

AN ORDINANCE TO VACATE AND DISCONTINUE A SECTION OF PLATTED BUT UNUSED AND UNIMPROVED PUBLIC RIGHT-OF-WAY APPROXIMATELY TWENTY (20') FEET IN WIDTH AND APPROXIMATELY ONE HUNDRED SEVENTY THREE AND ONE-HALF (173.5') FEET IN LENGTH LYING BETWEEN LTS. 46-52 ON THE NORTH AND LTS. 26-32 ON THE SOUTH OF INCA DRIVE, SITUATED IN THE TOWN OF MT. CARMEL, TENNESSEE, 7TH CIVIL DISTRICT OF HAWKINS COUNTY, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, after due investigation and careful consideration at its regular meeting held the 8th day of June, 1993, the Mt. Carmel Planning Commission has determined that the public interest of the Town is best served and the nature and extent of the public use to be subserved is such as to warrant vacating that portion of the platted but unused and unimproved public right-of-way of Inca Drive described herein, nor can any future use of same for street purposes be reasonably anticipated, and, has recommended vacating same so as to allow full utilization of the property encumbered thereby to the ultimate advantage of the public; and

WHEREAS, the property owners abutting that portion of the platted but unused and unimproved public right-of-way of Inca Drive to be vacated, as can best be determined, are Fred Mann and wife, Frances Mann; and

WHEREAS, the aforesaid abutters have certified that the same has not been improved or used for any public street purposes to date and does not now directly affect ingress and egress to and from Lts. 46-52 on the North and Lts. 26-32 on the South of Inca Drive and is not necessary for its convenient use and enjoyment; and, have agreed to replat the necessary permanent right-of-way and easement described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF MOUNT CARMEL, TENNESSEE AS FOLLOWS:

SECTION ONE

That all that part of Inca Drive, located within the Town, 7th Civil District of Hawkins County, Tennessee, as shown on a map entitled "Map of Fred K. Mann and wife, Frances Mann Property" made by Freddie D. Alley, Surveyor, and recorded in

the Register's Office for Hawkins County at Rogersville, Tennessee, in Map Cabinet 1, Envelope 38A, Map Book 3, Page 53, which for purposes of this vacation, being further described as follows:

BEGINNING at a point being the present northeastern terminus of Inca Drive, thence S. 26° 45' E. 20 feet; thence S. 60° 35' W. 173.5 feet to a point in the northerly sideline of Lot 26; thence N. 29° 45' W. approximately 20 feet to a point in the southerly sideline of Lot 46; thence N. 60° 23' E approximately 173.5 feet to the point of BEGINNING.

is no longer required for public use; the public shall no longer have any interest therein and the same shall no longer be used as a public right-of-way or maintained by the Town as a public right-of-way; and, any and all right, title, claim, interest or estate that the Town and the public at large may have in and to same is hereby vacated and discontinued.

#### SECTION TWO

That the Mayor and Recorder are hereby authorized to execute, acknowledge and deliver to Fred Mann and wife, Frances Mann, and instrument memorializing the vacation of the aforesaid portion of the existing public right-of-way of Inca Drive, said instrument to expressly provide that it is subject to the aforesaid Fred Mann and wife, Frances Mann replatting and the dedication of the necessary permanent right-of-way and easement described herein.

#### SECTION THREE

That the vacation herein provided for is made upon the express condition that within six months after the passage of this ordinance, file or cause to be filed in the Register's Office for Hawkins County at Rogersville, Tennessee, a plat properly executed and acknowledged showing the vacation and dedication herein provided for.

#### SECTION FOUR

That this ordinance shall be effective from and after the date of its passage, as the law directs, the public welfare of the citizens of Mt. Carmel requiring it.

SECTION FIVE

LEGAL STATUS PROVISIONS

A. Conflict With Other Ordinances

In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mt. Carmel, the most restrictive shall in all cases apply.

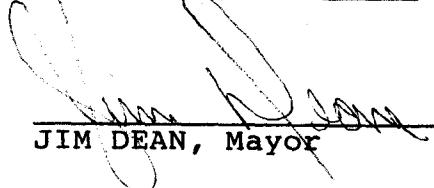
B. Validity

If any rule, section, or sub-section of this ordinance is held by any court to be invalid or unconstitutional, the same shall not invalidate, otherwise effect any of the other rules, sections, or sub-sections of this ordinance unless it clearly appears that such other rule, section, or sub-section is wholly or necessarily dependent for its operation upon the rule, section or sub-section so held invalid or unconstitutional.

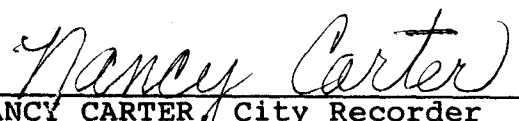
C. Effective Date

This ordinance shall become effective upon passage, the public welfare requiring.

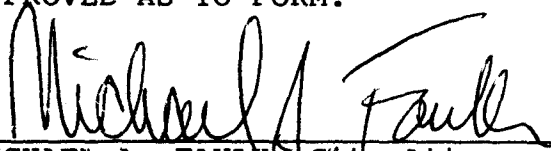
|                    |                      |               |               |                |
|--------------------|----------------------|---------------|---------------|----------------|
| Passed 1st Reading | <u>June 24, 1993</u> | AYES <u>7</u> | NAYS <u>0</u> | OTHER <u>0</u> |
| Passed 2nd Reading | <u>July 22, 1993</u> | AYES <u>6</u> | NAYS <u>0</u> | OTHER <u>0</u> |

  
JIM DEAN, Mayor

ATTEST:

  
NANCY CARTER, City Recorder

APPROVED AS TO FORM:

  
MICHAEL A. FAULK, City Attorney