Legislation Text

File #: 17-222, **Version:** 1

PURPOSE: The purpose for this agenda item is provide the Mayor, Board of Aldermen and community an opportunity to review and discuss the Town's abandonment of the current Rand Road right of way located within the South Green Development.

DEPARTMENT: Public Works

CONTACT INFORMATION: Anita Jones-McNair - 919-918-7381; Eric L. Marsh - 919-918-7426

INFORMATION: The purpose of this abandonment is to prepare for the dedication of the relocated Rand Road upon completion of the South Green Development.

The resolution setting the public hearing was published once a week for four (4) successive weeks prior to the hearing and a copy was sent by certified mail to the persons who, according to the county tax records, own property adjoining the right-of-way proposed to be closed. In addition a notice of the proposed closing and public hearing thereon shall be prominently posed in at least two placed along the right-of-way to be closed. The public hearing will be held on June 27, 2017.

The section of ROW to be abandoned is a 46 foot wide section of right-of way known as Rand Road adjacent to the following property: PIN: 9778-93-0728. This property is contained within the South Green development (See Attachment B & C). The ROW will be replaced by the new public street alignment shown as part of the South Green CUP.

The right-of-way closed pursuant to this order shall be conclusively presumed to be vested in those persons owning the parcels abutting the right-of-way. However, the right, title and interest in any utility improvements or easements within the 46 foot wide right-of-way proposed for closing will be reserved. This reservation shall also extend to utility improvements or easements owned by private utilities which at the time of the proposed street closing have a utility agreement or franchise with the Town. Such utilities shall include but are not limited to water, sewer, electrical, gas, telephone and cable television.

The timing of the abandonment needs to occur concurrently with the recording of the plat the will create the new right-of-way alignment approved as part of the South Green Conditional Use Permit. In other words, the resolution is written such that the Rand Rd abandonment does not take place until the right-of-way for the new public road alignment is recorded on a plat (Attachment A). As is standard procedure, the developer is required to post a bond for all of the improvements within the proposed new alignment prior to the final plat being released by the Town for recording.

FISCAL & STAFF IMPACT: No fiscal or staff impacts are anticipated.

RECOMMENDATION: It is recommended that the Board approve the attached resolution to abandon the aforementioned Right of Way at Rand Road.

powered by Legistar™