



TOWN OF CHAPEL HILL

Town Hall
405 Martin Luther King Jr.
Boulevard
Chapel Hill, NC 27514

Legislation Details (With Text)

File #: [21-0528] **Version:** 1 **Name:**

Type: Discussion Item **Status:** Agenda Ready

File created: 5/5/2021 **In control:** Town Council

On agenda: 6/9/2021 **Final action:**

Title: Open a Public Hearing to Consider Closing an Unimproved and Unpaved Portion of Mitchell Lane Public Right-of-Way.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Draft Staff Presentation, 2. Closure Request Email from Adam Zinn, 3. Exhibit of Requested Closure, 4. GS_160A-299, 5. Staff Presentation, 6. Council Questions with Staff Response

Date	Ver.	Action By	Action	Result
6/9/2021	1	Town Council	closed the public hearing	Pass

Open a Public Hearing to Consider Closing an Unimproved and Unpaved Portion of Mitchell Lane Public Right-of-Way.

Staff:

Lance Norris, Director
Chris Roberts, Manager of Engineering and Infrastructure

Department:

Public Works

Overview: The owner of 502 Gomains Avenue has requested that an unimproved and unpaved portion of Mitchell Lane public right-of-way (ROW) be closed. This ROW is approximately 10 feet wide and 90 feet long. It is located at the north side of Mitchell Lane’s intersection with Gomains Avenue. The house located at 502 Gomains Avenue sits partially within the ROW.

The public ROW continues 60 feet north of the portion of ROW requested to be closed, so it would be isolated by the requested closure; therefore, Town staff recommend closing this additional 60 feet of public ROW as part of this request.

This process followed the two requirements of North Carolina General Statute Sec. 160A-299:

- Council adopted a resolution declaring its intent to close the public right-of-way and to call a public hearing.
- All publication and posting requirements of this statute have been met.

 **Recommendation(s):**

That the Council open a Public Hearing to consider closing an unimproved and unpaved portion of Mitchell Lane public right-of-way. Under the recently enacted legislation authorizing public hearings at remote meetings, public comment may continue to be submitted into the hearing record for 24 hours after the June 9th public hearing. On June 23rd, the Council may take action on the requested closure.

Fiscal Impact/Resources: Impacts to future investments are unknown.

Key Issues:

- The Town owns the property adjacent to the east of 502 Gomains Avenue and the subject ROW. As there is no use for this ROW, staff recommends giving this portion of the ROW to the owner of 502 Gomains Avenue.
- The Town-owned property northeast of 502 Gomains Avenue and adjacent to the subject ROW will be re-combined with the Town-owned property adjacent to 502 Gomains Avenue.
- Town staff confirmed with the property owner of 502 Edwards Drive that they are interested in receiving up to half of the ROW adjacent to the Town property northeast of 502 Gomains Avenue.

Where is this item in its process?



Attachments:

- Draft Resolution
- Draft Staff Presentation
- Closure Request Email from Adam Zinn
- Exhibit of Requested Closure
- NC Statute 160A-299

DRAFT RESOLUTION

A RESOLUTION TO APPROVE A REQUEST TO CLOSE AN UNIMPROVED AND UNPAVED PORTION OF MITCHELL LANE PUBLIC RIGHT-OF-WAY (2021-XX-XX/R-*)

WHEREAS, the Town of Chapel Hill has received a request from Mr. Adam Zinn, the property owner of 502 Gomains Avenue, to close an unimproved and unpaved portion of Mitchell Lane public right-of-way (ROW); and

WHEREAS, there is no use to the Town for the subject portion of the Mitchell Lane public right-of-way; and

WHEREAS, The Town-owned property northeast of 502 Gomains Avenue and adjacent to the subject ROW will be re-combined with the Town-owned property adjacent to 502 Gomains Avenue; and

WHEREAS, the property owner of 502 Edwards Drive (to the north of 502 Gomains Avenue) is interested in receiving up to half of the subject ROW per NCGS Sec. 160A-299; and

WHEREAS, the Council finds, upon review of the facts and of information received at the Public Hearing on June 9, 2021 that closing an unused and unimproved portion of the Mitchell Lane public right-of-way would not be contrary to the public interest and that no individual owning property in the vicinity of the proposed closures would be deprived of reasonable means of ingress and egress to his or her property by the closing of said right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the closure of an unimproved and unpaved portion of Mitchell Lane public right-of-way as described in the "Closure Request email from Adam Zinn with Exhibit of Requested Mitchell Lane Right-of-Way Closure".

This the XX day of XXX, 2021.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

PRESENTER: Chris Roberts, Manager of Engineering and Infrastructure

- a. Introduction and preliminary recommendation
- b. Comments from the public
- c. Comments and questions from the Mayor and Town Council
- d. Motion to close the Public Hearing 24-hours after discussing this item to allow additional comments in the record per recent legislation
- e. Consider adopting the resolution to approve the right-of-way closure at the June 23, 2021 meeting.

RECOMMENDATION: That the Council open a Public Hearing to consider the closure of

an unused and unimproved portion of Mitchell Lane public right-of-way. On June 23rd, the Council may take action on the requested closure.