

15 Aug 17

Mr. Chris Roberts, PE  
Manager of Engineering & Infrastructure  
Town of Chapel Hill Public Works Department  
6850 Millhouse Road  
Chapel Hill, NC 27514-5705



221 Providence Road  
Eastowne Office Park  
Chapel Hill, NC 27514

Subject: Glen Lennox Phase 1  
Flemington Road Realignment

919/929-0481 Chapel Hill  
919/489-4789 Durham  
919/489-2803 Fax

Dear Chris,

As you are aware, the proposed development of Glen Lennox Phase 1 includes the realignment of a portion of Flemington Road between Brandon and Maxwell Roads. The realignment will be performed in accordance with Section 5.4 (a)(2) of the Glen Lennox Development Agreement and will involve abandoning a portion of the existing public right-of-way and dedication of new right-of-way. It is our understanding that the Town Council must approve the right-of-way abandonment part of this and that you are the person who must initiate this process. We are nearing approval of the DACP process associated with Phase 1, so I am writing to request that you initiate the abandonment process as soon as possible.

To support this request, I have attached the following items:

- March 2017 email correspondence with Mike Taylor, which explains the abandonment process in detail.
- Construction Drawing Sheet C1000 Site Plan Overview, dated 14 Aug 17.
  - This sheet is provided for reference and is included in the full DACP set submitted to the Town of Chapel Hill on 15 Aug 17.
- A draft Right-of-Way Abandonment, Right-of-Way Dedication, and Easement Plat dated 01 Mar 17.

Our understanding is that the first step in the process will be for your staff to prepare a Council consent agenda item, which will establish a Council Public Hearing on the matter at a subsequent Council meeting. We are hopeful this item can be included in the next available Council consent agenda and scheduled for the soonest public hearing possible thereafter.

Thanks very much for your assistance with this and please don't hesitate to call me should you have any questions or if you require additional information.

Yours very truly,  
BALLENTINE ASSOCIATES, PA



George J. Retschle, PE, LEED AP  
President

## George Retschle

---

**From:** Mike Taylor <mtaylor@townofchapelhill.org>  
**Sent:** Thursday, February 23, 2017 3:23 PM  
**To:** George Retschle  
**Cc:** Gene Poveromo; Chris Roberts; Chris Jensen; Aaron Frank; Ben Hitchings; Tim Jezisek  
**Subject:** RE: Flemington Road R/W

George - see my responses below.

Mike

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**From:** George Retschle [mailto:GeorgeR@bapa.eng.pro]  
**Sent:** Thursday, February 23, 2017 2:37 PM  
**To:** Mike Taylor <mtaylor@townofchapelhill.org>  
**Cc:** Gene Poveromo <gpoveromo@townofchapelhill.org>; Chris Roberts <croberts@townofchapelhill.org>; Chris Jensen <cjensen@townofchapelhill.org>; Aaron Frank <afrank@townofchapelhill.org>; Ben Hitchings <bhitchings@townofchapelhill.org>; Tim Jezisek <TJezisek@grubbproperties.com>  
**Subject:** RE: Flemington Road R/W

Thanks Mike.

Sorry for the million questions. Can I get you to confirm the format of the drawings/exhibits we should submit. Is this what you would expect?:

- Initial exhibits to Chris with closure request:
  - Black/white engineering-type drawings OK
- Exhibits for Council PH:
  - Illustrative, clearly showing existing vs. proposed OK
- Recordable plat after Council approval:
  - Recordable survey format OK
  - After Council approval, I assume we could record this plat immediately after bonds are posted? Plat OK to record with certified Resolution and after approved construction plans and bond submitted.

You mention below that the construction plans need to be approved. Is this before the plat can be recorded? Yes, Plans need to be approved with a detailed cost estimate, before recordation I hope this can be before we start construction of the road because if it must be before the plat is recorded, then this would delay recordation of the plat. Part of the construction plan submittal would be to show how ingress and egress will be continuously maintained until the new alignment is constructed. If you are providing legal and reasonable access, construction plans, and a bond for 125% of the construction cost then recordation of the plat would be OK at that time.

Thanks,

George

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**From:** Mike Taylor [<mailto:mtaylor@townofchapelhill.org>]  
**Sent:** Thursday, February 23, 2017 2:13 PM  
**To:** George Retschle  
**Cc:** Gene Poveromo; Chris Roberts; Chris Jensen; Aaron Frank; Ben Hitchings; Tim Jezisek  
**Subject:** RE: Flemington Road R/W

George,

You are correct. I missed the mark a little bit. ( What I stated below would be the ideal circumstances for the closure.) The key is to ensure access is always maintained. That can be done with an easement as long as the easement provides reasonable access. Your exhibit will need to show how you are providing the access until the new street alignment is constructed.

Mike



James M. Taylor, PE  
Town of Chapel Hill  
405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514-5705  
(919) 969-5097 Phone

---

**From:** George Retschle [<mailto:GeorgeR@bapa.eng.pro>]  
**Sent:** Thursday, February 23, 2017 1:57 PM  
**To:** Mike Taylor <[mtaylor@townofchapelhill.org](mailto:mtaylor@townofchapelhill.org)>  
**Cc:** Gene Poveromo <[gpoveromo@townofchapelhill.org](mailto:gpoveromo@townofchapelhill.org)>; Chris Roberts <[croberts@townofchapelhill.org](mailto:croberts@townofchapelhill.org)>; Chris Jensen <[cjensen@townofchapelhill.org](mailto:cjensen@townofchapelhill.org)>; Aaron Frank <[afrank@townofchapelhill.org](mailto:afrank@townofchapelhill.org)>; Ben Hitchings <[bhitchings@townofchapelhill.org](mailto:bhitchings@townofchapelhill.org)>; Tim Jezisek <[TJezisek@grubbproperties.com](mailto:TJezisek@grubbproperties.com)>  
**Subject:** RE: Flemington Road R/W

Mike,

After reviewing this more thoroughly, I do have a question regarding timing of the abandonment. Please see below.

Thanks,

George

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**From:** Mike Taylor [<mailto:mtaylor@townofchapelhill.org>]  
**Sent:** Thursday, February 23, 2017 11:14 AM  
**To:** George Retschle  
**Cc:** Gene Poveromo; Chris Roberts; Chris Jensen; Aaron Frank; Ben Hitchings  
**Subject:** Flemington Road R/W

George,

RE: Fleming R/W abandonment

It was good seeing you yesterday to talk about the Glenn Lennox project.

Because your requested realignment of Flemington Road and subsequent right-of-way abandonment will be handled by other Town Engineering staff not at the meeting I thought I should follow up our Wednesday meeting with this email and the process for the abandonment.

Abandonment and street relocation of Flemington Road:

Because you want to move the existing street, dedicate new right-of-way, and combine part of the existing ( old) right-of-way with your client's property it will be necessary to go through the formal right-of-way abandonment process. (As you know this is a separate process from the subdivision discussion.)

The process:

- Sent a brief letter to Chris Roberts, Manager of Engineering & Infrastructure, to request the closure and provide the reason you want to abandon the right-of-way. Please include an exhibit showing existing and proposed conditions.
- It will be necessary for the staff to provide a consent Council agenda item to call the public hearing.
- At least 5 to 6 weeks later (after Town staff handle all required notifications& advertisements) the hearing could be held. Town staff would provide and introduce an agenda item for the public hearing with a recommended Resolution,( with conditions) to abandon the right-of-way. Typically, the requestor would then provide a short presentation to the Council regarding the abandonment.
- As we discussed it would be possible for the staff to recommend the Council close the hearing that night and adopt the Order of Closure ( Resolution).

Because this is an existing street, the resolution should have conditions for bonding the construction of the street relocation, and that **the old right-of-way couldn't be abandoned until the new street was constructed***[[GJR]] We were hoping to move the r/w before the road is physically relocated if possible. My understanding leaving yesterday's meeting was that we could record the abandonment and new dedication prior to any construction work, as long as we recorded the public access and utility easement in the location of the abandon r/w* . As we discussed the abandonment and dedication of the new right-of-way could happen at the same time. We really didn't talk about it, but one of the conditions would be that the Town Manager or designee would need to approve construction plans, plus the new street installation inspected and approved by the staff. Because you also plan to provide a temporary access and utility easement ( to ensure no one is deprived of reasonable access) until the new street was constructed the easement would also be a condition of the closure.

- When complete it is the responsibility of the requestor to provide and record a plat showing the abandonment. The certified Order of Closure must be recorded with the plat. Please provide the Engineering staff a copy of the recorded abandonment plat to finish the process.

I trust this information is helpful. Please let me know if you have any questions.

I hope to see you around from time to time.

Thank you,

Mike

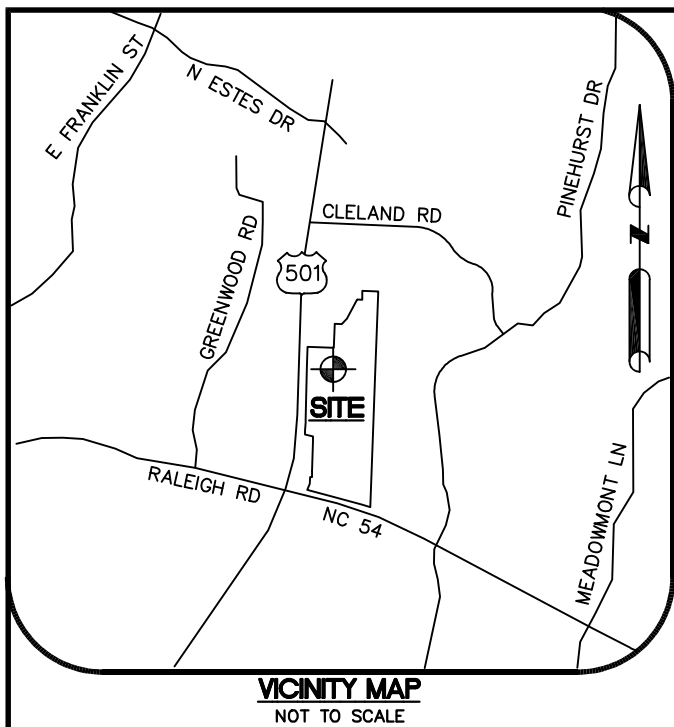


James M. Taylor, PE  
Town of Chapel Hill  
405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514-5705  
(919) 969-5097 Phone









VICINITY MAP  
NOT TO SCALE

TOWN MANAGER ENDORSEMENT

PROVIDED THAT THIS PLAT BE RECORDED WITHIN 30 DAYS OF FINAL APPROVAL.

APPROVED BY:

TOWN MANAGER

DATE

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

I, \_\_\_\_\_ REVIEW OFFICER OF  
ORANGE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS  
AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING FOR WHICH THE REVIEW  
OFFICE HAS RESPONSIBILITY AS PROVIDED BY LAW.

REVIEW OFFICER  
ORANGE COUNTY LAND RECORDS/GIS

DATE OF CERTIFICATION: \_\_\_\_\_

NORTH CAROLINA, \_\_\_\_\_ COUNTY

I, \_\_\_\_\_, A NOTARY PUBLIC FOR THE  
SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT  
\_\_\_\_\_ PERSONALLY APPEARED

BEFORE ME THIS DAY, AND ACKNOWLEDGED THE DUE EXECUTION OF THE  
FOREGOING INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL, THIS THE \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2017

NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

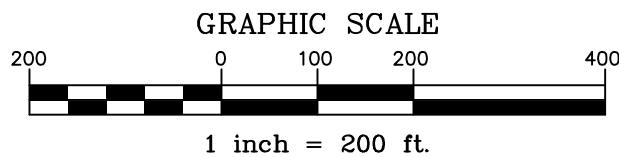
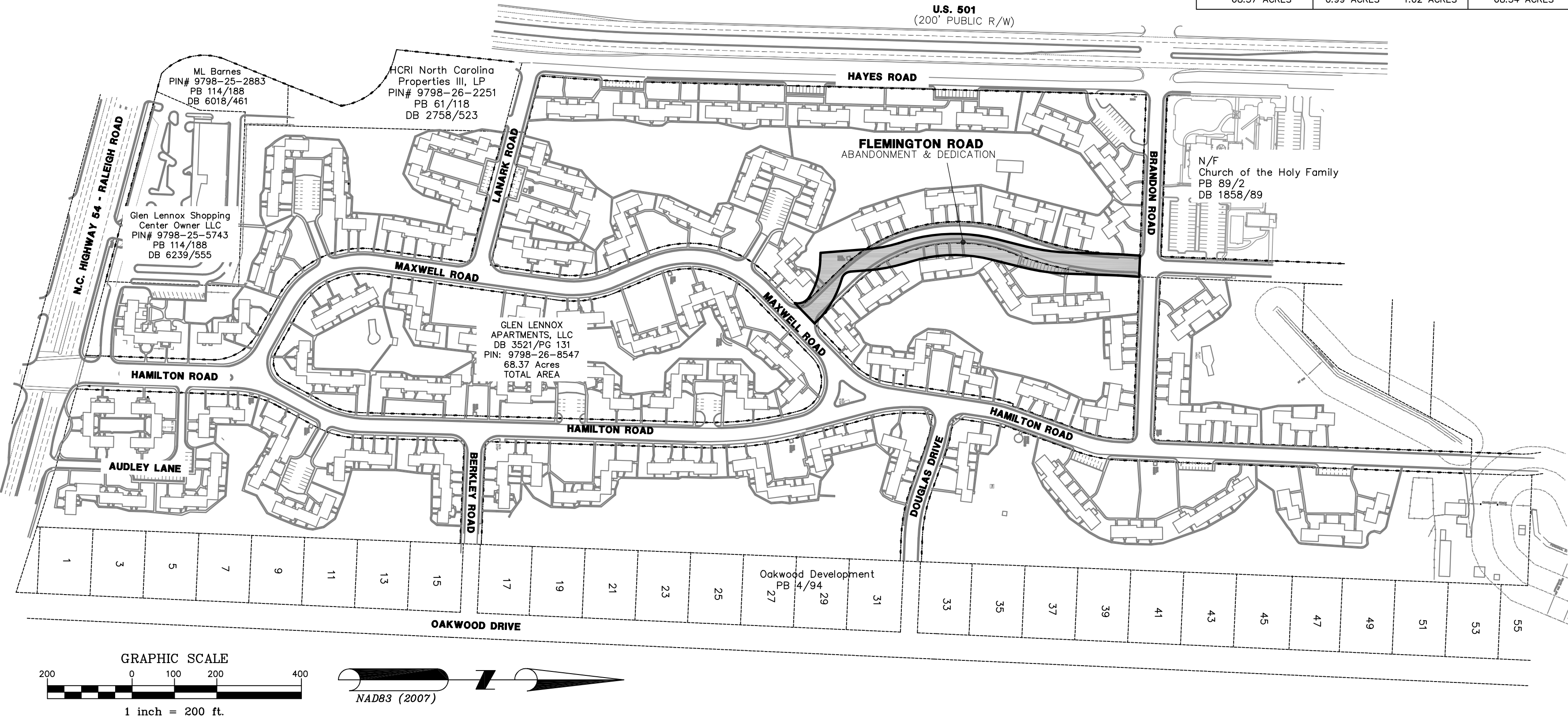
CERTIFICATE OF DEDICATION AND MAINTENANCE

THE UNDERSIGNED PARTY, BEING DULY SWORN, CERTIFIES THAT HE IS THE  
OWNER OR DULY AUTHORIZED REPRESENTATIVE OF THE OWNER OF THE  
PROPERTY DESIGNATED ON THIS PLAT AS DESCRIBED BELOW, AND HEREBY  
FREELY DEDICATES ALL RIGHTS-OF-WAY, EASEMENTS, STREETS, RECREATION  
AREA, OPEN SPACE, COMMON AREA, UTILITIES, AND OTHER IMPROVEMENTS TO  
PUBLIC OR PRIVATE COMMON USE AS NOTED ON THIS PLAT, AND FURTHER  
ASSUMES FULL RESPONSIBILITY FOR THE MAINTENANCE AND CONTROL OF SAID  
IMPROVEMENTS UNTIL THEY ARE ACCEPTED FOR MAINTENANCE AND CONTROL BY  
AN APPROPRIATE PUBLIC BODY OR, BY AN INCORPORATED NEIGHBORHOOD OR  
HOMEOWNERS' ASSOCIATION OR SIMILAR LEGAL ENTITY.  
DESCRIPTION/REFERENCE TO LOTS SHOWN ON THIS PLAT AND COVERED BY THIS  
CERTIFICATE: (INSERT LIST OF LOT NUMBERS OR OTHER CLEAR IDENTIFICATION  
OF LOTS COVERED BY THIS CERTIFICATION).

DATE: \_\_\_\_\_

SITE DATA TABLE

ORIGINAL PARCEL AREA	RIGHT-OF-WAY AREA		NEW PARCEL AREA
	ABANDONED	DEDICATED	
68.37 ACRES	0.99 ACRES	1.02 ACRES	68.34 ACRES



GENERAL NOTES

1. THIS IS A SURVEY OF AN EXISTING PARCEL(S) OF LAND. THIS IS A RIGHT-OW-WAY ABANDONMENT AND RIGHT-OF-WAY DEDICATION AND EASEMENT PLATEY.
2. BEARINGS FOR THIS SURVEY ARE BASED ON NC GRID COORDINATES NAD 83 (2007), GRID TIE PERFORMED USING GPS, BASED, WITH A COMBINED SCALE FACTOR OF 0.99992820. BOUNDARY CLOSURE = 1:130,700.
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
4. ZONING: NCD-8C (NEIGHBORHOOD CONSERVATION DISTRICT)
5. \*SETBACKS, PARKING AND BUILDING HEIGHTS: VARIABLE WIDTHS BASED ON LOCATION IN THE PROPOSED DEVELOPMENT - SEE "GLEN LENNOX AREA NEIGHBORHOOD CONSERVATION DISTRICT PLAN FOR CD-8C" AS APADTED BY THE CHAPEL HILL TOWN COUNCIL MAY 30, 2012.
6. AREA BY COORDINATE GEOMETRY.
7. FLOOD NOTE: THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "X" AS DEFINED BY F.E.M.A F.I.R.M PANEL #3710979800 K DATED FEBRUARY 02, 2007.
8. UTILITY STATEMENT  
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ALL WATER AND GAS LINES SHOWN HEREON ARE LOCATED AS PER UTILITY MAPS FROM THE RESPECTIVE UTILITY COMPANY.
9. REFERENCES: PB 14; PG 180; DB 3521, PG 131 ORANGE COUNTY REGISTER OF DEEDS.
10. PARKING INFORMATION: 207 REGULAR SPACES, 7 HANDICAP SPACES (214 TOTAL SPACES)
11. HAYES ROAD IS A PUBLICALLY MAINTAINED NCDOT ROAD. IT EXISTS WITHIN THE RIGHT-OF-WAY OF US 15-501.
12. ALL BUILDINGS ARE 1 STORY IN HEIGHT MAXIMUM.
13. PARCEL ACREAGE: 68.37 ACRES.

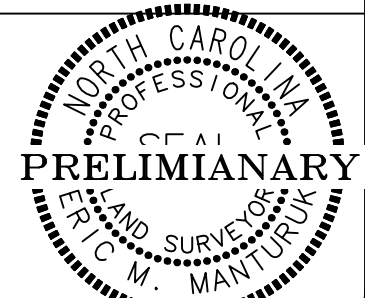
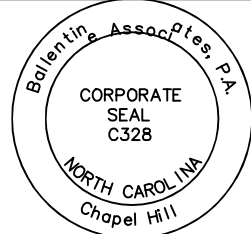
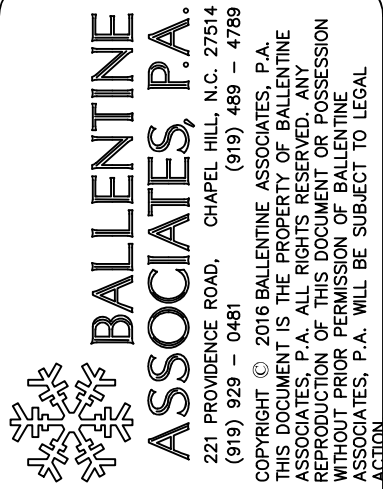
I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE:  
G.S. 47-30 (f)(11)(d). THIS SURVEY IS OF ANOTHER CATEGORY,  
SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-  
ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF  
SUBDIVISION.

ERIC M. MANTURUK PLS L-5019

I, ERIC M. MANTURUK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY  
SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM  
DEED DESCRIPTION RECORDED IN BOOK AND PAGE (AS SHOWN); THAT  
THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN  
FROM INFORMATION FOUND IN BOOK AND PAGE (AS SHOWN); THAT THE  
RATIO OF PRECISION AS CALCULATED IS 1:10,000±; AND THAT THIS PLAT  
WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS  
MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

ERIC M. MANTURUK PLS L-5019

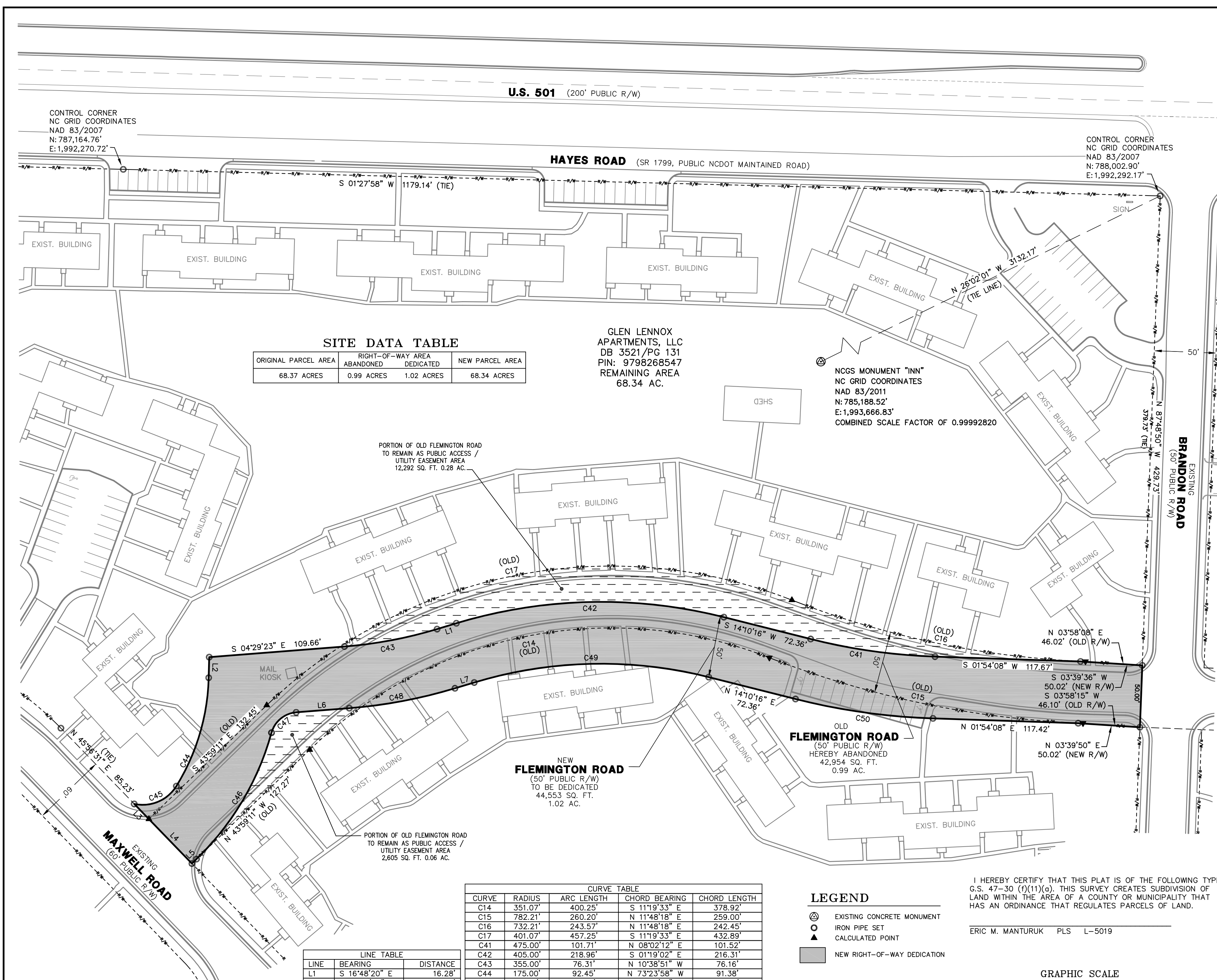


OWNER INFORMATION:  
GRUBB PROPERTIES, LLC,  
4500 CAMERON VALLEY PKWY.  
SUITE 350  
CHARLOTTE, NC 28211  
OWNERS REPRESENTATIVE:  
DAN SCHUMACHER  
PH.: (704) 971-8924  
EMAIL: dschumacher@grubproperties.com

DATE	
ISSUED	

GLEN LENNOX - PHASE 1  
RIGHT-OF-WAY ABANDONMENT,  
RIGHT-OF-WAY DEDICATION  
AND EASEMENT PLAT  
TOWN OF CHAPEL HILL, ORANGE COUNTY, NORTH CAROLINA  
FINAL PLAT

JOB NUMBER:	107013.03
DATE:	01 MAR 17
SCALE:	1"=200'
DRAWN BY:	EMM
REVIEWED BY:	EMM



SITE DATA TABLE			
ORIGINAL PARCEL AREA	RIGHT-OF-WAY AREA ABANDONED	DEDICATED	NEW PARCEL AREA
68.37 ACRES	0.99 ACRES	1.02 ACRES	68.34 ACRES

GLEN LENNOX  
APARTMENTS, LLC  
DB 3521/PG 131  
PIN: 9798268547  
REMAINING AREA  
68.34 AC.

NCGS MONUMENT "INN"  
NC GRID COORDINATES  
NAD 83/2011  
N: 785,188.52'  
E: 1,993,666.83'  
COMBINED SCALE FACTOR OF 0.99992820

PORTION OF OLD FLEMINGTON ROAD  
TO REMAIN AS PUBLIC ACCESS /  
UTILITY EASEMENT AREA  
12,292 SQ. FT. 0.28 AC.

PORTION OF OLD FLEMINGTON ROAD  
TO REMAIN AS PUBLIC ACCESS /  
UTILITY EASEMENT AREA  
2,605 SQ. FT. 0.06 AC.

NEW  
FLEMINGTON ROAD  
(50' PUBLIC R/W)  
TO BE DEDICATED  
44,553 SQ. FT.  
1.02 AC.

OLD  
FLEMINGTON ROAD  
(50' PUBLIC R/W)  
HEREBY ABANDONED  
42,954 SQ. FT.  
0.99 AC.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 16°48'20" E	16.28'
L2	S 88°32'02" E	16.66'
L3	N 45°56'31" E	17.04'
L4	N 45°56'31" E	50.00'
L5	N 43°59'11" W	5.12'
L6	N 04°29'23" W	43.09'
L7	N 16°48'20" W	16.28'

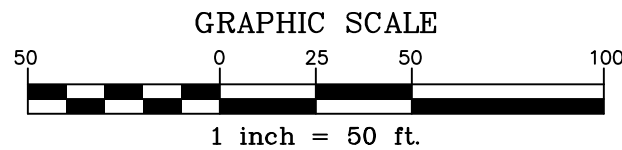
CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C14	351.07'	400.25'	S 11°19'33" E	378.92'
C15	782.21'	260.20'	N 11°48'18" E	259.00'
C16	732.21'	243.57'	N 11°48'18" E	242.45'
C17	401.07'	457.25'	S 11°19'33" E	432.89'
C41	475.00'	101.71'	N 08°02'12" E	101.52'
C42	405.00'	218.96'	S 01°19'02" E	216.31'
C43	355.00'	76.31'	N 10°38'51" W	76.16'
C44	175.00'	92.45'	N 73°23'58" W	91.38'
C45	32.00'	39.48'	N 22°55'21" W	37.02'
C46	225.00'	120.25'	N 59°17'49" W	118.82'
C47	22.50'	27.54'	S 39°32'55" E	25.85'
C48	405.00'	87.06'	N 10°38'51" W	86.89'
C49	355.00'	191.93'	S 01°19'02" E	189.60'
C50	525.00'	112.42'	N 08°02'12" E	112.21'

LEGEND

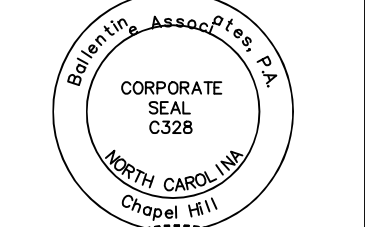
- EXISTING CONCRETE MONUMENT
- IRON PIPE SET
- CALCULATED POINT
- NEW RIGHT-OF-WAY DEDICATION

I HEREBY CERTIFY THAT THIS PLAN IS OF THE FOLLOWING TYPE:  
G.S. 47-30 (f)(11)(a). THIS SURVEY CREATES SUBDIVISION OF  
LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT  
HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

ERIC M. MANTURUK PLS L-5019



BALLENTINE  
ASSOCIATES, P.A.  
221 PROVIDENCE ROAD, CHAPEL HILL, N.C. 27514  
(919) 923 - 0481  
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ACTION.



PRELIMINARY  
NORTH CAROLINA  
PROFESSIONAL  
LAND SURVEYOR  
ERIC M. MANTURUK

OWNER INFORMATION:  
GRUBB PROPERTIES, LLC  
4500 CAMERON VALLEY PKWY.  
SUITE 350  
CHARLOTTE, NC 28211  
OWNERS REPRESENTATIVE:  
DAN SCHUMACHER  
PH.: (704) 971-8924  
EMAIL: dschumacher@grubproperties.com

DATE	
ISSUED	

GLEN LENNOX - PHASE 1  
RIGHT-OF-WAY ABANDONMENT,  
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AND EASEMENT PLAN  
TOWN OF CHAPEL HILL, ORANGE COUNTY, NORTH CAROLINA  
FINAL PLAN

JOB NUMBER:	107013.03
DATE:	01 MAR 17
SCALE:	1"=50'
DRAWN BY:	EMM
REVIEWED BY:	EMM

SHEET  
2 OF 2

GENERAL NOTES  
1. SEE SHEET 1 OF 2 FOR GENERAL NOTES.