

**ORDINANCE NO. 2020-O-104**

**AN ORDINANCE DISANNEXING THE HEREINAFTER DESCRIBED TERRITORY FROM THE CITY OF ATHENS, HENDERSON COUNTY, TEXAS, AND THEREBY AMENDING THE BOUNDARY LIMITS OF SAID CITY; PROVIDING A SEVERABILITY CLAUSE, A FILING REQUIREMENT, AND AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 43 of the Texas Local Government Code authorizes home rule cities to disannex territory in accordance with the city charter and subject to the laws of this state;

**WHEREAS**, Article I, Section 1.04 of the Charter of the City of Athens, Texas allows for the discontinuance of a territory from the city limits by Ordinance;

**WHEREAS**, the procedures prescribed by the Texas Local Government Code and the laws of this state have been duly followed with respect to the following described territory, to wit:

16.505 acres in the D. Cherry Survey, Abstract 135 in Henderson County Texas, and further described as: All that certain lot, tract, or parcel of land situated in the David Cherry Survey, Abstract Number 135, Henderson County, Texas, and being a part of a the 52.536 acre tract described in Volume 501, Page 213 of the Deed Records of Henderson County, Texas (D.R.H.C.T.), and being described by metes and bounds as shown on Exhibit A. The survey of said property is attached as Exhibit B.

**WHEREAS**, on the 12<sup>th</sup> day of October 2020, the City Council of the City of Athens, Texas held the first reading for the Ordinance 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 heretofore described property is hereby disannexed from the City of Athens, Henderson County, Texas, and that the boundary limits of the City of Athens be and the same are hereby retracted to exclude the above described territory from the city limits of the City of Athens.

Section 2. 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.

Section 3. The City Secretary is hereby directed to file with the County Clerk of Henderson County, Texas, a certified copy of this ordinance.

Section 4. This Ordinance takes effect immediately upon its passage.

**PASSED, APPROVED and ADOPTED** this the 26<sup>th</sup> day of **October 2020** 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, Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Toni Clay, Councilmember	Aye

Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

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Monte Montgomery, Mayor

ATTEST:

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Bonnie Hambrick

FIELD NOTES

Athens Municipal Water Authority  
16.505 Acres

D. Cherry Survey, A-135  
Henderson County, Texas

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

**BEGINNING** at a found 1/2 inch iron rod in the northwest line of County Road 4801, being the southeast corner of a called 0.530 acre "Tract 1" described in Instrument Number 2018-00007855 of the Official Records of Henderson County, Texas (O.R.H.C.T.), being the southerly southwest corner of said 52.536 acre tract, and being the most southerly corner of the herein described tract;

**THENCE** North 02°25'07" West with the common line of said 0.530 acre and said 52.536 acre tracts, a distance of 400.63 feet to a found 1/4 inch iron pipe, being the northeast corner of said 0.530 acre tract, being an ell corner of said 52.536 acre tract, and being an ell corner of this tract;

**THENCE** South 86°44'57" West with the westerly south line of said 52.536 acre tract, passing at the following distances:

- At a distance of 88.30 feet, passing a found 1/2 inch iron rod at a chain-link fence corner;
- At a distance of 510.34 feet, passing a found 1/2 inch iron pipe at a fence corner, being the northwest corner of a called 6.3748 acre tract described in Instrument Number 2016-00006013 (O.R.H.C.T.), same being the northeast corner of a called 5 acre tract described in Volume 842, Page 790 (D.R.H.C.T.);
- At a distance of 783.18 feet, passing a 6 inch cedar fence corner at the occupied northwest corner of said 5 acre tract, the same being the occupied northeast corner of a called 12.979 acre tract described in Volume 2063, Page 773 of the Real Property Records of Henderson County, Texas (R.P.R.H.C.T.);
- At a distance of 1,055.41 feet, passing a found 1/2 inch pipe (bent) in the north line of said 12.979 acre tract;
- And continuing a total distance of 1,389.57 feet to a found 1/2 iron pipe in a downed fence, being in the east line of a called 30.80 acre tract described in Instrument Number 2012-00016380 (O.R.H.C.T.), being the northwest corner of said 12.979 acre tract, being the westerly southwest corner of said 52.536 acre tract, and being the westerly southwest corner of this tract;

**THENCE** North 00°56'54" West with a downed fence and with the common line of said 30.80 acre and said 52.536 acre tracts, a distance of 181.42 feet to a found 60D nail in the base of a 12 inch hickory tree, being on the platted and actual 448 foot elevation contour line of Lake Athens, and being the northwest corner of this tract;

**THENCE** with the platted 448 foot elevation contour line of Lake Athens, the following twenty (20) courses:

- 1.) North 72°14'09" East, a distance of 92.69 feet to a found 1/2 inch iron rod;
- 2.) North 86°32'59" East, a distance of 62.91 feet to a found 1/2 inch iron rod;
- 3.) North 89°21'03" East, a distance of 82.87 feet to a found 1/2 inch iron rod;
- 4.) North 87°05'17" East, a distance of 101.02 feet to a found 1/2 inch iron rod;

**"EXHIBIT A, continued"**

- 5.) North 72°03'35" East, a distance of 71.27 feet to a found 1/2 inch iron rod;
- 6.) North 54°35'22" East, a distance of 116.21 feet to a found 1/2 inch iron rod;
- 7.) North 56°06'34" East, a distance of 139.20 feet to a found 1/2 inch iron rod;
- 8.) North 65°29'14" East, a distance of 117.60 feet to a found 1/2 inch iron rod;
- 9.) South 81°58'41" East, a distance of 64.18 feet to a found 1/2 inch iron rod;
- 10.) South 67°41'56" East, a distance of 165.67 feet to a found 1/2 inch iron rod;
- 11.) South 61°47'09" East, a distance of 48.40 feet to a found 1/2 inch iron rod;
- 12.) North 60°28'36" East, a distance of 90.54 feet to a found 1/2 inch iron rod;
- 13.) North 69°22'15" East, a distance of 115.07 feet to a found 1/2 inch iron rod;
- 14.) North 84°15'48" East, a distance of 112.82 feet to a found 1/2 inch iron rod;
- 15.) North 61°19'41" East, a distance of 117.56 feet to a found 1/2 inch iron rod;
- 16.) North 62°37'10" East, a distance of 78.32 feet to a found 1/2 inch iron rod;
- 17.) South 84°52'56" East, a distance of 62.93 feet to a found 1/2 inch iron rod;
- 18.) South 67°42'13" East, a distance of 93.85 feet to a found 1/2 inch iron rod;
- 19.) South 79°54'29" East, a distance of 96.74 feet to a found 1/2 inch iron rod;
- 20.) South 86°10'14" East, a distance of 73.29 feet to a found 1/2 inch iron rod;

**THENCE** South 41°26'37" East across said 52.536 acre tract, a distance of 350.51 feet to a found 1/2 inch iron rod in northwest line of County Road 4801, being the most easterly corner of this tract;

**THENCE** South 48°46'56" West with the northwest line of County Road 4801, a distance of 434.29 feet to a found 1/2 inch iron rod;

**THENCE** South 48°09'19" West with the northwest line of County Road 4801, a distance of 358.08 feet to the **PLACE OF BEGINNING**, containing **16.505** acres of land.


**Note:**

- 1.) A plat of an even date accompanies this description.
- 2.) Bearings and distances were derived from G.P.S. observations and are based on the Texas State Plane Coordinate System, N.A.D. 83 North Central Zone (FIPS 4202).
- 3.) Elevations data was derived from the pool elevation on Lake Athens on this date (USGS Gauge 08031290).

**Surveyor's Certificate:**

I, Ross C. Address, Texas Registered Professional Land Surveyor No. 6464, do hereby certify that the above description is true and correct to the best of my knowledge, and that the property described herein was determined by a survey made on the ground and under my direct supervision.

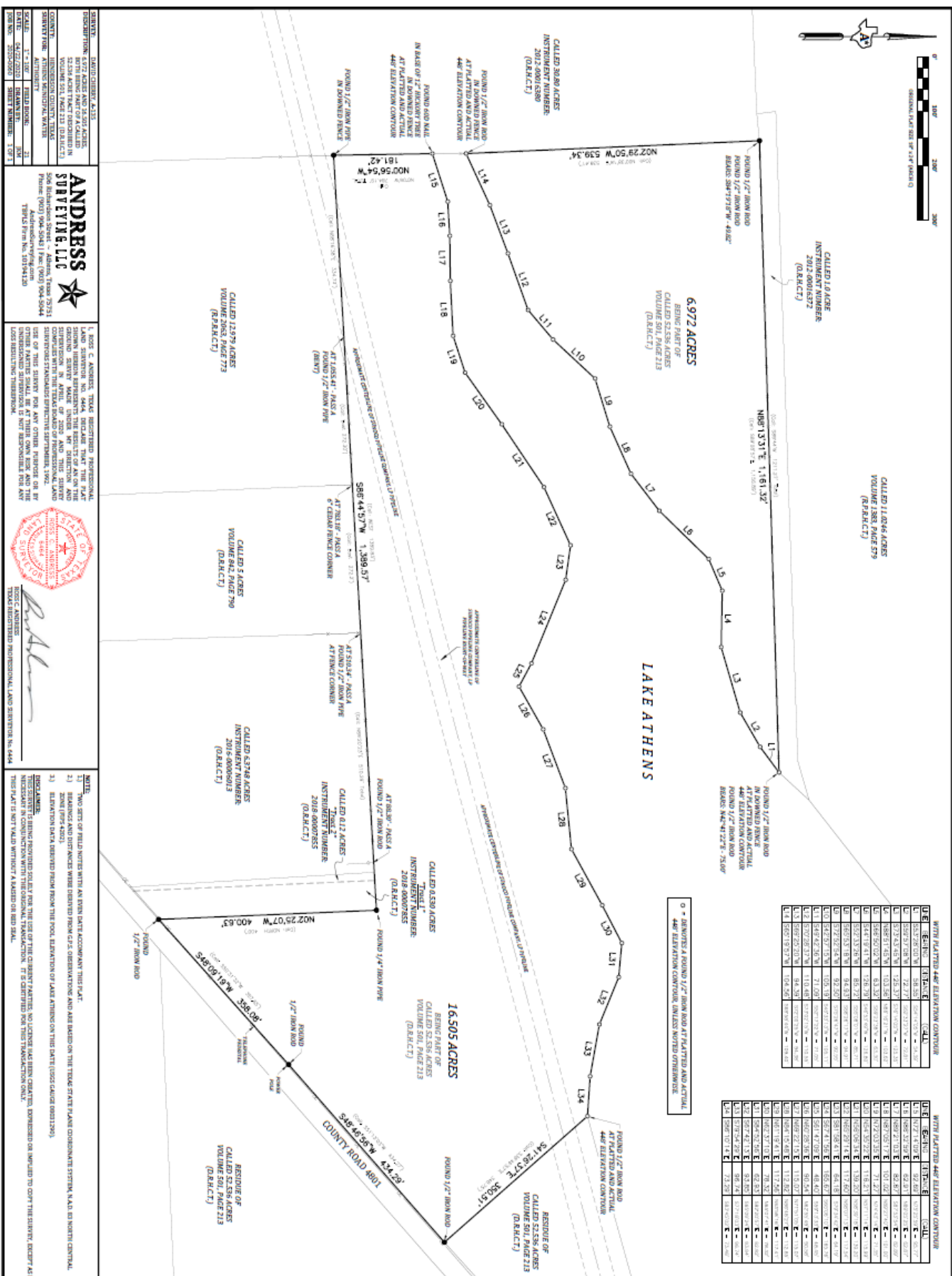
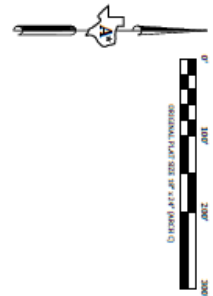
Witness my hand and seal at Athens, Texas on this 22nd day of April, 2020 A.D.



Ross C. Address

Texas Registered Professional Land Surveyor No. 6464





WITH PLOTTED 44\"/>

LINE	BEARING	DISTANCE	AREA
1	N 02° 28' 50\"/>		

WITH PLOTTED 44\"/>

LINE	BEARING	DISTANCE	AREA
1	N 02° 28' 50\"/>		

**ADDRESS SURVEYING, LLC**  
 506 Richardson Street - Abilene, Texas 79713  
 Phone: (817) 904-5048 Fax: (817) 904-5044  
 T8812 Form No. 01044-120

1. ROSE C. ANDREWS, TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6444, DECLARES THAT THE PLAT SHOWN HEREIN REPRESENTS THE RESULTS OF AN ORIGINAL SURVEY CONDUCTED BY HER IN ABILENE, TEXAS, ON SEPTEMBER 14, 2022, AND THAT THE SURVEY INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HER KNOWLEDGE AND BELIEF AS OF THE DATE OF THIS SURVEY. SHE HAS NO OTHER INTEREST IN ANY OF THE MATTERS SHOWN ON THIS PLAT AND THE USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND THE LIABILITY OF SUCH PARTIES. SHE HAS NO OTHER INTEREST IN ANY OF THE MATTERS SHOWN ON THIS PLAT AND THE USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND THE LIABILITY OF SUCH PARTIES.



*Rose C. Andrews*  
 ROSE C. ANDREWS  
 TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6444

**NOTES:**  
 1) TWO SETS OF PLAT NOTES WITH AN EXEMPT DATE ACCOMPANY THIS PLAT.  
 2) BEARING AND DISTANCES WERE DERIVED FROM GPS OBSERVATIONS AND ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, 80 NORTH CENTRAL ZONE (FIPS 4302).  
 3) ELEVATION DATA DERIVED FROM THE PLOTTED ELEVATION OF LAKE ATHENS ON THE DATE (2022 GAUGE 09021200).  
 4) THE SURVEY IS BEING PROVIDED FOR THE USE OF THE CHANGING PARTIES. NO LICENSE HAS BEEN GRANTED, EXEMPTION OR INJUNCTION TO COPY THE SURVEY, EXCEPT AS TO THE MATTER SHOWN ON THIS PLAT. IT IS HEREBY DECLARED THAT THE INFORMATION ON THIS PLAT IS NOT VALID WITHOUT A BASED OR RED SEAL.