

ORDINANCE NO. O-2013-103

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ABANDONMENT OF AN UNIMPROVED RIGHT-OF-WAY BEGINNING EAST OF THE INTERSECTION OF CHURCH AVENUE AND EAST VANCE STREET AND EXTENDING APPROXIMATELY 250 FEET NORTH THEN TURNING EAST AND EXTENDING APPROXIMATELY 173 FEET. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOTS 7, 8, 10, 11, AND 12 OF NCB 528. THE EAST SIDE IS ADJACENT TO LOTS 13, 14, AND 15 OF NCB 528. THE NORTH SIDE OF THE UNIMPROVED RIGHT-OF-WAY IS ADJACENT TO LOTS 4, 5, AND 6 OF NCB 671A. THE SOUTH SIDE OF THE UNIMPROVED RIGHT-OF-WAY IS ADJACENT TO LOT 13 OF NCB 528; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the applicant is requesting the closure of an unimproved right-of-way, beginning east of the intersection of Church Avenue and East Vance Street and extending approximately 250 feet north then turning east and extending approximately 173 feet. The west side of the right-of-way is adjacent to Lots 7, 8, 10, 11, and 12 of NCB 528. The east side is adjacent to Lots 13, 14, and 15 of NCB 528. The north side of the unimproved right-of-way is adjacent to Lots 4, 5, and 6 of NCB 671A. The south side of the unimproved right-of-way is adjacent to Lot 13 of NCB 528.

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

PART 1: That the following thoroughfare closure is hereby approved as follows:

I. APPLICATION C11-13-001

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

An unimproved right-of-way, beginning east of the intersection of Church Avenue and East Vance Street and extending approximately 250 feet north then turning east and extending approximately 173 feet. The west side of the right-of-way is adjacent to Lots 7, 8, 10, 11, and 12 of NCB 528. The east side is adjacent to Lots 13, 14, and 15 of NCB 528. The north side of the unimproved right-of-way is adjacent to Lots 4, 5, and 6 of NCB 671A. The south side of the unimproved right-of-way is adjacent to Lot 13 of NCB 528.

PART 2: That closure and abandonment are contingent upon and will not become effective until and unless the applicant replats the property within six (6) months and provides access to the lot west of the right-of-way.

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 11th day of December, A.D., 2013.




BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY

