



# MEMORANDUM

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**To:** Mayor and City Councilors

**From:** Rich Olson, City Manager

**Date:** October 3, 2013

**Re:** Consideration – Hold a Public Hearing on the Closing of Certain Alleys in the First Ward

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## **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 on the committee's recommendation to go forward with the procedure for closing certain alleys.

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:**

The committee has completed its work on the alleys in the 1st Ward and presented approximately one-half of those alleys for Council's consideration during the August 12, 2013 meeting. At that time, a Preliminary Resolution was adopted calling for a public hearing on October 7, 2013 to consider the closing of twelve (12) alleys, which are located in the 1<sup>st</sup> Ward. This resolution (attached) has been published for four (4) consecutive weeks in *The Daily Advance*, the adjacent property owners have been notified by Certified Mail and the alleys were posted by staff.

**STAFF RECOMMENDATION:**

Hold the public hearing regarding the closure of twelve (12) alleys in the first ward.

Pursuant to Council's previous direction, no action is required until all public hearings are held for all proposed alley closures. The final public hearing is scheduled for November 12, 2013.

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 7<sup>th</sup> 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 12<sup>th</sup> day of August 2013.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk



**Legend**  
— Alleys2011  
— Centerlines