

APPLICATION ACCEPTANCE POLICY

STREET CLOSURE

City of Wilmington
Planning and Development

PO Box 1810 | 929 N. Front St.
Wilmington, NC 28402
Telephone 910.254.0900 | Fax 910.341.3264

The following items are **required** for a street closure application at the time of submittal. If any of these items are not in the package, the application will not be scheduled for review.

Please read the “*Procedure for Officially Closing a Public Street or Alley*” attached to this checklist. This information helps determine whether an application is valid.

- 1) Completed application form with all the required signatures. Only the **original** of this form will be accepted by the planning department.
- 2) A **final** metes and bounds (legal) description of the street or alley proposed to be closed with a copy of the survey plat map. The legal description **MUST** be approved and signed off on by the city surveyor **PRIOR** to submittal.
- 3) A list of all adjacent property owners (including across the street and railroad rights-of-way) with the property owner’s name, mailing address, and tax parcel numbers.
- 4) Two sets of business-size envelopes pre-addressed to the adjacent property owners with the planning department’s return address. All envelopes must have postage and metered postage must be *undated*:
City of Wilmington Planning Department
PO Box 1810
Wilmington, NC 28402-1810
- 5) A copy of the current New Hanover County tax map highlighting the street to be closed.
- 6) Receipt for payment of the application according to the approved fee schedule. Please consult the city clerk’s office at 910-341-7816 regarding payment for advertising costs. **This cost is in addition to the application fee and will be a minimum of \$900.00.**
- 7) Create a map using the New Hanover County tax map, if possible. Assign a letter to each adjacent parcel to correspond with the name of the adjacent property owners. Then make a list showing the letter and the owner’s name and paste this list on the map, creating a legend, and visually showing property ownership surrounding the street proposed to be closed. This map cannot be any larger than 11” x 17”. Be sure to keep this map to scale, show the north arrow, and delineate the portion of the street proposed to be closed. Submit two paper copies and one electronic (PDF) copy of this map with the application.
- 8) Complete a pre-application submittal meeting at least one week prior to the submittal deadline to review applications. Call the planning department at 910-254-0900 to schedule a pre-application meeting or a time to submit an application

**PROCEDURES FOR OFFICIALLY CLOSING
A PUBLIC STREET OR ALLEY IN THE
CITY OF WILMINGTON, NORTH CAROLINA**

The purpose of this outline is to guide applicants through the process of closing (removing from dedication) a public street or alley or portion thereof.

The proposed closing of any public street or alley may be initiated pursuant to LDC Section 16.1 of the Wilmington City Charter by any city agency, the Wilmington planning commission, or any one or more interested parties by filing an application with the planning department. The City Council may initiate a closure pursuant to N.C.G.S. 160A-299 and LDC Section 16.1 of the Wilmington City Charter by adopting a Resolution of Intent. The necessary application for the closing of a public street or alley may be acquired from the planning department, 305 Chestnut Street, Wilmington, NC.

- 1) The applicant(s) shall complete the application and provide all information as required therein. The completed application and required additional information shall be submitted to the planning department at least **30 days** prior to a regularly scheduled planning commission meeting (typically the first Wednesday of each month). Should the application and required additional information be found to be incomplete or inaccurate at the time submitted or during the review process, the application will be returned to the applicant for completion or to correct the inaccurate information. The revised application and required additional information shall be resubmitted to the planning department.

An application fee, in accordance with the City's fee schedule, shall be paid upon submittal. The applicant shall be responsible for all fees covering the cost of advertising, mailing notices, posting signs, recording fees, and other administrative expenses involved in the closing. Please consult the city clerk's office regarding payment for advertising costs. **This cost is in addition to the application fee.** Contact the city clerk, Penny Spicer-Sidbury, at 910341-7816.

- 2) A complete and valid application must have signatures of the majority of property owners that own the majority of the property abutting the proposed closure, except when only two property owners are involved. When more than two property owners abut the proposed length of the closure, whether that length is the entire right-of-way or just a portion of it, at least 51 percent of the property owners for 51 percent or more of the length of the closure must sign the application. An application may be initiated by the City Council adopting a Resolution of Intent to Close.

When only two property owners abut the entire length of the proposed closure, both property owners must request the closure. This requirement must be met even if the closure affects only a portion of one property owner's frontage on the right-of-way to be closed. All signatures shall be those of the property owners or the legal representative of property owners adjacent to the closure, and not tenants or other occupants unless they have written authorization to act on behalf of the owner.

- 3) Upon receiving the completed application and the required additional information, the planning department *shall* transmit duplicates of the completed application to the affected agencies for review and recommendations.

- 4) After receiving all pertinent information from the reviewing agencies, the planning department shall present the original application, required additional information, and recommendations from the reviewing agencies to the planning commission for review and recommendation at a regularly scheduled public meeting, at which time all interested persons may attend. The applicant(s) or their agent is requested to be present at all public meetings at which the request for closing will be reviewed.
- 5) Upon the review and written recommendation of the planning commission, all pertinent information on the closing shall be transmitted to the city manager's office to have a resolution of intent to close placed on the consent agenda for consideration by the Wilmington City Council.
- 6) The city council meeting at which the resolution is presented to council is not a public hearing and therefore, council will not hear recommendations from the planning commission, the review agencies, nor from the applicant or other public comments on the closing. Council approval of the resolution is a requirement preceding the advertising of the public hearing at which the close order will be presented to city council.
- 7) After the adoption of a resolution of intent to close the street, and prior to the public hearing on the closing, the city clerk will:
 - (a) Mail a copy of the resolution by registered or certified mail to all owners of property adjoining the street or alley as shown on the New Hanover County tax records;
 - (b) Post notice of the closing and public hearing prominently in at least two locations along the street or alley proposed to be closed;
 - (c) Publish the resolution of intent to close and the public hearing notice once a week for four successive weeks in a local newspaper; and
 - (d) Mail a copy of the resolution to the North Carolina Department of Transportation if the street or alley is under the authority of the N.C. Department of Transportation, and to the local Postmaster of the U.S. Postal Service.
- 8) City council, at the advertised public hearing, will consider the recommendation of the planning commission and the review agencies, and receive any additional information relative to the closing. At the hearing, any person may be heard on the question of whether the closing would be detrimental to the public interest, or the property rights of any individual.
- 9) Regardless of the final action (approval or denial) of the close order by City Council, the applicant(s) or their designated representative shall be responsible for all expenses incurred by the city clerk to cover the cost of advertising, mailing of notices, posting of signs, recording fees, and any other administrative expenses involved in the closing. Signing the application requesting closing a public street or alley shall indicate the applicant's acceptance of this financial responsibility.
- 10) Sufficient payment to cover all accumulated costs shall be received by the city clerk prior to recordation of the signed close order and any additional documents with the New Hanover County Register of Deeds. Upon approval of the closing, signing of the close order, and receipt of the total administrative costs incurred by the city, the clerk shall record a certified copy of the signed close order with the Register of Deeds. Six copies shall be made of the recorded close order, which will be transmitted to the engineering

and planning departments, applicant, North Carolina Department of Transportation, U.S. Postal Service, and New Hanover County tax assessor.

- 11) After recording of the close order, all right, title, and interest in the public right-of-way or portion closed shall be conclusively presumed to be vested in those persons, firms, or corporations owning lots or parcels of land adjacent to the close portion of public right-of-way, and the title to each person, firm, or corporation shall, for the width of the abutting land owned, extend to the center of the officially closed portions of public right-of-way. This is an automatic procedure under North Carolina General Statutes. If the adjacent property owners wish to have the property within the closed street or alley reflected in a deed of land ownership, it shall be their responsibility to prepare and process a deed referring to the recorded close order.
- 12) When the city council determines that land is necessary for public utilities or for public health, welfare, or safety, the council may require dedication to the city of easements or deeding of land within the right-of-way of the public street or alley to be closed as a condition of the approval for the closing.
- 13) Should any portion of the public right-of-way be retained, the remaining portion may be closed upon approval by the City Council. Should an easement be requested as condition of approval, the appropriate legal documents shall be prepared by the applicant's legal representative, in consultation with the city attorney, and presented concurrently with the close order. The city attorney and city engineer shall review the document, which will establish the easement(s) by metes and bounds, for accuracy and to assure that it is properly drawn. The signed close order and other required legal documents shall be recorded concurrently, and the cost made part of the administrative costs to be paid by the applicant prior to recordation.
- 14) Upon approval and recordation, the public street or alley officially closed shall be removed from the official city maps.
- 15) Any person aggrieved by the closing may appeal the city council action to the appropriate division of the General Court of Justice within 30 days after the date of the adoption of the close order.

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Planning and Development

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Section A. *APPLICANT INFORMATION*

Applicant's name: _____

Mailing address: _____

Phone: _____

Email: _____

Signature/Date: _____

Name of person responsible for all costs: _____

Section B. *SUBMITTAL INFORMATION AND PROCEDURE*

APPLICATION FOR OFFICIAL CLOSING OF A PUBLIC STREET OR ALLEY IN THE CITY OF WILMINGTON, NC

The applicant(s) request that the Wilmington City Council consider officially closing the public street or alley described herein. The applicant(s) shall abide by the provisions of Article 16 of the City Charter and the Administrative Guidelines of the City of Wilmington and shall assume responsibility for the validity and submission of all supplemental information necessary to administer the application.

- 1) Official street or alley name requested to be closed:

- 2) Location of the street or alley: From _____
(Name of intersecting street or alley)

extending _____ to _____
(direction, approximate distance) (Name of intersecting street or alley, if dead-end or turn-around, state "termination")

Section C. SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION

- 3) Supplementary information:
- (a) Two copies of diagrams, tax maps or subdivision plats, drawn to scale, depicting the right-of-way requested to be closed, showing the names of adjacent property owners, and indicating the locational relationship of the proposal to adjacent intersections and streets;
 - (b) Legal description (metes and bounds) of the street or alley requested to be closed, after review and approval from the city engineer;
 - (c) List of the names of owners, their addresses, and the tax parcel numbers of the properties adjacent to the public street or alley right-of-way requested for closing; and
 - (d) Two sets of business-size envelopes pre-addressed to the adjacent property owners with the planning department's return address. List of the names of owners, their addresses, and the tax parcel numbers of the adjacent properties, including those separated by a street right-of-way. A list will be provided by planning staff upon request; All envelopes must have postage and metered postage must be *undated*.
- City of Wilmington Planning Department
PO Box 1810
Wilmington, NC 28402-1810
- 4) The applicant requesting the closing shall designate one individual who shall be responsible for all administrative costs, including newspaper advertisements for public hearings, materials and postage for mailing notices to all adjacent property owners, posting of signs, and recordation of any documents with the New Hanover County Register of Deeds. The application and all required information, shall be submitted to city council after review of the application by and upon the recommendation of the applicable review agencies and the planning commission.
- 5) Upon the adoption of a close order closing the public street or alley, and in accordance with the provisions of North Carolina General Statute 160A-299(c), all right, title, and interest in the closed street or alley shall be conclusively presumed to be vested in those persons, firms, or corporations owning lots or parcels of land adjacent to such public street or alley, and the title of each person, firm, or corporation shall, for the width of the abutting land owned by them, extend to the centerline of such public street or alley, or portion thereof, officially closed

Signature and address of property owners that own property along the street or alley requested to be closed

Length (feet) of property fronting street to be closed

Name _____

Address _____

Signature _____

Name _____

Address _____

Signature _____

Name _____

Address _____

Signature _____

Name _____

Address _____

Signature _____

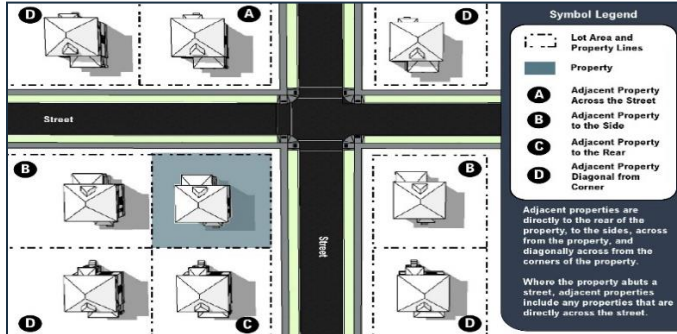
Name _____

Address _____

Signature _____

Section D. REQUIRED INFORMATION TO BE INCLUDED WITH APPLICATION

Adjacent Properties Information



Include the city return address on the envelopes:

City of Wilmington
 Planning Department
 PO Box 1810
 Wilmington, NC 28402-1810

Name:		Name:	
Mailing address:		Mailing address:	
Tax parcel number:		Tax parcel number:	
Name:		Name:	
Mailing address:		Mailing address:	
Tax parcel number:		Tax parcel number:	
Name:		Name:	
Mailing address:		Mailing address:	
Tax parcel number:		Tax parcel number:	

Name:		Name:
Mailing address:		Mailing address:
Tax parcel number:		Tax parcel number:
Name:		Name:
Mailing address:		Mailing address:
Tax parcel number:		Tax parcel number:
Name:		Name:
Mailing address:		Mailing address:
Tax parcel number:		Tax parcel number:
Name:		Name:
Mailing address:		Mailing address:
Tax parcel number:		Tax parcel number:
Name:		Name:
Mailing address:		Mailing address:
Tax parcel number:		Tax parcel number: