

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** December 5, 2022

**SUBJECT:** Set Public Hearing to Close Easement

**PRESENTER:** Charles Russell Burrell

**ATTACHMENTS:** (1) Site Map  
(2) Petition for easement closing  
(3) Proposed resolution

#### SUMMARY OF REQUEST:

The County has received the attached petition to close an unopened twenty-foot wide easement along the southwestern boundary of Henderson County PIN 9566407609 (Lot 3 of Hickory Heights Subdivision, Henderson County Plat Slide 2524). The easement, crossing Lot 3, serves only Lot 4 of the same subdivision (PIN 9566408563), which is also owned by the petitioner.

Under N.C.G.S. §153A-241, counties 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 this easement, 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.

#### REQUESTED ACTIONS:

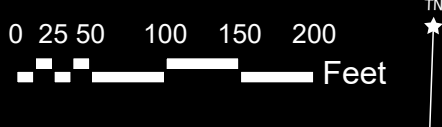
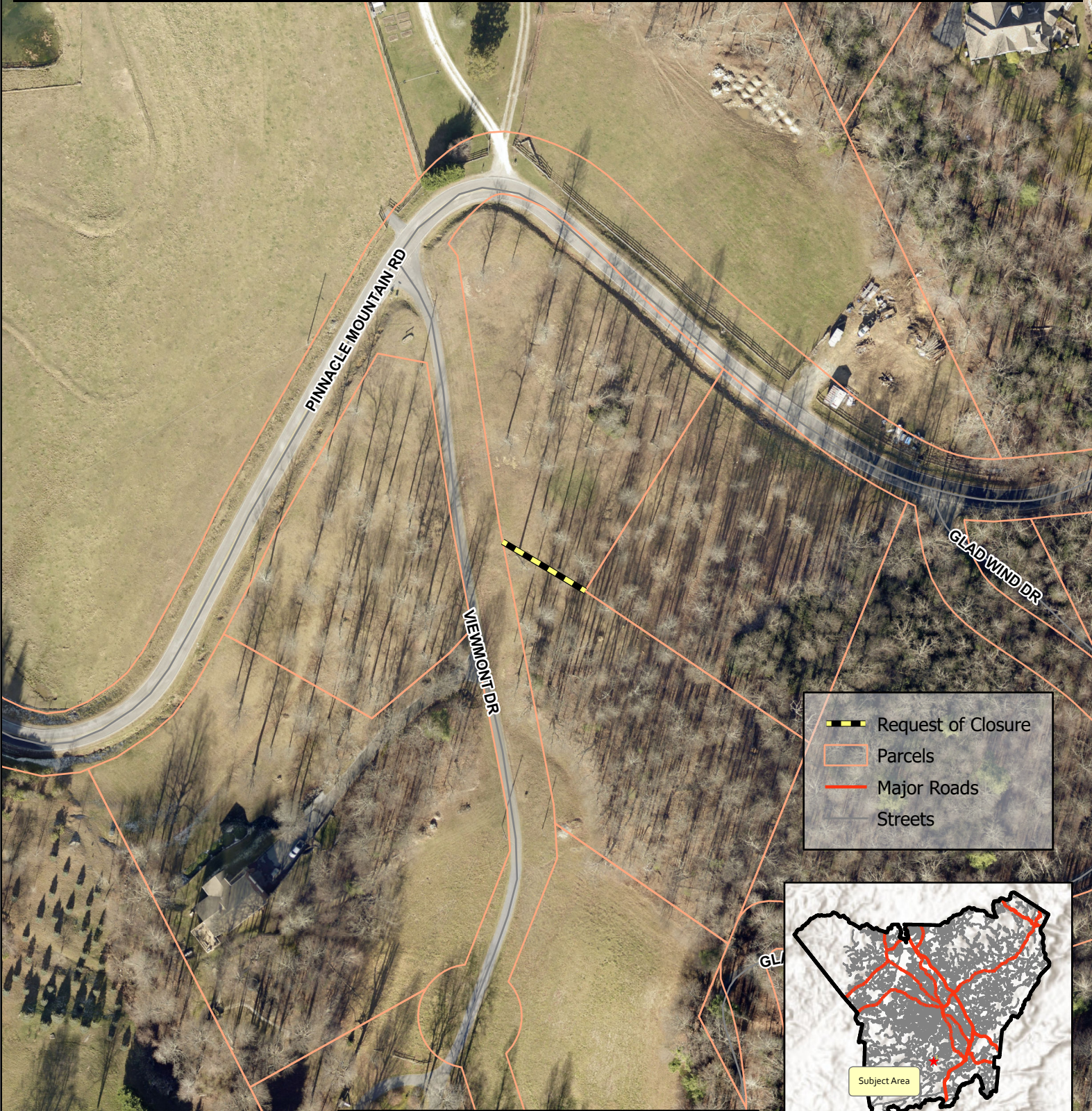
1. Adopt the proposed resolution.
2. Set a public hearing for January 3, 2023, at 5:30 p.m.

#### SUGGESTED MOTION:

*I move that the Board set adopt the proposed resolution, and set a public hearing for January 3, 2023, at 5:30 p.m.*



# Proposed Easement Closure off Viewmont Drive



THIS IS NOT A SURVEY. All information or data provided, whether subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk. Henderson County makes no warranties or guarantees, including the warranties of merchantability or of fitness for a particular purpose. Map data is not appropriate for, and is not to be used as, a geodetic, legal, or engineering base system. The data is not intended as a substitute for surveyed locations such as can be determined by a registered Public Land Surveyor, and does not meet the minimum accuracy standards of a Land Information System/Geographic Information System Survey in North Carolina (21 NCAC 56.1608).

Applicant: Martha Osteen







HENDERSON COUNTY PLANNING DEPARTMENT  
100 N. King Street | Hendersonville, NC 28792 | 828-697-4819

**LOCAL ROAD AND EASEMENT ABANDONMENT PETITION FORM**

**\*Requires Pre-Application Meeting**  
**\*Requires 100% of property owner signatures**

**APPLICANT INFORMATION:**

Name: Martha Osteen Email: m.s.o@att.net  
Address: 3637 Pinnacle Mountain Road Zirconia, NC 28790  
Telephone: (828) 693-4073

Name of road or easement to be abandoned  
(If easement is not named, please provide a  
Parcel(s) PIN for identification) 20 foot easement off Viewmont Drive

**PETITION:**

We the under signed, being all of the property owners that have a deeded ROW to road or  
easement off Viewmont Drive do hereby request Henderson County Board of  
Commissioners to approve the closure of the road or easement and certify Order of Closures.

**PROPERTY OWNERS:**

Name	Address	Signature
Martha Osteen	3637 PINNACLE MOUNTAIN RD	<u>Martha Osteen</u> <small>Martha Osteen (Nov 30, 2022 18:29 EST)</small>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Henderson County  
North Carolina

**Before the Board of Commissioners**

RESOLUTION OF THE BOARD OF COMMISSIONERS  
BOARD OF COMMISSIONERS ENACTMENT 2022-\_\_\_\_\_

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

Martha Osteen has petitioned the Board for the closure of an unopened easement twenty-feet in width along the southwestern border of that lot shown as Henderson County PIN 9566407609 (also known as Lot 3, Hickory Heights Subdivision, shown at Henderson County Register of Deeds Plat Slide 2524) located in Henderson County.

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 closing the easement described above at its regularly scheduled meeting on January 3, 2023, after a public hearing. The public is invited to attend and comment on the same. The Board hereby directs staff to provide notice, pursuant to N.C. Gen. Stat. §153A-241, of the same.

Adopted by the Board by motion duly made, this the 5<sup>th</sup> day of December, 2022.

BOARD OF COMMISSIONERS  
OF HENDERSON COUNTY

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

Attest:

\_\_\_\_\_  
Denisa Lauffer, Clerk to the Board