

ORDINANCE NO. O-2011-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ABANDONMENT OF THREE PORTIONS OF RIGHT-OF-WAY. THE FIRST PORTION IS AN UNIMPROVED ALLEY LOCATED WEST OF THE INTERSECTION OF BORDER AVENUE AND WEST MARTIN LUTHER KING JR. BOULEVARD. THE EAST SIDE OF THE ALLEY IS ADJACENT TO LOT 19A OF NCB 436, AND THE WEST SIDE IS ADJACENT TO LOTS 12A AND 13 OF NCB 436. THE SECOND PORTION OF RIGHT-OF-WAY IS AN UNIMPROVED SECTION OF BLAIR STREET LOCATED AT THE INTERSECTION OF OLD NOONDAY ROAD. THE NORTH SIDE IS ADJACENT TO LOT 1 OF NCB 835W, AND THE SOUTH SIDE IS ADJACENT TO LOT 1 OF NCB 835Z. THE THIRD SECTION OF RIGHT-OF-WAY IS AN UNIMPROVED ALLEY LOCATED EAST OF THE INTERSECTION OF NORTH HILL AVENUE AND WEST NUTBUSH STREET. THE EAST SIDE OF THE ALLEY IS ADJACENT TO LOT 1B OF NCB 549, AND THE WEST SIDE IS ADJACENT TO LOT 7 OF NCB 669T. THE ORDINANCE ALSO AMENDS CHAPTER 10, "TYLER UNIFIED DEVELOPMENT CODE", ARTICLE V., "STREETS AND THOROUGHFARES", DIVISION A., "MASTER STREET PLAN", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY SHORTENING THE GLASS AVENUE FUTURE COLLECTOR TO WEST MIMS STREET. PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the applicant is requesting the closure of three portions of right-of-way. The first portion is an unimproved alley located west of the intersection of Border Avenue and West Martin Luther King Jr. Boulevard. The east side of the alley is adjacent to Lot 19A of NCB 436, and the west side is adjacent to Lots 12A and 13 of NCB 436. The second portion of right-of-way is an unimproved section of Blair Street located at the intersection of Old Nooday Road. The north side is adjacent to Lot 1 of NCB 835W, and the south side is adjacent to Lot 1 of NCB 835Z. The third section of right-of-way is an unimproved alley located east of the intersection of North Hill Avenue and West Nutbush Street. The east side of the alley is adjacent to Lot 1B of NCB 549, and the west side is adjacent to Lot 7 of NCB 669T.

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

PART 1: 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:

The first portion is an unimproved alley located west of the intersection of Border Avenue and West Martin Luther King Jr. Boulevard. The east side of the alley is adjacent to Lot 19A of NCB 436, and the west side is adjacent to Lots 12A and 13 of NCB 436. The second portion of right-of-way is an unimproved section of Blair Street located at the intersection of Old Nooday Road. The north side is adjacent to Lot 1 of NCB 835W, and the south side is adjacent to Lot 1 of NCB 835Z. The third section of right-of-way is an unimproved alley located east of the intersection of North Hill Avenue

and West Nutbush Street. The east side of the alley is adjacent to Lot 1B of NCB 549, and the west side is adjacent to Lot 7 of NCB 669T.

PART 2: The That Tyler City Code Chapter 10, "Tyler Unified Development Code", Article V., "Streets and Thoroughfares", Division A., "Master Street Plan", is hereby amended by amending Section 10-153, subsection e. by adding a new subsection 14. to read as follows:

14. The Master Street Plan is amended to shorten the Glass Avenue future collector to West Mims Street. (Ord. No. 0-2011-25; 4/27/11)

PART 3: That the City Planning and Zoning Department is hereby ordered and directed to cause the Master Street Plan to be amended to reflect the above described changes.

PART 4: That it is hereby ordered and directed that the map labeled "Master Street Plan" and referenced in City Code Section 10-151 be amended to show the amendments approved by this ordinance.

PART 5: That closure and abandonment are contingent upon the applicant replatting the property within six (6) months.


PART 6: 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 7: That the abandonment provided for herein shall extend only to the public right and title 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 8: 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 9: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be April 29th, 2011.

PASSED AND APPROVED this the 27th day of April, A.D., 2011.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:

GARY C. LANDERS, CITY ATTORNEY