



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Community Development Director

DEPARTMENT: Community Development

MEETING: Town Council – 14 JAN 2025

SUBJECT: Adopt a Resolution of Intent to close 15' X 188.24' of the alleyway at the intersection of Glenn Ave between lots 17-23, Block 3

BACKGROUND:

SUMMARY OF THE REQUEST

The petition submitted by Chad Shingleton is to close 15' X 188.24' of the alleyway at the intersection of Glenn Ave between lots 17-23, Block 3. The area to be closed includes 4 lots that face Kenneth Avenue and 3 lots that face Glenn Avenue.

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. The applicant owns both sides of the closure area. In this instance not all of the properties adjoining the alleyway are making the request. The alleyway was originally platted in 1949 as a 15' alley as part of the Ocean Heights Subdivision plat. The alleyway remains unpaved and no utilities are located within the alleyway.

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. There are no utilities within the alleyway. There are no objections from staff to the closure.

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 February 11, 2025.

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 15' X 188.24' of the alleyway at the intersection of Glenn Avenue between lots 17-23, Block 3.

RECOMMENDED MOTION:

Adopt a resolution of Intent to close 15' X 188.24' of the alleyway at the intersection of Glenn Avenue between lots 17-23, Block 3 to be published once a week for four successive weeks prior to the February 11, 2025, council meeting.