Legislation Details (With Text)

File #:	[21-0587]	**Version:**	1	**Name:**	
Type:	Consent			**Status:**	Passed
File created:	6/9/2021			**In control:**	Town Council
On agenda:	6/23/2021			**Final action:**	6/23/2021
Title:	Close an Unimproved and Unpaved Portion of Mitchell Lane Public Right-of-Way.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Closure Request Email from Adam Zinn - Mitchell Lane Portion Public Right-Of-Way, 2. Exhibit of Requested CLosure, 3. GS_160A-299, 4. A RESOLUTION TO APPROVE A REQUEST TO CLOSE AN UNIMPROVED AND UNPAVED PORTION OF MITCHELL LANE PUBLIC RIGHT-OF-WAY (2021-06-23/R-6)				

Date	Ver.	Action By	Action	Result
6/23/2021	1	Town Council	adopted	Pass

Close 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. The public hearing was held June 9, 2021 <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4976429&GUID=25F21E50-1B9B-4DB2-.
- All publication and posting requirements of this statute have been met.

Recommendation(s):

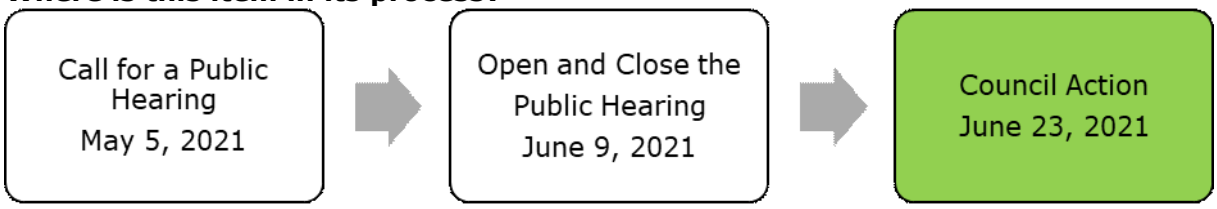
That the Council adopt a resolution closing an unimproved and unpaved portion of Mitchell Lane Public Right-of-Way.

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:

- Resolution
- Closure Request Email from Adam Zinn
- Exhibit of Requested Mitchell Lane Right-of-Way Closure
- NC Statute 160A-299

A RESOLUTION TO APPROVE A REQUEST TO CLOSE AN UNIMPROVED AND UNPAVED PORTION OF MITCHELL LANE PUBLIC RIGHT-OF-WAY (2021-06-23/R-6)

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 <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4976429&GUID=25F21E50-1B9B-4DB2-9253-B9CEBC898A29&Options=&Search=> 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" and as recommended by Town staff.

This the 23rd day of June, 2021.

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

By adopting the resolution, the Council closes an unimproved and unpaved portion of public right-of-way on Mitchell Lane.

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