

NC Chapel Hill Huse Street, LLC

Huse Street Properties LLC
c/o Land Planning & Entitlements
157 East Franklin Street
Chapel Hill, NC 27514

29 August 2024

Town of Chapel Hill Public Works
6850 Millhouse Road
Chapel Hill, NC 27514-5705
Attn: Chris Roberts

Dear Mr. Roberts

This letter will serve as a request to close an existing improved right of way known as Huse Street in Durham County. This is a 612.5 LF right of way beginning at Old Chapel Hill Road and extending south into private property, with variable width ranging from 66.61' at the north end, narrowing to 46' wide in the center, and widening to 60' at the southern terminus. Parcels that front this right of way include PIN 0709-08-88-9647 (102 and 104 Huse St), PIN 0709-18-09-9567 (99 Huse St), PIN 0709-18-18-1304 (101 Huse St), PIN 0709-18-06-8944 (103 and 105 Huse St), and PIN 0709-08-94-8411 (106 and 108 and 110 Huse St, and 4004 Pope Rd). All properties are owned by my firm.

This right of way dead ends at its southern point, with no connection to any other right of way. The location, length and variable widths are shown on the attachment.

The improvement in this area consists of an 8'-10' wide gravel road providing access to private driveways. Also within this right of way is a portion of existing OWASA sanitary sewer easement. There are existing houses which use this gravel road for access. Those houses will be relocated to other parcels prior to construction start.

The current owner of all adjacent parcels is in the process of obtaining a Zoning Compliance Permit for the development of 105 townhomes and community green space. Conditional Zoning entitlement was obtained in September 2023. The redevelopment work will include installation of new water and sanitary sewer mains, and the existing sewer easement will be relocated to meet the new sewer and water main locations. The project will include recombination of all 5 lots as well as the Huse Street right of way. There will be a private street running through the site connecting with Old Chapel Hill Road to the north and Pope Road to the east.

Sincerely,

Ernest Brown II

Ernest Brown

Attachments:

NC GS 160a-299, Site Photos, List of adjacent property owners, Plan

§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)

Site Photos



Looking north to Old Chapel Hill Road from north end of Huse St right of way.



Concrete entry and gravel road looking south on Huse Street from Old Chapel Hill Road.



Looking south on Huse Street from midway point.



Looking south from south end of road improvements.



Looking north from south end of Huse Street road improvements

Mailing address of all parcel owners abutting the public right of way to be closed:

NC Chapel Hill Huse Street LLC
100 Silers Fen Court
Chapel Hill, NC 27517