



**CITY OF TYLER
COUNCIL COMMUNICATION**

Agenda Number: Z-1

Date: January 9, 2008

Subject: **APPLICATION C11-07-001B MANUEL MENDEZ**
Request that the City Council consider a request to close a portion of a public street (Carlyle Avenue) beginning at the intersection of East Gentry Parkway and Carlyle Avenue for approximately 123 feet south terminating at the intersection of East Valentine Street. The west side of the right-of-way is adjacent to Lot 999 of NCB 223 and the east side of the right-of-way is adjacent to Lot 1D of NCB 229.

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Item Reference:

The applicant is requesting the closure in order to incorporate a substandard paved right-of-way into his adjoining lot. The street is 18 feet wide, is one lot deep and serves two properties.

Carlyle Avenue is a paved right-of-way. The right-of-way functions as a private drive and does not function as an access point to any of the surrounding properties. It will be better utilized if incorporated into the adjacent lots. Both adjoining owners have indicated that they want to plat half of the abandoned right-of-way into their lots.

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

The Planning Department has received no written letters of protest and no letters of support.

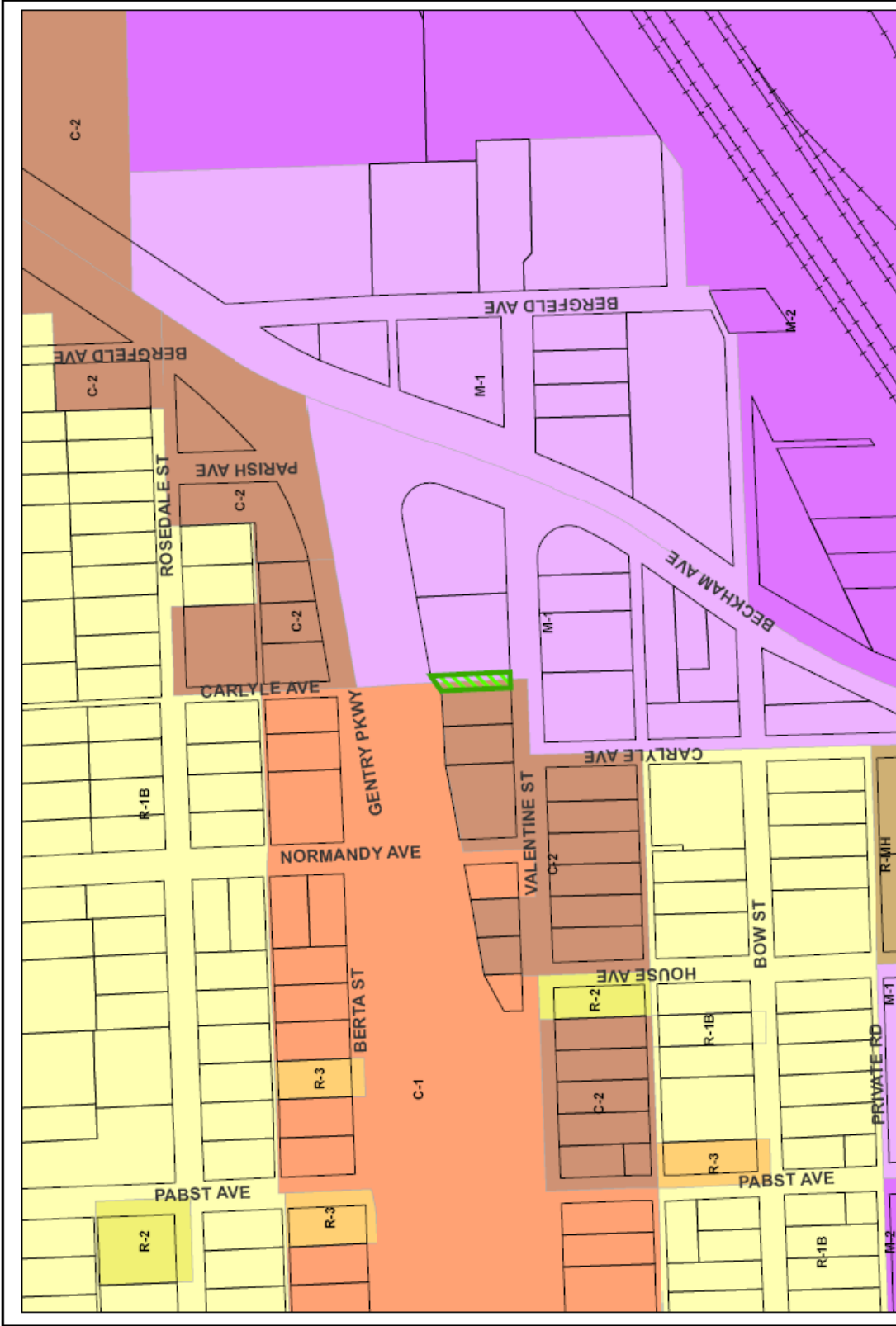
RECOMMENDATION:

The Planning and Zoning Commission, by a 5-0 vote, recommends approval of the closure.

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

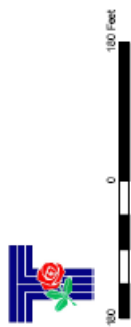
Drafted/Recommended By: Barbara Holly
Department Leader

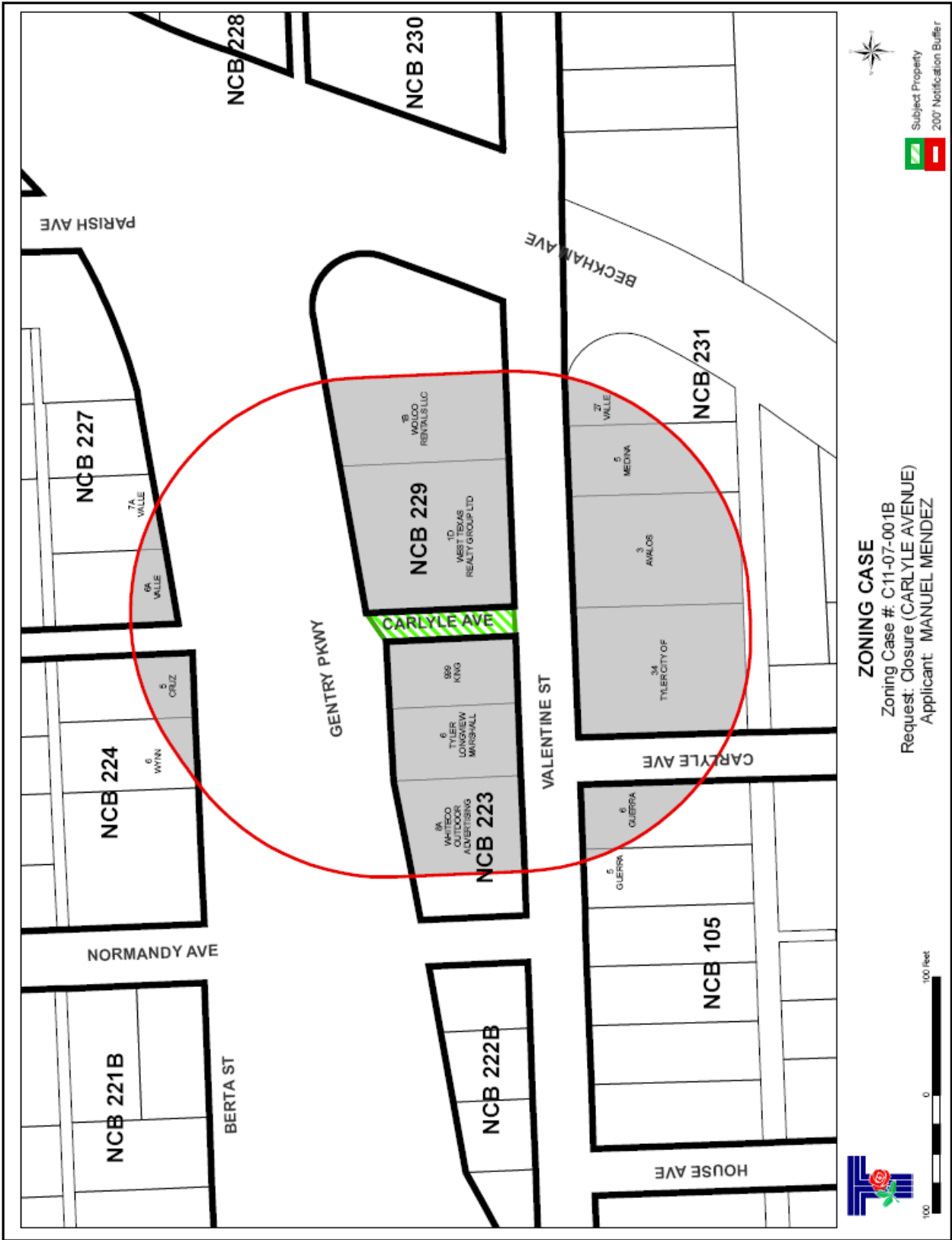
Edited/Submitted By:
City Manager



Subject Property

ZONING CASE
 Zoning Case #: C-11-07-001B
 Request: Closure (CARLYLE AVENUE)
 Applicant: MANUEL MENDEZ





ORDINANCE NO. O-2008-1

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF IMPROVED RIGHT-OF-WAY LOCATED AT THE INTERSECTION OF EAST GENTRY PARKWAY AND CARLYLE AVENUE FOR APPROXIMATELY 123 FEET SOUTH TERMINATING AT THE INTERSECTION OF EAST VALENTINE STREET. THE WEST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 999 OF NCB 223. THE EAST SIDE OF THE RIGHT-OF-WAY IS ADJACENT TO LOT 1D OF NCB 229.

WHEREAS, the applicant is requesting the closure of an improved public drive that functions as a private drive, located at the intersection of East Gentry Parkway and Carlyle Avenue for approximately 123 feet north terminating at the intersection of East Valentine Street. The east side of the right-of-way is adjacent to Lot 999 of NCB 223. The west side of the right-of-way is adjacent to Lot 1D of NCB 229.

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, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned:

Located at the intersection of East Gentry Parkway and Carlyle Avenue for approximately 123 feet south terminating at the intersection of East Valentine Street. The west side of the right-of-way is adjacent to Lot 999 of NCB 223. The east side of the right-of-way is adjacent to Lot 1D of NCB 229.

PART 2: That 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 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 that the governing body of the City of Tyler may legally and lawfully abandon.

PART 5: Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

PART 6: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 9th day of January, A.D., 2008.

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

A T T E S T:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY