



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number: H-1**

**Date: July 26, 2006**

**Subject: Request that the City Council conduct a public hearing to change the name of Lincoln Park to Dr. Emmett J. Scott Park, and consider adopting an Ordinance that changes the name of Lincoln Park located at 1710 North Confederate Avenue, Block 547, Tyler, Texas, to Dr. Emmett J. Scott Park.**

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**Item Reference:**

The Parks Board has received a proposal to change the name of Lincoln Park to Dr. Emmett J. Scott Park. Pursuant to Tyler City Code Section 8-3., "Naming and renaming park lands and facilities," the Parks Board chairman named a committee responsible for reviewing the proposed name change for Lincoln Park, located at 1710 N. Confederate Ave. The committee determined that the proposed name change from Lincoln Park to Dr. Emmett J. Scott Park should be recommended to the Parks Board. The committee presented its recommendation for Parks Board review on Monday, June 26, 2006, during a Parks Board meeting. The Parks board unanimously approved this proposed change.

The City of Tyler Parks Department notified residents of the area around the park and other interested parties of the proposed name change from Lincoln Park to Dr. Emmett J. Scott Park, and of the opportunity for comments regarding the recommended name change to be presented by citizens at the Parks Board meeting as well as during the public hearing to be held by the City Council, on July 26, 2006. There were not any written letters of protest filed, and no one spoke in opposition to the request.

**Additional Background Information:**

During a regular meeting of the Parks Board on June 19, 2006, Chairman Bill Kelldorf, appointed a committee consisting of Jennifer Ware Myles, Mary Gammell, and Billy Cain to review a request to consider the re-naming of Lincoln Park to Dr. Emmett J. Scott Park. The committee met at 10:00 a.m. on Wednesday, June 21 at the Tyler Public Library to consider this issue.

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It was determined that Lincoln Park likely was originally named Lincoln Park due to its close proximity to Lincoln Street which was later renamed to Martin Luther King Boulevard. City staff reported to the committee that numerous long time citizens in the area had been contacted and that the general assumption was that the park had not been named in honor of a local citizen rather for President Abraham Lincoln. Since this meeting, City staff has been able to locate the original deed to the property, which was sold to the City on May 31, 1938, by Mr. J.B. Parker (see **Exhibit B**). Mr. Parker was remembered by citizens in the area as the owner of a grocery store and possessed a good deal of property in the area.

Since there appears to be no local connection with the name of Lincoln Park and due to the fact that Dr. Emmett J. Scott was a nationally recognized leader, and that many generations of the community benefited from the former Emmett J. Scott school combined with the local recognition of the Emmett J. Scott name, it is requested that the City Council approve the changing of the name of Lincoln Park to Dr. Emmett J. Scott Park.

Dr. Emmett J. Scott was an outstanding leader in educational and political circles. Dr. Scott, a native of Houston, Texas was executive secretary of Tuskegee Institute from 1897-1915, during the administration of Booker T. Washington. Dr. Scott collaborated with Dr. Washington in writing "Tuskegee and its People" and with Lyman Beecher Stone in writing "Booker T. Washington, Builder of a Civilization." Dr. Scott also wrote "The American Negro in the First World War"; and "Twenty Years After an Appraisal of Booker T. Washington."

He was appointed a member of the American Commission to Liberia in 1909 by President Taft; and during World War I, served as Special Assistant to the Secretary of War, advising in matters affecting black troops and civilians. Dr. Scott served as Business Manager at Howard University in Washington D. C. from 1919 to 1934 when he retired.

**RECOMMENDATION:**

It is recommended that the City Council conduct a public hearing to change the name of Lincoln Park to Dr. Emmett J. Scott Park, and request that the City Council consider adopting an Ordinance that changes the name of Lincoln Park to Dr. Emmett J. Scott Park.

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



**Edited/Submitted By:**  
**City Manager**

**ORDINANCE NO. 0-2006-66**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, CHANGING THE NAME OF LINCOLN PARK TO DR. EMMETT J. SCOTT PARK, LOCATED ON NORTH CONFEDERATE AVENUE, BLOCK 547, TYLER, TEXAS, AS DESCRIBED IN EXHIBIT "A" ATACHED; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council to promote the public welfare; and

**WHEREAS**, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality; and

**WHEREAS**, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

**WHEREAS**, Texas Local Government Code Section 331.001(a) states that a municipality may operate and maintain parks and improve land for park purposes; and

**WHEREAS**, Texas Local Government Code Section 306.011 states that the governing body of a municipality may by ordinance create a Park Board for the purpose of acquiring, improving, equipping, maintaining, financing, or operating parks; and

**WHEREAS**, Tyler City Code Chapter 8, Section 8-3., governs naming and renaming of park lands and facilities and provides that the Parks Board shall appoint a committee to research proposed name changes, approve or disapprove name recommended by the committee, and forward approved name changes to the City Council for consideration during a public hearing; and

**WHEREAS**, on June 26, 2006, the Tyler Parks Board voted to recommend approval of the name change of Lincoln Park to Dr. Emmett J. Scott Park, following receipt of a recommendation for approval from the committee appointed to review the proposed name change; and

**WHEREAS**, it is in the public interest to change the name of Lincoln Park to Dr. Emmett J. Scott Park as set forth herein;

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

**PART 1:** That the name of Lincoln Park is hereby changed to Dr. Emmett J. Scott Park, on North Confederate Avenue, Block 547, Tyler, Texas, as described in Exhibits "A" and "B" attached, to-wit:

**All of that tract of land described as Block No. 547 located in of the Bellwood Addition to the City of Tyler, Smith County, Texas more particularly described in a deed from J.B. Parker to City of Tyler dated May 31, 1938, recorded in Volume 376, Page 257 of the Deed Records of Smith County, Texas, and as shown on Exhibits "A" and "B".**

**PART 2:** That the purpose of this park name change is to honor a deceased national, state and community leader.

**PART 3:** That the City Manager is hereby ordered and directed to cause City of Tyler maps to be amended to reflect the above described park name change.

**PART 4:** That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

**PART 5:** That this Ordinance shall take effect immediately upon its adoption.

**PASSED AND APPROVED** this 26th day of July, A. D., 2006.

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

ATTEST:

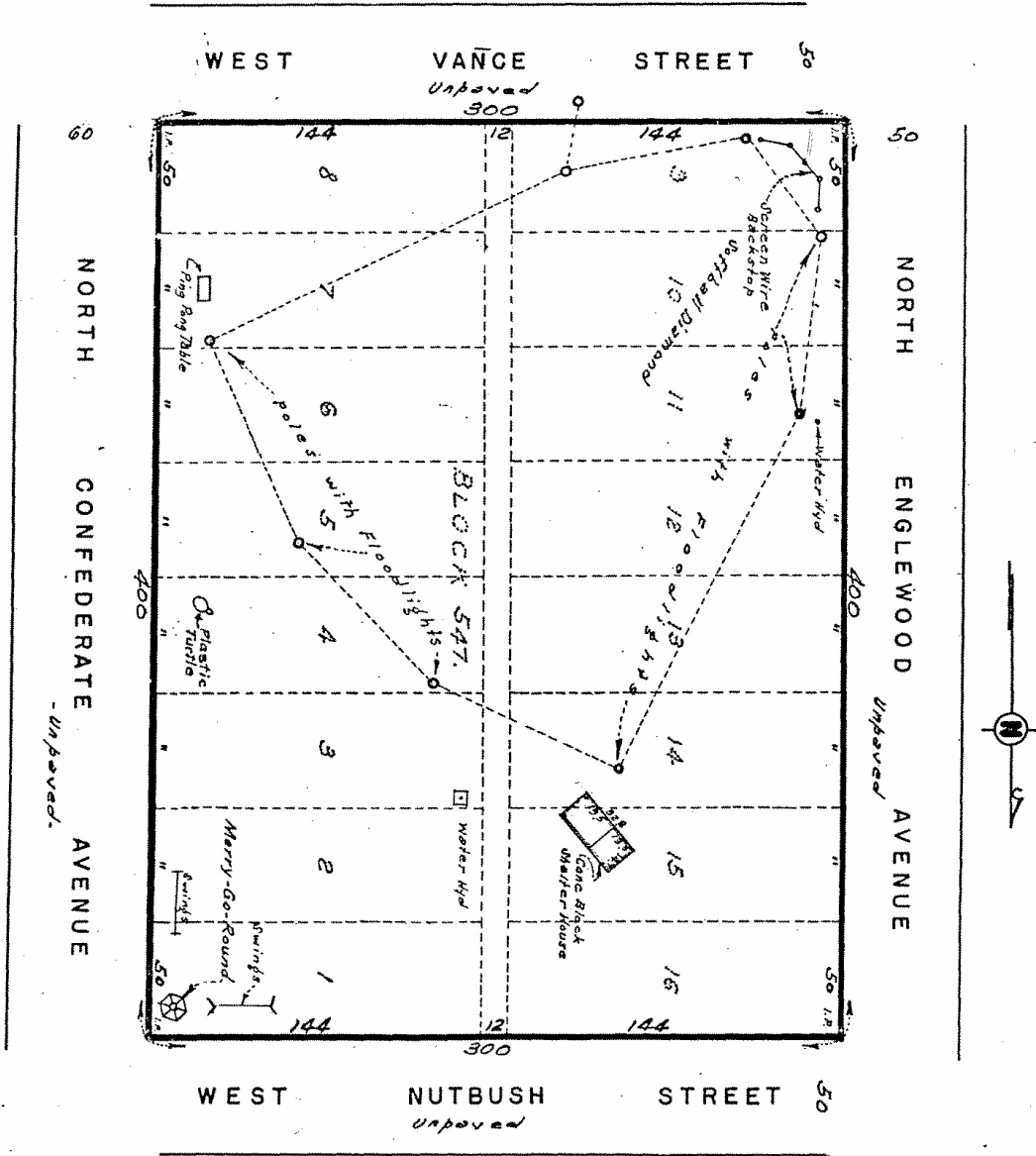
APPROVED:

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CASSANDRA BRAGER, CITY CLERK

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CITY ATTORNEY

EXHIBIT "A" TO ORDINANCE NO. 0-2006-66

EXHIBIT "A"



-Revised Feb. 19, 1951.

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EXHIBIT "B" TO ORDINANCE NO. 0-2006-66  
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THE STATE OF TEXAS {  
: KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF SMITH {

That I, J.B. PARKER of Smith County, Texas, for and in consideration of the promise on the part of the CITY OF TYLER to devote the land hereinafter conveyed to use as a public park for negro citizens of said City and to improve the same so that it will be suitable and useable for such park purposes under the direction of the Park Board of the City of Tyler or other body in said City having charge of public parks, all of which is made manifest by a resolution of the City Commission of the City of Tyler passed on the 11 day of April, 1938, recorded in Vol. 11, Page 105 of the minutes of said City, have granted, sold and conveyed, and by these presents do grant, sell and convey unto said CITY OF TYLER subject to the conditions and reversionary clause hereinafter set forth, the following described tract or parcel of land situated within the corporate limits of the City of Tyler in Smith County, Texas, to-wit:

All of Block No. 547 of the Bellwood Addition to the City of Tyler, as shown by plat thereof recorded in Volume 106, Page 55 of the Deed Records of Smith County, Texas.

TO HAVE AND TO HOLD the same for a public park for negro citizens and for no other purpose.

It is expressly understood that this deed is executed and delivered upon the condition that the property herein conveyed shall be used and improved as a public park for negro citizens, and that if at any time in the future the said City of Tyler shall cease to use the same for such park purposes or devote it to any inconsistent use, that the title to said land herein conveyed shall thereupon ipso facto revert and become the property of the said J.B. PARKER and/or his heirs.

IN TESTIMONY WHEREOF this instrument is executed this 31st  
day of May, A.D. 1938.

*J.B. Parker*  
By *W. W. Tyler*

EXHIBIT "B" TO ORDINANCE NO. 0-2006-66

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THE STATE OF TEXAS {

COUNTY OF SMITH | BEFORE ME, the undersigned authority, on this day personally appeared J.B. PARKER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 3<sup>rd</sup> day of May, A.D. 1938.

*E. M. Garland*  
Notary Public in and for Smith County, Texas

THE STATE OF TEXAS  
COUNTY OF SMITH  
I, E. M. Garland, Notary Public in and for the County of Smith, State of Texas, do hereby certify that J. B. Parker is the person whose name is subscribed to the foregoing instrument, and that he executed the same for the purposes and consideration therein expressed.  
Witness my hand and seal of office this 3<sup>rd</sup> day of May, A.D. 1938.  
Mary Edelman 3 Harry Albertson  
June 38

