

## BOARD OF ALDERMEN

ITEM NO. C(3)

### AGENDA ITEM ABSTRACT MEETING DATE: March 20, 2007

**SUBJECT: Request to Set a Public Hearing for the Permanent Closing of the Todd Street Right-of-Way**

<b>DEPARTMENT:</b> PUBLIC WORKS DEPT.	<b>PUBLIC HEARING:</b> Yes
<b>ATTACHMENTS:</b> A. Resolution B. Map C. Request letter from Todd Street, LLC	<b>FOR INFORMATION CONTACT:</b> George Seiz 918-7427

#### Purpose

The purpose of this agenda item is to set a public hearing on a request to permanently close the Todd Street right-of-way.

#### Information

Town staff received a request from Todd Street, LLC in late October of 2006 to permanently close the right-of-way on Todd Street (see Attachment C). Todd Street, LLC is the owner of the property on both sides of this section of dead-end street and is in the process of converting existing housing units into condominiums. Reasons provided by Todd Street, LLC for the proposed closing include benefits to the future condominium residents, and also benefits to the Town by eliminating maintenance expenses for section of roadway and the addition of property on the tax rolls.

In accordance with General Statute 160A-299, the following would be required to permanently close this portion of Todd Street:

- Adoption of a resolution declaring the Board's intent to permanently close Todd Street.
- A public hearing must be set.
- The same resolution must be published once a week for four successive weeks prior to the hearing.
- A copy of the resolution must be sent by certified mail to all owners of property adjoining the portion of Todd Street proposed for permanent closing.
- A notice of closing and public hearing must be prominently posted in at least two places along the street.
- A public hearing must be held.
- After the hearing, the Board may order the closing of Todd Street right-of-way.
- If the street is closed as proposed, a certified copy of the order must be filed in the office of the register of deeds.
- The Board's order to close would be subject to appeal for 30 days after adoption.
- If the street is closed as proposed, then all right, title and interest in the right-of-way, excluding utility improvements and easements, shall be conclusively presumed vested in

those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

Town staff is supportive of this request and has been working with the owners of Todd Street, LLC to address the easement needs of various utility companies. The existing paving is 35 feet wide from face of curb to face of curb, roughly 550 feet in length, with head in 90 degree parking on one side.

**Fiscal Impact**

Once the right-of-way is closed the road will no longer be eligible for Powell Bill funding, however, the Town will no longer have the maintenance liability for the road.

**Recommendation**

It is recommended that the Board of Aldermen approve the attached resolution setting a public hearing for April 24, 2007.