



Legislation Details (With Text)

File #: [21-0389] **Version:** 1 **Name:**

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

File created: 4/21/2021 **In control:** Town Council

On agenda: 5/5/2021 **Final action:**

Title: Open a Public Hearing to Consider Closing a Portion of Public Right-of-Way of Maxwell Road within the Glen Lennox Development.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Draft Staff Presentation, 2. Closure Request Letter from Ballentine Associates with Exhibit of Requested Maxwell Road Right-of-Way Closure, 3. GS_160A-299

Date	Ver.	Action By	Action	Result
5/5/2021	1	Town Council	closed the public hearing	Pass

Open a Public Hearing to Consider Closing a Portion of Public Right-of-Way of Maxwell Road within the Glen Lennox Development.

Staff:

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

Department:

Public Works

Overview: The Glen Lennox Development includes a proposed realignment of Maxwell Road. The realignment involves closing a portion of the existing public right-of-way and dedicating new right-of-way. The realignment of Maxwell Road is in accordance with Section 5.4 (a)(2) of the Glen Lennox Development Agreement.

More information about the Glen Lennox Development Agreement may be found at: <https://www.townofchapelhill.org/government/departments-services/planning/development-activity-report/glen-lennox>

- 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):**

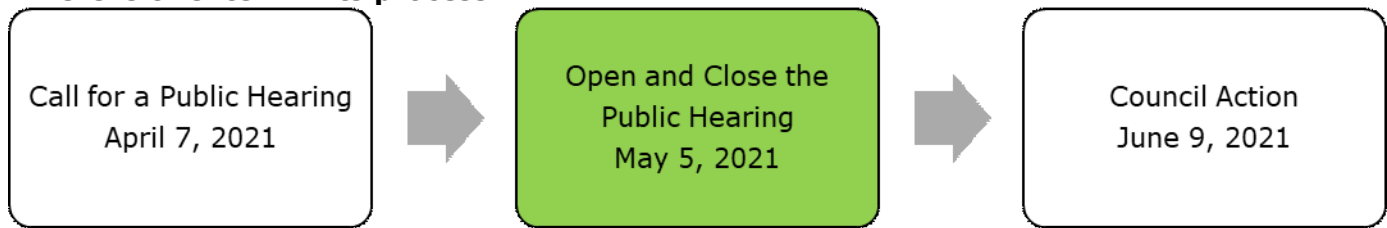
That the Council open a Public Hearing to consider closing a portion of the public right-of-way to support the realignment of Maxwell Road within the Glen Lennox Development. Under the recently enacted legislation authorizing public hearings at remote meetings, public comment may continue to be submitted into the hearing record for 24 hours after the May 5th public hearing. On June 9th, the Council may take action on the requested closure.

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

Key Issues:

- The closure of portions of the public right-of-way is for the re-alignment of Maxwell Street.
- This re-alignment is in accordance with Section 5.4 (a)(2) of the Glen Lennox Development Agreement and will include right-of-way dedication to maintain the existing 50’ wide right-of-way.
- The sole adjacent property owner is Glen Lennox Apartments, LLC, who is requesting the closure and will receive the entire requested right-of-way areas.

Where is this item in its process?



Attachments:

- Draft Resolution
- Draft Staff Presentation
- Closure Request Letter from Ballentine Associates with Exhibit of Requested Maxwell Road Right-of-Way Closure
- NC Statute 160A-299

DRAFT RESOLUTION

A RESOLUTION TO APPROVE A REQUEST TO CLOSE A PORTION OF PUBLIC RIGHT-OF-WAY OF MAXWELL ROAD WITHIN THE GLEN LENNOX DEVELOPMENT (2021-XX-XX/R-*)

WHEREAS, the Town of Chapel Hill has received a request from Ballentine Associates to close a portion of public right-of-way for a realignment of Maxwell Road within the Glen Lennox Development; and

WHEREAS, the sole abutting property of this public right-of-way is owned by the requesting party, Glen Lennox Apartments, LLC; and

WHEREAS, the redesign of Maxwell Road is in accordance with Section 5.4 (a)(2) of the Glen Lennox Development Agreement; and

WHEREAS, the Council finds, upon review of the facts and of information received at the Public Hearing on May 5, 2021 that closing a portion of the Maxwell Road public right-of-way to support a realignment of Maxwell Road 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 a portion of public right-of-way for a realignment of Maxwell Road within the Glen Lennox Development as described in the Closure Request Letter from Ballentine Associates with Exhibit of Requested Maxwell Road Right-of-Way Closure.

BE IT FURTHER RESOLVED that a plat showing the closure and a copy of this Order shall be recorded by the adjacent property owners, with the Orange County Registry, upon approval by the Town and certification by the Town Manager that the preceding conditions of approval have been met, said certification to be attached to this Resolution as an Exhibit prior to recordation.

This the 9th day of June, 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 9, 2021 meeting.

RECOMMENDATION: That the Council opens a Public Hearing to consider the closure a portion of public right-of-way for a realignment of Maxwell Road within the Glen Lennox Development. On June 9th, the Council may take action on the requested closure.