



**AGENDA
DECEMBER 6, 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. ISSUANCE OF OATH OF OFFICE TO NEWLY ELECTED CITY COUNCIL MEMBERS**
- 3. PLEDGE OF ALLEGIANCE AND INVOCATION**
- 4. ITEMS OF INTEREST/COMMUNICATIONS**

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

5. 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.

6. 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 November 15, 2022 meeting.
- B. Approve the minutes of the November 17, 2022 meeting.
- C. Approve Ordinance No. **2022-12-01** approving the 2021 Tax Roll Summary for the City of Lavon as presented by the Collin County Tax Assessor Collector's Office.

7. ITEMS FOR CONSIDERATION

- A. Discussion and action regarding Ordinance No. **2022-12-02** adopting the Home Rule Charter approved by the majority of qualified voters of the City of Lavon on November 8, 2022; providing for the incorporation of findings; providing for certification to the Secretary of State; providing a severability clause; determining compliance with Texas Open Meeting Laws; and providing an effective date.
- B. Discussion and action regarding the final plat of the Trails of Lavon Addition, Phase 3 for 250 residential lots, 8 open space tracts on 63.729 acres of land, situated in the Drury Anglin Survey, A-2 southwest of the intersection of CR 483 and Presidents Blvd., Lavon, Collin County, TX (CCAD Property ID 1249982).
- C. Public hearing, discussion and action regarding a proposed amendment of Chapter 9 "Planning and Development Regulations", Article 9.03 "Zoning Ordinance", Division 2 "Districts and Zoning District Map" and Division 6 "Regulations Applicable to Mixed Use and Nonresidential Districts" of the Code of Ordinances of the City of Lavon, by amending the city's regulations regarding Planned Development Districts in the city; providing a penalty clause not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; providing savings, repealing and severability clauses; proving for publication; providing for an effective date; and finding and determining the meeting at which this ordinance is adopted to be open to the public as required by law.
 - 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. **2022-12-03**.

- D. Discussion and action to nominate and appoint a Mayor Pro-Tempore for a term that expires in November 2023.
- E. Discussion and action regarding the award of the construction contract for the City of Lavon Bently Farms, Phase 1 (CIP-24) Construction Project and Resolution No. **2022-12-01** approving and authorizing the Mayor to execute a construction contract with North Texas Contracting, Inc. in the amount of \$1,645,022.00 with 160 calendar days to construct; and providing an effective date.
- F. Discussion and action regarding acceptance of the public infrastructure of the Victory at Lavon Addition.
- G. Discussion and action regarding acceptance of the public sanitary sewer infrastructure for the Elevon Section 1, Phase 2A and Phase 2B Additions.
- H. Discussion and action regarding Ordinance No. **2022-12-04** acknowledging the council manager form of government by amending Chapter 1 “General Provisions”, Article 1.01 “Code of Ordinances”, Section 1.01.004 “Definitions” of the City’s Code of Ordinances; providing for publication and an effective date; providing severability, repealer and savings clauses; and finding and determining that the meeting at which this ordinance is adopted to be open to the public as required by law and the appointment of a city manager.
- I. Discussion regarding Code of Ordinance updates and anticipated actions related to the adoption of the Home Rule Charter, including but not limited to the appointment of a Board of Adjustment.
- J. Discussion and action regarding orders and regulations, programming, city facilities and operations related to COVID-19.

8. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may recess into Executive Session (closed meeting) pursuant to Section 551.071 (2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter for the provision of municipal services in an unincorporated area.

9. RECONVENE INTO REGULAR SESSION

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

10. SET FUTURE MEETINGS AND AGENDA

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

December 20, 2022 – Regular Meeting

11. 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 December 2, 2022.

/ Rae Norton /

Rae Norton, City Secretary



CITY OF LAVON

Agenda Brief

MEETING: December 6, 2022

ITEM: 2

Item:

ISSUANCE OF OATH OF OFFICE TO THE NEWLY ELECTED COUNCIL MEMBERS

Background:

On August 16, 2022, the City Council approved a resolution calling the General Election on November 8, 2022, for the election of City Council Members in Places 1, 3, and 5.

The certified results of the November 8, 2022, election were provided by the Collin County Elections Office on November 16, 2022 and the City Council approved Resolution No. 2022-11-06 canvassing the election results on November 17, 2022.

The outcome of the election results are as follows:

<u>Office</u>	<u>Name</u>
City Council Member Place 1	John Kell
City Council Member Place 3	Kay Wright
City Council Member Place 5	Lindsey Hedge

State law provides that the candidate(s) may be sworn in and assume the duties of the position once the election results have been canvassed.

Code Excerpts:

Texas Election Code

§ 1.016. OATHS BY ELECTION OFFICERS. (a) An oath or statement required by the Texas Constitution or this code prior to an election officer entering service may be administered and a certificate of the fact given by: ... (4) a city secretary;

(b) An oath, statement, or certificate described under Subsection (a) is valid for the duration of the election officer's term of office and shall be filed with election records for the election in which the election officer is serving.

(c) The secretary of state may prescribe a form of oath, statement, or certificate that incorporates any oaths or statements required by the Texas Constitution or this code for an election officer into a single oath or statement.

Attachments: 1) Resolution No. 2022-11-04
2) Certificates of Election

CITY OF LAVON, TEXAS
RESOLUTION NO. 2022-11-06

Canvass General Election Results

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS, CANVASSING THE RETURNS, INCLUDING THE RETURNS OF EARLY VOTING BALLOTS CAST IN CONNECTION THEREWITH, AND DECLARING THE RESULTS OF THE GENERAL ELECTION OF THE CITY OF LAVON HELD ON NOVEMBER 8, 2022, FOR THE PURPOSE OF ELECTING THE CITY COUNCILMEMBERS FOR PLACE NOS. 1, 3 AND 5 FOR TWO-YEAR TERMS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is hereby found and determined that notice of the election was duly given in the form, manner and time required by law, and said election was in all respects legally held and conducted in accordance with applicable laws of the State of Texas and the proceedings calling and governing the holding of such election; and,

WHEREAS, it is imperative to consider the returns of the election held on November 8, 2022, for the purpose of electing the hereinafter named officials; and,

WHEREAS, the returns of said election, attached hereto as **Exhibit A**, have been duly and legally made and submitted to the City Council for canvassing, and a tabulation of the returns for the polling place and for early voting, as canvassed and tabulated by this governing body as follows:

<u>CANDIDATE</u>	<u>EARLY VOTES CAST</u>	<u>BALLOTS BY MAIL</u>	<u>REGULAR VOTES CAST</u>	<u>PROVIS- IONAL BALLOTS</u>	<u>TOTAL VOTES CAST</u>
COUNCILMEMBER PLACE 5					
LINDSEY HEDGE	344	5	231	1	581
TRACY FILO	226	3	129		358
LINDSAY TARRANT	138	3	88		229

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

SECTION 1. Said election was duly called, that notice of said election was given in accordance with law, and that said election was held in accordance with law, and that John Kell was duly elected Councilmember Place No. 1, Kay Wright was duly elected Councilmember Place No. 3, and Lindsey Hedge was duly elected Place 5. The above-named parties are hereby declared duly elected Councilmembers for Place No. 1, Place No. 3, and Place No. 5, subject to the taking of the oath-of-office as provided by the laws of the State of Texas.

SECTION 2. It is further found and determined that in accordance with the order of this governing body, the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public

and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the scheduled time of said meeting.

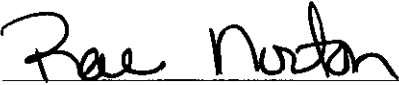
SECTION 3. This resolution shall become effective immediately from and after its passage.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 17th day of November 2022.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary



**CITY OF LAVON, TEXAS
RESOLUTION NO. 2022-11-04**

EXHIBIT "A"

**CANVASS OF CITY OF LAVON, TEXAS
NOVEMBER 8, 2022 GENERAL ELECTION
SUMMARY OF PRECINCT RETURNS**

Summary Results Report
General And Special Election
November 8, 2022

City of Lavon Results FINAL
Combined Accumulated Totals
COLLIN COUNTY

Statistics





	TOTAL	Election Day	Early Voting	Ballot By Mail	Provision at Ballots	Limited Ballots
Registered Voters - Total	696,712					
Ballots Cast - Total	366,168	99,502	253,049	12,564	448	605
Voter Turnout - Total	52.56%					

Summary Results Report
 General And Special Election
 November 8, 2022

City of Lavon Results FINAL
 Combined Accumulated Totals
 COLLIN COUNTY




Lavon, City of - Council, Place 5

Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
Lindsey Hedge	581	49.74%		231	344	5	1	0
Tracy Filo	358	30.65%		129	226	3	0	0
Lindsay Tarrant	229	19.61%		88	138	3	0	0
Total Votes Cast	1,168	100.00%		448	708	11	1	0
Overvotes	0			0	0	0	0	0
Undervotes	746			290	443	12	1	0
Contest Totals	1,914			738	1,151	23	2	0

Lavon, City of - Home Rule Charter

Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
For	1,020	71.88%		351	652	16	1	0
Against	399	28.12%		163	233	3	0	0
Total Votes Cast	1,419	100.00%		514	885	19	1	0
Overvotes	0			0	0	0	0	0
Undervotes	495			224	266	4	1	0
Contest Totals	1,914			738	1,151	23	2	0

PCT 033

Lavon, City of - Council, Place 5

Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
Lindsey Hedge	572	49.61%		226	340	5	1	0
Tracy Filo	354	30.70%		127	224	3	0	0
Lindsay Tarrant	227	19.69%		87	137	3	0	0
Total Votes Cast	1,153	100.00%		440	701	11	1	0
Overvotes	0			0	0	0	0	0
Undervotes	732			288	431	12	1	0
Contest Totals	1,885			728	1,132	23	2	0

Lavon, City of - Home Rule Charter





Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
For	1,003	71.75%		346	640	16	1	0
Against	395	28.25%		161	231	3	0	0
Total Votes Cast	1,398	100.00%		507	871	19	1	0
Overvotes	0			0	0	0	0	0
Undervotes	487			221	261	4	1	0
Contest Totals	1,885			728	1,132	23	2	0

PCT 193




Lavon, City of - Council, Place 5

Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
Lindsey Hedge	8	57.14%		4	4	0	0	0
Tracy Filo	4	28.57%		2	2	0	0	0
Lindsay Tarrant	2	14.29%		1	1	0	0	0
Total Votes Cast	14	100.00%		7	7	0	0	0
Overvotes	0			0	0	0	0	0
Undervotes	13			2	11	0	0	0
Contest Totals	27			9	18	0	0	0

Lavon, City of - Home Rule Charter

Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
For	17	80.95%		5	12	0	0	0
Against	4	19.05%		2	2	0	0	0
Total Votes Cast	21	100.00%		7	14	0	0	0
Overvotes	0			0	0	0	0	0
Undervotes	6			2	4	0	0	0
Contest Totals	27			9	18	0	0	0

PCT 233

Lavon, City of - Council, Place 5

Vote For 1

	TOTAL	VOTE %	Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
Lindsey Hedge	1	100.00%	1	0	0	0	0
Tracy Filo	0	0.00%	0	0	0	0	0
Lindsay Tarrant	0	0.00%	0	0	0	0	0
Total Votes Cast	1	100.00%	1	0	0	0	0
Overvotes	0		0	0	0	0	0
Undervotes	1		0	1	0	0	0
Contest Totals	2		1	1	0	0	0

Lavon, City of - Home Rule Charter

Vote For 1

	TOTAL	VOTE %	Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
For	0		0	0	0	0	0
Against	0		0	0	0	0	0
Total Votes Cast	0		0	0	0	0	0
Overvotes	0		0	0	0	0	0
Undervotes	2		1	1	0	0	0
Contest Totals	2		1	1	0	0	0



In the name and by the authority of

The State of Texas

THIS IS TO CERTIFY that at a general election held on
the 8th of November 2022

JOHN KELL

was duly elected

CITY COUNCIL MEMBER

PLACE 1

In testimony whereof, I have hereunto signed
my name and caused the Seal of the City of
Lavon to be affixed at the City of Lavon, this
the 2nd day of December 2022.

Signature of Presiding Officer of
Canvassing Authority



In the name and by the authority of

The State of Texas

THIS IS TO CERTIFY that at a general election held on
the 8th of November 2022

KAY WRIGHT

was duly elected

CITY COUNCIL MEMBER

PLACE 3

In testimony whereof, I have hereunto signed
my name and caused the Seal of the City of
Lavon to be affixed at the City of Lavon, this
the 2nd day of December 2022.

Signature of Presiding Officer of
Canvassing Authority



In the name and by the authority of

The State of Texas

THIS IS TO CERTIFY that at a general election held on

the 8th of November 2022

LINDSEY HEDGE

was duly elected

CITY COUNCIL MEMBER

PLACE 5

In testimony whereof, I have hereunto signed my name and caused the Seal of the City of Lavon to be affixed at the City of Lavon, this the 2nd day of December 2022.

Signature of Presiding Officer of
Canvassing Authority



**MINUTES
NOVEMBER 15, 2022
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
REGULAR MEETING
7:00 PM**

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

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

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

3. ITEMS OF INTEREST/COMMUNICATIONS

- Christmas Tree Lighting-December 2, 2022
- LEDC Shop Lavon Coupon November 13-December 16, 2022
- Holiday Grease Round up now through January

4. CITIZENS COMMENTS

Jessica Ratliff, 890 Austin Ln., requested information regarding the operations of and site plan approved for Taco Bell and the masonry wall between Grand Heritage Main and the adjacent commercial property. City Administrator Kim Dobbs advised she could answer Ms. Ratliff's questions and provided her card to Ms. Ratliff with an invitation to contact her.

5. PROCLAMATION AND PRESENTATION

Mayor Sanson presented a Proclamation expressing appreciation for the service of Council Member Minda Serkland, Place 5.

6. CONSENT AGENDA

- A. Approve the minutes of the November 1, 2022 meeting.**
- B. Approve Resolution No. 2022-11-04 approving and authorizing the Mayor to execute a Public Road Crossing Easement Agreement between the City and the Northeast Texas Rural Rail Transportation District (NETEX) on Lake Road.**
- C. Approve Resolution No. 2022-11-05 approving and authorizing the Mayor to execute a Drainage and Temporary Construction Easement and a Temporary Turn-Around Easement granted by Lavon 419 Land, L.L.C. to the City of Lavon related to the Community ISD Addition.**
- D. Receive Quarterly Investment Report.**

Ms. Dobbs requested that Consent Agenda Item B and Item C be removed. Ms. Dobbs further noted for the record that the Quarterly Investment Report is provided pursuant to the City's Investment Policy and the Texas Public Funds Investment Act.

MOTION: APPROVE ITEM A AND ITEM D OF THE CONSENT AGENDA.

MOTION MADE: WRIGHT
SECONDED: SERKLAND
APPROVED: UNANIMOUS

7. ITEMS FOR CONSIDERATION

- A. Discussion, and action Ordinance No. 2022-11-04 authorizing the issuance of the "City of Lavon, Texas, Special Assessment Revenue Bonds, Series 2022 (Lakepointe Public Improvement District Improvement Areas #2-3 Project)"; approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, a Limited Offering Memorandum, a Continuing Disclosure Agreement; approving and accepting an Update to the Service and Assessment Plan for the District; and approving other agreements and documents in connection therewith; making findings with respect to the issuance of such bonds; and providing an effective date.**

Financial Advisor Jason Hughes, Hilltop Securities and Bond Counsel Cooper Anderson, McCall, Parkhurst & Horton, LLP provided information regarding the pricing and sale of the Special Assessment Revenue Bonds. Representatives from Underwriter FMSbonds and PID Administrator P-3 Works were available to answer questions. It was noted that the bonds are scheduled to close on December 7, 2022.

MOTION: APPROVE RESOLUTION NO. 2022-11-04 AUTHORIZING THE ISSUANCE OF THE "CITY OF LAVON, TEXAS, SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2022 (LAKEPOINTE PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREAS #2-3 PROJECT)"; APPROVING AND AUTHORIZING AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT, A LIMITED OFFERING MEMORANDUM, A CONTINUING DISCLOSURE AGREEMENT; APPROVING AND ACCEPTING AN UPDATE TO THE SERVICE AND ASSESSMENT PLAN FOR THE DISTRICT; AND APPROVING OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION THEREWITH; MAKING FINDINGS WITH RESPECT TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: KELL
SECONDED: DILL
APPROVED: UNANIMOUS

- B. Discussion, and action regarding Ordinance No. 2022-11-05 adopting rules and regulations for regulating the removal of graffiti and preventing further spread of graffiti by amending the City’s Code of Ordinances Chapter 8, “Offenses and Additional Provisions”, Article 8.06, “Property Maintenance and Community Appearance,” by adding Section 8.06.011, “Graffiti”; providing for publication and an effective date; providing a penalty; providing severability, repealer and savings clauses; and finding and determining that the meeting at which this ordinance is adopted to be open to the public as required by law.**

Ms. Dobbs and Police Chief Mike Jones provided information regarding the ordinance. Ms. Dobbs noted the importance of the regulations in becoming a Texas Scenic City.

MOTION: APPROVE ORDINANCE NO. 2022-11-05 ADOPTING RULES AND REGULATIONS FOR REGULATING THE REMOVAL OF GRAFFITI AND PREVENTING FURTHER SPREAD OF GRAFFITI BY AMENDING THE CITY’S CODE OF ORDINANCES CHAPTER 8, “OFFENSES AND ADDITIONAL PROVISIONS”, ARTICLE 8.06, “PROPERTY MAINTENANCE AND COMMUNITY APPEARANCE,” BY ADDING SECTION 8.06.011, “GRAFFITI”; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; PROVIDING A PENALTY; PROVIDING SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

MOTION MADE: DILL
SECONDED: COOK
APPROVED: UNANIMOUS

- C. Discussion, and action regarding the appointment of a Selection Review Committee and City Council Liaison for the Fire Department and Public Works facilities construction projects.**

Ms. Dobbs provided information regarding the purpose of the Selection Review committee and recommendation of Project Manager AGCM.

MOTION: APPOINT MINDI SERKLAND TO AND MIKE COOK AS THE COUNCIL LIAISON TO THE SELECTION REVIEW COMMITTEE FOR THE FIRE DEPARTMENT AND PUBLIC WORKS FACILITIES EXPANSION CONSTRUCTION PROJECTS.

MOTION MADE: WRIGHT

SECONDED: KELL

APPROVED: UNANIMOUS

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

No report was provided or action taken.

8. DEPARTMENT REPORTS

- A. Police Services** –Chief Jones and Sergeant Carissa Vargas provided reports, referenced information provided in the meeting packet, and detailed upcoming training scheduled for the department.
- B. Fire Services** – Fire Chief Danny Anthony referenced the report in the meeting packet, noted 582 calls had been run so far this year significantly outpacing last year, and detailed upcoming activities.
- C. Public Works** – Director of Public Works David Carter provided general information regarding public works operations.
- D. Administration** – Ms. Dobbs referenced reports in the meeting packet and provided information regarding the Building Permits; CWD Service; Collin County Tax Collection; Sales Tax; TxDOT Projects Report; Lavon Economic Development Corporation, and administration and staff reports. Ms. Dobbs advised that Parks and Recreation Board Member Leon Marshall had resigned. Financial consultant Patti Parks, CPA, Parks Reconciliation Services, P.L.L.C. presented information regarding the conversion of the chart of accounts and the September Monthly Financial Report.

9. EXECUTIVE SESSION

There was no executive session.

10. RECONVENE INTO REGULAR SESSION

11. SET FUTURE MEETINGS AND AGENDA.

December 6, 2022- Regular Meeting

12. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 8:07 P.M. AND INVITED THE PUBLIC TO JOIN THE CITY COUNCIL IN THE COMMUNITY ROOM FOR REFRESHMENTS AND A RECEPTION HONORING THE SERVICE OF CITY COUNCIL MEMBER MINDI SERKLAND.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 2nd day of December 2022.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary



**MINUTES
NOVEMBER 17, 2022
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
SPECIAL MEETING TO CANVASS
5:00 PM**

ATTENDING: VICKI SANSON, MAYOR
KAY WRIGHT, PLACE 3

ABSENT: JOHN KELL, MAYOR PRO TEM, PLACE 1
MIKE COOK, PLACE 2
TED DILL, PLACE 4
MINDI SERKLAND, PLACE 5

1. **MAYOR SANSON CALLED THE MEETING TO ORDER AT 5:02 P.M. AND ANNOUNCED A QUORUM PRESENT.**

2. **CANVASS OF ELECTION**

A. **Discussion and action regarding Resolution No. 2022-11-06 canvassing the returns, including the returns of early voting ballots cast in connection therewith, and declaring the results of the General Election of the City of Lavon held on November 8, 2022, for the purpose of electing the City Councilmembers for Place Nos. 1, 3, and 5 for two-year terms; and providing an effective date.**

MOTION: APPROVE RESOLUTION NO. 2022-11-06 CANVASSING THE RETURNS, INCLUDING THE RETURNS OF EARLY VOTING BALLOTS CAST IN CONNECTION THEREWITH, AND DECLARING THE RESULTS OF THE GENERAL ELECTION OF THE CITY OF LAVON HELD ON NOVEMBER 8, 2022, FOR THE PURPOSE OF ELECTING THE TO THE CITY COUNCIL, JOHN KELL TO PLACE NO. 1, KAY WRIGHT TO PLACE 3, AND LINDSEY HEDGE TO PLACE 5 FOR TWO-YEAR TERMS; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT

SECONDED: SANSON

APPROVED: UNANIMOUS (Absent: Kell, Cook, Dill and Serkland)

B. **Discussion, and action Ordinance No. 2022-11-06 canvassing the returns, including returns of early voting ballots cast in connection therewith, and declaring the results of the Special Election of the City of Lavon held on November 8, 2022, for the purpose of adopting a Home Rule Charter, and providing an effective date.**

MOTION: APPROVE ORDINANCE NO. 2022-11-06 CANVASSING THE RETURNS, INCLUDING RETURNS OF EARLY VOTING BALLOTS CAST IN CONNECTION THEREWITH, AND DECLARING THE RESULTS OF THE SPECIAL ELECTION OF THE CITY OF LAVON HELD ON NOVEMBER 8, 2022, FOR THE PURPOSE OF ADOPTING A HOME RULE CHARTER, AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: SANSON

SECONDED: WRIGHT

APPROVED: UNANIMOUS (Absent: Kell, Cook, Dill and Serkland)

3. **MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 5:04 P.M.**

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 6th day of December 2022.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary



CITY OF LAVON

Agenda Brief

MEETING: December 6, 2022

ITEM: 6 - C

Item:

CONSENT AGENDA

Approve Ordinance No. 2022-12-01 approving the 2022 Tax Roll Summary for the City of Lavon as presented by the Collin County Tax Assessor Collector's Office.

Background:

The Collin County Tax Assessor Collector has submitted for the City Council's consideration the 2022 Tax Roll Summary. The approval process is a formality prescribed in the Texas Property Tax Code.

Excerpt:

**TEXAS TAX CODE
TITLE 1. PROPERTY TAX CODE
SUBTITLE D. APPRAISAL AND ASSESSMENT
CHAPTER 26. ASSESSMENT
Sec. 26.09. CALCULATION OF TAX**

Sec. 26.09. CALCULATION OF TAX. (a) On receipt of notice of the tax rate for the current tax year, the assessor for a taxing unit other than a county shall calculate the tax imposed on each property included on the appraisal roll for the unit.

(b) The county assessor-collector shall add the properties and their values certified to him as provided by Chapter 24 of this code to the appraisal roll for county tax purposes. The county assessor-collector shall use the appraisal roll certified to him as provided by Section 26.01 with the added properties and values to calculate county taxes.

(c) The tax is calculated by:

(1) subtracting from the appraised value of a property as shown on the appraisal roll for the unit the amount of any partial exemption allowed the property owner that applies to appraised value to determine net appraised value;

(2) multiplying the net appraised value by the assessment ratio to determine assessed value;

(3) subtracting from the assessed value the amount of any partial exemption allowed the property owner to determine taxable value; and

(4) multiplying the taxable value by the tax rate.

(d) If a property is subject to taxation for a prior year in which it escaped taxation, the assessor shall calculate the tax for each year separately. In calculating the tax, the assessor shall use the assessment ratio and tax rate in effect in the unit for the year for which back taxes are being imposed. Except as provided by Subsection (d-1), the amount of back taxes due incurs interest calculated at the rate provided by Section 33.01(c) from the date the tax would have become delinquent had the tax been imposed in the proper tax year...

(e) The assessor shall enter the amount of tax determined as provided by this section in the appraisal roll and submit it to the governing body of the unit for approval. The appraisal roll with amounts of tax entered as approved by the governing body constitutes the unit's tax roll.

Over the last five years, the total market value and the total taxable value have more than doubled respectively.

The table below provides a comparison of the Tax Roll Summaries for 2018 through 2022.

TAX ROLL	2018	2019	2020	2021	2022
Total Market Value	\$375,498,243	\$423,628,287	\$461,436,703	\$541,502,170	\$801,764,071
Total Taxable Value	\$323,632,678	\$376,595,800	\$408,391,509	\$483,872,538	\$691,544,010
Total Levy Lost to Frozen	\$42,096	\$65,508	\$75,922	\$89,989	\$79,816

Staff Notes:

Approval is recommended.

- Attachments:**
1. Correspondence from the Collin County Tax Assessor Collector
 2. Proposed Ordinance and Tax Roll Summary



KENNETH L. MAUN
TAX ASSESSOR COLLECTOR
COLLIN COUNTY
2300 Bloomdale Road, Suite 2366
P.O. Box 8006
McKinney, TX 75070-8006
(972) 547-5020
Fax: (214) 491-4808
Email: kmaun@collincountytexas.gov

October 1, 2022

Vicki Sanson, Mayor
City of Lavon
P.O. Box 340
Lavon, TX 75166

Dear Mayor Sanson,

Attached is the 2022 Tax Roll Summary for City of Lavon.

Submission of the 2022 Tax Roll to your governing body for approval, in accordance with *Texas Property Tax Code*, Section 26.09, will constitute the 2022 Tax Roll for City of Lavon.

Please provide my office a copy of your ordinance approving the Tax Roll at your earliest convenience. While this is a formality in the Texas Property Tax Code, we do want to fulfill the requirements of the law and do appreciate your cooperation.

If you have any questions, please contact me.

Sincerely,

Kenneth L. Maun
Tax Assessor Collector

KLM:jd

Enclosure

cc: Kim Dobbs

RECEIVED
OCT 17 2022
CITY OF LAVON

CITY OF LAVON, TEXAS
ORDINANCE NO. 2022-12-01

2022 Tax Roll Adoption

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING THE 2022 TAX ROLL SUMMARY FOR THE CITY OF LAVON, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the Texas Tax Code, it is necessary for the 2022 Tax Roll Summary, which constitutes the 2022 Tax Roll for the City of Lavon, to be approved by the City Council; and

WHEREAS, the City Council of the City of Lavon finds and determines that approving the tax roll is in the best interests of the citizens of the City of Lavon.

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

SECTION 1. The City Council of the City of Lavon hereby accepts and approves the 2022 Tax Roll Summary as submitted by the Collin County Tax Assessor Collector which constitutes the 2022 Tax Roll for the City of Lavon, which is attached hereto and labeled “Exhibit A”; and

SECTION 2. 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; and

SECTION 3. This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on this 6th day of December 2022

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

CITY OF LAVON, TEXAS
ORDINANCE NO. 2022-12-01

EXHIBIT A

2022 Tax Roll Summary for City of Lavon

2022 TAX ROLL SUMMARY

173
18 - LAVON CITY

	Amount	Count
NUMBER OF ACCOUNTS		3,000
MARKET VALUES		
ROLLCODE: PERSONAL		
Personal	\$8,211,700	
ROLLCODE: REAL		
Agriculture	\$23,363,136	
Improvement	\$498,402,881	
Improvement Non-Home Site	\$22,730,745	
Land	\$196,235,886	
Land Ag Land	\$70,575	
Land Non-Home Site	\$52,749,148	
	TOTAL MARKET VALUE	\$801,764,071
DEFERRALS		
Ag	\$23,363,136	27
	TOTAL DEFERRALS	\$23,363,136
EXEMPTIONS		
Autos , XO , PPV , XO , PPV	\$2,291,376	17
Cap Adjustment , XT , XT	\$50,986,752	1,039
Disabled	\$470,000	27
Disabled Veteran	\$7,021,676	72
Homestead	\$5,884,366	1,182
Miscellaneous , XV , XV	\$15,371,896	78
Nominal Value	\$22,920	31
Over 65	\$4,800,000	249
Solar/Wind	\$7,939	1
	TOTAL EXEMPTIONS	\$86,856,925
GRAND TOTAL FOR DEFERRALS AND EXEMPTIONS		\$110,220,061
TOTAL MARKET VALUE		\$801,764,071
TAXABLE VALUE		\$691,544,010
TAX RATE		0.43
ROLLCODE: PERSONAL		
Levy	\$25,324.69	137
ROLLCODE: REAL		
Levy	\$2,868,499.25	2,863
	TOTAL LEVY	\$2,893,823.94
LEVY LOST DUE TO FROZEN		\$79,815.68
OTHER LOST LEVY		\$0.00
TOTAL LOST LEVY		\$79,815.68

2022 TAX ROLL SUMMARY

Calculation Analysis

	Calc Levy	- Tax Amount	=	Diff.	Market Value	Exemption	Taxable Value
Frozen	274,709.28	194,893.60		79,815.68	82,683,027	18,797,142	63,885,885
DV100 (Excl. Frozen)	1,091.17	1,091.17		0.00	5,444,147	4,797,170	646,977
Prorated (Excl. Frozen)	0.00	0.00		0.00	0	0	0
Other	2,697,839.17	2,697,839.17		0.00	713,636,897	86,625,749	627,011,148
Total	2,973,639.62	2,893,823.94		79,815.68	801,764,071	110,220,061	691,544,010
DV100 (Incl. Frozen)	0.00	0.00		0.00	2,077,606	1,780,006	297,600
Prorated (Incl. Frozen)	0.00	0.00		0.00	0	0	0



CITY OF LAVON Agenda Brief

MEETING: December 6, 2022

ITEM: 7 – A

Item:

Discussion and action regarding Ordinance No. **2022-12-02** adopting the Home Rule Charter approved by the majority of qualified voters of the City of Lavon on November 8, 2022; providing for the incorporation of findings; providing for certification to the Secretary of State; providing a severability clause; determining compliance with Texas Open Meeting Laws; and providing an effective date.

Background:

On August 16, 2022, the City Council accepted the draft home rule charter prepared and submitted by a 17-member Home Rule Charter Commission and ordered a special election on November 8, 2022 to submit the proposed home rule charter to the voters.

On November 8, 2022, the voters of the City of Lavon approved the home rule charter with 1015 votes cast “For” (71.75%) and 399 votes cast “Against” (28.25%). The election results were canvassed on November 17, 2022.

Upon adoption of the home rule charter, the state law requires that the home rule charter be submitted to the Texas Secretary of State:

Sec. 9.007. CERTIFICATION OF CHARTER OR AMENDMENT. (a) As soon as practicable after a municipality adopts a charter or charter amendment, the mayor or chief executive officer of the municipality shall certify to the secretary of state an authenticated copy of the charter or amendment under the municipality's seal showing the approval by the voters of the municipality.

(b) The secretary of state shall file and record the certification in his office in a book kept for that purpose.

Financial Implication:

There is none.

Staff Notes:

The City Attorney’s Office prepared the proposed ordinance and approval is recommended.

Attachments: 1) Proposed Ordinance and Home Rule Charter
2) Ordinance No. **2022-11-06** Canvassing Special Election Results

CITY OF LAVON
ORDINANCE NO. 2022-12-02

Home Rule Charter Adoption

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, ADOPTING THE HOME RULE CHARTER APPROVED BY THE MAJORITY OF QUALIFIED VOTERS OF THE CITY OF LAVON ON NOVEMBER 8, 2022; PROVIDING FOR THE INCORPORATION OF FINDINGS; PROVIDING FOR CERTIFICATION TO THE SECRETARY OF STATE; PROVIDING A SEVERABILITY CLAUSE; DETERMINING COMPLIANCE WITH TEXAS OPEN MEETING LAWS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lavon, Texas (the "**City Council**") duly authorized a Special Election to be held within the City of Lavon, Texas (the "**City**") on November 8, 2022 (the "**Election**"), for the purpose of submitting to the resident qualified electors of the City the proposition of whether to approve a home rule charter, as presented by the City's Home Rule Charter Commission; and

WHEREAS, the results of the Election have been certified and returned by the proper judges and clerks of the Election and, by Ordinance 2022-11-06 of the City, officially canvassed; and

WHEREAS, a majority of the qualified voters voting in the Election voted to adopt the Home Rule Charter, attached hereto as Exhibit A, incorporated herein for all purposes; and

WHEREAS, the City Council is authorized by Section 9.05(b) of the Texas Local Government Code to adopt the approved Home Rule Charter.

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

Section 1. Findings. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Home Rule Charter Adoption. The City Council hereby declares that the Home Rule Charter, attached hereto as Exhibit A, is hereby adopted. The Mayor is hereby instructed, as soon as practicable, to certify to the Secretary of State an authenticated copy of the Home Rule Charter under the City's seal showing the approval by the voters of the municipality. The City Secretary is hereby instructed to record the Home Rule Charter in the Secretary's office.

Section 3. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

Section 4. The City Council finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that the public notice of the time, place and purpose of the meeting was given as required by Texas Government Code, Section 551.041, as amended.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Collin County, Texas, on this the ___ day of December 2022.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

EXHIBIT A

CITY OF LAVON HOME RULE CHARTER

HOME RULE CHARTER



CITY OF LAVON, TEXAS

Submitted to a vote of the people on November 8, 2022

HOME RULE CHARTER

CONTENTS

CHAPTER ONE: INCORPORATION AND BOUNDARIES

Section 1.01. Incorporation

Section 1.02. Boundaries and Limits

CHAPTER TWO: FORM OF GOVERNMENT AND POWERS

Section 2.01. Form of Government

Section 2.02. General Powers of the City

Section 2.03. Public Improvements

Section 2.04. Intergovernmental Relations

CHAPTER THREE: CITY COUNCIL

Section 3.01. Mayor

Section 3.02. Mayor Pro Tem

Section 3.03. Qualifications

Section 3.04. Compensation of City Council Members

Section 3.05. Vacancies in the City Council; Filling of Vacancies

Section 3.06. Meetings and Quorum

Section 3.07. Powers of the City Council

Section 3.08. Code of Ethics

CHAPTER FOUR: CITY MANAGER

Section 4.01. Authority, Appointment, Removal, and Compensation of the City Manager

Section 4.02. Direction and Supervision of Employees, Non-Interference by City Council, Appointments and Removals of Department Heads

Section 4.03. Specific Powers and Duties of the City Manager

CHAPTER FIVE: CITY SECRETARY

Section 5.01. Appointment and Compensation of the City Secretary

Section 5.02. Duties of the City Secretary

CHAPTER SIX: MUNICIPAL COURT

Section 6.01. Creation

Section 6.02. Municipal Court Judge

Section 6.03. Municipal Court Clerk

CHAPTER SEVEN: CITY ATTORNEY

Section 7.01. Appointment and Compensation of City Attorney

Section 7.02. Duties of City Attorney

CHAPTER EIGHT: CITY DEPARTMENTS/FISCAL ADMINISTRATION

Section 8.01. Administrative Departments

Section 8.02. Tax Administration

Section 8.03. Fiscal Year

Section 8.04. Annual Budget

Section 8.05. Bonds and Other Evidences of Indebtedness

CHAPTER NINE: BOARDS AND COMMISSIONS

Section 9.01. Planning and Zoning Commission

Section 9.02. Board of Adjustment

Section 9.03. Other Boards, Commissions, or Committees

CHAPTER TEN: ORDINANCES

Section 10.01. Procedure for Passing Ordinances and Resolutions

Section 10.02. Publication of Ordinances

Section 10.03. Code of Ordinances

CHAPTER ELEVEN: ELECTIONS

- Section 11.01.** City Elections
- Section 11.02.** Special Elections
- Section 11.03.** Regulation of Elections
- Section 11.04.** Candidates; Filing for Office
- Section 11.05.** Official Ballot
- Section 11.06.** Canvassing and Election Results

CHAPTER TWELVE: INITIATIVE, REFERENDUM, AND RECALL

- Section 12.01.** Powers of Initiative, Referendum, and Recall
- Section 12.02.** Initiative, Referendum, and Recall Proceedings
- Section 12.03.** Initiative, Referendum, and Recall Petitions
- Section 12.04.** Procedure After Filing
- Section 12.05.** Effect of Suspension of Ordinance Upon
Referendum
- Section 12.06.** Action on Petition
- Section 12.07.** Results of Election

CHAPTER THIRTEEN: FRANCHISES

- Section 13.01.** Power to Grant Franchise
- Section 13.02.** Franchises
- Section 13.03.** Franchise Value Not to be Allowed
- Section 13.04.** Right of Regulation
- Section 13.05.** Regulation of Rates
- Section 13.06.** Licenses

CHAPTER FOURTEEN: GENERAL AND TRANSITIONAL PROVISIONS

- Section 14.01.** Effect on Existing Laws
- Section 14.02.** Continuation of Present Offices
- Section 14.03.** Conflict of Interest

- Section 14.04.** Nepotism
- Section 14.05.** Official Newspaper
- Section 14.06.** Judicial Notice
- Section 14.07.** Property Not Subject to Garnishment and Execution
- Section 14.08.** Public Meetings and Records
- Section 14.09.** Indemnification of Officers
- Section 14.10.** Amendment of Charter; Charter Review
Commission
- Section 14.11.** Bond or Security Not Required
- Section 14.12.** Severability Clause
- Section 14.13.** Meaning of Words
- Section 14.14.** Effective Date

CHAPTER ONE: INCORPORATION AND BOUNDARIES

SECTION 1.01. INCORPORATION

All inhabitants of the City of Lavon, Collin County, Texas, as the boundaries and limits of said City have heretofore been established and now exist or may hereafter be established in the manner prescribed by this Charter, shall constitute a municipal body politic incorporated under and known by the name “City of Lavon” with such powers, rights, duties, privileges, and immunities as are herein provided.

SECTION 1.02. BOUNDARIES AND LIMITS

- A. The boundaries and limits of the City of Lavon shall be those as established and described in ordinances duly passed by the City Council of the City of Lavon in accordance with the laws of the State of Texas. The City Secretary shall at all times keep a correct and complete description and official City map on file, including annexations and disannexations.
- B. The City may, by ordinance of the City Council, alter its boundaries by annexing or disannexing any territory adjoining its present or future boundaries in any size or shape desired in any manner provided by State law.
- C. Any additional territory annexed to the City shall be a part of the City for all purposes, and the property situated therein shall bear taxes levied by the City as provided by State law. The inhabitants of the annexed territory shall be entitled to all rights and privileges of citizens of the City and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

CHAPTER TWO: FORM OF GOVERNMENT AND POWERS

SECTION 2.01. FORM OF GOVERNMENT

- A. The municipal form of government for the City shall be the “Council-Manager” government. Except as otherwise provided

by the Constitution of the State of Texas, the laws of the State of Texas, and this Charter, all powers of the City shall be vested in an elective council, herein referred to as the “City Council”. The City Council shall be composed of a Mayor and five (5) City Council Members in places 1, 2, 3, 4, and 5 elected by qualified voters, and unless removed sooner under the provisions of this Charter, shall serve for a term of two (2) years, and until their successor shall be duly qualified.

- B. The Mayor and Council Members shall be elected at large. The Mayor and Council Members in places 2 and 4 shall be elected in odd numbered years. Council Members in places 1, 3, and 5 shall be elected in even numbered years. All of the City Council holding office at the time of passage of this Charter shall continue to hold their respective office until their current term expires.

SECTION 2.02. GENERAL POWERS OF THE CITY

The City shall have all powers and rights of self-government and home rule that exist now or may be granted to municipalities by the Constitution and laws of the State of Texas, unless such power or right is expressly prohibited or restricted by this Charter. The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, and in addition to the powers enumerated herein, implied herein, or appropriate to the exercise thereof, the City shall have and may exercise all other powers which, under the Constitution and laws of the State of Texas, it would be competent for this Charter to specifically enumerate.

SECTION 2.03. PUBLIC IMPROVEMENTS

The City shall have the power to, among other things, construct and maintain, within or without its corporate limits, public improvements as authorized by State statutes and such other public improvements as the City Council shall determine to serve a public purpose of the City, including but not limited to, constructing and maintaining streets, flood control, and sanitary facilities, water and storm drainage facilities in, over, under, or upon all public property or easements granted for that purpose, and to levy assessments for the costs of such improvements. The City shall have the power to collect attorney's fees for the collection of paving assessment in foreclosure cases as

allowed under State law, and to cause liens to be established for the purpose of securing the payment of such levies, and shall have the power to compel the use of such improvements by the citizens of the City.

SECTION 2.04. INTERGOVERNMENTAL RELATIONS

The City may participate by contract or otherwise with any governmental entity of this State, any other state, or the United States in the performance of any activity which one or more of such entities has the authority to undertake.

CHAPTER THREE: CITY COUNCIL

SECTION 3.01. MAYOR

The person elected Mayor shall be the presiding officer of all meetings of the City Council and shall be the official head of the City government. The Mayor shall participate in the discussion of all matters coming before the City Council but shall not have a vote on matters before the City Council, except in the event of a tie.

SECTION 3.02. MAYOR PRO TEM

The City Council shall elect one of its members as Mayor Pro Tem for a one (1) year term. The Mayor Pro Tem shall perform the duties of Mayor in the case of the absence or inability of the Mayor to perform the duties of such office, and shall, during that time, be vested with all the powers belonging to the Mayor. In the absence of the Mayor and the Mayor Pro Tem, the Council Member of greatest seniority shall preside over the meeting.

SECTION 3.03. QUALIFICATIONS

- A. Each candidate for election to the City Council or office of Mayor shall be a qualified voter of the City, shall be not less than twenty-one (21) years of age, shall have resided in the City not less than twelve (12) months immediately preceding Election Day and

shall meet the requirements of the Texas Election Code. Each Council Member and the Mayor must continually reside within the City during his or her term of office, and any removal of his or her residence from the City during his or her term of office shall constitute a vacation of his or her office, and such vacancy shall be filled as provided in Section 3.05.

- B. The office of an incumbent elected City official shall become vacant when the person holding such office files an application to have his or her name placed on an official ballot as a candidate for any elective public office other than the one such person holds, unless otherwise prohibited by law.

SECTION 3.04. COMPENSATION OF CITY COUNCIL MEMBERS

The Mayor and Council Members shall be entitled to reimbursement of all necessary and reasonable expenses incurred in the performance of their official Mayoral and City Council duties, upon approval of such expenses by the City Council.

SECTION 3.05. VACANCIES IN THE CITY COUNCIL; FILLING OF VACANCIES

- A. The office of a Council Member or office of the Mayor shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law, removal of his or her residence from the City, or other forfeiture of office.
- B. A Council Member or the Mayor shall forfeit his or her office if he or she (i) lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by State law, (ii) violates any express prohibition of this Section or any other provision of this Charter, (iv) fails to attend three (3) consecutive regular City Council meetings without being excused by the City Council, or (iv) is convicted of a felony, a misdemeanor involving moral turpitude, or for violating any State laws regulating conflicts of interests of municipal officers. The foregoing list is not exclusive. Every forfeiture shall be declared and enforced by the City Council. The City Council shall convene a public hearing before exercising its authority

under this Section, and permit the Council Member to be heard regarding such forfeiture, if requested by such Council Member.

- C. If for any reason a single vacancy exists on the City Council, a majority of the remaining members, including the Mayor, may fill the vacancy by appointment unless an election to fill the vacancy is required by Article XI, Section 11, of the Texas Constitution. The person appointed to fill the vacancy serves until the next regular municipal election. In lieu of appointing a person to fill a vacancy on the City Council, a special election may be ordered to elect a person to fill the vacancy. If two or more vacancies on the City Council exist at the same time, a special election shall be ordered to fill the vacancies. If a vacancy exists in any other municipal office, the Mayor or acting Mayor shall appoint a person to fill the vacancy, subject to confirmation by the City Council.

SECTION 3.06. MEETINGS AND QUORUM

Regular meetings of the City Council shall be held at City Hall at such times as may be prescribed from time to time by resolution of the City Council. Special meetings shall be called by the City Secretary upon request of the Mayor, City Manager, or three (3) or more Council Members. Notice of any regular or special meetings of the City Council shall state the subject to be considered at the meeting. Except as provided by State law, all official meetings of the City Council and of all committees thereof shall be open to the public. A majority of the City Council shall constitute a quorum for the purpose of transaction of business. The City Council shall determine its own rules of procedure, may censure its members for misconduct, and may compel the attendance of absent members.

SECTION 3.07. POWERS OF THE CITY COUNCIL

All powers of the City and the determination of all matters of policy shall be vested in the City Council. Except where in conflict with and otherwise expressly provided by this Charter, the City Council shall have the powers authorized to be exercised by the Constitution and laws of the United States and the State of Texas and the acts amendatory thereof and supplementary thereto, or hereafter enacted. Without limitation of the foregoing and among the other powers that

may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- (1) Appoint and remove the City Manager, Municipal Court Judge, and City Attorney, and confirm the appointment or removal of City Secretary;
- (2) Designate items to appear on a future agenda of a City Council meeting for consideration and/or discussion;
- (3) Establish administrative departments;
- (4) Adopt the budget of the City;
- (5) Collectively inquire into the conduct of any office, department, or agency of the City and make investigations as to municipal affairs;
- (6) Provide for and appoint such boards, commissions, committees, task forces, and other appointed groups to assist the City Council in the performance of its duties and responsibilities as deemed necessary, each of which shall have all powers and duties now or hereafter conferred by City ordinance or by applicable law;
- (7) Adopt and modify the official map of the City;
- (8) Adopt, modify, and carry out plans in conjunction with the Planning & Zoning Commission for the planning, improvement, and redevelopment of specific areas of the City, or for the planning, reconstruction, or redevelopment of any area or district which may have been destroyed in whole or part by disaster;
- (9) Regulate, license, and fix the charges or fares made by any person owning, operating, or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the City, in accordance with applicable State law;
- (10) Provide for the establishment and designation of fire safety codes and prescribe the kind and character of buildings, structures, or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous structures, dilapidated buildings, or buildings calculated to increase the fire hazard, and the manner of their removal or destruction;
- (11) Fix and regulate rates and charges of all utilities and public services, except as otherwise provided by State law;

- (12) Adopt plats, unless otherwise provided by the City Council;
- (13) Individually make inquiries of the City Manager regarding items and issues before the City Council in preparation for City Council or other meetings.

SECTION 3.08. CODE OF ETHICS

The City Council shall adopt and maintain, by ordinance or resolution, a Code of Ethics for the purpose of, among other things, establishing and defining the bounds of reasonable ethical behavior by the City Council and all appointed City officials.

CHAPTER FOUR: CITY MANAGER

SECTION 4.01. AUTHORITY, APPOINTMENT, REMOVAL, AND COMPENSATION OF THE CITY MANAGER

- A. The City Manager shall be the chief administrative officer of the City. The City Manager is appointed by the City Council, by a supermajority vote of the entire City Council (qualified and serving at such time), and serves at the will of the City Council. The City Manager shall be appointed solely on the basis of his or her administrative ability, experience, and training.
- B. The City Manager shall administer the business of the City and the City Council shall ensure that such administration is efficient. The City Council may, by ordinance, delegate to the City Manager any additional powers or duties it considers proper for the efficient administration of City affairs.
- C. The City Manager shall execute a bond conditioned that he or she will faithfully perform the duties of City Manager. The amount of such bond shall be as prescribed by ordinance adopted by the City Council. The City Council shall be authorized to enter into a contract of employment with the City Manager and to prescribe such compensation therein as it may fix.
- D. Action, by supermajority vote of the entire City Council qualified and serving at such time, in suspending or removing the City Manager shall be final, it being the intention of this Charter to

vest all authority and responsibility for such suspension or removal in the City Council.

- E. If the City Manager is temporarily unable to perform appointed duties, the City Council or City Manager may designate an alternate.

SECTION 4.02. DIRECTION AND SUPERVISION OF EMPLOYEES, NON-INTERFERENCE BY CITY COUNCIL, APPOINTMENTS AND REMOVALS OF DEPARTMENT HEADS

- A. Neither the Mayor nor any Council Member shall in any manner dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his or her subordinates are empowered to appoint; but the Mayor and Council Members may express their views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- B. Except for the purpose of inquiries and for investigations, the Mayor and Council Members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Mayor nor Council Members shall give orders to such officers or employees either publicly or privately.

SECTION 4.03. SPECIFIC POWERS AND DUTIES OF THE CITY MANAGER

The City Manager shall be responsible to the City Council for the proper administration of the affairs of the City and shall have the power and duty to:

- (1) Appoint and suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by State law, this Charter, or personnel rules or policies adopted pursuant to this Charter. The City Manager may authorize any administrative officer subject to the City Manager's discretion and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

- (2) Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or State law;
- (3) The City Manager shall have the right to take part in discussion at City Council meetings, but shall not vote, and prepare and recommend items for inclusion in the official agenda of all City Council meetings and, when necessary, meetings of City boards and commissions as established by this Charter or City ordinance;
- (4) See that all laws, provisions of this Charter, and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the City Manager's discretion and supervision, are faithfully executed;
- (5) Prepare and submit the annual budget and capital program to the City Council, and implement the final budget approved by City Council to achieve the goals of the City;
- (6) Submit to the City Council, and make available and accessible to the public, a complete report on the finances and administrative activities of the City as of the end of each fiscal year and provide information needed by the City Council for its annual evaluation of performance;
- (7) Make available and accessible such other reports as the City Council may require concerning operations;
- (8) Keep the City Council fully advised as to the financial condition and future needs of the City;
- (9) Make recommendations to the City Council concerning the affairs of the City and facilitate the work of the City Council in developing policy;
- (10) Provide staff support services for the Mayor and Council Members;
- (11) Assist the City Council in developing long term goals for the City and strategies to implement such goals;
- (12) Encourage and provide staff support for partnerships with community organizations and for regional and intergovernmental cooperation and equitable programming;
- (13) Promote partnerships among City Council, staff, and community members in developing public policy and building a sense of community; and

- (14) Perform such other duties as are specified in this Charter or as may be required by the City Council.

CHAPTER FIVE: CITY SECRETARY

SECTION 5.01. APPOINTMENT AND COMPENSATION OF THE CITY SECRETARY

The City Manager shall appoint, suspend, and remove the City Secretary as necessary and subject to confirmation by the City Council. The City Secretary shall receive such compensation as shall be fixed by the City Council. If the City Secretary is temporarily unable to perform appointed duties, the City Secretary or City Manager may designate an alternate.

SECTION 5.02. DUTIES OF THE CITY SECRETARY

The City Secretary shall:

- (1) Report to the City Manager;
- (2) Give notice of and, unless excused, attend City Council meetings, and keep accurate records of all actions taken by the City Council;
- (3) Maintain the official records and files of the City;
- (4) Administer oaths required by law;
- (5) Attest contracts, assessment certificates, ordinances, resolutions, and other legal instruments when executed by authorized officers of the City;
- (6) Hold and maintain the City seal and affix it to all appropriate documents as required; and
- (7) Perform such other duties as may be required by the City Manager, this Charter, or State law.

CHAPTER SIX: MUNICIPAL COURT

SECTION 6.01. CREATION

The City Council shall establish and cause to be maintained a Municipal Court, and may appoint, by a majority vote of the entire

City Council qualified and serving at such time, one or more Municipal Judges to serve in such Court. The Court shall have all the powers and duties as are now or as may hereafter be prescribed by State law within its jurisdiction.

SECTION 6.02. MUNICIPAL COURT JUDGE

The Judge of the Municipal Court, and all alternates, shall be competent, duly qualified, and licensed attorneys in the State of Texas. The Judge of the Municipal Court shall be appointed to a term of two (2) years and may be appointed to additional and consecutive terms at the will and pleasure of the City Council. The Judge shall receive such compensation as may be determined by the City Council which shall be fixed and commensurate with the duties performed by the Judge.

SECTION 6.03. MUNICIPAL COURT CLERK

There shall be a Clerk of the Municipal Court appointed by the City Manager. The Clerk of the Court, and any deputies appointed by the City Manager, shall have the power to administer oaths and affidavits, make certificates, affix the seal of the Municipal Court as necessary and as required by law, keep records of the Municipal Court, and in general do and perform any and all acts usual and necessary to be performed by clerks of municipal courts of the State.

CHAPTER SEVEN: CITY ATTORNEY

SECTION 7.01. APPOINTMENT AND COMPENSATION OF CITY ATTORNEY

The City Council shall appoint, by a majority vote of the entire City Council (qualified and serving at such time), a competent licensed attorney in the State of Texas of recognized ability who shall be known as the City Attorney. The City Attorney shall receive for his or her services such compensation as may be fixed by the City Council at the time of appointment, and from time to time by appropriate resolution.

SECTION 7.02. DUTIES OF CITY ATTORNEY

The City Attorney shall be the legal advisor of, and attorney for, all of the offices and departments of the City, and shall represent the City in all litigation and legal proceedings, provided however, that the City Council may retain special counsel at any time it deems appropriate and necessary. The City Attorney shall perform all duties prescribed by this Charter, or ordinance or resolution of the City Council, or at the direction of the City Council.

CHAPTER EIGHT: CITY DEPARTMENTS/ FISCAL ADMINISTRATION

SECTION 8.01. ADMINISTRATIVE DEPARTMENTS

The City Manager may establish, abolish, redesignate, and/or combine departments, offices or agencies in addition to those provided for by this Charter, and may prescribe the functions and duties of such departments, offices, and agencies.

SECTION 8.02. TAX ADMINISTRATION

- A. A City Tax Assessor and Collector shall be appointed by the City Council. The City Council may provide for such services by contract. The Tax Assessor and Collector shall provide a bond with such sureties and in such amount as the City Council may require. The premiums on such bond shall be paid by the City.
- B. The City shall have the power to levy, assess, and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and laws of the State of Texas. The City shall have the power to grant tax exemptions in accordance with the laws of the State of Texas.
- C. All taxes due to the City shall be payable at the office of the Tax Assessor and Collector, or at any location designated by the City Council, and may be paid at any time after the tax rolls for the year have been completed and approved, which completion and approval shall be in accordance with State law. Taxes shall be paid in accordance with State law. All such taxes not paid prior to State law deadlines shall be deemed delinquent and shall be

subject to such penalty and interest as may be provided by State law. Failure to levy and assess taxes through omission in preparation of the approved tax rolls shall not relieve the person, firm, or corporation so omitted from the obligation to pay such current or past due taxes shown to be payable by recheck of the rolls and receipts for the years in question, unless otherwise provided by law.

- D. All property having its location in the City on January 1st of each year shall stand charged with a lien in favor of the City from said date for the taxes due thereon. The lien provided hereby shall be superior to all other liens except other tax liens, regardless of when such other liens were created. All persons purchasing any of said property on or after January 1st in any year shall take the property subject to the lien herein provided. In addition to the lien herein provided on January 1st of any year, the owner of property subject to taxation by the City shall be personally liable for the taxes due thereon for such year. The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In such suit where it appears that the description of any property in the City assessment rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien and/or for personal judgment against the owner for such taxes as such ownership and property appears on the certified tax roll.

SECTION 8.03. FISCAL YEAR

The fiscal year of the City shall begin on October 1st and end on the following September 30th of each year, unless otherwise provided by ordinance of the City Council or State law.

SECTION 8.04. ANNUAL BUDGET

It shall be the duty of the City Manager to submit an annual budget to the City Council for its review, consideration, and revision in accordance with deadlines prescribed by State law. The City Council shall call such public hearings on the budget, with notice, as required

by State law. The City Council may adopt a budget with or without amendments. The City Council may increase or decrease amounts or programs and may delete any amounts or programs except expenditures required by law or for a debt service. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations, but appropriations may be made in furtherance of improvements or other objects of work of the City that will not be completed within the current year.

SECTION 8.05. BONDS AND OTHER EVIDENCES OF INDEBTEDNESS

- A. The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds and other evidences of indebtedness for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the State of Texas and to issue refunding bonds to refund outstanding bonds and other evidences of indebtedness of the City previously issued. All such bonds shall be issued in conformity with the laws of the State of Texas.
- B. The City shall further have the power to borrow money for the purpose of constructing, acquiring, improving, extending, or repairing public utilities, recreational facilities, or any other self-liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligations created thereby. Such bonds shall be a charge upon and payable from the properties, or interest therein pledged, or the income there from, or both. The holders of the revenue bonds of the City shall not have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas. The City shall have the power to borrow money for public improvements in any other manner provided by law, including certificates of obligation as authorized by Chapter 271 of the Texas Local Government Code. All bonds and evidences of indebtedness of the City having been approved by the Texas Attorney General and registered by the Texas Comptroller of Public Accounts shall thereafter be incontestable in any court or other forum for any reason, and shall be valid and binding

obligations of the City in accordance with their terms for all purposes.

CHAPTER NINE: BOARDS AND COMMISSIONS

SECTION 9.01. PLANNING AND ZONING COMMISSION

The City Council shall create a Planning and Zoning Commission of the City and shall appoint such members as it shall deem suitable by ordinance. Members shall be appointed for such terms as may be set forth by the City Council by ordinance; provided however, that members of the Planning and Zoning Commission serve at the pleasure of the City Council and may be removed, without cause, by any affirmative vote of the majority of the full membership of the City Council. Such appointees shall serve without compensation and may not hold any elective office of the State of Texas or any political subdivision thereof during their terms. A vacancy in an un-expired term shall be filled by the City Council for the remainder of the term. A majority of the appointed members shall constitute a quorum, and decisions may only be made with the affirmative vote of a majority of those members present and voting, unless otherwise prescribed by State law. A Chairperson and Vice-Chairperson shall be appointed in accordance with procedures prescribed by City ordinance.

SECTION 9.02. BOARD OF ADJUSTMENT

The City Council shall appoint a Board of Adjustment as the City Council shall deem suitable by ordinance and in accordance with the laws of the State of Texas. Such appointees shall serve without compensation. The City Council shall provide standards and procedures for the Board of Adjustment to hear and determine appeals of administrative decisions, petition for variances or special exceptions, and such other matters as may be required by the City Council or by law. A vacancy on the Board of Adjustment shall be filled by the City Council for the un-expired term. The Board of Adjustment shall select from any of its members a Chairperson and Vice-Chairperson.

SECTION 9.03. OTHER BOARDS, COMMISSIONS, OR COMMITTEES

The City Council shall have the power and is hereby authorized to create, abolish, establish, and appoint such other boards, commissions, and committees, as it deems necessary to carry out the functions of the City, and to prescribe the purpose, composition, functions, and tenure of each board, commission, or committee. Unless otherwise provided for by ordinance or this Charter, any board, commission, or committee shall elect its Chairperson, Vice-Chairperson, and such other offices as each board, commission, or committee may designate. All boards, commissions, or committees of the City shall, at the discretion of the City Council, keep and maintain minutes of any proceedings held.

CHAPTER TEN: ORDINANCES

SECTION 10.01. PROCEDURE FOR PASSING ORDINANCES AND RESOLUTIONS

The City Council shall evidence its official actions by written ordinances, resolutions, or oral motions. The style of all ordinances and resolutions shall be as provided by City ordinance governing the style and form of City ordinances. Each proposed ordinance shall not be amended or repealed except by adoption of another ordinance. All ordinances and resolutions passed by the City Council shall become effective immediately from and after passage except where publication of a caption is required or where the ordinance or resolution, State law, or other provisions of this Charter provide otherwise, in which case the effective date shall be as prescribed in the ordinance or resolution.

SECTION 10.02. PUBLICATION OF ORDINANCES

The descriptive caption or title of each ordinance containing a penalty shall be published at least once in the official newspaper of the City, unless otherwise provided by State law or this Charter.

SECTION 10.03. CODE OF ORDINANCES

The City Council shall have the power to cause the ordinances of the City to be recorded, in code form, and shall have the same arranged and digested as often as the City Council may deem advisable.

CHAPTER ELEVEN: ELECTIONS

SECTION 11.01. CITY ELECTIONS

All City elections shall be governed by and conducted in accordance with the Texas Election Code or other applicable State law, the Constitution of the State of Texas, this Charter, and by ordinance of the City regulating the holding of municipal elections. Council Members, including the Mayor, shall be elected to fill those positions which become vacant that year. The City Council shall fix the hours, place, and procedures for holding regular and special elections.

SECTION 11.02. SPECIAL ELECTIONS

The City Council, by ordinance or resolution, may call such special elections as are authorized by State law or this Charter, fix the time and place of holding the same, and provide all means for holding such special elections in accordance with State law. Every special election shall be called and held, as nearly as practicable, to the provisions governing regular elections.

SECTION 11.03. REGULATION OF ELECTIONS

The City Council shall appoint election judges and other election officials and shall provide for the compensation of all election officials in City elections and for all other expenses in holding said elections.

SECTION 11.04. CANDIDATES; FILING FOR OFFICE

Any qualified person as prescribed by Section 3.03 of this Charter may make application to have their name placed on the official ballot

for the position of Council Member or Mayor. The application shall be made in accordance with all applicable laws and shall state that the candidate agrees to serve if qualified and elected. Each candidate shall execute such oath and other official form or affidavit as required by the Texas Election Code. The City Secretary shall review the application and notify the candidate whether or not the application satisfies the requirements of this Charter and the Texas Election Code. If an application is insufficient, the City Secretary shall return it immediately to the candidate with a statement of such insufficiency. The candidate may file a new application within the regular time for filing applications. The City Secretary shall keep on file all applications found sufficient at least until the expiration of the term of office for which such candidates filed.

SECTION 11.05. OFFICIAL BALLOT

The order of the names of the candidates on the ballot shall be determined by the City Secretary in accordance with the procedures set out in the Texas Election Code. The name of each candidate seeking an elective office, except those who have withdrawn, died, or become ineligible prior to the time permitted for withdrawal, shall be printed on the official ballot in the name designated by the candidate in accordance with the Texas Election Code. Early voting shall be conducted in accordance with the Texas Election Code.

SECTION 11.06. CANVASSING AND ELECTION RESULTS

Returns of every municipal election shall be delivered forthwith by the election judges to the City Secretary, with a copy of the returns being sent to the Mayor. The City Council shall canvass the returns, investigate the qualifications of the candidates, and declare the official results of the election in accordance with timelines provided by the Texas Election Code. If two or more candidates for the same office tie for the number of votes required to be elected, a second election to fill the office shall be held in accordance with the Texas Election Code.

CHAPTER TWELVE: INITIATIVE, REFERENDUM, AND RECALL

SECTION 12.01. POWERS OF INITIATIVE, REFERENDUM, AND RECALL

- A. Initiative. The registered voters of the City shall have power to propose ordinances to the City Council and, if the City Council fails to adopt ordinances so proposed without any change in substance, to adopt or reject it at a City election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, salaries of city officers or employees, or affect any existing contract the City is party to. Proposed ordinances must not violate the Constitution, the laws of this State, or this Charter.
- B. Referendum. The registered voters of the City shall have power to compel reconsideration by the City Council of any adopted ordinances and, if the City Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election. Such power shall not extend to the budget or capital program, any emergency ordinance, ordinances relating to appropriation of money, or levy of taxes, to any salaries or benefits of public officers or employees, or affect any existing contract the City is party to.
- C. Recall. The registered voters of the City shall have power to recall elected officials of the City, but no recall petition shall be filed against any official within six (6) months after the official takes office, nor, in case of an official subjected to a recall election and not removed, until at least six (6) months after such recall election.

SECTION 12.02. INITIATIVE, REFERENDUM, AND RECALL PROCEEDINGS

- A. Any five (5) registered voters of the City entitled to vote in City elections may commence initiative, referendum, or recall proceedings by filing with the City Secretary an affidavit stating (i) they will constitute the petitioners' committee, (ii) they will be responsible for circulating the petition and filing it in proper form, (iii) their names and addresses, and (iv) the address to which all notices to the committee are to be sent. Such affidavit

shall also set out in full the proposed initiative ordinance, cite the ordinance sought to be reconsidered, or state the name and title of the officer sought to be recalled accompanied by a statement (not exceeding 200 words) of the reasons for the recall. Grounds for recall should relate to and affect the administration of the official's office and be of a substantial nature directly affecting the rights and interests of the public.

- B. Promptly after receipt of a recall affidavit, the City Secretary shall serve, personally or by certified mail, a copy of the affidavit on the elected officer sought to be recalled. Within ten (10) days of service of the affidavit, the elected officer sought to be recalled may file a statement with the City Secretary (not exceeding 200 words) in response.
- C. Promptly after the affidavit of the petitioners' committee is filed, and the response, if any, of an elected official sought to be recalled is filed, the City Secretary shall submit the proposed initiative, proposed referendum petition, or recall petition to the City Attorney for review.
- D. The City Attorney must issue an opinion on the legality of the initiative, referendum, or recall petition, and if the City Attorney determines such petition to be legal, shall provide the City Secretary with a description and title of the measure to be included on the petition, which will also be the title to be included on any ballot should the petition be sufficient. If the City Attorney shall certify that the petition is insufficient, the certificate shall specify the particulars in which it is defective, and the City Secretary shall at once notify in writing the person filing the petition of this finding.

SECTION 12.03. INITIATIVE, REFERENDUM, AND RECALL PETITIONS

- A. Number of signatures. Initiative, referendum, and recall petitions must be signed by registered voters of the City equal in number to at least twenty percent (20%) of the total number of persons registered to vote at the last regular City election.
- B. Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the address of the person signing, voter registration certificate

number, and the date of signature. Initiative and referendum petitions throughout their circulation shall clearly state the title of the ordinance, include the City Attorney's description of the ordinance, and the full text of the ordinance sought to be proposed or reconsidered shall be made available to any registered voters who ask for it or be made available through a link to the City's website.

- C. Affidavit of Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the person circulating it stating (i) that he or she is a registered voter of the City entitled to vote in a City election, (ii) that he or she personally circulated the paper, (iii) the number of signatures thereon, (iv) that all the signatures were affixed in his or her presence, (v) that he or she believes them to be the genuine signatures of the persons whose names they purport to be, (vi) and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered, if requested.
- D. Time for Filing Referendum and Recall Petitions. Referendum petitions must be filed within thirty (30) days after adoption by the City Council of the ordinance sought to be reconsidered. Recall petitions must be filed within forty (40) to one hundred and sixty (160) days of the filing of the petitioners' affidavit initiating the recall procedure.

SECTION 12.04. PROCEDURE AFTER FILING

- A. Certificate of City Secretary; Amendment to Petition. Within twenty (20) days after the petition is filed, the City Secretary shall complete a certificate as to its sufficiency, specifying, if the petition is insufficient, the particulars wherein it is defective, and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Secretary within two (2) days after receiving the copy of the City Secretary's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of

paragraphs B and C of Section 12.03, and within five (5) days after it is filed, the City Secretary shall complete a certificate as to the sufficiency of the amended petition and promptly send a copy of such certificate to the petitioners' committee by registered mail (as in the case of an original petition). If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request City Council review under paragraph B of this subsection within the time required, the City Secretary shall promptly present his or her certificate to the City Council and the certificate shall then be a final determination as to the sufficiency of the petition.

- B. City Council Review. If a petition or amended petition has been certified insufficient or deemed illegal by the City Attorney, or if the petitioners' committee disagrees with the title or description provided by the City Attorney, the petitioners' committee may, within two (2) days after receiving the copy of such certificate or notice of the City Attorney's determination, file a request that it be reviewed by the City Council. The City Council shall review the certificate or determination at its next meeting following the filing of such request and approve or disapprove it or modify the title or description, and the City Council's determination shall then be a final determination as to the sufficiency of the petition.
- C. Court Review; New Petition. A final determination by the City Council as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose after the passage of one (1) year from the date of the final determination of insufficiency, so long as submission is compliant with other requirements of this Chapter.

SECTION 12.05. EFFECT OF SUSPENSION OF ORDINANCE UPON REFERENDUM

When a referendum petition is filed with the City Secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition;
- (2) The petitioners' committee withdraws the petition;

- (3) The City Council repeals the ordinance; or
- (4) Thirty (30) days have elapsed after a vote of the City on the ordinance, in order to determine election results.

SECTION 12.06. ACTION ON PETITION

- A. Action by City Council on Initiative or Referendum. When an initiative or referendum petition has been finally determined sufficient, the City Council shall promptly consider the ordinance proposed by voting on its passage, or reconsider the referred ordinance by voting on its repeal. If the City Council fails to adopt the initiative as proposed or repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the initiated or referred ordinance to the voters of the City.
- B. Submission to Voters of Initiated or Referred Ordinance. The vote of the City on initiated or referred ordinances shall be held not less than thirty (30) days and not later than one (1) year from the date of the final City Council vote thereon, or the next practicable date compliant with the Texas Election Code. If no regular City election is to be held within the period prescribed in this subsection, the City Council shall provide for a special election; otherwise, the vote shall be held at a regular election. Notwithstanding the foregoing, the City Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the initiated or referred ordinance shall be made available at the polls.
- C. Submission to Voters of Recall. If the officer whose removal is sought by a recall petition does not resign, then the City Council shall order an election and set the date for such recall election not less than thirty (30) days and not later than one (1) year from the date the recall petition is finally determined sufficient, or the next practicable date compliant with the Texas Election Code. If no regular City election is to be held within the period prescribed in this subsection, the City Council shall provide for a special election; otherwise, the vote shall be held at a regular election. Notwithstanding the foregoing, the City Council may in its discretion provide for a special election at an earlier date within the prescribed period.

- D. **Withdrawal of Petitions.** A referendum or initiative petition may be withdrawn at any time prior to a determination that the petition is sufficient. Once determined sufficient, the petition may only be withdrawn if the City Council enacts the initiated ordinance or repeals the referred ordinance.

SECTION 12.07. RESULTS OF ELECTION

- A. **Initiative.** If a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- B. **Referendum.** If a majority of the registered voters voting on a referred ordinance vote for its repeal, it shall be considered repealed upon certification of the election results.
- C. **Recall.** Ballots used at recall elections shall read, “Shall [name] be recalled (removed) from the office of _____?” Votes shall be for or against the proposition. If a majority of the registered voters voting on a proposed recall vote in its favor, the official is removed and the vacancy shall be filled in accordance with this Charter or City ordinance.

CHAPTER THIRTEEN: FRANCHISES

SECTION 13.01. POWER TO GRANT FRANCHISE

- A. The City shall have the full power, to the extent the same is conferred by the Constitution and laws of the State of Texas, to own, lease, operate, prohibit, regulate, and control any public utility within or without the limits of the City and to provide for the compensation and rental to be paid to the City by any public utility for the use of its streets, highways, and public areas.
- B. In addition to the City’s power to buy, construct, lease, maintain, operate, and regulate public utilities and to manufacture, distribute, and sell the output of such utility operations, the City

shall have such regulatory and other powers as may now or hereafter be granted under the Constitution and laws of the State of Texas.

SECTION 13.02. FRANCHISES

- A. The City Council, upon a vote of a majority of the members of the City Council then qualified and serving, shall have power by ordinance to grant, renew, and extend all franchises of public utilities of every character operating within the City, and for such purposes is granted full power. The term “public utility” as used herein is construed to mean any person or entity furnishing to the public any general public service, including, but not limited to, heat, light, gas, power, telephone service, communication services, community antenna or cable television service, sewer service and the treatment thereof, water, wrecker service, the carrying of passengers for hire, or any other public service whereby a right to, in part, appropriate or use the streets, highways, or other property of the City, as necessary or proper is granted.
- B. Any ordinance granting, renewing, or extending franchises shall not take effect until at least thirty (30) days after its passage; and during such thirty (30) day period the descriptive caption of the ordinance shall be published at least twice in the official newspaper(s) of the City, the expense of the publication being borne by the proponents of the franchise.
- C. No franchise is transferable, except with the approval of the City Council by a vote of a majority of the City Council then qualified and serving. The franchise holder, however, may pledge franchise assets as security for a valid debt or mortgage.

SECTION 13.03. FRANCHISE VALUE NOT TO BE ALLOWED

Franchises granted by the City under this Charter shall be considered to be of no value in fixing reasonable rates and charges for utility service within the City, and in determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise.

SECTION 13.04. RIGHT OF REGULATION

In granting, amending, renewing, and extending public service and utility franchises, the City reserves unto itself all the usual and customary rights, including, but not limited to, the following rights:

- (1) To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise;
- (2) To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered part of the original grant and terminable at the same time and under the same conditions as the original grant;
- (3) To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency;
- (4) To require reasonable standards of service and quality of product and prevent rate discrimination;
- (5) To impose reasonable regulations and restrictions to ensure the safety and welfare of the public;
- (6) To examine and audit accounts and records and to require annual reports on local operations of the public service or utility;
- (7) To require the franchisee to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair, or removal;
- (8) To require the franchisee to furnish to the City, from time to time within a reasonable time following request of the City, at franchisee's expense a general map outlining current location, character, size, length, depth, height, and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction; and
- (9) To require compensation, rent, or franchise fees to be paid to the City as may be permitted by the laws of the State of Texas.

SECTION 13.05. REGULATION OF RATES

- A. The City Council has the power to fix and regulate the rates and charges of all utilities and public services, consistent with State statutes.
- B. Upon receiving written request from a utility or public service requesting a change in rates, or upon a recommendation from the City that rates for services provided by or owned by the City be changed, the City Council shall call a public hearing for consideration of the change.
- C. A holder of a franchise to provide a public service or utility in the City must show the necessity for the change in rates by any evidence required by the City Council, including but not limited to, the following:
 - (i) Cost of its investment for service to the City;
 - (ii) Amount and character of expenses and revenues connected with rendering the service;
 - (iii) Copies of any reports or returns filed with any state or federal regulatory agency within the last three (3) years; or
 - (iv) Demonstration that the return on investment, if any, is within state and federal limitations.
- D. If not satisfied with the sufficiency of evidence, the City Council may hire rate consultants, auditors, and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which shall be reimbursed to the City by the franchisee.

SECTION 13.06. LICENSES

The City shall have the power to license, levy, and collect fees in order to license any lawful business, occupation or calling subject to control pursuant to the police powers of the State of Texas and/or for any other purpose not contrary to the Constitution and laws of the State of Texas.

CHAPTER FOURTEEN: GENERAL AND TRANSITIONAL PROVISIONS

SECTION 14.01. EFFECT ON EXISTING LAWS

All City ordinances, resolutions, rules, and regulations in force at the time of the adoption of this Charter and not in conflict with it shall remain in force until altered, amended, or repealed by the City Council. All rights of the City under existing franchises and contracts are preserved in full force and effect. All taxes, assessments, liens, encumbrances, obligations, and demands of or against the City, fixed or established before such date, shall be valid if properly fixed or established either under the law in force at the time of such proceedings or under the law after the adoption of this Charter.

SECTION 14.02. CONTINUATION OF PRESENT OFFICES

All persons holding elective or administrative offices at the time this Charter takes effect shall continue in office and in the performance of their duties in the capacities to which they have been elected or appointed until provisions shall have been made in accordance with the terms of this Charter for the performance of such duties or the discontinuance of such office, if any. The powers conferred and the duties imposed upon any office, department, or agency of the City by the laws of the State shall, if such office, department, or agency be abolished by this Charter or under its authority, be thereafter exercised and discharged by the office, department, or agency designated by the City Council unless otherwise provided herein.

SECTION 14.03. CONFLICT OF INTEREST

All members of the City Council and all members of any board, commission, or committee of the City shall be subject to State laws regarding conflicts of interest. Any willful violation of applicable conflict of interest State laws shall constitute malfeasance in office and any person found guilty thereof shall thereby forfeit his or her office or position. Any violation of applicable conflict of interest State laws with the knowledge, actual or constructive, of the person

or corporation contracting with the governing body of the City shall render the contract or transaction involved voidable by the City Manager or the City Council by the affirmative vote of a majority of the full membership of the City Council.

SECTION 14.04. NEPOTISM

All officers of the City, and the City Manager, shall be subject to State laws regarding nepotism.

SECTION 14.05. OFFICIAL NEWSPAPER

The City Council shall have the power to designate by resolution a newspaper of general circulation in the City as the City's official newspaper, in compliance with State law. All ordinances, captions of ordinances, notices and other matters required to be published by this Charter, by ordinance, or by State law, shall be published in the official newspaper, unless alternative publication methods are otherwise allowed by State law.

SECTION 14.06. JUDICIAL NOTICE

This Charter shall be recorded in the City Secretary's office in a book kept for that purpose. As soon as practicable after its adoption, an authenticated copy of the Charter shall be certified to the Secretary of State of the State of Texas, at which time the Charter becomes a public act. Such Charter provisions may be read in evidence without pleading or proof of their provision, and judicial notice shall be taken thereof in all courts and places.

SECTION 14.07. PROPERTY NOT SUBJECT TO GARNISHMENT AND EXECUTION

No property owned or held by the City shall be subject to any garnishment or execution of any kind or nature except as specifically provided by State law.

SECTION 14.08. PUBLIC MEETINGS AND RECORDS

All meetings and public records of the City Council and all boards, commissions, and committees appointed by the City Council shall be governed by State laws regarding open meetings and public information, and any amendments thereto, with regard to the posting of agenda and the holding of public meetings.

SECTION 14.09. INDEMNIFICATION OF OFFICERS

The City Council shall, by appropriate ordinance, provide for the indemnification and defense of the officers and employees of the City, including the members of the City Council, or any board, commission, or committee, including volunteers, against any loss, cost, or expense, including court costs and attorney's fees, to the extent allowed by law, arising out of the claim, suit, or judgment or settlement thereof, resulting from any alleged negligent act or omission of such officer, employee, member, or volunteer during the discharge of his or her duties and within the scope of his or her office, employment, membership, or assigned voluntary position with the City, or in any other case where the City is directed or authorized by law to do so. Such indemnification will not be provided for any act arising out of the intentional or knowing violation of any penal statute or ordinance or arising out of any conduct determined by final judgment to be an act of fraud or to have been taken with the intent to deceive or defraud, or for any personal or private business of such officer, employee, member, or volunteer, or for the gross negligence or official misconduct, or willful or intentionally wrongful act, or omission of such officer, employee, member, or volunteer.

SECTION 14.10. AMENDMENT OF CHARTER; CHARTER REVIEW COMMISSION

- A. Amendments to this Charter may be framed, proposed, and submitted to the qualified voters of the City in the manner provided by the Constitution and the laws of the State of Texas, or by the City Council on its own motion, but the Charter may not be amended more often than once every two (2) years.
- B. The City Council shall appoint a Charter Review Commission at least once every seven (7) years. The Charter Review

Commission shall be established and appointed not less than nine (9) months before the selected election date at which any proposed Charter amendments may be considered. The Charter Review Commission shall consist of at least seven (7) citizens of the City who shall:

- (i) Inquire into the operation of the City government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The Commission may compel the attendance of any officer or employee of the City and require submission of any non-privileged and non-confidential City records which the Commission may determine is necessary to conduct such hearings;
 - (ii) Propose any recommendations it deems desirable to ensure compliance with the Charter;
 - (iii) Propose amendments to the Charter to improve the effective application of the Charter to current conditions; and
 - (iv) Report its findings and present its recommendations, if any, to the City Council.
- C. The City Council shall receive the report and the City Secretary shall post it on the City's website and have published in the City's official newspaper a notice that a copy of the report presented is available in the office of the City Secretary.
- D. The City Council shall consider any recommendations made and may order any amendments suggested to be submitted to the voters of the City in the manner provided by State law.
- E. Nothing in this Section prohibits the City Council from forming a Charter Review Commission at any time or from submitting any amendments to the Charter to election on its own initiative as provided by State law.

SECTION 14.11. BOND OR SECURITY NOT REQUIRED

It shall not be necessary in any action, suit, or proceeding in which the City is a party, for any bond, undertaking, or security to be executed on behalf of the City. All such actions, suits, appeals, or proceedings shall be conducted in the same manner as if such bond, undertaking, or security had been given, and the City shall be liable as if such obligation had been duly given and executed.

SECTION 14.12. SEVERABILITY CLAUSE

If any chapter, section, paragraph, sentence, clause, or phrase of this Charter shall be held unconstitutional or invalid for any reason by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such provision so held invalid may appear, except to the extent that an entire chapter, section, paragraph, or sentence may be inseparably connected in meaning and effect with the provision to which such holding shall apply directly. Such unconstitutional or invalid chapter, section, paragraph, sentence, clause, or phrase shall be amended to be made lawful or struck from the Charter with the next Charter amendment following such discovery.

SECTION 14.13. MEANING OF WORDS

The provision of this Charter shall be liberally construed for the purpose of effecting the objects and ends thereof. Unless some other meaning is manifest, the word “City” shall be construed to mean the “City of Lavon”, “State” shall be construed to mean the “State of Texas”, and the word “and” may be read “or” or the “or” may be read “and” if the sense requires. Words in the present tense include future tense and, except when a more constrictive meaning is manifest, singular may mean plural. The word “Council” shall be construed to mean the City Council of the City of Lavon. The gender of the wording as contained in the Charter shall always be interpreted to mean either sex.

SECTION 14.14. EFFECTIVE DATE

This Charter shall take effect immediately following adoption by the voters and entry of the official order by the City Council declaring the same adopted as soon as practicable. After adoption, the Mayor shall certify to the Secretary of State an authenticated copy of the Charter under the City’s seal showing approval by the voters.

CITY OF LAVON
HOME RULE CHARTER COMMISSION

Deborah Nabors, Chairperson

Joan Aquatero

Scott Beaudette

Rachel Dumas

Perry Elliott

Kay Gage

Jose Garcia

Mike Gulino

Lindsey Hedge

Kamil Kell

Heather Miedema

David Rosenquist

Vicki Sanson

Mindi Serkland

Mandy Spink

Sharon Winston-Edwards

Kay Wright

CITY OF LAVON
ORDINANCE NO. 2022-11-06

Canvass November 8, 2022, Home Rule Charter Special Election

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE NOVEMBER 8, 2022, SPECIAL ELECTION HELD FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY THE QUESTION OF WHETHER OR NOT TO APPROVE A HOME RULE CHARTER; PROVIDING FOR THE INCORPORATION OF FINDINGS; DETERMINING COMPLIANCE WITH TEXAS OPEN MEETING LAWS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lavon, Texas (the "City Council") duly authorized a Special Election to be held within the City of Lavon, Texas (the "City") on November 8, 2022 (the "Election"), for the purpose of submitting to the resident qualified electors of the City the proposition hereinafter set forth; and

WHEREAS, this City Council has investigated all matters pertaining to said Election; and

WHEREAS, the Election officers who held said Election have duly made the return of the results thereof, and said returns have been duly delivered to this City Council, and are attached hereto as **Exhibit A**; and

WHEREAS, state law requires that the governing body of the City canvass all municipal elections of the City.

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

Section 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. It is officially found and determined that said Election was duly ordered, that proper notice thereof was duly given, that proper Election officers were duly appointed prior to said Election, that said Election was duly and lawfully held, that due returns of the result of said Election have been made and delivered, and that this City Council has duly canvassed said returns, all in accordance with the Texas Election Code, other applicable state law, and the Ordinance calling said Election.

Section 3. It is officially found and determined that the following votes were cast at said Election on the submitted proposition by the resident qualified electors of the City who voted at said Election:

<u>PROPOSITION A</u>	<u>EARLY VOTES CAST</u>	<u>BALLOTS BY MAIL</u>	<u>REGULAR VOTES CAST</u>	<u>TOTAL VOTES CAST</u>
FOR	652	12	351	1015
AGAINST	233	3	163	399

Total Votes Cast: **1414**

Section 4. That the City Council finds and determines that the above proposition carried at the Election. The City Council shall, as soon as practicable, with the passage of this Ordinance, enter an order in the records of the City declaring that the Home Rule Charter is adopted.

Section 5. That the tabulation of votes cast, attached as **Exhibit A** and incorporated herein, for the purpose of the adopting the Home Rule Charter in the Election, is hereby adopted as the official tabulation of the City and is hereby ordered filed and recorded in the official records of the City as the official canvass of said Election.

Section 6. The City Council finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that the public notice of the time, place and purpose of the meeting was given as required by Texas Government Code, Section 551.041, as amended.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Collin County, Texas, on this the 17th day of November 2022.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary



EXHIBIT A

**COLLIN COUNTY CERTIFIED ELECTION RESULTS
NOVEMBER 8, 2022 SPECIAL ELECTION**

Summary Results Report
General And Special Election
November 8, 2022

City of Lavon Results FINAL
Combined Accumulated Totals
COLLIN COUNTY





Statistics

	TOTAL	Election Day	Early Voting	Ballot By Mail	Provision at Ballots	Limited Ballots
Registered Voters - Total	696,712					
Ballots Cast - Total	366,168	99,502	253,049	12,564	448	605
Voter Turnout - Total	52.56%					




Summary Results Report
 General And Special Election
 November 8, 2022

City of Lavon Results FINAL
 Combined Accumulated Totals
 COLLIN COUNTY

Lavon, City of - Council, Place 5
 Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
Lindsey Hedge	581	49.74%		231	344	5	1	0
Tracy Filo	358	30.65%		129	226	3	0	0
Lindsay Tarrant	229	19.61%		88	138	3	0	0
Total Votes Cast	1,168	100.00%		448	708	11	1	0
Overvotes	0			0	0	0	0	0
Undervotes	746			290	443	12	1	0
Contest Totals	1,914			738	1,151	23	2	0





Lavon, City of - Home Rule Charter
 Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
For	1,020	71.88%		351	652	16	1	0
Against	399	28.12%		163	233	3	0	0
Total Votes Cast	1,419	100.00%		514	885	19	1	0
Overvotes	0			0	0	0	0	0
Undervotes	495			224	266	4	1	0
Contest Totals	1,914			738	1,151	23	2	0

PCT 033




Lavon, City of - Council, Place 5

Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
Lindsey Hedge	572	49.61%		226	340	5	1	0
Tracy Filo	354	30.70%		127	224	3	0	0
Lindsay Tarrant	227	19.69%		87	137	3	0	0
Total Votes Cast	1,153	100.00%		440	701	11	1	0
Overvotes	0			0	0	0	0	0
Undervotes	732			288	431	12	1	0
Contest Totals	1,885			728	1,132	23	2	0

Lavon, City of - Home Rule Charter





Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
For	1,003	71.75%		346	640	16	1	0
Against	395	28.25%		161	231	3	0	0
Total Votes Cast	1,398	100.00%		507	871	19	1	0
Overvotes	0			0	0	0	0	0
Undervotes	487			221	261	4	1	0
Contest Totals	1,885			728	1,132	23	2	0

PCT 193




Lavon, City of - Council, Place 5

Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
Lindsey Hedge	8	57.14%		4	4	0	0	0
Tracy Filo	4	28.57%		2	2	0	0	0
Lindsay Tarrant	2	14.29%		1	1	0	0	0
Total Votes Cast	14	100.00%		7	7	0	0	0
Overvotes	0			0	0	0	0	0
Undervotes	13			2	11	0	0	0
Contest Totals	27			9	18	0	0	0

Lavon, City of - Home Rule Charter





Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
For	17	80.95%		5	12	0	0	0
Against	4	19.05%		2	2	0	0	0
Total Votes Cast	21	100.00%		7	14	0	0	0
Overvotes	0			0	0	0	0	0
Undervotes	6			2	4	0	0	0
Contest Totals	27			9	18	0	0	0

PCT 233

Lavon, City of - Council, Place 5

Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
Lindsey Hedge	1	100.00%		1	0	0	0	0
Tracy Filo	0	0.00%		0	0	0	0	0
Lindsay Tarrant	0	0.00%		0	0	0	0	0
Total Votes Cast	1	100.00%		1	0	0	0	0
Overvotes	0			0	0	0	0	0
Undervotes	1			0	1	0	0	0
Contest Totals	2			1	1	0	0	0

Lavon, City of - Home Rule Charter

Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail	Provisional Ballots	Limited Ballots
For	0			0	0	0	0	0
Against	0			0	0	0	0	0
Total Votes Cast	0			0	0	0	0	0
Overvotes	0			0	0	0	0	0
Undervotes	2			1	1	0	0	0
Contest Totals	2			1	1	0	0	0



CITY OF LAVON

Agenda Brief

MEETING: December 6, 2022

ITEM: 7 - B

Item:

Discussion and action regarding the final plat of the Trails of Lavon Addition, Phase 3 for 250 residential lots, 8 open space tracts on 63.729 acres of land, situated in the Drury Anglin Survey, A-2 southwest of the intersection of CR 483 and Presidents Blvd., Lavon, Collin County, TX (CCAD Property ID 1249982).

Application Information

Owner(s): Meritage Homes of Texas, LLC
Applicant: Kimley-Horn
Location: South of Crestridge Meadows and Bear Creek Phases 3, 4, and 5, west of Meadowcreek Estates, southwest of the intersection of CR 483 and Presidents Blvd.
Description: 63.729 acres in the Drury Anglin Survey, A-2, Tract 68 (CCAD Prop ID 1249982), Lavon, Collin County, Texas
Current Zoning: Planned Development – PD
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 250 residential lots, and 8 open space tracts on 63.73 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.

On October 19, 2021, the City Council approved the preliminary plat of the Trails of Lavon Addition containing 653 residential lots and one 10-acre commercial lot on 205.503 acres. A final plat for Phase 1 was approved in March 2022 for 209 lots and a final Plat for Phase 2A was approved on June 7, 2022 for 88 lots. Phase 2 was divided into parts 2A and 2B to accommodate a request from North Texas Municipal Water District to allow time for facility relocation; and a final plat for Phase 2B with 106 lots has not yet been submitted. The commercial tract will be platted separately.

The proposed development takes primary access from CR 484 and CR 483. Construction will improve area roads to serve the development. 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. 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 September 21, 2021.

Planning and Zoning Commission Report:

MOTION: MOTION: RECOMMEND APPROVAL OF THE FINAL PLAT OF THE TRAILS OF LAVON ADDITION, PHASE 3 FOR 250 RESIDENTIAL LOTS, 8 OPEN SPACE TRACTS ON 63.729 ACRES OF LAND, SITUATED IN THE DRURY ANGLIN SURVEY, A-2 SOUTHWEST OF THE INTERSECTION OF CR 483 AND PRESIDENTS BLVD., LAVON, COLLIN COUNTY, TX SUBJECT TO THE CITY ENGINEER’S APPROVAL.

MOTION MADE: NABORS

SECONDED: JACOB

APPROVED: UNANIMOUS (Absent: Cox, Tiegs)

Staff Notes:

The proposed final plat and construction plans were reviewed by the staff development review committee and the City Engineer. The final plat meets the technical requirements and complies with the zoning and subdivision regulations.

Approval is recommended subject to satisfaction of the City Engineer’s approval of the civil engineering plans.

- Attachments:**
1. Application and Final Plat
 2. Location Exhibits
 3. Engineers’ Correspondence



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: 08/25/2022

To the City of Lavon
Collin County, Texas

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

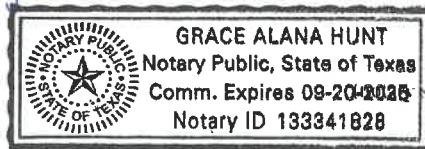
[Signature]
Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas

Before me, the undersigned authority, appeared Austin Woffinden,
on this the 31st day of August, 2022.



Grace Alana Hunt

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.

Declaration of Ownership

Date: 08/25/2022

To the City of Lavon
Collin County, Texas

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

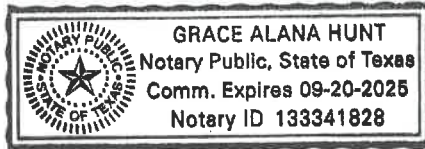
Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas

Before me, the undersigned authority, appeared Austin Woffinden,
on this the 31st day of August, 2022.



(notary seal)

Grace Hunt

Notary Public in and for Dallas County, Texas



CITY OF LAVON

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

PLAT APPLICATION

Incomplete applications will not be accepted.

Company Making Submission			Property Owner		
Name: <u>Kimley-Horn</u>			Name: <u>Meritage Homes of Texas, LLC</u>		
Address: <u>13455 Noel Rd, Two Galleria Office Tower, Suite 700</u>			Address: <u>8840 Cypress Waters Blvd, Suite 100</u>		
City/State/Zip: <u>Dallas, Texas 75240</u>			City/State/Zip: <u>Dallas, Texas 76092</u>		
Phone #: <u>972-770-1300</u>		Fax #: _____	Phone #: <u>972-580-6300</u>		Fax #: _____
Authorized Person: <u>Bryan Moody, P.E.</u>			Authorized Person: <u>Steven Cook</u>		
Type of Submission		Date	Check List of Items Submitted		
<input type="checkbox"/> Preliminary Plat					
<input checked="" type="checkbox"/> Final Plat					
<input type="checkbox"/> Re-Submittal					
<input checked="" type="checkbox"/> Construction Plans					
<input type="checkbox"/> Other					
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) Bryan Moody		Authorized Representative (Signature) 			Date: 08/25/2022
To be completed by the City					
In Takers Name:					
In takers Review Date:	PW Review Date:	COO Review Date:	Engineer Review Date:	P&Z Review Date:	Council Action Date:
<input type="checkbox"/> Accepted	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved
<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected
Comments:					



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: 08/25/2022

To the City of Lavon
Collin County, Texas

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

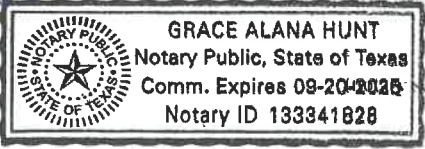
[Signature]
Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas

Before me, the undersigned authority, appeared Austin Woffinden,
on this the 31st day of August, 2022.



Grace Alana Hunt

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.

Declaration of Ownership

Date: 08/25/2022

To the City of Lavon
Collin County, Texas

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

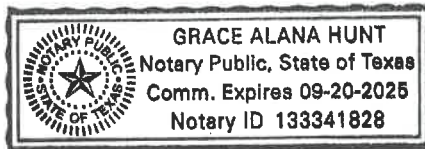
Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas

Before me, the undersigned authority, appeared Austin Woffinden,
on this the 31st day of August, 2022.



(notary seal)

Grace Hunt

Notary Public in and for Dallas County, Texas



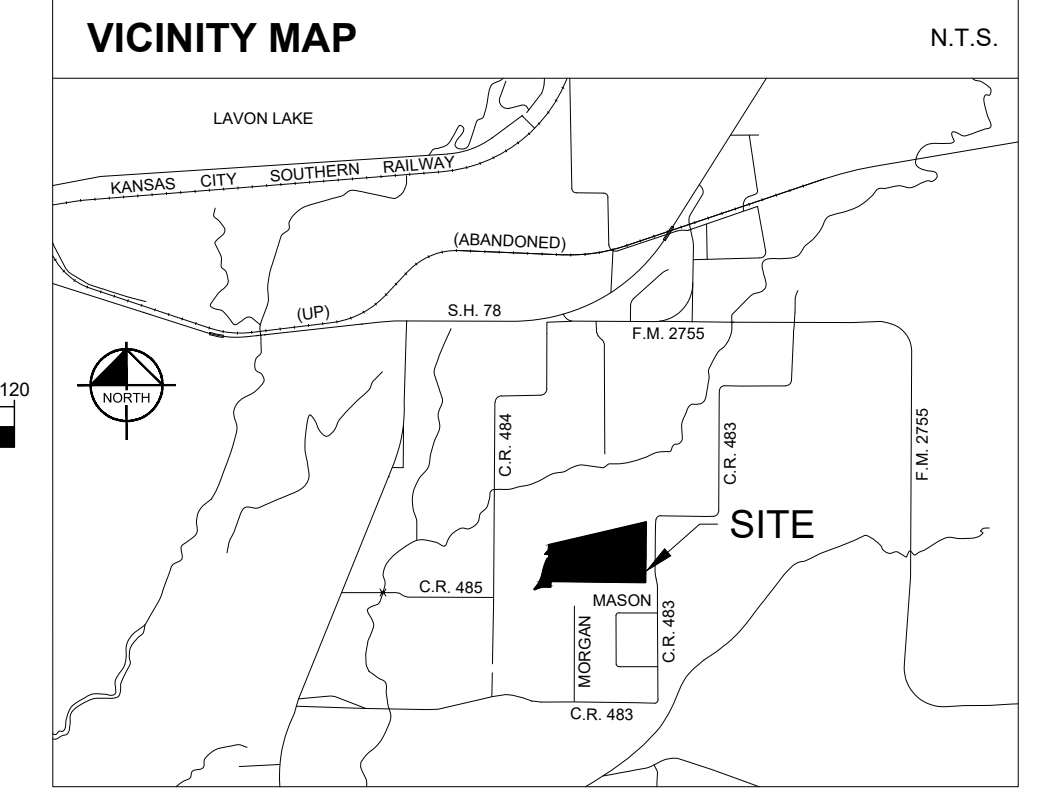
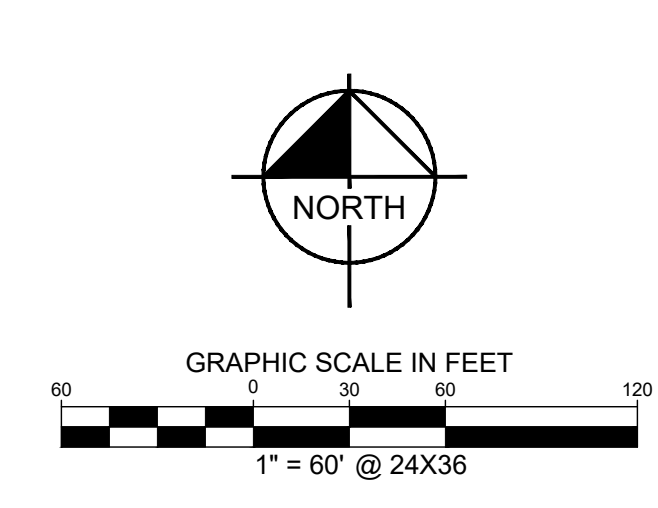
CITY OF LAVON

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

PLAT APPLICATION

Incomplete applications will not be accepted.

Company Making Submission			Property Owner		
Name: <u>Kimley-Horn</u>			Name: <u>Meritage Homes of Texas, LLC</u>		
Address: <u>13455 Noel Rd, Two Galleria Office Tower, Suite 700</u>			Address: <u>8840 Cypress Waters Blvd, Suite 100</u>		
City/State/Zip: <u>Dallas, Texas 75240</u>			City/State/Zip: <u>Dallas, Texas 76092</u>		
Phone #: <u>972-770-1300</u>		Fax #: _____	Phone # <u>972-580-6300</u>		Fax # _____
Authorized Person: <u>Bryan Moody, P.E.</u>			Authorized Person: <u>Steven Cook</u>		
Type of Submission		Date	Check List of Items Submitted		
<input type="checkbox"/> Preliminary Plat					
<input checked="" type="checkbox"/> Final Plat					
<input type="checkbox"/> Re-Submittal					
<input checked="" type="checkbox"/> Construction Plans					
<input type="checkbox"/> Other					
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) Bryan Moody		Authorized Representative (Signature) 			Date: 08/25/2022
To be completed by the City					
In Takers Name: _____					
In takers Review Date:	PW Review Date:	COO Review Date:	Engineer Review Date:	P&Z Review Date:	Council Action Date:
<input type="checkbox"/> Accepted	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved
<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected	<input type="checkbox"/> Rejected
Comments: _____					



NOTES:

1. According to Map No. 48085C0295 J, dated June 2, 2009, of the National Flood Insurance Program Map, Flood Insurance Rate Map of Collin County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, this property is located in Zone X (unshaded) and is not within a special flood hazard area. This flood statement shall not create liability on the part of the surveyor.
2. All corners set are monumented with a 5/8-inch iron rod with plastic cap stamped "KHA", unless otherwise noted.
3. All bearings shown are based on grid north of the Texas Coordinate System, NAD83, North Central Zone 4202. All dimensions shown are ground distances. To obtain a grid distance, multiply the ground distance by the Project Combined Factor (PCF) of 0.999851477. Vertical Datum NAVD 88.
4. Selling a portion of this addition by metes and bounds is a violation of City Ordinance and State Law and is subject to fines and withholding of utilities and building permits.
5. All Open Spaces and Drainage Easements to be maintained by the HOA.
6. Proposed Ultimate 100-Year Floodplain shown based upon Flood Study for East Fork River Tributary 1 and 2-1 by Kimley-Horn dated 08/09/2021.
7. The boundary shown hereon is based upon on-the-ground survey completed on 06/11/2020.
8. Line and curve table located on Sheet 2.

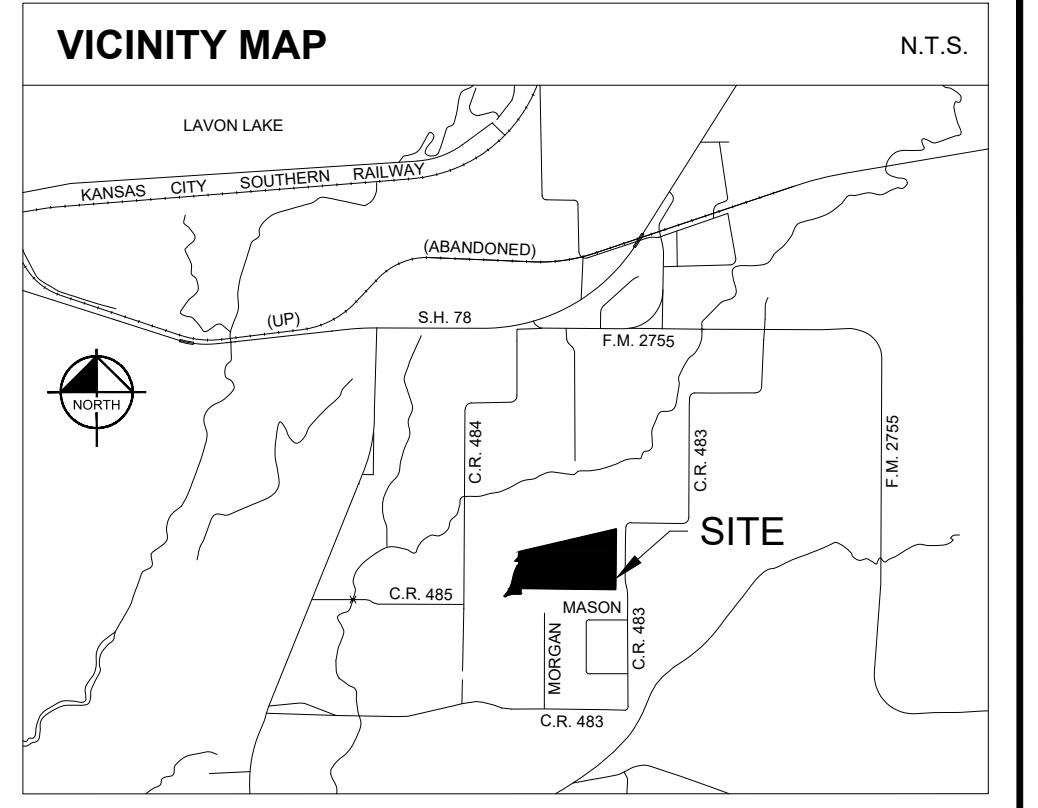
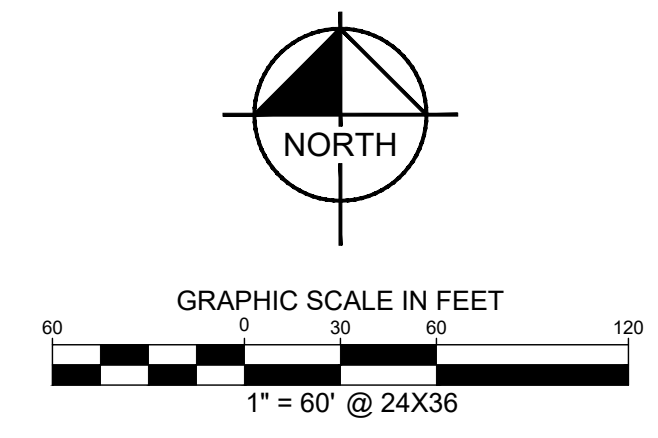
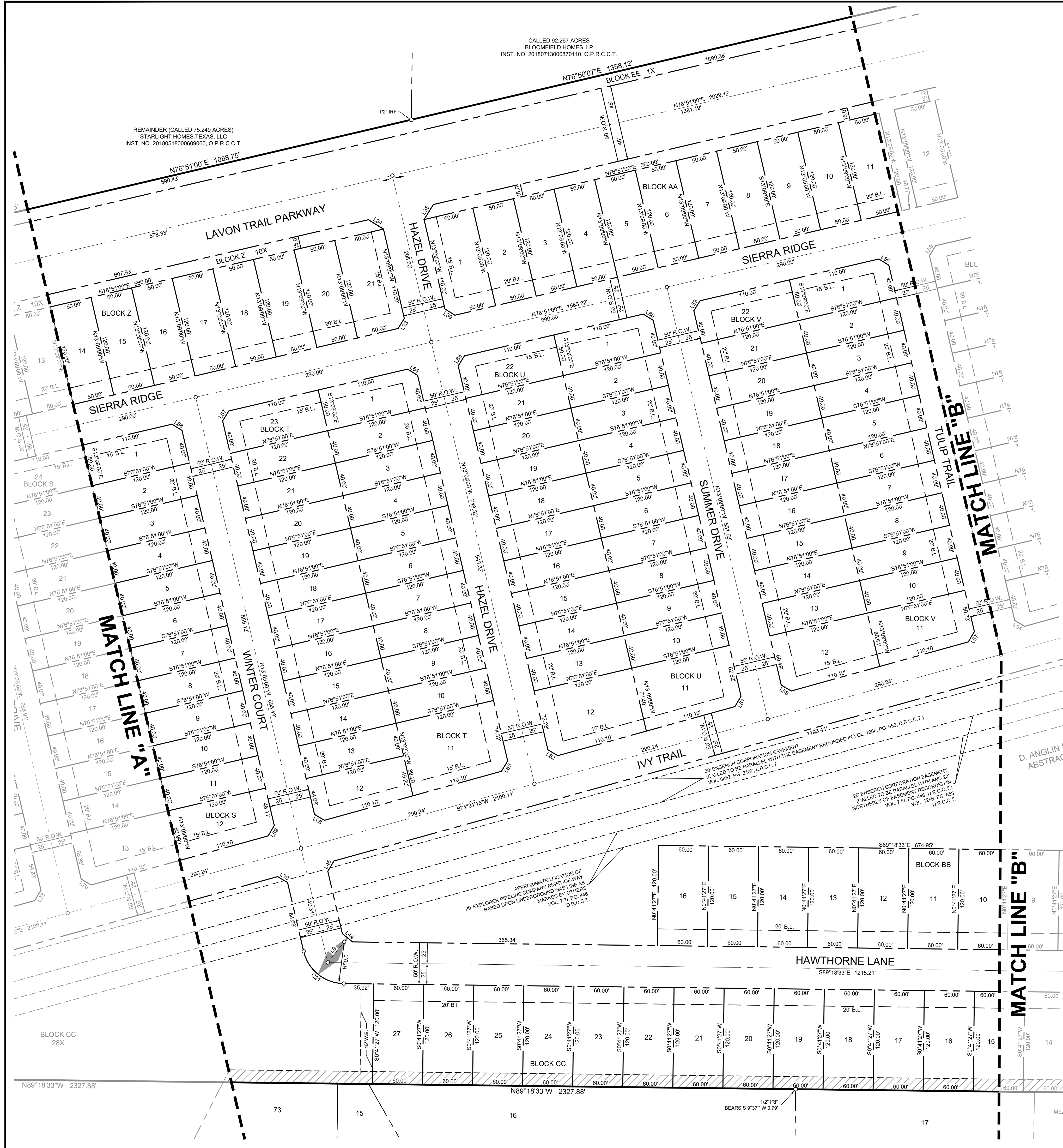
FINAL PLAT
TRAILS OF LAVON, PHASE 3
 250 RESIDENTIAL LOTS
 8 OPEN SPACE LOTS

63.729 ACRES
 SITUATED IN
THE D. ANGLIN SURVEY, ABSTRACT NO. 2
CITY OF LAVON, COLLIN COUNTY, TEXAS

<h1>Kimley»Horn</h1>	
6160 Warren Parkway, Suite 210 Frisco, Texas 75034	Tel. No. (972) 335-3580 FIRM # 10193822
Scale 1" = 60'	Drawn by CDS
Checked by KHA	Date Oct. 2022
Project No. 061179320	Sheet No. 1 OF 4
OWNER/DEVELOPER: Heritage Homes of Texas, LLC 8840 Cypress Waters Blvd. Dallas, Texas 75092 Phone: 972-580-6302 Contact: Steven Cook	
OWNER: GRBK EDGEWOOD, LLC 2805 Dallas Parkway, Suite 400 Plano, Texas 75093 Phone: 817-658-2112 Contact: Bobby Samuel	
ENGINEER: KIMLEY-HORN AND ASSOC. INC. 13455 Noel Road, Suite 700 Dallas, Texas 75240 Tel. No. (972) 770-1300 Contact: Bryan Moody, P.E. Email: Bryan.Moody@kimley-horn.com	
SURVEYOR: KIMLEY-HORN AND ASSOC. INC. 6160 Warren Parkway, Suite 210 Frisco, Texas 75034 Tel. No. (972) 335-3580 Contact: Sylviana Gunawan, R.P.L.S. Email: Sylviana.Gunawan@kimley-horn.com	

LEGEND	
P.O.B. POINT OF BEGINNING	IRSC 5/8" IRON ROD W/ "KHA" CAP SET
STREET NAME CHANGE	IRFC IRON ROD WITH CAP FOUND
U.E. UTILITY EASEMENT	U.E. UTILITY EASEMENT
S.S.E. SANITARY SEWER EASEMENT	S.S.E. SANITARY SEWER EASEMENT
W.E. WATER EASEMENT	W.E. WATER EASEMENT
B.L. BUILDING LINE	B.L. BUILDING LINE
L.R.C.C.T. LAND RECORDS OF COLLIN COUNTY, TEXAS	L.R.C.C.T. LAND RECORDS OF COLLIN COUNTY, TEXAS
LINE TYPE LEGEND	
—————	BOUNDARY LINE
-----	EASEMENT LINE
—————	BUILDING LINE

THE WATER SYSTEM IS OWNED AND OPERATED BY BEAR CREEK SPECIAL UTILITY DISTRICT (BCSUD).



LINE TABLE				LINE TABLE				LINE TABLE							
NO.	BEARING	LENGTH		NO.	BEARING	LENGTH		NO.	BEARING	LENGTH		NO.	BEARING	LENGTH	
L1	N78°23'50"E	20.74'		L26	S85°34'30"E	13.44'		L51	N58°09'00"W	14.14'		L76	N78°18'53"E	13.85'	
L2	S55°19'40"E	8.72'		L27	S30°41'07"W	14.43'		L52	N58°09'00"W	14.14'		L77	N78°18'53"E	13.85'	
L3	N34°40'20"E	50.00'		L28	S44°26'32"E	21.21'		L53	N30°41'07"E	14.43'					
L4	N55°19'40"W	8.72'		L29	S39°37'51"W	14.96'		L54	S59°18'53"E	13.85'					
L5	N09°03'10"W	20.74'		L30	S59°18'53"E	13.85'		L55	S31°51'00"W	14.14'					
L6	N51°18'17"W	90.00'		L31	S11°46'22"E	14.49'		L56	S58°09'00"E	14.14'					
L7	S77°40'36"W	22.71'		L32	N81°07'02"E	14.49'		L57	N30°41'07"E	14.43'					
L8	S44°22'33"E	28.32'		L33	N31°51'00"E	14.14'		L58	S59°18'53"E	13.85'					
L9	S38°46'13"W	31.76'		L34	S58°09'00"E	21.21'		L59	S31°51'00"W	14.14'					
L10	S77°44'40"W	28.13'		L35	S31°57'06"W	14.17'		L60	S58°09'00"E	14.14'					
L11	S57°15'20"W	35.36'		L36	N57°50'42"W	14.07'		L61	N30°41'07"E	14.43'					
L12	S65°30'47"E	19.93'		L37	S00°33'28"W	15.73'		L62	S59°18'53"E	13.85'					
L13	N74°31'15"E	50.74'		L38	S31°51'00"W	21.21'		L63	S31°51'00"W	14.14'					
L14	S40°10'47"E	21.26'		L39	S58°09'00"E	14.14'		L64	S58°09'00"E	14.14'					
L15	S89°26'32"E	61.49'		L40	S31°51'00"W	14.14'		L65	N30°41'07"E	14.43'					
L16	S44°26'32"E	28.28'		L41	S59°18'53"E	13.85'		L66	S59°18'53"E	13.85'					
L17	N45°33'28"E	28.28'		L42	S56°37'47"E	14.83'		L67	N31°51'00"E	14.14'					
L18	S89°26'32"E	61.07'		L43	N45°33'28"E	21.21'		L68	S58°09'00"E	14.14'					
L19	S29°31'15"W	35.36'		L44	S51°13'47"E	15.74'		L69	N30°41'07"E	14.43'					
L20	N38°33'32"E	23.36'		L45	N30°41'07"E	14.43'		L70	S59°18'53"E	13.85'					
L21	S32°57'45"E	14.09'		L46	S60°28'45"E	14.14'		L71	S31°51'00"W	14.14'					
L22	S66°48'12"W	14.03'		L47	N45°37'27"E	14.13'		L72	S58°09'00"E	14.14'					
L23	S59°18'53"E	13.85'		L48	S31°51'00"W	14.14'		L73	N30°41'07"E	14.43'					
L24	N30°41'07"E	14.43'		L49	S44°26'32"E	14.14'		L74	S59°18'53"E	13.85'					
L25	N20°17'05"W	13.40'		L50	N45°33'28"E	14.14'		L75	S07°22'03"W	13.99'					

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	30°28'38"	820.00'	436.18'	N27°29'39"E	431.06'
C2	19°16'37"	730.00'	245.60'	N21°53'38"E	244.45'
C3	0°52'59"	730.00'	11.25'	N38°15'13"E	11.25'
C4	1°17'26"	820.00'	18.47'	S38°03'00"W	18.47'
C5	0°01'47"	275.27'	0.14'	N63°05'57"W	0.14'
C6	8°06'04"	835.00'	118.06'	N40°15'52"E	117.96'
C7	9°18'37"	250.00'	40.62'	S85°53'06"W	40.58'
C8	16°02'13"	250.00'	69.97'	N07°27'39"W	69.75'
C9	27°44'05"	250.00'	121.02'	N86°23'17"E	119.84'
C10	64°35'40"	570.00'	642.61'	S44°33'10"W	609.11'
C11	39°57'59"	250.00'	174.39'	S85°29'46"E	170.87'
C12	27°01'46"	250.00'	117.94'	N26°39'53"W	116.85'
C13	13°42'28"	250.00'	59.81'	S83°42'14"W	59.67'
C14	13°42'28"	540.00'	129.19'	S83°42'14"W	128.88'
C15	38°09'17"	775.00'	516.09'	S57°46'21"W	506.61'
C16	90°00'00"	50.00'	78.54'	S32°44'40"E	70.71'
C17	141°41'02"	50.00'	123.64'	N44°26'32"W	94.46'
C18	141°41'02"	50.00'	123.64'	N45°33'28"E	94.46'
C19	90°00'00"	50.00'	78.54'	N60°28'45"W	70.71'
C20	141°49'01"	50.00'	123.76'	N45°37'27"E	94.50'
C21	76°09'33"	50.00'	66.46'	S51°13'47"E	61.68'

THE WATER SYSTEM IS OWNED AND OPERATED BY BEAR CREEK SPECIAL UTILITY DISTRICT (BCSUD).

- NOTES:**
- According to Map No. 48085C0295 J, dated June 2, 2009, of the National Flood Insurance Program Map, Flood Insurance Rate Map of Collin County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, this property is located in Zone X (unshaded) and is not within a special flood hazard area. This flood statement shall not create liability on the part of the surveyor.
 - All corners set are monumented with a 5/8-inch iron rod with plastic cap stamped "KHA", unless otherwise noted.
 - All bearings shown are based on grid north of the Texas Coordinate System, NAD83, North Central Zone 4202. All dimensions shown are ground distances. To obtain a grid distance, multiply the ground distance by the Project Combined Factor (PCF) of 0.999851477. Vertical Datum NAVD 88.
 - Selling a portion of this addition by metes and bounds is a violation of City Ordinance and State Law and is subject to fines and withholding of utilities and building permits.
 - All Open Spaces and Drainage Easements to be maintained by the HOA.
 - Proposed Ultimate 100-Year Floodplain shown based upon Flood Study for East Fork River Tributary 1 and 2-1 by Kimley-Horn dated 08/09/2021.
 - The boundary shown hereon is based upon on-the-ground survey completed on 06/11/2020.

LEGEND			
P.O.B. POINT OF BEGINNING	IRSC 5/8" IRON ROD W/ "KHA" CAP SET	IRSC 5/8" IRON ROD WITH CAP FOUND	
STREET NAME CHANGE	UTILITY EASEMENT	S.S.E. SANITARY SEWER EASEMENT	
OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS	W.E. WATER EASEMENT	B.L. BUILDING LINE	
P.R.C.C.T. PLAT RECORDS OF COLLIN COUNTY, TEXAS	L.R.C.C.T. LAND RECORDS OF COLLIN COUNTY, TEXAS	BOUNDARY LINE	
		EASEMENT LINE	
		BUILDING LINE	

**FINAL PLAT
TRAILS OF LAVON, PHASE 3
250 RESIDENTIAL LOTS
8 OPEN SPACE LOTS**

**63.729 ACRES
SITUATED IN
THE D. ANGLIN SURVEY, ABSTRACT NO. 2
CITY OF LAVON, COLLIN COUNTY, TEXAS**

Kimley»Horn

6160 Warren Parkway, Suite 210
Frisco, Texas 75034

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

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	CDS	KHA	Oct. 2022	061179320	2 OF 4

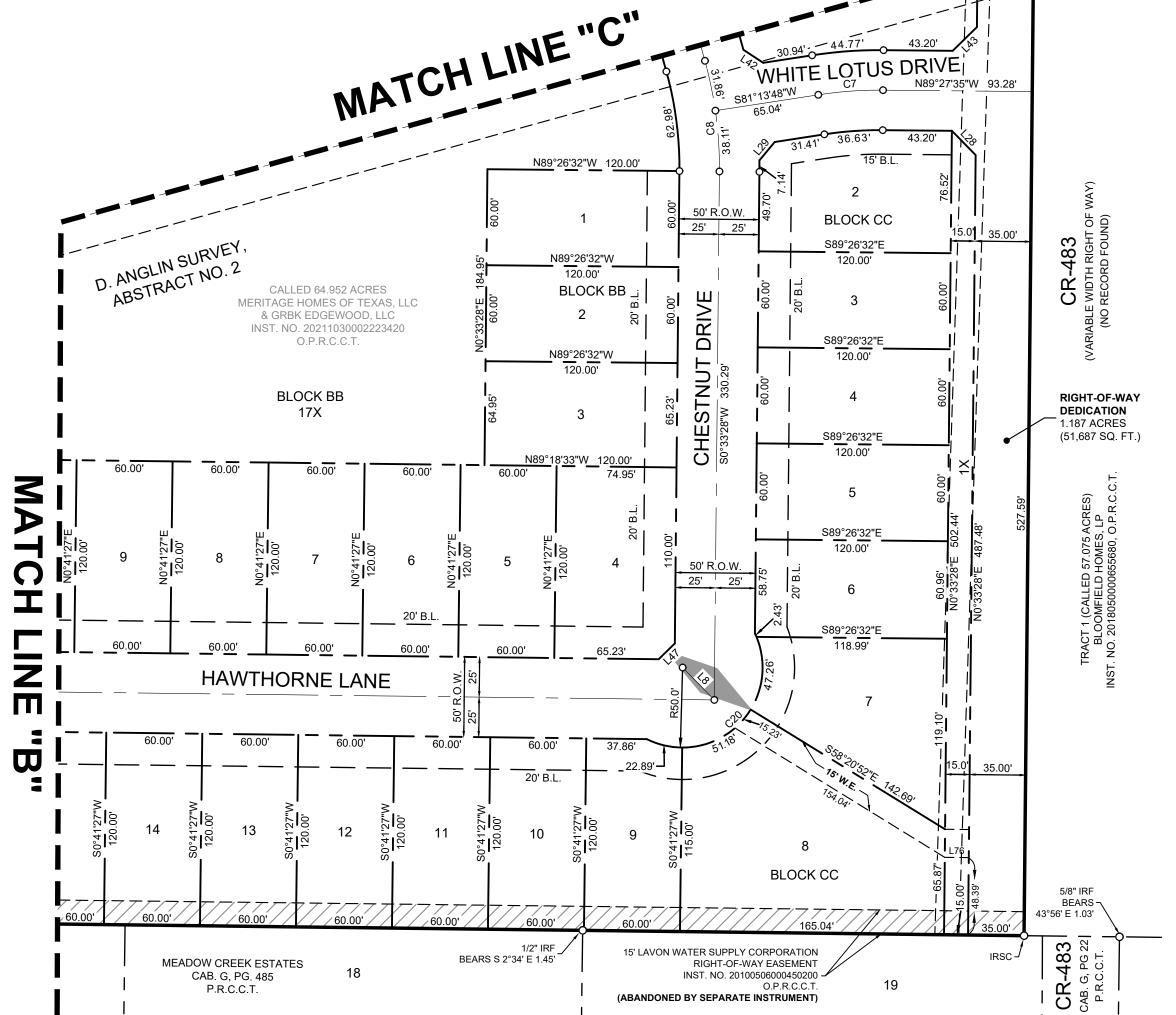
OWNER/DEVELOPER:
Merritage Homes of Texas, LLC
8840 Cypress Waters Blvd.
Dallas, Texas 75092
Phone: 972-580-6302
Contact: Steven Cook

OWNER:
GRBK EDGWOOD, LLC
2805 Dallas Parkway, Suite 400
Plano, Texas 75093
Phone: 817-658-2112
Contact: Bobby Samet

ENGINEER:
KIMLEY-HORN AND ASSOC. INC.
13455 Noel Road, Suite 700
Dallas, Texas 75240
Tel. No. (972) 770-1300
Contact: Bryan Moody, P.E.
Email: Bryan.Moody@kimley-horn.com

SURVEYOR:
KIMLEY-HORN AND ASSOC. INC.
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
Tel. No. (972) 335-3580
Contact: Sylviana Gunawan, R.P.L.S.
Email: Sylviana.Gunawan@kimley-horn.com

CALLED 92.267 ACRES
BLOOMFIELD HOMES, LP
INST. NO. 20180713000870110, O.P.R.C.C.T.



RIGHT-OF-WAY DEDICATION
1.187 ACRES
(51,687 SQ. FT.)

CR-483
(VARIABLE WIDTH RIGHT OF WAY)
(NO RECORD FOUND)

15' LAVON WATER SUPPLY CORPORATION
RIGHT-OF-WAY EASEMENT
INST. NOS. 20180713000870110, O.P.R.C.C.T.
(BASED UPON MARKINGS BY OTHERS)

TRACT 1 (CALLED 57.075 ACRES)
BLOOMFIELD HOMES, LP
INST. NO. 20180713000870110, O.P.R.C.C.T.

RIGHT-OF-WAY DEDICATION
1.187 ACRES
(51,687 SQ. FT.)

CR-483
(VARIABLE WIDTH RIGHT OF WAY)
(NO RECORD FOUND)

TRACT 1 (CALLED 57.075 ACRES)
BLOOMFIELD HOMES, LP
INST. NO. 20180713000870110, O.P.R.C.C.T.

CR-483
C.B. G. PG. 221
P.A.C.C.T.

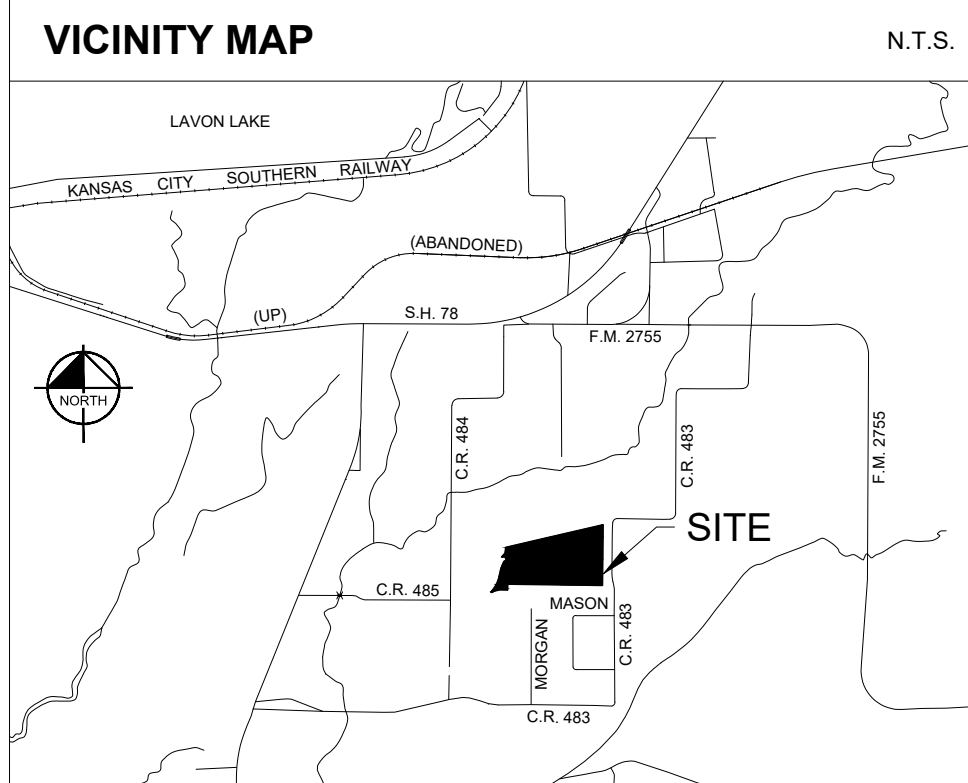
NOTES:

- According to Map No. 48085C0295 J, dated June 2, 2009, of the National Flood Insurance Program Map, Flood Insurance Rate Map of Collin County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, this property is located in Zone X (unshaded) and is not within a special flood hazard area. This flood statement shall not create liability on the part of the surveyor.
- All corners set are monumented with a 5/8-inch iron rod with plastic cap stamped "KHA", unless otherwise noted.
- All bearings shown are based on grid north of the Texas Coordinate System, NAD83, North Central Zone 4202. All dimensions shown are ground distances. To obtain a grid distance, multiply the ground distance by the Project Combined Factor (PCF) of 0.999851477. Vertical Datum NAVD 88.
- Selling a portion of this addition by metes and bounds is a violation of City Ordinance and State Law and is subject to fines and withholding of utilities and building permits.
- All Open Spaces and Drainage Easements to be maintained by the HOA.
- Proposed Ultimate 100-Year Floodplain shown based upon Flood Study for East Fork River Tributary 1 and 2-1 by Kimley-Horn dated 08/09/2021.
- The boundary shown hereon is based upon on-the-ground survey completed on 06/11/2020.
- Line and curve table located on Sheet 2.

THE WATER SYSTEM IS OWNED AND OPERATED BY
BEAR CREEK SPECIAL UTILITY DISTRICT (BCSUD).

**FINAL PLAT
TRAILS OF LAVON, PHASE 3
250 RESIDENTIAL LOTS
8 OPEN SPACE LOTS**

**63.729 ACRES
SITUATED IN
THE D. ANGLIN SURVEY, ABSTRACT NO. 2
CITY OF LAVON, COLLIN COUNTY, TEXAS**



LEGEND	
P.O.B. POINT OF BEGINNING	IRSC 5/8" IRON ROD W/ "KHA" CAP SET
STREET NAME CHANGE	IRSC IRON ROD WITH CAP FOUND
UTILITY EASEMENT	U.E.
SANITARY SEWER EASEMENT	S.S.E.
WATER EASEMENT	W.E.
BUILDING LINE	B.L.
PLAT RECORDS OF COLLIN COUNTY, TEXAS	L.R.C.C.T.
LAND RECORDS OF COLLIN COUNTY, TEXAS	L.R.C.C.T.

LINE TYPE LEGEND	
BOUNDARY LINE	---
EASEMENT LINE	- - - -
BUILDING LINE	=====

ENGINEER:
KIMLEY-HORN AND ASSOC. INC.
13455 Noel Road, Suite 700
Dallas, Texas 75240
Tel. No. (972) 770-1300
Contact: Bryan Moody, P.E.
Email: Bryan.Moody@kimley-horn.com

SURVEYOR:
KIMLEY-HORN AND ASSOC. INC.
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
Tel. No. (972) 335-3580
Contact: Sylviana Gunawan, R.P.L.S.
Email: Sylviana.Gunawan@kimley-horn.com

Kimley»Horn

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

Scale 1" = 60'	Drawn by CDS	Checked by KHA	Date Oct. 2022	Project No. 061179320	Sheet No. 3 OF 4
-------------------	-----------------	-------------------	-------------------	--------------------------	---------------------

OWNER/DEVELOPER:
Heritage Homes of Texas, LLC
8840 Cypress Waters Blvd.
Dallas, Texas 75092
Phone: 972-580-6302
Contact: Steven Cook

OWNER:
GRBK EDGEWOOD, LLC
2805 Dallas Parkway, Suite 400
Plano, Texas 75093
Phone: 817-658-2112
Contact: Bobby Samuel

OWNER'S CERTIFICATE

STATE OF TEXAS §

COUNTY OF COLLIN §

CITY OF LAVON §

WHEREAS MERITAGE HOMES OF TEXAS, LLC AND GRBK EDGEWOOD, LLC, are the owners of a tract of land situated in the D. Anglin Survey, Abstract No. 2, Collin County, Texas, and being all of a called 64.952 acre tract of land described in a deed to Meritage Homes of Texas, LLC and GRBK Edgewood, LLC, as recorded in Instrument No. 20211030002223420 of the Official Public Records of Collin County, Texas and a portion of a called 140.551 acre tract of land described in a Special Warranty Deed to Meritage Homes of Texas, LLC and GRBK Edgewood, LLC, as recorded in Instrument No. 2021110100229130 of the Official Public Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING a 1/2 inch iron rod found for the northwest corner of Meadow Creek Estates, according to the plat thereof recorded in Cabinet G, Page 485 of the Plat Records of Collin County, Texas, same being on the southerly line of said 64.952 acre tract;

THENCE South 01°01'04" West, along the westerly line of said Meadow Creek Estates and the easterly line of said 140.551 acre tract, a distance of 138.58 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for an ell corner on the easterly line of Trails of Lavon Phase 1, according to the plat thereof recorded in Cabinet ___ Page ___ of the Plat Records of Collin County, Texas;

THENCE departing the westerly line of said Meadow Creek Estates and along the easterly line of said Trails of Lavon Phase 1, the following:

North 88°58'56" West, a distance of 193.72 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 74°31'15" West, a distance of 138.19 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 62°28'34" West, a distance of 68.37 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 47°16'02" West, a distance of 15.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left with a radius of 820.00 feet, a central angle of 30°28'38", and a chord bearing and distance of North 27°29'39" East, 431.06 feet;

In a northerly direction, with said non-tangent curve to the left, an arc distance of 436.18 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 12°15'20" East, a distance of 143.92 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the right with a radius of 730.00 feet, a central angle of 19°16'37", and a chord bearing and distance of North 21°53'38" East, 244.45 feet;

In a northerly direction, with said tangent curve to the right, an arc distance of 245.60 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 78°23'50" East, a distance of 20.74 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 55°19'40" East, a distance of 8.72 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 34°40'20" East, a distance of 50.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 55°19'40" West, a distance of 8.72 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 09°03'10" West, a distance of 20.74 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right with a radius of 730.00 feet, a central angle of 00°52'59", and a chord bearing and distance of North 38°15'13" East, 11.25 feet;

In a northerly direction, with said non-tangent curve to the right, an arc distance of 11.25 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 51°18'17" West, a distance of 90.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left with a radius of 820.00 feet, a central angle of 01°17'26", and a chord bearing and distance of South 38°03'00" West, 18.47 feet;

In a southerly direction, with said non-tangent curve to the left, an arc distance of 18.47 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 77°40'38" West, a distance of 22.71 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left with a radius of 275.27 feet, a central angle of 00°01'47", and a chord bearing and distance of North 63°05'57" West, 0.14 feet;

In a westerly direction, with said non-tangent curve to the left, an arc distance of 0.14 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right with a radius of 835.00 feet, a central angle of 08°06'04", and a chord bearing and distance of North 40°15'52" East, 117.98 feet;

In a northerly direction, with said non-tangent curve to the right, an arc distance of 118.06 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

North 06°01'53" East, a distance of 138.68 feet to a 1/2 inch iron rod found for corner the northeast corner of said 140.551 acre tract, common to the northwest corner of said 64.952 acre tract, and the northeast corner of said Trails of Lavon Phase 1, same being on the southerly line of Crestridge Meadows, Phase 1, according to the plat thereof recorded in Volume 2020, Page 649 of the Plat Records of Collin County, Texas;

THENCE North 76°51'00" East, departing the westerly line of said Trails of Lavon Phase 1, and along the southerly line of said Crestridge Meadows, Phase 1, and the southerly line of a called 75.249 acre tract of land described in a deed to Starlight Homes Texas, LLC, as recorded in Instrument No. 20180518000609060 of the Official Public Records of Collin County, Texas a distance of 1,088.75 feet to a 1/2 inch iron rod found for the southeast corner of said 75.249 acre tract, common to the southwest corner of a called 92.267 acre tract of land described in a deed to Bloomfield Homes, LP, as recorded in Instrument No. 20180713000870110 of the Official Public Records of Collin County, Texas;

THENCE North 76°50'07" East, continuing along the northerly line of said 64.952 acre tract and along the southerly line of said 92.267 acre tract a distance of 1,358.12 feet a 1/2 inch iron rod found for the northeast corner of said 64.952 acre tract, common to an ell corner of said 92.267 acre tract;

THENCE South 02°49'59" East, along the easterly line of said 64.952 acre tract, and the southerly line of said 92.267 acre tract, a distance of 7.53 feet to a 1/2 inch iron rod found for an exterior corner of said 92.267 acre tract, common to the northwest corner of a called 57.075 acre tract of land described as Tract 1 in a deed to Bloomfield Homes, LP, as recorded in Instrument No. 201805000655680 of the Official Public Records of Collin County, Texas;

THENCE South 00°33'28" West, along the easterly line of said 64.952 acre tract and the westerly line of said Tract 1, a distance of 1,473.51 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for the southeast corner of said 64.952 acre tract, common to the southwest corner of said Tract 1, same being on the northerly line of said Meadow Creek Estates;

THENCE North 89°18'33" West, along the southerly line of said 64.952 acre tract and the northerly line of said Meadow Creek Estates, a distance of 2,327.88 feet to the POINT OF BEGINNING and containing 67.729 acres (2,950,296 square feet) of land, more or less.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS

THAT MERITAGE HOMES OF TEXAS, LLC AND GRBK EDGEWOOD, LLC, acting herein by and through its duly authorized officers, do hereby certify and adopt this plat designating the herein described tract as TRAILS OF LAVON PHASE 3, an addition to the City of Lavon, Texas, and do hereby dedicate, in fee simple, to the public use, including the use by the City of Lavon, forever, the streets, alleys, and easements shown thereon. The Streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or their improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Lavon. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities, said use by public utilities being subordinate to the public's and City of Lavon's use thereof.

- 1. All water systems are owned and operated by Bear Creek Special Utility District (BCSUD) and all construction related to water service shall be done per BCSUD's specifications and general notes.
2. The easements and public use areas, as shown, are dedicated for the public use, including specifically for the City of Lavon or Bear Creek Special Utility District, forever for the purposes indicated on the plat.
3. The City of Lavon and Bear Creek Special Utility District are not responsible for replacing any improvements in, under or over any easements caused by maintenance or repair.
4. Utility Easements may also be used for the mutual and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities as being subordinate to the public and City of Lavon and Bear Creek Special Utility District.
5. The City of Lavon, Bear Creek Special Utility District, and public utilities shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with construction, maintenance, or efficiency of their respective systems in the easements.
6. The City of Lavon, Bear Creek Special Utility District, and public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, respective systems without the necessity at any time of procuring permission from anyone.
7. All modifications to this document shall be by means of plat and approved by the City of Lavon unless said modifications pertain to Bear Creek Special Utility District facilities, at which time Bear Creek Special Utility District shall also review and approve.

WITNESS my hand this the ___ day of ___, 20__.

MERITAGE HOMES OF TEXAS, LLC, an Arizona limited liability company

By: _____

Name: _____

Title: _____

STATE OF TEXAS § COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared ____, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ___ day of ___, 20__.

WITNESS my hand this the ___ day of ___, 20__.

GRBK EDGEWOOD, LLC, an Texas limited liability company

By: _____

Name: _____

Title: _____

STATE OF TEXAS § COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared ____, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ___ day of ___, 20__.

Notary Public, State of Texas

APPROVAL CERTIFICATE

Date: _____

Chairman, Planning and Zoning Commission

City of Lavon, Texas

Approved for Construction: _____

Date: _____

Mayor, City of Lavon, Texas

Accepted: _____

Date: _____

Mayor, City of Lavon, Texas

The undersigned, the city secretary of the City of Lavon, Texas, hereby certifies that the foregoing final plat of the Trails of Lavon Phase 3, an addition to the City of Lavon was submitted to the city council on the ___ day of ___, 20__ and the council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places and water and sewer lines as shown and set forth in and upon said plat and said council further authorized the mayor to note the acceptance thereof by signing his or her name as hereinabove subscribed.

Witness my hand this ___ day of ___, AD, 20__.

City Secretary, City of Lavon, Texas

SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS:

That I, Sylviana Gunawan, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision regulations of the City of Lavon, Texas.

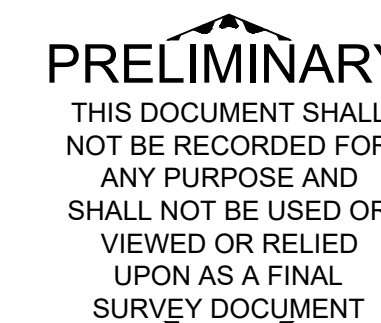
Sylviana Gunawan Registered Professional Land Surveyor No. 6461 Kimley-Horn and Associates, Inc. 6160 Warren Parkway, Suite 210 Frisco, Texas 75034 Phone 972-335-3580

STATE OF TEXAS § COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Sylviana Gunawan, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ___ day of ___, 20__.

Notary Public, State of Texas



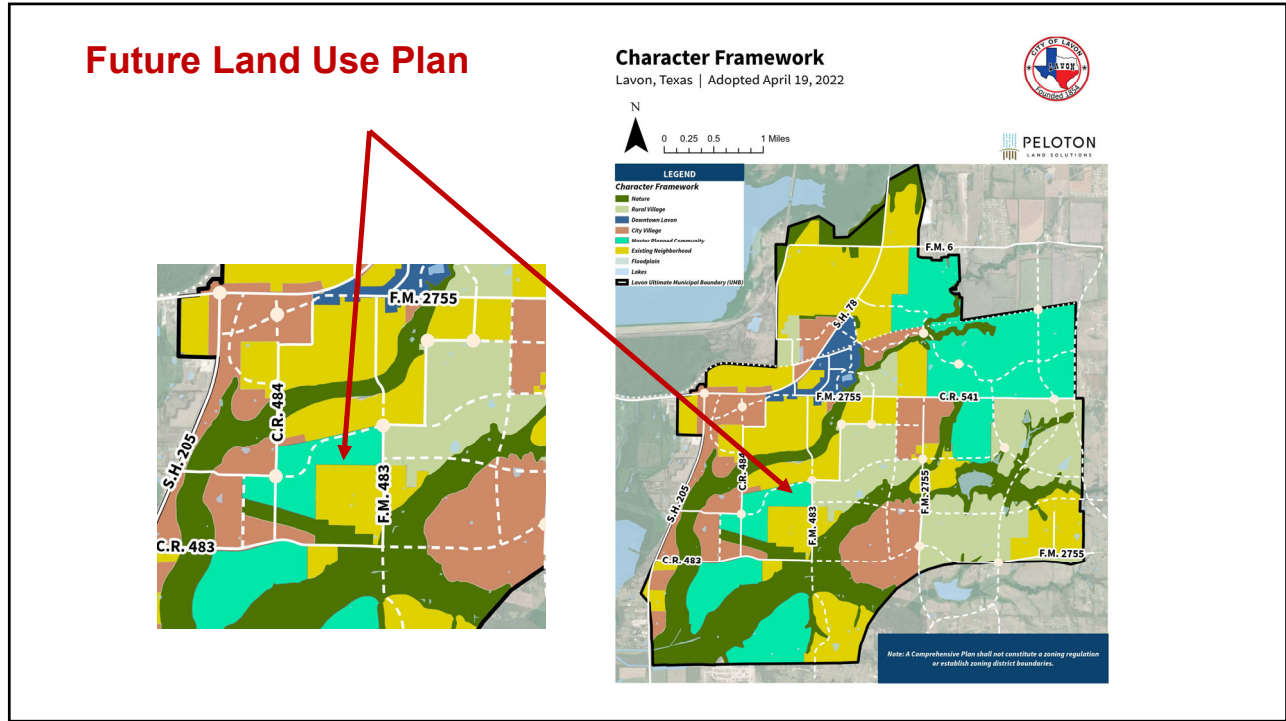
This plat correctly presents the required easements and certifications required by Bear Creek Special Utility District for this development. BEAR CREEK SPECIAL UTILITY DISTRICT NAME/TITLE: DATE:

THE WATER SYSTEM IS OWNED AND OPERATED BY BEAR CREEK SPECIAL UTILITY DISTRICT (BCSUD).

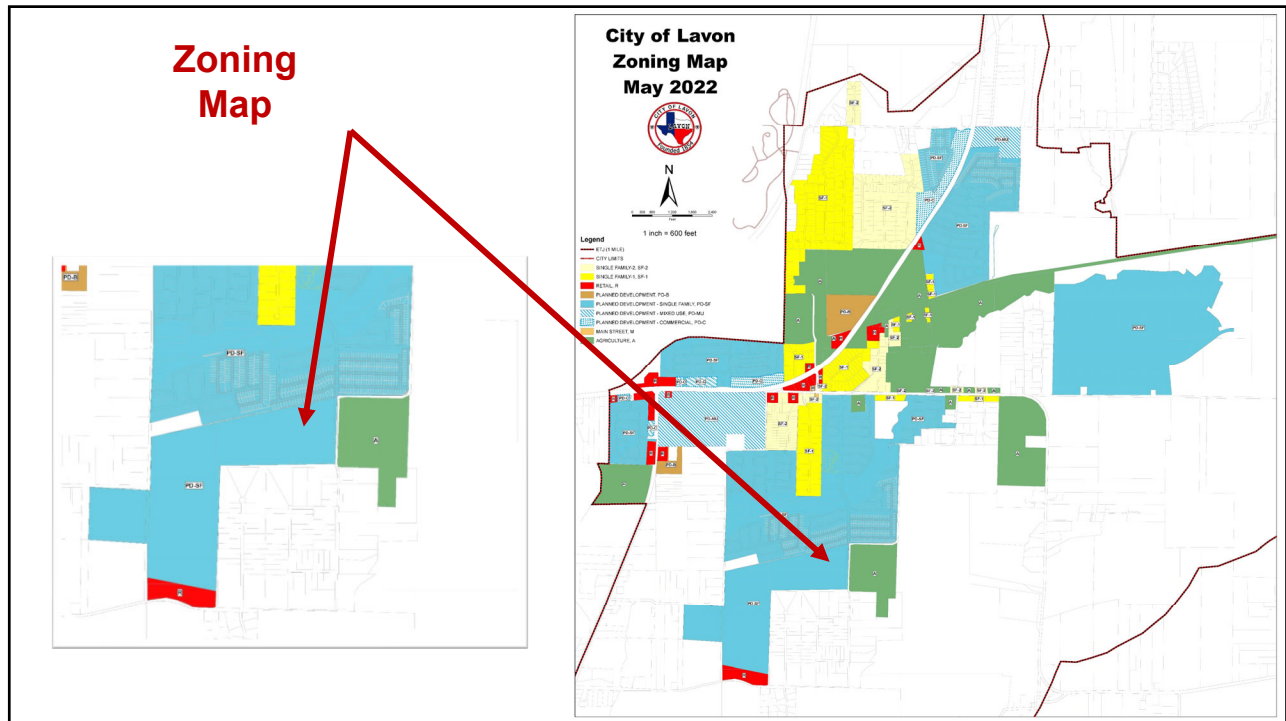
Table with 17 columns of lot data. Each column contains a 'LOT TABLE' header and a grid of lot numbers, acres, and square feet. The lots are arranged in a grid pattern across the site.

FINAL PLAT TRAILS OF LAVON, PHASE 3 250 RESIDENTIAL LOTS 8 OPEN SPACE LOTS 63.729 ACRES SITUATED IN THE D. ANGLIN SURVEY, ABSTRACT NO. 2 CITY OF LAVON, COLLIN COUNTY, TEXAS

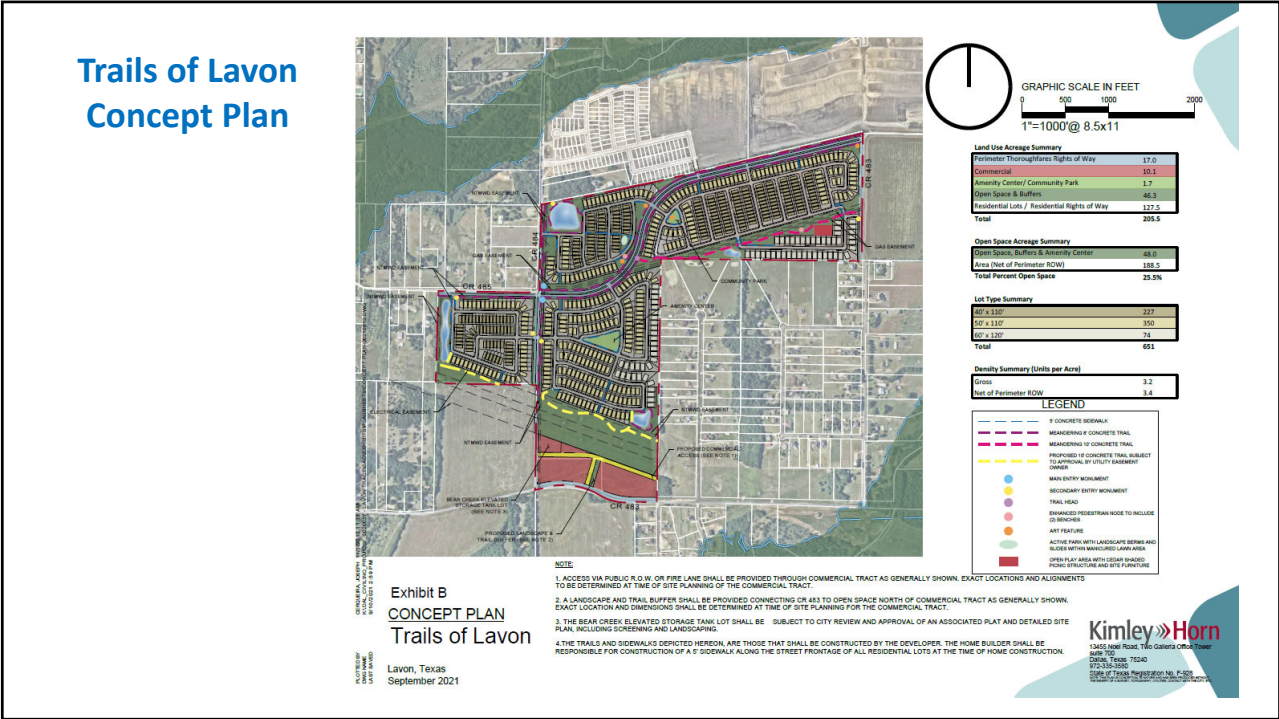
Kimley Horn logo and contact information. 6160 Warren Parkway, Suite 210 Frisco, Texas 75034. Tel. No. (972) 335-3580. Includes Scale, Drawn by, Checked by, Date, Project No., Sheet No. and Owner/Developer/Owner information.



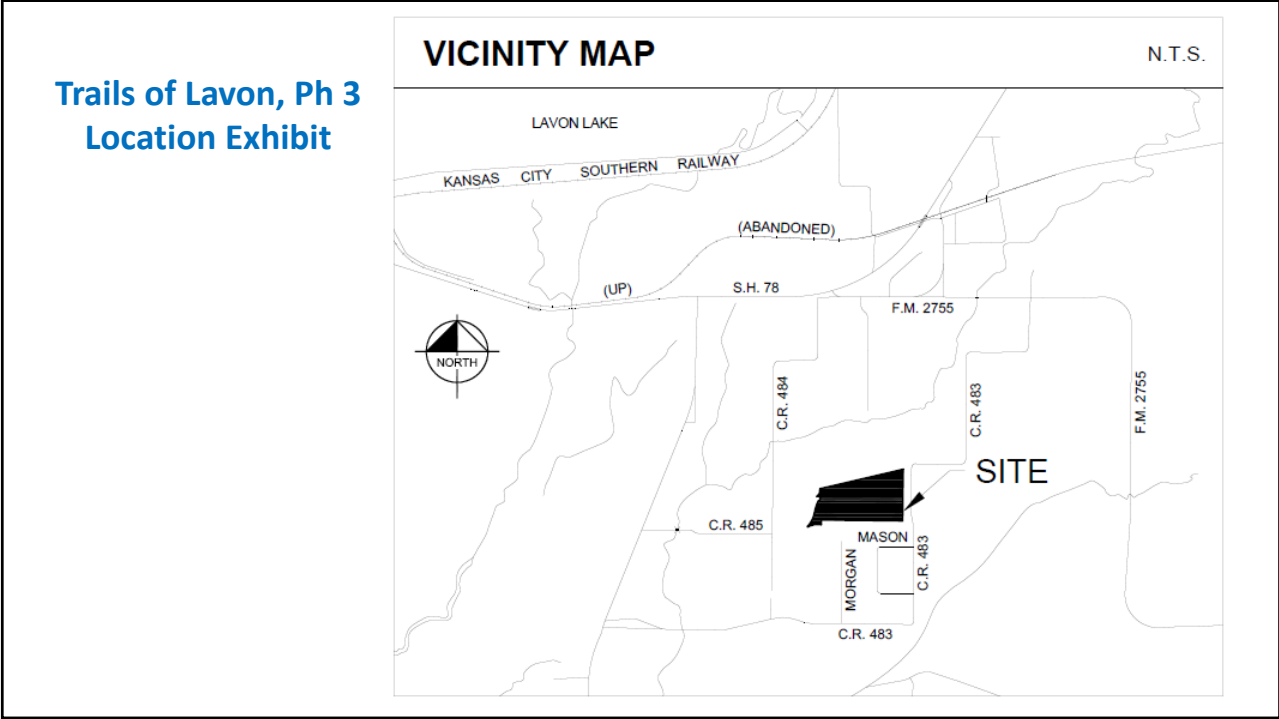
4



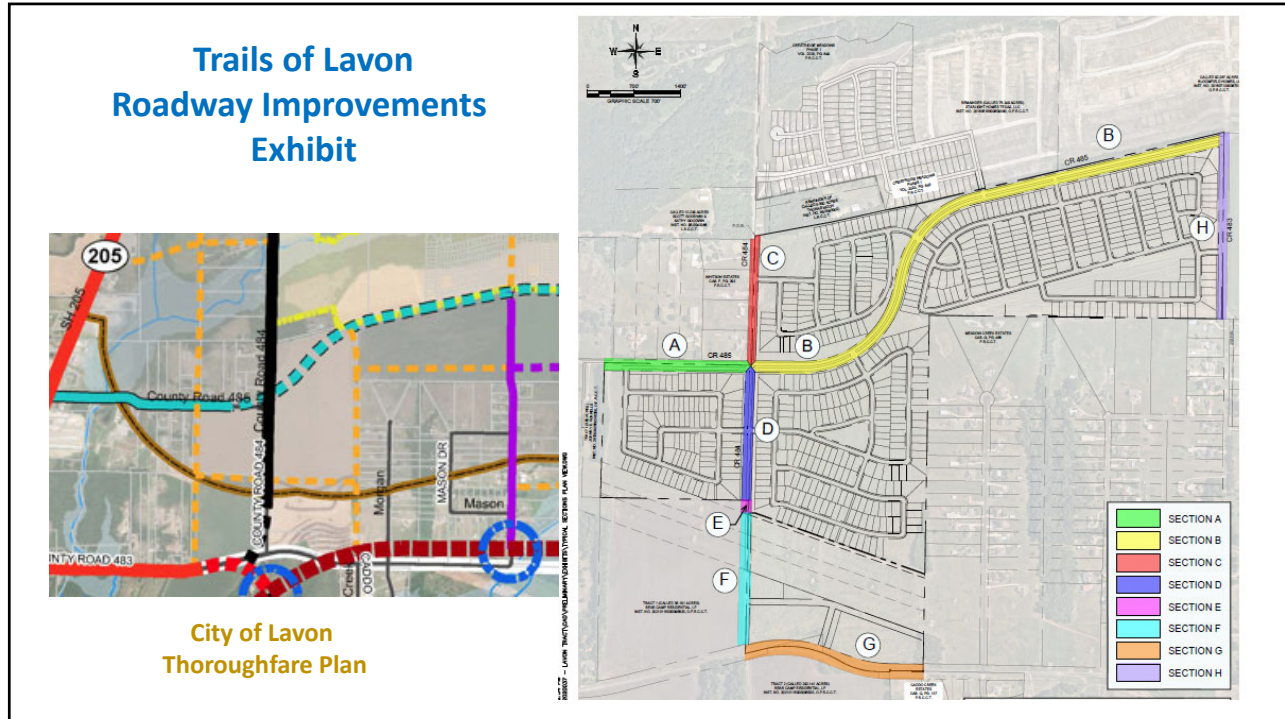
5



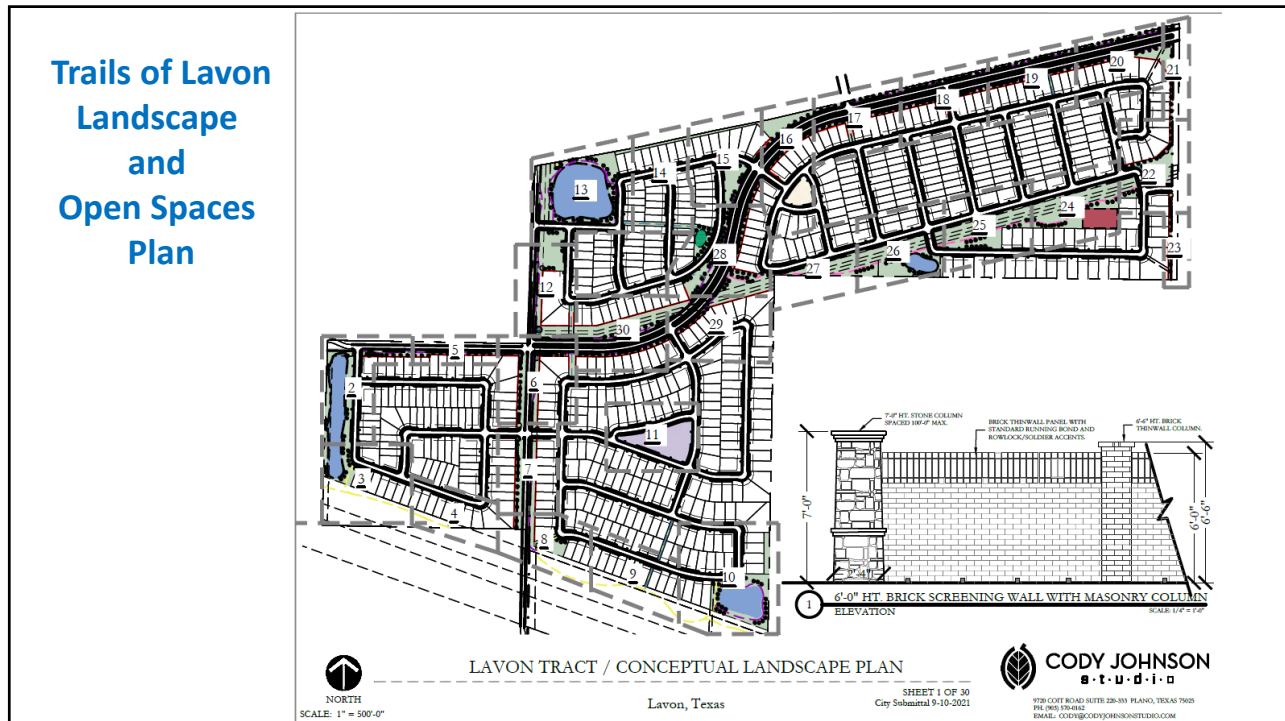
6



7



8



9

November 18, 2022

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

Re: Trails of Lavon Phase 3, 250 residential lots, 8 tracts, 63.729 Acres
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Final Plat dated October 18, 2022 as prepared by Kimley-Horn and Assoc. Inc. for the above referenced property located east of Trails of Lavon Phase 1, west of CR483, south of Crestridge and Bear Creek and north of Meadow Creek Estates. Our comments are as follows:

FINAL PLAT

1. Prior to signing the Plat, the filing information for Phase 1 should be included.
2. The Notes do not appear to be applicable for this project.
3. The existing drainage easements near Lavon Trail Parkway should be abandoned as part of this Plat.
4. There is an existing Lavon WSC easement within the 35' ROW dedication along CR 483. We recommend that the Developer work with BCSUD to remove and/or relocate the existing 6" line within the easement to allow for future road expansion. Once removed or relocated, the easement can be abandoned, if removed, or modified if relocated to Block AA, Lot 34X and Block CC, Lot 1X.

This concludes our review of the above referenced revised Final Plat. Construction Plans will be reviewed separately. **We recommend APPROVAL of the Final Plat by the P&Z, subject to adequately addressing comments above.**

The review conducted by FMI was for the limited purpose of code and ordinance compliance review for the exclusive benefit of the City of Lavon. The above referenced documents were not reviewed as to their quality or for errors on the part of the surveyor or engineer.

Ms. Kim Dobbs
Trails of Lavon Phase 3 – Final Plat
November 18, 2022
Page 2 of 2

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

Sincerely,
FREEMAN-MILLICAN, INC.



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

Attachments

Cc: David Carter, Mike Jones, Danny Anthony, Matt Policano, Bryan Moody, PE

F:\17024 - LAV General Servies\9 - Review\Trails of Lavon\Phase 3\Trails Lavon Ph 3 - Final Plat - Rev 1.docx



October 28, 2022

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

RE: *Initial Review – Trails of Lavon Phase 3*

Dear Ms. Camille,

This letter is in response to the City of Lavon review dated October 13, 2022 regarding comments provided for the Final Plat and Civil Construction Plans dated August 31, 2021. Our comment is listed first, followed by the response in italics.

Final Plat

1. Prior to signing the Plat, the filing information for Phase 1 should be included.
Response: Phase 1 Final Plat has not yet been filed as it is currently in construction.
2. The bearing for the south property line should be corrected
Response: Bearing has been corrected.
3. C 485 is planned to be named Lavon Trail Parkway. The Plat should be updated accordingly.
Response: Plat street name has been updated to Lavon Trail Parkway.
4. There appears to be a 35' ROW dedication for CR 483, but it is not labeled as such. This should be added.
Response: 35' ROW dedication label has been added.
5. The full 35' ROW dedication should extend to the south of White Lotus Drive. Does not match written description.
Response: 35' ROW dedication has been extended to match written description.
6. We recommend that C 483 be referenced, as appropriate, in the written description for the east property line.
Response: CR 483 is now referenced as the east property line in the description.

Civil Plans

- Sheet C-08 – There is a typographic error on the detail.
Response: Street Section text has been corrected.
- 8. Grading Plans – The notes reference the wall plans to be by others. A copy of these plans should be submitted to the City.
Response: Understood. Wall plans by others will be submit to the city upon their completion.
- 9. Paving Plans – □ e recommend that the profiles be extended to include any connection to an existing street.
Response: Profiles have been extended to show existing street connections.
- 10. Paving Plans – C□ 485 should be changed to Lavon Trail Parkway.
Response: CR 485 has been changed to Lavon Trail Parkway.
- 11. Sheet C-19 – The Lavon Trail Parkway/Presidents Blvd intersection should be included with this project.
Response: The Lavon Trail Parkway/Presidents Blvd intersection has been added to the plans.
- 12. Sheet C-33 – The future Presidents Blvd. (C□ 483) pavement extents (C4U) should be shown.
Response: Future Presidents Blvd. pavement is now shown.
- 13. Storm Drain Plans – It appears that in several areas, the 100-yr HGL is above the street gutter line. The 100-yr HGL should be below the gutter line and not backup into street.
Response: Storm systems have been revised to have the 100-yr HGL below gutter line.
- 14. Sheet C-5□ – □ e recommend that dimensions be included on the rip-rap to facilitate construction activities.
Response: Dimensions for the rip-rap have been added.
- 15. Sheet C-5□ – Provide information on flow velocity from pond and at discharge point on adjacent property. □erify adequate length of rip-rap being provided.
Response: Flow velocity at outfall and rip-rap calculations for pond outfall are now shown. Rip-rap provided exceeds required amount per iSWM Technical Manual.

16. Sanitary Sewer – All pipe to be SDR 26 PVC.

Response: All sewer pipe has been updated to SDR 26 PVC.

17. Sheet C-03 – Please note that LED street lighting along Lavon Trail Parkway is anticipated to include dual head lights within the median. The lights will have to be installed to maintain a 0.9 fc average illuminance with a minimum 0.3 fc illuminance and 3 uniformity ratio.

Response: Understood. Lights along Lavon Trail Parkway are now shown in the median to maintain required spacing.

18. Sheet C-06 – Detail CE should include a note that crushed concrete is not allowed.

Response: Note has been added to detail.

Please contact me should you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Bryan Moody, P.E.

October 13, 2022

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

Re: Trails of Lavon Phase 3, 205 residential lots, 8 tracts, 63.729 Acres
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the Final Plat dated August 30, 2022 and Civil Construction Plans dated August 31, 2022 as prepared by Kimley-Horn and Assoc. Inc. for the above referenced property located east of Trails of Lavon Phase 1, west of CR483, south of Crestridge and Bear Creek and north of Meadow Creek Estates. Our comments are as follows:

FINAL PLAT

1. Prior to signing the Plat, the filing information for Phase 1 should be included.
2. The bearing for the south property line should be corrected.
3. CR 485 is planned to be named Lavon Trail Parkway. The Plat should be updated accordingly.
4. There appears to be a 35' ROW dedication for CR 483, but it is not labeled as such. This should be added.
5. The full 35' ROW dedication should extend to the south of White Lotus Drive. Does not match written description.
6. We recommend that CR 483 be referenced, as appropriate, in the written description for the east property line.

CIVIL PLANS

7. Sheet C-08 – There is a typographic error on the detail.
8. Grading Plans – The notes reference the wall plans to be by others. A copy of these plans should be submitted to the City.
9. Paving Plans – We recommend that the profiles be extended to include any connection to an existing street.
10. Paving Plans – CR 485 should be changed to Lavon Trail Parkway.
11. Sheet C-19 – The Lavon Trail Parkway/Presidents Blvd intersection should be included with this project.
12. Sheet C-33 – The future Presidents Blvd. (CR 483) pavement extents (C4U) should be shown.

13. Storm Drain Plans – It appears that in several areas, the 100-yr HGL is above the street gutter line. The 100-yr HGL should be below the gutter line and not backup into street.
14. Sheet C-57 – We recommend that dimensions be included on the rip-rap to facilitate construction activities.
15. Sheet C-57 – Provide information on flow velocity from pond and at discharge point on adjacent property. Verify adequate length of rip-rap being provided.
16. Sanitary Sewer – All pipe to be SDR 26 PVC.
17. Sheet C-73 – Please note that LED street lighting along Lavon Trail Parkway is anticipated to include dual head lights within the median. The lights will have to be installed to maintain a 0.9 fc average illuminance with a minimum 0.3 fc illuminance and 3 uniformity ratio.
18. Sheet C-76 – Detail CE should include a note that crushed concrete is not allowed.

This concludes our review of the above referenced Final Plat and Civil Construction Plans. A copy of the applicable sheets with markups, is attached for your use. These sheets should be considered typical in nature and NOT be considered a comprehensive markup set.

In addition, the City requests an exhibit that details placement and features of required trails, sidewalks, landscaping, monuments, green/open space, enhanced crosswalks, logo columns, brick thin screening wall, art features, enhanced pedestrian nodes, and Lake Connector Corridor elements for zoning and development agreement compliance review.

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

Attachments

Cc: David Carter, Mike Jones, Danny Anthony, Matt Policano, Bryan Moody, PE

F:\17024 - LAV General Servies\9 - Review\Trails of Lavon\Phase 3\Trails Lavon Ph 3 - Final Plat - Rev 0.docx



CITY OF LAVON

Agenda Brief

MEETING: December 6, 2022

ITEM: 7 - C

Item:

Public hearing, discussion and action regarding a proposed amendment of Chapter 9 “Planning and Development Regulations”, Article 9.03 “Zoning Ordinance”, Division 2 “Districts and Zoning District Map” and Division 6 “Regulations Applicable to Mixed Use and Nonresidential Districts” of the Code of Ordinances of the City of Lavon, by amending the city’s regulations regarding Planned Development Districts in the city; providing a penalty clause not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; providing savings, repealing and severability clauses; proving for publication; providing for an effective date; and finding and determining the meeting at which this ordinance is adopted to be open to the public as required by law.

- 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. 2022-12-03.

Request Details

The proposed ordinance is intended to clarify and improve the current Planned Development District regulations. The Planned Development Districts regulations amendment serves the ultimate purpose of expanding the options available for an applicant to obtain PD zoning from the four options that the regulations currently provide, to base zoning of any zoning district the Zoning Ordinance provides. This change is reflected in the following:

- Sec. 9.03.031, Fig. 9.1.2.1 is amended to retain the establishment of PD as a zoning district, but leaves it open ended to any base zoning, with a footnote clarifying the same
- Sec. 9.03.032, Fig. 9.1.2.2 is amended to remove the list of uses allowed in a PD, which should default to the uses in the base zoning district, unless otherwise provided in the specific PD ordinance
- Sec. 9.03.134(b) is amended to change the description of PD’s. If P&Z wants to retain acreage max and min on PD’s we may need some recommendations. Currently, this ord provides that all PD’s have to be at least 2 acres.
- Sec. 9.03.134(c) is amended to reflect that uses are as provided in base zoning unless otherwise provided in the specific PD ordinance.

The proposed amendment is text-only and is not changing the zoning classification of any particular property. Unless otherwise preempted, the proposed amendment applies equally to all properties within

the city. As such, the required notice is satisfied by publication in the newspaper and posting on the city website, both of which were timely provided.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF THE PROPOSED AMENDMENT OF CHAPTER 9 “PLANNING AND DEVELOPMENT REGULATIONS”, ARTICLE 9.03 “ZONING ORDINANCE”, DIVISION 2 “DISTRICTS AND ZONING DISTRICT MAP” AND DIVISION 6 “REGULATIONS APPLICABLE TO MIXED USE AND NONRESIDENTIAL DISTRICTS” OF THE CODE OF ORDINANCES OF THE CITY OF LAVON, BY AMENDING THE CITY’S REGULATIONS REGARDING PLANNED DEVELOPMENT DISTRICTS IN THE CITY; PROVIDING A PENALTY CLAUSE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

MOTION MADE: NABORS

SECONDED: JACOB

APPROVED: UNANIMOUS (ABSENT: COX, TIEGS)

Staff Notes:

The City Attorney’s office suggested and prepared the proposed amendment. The City’s planning consultant also participated in the review. Approval is recommended.

- Attachments:** 1. Proposed Ordinance
2. Current Code of Ordinances

CITY OF LAVON, TEXAS
ORDINANCE NO. 2022-12-03

Amend Planned Development District (PD) Regulations

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 9 “PLANNING AND DEVELOPMENT REGULATIONS”, ARTICLE 9.03 “ZONING ORDINANCE”, DIVISION 2 “DISTRICTS AND ZONING DISTRICT MAP” AND DIVISION 6 “REGULATIONS APPLICABLE TO MIXED USE AND NONRESIDENTIAL DISTRICTS” OF THE CODE OF ORDINANCES OF THE CITY OF LAVON, BY AMENDING THE CITY’S REGULATIONS REGARDING PLANNED DEVELOPMENT DISTRICTS IN THE CITY; PROVIDING A PENALTY CLAUSE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

WHEREAS, Chapter 211 “Municipal Zoning Authority” of the Texas Local Government Code authorizes a city to adopt ordinances regulating the zoning of property within the City; and

WHEREAS, the City Council of the City (the “City Council”) adopted Article 9.03 of its Code of Ordinances, the same being the comprehensive Zoning Ordinance of the City (the “Zoning Ordinance”), which sets forth various regulations for Planned Development Districts; and

WHEREAS, the City Council desires to amend the Zoning Ordinance to provide for planned development districts to use any base zoning district provided in the Zoning Ordinance; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Council the adoption of the amendment to the Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which the City Council considered the recommendation of the Planning and Zoning Commission, and among other things, the necessity for orderly and appropriate regulations of the use of land and the erection of structures thereon, and having considered the proposed amendment to the Zoning Ordinance and the appropriateness

of the amendment, the City Council does hereby find that the amendment to the Zoning Ordinance approved hereby accomplishes such objectives.

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

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. FINDINGS. After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and of the public health, safety and welfare of its citizens.

SECTION 3. AMENDMENTS. The Zoning Ordinance is hereby amended as follows:

1. Division 2 “Districts and Zoning District Map”, Section 9.03.031 “Zoning districts established”, Figure 9.1.2.1 is hereby amended to read entirely as follows:

Figure 9.1.2.1

ABBREVIATED DESIGNATION	ZONING DISTRICT NAME
Agricultural & Residential Districts	
A	Agricultural
SF-1	Single Family-1
SF-2	Single Family-2
SF-4	Single Family-4
Commercial Districts	
R	Retail
M	Main Street
B	Business Park
Planned development districts	
PD ¹	Planned Development

¹ Planned Development Districts shall have a base zoning district (e.g., PD-SF-1, PD-R).

2. Division 2 “Districts and Zoning District Map”, Section 9.03.032 “Permitted use table”, Figure 9.1.2.2 is hereby amended to remove (i) the last column under “Nonresidential & Special Districts” for “PD”, and (ii) the following sentence at the end of the chart: “For uses listed in the PD District, consult property-specific PD ordinances.”

3. Division 6 “Regulations Applicable to Mixed Use and Nonresidential Districts”, Section 9.03.134 “Planned Development District (PD)”, Subsection (b) “Description” is hereby amended to read entirely as follows:

(b) Description. After a public hearing has been convened and proper notice to all affected property owners has been made in accordance with this division and after a recommendation by the planning and zoning commission has been submitted to the city council, the city council may authorize the creation of a (PD) planned development district which shall have base zoning of one or more zoning district(s) of the city. No PD district shall be established for a gross area less than two (2) acres.

4. Division 6 “Regulations Applicable to Mixed Use and Nonresidential Districts”, Section 9.03.134 “Planned Development District (PD)”, Subsection (c) “Permitted uses” is hereby amended to read entirely as follows:

(c) Permitted uses. The uses to be permitted in any (PD) planned development district shall be consistent with the uses permitted in the (PD) planned development district’s base zoning district, unless otherwise enumerated in the ordinance which creates the (PD) planned development district. Any proposed amendment to the uses permitted within a (PD) planned development district shall be submitted and processed in accordance with this division.

SECTION 4: SAVINGS/REPEALING CLAUSE. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect. This Ordinance shall not repeal, alter, or amend, or be interpreted as conflicting with any ordinance having created a planned development district prior to this Ordinance.

SECTION 5: SEVERABILITY. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6: PENALTY. Any person, firm, corporation, or entity violating this Ordinance or any provision of the City’s Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2000.00). Each continuing days’ violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 7: PUBLICATION AND EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 8. OPEN MEETING. That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Collin County, Texas, on this the 6th day of December 2022.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

EXISTING CODE OF ORDINANCES

§ 9.03.134. Planned development district (PD).

- (a) Purpose. The (PD) planned development district is intended to provide for combining and mixing uses into integral land use units such as industrial parks, industrial, office and commercial centers; residential development with multiple or mixed housing types; or any appropriate combination of uses which may be planned, developed or operated as integral land use units, whether by a single owner or a combination of owners.
- (b) Description. After a public hearing has been convened and proper notice to all affected property owners has been made in accordance with this division and after a recommendation by the planning and zoning commission has been submitted to the city council, the city council may authorize the creation of a (PD) planned development district as follows:
- (1) Planned development - single family (PD-SF) comprised of residential developments on tracts of five (5) acres or more;
 - (2) Planned development - mixed use (PD-MU) comprised of mixed use development on tracts of five (5) acres or more;
 - (3) Planned development - commercial (PD-C) comprised of commercial development on tracts of less than five (5) acres when a determination has been made by the planning and zoning commission that the area to be rezoned cannot be rezoned to any other zoning district without creating the potential of adversely affecting the property that is the subject of the rezoning or adversely affecting properties adjacent or in close proximity; or
 - (4) Planned development - business (PD-B) comprised of business developments on tracts of less than five (5) acres when a determination has been made by the planning and zoning commission that the area to be rezoned cannot be rezoned to any other zoning district without creating the potential of adversely affecting the property that is the subject of the rezoning or adversely affecting properties adjacent or in close proximity.
- (c) Permitted uses. The uses to be permitted in any (PD) planned development district shall be enumerated in the ordinance which creates such district. Any proposed amendment to the uses permitted within a (PD) planned development district shall be submitted and processed in accordance with this division.
- (d) Procedures.
- (1) The steps necessary to request creation of a (PD) planned development district shall be as follows:
 - (2) Preapplication conference for presentation and discussion of a preliminary drawing in a form for a change of zoning with all required supporting materials.
 - (3) Every (PD) planned development district approved under the provisions of this

division shall be considered an amendment to the zoning ordinance and zoning map and applicable only to the property described in the legal description of the property;

- (4) In carrying out the development of a (PD) planned development district, compliance with the applicable development conditions and development schedule shall be required. Such conditions as are specified for the development of a (PD) planned development district shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy by the city.

(e) Pre-application requirements.

- (1) Pre-application conference: An applicant for a (PD) planned development district shall schedule a pre-application conference prior to the formal submission of the application materials. At the pre-application conference, the applicant shall provide a preliminary drawing, concept plan that includes, but is not limited to, the following:
- (A) A statement of completion of the pre-application checklist requirements. The pre-application checklist will be available from the city secretary's office.
 - (B) Delineation of site boundaries;
 - (C) General site layout indicating relationship of the proposed land uses, parking, and street layouts(s);
 - (D) Proposed residential development densities;
 - (E) Approximate gross square footage of non-residential uses where applicable;
 - (F) Projected building heights;
 - (G) General topographic conditions;
 - (H) A table identifying the zoning district and the associated area requirements to which the proposed planned development district (PD) is most closely aligned and to which the PD will conform unless otherwise identified; and
 - (I) Significant environmental features, including floodplains and water course; and delineation of approximate acreage for each land use specified.

In addition to the concept plan, the applicant shall provide proposed development guidelines outlining design requirements and characteristics of the planned development district (PD).

- (2) Comments: Based on the information provided by the applicant, initial comments concerning the merits of the proposed development and provide any other information necessary to aid the applicant in the preparation of the formal application.
 - (3) Application submission: Any person, group of persons, or corporation having a proprietary interest in any property may file an application for a (PD) planned development district. Such application shall be submitted and processed in accordance with Lavon, Texas, zoning ordinance.
 - (4) Formal public hearing: The planning and zoning commission shall hold an advertised public hearing in accordance with the procedures set forth herein. The planning and zoning commission shall make its recommendation to the city council in accordance with the standard procedures for a change in zoning classification in the city. The planning and zoning commission may recommend, and the city council may approve the request for a (PD) planned development district as submitted or may make any modifications thereto as may be appropriate.
 - (5) In approving an ordinance establishing the (PD) planned development district, the city council shall, after recommendation of the planning and zoning commission, specify such height density, site coverage, setback, landscaping, off-street parking and all other standards as are appropriate for the development which are considered necessary to protect the health, safety, and general welfare, and to create a reasonable transition to, and protection from, property adjacent to the (PD) planned development district.
- (f) Development schedule.
- (1) If the applicant desires, or the planning and zoning commission or the city council requires, a development schedule shall be submitted indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule shall, if adopted by the city council, become part of the ordinance creating such (PD) planned development district, and shall be adhered to by the owner, developer, and successors in interest.
 - (2) If in the opinion of the planning and zoning commission and/or city council the owner or owners of the property are failing or have failed to meet the approved schedule, the planning and zoning commission and/or city council may initiate proceeding to amend the ordinance of the (PD) planned development district, or remove all or part of the (PD) planned development district from the official zoning Map and place the area involved in another appropriate zoning district. Such action shall occur in accordance with this division. Upon the recommendation of the planning and zoning commission, and for good cause shown by the owner or developer, the city council may extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.

(g) Amendment to (PD) planned development district.

- (1) Any major amendment, supplement, deletion or modification to the (PD) planned development district may be granted upon application by any person, group of persons or corporation having a proprietary interest herein. Any application for such amendment, supplement, deletion or modification shall contain the information specified in this division and shall be processed in accordance with the procedures set forth in this division.
- (2) The mayor or designee may authorize minor amendments that:
 - (A) Do not alter the basic relationship of the proposed development to adjacent property;
 - (B) Do not alter the permitted uses;
 - (C) Do not increase the maximum density, floor area, height, or site coverage;
 - (D) Do not decrease the amount of required off-street parking; and
 - (E) Do not reduce the required minimum yards or setbacks.
- (3) An applicant may appeal the decision of the mayor or designee to the planning and zoning commission for review and decision as to whether a formal amendment to the (PD) planned development district shall be required.

(h) Coordination with subdivision ordinance.

- (1) It is the intent of this section that subdivision review under the subdivision regulation of the city is carried out simultaneously with the review of a (PD) planned development district under the provisions of this division.
- (2) Both this division and the city's subdivision regulations contain regulations which apply to the design of a planned development district, including such matters as streets, utilities, and open spaces. In any (PD) planned development district for which the provision of the two (2) ordinances are in conflict, the mayor or designee shall submit a recommendation to the planning and zoning commission, which shall determine which standard shall prevail. Appeal from such decision shall be in accordance with this division.

(Ordinance 2018-03-02, sec. 9.1.6.4, adopted 3/20/18)



CITY OF LAVON Agenda Brief

MEETING: December 6, 2022

ITEM: 7 - D

Item:

Discussion and action to nominate and appoint a Mayor Pro-Tempore for a term that expires in November 2023.

Background:

The Mayor Pro Tempore (or Mayor Pro Tem) is elected annually by the City Council after the general election.

The general election was conducted on November 8, 2022.

Code Excerpt:

Texas Local Government Code, Section 22.037 (b)

Sec. 22.037. MAYOR AS PRESIDING OFFICER; PRESIDENT PRO TEMPORE. (a)
The mayor shall preside at all meetings of the governing body of the municipality and, except in elections, may vote only if there is a tie.

(b) At each new governing body's first meeting or as soon as practicable, the governing body shall elect one alderman to serve as president pro tempore for a term of one year.

Home Rule Charter Excerpt:

SECTION 3.02. MAYOR PRO TEM

The City Council shall elect one of its members as Mayor Pro Tem for a one (1) year term. The Mayor Pro Tem shall perform the duties of Mayor in the case of the absence or inability of the Mayor to perform the duties of such office, and shall, during that time, be vested with all the powers belonging to the Mayor. In the absence of the Mayor and the Mayor Pro Tem, the Council Member of greatest seniority shall preside over the meeting.

City Councilmember John Kell, Place 1 served as the Mayor Pro Tem for the term expiring in November 2022.



CITY OF LAVON

Agenda Brief

MEETING: December 6, 2022

ITEM: 7 - E

Item:

Discussion and action regarding the award of the construction contract for the City of Lavon Bently Farms, Phase 1 (CIP-24) Construction Project and Resolution No. 2022-12-01 approving and authorizing the Mayor to execute a construction contract with North Texas Contracting, Inc. in the amount of \$1,645,022.00 with 160 calendar days to construct; and providing an effective date.

Background:

On November 22, 2022, the City opened competitive bids for the Bently Farms, Phase 1 Project, which is the CIP-24 Project. Two bids were received and opened. The construction of the Bently Farms, Phase 1 project involves the construction of the removal and disposal of existing storm sewer pipe, 4,950 square yards of reinforced concrete pavement, 1,890 linear feet of RCP storm sewer, complete in place. Access to residences along the streets will be required during construction.

Freeman-Millican, Inc. (FMI) verified the bid documents, checked references, and has recommended that the City award the contract to North Texas Contracting, Inc.

Financial Implication:

The award recommendation is under the estimated project budget.

Funding for the project will come from the Series 2020 Certificates of Obligation and funding is allocated in the CIP FY 2022-23 and FY 2022-23 Program Budgets.

Staff Notes:

Approval is recommended.

Attachments:

- 1) Proposed Resolution
- 2) Engineer's Recommendation for Award and Construction Bid Tabulation
- 3) Depiction of project area

CITY OF LAVON, TEXAS
RESOLUTION NO. 2022-12-01

Bently Farms, Phase 1 – CIP-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION CONTRACT WITH NORTH TEXAS CONTRACTING, INC. IN THE AMOUNT OF \$1,965,000.00 WITH 365 CALENDAR DAYS TO CONSTRUCT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lavon, Texas (the “City Council”) has advertised and accepted competitive bids for the construction project in accordance with state law; and

WHEREAS, the City Council finds that awarding the construction contract and authorizing the Mayor to execute a construction contract with North Texas Contracting, Inc. in the amount of \$1,645,022.00 with 160 calendar days to construct serves the best interest of the City and the public health, safety, and welfare of the City.

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

SECTION 1: The City Council hereby awards the construction contract and authorizes the Mayor to execute a construction contract with North Texas Contracting, Inc. in the amount of \$1,645,022.00 with 160 calendar days to construct, subject to the city attorney’s and city engineer’s approval; and

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

SECTION 3: This Resolution shall be effective from and after the date of passage as provided by law.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 6th day of December 2022

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

December 1, 2022

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

Re: Recommendation of Award
Bently Farms Paving & Drainage Phase 1 [CIP-24]

Dear Ms. Dobbs:

Sealed bids for the above referenced project were received on November 22, 2022, at 2:00 p.m. at Lavon City Hall. A total of two (2) bids were received. A complete bid tabulation is attached.

This project involves the construction of the removal and disposal of existing storm sewer pipe, 4,950 square yards of reinforced concrete pavement, 1,890 linear feet of RCP storm sewer, complete in place. Access to residences along the streets will be required during construction.

The low was submitted by North Texas Contracting, Inc. of Keller, Texas in the Bid amount of \$1,645,022.00 and a construction time of 160 calendar days.

We have checked references provided by North Texas Contracting, Inc. and these have been good. We recommend award of the project to North Texas Contracting, Inc. in the amount of \$1,645,022.00 and 160 calendar days.

Sincerely,
FREEMAN - MILLICAN, INC.



Mark D. Hill, P.E.
Project Engineer

Attachment

F:\21028 - LAVON Bently Farms Paving and Drainage\5 - Bidding\Ltr of Recommendation - Bently Ph 1.docx

BID TABULATION

OWNER: City of Lavon	Contractor North Texas Contracting, Inc.	Contractor A'Lure General Contractors, LLC
PROJECT: BENTLY FARMS PAVING & DRAINAGE PHASE 1	Address 4999 Keller Haslet Rd	Address 6750 Boulevard 26
ENGINEER: FREEMAN-MILLICAN, INC.	City, State Keller, TX 76244	City, State Richland Hills, TX 76180
BID DATE: November 22, 2022	Phone 817-430-9500	Phone 817-614-0603

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
BASE BID							
P.1	Mobilize and Demobilize (5% Max)	1	LS	\$82,000.00	\$82,000.00	\$86,000.00	\$86,000.00
P.2	Remove & Dispose of Existing Storm Sewer Pipe	1	LS	\$98,416.00	\$98,416.00	\$128,400.00	\$128,400.00
P.3	Remove & Replace Curb and Gutter	245	LF	\$100.00	\$24,500.00	\$77.46	\$18,977.70
P.4	Remove & Replace Concrete Driveway	13	SY	\$90.00	\$1,170.00	\$221.16	\$2,875.08
P.5	Roadway Excavation with Subgrade	1513	CY	\$50.00	\$75,650.00	\$50.17	\$75,907.21
P.6	Concrete Street Header	103	LF	\$30.00	\$3,090.00	\$106.07	\$10,925.21
P.7	Dowel Existing Gutter	5760	LF	\$1.00	\$5,760.00	\$3.60	\$20,736.00
P.8	5" Thick 3600 psi Concrete Pavement w/ #3 Bars @ 18" O.C.E.W	4950	SY	\$87.00	\$430,650.00	\$69.10	\$342,045.00
P.9	6" Cement-Treated Subgrade (4% Cement by Dry Weight)	4950	SY	\$15.00	\$74,250.00	\$13.90	\$68,805.00
P.10	60" RCP	344	LF	\$700.00	\$240,800.00	\$755.70	\$259,960.80
P.11	42" RCP	25	LF	\$600.00	\$15,000.00	\$478.50	\$11,962.50
P.12	36" RCP	444	LF	\$390.00	\$173,160.00	\$399.30	\$177,289.20
P.13	30" RCP	861	LF	\$320.00	\$275,520.00	\$331.10	\$285,077.10
P.14	24" RCP	54	LF	\$300.00	\$16,200.00	\$291.50	\$15,741.00
P.15	18" RCP	156	LF	\$270.00	\$42,120.00	\$255.20	\$39,811.20
P.16	Connect to Existing CMP	2	EA	\$1,000.00	\$2,000.00	\$43,387.20	\$86,774.40
P.17	Connect to Existing Curb Inlet	8	EA	\$500.00	\$4,000.00	\$9,000.00	\$72,000.00
P.18	Water Main Lowering	1	EA	\$10,000.00	\$10,000.00	\$18,000.00	\$18,000.00
P.19	Hydromulch	727	SY	\$8.00	\$5,816.00	\$15.00	\$10,905.00
P.20	Trench Safety	1884	LF	\$5.00	\$9,420.00	\$1.50	\$2,826.00
P.21	SWPPP	1	LS	\$500.00	\$500.00	\$3,000.00	\$3,000.00
P.22	Erosion Control	1	LS	\$2,000.00	\$2,000.00	\$10,000.00	\$10,000.00
P.23	Traffic Control	1	LS	\$3,000.00	\$3,000.00	\$17,760.00	\$17,760.00
P.24	Contingency Allowance	1	EA	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
TOTAL AMOUNT OF BASE BID (P.1 - P.24)					\$1,645,022.00		\$1,815,778.40
Time of Completion (Calendar Days)						160	180

**BENTLY
FARMS**

MEADOW HILL DR

CORN SILK LN

SHOREVIEW DR

ROLLING MEADOWS DR

BENTLY DR

LAKE
BREEZE



LAKE
POINTE

SH 78

117

PROJECT LIMITS
BENTLY FARMS
PAVING & DRAINAGE,
PHASE 1 [CIP - 24]



CITY OF LAVON

Agenda Brief

MEETING: December 6, 2022

ITEM: 7 – F

Item:

Discussion and action regarding acceptance of the public infrastructure of the Victory at Lavon Addition.

Background:

The developer of the Victory at Lavon Addition recently completed construction of the public infrastructure improvements consisting of storm sewer and sanitary sewer. The Code of Ordinances provides that prior to recording a final plat the City Council will accept the dedication of the public infrastructure.

Code Excerpt

City of Lavon Code of Ordinances

Article 9.02 Subdivision Ordinance

Section 9.02.006 Record Drawings (as-built plans)

Prior to the acceptance of the subdivision and within thirty (30) days of the completion of the subdivision, the engineer for the developer shall submit to the City a complete set of reproducible construction drawings twenty-four by thirty-six inches (24" x 36") of the paving, drainage, water and sanitary sewer improvements with all changes made in the plans during construction and containing on each sheet and [an] "As Built" stamp bearing the signature of the engineer and the date.

Within ten (10) days of the receipt of the "record drawings," the City Engineer shall make a recommendation for acceptance or non-acceptance of the subdivision to the City Council and a determination of review cost and the receipt of the required maintenance bond.

No final acceptance of the subdivision will be made by the City Council until these requirements have been made to the satisfaction of the City.

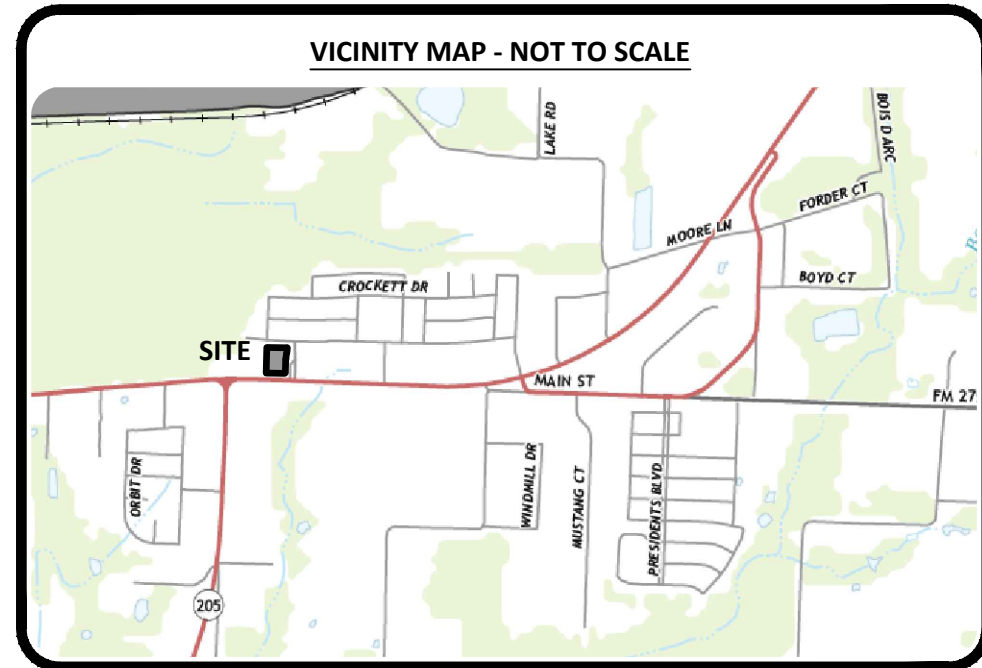
Financial Implication:

There is none.

Staff Notes:

The City Engineer has recommended acceptance of the infrastructure subject to provisions outlined in his December 1, 2022 letter. Acceptance of the dedication of infrastructure is recommended per the City Engineer's letter.

Attachments: 1) Final Plat
 2) City Engineer Letter



- LEGEND OF ABBREVIATIONS**
- D.R.C.C.T. DEED RECORDS, COLLIN COUNTY, TEXAS
 - P.R.C.C.T. PLAT RECORDS, COLLIN COUNTY, TEXAS
 - O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
 - DOC.# DOCUMENT NUMBER
 - C.M. CONTROLLING MONUMENT
 - SQ. FT. SQUARE FEET
 - ROW RIGHT OF WAY
 - CRS CAPPED REBAR SET

- SURVEYOR'S NOTES:**
- Bearings are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83), distances are surface with a combined scale factor of 1.00015271.
 - This property lies within Zone "X" of the Flood Insurance Rate Map for Collin County, Texas and Incorporated Areas, map no. 48085C040J, with an effective date of June 2, 2009, via scaled map location and graphic plotting.
 - Monuments are found unless specifically designated as set.

STATE OF TEXAS §
 COUNTY OF COLLIN §

WHEREAS 78 COMMERCIAL WEST, LP is the owner of a tract of land situated in the W.H. Moore Survey, Abstract Number 638, in the City of Lavon, Collin County, Texas, and being a portion of that same tract of land described by deed to 78 Commercial West, LP, a Texas Limited Partnership, as recorded in Document Number 2008112001321990, Official Public Records of Collin County, Texas, the subject tract being more particularly described by metes and bounds as follows (bearings are based on State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83)):

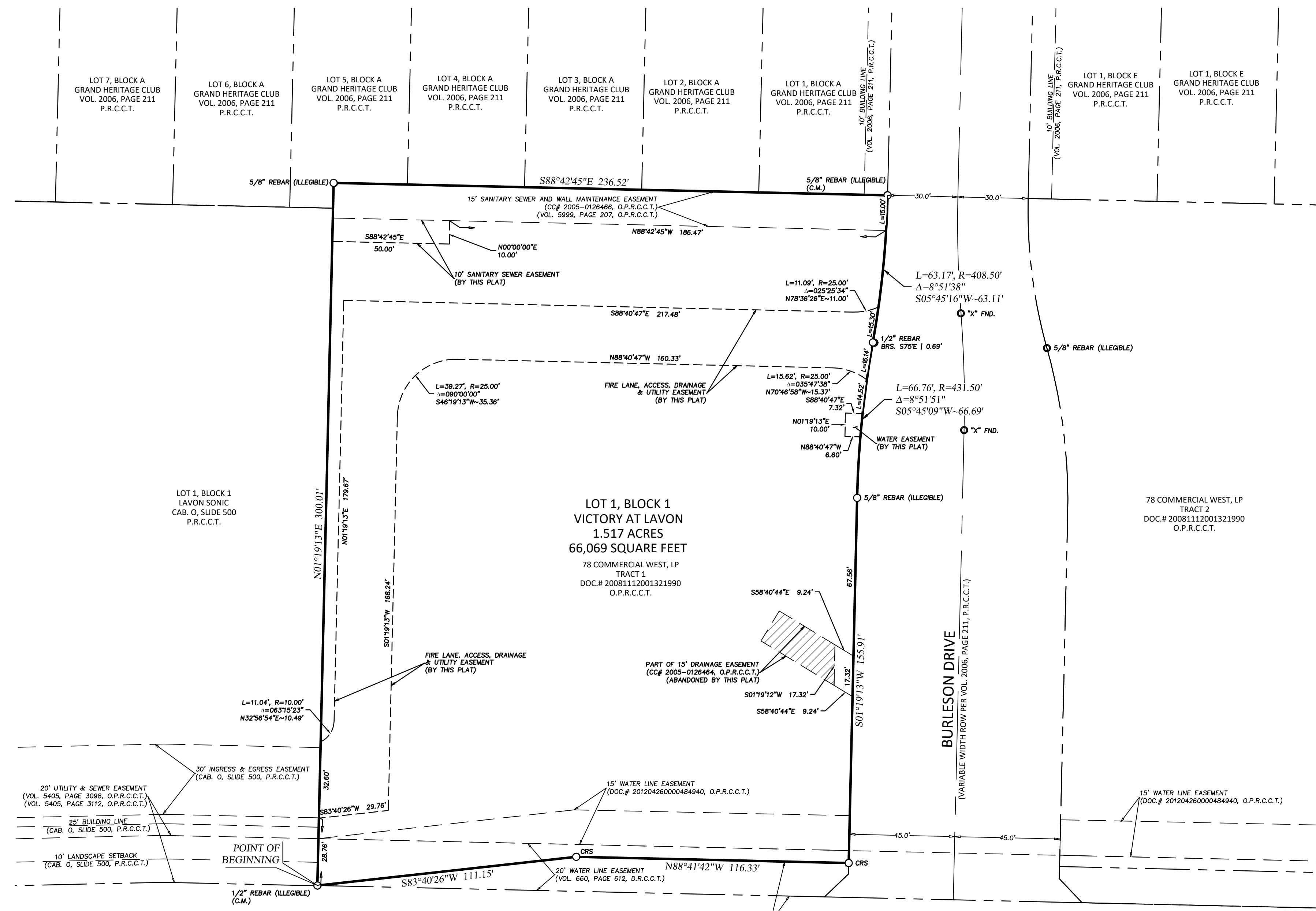
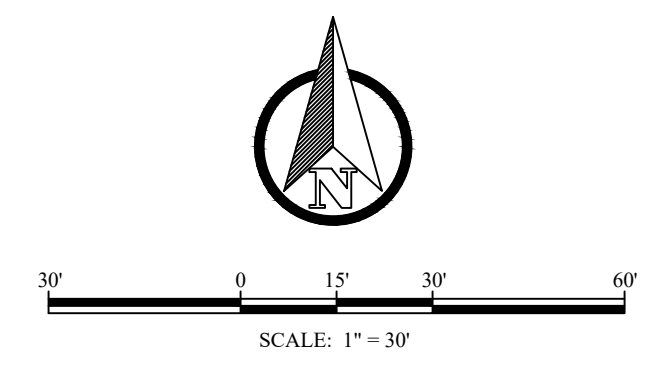
BEGINNING at a 1/2 inch rebar with an illegible cap found for the southwest corner of the 78 Commercial tract and the herein described tract;

THENCE with the perimeter and to the corners of said 78 Commercial tract, the following calls:

- North 01 degrees 19 minutes 13 seconds East, a distance of 300.01 feet to a 5/8 inch rebar with an illegible cap found;
- South 88 degrees 42 minutes 45 seconds East, a distance of 236.52 feet to a 5/8 inch rebar with an illegible cap found at the beginning of a curve to the right, having a radius of 408.50 feet, with a delta angle of 08 degrees 51 minutes 38 seconds, whose chord bears South 05 degrees 45 minutes 16 seconds West, a distance of 63.11 feet
- Along said curve to the right, an arc length of 63.17 feet to a point from which a 1/2 inch rebar found bears South 75 degrees East, a distance of 0.69 feet, said point being at the beginning of a curve to the left, having a radius of 431.50 feet, with a delta angle of 08 degrees 51 minutes 51 seconds, whose chord bears South 05 degrees 45 minutes 09 seconds West, a distance of 66.69 feet;
- Along said curve to the left, an arc length of 66.76 feet to a 5/8 inch rebar found;
- South 01 degrees 19 minutes 13 seconds West, a distance of 155.91 feet to a 1/2 inch rebar with pink cap stamped "BARTON CHAPA" set (hereinafter called "capped rebar set") in the east line of 78 Commercial tract and the northeast corner of a tract of land described by deed to the State of Texas, as recorded in Document Number 20120217000181730, Official Public Records of Collin County, Texas;

THENCE North 88 degrees 41 minutes 42 seconds West, through the interior of said 78 Commercial tract and with the north line of said State of Texas tract, a distance of 116.33 feet to a capped rebar set;

THENCE South 83 degrees 40 minutes 26 seconds West, through the interior of said 78 Commercial tract and with the north line of said State of Texas tract, a distance of 111.15 feet to the **POINT OF BEGINNING** and enclosing 1.573 acres (68,541 square feet) of land, more or less.



NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT, 78 COMMERCIAL WEST, LP, owner, does hereby adopt this final plat designating the above described property as **LOT 1, BLOCK 1, VICTORY AT LAVON**, a subdivision in the City of Lavon, Collin County, Texas, and do hereby dedicate all streets, alleys, parks, and playgrounds shown hereon to public use forever.

WITNESS my hand this the _____ day of _____, 20__

78, Commercial West, LP, Agent

STATE OF TEXAS §
 COUNTY OF _____ §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as for the purpose and consideration therein expressed, and in the capacity therein stated.

Notary Public in and for the State of Texas

SURVEYOR'S CERTIFICATE

I, John H. Barton III, a Registered Professional Land Surveyor of the State of Texas, do hereby certify that the map shown hereon accurately represents the described property as determined by a survey made on the ground under my direction and supervision.

Date of Plat/Map: August 13, 2021

PRELIMINARY

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

John H. Barton III, RPLS 6737

STATE OF TEXAS §
 COUNTY OF TARRANT §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same as for the purpose and consideration therein expressed, and in the capacity therein stated.

Notary Public in and for the State of Texas

Recommended for Approval: _____

Date: _____

Chairman, Planning and Zoning Commission

City of Lavon, Texas

Approved for Construction: _____

Date: _____

Mayor, City of Lavon, Texas

Accepted: _____

Date: _____

Mayor, City of Lavon, Texas

The undersigned, the city secretary of the City of Lavon, Texas, hereby certifies that the foregoing final plat of the subdivision or addition to the City of Lavon was submitted to the city council on the _____ day of _____, 20__ and the council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places and water and sewer lines as shown and set forth in and upon said plat and said council further authorized the mayor to note the acceptance thereof by signing his or her name as hereinabove subscribed.

Witness my hand this _____ day of _____, AD, 20__.

 City Secretary, City of Lavon, Texas

STATE HIGHWAY NO. 78
 (VARIABLE WIDTH R.O.W.)
 (DOC.# 20120217000181730, O.P.R.C.C.T.)

FINAL PLAT
LOT 1, BLOCK 1
VICTORY AT LAVON

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

ENGINEER

5200 State Highway 121
 Colleyville, TX 76034
 Phone: 817-488-4960

SURVEYOR

BARTON CHAPA SURVEYING, LLC
 JOHN H. BARTON, III RPLS# 6737
 5200 STATE HIGHWAY 121
 COLLEYVILLE, TX 76034
 (817) 864-1957
 JACK@BCSDFW.COM

OWNER

78 COMMERCIAL WEST, LP

JOB NO.	2021.001.195
DRAWN:	BCS
CHECKED:	JHB
TABLE OF REVISIONS	
DATE	SUMMARY

LAVON, TEXAS

SHEET:

December 1, 2022

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

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

Dear Ms. Dobbs:

A final walkthrough of the Development was conducted by the City Inspector.

Prior to filing of Final Plat, the following should be provided:

1. A copy of BCSUD acceptance.
2. 2-year Maintenance bond for public infrastructure.
3. A copy of Record Drawings (.pdf and base CAD file).

We recommend acceptance of Victory at Lavon, subject to the items above.

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, LeAnn McClendon, Matt Policano

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



CITY OF LAVON

Agenda Brief

MEETING: December 6, 2022

ITEM: 7 – G

Item:

Discussion and action regarding acceptance of the public sanitary sewer infrastructure for the Elevon Section 1, Phase 2A and Phase 2B Additions.

Background:

The developer of the Elevon Section 1, Phase 2A and Phase 2B Additions recently completed construction of the public sanitary sewer infrastructure improvements. The Code of Ordinances provides that prior to recording a final plat the City Council will accept the dedication of the public infrastructure.

Code Excerpt

City of Lavon Code of Ordinances

Article 9.02 Subdivision Ordinance

Section 9.02.006 Record Drawings (as-built plans)

Prior to the acceptance of the subdivision and within thirty (30) days of the completion of the subdivision, the engineer for the developer shall submit to the City a complete set of reproducible construction drawings twenty-four by thirty-six inches (24" x 36") of the paving, drainage, water and sanitary sewer improvements with all changes made in the plans during construction and containing on each sheet and [an] "As Built" stamp bearing the signature of the engineer and the date.

Within ten (10) days of the receipt of the "record drawings," the City Engineer shall make a recommendation for acceptance or non-acceptance of the subdivision to the City Council and a determination of review cost and the receipt of the required maintenance bond.

No final acceptance of the subdivision will be made by the City Council until these requirements have been made to the satisfaction of the City.

The City Engineer has recommended acceptance of the subdivision infrastructure subject to provisions outlined in his December 2, 2022 letter.

Financial Implication:

There is none.

Staff Notes:

Acceptance of the dedication of infrastructure is recommended per the City Engineer's letter.

Attachments: 1) Final Plats
2) City Engineer Letter

December 2, 2022

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

Re: Elevon Section 1, Phase 2A & 2B
Final Acceptance (Sanitary Sewer)

Dear Ms. Dobbs:

On Wednesday, November 16, 2022, a final walkthrough of the Development was conducted with representatives of the Developer, Contractor, City Inspector and City Engineer. A "punch list" was created to identify items that required completion prior to final acceptance. The final walkthrough only looked at Sanitary Sewer and drainage as related to the City's MS4. The sanitary sewer system is to be owned and maintained by the City of Lavon.

All punch list items have been satisfactorily addressed.

Prior to filing of Final Plat, the following should be provided:

1. A copy of BCSUD acceptance.
2. 2-year Maintenance bond for public infrastructure.
3. A copy of Record Drawings (.pdf and base CAD file).

The Developer and City of Lavon are working on an agreement for collection of sanitary sewer tap fees and TV'ing of service connections.

We recommend acceptance of Elevon Section 1, Phase 2A & 2B (Sanitary Sewer), subject to completion of the items above. The above items should be completed prior to filing the Final Plat.

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

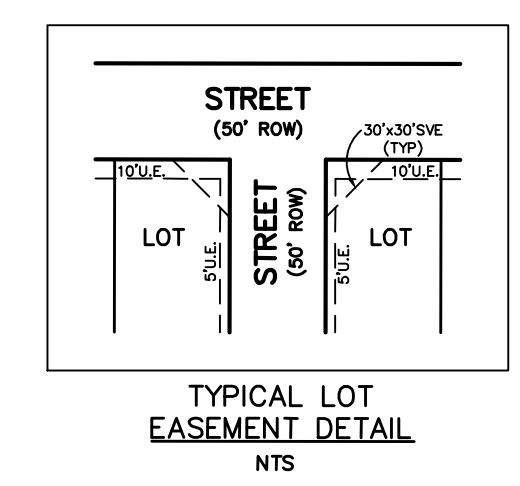
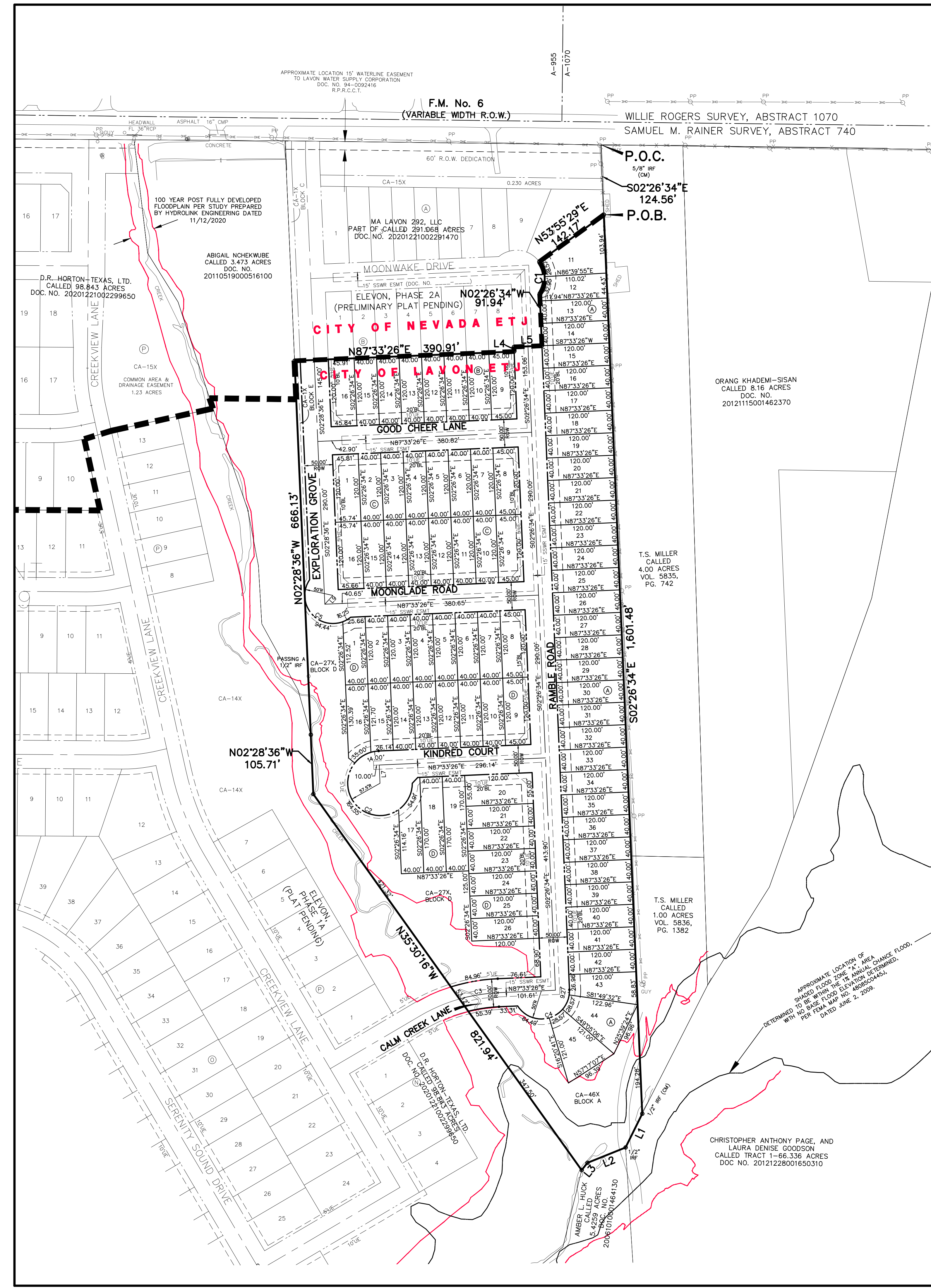
Sincerely,
FREEMAN-MILLICAN, INC.



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

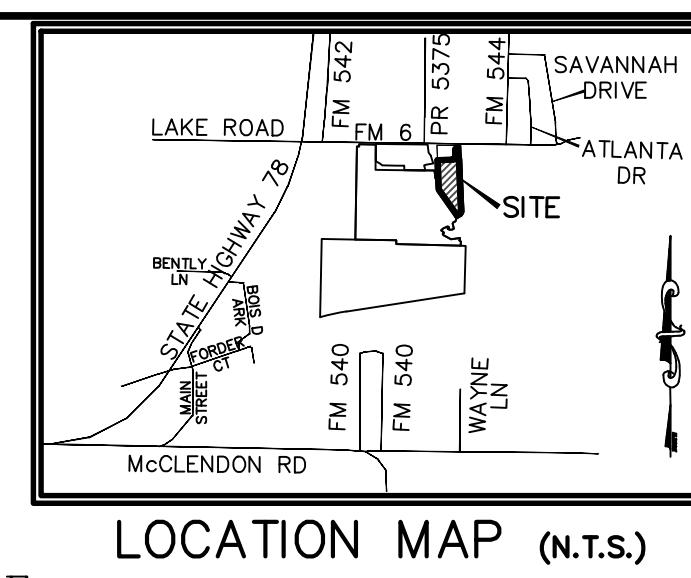
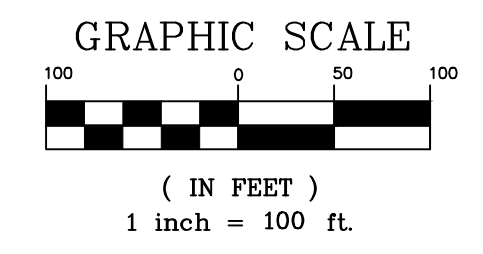
Cc: David Carter, Matt Policano

F:\17024 - LAV General Servies\9 - Review\Elevon\Phase 2B\Elevon Ph 1 2A-2B - Final Acceptance.docx



LEGEND

- P.O.B. POINT OF BEGINNING
- IRF IRON ROD FOUND
- CM CAPPED IRON ROD FOUND
- ROW CONTROL MONUMENT
- BL RIGHT-OF-WAY
- SSWR BUILDING LINE
- ESMT SANITARY SEWER
- UE ESMT
- SVE UTILITY EASEMENT
- SIGHT VISIBILITY EASEMENT
- STREET NAME CHANGE
- 100 YEAR POST FULLY DEVELOPED FLOODPLAIN PER STUDY PREPARED BY HYDROLINK ENGINEERING DATED 11/12/2020



LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE		
BLOCK-LOT	SQUARE FEET	ACRES	BLOCK-LOT	SQUARE FEET	ACRES	BLOCK-LOT	SQUARE FEET	ACRES
A-11	7,601	0.174	B-13	4,800	0.110	D-21	4,800	0.110
A-12	5,008	0.115	B-14	4,800	0.110	D-22	4,800	0.110
A-13	4,800	0.110	B-15	4,800	0.110	D-23	4,800	0.110
A-14	4,800	0.110	B-16	5,504	0.126	D-24	4,800	0.110
A-15	4,800	0.110	C-1	5,492	0.126	D-25	4,800	0.110
A-16	4,800	0.110	C-2	4,800	0.110	D-26	4,800	0.110
A-17	4,800	0.110	C-3	4,800	0.110	D-27X	62,601	1.437
A-18	4,800	0.110	C-4	4,800	0.110	E-1X	3,996	0.092
A-19	4,800	0.110	C-5	4,800	0.110			
A-20	4,800	0.110	C-6	4,800	0.110			
A-21	4,800	0.110	C-7	4,800	0.110			
A-22	4,800	0.110	C-8	5,400	0.124			
A-23	4,800	0.110	C-9	5,400	0.124			
A-24	4,800	0.110	C-10	4,800	0.110			
A-25	4,800	0.110	C-11	4,800	0.110			
A-26	4,800	0.110	C-12	4,800	0.110			
A-27	4,800	0.110	C-13	4,800	0.110			
A-28	4,800	0.110	C-14	4,800	0.110			
A-29	4,800	0.110	C-15	4,800	0.110			
A-30	4,800	0.110	C-16	5,484	0.126			
A-31	4,800	0.110	D-1	4,739	0.109			
A-32	4,800	0.110	D-2	4,800	0.110			
A-33	4,800	0.110	D-3	4,800	0.110			
A-34	4,800	0.110	D-4	4,800	0.110			
A-35	4,800	0.110	D-5	4,800	0.110			
A-36	4,800	0.110	D-6	4,800	0.110			
A-37	4,800	0.110	D-7	4,800	0.110			
A-38	4,800	0.110	D-8	5,400	0.124			
A-39	4,800	0.110	D-9	5,400	0.124			
A-40	4,800	0.110	D-10	4,800	0.110			
A-41	4,800	0.110	D-11	4,800	0.110			
A-42	4,800	0.110	D-12	4,800	0.110			
A-43	5,713	0.131	D-13	4,800	0.110			
A-44	7,284	0.167	D-14	4,800	0.110			
A-45	7,193	0.165	D-15	4,808	0.110			
A-46X	42,466	0.975	D-16	5,212	0.120			
B-9	5,400	0.124	D-17	5,654	0.130			
B-10	4,800	0.110	D-18	6,800	0.156			
B-11	4,800	0.110	D-19	6,800	0.156			
B-12	4,800	0.110	D-20	6,600	0.152			

LINE TABLE

NO.	BEARING	LENGTH
L1	S26°21'16"W	66.87'
L2	S67°57'27"W	73.10'
L3	S38°47'46"W	16.65'
L4	N02°26'34"W	8.06'
L5	N87°33'26"E	50.00'
L6	S51°16'04"E	14.06'
L7	S02°26'31"E	32.50'
L8	N42°42'41"E	14.18'
L9	N42°32'25"E	21.21'

CURVE TABLE

NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD
C1	61.52'	070°30'08"	50.00'	35.34'	N00°49'27"W	57.72'
C2	268.46'	267°30'31"	57.50'	60.06'	S46°11'48"E	83.07'
C3	70.22'	013°24'40"	300.00'	35.27'	S80°51'06"W	70.06'
C4	130.90'	150°00'00"	50.00'	186.60'	N72°33'26"E	96.59'
C5	142.86'	163°42'22"	50.00'	349.27'	S47°27'35"E	98.99'

- NOTES:**
- FLOOD STATEMENT: ACCORDING TO COMMUNITY PANEL NO. 48085C0445J, DATED JUNE 2, 2009 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM MAP, A PORTION OF THIS PROPERTY IS WITHIN SHADED FLOOD ZONE "A". (AREAS DETERMINED TO BE WITHIN THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), WITH NO BASE FLOOD ELEVATIONS DETERMINED.
 - THE BASIS OF BEARING IS BASED ON THE COORDINATE SYSTEM (NORTH CENTRAL ZONE 4202 STATE PLANE COORDINATES, NAD83).
 - SURVEY ABSTRACT LINES SHOWN HEREON ARE APPROXIMATE.
 - CITY ETJ LINES SHOWN HEREON ARE APPROXIMATE.
 - ALL LOTS SHOWN HEREON LIE WITHIN COMMUNITY INDEPENDENT SCHOOL DISTRICT BOUNDARY
 - ALL CORNERS ARE ONE-HALF INCH IRON ROD WITH YELLOW CAP STAMPED "JBI" SET UNLESS OTHERWISE NOTED.
 - THE WATER SYSTEM IS OWNED AND OPERATED BY BEAR CREEK SPECIAL UTILITY DISTRICT (BCSUD).
 - THE SANITARY SEWER SYSTEM IS OWNED AND OPERATED BY THE CITY OF LAVON.
 - THE STREETS AND DRAINAGE SYSTEM IS OWNED AND OPERATED BY THE ABSTON HILLS MUNICIPAL UTILITY DISTRICT 1-A.

FINAL PLAT
ELEVON PHASE 2B

85 RESIDENTIAL LOTS
3 COMMON AREAS
88 TOTAL

BEING 15.704 ACRES OUT OF
THE SAMUEL M. RANIER SURVEY, ABSTRACT NO. 740,
CITY OF LAVON ETJ,
COLLIN COUNTY, TEXAS

MA LAVON 292, LLC DEVELOPER
15443 Knoll Trail, Suite 130 (972) 715-6449
Dallas, Texas 75248
Contact: John Marlin

JBI PARTNERS, INC. SURVEYOR/ENGINEER
2121 Midway Road, Suite 300 (972)248-7676
Carrollton, Texas 75006
Contact: Daniel Dewey, P.E.
TBPE No. F-438 TBPLS No. 10076000

OWNER'S CERTIFICATE §

STATE OF TEXAS §

COUNTY OF COLLIN §

WHEREAS MA LAVON 292, LLC is the owner of 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 291.068 acre tract of land described in deed to MA LAVON 292, LLC as recorded in Document Number 20201221002291470, Official Public Records of Collin County, Texas, and being further described as follows:

COMMENCING at a five-eighths inch iron rod found at the northeast corner of said 291.068 acre tract, said point being the northwest corner of that called 4.00 acre tract of land described in deed to T.S. Miller as recorded in Volume 5835, Page 742, Official Public Records of Collin County, Texas, said point also being in the south right-of-way line of Farm-to-Market Road Number 6 (a variable width right-of-way);

THENCE along the common line of said 291.068 acre tract and said 4.00 acre tract as follows:

South 02 degrees 26 minutes 34 seconds East, 124.56 feet to the POINT OF BEGINNING;
South 02 degrees 26 minutes 34 seconds East, 1,601.48 feet to a one-half inch iron rod found for corner, said point being the south corner of that called 1.00 acre tract of land described in deed to T.S. Miller as recorded in Volume 5836, Page 1382, Official Public Records of Collin County, Texas, said point also being in the west line of that called Tract 1-66.336 acre tract of land described in deed to Christopher Anthony Page and Laura Denise Goodson as recorded in Document Number 20121228001650310, Official Public Records of Collin County, Texas;

THENCE South 26 degrees 21 minutes 16 seconds West, 66.87 feet to a one-half inch iron rod found for corner in the east line of said 291.068 acre tract, said point being in the west line of that said Tract 1-66.336 acre tract, said point also being the northeast corner of that called 5.4259 acre tract of land described in deed to Amber L. Huck as recorded in Document Number 20061010001464130, Official Public Records of Collin County, Texas;

THENCE along the common line of said 291.068 acre tract and said 5.4259 acre tract and the approximate centerline of the creek as follows:

South 67 degrees 57 minutes 27 seconds West, 73.10 feet to a point for corner;
South 38 degrees 47 minutes 46 seconds West, 16.65 feet to a point for corner, said point being in the east line of that called 98.843 acre tract of land described in deed to D.R. Horton-Texas, LTD as recorded in Document Number 20201221002299650, Official Public Records of Collin County, Texas;

THENCE along the east line of said 98.843 acre tract as follows:

North 35 degrees 30 minutes 16 seconds West, 821.94 feet to a point for corner in the approximate centerline of a creek;
North 02 degrees 28 minutes 36 seconds West, 105.71 feet to a point for corner, said point being a common corner of said 291.068 acre tract and said 98.843 acre tract, said point also being in the south of that called 3.473 acre tract of land described in deed to Abigail Nchekwube as recorded in Document Number 20110519000516100, Official Public Records of Collin County, Texas;

THENCE North 02 degrees 28 minutes 36 seconds West, at 103.17 feet passing a one-half inch iron rod found as witness corner in the common line of said 291.068 acre tract and said 3.473 acre tract in all a total distance of 666.13 feet to a one-half inch iron rod with yellow cap stamped 'JBI' set for corner in the common line of said 291.068 acre tract and said 3.473 acre tract, said point also being in the north line of City of Lavon ETJ line and the south line of City of Nevada ETJ line;

THENCE along the north line of City of Lavon ETJ line and the south line of City of Nevada ETJ line as follows:

North 87 degrees 33 minutes 26 seconds East, 390.91 feet to a one-half inch iron rod with yellow cap stamped 'JBI' set for corner;
North 02 degrees 26 minutes 34 seconds West, 8.06 feet to a one-half inch iron rod with yellow cap stamped 'JBI' set for corner;
North 87 degrees 33 minutes 26 seconds East, 50.00 feet to a one-half inch iron rod with yellow cap stamped 'JBI' set for corner;
North 02 degrees 26 minutes 34 seconds West, 91.94 feet to a one-half inch iron rod with yellow cap stamped 'JBI' set for corner;
Northwesterly, 61.52 feet along a curve to the left having a central angle of 70 degrees 30 minutes 08 seconds, a radius of 50.00 feet, a tangent of 35.34 feet and whose chord bears North 00 degrees 49 minutes 27 seconds West, 57.72 feet to a one-half inch iron rod with yellow cap stamped 'JBI' set for corner;
North 53 degrees 55 minutes 29 seconds East, 142.17 feet to the POINT OF BEGINNING and containing 684,050 square feet or 15.704 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.

DEDICATION STATEMENT

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS;

That MA LAVON 292, LLC, acting herein by and through its duly-authorized officers, does hereby adopt this plat designating the herein above described property as ELEVON, PHASE 2B, an addition to the City of Lavon ETJ, Collin County, Texas, and does hereby dedicate to Abston Hills Municipal Utility District No. 1-A, in fee simple, the streets and public use areas shown hereon, and does hereby dedicate the easements shown hereon for the purposes indicated to exclusive use forever of The District, said dedications being free and clear of all liens and encumbrances except as shown herein. No buildings, fences, trees, shrubs or other improvements shall be constructed or placed upon, over or across the easements on said plat. At the discretion of The District and subject to it's written approval, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to The District use thereof. Any public utility given the right by The District to use said easements shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of these easements. Any public utility shall at all times have the right of ingress and egress to and from and upon any said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the necessity at any time procuring the permission of anyone. I do hereby bind myself, my successors and assigns to forever warrant and defend all and singular the above described streets, easements and rights unto The District against every person whomsoever comes lawfully claiming or to claim the same or any part thereof. This property is located within The City of Lavon Extra-Territorial Jurisdiction. This plat approval is subject to all the platting ordinances, rules and regulations of the City of Lavon, Collin County, Texas.

All utility easements dedicated by this plat shall also include an additional area of working space for construction, reconstruction, additions, enlargements, and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb of of pavement line.

- 1. All water system is owned and operated by Bear Creek Special Utility District (BCSUD) and all construction related to water service shall be done per BCSUD's specifications and general notes.
2. The easements and public use areas, as shown are dedicated for the public use, including specifically for the Abston Hills Municipal Utility District No. 1-A, City of Lavon, or BCSUD, forever for purposes indicated on this plat.
3. The Abston Hills Municipal Utility District No. 1-A, City of Lavon, and BCSUD are not responsible for replacing any improvements in, under or over any easements caused by maintenance or repair.
4. Utility easements may also be used for the mutual and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities as being subordinate to the public and Abston Hills Municipal Utility District No. 1-A, City of Lavon, and BCSUD.
5. The Abston Hills Municipal Utility District No. 1-A, City of Lavon, BCSUD, and public utilities shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with construction, maintenance, or efficiency of their respective systems in the easements.
6. The Abston Hills Municipal Utility District No. 1-A, City of Lavon, BCSUD, and public utilities shall at all times have the full right of ingress and egress to and from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, respective systems without the necessity at any time of procuring permission from anyone.
7. All modifications to this document shall be by means of plat and approved by the City of Lavon unless said modifications pertain to BCSUD facilities, at which time BCSUD shall also review and approve.

That MA LAVON 292, LLC, does hereby bind itself, its successors and assigns to forever warrant and defend, all and singular, the above-described streets, alleys, easements and rights unto the public, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Lavon, Texas.

WITNESS MY HAND THIS ____ DAY OF _____, 2021.

BY: John Marlin
an Authorized Agent for MA LAVON 292, LLC

STATE OF TEXAS §
COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for the said County and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated..

Given under my hand and seal of office, this ____ day of _____, 2021.

Notary Signature

This plat correctly presents the required easements and certifications required by Bear Creek Special Utility District for this development.

BEAR CREEK SPECIAL UTILITY DISTRICT

NAME/TITLE: _____

Date: _____

SURVEYOR'S CERTIFICATE §

KNOW ALL MEN BY THESE PRESENTS:

That I, Mark W. Harp, RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Lavon's ETJ.

Dated this the ____ day of _____, 2021.

Mark W. Harp, R.P.L.S. No. 6425

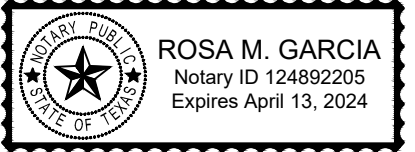
STATE OF TEXAS §

COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mark W. Harp, Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office this ____ day of _____, 2021.

Notary Public in and for the State of Texas



"Recommended For Approval"

Chairman, Planning and Zoning Commission Date
City of Lavon, Collin County, Texas

"Approved For Preparation of Final Plat"

Mayor Date
City of Lavon, Collin County, Texas

FINAL PLAT
ELEVON PHASE 2B

85 RESIDENTIAL LOTS
3 COMMON AREAS
88 TOTAL

BEING 15.704 ACRES OUT OF
THE SAMUEL M. RANIER SURVEY, ABSTRACT NO. 740,

CITY OF LAVON ETJ,
COLLIN COUNTY, TEXAS

MA LAVON 292, LLC DEVELOPER
15443 Knoll Trail, Suite 130 (972) 715-6449
Dallas, Texas 75248
Contact: John Marlin

JB PARTNERS, INC. SURVEYOR/ENGINEER
2121 Midway Road, Suite 300 (972)248-7676
Carrollton, Texas 75006
Contact: Daniel Dewey, P.E.
TBPE No. F-438 TBPLS No. 10076000

OWNER'S CERTIFICATE §

STATE OF TEXAS §

COUNTY OF COLLIN §

WHEREAS MA LAVON, 292, LLC, is the owner of a parcel of land located in Collin County, Texas, a part of the Samuel M. Raner Survey, Abstract Number 740, and being a part of that called 291.068 acre tract, of land described in deed to MA LAVON, 292, LLC as recorded in Document Number 20201221002291470, Official Public Records of Collin County, Texas, and being further described as follows:

BEGINNING at a five-eighths inch iron rod found at the northeast corner of said 291.068 acre tract, said point being the northwest corner of that called 4.00 acre tract, of land described in deed to T.S. Miller as recorded in Volume 9835, Page 10, of the Official Public Records of Collin County, Texas, and said point also being in the south right-of-way line of Farm-to-Market Road Number 6 (a variable width right-of-way);

THENCE South 09 degrees 05 minutes East, 154.65 feet, along the corners line of said 291.068 acre tract and said 4.00 acre tract to a one-half inch iron rod with yellow cap stamped '88' set for corner;

THENCE South 53 degrees 55 minutes West, 142.17 feet to a one-half inch iron rod with yellow cap stamped '81' set for corner;

THENCE Southeastery, 61.52 feet along a curve to the right having a central angle of 70 degrees 30 minutes 08 seconds, a radius of 100.00 feet, to a one-half inch iron rod with yellow cap stamped '88' set for corner;

THENCE South 02 degrees 26 minutes 34 seconds East, 91.94 feet to a one-half inch iron rod with yellow cap stamped '81' set for corner;

THENCE South 87 degrees 33 minutes 26 seconds West, 50.00 feet to a one-half inch iron rod with yellow cap stamped '81' set for corner;

THENCE South 02 degrees 26 minutes 34 seconds East, 8.06 feet to a one-half inch iron rod with yellow cap stamped '81' set for corner;

THENCE South 87 degrees 33 minutes 26 seconds West, 390.91 feet to a one-half inch iron rod with yellow cap stamped '81' set for corner;

THENCE North 02 degrees 28 minutes 36 seconds West, 391.87 feet to a five-eighths inch iron rod found for corner in the north line of said 291.06 acre tract, said point being the northwest corner of said 3.473 acre tract, said point also being in the south right-of-way line of Farm-to-Market Road Number 6;

THENCE South 89 degrees 17 minutes 03 seconds East, 461.99 feet along the north line of said 291.068 acre tract and along the east line of Farm-to-Market Road Number 6 to the POINT OF BEGINNING and containing 181,633 square feet or 4.307 acres of land.

BASES OF BEARINGS: All bearings are based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83), distances shown hereon are grid distance values.

DEDICATION STATEMENT

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That MA LAVON, 292, LLC, acting herein by and through its duly-authorized officers, does hereby elect this plat designating the herein above described property as ELEVON PHASE 2A, an addition to the City of Nevada ETJ, Collin County, Texas, and does hereby dedicate to the public use forever the streets, alleys, and public use areas shown hereon, together with all easements, rights, and interests therein, to be held in trust for the public use forever, said dedications being free and clear of all liens and encumbrances, except as shown herein. No buildings, fences, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or structures of those any person or persons, and the City of Nevada ETJ, Collin County, Texas, hereby grants to the public and agrees to and from and upon any said easements for the purpose of constructing, reconstructing, inspecting, and maintaining any and all public utility lines and facilities, and to remove all or part of its respective system without the necessity of any type of procuring the permission of anyone.

MA LAVON, 292, LLC, does hereby bind itself, its successors and assigns to forever warrant and defend, all and singular, the above-described streets, alleys, easements and rights unto the public, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS MY HAND THIS _____ DAY OF _____, 2021.

BY: _____
Notary Public in and for the State of Texas

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for the said County and State of Texas, on this day personally appeared MA LAVON, 292, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated and as the act and deed therein stated.

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

Notary Signature

SURVEYOR'S CERTIFICATE §

KNOW ALL MEN BY THESE PRESENTS:

That I, Mark W. Harp, RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown hereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Nevada § E.T.J.

Dated this _____ day of _____, 2021.

"PRELIMINARY THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT."

Mark W. Harp, R.P.L.S., No. 6425

STATE OF TEXAS §

COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mark W. Harp, Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

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

Notary Public in and for the State of Texas

"PRELIMINARY PLAN FOR REVIEW PURPOSES ONLY"

"Not Approved"

Chairman, Planning and Zoning Commission
Collin County, Texas

"Recommended For Approval"

Chairman, Planning and Zoning Commission
Collin County, Texas

Approved For Preparation of Final Plat

Notary
City of Nevada,
Collin County, Texas



FINAL PLAT
ELEVON PHASE 2A

18 RESIDENTIAL LOTS
2 COMMON AREAS
20 TOTAL

BEING 4,307 ACRES OUT OF
THE SAMUEL M. RANER SURVEY, ABSTRACT NO. 740,
CITY OF NEVADA ETJ,
COLLIN COUNTY, TEXAS

MA LAVON 292, LLC CURRENT OWNER
15443 Knoll Trail, Suite 130 (972) 715-6449
Dallas, Texas 75248
Contact: John Marlin
JBI PARTNERS, INC. SURVEYOR/ENGINEER
2121 Midway Road, Suite 300 (972)248-7676
Corrollton, Texas 75006 P.E.
John Marlin, License No. 12220
TREC Reg. # 438 License No. 00762600



CITY OF LAVON Agenda Brief

MEETING: December 6, 2022

ITEM: 7 – H

Item:

Discussion and action regarding Ordinance No. 2022-12-04 acknowledging the council manager form of government by amending Chapter 1 “General Provisions”, Article 1.01 “Code of Ordinances”, Section 1.01.004 “Definitions” of the City’s Code of Ordinances; providing for publication and an effective date; providing severability, repealer and savings clauses; and finding and determining that the meeting at which this ordinance is adopted to be open to the public as required by law and the appointment of a city manager.

Background:

With the voter’s approval and the City Council’s adoption of the home rule charter, several actions will be in order to reconcile current operations and the Code of Ordinances to the provisions of the home rule charter.

The term “city administrator” appears an estimated 175 times throughout the Code of Ordinances. The proposed ordinance is somewhat of a global solution serving as a bridge provision to immediately address the form of government adopted in the home rule charter.

A more thorough recodification to not only address the form of government, but also other affected areas will take time to prepare and will follow in the future.

Financial Implication:

There is none.

Staff Notes:

Approval of the ordinance and appointment of a city manager are recommended.

Attachments: 1) Proposed Ordinance

CITY OF LAVON
ORDINANCE NO. 2022-12-04

Home Rule Charter – Council Manager Form of Government

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, ACKNOWLEDGING THE COUNCIL MANAGER FORM OF GOVERNMENT BY AMENDING CHAPTER 1 “GENERAL PROVISIONS”, ARTICLE 1.01 “CODE OF ORDINANCES”, SECTION 1.01.004 “DEFINITIONS” OF THE CITY’S CODE OF ORDINANCES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; PROVIDING SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City Council of the City of Lavon, Texas (the “**City Council**”) duly authorized a Special Election to be held within the City of Lavon, Texas (the “**City**”) on November 8, 2022 (the “**Election**”), for the purpose of submitting to the resident qualified electors of the City the proposition of whether to approve a home rule charter, as presented by the City’s Home Rule Charter Commission; and

WHEREAS, the results of the Election have been certified and returned by the proper judges and clerks of the Election and, by Ordinance 2022-11-06 of the City, officially canvassed; and

WHEREAS, the Home Rule Charter, Section 2.01 “Form of Government” states that the municipal form of government for the City shall be the “Council-Manager” government; and

WHEREAS, the City Council finds that the adoption of this Ordinance is in the best interest of the City and that the regulations provided herein will promote and provide for the health, safety, and welfare of the City.

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

SECTION 1. Recitals

The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City Council hereby incorporates such recitals as part of this Ordinance.

SECTION 2. Amendments

CHAPTER 1 “GENERAL PROVISIONS”, ARTICLE 1.01 “Code of Ordinances” of the City’s Code of Ordinances is hereby amended as follows:

1. SECTION 1.01.004 “DEFINITIONS” is hereby amended to read as follows:

City manager, city secretary, chief of police or other city officers. The term “city manager,” “city secretary,” “chief of police” or other city officer or department shall be construed to mean the city manager, city secretary, chief of police or such other municipal officer or department, respectively, of the City of Lavon, Texas.

2. SECTION 1.01.004 “DEFINITIONS” is hereby further amended to add the following definition:

City Administrator. As used throughout the provisions of this code, the term “city administrator” shall mean and refer to the city manager of the city.”

SECTION 3. Effective Date

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 4. Severability

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

SECTION 5. Repealer and Savings

This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of such ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance; whether such ordinances are codified or uncodified, and all other provisions of the ordinances of the City, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect. Any repeal occurring due to this provision shall not abate any pending prosecution or lawsuit and/or prevent any prosecution or lawsuit from being commenced for any violation occurring before the effective date 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 as required by the Open Meetings Act, Chapter 551 of the Texas Government Code and as required by Chapter 52 of the Texas Local Government Code.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Collin County, Texas, on this the 6th day of December 2022.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary



CITY OF LAVON Agenda Brief

MEETING: December 6, 2022

ITEM: 7 – I

Item:

Discussion regarding Code of Ordinance updates and anticipated actions related to the adoption of the Home Rule Charter, including but not limited to the appointment of a Board of Adjustment.

Background:

With the voter's approval and the City Council's adoption of the home rule charter, several actions will be in order to reconcile current operations and the Code of Ordinances to the provisions of the home rule charter.

In addition to addressing the form of government with an interim fix, a number of actions will be in order to address references to "general law", state law provisions that pertain to general law cities, human resource reporting details, appointment of a Board of Adjustment, and any other provisions in the Code of Ordinances that are in conflict with the home rule charter.

A Summary of Changes is enclosed for discussion.

Financial Implication:

There is none.

Staff Notes:

Direction is sought regarding the process to undertake the changes and to invite volunteer applications for appointment to the Board of Adjustment.

Attachments: 1) Summary of Changes

CITY OF LAVON PROPOSED HOME RULE CHARTER SUMMARY OF CERTAIN CHANGES

The section numbers and titles below are from the proposed home rule charter prepared by the Home Rule Charter Commission. The Charter in its entirety is subject to voter approval. Currently the City operates under the general laws of the State of Texas and according to policy provisions in limited local ordinances.

Generally, the City's current policies and procedures will not be materially affected by the adoption of the home rule charter and the proposed home rule charter does not expressly require annexation, new employees, additional expenses, or increased taxes. This summary is to point out some of the substantive differences between provisions in the proposed home rule charter and current operations.

SECTION	TITLE	CURRENT OPERATION (GENERAL LAW)	PROPOSED CHARTER (HOME RULE)
1.02	Boundaries and Limits	Annexation may only occur with property owner consent, or as otherwise provided by State law.	No change.
2.01	Form of Government	Aldermanic (Lavon Code 2.02.032) The city administrator's office is responsible for the administration and management of the business affairs of the city pursuant to state law and directives of the city council. (Lavon Code of Ordinances Sec. 2.03.121(a))	The form of government will be "Council-Manager" where the governing power is concentrated in the Mayor and City Council with a professional manager to oversee the delivery of public services and day-to-day functions of the City.
2.02	General Powers of the City	The City is a "Type A – General Law" City and is limited to powers granted by State law.	The City will be a "Home Rule" City with greater autonomy than is provided for under the general laws of the state.
3.03	Qualifications (of City Council Members)	Per state law a candidate must be 18 years of age.	A candidate for City Council or Mayor must be 21 years of age.
3.03	Qualifications (of City Council Members)	There is no designation	"The office of an incumbent elected City official shall become vacant when the person holding such office files an application to have his or her name placed on an official ballot as a candidate for any elective public office other than the one such person holds, unless otherwise prohibited by law."
4.02	Direction and Supervision of Employees, Non-Interference by City Council, Appointments and Removals of Department Heads	No restriction on involvement of the City Council in the appointment, direction, or removal of employees.	No member of the City Council may order the appointment or removal of any administrative officer or employee under the City Manager's authority.
5.01	Appointment and Compensation of City Secretary	The City Secretary is appointed by the City Council.	The City Secretary is appointed by the City Manager, subject to confirmation by the City Council.
8.04	Annual Budget	The Mayor is the Chief Budget Officer.	The City Manager shall submit the annual budget per state law.
9.02	Board of Adjustment	Mayor and City Council sit as Board of Adjustment	City Council shall appoint a Board of Adjustment.
12.01–12.07	Initiative, Referendum and Recall	There are none.	Citizens granted rights to call for: Initiative (adoption of ordinances), Referendum (repeal of ordinances) and Recall (removal of elected officials).