



TOWN OF CHAPEL HILL

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

Legislation Details (With Text)

File #: [22-0512] **Version:** 1 **Name:**

Type: Discussion Item **Status:** Passed

File created: 4/22/2022 **In control:** Town Council

On agenda: 6/8/2022 **Final action:** 6/8/2022

Title: Open a Public Hearing to Consider a Request to Close an Unimproved and Unpaved Portion of Stinson Street Public Right-of-Way.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Draft Staff Presentation, 2. Stinson Street - Formal Road Closure Request Per NCGS 160A-299, 3. Stinson Street - Requested ROW Closure Map, 4. NC Statute GS_160A-299, 5. A RESOLUTION TO APPROVE A REQUEST TO CLOSE A PORTION OF AN UNIMPROVED AND UNPAVED PUBLIC RIGHT-OF-WAY OF STINSON STREET (2022-06-08/R-11)

Date	Ver.	Action By	Action	Result
6/8/2022	1	Town Council	closed the public hearing	Pass
6/8/2022	1	Town Council	adopted	Pass

Open a Public Hearing to Consider a Request to Close an Unimproved and Unpaved Portion of Stinson Street Public Right-of-Way.

Staff:

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

Department:

Public Works

Overview: At the north-east corner of Stinson Street, there is a driveway in-between two parcels owned by Lawler Development Group, LLC. That driveway is within a public right-of-way (ROW) that the owner is requesting to be closed. The subject right-of-way is approximately 70 feet long by 26 feet wide.

North Carolina General Statute Sec. 160A-299 sets the process for closing public rights-of-way, requiring the Council to adopt a resolution declaring its intent to close the public right-of-way and to call a public hearing. The resolution was published once a week for four successive weeks before the hearing. A notice of the closing and public hearing was posted in a least two places along the right-of-way.

 **Recommendation(s):**

That the Council open and close a Public Hearing to consider closing an unimproved and unpaved portion of Stinson Street public right-of-way and adopt a resolution to permanently close this public ROW.

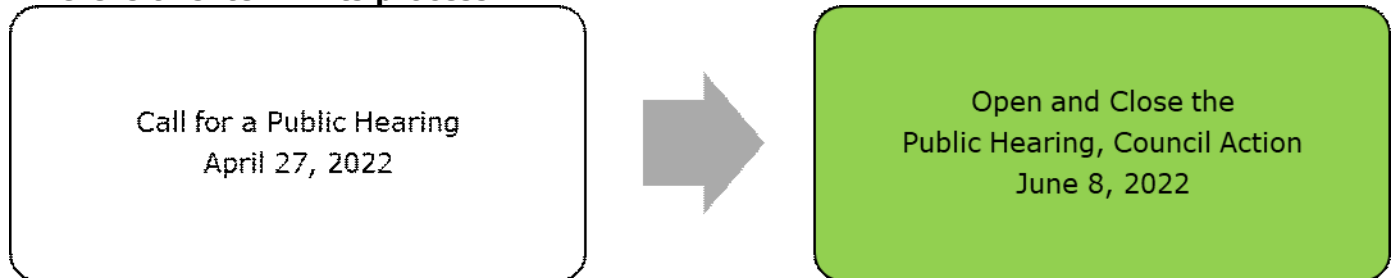
Fiscal Impact/Resources: Impacts to future investments are unknown.


Key Issues:

- This closure request is for the unimproved and unpaved portion of Stinson Street per the attached map.
- Requested by property owner who owns the only two fronting properties of this public ROW.

- Closing the subject public right-of-way will not deny access to adjacent properties.
- There have been no objections to-date received in response to this request.
- Neither the Town nor OWASA have a need for this right-of-way.

Where is this item in its process?



-  **Attachments:**
- Resolution
 - Draft Staff Presentation
 - Closure Request Email from Brittney Jones, Attorney, Bagwell Holt Smith, PA
 - Map of Requested Closure
 - NC Statute 160A-299

RESOLUTION

A RESOLUTION TO APPROVE A REQUEST TO CLOSE A PORTION OF AN UNIMPROVED AND UNPAVED PUBLIC RIGHT-OF-WAY OF STINSON STREET (2022-06-08/R-11)

WHEREAS, the Town of Chapel Hill has received a request, from Bagwell Holt Smith P.A., (representing Lawler Development Group, LLC) to close a portion of the unmaintained and unimproved Stinson Street public right-of-way; and

WHEREAS, the requested public right-of-way is at the north-east corner of Stinson Street and is approximately 70 feet long by 26 feet wide; and

WHEREAS, Lawler Development Group, LLC owns the only 2 fronting properties surrounding the subject public right-of-way.

WHEREAS, the Council finds, upon review of the facts and of information received at the Public Hearing on June 8, 2022 that closing an unimproved and unpaved portion of the Stinson Street 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 the Stinson Street public right-of-way as described in the Formal Closure Request letter from Bagwell Holt Smith P.A., dated March 30, 2022 and Stinson Street - Requested ROW Closure Map.

This the 8th day of June 2022.

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
- e. Motion to adopt a resolution approving the ROW closure.

RECOMMENDATION: That the Council open and close a Public Hearing to consider closing an unimproved and unpaved portion of Stinson Street public right-of-way and adopt a resolution to permanently close this public ROW.