

ORDINANCE NO. O-2018-65

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE CLOSURE OF AN UNIMPROVED AND IMPROVED PORTION OF SOUTH VINE AVENUE. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 1 OF NCB 903I. THE EAST SIDE IS ADJACENT TO LOT 27 OF NCB 862, LOTS 1, 8, 9 AND 17 OF NCB 903J AND LOT 1 OF NCB 903K. THE SOUTH SIDE IS ADJACENT TO LOTS 5 AND 6 OF NCB 903G; 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 portions of the right-of-way into the adjacent residential lots. The west side of the right-of-way is adjacent to Lot 1 of NCB 903I. The east side is adjacent to lot 27 of NCB 862, Lots 1, 8, 9 and 17 of NCB 903J and Lot 1 of NCB 903K. The south side is adjacent to Lots 5 and 6 of NCB 903G;

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 C18-005

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 1 of NCB 903I. The east side is adjacent to lot 27 of NCB 862, Lots 1, 8, 9 and 17 of NCB 903J and Lot 1 of NCB 903K. The south side is adjacent to Lots 5 and 6 of NCB 903G. The closure will not affect the current portion of South Vine Avenue being used as part of the roadway. The closure will only affect excess right-of-way on the western portion of the unpaved right-of-way, so as to leave the existing public roadway within a 55 foot overall right-of-way.

PART 2: That closure is contingent upon and will not become effective until and unless the applicant replats the property within six (6) months, provides a 55 foot right-of-way for South Vine Avenue from 180 feet north of Terre Haute Drive south to Alamo Drive, close South Vine Avenue south of Alamo Drive and dedicates utility easements where required.

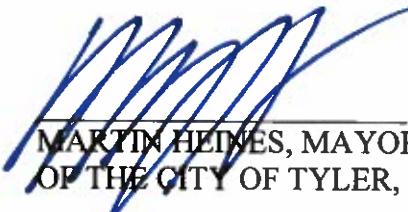
PART 3: That said public right-of-way is not needed for public purposes and it is in the public interest of the City to abandon said described public right-of-way, other than the terms and conditions set out above.

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 22nd day of August A.D., 2018.


MARTIN HEIMES, MAYOR
OF THE CITY OF TYLER, TEXAS

A T T E S T:

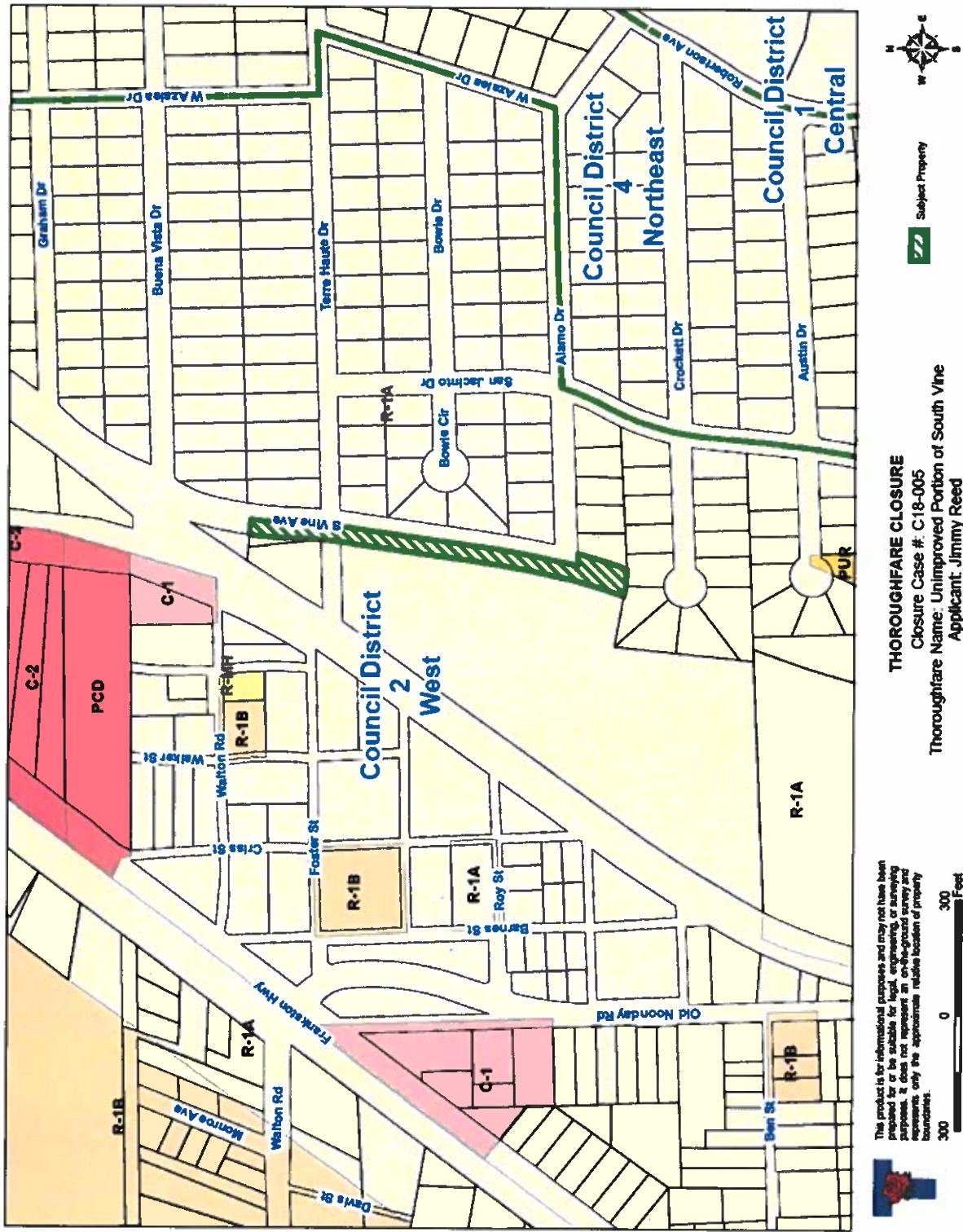
APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2018-65
 EXHIBIT "A"
 LOCATION MAP



ORDINANCE NO. O-2018-65
EXHIBIT "D"
NOTIFICATION MAP

