



# Right-of-Way Withdrawal Process Overview

(Pursuant to G.S. § 136-96, Durham City Charter § 51.2, and Durham City Code of Ordinances § 62-19, referred to herein jointly as the “applicable requirements”)

City-County Development Services Center

Planning

101 City Hall Plaza, Durham, NC 27707 | <https://dsc.durhamnc.gov> | 919-560-4137

Right-of-way that has been dedicated but not opened and used by the public within 15 years from and after the dedication is potentially eligible for withdrawal. Any public improvement within the right-of-way, including, but not limited to, utilities, is considered public use.

Any person who, pursuant to G.S. 136-96 and Durham City Charter § 51.2, seeks to withdraw from dedication land dedicated to public use as a street or roadway that is located in the City, must furnish the information identified below to the Durham Development Services Center (“DSC”) at least **30 days** prior to filing or recording the Declaration of Withdrawal with the Register of Deeds Office:

## SUBMITTAL REQUIREMENTS

Cover Letter Stating:	Name of the street or roadway
	Six-digit PID or other identifying number or information so that the location of the dedicated land proposed to be withdrawn can be clearly known
	Book and page number of the plat that originally dedicated the land for public use
	Applicant’s legal relationship to the original dedicator
	Corporate status of the original dedicator
	That the dedicated land is proposed to be withdrawn from dedication pursuant to G.S. 136-96
Legal description of the right-of-way to be withdrawn if the Declaration of Withdrawal lacks a sufficient description to clearly identify the right-of-way	
List of lots adjacent to the dedicated land proposed to be withdrawn	
5 paper copies and 1 digital copy of the proposed Declaration of Withdrawal, meeting the applicable requirements, that is proposed to be recorded with the Register of Deeds Office	
Complete “Exempt and Final Plat Application,” with associated fees. (Application and current fee schedule can be found here: <a href="http://dsc.durhamnc.gov/174/Permits-and-forms">http://dsc.durhamnc.gov/174/Permits-and-forms</a> )	
5 paper copies and 1 digital copy of the proposed “Recombination and Right-of-way Withdrawal” plat	

## REVIEW PROCEDURE

1. Complete applications are processed and assigned to a Case Planner for review.
2. The DSC distributes the request to various City and County reviewing departments and utilities, such as Duke Energy, PSNC, etc., and awaits comments from these departments and agencies to be received within **15 days**.
3. The Case Planner forwards joint review comments, including comments regarding any corrections needed to the “Recombination and Right-of-way Withdrawal” plat or the Declaration of Withdrawal, to the applicant.

4. If the City does not accept the right-of-way within **30 days** of the receipt of the application, once comments are addressed and the draft plat is deemed to be correct and complete, it is approved/stamped and can be recorded at the Register of Deeds Office, along with the Declaration of Withdrawal.

If the City determines that the right-of-way has already been accepted for maintenance by the City or the City formally accepts the dedication within **30 days** of receipt of the letter, the right-of-way may not be withdrawn.

The street closing process would be required if the applicant intends to continue pursuing removal of the right-of-way. Information about the street closing process can be found on the DSC website <http://dsc.durhamnc.gov/174/Permits-and-forms>.