

ORDINANCE NO. O-2018-80

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE CLOSURE IN ORDER TO REPLAT THE RIGHT-OF-WAY TO COMBINE THE PROPERTIES TO THE NORTH AND SOUTH FOR AN EXPANSION OF THE HILAND DAIRY FOODS PLANT. THE NORTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 4A OF NCB 137. THE SOUTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOTS 6 AND 7 OF NCB 137. THE EAST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO NORTH FULLER AVENUE. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO THE REMAINING PORTION OF UNIMPROVED ALLEY RIGHT-OF-WAY; 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 right-of-way to combine the properties to the north and south for an expansion of the Hiland Dairy Foods plant. The north side of the right-of-way is adjacent to Lot 4A of NCB 137. The south side of the right-of-way is adjacent to Lots 6 and 7 of NCB 137. The east side of the right-of-way is adjacent to North Fuller Avenue. The west side of the right-of-way is adjacent to the remaining portion of unimproved alley right-of-way.

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 C18-007

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 Lot 4A of NCB 137. The south side of the right-of-way is adjacent to Lots 6 and 7 of NCB 137. The east side of the right-of-way is adjacent to North Fuller Avenue. The west side of the right-of-way is adjacent to the remaining portion of unimproved alley right-of-way, 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 24th day of October A.D., 2018.

A T T E S T:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK

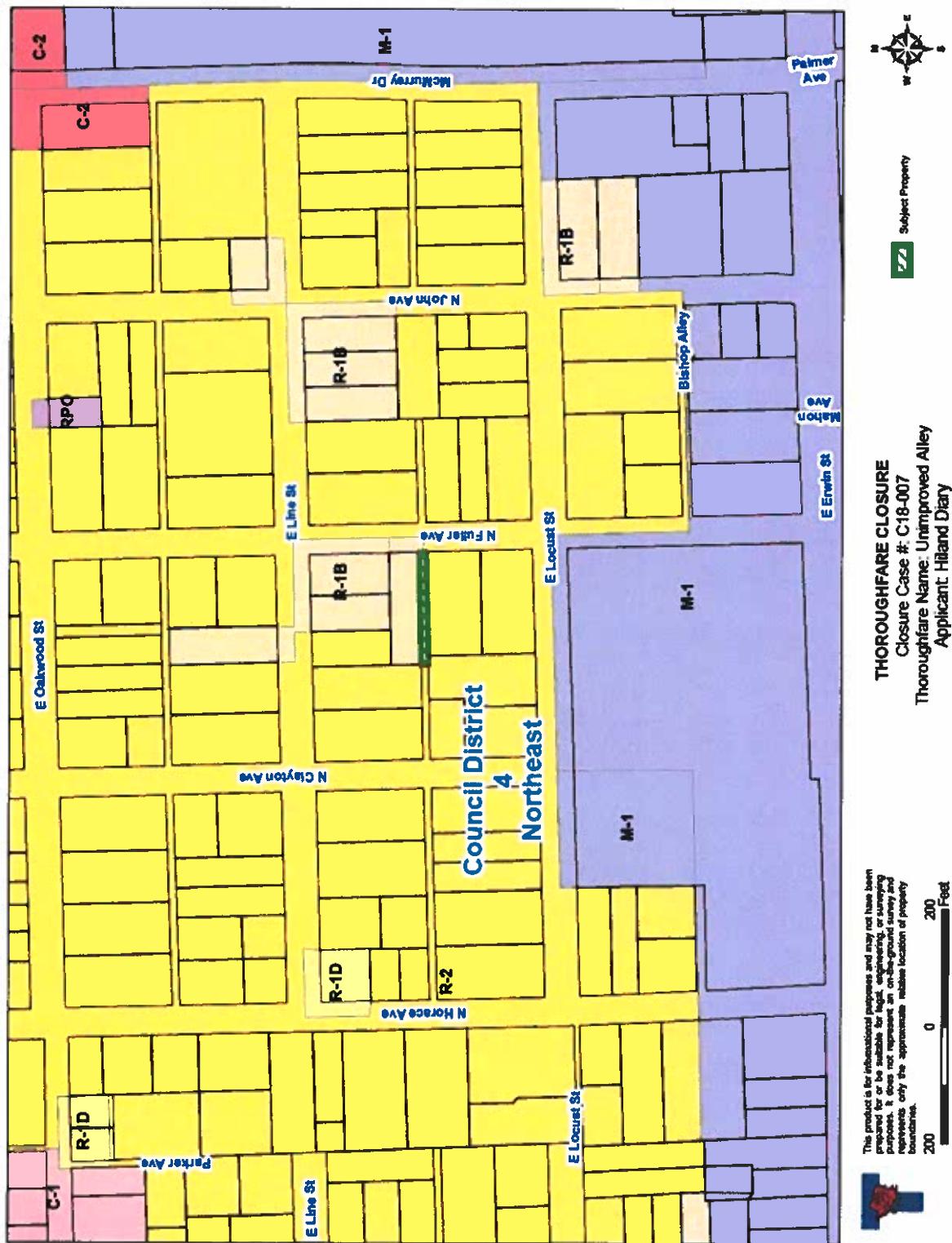


MH
MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

APPROVED:

Deborah G. Pullum
DEBORAH G. PULLUM,
CITY ATTORNEY

**ORDINANCE NO. O-2018-80
EXHIBIT "A"
LOCATION MAP**



ORDINANCE NO. O-2018-80
EXHIBIT "B"
NOTIFICATION MAP

