



## REQUEST FOR COUNCIL ACTION City of Greenville, South Carolina

Agenda Item No.

15f

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

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

**AGENDA DATE REQUESTED:** June 24, 2019

**ORDINANCE/RESOLUTION CAPTION:**

TO ABANDON CEMETERY STREET AND AN UNNAMED ALLEY LOCATED BETWEEN CEMETERY STREET AND EAST STONE AVENUE (AB-1-2019)

**SUMMARY BACKGROUND:**

The city of Greenville has received a petition from Builder's Partner, LLC requesting the abandonment of Cemetery Street and an unnamed Alley. Builder's Partner, LLC and Deep River South Development, LLC are the developers of a proposed 40-50 unit residential townhome development on the surrounding three acres of property and will incorporate the abandoned right of way into their proposed subdivision development. Cemetery Street is a public street owned by the City that provides secondary access to several properties along East Stone Avenue as well as Richland Cemetery. The abandoned right of way will be combined with four (4) existing parcels identified as Tax Map Numbers 39.3-1-6, 39.3-1-5, 39.3-1-2 and 39.2-1-7, all currently owned by JJSC Enterprises, LLC.

The abandonment has been reviewed by the City engineering, public works, fire, and police departments as well as local utility providers with no objections found. If approved, the abandonment will be subject to the applicant dedicating easements to the existing utility providers with facilities currently located in the right of way.

**IMPACT IF DENIED:**

The right of way will not be abandoned.

**FINANCIAL IMPACT**

None

### REQUIRED SIGNATURES

**Department Director** DocuSigned by:  
*Mike Murphy*  
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**City Attorney** DocuSigned by:  
*Michael S. Pitts*  
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**OMB Director** \_\_\_\_\_

**City Manager** DocuSigned by:  
*Nancy Whitworth*  
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AN ORDINANCE

TO ABANDON CEMETERY STREET AND AN UNNAMED ALLEY LOCATED BETWEEN CEMETERY STREET AND EAST STONE AVENUE (AB-1-2019)

WHEREAS, the city of Greenville may have rights and/or entitlements to Cemetery Street and an unnamed Alley located between Cemetery Street and East Stone Avenue to the extent that it is public right of way; and

WHEREAS, the City has received a petition from Builder’s Partner, LLC requesting the abandonment of Cemetery Street and the unnamed Alley; and

WHEREAS, Builder’s Partner, LLC and Deep River South Development, LLC are the developers of a proposed residential townhome development on the surrounding three acres of property and will incorporate the abandoned right of way into their proposed development; and

WHEREAS, Cemetery Street is a public street owned by the City that provides secondary access to several properties along East Stone Avenue as well as Richland Cemetery; and

WHEREAS, the right of way will be abandoned and combined with the existing abutting properties owned by JJSC Enterprises, LLC as shown in Exhibit A; and

WHEREAS, the right of way abandonment will not result in any adverse impacts to traffic circulation or operations of the City’s street system; and

WHEREAS, pursuant to properly published notice, a public hearing was held before City Council on Monday, June 10, 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, Cemetery Street and an unnamed Alley located between Cemetery Street and East Stone Avenue, which are both identified more particularly on Exhibit A, 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

