

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** June 17, 2020

**SUBJECT:** Public Hearing to close portions of Anders Avenue, Meadow Circle, and associated 10-foot alleys

**PRESENTER:** Sam Starr, Property Addressing Office

**ATTACHMENTS:**

- (1) Area maps depicting Rights of Way to be abandoned, and existing conditions
- (2) Applicant's letter to Henderson County Property Addressing Office
- (3) North Carolina General Statute 153A-241
- (4) Petition for Road Closure
- (5) Order to permanently close portions of Anders Avenue, Meadow Circle, and associated 10-foot alleys
- (6) PowerPoint

### SUMMARY OF REQUEST:

Planning and Property Addressing staff have received the attached petition and survey to close portions Anders Avenue, Meadow Circle, and associated 10-foot alleys. Under North Carolina General Statute (UNGS) 153A-241, municipalities 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 close any road, 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:**

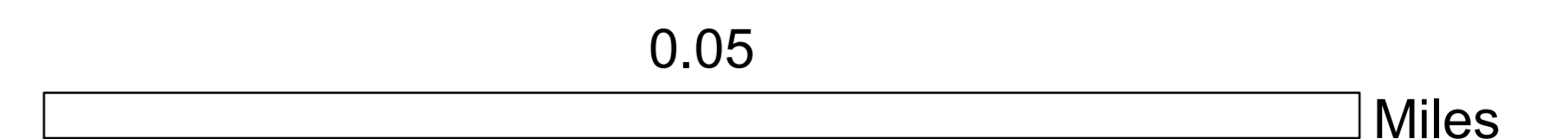
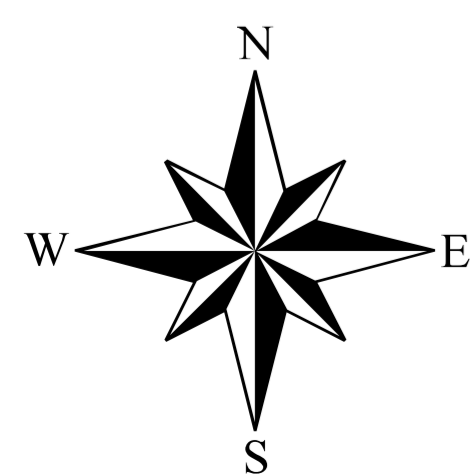
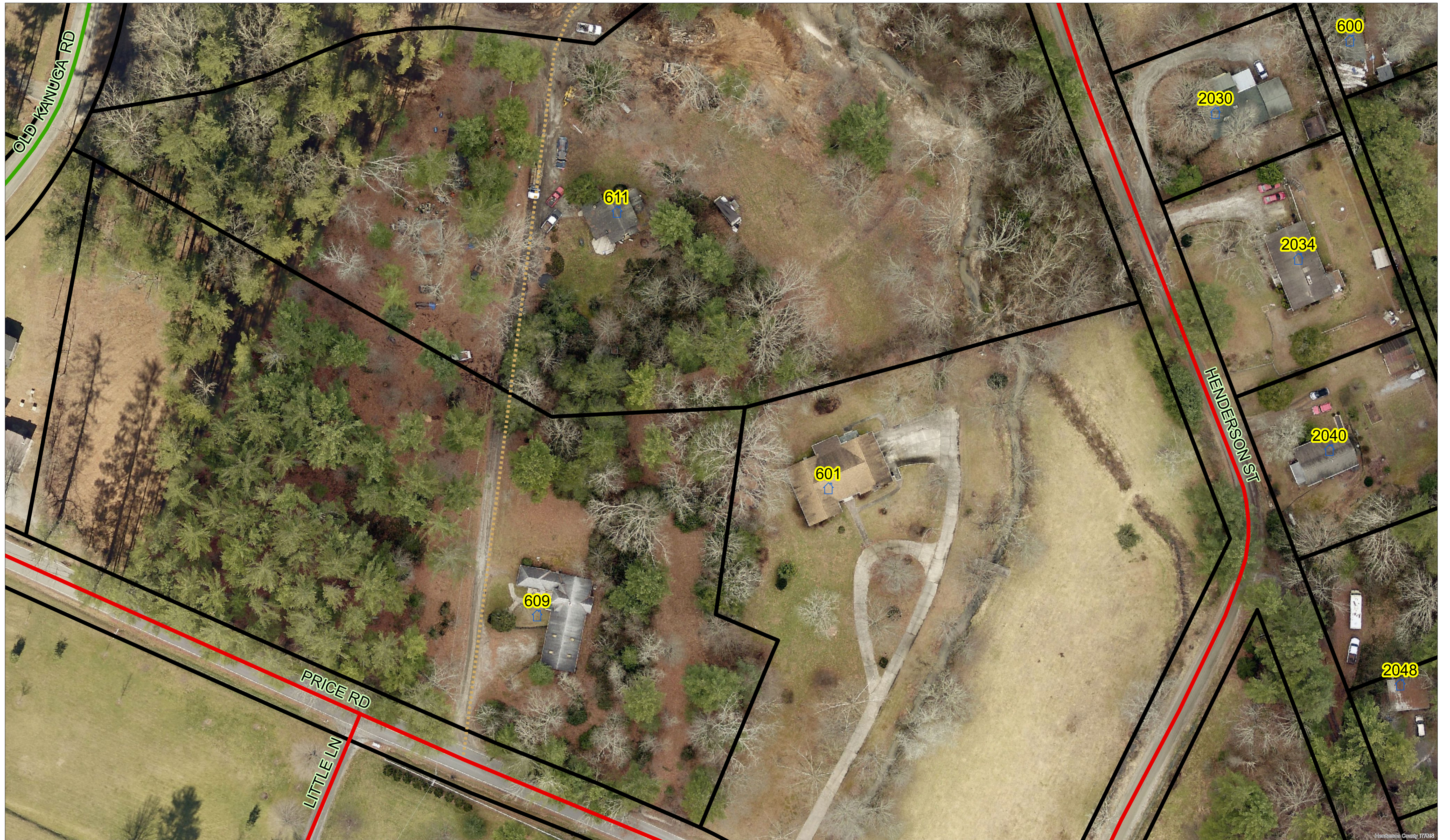
Staff recommends approval of closing portions of Anders Avenue, Meadow Circle, and associated 10-foot alleys.

**Suggested Motion:**

I move that the Board approve closure of the rights-of way and certify the Order of Closure.



# Site Plan for 609 Price Road and Surrounding Properties





# EXISTING PLAT MAP



THERE ARE NO CORNERS LOCATED ON THE PROPERTY  
 THE APPROXIMATE PORTION OF THE PROPERTY LIES  
 WITHIN THE 600 PARCELS/ACRES DISTRICT, THE  
 REMAINDER OF THE PROPERTY LIES WITHIN THE 500  
 PARCELS/ACRES DISTRICT

THERE IS A PERMANENT STREAM ON THE EASTERN PORTION OF THE PROPERTY

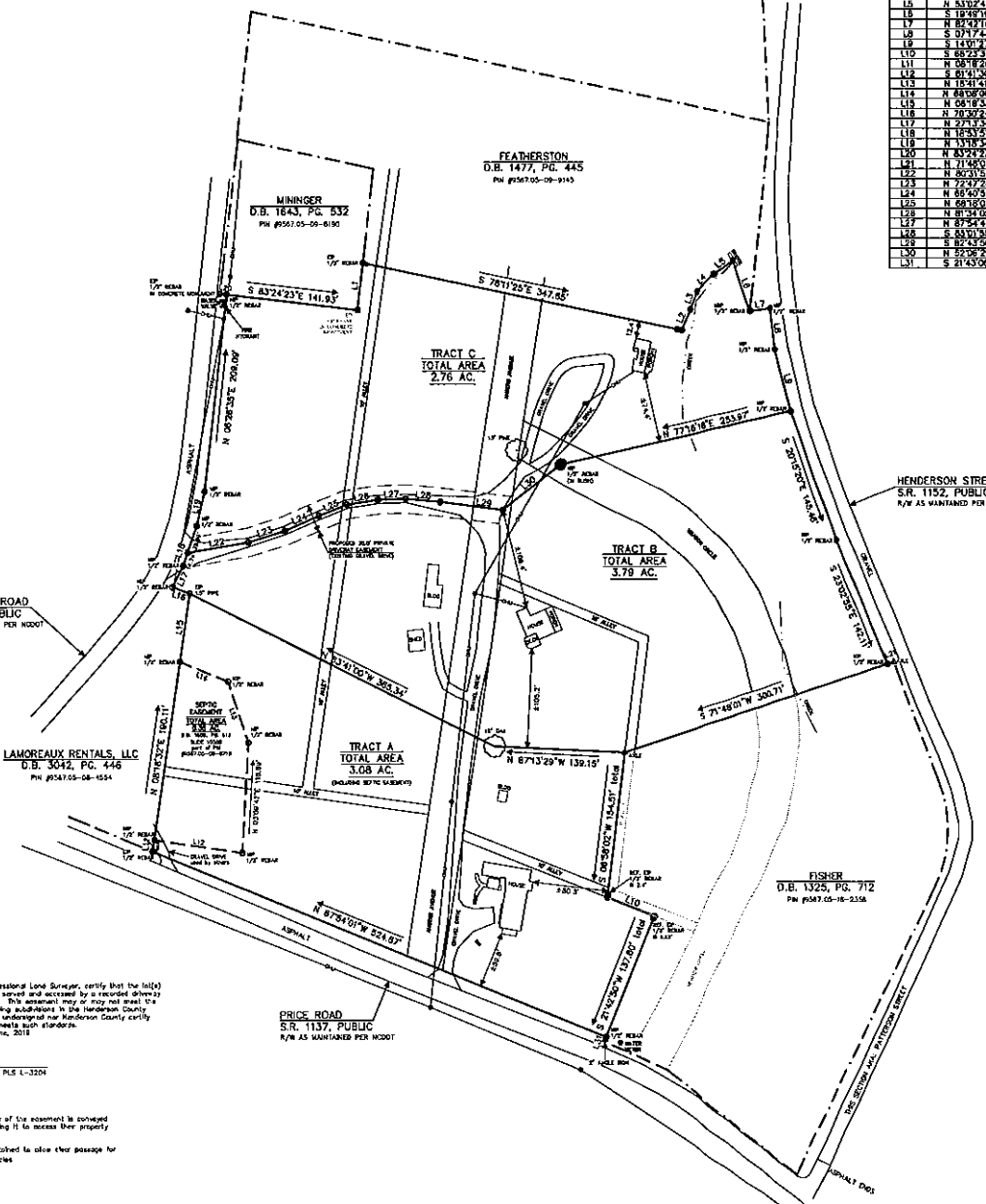
A WOMAN THIRTY FOOT (30') STRIP FOR BUILDINGS  
 OR OTHER STRUCTURES, INCLUDING BARRIERS OF OBSCURITY,  
 IS REQUIRED ALONG ALL PERMANENT STREAMS INDICATED  
 ON THE MOST RECENT VERSION OF LOCAL TOPOGRAPHIC MAPS

THIS PROPERTY IS LOCATED IN THE #3 ZONING DISTRICT  
 BUILDING SETBACKS ARE:  
 FRONT - 10' FROM FRONT OR R/W (OR MAILING-COLLECTION)  
 SIDE - 5 FEET FROM PROPERTY LINES  
 REAR - 5 FEET FROM PROPERTY LINES

THIS PROPERTY IS NOT LOCATED WITHIN A WATER SUPPLY SERVICE AREA  
 THERE ARE NO PROTECTED AREAS ON THIS PROPERTY

THESE STATEMENTS ARE MADE PER FERREREN COUNTY ORD.

Course	Bearing	Distance
L1	N 08°31'45" E	50.21'
L2	N 23°35'33" E	24.04'
L3	N 21°35'00" E	23.14'
L4	N 48°24'25" E	28.82'
L5	N 53°02'45" E	24.81'
L6	S 07°17'44" E	43.87'
L7	N 89°21'18" E	21.86'
L8	S 14°01'27" E	46.22'
L9	S 68°23'37" E	23.07'
L10	N 08°18'26" E	12.13'
L11	S 81°14'00" E	15.76'
L12	N 18°41'41" W	68.23'
L13	N 88°08'00" W	25.89'
L14	N 08°18'26" E	12.13'
L15	N 08°18'26" E	12.13'
L16	N 78°30'24" W	19.79'
L17	N 27°13'44" E	25.25'
L18	N 18°23'25" E	44.73'
L19	N 13°18'34" E	37.43'
L20	N 83°23'23" W	7.22' (to line)
L21	N 71°42'01" E	7.08' (to line)
L22	N 80°31'51" E	68.19'
L23	N 72°24'20" E	41.00'
L24	N 68°40'57" E	40.27'
L25	N 68°12'01" E	31.86'
L26	N 81°34'00" E	34.00'
L27	N 87°54'42" E	29.75'
L28	S 03°01'30" E	27.38'
L29	S 17°43'08" E	41.29'
L30	N 52°08'20" E	78.66'
L31	S 21°43'00" W	3.31' (to line)



I, David C. Hurley, Professional Land Surveyor, certify that the plat(s) created by this plot are saved and accessed by a recorded survey instrument when hereon. This instrument may or may not meet the standards for records saving as such-plats in the Henderson County Land Code. Neither the landowner nor Henderson County certify whether this instrument meets such standards. This the 24th day of June, 2018.

David C. Hurley PLS L-3204

Maintenance responsibility of the easement is conveyed to the homeowners utilizing it to access their property.

Easement must be mobilized to allow their passage for emergency response vehicles.

I, \_\_\_\_\_ Review Officer of Henderson County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer Date

I, \_\_\_\_\_ Subdivision Administrator for Henderson County, certify that this plat/map has been reviewed and approved as a Special Subdivision in accordance with the Henderson County Subdivision Ordinance.

Subdivision Administrator Date

This plat was presented for registration and recorded in this office in Plat Book \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 A.D.

Register of Deeds

PORTIONS OF ANDERS AVENUE, MEADOW CIRCLE, & 10' ALLEYS, AS SHOWN ON RECORDED PLAT CAB. B, SLIDE 118 (OLD PLAT BK. 2, PG. 32), HAVE BEEN CLOSED BY JUDGEMENT FOUND IN D.B. 3335, PG. 426

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCEL OF LAND

I, David C. Hurley, certify that this plat was drawn under my supervision from an actual survey made under my supervision (used description recorded in BK. 3072, PG. 188) and that the boundaries not surveyed are shown by reference to information found in BK. 3072, PG. 188, and that the plat was prepared in accordance with D.S. 47-50 as amended. Witness my original signature, registration number and seal the 24th day of June, 2018.

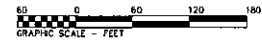
David C. Hurley PLS L-3204

DEED REF:  
 D.B. 1678, PG. 165  
 D.B. 1686, PG. 618  
 D.B. 3335, PG. 426

PLAT REF:  
 CAB. B, SLIDE 118  
 SLIDE 10388

PN #2567.05-08-8719

CURRENT OWNER: NAN McFERREN REVOCABLE TRUST



- EP EXISTING IRON PIN
- RP NEW IRON PIN
- BP UNMARKED POINT
- CONC. MON. CONCRETE MONUMENT
- CP CORNER POLE
- LP LIGHT POLE
- CL CENTER LINE
- R/W RIGHT OF WAY
- CONC. CONCRETE
- RD. REFERENCE
- DU OVERHEAD UTILITIES

REVISED: SURVEYED ENTIRE BOUNDARY AND DIVIDED PROPERTY ON 05/12/19

Area was determined by Coordinate Computation.



STATE OF NORTH CAROLINA  
 HENDERSON COUNTY  
 HENDERSONVILLE TOWNSHIP

TRACTS A, B, & C  
 McFERREN PROPERTY  
 SPECIAL SUBDIVISION

DAVID C. HURLEY & ASSOCIATES, INC.  
 135 WARE STREET  
 HENDERSONVILLE, NC 28742  
 (828) 934-0017

SURVEY 2018  
 DRAWN KMC  
 SCALE 1" = 50 FT  
 DATE: 05/22/19  
 DWG. NO. H-89855

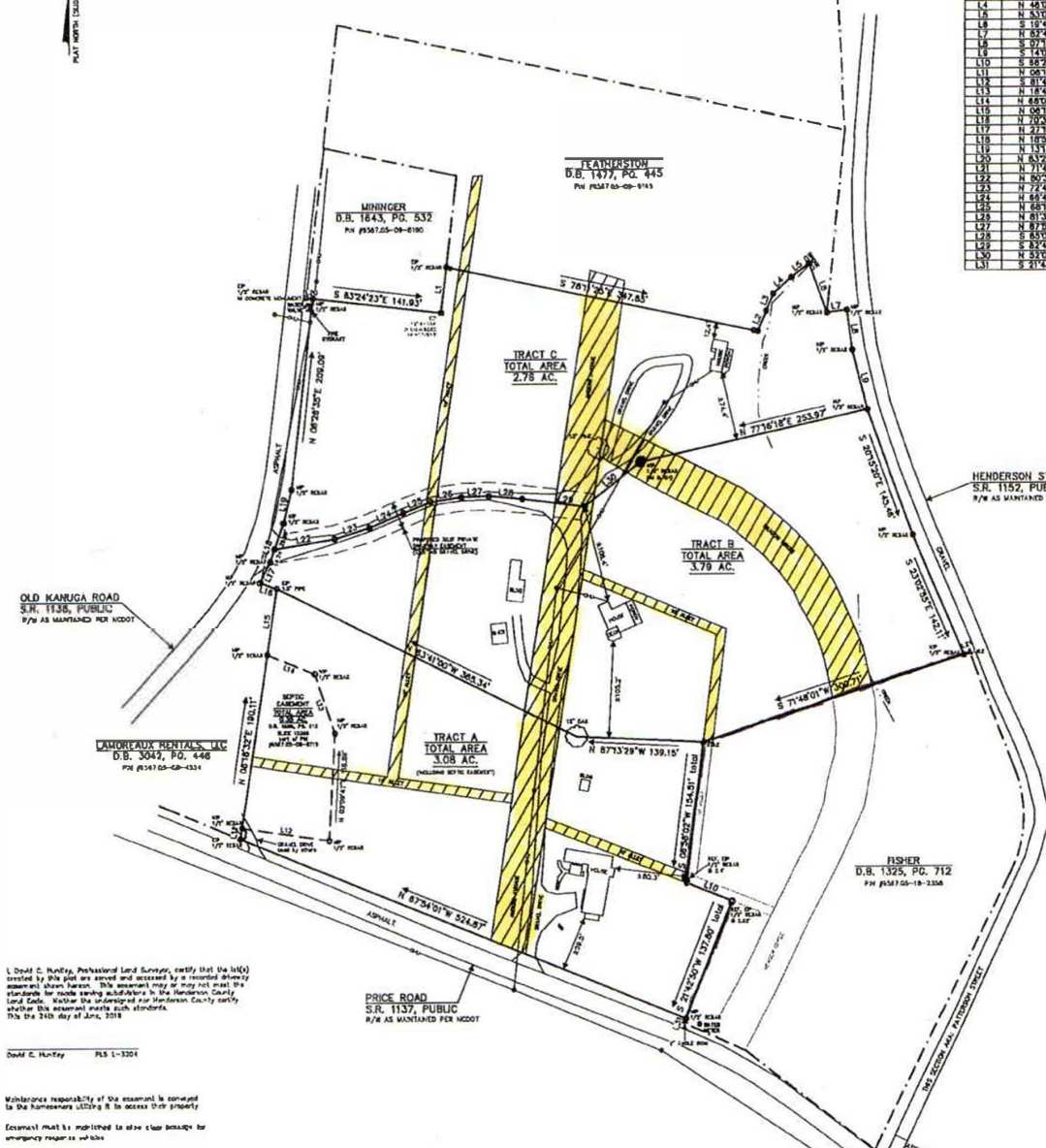
# Proposed ROW Closures

(Highlighted in yellow)



SEES & HEAR - NOT FROM PROPERTY LINES  
 THIS PROPERTY IS NOT LOCATED WITHIN A WATER SUPPLY CATCHMENT  
 THERE ARE NO PROPOSED BRIDGES ON THIS PROPERTY  
 SOME STRUTMENTS ARE MADE FOR HENDERSON COUNTY USE

Course	Bearing	Distance
L1	N 06°31'43" E	360.21
L2	N 23°10'33" E	24.04
L3	N 21°30'00" E	20.14
L4	N 44°02'20" E	24.94
L5	S 10°02'44" E	21.88
L6	S 19°49'10" E	26.87
L7	S 6°42'14" E	23.97
L8	S 07°17'44" E	43.89
L9	S 14°01'27" E	88.57
L10	S 16°23'37" E	23.97
L11	N 06°18'28" E	12.13
L12	S 81°41'58" E	28.21
L13	N 15°41'21" W	28.21
L14	N 88°08'09" W	35.83
L15	N 08°18'43" E	13.72
L16	N 70°30'24" W	13.72
L17	N 21°33'45" E	25.35
L18	N 16°23'37" E	25.35
L19	N 13°18'54" E	44.25
L20	N 08°18'43" E	37.43
L21	N 71°08'01" E	228.18
L22	N 60°21'01" E	68.18
L23	N 72°42'01" E	21.88
L24	N 84°40'57" E	40.57
L25	N 68°18'01" E	21.88
L26	N 81°34'20" E	21.88
L27	N 87°54'49" E	20.14
L28	S 83°07'40" E	20.14
L29	S 82°43'58" E	27.19
L30	N 53°06'29" E	26.87
L31	S 21°43'00" W	33.11



I, David C. Hanley, Professional Land Surveyor, certify that the (1/4)th interest in this plot are owned and accessed by a recorded driveway easement shown herein. This easement may or may not meet the standards for road opening subdivisions in the Henderson County Land Code. With the undersigned for Henderson County certify whether this easement meets such standards. This the 21st day of June, 2019.

David C. Hanley PLS L-3204

Maintenance responsibility of the easement is conveyed to the Homeowner (L27) if it access their property. Easement must be maintained to allow clear passage for emergency repair as follows:

Review Officer of Henderson County certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Subdivision Administrator for Henderson County certify that the plat/map has been reviewed and approved on a Special Subdivision in accordance with the Henderson County Subdivision Ordinance.

This plat was presented for registration and recorded in this office in Plot Book \_\_\_\_\_ this the \_\_\_\_\_ day of \_\_\_\_\_ 2019 A.D. at \_\_\_\_\_ o'clock \_\_\_\_\_ P.M.

REGISTERED

PORTIONS OF ANDERS AVENUE, MEADOW CIRCLE, & 10' ALLEYS AS SHOWN ON RECORDED PLAT CAB. B, SLIDE 118 (OLD PLAT BK 2, PG. 37), HAVE BEEN CLOSED BY ADJUDICANT FOUND BY D.B. 3335, PD. 428

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND

I, David C. Hanley, certify that this plat was drawn under my supervision from an actual survey made under my registration (Deed description recorded in Bk. 1874, Pg. 182). I, that the boundaries not surveyed are clearly indicated on drawn from information found in Bk. 1874 - Pg. 182. I, that the plat was prepared in accordance with G.S. 17-20 as amended. Witness my official signature, registration number and seal this 21st day of June, 2019.

David C. Hanley PLS L-3204

DEED REF:  
 D.B. 1676, PG. 185  
 D.B. 1686, PG. 818  
 D.B. 3335, PG. 428

PLAT REF:  
 CAB. B, SLIDE 118  
 SLIDE 10388

PLI #9567.05-08-8719

CURRENT OWNER: NAN McFERREN REVOCABLE TRUST

GRAPHIC SCALE - FEET

- LEGEND
- EP EXISTING BURN PIN
- SP NEW BURN PIN
- PT UNMARKED POINT
- CONC. MON. CONCRETE MARKING
- PP POWER POLE
- LP LIGHT POLE
- CD CENTER LINE
- R/W RIGHT OF WAY
- DM DIMENSION
- REF. REFERENCE
- CHD DITCH/ROAD UTILITIES

REVISION: SURVEYED ENTIRE BOUNDARY AND DIVIDED PROPERTY ON 05/22/19

Area was determined by Coordinate Computation.



STATE OF NORTH CAROLINA  
 HENDERSON COUNTY  
 HENDERSONVILLE TOWNSHIP

DAVID C. HANLEY & ASSOCIATES, INC.  
 303 WALK STREET  
 HENDERSONVILLE, NC 28752  
 (704) 938-6077

SURVEY DATE  
 DRAWN DATE  
 SCALE 1" = 60 FT.  
 DATE: 05/22/19  
 DWG. NO. H-190555

TRACTS A, B, & C  
 McFERREN PROPERTY  
 SPECIAL SUBDIVISION

# ROMEO, HARRELSON & COINER, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

RANDOLPH C. ROMEO Of Counsel  
EDWARD L. HARRELSON ([edward@chslegal.com](mailto:edward@chslegal.com))  
FRANCIS M. COINER 1923-2004

136 S. KING STREET, SUITE B  
HENDERSONVILLE, NC 28792

[WWW.EDWARDHARRELSON.COM](http://WWW.EDWARDHARRELSON.COM)

TELEPHONE: (828) 698-2345  
FACSIMILE : (828) 697-1283

April 17, 2020

Sam Starr  
Henderson County Property Addressing  
100 N. King St.  
Hendersonville, N.C. 28792

**\*\*\*REVISED 5/11/2020\*\*\*  
REVISED DRAWINGS ATTACHED**

Re: Permanent Road Closure – Portions of Anders Avenue, Meadow Circle, & 10' Alleys

Dear Mr. Starr:

I am writing on behalf of Nan McFerren, Trustee of the Nan McFerren Revocable Trust dated September 5, 2012 regarding the permanent closure of an unopened street or alley pursuant to N.C.G.S. 153A-241. Ms. McFerren requests that the county permanently close the portions of Anders Avenue, Meadow Circle, and the adjoining 10' alleyways identified on the attached survey entitled "Tracts A, B & C – McFerren Property – Special Subdivision" by David C. Huntley & Associates, Inc. bearing Drawing No. H-6965S, dated May 22, 2019. The plat was recorded June 24, 2019 at Plat Slide 11888, Henderson County Registry. A copy of the surveyor's drawing is attached to more clearly show the locations of Meadow Circle, Anders Avenue and the roads/alleys. The portions of roads/alleys to be closed are shown in a second drawing and are shaded/hatched to specifically identify each of these portions.

The portions of Anders Avenue, Meadow Circle and the 10' alleys to be closed are also described in that judgment entered in Henderson County file 19 CVD 173 on May 17, 2019, a copy of which has been recorded in Book 3335, at Page 426, Henderson County Registry. Notwithstanding the judgment, Ms. McFerren has been unable to sell a portion of the property because the title insurance company will not accept the judgment as sufficient to close the roads.

Anders Avenue runs from the public Price Road (S.R. 1137) and through Tracts A & B, the property of the Nan McFerren Revocable Trust dated September 5, 2012, being more particularly described in Book 3354, at Page 81, Henderson County Registry, and Tract C, the property of Barbara Woodin, being more particularly described in Book 3360, at Page 653, Henderson County Registry, to the Featherston tract which is more particularly described in Deed Book 1447, at Page 445, Henderson County Registry.

The portion of Meadow Circle to be closed runs from Anders Avenue through the above-described Tracts B (McFerren) and C (Woodin). *[A portion of Meadow Circle runs directly from the public Price Road (S.R. 1137) through the Fisher tract described in Deed Book 1325, at Page 712, Henderson County Registry, and it is not our intention to seek the closure of that portion of Meadow Circle at this time.]*

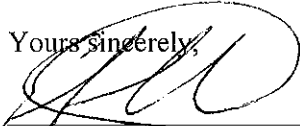
One of the unnamed 10' alleys runs West from Anders Avenue to the common line of the LaMoreaux Rentals LLC property and Tract A (McFerren). A second alley runs North from the above-described Tract A (McFerren) through Tracts B (McFerren) and C (Woodin) onto the property of Featherston. A third alley situated on Tract B (McFerren) runs East and then South to the common line of Tract B and the Fisher tract described in Deed Book 1325, at Page 712, Henderson County Registry. *[It is not our intention to seek the closure of a fourth alley, running south from the common line of Tract B (McFerren) and the Fisher tract and East to the portion of Meadow Circle located on the Fisher tract, at this time.]*

Meadow Circle and Anders Avenue are also shown on that plat entitled "Addition to Osceola Lake Park" by Case & Williamson Engrs. Dated January 1926 and recorded in Plat Book 2, at Page 32 (now re-indexed to Plat Cabinet B, at Slide 118), Henderson County Registry.

A map of the streets to be closed is attached. The Nan McFerren Revocable Trust, Johnnie Featherston and wife, Colette M. Featherston, Steven Mininger and wife, Ruth Mininger, and Barbara Woodin comprise all of the affected owners of property adjoining the sections of unopened street to be closed. The portions to be closed are not necessary for access to any lot.

It is the desire of Ms. McFerren and adjoining owners Featherston, Mininger, and Woodin to permanently close the unopened portions of Anders Avenue, Meadow Circle, and the 10' alleys referenced above. Should you have any questions or require any further documentation, please do not hesitate to contact me. I am enclosing a check for \$450.00 for the application fee due to Henderson County.

Yours Sincerely,



Edward L. Harrelson

ELH/lb

Enclosures

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**§ 153A-241. Closing public roads or easements.**

A county may permanently close any public road or any easement within the county and not within a city, except public roads or easements for public roads under the control and supervision of the Department of Transportation. The board of commissioners shall first adopt a resolution declaring its intent to close the public road or easement and calling a public hearing on the question. The board shall cause a notice of the public hearing 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. At the hearing the board shall 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. If, after the hearing, the board of commissioners 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. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county.

Any person aggrieved by the closing of a public road or an easement may appeal the board of commissioners' order to the appropriate division of the General Court of Justice within 30 days after the day the order is adopted. The court shall hear the matter de novo and has jurisdiction to try the issues arising and to order the road or easement closed upon proper findings of fact by the trier of fact.

No cause of action founded upon the invalidity of a proceeding taken in closing a public road or an easement may be asserted except in an action or proceeding begun within 30 days after the day the order is adopted.

Upon the closing of a public road or an easement pursuant to this section, all right, title, and interest in the right-of-way is vested in those persons owning lots or parcels of land adjacent to the road or easement, and the title of each adjoining landowner, for the width of his abutting land, extends to the center line of the public road or easement. However, the right, title or interest vested in an adjoining landowner by this paragraph remains subject to any public utility use or facility located on, over, or under the road or easement immediately before its closing, until the landowner or any successor thereto pays to the utility involved the reasonable cost of removing and relocating the facility. (1949, c. 1208, ss. 1-3; 1957, c. 65, s. 11; 1965, cc. 665, 801; 1971, c. 595; 1973, c. 507, s. 5; c. 822, s. 1; 1977, c. 464, s. 34; 1995, c. 374, s. 1.)



**§ 136-63. Change or abandonment of roads.**

(a) The board of county commissioners of any county may, on its own motion or on petition of a group of citizens, request the Board of Transportation to change or abandon any road in the secondary system when the best interest of the people of the county will be served thereby. The Board of Transportation shall thereupon make inquiry into the proposed change or abandonment, and if in its opinion the public interest demands it, shall make such change or abandonment. If the change or abandonment shall affect a road connecting with any street of a city or town, the change or abandonment shall not be made until the street-governing body of the city or town shall have been duly notified and given opportunity to be heard on the question. Any request by a board of county commissioners or street-governing body of a city refused by the Board of Transportation may be presented again upon the expiration of 12 months.

(b) In keeping with its overall zoning scheme and long-range plans regarding the extraterritorial jurisdiction area, a municipality may keep open and assume responsibility for maintenance of a road within one mile of its corporate limits once it is abandoned from the State highway system. (1931, c. 145, s. 15; 1957, c. 65, s. 8; 1965, c. 55, s. 13; 1973, c. 507, s. 22 1/2; 1975, c. 19, s. 45; 1977, c. 464, s. 25; 1993, c. 533, s. 14.)



COPY

CONSENT TO REQUEST FOR STREET CLOSURE  
PORTIONS OF ANDERS AVENUE, MEADOW CIRCLE & 10' ALLEYS

We join in this petition to permanently close the unopened streets identified in the letter of Edward L. Harrelson dated April 17, 2020.

*NAN McFerren*

NAN McFERREN, Individually and as Trustee of the  
NAN McFERREN REVOCABLE TRUST Dated  
September 5, 2012, and any amendments thereto

Address: *071 Connecticut Ave*  
*LAKE HELEN, FL 32744*

Phone: *386-228-0066*

E-Mail: *nanmcferrren@gmail.com*

Owner of: 609 & 611 Price Rd.  
Hendersonville, N.C. 28739

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COPY

CONSENT TO REQUEST FOR STREET CLOSURE  
PORTIONS OF ANDERS AVENUE, MEADOW CIRCLE & 10' ALLEYS

We join in this petition to permanently close the unopened streets identified in the letter of Edward L. Harrelson dated April 17, 2020.

  
STEVEN MININGER

  
RUTH MININGER

Address: 1926 Old Kanuga Rd  
Hendersonville, NC 28739

Phone: 828-606-2633

E-Mail: sminingernc@gmail.com

Owners of: 1926 Old Kanuga Rd.  
Hendersonville, N.C. 28739

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CONSENT TO REQUEST FOR STREET CLOSURE  
PORTIONS OF ANDERS AVENUE, MEADOW CIRCLE & 10' ALLEYS

We join in this petition to permanently close the unopened streets identified in the letter of Edward L. Harrelson dated April 17, 2020.

  
JOANNE FEATHERSTON

  
COLETTE M. FEATHERSTON

Address: 1924 Old Kanuga Rd.  
Hendersonville, NC 28739

Phone: 828.772.2490

E-Mail: colette.featherston@gmail.com

Owners of: 1924 Old Kanuga Rd.  
Hendersonville, N.C. 28739



**CONSENT TO REQUEST FOR STREET CLOSURE  
PORTIONS OF ANDERS AVENUE, MEADOW CIRCLE & 10' ALLEYS**

We join in this petition to permanently close the unopened streets identified in the letter of Edward L. Harrelson dated April 17, 2020.

Barbara Woodin  
BARBARA WOODIN

Address: 613 Price Rd.  
Hendersonville, NC 28739  
Phone: 603.361.0633  
E-Mail: BWoodin333@gmail.com

Owner of: 613 Price Rd.  
Hendersonville, N.C. 28739

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**Henderson County  
North Carolina**

Before the Board of Commissioners

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**ORDER CLOSING A PORTION OF  
RIGHTS-OF-WAY FOR ANDERS AVENUE, MEADOW CIRCLE, AND 10' ALLEYS**

THIS MATTER came on for hearing before the Henderson County Board of Commissioners at its regular June 17<sup>th</sup> 2020, meeting, pursuant to N.C. Gen. Stat. §153A-241, on the issue of closing a portion of rights-of-way for portions of Anders Avenue, Meadow Circle, and associated 10' Alleys was heard by the Board after public hearing. The Board of Commissioners makes the following findings:

1. This matter first came before the Board of Commissioners on at the Board's regular meeting on May 20<sup>th</sup>, 2020, on the petition of the Nan McFerren Trust to close portions of Anders Avenue, Meadow Circle, and associated 10' Alleys was heard in Henderson County.
2. At the Board's May 20<sup>th</sup>, 2020 meeting, the Board adopted a resolution "declaring its intent to close" the said portions of Anders Avenue, Meadow Circle, and associated 10' Alleys.
3. A map showing the area under consideration is shown on the attachment hereto, Exhibit A, (indicated by a broken yellow line).
4. A notice of this Board's June 17<sup>th</sup> hearing was published once a week for three successive weeks before the hearing in the *Hendersonville Tribune*, a copy of the resolution was 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.
5. Before the Board on June 17<sup>th</sup>, the Board heard "all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual property rights" are required by N.C. Gen. Stat. §153A-241.
6. After such hearing, the Board is satisfied and finds:
  - A. That closing the public road or easement is not contrary to the public interest;  
and,
  - B. 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.



**WHEREFORE IT IS ORDERED** that portions of Anders Avenue, Meadow Circle, and associated 10' Alleys in Henderson County as shown on the attached map is hereby closed.

Adopted by the Board by motion duly made, this the 17<sup>th</sup> day of June, 2020.

BOARD OF COMMISSIONERS  
OF HENDERSON COUNTY

By: \_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Clerk to the Board



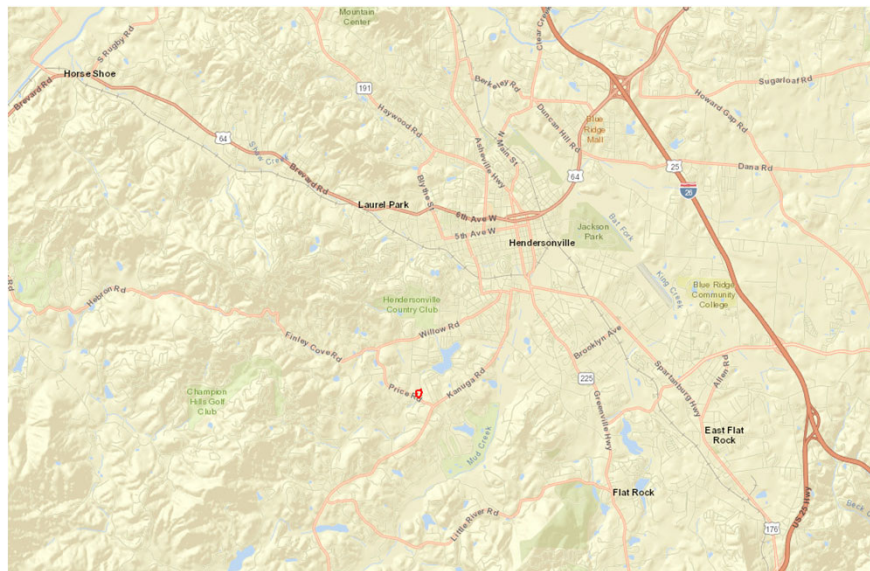
# Public Hearing to Abandon Portions of Rights of Way and associated 10' Foot Alleys located at 609 Price Road



Henderson County Board of Commissioners  
June 17<sup>th</sup>, 2020

*Henderson County Planning Department*

## Context Map I



*Henderson County Planning Department*



# Context Map II

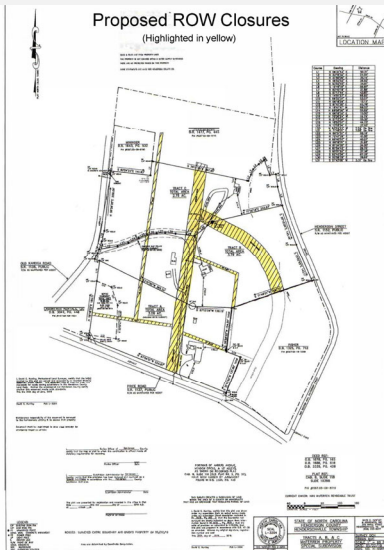
Site Plan for 609 Price Road and Surrounding Properties



0.05 Miles

Henderson County Planning Department

# Proposed Closures I



- Paper rights of way
- No impacts to existing driveways
- No signature from owners of 601 Price; smaller portion of Meadows Cir RROW to remain on their property

Henderson County Planning Department



# Proposed Closures II

Proposed ROW Closures Relative to Existing Roads



**Legend**

- ROW Layout
- Existing Streets
- Proposed Closures

0 75 150 300 450 600 Feet

- **ONLY Impacts 609, 611, 613, 621, 623 Price Road**

*Henderson County Planning Department*

## Public Noticing + Comment

- **Paper notice: 5/27, 6/3, 6/10**
- **Bi-directional signage posted for 21 days**
- **Adjacent and Applicant notified per NCGS mailing standard**
  
- **Public Comment only received from owners of 55 Little Ln.**
  - **Family is supportive of closures**

*Henderson County Planning Department*