

ORDINANCE NO. O-2010-74

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF RIGHT-OF-WAY KNOWN AS EAGLES NEST BOULEVARD. THE NORTHERN AND SOUTHERN PORTIONS OF RIGHT-OF-WAY ARE LOCATED BEGINNING AT THE INTERSECTION OF EAGLES NEST BOULEVARD AND PALUXY DRIVE AND CONTINUING WEST FOR APPROXIMATELY 315 FEET; 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 Eagles Nest Boulevard. The northern and southern portions of right-of-way are located beginning at the intersection of Eagles Nest Boulevard and Paluxy Drive and continuing west for approximately 315 feet.

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 northern and southern portions of right-of-way known as Eagles Nest Boulevard. Both portions of right-of-way are located beginning at the intersection of Eagles Nest Boulevard and Paluxy Drive and continuing east for approximately 315 feet. The abandoned portions are for extra right-of-way previously reserved for turning lanes, and are 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 replats the property to include 6005 Paluxy Drive, Lot 1A of NCB 1474B, and Lot 1 of NCB 1474V within six (6) months.


PART 3: 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 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 28th day of July, A.D., 2010.



BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

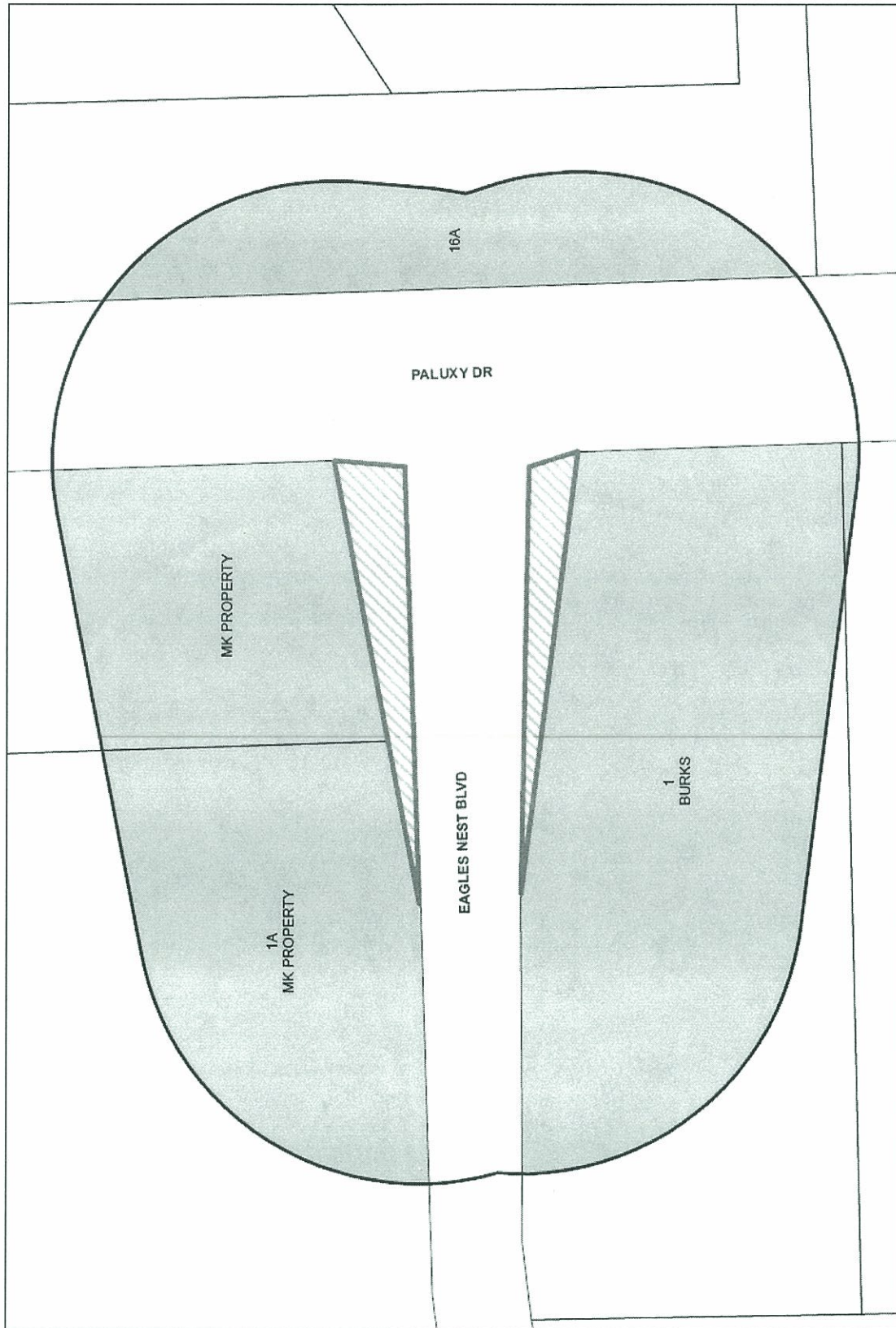


APPROVED:



GARY C. LANDERS, CITY ATTORNEY

Ordinance 0-2010-74
Exhibit "A"



Subject Property
200' Notification Buffer

ZONING CASE
Zoning Case #: C07-10-011
Applicant: PHIL BURKS

