

ORDINANCE NO. O-2017-38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE CLOSURE OF AN UNIMPROVED ALLEY RIGHT-OF-WAY. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO NORTH BOIS D'ARC AVENUE. THE EAST SIDE IS ADJACENT TO NORTH BROADWAY AVENUE. THE NORTH SIDE IS ADJACENT TO LOTS 5-8 OF NCB 437. THE SOUTH SIDE IS ADJACENT TO LOTS 1-4 OF NCB 437; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH CLOSURE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the applicant is requesting the closure of an unimproved alley right-of-way. The west side of the right-of-way is adjacent to North Bois D'Arc Avenue. The east side is adjacent to North Broadway Avenue. The north side is adjacent to Lots 5-8 of NCB 437. The south side is adjacent to lots 1-4 of NCB 437.

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 C17-001

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:

The west side of the right-of-way is adjacent to North Bois D'Arc Avenue. The east side is adjacent to North Broadway Avenue. The north side is adjacent to Lots 5-8 of NCB 437. The south side is adjacent to Lots 1-4 of NCB 437.

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

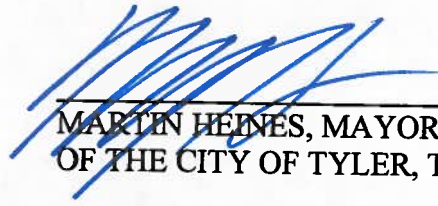
PART 3: That said public right-of-way is not needed for public purposes and it is in the public interest of the City to abandon said described public right-of-way, other than the terms and conditions set out above.

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 24th day of May A.D., 2017.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

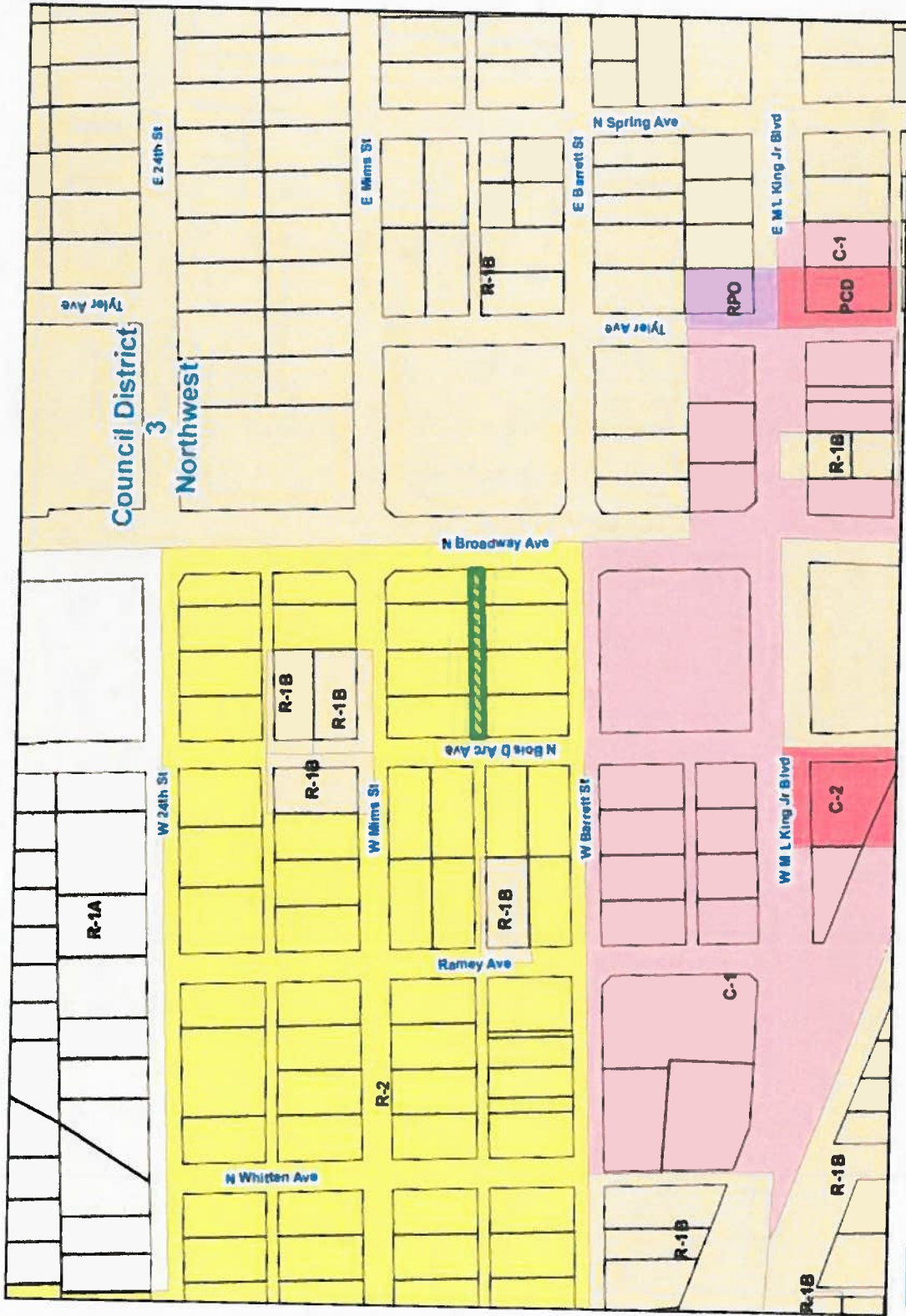
APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY

**ORDINANCE NO. O-2017-38
EXHIBIT "A"
LOCATION MAP**

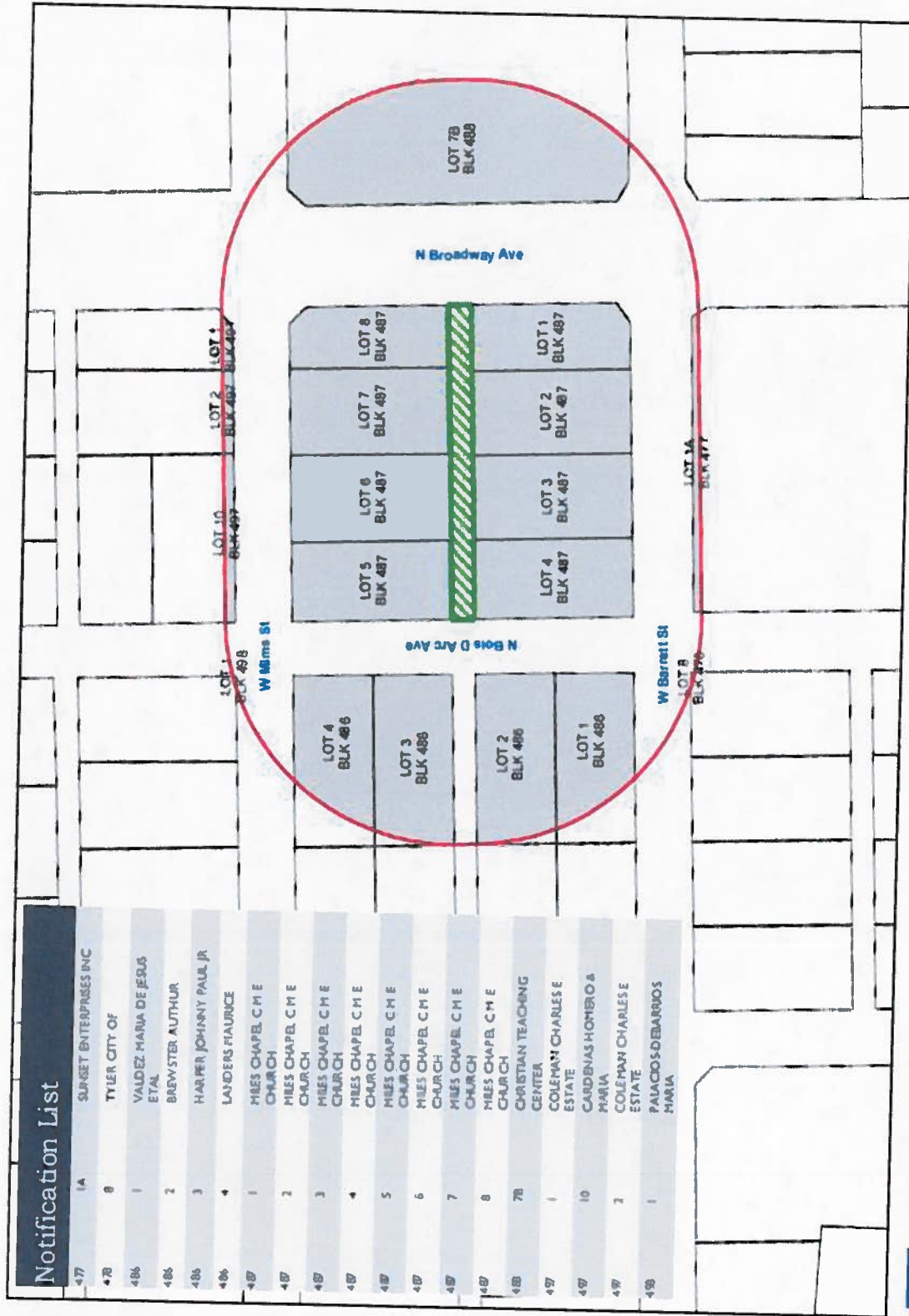


ZONING CASE
Zoning Case # C17-001
Alley Closure
Applicant: MILES CHAPEL CME CHURCH

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying uses. It does not represent an official survey and boundaries only to the appropriate relative location of property boundaries.

200 0 200 Feet

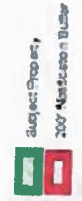
**ORDINANCE NO. O-2017-38
EXHIBIT "B"
NOTIFICATION MAP**



Notification List

477	1A	SUPRETT ENTERPRISES INC
478	8	TYLER CITY OF
486	1	VALDEZ MARIA DE JESUS ETAL
486	2	BAEWSTER AUTHUR
486	3	HARPER JOHANNY PAUL JR
486	4	LAYDERS MAURICE
487	1	MILES CHAPEL C M E CHURCH
487	2	MILES CHAPEL C M E CHURCH
487	3	MILES CHAPEL C M E CHURCH
487	4	MILES CHAPEL C M E CHURCH
487	5	MILES CHAPEL C M E CHURCH
487	6	MILES CHAPEL C M E CHURCH
487	7	MILES CHAPEL C M E CHURCH
487	8	MILES CHAPEL C M E CHURCH
488	7B	CHRISTIAN TEACHING CENTER
497	1	COLEMAN CHARLES E ESTATE
497	10	CARDENAS HOMERO & MARIA
497	2	COLEMAN CHARLES E ESTATE
498	1	PAVACOS-DEBARROS MARIA

This plat 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 does not show only the approximate relative location of property boundaries.



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