

ORDINANCE NO. O-2009-43

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PARTIALLY IMPROVED RIGHT-OF-WAY KNOWN AS SECOND STREET. THE PORTION OF RIGHT-OF-WAY IS LOCATED BEGINNING 265 FEET FROM THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH FLEISHEL AVENUE AND EAST FIRST STREET, CONTINUING EASTERLY FOR APPROXIMATELY 625 FEET TERMINATING AT THE INTERSECTION OF MAGNOLIA DRIVE; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the applicant is requesting the closure of a portion of partially improved right-of-way known as Second Street. The portion of right-of-way is located beginning at the southeast corner of the intersection of South Fleishel Avenue and Second Street, continuing easterly for approximately 625 feet and terminating at the intersection with Magnolia Drive.

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, or title of the public is concerned:

A portion of a partially improved right-of-way known as Second Street. The portion of right-of-way is located beginning 265 feet from the southeast corner of the intersection of South Fleishel Avenue and East First Street, continuing easterly for approximately 625 feet terminating at the intersection of Magnolia Drive.

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 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 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 22nd day of April, A.D., 2009.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


GARY C. LINDER, CITY ATTORNEY

