



MEMORANDUM

To: Mayor and City Councilors

From: Rich Olson, City Manager
Vivian White, City Clerk

Date: November 3, 2015

Re: Consideration – HOLD a Public Hearing on the Closing of the Ashe Street Alley

BACKGROUND:

As the Council was informed during the October 5, 2015 City Council meeting, staff was contacted by the potential purchaser of property located at 305/307 Ashe Street to determine the specifics of an alleyway, which is shown as adjacent to the property on a survey recorded in Book 696, Page 433 of the Pasquotank County Registry (attached.)

Since an open alleyway at this location was not shown on the City's GIS map (attached), staff researched the issue to verify the existence of the alleyway. It was determined that the alley was included on the historic Sanborn Maps, which we estimate to have been published in the 1930's. Further research revealed, however, that the alleyway was not shown on the Pasquotank County Tax Map from 1950 (attached). It stands to reason that whatever action was taken to close the alleyway must have occurred between 1930 and 1950; however, staff has not been able to find records to that effect. In order to clear the record, staff believes the best course of action is for the City Council to close the alley at this time.

ANALYSIS:

To close an alley, the City must comply with the provisions outlined in NCGS 160A-299, which provides the procedure for closing an alleyway or street. First, the City Council adopted a Resolution of Intent to close the alley during the October 5, 2015 Council meeting. This resolution set the time for a Public Hearing to be held on November 9, 2015. As required by statute, the Resolution of Intent was published once a week for four weeks in *The Daily Advance*. In addition, the City Clerk mailed a copy of the Resolution of Intent to the adjacent property owners by Certified Mail, and the alley was posted in two places by City staff.

During the Public Hearing anyone may speak, not just the adjacent property owners. If the Council elects to close the alleyway, the Council will must adopt an Order closing the alley; and that Order must be recorded with the Office of Register of Deeds. Once closed, the adjacent property owners split the alley property equally.

STAFF RECOMMENDATION:

AT THE CONCLUSION OF THE PUBLIC HEARING:

By motion, adopt the attached Alley Closing Order and Resolution Ordering the Closing of that alley running between Ashe Street and Hughes Boulevard effective immediately.

**ALLEY CLOSING ORDER
RESOLUTION #2015-11-_____**
**ORDERING THE CLOSING OF THAT ALLEY
LOCATED BETWEEN ASHE STREET AND HUGHES BOULEVARD**

WHEREAS, on the 5th day of October, 2015, the City Council of the City of Elizabeth City directed the City Clerk to publish the Resolution of Intent of the City Council to consider closing that alley located between Ashe Street and Hughes Boulevard in The Daily Advance newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in City Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC on November 9, 2015; and

WHEREAS, the City Council, on the 5th day of October, 2015, ordered the City Clerk to notify all persons owning property abutting on that alley located between Ashe Street and Hughes Boulevard as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the City Clerk has advised the City Council that she sent a copy of the Resolution of Intent to each of the abutting property owners advising them of the day, time and place of the Public Hearing, advising the abutting property owners that the question as to closing that alley located between Ashe Street and Hughes Boulevard would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the City Clerk has advised the City Council that adequate notices were posted on the applicable alley as required by G.S. 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 to the closing of said alley in the Public Hearing held on November 9, 2015; and

WHEREAS, it now appears to the satisfaction of the City Council that the closing of said alley is not contrary to the public interest, and that no individual owning property, either abutting the alley or in the vicinity of the alley or in the subdivision in which the alley is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his or her property.

NOW, THEREFORE, be it resolved that the alley located between Ashe Street and Hughes Boulevard is hereby ordered closed by the City Council of the City of Elizabeth City, and all right, title, and interest that may be vested in the public to said area for alley purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

Further, be it Resolved that the Mayor and the City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed alley in accordance with the provision of G.S. 160A-299.

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

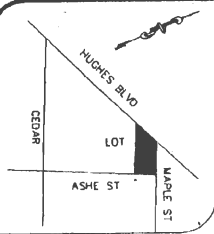
Upon motion duly made by Councilmember _____ and duly seconded by Councilmember _____, the above resolution was duly adopted by the City Council at a meeting held on the 9th day of November, 2015, in the City Council Chambers, 306 E. Colonial Avenue, Elizabeth City, NC. Upon call for the vote the motion passed by a vote of _____ to _____.

Joseph W. Peel
Mayor

ATTEST:

Vivian D. White, CMC/NCCMC
City Clerk

NOTE: THIS LOT IS IN FLOOD ZONE: B

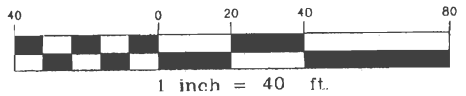
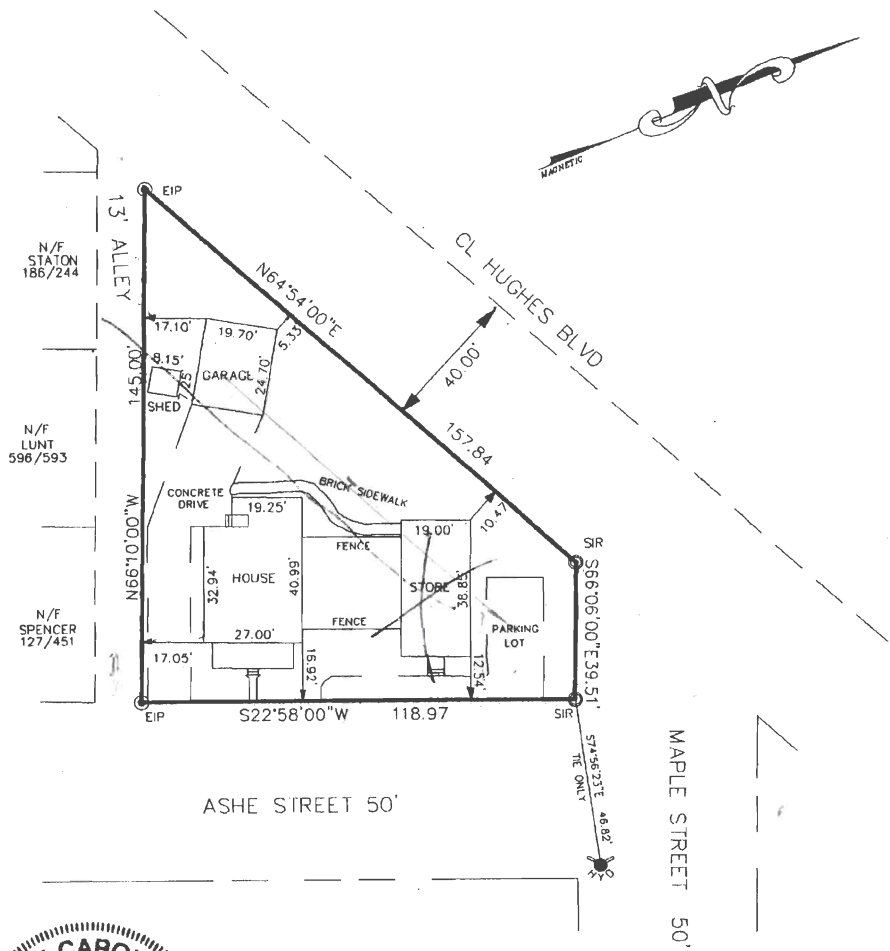


STATE OF NORTH CAROLINA
COUNTY OF PASQUOTANK

I, ANGELA M WELSH, REVIEW OFFICER OF PASQUOTANK COUNTY,
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED
MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

8/30/01 Angela Welsh
DATE REVIEW OFFICER

VICINITY MAP n.t.s.



LOT SURVEY
FOR
ALFRED G. KEDZIERSKI
AND WIFE
DIANA M. KEDZIERSKI
BEING 2 LOTS OWNED BY ALMA HURDLE
RECORDED IN DEED BOOK 306, PAGE 276
DEED BOOK 310, PAGE 6
ELIZABETH CITY TOWNSHIP
PASQUOTANK COUNTY, NORTH CAROLINA
AUGUST 1, 2001

I, STEPHEN L. CARDWELL, P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN
UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY
SUPERVISION; THAT THE DEED DESCRIPTION IS RECORDED IN DEED BOOK
PAGE : THAT THE RATIO OF PRECISION AS CALCULATED IS
1: 10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH NCAC
TITLE 21, CHAPTER 56, SECTION .1600. WITNESS MY ORIGINAL SIGNATURE,
LICENSE NUMBER AND SEAL THIS 1 DAY OF Aug, 2001.

Stephen L. Cardwell
STEPHEN L. CARDWELL PROFESSIONAL LAND SURVEYOR L-4340

S.L. CARDWELL SURVEYING
1206 FRANCIS STREET
ELIZABETH CITY, NC 27909
PHONE 252.338.6328

SCALE: 1" = 40'	REV.
FILE # 10014	
F.B. 1	



HARBELL, JOE L.

MORTON, WILLIAM J.

BARCLIFT, CAROL C.

NORRELL, FRANCES MORRISSET

ALWAYS THERE HOME

ALWAYS THERE HOME

LUNT, JAMES RICHARD

SPENCER, GLENN & CLAUDIA

COHEN, STUART E.

COHEN, STUART E.

ST PAUL'S FREEWILL

EVANS, CHRISTOPHER L.

TO BE CLOSED

OPEN ALLEYWAY

505

503

504

506

