

ORDINANCE NO. O-2008-151

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF TWO PORTIONS OF IMPROVED RIGHT-OF-WAY: KNOWN AS MANASSAS LANE, EXTENDING 99 FEET NORTH AT THE INTERSECTION OF BALSAM GAP AND MANASSAS LANE, AND, KNOWN AS BALSAM GAP, EXTENDING 83 FEET EAST AT THE INTERSECTION OF BALSAM GAP AND FLAT ROCK LANE.

WHEREAS, the applicant is requesting the closure of two improved rights-of-way, known as Manassas Lane, extending 99.50 feet north at the intersection of Balsam Gap and Manassas Lane, and, known as Balsam Gap, extending 83.00 feet east at the intersection of Balsam Gap and Flat Rock Lane.

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

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

Two improved rights-of-way, known as known as Manassas Lane, extending 99.50 feet north at the intersection of Balsam Gap and Manassas Lane, and, known as Balsam Gap, extending 83.00 feet east at the intersection of Balsam Gap and Flat Rock Lane.

PART 2: That closure and abandonment are contingent upon retaining an ingress/egress and utility easement across the abandoned lands.

PART 3: That closure and abandonment are contingent upon and will not become effective until and unless the applicant replats the property within six (6) months.

PART 4: That said public rights-of-way are not needed for public purposes and it is in the public interest of the City to abandon said described public rights-of-way, other than the terms and conditions set out above.

PART 5: That the abandonment provided for herein shall extend only to the public right, title and overlay with ingress/egress, public utility easement 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 6: 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 7: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 10th day of December, A.D., 2008.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


GARY C. LANDERS
CITY ATTORNEY

