

**ORDINANCE NO. O-2013-37**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ABANDONMENT OF AN UNIMPROVED PORTION OF BAILEY DRIVE BETWEEN 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 3, 4, 10D, 12, 14, AND 19 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 improved right-of-way known as Bailey Drive between 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 3, 4, 10D, 12, 14, and 19 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 C05-13-003**

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 Bailey Drive between 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 3, 4, 10D, 12, 14, and 19 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, dedicates appropriate access easements for potentially landlocked lots and dedication of a utility easement for the sewer line.

**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.

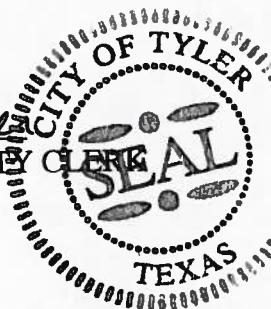
**PART 6:** That this ordinance shall be effective on and after its date of passage and approval by the City Council.

**PASSED AND APPROVED** this the 22<sup>nd</sup> day of May, A.D., 2013.

*Barbara Bass*  
BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

*Cassandra Brager*  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

*Gary C. Landers*  
GARY C. LANDERS, CITY ATTORNEY