

CITY OF HIGH POINT

AGENDA ITEM



Title: **Street Abandonment 19-02**
(*High Point University and Georgia Tassopoulos*)

From: Lee Burnette, Planning & Development
Director

Meeting Date: November 18, 2019

Public Hearing: Yes

Advertising Date: October 18 & 25, 2019 and
November 1 & 8, 2019

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 and Georgia Tassopoulos, by Pinnacle Bank as Power-of-Attorney by Nancy B. Dameron, to abandon all of the Guilford Avenue, McCain Place, Fifth Street and E. Farriss Avenue (northern portion) rights-of-way, lying east of N. Centennial Street and south of E. Lexington Avenue.

BACKGROUND:

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

BUDGET IMPACT:

If approved there will be no budget impacts. The abandoned public rights-of-way will become real property owned by abutting property owners, the public streets will convert to private drives, and become the responsibility of High Point University. Also, the University will be responsible for reimbursing the City Department of Transportation cost for changing the public street signs to private drive signs.

RECOMMENDATION / ACTION REQUESTED:

- A. Staff recommended ***approval*** with the reservation of utility easements, as outlined in the attached staff report.
- B. On September 24, 2019, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment 19-02. The Planning and 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

High Point University

Street Abandonment 19-02

At its September 24, 2019 public hearing, the Planning and Zoning Commission reviewed this street abandonment request. All members of the Commission were present except for Mr. Ray Wheatley and Mr. Mark Walsh. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on the request:

Speaking in favor of the request was the applicant's representative, Mr. Barry Kitley, Director of Community Relations for High Point University. Mr. Kitley provided an overview of the request. He stated that the University owns all the parcels within this subdivision, except for 1215 McCain Place. These University owned properties were recently rezoned to the Institutional District earlier this year and added to the campus. Mr. Kitley noted that the University has reached out to the owner's representative for 1215 McCain Place and they have agreed to be a co-applicant in this street abandonment request. The University will provide an access easement to 1215 McCain Place.

No one spoke in opposition to the request.

Chairman Kirkman requested clarification if all of E. Farriss Avenue (northern and southern portion) is to be abandoned. Mr. Shannon noted that this application only proposes to abandon the northern leg of E. Farriss Avenue (segment lying north of the greenway). The public portion of the southern leg of E. Farriss Avenue is not impacted by this request.

Planning and Zoning Commission Action

The Commission recommended *approval* of Street Abandonment 19-02, as recommended by staff, by a vote of 6-0.

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

**STAFF REPORT
STREET ABANDONMENT CASE 19-02
September 24, 2019**

Request	
Applicant: High Point University and Georgia Tassopoulos, by Pinnacle Bank as Power-of-Attorney by Nancy B. Dameron	Proposal: To abandon all of the Guilford Avenue, McCain Place, Fifth Street and E. Farriss Avenue (northern portion) rights-of-way, lying east of N. Centennial Street and south of E. Lexington Avenue

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
Guilford Avenue	Local street	50-foot wide right-of-way; 30-foot wide paving with curb and gutter
McCain Place	Local street	50-foot wide right-of-way; 30-foot wide paving with curb and gutter
Fifth Street	Local street	50-foot wide right-of-way; 30-foot wide paving with curb and gutter
E. Farriss Avenue (northern portion)	Local street	50-foot wide right-of-way; 30-foot wide paving with curb and gutter

Adjacent Property Zoning and Current Land Use		
North:	Retail Center (RC) District	Large retail establishment (shopping center)
South:	Conditional Zoning Institutional (CZ-I) District Residential Single Family-5 (R-5) District	High Point Greenway
East:	Institutional (I) District	High Point University campus
West:	Residential Single Family-5 (R-5) District	Single family detached dwellings

Analysis

High Point University has submitted a petition to abandon all the street rights-of-way (ROW) within the block bounded by N. Centennial Street, E. Lexington Avenue, Panther Drive and E. Farriss Avenue. Except for the co-applicant's property at 1215 McCain Place, the University has purchased all properties within this block. The ROWs in question consist of:

- Fifth Street, from the greenway to E. Lexington Avenue;
- All of McCain Place;
- Guilford Avenue (formerly known as Rose Avenue), section lying east of N. Centennial Street; and
- E. Farriss Avenue, the northern leg of ROW lying between N. Centennial Street and Panther Drive (formerly known as West College Drive).

All of these ROWs have a width of 50 feet and all are improved with a paved public street. The ROWs are depicted on two recorded maps, first on a map recorded in August 1939 entitled “Sherwood Park – Plat No. 1 Property of Mrs. H.W. McCain – High Point, NC” Plat Book 11 Page 66, and secondly, on a map recorded in August 1939 “Sherwood Park – Plat No. 2 Property of O.A. Kirkman – High Point, NC” in Plat Book 11 Page 67.

With the University’s purchase of these properties and the CZ-I rezoning that was approved, there is little public purpose remaining for these ROWs. The Technical Review Committee reviewed the requested abandonments and stated no objections; however, the various public and private utility service providers noted that easements must be reserved for the multiple utility lines within these ROWs.

Findings & Recommendation

This abandonment of the public’s interest and conveyance of the right-of-way to the abutting property owners, High Point University and co-applicant, as provided by State statutes is found not to be contrary to the public’s interest. The University has established an access agreement with their co-applicant; thus, the proposed abandonment will not deprive any property owners who are adjacent to the proposed abandoned ROWs reasonable means of ingress and egress to their property.

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

- A 20-foot wide stormwater easement centered over all existing stormwater lines within and crossing all the impacted rights-of-way;
- A 20-foot wide sanitary sewer utility easement centered over all existing sewer lines within and crossing all the impacted rights-of-way.
- A 20-foot wide water utility easement centered over all existing water lines within and crossing all the impacted rights-of-way; including over existing fire hydrants and hydrant lead lines;
- A 20-foot wide gas line easement centered over all existing Piedmont Natural Gas lines within and crossing all the impacted rights-of-way;
- A 30-foot wide electrical utility easement, which also includes City fiber optic lines, cable TV lines and NorthState Communication lines, centered over all existing overhead electric lines within and crossing all the impacted rights-of-way; and
- A 15-foot wide NorthState telecommunications easement for NorthState telecommunications utility lines that are separate from City electric lines, centered over these separate NorthState utility lines within and crossing all the impacted rights-of-way.

Report Preparation

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

Attachments: Photographs (September 2019) and Aerial (February, 2018)
Looking south towards Fifth Street/McCain Place.



Looking north toward Fifth Street



Looking east towards the Guilford Avenue.



Looking east towards the northern part of E. Farris Avenue.



Looking east & west along E. Farris Avenue.



LOCATION MAP

STREET ABANDONMENT: SA-19-02

Applicant: High Point University

Vicinity Map

High Point

Scale: 1"=3000'

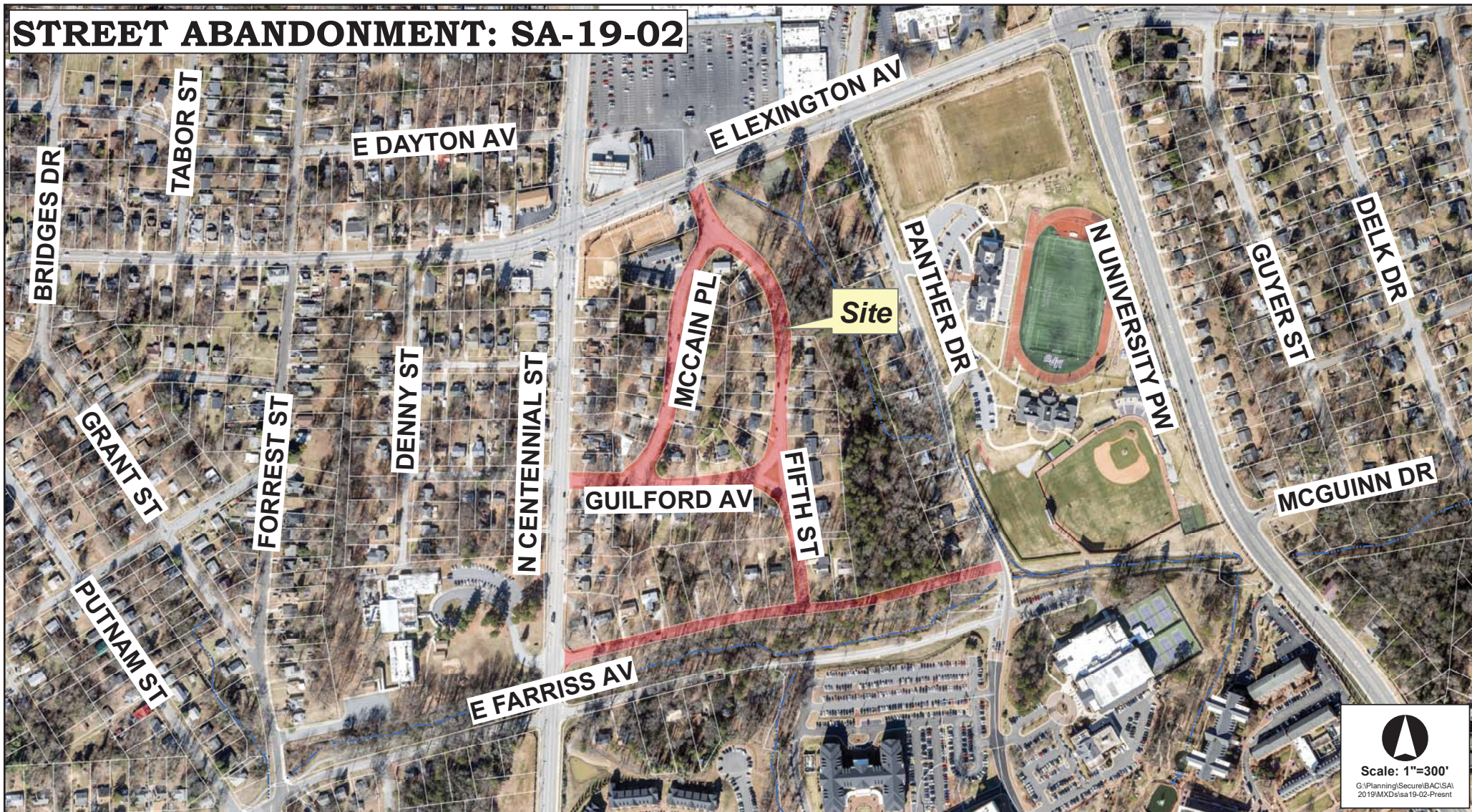
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STREET ABANDONMENT: SA-19-02



STREET ABANDONMENT: SA-19-02



Scale: 1"=300'

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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 / 19-xx

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 18th DAY OF NOVEMBER 2019, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 19-02

Abandon all of the Guilford Avenue, McCain Place, Fifth Street and E. Farriss Avenue (northern portion) rights-of-way, lying east of N. Centennial Street and south of E. Lexington Avenue.

WHEREAS, High Point University has petitioned the City Council of the City of High Point to permanently abandon (close):

- 1) All of the Guilford Avenue rights-of-way, lying east of N. Centennial Street. This right-of-way, formerly known as Rose Avenue, was recorded in Plat Book 11 – Page 66 of the Guilford County Register of Deeds Office;
- 2) All of the McCain Place rights-of-way. This right-of-way was recorded in Plat Book 11 – Page 66 of the Guilford County Register of Deeds Office;
- 3) All of the Fifth Street rights-of-way, lying between E. Lexington Avenue and E. Farriss Avenue. This right-of-way was recorded in Plat Book 11 – Page 66 and in Plat Book 11 – Page 67 of the Guilford County Register of Deeds Office; and
- 4) All of the E. Farriss Avenue rights-of-way, the northern portion, lying between N. Centennial Street and Panther Drive (formerly known as

West College Drive). This right-of-way was recorded in Plat Book 11 – Page 67 and in Plat Book 7 – Page 159 of the Guilford County Register of Deeds Office.

These rights-of-way are more specifically described as follows.

Guilford Avenue Right-of-way Abandonment

Being all of the right-of-way dedicated for Guilford Avenue, indicated as Rose Avenue on Plat No. 1 entitled Sherwood Park Property of Mrs. H. W. McCain as recorded in Plat Book 11 Page 66 of the Guilford County Register of Deeds. Beginning at the eastern limits of the public right-of-way of Centennial Street, west to the western limits of the right-of-way of Fifth Street.

McCain Place Right-of-way Abandonment

Being all of the right-of-way dedicated for McCain Place as indicated on Plat No. 1 entitled Sherwood Park Property of Mrs. H. W. McCain as recorded in Plat Book 11 Page 66 of the Guilford County Register of Deeds, beginning at the western limits of the public right-of-way of Fifth Street, as McCain Place runs to the south to the northern limits of the right-of-way of Rose Avenue, now known as Guilford Avenue.

Fifth Street Right-of-way Abandonment

Being all of the right-of-way dedicated for Fifth Street as indicated on Plat No. 1 entitled Sherwood Park Property of Mrs. H. W. McCain as recorded in Plat Book 11 Page 66 of the Guilford County Register of Deeds, and Plat No. 2 entitled Sherwood Park Property of O. A. Kirkman as recorded in Plat Book 11 Page 67 of the Guilford County Register of Deeds, beginning at the southern limits of the public right-of-way of Lexington Avenue, as Fifth Street runs to the south through the aforementioned Plat Nos. 1 and 2, to the northern limits of the right-of-way of the northernmost Farriss Avenue of Plat No. 2 entitled Sherwood Park Property of O. A. Kirkman.

E. Farriss Avenue Right-of-way Abandonment

Being all of the right-of-way dedicated for the northernmost E. Farriss Avenue adjoining the northern limits of the City Park as indicated on Plat No. 2, entitled Sherwood Park as recorded in Plat Book 11 Page 67 of the Guilford County Register of Deeds, said right-of-way beginning at the eastern limits of the Centennial Avenue right-of-way, closing the 34 feet of Farriss Avenue as it runs to the east along the southern lines of Lots 1 through 9 of Block Five of said Plat; thence continuing east crossing Fifth Street; thence continuing east along the southern lines of Lots 1 and 2 of Block Six, and the southern limits of a City Park to the western limits of West College Drive, now known as Panther Drive (private).

The right-of-way abandonment will also include any claimed or dedicated right-of-way indicated on a revised Record Map of College Development and Improvement Company as recorded in Plat Book 7 Page 159 of the Guilford County Register of Deeds indicated as a "street" adjoining the southern limits of Lot 29 and the northern limits of Lot 28 to the western limits of West College Drive, now known as Panther Drive (private).

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 7th day of October, 2019, at 5:30 p.m. setting the 18th day of November, 2019 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 October 18 & 25, 2019 and November 1 & 8, 2019; 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 portion of Guilford Avenue, McCain Place, Fifth Street and E. Farriss 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 all of the Guilford Avenue, McCain Place, Fifth Street and E. Farriss Avenue (northern portion) rights-of-way, as described above, be closed pursuant to North Carolina G.S. 160A-299;
2. That the City of High Point shall reserve a 20-foot wide stormwater easement centered over all existing stormwater lines within and crossing all the impacted rights-of-way;
3. That the City of High Point shall reserve a 20-foot wide sanitary sewer utility easement centered over all existing sewer lines within and crossing all the impacted rights-of-way.
4. That the City of High Point shall reserve a 20-foot wide water utility easement centered over all existing water lines within and crossing all the impacted rights-of-way; including over existing fire hydrants and hydrant lead lines;

5. That the City of High Point shall reserve a 30-foot wide electrical utility easement, which also includes City fiber optic lines, cable TV lines and NorthState Communication lines, centered over all existing overhead electric lines within and crossing all the impacted rights-of-way;
6. That a 20-foot wide gas line easement centered over all existing Piedmont Natural Gas lines shall be reserve within and crossing all the impacted rights-of-way;
7. That a 15-foot wide NorthState telecommunications easement for NorthState telecommunications utility lines that are separate from City electric lines shall be reserve, centered over these separate NorthState utility lines within and crossing all the impacted rights-of-way; and
8. 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 18th day of November, 2019
Lisa B. Vierling, City Clerk