

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Street Abandonment 17-05  
(Hedgecock Road, LLC)

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

**Meeting Date:** January 16, 2018

**Public Hearing:** Yes

**Advertising Date:** December 22 & 29, 2017 and  
January 5 & 12, 2018

**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 Hedgecock Road, LLC to abandon that portion of the Westside Thoroughfare lying north of Hedgecock Road and west of the Phillips Soccer Complex.

### 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 December 12, 2017, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment 17-05. 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

### **Hedgecock Road, LLC**

### **Street Abandonment 17-05**

At its December 12, 2017 public hearing, the Planning and Zoning Commission reviewed Street Abandonment 17-05. 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 was the applicant, Mr. Brian Craven, 1942 Spring Garden Street, Greensboro, N.C. Mr. Craven stated that he owns the property south of the Westside Thoroughfare easement and he has future plans for development of the site, which is why he applied to have the right-of-way abandoned.

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

No one spoke in opposition to this request.

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

The Commission recommended *approval* of Street Abandonment 17-05, as recommended by staff, by a vote of 9-0.

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

**STAFF REPORT  
STREET ABANDONMENT CASE 17-05  
December 12, 2017**

| <b>Request</b>                           |   |
|--|---|
| <b>Applicant:</b><br>Hedgecock Road, LLC | <b>Proposal:</b><br>To abandon that portion of the right-of-way for the proposed Westside Thoroughfare lying north of Hedgecock Road and west of the Phillips Soccer Complex. |

| <b>Adjacent Streets</b> |                       |  |
|-------------------------|-----------------------|--|
| <b>Name</b>             | <b>Classification</b> | <b>Right-of-Way and Pavement Width</b>                         |
| Hedgecock Road          | Major Thoroughfare    | 84-foot wide right-of-way;<br>24-foot wide ribbon paved street |

| <b>Adjacent Property Zoning and Current Land Use</b> |   |  |
|--|---|--|
| <b>North</b>   | Conditional Use Residential Multifamily-16 (CU RM-16) District  | Common area of the Heritage Ridge townhome subdivision |
| <b>East</b>  | Parks & Natural Resources (PNR) District<br>Rural Agricultural (RA-3) District ( <i>Davidson County</i> ) | Phillips soccer complex and a single-family dwelling   |
| <b>South</b>   | Conditional Use Residential Multifamily-16 (CU RM-16) District  | Undeveloped parcel and Hedgecock Road right-of-way     |
| <b>West</b>  | Conditional Use Residential Multifamily-16 (CU RM-16) District  | Common area of the Heritage Ridge townhome subdivision |

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

This is a request to abandon a portion of an unimproved right-of-way (ROW) originally set aside for the proposed Westside Thoroughfare that is lying north of Hedgecock Road, submitted by Hedgecock Road, LLC which owns a parcel lying south of this ROW. The ROW was recorded in April 2007, as part of the final plat for Phase 2 of the Heritage Ridge Subdivision. It's 200 feet wide with a length of approximately 887 feet, containing approximately 4.1 acres. If the abandonment request is approved, the ROW will be divided along its centerline and added to the abutting parcels. The applicant, who owns the property to the south, will obtain the southern half of this ROW (approximately 1.8 acres) and the property owner to the north, Heritage Ridge HOA, will receive the northern half of the ROW (approximately 2.3 acres).

The Westside Thoroughfare is a current long-range road improvement project, proposed to be a 200-foot wide ROW consisting of a 4-lane roadway with a grass median that will loop around the western portion of the High Point planning area. This roadway was initially envisioned to run in a westerly direction from the intersection of N. Main Street and Old Plank Road, and then turn southward and continue to the southwestern portion of the City's planning area, connecting to National Highway near the High Point/Thomasville city limits. The location of the northern

portion of the roadway was reevaluated and moved further to the west, making the section of the ROW no longer needed for the project.

All parcels abutting this ROW have frontage to adjacent improved public streets, Therefore, abandonment of the City's interest in this ROW will not deprive any owner of access to their property. Advertisement of the public hearing was completed per requirements of the Development Ordinance by sending mailed notices to abutting property owners, placing a notice in the High Point Enterprise and the posting of public hearing signs at both ends of the ROW proposed to be abandoned.

### **Findings & Recommendations**

The Technical Review Committee (TRC) reviewed this request and identified no concerns related to the abandonment subject to the following issues being addressed.

- a) The Transportation Department noted that where this ROW abuts the Hedgecock Road ROW, abandonment should not reduce the width of the Hedgecock Road ROW. To address this concern the legal description in the resolution of abandonment will note termination of abandonment along the northern ROW line of Hedgecock Road, 42 feet from the centerline of the Hedgecock Road ROW.
- b) A 15-foot wide electrical utility easement runs across this ROW along the northern ROW of Hedgecock Road. A 15-foot wide electric utility easement shall be retained.
- c) Duke Power has a 150-foot wide power transmission easement/ROW which impacts the eastern portion of the area of abandonment. This private utility easement was in place prior to the plating of this ROW, and the abandonment will not impact or remove this previously established private utility easement.

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 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 a 15-foot wide electrical utility easement along the southern limits of this ROW where it abuts the northern Hedgecock Road ROW.

### **Report Preparation**

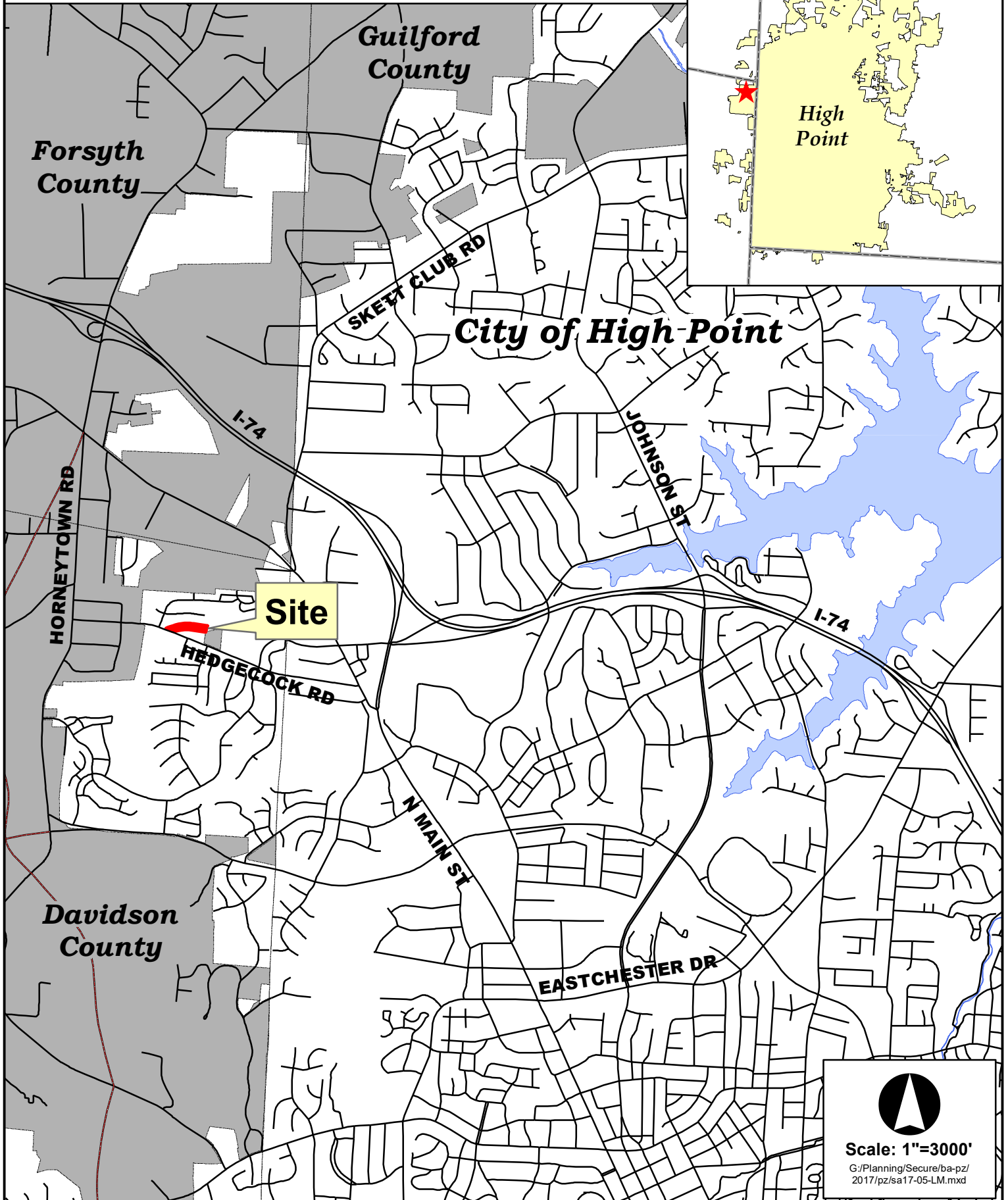
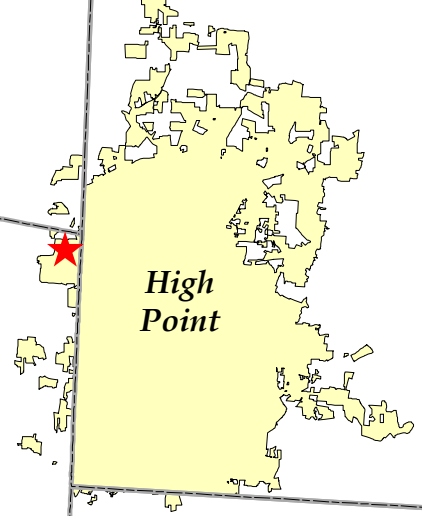
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.

# LOCATION MAP

STREET ABANDONMENT SA-17-05

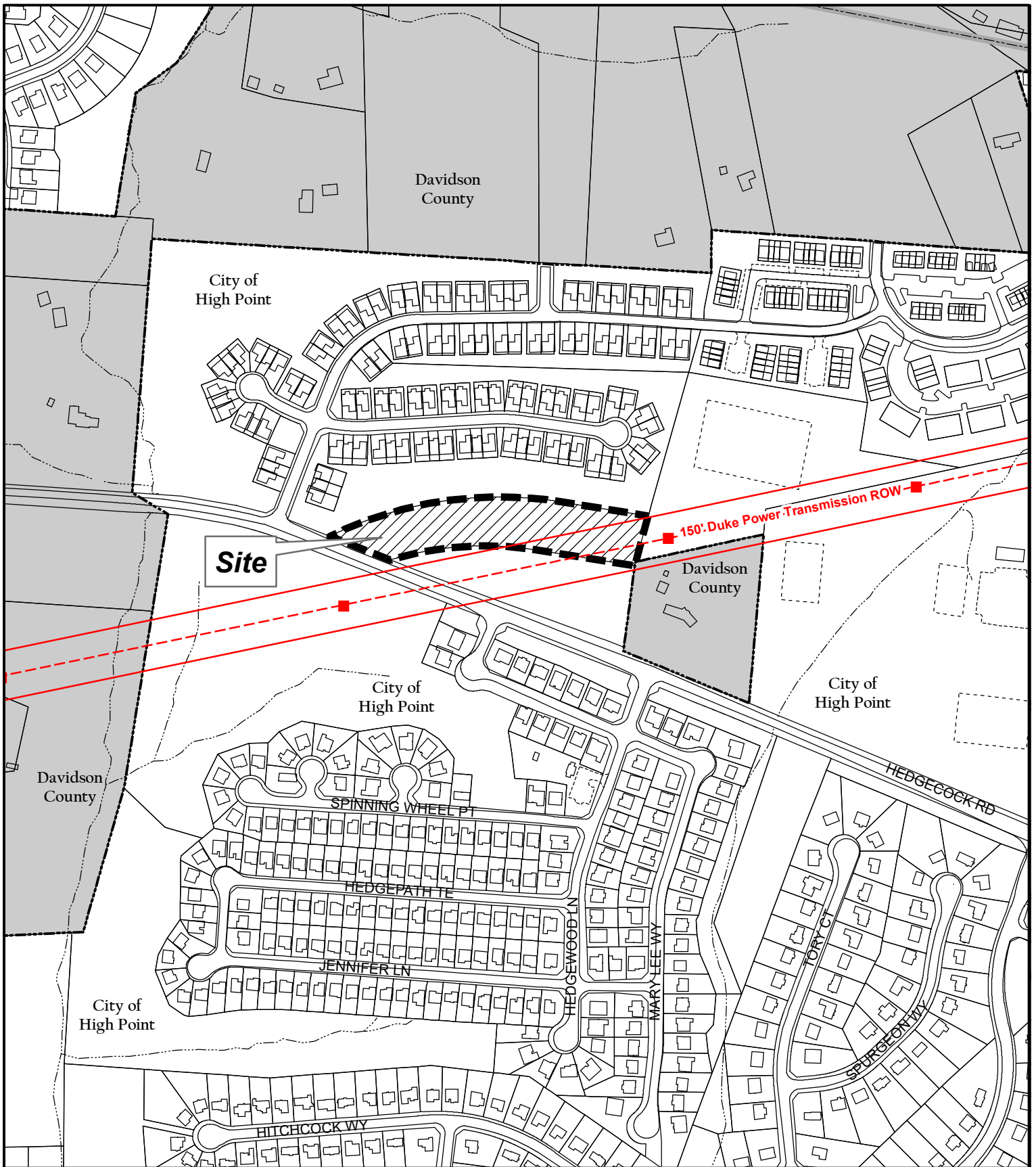
Applicant: Hedgecock Road LLC

## Vicinity Map



Scale: 1"=3000'

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## STREET ABANDONMENT SN-17-05

Applicant: Hedgecock Road LLC  
Area: 3.05 acres



Location of requested street abandonment

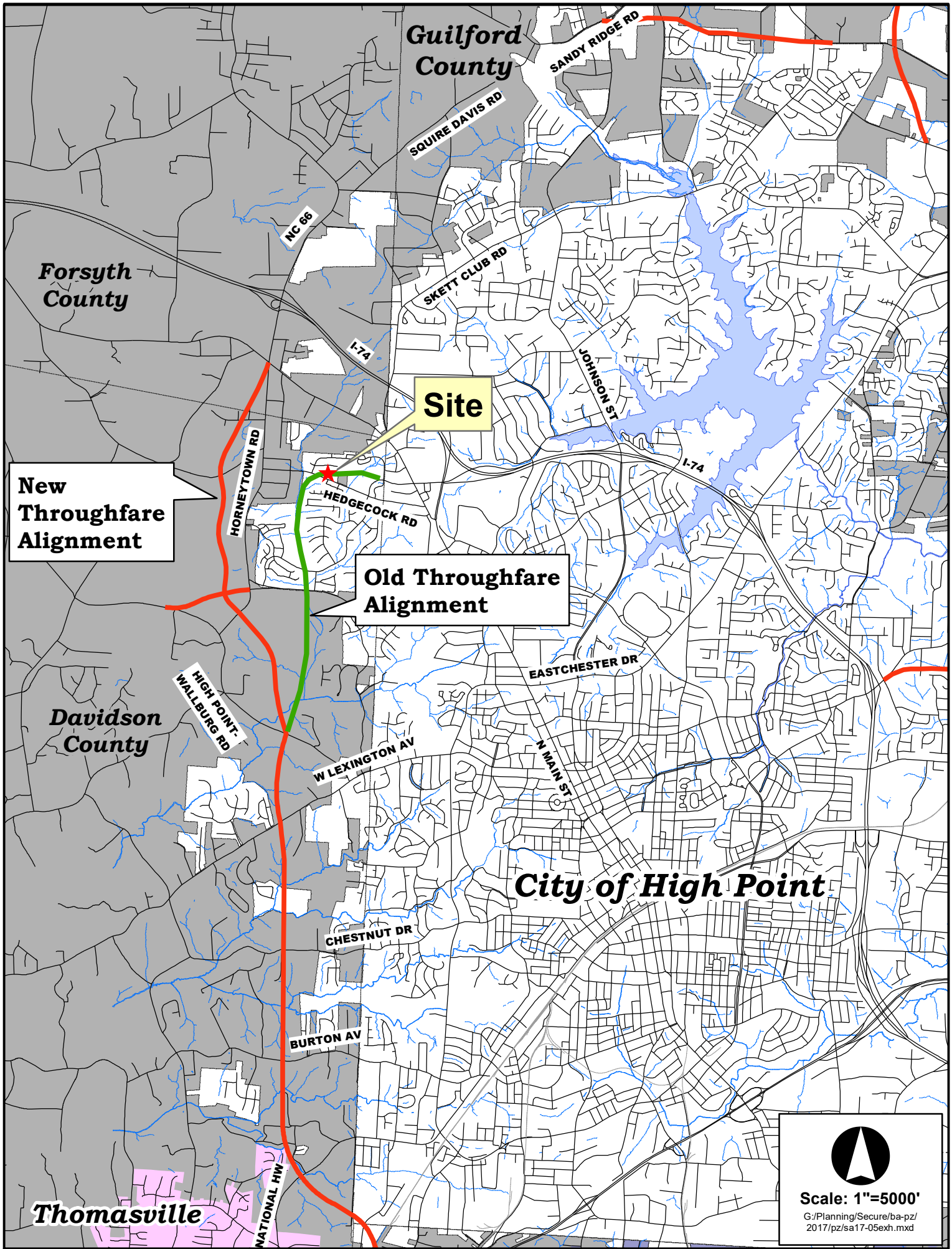
Planning & Development  
Department

City of High Point



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Attachments: Photographs (November 2017) and Aerial (February, 2014)  
**Looking north of Hedgecock Road towards the ROW to be abandoned.**





**Looking west of the Phillips Soccer Complex towards the ROW to be abandoned**

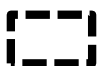






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Location of requested street abandonment

Planning & Development  
Department

City of High Point



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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 / 18-xx

## **RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 18<sup>th</sup> DAY OF DECEMBER, 2017, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:**

### **Street Abandonment (Closure) Case 17-05**

(abandon a portion of the Westside Thoroughfare lying north of Hedgecock Road)

WHEREAS, Hedgecock Road, LLC has petitioned the City Council of the City of High Point to permanently abandon (close) that portion of the Westside Thoroughfare lying north of Hedgecock Road and west of the Phillips Soccer Complex, which is more specifically described as follows.

**Commencing** from an existing NCGS Monument “Trust”, having NAD 83 (2011) coordinate (Observed) of N: 802,578.22 and E: 1,702,778.53, Thence leaving said “Trust”, N 33°36’24 W 24,078.20 feet to an existing ½” iron rod, having NAD 83 (2011) coordinate of N: 822,631.90 and E: 1,689,451.51, said iron rod being located on the northern right-of-way of Hedgecock Road (SR 1892 – Public right-of-way varies), being the southwest corner of Vernon & Lois C. Shivers, Pin Id: 6882-04-92-5880 (Deed Book 1187, Page 298) and being the southeast corner of Hedgecock Rd, LLC, Pin Id: 6882-04-92-0856 (Deed Book 1894, Page 11 and Plat Book 50, Page 5, Lot A), Thence leaving said Hedgecock Road and along said Shivers and Hedgecock Rd, LLC property line, N 07°59’43” E 244.67 feet to an existing ½” iron rod, said iron rod being a point in the western

property line of said Shivers, being the northeast corner of said Hedgecock Rd, LLC, being the southeast corner of the 200' Right-of-way Dedication for Future Westside Thoroughfare Abandonment and being The Point and Place of The **Beginning**. Thence leaving said Shivers and along said Hedgecock Rd, LLC the following two (2) courses and distances: 1) N 80°52'31" W 310.25 feet to an existing ½" iron rod, 2) with a curve to the left, having a radius of 1,000 feet, an arc length of 418.90 feet and a chord bearing and distance of S 87°06'18" W 415.84 feet to an existing ½" iron rod, said new iron pipe being located on the northern right-of-way of said Hedgecock Road and being the western corner of said Hedgecock Rd, LLC; Thence leaving said Hedgecock Rd, LLC and along Hedgecock Road the following three (3) courses and distances: 1) N 68°37'01" W 145.13 feet, 2) N 68°37'01" W 50.53 feet to a new iron pipe set; 3) N 64°18'08" W 95.28 feet to a new iron pipe set, said new iron pipe being a southern point of Heritage Ridge HOA, Inc., Pin Id: 6882-04-83-9221 (Deed Book 1779, Page 478 and Plat Book 50, Page 5 – Comment Element); Thence leaving said Hedgecock Road and along said Heritage Ridge HOA, Inc. the following two (2) courses and distances: 1) with a curve to the right, having a radius of 1,200 feet, an arc length of 734.29 feet and a chord bearing and distance of N 81°35'13" E 722.89 feet to a new iron pipe set; 2) S 80°52'41" E 316.87 feet to a new iron pipe set, said new iron pipe being the southeastern corner of said Heritage Ridge HOA, Inc. and being a point in the western property line of High Point Soccer Association, Inc. D/B/A Piedmont Soccer Alliance, Pin Id: 6882-04-93-7226 (Deed Book 1226, Page 451); Thence leaving said Heritage Ridge HOA, Inc. and along said High Point Soccer Association, Inc. D/B/A Piedmont Soccer Alliance the following two (2) courses and distances: 1) S 11°28'35" W 100.07 feet to a new iron pipe set; 2) S 11°28'35" W 73.80 feet to a new iron pipe set, said iron pipe being the southwest corner of said High Point Soccer Association, Inc. D/B/A Piedmont Soccer Alliance and being the northwest corner of said Shivers, Thence leaving said High Point Soccer Association, Inc. D/B/A Piedmont Soccer Alliance and along said Shiver, S 08°06'35" W 26.25 feet to the Point and Place of the **Beginning**. Containing 4.12 acres, more or less.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 18<sup>th</sup> day of December, 2017, at 5:30 p.m. setting the 16<sup>th</sup> day of January, 2018 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 December 22 & 29, 2017 and January 5 & 12, 2018; 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 portions of the Westside Throughfare; 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 Westside Thoroughfare 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 15-foot wide City of High Point electrical utility easement along the northern ROW line of Hedgecock Road; 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 16<sup>th</sup> day of January, 2018  
Lisa B. Vierling, City Clerk