



TOWN OF CHAPEL HILL

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

Legislation Details (With Text)

File #: [18-0046] **Version:** 1 **Name:**
Type: Discussion Item **Status:** Passed
File created: 12/20/2017 **In control:** Town Council
On agenda: 1/31/2018 **Final action:** 1/31/2018
Title: * Open the Public Hearing and Consider a Request to Close a Portion of Public Right-Of-Way on Flemington Road between Maxwell Road and Brandon Road.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Draft Staff Presentation, 2. Letter from George Retschle, Ballentine Associates requesting for the rights-of-way closure including draft final plat., 3. 2018-01-11 Flemington Closure - Overview, 4. 2018-01-11 Flemington Closure - Enlargement, 5. General Statute 160A-299, 6. Staff Presentation, 7. Council Questions with Staff Response, 8. A RESOLUTION CLOSING PORTIONS OF THE PUBLIC RIGHT-OF-WAY ON FLEMINGTON ROAD BETWEEN MAXWELL ROAD AND BRANDON ROAD (2018-01-31/R-5)

Date	Ver.	Action By	Action	Result
1/31/2018	1	Town Council	adopted	Pass

*** Open the Public Hearing and Consider a Request to Close a Portion of Public Right-Of-Way on Flemington Road between Maxwell Road and Brandon Road.**

Staff:

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

Department:

Public Works

Overview: Section 5.4 (a)(2) of the [Glen Lennox Development Agreement](http://www.townofchapelhill.org/town-hall/departments-services/planning-and-sustainability/development/development-agreement-projects/glen-lennox) <<http://www.townofchapelhill.org/town-hall/departments-services/planning-and-sustainability/development/development-agreement-projects/glen-lennox>> provides for re-alignment of Flemington Road. That realignment requires closing a portion of the existing public right-of-way and dedicating new right-of-way. The Public Hearing will only be for the closing of the public 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):

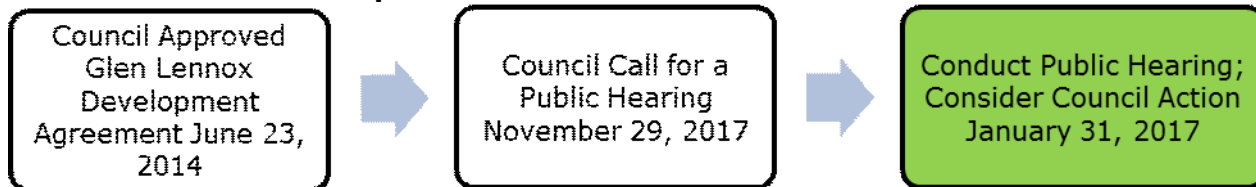
That the Council open the Public Hearing to consider closing the portion of the public right-of-way on Flemington Road between Maxwell Road and Brandon Road. The Council may close the Public Hearing this evening and take action on the requested closures, or defer action to the January 31st, 2018 meeting.

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







Key Issues:

- The public right-of-way requiring closure for the re-alignment of Flemington Road is between Maxwell Road and Brandon Road.
- This re-alignment is in accordance with Section 5.4 (a)(2) of the Glen Lennox Development Agreement and will require the dedication of new rights-of-way to maintain the existing 50' wide right-of-way.
- The sole adjacent property owner is Glen Lennox Apartments, LLC, who is requesting the right-of-way closure and will receive the entire requested right-of-way area

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
- Letter from George Retschle, Ballentine Associates requesting for the rights-of-way closure including draft final plat.
- Map of Requested Flemington Road Rights-of-Way Closure
- General Statute 160A-299

A RESOLUTION CLOSING PORTIONS OF THE PUBLIC RIGHT-OF-WAY ON FLEMINGTON ROAD BETWEEN MAXWELL ROAD AND BRANDON ROAD (2018-01-31/R-5)

WHEREAS, the Town of Chapel Hill has received a request for closure of the portion of the Flemington Road public right-of-way between Maxwell Road and Brandon Road, in order to realign Flemington Road in accordance with Section 5.4 (a)(2) of the Glen Lennox Development Agreement; and

WHEREAS, the Chapel Hill Town Council on November 29, 2017 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 called for January 17, 2018, deferred to January 24 due to inclement weather; and further continued to January 31 due to the anticipated length of the January 24 meeting; and

WHEREAS, a Public Hearing regarding the proposed right-of-way closure was held on January 31, 2018; 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 re-alignment of Flemington Road will require dedication of right-of-way to maintain a width of 50' consistent with the existing right-of-way of this section of Flemington Road; and

WHEREAS, the Council finds, upon review of the facts and of information received at the Public Hearing, that closing the said portion of the Flemington Road 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 the portion of the Flemington Road public right-of-way between Maxwell Road and Brandon Road.

BE IT FURTHER RESOLVED that a plat showing the closure and a copy of this Order shall be recorded by the requesting party, 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 31st day of January, 2018.

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;
George Retschle, Ballentine Associates, PA

RECOMMENDATION: That the Council open the Public Hearing to consider closing the portion of the public right-of-way on Flemington Road between Maxwell Road and Brandon Road. The Council may close the Public Hearing this evening and take action on the requested closures, or refer action to a future meeting.