



MEMORANDUM

To: Mayor and City Councilors
From: Rich Olson, City Manager
Date: August 8, 2013
Re: Consideration – Call for Public Hearing on Closing of Alleys

BACKGROUND:

During the Work Session held on June 24, 2013, City staff provided an overview of the work the Alleyway Committee is doing to address the status of all alleys in the City. During that meeting, the Council acted the committee's recommendation to go forward with the procedure for closing certain alleys in the 4th Ward. The committee has completed its work on the alleys in the 1st Ward and is presenting approximately one-half of those alleys for Council's consideration at this time, due to the total number of alleys involved in the 1st Ward.

To close an alley, the City must comply with NCGS 160A-299. NCGS §160A-299 provides the procedure for closing an alleyway or street. First, the City Council must adopt a Resolution of Intent to close the alley. The resolution is required to set the time for a Public Hearing, which must be at least five weeks after the adoption of the Resolution of Intent. The Resolution of Intent must be published once a week for four weeks in *The Daily Advance*. In addition, the City must mail a notice to the adjacent property owners by Certified Mail. The alley must also be posted in two places. Anyone may speak at the Public Hearing, not just the adjacent property owners. If the Council elects to close an alleyway, the Council will need to adopt an Order closing the alley. That Order must be recorded with the Office of Register of Deeds. Once closed, the adjacent property owners split the alley equally.

ANALYSIS:

Attached is a Resolution of Intent to close twelve (12) alleys, which are located in the 1st Ward. The Resolution of Intent calls for a public hearing regarding the closure of these referenced alleys to be held in Council Chambers on October 7, 2013 at 7:30 p.m. If approved, the resolution would be published for four (4) consecutive weeks in *The Daily Advance*, the adjacent property owners would be notified by Certified Mail and the alley would be posted by staff.

STAFF RECOMMENDATION:

By motion, adopt the attached Preliminary Resolution to Close Certain Alleys in the First Ward as presented.

RCO/vdw

**PRELIMINARY RESOLUTION
TO CLOSE CERTAIN ALLEYS
IN THE FIRST WARD**

WHEREAS, NCGS 160A-299 authorizes the City Council to close public streets and alleys; and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of the following certain numbered alleys in the First Ward, and shown on the attached map, which is incorporated herein by reference:

Alley Number 25 described as extending east approximately 175 feet off of Agawam, parallel to Riverside and Woodruff; and

Alley Number 27 described as extending west approximately 400 feet of Wareham, parallel to Riverside and Woodruff; and

Alley Number 28 described as extending east and west approximately 740 feet between Agawam and Wareham, parallel to Woodruff and Jones; and

Alley Number 29 described as extending east and west approximately 400 feet between Flora and Raleigh, parallel to Carolina and Preyer; and

Alley Number 30 described as extending north and south approximately 230 feet between Preyer and Camden, parallel to Flora and Raleigh; and

Alley Number 31 described as extending north and south approximately 225 feet between Carolina and Preyer, parallel to Raleigh; and

Alley Number 32 described as extending South approximately 150 feet of Preyer, parallel to Raleigh; and

Alley Number 33 described as extending north and South approximately 235 feet of Camden and Perquimans, parallel to Flora and Raleigh; and

Alley Number 34 described as extending South approximately 200 feet of Perquimans, parallel to Flora; and

Alley Number 90 described as extending east and west approximately 340 feet of Wareham and Flora, parallel to Riverside and Woodruff; and

Alley Number 91 described as extending east and west approximately 300 feet of Wareham and Flora, parallel to Woodruff and Jones; and

Alley Number 23 described as extending north and south approximately 550 feet of Jones and Tuscarora, parallel to Hunter and Agawam; Storm Water Rights are retained.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elizabeth City that:

- 1} A public hearing will be held at 7:30 p.m. on the 7th day of October, 2013 in the City Council Chambers of the Municipal Administration Building to consider a resolution closing those certain alleys within the Fourth Ward.
- 2} The City Clerk is hereby directed to publish this Preliminary Resolution once a week for four successive weeks in *The Daily Advance*, or other newspaper of general circulation in the area.
- 3} The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said alley a copy of this Preliminary Resolution.
- 4} The City Clerk is further directed to cause adequate notices of this Preliminary Resolution and the scheduled public hearing to be posted as required by NCGS 160A-299.

ADOPTED, this the 12th day of August 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

