

ORDINANCE NO. 2020-O-103

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:

7.848 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 12th 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 26th 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

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick

FIELD NOTES

Athens Municipal Water Authority
7.848 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, being a part of a 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 being described by metes and bounds as follows:

BEGINNING at a found 1/2 inch iron rod at a cross-tie fence corner in the southeast line of County Road 4801, being in the south line of said 52.536 acre tract and being the northwest corner of a called 568.535 acre tract described in Volume 1535, Page 838 of the Real Property Records of Henderson County, Texas (R.P.R.H.C.T.), from which a found 1/2 inch iron rod at the original southerly southwest corner of said 52.536 acre tract bears South 88°41'07" West, 64.41 feet;

THENCE North 49°40'21" East across said 52.536 acre tract and with the southeast line of County Road 4801, a distance of 308.54 feet to a 1/2 inch iron rod at an angle point in the same;

THENCE North 48°36'32" East across said 52.536 acre tract and with the southeast line of County Road 4801, a distance of 860.94 feet to a found 1/2 inch iron rod in an asphalt road;

THENCE South 22°55'43" East across said 52.536 acre tract and along an asphalt road, a distance of 39.75 feet to a found 1/2 inch iron rod in said road, being in the east line of said 52.536 acre tract, being the southwest corner of a called 4.461 acre tract recorded in Volume 500, Page 378 (D.R.H.C.T.), and being the northwest corner of a called 2.152 acre tract recorded in Instrument Number 2011-00002281 of the Official Records of Henderson County, Texas (O.R.H.C.T.);

THENCE South 02°28'58" East with an asphalt road and with the east line of said 52.536 acre tract, a distance of 694.84 feet to a found 1/2 inch iron rod at the southerly southeast corner of said 52.536 acre tract, being in the north line of the aforementioned 568.535 acre tract, from which a 24 inch brick column for reference bears South 13°57' East, 4.30 feet, and a 5 inch pipe fence angle for reference bears South 83°38' West, 18.30 feet;

THENCE South 87°38'38" West with a wire fence and the common line of said 568.535 acre and said 52.536 acre tracts, a distance of 927.48 feet to the **PLACE OF BEGINNING**, containing 7.848 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).

Surveyor's Certificate:

I, Ross C. Andress, 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 1st day of July, 2020 A.D.


Ross C. Andress

Texas Registered Professional Land Surveyor No. 6464





- NOTES:
- 1) A SET OF FIELD NOTES WITH AN EVEN DATE ACCOMPANIES THIS PLAT.
 - 2) BEARINGS 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) CALLED BEARINGS AND DISTANCES AS SHOWN ON AN ATHENS MUNICIPAL WATER AUTHORITY PROPERTY DEVELOPMENT EXHIBIT MAP DATED APRIL 04, 2015 BY VELVIN & WEEKS CONSULTING ENGINEERS, INC.
 - 4) THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS, ENCUMBRANCES OR OTHER MATTERS OF RECORD NOT SHOWN HEREBY AS A RESULT.

DISCLAIMER:
 THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE OR IMPLIED TO COPY THIS SURVEY EXCEPT AS IT IS HEREBY IN CONNECTION WITH THE ORIGINAL TRANSACTION. IT IS CERTIFIED FOR THIS TRANSACTION ONLY.
 THIS PLAT IS NOT VALID WITHOUT A RAISED SEAL.

SURVEY: DAVID CHERRY SURVEY A-135
DESCRIPTION: A PART OUT THE RESIDUE OF A CALLED S2336 ACRE TRACT DESCRIBED IN VOLUME 501, PAGE 213 (D.R.H.C.T.)

COUNTY: HENDERSON COUNTY, TEXAS
SURVEY FOR: ATHENS MUNICIPAL WATER AUTHORITY
SCALE: 1" = 100'
FIELD BOOK: 22
DATE: 07/01/2020
DRAWN BY: JRM
JOB NO: 2020-0095
SHEET NUMBER: 1 OF 1

ANDRESS SURVEYING, LLC

506 Richardson Street ~ Athens, Texas 75751
 Phone: (903) 904-5043 | Fax: (903) 904-5044
 AndressSurveying.com | TBPUS Firm No. 10194120

I, ROSS C. ANDRESS, TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6464, DECLARE THAT THE PLAT SHOWN HEREBY REPRESENTS THE RESULTS OF AN ON-THE-GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION IN JUNE OF 2020 AND THIS SURVEY COMPLES WITH THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS STANDARDS EFFECTIVE SEPTEMBER, 1992.
 USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED SUPERVISOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.



ROSS C. ANDRESS
 TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR No. 6464

