CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT

STAFF REPORT
STREET ABANDONMENT 16-04
September 27, 2016

Request

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Proposal:</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Mountain Funding, LLC</td>
<td>To abandon a portion of the Staton Drive right-of-way, lying west of St. Johns Street.</td>
</tr>
</tbody>
</table>

Adjacent Streets

<table>
<thead>
<tr>
<th>Name:</th>
<th>Classification:</th>
<th>Right-of-Way and Pavement Width:</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. John’s Street</td>
<td>Local Street</td>
<td>Right-of-way width varies at the roundabout from 50 to 96 feet; 26-foot wide paving with curb and gutter</td>
</tr>
</tbody>
</table>

Adjacent Property Zoning and Current Land Use

<table>
<thead>
<tr>
<th>North</th>
<th>East</th>
<th>South</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unimproved portion of Staton Drive right-of-way</td>
<td>St. Johns Street right-of-way</td>
<td>Undeveloped parcels</td>
<td>Undeveloped parcels</td>
</tr>
</tbody>
</table>

Analysis

West Mountain Funding, LLC has requested to abandon an approximately 8,276-square-foot triangular portion of the unimproved Staton Drive right-of-way (ROW), lying directly west of St. Johns Street. The Staton Drive ROW was recorded in 1964 on a map entitled “Staton Park Subdivision - Deep River Township – Guilford County, NC”. Although platted and recorded, this subdivision was never developed and most of its land area has been replatted into what is now the Meadow Valley Subdivision. The applicant is proposing to add the excess triangular portion of this ROW into the abutting parcel to the west and re-subdivide the lots so as to develop 3 to 4 single family dwellings.

This abandonment request will not eliminate all of the Staton Drive ROW, there will still be a segment of this ROW remaining to provide access for abutting parcels to the north. For this reasons, this street abandonment request will not deprive abutting property owners access to their property. Official mailed notice for the public hearing was sent to abutting property owners, notice was published in the High Point Enterprise and signs were posted per requirements. To date, staff has received no objections from the abutting property owners.
Findings & Recommendations
The Technical Review Committee reviewed this request and identified no issues related to the abandonment of this ROW. However, Duke Energy has a utility line crossing this ROW and an easement must be retained over this line.

This abandonment of the public’s interest and conveyance of the ROW to the abutting property owners, as provided by state statutes, is found not to be contrary to the public’s interest and is found not to deprive owners in the vicinity of the ROW reasonable means of ingress and egress to their property. The Planning and Development Department recommends approval of the request. This recommendation includes the retention of the following utility easements:
1) Retention of a 20-foot-wide Duke Power utility easement, which also includes Time Warner Cable lines and NorthState Communication lines, centered over all existing electric lines within and crossing the right-of-way.

Report Preparation
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.
STREET ABANDONMENT SA-16-04

Applicant: West Mountain Funding, LLC
Area: 0.190 acres

Location of requested street abandonment

Planning & Development Department
City of High Point
Date: September 27, 2016

Scale: 1"=300'
G:/Planning/Secure/ba-pz/2016/pz/sa16-04.mxd
Attachments: Photographs (September 2016) and Aerial (February 2014)

Looking west (from St. Johns Street) toward the unimproved portion of the Staton Drive ROW to be abandoned.
STREET ABANDONMENT SA-16-04

Applicant: West Mountain Funding, LLC
Area: 0.190 acres

Location of requested street abandonment

Planning & Development Department
City of High Point
Date: September 27, 2016

Scale: 1"=50'

G:\Planning\Secure\ba-pz\2016pzsu16-04photo.mxd
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 3rd DAY OF OCTOBER, 2016, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 16-04
(portion of the Staton Drive right-of-way)

A request by West Mountain Funding, LLC to abandon a portion (approximately 8,276-square-foot triangular segment) of the unimproved Staton Drive right-of-way.

WHEREAS, West Mountain Funding, LLC has petitioned the City Council of the City of High Point to permanently abandon (close) a portion of the Staton Drive right-of-way that is lying west of St. Johns Street, which is more specifically escribed as follows:

BEGINNING at an existing 1-1/4"iron in the southern right-of-way of Staton Drive (not open) said iron being the northeast corner of Lot 8 Staton Park as recorded in Plat Book 36, Page 51, Parcel number 0169453, West Mountain Funding, LLC as recorded in Deed Book 7832, Page 1716; thence on a new line and crossing said Staton Drive the two (2) following courses and distances: 1) N. 54°33'33" E. 13.41’ to a 7/8" iron placed; thence 2) S. 63°18'15" E. 98.15’ to a 7/8" iron placed in the northern right-of-way of said Staton Drive and in the southern line of area dedicated as right-of-way in Meadow Valley Phase lB as recorded in Plat Book 173, Page 21; thence with the northern right-of-way of said Staton Drive S. 35°33'23" E. 22.57' to a 7 /8" iron placed in the western right-of-way of St. Johns Street; thence with the right-of-way of said St. Johns Street the three (3) following courses and
distance: 1) S. 00°47'23" W. 0.18' to a 7/8" iron placed 2) on a curve to the 
left (having a radius of 325') a chord bearing and distance of S. 16°20'19" E.
169.12' to a 7/8" iron placed; thence 3) S. 62°44'32" W. 3.81' to7/8" iron
placed in the southern right-of-way of said Staton Drive; thence with said
right-of-way N. 35°27'44" W. crossing a 7/8" iron placed at 29.96' and
continuing 29.96' to a 7/8" iron placed, the southeast corner of Lot 7 of said
Staton Park and continuing 208.83 for a total distance of 268.75' to the point
and place of BEGINNING and containing 0.190 acres more or less.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting
assembled on the 6th day of September, 2016, at 5:30 p.m. setting the 3rd day
of October, 2016 at 5:30 p.m., in the Council Chambers of the Municipal
Building, as the time and place for a public hearing before said Council on
said petition, and public notice of said time and place was ordered given, all
pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this
meeting of City Council was made by publication in the High Point
Enterprise for four (4) consecutive weeks, beginning September 9, 16, 23 &
30, 2016; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called
for hearing before said Council at which time there was no objection or
opposition offered on the part of any firm or corporation to abandon (closure)
a portion of the Staton Drive right-of-way, lying east of St. Johns Street; and

WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact
that the said right-of-way as herein described is not necessary for ingress and
egress to any land adjoining said street; that the closing of said street is not
contrary to the public interest and that no other individual, firm or
corporation owning property in the vicinity of said street, or in the
subdivision in which said street is located, will be deprived of reasonable
means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That the portion of the Staton Drive right-of-way, lying west of St. Johns Street
(approximately 0.19 acres±), as described above, be closed pursuant to North Carolina G.S.
160A-299; and

2. That the City of High Point shall retain a 20-foot-wide Duke Power utility easement, which
also includes Time Warner Cable lines and NorthState Communication lines, centered over
all existing electric lines within and crossing the right-of-way; and

3. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford
County, North Carolina.

By order of the City Council,
this the 3rd day of October, 2016
Lisa B. Vierling, City Clerk
Preliminary: NOT for Recodnation, Conveyances or Sales.