



**AGENDA
FEBRUARY 1, 2022
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
REGULAR MEETING
7:00 PM**

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

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ITEMS OF INTEREST/COMMUNICATIONS

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

4. CITIZENS COMMENTS

Citizens may provide comments (3-minute time limit/person). The 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.

5. 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 Consultation with Attorney (2) 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 regarding a professional services agreement and the provision of municipal services in an unincorporated area; and to Section 551.074 Personnel Matters (1) to deliberate the appointment, employment, evaluation, reassignment, or duties of an employee.

6. RECONVENE INTO REGULAR SESSION

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

7. 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 January 18, 2022 meeting.
- B.** Approve Resolution No. **2021-02-01** authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.
- C.** Approve Resolution No. **2021-02-02** authorizing participation with the Oncor Cities Steering Committee; and authorizing the payment of eleven cents per capita to the Oncor Cities Steering Committee to fund regulatory and related activities related to Oncor Electric Delivery Company, LLC.
- D.** Approve Resolution No. **2022-02-03** declaring various fire department and public works department equipment to be surplus and authorizing the disposition of same in a manner which is beneficial to the City.
- E.** Authorize preparation and submission of an application to the Department of Homeland Security (DHS)/ Federal Emergency Management Agency (FEMA) for the Staffing for the Adequate Fire and Emergency Response (SAFER) Grant Program.

8. ITEMS FOR CONSIDERATION

- A.** Discussion and action regarding Resolution No. **2022-02-04** approving and authorizing the Mayor to execute an Agreement for Consulting Services with EIKON Consulting Group, LLC for professional services related to the renovations and expansion of the Fire Department and Public Works facilities.

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- B. Public hearing continued from January 18, 2022, discussion, and action regarding an ordinance of the City Council of the City of Lavon accepting and approving a Final Service and Assessment Plan for the Elevon Public Improvement District, including assessment rolls; making a Finding of Special Benefit to the property in the District; Levying Special Assessments against Property within the District and establishing a lien on such Property; providing for payment of the assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, approving a reimbursement agreement, providing for severability, 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 Ordinance No. **2022-02-01**.
- C. Discussion and action regarding Ordinance No. **2022-02-02** authorizing the issuance of the "City of Lavon, Texas, Special Assessment Revenue Bonds, Series 2022 (Elevon Public Improvement District Improvement Area #1 Project)"; approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, a Limited Offering Memorandum, a Continuing Disclosure Agreement; a Construction, Funding and Acquisition Agreement, a Reimbursement Agreement and other agreements and documents in connection therewith; making findings with respect to the issuance of such bonds; and providing an effective date.
- D. Discussion and action regarding Ordinance No. **2022-02-03** authorizing the issuance of the "City of Lavon, Texas, Special Assessment Revenue Bonds, Series 2022 (Elevon Public Improvement District Zone 1 Remainder Area Project)"; approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, a Limited Offering Memorandum, a Continuing Disclosure Agreement; a Construction, Funding and Acquisition Agreement, Agriculture Valuation Waiver and Redemption Agreements, and other agreements and documents in connection therewith; making findings with respect to the issuance of such bonds; and providing an effective date.
- E. Discussion and action regarding Resolution No. **2022-02-05** approving a Tax Increment Reinvestment Zone Number Two (TIRZ No. 2) Reimbursement Agreement.
- F. Public hearing, discussion, and action regarding an application for a conditional use permit to construct a 2,000 square foot accessory structure that is 647 square feet larger than permitted at 540 Mustang Ct., Lot 11, Mustang Estates, Lavon, Collin County, TX (CCAD Property ID 1709128).
- 1) Presentation of request.
 - 2) **PUBLIC HEARING** to receive comments regarding the request.
 - 3) Discussion and action regarding the request and accompanying Ordinance **2022-02-04**.
- G. Public hearing, discussion, and action regarding an application to change the zoning district classification from temporary Agricultural (A) District to a Planned Development (PD) District consisting of 1,389 residential lots and 37 HOA open space lots, on approximately 376.758 acres of land, the Elevon Addition, Section 2, proposed for annexation and described as part of the 472.8955 acre tract in the Samuel M. Rainer Survey, Abstract No. 740, Collin County, TX, located north of CR 541, east of Lavon Ranchettes, and south of the NETEX right of way in Abston Hills MUD 1-B and 1-D, (CCAD Property IDs 1290178, 1290169, 1290203, 1290132, 2032794, 1290150).
- 1) Presentation of request.
 - 2) **PUBLIC HEARING** to receive comments regarding the request.
 - 3) Discussion regarding the request with action deferred until after the completion of the annexation proceeding.
- H. Public hearing, discussion, and action regarding an application to change the zoning district classification from Agriculture (A) to Main Street (M) zoning district on 5.1 acres at 500 S. Main Street (Bus. 78), Drury Anglin Survey, Abstract 2, Sheet 3, Tr. 76, Lavon, Collin County, TX (CCAD

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Property ID 1250005).

- 1) Presentation of request.
- 2) **PUBLIC HEARING** to receive comments regarding the request.
- 3) Discussion and action regarding the request and accompanying Ordinance **2022-02-05**.

I. Public hearing, discussion, and action regarding an amendment to Article 9.02 “Subdivision Ordinance”, Section 9.02.004 “Procedure” to provide for a combination preliminary and final plat process.

- 1) Presentation of proposed amendment.
- 2) **PUBLIC HEARING** to receive comments regarding the proposed amendment.
- 3) Discussion and action regarding the proposed amendment and accompanying Ordinance **2022-02-06**.

J. Public hearing, discussion, and action regarding an application to change the zoning district classification from Single Family-2 (SF-2) to Main Street (M) zoning district for Block A, Lot 2, Bordeaux Addition, on 1.22 acres situated at 320 Main Street (Bus. 78), Lavon, Collin County, TX (CCAD Property ID 2790105).

- 1) Presentation of request.
- 2) **PUBLIC HEARING** to receive comments regarding the request.
- 3) Discussion and action regarding the request and accompanying Ordinance **2022-02-07**.

K. Discussion and action regarding the final plat of the LakePointe Addition, Phase 3 for 221 residential lots and 4 open space tracts on 45.444 acres of land, a part of a 200.9089-acre tract situated in the Samuel M. Rainer Survey, Abstract No. 740, southeast of the intersection of SH 78 and FM 6, Lavon, Collin County, TX, (CCAD Property ID 2663916).

L. Discussion and action regarding the preliminary plat of the Hillstead Subdivision, (aka Southland Sierra Addition and Lumpkin Addition), for 912 residential lots, 3 non-residential lots, and 25 common area tracts on 487.060 acres of land, being part of a called 228.692-acre tract and part of a called 292.141-acre tract situated in the Drury Anglin Survey, Abstract No. 773, the J. Strickland Survey, Abstract No. 794, the William T. Howard Survey, Abstract No. 370 and the Ci Co. Survey, Abstract No. 1051, in the vicinity of and south of the intersection of CR 484 and CR 483, in Collin County MUD No. 5, Collin County, TX, (CCAD Property IDs 422625, 425588, 2832664, 431223, and 2811959).

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

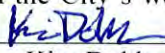
9. SET FUTURE MEETINGS AND AGENDA

Requests may be made for items to be placed on a future agenda or for a special meeting.

February 15, 2022 – regular meeting

10. PRESIDING OFFICER TO ADJOURN THE 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 and at City Hall and on or before 6:00 PM on January 28, 2022. 

Kim Dobbs, City Administrator

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**MINUTES
JANUARY 18, 2022
LAVON CITY COUNCIL
REGULAR MEETING
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
7:00 P.M.**

ATTENDING: VICKI SANSON, MAYOR
JOHN KELL, MAYOR PRO TEM, PLACE 1
TED DILL, PLACE 4
MINDI SERKLAND, PLACE 5

Absent: MIKE COOK, PLACE 2
KAY WRIGHT, PLACE 3

1. **MAYOR SANSON CALLED THE MEETING TO ORDER AT 7:19 P.M. AND ANNOUNCED A QUORUM PRESENT.**

2. **MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND DELVERED THE INVOCATION.**

3. **CITIZENS COMMENTS**

There were no citizens comments.

4. **EXECUTIVE SESSION**

No executive session was held.

5. **RECONVENE INTO REGULAR SESSION**

6. **ITEMS OF INTEREST/COMMUNICATIONS**

There were none.

7. **CONSENT AGENDA**

A. Approve the minutes of the January 4, 2022 meeting.

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: DILL

SECONDED: KELL

APPROVED: UNANIMOUS (Absent: Cook, Wright)

8. **ITEMS FOR CONSIDERATION**

A. Public hearing, the second of two, discussion, and action regarding a Strategic Partnership Agreement between the City of Lavon and Abston Hills Municipal Utility District No. 1-A.

Presentation of the agreement.

City Administrator Kim Dobbs provided information regarding the Wastewater Services and Development Agreement and related Strategic Partnership Agreement for Abston Hills MUD No. 1-A. Ms. Dobbs noted that the City Council conducted the first public hearing on January 4, 2022.

PUBLIC HEARING to receive comments regarding the agreement.

Mayor Sanson opened the public hearing at 7:23 p.m. and invited comments for or against the proposed agreement. There being no comments, Mayor Sanson closed the hearing at 7:23 p.m.

Discussion and action regarding the agreement and accompanying Resolution No. 2022-01-03.

MOTION: APPROVE RESOLUTION 2022-01-03 APPROVING A STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE CITY OF LAVON AND ABSTON HILLS

MUNICIPAL UTILITY DISTRICT NO. 1-A; AUTHORIZING THE MAYOR TO EXECUTE THE STRATEGIC PARTNERSHIP AGREEMENT; AND MAKING CERTAIN FINDINGS RELATED THERETO.

MOTION MADE: KELL
SECONDED: SERKLAND
APPROVED: UNANIMOUS (Absent: Cook, Wright)

- B. Public hearing, discussion, and action regarding the property owners' petition for the voluntary annexation of approximately 376.758 acres of land described as part of the Samuel M. Rainer Survey, Abstract No. 740 and the portion of County Road 541 and adjacent right-of-way abutting the property into the corporate limits of the City of Lavon, Collin County, Texas.**

Presentation of the request.

Ms. Dobbs provided information regarding the petition for voluntary annexation, location of the property, and background regarding the related development agreement.

PUBLIC HEARING to receive comments regarding the request.

Mayor Sanson opened the public hearing at 7:26 p.m. and invited comments for or against the proposed annexation. There being no comments, Mayor Sanson closed the hearing at 7:26 p.m.

Discussion and action regarding the request.

Ms. Dobbs explained that the petitioners requested that action on the proceeding be deferred to the February 15, 2022 City Council meeting. No action was taken.

- C. Public hearing, continued from January 4, 2022, discussion, and action regarding an ordinance of the City Council of the City of Lavon accepting and approving a Final Service and Assessment Plan for the Elevon Public Improvement District, including assessment rolls; making a Finding of Special Benefit to the property in the District; Levying Special Assessments against Property within the District and establishing a lien on such Property; providing for payment of the assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, approving a reimbursement agreement, providing for severability, and providing an effective date.**

Presentation of the request.

Mary Petty, P3-Works, provided information regarding the draft Service and Assessment Plan including assessment rolls and explained that at the request of the developer, the draft was not yet finalized. Ms. Dobbs relayed the City's bond counsel's recommendation that the public hearing be opened and continued to February 1, 2022.

PUBLIC HEARING to receive comments regarding the request.

Mayor Sanson opened the public hearing at 7:29 p.m. and invited comments for or against the proposed agreement. There being no comments, Mayor Sanson closed the floor to comments, leaving the public hearing open to be continued.

Discussion and action to continue the public hearing to February 1, 2022 at 6:00 p.m.

MOTION: CONTINUE THE PUBLIC HEARING TO FEBRUARY 1, 2022 AT 6:00 P.M.

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

- D. Discussion and action regarding Resolution No. 2022-01-04 approving a First Amendment to the Elevon Development Agreement between the City of Lavon and MA Elevon 429, LLC, Petro-Hunt, LLC, Far East Lavon, LP, 78 Straddle, LP, East Lavon Partners, LP, and World Land**

Developers, LP, with effective date of November 2, 2021, and authorizing the Mayor to execute such First Amendment.

Ms. Dobbs reported that the Parties mutually agreed to amend the approved Development Agreement to extend the date by which certain terms would be accomplished.

MOTION: APPROVE RESOLUTION NO. 2022-01-04 APPROVING A FIRST AMENDMENT TO THE ELEVON DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAVON AND MA ELEVON 429, LLC, PETRO-HUNT, LLC, FAR EAST LAVON, LP, 78 STRADDLE, LP, EAST LAVON PARTNERS, LP, AND WORLD LAND DEVELOPERS, LP, WITH EFFECTIVE DATE OF NOVEMBER 2, 2021, AND AUTHORIZING THE MAYOR TO EXECUTE SUCH FIRST AMENDMENT.

MOTION MADE: SERKLAND

SECONDED: DILL

APPROVED: UNANIMOUS (Absent: Cook, Wright)

E. Discussion, and action regarding Ordinance No. 2022-01-01 approving the Tax Increment Reinvestment Zone Number Two (TIRZ No. 2) Final Project and Finance Plan.

Ms. Petty provided information regarding the Final Project and Assessment Plan and noted the recommendation of the TIRZ No. 2 Board of Directors that the City Council approve the Final Project and Finance Plan.

MOTION: APPROVE ORDINANCE NO. 2022-01-01 APPROVING THE TAX INCREMENT REINVESTMENT ZONE NUMBER TWO (TIRZ NO. 2) FINAL PROJECT AND FINANCE PLAN.

MOTION MADE: KELL

SECONDED: SERKLAND

APPROVED: UNANIMOUS (Absent: Cook, Wright)

F. Presentation and discussion regarding the Lavon Economic Development Corporation promotional video.

Pam Mundo, Mundo & Associates, LLC, presented a promotional video produced for the Lavon Economic Development Corporation. The City Council expressed positive feedback.

G. Discussion and action regarding Ordinance No. 2022-01-02 adopting rules and regulations for City parks and trails by amending Chapter 10 "Streets, Parks, and Other Public Ways and Places" to add ARTICLE 10.07 "PARKS AND TRAILS".

Ms. Dobbs provided information regarding the ordinance, noted that the regulations provided that the parks and trails would be closed to the public from thirty (30) minutes after sunset to thirty (30) minutes before sunrise, and added that appropriate signage will be installed at the trails.

MOTION: APPROVE ORDINANCE NO. 2022-01-02 ADOPTING RULES AND REGULATIONS FOR CITY PARKS AND TRAILS BY AMENDING CHAPTER 10 "STREETS, PARKS, AND OTHER PUBLIC WAYS AND PLACES" TO ADD ARTICLE 10.07 "PARKS AND TRAILS".

MOTION MADE: KELL

SECONDED: DILL

APPROVED: UNANIMOUS (Absent: Cook, Wright)

H. Discussion and action regarding Ordinance No. 2022-01-03 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.

Ms. Dobbs provided an explanation of the budget revenue and expenditure variances.

MOTION: APPROVE ORDINANCE NO. 2022-01-03 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: SERKLAND

SECONDED: DILL

APPROVED: UNANIMOUS (Absent: Cook, Wright)

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

Staff provided information regarding open facilities implementation, programming, staffing, and city programs, including a report regarding the January 8 Testing and Vaccination Clinic at City Hall.

9. STAFF REPORTS

- A. Capital Improvements Program- quarterly update.** – Mark Hill, Freeman Millican, Inc., provided information and a report regarding the CIP program and projects status.
- B. Police Services** – Officer Vargas provided information and referenced reports in the meeting packet.
- C. Fire Services** – Ms. Dobbs referenced the report in the meeting packet.
- D. Public Works** – Director of Public Works David Carter provided general information regarding public works operations, CCG fiber installation and the receipt of new heavy equipment that had been back-ordered.
- E. 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.

11. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.

- February 1, 2022 Regular Meeting

12. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 8:22 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 1st day of February 2022.

Vicki Sanson
Mayor

ATTEST:

Rae Norton
City Secretary



CITY OF LAVON Agenda Brief

MEETING: February 1, 2022

ITEM: 7 – B

Item:

CONSENT AGENDA

Approve Resolution No. 2022-02-01 authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.

Background Information:

Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years of experience in regulating natural gas rates in Texas.

In March 2018, the City Council authorized participation with the Atmos Cities Steering Committee (ACSC). Atmos Cities Steering Committee (ACSC) is the largest coalition of cities served by Atmos Mid-Tex. There are 178 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members.

Based upon the population-based assessment protocol previously adopted by the Steering Committee, the assessment for 2022 has been set at a per capita rate of \$0.05, which has been the same rate for the last three years.

Financial Implication:

The cost for the City of Lavon to continue membership is \$210.50 which has been provided for in the FY 21-22 annual budget.

Staff Notes:

Approval is recommended.

Attachments: Proposed Resolution and supporting documents

CITY OF LAVON, TEXAS

RESOLUTION NO. 2022-02-01

Atmos Cities Steering Committee (ACSC) Participation

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

- WHEREAS, the City of Lavon is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the city; and
- WHEREAS, the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and
- WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates; and
- WHEREAS, the City is a member of ACSC; and
- WHEREAS, in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs; NOW THEREFORE,

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

I.

That the City is authorized to continue its membership with the Atmos Cities Steering Committee to protect the interests of the City of Lavon and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

II.

The City is further authorized to pay its 2022 assessment to the ACSC in the amount of five cents (\$0.05) per capita.

III.

A copy of this Resolution and approved assessment fee payable to “*Atmos Cities Steering Committee*” shall be sent to: Brandi Stigler, Steering Committee of Cities Served by Oncor, c/o City Attorney’s Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON this 1st
day of February 2022.

Vicki Sanson
Mayor

ATTEST:

Rae Norton
City Secretary

ACSC Cities (179 Members)

- | | | |
|----------------------------|---------------------------|---------------------------|
| 1. Abilene | 61. Fairview | 121. Northlake |
| 2. Addison | 62. Farmers Branch | 122. Oak Leaf |
| 3. Albany | 63. Farmersville | 123. Ovilla |
| 4. Allen | 64. Fate | 124. Palestine |
| 5. Alvarado | 65. Flower Mound | 125. Pantego |
| 6. Angus | 66. Forest Hill | 126. Paris |
| 7. Anna | 67. Forney | 127. Parker |
| 8. Argyle | 68. Fort Worth | 128. Pecan Hill |
| 9. Arlington | 69. Frisco | 129. Petrolia |
| 10. Aubrey | 70. Frost | 130. Plano |
| 11. Azle | 71. Gainesville | 131. Ponder |
| 12. Bedford | 72. Garland | 132. Pottsboro |
| 13. Bellmead | 73. Garrett | 133. Prosper |
| 14. Benbrook | 74. Georgetown | 134. Quitman |
| 15. Beverly Hills | 75. Glenn Heights | 135. Red Oak |
| 16. Blossom | 76. Grand Prairie | 136. Reno (Parker County) |
| 17. Blue Ridge | 77. Grapevine | 137. Rhome |
| 18. Bowie | 78. Groesbeck | 138. Richardson |
| 19. Boyd | 79. Gunter | 139. Richland |
| 20. Bridgeport | 80. Haltom City | 140. Richland Hills |
| 21. Brownwood | 81. Harker Heights | 141. River Oaks |
| 22. Bryan | 82. Haskell | 142. Roanoke |
| 23. Buffalo | 83. Haslet | 143. Robinson |
| 24. Burkburnett | 84. Hewitt | 144. Rockwall |
| 25. Burleson | 85. Highland Park | 145. Roscoe |
| 26. Caddo Mills | 86. Highland Village | 146. Rowlett |
| 27. Canton | 87. Honey Grove | 147. Royse City |
| 28. Carrollton | 88. Hurst | 148. Sachse |
| 29. Cedar Hill | 89. Hutto | 149. Saginaw |
| 30. Celeste | 90. Iowa Park | 150. Sansom Park |
| 31. Celina | 91. Irving | 151. Seagoville |
| 32. Centerville | 92. Justin | 152. Sherman |
| 33. Cisco | 93. Kaufman | 153. Snyder |
| 34. Clarksville | 94. Keene | 154. Southlake |
| 35. Cleburne | 95. Keller | 155. Springtown |
| 36. Clyde | 96. Kemp | 156. Stamford |
| 37. College Station | 97. Kennedale | 157. Stephenville |
| 38. Colleyville | 98. Kerens | 158. Sulphur Springs |
| 39. Colorado City | 99. Kerrville | 159. Sweetwater |
| 40. Comanche | 100. Killeen | 160. Temple |
| 41. Commerce | 101. Krum | 161. Terrell |
| 42. Coolidge | 102. Lakeside | 162. The Colony |
| 43. Coppell | 103. Lake Dallas | 163. Trophy Club |
| 44. Corinth | 104. Lake Worth | 164. Tyler |
| 45. Crandall | 105. Lancaster | 165. University Park |
| 46. Cross Roads | 106. Lavon | 166. Venus |
| 47. Crowley | 107. Lewisville | 167. Vernon |
| 48. Dalworthington Gardens | 108. Little Elm | 168. Waco |
| 49. Denison | 109. Lorena | 169. Watauga |
| 50. Denton | 110. Madisonville | 170. Waxahachie |
| 51. DeSoto | 111. Malakoff | 171. Westlake |
| 52. Draper | 112. Mansfield | 172. Westover Hills |
| 53. Duncanville | 113. McKinney | 173. Westworth Village |
| 54. Early | 114. Melissa | 174. Whitesboro |
| 55. Eastland | 115. Mesquite | 175. White Settlement |
| 56. Edgecliff Village | 116. Midlothian | 176. Wichita Falls |
| 57. Emory | 117. Murphy | 177. Wilmer |
| 58. Ennis | 118. Newark | 178. Woodway |
| 59. Euless | 119. Nocona | 179. Wylie |
| 60. Everman | 120. North Richland Hills | |

December 2021

Railroad Commission Considers Gas Curtailments

In response to this year's devastating power outages—and with an eye toward maintaining natural gas supplies for critical electricity generation — the Texas Railroad Commission has proposed changes to long-standing rules governing emergency natural gas curtailments.

The proposed new rules would replace a 1970s-era rule known as "Order 489" relating to gas deliveries during "curtailment events," i.e., when gas utilities lack sufficient supply to serve all customers. Railroad staff proposed the rules on November 8, are accepting stakeholder comments through January 7, and they would take effect on April 1.

In specific terms, the proposed rules would amend a section of the Texas Administrative Code (16 TAC § 7.455) relating to curtailment standards. The proposed rules likewise repeal a section of the Texas Administrative Code (16 TAC § 7.305) relating to the agency's existing curtailment program. The new rules broadly parallel emergency guidelines that the Railroad Commission issued in February in response to Winter Storm Uri.

The proposed rules enumerate different categories of gas service by order of priority, with the lowest priority service being the first in line for curtailments during shortage situations. The highest priority categories include: 1) firm deliveries of natural gas to human needs customers and firm deliveries of natural gas to local distribution systems that serve human needs customers; 2) firm deliveries of natural gas to electric generation facilities; and 3) firm deliveries of natural gas to industrial and commercial users of the minimum amount required to prevent physical harm to plant facilities, plant personnel, or the public.

The rules enumerate other priority categories, make a distinction between "firm" and "interruptible" deliveries, and establish that "firm" gas service has a higher priority than "interruptible" gas service. However, the proposed rules do not define "firm deliveries," and they define "interruptible deliveries" only as "subject to interruption or curtailment under mutually agreed upon contracts and/or tariffs." The proposed rule also appears to allow a utility to provide "interruptible deliveries" to human needs customers.

The rules require gas utilities to file a curtailment plan with the Railroad Commission within 90 days of the effective date of the rules. Utilities also must maintain curtailment emergency contact information with the commission.

Stakeholder comments in the rulemaking are due by January 7. To view the proposed rules visit the RRC website at <https://www.rrc.texas.gov/general-counsel/rules/proposed-rules/> under the "Chapter 7. Gas Services" section.

Railroad Commission Approves Securitizing \$3.4 Billion in Gas Costs

The Texas Railroad Commission has authorized the use of \$3.4 billion in long-term debt to pay for natural gas consumed during Winter Storm Uri.

The regulatory decision means that ratepayers will end up paying over many years—potentially up to 30—for fuel consumed during a single month. The Railroad Commission approved the debt financing arrangement on November 10.

Atmos, CenterPoint, Texas Gas Service, and eight other gas utilities applied for financial recovery under the debt financing deal, which utilities have promoted as a method to help gas utility customers avoid rate shock. Under ordinary circumstances, the cost of natural gas consumed by utility customers would have flowed directly into monthly bills. During Winter Storm Uri, however, gas prices spiked to intolerable levels, so gas utilities instead set aside those costs as “regulatory assets” to deal with later. The bond financing approved on November 10 will allow the utilities to receive reimbursements for those expenses.

The downside for ratepayers is that they will have to pay off the bonds over many years—and with interest. The size of the resulting bill charges remains unclear. A separate state agency known as the Texas Public Finance Authority will issue the bonds.

Ninety Days to Issue Financing Order

“The Railroad Commission has 90 days to issue a financing order which instructs the Texas Public Finance Authority to issue bonds,” an official with Texas Gas Service, a gas utility, said in an email distributed to the media. “After that, the Texas Public Finance Authority has 180 days to issue the bonds. As this process unfolds, the length of time for recovery and the rate charged to customers will be determined.”

Under the agency decision, Atmos Energy can receive reimbursements for approximately \$2 billion in fuel costs, CenterPoint can receive approximately \$1.1 billion, and TGS can receive \$197.3 million. Other utilities eligible for recovery include Bluebonnet, Corix, EPCOR, SiEnergy, UniGas, TGS West Texas Service Area, and CoServ.

Settlement Agreement

Under a settlement with the Atmos Cities Steering Committee and others, Atmos agreed to reduce its regulatory asset by more than \$9 million. Similarly, CenterPoint agreed to reduce its regulatory asset by \$39.7 million.

The bond financing process (known as securitization) received earlier authorization by the Texas Legislature under House Bill 1520. Utilities promoted the bond financing technique to lawmakers as a way to spread out the pain from

the massive price spikes, with one utility explaining in testimony that it paid 22 times more than usual for gas during the weather emergency. Others reported that the commodity cost of natural gas spiked to levels 150 times greater than typical. “It would be like you’re going to fill up your gas tank during the storm . . . and instead of paying \$50-ish to fill up your tank, the register there reads . . . \$6,000 to \$7,000,” one former utility official said in a media interview.

By law, gas distribution utilities such as Atmos, CenterPoint, and TGS cannot profit from the sale of the gas commodity, but instead pass those costs directly to end users without markups. However, some gas suppliers made massive profits from the price surge, according to reports.

UTILITY	STIPULATED MAXIMUM REGULATORY ASSET AMOUNT
Atmos	\$2,021,888,534
Bluebonnet	\$1,962,731
CenterPoint	\$1,099,929,626
Corix	\$294,407
EPCOR	\$11,296,221
SiEnergy	\$18,795,497
TGS	\$197,342,375
UniGas	\$32,431,370
TGS WTSA	\$59,663,320
CoServ	\$67,224,791



PUC, Railroad Commission Adopt Parallel Rules related to Critical Facility Designation

Rules governing how natural gas facilities receive critical designations as a means to protect the power grid received approval November 30 by twin regulatory agencies.

Those agencies, the Public Utility Commission and the Texas Railroad Commission, regulate the electric and gas industries respectively. Together, the new rules pertain to the identification of "critical load" natural gas facilities such as wells, gas-processing plants and pipelines. Facing a statutory deadline, the agencies adopted the guidelines during parallel meetings held within a few hours of each other.

The rules are important because failures by the gas industry have been identified as a major contributing factor to the winter emergency that left four million Texans without power last February. Beyond providing home heating service, natural gas suppliers also fuel electric generators. The rules are intended to give electric utilities more visibility regarding which gas facilities play critical roles for grid reliability, and this, in turn, will allow electric utilities to make better decisions regarding which they should prioritize for service during emergencies.

RAILROAD COMMISSION ACTS

On the Railroad Commission side, the agency's three commissioners adopted a new rule, 16 TAC §3.65, as well as amendments to 16 TAC §3.107 regarding critical infrastructure designations. These changes implement provisions from Senate Bill 3 and House Bill 3648 from the 87th Legislative Session.

The Railroad Commission's new rules incorporate many of the suggestions made by stakeholders, including suggestions made by the Atmos Cities Steering Committee, a city coalition. For instance, the Railroad Commission accepted ACSC comments on the over-broad definition of critical loads. (The city coalition had argued that if the rules designate too many facilities as critical, then electric utilities would waste resources and make inefficient decisions trying to protect them from disconnection.) The Commission staff also referenced the ACSC in a comments summary accompanying the new rules.

Key changes included in the adopted version of the rules, as opposed to the previous draft include:

- Adopts the PUC definition of energy emergency.
- Stipulates that certain categories of major gas providers must receive a critical designation, without a possibility of opting out.
- Customers not designated as critical may file an application for critical status noting their role in the supply chain that makes them critical.
- Those facilities requesting an opt-out exception must provide evidence as to why the exception is appropriate.

Also of note, the preamble clarifies that "critical" designations apply only to reporting requirements, and not, *per se*, to weatherization requirements. However, the preamble discusses how such "critical" definitions may be the basis for future weatherization requirements, which the Commission will release later.

The distinction is important because under the new rules certain facilities can opt-out of the reporting requirements by paying a \$150 fee. It remains to be determined whether such payment also will allow for opt-out of the yet-to-be-determined weatherization requirements.

PUBLIC UTILITY COMMISSION ACTS

The PUC, meanwhile, adopted amendments to implement new PURA §38.074, also added by HB 3648 and SB 3. The new rules require a critical natural gas facility, or a "critical customer" as described under §3.65, to provide critical customer information to the utility from which it receives electric delivery service. They also require the utility to incorporate this information into its load-shed and power restoration planning.

"This is a fundamental reason that the Texas power grid will be more resilient this winter than last winter," PUC Chairman Peter Lake said. "For the first time ever, both of those industries will know where the key pieces are and how to keep both sides of that equation functioning in an extreme winter event."

Almost nowhere else in the United States do two separate agencies regulate local gas and electric industries. However, PUC staffers said they worked closely with their Railroad Commission counterparts to devise rules that will work seamlessly across both industries. For instance, natural gas facilities under the new rules will have the ability to submit a single form with all the information transmission and distribution utilities need to identify critical gas units. The grid operator will have access to this information through a single portal.

“As everyone knows, one of the failings from the state's perspective from February was the lack of coordination between the electric and gas industries,” PUC general counsel David Smeltzer said. “We got clear direction from the Legislature that can't happen again, and one of the aspects of that was electricity not going to the gas people ... It's kind of a cycle.”

GAS NOT “PRIMARY CULPRIT” ACCORDING TO RAILROAD COMMISSION CHAIR

Ultimately the policy changes stem from public outcry following to the February power emergency — an emergency that the Federal Energy Regulatory Commission and the North American Electric Reliability Corp. have characterized as “the largest controlled firm load shed event in US history.”

During the Railroad Commission meeting, Chairman Wayne Christian pushed back against published reports that the state's natural gas industry and lax regulation by his agency largely were to blame for the widespread blackouts. “While no form of energy performed perfectly during Winter Storm Uri, the insistence that natural gas producers are the primary culprit behind the February blackouts is pure hyperbole,” he said.

According to reports, gas-fired generation offline hit a peak of about 18 gigawatts, as compared with about 52.3 GW of all types of generation offline at peak. ERCOT's winter 2020-21 Seasonal Assessment of Resource Adequacy lists 55.7 GW of gas-fired generation capacity.

Railroad Commissioner Jim Wright said that Texas has sufficient natural gas storage capacity to supply about 8 million homes for a month. He said the Railroad Commission encourages gas-fired generators to “fully utilize this capacity for this coming winter” but that agency “has no authority to require operators to release gas at a specific time or, for that matter, at all.”

To view the adopted Railroad Commission rules, go to visit the RRC website at <https://www.rrc.texas.gov/general-counsel/rules/proposed-rules/> and search under “Chapter 3: Oil and Gas.” To view the PUC rules, go to PUC interchange at interchange.puc.texas.gov, and search under Docket no. 52345.

RRM Update

You may recall that Atmos has a statutory right to an annual increase in rates based on additional plant investment via a process known as the Gas Reliability Infrastructure Program (GRIP). By contrast, the Rate Review Mechanism (RRM) is a negotiated substitute for GRIP that only exists through the exercise of the Cities’ original jurisdiction over rates and services.

As we have previously reported, Atmos submitted its 2021 RRM tariff filings for its Mid-Tex division in April. The case has settled and has received approval from city councils.

Under Atmos Mid-Tex’s settlement, rates will increase by \$22.78 million within the area of Atmos Cites Steering Committee member cities. This represents a more than 27% reduction from the \$31.4 million initially proposed by Atmos Mid-Tex. The settlement also includes a two-month delay in the effective date, which ACSC’s consultants have determined will result in an additional \$3.8 million in one-time savings. Atmos Mid-Tex claims that in 2020 it replaced 199 miles of steel pipe, 168 miles of cast iron pipe, and more than 34,700 steel service lines

Also, recall that ordinances adopted by city councils define and control the RRM process. That is, RRM tariffs reflected in city ordinances are essentially contractual commitments agreed to by both Atmos and the municipalities. The money-saving concession to change the implantation date is only possible

because of Atmos’ concession, and that delay should have relieved some pressure on city councils for action during the ongoing stressful pandemic.

Looking forward

According to a recent financial filing, the company anticipates an additional RRM filing during April 2022 for its Mid-Tex Division.



Texas' Underground Storage Facilities Adding to Natural Gas Reserves

Gas suppliers during October added approximately 100 billion cubic feet in natural gas to underground storage reserves in the state, according to information from the Texas Railroad Commission.

Agency officials say the increased gas reserves should help Texas avoid energy supply disruptions during the upcoming winter season. Researchers have blamed such disruptions—among other factors—for the rolling blackouts this year.

“Natural gas storage is a great way to avoid and mitigate any potential supply disruptions,” said Railroad Commission chief engineer Ted Wooten in an October 27 release.

Natural gas utilities and electric power generators both can benefit from stored gas. Conversely, a disruption in the supply of natural gas can undermine operations at electric plants, thereby contributing to power outages. Such disruptions were partially to blame for last February’s outages, according to a recent University of Texas report.

By law, operators of the underground facilities—including both depleted oil and gas reservoirs and mined salt caverns—must report storage information to the Railroad Commission. The agency in turn reports underground gas storage statistics on its website.

“The more gas we have in reserve, the better prepared we are,” said Mr. Wooten.



Atmos Quarterly Financial Reports

Atmos Energy—a company that serves 3 million distribution customers across eight states—released its earnings report for the 2021 fiscal year that included summaries of its company-wide earnings, recaps of its annual earnings data, summaries of its long-term capital spending plans, and its data specific to Texas. Atmos released this information in a public statement after market closing on November 10 and during a conference call with financial analysts on November 11.

Earnings Summary

In a November financial release, Atmos Energy reported consolidated net income of \$665.6 million for the fiscal year ending September 30, 2021, including \$48.7 million for the fourth fiscal quarter.

The Dallas-based energy company also reported fiscal year-to-date capital spending of nearly \$2 billion, including approximately \$1 billion to repair and replace transmission and distribution pipelines, \$240 million in service line replacement, and \$45 million to enhance storage and compression capabilities.

According to its November filing, Atmos receives 90% of its expense recoveries within six months of making rate filings due to the use of interim rate mechanisms such as the Gas Reliability Infrastructure Program (GRIP).

Atmos expects capital expenditures in the range of \$2.4 billion to \$2.5 billion during the upcoming fiscal year. The company reports that approximately 88% of its capital spending corresponds to safety and reliability investments.

Atmos projects that average monthly customer bills will increase from \$58 in 2021 to \$75 in 2026—or by approximately 30%. It reported adding 51,000 new customers during the 2021 fiscal year.

ADDITIONAL COMPANY-WIDE HIGHLIGHTS

- Distribution operating income increased by \$90.3 million to \$618.5 million for FY 2021, compared with \$528.2 million for the prior fiscal year. The increase reflects a \$150.6 million increase in rates and customer growth.
- Pipeline and storage operating income decreased by \$9.4 million to \$286.5 million for FY 2021, as compared with \$295.9 million for the prior fiscal year. The year-to-year decrease is primarily attributable to a \$17.1 million increase in system maintenance costs, a \$17 million increase in depreciation and property tax expenses due to increased capital investments, and other factors. However, a \$56.2 million income increase from GRIP filings approved in FY 2020 and FY 2021 partially offset the increases in expenses.
- The company's equity capitalization ratio as of September 30, 2021 was 51.9%. This compares with 60% as of September 30, 2020. This higher capitalization ratio was largely due to a \$2.2 billion debt issuance in March 2021 to

finance gas costs incurred during Winter Storm Uri. Excluding the \$2.2 billion of incremental financing, the company's equity capitalization ratio would have been 60.1% as of September 30, 2021.

- The company reported replacing approximately 1,100 miles of distribution and transmission pipe during FY 2021. This represents approximately 1.4% of all such pipe on its system. The company remains on track to replace all cast iron pipe by the end of the calendar year.
- The company replaced 38,000 steel service lines during FY 2021. This represents a 4.8% reduction in such lines.

CAPITAL SPENDING THROUGH 2026

The company predicts that it will make \$13 billion to \$14 billion in capital investments through 2026, 80% of which it will allocate to improving safety. This new spending includes \$10 billion on the Atmos distribution system, and it will finance the replacement of 4,000 to 5,000 miles of distribution system pipe—or 6–8% of the total of such pipe on the system. The company also plans to replace 100,000 to 150,000 steel service lines.

Atmos will allocate an additional \$4 billion in capital expenditures to its transmission system. This includes replacing 800–1,200 miles of Atmos Pipeline Texas transmission pipe through 2026.

2021 ACSC Meetings

December 9

2021 Officers

Chair—Jennifer Richie (Waco)
Vice Chair—Meg Jakubik (Bedford)
Secretary—Adrienne Lothery (Colleville)

For more questions or concerns regarding any ACSC matter or communication, please contact the following representative, who will be happy to provide assistance:



Thomas L. Brocato
(512) 322-5857
tbrocato@lglawfirm.com

Jamie Mauldin
(512) 322-5890
jmauldin@lglawfirm.com



CITY OF LAVON Agenda Brief

MEETING: February 1, 2022

ITEM: 7 – C

Item:

CONSENT AGENDA

Approve Resolution No. **2021-02-02** authorizing participation with the Oncor Cities Steering Committee; and authorizing the payment of eleven cents per capita to the Oncor Cities Steering Committee to fund regulatory and related activities related to Oncor Electric Delivery Company, LLC.

Background Information:

Municipalities have original jurisdiction over the electric distribution rates and services within the city. The Steering Committee has been in existence since the late 1980s and took on a formal structure in the early 1990s. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, ERCOT, the courts, and the Legislature on electric utility regulation matters for over three decades.

The Steering Committee is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company, LLC within the City. Steering Committee representation is also strong at ERCOT. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Based upon the population-based assessment protocol adopted by the Steering Committee, the assessment for 2022 has been set at a per capita rate of \$0.10 for existing members and \$0.11 for new members.

Financial Implication:

The cost for the City of Lavon to join the OCSC is \$463.10 for which funding is available in the FY 21-22 annual budget.

Staff Notes:

A growing number of Lavon residences are being served by Oncor. Approval is recommended.

Attachments: Proposed Resolution and supporting documents

CITY OF LAVON, TEXAS

RESOLUTION NO. 2022-02-02

Oncor Cities Steering Committee (OCSC) Participation

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AUTHORIZING PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF ELEVEN CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

- WHEREAS, the City of Lavon is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company, LLC (Oncor) within the municipal boundaries of the city; and
- WHEREAS, the Steering Committee of Cities Served By Oncor (Steering Committee) has historically intervened in Oncor rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and
- WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, and legislative activity, affecting transmission and distribution utility rates; and
- WHEREAS, the City is a member of the Steering Committee; and
- WHEREAS, the Steering Committee functions under the direction of an Executive Committee which sets an annual budget and directs interventions before state and federal agencies, courts and legislatures, subject to the right of any member to request and cause its party status to be withdrawn from such activities; and
- WHEREAS, the Steering Committee at its December 2021 meeting set a budget for 2022 that compels an assessment of ten cents (\$0.10) per capita and eleven cents (\$0.11) for new members; and
- WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs.

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

I.

That the City is authorized to continue its membership with the Steering Committee of Cities Served by Oncor to protect the interests of the City of Lavon and protect the interests of the customers of Oncor Electric Delivery Company, LLC residing and conducting business within the City limits.

II.

The City is further authorized to pay its assessment to the Steering Committee of eleven cents (\$0.11) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.

III.

A copy of this Resolution and the assessment payment check made payable to "*Steering Committee of Cities Served by Oncor*" shall be sent to Brandi Stigler, Steering Committee of Cities Served by Oncor, c/o City Attorney's Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON this 1st day of February 2022.

Vicki Sanson
Mayor

ATTEST:

Rae Norton
City Secretary

STEERING COMMITTEE CITIES SERVED BY ONCOR (162)

Addison	Frisco	Plano
Allen	Frost	Pottsboro
Alvarado	Gainesville	Prosper
Andrews	Garland	Ranger
Anna	Glenn Heights	Red Oak
Archer City	Grand Prairie	Rhome
Argyle	Granger	Richardson
Arlington	Grapevine	Richland
Azle	Haltom City	Richland Hills
Bedford	Harker Heights	River Oaks
Bellmead	Haslet	Roanoke
Belton	Henrietta	Robinson
Benbrook	Hewitt	Rockwall
Beverly Hills	Highland Park	Rosser
Big Spring	Honey Grove	Rowlett
Breckenridge	Howe	Sachse
Bridgeport	Hudson Oaks	Saginaw
Brownwood	Hurst	Sansom Park
Buffalo	Hutto	Seagoville
Burkburnett	Iowa Park	Sherman
Burleson	Irving	Snyder
Caddo Mills	Jolly	Southlake
Cameron	Josephine	Springtown
Canton	Justin	Stephenville
Carrollton	Kaufman	Sulphur Springs
Cedar Hill	Keene	Sunnyvale
Celina	Keller	Sweetwater
Centerville	Kennedale	Temple
Cleburne	Kerens	Terrell
Coahoma	Killeen	The Colony
Colleyville	Krum	Trophy Club
Collinsville	Lake Worth	Tyler
Colorado City	Lakeside	University Park
Comanche	Lamesa	Venus
Commerce	Lancaster	Waco
Coppell	Lewisville	Watauga
Copperas Cove	Lindale	Waxahachie
Corinth	Little Elm	Westover Hills
Cross Roads	Little River Academy	Westworth Village
Crowley	Malakoff	White Settlement
Dallas	Mansfield	Wichita Falls
Dalworthington Gardens	McKinney	Willow Park
DeLeon	Mesquite	Woodway
De Soto	Midland	Wylie
Denison	Midlothian	
Duncanville	Murchison	
Early	Murphy	
Eastland	New Chapel Hill	
Edgecliff Village	North Richland Hills	
Ennis	Northlake	
Eules	Oak Leaf	
Everman	Oak Point	
Fairview	Odessa	
Farmers Branch	O'Donnell	
Fate	Ovilla	
Flower Mound	Palestine	
Forest Hill	Pantego	
Forney	Paris	
Fort Worth	Parker	

December 2021

PUC Considers Market Redesign

More than 4 million Texans lost power during the February weather emergency and more than 200 lost their lives. Since then, the Texas Public Utility Commission has conducted multiple workshops and called upon market participants to provide recommendations for market changes — all with the goal of making significant reforms to help avoid future outages.

In December, the Commission agreed to move forward with many of the changes it had so far considered. For the most part, these were those relating to ERCOT operational issues. However, the commissioners over the last several months also have debated larger structural issues relating to incentivizing new investments in the ERCOT market. As discussed below, for the most part they have reached no agreement on those issues, and instead have put off decisions related to them until a later date.

OPERATIONAL DESIGN ISSUES: CONSENSUS

The goal all along had been to get needed reforms in place before the end of the year. Toward that end, commissioners had outlined an aggressive market-redesign schedule that included workshops on October 21, November 4, November 18, and finally on December 2. During that final meeting, the commissioners agreed to a number of important changes. As noted above, these related to operational design issues.

We have summarized many of those consensus issues below. (For further clarification relating to some of the concept and terms, below, see the online glossary at <https://citiesservedbyoncor.org/wp-content/uploads/2021/08/ERCOT-Glossary-Aug-18-2021-3.pdf>.)

High System-Wide Offer Cap

The “HCAP” represents a price limit on electricity offers in the ERCOT administered wholesale power market. The commission set the High System-Wide Offer Cap at \$5,000 per megawatt hour, beginning on January 1. This is a change from the current HCAP of \$9,000.

Operating Reserve Demand Curve

The commission agreed to set a future rulemaking on

making parameter changes to the ORDC, which is an automated system employed but ERCOT that adds additional dollars to price offers by generators during scarcity conditions. The adds increase gradually — that is, on a “curve” — in tandem with increases in scarcity conditions.

Minimum Contingency Level

Measured in megawatts, the Minimum Contingency Level sets the scarcity level at which the ORDC kicks in. On December 2, the Commission agreed to set the “MCL” at 3,000 megawatts. This represents an increase from the current MCL of 2000 megawatts.

Demand Response

The commissioners directed ERCOT to change Demand Response compensation amounts such that they employ prices derived from the granular nodal system, as opposed to the broader zonal system. (For more about demand response, and the zonal and nodal markets, see the glossary at <https://citiesservedbyoncor.org/wp-content/uploads/2021/08/ERCOT-Glossary-Aug-18-2021-3.pdf>.)

Energy Efficiency

The commission agreed to reopen its energy efficiency rules with an eye toward improving system reliability.

Emergency Response Service (ERS) Reform

Emergency Response Service is an electricity service procured from electricity users that — as per advance agreement with those users — ERCOT can curtail to avoid system-wide outages. Customers that provide ERS receive payment in exchange for curtailing their power usage. The commission agreed that ERCOT should deploy ERS prior to declaring an emergency alert. The commission also agreed to allow for greater variability in procuring ERS on a seasonal basis. ERCOT is already pursuing these changes.

New Ancillary Services

Ancillary Services are services procured by ERCOT to help it maintain system reliability. The owners or operators of generation or load provide ancillary services. The Commission agreed

that ERCOT should continue development of new categories of ancillary services known as “Fast Frequency Response,” “ERCOT Contingency Reserve Service” and “Voltage Support.” Fast Frequency Response, however, will not come online prior to May 2022; and ERCOT Contingency Reserve Service will not see deployment before the first half of 2023. Voltage Support remains in development.

BROADER MARKET ISSUES: NO CONSENSUS

The commissioners, however, remained divided on a number of broader market proposals, including one by Chair Peter Lake for a “Load Serving Entity Capacity Obligation.” The proposal would create capacity obligations — that is, requirements to contract in advance for reserve capacity — for retail electric providers, municipal-owned utilities and other “Load Serving Entities.” Chair Lake has pushed hard for the proposal, but without swaying his colleagues.

In prior discussions, commissioners Will McAdams and Lori Cobos had proposed alternative constructs. Commissioner McAdams, for instance, suggested a “Dispatchable Portfolio Standard” that he envisioned working in a similar fashion as the state’s Renewable Portfolio Standard. Commissioner Cobos suggested a “Strategic Reserve Service,” which she described as an annual auction for resources to be held in reserve to help during shortage conditions.

Prior to the December 2 meeting, Chair Lake had filed a memo updating his earlier LSE Capacity Obligation proposal. The memo captured many of the preliminary agreements among the commissioners on market redesign questions, and called upon the Commission to “quickly narrow the scope of its efforts, eliminate unacceptable proposals, and focus on refining the concepts that will bring reliability to our grid.”

Commissioner McAdams, however, expressed displeasure during the December 2 meeting that his Dispatchable Portfolio Standard proposal was not included in the Chair’s memo, while Commissioner Jimmy Glotfelty said the commission did not have enough information to move forward. Chair Lake said that while more analysis and due diligence is important, action is even more important. He also appeared to dismiss concerns about how the various proposals might increase electricity supply costs, which in turn could hamper economic development in the state.

On these broad market design proposals, the commissioners achieved only one item of consensus. All four commissioners agreed to support those based on load-side obligations rather than supply obligations. With respect to the three load-side proposals under discussion – the LSE Capacity Obligation, the Dispatchable Energy Credit proposal and some sort of backstop reliability service – the Commission will take further public comment. It also requested that the commission’s consultants, the Brattle Group, perform a detailed economic analysis of each proposal. You can read more about these proceedings in Project No. S2373, *Review of Wholesale Electric Market Design*, on the PUC website.

ERCOT BUDGET

The Commission on December 2 also adopted ERCOT’s proposed budget for the two upcoming fiscal years. The budget holds flat for two years the System Administrative Fee, which is the fee on energy that funds ERCOT. However, the adopted budget also includes a significant deficit, which means that ERCOT will have to dip into other revenues to fund its operations.

The PUC Project Number for ERCOT budget consideration is Project No. 38533 – *PUC Review of ERCOT Budget*.

ERCOT Releases Winter SARA Report

Texas should have sufficient power to meet demand this winter in all but the most challenging scenarios, according to a new seasonal report from the state’s primary grid operator.

However, the report also explored five extreme scenarios—and in four of them, the ERCOT grid would face a significant shortage of power this winter.

Released November 19, ERCOT’s Seasonal Assessment of Resource Adequacy (SARA Report) for the winter of 2021–2022 includes reliability projections under a number of potential scenarios for generation output, resource losses, and consumption. The new SARA Report forecasts sufficient generating capacity this winter to meet system-wide peak demand under normal winter grid conditions, as well as under a number of scenarios that include higher-than-expected load or generation losses.

ERCOT releases SARA Reports seasonally. Key forecasts in this new update include:

- Total Resources at winter peak: 84,861 megawatts (MW)
- Peak Demand Forecast: 62,001 MW
- Reserves at winter peak: 22,860 MW
- Operating Reserve Margin: 43.3 percent

UNUSUAL and EXTREME SCENARIOS

The new winter SARA Report also includes considerations of a number of less typical scenarios, including High Unplanned Outages (4,393 MW above typical outages), Low Renewable Output (6,267 MW below forecast), and Unusually Cold Weather (10,771 MW additional heating load). In each of these unusual scenarios or in combinations, the report estimates that the system

would maintain a level of reserves sufficient to avoid emergency conditions.

However, as part of its response to last February's statewide outages, ERCOT now has begun including extreme scenarios in its SARA Reports—and it's here that this new update exposes the potential for difficulties this winter.

The new report includes consideration of additional Planned Outages (762 MW), Extreme Unplanned Outages (3,268 MW above High Unplanned Outages) and Extreme Low Renewable Output (2,502 MW additional below forecast). In all but one combination of the extreme scenarios, the report finds that Operating Reserves would fall sufficiently as to lead to emergency conditions, i.e., where Physical Responsive Capability (PRC) falls below 2,300 MW. In several of the scenarios, reserves fall sufficiently below safety margins to indicate Load Shed.

SYSTEM IMPROVEMENTS

ERCOT and the PUC have ordered system improvements since last February's winter storm, including winter weatherization at power plants, new inspections of generation resources and transmission service providers, and improved notice by gas industry participants of locations of critical loads. These improvements should mitigate some reliability risk to the system.

However, the imputed level of load on the system during this year's weather emergency exceeded even the extreme scenarios described in the new SARA Report. Similarly, resource outages during the winter storm also far exceeded the extreme scenarios included in the new SARA Report.

PUC Adopts Weatherization Rules and Standards

Texas regulators have adopted weather preparation rules and standards for electric generators and transmission and distribution utilities, and set quick deadlines for implementation.

The new rules and standards were included in a 100-plus-page document prepared by staff at the Public Utility Commission, under Docket No. 51840 on the agency's website. The PUC adopted the rules and standards by a 4-0 vote on October 21.

That vote, however, represented only a first step in a two-phase weatherization effort now underway at the agency. During the second phase, the agency will develop performance standards based on a weather study that remains under development by ERCOT in consultation with the Texas State Climatologist (find more information about ERCOT's weather study in Project No. 52691 on the PUC website).

The basic elements of the Docket No. 51840 weatherization rules and standards adopted on October 21 are as follows:

- Generation Resources must implement winter weather readiness recommendations included in a 2012 document, the Report on Extreme Weather Preparedness Best Practices by Quanta Technology.
- Transmission Service Providers must implement key recommendations contained in a 2011 document, the Report on Outages and Curtailments during the Southwest Cold Weather Event on February 1–5, 2011, jointly prepared by the Federal Energy Regulatory Commission and the North American Electric Reliability Corporation.
- Generation Resources and Transmission Service Providers must fix any known acute issues that arose from winter weather conditions during the 2020–2021 winter weather season.
- ERCOT must develop a program to conduct on-site readiness inspections of Generation Resources and

Transmission Service Provider facilities.

- Entities that have experienced repeated or major weather-related forced service interruptions must hire an outside professional engineer to assess its weather emergency preparation measures.

The Oncor Cities Steering Committee, in comments filed before the vote, expressed general support for the new rules, which the coalition said would benefit customers. However, the coalition did recommend additional action, such as the creation of rules covering summer weather emergency preparations.

The new adopted standards and rules also include very tight compliance deadlines, including a December 1 deadline for generation units to implement weather emergency preparation measures; to install various weatherization devices; to conduct weather preparation training; and to submit to ERCOT and the PUC a winter weather report that includes a notarized attestation by each entity's highest-ranking officer with binding authority.

ERCOT also has committed to completing hundreds of on-site inspections by the end of the year.



4

Update on PUC Rulemaking Projects

The PUC continues to implement market redesign changes required by the 87th Texas Legislature. PUC Staff has opened various new rulemaking projects and has published a rulemaking calendar in Project No. 51715, providing insight about the rulemaking and implementation process the agency will undertake to address the recently enacted legislation. The PUC has published the following list of upcoming, pending, or completed rulemakings:

- Project No. 51830, Review of Certain Retail Electric Customer Protection Rules
- Project No. 51840, Rulemaking to Establish Weatherization Standards
- Project No. 51841, Review of 16 TAC § 25.53 Relating to Electric Service Emergency Operations Plans
- Project No. 51871, Review of the ERCOT Scarcity Pricing Mechanism
- Project No. 51888, Review of Critical Load Standards and Processes
- Project No. 52287, Power Outage Alert Criteria
- Project No. 52301, ERCOT Governance and Related Issues
- Project No. 52312, Review of Administrative Penalty Authority
- Project No. 52313, Review of Statutory Definitions
- Project No. 52322, Application of ERCOT for a Debt Obligation Order to Finance Uplift Balances Under PURA Chapter 39, Subchapter N, and For a Good Cause Exception
- Project No. 52345, Critical Natural Gas Facilities and Entities
- Project No. 52367, RFP for Consulting Services with Respect to the Structure and Pricing of Securities Related to Securitized Financing of System Restoration Costs
- Project No. 52373, Review of Wholesale Electric Market Design
- Project No. 52631, Review of 25.505
- Project No. 52682, Project for Commission-Ordered Transmission Facilities
- Project No. 52683, Petition of ERCOT for Expedited Approval of Bylaws Amendment
- Project No. 52691, Project for ERCOT Weather Study to Implement Reliability Standards Under PURA 35.0021 and 38.075
- Project No. 52757, Review of Chapter 25- Rules Applicable to Electric Service Providers
- Project No. 52785, ERCOT Comprehensive Checklist Forms Pursuant to 16 TAC § 25.55(C)(3)
- Project No. 52786, ERCOT Compliance Reports of Generation Resource Winter Readiness Pursuant to 16 TAC § 25.55(C)(4)
- Project No. 52787, ERCOT Compliance Reports of Transmission System Winter Readiness Pursuant to 16 TAC § 25.55(F)(3)

Quarterly Earnings Reports for Oncor

Publicly traded companies in the United States—including companies that own or control Texas-based energy utilities—released quarterly earnings reports in November. Just below are summaries of reports for Oncor, which is owned by San Diego-based Sempra.

ONCOR

Dallas-based electric utility Oncor Electric released its third-quarter earnings report in November. Oncor is the largest transmission and distribution utility in Texas.

Highlights of Oncor's November 5 earnings report include:

- Oncor reported 4% earnings growth (a 2.3% increase on a weather normalized basis) during the first nine months of 2021, as compared to the same period in 2020.
- Oncor projects its rate base to grow to approximately \$27.6 billion by 2026, which reflects a compound annual growth rate of approximately 8% during the five-year period.
- Oncor CEO Allen Nye told investors that Oncor plans

to participate in the emerging energy storage market in Texas. Oncor also will pursue transmission projects premised on a new economic test for line construction and will pursue leases of emergency generation. During the regular session this year, the Texas Legislature authorized both lines of business for transmission service providers.

- Oncor is updating its 2022–2026 five-year capital plan projection to \$15 billion, a \$1 billion increase from its 2022–2026 capital plan. In July, Oncor's board of directors, which approves capital expenditures each year for the following year, approved a 2022 capital plan of \$2.8 billion. Based on the long-term plan presented to Oncor's board of directors in October, Oncor's management currently expects to recommend to its board of directors capital expenditures of \$3 billion to \$3.1 billion in each of the years 2023 through 2026.
- CEO Nye projected Oncor rates would increase as the capital program continues, but the rate increases would remain within the rate of inflation.

Oncor EECRF Update

On November 18, 2021, the Public Utility Commission issued its decision in Oncor Electric Delivery Company LLC's Energy Efficiency Cost Recovery Factor (EECRF) case. You may recall that on May 28, 2021, Oncor filed an application to adjust the EECRF in order to reflect changes in program costs and bonuses and to minimize any over- or under-collection of energy efficiency costs resulting from the use of the EECRF. In this filing, Oncor sought to recover \$83,760,515 during program year 2022. Cities Served by Oncor intervened in the case, conducted discovery, and challenged several aspects of the company's application.

Under this Order, signed by the PUC commissioners on November 19, 2021, Oncor will recover \$83,410,515, a black-box reduction of \$350,000 of revenue requested by Oncor in its application. In addition, Cities' rate case expenses for Oncor's previous EECRF were found reasonable and will be reimbursed by Oncor. Oncor is able to recover Cities' rate case expenses associated with participation in this year's proceeding in next year's EECRF filing.

PUC and Railroad Commission Adopt Parallel Rules related to Critical Facility Designation

Rules governing how natural gas facilities receive critical designations as a means to protect the power grid received approval November 30 by twin regulatory agencies.

Those agencies, the Public Utility Commission and the Texas Railroad Commission, regulate the electric and gas industries respectively. Together, the new rules pertain to the identification of "critical load" natural gas facilities such as wells, gas-processing plants and pipelines. Facing a statutory deadline, the agencies adopted the guidelines during parallel meetings held within a few hours of each other.

The rules are important because failures by the gas industry have been identified as a major contributing factor to the winter emergency that left four million Texans without power last February. Beyond providing home heating service, natural gas suppliers also fuel electric generators. The rules are intended to give electric utilities more visibility regarding which gas facilities play critical roles for grid reliability, and this, in turn, will allow electric utilities to make better decisions regarding which they should prioritize for service during emergencies.

RAILROAD COMMISSION ACTS

On the Railroad Commission side, the agency's three commissioners adopted a new rule, 16 TAC §3.65, as well as amendments to 16 TAC §3.107 regarding critical infrastructure designations. These changes implement provisions from Senate Bill 3 and House Bill 3648 from the 87th Legislative Session.

The Railroad Commission's new rules incorporate many of the suggestions made by stakeholders, including suggestions made by the Atmos Cities Steering Committee, a city coalition. For instance, the Railroad Commission accepted ACSC comments on the over-broad definition of critical loads. (The city coalition had argued that if the rules designate too many facilities as critical, then electric utilities would waste resources and make inefficient decisions trying to protect them from disconnection.) The Commission staff also referenced the ACSC

in a comments summary accompanying the new rules.

Key changes included in the adopted version of the rules, as opposed to the previous draft include:

- Adopts the PUC definition of energy emergency.
- Stipulates that certain categories of major gas providers must receive a critical designation, without a possibility of opting out.
- Customers not designated as critical may file an application for critical status noting their role in the supply chain that makes them critical.
- Those facilities requesting an opt-out exception must provide evidence as to why the exception is appropriate.

Also of note, the preamble clarifies that "critical" designations apply only to reporting requirements, and not, per se, to weatherization requirements. However, the preamble discusses how such "critical" definitions may be the basis for



future weatherization requirements, which the Commission will release later.

The distinction is important because under the new rules certain facilities can opt-out of the reporting requirements by paying a \$150 fee. It remains to be determined whether such payment also will allow for opt-out of the yet-to-be-determined weatherization requirements.

PUBLIC UTILITY COMMISSION ACTS

The PUC, meanwhile, adopted amendments to implement new PURA §38.074, also added by HB 3648 and SB 3. The new rules require a critical natural gas facility, or a “critical customer” as described under §3.65, to provide critical customer information to the utility from which it receives electric delivery service. They also require the utility to incorporate this information into its load-shed and power restoration planning.

“This is a fundamental reason that the Texas power grid will be more resilient this winter than last winter,” PUC Chairman Peter Lake said. “For the first time ever, both of those industries will know where the key pieces are and how to keep both sides of that equation functioning in an extreme winter event.”

Almost nowhere else in the United States do two separate agencies regulate local gas and electric industries. However, PUC staffers said they worked closely with their Railroad Commission counterparts to devise rules that will work seamlessly across both industries. For instance, natural gas facilities under the new rules will have the ability to submit a single form with all the information transmission and distribution utilities need to identify critical gas units. The grid operator will have access to this information through a single portal.

“As everyone knows, one of the failings from the state’s perspective from February was the lack of coordination between the electric and gas industries,” PUC general counsel

David Smeltzer said. “We got clear direction from the Legislature that can’t happen again, and one of the aspects of that was electricity not going to the gas people ... It’s kind of a cycle.”

GAS NOT “PRIMARY CULPRIT” ACCORDING TO RAILROAD COMMISSION CHAIR

Ultimately the policy changes stem from public outcry following to the February power emergency — an emergency that the Federal Energy Regulatory Commission and the North American Electric Reliability Corp. have characterized as “the largest controlled firm load shed event in US history.”

During the Railroad Commission meeting, Chairman Wayne Christian pushed back against published reports that the state’s natural gas industry and lax regulation by his agency largely were to blame for the widespread blackouts. “While no form of energy performed perfectly during Winter Storm Uri, the insistence that natural gas producers are the primary culprit behind the February blackouts is pure hyperbole,” he said.

According to reports, gas-fired generation offline hit a peak of about 18 gigawatts, as compared with about 52.3 GW of all types of generation offline at peak. ERCOT’s winter 2020-21 Seasonal Assessment of Resource Adequacy lists 55.7 GW of gas-fired generation capacity.

Railroad Commissioner Jim Wright said that Texas has sufficient natural gas storage capacity to supply about 8 million homes for a month. He said the Railroad Commission encourages gas-fired generators to “fully utilize this capacity for this coming winter” but that agency “has no authority to require operators to release gas at a specific time or, for that matter, at all.”

To view the adopted Railroad Commission rules, go to visit the RRC website at <https://www.rrc.texas.gov/general-counsel/rules/proposed-rules/> and search under “Chapter 3: Oil and Gas.” To view the PUC rules, go to PUC interchange at interchange.puc.texas.gov, and search under Docket no. 52345.

2021
OCSC Meetings
December 10

2021 Officers
Paige Mims—Chair
Don Knight—Vice Chair
Adrienne Lothery—Secretary



For more questions or concerns regarding any OCSC matter or communication, please contact the following representative, who will be happy to provide assistance:

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CITY OF LAVON Agenda Brief

MEETING: February 1, 2022

ITEM: 7 – D

Item:

CONSENT AGENDA

Approve Resolution No. 2022-02-03 declaring various fire department and public works department equipment to be surplus and authorizing the disposition of same in a manner which is beneficial to the City.

Background:

Fire Department: Several years ago, the Fire Department repurposed a retired Police Department 2014 Chevrolet Tahoe for use as a first response vehicle for medical-only calls. The current mileage of the vehicle is 114,273 miles and the vehicle is no longer effectively serving its intended purpose. The estimated maintenance and repair costs to place the vehicle in service outweigh its value to the Fire Department.

Public Works Department: In January, the City received the new backhoe that was ordered five months ago to replace the 1998 backhoe that was unsafe to operate. The new backhoe meets the needs of the Public Works Department and the estimated repair costs to place the 1998 heavy equipment back in service far outweigh its estimated value.

Financial Implication:

As a result of market conditions and as determined by observing current auction activity, the Tahoe appears to have certain value if taken to auction. Additionally, although the 1998 backhoe is essentially inoperable, it may have value in other applications where its useful life may be extended.

Any costs associated with auctioning the surplus equipment is expected to minimal and would be recovered from any proceeds of the sales.

Staff Notes:

Approval is recommended.

Attachments: Proposed Resolution

CITY OF LAVON, TEXAS
RESOLUTION NO. 2022-02-03

Surplus Property – Fire Department/Public Works Department

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS DECLARING VARIOUS FIRE DEPARTMENT AND PUBLIC WORKS DEPARTMENT EQUIPMENT AND PROPERTY TO BE SURPLUS AND AUTHORIZING THE DISPOSITION OF THE SAME IN A MANNER WHICH IS BENEFICIAL TO THE CITY.

WHEREAS, the City of Lavon, Texas owns property and/or equipment that have been replaced, are obsolete and/or unsafe and that are not currently used in department operations, and

WHEREAS, such property and/or equipment has no or limited value to the City, and

WHEREAS, storage space for such property and/or equipment is limited, and

WHEREAS, City staff members have evaluated the need for and the value to the City of each piece of property and/or equipment and have recommended disposal of the items;

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

The City Council declares the following items to be surplus property and/or equipment and authorizes the City Administrator to dispose of the property and/or equipment listed in Exhibit “A” attached hereto in a manner which is beneficial to the City.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 1st day of February 2021.

Vicki Sanson
Mayor

ATTEST:

Rae Norton
City Secretary



CITY OF LAVON Agenda Brief

MEETING: February 1, 2022

ITEM: 7 – E

Item:

CONSENT AGENDA

Authorize preparation and submission of an application to the Department of Homeland Security (DHS)/ Federal Emergency Management Agency (FEMA) for the Staffing for the Adequate Fire and Emergency Response (SAFER) Grant Program.

Background:

The Staffing for Adequate Fire and Emergency Response Grants (SAFER) was created to provide funding directly to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of trained, "front line" firefighters available in their Communities. The goal of SAFER is to enhance the local fire departments' abilities to comply with staffing, response and operational standards established by the National Fire Protection Association's 1720 (NFPA 1720) - Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments (fully career departments are held to the NFPA 1710 standard).

Utilizing the SAFER grant, the Fire Department is proposing to add an additional 6 full time equivalent Firefighter/EMT positions to increase shift staffing to 9 total, with a minimum daily staffing of 3 per shift. This would allow the fire department to ensure adequate staffing and timely emergency responses as our city continues to experience explosive growth and continued increase in emergency call volume. Based on current growth trends, we are confident that by the end of the three-year grant period the city's growth will support the need for this additional staffing.

The grant request relates to the following core values, goals, and the comprehensive plan foundation of the City of Lavon as established in the 2019 Strategic Plan:

Core Value

- We believe that providing a safe community, with high-quality infrastructure and services, is one of the primary purposes of our City government and maintaining safety as a strength of Lavon is extremely important.

Two Year Goals 3&4

- Identify future City personnel and facilities needed for the growing population
- Develop a Risk Management Strategy

Comprehensive Plan Foundation:

- Infrastructure & Operations - Residents also indicated, however, that they were very pleased with the City's public safety. As Lavon grows, the community will need to fund expanded and enhanced maintenance and operations in public safety, utility operations, utility lines, roads, trails, etc. to meet resident expectations.

Financial Implication:

If the Fire Department is awarded the SAFER Grant, SAFER will cover 100% of pay and benefits for 6 FTE for a three-year period. Once the three-year grant window closes, funding beyond that timeframe will be the sole responsibility of the City of Lavon. In three years, the tax base is expected to be more than sufficient to cover the costs of the additional staff.

Staff Notes:

Approval is recommended.

Attachments: Information Sheet – SAFER Grant

FY 2021 Staffing for Adequate Fire and Emergency Response Program Frequently Asked Questions

This document addresses Frequently Asked Questions related to the Fiscal Year (FY) 2021 Staffing for Adequate Fire and Emergency Response (SAFER) Program. Applicants should refer to the FY 2021 SAFER Program Notice of Funding Opportunity (NOFO) for full details and application requirements.

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What is the purpose of the SAFER Program?

The purpose of the SAFER Program is to provide funding directly to fire departments and volunteer firefighter interest organizations to assist with increasing the number of firefighters to help communities meet industry minimum standards, to attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. The SAFER Program is separated into two activities: Hiring of Firefighters (Hiring) Activity and Recruitment and Retention (R&R) Activity. Using a competitive process that is informed by fire service subject-matter experts, grants in both activities are awarded to applicants whose requests best address the priorities of the FY 2021 SAFER Program.

What changes were made to the SAFER Program since last year?

The FY 2021 SAFER Program NOFO contains changes to definitions, descriptions, and priority categories, including:

- Under Applicant Eligibility Criteria (page 6)
 - Added information on application submittal and Authorized Organization Representatives
- Under Narrative Evaluation Criteria (page 20)
 - Added information on the Federal Emergency Management Agency's (FEMA's) review of Narrative Statements
- Under Programmatic Performance Reporting Requirements (page 28)
 - Changed the reporting frequency of Performance Progress Report from every three months to every six months
- Under Grant Writer/Preparation Fees (page 68)
 - Added information on allowability of grant writer fees

What are some important reminders for FY 2021?

The online FY 2021 SAFER Program application is only available in the FEMA GO (FEMA Grants Outcomes) application portal at <https://go.fema.gov>.

Applicants must complete the following to start, complete, and submit a SAFER Program application:

- The applicant organization must be currently registered and active in the System for Award Management (SAM) to apply. Applicants are advised that FEMA may not make a federal award until the applicant has complied with all applicable Dun & Bradstreet Data Universal Numbering System (DUNS)/Unique Entity Identifier (UEI) and SAM requirements. Therefore, an applicant's SAM registration must be active not only at the time of application, but also during the application review period and when FEMA is ready to make a federal award. SAM is available from Grants.gov at <https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html>.
- By April 4, 2022, the federal government will stop using the DUNS to uniquely identify entities registered in SAM. At that point, entities doing business with the federal government will use a UEI created in SAM.gov.

Organizations currently registered in SAM.gov have already been assigned a new UEI, and it is viewable in their SAM.gov entity registration record. FEMA GO has also been updated to use the UEI as the Primary Entity Identifier for registered organizations. The DUNS number will still appear until the federal government stops using the DUNS in early April 2022.

New registrations in both SAM and FEMA GO will require the use of the UEI.

For more information about the transition, go to [GSAFSD Service Portal Landing - GSA Federal Service Desk Service Portal](#) and select the green “Help” on UEI Transition button.

Additional information about UEI and FEMA GO is provided in the FEMA GO Startup Guide located at: <https://www.fema.gov/media-library/assets/documents/181607>.

What do I need to know about Environmental Planning and Historic Preservation (EHP)?

SAFER Program projects that involve the installation of supplies/equipment not specifically excluded from a FEMA EHP Review, per the Grant Programs Directorate Programmatic Environmental Assessment, such as ground-disturbing activities, or modification/renovation of existing buildings or structures, will require an EHP review. Some equipment activities will require an EHP review, as well. Such activities include but are not limited to:

- Building renovations, such as removal of wall or installation of electrical or waterlines
- Training/exercises in natural settings, such as rope or swift water
- Installation of LED signs
- Any scope of work that involves ground disturbances

Please see FEMA's EHP Screening form and instructions at [EHP Screening Form](#). EHP policy guidance can be found at [Preparedness Grants EHP Compliance webpage](#). Recipients will be notified of their EHP responsibilities in the grant award package.

It is FEMA policy that actions initiated and/or completed without fulfilling the specific EHP requirements will not be considered for funding.

How can I help FEMA prevent fraud, waste and abuse?

If you have information about instances of fraud, waste, abuse, or mismanagement involving FEMA programs or operations, you should contact the Department of Homeland Security Office of Inspector General Hotline at 1-800-323-8603; by fax at 202-254-4297; or online at <https://www.oig.dhs.gov/hotline>.

Who is eligible to apply under the SAFER Program?

Eligible applicants for the SAFER Program include fire departments; any federally recognized Indian tribe or tribal organization; and national, regional, state, local, tribal, and nonprofit interest organizations representing the interests of volunteer firefighters.

How do I determine whether I represent a volunteer, combination, or career fire department or a national, regional, state, local, tribal, and nonprofit volunteer firefighter interest organization?

- A **volunteer fire department**, as defined in 15 U.S.C. § 2229, has an all-volunteer force of firefighting personnel. For a fire department to have an all-volunteer force, no member may receive financial compensation (in the form of salary or wages) for their services other than life and health insurance, workers' compensation insurance, and/or a nominal stipend per call. For the purposes of this SAFER Program, a department whose membership is comprised of all volunteer firefighters, including any paid-on-call firefighters who receive only a nominal stipend, will be considered a volunteer fire department.
- A **career department**, as defined in 15 U.S.C. § 2229, has an all-paid force of firefighting personnel other than paid-on-call firefighters. Fire departments that provide reimbursement on a paid-on-call basis are considered a combination fire department for the purposes of this program.
- A **combination department**, as defined in 15 U.S.C. § 2229, has paid firefighting personnel and volunteer firefighting personnel. At a minimum, a combination fire department must have at least one active firefighter who receives financial compensation for services (including paid-on-call) and at least one active firefighter who does not receive financial compensation for services other than life, health, and workers' compensation insurance.

For the purposes of this SAFER Program, a department whose membership is composed of any paid-on-call firefighters who receive more than a nominal stipend will be considered a combination fire department.

FEMA considers a department to be **combination majority volunteer** if more than 50 percent of its membership is made up of personnel who do not receive financial compensation for services. Departments are considered **combination majority career** if more than 50% of the active firefighting membership is salaried staff.

- A **national, regional, state, local, tribal, and nonprofit volunteer firefighter interest organization** is defined as an organization that supports or represents the interests of firefighters in front of legislative bodies at the local, state, tribal, and federal level. Such organizations include but are not limited to state or local firefighter and/or fire chiefs' associations, volunteer firefighter relief organizations, and associations. FEMA shall make the final determination as to whether an applicant is an appropriate volunteer firefighter interest group. Fire departments applying for a regional grant on behalf of itself and other participating fire departments are not considered an interest organization.

What activities may I apply for under the SAFER Program?

The SAFER Program is separated into two activities:

- **Hiring Activity:** Provides federal financial assistance to help fire departments hire new, additional firefighters (or change the status of part-time or paid-on-call firefighters to full-time firefighters) and to rehire laid off firefighters or retain firefighters facing imminent layoff. National, regional, state, local, tribal, and nonprofit interest organizations are not eligible to apply for funding under the Hiring Activity.

- **R&R Activity:** Assists volunteer and combination fire departments and national, regional, state, local, federally recognized tribal, and nonprofit interest organizations with the recruitment and/or retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response. Career fire departments are not eligible to apply for funding under the R&R Activity.

How many applications may I submit?

Eligible applicants may submit only one application for each eligible activity under the SAFER Program (one under the Hiring Activity and/or one under the R&R Activity). Applicants interested in applying under both the Hiring Activity and the R&R Activity must submit two separate applications, one for each activity. All submissions of duplicate applications may be disqualified.

Applications differ based on the applicant type. For example, the Hiring Activity application will be different from the fire department application for the R&R Activity; the R&R Activity application will be different for a fire department than an interest organization. Be sure to select the appropriate applicant type when applying. Applications submitted under the wrong type (e.g., regional fire department R&R Activity application applied through the interest organization application) will be deemed ineligible.

I have an open SAFER Program award(s). May I still apply under the FY 2021 SAFER Program?

Yes. However, because the possibility exists that the period of performance on the open grant award(s) and the FY 2021 grant period of performance will overlap, you need to ensure that the start of your FY 2021 grant does not depend on the completion of your open grant(s), or that receipt of a FY 2021 SAFER Program award will not impact your ability to continue with and/or complete your open grant award(s). The grant activities requested in the FY 2021 SAFER Program must supplement the current award(s) and cannot be for the same activities, expenditures, or personnel funded under the open grant award(s). Applicants with an active SAFER Program award who wish to apply under the FY 2021 SAFER Program are subject to the guidelines and requirements outlined in the FY 2021 SAFER Program NOFO.

How much funding is available under the FY 2021 SAFER Program?

There is a total \$560 million available under the FY 2021 SAFER Program, which includes \$360 million appropriated as part of the FY 2021 Department of Homeland Security (DHS) Appropriations Act (Pub. L. No. 116-260), and an additional \$200 million appropriated by the American Rescue Plan Act of 2021 (Pub. L. No. 117-2). However, the following specific funding parameters are either required by law or are the outcome of recommendations from the Assistance to Firefighters Grant Program Criteria Development Panel:

- 10% of the funding is set aside for grants awarded to all volunteer or majority volunteer departments for hiring of firefighters.
 - If FEMA awards less than 10% of the funds available for the hiring of firefighters to volunteer and majority volunteer fire departments, it must transfer the remaining funds to provide grants for the recruitment and retention of volunteer firefighters.

- 10% of the funding is set aside for the recruitment and retention of volunteer firefighters.
 - No more than 33% of the total amount allocated for the recruitment and retention of volunteer firefighters can be awarded to national, regional, state, local, territorial or federally recognized tribal organizations that represent the interests of volunteer firefighters.

What is the maximum amount of funding a recipient may be awarded?

There is no maximum award amount for FY 2021 SAFER Program awards. However, it is important to note that all awarded SAFER Program costs and activities must be incurred, received, and completed within the period of performance; therefore, applicants should carefully consider what costs and activities they can reasonably accomplish within the period of performance.

Is there a cost share for all applicants?

There is no cost share or match or position cost limit for the FY 2021 SAFER Program.

How do I apply for a SAFER Program grant?

The online FY 2021 SAFER Program application is available through the FEMA GO application portal at <https://go.fema.gov>. The application will also be linked with the U.S. Fire Administration's website <https://www.usfa.fema.gov/grants> and the Grants.gov website <https://www.grants.gov>.

Which internet browsers are compatible with FEMA GO?

FEMA GO is compatible with the most recent major release of Google Chrome, Internet Explorer, Mozilla Firefox, Apple Safari, and Microsoft Edge. Users who attempt to use tablet type devices or other browsers may encounter issues with using FEMA GO.

When can I apply?

Applications will only be accepted between 8 a.m. Eastern Time (ET) on Monday, January 3, 2022 and 5 p.m. ET on Friday, February 4, 2022. FEMA GO automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with the Authorized Organization Representative role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission on the date and time that FEMA GO received the application.

Applications not received by the application submission deadline will not be accepted. Applicants using unreliable internet connections, such as dial-up connections, should be aware that submission can take some time before FEMA GO receives your application.

Applicants who experience system-related issues will be addressed until 3 p.m. ET on Friday, February 4, 2022. No new system-related issues will be addressed after this deadline.

Do I need to register with the System for Award Management (SAM)?

Yes. Per 2 C.F.R. § 25.205, SAM registration is required to both begin and submit a SAFER Program application in the FEMA GO system. Organizational SAM.gov registrations are only active for one year and must be renewed annually. Therefore, applicants must ensure the applicant entity has a valid and active registration in SAM.gov before starting an application.

Step-by-step instructions for registering with SAM can be found at <http://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html>. Applicants should contact SAM.gov with questions or concerns about their SAM registration.

DHS may not make a federal award to an applicant until the applicant has complied with all applicable DUNS/UEI and SAM requirements. An applicant's SAM registration must be active not only at the time of application, but also during the application review period and when FEMA is ready to make a federal award. If an applicant has not fully complied with the requirements by the time DHS is ready to make a federal award, DHS may determine that the applicant is not qualified to receive a federal award and may make a federal award to another applicant.

The submission of payment requests and amendments are also contingent on the information provided in the entity's SAM.gov registration. It is imperative that all information in the application is correct, current, and matches the information in the SAM.gov registration. Please ensure that your organization's name, address, DUNS number, and Employer Identification Number (EIN) are up to date in SAM.gov and that the DUNS number used in SAM.gov is the same number used to apply for all other FEMA grant program awards.

More information on SAM.gov may be located in the FY 2021 SAFER Program NOFO and on the [Assistance to Firefighters Grant Programs Website](#). If applicants have questions or concerns about a SAM registration, please contact the Federal Support Desk at <https://www.fsd.gov/> or call (866) 606-8220, Monday – Friday between the hours of 8 a.m. and 8 p.m. ET.

May I change or edit my application after it has been submitted?

You will be able to review or edit the entire application prior to submission. However, if you would like to edit or change your application after submission, you will need to withdraw the application from consideration of award. The application must then be resubmitted to FEMA prior to the application submission deadline of 5 p.m. ET on Friday, February 4, 2022 to be considered for an award.

How can I obtain help with the application?

The SAFER Program Help Desk at 866-274-0960 will be available to provide technical assistance with completing your SAFER Program application(s).

During the application period, the Help Desk will be staffed between the hours of 8 a.m. and 4:30 p.m. ET, Monday through Friday; and until 5 p.m. ET on the last day of the application period. However, these hours may change as the application period progresses. The toll-free number also accepts voicemail messages after hours or if the line is busy. Questions may also be e-mailed to FireGrants@fema.dhs.gov.

Where can I find SAFER Program documents and other information?

You can find SAFER Program documents and additional information on the [Staffing for Adequate Fire and Emergency Response Program webpage](#).

When will the awards be announced?

Award announcements will be made at the beginning of summer 2022 and on a continuous basis thereafter until all available funds have been awarded, but no later than September 30, 2022.

Recipients are notified via email and through the FEMA GO system of the award offer and must accept their awards no later than 30 calendar days from the award date. The recipient must notify FEMA of its intent to accept and proceed with work under the award through the FEMA GO system. Funds will remain on hold until the recipient accepts the award through the FEMA GO system and all other conditions of the award have been satisfied, or until the award is otherwise rescinded. Failure to accept a grant award within the specified timeframe may result in a loss of funds. Recipients may request additional time to accept the award if needed.

When a SAFER Program award is accepted, when does the period of performance start?

The period of performance under the Hiring Activity is 36 months for all grants awarded. A default 180-day recruitment period, which allows grant recipients to begin hiring SAFER Program-funded firefighters, begins when FEMA approves the application for an award under this activity. The 36-month period of performance automatically starts after the 180-day recruitment period, regardless of whether the recipient has successfully hired the requested firefighters.

The period of performance under the R&R Activity is 12, 24, 36 or 48 months for all grants awarded. A default 90-day recruitment period, which allows recipients time to gather resources, initiate processes, and finalize contracts needed to implement SAFER Program grant activities, begins when FEMA approves the application for award. The period of performance automatically starts after the 90-day recruitment period ends, regardless of whether the recipient is ready to begin implementing its grant award.

How do I sign-up for e-mail notifications about the SAFER Program?

To register for automatic e-mail notices of NOFO availability and other important program information go to: https://public.govdelivery.com/accounts/USDHSFEMA/subscriber/new?topic_id=USDHSFEMA_409.

What is program income?

Although not common, recipients may generate income while carrying out grant-supported activities during the period of performance under the SAFER Program award. This is referred to as program income. This income can be used to defray program costs, where appropriate, consistent with 2 CFR § 200.307. The Budget Summary section of the grant application contains a field for program income. The response should be \$0 unless the recipient anticipates generating program income during the period of performance. If the recipient plans to generate program income, it should be explained in the narrative. The FEMA GO application will not include program income estimates

in the total budget. FEMA will review the program income submitted and adjust the budget as appropriate, prior to award. Any program income must be used and managed in accordance with 2 C.F.R. § 200.307.

What is Management and Administration (M&A)?

M&A costs are administrative expenses that are incurred during the administration of a SAFER Program award. Applicants may apply for M&A costs if the costs are directly related to the implementation of the program for which they are applying. M&A costs are identifiable costs directly associated with the implementation and management of the grant and cannot exceed 3% of the federal share of SAFER Program funds awarded. If you are requesting M&A expenses, you must list the costs under the "Other" category in the budget and explain the purpose for the administrative costs in your Project Narrative. All M&A costs must be in accordance with 2 C.F.R. Part 225, Cost Principles for state, local and Indian Tribal Governments (OMB Circular A-87) or 2 C.F.R. Part 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122), as applicable and should be based on actual expenses only, not a percentage of the overall grant.

M&A costs are not eligible under the Hiring Activity.

Where do I submit the federally approved Indirect Cost Rate Agreement?

Applicants required to have a negotiated indirect cost rate agreement that desire to charge indirect costs to an award must provide a copy of their negotiated indirect cost rate agreement at the time of application. Applicants that are not required by 2 C.F.R. Part 200 to have a negotiated indirect cost rate agreement but are required by 2 C.F.R. Part 200 to develop an indirect cost rate proposal must provide a copy of their proposal at the time of application. Copies of the indirect cost rate agreements or proposals, along with the SAFER Program application number, must be submitted electronically to FireGrants@fema.dhs.gov. Please ensure that the request details budget portion of your application includes information pertaining to your indirect cost rate agreement or proposal. Post-award requests to charge indirect costs will be considered on a case-by-case basis and based upon the submission of an agreement or proposal as discussed above or based upon on the de minimis rate or cost allocation plan, as applicable.

Indirect costs are not allowable under the Hiring Activity.

What standards does the SAFER Program focus on?

The SAFER Program focuses on the Deployment or Staffing and Deployment compliance standards of the National Fire Protection Association (NFPA):

- NFPA 1710 Assembly Requirements – Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Department (Section 5.2.4.1 – Single-Family Dwelling Initial Full Alarm Assignment Capability): This standard applies primarily to career fire departments and combination departments if the combination department chooses it.
- NFPA 1720 Assembly Requirements – Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments (Section 4.3 – Staffing and Deployment): This standard applies primarily to all-volunteer fire departments, but it

may also apply to combination departments if the combination department does not choose to comply with the NFPA 1710 standard.

FEMA prioritizes bringing non-compliant (NFPA 1710 or 1720) departments into compliance in the most cost-effective manner.

Do applicants have to report to the National Fire Incident Reporting System?

No. FEMA does not require FY 2021 SAFER Program applicants to report to the National Fire Incident Reporting System.

Do applicants have to comply with the National Incident Management System?

SAFER Program applicants are not required to comply with the National Incident Management System (NIMS) to apply for federal assistance under the SAFER Program. However, any applicant who receives a FY 2021 SAFER Program award must achieve the level of NIMS compliance required by the Authority Having Jurisdiction over the applicant's emergency service operations (e.g., a local government), prior to the end of the grant's period of performance. Information about NIMS can be found at <https://www.fema.gov/national-incident-management-system>.

What type of firefighter positions will be funded under the Hiring Activity?

Grants awarded under the Hiring Activity enable all volunteer, combination, and career fire departments to restore staffing levels to attain a more effective level of response and a safer incident scene. FEMA awards Hiring Activity grants directly to volunteer, combination, and career fire departments to help fire departments increase their cadre of frontline firefighters by providing financial assistance in three categories:

- Rehire: Rehiring firefighters who were laid off within the two years prior to the start of the application period
- Retention: Retaining firefighters facing imminent layoff – within 120 days of the close of the application period
- New Hire: Hire new, additional firefighters

What are the requirements if applying under the Rehire or Retention categories?

Eligible positions for funding under the Rehire category must have been laid off in the two years prior to the start of the application period on January 3, 2022. Copies of the official, signed, and issued layoff notices will be required at the time of application.

Firefighters who have been issued a formal layoff notice, which includes a specific date for the layoff action, prior to the start of the application period, and those who face imminent layoff – within 120 days of the close of the application period – are eligible for SAFER Program funding under the Retention category. As the application period closes on February 4, 2022, the layoffs must become effective on or before June 4, 2022. Copies of the official, signed, and issued layoff notices will be required at the time of application.

Eligible positions under the Retention category must be employees of the department at the time the application is submitted. Note: if a retention position becomes vacant after the application is submitted, departments must fill the vacancy with a new hire in order to maintain the operational staffing level.

A layoff notice that is not executed within the specified terms will be considered void unless an additional notice is provided within 14 days of the original action date will not qualify for funding in the Rehire or Retention categories. Applicants who do not meet these parameters must apply under the New Hire category.

Any layoff action not executed in accordance with the terms of the official layoff notice, or which does not meet the above requirements, will not qualify for funding in the Rehire or Retention categories. Applicants who do not meet these parameters must apply under the New Hire category.

What are the eligible expenses under the Hiring Activity?

The only eligible expenses are the salary and associated benefits (actual payroll expenses) for the positions funded under the SAFER Program grant. Costs are reimbursable if they are included as part of the standard package, available to all operational firefighter positions, contractually obligated, and reimbursed via payroll. Compensation for a firefighter's normal, contracted work schedule is reimbursable, but overtime costs are not eligible for reimbursement by the SAFER Program grant award (including overtime for holdovers, extra shifts, to attend training, etc.). Only costs for overtime that the fire department routinely pays as a part of the base salary or a firefighter's regularly scheduled and contracted shift hours, in order to comply with the Fair Labor Standards Act, are eligible.

What are the eligible expenses under the R&R Activity?

Applicants must correlate the activities for which funding is being requested with the identified recruitment and/or retention problems/issues being addressed. SAFER Program grant funds may only be used for volunteer firefighters who are involved with, or trained in, the operations of firefighting and emergency response. FEMA will not provide funding for a budgeted line item if an applicant does not provide enough information detailing how the item and/or activity will enhance the recruitment and retention of volunteer firefighters. Allowable costs may be limited to reasonable amounts, as determined by FEMA.

All grant-related purchases and activities must be incurred, received, and completed within the period of performance. Additionally, all funded activities under the R&R Activity must be governed by formally adopted Standard Operating Procedures (SOPs). Minimally, these SOPs should specify who qualifies for each of the incentives, specific requirements for earning the incentives, and the disposition of the awarded incentives if an individual fails to fulfill the stipulations. FEMA may ask for copies of SOPs prior to, or after a grant is awarded.

Examples of eligible expenses include but are not limited to the following:

- Marketing Program (e.g., media and print advertising) to recruit new volunteer firefighters
- New recruit basic training
- Leadership/career development training

- Personal Protective Equipment for new recruits

For the full list of eligible and ineligible costs, please refer to Appendix B – Programmatic Information and Priorities, in the FY 2021 SAFER Program NOFO.

How is “new recruit” defined according to the SAFER Program?

The SAFER Program defines a “new recruit” as a volunteer that joins the department with the intent to serve as a firefighter after the recipient is notified of the grant award (e.g., the date of the award notification email in FEMA GO).

Does the SAFER Program allow regional applications?

Yes. Eligible applicants may apply for a regional R&R Activity grant if the request will have a direct regional or local benefit beyond the immediate boundaries of the applicant’s first-due response area. Direct regional or local benefit means that other eligible organizations will receive a portion of the grant awarded funds, or the department will receive items purchased with the grant funds.

An eligible applicant will serve as the “host applicant” and can apply for funding on behalf of itself and any number of other participating R&R Activity eligible organizations. The application must include a list of all the participating organizations, including the point of contact information and EIN for each organization benefitting from a proposed regional project.

If awarded, the host applicant must agree to be responsible for all aspects of the grant. This includes but is not limited to accountability for all assets and all reporting requirements. Regional host applicants and participating partner agencies must execute a Memorandum of Understanding or equivalent document, signed by all parties participating in the award, before applying under the Regional Program activities.

The Hiring Activity is not eligible as a regional project.

How are the applications reviewed and selected for funding?

SAFER Program applications are reviewed through a multi-phase process. All applications are electronically pre-scored and ranked based on how well they align with the funding priorities outlined in the FY 2021 SAFER Program NOFO. Applications are then scored competitively by no less than three members of a Peer Review Panel.

Applications with the highest score rankings per activity will also be evaluated through a series of internal FEMA review processes for completeness, adherence to programmatic guidelines, technical feasibility, costs/quantities, and anticipated effectiveness of the proposed project(s).

How important is it to address all Narrative Statements in the application?

The Narrative Statements of the application must provide unique and specific details about the activity for which applicants seek funding, including budget details. Peer Review Panelists will evaluate and score each activity based

on the narrative elements within each activity. The weighted evaluation criteria used by the peer reviewers in determining the grant award, as described in the NOFO, make up the elements of the Narrative Statements' score.

Under the Hiring Activity, the peer review panel score is 50% of the total application score. Under the R&R Activity applications, the peer review panel score is 70% of the total application score.

Note: FEMA conducts reviews of a random sampling of applications to compare them for duplication including the narrative statements and statistical data. Therefore, all elements of the narrative statements must be specific and unique to the applying entity, and all statistical data must be accurate.

Applications with narrative statements that have substantial duplication of statements, sentences, or paragraphs to other submitted applications, and/or inaccurate data that may mislead reviewers may be disqualified. Discovery of falsification, fabrication, or plagiarism of other grant proposals will disqualify the application(s).

What are the character limitations for text boxes in FEMA GO?

The Narrative Statements blocks do not allow for formatting. Do not type the Narrative Statements using only capital letters. Additionally, do not include tables, special characters or fonts (e.g., quotation marks, bullets), or graphs. Space for the Narrative Statements is limited. Although each element must have a minimum of 200 characters, the maximum number of total characters is 3,000 per each narrative element, except Financial Need, which is 4,000 characters.



CITY OF LAVON Agenda Brief

MEETING: February 1, 2022

ITEM: 8 – A

Item:

Discussion and action regarding Resolution No. 2022-02-04 approving and authorizing the Mayor to execute an Agreement for Consulting Services with EIKON Consulting Group, LLC for professional services related to the renovations and expansion of the Fire Department and Public Works facilities.

Background Information:

On September 7, 2021, the City Council adopted the 2022-2026 Community Vision Capital Improvements Plan (CIP) that includes a CIP project for Fire, Police, and Public Works facilities improvements and expansion (CIP-9). Based upon the needs assessment, development opportunities, and the determination of the optimal geographic location for the Fire Department, the Police Department facilities improvements in the near term were deferred as recommended by the Police Chief.

The current project focuses on renovations and expansion of the Fire Department to serves the City's permanent main station and to expand and improve the Public Works facilities.

After a successful Request for Qualifications process, on January 4, 2022, the City Council authorized the Mayor to negotiate with EIKON Consulting Group LLC for the provision of professional architectural design and construction administration services for improvements to existing fire department and public works facilities.

Financial Implication:

AGCM reports that the proposed fee schedule is fair and consistent with market rates. Funding for the services is allocated in the CIP project budget.

Staff Notes:

Approval is recommended, subject to the City Attorney's review and approval.

Attachments: Proposed Resolution and DRAFT Agreement

CITY OF LAVON, TEXAS
RESOLUTION NO. 2022-02-04

Agreement for Consulting Services – CIP-9 Fire and Public Works facilities

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR CONSULTING SERVICES WITH EIKON CONSULTING GROUP, LLC FOR PROFESSIONAL SERVICES RELATED TO THE RENOVATIONS AND EXPANSION OF THE FIRE DEPARTMENT AND PUBLIC WORKS FACILITIES.

WHEREAS, the City Council adopted the 2022-2026 Community Vision Capital Improvements Plan (CIP) on September 7, 2021 that includes a CIP project for Fire, Police, and Public Works facilities improvements and expansion; and

WHEREAS, the City Council engaged AGCM to assist with related project management services, including procurement of professional services; and a selection review committee reviewed and scored the qualifications submittals, interviewed two firms, and identified recommendation that the City negotiate with EIKON Consulting Group, LLC; and

WHEREAS, on January 4, 2022, the City Council authorized the Mayor to negotiate with EIKON Consulting Group LLC for the provision of professional architectural design and construction administration services for improvements to existing fire department and public works facilities;

WHEREAS, the City Council has reviewed the proposed agreement and determined that it is necessary and in the best interests of the City of Lavon to approve the proposed agreement subject to the City Attorney's review and approval.

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

SECTION 1. That the City Council does hereby approve and authorize the Mayor to execute an Agreement for Consulting Services with EIKON Consulting Group, LLC for professional services related to the renovations and expansion of the Fire Department and Public Works facilities, subject to the City Attorney's review and approval.

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

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 1st day of February 2022.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary



AGREEMENT FOR CONSULTING SERVICES

**DRAFT -
WORK IN
PROGRESS**

Date January 28, 2022 Rev 3

Client Ms. Kim Dobbs
City of Lavon
120 School Road
Lavon, Texas 75166
(972) 843-4220
kdobbs@lavontx.gov
(Delivered via email)

Project Name and Location City of Lavon Fire Station Expansion and
Public Works Facility deemed "The Projects"
501 Lincoln Ave., Lavon, Texas 75166

As requested, EIKON Consulting Group, LLC (EIKON) is pleased to submit this proposal for professional consulting services related to the above-referenced project. Our proposed Scope of Services, Assumptions, Deliverables, Schedule, and Fee are outlined below.

Detailed Project Description

We understand that the project includes two buildings on:

Project one is the renovation and extension of the existing 2,400 SF Fire Station. The program shall be designed to fit within the existing space and a 1,800 SF addition (extension). The programmed spaces will be conditioned, type to be determined, and include apparatus bays, and associated use spaces as determined during the programming phase of the project. Eikon to provide alternate design option for office space and dormitories and will be included as a bid alternate,

Project two is a ground-up, 1,000 SF pre-engineered metal building for "Public Works". The interior of the space will be programmed to include required spaces to support public works, client to verify programmed spaces as part of the initial process and provide information related to use and space needs. All of the interior spaces shall be code compliant as well as include accessible restrooms. The building will be conditioned for both cooling and heating.

In addition to the design and construction administration for the building, EIKON will provide all required civil engineering services for a fully functioning site for both facilities and has included all service related to the site from a functional and legal standpoint. EIKON will provide all necessary contract documents, including construction documents, specifications (including client front-ends) for bidding a Competitive Sealed Proposal construction delivery method.

Scope of Services (Exhibit A)

Descriptions of Specific Services

Architectural

- Programming
- Space Planning
- Code Review
- Egress Plan
- Floor Plans
- Elevations
- Reflected Ceiling Plans
- Interiors
- Wall Sections
- Development of Construction Documents
- Development of Specifications
- Energy Code – Envelope COMCheck
- Opinion of Probable Cost
- Accessibility Plan Review
- EIKON has included hours to attend up to (4) project design meetings with the Client.

Civil

- Existing Conditions and Demolition Plan
- Site and Dimensional Control Plan
- Grading Plan
- Compensatory Storage Grading Plan (Detention Pond)
- Existing and Proposed Drainage Area Maps (with calculations)
- Paving and Striping Plan
- Utility Plan
- Septic design for Sanitary Sewer
- Retaining wall design up to 4'-0" in height above adjacent grade.
- Utility Details
- Recommended Erosion and Sediment Control Plan
- Site Construction Details
- Erosion Control Details
- Permitting and approvals are anticipated to be limited to the City of Lavon. EIKON will respond to (2) sets of City comments on design plans and resubmit to the City for approval.
- EIKON has included hours to attend (2) meetings with City Staff or their Consultant to coordinate the project through the submittal process and discuss design comments.

Structural

- EIKON will perform a structural evaluation of the existing structure and provide a written report
 - The evaluation will be based on visual observation, any plans available, and experience
- Foundation Plans
- Roof Framing Plan (Fire Station)
- Details and Sections
- Development of Specifications

Mechanical, Electrical, Plumbing

- Interior Lighting Design
- Power, Signal, and Electrical Distribution Design
- Design of Rough-in Requirements for Data, Security, and Communications Systems
- Fire Alarm Performance Specifications
- HVAC Design
- Plumbing Design
- Fire Protection Performance Specifications
- Interior lighting and mechanical COMcheck
- Development of Specifications

Construction Administration

- Permitting Assistance
- Bidding Assistance
- Checking Shop Drawings
- Construction Kickoff Meeting and Occasional Site Meetings with Contractor
- Answering RFIs
- Clarification Drawings as Requested
- Review Payment Applications
- EIKON has included hours to attend up to (10) site observations.
- Project Close-Out
- Accessibility Inspection Coordination

Assumptions

Typical Assumptions

- The client will provide the necessary information for the timely completion of the project.
- EIKON will not provide the following services:
 - Continuous On-Site Observation or Quality Control
 - Construction Materials Testing and Special Inspections
 - Geotechnical
 - Landscape Architecture
 - Renderings
 - Retaining Wall Design
 - Topographical and Tree Survey
 - Geotechnical
 - Re-Platting
 - Sanitary Sewer and or Septic System.
- The Client will reimburse all required fees to any regulatory agencies for submission and or review.
- EIKON's fee assumes that the project will progress in a continuous and orderly fashion and we will expedite the project as much as practical. Significant project delays through no fault of EIKON may be the basis for the negotiation of additional fees for professional services.
- If additional out-of-scope work is required in connection with this project, we will complete the work on an hourly basis at our current rates, whether directed by the Owner or required jurisdiction.
- Changes in design by the Client and/or the Owner after approved design during a phase of work is completed and/or after any City submittals and/or approvals will be an extra service

requiring a separate proposal/Additional Services Request, whether directed by the Owner or required jurisdiction.

- Construction as-built drawings are not included.

Civil Assumptions

- Onsite drainage will be designed as a collection and conveyance system using site grading and catch basins to connect to the existing drainage system.
- Onsite drainage will be designed to sheet flow to drain into the existing drainage system.
- The existing onsite utilities have adequate capacity to serve the proposed facility. Water supply will be provided by connection to the existing onsite water utilities without any improvements or modifications. arthwork calculations will not be required.
- Any site foundations including retaining walls or structures will be by others or will require additional services.
- Preparation and submittal of reports, calculations, and drawings to FEMA for a proposed revision to the Flood Insurance Rate Map are not included. Should these be required, EIKON will submit a proposal or Additional Services Request at the appropriate time for this work.
- We assume existing utility connections will be used, and understand that the existing sewer outlets will need to be reworked. No extension of City mains is included in this scope. Should an extension of existing City mains be desired, EIKON will submit a proposal or Additional Services Request for this design.
- No Traffic Impact Study is required.
- No Drainage Study is included in this proposal. Should such a study be required by the City of Lavon for this development, we will submit a proposal or Additional Service Request for this work.
- No Rezoning is required for the site.
- The Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent/Termination (NOI/NOT) are assumed to be the responsibility of the Contractor. EIKON will provide a Recommended Erosion Control Plan and details only, which may be used by the Contractor for inclusion in his submittal.

Structural Assumptions

- Any site foundations including retaining walls or structures outside the building envelope will be provide vide our civil scope of services.
- Pre-engineered Metal Buildings will be designed by licensed engineer and reactions provided to EIKON for verification of foundation design.
- Client to provide EIKON a completed Soils Report

Mechanical, Electrical, Plumbing Assumptions

- Design of fire alarm system to be performed by a third party.
- Design of data, security, and communication systems to be performed by a third party.

Deliverables

- EIKON will submit PDF format electronic drawings

Schedule (Exhibit B)

Once Notice to Proceed is received, a formal schedule will be developed and presented.

Fee (Exhibit C)

- The Architectural, Structural fee to be based on a percentage of the total construction cost of the "The Projects" (to be adjusted at the last billing when the actual costs are determined): 9.5% x Construction Costs.
- Additional Fixed Fee Costs
 - Civil Construction Plans \$15,000
 - Construction Administration: 1% x Construction Costs.
- Reimbursable expenses, including but not limited to, postage/shipping, printing/reproduction, mileage, and all travel expenses, shall be invoiced at cost +10%.

Invoices are processed monthly and are based on a percentage of completion.

Fee to be paid within 30 days after the delivery of an invoice from EIKON.

Unpaid invoices shall serve interest at 1.0% per month.

Notice to Proceed

EIKON must receive (by fax, email, or regular mail) this signed services agreement. **This proposal will remain in effect for 30 days.**

If this proposal meets with your approval, please sign the attached agreement authorizing our office to begin work. Note that references in the agreement to Exhibits A, B, and C are those identified above.

Thank you for considering EIKON for your consulting services. We look forward to working with you and your staff on this project. Should you have any questions regarding this proposal, please do not hesitate to contact us.

**EIKON
SHORT FORM AGREEMENT**

THIS AGREEMENT is made this 28th day of January 2022 by and between EIKON Consulting Group, LLC (hereinafter "EIKON") and the City of Lavon (hereinafter "Client"). Client and EIKON, for the consideration hereinafter set forth, hereby agree as follows:

1. **Services of EIKON** - EIKON agrees to provide the professional services described in Exhibit A attached hereto (hereinafter the "Services").
2. **Schedule of Services** - EIKON shall use professionally reasonable efforts to complete the Services in a timely fashion to meet the Client's requirements. If the parties have agreed to a specific project schedule and specific milestone dates, such information will be outlined in Exhibit B attached hereto.
3. **Responsibilities of Client** - Client shall furnish or make available to EIKON all of its records, maps, or other data which are pertinent to EIKON's work. The client shall authorize and assist EIKON in obtaining any such pertinent information from other public and private sources. EIKON may use such information, requirements, reports, data, surveys, and instructions in performing the Services and is entitled to rely upon the accuracy and completeness thereof. EIKON shall not be held responsible for any errors or omissions that may arise as a result of erroneous or incomplete information provided by the Client or any member of the Client Group. As used herein the term "Client Group" means individually or in any combination Client, its affiliates, any subcontractors of Client, and their respective officers, directors, employees, partners, members, managers, representatives, agents, licensees, invitees, and assignees.
4. **Compensation** - **As compensation for the performance of the Services, Client shall pay EIKON its fees and expenses per Exhibit C attached hereto. Payments from Client to EIKON are due at the address appearing on the applicable invoice within 30 days following the invoice date. Invoices not paid by the Client within 30 days of the invoice date will accrue interest from the 31st day at the rate of 1% per month (12% per annum) until paid. Client agrees that all amounts owed to EIKON by Client shall be paid by Client to EIKON on the date due (as specified herein), regardless of whether Client shall have any received payment, remuneration, or other compensation from any third party.**
5. **Termination** - **This Agreement may be terminated by either party upon not less than seven (7) days written notice delivered to the other party at the notice address set forth on the signature page hereto. Either party may change its address for notices hereunder upon seven (7) days written notice to the other party. EIKON shall be compensated for all Services performed until EIKON's receipt of a written notice from the Client, plus any fees and/or costs reasonably necessary to properly terminate the Services and any projects associated therewith.**
6. **Relationship of Parties** - EIKON is and shall at all times during the term of this Agreement be an independent contractor of Client. This Agreement and the relationship of the parties shall not be deemed to create or be one of employment, agency, partnership, joint venture, or any other association and, except as otherwise outlined in a separate written agreement between the parties, neither party shall have any right, power or authority to create any obligations, express or implied, on behalf of the other.

7. Assignment - This Agreement is binding on the heirs, successors, and permitted assigns of the parties hereto. This Agreement may not be assigned by Client or EIKON without the prior written consent of the other. Any assignment without the prior written consent of the other party shall be null and void.

8. Standard of Care; Disclaimer of Warranties - The standard of care for all Services performed or furnished by EIKON under this Agreement will be the care and skill ordinarily used by the members of EIKON's profession practicing under similar conditions at the same time and in the same locality. **EIKON MAKES NO WARRANTIES, EXPRESS OR IMPLIED, UNDER THIS AGREEMENT OR OTHERWISE, IN CONNECTION WITH EIKON'S SERVICES. EIKON HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, OF ANY NATURE WHATSOEVER, WHETHER EXPRESS, IMPLIED, OR OTHERWISE ARISING BY OPERATION OF LAW, TRADE, USAGE OR COURSE OF DEALING, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND AS TO QUALITY OR FITNESS FOR A PARTICULAR PURPOSE, WHETHER PROVIDED FOR UNDER THE LAWS OF THE STATE OF TEXAS OR ANY OTHER JURISDICTION AND CLIENT HEREBY AGREES AND ACKNOWLEDGES THE FOREGOING EXPRESS DISCLAIMER AND FURTHER UNDERSTANDS THAT CLIENT SHALL HAVE NO FURTHER RECOURSE AGAINST EIKON OR ANY MEMBER OF THE EIKON GROUP (AS HEREINAFTER DEFINED) HEREIN.**

9. Insurance - EIKON shall procure and maintain worker's compensation and employer's liability insurance per requirements of the state in which the Services are being performed, comprehensive liability insurance (including contractual and contractor's protective liability coverage) with combined single limits of \$1,000,000 per occurrence for bodily injury and property damage; automobile liability coverage including owned and hired vehicles with a combined single limit of \$1,000,000 per occurrence for bodily injury and property damage and professional liability insurance in the amount of \$2,000,000 per claim/annual aggregate.

10. **INDEMNIFICATION** -

(A) CLIENT WILL INDEMNIFY, DEFEND AND HOLD EIKON AND EACH MEMBER OF EIKON GROUP HARMLESS ON A COMPARATIVE BASIS FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, LEGALLY RECOVERABLE DAMAGES, LEGALLY RECOVERABLE COSTS AND EXPENSES, ACTIONS, PROCEEDINGS, LIABILITIES, OR LOSSES, OF WHATSOEVER NATURE (INCLUDING REASONABLE ATTORNEY'S FEES), FOR ANY INJURY TO OR DEATH OF PERSONS, OR DAMAGE OR LOSS TO PROPERTY OF EIKON, CLIENT OR A THIRD PARTY ARISING OUT OF ANY NEGLIGENCE OR WILLFUL MISCONDUCT OF CLIENT OR ANY MEMBER OF CLIENT GROUP. THE CLIENT WILL, ON EIKON'S REQUEST, DEFEND ANY ACTION, CLAIM OR SUIT ASSERTING A CLAIM COVERED BY THIS SECTION 10(A). AS USED HEREIN "EIKON GROUP" MEANS INDIVIDUALLY OR IN ANY COMBINATION EIKON, ITS AFFILIATES, ANY SUBCONTRACTORS OF EIKON, AND THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, PARTNERS, MEMBERS, MANAGERS, REPRESENTATIVES, AGENTS, LICENSEES, INVITEES, AND ASSIGNEES.

(B) EIKON WILL INDEMNIFY, AND HOLD THE CLIENT AND EACH MEMBER OF THE CLIENT GROUP HARMLESS ON A COMPARATIVE BASIS FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, LEGALLY RECOVERABLE DAMAGES, LEGALLY RECOVERABLE COSTS, AND EXPENSES, ACTIONS, PROCEEDINGS, LIABILITIES, OR LOSSES, OF WHATSOEVER NATURE (INCLUDING REASONABLE ATTORNEY'S FEES), FOR ANY INJURY TO OR DEATH OF PERSONS, OR DAMAGE OR LOSS TO PROPERTY

OF CLIENT, EIKON OR A THIRD PARTY ARISING OUT OF ANY NEGLIGENCE OR WILLFUL MISCONDUCT OF EIKON OR ANY MEMBER OF EIKON GROUP. EIKON WILL, ON THE CLIENT'S REQUEST, DEFEND ANY ACTION, CLAIM OR SUIT ASSERTING A CLAIM COVERED BY THIS SECTION 10(B).

11. LIMITATION ON LIABILITY - IN RECOGNITION OF THE RELATIVE RISKS AND BENEFITS OF THE SERVICES TO BOTH THE CLIENT AND EIKON, THE RISKS HAVE BEEN ALLOCATED SUCH THAT THE CLIENT AGREES THAT THE TOTAL AGGREGATE LIABILITY OF EIKON GROUP TO THE CLIENT AND ANY MEMBER OF CLIENT GROUP FOR ANY AND ALL INJURIES, CLAIMS, LOSSES, EXPENSES OR DAMAGES WHATSOEVER ARISING OUT OF, OR IN ANY WAY RELATED TO, THE SERVICES OR THIS AGREEMENT FROM ANY CAUSE OR CAUSES WHATSOEVER INCLUDING, BUT NOT LIMITED TO, NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY OR BREACH OF CONTRACT SHALL NOT EXCEED THE GREATER OF (I) THE TOTAL COMPENSATION RECEIVED BY EIKON UNDER THIS AGREEMENT OR (II) AN AMOUNT EQUAL TWO TIMES (2X) THE TOTAL AGGREGATE FEES SET FORTH ON EXHIBIT C ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE. IF FOR ANY REASON THIS CLAUSE IS DEEMED UNENFORCEABLE THEN LIABILITY SHALL NOT EXCEED THE AVAILABLE LIMITS OF INSURANCE ACCORDING TO PARAGRAPH (9).

12. No Personal Liability - Notwithstanding any other provision of this Agreement to the contrary, no member of the EIKON Group shall be personally liable to Client or any member of Client Group, regardless of the cause of action asserted, including, without limitation, breach of contract, warranty, guarantee, products liability, negligence, tort, strict liability, or any other cause pertaining to the Services or EIKON's performance or nonperformance of the Agreement. Client for itself and on behalf of each member of Client Group agrees that subject to the terms, conditions, and limitations of this Agreement, it and each member of Client Group will look solely to EIKON for its remedy, subject to paragraph (11), for any claim arising out of or related to the Services or this Agreement

13. Corporate Protection - It is intended by the parties to this Agreement that EIKON's Services shall not subject EIKON's employees, officers, members, managers, agents, or directors to any personal legal exposure for the risks associated with the Services or the project to which the Services are related. Therefore, and notwithstanding anything to the contrary contained herein, the Client agrees for and on behalf of itself and each member of Client Group that the sole and exclusive remedy of Client or any member of Client Group for any claim, demand or suit arising out of this Agreement or the Services shall be directed and/or asserted only against EIKON, and not against any of EIKON's employees, officers, members, managers, agents or directors.

14. NO CONSEQUENTIAL DAMAGES - IN NO EVENT SHALL EIKON BE LIABLE TO CLIENT OR ANY MEMBER OF CLIENT GROUP, WHETHER BASED ON CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, PRODUCTS LIABILITY, WARRANTY, GUARANTY, OR OTHERWISE, FOR ANY SPECIAL, INDIRECT, INCIDENTAL OR CONSEQUENTIAL LOSS OR DAMAGE OR OTHER SIMILAR DAMAGES (INCLUDING, BUT NOT LIMITED TO, LOST PROFITS, LOSS OF PROFITS OR REVENUE, LOSS OF USE OF EQUIPMENT, LOSS OF PRODUCTION, ADDITIONAL EXPENSES INCURRED IN THE USE OF THE EQUIPMENT AND FACILITIES AND CLAIMS OF CUSTOMERS OF THE CLIENT OR ANY MEMBER OF CLIENT GROUP) OF ANY NATURE ARISING AT ANY TIME OR FROM ANY CAUSE WHATSOEVER OR FOR ANY PUNITIVE OR EXEMPLARY DAMAGES OF CLIENT OR ANY MEMBER OF CLIENT GROUP.

15. Hazardous Materials: Suspension of Services - BOTH PARTIES ACKNOWLEDGE THAT EIKON'S SCOPE OF SERVICES DOES NOT INCLUDE ANY SERVICES RELATED TO THE PRESENCE OF ANY HAZARDOUS MATERIALS (AS DEFINED BELOW). IN THE EVENT EIKON OR ANY MEMBER OF EIKON GROUP INVOLVED IN PROVIDING OR PERFORMING THE SERVICES ENCOUNTERS ANY HAZARDOUS MATERIALS, OR SHOULD IT BECOME KNOWN TO EIKON OR ANY MEMBER OF EIKON GROUP THAT HAZARDOUS MATERIALS MAY BE PRESENT ON OR ABOUT THE JOBSITE OR ANY ADJACENT AREAS THAT MAY AFFECT THE PERFORMANCE OF EIKON'S SERVICES, EIKON MAY, AT ITS SOLE OPTION AND WITHOUT LIABILITY FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, SPECIAL, PUNITIVE, EXEMPLARY OR ANY OTHER DAMAGES, SUSPEND PERFORMANCE OF ITS SERVICES UNDER THIS AGREEMENT UNTIL THE CLIENT RETAINS APPROPRIATE QUALIFIED CONSULTANTS AND/OR CONTRACTORS TO IDENTIFY AND ABATE OR REMOVE THE HAZARDOUS MATERIALS AND WARRANTS THAT THE JOBSITE IS IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS. The term "Hazardous Materials" means, without limitation, those substances or materials defined as "hazardous substances", "hazardous waste", "toxic substances", or "pollutant or contaminant" in any of the Environmental Laws (as defined below), as well as such other substances as are subsequently determined legislatively, judicially, or administratively, to be harmful or deleterious to the physical environment or the public health. The term "Environmental Laws" means all applicable local, state, and federal laws, including common law, that relate to (a) the prevention, abatement, or elimination of pollution, or the protection of the environment or natural resources; (b) the generation, handling, treatment, storage, disposal, release, or transportation of Hazardous Materials (as defined below), waste materials or hazardous or toxic substances; or (c) the regulation of, or exposure to, hazardous, toxic, or other substances alleged to be harmful, including, without limitation, the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U. S. C. § 9601, *et seq.*; the Resource Conservation and Recovery Act, 42 U.S.C. §6901, *et seq.*; the Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. § 1251, *et seq.*; the Clean Air Act, 42 U.S.C. § 7401, *et seq.*; the Hazardous Materials Transportation Act, 49 U.S.C. § 1501, *et seq.*; the Toxic Substances Control Act, 15 U.S.C. § 2601, *et seq.*; the Oil Pollution Act, 33 U.S.C. § 2701, *et seq.*; the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. §11001, *et seq.*; the Safe Drinking Water Act, 42 U.S.C. §§ 300f through 300j; the Endangered Species Act, 16 U.S.C. §1531, *et seq.*; and all similar laws of any Governmental Authority having jurisdiction over the property in question. This term expressly includes the regulations of the Texas Railroad Commission relating to plugging and abandonment, equipment purging and removal, and bonding requirements respecting inactive wells, 16. T.A.C. § 3.15, as well as regulations and interpretations of the U.S. Environmental Protection Agency and the Texas Commission on Environmental Quality relating to air emissions, pollution control, and permitting that have been or may be, adopted.

16. Hazardous Materials Indemnity - THE CLIENT AGREES, NOTWITHSTANDING ANY OTHER PROVISION OF THIS AGREEMENT, TO THE FULLEST EXTENT PERMITTED BY LAW, TO INDEMNIFY, DEFEND AND HOLD HARMLESS ON A COMPARATIVE BASES EIKON AND EACH MEMBER OF EIKON GROUP FROM AND AGAINST ANY AND ALL CLAIMS, SUITS, DEMANDS, LIABILITIES, LOSSES, DAMAGES OR COSTS, INCLUDING REASONABLE ATTORNEYS' FEES AND DEFENSE COSTS ARISING OUT OF OR IN ANY WAY CONNECTED WITH THE DETECTION, PRESENCE, HANDLING, REMOVAL, ABATEMENT, OR DISPOSAL OF ANY HAZARDOUS MATERIALS THAT EXIST ON, ABOUT OR ADJACENT TO THE SITE OR SITES WHERE THE SERVICES ARE PERFORMED OR ARE TO BE PERFORMED, WHETHER LIABILITY ARISES UNDER

BREACH OF CONTRACT OR WARRANTY, TORT, INCLUDING NEGLIGENCE, STRICT LIABILITY OR STATUTORY LIABILITY, REGULATORY OR ANY OTHER CAUSE OF ACTION, EXCEPT FOR THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF EIKON.

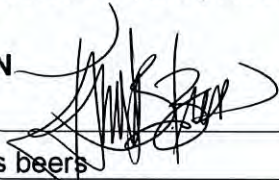
17. Mediation – The parties, as a condition precedent to commencing litigation (other than for the non-payment of EIKON's fees), shall endeavor to resolve their claims by non-binding mediation which, shall be conducted per the Construction Industry Mediation Rules of the American Arbitration Association currently in effect. Request for mediation shall be filed in writing with the other party to the contract and with the American Arbitration Association.

18. Other Agreements - (a) The Services to be performed by EIKON are intended solely for the benefit of Client and no benefit is conferred on, nor any contractual relationship established with any person or entity not a party to this Agreement; (b) any provision or part thereof of this Agreement held to be void or unenforceable under any law shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the parties; (c) this Agreement (including Exhibits A, B, and C as applicable, attached hereto) represents the entire understanding of the parties as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters; (d) this Agreement shall not be amended, modified, supplemented or rescinded in any manner except by written agreement executed by the parties; (e) this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to the conflict of law provisions thereof; (f) EIKON shall not be liable for any failure to perform or delay in the performance of the Services regardless of whether such delay results either directly or indirectly from: (i) accidents to, or breakdowns or mechanical failure of, EIKON's plant machinery or equipment; strikes or other labor troubles or labor shortages; fire; flood; wars; acts of the public enemy; acts of God; acts of terrorism; delays by any supplier; delays in transportation or lack of transportation facilities; embargoes; shortages of, or reductions in, energy sources; priorities, allocations, limitations, restrictions or other acts required or requested by federal, state, provincial or local governments, or any subdivision, bureau or agency thereof, or (ii) any other cause beyond the reasonable control of EIKON; (g) the failure of either party to insist in any one or more instances upon a strict performance of any of the terms, conditions and covenants hereof shall not affect or in any way impair the right of such party to require a strict performance of any such term, condition or covenant in the future; nor shall the waiver by either party of a breach of any term, condition, or covenant hereof in any instance be construed or held to be a waiver of such term, condition, or covenant, or of any succeeding breach of the same, or any other term, condition or covenant hereof; (h) all Exhibits attached to this Agreement are attached hereto and incorporated herein by reference for all purposes; and (i) this Agreement may be executed by the parties in counterparts and delivered by facsimile or electronic transmission, each of which so delivered shall be considered an original counterpart, and shall become a binding agreement when each party has executed one counterpart.

19. CONSTRUCTION OBSERVATION – To the extent expressly and specifically identified in Exhibit A, EIKON shall visit the site set at intervals appropriate to the stage of construction, or as otherwise agreed to in writing by the Client and EIKON, in order to observe in general the progress and quality of the work, construction and other services (collectively "Work") completed by the contractor employed by Client to perform such Work (the "Contractor"). Such visits, if any, and observation are not intended to be an exhaustive check or a detailed inspection of the Contractor's work but rather are to allow EIKON to become generally familiar with the Work in progress and to determine, in general, if the Work is proceeding in accordance with the contracts, agreements, specifications, drawings and other documents describing and detailing

the Work (collectively "Contract Documents"). Based on this general observation, EIKON shall keep the Client informed about the progress of the Work and shall advise the Client about observed deficiencies in the Work. If the Client desires more extensive project observation or full-time project representation, the Client shall request in writing that such services be provided by EIKON as services in addition to the Services. EIKON shall not supervise, direct, or have control over the Contractor's Work nor have any responsibility for the construction means, methods, techniques, sequences, or procedures selected by the Contractor nor for the Contractor's safety precautions or programs in connection with the Work. These rights and responsibilities are solely those of the Contractor in accordance with the Contract Documents. EIKON shall not be responsible for any acts or omissions of the Contractor, any subcontractor, any entity performing any portions of the Work or any agents or employees of any of them. EIKON does not guarantee the performance of the Contractor and shall not be responsible for the Contractor's failure to perform its Work in accordance with the Contract Documents or any applicable laws, codes, rules, or regulations. The parties hereto agree that in the event of any inconsistency in the language contained in Exhibit A hereto and in the terms of this Section 19, the language of Exhibit A shall govern and control in all respects. "Work" as used herein shall mean those systems and elements of the project within EIKON's scope of service as set out herein.

IN WITNESS WHEREOF, the parties have entered into this Agreement as of the date set forth above.

EIKON
By: 
Name: James Deers
Title: Vice President
Date: January 28, 2022
+

CLIENT
By: _____
Name: _____
Title: _____
Date: _____



CITY OF LAVON Agenda Brief

MEETING: February 1, 2022

ITEM: 8 – B

Item:

Public hearing continued from January 18, 2022, discussion, and action regarding an ordinance of the City Council of the City of Lavon accepting and approving a Final Service and Assessment Plan for the Elevon Public Improvement District, including assessment rolls; making a Finding of Special Benefit to the property in the District; Levying Special Assessments against Property within the District and establishing a lien on such Property; providing for payment of the assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, approving a reimbursement agreement, providing for severability, 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 Ordinance No. 2022-02-01.

Background:

On November 2, 2021, the City Council approved a resolution creating the Elevon Public Improvement District (PID) to finance specific public improvements for the benefit of the property. A Preliminary Service Plan and Assessment Plan (SAP) has been prepared that sets forth the estimated total costs of the improvements, includes the proposed assessment rolls, and establishes the assessments to be levied against the property.

On December 7, 2021, the City Council approved the Elevon Preliminary Service Plan and Assessment Plan, including proposed Assessment Rolls and called a public hearing for January 4, 2022 to consider an ordinance levying assessments on property located within the Elevon Public Improvement District. The public hearing was opened on January 4, 2022, continued to January 18, 2022 and continued again to February 1, 2022.

Requisite public notice of the proceedings has been provided. Upon the sale of bonds, the SAP attached as an exhibit to the ordinance will be appropriately updated prior to the City Council meeting.

Staff Notes:

Approval is recommended.

Attachments: 1) PID Information Sheet
2) Proposed Ordinance

**Schedule of Events for the Creation of a Public Improvement District
and Levy of Assessments**
Chapter 372, Local Government Code (the "Act")

Creation:

1. Petition of Property Owners to create PID is filed with the City Secretary (petition may be initiated by City or property owners)
2. Verification by City Secretary that Petition meets requirements of the Act
3. City Council receives petition and calls public hearing
4. Notice of public hearing published (before the 15th day before the date of the hearing)
5. Notice of public hearing mailed to property owners (before the 15th day before the date of the hearing)
6. Public hearing on creation of PID⁽¹⁾
7. Resolution creating PID⁽¹⁾
8. Publication of Resolution (in its entirety) (20 day, from date of publication, referendum period before construction of PID funded improvements may begin)

Assessment:

9. Appraisal of benefits
10. Preparation of proposed assessment roll
11. Proposed assessment roll approved by City Council and filed with City Secretary
12. City Council calls public hearing on assessment roll⁽¹⁾
13. Notice of public hearing published (before the 10th day before the date of the hearing)
14. Notice of public hearing mailed to property owners by City Secretary upon filing of proposed assessment roll (before the 10th day before the date of the hearing)
15. Public hearing on proposed assessment roll⁽²⁾
16. Ordinance levying assessments⁽²⁾
17. Assessment ordinance filed in County real property records

(1) May be scheduled and occur at the same meeting.

(2) May be scheduled and occur at the same meeting.

CITY OF LAVON, TEXAS

ORDINANCE NO. 2022-02-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS ACCEPTING AND APPROVING A SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLLS FOR THE ELEVON PUBLIC IMPROVEMENT DISTRICT; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED, PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon, Texas (the "City") is authorized by Chapter 372, Texas Local Government Code, as amended (the "PID Act") to create a public improvement district and to levy special assessments against property within the district to pay the costs of public improvement projects that confer a special benefit on property within the district;

WHEREAS, on or before September 20, 2021, there was submitted to and filed with the City Secretary of the City pursuant to the PID Act that certain "Petition for the Creation of a Public Improvement District Within the Extraterritorial Jurisdiction of the City of Lavon, Texas, for the Elevon Public Improvement District" (the "Petition") requesting the establishment of a public improvement district covering approximately 982.719 acres described in the Petition, and to be known as "Elevon Public Improvement District" (the "District");

WHEREAS, the City Council of the City (the "City Council") received the Petition and determined that it satisfied the requirements of the PID Act;

WHEREAS, after providing the notices required by the PID Act and by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended (the "Open Meetings Act"), on October 19, 2021 the City Council opened, conducted and continued a public hearing, and on November 2, 2021 the City Council reopened, conducted and closed the public hearing, to determine the advisability of creating and establishing the District and undertaking the public improvement projects described in the Petition;

WHEREAS, all owners of property located within the District and all other interested persons were given the opportunity at such public hearing to speak for or against the creation of the District and the proposed public improvements;

WHEREAS, the City Council made findings based on the information contained in the Petition presented to the City Council and the comments received at the public hearing;

WHEREAS, the City Council adopted Resolution No. 2021-11-07 on November 2, 2021 (the "Authorization Resolution"), authorizing the creation of the District and ordering public improvements to be made for the benefit of such District; and

WHEREAS, the City filed the Authorization Resolution with the County Clerk of Collin County, which is the county in which all of the District is located, as required by law; and

WHEREAS, no written protests regarding the creation of the District from any owners of record of property within the District were filed with the City Secretary of the City (the "City Secretary") within twenty (20) days after November 2, 2021; and

WHEREAS, on December 7, 2021, the City Council adopted a resolution determining total costs of certain authorized public improvements, approving a preliminary service and assessment plan, including proposed assessment rolls, authorizing and directing the City Secretary to file the proposed assessment rolls for the District and make the assessment rolls available for public inspection, and directing the publication and mailing of notice of a public hearing (the "Assessment Hearing") to consider an ordinance levying assessments on property within the District (the "Assessments"); and

WHEREAS, the City Secretary filed the proposed Assessment Rolls (defined below) and made the same available for public inspection; and

WHEREAS, the City Secretary, pursuant to Section 372.016(c) of the PID Act, mailed the notice of the Assessment Hearing to the last known address of the owners of the property liable for the Assessments; and

WHEREAS, the City Secretary, pursuant to Section 372.016(b) of the PID Act, published notice of the Assessment Hearing on December 22, 2021 in the *Wylie News*, a newspaper of general circulation in the City and the extraterritorial jurisdiction of the City in which the District is located; and

WHEREAS, the notice of the Assessment Hearing as published stated that the City Council would conduct the Assessment Hearing at a regular meeting to commence at 7:00 p.m. on January 4, 2022, however it was determined that the Assessment Hearing should be opened and continued until February 1, 2022; and

WHEREAS, at the January 4, 2022 City Council meeting, the City Council opened the Assessment Hearing and continued the Assessment Hearing to the regularly scheduled meeting to commence at 6:00 p.m. on February 1, 2022; and

WHEREAS, the City Council reopened and conducted the Assessment Hearing on February 1, 2022, at which all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to contend for or contest the Assessment Rolls, and the proposed Assessments, and to offer testimony pertinent to any issue presented on the amount of the Assessments, the allocation of the Actual Costs of the authorized public improvements to be undertaken for the benefit of property within the District (the "Authorized Improvements"), the purposes of the Assessments, the special benefits of the Assessments, and the penalties and interest on annual installments and on delinquent annual installments of the Assessments; and

WHEREAS, the owners of 100% of the property subject to the proposed assessment within the District (the "Landowners") had actual knowledge of the Assessment Hearing to be held on February 1, 2022, and support the creation of the District and the levy of assessments against the property in accordance with the Service and Assessment Plan to finance the Authorized Improvements for benefit of the property within the District; and

WHEREAS, the City Council finds and determines that the Assessment Rolls and the Elevon Public Improvement District Service and Assessment Plan dated February 1, 2022 (the "Service and Assessment Plan"), attached as **Exhibit A** and incorporated as a part of this Ordinance for all purposes, should be approved and that the Assessments should be levied as provided in this Ordinance and the Service and Assessment Plan, including the Assessment Rolls attached thereto as Exhibit E-1 and Exhibit F-1 (the "Assessment Rolls"); and

WHEREAS, the City Council further finds that there were no objections or evidence submitted to the City Secretary in opposition to the Service and Assessment Plan, the allocation of the Actual Costs of the Authorized Improvements as described in the Service and Assessment Plan, the Assessment Rolls, and the levy of the Assessments; and

WHEREAS, at the Assessment Hearing, the Landowners, or their representatives, who are the persons to be assessed pursuant to this Ordinance, have indicated their approval and acceptance of the levy of the Assessments against their property located within the District; and

WHEREAS, the City Council closed the hearing, and, after considering all written and documentary evidence presented at the hearing, including all written comments and statements filed with the City, determined to proceed with the adoption of this Ordinance in conformity with the requirements of the PID Act;

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

Section I. Terms.

Terms not otherwise defined herein are defined in the Service and Assessment Plan.

Section 2. Findings.

The City Council hereby finds, determines, and ordains, as follows:

(a) The recitals set forth in the WHEREAS clauses of this Ordinance are true and correct and are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section and constitute findings of the City Council acting in its discretionary, legislative capacity;

(b) All actions of the City in connection with the creation and establishment of the District and the approval of this Ordinance: (i) have been taken and performed in compliance with the PID Act and all other applicable laws, policies, and procedures; (ii) have been taken and performed in a regular, proper and valid manners; and (iii) are approved and ratified;

(c) The apportionment of the Actual Costs of the Authorized Improvements, including specifically the Improvement Area #1 Improvements, the Zone 1 Improvements and the Offsite Improvements (as reflected in the Service and Assessment Plan) and the Bond Issuance Costs and Annual Collection Costs pursuant to the Service and Assessment Plan is fair and reasonable, reflects an accurate presentation of the special benefit each assessed Parcel will receive from the construction of the Authorized Improvements identified in the Service and Assessment Plan, and is hereby approved;

(d) The Service and Assessment Plan (i) covers a period of at least five years, (ii) defines the annual indebtedness and projected costs for the Authorized Improvements, and (iii) includes a copy of the notice form or forms required by Section 5.014 of the Texas Property Code, as amended;

(e) The Service and Assessment Plan apportions the Actual Cost(s) of the Authorized Improvements to be assessed against the property in the District and such apportionment is made on the basis of special benefits accruing to the property because of the Authorized Improvements;

(f) All of the Improvement Area #1 Assessed Property being assessed in the amounts shown on the Improvement Area #1 Assessment Roll will be benefited by the Improvement Area #1 Projects proposed to be constructed as described in the Service and Assessment Plan, and each assessed Parcel of Improvement Area #1 Assessed Property will receive special benefits equal to or greater than the total amount assessed for the Improvement Area #1 Authorized Improvements;

(g) All of the Zone 1 Remainder Area Assessed Property being assessed in the amounts shown on the Zone 1 Remainder Area Assessment Roll will be benefited by the Zone 1 Remainder Area Projects proposed to be constructed as described in the Service and Assessment Plan, and each assessed Parcel of Zone 1 Remainder Area Assessed Property will receive special benefits equal to or greater than the total amount assessed for the Zone 1 Remainder Area Authorized Improvements;

(h) The method of apportionment of the Actual Costs of the Authorized Improvements and Annual Collection Costs set forth in the Service and Assessment Plan results in imposing equal shares of the Actual Costs of the Authorized Improvements and Annual Collection Costs on property similarly benefited, and results in a reasonable classification and formula for the apportionment of the Actual Costs;

(i) The Service and Assessment Plan has been prepared on behalf of, presented to, and reviewed by the City Council and should be approved as the service plan and assessment plan for the District for all purposes as described in Sections 372.013 and 372.014 of the PID Act;

(j) The Assessment Rolls should be approved as the Assessment Rolls for the District;

(k) The provisions of the Service and Assessment Plan relating to due and delinquency dates for the Assessments, interest on Annual Installments, interest and penalties on delinquent Assessments and delinquent Annual Installments, and procedures in connection with the imposition and collection of Assessments should be approved and will expedite collection of the

Assessments in a timely manner in order to provide the services and improvements needed and required for the area within the District; and

(l) A written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon.

Section 3. Service and Assessment Plan.

The Service and Assessment Plan is hereby accepted and approved pursuant to Sections 372.013 and 372.014 of the PID Act as the service plan and the assessment plan relating to the Authorized Improvements for the District. The Service and Assessment Plan shall be updated by the City Council no less frequently than annually as required by the PID Act and more frequently as may be required by the Service and Assessment Plan including upon the issuance of PID Bonds.

Section 4. Assessment Rolls.

The Assessment Rolls are hereby accepted and approved pursuant to Section 372.016 of the PID Act as the Assessment Rolls of the District for all purposes.

Section 5. Levy and Payment of Assessments for Costs of the Authorized Improvements.

(a) The City Council hereby levies the Assessments on each Parcel of property (excluding Non-Benefitted Property) located within the District, as shown and described in the Service and Assessment Plan and the Assessment Rolls, in the respective amounts shown in the Service and Assessment Plan as a special assessment as set forth in the Assessment Rolls. The amount of the Annual Installments shall be reviewed and determined annually by the City Council following the City Council's annual review of the Service and Assessment Plan for the District. Pursuant to Section 372.015(d), the amount of assessment for each property owner may be adjusted following the annual review of the Service and Assessment Plan.

(b) The levy of the Assessments shall be effective on the date of execution of this Ordinance levying Assessments and strictly in accordance with the terms of the Service and Assessment Plan and the PID Act.

(c) The collection of the Assessments shall be as described in the Service and Assessment Plan and the PID Act.

(d) Each Assessment may be prepaid in whole or in part at any time without penalty or may be paid in Annual Installments pursuant to the terms of the Service and Assessment Plan.

(e) Each Assessment shall bear interest at the rate or rates specified in the Service and Assessment Plan.

(f) Each Annual Installment shall be collected each year in the manner set forth in the Service and Assessment Plan.

(g) The Annual Collection Costs for Assessed Property shall be calculated pursuant to the terms of the Service and Assessment Plan.

Section 6. Method of Assessment.

The method of apportioning the Actual Costs of the Authorized Improvements and Annual Collection Costs are set forth in the Service and Assessment Plan.

Section 7. Penalties and Interest on Delinquent Assessments.

Delinquent Assessments shall be subject to the penalties, interest, procedures, and foreclosure sales set forth in the Service and Assessment Plan and as allowed by law.

Section 8. Prepayments of Assessments.

As provided in the Service and Assessment Plan, the owner of any Assessed Property may prepay the Assessments levied by this Ordinance.

Section 9. Lien Priority.

(a) The Assessments and Annual Installments levied and assessed against the property within the District as provided in this Ordinance and the Service and Assessment Plan, together with reasonable attorney's fees and costs of collection, if incurred, are, pursuant to the PID Act, a lien upon each tract of property within the District against which the same are levied and assessed, and a personal liability and charge against the owners of such lot, including the successors and assigns, whether such owners be named herein or not, and said liens shall be and constitute the first enforceable lien and claim against the lot on which such assessments are levied, and shall be a first and prior lien thereon, superior to all other liens and claims except liens or claims for state, county, school district, or municipality ad valorem taxes.

(b) The City Council and the Landowners intend for the obligations, covenants and burdens on the Assessed Property, including without limitation such Landowners' obligations related to payment of the Assessments and the Annual Installments thereof, to constitute covenants that shall run with the land. The Assessments and the Annual Installments thereof which are levied hereby shall be binding upon the assessed parties, as the owners of Assessed Property, and their respective transferees, legal representatives, heirs, devisees, successors and assigns, regardless of whether such owners are named, in the same manner and for the same period as such parties would be personally liable for the payment of ad valorem taxes under applicable law. The Assessments shall have lien priority as specified in the Service and Assessment Plan and the PID Act.

Section 10. Applicability of Tax Code.

To the extent not inconsistent with this Ordinance, and not inconsistent with the PID Act or the other laws governing public improvement districts, the provisions of the Texas Tax Code, as amended, governing enforcement of ad valorem tax liens (other than with respect to property

subject to agriculture use valuation, including redemption rights following a tax sale) shall be applicable to the imposition and collection of Assessments by the City, and the Texas Tax Code shall otherwise be applicable to the extent provided by the PID Act.

Section 11. Filing With County Clerk and in Land Records.

(a) Not later than the seventh day after the date of the adoption of this Ordinance, the City Secretary is hereby authorized and directed to file a copy of the Service and Assessment Plan with the County Clerk of Collin County, which is the county in which all of the District is located. The City Secretary is further directed to similarly file each Annual Service Plan Update or other amendment or update to the Service and Assessment Plan approved by the City Council not later than the seventh day after the date of such City Council approval.

(b) The City Secretary is directed to cause a copy of this Ordinance, including the Service and Assessment Plan and the Assessment Rolls, to be recorded in the real property records of Collin County, Texas. The City Secretary is further directed to similarly file each Annual Service Plan Update approved by the City Council.

Section 12. Severability.

If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that no portion hereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity or any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 13. Effective Date.

This Ordinance shall take effect, and the levy of the Assessments, and the provisions and terms of the Service and Assessment Plan shall be and become effective upon passage and execution hereof.

(Execution page follows.)

PASSED AND APPROVED on this the 1st day of February, 2022.

CITY OF LAVON, TEXAS

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

[SEAL]

The exhibits to Ordinance No. 2022-02-01

may be downloaded at

<https://cityoflavon.com/lavon-city-council-agenda/>

A hard copy of the exhibits may be obtained

by contacting the

City Secretary at cityhall@lavontx.gov .

EXHIBIT A

Service and Assessment Plan



CITY OF LAVON Agenda Brief

MEETING: February 1, 2022

ITEM: 8 – C

Item:

Discussion and action regarding Ordinance No. **2022-02-02** authorizing the issuance of the "City of Lavon, Texas, Special Assessment Revenue Bonds, Series 2022 (Elevon Public Improvement District Improvement Area #1 Project)"; approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, a Limited Offering Memorandum, a Continuing Disclosure Agreement; a Construction, Funding and Acquisition Agreement, a Reimbursement Agreement and other agreements and documents in connection therewith; making findings with respect to the issuance of such bonds; and providing an effective date.

Background:

On November 2, 2021, the City Council approved a resolution creating the Elevon Public Improvement District (PID) to finance specific public improvements for the benefit of the property.

The issuance consists of \$31,229,000 in Special Assessment Revenue Bonds that will be repaid through the collection of special assessments from the benefitted properties. The Introduction excerpt from the Preliminary Limited Offering Memorandum (PLOM) is included to provide detailed information.

The City's PID Administrator, Financial Advisor, Bond Counsel, Underwriter, City Engineer and City Attorney have been instrumentally involved in the preparation for the issuance and will attend the City Council meeting to provide updated information regarding the sale and answer questions.

Financial Implication:

The issuance does not affect the City's credit rating and is not repaid from resources of the City.

Staff Notes:

Approval is recommended.

Attachments: 1) Excerpt – Preliminary Limited Offering Memorandum
2) Proposed Ordinance

NEW ISSUE

NOT RATED

THE BONDS ARE INITIALLY OFFERED ONLY TO "ACCREDITED INVESTORS" (AS DEFINED IN RULE 501 OF REGULATION D PROMULGATED UNDER THE SECURITIES ACT OF 1933) AND "QUALIFIED INSTITUTIONAL BUYERS" (AS DEFINED IN RULE 144A UNDER THE SECURITIES ACT OF 1933). SEE "LIMITATIONS APPLICABLE TO INITIAL PURCHASERS."

In the opinion of Bond Counsel, interest on the Bonds will be excludable from gross income for federal income tax purposes under existing statutes, regulations, published rulings, and court decisions existing on the date hereof, subject to the matters described under "TAX MATTERS" herein.



\$31,229,000*

CITY OF LAVON, TEXAS,

(a municipal corporation of the State of Texas located in Collin County)

SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2022

(ELEVON PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREA #1 PROJECT)

Dated Date: Delivery Date

Interest to Accrue from Delivery Date (defined below)

Due: September 15, as shown on the inside cover

The City of Lavon, Texas, Special Assessment Revenue Bonds, Series 2022 (Elevon Public Improvement District Improvement Area #1 Project) (the "Bonds"), are being issued by the City of Lavon, Texas (the "City"). The Bonds will be issued in fully registered form, without coupons, in authorized denominations of \$100,000 of principal amount and any integral multiple of \$1,000 in excess thereof. The Bonds will bear interest at the rates set forth on the inside cover page hereof, and such interest will be calculated on the basis of a 360-day year of twelve 30-day months and will be payable on each March 15 and September 15, commencing September 15, 2022*, until maturity or earlier redemption. The Bonds will be registered in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"), New York, New York. No physical delivery of the Bonds will be made to the beneficial owners thereof. For so long as the book-entry-only system is maintained, the principal of and interest on the Bonds will be paid from the sources described herein by Wilmington Trust, National Association, as trustee (the "Trustee"), to Cede & Co. as the registered owner thereof. See "BOOK-ENTRY-ONLY SYSTEM."

The Bonds are being issued by the City pursuant to the Public Improvement District Assessment Act, Subchapter A of Chapter 372, Texas Local Government Code, as amended (the "PID Act"), an ordinance expected to be adopted by the City Council of the City (the "City Council") on February 1, 2022, and an Indenture of Trust, dated as of February 1, 2022 (the "Indenture"), entered into by and between the City and the Trustee.

Proceeds of the Bonds will be used for the purpose of (i) paying a portion of the Improvement Area #1 Project Costs, (ii) paying a portion of the interest on the Bonds during and after the period of acquisition and construction of the Improvement Area #1 Projects, (iii) funding a reserve fund for payment of principal and interest on the Bonds, (iv) paying a portion of the costs incidental to the organization of the District, and (v) paying the costs of issuance of the Bonds. See "IMPROVEMENT AREA #1 AUTHORIZED IMPROVEMENTS" and "APPENDIX B — Form of Indenture." Capitalized terms not otherwise defined herein shall have the meanings assigned to them in the Indenture.

The Bonds are the initial series of Bond Similarly Secured. The Bonds, when issued and delivered, will constitute valid and binding special, limited obligations of the City payable solely from and secured by the Pledged Revenues (as defined herein), consisting primarily of the revenue from Assessments (as defined herein) levied against assessed parcels in Improvement Area #1 of the Elevon Public Improvement District (the "District") in accordance with a Service and Assessment Plan (as defined herein) and other funds comprising the Trust Estate (as defined herein), all to the extent and upon the conditions described herein and in the Indenture. The Bonds are not payable from funds raised or to be raised from taxation. See "SECURITY FOR THE BONDS SIMILARLY SECURED." The Bonds are subject to redemption at the times, in the amounts, and at the redemption prices more fully described herein under the subcaption "DESCRIPTION OF THE BONDS — Redemption Provisions."

The Bonds involve a significant degree of risk and are not suitable for all investors. See "BONDHOLDERS' RISKS" and "SUITABILITY FOR INVESTMENT." Prospective purchasers should carefully evaluate the risks and merits of an investment in the Bonds, should consult with their legal and financial advisors before considering a purchase of the Bonds, and should be willing to bear the risks of loss of their investment in the Bonds. The Bonds are not credit enhanced or rated and no application has been made for a rating on the Bonds.

THE BONDS ARE SPECIAL, LIMITED OBLIGATIONS OF THE CITY PAYABLE SOLELY FROM THE ASSESSMENT REVENUES AND OTHER FUNDS COMPRISING THE TRUST ESTATE, AS AND TO THE EXTENT PROVIDED IN THE INDENTURE. THE BONDS DO NOT GIVE RISE TO A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWER OF THE CITY AND ARE PAYABLE SOLELY FROM THE SOURCES IDENTIFIED IN THE INDENTURE. THE OWNERS OF THE BONDS SHALL NEVER HAVE THE RIGHT TO DEMAND PAYMENT THEREOF OUT OF MONEY RAISED OR TO BE RAISED BY TAXATION, OR OUT OF ANY FUNDS OF THE CITY OTHER THAN THE PLEDGED REVENUES, AS AND TO THE EXTENT PROVIDED IN THE INDENTURE. NO OWNER OF THE BONDS SHALL HAVE THE RIGHT TO DEMAND ANY EXERCISE OF THE CITY'S TAXING POWER TO PAY THE PRINCIPAL OF THE BONDS OR THE INTEREST OR REDEMPTION PREMIUM, IF ANY, THEREON. THE CITY SHALL HAVE NO LEGAL OR MORAL OBLIGATION TO PAY THE BONDS OUT OF ANY FUNDS OF THE CITY OTHER THAN THE PLEDGED REVENUES AND OTHER FUNDS COMPRISING THE TRUST ESTATE. SEE "SECURITY FOR THE BONDS SIMILARLY SECURED."

This cover page contains certain information for quick reference only. It is not a summary of the Bonds. Investors must read this entire Limited Offering Memorandum to obtain information essential to the making of an informed investment decision.

The Bonds are offered for delivery when, as, and if issued by the City and accepted by the Underwriter (identified below), subject to, among other things, the approval of the Bonds by the Attorney General of Texas and the receipt of the opinion of McCall, Parkhurst & Horton L.L.P., Bond Counsel, as to the validity of the Bonds and the excludability of interest thereon from gross income for federal income tax purposes. See "APPENDIX D — Form of Opinion of Bond Counsel." Certain legal matters will be passed upon for the City by its counsel, Messer, Fort & McDonald, PLLC, for the Underwriter by its counsel, Orrick, Herrington & Sutcliffe LLP and for the Master Developer by its counsel, Miklos Cinclair, PLLC. It is expected that the Bonds will be delivered in book-entry form through the facilities of DTC on or about February 24, 2022 (the "Delivery Date").

FMSbonds, Inc.

* Preliminary; subject to change.

PRELIMINARY LIMITED OFFERING MEMORANDUM

\$31,229,000*

CITY OF LAVON, TEXAS,

(a municipal corporation of the State of Texas located in Collin County)

SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2022

(ELEVEN PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREA #1 PROJECT)

INTRODUCTION

The purpose of this Limited Offering Memorandum, including the cover page, the inside cover and the appendices hereto, is to provide certain information in connection with the issuance and sale by the City of Lavon, Texas (the "City"), of its \$31,229,000* aggregate principal amount of Special Assessment Revenue Bonds, Series 2022 (Eleven Public Improvement District Improvement Area #1 Project) (the "Bonds").

INITIAL PURCHASERS ARE ADVISED THAT THE BONDS BEING OFFERED PURSUANT TO THIS LIMITED OFFERING MEMORANDUM ARE BEING OFFERED INITIALLY TO AND ARE BEING SOLD ONLY TO "ACCREDITED INVESTORS" AS DEFINED IN RULE 501 OF REGULATION D PROMULGATED UNDER THE SECURITIES ACT OF 1933, AS AMENDED (THE "SECURITIES ACT OF 1933") AND "QUALIFIED INSTITUTIONAL BUYERS" AS DEFINED IN RULE 144A PROMULGATED UNDER THE SECURITIES ACT OF 1933. PROSPECTIVE INVESTORS SHOULD BE AWARE OF CERTAIN RISK FACTORS, ANY OF WHICH, IF MATERIALIZED TO A SUFFICIENT DEGREE, COULD DELAY OR PREVENT PAYMENT OF PRINCIPAL OF, AND/OR INTEREST ON THE BONDS. THE BONDS ARE NOT A SUITABLE INVESTMENT FOR ALL INVESTORS. SEE "LIMITATIONS APPLICABLE TO INITIAL PURCHASERS," "BONDHOLDERS' RISKS," AND "SUITABILITY FOR INVESTMENT."

The Bonds are being issued by the City pursuant to the Public Improvement District Assessment Act, Subchapter A of Chapter 372, Texas Local Government Code, as amended (the "PID Act"), the ordinance authorizing the issuance of the Bonds expected to be adopted by the City Council of the City (the "City Council") on February 1, 2022 (the "Bond Ordinance"), and an Indenture of Trust, dated as of February 1, 2022 (the "Indenture"), expected to be entered into by and between the City and Wilmington Trust, National Association, as trustee (the "Trustee"). The Bonds are the initial series of the Bonds Similarly Secured. The Bonds will be secured by a pledge and lien upon the Trust Estate (as defined in the Indenture) consisting primarily of revenue from special assessments (the "Assessments") levied pursuant to a separate ordinance expected to be adopted by the City Council on February 1, 2022 (the "Assessment Ordinance") against assessed parcels (the "Assessed Property") located within Improvement Area #I (as defined herein) of the initial zone ("Zone I") of the Eleven Public Improvement District (the "District") all to the extent and upon the conditions described in the Indenture. See "SECURITY FOR THE BONDS SIMILARLY SECURED" and "ASSESSMENT PROCEDURES."

Reference is made to the Indenture for a full statement of the authority for, and the terms and provisions of, the Bonds. All capitalized terms used in this Limited Offering Memorandum, except as otherwise noted in "ASSESSMENT PROCEDURES," that are not otherwise defined herein shall have the meanings set forth in the Indenture. See "APPENDIX B — Form of Indenture."

Set forth herein are brief descriptions of the City, the District, the Master Developer (as defined herein), the Builders (as defined herein), P3Works, LLC (the "PID Administrator"), the Assessment Ordinance, the Bond Ordinance, the Service and Assessment Plan (as defined herein), the Improvement Area #1 CFA Agreement (as defined herein), the Improvement Area #1 Reimbursement Agreement (as defined herein) and the Development Agreement (as defined herein), together with summaries of terms of the Bonds and the Indenture and certain provisions of the PID Act. All references herein to such documents and the PID Act are qualified in their entirety by reference to such documents or such PID Act and all references to the Bonds are qualified by reference to the definitive forms thereof and the information with respect thereto contained in the Indenture. Copies of these documents may be obtained during the period of the offering of the Bonds from the Underwriter, FMSbonds, Inc., 5 Cowboys Way, Suite 300-25 Frisco, Texas 75034, telephone number (214) 302-2246. The Form of Indenture appears in APPENDIX B and the Form of Service and Assessment Plan appears as APPENDIX C. The information provided under this caption "INTRODUCTION" is intended to provide a brief overview of the information provided in the other captions herein

* Preliminary; subject to change.

and is not intended, and should not be considered, fully representative or complete as to the subjects discussed hereunder.

PLAN OF FINANCE

The District

The PID Act authorizes political subdivisions, such as the City, to create public improvement districts and to impose assessments within the public improvement district to pay for public improvements. The District was created for the purpose of undertaking and financing the cost of certain public improvements within the District, including the Improvement Area #1 Projects (as defined herein), authorized by the PID Act and approved by the City Council of the City (the "City Council") that confer a special benefit on the District. The District is not a separate political entity from the City but rather reflects an area currently within the City's extraterritorial jurisdiction that City Council has designated and within which the City is authorized to levy assessments for public improvements.

Development Plan

The "Elevon Development" is an approximately 1,268-acre master planned community of which approximately 131.651 acres are located within the city limits (the "In-City Property") and approximately 1,137.044 acres are currently located in the extraterritorial jurisdiction of the City (the "ETJ Property"). The District is located within the Elevon Development currently located within the ETJ Property. At full build, the Elevon Development is expected to consist of over 3,700 single family residential units and approximately 120 acres of mixed-use/commercial property. The residential units will consist of a variety of product sizes from 26' wide duplex lots to 70' single family lots to meet the needs of a complete life cycle.

The District consists of approximately 982.719 acres and is being developed as a master-planned residential development. The District is expected to be developed in different stages, designated as "Zones" with one or more "Improvement Areas" within the Zones, which each may include subphases or pods. See "THE DEVELOPMENT." The term "Improvement Area #1" is used herein to describe the approximately 272.698 acres of property containing Pods 2A, 2B-1, 2C and 2D within the District. The term "Zone 1 Remainder Area" is used to describe the approximately 104.060 acres of property containing Pods 2B-2 and 2E within the District. "Zone 1" consists of Improvement Area #1 and the Zone 1 Remainder Area. The term "Future Improvement Area" is used herein to describe all of the property within the District other than the property in Zone 1. Zone 1, Improvement Area #1, the Zone 1 Remainder Area, and the Future Improvement Area are identified and depicted on the "MAP OF THE FUTURE IMPROVEMENT AREA, ZONE 1, IMPROVEMENT AREA #1, THE ZONE 1 REMAINDER AREA, AND PODS on page v of this Limited Offering Memorandum.

Development in Zone 1 of the District is expected to include approximately 1,387 single-family homes. Development will begin with the development of the direct improvements within Improvement Area #1 (the "Improvement Area #1 Improvements"), certain public improvements benefiting Zone 1 (the "Zone 1 Improvements") and certain improvements benefiting the entire District (the "Offsite Improvements"). See "THE DEVELOPMENT — Development Plan."

MA Elevon 429, LLC, a Texas limited liability company (the "Master Developer"), acquired approximately 456.586 acres, including the land withing Zone 1, on November 12, 2021 through a series of transaction: approximately 27.265 acres from Far East Lavon, LP, ("Far East Lavon"); approximately 336.724 acres consisting of Pod 2A, Pod 2B, Pod 2C – Main, Pod 2C-Partial, Pod 2D, Pod 2E-Main and Pod 2E Partial, each pod as described below, from Petro-Hunt, L.L.C. ("Petro-Hunt"); and approximately 92.597 acres from Far East Lavon and Petro-Hunt. Subsequent to such acquisitions, on November 12, 2021, the Master Developer sold:

- approximately 65.135 acres comprising "Pod 2A" to K. Hovnanian DFW Elevon, LLC, a Texas limited liability company ("K Hovnanian Homes");
- approximately 88.190 acres comprising "Pod B," which was subsequently divided into two development phases "Pod 2B-1" consisting of approximately 49.470 acres and "Pod 2B-2" consisting of approximately 38.720 acres, to HMH/Stratford Elevon JV, LLC, a Texas limited liability company ("HMH/Stratford Elevon");

- approximately 63.017 acres comprising “Pod 2C-Main” to GRBK Edgewood LLC, a Texas limited liability company (“GRBK Edgewood”) and approximately 14.381 acres comprising “Pod 2C-Partial” to UMH Development, LLC, a Texas limited liability company (“UMH Development”) (collectively, Pod 2C-Main and Pod 2C-Partial, “Pod 2C”);
- approximately 40.661 acres comprising “Pod 2D” to Qualico Developments (U.S.), Inc., a Delaware Corporation (“Qualico”); and
- approximately 52.368 acres comprising “Pod 2E-Main” to GRBK Edgewood and approximately 12.972 acres comprising “Pod 2E-Partial” to UMH Development (collectively, Pod 2E-Main and Pod 2E-Partial, “Pod 2E”).

Collectively, K Hovnanian Homes, HMH/Stratford Elevon, GRBK Edgewood, UMH and Qualico are referred to as the “Builders.” The foregoing transfers totaled approximately 336.724 acres. Of the remaining approximately 119.862 of the property retained by the Master Developer; approximately 15.000 acres is located in Improvement Area #1 and is intended to be used as a school site; approximately 25.034 acres is located in Improvement Area #1 and is intended to be used for Elevon Parkway right of way, HOA acreage and an amenity center; and the remaining approximately 79.828 is located in the Future Improvement Area of the District.

Each Builder entered into substantially similar purchase and sale agreements with the Master Developer (the “Purchase and Sale Agreements” or, individually, a “Purchase and Sale Agreement”). Pursuant to the Purchase and Sale Agreements, each Builder agreed to develop the entirety of its purchased pod, including the Improvement Area #1 Improvements or the Future Zone 1 Improvement Area Improvements (as defined herein) and the Private Improvements (as defined herein) within its pod (the “Builders’ Development Obligations”) and the Master Developer agreed to finance and construct the Zone 1 Improvements, the Offsite Improvements, certain electric, gas and fiber network improvements (the “Electric, Gas and Fiber Network”) and certain common area improvements, including amenity center, playground, open space, parks, trails, ponds and piers (the “Common Area Improvements”) and together with the Zone 1 Improvements, the Offsite Improvements and the Electric, Gas and Fiber Network,” the “Master Developer’s Development Obligations”). The Master Developer and the Builders have entered into a development agreement effective as of November 12, 2021 (the “Builder Development Agreement”) to provide for the completion of the Master Developer’s Development Obligations and an escrow of funds for the payment of a portion thereof.

The Master Developer expects to commence construction of the Zone 1 Improvement and the Offsite Improvements in Q1 of 2022 and complete such improvements in Q1 2023. The Master Developer anticipate that the Builders will commence construction of the Improvement Area #1 Improvements and the Private Improvements within Improvement Area #1 beginning in Q1 2022 and complete such improvements in Q1 2023 through Q2 2023. See “THE DEVELOPMENT – Lot Development and Home Construction.”

Development Agreement

The City, Master Developer, Far East Lavon, Petro-Hunt, 78 Straddle, LP (“78 Straddle”), East Lavon Partners, LP (“East Lavon Partners”) and World Land Developers, LP (“World Land Developers,” together with Far East Lavon, Petro-Hunt, 78 Straddle and Easton Lavon Partners, the “Petro-Hunt Entities”) entered into the Elevon Development Agreement as of November 2, 2021 (the “Development Agreement”) relating to the Elevon Development. In the Development Agreement, the parties thereto, agreed that with respect to portions of the property within the Development acquired by the Master Developer from the various Petro-Hunt Entities, from time to time, the Development Agreement will automatically be assigned from the respective Petro-Hunt Entities to the Master Developer with respect to such acquired property upon the Master Developer closing on such portion of the property.

The Development Agreement provides for the annexation of the land within ETJ Parcel of the Elevon Development into the City on a Zone-by-Zone basis upon the issuance of bonds for the initial phase of each such Zone. The City, the Master Developer and the Builders anticipate that Zone 1 will be annexed into the City on or about February 1, 2022. Certain commercial, business park and mixed-use property within the ETJ Parcel is anticipated to be annexed in March of 2022.

Pursuant to the Development Agreement, the Master Developer agreed to construct or cause to be constructed (i) the “Public Improvements” benefiting the Elevon Development, including the Improvement Area #1 Improvements

or the Future Zone 1 Improvement Area Improvements, the Zone 1 Improvements and the Offsite Improvements and (ii) the Private Improvements. The City agreed to reimburse the Master Developer for the costs of such Public Improvements from (i) the proceeds of assessment revenue bonds ("PID Bonds"), (ii) assessment revenues pursuant to a reimbursement agreement, and/or (iii) tax increment revenues pursuant to an agreement to dedicate the revenues generated from a tax increment reinvestment zone encompassing the Elevon Development. See "THE DEVELOPMENT – The Development Agreement."

As a condition to the issuance of PID Bonds, the Development Agreement requires that the Master Developer provide evidence of sufficient funds acceptable to the City to fund any costs of the Public Improvements not funded with the proceeds of the PID Bonds and the Private Improvements. The Master Developer will deposit cash in an amount sufficient to fund the costs of the Zone 1 Improvements and the Offsite Improvements allocable to Improvement Area #1 not funded with the proceeds of the Improvement Area #1 Bonds, but no such deposit will be required for the cost of the Zone 1 Improvements and the Offsite Improvements allocable to the Zone 1 Remainder Area. See "SOURCES AND USES OF FUNDS" and "THE MASTER DEVELOPER AND BUILDERS – History and Financing of the District – *Financing of Master Developer's Development Obligations.*" Notwithstanding the foregoing to the contrary, the Development Agreement permits a "Publicly-Held Builder" or a "Substantial Builder" that is a developer to provide a builder completion agreement (a "Builder Completion Agreement") or other evidence satisfactory to the City of its ability to fund any Public Improvements not funded from the proceeds of the PID Bonds and the Private Improvements. Pursuant to each Builder's Purchase and Sale Agreement, each Builder agreed to finance and construct the Improvement Area #1 Improvements and the Private Improvements within its pod within Improvement Area #1 and to provide a Builder Completion Agreement evidencing that it has sufficient funds to complete the Improvement Area #1 Improvements not funded from the proceeds of the Bonds and the Private Improvements within its pod. Assessments will not be levied for the costs of the Private Improvements and the Builders will not be reimbursed for such costs. See "THE MASTER DEVELOPER AND BUILDERS – History and Financing of the District -- *Financing of Builders' Development Obligations.*"

The Development Agreement defines:

"Appraisal" to mean an independent appraisal of the property to be assessed in the PID provided by a licensed MAI Appraiser acceptable to the City, such Appraisal to include the projected value of the land assuming the construction and installation of the Public Improvements to be financing in part with the PID Bonds (i.e., "as-complete"), and the construction and installation of the Private Improvements to be finance by the Master Developer (i.e., "as-complete"), necessary to get to a Final Lot Value.

"Final Lot Value" to mean the developed lots value established by an Appraisal.

"Private Improvements" to mean those private horizontal improvements necessary to get to a Final Lot Value as established by an Appraisal, excluding the Public Improvements, described in the plans and specifications, submitted to the City pursuant to the City regulations or development process, as applicable, being constructed in the District. The Private Improvements constructed within Improvement Area #1 are referred to as the "Improvement Area #1 Private Improvements." The Private Improvements to be constructed within the Zone 1 Remainder Area are referred to as the "Future Zone 1 Remainder Area Private Improvements."

"Public Improvements" to means public improvements to be developed and constructed or caused to be developed or constructed inside and outside of the District by the Master Developer to serve the assessed property within the District and the applicable PID Phase, which includes the improvements described in Exhibit G to the Development Agreement and in the applicable Service and Assessment Plan.

"Publicly-Held Builder" to mean a homebuilder that is a public company, a publicly traded company, a publicly held company, a publicly listed company, or a public limited company with shares of stock which are intended to be freely traded on a stock exchange or in over-the-counter markets.

"Substantial Builder" to mean a homebuilder that has constructed a minimum of 300 of single-family residential homes in the last calendar year.

For additional terms of the Development Agreement, see "THE DEVELOPMENT – The Development Agreement."

The Bonds

Proceeds of the Bonds will be used for the purpose of ((i) paying a portion of the Improvement Area #1 Project Costs, (ii) paying a portion of the interest on the Bonds during and after the period of acquisition and construction of the Improvement Area #1 Projects, (iii) funding a reserve fund for payment of principal and interest on the Bonds, (iv) paying a portion of the costs incidental to the organization of the District, and (v) paying the costs of issuance of the Bonds. See “SECURITY FOR THE BONDS SIMILARLY SECURED” and “ASSESSMENT PROCEDURES.”

The Bonds shall never constitute an indebtedness or general obligation of the City, the State of Texas (the “State”) or any other political subdivision of the State, within the meaning of any constitutional provision or statutory limitation whatsoever, but the Bonds are limited and special obligations of the City payable solely from the Trust Estate as provided in the Indenture. Neither the faith and credit nor the taxing power of the City, the State or any other political subdivision of the State is pledged to the payment of the Bonds.

The Zone 1 Remainder Area Bonds

Concurrently with the issuance of the Bonds, the City will issue its \$8,148,000* City of Lavon, Texas, Special Assessment Revenue Bonds, Series 2022 (Eleven Public Improvement District Zone 1 Remainder Area Project) (the “Zone 1 Remainder Area Bonds”) to finance a portion of the costs of the pro rata portion of the Zone 1 Improvements allocable to the Zone 1 Remainder Area and costs of the pro rata portion of the Offsite Improvements allocable to the Zone 1 Remainder Area (collectively, the “Zone 1 Remainder Area Projects”). The Zone 1 Remainder Area Bonds will be secured by assessments levied on property within the Zone 1 Remainder Area (the “Zone 1 Remainder Area Assessments”). See “MAP OF THE FUTURE IMPROVEMENT AREA, ZONE 1, IMPROVEMENT AREA #1, THE ZONE 1 REMAINDER AREA, AND PODS” on page v of this Limited Offering Memorandum.

The Zone 1 Remainder Area Bonds are not offered pursuant to this Limited Offering Memorandum.

Improvement Area #1 CFA Agreement; Improvement Area #1 Reimbursement Agreement; Additional Bonds

The City and the Master Developer expect to enter into a construction financing and acquisition agreement related to Improvement Area #1 (the “Improvement Area #1 CFA Agreement”). The Improvement Area #1 CFA Agreement establishes the procedures for the financing, construction and payment of the Improvement Area #1 Project Costs. The total cost of all of the Improvement Area #1 Authorized Improvements is expected to be approximately \$47,512,294*, of such costs approximately \$31,229,000* will be paid the proceeds of the Bonds and approximately \$10,104,000* will be paid from Assessment Revenues pursuant to the terms of the Improvement Area #1 CFA Agreement and the Improvement Area #1 Reimbursement Agreement (as defined below). The remaining \$6,179,294* will be funded by the Master Developer or the Builders without reimbursement by the City.

The City and the Master Developer intend to enter into a reimbursement agreement (the “Improvement Area #1 Reimbursement Agreement”) to finance a portion of the costs of the Improvement Area #1 Projects in an amount not to exceed \$10,104,000* (the “Improvement Area #1 Reimbursement Obligation”) not paid with proceeds of the Bonds. The Bonds and the Improvement Area #1 Reimbursement Obligation will be secured by the Assessments; however, the payment of debt service on the Bonds will be superior in right to payment of the Improvement Area #1 Reimbursement Obligation. The City, upon satisfying certain financial covenants contained in the Indenture, may issue additional bonds to refinance the Improvement Area #1 Reimbursement Obligation and refunding bonds issued to refund the Bonds or such additional bonds (the “Additional Bonds”). See “THE IMPROVEMENT AREA #1 AUTHORIZED IMPROVEMENTS” and “SECURITY FOR THE BONDS SIMILARLY SECURED – Other Obligations or Other Liens; Additional Bonds.” When issued, the Additional Bonds will be on parity with the Bonds (the Bonds together with any Additional Bonds constitute “Bonds Similarly Secured”). Pursuant to the Service and Assessment Plan, the Improvement Area #1 Reimbursement Agreement and the Development Agreement, the Master Developer or the Builders, as applicable, will be responsible for any costs of the Improvement Area #1 Projects in excess of the amounts funded by the Bonds, Additional Bonds (if issued), and the Improvement Area #1 Reimbursement Agreement. See “APPENDIX G – Development Agreement.”

* Preliminary; subject to change.

CITY OF LAVON, TEXAS

ORDINANCE NO. 2022-02-02

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE “CITY OF LAVON, TEXAS, SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2022 (ELEVON PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREA #1 PROJECT)”; APPROVING AND AUTHORIZING AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT, A LIMITED OFFERING MEMORANDUM, A CONTINUING DISCLOSURE AGREEMENT, A CONSTRUCTION, FUNDING AND ACQUISITION AGREEMENT, A REIMBURSEMENT AGREEMENT AND OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION THEREWITH; MAKING FINDINGS WITH RESPECT TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Lavon, Texas (the “City”), pursuant to and in accordance with the terms, provisions and requirements of the Public Improvement District Assessment Act, Subchapter A of Chapter 372, Texas Local Government Code, (the “PID Act”) has previously established the “Elevon Public Improvement District” (the “District”); and

WHEREAS, the City Council of the City (the “Council”) has found and determined that it is in the best interests of the City to issue its bonds to be designated “City of Lavon, Texas, Special Assessment Revenue Bonds, Series 2022 (Elevon Public Improvement District Improvement Area #1 Project)” (the “Bonds”), such Bonds to be payable from and secured by the Pledged Revenues (as defined in the Indenture); and

WHEREAS, the City is authorized by the PID Act to issue the Bonds for the purpose of (i) paying the Improvement Area #1 Project Costs (as defined in the Indenture), (ii) paying interest on the Bonds during and after the period of acquisition and construction of the Improvement Area #1 Projects (as defined in the Indenture), (iii) funding a reserve fund for payment of principal and interest on the Bonds, (iv) paying a portion of the costs incidental to the organization of the District and (v) paying the costs of issuance of the Bonds; and

WHEREAS, the Council has found and determined to approve (i) the issuance of the Bonds to finance the Improvement Area #1 Projects, (ii) the form, terms and provisions of the Indenture securing the Bonds authorized hereby, (iii) the form, terms and provisions of a Bond Purchase Agreement (defined below) between the City and the Underwriter (defined below), (iv) a Limited Offering Memorandum (defined below), (v) a Continuing Disclosure Agreement (defined below), (vi) a Construction, Funding and Acquisition Agreement (defined below); (vii) a Reimbursement Agreement (defined below), and (viii) forms of Completion Agreements with certain builders in Improvement Area #1 as described below; and

WHEREAS, pursuant to the PID Act, the Council published notice of the assessment hearing in a newspaper of general circulation in the City and in the part of the extraterritorial jurisdiction of the City in which the District is located, and opened, conducted and continued a public hearing on January 4, 2022, regarding the levy of special assessments within the District, reopened, conducted and continued the public hearing on January 18, 2022, and intends to

reopen and conduct the public hearing on February 1, 2022, and on such date the Council intends to adopt an ordinance levying such special assessments (the "Assessment Ordinance"); and

WHEREAS, in the Assessment Ordinance, the Council will approve and accept a Service and Assessment Plan (as defined in the Indenture) relating to the District and levy the Assessments (as defined in the Indenture) against the Assessed Property (as defined in the Indenture) for payment of the Bonds; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and the public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended;

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

Section 1. Findings. The findings and determinations set forth in the preamble hereof are hereby incorporated by reference for all purposes as if set forth in full herein.

Section 2. Approval of Issuance of Bonds and Indenture of Trust.

(a) The issuance of the Bonds in the principal amount of \$[31,229,000] for the purpose of (i) paying a portion of the Improvement Area #1 Project Costs, (ii) paying a portion of the interest on the Bonds during and after the period of acquisition and construction of the Improvement Area #1 Projects, (iii) funding a reserve fund for payment of principal and interest on the Bonds, (iv) paying a portion of the costs incidental to the organization of the District, and (v) paying the costs of issuance of the Bonds, is hereby authorized and approved.

(b) The Bonds shall be issued and secured under that certain Indenture of Trust (the "Indenture"), dated as of February 1, 2022, between the City and Wilmington Trust, National Association, Dallas, Texas, as trustee (the "Trustee"), with such changes as may be necessary or desirable to carry out the intent of this Ordinance and as approved by the Mayor or Mayor Pro Tem of the City, such approval to be evidenced by the execution and delivery of the Indenture, which Indenture is hereby approved in substantially final form attached hereto as **Exhibit A** and incorporated herein as a part hereof for all purposes. The Mayor or Mayor Pro Tem of the City is hereby authorized and directed to execute the Indenture.

(c) The Bonds shall be dated, shall mature on the date or dates and in the principal amount or amounts, shall bear interest, shall be subject to redemption and shall have such other terms and provisions as set forth in the Indenture. The Bonds shall be in substantially the form set forth in the Indenture, with such insertions, omissions and modifications as may be required to conform the form of Bond to the actual terms of the Bonds. The Bonds shall be payable from and secured by the Pledged Revenues (as defined in the Indenture) and other assets of the Trust Estate (as defined in the Indenture) pledged to the Bonds, and shall never be payable from ad valorem taxes or any other funds or revenues of the City.

Section 3. Sale of Bonds; Approval of Bond Purchase Agreement. The Bonds shall be sold to FMSbonds, Inc. (the “Underwriter”) at the price and on the terms and provisions set forth in that certain Bond Purchase Agreement (the “Bond Purchase Agreement”), dated the date hereof, between the City and the Underwriter, attached hereto as **Exhibit B** and incorporated herein as a part hereof for all purposes, which terms of sale are declared to be in the best interest of the City. The form, terms and provisions of the Bond Purchase Agreement are hereby authorized and approved and the Mayor or Mayor Pro Tem of the City is hereby authorized and directed to execute and deliver the Bond Purchase Agreement.

Section 4. Limited Offering Memorandum. The use and distribution of the Preliminary Limited Offering Memorandum dated January 14, 2022 in the offering of the Bonds is hereby ratified, approved and confirmed. The final Limited Offering Memorandum, with such appropriate variations from the Preliminary Limited Offering Memorandum as shall be approved by the Mayor or Mayor Pro Tem of the City and the Underwriter, may be used by the Underwriter in the offering and sale of the Bonds. The form and substance of the final Limited Offering Memorandum for the Bonds and any addenda, supplement or amendment thereto is hereby approved and adopted in all respects. The City Secretary is hereby authorized and directed to include and maintain a copy of the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum and any addenda, supplement or amendment thereto thus approved among the permanent records of this meeting. The City deemed the Preliminary Limited Offering Memorandum final, within the meaning of Rule 15c2-12 issued by the United States Securities and Exchange Commission under the Securities Exchange Act of 1934 (the “Rule”), as of its date, except for the omission of information specified in Section (b)(1) of the Rule, as permitted by Section (b)(1) of the Rule. Notwithstanding the approval and delivery of such Preliminary Limited Offering Memorandum and Limited Offering Memorandum by the Council, the Council is not responsible for and proclaims no specific knowledge of the information contained in the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum pertaining to the Improvement Area #1 Projects, MA Elevon 429, LLC, a Texas limited liability company (the “Developer”) or the Builders (hereinafter defined), or their financial ability, any other builders, any landowners or the appraisal of the property in the District.

Section 5. Continuing Disclosure Agreement. The Continuing Disclosure Agreement of the Issuer (the “Continuing Disclosure Agreement”) between the City, P3Works, LLC and HTS Continuing Disclosure Services, a division of Hilltop Securities Inc., is hereby authorized and approved in substantially final form attached hereto as **Exhibit C** and incorporated herein as a part hereof for all purposes, and the Mayor or Mayor Pro Tem of the City is hereby authorized and directed to execute and deliver such Continuing Disclosure Agreement with such changes as may be required to carry out the purpose of this Ordinance and approved by the Mayor or Mayor Pro Tem, such approval to be evidenced by the execution thereof.

Section 6. Construction, Funding and Acquisition Agreement. The Elevon Public Improvement District Improvement Area #1 Construction, Funding and Acquisition Agreement (the “Construction, Funding and Acquisition Agreement”) between the City and the Developer is hereby authorized and approved in substantially final form attached hereto as **Exhibit D** and incorporated herein as a part hereof for all purposes, and the Mayor or Mayor Pro Tem of the City is hereby authorized and directed to execute and deliver such Construction, Funding and Acquisition Agreement with such changes as may be required to carry out the purpose of this

Ordinance and approved by the Mayor or Mayor Pro Tem, such approval to be evidenced by the execution thereof.

Section 7. Reimbursement Agreement. The Elevon Public Improvement District Improvement Area #1 Reimbursement Agreement (the “Reimbursement Agreement”) between the City and the Developer is hereby authorized and approved in substantially final form attached hereto as **Exhibit E** and incorporated herein as a part hereof for all purposes, and the Mayor or Mayor Pro Tem of the City is hereby authorized and directed to execute and deliver such Reimbursement Agreement with such changes as may be required to carry out the purpose of this Ordinance and approved by the Mayor or Mayor Pro Tem, such approval to be evidenced by the execution thereof.

Section 8. Builder Completion Agreements. The Council hereby approves the Completion Agreements from K. Hovnanian DFW Elevon, LLC, HMH/Stratford Elevon JV, LLC, GRBK Edgewood LLC and Qualico Developments (U.S.), Inc. (collectively, the “Builders”), each substantially in the form and substance submitted to the Council at the meeting at which this Ordinance is adopted, with such changes as may be required to carry out the purpose of this Ordinance and approved by the Mayor or Mayor Pro Tem, as “Builder Completion Agreements” satisfactory for the completion of improvements within Improvement Area #1 in Zone 1 of the District as described in the Elevon Development Agreement dated November 2, 2021 (the “Development Agreement”) between the City, the Developer, Petro-Hunt, L.L.C., 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. The Council acknowledges that each Builder is an affiliate of a “Publicly-Held Builder” or “Substantial Builder” (as those terms are defined in the Development Agreement), and the Council hereby waives the requirement in the Development Agreement that the party to a Builder Completion Agreement be a Publicly-Held Builder or a Substantial Builder.

Section 9. Additional Actions. The Mayor, the Mayor Pro Tem, the City Administrator and the City Secretary are hereby authorized and directed to take any and all actions on behalf of the City necessary or desirable to carry out the intent and purposes of this Ordinance and to issue the Bonds in accordance with the terms of this Ordinance. The Mayor, the Mayor Pro Tem, the City Administrator and the City Secretary are hereby authorized and directed to execute and deliver any and all certificates, agreements, notices, instruction letters, requisitions and other documents which may be necessary or advisable in connection with the sale, issuance and delivery of the Bonds and the carrying out of the purposes and intent of this Ordinance.

Section 10. Severability. If any Section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such Section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 11. Effective Date. This Ordinance is passed on one reading as authorized by Texas Government Code, Section 1201.028, and shall be effective immediately upon its passage and adoption.

PASSED AND APPROVED on this the 1st day of February, 2022.

CITY OF LAVON, TEXAS

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

[SEAL]

The exhibits to Ordinance No. 2022-02-02

may be downloaded at

<https://cityoflavon.com/lavon-city-council-agenda/>

A hard copy of the exhibits may be obtained

by contacting the

City Secretary at cityhall@lavontx.gov .

EXHIBIT A
INDENTURE OF TRUST

EXHIBIT B

BOND PURCHASE AGREEMENT

EXHIBIT C

CONTINUING DISCLOSURE AGREEMENT

EXHIBIT D

CONSTRUCTION, FUNDING AND AQUISITION AGREEMENT

EXHIBIT E

REIMBURSEMENT AGREEMENT



CITY OF LAVON Agenda Brief

MEETING: February 1, 2022

ITEM: 8 – D

Item:

Discussion and action regarding Ordinance No. 2022-02-03 authorizing the issuance of the "City of Lavon, Texas, Special Assessment Revenue Bonds, Series 2022 (Elevon Public Improvement District Zone 1 Remainder Area Project)"; approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, a Limited Offering Memorandum, a Continuing Disclosure Agreement; a Construction, Funding and Acquisition Agreement, Agriculture Valuation Waiver and Redemption Agreements, and other agreements and documents in connection therewith; making findings with respect to the issuance of such bonds; and providing an effective date.

Background:

On November 2, 2021, the City Council approved a resolution creating the Elevon Public Improvement District (PID) to finance specific public improvements for the benefit of the property.

The issuance consists of \$8,148,000 in Special Assessment Revenue Bonds that will be repaid through the collection of special assessments from the benefitted properties. The Introduction excerpt from the Preliminary Limited Offering Memorandum (PLOM) is included to provide detailed information.

The City's PID Administrator, Financial Advisor, Bond Counsel, Underwriter, City Engineer and City Attorney have been instrumentally involved in the preparation for the issuance and will attend the City Council meeting to provide updated information regarding the sale and answer questions.

Financial Implication:

The issuance does not affect the City's credit rating and is not repaid from resources of the City.

Staff Notes:

Approval is recommended.

Attachments: 1) Excerpt – Preliminary Limited Offering Memorandum
2) Proposed Ordinance

NEW ISSUE

NOT RATED

THE BONDS ARE INITIALLY OFFERED ONLY TO “ACCREDITED INVESTORS” (AS DEFINED IN RULE 501 OF REGULATION D PROMULGATED UNDER THE SECURITIES ACT OF 1933) AND “QUALIFIED INSTITUTIONAL BUYERS” (AS DEFINED IN RULE 144A UNDER THE SECURITIES ACT OF 1933). SEE “LIMITATIONS APPLICABLE TO INITIAL PURCHASERS.”

In the opinion of Bond Counsel, interest on the Bonds will be excludable from gross income for federal income tax purposes under existing statutes, regulations, published rulings, and court decisions existing on the date hereof, subject to the matters described under “TAX MATTERS” herein.

**\$8,148,000*****CITY OF LAVON, TEXAS,****(a municipal corporation of the State of Texas located in Collin County)****SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2022****(ELEVEN PUBLIC IMPROVEMENT DISTRICT ZONE 1 REMAINDER AREA PROJECT)****Dated Date: Delivery Date****Interest to Accrue from Delivery Date (defined below)****Due: September 15, as shown on the inside cover**

The City of Lavon, Texas, Special Assessment Revenue Bonds, Series 2022 (Eleven Public Improvement District Zone 1 Remainder Area Project) (the “Bonds”), are being issued by the City of Lavon, Texas (the “City”). The Bonds will be issued in fully registered form, without coupons, in authorized denominations of \$100,000 of principal amount and any integral multiple of \$1,000 in excess thereof. The Bonds will bear interest at the rates set forth on the inside cover page hereof, and such interest will be calculated on the basis of a 360-day year of twelve 30-day months and will be payable on each March 15 and September 15, commencing September 15, 2022*, until maturity or earlier redemption. The Bonds will be registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”), New York, New York. No physical delivery of the Bonds will be made to the beneficial owners thereof. For so long as the book-entry-only system is maintained, the principal of and interest on the Bonds will be paid from the sources described herein by Wilmington Trust, National Association, as trustee (the “Trustee”), to Cede & Co. as the registered owner thereof. See “BOOK-ENTRY-ONLY SYSTEM.”

The Bonds are being issued by the City pursuant to the Public Improvement District Assessment Act, Subchapter A of Chapter 372, Texas Local Government Code, as amended (the “PID Act”), an ordinance expected to be adopted by the City Council of the City (the “City Council”) on February 1, 2022, and an Indenture of Trust, dated as of February 1, 2022 (the “Indenture”), entered into by and between the City and the Trustee.

Proceeds of the Bonds will be used for the purpose of (i) paying a portion of the Zone 1 Remainder Area Project Costs, (ii) paying a portion of the interest on the Bonds during and after the period of acquisition and construction of the Zone 1 Remainder Area Projects, (iii) funding a reserve fund for payment of principal and interest on the Bonds, (iv) paying a portion of the costs incidental to the organization of the District, and (v) paying the costs of issuance of the Bonds. See “Zone 1 Remainder Area Authorized Improvements” and “APPENDIX B — Form of Indenture.” Capitalized terms not otherwise defined herein shall have the meanings assigned to them in the Indenture.

The Bonds, when issued and delivered, will constitute valid and binding special, limited obligations of the City payable solely from and secured by the Pledged Revenues (as defined herein), consisting primarily of the revenue from Assessments (as defined herein) levied against assessed parcels in Zone 1 Remainder Area of the Eleven Public Improvement District (the “District”) in accordance with a Service and Assessment Plan (as defined herein) and other funds comprising the Trust Estate (as defined herein), all to the extent and upon the conditions described herein and in the Indenture. The Bonds are not payable from funds raised or to be raised from taxation. See “SECURITY FOR THE BONDS.” The Bonds are subject to redemption at the times, in the amounts, and at the redemption prices more fully described herein under the subcaption “DESCRIPTION OF THE BONDS — Redemption Provisions.”

The Bonds involve a significant degree of risk and are not suitable for all investors. See “BONDHOLDERS’ RISKS” and “SUITABILITY FOR INVESTMENT.” Prospective purchasers should carefully evaluate the risks and merits of an investment in the Bonds, should consult with their legal and financial advisors before considering a purchase of the Bonds, and should be willing to bear the risks of loss of their investment in the Bonds. The Bonds are not credit enhanced or rated and no application has been made for a rating on the Bonds.

THE BONDS ARE SPECIAL, LIMITED OBLIGATIONS OF THE CITY PAYABLE SOLELY FROM THE ASSESSMENT REVENUES AND OTHER FUNDS COMPRISING THE TRUST ESTATE, AS AND TO THE EXTENT PROVIDED IN THE INDENTURE. THE BONDS DO NOT GIVE RISE TO A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWER OF THE CITY AND ARE PAYABLE SOLELY FROM THE SOURCES IDENTIFIED IN THE INDENTURE. THE OWNERS OF THE BONDS SHALL NEVER HAVE THE RIGHT TO DEMAND PAYMENT THEREOF OUT OF MONEY RAISED OR TO BE RAISED BY TAXATION, OR OUT OF ANY FUNDS OF THE CITY OTHER THAN THE PLEDGED REVENUES, AS AND TO THE EXTENT PROVIDED IN THE INDENTURE. NO OWNER OF THE BONDS SHALL HAVE THE RIGHT TO DEMAND ANY EXERCISE OF THE CITY’S TAXING POWER TO PAY THE PRINCIPAL OF THE BONDS OR THE INTEREST OR REDEMPTION PREMIUM, IF ANY, THEREON. THE CITY SHALL HAVE NO LEGAL OR MORAL OBLIGATION TO PAY THE BONDS OUT OF ANY FUNDS OF THE CITY OTHER THAN THE PLEDGED REVENUES AND OTHER FUNDS COMPRISING THE TRUST ESTATE. SEE “SECURITY FOR THE BONDS.”

This cover page contains certain information for quick reference only. It is not a summary of the Bonds. Investors must read this entire Limited Offering Memorandum to obtain information essential to the making of an informed investment decision.

The Bonds are offered for delivery when, as, and if issued by the City and accepted by the Underwriter (identified below), subject to, among other things, the approval of the Bonds by the Attorney General of Texas and the receipt of the opinion of McCall, Parkhurst & Horton L.L.P., Bond Counsel, as to the validity of the Bonds and the excludability of interest thereon from gross income for federal income tax purposes. See “APPENDIX D — Form of Opinion of Bond Counsel.” Certain legal matters will be passed upon for the City by its counsel, Messer, Fort & McDonald, PLLC, for the Underwriter by its counsel, Orrick, Herrington & Sutcliffe LLP and for the Master Developer by its counsel, Miklos Cinclair, PLLC. It is expected that the Bonds will be delivered in book-entry form through the facilities of DTC on or about February 24, 2022 (the “Delivery Date”).

FMSbonds, Inc.

*Preliminary; subject to change.

PRELIMINARY LIMITED OFFERING MEMORANDUM

\$8,148,000*

CITY OF LAVON, TEXAS,

(a municipal corporation of the State of Texas located in Collin County)

SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2022

(ELEVON PUBLIC IMPROVEMENT DISTRICT ZONE 1 REMAINDER AREA PROJECT)

INTRODUCTION

The purpose of this Limited Offering Memorandum, including the cover page, the inside cover and the appendices hereto, is to provide certain information in connection with the issuance and sale by the City of Lavon, Texas (the "City"), of its \$8,148,000* aggregate principal amount of Special Assessment Revenue Bonds, Series 2022 (Elevon Public Improvement District Zone 1 Remainder Area Project) (the "Bonds").

INITIAL PURCHASERS ARE ADVISED THAT THE BONDS BEING OFFERED PURSUANT TO THIS LIMITED OFFERING MEMORANDUM ARE BEING OFFERED INITIALLY TO AND ARE BEING SOLD ONLY TO "ACCREDITED INVESTORS" AS DEFINED IN RULE 501 OF REGULATION D PROMULGATED UNDER THE SECURITIES ACT OF 1933, AS AMENDED (THE "SECURITIES ACT OF 1933") AND "QUALIFIED INSTITUTIONAL BUYERS" AS DEFINED IN RULE 144A PROMULGATED UNDER THE SECURITIES ACT OF 1933. PROSPECTIVE INVESTORS SHOULD BE AWARE OF CERTAIN RISK FACTORS, ANY OF WHICH, IF MATERIALIZED TO A SUFFICIENT DEGREE, COULD DELAY OR PREVENT PAYMENT OF PRINCIPAL OF, AND/OR INTEREST ON THE BONDS. THE BONDS ARE NOT A SUITABLE INVESTMENT FOR ALL INVESTORS. SEE "LIMITATIONS APPLICABLE TO INITIAL PURCHASERS," "BONDHOLDERS' RISKS," AND "SUITABILITY FOR INVESTMENT."

The Bonds are being issued by the City pursuant to the Public Improvement District Assessment Act, Subchapter A of Chapter 372, Texas Local Government Code, as amended (the "PID Act"), the ordinance authorizing the issuance of the Bonds expected to be adopted by the City Council of the City (the "City Council") on February 1, 2022 (the "Bond Ordinance"), and an Indenture of Trust, dated as of February 1, 2022 (the "Indenture"), expected to be entered into by and between the City and Wilmington Trust, National Association, as trustee (the "Trustee"). The Bonds will be secured by a pledge and lien upon the Trust Estate (as defined in the Indenture) consisting primarily of revenue from special assessments (the "Assessments") levied pursuant to a separate ordinance expected to be adopted by the City Council on February 1, 2022 (the "Assessment Ordinance") against assessed parcels (the "Assessed Property") located within the Zone 1 Remainder Area (as defined herein) of the initial zone ("Zone 1") of the Elevon Public Improvement District (the "District") all to the extent and upon the conditions described in the Indenture. See "SECURITY FOR THE BONDS" and "ASSESSMENT PROCEDURES."

Reference is made to the Indenture for a full statement of the authority for, and the terms and provisions of, the Bonds. All capitalized terms used in this Limited Offering Memorandum, except as otherwise noted in "ASSESSMENT PROCEDURES," that are not otherwise defined herein shall have the meanings set forth in the Indenture. See "APPENDIX B — Form of Indenture."

Set forth herein are brief descriptions of the City, the District, the Master Developer (as defined herein), the Builders (as defined herein), P3Works, LLC (the "PID Administrator"), the Assessment Ordinance, the Bond Ordinance, the Service and Assessment Plan (as defined herein), the ZIRA CFA Agreement (as defined herein), and the Development Agreement (as defined herein), together with summaries of terms of the Bonds and the Indenture and certain provisions of the PID Act. All references herein to such documents and the PID Act are qualified in their entirety by reference to such documents or such PID Act and all references to the Bonds are qualified by reference to the definitive forms thereof and the information with respect thereto contained in the Indenture. Copies of these documents may be obtained during the period of the offering of the Bonds from the Underwriter, FMSbonds, Inc., 5 Cowboys Way, Suite 300-25 Frisco, Texas 75034, telephone number (214) 302-2246. The Form of Indenture appears in APPENDIX B and the Form of Service and Assessment Plan appears as APPENDIX C. The information provided under this caption "INTRODUCTION" is intended to provide a brief overview of the information provided in the

* Preliminary; subject to change.

other captions herein and is not intended, and should not be considered, fully representative or complete as to the subjects discussed hereunder.

PLAN OF FINANCE

The District

The PID Act authorizes political subdivisions, such as the City, to create public improvement districts and to impose assessments within the public improvement district to pay for public improvements. The District was created for the purpose of undertaking and financing the cost of certain public improvements within the District, including the Zone 1 Remainder Area Projects (as defined herein), authorized by the PID Act and approved by the City Council of the City (the "City Council") that confer a special benefit on the District. The District is not a separate political entity from the City but rather reflects an area currently within the City's extraterritorial jurisdiction that City Council has designated and within which the City is authorized to levy assessments for public improvements.

Development Plan

The "Elevon Development" is an approximately 1,268-acre master planned community of which approximately 131.651 acres are located within the city limits (the "In-City Property") and approximately 1,137.044 acres are currently located in the extraterritorial jurisdiction of the City (the "ETJ Property"). The District is located within the Elevon Development currently located within the ETJ Property. At full build, the Elevon Development is expected to consist of over 3,700 single family residential units and approximately 120 acres of mixed-use/commercial property. The residential units will consist of a variety of product sizes from 26' wide duplex lots to 70' single family lots to meet the needs of a complete life cycle.

The District consists of approximately 982.719 acres and is being developed as a master-planned residential development. The District is expected to be developed in different stages, designated as "Zones" with one or more "Improvement Areas" within the Zones, which each may include subphases or pods. See "THE DEVELOPMENT." The term "Improvement Area #1" is used herein to describe the approximately 272.698 acres of property containing Pods 2A, 2B-1, 2C and 2D within the District. The term "Zone 1 Remainder Area" is used to describe the approximately 104.060 acres of property containing Pods 2B-2 and 2E within the District. "Zone 1" consists of Improvement Area #1 and the Zone 1 Remainder Area. The term "Future Improvement Area" is used herein to describe all of the property within the District other than the property in Zone 1. Zone 1, Improvement Area #1, the Zone 1 Remainder Area, and the Future Improvement Area are identified and depicted on the "MAP OF THE FUTURE IMPROVEMENT AREA, ZONE 1, IMPROVEMENT AREA #1, THE ZONE 1 REMAINDER AREA, AND PODS on page v of this Limited Offering Memorandum.

Development in Zone 1 of the District is expected to include approximately 1,387 single-family homes. Development will begin with the development of the direct improvements within Improvement Area #1 (the "Improvement Area #1 Improvements"), certain public improvements benefiting Zone 1 (the "Zone 1 Improvements") and certain improvements benefiting the entire District (the "Offsite Improvements"). See "THE DEVELOPMENT — Development Plan."

MA Elevon 429, LLC, a Texas limited liability company (the "Master Developer"), acquired approximately 456.586 acres, including the land withing Zone 1, on November 12, 2021 through a series of transaction: approximately 27.265 acres from Far East Lavon, LP, ("Far East Lavon"); approximately 336.724 acres consisting of Pod 2A, Pod 2B, Pod 2C – Main, Pod 2C-Partial, Pod 2D, Pod 2E-Main and Pod 2E Partial, each pod as described below, from Petro-Hunt, L.L.C. ("Petro-Hunt"); and approximately 92.597 acres from Far East Lavon and Petro-Hunt. Subsequent to such acquisitions, on November 12, 2021, the Master Developer sold:

- approximately 65.135 acres comprising "Pod 2A" to K. Hovnanian DFW Elevon, LLC, a Texas limited liability company ("K Hovnanian Homes");
- approximately 88.190 acres comprising "Pod B," which was subsequently divided into two development phases "Pod 2B-1" consisting of approximately 49.470 acres and "Pod 2B-2" consisting of approximately 38.720 acres, to HMH/Stratford Elevon JV, LLC, a Texas limited liability company ("HMH/Stratford Elevon");

- approximately 63.017 acres comprising “Pod 2C-Main” to GRBK Edgewood LLC, a Texas limited liability company (“GRBK Edgewood”) and approximately 14.381 acres comprising “Pod 2C-Partial” to UMH Development, LLC, a Texas limited liability company (“UMH Development”) (collectively, Pod 2C-Main and Pod 2C-Partial, “Pod 2C”);
- approximately 40.661 acres comprising “Pod 2D” to Qualico Developments (U.S.), Inc., a Delaware Corporation (“Qualico”); and
- approximately 52.368 acres comprising “Pod 2E-Main” to GRBK Edgewood and approximately 12.972 acres comprising “Pod 2E-Partial” to UMH Development (collectively, Pod 2E-Main and Pod 2E-Partial, “Pod 2E”).

Collectively, K Hovnanian Homes, HMH/Stratford Elevon, GRBK Edgewood, UMH and Qualico are referred to as the “Builders.” The foregoing transfers totaled approximately 336.724 acres. Of the remaining approximately 119.862 of the property retained by the Master Developer; approximately 15.000 acres is located in Improvement Area #1 and is intended to be used as a school site; approximately 25.034 acres is located in Improvement Area #1 and is intended to be used for Elevon Parkway right of way, HOA acreage and an amenity center; and the remaining approximately 79.828 is located in the Future Improvement Area of the District.

Each Builder entered into substantially similar purchase and sale agreements with the Master Developer (the “Purchase and Sale Agreements” or, individually, a “Purchase and Sale Agreement”). Pursuant to the Purchase and Sale Agreements, each Builder agreed to develop the entirety of its purchased pod, including the Improvement Area #1 Improvements or the Future Zone 1 Improvement Area Improvements (as defined herein) and the Private Improvements (as defined herein) within its pod (the “Builders’ Development Obligations”) and the Master Developer agreed to finance and construct the Zone 1 Improvements, the Offsite Improvements, certain electric, gas and fiber network improvements (the “Electric, Gas and Fiber Network”) and certain common area improvements, including amenity center, playground, open space, parks, trails, ponds and piers (the “Common Area Improvements” and together with the Zone 1 Improvements, the Offsite Improvements and the Electric, Gas and Fiber Network,” the “Master Developer’s Development Obligations”). The Master Developer and the Builders have entered into a development agreement effective as of November 12, 2021 (the “Builder Development Agreement”) to provide for the completion of the Master Developer’s Development Obligations and an escrow of funds for the payment of a portion thereof.

The Master Developer expects to commence construction of the Zone 1 Improvement and the Offsite Improvements in Q1 2022 and complete such improvements in Q1 2023. The Master Developer anticipate that the Builders will commence construction of the Improvement Area #1 Improvements and the Private Improvements within Improvement Area #1 beginning in Q1 2022 and complete such improvements Q1 2023 through Q2 2023. See “THE DEVELOPMENT – Lot Development and Home Construction.”

Development Agreement

The City, Master Developer, Far East Lavon, Petro-Hunt, 78 Straddle, LP (“78 Straddle”), East Lavon Partners, LP (“East Lavon Partners”) and World Land Developers, LP (“World Land Developers,” together with Far East Lavon, Petro-Hunt, 78 Straddle and Easton Lavon Partners, the “Petro-Hunt Entities”) entered into the Elevon Development Agreement as of November 2, 2021 (the “Development Agreement”) relating to the Elevon Development. In the Development Agreement, the parties thereto, agreed that with respect to portions of the property within the Development acquired by the Master Developer from the various Petro-Hunt Entities, from time to time, the Development Agreement will automatically be assigned from the respective Petro-Hunt Entities to the Master Developer with respect to such acquired property upon the Master Developer closing on such portion of the property.

The Development Agreement provides for the annexation of the land within ETJ Parcel of the Elevon Development into the City on a Zone-by-Zone basis upon the issuance of bonds for the initial phase of each such Zone. The City, the Master Developer and the Builders anticipate that Zone 1 will be annexed into the City on or about February 1, 2022. Certain commercial, business park and mixed-use property within the ETJ Parcel is anticipated to be annexed in March of 2022.

Pursuant to the Development Agreement, the Master Developer agreed to construct or cause to be constructed (i) the “Public Improvements” benefiting the Elevon Development, including the Improvement Area #1 Improvements

or the Future Zone 1 Improvement Area Improvements, the Zone 1 Improvements and the Offsite Improvements, and (ii) the Private Improvements. The City agreed to reimburse the Master Developer for the costs of such Public Improvements from (i) the proceeds of assessment revenue bonds ("PID Bonds"), (ii) assessment revenues pursuant to a reimbursement agreement, and/or (iii) tax increment revenues pursuant to an agreement to dedicate the revenues generated from a tax increment reinvestment zone encompassing the Elevon Development. See "THE DEVELOPMENT - The Development Agreement."

As a condition to the issuance of PID Bonds, the Development Agreement requires that the Master Developer provide evidence of sufficient funds acceptable to the City to fund any costs of the Public Improvements not funded with the proceeds of the PID Bonds and the Private Improvements. The Master Developer will deposit cash in an amount sufficient to fund the costs of the Zone 1 Improvements and the Offsite Improvements allocable to Improvement Area #1 not funded with the proceeds of the Improvement Area #1 Bonds (as defined below), but no such deposit will be required for the cost of the Zone 1 Improvements and the Offsite Improvements allocable to the Zone 1 Remainder Area. See "SOURCES AND USES OF FUNDS" and "THE MASTER DEVELOPER AND BUILDERS - History and Financing of the District - *Financing of Master Developer's Development Obligations.*" Notwithstanding the foregoing to the contrary, the Development Agreement permits a "Publicly-Held Builder" or a "Substantial Builder" that is a developer to provide a builder completion agreement (a "Builder Completion Agreement") or other evidence satisfactory to the City of its ability to fund any Public Improvements not funded from the proceeds of the PID Bonds and the Private Improvements. Pursuant to each Builder's Purchase and Sale Agreement, each Builder agreed to finance and construct the Improvement Area #1 Improvements and the Private Improvements within its pod within Improvement Area #1 and to provide a Builder Completion Agreement evidencing that it has sufficient funds to complete the Improvement Area #1 Improvements not funded from the proceeds of the Improvement Area #1 Bonds and the Private Improvements within its pod. Assessments will not be levied for the costs of the Private Improvements and the Builders will not be reimbursed for such costs. See "THE MASTER DEVELOPER AND BUILDERS - History and Financing of the District - *Financing of Builders' Development Obligations.*"

The Development Agreement defines:

"Appraisal" to mean an independent appraisal of the property to be assessed in the PID provided by a licensed MAI Appraiser acceptable to the City, such Appraisal to include the projected value of the land assuming the construction and installation of the Public Improvements to be financing in part with the PID Bonds (i.e., "as-complete"), and the construction and installation of the Private Improvements to be finance by the Master Developer (i.e., "as-complete"), necessary to get to a Final Lot Value.

"Final Lot Value" to mean the developed lots value established by an Appraisal.

"Private Improvements" to mean those private horizontal improvements necessary to get to a Final Lot Value as established by an Appraisal, excluding the Public Improvements, described in the plans and specifications, submitted to the City pursuant to the City regulations or development process, as applicable, being constructed in the District. The Private Improvements constructed within Improvement Area #1 are referred to as the "Improvement Area #1 Private Improvements." The Private Improvements to be constructed within the Zone 1 Remainder Area are referred to as the "Future Zone 1 Remainder Area Private Improvements."

"Public Improvements" to means public improvements to be developed and constructed or caused to be developed or constructed inside and outside of the District by the Master Developer to serve the assessed property within the District and the applicable PID Phase, which includes the improvements described in Exhibit G to the Development Agreement and in the applicable Service and Assessment Plan.

"Publicly-Held Builder" to mean a homebuilder that is a public company, a publicly traded company, a publicly held company, a publicly listed company, or a public limited company with shares of stock which are intended to be freely traded on a stock exchange or in over-the-counter markets.

"Substantial Builder" to mean a homebuilder that has constructed a minimum of 300 of single-family residential homes in the last calendar year.

For additional terms of the Development Agreement, see "THE DEVELOPMENT - The Development Agreement."

CITY OF LAVON, TEXAS

ORDINANCE NO. 2022-02-03

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE “CITY OF LAVON, TEXAS, SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2022 (ELEVON PUBLIC IMPROVEMENT DISTRICT ZONE 1 REMAINDER AREA PROJECT)”; APPROVING AND AUTHORIZING AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT, A LIMITED OFFERING MEMORANDUM, A CONTINUING DISCLOSURE AGREEMENT, A CONSTRUCTION, FUNDING AND ACQUISITION AGREEMENT, AGRICULTURE VALUATION WAIVER AND REDEMPTION AGREEMENTS, AND OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION THEREWITH; MAKING FINDINGS WITH RESPECT TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Lavon, Texas (the “City”), pursuant to and in accordance with the terms, provisions and requirements of the Public Improvement District Assessment Act, Subchapter A of Chapter 372, Texas Local Government Code, (the “PID Act”) has previously established the “Elevon Public Improvement District” (the “District”); and

WHEREAS, the City Council of the City (the “Council”) has found and determined that it is in the best interests of the City to issue its bonds to be designated “City of Lavon, Texas, Special Assessment Revenue Bonds, Series 2022 (Elevon Public Improvement District Zone 1 Remainder Area Project)” (the “Bonds”), such Bonds to be payable from and secured by the Pledged Revenues (as defined in the Indenture); and

WHEREAS, the City is authorized by the PID Act to issue the Bonds for the purpose of (i) paying the Zone 1 Remainder Area Project Costs (as defined in the Indenture), (ii) paying interest on the Bonds during and after the period of acquisition and construction of the Zone 1 Remainder Area Projects (as defined in the Indenture), (iii) funding a reserve fund for payment of principal and interest on the Bonds, (iv) paying a portion of the costs incidental to the organization of the District and (v) paying the costs of issuance of the Bonds; and

WHEREAS, the Council has found and determined to approve (i) the issuance of the Bonds to finance the Zone 1 Remainder Area Projects, (ii) the form, terms and provisions of the Indenture securing the Bonds authorized hereby, (iii) the form, terms and provisions of a Bond Purchase Agreement (defined below) between the City and the Underwriter (defined below), (iv) a Limited Offering Memorandum (defined below), (v) a Continuing Disclosure Agreement (defined below), (vi) a Construction, Funding and Acquisition Agreement (defined below) and (vii) Agriculture Valuation Waiver and Redemption Agreements (defined below); and

WHEREAS, pursuant to the PID Act, the Council published notice of the assessment hearing in a newspaper of general circulation in the City and in the part of the extraterritorial jurisdiction of the City in which the District is located, and opened, conducted and continued a public hearing on January 4, 2022, regarding the levy of special assessments within the District, reopened, conducted and continued the public hearing on January 18, 2022, and intends to

reopen and conduct the public hearing on February 1, 2022, and on such date the Council intends to adopt an ordinance levying such special assessments (the "Assessment Ordinance"); and

WHEREAS, in the Assessment Ordinance, the Council will approve and accept a Service and Assessment Plan (as defined in the Indenture) relating to the District and levy the Assessments (as defined in the Indenture) against the Assessed Property (as defined in the Indenture) for payment of the Bonds; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and the public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended;

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

Section 1. Findings. The findings and determinations set forth in the preamble hereof are hereby incorporated by reference for all purposes as if set forth in full herein.

Section 2. Approval of Issuance of Bonds and Indenture of Trust.

(a) The issuance of the Bonds in the principal amount of \$[8,148,000] for the purpose of (i) paying a portion of the Zone 1 Remainder Area Project Costs, (ii) paying a portion of the interest on the Bonds during and after the period of acquisition and construction of the Zone 1 Remainder Area Projects, (iii) funding a reserve fund for payment of principal and interest on the Bonds, (iv) paying a portion of the costs incidental to the organization of the District, and (v) paying the costs of issuance of the Bonds, is hereby authorized and approved.

(b) The Bonds shall be issued and secured under that certain Indenture of Trust (the "Indenture"), dated as of February 1, 2022, between the City and Wilmington Trust, National Association, Dallas, Texas, as trustee (the "Trustee"), with such changes as may be necessary or desirable to carry out the intent of this Ordinance and as approved by the Mayor or Mayor Pro Tem of the City, such approval to be evidenced by the execution and delivery of the Indenture, which Indenture is hereby approved in substantially final form attached hereto as **Exhibit A** and incorporated herein as a part hereof for all purposes. The Mayor or Mayor Pro Tem of the City is hereby authorized and directed to execute the Indenture.

(c) The Bonds shall be dated, shall mature on the date or dates and in the principal amount or amounts, shall bear interest, shall be subject to redemption and shall have such other terms and provisions as set forth in the Indenture. The Bonds shall be in substantially the form set forth in the Indenture, with such insertions, omissions and modifications as may be required to conform the form of Bond to the actual terms of the Bonds. The Bonds shall be payable from and secured by the Pledged Revenues (as defined in the Indenture) and other assets of the Trust Estate (as defined in the Indenture) pledged to the Bonds, and shall never be payable from ad valorem taxes or any other funds or revenues of the City.

Section 3. Sale of Bonds; Approval of Bond Purchase Agreement. The Bonds shall be sold to FMSbonds, Inc. (the “Underwriter”) at the price and on the terms and provisions set forth in that certain Bond Purchase Agreement (the “Bond Purchase Agreement”), dated the date hereof, between the City and the Underwriter, attached hereto as **Exhibit B** and incorporated herein as a part hereof for all purposes, which terms of sale are declared to be in the best interest of the City. The form, terms and provisions of the Bond Purchase Agreement are hereby authorized and approved and the Mayor or Mayor Pro Tem of the City is hereby authorized and directed to execute and deliver the Bond Purchase Agreement.

Section 4. Limited Offering Memorandum. The use and distribution of the Preliminary Limited Offering Memorandum dated January 14, 2022 in the offering of the Bonds is hereby ratified, approved and confirmed. The final Limited Offering Memorandum, with such appropriate variations from the Preliminary Limited Offering Memorandum as shall be approved by the Mayor or Mayor Pro Tem of the City and the Underwriter, may be used by the Underwriter in the offering and sale of the Bonds. The form and substance of the final Limited Offering Memorandum for the Bonds and any addenda, supplement or amendment thereto is hereby approved and adopted in all respects. The City Secretary is hereby authorized and directed to include and maintain a copy of the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum and any addenda, supplement or amendment thereto thus approved among the permanent records of this meeting. The City deemed the Preliminary Limited Offering Memorandum final, within the meaning of Rule 15c2-12 issued by the United States Securities and Exchange Commission under the Securities Exchange Act of 1934 (the “Rule”), as of its date, except for the omission of information specified in Section (b)(1) of the Rule, as permitted by Section (b)(1) of the Rule. Notwithstanding the approval and delivery of such Preliminary Limited Offering Memorandum and Limited Offering Memorandum by the Council, the Council is not responsible for and proclaims no specific knowledge of the information contained in the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum pertaining to the Zone 1 Remainder Area Projects, MA Elevon 429, LLC, a Texas limited liability company (the “Developer”) or the Builders, or their financial ability, any other builders, any landowners or the appraisal of the property in the District.

Section 5. Continuing Disclosure Agreement. The Continuing Disclosure Agreement of the Issuer (the “Continuing Disclosure Agreement”) between the City, P3Works, LLC and HTS Continuing Disclosure Services, a division of Hilltop Securities Inc., is hereby authorized and approved in substantially final form attached hereto as **Exhibit C** and incorporated herein as a part hereof for all purposes, and the Mayor or Mayor Pro Tem of the City is hereby authorized and directed to execute and deliver such Continuing Disclosure Agreement with such changes as may be required to carry out the purpose of this Ordinance and approved by the Mayor or Mayor Pro Tem, such approval to be evidenced by the execution thereof.

Section 6. Construction, Funding and Acquisition Agreement. The Elevon Public Improvement District Zone 1 Remainder Area Construction, Funding and Acquisition Agreement (the “Construction, Funding and Acquisition Agreement”) between the City and the Developer is hereby authorized and approved in substantially final form attached hereto as **Exhibit D** and incorporated herein as a part hereof for all purposes, and the Mayor or Mayor Pro Tem of the City is hereby authorized and directed to execute and deliver such Construction, Funding and Acquisition Agreement with such changes as may be required to carry out the

purpose of this Ordinance and approved by the Mayor or Mayor Pro Tem, such approval to be evidenced by the execution thereof.

Section 7. Agriculture Valuation Waiver and Redemption Agreements. The Agreement Regarding Conveyance of Right of Redemption and Waiver of Agricultural Valuation—Elevon PID (the “Agriculture Valuation Waiver and Redemption Agreements”) between the City and each of HMH/Stratford Elevon JV, LLC, GRBK Edgewood LLC and UMH Development, LLC are hereby authorized and approved in substantially final form attached hereto as **Exhibit E** and incorporated herein as a part hereof for all purposes, and the Mayor or Mayor Pro Tem of the City is hereby authorized and directed to execute and deliver such Agriculture Valuation Waiver and Redemption Agreements with such changes as may be required to carry out the purpose of this Ordinance and approved by the Mayor or Mayor Pro Tem, such approval to be evidenced by the execution thereof.

Section 8. Additional Actions. The Mayor, the Mayor Pro Tem, the City Administrator and the City Secretary are hereby authorized and directed to take any and all actions on behalf of the City necessary or desirable to carry out the intent and purposes of this Ordinance and to issue the Bonds in accordance with the terms of this Ordinance. The Mayor, the Mayor Pro Tem, the City Administrator and the City Secretary are hereby authorized and directed to execute and deliver any and all certificates, agreements, notices, instruction letters, requisitions and other documents which may be necessary or advisable in connection with the sale, issuance and delivery of the Bonds and the carrying out of the purposes and intent of this Ordinance.

Section 9. Severability. If any Section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such Section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 10. Effective Date. This Ordinance is passed on one reading as authorized by Texas Government Code, Section 1201.028, and shall be effective immediately upon its passage and adoption.

PASSED AND APPROVED on this the 1st day of February, 2022.

CITY OF LAVON, TEXAS

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

[SEAL]

The exhibits to Ordinance No. 2022-02-03

may be downloaded at

<https://cityoflavon.com/lavon-city-council-agenda/>

A hard copy of the exhibits may be obtained

by contacting the

City Secretary at cityhall@lavontx.gov .

EXHIBIT A

INDENTURE OF TRUST

EXHIBIT B

BOND PURCHASE AGREEMENT

EXHIBIT C

CONTINUING DISCLOSURE AGREEMENT

EXHIBIT D

CONSTRUCTION, FUNDING AND AQUISITION AGREEMENT

EXHIBIT E

AGRICULTURE VALUATION WAIVER AND REDEMPTION AGREEMENTS



CITY OF LAVON Agenda Brief

MEETING: February 1, 2022

ITEM: 8 – E

Item:

Discussion and action regarding Resolution No. 2022-02-05 approving a Tax Increment Reinvestment Zone Number Two (TIRZ No. 2) Reimbursement Agreement.

Background:

On November 2, 2021, the City passed Resolution No. 2021-11-12, approving a Development Agreement between the City and MA Elevon 429, LLC, Petro-Hunt, LLC, Far East Lavon, LP, 78 Straddle, LP, East Lavon Partners, LP, and World Land Developers, LP. On January 18, 2022, the City Approved Resolution 2022-01-04 approving the First Amendment to the Development Agreement.

As provided in the Development Agreement, the City Council created the Elevon Public Improvement District (PID) on November 2, 2021.

Also as provided in the Development Agreement, the City Council created the Tax Increment Reinvestment Zone Number Two (TIRZ No. 2), on October 19, 2021.

Among other things, the Development Agreement established that a Reimbursement Agreement would be prepared to set out how the TIRZ No. 2 funds are intended to be used. Specifically, after the payment of TIRZ administrative expenses, the City Tax Increment and the County Tax Increment, if any, from the PID Property and from the Mixed-Use Property are intended to be used in accordance with the Reimbursement Agreement, the TIRZ Act, and the Project and Financing Plan for the development of the Elevon PID Property

Staff Notes:

The Board of Directors of the Tax Increment Reinvestment Zone No. 2 is scheduled to consider, act, and make a recommendation to the City Council with regard to approval of the proposed Reimbursement Agreement.

Approval is recommended.

Attachments: 1. Proposed Resolution and Reimbursement Agreement

CITY OF LAVON, TEXAS

RESOLUTION NO. 2022-02-05

TIRZ No. 2 – Reimbursement Agreement

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON,
TEXAS APPROVING A REIMBURSEMENT AGREEMENT WITH MA
ELEVON 429, LLC.**

WHEREAS, the City of Lavon, Texas (hereinafter referred to as the “City”), pursuant to Chapter 311 of the Texas Tax Code, as amended (hereinafter referred to as the “Act”), may designate a geographic area within the extraterritorial jurisdiction of the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

WHEREAS, on October 19, 2021, the City Council of the City (the “City Council”) opened a public hearing in accordance with Section 311.003(c) of the Act and interested persons were allowed to speak for or against the creation of the Tax Increment Reinvestment Zone Number Two of the City (the “Zone”), the boundaries of the Zone, and the concept of tax increment financing, and owners of property in the proposed Zone were given a reasonable opportunity to protest the inclusion of their property in the Zone; and

WHEREAS, after all comments and evidence, both written and oral, were received by the City Council, the public hearing was closed on October 19, 2021; and

WHEREAS, on October 19, 2021, the City Council approved Ordinance No. 2021-10-07, establishing the Zone; and

WHEREAS, on February 1, 2022, the Board of Directors of the Zone reviewed the “TIRZ No. 2 Reimbursement Agreement”, a copy of which is attached hereto as **Exhibit A** and incorporated herein (herein after referred to as the “Agreement”), as described by and in connection with the “Elevon Development Agreement” between the City and MA elevon 429, LLC, a Texas limited liability company and 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, approved by the City on November 2, 2021 (the “Development Agreement”) and adopted Resolution No. **TIRZ-2022-02-01** approving and recommending that the City Council approve the Agreement; and

WHEREAS, the City Council has reviewed the Agreement and recommendation of the Board of Directors of the Zone and determined that the Agreement will promote the development and redevelopment of the Zone, will significantly enhance the value of the taxable real property in the Zone, and will be of general benefit to the City.

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

SECTION 1. FINDINGS. Each and every one of the recitals, findings, and determinations contained in the preamble to this Resolution is incorporated into the body of this Resolution as if fully set forth herein and are hereby found and declared to be true and correct legislative findings and are adopted as part of this Resolution for all purposes.

SECTION 2. SUFFICIENCY. The Agreement has been reviewed by the City Council and, to the City Council's reasonable knowledge and belief, and except to the extent conflicts are described in such following documents, conforms with and satisfies all requirements set forth in the Act, the "Tax Increment Reinvestment Zone Number Two Final Project and Finance Plan" approved by the City on January 18, 2022, and the Development Agreement.

SECTION 3. APPROVAL. The City Council hereby approves the Agreement.

SECTION 4. SEVERABILITY. If any section, article, paragraph, sentence, clause, phrase or word in this Resolution, or the application thereto to any persons or circumstances, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Resolution; and the City Council hereby declares it would have passed such remaining portions of this Resolution despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Resolution shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON, THIS 1st DAY OF FEBRUARY, 2022.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

Exhibit A

TIRZ No. 2 Reimbursement Agreement

TIRZ NO. 2 REIMBURSEMENT AGREEMENT

This TIRZ No. 2 Reimbursement Agreement (the “Agreement”) is entered into as of the ____ day of _____, 2022 (the “Effective Date”), by and between the **CITY OF LAVON**, Texas, a type A general law municipality situated in Collin County, Texas (the “City”), **MA ELEVON 429, LLC**, a Texas limited liability company (the “Developer”), and the **BOARD OF DIRECTORS** (the “Board”) of Reinvestment Zone Number Two, City of Lavon, Texas (the “TIRZ”) created pursuant to the provisions of Chapter 311, Texas Tax Code, as amended (the “Act” or “TIRZ Act”).

RECITALS

WHEREAS, the City, the Developer, and the Board are sometimes collectively referenced in this Agreement as “Parties” or, each individually, as a “Party”; and

WHEREAS, the TIRZ was created pursuant to Ordinance No. 2021-10-07, adopted by the City Council of the City (the “City Council”) on October 19, 2021, pursuant to the Act; and

WHEREAS, on November 2, 2021, the City created the Elevon Public Improvement District, pursuant to Chapter 372, Texas Local Government Code, as amended (the “District”), the boundaries of the District being described by metes and bounds and depicted on **Exhibit A** attached hereto and made a part hereof for all purposes (the “PID Property”); and

WHEREAS, the TIRZ boundaries include: (i) the PID Property, and (ii) the commercial, business park, and mixed-use portions (the “Mixed-Use Property”) of the Elevon Development (hereinafter defined); and

WHEREAS, on January 18, 2022, pursuant to Ordinance No. 2022-01-01, the City Council approved a Final Project and Finance Plan for the TIRZ (the “Project and Financing Plan”, attached hereto as **Exhibit B**); and

WHEREAS, the City, subject to the approval of the City Council, will levy special assessments (the “Assessments”) on the PID Property within the District to pay for construction of the Authorized Improvements (as defined in the Service and Assessment Plan), and Public Improvements (as defined in the Project and Financing Plan), (collectively, “Public Projects”) all as set forth in that certain Elevon Public Improvement District Service and Assessment Plan dated as of February 1, 2022, regarding the levy of Assessments (as amended and supplemented from time to time, the “Service and Assessment Plan”); and

WHEREAS, the City, subject to the approval of the City Council, intends to issue special assessment revenue bonds (the “PID Bonds”) secured by a pledge of the Assessments, for the purpose of providing funds to construct the Authorized Improvements; and

WHEREAS, the Project and Financing Plan provides for the collection of forty-five percent (45%) of the City’s ad valorem tax increment attributable to the TIRZ, based on the City’s tax rate each year and as authorized by law, for a period of fifty (50) years (the “City Tax Increment”); and

WHEREAS, if Collin County (the “County”) participates in the TIRZ, a percentage of the County’s ad valorem tax increment attributable to the TIRZ (the “County Tax Increment”) shall

be collected at the percentage rate set forth in a separate interlocal agreement between the City and the County (the “County Participation Agreement”); and

WHEREAS, in accordance with the Elevon Development Agreement, executed by and between City, 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, and the Developer, effective as of November 2, 2021, and as may be amended (the “Development Agreement”), to the extent the County participates in the TIRZ, the City Tax Increment shall be reduced in a dollar amount equal to the dollar amount of the County Tax Increment contribution; and

WHEREAS, after the payment of TIRZ administrative expenses, the City Tax Increment and the County Tax Increment, if any, from the PID Property are intended by the Board and the City to be used in accordance with this Agreement, the TIRZ Act, and the Project and Financing Plan for the development of the PID Property; and

WHEREAS, the Public Projects shall be owned and maintained by the City or Bear Creek SUD or Nevada SUD for the benefit of the development of a mixed-use master planned community (the “Development”) and the TIRZ; and

WHEREAS, after the payment of TIRZ administrative expenses, the City Tax Increment and the County Tax Increment, if any, from the Mixed-Use Property are intended by the Board and the City to be used in accordance with this Agreement, the TIRZ Act, and the Project and Financing Plan for the development of the PID Property; and

WHEREAS, the Parties are authorized to enter into this Agreement by the Act; and

WHEREAS, the Parties have agreed for the Developer to undertake the Development as set forth in the Development Agreement, and the Development Agreement and documents related to the District and the TIRZ contain controls to ensure the public purpose is accomplished; and

WHEREAS, but for the Developer undertaking the Development, the TIRZ would not generate sufficient TIRZ increment to provide the grant to the Developer as set forth in the Project and Financing Plan; and

WHEREAS, pursuant to Section 311.010(h) of the Act, the Board may establish and provide for the administration of one or more programs for the public purposes of developing and diversifying the economy of the zone, eliminating unemployment and underemployment in the zone, and developing or expanding transportation, business, and commercial activity in the zone, including programs to make grants and loans from the tax increment fund of the zone in an aggregate amount not to exceed the amount of the tax increment produced by the municipality and paid into the tax increment fund for the zone for activities that benefit the zone and stimulate business and commercial activity in the zone, and the Board has all the powers of a municipality under Chapter 380, Texas Local Government Code, as amended (“Chapter 380”); and

WHEREAS, capitalized terms used but not defined herein shall have the meanings given to them in the Service and Assessment Plan.

NOW, THEREFORE, for and in consideration of the mutual covenants of the Parties set forth in this Agreement and for other good and valuable consideration the receipt and adequacy of which are acknowledged and agreed by the Parties, the Parties agree as follows:

ARTICLE I
THE DEVELOPMENT

Section 1.01. Completion of the Public Projects. The City agrees to the construction and completion of the Public Projects by the Developer or caused by the Developer within the Development, which construction is authorized and provided for in the Development Agreement.

Section 1.02. Levy of Assessments and Issuance of the PID Bonds. The City, subject to the approval of the City Council, intends to proceed with the levy of Assessments within the PID Property and the sale of the PID Bonds. The City further agrees to use a portion of the proceeds from the sale of the PID Bonds to pay for the costs of the Authorized Improvements as incurred by the Developer. Upon the refunding of any series of PID Bonds, any reduction in the Assessments for such PID Bonds shall mean a dollar-for-dollar reduction in any TIRZ credit allocated to such PID Bonds, with such excess TIRZ funds resulting from such reduction to be used for purposes set forth herein and in the TIRZ Project and Finance Plan

Section 1.03. Use of City Tax Increment and County Tax Increment.

(a) TIRZ Fund. The City and the Board agree that City Tax Increment and County Tax Increment, if any, collected for the PID Property shall be deposited into a segregated account of the TIRZ Fund (the "PID Property Account") and disbursed pursuant to the terms of this Agreement. The City and the Board agree that City Tax Increment and County Tax Increment, if any, collected for the Mixed-Use Property shall be deposited into a segregated account of the TIRZ Fund (the "Mixed-Use Property Account") and disbursed pursuant to the terms of this Agreement.

(b) PID Property Account. The monies in the PID Property Account shall be allocated or dedicated for the following purposes:

(i) First, to pay administrative expenses of the TIRZ, including any reasonable third-party administrative costs; and

(ii) Second, to the applicable TIRZ Account corresponding to a zone or improvement area of the PID Property (a "PID Phase") and used for the following purposes as determined by the City:

A. To subsidize Assessments for each PID Phase in order to lower the Annual Installments of the Assessments in each PID Phase by assigning TIRZ funds from the PID Property Account in such phase to offset Assessments for each parcel within a PID Phase on a parcel-by-parcel basis as shown in the Service and Assessment Plan; and then

1. the Improvement Area Improvements Public Improvement Project Costs allocable to each PID Phase that are not assessed for in that same PID Phase, subject to the Development Agreement in accordance with the TIRZ Act pursuant to an approved TIRZ Certificate for Payment.

2. the Zone Improvements Public Improvement Project Costs allocable to each PID Phase, that are not assessed for in that same PID Phase, subject to the Development Agreement in accordance with the TIRZ Act pursuant to an approved TIRZ Certificate for Payment.

3. The Major Improvements Public Improvement Project Costs allocable to each PID Phase that are not assessed for in that same PID Phase, subject to the Development Agreement in accordance with the TIRZ Act pursuant to an approved TIRZ Certificate for Payment.

And/or;

B. To reimburse the costs of the construction or acquisition of Public Projects in the TIRZ, in accordance with the TIRZ Act pursuant to this Agreement by either:

I. At the sole discretion of the City, utilizing the TIRZ revenue stream to pay all or a portion of an obligation hereunder held by the Developer through a bond issuance secured by TIRZ revenues that the City may consider specific to the Public Projects; and/or

2. Reimbursing the Developer pursuant to an approved TIRZ Certificate for Payment.

(iii) Third, starting in year eleven (11) of this Agreement, and for each City fiscal year thereafter, from available funds after payments are made from the PID Property Account fund to pay down PID Assessments, up to \$200,000.00 shall be paid to the City to be used for road and storm sewer repair and maintenance to benefit the District. If any of the up to \$200,000.00 provided to the City is not spent within twelve (12) months from the date of the transfer, it will revert back to the PID Property Account and will be eligible to reimburse the Developer pursuant to an approved TIRZ Certificate for Payment.

(c) Mixed-Use Property Account. The monies in the Mixed-Use Property Account shall be allocated or dedicated for the following purposes

(1) The City Tax Increment in the Mixed-Use Property Account shall be allocated or dedicated for the following purposes:

(i) First, to pay administrative expenses of the TIRZ, including any reasonable third-party administrative costs;

(ii) Second, to reimburse the Developer for costs of Public Projects attributable to the Mixed-Use Property in accordance with the TIRZ Act pursuant to an approved TIRZ Certificate for Payment; and

(iii) Third, to provide an economic development grant to the Developer to incentivize commercial development as set forth in one or more future TIRZ agreements or economic development agreement(s) pursuant to Chapter 380, Texas Local Government Code, as amended.

(2) The County Tax Increment, if any, in the Mixed-Use Property Account shall be allocated or dedicated for the following purposes:

(i) First, to pay administrative expenses of the TIRZ, including any reasonable third-party administrative costs;

(ii) Second, to reimburse the Developer for costs of Public Projects attributable to the Mixed-Use Property in accordance with the TIRZ Act pursuant to an approved TIRZ Certificate for Payment.

(d) District Assessments. When City Tax Increment and County Tax Increment are provided as a credit to Assessments as set forth in (a) above, TIRZ revenues shall be paid to or transferred to the City each year on or before May 1 and shall be applied to reduce the Assessments billed in the following year. The application and allocation of the TIRZ revenues to the properties within the District shall be made on an equitable basis, and subject to the terms of the Development Agreement, as set forth in the Service and Assessment Plan.

(e) TIRZ Reimbursement Form. To continue receiving reimbursement pursuant to TIRZ Certificates for Payment, Developer shall, on an annual basis, but no sooner than May 1st of each year, submit a TIRZ reimbursement form to the City Representative (as defined below) in substantially the same form as provided in **Exhibit C** attached hereto (the "TIRZ Reimbursement Form"), including documentation demonstrating compliance with the terms of this Agreement and the Project and Financing Plan. "City Representative" shall mean the current or acting City Administrator of the City, or a person designated to act on behalf of that individual, including the TIRZ administrator of the City, if the designation is in writing and signed by the current or acting City Administrator. The City Representative shall review each TIRZ Reimbursement Form within five (5) business days of receipt thereof and upon approval payment shall be made to the Developer as specified in the TIRZ Reimbursement Form and this Agreement within such fifteen (5) business days period. The TIRZ Reimbursement Form amount will be accounted for by the City and TIRZ Administrator and provided to the Developer with an accounting of expenditures made from the TIRZ Fund.

(f) TIRZ Certificate for Payment. The Developer shall submit a TIRZ Certificate for Payment, in substantially the same form as attached in **Exhibit D**, to evidence the Actual Costs expended on the Public Projects and subject to reimbursement pursuant to this Agreement. Upon receipt of a TIRZ Certificate for Payment (along with all accompanying documentation reasonably required by the City) from the Developer, the City shall conduct a review in order to (i) confirm that such request is complete, (ii) confirm that the work for which payment is requested was performed in accordance with all applicable governmental laws, rules, regulations and applicable plans therefor and with the terms of the Development Agreement and any other agreement between the Parties related to the TIRZ; (iii) verify and approve the Actual Costs of such work specified in such TIRZ Certificate for Payment; and (iv) confirm that the Public Projects (or completed portion thereof) have been conveyed and dedicated to the City in accordance with the Development Agreement. The Developer agrees to cooperate with the City in conducting each such review and to provide the City with such additional information and documentation as is reasonably necessary for the City to conclude each such review. Within fifteen (15) business days following receipt of any TIRZ Certificate for Payment, the City shall either: (1) approve the TIRZ Certificate for Payment; or (2) provide the Developer with written notification of disapproval of all or part of a TIRZ Certificate for Payment, setting forth with specificity the basis for any such disapproval. Interest shall accrue at the rate of five percent (5%) per annum for amounts due pursuant to a TIRZ

Certificate for Payment upon the City's acceptance of the applicable Public Project until payment is made as set forth in this Agreement.

If the total cost of the Public Project (or segment, section, or portion thereof) exceeds the budgeted cost for such Public Project (or segment, section, or portion thereof) (a "Cost Overrun"), the Developer and/or the constructing party, as applicable, shall be solely responsible for the remainder of the cost of such Public Project (or segment, section, or portion thereof), except as provided herein. If, upon the completion of construction of the Public Project (or segment, section, or portion thereof) and payment or reimbursement for such Public Project, the total cost of the Public Project (or segment, section, or portion thereof) is less than the budgeted cost for such Public Project (or segment, section, or portion thereof) (a "Cost Underrun"), any remaining budgeted cost(s) may be available to pay Cost Overruns on any other Public Project. Prior to completion of all of the Public Projects (or segment, section, or portion thereof), any anticipated Cost Underruns for such Public Project (or segment, section, or portion thereof) may be applied to any Cost Overruns on any other Public Project.

In order to receive payments under the TIRZ Certificate for Payment above, the Developer shall have provided to the City and TIRZ Administrator evidence of costs expended for the construction or acquisition of the Public Projects eligible to be reimbursed in accordance with Section 1.03(b) or (c) above.

ARTICLE II

MISCELLANEOUS PROVISIONS

Section 2.01. Term. This Agreement shall be in force and effect from the date of execution hereof until the expiration of the term of the TIRZ as set forth in Ordinance No. 2021-10-07, which is: (i) on December 31, 2071; or (ii) at such time, subsequent to the issuance of tax increment bonds, if any, that all project costs, tax increment bonds, notes and other obligations of the Zone, and the interest thereon, have been paid in full, in accordance with Section 311.017 of the Act; or (iii) at a time designated by subsequent ordinance of the City.

Section 2.02 Recitals. The recitals contained in this Agreement: (a) are true and correct as of the Effective Date; (b) form the basis upon which the Parties negotiated and entered into this Agreement; and (c) reflect the final intent of the Parties with regard to the subject matter of this Agreement. In the event it becomes necessary to interpret any provision of this Agreement, the intent of the Parties, as evidenced by the recitals, shall be taken into consideration and, to the maximum extent possible, given full effect. The Parties have relied upon the recitals as part of the consideration for entering into this Agreement and, but for the intent of the Parties reflected by the recitals, would not have entered into this Agreement.

Section 2.03 Successors and Assigns. All covenants and agreements contained by or on behalf of the TIRZ in this Agreement shall bind its successors and assigns and shall inure to the benefit of the Developer and its successors and assigns. This Agreement and the right to monies available in the TIRZ Fund, including the grant, set forth herein may be assigned, from time to time and in whole or in part, by the Developer to any person or entity and collaterally assigned to any lender. The assignment must be in writing. A copy of the assignment shall be given to the City within thirty (30) days after such assignment; however, City consent to the assignment is not required. Upon any such assignment and notice to the City, Developer shall not be released from

performing the duties or obligations that are assigned and that arise after the effective date of the assignment or the date that the City receives notice of the assignment, whichever later occurs; further, the Developer is not released from any liabilities that arose prior to the effective date or date of notice to the City, whichever later occurs, unless the City and the Board agree. The Developer's rights under this Agreement are a personal obligation and do not constitute a covenant running with the land.

Section 2.04 Notices. Any notice, submittal, payment or instrument required or permitted by this Agreement to be given or delivered to any Party shall be deemed to have been received when personally delivered or 72 hours following deposit of the same in any United States Post Office, registered or certified mail, postage prepaid, 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

With a copy to: Attn: Julie Fort
 Messer, Fort & McDonald
 6371 Preston Road, STE 200
 Frisco, Texas 75034
 julie@txmunicipallaw.com

To the Board: Attn: Kim Dobbs
 City Administrator
 City of Lavon
 120 School Road
 P.O. Box 340
 Lavon, Texas 75166
 kdobbs@lavontx.gov

With a copy to: Attn: Julie Fort
 Messer, Fort & McDonald
 6371 Preston Road, STE 200
 Frisco, Texas 75034
 julie@txmunicipallaw.com

To the Developer: Attn: John Marlin
 MA Elevon 429, LLC
 15443 Knoll Trail Drive, Suite 130
 Dallas, Texas 75248
 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-legal.com

Any Party may change its address or addresses for delivery of notice by delivering written notice of such change of address to the other Party.

Section 2.05 Interpretation.

(a) The Parties acknowledge that each 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 nor against any Party, regardless of which Party originally drafted the provision.

(b) Conflicts. To the extent that this Agreement conflicts with the Development Agreement, this Agreement shall control.

Section 2.06 Time. In this Agreement, time is of the essence and compliance with the times for performance herein is necessary and required.

Section 2.07 Authority and Enforceability. The City represents and warrants that this Agreement has been approved 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 Agreement on behalf of the City has been and is duly authorized to do so. The Board represents and warrants that this Agreement has been approved by official action of the Board 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 Agreement on behalf of the Board has been and is duly authorized to do so. The Developer represents and warrants that this Agreement has been approved by appropriate action of the Developer, and that the individual executing this Agreement on behalf of the Developer has been and is duly authorized to do so. Each Party respectively acknowledges and agrees that this Agreement is binding upon such Party and is enforceable against such Party, in accordance with its terms and conditions and to the extent provided by law.

Section 2.08 Severability. 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 and upon mutual agreement of the Parties, 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.

Section 2.09 Applicable Law; Venue. This Agreement is entered into pursuant to, and is to be construed and enforced in accordance with, the laws of the State of Texas, and all obligations

of the Parties are performable in Collin County. Exclusive venue for any action related to, arising out of, or brought in connection with this Agreement shall be in the Collin County State District Court.

Section 2.10 Non-Waiver. Any failure by a Party to insist upon strict performance by the other 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 in writing 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.

Section 2.11 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

Section 2.12 Complete Agreement. This Agreement embodies the entire Agreement between the Parties and cannot be varied or terminated except as set forth in this Agreement, or by written agreement of the City, the Board, and the Developer expressly amending the terms of this Agreement.

Section 2.13 Consideration. This Agreement is executed by the Parties without coercion or duress and for substantial consideration, the sufficiency of which is hereby acknowledged.

Section 2.14 Developer Indemnification. In the event of any litigation challenging the validity or enforceability of this Agreement, Developer agrees to indemnify the City or the Board, as applicable, for its reasonable attorneys' fees and costs spent on defending the validity or enforceability of the Agreement. Developer shall reimburse the City or the Board for any grant payments that are made by the City or the Board to the Developer, if such payments are deemed by a court with jurisdiction to be illegal or a violation of state or federal law.

Section 2.15 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 construed to be 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 2271.002, Texas Government Code, but only to the extent such section is applicable, 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. The Developer understands 'affiliate' to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

Section 2.16 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. The Developer understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

Section 2.17 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. The Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

Section 2.18 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. The Developer understands “affiliate” to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

[SIGNATURE PAGES FOLLOW]

EXECUTED BY THE PARTIES TO BE EFFECTIVE ON THE EFFECTIVE DATE:

CITY OF LAVON, TEXAS

By: _____
Name: Vicki Sanson
Title: Mayor

ATTEST:

By: _____
Name: Rae Norton
Title: City Secretary

TIRZ NO. 2 BOARD:

REINVESTMENT ZONE NUMBER TWO,
CITY OF LAVON, TEXAS

By: _____
Name: Vicki Sanson
Title: Chairman

ATTEST:

By: _____
Name: Rae Norton
Title: City Secretary

DEVELOPER:

MA ELEVON 429, LLC,
a Texas limited liability company

By: MA Partners, LLC,
a Texas limited liability company, its sole manager

By: _____
John D. Marlin, Manager

The exhibits to Resolution No. 2022-02-05

may be downloaded at

<https://cityoflavon.com/lavon-city-council-agenda/>

A hard copy of the exhibits may be obtained

by contacting the

City Secretary at cityhall@lavontx.gov .



CITY OF LAVON Agenda Brief

MEETING: February 1, 2022

ITEM: 8 - F

Item:

Public hearing, discussion, and action regarding an application for a conditional use permit to construct a 2,000 square foot accessory structure that is 647 square feet larger than permitted at 540 Mustang Ct., Lot 11, Mustang Estates, Lavon, Collin County, TX (CCAD Property ID 1709128).

- 1) Presentation of request.
- 2) **PUBLIC HEARING** to receive comments regarding the request.
- 3) Discussion and action regarding the request and accompanying Ordinance No. 2022-02-04.

Background:

Application Information

Owner(s): Donnie Lee Kavanagh
Applicant: Donnie Lee Kavanagh
Location: 540 Mustang Ct.
Description: Mustang Estates, Lot 11
Lavon, Collin County, TX; CCAD Property ID 1709128
Current Zoning: Single Family -1 (SF 1)
Request: Conditional Use Permit – Accessory Structure

Request Details

The applicant is seeking approval of a conditional use permit (CUP) for an accessory structure that does not conform to the SF 1 area requirements of the zoning ordinance. The proposed building is 2,000 square feet (sq. ft.) in area and located in the rear yard behind the main structure. The building will be constructed on a concrete slab and is proposed to be constructed of metal. There are no other accessory structures located on the lot.

Code Excerpts:

CITY OF LAVON – ZONING ORDINANCE

9.03.083 ACCESSORY STRUCTURES

- (b) Detached accessory buildings shall be subject to all of the following regulations, in addition to any other applicable regulations:

(2) Lot coverage:

(A) The combined floor area of all accessory buildings shall not exceed ten (10) percent of lot coverage or sixty (60) percent of the primary structure, whichever is less. In no case shall the combined area of the primary structure and accessory building(s) exceed the maximum percentage of lot coverage allowed for the zoning district on which the structures are placed.

The applicant's lot is 62,125 sq. ft., approximately 1.43 acres. The maximum permitted lot coverage is 45% of the lot area or 27,956.25 sq ft, of which 10% is 2,796 sq. ft. The current structures on the lot consist of a main structure that is 2,255 sq. ft., including an enclosed garage and patios/porches. 60% of the primary structure is 1,353 square feet. Consequently, the permitted size of the proposed structure is 1,353 sq. ft.

The proposed structure is 2,000 sq. ft. which is 647 sq. ft. larger than the total building area permitted.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 2,000 SQUARE FOOT ACCESSORY STRUCTURE THAT IS 647 SQUARE FEET LARGER THAN PERMITTED AT 540 MUSTANG CT., LOT 11, MUSTANG ESTATES, LAVON, COLLIN COUNTY, TX.

MOTION MADE: NABORS
SECONDED: TIEGS
APPROVED: UNANIMOUS (Absent: Smith)

Staff Notes:

The requisite public hearing notice was posted, published and nine (9) neighbor notices were mailed to the owners of properties located within 200 feet of the applicant's property. One notice has been returned in favor of and no notices have been returned in opposition to the request.

Attachments:

1. Application
2. Location Exhibits
3. Accessory Building Calculations
4. Neighbor Notices
5. Proposed Ordinance



CITY OF LAVON

120 School Road, P.O. Box 340, Lavon, TX 75166
(972) 843-4220
cityhall@lavontx.gov

APPLICATION FOR CONDITIONAL USE PERMIT (CUP)

DONNIE LEE KAVANAGH
Applicant Name

12-27-21
Date

DONNIE LEE KAVANAGH
Representative, Agent or Owner

214-797-2266
Phone

Company

DONNIE.KAVANAGH@hotmail.com
Email address

540 MUSTANG CT
Street

LAVON TX 75166
City, State, Zip

540 MUSTANG CT. LAVON, TX 75166
Address and Location of Property

Legal Description of Property

Existing Zoning:

REASON FOR REQUEST (Include the type of conditional use requested, dimensions, materials and elevations. Attach a separate sheet if necessary and include supporting documentation.)

CONSTRUCTION OF 40' X 50' BUILDING (METAL)
WILL BE 40' X 50' X 10' - USED FOR STORAGE
AND AREA TO TRAIN OBEDIENCE DOGS

Signature of Applicant or Representative:

Donnie Lee Kavanagh

For Office Use Only

Date Received:

Date Paid:

Fee Paid:

Next P & Z Meeting:

Next City Council Meeting:

RECEIVED

DEC 28 2021

CITY OF LAVON



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

December 28, 2021

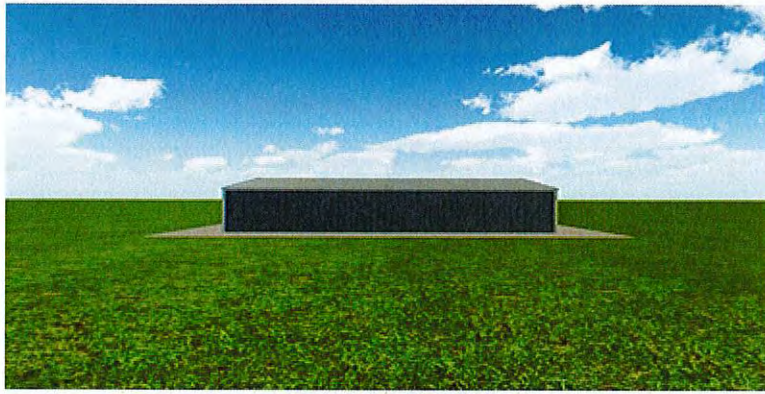
RE: Description of Work
540 Mustang Ct.
Lavon, TX 75166

Below is the description in MyGov from Applicant:

“Constructing a 40' x 50' x 10' metal building with one walk through door and one garage roll up door and several windows. Building with have electricity only, no plumbing. Dirt work will be done to pour concrete foundation. New metal siding and roof will be used. This is a complete new building”

Thank you,

LeAnn McClendon



RIGHT VIEW



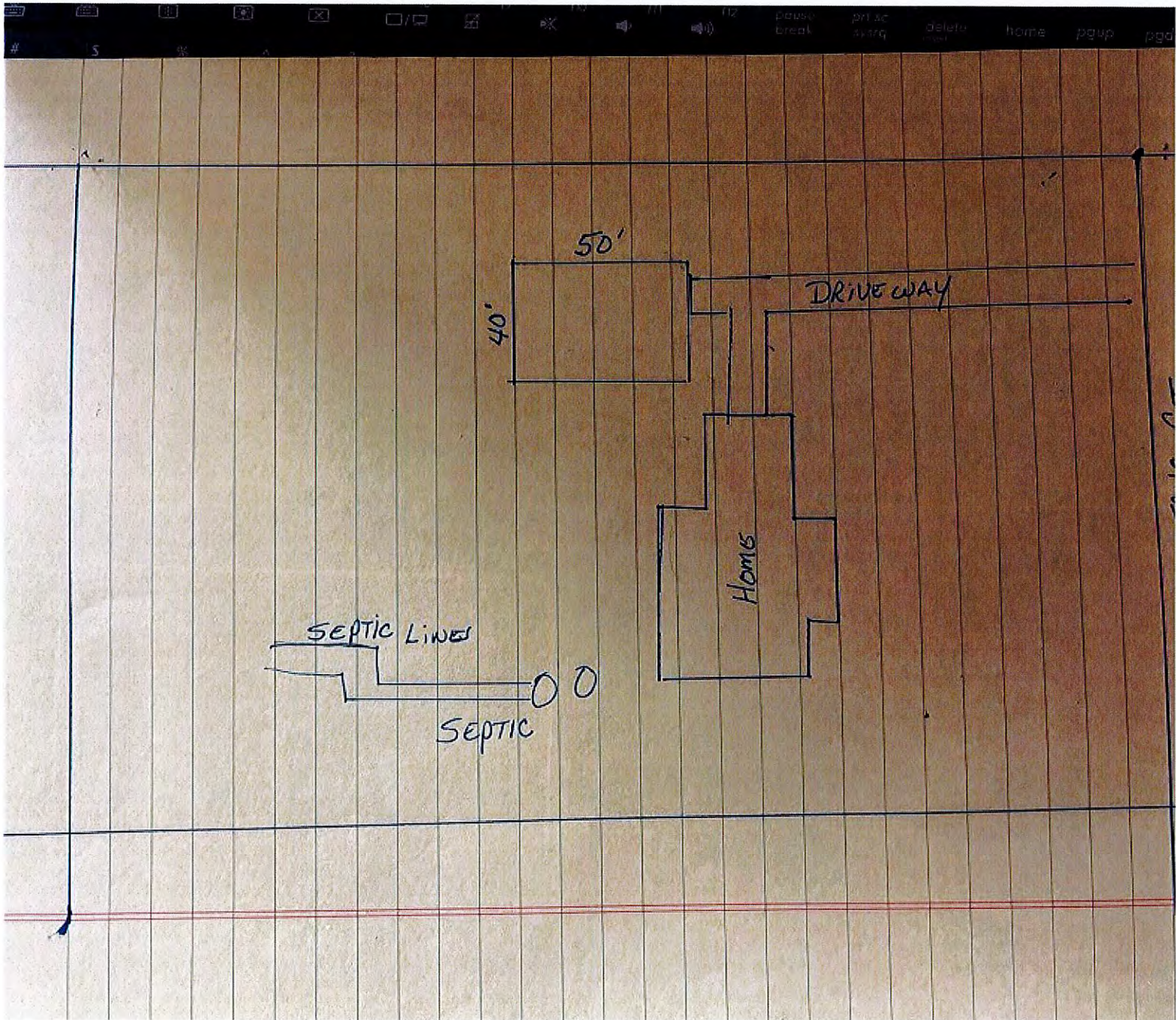
BACK VIEW



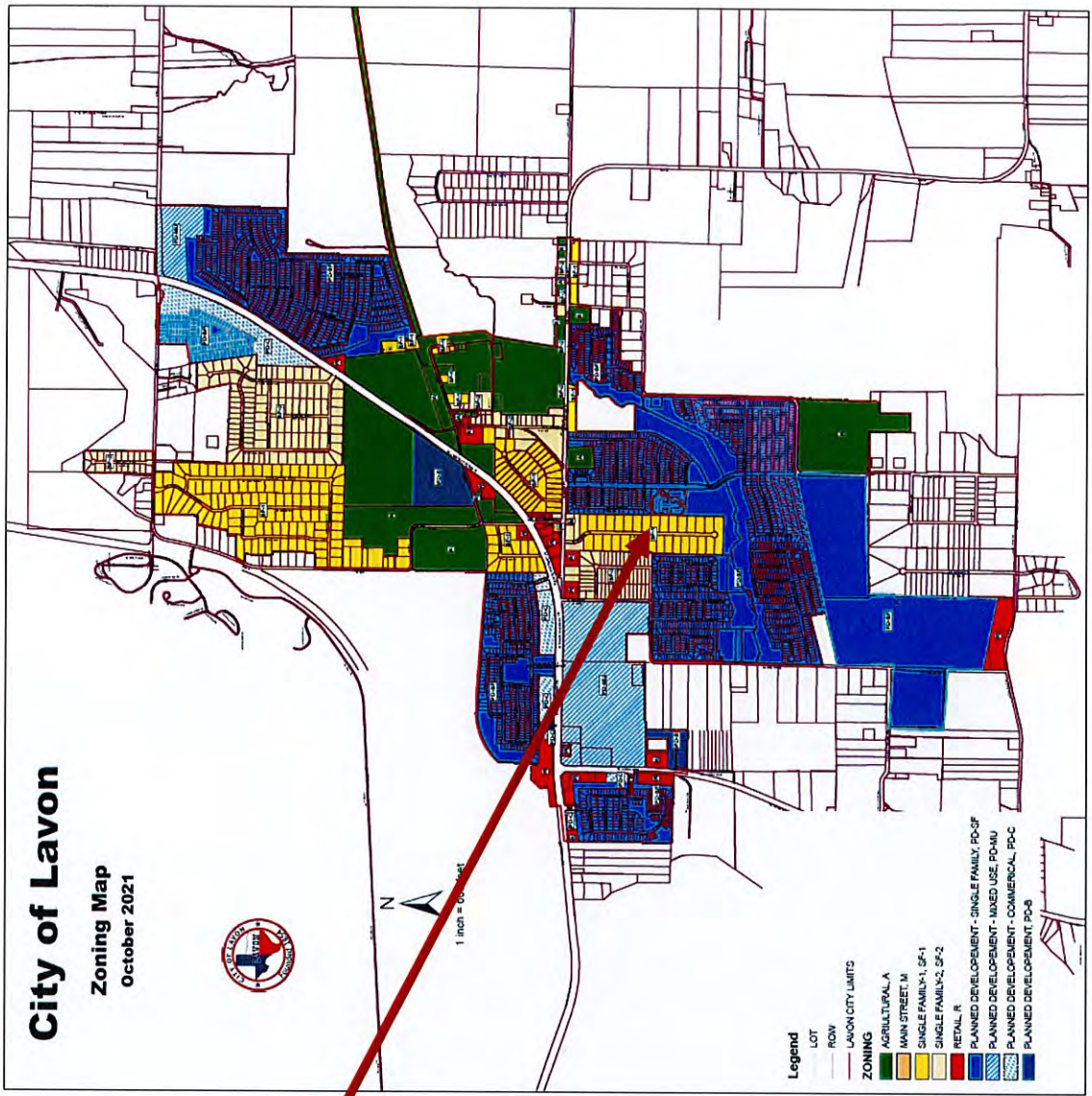
FRONT VIEW



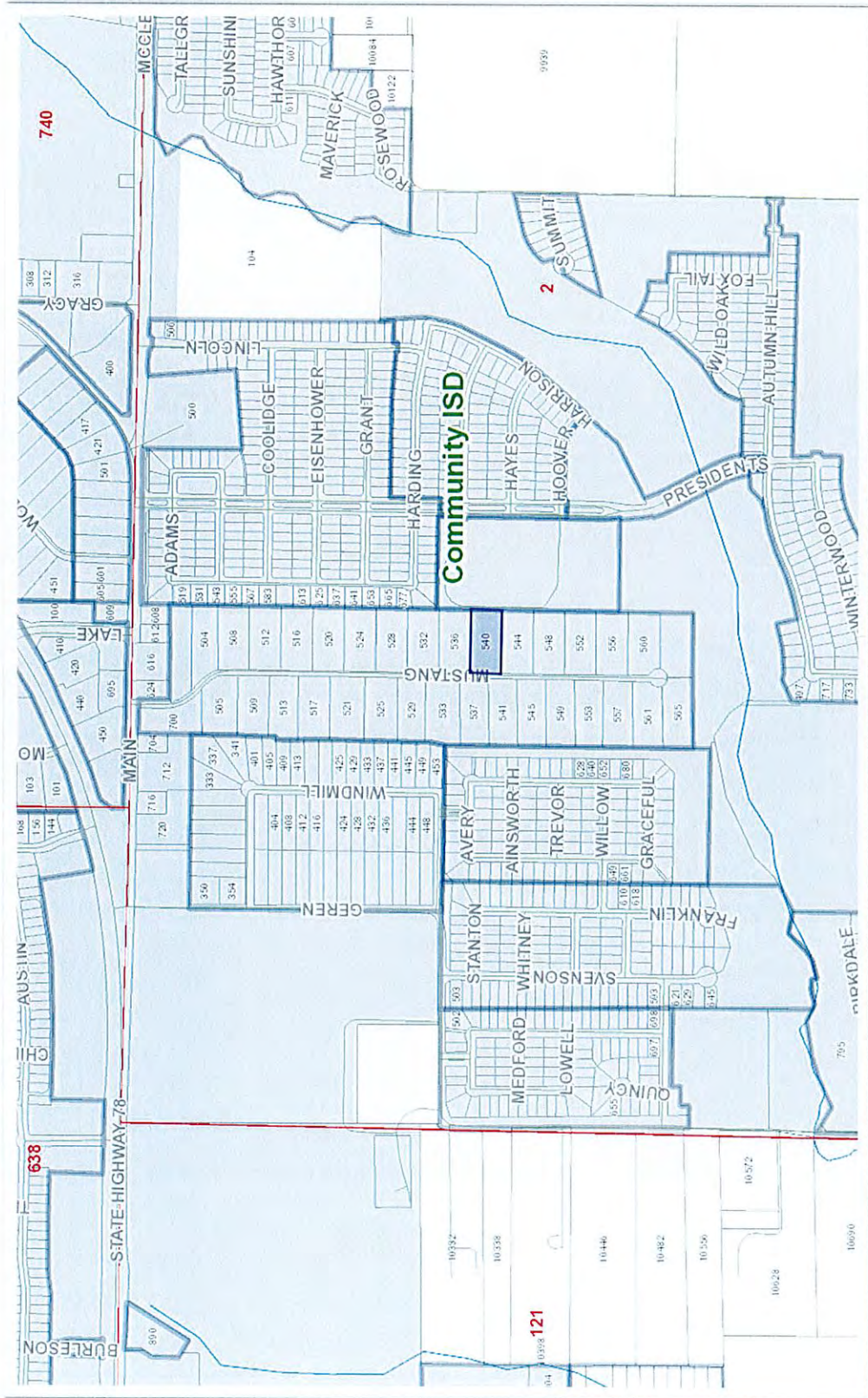
LEFT VIEW



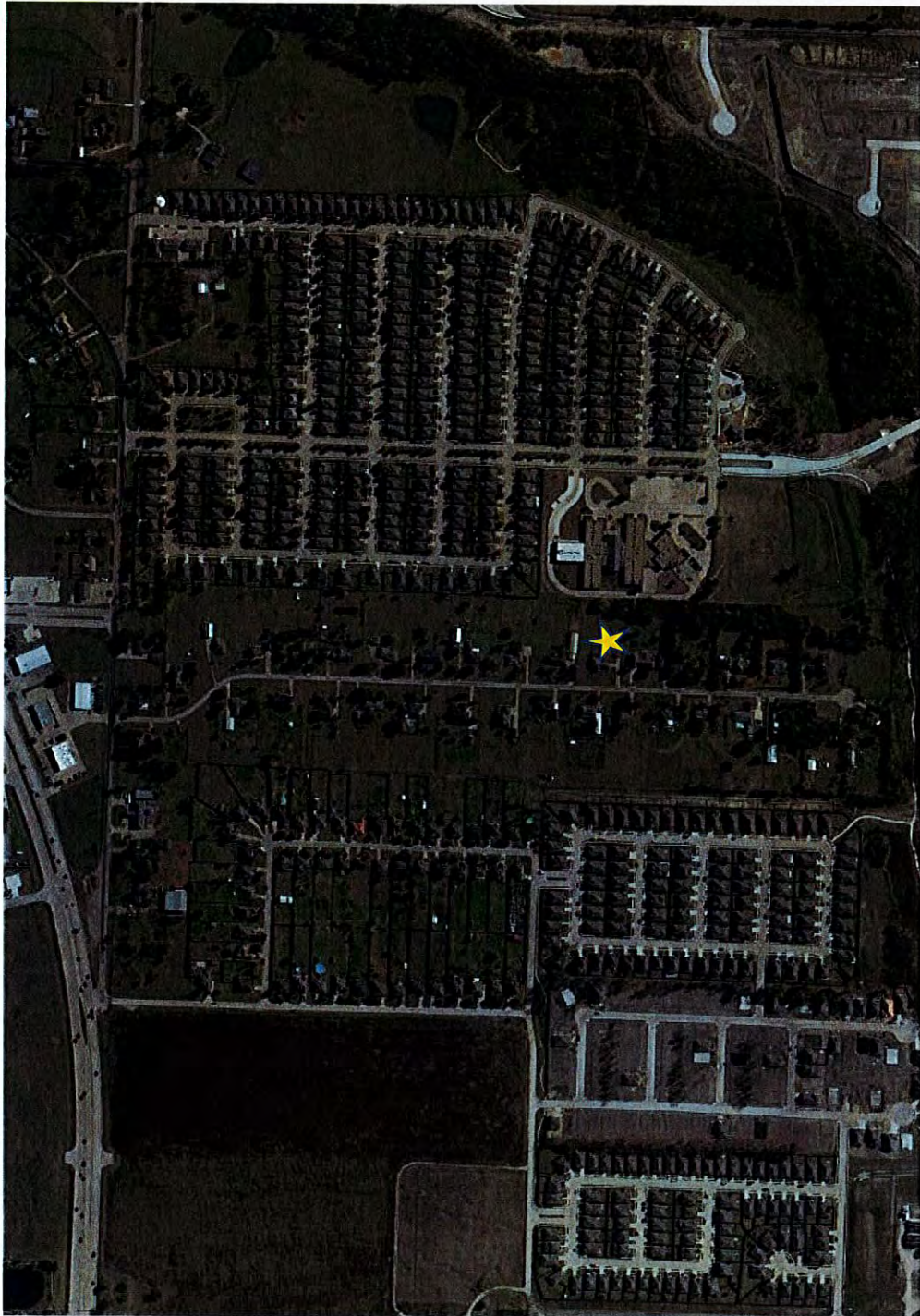
Zoning Map



Location Exhibit



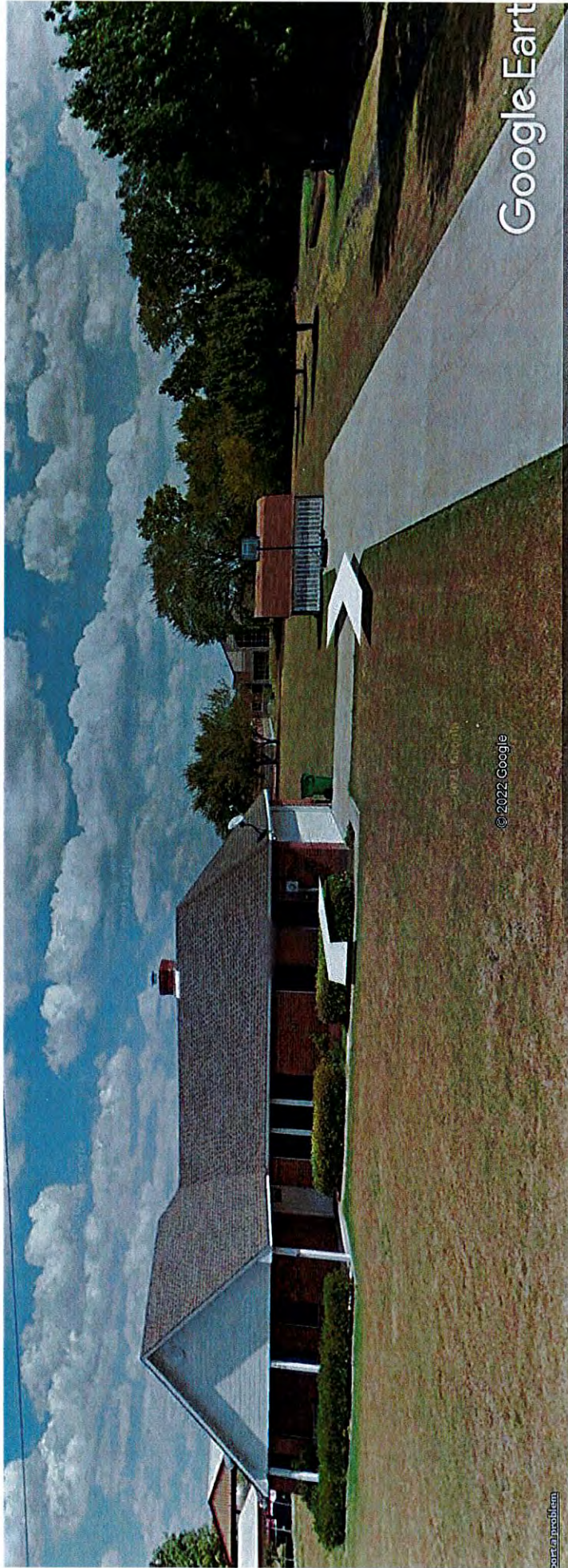
Location Exhibit



Location Exhibit



Location Exhibit



← North

Accessory Structure Calculations

PROJECT: 540 Mustang Ct.
 Proposed accessory structure
 12-28-2021

Property Details	
1. Zoning	SF-1
2. No. of detached existing accessory structures (2 max)	0
3. Lot size	62,125 sq ft
4. Allowable lot coverage per zoning	45%
5. Area of allowable lot coverage	27,956.25 sq ft
6. Ten percent (10%) of allowable lot coverage	2,796 sq ft
7. Size of primary structure under roof	2,255 sq ft
8. 60% of primary structure	1,353 sq ft
9. Area of existing accessory structure(s)	na
10. Permitted area of all accessory structures	1,353 sq ft
11. Area of proposed structure	2,000 sq ft
12. Area of proposed and existing structures	2,000 sq ft
13. Height of proposed structure (20' max)	10 ft

The combined floor area of all accessory buildings shall not exceed the lesser of 10 percent of lot coverage or 60 percent of the primary structure.

If approved, the proposed structure would result in accessory structures being 647 sq ft larger than permitted.

City of Lavon Code of Ordinances

Sec. 9.03.083 Accessory structures

(a) Attached accessory buildings shall conform to the regulations applicable to the main building to which they are attached.

(b) Detached accessory buildings shall be subject to all of the following regulations, in addition to any other applicable regulations:

(1) Number of buildings:

(A) No more than two detached (2) accessory structures may be placed on any lot.

(B) The number of detached accessory structures that may be placed on an Agricultural zoned lot is limited by lot coverage.

(2) Lot coverage:

(A) The combined floor area of all accessory buildings shall not exceed ten (10) percent of lot coverage or sixty (60) percent of the primary structure, whichever is less. In no case shall the combined area of the primary structure and accessory building(s) exceed the maximum percentage of lot coverage allowed for the zoning district on which the structures are placed.

(B) Stables shall be limited in area to ten (10) percent of lot coverage.

(3) Setback and building line requirements:

- (A) **Street:** Accessory buildings shall not extend beyond a front, side or rear building line adjacent to a street. Provided however, for a lot utilized by a single detached dwelling, a gazebo or similar open air landscape structure may be located beyond the building line and within the front yard setback but shall not be larger than one hundred (100) square feet.
 - (B) **Easement:** No accessory structure shall be located within any easement.
 - (C) **Side:** Accessory buildings shall not be located closer than five (5) feet to the side property line when the accessory building is located behind the main building.
 - (D) **Rear:** When the accessory building is a garage or carport with rear access, the rear setback shall be a minimum of twenty (20) feet from the property line. All other accessory buildings shall not be located closer than five (5) feet to the rear property line.
 - (E) **Other structures -** Accessory buildings, other than carports, shall not be located within five (5) feet of any other structure.
 - (F) **Stables** shall not be located within fifty (50) feet of any property line or dwelling.
 - (4) **Roof:**
 - (A) The minimum roof slope for all accessory structures shall be 3:12, unless the accessory structure is prefabricated, pre-finished, and covers less than two (2) percent of the lot or is a carport.
 - (B) The color and materials of the roof of the accessory structures shall closely resemble the color and materials of the roof of the main structure, unless the accessory structures is prefabricated, pre-finished, and covers less than (2) percent of the lot or is a carport.
 - (5) **Exterior walls:**
 - (A) Accessory structures covering less than two (2) percent of the lot are required to be constructed with exterior walls composed of metal with a baked-on enamel or vinyl finish, vinyl, wood structure that is prefinished and prefabricated, composite masonry façade, or the same masonry content required of the main structure.
 - (B) Accessory structures covering more than two (2) percent of the lot are required to be constructed with exterior walls composed of composite masonry façade material or the same masonry content required of the main structure.
 - (C) Barns and stables located on property zoned agricultural (AG) are exempt from the masonry requirement for exterior walls.
 - (D) No pressure treated wood is permitted as exterior finish.
 - (6) **Height:** Accessory structures shall be limited to a height of not more than twenty (20) feet.
 - (7) **Specific use permit:** Commercial equestrian or rodeo arenas whether enclosed, partially enclosed, or open air require a specific use permit.
 - (8) **Fences:** Regulation of fences is controlled by separate city ordinance.
 - (c) Accessory structure that do not conform to the requirements of this section 9.03.083 may be permitted with a conditional use permit.
- (Ordinance 2018-03-02, sec. 9.1.4.3, adopted 3/20/18)



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

Notice is hereby given that the **Planning and Zoning Commission** will hold a public hearing at the meeting starting at 7:00 PM, Tuesday, **January 25, 2022** at Lavon City Hall, 120 School Rd. Further notice is given that a second public hearing is scheduled where the request and the recommendation of the Planning and Zoning Commission will be considered by the **City Council** at a meeting starting at 7:00 PM, Tuesday, **February 1, 2022** at Lavon City Hall. At such times and place, the Commission and the Council will hear and take action on:

Request: Consider an application for a conditional use permit to construct a 2,000 square foot accessory structure that is 647 feet larger than permitted.

Property Description: 540 Mustang Ct., Lot 11, Mustang Estates, (CCAD Property ID 1709128), Lavon, Collin County, TX.

In the event that the P&Z Commission or City Council will be unable to meet at City Hall, the City will post on its website www.cityoflavon.com information for persons to attend the meeting by telephone, teleconference or other electronic means. Additional information regarding the request is on the reverse of this notice and may be obtained at cityhall@lavontx.gov or at 972-843-4220.

You are receiving this notice because the subject property is located within 200 feet of your property. The public hearing may be continued should an applicant so request. Interested citizens are invited to attend the public hearing and participate in the same.

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

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

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

Signature: _____ *Susan Johnson*

Name (printed): Susan Johnson

Address: 532 Mustang, Lavon, 75166

Phone: 214-329-3708 Email Address: Birchman 5@AOL.com

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

MUSTANG ESTATES, LOT 9
532 Mustang

RECEIVED
JAN 11 2022
CITY OF LAVON

CUP - 540 Mustang

Name	Address	City	St.	Zip	Legal Desc
Tracy Filo	533 Mustang	Lavon	TX	75166	MUSTANG ESTATES, LOT 26
Warren Galewski	537 Mustang	Lavon	TX	75166	MUSTANG ESTATES, LOT 25
Rhonda Willingham	541 Mustang	Lavon	TX	75166	MUSTANG ESTATES, LOT 24
Shannon Leska	545 Mustang	Lavon	TX	75166	MUSTANG ESTATES, LOT 23
Dewey Long	548 Mustang	Lavon	TX	75166	MUSTANG ESTATES, LOT 13
Todd Ruddell	544 Mustang	Lavon	TX	75166	MUSTANG ESTATES, LOT 12
Jerry Hensley	536 Mustang	Lavon	TX	75166	MUSTANG ESTATES, LOT 10
Susan Johnson	532 Mustang	Lavon	TX	75166	MUSTANG ESTATES, LOT 9
Community Independent School District C/O Pounders Law Firm	801 Presidents	Lavon	TX	75166	COMMUNITY ISD ELEMENTARY ADDITION, BLK A, LOT 1

CITY OF LAVON, TEXAS

ORDINANCE NO. 2022-02-04

Conditional Use Permit – 540 Mustang Ct., Accessory Structure

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 9, ZONING ORDINANCE, OF THE CODE OF ORDINANCES, AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT TO CONSTRUCT A 2,000 SQUARE FOOT ACCESSORY STRUCTURE THAT IS 647 SQUARE FEET LARGER THAN PERMITTED AT 540 MUSTANG COURT, LOT 11, MUSTANG ESTATES, LAVON, COLLIN COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; A CUMULATIVE REPEALER CLAUSE; A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

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

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

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

SECTION 2. That Chapter 9, Zoning Ordinance, of the City of Lavon Code of Ordinances as heretofore amended, and the same is hereby amended so as to grant a Conditional Use Permit in a Single Family - 1 (SF-1) Zoning District on the property described and depicted in Exhibit "A" to construct a 2,000 square foot accessory structure on the property and that the herein-described property shall only be used in the manner and for the purpose provided for in the Zoning Ordinance of the City of Lavon as heretofore amended by granting of this conditional use permit and as may be amended in the future.

SECTION 3. That the Zoning Ordinance of the City of Lavon Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 4. That all rights and remedies of the City of Lavon are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are

inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 6. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect

SECTION 7. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues.

SECTION 8. The City Secretary of the City of Lavon is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 9. That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 1st day of February 2022.

Vicki Sanson
Mayor

ATTEST:

Rae Norton
City Secretary

CITY OF LAVON, TEXAS
ORDINANCE NO. 2022-02-02

EXHIBIT A

540 Mustang Court
Mustang Estates, Lot 11
Lavon, Texas

EXHIBIT B

- 1) Construction of a 2,000 square foot accessory structure that is 647 square feet larger than permitted.
- 2) The building shall be constructed in accordance with the exhibits included in the application packet and all other City regulations.
- 3) A building permit will be obtained prior to construction.

Elevations



FRONT VIEW



RIGHT VIEW

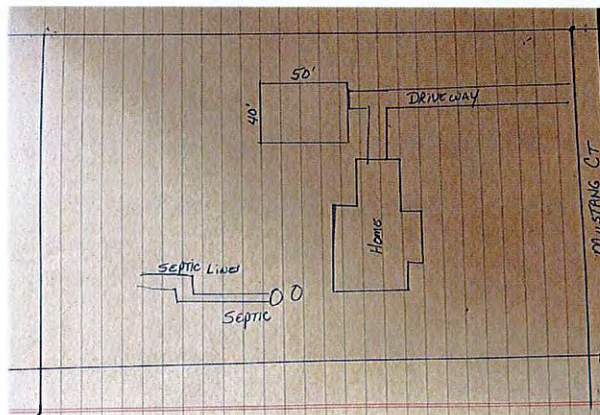


LEFT VIEW



BACK VIEW

Lot Layout





CITY OF LAVON

Agenda Brief

MEETING: February 1, 2022

ITEM: 8 - G

Item:

Public hearing, discussion, and action regarding an application to change the zoning district classification from temporary Agricultural (A) District to a Planned Development (PD) District consisting of 1,389 residential lots and 37 HOA open space lots, on approximately 376.758 acres of land, the Elevon Addition, Section 2, proposed for annexation and described as part of the 472.8955-acre tract in the Samuel M. Rainer Survey, Abstract No. 740, Collin County, TX, located north of CR 541, east of Lavon Ranchettes, and south of the NETEX right of way in Abston Hills MUD 1-B and 1-D, (CCAD Property IDs 1290178, 1290169, 1290203, 1290132, 2032794, 1290150).

- 1) Presentation of request.
- 2) **PUBLIC HEARING** to receive comments regarding the request.
- 3) Discussion regarding the request with action deferred until after the completion of the annexation proceeding.

Application Information

- Owner(s):** MA Elevon 429, LLC; GRBK Edgewood, LLC; Qualico Developments (U.S.), Inc. HMH/Stratford Elevon JV, LLC; UMH Development, LLC; K. Hovnanian DFW Elevon, LLC.
- Applicant:** MA Elevon 429, LLC; GRBK Edgewood, LLC; Qualico Developments (U.S.), Inc. HMH/Stratford Elevon JV, LLC; UMH Development, LLC; K. Hovnanian DFW Elevon, LLC.
- Representative:** Allen Jones, Manager, MA Elevon 429, LLC
- Location:** North of CR 541, east of Lavon Ranchettes, and south of the NETEX right of way in Abston Hills MUD 1-B and 1-D.
- Description:** Part of the 472.8955-acre tract in the Samuel M. Rainer Survey, Abstract No. 740, Collin County, TX, (CCAD Property IDs 1290178, 1290169, 1290203, 1290132, 2032794, 1290150). - 376.758 acres
- Current Zoning:** Upon annexation – Temporary Agricultural (A)
- Request:** Planned Development – PD - residential

Background

The owners of the property proposed for a change in zoning have petitioned for voluntary annexation that is scheduled for consideration subsequent to the Planning and Zoning Commission meeting and prior to the City Council's action on the zoning application. Upon annexation, a temporary Agricultural (A)

zoning district classification is assigned. The developer applied for Planned Development (PD) zoning to be considered concurrently with the annexation proceedings.

The property is presently in Abston Hills Municipal Utility District 1-B and 1-D with water and sanitary sewer capacity. On September 7, 2021 a preliminary plat for the site, Elevon, Section 2, Phase 2A-2E was approved. Additionally, on November 2, 2021 a final plat was approved for Elevon, Section 2, Elevon Parkway (Onsite). A development agreement was approved on September 21, 2021 that among other things provides for density, a community concept, open space, engineering details, development design standards, and architectural requirements.

Request Details

The proposed concept for Elevon, Section 2 is residential. The site is bound by CR 541 on the south, the NETEX corridor on the north. The residential development is proposed to be developed in several phases with different owners developing each POD and the main developer installing common infrastructure that serves all the PODs.

Zoning and Residential Density: The proposed development is situated on 376.758 acres and the proposed lot sizes range in minimum width from 26' to 70'. The proposed overall residential density is 3.69 units per acre.

The distribution of lot sizes is approximately: 56% of the lots with minimum widths of 50' and greater, 35% of the lots with 40' - 45' minimum widths; and 9% of the lots with minimum widths between 26' and 35'.

The proposed housing styles are predominantly single family detached homes and a small number of duplex, and courtyard style detached homes.

The concept plan provides sites for parks, open space, an amenity center, a water tower site, and a school.

Development Design Standards: Specific development standards are outlined in the attachments and include design details and community enhancements. Through a series of collaborative meetings, the applicant satisfied the review notes provided by the City team.

Utilities: The project will be served by the City's wastewater system and by Bear Creek Special Utility District (SUD) and Nevada SUD for water. The developer has obtained commitments to serve from the water providers.

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

Road Connection: The developer has proposed multiple points of ingress and egress for the residential sections. Proposed access adequately provides for public safety and transportation considerations. Improvements will be installed in accordance with the Traffic Impact Analysis (TIA) to be reviewed in conjunction with final platting.

Parkland Development: The applicant has designated areas within the development for open space, landscape, and detention. Walking trails and amenities are proposed to be provided as well as an amenity center, swimming pool, and various neighborhood park spaces.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF AN APPLICATION TO CHANGE THE ZONING DISTRICT CLASSIFICATION FROM TEMPORARY AGRICULTURAL (A) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT CONSISTING OF 1,389 RESIDENTIAL LOTS AND 37 HOA OPEN SPACE LOTS, ON APPROXIMATELY 376.758 ACRES OF LAND, THE ELEVON ADDITION, SECTION 2, PROPOSED FOR ANNEXATION AND DESCRIBED AS PART OF THE 472.8955 ACRE TRACT IN THE SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740, COLLIN COUNTY, TX, LOCATED NORTH OF CR 541, EAST OF LAVON RANCHETTES, AND SOUTH OF THE NETEX RIGHT OF WAY IN ABSTON HILLS MUD 1-B AND 1-D.

MOTION MADE: TIEGS
SECONDED: BEDELL
APPROVED: UNANIMOUS (Absent: Smith)

Staff Notes:

The requisite public hearing notice was published in the newspaper and posted on the website, zoning change signs were placed on the property, and nineteen (19) neighbor notices were mailed to the owners of property located within 200 feet of the applicant's property of which no notices have been returned in favor of or opposition to the application.

The proposed application is consistent with the Future Land Use Plan and the Comprehensive Plan.

Approval is recommended with action deferred until after the annexation proceedings have been completed on February 15, 2022.

- Attachments:**
1. Application
 2. Location Exhibits
 3. PD Zoning Framework and Concept Plan
 4. Preliminary Plat and Phasing Exhibit
 5. Neighbor Notices



CITY OF LAVON
 120 School Road • P.O. Box 340
 Lavon, TX 75166
 Phone (972) 843-4220
 lmccleendon@lavontx.gov

RECEIVED
 DEC 17 2021
 CITY OF LAVON

Request for a Change in Zoning

MA Elevon 429, LLD _____ 12/15/2021
 Applicants Name _____ Date

Allen Jones _____ (972) 715-6421
 Representative or Agent _____ Phone Number

15443 Knoll Trail Dr., Suite 130 _____ Dallas, TX 75248
 Street _____ City, State, Zip


Elevon Section 2 _____
 Location of Property _____

_____ Legal Description of Property _____ Current Zoning

Check which zoning category you wish to change to:

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

- Single Family – 1(1800 sq. ft. min. home) Retail
- Single Family – 2 (1500 sq. ft. min. home) Business District 1 / 2
- Single Family – 3 (1200 sq. ft. min. home) Planned Development
- Special Use Permit Mobile Home District
- Other: _____

Signature of Applicant or Representative: 

For Office Use Only

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

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



CITY OF LAVON
120 School Road • P.O. Box 340
Lavon, TX 75166
Phone (972) 843-4220
lmclendon@lavontx.gov

Declaration of Ownership

Date: 12/15/2021

To the City of Lavon
Collin County, Texas

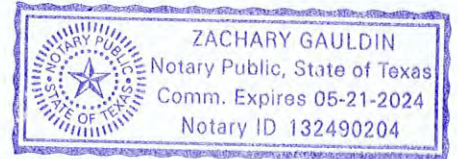
This letter will serve as notice that I/we, MA Elevon 429, LLC,
am/are the owner (s) of record of the property described in the attached survey
documentation, submitted with this form, for the purpose of any future proposed
request (s) relating to this property.

Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas



Before me, the undersigned authority, appeared _____,
on this the 17 day of December, 2021.

(notary seal)

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

Authorization of Representation

Date: 12/15/2021

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, MA Elevon 429, 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 Elevon 429, 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.

[Signature]
Signature (Owner)

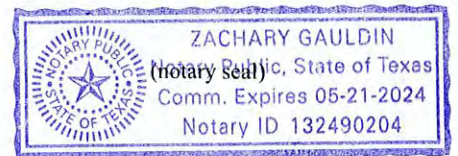
Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas

Before me, the undersigned authority, appeared _____,
on this the 17 day of December, 2021.

[Signature]



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
lmccleendon@lavontx.gov

Request for a Change in Zoning

GRBK Edgewood LLC 12/15/2021
Applicants Name Date

Allen Jones, Manager of MA Elevon 429, LLC (972) 715-6421
Representative or Agent Phone Number

15443 Knoll Trail Dr, Suite 130 Dallas, TX 75248
Street City, State, Zip

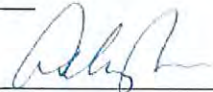
Elevon Section 2C & 2E
Location of Property

63.128 Acres and 52.37 Acres AG
Legal Description of Property Current Zoning

Check which zoning category you wish to change to:

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

- Single Family – 1(1800 sq. ft. min. home) Retail
- Single Family – 2 (1500 sq. ft. min. home) Business District 1 / 2
- Single Family – 3 (1200 sq. ft. min. home) Planned Development
- Special Use Permit Mobile Home District
- Other: _____

Signature of Applicant or Representative: 

For Office Use Only

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

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



CITY OF LAVON
 120 School Road • P.O. Box 340
 Lavon, TX 75166
 Phone (972) 843-4220
 lmclendon@lavontx.gov

Declaration of Ownership

Date: 12/15/2021

To the City of Lavon
 Collin County, Texas

This letter will serve as notice that I/we, GRBK Edgewood 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 Collin

Before me, the undersigned authority, appeared Bobby Samuel, Vice President,
 on this the 15th day of December, 2021.

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





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

Authorization of Representation

Date: 12/15/2021

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, GRBK Edgewood 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 Elevon 429, 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.




Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of Collin

Before me, the undersigned authority, appeared Bobby Samuel, Vice President,
on this the 15th day of December, 2021.



Notary Public in and for Collin County, Texas





CITY OF LAVON
 120 School Road • P.O. Box 340
 Lavon, TX 75166
 Phone (972) 843-4220
 lmccleendon@lavontx.gov

Request for a Change in Zoning

Qualico Developments (U.S.), Inc. 12/15/2021
 Applicants Name Date

Allen Jones, Manager of MA Elevon 429, LLC (972) 715-6421
 Representative or Agent Phone Number

15443 Knoll Trail Dr, Suite 130 Dallas, TX 75248
 Street City, State, Zip


Elevon Section 2D
 Location of Property

40.661 Acres AG
 Legal Description of Property Current Zoning

Check which zoning category you wish to change to:

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

- Single Family – 1(1800 sq. ft. min. home) Retail
- Single Family – 2 (1500 sq. ft. min. home) Business District 1 / 2
- Single Family – 3 (1200 sq. ft. min. home) Planned Development
- Special Use Permit Mobile Home District
- Other: _____

Signature of Applicant or Representative: 

For Office Use Only

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

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



CITY OF LAVON
 120 School Road • P.O. Box 340
 Lavon, TX 75166
 Phone (972) 843-4220
 lmccleendon@lavontx.gov

Declaration of Ownership

Date: 12/15/2021

To the City of Lavon
 Collin County, Texas

This letter will serve as notice that I/we, Qualico Developments (U.S.), Inc., 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.

John Vick
 Signature (Owner)

 Signature (Owner)

 Signature (Owner)

The State of Texas
 County of _____

Before me, the undersigned authority, appeared John Vick,
 on this the 16 day of December, 2021.

Madison McCabe



Notary Public in and for Collin County, Texas



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

Authorization of Representation

Date: 12/15/2021

To the City of Lavon
Collin County, Texas

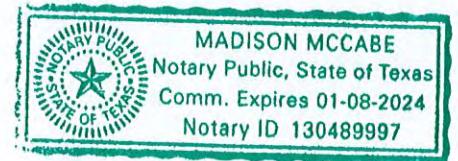
This letter will serve as notice that I/we, Qualico Developments (U.S.), Inc., am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize MA Elevon 429, LLC to represent me (us) and my (our) interests in the property described in the attached exhibits (s) for the expressed purpose of this request.

John Vick
Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of _____



Before me, the undersigned authority, appeared John Vick,
on this the 16 day of December, 2021.

(notary seal)

Madison McCabe

Notary Public in and for Collin County, Texas



CITY OF LAVON
 120 School Road • P.O. Box 340
 Lavon, TX 75166
 Phone (972) 843-4220
 lmccleendon@lavontx.gov

Request for a Change in Zoning

HMH/Statford Elevon JV, LLC 12/15/2021
 Applicants Name Date

Allen Jones, Manager of MA Elevon 429, LLC (972) 715-6421
 Representative or Agent Phone Number

15443 Knoll Trail Dr, Suite 130 Dallas, TX 75248
 Street City, State, Zip


Elevon Section 2B
 Location of Property

88.190 Acres AG
 Legal Description of Property Current Zoning

Check which zoning category you wish to change to:

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

- | | |
|---|---|
| <input type="checkbox"/> Single Family – 1(1800 sq. ft. min. home) | <input type="checkbox"/> Retail |
| <input type="checkbox"/> Single Family – 2 (1500 sq. ft. min. home) | <input type="checkbox"/> Business District 1 / 2 |
| <input type="checkbox"/> Single Family – 3 (1200 sq. ft. min. home) | <input checked="" type="checkbox"/> Planned Development |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Mobile Home District |
| <input type="checkbox"/> Other: _____ | |

Signature of Applicant or Representative: 

For Office Use Only

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

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



CITY OF LAVON
 120 School Road • P.O. Box 340
 Lavon, TX 75166
 Phone (972) 843-4220
 lmccleendon@lavontx.gov

Declaration of Ownership

Date: 12/15/2021

To the City of Lavon
 Collin County, Texas

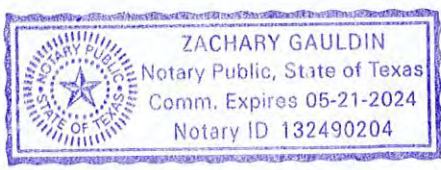
This letter will serve as notice that I/we, HMH/Stratford Elevation JV, LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, for the purpose of any future proposed request (s) relating to this property.

 Signature (Owner) *[Handwritten Signature]*

 Signature (Owner) *[Handwritten Signature]*

 Signature (Owner)

The State of Texas
 County of Dallas



Before me, the undersigned authority, appeared Nelson Mitchell,
 on this the 17 day of December, 2021.

(notary seal)

Zachary Gauldin

Notary Public in and for Dallas County, Texas



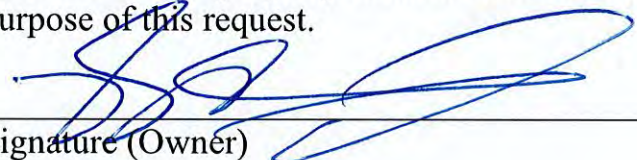
CITY OF LAVON
120 School Road • P.O. Box 340
Lavon, TX 75166
Phone (972) 843-4220

Authorization of Representation

Date: 12/15/2021

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, HMH/Stratford Elevon JV, 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 Elevon 429, 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.

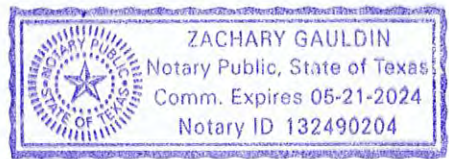


Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas



Before me, the undersigned authority, appeared Nelson Mitchell,
on this the 17 day of December, 2021.

(notary seal)



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
 lmclendon@lavontx.gov

Request for a Change in Zoning

UMH Development, LLC 12/15/2021

 Applicants Name Date

Allen Jones, Manager of MA Elevon 429, LLC (972) 715-6421

 Representative or Agent Phone Number

15443 Knoll Trail Dr, Suite 130 Dallas, TX 75248

 Street City, State, Zip

Elevon Section 2C and 2E

 Location of Property

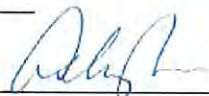
14.27 Acres and 12.97 Acres AG

 Legal Description of Property Current Zoning

Check which zoning category you wish to change to:

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

- | | |
|---|---|
| <input type="checkbox"/> Single Family – 1 (1800 sq. ft. min. home) | <input type="checkbox"/> Retail |
| <input type="checkbox"/> Single Family – 2 (1500 sq. ft. min. home) | <input type="checkbox"/> Business District 1 / 2 |
| <input type="checkbox"/> Single Family – 3 (1200 sq. ft. min. home) | <input checked="" type="checkbox"/> Planned Development |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Mobile Home District |
| <input type="checkbox"/> Other: _____ | |

Signature of Applicant or Representative: 

For Office Use Only

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

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



CITY OF LAVON
 120 School Road • P.O. Box 340
 Lavon, TX 75166
 Phone (972) 843-4220
 lmccleendon@lavontx.gov

Declaration of Ownership

Date: 12/15/2021

To the City of Lavon
 Collin County, Texas

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

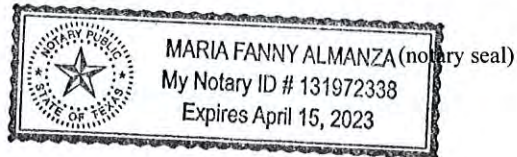
 Signature (Owner)

 Signature (Owner)

 Signature (Owner)

The State of Texas
 County of Dallas

Before me, the undersigned authority, appeared Dennis Pitt,
 on this the 16th day of December, 2021.



Maria Fanny Almanza

Notary Public in and for Dallas County, Texas



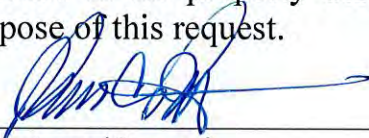
CITY OF LAVON
 120 School Road • P.O. Box 340
 Lavon, TX 75166
 Phone (972) 843-4220

Authorization of Representation

Date: 12/15/2021

To the City of Lavon
 Collin County, Texas

This letter will serve as notice that I/we, UMH Development, LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize MA Elevon 429, 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.




 Signature (Owner)

 Signature (Owner)

 Signature (Owner)

The State of Texas
 County of Dallas

Before me, the undersigned authority, appeared Dennis Pitt,
 on this the 16th day of December, 2021.





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
 lmccleendon@lavontx.gov

Request for a Change in Zoning

K. Hovnanian DFW Elevon, LLC 12/15/2021

 Applicants Name Date

Allen Jones, Manager of MA Elevon 429, LLC (972) 715-6421

 Representative or Agent Phone Number

15443 Knoll Trail Dr, Suite 130 Dallas, TX 75248

 Street City, State, Zip

Elevon Section 2A

 Location of Property


65.135 Acres AG

 Legal Description of Property Current Zoning

Check which zoning category you wish to change to:

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

- | | |
|---|---|
| <input type="checkbox"/> Single Family – 1(1800 sq. ft. min. home) | <input type="checkbox"/> Retail |
| <input type="checkbox"/> Single Family – 2 (1500 sq. ft. min. home) | <input type="checkbox"/> Business District 1 / 2 |
| <input type="checkbox"/> Single Family – 3 (1200 sq. ft. min. home) | <input checked="" type="checkbox"/> Planned Development |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Mobile Home District |
| <input type="checkbox"/> Other: _____ | |

Signature of Applicant or Representative: 

For Office Use Only

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

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



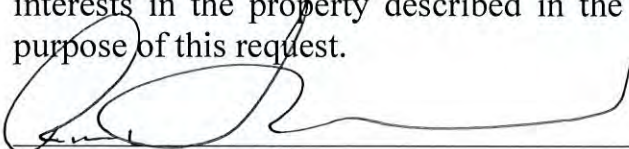
CITY OF LAVON
120 School Road • P.O. Box 340
Lavon, TX 75166
Phone (972) 843-4220

Authorization of Representation

Date: 12/15/2021

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, K. Hovnanian DFW Elevon, 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 Elevon 429, 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.



Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of Collin

Before me, the undersigned authority, appeared Rice Trotter,
on this the 15th day of December, 2021.



(notary seal)



Notary Public in and for Collin County, Texas



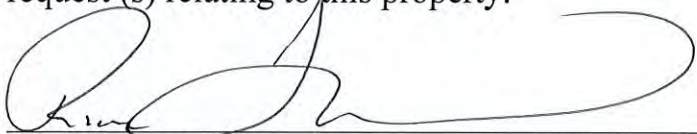
CITY OF LAVON
 120 School Road • P.O. Box 340
 Lavon, TX 75166
 Phone (972) 843-4220
 lmccleendon@lavontx.gov

Declaration of Ownership

Date: 12/15/2021

To the City of Lavon
 Collin County, Texas

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



Signature (Owner)

 Signature (Owner)

 Signature (Owner)

The State of Texas
 County of Collin

Before me, the undersigned authority, appeared Rick Trotter,
 on this the 15th day of December, 2021.



(notary seal)



Notary Public in and for Collin County, Texas

ATTACHMENT A
Property

LEGAL DESCRIPTION

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 a one-half inch iron rod with cap stamped "USA INC. PROP. COR" found 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 one-half inch iron rod found for corner;
North 01 degrees 07 minutes 18 seconds East, 1,375.04 feet to a three-eighths inch iron rod found for corner;

North 01 degrees 01 minutes 24 seconds East, 240.18 feet to a one-half inch iron rod with cap stamped "USA INC. PROP. COR" found at the northwest corner of said 180.339 acre tract, said point also being in the south line of said 472.8955 acre tract;

THENCE 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 1,576.39 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 88 degrees 52 minutes 39 seconds East, 649.89 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE North 70 degrees 37 minutes 18 seconds East, 252..27 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE North 58 degrees 06 minutes 24 seconds East, 454.01 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 81 degrees 00 minutes 14 seconds East, 273.36 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 20 degrees 23 minutes 20 seconds East, 149.63 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE North 86 degrees 39 minutes 17 seconds East, 326.44 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE North 02 degrees 14 minutes 27 seconds East, 149.62 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE North 50 degrees 45 minutes 14 seconds East, 210.82 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE North 88 degrees 55 minutes 55 seconds East, 423.69 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 85 degrees 19 minutes 02 seconds East, 780.24 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE North 88 degrees 10 minutes 40 seconds East, 481.32 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 57 degrees 19 minutes 17 seconds East, 211.03 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE North 32 degrees 40 minutes 43 seconds East, 126.45 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE North 15 degrees 53 minutes 22 seconds West, 13.34 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE North 63 degrees 02 minutes 13 seconds West, 12.06 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE North 26 degrees 31 minutes 02 seconds East, 50.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE Southeasterly, 372.60 feet along a curve to the right having a central angle of 25 degrees 52 minutes 38 seconds, a radius of 825.00 feet, a tangent of 189.54 feet and whose chord bears South 50 degrees 32 minutes 39 seconds East, 369.45 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE North 52 degrees 23 minutes 40 seconds East, 228.59 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE North 27 degrees 23 minutes 01 seconds East, 204.73 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 89 degrees 59 minutes 16 seconds East, 238.16 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 46 degrees 40 minutes 06 seconds East, 327.25 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 10 degrees 15 minutes 11 seconds West, 188.34 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 79 degrees 44 minutes 49 seconds East, 15.14 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 10 degrees 15 minutes 11 seconds West, 50.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 79 degrees 44 minutes 49 seconds East, 91.32 feet to a one-half inch iron rod with yellow cap set for corner;

THENCE South 10 degrees 15 minutes 11 seconds West, 24.19 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 11 degrees 36 minutes 37 seconds West, 30.55 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 15 degrees 04 minutes 19 seconds West, 47.37 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 17 degrees 59 minutes 18 seconds West, 18.28 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 18 degrees 48 minutes 02 seconds West, 186.21 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 19 degrees 49 minutes 03 seconds West, 50.93 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 21 degrees 41 minutes 34 seconds West, 42.99 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 23 degrees 24 minutes 34 seconds West, 42.99 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 25 degrees 07 minutes 34 seconds West, 42.99 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 26 degrees 16 minutes 04 seconds West, 14.20 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 26 degrees 33 minutes 05 seconds West, 330.74 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 35 degrees 41 minutes 29 seconds West, 50.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE Northwesterly, 122.12 feet along a curve to the left having a central angle of 05 degrees 07 minutes 33 seconds, a radius of 1,365.00 feet, a tangent of 61.10 feet, and whose chord bears North 56 degrees 52 minutes 18 seconds West, 122.08 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 30 degrees 33 minutes 56 seconds West, 120.15 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 60 degrees 06 minutes 27 seconds East, 9.84 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 57 degrees 51 minutes 21 seconds East, 48.93 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 55 degrees 35 minutes 59 seconds East, 48.93 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 53 degrees 34 minutes 53 seconds East, 48.93 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 51 degrees 29 minutes 01 seconds East, 48.94 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 49 degrees 23 minutes 06 seconds East, 48.96 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 47 degrees 17 minutes 09 seconds East, 48.98 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 45 degrees 11 minutes 07 seconds East, 49.01 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 43 degrees 05 minutes 01 seconds East, 49.04 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 40 degrees 58 minutes 50 seconds East, 49.08 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 38 degrees 53 minutes 17 seconds East, 48.54 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 36 degrees 52 minutes 59 seconds East, 45.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 33 degrees 57 minutes 44 seconds East, 91.25 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 19 degrees 19 minutes 42 seconds East, 50.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE Southwesterly, 118.08 feet along a curve to the left having a central angle of 06 degrees 19 minutes 23 seconds, a radius of 1,070.00 feet, a tangent of 59.10 feet, and whose chord bears South 67 degrees 30 minutes 37 seconds West, 118.02 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 25 degrees 39 minutes 05 seconds East, 120.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE Northeasterly, 439.75 feet along a curve to the right having a central angle of 26 degrees 31 minutes 19 seconds, a radius of 950.00 feet, a tangent of 223.89 feet, and whose chord bears North 77 degrees 36 minutes 35 seconds East, 435.83 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 00 degrees 52 minutes 14 seconds West, 100.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE Southwesterly, 563.09 feet along a curve to the left having a central angle of 37 degrees 57 minutes 22 seconds, a radius of 850.00 feet, a tangent of 292.31 feet, and whose chord bears South 71 degrees 53 minutes 33 seconds West, 552.85 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 52 degrees 54 minutes 52 seconds West, 981.17 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE Southwesterly, 733.92 feet along a curve to the right having a central angle of 30 degrees 02 minutes 09 seconds, a radius of 1,400.00 feet, a tangent of 375.60 feet, and whose chord bears South 67 degrees 55 minutes 57 seconds West, 725.54 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 05 degrees 37 minutes 01 seconds East, 563.85 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE Southeasterly, 55.96 feet along a curve to the left having a central angle of 06 degrees 32 minutes 37 seconds, a radius of 490.00 feet, a tangent of 28.01 feet, and whose chord bears South 08 degrees 53 minutes 20 seconds East, 55.93 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE Southeasterly, 231.51 feet along a curve to the right having a central angle of 12 degrees 41 minutes 36 seconds, a radius of 1,045.00 feet, a tangent of 116.23 feet, and whose chord bears South 05 degrees 48 minutes 51 seconds East, 231.03 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 00 degrees 31 minutes 57 seconds West, 66.59 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner 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, 479.74 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 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 cap stamped "USA INC. PROP. COR" found for corner;

THENCE North 89 degrees 23 minutes 25 seconds West, 705.75 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner, said point also being the southeast corner of that called 1.05 acre tract of land described in deed to Donald Stiles as recorded in Document Number 20200821001383600, Official Public Records of Collin County, Texas;

THENCE along the common lines of said 180.339 acre tract and said 1.05 acre tract as follows:

North 00 degrees 45 minutes 47 seconds East, 253.51 feet to a five-eighths inch iron rod found for corner

North 87 degrees 47 minutes 23 seconds West, 180.66 feet to a one-half inch iron rod with cap stamped "USA INC. PROP. COR" found for corner;

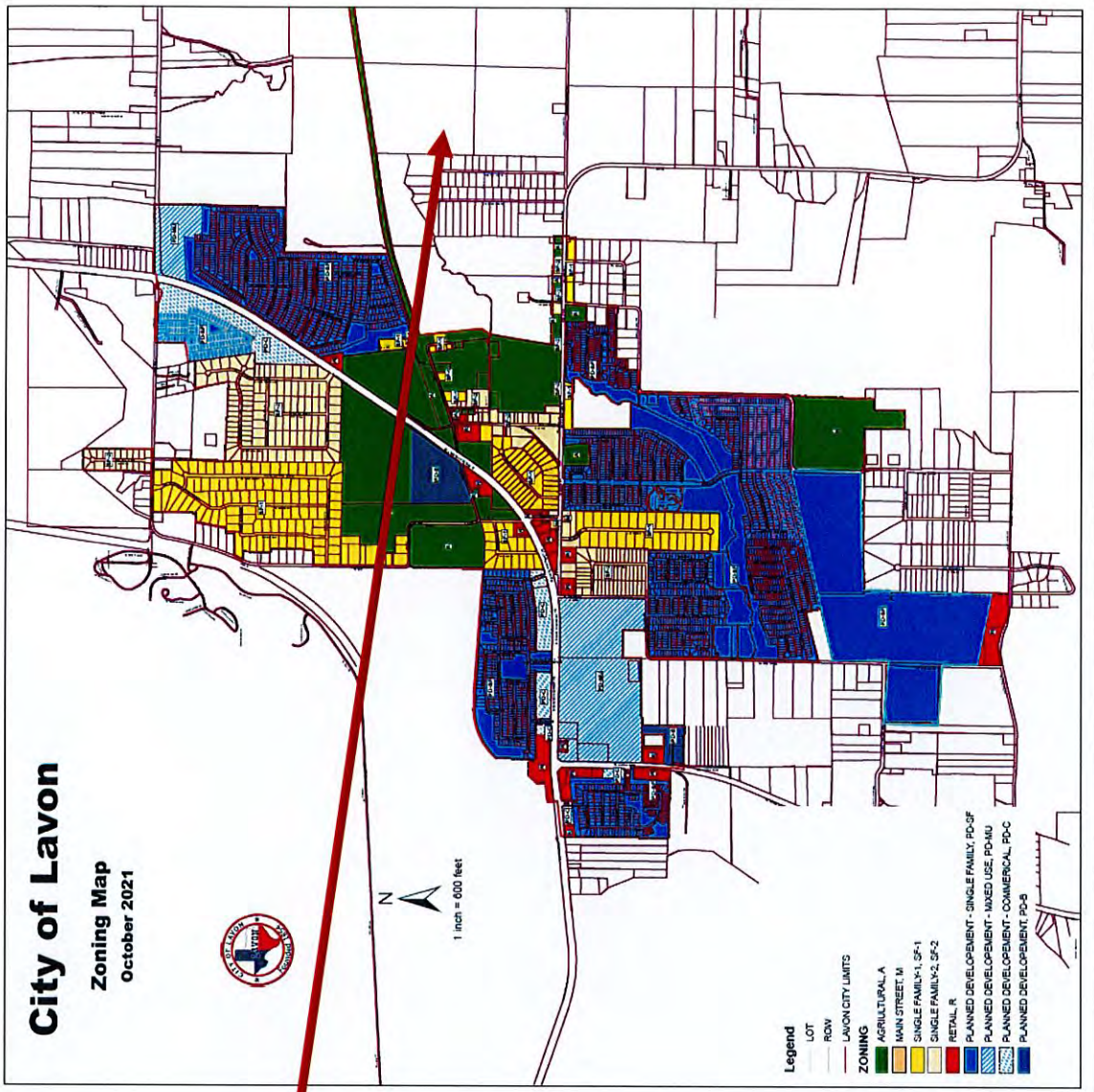
South 00 degrees 37 minutes 46 seconds West, 257.91 feet to a one-half inch iron rod found at the southwest corner of said 1.05 acre tract, said point also being in the north right-of-way line of County Road 541;

THENCE North 89 degrees 10 minutes 57 seconds West, 848.67 feet along the south line of said 180.339 acre tract and along the north right-of-way line of County Road 541 to the POINT OF BEGINNING and containing 16,411,571 square feet or 376.758 acres of land.

BASIS OF BEARING:

The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83), distances shown hereon are grid distance values.

Zoning Map

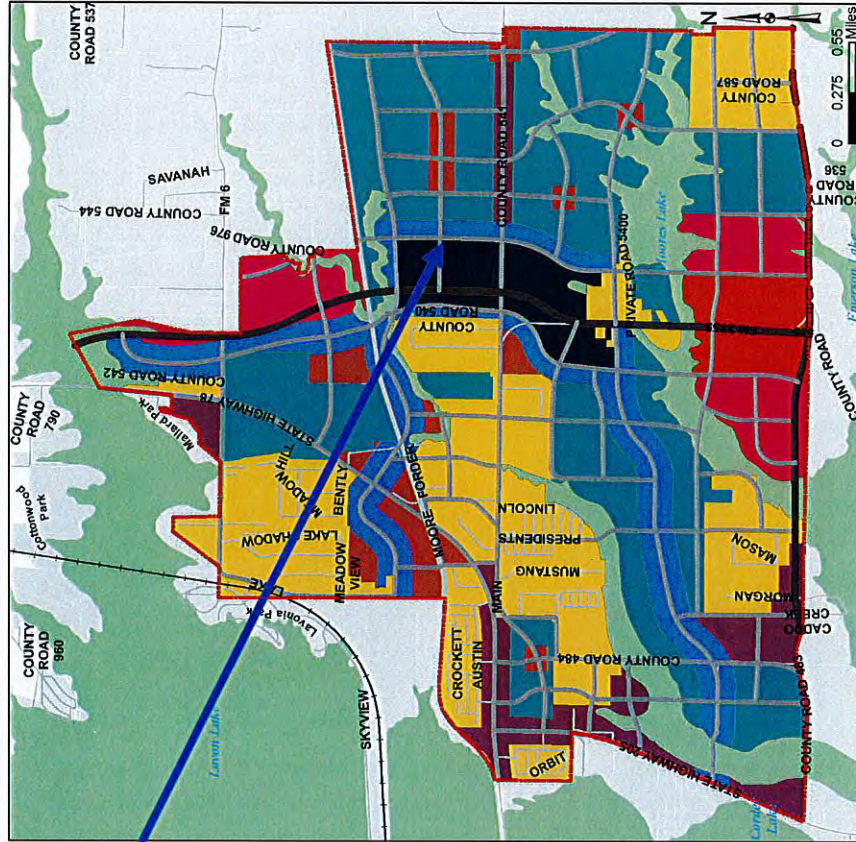




Lavon Future Land Use Plan

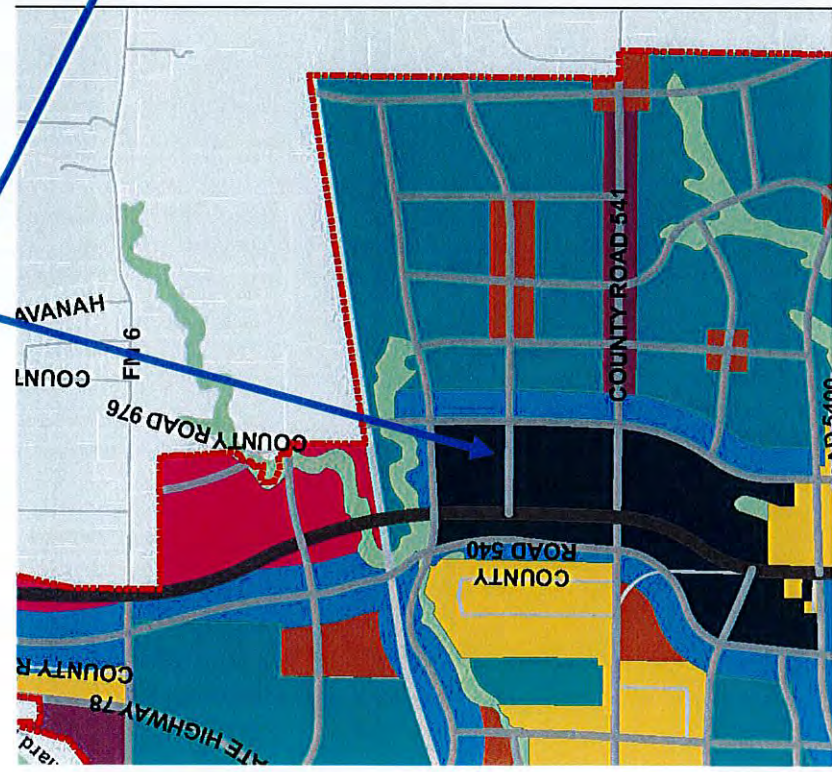
Source: Ideation Planning, Lee Engineering, 2019

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

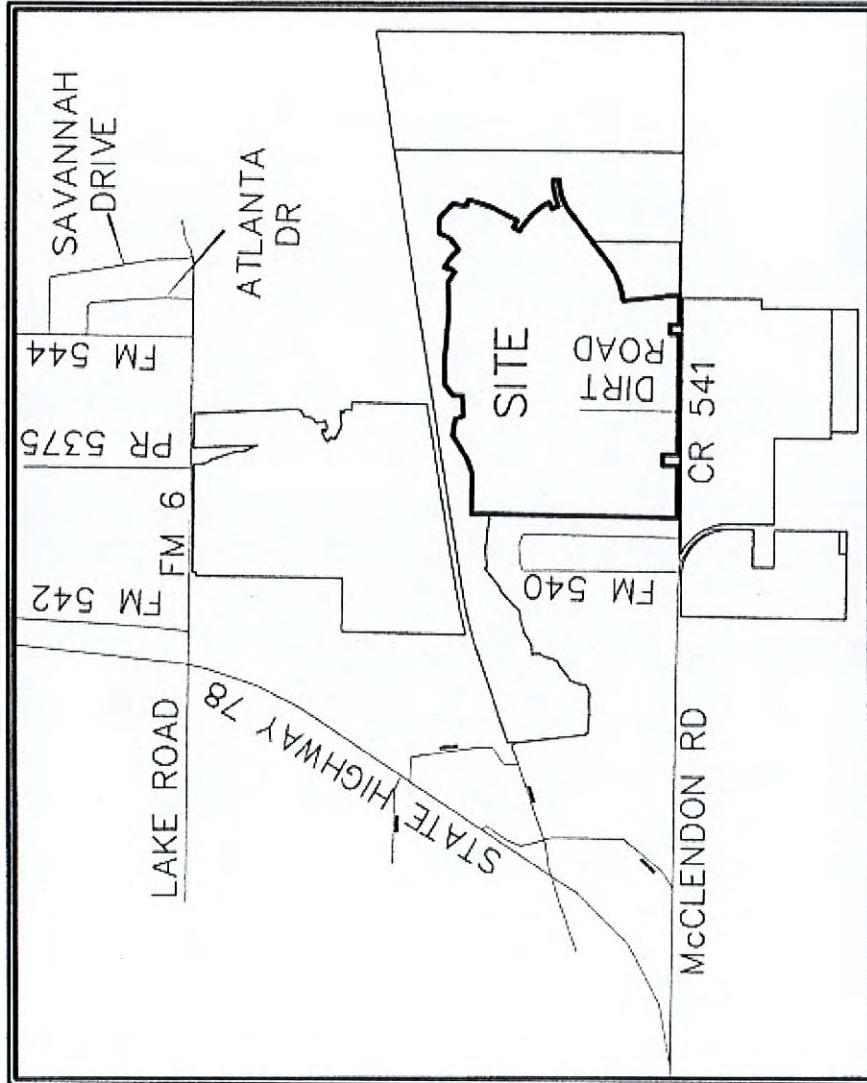


A comprehensive plan shall not constitute a zoning regulation or establish zoning district boundaries.

Future Land Use Plan



Location Exhibit

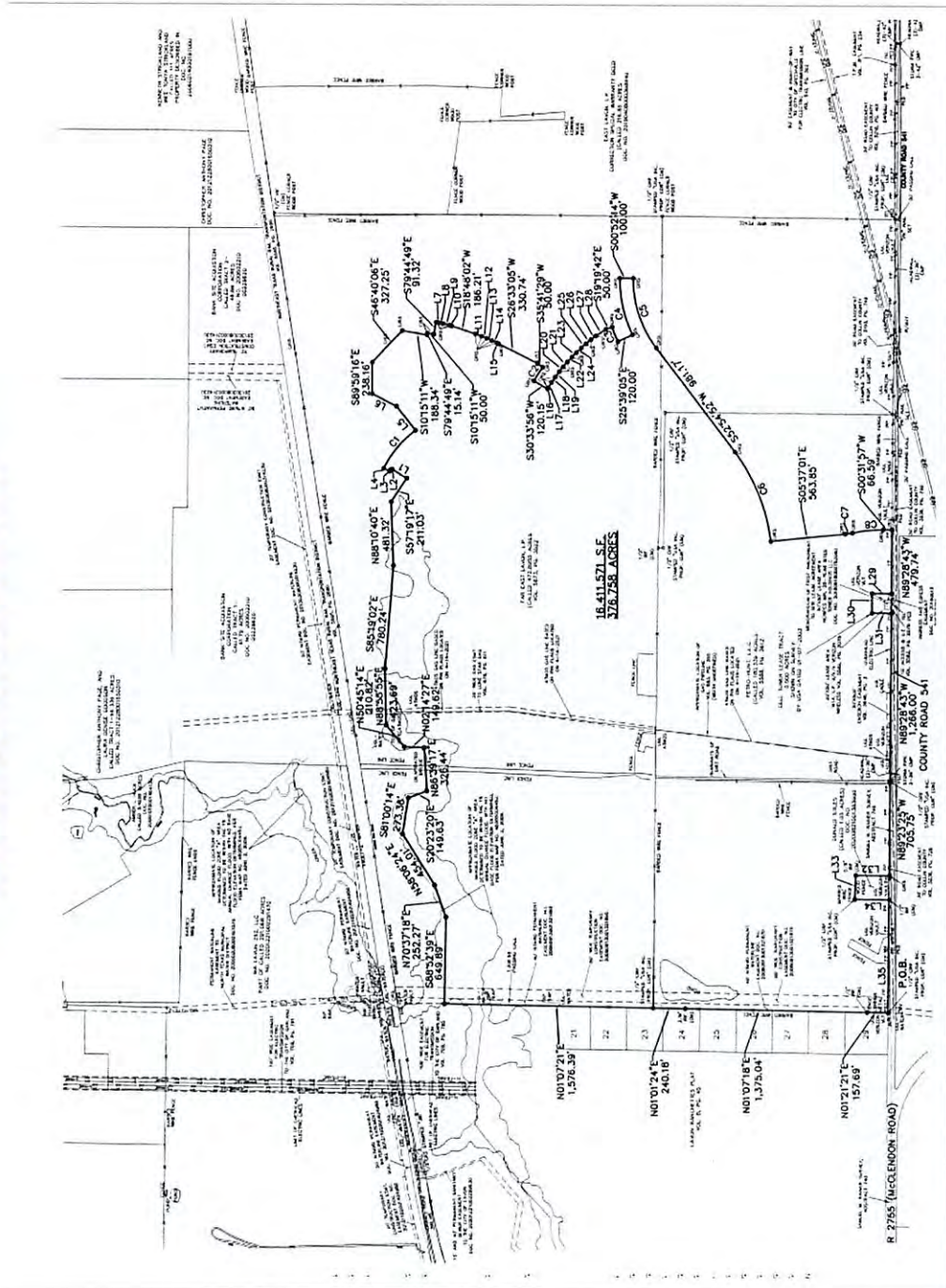


VICINITY MAP (N.T.S.)

Location Exhibit



Location Exhibit

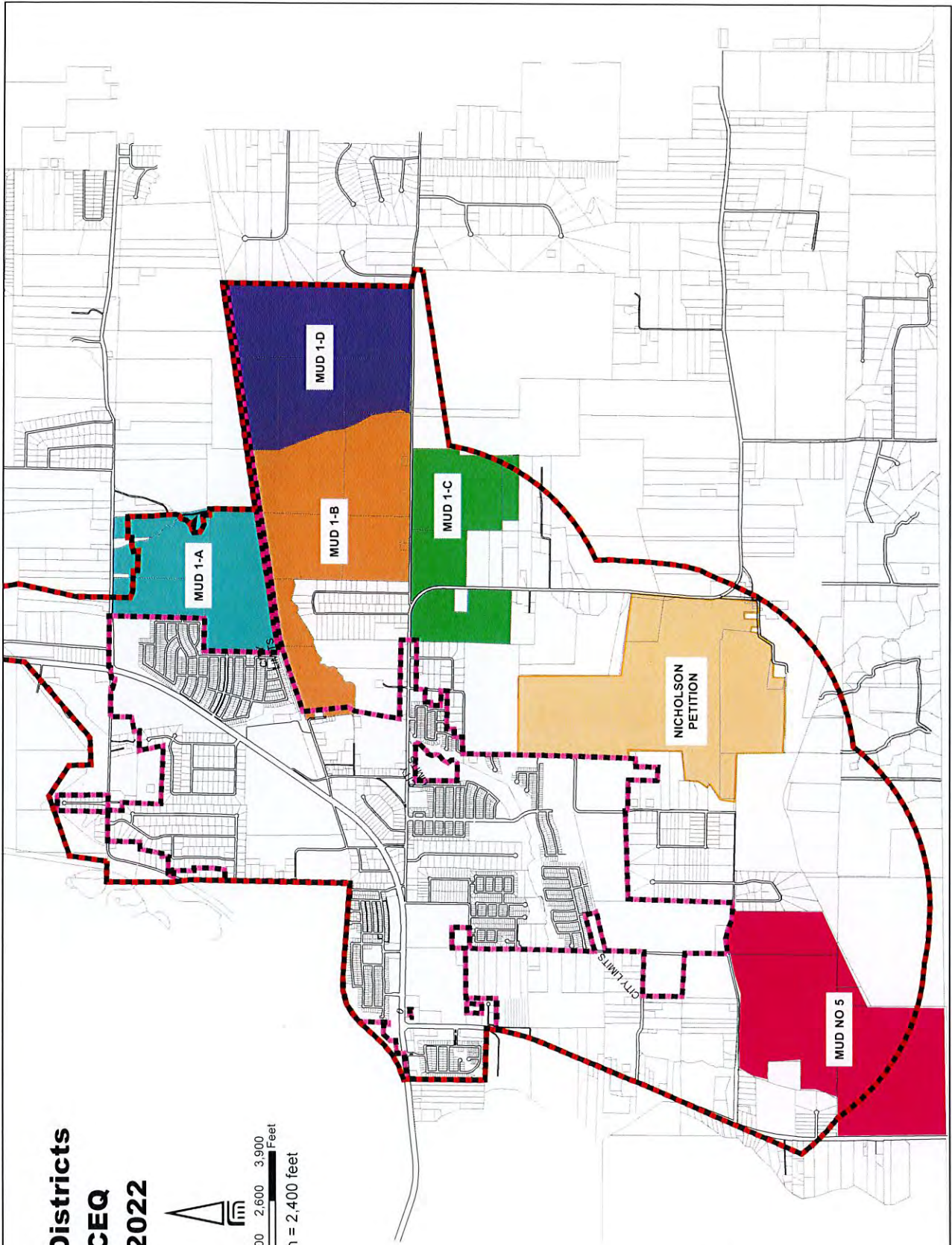
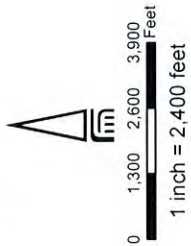


Location Exhibit

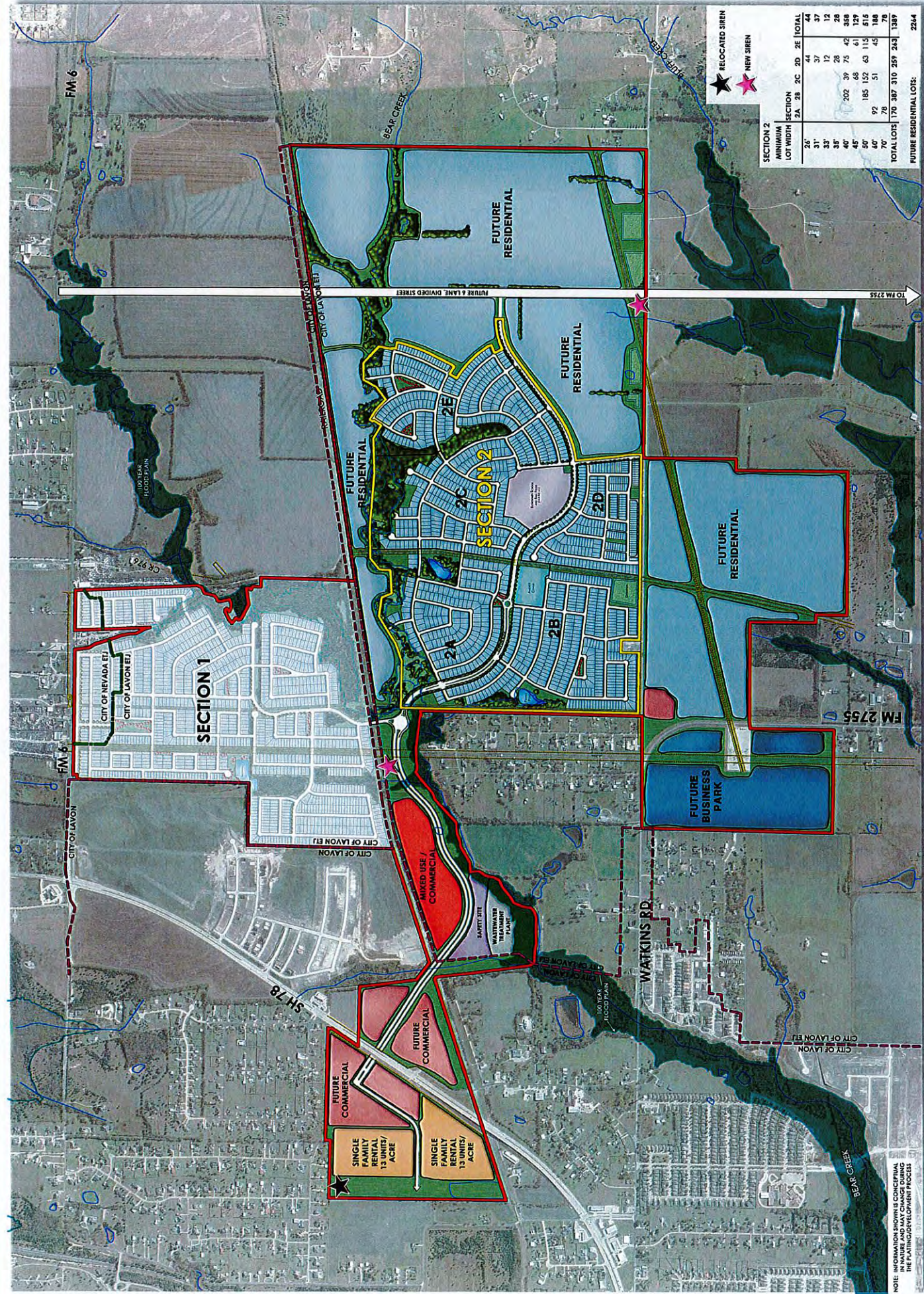


↑ North

Special Districts by TCEQ 1-20-2022



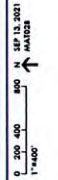
- Legend**
- ETJ (1 MILE)
 - CITY LIMITS
 - GlobalID
 - MUD 1-A
 - MUD 1-B
 - MUD 1-C
 - MUD 1-D
 - MUD NO 5
 - NICHOLSON PETITION



SECTION 2		MINIMUM LOT WIDTH SECTION					TOTAL	
		2A	2B	2C	2D	2E		
2A'	31'	44	37	12	12	2E	44	44
	33'	202	39	75	42		358	12
	40'	185	125	63	115		478	12
	50'	92	51	45	188		376	12
	60'	17	387	259	243		1387	12
	70'							
	80'							
	90'							
	100'							
	110'							
	120'							
	130'							
	140'							
	150'							
	160'							
	170'							
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	340'							
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	360'							
	370'							
	380'							
	390'							
	400'							
	410'							
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	880'							
	890'							
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	930'							
	940'							
	950'							
	960'							
	970'							
	980'							
	990'							
	1000'							

ELEVON

NOTES: THESE ARE PRELIMINARY CONCEPTS AND SUBJECT TO CHANGE DURING THE PLANNING/DEVELOPMENT PROCESS.



ELEVON SECTION 2 – INITIAL DRAFT
BASIS FOR PLANNED DEVELOPMENT ORDINANCE

- Exhibit A – Location Map
- Exhibit B – Legal Description
- Exhibit C – Concept and Lot Type Plan
- Exhibit D – Development Standards
- Exhibit E – Parks/Open Space

01-21-2022

Page 1 of 16

Exhibit B – Legal Description

Elevon – Section 2

LEGAL DESCRIPTION

Here a parcel of land located in Collin County, Texas, a part of the Somers M. Romer Survey Abstract Number 740, and being a part of that called 472,850 acre tract of land described in deed to East Ligon, L.P., as recorded in Volume 56718, Page 3020, 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 Ferra-Hunt, L.L.C. as recorded in Volume 25868, Page 2616, Official Public Records of Collin County, Texas, and being further described as follows:

BEGINNING at a one-half inch iron rod with cap stamped USA INC. PROP. CORP. found at the southwest corner of said 180,339 acre tract, said cap being the southeast corner of Lot 28, Ligon Ranchettes Plat, an Addition to Collin County as recorded in Volume 3, 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 west line of said Ligon Ranchettes Addition as follows:

North 01 degree 21 minutes 21 seconds East, 152.66 feet to a one-half inch iron rod found for corner;

North 08 degree 07 minutes 18 seconds East, 1,273.04 feet to a one-half inch iron rod found for corner;

North 01 degree 01 minutes 24 seconds East, 240.16 feet to a one-half inch iron rod with cap stamped USA INC. PROP. CORP. found at the northwest corner of said 180,339 acre tract, said point also being in the south line of said 472,850 acre tract;

THENCE 01 degree 07 minutes 21 seconds East, at 1,005.88 feet joining the northeast corner of said Ligon Ranchettes Addition, in a total distance of 1,576.39 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 55 degrees 52 minutes 39 seconds East, 649.39 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE North 70 degrees 37 minutes 18 seconds East, 252.27 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE North 58 degrees 06 minutes 24 seconds East, 454.01 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 81 degrees 00 minutes 14 seconds East, 273.26 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 20 degrees 23 minutes 20 seconds East, 148.83 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE North 86 degrees 39 minutes 17 seconds East, 320.44 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE North 02 degrees 14 minutes 27 seconds East, 148.82 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE North 50 degrees 49 minutes 14 seconds East, 270.92 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE North 80 degrees 55 minutes 53 seconds East, 425.65 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 83 degrees 19 minutes 02 seconds East, 762.24 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE North 08 degrees 10 minutes 40 seconds East, 218.03 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 57 degrees 19 minutes 17 seconds East, 218.03 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE North 32 degrees 08 minutes 43 seconds East, 126.45 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE North 15 degrees 53 minutes 22 seconds West, 1,134.14 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE North 53 degrees 32 minutes 13 seconds West, 1,208.14 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE North 28 degrees 31 minutes 02 seconds East, 500.00 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE Southwesterly, 372.80 feet along a curve to the right having a central angle of 28 degrees 52 minutes 38 seconds, a radius of 832.50 feet, a tangent of 180.24 feet and whose chord bears South 50 degrees 32 minutes 30 seconds East, 368.45 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE North 53 degrees 23 minutes 40 seconds East, 228.59 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE North 27 degrees 25 minutes 01 seconds East, 204.73 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE North 88 degrees 05 minutes 16 seconds East, 258.73 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 48 degrees 40 minutes 08 seconds East, 327.25 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 15 degrees 15 minutes 11 seconds West, 188.34 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 79 degrees 54 minutes 49 seconds East, 15.14 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 10 degrees 15 minutes 11 seconds West, 540.00 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 79 degrees 44 minutes 49 seconds East, 51.32 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 10 degrees 15 minutes 11 seconds West, 241.91 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 11 degrees 56 minutes 37 seconds West, 30.55 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 10 degrees 54 minutes 19 seconds West, 47.37 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 17 degrees 59 minutes 18 seconds West, 16.28 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 18 degrees 48 minutes 32 seconds West, 186.21 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 18 degrees 49 minutes 33 seconds West, 50.83 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 21 degrees 41 minutes 34 seconds West, 42.99 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 23 degrees 24 minutes 34 seconds West, 42.99 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 23 degrees 07 minutes 34 seconds West, 42.93 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 25 degrees 16 minutes 04 seconds West, 14.20 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 28 degrees 33 minutes 05 seconds West, 250.74 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 25 degrees 41 minutes 28 seconds West, 330.00 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE Northwesterly, 122.12 feet along a curve to the left having a central angle of 05 degrees 07 minutes 33 seconds, a radius of 1,365.30 feet, a tangent of 61.10 feet, and whose chord bears North 58 degrees 52 minutes 10 seconds West, 122.08 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 39 degrees 33 minutes 58 seconds West, 122.12 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 50 degrees 05 minutes 27 seconds East, 9.84 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 57 degrees 51 minutes 21 seconds East, 48.93 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 55 degrees 35 minutes 59 seconds East, 48.93 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 53 degrees 34 minutes 53 seconds East, 48.93 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 51 degrees 29 minutes 01 seconds East, 48.94 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 49 degrees 23 minutes 06 seconds East, 48.94 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 47 degrees 17 minutes 06 seconds East, 48.94 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 45 degrees 11 minutes 07 seconds East, 48.94 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 43 degrees 05 minutes 01 seconds East, 48.94 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 40 degrees 58 minutes 50 seconds East, 48.94 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 38 degrees 53 minutes 17 seconds East, 48.94 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 36 degrees 52 minutes 58 seconds East, 48.94 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 33 degrees 57 minutes 44 seconds East, 48.94 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 30 degrees 19 minutes 42 seconds East, 50.00 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE Southwesterly, 118.04 feet along a curve to the left having a central angle of 58 degrees 19 minutes 23 seconds, a radius of 1,070.00 feet, a tangent of 54.10 feet, and whose chord bears South 87 degrees 05 minutes 27 seconds West, 118.02 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 23 degrees 39 minutes 05 seconds East, 120.00 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE Northwesterly, 432.75 feet along a curve to the right having a central angle of 26 degrees 21 minutes 22 seconds, a radius of 800.00 feet, a tangent of 223.39 feet, and whose chord bears North 77 degrees 36 minutes 35 seconds East, 432.53 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 03 degrees 52 minutes 14 seconds West, 100.00 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE Southwesterly, 563.09 feet along a curve to the left having a central angle of 27 degrees 57 minutes 22 seconds, a radius of 800.00 feet, a tangent of 223.39 feet, and whose chord bears South 71 degrees 53 minutes 53 seconds West, 562.82 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 52 degrees 54 minutes 52 seconds West, 281.17 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE Southwesterly, 733.92 feet along a curve to the right having a central angle of 30 degrees 03 minutes 29 seconds, a radius of 1,400.00 feet, a tangent of 372.60 feet, and whose chord bears South 63 degrees 40 minutes 37 seconds East, 733.54 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 00 degrees 37 minutes 01 seconds East, 963.85 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE Southwesterly, 552.96 feet along a curve to the left having a central angle of 06 degrees 32 minutes 37 seconds, a radius of 800.00 feet, a tangent of 223.39 feet, and whose chord bears South 08 degrees 53 minutes 20 seconds East, 552.82 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE Southwesterly, 231.01 feet along a curve to the right having a central angle of 12 degrees 41 minutes 56 seconds, a radius of 1,040.00 feet, a tangent of 162.22 feet, and whose chord bears South 03 degrees 40 minutes 37 seconds East, 231.03 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE South 00 degree 31 minutes 57 seconds West, 562.82 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner 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 82 degrees 26 minutes 43 seconds East, 495.74 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 point for corner;

THENCE North 00 degrees 31 minutes 17 seconds East, 141.28 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner;

THENCE North 85 degrees 28 minutes 43 seconds West, 147.58 feet to a one-half inch iron rod with yellow cap stamped "LB" 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 "LB" 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 83 degrees 28 minutes 43 seconds West, 1,285.00 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 cap stamped USA INC. PROP. CORP. found for corner;

THENCE North 89 degrees 23 minutes 25 seconds West, 703.75 feet to a one-half inch iron rod with yellow cap stamped "LB" set for corner, said point also being the southeast corner of that called "B" acre tract of land described in deed to Donald Stiles as recorded in Instrument Number 2022059/001346403, Official Public Records of Collin County, Texas;

THENCE along the common line of said 180,339 acre tract and said 1.05 acre tract as follows:

North 00 degrees 45 minutes 47 seconds East, 252.81 feet to a five-eighths inch iron rod found for corner;

North 87 degrees 47 minutes 23 seconds West, 180.66 feet to a one-half inch iron rod with cap stamped USA INC. PROP. CORP. found for corner;

South 00 degrees 37 minutes 46 seconds West, 252.81 feet to a one-half inch iron rod found at the southwest corner of said 1.05 acre tract, said point also being in the north right-of-way line of County Road 541;

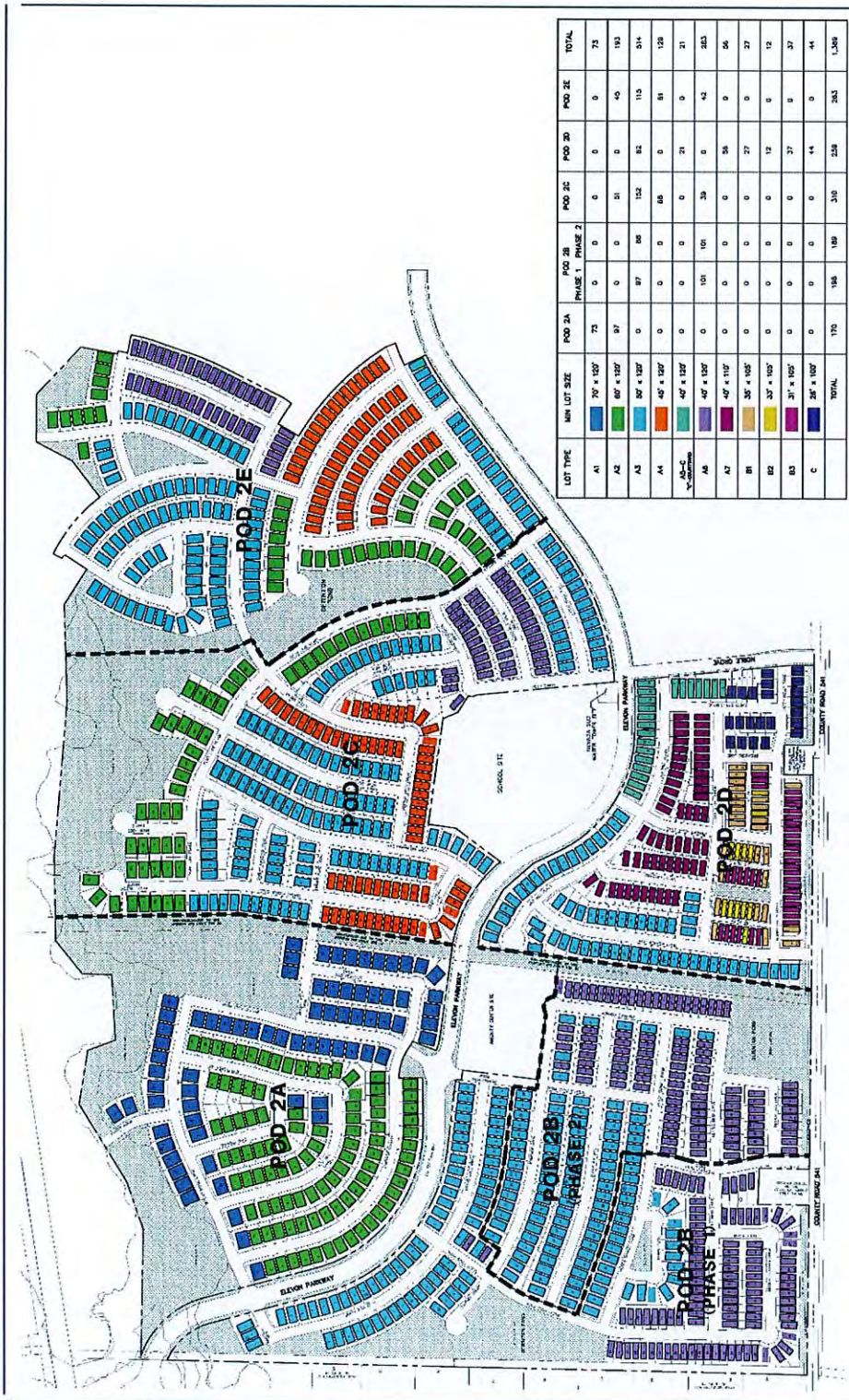
THENCE North 86 degrees 10 minutes 57 seconds West, 548.67 feet along the south line of said 180,339 acre tract and along the north right-of-way line of County Road 541 to the POINT OF BEGINNING and containing 18,113.71 square feet or 376,736 square feet of land.

BASES OF BEGINNING

The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83), distances shown herein are 412 distance units.

Exhibit C – Concept and Lot Type Plan

Elevon – Section 2





JBI PARTNERS

 Levon, Texas

 ELEVON SECTION 2

 Levon, Texas

 EXHIBIT C - CONCEPT AND LOT TYPE PLAN

 DATE: 11/13/2022

 DRAWN BY: MARY

 SCALE: 1" = 40'

 NORTH

 OPEN SPACE MEAS

Exhibit D – Development Standards

Elevon – Section 2

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1 Definitions

1.A. Property

Area of land described and detailed in *Exhibit A – Location Map*, *Exhibit B – Legal Description*, and *Exhibit C – Concept and Lot Type Plan*.

1.B. Lot Coverage

Percentage of area covered by impervious surface of structure foundations.

1.C. Courtyard Detached Dwelling

Single family detached lot types required to have a portal and architectural wall which creates an outdoor living space between the main living area and the front entry element. The garage can either be attached or detached from the main living area, no more than 50 percent of the Courtyard Detached Dwellings can have an attached garage at any stage of permitting. Applicant shall provide this permitted garage percentage for the Property with each Courtyard Detached Dwelling permit application (or set of permit applications).

1.D. Amenity Center

A site within the Property that shall include, at a minimum: air-conditioned space, swimming pool(s), and family lifestyle-oriented facilities.

2 Conflicts

In the event of a conflict between this Ordinance and any other City ordinance, rule, or regulation, including, but not limited to, the provisions of the City's Zoning Ordinance, this Ordinance shall control. In the event of a conflict between this Ordinance and the Development Agreement applicable to the Property, the Development Agreement shall control. Any amendments to the Development Agreement applicable to the Property that could conflict with this Ordinance shall be considered with an associated rezoning request to amend this Ordinance accordingly with all applicable procedural considerations as required by the Zoning Ordinance.

3 Exhibits

The Property shall generally conform with *Exhibit C – Concept and Lot Type Plan*, *Exhibit D – Development Standards*, and *Exhibit E – Parks/Open Space*.

4 Residential

The following regulations shall apply to tracts designated as Residential on *Exhibit C – Concept and Lot Type Plan*:

Locations and Types

The locations of park/open space area shall be as generally depicted on *Exhibit C – Concept and Lot Type Plan* and as reflected in the following section (Lot Type Adjustments).

4.A.a. Lot Type Adjustments

The following shall be permitted by Administrative Modification, upon submittal to the City Administrator or her designee and associated review, without a rezoning request (i.e. the change change(s) can be processed administratively by the City Administrator or her designee without consideration by the Planning and Zoning Commission and City Council):

- The number of lots per Lot Type shall be permitted to deviate within five percent of each Lot Type's total allocated in the *Lot Type Count Table* below.
- Lot Type adjustments that exceed the five percent threshold of change but that increase lot sizes and/or decrease the total number of lots within a particular Lot Type beyond five percent shall be permitted. Lot Types larger than Lot Type A1 (in minimum lot size, minimum lot width, and minimum lot depth) are permitted to be added under this Administrative Modification, with associated revised exhibits and the addition of associated standards, as long as all other compliance is achieved and maximum lot coverage is established at 50 percent for the new Lot Type(s).
- Any changes to Lot Types per this standard shall generally conform to the other standards and exhibits included herein and shall not adversely or substantially change or affect access, circulation, parks/open space, pedestrian or trail connections, amenities, and/or engineering related items as determined by the City Administrator or her designee. Any changes to Lot Types per this standard shall not increase the total number of residential lots originally approved (1,389).

A rezoning request will be required for consideration and any potential approval of Lot Type adjustments not meeting the aforementioned provisions. Appeals of decisions of this Administrative Modification standard shall be considered by rezoning request.

Lot Type Count Table

A1	A2	A3	A4	A5-C	A6	A7	B1	B2	B3	C
78	188	515	129	22	299	37	28	12	37	44
Lot Count Total: 1,389										

Permitted Uses

The following uses are permitted, and any uses not listed are not permitted:

- Single Family Detached Dwelling
- Home-based Business within a SF Dwelling
- Single Family Attached – Townhome
- Courtyard Detached Dwelling
- Duplex
- Real Estate Model Home
- Accessory Structure with Restrictions
- SF Swimming Pool
- SF Hobby Shed
- SF Tennis Court
- Temporary Concrete Batch Plant*
- Temporary Buildings Incidental to Elevon’s Infrastructure Construction**

**Temporary Concrete Batch Plants serving the Development are permitted, subject to City Engineer approval and conditions upon application, and must be removed once construction of the development is completed. Should the location be proposed to change, a new application shall be required.*

*** Temporary Buildings Incidental to Elevon’s Infrastructure Construction, including temporary construction, development, and sales trailers, are permitted until the Elevon Development is completed, subject to City Engineer approval and conditions upon application, and must be removed once construction of the development is completed. Should the location be proposed to change, a new application shall be required.*

Dimensional Standards

Tracts designated as Residential on *Exhibit C – Concept and Lot Type Plan* shall comply with the following Dimensional Standards:

Lot Type	A1	A2	A3	A4	A5-C	A6	A7
Total Lots	73	193	514	129	21	283	56
Minimum Lot Area	8,400 sf	7,200 sf	6,000 sf	5,400 sf	4,800 sf	4,800 sf	4,400 sf
Minimum Lot Width	70'	60'	50'	45'	40'	40'	40'
Minimum Lot Width of Corner Lots	70'	60'	50'	45'	40'	40'	40'
Minimum Lot Depth	120'	120'	120'	120'	120'	120'	110'
Minimum Dwelling Unit Area	1,100 sf	1,100 sf	1,100 sf	1,100 sf	1,100 sf	1,100 sf	1,100 sf
Minimum Front Yard Setback	10'	10'	10'	10'	10'	10'	10'
Minimum Side Yard Setback*	5'	5'	5'	5'	5'	5'	5'
Minimum Side Yard Corner	10' for side yards adjacent to a street	10' for side yards adjacent to a street	10' for side yards adjacent to a street	10' for side yards adjacent to a street	10' for side yards adjacent to a street	10' for side yards adjacent to a street	10' for side yards adjacent to a street
Minimum Rear Yard Setback	10'	10'	10'	10'	8'	10'	10'
Maximum Lot Coverage	75%	75%	75%	75%	75%	75%	75%
Maximum Main Structure Height	40'	40'	40'	40'	40'	40'	40'
Maximum Accessory Structure Height	30'	30'	30'	30'	30'	30'	30'

Lot Type	B1	B2	B3	C
Total Lots	28	12	37	44
Minimum Lot Area	3,675 sf	3,465 sf	3,255 sf	2,600 sf
Minimum Lot Width	35'	33'	31'	26'
Minimum Lot Width of Corner Lots	35'	33'	31'	26'
Minimum Lot Depth	105'	105'	105'	100'
Minimum Dwelling Unit Area	1,100 sf	1,100 sf	1,100 sf	1,100 sf
Minimum Front Yard Setback	10'	10'	10'	10'
Minimum Side Yard Setback*	5'	5'	5'	5'
Minimum Side Yard Corner	10' for side yards adjacent to a street	10' for side yards adjacent to a street	10' for side yards adjacent to a street	10' for side yards adjacent to a street
Minimum Rear Yard Setback	3'	3'	3'	10'
Maximum Lot Coverage	75%	75%	75%	75%
Maximum Main Structure Height	40'	40'	40'	40'
Maximum Accessory Structure Height	30'	30'	30'	30'

**Air conditioning units and similar mechanical equipment, such as heat pumps, solar collecting equipment, or pool equipment may be installed within the residential side yard setback but shall not be installed within three feet of any side yard fencing, air conditioning unit/pad, or mechanical equipment of an adjacent home or structure.*

Where Standards are not specified, Residential tracts shall comply with the Zoning Ordinance as applicable.

Design Standards

Tracts designated as Residential on *Exhibit C – Concept and Lot Type Plan* (designated with the 11 colored and symbolized Lot Types) shall comply with the following Design Standards:

4.A.b. Garages

Garages may be front, side or rear facing.

For Courtyard Detached Dwellings (Lot Type A5-C):

- The garage can either be attached or detached from the main living area, but no more than 50 percent of the Courtyard Detached Dwellings shall have an attached garage at any stage of permitting. Developer shall provide this permitted garage percentage with each Courtyard Detached Dwelling permit application (or set of permit applications).
- Garage doors shall include one or more of the following: accent hardware, windows, wood or wood-like texture, or other architectural features.

4.A.c. Architecture

Adjacent houses shall not have the same floor plans and elevations.

If the same or similar plans and elevations are used for two or more houses, then the following standards also apply:

(a) If such houses are on the same side or opposite side of the street, they shall not be within three lots of each other (i.e. a minimum of two intervening lots shall be between);

and

(b) If the houses have the same or similar floor plans but different elevations *and* are on the same side or opposite sides of the street, they shall not be within two lots of each other (i.e. a minimum of one intervening lot between).

4.A.d. Fencing

For Courtyard Detached Dwellings (Lot Type A5-C):

- Masonry columns are required at the front corners of the fence.
- The front fence shall be a six-foot privacy fence and shall match the architectural elements of the building façade.

5 Elementary School & Ball Fields

The following regulations shall apply to the tract designated as “School Site” on *Exhibit C – Concept and Lot Type Plan*:

Permitted Uses

The following use is permitted, and any uses not listed are not permitted:

Educational Facility - Public
Community Recreational Use
Public Parks and Playgrounds
Public Recreational Facilities

Dimensional Standards

The tract designated as Elementary School & Ball Fields on *Exhibit C – Concept and Lot Type Plan* shall comply with the following Dimensional Standards:

Total Lots	1
Minimum Lot Area	10,000 sf
Minimum Lot Width	100'
Minimum Lot Depth	100'
Minimum Front Yard Setback	25'
Minimum Side Yard Setback	25'
Minimum Side Yard Corner	25'
Minimum Rear Yard Setback	25'
Maximum Lot Coverage	75%
Maximum Main Structure Height	40'
Maximum Accessory Structure Height	40'

Where Standards are not specified, the Elementary & Ball Fields tract shall comply with the Zoning Ordinance as applicable.

6 Amenity Center

The following regulations shall apply to the tract designated as “Amenity Center Site” on *Exhibit C – Concept and Lot Type Plan*:

Permitted Uses

The following uses are permitted, and any uses not listed are not permitted:

Amenity Center
Bakery/confectionery Retail Establishment*
Community Recreational Use*
Community Swimming Pool*
Open Space Preserves*
Public and Private Parks and Playgrounds*
Public and Private Recreational Facilities*
Restaurant*
Retail Sales*
SF Swimming Pool*
SF Tennis Court*

**Permitted only when associated with/connected to an established Amenity Center as secondary use of tract.*

Dimensional Standards

The tract designated as “Amenity Center Site” on *Exhibit C – Concept and Lot Type Plan* shall comply with the following Dimensional Standards:

Total Lots	1
Minimum Lot Area	2,600 sf
Minimum Lot Width	26'
Minimum Lot Width of Corner Lots	26'
Minimum Lot Depth	100'
Minimum Dwelling Unit Area	1,100 sf
Minimum Front Yard Setback	10'
Minimum Side Yard Setback	5'
Minimum Side Yard Corner	5'
Minimum Rear Yard Setback	10'
Maximum Lot Coverage	75%

Where Standards are not specified, the Amenity Center Site tract shall comply with the Zoning and Subdivision Ordinances as applicable.

7 Park/Open Space

The following regulations shall apply to tracts designated as Open Space Areas on *Exhibit C – Concept and Lot Type Plan* and as further detailed on *Exhibit E – Parks/Open Space*:

Locations and Types

The locations and types of parks/open space areas shall be as generally depicted on *Exhibit E – Parks/Open Space*.

Permitted Uses

The following uses are permitted, and any uses not listed are not permitted:

SF Swimming Pool

SF Tennis Court

Community Recreational Use

Community Swimming Pool

Golf Course

Open Space Preserves

Public and Private Parks and Playgrounds

Public and Private Recreational Facilities

Dimensional Standards

The following dimensional standards shall apply:

The minimum park/open space area for the Property shall be 60 acres. In order for the open space to be counted towards meeting the minimum requirement, each area must be at least 0.25 acres in size or contain natural features such as creeks, varied topography, or stands of trees, or contain recreational elements (i.e. hike & bike trail, etc.), as well as being readily accessible to the residents through sidewalks and with parking as applicable.

The three areas labeled “Pocket Park” on *Exhibit E – Parks/Open Space* shall be a minimum of .5 acres (1/2 an acre) and shall be the approximate size as stated on the Exhibit.

Design

For each pocket park:

- Pocket parks shall have street frontage on at least two sides.
- A minimum five-foot sidewalk or trail shall be provided around the perimeter of each space, adjacent to streets. The sidewalk or trail should also meander through the pocket park as practicable.
- Shaded areas for seating shall be provided.
- Benches for seating shall be provided.

For each park/open space:

- Trails shall be provided per *Exhibit E – Parks/Open Space*.

Where Standards are not specified, Park/Open Space tracts shall comply with the Zoning and Subdivision Ordinances.

8 Water Tower

The following regulations shall apply to the tract designated as “Nevada SUD Water Tower Site” on *Exhibit C – Concept and Lot Type Plan*:

Permitted Use

The following use is permitted, and any use not listed is not permitted:

Wind energy, utility, or telecommunication tower (i.e. water tower)

Dimensional Standards

The following dimensional standards shall apply:

Total Lots	1
Minimum Lot Area	10,000 sf
Minimum Lot Width	80'
Minimum Lot Depth	80'
Minimum Front Yard Setback	10'
Minimum Side Yard Setback	5'
Minimum Side Yard Corner	10'

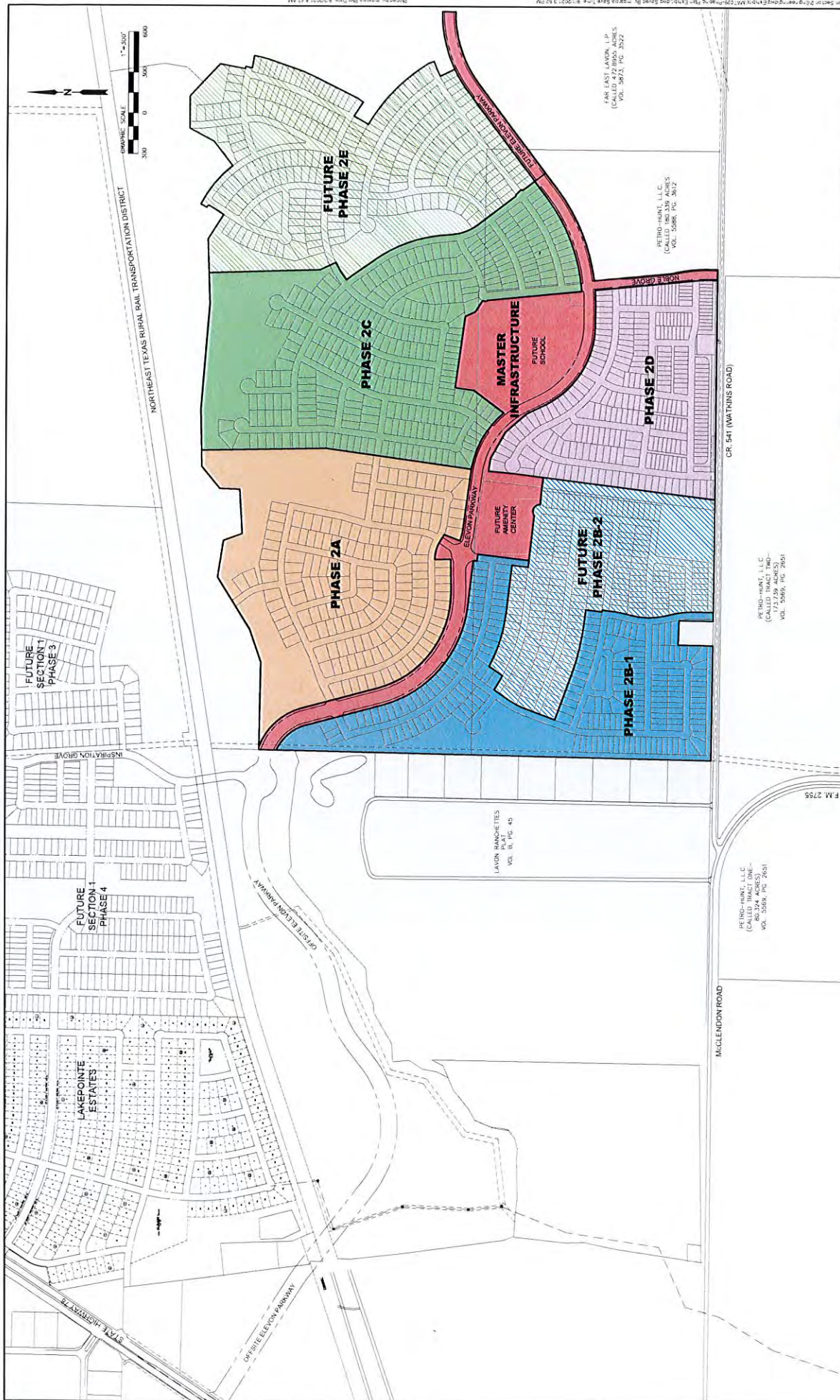
Minimum Rear Yard Setback	5'
Maximum Lot Coverage	75%
Maximum Main Structure Height	200'

Design

Aesthetically pleasing screening, consistent with the character of Elevon design and the Lake Connector Corridor, shall be provided around the Water Tower Site.

The screening shall be six feet tall and constructed with one or a combination of the following:

Brick, stone, board-on-board cedar fencing. Board-on-board cedar fencing shall not comprise more than 50 percent of screening materials.



JBI PARTNERS

2121 Midway Road
 Suite 300
 Carrollton, Texas 75006
 972.248.7278
 TBPE No.: F-438
 TBPLS No.: 100/5000

PROJECT NO.	PHASING EXHIBIT
MAP NO.	2A-2E
SHEET NO.	ELEVON SECTION 2
City of Lavon ETJ, Collin County, Texas	
1 of 1	



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

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Request: Consider an application to change the zoning district classification from temporary Agricultural (A) District to a Planned Development (PD) District consisting of 1,389 residential lots and 37 HOA open space lots.

Property Description: Approximately 376.758 acres of land, the Elevon Addition, Section 2, Phases 2A -2E, proposed for annexation and described as part of the 472.8955-acre tract in the Samuel M. Rainer Survey, Abstract No. 740, Collin County, Texas, 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).

In the event that the P&Z Commission or City Council will be unable to meet at City Hall, the City will post on its website www.cityoflavon.com information for persons to attend the meeting by telephone, teleconference or other electronic means. Additional information regarding the request is enclosed and may be obtained at cityhall@lavontx.gov or at 972-843-4220.

You are receiving this notice because the subject property is located within 200 feet of your property. The public hearing may be continued should an applicant so request. Interested citizens are invited to attend the public hearing and participate in the same.

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

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

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

Signature: _____

Name (printed): _____

Address: _____

Phone: _____ Email Address: _____

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

ELEVON - Section 2, Ph. 2A-2E - Zoning Change

Name	Mailing Add	Mailing City	Mailing State	Mailing Zip	Legal Desc
Far East Lavon LP	2101 Cedar Springs Rd. Ste 600	Dallas	TX	75201	ABS A0740 S M RAINER SURVEY, SHEET 2, TRACT 41, 23.9915 ACRES
Far East Lavon LP	2101 Cedar Springs Rd. Ste 600	Dallas	TX	75201	ABS A0740 S M RAINER SURVEY, SHEET 3, TRACT 22, 86.87 ACRES
Far East Lavon LP	2101 Cedar Springs Rd. Ste 600	Dallas	TX	75201	ABS A0740 S M RAINER SURVEY, SHEET 3, TRACT 21, 191.21 ACRES
Far East Lavon LP	2101 Cedar Springs Rd. Ste 600	Dallas	TX	75201	ABS A0740 S M RAINER SURVEY, SHEET 3, TRACT 19-9, 107.839 ACRES
Petro-Hunt, LLC	2101 Cedar Springs Rd. Ste 600	Dallas	TX	75201	ABS A0740 S M RAINER SURVEY, SHEET 3, TRACT 19, .5 ACRES
Sandstone Lavon Partners Ltd.	5560 Tennyson Pkwy Ste 250	Dallas	TX	75024	ABS A0249 J P DAVIS SURVEY, SHEET 1, TRACT 35, 151.029 ACRES
Petro-Hunt, LLC	2101 Cedar Springs Rd. Ste 600	Dallas	TX	75201	ABS A0249 J P DAVIS SURVEY, SHEET 1, TRACT 2, 119.391 ACRES
Petro-Hunt, LLC	2101 Cedar Springs Rd. Ste 600	Dallas	TX	75201	ABS A0002 DRURY ANGLIN SURVEY, SHEET 1, TRACT 52, 54.348 ACRES
Elmer Wright	10467 CR 540	Lavon	TX	75166	LAVON RANCHEITTS (GCN), LOT 29A
Thomas Peddicord	10403 CR 540	Lavon	TX	75166	LAVON RANCHEITTS (GCN), LOT 28
A D Duke	10373 CR 540	Lavon	TX	75166	LAVON RANCHEITTS (GCN), LOT 27B & 27A
Brenda Spurlock	10297 CR 540	Lavon	TX	75166	LAVON RANCHEITTS (GCN), LOT 26A & 26B
Leroy Marsh	10243 CR 540	Lavon	TX	75166	LAVON RANCHEITTS (GCN), LOT 25A
James England	10217 CR 540	Lavon	TX	75166	LAVON RANCHEITTS (GCN), LOT 24A
Todd Graham	10205 CR 540	Lavon	TX	75166	LAVON RANCHEITTS (GCN), LOT 24B
Chris & Amanda Miller	10151 CR 540	Lavon	TX	75166	LAVON RANCHEITTS (GCN), LOT 23A
Royce Daniels	P.O. Box 309	Lavon	TX	75166	LAVON RANCHEITTS (GCN), LOT 23B
Royce Daniels	P.O. Box 309	Lavon	TX	75166	LAVON RANCHEITTS (GCN), LOT 22A & 22B
Loren Cave	10019 CR 540	Lavon	TX	75166	LAVON RANCHEITTS (GCN), LOT 20



CITY OF LAVON

Agenda Brief

MEETING: February 1, 2022

ITEM: 8 - H

Item:

Public hearing, discussion, and action regarding an application to change the zoning district classification from Agriculture (A) to Main Street (M) zoning district on 5.1 acres at 500 S. Main Street (Bus. 78), Drury Anglin Survey, Abstract 2, Sheet 3, Tr. 76, Lavon, Collin County, TX (CCAD Property ID 1250005).

- 1) Presentation of request.
- 2) **PUBLIC HEARING** to receive comments regarding the request.
- 3) Discussion and action regarding the request and accompanying Ordinance No. 2022-02-05.

Application Information

Owner(s): City of Lavon

Applicant: City of Lavon

Location: Southeast of intersection of Main St. (Bus. 78) and McClendon Rd.

Description: 500 S. Main St., Lavon, TX
Drury Anglin Survey, Abstract 2, Sheet 3, Tr. 76, 5.1 acres
(CCAD Property ID 1250005))

Current Zoning: Temporary Agricultural (A)

Request: Zoning Change to Main Street (M)

Background

The City is seeking approval of a zoning change from the temporary Agricultural (A) designation assigned upon annexation to Main Street (M) for the 5.1-acre lot located behind the existing Police Station, Fire Station and Emergency Operations Center (EOC). The City is in the process of preparing a replat to combine the lots into one lot for municipal facilities.

The property is presently developed with Public Works facilities and a temporary parking area. The Main Street zoning classification was developed for properties abutting Main Street to provide for transitional land uses when and where appropriate.

Code Excerpt:

CITY OF LAVON – ZONING ORDINANCE

Section 9.03.132 Main street district (M)

- (a) Purpose. Main street district (M) recognizes the existence of established residential uses along Main Street in Lavon; however, as Lavon grows there is recognized a need and desire to develop a traditional downtown for the city. The traditional Main Street envisions a mixture of uses that a traditional downtown includes; residential, commercial, governmental, churches. Development regulations will encourage low density design, walkability, retention of historical structures, flexibility of land use with control of site design and the form of the structure. Screening shall be required of all commercial uses adjoining residential structures.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF AN APPLICATION TO CHANGE THE ZONING DISTRICT CLASSIFICATION FROM AGRICULTURE (A) TO MAIN STREET (M) ZONING DISTRICT ON 5.1 ACRES AT 500 S. MAIN STREET (BUS. 78), DRURY ANGLIN SURVEY, ABSTRACT 2, SHEET 3, TR. 76, LAVON, COLLIN COUNTY, TX.

MOTION MADE: NABORS
SECONDED: BEDELL
APPROVED: UNANIMOUS (Absent: Smith)

Staff Notes:

On the Future Land Use Plan, the site is shown as “Existing Neighborhood”. The zoning change request is not inconsistent with the Comprehensive Plan. Given the stated purpose of the Main Street zoning district, each case should be considered in relation to the existing and surrounding uses. Additional considerations include the shape and character of the subject site, traffic impact, traffic circulation and potential impact of nuisances (e.g., noise, light, smell) on area properties. With the update of the Comprehensive Plan, compatibility standards will be developed for the downtown areas to assure that varying land uses will coexist harmoniously.

The M zoning designation most closely matches the intended use for municipal facilities in this area. The City has engaged a professional architecture/engineering firm to prepare a site plan and the initial phases of the Public Works and Fire Department expansions. Initial concepts locate the main entrance to the site closer to the existing EOC site. The development of the municipal facilities on the site will be sensitive to and compatible with surrounding residential lots.

Except for the front yard setback, the area requirements of the M district are substantially more restrictive than those of the Grand Heritage Planned Development zoning that is applied adjacent on the adjacent and surrounding property. The front setback will be greater as a function of the wider state right of way along FM 2755 (McClendon Rd.). The City intends to preserve the existing stand of pecan trees to the greatest degree possible.

The requisite public hearing notice was published in the newspaper and posted on the website and zoning change signs were placed on the property. In accordance with state and local laws, thirty (30) notices were mailed to the owners of property located within 200 feet of the applicant’s property. One notice has been returned in favor of the request and three (3) notices returned in opposition to the request.

Attachments:

1. Application
2. Location exhibits
3. Neighbor notices
4. Proposed Ordinance



CITY OF LAVON

120 School Road • P.O. Box 340
Lavon, TX 75166
Phone (972) 843-4220
lmccleendon@lavontx.gov

Request for a Change in Zoning

<u>City of Lavon</u>	<u>January 4, 2022</u>
Applicants Name	Date
<u>Kim Dobbs, City Administrator</u>	<u>972-843-4220</u>
Representative or Agent	Phone Number
<u>500 S. Main Street</u>	<u>Lavon, TX 75166</u>
Street	City, State, Zip

South of Main St., east of Presidents Blvd, and west of Lincoln Ave.
Location of Property

<u>Drury Anglin Survey, Abstract 2, Sheet 3, Tr. 76, Lavon</u>	<u>Temporary Agriculture (A)</u>
Legal Description of Property	Current Zoning

Check which zoning category you wish to change to:

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

- | | |
|---|--|
| <input type="checkbox"/> Single Family – 1(1800 sq. ft. min. home) | <input type="checkbox"/> Retail |
| <input type="checkbox"/> Single Family – 2 (1500 sq. ft. min. home) | <input type="checkbox"/> Business District 1 / 2 |
| <input type="checkbox"/> Single Family – 3 (1200 sq. ft. min. home) | <input type="checkbox"/> Planned Development |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Mobile Home District |
| <input checked="" type="checkbox"/> Other: <u>Main Street (M)</u> | |

Signature of Applicant or Representative: *Kim Dobbs*

For Office Use Only

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

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



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

Authorization of Representation

Date: January 4, 2022

To the City of Lavon
Collin County, Texas

This letter will serve as notice that the City of Lavon, is the owner (s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize Kim Dobbs, City Administrator to represent the City's interests in the property described in the attached exhibits (s) for the expressed purpose of this request.

Vicki Sanson Mayor
Signature (Owner)

Signature (Owner)

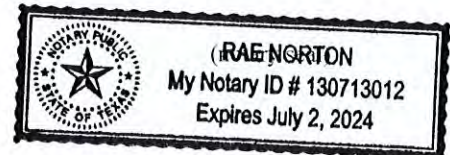
Signature (Owner)

The State of Texas
County of Collin

Before me, the undersigned authority, appeared Vicki Sanson,
on this the 4 day of January, 2022.

Rae Norton

Notary Public in and for Collin County, Texas



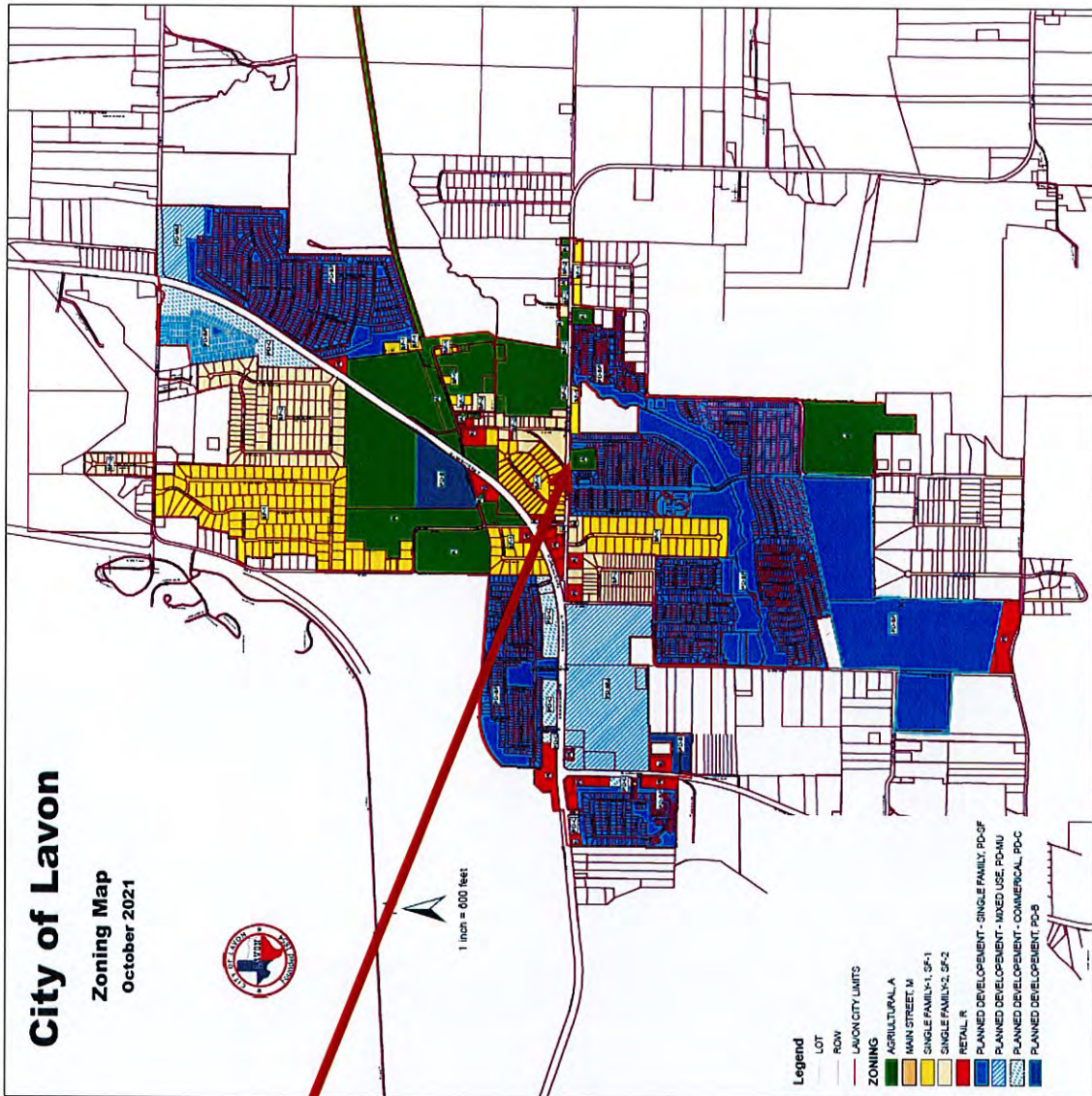
City of Lavon

Zoning Map
October 2021



1 inch = 600 feet

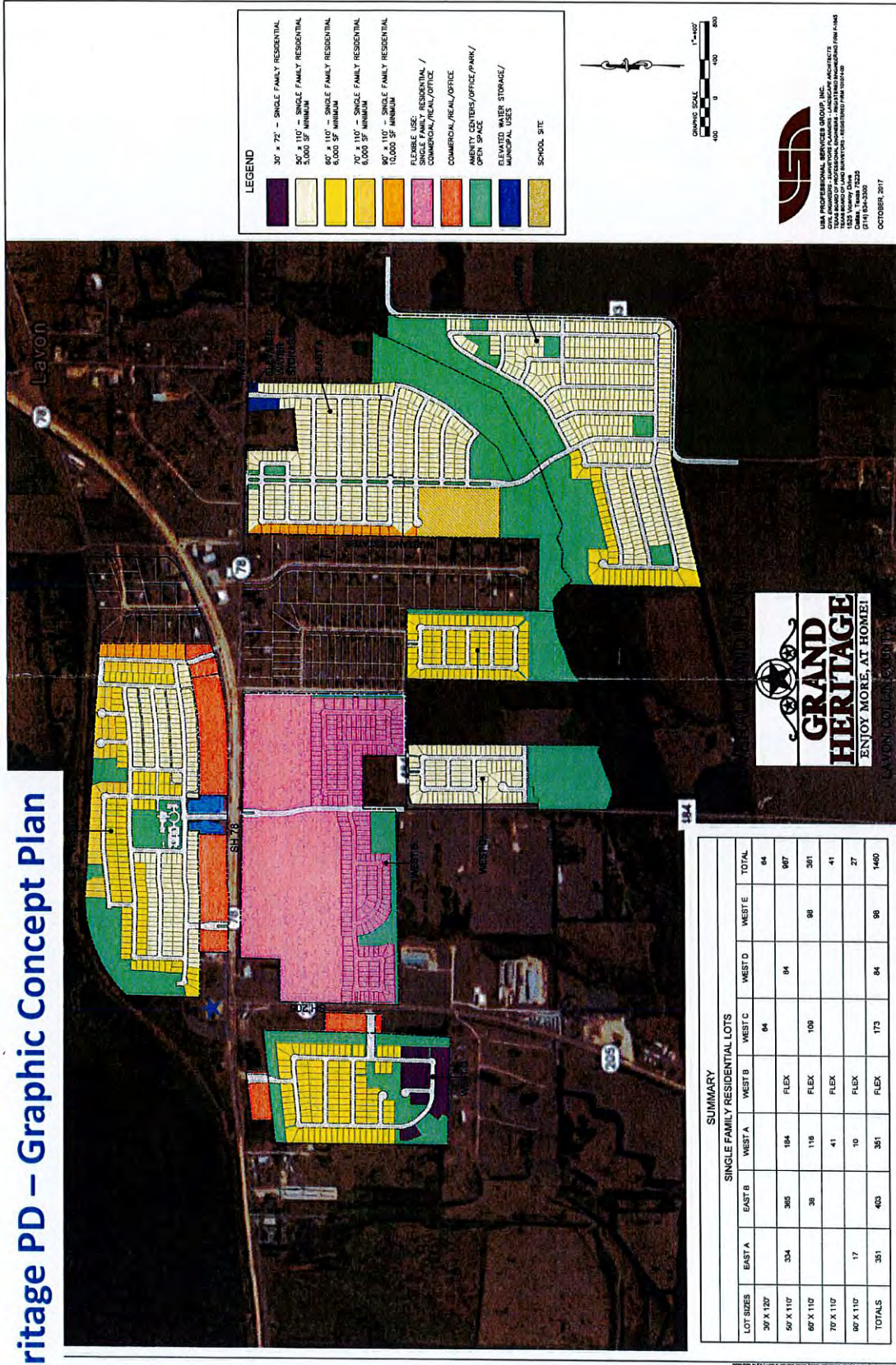
- Legend**
- LOT
 - ROW
 - LAVON CITY LIMITS
 - ZONING**
 - AGRICULTURAL A
 - MAIN STREET, M
 - SINGLE FAMILY-1, SF-1
 - SINGLE FAMILY-2, SF-2
 - RETAIL, R
 - PLANNED DEVELOPMENT - SINGLE FAMILY, PD-SF
 - PLANNED DEVELOPMENT - MIXED USE, PD-MU
 - PLANNED DEVELOPMENT - COMMERCIAL, PDC
 - PLANNED DEVELOPMENT PD-B



Zoning Map



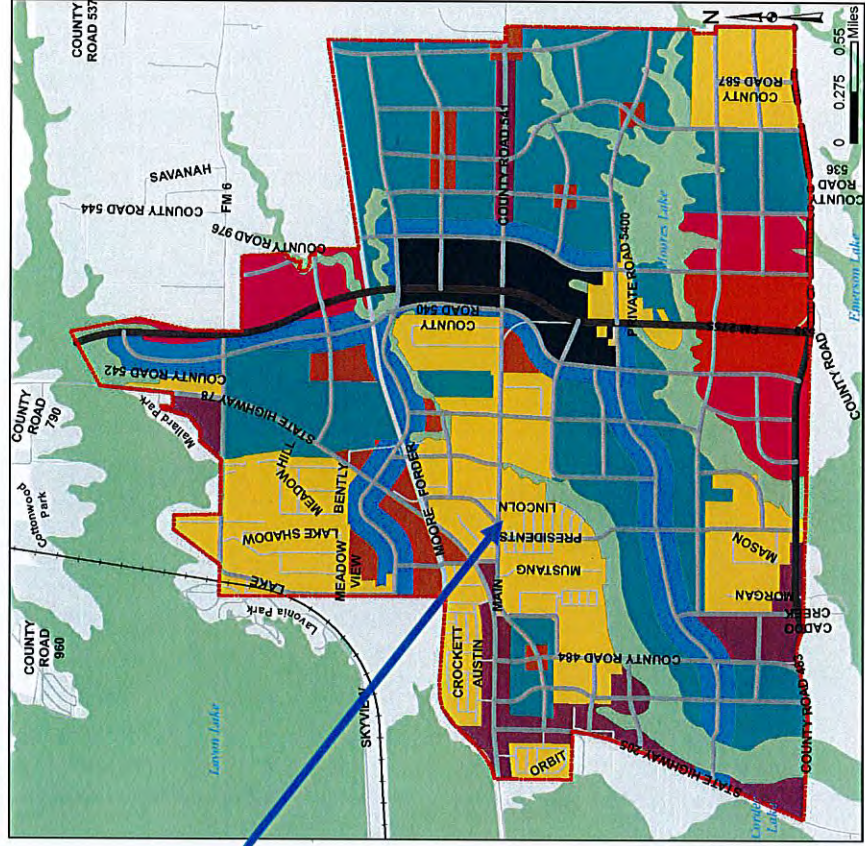
Grand Heritage PD – Graphic Concept Plan



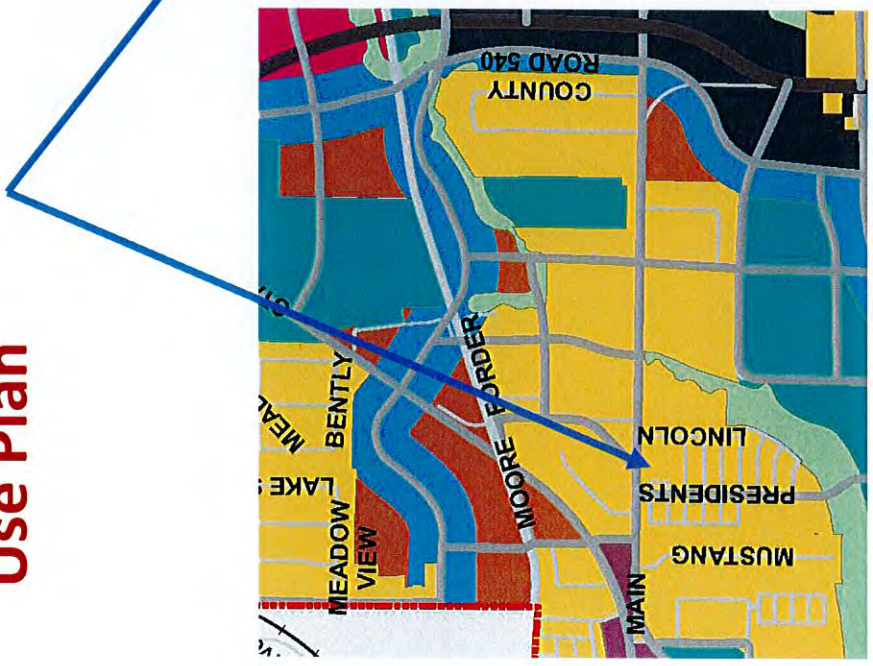


Lavon Future Land Use Plan
 Source: *Ideation Planning, Lee Engineering, 2019*

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

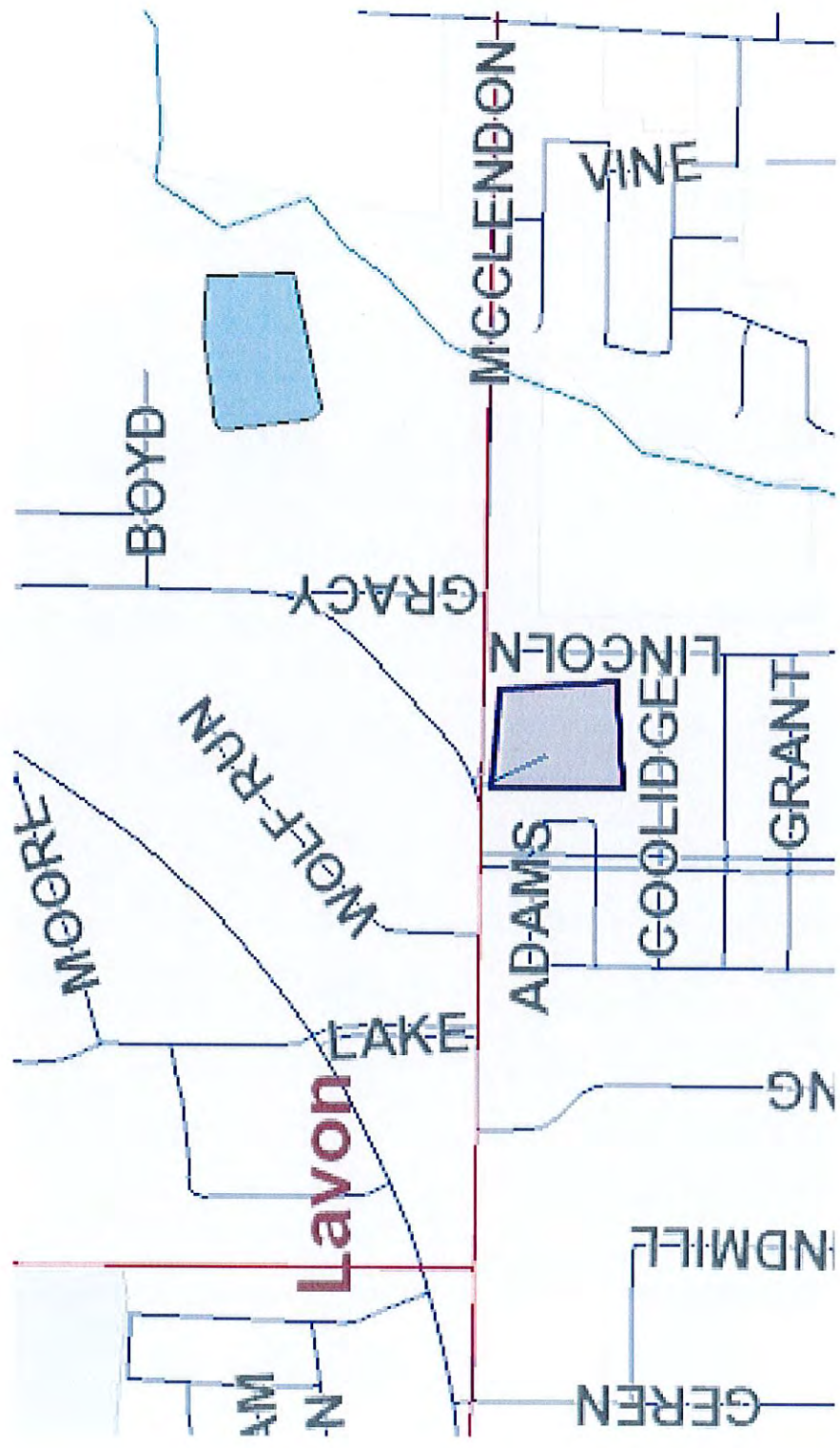


Future Land Use Plan



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

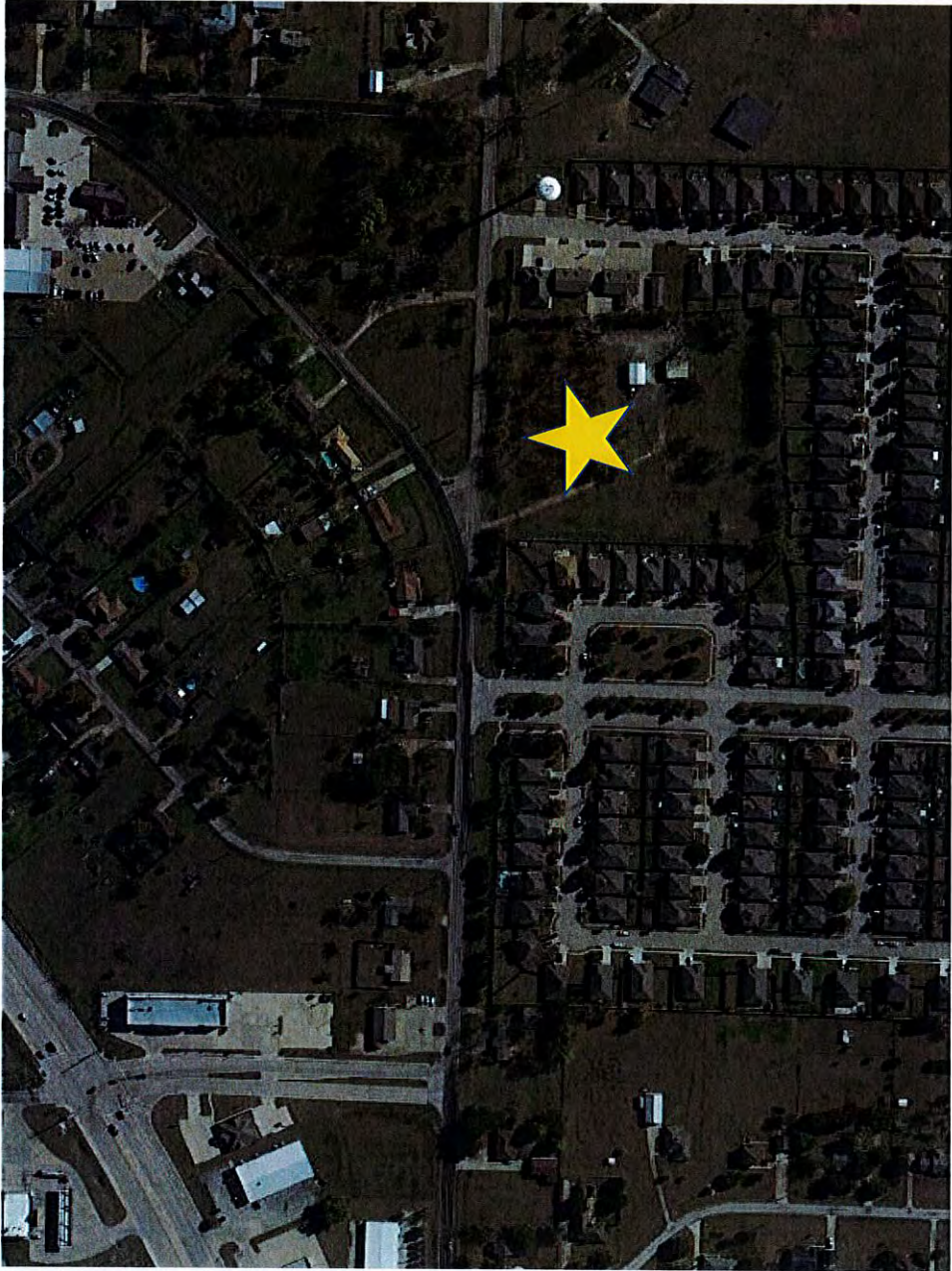
Location Exhibit



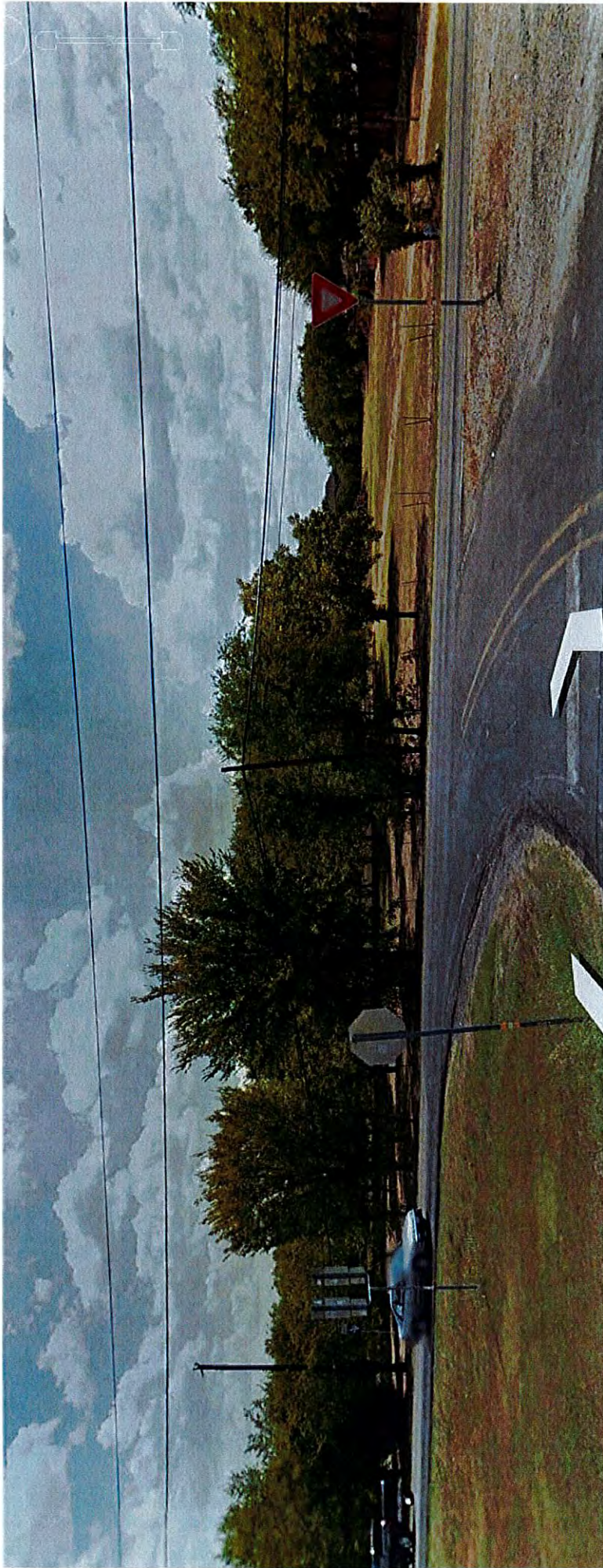
Location Exhibit



Location Exhibit



Location Exhibit



↓ North

Location Exhibit



North →



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

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Request: Consider an application to change the zoning district classification from Single Family-2 (SF-2) to Main Street (M).

Property Description: 5.1 acres at 500 S. Main Street (FM 2755), Drury Anglin Survey, Abstract 2, Sheet 3, Tr. 76, (CCAD Property ID 1250005), Lavon, Collin County, TX, east of the intersection of Main St. and Presidents Blvd.

In the event that the P&Z Commission or City Council will be unable to meet at City Hall, the City will post on its website www.cityoflavon.com information for persons to attend the meeting by telephone, teleconference or other electronic means. Additional information regarding the request is on the reverse of this notice and may be obtained at cityhall@lavontx.gov or at 972-843-4220.

You are receiving this notice because the subject property is located within 200 feet of your property. The public hearing may be continued should an applicant so request. Interested citizens are invited to attend the public hearing and participate in the same.

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

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

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

Signature: Alexandra Rodriguez

Name (printed): Alexandra Rodriguez

Address: 441 Coolidge Ln Lavon, TX 75140

Phone: 210 789 25 39 Email Address: AMT4@LIVE.COM

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

HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 21
441 Coolidge

RECEIVED
JAN 13 2022
CITY OF LAVON



**CITY OF LAVON, TEXAS
NOTICE OF PUBLIC HEARINGS BEFORE THE
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Check one: I am in favor of the request. I am opposed to the request.

Reasons: (attach separate sheet(s) as needed) Traffic, Ingress/Egress, Disruption of Neighborhood, Comprehensive Plan - LU2B4&5, LUAP8, 11, 13 & 18 and more.

Signature: Renette Black

Name (printed): Renette Black

Address: 547 Lincoln Ave

Phone: (214) 642-9086 Email Address: Renblack66@outlook.com

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

HERITAGE EAST A PHASE 1 ADDITION (CLA), BLK A, LOT 30
547 Lincoln

RECEIVED
JAN 19 2022
CITY OF LAVON

City of Lavon application request for Main Street (M) zoning:

When considering this request, I find the purpose and permitted uses for such zoning much too broad; (13 potential uses) for this small 5 acre lot enclosed by residential development with only one point of entry/exit. Traffic has tripled, if not more, with the continued development of homes while there has been no requirement of developers to widen Main Street. Even before the build out of Bear Creek, Main Street could no longer accommodate vehicular traffic. During that time, because of traffic congestion, it became very challenging to reach the light at Hwy 78/Lake Rd from Lincoln Ave. Today, the Pandemic and many residents working from home, are the only reasons for little congestion on Main Street.

In addition, with the geographic/street layout of Lavon and its existing residential developments, a "traditional" downtown is a stretch. To re-zone this Agricultural property (per the Zoning Map) to Zone M immediately adjacent to residents, does not consider the established residential areas per the Comprehensive Plan nor as noted in the excerpt. Commercial development is much more realistic along Hwy 78.

Ms. Black
1/19/2022



**CITY OF LAVON, TEXAS
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Check one: I am in favor of the request. I am opposed to the request.

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

Signature: [Handwritten Signature]

Name (printed): City of Lavon

Address: 120 School Rd Lavon, TX 75166

Phone: 972-843-4220 Email Address: _____

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

RECEIVED
JAN 25 2022
CITY OF LAVON



**CITY OF LAVON, TEXAS
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Check one: I am in favor of the request. I am opposed to the request.

Reasons: (attach separate sheet(s) as needed) Home View,
not enough area for parking, traffic & businesses
intersection congestion, homes decrease in value

Signature: Melissa Mckeague
Name (printed): Melissa Mckeague (Realtor)
Address: 560 Lincoln Ave
Phone: 972 896-6015 Email Address: Melissa.mckeague@hotmail.com

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

HERITAGE EAST A PHASE 1 ADDITION, BLK B, LOT 8
560 Lincoln

RECEIVED

JAN 25 2022

CITY OF LAVON



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

Notice is hereby given that the **Planning and Zoning Commission** will hold a public hearing at the meeting starting at 7:00 PM, Tuesday, **January 25, 2022** at Lavon City Hall, 120 School Rd. Further notice is given that a second public hearing is scheduled where the request and the recommendation of the Planning and Zoning Commission will be considered by the **City Council** at a meeting starting at 7:00 PM, Tuesday, **February 1, 2022** at Lavon City Hall. At such times and place, the Commission and the Council will hear and take action on:

Request: Consider an application to change the zoning district classification from Single Family-2 (SF-2) to Main Street (M).

Property Description: 5.1 acres at 500 S. Main Street (FM 2755), Drury Anglin Survey, Abstract 2, Sheet 3, Tr. 76, (CCAD Property ID 1250005), Lavon, Collin County, TX, east of the intersection of Main St. and Presidents Blvd.

In the event that the P&Z Commission or City Council will be unable to meet at City Hall, the City will post on its website www.cityoflavon.com information for persons to attend the meeting by telephone, teleconference or other electronic means. Additional information regarding the request is on the reverse of this notice and may be obtained at cityhall@lavontx.gov or at 972-843-4220.

You are receiving this notice because the subject property is located within 200 feet of your property. The public hearing may be continued should an applicant so request. Interested citizens are invited to attend the public hearing and participate in the same.

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

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

Reasons: (attach separate sheet(s) as needed) View & privacy in my back yard - 2. Traffic on Main

Signature: Tammy Deavors

Name (printed): Tammy Deavors

Address: 555 Lincoln Ave Lavon, TX 75166

Phone: 806-831-2400 Email Address: tammydeavors@gmail.com

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

**HERITAGE EAST A PHASE I ADDITION, BLK A, LOT 29
555 Lincoln**

**RECEIVED
JAN 26 2022
CITY OF LAVON**

500 S. Main St. - Zoning Change

Ruby Reyna	586 Lincoln	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK B, LOT 10
Carlos Ramirez	401 Coolidge	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 27
Jennifer Harris	409 Coolidge	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 26
Ubaldo Rivera	415 Coolidge	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 25
Michael & Alyssa Stewar	421 Coolidge	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 24
Katelyn & Cody Whitton	427 Coolidge	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 23
Kimberly & Jon Corl	435 Coolidge	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 22
Alexandra Trevino	441 Coolidge	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 21
Krystal & Brandon Ware	447 Coolidge	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 20
Brian Johnson	453 Coolidge	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 19
A&A Asset Management	459 Coolidge	Plano	TX	75074	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 18
Demissie Alem & Kebebe	465 Coolidge	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 17
Natacha Miller	471 Coolidge	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 16
Progress Dallas, LLC	479 Coolidge	Scottsdale	AZ	85261	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 15
James & Carol Lynch	485 Coolidge	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 14
Zhou Suxian	590 Arthur	Murphy	TX	75094	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 11
Wang Qi	584 Arthur	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 10
Maria Trevino	576 Arthur	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 9
Paul & Ashley Borthick	562 Arthur	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 8
Luis Hernandez	554 Arthur	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 7
Christina Fernandez	546 Arthur	Allen	TX	75002	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 6
Zhuo Minli	538 Arthur	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 5
Ted & Vicki Dill	532 Arthur	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 4
Ronald Ostergard	524 Arthur	Sachse	TX	75048	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 3
Ralph Belmonte	516 Arthur	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 2
Derek Gilliam	502 Arthur	Lavon	TX	75166	HERITAGE EAST A PHASE 1 ADDITION, BLK A, LOT 1
Clinton Bratcher	501 S. Main	Lavon	TX	75166	LAVON HIGHWAY ESTATES UNIT NO 1, LOT 7
Billy Roden	421 Main	Lavon	TX	75166	LAVON HIGHWAY ESTATES UNIT NO 1, LOT 8
Timothy Toomey	417 Main	Lavon	TX	75166	LAVON HIGHWAY ESTATES UNIT NO 1, LOT 9
Gregory Price	400 Main	Lavon	TX	75166	BORDEAUX ADDITION, BLK A, LOT 1

CITY OF LAVON
ORDINANCE NO. 2022-02-05

Zoning Change – 500 S. Main Street

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF LAVON, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING DISTRICT FROM TEMPORARY AGRICULTURAL TO MAIN STREET ON A 5.1-ACRE LOT AT 500 S. MAIN STREET, DRURY ANGLIN SURVEY, ABSTRACT 2, SHEET 3, TR. 76, IN THE CITY OF LAVON, COLLIN COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; A CUMULATIVE REPEALER CLAUSE; A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

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

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

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

SECTION 2. That the Comprehensive Zoning Ordinance and Zoning Map of the City of Lavon, Texas, heretofore duly passed by the governing body of the City of Lavon, as heretofore amended, be hereby amended by changing the Zoning District designation on the 5.1-acre tract of land more particularly described in Exhibit “A”, attached hereto and incorporated herein, and herein referred to as the “Property” from temporary Agricultural (A) to Main Street (M) Zoning District and amending the Official Zoning Map to reflect the approved change in zoning district.

SECTION 3. That the Zoning Ordinance of the City of Lavon Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 4. That all rights and remedies of the City of Lavon are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which

CITY OF LAVON, TEXAS
ORDINANCE NO. 2022-02-04

Conditional Use Permit – 540 Mustang Ct., Accessory Structure

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 9, ZONING ORDINANCE, OF THE CODE OF ORDINANCES, AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT TO CONSTRUCT A 2,000 SQUARE FOOT ACCESSORY STRUCTURE THAT IS 647 SQUARE FEET LARGER THAN PERMITTED AT 540 MUSTANG COURT, LOT 11, MUSTANG ESTATES, LAVON, COLLIN COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; A CUMULATIVE REPEALER CLAUSE; A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

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

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

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

SECTION 2. That Chapter 9, Zoning Ordinance, of the City of Lavon Code of Ordinances as heretofore amended, and the same is hereby amended so as to grant a Conditional Use Permit in a Single Family - 1 (SF-1) Zoning District on the property described and depicted in Exhibit "A" to construct a 2,000 square foot accessory structure on the property and that the herein-described property shall only be used in the manner and for the purpose provided for in the Zoning Ordinance of the City of Lavon as heretofore amended by granting of this conditional use permit and as may be amended in the future.

SECTION 3. That the Zoning Ordinance of the City of Lavon Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 4. That all rights and remedies of the City of Lavon are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are



CITY OF LAVON Agenda Brief

MEETING: February 1, 2022

ITEM: 8 – I

Item:

Public hearing, discussion, and action regarding an amendment to Article 9.02 “Subdivision Ordinance”, Section 9.02.004 “Procedure” to provide for a combination preliminary and final plat process.

1. Presentation of proposed amendment.
2. **PUBLIC HEARING** to receive comments regarding the proposed amendment.
3. Discussion and action regarding the proposed amendment and accompanying Ordinance No. 2022-02-06.

Background Information

The Subdivision Code regulates the subdivision of land within the corporate limits of the City of Lavon to provide for the orderly development of the areas and to secure provision of adequate public facilities for traffic, light, air, recreation, transportation, water, drainage, sewage, and other facilities. By an interlocal agreement with Collin County, the City’s subdivision regulations have been extended to the City’s extraterritorial jurisdiction as well.

The City’s Subdivision Code does not presently provide a process for a “short form plat” that allows for the streamlined consideration of a combined preliminary plat and final plat when certain criteria apply. The expedited process is common among cities and benefits the property owners and the city.

Proposed amendment:

(d) Combination Preliminary and Final Plat.

- (1) A subdivider may submit a short form plat by combining preliminary and final plats if the City determines that the proposed subdivision of land falls within the following criteria:

- (A) shall not exceed five (5) acres;
- (B) affects no more than three (3) lots;
- (C) has frontage upon dedicated and improved streets;
- (D) does not necessitate any appreciable alteration or extension of utility installations or streets;
- (E) conforms in use, size, and shape to the lots in the vicinity;
- (F) the proposed subdivision and supporting documents are not otherwise in contravention with Chapter 212 of the Texas Local Government Code; and

- (G) the owner of the property to be subdivided does not have more than one (1) plat approved under this Subdivision Ordinance during any twelve (12) month period.
- (2) All design, engineering, improvements, submission documents and drawing information standards applicable to final plats shall be applicable to this short form plat.
- (3) The short form plat shall be submitted for approval in accordance with the procedure established for a final plat approval."

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF AN AMENDMENT TO ARTICLE 9.02 "SUBDIVISION ORDINANCE", SECTION 9.02.004 "PROCEDURE" TO PROVIDE FOR A COMBINATION PRELIMINARY AND FINAL PLAT PROCESS.

MOTION MADE: BEDELL
SECONDED: TIEGS
APPROVED: UNANIMOUS (Absent: Smith)

Staff Notes:

The city staff, City Engineer and City Attorney participated in drafting the proposed amendment. Approval is recommended.

Attachments: DRAFT Proposed Ordinance

CITY OF LAVON, TEXAS

ORDINANCE NO. 2022-02-06

Subdivision Code Amendment – Short-Form Plat

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, ENACTING AN AMENDMENT TO THE CITY OF LAVON CODE OF ORDINANCES, CHAPTER 9 “PLANNING AND DEVELOPMENT REGULATIONS”, ARTICLE 9.02 “SUBDIVISION ORDINANCE”, SECTION 9.02.004 “PROCEDURE” TO PROVIDE FOR A COMBINATION PRELIMINARY AND FINAL PLAT PROCESS; PROVIDING A CONFLICT CLAUSE; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND SETTING AN EFFECTIVE DATE.

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

WHEREAS, Section 51.012 of the Texas Local Government Code authorizes a city to adopt ordinances regulating the subdivision and development of land; and

WHEREAS, the City Council of the City (the “City Council”) desires to facilitate the plat approval process in instances where the formal approval of a preliminary plat and final plat are not necessary for an understanding of a given subdivision process or the effects and implications thereof, or for the protection of proximate individual interest, community interests, or community development; and

WHEREAS, the City Council finds that this Ordinance substantially advances the public health, safety, and general welfare of the citizens of the City.

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

Section 1. Incorporation of Recitals. The foregoing recitals hereby are incorporated by reference and made a part hereof as if fully set forth.

Section 2. Amendment. Chapter 9 “Planning and Development Regulations”, Article 9.02 “Subdivision Ordinance”, Section 9.02.004 “Procedure” of the City’s Code of Ordinances is hereby amended to add subsection (d) “Combination Preliminary and Final Plat” to read as follows:

“(d) Combination Preliminary and Final Plat.

(1) A subdivider may submit a short form plat by combining preliminary and final plats if the City determines that the proposed subdivision of land falls within the following criteria:

- (A) shall not exceed five (5) acres;
- (B) affects no more than three (3) lots;
- (C) has frontage upon dedicated and improved streets;

- (D) does not necessitate any appreciable alteration or extension of utility installations or streets;
- (E) conforms in use, size, and shape to the lots in the vicinity;
- (F) the proposed subdivision and supporting documents are not otherwise in contravention with Chapter 212 of the Texas Local Government Code; and
- (G) the owner of the property to be subdivided does not have more than one (1) plat approved under this Subdivision Ordinance during any twelve (12) month period.

(2) All design, engineering, improvements, submission documents and drawing information standards applicable to final plats shall be applicable to this short form plat.

(3) The short form plat shall be submitted for approval in accordance with the procedure established for a final plat approval.”

Section 3. Amendments to Numbering. In accordance with the above amendment, Chapter 9 “Planning and Development Regulations”, Article 9.02 “Subdivision Ordinance”, Section 9.02.004 “Procedure” of the City’s Code of Ordinances is hereby amended to update numbering of Section 9.02.004 as follows: the subsection titled “Replats” shall be renumbered from subsection (d) to subsection (e), and the subsection titled “Final warranty inspection procedure” shall be renumbered from subsection (e) to subsection (f).

Section 4. Conflict Clause. To the extent any provisions of the City’s Subdivision Ordinance, codified as Article 9.02 of the City’s Code of Ordinances, are in conflict with this Ordinance, this Ordinance shall control.

Section 5. Severability Clause. It is hereby declared by the City Council that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this Ordinance.

Section 6. Open Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Section 551.042, Texas Government Code.

Section 7. Effective Date. This Ordinance shall take effect immediately upon its passage.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 1st day of February 2022.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary



CITY OF LAVON Agenda Brief

MEETING: February 1, 2022

ITEM: 8 – J

Item:

Public hearing, discussion, and action regarding an application to change the zoning district classification from Single Family-2 (SF-2) to Main Street (M) zoning district for Block A, Lot 2, Bordeaux Addition, 1.22 acres situated at 320 Main Street (Bus 78), Lavon, Collin County, TX (CCAD Property ID 2790105).

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

Application Information

Owner(s): Giridhar and Sridevi Veeramaneni

Applicant: Giridhar Veeramaneni

Location: Intersection of Gracy St. and Main St. (Bus. 78)

Description: 320 Main St., Lavon, TX
Block A, Lot 2, Bordeaux Addition, 1.22 acres
(CCAD Property ID 2790105))

Current Zoning: Single Family 2 (SF-2)

Request: Zoning Change to Main Street (M)

Background

The applicant is seeking approval of a zoning change from Single Family - 2 (SF-2) to Main Street (M) for a 1.22-acre lot located southwest of the intersection of Gracy St. and Main St. Due to area dedicated for the road easement on Gracy St., the net area of the lot is specified as one (1) acre on the final plat.

The property is presently an undeveloped platted lot in the Bordeaux Addition, a residential subdivision. The Main Street zoning classification was developed for properties abutting Main Street to provide for transitional land uses when and where appropriate.

Code Excerpt:

CITY OF LAVON – ZONING ORDINANCE

Section 9.03.132 Main street district (M)

- (a) Purpose. Main street district (M) recognizes the existence of established residential

uses along Main Street in Lavon; however, as Lavon grows there is recognized a need and desire to develop a traditional downtown for the city. The traditional Main Street envisions a mixture of uses that a traditional downtown includes; residential, commercial, governmental, churches. Development regulations will encourage low density design, walkability, retention of historical structures, flexibility of land use with control of site design and the form of the structure. Screening shall be required of all commercial uses adjoining residential structures.

On the Future Land Use Plan, the property is shown as “Existing Neighborhood”. The zoning change request is not inconsistent with the Comprehensive Plan. Given the stated purpose of the Main Street zoning district, each case should be considered in relation to the existing and surrounding uses. Additional considerations include the shape and character of the subject site, traffic impact, traffic circulation and potential impact of nuisances (e.g., noise, light, smell) on area properties. With the update of the Comprehensive Plan, compatibility standards will be developed for the downtown areas to assure that varying land uses can coexist harmoniously.

Planning and Zoning Commission Report:

MOTION: RECOMMEND DENIAL OF THE APPLICATION TO CHANGE THE ZONING DISTRICT CLASSIFICATION FROM SINGLE FAMILY-2 (SF-2) TO MAIN STREET (M) ZONING DISTRICT FOR BLOCK A, LOT 2, BORDEAUX ADDITION, ON 1.22 ACRES SITUATED AT 320 MAIN STREET (BUS. 78), LAVON, COLLIN COUNTY, TX (CCAD PROPERTY ID 2790105).

MOTION MADE: NABORS

SECONDED: BEDELL

APPROVED: 3-1(Absent: Smith)

FOR: NABORS, ROSENQUIST, BEDELL

AGAINST: TIEGS

Staff Notes:

Pursuant to state law and local ordinance, a 3/4 vote of the City Council, four members voting affirmatively, is required to overrule the Planning and Zoning Commission recommendation for denial and approve the request.

Section 9.03.034 Amendments to the official zoning ordinance and zoning district map

(j) A written recommendation of the planning and zoning commission shall be forwarded to the city council. In the event that the planning and zoning commission recommends that a proposed change to a regulation or boundary be denied, a vote of at least three-fourths (3/4) of all of the members of the city council shall be required to overrule such recommendation.

(l) An application that has been denied, without prejudice, by the city council may be resubmitted at any time for reconsideration by the city council. A new filing fee must accompany the request. The city council may deny any application with prejudice. If an application has been denied with prejudice the application may not be resubmitted to the city for one (1) year from the original date of denial. However, a changed application may be submitted at any time.

The requisite public hearing notice was published in the newspaper and posted on the website and zoning change signs were placed on the property. In accordance with state and local laws, fourteen (14) notices were mailed to the owners of property located within 200 feet of the applicant's property. No notices have been received in favor and four (4) notices were received in opposition to the proposed change.

- Attachments:**
1. Application
 2. Location exhibits
 3. Neighbor notices
 4. Proposed Ordinance



CITY OF LAVON
 120 School Road • P.O. Box 340
 Lavon, TX 75166
 Phone (972) 843-4220
 lmcclellandon@lavontx.gov

RECEIVED
 DEC 08 2021
 CITY OF LAVON

Request for a Change in Zoning

GIRIDHAR & Sridevi Veeramani 12/06/2021
 Applicants Name Date

916-220-2207
 Representative or Agent Phone Number

3625 GLOUCESTER RD Richardson, TX 75082
 Street City, State, Zip

Main st & Cooney Ln (Lavon, TX) 320 Main
 Location of Property

Lot 2. Block A of Bordeaux Addition Residential
 Legal Description of Property Current Zoning

Check which zoning category you wish to change to:

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

- Single Family - 1 (1800 sq. ft. min. home)
- Single Family - 2 (1500 sq. ft. min. home)
- Single Family - 3 (1200 sq. ft. min. home)
- Special Use Permit
- Other: _____
- Retail - Main Street
- Business District 1 / 2
- Planned Development
- Mobile Home District

Signature of Applicant or Representative: *[Signature]*

For Office Use Only

Date Received: _____ Date Paid: _____ Fee Paid: _____
 Next P & Z Meeting: _____ Next City Council Meeting: _____



CITY OF LAVON
 120 School Road • P.O. Box 340
 Lavon, TX 75166
 Phone (972) 843-4220
 lmclendon@lavontx.gov

Declaration of Ownership

Date: 12/06/2021

To the City of Lavon
 Collin County, Texas

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

[Handwritten signature]

Signature (Owner) GIRIDHAR VEERAMANI

Signature (Owner) SRIDEVI VEERAMANI

Signature (Owner) _____

The State of Texas
 County of _____

Before me, the undersigned authority, appeared _____,
 on this the _____ day of _____, 20__.

(notary seal)

 Notary Public in and for _____ County, Texas

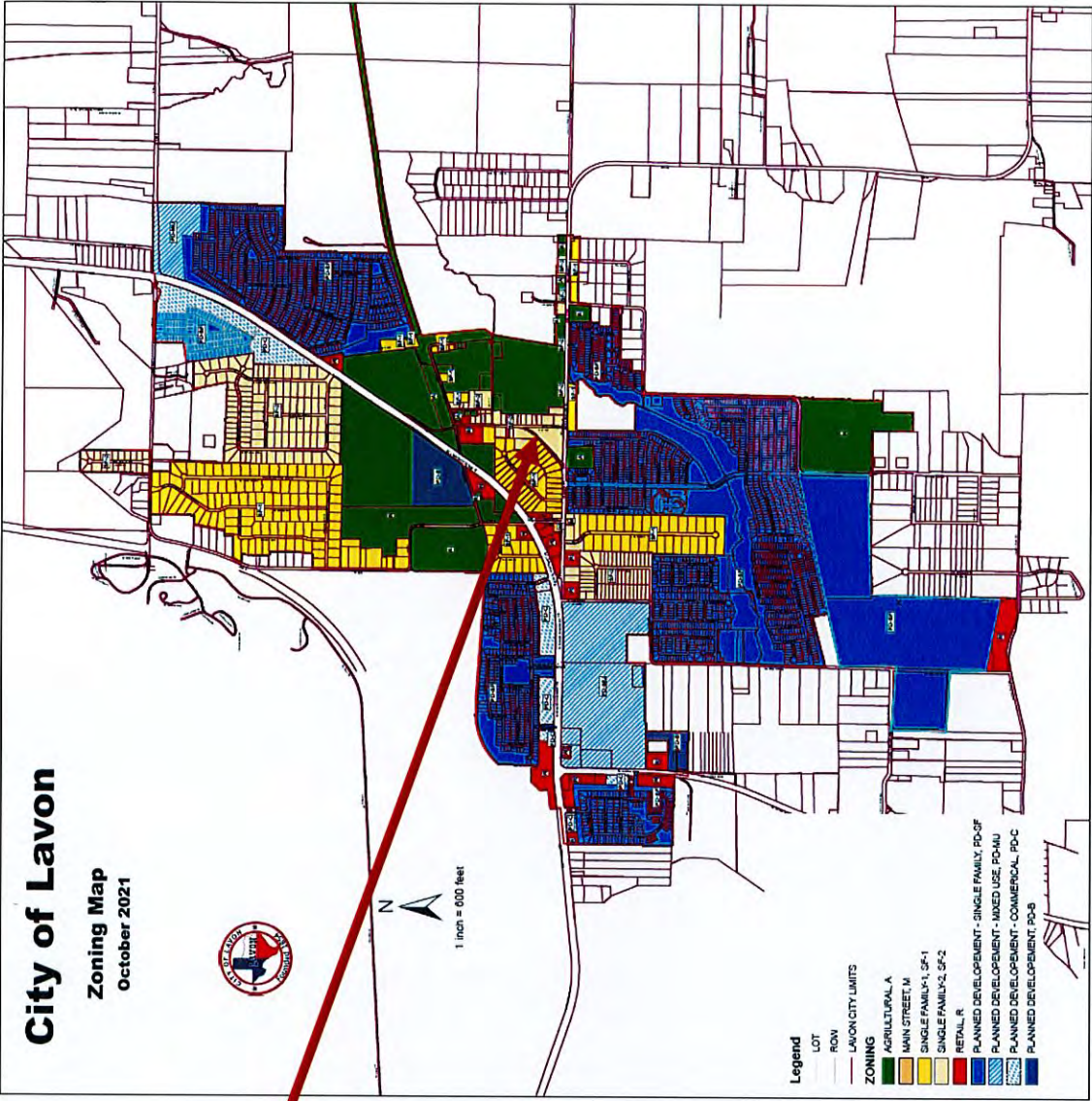
City of Lavon

Zoning Map
October 2021



1 inch = 600 feet

- Legend**
- LOT
 - ROW
 - LAVON CITY LIMITS
 - ZONING**
 - AGRICULTURAL, A
 - MAIN STREET, M
 - SINGLE FAMILY-1, SF-1
 - SINGLE FAMILY-2, SF-2
 - RETAIL, R
 - PLANNED DEVELOPMENT - SINGLE FAMILY, PD-SF
 - PLANNED DEVELOPMENT - MIXED USE, PD-MU
 - PLANNED DEVELOPMENT - COMMERCIAL, PD-C
 - PLANNED DEVELOPMENT, PD-B



Zoning Map



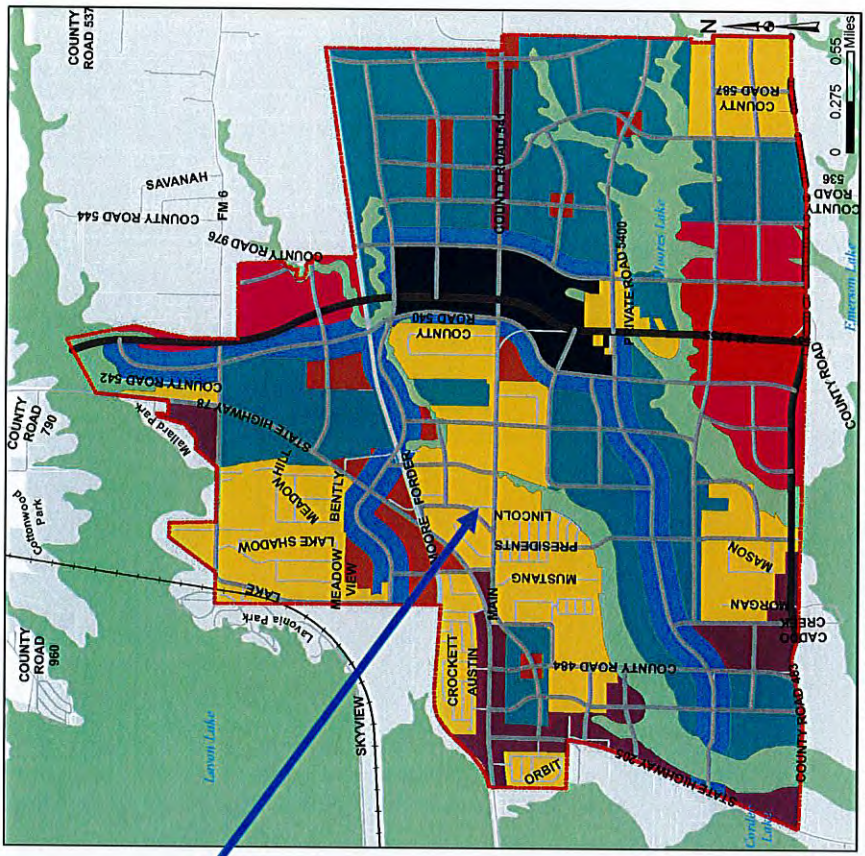


Lavon Future Land Use Plan

Source: Ideation Planning, Lee Engineering, 2019

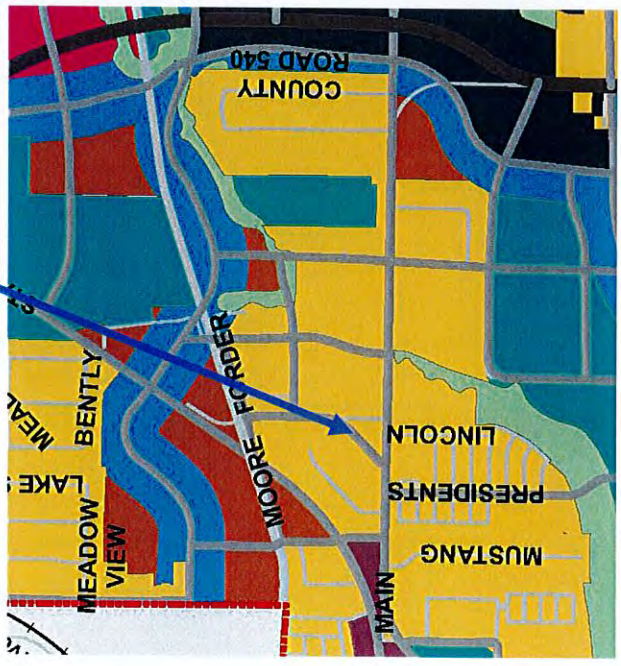
Legend

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

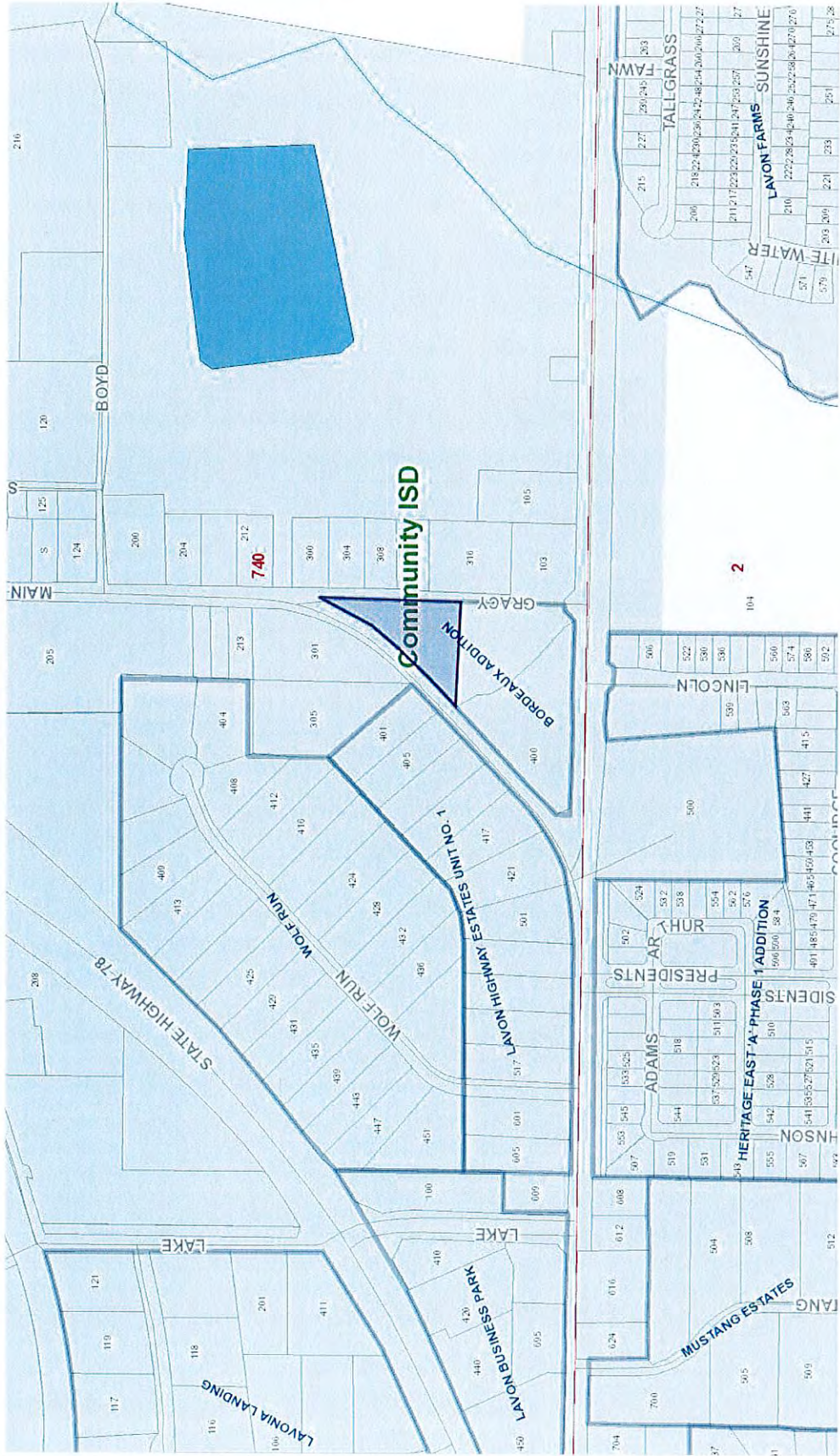


A comprehensive plan shall not constitute a zoning regulation or establish zoning district boundaries.

Future Land Use Plan



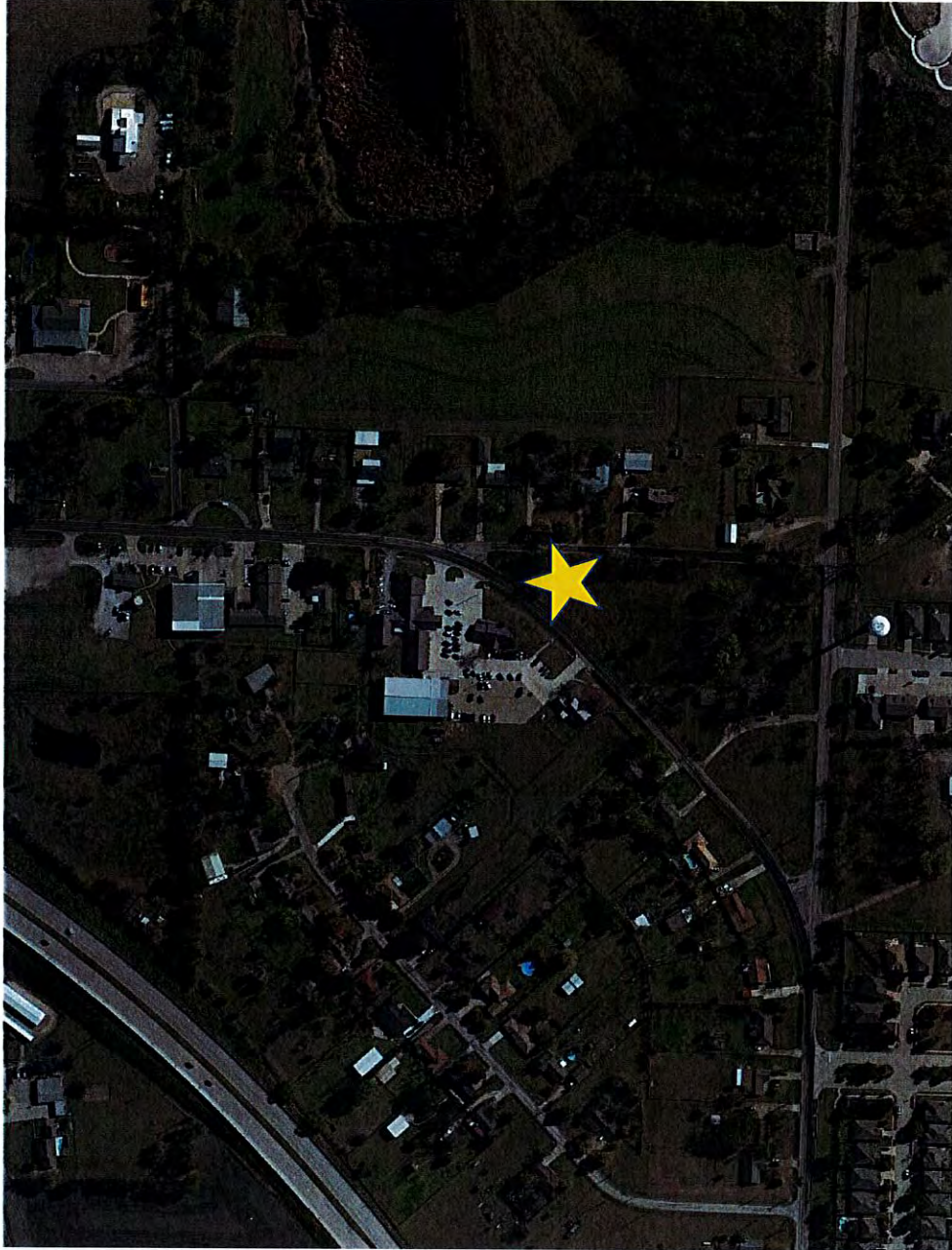
Location Exhibit



Location Exhibit



Location Exhibit



Location Exhibit



North
↓

Location Exhibit



North



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

Notice is hereby given that the **Planning and Zoning Commission** will hold a public hearing at the meeting starting at 7:00 PM, Tuesday, **January 25, 2022** at Lavon City Hall, 120 School Rd. Further notice is given that a second public hearing is scheduled where the request and the recommendation of the Planning and Zoning Commission will be considered by the **City Council** at a meeting starting at 7:00 PM, Tuesday, **February 1, 2022** at Lavon City Hall. At such times and place, the Commission and the Council will hear and take action on:

Request: Consider an application to change the zoning district classification from Single Family-2 (SF-2) to Main Street (M).

Property Description: Bordeaux Addition, Block A, Lot 2, consisting of 1.22 acres at 320 Main Street (Bus 78), Lavon, Collin County, TX, (CCAD Property ID 2790105), at the intersection of and with frontage along Main St. and Gracy.

In the event that the P&Z Commission or City Council will be unable to meet at City Hall, the City will post on its website www.cityoflavon.com information for persons to attend the meeting by telephone, teleconference or other electronic means. Additional information regarding the request is on the reverse of this notice and may be obtained at cityhall@lavontx.gov or at 972-843-4220.

You are receiving this notice because the subject property is located within 200 feet of your property. The public hearing may be continued should an applicant so request. Interested citizens are invited to attend the public hearing and participate in the same.

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

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

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

Signature: *Norma Morrow*

Name (printed): *Norma Morrow*

Address: P.O. Box 158 Lavon 75166

Phone: *214 808 1594*

Email Address:

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

RECEIVED
JAN 21 2022
CITY OF LAVON

ABS A0740 S M RAINER SURVEY, SHEET 2, TRACT 98, .5 ACRES
304 Gracy



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

Notice is hereby given that the **Planning and Zoning Commission** will hold a public hearing at the meeting starting at 7:00 PM, Tuesday, **January 25, 2022** at Lavon City Hall, 120 School Rd. Further notice is given that a second public hearing is scheduled where the request and the recommendation of the Planning and Zoning Commission will be considered by the **City Council** at a meeting starting at 7:00 PM, Tuesday, **February 1, 2022** at Lavon City Hall. At such times and place, the Commission and the Council will hear and take action on:

Request: Consider an application to change the zoning district classification from Single Family-2 (SF-2) to Main Street (M).

Property Description: Bordeaux Addition, Block A, Lot 2, consisting of 1.22 acres at 320 Main Street (Bus 78), Lavon, Collin County, TX, (CCAD Property ID 2790105), at the intersection of and with frontage along Main St. and Gracy.

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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) _____

_____ *Attached* _____

Signature: *Davilla K Gage* _____

Name (printed): DAVILLA K GAGE _____

Address: P.O. Box 16 Lavon 75166

Phone: 214 808 8072 Email Address: *gagek617@gmail.com*

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

ABS A0740 S M RAINER SURVEY, SHEET 2, TRACT 99, .5 ACRES
300 Gracy

RECEIVED
JAN 24 2022
CITY OF LAVON

I have been a resident of Lavon, Texas my entire life, as a matter of fact, I was born in Lavon. I was also a member of the first city council when the City of Lavon was incorporated.

My neighbor and I moved into our adjacent houses the same week over 50 years ago. It is a very pleasant, QUIET, area to live in. If the area is rezoned most of the pleasantness will disappear – traffic and noise will increase.

My area of Gracy Lane runs into Main Street and is a residential area, and should remain so. It is pretty obvious the growth for Lavon will be on Hwy. 78. Main Street is not large enough to handle the growth that is coming to our city.



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

Notice is hereby given that the **Planning and Zoning Commission** will hold a public hearing at the meeting starting at 7:00 PM, Tuesday, **January 25, 2022** at Lavon City Hall, 120 School Rd. Further notice is given that a second public hearing is scheduled where the request and the recommendation of the Planning and Zoning Commission will be considered by the **City Council** at a meeting starting at 7:00 PM, Tuesday, **February 1, 2022** at Lavon City Hall. At such times and place, the Commission and the Council will hear and take action on:

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In the event that the P&Z Commission or City Council will be unable to meet at City Hall, the City will post on its website www.cityoflavon.com information for persons to attend the meeting by telephone, teleconference or other electronic means. Additional information regarding the request is on the reverse of this notice and may be obtained at cityhall@lavontx.gov or at 972-843-4220.

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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) NOT A GOOD LOCATION FOR A BUSINESS. DO NOT NEED INCREASED TRAFFIC IN THE AREA. GRACY NOT DESIGNED FOR HEAVY TRAFFIC. NEIGHBORS HAVE SMALL CHILDREN. BUSINESS NEEDS TO BE LOCATED IN COMMERCIAL PROPERTY THAT ALREADY EXISTS.

Signature: *Vicki Morrow*

Name (printed): Vicki Morrow

Address: P.O. Box 417 Lavon 75166

Phone: 972-670-6865 Email Address: Morrow_vicki@yahoo.com

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

ABS A0740 S M RAINER SURVEY, SHEET 2, TRACT 102, 1.3 ACRES
316 Gracy

RECEIVED
JAN 25 2022
CITY OF LAVON

320 Main St. - Zoning Change

Name	Address	Mailing City	Mailing State	Mailing Zip	Property Desc.
Gregory Price	400 Main	Lavon	TX	75166	BORDEAUX ADDITION, BLK A, LOT 1
Pijikia Aina, LLC	Gracy Rd.	Wylie	TX	75098	BORDEAUX ADDITION, BLK A, LOT 3
Michael Luttrell	103 McClendon Rd.	Lavon	TX	75166	ABS A0740 S M RAINER SURVEY, SHEET 2, TRACT 126, 1.0 ACRES
Michael & Vicki Morrow	316 Gracy	Lavon	TX	75166	ABS A0740 S M RAINER SURVEY, SHEET 2, TRACT 102, 1.3 ACRES
Ruby Sears	312 Gracy	Lavon	TX	75166	ABS A0740 S M RAINER SURVEY, SHEET 2, TRACT 101, .5 ACRES
David Hawkins	308 Gracy	Richardson	TX	75080	ABS A0740 S M RAINER SURVEY, SHEET 2, TRACT 100, .5 ACRES
Norma Morrow	304 Gracy	Lavon	TX	75166	ABS A0740 S M RAINER SURVEY, SHEET 2, TRACT 98, .5 ACRES
Davilla Kay Gage	300 Gracy	Lavon	TX	75166	ABS A0740 S M RAINER SURVEY, SHEET 2, TRACT 99, .5 ACRES
Kenneth Zachary	212 Main	Lavon	TX	75166	ABS A0740 S M RAINER SURVEY, SHEET 2, TRACT 97, .5 ACRES
First Assembly of God	301 S. Main	Lavon	TX	75166	ABS A0740 S M RAINER SURVEY, SHEET 2, TRACT 84, 1.472 ACRES
First Assembly of God	305 S. Main	Lavon	TX	75166	ABS A0740 S M RAINER SURVEY, SHEET 2, TRACT 89, 1.674 ACRES
First Assembly of God	401 S. Main	Lavon	TX	75166	LAVON HIGHWAY ESTATES UNIT NO 1, LOT 13
First Assembly of God	405 S. Main	Lavon	TX	75166	LAVON HIGHWAY ESTATES UNIT NO 1, LOT 12
James & Lyia Lafavers	409 S. Main	Lavon	TX	75166	LAVON HIGHWAY ESTATES UNIT NO 1, LOT 11

CITY OF LAVON
ORDINANCE NO. 2022-02-07

Zoning Change – 320 Main Street

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF LAVON, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING DISTRICT FROM SINGLE FAMILY - 2 (SF-2) TO MAIN STREET ZONING DISTRICT ON A 1.22-ACRE LOT AT 320 MAIN STREET, BLOCK A, LOT 2, BORDEAUX ADDITION IN THE CITY OF LAVON, COLLIN COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; A CUMULATIVE REPEALER CLAUSE; A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

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

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

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

SECTION 2. That the Comprehensive Zoning Ordinance and Zoning Map of the City of Lavon, Texas, heretofore duly passed by the governing body of the City of Lavon, as heretofore amended, be hereby amended by changing the Zoning District designation on the 1.22-acre tract of land more particularly described in Exhibit “A”, attached hereto and incorporated herein, and herein referred to as the “Property” from Single Family - 2 (SF-2) to Main Street (M) Zoning District and amending the Official Zoning Map to reflect the approved change in zoning district.

SECTION 3. That the Zoning Ordinance of the City of Lavon Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 4. That all rights and remedies of the City of Lavon are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which

has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 6. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect

SECTION 7. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues.

SECTION 8. The City Secretary of the City of Lavon is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 9. That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 1st day of February 2022.

Vicki Sanson
Mayor

ATTEST:

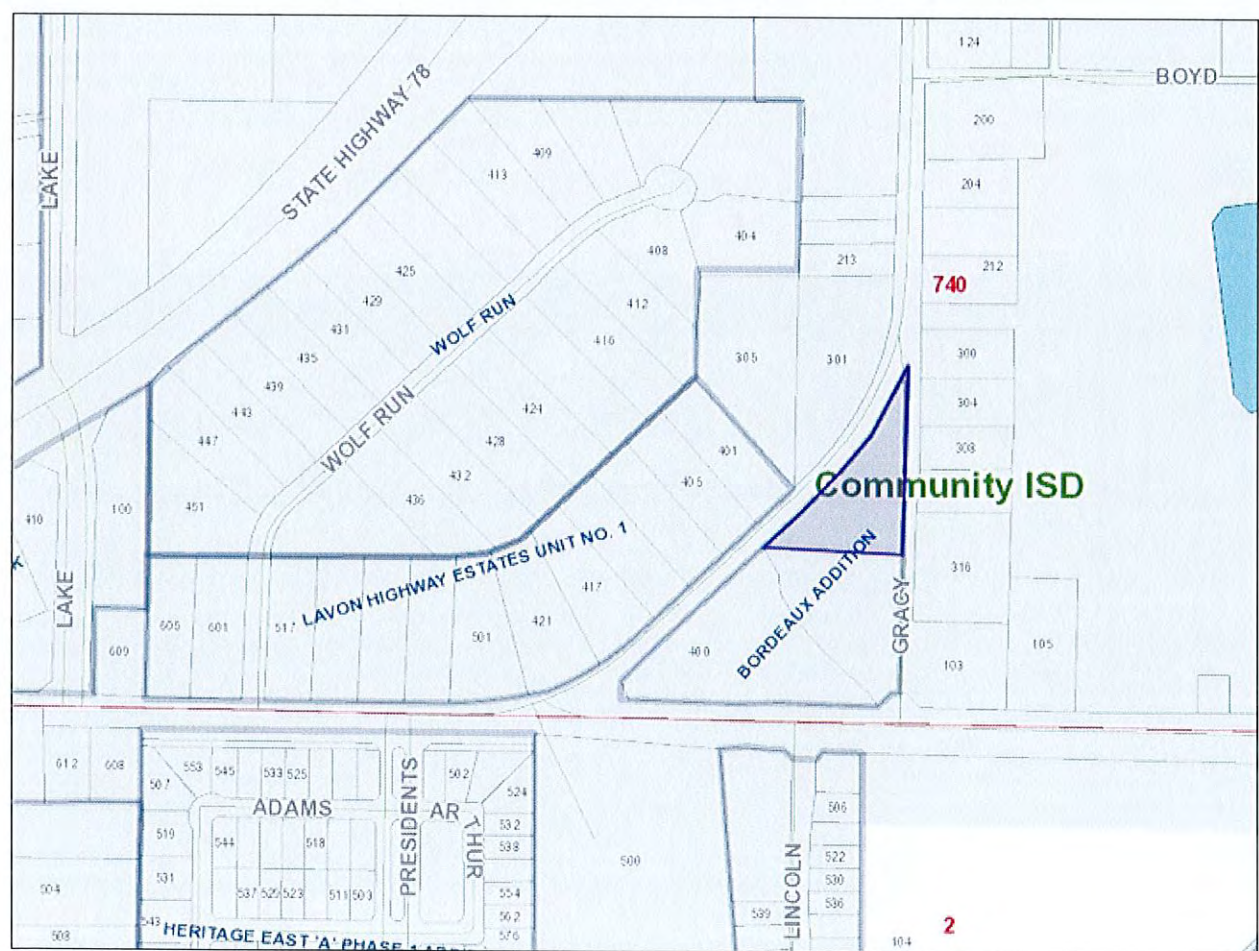
Rae Norton
City Secretary

ORDINANCE NO. 2022-02-01

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

320 Main St.
Block A, Lot 2, Bordeaux Addition
Lavon, Texas





CITY OF LAVON

Agenda Brief

MEETING: February 1, 2022

ITEM: 8 - K

Item:

Discussion and action regarding the final plat of the LakePointe Addition, Phase 3 for 221 residential lots and 4 open space tracts on 45.444 acres of land, a part of a 200.9089-acre tract situated in the Samuel M. Rainer Survey, Abstract No. 740, southeast of the intersection of SH 78 and FM 6, Lavon, Collin County, TX, (CCAD Property ID 2663916).

Background:

Application Information

Owner(s): LDC Lavon, LLC

Applicant: Corwin Engineering, Inc.

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

Description: LakePointe Addition, Phase 3
Samuel M. Rainer Survey, Abstract No. 740, CCAD property ID 2663916
Collin County, Texas (part of 200.909 acres) 45.444 acres

Current Zoning: Planned Development – Mixed Use (PD-MU)

Request: Final Plat

Request Details

The applicant is seeking approval of a final plat for Phase 3, a residential section of a mixed use planned development. Phase 3 consists of 221 residential lots and 4 common area open space tracts on 45.444 acres. The final plat conforms to the approved zoning and 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.

Code Excerpts:

CITY OF LAVON – SUBDIVISION ORDINANCE

Section 4.04 FINAL PLAT

After approval of the preliminary plat by the planning and zoning commission and City Council, a final plat, prepared by a registered public surveyor bearing his or her seal and the construction plans prepared by a registered professional civil engineer bearing his or her seal, shall be submitted to the planning and zoning commission.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF THE FINAL PLAT OF THE LAKEPOINTE ADDITION, PHASE 3 FOR 221 RESIDENTIAL LOTS AND 4 OPEN SPACE TRACTS ON 45.444 ACRES OF LAND, A PART OF A 200.9089-ACRE TRACT SITUATED IN THE SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740, SOUTHEAST OF THE INTERSECTION OF SH 78 AND FM 6, LAVON, COLLIN COUNTY, TX., SUBJECT TO THE CITY ENGINEER'S APPROVAL.

MOTION MADE: NABORS
SECONDED: BEDELL
APPROVED: UNANIMOUS (Absent: Smith)

Staff Notes:

On June 4, 2019, the City Council approved the preliminary plat of the LakePointe Addition containing 700 residential lots and one commercial lot on 200.909 acres. Access to the entire development is provided on SH 78, FM 6 and through-connections will be constructed to connect to future development east of the property. On October 19, 2021, an amendment to the Planned Development zoning was approved that allowed for the addition of 4 lots for a total lot count of 704.

The development will provide for the extension of public infrastructure systems for water, sanitary sewer and trails. A development agreement outlining specific public infrastructure requirements related to the development was approved by the City Council on March 19, 2019.

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

Approval is recommended subject to satisfaction of the City Engineer's notes, review, and approval of the civil engineering plans.

- Attachments:**
1. Application and Final Plat
 2. Location Exhibits

3. Engineer's correspondence



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>Cowin Engineering, Inc.</u>			Name: <u>LDC Lavon, LLC.</u>		
Address: <u>200 W. Belmont, Ste. E</u>			Address: <u>520 Central Parkway, Ste. 104</u>		
City/State/Zip: <u>Allen, Texas 75013</u>			City/State/Zip: <u>Plano, Texas 75074</u>		
Phone #: <u>972-396-1200</u>		Fax #: _____	Phone #: <u>469-440-2701</u>		Fax #: _____
Authorized Person: <u>Chase Finch</u>			Authorized Person: <u>Steve Lenart</u>		
Type of Submission			Check List of Items Submitted		
<input type="checkbox"/> Preliminary Plat			<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 checked="" 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)		
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 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) Steve Lenart		Authorized Representative (Signature) 			Date: 11/16/21
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

NOV 19 2021

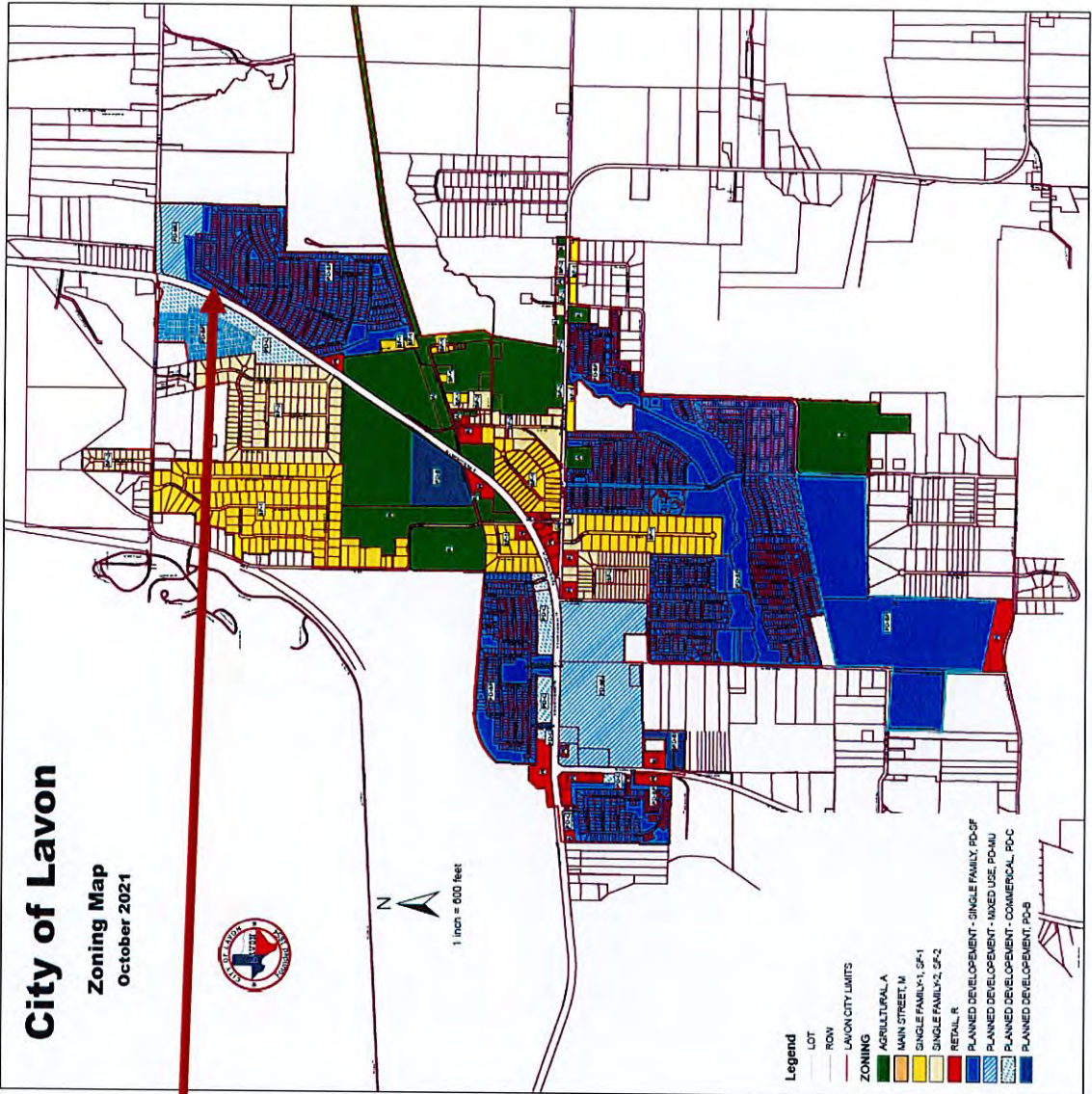
CITY OF LAVON

City of Lavon

Zoning Map
October 2021

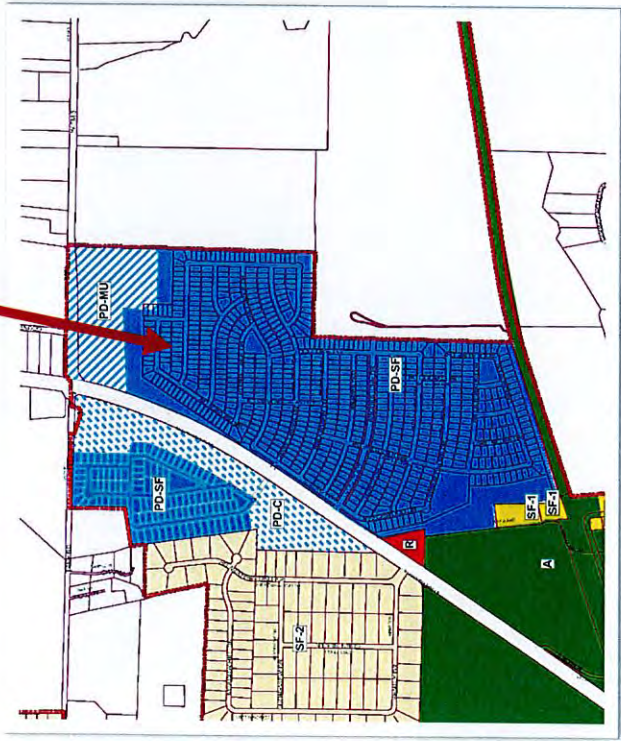


1 inch = 600 feet

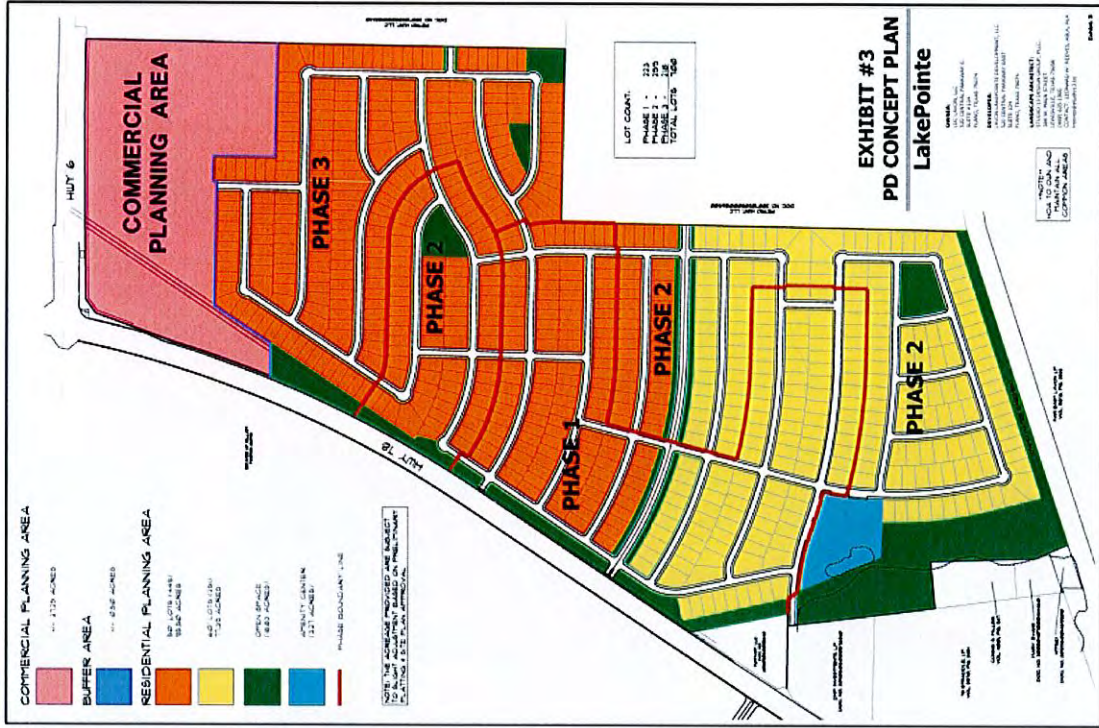
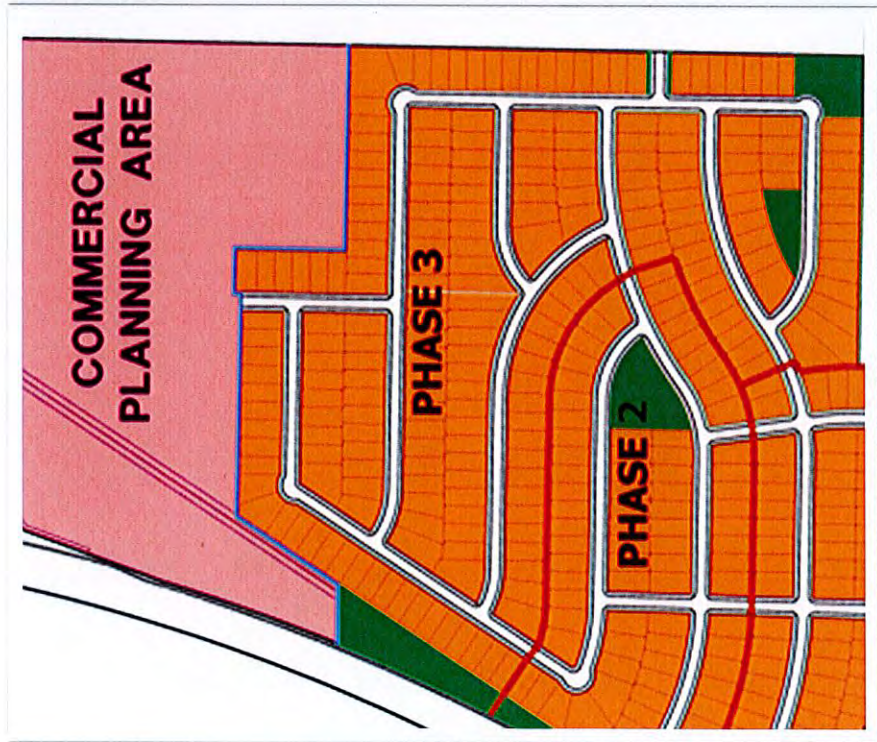


- Legend**
- LOT
 - ROW
 - LAVON CITY LIMITS
 - ZONING**
 - AGRICULTURAL - A
 - MAIN STREET - M
 - SINGLE FAMILY - 1, SF-1
 - SINGLE FAMILY - 2, SF-2
 - RETAIL - R
 - PLANNED DEVELOPMENT - SINGLE FAMILY, PD-SF
 - PLANNED DEVELOPMENT - MIXED USE, PD-MU
 - PLANNED DEVELOPMENT - COMMERCIAL, PD-C
 - PLANNED DEVELOPMENT, PD-B

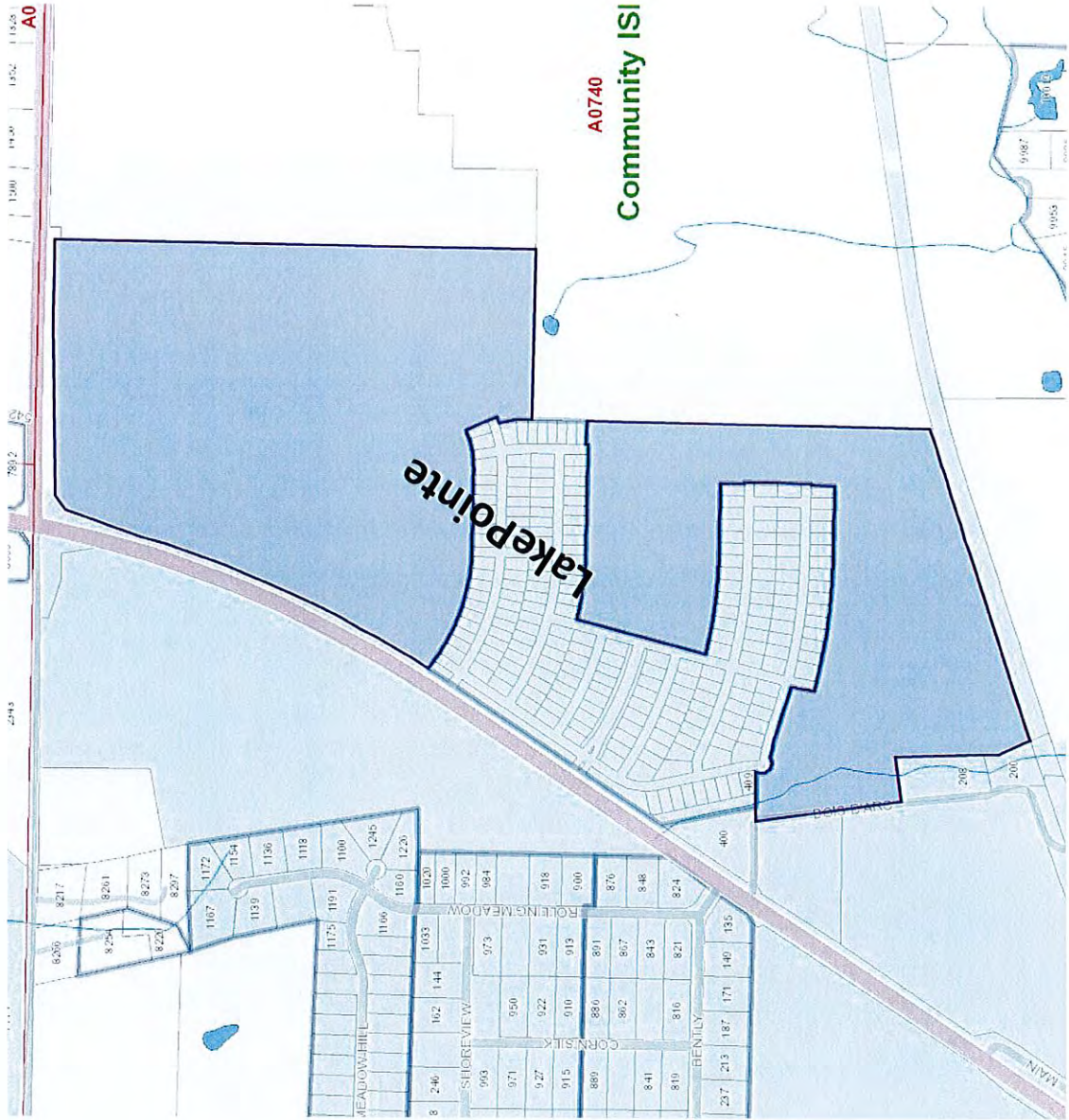
Zoning Map



LakePointe Concept Plan



Location Exhibit LakePointe, Phase 3



January 21, 2022

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

Re: LakePointe Phase 3, 221 residential lots, 4 tracts, 45.444 Acres
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Final Plat and revised Development Plans dated November, 2021 as prepared by Corwin Engineering, Inc. for the above referenced property located north of LakePointe Phase 2A and south of FM 6. Our comments are as follows:

Final Plat

1. There are several streets without names. All names should be approved by the City of Lavon. Note that Street F was changed to Happy Place Drive but should be Happy Pace Drive.

Paving Plans

2. The intersection of Street C and FM 6 should be designed to account for the future FM6 widening. The area between the street connection to future pavement and the existing roadway can be asphalt. See attached markup.
3. Engineer has acknowledged that the intersection of Street C and FM 6 will require a TxDOT permit.

Grading Plan

4. Per the response, LakePopinte 3 is a different datum from Elevon and, therefore, the pad elevation for Elevon Phase 1A do not match the Elevon construction plans. We recommend a note describing the datum difference be provided. In addition, it would be advisable to include the Elevon elevations, also.

Drainage Area Map

5. The existing drainage area map should reflect that Areas 2 & 3 are now developed.

City Standard Details

6. The plans for construction will include the City Standard Details per the plan sheet index.

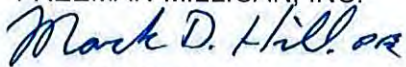
This concludes our review of the above referenced revised Final Plat and revised Development Plans. A copy of the applicable sheets with markups, is attached for your use. **We recommend approval of the LakePointe Phase 3 Final Plat. We recommend approval of the Development Plans, subject to addressing minor comments above.**

Ms. Kim Dobbs
LakePointe Phase 3 – Final Plat
January 21, 2022
Page 2 of 2

The review conducted by FMI was for the limited purpose of code and ordinance compliance review for the exclusive benefit of the City of Lavon. The above referenced documents were not reviewed as to their quality or for errors on the part of the surveyor or engineer.

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

Sincerely,
FREEMAN-MILLICAN, INC.

A handwritten signature in black ink that reads "Mark D. Hill" with a stylized flourish at the end.

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

Attachment

Cc: David Carter, Mike Jones, Danny Anthony, Steve Lenart, Warren Corwin, P.E.

F:\17024 - LAV General Servies\9 - Review\Lakepointe (Lenart)\Phase 3\LakePointe Ph 3 - Final Plat - Rev 1.docx



CORWIN ENGINEERING, INC.

200 W. Belmont • Suite E • Allen, TX 75013
(972) 396-1200 • FAX (972) 396-4987

January 18, 2022

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

RE: Lakepointe Phase 3

Dear Ms. Dobbs,

The following is our response to the comments provided on Dec. 13th, regarding the above-referenced project.

Final Plat

1. There are several streets without names. All names should be approved by the City of Lavon. Note that Street F shall be Happy Pace Drive per the Elevon Phase 1A Final Plat.

[Revised street F to Happy Pace and working on obtaining additional names.](#)

2. The northern ROW of FM 6 should be shown.

[Added ROW](#)

3. The adjacent landowner information should be updated.

[Revised](#)

4. The open space note does not appear to be correct. Verify number of open space tracts.

[Revised](#)

5. There are several discrepancies between the drawing and written legal description, including one missing call.

[Revised](#)

6. The Bear Creek SUD easement should be titled correctly.

[Revised](#)

7. The Bear Creek SUD easement appears to be within the proposed ROW for Water View Drive. The City does not allow easements within their ROW. This section should be abandoned.

[Added hatching and note about abandonment.](#)

8. Based upon current timing, all signature dates should be changed to 2022.

Paving Plans.

[Revised](#)

9. The plans should be consistent on notation for removal of the temporary cul-de-sac and installation of curb.

Added note to the respected sheets.

10. A detail of the proposed curb in the cul-de-sac should be provided.

Detail is included with the city details.

11. Specifications on compacted fill should be provided.

Added specifications

12. Developer sidewalks should extend, at a minimum, to property lines.

Extended sidewalk

13. The intersection of Street C and FM 6 should be designed to account for the future FM6 widening. Also, the right turn lane from FM 65 to Street C should be included.

Added right turn lane

14. The intersection of Street C and FM 6 will require a TxDOT permit.

Noted

Grading Plan

15. A retaining wall is shown along the perimeter of the site. Please verify.

This line is an easement for BCSUD. Added notation.

16. The pad elevation for Elevon Phase 1A do not match the Elevon construction plans. This should be verified and adjusted as necessary.

The datum between projects is different. This explains the difference in grades.

17. The detention pond should be shown and verify existing vs. proposed improvements, as applicable.

Detention pond is shown as constructed in the field.

Water & Sanitary Sewer Plan

18. Please verify the location of the existing 12" WL along Water View Drive. If it does not conform to standard detail, dimensions should be provided.

Added dimension

19. The connection point for the waterline at Rockstream Dr and Water View Dr does not appear to "line up" with the valves.

Revised waterline

20. The existing sanitary sewer connection on Line S-1 should be shown in the profile.

Added connection

Drainage Area Map

21. The existing drainage area map has not been provided.

Provided.

22. It is unknown where inlet 38 is located.

It's at the upstream end of Line D-5 and drains area 24.

23. Inlet 38 has to values missing in the table.

The values missing are gutter capacity, flow depth and flow spread. This is a wye inlet in the middle of the field so the values are not applicable.

24. The detention pond should be shown with associated calculations and verification of coordination with the Elevon plans.

Elavon's post-project detention analysis plan has been added to the set. The drainage areas match between the two projects.

25. Erosion control should be provided on the downstream end of D-12.

Added rock riprap

26. On Sheet 31, there are dashed lines that are not defined.

Added notation for clarity.

Erosion Control Plan

27. There is silt fence shown through the detention pond. Erosion control for the pond should be shown, including responsibility – Elevon or LakePointe.

Revised erosion control

Street Sign Plan

28. A street light will be needed at the Street C/FM 6 intersection.

Added streetlight

City Standard Details

29. The plans for construction will include the City Standard Details per the plan sheet index.

Added details

December 13, 2021

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

Re: LakePointe Phase 3, 221 residential lots, 4 tracts, 45.444 Acres
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the Final Plat and Development Plans dated November, 2021 as prepared by Corwin Engineering, Inc. for the above referenced property located north of LakePointe Phase 2A and south of FM 6. Our comments are as follows:

Final Plat

1. There are several streets without names. All names should be approved by the City of Lavon. Note that Street F shall be Happy Pace Drive per the Elevon Phase 1A Final Plat.
2. The northern ROW of FM 6 should be shown.
3. The adjacent landowner information should be updated.
4. The open space note does not appear to be correct. Verify number of open space tracts.
5. There are several discrepancies between the drawing and written legal description, including one missing call.
6. The Bear Creek SUD easement should be titled correctly.
7. The Bear Creek SUD easement appears to be within the proposed ROW for Water View Drive. The City does not allow easements within their ROW. This section should be abandoned.
8. Based upon current timing, all signature dates should be changed to 2022.

Paving Plans

9. The plans should be consistent on notation for removal of the temporary cul-de-sac and installation of curb.
10. A detail of the proposed curb in the cul-de-sac should be provided.
11. Specifications on compacted fill should be provided.
12. Developer sidewalks should extend, at a minimum, to property lines.
13. The intersection of Street C and FM 6 should be designed to account for the future FM6 widening. Also, the right turn lane from FM 65 to Street C should be included.

14. The intersection of Street C and FM 6 will require a TxDOT permit.

Grading Plan

15. A retaining wall is shown along the perimeter of the site. Please verify.
16. The pad elevation for Elevon Phase 1A do not match the Elevon construction plans. This should be verified and adjusted as necessary.
17. The detention pond should be shown and verify existing vs. proposed improvements, as applicable.

Water & Sanitary Sewer Plan

18. Please verify the location of the existing 12" WL along Water View Drive. If it does not conform to standard detail, dimensions should be provided.
19. The connection point for the waterline at Rockstream Dr and Water View Dr does not appear to "line up" with the valves.
20. The existing sanitary sewer connection on Line S-1 should be shown in the profile.

Drainage Area Map

21. The existing drainage area map has not been provided.
22. It is unknown where inlet 38 is located.
23. Inlet 38 has to values missing in the table.
24. The detention pond should be shown with associated calculations and verification of coordination with the Elevon plans.
25. Erosion control should be provided on the downstream end of D-12.
26. On Sheet 31, there are dashed lines that are not defined.

Erosion Control Plan

27. There is silt fence shown through the detention pond. Erosion control for the pond should be shown, including responsibility – Elevon or LakePointe.

Street Sign Plan

28. A street light will be needed at the Street C/FM 6 intersection.

City Standard Details

29. The plans for construction will include the City Standard Details per the plan sheet index.

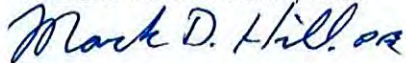
This concludes our review of the above referenced Final Plat and Development Plans. A copy of the applicable sheets with markups, is attached for your use.

Ms. Kim Dobbs
LakePointe Phase 3 – Final Plat
December 13, 2021
Page 3 of 3

The review conducted by FMI was for the limited purpose of code and ordinance compliance review for the exclusive benefit of the City of Lavon. The above referenced documents were not reviewed as to their quality or for errors on the part of the surveyor or engineer.

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

Sincerely,
FREEMAN-MILLICAN, INC.

A handwritten signature in blue ink that reads "Mark D. Hill, P.E." with a stylized flourish at the end.

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

Attachment

Cc: David Carter, Mike Jones, Danny Anthony, Steve Lenart, Warren Corwin, P.E.

F:\17024 - LAV General Servies\9 - Review\Lakepointe (Lenart)\Phase 3\LakePointe Ph 3 - Final Plat - Rev 0.docx



CITY OF LAVON Agenda Brief

MEETING: February 1, 2022

ITEM: 8 - L

Item:

Discussion and action regarding the preliminary plat of the Hillstead Subdivision, (aka Southland Sierra Addition and Lumpkin Addition), for 912 residential lots, 3 non-residential lots, and 25 common area tracts on 487.060 acres of land, being part of a called 228.692-acre tract and part of a called 292.141-acre tract situated in the Drury Anglin Survey, Abstract No. 773, the J. Strickland Survey, Abstract No. 794, the William T. Howard Survey, Abstract No. 370 and the Ci Co. Survey, Abstract No. 1051, in the vicinity of and south of the intersection of CR 484 and CR 483, in Collin County MUD No. 5, Collin County, TX, (CCAD Property IDs 422625, 425588, 2832664, 431223, and 2811959).

Application Information

Owner(s): Bear Camp Residential LP 7 SH 205 Land LLC
Applicant: Southland Consulting Engineers, Inc.
Location: South of the intersection of CR 484 and CR 483 in the extraterritorial jurisdiction (ETJ).
Description: Part of a called 292.141-acre tract situated in the Drury Anglin Survey, Abstract No. 773, the J. Strickland Survey, Abstract No. 794, the William T. Howard Survey, Abstract No. 370 and the Ci Co. Survey, Abstract No. 1051, in Collin County MUD No. 5, Collin County, TX, (CCAD Property IDs 422625, 425588, 2832664, 431223, and 2811959) - 228.692 acres.
Current Zoning: No zoning applies in the ETJ
Request: Preliminary Plat

Request Details

The applicant is seeking approval of a preliminary plat for the Hillstead Subdivision development project. The project has also been referred to as the Lumpkin project and Southland Sierra project. The property has frontage on SH 205 and CR 483.

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.

The property is entirely located in the Collin County Municipal Utility District Number 5 (Collin County MUD No. 5) and will be developed in the ETJ. The property is located in the Wylie Independent School District.

Background:

Until recently the property comprising the Hillstead Subdivision was situated in the City of Rockwall's ETJ. On August 2, 2021, the City of Rockwall released, by ordinance, the City's ETJ that was located north of the Rockwall County-Collin County line.

On August 17, 2021, the City of Lavon City Council approved a resolution declaring that the population of the City of Lavon exceeds 5,000 inhabitants. In accordance with state law, when the number of inhabitants of a city exceeds 5,000, the ETJ boundary is automatically extended from one-half mile to one mile. The majority of the Hillstead Subdivision is now located in the City of Lavon ETJ and by agreement with Collin County, the City of Lavon has the responsibility of regulating the proposed subdivision.

Because the property was recently included in the City of Lavon planning area, the City's Future Land Use Plan did not include the property. The proposed preliminary plat does conform to the draft Future Land Use Plan included in the City's Comprehensive Plan Update

Water

The development is located within the certificated areas of the Bear Creek Special Utility District (SUD). A conceptual water plan has been submitted and reviewed.

Sewer

The development will be served by the Collin County MUD No. 5 sanitary sewer system.

Roads

The proposed development takes access from CR 483 in three locations. A Traffic Impact Analysis (TIA) has been prepared and reviewed. Improvements will be constructed as prescribed by the TIA and as approved by the city engineer.

Parks and Trails

Trail and recreation amenities are proposed in the addition. The developer expressed intent to connect to the City of Lavon trail system and the trails will be accessible to the general public.

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 HILLSTEAD SUBDIVISION, (AKA SOUTHLAND SIERRA ADDITION AND LUMPKIN ADDITION), FOR 912 RESIDENTIAL LOTS, 3 NON-RESIDENTIAL LOTS, AND 25 COMMON AREA TRACTS ON 487.060 ACRES OF LAND, BEING PART OF A CALLED 228.692-ACRE TRACT AND PART OF A CALLED 292.141-ACRE TRACT SITUATED IN THE DRURY ANGLIN SURVEY, ABSTRACT NO. 773, THE J. STRICKLAND SURVEY, ABSTRACT NO. 794, THE WILLIAM T. HOWARD SURVEY, ABSTRACT NO. 370 AND THE CI CO. SURVEY, ABSTRACT NO. 1051, IN THE VICINITY OF AND SOUTH OF THE INTERSECTION OF CR 484 AND CR 483, IN COLLIN COUNTY MUD NO. 5, COLLIN COUNTY, TX., SUBJECT TO THE CITY ATTORNEY'S APPROVAL.

**MOTION MADE: NABORS
SECONDED: BEDELL
APPROVED: UNANIMOUS (Absent: 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 requirements of the Subdivision Ordinance. Approval of the preliminary plat is recommended, subject to satisfaction of the City Engineer's comments and approval.

Attachments:

1. Application and Preliminary Plat
2. Location Exhibits
3. Engineer correspondence



CITY OF LAVON

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

Preliminary Plat is currently called "Southland Sierra," but subdivision name will change once final branding is complete.

PLAT APPLICATION

Incomplete applications will not be accepted.

Company Making Submission			Property Owner		
Name: <u>Southland Consulting Engineers, Inc.</u>			Name: <u>Bear Camp Residential LP & SH 205 Land LLC</u>		
Address: <u>10210 N Central Expy, Suite 400</u>			Address: <u>10210 N Central Expy, Suite 300</u>		
City/State/Zip: <u>Dallas/TX/75231</u>			City/State/Zip: <u>Dallas/TX/75231</u>		
Phone #: <u>214.578.0088</u>		Fax #: _____	Phone #: <u>972.385.4100</u>		Fax #: _____
Authorized Person: <u>Jorge Gonzalez-Rodiles, P.E.</u>			Authorized Person: <u>Rylan Yowell</u>		
Type of Submission		Check List of Items Submitted			
<input checked="" type="checkbox"/> Preliminary Plat		Date: <u>11/30/21</u>			
<input type="checkbox"/> Final Plat		<input checked="" type="checkbox"/> (two) full size sets of plats (24x36)			
<input type="checkbox"/> Re-Submittal		<input type="checkbox"/> (two) full size construction sets (24x36)			
<input type="checkbox"/> Construction Plans		<input checked="" type="checkbox"/> (one) half size sets of plats (11x17)			
<input checked="" type="checkbox"/> Other <u>Traffic Impact Analysis and Drainage Impact Analysis (previously submitted); Preliminary Engineering Plans for Paving, Drainage & Utilities</u>		<input type="checkbox"/> (ten) half size sets of plats with final submission (11x17)			
				<input checked="" 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*		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 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) <u>Jorge Gonzalez-Rodiles, P.E.</u>		Authorized Representative (Signature) 			Date: <u>11/29/21</u>
To be completed by the City					
In Takers Name: _____					
In takers Review Date:	PW Review Date:	COO Review Date:	Engineer Review Date:	P&Z Review Date:	Council Action Date:
<input type="checkbox"/> Accepted <input type="checkbox"/> 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

DEC 01 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

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Declaration of Ownership

Date: 11/29/21

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Bear Camp Residential LP & SH 205 Land 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.

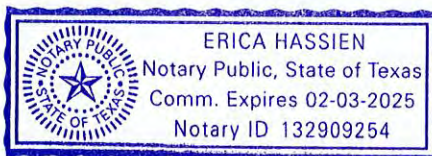
Rylan Yowell
Signature (Owner) BEARCAMP RESIDENTIAL LP

Rylan Yowell
Signature (Owner) SH 205 LAND LLC

Signature (Owner)

The State of Texas
County of DALLAS

Before me, the undersigned authority, appeared RYLAN YOWELL,
on this the 29TH day of NOVEMBER, 2021.



(notary seal)

Erica Hassien

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

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Authorization of Representation

Date: 11/29/21

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Bear Camp Residential LP & SH 205 Land 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 Southland Consulting Engineers, Inc. to represent me (us) and my (our) interests in the property described in the attached exhibits (s) for the expressed purpose of this request.

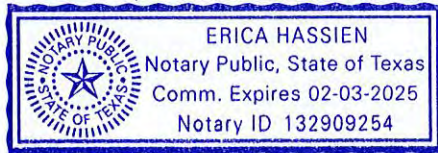
Rylan Yowell
Signature (Owner) BEAR CAMP RESIDENTIAL LP

Rylan Yowell
Signature (Owner) SH 205 LAND LLC

Signature (Owner)

The State of Texas
County of DALLAS

Before me, the undersigned authority, appeared RYLAN YOWELL,
on this the 29TH day of NOVEMBER, 2021.



(notary seal)

Erica Hassien

Notary Public in and for DALLAS County, Texas

Kim Dobbs

From: Jorge Gonzalez-Rodiles <jgonzalez@southlandce.com>
Sent: Wednesday, December 8, 2021 9:08 AM
To: Kim Dobbs
Cc: mdhill@fmi-dallas.com; Christian Songy; LeAnn McClendon; Rylan Yowell; Daniel Twigge
Subject: RE: City of Lavon - Meeting Schedule

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning Kim –

We would like to extend the 30-day approval procedure for the Southland Sierra Preliminary Plat set out in the Texas Local Government Code Section 212.009 for another 30 days in an effort to make the January 25, 2022 P&Z meeting and if possible the February 1st City Council meeting. We submit this request voluntarily.

In an effort to take advantage of the extra time outlined above, we respectfully request to understand the timing of when we can anticipate review comments on the Preliminary Plat documents submitted below:

- Traffic Impact Analysis (submitted 10/28)
- Drainage Impact Analysis (submitted 10/28)
- Preliminary Plat (submitted 12/1)
- Conceptual Engineering (submitted 12/1)

Other items that are active with the project at this time are as follows:

- The NTMWD water trunk extension through the property should begin work in Q1 of 2022.
- We started the full design of the WWTP. We are awaiting feedback from the City to begin design on the lift station.
- We are in full design of the offsite water infrastructure to service the property (and others). This coordination is going well with Bear Creek SUD.

We appreciate the help.

Thanks,



Jorge Gonzalez-Rodiles, P.E.
President

O 469.455.0953 | M 214.578.0088
10210 N Central Expy, Suite 400
Dallas, Texas 75231
jgonzalez@southlandce.com

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PRELIMINARY PLAT HILLSTEAD SUBDIVISION OF 487.06 ACRES

THIS PLAT IS A PART OF A PLAT OF CALLED ZERO-ACRE TRACT AND PART OF A PLAT OF CALLED ZERO-ACRE TRACT AND THE SHURTAWATTS SUBDIVISION, ABSTRACT NO. 773 THE I. STREKLAND SUBDIVISION, ABSTRACT NO. 794 THE WILLIAM T. HOWARD SUBDIVISION, ABSTRACT NO. 236 AND THE 12 RESIDENTIAL LOTS

IF NON-RESIDENTIAL LOTS
CITY OF ANTONIO,
COLLIER COUNTY, TEXAS

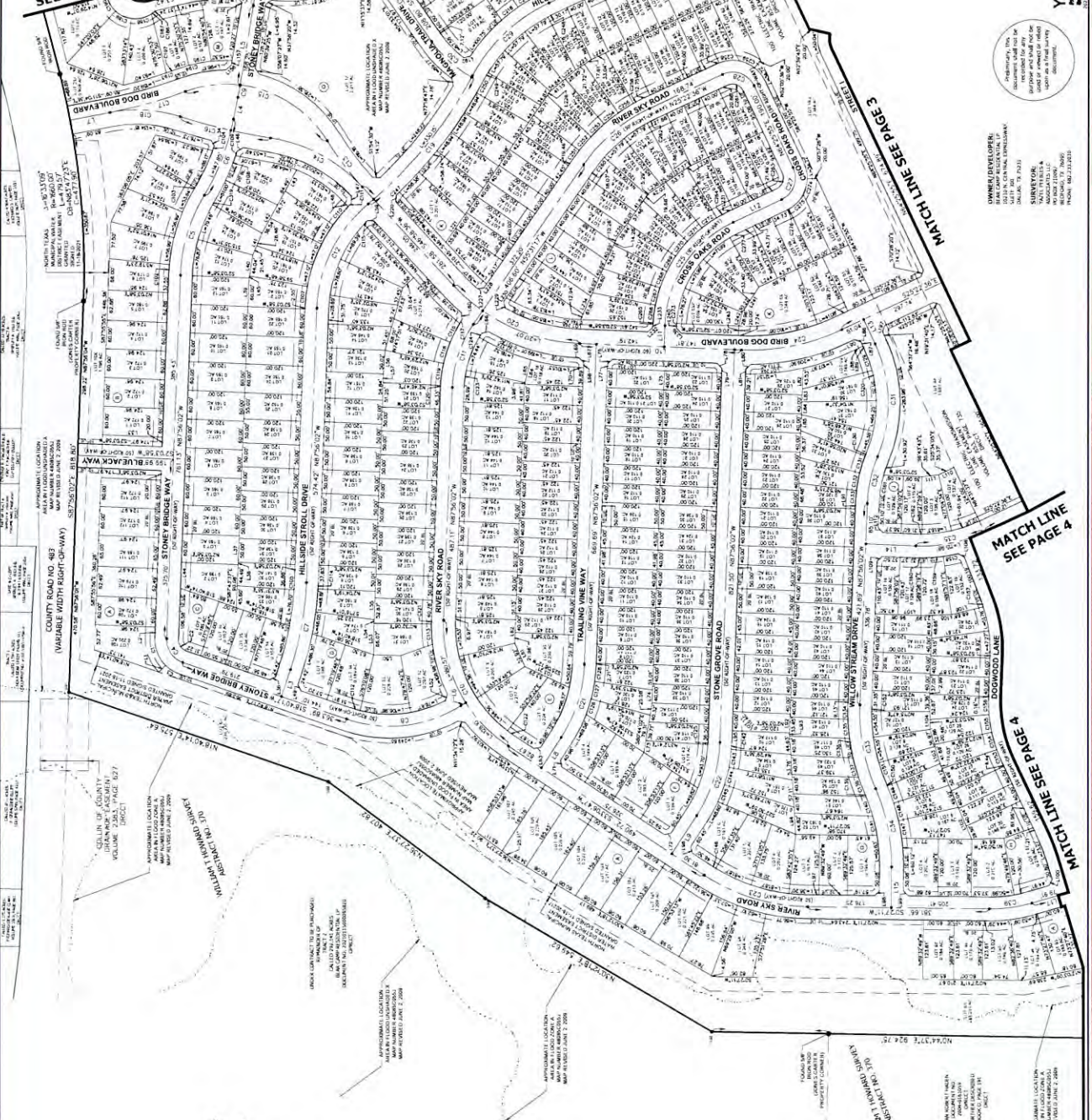


YAZEL PEEBLES & ASSOCIATES, LLC
Surveyors
1401 S. 10th Street, Suite 100
Ansonia, TX 77803
Phone: 817.283.1234
Fax: 817.283.1235
www.yazelp.com

Professional Seal
I, the undersigned, being a duly licensed Surveyor in the State of Texas, do hereby certify that I am the author of the foregoing and that the same is a true and correct copy of the original as shown to me by the person claiming to be the owner thereof.

OWNER/DEVELOPER:
HILLSTEAD SUBDIVISION
SUIT 100
1401 S. 10th Street
ANSONIA, TX 77803

SURVEYOR:
YAZEL PEEBLES & ASSOCIATES, LLC
1401 S. 10th Street
ANSONIA, TX 77803
PHONE: 817.283.1234



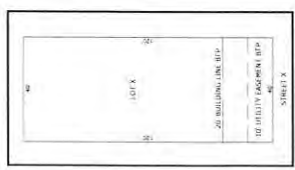
NOTES

1. Lot boundaries based on the Texas Coordinate System of the North American Datum of 1983 (NAD 83). All bearings and distances are given in feet and angles in degrees, minutes and seconds. All bearings are true bearings unless otherwise indicated. All distances are in feet unless otherwise indicated.
2. The owner of the land shown on this plat warrants that the same is a true and correct copy of the original as shown to me by the person claiming to be the owner thereof.
3. According to actual platting on the maps on record for the City of Antonio, Texas, the following are the boundaries of the land shown on this plat:
- The I. Strekland Subdivision, Abstract No. 794
- The William T. Howard Subdivision, Abstract No. 236
- The 12 Residential Lots
- The Hillstead Subdivision, Abstract No. 773
- The Shurtawatts Subdivision, Abstract No. 773
- The Called Zero-Acre Tract
- The Part of a Plat of Called Zero-Acre Tract
4. The area of 487.06 acres is the area of the land shown on this plat.
5. The area of 487.06 acres is the area of the land shown on this plat.

This statement does not affect any title or interest in the land shown on this plat.



NO.	DESCRIPTION
1	LOT 1
2	LOT 2
3	LOT 3
4	LOT 4
5	LOT 5
6	LOT 6
7	LOT 7
8	LOT 8
9	LOT 9
10	LOT 10
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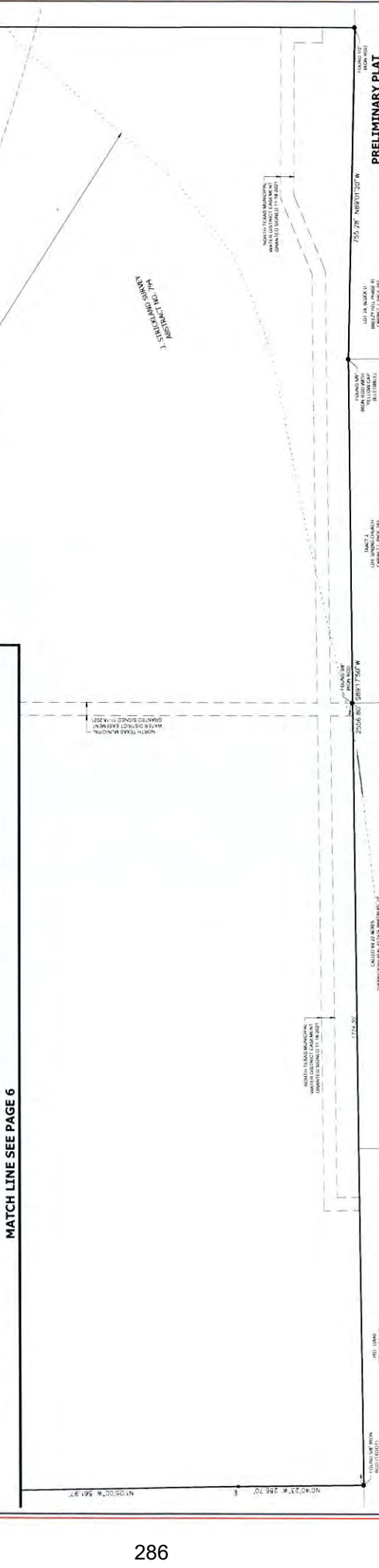
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CURVE TABLE				CURVE TABLE				CURVE TABLE				CURVE TABLE							
NO.	BEARING	LENGTH	CHORD BEARING	CHORD	NO.	BEARING	LENGTH	CHORD BEARING	CHORD	NO.	BEARING	LENGTH	CHORD BEARING	CHORD	NO.	BEARING	LENGTH	CHORD BEARING	CHORD
C201	191°32'37"	450.00	191°32'37"	450.00	C202	191°32'37"	450.00	191°32'37"	450.00	C203	191°32'37"	450.00	191°32'37"	450.00	C204	191°32'37"	450.00	191°32'37"	450.00

MATCH LINE SEE PAGE 6

MATCH LINE SEE PAGE 5



**PRELIMINARY PLAT
HILLSTEAD
SUBDIVISION
OF 487.06 ACRES**

BEING PART OF THE 1913 ACRES OF THE PLAT AND PART OF A CALLED 290.14 ACRES TRACT SITUATED IN THE EUBANK SURVEY, ABSTRACT NO. 773 THE S. STEWART SURVEY, ABSTRACT NO. 794 THE S. STEWART SURVEY, ABSTRACT NO. 310 AND THE C-1 SURVEY, ABSTRACT NO. 1251 912 RESIDENTIAL LOTS

CITY OF LAWTON
COLLIN COUNTY, TEXAS

OWNER/DEVELOPER:
HILLSTEAD DEVELOPMENT, LLC
1500 W. WILSON
DALLAS, TX 75203

OWNER/DEVELOPER:
YAZEL PEEBLES & ASSOCIATES, LLC
1500 W. WILSON
DALLAS, TX 75203

OWNER/DEVELOPER:
YAZEL PEEBLES & ASSOCIATES, LLC
1500 W. WILSON
DALLAS, TX 75203

OWNER/DEVELOPER:
HILLSTEAD DEVELOPMENT, LLC
1500 W. WILSON
DALLAS, TX 75203

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YAZEL PEEBLES & ASSOCIATES, LLC
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DALLAS, TX 75203

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1500 W. WILSON
DALLAS, TX 75203

OWNER/DEVELOPER:
HILLSTEAD DEVELOPMENT, LLC
1500 W. WILSON
DALLAS, TX 75203

OWNER/DEVELOPER:
YAZEL PEEBLES & ASSOCIATES, LLC
1500 W. WILSON
DALLAS, TX 75203

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YAZEL PEEBLES & ASSOCIATES, LLC
1500 W. WILSON
DALLAS, TX 75203

OWNER/DEVELOPER:
HILLSTEAD DEVELOPMENT, LLC
1500 W. WILSON
DALLAS, TX 75203

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YAZEL PEEBLES & ASSOCIATES, LLC
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DALLAS, TX 75203

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DALLAS, TX 75203

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HILLSTEAD DEVELOPMENT, LLC
1500 W. WILSON
DALLAS, TX 75203

OWNER/DEVELOPER:
YAZEL PEEBLES & ASSOCIATES, LLC
1500 W. WILSON
DALLAS, TX 75203

OWNER/DEVELOPER:
YAZEL PEEBLES & ASSOCIATES, LLC
1500 W. WILSON
DALLAS, TX 75203

OWNER/DEVELOPER:
HILLSTEAD DEVELOPMENT, LLC
1500 W. WILSON
DALLAS, TX 75203

OWNER/DEVELOPER:
YAZEL PEEBLES & ASSOCIATES, LLC
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DALLAS, TX 75203

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YAZEL PEEBLES & ASSOCIATES, LLC
1500 W. WILSON
DALLAS, TX 75203

1. Lot bearings based on the Texas Coordinate System of the North American Datum of 1983
2. Horizontal bearings shown in this plat are based upon an assumed meridian of 1983
3. According to paragraph 10.01 of the Flood Insurance Rate Map, Collin County, Texas, Zone A, the area shown in this plat is not in a Special Flood Hazard Area.
4. This plat is based on a survey conducted by the Surveyor General of Collin County, Texas, on or about the date of recording.
5. This plat is based on a survey conducted by the Surveyor General of Collin County, Texas, on or about the date of recording.
6. This plat is based on a survey conducted by the Surveyor General of Collin County, Texas, on or about the date of recording.
7. This plat is based on a survey conducted by the Surveyor General of Collin County, Texas, on or about the date of recording.
8. This plat is based on a survey conducted by the Surveyor General of Collin County, Texas, on or about the date of recording.
9. This plat is based on a survey conducted by the Surveyor General of Collin County, Texas, on or about the date of recording.
10. This plat is based on a survey conducted by the Surveyor General of Collin County, Texas, on or about the date of recording.

LEGAL DESCRIPTION

Block 482, 483 and 484 of the City of Austin, Texas, Survey, Abstract No. 774, The Dallas...
Block 482, 483 and 484 of the City of Austin, Texas, Survey, Abstract No. 774, The Dallas...

1. North 28° 27' 15" East, a distance of 152.34 feet to a bound 102' x 102' lot...
2. North 28° 27' 15" East, a distance of 152.34 feet to a bound 102' x 102' lot...

3. North 28° 27' 15" East, a distance of 152.34 feet to a bound 102' x 102' lot...
4. North 28° 27' 15" East, a distance of 152.34 feet to a bound 102' x 102' lot...

5. North 28° 27' 15" East, a distance of 152.34 feet to a bound 102' x 102' lot...
6. North 28° 27' 15" East, a distance of 152.34 feet to a bound 102' x 102' lot...

7. North 28° 27' 15" East, a distance of 152.34 feet to a bound 102' x 102' lot...
8. North 28° 27' 15" East, a distance of 152.34 feet to a bound 102' x 102' lot...

9. North 28° 27' 15" East, a distance of 152.34 feet to a bound 102' x 102' lot...
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11. North 28° 27' 15" East, a distance of 152.34 feet to a bound 102' x 102' lot...
12. North 28° 27' 15" East, a distance of 152.34 feet to a bound 102' x 102' lot...

13. North 28° 27' 15" East, a distance of 152.34 feet to a bound 102' x 102' lot...
14. North 28° 27' 15" East, a distance of 152.34 feet to a bound 102' x 102' lot...

PRELIMINARY PLAT
HILLSTEAD
SUBDIVISION
OF 487.06 ACRES

THE CITY OF AUSTIN, TEXAS, HAS REVIEWED THIS PRELIMINARY PLAT AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE CITY OF AUSTIN, TEXAS, SUBDIVISION ACT AND THE CITY OF AUSTIN, TEXAS, SUBDIVISION REGULATIONS.



YAZEL PEEBLES & ASSOCIATES, LLC
Professional Surveyors and Engineers
11000 N. Mopac Expressway, Suite 1000, Austin, Texas 78753
Phone: 512.452.1234
Fax: 512.452.1235
www.yazelp.com

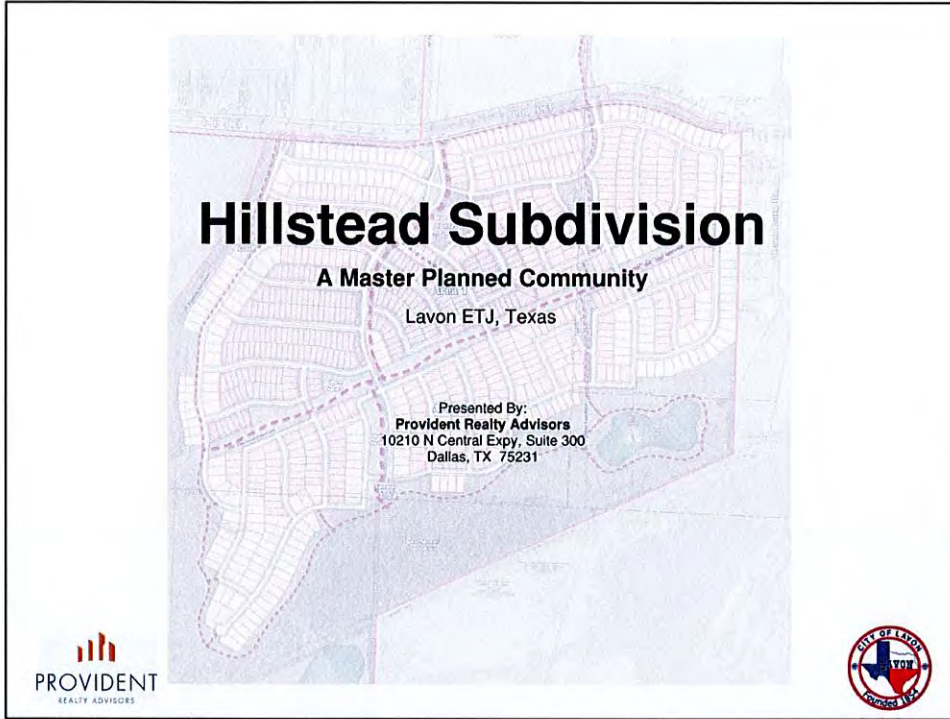
OWNER/DEVELOPER:
HILLSTEAD SUBDIVISION, LLC
11000 N. MOPAC EXPRESSWAY, SUITE 1000, AUSTIN, TEXAS 78753
SURVEYOR:
YAZEL PEEBLES & ASSOCIATES, LLC
11000 N. MOPAC EXPRESSWAY, SUITE 1000, AUSTIN, TEXAS 78753
PHONE: 512.452.1234



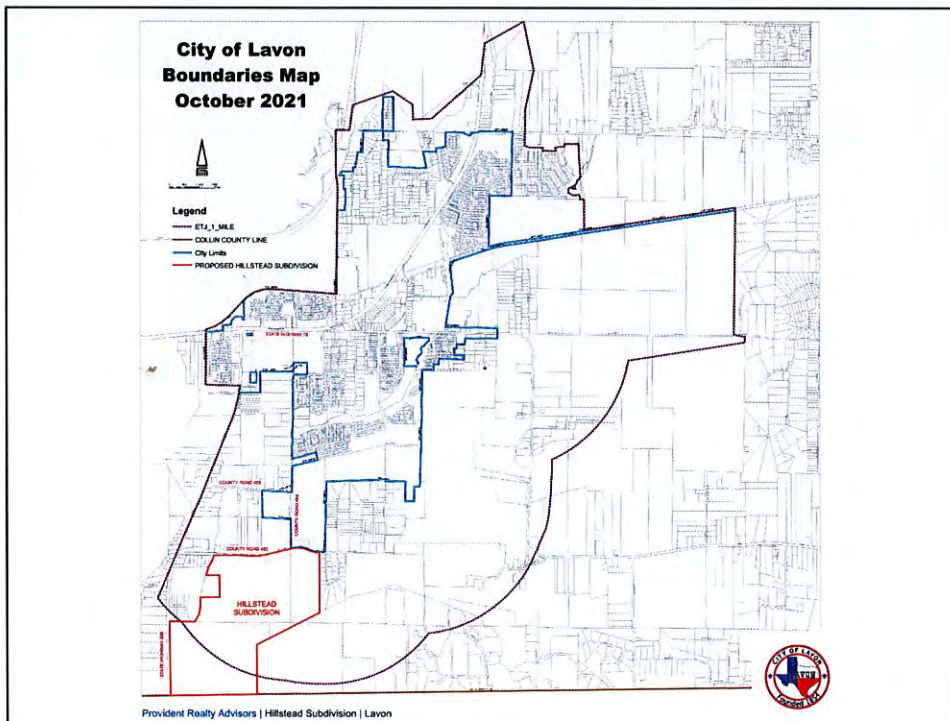
SURVEYOR'S CERTIFICATE

I, the undersigned, a duly licensed Professional Surveyor and Engineer, have prepared this Preliminary Plat for the Hillstead Subdivision, consisting of 487.06 acres of land, more or less, in the City of Austin, Texas, and I hereby certify that the same is in accordance with the applicable laws and regulations of the City of Austin.

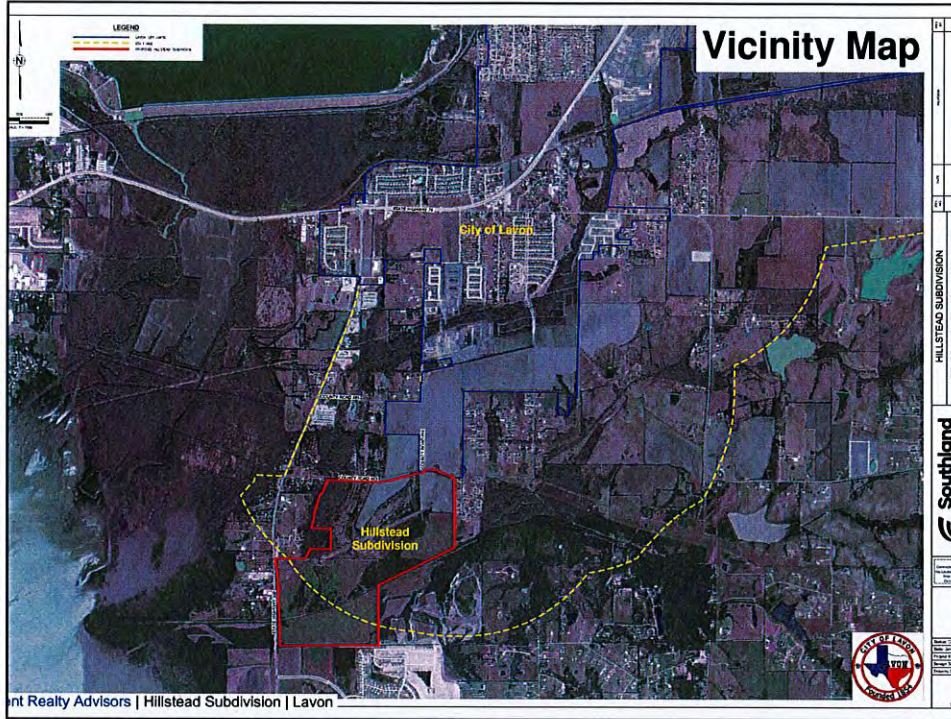
Yazael L. Peebles
Registered Professional Land Surveyor No. 6276



1



2



3

Guiding Principles

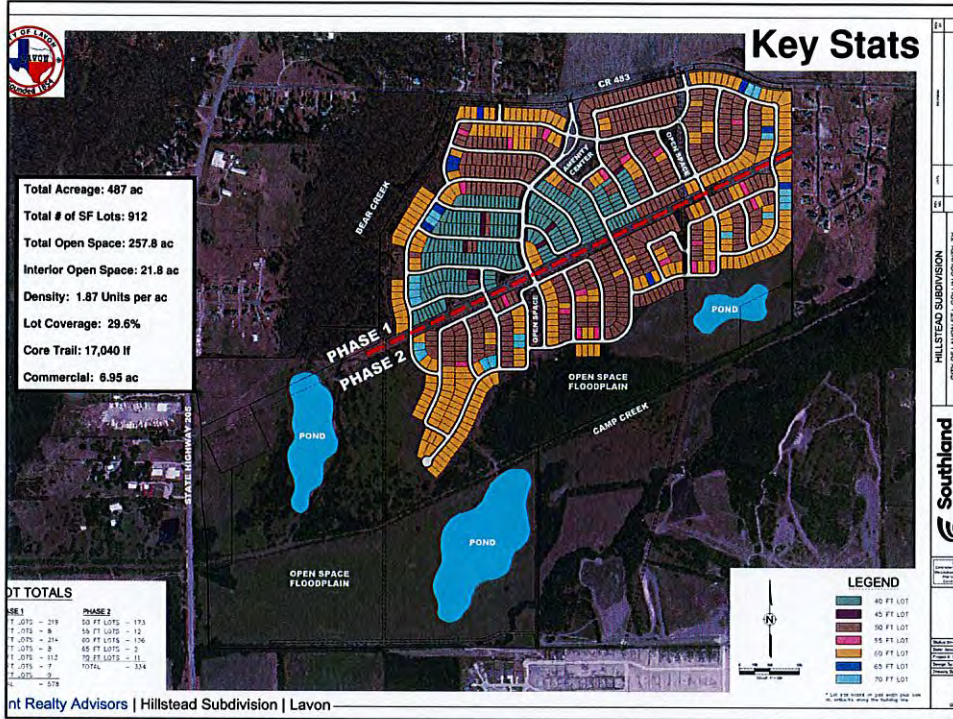
- ✓ Respect the natural form of the land. This was accomplished by taking advantage of efficient natural drainage patterns with streets generally perpendicular to site slope.
- ✓ Preserve key views and access into surrounding open space at the terminus of key streets.
- ✓ A connected trail system that provides a variety of various loops to choose from.
- ✓ A trail system that is easily accessible, visible, and safe.
- ✓ A centrally located community amenity center to nurture the social fabric of the community.
- ✓ Well distributed community pocket parks and open space that act as "nodes" along the community trail system.
- ✓ Variety of product types and price points that are distributed throughout the community.



Provident Realty Advisors | Hillstead Subdivision | Lavon



4



5

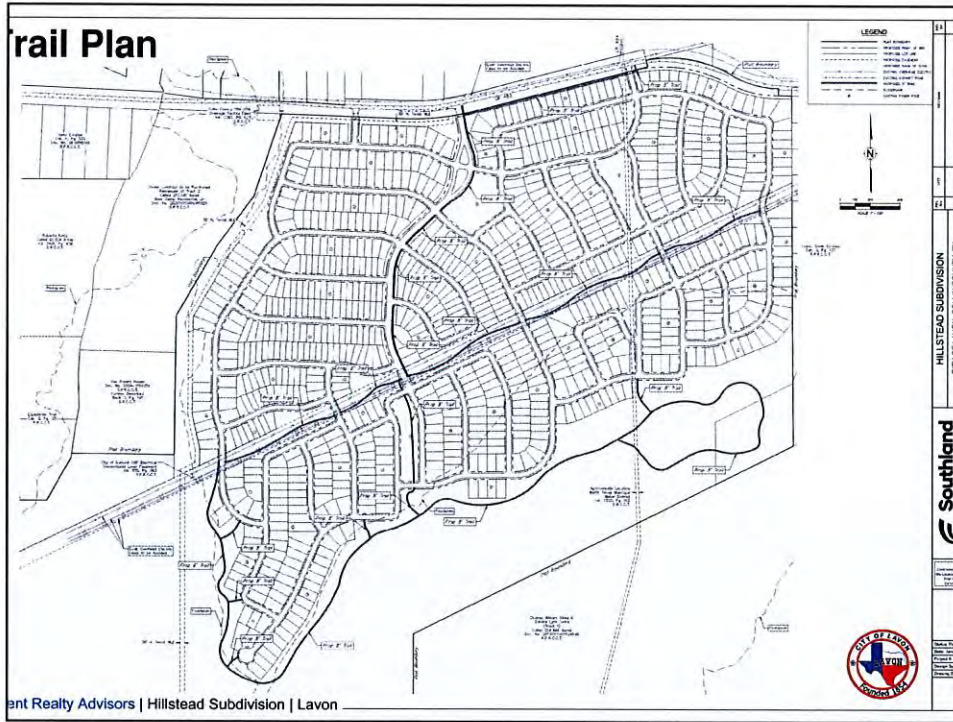
Benefits for Area

- ✓ Upgrade and extension of water distribution system along CR 483 and CR 484.
- ✓ New wastewater treatment plant to service the project with potential capacity to expand and service other areas currently without service.
- ✓ Extension of the City of Lavon's core trail system through developed areas and open space.
- ✓ Public access to Bear Creek and Camp Creek via core trail system and secondary trails.
- ✓ Preservation of significant portion of floodplain and open space.
- ✓ Inspire active engagement with the outdoors and natural environment.

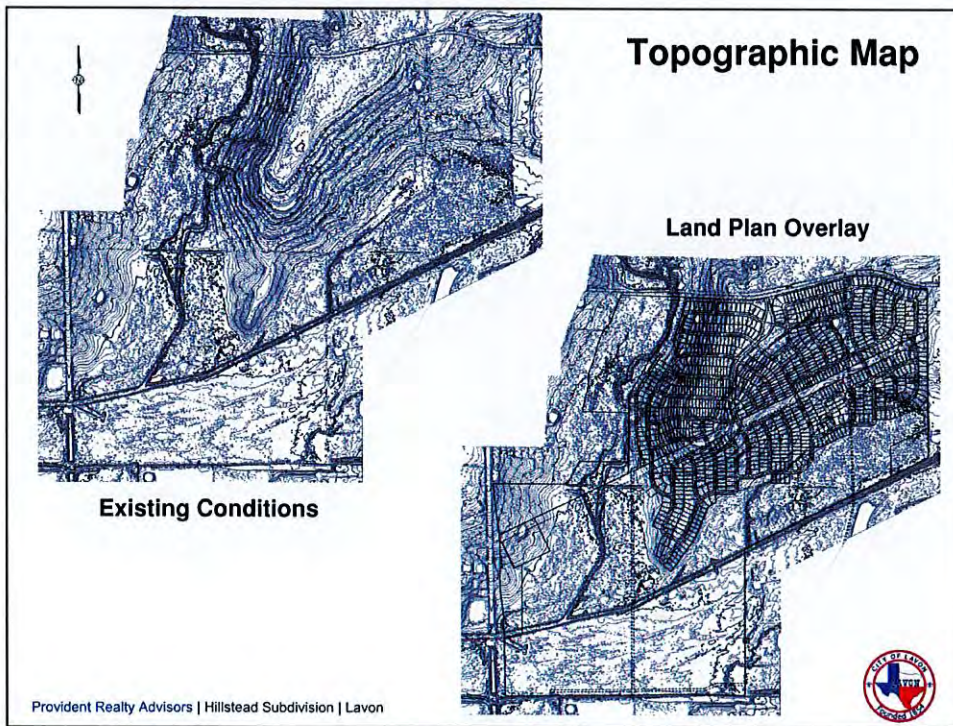
City of Lavon Logo

Provident Realty Advisors | Hillstead Subdivision | Lavon

6



7



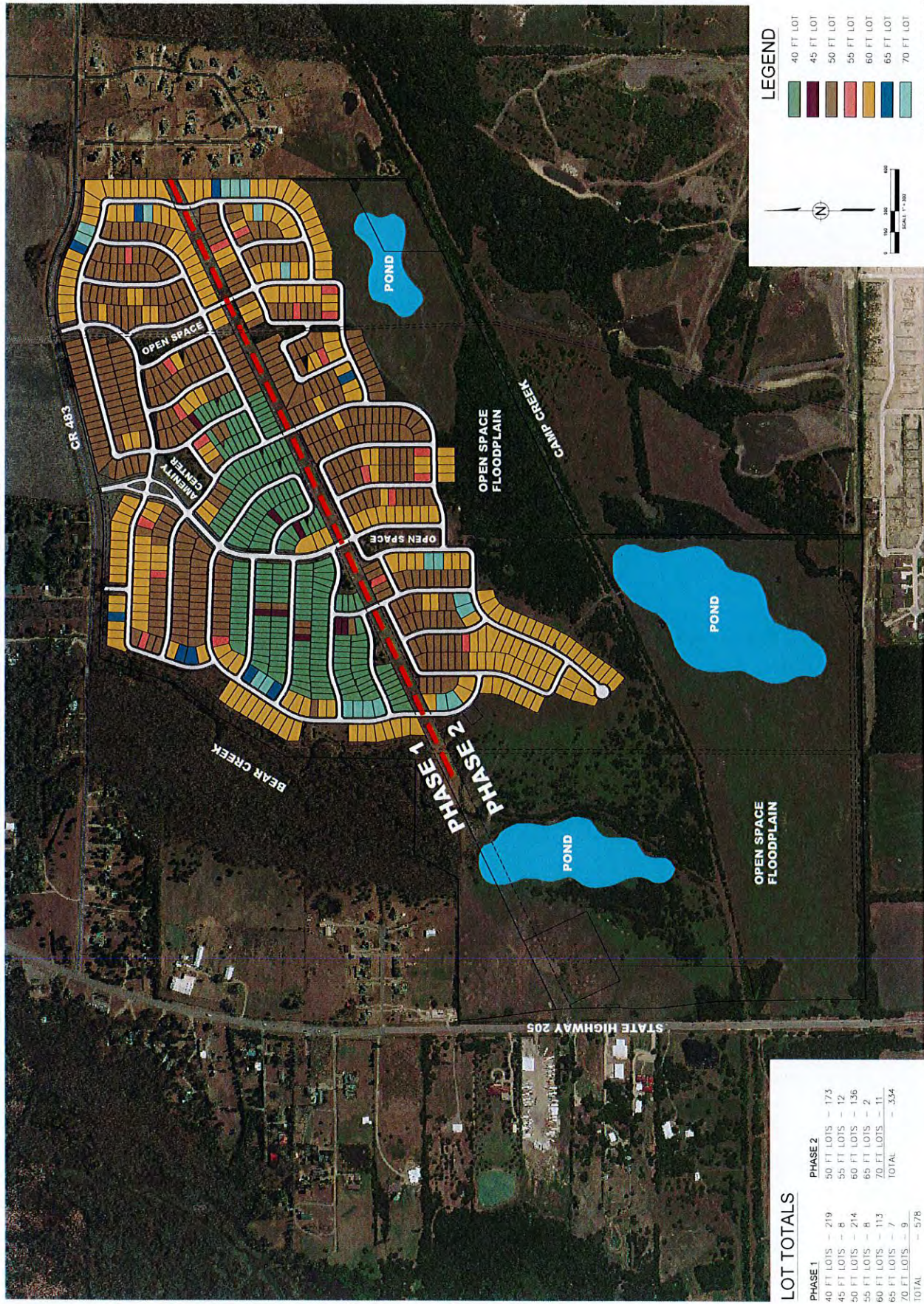
8

REV	DATE	REVISION

HILLSTEAD SUBDIVISION
 BEAR CAMP RESIDENTIAL LP
 CITY OF LAYTON ET AL, COLLIN COUNTY, TX
 PHASING PLAN

Southland
 CONSULTING ENGINEERS
 10210 N. Central Expressway, Suite 400
 Dallas, TX 75243
 Telephone Number: 214-578-0288
 TBE Firm Number: 22388

DATE: JANUARY 2022
 PROJECT NO: 2021-036
 DRAWING TITLE: PHASING PLAN
 SHEET NO: 1



LEGEND

- 40 FT LOT
- 45 FT LOT
- 50 FT LOT
- 55 FT LOT
- 60 FT LOT
- 65 FT LOT
- 70 FT LOT

Scale: 1" = 300'

* Lot size based on good with plus side lot setbacks using the building line.

LOT TOTALS

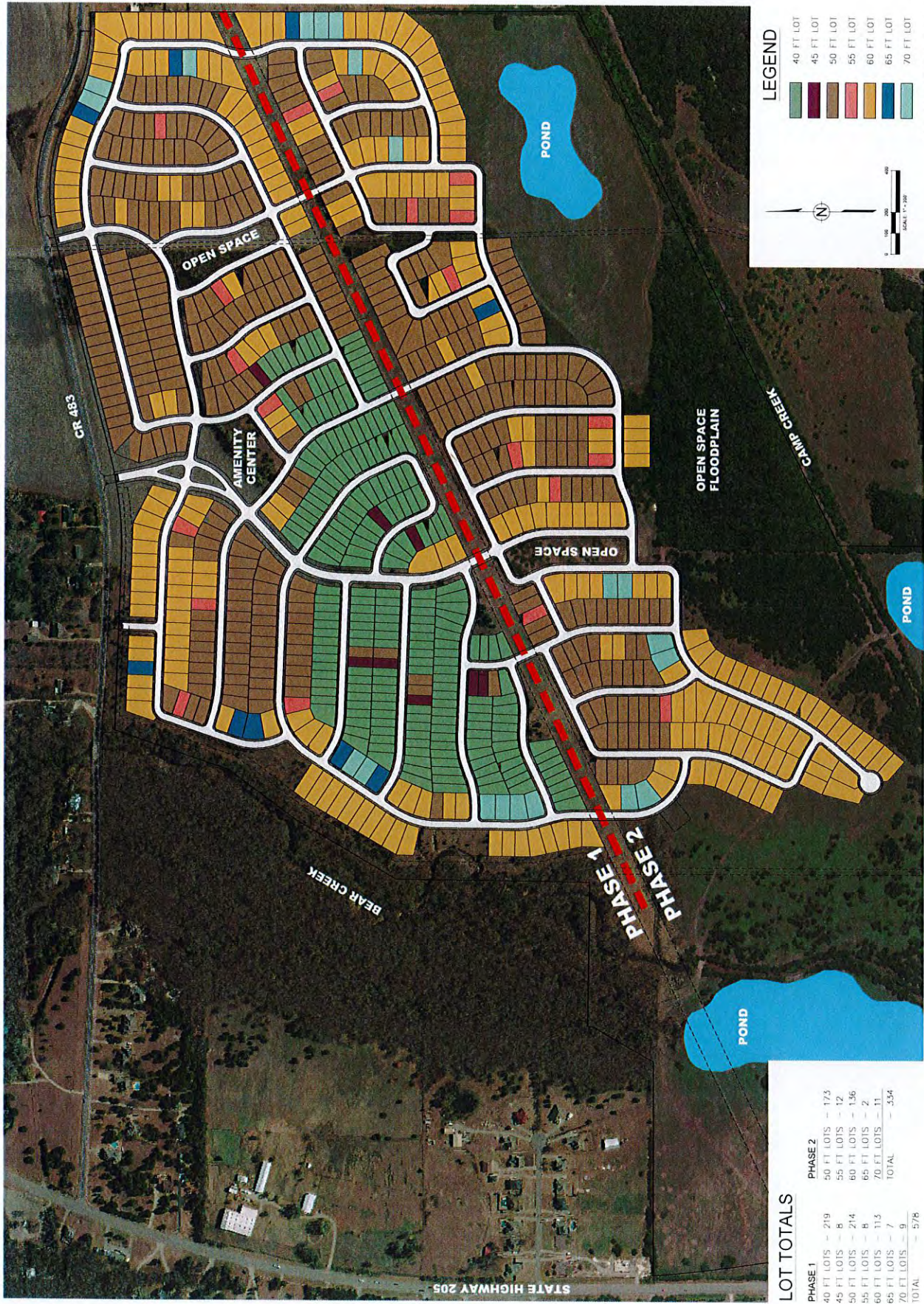
PHASE 1	PHASE 2
40 FT LOTS - 219	50 FT LOTS - 173
45 FT LOTS - 8	55 FT LOTS - 12
50 FT LOTS - 214	60 FT LOTS - 136
55 FT LOTS - 8	65 FT LOTS - 2
60 FT LOTS - 113	70 FT LOTS - 11
65 FT LOTS - 7	TOTAL - 334
70 FT LOTS - 9	
TOTAL - 578	

REV	DATE	DESCRIPTION

HILLSTEAD SUBDIVISION
 BEAR CAMP RESIDENTIAL LP
 CITY OF LAYTON ETJ, COLLIN COUNTY, TX
 PHASING PLAN

Southland
 CONSULTING ENGINEERS
 10210 Central Expressway, Suite 400
 Dallas, TX 75243
 Telephone Number: 214.278.0088
 Fax Number: 214.278.0088
 License Number: 22288

DATE: 01/20/2022
 PROJECT: BEAR CAMP RESIDENTIAL LP
 SHEET: 1
 SCALE: 1" = 200'



LEGEND

- 40 FT LOT
- 45 FT LOT
- 50 FT LOT
- 55 FT LOT
- 60 FT LOT
- 65 FT LOT
- 70 FT LOT

Scale: 1" = 200'
 North Arrow

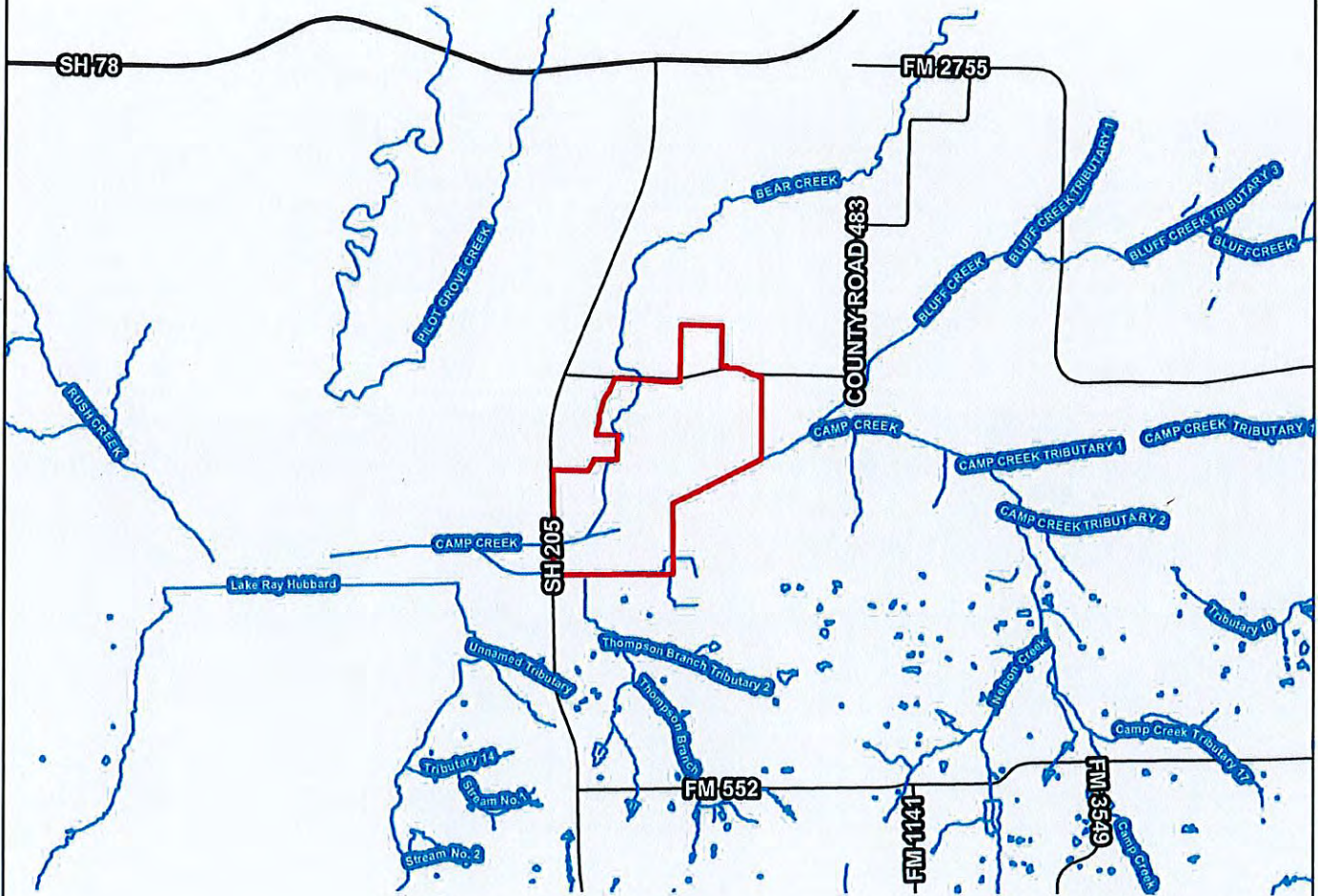
* Lot size based on pad with pad size lot setbacks along the building line.

LOT TOTALS

Phase	Lot Size	Count	Total
PHASE 1	40 FT LOTS	219	578
	45 FT LOTS	8	
	50 FT LOTS	214	
	55 FT LOTS	8	
	60 FT LOTS	2	
PHASE 2	50 FT LOTS	173	534
	55 FT LOTS	12	
	60 FT LOTS	136	
	65 FT LOTS	2	
TOTAL			534

DRAINAGE IMPACT ANALYSIS

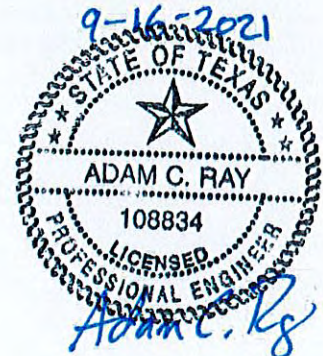
FOR
LUMPKIN DEVELOPMENT
FOR
PROVIDENT REALTY
IN
COLLIN COUNTY, TEXAS



SEPTEMBER 2021
JC Job No. 0D070-0044-00



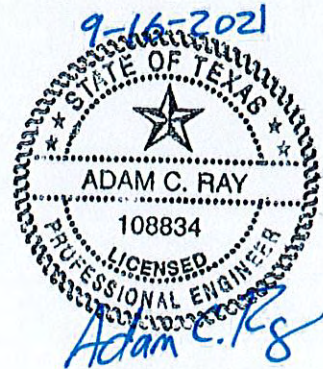
JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439



DRAINAGE IMPACT ANALYSIS
For
LUMPKIN DEVELOPMENT
Along
Camp Creek and Bear Creek

COLLIN COUNTY, TEXAS

Prepared by:
Jones & Carter, Inc.
September 2021



Texas Board of Professional Engineers Registration No. F-439 | Texas Board of Professional Land Surveying Registration No. 10046103

Executive Summary

This report identifies the drainage and detention requirements associated with the development of the Lumpkin tract within the Camp Creek and Bear Creek watersheds. It evaluates existing and proposed stormwater mitigation features for the development such that there are no adverse drainage impacts caused by the proposed development based on Collin County criteria.

The Lumpkin tract is an approximately 565-acre proposed development in Collin County. The Lumpkin tract is generally located north of Camp Creek, west of Bluff Creek and east of SH 205. The development will primarily be single-family residential.

A review of effective Flood Insurance Rate Map (FIRM) Panel No. 48085C0555J, revised June 2nd, 2009, shows portions of the proposed development to be with the 100-year floodplain (Zone A) of Bear Creek and the 100-year floodplain (Zone AE) of Camp Creek. Floodplain mitigation will be provided within onsite floodplain mitigation ponds by providing 1:1 floodplain mitigation. A Conditional Letter of Map Revision (CLOMR) for will be submitted to Collin County and FEMA prior to construction of the Camp Creek and Bear Creek floodplain mitigation ponds and anticipated floodplain reclamation associated with the future phases of the Lumpkin Tract.

A hydrologic analysis was performed for Camp and Bear Creek. The hydrologic analysis is then used to ensure peak flows are not increased downstream and therefore no adverse impact is created by the Lumpkin development. The hydraulic analysis applies peak flows from the hydrologic analysis using a logarithmic distribution.

This report evaluates several phases of development:

1. Pre-Project (Pre-Lumpkin) conditions (remainder of watershed based on existing conditions)
2. Proposed Development of Lumpkin
3. Pre-Project (Pre-Lumpkin) Ultimate conditions (ultimate offsite development conditions)
4. Proposed Development of Lumpkin Ultimate conditions (ultimate offsite development conditions)

The Pre-Project models represent the watershed draining to Camp and Bear Creek prior to development of the Lumpkin tract. The Pre-Project models are used to evaluate the impact of the proposed development by providing a comparison point. The Pre-Project Ultimate conditions models represent fully developed watershed conditions draining to Camp and Bear Creek prior to the development of the Lumpkin Tract. Proposed development conditions consider full development of the Lumpkin tract draining to Camp and Bear Creek with existing offsite watershed conditions. Proposed Development Ultimate conditions considers the full development of the Lumpkin tract and the Camp and Bear Creek watersheds. Pre-Project and Proposed conditions are reflected on drainage area maps **Exhibits 4 and 5**. Offsite drainage area boundaries are considered the same in existing and fully developed offsite watershed conditions.

According to the analysis performed, the Lumpkin tract does not require the construction of detention facilities due its location in the Bear and Camp creek watersheds.

The hydrologic analyses show that offsite peak flows are not increased by the Lumpkin development without detention. Because peak flows are not increased, the proposed development without detention has no adverse impact to existing flood hazards based on analysis of the 5-year, 10 -year, 25 -year, and 100 -year design storm events.

 **Traffic Impact Analysis**

Lumpkin Tract Development
Lavon, Texas

January 7, 2022

Kimley-Horn and Associates, Inc.
Dallas, Texas

Registered Firm F-928



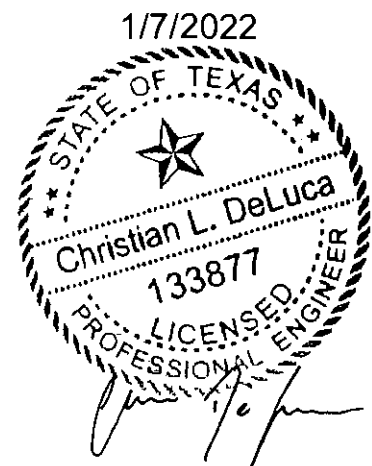
Traffic Impact Analysis

**Lumpkin Tract Development
Lavon, Texas**

Prepared by:

Kimley-Horn and Associates, Inc.
13455 Noel Road, Two Galleria Tower, Suite 700
Dallas, Texas 75240
Registered Firm F-928

Contact:
Christian DeLuca, P.E., PTOE
Nate Taylor, E.I.T.
972-770-1300
January 7, 2022



EXECUTIVE SUMMARY

The Lumpkin Tract as proposed includes approximately 912 single-family attached residential houses and 254 single family residential attached houses for rent. The single family attached residential houses will be located south of CR 483 whereas the single-family detached housing will be located north of CR 483. The entire development is expected to be completed by 2029. This study is intended to identify traffic generation characteristics and to identify potential traffic related impacts on the local street system.

The following existing intersections were selected to be part of this study:

- State Highway 78 at State Highway 205
- State Highway 78 at Main Street
- State Highway 205 at CR 485
- State Highway 205 at CR 483
- CR 485 at CR 484

The analysis also included the five proposed driveways having access in and out of the site.

Traffic operations were analyzed at the study intersections for existing volumes, 2026 and 2029 background traffic volumes, and 2026 and 2029 background plus site-generated traffic volumes. Year 2026 corresponds to the expected Phase 1 buildout year of the site and year 2029 corresponds to the expected Phase 2 buildout year of the site. Conditions were analyzed for the weekday AM and PM peak hours.

The background traffic conditions included existing traffic with compound growth rates, plus explicit modeling of the following development in the vicinity:

- Lavon Tract site, a development that will be located near the CR 485 at CR 484 intersection. This development includes 653 single-family residential houses and is expected to be completed by 2026.
- Crestridge Meadows site, a development that will be located just north of the Lavon Tract development. Approximately 20% of the 582 single-family residential houses are already built and occupied, and background traffic has been adjusted accordingly.

The Lumpkin Tract development is expected to generate approximately 790 new weekday AM peak hour one-way vehicle trips and 996 new weekday PM peak hour one-way vehicle trips at Phase 2 buildout. The distribution of the site-generated traffic volumes onto the street system was based on the roadway network, existing traffic patterns, and the proposed site driveways.

Analysis of the existing conditions showed the need for regional roadway network improvements. The planned widening of State Highway 205 will significantly improve traffic operations at State Highway 78 at State Highway 205 which is currently operating with heavy delay, specifically for the northbound approach. The delay is only expected to increase due to general traffic growth in the area and additional surrounding developments. Therefore, the

additional capacity on State Highway 205 is necessary at this intersection to accommodate the heavy volumes. Building out State Highway 205 to its thoroughfare potential of a six-lane roadway could even further increase capacity. Signal timing adjustments, such as an increased cycle length and adjustments to the signal control type, could allow for a more optimal phasing that is favorable for the northbound approach. As stated in the report, running the intersection as actuated-coordinated and updating the phase sequence, can give more time for the heavy northbound approach. Other signal timing adjustments such as modifications to the existing splits, can also potentially improve traffic. However, since most of the traffic at this intersection is existing, the need for these intersection improvements is not due to the Lumpkin Tract.

The stop-controlled intersections at along State Highway 205 at CR 485 and CR 483 are currently experience moderate delay due to the northbound and southbound volumes on State Highway 205. It is expected that by 2026, without the Lumpkin Tract development, the westbound approaches of CR 485 and CR 483 will be operating at LOS F. These intersections already support some traffic from Crestridge Meadows and will also support traffic generated by the Lavon and Lumpkin tracts. The anticipated widening of State Highway 205 may provide an opportunity for geometric improvements at its intersection at CR 485 and CR 483, however, if no improvements are made, the City of Lavon should review the intersections for further improvements through Texas Department of Transportation (TxDOT) to help mitigate the expected delay.

The five proposed site driveways provide the appropriate level of access to the development and are expected to operate at LOS C or better after full build-out of the site.

Based on the analysis presented in this report, the proposed Lumpkin Tract development, located in Lavon, Texas, can be successfully integrated into the surrounding roadway network provided the site-specific recommendations made in this report are considered.

The following modifications to the roadway network are recommended as part of the Phase 1 Lumpkin Tract development:

- Installation of a traffic signal at State Highway 205 at CR 483
- Addition of a right-turn bay on the eastbound approach of CR 483 at Drive 2

The following site-specific modifications to the roadway network are recommended as part of the Phase 2 Lumpkin Tract development:

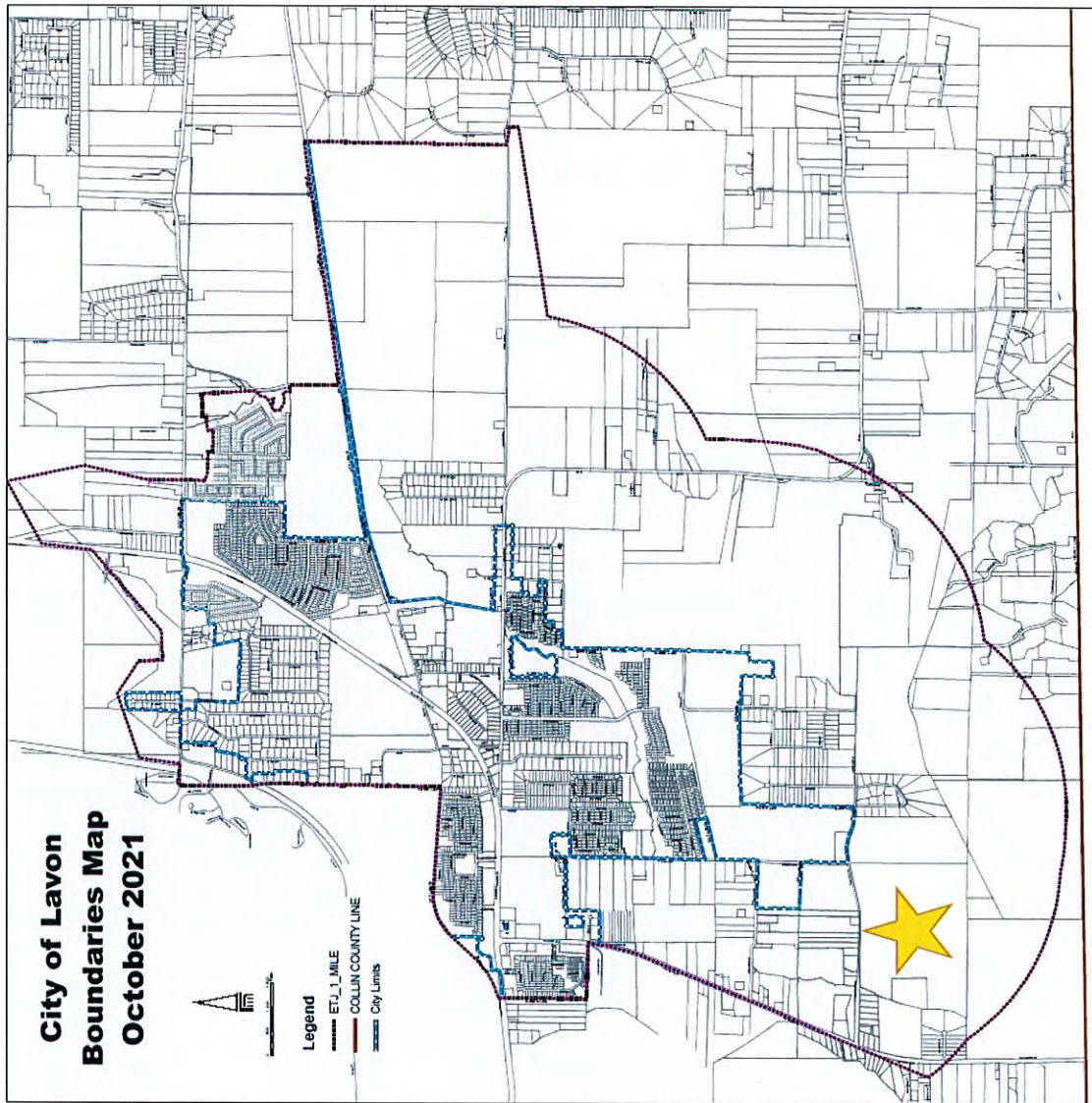
- Addition of a two-way left-turn lane (TWLTL) between CR 483 at Drive 1 and CR 483 at Drive 4 / CR 484. This addition would expand this segment of CR 483 to half of its thoroughfare potential and satisfy the left-turn lane warrants at Drive 1 and Drive 2.

The following modifications to the external roadway network should be considered at a regional level to help improve traffic operations in the vicinity of the development:

- Addition of a right-turn bay on the northbound approach of State Highway 205 at CR 483

- Signal timing adjustments at State Highway 78 and State Highway 205
 - Split modifications
 - Removal of northbound & southbound split phasing
 - Add a right-turn overlap protected phase for eastbound right traffic
 - Add a right-turn overlap protected phase for northbound right traffic (Phase 2)
 - Implement protected left-turn phasing for the eastbound and westbound left traffic
 - Utilize protected-permitted phasing with flashing yellow arrow for the northbound left turn

Location Exhibit



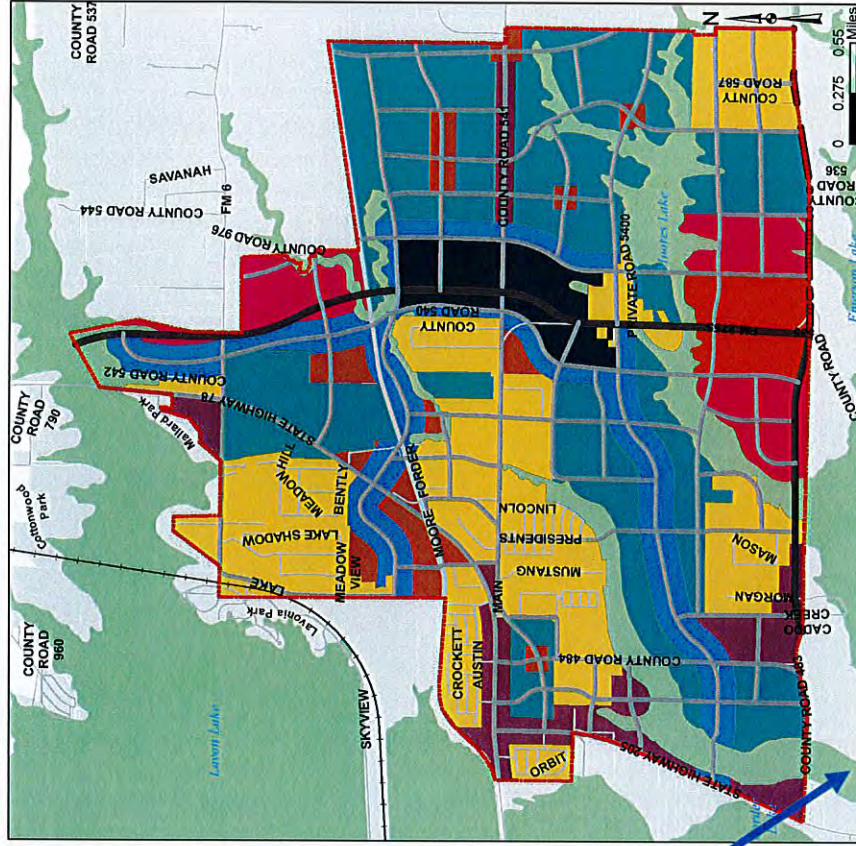
Future Land Use Plan

Lavon Future Land Use Plan

Source: Ideation Planning, Lee Engineering, 2019

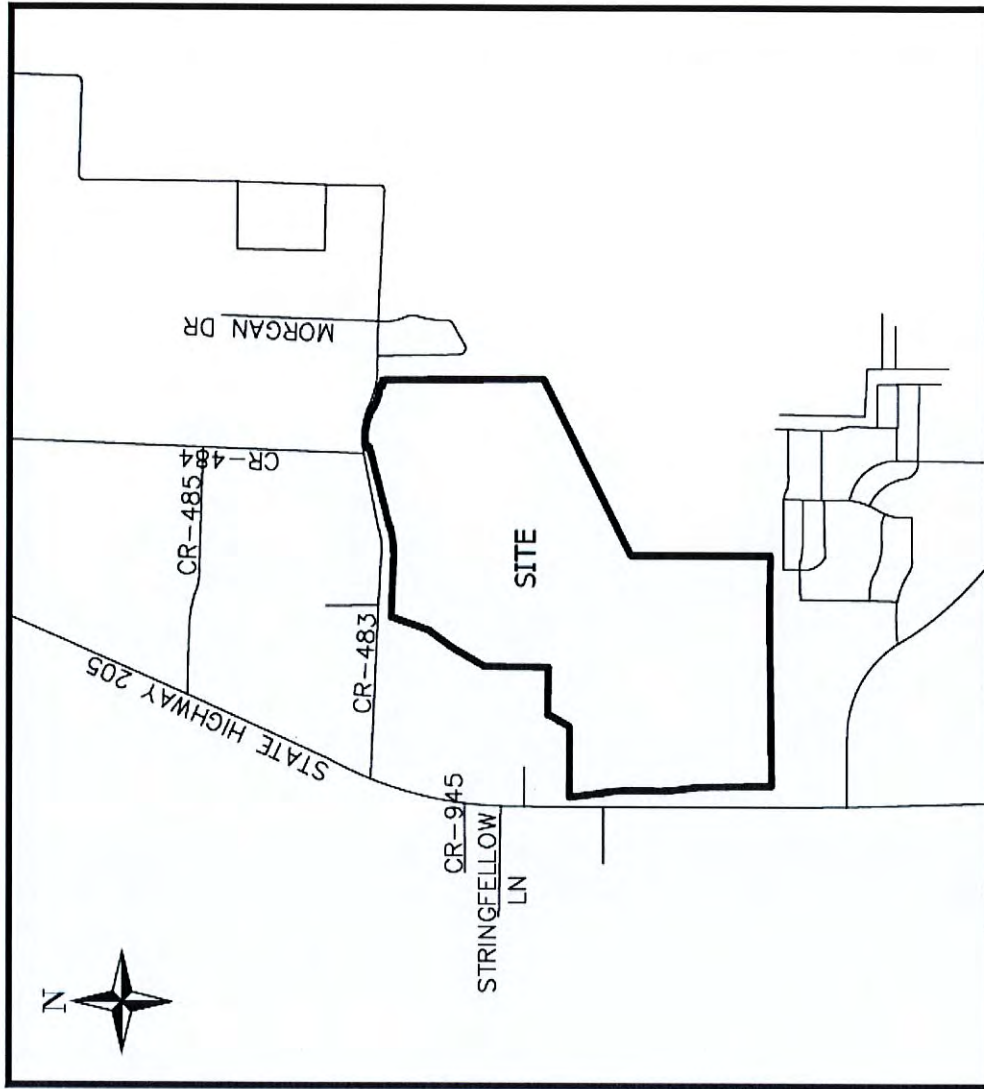


- Legend**
- Floodplain
 - Regional Mixed-Use 2
 - Existing Neighborhood
 - Potential Future Lavon
 - Creative Lakes District
 - City Village
 - Lake Connector Corridor
 - Commercial
 - Regional Mixed-Use 1
 - Master Planned Community
 - MTP Roadway
 - KCS Railway
 - NETEX Transportation Corridor
 -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



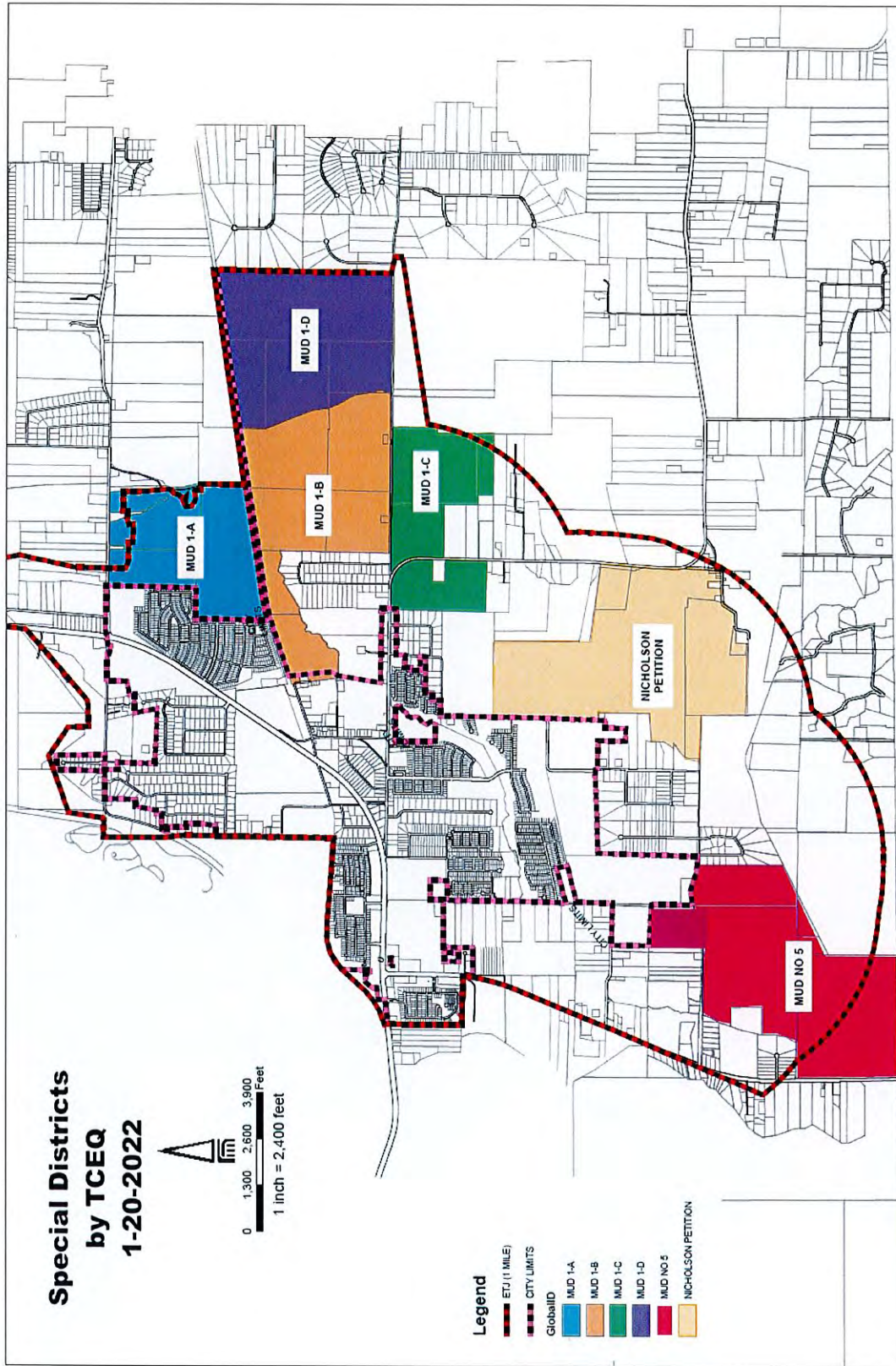
A comprehensive plan shall not constitute a zoning regulation or establish zoning district boundaries.

Location Exhibit



VICINITY MAP
NOT TO SCALE

Location Exhibit





10210 N Central Expy, Suite 400
Dallas TX, 75231
(469) 455-0953
www.southlandce.com

January 25, 2022

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

**Re: Hillstead Subdivision Preliminary Plat
Response to 2nd Submittal Comments from Freeman-Millican, Inc.**

Dear Ms. Dobbs:

Attached please find for your review and approval the updated Preliminary Plat submittal for the referenced project addressing the comments provided by Freeman-Millican, Inc. on January 21, 2022. Below outlines said comments with our feedback on each in bold:

PRELIMINARY PLAT:

1. The Point of Beginning should be identified.

RESPONSE: The Point of Beginning has been added to the Preliminary Plat.

2. A chord bearing differs between the drawing and the written description.

RESPONSE: The chord bearing has been revised to match between the drawing and written description.

3. Phasing lines should be placed on the Preliminary Plat. Placing on the overall Plan does not replace the requirement to including phasing lines on the Preliminary Plat.

RESPONSE: The phasing lines have been included on the Preliminary Plat as well.

CIVIL PLANS:

Overall Development Plan:

4. The improvements to CR 483 should be shown. This includes the TWTL as recommended by the TIA.

RESPONSE: The TWTL has been added to the Overall Development Plan.

RECEIVED
JAN 25 2022
CITY OF LAVON

Sanitary Sewer Plan:

5. A copy of the lift station and WWTP plans are to be provided with the construction plans for Phase 1.

RESPONSE: A copy of lift station and WWTP plans will be provided with the Phase 1 construction plans.

Storm Sewer Plan:

6. The Drainage Impact Analysis should be referenced on the storm sewer plans. The construction plans will be required to include drainage area maps (existing and proposed) as part of the construction plans.

RESPONSE: The DIA is referenced in Note #4 on all storm sewer plans. Existing and proposed drainage area maps are to be included with the construction plans for Phase 1.

7. Per the Drainage Impact Analysis, detention is not required for this project.

RESPONSE: Agreed.

TRAFFIC IMPACT ANALYSIS:

8. The driveway numbering has been corrected.

RESPONSE: Agreed.

9. The TIA includes a future area north of CR 483 not included in this Preliminary Plat submittal.

RESPONSE: Agreed.

10. A signal is recommended at CR 483/SH 205 intersection.

RESPONSE: The revised TIA includes a signal at the intersection of CR 483 & SH 205. The warrant for the signal will not be available until there is sufficient volume from the Hillstead Subdivision or other development in the area.

11. A right turn bay is recommended on CR 483 at the Bird Dog Boulevard intersection.

RESPONSE: Per the TIA, a right turn bay has been added to CR 483 at the Bird Dog Boulevard intersection for Phase 1 of the development.

12. Improvements to CR 483 with a TWLTL is recommended between Bluejack Way and Stoney Bridge Way.

RESPONSE: A TWLTL along CR 483 has been included between Bluejack Way and Stoney Bridge Way.

13. The TIA has additional recommendations along SH 205 and CR 483.

RESPONSE: Future improvements to SH 205 and CR 483 may be required as outlined in the TIA.

14. Additional comments may be provided by the City's Traffic Engineer.

RESPONSE: Agreed.

DRAINAGE IMPACT ANALYSIS:

15. The DIA shows that detention is not required for this development.

RESPONSE: Agreed.

16. The Analysis does include a section of property north of CR 483 (not included in this Preliminary Plat submittal).

RESPONSE: Agreed. The property north of CR 483 is no longer a part of the Hillstead subdivision. It was originally included in the DIA in anticipation that it would be part of this development.

17. Due to reclamation (by fill) of the existing floodplain, mitigation ponds are to be installed. A CLOMR will be submitted prior to construction of any mitigation ponds are constructed or any other floodplain impact.

RESPONSE: A CLOMR will be submitted prior to the construction of any mitigation ponds or any other floodplain impact.

Should you have any questions or need additional information, please feel free to contact me.

Sincerely,



Jorge Gonzalez-Rodiles, P.E.
Southland Consulting Engineers, Inc.
jgonzalez@southlandce.com
214.578.0088

CC: Mark Hill

January 21, 2022

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

Re: Hillstead Subdivision (formerly Southland Sierra) - 912 Residential Lots, 25 Common Areas, 3 parcels, 487.06 Acres
Preliminary Plat Review

Dear Ms. Dobbs:

As requested, we have reviewed the revised Preliminary Plat dated September 23, 2021 as prepared by Yazel, Peebles & Associates, LLC, and conceptual civil plans dated January 2022 as prepared by Southland Consulting Engineers, Traffic Impact Analysis (TIA) dated January 7, 2022 as prepared by Kimley-Horn and Associates, Inc. and Drainage Impact Analysis dated September 16, 2021 as prepared by Jones & Carter, Inc. for the above referenced property. The property is located within the City of Lavon ETJ, south of CR 483 and east of SH 205. This was formally referred to as the "Lumpkin Tract" and "Southland Sierra". Our comments are as follows:

PRELIMINARY PLAT

1. The Point of Beginning should be identified.
2. A chord bearing differs between the drawing and the written description.
3. Phasing lines should be placed on the Preliminary Plat. Placing on the overall Plan does not replace the requirement to including phasing lines on the Preliminary Plat.

CIVIL PLANS

Overall Development Plan

4. The improvements to CR 483 should be shown. This includes the TWTL as recommended by the TIA.

Sanitary Sewer Plan

5. A copy of the lift station and WWTP plans are to be provided with the construction plans for Phase 1.

Storm Sewer Plan

6. The Drainage Impact Analysis should be referenced on the storm sewer plans. The construction plans will be required to include drainage area maps (existing and proposed) as part of the construction plans.
7. Per the Drainage Impact Analysis, detention is not required for this project.

TRAFFIC IMPACT ANALYSIS

8. The driveway numbering has been corrected.

9. The TIA includes a future area north of CR 483 not included in this Preliminary Plat submittal.
10. A signal is recommended at CR 483/SH 205 intersection.
11. A right turn bays is recommended on CR 483 at the Bird Dog Boulevard intersection.
12. Improvements to CR 483 with a TWLTL is recommended between Bluejack Way and Stoney Bridge Way.
13. The TIA has additional recommendations along SH 205 at CR 483.
14. Additional comments may be provided by the City's Traffic Engineer.

DRAINAGE IMPACT ANALYSIS

15. The DIA shows that detention is not required for this development.
16. The Analysis does include a section of property north of CR 483 (not included in this Preliminary Plat submittal).
17. Due to reclamation (by fill) of the existing floodplain, mitigation ponds are to be installed. A CLOMR will be submitted prior to construction of any mitigation ponds are constructed or any other floodplain impact.

This concludes our review of the above referenced revised Preliminary Plat, Conceptual Civil Plans, TIA and DIA. **We recommend Approval of the Preliminary Plat by P&Z subject to the minor comments above being satisfactorily addressed.** The Civil Plans should be modified per the comments above prior to consideration for approval. A copy of sheets, 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. The above referenced documents were not reviewed as to their quality or for errors on the part of the surveyor or engineer.

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

Sincerely,
FREEMAN-MILLICAN, INC.



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

Cc: David Carter, Mike Jones, Danny Anthony, Jorge Gonzalez-Rodiles, P.E.

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10210 N Central Expy, Suite 400
Dallas TX, 75231
(469) 455-0953
www.southlandce.com

January 12, 2022

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

**Re: Southland Sierra Preliminary Plat
Response to Initial Comments from Freeman-Millican, Inc.**

Dear Ms. Dobbs:

Attached please find for your review and approval the updated Preliminary Plat submittal for the referenced project addressing the comments provided by Freeman-Millican, Inc. on January 2, 2022. Below outlines said comments with our feedback on each in bold:

Preliminary Plat Comments:

General:

1. The project is located within Collin County Municipal Utility District No. 5 (CCMUD 5). **Agreed.**
2. Water service is by BCSUD. **Agreed.**
3. Wastewater service will be provided by the SH 205 Land, LLC treatment plant per TPDES permit no. WQ0015883001. **Agreed.**

PRELIMINARY PLAT:

4. The Preliminary Plat title block needs to be corrected as follows:
 - a. "Levon" should be "Lavon"

**RESPONSE: Preliminary Plat revised to show the corrected name spelling of "Lavon".
We hazed Yazel for the mistake!**

- b. This Plat should be identified to be within the City of Lavon ETJ.

RESPONSE: City of Lavon ETJ added to tittle block.

- c. The acreages shown do not appear to be correct.

RESPONSE: The total 487.060 acres is the only portion being platted out of an original 228.692 and 292.141 acre tracts. Not all of the original tracts are currently being platted.

d. The number of lots, and common areas should be identified.

RESPONSE: Number of residential and non-residential lots added to title block.

5. Phase lines should be shown, as appropriate.

RESPONSE: Phase line added to overall development sheet.

6. The written property description has not been included.

RESPONSE: Property description added on Preliminary Plat.

7. The floodplain should be shown as well as a flood statement from the surveyor.

RESPONSE: Floodplain and flood statement was added to the Preliminary Plat.

8. The Plat should include a Surveyor's Certificate.

RESPONSE: Surveyor's Certificate added to the Preliminary Plat.

9. An overall view sheet would be helpful.

RESPONSE: Overall sheet added at beginning of the Preliminary Plat.

10. The location of the City of Lavon ETJ boundary should be shown.

RESPONSE: ETJ boundary has been added to the Preliminary Plat.

CIVIL PLANS:

Overall Development Plan:

11. The improvements to CR 483 should be shown.

RESPONSE: Per the revised TIA, the Phase 1 improvements to CR 483 have been added to the overall development plan. A right-hand deceleration lane has been included at the eastbound approach of CR 483 at Drive 2.

12. We recommend that the floodplain limits be shown.

RESPONSE: Floodplain limit added.

Water Plan:

13. Separate review and approval by the BCSUD will be required. A copy of the approval should be provided to the City prior to approval of the Preliminary Plat.

RESPONSE: Preliminary Plat submitted to BCSUD 12/02/21. Currently awaiting comments/approval. It is our understanding per discussions with Camille Reagan with BCSUD that they typically do not approve the preliminary engineering included in the Preliminary Plat submittal, but will review and approve construction level drawings.

Sanitary Sewer Plan:

14. The floodplain limits should be shown.

RESPONSE: Floodplain limit added.

15. The location of the WWTP site does not match the Plat.

RESPONSE: The current WWTP site is shown correctly on the updated Preliminary Plat. The WWTP site will likely be slightly revised and this is illustrated on the updated Preliminary Plat. We'll finalize with Lavon with the Final Plat.

16. A copy of the lift station and WWTP plans should be provided for review.

RESPONSE: Copy of lift station and WWTP will be provided with the design of Phase 1 construction drawings.

Storm Sewer Plan:

17. Existing & Proposed Drainage Area Maps, with supporting calculations, should be provided for review.

RESPONSE: Existing & proposed drainage area maps along with calculations provided in the DIA.

18. The floodplain limits should be shown.

RESPONSE: Floodplain limit added.

19. No detention is shown. Impact of the proposed development on the adjacent waterway and floodplain has not been provided. If 100-year storms result in an increase of discharge, then the result of this increase on the receiving waters should be provided. Modifications and/or study of the FEMA floodplain may be required.

RESPONSE: The timing study included in the DIA illustrates that detention should not be required for this development. There should not be adverse effects on downstream structures as a result of the proposed development.

Trail Plan:

20. The floodplain limits should be shown.

RESPONSE: Floodplain limit added.

TRAFFIC IMPACT ANALYSIS:

21. The driveway numbering used in the narrative does not appear to match the exhibits provide within the Report.

RESPONSE: The updated TIA has been provided to Mark Hill. The driveway numbering has been corrected to match between the narrative and exhibits.

22. The TIA includes a future area north of CR 483.

RESPONSE: The area north of CR 483 has been accounted for in the revised TIA.

23. A signal is recommended at CR 483/SH 205 intersection.

RESPONSE: The revised TIA includes a signal at the intersection of CR 483 & SH 205. The warrant for the signal will not be available until there is sufficient volume from the Hillstead Subdivision or other development in the area.

24. Turn bays are recommended on CR 483, but with the driveway numbering discrepancy, it is not clear as to the location of these turn bays.

RESPONSE: Per the revised TIA, a right-hand turn bay has been added to CR 483 at Drive 2 for Phase 1 of the development. Future turn bays will be added along CR 483 as depicted in the TIA.

25. Widening of CR 483 with a TWLTL is recommended, but the extents are not clear due to the driveway numbering discrepancies.

RESPONSE: The widening of CR 483 with a TWLTL is recommend with Phase 2 of the development. We will provide the necessary improvements at that time.

26. Additional review for the TIA will be needed once exhibits and text match.

RESPONSE: The revised TIA was resubmitted on 1/10/2022.



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In addition to the feedback provided above, we offer the following additional notes:

1. The development has been renamed to "Hillstead Subdivision."
2. Two additional parcels were added along SH 205. The one north of the powerlines is intended for future commercial and/or residential. The one south of the powerlines is intended for future commercial.
3. The director lot was added to the preliminary plat.

Should you have any questions or need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jorge Gonzalez-Rodiles". The signature is stylized and fluid.

Jorge Gonzalez-Rodiles, P.E.
Southland Consulting Engineers, Inc.
jgonzalez@southlandce.com
214.578.0088

CC: Mark Hill

January 2, 2022

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

Re: Southland Sierra - 912 Residential Lots, 25 Common Areas, 3 parcels, 228.692 Acres
Preliminary Plat Review

Dear Ms. Dobbs:

As requested, we have reviewed the Preliminary Plat dated September 23, 2021 as prepared by Yazel, Peebles & Associates, LLC, and conceptual civil plans dated November 30, 2021 as prepared by Southland Consulting Engineers and Preliminary Traffic Impact Analysis (TIA) dated September 9, 2021 as prepared by Kimley-Horn and Associated, Inc. for the above referenced property. The property is located within the City of Lavon ETJ, south of CR 483 and east of SH 205. This was formally referred to as the "Lumpkin Tract". Our comments are as follows:

General

1. The project is located within Collin County Municipal Utility District No. 5 (CCMUD 5).
2. Water service is by BCSUD.
3. Wastewater service will be provided by the SH 205 Land, LLC treatment plant per TPDES permit no. WQ0015883001.

PRELIMINARY PLAT

4. The Preliminary Plat title block needs to be corrected as follows:
 - a. "Levon" should be "Lavon"
 - b. This Plat should be identified to be within the City of Lavon ETJ.
 - c. The acreages shown do not appear to be correct.
 - d. The number of lots, and common areas should be identified.
5. Phase lines should be shown, as appropriate.
6. The written property description has not been included.
7. The floodplain should be shown as well as a flood statement from the surveyor.
8. The Plat should include a Surveyor's Certificate.
9. An overall view sheet would be helpful.
10. The location of the City of Lavon ETJ boundary should be shown.

CIVIL PLANS

Overall Development Plan

11. The improvements to CR 483 should be shown.

12. We recommend that the floodplain limits be shown.

Water Plan

13. Separate review and approval by the BCSUD will be required. A copy of the approval should be provided to the City prior to approval of the Preliminary Plat.

Sanitary Sewer Plan

14. The floodplain limits should be shown.
15. The location of the WWTP site does not match the Plat.
16. A copy of the lift station and WWTP plans should be provided for review.

Storm Sewer Plan

17. Existing & Proposed Drainage Area Maps, with supporting calculations, should be provided for review.
18. The floodplain limits should be shown.
19. No detention is shown. Impact of the proposed development on the adjacent waterway and floodplain has not been provided. If 100-year storms result in an increase of discharge, then the result of this increase on the receiving waters should be provided. Modifications and/or study of the FEMA floodplain may be required.

Trail Plan

20. The floodplain limits should be shown.

TRAFFIC IMPACT ANALYSIS

21. The driveway numbering used in the narrative does not appear to match the exhibits provide within the Report.
22. The TIA includes a future area north of CR 483.
23. A signal is recommended at CR 483/SH 205 intersection.
24. Turn bays are recommended on CR 483, but with the driveway numbering discrepancy, it is not clear as to the location of these turn bays.
25. Widening of CR 483 with a TWLTL is recommended, but the extents are not clear due to the driveway numbering discrepancies.
26. Additional review for the TIA will be needed once exhibits and text match.

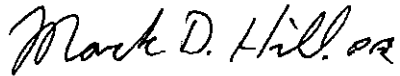
This concludes our review of the above referenced Preliminary Plat, Conceptual Civil Plans and Preliminary TIA. A copy of sheets, with markups, is attached for your convenience. Note that markups are typical and may be applicable to multiple sheets.

Ms. Kim Dobbs
Southland Sierra, Preliminary Plat Review
January 2, 2022
Page 3 of 3

The review conducted by FMI was for the limited purpose of code and ordinance compliance review for the exclusive benefit of the City of Lavon. The above referenced documents were not reviewed as to their quality or for errors on the part of the surveyor or engineer.

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

Sincerely,
FREEMAN-MILLICAN, INC.

A handwritten signature in black ink that reads "Mark D. Hill" with a stylized flourish at the end.

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

Cc: David Carter, Mike Jones, Danny Anthony, Jorge Gonzalez-Rodiles, P.E.

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