

CITY OF HIGH POINT

AGENDA ITEM



Title: Street Abandonment 17-01
(Ghulam Khan)

From: Lee Burnette, Planning & Development
Director

Meeting Date: June 19, 2017

Public Hearing: Yes

Advertising Date: May 26, 2017 and
June 2, 9 & 16, 2017

Advertised By: Planning & Development

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

PURPOSE:

A request by Ghulam Khan to abandon excess right-of-way lying at the southwest corner of S. Main Street and Kendall Avenue.

BACKGROUND:

The staff report and the Planning & Zoning Commission's recommendation are enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. Staff recommended *approval* of this request, as outlined in the attached staff report.
- B. On May 23, 2017, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment 17-01. The Planning & Zoning Commission recommended *approval* of this request, by a vote of 6-0, as outlined in the staff report and recommended by staff.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Ghulam Khan

Zoning Map Amendment 17-02

At its May 23, 2017 public hearing, the Planning and Zoning Commission reviewed Street Abandonment 17-01. All members of the Commission were present, except for members Keith McInnis, Marie Stone and Ray Wheatley. 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 Mr. Thomas Trulove, 2 Devonshire Drive, Greensboro, N.C. Mr. Trulove stated that if the request is approved, the applicant will do any necessary maintenance on the property and will pay taxes on the land, which will benefit the city.

Speaking in opposition of the request:

No one spoke in opposition to this request.

Planning & Zoning Commission Action

The Planning & Zoning Commission recommended approval of Street Abandonment Case 17-01, as recommended by staff, by a vote of 6-0.

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

**STAFF REPORT
STREET ABANDONMENT CASE 17-01
May 23, 2017**

Request	
Applicant: Ghulam Khan	Proposal: To abandon excess right-of-way lying at the southwest corner of S. Main Street and Kendall Avenue.

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
S. Main Street	Major Thoroughfare	97-foot-wide right-of-way; 68-foot-wide paving with curb and gutter
Kendall Avenue	Local street	50-foot-wide right-of-way; 30-foot-wide paving with curb and gutter

Adjacent Property Zoning and Current Land Use		
North	Main Street (MS) District (Sub-Area D)	Undeveloped parcel
East	Main Street (MS) District (Sub-Area D)	Public Park/Golf Course <i>(across S. Main Street)</i>
South	Main Street (MS) District (Sub-Area D)	Church and commercial use <i>(across Kendall Avenue)</i>
West	Main Street (MS) District (Sub-Area D)	Undeveloped parcel

Analysis

The applicant is requesting to abandon excess right-of-way (ROW) lying at the southwest corner of S. Main Street and Kendall Avenue. The area proposed for abandonment has a triangular shape with approximately 92 feet of frontage along S. Main Street, approximately 60 feet of frontage along Kendall Avenue and a total area of approximately 3,649 square feet. This ROW was recorded in 1949 on a map entitled "Property of D.E. Headen - High Point" (Plat Book 14 – Page 53 Guilford County Register of Deeds). This area of abandonment was platted as an extension of Kenilworth Drive and is not part of the S. Main Street ROW.

The applicant is currently developing a car dealership on the abutting property (1912 S. Main Street) and has requested abandonment of this excess ROW to incorporate this area into their property. Based on review of historic aerial photos, this area was used to access S. Main Street in the late 1950s. Since 1970, the aerial photos depict this excess ROW as being used as a driveway access point and as a landscaping area for the abutting parcel at 1912 S. Main Street.

Abandonment of the City's interest in this excess ROW will not deprive the abutting or adjacent property owners access to their property. The applicant is the only abutting property owner. Therefore, the applicant was the only owner to receive a mailed public hearing notice. In addition to the regular mail notice, notification of the abandonment was placed in the High Point Enterprise and a public hearing sign was posted on the ROW to be abandoned per requirements.

Findings & Recommendations

The City of High Point's Technical Review Committee (TRC) and the various private utility providers reviewed this request and identified no concerns related to the abandonment of this ROW abandonment. As part of their review, the Engineering Services Department and the Electric Department identified a stormwater line and a City light pole, respectively, within the ROW proposed for abandonment. Additionally, the Engineering Services Department noted that a 12-inch City sewer line runs along the west side of S. Main Street in close proximity to this area proposed for abandonment. Easements must be retained for any portion of this sewer line that is within the area to be abandoned.

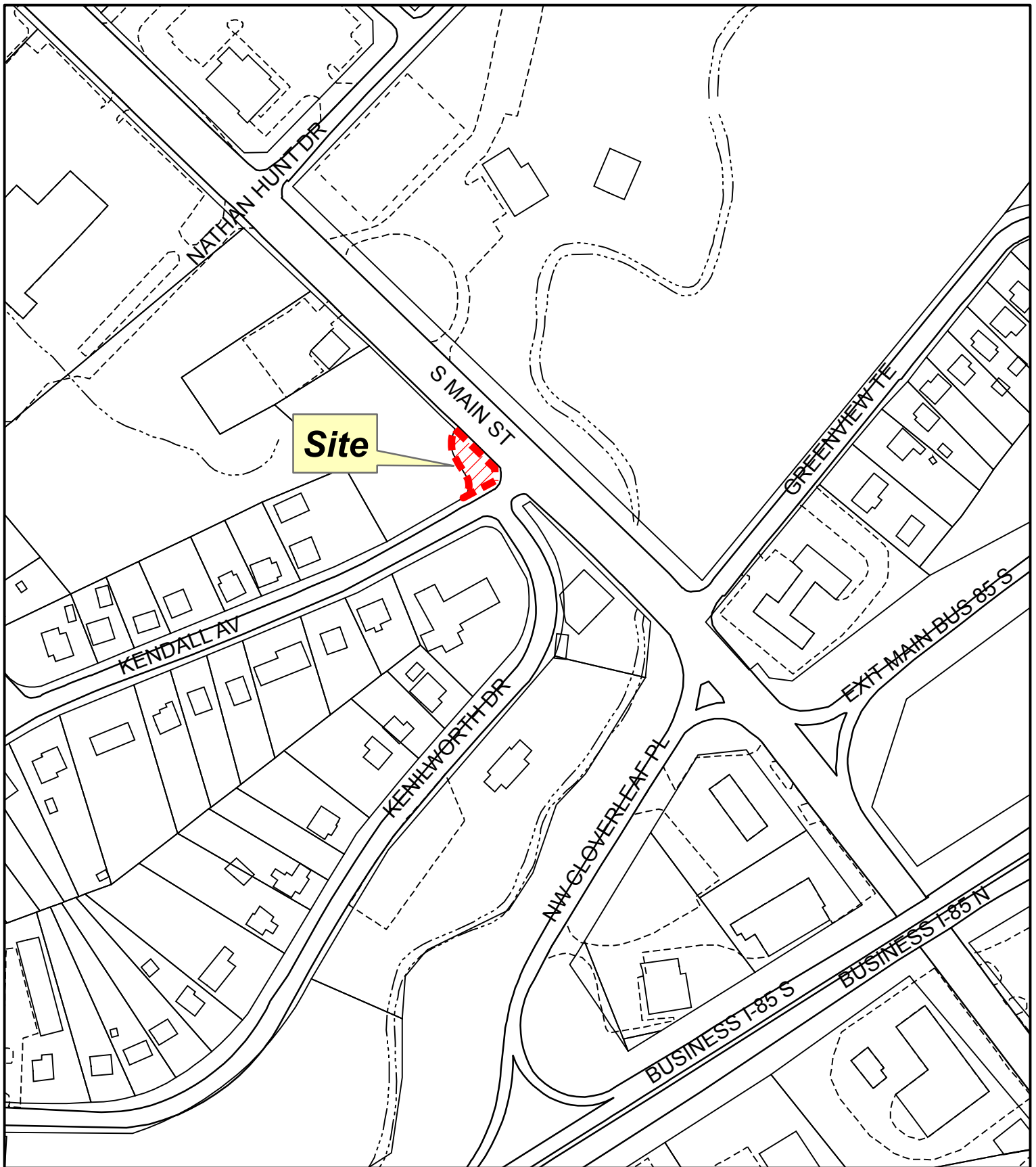
Finally, because this ROW abuts S. Main Street (S.R. 1009), staff also sought comment from the North Carolina Department of Transportation (NCDOT). Comments were received from Division 7 of NCDOT, their record revealed that the State has never maintained any portion of the ROW requested to be abandoned. They have no objections to this request subject to the abandonment occurring in such a manner that the new ROW aligns with the existing S. Main Street ROW line. The survey submitted by the applicant depicts an alignment with the existing S. Main Street ROW.

This abandonment of the public's interest and conveyance of the right-of-way to the abutting property owner, 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 the following utility easements:

- 1) Retention of a 15-foot wide stormwater/drainage easement centered over the existing 15-inch stormwater line within and crossing the right-of-way;
- 2) Retention of a 20-foot wide electrical easement centered around the existing electrical pole and service lines within and crossing the right-of-way; and
- 3) Retention of a 20-foot wide sewer line easement centered over existing sewer line within or 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 SN-17-01

Applicant: Ghulam Khan
Area: 0.075 acres

 Location of requested street abandonment

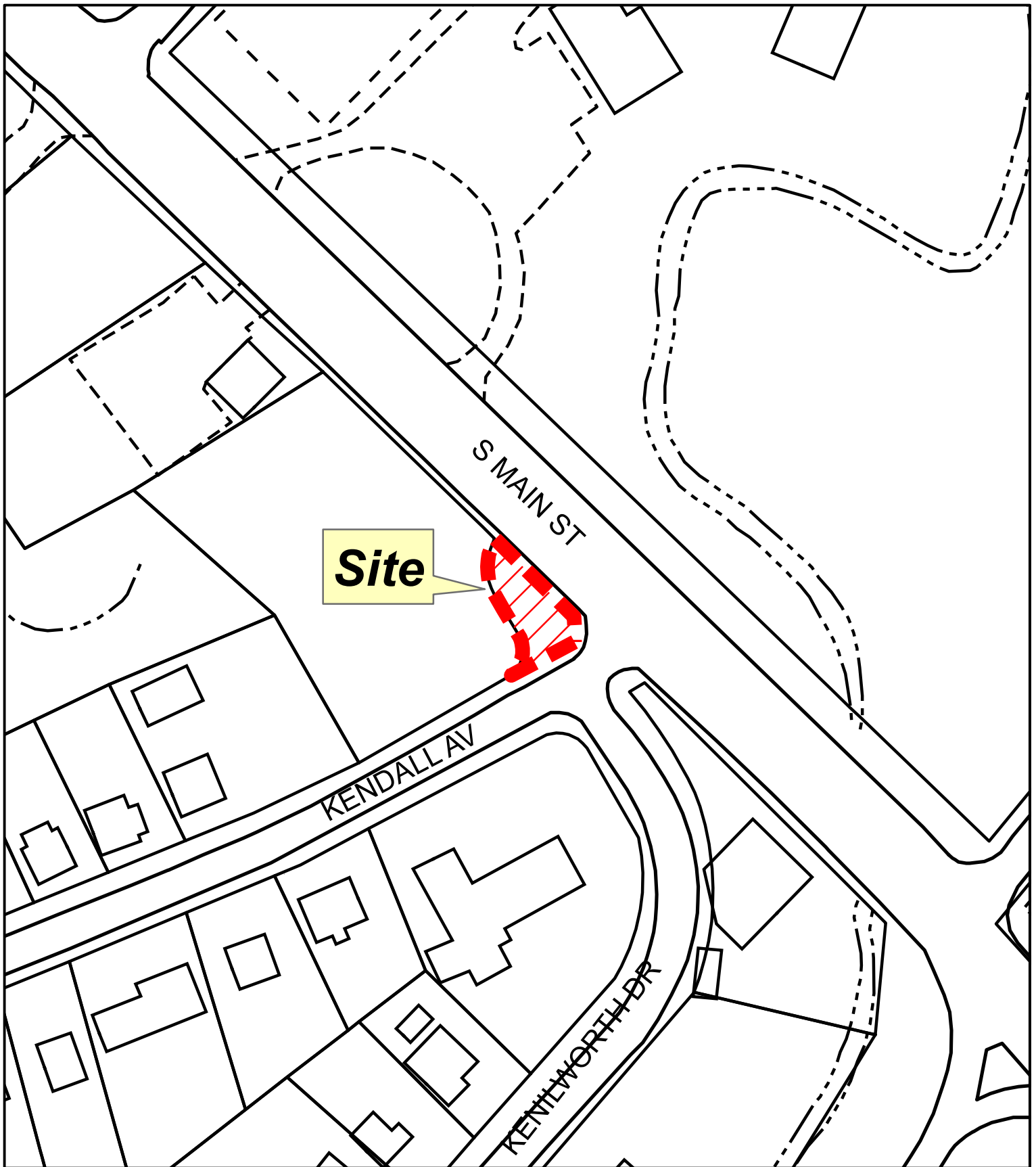
Planning & Development
Department

City of High Point

Date: May 23, 2017



Scale: 1"=200'
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2017/pz/sa17-01exh.mxd



STREET ABANDONMENT SA-17-01

Applicant: Ghulam Khan
Area: 0.075 acres



Location of requested street abandonment

Planning & Development
Department

City of High Point

Date: May 23, 2017



Scale: 1"=100'

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2017/pz/sa17-01.mxd

Attachments: Photographs (May 2017) and Aerial (2014)
Looking northward from Kendall Avenue/Kenilworth Drive.



Looking eastward from of S. Main Street



Looking westward from of S. Main Street





STREET ABANDONMENT SA-17-01

Applicant: Ghulam Khan
Area: 0.075 acres



Location of requested street abandonment

Planning & Development
Department

City of High Point

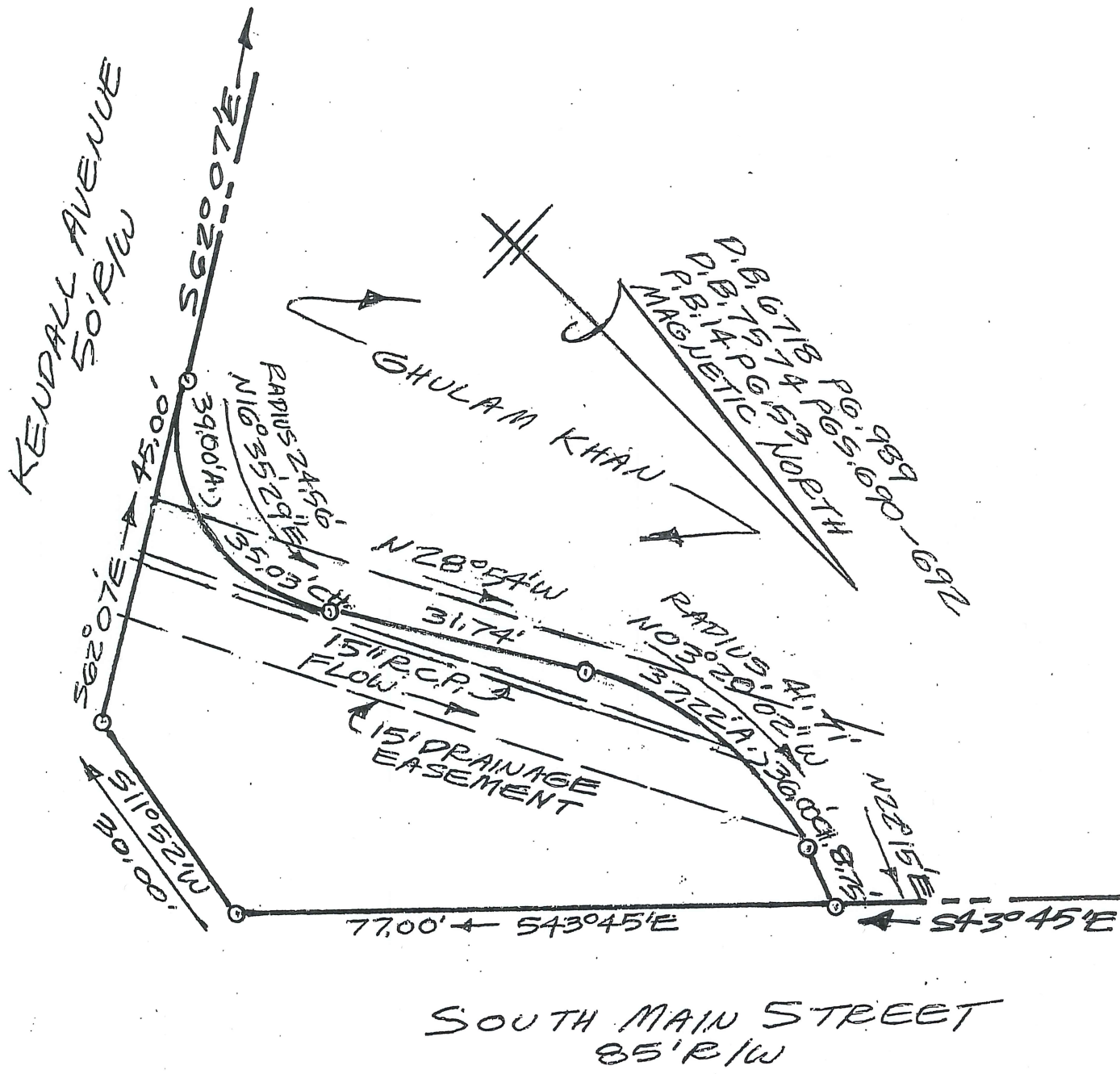
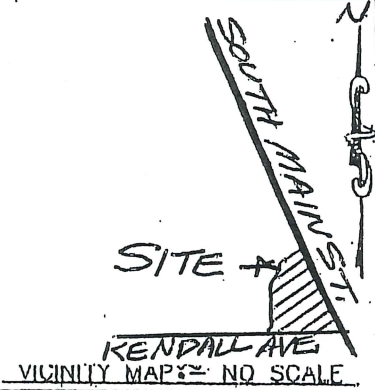
Date: May 23, 2017



Scale: 1"=100'
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2017/pz/sa17-01photo.mxd

THIS MAP IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR RIGHTS-OF-WAY OF RECORD.

NOTE: THIS MAP PREPARED FOR:
GHULAM KHAN
1219 SOUTH MAIN STREET
HIGH POINT, N.C.



D.E. HEADEN S/D

T.M.: PARCEL
PLAT BOOK 14 PG. 53
DEED REF: 7574 690-692
BOOK 6718 PAGE 989
GUILFORD COUNTY



Geodesign Maps Inc.
131 Orrille Drive
High Point, N.C. 27260

DRAWN BY: T. T. T.
SCALE: 1" = 20'
DATE: 12-28-07
REVISED: T.E.F.B.
JOB NO. 507-00155

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. xxxx/17-xx

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 17th DAY OF JUNE, 2017, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 17-01

(excess right-of-way lying at the southwest corner of S. Main Street and Kendall Avenue)

A request by Ghulam Khan to abandon excess right-of-way lying at the southwest corner of S. Main Street and Kendall Avenue (approximately 3,649-square-foot triangular segment).

WHEREAS, Ghulam Khan has petitioned the City Council of the City of High Point to permanently abandon (close) excess right-of-way lying at the southwest corner of S. Main Street and Kendall Avenue, which is more specifically escribed as follows:

Beginning at the Southeastern corner of the Right of Ways of South Main Street and Kendal Avenue at Iron pipe, running a bearing of south 11 degrees 52 minutes West ,corner of the two Right Of ways and distance of 30.00 feet; running thence along the southern Right Of Way of Kendal Avenue a bearing of south 62 degrees 07 minutes East ,45.00 distance feet to a corner long the Right Of Way of Kendal Avenue; running a Bearing of north 16 degrees, 35 minutes, 29 seconds East in a Curve with Radius of 24.56 feet, arch 39.00 feet, chord 35.03 feet, to another nail of Mr. Khan Ghulam property; running thence along with the property of Mr. khan Ghulam a Bearing of north 28 degrees, 54 minutes west, distance of 31.74 feet to a nail; running thence a Bearing of north 03 degrees, 20 minutes, 02 seconds west, with a Radius of 41.71 feet with a distance of 37.22 feet ,with a Chord 36.00 feet to a nail with the property of Mr. Khan Ghulam, running thence a Bearing of north, 22 degrees, 15 minutes

east, distance of 8.75 feet to a nail, with the Right Of way of south main Street, running thence along the Right Of Way of south main Street, a Bearing of south 43 degrees, 45 minutes east, distance 77.00 feet to an iron pipe, being the Point Of Beginning, with Area of the track being of 3,649 .00 Square Feet.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 15th day of May, 2017, at 5:30 p.m. setting the 17th day of June, 2017 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 May 26, 2017 and June 2, 9 & 16, 2017; 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) excess right-of-way lying at the southwest corner of S. Main Street and Kendall 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 excess right-of-way lying at the southwest corner of S. Main Street and Kendall Avenue (approximately 3,6459 square feet), as described above, be closed pursuant to North Carolina G.S. 160A-299;
2. That the City of High Point shall retain a 15-foot wide stormwater/drainage easement centered over the existing 15-inch stormwater line within and crossing the right-of-way;
3. That the City of High Point shall retain a 20-foot wide electrical easement centered around the existing electrical pole and service lines within and crossing the right-of-way;
4. That the City of High Point shall retain a 20-foot wide sewer line easement centered over any existing sewer line within or crossing the right-of-way; and
5. 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 19th day of June, 2017
Lisa B. Vierling, City Clerk