



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-14

Date: May 24, 2006

Subject: APPLICATION C05-06-004A VICTORY ASSEMBLY OF GOD CHURCH

Request that the City Council consider a request for the closure of a fifty-foot (50') unimproved right-of-way located at the intersection of Church Avenue and Mims Street, extending one hundred sixty feet east to intersect with Carlyle Avenue. The north side of the right-of-way is adjacent to Lot 38 of NCB 671E. The south side of the right-of-way is adjacent to Lots 37A and 35A of NCB 671E.

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Item Reference:

The applicant is requesting the closure in order to incorporate the lots and the unimproved right-of-way into one lot for future development.

The applicant indicated there is a potential buyer for all of the property adjacent to the right-of-way owned by the church.; however, the buyer would like to have the right-of-way closed before purchasing the properties to insure the property can be developed.

The extension of Mims Street has never been constructed. The construction of the road, if built, would be the developer's responsibility and Staff does not foresee the construction in the future. The right-of-way would be better incorporated into the adjacent lots.

Development Services stated that a water easement will be required at the time of re-platting. All other departments have reviewed the request and anticipate no significant impact on services or facilities by the proposed closure.

On May 2, 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. Marvin Garrett appeared on behalf of the application.

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RECOMMENDATION:

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



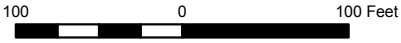
Drafted/Recommended By: Stephanie Rollings
Department Leader




Edited/Submitted By:
City Manager

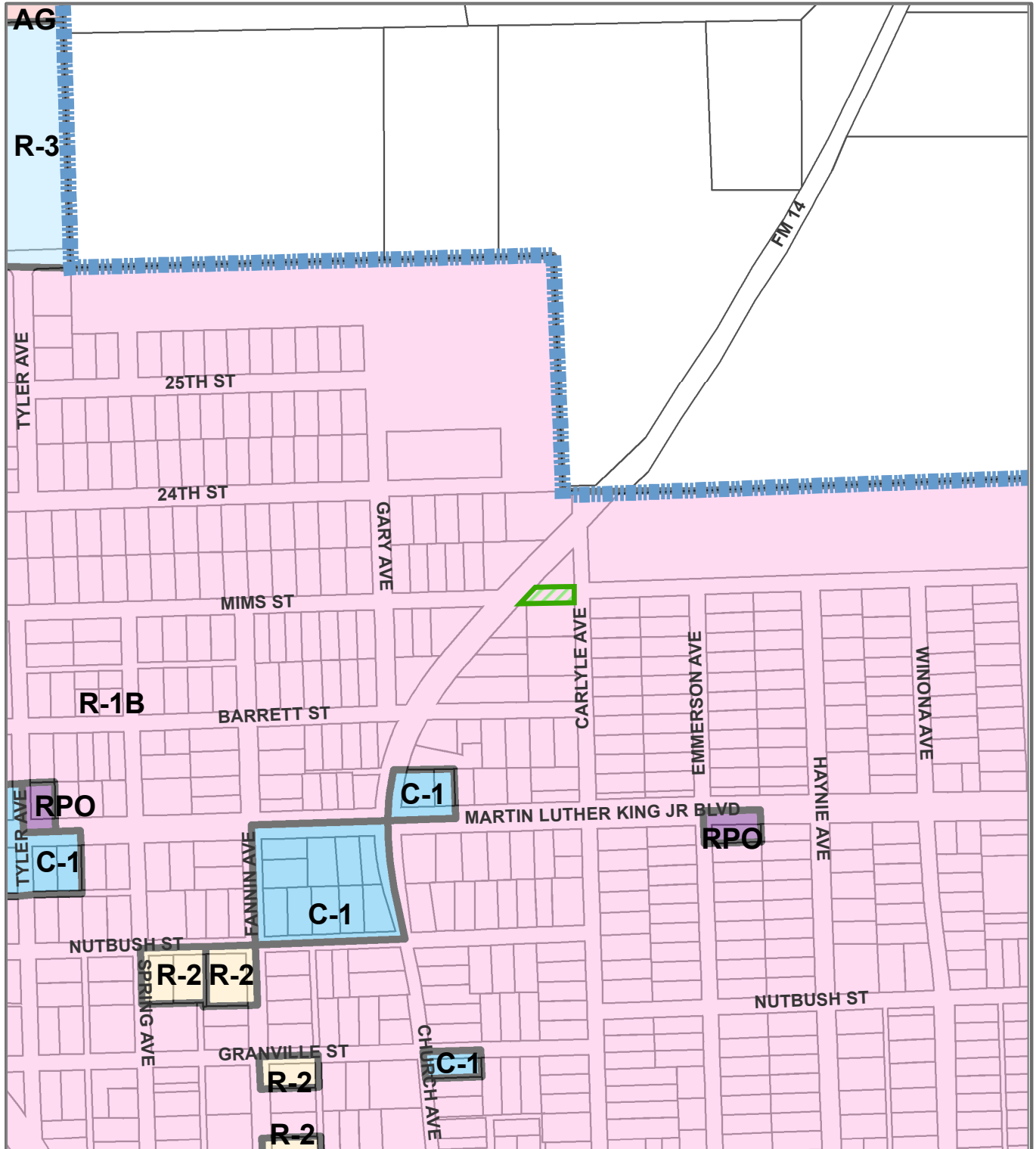


THOROUGHFARE CLOSURE CASE

Case #: C05-06-004a
 Applicant: Victory Assembly of God Church



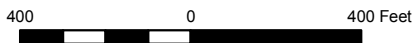
-  Subject Property
-  200' Notification Buffer
-  City Limits





THOROUGHFARE CLOSURE CASE

Case #: C05-06-004a

Applicant: Victory Assembly of God Church



-  Subject Property
-  City Limits

ORDINANCE NO. O-2006-50

AN ORDINANCE PROVIDING FOR THE ABANDONMENT A FIFTY-FOOT (50') UNIMPROVED RIGHT-OF-WAY LOCATED AT THE INTERSECTION OF CHURCH AVENUE AND MIMS STREET, EXTENDING ONE HUNDRED SIXTY FEET EAST TO INTERSECT WITH CARLYLE AVENUE. THE NORTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 38 OF NCB 671E. THE SOUTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOTS 37A AND 35A OF NCB 671E; AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT.

WHEREAS, the applicant is requesting the closure of a fifty-foot (50') unimproved right-of-way located at the intersection of Church Avenue and Mims Street, extending one hundred sixty feet east to intersect with Carlyle Avenue. The north side of the right-of-way is adjacent to Lot 38 of NCB 671E. The south side of the right-of-way is adjacent to Lots 37A and 35A of NCB 671E.

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

PART 1. That the public rights-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 (50') unimproved right-of-way located at the intersection of Church Avenue and Mims Street, extending one hundred sixty feet east to intersect with Carlyle Avenue. The north side of the right-of-way is adjacent to Lot 38 of NCB 671E. The south side of the right-of-way is adjacent to Lots 37A and 35A of NCB 671E.

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 rights-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 24th day of May, 2006.

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

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

GARY LANDERS, CITY ATTORNEY