

ORDINANCE NO. O-2013-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ABANDONMENT OF AN IMPROVED RIGHT-OF-WAY KNOWN AS SOUTHGATE AVENUE BETWEEN CHANDLER HIGHWAY AND WEST FRONT STREET. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 28A OF NCB 746. THE EAST SIDE IS ADJACENT TO LOT 4B OF NCB 747; 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 improved right-of-way known as Southgate Avenue between Chandler Highway and West Front Street. The west side of the right-of-way is adjacent to Lot 28A of NCB 746. The east side is adjacent to Lot 4B of NCB 747.

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 C03-13-001

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:

Improved right-of-way known as Southgate Avenue between Chandler Highway and Front Street. The west side of the right-of-way is adjacent to Lot 28A of NCB 746. The east side is adjacent to Lot 4B of NCB 747.

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 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 27th day of March, A.D., 2013.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


GARY C. LANDERS, CITY ATTORNEY