

ORDINANCE NO. O-2011-55

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF AN UNIMPROVED ALLEY. THE EASTERN PORTION IS ADJACENT TO LOT 22 OF NCB 269B. THE WESTERN PORTION IS ADJACENT TO LOTS 4 AND 21 OF NCB 269B; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the applicant is requesting the closure of a portion of an unimproved alley. The east side of the alley is adjacent to Lot 22 of NCB 269B. The west side is adjacent to Lots 4 and 21 of NCB 269B. and

WHEREAS, Texas Transportation Code Section 311.007 provides that a home-rule municipality may vacate, abandon, or close a street or alley; and

WHEREAS, the Unified Development Code in Tyler City Code Chapter 10 provides a process for the City of Tyler to close and abandon a public right-of-way; and

WHEREAS, a Plat dated February, 1919 indicates that the area to be closed and abandoned was originally subject to the right of passage of the public;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: 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 east side of the alley is adjacent to Lot 22 of NCB 269B. The west side is adjacent to Lots 4 and 21 of NCB 269B.

PART 2: That such closure and abandonment shall not affect any private ownership interests of the adjoining landowners in the land underneath the public right-of-way described herein.

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.

PART 4: That the abandonment provided for herein shall extend only to the public right, title and overlay 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 July, A.D., 2011.

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

A T T E S T:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK



APPROVED:

Gary C. Landers
GARY C. LANDERS, CITY ATTORNEY