

**ORDINANCE NO. O-2015-45**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ABANDONMENT OF AN UNIMPROVED RIGHT-OF WAY KNOWN AS CLARK STREET LOCATED WEST OF THE INTERSECTION OF WEST SHAW STREET AND SOUTH CROSBY STREET AND CONTINUING SOUTH APPROXIMATELY 600 FEET TO THE STREET TERMINUS; THE EAST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 999 OF NCB 855A; THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 1 OF NCB 853B; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the applicants are requesting the closure the Clark Street right-of-way located west of the intersection of West Shaw Street and South Crosby Street and continuing south approximately 600 feet to the street terminus. The east side of the right-of-way is adjacent to Lot 999 of NCB 855A. The west side of the right-of-way is adjacent to Lot 1 of NCB 853B.

**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 C04-15-005**

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 Clark Street right-of-way located west of the intersection of West Shaw Street and South Crosby Street and continuing south approximately 600 feet to the street terminus. The east side of the right-of-way is adjacent to Lot 999 of NCB 855A. The west side of the right-of-way is adjacent to Lot 1 of NCB 853B.

**PART 2:** That closure and abandonment are contingent upon and will not become effective until and unless the applicant replats the property within six (6) months and dedicates utility easements for the existing public infrastructure.

**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.

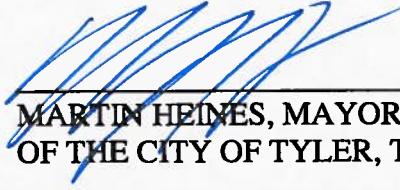
**PART 4:** That the abandonment provided for herein shall extend only to the public right, title and overlay with ingress/egress, public utility easements and to the tracts of land described in this ordinance, and shall be construed only to that interest that the governing body of the City of Tyler 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.

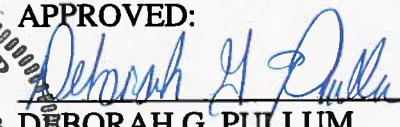
**PASSED AND APPROVED** this the 8<sup>th</sup> day of April, A.D., 2015.

  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

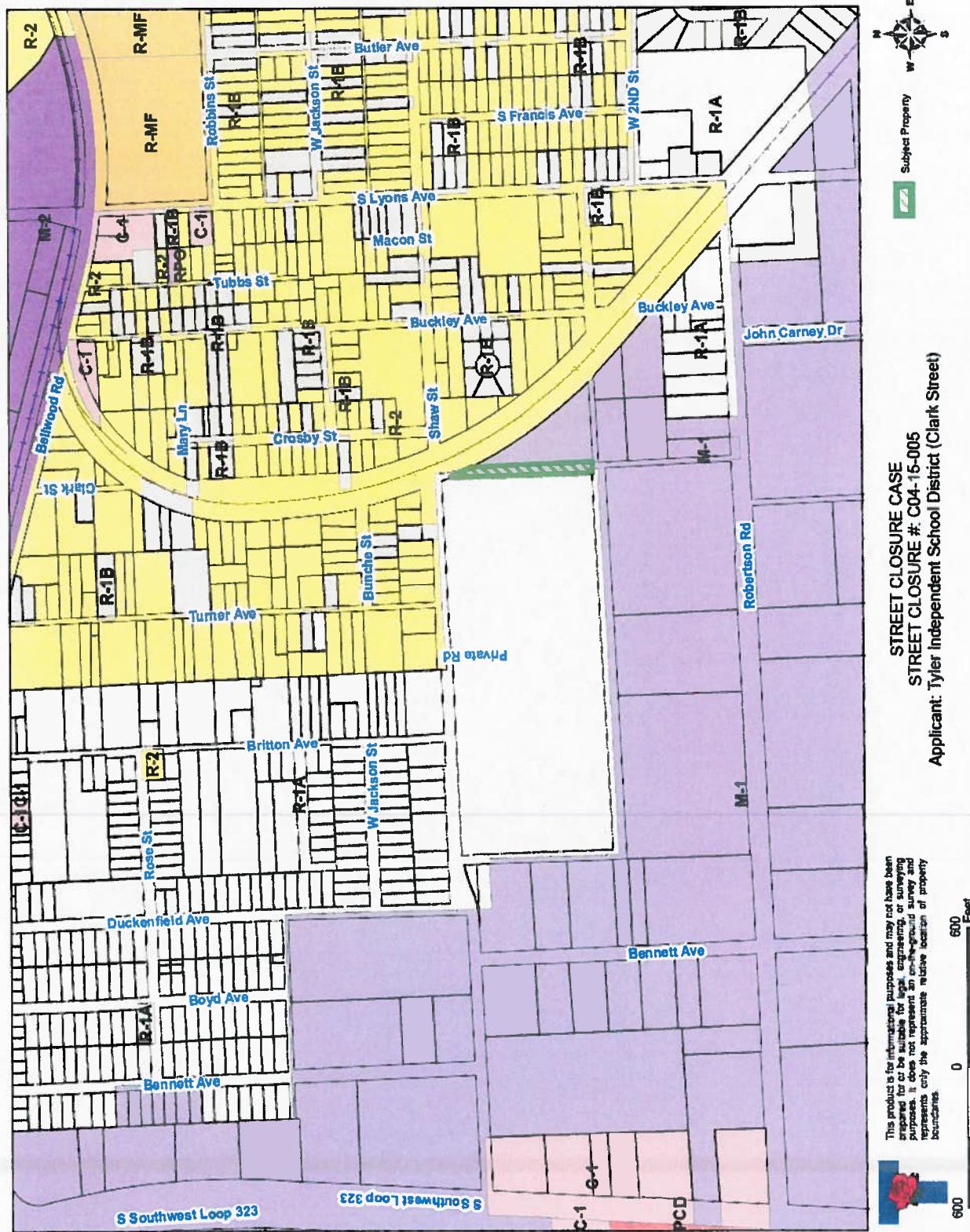
  
CASSANDRA BRAGER, CITY CLERK

APPROVED:

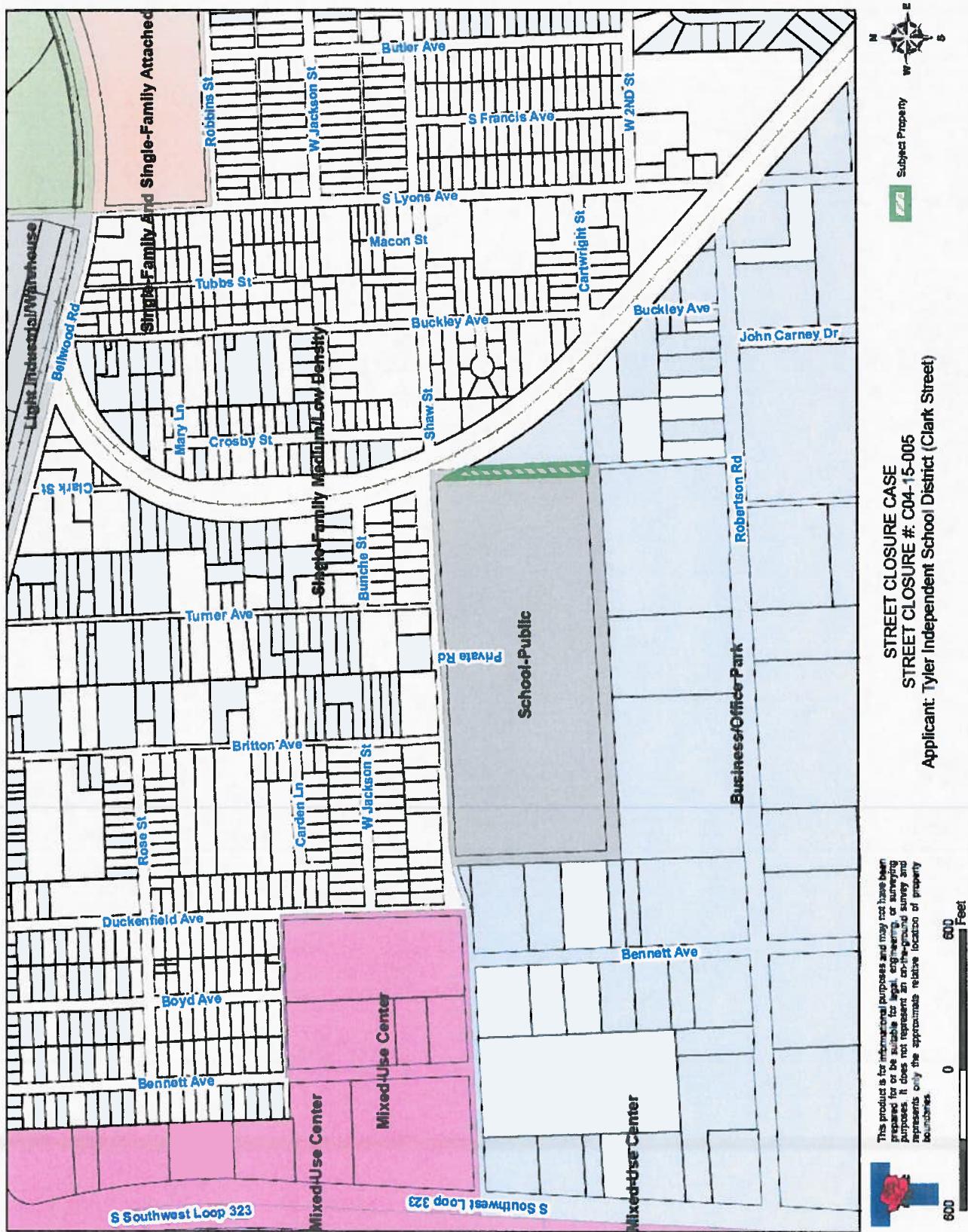
  
DEBORAH G. PULLUM,  
CITY ATTORNEY



**ORDINANCE NO. O-2015-45  
EXHIBIT "A"  
LOCATION MAP**



ORDINANCE NO. O-2015-45  
 EXHIBIT "B"  
 TYLER 1<sup>st</sup> FUTURE LAND USE MAP



**ORDINANCE NO. O-2015-45**  
**EXHIBIT "C"**  
**NOTIFICATION MAP**

