

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION**

Meeting Date: March 8, 2010

SUBJECT: Public Hearing and Consideration of Petition to close Terry Estates Drive from Black Mountain Avenue to a point just east of Bridge Street.

AGENDA INFORMATION:

Agenda Location: Public Hearing (Old Business)
Item Number: 7-A
Department: Planning and Development Services
Contact: Elizabeth Teague, Planning & Development Services Director
Presenter: Elizabeth Teague, Planning & Development Services Director

BRIEF SUMMARY: At a Special called meeting of the Planning Board on February 1, 2010, the Planning Board considered and approved a petition for closing of the right-of-way of Terry Estates Drive within the Ford Dealership property. The closing is requested in order to accommodate possible re-use and expansion of the Ford Dealership building by the potential buyer, Eco-Panels, Inc. Since that time, a major gas line belonging to PSNC has been located through the center of Terry Estates Drive within a 30' right-of-way (15' on either side of line). The property owner therefore would have to negotiate relocation of the gas line and easement with PSNC in addition to seeking r-o-w approval from the Town. Building expansion is not an immediate priority and discussions between Eco-Panels and PSNC are underway.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Motions 1 & 2: To open/close public hearing

Motion 3: To adopt the attached resolution to close that portion of right-of-way as described in the petition, contingent upon the following:

- a. Applicant acquires title to the real property;
- b. Property owner is able to relocate the gas-line right-of-way and infrastructure that is currently located within Terry Estates Drive to the satisfaction of PSNC; and
- c. That the right-of-way will not be closed until such time as an approved site plan is in place and filed with the Planning and Development Services Department.

FUNDING SOURCE: N/A

ATTACHMENTS: Resolution and Map

MANAGER'S COMMENTS AND RECOMMENDATIONS: The manager and staff support the petition for ROW closure contingent upon the conditions indicated above, in order to promote the economic benefit anticipated with the successful location of Eco-Panels to the community. The board will hear public comment prior to rendering a decision.