

ORDINANCE NO. O-2019-91

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CLOSING THE UNIMPROVED PORTIONS OF RIGHTS-OF-WAY OF DELMAR STREET AND JUNIPER LANE. THE FIRST CLOSURE REQUEST IS LOCATED NORTH OF LOT 1 OF NCB 1051-D AT AN UNNAMED THOROUGHFARE CONTINUING EAST, ENDING AT THE INTERSECTION OF BOLDT AVENUE AND DELMAR STREET. THE SECOND CLOSURE IS LOCATED SOUTH OF LOT 10 OF NCB 1067 AT THE EASTERN END OF DEBBY DRIVE, CONTINUING SOUTH, ENDING EAST OF LOT 8 OF NCB 1051-D; 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 first closure request is located north of Lot 1 of NCB 1051-D at an unnamed thoroughfare continuing east, ending at the intersection of Boldt Avenue and Delmar Street. The second closure is located south of Lot 10 of NCB 1067 at the eastern end of Debby Drive, continuing south, ending east of Lot 8 of NCB 1051-D.

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

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

I. APPLICATION C19-004

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:

Unimproved portions of Delmar Street and Juniper Lane. The first closure request is located north of Lot 1 of NCB 1051-D at an unnamed thoroughfare continuing east, ending at the intersection of Boldt Avenue and Delmar Street. The second closure is located south of Lot 10 of NCB 1067 at the eastern end of Debby Drive, continuing south, ending east of Lot 8 of NCB 1051-D. The rights-of-way to be closed are 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 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 23th day of October A.D., 2019.

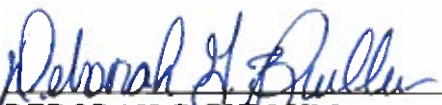

MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

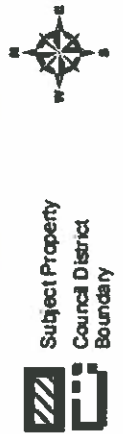
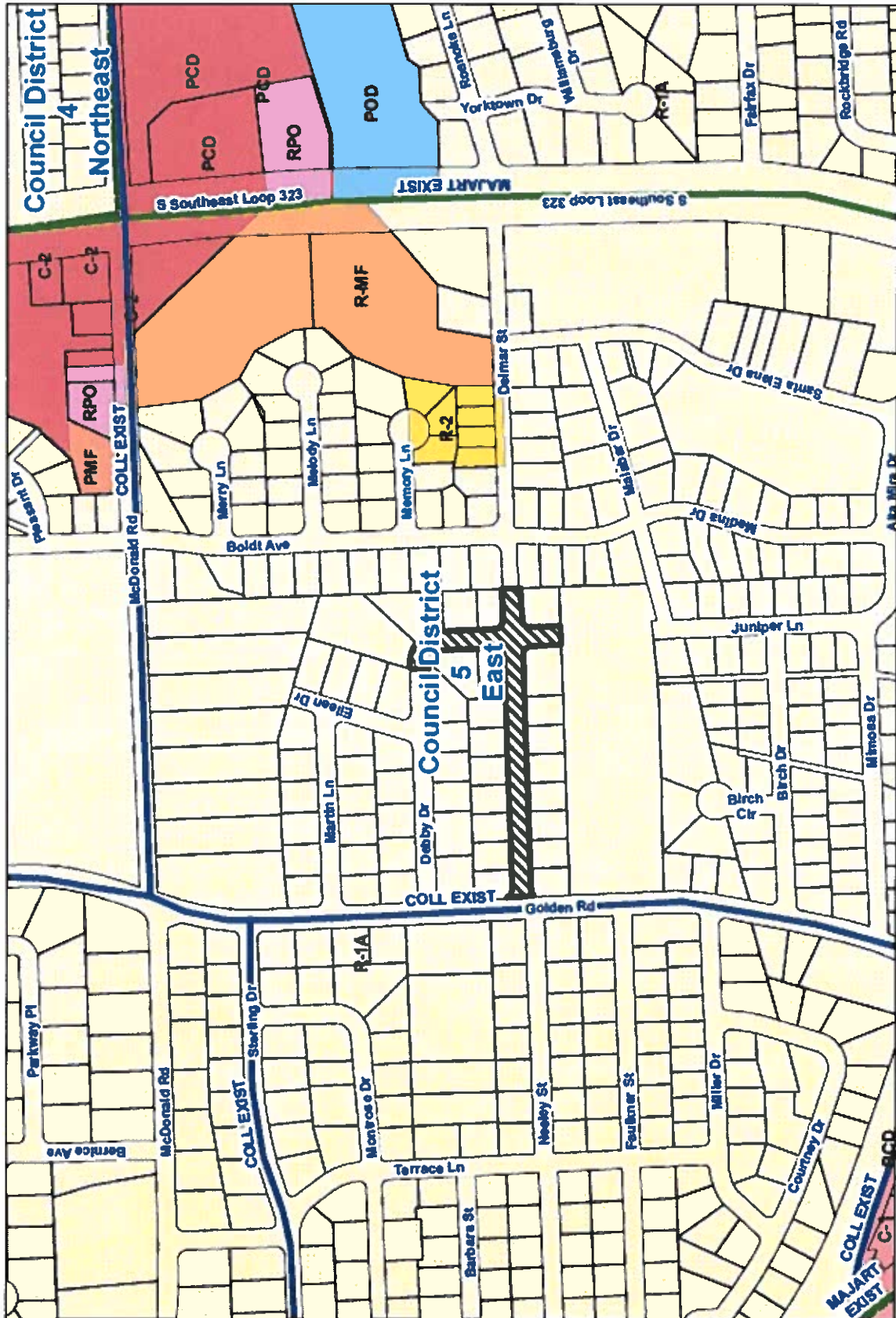
APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2019-91
EXHIBIT "A"
LOCATION MAP



ZONING CASE
Zoning Case #: C19-004
Right-Of-Way Closure
Applicant: 860 ROYAL HILLS LLC

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It is not to be used as a legal document and represents only the approximate relative location of property boundaries.

400 0 400 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-site ground survey and represents only the approximate relative location of property boundaries.

ZONING CASE
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Right-Of-Way Closure
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Subject Property
200' Notification Buffer
Protest Lots

