

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 19th, 2020

SUBJECT: Public Hearing to rename Branch N Berry Trail to Moon Circle and Approve Interlocal Agreement with Town of Mills River

PRESENTER: Sam Starr, Property Addressing Coordinator

ATTACHMENTS:

- (1) Interlocal Agreement with the Town of Mills River
- (2) Area maps depicting Location of Branch N Berry Trail
- (3) Petitioner's Application
- (4) Order to Rename Branch N Berry Trail to Moon Circle
- (5) PowerPoint Slides

SUMMARY OF REQUEST:

Planning and Property Addressing staff have received the attached application to rename Branch N Berry Trail to Moon Circle. Under Section 41-7D of the Henderson County Municipal code, the Property Addressing Coordinator has the authority to post that street name and present the street name to the Board of County Commissioners at a public hearing, provided that all public noticing requirements are met and the applicants obtained "a favorable response by the property owners representing a one hundred percent (100%) for any particular street name."

The applicant, Mr. Jason Bundy, has submitted all required documentation and obtained 100% response from impacted property owners to initiate this application. Seeing as there are no duplicative names in the county's Master Street Address Guide (MSAG) that would cause confusion to residents and motorists, and that Mr. Bundy is the sole owner of all affected properties, staff recommends approval of this application.

In order to rename this road, an interlocal agreement needs to be approved with the Town of Mills River. The Town of Mills River will review this agreement for approval at its August 13th meeting.

BOARD ACTION REQUESTED:

Staff requests that the Board consider approval of the interlocal agreement with the Town of Mills River and the renaming of Branch N Berry Trail to Moon Circle as requested and petitioned by the applicant.

Suggested Motion:

I move that the Board approve the Interlocal Agreement for property addressing in the Town of Mills River, and

I move that the Board approve renaming Branch N Berry Trail to Moon Circle.

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

INTERLOCAL AGREEMENT

This INTERLOCAL AGREEMENT is made between the County of Henderson, a body corporate and politic of the State of North Carolina (the "County"), and the Town of Mills River, a North Carolina municipal corporation ("Mills River"). This agreement is executed as is stated below, but is effective as of August 3, 2020.

Statement of Facts and Circumstances

A. The County and Mills River entered into an Interlocal Agreement regarding the County enforcing its Property Addressing Ordinance within the bounds of Mills River in September of 2003.

B. Mills River has requested that the Agreement be extended as stated herein, and the other parties are in agreement with this request.

NOW, THEREFORE, in consideration of the covenants, conditions, performances and promises contained herein, the parties agree as follows:

1. The County shall exercise on behalf of Mills River by administering and executing its Property Addressing Ordinance, currently indexed as Chapter 41 of the Henderson County Code.

2. This Interlocal Agreement shall stay in effect for a period through and including June 30, 2025. Notwithstanding, however, this Interlocal Agreement shall be automatically extended for additional five year periods if notice is not given, in writing, to the other party by the party seeking to terminate the agreement at least one full year prior to the date of termination of the Interlocal Agreement as it may be extended (including automatic extensions).

3. Addresses for notices shall be as follows:

Town of Mills River
c/o Town Manager
124 Town Center Drive
Mills River, NC 28759

Henderson County Sheriff's Office
100 North Grove Street
Hendersonville, NC 28792

County of Henderson
c/o County Attorney
1 Historic Courthouse Square, Suite 5
Hendersonville, NC 28792

AGREED TO AND EXECUTED by authority duly given, this the _____ day of _____, 2020.

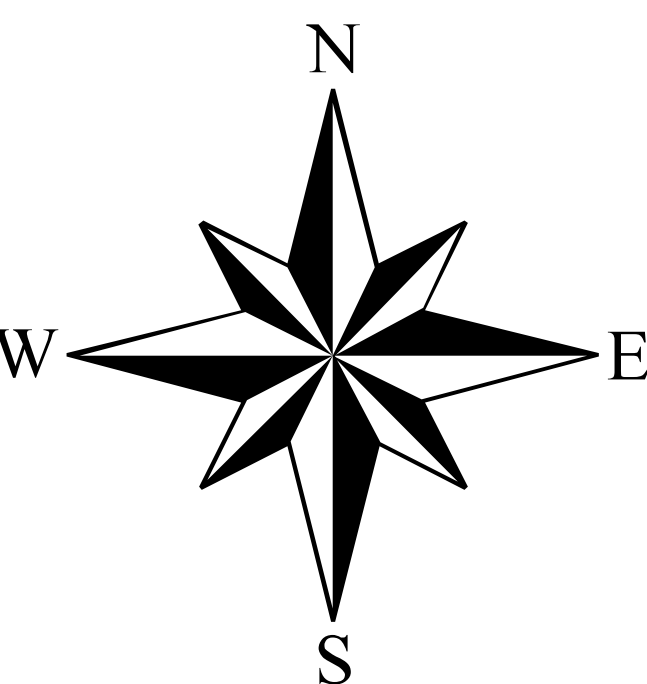
COUNTY OF HENDERSON

By: _____
STEVE WYATT, County Manager

TOWN OF MILLS RIVER

By: _____
DANIEL COBB, Town Manager

Highlighted Properties Impacted by Branch N Berry Trl Renaming Application



HENDERSON COUNTY ROAD NAME PETITION

- North Carolina General Statute 153A-239.1 authorizes the Henderson County Board of Commissioners the ability to name or rename any public or private road/drive within Henderson County (with the exception of municipalities)

- The purpose of this petition is to prevent and eliminate road name duplications and to assure that those property owners along a proposed road have an input on the naming of said road/drive

- We the undersigned, present this petition and request that a public hearing be called by the Henderson County Board of Commissioners consider the following petition.

Check one of the boxes below:

We request a road name be assigned to a previously un-named road.

OR

We request a change to a currently named road

Previous road name: Branch N Berry Trl

BEFORE COMPLETING THE REST OF THIS FORM, PLEASE CONTACT THE PROPERTY ADDRESSING OFFICE TO ENSURE THAT THE NAME YOU ARE REQUESTING IS NOT CURRENTLY BEING USED OR IS RESERVED BY OTHER PARTIES AND THAT THE NAME COMPLIES WITH HENDERSON COUNTY PROPERTY ADDRESSING ORDINANCE.

Please complete the following information. You are required to obtain the signatures of 66% of the **PROPERTY OWNERS** that are along the proposed road. Owners have only one vote (signature) regardless of the number of parcels that they own along the road in question. A fee of \$150.00 will be collected for roads that are being re-named or being named. The fee will be collected when this petition is presented to the Henderson County Property Addressing Office.

PETITION LEADER (COMPLETE THE FOLLOWING)

Date of Request: 6/8/2020

First Name: Jason Last Name: Bundy

Mailing Address: 38 Branch N Berry Trl

City: Mills River State: NC Zip Code: 28759

Proposed Road Name: ~~Lunar Lane~~ MOON Circle

Signature of petition leader: Jason Bundy

FOR OFFICE USE ONLY

PID/PIN of Petition Leader _____ Number of property owners: _____ Number required signatures: _____

ESN of proposed road: _____ Approval date: _____

Return this form to: Henderson County Property Addressing, 100 N King St. Hendersonville, NC 28792

ROAD PETITION SIGNATURE PAGE
(PARCEL OWNERS SIGNATURES ONLY)
(Include full name, address and phone number)

1. Jason & Shelby Bundy
38 Branch N Berry Trl
MillsRiver, NC 28759

Telephone Number: 805-668-0595

2. Jason & Shelby Bundy
86 Ray Hill Rd, Unit A
Horseshoe, NC 28742

Telephone Number: 805-668-0595

3. Jason & Shelby Bundy
101 Branch N Berry Rd
Horseshoe, NC 28742

Telephone Number: 805-668-0595

4. Jason & Shelby Bundy
151 Branch N Berry Trl
Mills River, NC 28759

Telephone Number: 805-668-0595

5. Jason & Shelby Bundy
580 Ray Hill Rd, Apt B
Horseshoe, NC 28742

Telephone Number: 805-668-0595

6. _____

Telephone Number: _____

7. _____

Telephone Number: _____

8. _____

Telephone Number: _____

9. _____

Telephone Number: _____

10. _____

Telephone Number: _____

11. _____

Telephone Number: _____

12. _____

Telephone Number: _____

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	80.00'	219.46'	174.67'	N 11°18'16" W	173°41'

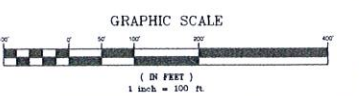


- GENERAL NOTES**
- 1) PROPERTY IS SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD
 - 2) THIS SURVEY CREATES THREE (3) NEW PARCELS OF LAND
 - 3) AREA AS DETERMINED BY COORDINATES
 - 4) NO TITLE SEARCH WAS FURNISHED TO THIS SURVEYOR
 - 5) PUBLIC WATER IS NOT AVAILABLE TO THIS PROPERTY
 - 6) PROPERTY IS NOT LOCATED IN A PROTECTED WATERSHED
 - 7) THIS PROPERTY IS ZONED MR-MU
 - 8) THE WATER WELL SHOWN SERVES ALL FOUR TRACTS

LINE	BEARING	LENGTH
L1	N 82°57'18" E	89.91'
L2	N 28°58'33" E	44.66'
L3	N 42°14'24" E	23.78'
L4	N 73°41'31" E	33.87'
L5	N 01°34'25" E	43.89'
L6	N 08°30'21" E	30.73'
L7	N 22°44'08" E	24.84'
L8	N 57°09'10" E	26.65'
L9	N 78°02'31" E	36.49'
L10	S 71°01'57" E	40.62'
L11	S 30°11'54" E	36.20'
L12	S 18°55'17" E	29.92'
L13	S 30°21'51" E	29.75'
L14	S 62°18'09" E	33.55'
L15	S 88°47'13" E	37.99'
L16	N 85°36'51" E	59.18'
L17	S 82°25'58" E	49.75'
L18	S 57°14'12" E	41.66'
L19	S 78°03'00" E	45.07'
L20	S 61°11'23" E	28.04'
L21	S 29°22'04" E	73.88'
L22	S 09°12'08" E	31.64'
L23	S 05°30'14" W	50.99'
L24	N 76°18'17" E	15.02'
L25	N 59°01'57" E	236.03'

FILED FOR REGISTRATION ON THE _____ DAY OF _____ 2020
 AT _____ O'CLOCK _____ AM AND RECORDED ON PLAT SLIDE _____
 _____ REGISTER OF DEEDS, HENDERSON COUNTY, BY _____ DEPUTY

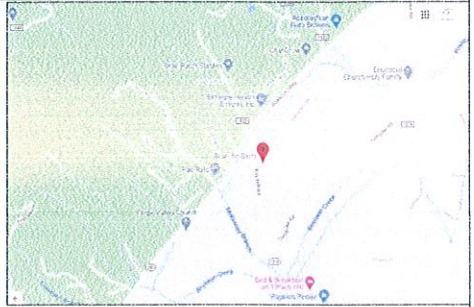
_____, SUBDIVISION ADMINISTRATOR FOR MILLS RIVER, CERTIFY THAT THIS PLAT HAS BEEN REVIEWED AND APPROVED AS _____ IN ACCORDANCE WITH THE MILLS RIVER SUBDIVISION ORDINANCE.
 DATE: _____ SIGNED: _____



STATE OF NORTH CAROLINA
 COUNTY OF HENDERSON
 _____ REVIEW OFFICER OF THE AFORESAID COUNTY
 CERTIFY THAT THE USE OF THIS PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 REVIEW OFFICER: _____
 DATE: _____

- LEGEND**
- IRF DENOTES 5/8" REBAR FOUND W/ CAP
 - IRS " 5/8" IRON REBAR SET
 - OTF " 1/2" OPEN TOP PIPE FOUND
 - P.O.B. " POINT OF BEGINNING
 - P.O.C. " POINT OF COMMENCEMENT
 - NAD '83 " NORTH AMERICAN DATUM 1983
 - EOP " EDGE OF PAVEMENT
 - ST " SEPTIC TANK
 - R/W " RIGHT OF WAY
 - CL " CENTERLINE
 - GD " GRAVELLED DRIVE
 - WH " WATER WELL

FLOOD PLAIN INFORMATION
 THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA'S FLOOD MAP MAP NUMBER: 330095000J
 EFFECTIVE DATE: 10/22/2008



TOTAL AREA = 9.295 ACRES

SURVEY NOTES
 THIS SURVEY WAS CONDUCTED USING A TRIMBLE R10 RTK GPS TO ESTABLISH CONTROL AND A LEICA TOP 1205+ ROBOTO TOTAL STATION TO OBTAIN LINEAR AND ANGULAR MEASUREMENTS.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF GREATER THAN ONE FOOT IN 10,000 FEET WITH AN ANGULAR ERROR OF 01 SEC. PER ANGLE POINT AND WAS NOT ADJUSTED.

ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES, EXPRESSED IN U. S. SURVEY FEET. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 231,783 FEET.

THE UNDERSIGNED SURVEYOR HAS NOT BEEN FURNISHED WITH A CURRENT TITLE OPINION OR ABSTRACT OF THIS PROPERTY OR MATTERS AFFECTING THIS PROPERTY. IT IS POSSIBLE THAT THERE ARE RECORDED DEEDS, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS THAT COULD AFFECT THIS PROPERTY.

I, JIMMY B. TOOLE, N.C. P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. SOURCE DOCUMENTS FOR THIS SURVEY ARE DEED DESCRIPTION RECORDED IN BOOK 1008, PAGE 300, AND THAT CERTAIN UNRECORDED PLAT BY WILLIAM O. BRADLEY FOR PASQUALE SALOTTI & FLORENCE SALOTTI UNDER DATE OF JUNE 7, 1988, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED BOOKS AS SHOWN. THAT THE RATE OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000 OR BETTER; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

(G.S. 47-30(1)(A)) THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND (G.S. 47-30(1)(C-2)). THIS SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE.
 WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 23RD DAY OF FEBRUARY, A.D. 2020.

I, JIMMY B. TOOLE, CERTIFY THE GRID IS AS SHOWN WAS DETERMINED BY AN ACTUAL GPS SURVEY PERFORMED UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY

CLASS OF SURVEY: A
 POSITIONAL ACCURACY: 0.01 US FEET
 TYPE OF GPS: TRIMBLE R10 RTK
 DATE OF SURVEY: FEBRUARY 10, 2020
 DATUM: NAD '83 (2011)
 PUBLISHED FIXED CONTROL: HERZBURG
 GEOID MODEL: GEOID08
 COMBINED GRID FACTOR: 0.99977442
 UNITS: US SURVEY FEET

PROFESSIONAL LAND SURVEYOR
 NC PLS # L-5302

30 ENGINEERING OF N.C. REG. NO. 1996-001-104
GEL SOLUTIONS
 a Member of THE GEL GROUP, INC.
 55 SHILOH ROAD, SUITE 6
 ASHEVILLE, NC 28803
 (800) 782-2324
 WWW.GELSOLUTIONS.COM

MINOR SUBDIVISION SURVEY

SURVEY FOR:
 JASON & SHELBY BUNDY
 38 BRANCH N BERRY TRAIL
 MILLS RIVER, NC 28753
 MILLS RIVER TOWNSHIP, HENDERSON COUNTY, NORTH CAROLINA

DATE SURVEYED	DRAWN/CHECKED	FIGURE
02/10/2020	JBT/JAT	
LAST REVISED	APPROVED	
PROJECT NUMBER	SCALE	1
SUPN0220	1" = 100'	

**Henderson County
North Carolina**

Before the Board of Commissioners

ORDER RENAMING BRANCH N BERRY TRAIL TO MOON CIRCLE

THIS MATTER came on for hearing before the Henderson County Board of Commissioners at its regular August 19th 2020, meeting, pursuant to N.C. Gen. Stat. §153A-239, on the issue of renaming Branch N Berry Trail to Moon Circle 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 August 19th, 2020 on the petition of Mr. Jason Bundy to rename Branch N Berry Trail to Moon Circle.

2. At the Board's August 19th, 2020 meeting, the Board adopted an ordinance declaring its intent to rename Branch N Berry Trail.

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 August 19th hearing was published at least 10 days before the hearing in the *Hendersonville Tribune*, a copy of the petition 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 renamed and a notice of the public hearing to be prominently posted in at least two places along the road or easement.

5. Before the Board on August 19th 2020, 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-239.

6. After such hearing, the Board is satisfied and finds: That renaming of Branch N Berry Trail is not contrary to the public interest;

WHEREFORE IT IS ORDERED that Branch N Berry Trail be renamed to Moon Circle in Henderson County, North Carolina.

Adopted by the Board by motion duly made, this the 19th day of August 2020.

BOARD OF COMMISSIONERS
OF HENDERSON COUNTY

By: _____
Chairman

Attest:

Clerk to the Board

Public Hearing to Rename Branch N Berry Trail to Moon Circle



Henderson County Board of Commissioners
August 19th, 2020

Henderson County Planning Department

1

Context Map

Highlighted Properties Impacted by Branch N Berry Tri Renaming Application



Henderson County Planning Department

2

Similar Names

- **Moonrise Lane – Hendersonville**
- **Moonshine Trail—Hendersonville**
- **Moonstone Lane—Hendersonville**

Henderson County Planning Department

3

Public Hearing + Noticing

41-7. Initial Street Naming and Numbering Procedures

B. The County shall not name a street or assign or reassign street numbers on a street until it has held a public hearing on the matter, except as provided in §41-11. At least **10 days before** the day of the hearing, the Board of Commissioners shall cause notice of the time, place and subject matter of the hearing to be prominently **posted at the County Courthouse**, in **at least two public places** in the township or townships where the street is located, and shall publish a **notice** of such hearing **in at least one newspaper** of general circulation published in the County.

Henderson County Planning Department

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