

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Street Abandonment 17-04  
City of High Point

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

**Meeting Date:** November 20, 2017

**Public Hearing:** Yes

**Advertising Date:** November 8, 2017 and  
November 15, 2017

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

**Advertised By:** Planning & Development

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### PURPOSE:

A request by the Planning & Development Department to abandon the following public right-of-ways:

- a) Abandonment #1 (portion of Pine Street): That portion of the Pine Street right-of-way lying between Gatewood Avenue and the northern property line of Guilford County Tax Parcel 0186839 (410 W. English Rd). The right-of-way runs in a general north-south direction and contains approximately 0.69 acres.
- b) Abandonment #2 (portion of Church Avenue): That portion of the Church Avenue right-of-way lying between N. Elm Street and N. Lindsay Street. The right-of-way runs in a general east-west direction and contains approximately 1.09 acres.
- c) Abandonment #3 (alley): An alley lying south of Church Avenue, between Pine Street and N. Lindsay Street. The alley runs in a general north-south direction and contains approximately 0.13 acres.
- d) Abandonment #4 (alley): An alley lying north of W. English Road, between Pine Street and N. Lindsay Street. The alley runs in a general east-west direction and contains approximately 0.08 acres.
- e) Abandonment #5 (alley): An alley lying west of N. Elm Street, between Gatewood Avenue and Church Avenue. The alley runs in a general east-west direction and contains approximately 0.02 acres.

### 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 October 24, 2017, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment 17-04. The Planning & Zoning Commission recommended ***approval*** of this request, by a vote of 9-0, as outlined in the staff report and recommended by staff.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **City of High Point**

### **Street Abandonment 17-04**

At its October 24, 2017 public hearing, the Planning and Zoning Commission reviewed a request for five street abandonments in a four-block area bounded by Gatewood Avenue, N. Elm Street, N. Lindsay Street and W. English Road. All members of the Commission were present. Mr. Herbert Shannon, Senior Planner, presented the request and recommended approval of the requests as outlined in the staff reports

No one spoke in favor nor in opposition to this request.

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

The Planning & Zoning Commission recommended approval of these street abandonments, as recommended by staff, by a vote of 9-0.

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

**STAFF REPORT  
STREET ABANDONMENT SA-17-04  
October 24, 2017**

<b>Request</b>	
<b>Applicant:</b> City of High Point Planning & Development Department	<b>Proposal:</b> To abandon the following public right-of-ways: <u>Abandonment #1:</u> Portion of Pine Street. <u>Abandonment #2:</u> Portion of Church Avenue. <u>Abandonment #3 (alley):</u> An alley lying south of Church Avenue, between Pine Street and N. Lindsay Street. <u>Abandonment #4 (alley):</u> An alley lying north of W. English Road, between Pine Street and N. Lindsay Street. <u>Abandonment #5 (alley):</u> An alley lying west of N. Elm Street, between Gatewood Avenue and Church Avenue

<b>Adjacent Streets</b>		
<b>Name:</b>	<b>Classification:</b>	<b>Right-of-Way and Pavement Width:</b>
Gatewood Avenue	Local street	50-foot wide right-of-way; 33-foot wide paving with curb and gutter
N. Elm Street	Major Thoroughfare	70-foot wide right-of-way; 50-foot curb and gutter paved street
N. Lindsay Street	Major Thoroughfare	The right-of way varies in width from 50 to 72-feet and street paving varies from 30 to 60-feet in width

<b>Adjacent Property Zoning and Current Land Use</b>		
<b>North</b>	Office & Institutional District (OI) District	Gatewood Avenue right-of-way
<b>East</b>	Central Business (CB) District	N. Elm Street right-of-way
<b>South</b>	General Business (GB) District Light Industrial (LI) District	Pine Street right-of-way
<b>West</b>	Office & Institutional District (OI) District Light Industrial (LI) District	N. Lindsay Street

**Analysis**

This is a request to abandon a portion of two streets and three alleys to facilitate the development of a major assembly use (stadium). The proposed stadium will occupy property generally bounded by Gatewood Avenue to the north, N. Elm Street to the east, N. Lindsay Street to the west and terminates to the south approximately 375 feet north of W. English Road. The parcels in this four-block area are proposed to be combined to form one large development site and these right-of-ways (ROWs) are to be abandoned to facilitate the combination of properties in this area for this development.

These public streets and alleys were initially established with the recording of a map in 1895 entitled "Map of High Point" recorded in Plat Book 2 – Page 14. All abutting parcels, not part of the stadium project, have frontage or access to other improved public streets. Abandonment of the City's interest in these ROWs will not deprive any owner of access to their property. Mail notice for the public

hearing was sent to abutting property owners, notice placed in the High Point Enterprise and the posting of signs at the ROWs to be abandoned were also performed per requirements. A summary of each of the requests is provided below:

**Abandonment #1 (portion of Pine Street):** This request includes that portion of the Pine Street ROW lying between Gatewood Avenue and the northern property line of Guilford County Tax Parcel 0186839 (410 W. English Rd). This 50-foot wide ROW runs in a general north-south direction, has an approximate length of 645 feet, contains approximately 0.69 acres and is improved with a 30-foot-wide paved street that includes various utility lines. All parcels abutting this area of abandonment are either part of the stadium project or have existing access to another improved public street.

Figure 1a. Looking south of the intersection of Pine Street and Gatewood Avenue



Figure #1b: Looking north on Pine Street towards Gatewood Avenue



**Abandonment #2 (portion of Church Avenue):** This request includes that portion of the Church Avenue ROW lying between N. Elm Street and N. Lindsay Street. This 60-foot-wide ROW runs in a general east-west direction, has a length of approximately 895 feet, contains approximately 1.09 acres and is improved with a 30-foot-wide paved street that includes various utility lines.

Property at 201 Church Avenue (at intersection of Church Avenue and N. Elm Street) has an access drive from Church Street to its parking lot. However, this property is proposed for acquisition by the City for the stadium.

A similar situation exists at the western limits of the abandonment at the intersection of Church Avenue and N. Lindsay Street. The parcel at 224 Church Avenue is used as a parking lot and currently takes access from Church Avenue, but also has frontage along N. Lindsay Street. This parcel is also scheduled for acquisition by the City along with adjoining lots for the purpose of redevelopment.

Parcels at 300 and 302 N. Lindsay Street have primary access from N. Lindsay Street. They have secondary access to the rear from an alley that connects to Church Avenue. The alley is to remain open and the City is working with the property owners to maintain access to the rear.

None of these properties will be denied access as they all have frontage on a public street and the ability to obtain access from it.

Figure #2a: Looking west of the intersection of Church Avenue and N. Elm Street





Figure #2b: Looking east of the intersection of Church Avenue and N. Lindsay Street



**Abandonment #3 (unnamed alley):** This request includes all of an unnamed alley lying south of Church Avenue, between Pine Street and N. Lindsay Street. The alley runs in a general north-south direction, has a length of approximately 350 feet and contains approximately 0.13 acres. The alley is unimproved, not paved, and contains various utility lines. Properties abutting this alley are either part of the stadium project or have frontage and access from N. Lindsay Street.

Figure #3a: Looking south at the alley from Church Avenue



Figure # 3b. Looking north at alley



**Abandonment #4 (unnamed alley):** This request includes all of an unnamed alley lying north of W. English Road, between Pine Street and N. Lindsay Street. The alley runs in a general north-south direction, has a length of 340 feet and contains approximately 0.13 acres. The alley is improved with a private driveway and all abutting parcels have frontage or access to Pine Street (portion to remain open), W. English Drive or N. Lindsay Street.

Figure #4a: Looking east at the alley from N. Lindsay Street



Figure #4b: Looking north at the alley from Pine Street





**Abandonment #5 (unnamed alley):** This request includes all of an unnamed alley lying west of N. Elm Street, between Gatewood Avenue and Church Avenue. The alley runs in a general east-west direction, has a length of 70 feet and contains approximately 0.02 acres. The alley initially ran from N. Elm Street to Pine Street; however, the eastern and western portions of this alley were abandoned as part of two separate City Council actions. There is no record of this small remnant of the alley being abandoned, thus it was included in this request.

Figure 5: Looking east from N. Elm Street at alley



### Findings & Recommendations

The Technical Review Committee (TRC) and the various private utility providers reviewed this request and identified no concerns related to the abandonment of these ROWs. However, there are multiple public and private utility lines that were identified in these ROWs. As part of the construction of the stadium project some of these utility lines in these right-of-ways will either be removed, or relocated. Thus, easements must be retained over them to protect and preserve access to these utility lines.

The abandonment of the public's interest and conveyance of these ROWs 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 with the retention of the following utility easements applying to all of the requested abandonments:

- 1) Retention of a 30-foot wide City of High Point electrical easement centered over the existing City of High Point electrical pole and service lines within and crossing these right-of-ways.
- 2) Retention of a 20-foot wide sewer line easement centered over existing sewer lines within or crossing these right-of-ways.
- 3) Retention of a 20-foot wide water line easement centered over existing water lines within or crossing these right-of-ways.



- 4) Retention of a 20-foot wide stormwater line easement centered over existing stormwater lines within or crossing these right-of-ways.
- 5) Retention of a 20-foot wide Piedmont Natural Gas easement centered over existing gas lines within or crossing these right-of-ways.
- 6) Retention of a 30-foot wide Duke Energy easement centered over existing Duke Power lines (overhead and underground) within or crossing these right-of-ways.

### **Report Preparation**

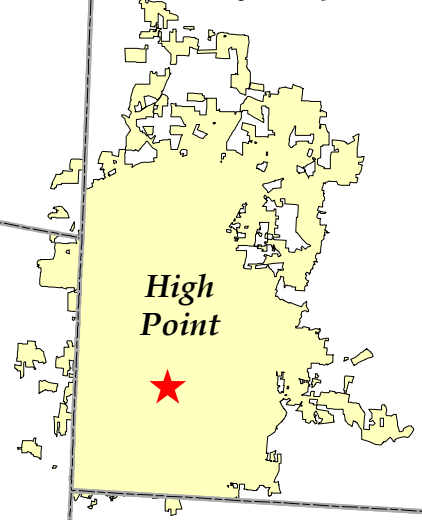
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.

# LOCATION MAP

STREET ABANDONMENT SA-17-04

Applicant: City of High Point

## Vicinity Map



**City of High Point**

**EASTCHESTER DR**

**N MAIN ST**

**N CENTENNIAL ST**

**I-74**

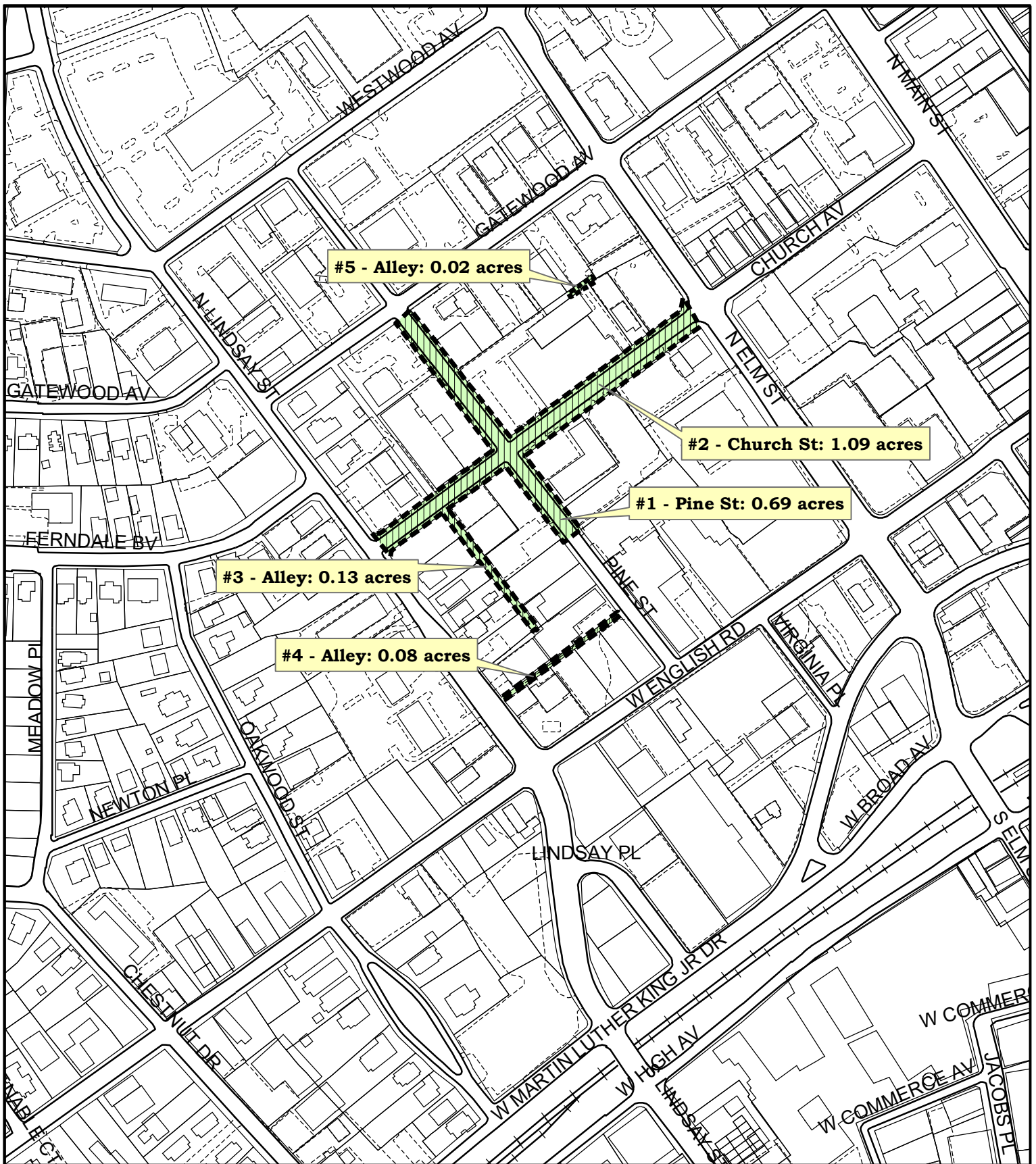
**Site**

**ENGLISH RD**

**S MAIN ST**

**BUSINESS I-85**





## STREET ABANDONMENT SA-17-04

Applicant: City of High Point  
Area: 2.01 acres



Location of requested street abandonment

Planning & Development  
Department

City of High Point

Date: October 6, 2017



Scale: 1"=300'  
G:/Planning/Secure/ba-pz/  
2017/pz/sa17-04exh.mxd



# STREET ABANDONMENT SA-17-04





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 2<sup>nd</sup> DAY OF OCTOBER, 2017, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:**

### **Street Abandonment (Closure) Case 17-04**

(abandonment of five separate public street right-of-way's within a four-block area bounded by Gatewood Avenue, N. Elm Street, N. Lindsay Street and W. English Road)

WHEREAS, The City Manager's Office has petitioned the City Council of the City of High Point to permanently abandon (close) the following right-of-way's:

- a) Abandonment #1 (portion of Pine Street): That portion of the Pine Street right-of-way lying between Gatewood Avenue and the northern property line of Guilford County Tax Parcel 0186839 (209 Pine Street). More specifically described as that portion of the Pine Street right-of-way, running in a general north-south direction for a length of approximately 633 feet (more or less), from the southern right-of-way line of Gatewood Street to the northeastern corner of Guilford County Tax parcel 0186826 and the northwestern corner of Guilford County Tax parcel 0186839; and contains approximately 0.69 acres.
- b) Abandonment #2 (portion of Church Avenue): That portion of the Church Avenue right-of-way lying between N. Elm Street and N. Lindsay Street. More specifically described as that portion of the Church Avenue right-of-way, running in a general east-west direction

for a length of approximately 906 feet (more or less), from the western right-of-way of N. Elm Street to the eastern right-of-way of N. Lindsay Street; and containing approximately 1.09 acres.

- c) Abandonment #3 (alley): An unnamed alley lying south of Church Avenue, between Pine Street and N. Lindsay Street (lying approximately 165 feet west of Pine Street). More specifically described as an alley, running in a general north-south direction for a length of approximately 422 feet (more or less), from the southern right-of-way line of Church Avenue to the northern property line of Guilford County Tax Parcel 0186833. This alley is lying along the eastern property lines of Guilford County Tax Parcels 0186817, 0186818, 186829, 0186830, 0186831 & 0186832 and lying along the western property lines of Guilford County Tax Parcels 0186825, 0186826, 0186827 & 0186828; and contains approximately 0.13 acres.
- d) Abandonment #4 (alley): An unnamed alley lying approximately 150 feet north of W. English Road, between Pine Street and N. Lindsay Street. More specifically described as an alley, running in a general east-west direction for a length of approximately 334 feet (more or less), from the western right-of-way of Pine Street to the eastern right-of-way line of N. Lindsay Street. This alley is lying along the northern property lines of Guilford County Tax Parcels 0186819, 0186820, 186821, 0186822 & 0186823 and lying along the southern property lines of Guilford County Tax Parcel 0186833; and contains approximately 0.08 acres.
- e) Abandonment #5 (alley): An unnamed alley lying west of N. Elm Street, between Gatewood Avenue and Church Avenue (lying approximately 140 feet west of N. Elm Street). More specifically described as a portion of an alley, running in a general east-west direction for a length of approximately 70 feet (more or less), and lying west of Guilford County Tax Parcel 0186810 and contains approximately 0.02 acres.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 2<sup>nd</sup> day of October, 2017, at 5:30 p.m. setting the 20<sup>th</sup> day of November, 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 the City Council was made by publication in the High Point

Enterprise for four (4) consecutive weeks, beginning October 20, 2017 and October 27, 2017, November 3, 2017 and November 10, 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) of the above described right-of-ways; 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. The five right-of-ways, as described above, be closed pursuant to North Carolina G.S. 160A-299;
2. That within the above described five right-of-ways, the City of High Point shall retain a 30-foot wide City of High Point electrical easement centered over the existing City of High Point electrical pole and service lines within and crossing these right-of-ways;
3. That within the above described five right-of-ways, the City of High Point shall retain a 20-foot wide sewer line easement centered over existing sewer lines within or crossing the right-of-way;
4. That within the above described five right-of-ways, the City of High Point shall retain a 20-foot wide stormwater line easement centered over existing stormwater lines within or crossing these right-of-ways;
5. That within the above described five right-of-ways, the City of High Point shall retain a 20-foot wide Piedmont Natural Gas easement centered over existing gas lines within or crossing these right-of-ways;
6. That within the above described five right-of-ways, the City of High Point shall retain a 30-foot wide Duke Energy easement centered over existing Duke Power lines (overhead and underground) within or crossing these right-of-ways; and
7. 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 20<sup>th</sup> day of November, 2017  
Lisa B. Vierling, City Clerk