

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: June 3, 2026

SUBJECT: 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) Applicant's Petition for Road Closure
(4) Order of Closure
(5) PowerPoint

SUMMARY OF REQUEST:

Planning and Property Addressing staff have received the attached petition to close an Unopened 30-foot right-of-way. Under North Carolina General Statute 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 Commissioners action is required to close a right-of-way.

Suggested Motion:

I move that the Board approve the right-of-way closure for an unopened 30-foot right-of-way 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

FAIRCREST LANE

To be Closed: 30 Foot RO W

-  Parcels
-  Major Roads
-  Streets
-  To Be Closed

PIN: 9527115887 REID: 401620

AIRCREST WNC, LLC

Plat Book: Plat Page

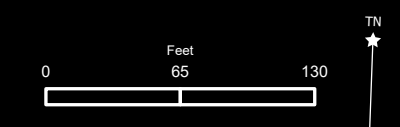
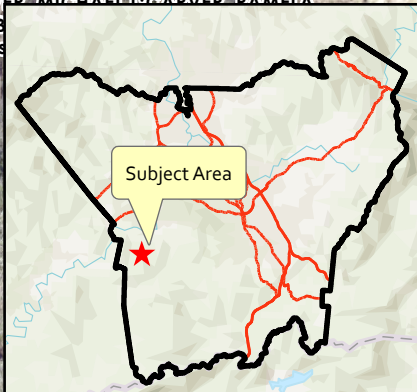
Assessed Acreage: 7.74

PIN: 9527212818 REID: 9967893

CARVER, MICHAEL; CARVER, PAMELA

Plat Book: Plat Page

Assessed Acreage: 2.45



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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 parcel PIN 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.



**Henderson County
North Carolina**

BOARD OF COMMISSIONER ENACTMENT 2026- _____

ORDER CLOSING AN UNOPENED 30-FOOT RIGHT-OF-WAY

THIS MATTER came on for hearing before the Henderson County Board of Commissioners at its regular June 3, 2026, meeting, pursuant to N.C. Gen. Stat. §153A-241, on the issue of closing the unopened 30-foot right-of-way and 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 at the Board’s regular meeting on May 4, 2026, upon a petition to close an unopened 30-foot right-of-way located in Henderson County.
2. At the Board’s May 4, 2026, meeting, the Board adopted a resolution “declaring its intent to close” the unopened 30-foot right-of-way.
3. A map showing the area under consideration is presented as Exhibit A, attached hereto (indicated by a broken red line).
4. A notice of this Board’s June 3, 2026, hearing was published once a week for three successive weeks before the hearing in the *Hendersonville Lightning*, a notice of the closing and public hearing was mailed to adjacent property owners as shown on the County tax records, and a notice of the closing and public hearing was prominently posted in at least two places along the road or easement.
5. On June 3, 2026, 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,” as 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.

NOW, THEREFORE, IT IS ORDERED that the 30-foot unopened right-of-way located in Henderson County as shown on the attached map is hereby closed. It is further ordered that a certified copy of this Order shall be filed in the office of the Register of Deeds of the County.

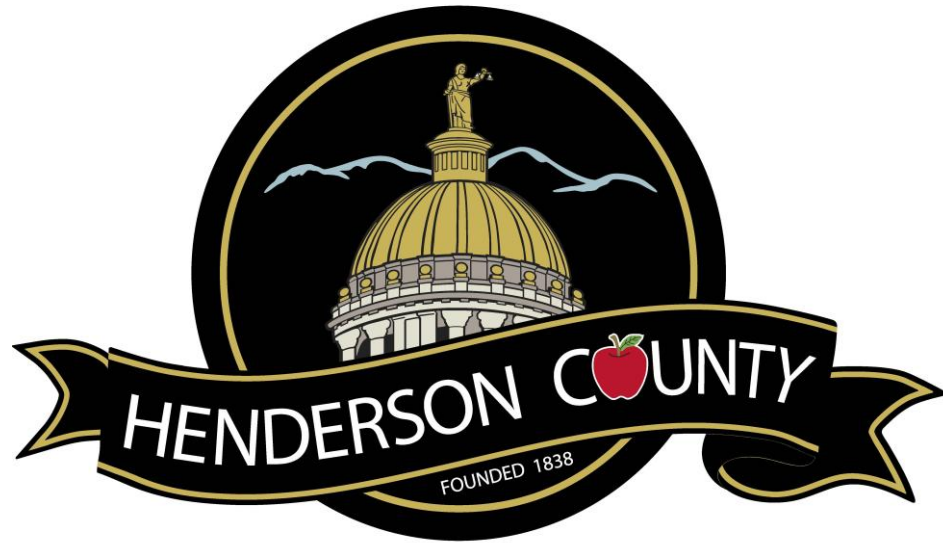
Adopted by the Board by motion duly made this the 3rd day of June, 2026.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____
William G. Lapsley, Chairman

Attest:

Denisa Lauffer, Clerk to the Board



ROW Closure: Unopened 30' ROW

Henderson County Board of Commissioners

Public Hearing

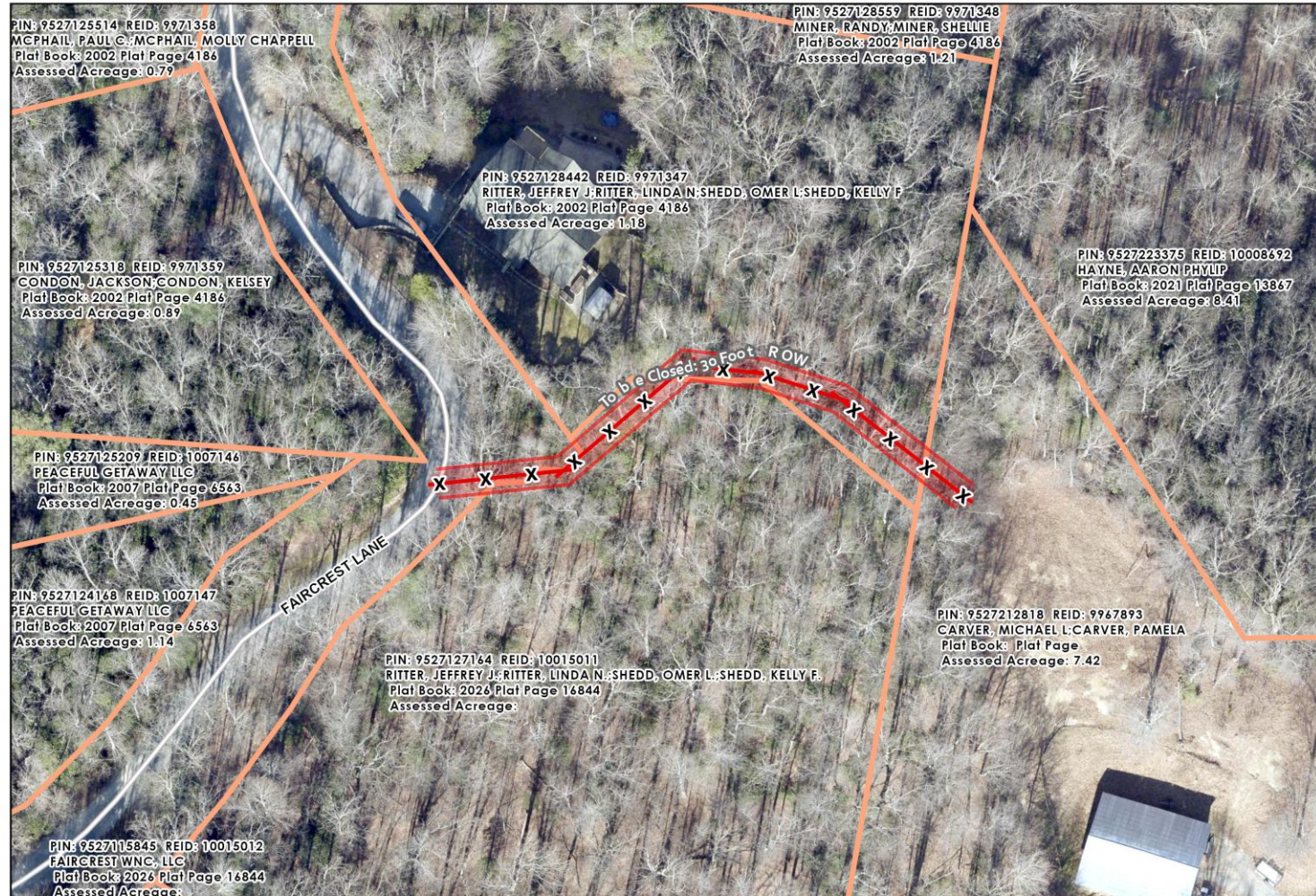
June 3rd, 2026

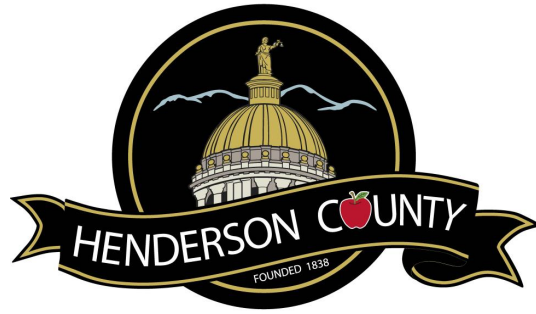


Application Summary

- Request submitted to close an unopened 30ft ROW off Faircrest Ln
- Petitioner is Jeff Ritter and Brian Zmich
- On May 4th, BOC approved resolution of intention to close ROW and set a public hearing
- Public notice of the hearing was given
 - Notice in the Hendersonville Lightning on May 20, 2026, May 27, 2026, and June 03, 2026
 - Notice to adjacent property owners was mailed on May 8th
 - Notice posted on the property on May 8th

Aerial Map





Public Hearing Comments and Board Discussion