

ORDINANCE NO. O-2019-42

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CLOSING AN IMPROVED PORTION OF RIGHT-OF-WAY KNOWN AS SOUTH BEVERLY STREET CONNECTING TO NOBLE STREET AND AN ALLEY. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 9A OF NCB 72. THE EAST SIDE IS ADJACENT TO LOTS 1A, 6B, 7A AND 8 OF NCB 161A AND LOT 6E OF NCB 73. ALSO, CLOSING A PORTION OF EAST NOBLE STREET ADJACENT TO LOT 10, 11, 6, 5 AND 9A OF NCB 72 ON THE NORTH SIDE AND LOT 6E OF NCB 73 ON THE SOUTH SIDE. THE ALLEY RIGHT-OF-WAY IS ADJACENT TO LOTS 1A, 2A, 13A AND 14A OF NCB 72 ON THE NORTH SIDE, LOT 9A OF NCB 72 ON THE EAST SIDE, LOTS 5, 6 AND 12 OF NCB 72 ON THE SOUTH SIDE AND SOUTH BECKHAM AVENUE ON THE WEST; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH CLOSURES; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The applicant is requesting the closure of an improved portion of right-of-way known as South Beverly Street connecting to Noble Street and an alley. The west side of the right-of-way is adjacent to Lot 9A of NCB 72. The east side is adjacent to Lots 1A, 6B, 7A and 8 of NCB 161A and Lot 6E of NCB 73. Also, closing a portion of East Noble Street adjacent to Lot 10, 11, 6, 5 and 9A of NCB 72 on the north side and Lot 6E of NCB 73 on the south side. The alley right-of-way is adjacent to Lots 1A, 2A, 13A and 14A of NCB 72 on the north side, Lot 9A of NCB 72 on the east side, Lots 5, 6 and 12 of NCB 72 on the south side and South Beckham Avenue on the west as described by Exhibit "A".

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

PART 1: That the following thoroughfare closures is hereby approved as follows:

I. APPLICATION C19-002

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:

Right-of-way known as South Beverly Street connecting to Noble Street and an alley. The west side of the right-of-way is adjacent to Lot 9A of NCB 72. The east side is adjacent to Lots 1A, 6B, 7A and 8 of NCB 161A and Lot 6E of NCB 73. Also, closing a portion of East Noble Street adjacent to Lot 10, 11, 6, 5 and 9A of NCB 72 on the north side and Lot 6E of NCB 73 on the south side. The alley right-of-way is adjacent to Lots 1A, 2A, 13A and 14A of NCB 72 on the north side, Lot 9A of NCB 72 on the east side, Lots 5, 6 and 12 of NCB 72 on the south side and South Beckham Avenue on the west.

PART 2: That closure is contingent upon and will not become effective until and unless the applicant replats the property within six (6) months and dedicates utility easements where required.

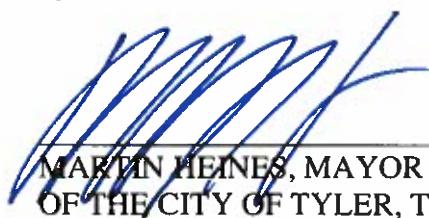
PART 3: That said public rights-of-way are not needed for public purposes and it is in the public interest of the City to abandon said described public rights-of-way, other than the terms and conditions set out above.

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.

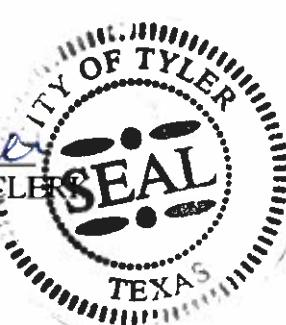
PASSED AND APPROVED this the 22nd day of May A.D., 2019.



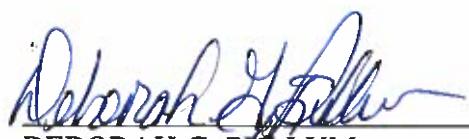
MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


DEBORAH G. POLLUM,
CITY ATTORNEY

ORDINANCE NO. O-2019-42
EXHIBIT "A"
NOTIFICATION MAP



**ORDINANCE NO. O-2019-42
EXHIBIT "B"
LOCATION MAP**

