

CITY OF HIGH POINT

AGENDA ITEM



Title: **Street Abandonment 21-02**
(*High Point University and Lily Pad Investors, LLC.*)

From: Chris Andrews,
Interim Planning & Development Director

Meeting Date: November 15, 2021

Public Hearing: Yes

Advertising Date: October 21 & 28, 2021 and
November 4 & 11, 2021

Attachments: A. Staff Report
B. Resolution of Abandonment

Advertised By: Planning & Development

PURPOSE:

A request by High Point University and Lily Pad Investors, LLC to abandon (close) the eastern 365± of the Barbee Avenue right-of-way (a 50-foot-wide right-of-way). This is an improved right-of-way that runs in a general east - west direction between 908 to 920 Barbee Avenue (abutting Guilford County Tax Parcels 190710, 190711, 190712, 190713 and 1900041).

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their October 26, 2021 public hearing. All members of the Commission were present, except for Member McGill. 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 on behalf of the applicant was Mr. Jason Sweet, Director of Construction and Renovation, High Point University, 8807 Desmond Dr., Lewisville, NC. Mr. Sweet gave an overview of the applicant's proposal and made himself available for questions.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

Staff recommended ***approval*** of this request as outlined in the attached staff report.

B. Planning and Zoning Commission Action

The Planning and Zoning Commission recommended ***approval*** of this request, as recommended by staff, by a vote of 8-0.

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

**STAFF REPORT
STREET ABANDONMENT CASE 21-02
October 26, 2021**

Request	
Applicant: High Point University and Lily Pad Investors, LLC	Proposal: To abandon the eastern 365 feet of the Barbee Avenue right-of-way, between 908 to 920 Barbee Avenue (abutting Guilford County Tax Parcels 190710, 190711, 190712, 190713, and 1900041)

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	Single family dwellings and undeveloped parcels
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	Barbee Avenue ROW and

Analysis

During the past two decades the High Point University campus has expanded south of International Avenue (formerly Montlieu Avenue) to the north side of Barbee Avenue. The University has requested and been granted zoning approvals to permit university-related uses in the block lying between Barbee Avenue and International Avenue, and the City has abandoned public streets in this area (Willoubar Terrace, Fifth Street and that segment of former Montlieu Avenue running between N. Centennial Street to N. University Parkway). These actions have left the eastern segment of Barbee Avenue as a dead-end public street. The University has recently purchased the properties at the eastern terminus of Barbee Avenue, between 908 to 920 Barbee Avenue, and wishes to abandon the eastern portion of these streets, and incorporate this area into the campus.

Barbee Avenue has a right-of-way width of 50 feet and is improved with a paved cartway. The ROW and the abutting parcels are depicted on two recorded maps. First, on a map recorded in June 1926 entitled "Map of Geo. F. Wilson Property – High Point, N.C." in Plat Book 7 Page 108 and secondly on a map recorded in July 1944 entitled "Map of Section Two of the M. J. Wrenn Property - High Point N.C." Plat Book 13 Page 76.

This street has historically served as a direct means of access for this residential neighborhood to the former Montlieu Avenue and to N. Centennial Street. With the incorporation of the former residential blocks along the north side of Barbee Avenue into the campus and the abandonment of Montlieu Avenue, traffic from this neighborhood can now only travel in a westward direction to N. Centennial Street. With the abandonment of Montlieu Avenue and the acquisition of residential properties there is little public purpose remaining for the eastern segment of Barbee Avenue. Therefore, the University is proposing to abandon this eastern 365-foot portion of Barbee Avenue and to install a cul-de-sac at the eastern terminus of the public street.

The Technical Review Committee (TRC) reviewed this requested street abandonment and had no objection to the abandonment. However, the various public and private utility service providers noted that easements must be retained for the multiple utility lines within this ROW.

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 Lily Pad Investors, LLC), as provided by State statutes, is found not to be contrary to the public's interest. Existing adjacent residential property owners still have access to the remaining public portion of Barbee Avenue from their property. 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:

- A 20-foot wide stormwater easement centered over all existing stormwater lines within and crossing the Barbee Avenue right-of-way;
- A 20-foot wide sanitary sewer easement centered over all existing sewer lines within and crossing the Barbee Avenue right-of-way;
- A 20-foot wide water easement centered over all existing water lines within and crossing the Barbee Avenue right-of-way;
- A 30-foot wide Piedmont Natural Gas easement offset over all existing gas lines within and crossing the Barbee Avenue right-of-way. This easement shall extend 10 feet south of existing gas lines and 20 feet north of existing gas lines.
- A 30-foot wide electric utility easement, which includes electric lines, City fiber optic lines, cable TV lines and some NorthState Communication lines, centered over all existing electric lines and existing poles within and crossing the Barbee Avenue right-of-way; and
- A 15-foot wide NorthState Communications easement shall be retained for NorthState Communication utility lines and poles that are separate from City electric lines and poles. This easement shall be centered over these separate NorthState Communication utility lines and poles that are within and crossing the Barbee Avenue 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 Chris Andrews, Interim Planning and Development Director.

Attachments: Photographs (October 2021)
Portion of Barbee Avenue to be abandoned
Photo taken looking East



Portion of Barbee Avenue to be abandon
Photo taken looking West

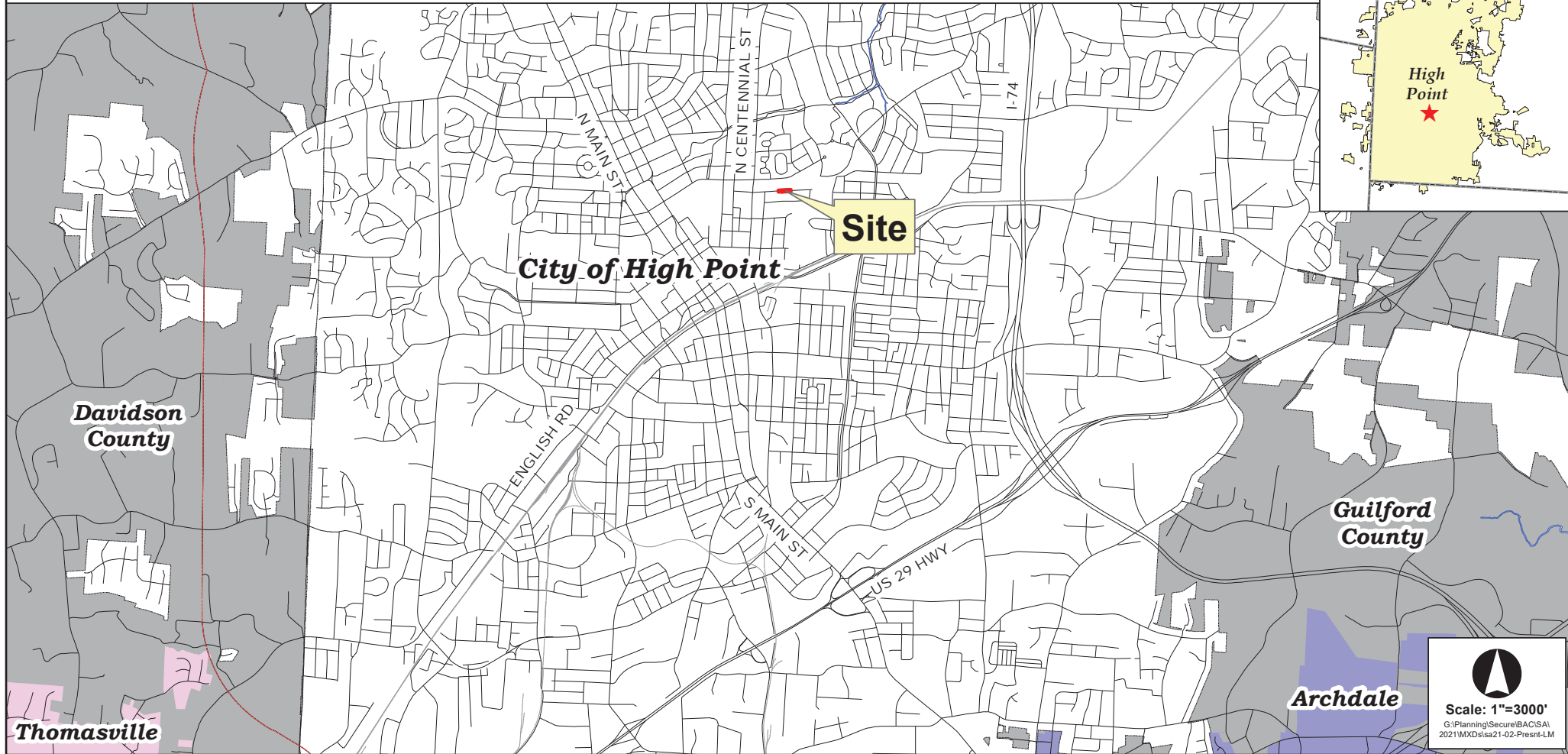


LOCATION MAP

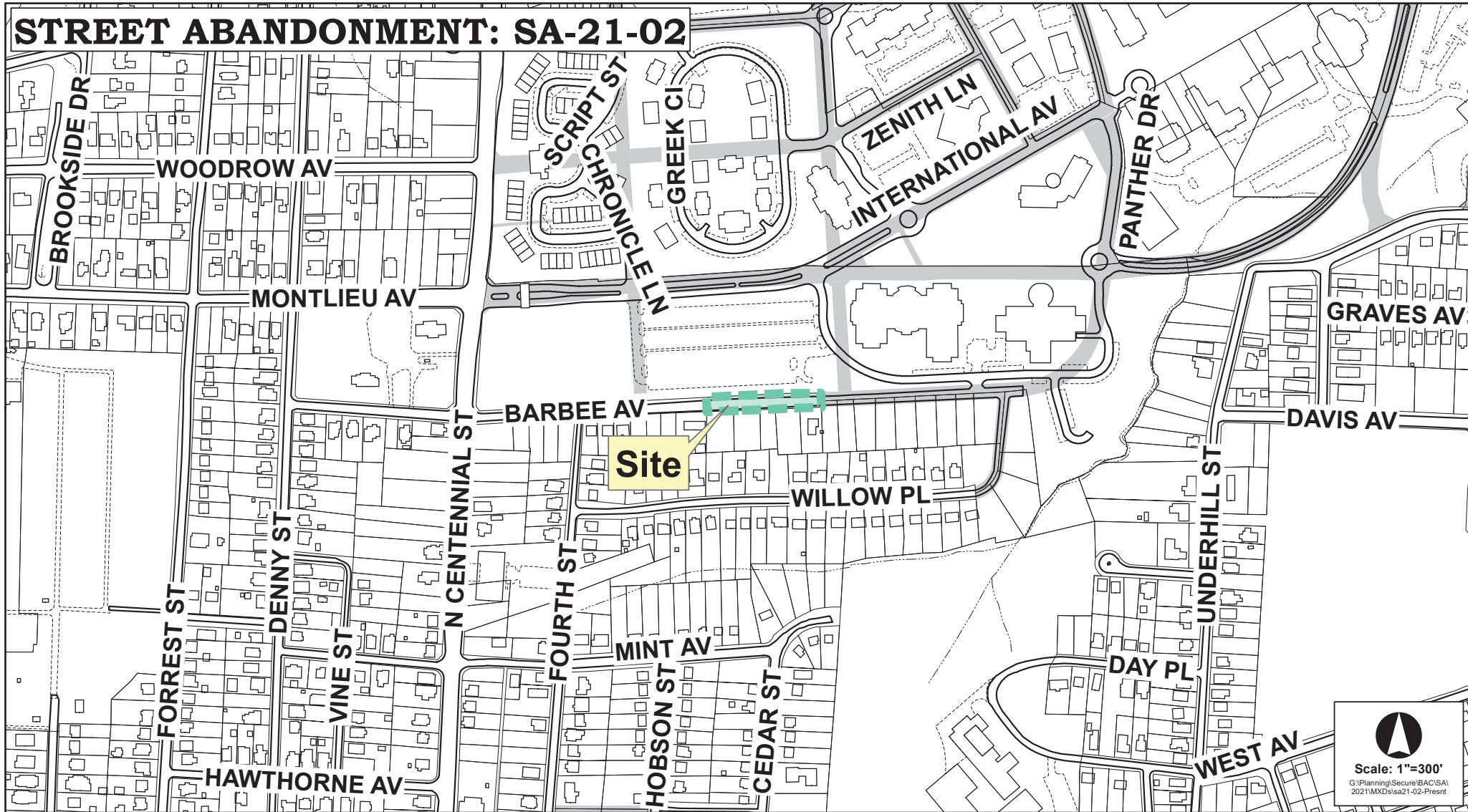
STREET ABANDONMENT: SA-21-02

Applicant: High Point University

Vicinity Map



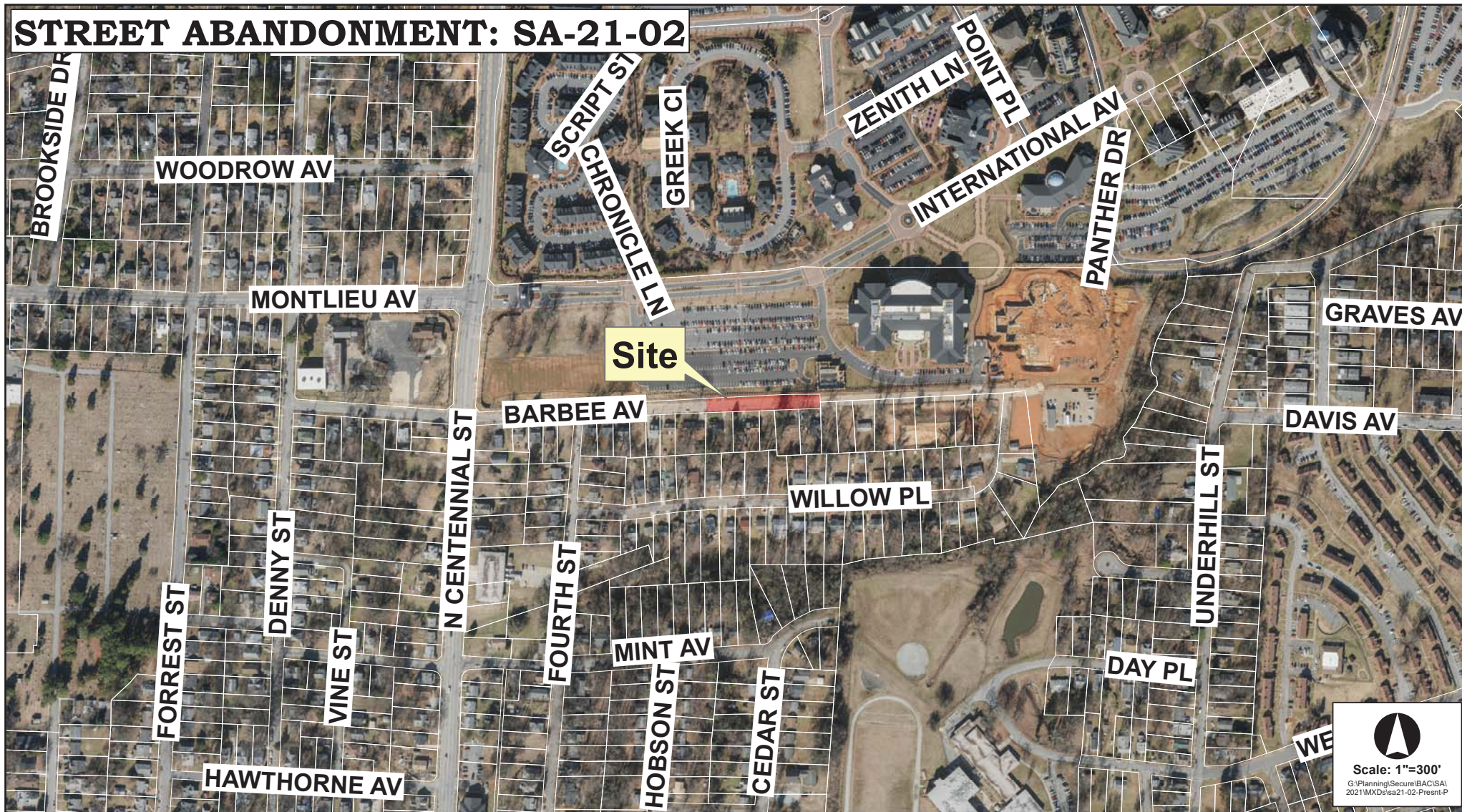
STREET ABANDONMENT: SA-21-02



Scale: 1"=300'

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STREET ABANDONMENT: SA-21-02



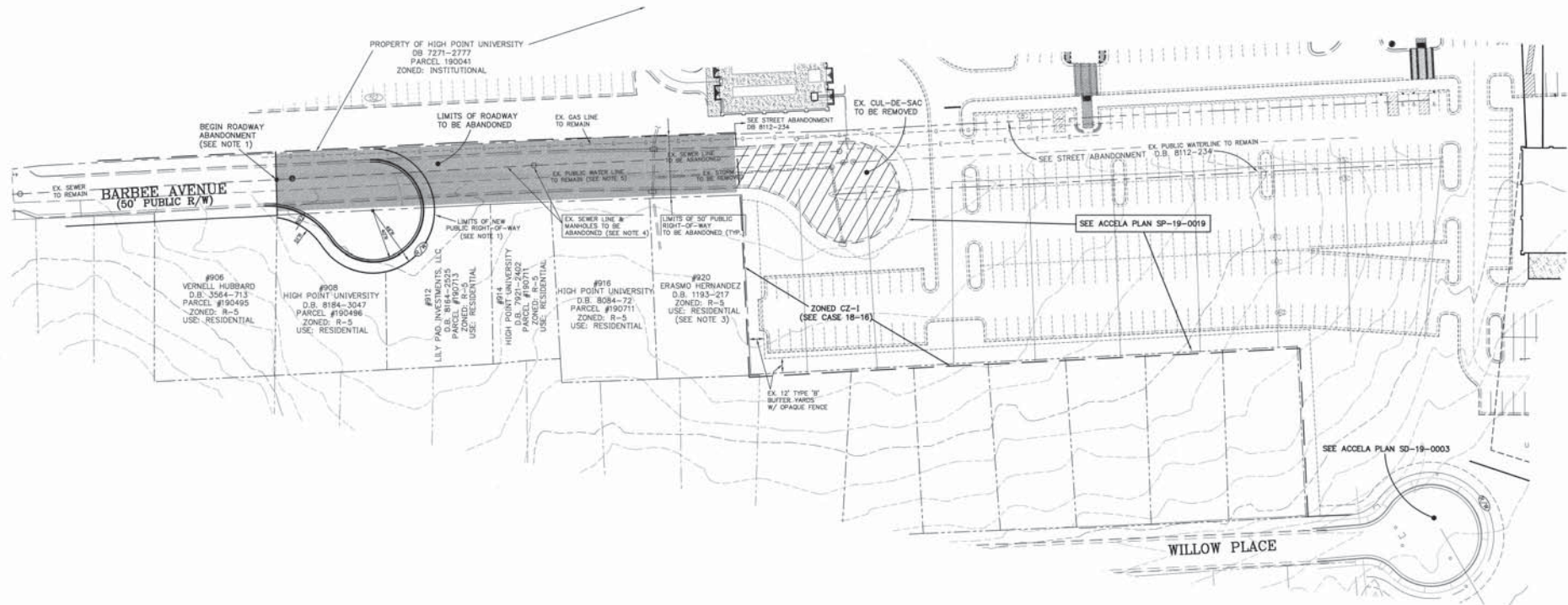


NOTES:

1. PRIOR TO ACCEPTANCE OF ROADWAY RENOVATIONS BY THE CITY OF HIGH POINT, LIMITS OF NEW RIGHT-OF-WAY SHALL BE DEDICATED BY HIGH POINT UNIVERSITY, INCLUDING PORTIONS OF PREVIOUSLY RELINQUISHED RIGHT-OF-WAY OF BARBEE AVE.
2. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND SHALL BE VERIFIED PRIOR TO CONSTRUCTION.
3. PROPERTY LOCATED AT 920 BARBEE AVENUE IS CURRENTLY UNDER A PURCHASE CONTRACT TO HIGH POINT UNIVERSITY.
4. AT WHICH TIME HOUSES LOCATED AT 908-920 BARBEE AVE. ARE REMOVED, THE EXISTING SEWER LINE WILL BE ABANDONED, INCLUDING WATER & SEWER SERVICES, IN ACCORDANCE WITH CITY STANDARDS.
5. THE EXISTING PUBLIC WATER LINE WITHIN THE LIMITS OF THE ROADWAY ABANDONMENT WILL REMAIN IN SERVICE. ALL ABANDONED WATER SERVICES WILL BE ABANDONED AT THE MAIN IN ACCORDANCE WITH CITY STANDARDS.

ROADWAY ABANDONMENT PLAN FOR PORTION OF BARBEE AVENUE FOR HIGH POINT UNIVERSITY CITY OF HIGH POINT GUILFORD COUNTY — NORTH CAROLINA

SEPTEMBER, 2021
JOB No. 2021055
OWNER/DEVELOPER
HIGH POINT UNIVERSITY
1 UNIVERSITY PARKWAY
HIGH POINT, NC 27289-0001
TELEPHONE (336) 841-9000



JAMESTOWN ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
117 E. MAIN STREET
P.O. BOX 363
JAMESTOWN, N.C. 27282
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SHEET NO.
1

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. xxxx / 21-xx

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 15th DAY OF NOVEMBER, 2021, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 21-02

To abandon the eastern 365 feet of the Barbee Avenue right-of-way, between 908 to 920 Barbee Avenue. A 50-foot wide improved right-of-way lying between Guilford County Tax Parcels 190710, 190711, 190712, 190713, and 1900041.

Abutting Property Owners

High Point University:—Guilford County Tax Parcels 190710, 190711, 190712, and 1900041 (908, 914, 916 & 920 Barbee Avenue; and 612 N. Centennial Street).

Lily Pad Investors, LLC:—Guilford County Tax Parcel 190713 (912 Barbee Avenue)

WHEREAS, High Point University and Lily Pad Investors, LLC has petitioned the City Council of the City of High Point to permanently abandon (close) the eastern 365 feet of the Barbee Avenue right-of-way, between 908 to 920 Barbee Avenue. This is an improved right-of way that runs in a general east-west direction between Guilford County Tax Parcels 190710, 190711, 190712, 190713, and 1900041, and more specifically described as follows:

Beginning at a point in the southern right-of-way of Barbee Avenue, the northwest corner of Lot No. 2 of a plat entitled "Map of Section Two of the M. J. Wrenn Property" as recorded in Plat Book 13 Page 76 of the Guilford

County Register of Deeds, said point being in the western terminus of the Barbee Avenue right-of-way as described in Street Abandonment Case 18-01, Resolution 1808/18-70, approved by the City of High Point Council and as recorded in Deed Book 8112 Page 234 of the Guilford County Register of Deeds; thence in an westerly direction along the northern property lines of Lot Nos. 3, 4, 5 and 6 of the aforementioned plat, the same being the southern limits of the 50 foot public right-of-way of Barbee Avenue; thence continuing in a westerly direction along the southern right-of-way of Barbee Avenue, with the northern lines of properties described in Deed Book 8164 Page 2525 and Deed Book 8184 Page 3047 of the Guilford County Register of deeds to a point, the northeast corner of property described in Deed Book 3564 Page 713 of the Guilford County Register of Deeds, said point also being in the southern limits of the public right-of-way of Barbee Avenue as indicated on a Plat entitled "Map of Geo F. Wilson Property" as recorded in Plat Book 7 Page 108 of the Guilford County Register of Deeds; thence in a northerly direction crossing the Barbee Avenue right-of-way approximately 50 feet to a point in the northern limits of the public right-of-way of Barbee Avenue; Thence in an easterly direction along the northern right-of-way of Barbee Avenue as indicated in a Recombination Plat entitled "Exclusion Map for High Point University – Health Science Area" and as recorded in Plat Book 192 Pages 94 and 95 of the Guilford County Register of Deeds to a point in the northern right-of-way of Barbee Avenue, said point being in the western terminus of the Barbee Avenue right-of-way; thence crossing Barbee Avenue in a southern direction along its western terminus approximately 50 feet to the place and point of beginning.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 20th day of September, 2021, at 5:30 p.m. setting the 15th day of November, 2021 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 21 & 28, 2021 and November 4 & 11, 2021; 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 unimproved right-of-way; 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 eastern 365 feet of the Barbee Avenue right-of-way (a 50 foot wide right-of-way). This right-of-way is depicted on two recorded maps. First, on a map recorded in June 1926 entitled "Map of Geo. F. Wilson Property – High Point, N.C." in Plat Book 7 Page 108 and secondly on a map recorded in July 1944 entitled "Map of Section Two of the M. J. Wrenn Property - High Point N.C." Plat Book 13 Page 76. The right-of-way to be closed (abandoned) is described above and is to be closed pursuant to North Carolina G.S. 160A-299;
2. A 20-foot wide stormwater easement centered over all existing stormwater lines within and crossing the Barbee Avenue right-of-way;
3. A 20-foot wide sanitary sewer easement centered over all existing sewer lines within and crossing the Barbee Avenue right-of-way;
4. A 20-foot wide water easement centered over all existing water lines within and crossing the Barbee Avenue right-of-way;
5. A 30-foot wide Piedmont Natural Gas easement offset over all existing gas lines within and crossing the Barbee Avenue right-of-way. This easement shall extend 10 feet south of existing gas lines and 20 feet north of existing gas lines.
6. A 30-foot wide electric utility easement, which includes electric lines, City fiber optic lines, cable TV lines and some NorthState Communication lines, centered over all existing electric lines and existing poles within and crossing the Barbee Avenue right-of-way; and
7. A 15-foot wide NorthState Communications easement shall be retained for NorthState Communication utility lines and poles that are separate from City electric lines and poles. This easement shall be centered over these separate NorthState Communication utility lines and poles that are within and crossing the Barbee Avenue right-of-way.
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 15th day of November, 2021
Lisa B. Vierling, City Clerk