



## Legislation Details (With Text)

**File #:** ID 16-0653    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Passed  
**File created:** 7/21/2016    **In control:** City Council  
**On agenda:** 8/16/2016    **Final action:** 8/16/2016  
**Title:** Resolution Closing a Portion of the Byers Ridge Drive Right-of-Way Along the Frontage of 4607 and 4617 Byers Ridge Drive  
**Sponsors:** Planning  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. ByersRidgeROWClosure, 2. Byers Ridge Rd Street Closure survey, 3. byers ridge closing petition, 4. partial 2016 PLAN BRD 2016 July 20 Minutes.pdf, 5. 16-0653 Byers Ridge closing.pdf

Date	Ver.	Action By	Action	Result
8/16/2016	1	City Council	adopt	Pass

Resolution Closing a Portion of the Byers Ridge Drive Right-of-Way Along the Frontage of 4607 and 4617 Byers Ridge Drive

Department: Planning  
Council District: District #2

Public Hearing: Yes  
Advertising Date/By: August 4 and 11, 2016 / City Clerk

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### TITLE:

**PURPOSE:** The property owners have requested the closing of a portion of the Byers Ridge Drive right-of-way along the frontage of 4607 and 4617 Byers Ridge Drive. Staff requests that City Council hold a public hearing to receive public comment and to consider adoption of the street closing resolution.

### BACKGROUND:

The street was recorded on the plat, recorded in August of 2015 with the Robert and Susan Waldorf Property in Plat Book 189 on Page 125.

The petition was signed by the property owners bordering of 100% of the right-of-way.

The closing is being requested so that the land can be added to the abutting property to aid further subdivision for the construction of single family detached dwellings.

### BUDGET IMPACT:

There will be no impact on the current or future budgets.

**RECOMMENDATION / ACTION REQUESTED:** The Technical Review Committee (TRC) feels circumstances here allow the City to make the two required determinations for a street closing: (1) that closing the street to vehicular traffic is not contrary to the public interest, and (2) that no property owner in the vicinity is deprived of reasonable means of ingress and egress.

Therefore, the Technical Review Committee (TRC) recommended the closing with two conditions: (1) the City shall retain 20 foot utility easements over existing utility lines until such time as the lines are no longer needed for public use, and (2) the street closing shall become effective upon the completion of the following: a) Tract 1 (0.107 ac./ 4,672 sf as shown on the attached survey) shall be dedicated as public right-of-way, and b) an easement shall be dedicated over all private utility lines located within the portion of right-of-way to be closed.

The Planning Board recommended this closing, with the stated conditions, at its July meeting on a vote of 7-0-1. Accordingly, it is recommended that on August 16, 2016, the City Council hold a public hearing to receive public comment and to consider adoption of the resolution closing a portion of the Byers Ridge Drive right-of-way along the frontage of 4607 and 4617 Byers Ridge Drive.