



**CITY OF TYLER, TEXAS
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-12

Date: September 27, 2006

Subject: APPLICATION C09-06-010A BRYAN MARSH FARM LTD.
(SOUTH RIGHT-OF-WAY)

Request that the City Council consider a request for the closure of a portion of a sixty (60) foot wide improved thoroughfare (Skidmore Lane) beginning at the south right-of-way line of Loop 49 and extending 396± feet south, terminating at the intersection of Skidmore Lane and Old Mill Run. This thoroughfare is adjacent to Lots 1-7 of Block 1730-B, and Tract 3 in the T. Blackwell Survey A-112.

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Item Reference:

The applicant is requesting this closure in order for the abandoned right-of-way to be incorporated into the Bryan Marsh Farm Ltd. property due to the construction of Loop 49. The applicant has agreed to dedicate the south half of the right-of-way, thirty feet of the current sixty feet, as a green belt.

This portion of Skidmore Lane has been abandoned, creating a dead-end road. The right-of-way is not currently serving as an access point and would be better incorporated into the adjacent lots. Also, the property to the north is currently zoned "PCD" Planned Commercial District, which requires submittal of a final site plan and approval by the City of Tyler.

On September 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. No one appeared on behalf of the application.

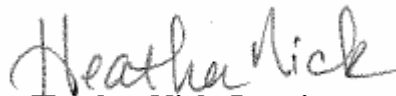
All other departments have reviewed the request and anticipate no significant impact on services or facilities by the proposed change.

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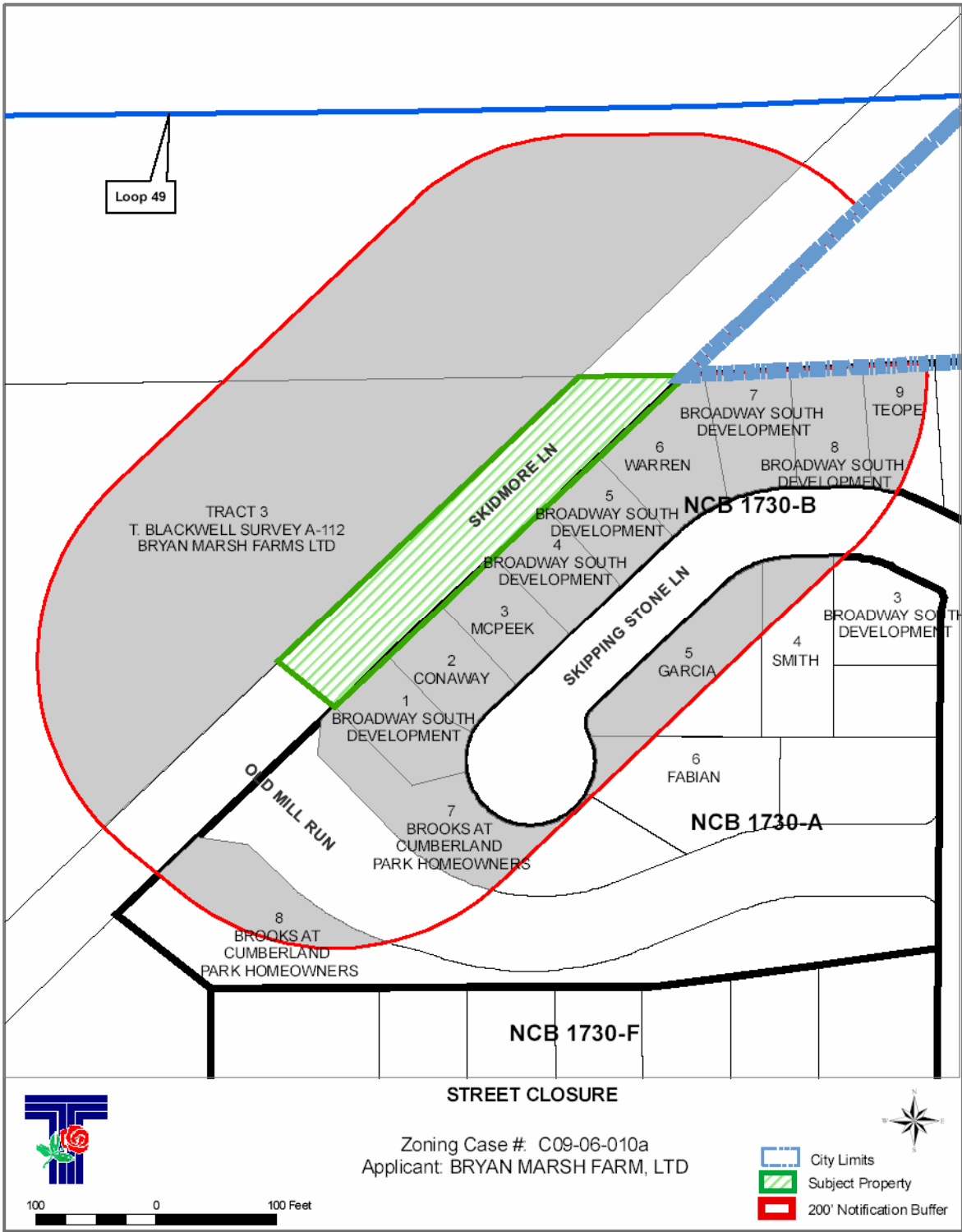
RECOMMENDATION: The Planning and Zoning Commission, by a vote of 6-0, recommends approval of this request to close a portion of an improved sixty (60) foot wide right-of-way subject to the following conditions:

1. The applicant replats the property and provides any necessary utility easements.
2. The applicant places barricades across the abandoned thoroughfare within six months.



**Drafted/Recommended By: Heather Nick, Interim
Department Leader**

**Edited/Submitted By:
City Manager**



Loop 49

TRACT 3
T. BLACKWELL SURVEY A-112
BRYAN MARSH FARMS LTD

SKIDMORE LN

SKIPPING STONE LN

OLD MILL RUN

BROADWAY SOUTH DEVELOPMENT

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NCB 1730-F




STREET CLOSURE

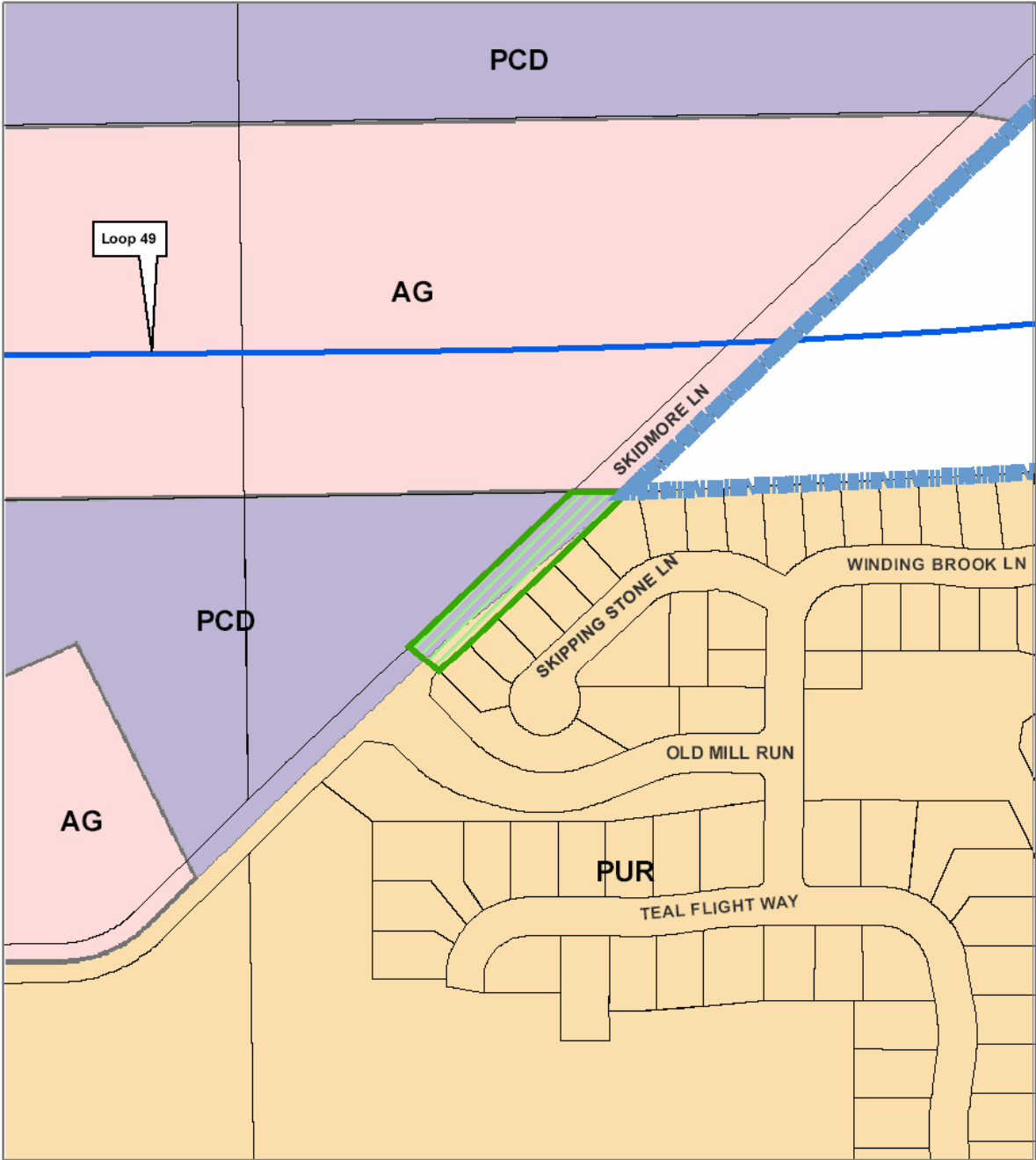
Zoning Case #: C09-06-010a
Applicant: BRYAN MARSH FARM, LTD



100 0 100 Feet

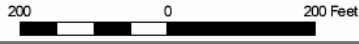


-  City Limits
-  Subject Property
-  200' Notification Buffer



STREET CLOSURE

Zoning Case # C09-06-010a
 Applicant: BRYAN MARSH FARM, LTD



-  City Limits
-  Subject Property

ORDINANCE NO. O-2006-83

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF A SIXTY (60) FOOT WIDE IMPROVED THOROUGHFARE (SKIDMORE LANE) BEGINNING AT THE SOUTH RIGHT-OF-WAY LINE OF LOOP 49 AND EXTENDING 396± FEET SOUTH, TERMINATING AT THE INTERSECTION OF SKIDMORE LANE AND OLD MILL RUN. THIS THOROUGHFARE IS LOCATED ADJACENT TO LOTS 1-7 OF BLOCK 1730-B, AND TRACT 3 IN THE T. BLACKWELL SURVEY A-112; AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT.

WHEREAS, the applicant is requesting the closure of a portion of a sixty (60) foot wide improved thoroughfare (Skidmore Lane) beginning at the south right-of-way line of Loop 49 and extending 396± feet south, terminating at the intersection of Skidmore Lane and Old Mill Run. This thoroughfare is located adjacent to Lots 1-7 of Block 1730-B, and Tract 3 in the T. Blackwell Survey A-112.

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 portion of a sixty (60) foot wide improved thoroughfare (Skidmore Lane) beginning at the south right-of-way line of Loop 49 and extending 396± feet south, terminating at the intersection of Skidmore Lane and Old Mill Run. This thoroughfare is located adjacent to Lots 1-7 of Block 1730-B, and Tract 3 in the T. Blackwell Survey A-112.

PART 2. That such closure and abandonment is contingent upon and will not become effective until and unless the following conditions occur:

1. The applicant replats the property and provides any necessary utility easements.
2. The applicant places barricades across the abandoned thoroughfare within six 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 27th day of September, 2006.

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

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

GARY LANDERS, CITY ATTORNEY