



MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Montique McClary, Interim City Manager
Kellen Long, Community Development Director

DATE: October 21, 2022

REF: Consideration –Hold a Public Hearing - Permanent Closing of Kramer Street

BACKGROUND:

Staff previously met with J.W. Jones Lumber company back in June of 2022 to discuss the closing of Kramer Street, which is a City-owned and maintained street that runs adjacent to properties solely owned by J.W. Jones Lumber Company. Kramer Street is basically a dead end street that doesn't take you to any designation. Based on the City's Powell Bill Map, the street becomes a complete dead end once you reach just under 600 feet. A digital survey has been attached to your packets to indicate the proposed street closure. Staff has worked with J.W. Jones Lumber and the surveyor to dedicate two easements on the survey for both City water lines and electricity.

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 street. This process was completed during the Council meeting on September 12th. 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 was then published for once a week for four weeks in *The Daily Advance*. In addition, the City also mailed a notice to the adjacent property owners by Certified Mail and posted signs at the corner of Kramer Street and North Poindexter. The next step will be for Council to adopt an order of closing Kramer Street, and the order will then be recorded with the Register of Deeds. Anyone may speak at the Public Hearing, not just the adjacent property owners.

ANALYSIS:

During the Council meeting on Monday, September 12, 2022, a resolution was signed for intent to close Kramer Street along with a call for a public hearing to be held in Council Chambers on October 24, 2022 at 7:00 p.m. The resolution of intent and call for public

hearing has been published for four (4) consecutive weeks in *The Daily Advance*, along with the adjacent property owners being notified by Certified Mail, and two signs being posted at the entrance of Kramer Street (corner of North Poindexter and Kramer).

AT THE CONCLUSION OF THE PUBLIC HEARING:

STAFF RECOMMENDATION:

By motion, adopt the attached Order closing the described Kramer Street with two dedicated easements as shown on the attached survey dedicated for access to City water and utility lines.



**RESOLUTION #2022-10-02
STREET CLOSING ORDER FOR
KRAMER STREET**

WHEREAS, on the 12th day of September 2022 the City Council of the City of Elizabeth City directed the City Clerk to publish a Preliminary Resolution to consider closing Kramer Street in the Daily Advance once each week for four successive weeks, such resolution advising the public that a public hearing would be conducted in the City Council Chambers of the Municipal Administration Building on October 24, 2022 at 7:00 PM; and

WHEREAS, the City Council on the 12th day of September 2022 ordered the City Clerk to notify all persons owning property abutting Kramer Street by registered or certified mail, enclosing with such notification a copy of the Preliminary Resolution, Public Notice, and survey; and

WHEREAS, the City Clerk has advised the City Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Preliminary Resolution and Public Notice and advising the abutting property owners that the question as to closing Kramer Street 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 street as required by NCGS 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 street in the public hearing held on October 24, 2022; and

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

NOW, THEREFORE, subject to the reservation of easements to the City of Elizabeth City for utility purposes as shown on a map recorded in Book of Maps in the office of the Pasquotank County Register of Deeds, Kramer Street is hereby ordered

closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaim to the abutting property owners in accordance with the provisions of NCGS 160A-299.

The Mayor and 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 street, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street (with provision for reservation of easements to the City of Elizabeth City for utility purposes) in accordance with the provision of NCGS 160A-299(c),

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

ADOPTED, this the 24th day of October 2022.

Edward Kirk Rivers
Mayor

April Onley, NCCMC
City Clerk



PUBLIC NOTICE

Public, please take notice that the City Council of the City of Elizabeth City will, on the 24th day of October, 2022 in the City Council Chambers of the Municipal Administration Building at 7:00 PM, pursuant to NCGS 160A-299, consider a petition to close a street known as Kramer Street, and located between East Ward Street and Knobbs Creek Drive.

All abutting property owners are hereby notified to appear at this meeting should they wish to present any objections that they may have with respect to the closing of the street known as Kramer Street.



April Onley, NCCMC
City Clerk



**RESOLUTION #2022-09-02
TO CLOSE KRAMER STREET**

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 a non-state maintained street (Kramer Street), further identified on the attached survey, which is incorporated herein by reference:

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elizabeth City that:

- 1) A public hearing will be held at 7:00 PM on the 24th day of October 2022 in the City Council Chambers of the Gardner Municipal Building to consider a resolution to close Kramer Street.
- 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 the property abutting upon that portion of said street a copy of the Preliminary Resolution.
- 4) The City Clerk is further directed to cause adequate notices of the Preliminary Resolution and the scheduled public hearing to be posted as required by NCGS 160A-299.

Adopted, this day the 12th of September 2022.


E. Kirk Rivers


April Onley, NCCMC
City Clerk



