



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-1

Date: February 28, 2007

Subject: APPLICATION C01-07-001B THE MOST REV. ALVARO CORRADA DEL RIO, S.J.

Request that the City Council consider a request for the closure of three hundred twenty-eight (328) feet of unimproved right-of-way located 1,020± feet east of the intersection of Loop 323 ESE and New Copeland Road. The east side of the right-of-way is adjacent to Lot 1 of NCB 1033A. The west side of the right-of way is adjacent to Lot 2A of NCB 1310.

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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 applicant is requesting a closure to allow for the future expansion of Bishop T.K. Gorman school campus. Pollard Drive is an unimproved dedicated right-of-way. The right-of-way is currently serving as a parking lot for the offices to the west. Public right-of-way cannot be used as private parking. The right-of-way would be better incorporated into the adjacent lots as there is no present or future need for this right-of-way.

On January 16, 2007, 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. All other departments have reviewed the request and anticipate no significant impact on services or facilities by the proposed closure.

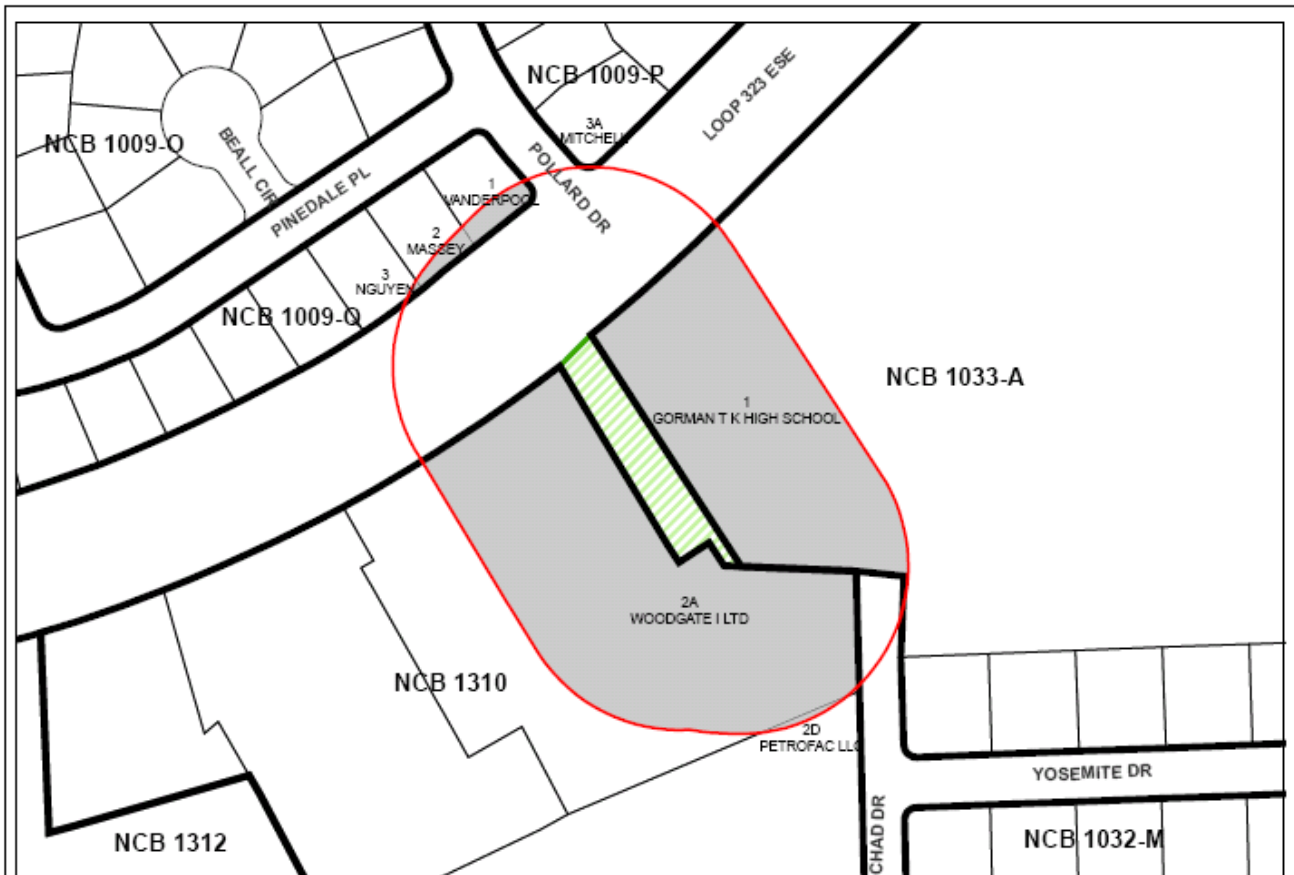
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of this request to close three-hundred twenty-eight (328) feet of unimproved right-of-way located 1,020± feet east of the intersection of Loop 323 ESE and New Copeland Road, subject to the applicant re-platting the property and providing the sanitary sewer easement within six months.

Drafted/Recommended By:
Department Leader

Barbara Holly
Barbara Holly, AICP

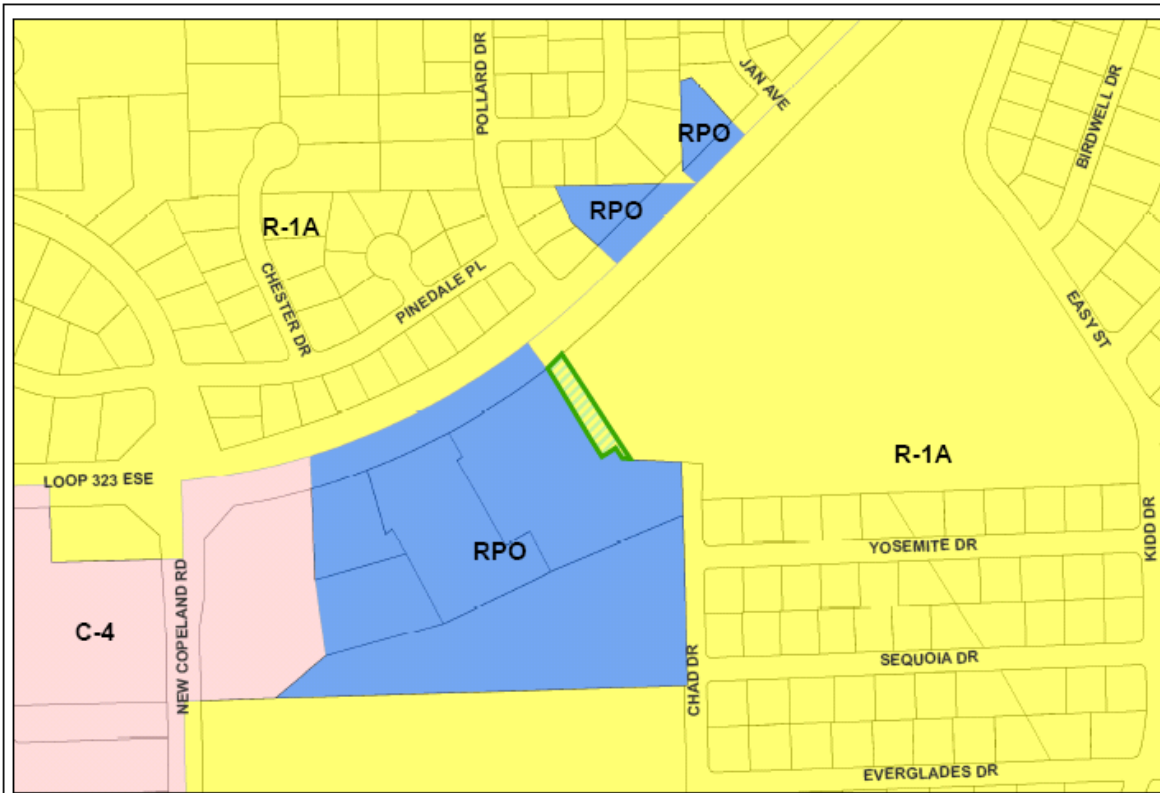
Edited/Submitted By:
City Manager



ZONING CASE

Zoning Cases #: C01-07-001b
 Applicant: MOST REVEREND ALVARO CORRADA, DEL RIO, S.J.





ZONING CASE

Zoning Cases #: C01-07-001b

Applicant: MOST REVEREND ALVARO CORRADA, DEL RIO, S.J.



ORDINANCE NO. O-2007-14

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF THREE HUNDRED TWENTY-EIGHTY (328) FEET OF UNIMPROVED RIGHT-OF-WAY LOCATED 1,020± FEET EAST OF THE INTERSECTION OF LOOP 323 ESE AND NEW COPELAND ROAD. THE EAST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 1 OF NCB 1033A. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 2A OF NCB 1310; AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT.

WHEREAS, the applicant is requesting the closure of three hundred twenty-eighty (328) feet of unimproved right-of-way located 1,020± feet east of the intersection of Loop 323 ESE and New Copeland Road. The east side of the right-of-way is adjacent to Lot 1 of NCB 1033A. The west side of the right-of way is adjacent to Lot 2A of NCB 1310.

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:

Three-hundred twenty-eight (328) feet of unimproved right-of-way located 1,020± feet east of the intersection of Loop 323 ESE and New Copeland Road. The east side of the right-of-way is adjacent to Lot 1 of NCB 1033A. The west side of the right-of way is adjacent to Lot 2A of NCB 1310.

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 one-half the width of 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 28th day of February, 2007.

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

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

GARY LANDERS, CITY ATTORNEY