

ORDINANCE NO. O-2007-100

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF UNIMPROVED RIGHT-OF-WAY LOCATED 124 FEET NORTH OF THE INTERSECTION OF BRADSHAW DRIVE AND MARTHA STREET, EXTENDING EAST 860 FEET, THEN SOUTH 151 FEET TO TERMINATE INTO MARTHA STREET. THE SOUTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOTS 1 – 13 OF NCB 687L OF BRADSHAW HEIGHTS. THE NORTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOTS 14 – 25 OF NCB 687L OF SHADY OAKS ADDITION.

WHEREAS, the applicant is requesting the closure of an unimproved public alley, beginning 151 feet north of the intersection of Bradshaw Drive and Martha Street, extending east 860 feet, then south 151 feet, to terminate into Martha Street. The south side of the right-of-way is adjacent to Lots 1 – 13 of NCB 687L of the Bradshaw Heights Addition. The north side of the right-of-way is adjacent to Lots 14 – 25 of NCB 687L of Shady Oaks Addition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

**PART 1.** That the public right-of-way described below, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned:

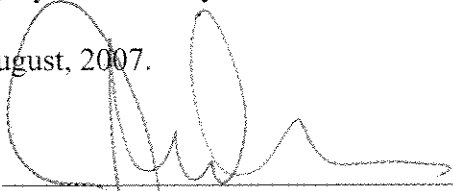
Beginning 151 feet north of the intersection of Bradshaw Drive and Martha Street, extending east 860 feet, then south 151 feet, to terminate into Martha Street. The south side of the right-of-way is adjacent to Lots 1 – 13 of NCB 687L of the Bradshaw Heights Addition. The north side of the right-of-way is adjacent to Lots 14 – 25 of NCB 687L of Shady Oaks Addition. The east side of the right-of-way is adjacent to Lots 4D and 5 of NCB 1208.

**PART 2.** That such closure and abandonment are contingent upon a utility easement over the entire north/south portion of the alley being retained.

**PART 3.** That said public right-of-way is not needed for public purposes and it is in the public interest of the City of Tyler 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 easement in and to the tracts of land described in this ordinance, and shall be construed only to that interest the governing body of the City of Tyler may legally and lawfully abandon.

PASSED AND APPROVED this the 22<sup>nd</sup> day of August, 2007.

  
JOSEPH O. SEEBER, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

APPROVED:

  
GARY LANDERS, CITY ATTORNEY

