

ORDINANCE NO.2023-01

AN ORDINANCE AMENDING ORDINANCE NO. 2022-06 ABANDONING AN UNOPENED STREET LOCATED WITHIN THE CITY OF LAFOLLETTE

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF LAFOLLETTE, TENNESSEE, as follows:

Whereas, on April 5th, 2022 and May 10th, 2022, the City of LaFollette passed ordinance number 2022-06 wherein a portion of S. 9th Street was abandoned.

Whereas, it appears that said abandonment would have a detrimental effect on the Heatherly parcel.

Now therefore, the city desires to amend said ordinance by deleting said ordinance in its entirety, and replacing with the following:

That an unopened right of way is located within the within said City identified as a portion of S. 9th Street. Said portion of S. 9th Street is located between W. Chestnut Street and W. Elm Street. The City desires to abandon a portion of said right of way.

That said unopened right of way is not improved and is not used by the City as a right of way or street.

The City shall retain a portion of said right of way for the purpose of providing access to the Heatherly parcel (Curtis Heatherly & Lisa Heatherly, Parcel ID No. 094B-E-007.03).

That the City has no use for said right of way and it has no monetary value.

That the City of LaFollette desires to abandon a portion of said right of way;

That the abandonment of a portion of said right of way would not land lock any other property;

That the City agrees to abandon a portion of said right of way and declare the same as surplus property. The City further agrees to evenly convey the abandoned right of way to the adjoining property owners.

That the City shall retain a right of way in favor of LaFollette Utility Board for the installation and maintenance of city installed utilities.

That the subject right of way adjoins the following parcels:

(a). Frances L. Kurowicki, Parcel ID No. 094B-E-037.00

(b). Steve Carroll, Parcel ID No. 094B-E-009.00

(c). Lisa Roberson, Parcel ID No.094B-E-038.00

Wherefore, the City hereby abandons said 60-foot unopened right of way described as follows:

Beginning at a point located along the intersection of the W. Elm Street right of way and the S. 9th Street right of way and said beginning point being along the corner of the Roberson tract; thence leaving the W. Elm Street right of way and running northwest along the edge of S. 9th Street and with Roberson approximately 210 feet to a point; thence crossing the S. 9th Street right of way in an north easterly direction approximately 80 feet to the northern edge of S. 9th Street and along the Carroll line; thence traveling along the northern edge of S. 9th Street and with the Carroll, Roberson and Kurowicki line approximately 215 feet to the edge of W. Elm Street; thence with the W. Elm Street right of way in a southwesterly direction approximately 80 feet to the beginning point.

However, the City of LaFollette shall specifically except and retain the interior 20 feet of said unopened right of way for the purpose of permitting access to the Heatherly tract. Heatherly, their successors and/or assigns shall be permitted to construct, maintain and improve said 20-foot strip with a driveway for the purpose of ingress and egress to the W. Elm Street right of way.

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 City of LaFollette, 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.

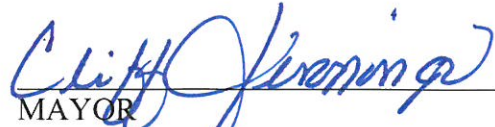
C. **Effective Date.** This ordinance shall become effective upon passage and publication, the public welfare requiring it.

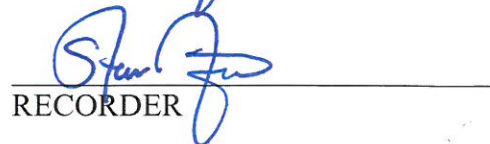
D. The prior Ordinance is hereby amended to reflect the abandonment of only a portion of the S. 9th Street right of way. The prior ordinance is hereby deleted in its entirety and the above terms contained herein shall constitute the terms and conditions of said abandonment.

Passed 1st reading, 1131, 2023.

Passed 2nd reading, 1/3/23, 2023.

Passed 3rd reading, 2/7/23, 2023.

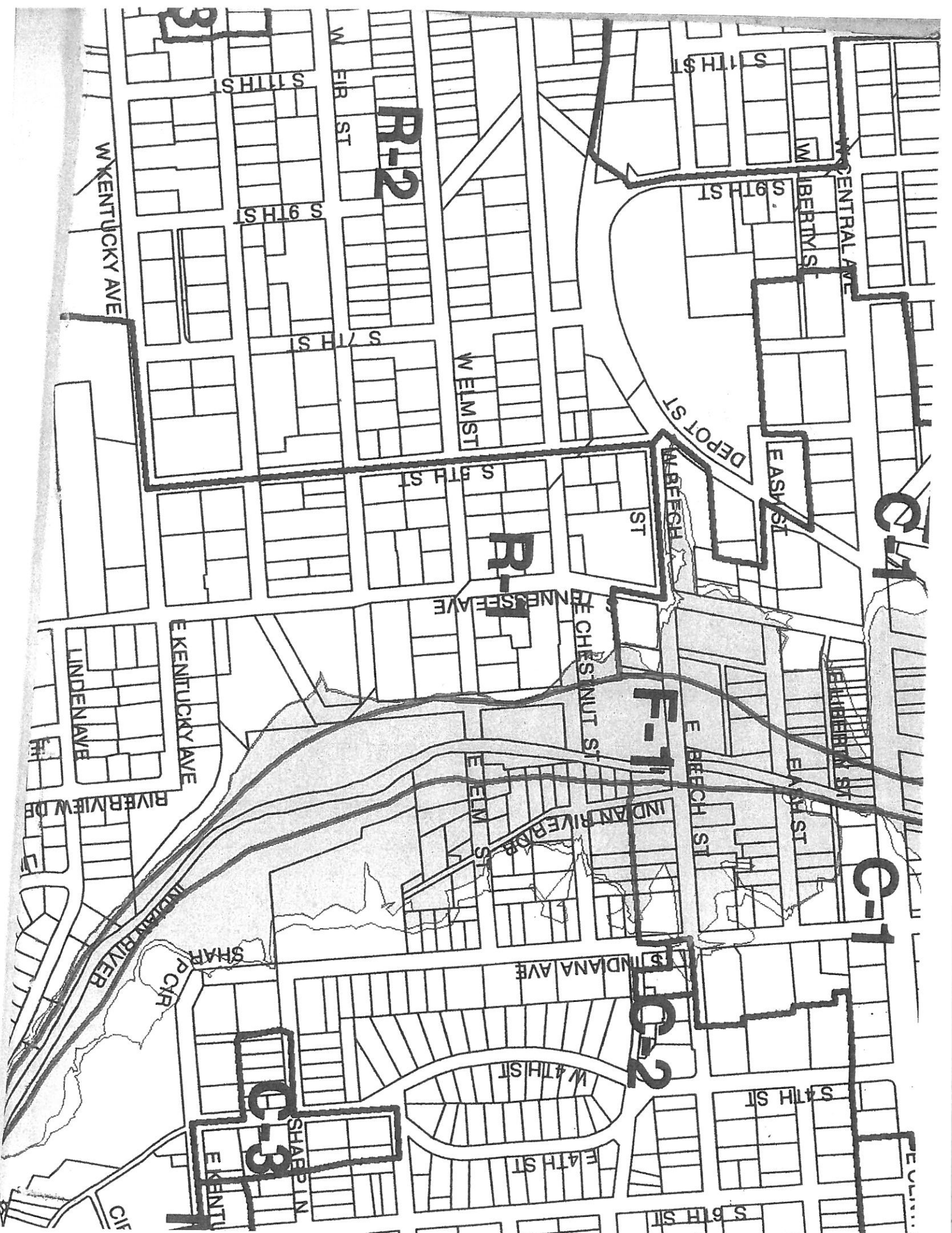

MAYOR


RECORDER

Councilperson, Mr. Kitts, moved the adoption of the foregoing Ordinance on first reading, second by Councilperson Mr. Queener, upon roll call the vote on said motion was as follows:

AYE: Mr. Farmer
Mr. Kitts
Mr. Queener
Mrs. Solomon

NAY:



R-2

R-1

F-1

C-1

W KENTUCKY AVE

W ELM ST

S 11TH ST

S 9TH ST

S 7TH ST

W ELM ST

S 5TH ST

DEPOT ST

E BEECH ST

E 5TH ST

LINDEN AVE

E KENTUCKY AVE

RIVERVIEW DR

W INNESSEE AVE

W CHESTNUT ST

E ELM ST

INDIAN RIVER DR

E BEECH ST

E 5TH ST

INDIAN RIVER

SHARP CIR

INDIANA AVE

W 4TH ST

E 4TH ST

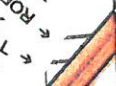
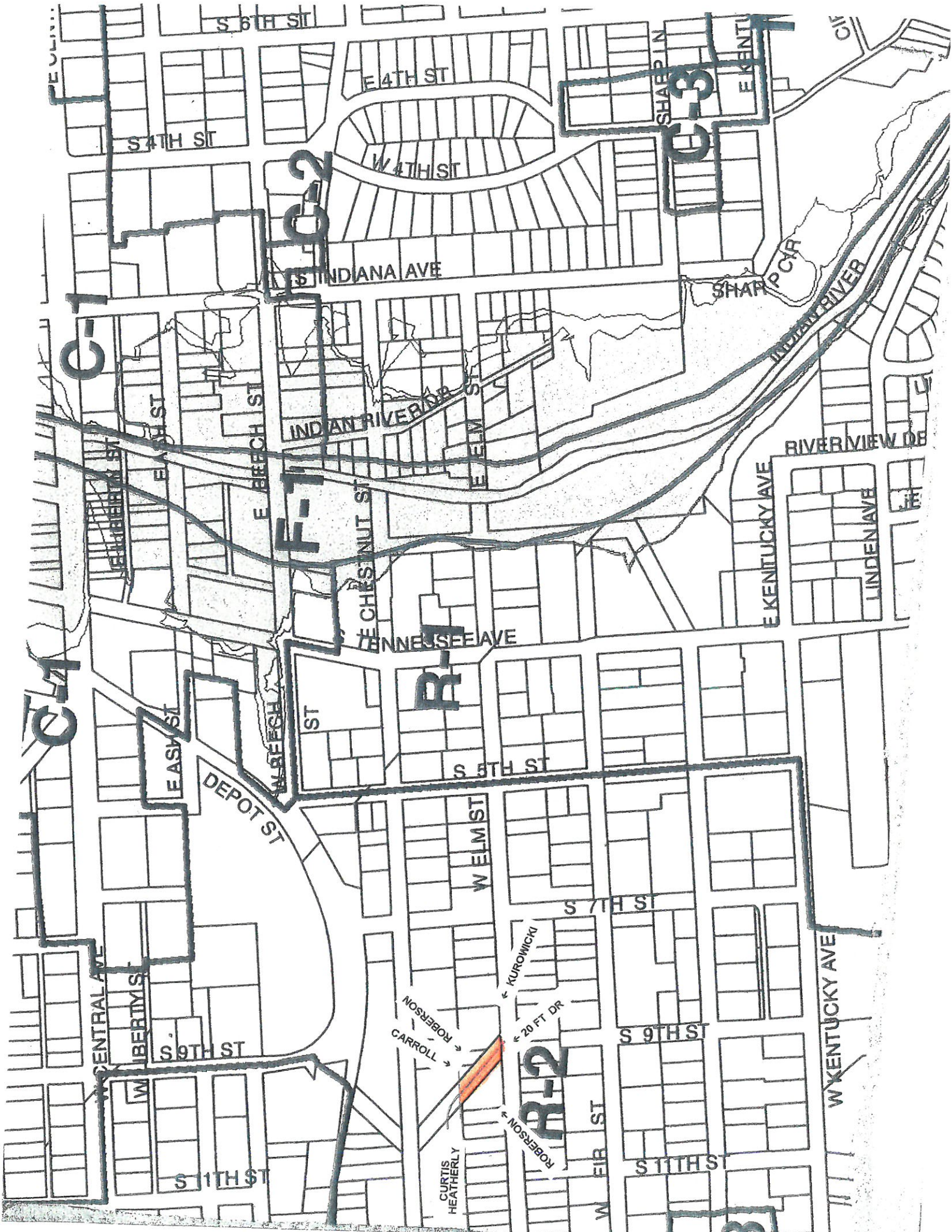
S 4TH ST

S 6TH ST

C-3

E KENTUCKY AVE

SHARP LN



CURTIS
HEATHERLY

ROBERSON
CARROLL

KURCOWICKI

20 FT DR

ROBERSON

R-2

S 9TH ST

W FIR ST

S 11TH ST

W KENTUCKY AVE

C-1

C-2

C-3

F-1

R-1

R-3