

## Legislation Details (With Text)

|                      |  |                      |   |                               |  |
|----------------------|--|----------------------|---|-------------------------------|--|
| <b>File #:</b>       | 15-5844  | <b>Version:</b>      | 1 | <b>Name:</b>                  |  |
| <b>Type:</b>         | Public Hearing Item  | <b>Status:</b>       |   | Agenda Ready                  |  |
| <b>File created:</b> | 6/15/2017  | <b>In control:</b>   |   | City Council Business Meeting |  |
| <b>On agenda:</b>    | 6/26/2017  | <b>Final action:</b> |   | 6/26/2017                     |  |
| <b>Title:</b>        | Public Hearing on a Resolution to Close a Portion of Myrtle Avenue                         |                      |   |                               |  |
| <b>Attachments:</b>  | 1. CityCouncilROWAbandonmentMap_2017-05, 2. Resolution to Close a portion of Myrtle Avenue |                      |   |                               |  |

| Date      | Ver. | Action By                     | Action                   | Result |
|-----------|------|-------------------------------|--------------------------|--------|
| 6/26/2017 | 1    | City Council Business Meeting | Close the Public Hearing | Pass   |
| 6/26/2017 | 1    | City Council Business Meeting | Approve                  | Pass   |

## Public Hearing on a Resolution to Close a Portion of Myrtle Avenue

### Action:

- A. Conduct a public hearing to close a portion of Myrtle Avenue, and**
- B. Adopt a resolution to close a portion of Myrtle Avenue.**

### **Staff Resource(s):**

Danny Pleasant, Transportation  
Jeff Boenisch, Transportation

### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- A portion of Myrtle Avenue is located in Council District 1.

### **Petitioners**

Mrs. Judith Overstreet and Mr. Michael Overstreet

### **Right-of-Way to be Abandoned**

The portion of Myrtle Avenue is located within the side yard of the property at 728 Lexington Avenue.

### **Reason**

This abandonment will enable the petitioner to correct a historic building encroachment into the Myrtle Avenue right-of-way by taking a small portion of right-of-way and reverting it into real property. Furthermore, this abandonment will not negatively impact any existing street(s) or sidewalk(s).

**Notification**

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s) - All abutting property is owned by the petitioner.

Neighborhood/Business Association(s)

Dilworth Community Association (DCA) - Supports

Private Utility Companies - No objections

**City Departments**

Review by City departments identified no apparent reason this closing would:

- Be contrary to the public interest;
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

**Attachment(s)**

Map

Resolution