



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

Agenda Number: Z-16

Date: October 24, 2006

Subject: **APPLICATION C10-06-011A CITY OF TYLER**
Request that the City Council consider a request for the closure of a portion of a fifty-five foot (55') wide improved thoroughfare (Lyndon Avenue) located at the intersection of Erwin Street and Lyndon Avenue, extending 493.20± feet north. The west side of the right-of-way is adjacent to Lot 30C of NCB 675. The east side of the right-of-way is adjacent to Lot 18 of NCB 675F.

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Item Reference:

The City is requesting this closure in order for the abandoned right-of-way to be incorporated into the adjacent properties for both security and expansion purposes. The City intends to install a cul-de-sac along the north terminating point of the closure.

The City of Tyler has initiated this closure to assist Loggins Meat Packing Company in securing both the property in accordance with bioterrorism regulations and allowing for a major expansion. Loggins needs to completely surround the property they own with fencing and security gates, so the need arises to close the street. Loggins will also be expanding the plant and the closure will allow them to have additional land area for the expansion. Once this portion of the street is closed, the City plans to construct a cul-de-sac at the end of the remaining Lyndon Avenue right-of-way to ensure that emergency responders can access the remaining block of Lyndon Avenue and the north side of the plant. The residents along Lyndon Avenue, north of the closure, also have access to East Commerce Street and East Erwin Street as ingress/egress to their property. Staff feels this will not severely impact the properties and will prohibit commercial traffic from traveling through a residential district. The closure will also allow for a major employer to remain in Tyler, continue operations, meet federal guidelines, and plan for a major expansion.

On October 3, 2006, the Planning and Zoning Commission held a public hearing on this request. There were 13.62 percent written letters of protest filed plus a petition with 34 signatures. Enrico and Teresa Lozano, Mildred Walker, Joe Gilpin, and Alberta Perez spoke in opposition to the request. They expressed concern with decreased property values, safety and inconvenience. Tom Mullins, President of Tyler Economic Development Corporation, and Bobby Loggins, spoke on behalf of the application. Mr. Mullins said keeping the company in Tyler will add 150 to 200 new jobs. Mr. Loggins said the company has been at the current location since 1940. He said the company needs to establish a security program that covers all of its processing locations. Part of the facility is currently located across Henderson Highway and raw material as well as work-in-process is transported between facilities. Mr. Loggins said this is no longer acceptable. Commissioner Hudson said he sympathized with the residents' concerns, but felt the closures would be better for the community as a whole. Commissioner Kelldorf said she appreciated Mr. Loggins' contribution to the community, but opposed giving a public street to a private entity.

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

RECOMMENDATION:

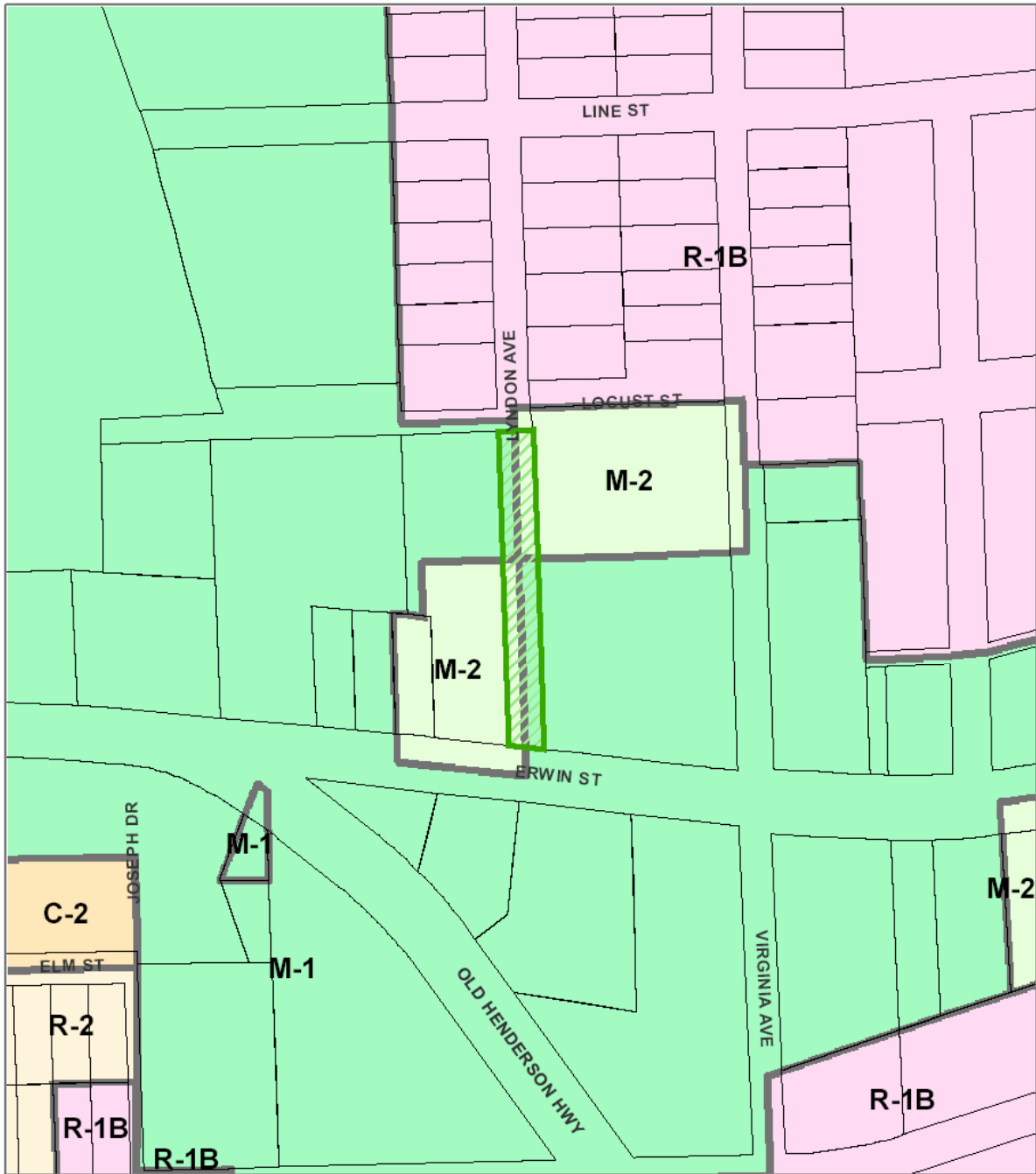
The Planning and Zoning Commission, by a vote of 5-2, recommends approval of this request to close a portion of a fifty-five foot (55') wide improved thoroughfare (Lyndon Avenue) located at the intersection of Erwin Street and Lyndon Avenue, extending 493.20± feet north.

A handwritten signature in black ink that reads "Heather Nick". The signature is written in a cursive, flowing style.

Drafted/Recommended By: Heather Nick
Department Leader Interim Director of Planning

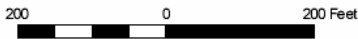
Edited/Submitted By:
City Manager





CLOSURE

Zoning Case #. C10-06-011a
 Applicant: CITY OF TYLER



 Subject Property

ORDINANCE NO. O-2006-89

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF A FIFTY-FIVE FOOT (55') WIDE IMPROVED THOROUGHFARE (LYNDON AVENUE) LOCATED AT THE INTERSECTION OF ERWIN STREET AND LYNDON AVENUE, EXTENDING 493.20± FEET NORTH. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 30C OF NCB 675. THE EAST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 18 OF NCB 675F; AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT.

WHEREAS, the applicant is requesting the closure of a portion of a fifty-five foot (55') wide improved thoroughfare (Lyndon Avenue) located at the intersection of Erwin Street and Lyndon Avenue, extending 493.20± feet north. The west side of the right-of-way is adjacent to Lot 30C of NCB 675. The east side of the right-of-way is adjacent to Lot 18 of NCB 675F.

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 fifty-five foot (55') wide improved thoroughfare (Lyndon Avenue) located at the intersection of Erwin Street and Lyndon Avenue, extending 493.20± feet north. The west side of the right-of-way is adjacent to Lot 30C of NCB 675. The east side of the right-of-way is adjacent to Lot 18 of NCB 675F.

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

1. The applicant replats the property; and
2. The applicant provides any necessary utility easements, and
3. Subject to the expansion occurring and if it does not occur then street would not be closed.

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 October, 2006.

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

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

GARY LANDERS, CITY ATTORNEY