



Legislation Text

File #: 20-6187, Version: 1

Title

Continued Public hearing for Closing a Portion of Right-of-Way for Lahaina Lane and Ogden Lane

Action

ACTION:

Continue the public hearing with respect to the closing of a portion of right-of-way for Lahaina Lane and Ogden Lane until July 7, 2020

Staff Contact: Crystal Goode, LUESA - Storm Water Services

Presentation: No

BACKGROUND/JUSTIFICATION:

On January 7, 2020, the Board of County Commissioners set this public hearing to hear comments with respect to the closing of a portion of public right-of-way for Lahaina Lane and Ogden Lane. The current property owner, Mattamy Carolina Corporation, has petitioned to close a 1.51-acre portion of the public right-of-way for Lahaina Lane and Ogden Lane in the unincorporated area of Mecklenburg County. The portion of said right-of-way is located through the current and future development of the Ridgewater Subdivision Phase 4. As part of the development of Phase 4, the gravel roads will be abandoned and residents currently using these roads will have ingress and egress through the new paved roads of the approved subdivision. NCDOT informed the petitioner on March 22, 2019 that the portion of right-of-way petitioned to be closed are not State maintained.

On February 18, 2020, the public hearing was opened, and the Board of County Commissioners heard public comments and continued the public hearing until March 4, 2020. On March 4, 2020, Mattamy Carolina Corporation requested that the hearing be continued so they could work out an arrangement with the roads that may satisfy the Board. The Board voted to continue the public hearing to June 16, 2020. The developer has requested the public hearing be continued to July 7, 2020 so the construction of the roads can be completed.

General Statute 153A-241 requires the Board of County Commissioners to call a public hearing and to adopt a resolution declaring its intent to close a public right-of-way in the unincorporated part of the County. Attached is Exhibit A, which consists of "Map 1" and four depictions of the current right-of-

way for Lahaina Lane and Ogden Lane, as well as the portion petitioned to be closed. Attached as Exhibit B is the recorded plat of Ridgewater Phase 4 Map A. Attached as Exhibit C is the proposed replacement ROW for the portion petitioned for abandonment and closing. Proposed improvements to Lahaina Lane and Ogden Lane and their replacement right-of-way are to be built pursuant to the Charlotte Subdivision Ordinance requirements. The Order for Closing will be recorded only after Charlotte-Mecklenburg Planning Department approves the replacement right-of-way as shown on Phase 4 Map B. Once closed, the 1.51-acre portion of former the right-of-way will become vested in the adjacent parcels owed by the petitioner.

Mecklenburg County Land Use and Environmental Services Agency has determined that in its opinion the closing of the portion of said right-of-way for Lahaina Lane and Ogden Lane will 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 closing of the requested portions of said right-of-way. Charlotte-Mecklenburg Planning also verified that the residents in the area that are currently utilizing the aforementioned gravel roads have safe ingress and egress to State maintained roads.

PROCUREMENT BACKGROUND:

N/A

POLICY IMPACT:

N/A

FISCAL IMPACT:

N/A