

CITY OF MARSHALL, TEXAS ORDINANCE NO. O-23-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS, ABANDONING, VACATING, AND CLOSING THAT PORTION OF A 15 FOOT ALLEY TO THE EAST OF 1204 BOMAR ST. FROM THE SOUTH BOUNDARY LINE TO THE NORTH BOUNDARY LINE OF LOT 8, BLOCK 6 OF THE BOMAR HEIGHTS ADDITION TO THE CITY OF MARSHALL, COUNTY OF HARRISON AND CONSISTING OF APPROXIMATELY 0.026 ACRES, AND WHICH IS MORE PARTICULARLY DESCRIBED AND OR DEPICTED IN EXHIBIT A, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marshall, Texas, is a Texas home-rule municipality; and

WHEREAS, Section 311.001(a) of the Texas Transportation Code generally provides that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, Section 311.007 of the Texas Transportation Code provides the authority for a home-rule municipality to vacate, abandon or close a street or alley within the municipality; and

WHEREAS, the City of Marshall, Texas, acquired a public interest in that the heretofore described portion of a 15 foot alley along the east boundary line of Lot 8, Block 6 of the Bomar Heights Addition to the City of Marshall recorded in Vol. 61, Page 57 of the Deed Records of Harrison County, Texas, through a dedicated plat; and

WHEREAS no actual roadway had ever been constructed or used by the public on the described portion of the described alley; and

WHEREAS, the City Council of the City of Marshall, Texas, has determined and finds it is in the public interest that the heretofore described portion of that 15 foot alley, as described and/or depicted in Exhibit A, which is attached hereto and incorporated herein for all purposes, should be abandoned, vacated, and closed as a public roadway.

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

SECTION 1. That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. That the 15 foot alley along the east boundary line of Lot 8, Block 6 of the Bomar

Heights Addition to the City of Marshall recorded in Vol. 61, Page 57 of the Deed Records of Harrison County, Texas, as described and/or depicted in Exhibit A, which is attached hereto and incorporated herein for all purposes, is hereby abandoned, vacated, and closed as a public roadway; PROVIDED HOWEVER, that the City of Marshall shall retain any easement necessary for maintenance, repair or replacement of water, sewer, or any other infrastructure of the City underlying the property described herein.

SECTION 3. That if any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. That all provisions of the Ordinances of the City of Marshall, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. That this Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS THE _____ DAY OF SEPTEMBER, 2023.



Amy Ware, Mayor

ATTEST:



Nikki Smith, City Secretary

APPROVED AS TO FORM:



Scott Rectenwald, City Attorney

THE STATE OF TEXAS

§

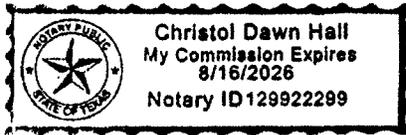
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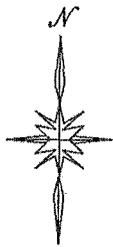
COUNTY OF HARRISON

§

This instrument was acknowledged before me on the 5 day of October, 2023, by Amy Ware, Mayor of the City of Marshall, Texas, as having been executed for the purposes and consideration stated therein.

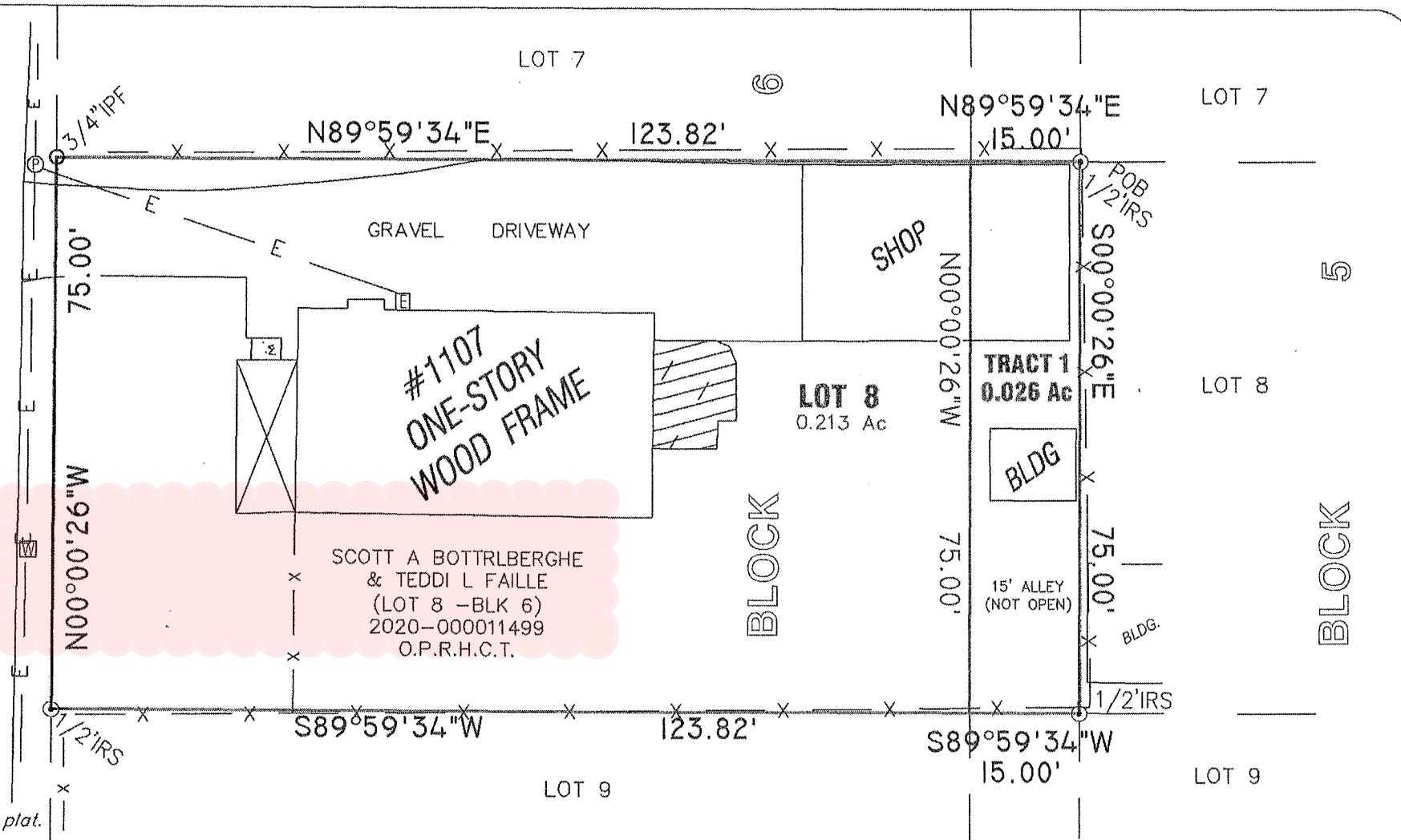
Christol Hall
NOTARY PUBLIC, State of Texas
My Commission Expires: 08/16/2026
Christol Hall
Typed or Printed Name of Notary





PETER WHETSTONE
A-756

BOMAR STREET



SCOTT A BOTTLBERGHE
& TEDDI L FAILLE
(LOT 8 -BLK 6)
2020-000011499
O.P.R.H.C.T.

BLOCK

BLOCK

See field notes for Tract 1 to accompany plat.

I, Chris E. Griffith, Registered Professional Land Surveyor, do hereby certify that this plat represents the results of a survey made on the ground under my supervision during the month of June, 2023. Corners are as shown on plat. There are no encroachments on said tract of land by buildings on the adjoining tracts. There are no visible highlines, pipelines, or other utility lines on said tract of land other than those serving same, and those shown on plat.

GIVEN UNDER MY HAND & SEAL, this the 15th day of June, 2023.

Chris E. Griffith

Chris E. Griffith
Registered Professional Land Surveyor
State of Texas No. 4846



LEGEND KEY

- ⊙ Power Pole
- ⊞ Water Meter
- ⊞ Electric Meter
- IRS=Iron Rod Set
- IPF=Iron Pipe Found

PLAT of SURVEY
SHOWING
1204 BOMAR STREET
LOT 8, BLOCK 6
and TRACT 1=0.026 ACRE
MEDILL - BOMAR HEIGHTS ADDITION
CITY OF MARSHALL
HARRISON COUNTY, TEXAS
SCALE: 1" = 20'

REFERENCE: MEDILL - BOMAR HEIGHTS ADDITION - VOLUME 61, PAGE 57 - D.R.H.CO.,TX.

GRIFFITH SURVEYING CO., LLC

501 N SPUR 63 - SUITE C3
LONGVIEW, TEXAS 75601
PH (903)295-1560 EMAIL: chris@gscorpls.com

SURVEY
PREPARED FOR
COLE BAILEY

FIRM No.10083600

JOB No.23-2134-1204

Griffith Surveying Co., LLC

501 N Spur 63 – SUITE C3
LONGVIEW, TX 75601
PH: 903-295-1560

June 15, 2023

FIELD NOTES FOR 0.026 ACRE OF LAND

BEING 0.026 acre of land situated in the City of Marshall, Harrison, County, Texas and being a part of that certain 15 foot wide alley located between Lot 8, Block 6 and Lot 8, Block 5 of the Medill – Bomar Heights Addition to said city as recorded in Volume 61, Page 57 of the Deed Records of said county; said 0.026 acre of land to be more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod set for the Northeast corner of this 0.026 acre tract and being the Northwest corner of the above referenced Lot 8, Block 5 and the Southwest corner of Lot 7, Block 5 and being in the East line of the above referenced alley;

THENCE South 00°00'26" East, a distance of 75.00 feet with the West boundary line of said Lot 8, Block 5 and the East line of said alley to a ½ inch iron rod set for the Southwest corner of said Lot 8, Block 5 and the Northwest corner of Lot 9, Block 5;

THENCE South 89°59'34" West, a distance of 15.00 feet to a point for the Southeast corner of the above referenced Lot 8, Block 6 and the Northeast corner of Lot 9, Block 6 in the West line of said alley;

THENCE North 00°00'26" West, a distance of 75.00 feet with the East boundary line of said Lot 8, Block 6 and the West line of said alley to a point for the Northeast corner of said Lot 8, Block 6 and the Southeast corner of Lot 7, Block 6;

THENCE North 89°59'34" East, a distance of 15.00 feet to the place of beginning and containing 0.026 acre of land.

See plat to accompany field notes.



Chris E. Griffith
Registered Professional Land Surveyor
State of Texas No. 4846
Job No. 23-2134-1204-A
Firm No. 10083600

