

CITY OF HIGH POINT

AGENDA ITEM



Title: Street Abandonment 17-06
(High Point University)

From: Lee Burnette, Planning & Development
Director

Meeting Date: February 5, 2018

Public Hearing: Yes

Advertising Date: January 5, 12, 19 & 26, 2018

Advertised By: Planning & Development

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

PURPOSE:

A request by High Point University to abandon that portion of the Barbee Avenue right-of-way lying east of the Willow Place right-way.

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 January 23, 2018, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment 17-06. The Planning & Zoning Commission recommended *approval* of this request, by a vote of 8-0, as outlined in the staff report and recommended by staff.

PLANNING AND ZONING COMMISSION RECOMMENDATION

High Point University

Street Abandonment 17-06

At its January 23, 2018 public hearing, the Planning and Zoning Commission reviewed Street Abandonment 17-06. All members of the Commission were present except for Mark 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's representative, Mr. Barry Kitley, Director of Special Projects Facilities & Auxiliary Operations at High Point University. Mr. Kitley provided an overview of the request and made himself available to address questions from the Commission.

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 17-06, as recommended by staff, by a vote of 8-0.

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

**STAFF REPORT
STREET ABANDONMENT CASE 17-06
January 23, 2018**

Request	
Applicant: High Point University	Proposal: To abandon that portion of the Barbee Avenue right-of-way lying east of the Willow Place right-of-way.

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
Barbee Avenue	Local street	50-foot wide right-of-way 30-foot paving with curb and gutter

Adjacent Property Zoning and Current Land Use		
North	Conditional Zoning Institutional District (CZ-I) District	High Point University campus
South	Residential Single-Family 5 (R-5) District	Undeveloped parcel
East	Conditional Zoning Institutional District (CZ-I) District	High Point University campus
West	Conditional Zoning Institutional District (CZ-I) District Residential Single-Family 5 (R-5) District	Intersection of Barbee Avenue and Willow Place

Analysis

This is a request from High Point University to abandon the remaining portion of the Barbee Avenue right-of-way (ROW) lying east of Willow Place. This application concludes a process begun in 2014 when the University purchased all but one of the former single family lots fronting along this segment of Barbee Avenue. HPU then requested a street abandonment for the portion of Barbee Avenue from (then) Montlieu Avenue to the remaining single family lot and a zoning map amendment for the area. The remaining 55-foot long segment of Barbee Avenue that is proposed to be abandoned provided access to this last remaining single family lot on Barbee Avenue east of Willow Place. That access is no longer needed. The University purchased this lot and submitted a street abandonment and a zoning map amendment to add the area to the campus.

The University owns all of the abutting parcels next to this portion of Barbee Avenue proposed for abandonment. All other private property in this area has frontage and access to Willow Place or to the remaining open portion of Barbee Avenue. Therefore, abandonment of this portion of Barbee Avenue will not deprive any owner of reasonable access to their property.

Findings & Recommendations

The Technical Review Committee reviewed this request and identified no concerns related to the abandonment of the requested portion of Barbee Avenue. However, the Public Services Department, Engineering Services Department and Electric Department identified City sewer,

water and electric utility lines within this ROW. These departments stated that easements must be retained over these public utility lines.

This abandonment of the public's interest and conveyance of the right-of-way to the abutting property owner (High Point University), as provided by State statutes, is found not to be contrary to the public's interest. Adjacent residential property owners in the surrounding area continue to have access to Willow Place and the remaining public portion of Barbee Avenue to access their properties. This proposed ROW abandonment will not deprive any property owners in the vicinity of this request reasonable means of ingress and egress to their property.

The Planning and Development Department recommends approval of the requested street abandonment with the retention of the following easements:

1. A 15-foot wide sanitary sewer easement centered over all existing sewer lines within and crossing the right-of-way.
2. A 15-foot wide water easement centered over all existing water lines within and crossing the right-of-way; including over an existing fire hydrant and the hydrant lead line; and
3. A 30-foot wide electrical easement, which also includes City fiber optic lines, cable TV lines and some NorthState Communication lines, centered over all existing electric lines within and crossing the right-of-way.

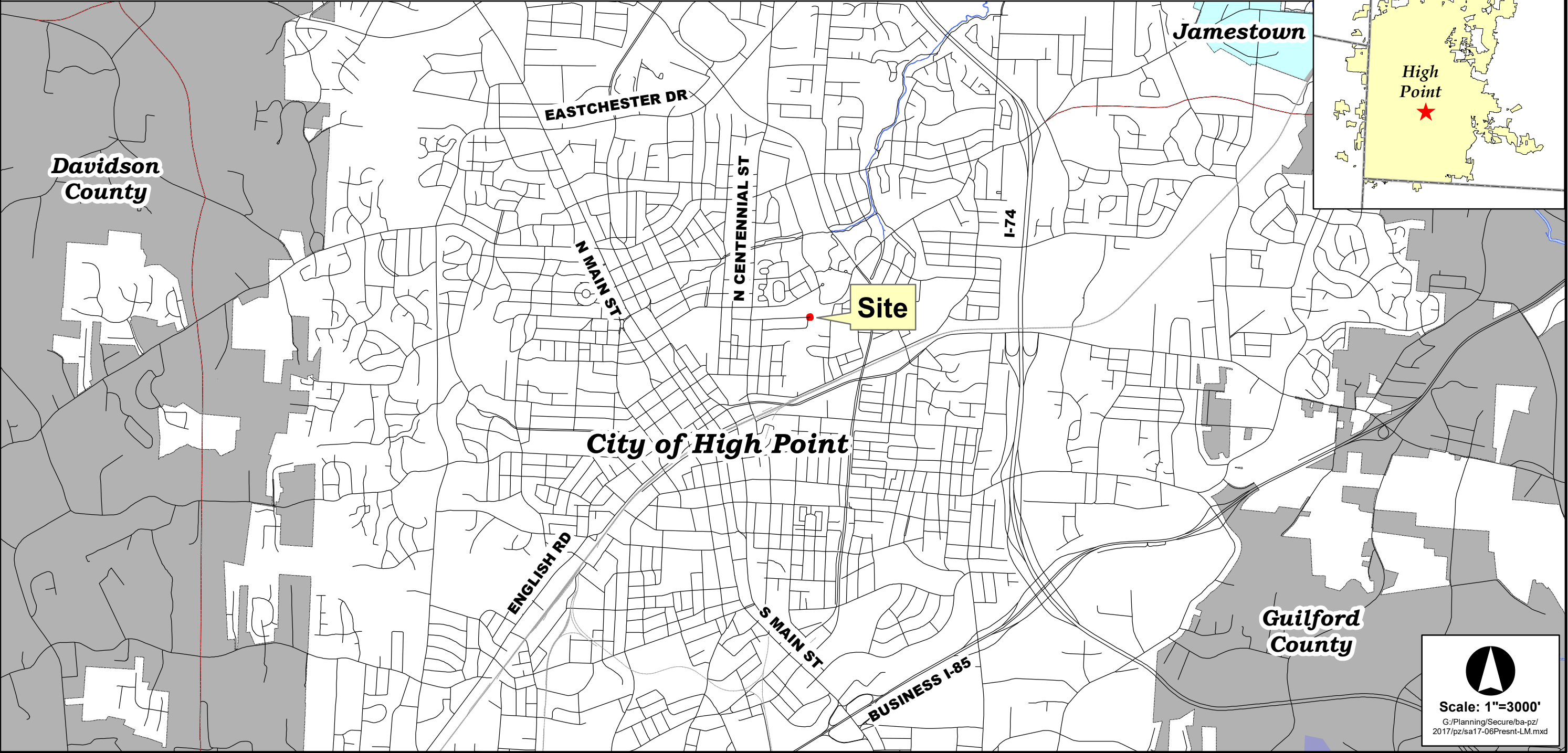
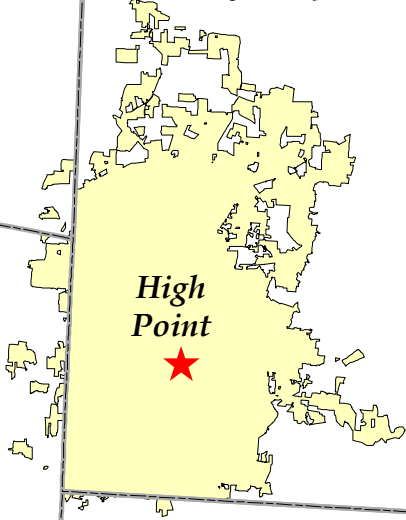
Report Preparation


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

LOCATION MAP

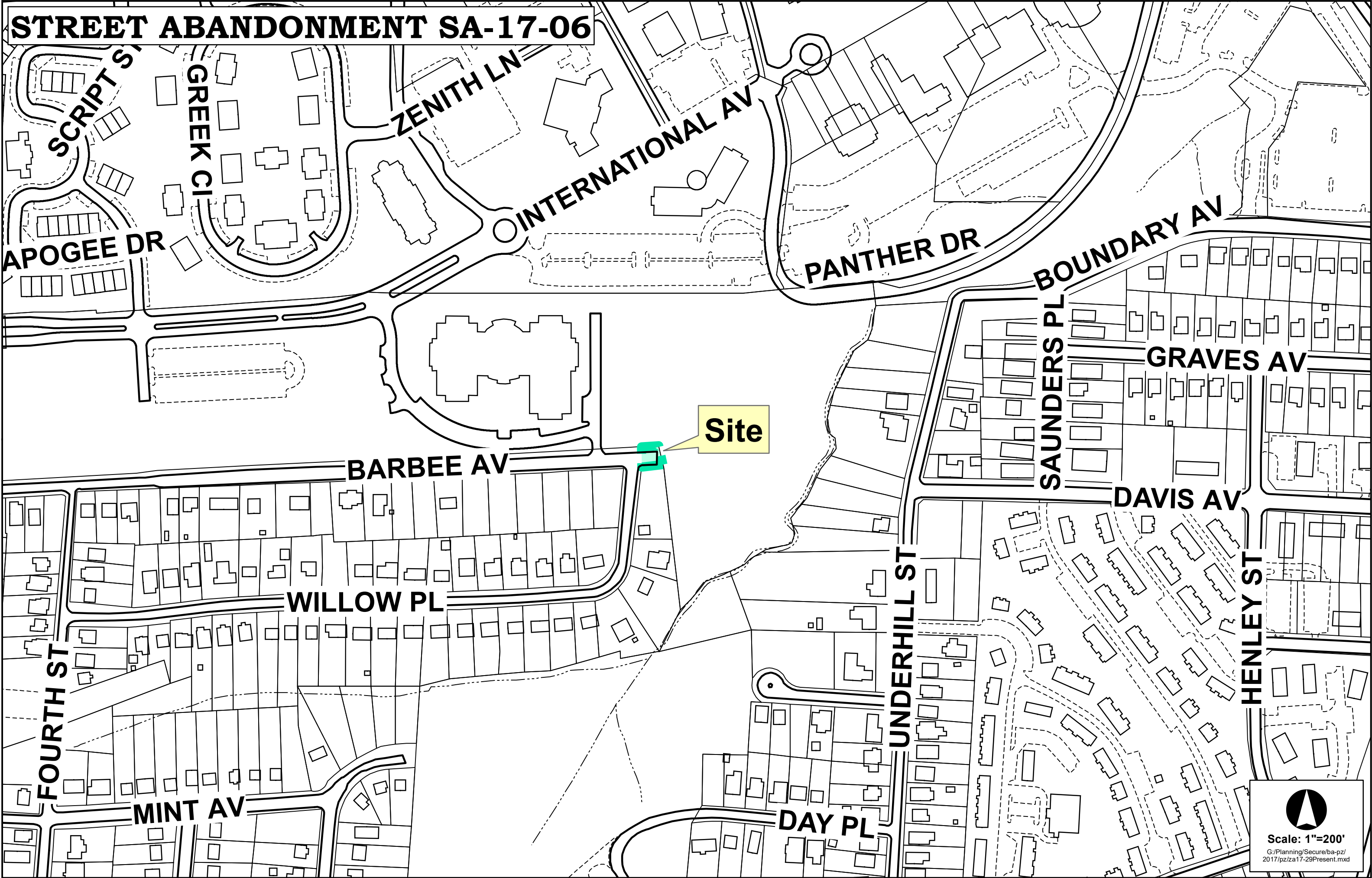
STREET ABANDONMENT: SA-17-06
Applicant: High Point University

Vicinity Map




Scale: 1"=3000'
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2017/pz/sa17-06Presnt-LM.mxd

STREET ABANDONMENT SA-17-06




Scale: 1"=200'
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2017\pz\za17-29Present.mxd

Attachments: Photographs (January 2018) and Aerial (February 2014)
Looking north from Willow Place towards Barbee Avenue.



Looking east from Barbee Avenue towards the Willow Place intersection



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 5th DAY OF FEBRUARY, 2018, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 17-06

(abandon that portion of the Barbee Avenue right-of-way lying east of the Willow Place right-of-way)

WHEREAS, High Point University has petitioned the City Council of the City of High Point to permanently abandon (close) all of that portion of the Barbee Avenue right of way lying east of the Willow Place right-of-way, which is more specifically described as follows.

Beginning at the southeast corner of the intersection of Barbee Avenue and Willow Place, said point also being the northwestern corner of Lot #211 of College Heights as recorded in Plat Book 4 Page 158 of the Guilford County Register of Deeds, thence in an easterly direction with the southern right-of-way line of Barbee Avenue a distance of approximately 55 feet to the northeastern corner of Lot #211 as recorded in Plat Book 4 Page 158 of the Guilford County Register of Deeds; thence in a northerly direction approximately 50 feet, crossing Barbee Avenue to the southeast corner of Lot #16 of Block "N" of Willoubar Terrace as recorded in Plat Book 4 Page 212 and being in the north right-of-way line

of Barbee Avenue, thence in a westerly direction with the northern right-of-way line of Barbee Avenue a distance of approximately 50 feet to the southwestern corner of Lot #16 of Block "N" of Willoubar Terrace as recorded in Plat Book 4 Page 212; thence in a southerly direction approximately 50 feet, crossing Barbee Avenue to the Point and Place of the **Beginning**.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 18th day of December, 2017, at 5:30 p.m. setting the 5th day of February, 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 January 5, 12, 19 & 26, 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 Barbee 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 the portion of Barbee the Avenue 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 sanitary sewer easement centered over all existing sewer lines within and crossing the right-of-way;
3. That the City of High Point shall retain a 15-foot wide City of High Point water easement centered over all existing water lines within and crossing the right-of-way; including over an existing fire hydrant and the hydrant lead line;
4. That the City of High Point shall retain a 30-foot wide electrical easement, which also includes City fiber optic lines, cable TV lines and some NorthState Communication lines, centered over all existing electric lines within and 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 5th day of February, 2018
Lisa B. Vierling, City Clerk