

## ORDINANCE O-114-19

### 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 6.991 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 6.991 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 **14<sup>th</sup>** 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

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Monte Montgomery, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary

AMWA  
6.991 Acres

Exhibit A  
FIELD NOTES

David Cherry Survey A-135  
Henderson County, Texas

**All that certain lot, tract or parcel of land, located in the David Cherry Survey, Abstract Number 135, in Henderson County Texas, and being a part of a called 52.536 acre tract recorded in Volume 501, Page 213, Real Property Records of Henderson County, Texas (R.P.R.H.C.T.), and being described by metes and bounds as follows:**

**BEGINNING** at a ½ inch iron rod, found at the northwest corner of the called 52.536 acre tract, in the south line of a called 1.0 acre tract recorded in Instrument Number 2010-00016376 (R.P.R.H.C.T.) and at the northeast corner of a called 30.8 acre tract recorded in Instrument Number 2012-00016380 (R.P.R.H.C.T.);

**THENCE** South 89°08'57" East, a distance of 1156.89 feet, to a set ½ inch iron rod, in the elevation 448 contour line of Lake Athens and at the southeast corner of the called 1.0 acre tract;

**THENCE** Along the elevation 448 contour of Lake Athens as follows: South 54°14' 05" West , a distance of 54.39 feet to a set ½ inch iron rod, South 62°33' 27" West , a distance of 72.81 feet to a set ½ inch iron rod, South 76°14' 05" West , a distance of 125.35 feet to a set ½ inch iron rod, North 86°16' 21" West , a distance of 103.62 feet to a set ½ inch iron rod, South 69°23' 38" West , a distance of 63.30 feet to a set ½ inch iron rod, South 46°53' 49" West , a distance of 126.80 feet to a set ½ inch iron rod, South 55°08' 01" West , a distance of 85.71 feet to a set ½ inch iron rod, South 68°26' 17" West , a distance of 94.91 feet to a set ½ inch iron rod, South 76°26' 47" West , a distance of 92.55 feet to a set ½ inch iron rod, South 45°33' 13" West , a distance of 105.11 feet to a set ½ inch iron rod, South 52°17' 22" West , a distance of 71.05 feet to a set ½ inch iron rod, South 73°02' 15" West , a distance of 110.55 feet to a set ½ inch iron rod, South 72°00' 25" West , a distance of 94.38 feet to a set ½ inch iron rod, and South 68°58' 44" West , a distance of 109.40 feet to a set ½ inch iron rod in the west line of the called 52.536 acre tract and at the east line of the called 30.8 acre tract;

**THENCE** North 00°38'18" East , a distance of 539.41 feet to the **PLACE OF BEGINNING**, containing **6.991** acres of land.

AMWA 6.991 ac Henderson co