

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** October 20, 2010

**SUBJECT:** Continuation of Public Hearing for Cave Inn Drive

**ATTACHMENTS:**

1. Map of proposed ROW closure and SR abandonment
2. Tentative agreement outline

#### **SUMMARY OF REQUEST:**

Planning Department staff requests the Board to continue a public hearing to consider the abandonment of State maintenance and the closure of all known right of ways for Cave Inn Drive (SR 1661) located on the property of Tommy J. and Joan C. Heinz.

Staff will update the Board on the results of the negotiations between the two owners and the outcome of said negotiations. Staff will forward copies of the written agreement, if received.

#### **BOARD ACTION REQUESTED:**

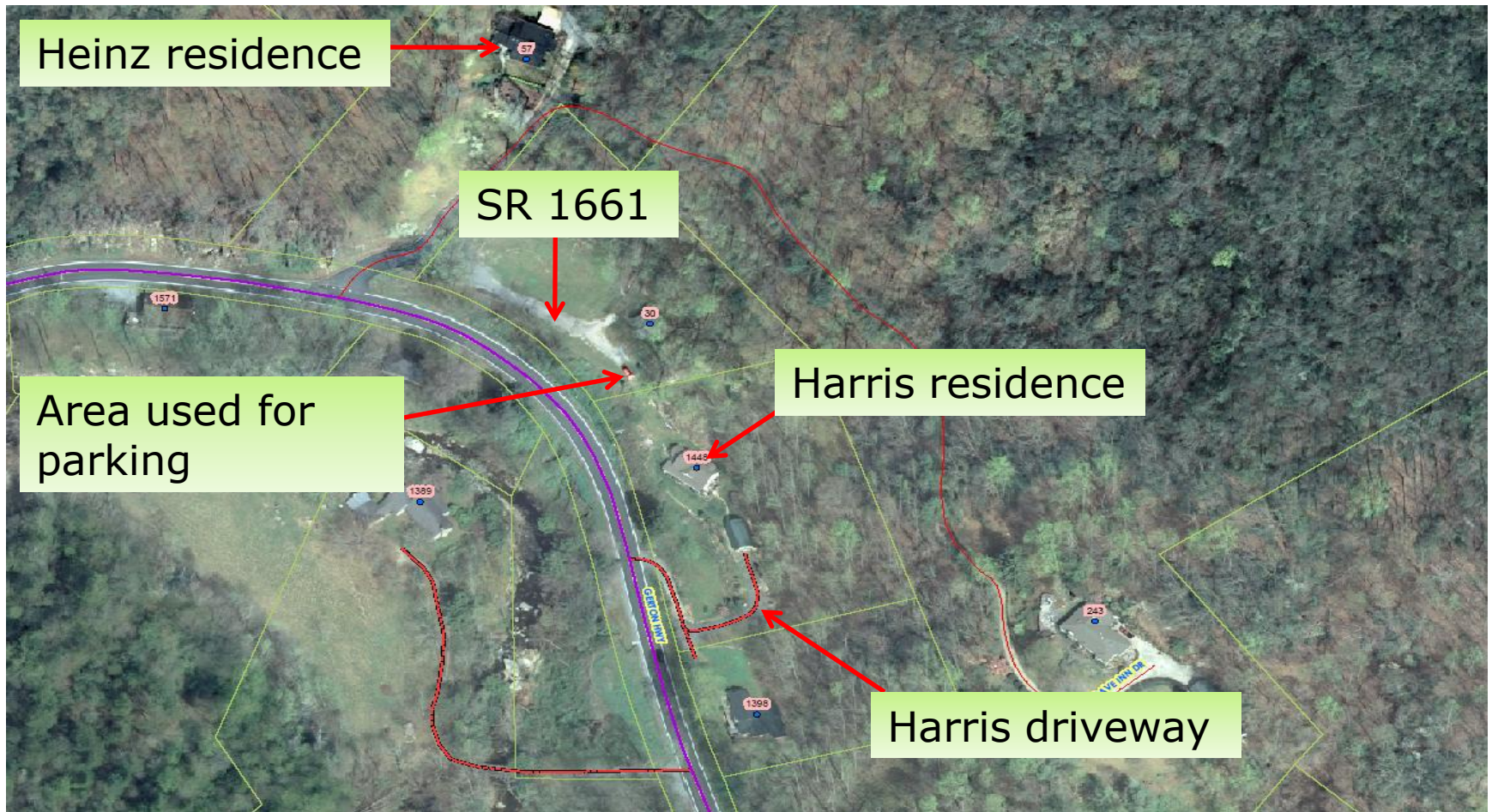
The Planning Department staff requests the Board to determine which option is appropriate.

#### **Suggested Motions:**

Option 1: I move the Board recommend the abandonment of state maintenance to NCDOT and direct staff to prepare an order for closure of all known rights-of-way for Cave Inn Drive.

Option 2: I move the Board take no action until both parties reach an agreement of terms regarding this issue.

# Area of proposed abandonment and right of way closure



# Abandonment and closure of right of way for Cave Inn Drive (SR 1661)

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- ❑ Tentative Agreement Points:
  1. Access easement is platted and prescribed
  2. Inclement weather access for Harris'
  3. Fuel truck access to Harris property
  4. Emergency vehicle access to Harris property
  5. Agreement terminates when Harris' convey their property
  6. Harris' agrees not to oppose ROW closure and SR abandonment
  7. Harris' assume liability for damages while someone is uses easement for Harris'.

# Abandonment and closure of right of way for Cave Inn Drive (SR 1661)

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- Tentative Agreement Points:
  - 8. Heinz' agree for road to stay in place per plat and will maintain said access