

Coulter Jewell Thames, PA
ENGINEERING LAND SURVEYING LANDSCAPE ARCHITECTURE

LETTER OF TRANSMITTAL

Date: 8/27/2019

*delivered
8/27/19*

To: Chapel Hill Public Works

Attn: Chris Roberts

Project: Columbia Street Annex
Monroe Street Road Closing

WE TRANSMIT TO YOU HEREWITH:

<u># Copies</u>	<u>Sheet No.</u>	<u>Date</u>	<u>Description</u>
1		6/10/2019	road closing request

Remarks:

Chris I know we talked about this months ago, but we finally have the information together to request the road closing. I was holding off submitting this until the owners had a chance to talk with the Joffes, which they recently have done. Zalman Joffe attended the neighborhood information meeting and we talked to him at that point. He was not opposed to the closing. Please let me know what else we need to provide to have this request move forward. Thank you.

Wendi

Copies To:

From: Wendi Ramsden
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CH Hotel Associates Limited Partnership
3008 Anderson Drive, Suite 120
Raleigh, NC 2760

10 June 2019

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 unimproved right of way intersecting with South Columbia Street, as shown on the attachment. The right of way is a 174.04 LF portion of Monroe Street, located between the two parcels with PINs 9788205716 and 9788204502. The improvement in this area consists of some grading to flatten out the cross slope of the right of way, and installation of a pipe over the stream crossing in the portion of the right of way that will remain open. This work was done prior to our purchase of the parcels. Although the street intersects with S-Columbia Street in plan view, topographically the paper street currently sits 8 feet below the street level at the right of way line, with a 2.2:1 slope that continues for 40 feet from the street edge, and then continues to fall at a gentler pitch to a stream. It would be very difficult to build a vehicular access in the current right of way.

We currently have a development proposal being reviewed by the Town of Chapel Hill, and propose recombining the two parcels adjacent to the right of way, and replacing this portion of the right of way with an access easement to the adjacent property owners which would follow our proposed paved driveway and provide physical access to South Columbia Street.

The proposed change would connect the remaining Monroe Street right of way with access to South Columbia Street north of the current intersection. **We have spoken with the affected adjacent property owners who are amenable to the changes.**

Sincerely,


Roland Gammon

Attachments:

NC GS 160a-299

Plan

Site Photos

List of adjacent property owners

§ 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

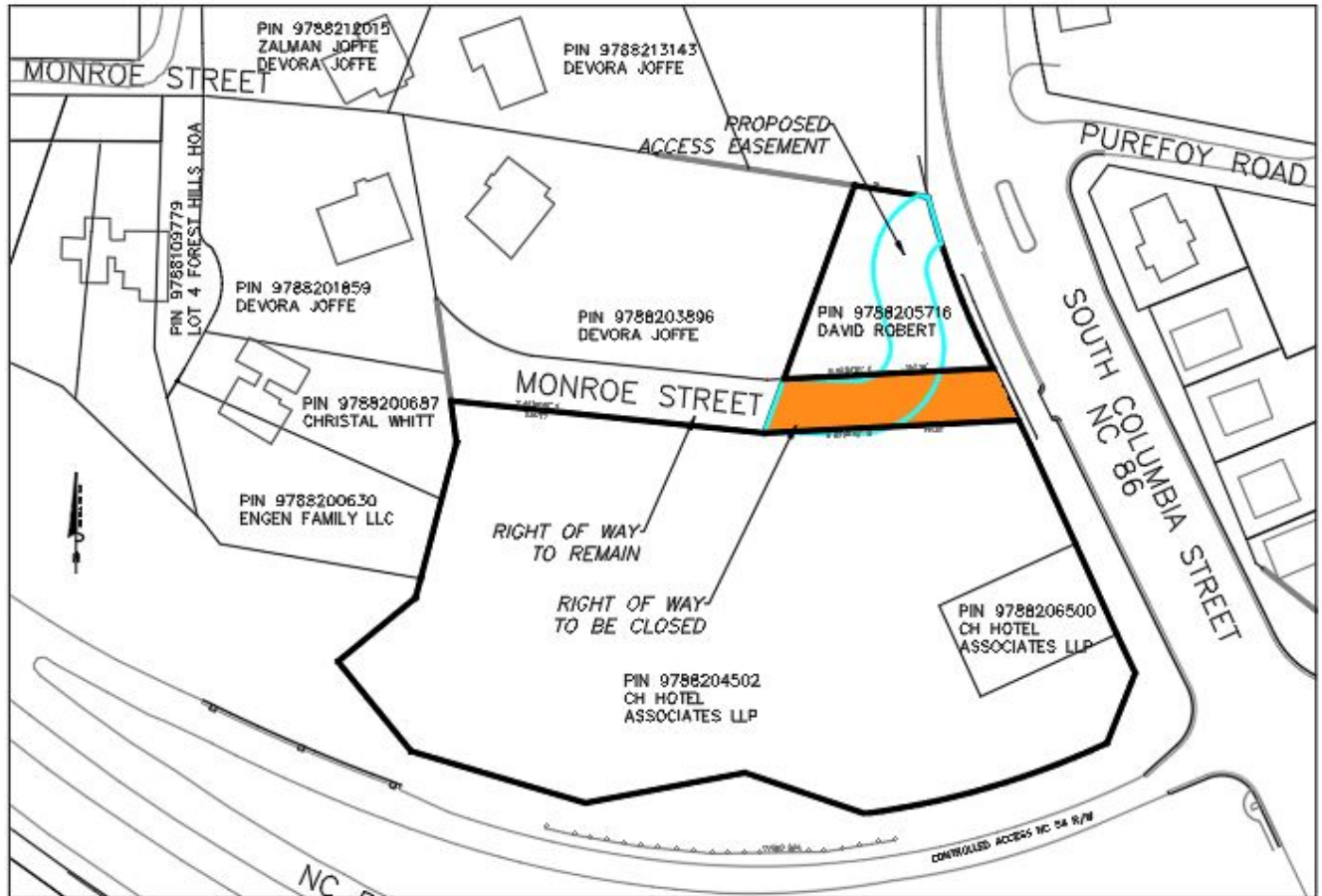


slope from street toward stream in right of way
area to be closed

grading over stream bed and piping of stream in
right of way area to remain open



Adjacent property owners



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Chapel Hill, NC 27514

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Devora and Zalman Joffe
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