



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-7

Date: April 26, 2006

APPLICATION C04-06-002 TYLER INDEPENDENT SCHOOL DISTRICT

Request that the City Council consider a request for the closure of a fifty foot partially unimproved and partially improved right-of-way located 73± feet west of the intersection of High Street and East Thornton Street, extending 240± feet west. The north side of the right-of-way is adjacent to Lots 6 and 7 of NCB 149. The south side of the right-of-way is adjacent to Lot 999 of NCB 157.

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Item Reference:

The applicant is requesting the closure to incorporate all adjacent lots and the right-of-way in to one lot to allow for private access into the rear portion of Bonner Elementary. Thornton Street has been used for access to Bonner Elementary School for many years. The right-of-way is not currently serving as an access point to any of the surrounding properties other than the school. The extension of Thornton Street has never been constructed. The construction of the road, if built, would be the developer's responsibility. Staff does not foresee the construction occurring. The right-of-way would be better incorporated into the adjacent lots.

Development Services stated there is an existing City sanitary sewer in the alley. The applicant must provide a separate instrument dedicating the alley as a sanitary sewer easement when the alley is closed and replatted.

On April 4, 2006, the Planning and Zoning Commission held a public hearing on this request. No written letters of protest were filed and no one spoke in opposition to the request. Rick Martindale, Adams Consulting Engineers, appeared on behalf of the application.

All other departments have reviewed the request and anticipate no significant impact on services or facilities by the proposed change.

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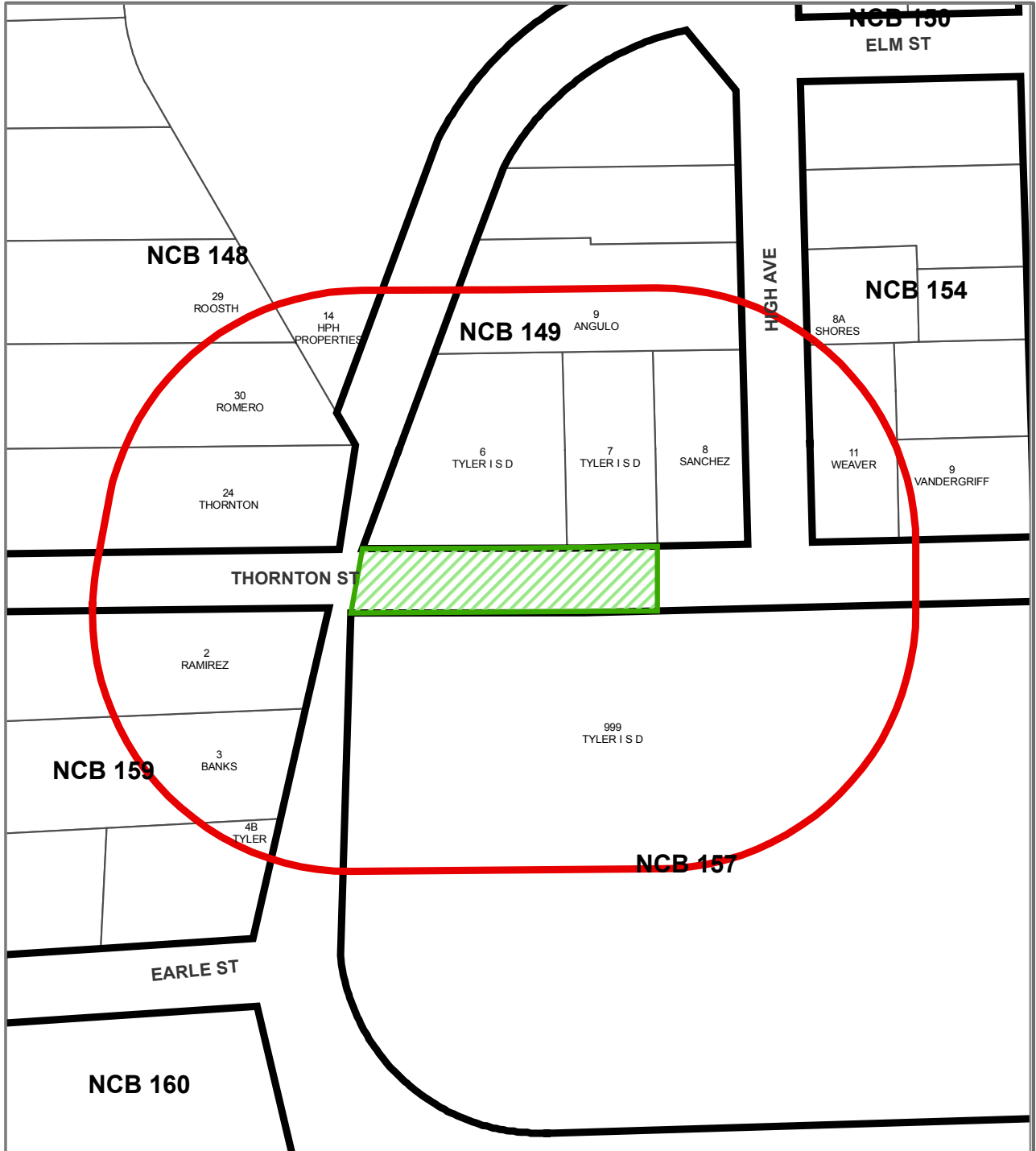
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of this request to close a fifty-foot partially unimproved and partially improved right-of-way subject to the applicant re-platting the property and providing the sanitary sewer easement within six months.



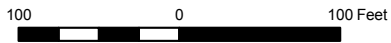
**Drafted/Recommended By: Stephanie Rollings
Department Leader**



**Edited/Submitted By:
City Manager**

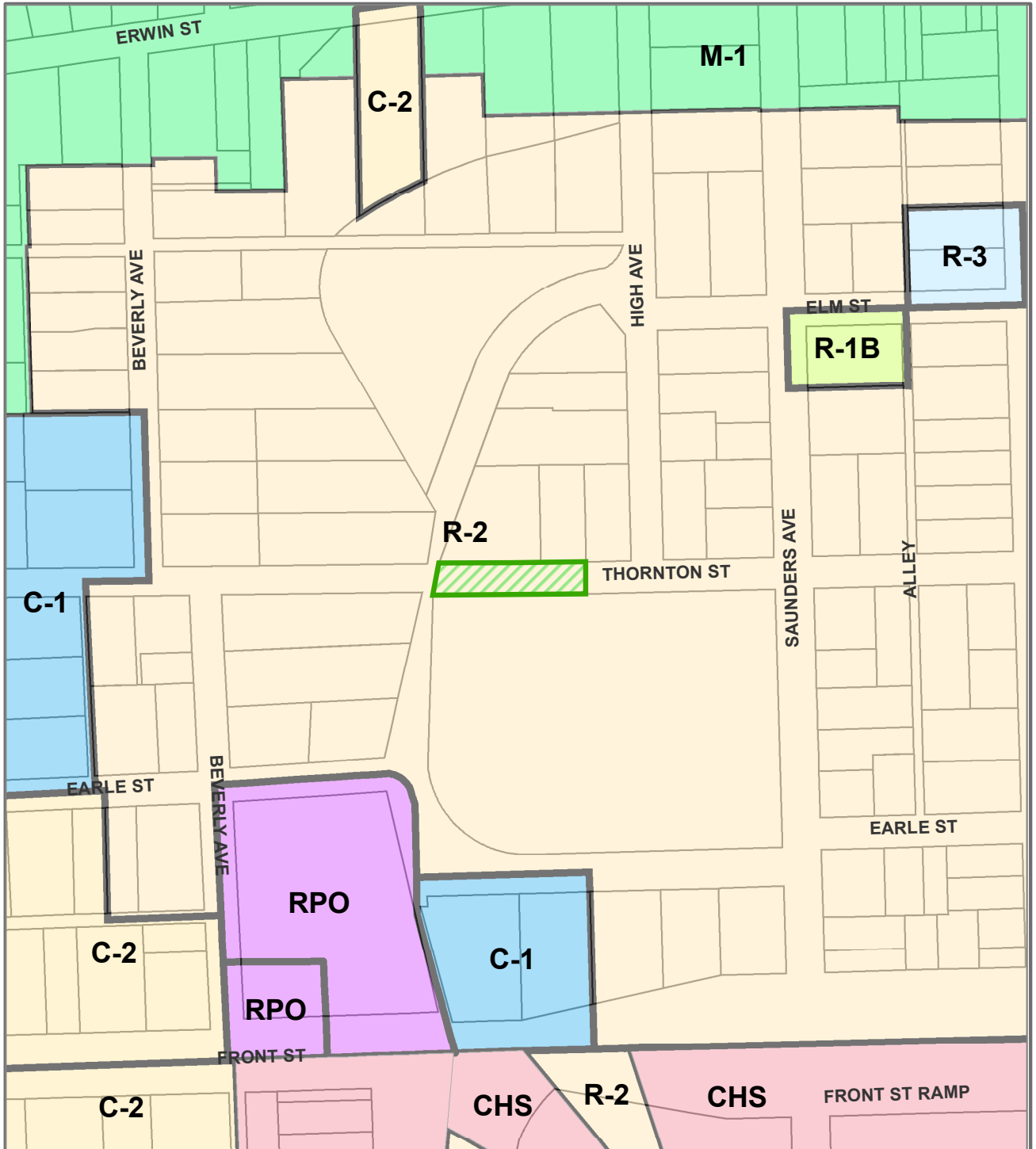


THOROUGHFARE CLOSURE CASE

Case #: C04-06-002
 Applicant: Tyler ISD



-  Subject Property
-  200' Notification Buffer



THOROUGHFARE CLOSURE CASE

Case #: C04-06-002
 Applicant: Tyler ISD



 Subject Property

ORDINANCE NO. O-2006-42

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A FIFTY FOOT PARTIALLY UNIMPROVED AND PARTIALLY IMPROVED RIGHT-OF-WAY LOCATED 73± FEET WEST OF THE INTERSECTION OF HIGH STREET AND EAST THORNTON STREET, EXTENDING 240± FEET WEST. THE NORTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOTS 6 AND 7 OF NCB 149. THE SOUTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 999 OF NCB 157; AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT.

WHEREAS, the applicant is requesting the closure of a fifty foot partially unimproved and partially improved right-of-way located 73± feet west of the intersection of High Street and East Thornton Street, extending 240± feet west. The north side of the right-of-way is adjacent to Lots 6 and 7 of NCB 149. The south side of the right-of-way is adjacent to Lot 999 of NCB 157.

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 be, and the same are hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned:

A fifty foot partially unimproved and partially improved right-of-way located 73± feet west of the intersection of High Street and East Thornton Street, extending 240± feet west. The north side of the right-of-way is adjacent to Lots 6 and 7 of NCB 149. The south side of the right-of-way is adjacent to Lot 999 of NCB 157.

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

1. Applicant replats the existing street right-of-way into the surrounding property; and
2. Applicant dedicates required utility easements 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 of Tyler 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 the governing body of the City of Tyler may legally and lawfully abandon.

PASSED AND APPROVED this the 26th day of April, 2006.

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

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

GARY LANDERS, CITY ATTORNEY