

ORDINANCE NO. O-2014-109

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ABANDONMENT OF A PORTION OF GREER DRIVE RIGHT-OF-WAY LOCATED APPROXIMATELY 60 FEET NORTH OF THE INTERSECTION OF ELAINE DRIVE AND CONTINUING NORTH APPROXIMATELY 55 FEET TO THE STREET TERMINUS; THE EAST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 1 OF NCB 4; THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 7 OF NCB 1529; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the applicants are requesting the closure of a portion of Greer Drive right-of-way located approximately 60 feet north of the intersection of Elaine Drive and continuing north approximately 55 feet to the street terminus. The east side of the right-of-way is adjacent to Lot 1 of NCB 4. The west side of the right-of-way is adjacent to Lot 7 of NCB 1529.

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 C11-14-001

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

As shown in the drawing attached hereto as Exhibit "A", a portion of Greer Drive right-of-way located approximately 60 feet north of the intersection of Elaine Drive and continuing north approximately 55 feet to the street terminus; the east side of the right-of-way is adjacent to Lot 1 of NCB 4; and the west side of the right-of-way is adjacent to Lot 7 of NCB 1529.

PART 2: That closure and abandonment are contingent upon and will not become effective until and unless the applicants replat the property within six (6) months and dedicates utility easements for the existing public infrastructure.

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

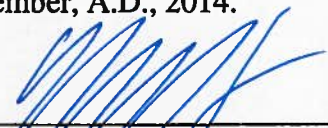
PART 4: That the abandonment provided for herein shall extend only to the public right, title and overlay with ingress/egress, public utility easements and to the tracts of land described in this ordinance, and shall be construed only to that interest that the governing body of the City of Tyler may 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 10th day of December, A.D., 2014.

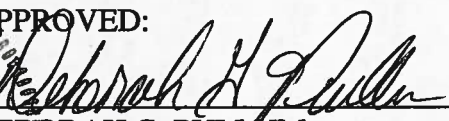


MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY



**ORDINANCE 0-2014-109
EXHIBIT 'A'**



Subject Property

**STREET CLOSURE CASE
STREET CLOSURE #: C11-14-001
Applicant: DONALD SMITH**

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 approved plan and may not be used for any other purpose. Only the approximate relative location of property boundaries.

