

**ORDINANCE NO. O-2015-86**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ABANDONMENT OF AN UNIMPROVED PORTION OF BAILEY DRIVE CONNECTING BAXTER AVENUE AND EAST FRONT STREET. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 6C OF NCB 249B. THE NORTH SIDE IS ADJACENT TO LOTS 20B, 39, 40A, AND 41 OF NCB 532. THE SOUTHEAST SIDE IS ADJACENT TO LOTS 4, 10D, AND 14 OF NCB 240; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the applicant is requesting the closure of an unimproved portion of Bailey Drive connecting Baxter Avenue and East Front Street. The west side of the right-of-way is adjacent to Lot 6A of NCB 249B. The north side is adjacent to Lots 20B, 39, 40A, and 41 of NCB 532. The southeast side is adjacent to Lots 4, 10D, and 14 of NCB 240.

**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 C09-15-008**

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:

An unimproved portion of Bailey Drive connecting Baxter Avenue and East Front Street. The west side of the right-of-way is adjacent to Lot 6C of NCB 249B. The north side is adjacent to Lots 20B, 39, 40A, and 41 of NCB 532. The southeast side is adjacent to Lots 4, 10D, and 14 of NCB 240.

**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.

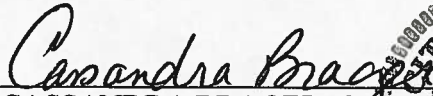
**PART 5:** Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

**PART 6:** That this ordinance shall be effective on and after its date of passage and approval by the City Council.

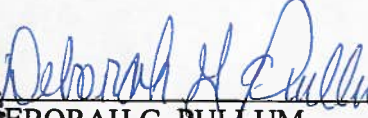
**PASSED AND APPROVED** this the 22<sup>nd</sup> day of September, A.D., 2015.

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

ATTEST:

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

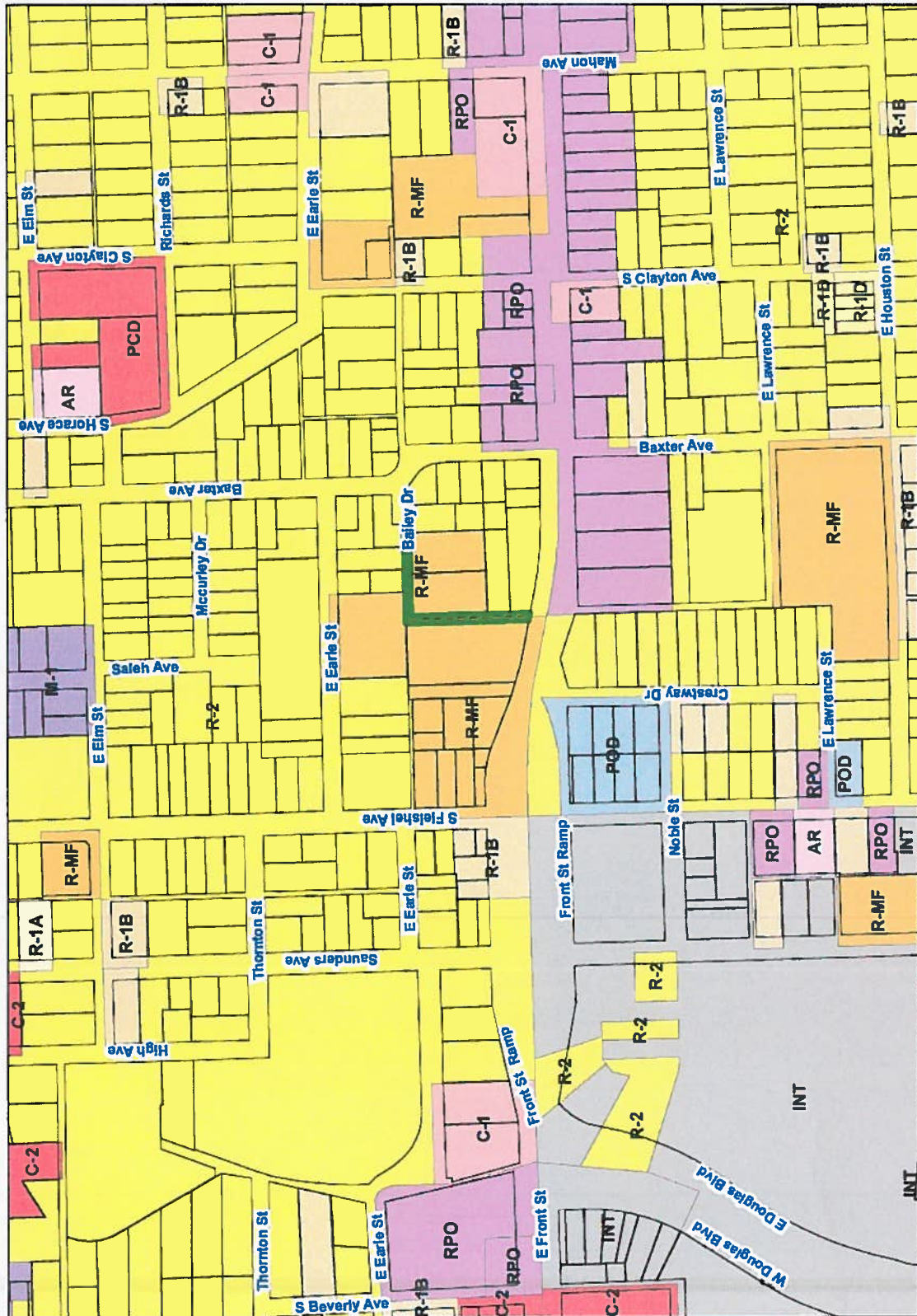
APPROVED:

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



# ORDINANCE NO. O-2015-86

## EXHIBIT "A" LOCATION MAP



Subject Property

Throughfare Closure  
Zoning Case # C09-15-008  
Applicant: Bob Kurtz

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.



0 400 800 Feet



Lot Number	Owner Name	Address
240	100	CURTIS W E
240	12	SMITH COUNTY TR
240	14	CURTIS W E EST
240	15	SMITH COUNTY TR
240	19	P C S REALTY PARTNERS LTD
240	19A	CURTIS W E
240	20	SLANE SHIRLEY ANN
240	21	BEEBE TINA D
240	3	BOB KURTZ PROPERTIES LLC
240	4	BOB KURTZ PROPERTIES LLC
242	3	SCOTT BRYAN L
242	4	SCOTT BRYAN L
249B	6A	MARTIN WAUNITA FAMILY TRUST
249B	6C	BOB KURTZ PROPERTIES LLC
251A	28A	ALLEN CREDIT COMPANY OF TYLER INC
251A	29	ALLEN CREDIT COMPANY OF TYLER INC
532	20B	MANCHEGO LEROY LIFE ESTATE
532	37	SMITH BLL F
532	38	REYES MARTIN & CONCEPCION OCHOA
532	39	PENA SERVANDO
532	40A	EVODIO ARRIAGA MARTINEZ
532	40B	EVODIO ARRIAGA MARTINEZ
532	41	BOB KURTZ PROPERTIES LLC
532	42	APOSTOLIC ASSEMBLY OF THE FAITH
533	14	SANTIAGO MONSERRAT & NOE ESPINOZA
533	6	MORENO GLORIA R

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.

**Throughfare Closure**  
**Zoning Case # C09-15-008**  
**Applicant: Bob Kurtz**

