

CITY OF HIGH POINT

AGENDA ITEM



Title: Street Abandonment Case 15-10
(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

PURPOSE:

A request by the Technical Review Committee to abandon an unimproved right-of-way (10-foot wide alley) lying at the western terminus of Sunview Avenue, and along the south side of Sunview 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 September 22, 2015, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment Case 15-10. The Planning & Zoning Commission recommended ***approval*** of Street Abandonment Case 15-10 by a vote of 6-0.

B. Staff recommends ***approval*** of Street Abandonment Case 15-10 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

City of High Point

Street Abandonment Case 15-10

At its September 22, 2015 public hearing, the Planning and Zoning Commission reviewed Street Abandonment Case 15-10. 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 15-10, as recommended by staff, by a vote of 6-0.

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

**STAFF REPORT
STREET ABANDONMENT CASE 15-10
September 22, 2015**

Request	
Applicant: City of High Point Technical Review Committee	Proposal: To abandon an unimproved right-of-way (10-footwide alley) lying at the western terminus of Sunview Avenue, and along the south side of Sunview Avenue.

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
Sunview Avenue.	Local street	30-foot wide right-of-way; 24-foot paved street with curb & gutters

Adjacent Property Zoning and Current Land Use		
North	Residential Single Family-7 (RS-7) District	Sunview Avenue right-of-way
East	Residential Single Family-7 (RS-7) District	Single family dwelling
South	Residential Single Family-7 (RS-7) District	Single family dwelling
West	Residential Single Family-7 (RS-7) District	Single family dwelling

Analysis

The City of High Point Technical Review Committee (TRC) is requesting to abandon an unimproved alley lying at the western terminus of Sunview Avenue right-of-way (ROW). This right-of-way was recorded in 1926, on a map entitled “Blair-Edwards Lots near High Point, NC” and has not been improved. All abutting parcels have frontage and driveway access to either Old Winston Road or Sunview Avenue. Thus, abandonment of the public’s interest in this right-of-way will not deprive any owner of reasonable access to their property.

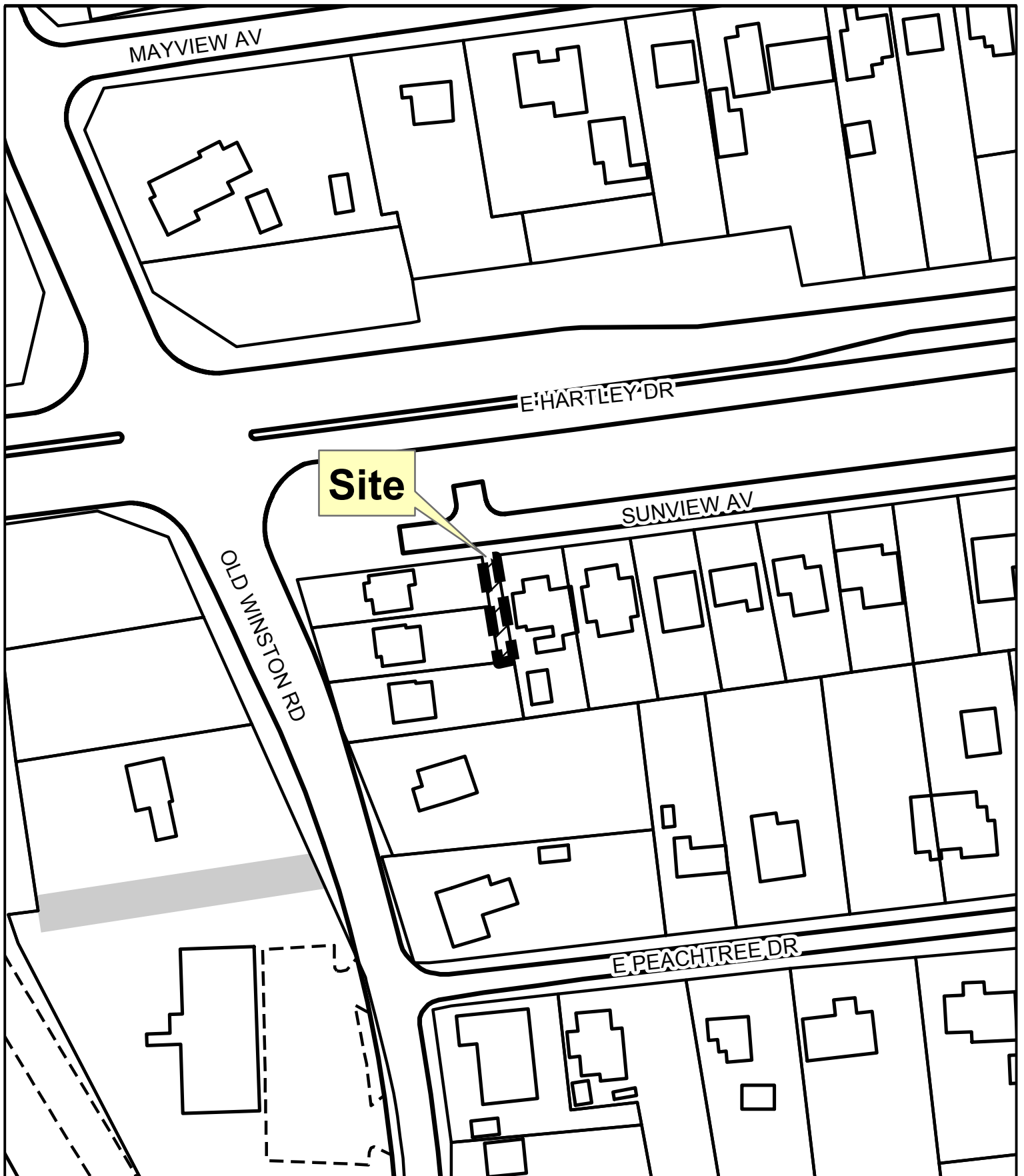
Early notices to obtain input from abutting property owners were mailed out July 10, 2015. In addition, official mailed notice for the public hearing was sent to abutting property owners, a notice was published in the High Point Enterprise, and signs were posted per requirements. To date, staff has received no objections from the abutting property owners.

Findings & Recommendations

The Technical Review Committee (TRC) reviewed this request on July 1, 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 SA15-10

Applicant: City of High Point

Area: 0.022 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development
Department**

City of High Point

Date: September 22, 2015

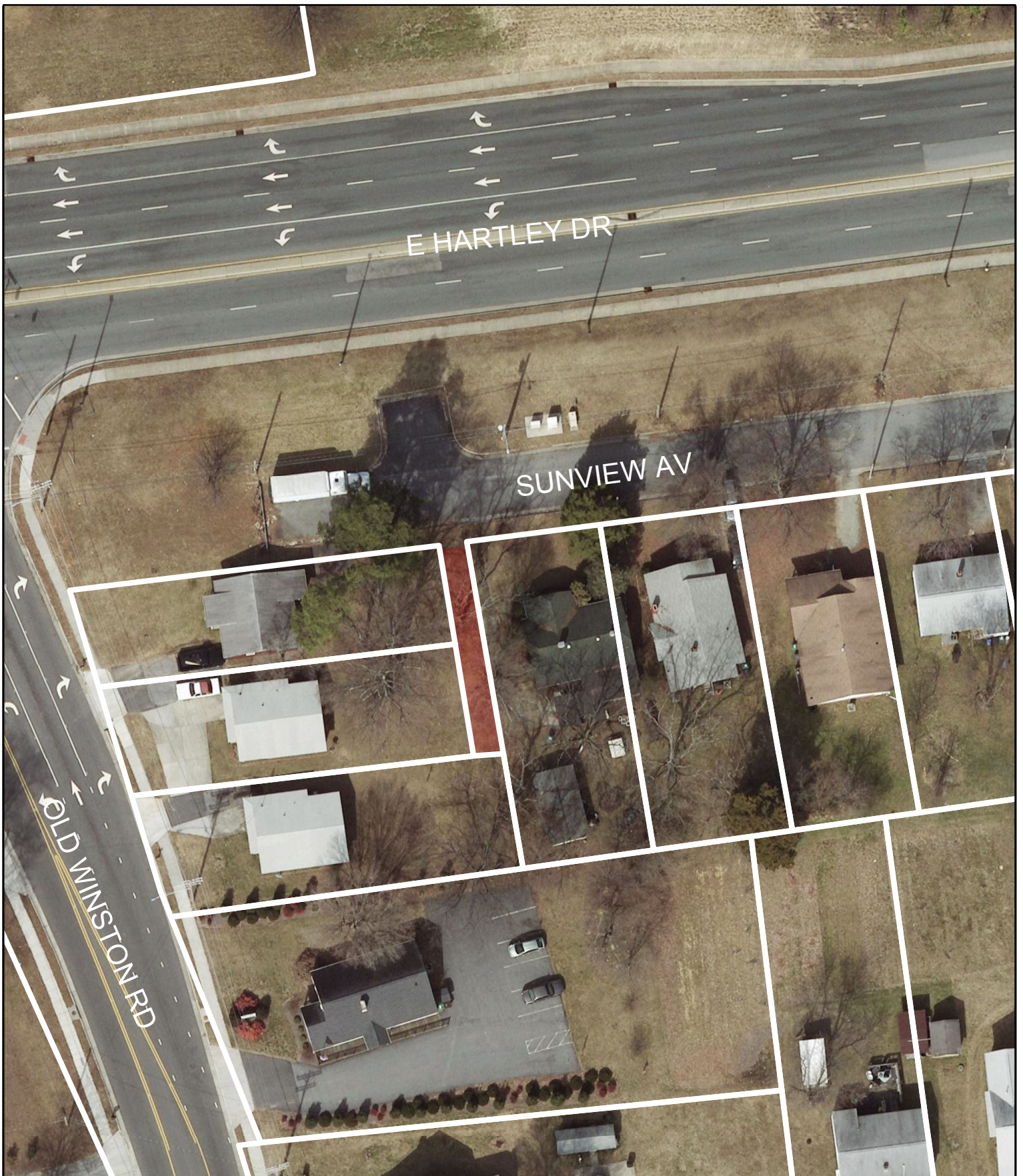


Scale: 1"=100'

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2015/pz/sa15-10.mxd

Attachments: Photographs (September 2015) and Aerial (February, 2014)
Looking south of Sunview Avenue towards ROW to be abandon





STREET ABANDONMENT REQUEST SA15-10

Applicant: City of High Point

Area: 0.022 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development
Department**

City of High Point

Date: September 22, 2015



Scale: 1"=50'

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2015/pz/sa15-10photo.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 2nd 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 15-10

(unimproved alley lying at the western terminus of Sunview Avenue)

A request by the Technical Review Committee to abandon an unimproved right-of-way (10-foot wide alley) lying at the western terminus of Sunview Avenue, and along the south side of Sunview Avenue.

WHEREAS, The City of High Point Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) an unimproved alley lying at the western terminus of Sunview Avenue, which is more specifically described as follows:

Beginning at the existing northwestern property corner of lot 42 as recorded in **(PB 7 PG 26)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence southerly along the western property line of lot 42, said line also being the eastern right-of-way line of the 10' wide unimproved alley to a point located on the line, said point being the northeastern property corner of lot 40; thence westerly 10' along the northern property line of lot 40 to the southeastern property corner of lot 39; thence in a northerly direction along the eastern property lines of lots 36-39, said line also being the western right-of-way line for the 10' unimproved alley to the northeastern property corner of lot 36;

thence in an easterly direction across the unimproved 10' alley to the point and place of beginning.

The total acreage for the abandonment of the unimproved 10 foot wide alley located at the western terminus of Sunview Avenue and south of Sunview Avenue is +/- 0.022 acres.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 5th day of October, 2015, at 5:30 p.m. setting the 2nd 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 an unimproved 10-foot wide alley lying at the western terminus of Sunview Avenue, and along the south side of Sunview Avenue; 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 an unimproved right-of-way 10-foot wide alley lying at the western terminus of Sunview Avenue, 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 2nd day of November, 2015
Lisa B. Vierling, City Clerk