

City Council – Action Request Form

Date: August 15, 2017

To: The City Manager

From: Angela Carmon, City Attorney
John Lawson, Assistant City Attorney

Council Action Requested:

Adopt a Resolution authorizing the grant of an access easement for a driveway across City-owned property pursuant to N.C.G.S. 160A-273 (Northwest Ward)

Summary of Information:

The City is the owner of a lot at the intersection of Runnymede Road and Hawthorne Road that is designated as Tax PIN 6825-56-2812, Block 1319, Lot 17. Marcus and Sally Gulley own the property immediately to the west of the City's lot. The Gulley's address is 1836 Runnymede Road, and their property is designated as Tax PIN 6825-56-0639, Block 1319, Lot 1. The Gulleys have owned their home since 1959.

There is a driveway leading to the Gulleys' home that crosses the City's property. The driveway was installed at some point prior to the Gulleys' purchase of the home in 1959 and the City's acquisition of its lot in the 1920s. However, a formal access easement was never granted by the City providing for this needed access of the driveway to the property. The grant of easement would only be for the driveway and would not allow the grantees to enlarge, widen, or otherwise change the path of the driveway, but would allow the grantees the right to maintain (including repaving) the driveway.

The Gulleys are trying to sell their home, and because time is of the essence, they are requesting that the City authorize the granting of an easement across the City's property for the continued use of the driveway by them and any subsequent owners of their property. The precise location of the easement will be determined by survey at a later date, with such location to be agreed upon by the City Manager and the easement in a form approved by the City Attorney.

The attached resolution authorizes the granting of an access easement on City-owned property identified as Tax PIN 6825-56-2812.

Committee Action:

Committee	<u>Public Works 8/15/17</u>	Action	<u>Approval</u>
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For	<u>Unanimous</u>	Against	<u></u>
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Remarks: