

ORDINANCE NO. O-2019-70

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CLOSING THE UNIMPROVED PORTION OF A RIGHT-OF-WAY ON RIECK ROAD. THE WEST SIDE IS LOCATED WEST OF LOT 7A AND 8A OF NCB 1549A. THE EAST SIDE IS ADJACENT TO LOT 4B OF NCB 1474B. THE NORTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 3A OF NCB 1474B. THE SOUTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 5A OF NCB 1474V; .PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH CLOSURE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The applicant is requesting the closure in order to replat the rights-of-way for development purposes. The closure request is located west of Lot 7A and 8A of NCB 1549A. The east side is adjacent to Lots 4B of NCB 1474B. The north side of the right-of-way is adjacent to Lot 3A of NCB 1474B. The south side of the right-of-way is adjacent to Lot 5A of NCB 1474V, 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 closure is hereby approved as follows:

I. APPLICATION C19-003

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 unimproved portion of Rieck Road. The west side is adjacent to Lot 7A and 8A of NCB 1549A. The east side is adjacent to Lots 4B of NCB 1474B. The north side of the right-of-way is adjacent to Lot 3A of NCB 1474B. The south side of the right-of-way is adjacent to Lot 5A of NCB 1474V. The right-of-way to be closed is shown in the drawing in Exhibit "A", 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 and dedicates utility easements where required.

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 28th day of August A.D., 2019.

~~MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS~~

ATTEST:

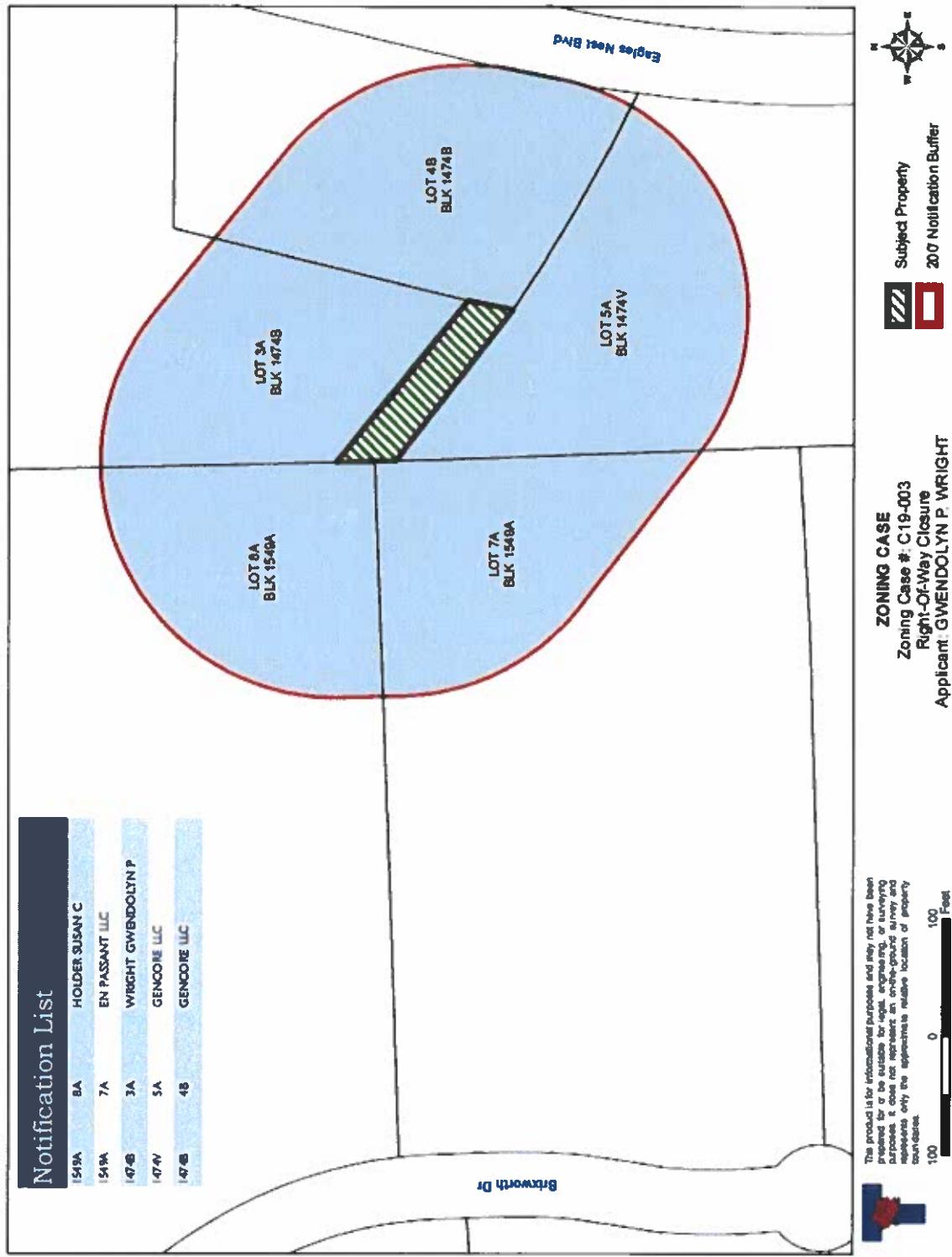
Cassandra Brager
CASSANDRA BRAGER, CITY CLERK

APPROVED:

Deborah G. Pullum
DEBORAH G. PULLUM,
CITY ATTORNEY



ORDINANCE NO. O-2019-70
EXHIBIT "A"
NOTIFICATION MAP



ORDINANCE NO. O-2019-70
EXHIBIT "B"
LOCATION MAP

