



## Legislation Text

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File #: 24-0007, Version: 1

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### Title

## Abandonment of Stowe Lane Maintenance by NCDOT Divisions of Highways

### Action

#### **ACTION:**

**Adopt resolution to approve the abandonment of maintenance by NCDOT for a portion of Stowe Lane**

**Staff Contact:** David Goode, LUESA - Storm Water Services

**Presentation:** No

#### **BACKGROUND/JUSTIFICATION:**

The property owner has petitioned Mecklenburg County to close its 1.27-acre portion of public right-of-way for Stowe Lane in an unincorporated part of the County. This portion of Stowe Lane is currently maintained by the North Carolina Department of Transportation (NCDOT). Reportedly, the parcels will be redeveloped after the right of way is abandoned. North Carolina General Statute 153A-241 specifies that a county may permanently close any public road or easement within the county except public roads or easements for public roads under the control and supervision of NCDOT.

NCDOT informed the petitioner on July 6, 2023 that the portion of public right-of-way for Stowe Lane petitioned to be closed was under its control and supervision. Currently Laine Road (State Road #2839) is in the State's secondary system. Ms. Wendy Taylor, District Engineer for the North Carolina Department of Transportation, notified the petitioner that the North Carolina Board of Transportation must receive a resolution from the Mecklenburg Board of County Commissioners supporting the abandonment of state control and supervision of the portion of Stowe Lane, as shown on the attached Exhibit A map.

General Statute 136-63 states that the Mecklenburg Board of County Commissioners may request the North Carolina Board of Transportation to abandon any road in the secondary system when the best interest of the people will be served. Mecklenburg County Land Use and Environmental Services Agency has determined that in its opinion the closing of the portion of said right-of-way of Stowe Lane would not deprive any individual owning land in the vicinity of said right-of-way of

reasonable ingress and egress to their property and would not be contrary to the public interest. Charlotte-Mecklenburg Planning and the Mecklenburg County Fire Marshal's Office reviewed the petition and have no objection to the abandonment of the right-of-way. Once NCDOT maintenance is abandoned, an action item will be submitted requesting the approval of the Board of County Commissioners to set a public hearing for the abandonment of the 1.27-acre portion of public right-of-way for Stowe Lane.

**PROCUREMENT BACKGROUND:**

N/A

**POLICY IMPACT:**

N/A

**FISCAL IMPACT:**

N/A