

ORDINANCE NO. O-2008-50

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF UNIMPROVED RIGHT-OF-WAY ALLEY BEGINNING AT THE INTERSECTION OF THE ALLEY AND HOUSTON STREET AND EXTENDING NORTH FOR APPROXIMATELY 530 FEET. THE EAST SIDE OF THE RIGHT-OF-WAY ALLEY IS ADJACENT TO LOTS 5A AND 6 OF NCB 252 AND LOTS 15, 18, AND 19 OF NCB 253. THE WEST SIDE OF THE RIGHT-OF-WAY ALLEY IS ADJACENT TO LOTS 10, 11A, AND 11B OF NCB 252 AND LOTS 6-11 OF NCB 253.

WHEREAS, the applicant is requesting the closure of an unimproved alley, beginning at the intersection of the alley and Houston Street and extending north for approximately 530 feet. The east side of the right-of-way alley is adjacent to Lots 5A and 6 of NCB 252 and Lots 15, 18, and 19 of NCB 253. The west side of the right-of-way alley is adjacent to Lots 10, 11A, and 11B of NCB 252 and Lots 6-11 of NCB 253.

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 at the intersection of the alley and Houston Street and extending north for approximately 530 feet. The east side of the right-of-way alley is adjacent to Lots 5A and 6 of NCB 252 and Lots 15, 18, and 19 of NCB 253. The west side of the right-of-way alley is adjacent to Lots 10, 11A, and 11B of NCB 252 and Lots 6-11 of NCB 253.

PART 2: That closure and abandonment are contingent upon and will not become effective until and unless the following conditions occur:

1. The applicant replats the property within six (6) months; and
2. The applicant provides any necessary utility easements.

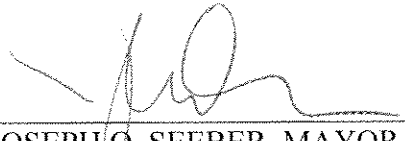
PART 3: That said public right-of-way is not needed for public purposes and it is in the public interest of the City to abandon said described public right-of-way, other than the terms and conditions set out above.

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 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 23rd day of April, A.D., 2008.




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

ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:


GARY C. LANDERS
CITY ATTORNEY