

CITY OF HIGH POINT

AGENDA ITEM



Title: Street Abandonment Case 15-05
(City of High Point Technical Review Committee)

From: Lee Burnette, Planning & Development
Director

Meeting Date: July 20, 2015

Public Hearing: Yes

Advertising Date: June 26, 2015 and
July 3, 10, & 17, 2015

Advertised By: Planning & Development

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

PURPOSE:

A request to abandon a partially improved alley lying along the west side of Cable Street, approximately 65 feet south of W. Green 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 June 23, 2015, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment Case 15-05. The Planning & Zoning Commission recommended **approval** of Street Abandonment Case 15-05 by a vote of 8-0.

B. Staff recommends **approval** of Street Abandonment Case 15-05 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

City of High Point

Street Abandonment Case 15-05

At its June 23, 2015 public hearing, the Planning and Zoning Commission reviewed Street Abandonment Case 15-05. All members of the Commission were present except for Ms. Marie Stone. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

No one spoke in favor or in opposition of Street Abandonment Case 15-05.

The Planning & Zoning Commission recommended approval of Street Abandonment Case 15-05, as recommended by staff, by a vote of 8-0.

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

**STAFF REPORT
STREET ABANDONMENT CASE 15-05
June 24, 2015
(Revised)**

Request	
Applicant: City of High Point Technical Review Committee	Proposal: To abandon a partially improved alley lying along the west side of Cable Street, approximately 65 feet south of W. Green Drive.

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
Cable Street	Local street	40-foot wide right-of-way; 24-foot wide paving with curb and gutter

Adjacent Property Zoning and Current Land Use		
North	General Business (GB) District	Vacant commercial structure and unimproved parcels
East	General Business (GB) District	Cable Street right-of-way
South	General Business (GB) District	Unimproved parcel
West	General Business (GB) District	Unimproved parcel

Analysis

The City of High Point Technical Review Committee (TRC) is requesting to abandon a partially improved alley that was recorded in 1928 as a part of the A. Robertson Estate. This alley has a width of 12 feet and a length of 100 feet, and based on review of historical City photos it was never improved as a through street. Existing improvements within the right-of-way consist of a concrete area used for parking in conjunction with property to the south.

Abutting properties to the north and west have frontage on E. Green Street and the parcel to the south has frontage along Cable Street. Therefore, abandonment of the public's interest in this alley will not deprive any owner of access to their property. Early notices to obtain input from abutting property owners were mailed out in March and May 2015. In addition, a regular mail notice for the public hearing to abutting property owners was sent, a notice was placed in the High Point Enterprise and public hearing signs were posted at the ROW to be abandoned per requirements. To date, staff has received no objections from the abutting property owners.

Findings & Recommendations

The Technical Review Committee (TRC) reviewed this request on May 6, 2015 and identified no concerns related to the abandonment of this right-of-way.

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 request to abandon this right-of-way.

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 SA15-05

Applicant: City of High Point
Area: 1,200 sq. ft.



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development
Department**

City of High Point

Date: June 23, 2015



Scale: 1"=200'

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2015/pz/sa15-05.mxd

Attachments: Photographs (June 2015) and Aerial (February, 2014)
Looking west from Cable Street towards the alley.



Looking east towards the alley.





STREET ABANDONMENT REQUEST SA15-05

Applicant: City of High Point
Area: 1,200 sq. ft.



Location of requested street abandonment

**Planning & Development
 Department**

City of High Point

Date: June 23, 2015



Scale: 1"=50'
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 2015/pz/sa15-05photo.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 15th DAY OF JUNE, 2015 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 15-05

(alley lying south of E. Green Street and west of Cable Street)

WHEREAS, The City of High Point 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 Cable Street, approximately 65 feet south of W. Green Drive. This right-of-way is more specifically described as follows:

Beginning at the existing northeastern property corner of lot #5 (also known as Guilford County Tax Parcel 0171737) as recorded in **(PB 8 PG 99)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence N 82°02' W (100') along the southern right-of-way line of the unopened alley way to the northwestern property corner of lot #5; thence northerly (12.05') across the western right-of-way line of the unopened alley way to the existing southwest property corner of lot #4; thence S 82°02' E (103.49') along the northern right-of-way line of the unopened alley way to the southeastern property corner of lot #1, said point also being the western right-of-way line for Cable Street; thence southerly along the western right-of-way line of Cable Street (12.06') to the point and place of beginning. The described area encompasses +/- 0.028 acres.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 15th day of June, 2015, at 5:30 p.m. setting the 20th day of July, 2015 at 5:30 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 June 26, 2015 and July 3, 10 & 17, 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 that partially improved alley lying along the west side of Cable Street, approximately 65 feet south of W. Green Drive, as previously 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 a partially improved right-of-way (alley) lying along the west side of Cable Street, approximately 65 feet south of W. Green Drive, 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 July, 2015
Lisa B. Vierling, City Clerk