

CITY OF HIGH POINT

AGENDA ITEM



Title: Street Abandonment 16-04
(West Mountain Funding, LLC)

From: Lee Burnette, Planning & Development
Director

Meeting Date: October 3, 2016

Public Hearing: Yes

Advertising Date: September 9, 16, 23 & 30,
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 of the Staton Drive right-of-way, lying west of St. Johns Street.

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 27, 2016, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment 16-04. The Planning & Zoning Commission recommended ***approval*** of this request by a vote of 7-0.

B. Staff recommends ***approval*** of Street Abandonment Case 16-04 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

West Mountain Funding, LLC

Street Abandonment 16-04

At its September 27, 2016 public hearing, the Planning and Zoning Commission reviewed Street Abandonment 16-04. All members of the Commission were present, except for Mr. Walsh. 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 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.

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 16-04, as recommended by staff, by a vote of 7-0.

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

**STAFF REPORT
STREET ABANDONMENT 16-04
September 27, 2016**

Request	
Applicant: West Mountain Funding, LLC	Proposal: To abandon a portion of the Staton Drive right-of-way, lying west of St. Johns Street.

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
St. John's Street	Local Street	Right-of-way width varies at the roundabout from 50 to 96 feet; 26-foot wide paving with curb and gutter

Adjacent Property Zoning and Current Land Use		
North	Conditional Use Residential Single Family-9 District	Unimproved portion of Staton Drive right-of-way
East	Conditional Use Residential Single Family-9 District	St. Johns Street right-of-way
South	Residential Single Family-9 District	Undeveloped parcels
West	Residential Single Family-9 District	Undeveloped parcels

Analysis

West Mountain Funding, LLC has requested to abandon an approximately 8,276-square-foot triangular portion of the unimproved Staton Drive right-of-way (ROW), lying directly west of St. Johns Street. The Staton Drive ROW was recorded in 1964 on a map entitled "Staton Park Subdivision - Deep River Township – Guilford County, NC". 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 add the excess triangular portion of this ROW into the abutting parcel to the west and re-subdivide the lots so as to develop 3 to 4 single family dwellings.

This abandonment request will not eliminate all of the Staton Drive ROW, there will still be a segment of this ROW remaining to provide access for abutting parcels to the north. For this 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

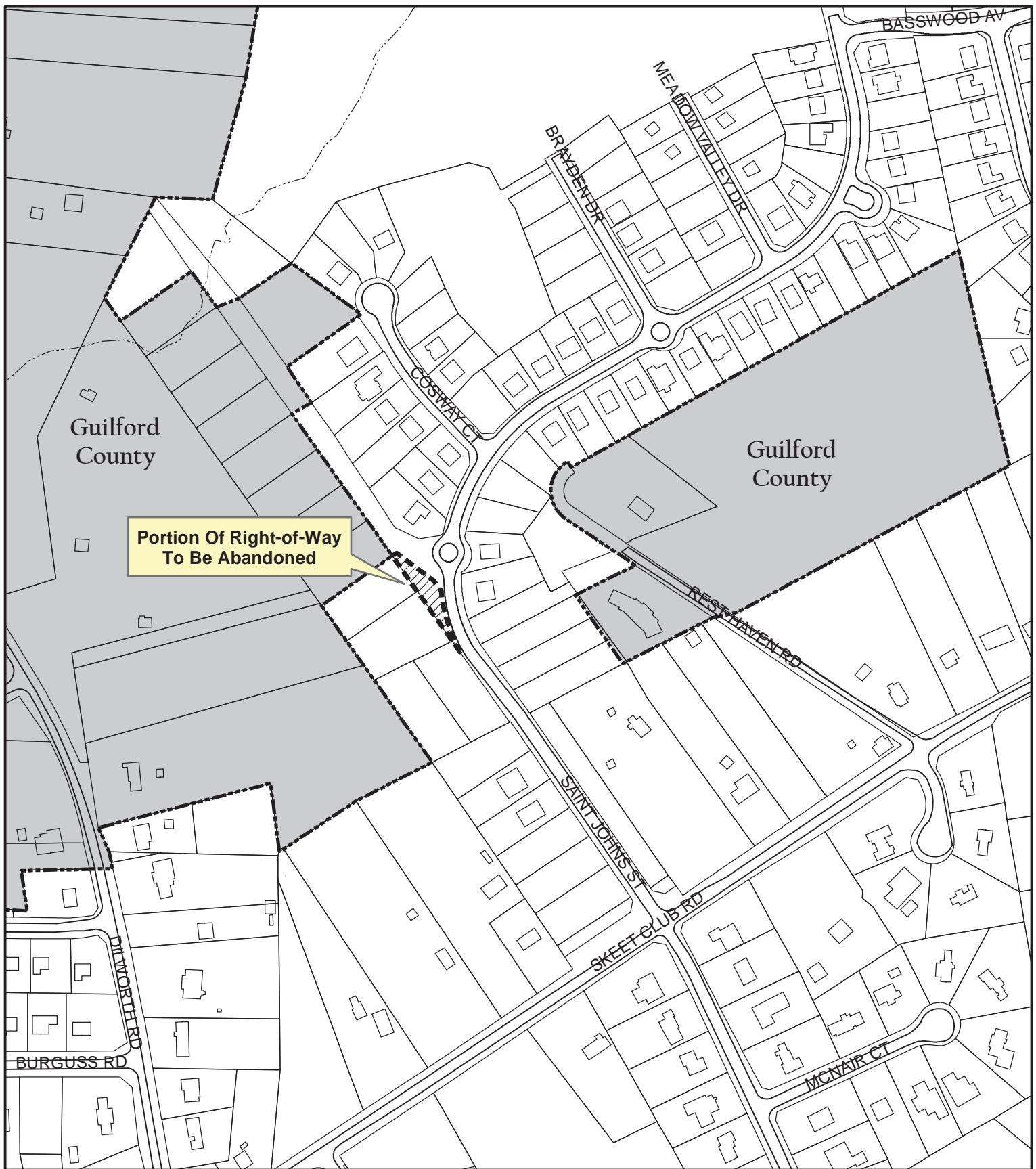
The Technical Review Committee reviewed this request and identified no issues related to the abandonment of this ROW. However, Duke Energy has a utility line crossing this ROW and an easement must be retained over this line.

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 20-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 SA-16-04

Applicant: West Mountain Funding, LLC
Area: 0.190 acres



Location of requested street abandonment

Planning & Development
Department

City of High Point

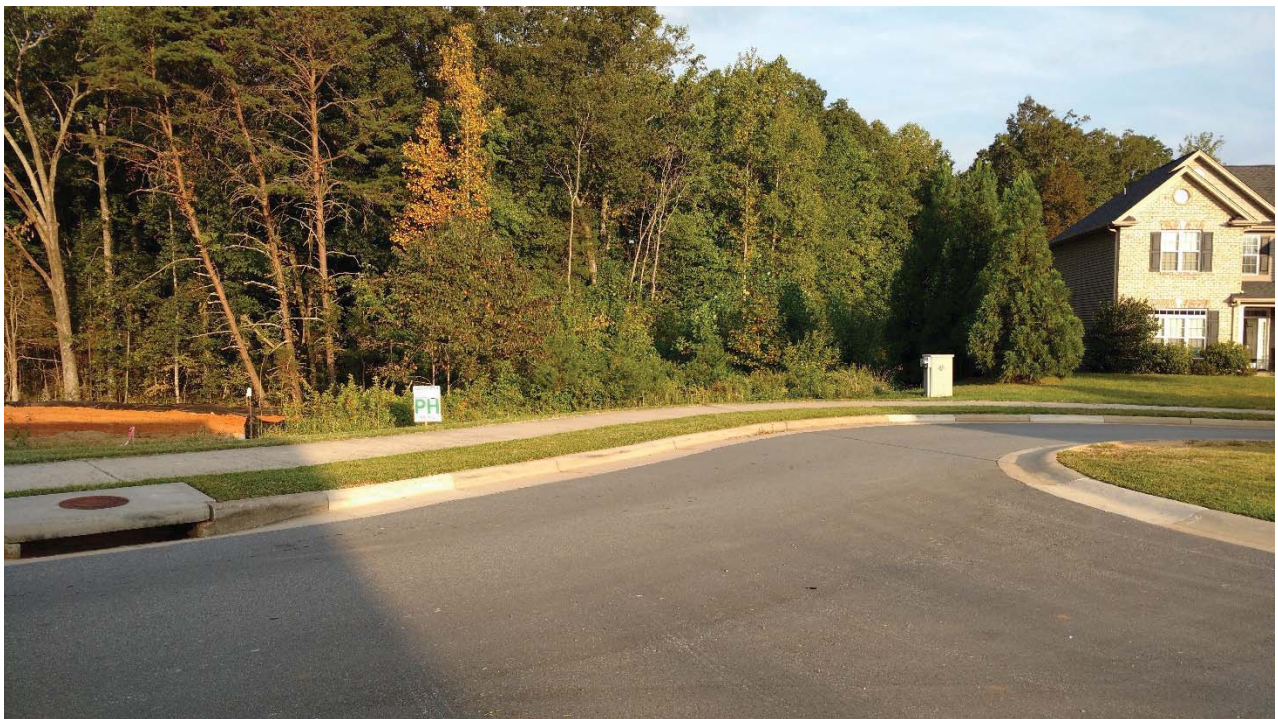
Date: September 27, 2016



Scale: 1"=300'

G:\Planning\Secure\ba-pz/
2016\pz\sa16-04.mxd

Attachments: Photographs (September 2016) and Aerial (February 2014)
**Looking west (from St. Johns Street) toward the unimproved
portion of the Staton Drive ROW to be abandoned.**





STREET ABANDONMENT SA-16-04

Applicant: West Mountain Funding, LLC
Area: 0.190 acres



Location of requested street abandonment

Planning & Development
Department

City of High Point

Date: September 27, 2016



Scale: 1"=50'
G:/Planning/Secure/ba-pz/
2016/pz/sa16-04photo.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 3rd DAY OF OCTOBER, 2016, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 16-04

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

A request by West Mountain Funding, LLC to abandon a portion (approximately 8,276-square-foot triangular segment) of the unimproved Staton 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 Staton Drive right-of-way that is lying west of St. Johns Street, which is more specifically escribed as follows:

BEGINNING at an existing 1-1/4"iron in the southern right-of-way of Staton Drive (not open) said iron being the northeast corner of Lot 8 Staton Park as recorded in Plat Book 36, Page 51, Parcel number 0169453, West Mountain Funding, LLC as recorded in Deed Book 7832, Page 1716; thence on a new line and crossing said Staton Drive the two (2) following courses and distances: 1) N. 54°33'33" E. 13.41' to a 7/8" iron placed; thence 2) S. 63°18'15" E. 98.15' to a 7/8" iron placed in the northern right-of-way of said Staton Drive and in the southern line of area dedicated as right-of-way in Meadow Valley Phase 1B as recorded in Plat Book 173, Page 21; thence with the northern right-of-way of said Staton Drive S. 35°33'23" E. 22.57' to a 7/8" iron placed in the western right-of-way of St. Johns Street; thence with the right-of-way of said St. Johns Street the three (3) following courses and

distance: 1) S. 00°47'23" W. 0.18' to a 7/8" iron placed 2) on a curve to the left (having a radius of 325') a chord bearing and distance of S. 16°20'19" E. 169.12' to a 7/8" iron placed; thence 3) S. 62°44'32" W. 3.81' to 7/8" iron placed in the southern right-of-way of said Staton Drive; thence with said right-of-way N. 35°27'44" W. crossing a 7/8" iron placed at 29.96' and continuing 29.96' to a 7/8" iron placed, the southeast corner of Lot 7 of said Staton Park and continuing 208.83 for a total distance of 268.75' to the point and place of BEGINNING and containing 0.190 acres more or less.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 6th day of September, 2016, at 5:30 p.m. setting the 3rd day of October, 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 September 9, 16, 23 & 30, 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 Staton Drive right-of-way, lying east of St. Johns 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 Staton Drive right-of-way, lying west of St. Johns Street (approximately 0.19 acres±), 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 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 3rd day of October, 2016
Lisa B. Vierling, City Clerk

Legend

7/8" Iron Placed	⊙
Iron Found (As Noted)	○
Boundary Line	—
Unsurveyed Line	- - -
Adjoining Boundary Line	—+—
Water Valve	⊕
Hydrant	⊕
Light Pole	⊕
San. Sewer Manhole	⊕

Notes:

- 1) This property is subject to any easements, agreements, or rights-of-way of record prior to the date of this map which were not apparent at the time of my inspection and might otherwise be disclosed by an attorney's title opinion which as of date shown hereon has not been supplied to Brady Surveying Company, P.A. There may be easements or other matters of record affecting this property not shown hereon.
- 2) Geodetic Datum acquired via the NCGS VRS/RTN Horizontal Datum: NAD83(2011)
- 3) All distances shown are measured horizontal ground distances unless specifically noted otherwise.

Forsyth County, North Carolina

I, W. Max Brady, Jr., certify that this map was drawn under my supervision from an actual traditional and a GPS survey made under my supervision (deed description recorded in Deed Book 7801, Page 770 and other reference sources as shown); that the boundaries not surveyed are indicated as dashed lines and drawn from information shown; that the ratio of precision or positional accuracy for the traditional survey as calculated by latitudes and departures is 1/20,000+; the following information was used to perform the GPS survey: (1) Class of survey: A (2) Positional accuracy: 0.10' (3) Type of GPS field procedure: RTK (4) Date of survey: July 12, 2016 (5) Datum: NAD83(2011) (6) NCGS VRS/RTN (7) Geoid model: 2012A (8) Combined grid factor(s): 0.9999856 (9) Units: US Survey Feet; that the area was calculated by coordinates; and that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600) and does not meet the requirements of NCGS 47-30 as amended.

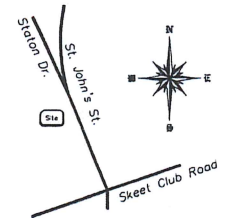
Witness my hand and seal this ____ day of ____ 2016.

Professional Land Surveyor
L-2578

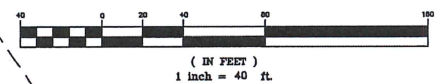


Preliminary: NOT for Recordation, Conveyances or Sales.

Location Map
Not to scale



2.265 Acres± Total
Boundary Survey
West Mountain Funding, LLC
High Point Township
Guilford County, North Carolina
July 18, 2016
GRAPHIC SCALE



Brady
Surveying
Company, P.A.

2990 Bethesda Place, Suite 601-B
Winston-Salem, North Carolina 27103
(336) 760-2716

Drawing 16006 PHASE

S:\16 MEADOW VALLEY SECTION\3\16006 PHASE 4.dwg Mon, 18 Jul 2016 9:21am