

**ORDINANCE NO. O-2018-5**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE CLOSURE OF AN UNPAVED PORTION OF EARLE STREET. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 11A OF NCB 160; THE EAST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 13 OF NCB 160; THE NORTH SIDE IS ADJACENT TO EARLE STREET; THE SOUTH SIDE IS ADJACENT TO LOT 12 OF NCB 160; 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 of an unpaved portion of Earle Street. The west side of the right-of-way is adjacent to Lot 11A of NCB 160. The east side of the right-of-way is adjacent to Lot 13 of NCB 160. The north side is adjacent to Earle Street. The south side is adjacent to Lot 12 of NCB 160.

**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 C17-006**

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:

The west side of the right-of-way is adjacent to Lot 11A of NCB 160. The east side of the right-of-way is adjacent to Lot 13 of NCB 160. The north side is adjacent to Earle Street. The south side is adjacent to Lot 12 of NCB 160.

**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 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.

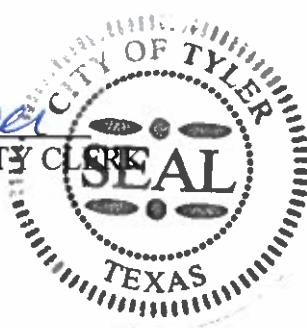
**PART 6:** That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 24<sup>th</sup> day of January A.D., 2018.

ATTEST:

*Cassandra Brager*

CASSANDRA BRAGER, CITY CLERK



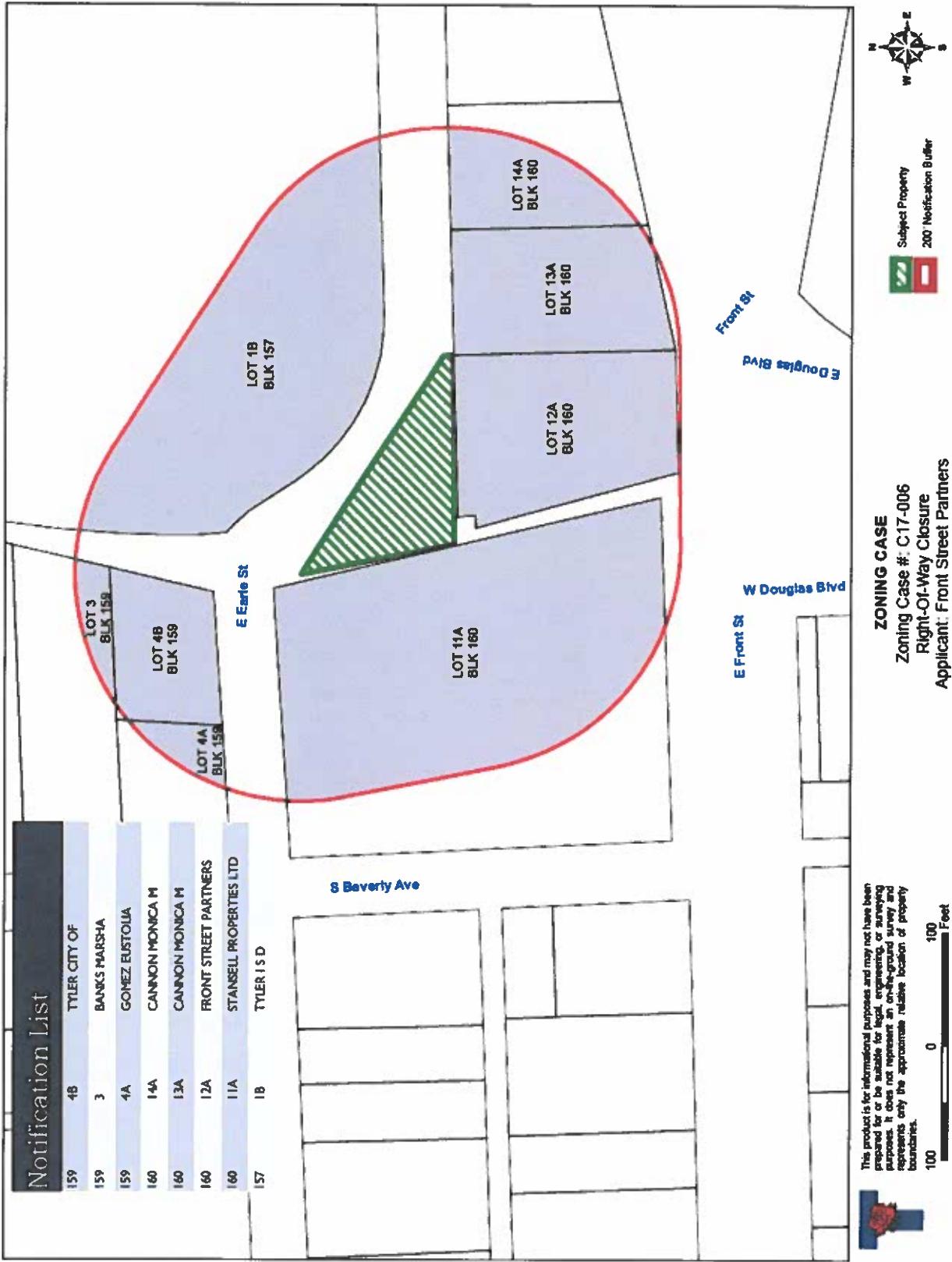
*Martin Heines*  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

APPROVED:

*Deborah G. Pullum*

DEBORAH G. PULLUM,  
CITY ATTORNEY

ORDINANCE NO. O-2018-5  
EXHIBIT "A"  
NOTIFICATION MAP



ORDINANCE NO. O-2018-5  
EXHIBIT "B"  
LOCATION MAP

