

ORDINANCE NO. O-2023-15

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CLOSING AN UNIMPROVED PORTION OF ROBERTS AVENUE. THE NORTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO WEST DOBBS STREET. THE EAST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOTS 470 AND 471 OF NCB 663. THE SOUTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 470 OF NCB 663. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO SOUTH ROSS AVENUE; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH CLOSURE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Texas Transportation Code Section 311.007 provides that a home-rule municipality may vacate, abandon or close a street or alley; and

WHEREAS, Tyler City Code Chapter 10, Article V., Division F. sets forth a process for right-of-way and thoroughfare closures; and

WHEREAS, the applicant is requesting the closure to replat right-of-way into adjacent properties;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That the following thoroughfare closures are hereby approved as follows:

I. APPLICATION C22-004

That the public rights-of-way described below, and the same are hereby abandoned, vacated and closed insofar as the right, or title of the public is concerned:

Unimproved portions of street right-of-way for Roberts Avenue as shown in Exhibit "A" attached hereto and incorporated herein. The north side of the right-of-way is adjacent to West Dobbs Street. The east side of the right-of-way is adjacent to Lots 470 and 471 of NCB 663. The south side of the right-of-way is adjacent to Lot 470 of NCB 663. The west side of the right-of-way is adjacent to South Ross Avenue.

PART 2: That closure is contingent upon and will not become effective until and unless the applicant replats the property within six (6) months and dedicates any required utility easements.


PART 3: That said public rights-of-way are not needed for public purposes and it is in the public interest of the City to abandon said described public rights-of-way, other than the terms and conditions set out herein.

PART 4: That the abandonment provided for herein shall extend only to the public right, title and overlay with ingress/egress, public utility easements and to the tracts of land described in this ordinance, and shall be construed only to that interest that the governing body of the City of Tyler may legally and lawfully abandon.

PART 5: Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

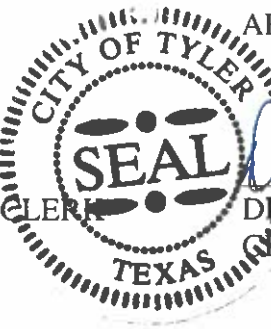
PART 6: That this ordinance shall be effective on and after its date of passage and approval by the City Council.


PASSED AND APPROVED this the 22nd day of February A.D., 2023.


DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

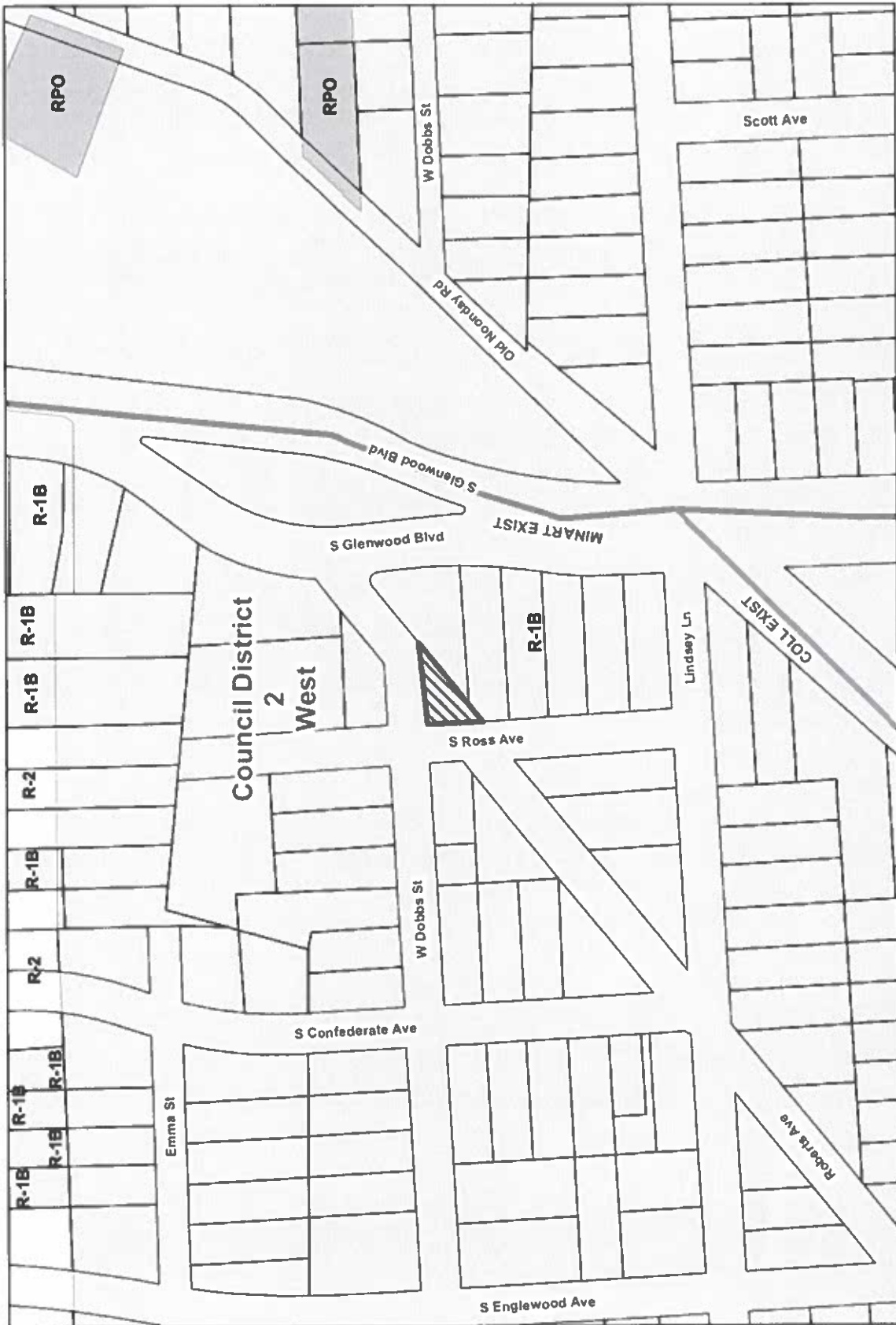
ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:

DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2023-15
EXHIBIT "A"
LOCATION MAP



 Subject Property

ZONING CASE
 Zoning Case #: C22-004
 Right-of-closure
 Applicant: PEREZ SYLVIA & JOSE LOPEZ

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

150 0 150 Feet

