

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** **Street Abandonment Case 15-09**  
(City of High Point Technical Review Committee)

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

**Meeting Date:** November 2, 2015

**Public Hearing:** Yes

**Advertising Date:** October 9, 16, 23, & 30, 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 excess right-of-way from a former cul-de-sac, along the north and south sides of Whitney Court.

### BACKGROUND:

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

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

- A. On September 22, 2015, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment Case 15-09. The Planning & Zoning Commission recommended ***approval*** of Street Abandonment Case 15-09 by a vote of 6-0.
- B. Staff recommends ***approval*** of Street Abandonment Case 15-09 as outlined in the attached staff report.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **City of High Point**

### **Street Abandonment Case 15-09**

At its September 22, 2015 public hearing, the Planning and Zoning Commission reviewed Street Abandonment Case 15-09. All members of the Commission were present, except for Mr. John McKenzie and Mr. Mark Walsh. 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 the request.

The Planning & Zoning Commission recommended approval of Street Abandonment Case 15-09, as recommended by staff, by a vote of 6-0.

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

**STAFF REPORT  
STREET ABANDONMENT CASE 15-09  
September 22, 2015**

<b>Request</b>	
<b>Applicant:</b> City of High Point Technical Review Committee	<b>Proposal:</b> To abandon excess right-of-way, from a former cul-de-sac, along the north and south side of Whitney Court.

<b>Adjacent Streets</b>		
<b>Name:</b>	<b>Classification:</b>	<b>Right-of-Way and Pavement Width:</b>
Whitney Court	Local Street	Right-of-way varies from 60-feet to 120-feet diameter cul-de-sac; 24-foot wide ribbon paving with side drainage swales

<b>Adjacent Property Zoning and Current Land Use</b>		
<b>North</b>	Residential Single Family-20 (RS-20) District	Single family dwelling
<b>East</b>	Residential Single Family-15 (RS-15) District	Single family dwelling and eastern portion of Whitney Court
<b>South</b>	Residential Single Family-20 (RS-20) District	Single family dwelling
<b>West</b>	Residential Single Family-12 (RS-12) District	Single family dwelling and western portion of Whitney Court

<b>Analysis</b>
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The City of High Point Technical Review Committee (TRC) is requesting to abandon excess street right-of-way (ROW) along Whitney Court from a former cul-de-sac. In 1982, Whitney Court (formerly known as Brandon Court) was platted. It ran in a west-to-east direction from Brandon Drive and terminated at a 120-foot diameter cul-de-sac. In 1992, a new subdivision plat was recorded that extended Whitney Court and the excess asphalt pavement from the cul-de-sac was removed, which left 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.

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.

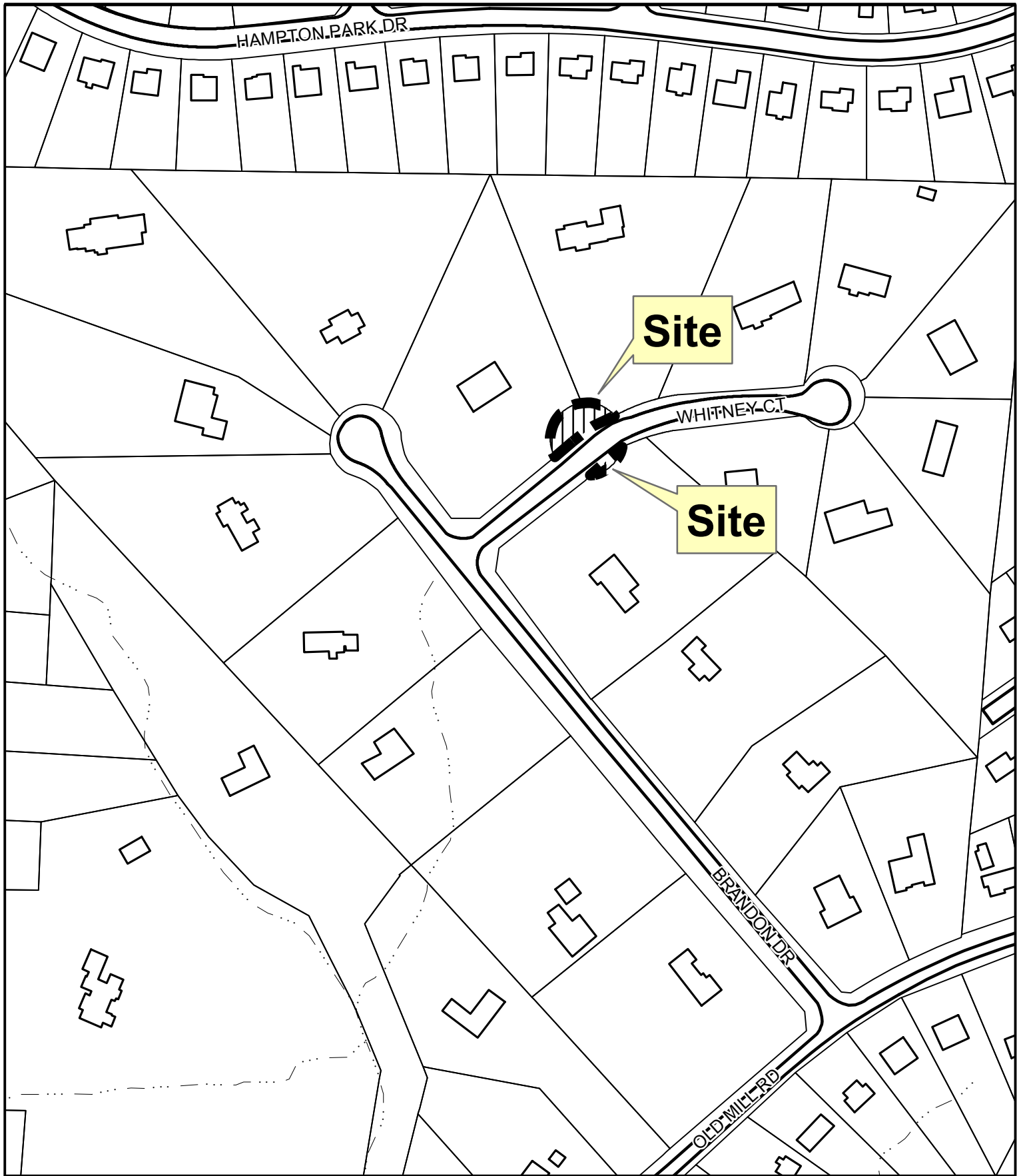
### **Findings & Recommendations**

The TRC reviewed this request on July 1, 2015 and identified no issues related to the abandonment of this right-of-way. The Public Services Department and Engineering Services Department have identified a City stormwater pipe within this ROW and stated that easements must be retained over these 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 request with the retention of a 30-foot wide stormwater easement centered over existing stormwater drainage pipes within and crossing the 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 SA15-09**

**Applicant:** City of High Point  
**Area:** 0.11 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development  
Department**

**City of High Point**

**Date: September 1, 2015**



**Scale: 1"=200'**

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2015/pz/sa15-09.mxd



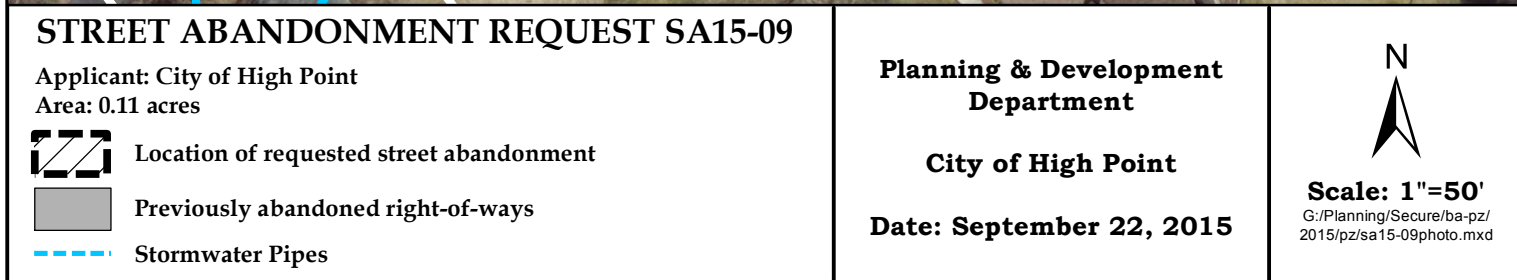
Attachments: Photographs (August 2015) and Aerial (February, 2014)  
**Looking eastward along Whitney Court towards the cul-de-sac to be abandoned.**



**Looking westward along Whitney Court towards the cul-de-sac to be abandoned.**

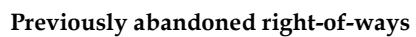
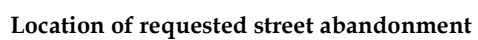






**Applicant: City of High Point**  
**Area: 0.11 acres**

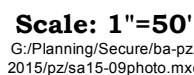
**Applicant: City of High Point**  
**Area: 0.11 acres**



--- Stormwater Pipes

**City of High Point**

**Date: September 22, 2015**





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 2<sup>nd</sup> DAY OF NOVEMBER, 2015 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:**

**Street Abandonment (Closure) Case 15-09**

(Whitney Court - 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 Whitney 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) excess right-of-way from, a former cul-de-sac along, the north and south side of Whitney Court. Excess right-of-way from this former cul-de-sac is lying approximately 250 feet east of Brandon Court and is more specifically described as follows:

**Excess right-of-way north of Whitney Court**

Beginning at the existing southwestern property corner of lot "A" as recorded in (PB 136 PG 43) 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 Whitney Court along a curve with a radius of +/- 600' to an existing point located on the southern property line of lot #6; thence from said point northeasterly along the existing northern right-of-way with a



radius of 159.59' to a point; thence continuing along the same line with a 60' radius to the southeastern property corner lot #6; thence continuing along said line in a southeastern direction with a radius of 60' to a point; thence 4.98' in a southern direction to the point and place of beginning. The acreage for this abandonment is +/- 0.09 acres.

**Excess right-of-way south of Whitney Court**

Beginning at the existing northeastern property corner of lot "E" as recorded in (PB 106 PG 90) in the Office of the Register of Deeds of Guilford County, North Carolina; thence traveling along the existing southern right-of-way line of Whitney Court in southwestern direction along a curve with a radius of 60' to a point; thence continuing in the same direction along a curve with a radius of 159.59' to a point located on the existing southern right of way line of Whitney Court; thence traveling in a northeasterly direction along the new proposed southern right of way line of Whitney Court with a 2400' 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 Whitney Court abandonments is +/- 0.12 Acres.

- WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 5<sup>th</sup> day of October, 2015, at 5:30 p.m. setting the 2<sup>nd</sup> day of November, 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 October 9, 16, 23, & 30, 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 excess right-of-way, from a former cul-de-sac, along the north and south side of Whitney Court; 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 portions of the former cul-de-sac along the Whitney Court 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 30-foot wide stormwater easement centered over existing stormwater drainage pipe within and crossing the 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 2<sup>nd</sup> day of November, 2015  
Lisa B. Vierling, City Clerk