

ORDINANCE NO. 2022-O-094

AN ORDINANCE OF THE CITY OF ATHENS, TEXAS, CLOSING AND ABANDONING THE APPROXIMATELY 355-FOOT PORTION OF THE POOL STREET RIGHT-OF-WAY RUNNING NORTH AND SOUTH BETWEEN LOTS 2, 4, 6, & 8 OF BLOCK 5 AND LOTS 1, 3, 5, & 7 OF BLOCK 4 OF WEST HYLANDS, T. PARMER SURVEY, ABSTRACT 782, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, Scott Barrett of Red Dot Corporation, an adjacent property owner, has requested that the City of Athens, Texas close and abandon the approximately 355-foot portion of the Pool Street right-of-way running north and south between Lots 2, 4, 6, & 8 of Block 5 and Lots 1, 3, 5, & 7 of Block 4 of West Hylands, T. Parmer Survey, Abstract 782; and

WHEREAS, on the 14th 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 approximately 355-foot portion of the Pool Street right-of-way running north and south between Lots 2, 4, 6, & 8 of Block 5 and Lots 1, 3, 5, & 7 of Block 4 of West Hylands, T. Parmer Survey, Abstract 782 described on the attached Exhibits A & B be officially closed to the public and abandoned with a utility easement retained over the entire portion for which adequate access shall be provided; and

That Red Dot Corporation shall be required to provide a public access easement and install and maintain a hammerhead turnaround to City specifications at the end of the remaining portion of Pool Street; 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conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.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 **25th** day of **July 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

FIELD NOTES

RED DOT CORPPRATION TRACT
PROPOSED STREET CLOSURE
(0.30 ACRES IN ROAD)

T. PARMER SURVEY
ABSTRACT 782

HENDERSON COUNTY

All that certain lot, tract, or parcel of land situated in the T. Parmer Survey Abstract 782, Henderson County, Texas, and being located in the West Hylands Addition described by plat recorded in Cabinet A Slide 69, of the Deed Records of Henderson County, Texas. Said street closure being more fully described by metes and bounds as follows.

BEGINNING at a set 1/2" iron rod at the northwest corner of this road closure located west R.O.W of Pool Street;

THENCE crossing said Pool Street North 90°00'00" East a distance of 31.97 feet to a set 1/2" iron rod for the northeast corner of this road closure located in the said East R.O.W. of Pool Street Witness: North 03°00'14" a distance of 120.04 feet to a found 1/2" iron rod for the northwest corner of called Lot 9 Block 4 the West Hylands Addition described by plat recorded in Cabinet A Slide 69, of the Deed Records of Henderson County, Texas.

THENCE with said east R.O.W. of Pool South 03°00'14" East a distance of 355.08 feet to a set 1/2" iron rod for the southeast corner of this road closure located in the east R.O.W. of Pool Street and the north R.O.W. of College street;

THENCE crossing said Pool Street North 74°42'17" West a distance of 45.63 feet to a set 1/2" iron rod for the southwest corner of this tract being located in the said west R.O.W of Pool Street and the North R.O.W. of College;

THENCE with said R.O.W. North 01°05'48" West a distance of 346.62 feet to the place of beginning and containing 0.30 acres of land.

SURVEYOR'S CERTIFICATE

I, Mark Ferrell, Registered Professional Land Surveyor 4373, do hereby certify that I directed an on the ground survey of the property described above and prepared the above field notes and plat of even date describing the boundaries of same just as they were found and surveyed upon the ground. Witness my hand and seal at Athens, Texas, this the 19th day of April, 2022.

Mark Ferrell
Registered Professional Land
Surveyor Number 4373
Firm No. 10019900

EXHIBIT B

