

ORDINANCE NO. O-2018-59

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE CLOSURE IN ORDER TO REPLAT AN IMPROVED PORTION OF EAST LOCUST STREET TO COMBINE THE PROPERTIES TO THE NORTH AND SOUTH FOR EXPANSION OF THE HILAND DAIRY FOODS PLANT. THE NORTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOTS 5C, 6A AND 8 OF NCB 137. THE SOUTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 10 OF NCB 136. THE WEST SIDE AND EAST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO EAST LOCUST STREET; 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 an improved portion of East Locust Street to combine the properties to the north and south for expansion of the Hiland Dairy Foods plant. The north side of the right-of-way is adjacent to Lots 5C, 6A and 8 of NCB 137. The south side of the right-of-way is adjacent to Lot 10 of NCB 136. The west side and east side of the right-of-way is adjacent to East Locust Street.

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 C18-004

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:

The north side of the right-of-way is adjacent to Lots 5C, 6A and 8 of NCB 137. The south side of the right-of-way is adjacent to Lot 10 of NCB 136. The west side and east side of the right-of-way is adjacent to East Locust Street, and as further shown 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.

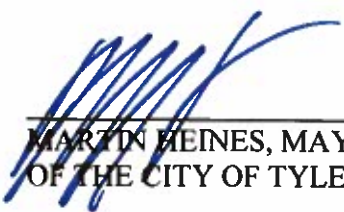
PART 4: That the abandonment provided for herein shall extend only to the public right, title and overlay with ingress/egress, public utility easements and to the tracts of land described in this ordinance, and shall be construed only to that interest that the governing body of the City of Tyler may 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 25th day of July A.D., 2018.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS


ATTEST:

APPROVED:



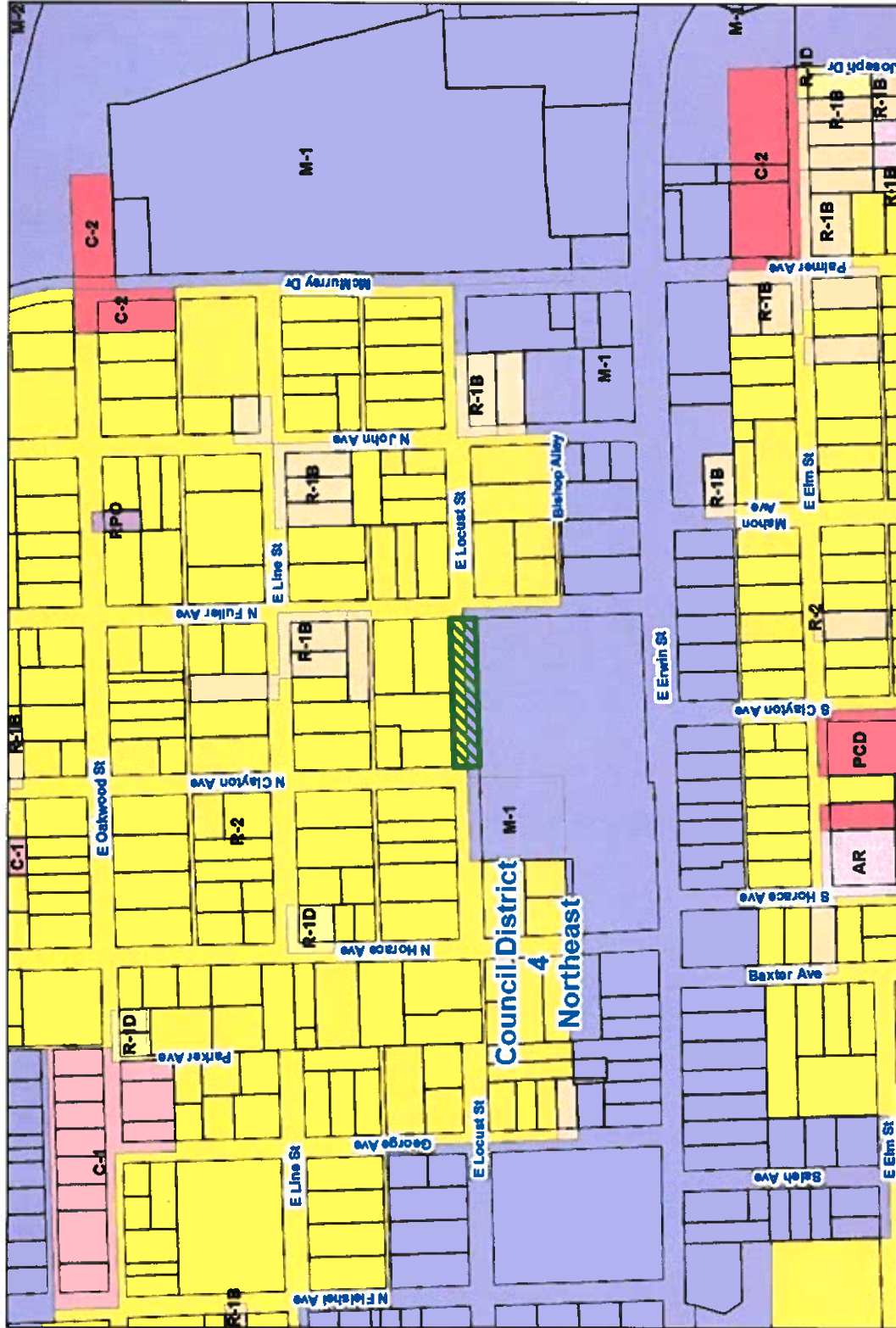
CASSANDRA BRAGER, CITY CLERK





SHARON F. ROBERTS,
SR. ASSISTANT CITY ATTORNEY

ORDINANCE NO. O-2018-59
EXHIBIT "A"
LOCATION MAP

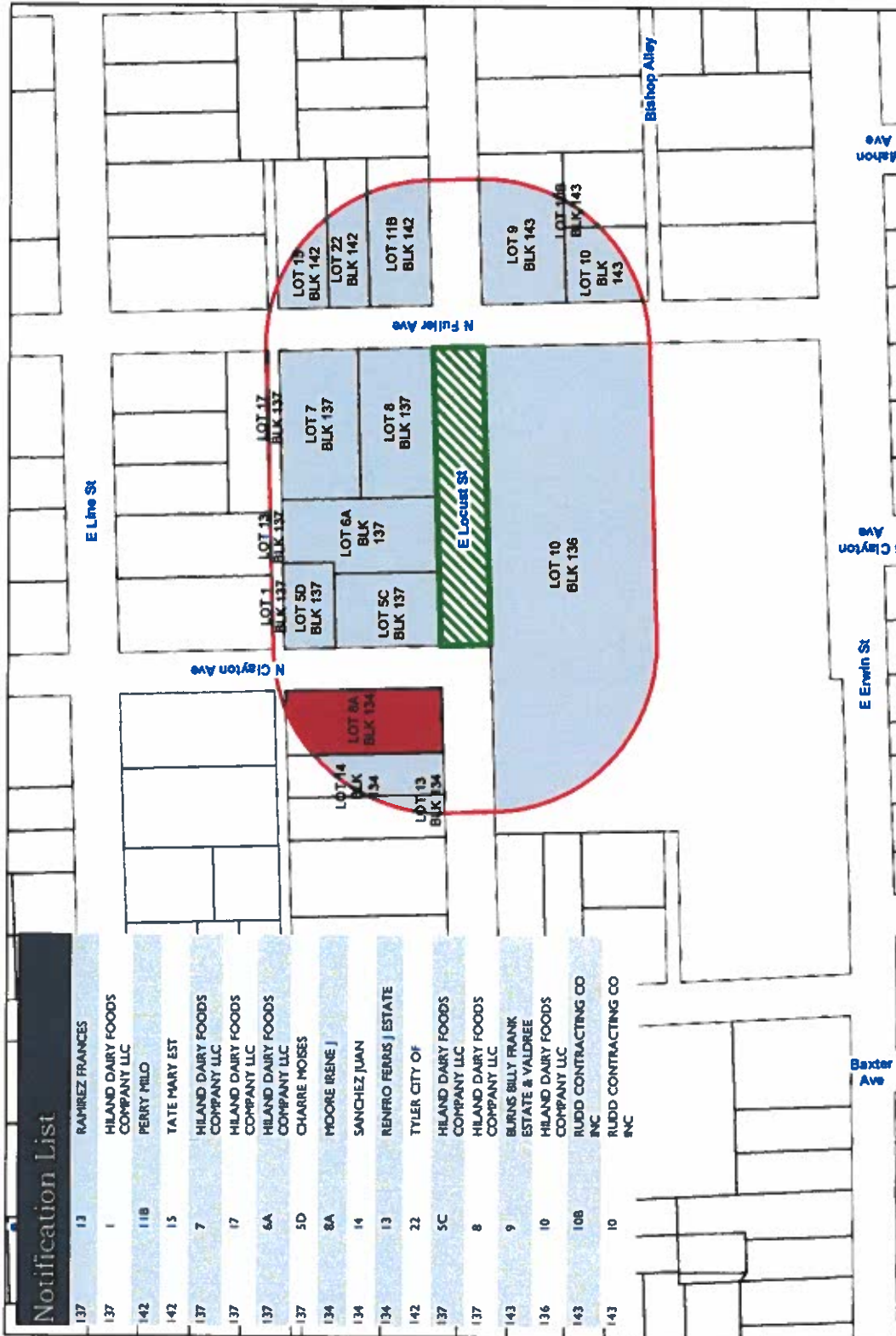


THOROUGHFARE CLOSURE
 Closure Case #: C18-004
 Thoroughfare Name: East Locust Street
 Applicant: Hiland Dairy

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-the-ground survey and represents only the approximate relative location of property boundaries.

300 0 300 Feet

**ORDINANCE NO. O-2018-59
EXHIBIT "B"
NOTIFICATION MAP**



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150 0 150 Feet

THOROUGHFARE CLOSURE
Closure Case #: C18-004
Thoroughfare Name: East Locust Street
Applicant: Hiland Dairy

