

**ORDINANCE NO. O-2024-96**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CLOSING TWO UNIMPROVED ALLEY RIGHTS-OF-WAY. THE NORTH SIDE OF THE NORTH-SOUTH RIGHT-OF-WAY IS ADJACENT TO WEST FERGUSON STREET. THE EAST SIDE OF THE NORTH-SOUTH RIGHT-OF-WAY IS ADJACENT TO LOT 19C OF NCB 91. THE SOUTH SIDE OF THE NORTH-SOUTH RIGHT-OF-WAY IS ADJACENT TO WEST ERWIN STREET. THE WEST SIDE OF THE NORTH-SOUTH RIGHT-OF-WAY IS ADJACENT TO LOTS 11 AND 12 OF NCB 188 AND THE EAST-WEST RIGHT-OF-WAY. THE NORTH SIDE OF THE EAST-WEST RIGHT-OF-WAY IS ADJACENT TO LOTS 12, 13, 14A, AND 16A OF NCB 188. THE EAST SIDE OF THE EAST-WEST RIGHT-OF-WAY IS ADJACENT TO THE NORTH-SOUTH RIGHT-OF-WAY. THE SOUTH SIDE OF THE EAST-WEST RIGHT-OF-WAY IS ADJACENT TO LOTS 1-9A, 9B, 10, AND 11 OF NCB 188. THE WEST SIDE OF THE EAST-WEST RIGHT-OF-WAY IS ADJACENT TO LOT 17A OF NCB 188. PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH CLOSURE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

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

**WHEREAS**, Tyler City Code Chapter 10, Article V., Division F. sets forth a process for right-of-way and thoroughfare closures; and

**WHEREAS**, the applicant is requesting the closure to replat two rights-of-way into adjacent property;

**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 C24-008**

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:

Two unimproved alley rights-of-way. The north side of the north-south right-of-way is adjacent to West Ferguson Street. The east side of the north-south right-of-way is adjacent to Lot 19C of NCB 91. The south side of the north-south right-of-way is adjacent to West Erwin Street. The west side of the north-south right-of-way is adjacent to Lots 11 and 12 of NCB 188 and the east-west right-of-way. The north side of the east-west right-of-way is adjacent to Lots 12, 13, 14A, and 16A of NCB 188. The east side of the east-west right-of-way is adjacent to the north-south right-of-way. The south side of the east-west right-of-way is adjacent to Lots 1-9A, 9B, 10, and 11 of NCB 188. The west side of the east-west right-of-way is adjacent to Lot 17A of NCB 188. The rights-of-way to be closed are further shown in Exhibit "A", which is attached hereto and incorporated herein.

**PART 2:** That closure is 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 herein.

**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 13<sup>th</sup> day of November A.D., 2024.

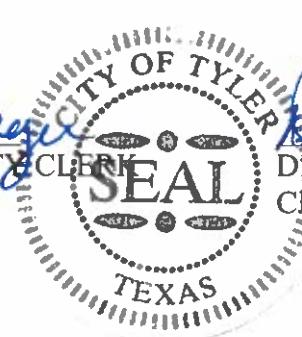


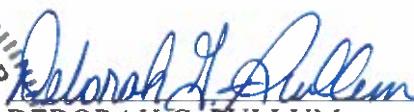
DONALD P. WARREN, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

  
CASSANDRA BRAGER, CITY CLERK

The seal of the City of Tyler, Texas, is circular with a decorative border. The words "CITY OF TYLER" are at the top and "TEXAS" are at the bottom. In the center, the word "SEAL" is written above a stylized star.

  
DEBORAH G. PULLUM,  
CITY ATTORNEY

ORDINANCE NO. O-2024-96  
EXHIBIT "A"  
LOCATION MAP

