



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

Agenda Number: Z-1

Date: April 25, 2007

Subject: APPLICATION C04-07-004A ROBERT CRONK
Request that the City Council consider a request for the closure of a portion of an unimproved public right-of-way, beginning at the intersection of W. Elm Street and Willowbrook Ave. and extending west for approximately 252 ft to the intersection of W. Elm Street (unimproved ROW) and Fairway Ave. (unimproved ROW). The south side of the right-of-way is adjacent to Lots 1 and 24, NCB 734. The north side of the ROW is adjacent to Lots 22 and 23, NCB 729.

Page: 1 of 1

Item Reference:

The applicant is requesting this closure in order for the unimproved thoroughfare (W. Elm Street) to be incorporated into the adjacent property to allow for the development of a single-family home. The right-of-way is not currently serving as an access point and the right-of-way would be better incorporated into the adjacent lots.

On April 3, 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 change.

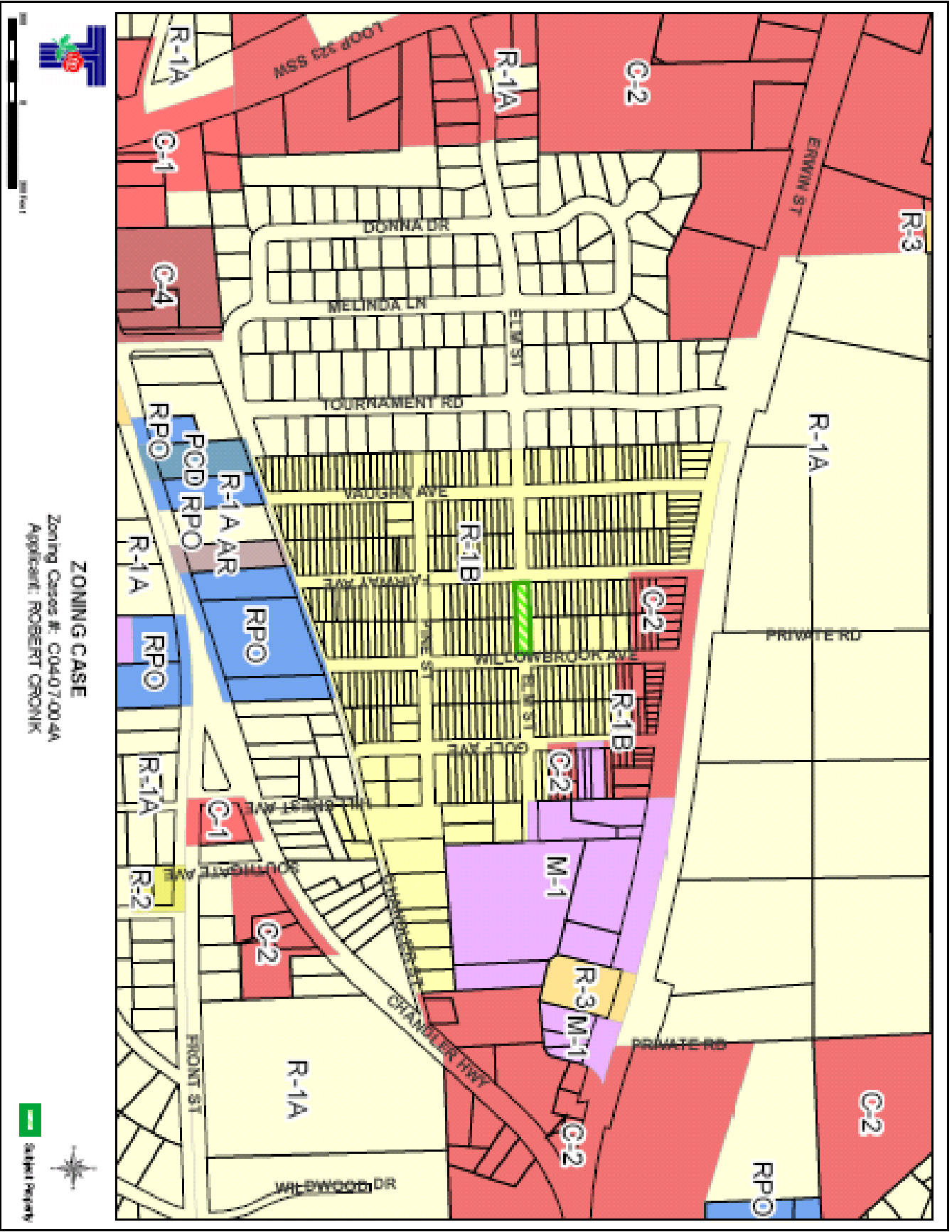
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the closure of a 252' portion of a unimproved thoroughfare (W. Elm Street) located at a point beginning at the intersection of W. Elm Street and Willowbrook Ave. and extending west for approximately 252 feet to the intersection of W. Elm Street (unimproved ROW) and Fairway Ave. (unimproved ROW), subject to the applicant re-platting the property within six months and providing any necessary easements.

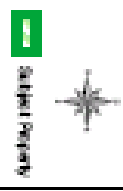
A handwritten signature in cursive script that reads "Barbara Holly".

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

**Edited/Submitted By:
City Manager**



ZONING CASE
 Zoning Cases #: C0440700-04A
 Applicant: ROBERT CRONIK



ORDINANCE NO. O-2007-37

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF A 252' UNIMPROVED THOROUGHFARE (W. ELM STREET) LOCATED AT A POINT BEGINNING AT THE INTERSECTION OF W. ELM STREET AND WILLOWBROOK AVE. AND EXTENDING WEST FOR APPROXIMATELY 252 FEET TO THE INTERSECTION OF W. ELM STREET (UNIMPROVED RIGHT-OF-WAY) AND FAIRWAY AVE. (UNIMPROVED RIGHT-OF-WAY). THE NORTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 2A OF NCB 968C. THE SOUTH SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOTS 1 AND 24 OF NCB 734. THE NORTH SIDE OF THE ROW IS ADJACENT TO LOTS 22 AND 23 OF NCB 729; AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT.

WHEREAS, the applicant is requesting the closure of a portion of a 252' unimproved thoroughfare (W. Elm Street) located at a point beginning at the intersection of W. Elm Street and Willowbrook Avenue and extending west for approximately 252 feet and terminating at the intersection of W. Elm Street and Fairway Avenue. The north side of the right-of-way is adjacent to Lot 22 and 23 of NCB 729. The south side of the right-of-way is adjacent to Lot 1 and 24 of NCB 734.

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 two-hundred and fifty-two (252') feet unimproved thoroughfare (W. Elm Street) located at a point beginning at the intersection of W. Elm Street and Willowbrook Avenue and extending west for approximately 252 feet and terminating at the intersection of W. Elm Street and Fairway Avenue. The north side of the right-of-way is adjacent to Lot 22 and 23 of NCB 729. The south side of the right-of-way is adjacent to Lot 1 and 24 of NCB 734.

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 within six (6) months; and
2. The applicant provides any necessary utility easements.

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 25th day of April, 2007.

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

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

GARY LANDERS, CITY ATTORNEY