

ORDINANCE O-113-19

AN ORDINANCE ADJUSTING THE CITY OF ATHENS, TEXAS' BOUNDARY LIMITS BY DISANNEXING LAND FROM THE CITY'S CORPORATE LIMITS; PROVIDING A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code Section 43.142 authorizes a Home Rule City to disannex land in accordance with its City Charter;

WHEREAS, Article 1, Section 1.04 of the City of Athens, Texas Charter allows the City Council to disannex land within the City's Corporate Limits by Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, TEXAS AS FOLLOWS:

I. FINDINGS

A. Texas Local Government Code Section 43.142 authorizes the City to disannex an area in accordance with the City's Charter. The City's Charter, Article I, Section 1.04 provides that the City may disannex an area by the passing of an Ordinance.

B. The landowners of the property more specifically described in Exhibit "A" have requested 2.797 acres tract of land to be disannexed by the City.

II. DISANNEXATION

A. The boundary limits of the City are amended to exclude, and the City of Athens, Texas disannexes and releases from its Corporate Limits, approximately 2.797 acres of land, as more particularly described in Exhibit "A" attached to and incorporated as part of this Ordinance.

B. Should any sentence, clause, phrase, section, subsection or portion of this Ordinance be deemed illegal, void or unconstitutional in any manner by a court of competent jurisdiction or any other tribunal, such finding shall not affect the remaining provisions of this Ordinance.

C. The City Secretary shall file a copy of this Ordinance with the County Clerk of Henderson County, Texas within thirty (30) days of passage.

D. This Ordinance takes effect immediately upon its passage.

First Reading September 23, 2019

PASSED, APPROVED and ADOPTED this the **14th** day of **October, 2019** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Monte Montgomery, Mayor	Aye
Ed McCain, Councilmember/Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Toni Clay, Councilmember	Aye
Robert Gross, Councilmember	Aye

5 voted in favor of the motion and
0 voted against the motion.

Motion carried 5-0

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary

EXHIBIT A

FIELD NOTES

A.M.W.A.

DAVID CHERRY LEAGUE

2.43 ACRES

A-135

HENDERSON COUNTY, TEXAS

All that certain lot, tract or parcel of land situated in Henderson County, Texas on the David Cherry League, A-135 and being a part of the 202.359 acre First Tract mentioned in Award of Commissioners in Proceedings in Eminent Domain Cause No. 2037 of the County Court of Henderson County, Texas. Said lot, tract or parcel of land being more particularly described by metes and bounds as follows:

COMMENCING at a ½" iron rod found at an angle corner of Lot 78 of Oakwood Subdivision recorded in Cabinet D, Slide 19, in the North line of the 108.00 acre tract conveyed to Shadybrook, Inc. by Cora Lee George, Trustee and James J. Spurlock, Trustee by deed dated December 7, 1981 and recorded in Volume 966, Page 147, South 73 degrees 19 minutes West 288.15 feet, North 55 degrees 22 minutes West 114.52 feet and North 68 degrees 05 minutes West 259.33 feet from its Northeast corner; WITNESS: Found ½" iron rod (Basis of Bearing) South 68 degrees 05 minutes East 259.32 feet;

THENCE NORTH 32 degrees 37 minutes 07 seconds East 295.28 feet to a 60 d nail set for the beginning corner of this tract;

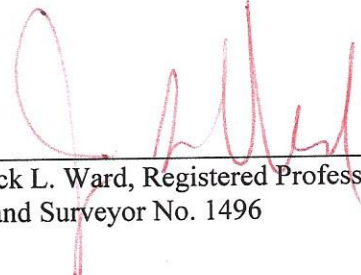
THENCE along a contour having an elevation of 448 feet above mean sea level (flood stage) as follows: North 8 degrees 06 minutes West 106.81 feet to a 60 d nail set, North 6 degrees 49 minutes West 81.54 feet to a 60 d nail set, North 4 degrees 46 minutes West 89.41 feet to a 60 d nail set, North 6 degrees 37 minutes West 85.50 feet to a 60 d nail set, North 16 degrees 20 minutes East 87.36 feet to a 60 d nail set, North 25 degrees 01 minutes East 91.56 feet to a 60 d nail set, North 56 degrees 54 minutes East 88.51 feet to a 60 d nail set, South 86 degrees 09 minutes East 110.59 feet to a 60 d nail set, South 16 degrees 37 minutes East 110.20

feet to a 60 d nail set, South 18 degrees 05 minutes West 97.44 feet to a 60 d nail set, South 18 degrees 40 minutes West 110.90 feet to a 60 d nail set, South 24 degrees 05 minutes West 110.32 feet to a 60 d nail set, South 15 degrees 03 minutes West 81.16 feet to a 60 d nail set, South 13 degrees 22 minutes West 84.42 feet to a 60 d nail set, South 50 degrees 44 minutes West 48.92 feet to a 60 d nail set and North 60 degrees 39 minutes West 55.17 feet to the place of beginning and containing 2.43 acres of land.

SURVEYOR'S CERTIFICATE

I, Jack L. Ward, Registered Professional Land Surveyor No. 1496, do hereby certify that I, at the instance of Damon Douglas of Athens, Texas, went upon the ground and surveyed the above described tract of land and prepared the above field notes describing the boundaries of same just as they were found and surveyed upon the ground.

WITNESS my hand and seal at Athens, Texas, on this the 18th day of February, A.D. 2008.



Jack L. Ward, Registered Professional
Land Surveyor No. 1496

FIELD NOTES

ATHENS MUNICIPAL WATER AUTHORITY

DAVID CHERRY LEAGUE

0.366 ACRES

A-135

HENDERSON COUNTY, TEXAS

All that certain lot, tract or parcel of land situated in Henderson County, Texas on the David Cherry League, A-135 and being a part of the 202.359 acre First Tract mentioned in the Award of Commissioners in Proceedings in Eminent Domain Cause No. 2037 of the County Court of Henderson County, Texas. Said lot, tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found at the Northwest corner of Lot 87 of Oakwood Subdivision as shown by plat recorded in Cabinet D, Slide 19 of the Henderson County Plat Records and at Elevation 448.00' of Lake Athens (202.359 acre First Tract) and the Northeast corner of the Sabine Street (a 50' wide street of Oakwood Subdivision);

THENCE NORTH 67 degrees 34 minutes West 50.00 feet to a point at the Northwest corner of Sabine Street;

THENCE NORTH 0 degrees 15 minutes East 309.44 feet to a point in Elevation 448' of a 2.43 acre tract (part of the 202.359 acre First Tract) surveyed previously;

THENCE SOUTH 60 degrees 39 minutes East 34.59 feet to a 60 d nail found at the Southern corner of the 2.43 acre tract;

THENCE NORTH 50 degrees 44 minutes East 25.63 feet to a point in Elevation 448' of the 2.43 acre tract;

THENCE SOUTH 0 degrees 15 minutes West 308.93 feet to a point for corner;

THENCE SOUTH 11 degrees 20 minutes West 19.24 feet to the place of beginning and containing 0.366 acres of land.

SURVEYOR'S CERTIFICATE

I, Billy D. Murphree, Jr., Registered Professional Land Surveyor No. 3962, do hereby certify that I, at the instance of Chris Weeks of Athens, Texas, went upon the ground and surveyed the above described tract of land and prepared the above field notes describing the boundaries of same.

WITNESS my hand and seal at Athens, Texas, on this the 14th day of July, A.D. 2008.

Billy D. Murphree, Jr., Registered
Professional Land Surveyor No. 3962