

ORDINANCE NO. O-2010-122

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF RIGHT-OF-WAY KNOWN AS OLD KILGORE HIGHWAY. THE NORTHERN PORTION IS ADJACENT TO LOT 1A AND 2A OF NCB 929. THE SOUTHERN PORTION IS ADJACENT TO THE STATE OF TEXAS RIGHT-OF-WAY FOR STATE HIGHWAY 31; 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 right-of-way known as Old Kilgore Highway. The north side of the right-of-way is adjacent to Lot 1A and 2A of NCB 929. The south side is adjacent to the State of Texas right-of-way for State Highway 31.

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:

The north side of the right-of-way is adjacent to Lot 1A and 2A of NCB 929. The south side is adjacent to the State of Texas right-of-way for State Highway 31 and as further described in Exhibit "A".

PART 2: That closure and abandonment are contingent upon and will not become effective until and unless the applicant: 1) submits a site plan for development showing all access points, 2) records separate easement instruments for all City water and sewer mains to be dedicated to the public but not located in publicly dedicated street right-of-way; 3) remove the pavement of Old Kilgore Highway from Loop 323 SSE to East Front Street to be no longer within the State of Texas right-of-way, and 4) replats the property within six (6) months.


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 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 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 17th day of November, A.D., 2010.

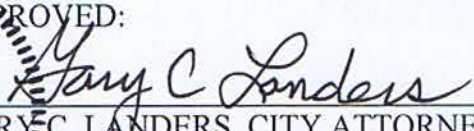


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

APPROVED:


GARY C. LANDERS, CITY ATTORNEY



