



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-12

Date: July 26, 2006

Subject: APPLICATION C07-06-008A DOUGLAS AND SCOTTIE SHRYOCK
Request that the City Council consider a request for the closure of a two hundred twenty-one foot (221') unimproved right-of-way located 140± feet east of the intersection of Augusta Avenue and Rusk Street. The west side of the unimproved right-of-way is adjacent to Lots 5 and 2 of NCB 181. The east side of the unimproved right-of-way is adjacent to Lots 3B and 4B of NCB 181.

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Item Reference:

The applicant is requesting the closure in order to incorporate the unimproved right-of-way into the adjacent lots.

The alley between West Phillips Street and Rusk Street has never been constructed. The dedicated alleyway has several structures and mature trees located in the right-of-way. Thus, the right-of-way would be better utilized if incorporated into the adjacent lots.

On July 5, 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. Doug Shryock 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 closure.

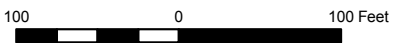
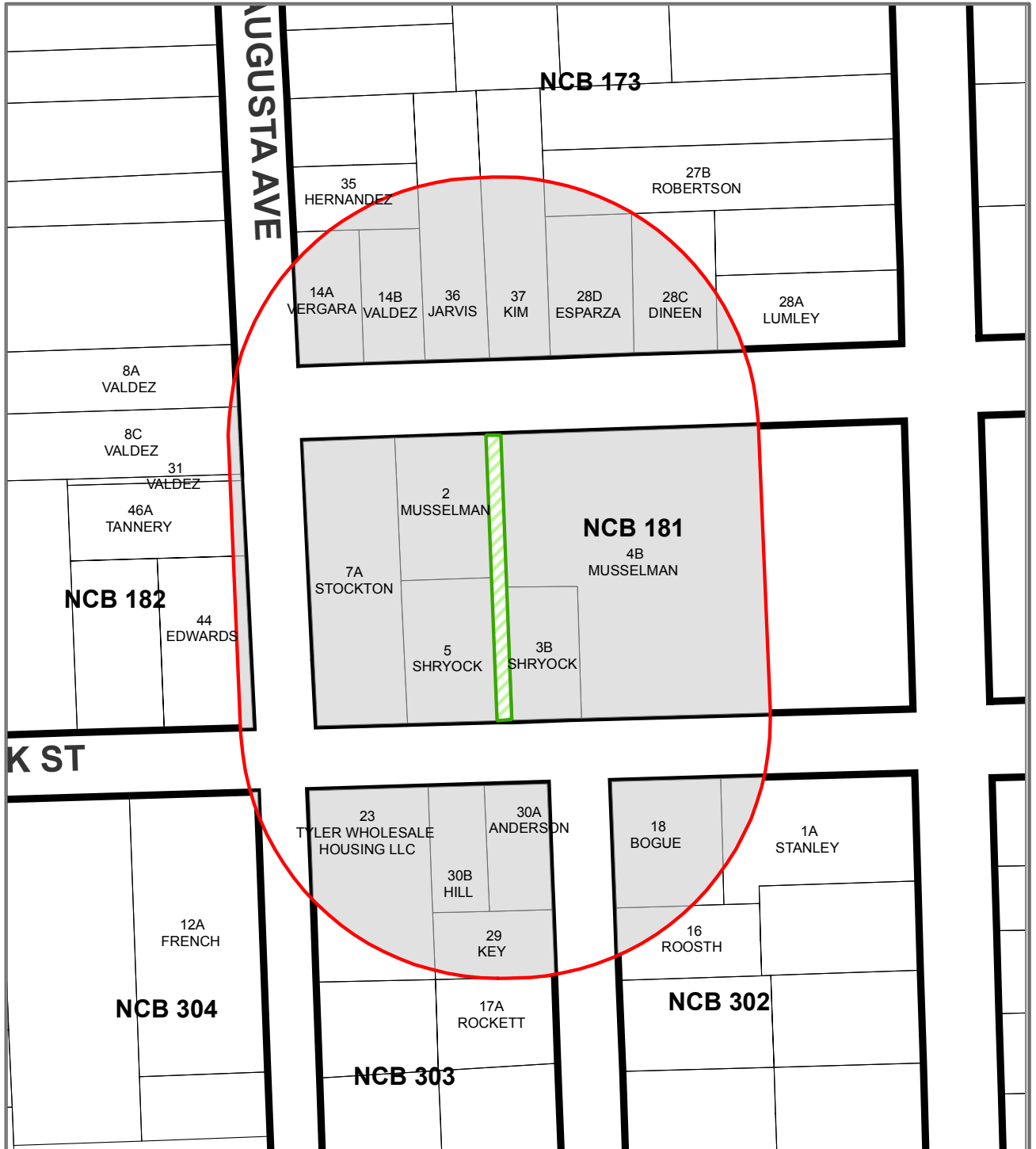
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of this request to close a two hundred twenty-one foot (221') unimproved right-of-way located 140± feet east of the intersection of Augusta Avenue and Rusk Street, 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**

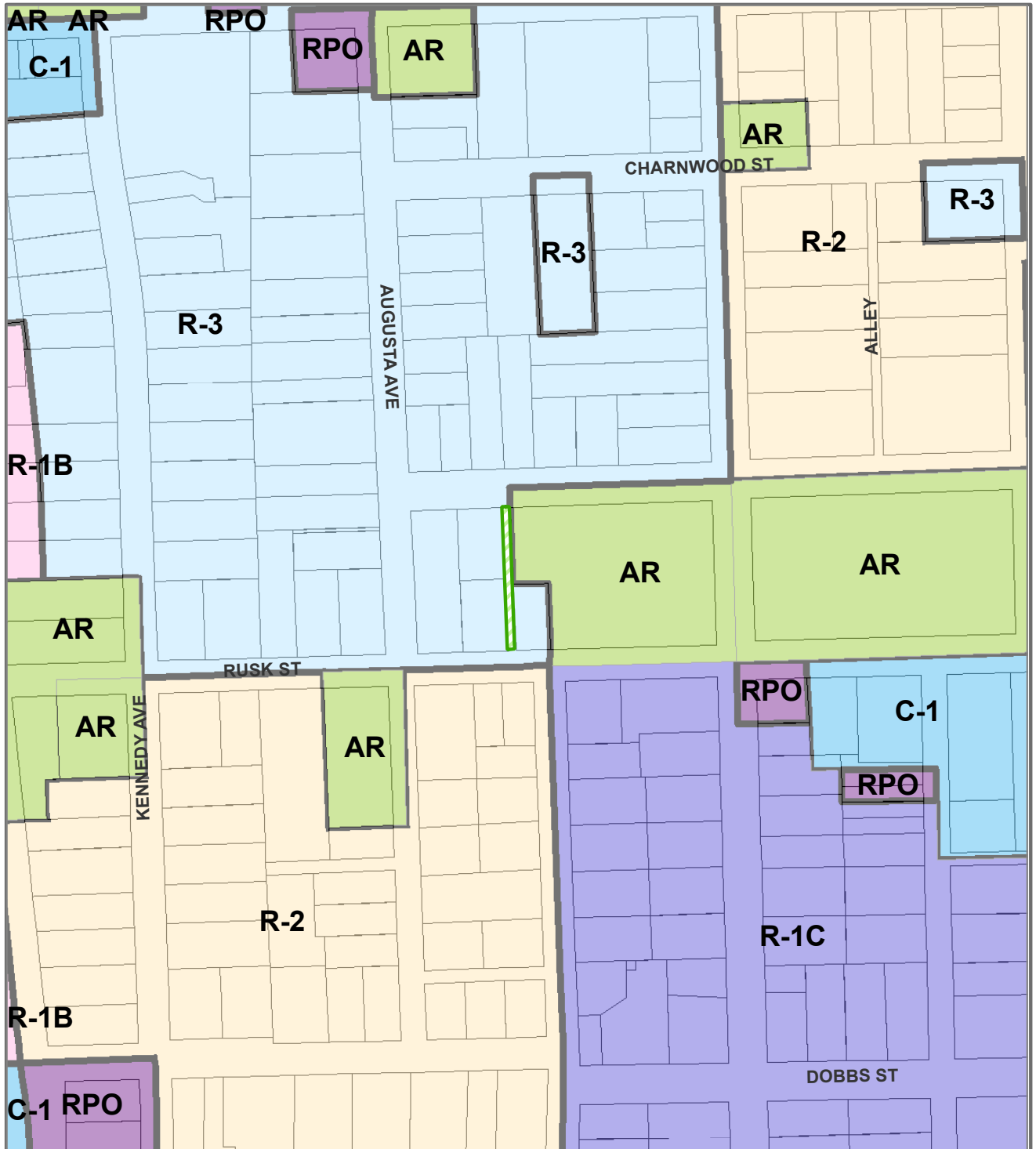
**Edited/Submitted By:
City Manager**



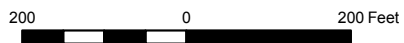
CLOSURE

Zoning Case #: C07-06-008
 Existing Zoning: R-3
 Applicant: DOUGLAS & SCOTTIE SHRYOCK

-  200' Notification Buffer
-  Closure



CLOSURE



Zoning Case #: C07-06-008
 Existing Zoning: R-3
 Applicant: DOUGLAS & SCOTTIE SHRYOCK



ORDINANCE NO. O-2006-65

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A TWO HUNDRED TWENTY-ONE FOOT (221') UNIMPROVED RIGHT-OF-WAY LOCATED 140± FEET EAST OF THE INTERSECTION OF AUGUSTA AVENUE AND RUSK STREET. THE WEST SIDE OF THE UNIMPROVED RIGHT-OF-WAY IS ADJACENT TO LOTS 5 AND 2 OF NCB 181. THE EAST SIDE OF THE UNIMPROVED RIGHT-OF-WAY IS ADJACENT TO LOTS 3B AND 4B OF NCB 181; AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT.

WHEREAS, the applicant is requesting the closure of a two-hundred twenty-one foot (221') unimproved right-of-way located 140± feet east of the intersection of Augusta Avenue and Rusk Street. The west side of the unimproved right-of-way is adjacent to Lots 5 and 2 of NCB 181. The east side of the unimproved right-of-way is adjacent to Lots 3B and 4B of NCB 181.

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, title or easement of the public is concerned:

A two hundred twenty-one foot (221') unimproved right-of-way located 140± feet east of the intersection of Augusta Avenue and Rusk Street. The west side of the unimproved right-of-way is adjacent to Lots 5 and 2 of NCB 181. The east side of the unimproved right-of-way is adjacent to Lots 3B and 4B of NCB 181.

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 26th day of July, 2006.

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

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

GARY LANDERS, CITY ATTORNEY