

Item Title: Resolution for the Abandonment of Roads from the State Maintained Highway System that lie within Municipal Extraterritorial Jurisdictions

Specific Action Requested:

That the Board of Commissioners approves all future resolutions passed by a municipality related to the abandonment of road sections from the State maintained highway system that lie within that municipality's extraterritorial jurisdiction.

Item Summary:

Purpose: Subject to NCGS 160A-299, the North Carolina Department of Transportation requires each county Board of Commissioners to consent to requests for road abandonments that lie within the extraterritorial jurisdiction (ETJ) of a municipality.

Background: In accordance with NCGS 160A-299, any road, street or alley dedicated to the North Carolina Department of Transportation (NCDOT), which is located within a city's limits or extraterritorial jurisdiction (ETJ), may be petitioned for abandonment. Prior to consent by the NCDOT, cities must first adopt a resolution declaring its intent to abandon any road, street or alley, and call a public hearing on the question. The NCDOT maintains a legal opinion that petitions for road, street or alley abandonments located within a municipality's ETJ also requires consent from the respective county board of commissioners. Since the ETJ is under the planning and zoning control of the city, there is no purpose or need for the county to review petitions for road, street or alley abandonment prior to submission to the NCDOT.

To help expedite this process, NCDOT will allow the County to execute a resolution that authorizes approval of all future resolutions adopted by municipalities in Wake County for abandonment of roads that lie within that municipality's ETJ.

Board Goal: This action is consistent with routine County operations.

Fiscal Impact: This item has no fiscal impact.

Additional Information:

None.

Attachments:

1. Resolution