

ORDINANCE NO. O-2024-4

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CLOSING UNIMPROVED PORTIONS OF RIGHTS-OF-WAY OF EDNA STREET AND REEDER LANE. THE RIGHTS-OF-WAY ARE BOUNDED BY LOTS 32, 33, AND 34 OF ABST CROSSLAND HILLS, OLD TROUP HIGHWAY, LOTS 23-31 OF ABST CROSSLAND HILLS AND EDNA STREET AND TRACT 47.2 NCB 1536, LOTS 35-39, 40, AND 41 OF ABST CROSSLAND HILLS; 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 rights-of-way into adjacent property;

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 C23-009

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:

Unimproved portions of right-of-way of Edna Street and Reeder Lane. The rights-of-way are bounded by Lots 32, 33, and 34 of ABST Crossland Hills, Old Troup Highway, Lots 23-31 of ABST Crossland Hills and Edna Street, and Tract 47.2 NCB 1536, Lots 35-39, 40, and 41 of ABST Crossland Hills. The right-of-way to be closed is further shown in Exhibit "A", which is attached hereto and incorporated herein.

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

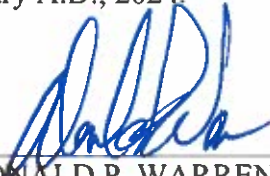
PART 3: That said public right-of-way is not needed for public purposes and it is in the public interest of the City to abandon said described public right-of-way, other than the terms and conditions set out herein.

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 10th day of January A.D., 2024.



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

ATTEST:

APPROVED:

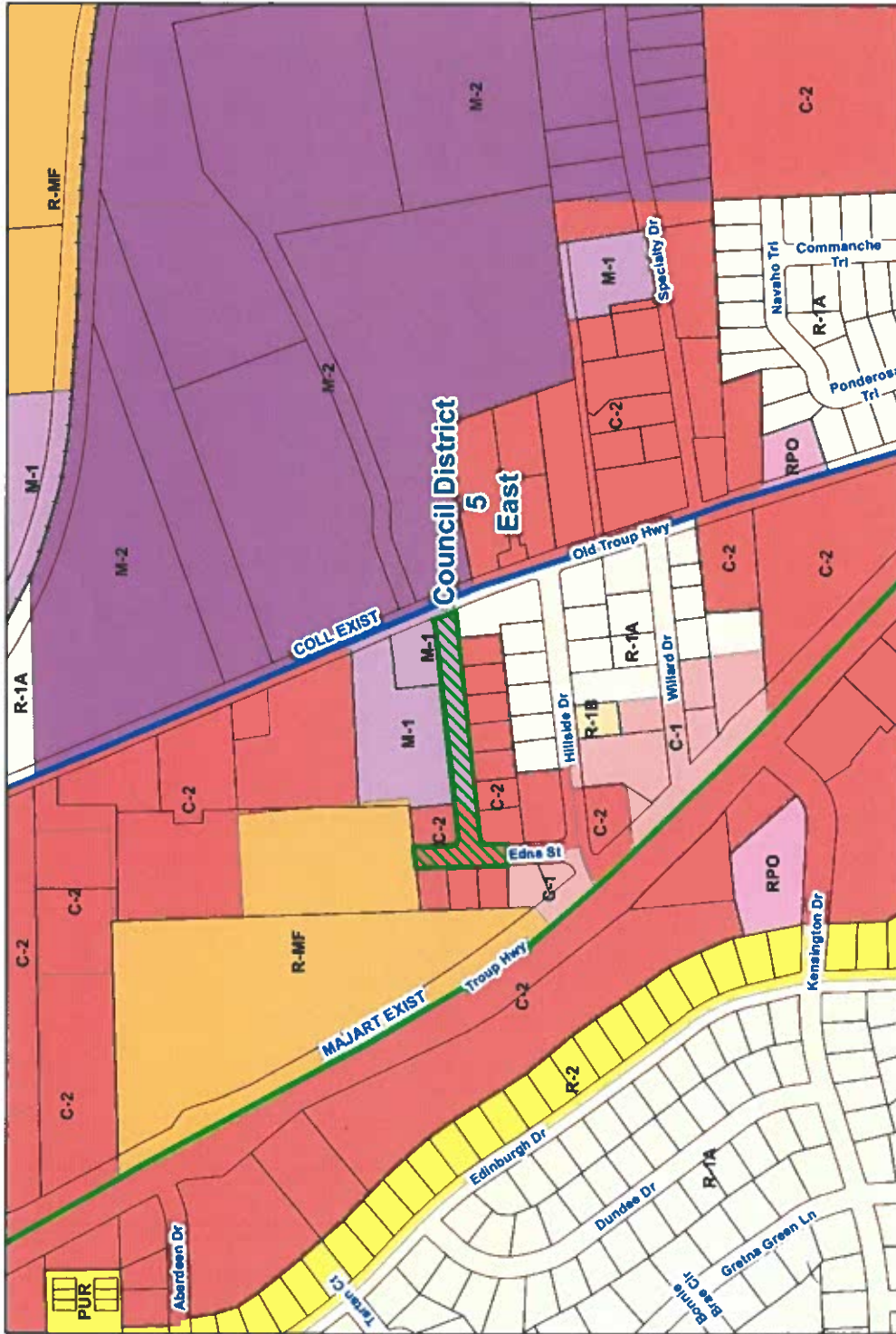


CASSANDRA BRAGER, CITY CLERK



DEBORAH G. PULLUM,
CITY ATTORNEY

**ORDINANCE NO. O-2024-4
EXHIBIT "A"
LOCATION MAP**



ZONING CASE
Zoning Case #: C23-009
Right-Of-Way Closure
ROUSE JESSE ROBERT JR

The product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It is not intended to be used for any other purpose. It represents only the approximate relative location of property boundaries.

0 350 Feet

AFFIDAVIT OF FACT

STATE OF TEXAS §
 §
COUNTY OF SMITH §

KNOW ALL MEN BY THESE PRESENTS:

BEFORE ME, the undersigned authority, on this day personally appeared Donald P. Warren, who, after being by me duly sworn, upon his oath deposes and says:


“On January 10, 2024, Donald P. Warren, Mayor of the City of Tyler, Texas executed Ordinance No. O-2024-4, which is attached hereto as Exhibit “A”.

Central Title Company of Tyler (hereinafter referred to as title company) is requiring recordation of said Ordinance in the Official Public Records of Smith County, Texas in connection with a real estate closing involving property which is the subject of said ordinance.

I am making this affidavit to enable title company to record this affidavit with the Ordinance attached as Exhibit “A” hereto. Further, this affidavit is made to Central Title Company of Tyler, Smith County, Texas, as an inducement for them to close, fund and complete a real estate transaction involving the property herein described.”

Further Affiant sayeth not.

EXECUTED this the 9th day of April, 2024.



Donald P. Warren

STATE OF TEXAS §
 §
COUNTY OF SMITH §

SWORN TO AND SUBSCRIBED BEFORE ME by the said Donald P. Warren on ~~March~~ April 9th 2024.



Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF SMITH §

This instrument was acknowledged before me on ~~March~~ April 9, 2024 by Donald P. Warren.





Notary Public, State of Texas