



# TOWN OF CHAPEL HILL

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

## Legislation Details (With Text)

**File #:** [18-0157]      **Version:** 1      **Name:**

**Type:** Discussion Item      **Status:** Passed

**File created:** 2/12/2018      **In control:** Town Council

**On agenda:** 2/28/2018      **Final action:** 2/28/2018

**Title:** Open the Public Hearing and Consider a Request to Close the Unmaintained and Unpaved Portion of the Public Right-of-Way Near Smith Avenue.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Draft Staff Presentation, 2. Map of Requested Right-of-Way Closure, 3. Email Request from Property Owner, 416 Smith Avenue, 4. General Statute 160A-299, 5. Staff Presentation, 6. A RESOLUTION CLOSING THE UNMAINTAINED AND UNPAVED PORTION OF THE PUBLIC RIGHT-OF-WAY ON SMITH AVENUE (2018-02-28/R-7)

Date	Ver.	Action By	Action	Result
2/28/2018	1	Town Council	adopted	Pass

### Open the Public Hearing and Consider a Request to Close the Unmaintained and Unpaved Portion of the Public Right-of-Way Near Smith Avenue.

**Staff:**

Lance Norris, Director  
Chris Roberts, Manager of Engineering and Infrastructure  
Chris Jensen, Senior Engineer

**Department:**

Public Works

**Overview:** The owner of 416 and 420 Smith Avenue has requested closing two short sections of unpaved and unmaintained public right-of-way located between 416 and 420 Smith Avenue and between 420 Smith Avenue and 550 Chase Park Road. Closing these sections of the public right-of-way will not deny access to adjacent properties. All adjacent properties have access to other public right-of-way. These portions of the public right-of-way are not in use, and neither the Town nor OWASA have a need for this right-of-way.

North Carolina General Statute Sec. 160A-299 sets out the process for closing public right-of-way (see copy attached). The steps set out in this report and the attached resolution follow the statutory requirements.

☆ **Recommendation(s):**

That the Council open the Public Hearing and adopt the resolution to close the unmaintained and unpaved portions of the public right-of-way located between 416 and 420 Smith Avenue and between 420 Smith Avenue and 550 Chase Park Road.

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

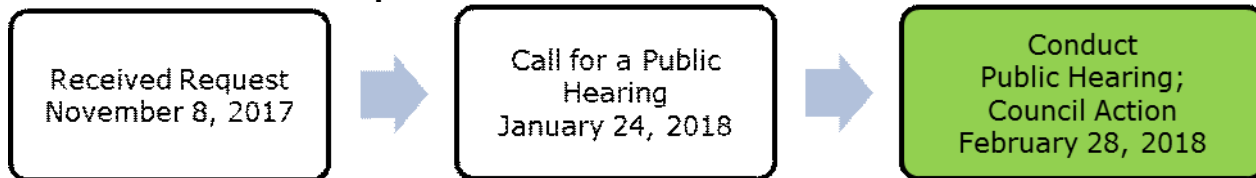
**Key Issues:**

- Once the rights-of-way are closed, the property will be divided equally among all adjacent property







owners. Each property owner will be required to file a new plat to assume ownership. Town staff has communicated this information to each affected property owner, and all are in support of the right-of-way closure.

- All adjacent property owners have been notified through phone conversations, emails, physical signs placed in prominent places at the edges of the requested right-of-way closure areas, and the notice has been published in the Herald Sun for the past four consecutive weeks.
- Closing these sections of the public right-of-way will not deny access to adjacent properties. All adjacent properties have access to other public right-of-way.
- Neither the Town nor OWASA have a need for this right-of-way.

**Where is this item in its process?**



**Council Goals:**

<input type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input type="checkbox"/>		Support Community Prosperity	<input type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration

 **Attachments:**

- Resolution
- Draft Staff Presentation
- Map of Requested Right-of-Way Closure
- Email Request from Property Owner, 416 Smith Avenue
- General Statute 160A-299

**A RESOLUTION CLOSING THE UNMAINTAINED AND UNPAVED PORTION OF THE PUBLIC RIGHT-OF-WAY ON SMITH AVENUE (2018-02-28/R-7)**

WHEREAS, the Town of Chapel Hill has received a request for closure of the unmaintained and unpaved portion of the public right-of-way on Smith Avenue; and

WHEREAS, the Chapel Hill Town Council on January 24, 2018 adopted a resolution of intent to consider closing the right-of-way; and

WHEREAS, a Public Hearing regarding the proposed right-of-way closure was held on February 28, 2018; and

WHEREAS, all adjacent property owners have been notified and there have been no objections to this closure; and

WHEREAS, closing the subject public right-of-way will not deny access to adjacent properties. All adjacent properties have access to other public right-of-way; and

WHEREAS, The Town nor OWASA have no need for this right-of-way; and

WHEREAS, the Council finds, upon review of the facts and of information received at the Public Hearing, that closing this section of the Smith Avenue 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 adopts this order pursuant to North Carolina G.S. 160A-299, permanently closing this unmaintained and unpaved portion of the public right-of-way on Smith Avenue.

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 28<sup>th</sup> day of February, 2018.

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**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

RECOMMENDATION: That the Council open the Public Hearing to consider closing the unmaintained and unpaved public rights-of-way portion of Smith Avenue. The Council may close the Public Hearing this evening and take action on the requested closures, or refer action to a future meeting.