



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-9

**Date:** June 28, 2006

**Subject:** APPLICATION C06-06-006A TYLER ISD  
Request that the City Council consider a request for the closure of a seventy foot (70') improved right-of-way located at the northwest corner of the intersection of High Street and East Thornton Street, extending 70± feet west. The north side of the right-of-way is adjacent to Lot 8 of NCB 149. The south side of the right-of-way is adjacent to Lot 999 of NCB 157.

**Page:** 1 of 1

**Item Reference:**

The applicant is requesting the closure in order to incorporate the adjacent lots and the right-of-way into one lot and to allow for private access into the rear portion of Bonner Elementary School. Thornton Street has been used for access into Bonner Elementary 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 right-of-way would be better utilized if incorporated into the adjacent lots and, therefore, relieving the City of future maintenance of the street.

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

On June 6, 2006, the Planning and Zoning Commission held a public hearing on this request. No written letters of protest were filed and no one spoke on behalf of the application. Ross French, 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.

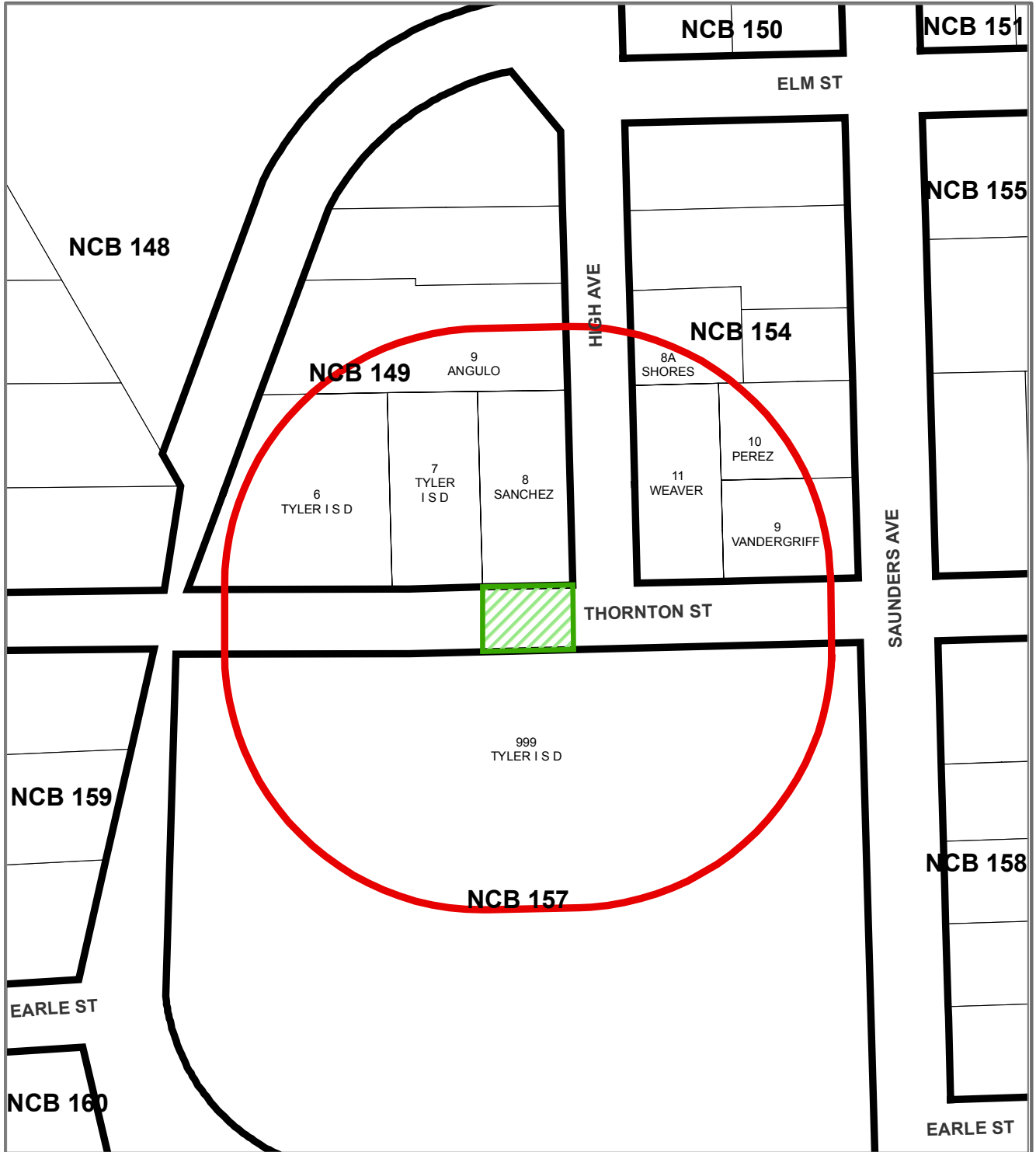
**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of this request to close an improved seventy foot (70') right-of-way, subject to the applicant re-platting the property and providing the sanitary sewer easement within six months.

A handwritten signature in cursive script that reads "Stephanie Rollings".

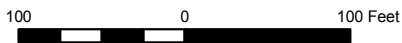
**Drafted/Recommended By: Stephanie Rollings  
Department Leader**



**Edited/Submitted By:  
City Manager**

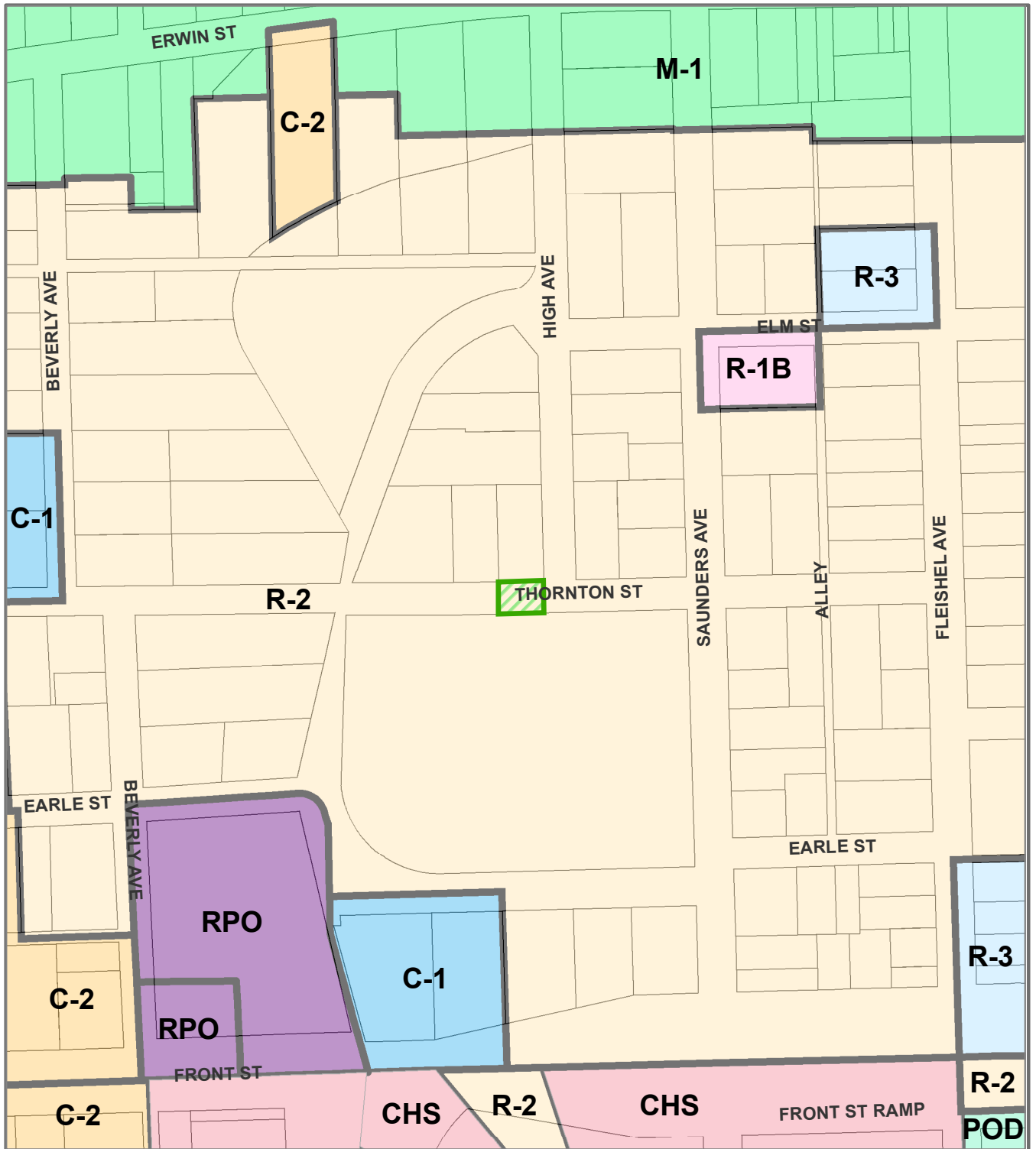


**THOROUGHFARE CLOSURE CASE**

Zoning Case #: C06-06-006a  
 Existing Zoning: R-2  
 Applicant: Tyler Independent School District

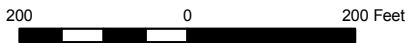


 Subject Property  
 200' Notification Buffer



**THOROUGHFARE CLOSURE CASE**

Zoning Case #: C06-06-006a  
 Existing Zoning: R-2  
 Applicant: Tyler Independent  
 School District



 Subject Property

**ORDINANCE NO. O-2006-58**

**AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A SEVENTY FOOT (70') IMPROVED RIGHT-OF-WAY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF HIGH STREET AND EAST THORNTON STREET, EXTENDING 70± FEET WEST. THE NORTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 8 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 seventy foot (70') improved right-of-way located at the northwest corner of the intersection of High Street and East Thornton Street, extending 70± feet west. The north side of the right-of-way is adjacent to Lot 8 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 is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned:

A seventy foot (70') improved right-of-way located at the northwest corner of the intersection of High Street and East Thornton Street, extending 70± feet west. The north side of the right-of-way is adjacent to Lot 8 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 are 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 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 28<sup>th</sup> day of June, 2006.

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

ATTEST:

APPROVED:

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CASSANDRA BRAGER, CITY CLERK

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GARY LANDERS, CITY ATTORNEY