

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: Monday, November 16, 2009

Agenda Item:	Prepared By: Dan Hatley
Agenda Section: Old Business: Ordinance/Second Reading	Date: November 11, 2009
Subject: Street Closing SC-09-01 – A portion of Ashland Avenue	Division: Planning & Development

The City of North Myrtle Beach is the applicant for a request to vacate the unopened portion of Ashland Avenue, between 6th Avenue South and 1st Avenue South. The closing of this right of way will permit the City to create a parcel of land suitable for the development of a new North Myrtle Beach Rescue Squad building. This will account for most of the vacated right of way.

The attached map delineates the portion of right of way located off 6th Avenue South, behind the City of North Myrtle Beach Public Safety Building. The City is the property owner abutting the majority of the right of way on both sides, except for a small portion that abuts property owned by the First Baptist Church.

Section 5-27-150 of the South Carolina Code of Laws provides City Council with the authority to close and abandon public streets for the improvement and convenience of the City. It must be determined if the street segment is no longer needed for public convenience and that it does not provide essential access to any private property. In abandoning or vacating a public street, the abutting property owners take possession and title to the subject property, except where deed restrictions may prescribe otherwise.

The Planning Commission held a public hearing on the request on October 20th and recommended approval to City Council for closing and abandoning the section of public right-of-way.

First reading by City Council was held and approved on November 2, 2009.

Reviewed by Division Head	Reviewed by City Manager	Reviewed by City Attorney
Council Action: Motion By _____ 2 nd By _____ To _____		

6. A. STREET CLOSING SC-09-01: City request for the Planning Commission to hold a public hearing regarding closing a portion of Ashland Avenue located off 6th Avenue South, behind the City of North Myrtle Beach Public Safety Building. (See the attached map).

The City Attorney will address this request and be available for questions at the Planning Commission workshop.

State Code and Deed Restrictions

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Planning Commission Action:

The Planning Commission may recommend to City Council approval or disapproval of a petition for closing and abandoning a segment of public right-of-way.

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH CLOSING ASHLAND AVENUE AND AMENDING THE OFFICIAL MAP OF THE CITY OF NORTH MYRTLE BEACH.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED, THAT:

Section 1: That a petition to Council has been submitted requesting the closing of Ashland Avenue, an unimproved street located off 6th Avenue South and west of US 17, as indicated on the attached reference map.

Section 2: That the above named street is closed pursuant to Section 5-27-150 of the *Code of Laws of South Carolina*, 1976, as amended and to Section 2-36.2(4) of the *Code of Ordinances of the City of North Myrtle Beach*.

Section 3: That the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held all necessary public hearings in accordance with applicable State Statutes and City Ordinances.

Section 4: That the closure of Ashland Avenue is necessary for the improvement of the City.

Section 5: That possession of the abandoned street will become vested in the abutting property owners upon the filing of a recombination plat and the official map of the City of North Myrtle Beach is hereby amended.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2009.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: _____

SECOND READING: _____

REVIEWED:

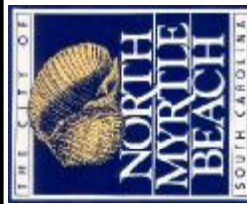
City Manager

Street Closing
SC-09-01
Portion of Ashland Avenue

Legend

Subject Area

Map Created: 10/16/09
M/2009/Street Closing/SC-09-01



90 45 0 90 Feet

