

ORDINANCE NO. O-2014-55

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ABANDONMENT OF AN UNIMPROVED 20 FEET WIDE ALLEY RIGHT-OF-WAY AND AN UNIMPROVED 12 FEET WIDE ALLEY RIGHT OF WAY. THE NORTH SIDE OF THE 20 FEET WIDE ALLEY RIGHT OF WAY IS ADJACENT TO LOT 6 OF NCB 565 AND THE SOUTH SIDE IS ADJACENT TO LOTS 1 AND 16 OF NCB 541. THE WEST SIDE OF THE 12 FEET WIDE ALLEY RIGHT-OF-WAY IS ADJACENT TO LOTS 9-16 OF NCB 541 AND THE EAST SIDE IS ADJACENT TO LOTS 1-8 OF NCB 541; 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 two unimproved alley rights-of-way. The north side of the unimproved 20 feet wide alley right-of-way is adjacent to Lot 6 of NCB 565. The south side of the unimproved right-of-way is adjacent to Lots 1 and 16 of NCB 541. The west side of the 12 feet wide alley right-of-way is adjacent to Lots 9-16 of NCB 541. The east side is adjacent to Lots 1-8 of NCB 541.

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 C07-14-002

That the public rights-of-way described below, and the same are hereby abandoned, vacated and closed insofar as the right, or title of the public is concerned:

The first right-of-way is an unimproved 20 feet wide alley right-of-way, beginning south of the southeast corner of North Gaston Avenue and West Martin Luther King, Jr. Boulevard and continuing east approximately 290 feet to North Englewood Avenue. The north side of the unimproved 20 feet wide alley right-of-way is adjacent to Lot 6 of NCB 565. The south side of the unimproved 20 feet wide alley right-of-way is adjacent to Lots 1 and 16 of NCB 541. The second right-of-way is an unimproved 12 feet wide alley right-of-way, beginning at the midpoint of the aforementioned 20 feet wide alley and extending approximately 390 feet south to West Nutbush Street. The west side of the 12 feet wide alley right-of-way is adjacent to Lots 9-16 of NCB 541. The east side of the 12 feet wide alley right-of-way is adjacent to Lots 1-8 of NCB 541.

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.

PART 3: That said public rights-of-way are 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.

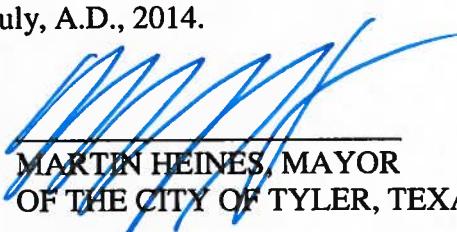
PART 4: That the abandonment provided for herein shall extend only to the public right, title and overlay with ingress/egress, public utility easements and to the tracts of land

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 23rd day of July, A.D., 2014.


MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY