

ORDINANCE NO. 257

AN ORDINANCE TO VACATE AND DISCONTINUE THAT SECTION OF MIMOSA STREET WHICH HAS BEEN PLATTED BUT UNOPENED AND UNUSED AND BEING APPROXIMATELY THIRTY FEET (30') IN WIDTH AND APPROXIMATELY THREE HUNDRED FIFTY-TWO FEET (352') IN LENGTH LYING IN WESTRIDGE ESTATE SUBDIVISION, SITUATED WITHIN THE MUNICIPAL BOUNDARIES, 7TH CIVIL DISTRICT OF HAWKINS COUNTY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, after due investigation and careful consideration at its meeting held the 8th day of April, 2003, the Mount Carmel Municipal 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 public right-of-way 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 public right-of-way to be vacated, are Oak Grove Missionary Baptist Church, James Feathers and Elmer Austin; and

WHEREAS, the aforesaid abutters have certified that the same is not being used for any public street purposes, and is not necessary for their convenient use and enjoyment; and, have agreed to dedicate the necessary permanent right-of-way and easement named herein. Now therefore

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

SECTION I. That all that part of a certain street, located within the municipal boundaries 7th Civil District of Hawkins County, Tennessee, as shown on a map entitled 2003 Hawkins County Tax Map 022J, which for purposes of this vacation being further described as follows:

Beginning at a point at the southwesterly corner of that parcel bearing 2003 Hawkins County Tax Identification No. Map 022J Group A Control Map 022J Parcel 006.01, having a street address of 335 Mimosa Street and currently owned by Rhonda Burke; thence, in a generally southeasterly direction a distance of thirty feet more or less (30'±) to a point at the northwesterly corner of that parcel bearing 2003 Hawkins County Tax Identification No. Map 022J Group J Control Map 022J

*Parcel 030.00, having a street address of 334 Mimosa Street and currently owned by Opal Ball; thence, in a generally southwesterly direction an aggregate distance of three hundred fifty-two feet more or less (352'±), along the following three (3) calls: in a generally southwesterly direction a distance of one hundred fifteen feet more or less (115'±), along the northwesterly sideline of that parcel bearing 2003 Hawkins County Tax Identification No. Map 022J Group J Control Map 022J Parcel 029.00, having a street address of 323 Holston Drive and currently owned by James Feathers; thence in a generally southwesterly direction a distance of one hundred thirty-two feet more or less (132'±), along the northwesterly sideline of that parcel bearing 2003 Hawkins County Tax Identification No. Map 022J Group J Control Map 022J Parcel 028.00, having a street address of 319 Holston Drive and currently owned by Elmer Austin; thence in a generally southwesterly direction a distance of one hundred four feet more or less (104'±), along the northwesterly sideline of that parcel bearing 2003 Hawkins County Tax Identification No. Map 022J Group J Control Map 022J Parcel 027.00, having a street address of 317 Holston Drive and currently owned by Oak Grove Missionary Baptist Church to a point at the northeasterly corner of that parcel bearing 2003 Hawkins County Tax Identification No. Map 022J Group J Control Map 022J Parcel 008.00, having a street address of 311 Cypress Street and currently owned by Oak Grove Missionary Baptist Church; thence, in a generally northwesterly direction a distance of thirty feet more or less (30'±) to a point at the southwesterly corner of that parcel bearing 2003 Hawkins County Tax Identification No. Map 022J Group A Control Map 022J Parcel 003.00, having a street address of _____ Mimosa Street and currently owned by Oak Grove Missionary Baptist Church; thence, in a generally northeasterly direction a distance of three hundred fifty-two feet more or less (352'±), along the southeasterly sideline of that parcel bearing 2003 Hawkins County Tax Identification No. Map 022J Group A Control Map 022J Parcel 003.00, having a street address of _____ Mimosa Street and currently owned by Oak Grove Missionary Baptist Church to the **Point of Beginning**.*

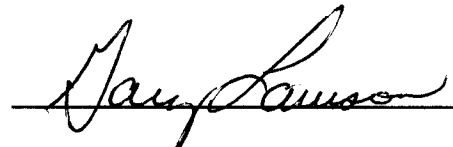
is no longer required for public use; the public shall no longer have any interest therein and the same shall no longer be used as a public right-of-way or maintained by the Town as a public right-of-way; and, any and all right, title, claim, interest or estate that the Town and the public at large may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

SECTION II. That the Mayor and Recorder are hereby authorized to execute, acknowledge and deliver to Oak Grove Missionary Baptist Church, James Feathers and Elmer Austin, an instrument memorializing the vacation of the aforesaid portion of the existing public right-of-way, said instrument to expressly provide that it is subject to the dedication of the necessary permanent right-of-way and easement named herein.

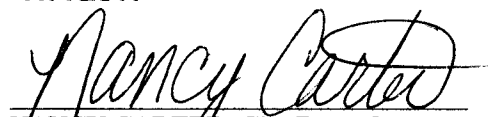
SECTION III. That the vacation herein provided for is made upon the express condition that after the passage of this ordinance, the owners of the underlying fee shall dedicate or cause to be dedicated to the public a permanent right-of-way and easement on, over, and through the premises vacated hereby for the purpose of installing, maintaining and using such water, sewer, gas, power, communication or other public utilities, pipes, cables, lines or fixtures as may be necessary or convenient.

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 of Mount Carmel requiring it.

ADOPTED this the 27 day of May, 2003.


GARY W. LAWSON, Mayor

ATTEST:


NANCY CARTER, City Recorder

APPROVED AS TO FORM:


LAW OFFICES OF MAY & COUP

FIRST READING	AYES	NAYS	OTHER
Alderman Henry Bailey	<i>Arrived late</i>		
Vice-Mayor Eugene Christian	✓		
Alderman Paul Hale	✓		
Mayor Gary Lawson	✓		
Alderman Tresa Mawk	✓		
Alderman Tom Wheeler	✓		
Alderman Wanda Worley	✓		
TOTALS	6	0	0

PASSED FIRST READING 4-22-03

SECOND READING	AYES	NAYS	OTHER
Alderman Henry Bailey	✓		
Vice-Mayor Eugene Christian	✓		
Alderman Paul Hale	✓		
Mayor Gary Lawson	✓		
Alderman Tresa Mawk	✓		
Alderman Tom Wheeler	✓		
Alderman Wanda Worley	<i>absent</i>		
TOTALS	6	0	0

PASSED SECOND READING 5-27-03

PUBLISHED ON: <u>6-13-03</u> NEWSPAPER: <u>Kingsport Times News</u>
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KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN

June 17, 2003

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 6-13-03, and appearing 1 consecutive weeks/times, as per order of _____

Town of Mt. Carmel

Signed

Karen C. Muckey

THE FOLLOWING Ordinance was passed by the Mt. Carmel Board of Mayor and Aldermen Tuesday, May 27, 2003: Ordinance 257. To vacate and discontinue section of Mimosa St. Which has been platted but unopened and unused, being approximately thirty feet in width and three hundred fifty-two feet in length lying in Westridge Estate Subdivision.

Pub 1T: 6/13/2003

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 17th day of June 2003, Karen C. Muckey of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.

Deborah F. Salzman
NOTARY PUBLIC

My commission expires

March 4, 2007