

**ORDINANCE NO. 2021-O-004**

**AN ORDINANCE OF THE CITY OF ATHENS, TEXAS, CLOSING AND ABANDONING THE PORTION OF THE NEEDMORE STREET RIGHT-OF-WAY RUNNING NORTH AND SOUTH BETWEEN LOTS 8, 12B AND 12C OF BLOCK 107, LOTS 2 AND 3A OF BLOCK 109 AND TRACT 18A OF F. M. COKER TRACT OF THE B. C. WALTERS SURVEY A-797, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, Janice Loden Vaughn of Dillon Manufacturing and CJV Enterprises LP, an adjacent property owner, has requested that the City of Athens, Texas close and abandon the portion of the Needmore Street right-of-way running north and south between Lots 8, 12B and 12C of Block 107, Lots 2 and 3A of Block 109 and Tract 18A of F. M. Coker of the B. C. Walters Survey A-797; and

**WHEREAS**, on the 11<sup>th</sup> day of January 2021, 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 Needmore Street right-of-way running north and south between Lots 8, 12B and 12C of Block 107, Lots 2 and 3A of Block 109 and Tract 18A of F. M. Coker of the B. C. Walters Survey A-797 shown on the attached Exhibit A be officially closed to the public and abandoned with a utility easement retained over the entire portion; and

That the Mayor is hereby authorized to execute Quit Claim Deeds to adjoining property owner 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conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.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 **25<sup>th</sup>** day of **January 2021** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Monte Montgomery, Mayor	Aye
Toni Clay, Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Robert Gross, Councilmember	Aye

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

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Monte Montgomery, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary

