

ORDINANCE NO. O-2010-62

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A RIGHT-OF-WAY KNOWN AS SWAN STREET. THE RIGHT-OF-WAY IS LOCATED BETWEEN NORTH SPRING AVENUE AND NORTH BROADWAY AVENUE; 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 right-of-way known as Swan Street. The right-of-way is located between North Spring Avenue and North Broadway Avenue.

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

PART 1: That the following street closure is hereby approved as follows:

I. APPLICATION C06-10-008

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 right-of-way is located between North Spring Avenue and North Broadway Avenue. The north side of the street is adjacent to Lot 13A of NCB 101B, and the south side is adjacent to Lot 17A of NCB 101B and Lot 13A of NCB 101B, as shown on the drawing attached hereto as Exhibit "A".

PART 2: That closure and abandonment are contingent upon and will not become effective until and unless the applicant replats the property into the adjacent lots, provides access to Lot 17A, and retains a public utility easement across the abandoned right-of-way within six 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.

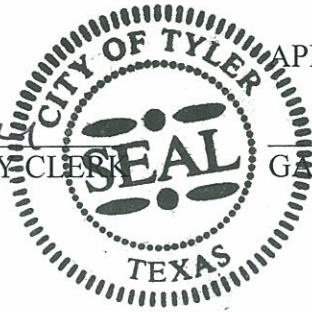
PASSED AND APPROVED this the 14th day of July, A.D., 2010.



BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

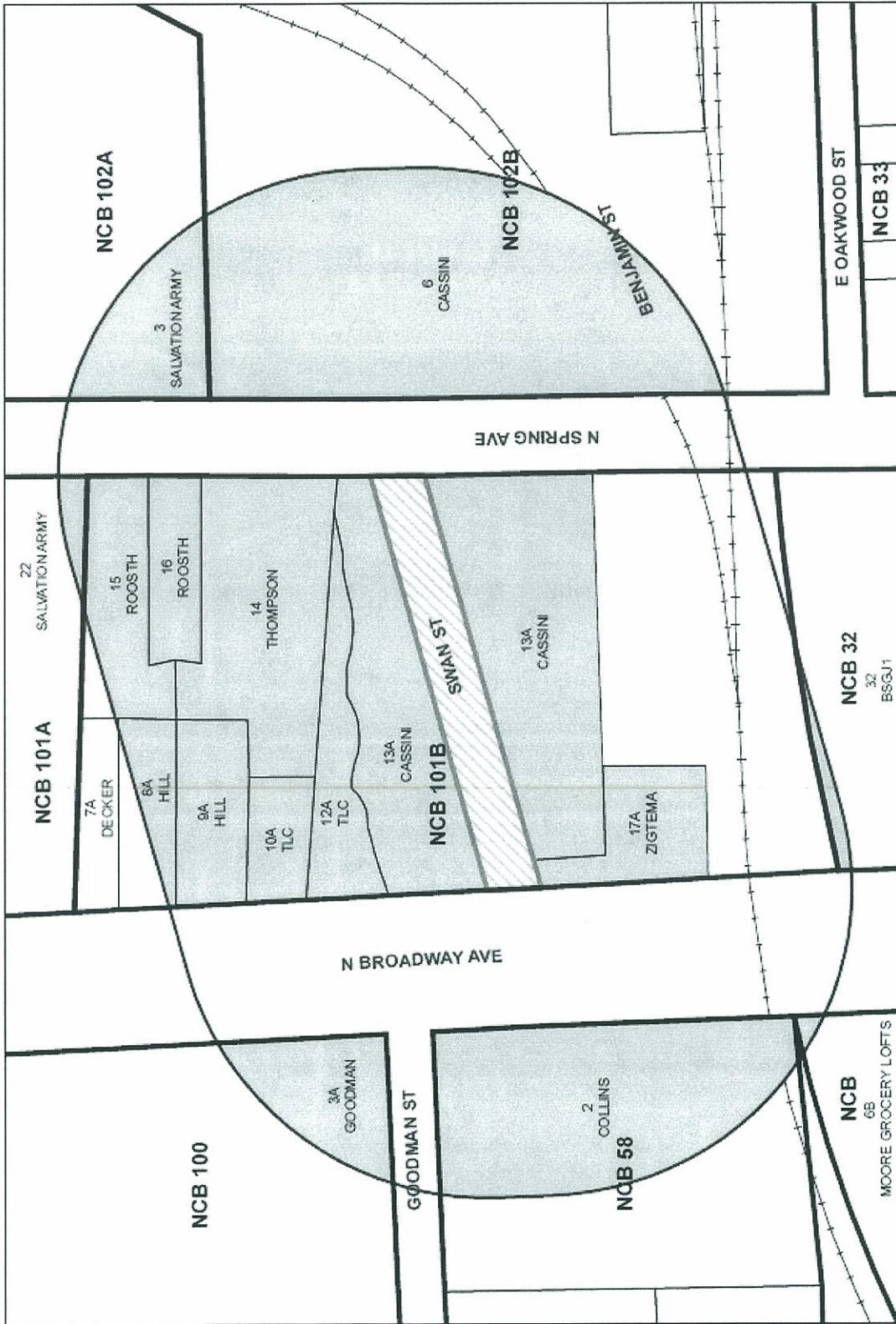

CASSANDRA BRAGER, CITY CLERK



APPROVED:


GARY C. LANDERS, CITY ATTORNEY

O-2010-62
EXHIBIT "A"



Subject Property
200' Notification Buffer

ZONING CASE
Closure Case#: C06-10-008
Applicant: JOE CASSINI

