

ORDINANCE NO. O-2024-58

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CLOSING A PORTION OF SPRING AVENUE AND ALLEY RIGHTS-OF-WAY. THE CLOSURE IS OF A PORTION OF SPRING AVENUE LOCATED BETWEEN EAST FERGUSON STREET AND EAST ERWIN STREET. ALSO, THE CLOSURE OF ALLEY RIGHTS-OF-WAY LOCATED ADJACENT TO LOTS 13, 14, 15, 16, 17, 18, 24, 25, 26, 27, 28A, 28B, 28C, 29 AND 30 OF BLOCK 4 AND LOTS 3, 4, 4A, 8, 9, 10 AND 11 OF BLOCK 5; 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 closures are hereby approved as follows:

I. APPLICATION C24-005

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

A 50 feet wide portion of Spring Avenue and alley rights-of-way. The closure is of a 50 feet wide portion of the east side of Spring Avenue located between East Ferguson Street and East Erwin Street. Also, the closure of alley rights-of-way located adjacent to Lots 13, 14, 15, 16, 17, 18, 24, 25, 26, 27, 28A, 28B, 28C, 29 and 30 of Block 4 and Lots 3, 4, 4A, 8, 9, 10 and 11 of Block 5. The rights-of-way to be closed are 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 and dedicates a 47 feet wide right-of-way west of the abandoned right-of-way.

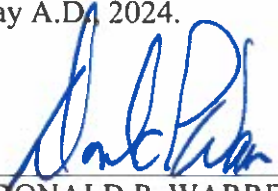
PART 3: That said public rights-of-way are not needed for public purposes and it is in the public interest of the City to abandon said described public right-of-way, other than the terms and conditions set out herein.

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 22nd day of May A.D., 2024.



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

A T T E S T:

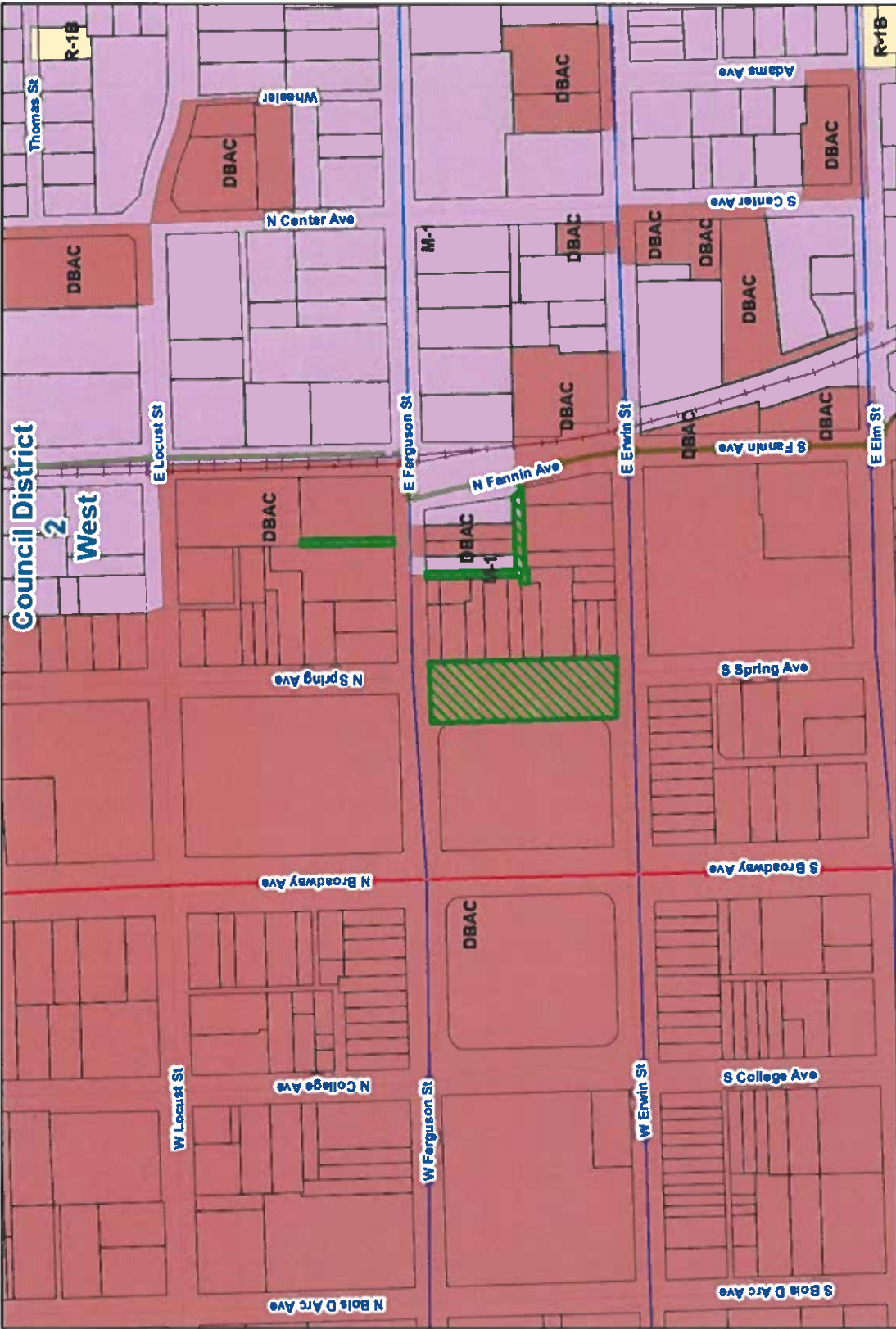
APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY

**ORDINANCE NO. O-2024-58
EXHIBIT "A"
LOCATION MAP**



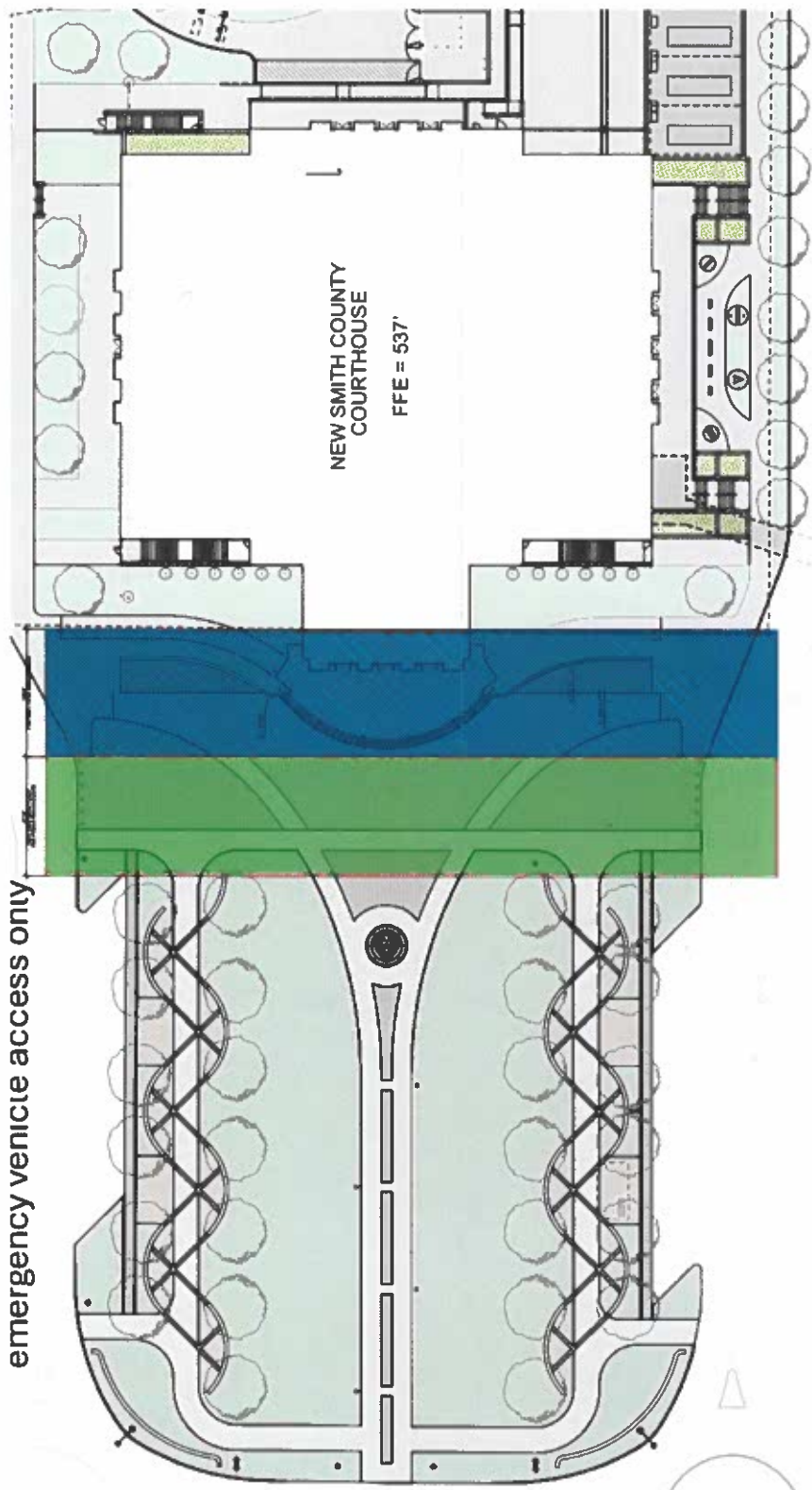
Subject Property



ZONING CASE
Zoning Case #: C24-005
Right-Of-Way Closure
SMITH COUNTY

This product is for informational purposes and may not have been prepared or be suitable for legal proceedings. It does not constitute a survey and represents only the approximate relative location of property boundaries.





emergency vehicle access only

NEW SMITH COUNTY
COURTHOUSE
FFE = 537

Abandon 50'
existing
Spring Street
ROW