

**CITY OF TYLER
COUNCIL COMMUNICATION**



Agenda Number: Z-12

Date: February 27, 2008

Subject: **APPLICATION C01-08-002B GREGORIO & SONIA GARCIA**
Request that the City Council consider a request to close an alley, beginning at the intersection of West Wilson Street and extending north for approximately 170 feet. The east side of the right-of-way alley is adjacent to Lot 8 of NCB 200. The west side of the right-of-way alley is adjacent to Lot 7 of NCB 200.

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Item Reference:

The applicant is requesting the closure in order to incorporate paved right-of-way alley into the existing side yard of the adjacent property.

The alley 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 lot.

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 7-0 vote, recommends approval of the closure.

Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager

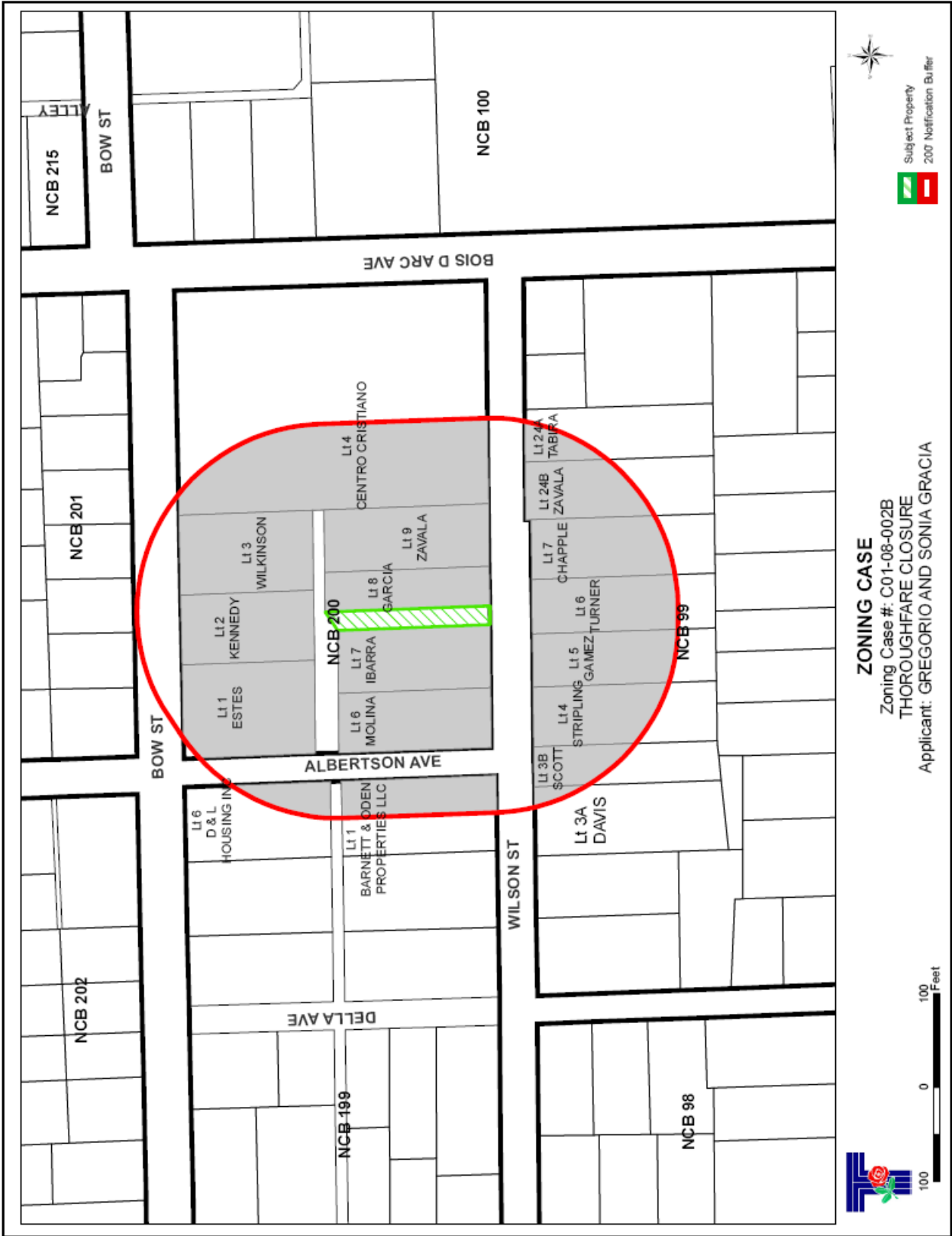


Subject Property

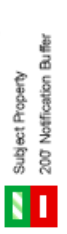


ZONING CASE
Zoning Case #: C01-08-002B
THOROUGHFARE CLOSURE
Applicant: GREGORIO AND SONIA GARCIA





ZONING CASE
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 THOROUGHFARE CLOSURE
 Applicant: GREGORIO AND SONIA GRACIA



ORDINANCE NO. O-2008-31

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF IMPROVED PUBLIC RIGHT-OF-WAY LOCATED APPROXIMATELY 130 FEET EAST OF THE INTERSECTION OF WEST WILSON STREET AND ALBERTSON AVENUE, EXTENDING NORTH FOR APPROXIMATELY 170 FEET, AND TERMINATING AT ANOTHER ALLEY EAST OF ALBERTSON AVENUE. THE EAST SIDE OF THE RIGHT-OF-WAY ALLEY TO BE CLOSED IS ADJACENT TO LOT 8 OF NCB 200. THE WEST SIDE OF THE RIGHT-OF-WAY ALLEY TO BE CLOSED IS ADJACENT TO LOT 7 OF NCB 200.

WHEREAS, the applicant is requesting the closure of an improved right of way that functions as a private drive, located approximately 130 feet east of the intersection of West Wilson Street and Albertson Avenue, extending north from the intersection with West Wilson Street for approximately 170 feet, and terminating at another alley east of Albertson Avenue. The east side of the right-of-way alley to be closed is adjacent to Lot 8 of NCB 200. The west side of the right-of-way alley to be closed is adjacent to Lot 7 of NCB 200.

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:

Approximately 130 feet east of the intersection of West Wilson Street and Albertson Avenue, extending north for approximately 170 feet, and terminating at another alley east of Albertson Avenue. The east side of the right-of-way alley to be closed is adjacent to Lot 8 of NCB 200. The west side of the right-of-way alley to be closed is adjacent to Lot 7 of NCB 200.

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 27^h day of February, A.D., 2008.

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

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY