



MEMORANDUM

To: Mayor and Members of the City Council
From: Ralph Clark, Interim City Manager
Date: February 25, 2022
Re: Hold a Public Hearing – Closing a Portion of Ward Street

BACKGROUND:

Last year, the City was contacted by Kim Hamby who had been hired by American Metal Transfer to assist with a minor site plan, which would require a street closing for an unused portion of Ward Street (formerly Morgan Street). To close a street, the City must comply with NCGS 160A-299.

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. 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 must be published once a week for four consecutive weeks in *The Daily Advance*. In addition, the City must mail a notice to the adjacent property owners by Certified Mail. The street or alleyway must also be posted in two places. Anyone may speak at the Public Hearing, not just the adjacent property owners. If the Council elects to close a street, the Council will need to adopt an Order closing such, and that Order must be recorded with the Office of Register of Deeds.

ANALYSIS:

During the Council meeting on January 24th, a resolution was signed for intent to close a portion of Ward Street, located between Norfolk & Southern Railroad and Gregory Street along with a call for a public hearing to be held in Council Chambers on February 28, 2022 at 7:00 p.m. The resolution of intent and call for public hearing has been published for four consecutive weeks, along with the adjacent property owners being notified by Certified Mail, and two signs being posted on the portion of the street being requested to be closed.

AT THE CONCLUSION OF THE PUBLIC HEARING:

STAFF RECOMMENDATION:

By motion, adopt the attached Order closing the described portion of Ward Street in the attached survey, located between Norfolk & Southern Railroad and Gregory Street.



**RESOLUTION #2022-02-03
STREET CLOSING ORDER FOR
PORTION OF WARD STREET
(FORMERLY MORGAN STREET)**

WHEREAS, on the 24th day of January 2022, the City Council of the City of Elizabeth City directed the City Clerk to publish a Preliminary Resolution to consider closing a portion of Ward Street, located between Norfolk & Southern Railroad and Gregory 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 February 28, 2022 at 7:00 p.m.; and

WHEREAS, on the 24th day of January 2022, the City Council ordered the City Clerk to notify all persons owning property abutting that portion of Ward, between Norfolk & Southern Railroad and Gregory Street as shown on the attached survey, 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 that portion of Ward Street, located between Norfolk & Southern Railroad and Gregory 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 February 28, 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, the portion of Ward street lying between Norfolk & Southern Railroad and Gregory 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 28th day of February 2022.

Bettie J. Parker
Mayor

April Onley, NCCMC
City Clerk