

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: March 16, 2016

SUBJECT: Closing of a portion of Cloverdale Drive (SR 1530)

PRESENTER: Curtis Griffin, Property Addressing

ATTACHMENTS: (1) Petition to close portion of Cloverdale Drive (SR 1530)
(2) Map of area
(3) Proposed Resolution of Intent

SUMMARY OF REQUEST:

Staff received the attached petition to abandon state maintenance and close the Right of Way (ROW) for a portion of Cloverdale Drive (SR 1530). A copy of the petition requesting the closing is attached.

Under N.C. Gen. Stat. 153A-241, you have the power to close any public road or easement not within a city, except public roads or easements for public roads under control of the Department of Transportation. To do so, the Board must:

- Vote to adopt a resolution declaring its intent to close the public road or easement
- Call and notice a public hearing on closing the road or easement, with notice "reasonably calculated to give full and fair disclosure of the proposed closing to be published once a week for three successive weeks before the hearing, a copy of the resolution to be sent by registered or certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed, and a notice of the closing and public hearing to be prominently posted in at least two places along the road or easement".
- Hold the public hearing, where the Board must "hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual property rights".
- Then, if the Board "is satisfied that closing the public road or easement is not contrary to the public interest and (in the case of a road) that no individual owning property in the vicinity of the road or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the Board may adopt an order closing the road or easement".
- File a copy of the Board's order with the Register of Deeds.

BOARD ACTION REQUESTED:

Staff recommends approval of the resolution and the setting of the public hearing to May 18, 2016.

Suggested Motion:

I move that the Board adopt the proposed resolution and set the public hearing for May 18, 2016 at 9:00am.



2/10/16

Lassonde Pappas & Company, Inc.
125 Industrial Park Road
Hendersonville, NC 28792

Curtis Griffin
Property Addressing Coordinator
Henderson County Planning Department
Property Addressing Division
100 North King Street
Hendersonville, NC 28792

Subject: Lassonde Pappas & Company, Inc. request to close a portion of Cloverdale Drive

Dear Mr. Griffin:

The purpose of this letter is to follow up on our discussion and formally request closure of Cloverdale Drive, abandonment of the right of way and annexation of the land to Lassonde Pappas.

Lassonde Pappas recently acquired parcels located Northwest of our existing facility and we now own the property on both sides of Cloverdale Drive (SR 1530) from the Northeast side of the existing railroad crossing to the intersection of Cloverdale/North Egerton Road (SR1632). We respectfully request that the Henderson County Board of Commissioners, in cooperation with the NCDOT, support a resolution to close that portion of Cloverdale which borders our property as well as a small portion on the Southwest side of the rail crossing between a new turn around and the tracks (see Figure 1). The following key points support approval of this request:

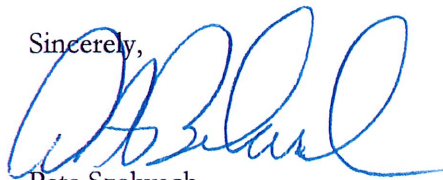
1. **Future Expansion/Economic Development.** Lassonde Pappas has operated in Henderson County since 2002, providing high paying manufacturing jobs. Closure and annexation of the road will enable Lassonde Pappas more options and flexibility to expand its operational footprint in the future.
2. **Employee Safety.** Expanding operations across Cloverdale onto the new parcel will require that our employees and vehicles (forklifts, etc.) travel between buildings. Crossing an active road by pedestrian employees and plant vehicles which are not licensed for use over the road would present a safety and DMV compliance concern.
3. **Emergency Response.** Following our phone conference on 1/11/16 with Rocky Hyder, Henderson County Emergency Services Director, we agreed that once the road is closed there will be sufficient access for emergency vehicles to respond to issues at our facilities.
4. **Public Safety.** Since Lassonde Pappas is a beverage manufacturer, part of our future expansion may require extension of plant utilities, specifically liquid and gaseous

anhydrous ammonia refrigeration lines, from our existing plant to the new parcel. Given Process Safety Management (PSM) considerations, it would be very costly and introduce a potential public safety concern if we had to cross an active DOT road (Cloverdale Drive) with overhead lines. In addition, closing Cloverdale Drive will address concerns of residential owners who likely oppose 24 hour truck traffic to/from Mountain Home Industrial Park.

5. **Future Traffic Pattern.** On 1/29/16, Blake Kehoe, Lassonde Pappas' Director of Engineering, and I met with Steve Cannon, NCDOT District Engineer, to discuss options for a turn around on the Southwest side of the railroad crossing. Upon adoption of the resolution by the Henderson County Board of Commissioners, Lassonde Pappas agrees to construct a T-type turn around at our expense and relocate existing utilities as necessary. We would also install barrier signs and remove the asphalt between the turn around and tracks to eliminate any possibility of vehicle traffic across the tracks. NCDOT and Watco would approve the final scope of work and final installation.
6. **Eliminate The Rail Crossing (see Figure 2).** On 1/18/16, I communicated with Darl Farris, General Manager of Watco, about this project and he confirmed on 2/11/16 via email that it is in the railroad's interest to decommission this crossing. They would like to remove all signalization by end of the project. Watco will support the NCDOT stipulation and permit Lassonde Pappas to construct the T-type turn around on the Southwest side of the tracks in the 50' x 50' right of way which is shared by Watco/Blue Ridge Southern RR and the NCDOT.

Lassonde Pappas thanks you for your consideration in this project. Given the points outlined above, we are confident that the Henderson County Board of Commissioners and public will support this request. Please contact me for any questions.

Sincerely,



Pete Szelwach
Plant Manager
Lassonde Pappas and Company, Inc.

Figure 1: Cloverdale Drive Closure and Existing Facilities

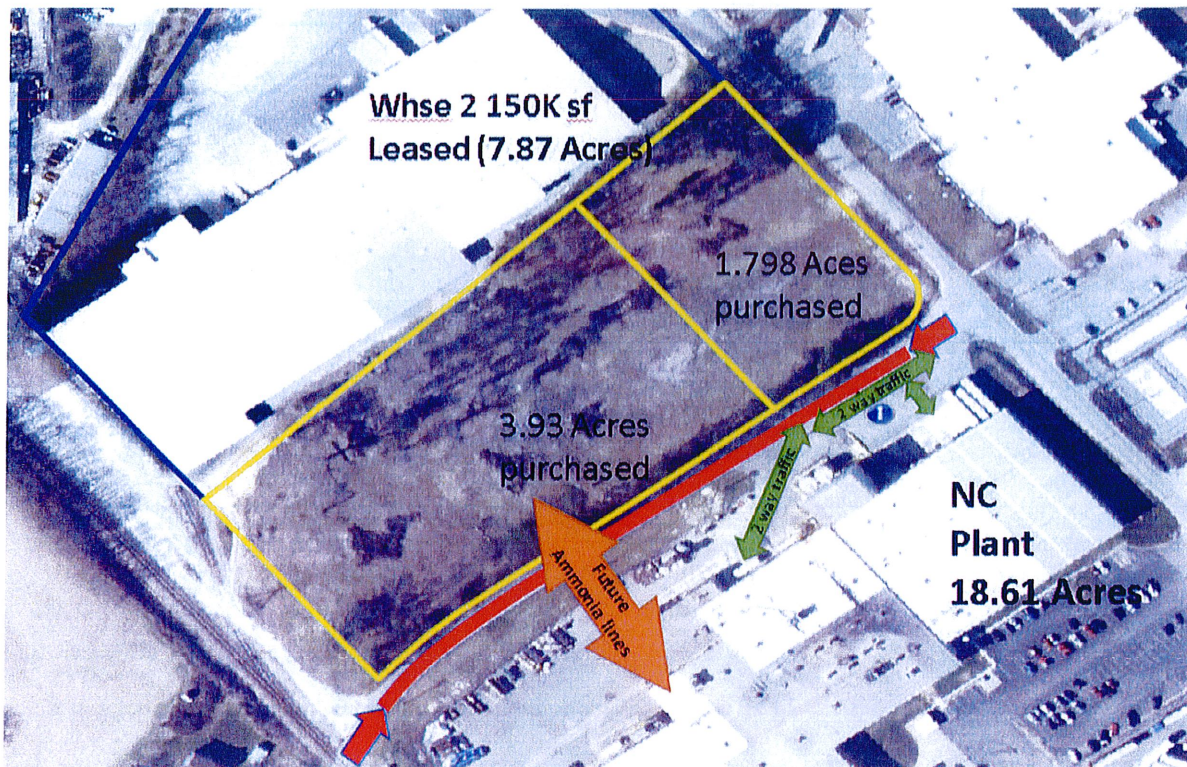
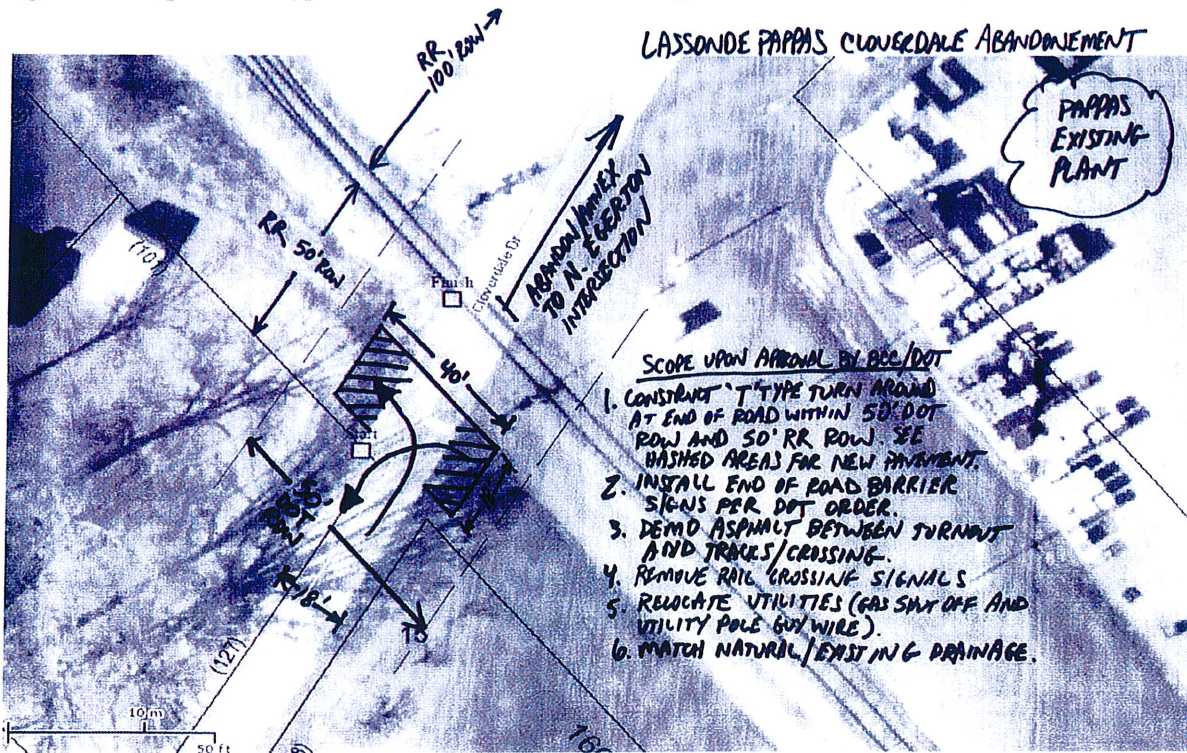


Figure 2: Proposed T-Type Turn Around / Rail Crossing Closure



Lassonde Pappas Request to Close portion of Cloverdale Drive



0 105 210 420 630 840
Feet



Proposed portion
to be closed

1 inch = 250 feet

Map Created by Curtis Griffin
Henderson County Planning Dept.
Property Addressing Division
03/01/2016



**HENDERSON COUNTY
NORTH CAROLINA**

Before the Board of Commissioners

Pursuant to N.C. Gen. Stat. §153A-241, this Board has the power to close public roads and easements which are not within a municipality except public roads and easements and under the control and supervision of the North Carolina Department of Transportation.

Lassonde Pappas & Company Inc. has petitioned the Board for the closure of portion of Cloverdale Drive (SR 1530), located in the Mountain Home area of Henderson County which meets the criteria, above.

Prior to closing such an easement, the Board must first adopt a resolution indicating its intent to consider the same, and call a public hearing on the issue.

NOW, THEREFORE, BE IT RESOLVED that the Board will consider the closing of a portion of Cloverdale Drive (SR 1530) at its regularly scheduled meeting on May 18, 2016, after a public hearing. The Board hereby calls a public hearing to be held on this issue on such date, and directs staff to provide notice, pursuant to N.C. Gen. Stat. §153A-241, of the same.

Duly adopted, this the 16th day of March, 2016.

THOMAS H. THOMPSON, Chairman
Henderson County Board of Commissioners

Attest:

TERESA L. WILSON
Clerk to the Board of Commissioners