Subject: Consider Endorsing the Petition Submitted to NCDOT for Abandonment of a Segment of Secondary Road 1800 Adjacent to Eastgate from the State-Maintained System.

Staff:  
Mary Jane Nirdlinger, Executive Director  
David Bonk, Long Range and Transportation Planning Manager  
Jay Heikes, Planner

Office: Planning and Sustainability

Overview: The owner of Eastgate Shopping Center has submitted a petition to the North Carolina Department of Transportation (NCDOT) to end state maintenance of .07 miles of the service road, Secondary Road 1800, in front of Eastgate within NCDOT’s right-of-way. Approval of this petition by the North Carolina Board of Transportation, the governing body of NCDOT, would allow the owner to remove pavement and plant canopy trees along Fordham Blvd. NCDOT would retain its existing right-of-way along Fordham Blvd. For the Board of Transportation to consider the petition, the Town Council needs to adopt a resolution in support.

Recommendation:  
*Staff Recommendation:* Adopt Resolution A endorsing the Petition submitted to NCDOT for abandonment of a .07 mile segment of Secondary Road 1800 Adjacent to Eastgate from the State Maintained System

Key Issues
- Approval of the petition would result in the closure of approximately .07 miles of Secondary Road (SR) 1800. The Ephesus Church / Fordham intersection project, approved by the Council on February 15, 2016, included the closure of the 50 feet of SR 1800 extending south from the Ephesus Church / Fordham intersection to the driveway for the former BP station.
- The approved Eastgate Building D permit includes the removal of a 12-foot wide strip of pavement and planting of canopy trees in that 12-foot strip adjacent to the building within the right-of-way. NCDOT has determined that this action requires a petition to abandon state maintenance pursuant to North Carolina General Statute § 136-63.
- A 14 foot-wide portion of the pavement of Secondary Road (SR) 1800 would remain. This would leave open the possibility for future use by the Town as a multiuse path.
- The removal of pavement would not preclude any future connectivity improvements, as NCDOT will retain its existing right-of-way along Fordham Blvd.

Fiscal Impact/Resources: There is no fiscal impact associated with this resolution.

Where is this item in its process?

---

1 chplan.us/councilmaterials15feb2016
### Council Goals:

<table>
<thead>
<tr>
<th></th>
<th>Create a Place for Everyone</th>
<th>☒</th>
<th>Develop Good Places, New Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>Support Community Prosperity</td>
<td>☐</td>
<td>Nurture Our Community</td>
</tr>
<tr>
<td>☒</td>
<td>Facilitate Getting Around</td>
<td>☐</td>
<td>Grow Town and Gown Collaboration</td>
</tr>
</tbody>
</table>

### Attachments:
- Staff Memorandum
- Resolution A endorsing the petition
- NCDOT Petition Materials
- North Carolina General Statute § 136-63
- Illustrative Site Plan
- Plan showing pavement removal
Overview: The owner of Eastgate Shopping Center has submitted a petition to the North Carolina Department of Transportation (NCDOT) to end state maintenance of .07 miles of the service road, Secondary Road 1800, in front of Eastgate within NCDOT’s right-of-way. Approval of this petition by the North Carolina Board of Transportation, the governing body of NCDOT, would allow the owner to remove pavement and plant canopy trees along Fordham Blvd. NCDOT would retain its existing right-of-way along Fordham Blvd. For the Board of Transportation to consider the petition, the Town Council needs to adopt a resolution in support.

Recommendation:

Staff Recommendation: Adopt Resolution A endorsing the Petition submitted to NCDOT for abandonment of a .07 mile segment of Secondary Road 1800 Adjacent to Eastgate from the State Maintained System

INTRODUCTION

The petition submitted to NCDOT by Federal Realty Investment Trust, the owner of Eastgate Shopping Center, would allow for the closure, removal of pavement and planting of canopy trees along a .07 mile segment of Secondary Road (SR) 1800, also known as the Fordham Blvd. service road. This segment is shown in the aerial image below.
Pursuant to North Carolina General Statute § 136-63, attached, the North Carolina Board of Transportation, which governs NCDOT, decides on petitions to abandon state maintenance of segments of the secondary highway system. In order for the Board of Transportation to consider the petition, the Town Council, as the governing body with jurisdiction over the road and affected property, would need to make a finding that the petition serves the public interest and adopt a resolution in support of the petition. NCDOT requires the signature of all property owners affected by the petition. Federal Realty Investment Trust is the sole property owner affected by the closure of this segment of SR 1800 and is therefore the sole signatory on the petition. A copy of the petition materials prepared by NCDOT is attached.

**PUBLIC INTEREST**

The closure of SR 1800 presents an opportunity to preserve a 14-foot wide portion of the pavement for future use by the Town as a multiuse path. The existing pavement is in good condition and is built to a standard that exceeds that for multiuse paths. The edge of the path would be about 40 feet from the southbound lanes of Fordham Blvd., and the proposed canopy trees would be planted between the path and Fordham Blvd., helping to provide visual separation. The illustrative site plan, prepared on behalf of Federal Realty Investment Trust, depicts the portion of the service road to be preserved, the canopy trees to be planted, as well as the approved Building D.

Staff believes that the Council could make a finding that this petition would serve the public interest by:

- Allowing for additional future multi-modal connectivity in the Ephesus Fordham District.
- Improving aesthetics along Fordham Blvd.
- Reducing unmitigated impervious surface by 4,200 square feet.

Approval of the petition would not deprive any property owner of reasonable means of ingress or egress to their property. Eastgate Shopping Center, solely owned by Federal Realty Investment Trust, is the property served by this segment of SR 1800. Since the southern driveway to Eastgate adjacent to Talbot’s would remain open, no property or property owner would be deprived of access by this closure. Further, no negative impacts to vehicular traffic flow or otherwise are expected from the closure of this segment of SR 1800 as noted in the attached

**RELATIONSHIP TO EASTGATE BUILDING D PERMIT**

The approved Building D permit\(^1\) requires streetscape improvements along 235 feet of Fordham Blvd., adjacent to the new building. This would include the tree plantings, and thus pavement removal. As a part of this petition, Federal Realty Investment Trust is proposing to extend those improvements an additional 115 feet for continuity and to improve the visual appearance and

\(^1\)chplan.us/project15-076
function of the of the streetscape in front of Eastgate Shopping Center along the full .07 mile of 350 foot segment of SR 1800 to be closed. A plan is attached denoting the activities related to the Building D permit and the activities related to this petition.

The form based code, Section 3.11 of the Land Use Management Ordinance (LUMO)\textsuperscript{2}, which governs the Ephesus Fordham District requires that canopy trees be planted along Fordham Blvd. adjacent to new development. The original application for Building D included the removal of pavement and planting of trees on the side of the service road closest to the building to meet landscaping requirements in the LUMO. After review, staff identified an interest in preserving part of the road for future use and recommended keeping the pavement closest to the building and planting the trees between the future path and Fordham Blvd., which also complies with the LUMO. The applicant, Federal Realty Investment Trust, agreed to preserve the 14-foot wide strip of pavement closest to Eastgate and to remove the 12-foot strip closest to Fordham and to plant canopy trees in its place. The removal of the full 12-foot by .07 mile or 350-foot strip of pavement results in a reduction of 4200 square feet of untreated impervious surface.

Canopy trees or street trees are commonly placed within NCDOT’s rights-of-way as a part of new development in Chapel Hill. Recent examples include the Southern Village Hotel and the CVS at Rams Plaza, both of which are under construction. Typically, tree plantings are permitted by NCDOT through an encroachment agreement, which is an administrative approval by NCDOT and requires the property owner to maintain the plantings. NCDOT issues final approvals such as encroachment agreements after the Town issues its zoning compliance approval, in this case, the Building D Form District Permit. However, since this project includes the removal of pavement prior to planting the trees, NCDOT determined that it would also be necessary to abandon maintenance of this segment of SR 1800 pursuant to North Carolina General Statute § 136-63 prior to issuing an encroachment agreement. This requirement is what prompted Federal Realty Investment Trust to submit the petition.

**RELATIONSHIP TO TOWN PLANS**

The Ephesus Church / Fordham intersection project, which was a part of the bid package approved by the Council on February 15, included the closure of the 50 feet of SR 1800 between that intersection and the existing northern driveway into the former Eastgate BP service station as depicted in the plan showing pavement removal, attached. The Building D permit requires the closure of the road extending an additional 300 feet south to the Talbot’s driveway as it would block the two remaining points of access to the service road. Prior to the February 15 approval of the bid, NCDOT responded negatively to a question from the Council as to whether or not NCDOT would allow a right-in-right-out movement to be preserved from SR 1800 to the Ephesus Church / Fordham intersection as part of the improvement project.

\textsuperscript{2}chplan.us/LUMO3-11
The closure of this portion of SR 1800 does not preclude the Town from considering additional connectivity improvements along Fordham Blvd. such as a conversion to a multi-way boulevard similar to the approved Obey Creek development agreement. NCDOT would retain its existing right-of-way and the ability to construct improvements within it. The removal of pavement and planting of trees would not represent a sunk cost to the Town nor would it preclude it or NCDOT from making improvements. Additionally, the closure of this portion of SR 1800 does not prevent Eastgate from developing additional buildings along Fordham Blvd should the Council decide to change Fordham from a Type-C Frontage to a Type-B Frontage as proposed in a zoning atlas amendment presented to the Council at the March 14, 2016 Public Hearing.

Although the adopted Bike Plan does not include a path in this exact location, the Fordham Blvd corridor is an important connection in the Town’s multi-modal network. As part of the development of the Mobility and Connectivity Plan, a more detailed plan for bicycle and pedestrian connectivity in the Ephesus Fordham Design District will be completed. We anticipate this plan will incorporate the use of the existing service roads. The combination of the approved Ephesus Church/Fordham intersection improvement project and preservation of the 14-foot wide strip of pavement on SR 1800 closest to the proposed Building D project, would improve connectivity in the interim for pedestrians and cyclists traveling between the shopping centers and the residential areas along Ephesus Church Rd.

A RESOLUTION ENDORSING THE PETITION SUBMITTED TO NCDOT FOR ABANDONMENT OF A SEGMENT OF SECONDARY ROAD 1800 ADJACENT TO EASTGATE FROM THE STATE MAINTAINED SYSTEM (2016-03-21/R-14)

WHEREAS, Federal Realty Investment Trust has submitted a petition request to the North Carolina Department of Transportation (NCDOT) for the abandonment of .07 miles of Secondary Road 1800 adjacent to Eastgate Shopping Center from the State Maintained System pursuant to North Carolina General Statute § 136-63; and

WHEREAS, Federal Realty Investment Trust agrees to be responsible for the maintenance of the .07 mile segment of Secondary Road 1800 to be abandoned through a 3-party encroachment agreement with the Town of Chapel Hill and NCDOT until such time the .07 mile segment is converted into a formal multiuse path by the Town; and

WHEREAS, NCDOT staff and Town staff have evaluated the petition and find that no property owner would be deprived of reasonable means of ingress and egress to their property, the sole petitioner owns all of the adjacent property; and

WHEREAS, NCDOT and Town staff find that there would be no negative impacts from maintenance being abandoned on the .07 miles of Secondary Road 1800 adjacent to Eastgate Shopping Center, Town staff therefore recommends approval of the petition; and

WHEREAS, based on the recommendation of Town staff, the Council of the Town of Chapel Hill finds that the abandonment would serve the public interest of the people of the Town of Chapel Hill.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council endorses the petition submitted to NCDOT for abandonment of approximately .07 miles of Secondary Road 1800 adjacent to Eastgate Shopping Center from the State Maintained Highway System.

This the 21st day of March, 2016.
March 4, 2016

ORANGE COUNTY

Mr. Roger Stancil
Town Manager
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill NC, 27514

Subject: Request for Abandonment of State Maintenance
Portion of SR 1800 (Eastgate) Service Road

Dear Mr. Stancil,

Please find attached Form SR-3 Abandonment Petition, Form SR-5 Secondary Road Abandonment Investigation Report, State road map excerpt, and aerial exhibit which are being forwarded for consideration by your Town Council.

This abandonment is necessary in order to facilitate construction of a public cycle track and landscaping in association with the redevelopment of the Eastgate Shopping Center Building D as referenced in the Town’s Form District Permit.

In order for the Department to proceed with the requested abandonment, it is necessary for you to provide a resolution of approval by your Town Council.

Feel free to contact me if you have any questions.

Sincerely,

C. N. Edwards Jr., PE
District Engineer

Attachments

Cc: J. M. Mills, PE, Division Engineer
Federal Realty Investments Trust
North Carolina Department of Transportation
Division of Highways
Abandonment Petition

North Carolina
County of Orange

Petition request for the abandonment of Secondary Road 1800 from the State. Maintained System

We the undersigned, being all of the property owners on Secondary Road 1800 in Orange County do hereby request the Division of Highways of the Department of Transportation to abandon the road from the State Maintained System.

PROPERTY OWNERS

Name Address
Federal Realty Investments Trust 1626 Jefferson Street Rockville, MD 20852

[Signature]
3-4-16

Form SR-3 (1/2001)
North Carolina Department of Transportation  
Division of Highways  
Secondary Road Abandonment Investigation Report

<table>
<thead>
<tr>
<th>County</th>
<th>Orange</th>
<th>Co. File No.</th>
<th>O-15-14</th>
<th>Date</th>
<th>03/03/16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Township</td>
<td>Chapel Hill</td>
<td>Div. File No.</td>
<td></td>
<td>Div.#</td>
<td>7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SR No. &amp; Local Name If Any</th>
<th>Portion of SR 1800, Service Road (Eastgate)</th>
<th>Length To Be Abandoned</th>
<th>0.07 mi.</th>
<th>Length To Be Retained (if applicable)</th>
<th>0.13 mi north/0.14 mi. south</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width</td>
<td>24'</td>
<td>Type</td>
<td>Asphalt</td>
<td>Condition</td>
<td>Good</td>
</tr>
<tr>
<td>Number of homes having entrances into road</td>
<td>N/A</td>
<td>Other uses having entrances into road</td>
<td>N/A</td>
<td>Is the road a school bus route?</td>
<td>No</td>
</tr>
<tr>
<td>Is the road a school bus route?</td>
<td>No</td>
<td>Average Daily Traffic Count (estimated)</td>
<td>500 VPD</td>
<td>Date of last State maintenance performed</td>
<td>07/31/15</td>
</tr>
<tr>
<td>Is the road a mail route?</td>
<td>No</td>
<td>Are there any bridges, pipe &gt; 48” or retaining walls present in the right of way?</td>
<td>No</td>
<td>Is a petition for this request attached?</td>
<td>Yes</td>
</tr>
<tr>
<td>Is the County Commissioners’ Approval attached?</td>
<td>No</td>
<td>If not, give reason</td>
<td>Additional information applicable</td>
<td>Action necessary to facilitate construction of municipal multi-use path</td>
<td>No</td>
</tr>
</tbody>
</table>

Submitted by  
DISTRICT ENGINEER
Reviewed and Approved  
DIVISION ENGINEER
Reviewed and Approved  
BOARD OF TRANSPORTATION MEMBER

Do not write in this space- For Use by Secondary Roads Unit

Petition #

Form SR-5 (11/05/2007)
Abandon 0.07 mile SR 1800
Retain 0.13 mile
Retain 0.14 mile
Ephesus Road
Elementary School
Abandon 0.07 mile SR 1800
Retain remaining portion SR 1800
North Carolina General Statute § 136-63

§ 136-63. Change or abandonment of roads.
(a) The board of county commissioners of any county may, on its own motion or on petition of a group of citizens, request the Board of Transportation to change or abandon any road in the secondary system when the best interest of the people of the county will be served thereby. The Board of Transportation shall thereupon make inquiry into the proposed change or abandonment, and if in its opinion the public interest demands it, shall make such change or abandonment. If the change or abandonment shall affect a road connecting with any street of a city or town, the change or abandonment shall not be made until the street-governing body of the city or town shall have been duly notified and given opportunity to be heard on the question. Any request by a board of county commissioners or street-governing body of a city refused by the Board of Transportation may be presented again upon the expiration of 12 months.
(b) In keeping with its overall zoning scheme and long-range plans regarding the extraterritorial jurisdiction area, a municipality may keep open and assume responsibility for maintenance of a road within one mile of its corporate limits once it is abandoned from the State highway system.
(1931, c. 145, s. 15; 1957, c. 65, s. 8; 1965, c. 55, s. 13; 1973, c. 507, s. 22 1/2; 1975, c. 19, s. 45; 1977, c. 464, s. 25; 1993, c. 533, s. 14.)
Plan showing pavement removal
Business Meeting– 03/21/2016

**Topic Area:** Site plan showing road closure, pavement removal, and tree planting. See key below.

**KEY:**
- Green: Pavement to remain for future path
- Orange hatching: Portion of service road closed by Ephesus Church / Fordham intersection project
- Blue: Pavement removal, landscaping and required tree planting adjacent to the Building D project
- Red: Additional pavement removal and landscaping proposed by applicant