

CITY OF HIGH POINT

AGENDA ITEM



Title: **Street Abandonment 16-01**
(West Mountain Funding, LLC)

From: Lee Burnette, Planning & Development
Director

Meeting Date: March 21, 2016

Public Hearing: Yes

Advertising Date: February 19 & 26, 2016 and
March 4 & 11, 2016

Advertised By: Planning & Development

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

PURPOSE:

A request by West Mountain Funding, LLC to abandon a portion (approximately 250 feet) of the unimproved Indian Drive right-of-way. The right-of-way to be abandoned is lying along the east side of St. John's Street, approximately 750 feet north of Skeet Club Road.

BACKGROUND:

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

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. On February 23, 2016, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment 16-01. Staff recommended *approval* of this request as outlined in the attached staff report.
- B. The Planning & Zoning Commission recommended *approval* of Street Abandonment Case 16-01 by a vote of 6-0.

PLANNING AND ZONING COMMISSION RECOMMENDATION

West Mountain Funding, LLC

Street Abandonment 16-01

At its February 23, 2016 public hearing, the Planning and Zoning Commission reviewed Street Abandonment 16-01. All members of the Commission were present, except for Mr. Andrew Putnam and Ms. Marie Stone. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking in favor of the request was the applicant, Mr. Greg Garrett, West Mountain Funding Management, 221 Jonestown Road, Winston-Salem, N.C. Mr. Garrett made himself available to answer questions from the Commission.

No one spoke in opposition of the request.

The Planning & Zoning Commission recommended approval of Street Abandonment Case 16-01, as recommended by staff, by a vote of 6-0.

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

**STAFF REPORT
STREET ABANDONMENT 16-01
February 23, 2016**

Request	
Applicant: West Mountain Funding, LLC	Proposal: To abandon a portion (approximately 250 feet) of the unimproved Indian Drive right-of-way.

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
St. John's Street	Local Street	50-foot wide right-of-way; 26-foot wide paving with curb and gutter

Adjacent Property Zoning and Current Land Use		
North	Conditional Use Residential Single Family-9 District	Single family dwelling and undeveloped common area of the Meadow Valley Subdivision
East	Conditional Use Residential Single Family-9 District	Indian Drive right-of-way to remain open
South	Conditional Use Residential Single Family-9 District Residential Single Family-40 District (<i>Guilford County</i>)	Undeveloped parcels and common area of the Meadow Valley Subdivision
West	Conditional Use Residential Single Family-9 District	St. John's Street right-of-way

Analysis

West Mountain Funding, LLC has requested to abandon the unimproved eastern half of the Indian Drive right-of-way (ROW). The ROW is lying east of St. John's Street, approximately 750 feet north of Skeet Club Road, and was recorded in 1964 on a map entitled "Staton Park Subdivision - Deep River Township – Guilford County, NC". The portion of Indian Drive to be abandoned consists of a 251-foot by 60-foot (approximately 15,098 square feet) unimproved area that was intended to provide access to the Station Park Subdivision from Resthaven Road. Although platted and recorded, this subdivision was never developed and most of its land area has been replatted into what is now the Meadow Valley Subdivision. The applicant is proposing to combine the land area of this ROW with the abutting parcels to the south, re-subdivide the lots and orient them toward St. John's Street so as to develop 3 to 4 single family dwellings.

The abutting parcel to the north is developed and has an existing driveway access to St. John's Street; and the lots to the south will face and take access from St. John's Street. Parcels to east will continue to have access to the Resthaven Road and the remaining open segment of Indian Drive. For these reasons, this street abandonment request will not deprive abutting property owners access to their property.

Official mailed notice for the public hearing was sent to abutting property owners, 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

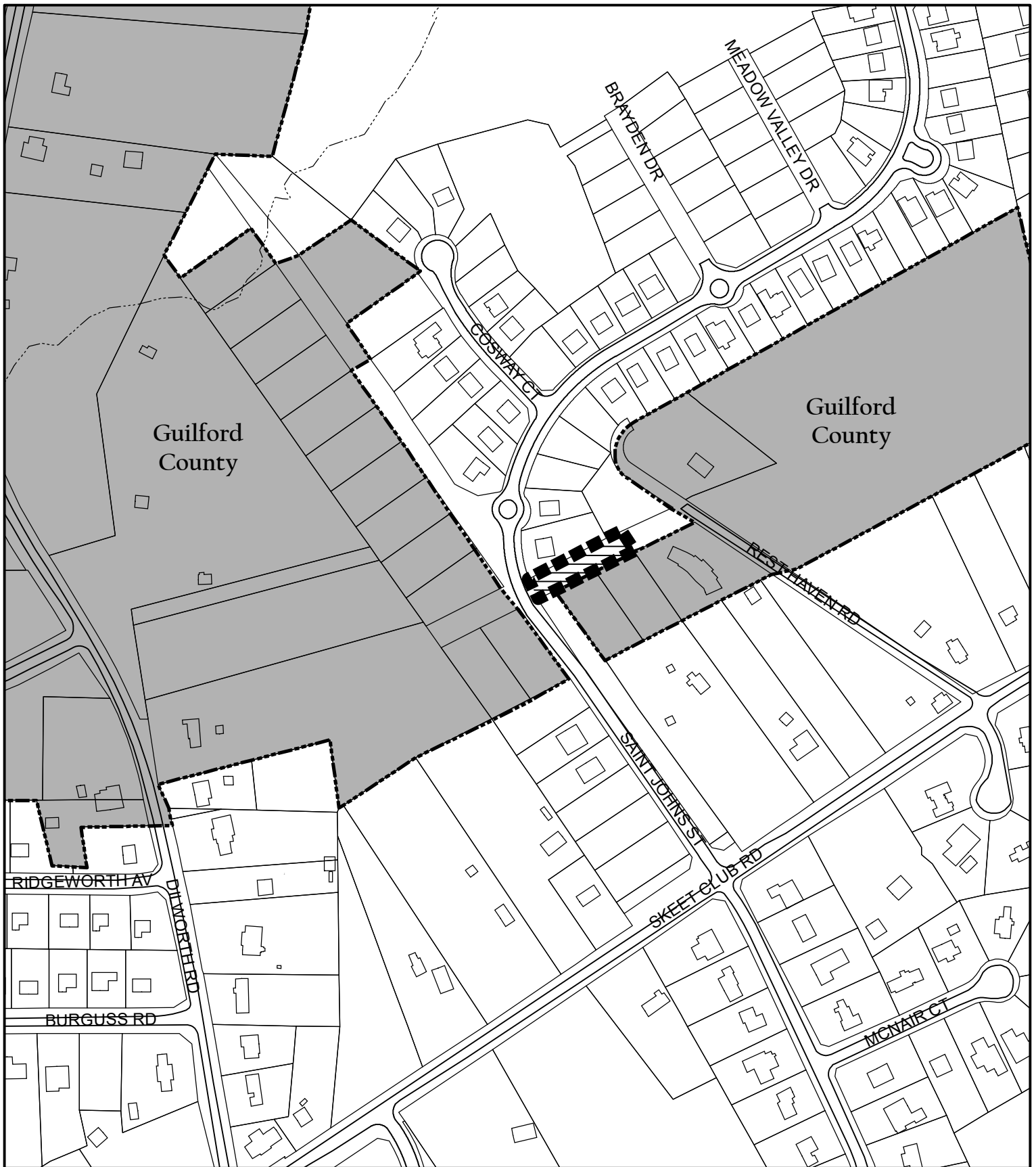
The Technical Review Committee reviewed this request and identified no issues related to the abandonment of this ROW. However, Duke Energy has utility lines crossing this ROW and an easement must be retained over these lines.

This abandonment of the public's interest and conveyance of the ROW 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 ROW 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 the following utility easements:

- 1) Retention of a 30-foot wide Duke Power utility easement, which also includes Time Warner Cable lines and NorthState Communication lines, centered over all existing electric lines 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 SA16-01

Applicant: West Mountain Funding, LLC

Area: 0.30 acres



Location of requested street abandonment



Previously abandoned right-of-ways

Planning & Development
Department

City of High Point

Date: January 29, 2016



Scale: 1"=300'

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2016/pz/sa16-01.mxd

Attachments: Photographs (February 2016) and Aerial (February 2014)
**Looking east (from St. John's Street) toward the unimproved
portion of the Indian Drive ROW to be abandoned.**



Looking west (from Resthaven Drive) toward the unimproved ROW to be abandoned.





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**Planning & Development
Department**

City of High Point

Date: February 23, 2016



Scale: 1"=300'

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Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. xxxx / 16-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 MARCH, 2016, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 16-01

(portion of the Indian Drive right-of-way)

A request by West Mountain Funding, LLC to abandon a portion (approximately 252.46± feet) of the unimproved Indian Drive right-of-way.

WHEREAS, West Mountain Funding, LLC has petitioned the City Council of the City of High Point to permanently abandon (close) a portion of the Indian Drive right-of-way that is lying east of St. Johns Street, which is more specifically escribed as follows:

BEGINNING at a point in the eastern right-of-way of St. John's Street as recorded in Plat Book 173, Page 2 and the western right-of-way of Indian Drive (not open) as recorded in Plat Book 36, page 51, said point being the southwest corner of Parcel Number 0216326, Joshua B. Comer and Laura A. Comer as recorded in Deed Book 7492, Page 2160 and Plat 173, Page 2; thence with the northern right-of-way of Indian Drive N. 64°40' E. 242.55' to a point; thence crossing said Indian Drive S. 33°38'00" E. 60.63' to a point in the southern right-of-way of said Indian Drive and the northeast corner of Parcel Number 169447 Henry Clay Williams, Jr. and wife Josephine Williams as recorded in Deed Book 7673, Page 2271 and Plat Book 36, Page 51; thence with the southern

right-of-way of said Indian Drive S. 64°40'00" W. 252.49' to a point in said St. John's Street; thence on a curve to the right (having a radius of 275') a chord bearing and distance of N. 24°12'08" W. 60.01' to the place of BEGINNING and containing 14,916 Sq. Ft./0.34 Acres more or less.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 15th day of February, 2016, at 5:30 p.m. setting the 21st day of March, 2016 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 February 19 & 26, 2016 and March 4 & 11, 2016; 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) a portion of the Indian Road right-of-way, lying east of St. John's Street; 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 the portion of the Indian Drive right-of-way, lying east of St. Johns Street (approximately 252± feet), 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 Duke Power utility easement, which also includes Time Warner Cable lines and NorthState Communication lines, centered over all existing electric lines 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 21st day of March, 2016
Lisa B. Vierling, City Clerk