



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-10

Date: June 28, 2006

Subject: APPLICATION C06-06-007A TYLER ISD
Request that the City Council consider a request for the closure of a fifteen foot (15') improved alley located 145± feet south of the intersection of Vance Street and Palace Avenue, extending 199± feet west. The north side of the alley is adjacent to Lots 2, 3, 4 and 18 of NCB 449B. The south side of the alley is adjacent to Lots 23-26 of NCB 449B.

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Item Reference:

The applicant is requesting the closure in order to incorporate the alley into the adjacent lots. The applicant is requesting the closure of a fifteen foot improved alley for the new construction associated with Austin Elementary School. Staff feels the closure would have no negative impact because the alley is no longer utilized for access purposes. Staff feels the property could be more appropriately utilized if incorporated into the adjacent lots and, therefore, relieving the City of future maintenance of the alley.

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 in opposition to the request. No one appeared on behalf of the application.

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

RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of this request to close a fifteen foot (15') wide improved alley, 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**

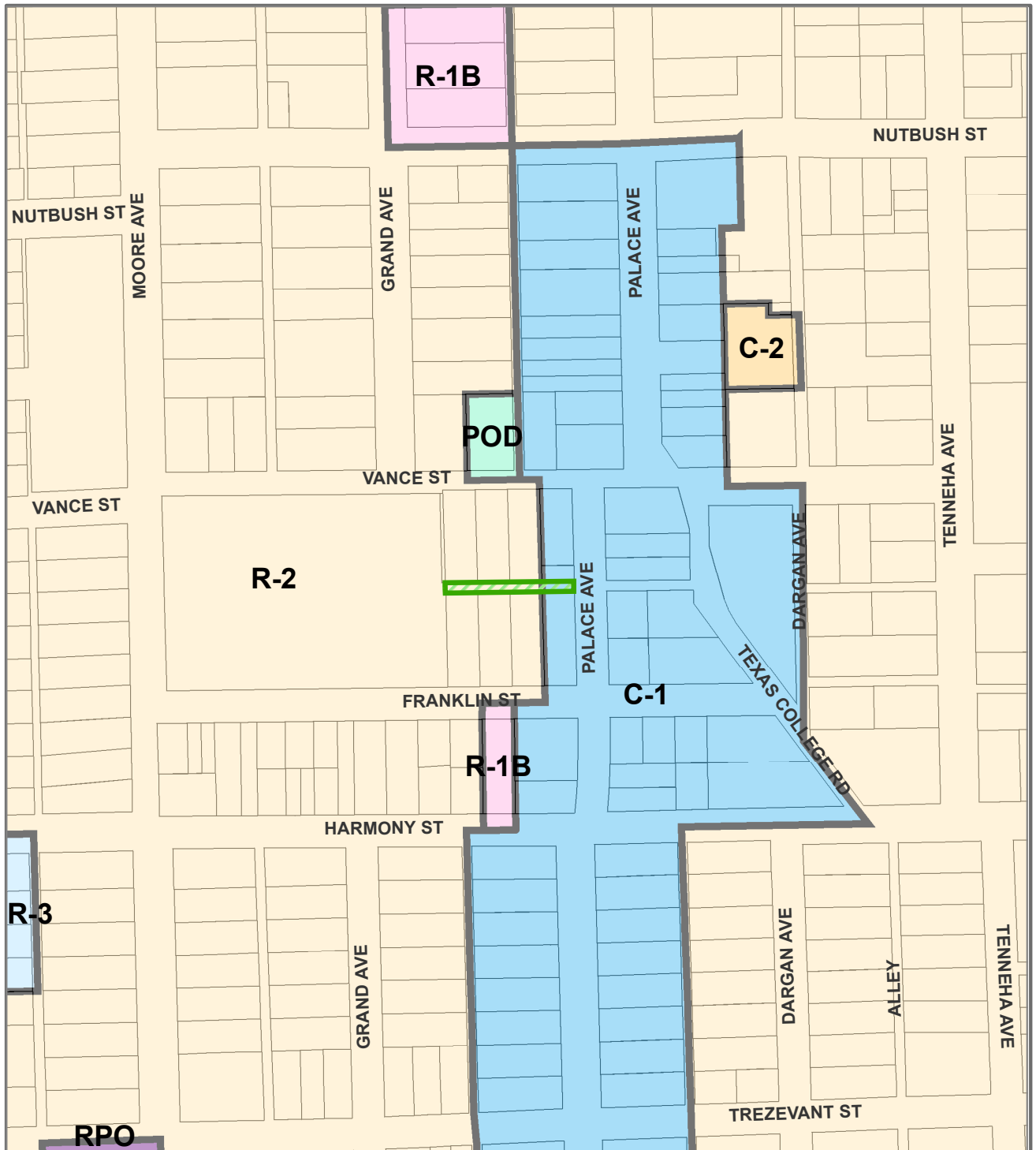


100 0 100 Feet

THOROUGHFARE CLOSURE CASE

Zoning Case #: C06-06-007a
 Existing Zoning: R-2 & C-1
 Applicant: Tyler ISD

 Subject Property
 200' Notification Buffer

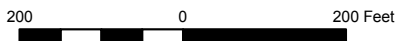



THOROUGHFARE CLOSURE CASE

Zoning Case #: C06-06-007a

Existing Zoning: R-2 & C-1

Applicant: Tyler ISD



 Subject Property

ORDINANCE NO. O-2006-59

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A FIFTEEN FOOT (15') IMPROVED ALLEY LOCATED 145± FEET SOUTH OF THE INTERSECTION OF VANCE STREET AND PALACE AVENUE, EXTENDING 199± FEET WEST. THE NORTH SIDE OF THE ALLEY IS ADJACENT TO LOTS 2, 3, 4 AND 18 OF NCB 449B. THE SOUTH SIDE OF THE ALLEY IS ADJACENT TO LOTS 23-26 OF NCB 449B; AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT.

WHEREAS, the applicant is requesting the closure of a fifteen foot (15') improved alley located 145± feet south of the intersection of Vance Street and Palace Avenue, extending 199± feet west. The north side of the alley is adjacent to Lots 2, 3, 4 and 18 of NCB 449B. The south side of the alley is adjacent to Lots 23-26 of NCB 449B.

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 fifteen foot (15') improved alley located 145± feet south of the intersection of Vance Street and Palace Avenue, extending 199± feet west. The north side of the alley is adjacent to Lots 2, 3, 4 and 18 of NCB 449B. The south side of the alley is adjacent to Lots 23-26 of NCB 449B.

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 28th day of June, 2006.

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

ATTEST:

CASSANDRA BRAGER, CITY CLERK

APPROVED:

GARY LANDERS, CITY ATTORNEY