

CITY OF HIGH POINT

AGENDA ITEM



Title: Street Abandonment Case 15-08

(City of High Point Technical Review Committee)

From: Lee Burnette, Planning & Development
Director

Meeting Date: September 21, 2015

Public Hearing: Yes

Advertising Date: August 21 & 28, 2015 and
September 4 & 11, 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 excess right-of-way, from a former cul-de-sac, along the north and south side of Hunterwood 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 August 25, 2015, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment Case 15-08. The Planning & Zoning Commission recommended ***approval*** of Street Abandonment Case 15-08 by a vote of 8-0.
- B. Staff recommends ***approval*** of Street Abandonment Case 15-08 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

City of High Point

Street Abandonment Case 15-08

At its August 25, 2015 public hearing, the Planning and Zoning Commission reviewed Street Abandonment Case 15-08. All members of the Commission were present. Mr. Robert Robbins, Development Administrator, presented the case and recommended approval of the request as outlined in the staff report.

Speaking in opposition of Street Abandonment Case 15-08 was Mr. Phil Price, 1801 Hunterwood Drive, High Point. Mr. Price expressed concern about the location of utilities. He said the information provided to the city as to where the natural gas line is located is incorrect. He is concerned that after the excess right-of-way is abandoned and divided among the property owners, that someone could dig up the gas line by mistake and get injured not realizing where it is located.

The Planning & Zoning Commission recommended approval of Street Abandonment Case 15-08, as recommended by staff, subject to the City getting Piedmont Natural Gas to verify the location of the gas line prior to the public hearing before City Council. The Commission approved this request by a vote of 8-0.

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

**STAFF REPORT
STREET ABANDONMENT CASE 15-08
September 11, 2015
(Revised)**

Request	
Applicant: City of High Point Technical Review Committee	Proposal: To abandon excess right-of-way from a former cul-de-sac along the north and south side of Hunterwoods Drive.

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
Hunterwoods Drive	Local Street	Right-of-way varies from a 60-feet to 120 diameter cul-de-sac; 24-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
East	Residential Single Family-15 (RS-15) District	Single family dwelling and eastern portion of Hunterwoods Drive
South	Residential Single Family-12 (RS-12) District	Single family dwelling
West	Residential Single Family-12 (RS-12) District	Single family dwelling and western portion of Hunterwoods Drive

Analysis
<p>The City of High Point Technical Review Committee (TRC) is requesting to abandon excess street right-of-way (ROW) along Hunterwoods Drive from a former cul-de-sac. In the late 1980's Hunterwoods Drive ran from Waterview Road in a westerly direction, and terminated at a 120-foot diameter cul-de-sac. During the mid-1990s, Hunterwoods Drive was extended to connect with Hunter Oaks Drive and the excess asphalt paving from the cul-de-sac was removed leaving a 24-foot wide paved roadway. However, the ROW from this former cul-de-sac is still in place. The TRC is requesting to abandon this excess ROW.</p>

This abandonment request will not negatively affect the three parcels abutting this former cul-de-sac, as they will all still maintain access to a paved public street. If approved, the excess land area from the former cul-de-sac will be added to the three abutting parcels. Early notices to obtain input from abutting property owners were mailed out June 30, 2015. In addition, official mailed notice for the public hearing was sent to abutting property owners, a notice was published in the High Point Enterprise and signs were posted per requirements. To date, staff has received no objections from the abutting property owners.

Findings & Recommendations

The TRC reviewed this request on July 1, 2015 and identified no issues related to the abandonment of this right-of-way. A Piedmont Natural Gas line runs along the northern edge of the Hunterwoods Drive ROW mirroring the edge of the pavement of the former cul-de-sac. An easement will be retained over this gas line, as the land area of this excess ROW will be added to the abutting parcel.

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. This recommendation includes the retention of a 20-foot wide Piedmont Natural Gas Line easement centered over all existing Piedmont Natural Gas lines within and crossing 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 SA15-08

Applicant: City of High Point

Area: 0.14 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development
Department**

City of High Point

Date: August 25, 2015



Scale: 1"=200'

G:/Planning/Secure/ba-pz/
2015/pz/sa15-08.mxd

Attachments: Photographs (August 2015) and Aerial (February, 2014)
Looking eastward along Hunterwoods Drive towards the cul-de-sac to be abandoned.



PHILIP & LINDA PRICE

LOT #35

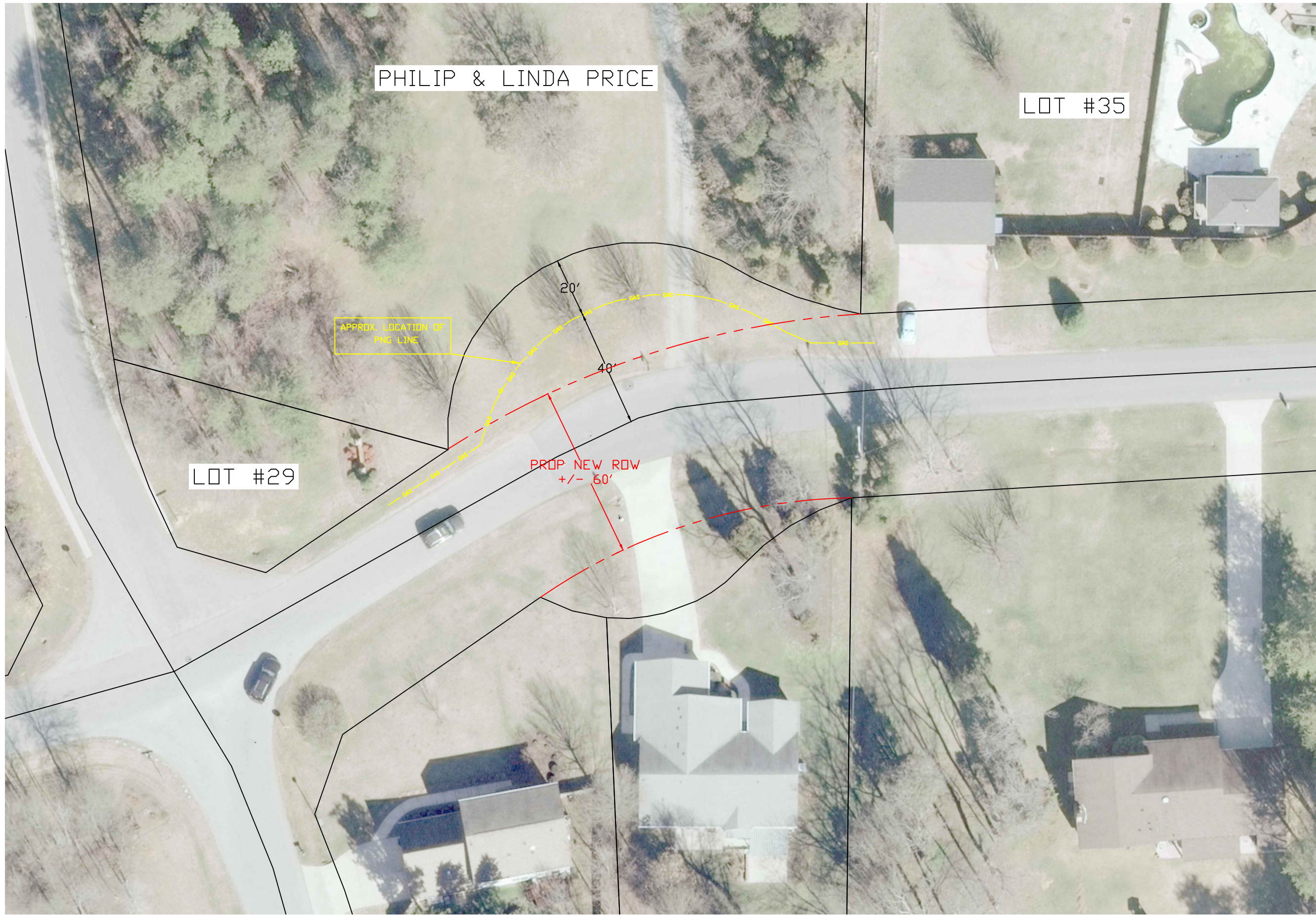
APPROX. LOCATION OF
PNG LINE

LOT #29

PROP. NEW ROW
+/- 60'

20'

40'



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 21st DAY OF SEPTEMBER, 2015 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 15-08

(Hunterwoods Drive - excess right-of-way from a former cul-de-sac)

A request by the Technical Review Committee to abandon excess right-of-way, from a former cul-de-sac, along the north and south side of Hunterwood Drive.

WHEREAS, The City of High Point Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) excess right-of-way from, a former cul-de-sac along, the north and south side of Hunterwoods Drive. Excess right-of-way from this former cul-de-sac is lying approximately 175 feet west of Hunter Oaks Court and is more specifically described as follows:

Excess right-of-way north of Hunterwoods Drive

Beginning at the existing southeastern property corner of lot #35 (also known as Guilford County Tax Parcel 0204052) as recorded in **(PB 109 PG 109 – aka lot 35 Hunter Woods Subdivision P.B. 46 PG. 89)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence southwesterly through the lands of the City of High Point along the new proposed northern right-of-way line for Hunterwoods Drive along a curve with a radius of 330' to the existing southwestern property corner of

Philip and Linda Price; thence northeasterly along said parcels southern property line with a radius of 60' to a point; thence continuing along the same line with a radius of 50' to the point and place of beginning. The acreage for this abandonment is +/- 0.08 acres.

Excess right-of-way south of Hunterwoods Drive

Beginning at the existing northeastern property corner of lot #28 (also known as Guilford County Tax Parcel 0203743) as recorded in (**PB 109 PG 109**) in the Office of the Register of Deeds of Guilford County, North Carolina; thence traveling along the existing southern right-of-way line of Hunterwoods Drive in southwestern direction along a curve with a radius of 50' to a point; thence continuing in the same direction along a curve with a radius of 60' to a point located on the southern right of way line of Hunterwoods Drive, said point also being the northeastern property corner of lot #27 (also known as Guilford County Tax Parcel 0203744); thence traveling in a northeasterly direction along the new proposed southern right of way line of Hunterwoods Drive with a 270' radius curve to the point and place of beginning. The acreage for the abandonment is +/- .03 acres.

The total acreage for both the north and south side of Hunterwoods Drive abandonments is +/- 0.11 Acres.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 17th day of August, 2015, at 5:30 p.m. setting the 21st day of September, 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 August 21 & 28, 2015 and September 4 & 11, 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) excess right-of-way, from a former cul-de-sac, along the north and south side of Hunterwood Drive; 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 former cul-de-sac Patrick Avenue right-of-way, as described above, be closed pursuant to North Carolina G.S. 160A-299; and
2. That the City of High Point shall retain a 20-foot wide Piedmont Natural Gas Line easement centered over all existing Piedmont Natural Gas lines within and crossing this right-of-way; and
3. 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 21st day of September, 2015
Lisa B. Vierling, City Clerk