



## INFORMATION FOR COMPLETING PETITION REQUESTING THOROUGHFARE CLOSURE

### INDEX

#### ITEMS REQUIRED FOR EACH APPLICATION:

- A. Petition for Thoroughfare Closure
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- E. Fee - Section 10-776

### PROCESS

#### City Code Sec. 10-260 - 10-266

All thoroughfare closures are by Ordinance, and only the City Council has the authority to close a thoroughfare. The Council has assigned the study of thoroughfare closings to the Planning and Zoning Commission, who will make recommendations to the Council. If the Commission recommends this request for the closure of a thoroughfare, it will not be effective until it is then passed by the City Council. The closure process normally requires a period of sixty (60) days.

**NOTE: The Planning and Zoning Commission hears all requests on the first Tuesday of each month, at 1:30 p.m., in the Council Chamber, City Hall, 212 North Bonner Avenue, Tyler, Texas.**

**Thoroughfare Closure requests must be filed in the Planning and Zoning Department, 423 West Ferguson, Tyler, Texas.**

Please have a representative present at all public hearings. The applicant has the duty to produce evidence before the Planning and Zoning Commission and City Council to justify the proposed thoroughfare closure. This generally requires a showing that conditions affecting the thoroughfare have substantially changed, resulting in the thoroughfare no longer being required for public access.

### OFFICE USE ONLY

#### Filing Fee for Application

Receipt No.: \_\_\_\_\_ Amount: \_\_\_\_\_

Signed By: \_\_\_\_\_



## PETITION FOR THOROUGHFARE CLOSURE

The undersigned, as owner of the herein described property hereby makes application in the name of:

APPLICANT Rick Martindale, c/o Adams Engineering

ADDRESS 1101 ESE Loop 323, Ste. 101, Tyler 75701

of the following public thoroughfare of the City of Tyler: Alley, from N. Horace Ave. east to SEC Lot 23, NCB 135

**The thoroughfare:**  Street  Alley

Improved?  Paved  Unpaved

*(Please print all but signature)*

Owner(s) Name: Hiland Dairy Foods Company, LLC

Address: 1133 E. Kearney

City, State, Zip: Springfield, MO 65803

Phone: 800-641-4022

Signature: 

Email: bbeaman@hilanddairy.com

*(Please print all but signature)*

Owner(s) Name:

Address:

City, State, Zip:

Phone:

Signature:

Email:



## SUPPORT INFORMATION FOR THOROUGHFARE CLOSURE

Applicants should submit the following information in support of their Thoroughfare Closure Request:

**1. Is this thoroughfare a paved or surfaced street, or is it an unimproved right-of-way?**

It is an unimproved alley

**2. Is this public thoroughfare no longer in use? If so, approximately how long has it not been in use?**

It is not in use. Previous residential dwellings used it until spring 2019, but the residences have since been removed.

**3. Is it likely that this thoroughfare will ever be needed for public access?**

No. Hiland Dairy Foods owns adjacent properties on both sides of the remaining portion of this platted alley.

**4. Do all of the lots adjacent to the proposed closed thoroughfare have an alternative source of public access? If not, how will public access be provided?**

Hiland Dairy Foods owns all tracts adjoining the remaining portion of this alley; public access is provided via N. Horace Ave.

**5. Is this public right-of-way currently in private use by the adjacent property owner(s)? If so, for what use is the right-of-way currently used?**

No. Hiland Dairy Foods owns all adjacent properties (currently undeveloped to the north & existing plant to the south).

**6. Will the closure of this thoroughfare be of any inconvenience to through traffic?**

No. As noted above, the alley is unused for public access and all local traffic uses N. Clayton Ave.

**7. If this thoroughfare is to be closed to the public, for what private use will it be utilized?**

Hiland Dairy Foods is planning a major plant expansion that will necessitate additional trailer parking. The former residential lots in the NW corner of block 135, which are now owned by Hiland, will be utilized for new truck/trailer parking. The subject alley is part of the land to be used for that parking area.

PRINTED:

*Rick Martindale*

OWNER or AGENT (FORM C)

SIGNED:

OWNER or AGENT (FORM C)



## AUTHORIZATION OF AGENT

**We, the undersigned, being owners of real property adjacent to the thoroughfare closure requested, do hereby authorize (please print),**

Agent Name: Rick Martindale

Address: 1101 ESE Loop 323, Ste. 101

City, State, Zip: Tyler, TX 75701

Phone: 903-324-8417

Signature: Rick Martindale

Email: rick.martindale@adams-engineering.com

to act as our Agent in the matter of this thoroughfare closure. The term "agent" shall be construed to mean any lessee, developer, option holder, or authorized individual who is authorized to act in behalf of the owner(s) of said adjacent property.

**(Form to be signed below by all owners of the adjacent property.)**

### **SIGNATURE**

### **MAILING ADDRESS**

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

**(Completion of this section is necessary only when the person submitting this request does not own all of the property. If not the owner, the applicant must sign the petition as "AGENT".)**