

ORDINANCE NO. 06-06-2023

AN ORDINANCE PROVIDING THAT AN ALLEY LOCATED BETWEEN LOT 11 & 12 OF BLOCK 12/186 AND LOT 3,4,5, & 6 OF BLOCK 12/186 OF THE CITY OF HENDERSON, RUSK COUNTY, TEXAS, SHALL BE VACATED, ABANDONED AND CLOSED; PROVIDING FOR THE REVERSION OF THE FEE IN SAID STREET; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON FINAL ADOPTION.

WHEREAS, the City Council of the City of Henderson, Texas, finds that an alley in the Mizner Addition, of the City of Henderson, as shown on the plat to said subdivision of the City of Henderson is not and has not been paved or used as a street; and

WHEREAS, the City Council of the City of Henderson, Texas, finds that there are no plans to ever pave or use said alley; and

WHEREAS, the City Council of the City of Henderson, Texas, has determined that it would be in the best interests of the adjacent land owners and the public in general that the following described alley should be closed, vacated and abandoned.

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

SECTION 1: That the portion of the alley, located between Lot 11 & 12 of Block 12/186 and Lot 3,4,5, & 6 of Block 12/186 the City of Henderson, Rusk County, Texas, as shown on the plat to the said subdivision to the City of Henderson, shall be and is hereby closed abandoned and permanently vacated as a street or public thoroughfare of any kind or character whatsoever. See attached Exhibit "A".

SECTION 2: That the fee to the land in the portion of alley, more fully described in Exhibit "A" attached hereto, shall revert to the adjoining property owners as provided by law.


SECTION 3: That all Ordinances or parts of Ordinances in conflict herewith are hereby expressly repealed.

SECTION 4: If any provision, exception, section, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provision of this Ordinance or their application to other persons or sets of circumstances and, to this end, all provisions of this Ordinance are declared to be severable..

SECTION 5: That this Ordinance shall take full effect and force upon the final passage by the City Council of the City of Henderson, Texas.

PASSED AND APPROVED this 20 day of June, 2023.

PASSED, APPROVED AND ADOPTED on the second and final reading on this
the 25 day of ~~June~~ July, 2023.



John W. Fullen, Mayor
City of Henderson

ATTEST:



Cheryl Jimerson, City Secretary
City of Henderson



Field Notes for
 12' Wide Peach Street Alley to be Abandoned

GENERAL DESCRIPTION

Being a 12' Alley of the City of Henderson, Rusk County, Texas, being part of Block 12 as shown on the City Maps of Henderson, Texas, said alley shown as a 12' wide strip located on the South side of Peach Street and being more particularly described as follows;

BEGINNING at a 2 1/2" crimped steel fence corner past for the Northeast corner of this alley, this point being located at Texas State Plane Coordinate System (NAD83), NCZ(4202) N-6760774.72, E-3117957.35, this point being on the South margin of Peach Street and being the occupied Northwest corner of Lot 6, Block 12 as conveyed to Norman Walton and Gretchen Walton in a Sheriff's Deed (conveyance include Lots 5 & 6, Block 12) recorded in Volume 3061, Page 343 of the Official Public Records of Rusk County, Texas.

LEGAL DESCRIPTION

THENCE S 16°16'47" E for a distance of 100.00' to a point at the Southeast corner of this alley abandonment and being the Southwest corner of Lot 6, Block 12/186.

THENCE S 78°43'35" W for a distance of 12.00' to a 1/2" iron rod set for the Southwest corner of this alley abandonment and being the Southeast corner of Lot 11, Block 12/186 conveyed as the East 40' of Lots 11 & 12, Block 12/186 from Agnes Cochran and Joe Troy Cochran to Ruby Jean Alexander in a warranty Deed with Vendor's Lien Volume 1593, Page 531 (LRRCT).

THENCE N 16°18'21" W for a distance of 100.00' to a 1/2" iron rod set on the South margin of Peach Street for the Northeast corner of said Alexander lot 11 and being the Northwest corner of this alley.

THENCE N 78°43'35" E for a distance of 12.00' to the place of beginning and containing 0.0275 acres of land.

NOTE: Bearing Orientation Based on NAD 83, NCZ(4202) TSPCS.

CERTIFICATE:

I, Roy L. Lemley, RPLS No. 3677 hereby certify that the above plat correctly represents the results of a survey on the ground by me and is true and correct to the best of my knowledge and belief.

Roy L. Lemley (Electronic Signature)

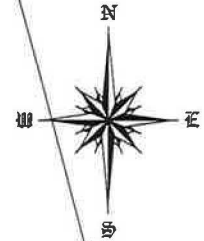
Roy L. Lemley
 Registered Professional Land Surveyor No. 3677
 2510 Ranblewood, Henderson, Texas 75652
 Office: 903-722-4149 FIRM No. 101103-000
 Email: roy@roylemleysurveyor.com

MAP SHOWING
 PROPOSED PEACH STREET ALLEY
 TO BE ABANDONED
 T.K. BENNETT SURVEY, A-119
 City of Henderson
 RUSK COUNTY, TEXAS
 Scale: 1"=50' June 8, 2023

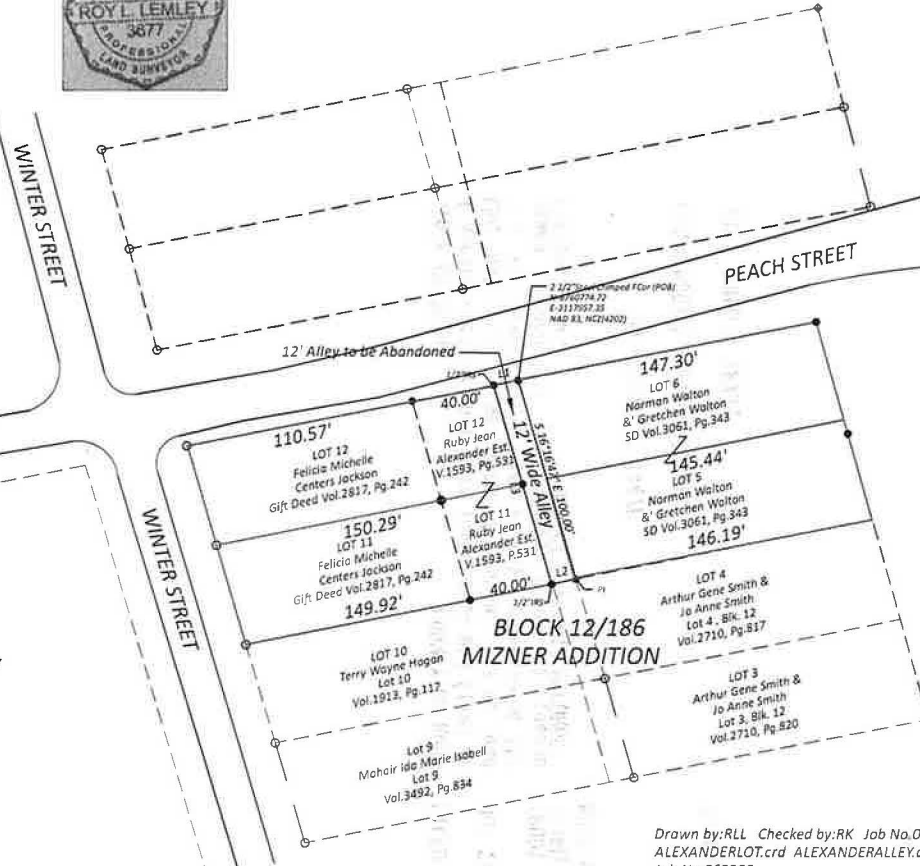
T.K. BENNETT SURVEY, A-119
 This map prepared for Clayton Homes, Inc.

CALL TABLE

LINE	BEARING	DISTANCE
L1	N 78°43'35" E	12.00'
L2	S 78°43'35" W	12.00'
L3	N 16°18'21" W	100.00'



U.S. HIGHWAY 79



Drawn by: RLL Checked by: RK Job No. 0623
 ALEXANDERLOT.crd ALEXANDERALLEY.dwg
 Job No. 062309

STATE OF TEXAS COUNTY OF RUSK
I hereby certify that this instrument was filed on
the date and time stamped hereon by me and
was duly recorded in the volume and page of the
named records of Rusk County, Texas as stamped
hereon by me. OFFICIAL PUBLIC RECORDS

FILED FOR RECORD
Jul 27, 2023 01:47P
TRUDY MCGILL,
COUNTY CLERK
RUSK COUNTY, TEXAS

Jul 27, 2023 01:47P

TRUDY MCGILL, COUNTY CLERK
RUSK COUNTY, TEXAS

By: Hope Valdez, DEPUTY

City of Henderson