



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

Agenda Item No.

11d

**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:** August 12, 2019

**ORDINANCE/RESOLUTION CAPTION:**  
 TO ABANDON A PORTION OF VIOLA STREET (AB-3-2019)

**SUMMARY BACKGROUND:**

The city of Greenville has received a petition from Diamond Jubilee, LLC requesting the abandonment of a portion of Viola Street. The applicant is proposing a new Comfort Inn Suites hotel at 600 Buncombe Street and is requesting an abandonment of the public right of way along their frontage of Viola Street to meet the required building setbacks. This section of Viola Street is currently closed to traffic and functions as pedestrian access from Buncombe Street to the Viola neighborhood. A portion of this section of Viola Street was abandoned in 2007 as part of the Viola Street Redevelopment project. The City will retain a public access easement to maintain the pedestrian access to the neighborhood but the remainder of the public right of way is proposed to be abandoned to accommodate the hotel development. The abandonment will be subject to easements being established for all utilities currently located within the existing right of way.

The abandonment has been reviewed by the City's 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 and the proposed hotel development cannot be approved as currently planned.

**FINANCIAL IMPACT**

None

**REQUIRED SIGNATURES**

**Department Director** DocuSigned by:  
  
B8351B3CF7524D2...

**City Attorney** DocuSigned by:  
  
5E0F2A267E2D413...

**OMB Director** \_\_\_\_\_

**City Manager** DocuSigned by:  
  
1DC2D48BBB5D4AB...

AN ORDINANCE

TO ABANDON A PORTION OF VIOLA STREET (AB-3-2019)

WHEREAS, the city of Greenville may have rights and/or entitlements to Viola Street to the extent that it is public right of way; and

WHEREAS, the City has received a petition from Diamond Jubilee, LLC requesting the abandonment of a portion of Viola Street between the existing cul-de-sac and Buncombe Street; and

WHEREAS, the portions of Viola Street to be abandoned are identified as Tracts 3-5, inclusive, on that Plat entitled "Right of Way Abandonment Plat for a Portion of Viola Street" drawn by Freeland-Clinkscates & Associates of NC, Inc., dated August 6, 2018, attached hereto and made a part hereof as Exhibit A (the "Road Section"); and

WHEREAS, Diamond Jubilee, LLC is the developer of a proposed hotel at 600 Buncombe Street and will utilize the abandoned right of way to meet the required setbacks for development; and

WHEREAS, part of the Road Section was abandoned and closed to traffic in 2007 as part of the Viola Street Redevelopment Project and this section of the road currently functions as a pedestrian access only between Buncombe Street and the Viola Neighborhood; and

WHEREAS, a public access easement will be established to maintain the pedestrian access to the Viola neighborhood and 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, the right of way will be abandoned and combined with the existing properties as shown in Exhibit A under that portion of the plat designated "Tract Information"; and

WHEREAS, pursuant to properly published notice, a public hearing was held before City Council on Monday, July 8, 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 the Road Section as described above 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 as well as a pedestrian access easement to serve the residents of the Viola neighborhood. 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

EXHIBIT A

