

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Street Abandonment Case 14-13 (City of High Point)

**From:** Lee Burnette, Planning & Development  
Director

**Meeting Date:** February 16, 2015

**Public Hearing:** Yes

**Advertising Date:** January 23 & 30, 2015 and  
February 6 & 13, 2015

**Advertised By:** Planning & Development

**Attachments:** A. Planning and Zoning Commission Recommendation  
B. Staff Report  
C. Resolution of Abandonment

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### PURPOSE:

A request by the Technical Review Committee to abandon a partially improved alley lying along the west side of N. Centennial Street, between Sherwood Place and North Avenue. This alley runs in an east-west direction from N. Centennial Street to Denny Street.

### BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

A. On December 9, 2014, a public hearing was held before the Planning and Zoning Commission regarding-SA14-13. The Planning & Zoning Commission recommended *approval* of SA14-13 by a vote of 6-0.

B. Staff recommends *approval* of SA14-13 as outlined in the attached staff report.

## PLANNING AND ZONING COMMISSION RECOMMENDATION

### City of High Point

### Street Abandonment SA 14-13

At its December 9, 2014 public hearing, the Planning and Zoning Commission reviewed Street Abandonment Case 14-13. All members of the Commission were present. Mr. Herbert Shannon, Senior Planner, presented SA14-13 and recommended approval of the request as outlined in the staff report.

No one spoke in opposition of the request.

The Planning & Zoning Commission recommended *approval* of Street Abandonment Case 14-13, as recommend by staff, by a vote of 6-0.

**CITY OF HIGH POINT  
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT  
STREET ABANDONMENT CASE 14-13  
December 9, 2014**

<b>Request</b>	
<b>Applicant:</b> City of High Point Technical Review Committee	<b>Proposal:</b> To abandon a partially improved alley lying along the west side of N. Centennial Street, between Sherwood Place and North Avenue. This alley runs in an east-west direction from N. Centennial Street to Denny Street.

<b>Adjacent Streets</b>		
<b>Name:</b>	<b>Classification:</b>	<b>Right-of-Way and Pavement Width:</b>
N. Centennial Street	Major Thoroughfare	65-foot wide right-of-way 53-foot(+/-) paving with curb & gutter
Denny Street	Local Street	50-foot wide right-of-way 30-foot(+/-) paving with curb & gutter

<b>Adjacent Property Zoning and Current Land Use</b>		
<b>North</b>	Residential Single Family-7 (RS-7) District	Single family dwellings and a undeveloped parcel
<b>East</b>	Conditional Zoning Public & Institutional (CZ-PI) District	High Point University campus (lying across N. Centennial Street)
<b>South</b>	Residential Single Family-7 (RS-7) District	Single family dwellings
<b>West</b>	Residential Single Family-7 (RS-7) District	Single family dwellings (lying across Denny Street)

<b>Analysis</b>
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The City of High Point Technical Review Committee (TRC) is requesting to abandon a partially improved alley running in an east/west direction along the west side of N. Centennial Street, between Sherwood Place and North Avenue. This alley has a width of 15 feet, a length of approximately 535 feet and was recorded in 1939 on a map entitled "Plat No. 3 Sherwood Park - Property of O.A. Kirkman - High Point, NC". The improved portion of this alley consists of a 140-foot long private asphalt driveway, from N. Centennial Street, which was previously used to access the rear of 706 Sherwood Street and the rear of 907 & 911 N. Centennial Street. These three parcels have been purchased by High Point University, the structures razed and the land currently serves as a greenfield area along the campus edge. Nevertheless, if redeveloped, these parcels and all other abutting parcels have frontage and access to adjacent paved streets. No property owner will be deprived of access to their property.

Early notices to obtain input from abutting property owners were mailed out on October 2, 2014. In addition, regular mailed notice for the public hearing to abutting property owners, notice placed in the High Point Enterprise and the posting of signs at the ROW to be abandoned were

also performed per requirements. To date, staff has received no objections from the abutting property owners.

### **Findings & Recommendations**

The TRC reviewed this request on October 29, 2014 and identified no concerns related to the abandonment of this right-of-way. However, the Public Services Department has identified a City sewer line within the right-of-way extending from the rear of 515 North Street eastward to N. Centennial Street, and a stormwater line that crosses the alley right-of-way near its intersection with Denny Street. The Public Services Department requests that easements be retained over these utility lines.

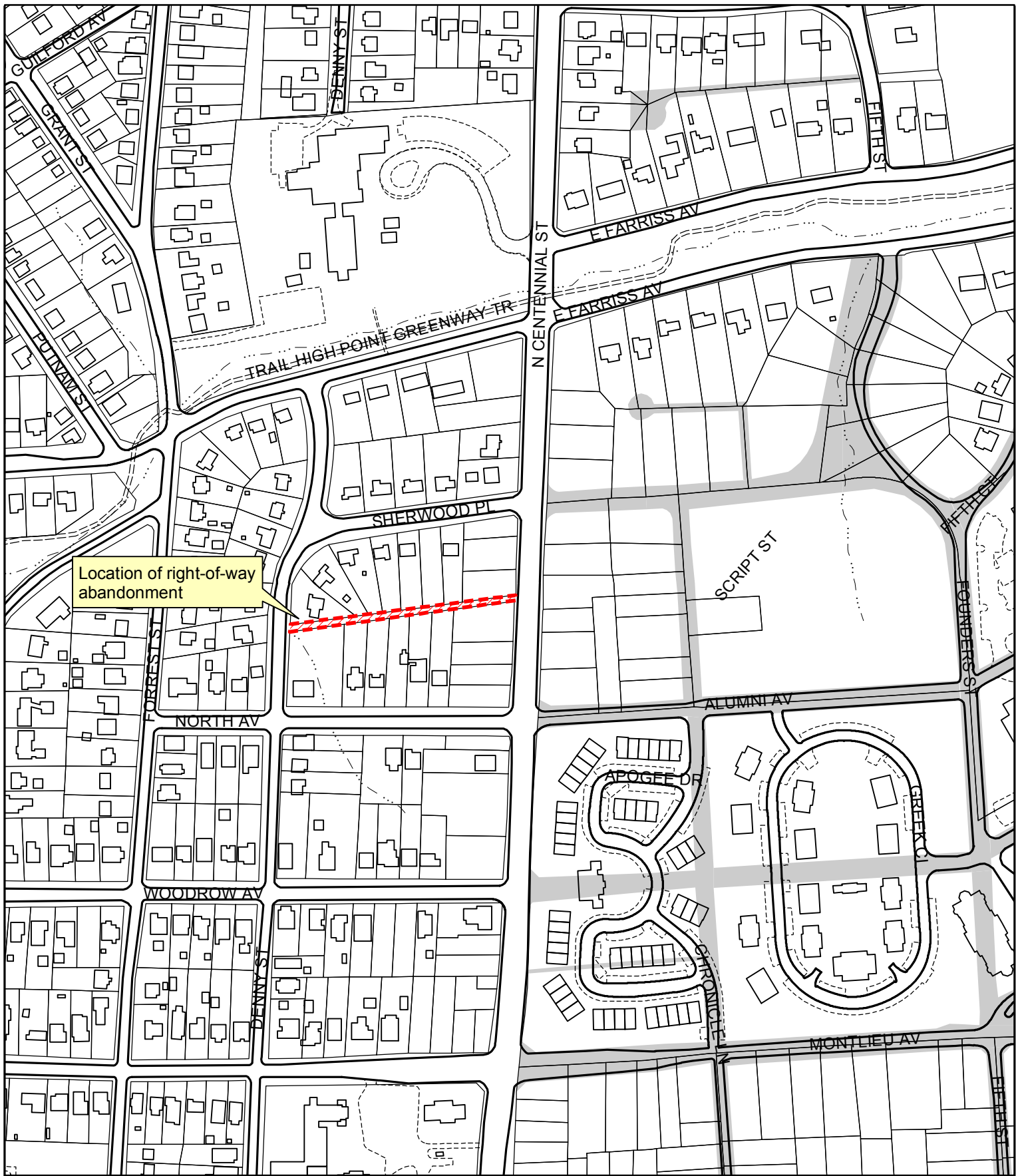
This abandonment of the public's interest and conveyance of the right-of-way to the abutting property owners, as provided by state statutes, is found not to be contrary to the public's interest and is found not to deprive owners in the vicinity of the right-of-way reasonable means of ingress and egress to their property.

The Planning and Development Department recommends approval of the abandonment of this alley with the retention of the following easements:

- 1) A 20-foot wide sanitary sewer easement centered over the existing 8-inch sewer line; and
- 2) A 20-foot wide stormwater easement centered over the existing 30-inch stormwater line.

### **Report Preparation**

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



**STREET ABANDONMENT REQUEST SA14-13**

Applicant: City of High Point

Area: 0.192 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning and Development  
Department**

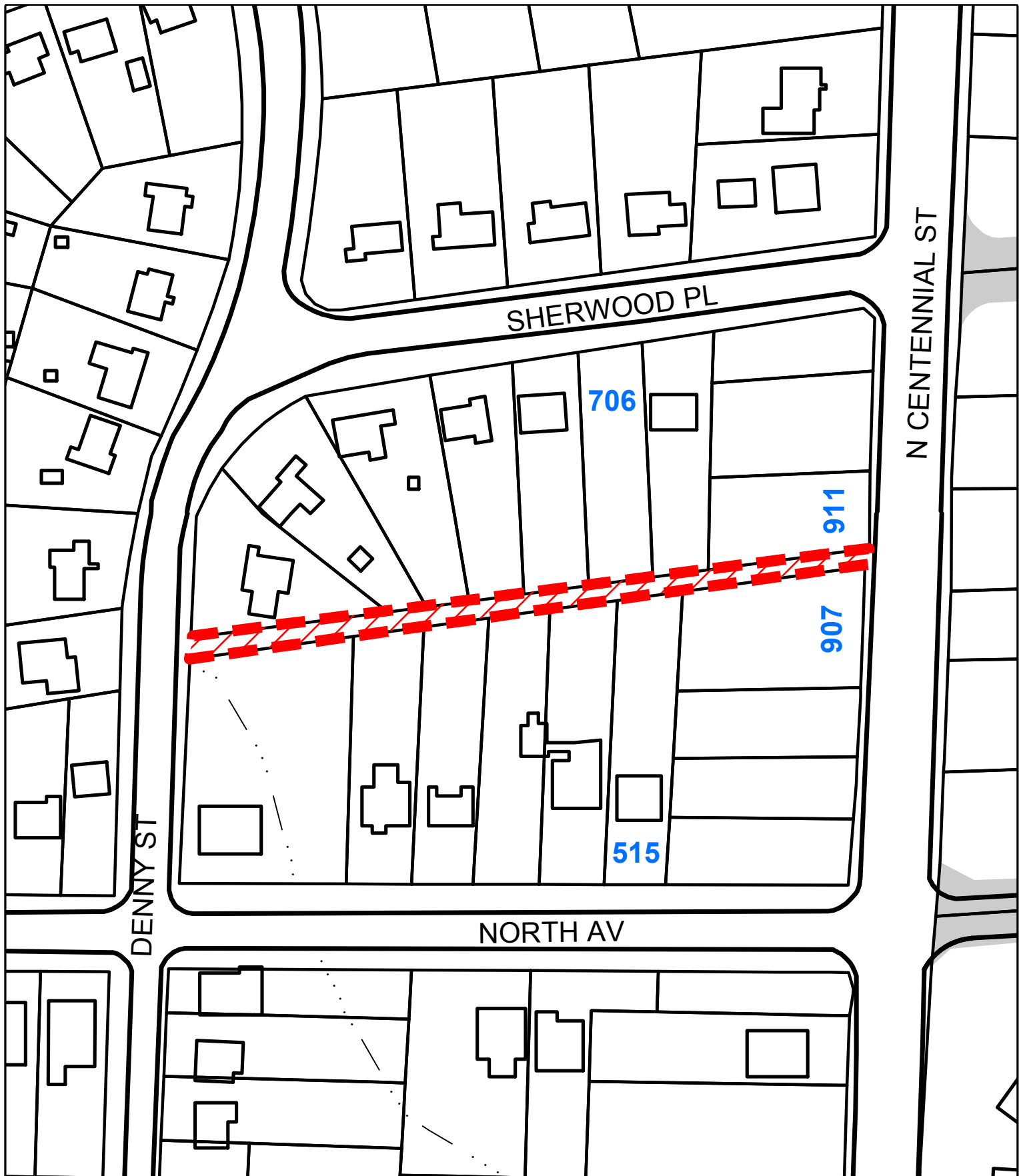
**City of High Point**

**Date: November 4, 2014**



**Scale: 1"=300'**

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2014/pz/sa14-13.mxd



**STREET ABANDONMENT REQUEST SA14-13**

Applicant: City of High Point

Area: 0.192 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning and Development  
Department**

**City of High Point**

**Date: December 1, 2014**



**Scale: 1"=100'**

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2014/pz/sa14-13exh.mxd



Attachments: Photographs (November 2014) and Aerial (February, 2010)  
**Looking west, from N. Centennial Street, towards the alley.**





**Looking east, from Denny Street, towards the alley.**







## STREET ABANDONMENT REQUEST SA14-13

Applicant: City of High Point  
Area: 0.192 acres

 Location of requested street abandonment

Planning and Development  
Department

City of High Point

Date: November 4, 2014



Scale: 1"=100'  
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Return to: Joanne Carlyle, City Attorney  
City of High Point  
P.O. Box 230  
High Point, NC 27261  
Resolution No. xxxx / 15-xx

## **RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 16<sup>th</sup> DAY OF FEBRUARY, 2015 AT 6:15 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:**

### **Street Abandonment Case 14-13**

(abandonment of an alley)

WHEREAS, The Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) a partially improved alley lying along the west side of N. Centennial Street, between Sherwood Place and North Avenue. This alley runs in an east-west direction from N. Centennial Street to Denny Street. This unimproved right-of-way is more specifically described as follows:

Beginning at a point on the existing eastern right-of-way line of Denny Street, said point also being the southwestern property corner of lot #4 as recorded in **(PB 11 Pg 68)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence easterly along the northern right-of-way line of the unopened portion of Willoubar Terrace (590.13') to a point located on the western right-of-way line of Centennial Street; said point also being the southeastern property corner of lot #1 as recorded in **(PB 22 Pg 30)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence southerly (15.00') along the western right-of-way line of the Centennial Street to the northeastern property corner of lot #18

of block "M" as recorded in **(PB 4 Pg 212)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence westerly along the southern right-of-way line of the unopened portion of Willoubar Terrace (593.78') to the northwestern property corner of lot #8-9 as recorded in **(PB 4 Pg 212)** in the Office of the Register of Deeds of Guilford County, North Carolina; said point also being the eastern right-of-way line of Denny Street; thence northerly (15.00') along the eastern right-of-way line to the point of beginning.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 20<sup>th</sup> day of January, 2015, at 4:30 p.m. setting the 16<sup>th</sup> day of February, 2015 at 6:15 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning January 23 & 30 and February 6 & 13, 2015; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of all of the partially improved alley lying along the west side of N. Centennial Street, between Sherwood Place and North Avenue, as previous described above; and

WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right-of-way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

**NOW THEREFORE BE IT RESOLVED:**

1. That the entire length and width of the alley right-of-way, as described above, be closed pursuant to North Carolina G.S. 160A-299;
2. That the City of High Point shall retain a 20-foot wide sanitary sewer easement centered over the existing sewer lines running within and crossing the right-of-way;
3. That the City of High Point shall retain a 20-foot wide stormwater drainage easement centered over the existing stormwater pipe(s) running within and crossing the right-of-way; and



4. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,  
this the 16<sup>th</sup> day of February, 2015  
Lisa B. Vierling, City Clerk