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# MEMORANDUM

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**TO:** Mayor and City Councilors  
**FROM:** Rich Olson, City Manager  
Paul Fredette, Public Works Director  
**DATE:** June 20, 2013  
**REF:** Public Hearing to Close a Section of Herrington Road

In its simplest form, the question that the City Council will consider during the Public Hearing on June 24, 2013 is "Should the Herrington Road Bridge over Charles Creek be removed from service and demolished?" A decision to remove from service and demolish the bridge will have the impact of closing that section of Herrington Rd.

On Monday, May 20, City staff presented a project update on the Roanoke Avenue Phase III project to the Quality of Life Community Watch meeting and again to the City Council at the Work Session on May 27. During both presentations, the focus was on the Herrington Road Bridge over Charles Creek; the NCDOT sister project, which is the reconstruction of the South Road Street Bridge over Charles Creek; and to receive feedback on the proposal, which would close a section of Herrington Road.

After the City learned of the NCDOT project to reconstruct the South Road Street Bridge, City staff in cooperation with NCDOT staff began to evaluate the cost/benefit of removing the Herrington Road Bridge. During that evaluation:

- The State completed an inspection of the Herrington Road Bridge concluding that there were deficiencies in the bridge. The bridge was to be posted for weight restriction and eventually the bridge will have to be removed or replaced.
- The City did a two day traffic count and found the average daily traffic was only 615 vehicles per day. Of interest is that 90% of the vehicles counted were traveling northbound and only about 60 vehicles (10%) were traveling southbound. The peak traffic flow was between 4 and 5 p.m. at which time there were 70 vehicles per hour.
- We determined that if the Herrington Road Bridge were eliminated, a more cost effective redesign of Phase III of the Roanoke Avenue Drainage

Project will allow for a much improved stormwater discharge configuration into Charles Creek.

- The design concept of eliminating the Herrington Road bridge will also contribute to a better and safer configuration of the Herrington Rd., South Road Street and 'B' Street intersection.
- The City would avoid the cost of rebuilding the Herrington Road Bridge estimated to be near \$1 million, which would include a 40 foot bridge span to eliminate the current restriction in the Charles Creek flowage that is contributing to the destructive 'bridge scour' that currently exists.

The most obvious negative impact to removing the Herrington Road Bridge is that the remaining southerly section of Herrington Road from Edge Street would be "dead ended". If Herrington Road is "dead ended" staff would present two options for the Council's consideration. The first would be to build a "hammer head" or cul-de-sac configuration near 1009 Herrington Road on City owned property so that cars could turn around conveniently; or, to reconfigure Herrington Road with an 80 degree curve to intersect South Road Street with a much safer intersection configuration. The City will have to acquire some property to reconfigure the Herrington Road/South Road Street intersection.

Again, at the June 24<sup>th</sup> Public Hearing the simplest form of the question in front of the City Council is whether or not the City should remove the Herrington Road Bridge over Charles Creek. The action item presented to City Council for the June 24<sup>th</sup> meeting (included in a separate memo) recommends that after the public hearing that action on this item be tabled until staff can get more information regarding property negotiations to allow the option of rerouting Herrington Road.

# MEMORANDUM

**TO:** Mayor and Members of City Council

**FROM:** Dianne S. Pierce-Tamplen, MMC  
City Clerk

**DATE:** June 17, 2013

**REF:** Agenda Item – Public Hearing for consideration of closing that portion of Herrington Road located between 1009 Herrington Road (property owned by the City of Elizabeth City) and Intersection of South Road Street and Herrington Road.

## **BACKGROUND:**

As part of the Roanoke Drainage project on May 13, 2013, City Council approved a Preliminary Resolution for the closing of that portion of Herrington Road that is located between 1009 Herrington Road and Intersection of South Road Street and Herrington Road.

## **DISCUSSION:**

As per NCGS §160A-299, the City has adopted a Preliminary Resolution acknowledging the City's intent to close that portion of Herrington Road located between 1009 Herrington Road and the Intersection of South Road Street and Herrington Road. As required, the adjoining property owners were all notified by certified mail and the proposed portion to be closed was posted advising the public hearing date, time and place. Staff has prepared an attached companion memo on this matter.

## **RECOMMENDATION:**

By motion: Table action on this matter until July 8<sup>th</sup> which would allow staff time to negotiate rerouting of Herrington Road through Mr. Rice's property.

**RESOLUTION #2013-\_\_\_\_\_**  
**STREET CLOSING ORDER**  
**HERRINGTON ROAD LOCATED BETWEEN**  
**1009 HERRINGTON ROAD AND INTERSECTION OF**  
**SOUTH ROAD STREET AND HERRINGTON ROAD**

**WHEREAS**, on the 13<sup>th</sup> day of May 2013 the City Council of the City of Elizabeth City directed the City Clerk to publish a Preliminary Resolution to consider closing that portion of Herrington Road located between 1009 Herrington Road and Intersection of South Road Street and Herrington Road in the Daily Advance once each week for four successive weeks, such resolution advising the public that a public hearing would be conducted in the City Council Chambers of the Municipal Administration Building on June 24, 2013 at 7:30 PM; and

**WHEREAS**, the City Council on the 13<sup>th</sup> day of May 2013 ordered the City Clerk to notify all persons owning property abutting that portion of Herrington Road located between 1009 Herrington Road and Intersection of South Road Street and Herrington Road as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Preliminary Resolution; and

**WHEREAS**, the City Clerk has advised the City Council that she sent a letter to each of the abutting property owner(s) advising the day, time and place of the meeting, enclosing a copy of the Preliminary Resolution and advising the abutting property owner(s) that the question as to closing that portion of Herrington Road located between 1009 Herrington Road and Intersection of South Road Street and Herrington Road would be acted upon, said letters having been sent by certified mail; and

**WHEREAS**, the City Clerk has advised the City Council that adequate notices were posted on the applicable street as required by NCGS 160A-299; and

**WHEREAS**, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect the closing of said street in the public hearing held on June 24, 2013, and

**WHEREAS**, it now appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in

the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his property;

**NOW, THEREFORE**, that portion of Herrington Road beginning at 1009 Herrington Road and ending at the intersection of South Road Street and Herrington Road is hereby ordered closed, except that the City shall maintain a permanent stormwater management easement over and along Herrington Road for purpose of installing and maintaining such pipes and appurtenance infrastructure as necessary to maintain and operate the City's stormwater system.

The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Pasquotank County a certified copy of this resolution and order.

**ADOPTED**, this the \_\_\_\_\_ day of \_\_\_\_\_ 2013.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk