

RESOLUTION NO. R-2014-19-A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, REQUESTING THAT THE TEXAS DEPARTMENT OF TRANSPORTATION DECLARE CERTAIN PUBLIC RIGHT-OF-WAY LOCATED NEAR THE CORNER OF STATE HIGHWAY 31 AND LOOP 323 TO BE SURPLUS; REQUESTING THAT TXDOT REMOVE SAID PROPERTY FROM ITS SYSTEM; AND REQUESTING THAT TXDOT QUITCLAIM ITS INTEREST IN THE PROPERTY TO THE CITY OF TYLER, TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, the City of Tyler is a home-rule municipality acting under authority of Texas Constitution Article 11, Section 5, and Texas Local Government Code Chapter 9; and

WHEREAS, Texas Transportation Code Section 311.001(a) provides that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality; and

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

WHEREAS, the City of Tyler has received a request for certain public right-of-way located near State Highway 31 and Loop 323 to be conveyed; and

WHEREAS, said property is a small island consisting of 0.021 of an acre conveyed by Lorine Hankins and husband, T. E. Hankins to the State of Texas, by Deed dated May 29, 1958, recorded in Volume 911, Page 30, Deed Records of Smith County, Texas; and

WHEREAS, Smith County previously quitclaimed its interest in the property to TxDOT by Quitclaim Deed dated September 22, 2011; and

WHEREAS, TxDOT has indicated that the referenced property is no longer needed for transportation purposes; and

WHEREAS, TxDOT has indicated a willingness to quitclaim its interest in the referenced property to the City of Tyler upon City Council adoption of a Resolution, and subject to Texas Transportation Commission approval; and

WHEREAS, in the event that TxDOT quitclaims its interest in the referenced property to the City of Tyler, the City shall conduct public hearings, consider adoption of an ordinance closing the referenced area; and shall consider proceeding with quitclaiming any City interest in said property; and

WHEREAS, it is considered to be in the public interest for the City of Tyler to adopt this Resolution;

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

PART 1: That the Tyler City Council hereby requests that the Texas Department of Transportation (TxDOT) declare the following public right-of-way to be surplus, and that TxDOT also remove the area from its system, to wit:

A small island consisting of 0.021 of an acre conveyed by Lorine Hankins and husband, T. E. Hankins to the State of Texas, by Deed dated May 29, 1958, recorded in Volume 911, Page 30, Deed Records of Smith County, Texas.

PART 2: That the Tyler City Council hereby requests that TxDOT quitclaim its interest in the property described in PART 1 to the City of Tyler, Texas, contingent upon Texas Transportation Commission approval.

PART 3: That the City Manager or designee is hereby authorized and directed to provide such additional information as may be required or requested by the Texas Department of Transportation.

PART 4: That this Resolution shall take effect immediately upon its adoption.


PASSED AND APPROVED on this the 13th day of August, 2014.


MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


DEBORAH G. PULLUM, CITY
ATTORNEY

