

**ORDINANCE NO. O-2020-37**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CLOSING AN UNIMPROVED PORTION OF ALLEY RIGHT-OF-WAY. THE NORTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOTS 10 AND 20 OF NCB 852P. THE EAST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO DUCKENFIELD AVENUE. THE SOUTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 17 OF NCB 852S. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO BENNETT AVENUE; 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 C20-002**

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 portion of alley right-of-way. The north side of the right-of-way is adjacent to Lots 10 and 20 of NCB 852P. The east side of the right-of-way is adjacent to Duckenfield Avenue. The south side of the right-of-way is adjacent to Lot 17 of NCB 852S. The west side of the right-of-way is adjacent to Bennett Avenue. The alley 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 and dedicates utility easements where required.

**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 above.

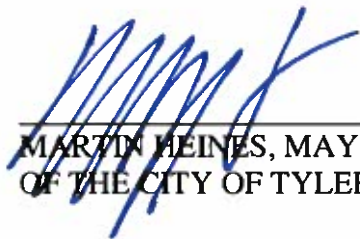
**PART 4:** That the abandonment provided for herein shall extend only to the public right, title and overlay with ingress/egress, public utility easements and to the tracts of land described

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 22<sup>nd</sup> day of April A.D., 2020.


  
\_\_\_\_\_  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

  
\_\_\_\_\_  
CASSANDRA BRAGER, CITY CLERK



  
\_\_\_\_\_  
DEBORAH G. PULLUM,  
CITY ATTORNEY

**ORDINANCE NO. O-2020-37  
EXHIBIT "A"  
LOCATION MAP**



**ZONING CASE**

Zoning Case #: C20-002  
Current Zoning: R-1A/M-1 Proposed Zoning: R-1A/M-1  
Applicant: Shaun Halberstadt

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.

0 100 200 Feet