

**ORDINANCE NO. O-2021-39**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CLOSING UNIMPROVED PORTIONS OF STREET RIGHT-OF-WAY FOR MAGGIE STREET AND EPPERSON AVENUE. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 100 OF 675M AND LOT 2 OF NCB 675L AND INTERSECTS WITH MAGGIE STREET. THE EAST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 1B OF NCB 925. THE SOUTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOTS 1, 2, 2B, AND 2C OF NCB 927 AND INTERSECTS WITH EAST FRONT STREET. THE NORTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO BLOCK 924 OF THE R BELCHER ADDITION AND INTERSECTS WITH JONES STREET; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH CLOSURE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS,** Texas Transportation Code Section 311.007 provides that a home-rule municipality may vacate, abandon or close a street or alley; and

**WHEREAS,** Tyler City Code Chapter 10, Article V., Division F. sets forth a process for right-of-way and thoroughfare closures; and

**WHEREAS,** the applicant is requesting the closure to replat right-of-way into adjacent properties and combine both the lots;

**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 C21-005**

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:

Unimproved portions of street right-of-way for Maggie Street and Epperson Avenue as shown in Exhibit "A" attached hereto and incorporated herein. The west side of the right-of-way is adjacent to Lot 100 of 675M and Lot 2 of NCB 675L and intersects with Maggie Street. The east side of the right-of-way is adjacent to Lot 1B of NCB 925. The south side of the right-of-way is adjacent to Lots 1, 2, 2B, and 2C of NCB 927 and intersects with East Front Street. The north side of the right-of-way is adjacent to Block 924 of the R Belcher Addition and intersects with Jones Street.

**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 any required utility easements.

**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 herein.

**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 12<sup>th</sup> day of May A.D., 2021.



DONALD P. WARREN, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



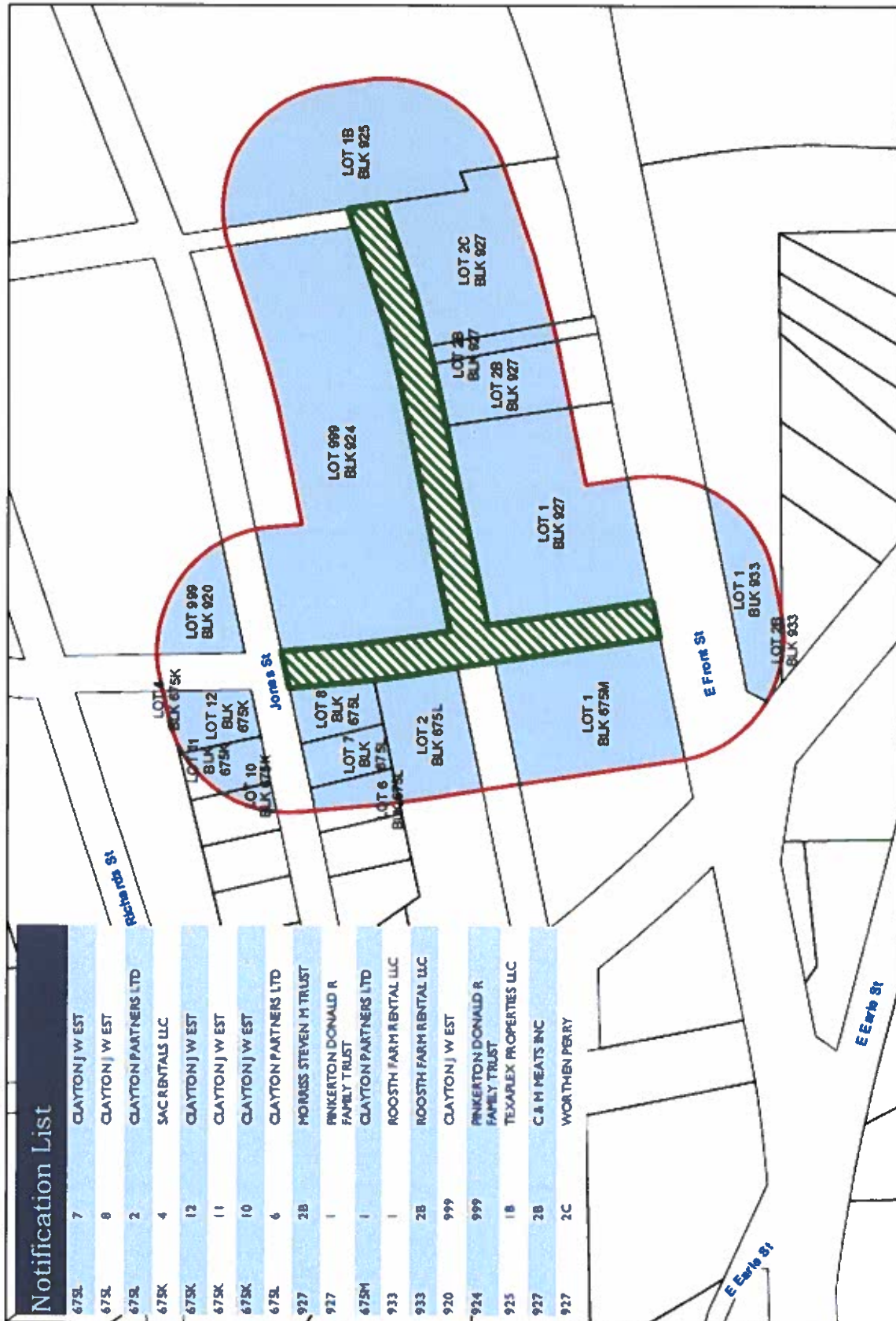
CASSANDRA BRAGER, CITY CLERK



DEBORAH G. PULLUM,  
CITY ATTORNEY

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## EXHIBIT "A" LOCATION MAP



### Notification List

675L	7	CLAYTON J W EST
675L	8	CLAYTON J W EST
675L	2	CLAYTON PARTNERS LTD
675K	4	SAC RENTALS LLC
675K	12	CLAYTON J W EST
675K	11	CLAYTON J W EST
675K	10	CLAYTON J W EST
675L	6	CLAYTON PARTNERS LTD
927	28	MORRIS STEVEN M TRUST
927	1	PINKERTON DONALD R FAMILY TRUST
675M	1	CLAYTON PARTNERS LTD
933	1	ROOSTH FARM RENTAL LLC
933	28	ROOSTH FARM RENTAL LLC
920	999	CLAYTON J W EST
924	999	PINKERTON DONALD R FAMILY TRUST
925	18	TEXAPLEX PROPERTIES LLC
927	28	C & M MEATS INC
927	2C	WORTHEN PERRY



Subject Property  
200' Notification Buffer



### ZONING CASE

Zoning Case #: C21-005

Right-Of-Way closure

Applicant: Pinkerton Donald R Family Trust

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.



0 100 200 Feet