

ORDINANCE NO. O-2018-84

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE CLOSURE IN ORDER TO REPLAT THE UNIMPROVED PORTION OF UNNAMED RIGHT-OF-WAY INTO THE EAST ADJACENT PROPERTY FOR DEVELOPMENT PURPOSES. THE EAST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 7 OF NCB 1092-B. THE SOUTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 11 OF NCB 1092-E. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOTS 9 & 10 OF NCB 1092-E. THE NORTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LINDBERGH DRIVE; 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 unimproved portion of unnamed right-of-way into the east adjacent property for development purposes. The unimproved portion of unnamed right-of-way is located approximately 155 feet east of the southeast intersection of Lindbergh Drive and Southpark Drive and continuing south approximately 250 feet. The east side of the right-of-way is adjacent to Lot 7 of NCB 1092-B. The south side of the right-of-way is adjacent to Lot 11 NCB 1092-E. The west side of the right-of-way is adjacent to Lots 9 & 10 of NCB 1092-E. The north side of the right-of-way is adjacent to Lindbergh Drive;

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 C18-008

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 east side of the right-of-way is adjacent to Lot 7 of NCB 1092-B. The south side of the right-of-way is adjacent to Lot 11 NCB 1092-E. The west side of the right-of-way is adjacent to Lots 9 & 10 of NCB 1092-E. The north side of the right-of-way is adjacent to Lindbergh Drive.

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.

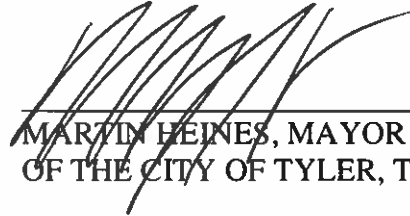
PART 3: That said public right-of-way is not needed for public purposes and it is in the public interest of the City to abandon said described public right-of-way, other than the terms and conditions set out above.

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 12th day of December A.D., 2018.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS


ATTEST:

APPROVED:



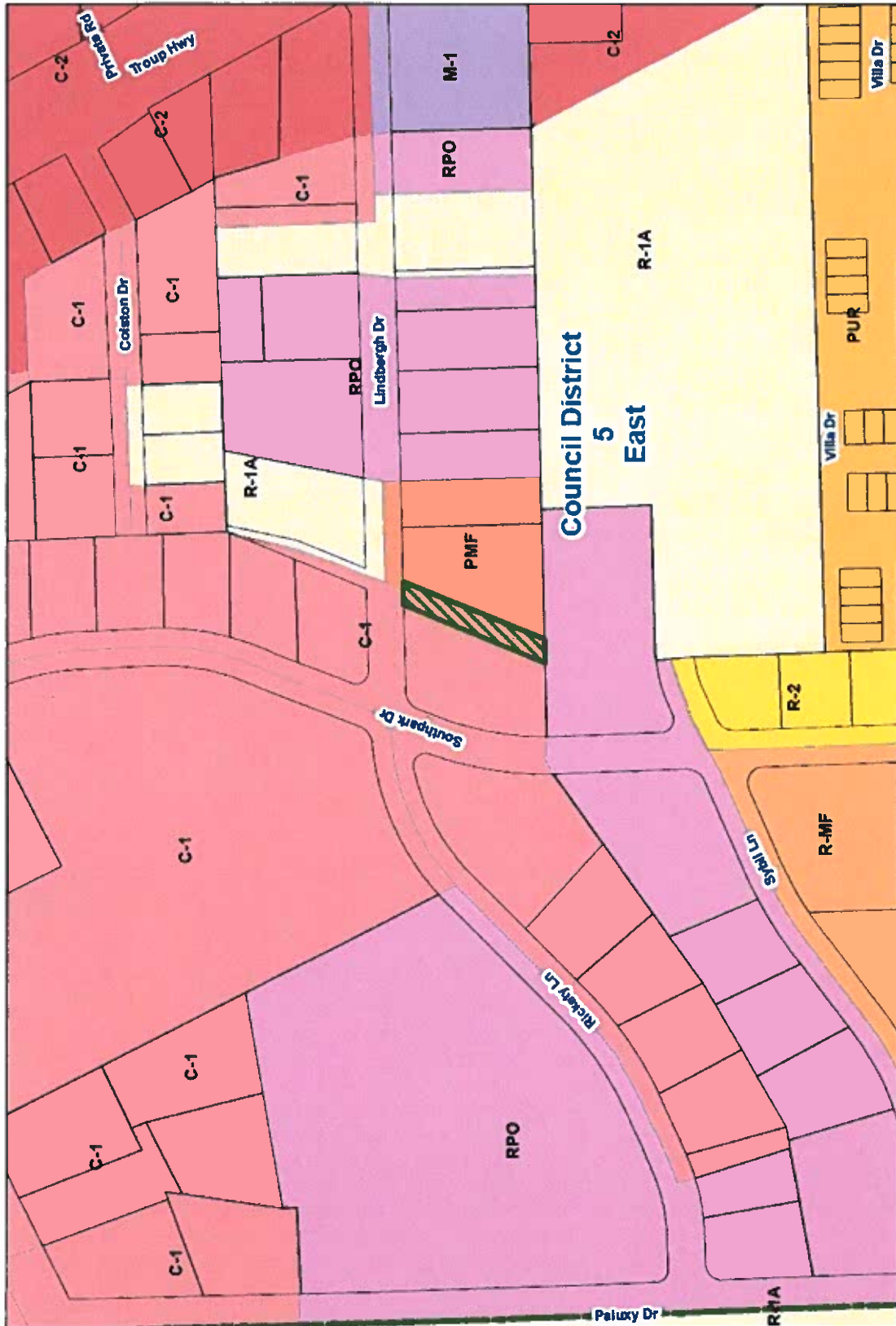
CASSANDRA BRAGER, CITY CLERK





DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2018-84
EXHIBIT "A"
LOCATION MAP



Subject Property



THOROUGHFARE CLOSURE

Closure Case #: C18-008

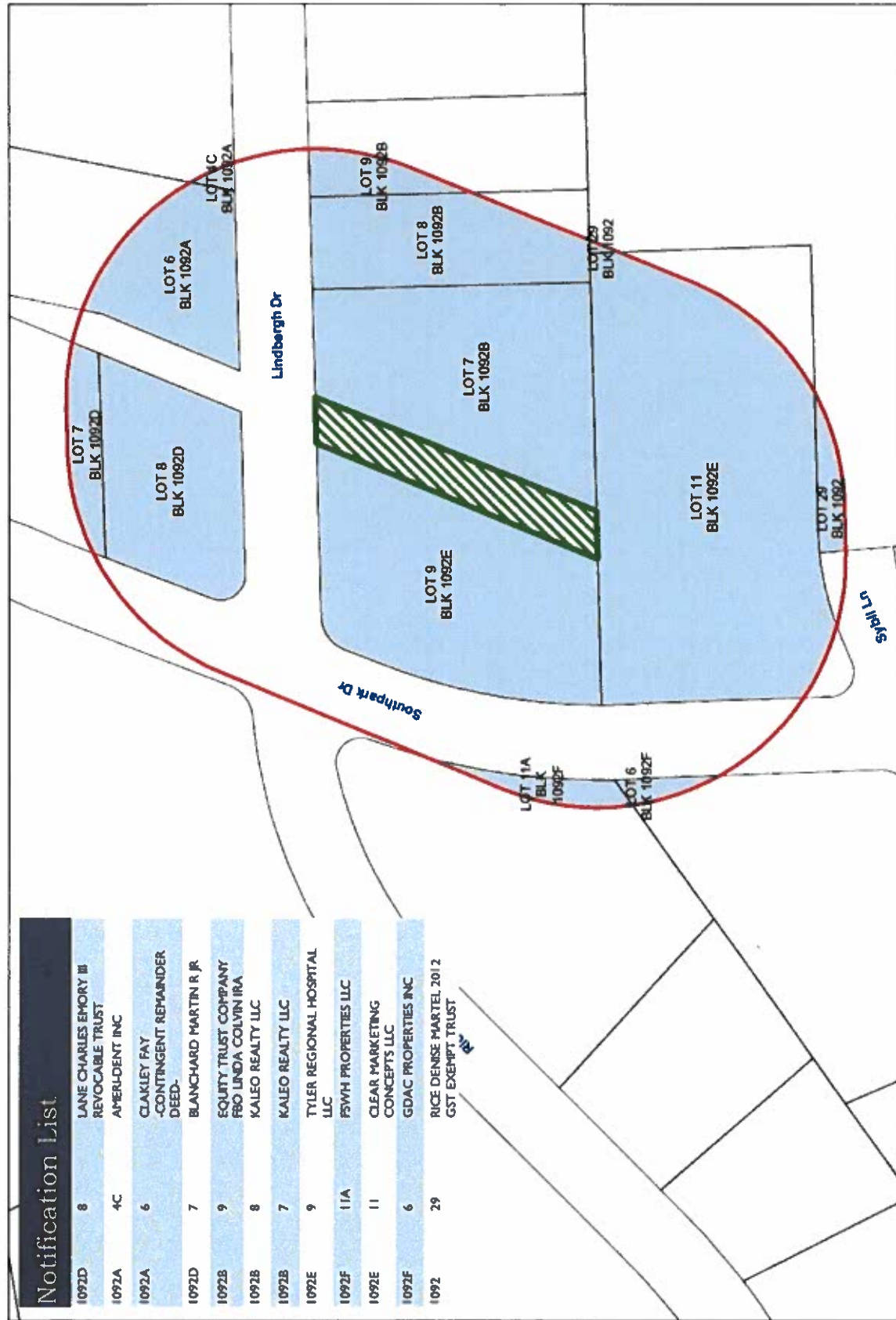
Thoroughfare Name: Unimproved Right-of-Way

Applicant: Kaleo Realty LLC

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.



**ORDINANCE NO. O-2018-84
EXHIBIT "B"
NOTIFICATION MAP**



Subject Property
200' Notification Buffer



THOROUGHFARE CLOSURE
Closure Case # C18-008
Thoroughfare Name: Unimproved Right-of-Way
Applicant: Kaleo Realty LLC

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