

Withdrawn

ORDINANCE NO. 185

AN ORDINANCE TO VACATE AND DISCONTINUE A SECTION OF PLATTED BUT UNUSED AND UNIMPROVED PUBLIC RIGHT-OF-WAY APPROXIMATELY THIRTY (30) FEET IN WIDTH AND APPROXIMATELY SIX HUNDRED TEN (610) FEET IN LENGTH KNOWN AS LAUREL STREET LYING BETWEEN TAX PARCELS 4,6,7,8, 17, 18, AND 19 MAP 22G, GROUP B SITUATED IN THE 7TH CIVIL DISTRICT OF HAWKINS COUNTY, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, upon the request of Sherrill Parker and wife, Brenda Parker and, after due investigation and careful consideration at its regular meeting held on the 11th day of November, 1997, the Mount Carmel Planning Commission has deferred the decision whether to vacate a certain portion of Laurel Street to the Mount Carmel, Tennessee Board of Mayor and Aldermen; and

WHEREAS, the Board of Mayor and Aldermen 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 Laurel Street 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 Laurel Street to be vacated, as can best be determined, is Sherrill and Brenda Parker; 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 or egress to the properties of Sherrill and Brenda Parker, Carroll D. Short, Larry Alvis, Betty S. Rakes, and W.D. and Betty L. Robinette and is not necessary for their convenient use and enjoyment; and, the aforesaid abutters have agreed to replat any necessary permanent right-of-way and easement for utilities.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF MT. CARMEL, TENNESSEE, AS FOLLOWS:

SECTION I. That all of the westerly Six Hundred Ten (610) feet of Laurel Street, being 30 feet in width located within the Town, 7th Civil District of Hawkins County, Tennessee, as shown on Tax Map 022G, Group B, 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 II. That the Mayor and Recorder are hereby authorized to execute, acknowledge and deliver to Sherrill and Brenda Parker, Carroll D. Short, Larry Alvis, Betty S. Rakes, and W.D. and Betty L. Robinette an instrument memorializing the vacation of the aforesaid portion of the existing public right-of-way of Laurel Street, said instrument to expressly provide that it is subject to any necessary replatting and dedication of necessary permanent right-of-way and easement for utilities.

SECTION III. That the vacation herein provided for is made upon the express condition that within six months after the passage of this ordinance, the owners 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 IV. That this ordinance shall be effective from and after the date of its passage, as the law directs, the public welfare of the citizens requiring it.

SECTION V. 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 Mount Carmel, the most restrictive shall in all cases apply.

B. Validity. If any section, clause, provision or portion of this ordinance shall be held to be in doubt or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

C. Effective Date. This ordinance shall take effect and be in force from and after its passage, the public welfare requiring.

JAMES L. DEAN, Mayor

ATTEST:

NANCY F. CARTER, Recorder

APPROVED AS TO FORM:

LAW OFFICE OF MICHAEL A. FAULK

PASSED 1ST READING - DATE: _____ Ayes _____ Nays _____ Other _____
PASSED 2ND READING - DATE: _____ Ayes _____ Nays _____ Other _____

<u>PUBLISHED ON:</u>	
DATE:	_____
NEWSPAPER:	_____

