

MEMORANDUM

TO: Mayor and Town Council

FROM: W. Calvin Horton, Town Manager

SUBJECT: Request to Close Unnamed Right-of-way in the Morgan Creek Hills Neighborhood

DATE: May 13, 2002

The attached resolution would call a public hearing on Monday, June 17, 2002 regarding a request to close an unnamed right-of-way that intersects Morgan Creek Road. (Please see the attached map).

DISCUSSION

The residents who own property along the above mentioned right-of-way have requested that the Town Council consider abandonment of the right-of-way. (Please see the attached letter).

This right-of-way is located in the Morgan Creek Hills Neighborhood and intersects Morgan Creek Road and is shown on Orange County Tax Map 7.69.

Under State law, G.S. 160A-299, a public hearing and prior notices to adjacent property owners are necessary before closing a right-of-way. Under the statute, the Council may close the right-of-way upon determining that:

“closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property.”

If the Council calls a public hearing to receive public comment, Town staff would solicit input from utility companies and other potentially affected parties to determine if it would be necessary to reserve easements. We would also further evaluate whether or not the Town has any interest in keeping this right-of-way open.

If the right-of-way is closed, ownership would revert to the adjacent property owners in accord with State law. A copy of G.S. 160A-299 is attached for reference.

RECOMMENDATION

That the Council adopt the following resolution calling a public hearing at 7:00 pm on Monday, June 17, 2002 and authorizing the Town Manager to have the required notices published, posted on site and mailed.

ATTACHMENTS

1. Map (p. 4).
2. Letter from residents (p. 5).
3. G.S. 160A-299 (p. 6).

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED CLOSURE OF AN UNOPENED PUBLIC RIGHT-OF-WAY (2002-05-13/R-4)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it intends to consider closing an unnamed public right-of-way that is 50 feet wide and approximately 340 feet in length as shown on Orange County Tax Map 7.69 and abutting lots 7.69.B.3,4,5 and calls for a public hearing at 7:00 pm, Monday, June 17, 2002 in the Council Chamber at Town Hall, 306 N. Columbia Street, Chapel Hill, North Carolina to receive public comments on the proposed closing of said right-of-way.

BE IT FURTHER RESOLVED that the Town Manager is hereby directed to arrange publication, posting, and mailing of notices of the public hearing as required by law.

This the 13th day of May, 2002.