



MEMORANDUM

To: Mayor and City Councilors

From: Rich Olson, City Manager

Date: November 5, 2013

Re: Consideration – HOLD a Public Hearing on the Closing of Alleys in the First (2nd Portion), Second and Third Wards

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. To close an alley, the City must comply with NCGS 160A-299, which 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.

The Council has completed the public hearing for the Fourth Ward alleys as well as the public hearing for the first portion of the First Ward alleys. During the City Council meeting held on September 9, 2013, the Council decided to defer making a decision regarding the closure of any alleys until all alleys city-wide are presented and the public hearings held.

Attached is the Resolution of Intent that was adopted on September 23, 2013 to close sixteen (16) alleys that are located in the First Ward, Second Ward and Third Ward. This completes all the alleys recommended for closure by the Alleyway Committee. The Resolution of Intent calls for a public hearing regarding the closure of these referenced alleys to be held in Council Chambers on November 12, 2013 at 7:30 p.m. This resolution has been published for four (4) consecutive weeks in *The Daily Advance* as required, the adjacent property

owners have been notified by Certified Mail and the alleys have been posted by staff.

ANALYSIS:

After mailing the required letters, City staff was notified by adjacent property owners that two of the alleys included in the resolution were previously closed. Further research indicated that Alley # 1 was closed on March 6, 1989. In addition, it was determined that Alley #116 was closed on November 18, 2003. These alleys have been removed from further consideration and a new map has been generated (attached).

STAFF RECOMMENDATION:

Staff is not requesting action on this matter at this time; but will place the consideration of alley closures in all wards on the Work Session scheduled for November 25, 2013 for further discussion and possible action.

RCO/vdw

Alleys to be closed



Legend
Alleys

**PRELIMINARY RESOLUTION
TO CLOSE CERTAIN ALLEYS IN THE
FIRST, SECOND AND THIRD WARDS OF ELIZABETH CITY, NC**

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, and shown on the attached map, which is incorporated herein by reference:

Alley Number 87 described as extending west approximately 650 feet of Griffin Street, parallel to McPherson Street; and

Alley Number 1 described as extending north approximately 350 feet of Burke Street, parallel to Charles Street; and

Alley Number 3 described as extending north approximately 700 feet of Church Street, parallel to Simpson and Harrell Streets; and

Alley Number 6 described as extending east and west approximately 250 feet between Simpson and Harrell Streets, parallel to Church Street; and

Alley Number 8 described as extending east and west approximately 300 feet between Pritchard and Harrell Streets, parallel to Hughes Boulevard; and

Alley Number 9 described as extending west approximately 125 feet of Pritchard Street, parallel to Church Street; and

Alley Number 10 described as extending east approximately 175 feet of Pritchard Street, parallel to Church Street; and

Alley Number 15 described as extending east approximately 100 feet of Martin Street, parallel to Ehringhaus and Church Streets; and

Alley Number 18 described as extending west approximately 130 feet of Martin Street, parallel to Burgess Street; and

Alley Number 19 described as extending south approximately 105 feet of Cypress Street, parallel to Road Street; and

Alley Number 20 described as extending north approximately 70 feet of Second Street, parallel to Walnut and Queen Streets; and

Alley Number 47 described as extending south approximately 130 feet of Pearl Street, parallel to Road Street; and

Alley Number 50 described as extending west approximately 60 feet of McMorrine Street , parallel to Colonial and Elizabeth Streets; and

Alley Number 80 described as extending east approximately 90 feet of Pool Street, parallel to Church and Fearing Streets; and

Alley Number 111 described as extending northeast approximately 120 feet of Walnut Street, parallel to Second and First Streets; and

Alley Number 116 described as extending east and west approximately 475 feet between Griffin Street and Hughes Boulevard, parallel to Elizabeth and Maple Streets.

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 12th day of November, 2013 in the City Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue to consider a resolution closing those certain alleys described herein within the First, Second and Third Wards.
- 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 23th day of September 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk