



# MEMORANDUM

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**To:** Mayor and City Councilors  
**From:** Rich Olson, City Manager  
**Date:** July 5, 2013  
**Re:** Consideration – Call for Public Hearing on Closing of Alleys

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**BACKGROUND:**

During the Work Session held on June 24, 2013, City staff provided an overview of certain alleys in the 4<sup>th</sup> Ward, which the Alleyway Committee have recommended be closed. 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 eight (8) alleys, which are located in the 4<sup>th</sup> Ward. The Resolution of Intent calls for a public hearing regarding the closure of the eight (8) referenced alleys to be held in Council Chambers on September 9, 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, approve the attached Preliminary Resolution to Close Certain Alleys in the Fourth Ward as presented.