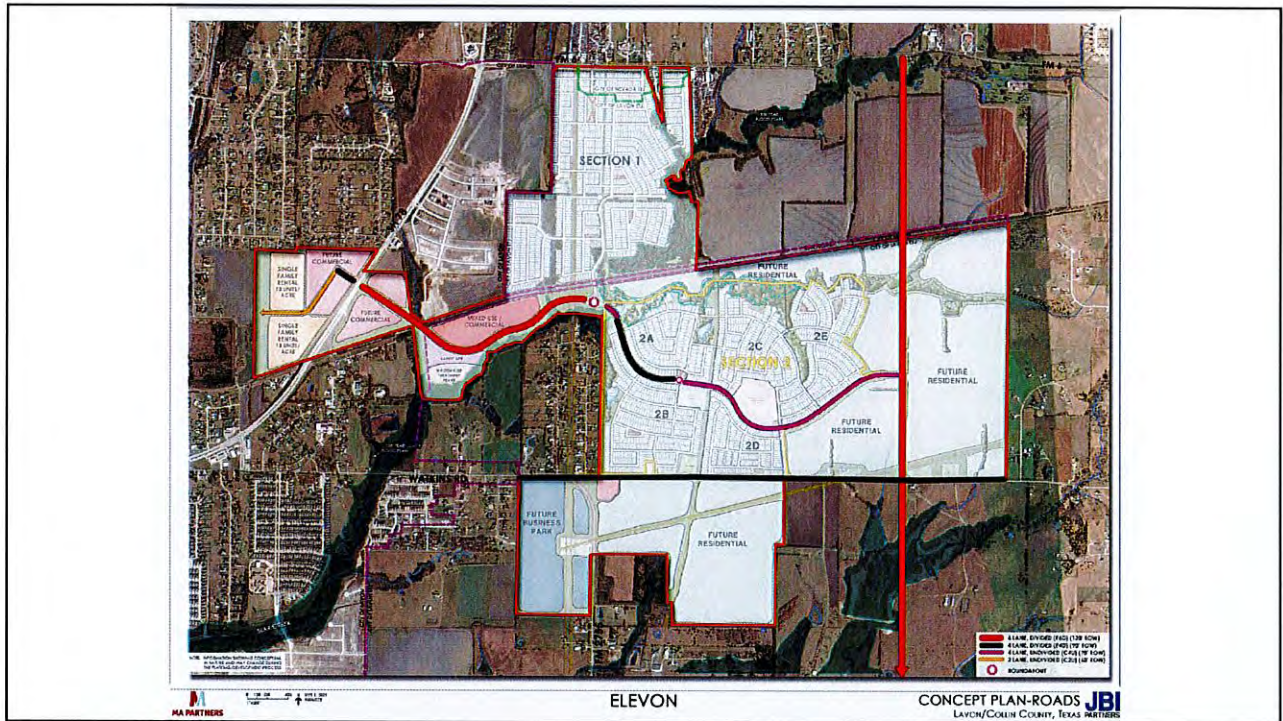
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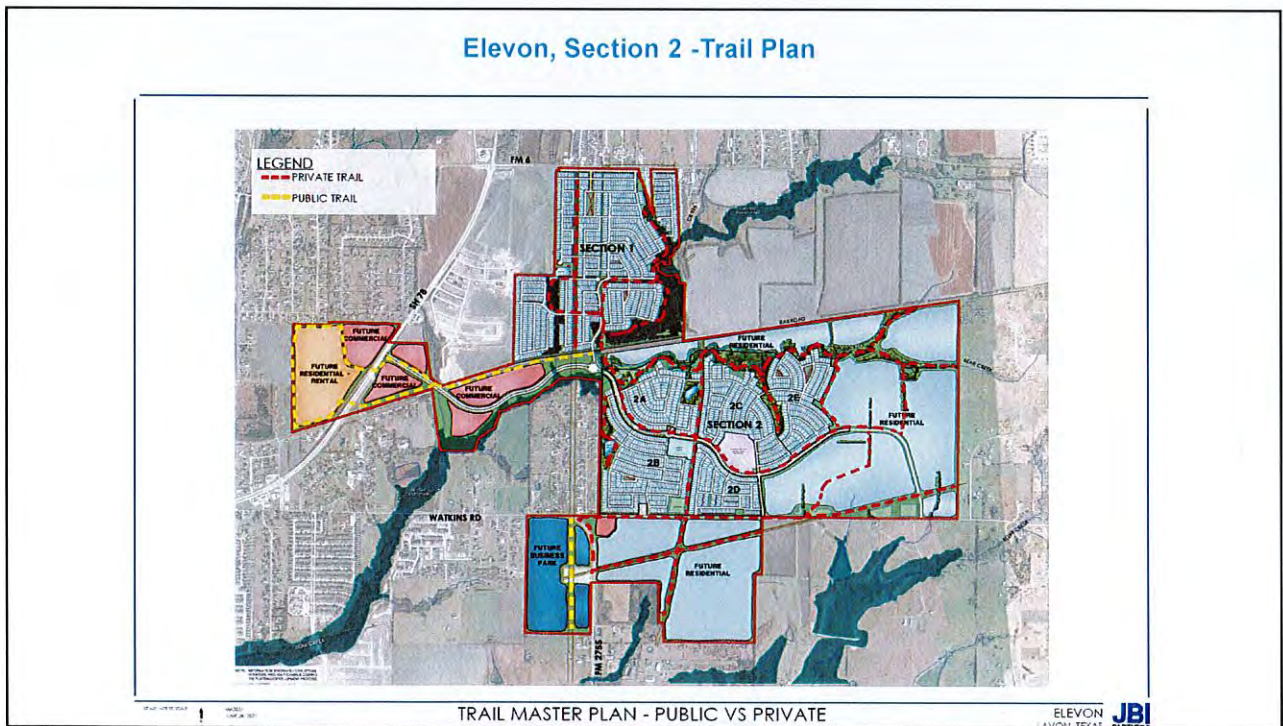
48



49



50



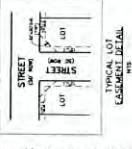
51

### Elevon, Section 2 – Parks and Open Space





- LEGEND**
- POINT OF BEGINNING
  - IRON ROD FOUND
  - IRON ROD FOUND
  - CLAPNET IRON ROD FOUND
  - CONTROL MONUMENT
  - ACRES OF WAY
  - RIER CENTERLINE
  - REDESTAL
  - MANHOLE
  - MANHOLE WATER
  - WATER METER
  - IRE HYDRANT
  - UTILITY POLES
  - CONCRETE PIPE
  - BRANCH EASEMENT
  - SANITARY SEWER EASEMENT
  - WATER EASEMENT
  - STREET NAME CHANGE
  - PRELIMINARY PHASE LINE



**NOTES:**

- 1) SURVEY IS IN ACCORDANCE TO COMMUNITY PANEL NO. 4880000000 DATED 11/20/18 BY THE TEXAS SURVEYING BOARD, MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM MAP, A FLOOD ZONE MAP, AND THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) DETERMINED TO BE WITHIN THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), WITH NO BASE FLOOD ELEVATIONS DETERMINED.
- 2) THE BASIS OF BEARING IS BASED ON THE COORDINATE SYSTEM (NORTH CENTRAL ZONE 4202 STATE PLANE COORDINATES, NAD83).
- 3) THE SUBJECT TRACT HAS FRONTAGE TO COUNTY ROAD NO. 541.
- 4) SURVEY ABSTRACT LINES SHOWN HEREON ARE APPROXIMATE.
- 5) BALDING LOTS SHOWN WITHIN THE EXISTING PHASES TO BE DEEMED SUBJECT TO APPROVAL, AND NO APPROPRIATE SURVEYING ADJUSTMENT.
- 6) ALL LOTS SHOWN HEREON ARE WITHIN COMMUNITY INDEPENDENT SCHOOL DISTRICT BOUNDARY.
- 7) PHASE LINES SHOWN ARE PRELIMINARY AND SUBJECT TO CHANGE.

**PRELIMINARY PLAT**  
**ELEVON SECTION 2**  
**PHASES 2A-2E**

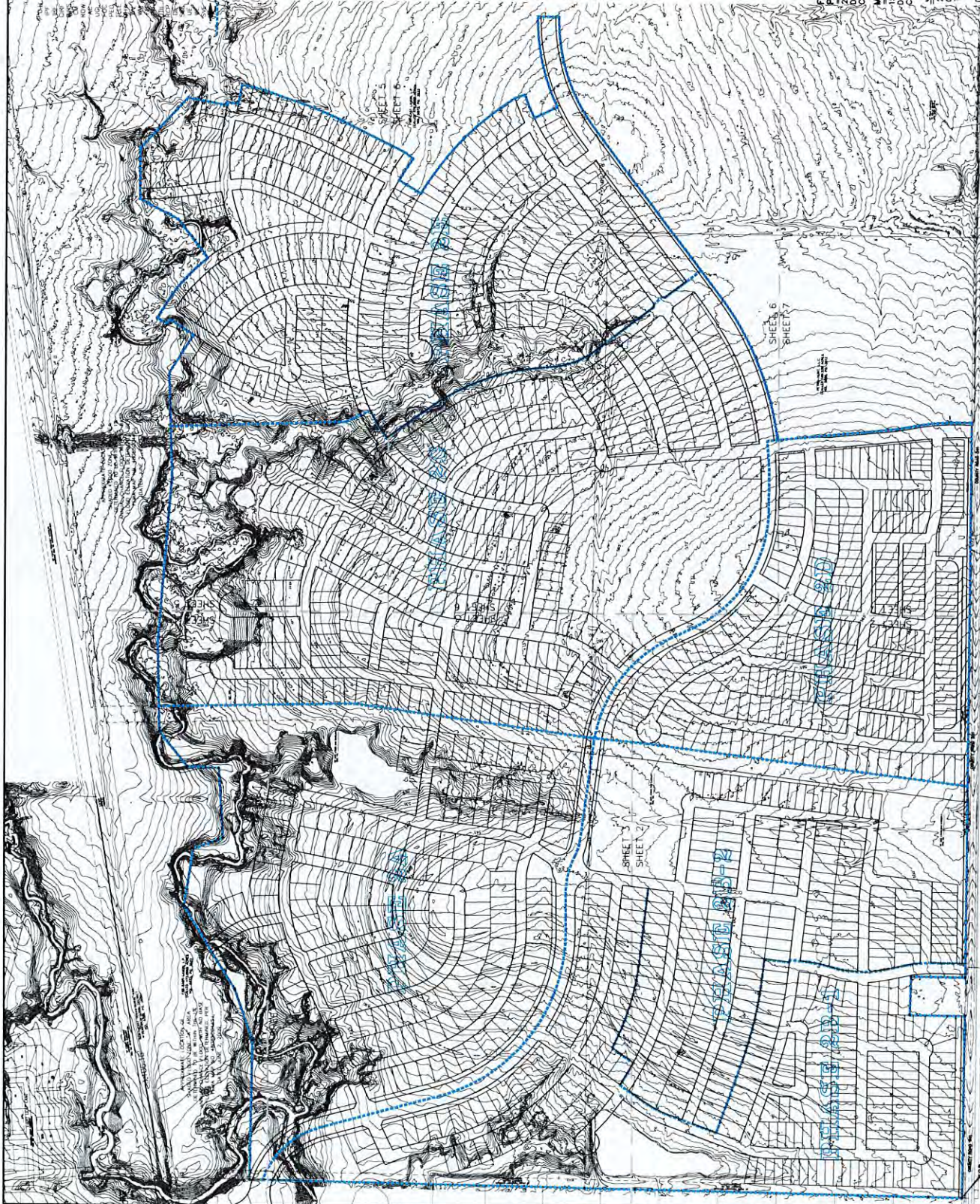
1,389 RESIDENTIAL LOTS  
 37 HOA OPEN SPACE LOTS  
 1,426 TOTAL LOTS

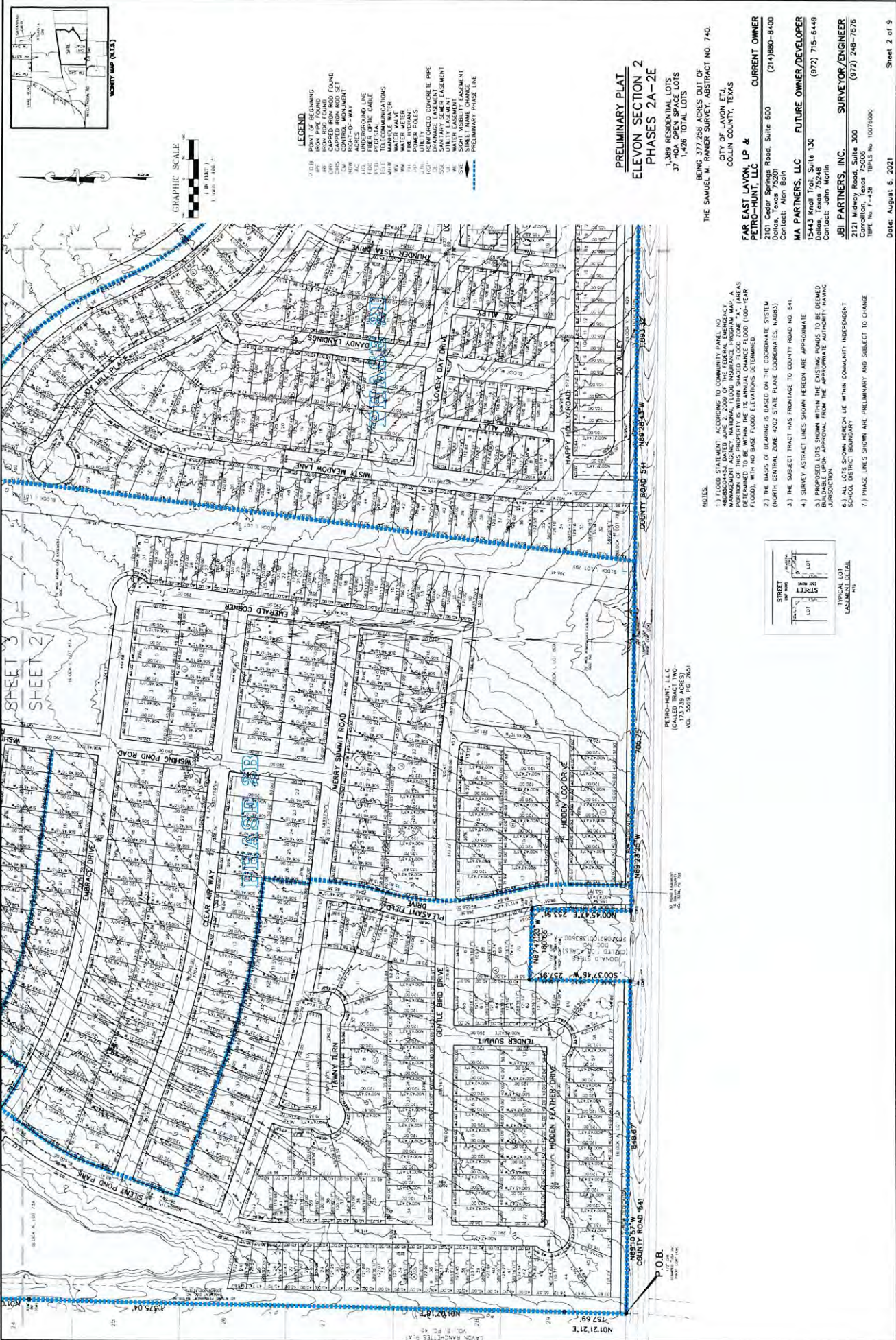
BEING 377,258 ACRES OUT OF  
 THE SAMUEL M. RANER SURVEY, ABSTRACT NO. 740,  
 CITY OF LAVON, ET AL,  
 COLLIN COUNTY, TEXAS

**CURRENT OWNER**  
**FAR EAST LAVON, LP & PETRO-HUNT, LLC**  
 2101 Cedar Springs Road, Suite 600  
 Dallas, Texas 75201  
 Contact: Adam Birt

**FUTURE OWNER/DEVELOPER**  
**MA PARTNERS, LLC**  
 15443 Knoll Trail, Suite 130  
 Dallas, Texas 75248  
 Contact: John Merritt

**SURVEYOR/ENGINEER**  
**JBI PARTNERS, INC.**  
 2121 Midway Road, Suite 300  
 Carrollton, Texas 75006  
 REG. NO. 7-438 REG. NO. 10076000





**PRELIMINARY PLAT  
ELEVON SECTION 2  
PHASES 2A-2E**

1,389 RESIDENTIAL LOTS  
37 HOA OPEN SPACE LOTS  
1,426 TOTAL LOTS

BEING 377.288 ACRES OUT OF  
THE SAMUEL M. RANIER SURVEY, ABSTRACT NO. 740,  
CITY OF LAVON ET AL,  
COLLIN COUNTY, TEXAS

**FAR EAST LAVON, LP &  
PETRO-HUNT, LLC** CURRENT OWNER  
2101 Cedar Springs Road, Suite 600  
Dallas, Texas 75201  
Contact: Alan Bohn

**MA PARTNERS, LLC** FUTURE OWNER/DEVELOPER  
15443 Knoll Trail, Suite 130  
Dallas, Texas 75248  
Contact: John Morris

**JBI PARTNERS, INC.** SURVEYOR/ENGINEER  
2121 Midway Road, Suite 300  
Carrollton, Texas 75006  
BPE No. 1-14-08 (BPE No. 100/76000)

Date: August 6, 2021  
Sheet 2 of 9

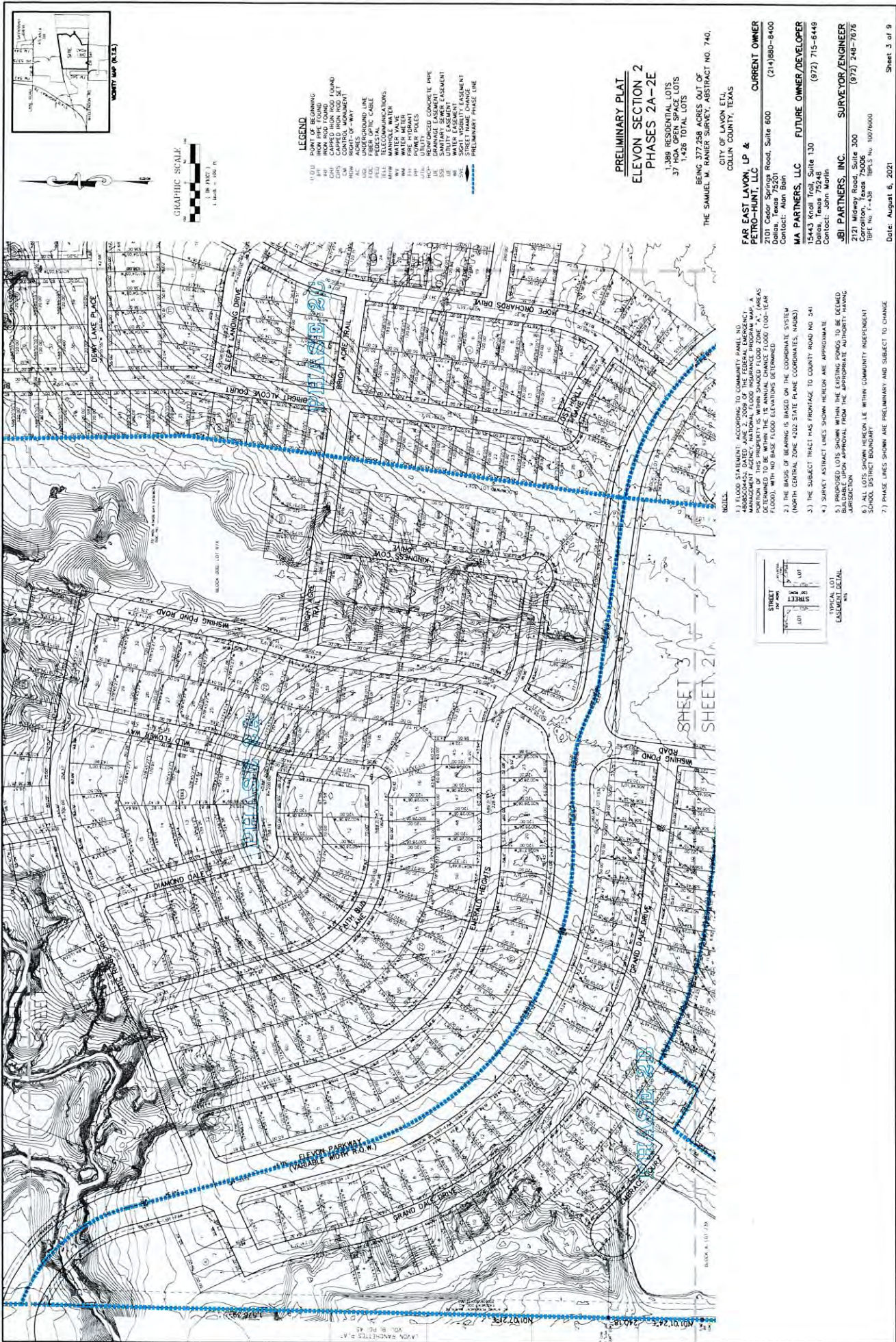
- NOTES:
- 1) FLOOD ELEVATION ASSIGNING TO COMMUNITY RAINFALL AND MANAGEMENT AGENCY DATED JUNE 2, 2009 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM MAP A WAS DETERMINED TO BE WITHIN THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), WITH NO BASE FLOOD ELEVATIONS DETERMINED.
  - 2) THE BASIS OF BEARING IS BASED ON THE COORDINATE SYSTEM (NORTH CENTRAL ZONE 4002 STATE PLANE COORDINATES, NAD83)
  - 3) THE SUBJECT TRACT HAS FRONTAGE TO COUNTY ROAD NO. 541
  - 4) SURVEY ABSTRACT LINES SHOWN HEREON ARE APPROXIMATE
  - 5) IMPROVED LOTS SHOWN WITHIN THE SECTION SHOULD BE BEING BOUNDARIED UPON APPROVAL FROM THE APPROPRIATE AUTHORITY HAVING JURISDICTION.
  - 6) ALL LOTS SHOWN HEREON LIE WITHIN COMMUNITY INDEPENDENT SCHOOL DISTRICT BOUNDARY
  - 7) PHASE LINES SHOWN ARE PRELIMINARY AND SUBJECT TO CHANGE



PETRO-HUNT, LLC  
(613.728 ACRES)  
VOL. 5069, PG. 265

P.O.B.  
PLAT MAP (P.L.S.)

SHEET 3  
SHEET 2



Drawing by: P:\Projects\MA7029-Elevon\Section 2\Survey\Map\MA7029-Pre-Plat.dwg Date: 8/6/2021 5:51 PM



- LEGEND**
- 11.010 BOUNDING
  - 11.011 IRON PIPE FOUND
  - 11.012 CAPPED IRON ROD FOUND
  - 11.013 CAPPED IRON ROD SET
  - 11.014 RIGHT-OF-WAY
  - 11.015 UNDERGROUND LINE
  - 11.016 FIBER OPTIC CABLE
  - 11.017 TELECOMMUNICATIONS
  - 11.018 WATER METER
  - 11.019 WATER VALVE
  - 11.020 POWER POLES
  - 11.021 REINFORCED CONCRETE PIPE
  - 11.022 UTILITY EASEMENT
  - 11.023 SHORT ASSESSMENT
  - 11.024 SVA
  - 11.025 PRELIMINARY PHASE LINE

**PRELIMINARY PLAT  
ELEVON SECTION 2  
PHASES 2A-2E**

1,389 RESIDENTIAL LOTS  
37 HIGH GREEN SPACE LOTS  
1,426 TOTAL LOTS

BEING 377.288 ACRES OUT OF  
THE SAMUEL M. RANIER SURVEY, ABSTRACT NO. 740,  
CITY OF LAVON ET AL,  
COLLIN COUNTY, TEXAS

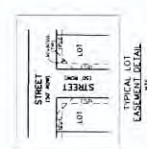
**FAR EAST LAVON, LP &  
PETRO-HUNT, LLC** CURRENT OWNER  
2101 Cedar Springs Road, Suite 800  
Dallas, Texas 75201  
Contact: Alan Bohn

**MA PARTNERS, LLC** FUTURE OWNER/DEVELOPER  
15443 Kroll Trail, Suite 130  
Dallas, Texas 75248  
Contact: John Morris

**JBI PARTNERS, INC.** SURVEYOR/ENGINEER  
2121 Midway Road, Suite 300  
Carrington, Texas 75006  
BPE No. 1-1458 License No. 10976600

Date: August 6, 2021

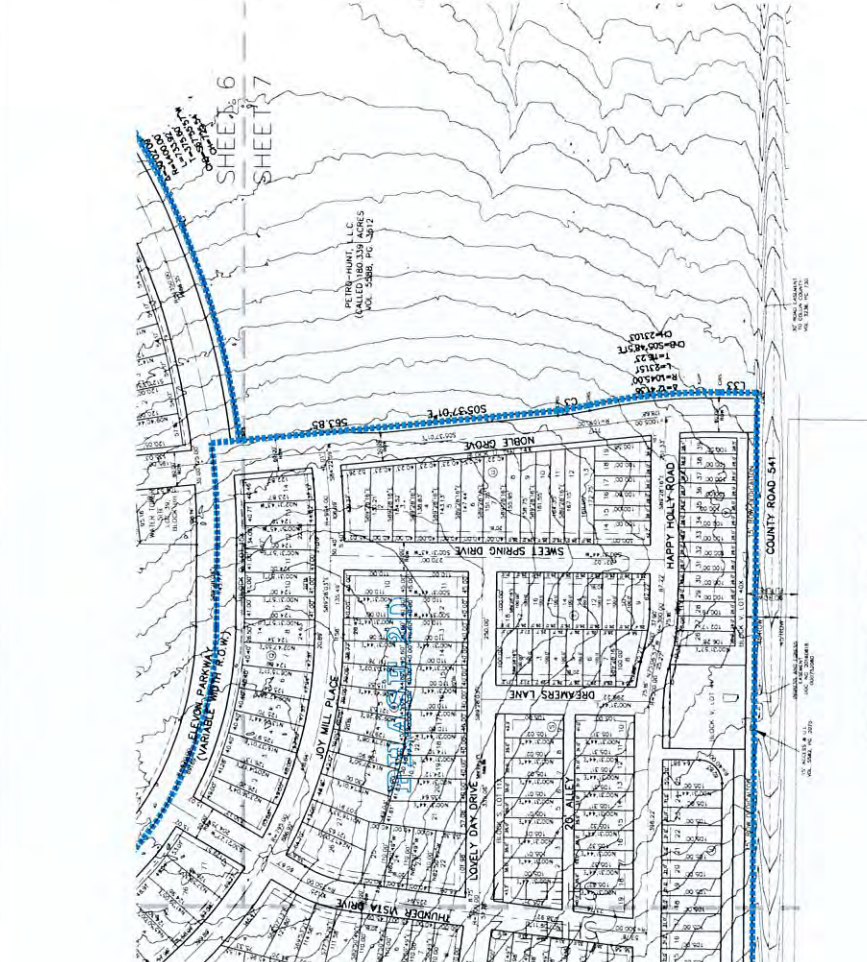
- NOTES:**
- 1.) FLOOD STATEMENT: ACCORDING TO COMMUNITY PANEL NO. 480800424, DATED JUNE 2, 2009 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE SUBJECT TRACT IS WITHIN SHADOL FLOOD ZONE "A" (AREAS DETERMINED TO BE WITHIN THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), WITH NO BASE FLOOD ELEVATIONS DETERMINED).
  - 2.) THE BASIS OF BEARING IS BASED ON THE COORDINATE SYSTEM (NORTH CENTRAL ZONE 4202 STATE PLANE COORDINATES, NAD83).
  - 3.) THE SUBJECT TRACT HAS FRONTAGE TO COUNTY ROAD NO. 341.
  - 4.) SURVEY ABSTRACT LINES SHOWN HEREON ARE APPROXIMATE.
  - 5.) PROPOSED LOTS SHOWN WITHIN THE EXISTING PONDS TO BE CELESTED BALANCE UPON APPROVAL FROM THE APPROPRIATE AUTHORITY HAVING JURISDICTION.
  - 6.) ALL LOTS SHOWN HEREON ARE WITHIN COMMUNITY INDEPENDENT SCHOOL DISTRICT BOUNDARY.
  - 7.) PHASE LINES SHOWN ARE PRELIMINARY AND SUBJECT TO CHANGE.











LOT SIZE	NUMBER OF LOTS
40' x 120'	92
60' x 80'	168
<b>TOTAL</b>	<b>260</b>
<b>PHASE 2B-1</b>	
40' x 120'	101
50' x 80'	198
<b>TOTAL</b>	<b>299</b>
<b>PHASE 2B-2</b>	
40' x 120'	101
50' x 80'	189
<b>TOTAL</b>	<b>290</b>
<b>PHASE 2C</b>	
35' x 80'	38
30' x 80'	152
40' x 80'	51
<b>TOTAL</b>	<b>241</b>
<b>PHASE 2D</b>	
40' x 120'	63
40' x 90'	22
30' x 90'	16
40' x 110'	37
31' x 85'	37
35' x 105'	28
35' x 85'	28
52' x 100'	44
<b>TOTAL</b>	<b>258</b>
<b>PHASE 2E</b>	
40' x 120'	45
30' x 80'	42
50' x 80'	115
<b>TOTAL</b>	<b>202</b>

NO.	LINE	LENGTH	NO.	LINE	LENGTH	NO.	LINE	LENGTH
11	483522.77	13.54	121	507290.01	48.84			
12	483522.77	13.54	122	549230.61	48.84			
13	509710.07	20.00	123	547770.01	48.80			
14	509710.07	20.00	124	549310.01	48.80			
15	507031.78	24.48	125	543300.01	48.84			
16	507031.78	24.48	126	548390.01	48.84			
17	507031.78	24.48	127	538310.01	48.54			
18	505030.78	47.37	128	538250.01	45.00			
19	505030.78	47.37	129	533740.01	51.25			
20	505030.78	47.37	130	533740.01	51.25			
21	505030.78	47.37	131	520300.01	100.00			
22	505030.78	47.37	132	509250.01	100.00			
23	505030.78	47.37	133	500250.01	66.50			
24	505030.78	47.37	134	505030.78	47.37			
25	505030.78	47.37	135	505030.78	47.37			
26	505030.78	47.37	136	505030.78	47.37			
27	505030.78	47.37	137	505030.78	47.37			
28	505030.78	47.37	138	505030.78	47.37			
29	505030.78	47.37	139	505030.78	47.37			
30	505030.78	47.37	140	505030.78	47.37			

NO.	LENGTH	BELLA	ANGLE	CHORD BEARING	CHORD
1	122.12	000°07'33"	135.00	81.10°	122.08
2	118.08	008°18'23"	107.00	58.10°	118.07
3	155.96	106°33'37"	140.00	28.10°	155.92

**LEGEND**

- POINT OF BEGINNING
- IRON PIPE FOUND
- OPEN DITCH
- CEPPED IRON ROD FOUND
- CONCRETE FOUND SET
- CONTROL MONUMENT
- RIGHT-OF-WAY
- UNDERGROUND LINE
- HYDRAULIC LABEL
- PEDESTAL
- TELECOMMUNICATIONS
- WATER VALVE
- WATER MAIN
- PIPE HYDRANT
- UTILITY POLES
- REINFORCED CONCRETE PIPE
- REINFORCED CONCRETE
- CONCRETE FOUNDATION
- WATER CASSEMENT
- WATER CASSEMENT
- SHORT VISIBILITY CASSEMENT
- PRELIMINARY PHASE LINE

**PROJECT TOTAL**

1,389 RESIDENTIAL LOTS  
1,436 TOTAL LOTS

**PRELIMINARY PLAT**  
**EVLON SECTION 2**  
**PHASES 2A-2E**

BENGS 377 268 ACRES OUT OF  
THE SAMUEL M. RANKER SURVEY, ABSTRACT NO. 740,  
COUNTY OF LAVON, TEXAS

**CITY OF LAVON, TX & COUNTY OF LAVON, TEXAS**

**FAR EAST LAVON, LP & PETRO-HUNT, LLC** CURRENT OWNER  
2101 Cedar Springs Road, Suite 600  
Arlington, Texas 76010  
Contract: Alan Bojn

**MA PARTNERS, LLC** FUTURE OWNER/DEVELOPER  
15443 Knoll Trail, Suite 130  
Houston, Texas 77058  
Contract: John Griffin

**JB PARTNERS, INC.** SURVEYOR/ENGINEER  
2121 Midway Road, Suite 300  
Houston, Texas 77058  
TBP# No. T-438 TBP#S No. 10076000

Date: August 6, 2021

Sheet 7 of 9

- NOTES:**
- 1) FLOOD STATEMENT - ACCORDING TO COUNTY PLANS, NO 460500048 DATED JUNE 2, 2009 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM MAP, THE SUBJECT TRACT IS IN FLOOD ZONE X (100-YEAR FLOOD). IT IS DETERMINED TO BE WITHIN THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), WITH NO BASE FLOOD ELEVATIONS DETERMINED.
  - 2) THE BASIS OF BEARING IS BASED ON THE COORDINATE SYSTEM (NORTH CENTRAL ZONE 4002 STATE PLANE COORDINATES, NAD83)
  - 3) THE SUBJECT TRACT HAS FRONTAGE TO COUNTY ROAD NO. 541
  - 4) SURVEY ABSTRACT LINES SHOWN HEREON ARE APPROXIMATE
  - 5) RECORDED LOTS SHOWN WITHIN THE EXISTING RECORD MAPS ARE DETERMINED TO BE WITHIN THE APPROXIMATE AUTHORITY HAVING JURISDICTION
  - 6) ALL LOTS SHOWN HEREON LIE WITHIN COUNTY INDEPENDENT SCHOOL DISTRICT BOUNDARY
  - 7) PHASE LINES SHOWN ARE PRELIMINARY AND SUBJECT TO CHANGE



LEGAL DESCRIPTION

Part of the County of Linn, State of Iowa, known as the Linn County Survey, Section 25, Township 36 North, Range 12 West, 36th and 37th Meridian, 1836. The land is divided into lots of 40 acres each, except for one lot of 20 acres. The land is being conveyed to the City of Linn, Iowa, for use as a public park.

THENCE South 25 degrees 30 minutes 20 seconds East, 120.00 feet to a one-half inch iron rod with yellow cap stamped '38' set for corner; thence South 25 degrees 30 minutes 20 seconds East, 120.00 feet to a one-half inch iron rod with yellow cap stamped '38' set for corner; thence South 25 degrees 30 minutes 20 seconds East, 120.00 feet to a one-half inch iron rod with yellow cap stamped '38' set for corner; thence South 25 degrees 30 minutes 20 seconds East, 120.00 feet to a one-half inch iron rod with yellow cap stamped '38' set for corner.

THENCE South 25 degrees 30 minutes 20 seconds East, 120.00 feet to a one-half inch iron rod with yellow cap stamped '38' set for corner; thence South 25 degrees 30 minutes 20 seconds East, 120.00 feet to a one-half inch iron rod with yellow cap stamped '38' set for corner; thence South 25 degrees 30 minutes 20 seconds East, 120.00 feet to a one-half inch iron rod with yellow cap stamped '38' set for corner; thence South 25 degrees 30 minutes 20 seconds East, 120.00 feet to a one-half inch iron rod with yellow cap stamped '38' set for corner.

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SURVEYOR'S CERTIFICATE  
KNOW ALL MEN BY THESE PRESENTS  
That I, Mark W. Hill, R.A.S., do hereby certify that I prepared the plan from an actual and accurate survey of the land and that the corner monuments shown thereon are set in accordance with the laws of the State of Iowa and the Ordinance of the City of Linn, Iowa.

STATE OF IOWA  
COUNTY OF \_\_\_\_\_  
Before me, the undersigned authority, a Notary Public, and for the State of Iowa, on this day personally appeared Mark W. Hill, Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
Notary Public in and for the State of Iowa

"Recommended for Approval"  
City of Linn, Iowa  
Date: \_\_\_\_\_  
City of Linn, Iowa

"Approved for Preparation of Final Plat"  
City of Linn, Iowa  
Date: \_\_\_\_\_  
City of Linn, Iowa

PRELIMINARY PLAT  
ELEVON SECTION 2  
PHASES 2A-2E  
3.189 RESIDENTIAL LOTS  
14.96 TOTAL LOTS  
THE SAME L.W. RANGER SURVEY, ABSTRACT NO. 740,  
CITY OF LINN, IOWA,  
COLLIN COUNTY, TEXAS

FAR EAST LAYON, LP &  
PETRO-HUNT, LLC CURRENT OWNER  
2101 Cedar Springs Road, Suite 800  
Cedar Rapids, IA 52401  
Contact: Alan Bost  
MA PARTNERS, LLC FUTURE OWNER/DEVELOPER  
15443 Royal Trail, Suite 130  
Cedar Rapids, IA 52401  
Contact: John Griffin  
BI PARTNERS, INC. SURVEYOR/ENGINEER  
2121 Mickey Road, Suite 300  
Cedar Rapids, IA 52401  
Contact: John Griffin

Date August 5, 2021  
Sheet 9 of 9



**LEGEND**

- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING
- REF. REFERENCE POINT
- IRON ROD FOUND
- CONCRETE MONUMENT
- CHS. CAPED IRON ROD SET
- CONCRETE MONUMENT
- AL. ALIEN
- AC. ACRES
- SV. SURVEY
- SP. SIGHT TRIANGULATION

**FINAL PLAT**  
**ELEVON PARKWAY**

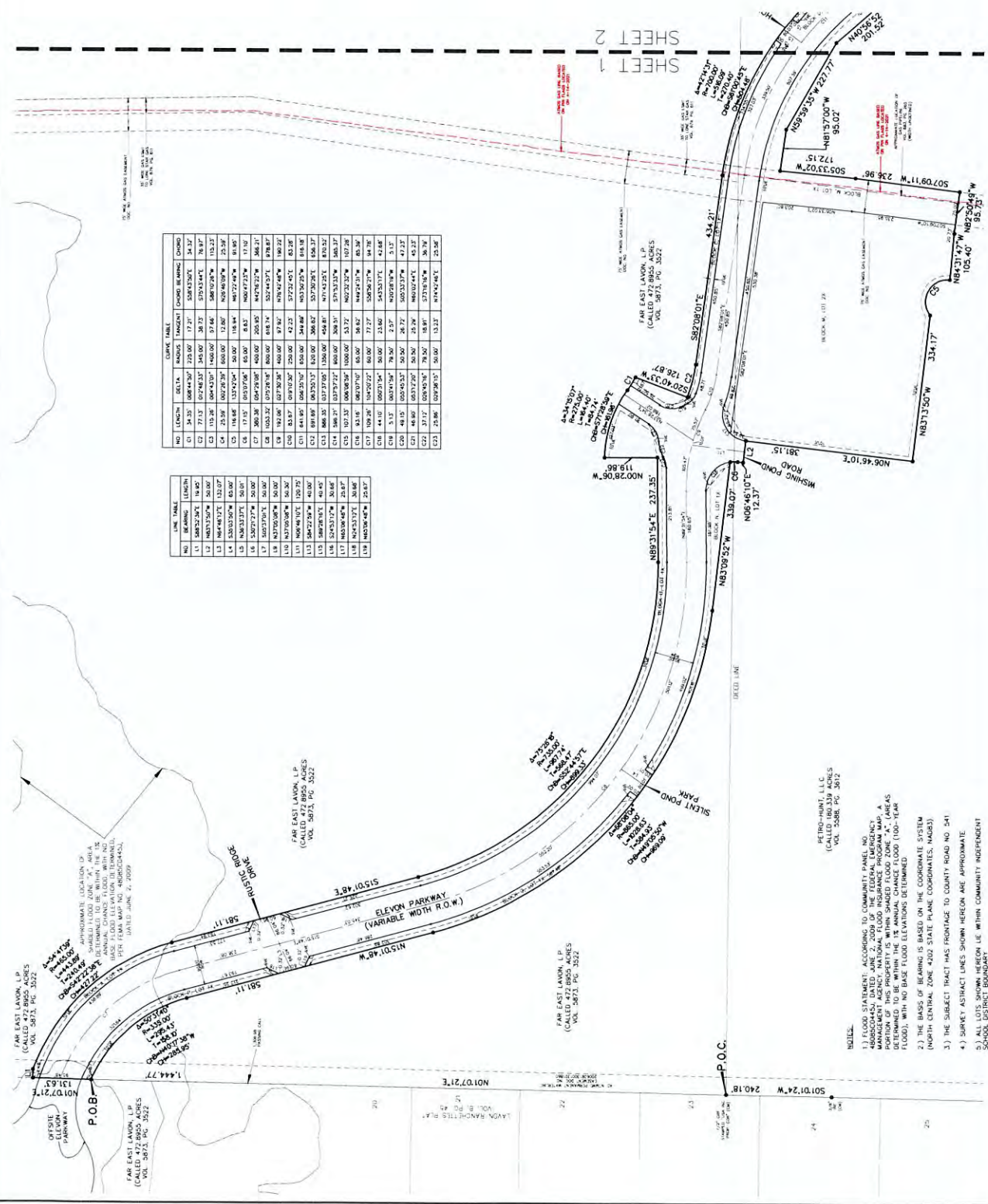
20 LOTS  
BEING 40.033 ACRES OUT OF  
THE SAMUEL M. RANER SURVEY, ABSTRACT NO. 740,  
CITY OF LAVON,  
COLLIN COUNTY, TEXAS

**FAR EAST LAVON, LP & PETRO-HUNT, LLC** CURRENT OWNER  
2101 Cedar Springs Road, Suite 600 (214) 980-8400  
Contact: Alan Bain

**MA PARTNERS, LLC** FUTURE OWNER/DEVELOPER  
15443 Kocall Trail, Suite 130 (972) 715-6448  
Contact: John Martin

**BI PARTNERS, INC.** SURVEYOR/ENGINEER  
2121 Midway Road, Suite 300 (972) 748-7676  
1800 N. F. A.S. TRBLD. No. 18076600  
Contact: John Martin

Date: October 21, 2021

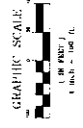
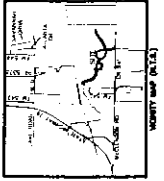


NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD
C1	34.35	088°44'50"	225.00	177.31	S88°43'26"E	34.35
C2	77.13	07°48'53"	345.00	38.73	S75°43'54"E	76.97
C3	115.36	004°43'50"	1600.00	57.66	S86°07'58"W	110.23
C4	25.38	007°20'30"	600.00	12.80	N05°03'30"W	25.38
C5	17.52	003°07'06"	450.00	8.83	N06°47'58"W	17.52
C6	360.36	054°29'06"	600.00	200.85	N47°26'22"W	366.77
C7	103.32	075°26'48"	600.00	61.74	S22°49'57"E	876.87
C8	192.86	027°30'38"	600.00	97.97	N79°47'44"W	196.77
C9	83.87	09°10'20"	250.00	42.23	S77°21'45"E	83.28
C10	441.95	008°35'50"	600.00	349.88	N03°02'25"W	616.58
C12	89.88	08°35'13"	600.00	366.87	S77°30'28"E	668.37
C13	886.25	037°27'02"	1500.00	458.81	N71°43'25"E	870.57
C14	886.25	037°27'02"	1500.00	388.57	S71°33'32"W	560.57
C15	51.52	006°08'58"	600.00	38.52	N62°25'28"W	51.52
C16	109.36	045°02'52"	600.00	71.27	S68°26'27"W	94.78
C18	44.42	005°03'54"	500.00	23.80	S45°53'17"E	43.88
C19	3.17	003°14'54"	750.00	2.37	N07°08'19"W	3.17
C20	48.55	003°45'33"	500.00	26.72	S05°53'37"W	47.27
C21	48.80	003°17'20"	500.00	25.74	N06°02'44"E	49.27
C22	37.17	009°45'18"	750.00	18.81	S77°19'14"W	36.78
C23	25.86	009°28'12"	500.00	13.27	N14°42'46"E	25.86

LINE NO.	LENGTH
L1	159.161
L2	184.526
L3	184.526
L4	159.161
L5	159.161
L6	159.161
L7	159.161
L8	159.161
L9	159.161
L10	159.161
L11	159.161
L12	159.161
L13	159.161
L14	159.161
L15	159.161
L16	159.161
L17	159.161
L18	159.161
L19	159.161

- NOTES:**
- 1) FLOOD STATEMENT: ACCORDING TO COMMUNITY PANEL NO. 48080045N, DATED JUNE 2, 2009 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE SUBJECT TRACT IS WITHIN SHARED FLOOD ZONE "A" (AREAS DETERMINED TO BE WITHIN THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), WITH NO BASE FLOOD ELEVATIONS DETERMINED).
  - 2) THE BASIS OF BEARING IS BASED ON THE COORDINATE SYSTEM (NORTH CENTRAL ZONE 4202 STATE PLANE COORDINATES, NAD83).
  - 3) THE SUBJECT TRACT HAS FRONTAGE TO COUNTY ROAD NO. 541.
  - 4) SURVEY ABSTRACT LINES SHOWN HEREON ARE APPROXIMATE.
  - 5) ALL LOTS SHOWN HEREON ARE WITHIN COMMUNITY INDEPENDENT SCHOOL DISTRICT BOUNDARY.





**LEGEND**  
 P=115 POINT OF COMMENCING POINT OF BEGINNING  
 P=116 POINT OF BEGINNING  
 P=117 POINT OF BEGINNING  
 P=118 POINT OF BEGINNING  
 P=119 POINT OF BEGINNING  
 P=120 POINT OF BEGINNING  
 P=121 POINT OF BEGINNING  
 P=122 POINT OF BEGINNING  
 P=123 POINT OF BEGINNING  
 P=124 POINT OF BEGINNING  
 P=125 POINT OF BEGINNING  
 P=126 POINT OF BEGINNING  
 P=127 POINT OF BEGINNING  
 P=128 POINT OF BEGINNING  
 P=129 POINT OF BEGINNING  
 P=130 POINT OF BEGINNING

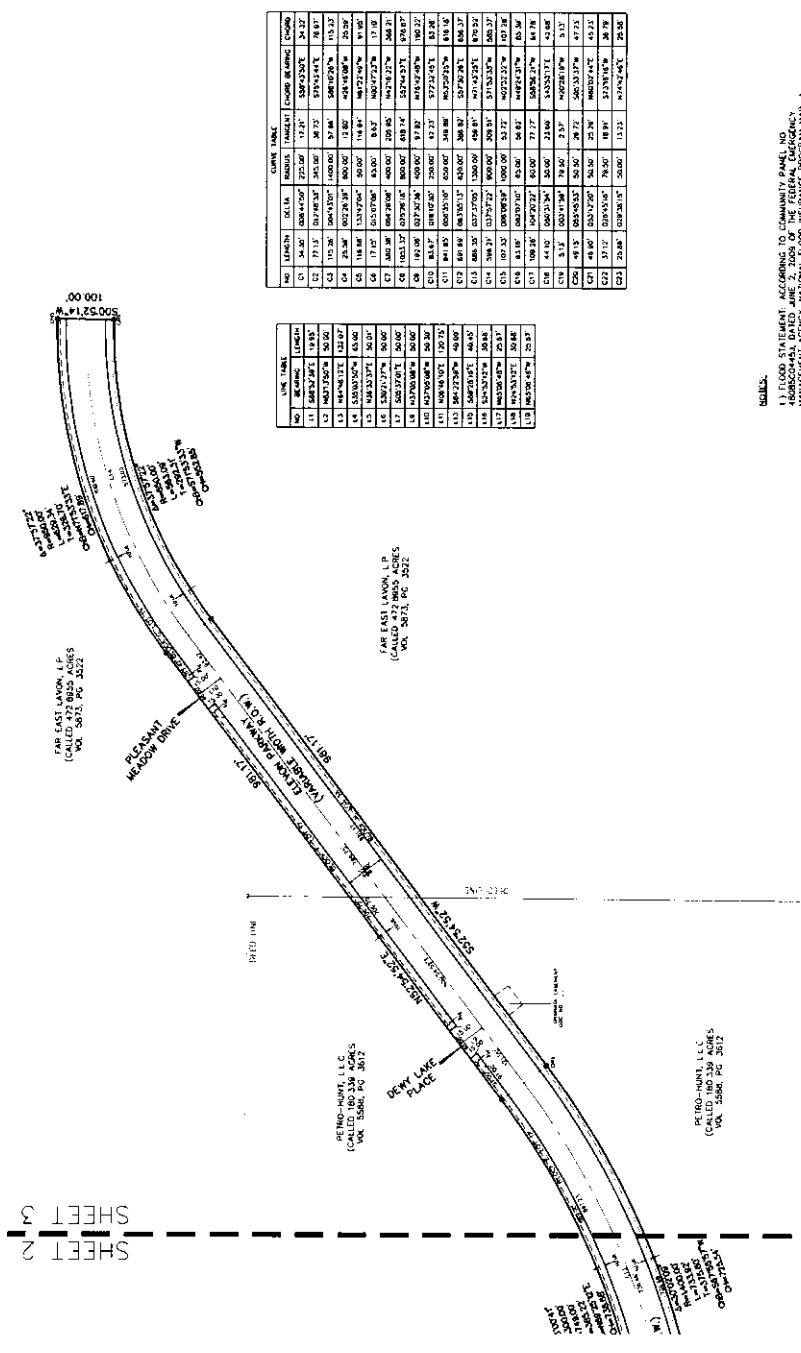


**FINAL PLAT  
 ELVON PARKWAY**

20 LOTS  
 BEING 40.033 ACRES OUT OF  
 THE SAMUEL M. RANIER SURVEY, ABSTRACT NO. 740,  
 CITY OF LAVON,  
 COLLIN COUNTY, TEXAS

**FAR EAST LAVON, LP &  
 PETRO-HUNT, LLC** CURRENT OWNER  
 2101 Cedar Springs Road, Suite 800  
 Dallas, Texas 75201  
 Contact: Alan Babin  
**MA PARTNERS, LLC** FUTURE OWNER/DEVELOPER  
 15443 Knox Trail, Suite 130  
 Dallas, Texas 75244  
 Contact: John Martin  
**MA PARTNERS, INC.** SURVEYOR/ENGINEER  
 2121 Midway Road, Suite 300  
 Dallas, Texas 75244  
 Contact: John Martin  
 1941 No. 1-438  
 100762000

Date: October 21, 2021 Sheet 3 of 4



NO.	LENGTH	BEARING	AREA	PERCENT	POINT	BEARING	AREA
01	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
02	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
03	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
04	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
05	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
06	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
07	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
08	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
09	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
10	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
11	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
12	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
13	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
14	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
15	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
16	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
17	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
18	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
19	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00
20	100.00	N 00° 00' 00" E	100.00	100.00	100.00	N 00° 00' 00" E	100.00

- NOTES:**
- 1) ALL LOTS SHOWN HEREON ARE APPROXIMATE.
  - 2) THE BASIS OF BEARING IS BASED ON THE COORDINATE SYSTEM (NORTH CENTRAL ZONE 4002 STATE PLANE COORDINATES, NAD83).
  - 3) THE SUBJECT TRACT HAS FRONTAGE TO COUNTY ROAD NO. 344 (W. 151ST STREET).
  - 4) SURVEY ABSTRACT LINES SHOWN HEREON ARE APPROXIMATE.
  - 5) ALL LOTS SHOWN HEREON ARE WITHIN COMMUNITY INDEPENDENT SCHOOL DISTRICT BOUNDARY.

SHEET 2  
 SHEET 3







**CITY OF LAVON**

P.O. Box 340 - 120 School Rd. - Lavon, TX 75166  
Office 972-843-4220 - Fax 972-843-0397 - Inspection 972-853-0855

Email: [leann.mcclendon@cityoflavon.org](mailto:leann.mcclendon@cityoflavon.org)

**PLAT APPLICATION**

Please type or print clearly. Incomplete applications will not be accepted.

**Authorization of Representation**

Date: 10/18/2021

To the City of Lavon  
Collin County, Texas

This letter will serve as notice that I/we, Petro-Hunt, 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 MA Lavon 292, LLC to represent me (us) and my (our) interests in the property described in the attached exhibits (s) for the expressed purpose of this request.

*B.W. Hunt*  
Signature (Owner)

\_\_\_\_\_  
Signature (Owner)

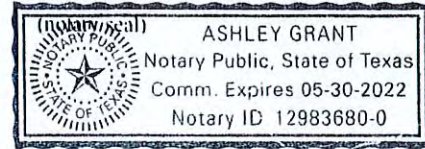
\_\_\_\_\_  
Signature (Owner)

The State of Texas  
County of Dallas

Before me, the undersigned authority, appeared B. W. Hunt,  
on this the 18th day of October, 2021.

*Ashley Grant*

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 - Fax 972-843-0397 - Inspection 972-853-0855

Email: [leann.mcclendon@cityoflavon.org](mailto:leann.mcclendon@cityoflavon.org)

**PLAT APPLICATION**

Please type or print clearly. Incomplete applications will not be accepted.

**Declaration of Ownership**

Date: 10/13/2021

To the City of Lavon  
Collin County, Texas

This letter will serve as notice that I/we, Petro-Hunt, 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)

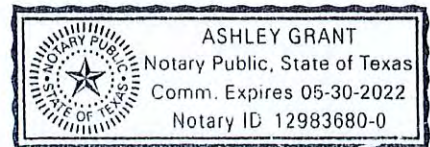
The State of Texas  
County of Dallas

Before me, the undersigned authority, appeared B. W. Hunt,  
on this the 18th day of October, 2021.

Ashley Grant

Notary Public in and for Dallas County, Texas

(notary seal)



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: Elevon Section 2 Infrastructure Improvements Construction Plans & Final Plat

Signed: 

Date: 10/18/2021

---

Received: \_\_\_\_\_

Date: \_\_\_\_\_

October 28, 2021

Ms. Kim Dobbs  
City of Lavon  
120 School Road  
Lavon, TX 75166

Re: Elevon Section 2, Elevon Parkway, 20 Lots, 39.993 Acres  
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Engineering Plans dated October 27, 2021 as prepared by JBI Partners, Inc. for the above referenced property. The Final Plat was previously reviewed on October 21, 2021. The property is generally located within Elevon Section 2 and consists of the Elevon APrkway and Noble Grove road through Section 2, Phases 2A-2E. The property is currently within the City's ETJ, but is to be annexed per a Development Agreement. Comments are based upon the Development Agreement (Resolution 2021-09-07). Our comments are as follows:

Final Plat (from previous review)

1. Street names still need to be verified by Collin County 911 prior to filing of this Final Plat.
2. The Gas Easement has not been filed to date. Filing information is to be added prior to filing the Final Plat.
3. Although this development is currently in the City's ETJ area, the Dedication Statement has removed reference to "ETJ" and assumes the annexation of the development, per the Developers Agreement, prior to filing the Final Plat.

Engineering Plans

4. Sheet 1.01 – Reference is made to Structural Plans for the proposed bridge. These are being prepared by others and will be submitted separately.
5. Sheet 1.09 – The typical pavement section has been updated to reflect the sidewalk widths per the Development Agreement. We recommend that on the paving sheets (1.01-1.07) the proposed sidewalk width be shown for the sidewalks.
6. There appears to be grading activities and drainage structures outside of the boundary of this Plat. An easement or written permission from the property owner should be provided prior to any offsite grading or structure installation activities. It is our understanding that most of these areas (Phase 2A-2E) are to be acquired by the Developer on 11/08/21. Regardless, since this area is outside of the platted boundary, an easement or written permission is still required for approval of this Plat. It is assumed since the Owner will be the same, written permission would be the easiest course of action. It should be noted that areas beyond the Plat boundary and not planned for phases 2A-2E are shown to have an easement (by separate instrument).
7. The street connection and culvert on CR 541 will require a permit from Collin County. A copy of this permit should be provided to the City.

Ms. Kim Dobbs  
Elevon Section 2, Elevon Parkway, Final Plat  
October 28, 2021  
Page 2 of 2

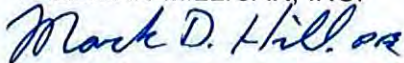
8. The sanitary sewer alignment has been modified. It appears that several of the manholes may be within the 100-year floodplain. All manholes within the floodplain shall be sealed manholes. We recommend that the floodplain, as determined by the flood study (possibly delineate FEMA area, also), be shown on the plans and the water surface elevation shown on the profile.
9. The sanitary sewer is connecting downstream to a proposed sanitary sewer line flowing to the new WWTP. These plans are being prepared by others.

This concludes our review of the above referenced Final Plat and Engineering Plans. **We recommend APPROVAL of the Final Plat and Engineering Plans subject to satisfactorily addressing comments above and approval of the bridge plans and offsite sewer.** The comments above are relatively minor in nature and will be required to be addressed prior to any construction activities.

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](mailto:mdhill@fmi-dallas.com).

Sincerely,  
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.  
Consulting City Engineer

Cc: David Carter, Mike Jones, Danny Anthony, Daniel Dewey, P.E.

F:\17024 - LAV General Servies\9 - Review\Elevon\Section 2\Elevon Parkway\Sect 2 Elevon Parkway - Final Plat - Rev 2.docx

October 21, 2021

Ms. Kim Dobbs  
City of Lavon  
120 School Road  
Lavon, TX 75166

Re: Elevon Section 2, Elevon Parkway, 20 Lots, 39.993 Acres  
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Final Plat dated October 21, 2021 as prepared by JBI Partners, Inc. for the above referenced property. The property is generally located within Elevon Section 2 and consists of the Elevon Parkway and a portion of Noble Grove road through Section 2, Phases 2A-2E. The property is currently within the City's ETJ, but is to be annexed per a Development Agreement. Comments are based upon the Development Agreement (Resolution 2021-09-07). Revised Engineering plans are to be submitted at a later date. Our comments are as follows:

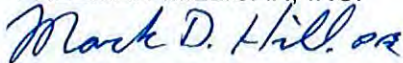
1. Street names still need to be verified by Collin County 911 prior to filing of this Final Plat.
2. The Gas Easement has not been filed to date. Filing information is to be added prior to filing the Final Plat.
3. Although this development is currently in the City's ETJ area, the Dedication Statement has removed reference to "ETJ" and assumes the annexation of the development, per the Developers Agreement, prior to filing the Final Plat.

This concludes our review of the above referenced revised Final Plat. **We recommend APPROVAL of the Final Plat by the P&Z.** Engineering plans are to be reviewed as part of submission for City Council action.

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.

If there are any questions, please contact me at 214-503-0555 x115 or by email at [mdhill@fmi-dallas.com](mailto:mdhill@fmi-dallas.com).

Sincerely,  
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.  
Consulting City Engineer

Cc: David Carter, Mike Jones, Danny Anthony, Daniel Dewey, P.E.

F:\17024 - LAV General Servies\9 - Review\Elevon\Section 2\Elevon Parkway\Sect 2 Elevon Parkway - Final Plat - Rev 1.docx



October 21, 2021

Ms. Kim Dobbs  
City of Lavon  
PO Box 340  
120 School Road  
Lavon, TX 75166

**Re: Elevon Section 2, Elevon Parkway, 20 Lots, 39.993 Acres  
Final Plat**

Dear Ms. Dobbs

JBI Partners received your comments via email form on October 13, 2021 from Mark Hill at Freeman-Millican, Inc. for the first submittal review of the Elevon Section 2, Elevon Parkway final plat. We have addressed the comments pertaining on the final plat and are resubmitting the revised final plat for review and approval. We are continuing to work on the engineering comments. Below is a summary of how each comment is addressed.

**GENERAL**

1. The Plat includes the proposed Right-of-Way for Elevon Parkway serving Section 2, Phases 2A-2E, adjacent lots for landscaping, utilities, etc. and 3 lots for an amenity center, school and water tower.
2. The Engineering Plans include Elevon Parkway and some adjacent utilities.

**Final Plat**

3. All street names to be verified by Collin County 911.  
*Per the development agreement this site will eventually be annexed into the City. Does City of Lavon require all street names to be approved by Collin County 911? If so, we can reach out to Collin County to begin the process of verifying street names.*
4. The adjacent property owner on the western property line should be identified.  
*Owner information has been added.*
5. The 30'x30' visibility easements should be shown on the Plat. These should be located at all intersections with Elevon Parkway.  
*The visibility easements have been added to this plat. The continuation of the visibility easements will be shown on the final plats of the internal phases (2A, 2B, 2C and 2D).*
6. The Gas Easement filing information should be completed.  
*The Atmos easement has not been filled yet. We will update the filling information on the plat once the easement is filled.*
7. There are some errant arrows on CR 541 that should be addressed.  
*The dimension arrows on CR 541 have been removed.*



8. The Dedication Statement refers to the Lavon ETJ. Currently the site is within the ETJ, but will be annexed into the City per the Development Agreement. Since this Final Plat will not be filed until project completion, we recommend that the ETJ reference be removed. This includes the reference in the title block.

*The dedication statement and title block have been revised.*

If you have any questions, or require additional information regarding this submittal, please contact me at (972) 738-0243.

Thank you,

*Daniel Dewey*

Daniel Dewey, PE

JBI Partners, Inc.

October 13, 2021

Ms. Kim Dobbs  
City of Lavon  
PO Box 340  
120 School Road  
Lavon, TX 75166

Re: Elevon Section 2, Elevon Parkway, 20 Lots, 39.993 Acres  
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the Final Plat Preliminary Plat dated August 30, 2021 and Engineering Plans dated August 31, 2021 as prepared by JBI Partners, Inc. for the above referenced property. The property is generally located within Elevon Section 2 and consists of the Elevon APrkway and Noble Grove road through Section 2, Phases 2A-2E. The property is currently within the City's ETJ, but is to be annexed per a Development Agreement. Comments are based upon the Development Agreement (Resolution 2021-09-07). Our comments are as follows:

#### GENERAL

1. The Plat includes the proposed Right-of-Way for Elevon Parkway serving Section 2, Phases 2A-2E, adjacent lots for landscaping, utilities, etc. and 3 lots for an amenity center, school and water tower.
2. The Engineering Plans include Elevon Parkway and some adjacent utilities.

#### Final Plat

3. All street names to be verified by Collin County 911.
4. The adjacent property owner on the western property line should be identified.
5. The 30'x30' visibility easements should be shown on the Plat. These should be located at all intersections with Elevon Parkway.
6. The Gas Easement filing information should be completed.
7. There are some errant arrows on CR 541 that should be addressed.
8. There is a typographical error in the written Legal Description (See markups).
9. The Dedication Statement refers to the Lavon ETJ. Currently the site is within the ETJ, but will be annexed into the City per the Development Agreement. Since this Final Plat will not be filed until project completion, we recommend that the ETJ reference be removed. This includes the reference in the title block.

#### Engineering Plans

10. We recommend 30'x30' visibility easements at all Collector and Arterial street intersections.

11. Sheet 1.01 – Reference is made to Structural Plans for the proposed bridge, but these do not appear to have been included.
12. Sheet 1.01 - The median nose location for the eastbound left turn lane at Rustic Ridge should be verified. The left turn striping extends beyond the nose and these are typically the same.
13. A roundabout is proposed at the intersection with Wishing Pond Rd. At this point Elevon Parkway will change from a 4 lane divided roadway to a 4 lane undivided roadway.
14. Sheet 1.07 – the connection to CR 541 should include sawcut of the existing street and show that a minimum of 6" of concrete should be at the connection (12" preferred).
15. Sheet 1.08 – A legend should be provided to clarify the arrows shown on the drawing.
16. Sheet 1.09 – Per the Development Agreement, Elevon Parkway is to have 6'-8' sidewalks. The Typical Section should be modified.
17. There appears to be grading activities outside of the boundary of this Plat. An easement or written permission from the property owner should be provided prior to any offsite grading activities.
18. There are several locations where drainage structures and/or grading is shown to be outside of this Plat boundary. Since this is for drainage, we request drainage easements be provided to encompass these areas. These easements can be abandoned, as appropriate, as adjacent areas are platted.
19. Sheet 2.01 – There is significant fill at the proposed bridge area. Due to the proximity to the creek and the slope, permanent erosion protection should be provided.
20. Sheet 3.01 – A rock check dam is being placed downstream of the proposed bridge for erosion protection. This should be verified that this will be sufficient for high flow conditions to prevent silt and dirt from entering the downstream creek area.
21. Sheet 3.05 – Associated with the above item, the height and width of the rock check dams should be provided for the specific locations shown on the plans. These should be sufficient to minimize overtopping and from bypassing on the sides.
22. Drainage calculations have been provided for both the "interim" and "Ultimate" conditions. However, it appears that the sizing of pipes and inlets is based upon the ultimate scenario and does not take into account flows from the interim basins. This should be addressed.
23. Line A2 is identified as "Interim" in the profile. This should be verified.
24. All rip-rap areas at outfalls should be dimensioned in plan and profile.
25. The street connection and culvert on CR 541 will require a permit from Collin County.
26. Water and sanitary sewer lines outside of the plated boundary will require easements.
27. Manholes in unpaved areas should have a rim elevation 24" above final grade.

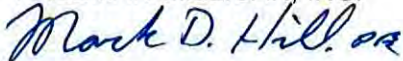
28. Sheet 8.04 – Consideration should be made to install dead end signs or barricades east of Noble Grove.
29. Sheet 8.02 & 8.05 – Consider including the “roundabout circle” on the regulatory signs (see markups).
30. Sheet 8.05 - There appears to be some pavement marking arrows that should be verified (see markups).
31. Sheet 8.05 – There is a speed limit sign that erroneously appears on this sheet.

This concludes our review of the above referenced Final Plat and Engineering Plans. A copy of the Final Plat and Engineering Plans, with markups, is attached for your convenience.

The review conducted by FMI was for the limited purpose of code and ordinance compliance review for the exclusive benefit of the City of Lavan.

If there are any questions, please contact me at 214-503-0555 x115 or by email at [mdhill@fmi-dallas.com](mailto:mdhill@fmi-dallas.com).

Sincerely,  
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.  
Consulting City Engineer

Cc: David Carter, Mike Jones, Danny Anthony, Daniel Dewey, P.E.

F:\17024 - LAV General Servies\9 - Review\Elevon\Section 2\Sect 2 Elevon Parkway - Final Plat - Rev 0.docx



## CITY OF LAVON Agenda Brief

**MEETING:** November 2, 2021

**ITEM:** 10 - J

---

**Item:**

Discussion and action regarding the preliminary plat of the Elevon West Commercial Addition consisting of 5 lots on 87.266 acres out of the Samuel M. Rainer Survey, Abstract 740, Sheet 1, Tract 148, City of Lavon, Texas, situated north of Moore Lane, east of SH 78 and south of the Bently Farms and Lakeridge Meadows Additions (CCAD Property ID 2542828).

### Application Information

**Owner(s):** 78 Straddle, LP

**Applicant:** JBI Partners

**Location:** North of Moore Lane, east of SH 78 and south of the Bently Farms and Lakeridge Meadows Additions.

**Description:** Samuel M. Rainer Survey, Abstract No. 740, Sheet 1, CCAD Prop ID 2542828 (87.266 acres), City of Lavon, Collin County, TX

**Current Zoning:** Agriculture (A) and Planned Development (PD)

**Request:** Preliminary Plat

### Request Details

The applicant is seeking approval of a preliminary plat for the Elevon West Commercial Addition. The property is partially zoned Agricultural (A) and partially as Planned Development (PD). PD zoning for the Villas at Elevon, located within the property, was approved on October 19, 2021.

### *Code Excerpts:*

#### **TEXAS LOCAL GOVERNMENT CODE § 212.004. PLAT REQUIRED**

PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by

using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

**Background:**

The proposed preliminary plat for Elevon Commercial West is part of a larger development that will be constructed in multiple phases. The preliminary plat conforms to the zoning and Future Land Use Plan. A concept plan for the Elevon development project indicates that the planned uses for the properties presently zoned Agricultural are Single Family Rental, Future Commercial, and Open Space.

Water

The development is located within the certificated area of and will be served by the Bear Creek Special Utility District (BCSUD). A conceptual water plan has been submitted and reviewed.

Sewer

The City of Lavon will provide sanitary sewer service. The developer is participating in the construction of and installation of system improvements to connect to the city's existing system and the improvements will be dedicated to the city.

Roads

The proposed development takes primary access from a planned road that will connect directly to SH 78 with secondary access on Moore Lane. A Traffic Impact Analysis (TIA) has been prepared and is available in the City Secretary's office. Improvements will be required to be constructed as prescribed by the TIA and as approved by the city engineer.

Parks and Trails

There are open space, trail and recreation amenities proposed in the addition. A conceptual illustration of the trails and recreational amenities is enclosed.

Floodplain and Drainage

The drainage and grading plans provide for on-site and off-site drainage in the vicinity of the subdivision. The conceptual drainage plans have been reviewed by the city engineer.

**Planning and Zoning Commission Report:**

**MOTION: RECOMMEND APPROVAL OF THE PRELIMINARY PLAT OF THE ELEVON WEST COMMERCIAL ADDITION CONSISTING OF 5 LOTS ON 87.266 ACRES OUT OF THE SAMUEL M. RAINER SURVEY, ABSTRACT 740, SHEET 1, TRACT 148, CITY OF LAVON, TEXAS, SITUATED NORTH OF MOORE LANE, EAST OF SH 78 AND SOUTH OF THE BENTLY FARMS AND LAKERIDGE MEADOWS ADDITIONS (CCAD PROPERTY ID 2542828) SUBJECT TO SATISFACTION OF THE CITY ENGINEER'S NOTES AND APPROVAL OF THE CIVIL ENGINEERING PLANS.**

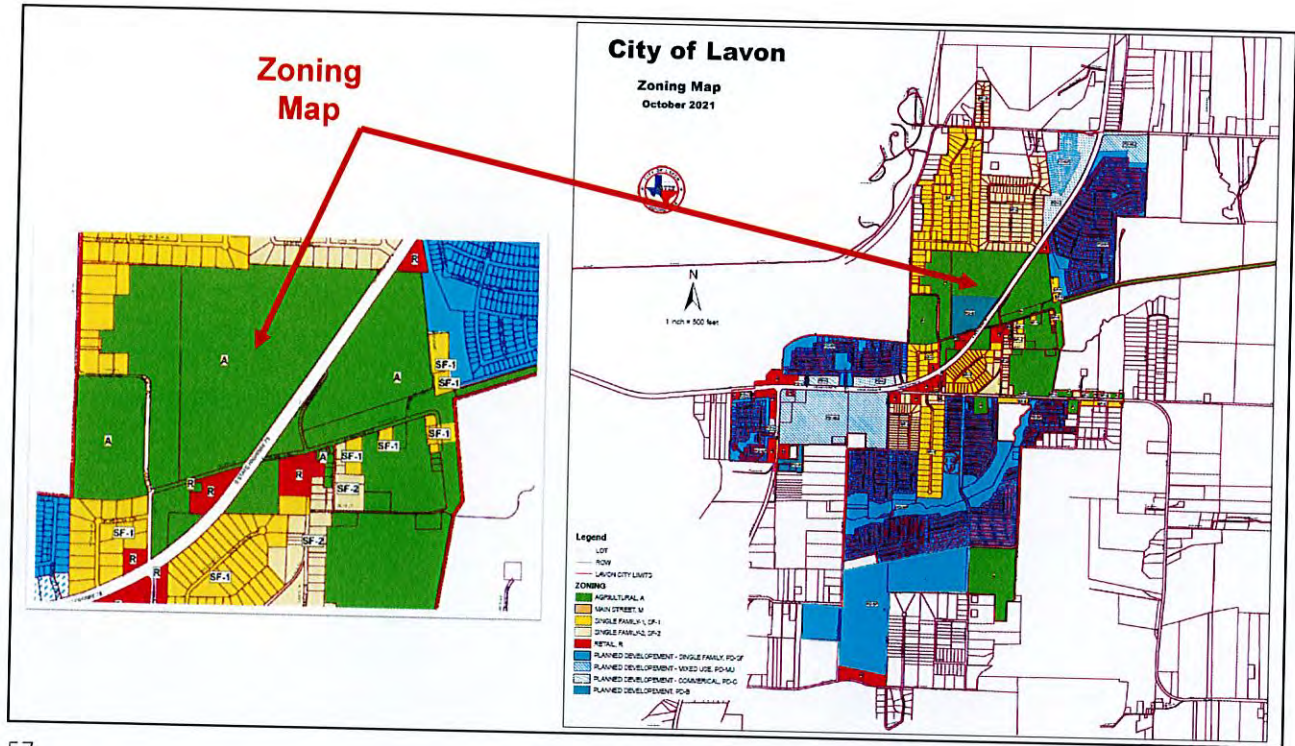
MOTION MADE: NABORS  
SECONDED: TIEGS  
APPROVED: UNANIMOUS (Absent-Bedell, Smith)

***Staff Notes:***

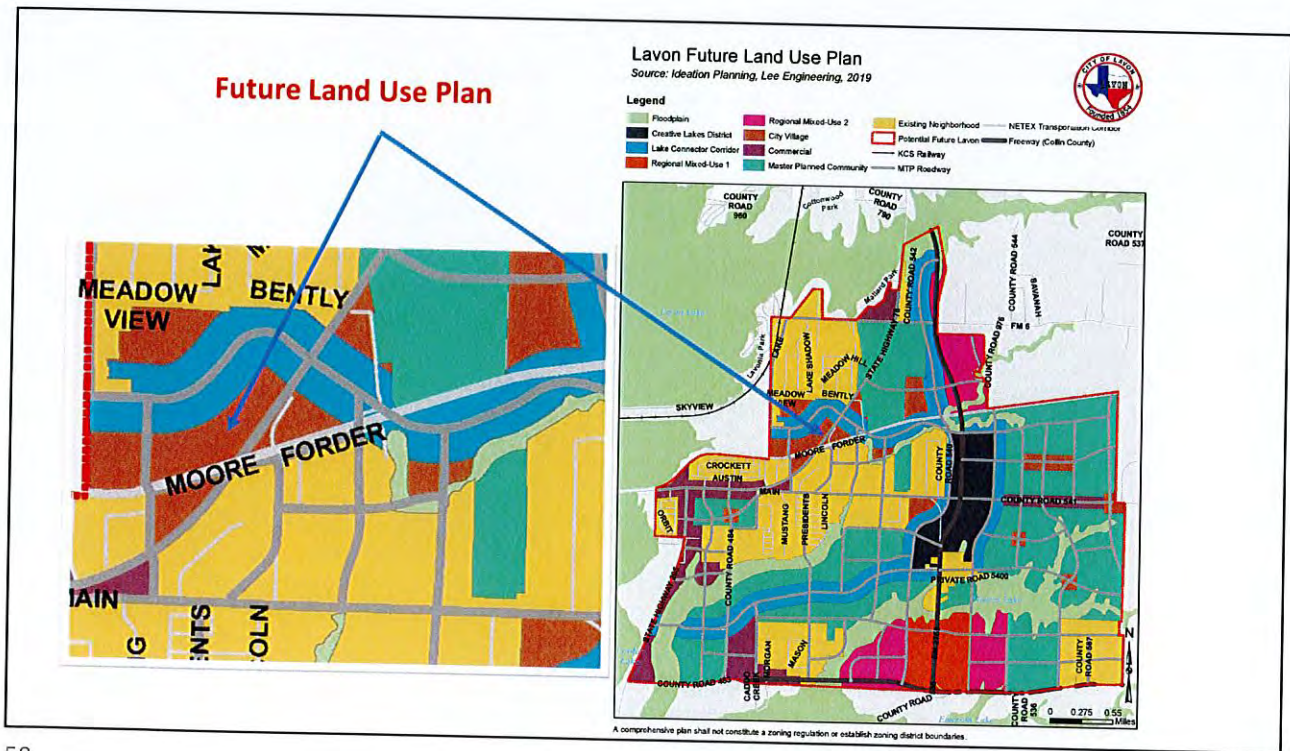
The applicant met with the City staff development review committee and has complied with staff and city engineer review notes. The plat conforms to the Subdivision Ordinance. The City Engineer has concluded review and approval is recommended.

**Attachments:**

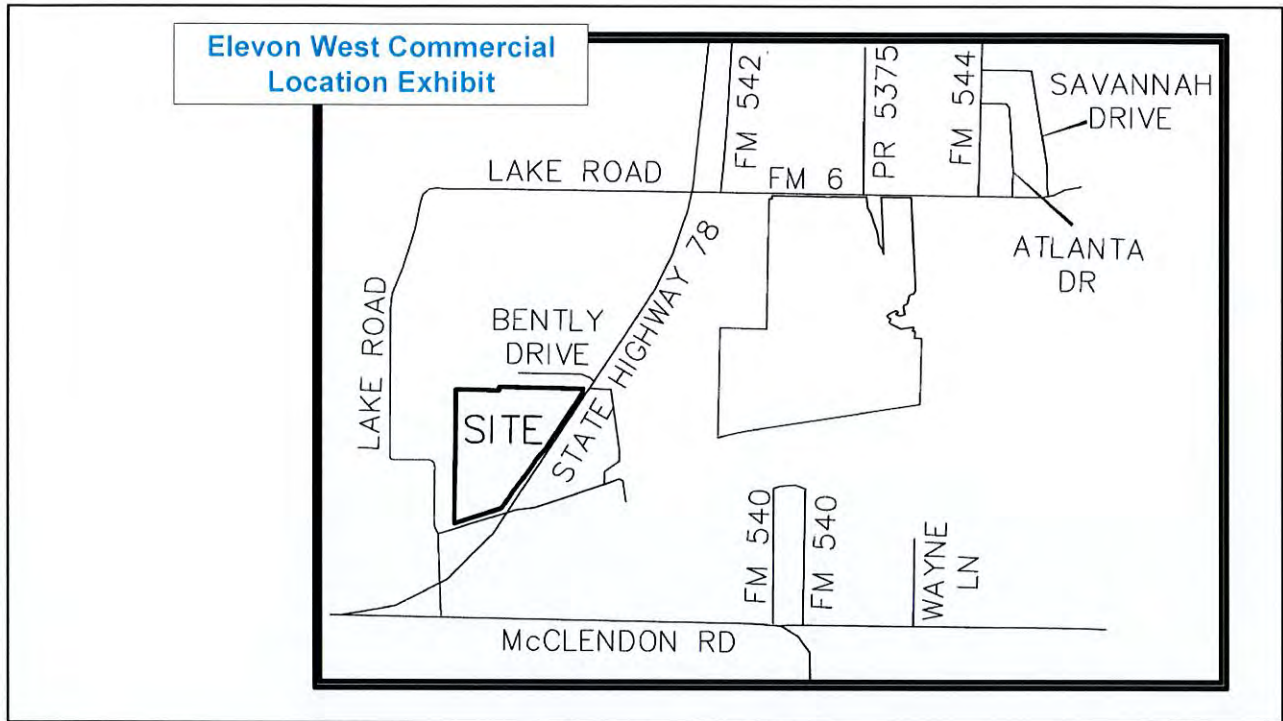
1. Location Exhibits
2. Preliminary Plat
3. Application
4. Engineer's correspondence



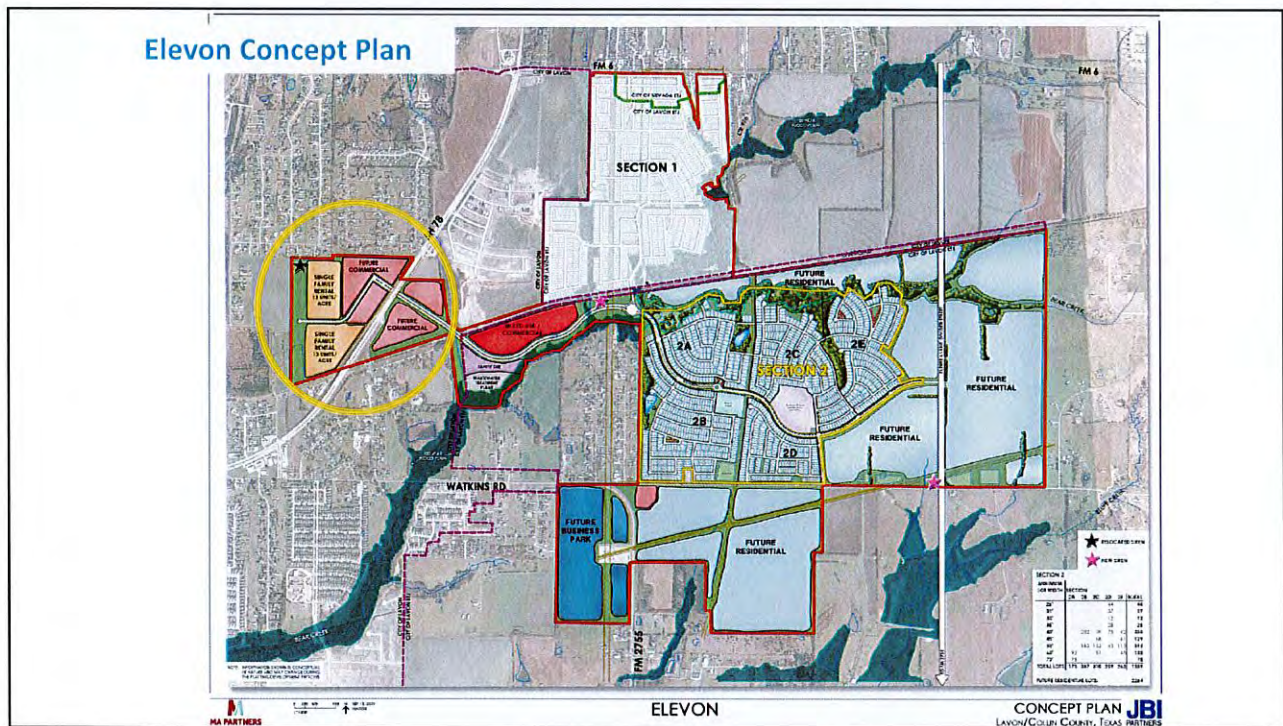
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58



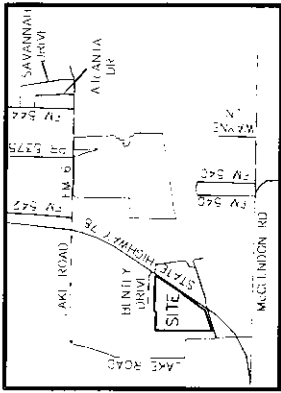
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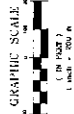
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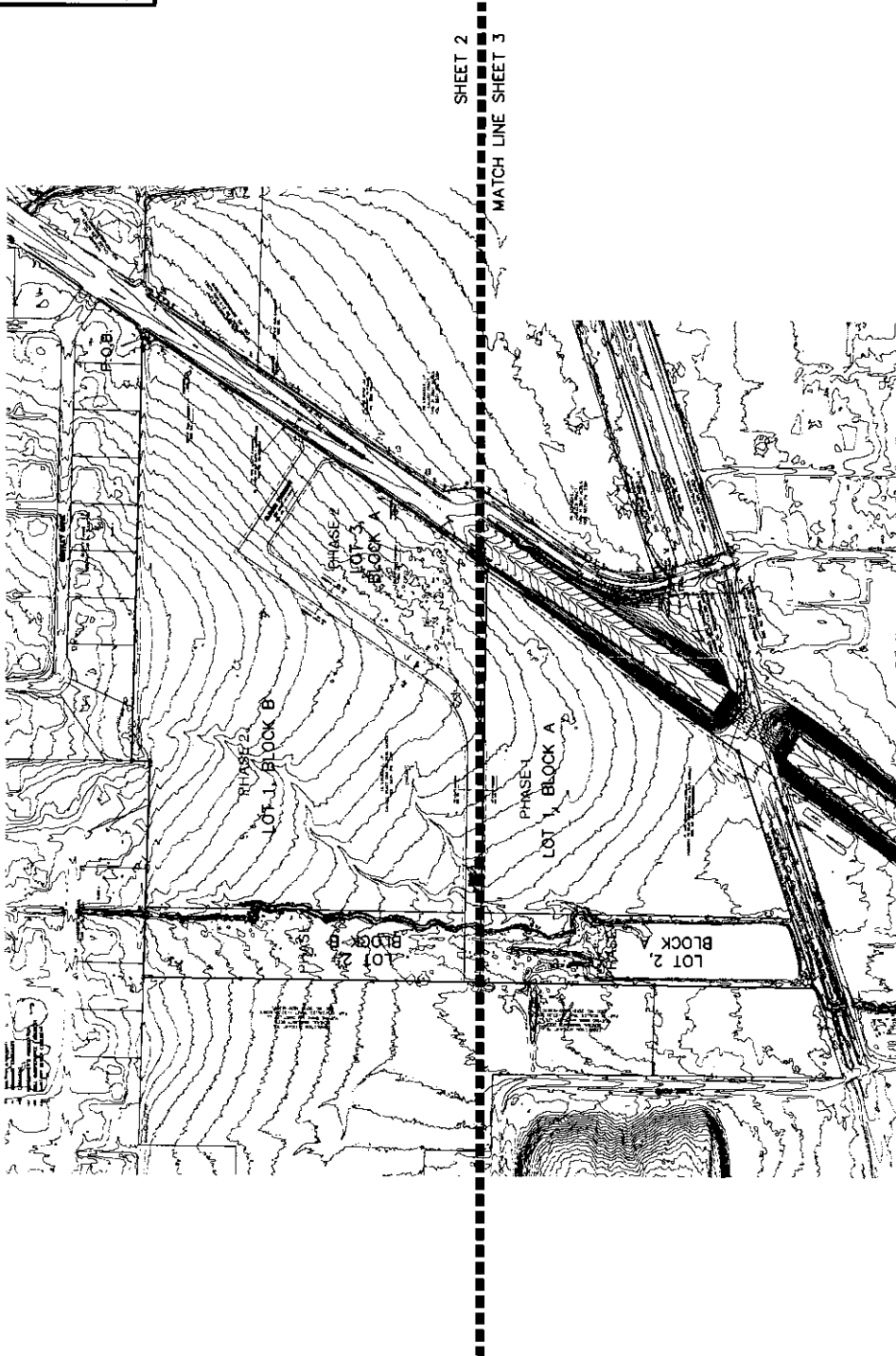
61



VICINITY MAP (N.T.S.)



- LEGEND**
- 1"=10' IRON ROD FOUNDING
  - 1"=10' CONCRETE FOUNDING
  - 1"=10' CONCRETE FOUND SET
  - 1"=10' WATER MAIN
  - 1"=10' WATER METER
  - 1"=10' FIBER OPTIC CABLE
  - 1"=10' VALVE
  - 1"=10' TELECOMMUNICATIONS
  - 1"=10' POWER POLE
  - 1"=10' TELEPHONE POLE
  - 1"=10' SPOUR FEET



SHEET 2  
MATCH LINE SHEET 3

**PRELIMINARY PLAT**  
**ELEVON WEST COMMERCIAL**

5 LOTS  
 LOTS 1-3, BLOCK A; LOTS 1-2, BLOCK B  
 87.266 ACRES OUT OF THE  
 SAMUEL W. RAMER SURVEY, ABSTRACT 740;  
 CITY OF LAVON, COLLIN COUNTY, TEXAS

**OWNER/APPLICANT**  
 78 STRADDLE, LP  
 1601 ELM STREET, SUITE 3000  
 DALLAS, TEXAS 75201

**DEVELOPER**  
 MA PARTNERS, LLC  
 15443 KNOX TOLL, SUITE 130  
 DALLAS, TEXAS 75248  
 Contact: John Morley

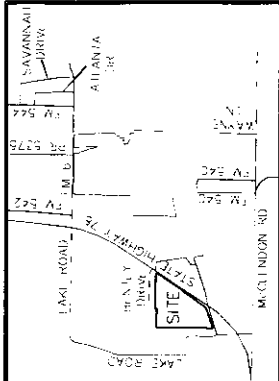
**SURVEYOR/ENGINEER**  
 JBI PARTNERS, INC.  
 2121 Mickey Road, Suite 300  
 Carrollton, Texas 75006  
 Contact: Dan JBI  
 TPE No. 7-438  
 IRES No. 10076000

Date: October 21, 2021  
 Sheet 1 of 4

**NOTES:**

- 1) L1000 STATION: According to Comanche Permit No. 4800202401, dated June 2, 2009, of the Federal Emergency Management Agency, National Flood Insurance Program, the project is located in a Special Flood Hazard Area (SFHA) in the 100-year flood plain. The SFHA is shown on the attached Flood Hazard Map. The Flood Hazard Map is based on the National Flood Insurance Program's Flood Hazard Mapping of Flood Damage. On-site structures, general flood control and flood protection shall not create liability on the part of the Surveyor.
- 2) The base of bearing is based on the coordinate system (North Central Zone 4200 State Plane Coordinates, NAD83), distances shown herein are grid distances.

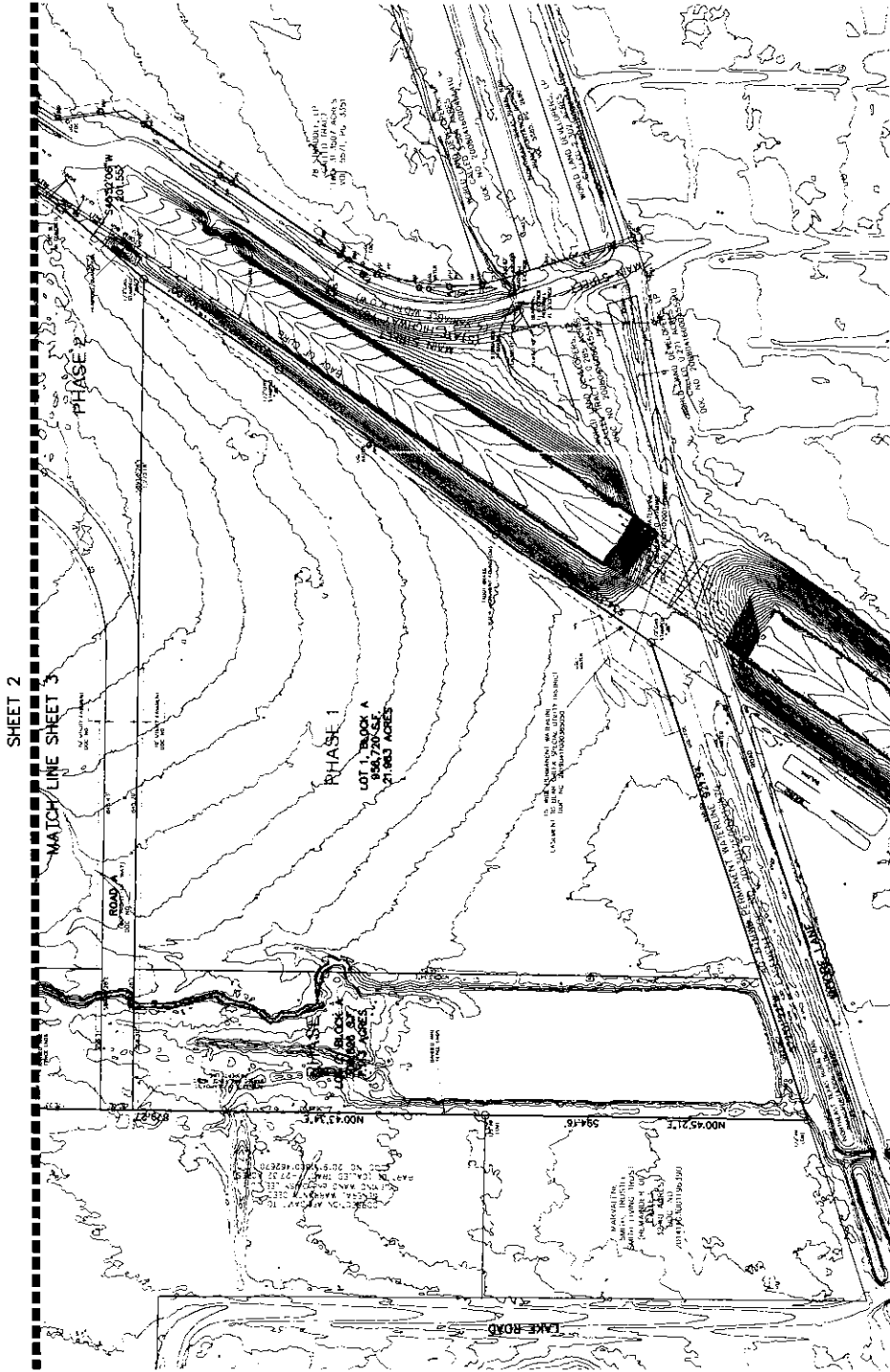




VICINITY MAP (N.T.S.)



- LEGEND**
- 1"=10' FOR DIMENSIONS
  - IRON PIPES FOUND
  - CONCRETE FOUND
  - CONCRETE FOUND SET
  - WATER VALVE
  - WATER METER
  - FIBER OPTIC CABLE
  - WALK
  - TELECOMMUNICATIONS
  - TELEPHONE
  - POWER POLE
  - UTILITY
  - SQUARE FEET



SHEET 2

MATCH LINE SHEET 3

PHASE 1  
LOT 1, BLOCK A  
894,720 SQ. FT.  
21.887 ACRES

**NOTES:**

- 1) THIS SURVEY IS BASED ON THE LATEST AVAILABLE AERIAL PHOTOGRAPHY DATED JANUARY 2, 2006, AND THE LATEST ELEVATION DATA FROM THE NATIONAL ELEVATION PROGRAM. THE PROJECTIONS IN THIS SURVEY ARE BASED ON THE NAD 83 DATUM. THE SURVEY IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THE INTENDED PURPOSE. THE SURVEY IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THE INTENDED PURPOSE.
- 2) THE BOUNDARY LINES ARE BASED ON THE COORDINATE SYSTEM (NAD 83) AND THE 4800 STATE PLANE COORDINATES (NAD 83). DISTANCES SHOWN HEREON ARE NOT DISTANCES.

**PRELIMINARY PLAT**  
**ELEVON WEST COMMERCIAL**

5 LOTS  
LOTS 1-3, BLOCK A, LOTS 1-2, BLOCK B  
87.266 ACRES OUT OF THE  
SAMUEL M. RANER SURVEY, ABSTRACT 740;  
CITY OF LAVON, COLLIN COUNTY, TEXAS

**OWNER/APPLICANT**  
78 STRADDLE, LP  
1601 ELM STREET, SUITE 3000  
DALLAS, TEXAS 75201

**DEVELOPER**  
MA PARTNERS, LLC  
15443 Kroll, Suite 130  
Dallas, Texas 75248  
Contact: John Martin

**SURVEYOR/ENGINEER**  
JBI PARTNERS, INC.  
2121 Midway Road, Suite 300  
Carrollton, Texas 75006  
1994 No. 1-238  
1994's No. 100790006

Date: October 21, 2021  
Sheet 3 of 4

NO.	LENGTH	BEGIN	END	AREA	PERIMETER	AREA
1	235.54'	10750.27'	10800.00'	108.72'	108.72'	245.20
2	218.84'	10750.27'	10800.00'	174.12'	108.72'	300.00

LINE NAME	LENGTH
L1	15379.28'
L2	13070.27'
L3	10873.27'
L4	10873.27'





## CITY OF LAVON

P.O. Box 340, School Rd. Lavon, TX 75166  
Office 972-843-4220 - Inspection 972-853-0855

### PLAT APPLICATION

Incomplete applications will not be accepted.

<b>Company Making Submission</b>			<b>Property Owner</b>		
Name: <u>JBI Partners</u>			Name: <u>78 Straddle, LP</u>		
Address: <u>2121 Midway Road, Suite 300</u>			Address: <u>1999 Bryan St. Suite 900</u>		
City/State/Zip: <u>Carrollton, TX 75006</u>			City/State/Zip: <u>Dallas, TX 75201</u>		
Phone #: <u>972-738-0243</u> Fax #: _____			Phone #: <u>214-880-8400</u> Fax #: _____		
Authorized Person: <u>Daniel Dewey, PE</u>			Authorized Person: <u>John Marlin - 972-897-2424</u>		
<b>Type of Submission</b>			<b>Check List of Items Submitted</b>		
<input checked="" type="checkbox"/> Preliminary Plat		<u>Elevon West Commercial</u>	<input type="checkbox"/> (two) full size sets of plats (24x36)		
<input type="checkbox"/> Final Plat			<input type="checkbox"/> (two) full size construction sets (24x36)		
<input type="checkbox"/> Re-Submittal			<input type="checkbox"/> (one) half size sets of plats (11x17)		
<input type="checkbox"/> Construction Plans			<input type="checkbox"/> (ten) half size sets of plats with final submission (11x17)		
<input type="checkbox"/> Other			<input type="checkbox"/> (one) PDF plats (on separate CD's)		
			<input type="checkbox"/> (one) PDF construction plans (can be included on plat CD)		
<b>Pricing</b>					
Preliminary Plat: C* D*		Per Fee Schedule			
Final Plat: C* D*		Per Fee Schedule			
Re-Plat: C* D*		Per Fee Schedule			
Public Infrastructure Inspection		Per Fee Schedule			
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* To complete the plat please sign up as a collaborator in the MyGov system <a href="https://public.mygov.us/lavon_tx">https://public.mygov.us/lavon_tx</a> request access to the City of Lavon. Make a new request for the plat and download these forms along with plans.					
<b>NOTICE TO APPLICANT:</b> 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 and any other applicable ordinances of the City, regardless of information and/or plans submitted.					
Authorized Representative (Printed Name)		Authorized Representative (Signature)			Date:
<u>Daniel Dewey</u>					<u>09-09-2021</u>
<b>To be completed by the City</b>					
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:					



**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: 7-8-21

To the City of Lavon  
 Collin County, Texas

This letter will serve as notice that I/we, 78 Straddle, 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  
JBI Partners to represent me (us) and my (our)  
 interests in the property described in the attached exhibits(s) for the expressed  
 purpose of this request.

Alan Bain  
 Signature (Owner) Vice President

\_\_\_\_\_  
 Signature (Owner)

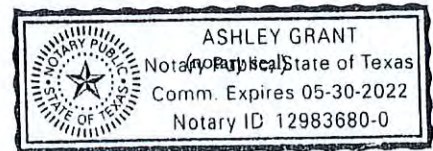
\_\_\_\_\_  
 Signature (Owner)

The State of Texas  
 County of Dallas

Before me, the undersigned authority, appeared Alan Bain,  
 on this the 8th day of July, 2021.

Ashley Grant  
 \_\_\_\_\_

Notary Public in and for Dallas County, Texas





**CITY OF LAVON**

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

**Declaration of Ownership**

Date: 7-8-21

To the City of Lavon  
Collin County, Texas

This letter will serve as notice that I/we, 78 Straddle, 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

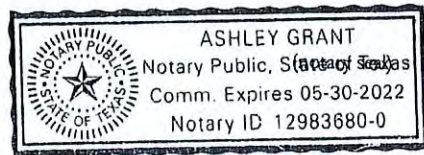
Signature (Owner) Vice President

Signature (Owner)

Signature (Owner)

The State of Texas  
County of Dallas

Before me, the undersigned authority, appeared Alan Bain,  
on this the 8th day of July, 2021.



Ashley Grant

Notary Public in and for Dallas County, Texas

October 28, 2021

Ms. Kim Dobbs  
City of Lavon  
120 School Road  
Lavon, TX 75166

Re: Elevon West Commercial, 5 Lots, 87.266 Acres  
Preliminary Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Preliminary Engineering Plans dated October 27, 2021 as prepared by JBI Partners, Inc. for the above referenced property. The revised Preliminary Plat was previously reviewed October 21, 2021. The property is generally located north of Moore Lane (NETEX), east of SH 78 and south of Bently Farms and Lakeridge Meadows Additions. Our comments are as follows:

Preliminary Plat (from previous review)

1. The Plat identifies Lots 1 & 2, Block A as Phase 1 and Lot 3, Block A and Lot 1&2, Block B to be part of Phase 2. It should be noted that Road A and Elevon Parkway Right-of-Way shall be included as part of the Phase 1 Final Plat.

Engineering Plans

2. The sanitary sewer design has been modified to convey sewer to the northeast corner to connect to an offsite sewer to convey flow to the Bear Creek Trunk Sewer. This offsite sewer is being designed by others.
3. The Engineer has contacted the Soil Conservation Service and determined that the existing pond is not within their jurisdiction. A site assessment to determine any permitting requirements for use/modification of the pond is being performed separately.

This concludes our review of the above referenced revised Preliminary Plat. **We recommend APPROVAL of the Preliminary Plat and Preliminary Engineering Plans.**

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.

If there are any questions, please contact me at 214-503-0555 x115 or by email at [mdhill@fmi-dallas.com](mailto:mdhill@fmi-dallas.com).

Sincerely,  
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.  
Consulting City Engineer

Cc: David Carter, Mike Jones, Danny Anthony, Daniel Dewey, P.E.

F:\17024 - LAV General Servies\9 - Review\Elevo\West Commercial\Elevo West Commercial - Preliminary Plat - Rev 2.docx

October 21, 2021

Ms. Kim Dobbs  
City of Lavon  
120 School Road  
Lavon, TX 75166

Re: Elevon West Commercial, 5 Lots, 87.266 Acres  
Preliminary Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Preliminary Plat dated October 21, 2021 as prepared by JBI Partners, Inc. for the above referenced property. The property is generally located north of Moore Lane (NETEX), east of SH 78 and south of Bently Farms and Lakeridge Meadows Additions. Engineering plans are to be submitted at a later date. Our comments are as follows:

Preliminary Plat

1. The Plat identifies Lots 1 & 2, Block A as Phase 1 and Lot 3, Block A and Lot 1&2, Block B to be part of Phase 2. It should be noted that Road A and Elevon Parkway Right-of-Way shall be included as part of the Phase 1 Final Plat.

This concludes our review of the above referenced revised Preliminary Plat. **We recommend APPROVAL of the Preliminary Plat by the P&Z.** Engineering plans are to be reviewed as part of submission for City Council action.

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.

If there are any questions, please contact me at 214-503-0555 x115 or by email at [mdhill@fmi-dallas.com](mailto:mdhill@fmi-dallas.com).

Sincerely,  
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.  
Consulting City Engineer

Cc: David Carter, Mike Jones, Danny Anthony, Daniel Dewey, P.E.

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October 21, 2021

Ms. Kim Dobbs  
City of Lavon  
PO Box 340  
120 School Road  
Lavon, TX 75166

**Re: Elevon West Commercial, 5 lots, 87.266 Acres  
Preliminary Plat**

Dear Ms. Dobbs

JBI Partners received your comments via email form on October 14, 2021 from Mark Hill at Freeman-Millican, Inc. for the first submittal review of the Elevon West Commercial Preliminary Plat. We have addressed the comments pertaining to the preliminary plat and are resubmitting the revised preliminary plat for review and approval. We are continuing to work on the preliminary engineering comments.

Below is a summary of how each comment is addressed.

**GENERAL**

1. The property is being developed into 5 lots. The Preliminary Engineering plans only include development of Lots 1 & 2, Block A.
2. The Lot 1, Block A development consists of "Build to Rent" (BTR). Lot 2, Block A is green space/detention.
3. Elevon Parkway and Road A is shown to be extended from SH 78 to the development entrance. Connection to SH 78 will require a TxDOT permit.
4. There is a proposed access point to Moore Lane. This will be crossing NTMWD and BCSUD easements and will be across the NETEX property. Appropriate permits will be required.

**Preliminary Plat**

5. Phasing lines should be shown on the Plat.  
*Text has been added to indicate which phase each lot is in. The phase divide between Phase 1 and Phase 2 follows the lot lines on the north side of Lot 1 and Lot 2 of Block A.*

If you have any questions, or require additional information regarding this submittal, please contact me at (972) 738-0243.

Thank you,

*Daniel Dewey*  
Daniel Dewey, PE  
JBI Partners, Inc.

October 14, 2021

Ms. Kim Dobbs  
City of Lavon  
120 School Road  
Lavon, TX 75166

Re: Elevon West Commercial, 5 Lots, 87.266 Acres  
Preliminary Plat

Dear Ms. Dobbs:

As requested, we have reviewed the Preliminary Plat dated September 22, 2021 and Preliminary Engineering Plans dated September 24, 2021 as prepared by JBI Partners, Inc. for the above referenced property. The property is generally located north of Moore Lane (NETEX), east of SH 78 and south of Bently Farms and Lakeridge Meadows Additions. Our comments are as follows:

#### GENERAL

1. The property is being developed into 5 lots. The Preliminary Engineering plans only include development of Lots 1 & 2, Block A.
2. The Lot 1, Block A development consists of "Build to Rent" (BTR). Lot 2, Block A is green space/detention.
3. Elevon Parkway and Road A is shown to be extended from SH 78 to the development entrance. Connection to SH 78 will require a TxDOT permit.
4. There is a proposed access point to Moore Lane. This will be crossing NTMWD and BCSUD easements and will be across the NETEX property. Appropriate permits will be required.

#### Preliminary Plat

5. Phasing lines should be shown on the Plat.

#### Preliminary Engineering Plans

6. The proposed pavement within Lot 1, Block A will be a private street to be owned and maintained by the development.
7. The existing driveways on the south side of Moore Lane should be shown on the plans.
8. The existing BCSUD easement and fire hydrant should be shown along the north side of Moore Lane.
9. Water service is to be provided by BCSUD.
10. Sanitary Sewer service will be provided by discharging into a proposed sewer line extending along Moore Lane east to the existing Bear Creek Trunk line. Plans for this offsite sewer have not been provided. These plans should be provided for review prior to City Council approval.

Ms. Kim Dobbs  
Elevon West Commercial, Preliminary Plat  
October 14, 2021  
Page 2 of 2

11. The existing pond on Lot 2, Block A is to be utilized for detention requirements for Lot 1, Block A. This pond is identified on the National wetland map (US Fish & Wildlife) and has been identified as a Soil Conservation Service (SCS) pond. Utilization of this pond may require permits/approvals from government agencies.

This concludes our review of the above referenced Preliminary Plat and Preliminary Engineering Plans. A copy of the Preliminary Plat and Preliminary Engineering Plans, with markups, is attached for your convenience.

The review conducted by FMI was for the limited purpose of code and ordinance compliance review for the exclusive benefit of the City of Lavan.

If there are any questions, please contact me at 214-503-0555 x115 or by email at [mdhill@fmi-dallas.com](mailto:mdhill@fmi-dallas.com).

Sincerely,  
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.  
Consulting City Engineer

Cc: David Carter, Mike Jones, Danny Anthony, Daniel Dewey, P.E.

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## CITY OF LAVON Agenda Brief

**MEETING:** November 2, 2021

**ITEM:** 10 - K

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**Item:**

Discussion and action regarding Resolution No. 2021-11-08 approving and authorizing the Mayor to execute a Gas Franchise Fee Chapter 380 Agreement with MA Partners, LLC.

**Background:**

This item was deferred from the October 19, 2021 City Council meeting agenda.

In association with the development of the Elevon Addition and related development agreements, the developer, MA Partners, LLC requested that the City enter into an economic development agreement to rebate a portion of future franchise gas fees generated in the development. The Texas Local Government Code, Chapter 380 provides authority for cities to enter into agreements and make grants that are intended to promote local economic development, stimulate business and commercial activity and create jobs in the City.

The Elevon Addition has approximately 220 acres designated for commercial, mixed-use/commercial and business park development. The grant aids in promoting this property for economic development.

If the Elevon Addition were to develop as a Municipal Utility District (MUD) outside the city limits, the developer could be eligible to recoup all or part of the gas franchise fees generated in the MUD.

**Financial Impact:**

The financial impact is positive for the City. In FY 2021, the City received \$8,634 in gas franchise fees and has an estimated 300 customers. There is no expenditure to the city related to the agreement and the benefit derived in economic development potential outweighs the future receipt of franchise fees.

**Staff Notes:**

The City Attorney and consulting team have reviewed the agreement and approval is recommended.

**Attachments:** Proposed Resolution and Agreement

**The CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2021-11-08**

Gas Franchise Fees Economic Development Agreement

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON  
APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A  
CHAPTER 380 GAS FRANCHISE FEES ECONOMIC DEVELOPMENT  
AGREEMENT WITH MA PARTNERS, LLC.**

**WHEREAS**, Article III, Section 52-a of the Texas Constitution and Chapter 380 of Texas Local Government Code provide constitutional and statutory authority for establishing and administering a program to provide grants or incentives of public money to promote local economic development and to stimulate business and commercial activity in the City;

**WHEREAS**, the City has found that providing a grant of funds to the MA Partners, LLC in exchange for the MA Partner LLC's development of the Elevon Addition will promote local economic development and stimulate business and commercial activity and create jobs within the City (the "Program"); and

**WHEREAS**, the City has determined that the Program will directly establish a public purpose and that all transactions involving the use of public funds and resources in the establishment and administration of the Program contain controls likely to ensure that public purpose is accomplished; and

**WHEREAS**, the City Council of the City of Lavon finds and determines that approving the agreement for the terms described in the attached is in the best interests of the citizens of the City of Lavon.

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

**SECTION 1.** The City Council does hereby approve and authorize the Mayor to execute a Chapter 380 Gas Franchise Fees Economic Development Agreement with MA Partners, LLC, attached hereto as "Exhibit A".

**SECTION 2.** 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 2<sup>nd</sup> day of November 2021.

\_\_\_\_\_  
Vicki Sanson, Mayor

ATTEST:

\_\_\_\_\_  
Rae Norton, City Secretary

**RESOLUTION NO. 2021-11-08**

**EXHIBIT A**

**CHAPTER 380  
ECONOMIC DEVELOPMENT AGREEMENT**

## **GAS FRANCHISE FEES ECONOMIC DEVELOPMENT AGREEMENT**

**THIS GAS FRANCHISE FEES ECONOMIC DEVELOPMENT AGREEMENT** (the “Agreement”) by and between the **CITY OF LAVON, TEXAS**, a type A general law municipality located in Collin County, Texas (the “City”) and **MA PARTNERS, LLC**, a Texas limited liability company (the “Developer”), to be effective on November 2, 2021 (the “Effective Date”).

### **RECITALS**

WHEREAS, the Developer and the City are sometimes individually referred to as a “Party” and collectively as the “Parties”; and

WHEREAS, Petro-Hunt, LLC, a Texas limited liability company, Far East Lavon, LP, a Texas limited partnership, 78 Straddle, LP, a Texas limited partnership, East Lavon Partners, LP, a Texas limited partnership, and World Land Developers, LP, a Texas limited liability company (collectively, the “Owners”), the City, and the Developer entered into the Elevon Development Agreement (the “Development Agreement”), dated as of September 21, 2021, for the design, development, and construction of a mixed-use residential and commercial development (the “Elevon Development”) containing approximately 1,268.695 acres of land, as described by metes and bounds and depicted on Exhibit A to the Development Agreement (the “Property”) within the extraterritorial jurisdiction of the City; and

WHEREAS, terms used herein but not otherwise defined shall have the meaning ascribed to them in the Development Agreement; and

WHEREAS, the construction and operation of the Elevon Development will: (a) bring a positive impact to the City; (b) promote state and local economic development; (c) stimulate business and commercial activity in the municipality; (d) promote the development and diversification of the economy of the state; (e) promote the development and expansion of commerce in the state; and (f) eliminate some unemployment or underemployment in the state; and

WHEREAS, the Developer desires and intends to construct or cause to be constructed water, wastewater, drainage, roadway improvements, and other public infrastructure that will serve the Property, including landscaping, public parking and floodplain reclamation costs (collectively, the “Public Infrastructure”) within the Elevon Development; and

WHEREAS, pursuant to Section 5.09 of the Development Agreement, the Parties agreed for the City to provide a grant to the Developer for a portion of collected Gas Franchise Fees (hereinafter defined); and

WHEREAS, Article III, Section 52-a of the Texas Constitution and Chapter 380 of Texas Local Government Code provide constitutional and statutory authority for establishing and administering a program to provide grants or incentives of public money to promote local economic development and to stimulate business and commercial activity in the City;

WHEREAS, the City has found that providing a grant of funds to Developer in exchange for Developer's development of the Elevon Development will promote local economic development and stimulate business and commercial activity and create jobs within the City (the "Program"); and

WHEREAS, the City has determined that the Program will directly establish a public purpose and that all transactions involving the use of public funds and resources in the establishment and administration of the Program contain controls likely to ensure that public purpose is accomplished; and

WHEREAS, the Parties have agreed for the Developer to undertake or cause the undertaking of the Elevon Development as set forth in the Development Agreement, and the Development Agreement contains controls to ensure the public purpose is accomplished; and

NOW THEREFORE, in consideration of the foregoing and the mutual agreements, covenants, and payments authorized herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Definitions.**

"Affiliate" means any entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

"Agreement" means this Gas Franchise Fees Economic Development Agreement.

"Chapter 380" means Chapter 380, Texas Local Government Code, as amended.

"City" means the City of Lavon, a type A general law municipality located in Collin County, Texas.

"City Administrator" means the City Administrator of the City, or its designee.

"City Council" means the City Council of the City.

"Developer" means MA Partners, LLC, a Texas limited liability company, and its successors and assigns.

"Development Agreement" has the meaning set forth in the Recitals.

"Elevon Development" has the meaning set forth in the Recitals.

"Effective Date" has the meaning set forth in the introductory paragraph.

"Force Majeure" means events or circumstances that are not within the reasonable control of the Party whose performance is suspended, and that could not have been avoided by such Party with the exercise of good faith, due diligence and reasonable care.

"Gas Franchise Fees" has the meaning set forth in the Development Agreement.

“Gas Franchise Fees Grant” means the grant of Gas Franchise Fees to the Developer as set forth in Section 4.

“Owners” has the meaning set forth in the Recitals.

“Party” or “Parties” means Developer and the City.

“Program” has the meaning set forth in the Recitals.

“Property” has the meaning set forth in the Recitals.

“Public Infrastructure” has the meaning set forth in the Recitals.

2. **Term.** This Agreement shall be effective as of the Effective Date and shall remain in full force and effect for a period of fifty (50) years.

3. **Developer’s Obligations.**

(a) **Public Infrastructure.** In consideration of the City entering into this Agreement providing for the payment of funds constituting a grant to Developer under the terms and conditions set forth herein, Developer agrees to design and construct or cause to be designed and constructed the Public Infrastructure as set forth in the Development Agreement.

4. **Gas Franchise Fees Grant.** The City agrees to provide a grant of eighty percent (80%) of the Gas Franchise Fees actually collected from the Property to the Developer payable solely from the Gas Franchise Fees and no other revenues of the City, (the “Gas Franchise Fees Grant”) pursuant to Chapter 380 as follows:

(a) Assuming there is no default under this Agreement or the Development Agreement, the Gas Franchise Fees Grant shall be paid to the Developer or its assigns on an annual basis, with such payment being no later than forty-five (45) days after the City’s receipt of its annual Gas Franchise Fees funds.

(b) The City currently charges a five percent (5%) franchise fee for the use of its rights-of-way, by the provider of natural gas to the Property. Should the franchise fee ever be reduced, Developer shall still receive the annual Gas Franchise Fees Grant payment based upon eighty percent (80%) of the reduced Gas Franchise Fees amount.

(c) The Gas Franchise Fees Grant payable by the City to the Developer as set forth in this Agreement and the Development Agreement is not secured by a pledge of ad valorem taxes or financed by the issuance of any bonds or other obligations payable from ad valorem taxes of the City but is payable only from Gas Franchise Fees actually received from the Property as authorized by Article III, Section 52-a of the Texas Constitution and Texas Local Government Code Chapter 380.

5. **Indemnification.**

DEVELOPER IN PERFORMING ITS OBLIGATIONS UNDER THIS AGREEMENT IS ACTING INDEPENDENTLY, AND THE CITY ASSUMES NO RESPONSIBILITIES OR LIABILITIES TO THIRD PARTIES IN CONNECTION WITH THE ELEVON DEVELOPMENT. DEVELOPER AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, AND EMPLOYEES IN BOTH THEIR PUBLIC AND PRIVATE CAPACITIES, FROM AND AGAINST CLAIMS, SUITS, DEMANDS, LOSSES, DAMAGES, CAUSES OF ACTION, AND LIABILITY OF EVERY KIND, INCLUDING, BUT NOT LIMITED TO, EXPENSES OF LITIGATION OR SETTLEMENT, COURT COSTS, AND ATTORNEYS' FEES WHICH MAY ARISE DUE TO ANY DEATH OR INJURY TO A PERSON OR THE LOSS OF, LOSS OF USE, OR DAMAGE TO PROPERTY, ARISING OUT OF OR OCCURRING AS A CONSEQUENCE OF THE PERFORMANCE OF THIS AGREEMENT, EXCLUDING ANY ERRORS OR OMISSIONS, OR GROSSLY NEGLIGENT ACT OR OMISSION OF THE CITY, ITS OFFICERS, AGENTS OR EMPLOYEES.

6. **Events of Default; Remedies.**

(a) **Events of Default.** No Party shall be in default under this Agreement until Notice of the alleged failure of such Party to perform has been given (which Notice shall set forth in reasonable detail the nature of the alleged failure) and until such Party has been given a reasonable time to cure the alleged failure (such reasonable time determined based on the nature of the alleged failure, but in no event less than thirty (30) days after written Notice of the alleged failure has been given). In addition, if a Cure Time Notice (as defined below) has been provided within thirty (30) days of the Notice, no Party shall be in default under this Agreement if, within the applicable cure period, the Party to whom the Notice was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured. Notwithstanding the foregoing, however, a Party shall be in default of its obligation to make any payment required under this Agreement if such payment is not made within thirty (30) business days after receipt of a Notice of failure to provide payment. If a Party who has received Notice under this Section cannot cure an alleged failure to perform within thirty (30) days after receipt of written Notice, such Party shall give written Notice to the other Party within such thirty (30) day period: (a) stating that the Party cannot cure the alleged failure within thirty (30) days after receipt of written Notice and explaining the reason; and (b) providing a date by which such Party can reasonably cure the alleged failure ("Cure Time Notice"). A Party who does not timely provide a Cure Time Notice shall be deemed to be able to cure the alleged failure to perform within thirty (30) days after the initial written Notice of the alleged failure has been given. The City's failure to fulfill an obligation or intention of the City contained in this Agreement that creates a contractual obligation that controls, waives, or supplants the City Council's legislative discretion or functions shall not be considered an event of default.

(b) **Remedies.** If a Party is in default, the aggrieved Party may, at its option and without prejudice to any other right or remedy under this Agreement, seek any relief available at law or in equity, including, but not limited to, an action under the Uniform

Declaratory Judgment Act, specific performance, mandamus, and injunctive relief. NOTWITHSTANDING THE FOREGOING, HOWEVER, NO DEFAULT UNDER THIS AGREEMENT SHALL ENTITLE THE AGGRIEVED PARTY TO TERMINATE THIS AGREEMENT AND PREVENT THE DEVELOPER OR THE CITY FROM RECEIVING ANY REIMBURSEMENTS OR PAYMENTS DUE AND OWED TO THE DEVELOPER OR THE CITY UNDER THIS AGREEMENT .

7. **General Provisions.**

(a) **Representations and Warranties.** The Developer represents and warrants that this Agreement has been approved by appropriate action of Developer, and that the individual executing this Agreement on behalf of Developer has been duly authorized to do so. The City represents and warrants that the individual executing this Agreement on behalf of the City has been duly authorized to do so.

(b) **Section or Other Headings.** Section or other headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

(c) **Amendment.** This Agreement may only be amended, altered, or revoked by written instrument signed by Developer and the City and approved by the City through its City Council.

(d) **Assignment.** This Agreement may be assigned by the Developer without the express written consent of, but upon written Notice to, the City in accordance with this Agreement. The Developer may collaterally assign the receivables under this Agreement to an assignee as collateral for any loan, and Developer may execute such documents and contracts as necessary to effectuate such loans or financings, without the consent, but with Notice, to the City. The provisions hereof shall inure to the benefit of and be binding upon the Parties and their respective successors and assigns. Notwithstanding, in no event shall the City be required to make any annual Gas Franchise Fees Grant payment to more than two payees.

(e) **Notice.** All notices required or contemplated by this Agreement (or otherwise given in connection with this Agreement) (a "Notice") shall be in writing, shall be signed by or on behalf of the Party given the Notice, and shall be effective as follows: (a) on or after the fifth business day after being deposited with the United States mail service, Certified Mail, Return Receipt Requested with a confirming copy sent by email; (b) on the day delivered by a private delivery or private messenger service (such as FedEx or UPS) as evidenced by a receipt signed by any person at the delivery address (whether to not such person is the person to whom the Notice is addressed); or (c) otherwise, on the day actually received by the person to whom the Notice is addressed, including, but not limited to, delivery in person and delivery by regular mail (with a confirming copy sent by email). Notices given pursuant to this Section shall be addressed as follows:

To the City: Attn: Kim Dobbs  
City Administrator  
City of Lavon  
120 School Road  
P.O. Box 340  
Lavon, Texas 75166  
[kdobbs@lavontx.gov](mailto:kdobbs@lavontx.gov)

With a copy to: Attn: Julie Fort  
Messer, Fort & McDonald  
6371 Preston Road, STE 200  
Frisco, Texas 75034  
[julie@txmunicipallaw.com](mailto:julie@txmunicipallaw.com)

To the Developer: Attn: John Marlin  
MA Partners, LLC  
15443 Knoll Trail Drive, Suite 130  
Dallas, Texas 75248  
[jmarlin@madev.com](mailto:jmarlin@madev.com)

With a copy to: Attn: Robert Miklos  
Miklos Cinclair, PLLC  
1800 Valley View Lane, Suite 360  
Farmers Branch, Texas 75234  
[Robert@m-clegal.com](mailto:Robert@m-clegal.com)

(f) **Interpretation.** The Parties acknowledge that each of them has been actively involved in negotiating this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not apply to interpreting this Agreement. In the event of any dispute over the meaning or application of any provision of this Agreement, the provision will be interpreted fairly and reasonably and neither more strongly for or against any Party, regardless of which Party originally drafted the provision.

(g) **Applicable Law; Venue.** This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Texas, and all obligations of the Parties are performable in Collin County. Venue and exclusive jurisdiction for any action to enforce or construe this Agreement shall be Collin County District Court.

(h) **Severability.** This Agreement and the Development Agreement constitute the entire agreement between the Parties and supersedes all prior agreements, whether oral or written, covering the subject matter of this Agreement and the Development Agreement. This Agreement shall not be modified or amended except in writing signed by the Parties. If any provision of this Agreement is determined by a Court of competent jurisdiction to be unenforceable for any reason, then (a) such unenforceable provision shall be deleted from this Agreement; (b) the unenforceable provision shall, to the extent possible, be

rewritten to be enforceable and to give effect to the intent of the Parties; and (c) the remainder of this Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties.

(i) **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.

(j) **Independent Parties.** Nothing herein shall be construed as creating a partnership or joint enterprise between the City and Developer. Furthermore, the Parties acknowledge and agree that the doctrine of respondeat superior shall not apply between the City and Developer, nor between the City and any officer, director, member, agent, employee, contractor, subcontractor, licensee, or invitee of Developer.

(k) **No Rights Conferred on Others.** Nothing in this Agreement shall confer any right upon any person other than the City and Developer and no other person is considered a third party beneficiary to this Agreement.

(l) **Approval Not Guaranteed.** Nothing contained in this Agreement shall be construed as obligating the City to approve any application required for development of the Elevon Development that is not in conformity with the City's adopted development regulations, except as expressly otherwise contemplated herein.

(m) **Entire Agreement.** This Agreement contains the entire agreement between the Parties with respect to the transaction contemplated herein.

(n) **Non Waiver.** Any failure by a Party to insist upon strict performance by another Party of any material provision of this Agreement shall not be deemed a waiver thereof, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this Agreement. No provision of this Agreement may be waived except by written agreement, signed by the Party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given. No waiver by any Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

(o) **No Acceleration.** All amounts due pursuant to this Agreement and any remedies under this Agreement are not subject to acceleration

(p) **No Third-Party Beneficiaries.** The provisions of this Section are solely for the benefit of the Parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

(q) **Force Majeure.** Each Party shall use good faith, due diligence and reasonable care in the performance of its respective obligations under this Agreement, and time shall be of the essence in such performance; however, in the event a Party is unable, due to Force Majeure, to perform its obligations under this Agreement, then obligations affected by the Force Majeure shall be temporarily suspended. Within ten (10) business days after the occurrence of a Force Majeure, the Party claiming the right to temporarily suspend its performance, shall give

Notice to all the Parties that includes a detailed explanation of the Force Majeure, a description of the action that will be taken to remedy the Force Majeure and resume full performance at the earliest possible time, and the length of time needed to resume full performance. Any other Party may object in writing to the length of time claimed to be needed to resume performance by the Party suffering the event of Force Majeure if it provides a commercially reasonable explanation regarding how full performance could reasonably be resumed at an earlier date, in which case full performance shall resume at the earlier date.

8. **Anti-Boycott Verification.** The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other Affiliates, if any, do not boycott Israel and, to the extent this Agreement is a contract for goods or services, will not boycott Israel during the term of this Agreement. The foregoing verification is made solely to comply with Section 2270.002, Texas Government Code, and to the extent such Section does not contravene applicable Federal law. As used in the foregoing verification, 'boycott Israel' means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

9. **Iran, Sudan and Foreign Terrorist Organizations.** The Developer represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other Affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website: <https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>, <https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or <https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>. The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Developer and each of its parent company, wholly- or majority-owned subsidiaries, and other Affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization.

10. **Verification Regarding Energy Company Boycotts.** To the extent this Agreement constitutes a contract for goods or services for which a written verification statement is required under Section 2274.002 (as added by Senate Bill 13 in the 87th Texas Legislative Session), Texas Government Code, as amended, the Developer hereby verifies that it and its parent company, wholly- or majority- owned subsidiaries, and other Affiliates, if any, do not boycott energy companies and, will not boycott energy companies during the term of this Agreement. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "boycott energy companies" shall have the meaning assigned to the term "boycott energy company" in Section 809.001, Texas Government Code.

11. **Verification Regarding Discrimination Against Firearm Entity or Trade Association.** To the extent this Agreement constitutes a contract for goods or services for which

a written verification statement is required under Section 2274.002 (as added by Senate Bill 19 in the 87th Texas Legislative Session, "SB 19"), Texas Government Code, as amended, the Developer hereby verifies that it and its parent company, wholly- or majority- owned subsidiaries, and other Affiliates, if any,

(1) do not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association; and

(2) will not discriminate during the term of this Agreement against a firearm entity or firearm trade association.

The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "discriminate against a firearm entity or firearm trade association" shall have the meaning assigned to such term in Section 2274.001(3) (as added by SB 19), Texas Government Code.

*Signature pages follow*

EXECUTED by the City and Developer to be effective as of the Effective Date.

**CITY OF LAVON**

By: \_\_\_\_\_  
Vicki Sanson, Mayor

ATTEST:

\_\_\_\_\_  
Rae Norton, City Secretary

**DEVELOPER**

MA Partners, LLC,  
a Texas limited liability company

By: \_\_\_\_\_  
Name:  
Title:



## CITY OF LAVON Agenda Brief

**MEETING:** November 2, 2021

**ITEM:** 10 – L

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**Item:**

Discussion and action regarding Resolution No. 2021-11-09 casting three (3) votes to elect the Collin Central Appraisal District Board of Directors

**Background:**

The Chief Appraiser for the Collin Central Appraisal District (CCAD) notified the City of the opportunity to cast three votes for the Board of Directors for a two-year term beginning January 1, 2022. Correspondence relating to the process and nominees are included in the packet. The number of votes allowed is calculated per capita.

In alphabetical order, the nominations for the CCAD Board of Directors are:

Earnest Burke  
Ronald Carlisle  
Zewge Kagnew  
Ronald L. Kelley  
Brian Mantzey  
Kenneth Maun  
Gary Rodenbaugh  
Ed Standridge  
Carson Kincaid Underwood

Information regarding the nominees is attached. The City Council may cast all its votes for a single candidate or distribute the votes among any number of candidates listed.

The completed ballot is due before December 15, 2021.

**Attachments:** Proposed Resolution including Official Ballot  
Correspondence from CCAD

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2021-11-09**

CCAD Board of Directors

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON,  
TEXAS CASTING THREE VOTES FOR COLLIN CENTRAL  
APPRAISAL DISTRICT BOARD OF DIRECTORS.**

**WHEREAS**, the City Council has considered and determined that it is necessary and in the best interests of City of Lavon to cast votes for the Collin Central Appraisal District Board of Directors.

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

**SECTION 1.** The City Council does hereby cast three (3) votes for the Collin Central Appraisal District Board of Directors:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_; and

**SECTION 2.** The votes shall be recorded on the Official Ballot attached hereto as Exhibit "A";  
and

**SECTION 3.** 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 2<sup>nd</sup> day of November 2021.

\_\_\_\_\_  
Vicki Sanson, Mayor

ATTEST:

\_\_\_\_\_  
Rae Norton, City Secretary

**RESOLUTION NO. 2021-11-09**

**EXHIBIT A**

2022 – 2023  
COLLIN CENTRAL APPRAISAL DISTRICT  
BOARD OF DIRECTOR'S NOMINATIONS  
Page 2 of 2

**OFFICIAL BALLOT**

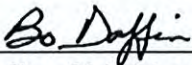
ISSUED TO: **City of Lavon**

NUMBER OF VOTES: **3**

FOR: **BOARD OF DIRECTORS, COLLIN CENTRAL APPRAISAL DISTRICT, TWO-YEAR TERM  
BEGINNING JANUARY 1, 2022.**

NOMINEES	VOTES
<i>EARNEST BURKE</i>	
<i>RONALD CARLISLE</i>	
<i>ZEWGE KAGNEW</i>	
<i>RONALD L. KELLEY</i>	
<i>BRIAN MANTZEY</i>	
<i>KENNETH MAUN</i>	
<i>WAYNE MAYO</i>	
<i>GARY RODENBAUGH</i>	
<i>ED STANDRIDGE</i>	
<i>CARSON KINCAID UNDERWOOD</i>	

October 25, 2021

  
Bo Daffin, Chief Appraiser

---

Section 6.03 (g) of the State Property Tax Code requires the above action be taken by resolution, therefore, please attach a copy of the resolution to this ballot and return to the chief appraiser, at 250 Eldorado Pkwy., McKinney, Texas 75069, before December 15, 2021.



# Collin Central Appraisal District

October 25, 2021

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

RE: Board of Directors election, two-year term, beginning January 1, 2022

Dear Ms. Dobbs:

Enclosed you will find the ballot listing the nominees for the Board of Director positions for the Collin Central Appraisal District. The candidates are listed alphabetically by their last name.

- It must be clear that I am not advising any entity regarding casting votes for candidate(s). That said, I have been instructed by Mr. Wayne Mayo, based on medical reasons, that he would be unable to serve in the 2022-2023 term, if elected.
- Mr. Mayo announced to the existing board several months ago that he would not seek or agree to serve in the 2022-2023 term.
  - Not knowing whether he had changed his mind about serving, when the entities were going through the nomination process, I waited until Ballot time to contact him. His wife confirmed to me this morning that extremely serious medical issues would make it impossible for him to serve, if elected again.

Each voting unit must vote in an open meeting, report its vote by written resolution, and submit the resolution to the chief appraiser before December 15, 2021. Each unit may cast all its votes for one candidate or distribute the votes among any number of the candidates listed. Since there is no provision for write-in candidates, the chief appraiser may not count votes for someone not listed on the official ballot.

Sincerely,

Bo Daffin  
Chief Appraiser

Enclosure

RECEIVED  
OCT 27 2021  
CITY OF LAVON



# Collin Central Appraisal District

---

2022 – 2023

COLLIN CENTRAL APPRAISAL DISTRICT  
BOARD OF DIRECTOR'S NOMINATIONS

EARNEST BURKE	Is a current board member and has served since 1/2016. Nominated by Plano ISD. Resides in Plano, TX.
RONALD CARLISLE	Is a current board member and has served since 1/1994. Nominated by City of Frisco and Royse City ISD. Resides in Frisco, TX.
ZEWGE KAGNEW	Nominated by the City of Wylie. Resides in Wylie, TX.
RONALD L. KELLEY	Nominated by Plano ISD. Resides in Plano, TX.
BRIAN MANTZEY	Nominated by the City of Anna and the City of McKinney. Resides in McKinney, TX.
KENNETH MAUN	Nominated by the City of Lucas. Resides in Fairview, TX.
WAYNE MAYO	Is a current board member and has served since 1/1998. Nominated by the City of Lucas. Resides in Richardson, TX.
GARY RODENBAUGH	Is a current board member and has served since 1/2001. Nominated by the City of Allen, the City of Lucas and Allen ISD. Resides in Allen, TX.
ED STANDRIDGE	Nominated by the City of Parker. Resides in Parker, TX.
CARSON KINCAID UNDERWOOD	Nominated by the City of Plano. Resides in Plano, TX.



## CITY OF LAVON Agenda Brief

**MEETING:** November 2, 2021

**ITEM:** 10 – M

---

**Item:**

Discussion and action regarding Resolution No. 2021-11-10 approving and authorizing the Mayor to execute a First Amendment to the Development Agreement with LDC Lavon, LLC pertaining to the Lakepointe Addition.

**Background:**

On March 19, 2019, the City Council passed Resolution No. 2019-03-03, approving a Development Agreement between the City and LDC LAVON, LLC, and LAVON LAKEPOINTE DEVELOPMENT, LLC, providing for, among other things, the creation of a Public Improvement District under Chapter 372 of the Texas Local Government Code, establishment of land use development design regulations, and providing terms for annexation of 200 acres known as the LakePointe Addition.

Since the time of the original development agreement, the manner in which water infrastructure in a public improvement district is addressed has changed.

The Parties have identified and agreed upon an amendment to the terms set out in the Original Agreement (the “First Amendment”).

***Staff Notes:***

The developer and city’s consulting teams have reviewed the proposed agreement. Approval is recommended subject to the City Attorney’s approval.

**Attachment:** Proposed Resolution and Agreement

**CITY OF LAVON, TEXAS**

**RESOLUTION NO. 2021-11-10**

First Amendment to LakePointe Development Agreement

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH LDC LAVON, LLC PERTAINING TO THE LAKEPOINTE ADDITION.**

**WHEREAS**, the City of Lavon, Texas is a Type A general law municipality ("City"); and

**WHEREAS**, the City passed Resolution No. 2019-03-03 on March 19, 2019, approving a Development Agreement (the "Original Agreement") between the City and LDC LAVON, LLC ("LDC Lavon"), and LAVON LAKEPOINTE DEVELOPMENT, LLC (collectively, the "Parties"), providing for, among other things, the creation of a Public Improvement District under Chapter 372 of the Texas Local Government Code, establishment of land use development design regulations, and providing terms for annexation of 200 acres known as the LakePointe Addition (the "Property"); and

**WHEREAS**, the Parties have identified and agreed upon an amendment to the terms set out in the Original Agreement (the "First Amendment").

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

**SECTION 1.** The findings set forth in the recitals of this Resolution are found to be true and correct.

**SECTION 2.** The City Council hereby approves and authorizes the Mayor to execute the First Amendment, attached hereto as **Exhibit "A"**, between the Parties.

**SECTION 3.** This Resolution shall be effective from and after its date of in accordance with law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON** this 2<sup>nd</sup> day of November, 2021.

\_\_\_\_\_  
Vicki Sanson, Mayor

ATTEST:

\_\_\_\_\_  
Rae Norton, City Secretary

**EXHIBIT A**

**FIRST AMENDMENT - DEVELOPMENT AGREEMENT**

## FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

The Development Agreement executed between the City of Lavon and LDC LAVON, LLC and LAVON LAKEPOINTE DEVELOPMENT, LLC on March 19, 2019 (the "Development Agreement") is hereby amended with this First Amendment to the Development Agreement (this "First Amendment"), which is entered into between the CITY OF LAVON (the "City"), and LAVON LAKEPOINTE DEVELOPMENT, LLC a Texas limited liability company ("Developer"):

### RECITALS

**WHEREAS**, LDC LAVON, LLC, originally a property owner in the Property (as defined in the Development Agreement), had its interest in the Property acquired by Developer, and is no longer a party to the Development Agreement; and

**WHEREAS**, this First Amendment amends the Development Agreement; and

**WHEREAS**, the Development Agreement is only modified as expressly set forth in this First Amendment and the Development Agreement shall otherwise remain in full force and effect; and

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, the City and the Developer agree as follows:

1. **The Development Agreement Remains in Full Force and Effect.** The City and Developer acknowledge and agree that, except to the extent amended herein, all provisions and terms contained in the Development Agreement remain in full force and effect. All terms used herein and not defined herein have the meanings assigned to such terms in the Development Agreement.

2. **Specific provisions contained in the Agreement shall be amended as follows:**

a. Water Improvements, as that term is defined in the recitals on Page 2 of the Development Agreement and used throughout the Agreement, are now considered to also be Public Improvements, along with On-Site and Off-Site Public Improvements. Water Improvements constructed, acquired, and improved after the date this First Amendment is executed, are considered Public Improvements, and are eligible for reimbursement to the Developer through the use of funds acquired through the PID, in accordance with the PID Act. Those Water Improvements shall, upon construction and inspection, be accepted by Bear Creek SUD, and be used for the operation of a public water utility that provides retail water service to the Property.

b. Subsection 4.07(b) of the Development Agreement is hereby repealed.

c. The Developer agrees to use its best efforts to acquire, or facilitate the execution of, any agreement between the Bear Creek SUD and the City necessary for the approval of the Attorney General of Texas of any PID Bond.

d. In accordance with Section 7.02 of the Development Agreement, Exhibit A to this agreement is the revised Concept Plan, which Concept Plan will replace the original Concept Plan attached to the Development Agreement as Exhibit E and become the new Exhibit E.

3. The City represents and warrants that this First Amendment has been duly adopted by official action of the City Council in accordance with all applicable public notice requirements (including, but not limited to, notices required by the Texas Open Meetings Act), and that the individual executing this First Amendment on behalf of the City has been duly authorized to do so. The Developer represents and warrants that this First Amendment has been approved by the appropriate action of the Developer, and that the individuals executing this First Amendment on behalf of the Developer have been duly authorized to do so.

4. This First Amendment may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

**EXECUTED BY THE PARTIES TO BE EFFECTIVE ON October \_\_\_\_\_, 2021:**

**CITY OF LAVON**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Mayor  
Date: \_\_\_\_\_

APPROVED AS TO FORM

\_\_\_\_\_  
Name:  
Title: City Attorney

STATE OF TEXAS           §  
  §  
COUNTY OF COLLIN       §

This instrument was acknowledged before me on the \_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_, Mayor of the City of LAVON, Texas on behalf of said City.

(SEAL)

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
Name printed or typed

Commission Expires: \_\_\_\_\_

**DEVELOPER:**

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_, President of LAVON LAKEPOINT, LLC, , a Texas limited liability company, on behalf of said company.

\_\_\_\_\_  
Notary Public, State of Texas





# CITY OF LAVON

## Agenda Brief

MEETING: November 2, 2021

ITEM: 10 – N

---

**Item:**

Discussion and action regarding Resolution No. 2021-11-11 determining the costs of certain authorized improvements to be financed by the Lakepointe Public Improvement District; approving a Preliminary Amended Service Plan and Assessment Plan, including Proposed Improvement Area #2 Assessment Roll; calling a meeting and noticing a public hearing for November 16, 2021 to consider an ordinance levying assessments on property located within the Lakepointe Public Improvement District; directing the filing of the Proposed Improvement Area #2 Assessment Roll with the city secretary to make available for public inspection; directing city staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto.

**Background:**

On March 19, 2019, the City Council approved a resolution creating the LakePointe Public Improvement District (PID) and authorized the issuance of bonds for the District to finance specific public improvements for the benefit of the property.

A preliminary Service and Assessment Plan (SAP) has been prepared that sets forth the estimated total costs of the improvements and the proposed assessment roll that establishes the assessments to be levied against each property.

The Resolution sets a public hearing regarding the matters on November 16, 2021.

**Staff Notes:**

The developer and city's consulting teams have reviewed and approved the proposed resolution form. Approval is recommended.

**Attachment:** Proposed Resolution and SAP

**CITY OF LAVON, TEXAS**

**RESOLUTION NO. 2021-11-11**

**A RESOLUTION OF THE CITY OF LAVON, TEXAS DETERMINING THE COSTS OF CERTAIN AUTHORIZED IMPROVEMENTS TO BE FINANCED BY THE LAKEPOINTE PUBLIC IMPROVEMENT DISTRICT; APPROVING A PRELIMINARY AMENDED SERVICE PLAN AND ASSESSMENT PLAN, INCLUDING PROPOSED IMPROVEMENT AREA #2 ASSESSMENT ROLL; CALLING A MEETING AND NOTICING A PUBLIC HEARING FOR *NOVEMBER 16, 2021* TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN THE LAKEPOINTE PUBLIC IMPROVEMENT DISTRICT; DIRECTING THE FILING OF THE PROPOSED IMPROVEMENT AREA #2 ASSESSMENT ROLL WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; 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 and its exterritorial jurisdiction; and

**WHEREAS**, on March 19, 2019 the City Council conducted a public hearing to consider a petition received by the City on or before January 14, 2019 titled "Petition for the Creation of a Public Improvement District Within the City of Lavon, Texas, for the LakePointe Development" requesting the creation of a public improvement district; and

**WHEREAS**, on March 19, 2019, after due notice and a public hearing, the City Council approved Resolution No. 2019-03-04 (the "Original Authorization Resolution"), authorizing, establishing and creating the LakePointe Public Improvement District (the "District") and determining the advisability of the proposed improvements; and

**WHEREAS**, on July 16, 2019, the City Council approved Resolution No. 2019-07-03 amending the Original Authorization Resolution (as amended, the "Authorization Resolution") regarding the estimated costs of authorized improvements to be assessed against the property in the District; and

**WHEREAS**, the City authorized the creation of the District and the issuance of up to \$25,000,000.00 in bonds for the District to finance certain public improvements authorized by the Act for the benefit of the property within the District (the "Authorized Improvements"); and

**WHEREAS**, on August 22, 2019, the City Council adopted Ordinance No. 2019-08-02, which approved the LakePointe Public Improvement District Service and Assessment Plan dated August 22, 2019 (the "SAP"); and

**WHEREAS**, in addition to approving the SAP, Ordinance No. 2019-08-02 levied assessments against property within the District; and

**WHEREAS**, the property is being developed in phases, the first of which included approximately 53.425 acres and the second of which includes approximately 74.979 acres ("Improvement Area #2"); and

**WHEREAS**, the City desires to amend and restate the SAP to reflect the construction of and development of the Improvement Area #2 Improvements for Improvement Area #2 of the District; and

**WHEREAS**, the City Council and the City staff have been presented a "LakePointe Public Improvement District Preliminary Amended and Restated Service and Assessment Plan", including the proposed Improvement Area #2 assessment roll attached as Exhibit G-1 (the "Proposed Improvement Area #2 Assessment Roll"), dated November 2, 2021 (collectively, the "Preliminary Amended SAP"), a copy of which is attached hereto as **Exhibit A** and is incorporated herein for all purposes; and

**WHEREAS**, the anticipated levy and assessment amount for the Improvement Area #2 Improvements (as defined in the Preliminary Amended SAP) is approximately \$7,931,000.00, as referenced in the Preliminary Amended SAP; and

**WHEREAS**, the Preliminary Amended SAP sets forth the estimated total costs of certain Improvement Area #2 Improvements to be financed by the District for the second phase of development and the Proposed Improvement Area #2 Assessment Roll states the assessments

proposed to be levied against each parcel of land in Improvement Area #2 of the District as determined by the method of assessment and apportionment chosen by the City; and

**WHEREAS**, the Act requires that the Proposed Improvement Area #2 Assessment Roll be filed with the City Secretary of the City (the "City Secretary") and be subject to public inspection; and

**WHEREAS**, the Act requires that a public hearing (the "Assessment Hearing") be called to consider the Preliminary Amended SAP and proposed assessments and requires the City Council to hear and pass on any objections to the Preliminary Amended SAP and proposed assessments at, or on the adjournment of, the Assessment Hearing; and

**WHEREAS**, the Act requires that notice of the Assessment Hearing be mailed to property owners liable for assessment and published in a newspaper of general circulation in the City before the tenth (10th) day before the date of the Assessment Hearing.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AS FOLLOWS:**

**SECTION 1.** THAT 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.** THAT the City Council does hereby accept the Preliminary Amended SAP, dated November 2, 2021, for the District, including the Proposed Improvement Area #2 Assessment Roll, a copy of which is attached hereto as **Exhibit A** and is incorporated herein for all purposes. All capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Preliminary Amended SAP.

**SECTION 3.** THAT the City Council hereby determines that the total estimated costs of the Improvement Area #2 Improvements to be financed by the District are set forth in the Preliminary Amended SAP, which costs include the payment of expenses incurred in the administration of the District or related to the issuance of any bonds.

**SECTION 4.** THAT the City Council's final determination and approval of the estimated costs of the Improvement Area #2 Improvements, or any portion thereof, shall be subject to and contingent upon City Council approval of a final LakePointe Public Improvement District Amended and Restated Service and Assessment Plan which will include the final Improvement Area #2 Assessment Roll, after the properly noticed and held Assessment Hearing.

**SECTION 5.** THAT the Proposed Improvement Area #2 Assessment Roll states the assessment proposed to be levied against each parcel of land in Improvement Area #2 of the District as determined by the method of assessment chosen by the City in the Authorization Resolution and as more fully described in the Preliminary Amended SAP.

**SECTION 6.** THAT the City Council hereby authorizes and directs the filing of the Proposed Improvement Area #2 Assessment Roll with the City Secretary and the same shall be available for public inspection.

**SECTION 7.** THAT the City Council hereby authorizes, and calls, a meeting and a public hearing (the Assessment Hearing as defined above) to be held on *November 16, 2021 at or after 6:00 p.m. at Lavon City Hall, 120 School Road, Lavon, Texas 75166*, at which the City Council shall, among other actions, hear and pass on any objections to the proposed assessments; and, upon the adjournment of the Assessment Hearing, the City Council will consider an ordinance levying the assessments as special assessments on property within the District (which ordinance shall specify the method of payment of the assessments).

**SECTION 8.** THAT the City Council hereby authorizes and directs the City Secretary to publish notice of the Assessment Hearing to be held on *November 16, 2021*, in substantially the form attached hereto as **Exhibit B** and incorporated herein for all purposes, in a newspaper of general circulation in the City, on or before **November 5, 2021** as required by Section 372.016(b) of the Act.

**SECTION 9.** THAT when the Proposed Improvement Area #2 Assessment Roll is filed with the City Secretary, the City Council hereby authorizes and directs the City Secretary to mail to owners of property liable for assessment notice of the Assessment Hearing to be held on *November 16, 2021*, on or before **November 5, 2021** as required by Section 372.016(c) of the Act.

**SECTION 10.** THAT 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) to place the public hearing on the agenda for the *November 16, 2021* meeting of the City Council.

**SECTION 11.** THAT this Resolution shall become effective from and after its date of passage in accordance with law.

**PASSED AND APPROVED** on this the 2nd day of November, 2021.

ATTEST:

---

Vicki Sanson, Mayor

---

Rae Norton, City Secretary

**EXHIBIT A**

**PRELIMINARY AMENDED SERVICE AND ASSESSMENT PLAN**

The Plan may be downloaded at [www.cityoflavon.com](http://www.cityoflavon.com), obtained from or inspected at the City Secretary's Office at 120 School Rd., Lavon, TX, by contacting [cityhall@lavontx.gov](mailto:cityhall@lavontx.gov) or by calling 972-843-4220.

**EXHIBIT A**

**PRELIMINARY AMENDED SERVICE AND ASSESSMENT PLAN**

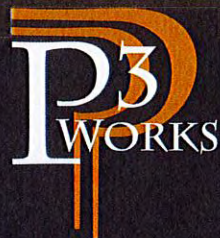
The Plan may be obtained from or inspected at the City Secretary's Office at 120 School Rd., Lavon, TX, by contacting [cityhall@lavontx.gov](mailto:cityhall@lavontx.gov) or by calling 972-843-4220.

# LakePointe Public Improvement District

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PRELIMINARY AMENDED AND RESTATED SERVICE AND ASSESSMENT PLAN

NOVEMBER 2, 2021



AUSTIN, TX | NORTH RICHLAND HILLS, TX

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**EXHIBIT B**  
**CITY OF LAVON, TEXAS**  
**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the City Council of Lavon, Texas on *November 16, 2021 at or after 6:00 p.m. at Lavon City Hall, 120 School Road, Lavon, Texas 75166*. The public hearing will be held to consider proposed assessments to be levied against the assessable property within Improvement Area #2 of the LakePointe Public Improvement District (the "District") pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the "Act").

The general nature of the proposed public improvements (collectively, the "Improvement Area #2 Improvements") may 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 the District; 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. These Improvement Area #2 Improvements shall promote the interests of the City and confer a special benefit upon the Property.

The total estimated costs of the Improvement Area #2 Improvements, including the district formation and bond issuance costs is approximately \$8,000,000.00. The term of the assessments, to the extent payable on an annual basis, will be 30 years in the Preliminary Amended Service and Assessment Plan.

The boundaries of the District include approximately *173.037* acres of land generally situated in the Samuel M. Ranier Survey, Abstract No. 470, Collin County, State of Texas, and generally located east of SH 78, south of FM 6 and north/northeast of Bois D'arc Road, located within the City of Lavon, Texas and as more particularly described by a metes and bounds description available at Lavon City Hall and available for public inspection. Improvement Area #2 includes approximately *74.979* acres of land identified in the Preliminary Amended Service and Assessment Plan.

All written or oral objections on the proposed assessment within the District will be considered at the public hearing.

A copy of the Improvement Area #2 Assessment Roll relating to the Improvement Area #2 Improvements (the "Improvement Area #2 Assessment Roll"), which Improvement Area #2 Assessment Roll includes the assessments to be levied against each parcel in Improvement Area #2 of the District for the Improvement Area #2 Improvements, is available for public inspection at the office of the City Secretary, Lavon City Hall, 120 School Road, Lavon, Texas 75166.



## CITY OF LAVON Agenda Brief

MEETING: November 2, 2021

ITEM: 10 – O

---

**Item:**

Discussion and action regarding Resolution No. 2021-11-12 rescinding Resolution No. 2021-09-07, which approved a Development Agreement between the City of Lavon and MA Partners, LLC, Petro-Hunt, LLC, Far East Lavon, LLC, 78 Straddle, LP, East Lavon Partners, LP, and World Land Developers, LP, after re-negotiation of the terms, and approving and authorizing the Mayor to execute a new version of the Development Agreement.

**Background:**

On September 21, 2021, the City Council passed Resolution No. 2021-09-07 approving a Development Agreement between the City and the owners and developer for the Elevon Addition, providing for, among other things, the creation of a Public Improvement District under Chapter 372 of the Texas Local Government Code, establishment of land use development design regulations, and providing terms for annexation.

The Parties have identified and agreed upon an amendment to the terms set out in the Original Agreement which was not ever executed.

**Staff Notes:**

The developer and city's consulting teams have reviewed the proposed agreement.

**Attachment:** Proposed Resolution

**CITY OF LAVON, TEXAS**

**RESOLUTION NO. 2021-11-12**

Revisions to Elevon Development Agreement

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS RESCINDING RESOLUTION NO. 2021-09-07, WHICH APPROVED A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAVON AND MA PARTNERS, LLC, PETRO-HUNT, LLC, FAR EAST LAVON, LLC, 78 STRADDLE, LP, EAST LAVON PARTNERS, LP, AND WORLD LAND DEVELOPERS, LP, AFTER RE-NEGOTIATION OF THE TERMS, AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A NEW VERSION OF THE DEVELOPMENT AGREEMENT.**

**WHEREAS**, the City of Lavon, Texas is a Type A general law municipality ("City"); and

**WHEREAS**, the City passed Resolution No. 2021-09-07 on September 21, 2021, approving a Development Agreement (the "Original Agreement") between the City and MA Partners, LLC, Petro-Hunt, LLC, Far East Lavon, LLC, 78 Straddle, LP, East Lavon Partners, LP, and World Land Developers, LP (collectively, the "Parties"), providing for, among other things, the creation of a Public Improvement District under Chapter 372 of the Texas Local Government Code, creation of a Tax Increment Reinvestment Zone under Chapter 311 of the Texas Tax Code, establishment of land use development design regulations, and providing terms for annexation at property being 1268.695 acres situated in the Samuel M. Rainier Survey, Abstract No. 740, the Drury Anglin Survey, Abstract No. 2, and the James P. Davis Survey, Abstract No. 249 (the "Property"); and

**WHEREAS**, the Parties have re-negotiated an agreement with substantially the same terms as the Original Agreement (the "New Agreement"); and

**WHEREAS**, the City intends to rescind approval of the Original Agreement such that it will no longer be of any force or effect by repealing Resolution No. 2021-09-07, and approve and authorize the New Agreement.

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

**SECTION 1.** The findings set forth in the recitals of this Resolution are found to be true and correct.

**SECTION 2.** The City Council hereby rescinds approval of the Original Agreement such that it shall no longer be of any force or effect by repealing Resolution No. 2021-09-07, and approves and authorizes the Mayor to execute the New Agreement, attached hereto as **Exhibit "A"**, between the Parties.

**SECTION 3.** This Resolution shall be effective from and after its date of in accordance with law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON** this 2<sup>nd</sup> day of November, 2021.

\_\_\_\_\_  
Vicki Sanson, Mayor

ATTEST:

\_\_\_\_\_  
Rae Norton  
City Secretary

**EXHIBIT A**

**NEW ELEVON DEVELOPMENT AGREEMENT**