

ORDINANCE NO. O-2021-77

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 DELMAR STREET AND JUNIPER LANE AS SHOWN IN ROYAL HILLS ADDITION. THE DELMAR STREET RIGHT-OF-WAY IS ADJACENT ON THE SOUTH TO LOTS 1-8 OF NCB 1051-D AND LOT 6 OF NCB 1065 AND ADJACENT ON THE NORTH TO LOTS 8-16 OF NCB 1051-C AND LOT 7 OF NCB 1067. THE JUNIPER LANE RIGHT-OF-WAY IS ADJACENT ON THE WEST TO LOT 8 OF NCB 1051-D AND LOTS 7, 15 AND 16 OF NCB 1051-C AND ADJACENT ON THE EAST TO LOT 6 OF NCB 1065 AND LOTS 7-10 OF NCB 1067; 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 right-of-way into adjacent properties to provide additional parking;

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 C21-011

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 Delmar Street and Juniper Lane as shown in Exhibit "A" attached hereto and incorporated herein. The Delmar Street right-of-way is adjacent on the south to Lots 1-8 of NCB 1051-D and Lot 6 of NCB 1065 and adjacent on the north to Lots 8-16 of NCB 1051-C and Lot 7 of NCB 1067. The Juniper Lane right-of-way is adjacent on the west to Lot 8 of NCB 1051-D and Lots 7, 15 and 16 of NCB 1051-C and adjacent on the east to Lot 6 of NCB 1065 and Lots 7-10 of NCB 1067.

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 any required utility easements.

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 25th day of August A.D., 2021.



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

ATTEST:

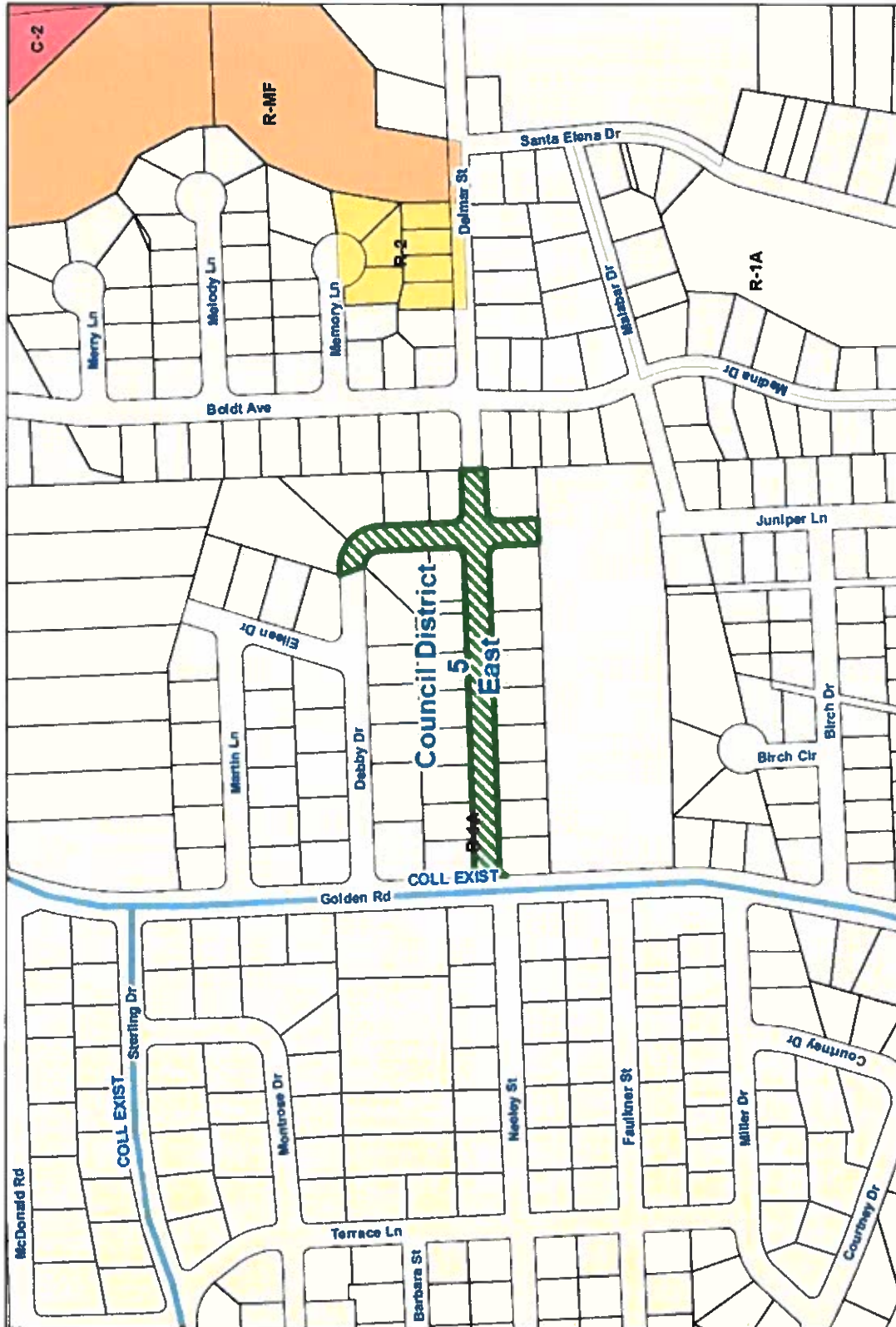

CASSANDRA BRAGER, CITY CLERK



APPROVED:


DEBORAH G. FULLUM,
CITY ATTORNEY

**ORDINANCE NO. O-2021-77
EXHIBIT "A"
LOCATION MAP**



Subject Property
ZONING CASE
Zoning Case # C21-011
Right-Of-Way-Closure
Applicant: 860 Royal Hills, LLC

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
300 0 300 Feet