



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning Director

DEPARTMENT: Planning

MEETING: Town Council – 10 AUG 2021

SUBJECT: Adopt a Resolution of Intent to close 20' on the east side of the 1400 block of Croaker Ln right-of-way

BACKGROUND:

SUMMARY OF THE REQUEST

The petition submitted by Kristen Dunn is to close 20' feet right-of-way on the east side of the 1400 block of Croaker Ln right-of-way. The area to be closed includes 6 lots that face Croaker Ln and one corner lot on Ocean Blvd.

ANALYSIS

Typically, when a road closure occurs the land is divided as equitably as possible, generally by way of a '50/50' split between the adjoining land owners on each side of the right-of-way. In this instance the land on the west side of Croaker Ln is owned by the United States. Therefore, this is a request for a partial closure of Croaker Ln right-of-way. Croaker Ln right-of-way was originally platted in 1913 as a 90' right-of-way as part of the Wilmington Beach plat. The plat was designed as a 16 X 7 block area consisting of eighteen (18) 50' right-of-ways and five (5) 90' right-of-ways. In 1955 the US government purchased 5 of the 50' right-of-ways to designate the Sunny Point buffer zone.

The Town paved Croaker Ln and installed water/sewer and stormwater within in the 90' right-of-way in 2008. Since that time all 7 lots have been permitted for development with power and fiber optics installed in the right-of-way. If the petition is approved Croaker Ln would become a 70' right-of-way. In 2010 Seagrove closed the 1200 & 1300 block of Croaker Ln. Croaker Ln was not improved prior to the Seagrove approval. Seagrove designed the right-of-way and installed water/sewer, stormwater and sidewalks within a 50' right-of-way.

THE PROCESS FOR STREET/ALLEYWAY CLOSURES:

1 - Petition or Request for Street/Alley Closing

The Technical Review Committee has reviewed the depicted the areas to be closed. The following comments were presented at the TRC meeting:

1. Infrastructure is currently located in the proposed right-of-way closure. Water main, cleanouts, taps, stormwater, fire hydrant, fiberoptics and power lines, transformer box is located within the proposed closure.
2. If the closure was to occur the cost associated with moving the infrastructure
3. The town is currently improving the stormwater on Croaker Ln. Expanding the dimensions of the properties would potentially allow for greater impervious surfaces to add to the exiting issues.
4. Purpose of a right-of-way is to accommodate vehicular, pedestrian, water, sewer, power, communications and stormwater. Closing a right-of-way would set a precedent for future request with providing these functions.
5. The development off of Croaker Ln is towards the east side because of the Buffer Zone. All of the infrastructure is on the east side of the road to accommodate the homes. The infrastructure is strategically placed from one another in order to maintain each while providing clear distance. If the infrastructure were to be relocated then they would be in close proximity to each other with potential conflicts and harder to maintain.

2 - Resolution of Intent to Close

The Town Council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. If the resolution is passed then the public hearing will be on September 14, 2021.

3 - Publication of Resolution of Intent to Close and Notification to Adjoining Property Owners

The resolution would be published once a week for four successive weeks prior to the hearing, a copy thereof will be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley.

4 - Public Hearing Following Four Weeks of Advertising

At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley.

5 - Record at Register of Deeds the Resolution Ordering Street Closed

A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street or any portion thereof, is located.

6 – Ownership of the right-of-way after closure

All right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

ACTION REQUESTED

To adopt a resolution of Intent to close 20' on the east side of the 1400 block of Croaker Ln right-of-way

RECOMMENDED MOTION:

Adopt a resolution of Intent to close 20' on the east side of the 1400 block of Croaker Ln right-of-way to be published once a week for four successive weeks prior to the September 14, 2021 council meeting.