

Item Title: Closure of the Public Rights-of-Way of Tech Road (SR 2811) and Daffodil Drive (also SR 2811) Near Wake Tech's Southern Campus (Petition ROW-C-01-20)

Specific Action Requested:
That the Board of Commissioners:

- 1. Approves the closure of the public rights-of-way of Tech Road (SR 2811) and Daffodil Drive (also SR-2811) near Wake Tech's southern campus (Petition ROW-C-01-20); and**
- 2. Publishes all public comments received through March 2, 2021 at 5:00 PM.**

Item Summary:

Purpose: North Carolina General Statutes requires that the Wake County Board of Commissioners holds a public hearing to close a public right-of-way.

Background: The North Carolina Board of Transportation approved a petition from the property owners (i.e.--the Trustees of Wake Technical Community College Foundation, Mahmood Qadri, and Elizabeth Byrd) on February 4, 2021 to abandon from the state road maintenance system approximately 502 feet of Tech Road and approximately 591 feet of Daffodil Drive at Wake Tech's southern campus. The Wake County Board of Commissioners had adopted a resolution of support for that road abandonment petition on November 16, 2020. This was the first step in the process as required by NCDOT and the North Carolina General Statutes.

With these two roadways no longer under the "control and supervision" of NCDOT, the authority to close the rights-of-way falls to the Board of Commissioners. The second step in the right-of-way closure process was for the Board of Commissioners to adopt a resolution on February 1, 2021 declaring their intent to close the public rights-of-way segments as described above and as shown on the map and survey excerpt on the following pages, and calling for a public hearing for March 1, 2021.

The third, and final, step in this process is for the Board of Commissioners to hold this public hearing to receive public comment on the requested petition to close the described public rights-of-way.

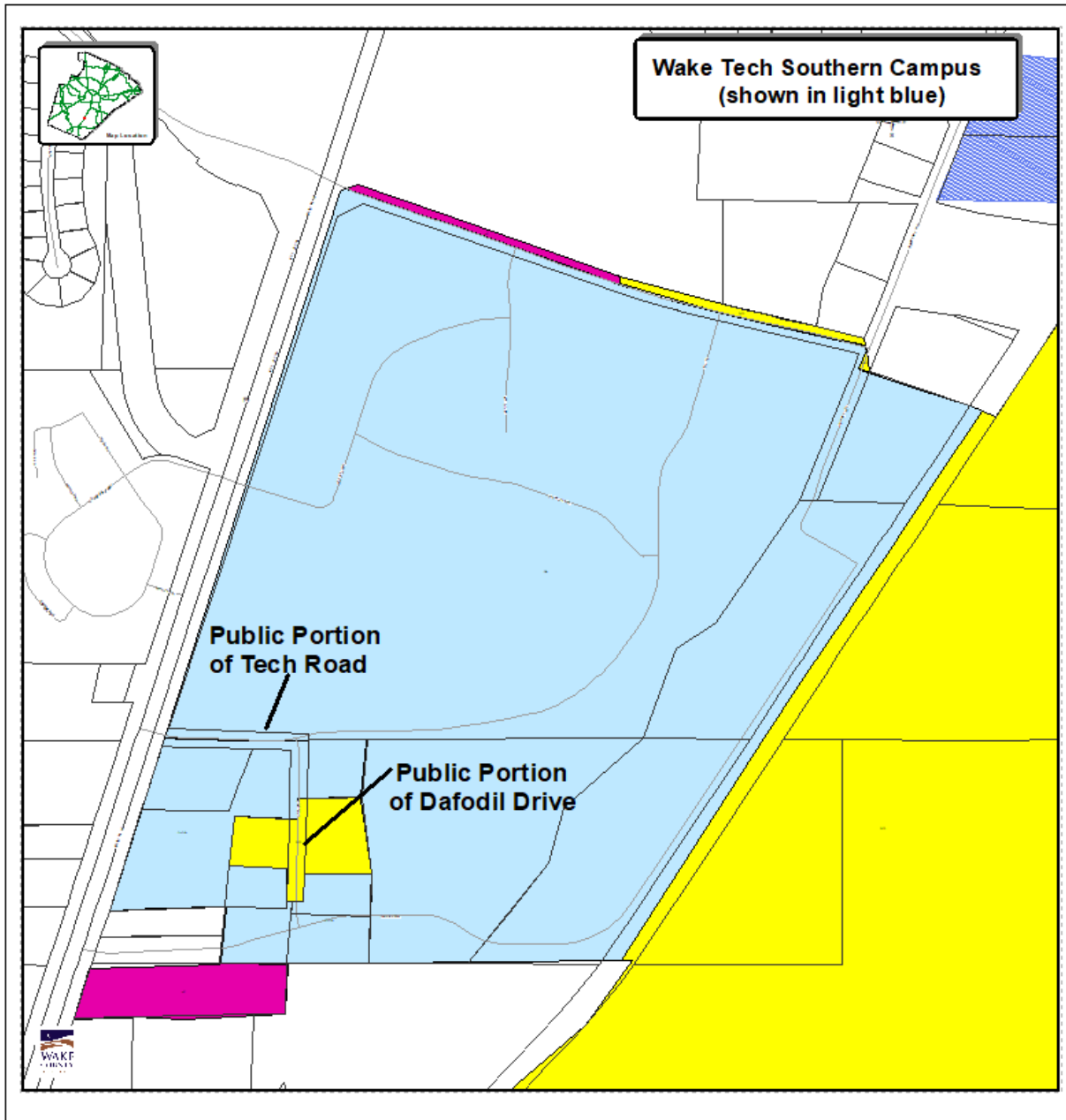
Board Goal: This action supports routine County operations.

Fiscal Impact: There is no fiscal impact related to this agenda item.

Additional Information:

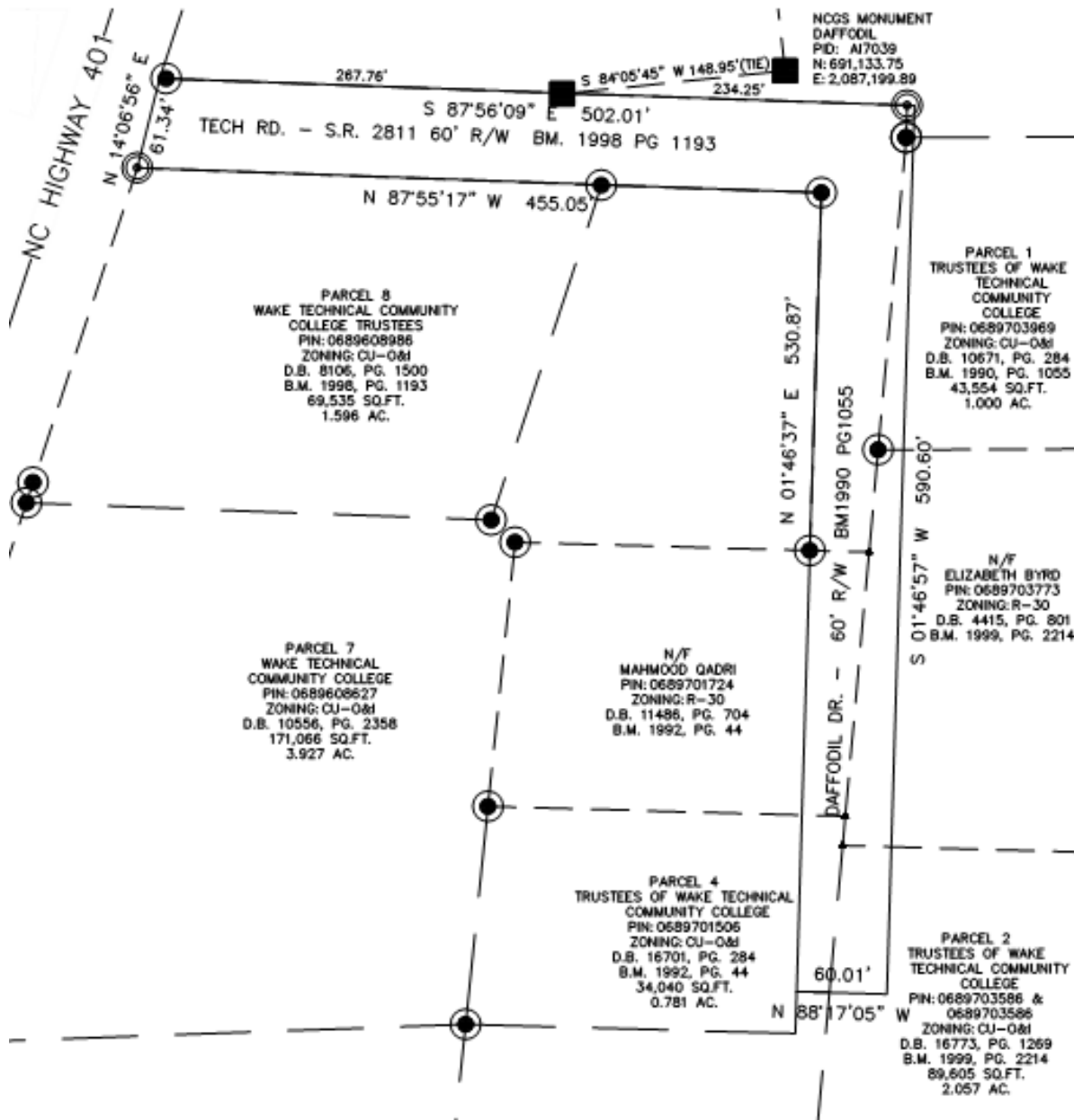
Need for Right-of-Way Closure

Tech Road is the primary circulation road through Wake Technical Community College's Southern Campus off US 401/Fayetteville Road. The vast majority of Tech Road is private, as are the other roads within the campus. However, the first 502 feet of Tech Road had to be public to link US 401/Fayetteville Road to the public residential street, Daffodil Drive, that is adjacent to the campus. The location of the subject road segments within the overall campus are shown on the map below.



This right-of-way closure petition, if approved, would allow for the right-of-way areas to be recombined with the adjacent lots as shown on the plat excerpt below.

A public secondary two-lane road is typically 20 to 24 feet wide and is centered within the associated public right-of-way that is typically 50 or 60 feet wide. Public roads are maintained by the North Carolina Department of Transportation.



NCDOT is proposing to construct the NC 540 outer loop in the next couple of years. NC 540 will run directly adjacent to the main campus to the north and as a result of that construction the campus' access to Old McCullers Road off of US 401/Fayetteville Road will be closed. To compensate for the loss of that road connection, Wake Tech has already constructed a southern loop road, Learning Way, through the eastern and southern part of the campus. Wake Tech has also constructed a private road extension of Daffodil Drive to connect to Learning Way to improve traffic circulation and to provide access to a newly constructed GOTriangle bus stop with an associated park and ride lot.

Even with the new Learning Way roadway there is an anticipation of a significant increase in the traffic using Tech Road, which will create congestion and safety concerns. To ensure an efficient traffic flow and to improve safety, Wake Tech is proposing to construct a traffic circle at the intersection of Tech Road and Daffodil Drive at their own expense.

Wake Tech has determined that the best way to construct the traffic circle, while maintaining utility of the adjacent portions of the campus, is to convert these roads to private roads so that they will not be required to comply with the more restrictive NCDOT standards.

Wake Tech has coordinated this right-of-way closure petition with the two remaining residential property owners on Daffodil Drive, who are supportive of this effort (as shown on the attached petition form). Wake Tech will provide a permanent access easement to allow those two residents convenient ingress and egress to their properties. GOTriangle has an existing licensing agreement providing it with the right to access and use its bus stop and associated park and ride lot at the corner of Daffodil Drive and Learning Way.

Legal Advertisement/Notice Requirements for Public Hearing

Prior to holding this public hearing, the planning staff ran a legal advertisement in the News and Observer once a week for three consecutive weeks and posted two public hearing signs along each road segment. Additionally, state law requires that certified letters be sent to all property owners along the subject road segment that were not a party to the closure request. However, in this case, all adjoining property owners are petitioners for the closure, therefore no certified mailings were required.

Staff Findings:

1. The North Carolina Board of Transportation has abandoned the relevant portions of Tech Road and Daffodil Drive from the state road maintenance system.
2. With these two roadways no longer under the “control and supervision” of NCDOT, the authority to close the rights-of-way falls to the Board of Commissioners.
3. Wake Tech has indicated that the closure of these rights-of-way and their conversion to private roads is necessary to accommodate the construction of a traffic circle at the Tech Road and Daffodil Drive intersection to improve traffic flow and safety.
4. The two remaining residential property owners on Daffodil Drive are supportive of this effort and will be provided with a permanent access easement.

Attachments:

1. Presentation
2. Right-of-Way Closure Petition for Public Portions of Tech Road and Daffodil Drive
3. Wake County Resolution Supporting a Request to Abandon the Public Portions of Tech Road and Daffodil Drive from the State Road Maintenance System
4. Wake County Resolution Declaring an Intent to Close the Public Right-of-Way of Approximately 502 Feet of Tech Road and All of Daffodil Drive (Approximately 591 Feet) and Calling for a Public Hearing on the Issue for March 1, 2021
5. Documentation from the North Carolina Board of Transportation Abandoning Tech Road and Daffodil Drive from the state road maintenance system
6. Ordinance Closing the Public Rights-of-Way of Tech Road and Daffodil Drive
7. Survey of Tech Road and Daffodil Drive