

18,116

APR 25 2023

BECKY LANDRUM  
County Clerk, Hunt County, Tex.

RESOLUTION #

**A RESOLUTION OF THE COUNTY COMMISSIONERS COURT OF HUNT COUNTY, TEXAS, ABANDONING A CERTAIN 3,545 FEET OF COUNTY ROAD 2321; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER APRIL 25, 2023.**

**WHEREAS**, Section III of the Hunt County Road Policies allows for the abandonment of a County Road upon unanimous vote by the Commissioners; and

**WHEREAS**, TES-BIG RACK RANCH Inc., the owner of the property that encompasses this entire length of County Road 2321, is requesting that the County Commissioners of Hunt County approve a request to abandon a certain 3,545 feet of County Road 2321 by and through their agent, ranch manager Kenneth "Pooh" Dennis; and

**WHEREAS**, this certain 3,545 feet of County Road 2321 has been enclosed by a fence continuously for at least 20 years as required by Texas Transportation Code Sec. 251.057, is not a road to a cemetery, and is not a road that is reasonably necessary to reach adjoining real property; and;

**WHEREAS**, this certain 3,545 feet of County Road 2321 constitutes all of Hunt County Road 2321 which has been unused for at least three years as required by Texas Transportation Code Sec. 251.051(d); and

**WHEREAS**, this portion of Hunt County Road 2321, being totally encompassed inside Hunt County CAD Parcel ID #34506, and being up to fifty feet wide and therefore contains approximately 4.07 +/- acres to which title will vest in TES-BIG RACK RANCH Inc. upon the effective date of this order; and

**WHEREAS**, this order will be indexed in the deed record of Hunt County in a manor describing Hunt County as grantor and TES-BIG RACK RANCH Inc. as grantee; and

**WHEREAS**, this portion of Hunt County Road contains an existing public utility easement and right-of-way granted to Farmers Electric Cooperative and recorded in the real property records of Hunt County, Texas in Volume 426, Page 233 which is in use, any title conveyed by this order will be subject to this easement and right-of-way and its continued use after this order is signed and becomes effective; and

**WHEREAS**, Farmers Electric Cooperative was notified of the proposal to abandon Hunt County Road 2321 not later than thirty days before this order is signed; and

**WHEREAS**, this certain 3,545 feet of County Road 2321 is set forth on attached Exhibit "A", highlighted in orange and referenced herein as if fully set forth at length; and

**WHEREAS**, a public hearing was held by the County Commissioners Court of Hunt County prior to approval of the proposed abandonment; and

**WHEREAS**, the County Commissioners Court of Hunt County hereby finds that abandonment of the above reference Hunt County Road 2321 is in the interests of the citizens of Hunt County.

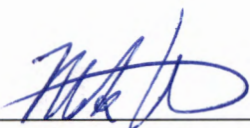

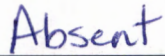
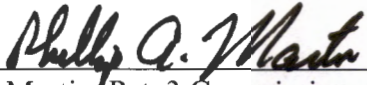
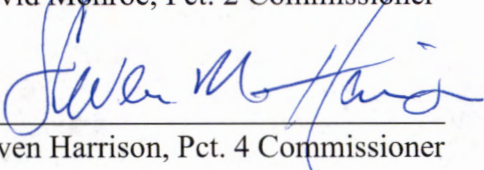
NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS COURT OF HUNT COUNTY, TEXAS:

**SECTION 1.** All that certain 3,545 feet of County road 2321 located on real property owned by TES-BIG RACK RANCH Inc. and more fully described hereto as Exhibit "A" and incorporated herein for all purposes is hereby abandoned.

**SECTION 2.** That if any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of the Ordinance, and the Commissioners Court of the County of Hunt, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

**SECTION 3.** This Resolution shall be in full force and effect from and after April 25, 2023.

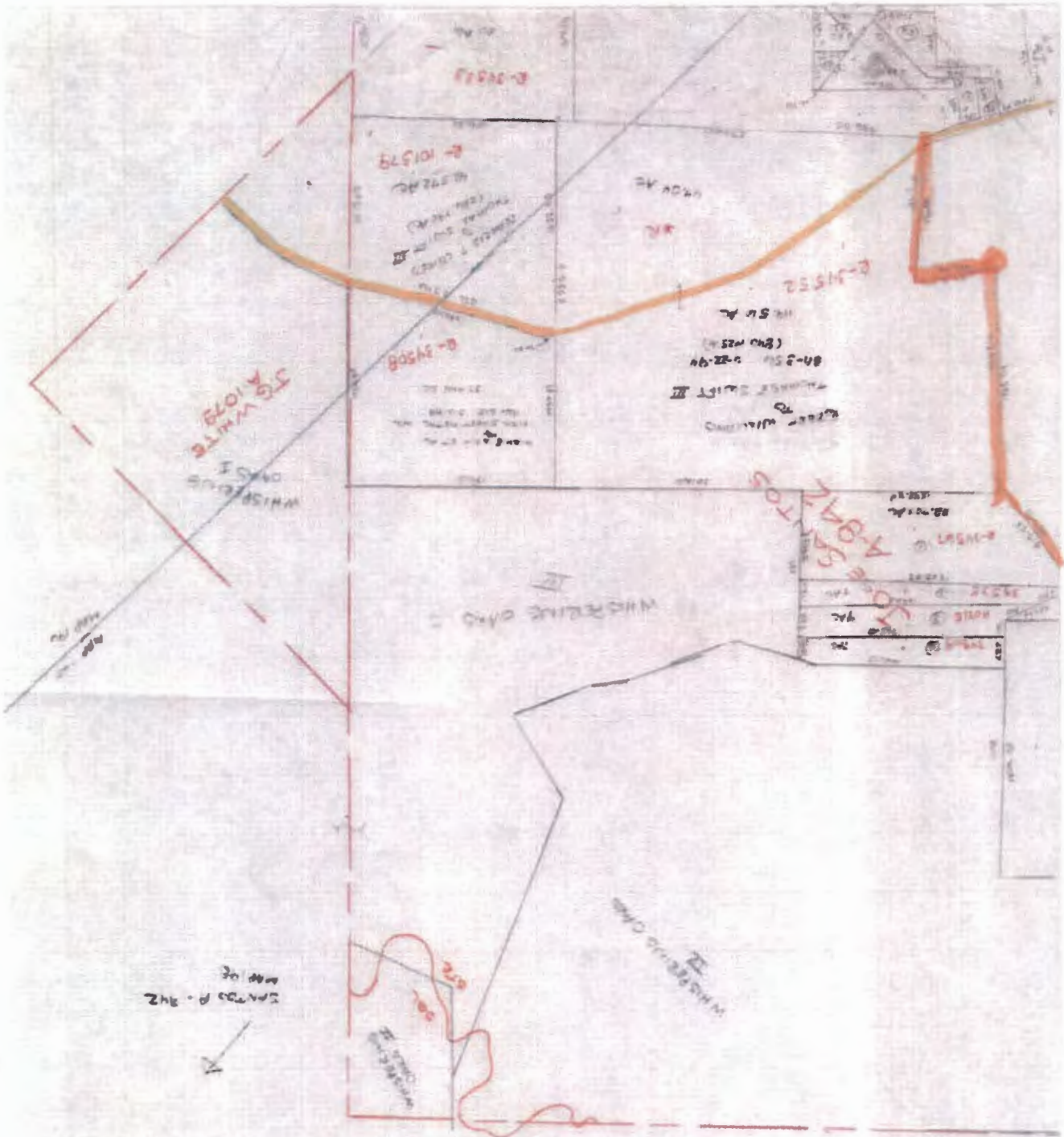
**PASSED AND APPROVED**, this the 25<sup>th</sup> day of April, 2023.

 _____ Mark Hutchins, Pct. 1 Commissioner	 _____ Bobby Stovall, County Judge	 _____ Absent David Monroe, Pct. 2 Commissioner
 _____ Phillip Martin, Pct. 3 Commissioner		 _____ Steven Harrison, Pct. 4 Commissioner

ATTEST:

  
\_\_\_\_\_  
Becky Landrum, County Clerk

EXHIBIT  
A



**SCOTT, RAY**  
**PEMBERTON & GOLL, PLLC**  
**ATTORNEYS AT LAW**

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March 13, 2023

**CMRRR 7021 2720 0000 6737 1337**  
**and Email**

Samantha Crouch  
Farmers Electric Cooperative  
Office of General Counsel  
2000 Interstate 30 E  
Greenville, TX 75402-9084  
[scrouch@farmerselectric.coop](mailto:scrouch@farmerselectric.coop)

**Re: Texas Transportation Code Sec. 251.058 Closing, Abandoning, and  
Vacating Public Road – Notice Required to Public Utility of Proposal  
to Close, Abandon, or Vacate.**

Pursuant to the Texas Transportation Code Sec. 251.058 Closing, Abandoning, and Vacating Public Road, Hunt County Civil Attorney Daniel Ray, on behalf of The Hunt County Commissioners Court, hereby gives notice that the Court will be considering the proposed abandonment of Hunt County Road 2321 on the April 25, 2023 Hunt County Commissioners Court meeting agenda.

Per the statute above, Farmers Electric Cooperative, a public utility that holds an easement and right-of-way along a portion of the road is to be notified not less than the 30<sup>th</sup> day before the date the order is signed. Your easement and right-of-way is recorded in the Hunt County property records in Volume 426 and Page 233. Upon the abandonment of Hunt County Road 2321 title to the land vests in the property owner(s) adjacent to the former Hunt County easement but they take title subject to your easement and right-of-way and continued use thereof. This is documented, as required by the statute, in the draft of the order attached for your reference.

There is no action required on your part. If you have any questions or concerns, please contact our office at 903-454-0044.

Sincerely,

/s/ Daniel W. Ray  
[Daniel@ScottRayLaw.com](mailto:Daniel@ScottRayLaw.com)  
Hunt County Civil Attorney