

CITY OF HIGH POINT

AGENDA ITEM



Title: Street Abandonment Case 15-06

(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 an unimproved right-of-way lying north of Tank Avenue.

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 15-06. The Planning & Zoning Commission recommended **approval** of Street Abandonment Case 15-06 by a vote of 8-0.
- B. Staff recommends **approval** of Street Abandonment Case 15-06 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

City of High Point

Street Abandonment Case 15-06

At its June 23, 2015 public hearing, the Planning and Zoning Commission reviewed Street Abandonment Case 15-06. 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 15-06.

The Planning & Zoning Commission recommended approval of Street Abandonment Case 15-06, as recommended by staff, by a vote of 8-0.

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

**STAFF REPORT
STREET ABANDONMENT CASE 15-06
June 23, 2015**

Request	
Applicant: City of High Point Technical Review Committee	Proposal: To abandon an unimproved right-of-way lying north of Tank Avenue.

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
Tank Avenue	Local street	18-foot wide right-of-way; 12-foot wide gravel cartway
Tank Court	Local street	30-foot wide right-of-way; 15-foot wide ribbon paved street

Adjacent Property Zoning and Current Land Use		
North	Heavy Industrial (HI) District	Industrial Use
East	Heavy Industrial (HI) District	Single family dwelling
South	Heavy Industrial (HI) District	Tank Court right-of-way
West	Heavy Industrial (HI) District	Vacant single family home

Analysis

The City of High Point Technical Review Committee (TRC) is requesting to abandon the northern portion of the Tank Court right-of-way, lying north of Tank Avenue. This right-of-way is unimproved and has a width of approximately 15 feet and a length of 50 feet. When initially recorded in 1940, on a map entitled "Property of Pickett Cotton Mill", this right-of-way had a width of 30 feet. Half of this right-of-way was previously abandoned.

This block was initially a residential neighborhood, which mostly likely housed workers of the former mill facility to the north. The mill now houses an industrial use and has existing driveway access points to Redding Street and Tryon Avenue. This area is zoned for light industrial uses and the former residential neighborhood is disappearing as most of the residential dwellings, constructed between 1930 – 1950, have been razed or are vacant. There are no dwellings that abut the right-of-way to be abandoned. The abutting parcel to the east has frontage on and access to Tank Avenue. The parcel to the west is undeveloped and has historically taken access via a driveway from Tank Avenue that ran along the southern boundary of this parcel. This proposed abandonment will not impact the ability to continue to use the former driveway, if desired.

Abandonment of the public's interest in this right-of-way will not deprive any owner of access to their property. Early notices to obtain input from abutting property owners were mailed out May 18, 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.

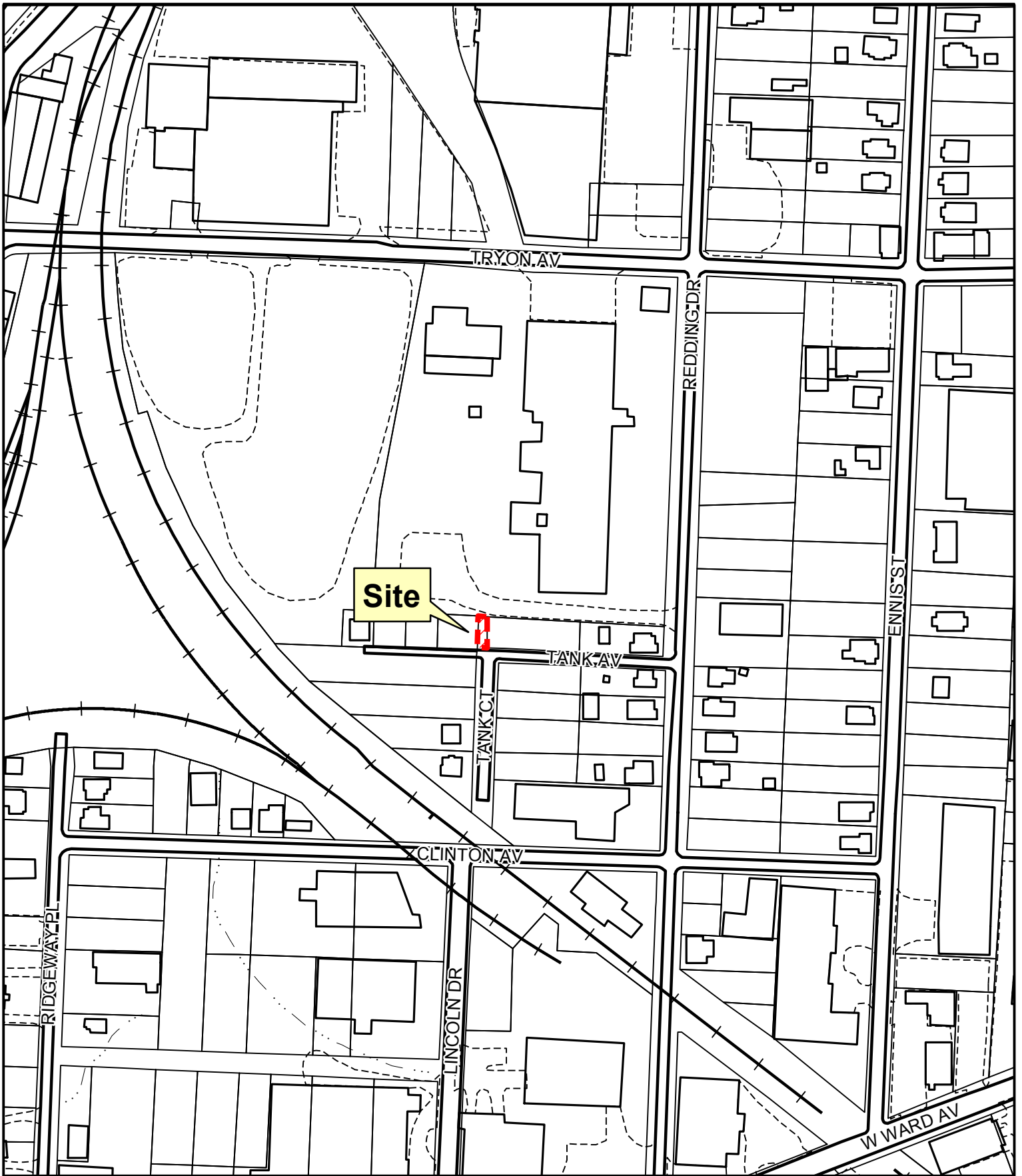
Findings & Recommendations

The Technical Review Committee (TRC) reviewed this request on March 11, 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 SA15-06

Applicant: City of High Point

Area: 750 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/sa15-06.mxd

Attachments: Photographs (June 2015) and Aerial (February, 2014)
Looking north of Tank Court towards ROW to be abandon



Looking west along Tank Avenue towards ROW to be abandon



View of Tank Avenue from Redding Drive





STREET ABANDONMENT REQUEST SA15-06

Applicant: City of High Point
Area: 750 sq. ft.



Location of requested street abandonment

**Planning & Development
Department**

City of High Point

Date: June 23, 2015



Scale: 1"=200'
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2015/pz/sa15-06photo.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 15-06

(portion of Tank Court)

WHEREAS, The City of High Point Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) that portion of the Tank Court right-of-way lying north of Tank Avenue. This right-of-way is more specifically described as follows:

Beginning at the existing southeastern property corner of lot #18 (also known as Guilford County Tax Parcel 0172383) as recorded in **(PB 11 PG 78)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence northerly along the western right-of-way line of the unopened portion of Tank Court, said line also being the eastern property line of lot #18 to the existing northeastern property corner; thence in an easterly direction across the unopened portion of Tank Court to the existing northwestern property corner of lot #28 (also known as Guilford County Tax Parcel 0172378); thence southerly along the eastern right-of-way line of the unopened portion of Tank Court, said line also being the western property line of lot #28 to the southwestern property corner of lot #28; thence in a westerly direction across the unopened portion of Tank Court to the point and place of beginning.

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 portion of the Tank Court right-of-way, 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 portion of the Tank Court 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 July, 2015
Lisa B. Vierling, City Clerk