

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: Lance Norris, Public Works Director
Mike Taylor P E, Engineering Design Specialist

SUBJECT: Withdrawal of Dawson Place Right-of-way Dedication

DATE: October 12, 2009

PURPOSE

Adoption of the attached resolution would confirm that a section of an alley known as Dawson Place, approximately 60 feet is not identified as a future street on an adopted street plan. This would allow the withdrawal of the right-of-way dedication by the property owner. We recommend adoption of the attached resolution.

BACKGROUND AND DISCUSSION

On behalf of the property owner at 331 West Rosemary Street, Mr. David Rooks, has requested the Council adopt a resolution to attest to the fact that the eastern portion of an alley known as Dawson Place is not designated as a future street on an adopted street plan. (Please see Attachment #2). It is our understanding that the owner of the property plans to redevelop the site and that the withdrawal of the right-of-way dedication would provide more flexibility for development of the site. A concept plan for the property was submitted for Council review on January 18, 2006. At this time, the Town has not received a development application for the property. The property and alley are shown on the attached map. (Please see Attachment #1)

North Carolina G.S. 136-96 allows a property owner to withdraw an offer of public right-of-way dedication if the proposed right-of-way has not been accepted within 15 years after the dedication, provided the property is not shown on a street plan adopted pursuant to North Carolina G.S. 136-66.2. This state statute provides for the adoption of a comprehensive transportation plan in and around municipalities. G.S. 136-96 also provides that, if requested, "a city shall adopt a resolution indicating that the dedication described in the proposed declaration of withdrawal is or is not part of the street plan adopted under G.S.136-66.2" (Please see Attachment #3.)

The area under consideration was offered as part of a right-of-way dedication shown on a plat that was recorded at the Register of Deeds on March 2, 1976. Therefore, the 15 year waiting period required under G.S. 136-96 has been fulfilled. The dedicated right-of-way has a total length of 305 feet. The Town of Chapel Hill maintains 190 feet of this right-of-way and maintains less than 20 feet of this alley on the south side of the parcel. The proposed right-of-way withdrawal at the southeastern corner of the property is not part of the Town maintained street system. Since the 60 foot section right-of-way at the southeastern corner of the property is not maintained by the Town nor shown on an adopted street plan, the property owner has the option to reclaim the property within the right-of-way and request the attached resolution for attachment to the Declaration of

Withdrawal (Please see Attachment #5) and recordation at the Register of Deeds.

RECOMMENDATION

That the Council adopt the attached resolution.

ATTACHMENTS

1. Map (p. 4).
2. Letter (p. 5).
3. G.S. 136-96 (p. 8).
4. Declaration of Withdrawal (p. 10).