

CITY OF MARSHALL, TEXAS ORDINANCE NO. O-24-13

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS, ABANDONING, VACATING, AND CLOSING PORTIONS OF AN UNNAMED ROW THAT SITS WITHIN THE BISHOP JOSEPH STRICKLAND TRACT ONE (DOCUMENT NO. 2022-000011237), WHICH SECTIONS ARE MORE PARTICULARLY DEPICTED IN EXHIBIT A AND THE LEGAL DESCRIPTION DESCRIBED IN EXHIBIT B, 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 right of ways 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 right of way within the municipality; and

WHEREAS, the City of Marshall, Texas, acquired a public interest in an unnamed ROW that resides within Outlot 38 SE located within the Peter Whetstone Survey (A-756) as depicted in the attached survey marked as Exhibit A; and

WHEREAS the City Council has determined that no improvements had ever been constructed on said unnamed ROW, and said unnamed ROW has never been in use; 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 the unnamed right of way described and depicted in Exhibit A, and which is further described by metes and bounds in the attached Exhibit B, which Exhibits are attached hereto and incorporated herein for all purposes, should be abandoned, vacated, and closed as a public right of way.

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 unnamed ROW, as depicted in the survey marked as Exhibit A and described by metes and bounds in Exhibit B, which exhibits are attached hereto and incorporated herein for all purposes, is hereby abandoned, vacated, and closed as a public right

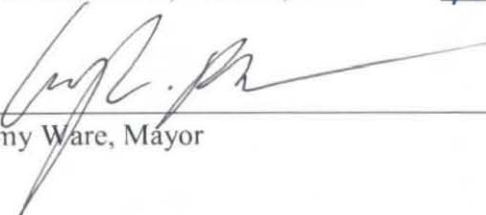
of way; PROVIDED HOWEVER, that the City of Marshall shall retain any easement necessary for maintenance, repair or replacement of water, sewer, or any other infrastructure of the City underlying the property described herein, and does FURTHER retain its rights in the entirety of the right of way.

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 13<sup>th</sup> DAY OF JUNE, 2024.

  
\_\_\_\_\_  
Amy Ware, Mayor

ATTEST:

  
\_\_\_\_\_  
Nikki Smith, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Scott Rectenwald, City Attorney

THE STATE OF TEXAS

§

§

COUNTY OF HARRISON

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This instrument was acknowledged before me on the 13 day of June, 2024,  
by Amy Ware, Mayor of the City of Marshall, Texas, as having been executed for the purposes  
and consideration stated therein.



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

**METES AND BOUNDS DESCRIPTION OF  
40' WIDE ABANDONED ROAD  
PART OF OUTLOT 138 SOUTHEAST  
CITY OF MARSHALL**

All that certain lot, tract or parcel of land situated in Harrison County, Texas within the corporate limits of the City of Marshall, being 0.338 acre land, a part of the PETER WHELSTON SURVEY, A-756, being a part of Outlot 138 Southeast of said city, and a part of Lot 1, Block 0 of the Scogin addition to said city, said 0.338 acres being more particularly described by metes and bounds as follows and as shown on the plat prepared by Bowman Consulting Group on file as Job No. 220223 (Bearing Bas: SPC Texas North Central 4202, NAD83, GRID):

Beginning at a 1/2" iron rod found with surveyors cap stamped "MTX Surveying" in the south right of way of Travis Street and being the northeast corner of called 0.142 Acre tract listed as Tract Two in a deed to Bishop Joseph Strickland, recorded in Document No. 2022-000011237 of the Harrison County Official Public Records (H.C.O.P.R.); said also being on the north line of said Lot 1, Block 0

Thence North 88°04'14" East, with the south right of way line of Travis Street and the north line of the said Lot 1, a distance of 40.00 feet to a point for corner being the northeast corner of said Lot 1 and the northwest corner of Lot 2, Block 0, of the Scogin Addition described in a deed to Cora Taylor, recorded in Volume 409, Page 619 of the Harrison County Deed Records (H.C.D.R.);

Thence South 01°03'06" East, with the east line of said lot 1 and the west line of said lot 2, Block 0, a distance of 106.15 feet to a 1/2" iron rod found with surveyors cap stamped "MTX Surveying" being the south west corner of the said lot 2, Block 0, and being the northwest corner of the tract described in a deed to St. Joseph Catholic Church (designated as Tract Two, recorded in Volume 1569, Page 26 of the Harrison County Official Public Records (H.C.O.P.R.), Also being the most northern corner of the called 2.658 acre tract designated as Tract One, described in a deed to Bishop Joseph Strickland, recorded in Document No. 2022-000011237 of the Harrison County Official Public Records (H.C.O.P.R.), from which a 1" Iron pipe found bears South 03°25'07" East a distance of 260.19 feet to the southwest corner of the said Tract Two and a interior corner of the said called 2.658 acre tract;

Thence South 46°17'16" West, with the northwest line of said called 2.658 acre tract a distance of 129.70 feet to a 1/2" iron rod found with surveyors cap stamped "MTX Surveying" at a northwest corner of the called 2.658 acre tract;

Thence South 11°16'59" East, with a west line of said called 2.658 acre tract a distance of 132.85 feet to a 1" iron pipe found at a interior northwest corner of the called 2.658 acre tract;

Thence South 87°29'00" West, with a north line of said called 2.658 acre tract a distance of 40.06 feet to a 3/4" iron pipe found at a northwest corner of the called 2.658 acre tract from which a 1/2" iron rod found with surveyors cap stamped "MTX Surveying" bears South 05°21'32" East a distance of 317.36 feet to the southwest corner the said called 2.658 acre tract;

Thence North 11°26'26" West, along an east line of the residue of the tract described in a deed to Olivia Murray, recorded in Volume 386, Page 640 of the Harrison County Deed Records (H.C.D.R.) a distance of 148.72 feet to a point for corner being a west corner of the said Olivia Murray Tract;

Thence North 46°17'16" East, with a southeast line of the said Olivia Murray Tract at 99.72 feet pass a 1/2" iron rod found with surveyors cap stamped "MTX Surveying" at the northeast corner of the tract described in a deed to Jose Daniel Morales Arce, recorded in Document No. 2020-000015028 of the Harrison County Official Public Records (H.C.O.P.R.) also a southeast corner of the said called 0.142 acre tract and continuing a total distance of 134.14 feet to a southeast corner of the said called 0.142 acre tract;

Thence North 01°03'06" West with the east line of the said called 0.142 acre tract a distance of 88.00 feet to the place of beginning and containing 0.338 acres of land, more or less.

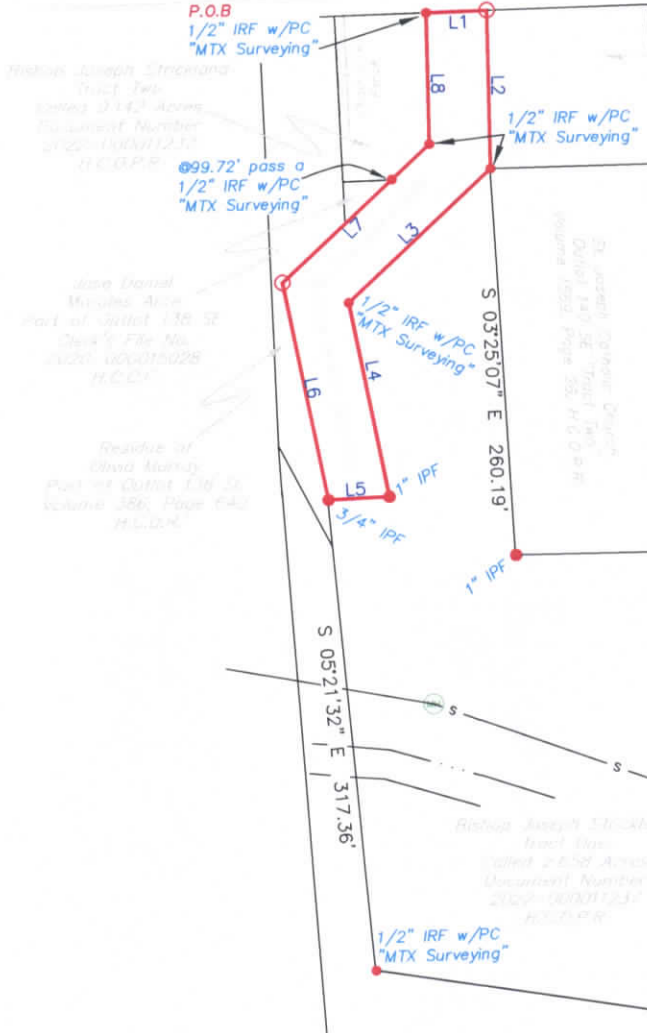
- Found monument (size and type as noted)
  - Set 1/2" iron rod with a plastic cap stamped Bowman
  - PK Nail Set w/Metal Washer
  - Point For Corner
  - TJ Telephone Junc. Box
  - ☒ Covered Concrete
- PC - Plastic Cap  
 PFC - Point For Corner  
 IPF - Iron Pipe Found  
 IPFC - Iron Pipe w/Crimped Top Found  
 IRF - Iron Rod Found  
 IRS - Set 1/2" Iron Rod w/PC Stamped "Bowman"
- H.C.O.P.R. - Harrison County Official Public Records  
 H.C.D.R. - Harrison County Deed Records  
 H.C.C.F. - Harrison County Clerks File  
 H.C.P.R. - Harrison County Plat Records

- WM Water Meter
- W Water Valve
- MS Manhole/Sewer/Stormdrain
- AC Air Conditioning Unit
- Fence (Type as Noted)
- Foreign Pipeline
- Overhead Electric Line
- Power Pole
- F Fire Hydrant
- EM Electric Meter
- GM Gas Meter

PETER WHETSTONE SURVEY, A-756  
 HARRISON COUNTY, TEXAS



Edge of Pavement  
 TRAVIS STREET  
 Edge of Pavement



LINE	BEARING	DISTANCE
L1	N 88°04'14" E	40.00'
L2	S 01°03'06" E	106.15'
L3	S 46°17'16" W	129.70'
L4	S 11°16'59" E	132.85'
L5	S 87°29'00" W	40.06'
L6	N 11°26'26" W	148.72'
L7	N 46°17'16" E	134.14'
L8	N 01°03'06" W	88.00'

EXHIBIT A

**Bowman**  
 4901 E End Blvd South, Marshall, Tx 75672  
 www.bowman.com  
 903.471.8391  
 TBPELS Firm No. 10120600 | LA Firm No. 846

JOB NO: 220223	REVISION: 0
FW BY: JCS	SCALE 1"= 100'
DRAWN BY: CML	SHEET 1 OF 1
CHKD BY: MHP	

**PLAT SHOWING:**  
 EXHIBIT OF ABANDONED 40' WIDE ROAD BEING PART OF OUTLOT 138 SE LOCATED WITHIN THE PETER WHETSTONE SURVEY, A-756, HARRISON COUNTY, TEXAS

**NOTES**  
 ALL BEARINGS ARE BASED UPON GRID NORTH AND REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM (NAD 83) NORTH CENTRAL ZONE AS DERIVED FROM GPS OBSERVATIONS.  
 THIS PLAT IS PREPARED FOR THE PARTIES INVOLVED IN THIS TRANSACTION ONLY. MTX SURVEYING WILL NOT BE LIABLE FOR ANY COPIES MADE AFTER 90 DAYS OF THE DATE SHOWN OR ALTERATIONS MADE WITHOUT THE EXPRESSED WRITTEN AUTHORIZATION OF MTX SURVEYING.