

BOARD OF ALDERMEN

ITEM NO. 2

AGENDA ITEM ABSTRACT MEETING DATE: April 24, 2007

**SUBJECT: PUBLIC HEARING ON A REQUEST TO PERMANENTLY CLOSE
THE TODD STREET RIGHT-OF-WAY**

DEPARTMENT: PUBLIC WORKS DEPT.	PUBLIC HEARING: Yes
ATTACHMENTS: A. Resolution B. Request letter from Todd Street, LLC C. Aerial Photo D. Proposed plat of closing	FOR INFORMATION CONTACT: George Seiz 918-7427

Purpose

The purpose of this agenda item is to hold 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 B). 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 540 feet in length, with head in 90 degree parking on one side. Todd Street was last resurfaced in 1988. The most recent pavement condition survey (2005) indicated a score of 73, fair to good. Resurfacing would likely need to be scheduled in the next couple of years.

Concerns were raised at the regular Board of Aldermen meeting on March 20, 2007 about public access to the adjacent Carrboro Elementary school property via Todd Street if the right-of-way was closed. This concern was presented to Todd Street, LLC and Town staff suggested that the language on the plat be changed to clarify the usage by the public for pedestrian and bicycle access. Todd Street, LLC agreed to the suggestion and the plat has been changed accordingly. It should also be noted that the terminus for the Frances Lloyd Shetley bike path is approximately 150 feet south of Todd Street and this path also provides easy access to the school property from North Greensboro St.

Also at the Board meeting on March 20, 2007, the question was raised about the Town possibly seeking compensation for the closing of the right-of-way. A review of various Public Works files for previous street closings and discussions with the Town attorney indicate that the Town has typically not sought compensation as part of the closing process. The Town will see increased property tax revenue when the right-of-way becomes private property (about 0.59 acres).

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. Property taxes will eventually be realized once the right-of-way becomes private property. Assuming the increased private property (about 0.59 acres) is valued the same as the adjacent property, the total increased property tax revenue collected would be on the order of \$2,900 with the Town's portion being about \$1,100.

Recommendation

It is recommended that the Board of Aldermen approve the attached resolution ordering the closing of the Todd Street right-of-way.