

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Street Abandonment 16-03  
(World Relief Corporation of National Association of Evangelicals)

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

**Meeting Date:** September 19, 2016

**Public Hearing:** Yes

**Advertising Date:** August 19 & 26, 2016 and  
September 2 & 9, 2016

**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 World Relief Corporation of National Association of Evangelicals to abandon the western 295 feet of the Everett Lane right-of-way, lying west of Kennedy 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 August 23, 2016, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment 16-03. The Planning & Zoning Commission recommended *approval* of this request by a vote of 7-0.

B. Staff recommends *approval* of Street Abandonment Case 16-03 as outlined in the attached staff report.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **World Relief Corporation of National Association of Evangelicals** **Street Abandonment 16-03**

At its August 23, 2016 public hearing, the Planning and Zoning Commission reviewed Street Abandonment 16-03. All members of the Commission were present. 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:**

Speaking in favor of the request, on behalf of the applicant, was Ms. Sandy Paige, Refugee Health Coordinator at World Relief Corporation of National Association of Evangelicals in High Point, 155 Northpoint Avenue, Suite 102, High Point, N.C.

Ms. Paige noted that the organization is interested in creating a community garden for the benefit of the refugees they serve. She said many of them have been farmers all their lives and currently do not have the opportunity to farm since many live in apartments without access to a garden. Ms. Paige added that the street abandonment would allow the organization to devote about two acres to the community garden.

#### **Speaking in opposition to the request:**

No one spoke in opposition of the request.

### **Planning & Zoning Commission Action**

The Planning & Zoning Commission recommended approval of Street Abandonment Case 16-03, as recommended by staff, by a vote of 7-0.

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

**STAFF REPORT  
STREET ABANDONMENT 16-03  
August 23, 2016**

| <b>Request</b>                                                                              |                                                                                                                     |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| <b>Applicant:</b><br>World Relief Corporation of<br>National Association of<br>Evangelicals | <b>Proposal:</b><br>To abandon the western 295 feet of the Everett Lane right-of-way, lying west of Kennedy Avenue. |

| <b>Adjacent Streets</b> |                        |                                          |
|-------------------------|------------------------|------------------------------------------|
| <b>Name:</b>            | <b>Classification:</b> | <b>Right-of-Way and Pavement Width:</b>  |
| Everett Lane            | Local Street           | 40-foot wide right-of-way;<br>Unimproved |

| <b>Adjacent Property Zoning and Current Land Use</b> |                                      |                                               |
|------------------------------------------------------|--------------------------------------|-----------------------------------------------|
| <b>North</b>                                         | Residential Single Family-7 District | Single family dwelling and undeveloped parcel |
| <b>East</b>                                          | Residential Single Family-7 District | Everett Lane right-of-way                     |
| <b>South</b>                                         | Residential Single Family-7 District | Undeveloped parcels                           |
| <b>West</b>                                          | Residential Single Family-9 District | Single family dwelling                        |

| <b>Analysis</b> |
|-----------------|
|-----------------|

The applicant, World Relief Corporation of National Association of Evangelicals, has submitted this request to abandon the unimproved western segment of the Everett Lane right-of-way (ROW), lying west of Kennedy Avenue. This ROW was recorded in 1924 on a map entitled “*Map of V.A.J. Idol Lots – A Subdivision of the Mrs. Martha Burns Heirs Lots.*”

The portion of Everett Lane proposed for abandonment consists of a 295-foot by 40-foot (approximately 11,800 square feet) segment of the ROW that is unimproved and never opened as a public street. The majority of the parcels abutting this ROW (6 of the 8 parcels) are undeveloped and owned by the applicant; they are proposing to use these undeveloped lots for a community garden. This portion of the Everett Lane ROW bisects their parcels. They have requested abandonment so as to incorporate the unimproved segment of the ROW into their community garden. The two parcels not owned by the applicant, 502 Rotary Drive and 614 Everett Lane, are developed with single family dwellings and have sufficient frontage on existing public streets for access.

The initial application proposed to abandon only a portion of this ROW. Since the applicant owns most of the abutting parcels, and access to other parcels would not be impacted, the application was amended to abandon the entire unimproved portion of the ROW lying west of Kennedy Avenue. Approval of the abandonment will not impede access. The property at 614 Everett Lane will obtain half of the abandoned ROW and can continue to access the existing public street as the property currently does. Abandonment will provide the applicant with

frontage along the existing public street that they will use for access and the remaining area will be incorporated into their community garden.

Thus, abandonment of the public's interest in this right-of-way will not deprive any property owner of reasonable 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.

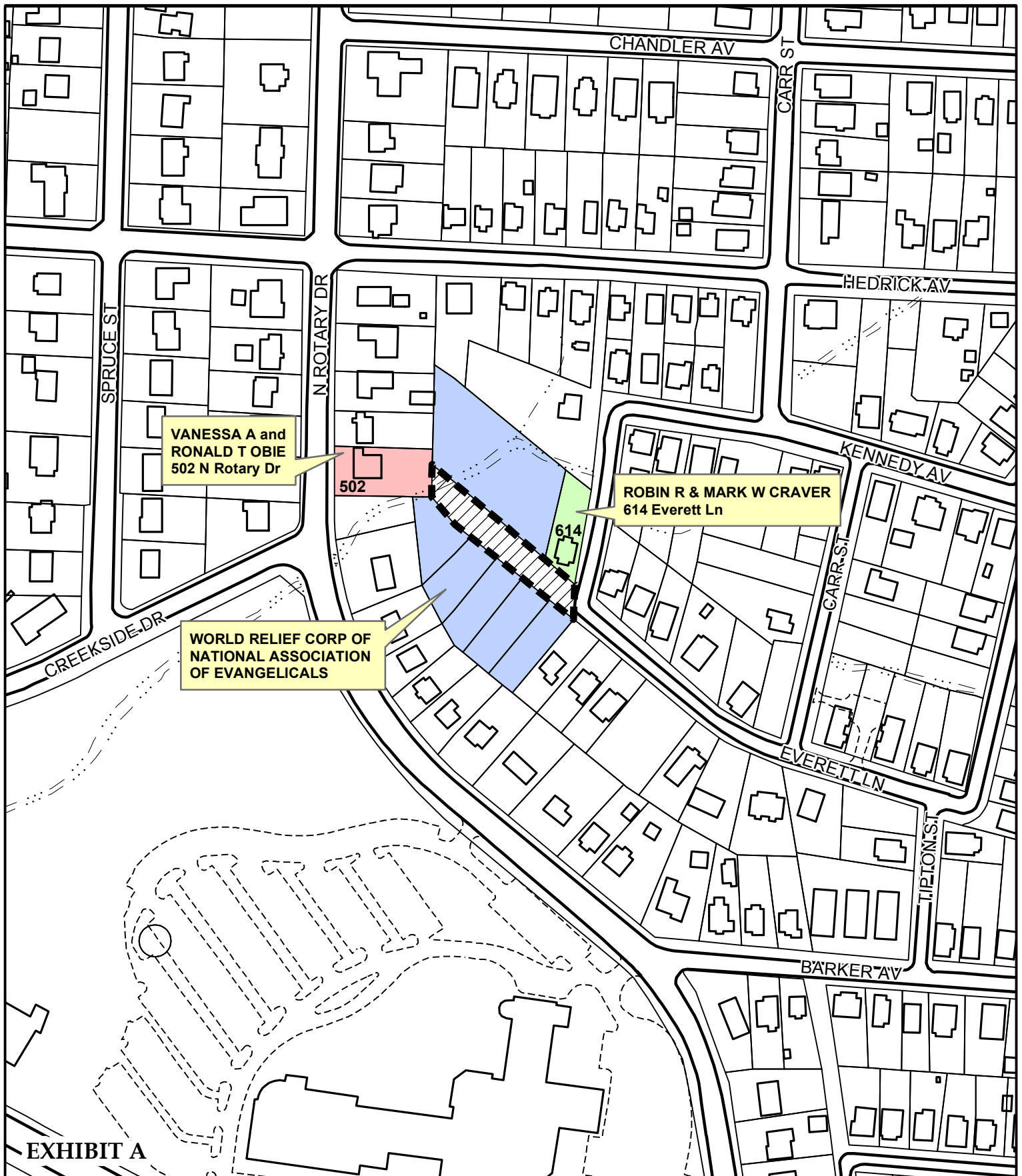
### **Findings & Recommendations**

The Technical Review Committee reviewed this request and identified no issues to prevent abandonment of this ROW. An existing sewer line runs across this ROW and an easement must be retained over this line.

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. It will not 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 20-foot wide sanitary sewer easement centered over the existing sewer line 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 G. Lee Burnette AICP, Director.



## STREET ABANDONMENT SA-16-03

Applicant: World Relief Corporation of  
National Association of Evangelicals  
Area: 0.30 acres



Location of requested street abandonment

Planning & Development  
Department

City of High Point

Date: August 23, 2016



Scale: 1"=200'  
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2016/pz/sa16-03exhA.mxd

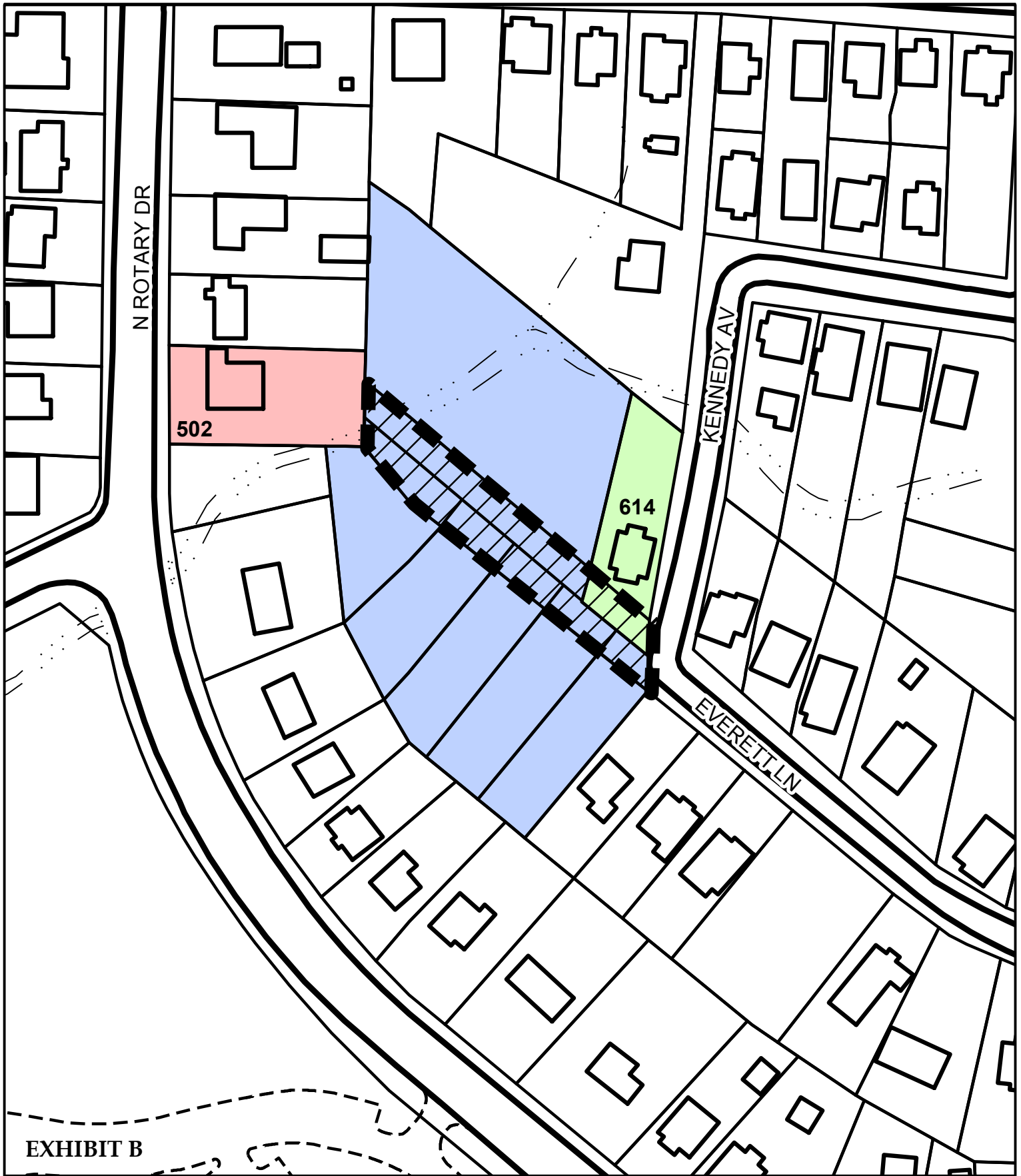


EXHIBIT B

**STREET ABANDONMENT SA-16-03**

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National Association of Evangelicals  
Area: 0.30 acres



Location of requested street abandonment

**Planning & Development  
Department**

**City of High Point**

**Date: August 23, 2016**



**Scale: 1"=100'**  
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2016/pz/sa16-03exhB.mxd



Attachments: Photographs (August 2016) and Aerial (February 2014)  
**Looking west (from Kennedy Avenue towards the unimproved  
portion of the Everett Lane to be abandoned.**



**Looking east from Rotary Drive towards the unimproved portion of the Everett Lane.**







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Location of requested street abandonment

Planning & Development  
Department

City of High Point

Date: August 23, 2016



Scale: 1"=100'

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2016/pz/sa16-03photo.mxd



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 19<sup>th</sup> DAY OF SEPTEMBER, 2016 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:**

**Street Abandonment (Closure) Case 16-03**

(western 295 feet of the Everett Lane right-of-way)

WHEREAS, World Relief Corporation of National Association of Evangelicals has petitioned the City Council of the City of High Point to permanently abandon (close) the western 295 feet of the Everett Lane right-of-way (also known as Everett Street), lying west of Kennedy Avenue. This right-of-way is more specifically described as follows:

Abandon that portion of the Everett Lane right-of-way lying south of Guilford County Tax Parcels 0194023 and 0194024 (*lying south of lots 4 thru 12 - V.A.J. Idol Lots High Point, NC – as recorded in Plat Book 6 Page 15 in the Office of the Register of Deeds of Guilford County, North Carolina*) and lying north Guilford County Tax Parcels 0194018, 0194019, 0194020, 0194021 and 0194022 (*lying north of lots 20 thru 24 - Mrs. Joe F. Snider Property – as recorded in the Office of the Register of Deeds of Guilford County, North Carolina*).

The described area encompasses +/- 0.3 acres.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 15<sup>th</sup> day of August, 2016, at 5:30 p.m. setting the 19<sup>th</sup> day of September, 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 August 19 & 26, 2016 and September 2 & 9, 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) of the western 295 feet of the Everett Lane right-of-way, lying west of Kennedy Avenue, as previous 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 Everett Lane right-of-way, as described above, be closed pursuant to North Carolina G.S. 160A-299;
2. That the City of High Point shall retain a 20-foot wide sanitary sewer easement centered over existing sewer lines within and crossing the right-of-way;
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 19<sup>th</sup> day of September, 2016  
Lisa B. Vierling, City Clerk