



AGENDA
MAY 2, 2023
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
REGULAR MEETING
6:30 PM

Please note the regular meeting time of 6:30 p.m.

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

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ITEMS OF INTEREST/COMMUNICATIONS

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

4. CITIZENS COMMENTS

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

5. PROCLAMATIONS

Economic Development Week May 8-12, 2023

Public Works Week May 21-27, 2023

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 April 18, 2023 meeting.

B. Approve the minutes of the April 22, 2023 special meeting.

C. Approve Resolution No. **2023-05-01** approving and authorizing the city manager to sign an Agreement for Arbitrage Rebate Compliance Services with Hilltop Securities Asset Management, L.L.C.

D. Approve Resolution No. **2023-05-02** approving and authorizing the city manager to execute an Easement and Right of Way for Oncor Electric Delivery Company, L.L.C. on city-owned property at 112 School Road and a Discretionary Service Agreement and authorizing an expenditure of approximately \$12,500.00 for Oncor to relocate overhead primary facilities to serve city-owned property.

E. Receive Quarterly Investment Report.

7. ITEMS FOR CONSIDERATION

A. Public hearing, discussion, and action regarding an application for a conditional use permit for an alcohol: mixed beverage package store (off-premise consumption) at 900 S. SH 78, on approximately 1.5 acres being a portion of Abstract A0121 W.A.S. Bohannon Survey, Sheet 3, Tract 10, Lavon, Collin County, TX (CCAD Property ID 2614673) located southwest of the intersection of SH 78 and Burleson Dr., requested by McClure Partners.

1) Presentation of proposed application.

2) **PUBLIC HEARING** to receive comments regarding the proposed application.

3) Discussion and action regarding the proposed application and accompanying Ordinance No. **2023-05-01**.

B. Public hearing, discussion, and action regarding an application for a conditional use permit as specified in Ordinance No. **2020-04-04** that established the Lake Breeze Planned Development (PD), Exhibit C

Lavon City Hall will provide reasonable accommodations for persons attending meetings. Please contact the City Secretary at 972-843-4220 no later than 48 hours prior to a meeting if you require special assistance | WiFi: Select Guest Portal

Zoning Uses and Design Guidelines, Zoning Use Table for a car wash (single-bay, drive-thru) accompanying a gasoline fueling station at 955 N. SH 78, Lake Breeze Estates, on 2 acres, Blk E, Lot 25C, Lavon, Collin County, TX situated southwest of the intersection of SH 78 and Gage Road (formerly Lake Road), (CCAD Property ID 2864642).

- 1) Presentation of proposed application.
- 2) **PUBLIC HEARING** to receive comments regarding the proposed application.
- 3) Discussion and action regarding the proposed application and accompanying Ordinance No. **2023-05-02**.

C. Public hearing, discussion, and action regarding an application for a conditional use permit as specified in Ordinance No. **2020-04-04** that established the Lake Breeze PD, Exhibit C Zoning Uses and Design Guidelines, Retail District Standards – Building Placement, Orientation and Site Design (1) for (a) a drive-thru lane and (b) a service canopy for a gasoline fueling station at 955 N. SH 78, Lake Breeze Estates, on 2 acres, Blk E, Lot 25C, Lavon, Collin County, TX situated southwest of the intersection of SH 78 and Gage Road (formerly Lake Road), (CCAD Property ID 2864642).

- 1) Presentation of proposed application.
- 2) **PUBLIC HEARING** to receive comments regarding the proposed application.
- 3) Discussion and action regarding the proposed application and accompanying Ordinance No. **2023-05-03**.

D. Public hearing, discussion, and action regarding an application for a site plan for the Scrubbies Car Wash project at 701 S. SH 78, on approximately 1.24 acres being a portion of 8.64 acres out of the William H. Moore Survey, A-638, Lavon, Collin County, TX, located northeast of the intersection of SH 78 and Grand Heritage Boulevard, City of Lavon, Collin County, Texas, (CCAD Parcel ID 2614649).

- 1) Presentation of proposed site plan and landscape plan.
- 2) **PUBLIC HEARING** to receive comments regarding the proposed site plan.
- 3) Discussion and action regarding the proposed site plan and landscape plan.

E. Discussion and action regarding an application for the preliminary plat of the 78 Commercial East Addition consisting of two commercial lots on 8.64 acres out of the William H. Moore Survey, A-638 in the vicinity of 701 S. SH 78, northeast of the intersection of SH 78 and Grand Heritage Boulevard, City of Lavon, Collin County, Texas, (CCAD Parcel ID 2614649).

F. Discussion and action regarding an application for the final plat of the Hillstead Subdivision Phase 1, consisting of 281 residential lots on 69.92 acres of land, being part of a 291.141-acre tract situated in the William Howard Survey, A-370, southwest of the intersection of CR 483 and CR 484, in the extraterritorial jurisdiction of the City of Lavon, Collin County MUD No. 5, Collin County, TX, (CCAD Property ID 2874750).

G. Discussion and action regarding acceptance of the public infrastructure for the LakePointe, Phase 3 Addition.

H. Discussion and action regarding Ordinance No. **2023-05-04** amending the fee schedule approved and adopted by Ordinance No. **2022-08-09** for the fiscal year October 1, 2022, through September 30, 2023, to provide for civil site inspection fees and after-hours infrastructure inspection fees; and providing an effective date.

I. Discussion and action regarding Board and Commission appointments – Parks and Recreation Board.

8. PRESENTATION

Presentation of the 2022 Financial Statements and Independent Audit Report – Mike Ward Accounting & Financial Consulting, P.L.L.C.

9. SET FUTURE MEETINGS AND AGENDA

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

May 16, 2023 – Regular Meeting

10. PRESIDING OFFICER TO ADJOURN THE MEETING

This is to certify that this Agenda was duly posted on the City’s website at www.cityoflavon.com and at City Hall and on or before 6:00 PM on April 28, 2023.

/ Rae Norton /

Rae Norton, City Secretary

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.

Lavon City Hall will provide reasonable accommodations for persons attending meetings. Please contact the City Secretary at 972-843-4220 no later than 48 hours prior to a meeting if you require special assistance | WiFi: Select Guest Portal



PROCLAMATION City of Lavon, Texas

“Economic Development Week”

May 8 - May 12, 2023

WHEREAS, economic development professionals and board members, specifically the Lavon Economic Development Corporation in the City of Lavon, promote economic well-being and quality of life for communities by creating, retaining, and expanding jobs that facilitate growth, enhance wealth, and provide a stable tax base; and

WHEREAS, economic developers stimulate and incubate entrepreneurship to help establish the next generation of new businesses, which is the hallmark of the American economy, and attract and retain high-quality jobs, develop vibrant communities, and improve the quality of life in their regions; and

WHEREAS, the International Economic Development Council provides leadership and excellence in economic development through conferences, training courses, advisory services and research, in-depth publications, public policy advocacy, and initiatives, and

WHEREAS, the Lavon Economic Development Corporation is committed to cultivating investment and growth in the City of Lavon.

NOW THEREFORE, I, Vicki Sanson, Mayor of the City of Lavon do hereby proclaim the week of May 8 through May 12, 2023 in Lavon, Texas as

Economic Development Week

and encourage support of the ongoing efforts of the Lavon Economic Development Corporation to expand career opportunities and diversify the tax base in the City of Lavon.

PROCLAIMED this 2nd day of May 2023.

Vicki Sanson
Mayor



PROCLAMATION City of Lavon, Texas

Public Works Week — May 21-27, 2023

WHEREAS, the City of Lavon recognizes that the public works services provided in our community are an integral part of our citizens' everyday lives, and;

WHEREAS, the support of an understanding and informed public is vital to the efficient operation of public works systems and programs including sewer, streets, public buildings and parks, code enforcement and engineering to provide these essential services to our citizens, and;

WHEREAS, the health, safety and welfare of the City of Lavon greatly depend on these facilities and services and the quality and effectiveness of these facilities, as well as their planning, inspection, design and construction, all of which is vitally dependent upon the efforts and skills of public works officials.

NOW THEREFORE, I, Vicki Sanson, Mayor of the City of Lavon do hereby proclaim the week of May 21 through May 27, 2023, in Lavon, Texas as

Public Works Week

and encourage our citizens to join in expressing great support and appreciation for our dedicated and outstanding public works team.

PROCLAIMED this 2nd day of May 2023.

Vicki Sanson
Mayor



**MINUTES
APRIL 18, 2023
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
REGULAR MEETING
6:30 PM**

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

1. **MAYOR SANSON CALLED THE MEETING TO ORDER AT 6:30 P.M. AND ANNOUNCED A QUORUM PRESENT.**
2. **MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND MR. COOK DELIVERED THE INVOCATION.**
3. **ITEMS OF INTEREST/COMMUNICATIONS**
 - Early Voting begins Monday, April 24, 2023
 - Dunkin' Grand Opening – April 22, 2023; City Council to welcome at 9:00 a.m.

4. **CITIZENS COMMENTS**

There were no citizen comments.

5. **RECOGNITION**

Mayor Sanson and the City Council recognized former Parks and Recreation Board member and chairman Mike Gulino for 11 years of service on the Parks and Recreation Board, noting he was an inaugural board member. Mayor Sanson and the City Council recognized former City Council Member Kay Gage for her contributions to the City of Lavon as a member of Lavon's first City Council and announced that a portion of Lake Road will be named Gage Road in her honor.

6. **CONSENT AGENDA**

- A. **Approve the minutes of the April 4, 2023, meeting.**

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: WRIGHT

SECONDED: COOK

APPROVED: UNANIMOUS

7. **ITEMS FOR CONSIDERATION**

- A. **Discussion, and action regarding Resolution No. 2023-04-03 approving and authorizing the city manager to execute a Proposal and Contract for Consulting Services with DC Municipal Consulting for professional services related to a human resources compensation study, market analysis and development of job descriptions in an amount not to exceed \$19,000.00; and providing an effective date.**

Ms. Dobbs provided information regarding the proposal and Katie Corder, DC Municipal Consulting presented details regarding the scope of the project and the proposed contract and deliverables.

MOTION: APPROVE RESOLUTION NO. 2023-04-03 AUTHORIZING THE CITY MANAGER TO EXECUTE A PROPOSAL AND CONTRACT FOR CONSULTING SERVICES WITH DC MUNICIPAL CONSULTING FOR PROFESSIONAL SERVICES

RELATED TO A HUMAN RESOURCES COMPENSATION STUDY, MARKET ANALYSIS AND DEVELOPMENT OF JOB DESCRIPTIONS IN AN AMOUNT NOT TO EXCEED \$19,000.00; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: DILL
APPROVED: UNANIMOUS

- B. Discussion, and action regarding Resolution No. 2023-04-04 approving and authorizing the city manager to execute Change Order No. 2 to the construction contract with North Texas Contracting, Inc. for the City of Lavon Bently Farms, Phase 1 Paving and Storm Drain (CIP-24) Construction Project in an amount not to exceed \$45,403.00 for Oncor Conduit Relocation; and providing an effective date.**

Ms. Dobbs and Mark Hill, Freeman Millican, Inc. provided updates regarding the Bently Farms project and subject of the proposed change order.

MOTION: APPROVE RESOLUTION NO. 2023-04-04 APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 2 TO THE CONSTRUCTION CONTRACT WITH NORTH TEXAS CONTRACTING, INC. FOR THE CITY OF LAVON BENTLY FARMS, PHASE 1 PAVING AND STORM DRAIN (CIP-24) CONSTRUCTION PROJECT IN AN AMOUNT NOT TO EXCEED \$45,403.00 FOR ONCOR CONDUIT RELOCATION; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: HEDGE
SECONDED: DILL
APPROVED: UNANIMOUS

- C. Discussion, and action regarding a proposed quote for a G2 Fire Station Alerting System in the amount of \$42,430.25 to be installed in conjunction with the expansion of the Fire Station (CIP-9).**

Ms. Dobbs provided information and Chief Anthony detailed the G2 Fire Station Alerting System. Ms. Dobbs noted that the item was included in the project budget presented to the City Council and is presented to maintain total transparency.

MOTION: APPROVE QUOTE FOR A G2 FIRE STATION ALERTING SYSTEM IN THE AMOUNT OF \$42,430.25 TO BE INSTALLED IN CONJUNCTION WITH THE EXPANSION OF THE FIRE STATION (CIP-9).

MOTION MADE: KELL
SECONDED: COOK
APPROVED: UNANIMOUS

- D. Discussion and action regarding the proposed installation of Opticom on Fire Department apparatus and traffic signals.**

Ms. Dobbs provided information regarding the technology and introduced Bobby Hale, Consolidated Traffic Controls, Inc., who detailed the Opticom System components proposed.

MOTION: APPROVE THE PURCHASE AND INSTALLATION OF THE OPTICOM SYSTEM ON FIRE DEPARTMENT APPARATUS AND TRAFFIC SIGNALS.

MOTION MADE: DILL
SECONDED: WRIGHT
APPROVED: UNANIMOUS

- E. Discussion and action regarding Ordinance No. 2023-04-01 amending Article 10.07 Designating Traffic Flow on Certain Streets to provide for a special permit that allows weekend parking on Presidents Boulevard.**

Ms. Dobbs provided background information and Police Chief Mike Jones detailed the permitting process and restrictions to allow limited parking on Presidents Boulevard.

MOTION: APPROVE ORDINANCE NO. 2023-04-01 AMENDING ARTICLE 10.07 DESIGNATING TRAFFIC FLOW ON CERTAIN STREETS TO PROVIDE FOR A SPECIAL PERMIT THAT ALLOWS WEEKEND PARKING ON PRESIDENTS BOULEVARD.

MOTION MADE: WRIGHT
SECONDED: DILL
APPROVED: UNANIMOUS

F. Discussion, and action regarding capital planning for the Police Department.

Chief Jones provided details regarding the interim office project. The City Council expressed general support. Staff committed to continuing to investigate all options and return a recommendation. No action was taken.

G. Discussion and action regarding Ordinance No. 2023-04-02 amending the fee schedule approved and adopted by Ordinance No. 2022-08-09 for the fiscal year October 1, 2022, through September 30, 2023, to clarify plat fees for multi-family projects and to set fees for the registration and inspection of residential rental properties as provided in Ordinance No. 2022-04-07; and providing an effective date.

Ms. Dobbs provided information regarding the proposed fees.

MOTION: APPROVE ORDINANCE NO. 2023-04-02 AMENDING THE FEE SCHEDULE APPROVED AND ADOPTED BY ORDINANCE NO. 2022-08-09 FOR THE FISCAL YEAR OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2023, TO CLARIFY PLAT FEES FOR MULTI-FAMILY PROJECTS AND TO SET FEES FOR THE REGISTRATION AND INSPECTION OF RESIDENTIAL RENTAL PROPERTIES AS PROVIDED IN ORDINANCE NO. 2022-04-07; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: COOK
SECONDED: KELL
APPROVED: UNANIMOUS

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

No report was provided. The City Council directed that the standing agenda item for COVID related topics may be discontinued.

8. PRESENTATION

The presentation of the financial statements and independent audit report was deferred to a future meeting.

9. DEPARTMENT REPORTS

- A. Police Services** – Sergeant Carissa Vargas and Chief Jones provided reports, and referenced information provided in the meeting packet.
- B. Fire Services** – Fire Chief Danny Anthony referenced the reports in the meeting packet and answered questions.
- 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 additional information.

10. SET FUTURE MEETINGS AND AGENDA

April 22, 2023 – Strategic Planning Retreat

May 2, 2023 – Regular Meeting at 6:30 p.m.

12. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 8:23 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 2nd day of May 2023.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary



**MINUTES
APRIL 22, 2023
LAVON CITY COUNCIL
SPECIAL MEETING
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
9:00 A.M.**

ATTENDING: VICKI SANSON, MAYOR
JOHN KELL, PLACE 1
MIKE COOK, PLACE 2
KAY WRIGHT, PLACE 3
TED DILL, PLACE 4
LINDSEY HEDGE, PLACE 5

1. **MAYOR SANSON CALLED THE MEETING TO ORDER AT 9:46 A.M. AND ANNOUNCED A QUORUM PRESENT.**
2. **MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND DELIVERED THE INVOCATION.**
3. **WORK SESSION**

Leadership Retreat to discuss the City's vision framework, goals, and actions for an update to the City of Lavon Strategic Plan.

Abra Nusser, Peloton Land Solutions, presented information detailing the results of the community survey and led the City Council and staff in a discussion of the community survey results and input of the citizens. The discussion included items relating to identifying and communicating the City Council's vision for the future of the city. The City Council discussed core values and strengths, weaknesses, opportunities, challenges and discussion focused on identifying achievable goals.

4. **MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 2:51 P.M.**

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 2nd day of May 2023.

Vicki Sanson
Mayor

ATTEST:

Rae Norton
City Secretary



CITY OF LAVON

Agenda Brief

MEETING: May 2, 2023

ITEM: 6 - C

Item:

CONSENT

Approve Resolution No. 2023-05-01 approving and authorizing the city manager to sign an Agreement for Arbitrage Rebate Compliance Services with Hilltop Securities Asset Management, L.L.C.

Background:

“What is arbitrage in simple words?”

According to the Harvard Business School, arbitrage is an investment strategy in which an investor simultaneously buys and sells an asset in different markets to take advantage of a price difference and generate a profit. Jul 20, 2021

When a governmental entity like a city issues bonds, specific considerations are likely to apply to bond proceeds. Generally, a city should not be able to earn a profit through interest earnings over time on tax-exempt bond proceeds.

Engaging a qualified Internal Revenue Service (IRS) post issuance compliance provider for assistance in maintaining compliance with all obligations and reporting requirements relating to arbitrage is prudent and consistent with the City’s investment and debt management policies.

Hilltop Securities Asset Management, L.L.C. is a division of the City’s financial advisor Hilltop Securities.

Financial Implications:

The fees proposed are reasonable and are provided for within the Interest and Sinking Fund for administration of issuance.

Staff Notes:

Approval is recommended.

Attachments:

- 1) Resolution and proposed Agreement
- 2) Information regarding Arbitrage Rebate Compliance

CITY OF LAVON, TEXAS
RESOLUTION NO. 2023-05-01

Agreement for Arbitrage Rebate Compliance Services

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT FOR ARBITRAGE REBATE COMPLIANCE SERVICES WITH HILLTOP SECURITIES ASSET MANAGEMENT, L.L.C.; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes that arbitrage is the profit from buying in one market and selling in another and for issuers of tax-exempt obligations like the City, it consists of borrowing in the tax-exempt market and investing in the taxable market; and

WHEREAS, the City Council desires to engage a qualified Internal Revenue Service (IRS) post issuance compliance provider for assistance in maintaining compliance with all obligations and reporting requirements relating to arbitrage; and

WHEREAS, the City Council has considered and determined that contracting with Hilltop Securities Asset Management, L.L.C. is in the best interest of the general health, welfare, and safety of the citizens of Lavon.

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

SECTION 1. The City Council does hereby approve and authorize the city manager to sign an Agreement for Arbitrage Rebate Compliance Services with Hilltop Securities Asset Management, L.L.C., attached hereto and incorporated herein as Exhibit "A."

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

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 2nd day of May 2023.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

CITY OF LAVON, TEXAS
RESOLUTION NO. 2023-05-01

EXHIBIT A

Agreement for Arbitrage Rebate Compliance Services

**AGREEMENT FOR
ARBITRAGE REBATE COMPLIANCE SERVICES
BETWEEN
CITY OF LAVON, TEXAS
(Hereinafter Referred to as the “ISSUER”)
AND
HILLTOP SECURITIES ASSET MANAGEMENT, LLC
(Hereinafter Referred to as “HSAM”)**

It is understood and agreed that the Issuer, in connection with the sale and delivery of certain bonds, notes, certificates, or other tax-exempt obligations (the “*Obligations*” or “*Bonds*”), will have the need to determine to what extent, if any, it will be required to rebate certain investment earnings (the amount of such rebate being referred to herein as the “*Arbitrage Amount*”) from the proceeds of the Obligations to the United States of America pursuant to the provisions of Section 148(f)(2) of the Internal Revenue Code of 1986, as amended (the “*Code*”). For purposes of this Agreement, the term “Arbitrage Amount” includes payments made under the election to pay penalty in lieu of rebate for a qualified construction issue under Section 148(f)(4) of the Code.

If it is accepted by the Issuer, this shall become the agreement (the “*Agreement*”) between the Issuer and HSAM and will become effective at the date of its acceptance as provided for herein below.

1. This Agreement shall apply to all issues of tax-exempt Obligations delivered subsequent to the effective date of the rebate requirements under the Code, except for (i) issues which qualify for exceptions to the rebate requirements in accordance with Section 148 of the Code and related Treasury regulations, or (ii) issues excluded by the Issuer in writing in accordance with the further provisions hereof, (iii) new issues effected in a fashion whereby HSAM is unaware of the existence of such issue, (iv) issues in which, for reasons outside the control of HSAM, HSAM is unable to procure the necessary information required to perform such services.

Covenants of Hilltop Securities Asset Management

2. HSAM agrees to provide our professional services in determining the Arbitrage Amount with regard to the Obligations. The Issuer will assume and pay the fee of HSAM as such fee is set out in Appendix A attached hereto. HSAM shall not be responsible for any expenses incurred on behalf of Issuer in connection with providing such professional services, including any costs incident to litigation, mandamus action, test case or other similar legal actions.
3. HSAM agrees to perform the following duties in connection with providing arbitrage rebate compliance services:
 - a. To cooperate fully with the Issuer in reviewing the schedule of investments made by the Issuer with (i) proceeds from the Obligations, and (ii) proceeds of other funds of the Issuer which, under Treasury Regulations Section 1.148, or any successor regulations thereto, are subject to the rebate requirements of the Code;
 - b. To perform, or cause to be performed, consistent with the Code and the regulations promulgated thereunder, calculations to determine the Arbitrage Amount under Section 148(f)(2) of the Code; and
 - c. To provide a report to the Issuer specifying the Arbitrage Amount based upon the investment schedule, the calculations of bond yield and investment yield, and other information deemed relevant by HSAM. In undertaking to provide the services set forth in paragraph 2 and this paragraph 3, HSAM does not assume any responsibility for any record retention requirements which the Issuer may have under the Code or other applicable laws, it being understood that the Issuer shall remain responsible for compliance with any such record retention requirements. HSAM shall maintain Issuer records and work product pursuant to its own internal document retention policy.

Covenants of the Issuer

4. In connection with the performance of the aforesaid duties, the Issuer agrees to the following:
 - a. The fees due to HSAM in providing arbitrage rebate compliance services shall be calculated in accordance with Appendix A attached hereto. The fees will be payable upon delivery of the report prepared by HSAM for each issue of Obligations during the term of this Agreement.
 - b. The Issuer will provide HSAM all information regarding the issuance of the Obligations and the investment of the proceeds therefrom, and any other information necessary in connection with calculating the Arbitrage Amount. HSAM will rely on the information supplied by the Issuer without inquiry, it being understood that HSAM will not conduct an audit or take any other steps to verify the accuracy or authenticity of the information provided by the Issuer.
 - c. The Issuer will notify HSAM in writing of the retirement, prior to the scheduled maturity, of any Obligations included under the scope of this Agreement within 30 days of such retirement. This notification is required to provide sufficient time to comply with Treasury Regulations Section 1.148-3(g) which requires final payment of any Arbitrage Amount within 60 days of the final retirement of the Obligations. In the event the Issuer fails to notify HSAM in a timely manner as provided hereinabove, HSAM shall have no further obligation or responsibility to provide any services under this Agreement with respect to such retired Obligations.
5. In providing the services set forth in this Agreement, it is agreed that HSAM shall not incur any liability for any error of judgment made in good faith by a responsible officer or officers thereof and, except to the limited extent set forth in this paragraph, shall not incur any liability for any other errors or omissions, unless it shall be proved that such error or omission was a result of the gross negligence or willful misconduct of said officer or officers. In the event a payment is assessed by the Internal Revenue Service due to an error by HSAM, the Issuer will be responsible for paying the correct Arbitrage Amount and HSAM's liability shall not exceed the amount of any penalty or interest imposed on the Arbitrage Amount as a result of such error. Additionally, it is understood and agreed that HSAM shall incur no liability for any errors, omissions, or failure to make a timely payment in connection with any IRS Computation Date calculations occurring prior to the effective date of the Initial Agreement with the Issuer, even if the error is discovered after the date of HSAM's engagement.

No Coordination with Private Activity Regulations

6. The purpose of HSAM's engagement is to determine the Arbitrage Amount pursuant to Section 148(f)(2) of the Code. Sections 141-147 of the Code and the related Treasury Regulations set forth requirements with respect to the amount of obligation proceeds that may be used for the benefit of a private person or entity. Treasury Regulations Section 1.141-6(a) requires that allocations of expenditures of obligation proceeds for purposes of computing the Arbitrage Amount must be the same as the allocations of expenditures used to test the private use of projects financed with proceeds of the Obligations.
7. For purposes of calculating the Arbitrage Amount, our calculations assume that the allocation of the expenditures of Obligation proceeds as provided to us are the same for both purposes of Sections 141-147 and Section 148 of the Code. The scope of this engagement does not include procedures to analyze the private use limitations associated with the Obligations.

Obligations Issued Subsequent to Initial Agreement

8. The services contracted for under this Agreement will automatically extend to any additional Obligations (including financing lease obligations) issued during the term of this Agreement if such Obligations are subject to the rebate requirements under Section 148(f)(2) of the Code. In connection with the issuance of additional Obligations, the Issuer agrees to the following:
 - a. The Issuer will notify or cause the notification, in writing, to HSAM of any tax-exempt financing (including financing lease obligations) issued by the Issuer during any calendar year of this Agreement, and will provide HSAM with such information regarding such Obligations as HSAM may request in connection with its performance of the arbitrage rebate services contracted for hereunder. If such notice is not provided

to HSAM with regard to a particular Obligation, HSAM shall have no obligation to provide any services hereunder with respect to such Obligation.

- b. At the option of the Issuer, any additional Obligations to be issued subsequent to the execution of this Agreement may be excluded from the services provided for herein. In order to exclude an issue, the Issuer must notify HSAM in writing of their intent to exclude any specific Obligations from the scope of this Agreement, which exclusion shall be permanent for the full life of the Obligations; and after receipt of such notice, HSAM shall have no obligation to provide any services under this Agreement with respect to such excluded Obligations.

Effective Date of Agreement

9. This Agreement shall become effective at the date of acceptance by the Issuer as set out herein below and remain in effect thereafter for a period of five (5) years from the date of acceptance, provided, however, that this Agreement may be terminated with or without cause by the Issuer or HSAM upon thirty (30) days prior written notice to the other party. In the event of such termination, it is understood and agreed that only the amounts due to HSAM for services provided and expenses incurred to and including the date of termination will be due and payable. No penalty will be assessed for termination of this Agreement. In the event this Agreement expires or is terminated prior to the completion of its stated term, all records provided to HSAM with respect to the investment of monies by the Issuer shall be returned to the Issuer as soon as practicable following written request by Issuer, provided that such records have not been destroyed pursuant to HSAM's internal document retention policy. In addition, the parties hereto agree that, upon termination of this Agreement, HSAM shall have no continuing obligation to the Issuer regarding any arbitrage rebate related services contemplated herein, regardless of whether such services have previously been undertaken, completed, or performed.

Acceptance of Agreement

10. When accepted by the Issuer in accordance with the terms hereof, it, together with Appendix A attached hereto, will constitute the entire Agreement between the Issuer and HSAM for the purposes and the consideration herein specified. In order for this Agreement to become effective, it must be accepted by the Issuer within sixty (60) days of the receipt by the Issuer. After the expiration of such 60-day period, acceptance by the Issuer shall only become effective upon delivery of written acknowledgement and reaffirmation by HSAM that the terms and conditions set forth in this Agreement remain acceptable to HSAM.

Counterpart Signatures

11. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. Each Party may execute this Agreement on a facsimile or PDF hereof. In addition, facsimile or PDF signatures of either Party shall be valid and binding, and delivery of a facsimile or PDF signature by either Party shall constitute due execution and delivery of this Agreement.

Governing Law

12. This Agreement will be governed by and construed in accordance with the laws of the State of Texas, without regard to its principles of conflicts of laws.

Acceptance

13. Acceptance will be indicated by returning one executed copy to HSAM. An electronic version is acceptable. HSAM will then execute the Agreement and return a fully executed electronic version of the Agreement to the Issuer.

Respectfully submitted,

HILLTOP SECURITIES ASSET MANAGEMENT, LLC

By _____

David K. Medanich, President

Date _____

ISSUER'S ACCEPTANCE CLAUSE

The above and foregoing is hereby in all things accepted and approved by:

_____, City of Lavon, Texas, on this the _____ day of _____, _____.

By _____

Authorized Representative

Title _____

Printed Name _____

APPENDIX A - FEES

The Obligations to be covered initially under this Agreement include all issues of tax-exempt obligations delivered subsequent to the effective dates of the rebate requirements, under the Code, except as set forth in Section I of the Agreement.

The fee for any Obligations under this Agreement shall only be payable if a computation is required under Section 148(f)(2) of the Code. In the event that any of the Obligations fall within an exclusion to the computation requirement as defined by Section 148 of the Code or related regulations and no calculations were required by HSAM to make that determination, no fee will be charged for such issue. For example, certain obligations are excluded from the rebate computation requirement if the proceeds are spent within specific time periods. In the event a particular issue of Obligations fulfills the exclusion requirements of the Code or related regulations, the specified fee will be waived by HSAM if no calculations were required to make the determination.

HSAM’s fee for arbitrage rebate services is based upon a fixed Calculation Period fee per issue. The Calculation Period fee is charged based upon the number of Calculation Periods that proceeds exist subject to rebate from the delivery date of the issue to the Calculation Date.

HSAM’s fees are payable upon delivery of the report. The first report will be made following one Calculation Period from the date of delivery of the Obligations and on each Calculation Date thereafter during the term of the Agreement. The fees for computations of the Arbitrage Amount which encompass more, or less, than one Calculation Period shall be prorated to reflect the longer, or shorter, period of work performed during that period.

The fee for each of the Obligations included in this Agreement shall be based on the table below.

Description	FEE
<i>ANNUAL CALCULATION PERIOD FEE</i>	\$1,200
<i>COMPREHENSIVE ARBITRAGE COMPLIANCE SERVICES INCLUDE:</i>	
<ul style="list-style-type: none"> • Commingled Funds Analysis & Calculations • Spending Exception Analysis & Calculations • Yield Restriction Analysis & Calculations (for yield restricted Project Funds, Reserve Funds, Escrow Funds, etc.) • Parity Reserve Fund Allocations • Transferred Proceeds Calculations • Universal Cap Calculations • Debt Service Fund Calculations (including earnings test when required) • Preparation of all Required IRS Paperwork for Making a Rebate Payment / Yield Reduction Payment • Retention of Records Provided for Arbitrage Computations • IRS Audit Assistance • Delivery of Rebate Calculations Each Year That Meets the Timing Requirements of the Audit Schedule • On-Site Meetings, as Appropriate, to Discuss Calculation Results / Subsequent Planning Items 	INCLUDED
<i>OTHER SERVICES AVAILABLE:</i>	
IRS Refund Request – Update calculation, prepare refund request package, and assist issuer as necessary in responding to subsequent IRS Information Requests	\$750

EXPLANATION OF TERMS:

- a. **Bond Year:** A “Bond Year” is each 1-year period selected by the issuer. The first and last bond years may be short periods. If no bond year is selected, bonds years will end on each anniversary date of the issue and at final maturity.
- b. **Computation Date:** A “Computation Date” is a five bond year period no longer than five years after the issue date. Subsequent Computation Dates will be for a period not later than 5 years after the previous Computation Date and at final maturity of the issue.

- c. **Calculation Period:** A “Calculation Period” represents a one year period from the delivery date of the issue to the date that is one calendar year after the delivery date, and each subsequent one-year periods thereafter. Therefore, if a calculation is required that covers more than one Calculation Period, the Calculation Period fee is multiplied by the number of periods contained in the calculation being performed. If a calculation includes a portion of a Calculation Period, i.e., if the calculation includes 1 ½ Calculation Periods, then the base fee will be multiplied by 1.5.
- d. **Electronic Data Submission:** The data should be provided electronically in MS Excel or ASCII text file (comma delimited text preferred) with the date, description, dollar amount, and an activity code (if not in debit and credit format) on the same line in the file.
- e. **Variable/Floating Rate Bond Issues:** Special services are also required to perform the arbitrage rebate calculations for variable rate bonds. A bond is a variable rate bond if the interest rate paid on the bond is dependent upon an index which is subject to changes subsequent to the issuance of the bonds. The computational requirements of a variable rate issue are more complex than those of a fixed rate issue and, accordingly, require significantly more time to calculate. The additional complexity is primarily related to the computation of the bond yield, which must be calculated on a “bond year” basis. Additionally, the regulations provide certain flexibility in computing the bond yield and determining the arbitrage amount over the first IRS reporting period; consequently, increased calculations are required to determine which bond yield calculation produces the lowest arbitrage amount.
- f. **Commingled Fund Allocations:** By definition, a commingled fund is one that contains either proceeds of more than one bond issue or proceeds of a bond issue and non-bond proceeds (i.e., revenues) of \$25,000 or more. The arbitrage regulations, while permitting the commingling of funds, require that the proceeds of the bond issue(s) be “carved out” for purposes of determining the arbitrage amount. Additionally, interest earnings must be allocated to the portion of the commingled fund that represents proceeds of the issue(s) in question. Permitted “safe-harbor” methods (that is, methods that are outlined in the arbitrage regulations and, accordingly, cannot be questioned by the IRS under audit), exist for allocating expenditures and interest earnings to issues in a commingled fund. HSAM uses one of the applicable safe-harbor methods when doing these calculations.
- g. **Debt Service Reserve Funds:** The authorizing documents for many revenue bond issues require that a separate fund be established (the “Reserve Fund”) into which either bond proceeds or revenues are deposited in an amount equal to some designated level, such as average annual debt service on all parity bonds. This Reserve Fund is established for the benefit of the bondholders as additional security for payment on the debt. In most cases, the balance in the Reserve Fund remains stable throughout the life of the bond issue. Reserve Funds, whether funded with bond proceeds or revenues, must be included in all rebate calculations.
- h. **Debt Service Fund Calculations:** Issuers are required under the regulations to analyze the invested balances in their debt service funds annually to determine whether the fund depletes as required during the year and is, therefore, “bona fide” (i.e., potentially exempt from rebate in that year). It is not uncommon for surplus balances to develop in the debt service fund that services an issuer’s tax supported debt, particularly due to timing differences of when the funds were due to be collected versus when the funds were actually collected. HSAM performs this formal analysis of the debt service fund and, should it be determined that a surplus balance exists in the fund during a given year, allocates the surplus balance among the various issues serviced by the fund in a manner that is acceptable under IRS review.
- i. **Earnings Test for Debt Service Funds:** Certain types of bond issues require an additional level of analysis for the debt service fund, even if the fund depletes as required under the regulations and is “bona fide.” For short-term, fixed rate issues, private activity issues, and variable rate issues, the regulations require that an “earnings test” be performed on a bona fide debt service fund to determine if the interest earnings reached \$100,000 during the year. In cases where the earnings reach or exceed the \$100,000 threshold, the entire fund (not just the surplus or residual portion) is subject to rebate.
- j. **Transferred Proceeds Calculations:** When a bond issue is refinanced (refunded) by another issue, special services relating to “transferred proceeds” calculations may need to be performed. Under the regulations, when proceeds of a refunding issue are used to retire principal of a prior issue, a pro-rata portion of the unspent proceeds of the prior issue becomes subject to rebate and/or yield restriction as transferred proceeds of the refunding issue. The refunding issue essentially “adopts” the unspent proceeds of the prior issue for purposes of the arbitrage calculations. These calculations are required under the regulations to ensure that issuers continue to exercise due diligence to complete the project(s) for which the prior bonds were issued.

- k. **Universal Cap:** Current regulations provide an overall limitation on the amount of gross proceeds allocable to an issue. Simply stated, the value of investments allocated to an issue cannot exceed the value of all outstanding bonds of the issue. For example, this situation can occur if an issuer encounters significant construction delays or enters into litigation with a contractor. It may take months or even years to resolve the problems and begin or resume spending the bond proceeds; however, during this time the debt service payments are still being paid, including any scheduled principal payments. Thus, it's possible for the value of the investments purchased with bond proceeds to exceed the value of the bonds outstanding. In such cases, a "de-allocation" of proceeds may be required to comply with the limitation rules outlined in the regulations.

- l. **Yield Restriction Analysis/Yield Reduction Computations:** The IRS strongly encourages issuers to spend the proceeds of each bond issue as quickly as possible to achieve the governmental purpose for which the bonds were issued. Certain types of proceeds can qualify for a "temporary period," during which time the proceeds may be invested at a yield higher than the yield on the bonds without jeopardizing the tax-exempt status of the issue. The most common temporary period is the three-year temporary period for capital project proceeds. After the end of the temporary period, the proceeds must be yield restricted or the issuer must remit the appropriate yield reduction payment when due. HSAM performs a comprehensive yield restriction analysis when appropriate for all issues having proceeds remaining at the end of the applicable temporary period and also calculates the amount of the yield reduction payment due to the IRS.

UNDERSTANDING IRS POST ISSUANCE COMPLIANCE



Our mission is to serve as a trusted advisor for our clients by providing the expert guidance, solutions, and services that achieve their definition of success.

Rebate compliance and the IRS's expectations of issuers has evolved over the past 34 years. Today, the IRS's expectations are that issuers are compliant with the four Ps.

- **Profit** – Issuers are allowed to earn and keep a rate of return equal to the bond yield they are paying their bond holders. If an issuer earns more on investing unspent proceeds in taxable investments, they must rebate this profit to the Treasury every five years and at final maturity.
- **Proof** – Issuers must maintain records of investments and expenditures to support their profit calculations and that the bond proceeds were expended for the issue's purpose. This information must be maintained for the life of the issue plus up to six additional years ("Document Retention").
- **Private Use** – Because of the benefits of issuing tax-exempt obligations, the IRS wants the general public to benefit from these subsidies. Governmental issues are allowed 10 percent private use. Private active issuers, including Section 501(c)(3) issuers, are only allowed five percent private use.
- **Policies and Procedures** – The IRS has established a standard that issuers compile, maintain, and follow a set of issuer specific written post-issuance policies and procedures.

These rules apply to any type of tax-exempt and Stimulus Act taxable obligations (BABs, QSCBs, and QZABs). Collectively referred to as "tax-advantaged" obligations. The IRS rules related to these types of obligations are interrelated and very complex. The following is intended to provide a very high-level overview of the rules. Issuers should seek assistance from a qualified IRS post issuance compliance provider and work with them to develop and implement a plan.

WHAT IS ARBITRAGE REBATE? (PROFIT)

Arbitrage is the profit from buying in one market and selling in another. For issuers of tax-exempt obligations, it consists of borrowing in the tax-exempt market and investing in the taxable market. Rebate is the profit from taking advantage of the market differentials.

THE BASICS OF REBATE COMPLIANCE

Rebate and yield restriction liabilities must be paid to the Treasury every fifth bond year (or each one-year period ending on the date selected by the issuer). Installment payments are due 60 days after either the fifth bond year or the final maturity of the issue.

Each issue's liability is determined separately. The IRS does not allow issuers to net negative and positive liabilities.

Ninety percent of the liability must be paid at each fifth bond year and 100 percent of the liability at the final maturity date.

Payments are made by filing Form 8038-T. The IRS only requires issuers to file a Form 8038-T along with a check for the required payment. No supporting calculations are required. If no payment is due, there is no filing requirement.

If payments are not made timely, the IRS can assess a penalty of 50 percent of liability for governmental and 501(c)(3) issuers and 100 percent for other private activity issuers. Interest is due on the underpayment and the penalty. Issuers not under IRS audit can request a waiver of the penalty.

Overpayments of prior liabilities can be requested on Form 8038-R. Refunds must be requested no later than two years after the final maturity date of the issue.

ALLOCATION OF BOND PROCEEDS TO EXPENDITURES

Contrary to what you might think, you do not spend bond proceeds. You allocate expenditures to them. An issuer can allocate proceeds to expenditures and investments based upon any reasonable, consistently applied accounting method. There must be a current outlay of cash to create an expenditure.

The IRS rules limit the time periods that expenditures can be reallocated to proceeds. An issuer must account for the allocations of expenditures to proceeds not later than 18 months after the expenditure is paid or, if later, 18 months after the financed property is placed in service. These time periods are subject to a maximum time limit of 60 days after the fifth anniversary of the issue date or 60 days after the final maturity of the issue.

Expenditures prior to the issuance of the bonds can be reimbursed with bond proceeds as long as the issuer makes a Declaration of Official Intent to reimburse the pre-issuance expenditures before the expenditure is made or within 60 days after the expenditure has been made.

Official intent does not apply to preliminary expenditures including architectural, engineering, survey, and soil-testing costs. Preliminary expenditures do not include land acquisition, site preparation, or similar construction commencement costs. Preliminary expenditures cannot exceed 20 percent of the issue price of the issue(s).

EXCEPTIONS TO REBATE

While there are exceptions to the arbitrage rebate requirements, the IRS has made these exceptions technically challenging to meet. Issuers should seek assistance in verifying compliance if they believe an issue may qualify for an exception.

Small Issuer Exception

If a governmental entity with general taxing powers, on the date of issuance, reasonably expects not to issue more than an aggregate limit during the calendar year, they are exempt from the rebate rules.

For municipal issuers, the aggregate limit of tax-exempt debt issued is \$5 million. For school districts (K-12) the aggregate limit is \$15 million, as long as no more than \$5 million is for non-construction. Taxable issues are not included in the aggregate limit.

The small issuer exception is an exception from the rebate rules. Typically, if proceeds of the tax-exempt issue are not spent within three years of the date of issuance, they will be subject to the yield restriction rules (see yield restriction below).

Investing in Tax-Exempt Investments

If the proceeds of a tax-exempt issue are invested in non-alternative minimum tax tax-exempt obligations, the rebate rules do not apply to those investments. The issuer is borrowing tax-exempt and investing tax-exempt, thus no arbitrage.

Spending Exceptions

There are three spending exceptions that issuers can meet: the 6-month, 18-month, and 24-month exceptions. There are interim semi-annual spending benchmarks that must be met. The cumulative expenditures for the benchmarks are calculated based upon the bond proceeds and the investment earnings on those proceeds. If any single benchmark is not met, the exception is no longer available to the issuer.

For purposes of the 18- and 24-month exceptions, an issue can have unspent proceeds at the final benchmark equal to the lesser of three percent of the issue price or \$250,000 and still meet the exception. If a reasonable retainage amount has been specified in the contract, the unspent amounts at the final benchmark is increased by an additional amount equal to a maximum five percent retainage amount. The retainage must be spent within one year of the final benchmark.

6-Month Exception

All proceeds and investment earnings, except amounts in a reserve or debt service fund, are spent on any type of capital assets within six months of the date of issuance. All types of issuers qualify.

18-Month Exception

All proceeds and investment earnings, except amounts in a reserve or debt service fund, are spent on any type of capital assets with cumulative expenditures in the first six months of 15 percent, first twelve months of 60 percent, and the first 18 months of 100 percent. All types of issuers qualify.

24-Month Exception

All proceeds and investment earnings, except amounts in a reserve, cost of issuance, or debt service fund, are spent with cumulative expenditures in the first six months of 10 percent, first 12 months of 45 percent, first 18 months of 75 percent, and 100 percent in first twenty-four months. Seventy-five percent of the expenditures have to be for construction. This exception only applies to governmental and Section 501(c)(3) issuers.

Debt Service Funds

Debt service funds are exempt from rebate if they meet both an annual income and depletion test.

Income

Each issue's debt service fund is limited to \$100,000 of investment income per year. Long-term, fixed rate governmental issues are not subject to the income limitation. Issues with an average annual debt service not in excess of \$2,500,000 are also not subject to the income limitation.

Depletion

At some time during the year, the invested balance of an issue's debt service fund must drop below a reasonable carryover amount, which is typically 1/12th of the preceding year's debt service.

If both the income and depletion tests are met, the debt service fund is excluded from the rebate calculation ("Bona Fide").

COMMINGLED FUNDS

A commingled fund contains proceeds of a tax-exempt issue and more than \$25,000 of amounts that are not proceeds of the issue. In addition, all of the amounts in the fund are invested and accounted for collectively. Allocations must be made to all of the participants in a commingled fund no less frequently than as of the close of each fiscal period. A fiscal period is defined as a period that does not exceed three months (e.g. daily, weekly, monthly, or quarterly). Expenditures in a commingled fund can be allocated among the participants based upon any of these "safe harbor" methods:

- Specific tracing
- Pro-rata
- First-in, first-out
- Gross proceeds spent first

Income in a commingled fund can be allocated among the participants under one of the following safe harbor methods:

- The average daily balances
- The average of the beginning and ending balances

Mark-to-market accounting is required for commingled funds if the average investment maturity of the fund is more than 18 months. Mark-to-market accounting treats all of the investments as sold for their fair market value on the last day of each fiscal period.

REFUNDINGS AND TRANSFERRED PROCEEDS

A refunding issue uses its proceeds to pay principal, interest, or a redemption price of a refunded issue(s). A refunding is performed to reduce interest costs or eliminate restrictive covenants.

There are two types of refundings:

- Current Refunding – Within 90 days of issuance
- Advance Refunding – After 90 days of issuance

Per the IRS rules, the yield on an advance refunding escrow cannot be more than .001 percent above the refunding issue bond yield.

Unspent proceeds of the refunded issue transfer to the refunding issue as the refunding issue makes principal payments on the refunded issue.

Advance refundings are only allowed for governmental and Section 501(c)(3) issuers.

Bonds issued after 1985 may only be advance refunded once. There is no limit on current refundings.

If the advance refunding produces interest savings, the issuer must redeem the refunded bonds on the first optional call date.

YIELD RESTRICTION

Yield restriction is a separate set of rules from the rebate rules. Rebate is the excess earnings over the bond yield (profit) on a cumulative basis from the inception of the issue. The yield restriction rules govern when an issuer can legally earn arbitrage without jeopardizing the tax-exempt status of the obligations.

Yield restriction starts after a temporary period or is based upon a size limitation and is calculated at a materially higher yield.

Unlike rebate liability payments, 100 percent of the yield restriction liability is due at any required payment date.

Temporary Period

During the temporary period an issuer can earn a yield on their investments in excess of the bond yield. However, the investments are still subject to the rebate rules during the temporary period.

Project funds typically have a three-year temporary period. In order to receive a three-year temporary period, an issue must reasonably expect as of the date of issuance:

- That 85 percent of the project proceeds will be spent within three years after the date of issuance.
- The issuer will contract for at least five percent of the project proceeds within six months after the date of issuance.
- That the issuer will proceed with due diligence to complete the project.

Replacement proceeds (monies that bondholders are legally entitled to in the case of financial difficulties of the issuer) have a 30-day temporary period. Replacement proceeds include non bona fide debt service funds, non-bond proceeds assets pledged for the benefit of the bondholders, or reserve funds funded with non-bond proceeds issuer contributions.

Size Limitations

Reserve funds are subject to a size limitation. This size limitation is referred to as the “reasonably required reserve” amount. If the reserve fund balance is less than the size limitation, it will not be subject to yield restriction. Any excess above the size limitation will be yield restricted.

The IRS size limitation is based upon the lesser of a three prong test. The reasonably required reserve amount is the lesser of:

- 10 percent of the par amount
- Maximum annual debt service
- 125 percent of average annual debt service

Materially Higher Amount

The yield restriction calculation takes all of the yield restricted assets and compares their investment yield to the bond yield plus an adder. The adder is either .125 percent or .001 percent.

The adder depends upon the type of yield restricted assets.

For bond-proceeds-funded projects, cost of issuance, capitalized interest, and reserve funds, the materially higher adder is .125 percent.

For advance refunding escrows and replacement proceeds, the materially higher amount is .001 percent.

If you have both types of assets in the calculation, the lowest adder is used for all of the yield restricted assets.

The IRS yield restriction rules permits an issuer to exclude amounts invested in higher yielding investments equal to the lesser of \$100,000 or five percent of the sales proceeds of the issue.

POST ISSUANCE COMPLIANCE (POLICIES AND PROCEDURES)

The IRS believes that issuers with written post issuance policies and procedures are more likely to be in compliance with their post issuance responsibilities and document-retention requirements. Post issuance policies and procedures should include:

- Assignment of responsibilities for who is responsible for what functions
- Document retention policies and procedures
- Arbitrage and yield restriction calculation requirements

- Procedures for monitoring private business use
- A training plan that avoids the turnover factor

Document Retention (Proof)

Closing documents, investment support, expenditure support, and any other documents material to the issue must be maintained for the life of the issue plus three years. If the issue is refunded, the documents must be maintained for the life of the refunding issue plus three years.

Monitoring Private Business Use (Private Use)

The IRS limits the amount of private use on tax-exempt financed property. Governmental issues are allowed 10 percent private use. Private active issuers, including Section 501(c)(3) issuers, are only allowed five percent private use. Issuers are required to track and maintain records documenting any private business use and the fact that it does not exceed the allowable limits.

An issue can lose its tax-exempt status if the private activity tests are exceeded. These tests include:

- Ownership
- Private use and private security/payment
- Private loan financing

These rules encompass the following items that may generate private use:

- Transfer of ownership
- Management or service contracts
- Advertising or naming rights
- Lease or rental by an external party

HILLTOPSECURITIES CAN HELP

HilltopSecuritiesAssetManagement's(HSAM)Arbitrage Rebate Compliance Services Group was established in 1987. Since its inception, HSAM has performed more than 55,400 calculations for approximately 910 issuers on more than 6,000 bond issues. Our experience serving a diverse client base enables us to understand the unique statutory, industry specific, and time constraint needs of our clients. Currently, HSAM serves as an independent arbitrage rebate provider to 520 clients across 27 states, comprising more than 3,200 bond issues with an aggregate par value of \$207 billion. HSAM's senior rebate staff has on average more than 27 years of rebate

compliance experience. Fifty-eight percent of our calculations contain commingled construction, debt service, or reserve funds.

In addition to the standard rebate compliance functions, HSAM provides issuers with service after the calculation. This includes:

- Annual post issuance compliance training
- Unlimited consultation
- Process improvement suggestions
- Post issuance compliance and document retention monitoring and feedback

HSAM prides itself on its commitment to post issuance compliance education. Since 1993, HSAM has sponsored annual post issuance compliance seminars devoted solely to the topic of IRS and SEC compliance. To date, the seminars have been held in 14 states and have had more than 4,800 attendees.

HSAM takes great pride in that approximately 70 percent of its rebate compliance clients have been with us for 10 years or more. This retention history demonstrates not only HSAM's technical abilities, but our ability to continue to maintain a high level of client satisfaction over time.

In order not to limit HSAM's pre-issuance tax advisory services to its clients or run afoul of the FINRA rules on municipal advisory representatives, each member of the senior management team of HSAM's Arbitrage Rebate Compliance Services Group is certified as a municipal advisory representative (Series 50 securities license).

HilltopSecurities also provides the following post issuance compliance services:

- SEC continuing disclosure
- Investment advisory services
- Structured products (swaps, investment contracts)
- GASB and FASB reporting for financial statement valuation

CONTACT US

Develop a plan to get your post issuance compliance house in order. Call or email us today.

BRIAN HELMING

Managing Director

214.953.8716

Brian.Helming@hilltopsecurities.com

COLBY JACKSON

Senior Vice President

214.953.8760

Colby.Jackson@HilltopSecurities.com

HEADQUARTERS

717 N. Harwood St., Suite 3400

Dallas, TX 75201

800.678.3792 | HILLTOPSECURITIES.COM

Hilltop Securities Inc. delivers forthright advice and tailored solutions to municipal issuers, institutions, broker-dealers, and individuals. The full-service municipal investment bank and registered investment adviser is headquartered in Dallas, Texas, with offices across the United States. Areas of focus include public finance; municipal and taxable fixed income underwriting, sales, and trading; retail brokerage services; securities clearing; structured finance; and securities lending. A wholly owned subsidiary of Hilltop Holdings Inc. (NYSE: HTH), HilltopSecurities' affiliates include Momentum Independent Network, PlainsCapital Bank, and PrimeLending.



CITY OF LAVON

Agenda Brief

MEETING: May 2, 2023

ITEM: 6 - D

Item:

CONSENT

Approve Resolution No. 2023-05-02 approving and authorizing the city manager to execute an Easement and Right of Way for Oncor Electric Delivery Company, L.L.C. on city-owned property at 112 School Road and a Discretionary Service Agreement and authorizing an expenditure of approximately \$12,500.00 for Oncor to relocate overhead primary facilities to serve city-owned property.

Background:

The City Council authorized the purchase of the property adjacent to City Hall at 112 School Road and approved expenditures in FY 2021-22 for the demolition of the existing structures on the property. Public Works obtained a bid for demolition and it was determined that prior to demolition, Oncor overhead electric lines that cross the property to serve City Hall would require relocation.

Oncor Electric Delivery provided the steps, related agreements, and cost estimate necessary to relocate the power lines.

In response to Public Works' inquiry, Oncor estimated that the cost to place the facilities underground would be almost three times the overhead relocation option costs and that it would greatly reduce the City's use of the easement property. Because ultimate plans for the property are presently unknown, maintaining flexibility is critical.

Financial Implications:

Funding is allocated in the Capital Improvements Plan budget and undesignated fund balance.

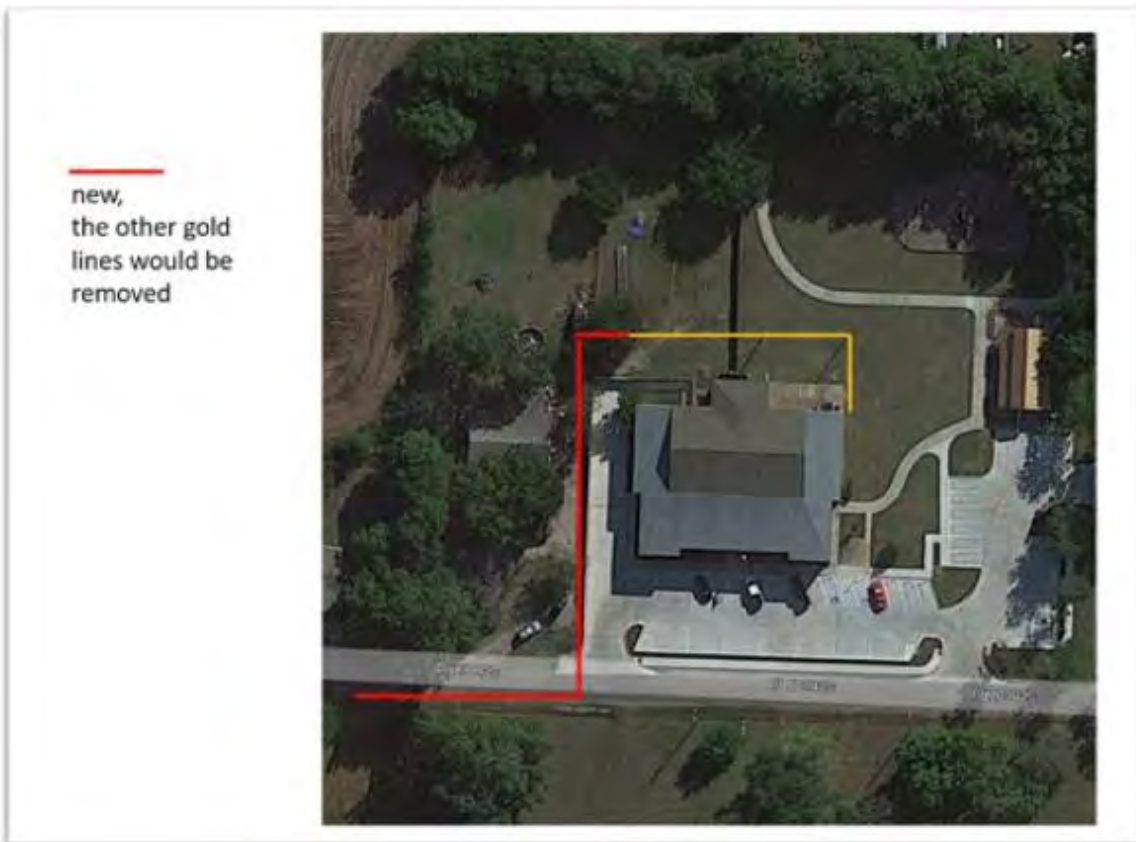
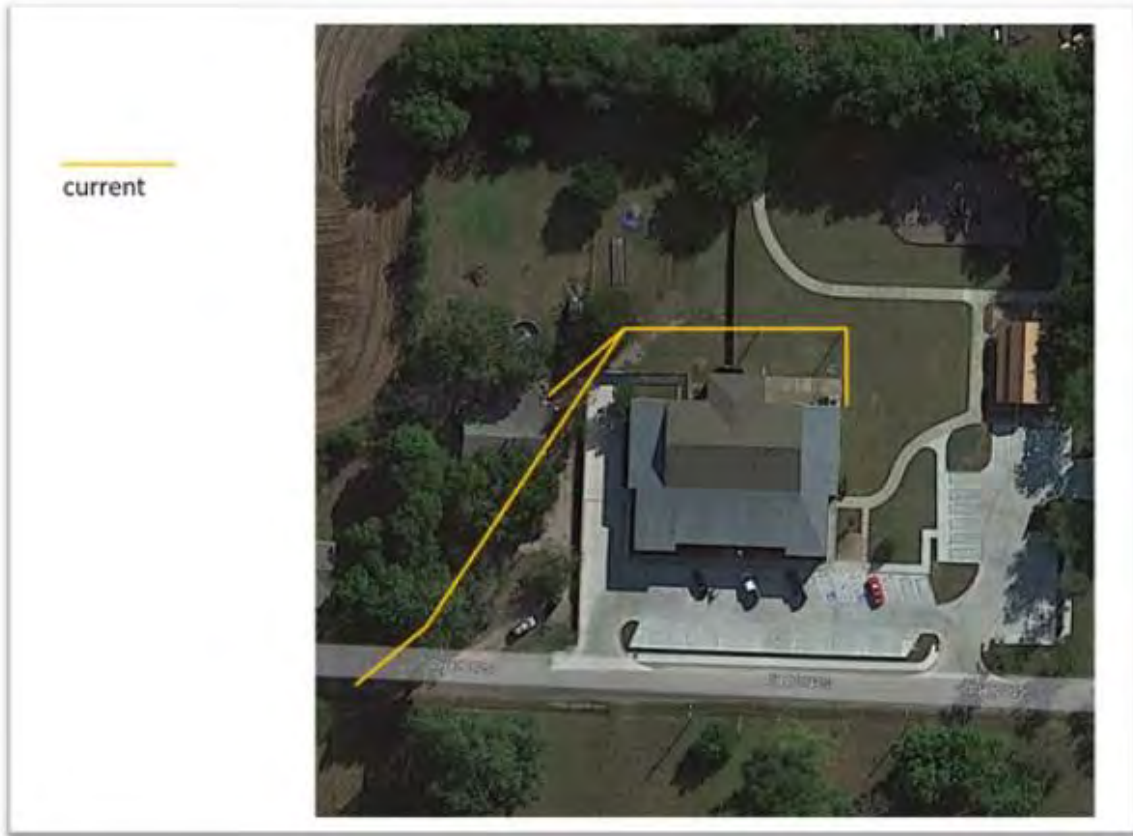
Staff Notes:

Approval is recommended.

Attachments:

- 1) Resolution and proposed Agreements
- 2) Location/Scope Exhibit

04-27-2023 Proposed relocation of Oncor service lines at City Hall.



CITY OF LAVON, TEXAS
RESOLUTION NO. 2023-05-02

Oncor Documents – 112 School Rd.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT AND RIGHT OF WAY FOR ONCOR ELECTRIC DELIVERY COMPANY, L.L.C. ON CITY-OWNED PROPERTY AT 112 SCHOOL ROAD AND A DISCRETIONARY SERVICE AGREEMENT AND AUTHORIZING AN EXPENDITURE OF APPROXIMATELY \$12,500.00 FOR ONCOR TO RELOCATE OVERHEAD PRIMARY FACILITIES TO SERVE CITY-OWNED PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon purchased property located adjacent to City Hall at 112 School Road and approved the demolition of the structures situated on the property; and

WHEREAS, before proceeding with demolition, Oncor overhead electric service facilities must be relocated to best provide service to City Hall and adjacent properties; and

WHEREAS, the City Council has considered and determined that granting the Easement and Right of Way, entering into the Discretionary Service Agreement, and authorizing the expenditure of funds for the relocation of overhead facilities on the property serve the best interest of the general health, welfare, and safety of the citizens of Lavon.

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

SECTION 1. The City Council does hereby approve and authorize the city manager to execute an Easement and Right of Way for Oncor Electric Delivery Company, L.L.C. on city-owned property at 112 School Road, attached hereto and incorporated herein as Exhibit “A.”

SECTION 2. The City Council does hereby approve and authorize the city manager to execute a Discretionary Service Agreement and an expenditure of approximately \$12,500.00 for Oncor to relocate overhead primary facilities to serve city-owned property, attached hereto and incorporated herein as Exhibit “B.”

SECTION 3. That this resolution shall take effect from and after the date of its passage.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 2nd day of May 2023.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

CITY OF LAVON, TEXAS
RESOLUTION NO. 2023-05-02

EXHIBIT A

Easement and Right of Way – Oncor

PT #:
District: Mesquite
WR #: 21589510
ER #:

EASEMENT AND RIGHT OF WAY

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

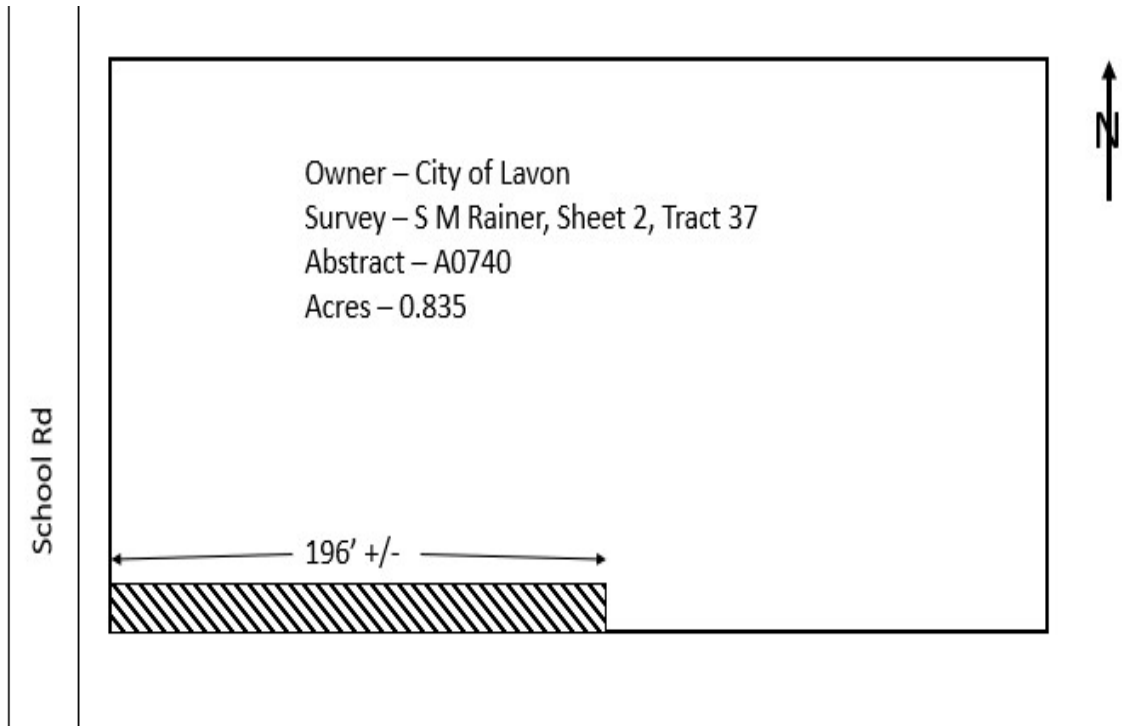
That **City of Lavon, a Texas Home Rule Charter**, hereinafter called "Grantor," whether one or more, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration to Grantor in hand paid by **Oncor Electric Delivery Company LLC, a Delaware limited liability company**, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202-1234, hereinafter referred to as "Grantee," has granted, sold and conveyed and by these presents does grant, sell and convey unto said Grantee, its successors and assigns, an easement and right-of-way for overhead and/or underground electric supply and communications facilities, consisting of a variable number of wires and cables, supporting structures, surface mounted equipment, conduits and all necessary or desirable appurtenances over, under, through, across and upon Grantor's land described as follows:

SEE EXHIBIT "A" (ATTACHED)

Grantor recognizes that the general course of said lines, or the metes and bounds as described above, is based on preliminary surveys only, and Grantor hereby agrees that the easement and right-of-way and its general dimensions hereby granted shall apply to the actual location of said lines when constructed.

Together with the right of ingress and egress along and upon said easement and right-of-way and over and across Grantor's adjoining properties for the purpose of and with the right to construct, maintain, operate, repair, remove, replace, reconstruct, abandon in place, and to change the size and capacity of said facilities; the right to relocate said facilities in the same relative direction of said facilities; the right to relocate said facilities in the same relative position to any adjacent road if and as such is widened in the future; the right to lease wire space for the purpose of permitting others to string or lay wire or cable along said facilities; the right to prevent excavation within the easement area; the right to prevent construction of, within the easement area, any and all buildings, structures or other obstructions which, in the sole judgment of Grantee, may endanger or interfere with the efficiency, safety, and/or convenient operation of said facilities and their appurtenances and the right to trim or remove trees or shrubbery within, but not limited to, said easement area, including by use of herbicides or other similar chemicals approved by the U.S. Environmental Protection Agency, to the extent in the sole judgment of Grantee, as may be necessary to prevent possible interference with the operation of said facilities or to remove possible hazard thereto. Grantor shall not make changes in grade, elevation or contour of the land or impound water within the easement area as described above without prior written consent of Grantee.

“EXHIBIT A”



Easement Width: 10' Oncor Electric Delivery Company LLC Easement



Denotes Easement

Scale: N.T.S.

The intent of this Exhibit is to pictorially show the approximate location of the easement. It is not intended as an actual survey. Calls shown are references only. No Statement is made to the validity of these calls.

GRANTOR: City of Lavon, A Texas Home Rule Charter

Instr: 2022000101015 County: Collin

Survey: S M Rainer Abstract: A0740

District: Mesquite WR#: 21589510

CITY OF LAVON, TEXAS
RESOLUTION NO. 2023-05-02

EXHIBIT B

Discretionary Service Agreement – Oncor

**Tariff for Retail Delivery Service
Oncor Electric Delivery Company LLC**



6.3 Agreements and Forms

Applicable: Entire Certified Service Area
Effective Date: September 21, 2009

Page 1 of 2

6.3.5 Discretionary Service Agreement

WR # 21589510
Transaction ID: 22772

This Discretionary Service Agreement ("Agreement") is made and entered into this 21 day of April, 2023, by Oncor Electric Delivery Company LLC ("Oncor Electric Delivery Company" or "Company"), a Delaware limited liability company and distribution utility, and City of Lavon ("Customer"), a Customer, each hereinafter sometimes referred to individually as "Party" or both referred to collectively as the "Parties". In consideration of the mutual covenants set forth herein, the Parties agree as follows:

1. **Discretionary Services to be Provided** -- Company agrees to provide, and Customer agrees to pay for, the following discretionary services in accordance with this Agreement.

City of Lavon is asking for the relocation of facilities unrelated to road work. Total Cost for the overhead primary facilities relocation, is \$12,487.19. Breakdown is as follows: CIAC - \$12,006.91 + Franchise Fee - \$480.28 = \$12,487.19.

2. **Nature of Service and Company's Retail Delivery Service Tariff** -- Any discretionary services covered by this Agreement will be provided by Company, and accepted by Customer, in accordance with applicable Public Utility Commission of Texas ("PUCT") Substantive Rules and Company's Tariff for Retail Delivery Service (including the Service Regulations contained therein), as it may from time to time be fixed and approved by the PUCT ("Company's Retail Delivery Tariff"). During the term of this Agreement, Company is entitled to discontinue service, interrupt service, or refuse service initiation requests under this Agreement in accordance with applicable PUCT Substantive Rules and Company's Retail Delivery Tariff. Company's Retail Delivery Tariff is part of this Agreement to the same extent as if fully set out herein. Unless otherwise expressly stated in this Agreement, the terms used herein have the meanings ascribed thereto in Company's Retail Delivery Tariff.

3. **Discretionary Service Charges** -- Charges for any discretionary services covered by this Agreement are determined in accordance with Company's Retail Delivery Tariff. Company and Customer agree to comply with PUCT or court orders concerning discretionary service charges.

4. **Term and Termination** -- This Agreement becomes effective upon acceptance by Customer and continues in effect until project complete. Termination of this Agreement does not relieve Company or Customer of any obligation accrued or accruing prior to termination.

5. **No Other Obligations** -- This Agreement does not obligate Company to provide, or entitle Customer to receive, any service not expressly provided for herein. Customer is responsible for making the arrangements necessary for it to receive any further services that it may desire from Company or any third party.

6. **Governing Law and Regulatory Authority** -- This Agreement was executed in the State of Texas and must in all respects be governed by, interpreted, construed, and enforced in accordance with the laws thereof. This Agreement is subject to all valid, applicable federal, state, and local laws, ordinances, and rules and regulations of duly constituted regulatory authorities having jurisdiction.

7. **Amendment** -- This Agreement may be amended only upon mutual agreement of the Parties, which amendment will not be effective until reduced to writing and executed by the Parties. But changes to applicable PUCT Substantive Rules and Company's Retail Delivery Tariff are applicable to this Agreement upon their effective date and do not require an amendment of this Agreement.

8. **Entirety of Agreement and Prior Agreements Superseded** -- This Agreement, including all attached Exhibits, which are expressly made a part hereof for all purposes, constitutes the entire agreement and understanding between the Parties with regard to the service(s) expressly provided for in this Agreement. The Parties are not bound by or liable for any statement, representation, promise, inducement, understanding, or undertaking of any kind or nature (whether written or oral) with regard to the subject matter hereof not set forth or provided for herein. This Agreement replaces all prior agreements and undertakings, oral or written, between the Parties with regard to the subject matter hereof, including without limitation _____, and all such agreements and undertakings are agreed by the Parties to no longer be of any force or effect. It is expressly acknowledged that the Parties may have other agreements covering other services not expressly provided for herein, which agreements are unaffected by this Agreement.

9. **Notices** -- Notices given under this Agreement are deemed to have been duly delivered if hand delivered or sent by United States certified mail, return receipt requested, postage prepaid, to:

- (a) If to Company:
Oncor Electric Delivery
310 Hwy 205
Terrell 75160

**Tariff for Retail Delivery Service
Oncor Electric Delivery Company LLC**



6.3 Agreements and Forms

Applicable: Entire Certified Service Area
Effective Date: September 21, 2009

(b) If to Customer:
City of Lavon
P.O. Box 340
Lavon, Tx 75166

The above-listed names, titles, and addresses of either Party may be changed by written notification to the other.

10. **Invoicing and Payment** – Invoices for any discretionary services covered by this Agreement will be mailed by Company to the following address (or such other address directed in writing by Customer), unless Customer is capable of receiving electronic invoicing from Company, in which case Company is entitled to transmit electronic invoices to Customer.

City of Lavon
P.O. Box 340
Lavon, Tx 75166

If Company transmits electronic invoices to Customer, Customer must make payment to Company by electronic funds transfer. Electronic invoicing and payment by electronic funds transfer will be conducted in accordance with Company's standard procedures. Company must receive payment by the due date specified on the invoice. If payment is not received by the Company by the due date shown on the invoice, a late fee will be calculated and added to the unpaid balance until the entire invoice is paid. The late fee will be 5% of the unpaid balance per invoice period.

11. **No Waiver** -- The failure of a Party to this Agreement to insist, on any occasion, upon strict performance of any provision of this Agreement will not be considered to waive the obligations, rights, or duties imposed upon the Parties.

12. **Taxes** -- All present or future federal, state, municipal, or other lawful taxes (other than federal income taxes) applicable by reason of any service performed by Company, or any compensation paid to Company, hereunder must be paid by Customer.

13. **Headings** -- The descriptive headings of the various articles and sections of this Agreement have been inserted for convenience of reference only and are to be afforded no significance in the interpretation or construction of this Agreement.

14. **Multiple Counterparts** -- This Agreement may be executed in two or more counterparts, each of which is deemed an original but all constitute one and the same instrument.

15. **Other Terms and Conditions** –

(i) Customer has disclosed to Company all underground facilities owned by Customer or any other party that is not a public utility or governmental entity, that are located within real property owned by Customer. In the event that Customer has failed to do so, or in the event of the existence of such facilities of which Customer has no knowledge, Company, its agents and contractors, shall have no liability, of any nature whatsoever, to Customer, or Customer's agents or assignees, for any actual or consequential damages resulting from damage to such undisclosed or unknown facilities.

(ii) City of Lavon agrees that payment shall be made within 30 days of the date the project is completed or the date the invoice is received, whichever is later.

(iii) The Discretionary Service Charges provided in this agreement are for Oncor Electric Delivery facilities only and do not include any charges related to the relocation of any facilities owned by a franchised utility, governmental entity, or licensed service provider (Joint User). The customer must contact all Joint Users and make arrangements to have their facilities transferred or relocated. Oncor Electric Delivery cannot complete the relocation/removal of facilities outlined in this agreement until Joint User(s) remove their facilities attached to Oncor Electric Delivery Poles.

(iv)

IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed by their respective duly authorized representatives.

Oncor Electric Delivery Company LLC

City of Lavon
Customer / Entity

Signature

Signature

Clint Stevens
Printed Name

Kim Dobbs
Printed Name

Project Manager
Title

City Manager
Title

Date

Date



Statement of Charges

PO Box 910104
Dallas TX 75391-0104

Date: 4/21/2023
Project No: 21589510
Transaction ID: 22772

Stevens, Clint
9034561660
Clinton.Stevens@oncor.com

Bill To:

Kim Dobbs
City of Lavon
112 School Rd
Lavon, Tx 75166

Project Location

Street Address:
112 School Rd
City: Lavon
County: Collin

Billing Description	Amount Due
City of Lavon request for facilitites to be relocated	\$12,487.19
Price quoted is valid for thirty (30) days from the date of this document. Total	\$12,487.19

Remittance Options:

Check Instructions

Make all checks payable to Oncor Electric Delivery Company, LLC
OR

Electronic Funds Transfer / EFT Instructions

JP Morgan Chase Bank / Dallas
Account #08806169791
Routing #'s
ABA: 021-000-021 (Wire Transfer)
ABA: 111-000-614 (ACH payments)
Federal Tax ID: 75-2967830

If an EFT is made please have your financial institution include the tracking number
Also, email Confirmation number and transfer date to Dana.Brewster2@oncor.com

THANK YOU FOR YOUR BUSINESS!



REMITTANCE SLIP

Detach this portion of the invoice to accompany payment and mail it with your check
Checks are to be made payable to **Oncor Electric Delivery Company, LLC**
Please retain the above statement for your records

Remit To
Oncor Electric Delivery Company, LLC
Attn: Brewster, Dana; Stevens, Clint
PO Box 910104
Dallas TX 75391-0104

Customer Name
City of Lavon
Project Number: 21589510
Transaction ID: 22772
Total Amount Paid:
\$12,487.19



CITY OF LAVON Agenda Brief

MEETING: May 2, 2023

ITEM: 6 - E

Item:

CONSENT AGENDA

Receive Quarterly Investment Report.

Background:

The Public Funds Investment Act provides that regular investment reports shall be provided to the City Council.

City of Lavon Policy Statement:

It is the policy of the City of Lavon (the "City") that the administration of its funds and the investment of those funds shall be handled as its highest public trust. Investments shall be made in a manner which will provide the maximum security of principal invested through limitations and diversification while meeting the daily cash flow needs of the City and conforming to the Public Funds Investment Act (the "Act") Texas Government Code 2256.

The receipt of a market rate of return will be secondary to the requirements for safety and liquidity. It is the intent of the City to be in complete compliance with local law and the Texas Public Funds Investment Act (the "Act"). The earnings from investment will be used in a manner that best serves the interests of the City.

Staff Notes:

Approval of the item provides acknowledgement of receipt of the report and is the only action necessary.

Attachment: Investment Report for Quarter ending March 31, 2023
Investment Pool newsletters

**CITY OF LAVON
 QUARTERLY INVESTMENT REPORT
 SECOND QUARTER
 FY 2022-23**

This quarterly report is prepared in compliance with the City of Lavon Investment Policy and the Texas Public Funds Investment Act (TX Gov Code, Ch. 2256)

Independent Bank

	Savings Jan-Mar	Dedicated Jan-Mar	Sewer Tap Jan-Mar	Interest & Sinking Jan-Mar
Beginning Balance	\$ 4,237,850	\$ 2,438,745	\$ 2,047,475	\$ 2,619,147
Deposits	\$ 891,732	\$ 1,439,071	\$ 1,322,339	\$ 1,584,008
Withdrawals	\$ -	\$ 2,438,862	\$ 1,081,331	\$ 883,730
Interest Earned	\$ 10,764	\$ 1,984	\$ 4,664	\$ 8,554
Ending Balance	\$ 5,140,346	\$ 1,440,937	\$ 2,293,147	\$ 3,327,979

Independent Bank

	LakePt PID IA2 Jan-Mar	LOGIC ARPA-CLRF Jan-Mar	TexStar Investment Pool Ser 2020 - COs Jan-Mar
Beginning Balance	\$ 123,717	\$ 934,648	\$ 12,041,226
Deposits	\$ 935,144	\$ -	\$ -
Withdrawals	\$ 1,025,082	\$ 72,046	\$ 1,128,037
Interest Earned	\$ 1,140	\$ 10,745	\$ 131,279
Ending Balance	\$ 34,920.09	\$ 873,346	\$ 11,044,469

TexStar Investment Pool

	Heritage PID - Zone 1 Jan-Mar	Heritage PID - Zone 2 Jan-Mar	Heritage PID - Zone 3 Jan-Mar	Heritage PID - Zone 4 Jan-Mar
Beginning Balance	\$ 385,303	\$ 417,289	\$ 61,910	\$ 426,848
Deposits	\$ 169,764	\$ 30,398	\$ 14,503	\$ 356,924
Withdrawals	\$ 474,104	\$ 1,726	\$ 1,092	\$ 11,714
Interest Earned	\$ 4,589	\$ 4,853	\$ 809	\$ 7,444
Ending Balance	\$ 85,552	\$ 450,815	\$ 76,131	\$ 779,502

CITY OF LAVON
QUARTERLY INVESTMENT REPORT
SECOND QUARTER
FY 2022-23

page 2

SUMMARY STATEMENT OF POSITION - 2nd QUARTER


Beginning Balance	\$	25,734,158
Deposits	\$	6,743,883
Withdrawals	\$	7,117,723
Interest Earned	\$	186,826
Ending Balance	\$	<u>25,547,144</u>

The figures included in this report represent the beginning balance at the beginning of the quarter; deposits, withdrawals and interest earned during the quarter and the ending balance at the end of the quarter for each investment account. The Summary Statement of Position represents the total of all investment accounts for the quarter.



Accounting Administrator

4-17-2023
Date



City Manager

4-17-2023
Date

Weekly Rate Summary: April 27, 2023

Weekly Summary and Highlights

- (1) Reminder: USD LIBOR will be discontinued after **June 30 of THIS YEAR**. Our desk can help you understand ISDA IBOR Fallbacks Protocol and alternatives.
- (2) Guaranteed Investment Contracts (GICs) continue to offer attractive rates for **project funds, Cap-I funds** and **reserve funds**.
- (3) Upcoming FOMC rate decision: May 3.

Short-Term Interest Rates

Source: Bloomberg

	4/27/23	4/20/23	WoW Chg (bps)	4/27/22	YoY Chg (bps)
SIFMA	3.860%	2.810%	105.0	0.440%	342
SOFR	4.800%	4.800%	0.0	0.280%	452
BSBY (O/N)	4.890%	4.887%	0.4	0.329%	456
Ameribor (O/N)	5.122%	5.122%	0.0	0.423%	470
Fed Funds Effec.	4.830%	4.830%	0.0	0.330%	450
Prime	8.000%	8.000%	0.0	3.500%	450

Interest Rate Forecast Survey

Source: Bloomberg

	Current	Q223	Q323	Q423	Q124
Target Fed Funds	5.000%	5.25%	5.20%	5.10%	4.70%
3MO Term SOFR	5.043%	5.16%	5.11%	4.86%	4.46%
2YR T-Note	4.091%	4.19%	4.01%	3.75%	3.55%
10YR T-Note	3.526%	3.59%	3.54%	3.44%	3.41%
30YR T-Note	3.762%	3.88%	3.89%	3.82%	3.73%

Variable Rate Term Structure

Source: Bloomberg

	4/27/23	4/20/23	WoW Chg (bps)	4/27/22	YoY Chg (bps)
1MO Term SOFR	4.993%	4.964%	2.9	0.700%	429
3MO Term SOFR	5.043%	5.071%	-2.7	1.025%	402
1MO BSBY	5.019%	4.942%	7.7	0.609%	441
3MO BSBY	5.224%	5.203%	2.1	1.135%	409
1MO LIBOR	5.034%	5.010%	2.4	0.764%	427
3MO LIBOR	5.299%	5.273%	2.6	1.239%	406

SOFR Forward Swap Rates

Source: Bloomberg

Tenor	Current	3Mo Fwd	6Mo Fwd	1Yr Fwd	2Yr Fwd
5YR	3.391%	3.271%	3.157%	2.993%	2.919%
7YR	3.282%	3.197%	3.116%	3.001%	2.968%
10YR	3.242%	3.185%	3.131%	3.057%	3.045%
20YR	3.237%	3.198%	3.160%	3.105%	3.072%
30YR	3.059%	3.025%	2.991%	2.940%	2.896%

Hilltop Securities Inc. Structured Products

(214) 953-4020

717 N. Harwood Street
Suite 3400
Dallas, Texas 75201

Brett Weaver

Investment & Hedging Advisor
brett.weaver@hilltopsecurities.com

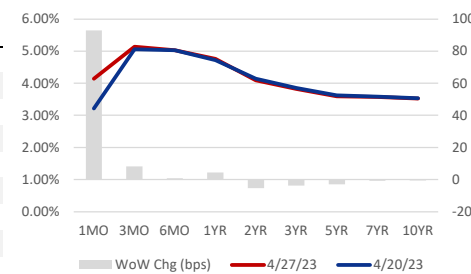
Amber Chien

Investment & Hedging Advisor
amber.chien@hilltopsecurities.com

U.S. Treasury Yields

Source: Bloomberg

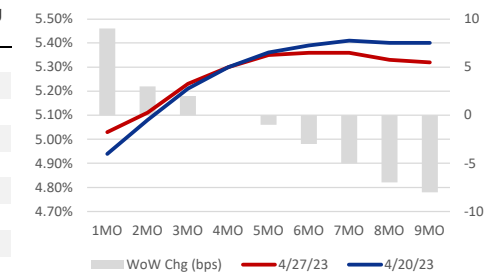
	4/27/23	4/20/23	WoW Chg (bps)
1MO	4.143%	3.213%	93.0
3MO	5.139%	5.058%	8.1
6MO	5.033%	5.025%	0.8
1YR	4.758%	4.715%	4.3
2YR	4.089%	4.142%	-5.3
3YR	3.817%	3.856%	-3.9
5YR	3.596%	3.626%	-3.0
7YR	3.571%	3.579%	-0.8
10YR	3.526%	3.532%	-0.6



CP (A1/P1) Indicative Rates

Source: Bloomberg

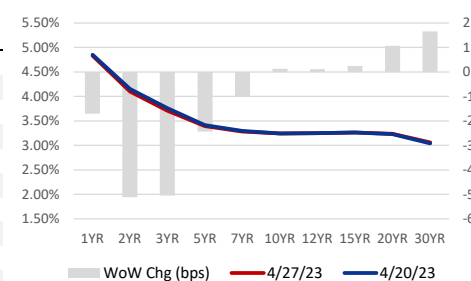
	4/27/23	4/20/23	WoW Chg (bps)
1MO	5.03%	4.94%	9
2MO	5.11%	5.08%	3
3MO	5.23%	5.21%	2
4MO	5.30%	5.30%	0
5MO	5.35%	5.36%	-1
6MO	5.36%	5.39%	-3
7MO	5.36%	5.41%	-5
8MO	5.33%	5.40%	-7
9MO	5.32%	5.40%	-8



SOFR Swap Rates

Source: Bloomberg

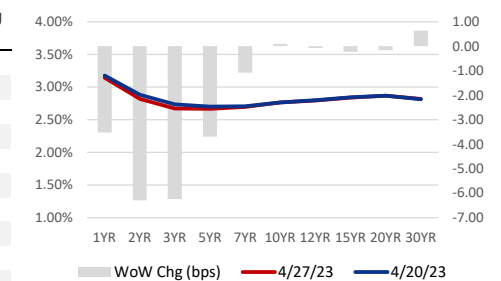
	4/27/23	4/20/23	WoW Chg (bps)
1YR	4.837%	4.854%	-1.7
2YR	4.097%	4.148%	-5.1
3YR	3.706%	3.756%	-5.0
5YR	3.391%	3.415%	-2.4
7YR	3.282%	3.292%	-1.0
10YR	3.242%	3.241%	0.1
12YR	3.247%	3.246%	0.1
15YR	3.262%	3.260%	0.2
20YR	3.237%	3.226%	1.1
30YR	3.059%	3.042%	1.7



Tax Exempt Swap Rates

Source: Bloomberg

	4/27/23	4/20/23	WoW Chg (bps)
1YR	3.144%	3.179%	-3.5
2YR	2.818%	2.881%	-6.3
3YR	2.673%	2.735%	-6.2
5YR	2.666%	2.703%	-3.7
7YR	2.693%	2.704%	-1.1
10YR	2.764%	2.764%	0.1
12YR	2.796%	2.796%	-0.1
15YR	2.838%	2.840%	-0.2
20YR	2.866%	2.868%	-0.2
30YR	2.818%	2.812%	0.6



Data as of April 27, 2023 1:27 PM Central Time.

The data underlying the information has been obtained from Bloomberg. HilltopSecurities does not guarantee the accuracy of the underlying data or computations based thereon. The data is intended for informational purposes only and does not constitute legal or investment advice, nor is it an offer or a solicitation of an offer to buy or sell any investment or other specific product. This material has not been prepared in accordance with the guidelines or requirements to promote investment research, it is not a research report and is not intended as such.



PERFORMANCE

As of March 31, 2023

Current Invested Balance	\$ 11,042,113,205.98
Weighted Average Maturity (1)	12 Days
Weighted Average Life (2)	39 Days
Net Asset Value	1.000029
Total Number of Participants	1012
Management Fee on Invested Balance	0.06%*
Interest Distributed	\$42,836,750.54
Management Fee Collected	\$550,737.21
% of Portfolio Invested Beyond 1 Year	0.58%
Standard & Poor's Current Rating	AAAm

Rates reflect historical information and are not an indication of future performance.

March Averages

Average Invested Balance	\$10,807,713,296.46
Average Monthly Yield, on a simple basis	4.6066%
Average Weighted Maturity (1)	11 Days
Average Weighted Life (2)	39 Days

Definition of Weighted Average Maturity (1) & (2)

(1) This weighted average maturity calculation uses the SEC Rule 2a-7 definition for stated maturity for any floating rate instrument held in the portfolio to determine the weighted average maturity for the pool. This Rule specifies that a variable rate instruction to be paid in 397 calendar days or less shall be deemed to have a maturity equal to the period remaining until the next readjustment of the interest rate.
(2) This weighted average maturity calculation uses the final maturity of any floating rate instruments held in the portfolio to calculate the weighted average maturity for the pool.

The maximum management fee authorized for the TexSTAR Cash Reserve Fund is 12 basis points. This fee may be waived in full or in part in the discretion of the TexSTAR co-administrators at any time as provided for in the TexSTAR Information Statement.

NEW PARTICIPANTS

We would like to welcome the following entities who joined the TexSTAR program in March:

- * City of Alvord * Galveston County Municipal Utility District No. 59
- * Jefferson County Emergency Services District No. 4 * City of Mineola

HOLIDAY REMINDER

In observance of Good Friday, **TexSTAR will be closed Friday, April 7, 2023**. All ACH transactions initiated on Thursday, April 6th will settle on Monday, April 10th. Notification of any early transaction deadlines on the business day preceding this holiday will be sent by email to the primary contact on file for all TexSTAR participants. Please plan accordingly for your liquidity needs.

ECONOMIC COMMENTARY

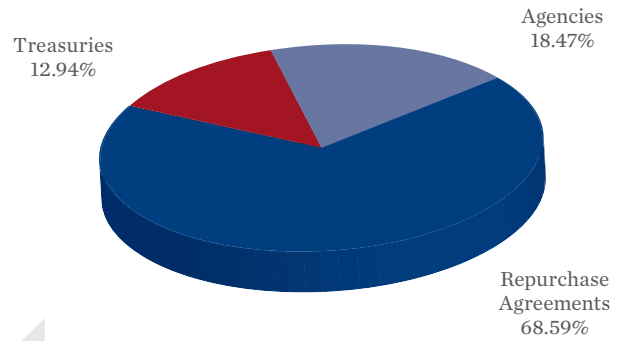
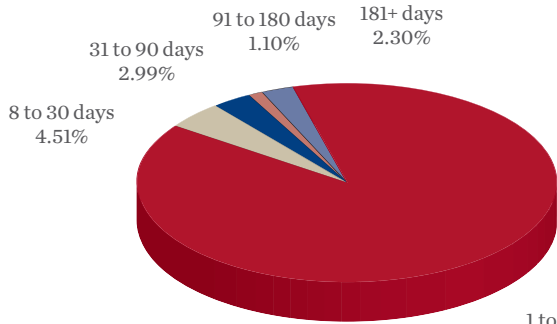
Market review

In the early months of 2023, we saw stronger-than-expected economic data, a leveling off in disinflation and signs of cooling wage growth. In recent weeks, financial distress in the U.S. regional bank sector rattled markets and exposed the vulnerabilities of an economy facing a rapid rise in interest rates after a very long period of easy policy. Consequently, credit conditions, which had already tightened due to Federal Reserve (Fed) policy, are expected to tighten further and could drag on economic activity, hiring and inflation. While the government responded swiftly to the bank fears, the Fed stopped short of pausing its monetary tightening campaign with a March rate hike and maintained its focus on bringing inflation down. It is at the point where economic conditions are tight, when a company's vulnerabilities come to light. This was particularly evident for Silicon Valley Bank (SVB), Signature Bank (SBNY), and Credit Suisse (CS). It is important to note that SVB, SBNY and CS were unique situations. Three problems led to the failures of SVB and SBNY. The first issue was a narrow depositor base, concentrated in troubled industries (startups and crypto), with a very large percentage of uninsured deposits. The second issue was an asset base that was particularly vulnerable to increases in interest rates. Third, was the Fed's sharp switch from years of negative real rates and quantitative easing to higher rates and quantitative tightening. Joint action by the Department of the Treasury, the Fed, and the Federal Deposit Insurance Corporation (FDIC), reimbursing all deposits at SVB and Signature Bank, not just insured deposits, and establishing a fund to support other banks with asset problems appeared to help calm the situation.

CS, a global systemically important bank (GSIB) became another casualty in the fallout from the SVB and SBNY collapse. The bank's largest shareholder, Saudi National Bank, said it wouldn't be willing to provide the company additional financing because of exposure limits.

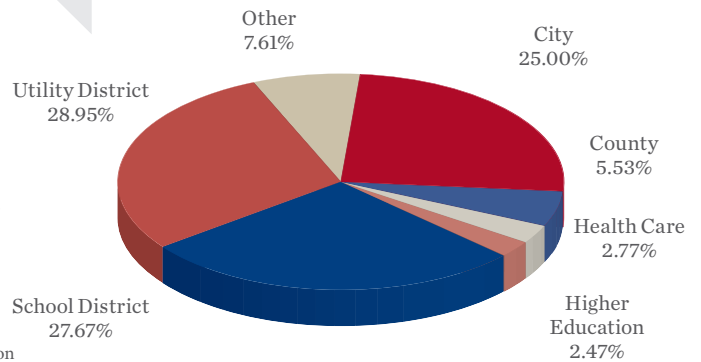
INFORMATION AT A GLANCE

PORTFOLIO BY TYPE OF INVESTMENT AS OF MARCH 31, 2023



DISTRIBUTION OF PARTICIPANTS BY TYPE AS OF MARCH 31, 2023

PORTFOLIO BY MATURITY AS OF MARCH 31, 2023 (1)



(1) Portfolio by Maturity is calculated using WAM (1) definition for stated maturity. See page 1 for definition

HISTORICAL PROGRAM INFORMATION

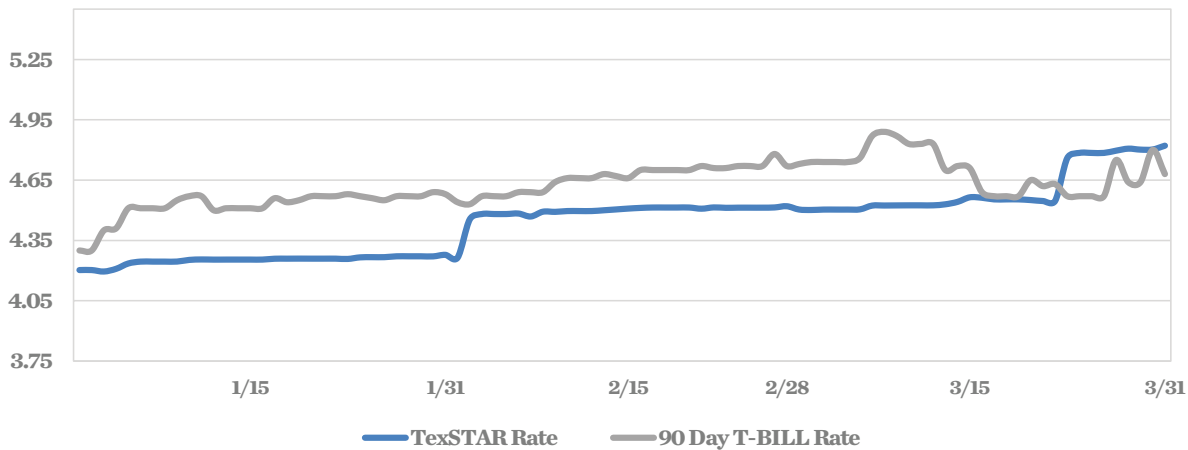
MONTH	AVERAGE RATE	BOOK VALUE	MARKET VALUE	NET ASSET VALUE	WAM (1)	WAL (2)	NUMBER OF PARTICIPANTS
Mar 23	4.6066%	\$11,042,113,205.98	\$11,042,864,910.32	1.000029	11	39	1012
Feb 23	4.4919%	10,962,890,240.57	10,961,778,645.78	0.999898	9	38	1008
Jan 23	4.2515%	10,451,037,339.95	10,450,044,625.54	0.999905	6	41	1003
Dec 22	3.9681%	9,016,826,910.67	9,015,709,981.89	0.999855	5	43	999
Nov 22	3.5588%	8,393,118,851.17	8,390,786,906.73	0.999722	6	47	998
Oct 22	2.8531%	8,388,414,626.87	8,384,901,873.82	0.999581	10	46	996
Sep 22	2.2941%	8,448,258,598.47	8,444,307,157.72	0.999510	16	43	994
Aug 22	1.9469%	8,988,292,520.61	8,983,610,837.50	0.999479	27	50	991
Jul 22	1.4010%	9,799,798,062.32	9,793,880,215.07	0.999396	34	49	990
Jun 22	0.9850%	9,799,299,684.61	9,793,062,348.93	0.999363	42	57	989
May 22	0.6459%	9,701,777,049.61	9,700,243,468.41	0.999841	43	61	988
Apr 22	0.3225%	8,985,925,505.16	8,984,338,322.90	0.999818	39	60	986

PORTFOLIO ASSET SUMMARY AS OF MARCH 31, 2023

	BOOK VALUE	MARKET VALUE
Uninvested Balance	\$ 725.19	\$ 725.19
Accrual of Interest Income	11,276,483.73	11,276,483.73
Interest and Management Fees Payable	(42,897,085.38)	(42,897,085.38)
Payable for Investment Purchased	0.00	0.00
Repurchase Agreement	7,594,735,999.76	7,594,735,999.76
Government Securities	3,478,997,082.68	3,479,748,787.02
TOTAL	\$ 11,042,113,205.98	\$ 11,042,864,910.32

Market value of collateral supporting the Repurchase Agreements is at least 102% of the Book Value. The portfolio is managed by J.P. Morgan Chase & Co. and the assets are safekept in a separate custodial account at the Federal Reserve Bank in the name of TexSTAR. The only source of payment to the Participants are the assets of TexSTAR. There is no secondary source of payment for the pool such as insurance or guarantee. **24** If you require a copy of the portfolio, please contact TexSTAR Participant Services.

TEXSTAR VERSUS 90-DAY TREASURY BILL



This material is for information purposes only. This information does not represent an offer to buy or sell a security. The above rate information is obtained from sources that are believed to be reliable; however, its accuracy or completeness may be subject to change. The TexSTAR management fee may be waived in full or in part at the discretion of the TexSTAR co-administrators and the TexSTAR rate for the period shown reflects waiver of fees. This table represents historical investment performance/return to the customer, net of fees, and is not an indication of future performance. An investment in the security is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency. Although the issuer seeks to preserve the value of an investment of \$1.00 per share, it is possible to lose money by investing in the security. Information about these and other program details are in the fund's Information Statement which should be read carefully before investing. The yield on the 90-Day Treasury Bill ("T-Bill Yield") is shown for comparative purposes only. When comparing the investment returns of the TexSTAR pool to the T-Bill Yield, you should know that the TexSTAR pool consists of allocations of specific diversified securities as detailed in the respective Information Statements. The T-Bill Yield is taken from Bloomberg Finance L.P. and represents the daily closing yield on the then current 90-Day T-Bill. The TexSTAR yield is calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940 as promulgated from time to time by the federal Securities and Exchange Commission.

DAILY SUMMARY FOR MARCH 2023

DATE	MNY MKT FUND EQUIV. [SEC Std.]	DAILY ALLOCATION FACTOR	INVESTED BALANCE	MARKET VALUE PER SHARE	WAM DAYS (1)	WAL DAYS (2)
3/1/2023	4.5037%	0.000123390	\$10,934,005,482.72	0.999903	10	38
3/2/2023	4.5014%	0.000123325	\$11,065,468,689.29	0.999896	9	37
3/3/2023	4.5034%	0.000123382	\$10,929,935,778.83	0.999910	9	37
3/4/2023	4.5034%	0.000123382	\$10,929,935,778.83	0.999910	9	37
3/5/2023	4.5034%	0.000123382	\$10,929,935,778.83	0.999910	9	37
3/6/2023	4.5045%	0.000123412	\$10,885,527,688.27	0.999905	9	37
3/7/2023	4.5232%	0.000123922	\$10,866,487,492.38	0.999899	9	37
3/8/2023	4.5236%	0.000123934	\$10,858,406,297.88	0.999880	9	36
3/9/2023	4.5241%	0.000123947	\$10,744,115,636.17	0.999882	9	37
3/10/2023	4.5245%	0.000123958	\$10,722,681,700.29	0.999931	9	36
3/11/2023	4.5245%	0.000123958	\$10,722,681,700.29	0.999931	9	36
3/12/2023	4.5245%	0.000123958	\$10,722,681,700.29	0.999931	9	36
3/13/2023	4.5296%	0.000124099	\$10,703,805,917.77	0.999936	9	36
3/14/2023	4.5417%	0.000124429	\$10,711,147,872.64	0.999960	10	39
3/15/2023	4.5643%	0.000125048	\$10,702,810,662.06	1.000057	13	41
3/16/2023	4.5621%	0.000124988	\$10,732,005,588.25	1.000059	13	41
3/17/2023	4.5540%	0.000124767	\$10,727,515,983.26	1.000061	12	41
3/18/2023	4.5540%	0.000124767	\$10,727,515,983.26	1.000061	12	41
3/19/2023	4.5540%	0.000124767	\$10,727,515,983.26	1.000061	12	41
3/20/2023	4.5506%	0.000124674	\$10,739,730,466.69	1.000041	12	40
3/21/2023	4.5459%	0.000124544	\$10,739,821,599.63	1.000026	12	40
3/22/2023	4.5463%	0.000124556	\$10,727,446,854.41	1.000027	13	41
3/23/2023	4.7593%	0.000130391	\$10,686,408,406.82	1.000056	13	40
3/24/2023	4.7847%	0.000131088	\$10,642,985,866.85	1.000072	14	41
3/25/2023	4.7847%	0.000131088	\$10,642,985,866.85	1.000072	14	41
3/26/2023	4.7847%	0.000131088	\$10,642,985,866.85	1.000072	14	41
3/27/2023	4.7959%	0.000131394	\$10,658,770,447.28	1.000047	13	42
3/28/2023	4.8059%	0.000131669	\$11,098,688,328.32	1.000049	12	40
3/29/2023	4.8011%	0.000131537	\$11,085,529,588.19	1.000031	12	40
3/30/2023	4.8018%	0.000131556	\$10,987,463,977.90	1.000023	12	40
3/31/2023	4.8206%	0.000132072	\$11,042,113,205.98	1.000029	12	39
Average	4.6066%	0.000126209	\$10,807,713,296.46		11	39



ECONOMIC COMMENTARY (cont.)

The issues with CS were not new. However, because the markets were already jittery, this became the catalyst for a renewed deterioration in market confidence given CS's complex and lengthy restructuring plan. The repercussions soon blanketed the broader market universe and reignited contagion worries. Initially, the Swiss National Bank (SNB) extended-\$55 billion in liquidity support to CS, which underscored the distinction between the challenges facing US regional banks and European GSIBs. In the end, UBS Group AG agreed to buy CS in a government-brokered deal aimed at containing a crisis of confidence that threatened to spread across global financial markets. Ultimately, the banking failures of these three institutions were idiosyncratic events due to poor risk management.

Meanwhile, inflation was still the prime focus of the Fed. Since its peak in June 2022, inflation has shown signs of cooling, although the road to the Fed's 2% target has been bumpier than originally anticipated. February's Consumer Price Index (CPI) report came largely in line with expectations with headline CPI rising 0.4% month-over-month (m/m) and 6% year-over-year (y/y), marking the eighth consecutive monthly decline in the y/y measure. Core CPI (ex-food and energy) rose by 0.5% m/m, and 5.5% y/y. The lagged effect of shelter inflation, which accounts for a little over a third of CPI, continued to be the primary contributor to elevated inflation, at 0.8% m/m. The headline and core Personal Consumption Expenditures (PCE) Price Index both rose 0.3% m/m, a deceleration from prior month. Year-over-year headline PCE cooled, declining from 5.4% to 5.0%. Furthermore, personal income came in slightly above expectations at 0.3%, but at a decelerated rate from prior month. Real personal spending declined by 0.1%, down from the 1.1% increase we saw in January. The personal savings rate increased to 4.6% in February, up from the 4.4% we saw in January, pointing to a slowdown in consumption.

The February Jobs report highlighted solid gains in payroll employment, but other details were softer than expected. Nonfarm payroll employment rose by 311K, well above consensus estimates of 223K. However, gains for the prior two months were revised down by 34K, and the unemployment rate rose above consensus to 3.6%. The labor market continued to prove its resilience. However, there were also clearer signs that wage data is moderating. Average hourly earnings were below consensus, rising by 0.2% m/m and 4.6% y/y. Overall, the report suggested that the labor market is starting to feel the pressure of tighter policy and provided little evidence that a tight labor market will disrupt the downtrend in consumer inflation.

In a highly anticipated policy decision, the Federal Open Market Committee (FOMC) voted unanimously to raise the federal funds rate by 0.25% to a target range of 4.75%-5.00%. The statement language and press conference were somewhat dovish, acknowledging the potential implications of banking turmoil on the economic outlook but also the need for further progress on inflation. The Fed notably downshifted the phrase "ongoing increases in the target range will be appropriate" to "some additional policy firming may be appropriate," signaling a near end to tightening. At the press conference, Chairman Powell kicked off by addressing banks and affirmed that the overall "banking system is sound and resilient." In the Summary of Economic projections (SEP), the "dot plot" revealed an unchanged median expectation for the federal funds rate at 5.1% for year-end 2023, suggesting an additional 25 bp hike to come. Surprisingly, policymakers projected less easing next year, suggesting an expectation that policy will have to be tighter for longer to combat inflation. Updates to the Fed's economic projections reflected a more dovish picture of slower growth, lower unemployment and slightly higher inflation. Treasury yields fell across the curve during the month. In money markets, the three-month Treasury bill yield decreased by 6 bps to 4.75% and the six-month Treasury bill yield decreased by 26 bps to 4.88%. Longer Treasury yields plummeted, with the two-year yield dropping by 79 bps to 4.03% and the three-year yield dropping by 74 bps to 3.79%.

Outlook

Following recent events across the banking sector and the latest Fed rate hike, investors have materially reassessed their expectations for the future path of interest rates. Prior to recent concerns about the financial sector, the market expected that the Fed would continue to hike with the federal funds rate peaking at 5.5%. Markets are now teetering between the potential for another 25 bp hike or a pause at the May 3 FOMC meeting and anticipate rate cuts by year-end. The front end of the curve is particularly reactive to headline risks and has seen both a material repricing and a high level of volatility. We think that the outcome of the March FOMC meeting was designed to show the markets that the Fed has confidence in the banking system, and that it is willing to be flexible depending upon ongoing developments.



ECONOMIC COMMENTARY (cont.)

Bank lending (globally) is very likely to decline rapidly. Credit conditions were already tightening before the regional bank issue, and Chair Powell recognizes that a tightening in lending standards will slow GDP growth and weaken demand for labor, thus substituting for additional rate hikes. The volatility of the past couple of weeks supports our base case of a recession, as tight monetary policy has caused stress in the banking sector while inflation persists. The Fed is in a challenging spot as they need to strike a balance between financial stability and price stability. As a result, we think it is likely that they raise rates in May before pausing. The federal funds futures market is pricing in rate cuts beginning in June. While that may be a bit aggressive, the market is removing policy hikes in anticipation of weakening hard economic data.

This information is an excerpt from an economic report dated March 2023 provided to TexSTAR by JP Morgan Asset Management, Inc., the investment manager of the TexSTAR pool.

TEXSTAR BOARD MEMBERS

Monte Mercer	North Central TX Council of Government	Governing Board President
David Pate	Richardson ISD	Governing Board Vice President
Anita Cothran	City of Frisco	Governing Board Treasurer
David Medanich	Hilltop Securities	Governing Board Secretary
Jennifer Novak	J.P. Morgan Asset Management	Governing Board Asst. Sec./Treas
Brett Starr	City of Irving	Advisory Board
James Mauldin	Qualified Non-Participant	Advisory Board
Sandra Newby	Tarrant Regional Water Dist/Non-Participant	Advisory Board
Ron Whitehead	Qualified Non-Participant	Advisory Board

The material provided to TexSTAR from J.P. Morgan Asset Management, Inc., the investment manager of the TexSTAR pool, is for informational and educational purposes only, as of the date of writing and may change at any time based on market or other conditions and may not come to pass. While we believe the information presented is reliable, we cannot guarantee its accuracy. HilltopSecurities is a wholly owned subsidiary of Hilltop Holdings, Inc. (NYSE: HTH) located at 717 N. Hardwood Street, Suite 3400, Dallas, TX 75201, (214) 859-1800. Member NYSE/FINRA/SIPC. Past performance is no guarantee of future results. Investment Management Services are offered through J.P. Morgan Asset Management Inc. and/or its affiliates. Marketing and Enrollment duties are offered through HilltopSecurities and/or its affiliates. HilltopSecurities and J.P. Morgan Asset Management Inc. are separate entities.



PERFORMANCE

As of March 31, 2023

Current Invested Balance	\$10,512,348,285.80
Weighted Average Maturity (1)	33 Days
Weighted Average Life (2)	58 Days
Net Asset Value	0.999706
Total Number of Participants	668
Management Fee on Invested Balance	0.0975%*
Interest Distributed	\$44,069,488.42
Management Fee Collected	\$874,554.46
% of Portfolio Invested Beyond 1 Year	0.00%
Standard & Poor's Current Rating	AAAm

Rates reflect historical information and are not an indication of future performance.

March Averages

Average Invested Balance	\$10,560,026,755.62
Average Monthly Yield, on a simple basis	4.8163%
Average Weighted Maturity (1)	28 Days
Average Weighted Life (2)	54 Days

Definition of Weighted Average Maturity (1) & (2)

(1) This weighted average maturity calculation uses the SEC Rule 2a-7 definition for stated maturity for any floating rate instrument held in the portfolio to determine the weighted average maturity for the pool. This Rule specifies that a variable rate instruction to be paid in 397 calendar days or less shall be deemed to have a maturity equal to the period remaining until the next readjustment of the interest rate.

(2) This weighted average maturity calculation uses the final maturity of any floating rate instruments held in the portfolio to calculate the weighted average maturity for the pool.

The maximum management fee authorized for the LOGIC Cash Reserve Fund is 12 basis points. This fee may be waived in full or in part in the discretion of the LOGIC co-administrators at any time as provided for in the LOGIC Information Statement.

NEW PARTICIPANTS

We would like to welcome the following entities who joined the LOGIC program in March:

* City of Mineola

HOLIDAY REMINDER

In observance of Good Friday, **LOGIC will be closed Friday, April 7, 2023**. All ACH transactions initiated on Thursday, April 6th will settle on Monday, April 10th. Notification of any early transaction deadlines on the business day preceding this holiday will be sent by email to the primary contact on file for all LOGIC participants. Please plan accordingly for your liquidity needs.

ECONOMIC COMMENTARY

Market review

In the early months of 2023, we saw stronger-than-expected economic data, a leveling off in disinflation and signs of cooling wage growth. In recent weeks, financial distress in the U.S. regional bank sector rattled markets and exposed the vulnerabilities of an economy facing a rapid rise in interest rates after a very long period of easy policy. Consequently, credit conditions, which had already tightened due to Federal Reserve (Fed) policy, are expected to tighten further and could drag on economic activity, hiring and inflation. While the government responded swiftly to the bank fears, the Fed stopped short of pausing its monetary tightening campaign with a March rate hike and maintained its focus on bringing inflation down. It is at the point where economic conditions are tight, when a company's vulnerabilities come to light. This was particularly evident for Silicon Valley Bank (SVB), Signature Bank (SBNY), and Credit Suisse (CS). It is important to note that SVB, SBNY and CS were unique situations. Three problems led to the failures of SVB and SBNY. The first issue was a narrow depositor base, concentrated in troubled industries (startups and crypto), with a very large percentage of uninsured deposits. The second issue was an asset base that was particularly vulnerable to increases in interest rates. Third, was the Fed's sharp switch from years of negative real rates and quantitative easing to higher rates and quantitative tightening. Joint action by the Department of the Treasury, the Fed, and the Federal Deposit Insurance Corporation (FDIC), reimbursing all deposits at SVB and Signature Bank, not just insured deposits, and establishing a fund to support other banks with asset problems appeared to help calm the situation.

CS, a global systemically important bank (GSIB) became another casualty in the fallout from the SVB and SBNY collapse. The bank's largest shareholder, Saudi National Bank, said it wouldn't be willing to provide the company additional financing because of exposure limits.

(continued page 4)

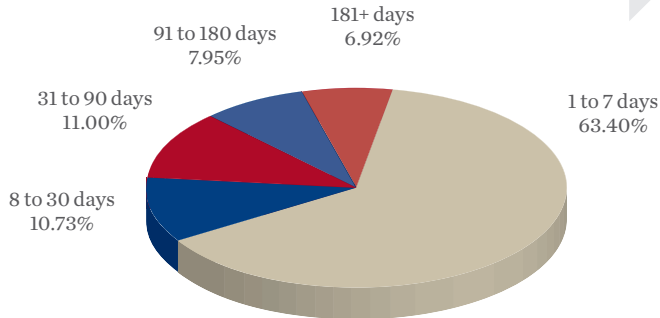
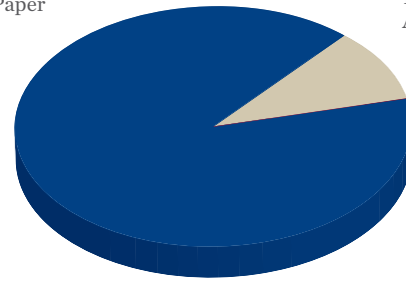
INFORMATION AT A GLANCE

PORTFOLIO BY TYPE OF INVESTMENT AS OF MARCH 31, 2023

Commercial Paper
89.82%

Repurchase
Agreements
9.94%

Agencies
0.24%



PORTFOLIO BY MATURITY AS OF MARCH 31, 2023 (1)

Other
7.63%

City
27.84%

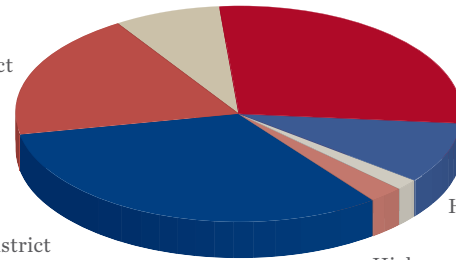
Utility District
19.01%

County
9.28%

School District
32.19%

Health Care
1.65%

Higher
Education
2.40%



DISTRIBUTION OF PARTICIPANTS BY TYPE AS OF MARCH 31, 2023

(1) Portfolio by Maturity is calculated using WAM (1) definition for stated maturity. See page 1 for definition

HISTORICAL PROGRAM INFORMATION

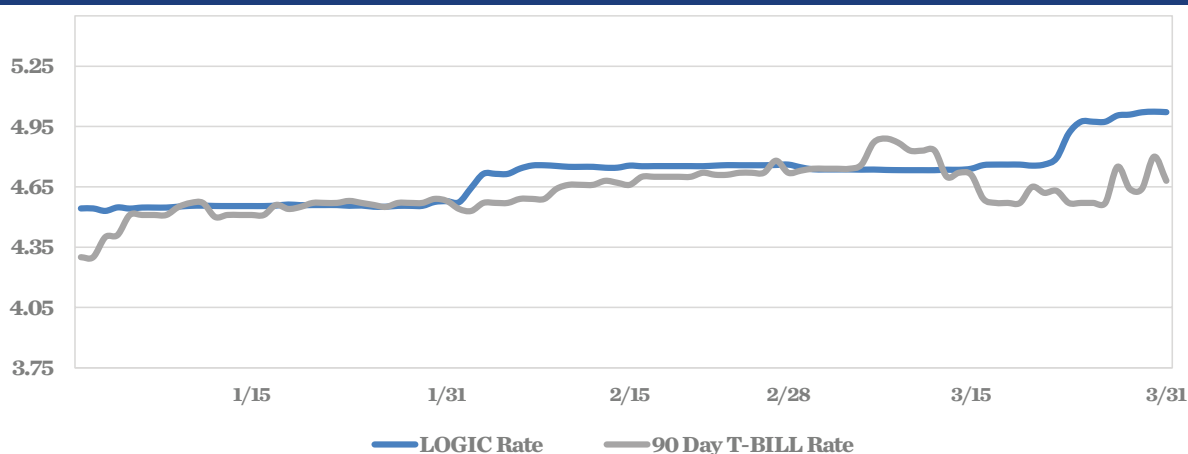
MONTH	AVERAGE RATE	BOOK VALUE	MARKET VALUE	NET ASSET VALUE	WAM (1)	WAL (2)	NUMBER OF PARTICIPANTS
Mar 23	4.8163%	\$10,512,348,285.80	\$10,511,021,861.94	0.999706	28	54	668
Feb 23	4.7387%	10,538,772,564.95	10,539,885,630.32	1.000105	28	53	667
Jan 23	4.5538%	10,833,655,695.67	10,835,509,806.87	1.000171	18	52	660
Dec 22	4.3336%	9,528,526,006.65	9,528,907,852.14	0.999900	17	65	658
Nov 22	3.9291%	8,345,214,441.03	8,343,638,663.51	0.999811	18	74	655
Oct 22	3.1167%	8,083,887,078.79	8,080,398,646.01	0.999568	12	71	654
Sep 22	2.4756%	7,796,189,315.81	7,794,620,983.90	0.999709	19	63	654
Aug 22	2.1619%	7,856,146,571.21	7,854,354,137.26	0.999771	28	59	651
Jul 22	1.6538%	8,478,127,695.25	8,471,948,105.91	0.999271	32	60	650
Jun 22	1.1797%	8,721,672,395.06	8,716,103,357.27	0.999361	32	64	648
May 22	0.8113%	8,685,166,124.58	8,681,625,164.77	0.999592	33	71	646
Apr 22	0.4195%	8,897,334,914.79	8,892,557,915.08	0.999453	32	78	642

PORTFOLIO ASSET SUMMARY AS OF MARCH 31, 2023

	BOOK VALUE	MARKET VALUE
Uninvested Balance	\$ 732.30	\$ 732.30
Accrual of Interest Income	11,681,631.18	11,681,631.18
Interest and Management Fees Payable	(44,056,103.17)	(44,056,103.17)
Payable for Investment Purchased	0.00	0.00
Repurchase Agreement	1,047,720,999.90	1,047,720,999.90
Commercial Paper	9,472,099,567.32	9,470,763,063.73
Government Securities	24,901,458.27	24,911,538.00
TOTAL	\$ 10,512,348,285.80	\$ 10,511,021,861.94

Market value of collateral supporting the Repurchase Agreements is at least 102% of the Book Value. The portfolio is managed by J.P. Morgan Chase & Co. and the assets are safekept in a separate custodial account at the Federal Reserve Bank in the name of LOGIC. The only source of payment to the Participants are the assets of LOGIC. There is no secondary source of payment for the pool such as insurance or guarantee. Should you require a copy of the portfolio, please contact LOGIC Participant Services.

LOGIC VERSUS 90-DAY TREASURY BILL



This material is for information purposes only. This information does not represent an offer to buy or sell a security. The above rate information is obtained from sources that are believed to be reliable; however, its accuracy or completeness may be subject to change. The LOGIC management fee may be waived in full or in part at the discretion of the LOGIC co-administrators and the LOGIC rate for the period shown reflects waiver of fees. This table represents historical investment performance/return to the customer, net of fees, and is not an indication of future performance. An investment in the security is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency. Although the issuer seeks to preserve the value of an investment of \$1.00 per share, it is possible to lose money by investing in the security. Information about these and other program details are in the fund's Information Statement which should be read carefully before investing. The yield on the 90-Day Treasury Bill ("T-Bill Yield") is shown for comparative purposes only. When comparing the investment returns of the LOGIC pool to the T-Bill Yield, you should know that the LOGIC pool consists of allocations of specific diversified securities as detailed in the respective Information Statements. The T-Bill Yield is taken from Bloomberg Finance L.P. and represents the daily closing yield on the then current 90-Day T-Bill. The LOGIC yield is calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940 as promulgated from time to time by the federal Securities and Exchange Commission.

DAILY SUMMARY FOR MARCH 2023

DATE	MNY MKT FUND EQUIV. [SEC Std.]	DAILY ALLOCATION FACTOR	INVESTED BALANCE	MARKET VALUE PER SHARE	WAM DAYS (1)	WAL DAYS (2)
3/1/2023	4.7474%	0.000130066	\$10,523,350,953.95	1.000100	28	53
3/2/2023	4.7373%	0.000129790	\$10,546,197,330.54	1.000089	28	54
3/3/2023	4.7363%	0.000129762	\$10,576,904,497.93	0.999934	27	53
3/4/2023	4.7363%	0.000129762	\$10,576,904,497.93	0.999934	27	53
3/5/2023	4.7363%	0.000129762	\$10,576,904,497.93	0.999934	27	53
3/6/2023	4.7353%	0.000129734	\$10,593,391,128.53	1.000085	27	52
3/7/2023	4.7358%	0.000129748	\$10,602,424,060.92	1.000028	27	53
3/8/2023	4.7339%	0.000129697	\$10,559,255,789.58	0.999977	27	53
3/9/2023	4.7330%	0.000129671	\$10,518,121,447.88	0.999961	26	53
3/10/2023	4.7327%	0.000129664	\$10,564,322,413.69	0.999855	25	51
3/11/2023	4.7327%	0.000129664	\$10,564,322,413.69	0.999855	25	51
3/12/2023	4.7327%	0.000129664	\$10,564,322,413.69	0.999855	25	51
3/13/2023	4.7351%	0.000129728	\$10,539,299,637.43	1.000222	25	51
3/14/2023	4.7346%	0.000129715	\$10,602,737,471.21	1.000294	25	50
3/15/2023	4.7399%	0.000129860	\$10,524,583,567.36	1.000327	27	51
3/16/2023	4.7580%	0.000130356	\$10,552,274,489.21	1.000202	27	52
3/17/2023	4.7605%	0.000130424	\$10,574,492,070.93	0.999999	27	52
3/18/2023	4.7605%	0.000130424	\$10,574,492,070.93	0.999999	27	52
3/19/2023	4.7605%	0.000130424	\$10,574,492,070.93	0.999999	27	52
3/20/2023	4.7553%	0.000130281	\$10,587,391,320.17	1.000204	27	51
3/21/2023	4.7610%	0.000130439	\$10,623,584,043.88	1.000051	28	52
3/22/2023	4.7927%	0.000131307	\$10,615,415,415.52	0.999927	31	55
3/23/2023	4.9158%	0.000134680	\$10,545,492,178.14	0.999960	32	59
3/24/2023	4.9738%	0.000136268	\$10,537,098,130.83	0.999891	32	57
3/25/2023	4.9738%	0.000136268	\$10,537,098,130.83	0.999891	32	57
3/26/2023	4.9738%	0.000136268	\$10,537,098,130.83	0.999891	32	57
3/27/2023	5.0049%	0.000137121	\$10,537,486,661.44	0.999949	33	59
3/28/2023	5.0092%	0.000137238	\$10,567,572,061.23	0.999911	33	59
3/29/2023	5.0208%	0.000137556	\$10,527,442,869.59	0.999903	33	58
3/30/2023	5.0238%	0.000137637	\$10,524,009,371.68	0.999891	33	58
3/31/2023	5.0215%	0.000137575	\$10,512,348,285.80	0.999706	33	58
Average	4.8163%	0.000131953	\$10,560,026,755.62		28	54



ECONOMIC COMMENTARY (cont.)

The issues with CS were not new. However, because the markets were already jittery, this became the catalyst for a renewed deterioration in market confidence given CS's complex and lengthy restructuring plan. The repercussions soon blanketed the broader market universe and reignited contagion worries. Initially, the Swiss National Bank (SNB) extended-\$55 billion in liquidity support to CS, which underscored the distinction between the challenges facing US regional banks and European GSIBs. In the end, UBS Group AG agreed to buy CS in a government-brokered deal aimed at containing a crisis of confidence that threatened to spread across global financial markets. Ultimately, the banking failures of these three institutions were idiosyncratic events due to poor risk management.

Meanwhile, inflation was still the prime focus of the Fed. Since its peak in June 2022, inflation has shown signs of cooling, although the road to the Fed's 2% target has been bumpier than originally anticipated. February's Consumer Price Index (CPI) report came largely in line with expectations with headline CPI rising 0.4% month-over-month (m/m) and 6% year-over-year (y/y), marking the eighth consecutive monthly decline in the y/y measure. Core CPI (ex-food and energy) rose by 0.5% m/m, and 5.5% y/y. The lagged effect of shelter inflation, which accounts for a little over a third of CPI, continued to be the primary contributor to elevated inflation, at 0.8% m/m. The headline and core Personal Consumption Expenditures (PCE) Price Index both rose 0.3% m/m, a deceleration from prior month. Year-over-year headline PCE cooled, declining from 5.4% to 5.0%. Furthermore, personal income came in slightly above expectations at 0.3%, but at a decelerated rate from prior month. Real personal spending declined by 0.1%, down from the 1.1% increase we saw in January. The personal savings rate increased to 4.6% in February, up from the 4.4% we saw in January, pointing to a slowdown in consumption.

The February Jobs report highlighted solid gains in payroll employment, but other details were softer than expected. Nonfarm payroll employment rose by 311K, well above consensus estimates of 223K. However, gains for the prior two months were revised down by 34K, and the unemployment rate rose above consensus to 3.6%. The labor market continued to prove its resilience. However, there were also clearer signs that wage data is moderating. Average hourly earnings were below consensus, rising by 0.2% m/m and 4.6% y/y. Overall, the report suggested that the labor market is starting to feel the pressure of tighter policy and provided little evidence that a tight labor market will disrupt the downtrend in consumer inflation.

In a highly anticipated policy decision, the Federal Open Market Committee (FOMC) voted unanimously to raise the federal funds rate by 0.25% to a target range of 4.75%-5.00%. The statement language and press conference were somewhat dovish, acknowledging the potential implications of banking turmoil on the economic outlook but also the need for further progress on inflation. The Fed notably downshifted the phrase "ongoing increases in the target range will be appropriate" to "some additional policy firming may be appropriate," signaling a near end to tightening. At the press conference, Chairman Powell kicked off by addressing banks and affirmed that the overall "banking system is sound and resilient." In the Summary of Economic projections (SEP), the "dot plot" revealed an unchanged median expectation for the federal funds rate at 5.1% for year-end 2023, suggesting an additional 25 bp hike to come. Surprisingly, policymakers projected less easing next year, suggesting an expectation that policy will have to be tighter for longer to combat inflation. Updates to the Fed's economic projections reflected a more dovish picture of slower growth, lower unemployment and slightly higher inflation. Treasury yields fell across the curve during the month. In money markets, the three-month Treasury bill yield decreased by 6 bps to 4.75% and the six-month Treasury bill yield decreased by 26 bps to 4.88%. Longer Treasury yields plummeted, with the two-year yield dropping by 79 bps to 4.03% and the three-year yield dropping by 74 bps to 3.79%.

Outlook

Following recent events across the banking sector and the latest Fed rate hike, investors have materially reassessed their expectations for the future path of interest rates. Prior to recent concerns about the financial sector, the market expected that the Fed would continue to hike with the federal funds rate peaking at 5.5%. Markets are now teetering between the potential for another 25 bp hike or a pause at the May 3 FOMC meeting and anticipate rate cuts by year-end. The front end of the curve is particularly reactive to headline risks and has seen both a material repricing and a high level of volatility. We think that the outcome of the March FOMC meeting was designed to show the markets that the Fed has confidence in the banking system, and that it is willing to be flexible depending upon ongoing developments.



ECONOMIC COMMENTARY (cont.)

Bank lending (globally) is very likely to decline rapidly. Credit conditions were already tightening before the regional bank issue, and Chair Powell recognizes that a tightening in lending standards will slow GDP growth and weaken demand for labor, thus substituting for additional rate hikes. The volatility of the past couple of weeks supports our base case of a recession, as tight monetary policy has caused stress in the banking sector while inflation persists. The Fed is in a challenging spot as they need to strike a balance between financial stability and price stability. As a result, we think it is likely that they raise rates in May before pausing. The federal funds futures market is pricing in rate cuts beginning in June. While that may be a bit aggressive, the market is removing policy hikes in anticipation of weakening hard economic data.

This information is an excerpt from an economic report dated March 2023 provided to LOGIC by JP Morgan Asset Management, Inc., the investment manager of the LOGIC pool.

LOGIC BOARD MEMBERS

Sandy Newby	Tarrant Regional Water District	Governing Board President
Greg Jordan	City of Grapevine	Governing Board Vice President
Erik Felthous	North Texas Municipal Water District	Governing Board Treasurer
Darla Moss	Arlington ISD	Governing Board Secretary
Rene Barajas	Northside ISD	Advisory Board Member
Monte Mercer	Qualified Non-Participant	Advisory Board Member
Cindy Demers	Qualified Non-Participant	Advisory Board Member

The material provided to LOGIC from J.P. Morgan Asset Management, Inc., the investment manager of the LOGIC pool, is for informational and educational purposes only, as of the date of writing and may change at any time based on market or other conditions and may not come to pass. While we believe the information presented is reliable, we cannot guarantee its accuracy. HilltopSecurities is a wholly owned subsidiary of Hilltop Holdings, Inc. (NYSE: HTH) located at 717 N. Hardwood Street, Suite 3400, Dallas, TX 75201, (214) 859-1800. Member NYSE/FINRA/SIPC. Past performance is no guarantee of future results. Investment Management Services are offered through J.P. Morgan Asset Management Inc. and/or its affiliates. Marketing and Enrollment duties are offered through HilltopSecurities and/or its affiliates. HilltopSecurities and J.P. Morgan Asset Management Inc. are separate entities.





CITY OF LAVON Agenda Brief

MEETING: May 2, 2023

ITEM: 7 – A

Item:

Public hearing, discussion, and action regarding an application for a conditional use permit for an alcohol: mixed beverage package store (off-premise consumption) at 900 S. SH 78, on approximately 1.5 acres being a portion of Abstract A0121 W.A.S. Bohannon Survey, Sheet 3, Tract 10, Lavon, Collin County, TX (CCAD Property ID 2614673) located southwest of the intersection of SH 78 and Burleson Dr., requested by McClure Partners.

- 1) Presentation of proposed application.
- 2) **PUBLIC HEARING** to receive comments regarding the proposed application.
- 3) Discussion and action regarding the proposed application and accompanying Ordinance No. 2023-05-01.

Background:

The subject property is part of the Grand Heritage Planned Development (PD) established by Ordinance No. 2004-09-05 that was adopted in 2004. The specific site is situated on approximately 1.5 acres in the West Flex B area of the PD subject to Commercial Planning Area requirements. The site is situated in the area identified as Block A, Lot 2 of the Highway 205 Tract preliminary plat approved in June 2008.

Application Information

Owner(s):	Bear Creek Commercial Properties, LP
Applicant:	McClure Partners
Location:	900 S. SH 78, approximately 1.5 acres
Description:	W.A.S. Bohannon Survey, A-0121, Survey Sheet 3, Tract 10 Lavon, Collin County, TX; CCAD Property ID 2614673
Current Zoning:	Planned Development (PD)
Request:	Conditional Use Permit – Alcohol: Mixed Beverage Package Store (off-premise consumption)

Request Details

The applicant is seeking approval of a conditional use permit (CUP) for an alcohol: mixed beverage package store (off-premise consumption). The store is proposed to be located in an approximately 11,004 square feet (sq. ft.) stand-alone building.

Code Excerpts:

CITY OF LAVON – ZONING ORDINANCE

Ordinance No. 2022-07-02

Sec. 9.03.061 Definitions

Alcohol: mixed beverage package store/retailer (on- and/or off-premises consumption).

A business selling distilled spirits, wine, and/or malt beverages to consumers for on- and/or off-premises consumption, including the possible transportation of its inventory between its other licensed locations within the same county, transportation/delivery of alcoholic beverage orders to its end-consumer customers, conducting product tastings on the package store premises, and/or other related sales activity.

Sec. 9.03.131 Retail district (R)

(c) Conditional uses.

(21) Alcohol: mixed beverage package store (on- and/or off-premises consumption)*

* Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (Use Regulations).

Sec. 9.03.211 Conditional use

(d) A conditional use permit shall be required as stated in Division 2 (Districts and Zoning District Map) for each place of business for alcohol-related uses, regardless of property adjacency and/or ownership. Each conditional use permit for alcohol-related uses shall provide a clear location map and an exhibit with proposed physical features relating to the business.

(g) Conditional use permit review criteria. In evaluating a conditional use permit application, the planning and zoning commission and the city council shall consider whether the proposed use:

(1) For alcohol-related uses:

a. Mitigates all potential parking, noise, lighting, and outdoor event/entertainment space from existing and future neighboring uses;

b. Provides refined and high-quality design and theming of the exterior of the property and building that contributes to a family friendly, sophisticated, and lake-oriented city character (to include building materials, signage, architecture, lighting, colors, landscaping, and other features);

c. Positively blends into location along street corridor and/or area with compatible and tasteful siting, form, and features; and

d. Proximity to other similar alcohol-related uses (to prevent over-saturation of similar alcohol-related uses in one particular area, a certain corridor, or the city overall without associated strategy and/or justification).

The site is located approximately 0.8 miles from the nearest alcohol package store.

The proposed application generally satisfies the review criteria established in the Zoning Ordinance and is consistent with the Future Land Use Plan and the Comprehensive Plan.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR AN ALCOHOL: MIXED BEVERAGE PACKAGE STORE (OFF-PREMISE CONSUMPTION) AT 900 S. SH 78, ON APPROXIMATELY 1.5 ACRES BEING A PORTION OF ABSTRACT A0121 W.A.S. BOHANNAN SURVEY, SHEET 3, TRACT 10, LAVON, COLLIN COUNTY, TX, LOCATED SOUTHWEST OF THE INTERSECTION OF SH 78 AND BURLESON DR., REQUESTED BY MCCLURE PARTNERS.

MOTION MADE: NABORS
SECONDED: COX
APPROVED: 3-1, (Absent: Tiegs)
FOR: COX, NABORS, ROSENQUIST
AGAINST: JACOB

Staff Notes:

The requisite public hearing notice was posted and published and eight (8) neighbor notices were mailed to the owners of properties located within 200 feet of the applicant's property. Of the neighbor notices, three (3) notices have been returned in favor of and no notices have been returned in opposition to the request. A message from outside the notice area was received in opposition.

- Attachments:**
1. Application
 2. Location Exhibits
 3. Neighbor Notices
(a data source of property owners who were mailed notices is available upon request from cityhall@lavontx.gov)
 4. Proposed Ordinance



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

APPLICATION FOR CONDITIONAL USE PERMIT (CUP)

McClure Partners 03/31/2023
 Applicant Name Date
 Juan J. Vasquez 972-278-2948
 Representative, Agent or Owner Phone

Vasquez Engineering, LLC jvasquez@vasquezengineering.com
 Company Email address
 1919 S. Shiloh Road, Suite 440 Garland, TX 75042
 Street City, State, Zip

South side of S.H. 78 approximately 600' East of SH 205
 Address and Location of Property
PORTION OF ABS A0121 W.A.S BOHANNAN SURVEY, TRACT 1, 1.37 ACRES
 Legal Description of Property

Existing Zoning: Lavon PD No. 1

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

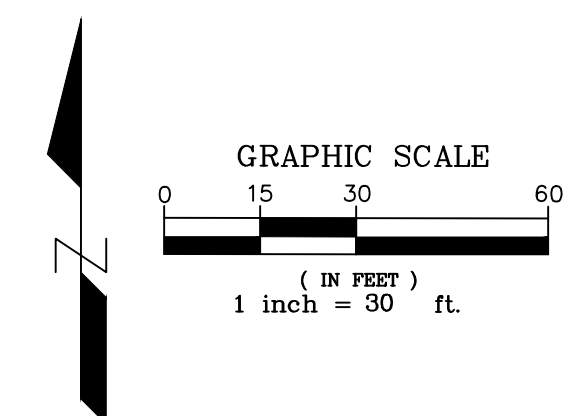
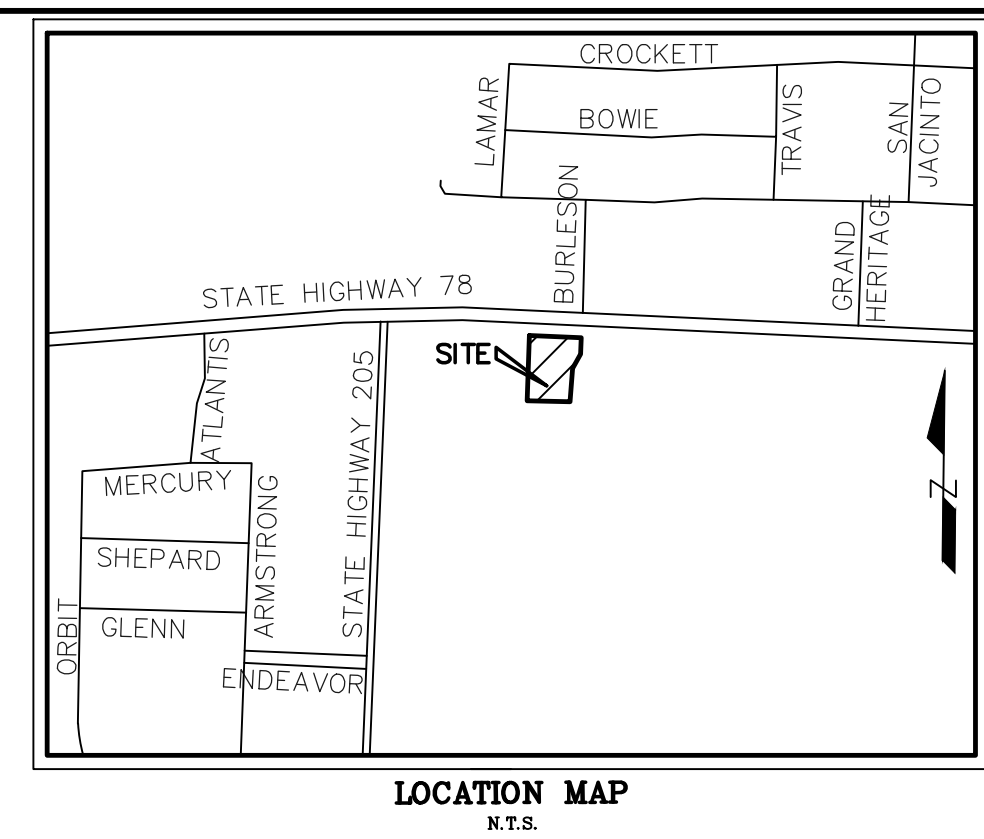
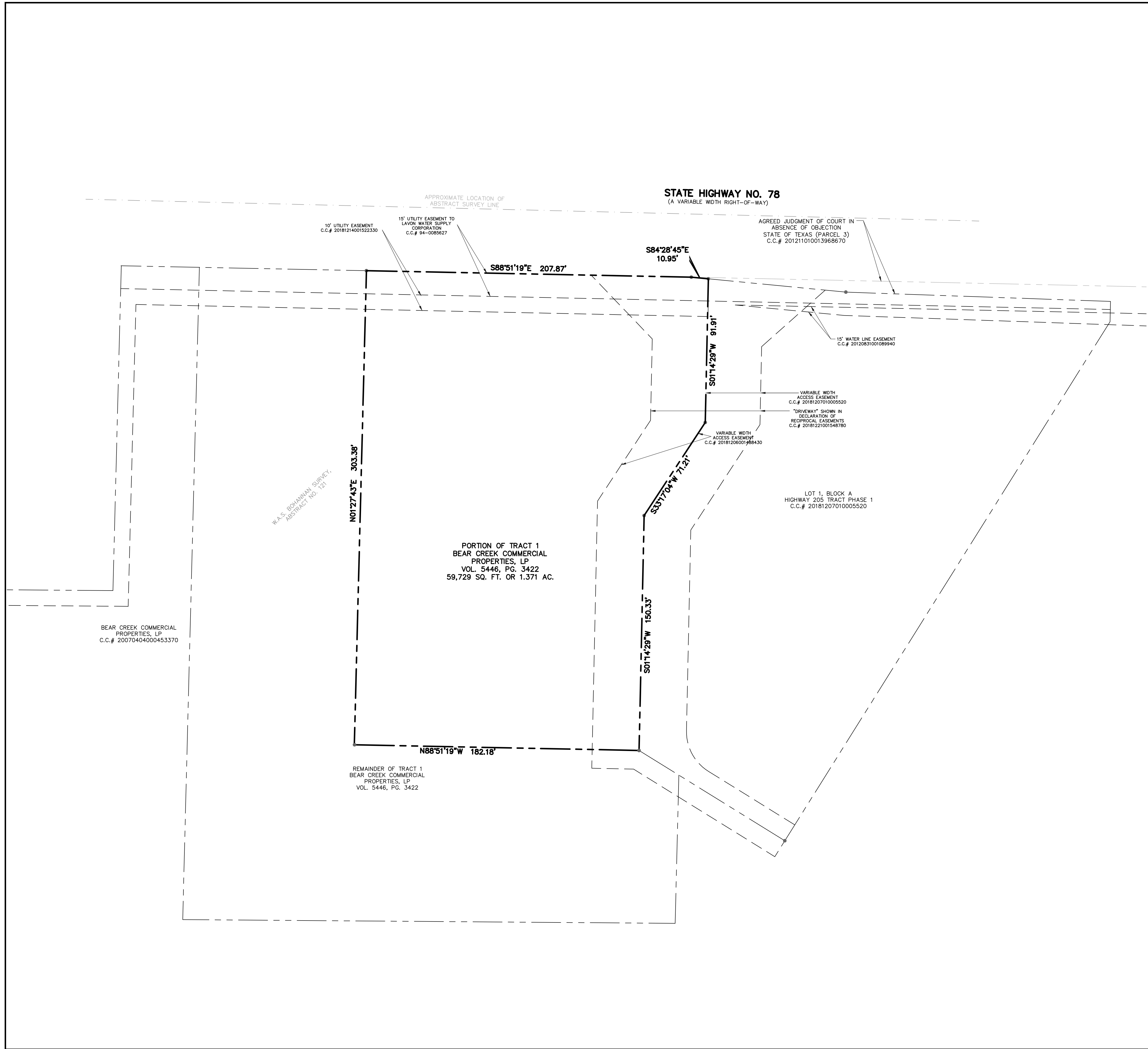
McClure Partners would like to submit an application for a Conditional Use Permit for the sale of package liquor on an approximate 1.37 being a portion of Abstract A0121 W.A.S Bohannan Survey, Tract 1

Signature of Applicant or Representative: 

For Office Use Only

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

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



LEGEND

--- EXISTING
 --- PROPERTY LINE
 - - - PROPOSED

Metes and Bounds Description

Being all that certain 1.371 acre tract of land situated in the W.A.S. Bohannon Survey, Abstract No. 121, Collin County, Texas, being a portion of that certain tract of land conveyed as Tract 1 to Bear Creek Commercial Properties, LP by deed recorded in Volume 5446, Page 3422, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found with yellow plastic cap stamped "JBI" for the northeast corner of the herein described tract, same being in the north line of said Bear Creek tract, same being the northwest corner of Lot 1, Block A, Highway 205 Tract Phase 1, an addition to the City of Lavon, Collin County, Texas, according to the plat thereof recorded in County Clerk's File No. 20181207010005520, Official Public Records, Collin County, Texas, same being in the south right-of-way line of State Highway No. 78 (variable width right-of-way), from which a 1/2 inch iron rod found with orange plastic cap stamped "SPRY" bears North 86 deg. 28 min. West, 1.9 feet;

THENCE through the interior of said Bear Creek tract and along the westerly line of said Lot 1 as follows:

South 01 deg. 14 min. 29 sec. West, a distance of 91.91 feet to an 'X' cut found for corner;

South 33 deg. 17 min. 04 sec. West, a distance of 71.21 feet to an 'X' cut found for corner;

South 01 deg. 14 min. 29 sec. West, a distance of 150.33 feet to an 'X' cut found for the southeast corner of the herein described tract, same being the southwest corner of said Lot 1;

THENCE continuing through the interior of said Bear Creek tract as follows:

North 88 deg. 51 min. 19 sec. West, a distance of 182.18 feet to a 1/2 inch iron rod set with "Peiser & Mankin SURV" red plastic cap set for the southwest corner of the herein described tract;

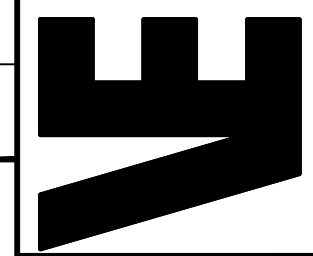
North 01 deg. 27 min. 43 sec. East, a distance of 303.38 feet to a 1/2 inch iron rod with red "Windrose" plastic cap found for the northwest corner of the herein described tract, same being in the north line of said Bear Creek tract, same being in the south right-of-way line of aforesaid State Highway 78;

THENCE along the common line of said Bear Creek tract and said State Highway 78 as follows:

South 88 deg. 51 min. 19 sec. East, a distance of 207.87 feet to an 'X' cut set for angle point;

South 84 deg. 28 min. 45 sec. East, a distance of 10.95 feet to the POINT OF BEGINNING and containing 59,729 square feet or 1.371 acre of computed land, more or less.

NO.	DATE	APP.
		JJV
		ADDED DOOR & SIDEWALK



VASQUEZ ENGINEERING, L.L.C.
 1919 S. Shiloh Road
 Suite 440, LB 44
 Garland, Texas 75042
 Ph: 972-278-2948
 TX Registration # F-12286

DEVELOPER:
 McCLURE PARTNERS
 P.O. BOX 2935
 WYLLIE, TX 75098

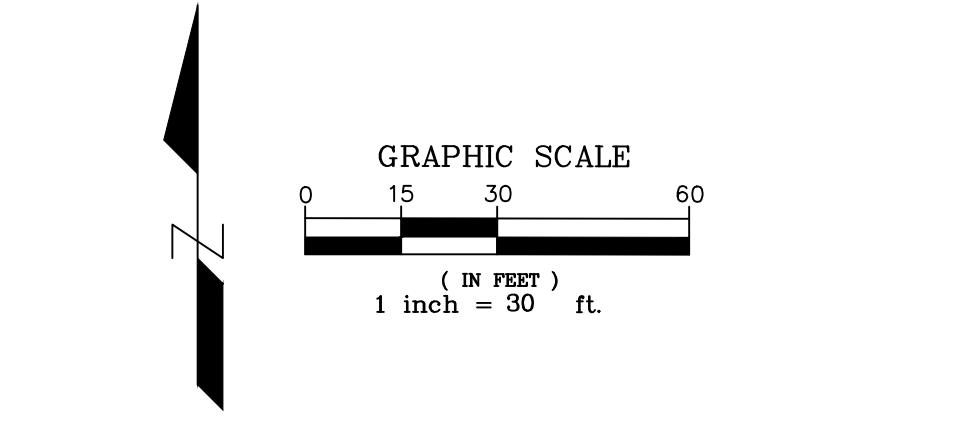
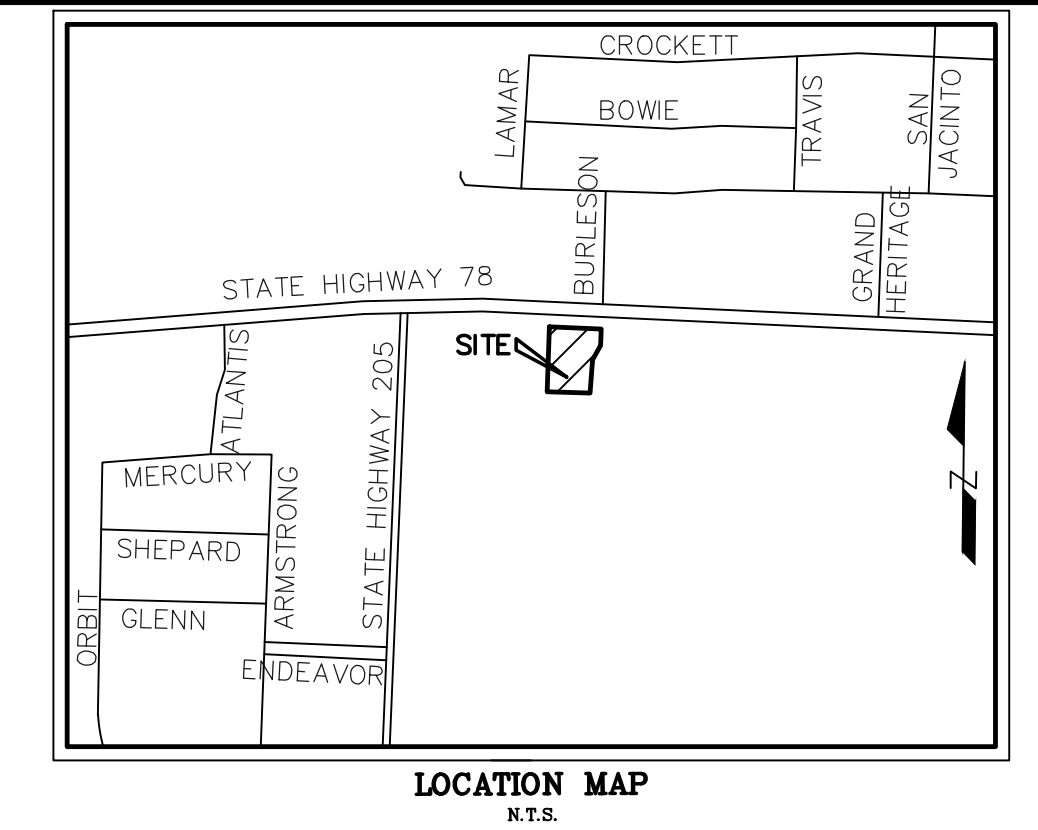
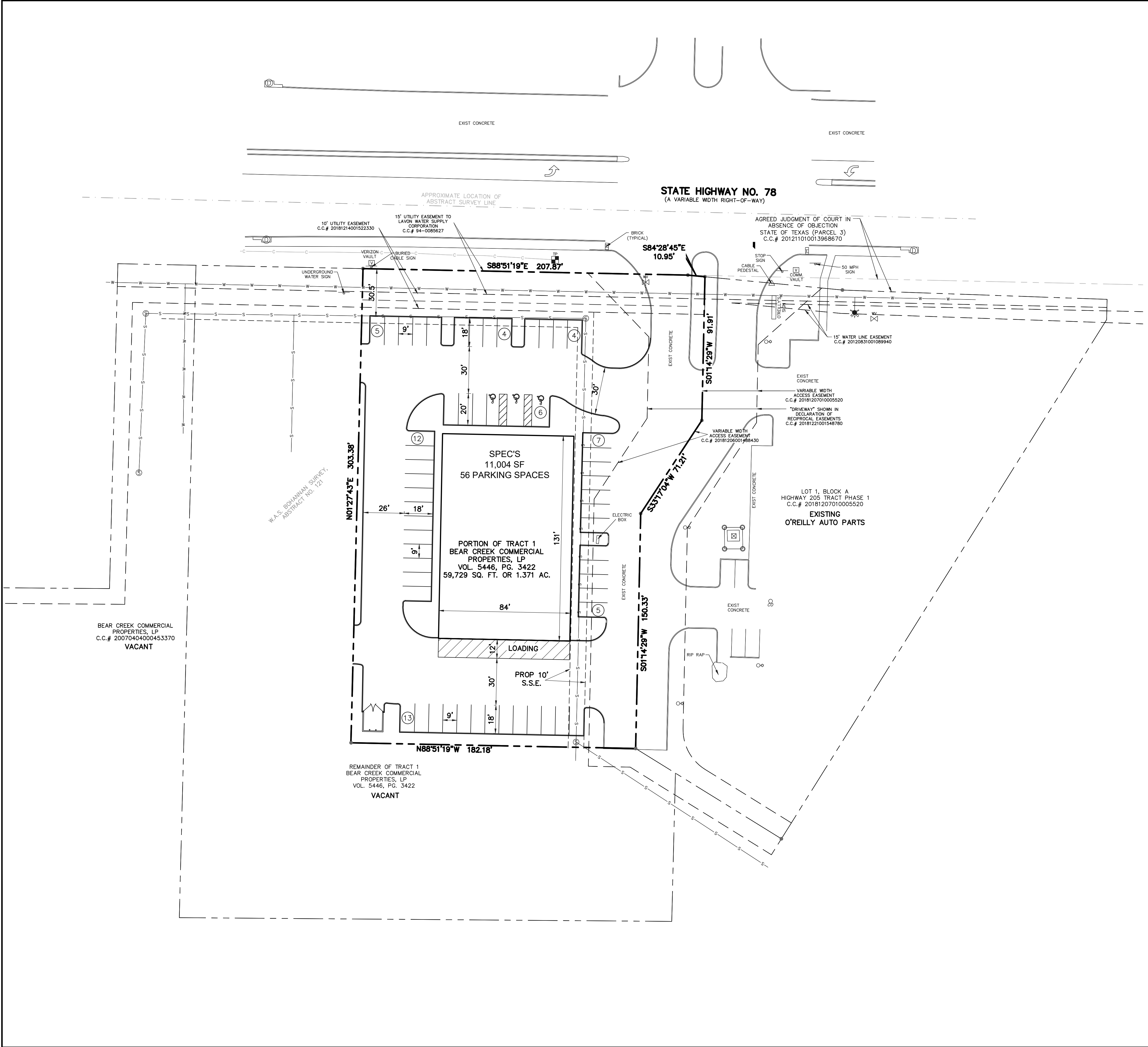
ZONING EXHIBIT
 SPECS
 STATE HWY 78
 CITY OF LAVON, TEXAS

Scale:	1" = 30'
Designed by:	JJV
Drawn by:	DRS
Checked by:	JJV
File:	606-306.dwg EXHIBIT ZONING EXHIBIT.dwg
Date:	03/31/2023

DEVELOPER
 McCLURE PARTNERS
 P.O. BOX 2935
 WYLLIE, TX 75098
 PH: (214) 384-3470

ENGINEER
 VASQUEZ ENGINEERING, LLC
 JUAN J. VASQUEZ, P.E.
 1919 S. SHILOH ROAD
 SUITE 440, LB 44
 GARLAND, TEXAS 75042
 972-278-2948 TELE
 972-271-1383 FAX

SHEET
EX1



EXISTING	LEGEND	PROPOSED
---	PROPERTY LINE	---
---	PAVEMENT	---
---	PARKING COUNT	(4)
---	WATER	---
---	SANITARY SEWER	---
---	CABLE	---

NO.	DATE	APP.

VASQUEZ ENGINEERING, L.L.C.
 1919 S. Shiloh Road
 Suite 440, LB 44
 Garland, Texas 75042
 Ph: 972-278-2948
 TX Registration # F-12286

DEVELOPER:
 McCLURE PARTNERS
 P.O. BOX 2935
 WYLIE, TX 75098

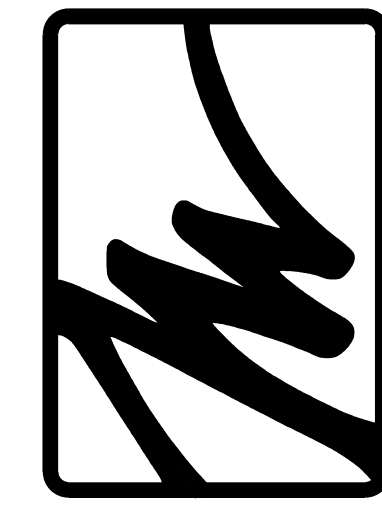
CONCEPT PLAN
 SPEC'S
 STATE HWY 78
 CITY OF LAVON, TEXAS

Scale: 1" = 30'
Designed by: JJV
Drawn by: DRS
Checked by: JJV
686-394mp/CP1 CONCEPT PLAN.dwg
Date: 03/31/2023

DEVELOPER
 McCLURE PARTNERS
 P.O. BOX 2935
 WYLIE, TX 75098
 PH: (214) 384-3470

ENGINEER
 VASQUEZ ENGINEERING, LLC
 JUAN J. VASQUEZ, P.E.
 1919 S. SHILOH ROAD
 SUITE 440, LB 44
 GARLAND, TEXAS 75042
 972-278-2948 TELE
 972-271-1383 FAX

SHEET
CP1

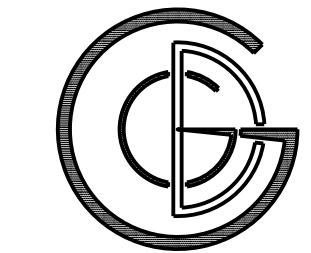


McClure Partners

SPEC'S LIQUOR

Lavon, TX

ARCHITECT OF RECORD:



GENESIS DESIGN GROUP, INC.
9500 Ray White Road, Suite 200
Fort Worth, Texas 76244
TEL (817) 285-7444

SEAL:

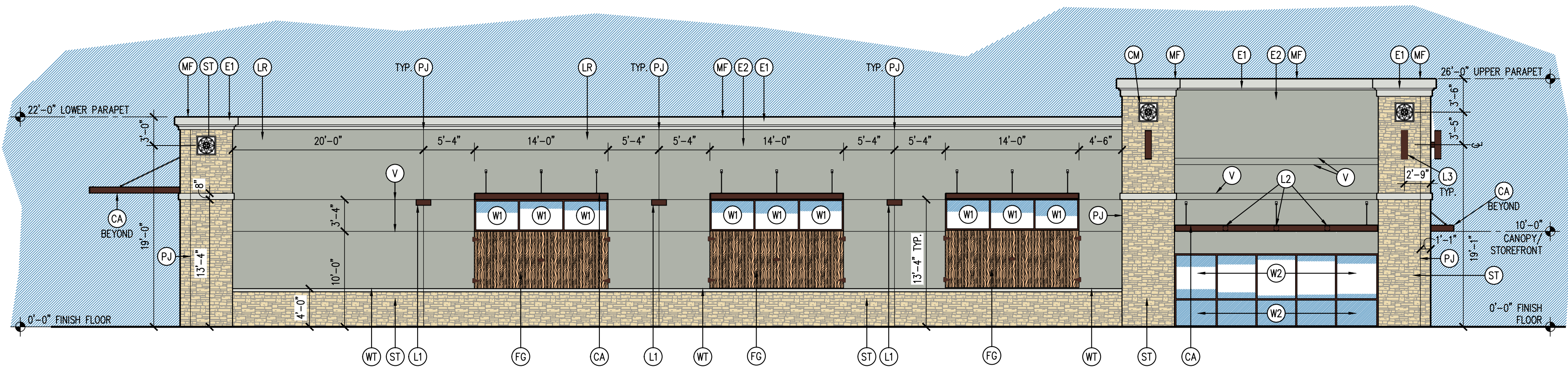
REVISIONS:

DRAWING BY:
DATE: 4/12/2023
JOB NUMBER: 23-007
TITLE:

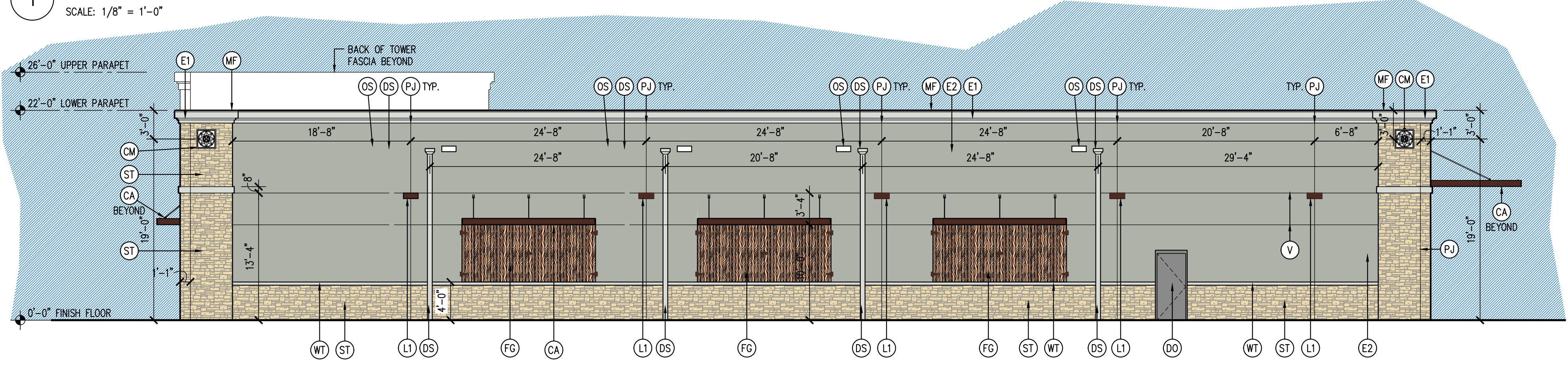
EXTERIOR ELEVATIONS
SHEET NUMBER:

A2.0

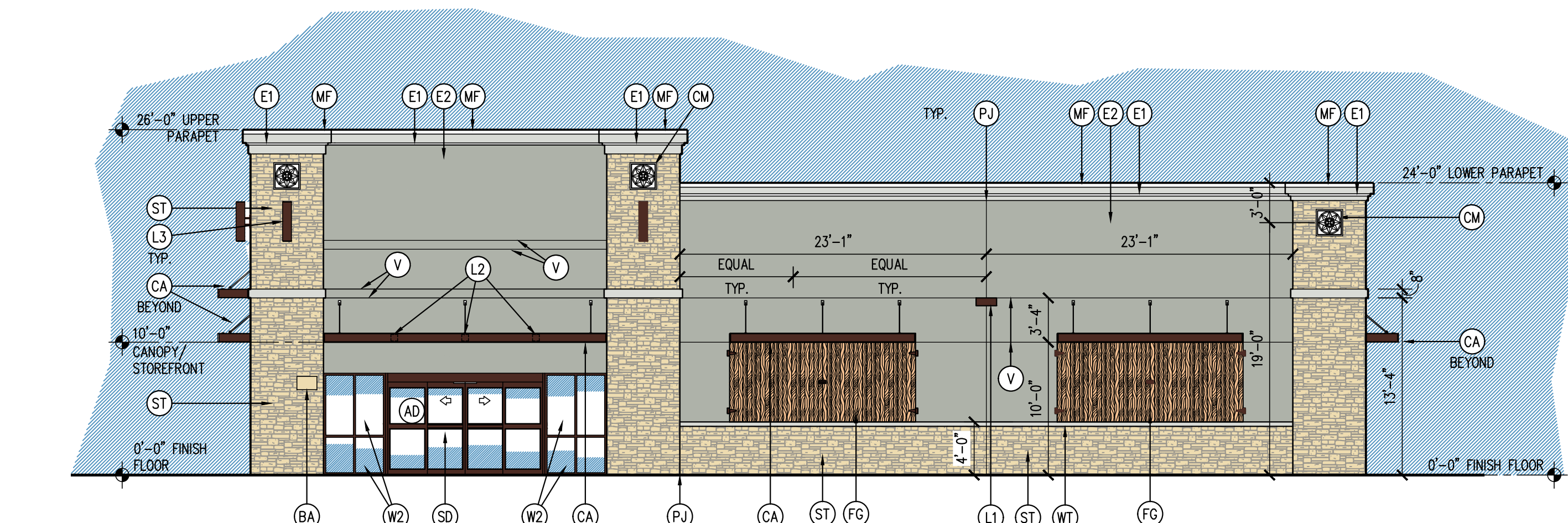
COMMENTS:



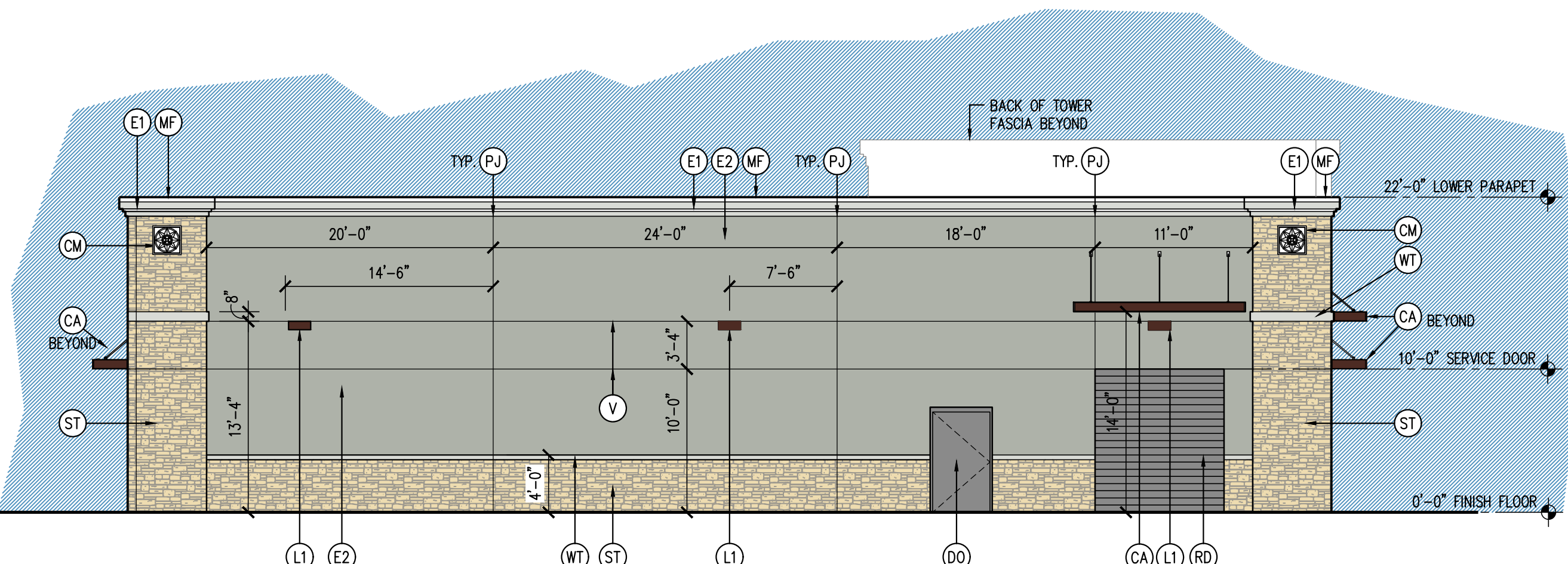
1 ELEVATION BUILDING FACE 2400 SF: TEXTURED FINISH ON TILT WALL WITH 29% STONE
SCALE: 1/8" = 1'-0"



2 ELEVATION BUILDING FACE 2880 SF: TEXTURED FINISH ON TILT WALL WITH 23% STONE
SCALE: 1/8" = 1'-0"

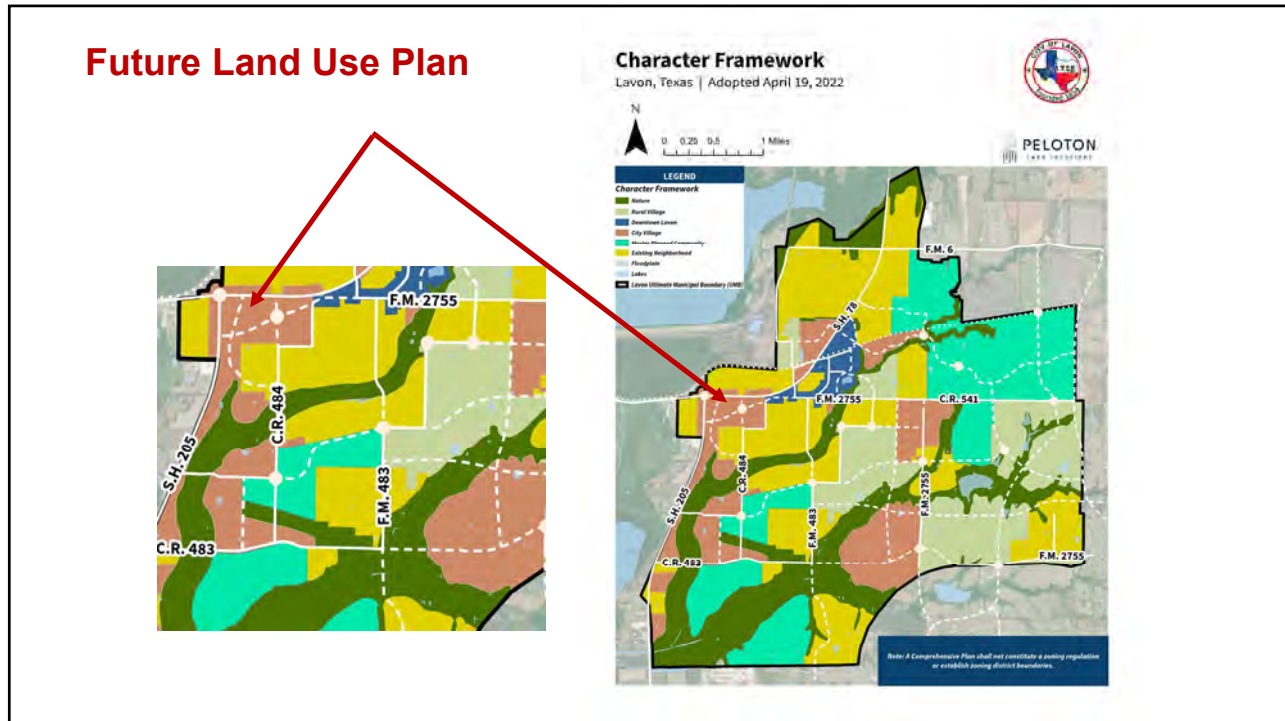


3 ELEVATION BUILDING FACE 1815 SF: TEXTURED FINISH ON TILT WALL WITH 29% STONE
SCALE: 1/8" = 1'-0"

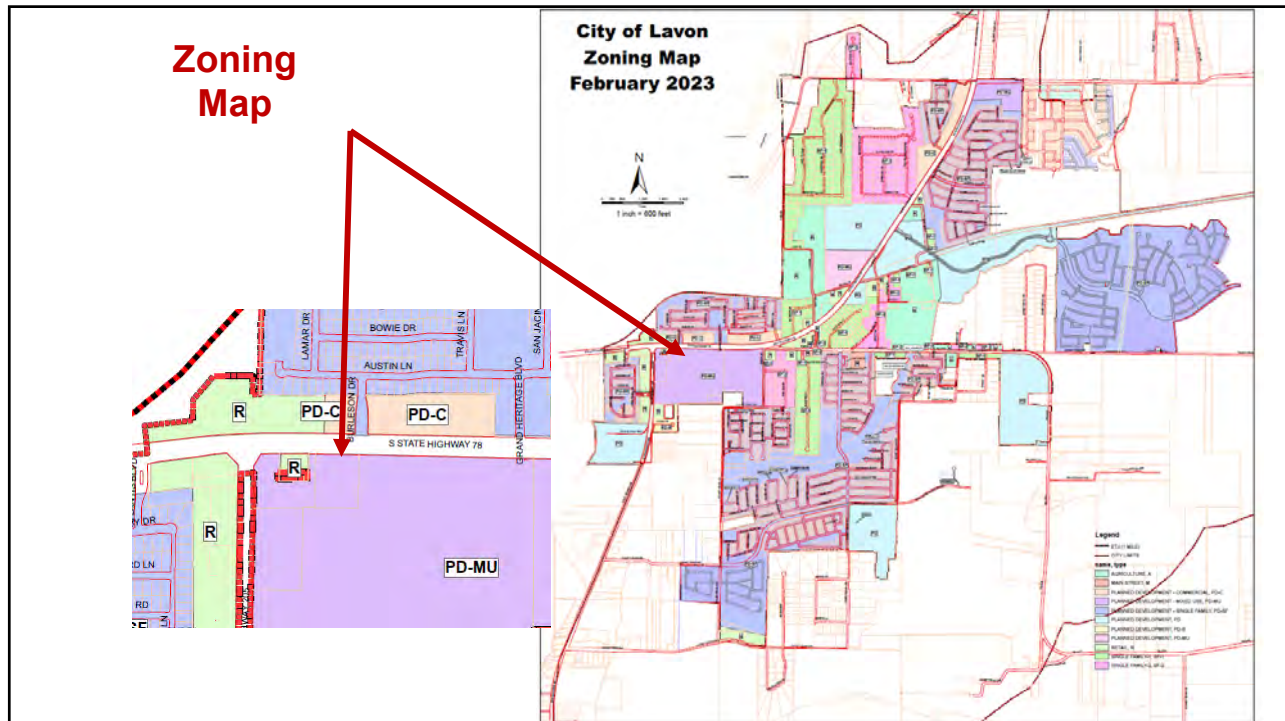


4 ELEVATION BUILDING FACE 1850 SF: TEXTURED FINISH ON TILT WALL WITH 24% STONE
SCALE: 1/8" = 1'-0"

KEYED NOTES		
(AD) ADA DOOR SIGNAGE REFERENCE DETAILS ON THIS SHEET.	(E1) DECORATIVE EIFS, REFERENCE ASSEMBLY NOTES AND INSTALL PER MANF. (COLOR SW7049 NUANCE)	(OS) 18" x 8" OVERFLOW SCUPPER
(BA) BUILDING ADDRESS SIGNAGE, REFER TO SIGNAGE DETAIL ON THIS SHEET	(E2) TEX-COTE EPOXY-ACRYLATE RESIN TEXTURED FINISH, INSTALL PER MANF. (COLOR: SW7051 ANALYTICAL GRAY)	(PJ) TILT WALL PANEL JOINT.
(CA) ALUMINUM CANOPY SYSTEM (COLOR: DARK BRONZE ANODIZED ALUMINUM) WITH TIE-BACKS	(FG) WOOD DOORS WITH METAL HARDWARE	(RD) ROLL UP OVERHEAD RECEIVING DOOR
(CM) CAST STONE "COMPASS" MEDALLION	(L1) EXTERIOR WALL PACKS - CENTER AS DIMENSIONED ON ELEVATIONS. REFERENCE ELECTRICAL	(SD) SLIDING DOOR (DARK BRONZE)
(DO) HOLLOW METAL DOOR - COLOR 7049 NUANCE	(L2) SURFACE MOUNTED CAN FIXTURE INSTALLED IN CANOPY SYSTEM. REFERENCE ELECTRICAL	(ST) RATTLESNAKE STONE
(DS) DOWN SPOUT FROM GUTTER AND COLLECTOR (COLOR 7049 NUANCE)	(L3) LIGHT FIXTURE INSTALLED AS SHOWN ON PILASTERS. REFERENCE ELECTRICAL	(V) HORIZONTAL V-GROOVE REVEAL
		(W1) EXTERIOR WINDOW ASSEMBLY (DARK BRONZE)
		(W2) EXTERIOR WINDOW ASSEMBLY - (DARK BRONZE)
		(WT) CAST STONE WATER TABLE / TRIM

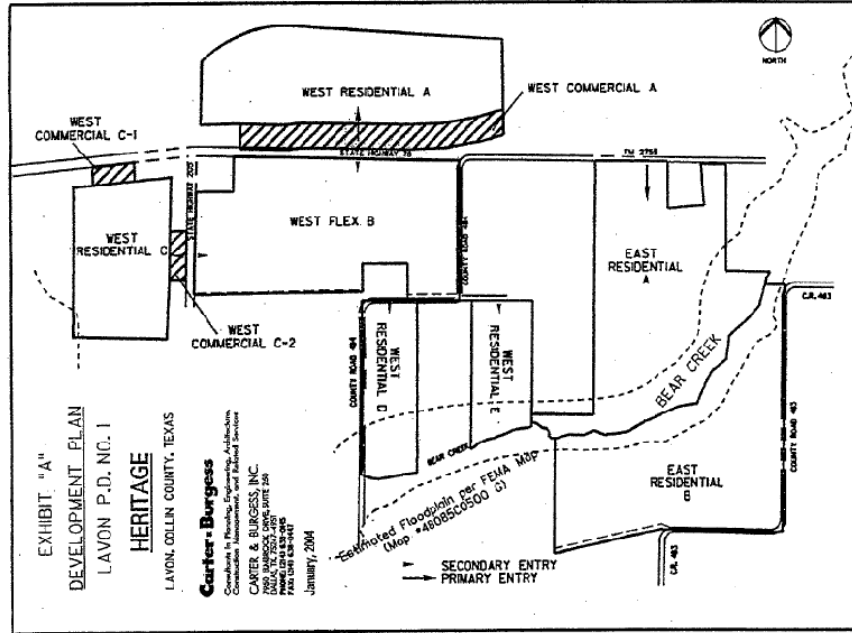


5



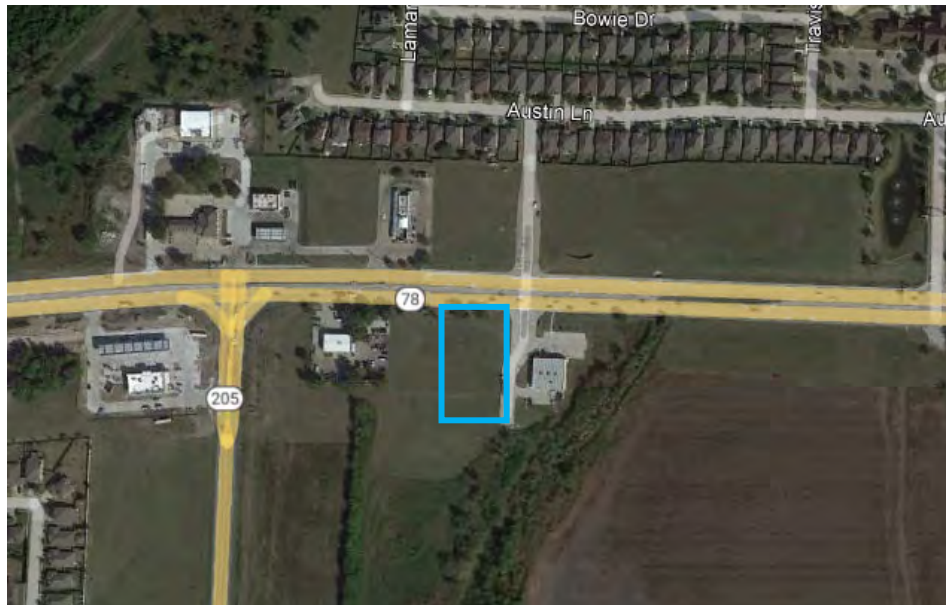
6

Grand Heritage PD Development Plan

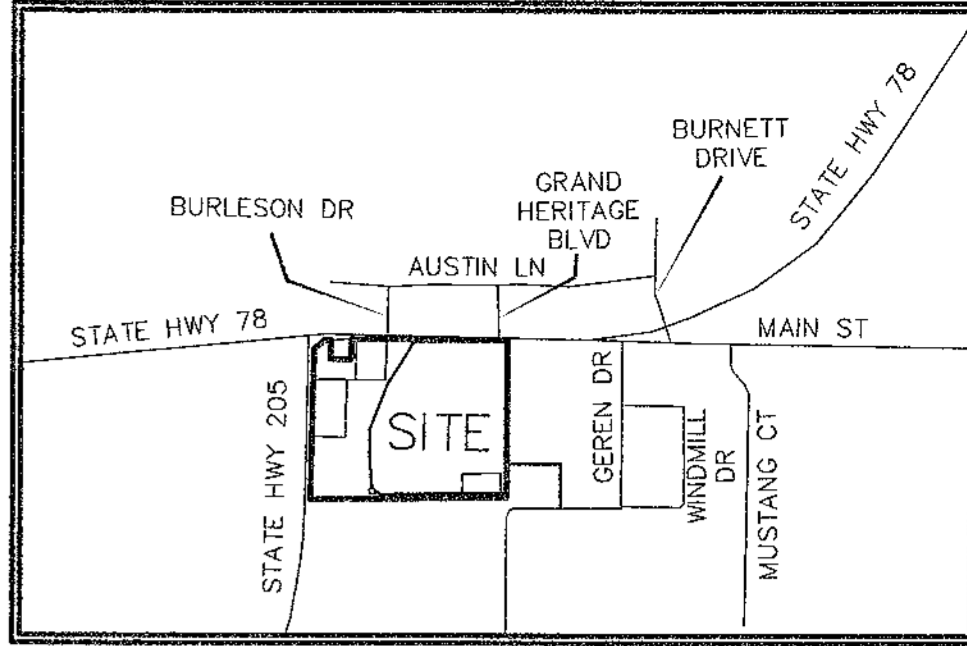
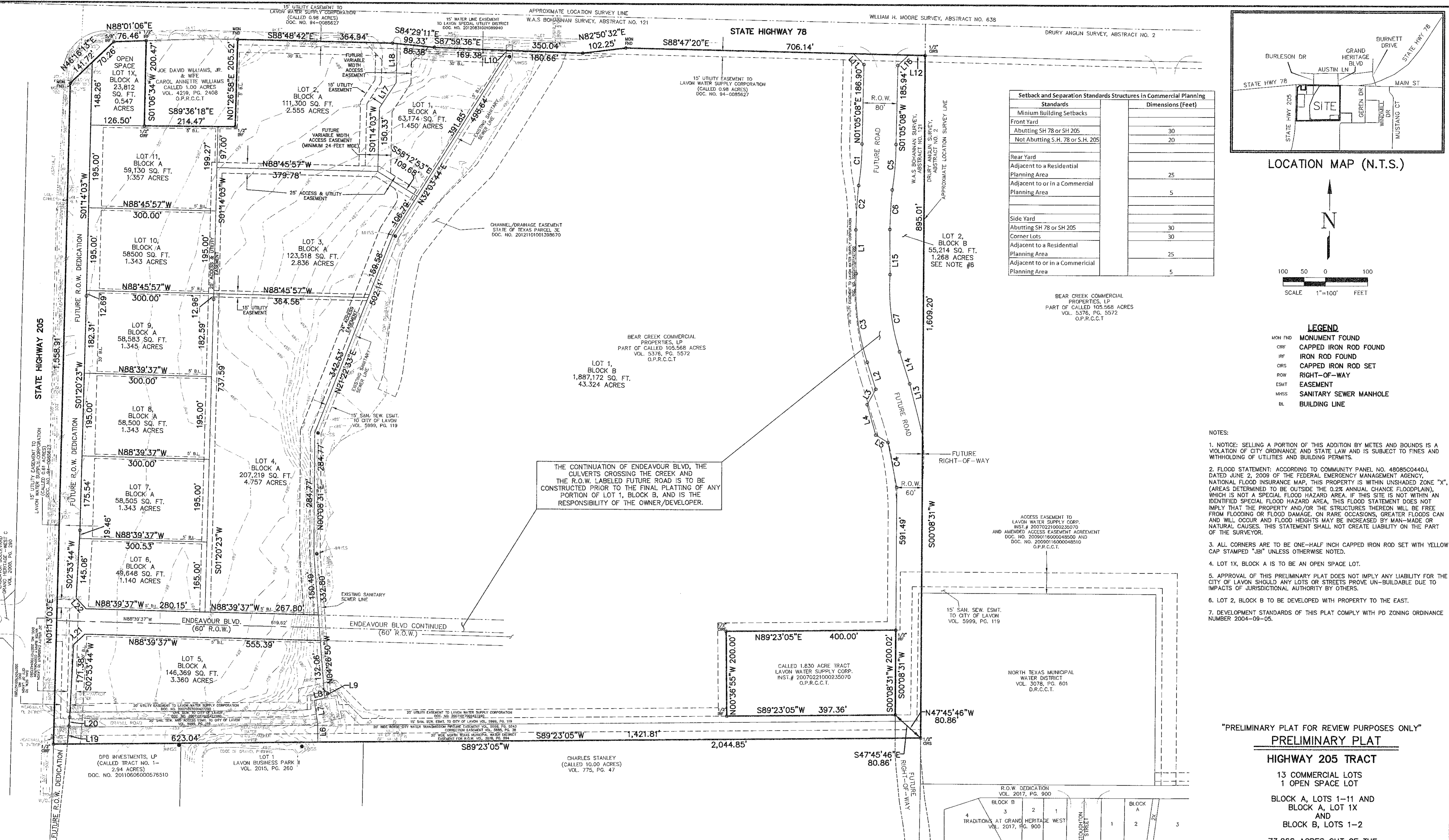


7

Location Exhibit CUP Amendment

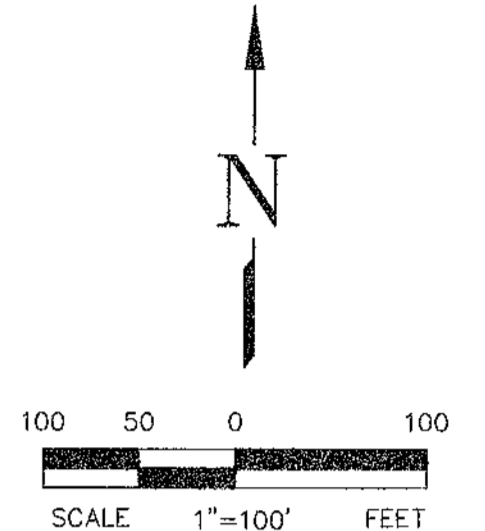


8



Standards	Dimensions (Feet)
Minimum Building Setbacks	
Front Yard	
Abutting SH 78 or SH 205	30
Not Abutting S.H. 78 or S.H. 205	20
Rear Yard	
Adjacent to a Residential Planning Area	25
Adjacent to or in a Commercial Planning Area	5
Side Yard	
Abutting SH 78 or SH 205	30
Corner Lots	30
Adjacent to a Residential Planning Area	25
Adjacent to or in a Commercial Planning Area	5

LOCATION MAP (N.T.S.)



LEGEND

MON FND	MONUMENT FOUND
CRF	CAPPED IRON ROD FOUND
IRF	IRON ROD FOUND
CRS	CAPPED IRON ROD SET
ROW	RIGHT-OF-WAY
ESMT	EASEMENT
MSS	SANITARY SEWER MANHOLE
BL	BUILDING LINE

- NOTES:
1. NOTICE: 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.
 2. FLOOD STATEMENT: ACCORDING TO COMMUNITY PANEL NO. 480850040J, DATED JUNE 2, 2009 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE MAP, THIS PROPERTY IS WITHIN UNSHADED ZONE "X", (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), WHICH IS NOT A SPECIAL FLOOD HAZARD AREA. IF THIS SITE IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA, THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
 3. ALL CORNERS ARE TO BE ONE-HALF INCH CAPPED IRON ROD SET WITH YELLOW CAP STAMPED "JBI" UNLESS OTHERWISE NOTED.
 4. LOT 1X, BLOCK A IS TO BE AN OPEN SPACE LOT.
 5. APPROVAL OF THIS PRELIMINARY PLAT DOES NOT IMPLY ANY LIABILITY FOR THE CITY OF LAVON SHOULD ANY LOTS OR STREETS PROVE UN-BUILDABLE DUE TO IMPACTS OF JURISDICTIONAL AUTHORITY BY OTHERS.
 6. LOT 2, BLOCK B TO BE DEVELOPED WITH PROPERTY TO THE EAST.
 7. DEVELOPMENT STANDARDS OF THIS PLAT COMPLY WITH PD ZONING ORDINANCE NUMBER 2004-09-05.

THE CONTINUATION OF ENDEAVOUR BLVD, THE CULVERTS CROSSING THE CREEK AND THE R.O.W. LABELED FUTURE ROAD IS TO BE CONSTRUCTED PRIOR TO THE FINAL PLATING OF ANY PORTION OF LOT 1, BLOCK B, AND IS THE RESPONSIBILITY OF THE OWNER/DEVELOPER.

"PRELIMINARY PLAT FOR REVIEW PURPOSES ONLY"
PRELIMINARY PLAT
HIGHWAY 205 TRACT
 13 COMMERCIAL LOTS
 1 OPEN SPACE LOT
 BLOCK A, LOTS 1-11 AND
 BLOCK A, LOT 1X
 AND
 BLOCK B, LOTS 1-2
 73.268 ACRES OUT OF THE
 WAS BOHANNAN SURVEY, ABSTRACT NO. 121
 CITY OF LAVON
 COLLIN COUNTY, TEXAS

CURVE TABLE				
NO.	LENGTH	DELTA	RADIUS	TANGENT
C1	98.40'	006°10'49"	614.11'	49.30'
C2	105.11'	005°10'15"	1164.66'	52.59'
C3	211.35'	021°03'05"	575.23'	106.88'
C4	107.86'	000°37'18"	9940.06'	53.93'
C5	107.96'	008°54'41"	694.11'	54.09'
C6	93.31'	004°53'17"	1093.69'	46.68'
C7	184.80'	021°22'49"	495.23'	93.49'

LINE TABLE			
NO.	BEARING	LENGTH	NO.
L1	S00°28'28"E	103.02'	L9
L2	S17°54'22"E	66.79'	L10
L3	S28°58'17"W	41.43'	L11
L4	S15°54'58"E	74.51'	L12
L5	S58°17'08"E	34.14'	L13
L6	N00°36'55"W	44.08'	L14
L7	N08°33'41"W	55.16'	L15
L8	N77°01'15"E	26.20'	L16

RECOMMENDED FOR APPROVAL:

May 22, 2018
 DATE

June 5, 2018
 DATE

Chairman, Planning and Zoning Commission
 Mayor, City of Lavon, Texas

BEAR CREEK COMMERCIAL PROPERTIES, LP OWNER/DEVELOPER
 2101 Cedar Springs Road, Suite 600
 Dallas, Texas 75201 (214)880-8400
 CONTACT: ALAN BAIN

JB PARTNERS, INC. SURVEYOR/ENGINEER
 16301 Quorum Drive, Suite 200 B
 Addison, Texas 75201 (972)248-7676
 CONTACT: BRET BLANKENSHIP, P.E.
 TBPE No. F-438 TBPLS No. 10076000



RECEIVED
APR 14 2023
CITY OF LAVON

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

Notice is hereby given that the **Planning and Zoning Commission** will hold a public hearing at the meeting starting at 7:00 PM, Tuesday, **April 25, 2023** at Lavon City Hall, 120 School Rd. Further notice is given that a second public hearing is scheduled where the request and the recommendation of the Planning and Zoning Commission will be considered by the **City Council** at 7:00 PM, Tuesday, **May 2, 2023** at Lavon City Hall. At such times and place, the Commission and the Council will hear and take action on:

Request: Consider an application for a conditional use permit (CUP) for an alcohol: mixed beverage package store (off-premise consumption), requested by McClure Partners.

Property Description: 900 S. SH 78, approximately 1.5 acres, part of a 7.1412-acre tract out of the W.A.S. Bohannan Survey, Abstract 121, Sheet 3, Tract 10, located southwest of the intersection of SH 78 and Burleson Dr., Lavon, Collin County, TX, (CCAD Property ID 2614673).

Additional information regarding the request may be obtained at cityhall@lavontx.gov or at 972-843-4220.

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

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

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

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

Signature: _____

Name (printed): Bear Creek Commercial Properties LP

Address: 2101 Cedar Springs Rd. Ste 600, Dallas, TX. 75201-1591

Phone: 214-880-8434 Email Address: MJOHNSON@PETROHUNT.COM

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

**ABS A0121 W A S BOHANNAN SURVEY, SHEET 3, TRACT 70, 59.4311 ACRES
SH 78**



RECEIVED
APR 14 2023
CITY OF LAVON

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

Notice is hereby given that the **Planning and Zoning Commission** will hold a public hearing at the meeting starting at 7:00 PM, Tuesday, **April 25, 2023** at Lavon City Hall, 120 School Rd. Further notice is given that a second public hearing is scheduled where the request and the recommendation of the Planning and Zoning Commission will be considered by the **City Council** at 7:00 PM, Tuesday, **May 2, 2023** at Lavon City Hall. At such times and place, the Commission and the Council will hear and take action on:

Request: Consider an application for a conditional use permit (CUP) for an alcohol: mixed beverage package store (off-premise consumption), requested by McClure Partners.

Property Description: 900 S. SH 78, approximately 1.5 acres, part of a 7.1412-acre tract out of the W.A.S. Bohannon Survey, Abstract 121, Sheet 3, Tract 10, located southwest of the intersection of SH 78 and Burleson Dr., Lavon, Collin County, TX, (CCAD Property ID 2614673).

Additional information regarding the request may be obtained at cityhall@lavontx.gov or at 972-843-4220.

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

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

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

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

Signature: _____

Name (printed): Bear Creek Commercial Properties LP

Address: 2101 Cedar Springs Rd. Ste 600, Dallas, TX. 75201-1591

Phone: 214-880-8434 Email Address: MJohnson @ BTPromm.com

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

**ABS A0121 W A S BOHANNAN SURVEY, SHEET 3, TRACT 65, 2.7588 ACRES
990 S SH 78**



RECEIVED
APR 14 2023
CITY OF LAVON

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

Notice is hereby given that the **Planning and Zoning Commission** will hold a public hearing at the meeting starting at 7:00 PM, Tuesday, **April 25, 2023** at Lavon City Hall, 120 School Rd. Further notice is given that a second public hearing is scheduled where the request and the recommendation of the Planning and Zoning Commission will be considered by the **City Council** at 7:00 PM, Tuesday, **May 2, 2023** at Lavon City Hall. At such times and place, the Commission and the Council will hear and take action on:

Request: Consider an application for a conditional use permit (CUP) for an alcohol: mixed beverage package store (off-premise consumption), requested by McClure Partners.

Property Description: 900 S. SH 78, approximately 1.5 acres, part of a 7.1412-acre tract out of the W.A.S. Bohannon Survey, Abstract 121, Sheet 3, Tract 10, located southwest of the intersection of SH 78 and Burleson Dr., Lavon, Collin County, TX, (CCAD Property ID 2614673).

Additional information regarding the request may be obtained at cityhall@lavontx.gov or at 972-843-4220.

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

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

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

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

Signature: _____

Name (printed): Bear Creek Commercial Properties LP

Address: 2101 Cedar Springs Rd. Ste 600, Dallas, TX. 75201-1591

Phone: 214-880-8434 Email Address: MJOHNSON@PETROHUNT.COM

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

**ABS A0121 W A S BOHANNAN SURVEY, SHEET 3, TRACT 10, 7.1412 ACRES
SH 78**

From: [Lavon Website](#)
To: [Vicki Sanson](#)
Subject: New submission from Council Contact
Date: Tuesday, April 25, 2023 9:21:01 PM

Name

Elsa Neguse

Council Member

Mayor - Vicki Sanson

Phone

(439) 348-8679

Email

Elsaneguse22@gmail.com

Subject

Protest

Message

Greetings,
This is Elsa Neguse, business owner , Lavon Beer, Wine & Liquor store.
I thank you in advance for your consider of my attention.
Spec's liquor store is coming to operate liquor business in Lavon close to my business. There is another liquor store by the Shell gas station next to my store already operating liquor business. Now Spec's is coming at the same street & same location to operate same business. I strongly oppose City of Lavon honor permit to Spec's for two major reasons :
1. Having three or more liquor business at the same adjoint location is not healthy business and it has huge impact on small business operation like my business. Therefore I am being enforced to be out of business.
2. Spec's can operate business in Lavon at different site in order to diverse doing business in Lavon City.
Thank you
Elsa Neguse, owner.
Lavon Beer , Wine & Liquor business

CITY OF LAVON, TEXAS
ORDINANCE NO. 2023-05-01

Conditional Use Permit – Specs, 900 S. SH 78

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF LAVON, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CONDITIONAL USE PERMIT FOR AN ALCOHOL: MIXED BEVERAGE PACKAGE STORE (OFF-PREMISE CONSUMPTION) AT 900 S. SH 78, S. M. 1.5 ACRES BEING A PORTION OF ABSTRACT A0121 W.A.S. BOHANNAN SURVEY, SHEET 3, TRACT 10, LAVON, COLLIN COUNTY, TX; PROVIDING SAVINGS, CUMULATIVE REPEALER, AND SEVERABILITY CLAUSES; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon, Texas (the “City”) is a Home Rule 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 Chapter 109; and

WHEREAS, the Comprehensive Zoning Ordinance of the City allows for an Alcohol: mixed beverage package store/retailer (on- and/or off-premises consumption), defined as a business selling distilled spirits, wine, and/or malt beverages to consumers for on- and/or off-premises consumption, including the possible transportation of its inventory between its other licensed locations within the same county, transportation/delivery of alcoholic beverage orders to its end-consumer customers, conducting product tastings on the package store premises, and/or other related sales activity with an approved Conditional Use Permit; and

WHEREAS, the Planning and Zoning Commission of the City and the City Council of the City (the “City Council”), in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested, and the City Council is of the opinion and finds that said changes are compatible with surrounding properties and are appropriate for the location of the Property and that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

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

SECTION 1. INCORPORATION OF PREMISES

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

SECTION 2. AMENDMENT

2.01 That the Comprehensive Zoning Ordinance and Zoning Map, of the City of Lavon Code of Ordinances as heretofore amended, is hereby amended to grant a Conditional Use Permit in a Planned Development (PD) Zoning District on the property described and depicted in Exhibit “A” for an “Alcohol: mixed-beverage package store (off-premises consumption).”

- 2.02 That the herein-described property shall only be used in the manner and for the purpose provided for in the Zoning Ordinance of the City of Lavon as heretofore amended by granting of this conditional use permit and as may be amended in the future.
- 2.03 Pursuant to Section 9.03.211(i)(2), this Conditional Use Permit shall be declared null and void and of no force and effect and shall discontinue if or for any one or more of the following:
- A. Any failure to comply with any term or condition of this Ordinance or the applicable regulations, as they exist or may be amended; or
 - B. Any improvements, the Property, uses, or structures regulated by this Conditional Use Permit are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate conditional use permit or other required authorization is granted therefor; or
 - C. A certificate of occupancy for any existing structure for which a use authorized by this Ordinance is not applied for and issued within one hundred and eighty (180) days from the effective date of this Ordinance; or
 - D. A use for which this CUP is granted ceases to operate for a continuous period of ninety (90) consecutive calendar days; or
 - E. This Conditional Use Permit was obtained by fraud or deception; or
 - F. As otherwise permitted by law, this Ordinance and/or the City's Zoning Ordinance, as they exist or may be amended.

SECTION 3. SAVINGS

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

SECTION 4. CUMULATIVE REPEALER

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

SECTION 5. SEVERABILITY

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

SECTION 6. PENALTY

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

SECTION 7. PUBLICATION

The City Secretary of the City is hereby directed to publish the Caption, Penalty, and Effective Date of this Ordinance as required by law.

SECTION 8. EFFECTIVE DATE

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

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 2nd day of May 2023.

Vicki Sanson, Mayor

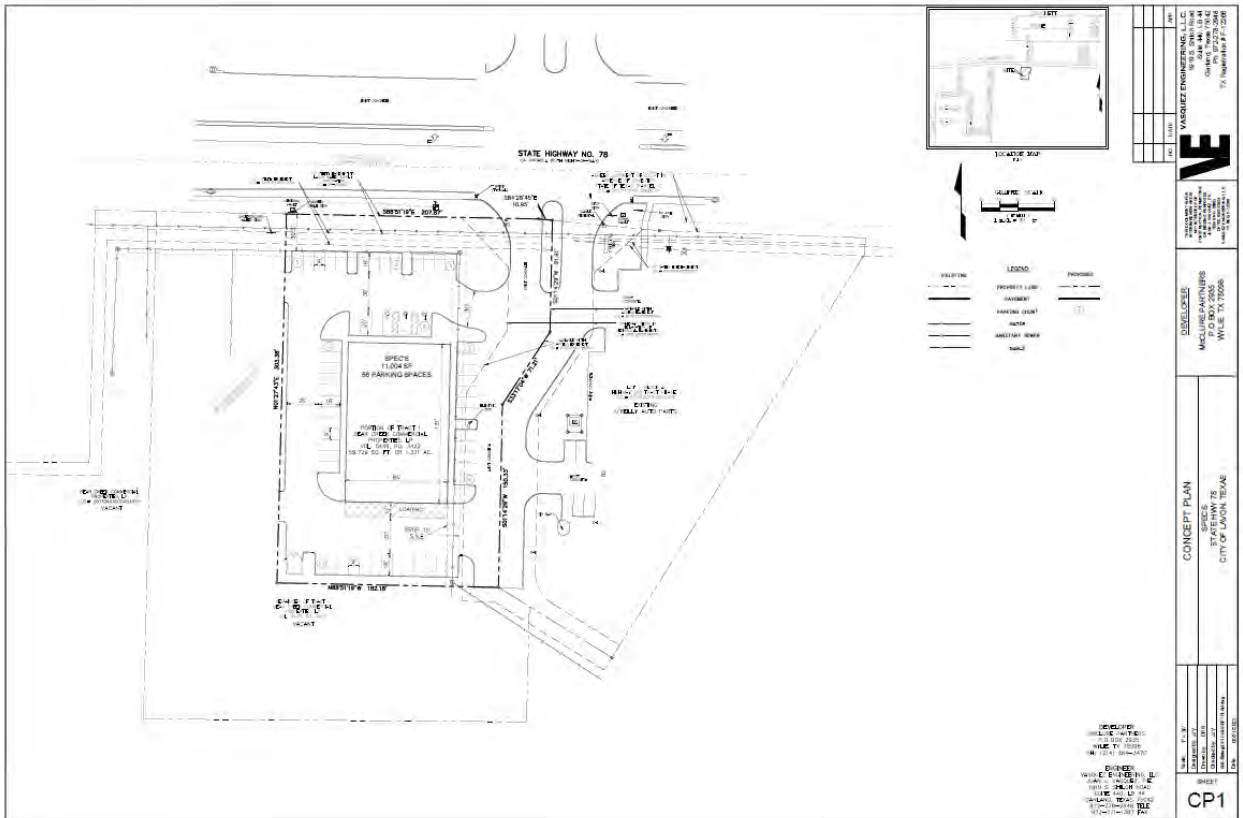
ATTEST:

Rae Norton, City Secretary

CITY OF LAVON, TEXAS
ORDINANCE NO. 2022-09-05

EXHIBIT A

MCCLURE PARTNERS - SPECS
 900 S. SH 78
 W.A.S. BOHANNAN SURVEY, A-121, SHEET 3, TR. 10
 LAVON, COLLIN COUNTY, TX





CITY OF LAVON Agenda Brief

MEETING: May 2, 2023

ITEM: 7 – B

Item:

Public hearing, discussion, and action regarding an application for a conditional use permit as specified in Ordinance No. **2020-04-04** that established the Lake Breeze Planned Development (PD), Exhibit C Zoning Uses and Design Guidelines, Zoning Use Table for a car wash (single-bay, drive-thru) accompanying a gasoline fueling station at 955 N. SH 78, Lake Breeze Estates, on 2 acres, Blk E, Lot 25C, Lavon, Collin County, TX situated southwest of the intersection of SH 78 and Gage Road (formerly Lake Road), (CCAD Property ID 2864642).

- 1) Presentation of proposed application.
- 2) **PUBLIC HEARING** to receive comments regarding the proposed application.
- 3) Discussion and action regarding the proposed application and accompanying Ordinance No. **2023-05-02**.

Background:

The subject property is part of the Lake Breeze Planned Development (PD) established by Ordinance No. **2020-04-04** that was adopted in 2020. The project is situated on a 2-acre platted lot directly southwest of the intersection of SH 78 and Gage Road.

Application Information

Owner(s): Kiran Paul Singh

Applicant: IBC Construction LLC

Location: 955 N. SH 78

Description: Lake Breeze Addition, Block E, Lot 25C, 2 acres
Lavon, Collin County, TX; CCAD Property ID 2864642

Current Zoning: Planned Development (PD)

Request: Conditional Use Permit for a car wash

Request Details

The applicant is seeking approval of a conditional use permit (CUP) to construct a car wash to accompany a gasoline fueling station. The proposed car wash is an automated drive-thru single-bay car wash with vacuum and drying bays.

The Lake Breeze Planned Development regulations specify that within the Retail, Commercial, Personal Services Uses, a car wash is permitted with an approved conditional use permit. The car wash is adjacent to property that is zoned for in the PD for commercial uses.

The proposed application generally satisfies the review criteria established in the Zoning Ordinance.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF AN APPLICATION FOR A CONDITIONAL USE PERMIT AS SPECIFIED IN ORDINANCE NO. 2020-04-04 THAT ESTABLISHED THE LAKE BREEZE PLANNED DEVELOPMENT (PD), EXHIBIT C ZONING USES AND DESIGN GUIDELINES, ZONING USE TABLE FOR A CAR WASH (SINGLE-BAY, DRIVE-THRU) ACCOMPANYING A GASOLINE FUELING STATION AT 955 N. SH 78, LAKE BREEZE ESTATES, ON 2 ACRES, BLK E, LOT 25C, LAVON, COLLIN COUNTY, TX SITUATED SOUTHWEST OF THE INTERSECTION OF SH 78 AND GAGE ROAD (FORMERLY LAKE ROAD).

MOTION MADE: NABORS
SECONDED: COX
APPROVED: UNANIMOUS (Absent: Tiegs)

Staff Notes:

The requisite public hearing notice was posted and published and four (4) neighbor notices were mailed to the owners of properties located within 200 feet of the applicant's property. From the notice area, one (1) notice was received in favor of and no notices have been received in opposition to the request.

The proposed application is consistent with the Future Land Use Plan and the Comprehensive Plan.

- Attachments:**
1. Application
 2. Location Exhibits
 3. Neighbor Notices
(a data source of property owners who were mailed notices is available upon request from cityhall@lavontx.gov)
 4. Proposed Ordinance

Create New Project

Started: 04/03/2023 at 13:51 Elapsed time: 18 days 4 hours 26 mins Expires: 09/30/2023, Time Remaining: 3M 11d 14h 33m [Go Back](#)

#23-000279 - Conditional Use Permit (R)

[Pay Invoices](#)

Project Type: Conditional Use Permit (R) Department: Building Department Applicant: KHALID MAHMOOD

Project Manager: LeAnn McClendon

Overview **Reviews** Inspections Payments Documents Updates Comments Contacts

ADDRESS

Gas Station/Convenience Store
955 N. St. Hwy 78, Lavon, TX
USA 75166

DESCRIPTION

Car Wash Permit
LAVON FUEL & FOOD
991 N STATE HWY 78,
LAVON, TX 75166.

Project Steps Information Fields Fees Credentials 0 Correction Items 0

Field Name: Value:

Site Address 991 N STATE HWY 78, LAVON, TX 75166,
Please put the address of project.

Property Owner Information

Company Name -

Name Mr Kiran Paul Singh

Address 991 N STATE HWY 78, LAVON, TX 75166,

Owner Phone # (214) 412-0993

Fax # -

Authorized Person Mr Kiran Paul Singh

Builder Information

Builder Name IBC CONSTRUCTION LLC

Builder Phone # (469) 662-5248

Misc (R) Building - Description of Work

Select Description of Work New Building

If "Other", Please Explain Car Wash Construction

Comments -

▶ HOME

▼ PROJECTS

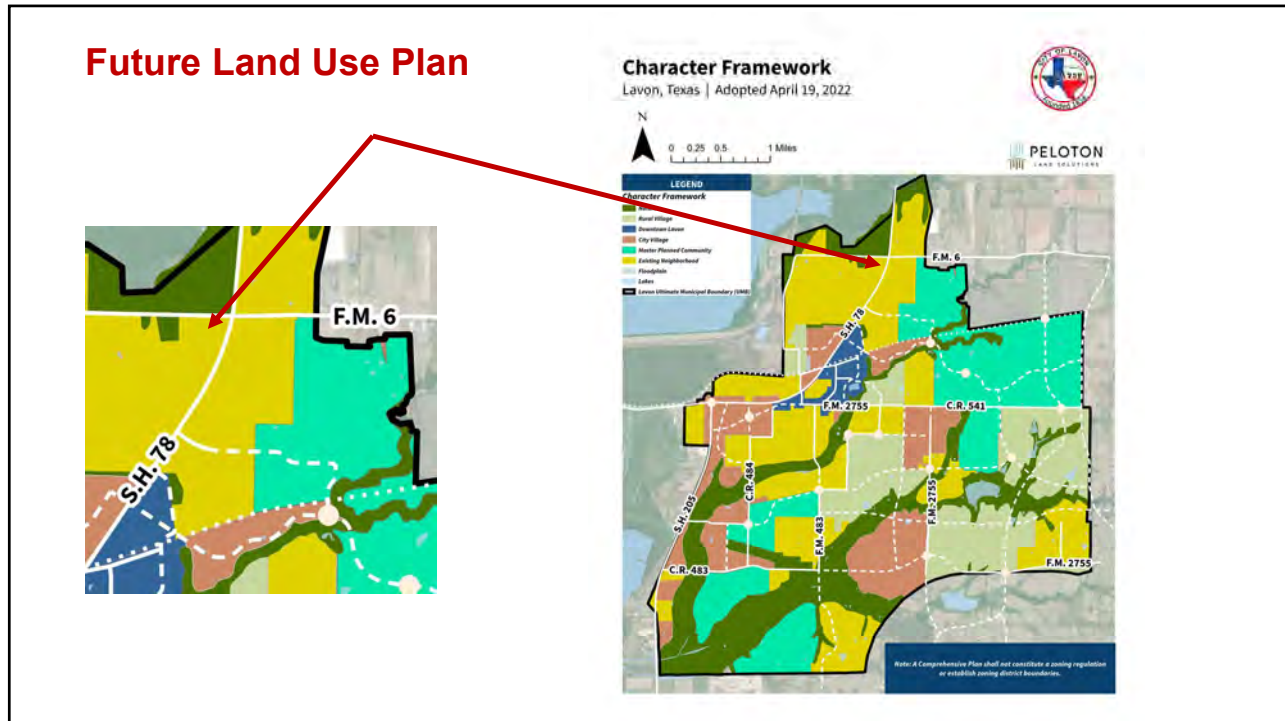
- All 2912
- Active 487
- Requested 0
- Expired 42
- Expiring 80
- Pending Docs 11
- Pending Archive 0
- Archived 2413
- Suspended 0
- On Hold 0
- Manager Load

▶ REVIEWS

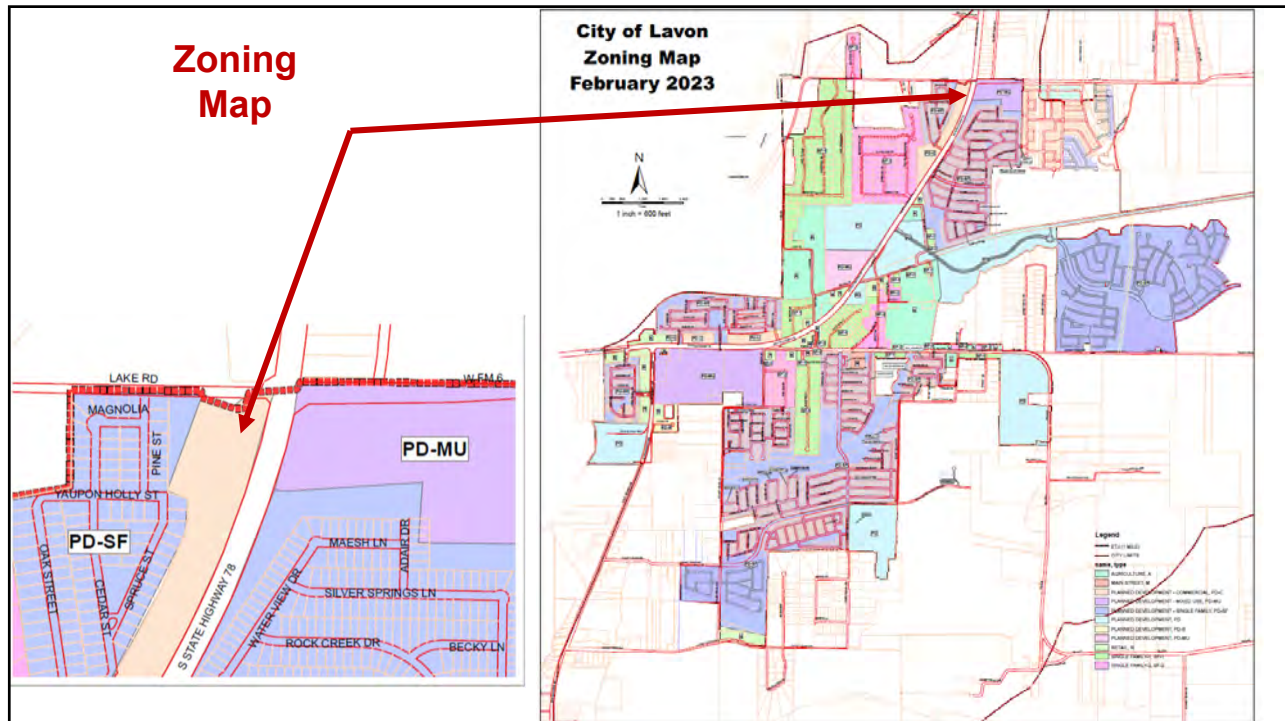
▶ INSPECTIONS

▶ INVOICES

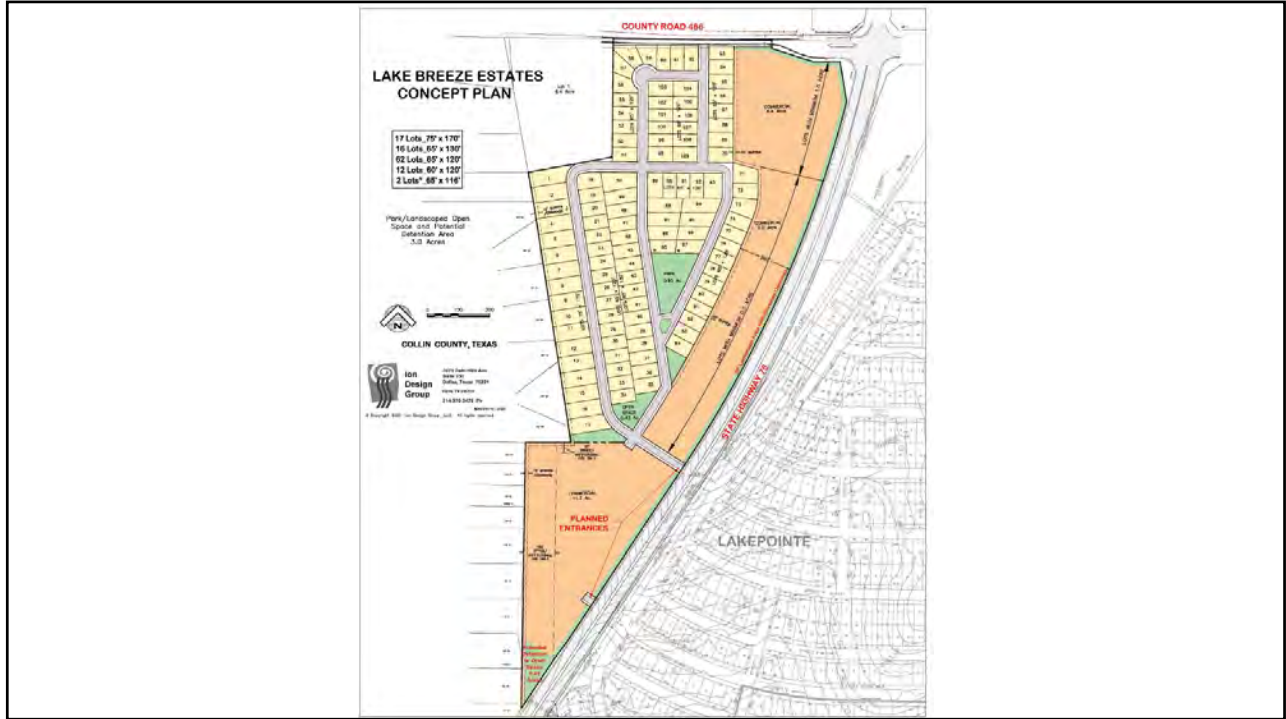
▶ TOOLS



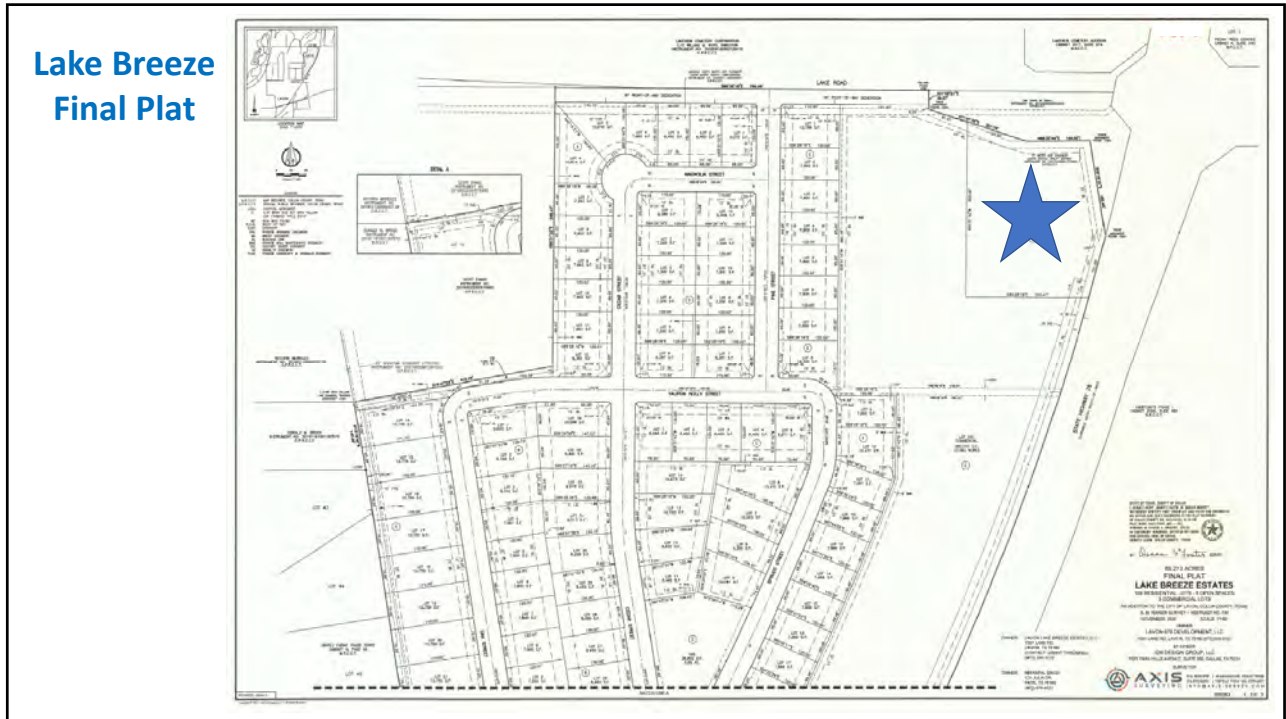
12



13

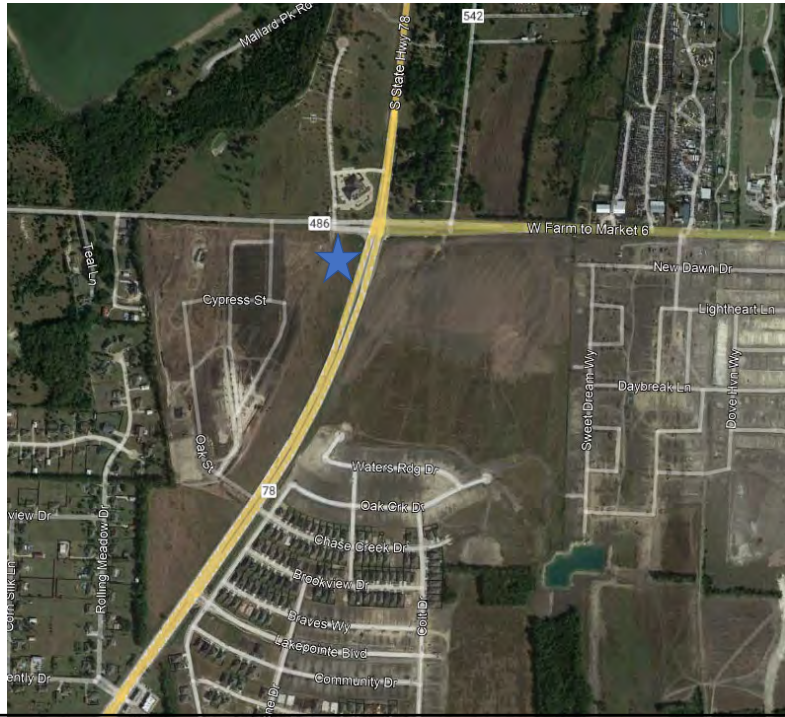


14



15

**Lavon
Food & Fuel
Location
Exhibit**



16















RECEIVED
APR 17 2023
CITY OF LAVON

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

Notice is hereby given that the **Planning and Zoning Commission** will hold a public hearing at the meeting starting at 7:00 PM, Tuesday, **April 25, 2023** at Lavon City Hall, 120 School Rd. Further notice is given that a second public hearing is scheduled where the request and the recommendation of the Planning and Zoning Commission will be considered by the **City Council** at 7:00 PM, Tuesday, **May 2, 2023** at Lavon City Hall. At such times and place, the Commission and the Council will hear and take action on:

Requests: an application for a conditional use permit as specified in Ordinance No. 2020-04-04 that established the Lake Breeze Planned Development (PD), Exhibit C Zoning Uses and Design Guidelines, Zoning Use Table for a car wash (single-bay, drive-thru) accompanying a gasoline fueling station.

Property Description: 955 N. SH 78, 2 acres, Lake Breeze Estates, Blk E, Lot 25C, Lavon, Collin County, TX situated southwest of the intersection of SH 78 and Gage Road (formerly Lake Rd.)/FM6, (CCAD Property ID 2864642);

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

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

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

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

Signature: *Tadd Magee* _____

Name (printed): Lavon 678 Development

Address: 519 E 130 #727 Rockwall TX 75087

Phone: 469-267-9903 Email Address: *tmagee.kingsbridge@gmail.com*

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

**LAKE BREEZE ESTATES, BLK E, LOT 24C
SH 78**

CITY OF LAVON, TEXAS

ORDINANCE NO. 2023-05-03

Conditional Use Permit – 955 N. SH 78, Lavon Food & Fuel Drive-Thru & Service Canopy

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 9, ZONING ORDINANCE, OF THE CODE OF ORDINANCES, AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT AS SPECIFIED IN ORDINANCE NO. 2020-04-04 THAT ESTABLISHED THE LAKE BREEZE PD, EXHIBIT C ZONING USES AND DESIGN GUIDELINES, RETAIL DISTRICT STANDARDS – BUILDING PLACEMENT, ORIENTATION AND SITE DESIGN (1) FOR (A) DRIVE-THRU LANES AND (B) A SERVICE CANOPY FOR A GASOLINE FUELING STATION AT 955 N. SH 78, LAKE BREEZE ESTATES, ON 2 ACRES, BLK E, LOT 25C, LAVON, COLLIN COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; A CUMULATIVE REPEALER CLAUSE; A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon, Texas (the “City”) is a Home Rule 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 Chapter 109; and

WHEREAS, the Lake Breeze Planned Development District provides that service canopies and drive-thru lanes may face the public street with an approved Conditional Use Permit; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City (the “City Council”), in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested, and the City Council is of the opinion and finds that said changes are compatible with surrounding properties and are appropriate for the location of the property and that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

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

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

SECTION 2. That Chapter 9, Zoning Ordinance, of the City of Lavon Code of Ordinances as heretofore amended, and the same is hereby amended so as to grant a Conditional Use Permit in the Lake Breeze Planned Development District to permit construction of a service canopy and drive-thru lanes that face the public street at 955 N. SH 78, Lake Breeze Estates, on 2 acres, Blk E, Lot 25C, Lavon, Collin County, TX situated southwest of the intersection of SH 78 and Gage Road (formerly Lake Road), and that the herein-described property shall only be used in the manner and for the purpose provided for in the Zoning Ordinance of the City of Lavon as heretofore amended by granting of this conditional use permit and as may be amended in the future.

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

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

SECTION 5. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

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

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

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

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

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 2nd day of May 2023.

Vicki Sanson
Mayor

ATTEST:

Rae Norton
City Secretary



CITY OF LAVON Agenda Brief

MEETING: May 2, 2023

ITEM: 7 - C

Item:

Public hearing, discussion, and action regarding an application for a conditional use permit as specified in Ordinance No. **2020-04-04** that established the Lake Breeze PD, Exhibit C Zoning Uses and Design Guidelines, Retail District Standards – Building Placement, Orientation and Site Design (1) for (a) a drive-thru lane and (b) a service canopy for a gasoline fueling station at 955 N. SH 78, Lake Breeze Estates, on 2 acres, Blk E, Lot 25C, Lavon, Collin County, TX situated southwest of the intersection of SH 78 and Gage Road (formerly Lake Road), (CCAD Property ID 2864642).

- 1) Presentation of proposed application.
- 2) **PUBLIC HEARING** to receive comments regarding the proposed application.
- 3) Discussion and action regarding the proposed application and accompanying Ordinance No. **2023-05-03**.

Background:

The subject property is part of the Lake Breeze Planned Development (PD) established by Ordinance No. **2020-04-04** that was adopted in 2020. The project is situated on a 2-acre platted lot directly southwest of the intersection of SH 78 and Gage Road.

Application Information

Owner(s): Kiran Paul Singh

Applicant: IBC Construction LLC

Location: 955 N. SH 78

Description: Lake Breeze Addition, Block E, Lot 25C, 2 acres
Lavon, Collin County, TX; CCAD Property ID 2864642

Current Zoning: Planned Development (PD)

Request: Conditional Use Permit (a) a drive-thru lane and
(b) a service canopy for a gasoline fueling station

Request Details

The applicant is seeking approval of a conditional use permit (CUP) for (a) a drive-thru lane and (b) a service canopy for a gasoline fueling station.

The Lake Breeze Planned Development regulations specify that a drive-thru lane and a service canopy that face a public street may be permitted with an approved conditional use permit. The site is on a corner lot with the north and east sides facing public streets, Gage Road and SH 78 respectively.

Code Excerpts:

CITY OF LAVON – ZONING ORDINANCE

Lake Breeze Planned Development - Ordinance No. 2020-04-04

E)	Building Placement, Orientation and Site Design.	
1.	No service canopies, drive-thru lanes, service doors for auto or similar service shall face the public street nor a residential lot or residential zoning district.	Permitted upon approval of CUP

A proposed drive-thru lane will serve a food establishment located inside of the gasoline fueling station and convenience store. If approved, a car wash will also have a drive-thru lane. At the Planning and Zoning Commission meeting, the applicant explained that the project engineer is redesigning the drive-thru lane configuration as recommend by the car wash designer. The applicant indicated he planned to explore expanding the site to accommodate the drive-thru lanes. The Planning and Zoning Commission determined that the drive-thru lanes as presented are conceptually acceptable and specific placement would be finalized during the site plan review process.

The proposed service canopy covers gasoline fueling pumps.

The proposed application generally satisfies the review criteria established in the Zoning Ordinance.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF AN APPLICATION FOR A CONDITIONAL USE PERMIT AS SPECIFIED IN ORDINANCE NO. 2020-04-04 THAT ESTABLISHED THE LAKE BREEZE PD, EXHIBIT C ZONING USES AND DESIGN GUIDELINES, RETAIL DISTRICT STANDARDS – BUILDING PLACEMENT, ORIENTATION AND SITE DESIGN (1) FOR A) DRIVE-THRU LANES AND (B) A SERVICE CANOPY FOR A GASOLINE FUELING STATION AT 955 N. SH 78, LAKE BREEZE ESTATES, ON 2 ACRES, BLK E, LOT 25C, LAVON, COLLIN COUNTY, TX SITUATED SOUTHWEST OF THE INTERSECTION OF SH 78 AND GAGE ROAD (FORMERLY LAKE ROAD).

MOTION MADE: NABORS
 SECONDED: COX
 APPROVED: UNANIMOUS (Absent: Tiegs)

Staff Notes:

The requisite public hearing notice was posted and published and four (4) neighbor notices were mailed to the owners of properties located within 200 feet of the applicant’s property. From the notice area, one (1) notice was received in favor of and no notices have been received in opposition to the request.

The proposed application is consistent with the Future Land Use Plan and the Comprehensive Plan.

Attachments:

1. Application
2. Location Exhibits
3. Neighbor Notices
(a data source of property owners who were mailed notices is available upon request from cityhall@lavontx.gov)
4. Proposed Ordinance

Create New Project

Started: 04/03/2023 at 12:05 Elapsed time: 18 days 9 hours 9 mins Expires: 09/30/2023 Time Remaining: 5M 11H 12H 50m [Go Back](#)

#23-000278 - Conditional Use Permit (R)

Project Type: Conditional Use Permit (R) Department: Building Department Applicant: KHALID MAHMOOD

Project Manager: LeAnn McClendon

Overview **Reviews** Inspections Payments Documents Updates Comments Contacts

ADDRESS

Gas Station/Convenience Store
955 N. St. Hwy 78, Lavon, TX
USA 75166

DESCRIPTION

Canopy Permit
LAVON FUEL & FOOD /
DRIVE-THRU LANE
991 N STATE HWY 78,
LAVON, TX 75166,

Project Steps Information Fields Fees Credentials 0 Correction Items 0

Field Name: Value:

Site Address* 991 N STATE HWY 78, LAVON, TX 75166
Please put the address of project.

Property Owner Information

Company Name -

Name MR. KIRAN PAUL SINGH

Address 991 N STATE HWY 78, LAVON, TX 75166

Owner Phone # (972) 979-8521

Fax # -

Authorized Person -

Builder Information

Builder Name IBC CONSTRUCTION LLC

Builder Phone # (469) 662-5248

Misc (R) Building - Description of Work

Select Description of Work New Building

If "Other", Please Explain Canopy Permit CANOPY 142'-0" X 25'-0"

- ▶ HOME
- ▼ PROJECTS
 - All 2912
 - Active 487
 - Requested 0
 - Expired 42
 - Expiring 80
 - Pending Docs 11
 - Pending Archive 0
 - Archived 2415
 - Suspended 0
 - On Hold 0
 - Manager Load
- ▶ REVIEWS
- ▶ INSPECTIONS
- ▶ INVOICES
- ▶ TOOLS



RECEIVED

APR 17 2023

CITY OF LAVON

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

Notice is hereby given that the **Planning and Zoning Commission** will hold a public hearing at the meeting starting at 7:00 PM, Tuesday, **April 25, 2023** at Lavon City Hall, 120 School Rd. Further notice is given that a second public hearing is scheduled where the request and the recommendation of the Planning and Zoning Commission will be considered by the **City Council** at 7:00 PM, Tuesday, **May 2, 2023** at Lavon City Hall. At such times and place, the Commission and the Council will hear and take action on:

Requests: an application for a conditional use permit as specified in Ordinance No. 2020-04-04 that established the Lake Breeze PD, Exhibit C Zoning Uses and Design Guidelines, Retail District Standards – Building Placement, Orientation and Site Design (1) for:

- (a) a drive-thru lane
- (b) a service canopy for a gasoline fueling station.

Property Description: 955 N. SH 78, 2 acres, Lake Breeze Estates, Blk E, Lot 25C, Lavon, Collin County, TX situated southwest of the intersection of SH 78 and Gage Road (formerly Lake Rd.)/FM6, (CCAD Property ID 2864642);

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

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

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

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

Signature: William Sorrels

Name (printed): Lavon 678 Development

Address: 519 E-130, Rockwall TX 75087

Phone: 214-278-7272 Email Address: willmsorrels@hotmail.com

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

**LAKE BREEZE ESTATES, BLK E, LOT 24C
SH 78**

CITY OF LAVON, TEXAS
ORDINANCE NO. 2023-05-02

Conditional Use Permit – 955 N. SH 78, Lavon Food & Fuel Car Wash

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 9, ZONING ORDINANCE, OF THE CODE OF ORDINANCES, AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT AS SPECIFIED IN ORDINANCE NO. 2020-04-04 THAT ESTABLISHED THE LAKE BREEZE PLANNED DEVELOPMENT (PD), EXHIBIT C ZONING USES AND DESIGN GUIDELINES, ZONING USE TABLE TO PERMIT A CAR WASH (SINGLE-BAY, DRIVE-THRU) ACCOMPANYING A GASOLINE FUELING STATION AT 955 N. SH 78, LAKE BREEZE ESTATES, ON 2 ACRES, BLK E, LOT 25C, LAVON, COLLIN COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; A CUMULATIVE REPEALER CLAUSE; A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon, Texas (the “City”) is a Home Rule 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 Chapter 109; and

WHEREAS, the Lake Breeze Planned Development District provides that a car wash may be a permitted use with an approved Conditional Use Permit; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City (the “City Council”), in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested, and the City Council is of the opinion and finds that said changes are compatible with surrounding properties and are appropriate for the location of the property and that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

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

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

SECTION 2. That Chapter 9, Zoning Ordinance, of the City of Lavon Code of Ordinances as heretofore amended, and the same is hereby amended so as to grant a Conditional Use Permit in the Lake Breeze Planned Development District to construct and operate a car wash at 955 N. SH 78, Lake Breeze Estates, on 2 acres, Blk E, Lot 25C, Lavon, Collin County, TX situated southwest of the intersection of SH 78 and Gage Road (formerly Lake Road), and that the herein-described property shall only be used in the manner and for the purpose provided for in the Zoning Ordinance of the City of Lavon as heretofore amended by granting of this conditional use permit and as may be amended in the future.

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

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

SECTION 5. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

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

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

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

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

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 2nd day of May 2023.

Vicki Sanson
Mayor

ATTEST:

Rae Norton
City Secretary



CITY OF LAVON Agenda Brief

MEETING: May 2, 2023

ITEM: 7 – D

Item:

Public hearing, discussion, and action regarding an application for a site plan for the Scrubbies Car Wash project at 701 S. SH 78, on approximately 1.24 acres being a portion of 8.64 acres out of the William H. Moore Survey, A-638, Lavon, Collin County, TX, located northeast of the intersection of SH 78 and Grand Heritage Boulevard, City of Lavon, Collin County, Texas, (CCAD Parcel ID 2614649).

- 1) Presentation of proposed site plan and landscape plan.
- 2) **PUBLIC HEARING** to receive comments regarding the proposed site plan.
- 3) Discussion and action regarding the proposed site plan and landscape plan.

Application Information

Owner(s): 78 Commercial West, LP

Applicant: Moises Gonzalez

Location: 701 S. SH 78, northeast of the intersection of SH 78 and Grand Heritage Boulevard, Lavon, Collin County, TX;

Description: Part of a of 8.64 acres out of the William H. Moore Survey, A-638, City of Lavon, Collin County, Texas, (CCAD Parcel ID 2614649)

Current Zoning: Planned Development

Request: Site Plan and Landscape Plan

Request Details

The applicant is seeking approval of the Site Plan and Landscape Plan for the Scrubbies Car Wash project at 701 S. SH 78. The site will be developed in accordance with Ordinance No. **2004-09-05** that established the Grand Heritage Planned Development (PD), as amended. Ordinance No. **2004-09-05** provides that in commercial planning areas, a project must obtain approval of a site plan and landscape plan pursuant to city regulations and that the site plan is subject to a public hearing.

Code Excerpt:

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

9.03.151 PURPOSE

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

9.03.154 CRITERIA FOR APPROVAL

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

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

Platting: A preliminary plat is submitted with the development packet.

Access: There is a single point of access via a cross access easement from SH 78. There is no direct access to SH 78.

Utilities: The site will be served water by the Bear Creek Special Utility District and sanitary sewer by the City of Lavon. The extension of utilities facilities to the site creates opportunity for the future connection of unserved properties.

Screening and Landscaping: Screening is provided in accordance with the zoning requirements. The applicant is amenable to potentially providing a greater degree of screening than is required. The Landscape Plan complies with the zoning regulations.

The application and plans generally satisfy the criteria for approval. The applicant is working with the City planning team to resolve any outstanding questions.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF AN APPLICATION FOR A SITE PLAN AND LANDSCAPE PLAN FOR THE SCRUBBIES CAR WASH PROJECT AT 701 S. SH 78, ON APPROXIMATELY 1.24 ACRES BEING A PORTION OF 8.64 ACRES OUT OF THE WILLIAM H. MOORE SURVEY, A-638, LAVON, COLLIN COUNTY, TX, LOCATED NORTHEAST OF THE INTERSECTION OF SH 78 AND GRAND HERITAGE BOULEVARD, CITY OF LAVON, COLLIN COUNTY, TEXAS SUBJECT TO THE CITY ENGINEERS APPROVAL.

MOTION MADE: NABORS
 SECONDED: JACOB
 APPROVED: UNANIMOUS (Absent: Tiegs)

Staff Notes:

The proposed site plan was reviewed by the city engineer, planning consultant, and staff development review committee (DRC). The site plan consideration does not include signs.

Approval of the site plan and landscape plan is recommended subject to the applicant's compliance with the city engineer's and planner's review notes.

- Attachments:**
1. Application
 2. Site Plan; Building Elevations
 3. Landscape Plan
 4. Location Exhibits
 5. Review comments



CITY OF LAVON SITE PLAN APPLICATION

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

APPLICATION INFORMATION

Name: MOISES GONZALEZ
Address: 619 N. GRAND AVE.
Telephone Number: 469 658. 9097
Email Address: MOISES@MYGARLH.COM

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

ABS A0638 WILLIAM H MOORE SURVEY, SHEET 2,
TRACT 19, 8.636 ACRES, PROPERTY ID: 2614649

SUBDIVISION NAME: (approved plat is prerequisite)

ZONING: PD-C

LEGAL OWNER OF PROPERTY INVOLVED: TB COMMERCIAL EAST, LP

If Applicant is NOT the Owner, Relationship to Owner:

APPLICANT UNDER CONTRACT TO PURCHASE PARCEL

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

Signature: [Signature]
Owner / Authorized Agent

4/5/2023
Date

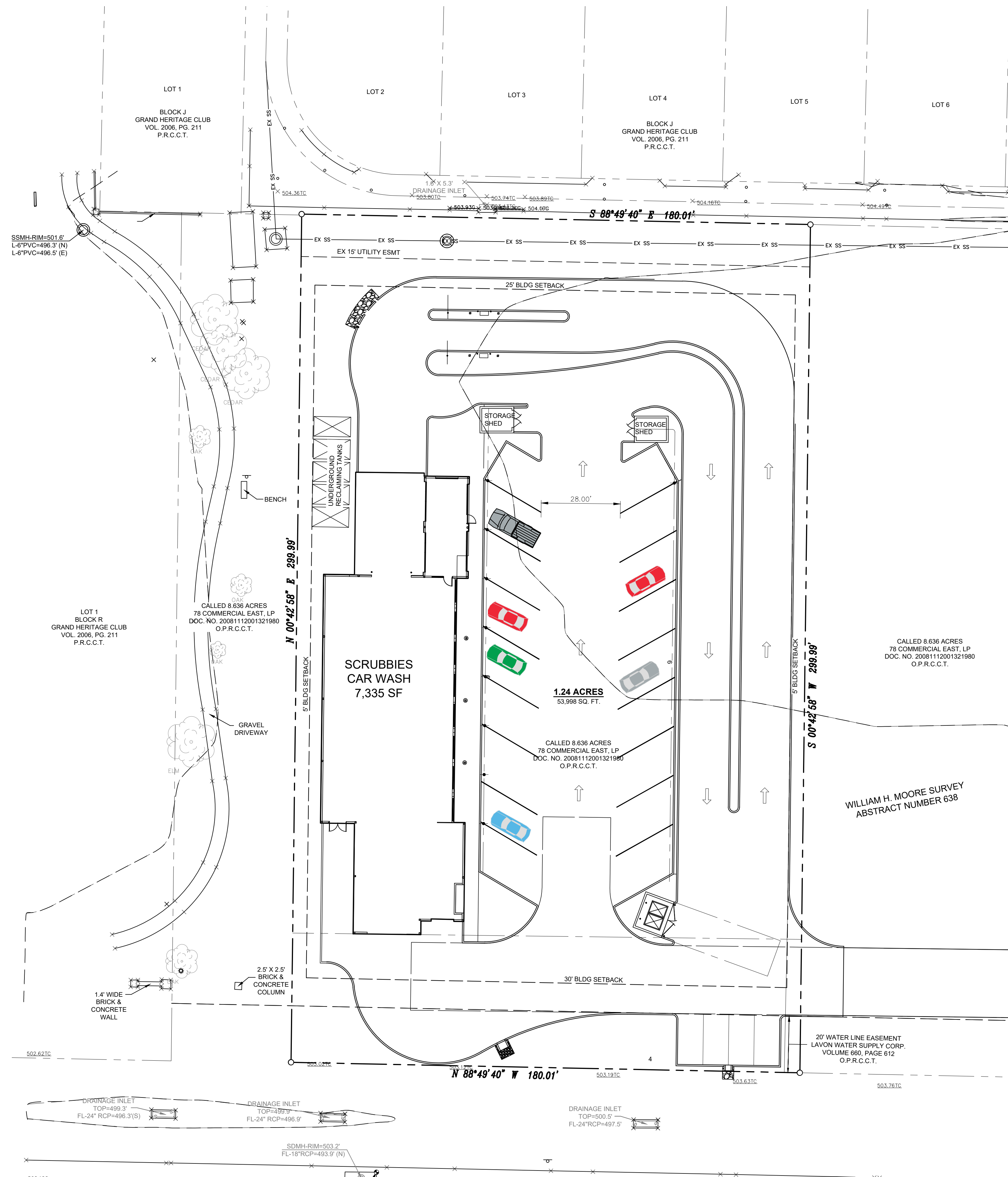
Printed Name: Carter W. Hunt
Owner / Authorized Agent

Title: Vice President

Company: TB Commercial East, LP

City Office Use Only:

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



1 SITE PLAN
1" = 20'-0"

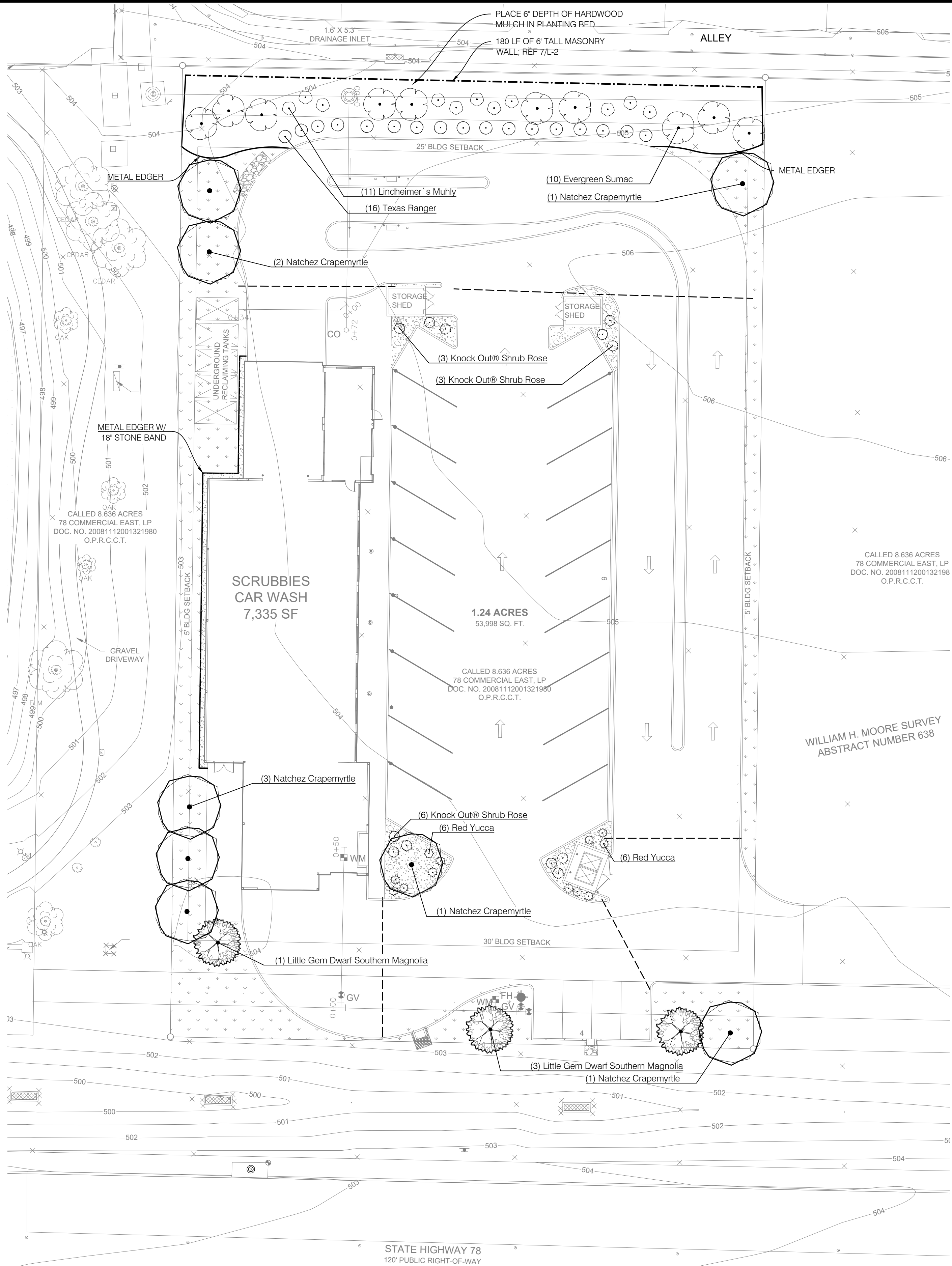
SCRUBBIES
Car Wash

Grand Heritage Blvd & Hwy 78
Lavon, TX 75166

ISSUE:	04.23.2023
FOR CONST	
REVISIONS	



619 N. Grand Avenue Waxahachie,
TX 75165 1.469.658.9097



CITY OF LAVON, TEXAS LANDSCAPE ORDINANCE COMPLIANCE

- THE SITE MUST CONTAIN 20% LANDSCAPE COVERAGE AND PROVIDES 21% PROPOSED LANDSCAPE COVERAGE
 - SITE IS 53,998 SF (1.24 ACRES)
 - PROPOSED LANDSCAPE IS 11,700 SF (0.27 ACRES)
- THE COMMERCIAL PARKING SPACES ARE LESS THAN 7,500 SF.
 - MORE THAN 300 SF (4%) OF LANDSCAPE IS PROVIDED ADJACENT TO THE PARKING SPACES.
- IRRIGATION SYSTEM TO BE INSTALLED ON SITE PRIOR TO LANDSCAPE PLANTINGS IN COMPLIANCE WITH CHAPTER 9 OF CITY ORDINANCES. LANDSCAPE CONTRACTOR TO PROVIDE PLAN, DETAILS AND INSTALLATION OF SAID IRRIGATION SYSTEM.
- A 20' LANDSCAPE BUFFER IS PROVIDED ALONG STATE HIGHWAY 78.
 - LANDSCAPE BUFFER REQUIRES 8 STREET TREES.
 - THE PROPOSED LANDSCAPE BUFFER PROVIDES 8 STREET TREES.
- THE NORTHERN PERIMETER OF PARCEL REQUIRES A LANDSCAPE BUFFER WITH 6' TALL FENCE. A LANDSCAPE BUFFER WITH 6' TALL MASONRY FENCE TO BE PROVIDED.
- ALL LANDSCAPE MATERIALS (SHRUBS, TREES, SOD, ETC.) TO BE KEPT IN A LIVING CONDITION DURING CONSTRUCTION UNTIL PROJECT COMPLETION.
- UPON CERTIFICATE OF OCCUPANCY, PROPERTY OWNER, TO MAINTAIN LANDSCAPE PER CITY CODE. MAINTENANCE TO INCLUDE, BUT NOT LIMITED TO SITE DEBRIS, LIVING MATERIALS, IRRIGATION, AND HARDSCAPE ELEMENTS WITHIN THE PARCEL LIMITS.

LANDSCAPE PLAN NOTES

- MINIMUM MULCH WITHIN PLANTING BEDS AND TREES TO BE 4" IN DEPTH.
- NO PLANT MATERIAL TO BE PLANTED WITHIN 2'-0" FROM HARDSCAPE ELEMENTS (CURB, ASPHALT, BUILDING, ETC.). PROVIDE HARDWOOD MULCH OR ROCK AGGREGATE IN THIS AREA PER PLAN.
- CONTRACTOR TO PROVIDE AND PERMIT A LANDSCAPE IRRIGATION PLAN FOR THE PROJECT. THE PLAN IS TO BE DESIGNED BY A TEXAS LICENSED IRRIGATOR IN ACCORDANCE WITH LOCAL AND STATE REGULATIONS. PLANS MAY BE SUBMITTED AT A LATER DATE AS ALLOWED BY CITY OF LAVON, TEXAS.
- CONTRACTOR TO FIELD VERIFY ALL PLANT & MATERIAL QUANTITIES TO MEET INTENT OF DRAWING. PLANT / REFERENCE NOTES SCHEDULE ARE GUIDES FOR PLANNING PURPOSES.
- CONTRACTOR TO PROVIDE ONE (1) YEAR WARRANTY ON ALL PLANT MATERIAL FROM DATE OF PROJECT COMPLETION PER GENERAL CONTRACTOR.
- CONTRACTOR TO PROVIDE ONE (1) YEAR WARRANTY ON COMPLETE IRRIGATION SYSTEM FROM DATE OF PROJECT COMPLETION PER GENERAL CONTRACTOR.

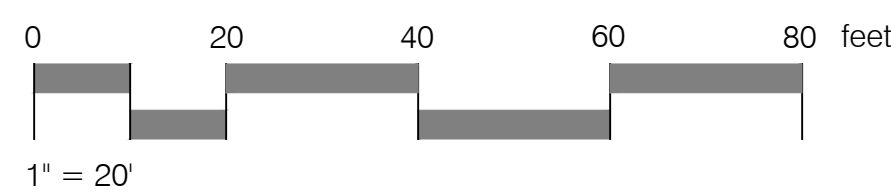
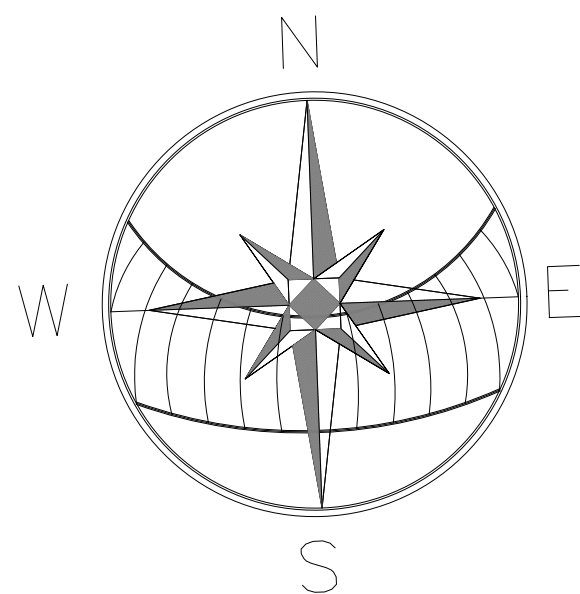
REFERENCE NOTE SCHEDULE

SYMBOL	DESCRIPTION	QTY
---	IRRIGATION SLEEVE	270 LF
—	METAL EDGER	265 LF
SYMBOL	DESCRIPTION	QTY
■	3/4" TEXAS BLACK STAR	1,030 SF

PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER	REMARKS	
	8	LAGERSTROEMIA X 'NATCHEZ' / NATCHEZ CRAPEMYRTLE	8' HT.	POT	MATURE SIZE: 30' HT. X 20' W	
	3	MAGNOLIA GRANDIFLORA 'LITTLE GEM' / LITTLE GEM DWARF SOUTHERN MAGNOLIA	8' HT.	POT	MATURE SIZE: 20' HT. X 12' W	
SHRUBS	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER	SPACING	REMARKS
	12	HESPERALOE PARVIFLORA / RED YUCCA	3 GAL.	POT	36" o.c.	MATURE SIZE: 4' HT. X 3' W
	17	LEUCOPHYLLUM FRUTESCENS 'SILVER CLOUD' / TEXAS RANGER	3 GAL.	POT	48" o.c.	MATURE SIZE: 4' HT. X 4' W
	11	MUHLBERGIA LINDHEIMERI / LINDHEIMER'S MUHLY	5 GAL.	POT	48" o.c.	MATURE SIZE: 3' HT. X 4' W
	10	RHUS VIRENS / EVERGREEN SUMAC	3 GAL.	POT	120" o.c.	MATURE SIZE: 10' HT. X 8' W
	12	ROSA X 'RADRAZZ' / KNOCK OUT® SHRUB ROSE	3 GAL.	POT	42" o.c.	MATURE SIZE: 4' HT. X 4' W
GROUND COVERS	QTY	BOTANICAL / COMMON NAME	SIZE	CONTAINER	REMARKS	
	6,917 SF	CYNODON DACTYLON 'TIF 419' / BERMUDA TIF 419	SOD	SOLID SOD		

NOTE:
 1. CONTRACTOR TO FIELD VERIFY ALL PLANT & MATERIAL QUANTITIES TO MEET INTENT OF DRAWING. PLANT / REFERENCE NOTE SCHEDULE ARE GUIDES FOR PLANNING PURPOSES.



1 LANDSCAPE PLAN
 1" = 20'-0"

SCRUBBIES
 Car Wash

Grand Heritage Blvd & Hwy 78
 Lavon, TX 75166

LANDSCAPE
 PLAN

ISSUE: 03.30.2023
 FOR CONST
 REVISIONS
 CITY COMMENTS 2023-04-25

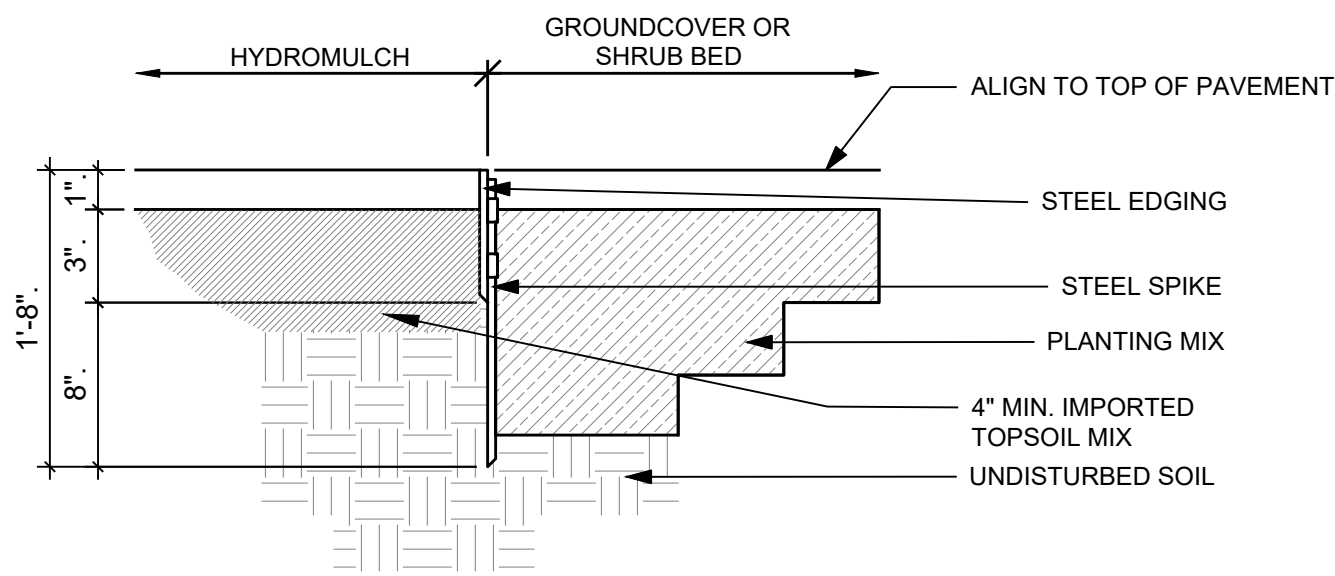


2023.04.25

L-1

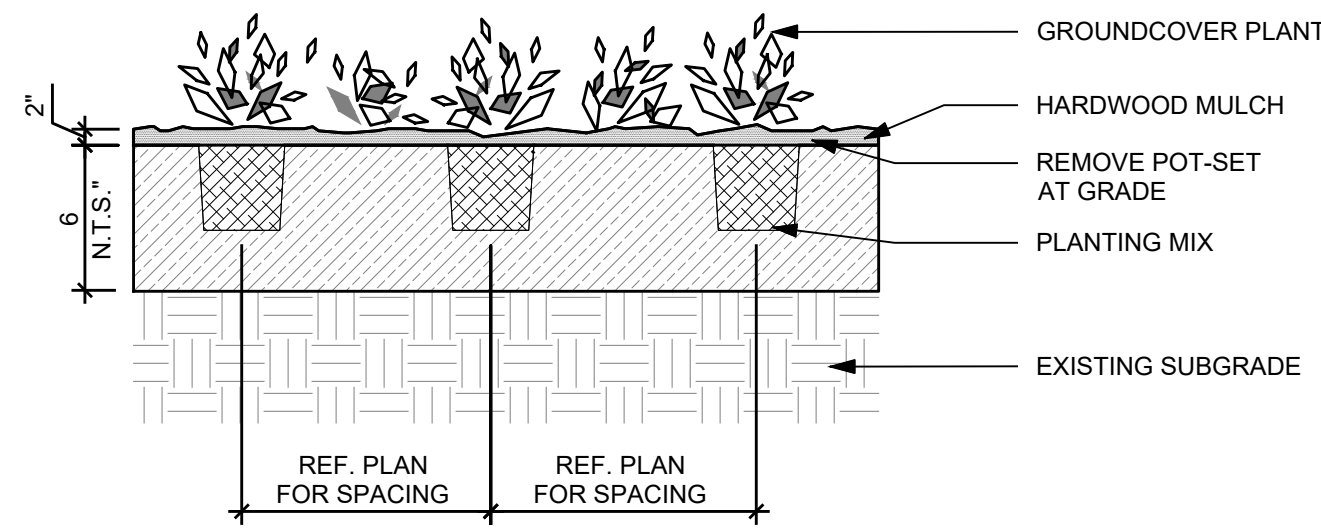


619 N. Grand Avenue Waxahachie,
 TX 75165 1.469.658.9097



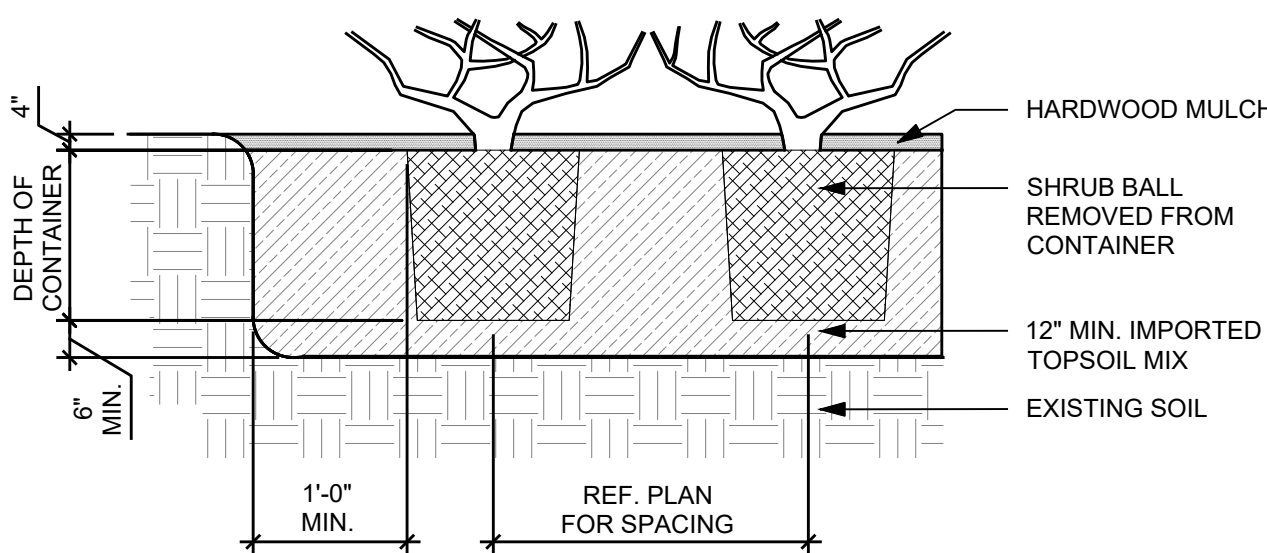
4 METAL EDGING DETAIL

1/2" = 1'-0"



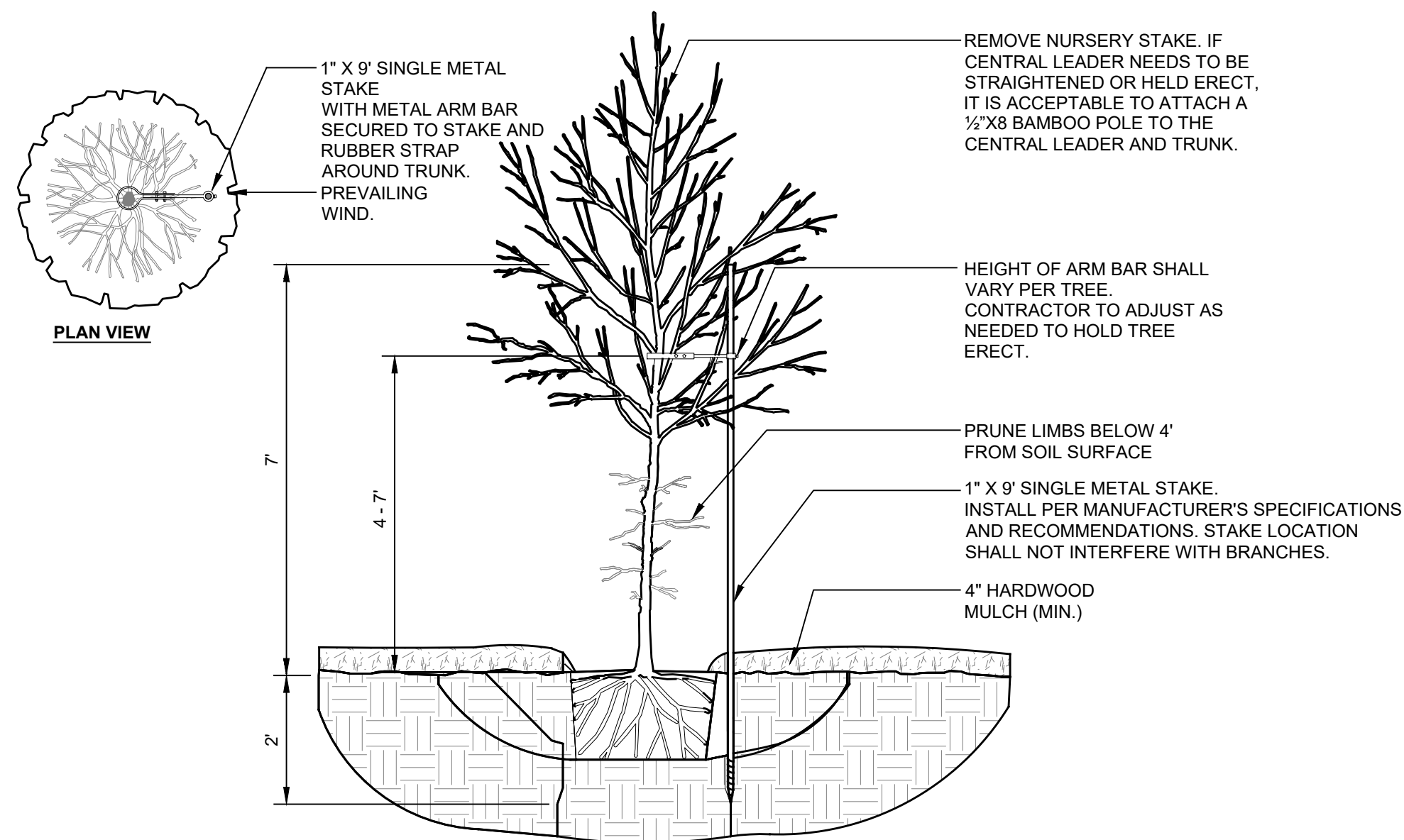
3 GROUNDCOVER DETAIL

1/2" = 1'-0"



2 SHRUB DETAIL

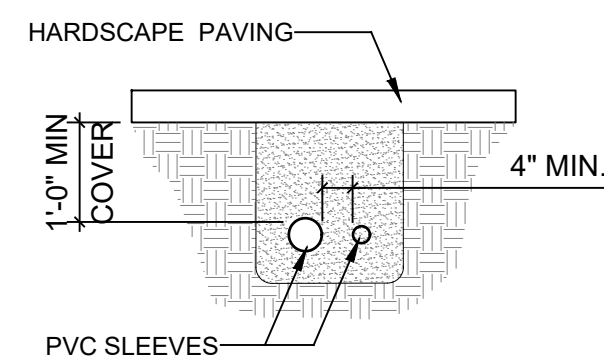
1/2" = 1'-0"



1 TREE DETAIL

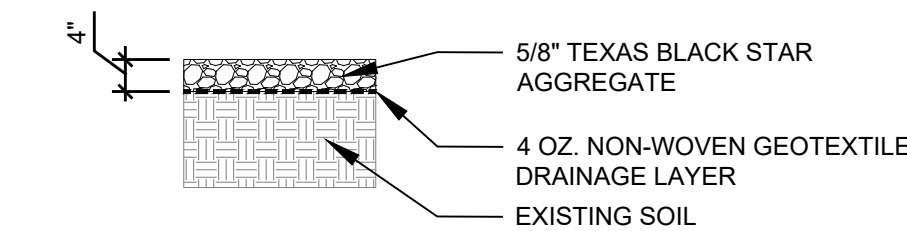
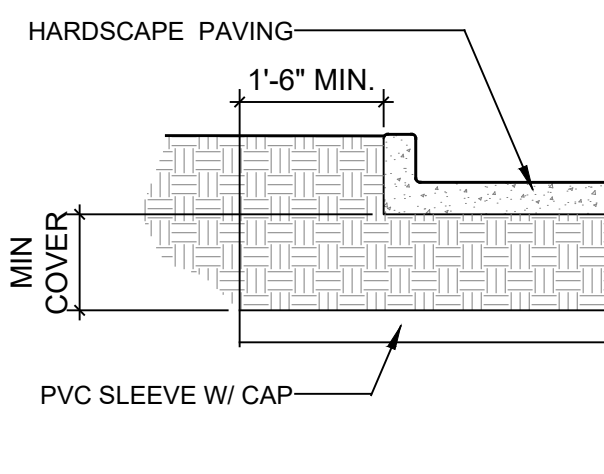
1/2" = 1'-0"

- NOTE:
- 1) TOP SURFACE ELEVATION OF MULCH IS TO BE ABOVE THE FINISH GRADE ELEVATION AND SHOULD NOT BLOCK DRAINAGE.
 - 2) CONTRACTOR SHALL PROVIDE ADDITIONAL METAL STAKES AS REQUIRED TO KEEP TREE UPRIGHT AT NO ADDITIONAL EXPENSE TO CLIENT.



5 SLEEVE DETAIL

1/2" = 1'-0"



NOTE: AGGREGATE SOURCE - OUTDOOR WAREHOUSE (972) 423-4001

6 AGGREGATE DETAIL

N.T.S.

FENCECRETE AMERICA, INC.
manufacturers of precast concrete fencing and masonry wall systems
15089 tradesmen drive san antonio, texas 78249 210-492-7911 800-229-7811 www.fencecrete.com

Wood Style Concrete Fence
6 Foot Vertical Wood Style

Partial Fence Elevation
scale: 1-1/2" = 1'-0"

Caprail Elevation
front view
scale: 3" = 1'-0"

Bottom Beam Elevation
front view
scale: 3" = 1'-0"

Caprail Section
scale: 3" = 1'-0"

Typical Panel Section
scale: 3" = 1'-0"

Bottom Beam Section
scale: 3" = 1'-0"

Running Post Section
scale: 3" = 1'-0"

Notes:

1. The column height is 8'-0". Fence height is 6'-0". This style is currently not available in any other heights.
2. All concrete shall be 5000 p.s.i.
3. All reinforcement shall be A.S.T.M. 615 grade 60. Special reinforcement is available upon special order.
4. Footing - 2 feet deep (min.) footing standard per column, 12" - 18" diameter. Depth and diameter can vary per local soil conditions.
5. Color: Tan / Brown. Any other specific color will be produced upon special order.
6. Texture: All exposed sides have heavy wood-grained texture.
7. Gates: Shall have additional steel supports adjacent to concrete columns.
8. All steel reinforcement is provided with steel spacers so as to allow for maximum concrete coverage.
9. A special silicone sealant is used to lock the caprail in place. This sealant requires special tools for removal.

We reserve the right to alter the design or specifications without incurring any obligation, all rights reserved.
Fencecrete America, Inc.

7 6' TALL MASONRY WALL

NOT TO SCALE

1. CONTRACTOR TO CONSTRUCT MASONRY WALL PER MANUFACTORY'S INSTRUCTIONS.
2. FENCE TO BE CONSTRUCT FENCE 2' SOUTH OF NORTHERN PERIMETER OF PARCEL.

SCRUBBIES
Car Wash

Grand Heritage Blvd & Hwy 78
Lavon, TX 75166

LANDSCAPE
DETAILS

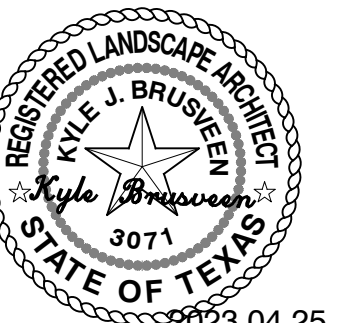
ISSUE: 03.30.2023

FOR CONST

REVISIONS

CITY COMMENTS 2023-04-25

Registered Landscape Architect
Kyle Bruvosen
3071



2023.04.25

L-2



619 N. Grand Avenue Waxahachie,
TX 75165 1.469.658.9097



3D AERIAL FROM HWY 78

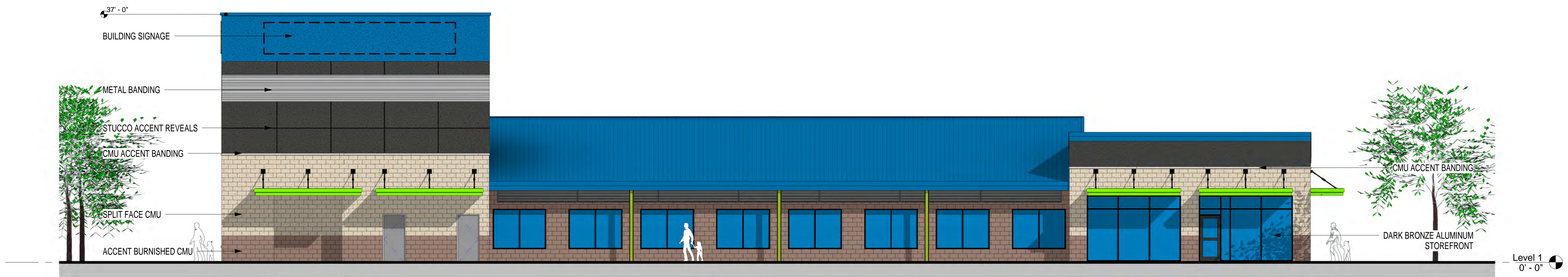
04.25.2023

A301



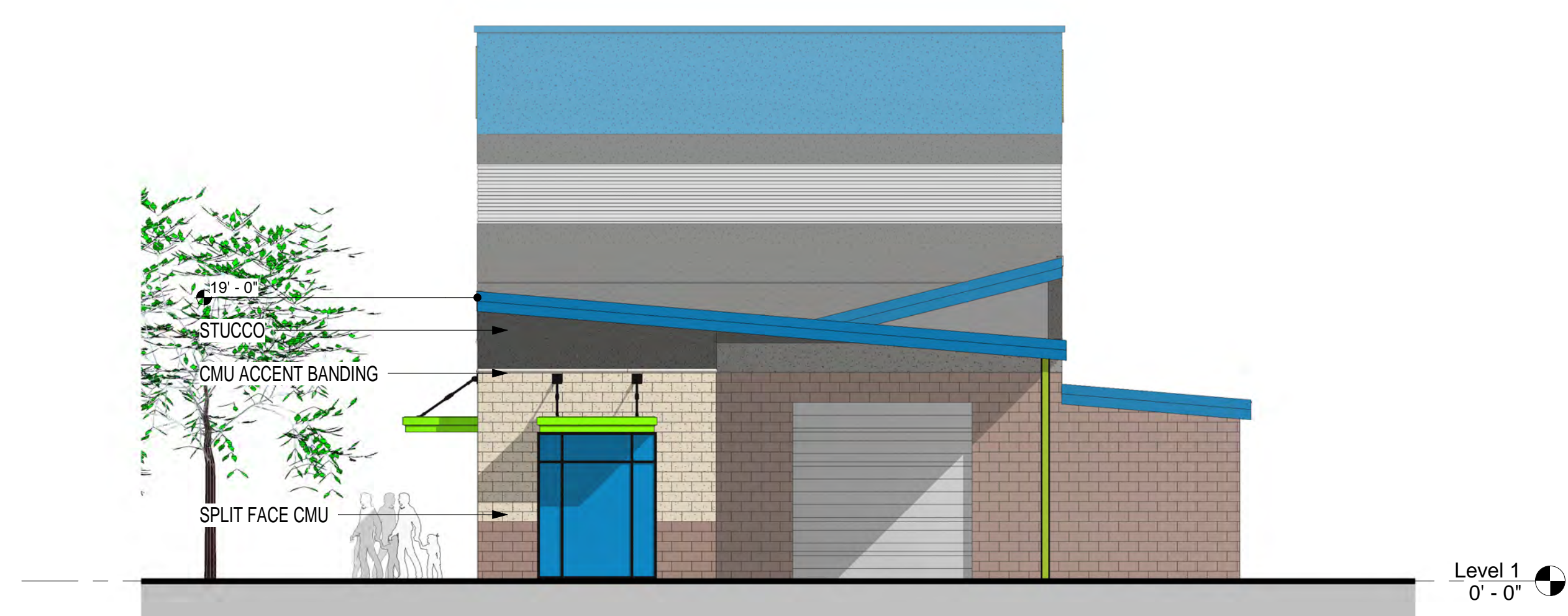
ARCHITECTURE

619 N. Grand Ave. Waxahachie, TX 75165
1.469.658.9097

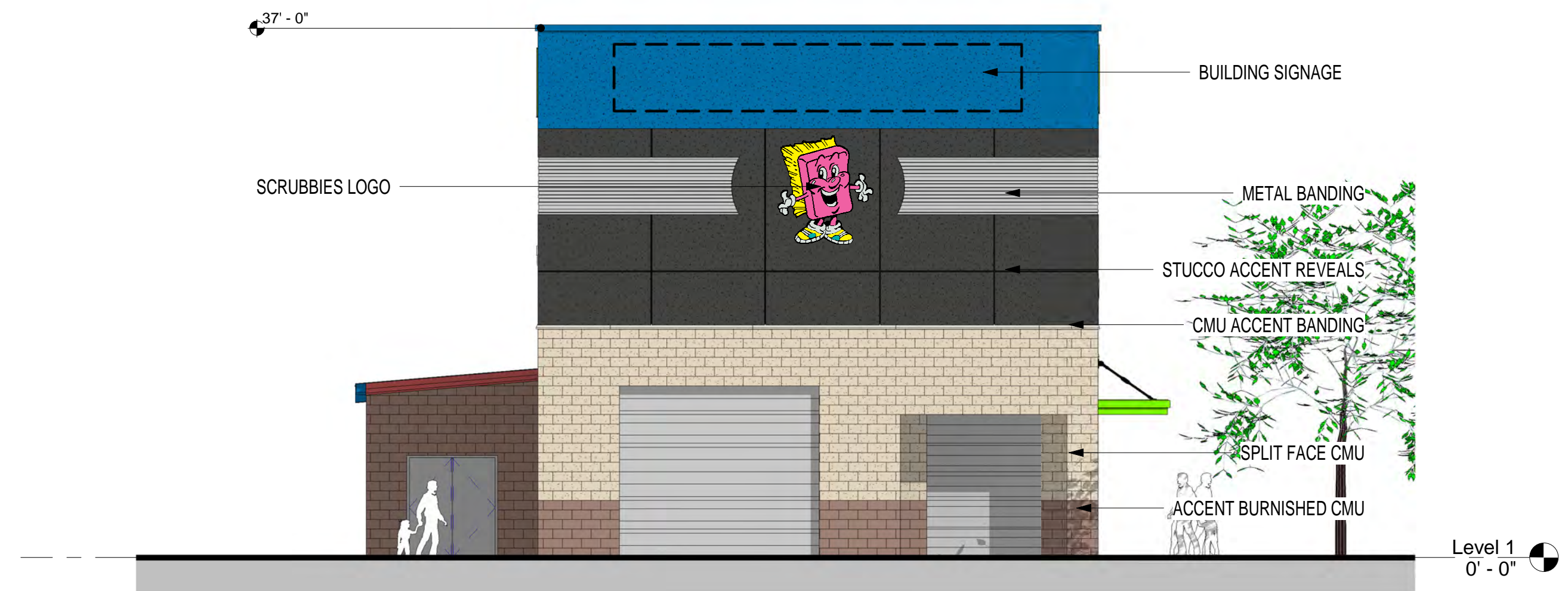


① EAST ELEVATION
1/8" = 1'-0"

SCRUBBIES
Car Wash
701 S SH 78
Lavon, TX 75166

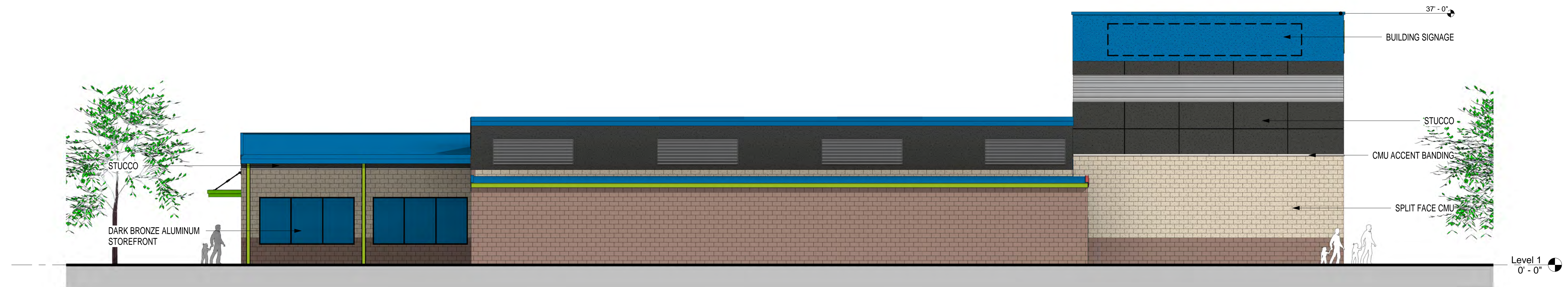


② NORTH ELEVATION
1/8" = 1'-0"



③ SOUTH ELEVATION
1/8" = 1'-0"

ISSUE: 04.25.2023
FOR REVIEW
REVISIONS

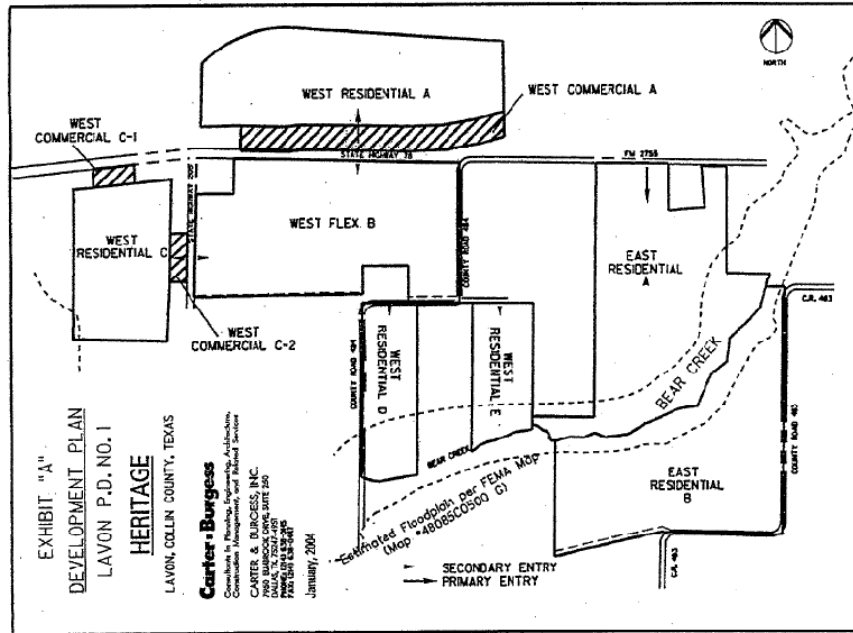


④ WEST ELEVATION
1/8" = 1'-0"



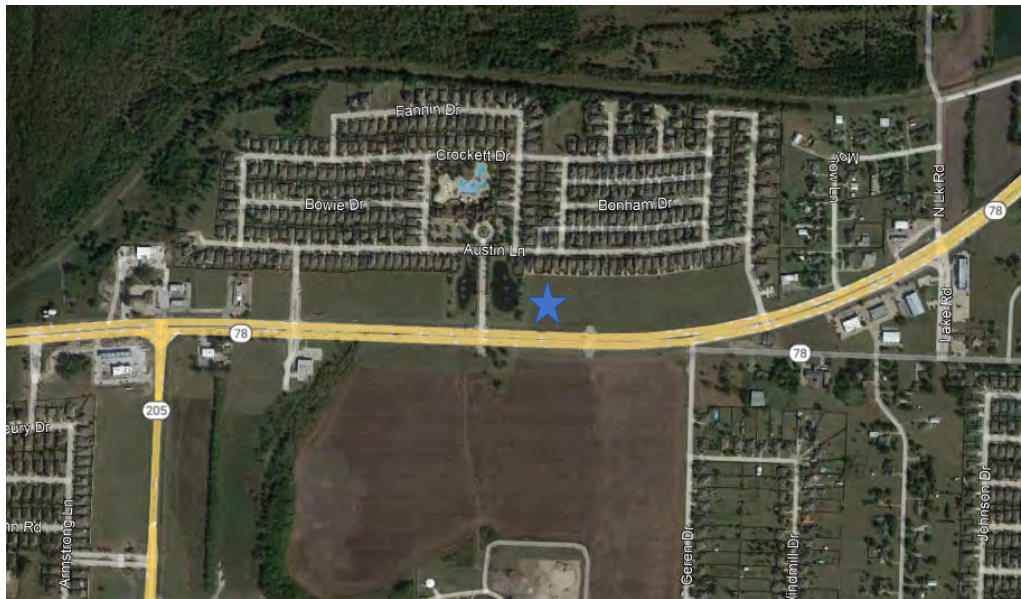
619 N. Grand Avenue Waxahachie,
TX 75165 1.469.658.9097

Grand Heritage PD Development Plan



32

Scrubbies Carwash Location Exhibit



33

April 25, 2023

Re: 78 Commercial East Addition (Scrubbies) - 1 Lot, 8.64
Acres Preliminary Plat, Site Plan & Landscape Plan
Review

General

1. The development consists of 1 lot. Based upon the preliminary plans, only a portion of the Lot is to be developed at this time. If this is to be Final Platted as a separate lot, it will not conform to this Preliminary Plat. **See updated preliminary plat submitted.**
2. The property is zoned Planned Development – Commercial, PD-C (Ordinance 2004-09- 05). **Noted. The site plan will be updated to reflect this change.**
3. Water service is by BCSUD. **Acknowledged and we have started the conversation with BCSUD.**
4. Wastewater service will be provided by the City of Lavon. The development will flow to the Bear Creek WWTP. **Noted.**
5. Per the projected wastewater discharge calculations, this facility is anticipated to serve 500 vehicles per day. The discharge to the City’s sewer system amounts to 27.98 gallons per car or 13,990 gallons per day. This is equivalent to 62 residential units.

PRELIMINARY PLAT

6. There are different sections utilizing “East” and “West” in refence to the Developer’s name. This should be corrected. **See updated preliminary plat submitted.**
7. Since this is 1 lot, it is not clear as to the two internal lines on the Plat. **See updated preliminary plat submitted.**
8. The BCSUD signature is not required for a Preliminary Plat. **See updated preliminary plat submitted.**

SITE PLAN

9. The Governing PD requires a minimum of 95 percent masonry on each wall, excluding windows, doors, and other normal openings. Please provide information and/or illustrations for consideration. **See submitted building elevations and 3D image.**

10. Revise the site plan's data table to indicate the exact height of the three structures (main facility & 2 storage sheds) (max. four stories). **37 feet tall for main building and 8ft tall for each of the vacuum shed and dumpster enclosure.**
11. Revise the site plan's data table to indicate the proposed Floor Area Ratio of each structure (max. 2:1). **Acknowledge and will comply.**
12. Clearly label the existing sidewalk along SH 78. **Noted.**
13. Revise the plans to provide the dumpster behind the front facade of the building. In addition, the dumpster location shown appears to cause a conflict between the car wash traffic and the garbage truck. **Noted. We prefer this location but are open to suggestions. The shop will have employees while in operation and they will control traffic if dumpster service is to arrive during open hours.**
14. The pavement and parking areas located within the waterline easement will require approval from BCSUD. **Noted.**
15. An easement will be required for the access road. This must be a non-exclusive access easement. **Noted.**
16. The Fire Marshal shall verify acceptability of extents of Fire Lane. **Agree.**
17. General Note #7 should be "City", not "Town". **Noted. Site plan will be updated to comply.**

UTILITY PLAN

18. Sanitary sewer service will be utilizing the existing 8" sewer along the rear of the lot. A new manhole is to be installed at the connection point. **Noted. Utility plan will be updated accordingly.**

DRAINAGE PLAN

19. The drainage calculations show an increase in flow to the SH 78 storm sewer system. An increase in discharge to the SH 78 system will require a TxDOT permit. If no capacity is available, then detention may be required. **Per TxDOT record drawings, TxDOT roadside drainage system grate inlet calculated for a total of 10.35 cfs at 5 year event. Our proposed drainage is 5.5 cfs for 5 year event. TxDOT used a 0.70 coefficient for our proposed site.**
20. DA 1 appears to have 2 discharge points. Engineer should consider 2 subbasins or similar. **Acknowledged. Drainage maps will be updated as requested.**

LANDSCAPE PLAN

21. Trees should not be located within the sanitary sewer easement in the rear of the project. Shrubs or similar may be considered to minimize possible root intrusion and clearance for maintenance operations. However, plantings within the easement conflicts with the Owner's Dedication on the Plat. **Trees will be removed from the sanitary easement and replaced with smaller plantings.**
22. Landscaping within the existing waterline easement will require BCSUD approval. **Noted.**
23. Please provide an Irrigation Plan that identifies the layout of irrigation, sprinkler, and water systems, including water source on the subject property. **Irrigation Plan to be submitted as requested.**
24. Revise the landscape plan's plant schedule to include both the size at time of planting and the size at maturity of each proposed planting. **Noted. Landscape plan will be updated as requested.**
25. Revise the landscape plan's plant schedule to include both the size at time of planting and the size at maturity of each proposed planting. **Noted. Landscape plan will be updated as requested.**
26. Revise the plans to include trees and associated landscape islands at the terminus of each parking row (incl. north side of both parking rows). **Noted. There may be conflict with the vacuum shed and or dumpster, if required to be relocated. We request that one or two islands go without a tree and those trees be planted at another location on this site.**

April 19, 2023

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

Re: 78 Commercial East Addition (Scrubbies) - 1 Lot, 8.64 Acres
Preliminary Plat, Site Plan & Landscape Plan Review

Dear Ms. Dobbs:

As requested, we have reviewed the Preliminary Plat dated April 11, 2023, as prepared by Eagle Surveying, and Preliminary Civil Plans dated April 3, 2023 as prepared by Salient Engineering Solutions, LLC, for the above referenced property. The property is located east of the northeast corner of Grand Heritage Drive and SH 78. Our comments, along with comments from Peloton Land Solutions, are as follows:

General

1. The development consists of 1 lot. Based upon the preliminary plans, only a portion of the Lot is to be developed at this time. If this is to be Final Platted as a separate lot, it will not conform to this Preliminary Plat.
2. The property is zoned Planned Development – Commercial, PD-C (Ordinance 2004-09-05).
3. Water service is by BCSUD.
4. Wastewater service will be provided by the City of Lavon. The development will flow to the Bear Creek WWTP.
5. Per the projected wastewater discharge calculations, this facility is anticipated to serve 500 vehicles per day. The discharge to the City's sewer system amounts to 27.98 gallons per car or 13,990 gallons per day. This is equivalent to 62 residential units.

PRELIMINARY PLAT

6. There are different sections utilizing "East" and "West" in reference to the Developer's name. This should be corrected.
7. Since this is 1 lot, it is not clear as to the two internal lines on the Plat.
8. The BCSUD signature is not required for a Preliminary Plat.

SITE PLAN

9. The Governing PD requires a minimum of 95 percent masonry on each wall, excluding windows, doors, and other normal openings. Please provide information and/or illustrations for consideration.

10. Revise the site plan's data table to indicate the exact height of the three structures (main facility & 2 storage sheds) (max. four stories).
11. Revise the site plan's data table to indicate the proposed Floor Area Ratio of each structure (max. 2:1).
12. Clearly label the existing sidewalk along SH 78.
13. Revise the plans to provide the dumpster behind the front facade of the building. In addition, the dumpster location shown appears to cause a conflict between the car wash traffic and the garbage truck.
14. The pavement and parking areas located within the waterline easement will require approval from BCSUD.
15. An easement will be required for the access road. This must be a non-exclusive access easement.
16. The Fire Marshal shall verify acceptability of extents of Fire Lane.
17. General Note #7 should be "City", not "Town".

UTILITY PLAN

18. Sanitary sewer service will be utilizing the existing 8" sewer along the rear of the lot. A new manhole is to be installed at the connection point.

DRAINAGE PLAN

19. The drainage calculations show an increase in flow to the SH 78 storm sewer system. An increase in discharge to the SH 78 system will require a TxDOT permit. If no capacity is available, then detention may be required.
20. DA 1 appears to have 2 discharge points. Engineer should consider 2 subbasins or similar.

LANDSCAPE PLAN

21. Trees should not be located within the sanitary sewer easement in the rear of the project. Shrubs or similar may be considered to minimize possible root intrusion and clearance for maintenance operations. However, plantings within the easement conflicts with the Owner's Dedication on the Plat.
22. Landscaping within the existing waterline easement will require BCSUD approval.
23. Please provide an Irrigation Plan that identifies the layout of irrigation, sprinkler, and water systems, including water source on the subject property.
24. Revise the landscape plan's plant schedule to include both the size at time of planting and the size at maturity of each proposed planting.
25. Revise the landscape plan to include a note regarding maintenance of all landscape areas is the responsibility of the Property Owner.

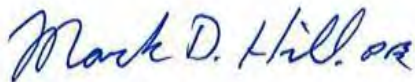
26. Revise the plans to include trees and associated landscape islands at the terminus of each parking row (incl. north side of both parking rows).

This concludes our review of the above referenced Preliminary Plat, Site Plan and Landscape Plan. A copy of sheets with markups is attached for your convenience.

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

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

Sincerely,
FREEMAN-MILLICAN, INC.

A handwritten signature in blue ink that reads "Mark D. Hill, P.E." with a stylized flourish at the end.

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

Attachments

Cc: David Carter, Mike Jones, Danny Anthony

F:\17024 - LAV General Servies\9 - Review\Scrubbies (78 Commercial East)\78 Commercial East Addition (Scrubbies) - Preliminary Plat - Rev 0.docx



CITY OF LAVON

Agenda Brief

MEETING: May 2, 2023

ITEM: 7 – E

Item:

Discussion and action regarding an application for the preliminary plat of the 78 Commercial East Addition consisting of two commercial lots on 8.64 acres out of the William H. Moore Survey, A-638 in the vicinity of 701 S. SH 78, northeast of the intersection of SH 78 and Grand Heritage Boulevard, City of Lavon, Collin County, Texas, (CCAD Parcel ID 2614649).

Application Information

- Owner(s):** 78 Commercial West, LP
- Applicant:** Eagle Surveying
- Location:** 701 S. SH 78, northeast of the intersection of SH 78 and Grand Heritage Boulevard, Lavon, Collin County, TX;
- Description:** Approximately 8.64 acres out of the William H. Moore Survey, A-638, City of Lavon, Collin County, Texas, (CCAD Parcel ID 2614649)
- Current Zoning:** Planned Development
- Request:** Preliminary Plat

Request Details

The applicant is seeking approval of the preliminary plat of a commercially zoned area in the vicinity of 701 S. SH 78. The site will be developed in accordance with Ordinance No. 2004-09-05 that established the Grand Heritage Planned Development (PD), as amended.

Code Excerpts:

TEXAS LOCAL GOVERNMENT CODE
§ 212.004. PLAT REQUIRED

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

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

The property is zoned Planned Development (PD). The preliminary plat is prepared in conformance with the zoning requirements and the Future Land Use Plan.

Water

The development is located within the certificated areas of the Bear Creek Special Utility District (SUD). A conceptual water plan has been submitted and reviewed.

Sewer

The development will be served by the City of Lavon.

Roads

No roads are proposed for construction within the project. Access is from a cross access easement connecting to SH 78.

Parks and Trails

The site will contain appropriate pedestrian connections.

Floodplain and Drainage

The conceptual drainage plans have been reviewed by the city engineer.

The application and plans generally satisfy the criteria for approval. The applicant is working with the City planning team to resolve any outstanding questions.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF AN APPLICATION FOR THE PRELIMINARY PLAT OF THE 78 COMMERCIAL EAST ADDITION CONSISTING OF TWO COMMERCIAL LOTS ON 8.64 ACRES OUT OF THE WILLIAM H. MOORE SURVEY, A-638 IN THE VICINITY OF 701 S. SH 78, NORTHEAST OF THE INTERSECTION OF SH 78 AND GRAND HERITAGE BOULEVARD, CITY OF LAVON, COLLIN COUNTY, TEXAS SUBJECT TO THE CITY ENGINEERS APPROVAL.

MOTION MADE: NABORS
SECONDED: COX
APPROVED: UNANIMOUS (Absent: Tiegs)

Staff Notes:

The proposed site plan was reviewed by the city engineer, planning consultant, and staff development review committee (DRC).

Approval of the preliminary plat is recommended subject to the city engineer's approval.

- Attachments:**
1. Application and preliminary plat
 2. Location Exhibits
 3. Engineer correspondence – provided with the previous item



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>Eagle Surveying, LLC</u>			Name: <u>7801 Commercial West, LP</u>		
Address: <u>222 S. Elm Street, Suite 200</u>			Address: <u>1601 Elm Street</u>		
City/State/Zip: <u>Denton, TX 76201</u>			City/State/Zip: <u>Dallas, TX 75201</u>		
Phone #: <u>940-222-3009</u>		Fax #: _____	Phone # _____		Fax # _____
Authorized Person: _____			Authorized Person: _____		
Type of Submission			Check List of Items Submitted		
<input checked="" type="checkbox"/> Preliminary Plat			<input type="checkbox"/> (two) full size sets of plats (24x36)		
<input type="checkbox"/> Final Plat			<input type="checkbox"/> (two) full size construction sets (24x36)		
<input type="checkbox"/> Re-Submittal			<input type="checkbox"/> (one) half size sets of plats (11x17)		
<input type="checkbox"/> Construction Plans			<input type="checkbox"/> (ten) half size sets of plats with final submission (11x17)		
<input type="checkbox"/> Other			<input type="checkbox"/> (one) PDF plats (on separate CD's)		
			<input type="checkbox"/> (one) PDF construction plans (can be included on plat CD)		
Pricing					
Preliminary Plat: C* D*		Per Fee Schedule			
Final Plat: C* D*		Per Fee Schedule			
Re-Plat: C* D*		Per Fee Schedule			
Public Infrastructure Inspection		Per Fee Schedule			
C* Costs shall include the actual costs to the City plus a 10 percent administrative fee. These fees shall be in addition to the permit fee required.					
D* To complete the plat please sign up as a collaborator in the MyGov system https://public.mygov.us/lavon_tx request access to the City of Lavon. Make a new request for the plat and download these forms along with plans.					
NOTICE TO APPLICANT: Any approval will be issued based on the information furnished in this application and on any submitted plats. It is subject to the provisions and requirements of the City of Lavon Code of Ordinances and any other applicable ordinances of the City, regardless of information and/or plans submitted.					
Authorized Representative (Printed Name) <u>Keith Sewell</u>		Authorized Representative (Signature) <u>Keith Sewell</u>			Date: <u>3-15-2023</u>
To be completed by the City					
In Takers Name:					
In takers Review Date:	PW Review Date:	COO Review Date:	Engineer Review Date:	P&Z Review Date:	Council Action Date:
<input type="checkbox"/> Accepted <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected
Comments:					



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: 3-15-2023

To the City of Lavon
Collin County, Texas

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

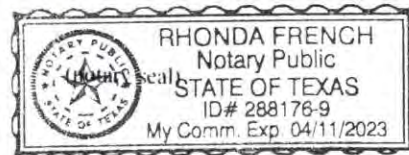
[Signature]
Signature (Owner)

Signature (Owner)

Signature (Owner)

The State of Texas
County of Camp

Before me, the undersigned authority, appeared _____,
on this the 15th day of MARCH, 2023.



[Signature]
Notary Public in and for Camp 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: 3-15-2023

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Top Wash Group have a contract, 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.

Keith Sewell

Signature (Owner)

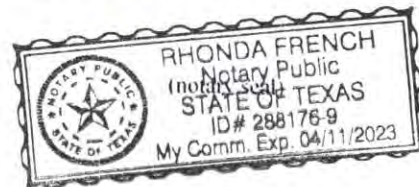
Signature (Owner)

Signature (Owner)

The State of Texas

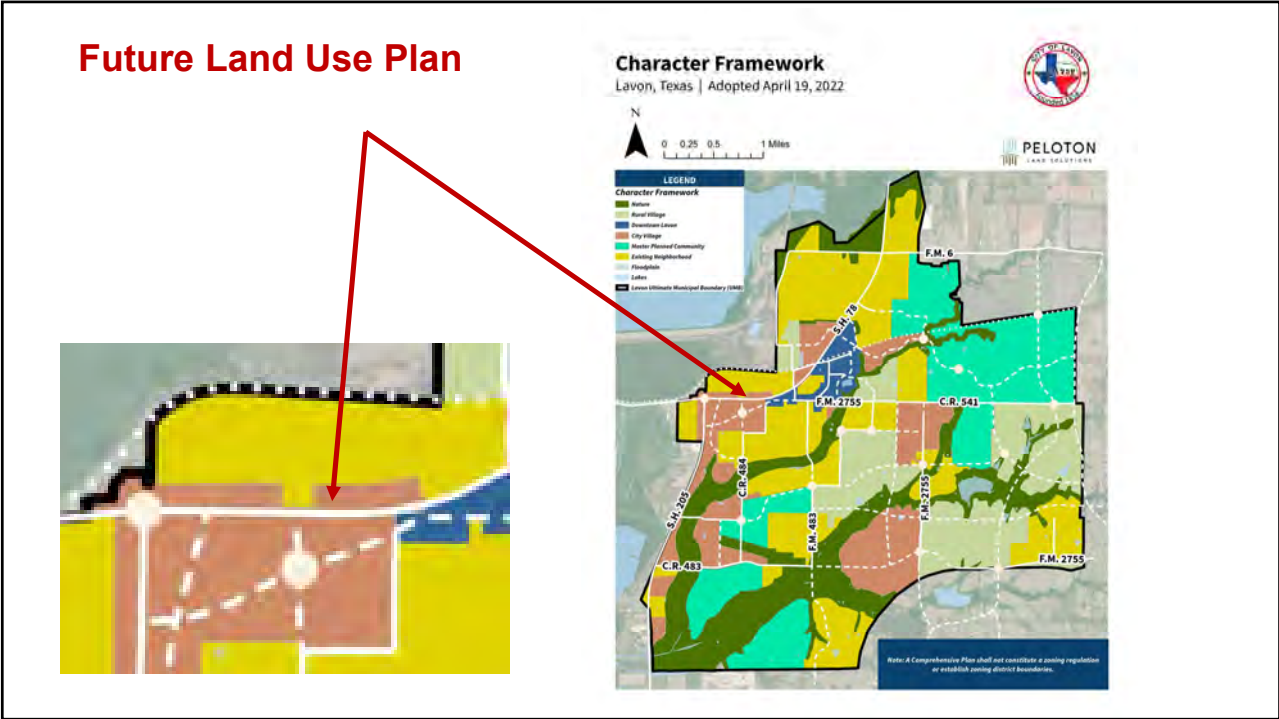
County of Camp

Before me, the undersigned authority, appeared Keith Sewell,
on this the 15th day of MARCH, 2023

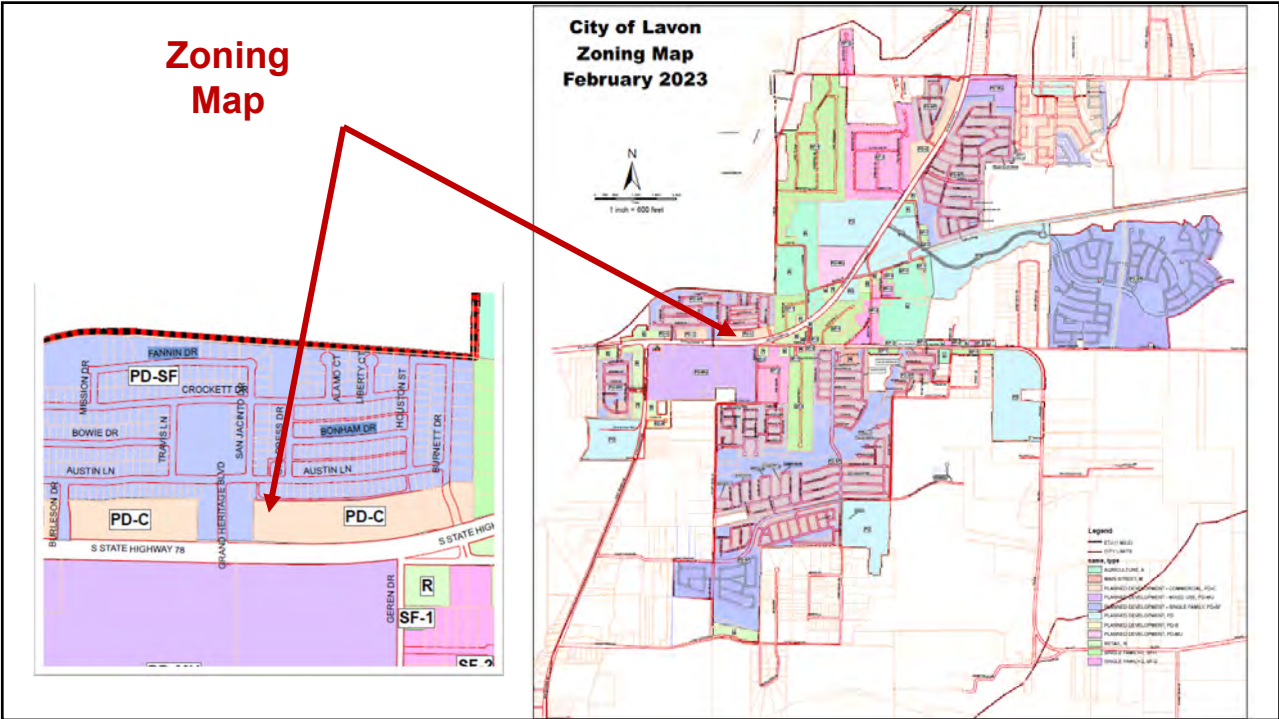


Rhonda French

Notary Public in and for Camp County, Texas



30



31

OWNER'S CERTIFICATE

STATE OF TEXAS §
 COUNTY OF COLLIN §

WHEREAS 78 COMMERCIAL EAST, LP is the owner of an 8.64 acre tract of land out of the William H. Moore Survey, Abstract No. 638, situated in the City of Lavon, Collin County, Texas, and being all of a called 8.636 acre tract of land conveyed to 78 Commercial East, LP by deed of record in Document Number 2008112001321980 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING, at a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the North right-of-way line of State Highway 78 (120-foot right-of-way), being the Southwest corner of Commercial Tract No. 1, Block J of Grand Heritage Club, a subdivision of record in Volume 2006, Page 211 of the Plat Records of Collin County, Texas, and being the Southeast corner of said 8.636 acre tract, from which an aluminum TxDOT monument found bears N80°29'23"E, a distance of 64.89 feet;

THENCE, along the North right-of-way line of State Highway 78, being the common South line of said 8.636 acre tract, the following three (3) courses and distances:

- S80°29'23"W, a distance of 420.87 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set;
- S87°55'40"W, a distance of 453.37 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set;
- N88°49'40"W, a distance of 408.32 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Southeast corner of Lot 1, Block R of said Grand Heritage Club, being the Southwest corner of said 8.636 acre tract;

THENCE, N00°42'58"E, leaving the North right-of-way line of State Highway 78, along the East line of said Lot 1, being the common West line of said 8.636 acre tract, a distance of 299.99 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the South line of Lot 1, Block J of said Grand Heritage Club, being an exterior ell corner in the West line of said Lot 1, Block R, and being the Northwest corner of said 8.636 acre tract;

THENCE, along the North line of said 8.636 acre tract, being in part, the common South line of said Lot 1, Block J, in part, the common South right-of-way line of Alley J (15-foot wide alley of record in said Grand Heritage Club), in part, the common South line of Lot 23 of said Block J, and in part, the common South line of Lot 24 of said Block J, the following five (5) courses and distances:

- S88°49'40"E, a distance of 400.53 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the beginning of a tangent curve to the left;
- Along said tangent curve to the left, having a radius of 250.00 feet, a chord bearing of N89°33'00"E, a chord length of 14.15 feet, a delta angle of 03°14'40", an arc length of 14.16 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the end of said curve;
- N87°55'40"E, a distance of 402.04 feet to a 5/8 inch iron rod with yellow plastic cap stamped "CARTER & BURGESS" found at the beginning of a tangent curve to the left;
- Along said tangent curve to the left, having a radius of 250.00 feet, a chord bearing of N84°12'32"E, a chord length of 32.43 feet, a delta angle of 07°26'16", an arc length of 32.45 feet to a 5/8 inch iron rod with yellow plastic cap stamped "CARTER & BURGESS" found at the end of said curve;
- N80°29'23"E, passing at a distance of 291.50 feet a 5/8 inch iron rod with yellow plastic cap stamped "CARTER & BURGESS" found at the common South corner of said Alley J and said Lot 23, and continuing a total distance of 379.81 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Northwest corner of said Commercial Tract No. 1, being the Northeast corner of said 8.636 acre tract, from which a 5/8 inch iron rod with yellow plastic cap stamped "CARTER & BURGESS" found bears N80°29'23"E, a distance of 53.80 feet;

THENCE, S09°30'37"E, along the West line of said Commercial Tract No. 1, being the common East line of said 8.636 acre tract, a distance of 298.98 feet to the **POINT OF BEGINNING**, and containing an area of 8.64 acres (376,181 square feet) of land, more or less.

OWNER'S DEDICATION

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT, 78 COMMERCIAL EAST, LP, do hereby adopt this Preliminary plat, designating herein described property as 78 COMMERCIAL EAST ADDITION, LOT 1X, LOT 1 & 2, BLOCK A, an addition to the City of Lavon, Collin County, Texas, and does hereby dedicate in fee simple to the public use forever, the streets and alleys shown thereon. The streets and alleys 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 other improvements or growths shall be constructed in any Easements. 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 particular utilities, said use by public utilities being subordinate to the Public's and City of Lavon's use thereof. The City of Lavon and public utility entities shall have the right to remove and keep removed improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Lavon and public utility entities shall at all times have full right for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone. This Minor plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Lavon, Texas.

WITNESS, my hand, this _____ day of _____, 2023.

OWNER: 78 COMMERCIAL EAST, LP

BY: _____
 Signature

BY: _____
 Printed Name / Title

STATE OF TEXAS §
 COUNTY OF _____ §

BEFORE ME, the undersigned authority, 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 for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this _____ day of _____, 2023.

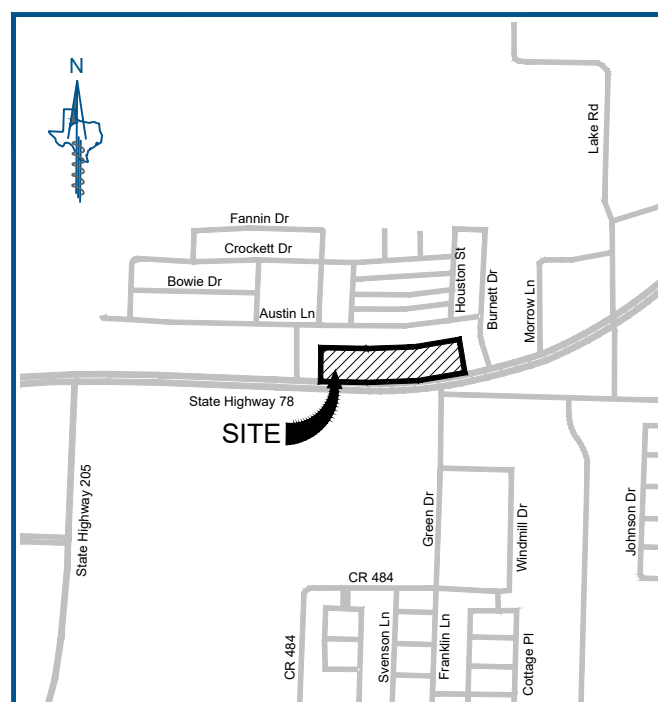
Notary Public in and for the State of Texas

PRELIMINARY PLAT
78 COMMERCIAL EAST ADDITION
 LOT 1X, LOT 1 & 2, BLOCK A

8.64 ACRES

BEING ALL OF A CALLED 8.636 ACRE TRACT
 OF LAND RECORDED IN
 DOCUMENT NUMBER 2008112001321980, O.P.R.C.C.T.
 SITUATED IN THE
 WILLIAM H. MOORE SURVEY, ABSTRACT NO. 638
 CITY OF LAVON, COLLIN COUNTY, TEXAS

VICINITY MAP
 NOT TO SCALE



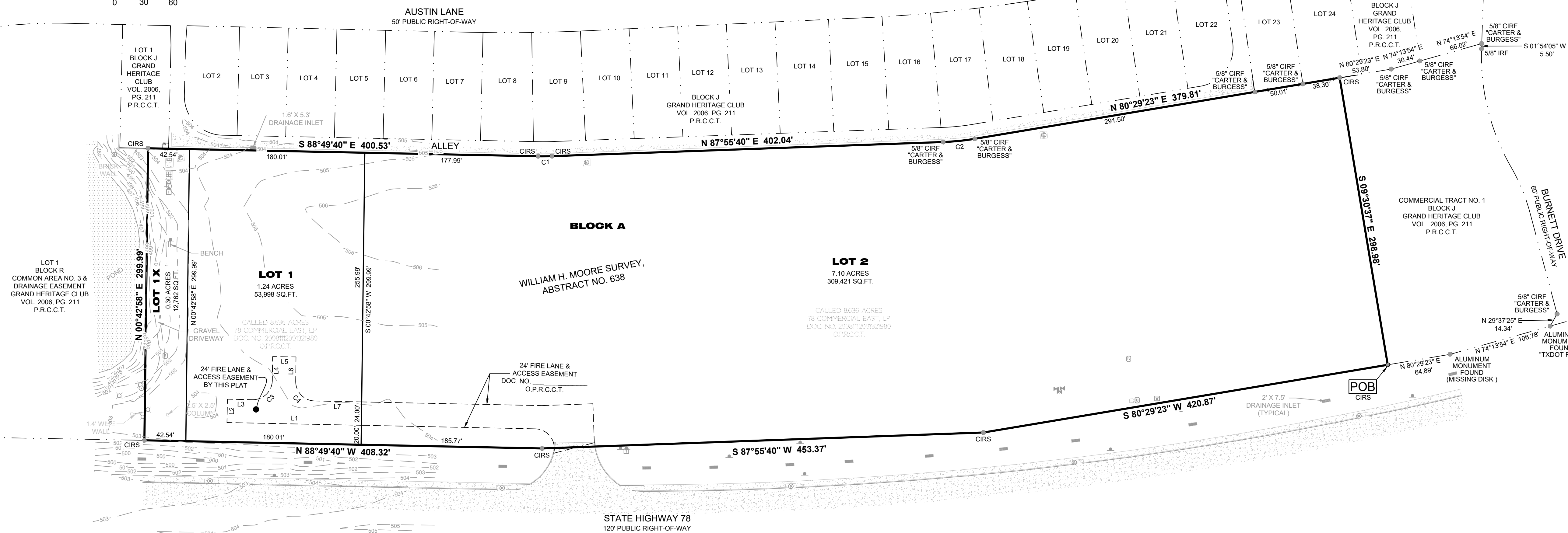
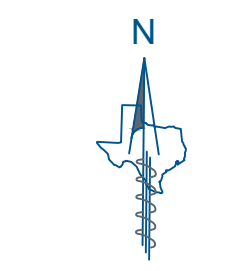
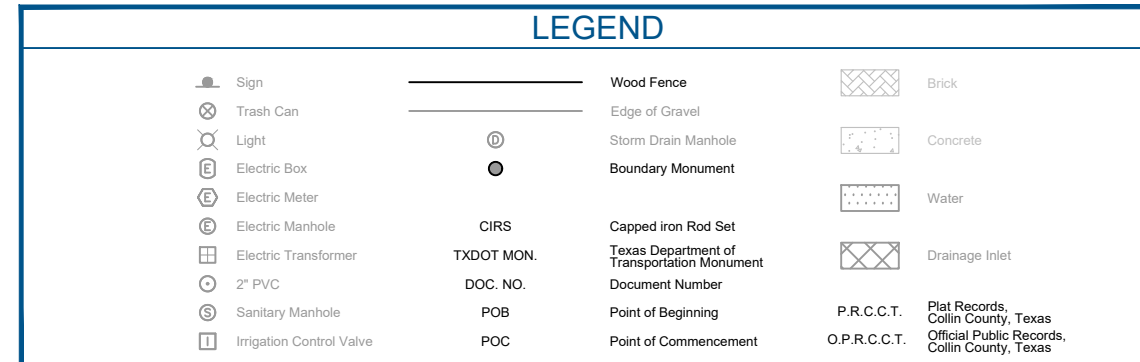
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	14.16'	250.00'	3°14'40"	N 89°33'00" E	14.15'
C2	32.45'	250.00'	7°26'16"	N 84°12'32" E	32.43'
C3	31.58'	20.00'	90°27'22"	N 45°56'39" E	28.40'
C4	31.26'	20.00'	89°32'38"	S 44°03'21" E	28.17'

LINE	BEARING	DISTANCE
L1	N 88°49'40" W	138.00'
L2	N 01°10'20" E	24.00'
L3	S 88°49'40" E	25.65'
L4	N 00°42'58" E	24.50'
L5	S 89°17'02" E	24.00'
L6	S 00°42'58" W	25.01'
L7	S 88°49'40" E	48.16'

GENERAL NOTES

- The purpose of this plat is to create three (3) lots of record from an unplatted tract of land and to dedicate easements for site development.
- This property is located in Non-Shaded Zone "X" as scaled from the F.E.M.A. Flood Insurance Rate Map dated June 02, 2009 and is located in Community Number 481313 as shown on Map Number 48085C0440J.
- The bearings and grid coordinates shown on this plat are based on GPS observations utilizing the AITerra RTK Network - North American Datum of 1983 (Adjustment Realization 2011).
- 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/or withholding of utilities and building permits.
- All interior property corners are marked with a 1/2-inch iron rod with a green plastic cap stamped "EAGLE SURVEYING" unless noted otherwise.

LEGEND



CERTIFICATE OF SURVEYOR

STATE OF TEXAS §
 COUNTY OF DENTON §

I, **MATTHEW RAABE**, Registered Professional Land Surveyor, do hereby certify that this plat was prepared from an actual survey made on the ground and that the monuments shown hereon were found or placed with 1/2-inch iron rods with green plastic caps stamped "EAGLE SURVEYING" under my direction and supervision in accordance with the current provisions of the Texas Administrative Code and the Ordinances of the City of Lavon, Collin County, Texas.

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

Matthew Raabe, R.P.L.S. #6402 _____ Date _____

STATE OF TEXAS §
 COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared **MATTHEW RAABE**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this _____ day of _____, 2023.

Notary Public in and for the State of Texas

CERTIFICATE OF APPROVAL

Preliminary Plat for Review Purposes Only

Recommended for Approval: _____ Date: _____
 Chairman, Planning and Zoning Commission

Approved for preparation of Final Plat: _____ Date: _____
 Mayor, City of Lavon, Texas

SURVEYOR
 Eagle Surveying, LLC
 Contact: Brad Eubank
 222 S. Elm Street, Suite 200
 Denton, TX 76201
 (940) 222-3009

OWNER
 78 Commercial East, LP
 1601 Elm Street
 Dallas, TX 75201

Eagle Surveying, LLC
 222 South Elm Street
 Suite 200
 Denton, TX 76201
 940.222.3009
 www.eaglesurveying.com
 TX Firm # 10194177



JOB NUMBER	2211.016-05
DATE	04/24/2023
REVISION	-
DRAWN BY	EN



CITY OF LAVON Agenda Brief

MEETING: May 2, 2023

ITEM: 7 - F

Item:

Discussion and action regarding the final plat of the Hillstead Subdivision Phase 1, consisting of 281 residential structures on 69.92 acres of land, being part of a 291.141-acre tract situated in the William Howard Survey, A-370, southwest of the intersection of CR 483 and CR 484, in the extraterritorial jurisdiction of the City of Lavon, Collin County, TX (CCAD Property ID 2874750), requested by Southland Consulting Engineers.

Application Information

Owner(s): Hillstead Land LLC
Applicant: Southland Consulting Engineers, Inc.
Location: Southwest of the intersection of CR 484 and CR 483 in the extraterritorial jurisdiction (ETJ).
Description: 69.92 acres of land, being part of a 291.141-acre tract situated in the William Howard Survey, A-370, Collin County, TX, a part of Collin County MUD No. 5, Collin County, TX. (CCAD Property ID 2874750)
Current Zoning: No zoning applies in the ETJ
Request: Final Plat

Request Details

The applicant is seeking approval of a final plat for Phase 1 of the Hillstead Addition, a residential development located south of CR 483 and the City of Lavon. Phase 1 consists of 281 residential lots and 13 open space tracts on approximately 69.92 acres. The final plat conforms to the approved preliminary plat.

Code Excerpts:

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

Sec. 212.004. PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be

dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

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 February 1, 2022, the City Council approved the preliminary plat of the Hillstead Addition containing 912 residential lots on 487.60 acres.

The property is entirely located in the Collin County Municipal Utility District Number 5 (Collin County MUD No. 5) and will be developed in the ETJ. The property is located in the Wylie Independent School District.

The proposed development takes primary access from CR 483 at two points. A Traffic Impact Analysis (TIA) and Drainage Study have been prepared and reviewed. Improvements will be constructed as prescribed by the TIA and as approved by the city engineer. At the developer's request, the City requested on behalf of Collin County that TxDOT conduct a study for a traffic signal at CR 483 and SH 205.

The development will provide for the extension of public trails connecting to the City of Lavon trail system.

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF THE FINAL PLAT OF THE HILLSTEAD SUBDIVISION PHASE 1, CONSISTING OF 281 RESIDENTIAL LOTS ON 69.92 ACRES OF LAND, BEING PART OF A 291.141-ACRE TRACT SITUATED IN THE WILLIAM HOWARD SURVEY, A-370, SOUTHWEST OF THE INTERSECTION OF CR 483 AND CR 484, IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF LAVON, COLLIN COUNTY MUD NO. 5, COLLIN COUNTY, TX SUBJECT TO THE CITY ENGINEERS APPROVAL.

MOTION MADE: NABORS
SECONDED: COX
APPROVED: UNANIMOUS (Absent: 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 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 – Inspection 972-853-0855
 Email: leann.mcclendon@cityoflavon.org

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Company Making Submission		Property Owner	
Name: <u>Southland Consulting Engineers</u>		Name: <u>Hillstead Land LLC</u>	
Address: <u>10210 N. Central Expy, Suite 400</u>		Address: <u>10210 N. Central Expy, Suite 300</u>	
City/State/Zip: <u>Dallas, TX 75231</u>		City/State/Zip: <u>Dallas, TX 75231</u>	
Phone #: <u>469-455-0953</u> Fax #: <u>N/A</u>		Phone #: <u>972-385-4121</u> Fax #: <u>N/A</u>	
Authorized Person: <u>Christian Songy</u>		Authorized Person: <u>Daniel Twigge</u>	
Type of Submission		Check List of Items Submitted	
<input type="checkbox"/> Preliminary Plat		<input type="checkbox"/> (two) full size sets of plats (24x36)	
<input checked="" type="checkbox"/> Final Plat <u>3/31/2023</u>		<input type="checkbox"/> (two) full size construction sets (24x36)	
<input type="checkbox"/> Re-Submittal		<input type="checkbox"/> (one) half size sets of plats (11x17)	
<input type="checkbox"/> Construction Plans		<input type="checkbox"/> (ten) half size sets of plats with final submission (11x17)	
<input type="checkbox"/> Other		<input type="checkbox"/> (one) PDF plats (on separate CD's)	
		<input type="checkbox"/> (one) PDF construction plans (can be included on plat CD)	
Pricing			
Preliminary Plat: C*D*		\$500.00 plus \$5.00 per lot (Plus engineer review costs)	
Final Plat: C*D*		\$500.00 plus \$5.00 per lot plus \$50.00 filing fee (Plus engineer review costs)	
Re-Plat: C*D*		\$325.00 plus \$5.00 per lot plus \$50.00 filing fee (Plus engineer review costs)	
Public Infrastructure Inspection: C*E*		4 percent of project or Cost (whichever is greater)	
<p><small>C* Costs shall include the actual costs to the City plus a 10 percent administrative fee. These fees shall be in addition to the permit fee required. D* A deposit of \$500.00 shall be required to cover engineers review, with additional costs to be billed upon engineers recommendation. Any portion of the deposit not used shall be refunded after the engineer's recommendation. E* An estimate of the testing and inspection shall be made at the time of the engineers review of construction plans and a deposit equal to that amount shall be due before any construction may begin, with additional costs to be billed when the costs are incurred.</small></p>			
<p>NOTICE TO APPLICANT: Any approval will be issued based on the information furnished in this application and on any submitted plats. It is subject to the provisions and requirements of the City of Lavon Code of Ordinances (# 2002-01-03) and any other applicable ordinances of the City, regardless of information and/or plans submitted.</p>			
Authorized Representative (Printed Name) <u>Christian Songy</u>		Authorized Representative (Signature) 	Date: <u>3/31/2023</u>
To be completed by the City			
In Takers Name:			
In takers Review Date:	PW Review Date:	COO Review Date:	Engineer Review Date:
<input type="checkbox"/> Accepted <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected
Comments:			



CITY OF LAVON

P.O. Box 340 – 120 School Rd. – Lavon, TX 75166
Office 972-843-4220 – Inspection 972-853-0855
Email: leann.mcclendon@cityoflavon.org

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Authorization of Representation

Date: 4/3/2023

To the City of Lavon
Collin County, Texas

This letter will serve as notice that I/we, Hillstead Land LLC, am/are the owner (s) of record of the property described in the attached survey documentation, submitted with this form, and do hereby authorize Southland Consulting Engineers 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) Vice President of general partner

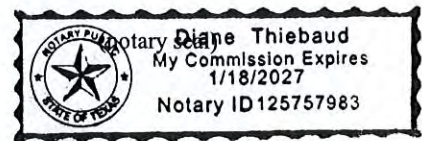
Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas

Before me, the undersigned authority, appeared Julian Hawes,
on this the 3rd day of April, 2023.

[Signature]



Notary Public in and for Dallas County, Texas



CITY OF LAVON

P.O. Box 340 – 120 School Rd. – Lavon, TX 75166

Office 972-843-4220 – Inspection 972-853-0855

Email: leann.mcclendon@cityoflavon.org

PLAT APPLICATION

Please type or print clearly. Incomplete applications will not be accepted.

Declaration of Ownership

Date: 4/3/23

To the City of Lavon
Collin County, Texas

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

[Signature]
Signature (Owner) Vice President of General Partner

Signature (Owner)

Signature (Owner)

The State of Texas
County of Dallas

Before me, the undersigned authority, appeared Julian Hawes,
on this the 3rd day of April, 2023.

[Signature]



Notary Public in and for Dallas County, Texas

STATE OF TEXAS
COUNTY OF COLLIN

Whereas, Bear Camp Residential LP, are the owners of that certain 69.92 acre tract of land situated in the William T. Howard Survey, Abstract No. 370, located in Collin County, Texas and being a portion of a Tract of land described as Tract 2 Special Warranty Deed to Bear Camp Residential LP recorded in Document No. 2021011500095820, Official Public Records Collin County, Texas (OPRCCT), as determined from a survey by Desiree L. Hurst, PLS, 6/20 on October 18, 2021 (ground distances are expressed in US survey feet using a project combined scale factor of 1.000152710) being more particularly described as follows:

COMMENCING at a found 1/2 inch iron rod having Texas Coordinate System of the North American Datum of 1983 (2011) IPOD 2010, North Central Zone Grid Coordinates of Northing 7053564.4 and Easting 2329874.7 in the South Eastern corner of County Road No. 483, a variable width right-of-way, at the Northwest corner of said Bear Camp Residential Tract 2;

THENCE South 87°56'02" East (Grid Bearings based on said Texas Coordinate System), with the north line of said Bear Camp Residential Tract 2, a distance of 813.11 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";

THENCE Northwesterly along said curve to the left through a central angle of 16°33'09" an arc distance of 479.57 feet to a found 5/8 inch iron rod;

THENCE North 75 degrees 30 minutes 53 seconds East, continuing with the north line of said Bear Camp Residential Tract 2, a distance of 96.73 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";

THENCE over and across said Bear Creek Residential Tract 2 the following fifty-four (54) courses and distances:

1. South 14°29'07" East, a distance of 20.07 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
2. South 60°36'45" West, a distance of 64.02 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
3. South 24°42'44" West, a distance of 116.90 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
4. South 11°09'17" East, a distance of 106.13 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
5. South 18°29'44" East, a distance of 33.38 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
6. South 18°09'33" East, a distance of 47.35 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
7. South 02°08'03" East, a distance of 43.24 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
8. North 80°43'44" West, a distance of 10.08 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
9. North 39°50'05" West, a distance of 8.63 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
10. North 09°22'15" West, a distance of 63.78 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
11. North 56°07'27" East, a distance of 11.91 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
12. South 80°39'25" East, a distance of 128.22 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com" at the bearing to the right having a radius of 425.00 feet and whose chord bears South 81°07'11" East, a distance of 6.95 feet;
13. Southerly along said curve to the left through a central angle of 0°56'12" an arc distance of 6.95 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
14. South 37°58'20" East, a distance of 14.32 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com" at the bearing to the left having a radius of 330.00 feet and whose chord bears South 12°49'52" East, a distance of 20.07 feet;
15. Southerly along said curve to the left through a central angle of 36°34'04" an arc distance of 210.63 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
16. South 11°15'37" East, a distance of 14.58 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
17. South 54°39'01" West, a distance of 179.97 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com" at the beginning of a curve to the left having a radius of 275.00 feet and whose chord bears South 80°11'11" West, a distance of 80.48 feet;
18. Southerly along said curve to the left through a central angle of 16°49'41" an arc distance of 80.77 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
19. South 52°16'40" East, a distance of 50.00 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com" at the beginning of a curve to the left having a radius of 225.00 feet and whose chord bears South 37°31'13" West, a distance of 1.50 feet;
20. Southerly along said curve to the left through a central angle of 0°22'14" an arc distance of 1.50 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
21. South 13°05'03" West, a distance of 50.00 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com" at the beginning of a curve to the left having a radius of 325.00 feet and whose chord bears North 12°54'24" West, a distance of 14.74 feet;
22. Northerly along said curve to the left through a central angle of 2°35'54" an arc distance of 14.74 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
23. South 30°28'00" West, a distance of 129.23 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
24. Southerly along said curve to the right through a central angle of 0°10'01" an arc distance of 1.09 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
25. South 13°05'03" West, a distance of 50.00 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com" at the beginning of a curve to the left having a radius of 325.00 feet and whose chord bears North 12°54'24" West, a distance of 14.74 feet;
26. Northerly along said curve to the left through a central angle of 2°35'54" an arc distance of 14.74 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
27. South 30°28'00" West, a distance of 129.23 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
28. North 55°31'17" West, a distance of 10.03 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
29. North 07°51'15" West, a distance of 0.75 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
30. North 34°28'43" West, a distance of 50.77 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
31. North 77°09'44" East, a distance of 0.29 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
32. South 55°31'16" East, a distance of 10.02 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com" at the beginning of a curve to the left having a radius of 330.00 feet and whose chord bears South 16°16'57" West, a distance of 160.10 feet;
33. Southerly along said curve to the left through a central angle of 2°08'08" an arc distance of 163.78 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
34. South 02°03'08" West, a distance of 152.65 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com" at the beginning of a curve to the right having a radius of 275.00 feet and whose chord bears North 87°22'02" West, a distance of 1.50 feet;
35. Southerly along said curve to the right through a central angle of 1°08'00" an arc distance of 5.44 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
36. North 87°56'02" East, a distance of 4.56 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
37. North 42°56'02" West, a distance of 1.12 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
38. South 02°03'08" West, a distance of 53.00 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
39. North 47°03'38" East, a distance of 2.12 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
40. North 87°56'02" East, a distance of 4.56 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com" at the beginning of a curve to the left having a radius of 225.00 feet and whose chord bears South 87°14'29" West, a distance of 144.54 feet;
41. Southerly along said curve to the left through a central angle of 1°29'07" an arc distance of 5.44 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
42. South 02°04'02" West, a distance of 137.74 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
43. South 02°49'37" West, a distance of 3.34 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
44. South 02°49'37" West, a distance of 3.34 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";

WITNESS my hand, this _____ day of _____, 20____.

BY: _____
Authorized signature.

Printed name and title.

Before Me, the undersigned authority, 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 for the purpose and consideration therein expressed. In the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 20____.

Notary Public in and on the State of Texas

SURVEYOR'S CERTIFICATE

THAT, I, DESIRE L. HURST, 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 platting rules and regulations of Collin County, Texas.

Desiree L. Hurst DMS
Registered Professional Land Survey No. 6230

STATE OF TEXAS
COUNTY OF TARRANT

Before Me, the undersigned authority, on this day personally appeared **Desiree L. Hurst** 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, in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 20____.

Notary Public in and on the State of Texas

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

BEAR CREEK SPECIAL UTILITY DISTRICT
NAME/TITLE: _____
DATE: _____

45. North 88°24'45" West, a distance of 20.00 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com" at the beginning of a curve to the left having a radius of 420.00 feet and whose chord bears South 11°53'40" East, a distance of 295.84 feet;
46. Southerly along said curve to the left through a central angle of 34°37'51" an arc distance of 197.66 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
47. South 23°22'58" East, a distance of 115.87 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
48. South 64°37'24" West, a distance of 60.00 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
49. North 25°22'36" West, a distance of 26.63 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
50. South 64°25'55" West, a distance of 1268.96 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
51. South 00°25'18" East, a distance of 50.00 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
52. North 89°35'15" West, a distance of 50.00 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
53. North 00°24'44" West, a distance of 23.20 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
54. South 64°25'55" West, a distance of 330.79 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";

THENCE North 07°44'37" East, passing a found 5/8 inch iron rod "Jones Carter Property Corner" at the Southeast corner of a tract of land described in Deed to Van Robert Haden, recorded in Document No. 2004-0161059 of said OPRCCT, being further described in Book 0, Page 193 (OPRCCT), at a distance of 153.99 feet, passing another found 5/8 inch iron rod "Jones Carter Property Corner" at the Northeast corner of said Haden tract at a distance of 834.55 feet and continuing for a total distance of 1078.75 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";

- THENCE over and across said Bear Creek Residential Tract 2 the following three (3) courses and distances:
1. North 30°12'18" East, a distance of 549.62 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
 2. North 30°27'17" East, a distance of 467.82 feet to a set 1/2 inch iron rod with cap stamped "ypassociates.com";
 3. North 18°40'14" East, a distance of 575.64 feet to the POINT OF BEGINNING and containing 69.92 acres, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Bear Camp Residential LP acting herein by and through its duly authorized officers, does hereby certify that this plat designates the herein described property as released subdivision Phase 1, an addition to Collin County, Texas and does hereby dedicate to the public use forever, the streets, rights-of-way, and other public improvements shown thereon.

1. All water systems are owned and operated by Bear Creek Special Utility District (BCSUD) and all construction related to water services shall be done per BCSUD's specifications and general notes.

2. The easements and public use areas, as shown, are dedicated for the purpose indicated on the plat.

3. The Bear Creek Special Utility District are not responsible for replacing any manholes, in, under or over an easement 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 of particular utilities, but use by public utilities is hereby subordinate to the public and Bear Creek Special Utility District.

5. 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 easement.

6. Bear Creek Special Utility District and public utilities shall at all times have the full right ingress and egress to and from their respective easements for the purpose of constructing, inspecting, maintaining, reconstructing or repairing the same, and for the purpose of installing, inspecting, maintaining, reconstructing or repairing any other utility systems without the necessity at any time of procuring permission from the City of Lavon unless such modifications pertain to Bear Creek Special Utility District, at which time Bear Creek Special Utility District shall also review and approve.

WITNESS my hand, this _____ day of _____, 20____.

BY: _____
Authorized signature.

Printed name and title.

Before Me, the undersigned authority, 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 for the purpose and consideration therein expressed. In the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 20____.

Notary Public in and on the State of Texas

SURVEYOR'S CERTIFICATE

THAT, I, DESIRE L. HURST, 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 platting rules and regulations of Collin County, Texas.

Desiree L. Hurst DMS
Registered Professional Land Survey No. 6230

STATE OF TEXAS
COUNTY OF TARRANT

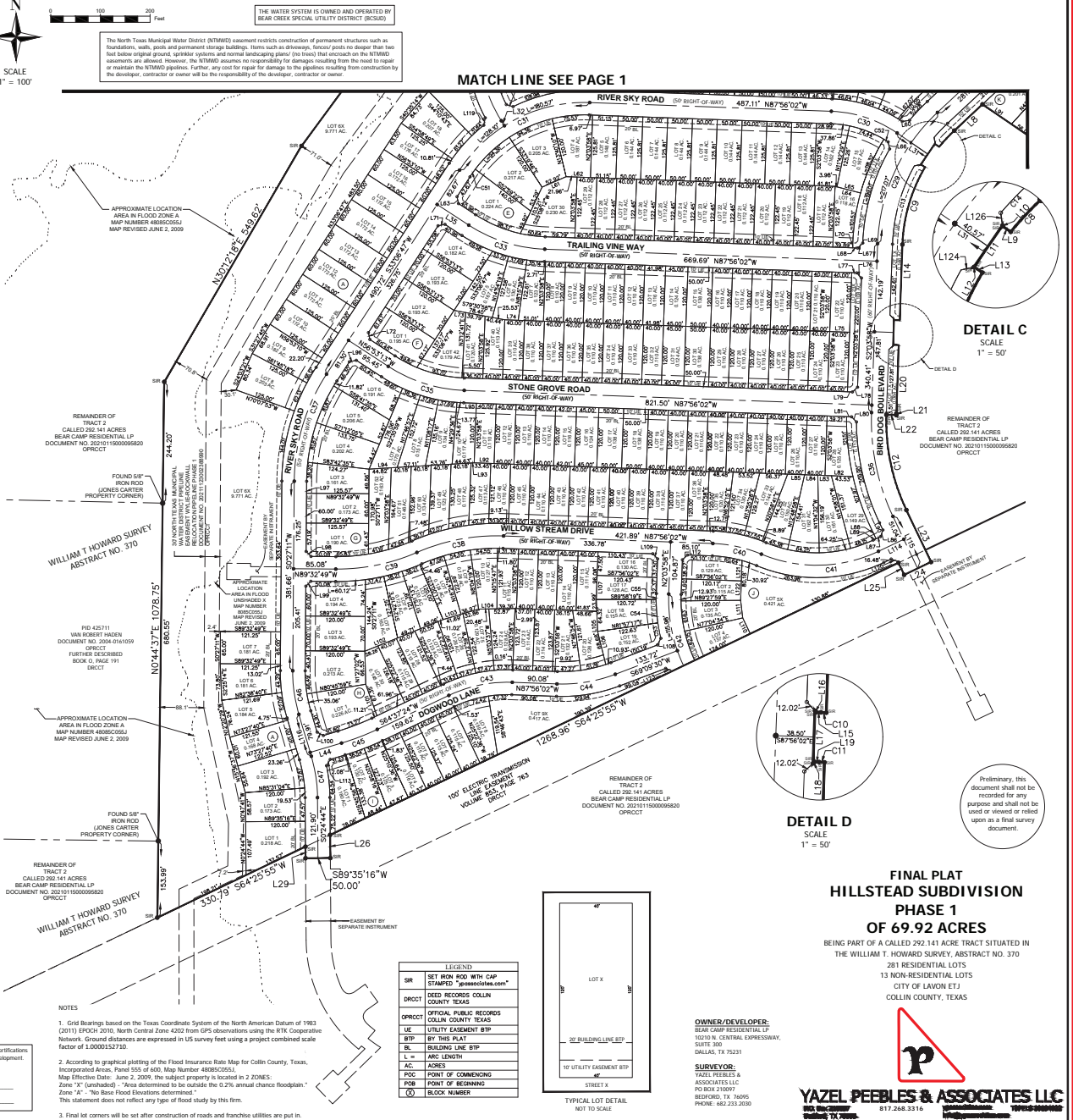
Before Me, the undersigned authority, on this day personally appeared **Desiree L. Hurst** known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed, in the capacity therein stated.

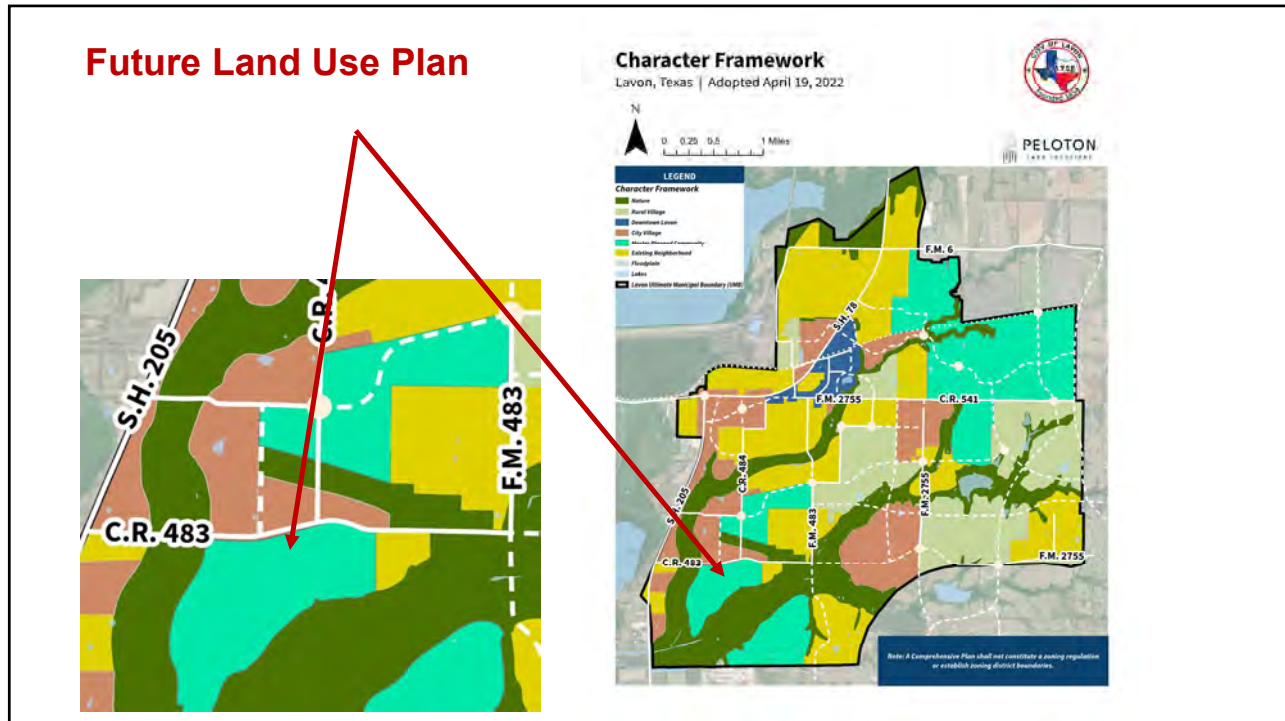
Given under my hand and seal of office this _____ day of _____, 20____.

Notary Public in and on the State of Texas

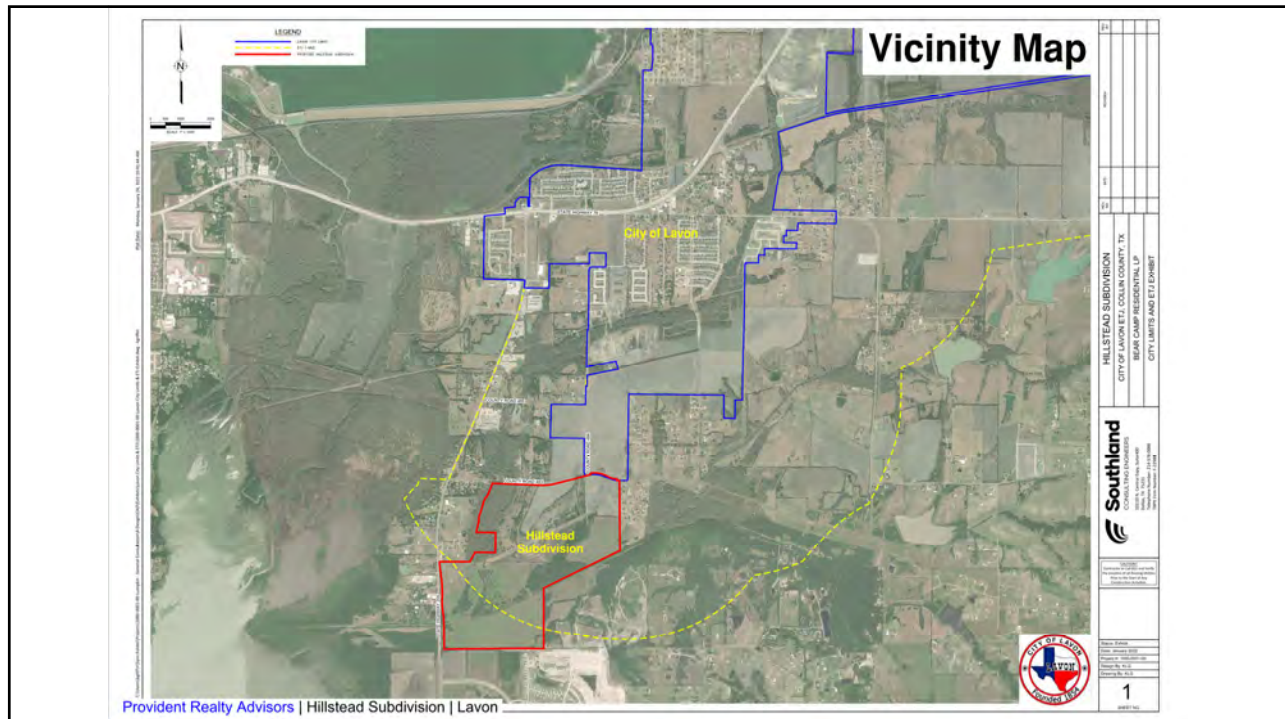
This plat correctly presents the required assumption and certifications required by Bear Creek Special Utility District for its development.

BEAR CREEK SPECIAL UTILITY DISTRICT
NAME/TITLE: _____
DATE: _____



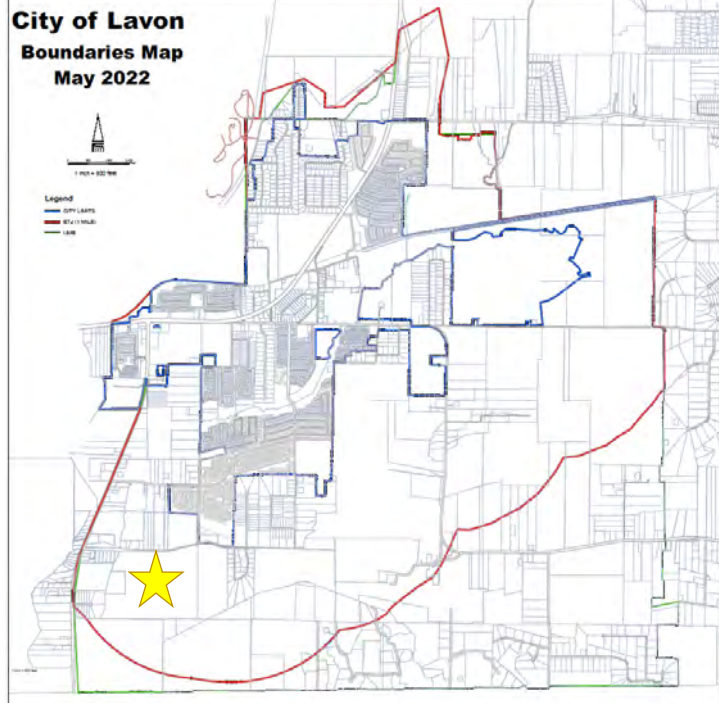


31



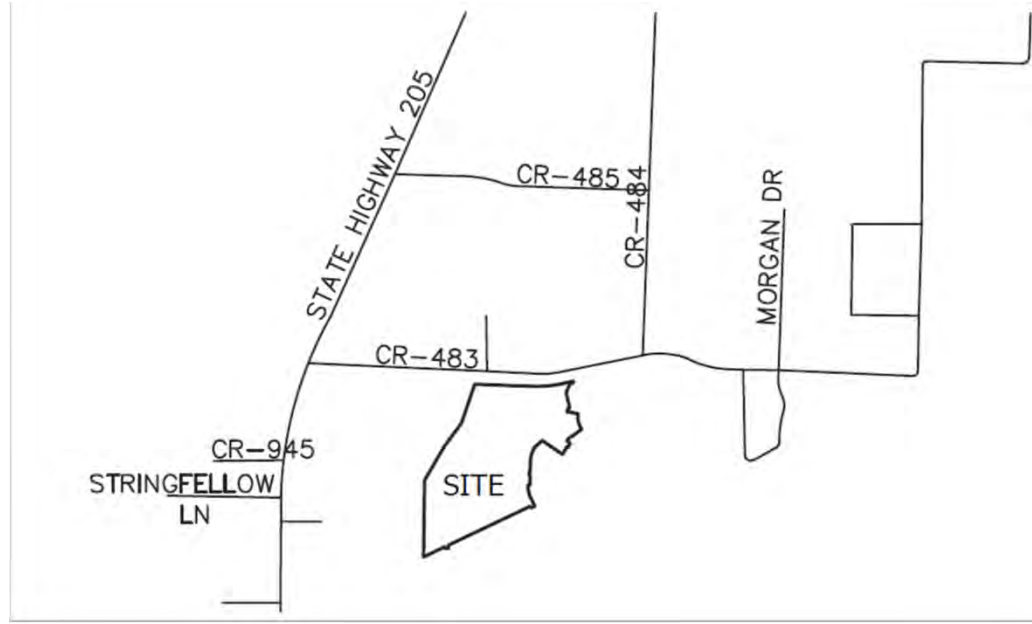
32

Location Exhibit



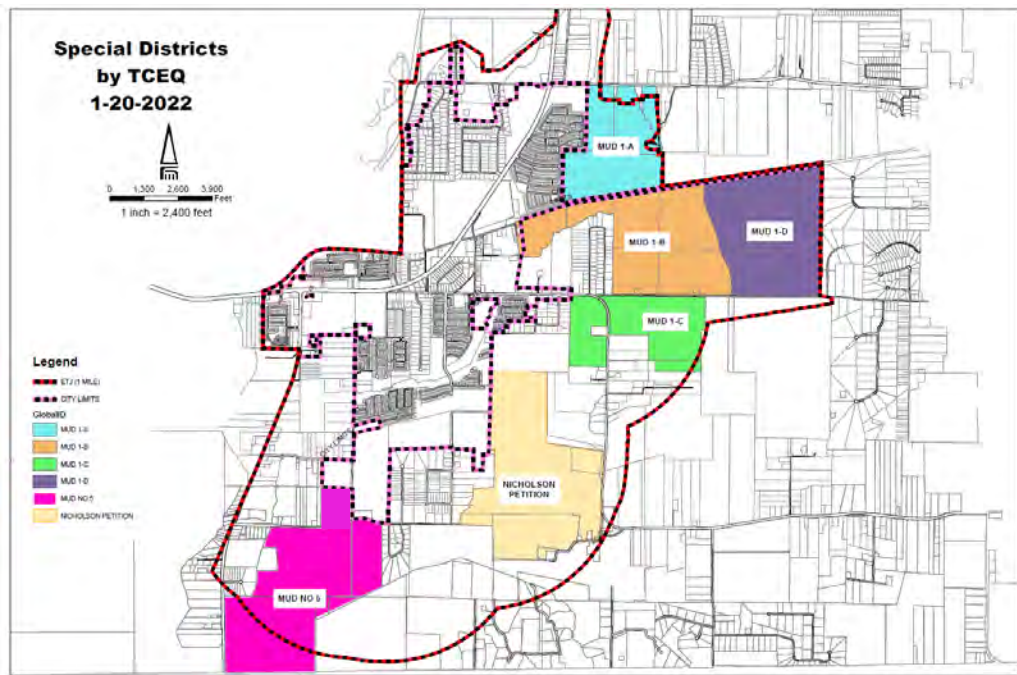
33

Hillstead Ph 1 Location Exhibit



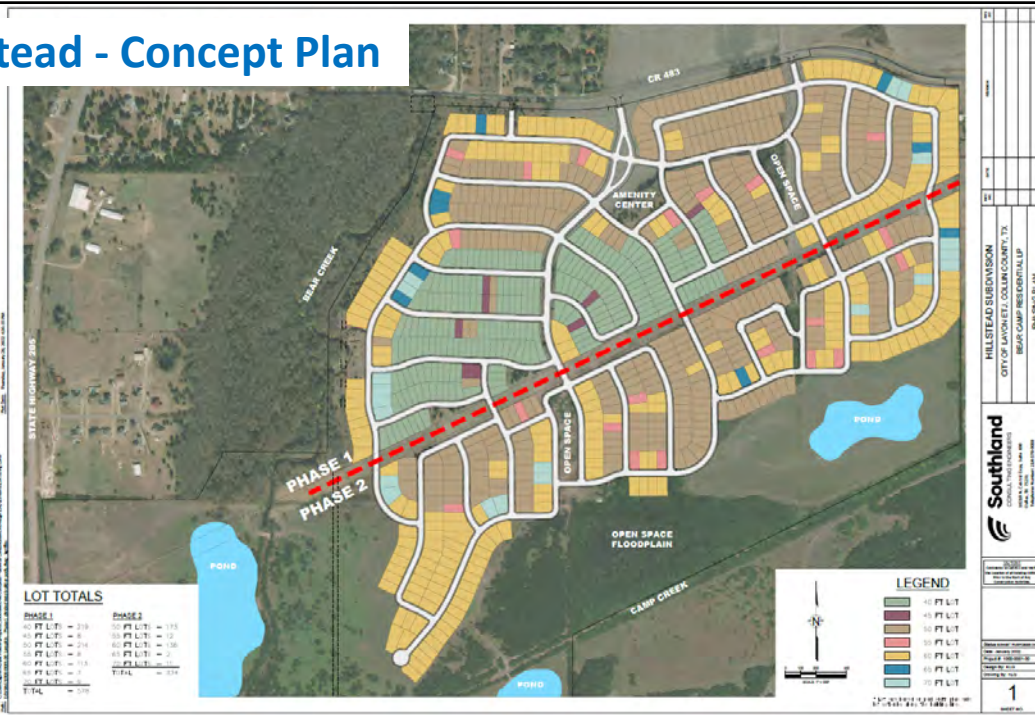
34

Location Exhibit

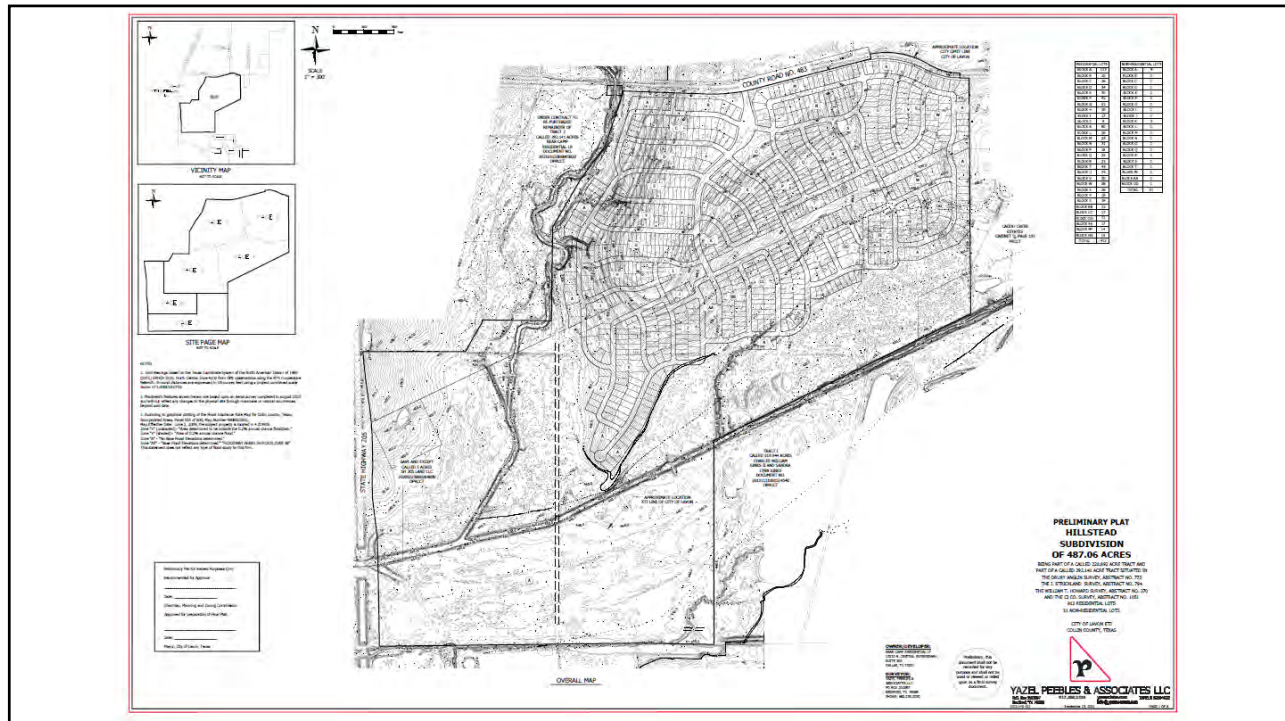


35

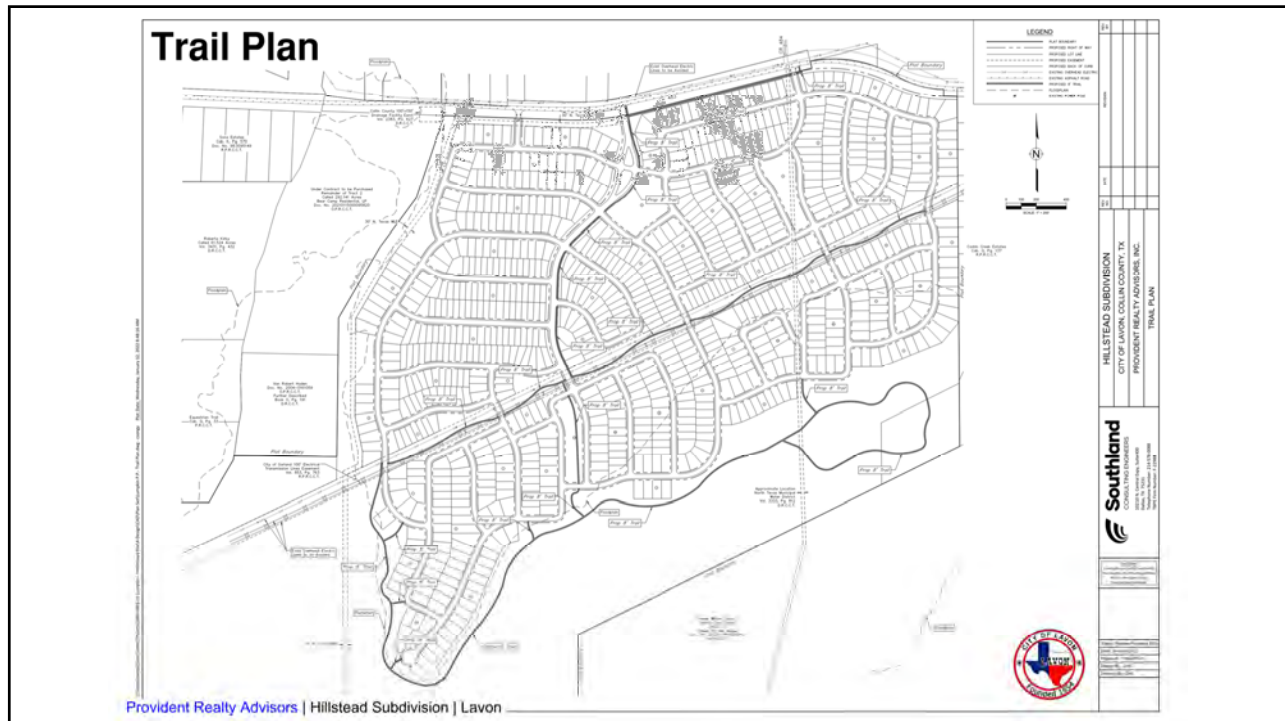
Hillstead - Concept Plan



36



37



38

 **Traffic Impact Analysis****Lumpkin Tract Development**
Lavon, Texas

January 7, 2022

Kimley-Horn and Associates, Inc.
Dallas, Texas

Registered Firm F-928

Kimley»»Horn

Traffic Impact Analysis

**Lumpkin Tract Development
Lavon, Texas**

Prepared by:

Kimley-Horn and Associates, Inc.
13455 Noel Road, Two Galleria Tower, Suite 700
Dallas, Texas 75240
Registered Firm F-928

Contact:
Christian DeLuca, P.E., PTOE
Nate Taylor, E.I.T.
972-770-1300
January 7, 2022

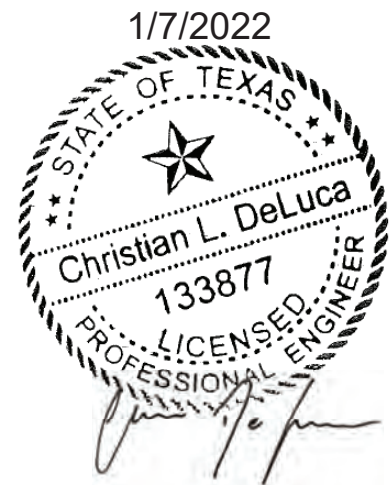


TABLE OF CONTENTS

EXECUTIVE SUMMARY 1

I. INTRODUCTION..... 4

 A. PURPOSE 4

 B. METHODOLOGY 4

II. EXISTING AND FUTURE AREA CONDITIONS..... 7

 A. ROADWAY CHARACTERISTICS..... 7

 B. EXISTING STUDY AREA..... 8

 C. PROPOSED SITE IMPROVEMENTS..... 8

 D. EXISTING TRAFFIC VOLUMES 10

III. PROJECT TRAFFIC CHARACTERISTICS 13

 A. SITE-GENERATED TRAFFIC..... 13

 B. TRIP DISTRIBUTION AND ASSIGNMENT..... 13

 C. OTHER DEVELOPMENT TRAFFIC MODELING..... 14

 D. DEVELOPMENT OF 2026 BACKGROUND TRAFFIC 14

 E. DEVELOPMENT OF 2026 TOTAL TRAFFIC..... 14

 F. DEVELOPMENT OF 2029 BACKGROUND AND TOTAL TRAFFIC..... 15

IV. ALL-WAY STOP-CONTROL ANALYSIS 25

V. TRAFFIC SIGNAL WARRANT ANALYSIS..... 25

VI. TRAFFIC OPERATIONS ANALYSIS 25

 A. ANALYSIS METHODOLOGY 25

 B. ANALYSIS RESULTS..... 26

 C. 2021 EXISTING TRAFFIC OPERATIONS 29

 D. 2026 BACKGROUND TRAFFIC OPERATIONS..... 29

 E. 2026 BACKGROUND PLUS SITE-GENERATED TRAFFIC OPERATIONS..... 30

 F. 2029 BACKGROUND TRAFFIC OPERATIONS..... 30

 G. 2029 BACKGROUND PLUS SITE-GENERATED TRAFFIC OPERATIONS..... 31

 H. LINK VOLUME ANALYSIS 32

 I. RIGHT-TURN LANE ANALYSIS 33

 J. LEFT-TURN LANE ANALYSIS 34

VII. CONCLUSIONS AND RECOMMENDATIONS..... 35

APPENDIX A 37

 A. ANALYSIS METHODOLOGY 37

 B. TRAFFIC COUNTS AND HISTORICAL DATA..... 38

 C. LEFT-TURN LANE WARRANT ANALYSIS 39

 D. SIGNAL WARRANT ANALYSIS 40

 E. SYNCHRO RESULTS 41

LIST OF EXHIBITS

EXHIBIT 1: VICINITY MAP5
 EXHIBIT 2: CONCEPTUAL SITE PLAN.....6
 EXHIBIT 3: LANE ASSIGNMENTS AND INTERSECTION CONTROL11
 EXHIBIT 4: 2021 EXISTING TRAFFIC VOLUMES.....12
 EXHIBIT 5: TRIP DISTRIBUTION AND TRAFFIC ASSIGNMENT: SINGLE-FAMILY ATTACHED HOUSING16
 EXHIBIT 6: SITE-GENERATED TRAFFIC VOLUMES: SINGLE FAMILY ATTACHED HOUSING17
 EXHIBIT 7: TRIP DISTRIBUTION AND TRAFFIC ASSIGNMENT: SINGLE-FAMILY DETACHED HOUSING.....18
 EXHIBIT 8: SITE-GENERATED TRAFFIC VOLUMES: PHASE 1 SINGLE FAMILY DETACHED HOUSING19
 EXHIBIT 9: SITE-GENERATED TRAFFIC VOLUMES: PHASE 2 SINGLE FAMILY DETACHED HOUSING20
 EXHIBIT 10: 2026 BACKGROUND TRAFFIC VOLUMES21
 EXHIBIT 11: 2026 BACKGROUND PLUS-SITE GENERATED TRAFFIC VOLUMES22
 EXHIBIT 12: 2029 BACKGROUND TRAFFIC VOLUMES23
 EXHIBIT 13: 2029 BACKGROUND PLUS-SITE GENERATED TRAFFIC VOLUMES24

LIST OF TABLES

TABLE 1 – TRIP GENERATION13
 TABLE 2 – LAVON TRACT TRIP GENERATION14
 TABLE 3 – CRESTRIDGE MEADOWS TRIP GENERATION14
 TABLE 4 – TRAFFIC OPERATIONAL RESULTS – WEEKDAY AM PEAK HOUR.....27
 TABLE 5 – TRAFFIC OPERATIONAL RESULTS – WEEKDAY PM PEAK HOUR.....28
 TABLE 6 – LINK OPERATIONAL RESULTS32
 TABLE 7 – PHASE 1 DRIVEWAY RIGHT-TURN LANE ANALYSIS.....33
 TABLE 8 – PHASE 2 DRIVEWAY RIGHT-TURN LANE ANALYSIS.....33
 TABLE 9 – PHASE 1 DRIVEWAY LEFT-TURN LANE ANALYSIS.....34
 TABLE 10 – PHASE 2 DRIVEWAY LEFT-TURN LANE ANALYSIS.....34
 TABLE 11 – OFFSITE INTERSECTION IMPROVEMENTS36
 TABLE 12 – LEVEL OF SERVICE DEFINITIONS37

EXECUTIVE SUMMARY

The Lumpkin Tract as proposed includes approximately 912 single-family attached residential houses and 254 single family residential attached houses for rent. The single family attached residential houses will be located south of CR 483 whereas the single-family detached housing will be located north of CR 483. The entire development is expected to be completed by 2029. This study is intended to identify traffic generation characteristics and to identify potential traffic related impacts on the local street system.

The following existing intersections were selected to be part of this study:

- State Highway 78 at State Highway 205
- State Highway 78 at Main Street
- State Highway 205 at CR 485
- State Highway 205 at CR 483
- CR 485 at CR 484

The analysis also included the five proposed driveways having access in and out of the site.

Traffic operations were analyzed at the study intersections for existing volumes, 2026 and 2029 background traffic volumes, and 2026 and 2029 background plus site-generated traffic volumes. Year 2026 corresponds to the expected Phase 1 buildout year of the site and year 2029 corresponds to the expected Phase 2 buildout year of the site. Conditions were analyzed for the weekday AM and PM peak hours.

The background traffic conditions included existing traffic with compound growth rates, plus explicit modeling of the following development in the vicinity:

- Lavon Tract site, a development that will be located near the CR 485 at CR 484 intersection. This development includes 653 single-family residential houses and is expected to be completed by 2026.
- Crestridge Meadows site, a development that will be located just north of the Lavon Tract development. Approximately 20% of the 582 single-family residential houses are already built and occupied, and background traffic has been adjusted accordingly.

The Lumpkin Tract development is expected to generate approximately 790 new weekday AM peak hour one-way vehicle trips and 996 new weekday PM peak hour one-way vehicle trips at Phase 2 buildout. The distribution of the site-generated traffic volumes onto the street system was based on the roadway network, existing traffic patterns, and the proposed site driveways.

Analysis of the existing conditions showed the need for regional roadway network improvements. The planned widening of State Highway 205 will significantly improve traffic operations at State Highway 78 at State Highway 205 which is currently operating with heavy delay, specifically for the northbound approach. The delay is only expected to increase due to general traffic growth in the area and additional surrounding developments. Therefore, the

additional capacity on State Highway 205 is necessary at this intersection to accommodate the heavy volumes. Building out State Highway 205 to its thoroughfare potential of a six-lane roadway could even further increase capacity. Signal timing adjustments, such as an increased cycle length and adjustments to the signal control type, could allow for a more optimal phasing that is favorable for the northbound approach. As stated in the report, running the intersection as actuated-coordinated and updating the phase sequence, can give more time for the heavy northbound approach. Other signal timing adjustments such as modifications to the existing splits, can also potentially improve traffic. However, since most of the traffic at this intersection is existing, the need for these intersection improvements is not due to the Lumpkin Tract.

The stop-controlled intersections at along State Highway 205 at CR 485 and CR 483 are currently experience moderate delay due to the northbound and southbound volumes on State Highway 205. It is expected that by 2026, without the Lumpkin Tract development, the westbound approaches of CR 485 and CR 483 will be operating at LOS F. These intersections already support some traffic from Crestridge Meadows and will also support traffic generated by the Lavon and Lumpkin tracts. The anticipated widening of State Highway 205 may provide an opportunity for geometric improvements at its intersection at CR 485 and CR 483, however, if no improvements are made, the City of Lavon should review the intersections for further improvements through Texas Department of Transportation (TxDOT) to help mitigate the expected delay.

The five proposed site driveways provide the appropriate level of access to the development and are expected to operate at LOS C or better after full build-out of the site.

Based on the analysis presented in this report, the proposed Lumpkin Tract development, located in Lavon, Texas, can be successfully integrated into the surrounding roadway network provided the site-specific recommendations made in this report are considered.

The following modifications to the roadway network are recommended as part of the Phase 1 Lumpkin Tract development:

- Installation of a traffic signal at State Highway 205 at CR 483
- Addition of a right-turn bay on the eastbound approach of CR 483 at Drive 2

The following site-specific modifications to the roadway network are recommended as part of the Phase 2 Lumpkin Tract development:

- Addition of a two-way left-turn lane (TWLTL) between CR 483 at Drive 1 and CR 483 at Drive 4 / CR 484. This addition would expand this segment of CR 483 to half of its thoroughfare potential and satisfy the left-turn lane warrants at Drive 1 and Drive 2.

The following modifications to the external roadway network should be considered at a regional level to help improve traffic operations in the vicinity of the development:

- Addition of a right-turn bay on the northbound approach of State Highway 205 at CR 483

- Signal timing adjustments at State Highway 78 and State Highway 205
 - Split modifications
 - Removal of northbound & southbound split phasing
 - Add a right-turn overlap protected phase for eastbound right traffic
 - Add a right-turn overlap protected phase for northbound right traffic (Phase 2)
 - Implement protected left-turn phasing for the eastbound and westbound left traffic
 - Utilize protected-permitted phasing with flashing yellow arrow for the northbound left turn

DRAINAGE IMPACT ANALYSIS

FOR

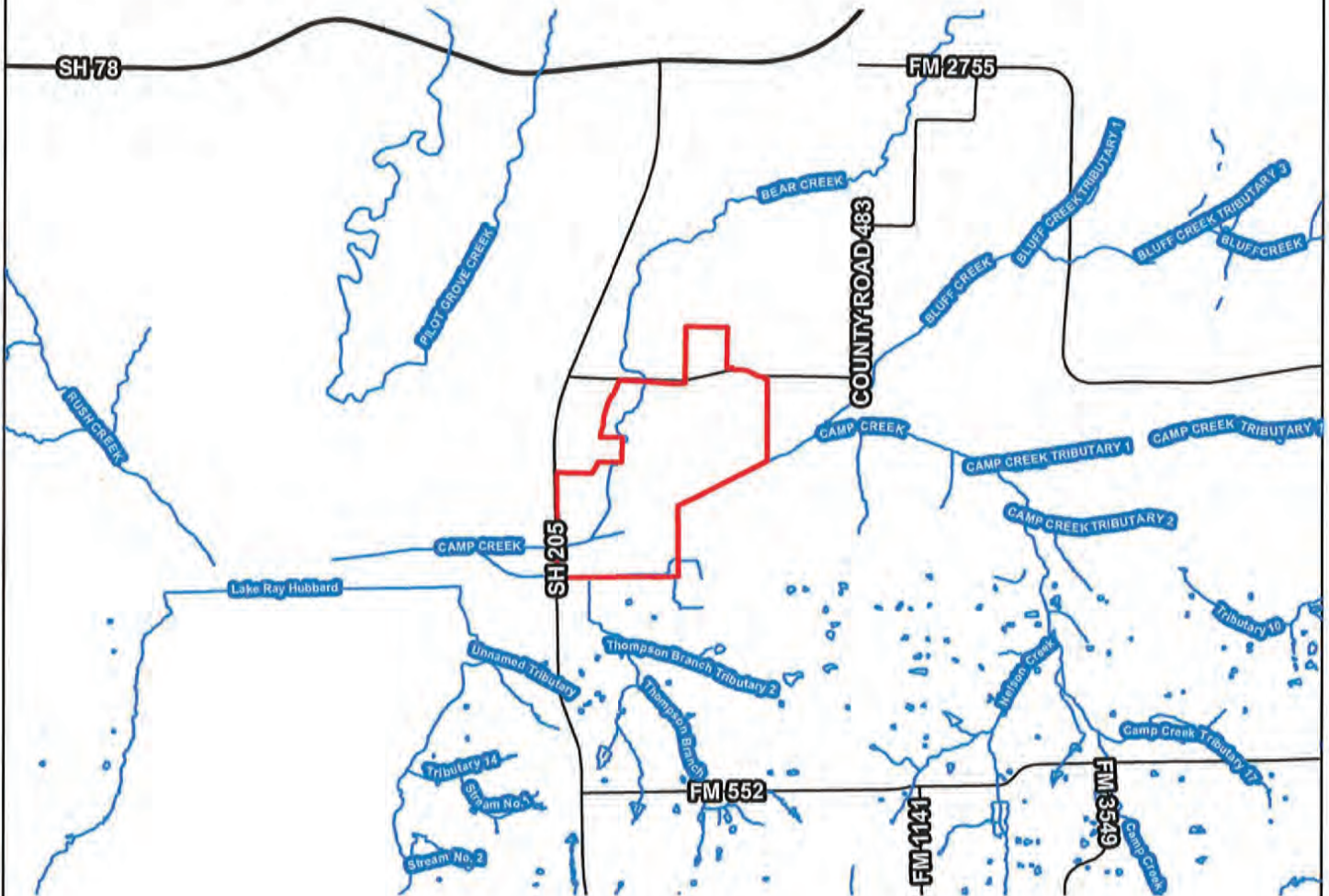
LUMPKIN DEVELOPMENT

FOR

PROVIDENT REALTY

IN

COLLIN COUNTY, TEXAS



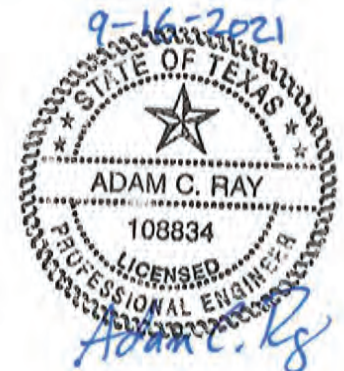
SEPTEMBER 2021

JC Job No. 0D070-0044-00



JONES | CARTER

Texas Board of Professional Engineers Registration No. F-439



DRAINAGE IMPACT ANALYSIS
For
LUMPKIN DEVELOPMENT
Along
Camp Creek and Bear Creek

COLLIN COUNTY, TEXAS

Prepared by:
Jones & Carter, Inc.
September 2021



Executive Summary

This report identifies the drainage and detention requirements associated with the development of the Lumpkin tract within the Camp Creek and Bear Creek watersheds. It evaluates existing and proposed stormwater mitigation features for the development such that there are no adverse drainage impacts caused by the proposed development based on Collin County criteria.

The Lumpkin tract is an approximately 565-acre proposed development in Collin County. The Lumpkin tract is generally located north of Camp Creek, west of Bluff Creek and east of SH 205. The development will primarily be single-family residential.

A review of effective Flood Insurance Rate Map (FIRM) Panel No. 48085C0555J, revised June 2nd, 2009, shows portions of the proposed development to be with the 100-year floodplain (Zone A) of Bear Creek and the 100-year floodplain (Zone AE) of Camp Creek. Floodplain mitigation will be provided within onsite floodplain mitigation ponds by providing 1:1 floodplain mitigation. A Conditional Letter of Map Revision (CLOMR) for will be submitted to Collin County and FEMA prior to construction of the Camp Creek and Bear Creek floodplain mitigation ponds and anticipated floodplain reclamation associated with the future phases of the Lumpkin Tract.

A hydrologic analysis was performed for Camp and Bear Creek. The hydrologic analysis is then used to ensure peak flows are not increased downstream and therefore no adverse impact is created by the Lumpkin development. The hydraulic analysis applies peak flows from the hydrologic analysis using a logarithmic distribution.

This report evaluates several phases of development:

1. Pre-Project (Pre-Lumpkin) conditions (remainder of watershed based on existing conditions)
2. Proposed Development of Lumpkin
3. Pre-Project (Pre-Lumpkin) Ultimate conditions (ultimate offsite development conditions)
4. Proposed Development of Lumpkin Ultimate conditions (ultimate offsite development conditions)

The Pre-Project models represent the watershed draining to Camp and Bear Creek prior to development of the Lumpkin tract. The Pre-Project models are used to evaluate the impact of the proposed development by providing a comparison point. The Pre-Project Ultimate conditions models represent fully developed watershed conditions draining to Camp and Bear Creek prior to the development of the Lumpkin Tract. Proposed development conditions consider full development of the Lumpkin tract draining to Camp and Bear Creek with existing offsite watershed conditions. Proposed Development Ultimate conditions considers the full development of the Lumpkin tract and the Camp and Bear Creek watersheds. Pre-Project and Proposed conditions are reflected on drainage area maps **Exhibits 4 and 5**. Offsite drainage area boundaries are considered the same in existing and fully developed offsite watershed conditions.

According to the analysis performed, the Lumpkin tract does not require the construction of detention facilities due it its location in the Bear and Camp creek watersheds.

The hydrologic analyses show that offsite peak flows are not increased by the Lumpkin development without detention. Because peak flows are not increased, the proposed development without detention has no adverse impact to existing flood hazards based on analysis of the 5-year, 10 -year, 25 -year, and 100 -year design storm events.

March 31, 2023

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

Re: Hillstead Subdivision, Ph 1 - 277 Residential Lots, 13 Non-Residential Lots, 70.08 Acres
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Final Plat dated March, 2023 as prepared by Yazel Peebles & Associates, LLC and revised Civil Construction Plans dated March 10, 2023 as prepared by Southland Consulting Engineers, Inc. for the above referenced development. The property is located within the City of Lavon ETJ, south of CR 483 and east of SH 205.

All previous comments have been satisfactorily addressed.

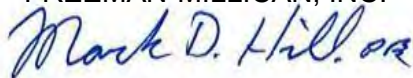
The Engineer has acknowledged that Collin County permit is required for improvements within CR 483 ROW. Copies of any permits will be provided to the City for its records.

This concludes our review of the above referenced revised Phase 1 Final Plat and Civil Construction Plans. **We recommend APPROVAL of the Final Plat and Civil Construction Plans.**

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

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

Sincerely,
FREEMAN-MILLICAN, INC.



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

Cc: David Carter, Mike Jones, Danny Anthony, Matt Policano, Jorge Gonzalez-Rodiles, P.E.,
Tracy Homfeld, PE

F:\17024 - LAV General Servies\9 - Review\Hillstead (Lumpkin)\Phase 1\Hillstead - Final Plat - Rev 2.docx



March 10, 2023

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

**Re: Hillstead Subdivision Phase 1
Response to 2nd Submittal Comments from Freeman-Millican**

Dear Ms. Dobbs:

Attached please find for your review and approval the updated construction drawings submittal for the referenced project addressing the comments provided by Freeman-Millican, Inc on March 3, 2022. Below outlines said comments with our feedback on each in bold:

Final Plat

1. The title block was modified to removed "City of Lavon ETJ". This should be added back.

RESPONSE: "City of Lavon ETJ" was added back to the title block.

2. There does not appear to be any easements for the City of Lavon, so the City should be removed from and certifications. City of Lavon should remain in Item 7.

RESPONSE: The City has been added to Item 7.

3. There are several easements outside of the platted boundary to be provided by separate easement. The recording information for these easements should be provided on the Plat prior to filing. This has been acknowledged.

RESPONSE: The separate instrument easements will be provided prior to filing.

Civil Construction Plans

4. The City of Lavon General Notes (Sheet 3) are not the latest version (2019-12-01). These sheets should be updated.

RESPONSE: The City of Lavon general notes have been updated to reflect the latest version.

5. For inlet bypass of 1.0 cfs or greater at a street intersection, provide the depth of water on the street. The flow has been shown, but the depth of water has not been provided.

RESPONSE: The depth of water has been added to the street intersections with 1 cfs and greater.

6. A turnaround is required at the south end of River Sky Road for emergency access to Lots 1 & 2. The easement has been provided on the Final Plat.

RESPONSE: A temporary turnaround has been added to the end of River Sky Road.

7. A cul-de-sac at the end of Hillside Stroll Drive has been removed and is being replaced with an emergency turnaround (temporary cul-de-sac).



10210 N Central Expy, Suite 400
Dallas TX, 75231
(469) 455-0953
www.southlandce.com

RESPONSE: Acknowledged.

8. The Engineer has acknowledged that a street light should be added at the location of all mail gang boxes once the locations are determined by the USPS.

RESPONSE: Acknowledged

9. The Engineer has acknowledged that Collin County permit is required for improvements within CR 483 ROW. Copies of any permits will be provide to the City for its records.

RESPONSE: Acknowledged.

Should you have any questions or need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christian Songy". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christian Songy, P.E.
Southland Consulting Engineers, Inc.
csongy@southlandce.com
504.239.1493

March 3, 2023

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

Re: Hillstead Subdivision, Ph 1 - 277 Residential Lots, 13 Non-Residential Lots, 70.08 Acres
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the revised Final Plat dated January, 2023 as prepared by Yazel Peebles & Associates, LLC and Civil Construction Plans dated January 11, 2023 as prepared by Southland Consulting Engineers, Inc. for the above referenced development. The property is located within the City of Lavon ETJ, south of CR 483 and east of SH 205. Our comments are as follows:

FINAL PLAT

1. The title block was modified to remove "City of Lavon ETJ". This should be added back.
2. There does not appear to be any easements for the City of Lavon, so the City should be removed from and certifications. City of Lavon should remain in item 7.
3. There are several easements outside of the platted boundary to be provided by separate easement. The recording information for these easements should be provided on the Plat prior to filing. This has been acknowledged.

CIVIL CONSTRUCTION PLANS

4. The City of Lavon General Notes (Sheet 3) are not the latest version (2019-12-01). These sheets should be updated.
5. For inlet bypass of 1.0 cfs or greater at a street intersection, provide the depth of water on the street. The flow has been shown, but the depth of water has not been provided.
6. A turnaround is required at the south end of River Sky Road for emergency access to Lots 1 & 2. The easement has been provided on the revised Final Plat.
7. The cul-de-sac at the end of Hillside Stroll Drive has been removed and is being replaced with an emergency turnaround (temporary cul-de-sac).
8. The Engineer has acknowledged that a street light should be added at the location of all mail gang boxes once the locations are determined by USPS.
9. The Engineer has acknowledged that Collin County permit is required for improvements within CR 483 ROW. Copies of any permits will be provided to the City for its records.

This concludes our review of the above referenced revised Phase 1 Final Plat and Civil Construction Plans. A copy of sheets with markups is attached for your use. These sheets should be considered typical in nature and NOT be considered a comprehensive markup set.

Ms. Kim Dobbs
Hillstead Subdivision, Phase 1 – Final Plat
March 3, 2023
Page 2 of 2

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

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

Sincerely,
FREEMAN-MILLICAN, INC.

A handwritten signature in blue ink that reads "Mark D. Hill, P.E." with a stylized flourish at the end.

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

Cc: David Carter, Mike Jones, Danny Anthony, Matt Policano, Jorge Gonzalez-Rodiles, P.E.,
Tracy Homfeld, PE

F:\17024 - LAV General Servies\9 - Review\Hillstead (Lumpkin)\Hillstead - Final Plat - Rev 0.docx

December 7, 2022

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

Re: Hillstead Subdivision, Ph 1 - 277 Residential Lots, 13 Non-Residential Lots, 70.08 Acres
Final Plat

Dear Ms. Dobbs:

As requested, we have reviewed the Final Plat dated September 21, 2022 as prepared by Yazel Peebles & Associates, LLC and Civil Construction Plans dated October 31, 2022 as prepared by Southland Consulting Engineers, Inc. for the above referenced development. The property is located within the City of Lavon ETJ, south of CR 483 and east of SH 205. Our comments are as follows:

FINAL PLAT

1. The certificates identify this property to be an addition to the City of Lavon. It is our understanding that this property is within a District.
2. There does not appear to be any easements for the City of Lavon, so the City should be removed from and certifications.
3. There are several bearings that do not match between the drawing and written description.
4. A turnaround, meeting IFC D103.1 standards, is needed at the south end of River Sky Road for emergency vehicle access to lots 1 & 2.
5. There are several easements outside of the platted boundary to be provided by separate easement. The recording information for these easements should be provided on the Plat prior to filing.

CIVIL CONSTRUCTION PLANS

6. The City of Lavon Standard Notes and Details are not the latest version (2019-12-01). These sheets should be updated.
7. The stationing shown for Line SD-A in the calculations does not appear to match the drawings. Note that all stations in table have not been reviewed.
8. For clarity, we recommend that all inlets shown in drawings include the corresponding "Inlet No." in the table.
9. For inlet bypass of 1.0 cfs or greater at a street intersection, provide the depth of water on the street.
10. For Line SD-A crossing CR 483 – This will require a permit from Collin County. A copy of the permit should be provided to the City. We also request that a note be placed on the

sheet for the City of Lavon to be notified for any lane closures for coordination with emergency services.

11. A detail of a “Brick Plug” should be provided (Line SD-A, Sta. 19+49.90).
12. Typically, any inlet bypass flow should be shown on the drawing. Also, for inlet bypass of 1.0 cfs or greater at a street intersection, provide the depth of water on the street.
13. All rip rap areas should include dimensions, rip-rap size and supporting calculations.
14. We recommend that the flood plain limits be shown adjacent to any outfalls.
15. The Engineer should justify why the Flow Spreaders are only designed for a 1-year flood event.
16. The connection of Bluejack Wat to CR 483 will require a Collin County permit. A copy of the permit should be provided to the City.
17. The connection of Bird Dog Boulevard West to CR 483 is not shown on Sheet 45.
18. A turnaround is required at the south end of River Sky Road for emergency access to Lots 1 & 2.
19. We recommend that at solid white stripe be used for the deceleration lanes along CR 483.
20. We recommend an additional R3-5R sign be located near the start of each deceleration lane.
21. Engineer should verify that the location of the Stop Bars and Stop Signs at CR 483 are not too far from intersection.
22. The Engineer should verify why the proposed deceleration lane will drain towards the existing road as opposed to the adjacent drainage ditch.
23. Drainage calculations for the ditch and culverts along CR 483 should be provided.
24. Drainage and culvert are not shown for Lane No. 2.
25. Sheet 59 should be updated to reflect any changes along CR 483.
26. A street light should be added at the location of all mail gang boxes.
27. Street lights should be added to each of the CR 483 intersections.

This concludes our review of the above referenced Phase 1 Final Plat and Civil Construction Plans. A copy of sheets with markups is attached for your use. These sheets should be considered typical in nature and NOT be considered a comprehensive markup set.

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
Hillstead Subdivision, Phase 1 – Final Plat
December 7, 2022
Page 3 of 3

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

Sincerely,
FREEMAN-MILLICAN, INC.

A handwritten signature in blue ink that reads "Mark D. Hill, P.E." with a stylized flourish at the end.

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

Cc: David Carter, Mike Jones, Danny Anthony, Matt Policano, Jorge Gonzalez-Rodiles, P.E.

F:\17024 - LAV General Servies\9 - Review\Hillstead (Lumpkin)\Hillstead - Final Plat - Rev 0.docx



CITY OF LAVON

Agenda Brief

MEETING: May 2, 2023

ITEM: 7 – G

Item:

Discussion and action regarding acceptance of the public infrastructure for the LakePointe Phase 3 Addition.

Background:

The developer of the LakePointe, Phase 3 Addition recently completed construction of the public 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 April 28, 2023 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 Plat
2) City Engineer Letter

April 28, 2023

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

Re: LakePointe Phase 3, 221 residential lots, 4 tracts, 45.444 Acres
Final Acceptance

Dear Ms. Dobbs:

A final walkthrough of the Development was conducted on April 17, 2023. A "punch list" was developed. The status of the punch list items as of April 27, 2023, is summarized in the attached partial email correspondence.

Several of the items are scheduled to be completed within the next month.

Record drawings have been provided.

The following should be provided:

1. Completion of Punch List items.
2. A copy of BCSUD acceptance.
3. 2-year Maintenance bond for public infrastructure.

We recommend acceptance of LakePointe Ph 3, subject to completion of 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

Attachment

Cc: David Carter, LeAnn McClendon, Matt Policano

F:\17024 - LAV General Servies\9 - Review\Lakepointe (Lenart)\Phase 3\Lakepointe Ph 3 - Final Acceptance.docx

Mark Hill

From: Kim Dobbs <kdobbs@lavontx.gov>
Sent: Thursday, April 27, 2023 2:36 PM
To: Steve Lenart
Cc: Roderick Middlebrooks; Mark Hill; LeAnn McClendon
Subject: RE: Status Update - Lakepointe Ph. 3 City Walk Punch List

As you have requested, this item will be placed in line for City Council consideration on May 2, 2023. The meeting begins at 6:30 pm.

Thank you,

Kim Dobbs
City Manager
City of Lavon
972-843-4220

From: Steve Lenart <s_lenart@lenartdevelopment.com>
Sent: Thursday, April 27, 2023 2:32 PM
To: Kim Dobbs <kdobbs@lavontx.gov>
Cc: Roderick Middlebrooks <r_middlebrooks@lenartdevelopment.com>
Subject: FW: Status Update - Lakepointe Ph. 3 City Walk Punch List

See updates in red below to the LakePointe Phase 3 punch list. I understand that although the final plat will be approved/recorded, no permits will be issued until the street lights are "hot" and all ada ramps are installed.

Thanks

Steve Lenart
Lenart Development Company, LLC
520 Central Parkway E. #104
Plano, TX 75074
469-440-2701 (direct) 469-446-3544 (mobile)

From: Roderick Middlebrooks <r_middlebrooks@lenartdevelopment.com>
Sent: Thursday, April 27, 2023 2:14 PM
To: Steve Lenart <s_lenart@lenartdevelopment.com>
Cc: Don Connelly <d_connelly@lenartdevelopment.com>
Subject: RE: Status Update - Lakepointe Ph. 3 City Walk Punch List

Steve,

As discussed, please see comments in red below for a status update on the Lakepointe Ph. 3 City of Lavon walk-through punch list:

Thanks,

Roderick Middlebrooks
Project Manager
Lenart Development Company, LLC
520 Central Parkway E. #104
Plano, TX 75074
469-585-2491 (mobile)

From: Roderick Middlebrooks <r_middlebrooks@lenartdevelopment.com>
Sent: Tuesday, April 18, 2023 8:00 AM
To: Mark Hill <mdhill@fmi-dallas.com>
Cc: mpolicano@lavontx.gov; David Carter <dcarter@lavontx.gov>; Don Connelly <d_connelly@lenartdevelopment.com>; Aaron Harp <aaron@chrisharpconstruction.com>; Clay Myre <clay@chrisharpconstruction.com>; Chris Harp <chris@chrisharpconstruction.com>; tom (<tom@kikunderground.com>) <tom@kikunderground.com>; chad@kikunderground.com; austin@kikunderground.com
Subject: RE: Lakepointe Ph. 3 City Walk - Punch List

Mark,

As discussed, listed below are the punch list items noted during the Lakepointe, Ph. 3 City Walk yesterday:

1. Energize street lights. **Completing along with franchise utility installation. Street lights are on-site. Bases have been set. Conduit install completion projected for 5/22. Wire pull & termination following conduit completion. Street lights energized by 5/31.**
2. Complete BFRs / sidewalks. **BFR & sidewalk installation scheduled for 5/15.**
3. Complete TxDOT turn lane (scheduled for Friday, 4/21/23). **TxDOT asphalt turn lane is Complete. Striping scheduled for 5/4.**
4. Patch misc. paving mudballs, as marked. **Complete.**
5. Replace inlet protection @ storm inlet near Lot 4, Block D on Silver Springs Lane. **Complete.**
6. Replace sealant @ storm inlet apron, Lot 50, Block D – Rockstream Drive. **Complete.**
7. *Note:* Monitor eastern curb/ gutter at Lot 1, Block E from temporary turn-around removal. Ensure that gutter drains. **(General Note only)**
8. *Note:* Monitor southern curb / gutter near Lots 24/ 25, Block G on Oak Creek Drive from temporary turn-around removal. Ensure that gutter drains. **(General Note only)**
9. Complete storm inlet backfill, southern inlet near Lot 3, Block H on Chase Creek Lane. **Complete.**
10. *Note:* Chase Creek Lane / Water Valley Drive – external ss manhole drop was used. **(General Note only)**
11. Install fire hydrant street reflectors throughout. **Scheduled for 5/2.**
12. Install stickers on storm inlet lids. **Scheduled for 5/2.**
13. Provide storm inlet inspection video. **Video inspection complete. Video scheduled for delivery 4/28.**
14. Provide engineering inspection letter from retaining wall designer. **Complete.**
15. *Note:* Water flow noticed at storm manhole in eyebrow of Water Valley Drive / Parkside Drive intersection. **(General Note only)**
16. Provide as-built plans. **Complete.**

Note: Through communication with Mark Hill, the following items / adjustments were added to the punch list:

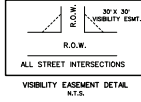
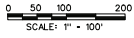
Note #7: Ground gutter to match pavement elevation. – **Scheduled to be complete 4/29.**

17. Provide 2-year 100% maintenance bonds. – **Bonds being delivered to utility contractor, KIK on 4/28. Expect receipt in our office 5/1.**

Please advise if you have any further comments.

Thanks,

Roderick Middlebrooks
Project Manager
Lenart Development Company, LLC
520 Central Parkway E. #104
Plano, TX 75074
972-422-9880 (office), 469-585-2491 (mobile)



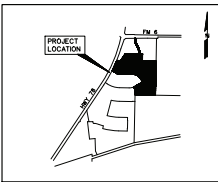
$\Delta = 04^\circ 43' 15''$
 $R = 5729.58'$
 $L = 472.08'$
 $C = 471.95'$
 $B = N24^\circ 20' 25'' E$

CURVE TABLE

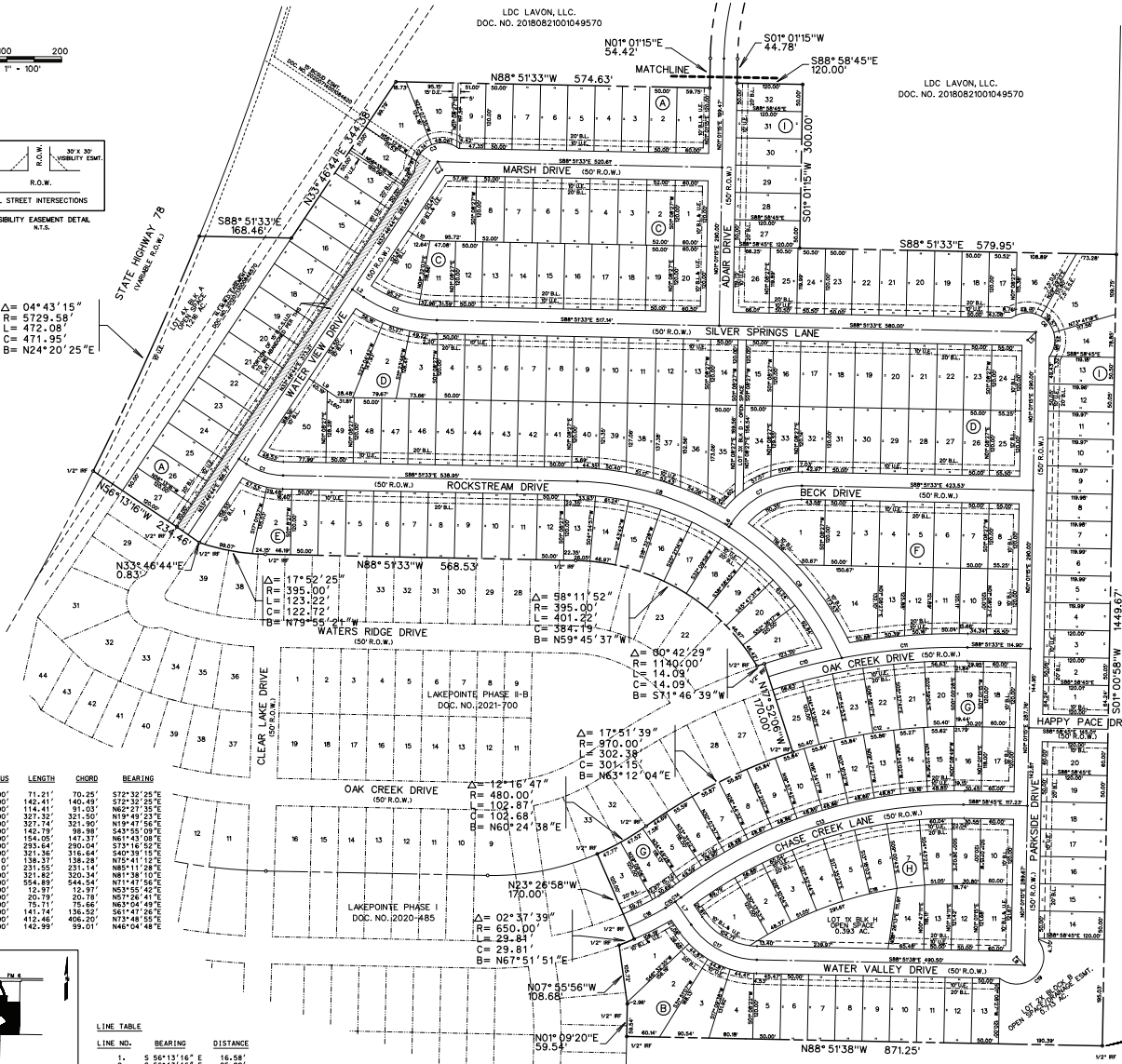
CURVE NO.	BELTA	RADIUS	LENGTH	CHORD	BEARING
1.	32°38'11"	125.00'	11.21'	10.25'	S79°32'58"E
2.	32°38'17"	250.00'	142.41'	140.43'	S72°32'25"E
3.	131°06'06"	50.00'	114.41'	51.03'	N62°21'55"E
4.	37°30'28"	500.00'	327.32'	321.50'	N19°49'23"E
5.	37°33'28"	500.00'	327.24'	321.30'	N19°47'58"E
6.	163°37'11"	50.00'	142.79'	98.38'	S43°55'09"E
7.	89°50'31"	150.00'	154.05'	147.37'	N61°13'05"E
8.	31°09'23"	540.00'	293.64'	290.04'	S73°16'52"E
9.	34°05'54"	540.00'	321.66'	316.64'	S40°18'51"E
10.	07°08'37"	1115.0'	138.37'	138.28'	N75°41'12"E
11.	11°53'58"	1115.0'	231.66'	231.14'	N85°11'28"E
12.	19°00'32"	970.00'	321.82'	320.34'	N81°38'10"E
13.	38°58'37"	827.00'	554.89'	544.64'	N69°18'41"E
14.	02°42'07"	275.00'	12.97'	12.97'	N03°55'42"E
15.	04°19'51"	275.00'	20.79'	20.79'	N07°56'41"E
16.	06°56'25"	625.00'	75.71'	75.68'	N03°04'49"E
17.	54°08'54"	150.00'	141.74'	136.50'	S51°17'25"E
18.	34°39'04"	682.00'	412.46'	406.20'	N73°48'55"E
19.	163°51'30"	50.00'	142.95'	99.01'	N45°04'48"E

LINE TABLE

LINE NO.	BEARING	DISTANCE
1.	S 56°13'16" E	16.58'
2.	S 56°13'16" E	25.00'
3.	S 21°32'25" E	17.10'
4.	N 01°04'09" E	15.48'
5.	S 46°04'51" W	21.19'
6.	S 32°17'49" E	6.42'
7.	S 34°42'15" E	51.04'
8.	N 43°55'12" W	21.24'
9.	S 56°13'16" E	61.78'
10.	S 56°13'16" E	32.94'

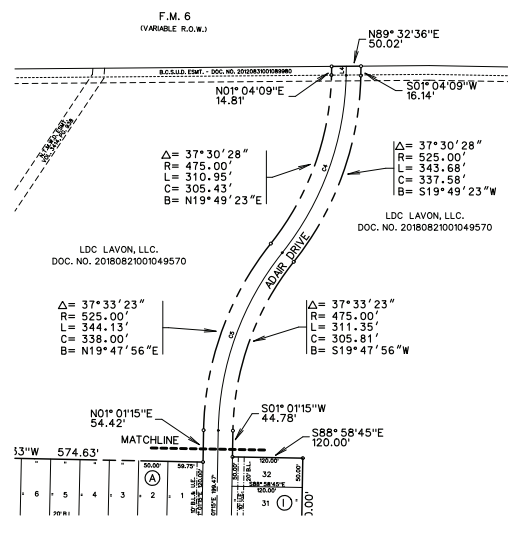


CORWIN JOB# 21034



MA LAVON 292, LLC.
 DOC. NO. 20201221002291470

POINT OF BEGINNING



LDC LAVON, LLC.
 DOC. NO. 20180821001049570

D.R. HORTON-TEXAS, LTD.
 DOC. NO. 20201221002299650

NOTES

- Bearing are referenced to a tract of land in Deed to LDC Lavon, LLC, as recorded in Doc. No. 20180821001049570 in Deed Records of Collin County, Texas.
- All lines are radial or perpendicular to the street unless otherwise noted by bearing.
- 1/2" Iron rods with "CORWIN ENGR. INC." caps set at all boundary corners, block corners, points of curvature, points of tangency, and angle points in public right-of-way unless otherwise noted.
- RF - Iron Rod Found
C.M. - Controlling Monument
B.L. - Building Line
P.A.E. - Pedestrian Access Easement
R.O.W. - Right of Way
U.E. - Utility Easement
S - Street Name Change
BCSD - Bear Creek Special Utility District
- "Notice Setting a portion of this addition by metes and bounds in a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits."
- Open Space tracts are dedicated to and maintained by the H.O.A. (Tract 4, Bk A, Tract 1, Bk B, Tract 3, Bk D & Tract 2, Bk H)
- The water system shall be owned and operated by Bear Creek Special Utility District (BCSD).

FINAL PLAN
 OF
LAKEPOINTE PHASE III
 221 TOTAL RESIDENTIAL LOTS
 4 TOTAL OPEN SPACE TRACTS
 45,444 ACRES
 OUT OF THE
 SAMUEL M. RANIER SURVEY
 ABSTRACT NO. 740

IN THE
 CITY OF LAVON
 COLLIN COUNTY, TEXAS
 OWNER
 LDC LAVON, LLC.
 520 CENTRAL PARKWAY, STE. 104
 PLANO, TEXAS 75074
 469-440-2701
 STEVE LEHART

ENGINEER
 CORWIN ENGINEERING, INC.
 T.BPLS. #10031700
 200 W. BELMONT, SUITE E
 ALLEN, TEXAS 75013
 972-396-1200
 WARREN CORWIN

LEGAL DESCRIPTION
Lakepoint Phase II

WHEREAS, LDC LAVON, LLC, is the owner of a tract of land situated in the Samuel M. Ranier Survey, Abstract Number 740, in the City of Lavon, Collin County, Texas, being part of a 200.9089 acre tract of land described in Document No. 20180821001049570, in the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING, at a 1/2 inch iron rod found at the most easterly southeast corner of said 200.9089 acre tract:

THENCE, North 88°51'38" West, along a south line of said 200.9089 acre tract, for a distance of 874.25 feet, to a 1/2 inch iron rod found at an interior ell corner of said 200.9089 acre tract and being in the east line of Lakepoint Phase I, an addition to the City of Lavon, as described in Doc. No. 2020-485, in the Plat records of Collin County, Texas;

THENCE, North 01°09'20" East, along the east line of said Lakepoint Phase I, for a distance of 59.54 feet, to a 1/2 inch iron rod found:

THENCE, North 07°55'56" West, continuing along said east line, for a distance of 108.68 feet, to a 1/2 inch iron rod found at a point on a non-tangent curve to the left, having a radius of 650.00 feet, a central angle of 02°37'39";

THENCE, continuing along said east line and with said curve to the left for an arc distance of 29.81 feet (Chord Bearing North 67°51'51" East 29.81 feet), to a 1/2 inch iron rod found:

THENCE, North 23°26'58" West, continuing along said east line, for a distance of 170.00 feet, to a 1/2 inch iron rod found at the most northerly northeast corner of said Lakepoint Phase I-B, being in the south line of Lakepoint Phase II-B, an addition to the City of Lavon, as described in Doc. No. 2022-700, in said Plat Records and being on a curve to the left, having a radius of 480.00 feet, a central angle of 12°16'47";

THENCE, continuing along the south line of said Lakepoint Phase II-B and with said curve to the left for an arc distance of 102.87 feet (Chord Bearing North 60°24'38" East 102.88 feet), to a 1/2 inch iron rod found at the point of reverse curvature of a curve to the right, having a radius of 970.00 feet, a central angle of 17°51'39";

THENCE, continuing along said south line and with said curve to the right for an arc distance of 302.38 feet (Chord Bearing North 63°12'04" East 301.15 feet), to a 1/2 inch iron rod found at most easterly southeast corner of Lakepoint Phase II-B:

THENCE, North 17°52'06" West, along the east line of said Lakepoint Phase II-B, for a distance of 170.00 feet, to a 1/2 inch iron rod found at the most easterly northeast corner of said Lakepoint Phase II-B, being on a non-tangent curve to the left, having a radius of 1140.00 feet, a central angle of 00°42'29";

THENCE, along the north line of said Lakepoint Phase II-B and with said curve to the left for an arc distance of 14.09 feet (Chord Bearing South 71°46'39" West 14.09 feet), to a 1/2 inch iron rod found on a curve to the left, having a radius of 395.00 feet, central angle of 58°11'52";

THENCE, continuing along said north line and with said curve to the left for an arc distance of 401.22 feet (Chord Bearing North 59°45'37" West 384.19 feet), to a 1/2 inch iron rod found at the point of tangency;

THENCE, North 88°51'33" West, continuing along said north line, for a distance of 568.53 feet, to a 1/2 inch iron rod found at the point of curvature of a curve to the right, having a radius 395.00 feet, a central angle of 17°52'25";

THENCE, continuing along said north line and with said curve to the right for an arc distance of 123.22 feet (Chord Bearing North 79°55'21" West 122.72 feet), to a 1/2 inch iron rod found:

THENCE, North 33°46'44" East, continuing along said north line, for a distance of 0.83 feet, to a 1/2 inch iron rod found:

THENCE, North 58°13'16" West, continuing along said north line, for a distance of 234.46 feet, to a 1/2 inch iron rod found at the northwest corner of said Lakepoint Phase II-B and being in the west line of said 200.9089 acre tract same being in the east line of Highway 78 (120' R.O.W.), being on a curve to the left, having a radius of 5729.58 feet, a central angle of 04°43'51";

THENCE, continuing along said east and west lines and with said curve to the left for an arc distance of 472.08 feet (Chord Bearing North 24°20'25" East 471.95 feet), to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, South 88°51'33" East, departing said east and west lines, for a distance of 168.46 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, North 33°46'44" East, for a distance of 344.38 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, South 88°51'33" East, for a distance of 574.63 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, North 01°01'15" East, for a distance of 54.42 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.," at the point of curvature of a curve to the right, having a radius of 525.00 feet, a central angle of 37°33'23";

THENCE, along said curve to the right for an arc distance of 344.13 feet (Chord Bearing North 19°47'56" East 338.00 feet), to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.," at the point of reverse curvature of a curve to the left, having a radius of 475.00 feet, a central angle of 37°30'28";

THENCE, along said curve to the left for an arc distance of 310.95 feet (Chord Bearing North 19°49'23" East 305.43 feet), to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.," at the point of tangency;

THENCE, North 01°04'09" East, for a distance of 14.81 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.," in the north line of said 200.9089 acre tract and being in the south line F.M. 6 (Variable R.O.W.);

THENCE, North 89°32'36" East, along the north line of said 200.9089 acre tract and the south line of said F.M. 6, for a distance of 50.02 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, South 01°04'09" West, departing said north and south lines, for a distance of 16.14 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.," at the point of curvature of a curve to the right, having a radius of 525.00 feet, a central angle of 37°30'28";

THENCE, along said curve to the right for an arc distance of 343.68 feet (Chord Bearing South 19°49'23" East 337.58 feet), to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.," at the point reverse curvature of a curve to the right, having a radius of 475.00 feet, a central angle of 37°33'23";

THENCE, along said curve to the left for an arc distance of 311.35 feet (Chord Bearing South 19°47'56" West 305.81 feet), to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.," at the point of tangency;

THENCE, South 01°01'15" West, for a distance of 44.78 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, South 88°58'45" East, for a distance of 120.00 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, South 01°01'15" West, for a distance of 300.00 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.;"

THENCE, South 88°51'33" East, for a distance of 579.95 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.," in the east line of said 200.9089 acre tract;

THENCE, South 01°00'58" West, along the east line of said 200.9089 acre tract, for a distance of 1449.67 feet, to the POINT OF BEGINNING and containing 45,444 acres of land.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS that I, WARREN L. CORWIN, do hereby certify that I prepared this Final Plat and the field notes from an actual and accurate survey of the land, 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.

WARREN L. CORWIN
R.P.L.S. No. 4621

THE 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 WARREN L. CORWIN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office, this ____ day of _____, 2022.

NOTARY PUBLIC, STATE OF TEXAS

"Recommended for Approval"

Chairman, Planning & Zoning Commission
City of Lavon, Texas

Date

Approved for Construction

Mayor, City of Lavon, Texas

Date

Accepted

Mayor, City of Lavon, Texas

Date

"The undersigned, the City Secretary of the City of Lavon, Texas, hereby certifies that the foregoing final plat of the LAKEPOINTE PHASE III, to the City of Lavon was submitted to the City Council on the ____ day of _____, 2022 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 name as hereinabove subscribed.

Witness my hand this ____ day of _____, A.D., 2022.

City Secretary
City of Lavon, 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:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT LAVON LAKEPOINTE DEVELOPMENT, LLC., the owner of the property described in this plat, acting by and through its duly authorized agent, does hereby adopt this plat designating the herein described property as "LAKEPOINTE PHASE III" in addition to the City of Lavon, Collin County, Texas, and do hereby dedicate to the City in fee simple and to the public use, including the use by forever the streets and alleys shown thereon and do further dedicate to the public use forever the easements shown thereon for the purposes indicated. Assessments dedicated by this plat shall be open to, without limitation, all public and private utilities using or desiring to use the same for the purposes dedicated. No buildings, fences, trees, shrubs or other structures, improvements or growths shall be constructed, reconstructed or placed upon, over or across the any easement dedicated by this plat, any public or private utility shall have: (1) the right to remove and keep removed all parts of any buildings, fences, trees, shrubs or other structure, improvement or growths, which in any way endanger, or interfere with the construction, reconstruction, maintenance, operation or efficiency of each utility and (2) the right of ingress and egress to or from and upon such utility easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to, enlarging, or removing all or parts of its operation without the necessity of any time of procuring the permission of anyone. The maintenance of paving on utility easements and fire lanes is the responsibility of the property owner.

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 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 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 of 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.

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

EXECUTED this the ____ day of _____, 2022.

LAVON LAKEPOINTE DEVELOPMENT, LLC.
a Texas limited liability company

By:
Steven H. Lenart, Manager

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared STEVEN H. LENART, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this ____ day of _____, 2022.

Notary Public in and for the State of Texas
My commission expires: _____

FINAL PLAT
OF
LAKEPOINTE PHASE III
201 TOTAL RESIDENTIAL LOTS
4 TOTAL OPEN SPACE TRACTS
45.444 ACRES
OUT OF THE
SAMUEL M. RANIER SURVEY
ABSTRACT NO. 740
IN THE
CITY OF LAVON
COLLIN COUNTY, TEXAS
OWNER
LDC LAVON, LLC,
520 CENTRAL PARKWAY, STE. 104
PLANO, TEXAS 75074
469-440-2701
STEVE LENART
ENGINEER
CORWIN ENGINEERING, INC.
TBPLS #10031700
200 W. BELMONT, SUITE E
ALLER TEXAS 75013
972-396-1200
WARREN CORWIN
NOVEMBER 2022



CITY OF LAVON Agenda Brief

MEETING: May 2, 2023

ITEM: 7 - H

Item:

Discussion and action regarding Ordinance No. 2023-05-04 amending the fee schedule approved and adopted by Ordinance No. 2022-08-09 for the fiscal year October 1, 2022, through September 30, 2023, to provide for civil site inspection fees and after-hours infrastructure inspection fees; and providing an effective date.

Background:

The city staff identified the need for Civil Site Inspection Fees and a rate for After-hours Infrastructure Inspections.

Civil Site Inspection Fees are fees to cover the costs of the engineering review and inspection of civil site work for non-residential projects. The After-hours Infrastructure Inspection rate is for developers who request permission to work after hours and on weekends to do public infrastructure work that requires city inspection.

Financial Implications:

The proposed fees are intended to offset costs associated with provision of the associated services.

Staff Notes:

Approval is recommended.

Attachments: Proposed Ordinance

CITY OF LAVON, TEXAS
ORDINANCE NO. 2023-05-04

4th Amendment to Fee Schedule – Fiscal Year 2022-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AMENDING THE FEE SCHEDULE ADOPTED BY ORDINANCE NO. 2022-08-09 FOR THE FISCAL YEAR OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2023 TO PROVIDE FOR CIVIL SITE INSPECTION FEES AND AFTER-HOURS INFRASTRUCTURE INSPECTION FEES; AND PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has authority to establish fees relating to City applications, permits and services; and

WHEREAS, the City Council finds it is in the best interest of the residents of the City to make changes to the fee schedule to directly reflect the cost of certain services to process certain applications.

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

SECTION 1. That the Fee Schedule for fiscal year October 1, 2022 through September 30, 2023 be amended, as shown in “Exhibit A”.

SECTION 2. That this ordinance shall take effect immediately from and after its passage, as the law in such cases provides.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 2nd day of May 2023.

Vicki Sanson
Mayor

ATTEST:

Rae Norton
City Secretary

ORDINANCE NO. 2023-05-04

EXHIBIT A

FEE SCHEDULE

	PROPOSED
LAND USE SERVICES	
Public Infrastructure Inspection – After-Hours (outside normal M-F 7:00-4:00)	\$200/hour
Civil Site Inspection	\$500+\$100/acre



CITY OF LAVON

Agenda Brief

MEETING: May 2, 2023

ITEM: 7 - I

Item:

Discussion and action regarding Board and Commission appointments – Parks and Recreation Board.

Background:

In addition to the elected City Council, several appointed boards and commissions provide invaluable contributions to the city through their service. The members of these boards are appointed by the City Council for specific terms of service.

A member of the Parks and Recreation Board has relocated to another city creating a vacancy for the unexpired term for Seat 1.

Attachments:

- 1) Spreadsheet – Boards & Commissions
- 2) Volunteer Applications available upon request

City of Lavon Boards & Commissions

April 2023

Place	Elected / Appointed	Name	Term Expires	Appointment Notes
City Council Members				Elected
Mayor	6/19/2018	Vicki Sanson	11/2023	
Place One	6/19/2018	John Kell	11/2024	
Place Two	11/7/2017	Mike Cook	11/2023	
Place Three	11/21/2016	Kay Wright	11/2024	
Place Four	1/15/2019	Ted Dill	11/2023	
Place Five	11/7/2022	Lindsey Hedge	11/2024	

Economic Development Corp Board of Dir - Type B				7 members; 4 CC/staff; county resident
Place 1, Chair	3/1/2009	Kay Wright	7/15/2024	
Place 2	7/17/2018	Manzelle Williams	7/15/2023	
Place 3	9/19/2017	Vicki Sanson	7/15/2024	
Place 4	7/16/2019	Rachel Dumas	7/15/2023	
Place 5	9/17/2019	Joe Serpette	7/15/2024	
Place 6	7/18/2017	John Kell	7/15/2023	
Place 7	5/4/2021	Jordan Williams	7/15/2024	

Planning & Zoning Commission				5 members, residency req
Seat 1	5/3/2022	Jeffrey Cox	6/1/2023	
Seat 2	7/19/2016	Deborah Nabors	6/1/2024	
Seat 3	6/1/2021	Brad Tiegs	6/1/2023	
Seat 4	5/3/2022	Travis Jacob	6/1/2024	
Seat 5, Chair	8/16/2011	David Rosenquist	6/1/2023	
	ex officio	Vicki Sanson	6/1/2023	

Parks & Recreation Board				5 members; residency req
Seat 1			1/1/2025	<i>formerly Victoria Hartman</i>
Seat 2	2/7/2023	Kamil Kell	1/1/2024	
Seat 3	1/17/2023	Julie Franco	1/1/2025	
Seat 4	3/17/2020	Jennifer White	1/1/2024	
Seat 5	2/2/2021	Joe Serpette	1/1/2025	
Alternate	5/3/2022	Mike Cook	1/1/2024	

LVFD Board of Directors				3 members
Seat 1	6/19/2018	Mindi Serkland	6/19/2024	
Seat 2	6/19/2018	Mike Jones	6/19/2023	
Seat 3	5/3/2022	Kay Wright	6/19/2024	

Boards that meet Ad Hoc:

Board of Adjustment				5 members and 2 alternate members
Seat 1	1/17/2023	Rachel Blakey	1/17/2025	
Seat 2	1/17/2023	Rachel Dumas	1/17/2024	
Seat 3	1/17/2023	John Franco	1/17/2025	
Seat 4	2/21/2023	Karen Jacob	1/17/2024	<i>formerly Kristin Moore</i>
Seat 5	1/17/2023	Mindi Serkland	1/17/2025	
Alternate -1	2/7/2023	David Rosenquist	1/17/2024	
Alternate -2	2/7/2023	Perry Elliott	1/17/2025	

IFC Building Board of Appeals				6 members
Chairperson	3/1/2022	Mayor		
Seat 1	3/1/2022	City Council - Place 1		
Seat 2	3/1/2022	City Council - Place 2		
Seat 3	3/1/2022	City Council - Place 3		
Seat 4	3/1/2022	City Council - Place 4		
Seat 5	3/1/2022	City Council - Place 5		



CITY OF LAVON Agenda Brief

MEETING: May 2, 2023

ITEM: 8

Item:

PRESENTATION

Presentation of and discussion regarding the 2022 Financial Statements and Independent Audit Report – Mike Ward Accounting & Financial Consulting, PLLC.

Background:

Chapter 103.001 of the Texas Local Government Code requires that the City’s financial statements shall be audited annually by an independent certified public accountant. The professional audit firm, Mike Ward Accounting & Financial Consulting, PLLC was hired by the City Council to conduct the annual audit for FY 2019-20.

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

The auditor provided a preliminary comment that the audit resulted in an unmodified (“clean”) opinion indicating that the financial statements are presented fairly, in all material respects, in accordance with generally accepted accounting principles.

This represents the best opinion possible.

The audit report will be distributed and presented by the auditor at the meeting.

Staff Notes:

The record will reflect that the City Council received the annual report. No action is necessary.