



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Street Closing Report

Meeting Date: June 17, 2013

Reference Name	Street Closing - 109 linear feet of Erwin Road (SC1200004)	Jurisdiction	City
Request	To conduct a public hearing to consider the permanent closing of 109 linear feet of Erwin Road.		
Applicant	Riley Surveying, PA	Submittal Date	November 14, 2012
Location	Southwest of the intersection of Erwin Road and Fulton Street, west of Durham Freeway (NC-147).		
Recommendation	Approve permanent closing of the public right-of-way.		

A. Summary

This is a request to permanently close a 109 linear feet segment of Erwin Road (Attachments 1 & 2). The right-of-way is currently open and the portion requested to be closed is along property owned by Duke University. The right-of-way to be closed will be recombined with the adjacent property owned by Duke University and remove a privately maintained block wall from the public right-of-way, as requested by NCDOT. This right of way was originally dedicated on November 29, 2011 (Case S1100118, Attachment 3).

B. Area Characteristics

The area surrounding the right-of-way is zoned University-College (UC), is in the Duke Hospital Compact Neighborhood Tier, and is located between Fulton Street and Douglas Street.

Adjacent Land Uses and Zoning			
	Uses	Zoning Districts	Overlay Districts
North	VA Hospital/Parking	RU-M/UC	None
South	Campus/Medical	UC	None
East	Campus/Medical	UC	None
West	Campus/Medical	UC	None

C. Statutory Requirements

North Carolina Statute 160A-299 requires that the Governing Body make two findings prior to closing any street or alley. These are:

- 1) Closing the street or alley is not contrary to the public interest; and
- 2) No individual owning property in the vicinity of the street or alley or in which it is located would be deprived of reasonable means of ingress or egress to that property.

D. Code Requirements

Section 13.5.1 Access, of the Unified Development Ordinance requires that every buildable lot have access to a public or private street that is designed, constructed and maintained to the appropriate standards.

E. Service Impacts

This request was submitted to service agencies for review and comment. Their comments are shown below:

Service Agency Comments		
Service Agency	Comments	How Addressed
NCDOT	No response	n/a
County - Engineering	No response	n/a
County - Fire Marshall	No response	n/a
Durham County Sherriff	No response	n/a
Emergency Medical Services	No impact	n/a
911	No impact	n/a
Durham Public Schools	No impact	n/a
City - Transportation	No impact	n/a
City - Engineering	No impact	n/a
City - Fire Department	No impact	n/a
City – Parks and Recreation	No impact	n/a
City – Solid Waste	No response	n/a
City – Inspections	No response	n/a
City – General Services	No response	n/a
Police Department	No response	n/a
Duke Energy	No response	n/a
PSNC	No impact	n/a
Frontier	No impact	n/a
USPS Postmaster	No response	n/a
Tax Assessor Office	No response	n/a
Address Coordinator, GIS	No response	n/a

F. Staff Analysis

The area adjacent to the right-of-way is zoned UC and in the Ninth Street/Duke Hospital Compact Neighborhood Tier. The proposed street closing plat (Attachment 4) indicates that the requested right-of-way will be recombined with the adjacent property to the south.

G. Recommendation

Approve the permanent closing of 109 linear feet of public right-of-way.

H. Staff Contact

Jacob Wiggins, Planner, 919.560.4137 ext. 28257 jacob.wiggins@durhamnc.gov

I. Attachments

1. Context Map
2. Aerial Map
3. S1100118 – Erwin Road Right-of-Way Dedication Plat Reduction
4. SC1200004 –Street Closing and Recombination Plat Reduction
5. Street Closing Application
6. Street Closing Order