



REQUEST FOR COUNCIL ACTION City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council
FROM: Nancy P. Whitworth, Interim City Manager

Agenda Item No.

11b

Ordinance/First Reading
 Ordinance/Second & Final Reading
 Resolution/First & Final Reading
 Information Only

AGENDA DATE REQUESTED: January 28, 2019

ORDINANCE/RESOLUTION CAPTION:

TO ABANDON A PORTION OF RIGHT OF WAY ON CAVALIER DRIVE (AB-3-2018)

SUMMARY BACKGROUND:

The City has received a petition from Christ Church Episcopal School requesting the abandonment of a portion of the right of way on Cavalier Drive along the frontage of the school's property identified as Tax Map Number M014030100505. The proposed area of abandonment measures 17,995 square feet as shown on the attached plat and highlighted in red. The right of way abandonment is being requested in conjunction with the school's proposed plan to replace an existing fence along the property frontage of Cavalier Drive with a new ornamental fence. The existing fence is currently located within the right of way and the applicant's desire is to keep the fence in the same location to avoid conflicts to existing improvements within the school property. Cavalier Drive has an existing 100 feet right of way which is considered excessive for this type of road. The right of way abandonment would ensure the school's fence is located outside of the right of way and would not result in any changes to the traffic circulation, utilities or functional use of Cavalier Drive.

IMPACT IF DENIED:

Christ Church Episcopal School would have to replace their fence outside of the existing right of way

FINANCIAL IMPACT

None

REQUIRED SIGNATURES

Department Director Mike Murphy
DocuSigned by:
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City Attorney Michael S. Pitts
DocuSigned by:
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OMB Director _____

City Manager Nancy Whitworth
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AN ORDINANCE

TO ABANDON A PORTION OF RIGHT OF WAY ON CAVALIER DRIVE
(AB-3-2018)

WHEREAS, the city of Greenville may have rights and entitlements to Cavalier Drive to the extent that it is public right of way; and

WHEREAS, the City has received a petition from Christ Church Episcopal School requesting the abandonment of a portion of the right of way on Cavalier Drive along the frontage of the school's property identified as Tax Map Number M014030100505; and

WHEREAS, the right of way abandonment is being requested in conjunction with the School's proposed plan to replace an existing fence along the property frontage of Cavalier Drive with a new ornamental fence; the existing fence is currently located within the right of way and the Applicant's desire is to keep the fence in the same location to avoid conflicts to existing improvements within the school property; and

WHEREAS, the right of way to be abandoned is considered excess right of way and the abandonment would ensure the School's fence is located outside of the right of way and would not result in any changes to the traffic circulation, utilities or functional use of Cavalier Drive; and

WHEREAS, pursuant to properly published notice, a public hearing was held before City Council on Monday, January 14, 2019, at which time Council provided the opportunity to hear from the public regarding the proposed abandonment;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, that 17,995 square feet (0.413 acre) of right of way on Cavalier Drive highlighted in red and identified more particularly on a survey entitled "Right Of Way Abandonment Survey For Christ Church" prepared by Site Design, Inc. dated October 8, 2018, and made part hereof as Exhibit A, incorporated herein by reference, shall be abandoned and closed as a public right of way. Further, the abandonment and any subsequent conveyance by way of City quitclaim deed shall be subject to a full width utility easement preserving the currently existing rights and benefits for the present providers of water, sewer, electricity, telephone, and natural gas, if any, including maintenance easements for the same utilities. The City Manager is herewith authorized to execute such documents as reasonable to implement the purposes of this Ordinance.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

