

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: May 4, 2026

SUBJECT: Set Public Hearing to Close Unopened 30-foot Right-of-Way

PRESENTER: Autumn Radcliff, Planning Director
Austin Parks, Planner

ATTACHMENTS: (1) Site Map depicting proposed ROW closure
(2) North Carolina General Statute 153A-241
(3) Applicants Petition for Road Closures
(4) Proposed Resolution

SUMMARY OF REQUEST:

Planning and Property Addressing staff have received the attached petition to close a 30-foot unopened right-of-way. Under North Carolina General Statute (NCGS) 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 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.

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

BOARD ACTION REQUESTED:

Board of Commissioner action is to set public hearing to close a right-of-way.

Suggested Motion:

I move that the Board approve the proposed resolution and set the public hearing for June 1, 2026 at 5:30 pm, and sign the Order of Closure.

PIN: 9527126832 REID: 9971357

PIN: 9527129715 REID: 9971349

MISER FAMILY TRUST; MISER, SCOTT A. TRUSTEE; MISER, JOYCE B. TRUSTEE

MINER, RANDY; MINER, SHELLIE

Unnamed 30' Right of Way Abandonment

PIN: 9527125514 REID: 9971358

MCPHAIL, PAUL C.; MCPHAIL, MOLLY CHAPPELL

Plat Book: 2002 Plat Page 4186

Assessed Acreage: 0.79

PIN: 9527128559 REID: 9971348

MINER, RANDY; MINER, SHELLIE

Plat Book: 2002 Plat Page 4186

Assessed Acreage: 1.21

PIN: 9527128442 REID: 9971347

RITTER, JEFFREY J.; RITTER, LINDA N.; SHEDD, OMER L.; SHEDD, KELLY F

Plat Book: 2002 Plat Page 4186

Assessed Acreage: 1.18

PIN: 9527223375 REID: 10008692

HAYNE, AARON PHYLIP

Plat Book: 2021 Plat Page 13867

Assessed Acreage: 8.41

PIN: 9527125318 REID: 9971359

CONDON, JACKSON; CONDON, KELSEY

Plat Book: 2002 Plat Page 4186

Assessed Acreage: 0.89

PIN: 9527125209 REID: 1007146

PEACEFUL GETAWAY LLC

Plat Book: 2007 Plat Page 6563

Assessed Acreage: 0.45

PIN: 9527124168 REID: 1007147

PEACEFUL GETAWAY LLC

Plat Book: 2007 Plat Page 6563

Assessed Acreage: 1.14



- Parcels
- Major Roads
- Streets
- To Be Closed

PIN: 9527115887 REID: 401620

AIRCREST WNC, LLC

Plat Book: Plat Page

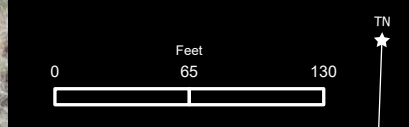
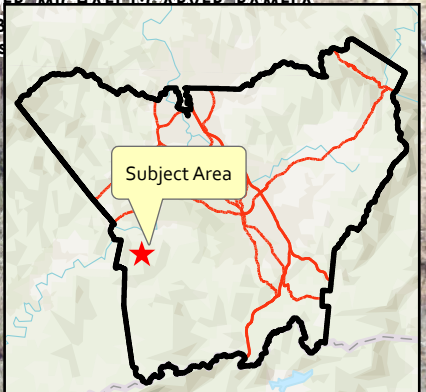
Assessed Acreage: 7.74

PIN: 9527212818 REID: 9967893

CARVER, MICHAEL; CARVER, PAMELA

Plat Book: Plat Page

Assessed Acreage: 2.45



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 warranty or guarantee, including the warranties of merchantability or of fitness for a particular purpose. May data is not appropriate or not to be used as a geodetic, legal, or engineering basis system. The data is not intended as a substitute for surveying the system 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, 01 NCAC 06.160).

PIN: 9527210630 REID: 1004022
 HOLLOWAY, ANGELA
 Plat Book: 2006 Plat Page 6031
 Assessed Acreage: 2.45

Applicant: Brian Zmich



§ 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.)



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: Jeff Ritter Email: jeffrey.ritter@gmail.com
Address: 507 Faircrest Ln Hendersonville, NC 28797
Telephone: 704-674-7853

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

582 Faircrest Ln
9527212818
9527115887

PETITION:

We the undersigned, being all of the property owners that have a recorded PCOV to road or
easement do hereby request Henderson County Board of
Commissioners to approve the closure of the road or easement and certify Order of Closures.

PROPERTY OWNERS:

Table with 3 columns: Name, Address, Signature. Includes entries for Jeffrey J. Ritter, Brian Zmich, Michael L. Carver, Pamela Carver, Linda Ritter, Kelly S. Heddo, and Dnee Shedd.



BOARD OF COMMISSIONER ENACTMENT 2025-_____

RESOLUTION OF INTENT TO CLOSE RIGHT OF WAY

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.

Jeff Ritter and Brian Zmich has petitioned the Board for the closure of a 30-foot unopened right-of-way located in 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 closing a 30-foot unopened right-of-way at its regularly scheduled meeting on June 1, 2026 at 5:30 pm., 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

Adopted by the Board by motion duly made, this the 4th day of May, 2026.

**HENDERSON COUNTY BOARD OF
COMMISSIONERS**

By: _____
William G. Lapsley, Chairman

Attest:

Denisa Lauffer, Clerk to the Board