

CITY OF HIGH POINT

AGENDA ITEM



Title: Street Abandonment Case 14-14 (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

PURPOSE:

A request by the Technical Review Committee to abandon two unimproved right-of-ways lying north of Summit Road, between Deep River Road and Lindale Drive.

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-SA14-14. The Planning & Zoning Commission recommended **approval** of SA14-14 by a vote of 6-0.

B. Staff recommends **approval** of SA14-14 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

City of High Point

Street Abandonment SA 14-14

At its December 9, 2014 public hearing, the Planning and Zoning Commission reviewed Street Abandonment Case 14-14. All members of the Commission were present. Mr. Herbert Shannon, Senior Planner, presented SA14-14 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 14-14, as recommend by staff, by a vote of 6-0.

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

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

| Request | |
|---|--|
| Applicant: City of High Point Technical Review Committee | Proposal: To abandon two unimproved right-of-ways lying north of Summit Road, between Deep River Road and Lindale Drive. |

| Adjacent Streets | | |
|-------------------------|------------------------|---|
| Name: | Classification: | Right-of-Way and Pavement Width: |
| Summit Road | Local Street | 50-foot wide right-of-way 20-foot (+/-) wide ribbon paving with side drainage swales |
| Lindale Drive | Local Street | 50-foot wide right-of-way 20-foot (+/-) wide ribbon paving with side drainage swales |

| Adjacent Property Zoning and Current Land Use | | |
|--|---|---|
| North | Residential Single Family-12 (RS-12) District | Single family dwelling and undeveloped parcel |
| East | Residential Single Family-12 (RS-12) District | Single family dwellings and undeveloped parcels (lying across Lindale Drive) |
| South | Residential Single Family-12 (RS-12) District | Single family dwellings (lying across Summit Road Drive) |
| West | Residential Single Family-12 (RS-12) District | Undeveloped parcels |

Analysis

The City of High Point Technical Review Committee (TRC) is requesting to abandon two unimproved right-of-ways (ROW). These ROWs, known as Hampton Drive (extension) and Marsden Road, were recorded in 1946, on maps entitled “Map of Lindale – Property of Ida Gordon Lindsay Estate – High Point, NC”, sections one, three and four.

These two ROWs are unimproved and abutting parcels are under the ownership of the Austin Family estate. Early notices to obtain input from abutting property owners were mailed out on October 21, 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. Finally, the TRC reviewed this requested street abandonment on October 29, 2014 and noted no objections.

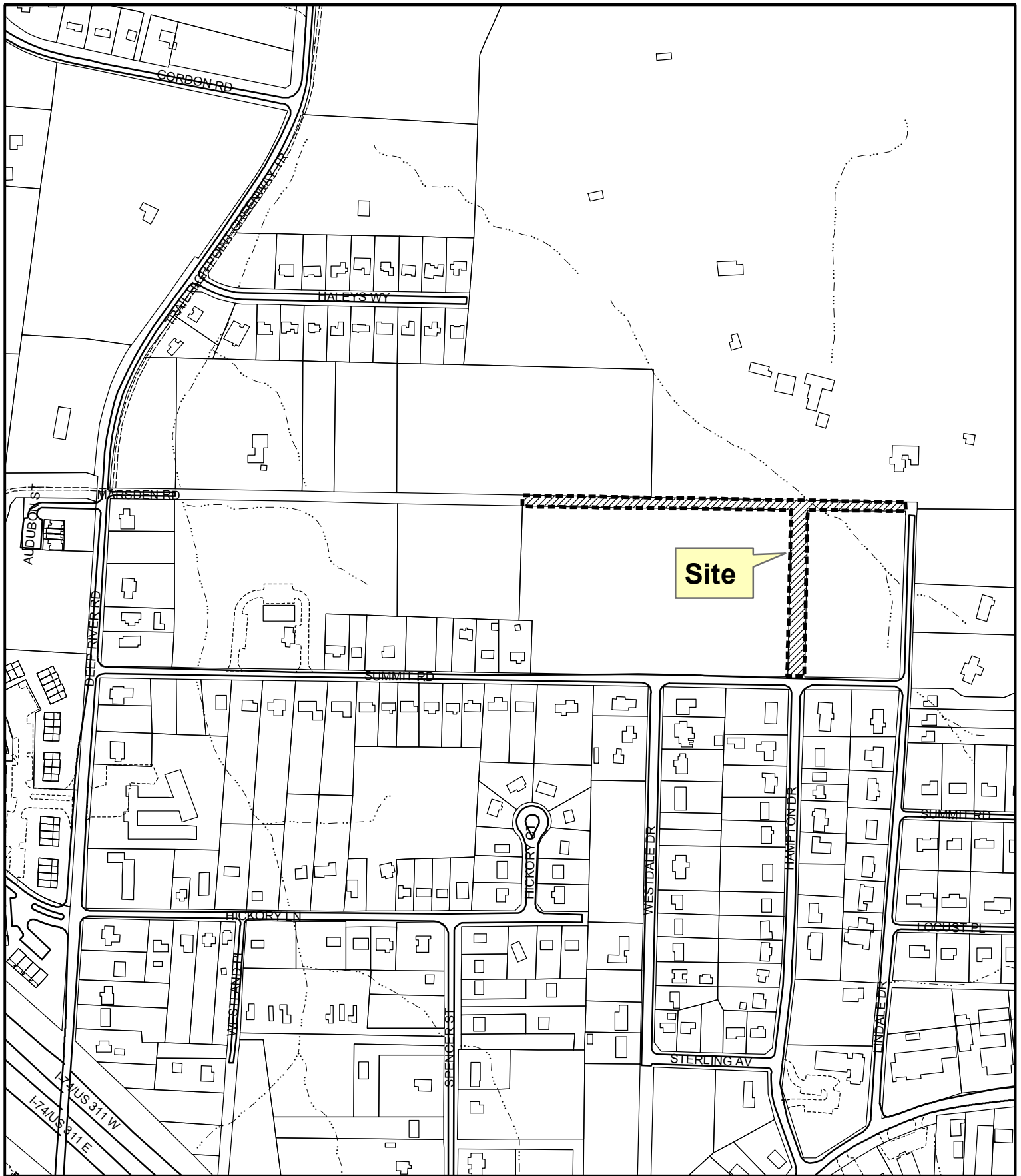
Findings & Recommendations

This abandonment of the public's interest and conveyance of the right-of-way to the abutting property owner (Austin Family estate), as provided by State statutes, is found not to be contrary to the public's interest. Adjacent property owners still have access to the paved public streets and the proposed ROW abandonment will not deprive any property owners in the vicinity of this request reasonable means of ingress and egress to their property.

The Planning and Development Department recommends approval of the requested street abandonment.

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 SA14-14

Applicant: City of High Point

Area: 1.5 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning and Development
Department**

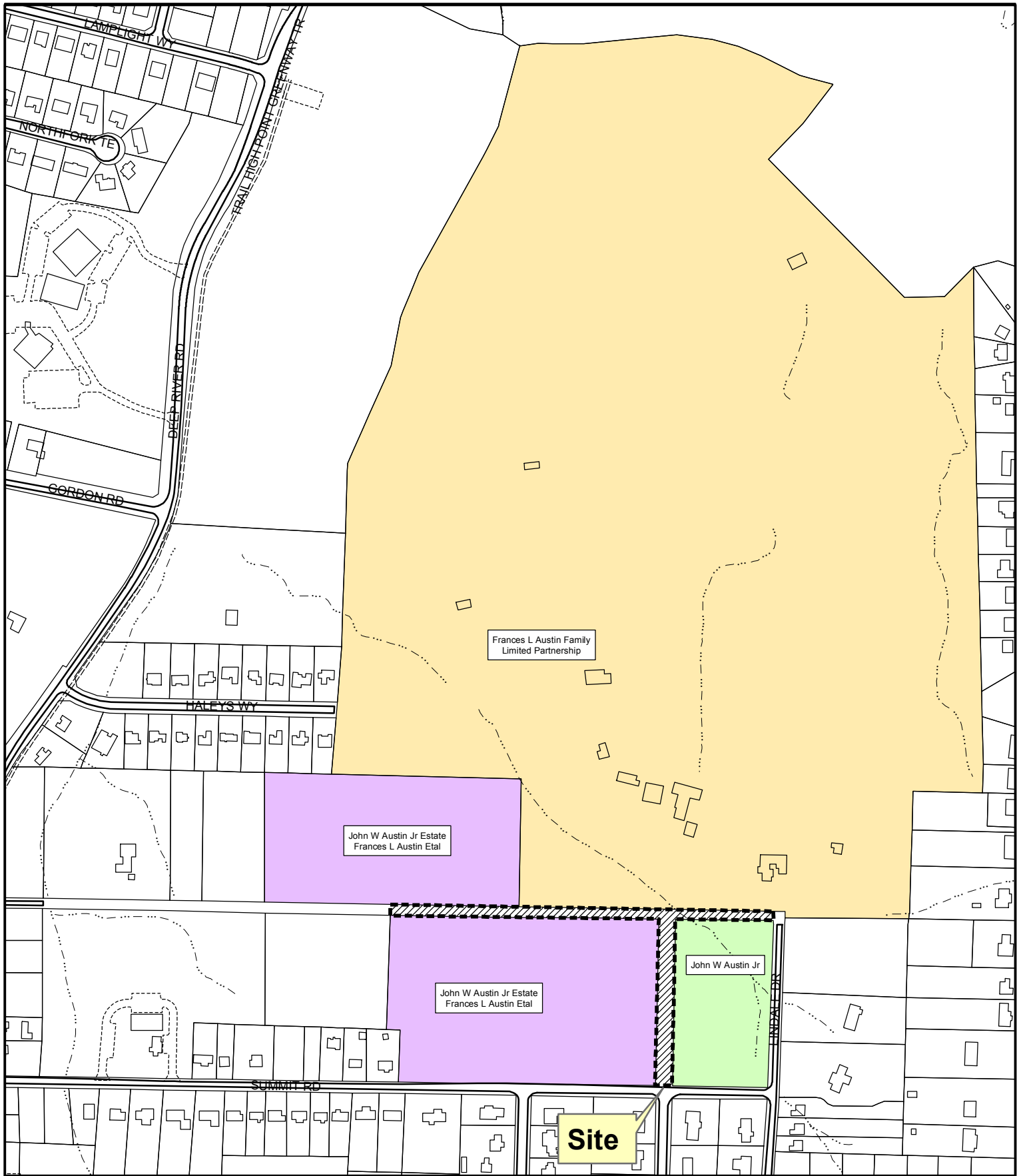
City of High Point

Date: November 4, 2014



Scale: 1"=400'

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2014/pz/sa14-14.mxd



STREET ABANDONMENT REQUEST SA14-14

Applicant: City of High Point

Area: 1.5 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning and Development
Department**

City of High Point

Date: November 24, 2014



Scale: 1"=400'

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2014/pz/sa14-14exh.mxd

Attachments: Photographs (November 2014) and Aerial (February, 2010)
**Looking north towards the terminus of Lindale Drive, the unimproved
Marsden Road ROW is to the left.**



Looking west, from Lindale Drive, towards the unimproved Marsden Road ROW.



Looking north of Summit Road towards the unimproved extension of Hampton Drive.



Looking northeast of Summit Road towards the unimproved extension of Hampton Drive.





STREET ABANDONMENT REQUEST SA14-14

Applicant: City of High Point
Area: 1.5 acres

 Location of requested street abandonment

Planning and Development
Department

City of High Point

Date: November 4, 2014



Scale: 1"=200'
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2014/pz/sa14-14photo.mxd

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 16th DAY OF FEBRUARY, 2015 AT 6:15 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment Case 14-14

abandonment of two unimproved right-of-ways, Hampton Drive (extension) and Marsden Road (extension)

WHEREAS, The Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) two unimproved right-of-ways lying north of Summit Road, between Deep River Road and Lindale Drive (a.k.a. Hampton Drive extension and portion of Marsden Road. These unimproved right-of-ways are more specifically described as follows:

Beginning at a point on the existing eastern right-of-way line of Brentwood Street, said point also being located at the southwestern property corner of parcel #0184139; thence easterly along the northern right-of-way line of the unopened portion of Leonard Avenue to a point which lies in the western property line of parcel #0184148; thence southerly along the western property line to the southwestern property corner of parcel #0184148, thence in an easterly direction along the northern right-of-way line of the unopened portion of Leonard Avenue to the existing southeastern property corner of parcel # 0184144; said point

also being the existing western right-of-way line for New Street; thence in a southerly direction along the western right-of-way line of New Street to the northeastern property corner of parcel #0184153; thence westerly along the southern right-of-way line for the unopened portion of Leonard Avenue to a point located in the eastern property line of parcel #0184155; thence northerly along the eastern property line to the northeastern property corner of said parcel; thence westerly along the northern property line of the same parcel to the north western property corner; thence northerly along the existing eastern right-of-way line of Brentwood Street to the point of beginning.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 20th day of January, 2015, at 4:30 p.m. setting the 16th 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, 2015 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 unimproved extension of Hampton Drive right-of-way and a portion of the Marsden Road right-of-way, 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 unimproved portion of the Hampton Drive right-of-way and a portion of the Marsden Road right-of-way, as described above, be closed pursuant to North Carolina G.S. 160A-299; and

2. 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 20th day of January, 2015
Lisa B. Vierling, City Clerk