



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

Agenda Number: Z-1

Date: June 13, 2007

Subject: APPLICATION C04-07-005B HILDA PORTILLO BERRUN
Request that the City Council consider a request to close a portion of an unimproved right-of-way beginning at the intersection of N. Ellis Avenue and Gentry Parkway and extending approximately 74 feet north. The west side of the right-of-way is adjacent to Lot 24 of NCB 207B. The east side of the right-of-way is adjacent to Lot 17 of NCB 206. The applicant is requesting the closure in order to incorporate the undeveloped right-of-way into a new development.

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Item Reference:

The applicant is requesting this closure in order for the unimproved thoroughfare (N. Ellis Avenue) to be incorporated into the adjacent property to allow for the future development of a commercial building. 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 17, 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.

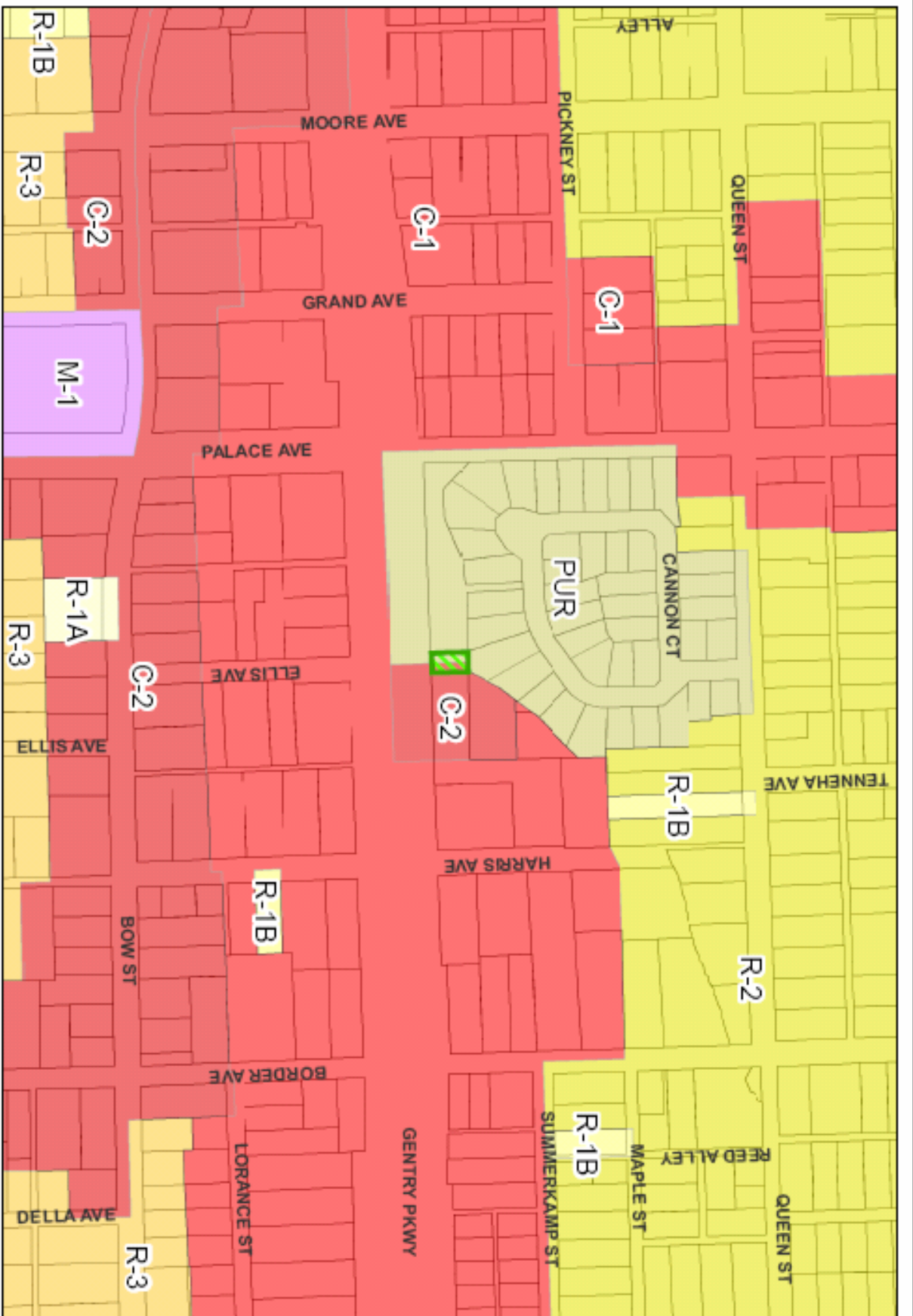
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the closure of a 74 foot portion of a unimproved thoroughfare (N. Ellis Avenue) located at a point beginning at the intersection of N. Ellis Avenue and Gentry Parkway and extending north for approximately 74 feet, subject to the applicant re-platting the property within six months and providing any necessary easements.

A handwritten signature in black ink that reads "Barbara Holly". The signature is written in a cursive style and is positioned above the typed name of the Department Leader.

Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager

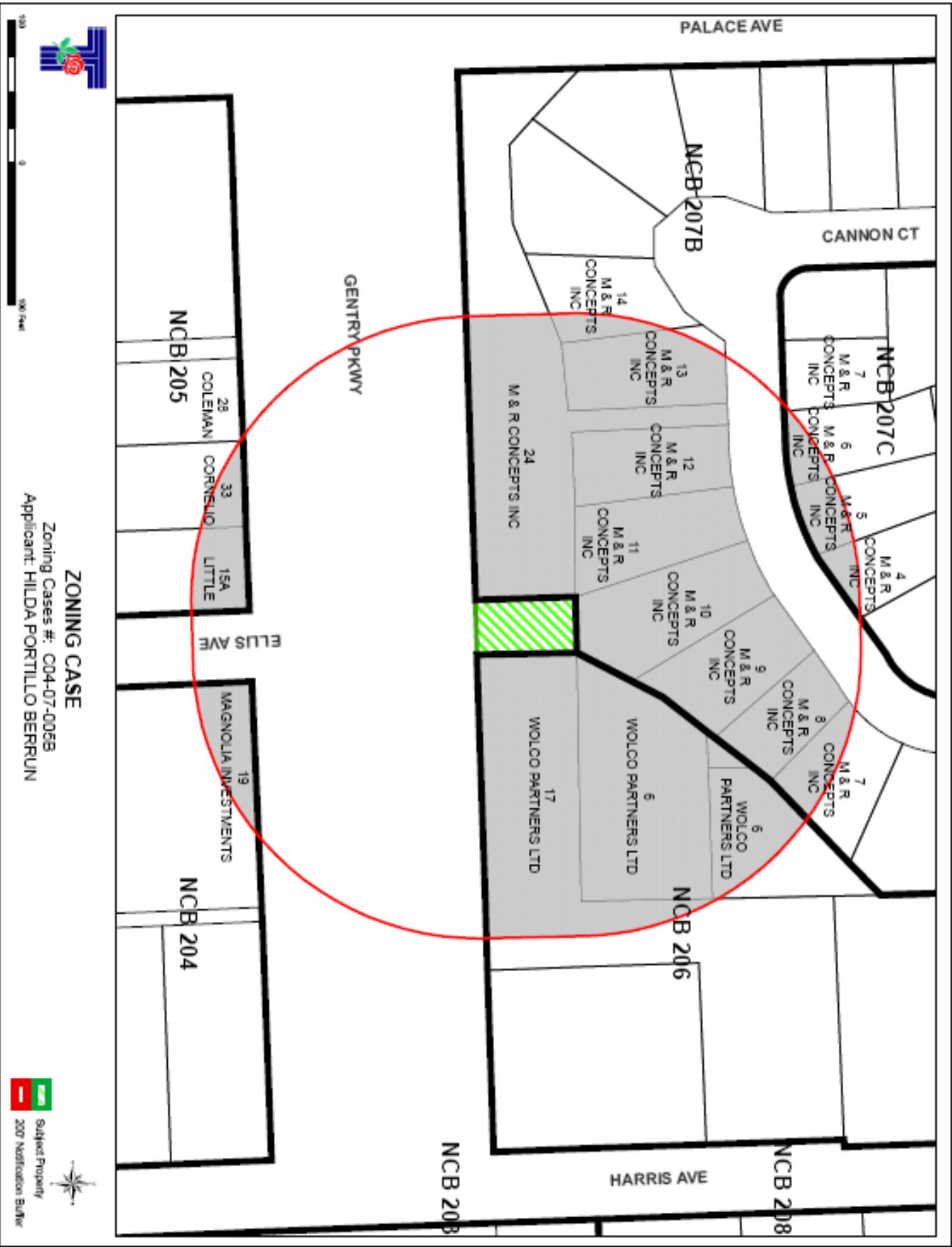


ZONING CASE

Zoning Cases #: C04-07-0058
 Applicant: HILDA FORTILLO BERRUN



 Subject Property



ZONING CASE
 Zoning Cases #: C04-07-0068
 Applicant: HILDA PORTILLO BERRUN



ORDINANCE NO. O-2007-54

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF AN UNIMPROVED THOROUGHFARE (N. ELLIS AVENUE) LOCATED AT A POINT BEGINNING AT THE INTERSECTION OF N. ELLIS AVENUE AND GENTRY PARKWAY AND EXTENDING NORTH FOR APPROXIMATELY 74 FEET. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 24 OF NCB 207B. THE EAST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 17 OF NCB 206; AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT.

WHEREAS, the applicant is requesting the closure of a portion of a 74' unimproved thoroughfare (N. Ellis Avenue) located at a point beginning at the intersection of N. Ellis Avenue and Gentry Parkway and extending north for approximately 74 feet. The west side of the right-of-way is adjacent to Lot 24 of NCB 207B. The east side of the right-of-way is adjacent to Lot 17 of NCB 206.

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 an unimproved thoroughfare (N. Ellis Avenue) located at a point beginning at the intersection of N. Ellis Avenue and Gentry Parkway and extending north for approximately 74 feet. The west side of the right-of-way is adjacent to Lot 24 of NCB 207B. The east side of the right-of-way is adjacent to Lot 17 of NCB 206.

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 13th day of June, 2007.

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

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

GARY LANDERS, CITY ATTORNEY