

ORDINANCE NO. 2022-O-056

AN ORDINANCE OF THE CITY OF ATHENS, TEXAS, CLOSING AND ABANDONING THE PORTION OF THE FIRST STREET RIGHT-OF-WAY RUNNING NORTH AND SOUTH BETWEEN LOT 14 OF BLOCK 13 AND LOT 10 OF BLOCK 14 OF THE BISHOP HEIGHTS ADDITION OF T. PARMER SURVEY A-782 AND RETAINING A 25 FEET WIDE WATER AND SEWER EASEMENT IN THE CENTER.

WHEREAS, Heather Fossis and Evelyn Cummings, adjacent property owners, have requested that the City of Athens, Texas close and abandon the portion of the First Street right-of-way running north and south between Lot 14 of Block 13 and Lot 10 of Block 14 of the Bishop Heights Addition of T. Parmer Survey A-782; and

WHEREAS, on the 28th day of March 2022, the City Council of the City of Athens, Texas after due notice read aloud the ordinance for the first time as required by Article III, Section 3.11 of the City of Athens Charter.

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

Section 1. That the portion of the First Street right-of-way described as being 40 feet wide and running north and south between Lot 14 of Block 13 and Lot 10 of Block 14 of the Bishop Heights Addition of T. Parmer Survey A-782 and shown on the attached Exhibit A be officially closed to the public and abandoned with a 25 feet wide water and sewer easement retained in the center; and

That the Mayor is hereby authorized to execute Quit Claim Deeds to adjoining property owners where appropriate.

Section 2. Should any clause, phrase, sentence section of this Ordinance be deemed invalid or unconstitutional by a court of competent jurisdiction, said finding shall not affect the remaining clauses, phrases, sentences or sections of this Ordinance.

Section 3. Any ordinance, resolution or order previously passed and/or adopted by the City Council, or any part thereof, if found to be in conflict with the provisions of this Ordinance, shall be resolved in favor of the terms and conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.

Section 4. This ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Athens, Texas.

PASSED, APPROVED and ADOPTED this the **11th** day of **April, 2022** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
Robert Gross, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Mark Carroll, Councilmember	Aye

Voted in favor of the motion	5
Voted against the motion	0
Motion carried	5-0

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary

EXHIBIT A

