

ORDINANCE NO. O-2023-76

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CLOSING AN IMPROVED RIGHT-OF-WAY. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO OLD OMEN ROAD. THE EAST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 5B OF NCB 1442. THE SOUTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 8 OF NCB 1442. THE NORTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 6 OF NCB 1442.; 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 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 C23-003

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:

An improved right-of-way. The west side of the right-of-way is adjacent to Old Omen Road. The east side of the right-of-way is adjacent to Lot 5B of NCB 1442. The south side of the right-of-way is adjacent to Lot 8 of NCB 1442. The north side of the right-of-way is adjacent to Lot 6 of NCB 1442. The right-of-way to be closed is 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 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 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.

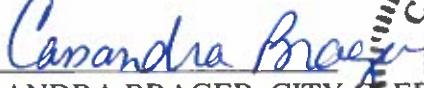
PART 6: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 23rd day of August A.D., 2023.



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

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY

**ORDINANCE NO. O-2023-76
EXHIBIT "A"
LOCATION MAP**

