

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: September 18, 2019

SUBJECT: Public Hearing for Proposed Right of Way Closure

PRESENTER: Autumn Radcliff, Planning Director

ATTACHMENTS: (1) Petition and documentation for ROW closure from Mr. and Mrs. Walter Johnson
(2) Map of area
(3) Order of Closure

SUMMARY OF REQUEST:

Planning staff received a petition from Mr. and Mrs. Walter Johnson to close a portion of a right of way in the Laurel Park area of Henderson County. The petitioners are requesting a portion of a shared right of way to be closed and the property resurveyed to show the closure.

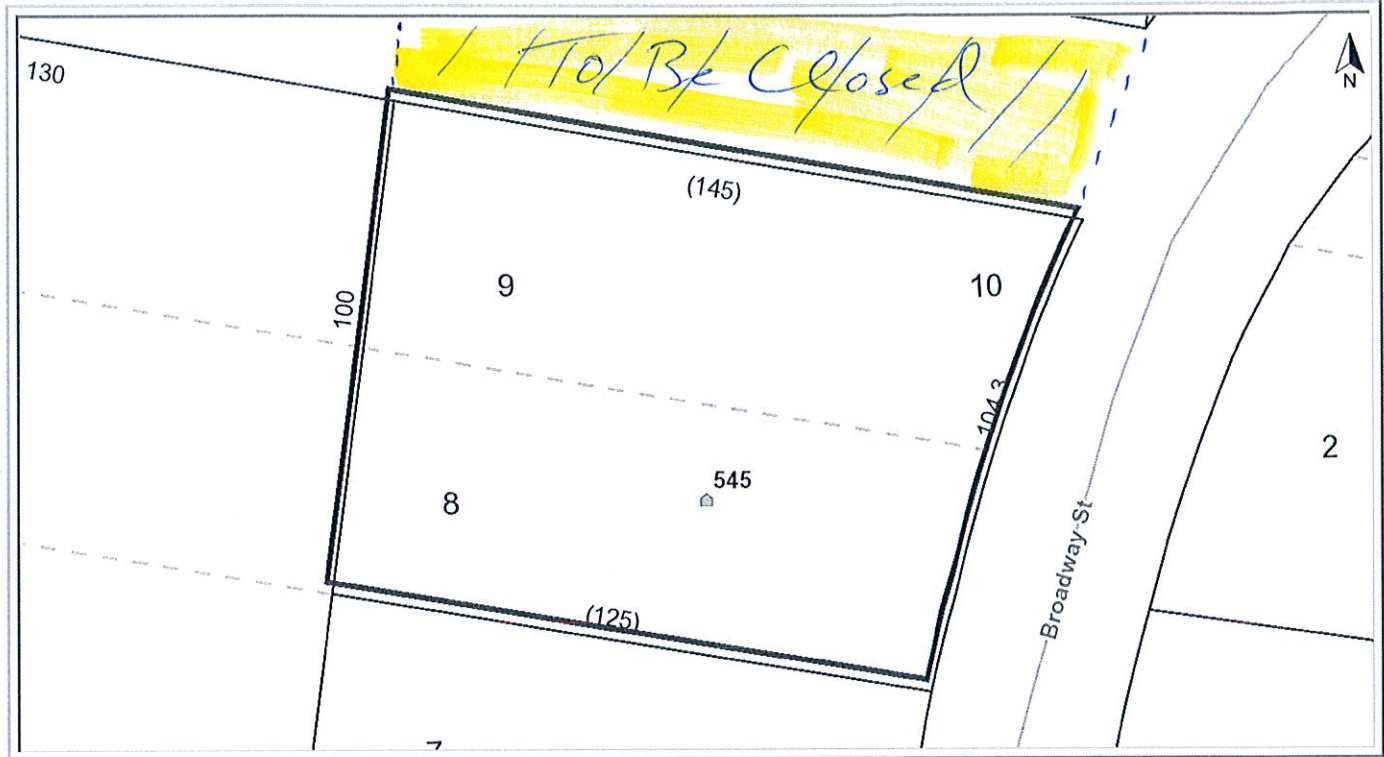
On August 5, 2019 the Board approved a resolution of intent to close the right of way and to hold a public hearing on this closure.

BOARD ACTION REQUESTED:

Board action is required to close the right of ways and approve the Order of Closure.

Suggested Motion:

I move that the Board approve the closure of the un-opened right of ways and sign the Order of Closure.



WARNING: THIS IS NOT A SURVEY

Parcel Information

REID:	112667	Pin:	9568096037
Listed to:	JOHNSON, WALTER M;JOHNSON, DEBORAH S	Neighborhood:	VH HWY 64
Mailing Address:	1952 DAVIS MOUNTAIN RD	Township:	Hendersonville
Mailing City, State, Zip:	HENDERSONVILLE, NC 28739	Municipality:	
Physical Address:	545 BROADWAY ST	Tax District:	VALLEY HILL FIRE
Deed:	001619/00629	Plat:	B 280
Date Recorded:	2015-06-11 00:01:00.0	Elementary School District:	BRUCE DRYSDALE
Revenue Stamps:	180	Middle School District:	HENDERSONVILLE MIDDLE
County Zoning:	Cities	High School District:	HENDERSONVILLE HIGH
Property Description:	CENTRAL PARK LO8&9 BMB-280	Soil:	
Map Sheet:	9568.05	Voting Precinct:	Southwest
Assessed Acreage:	0.30000000	Commissioner District	1
Building Value:	\$69,600.00	Agricultural District	None Found
Land Value:	\$22,500.00	North Carolina House District	117
Value To Be Billed:	\$92,100.00	U.S. House District	11
North Carolina Senate District	48	Flood Zone:	Zone X, Not Shaded (Areas outside of the floodplain)



Henderson County
 Geographic Information Systems (GIS)
 200 North Grove Street
 Hendersonville, NC 28792
 P: (828) 698-5124
 F: (828) 698-5122

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**Henderson County
North Carolina**

Before the Board of Commissioners

ORDER CLOSING THE UNOPENED

RIGHT-OF-WAY FOR MR. AND MRS. WALTER JOHNSON

THIS MATTER came on for hearing before the Henderson County Board of Commissioners at its regular September 18, 2019 meeting, pursuant to N.C. Gen. Stat. §153A-241, on the issue of closing of an unopened right-of-way near Mr. and Mrs. Walter Johnson property, 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 on at the Board's regular meeting on August 5, 2019 on the petition of Mr. and Mrs. Walter Johnson to close the unopen ROW in the Laurel Park area of Henderson County.
2. At the Board's August 5, 2019 the Board adopted a resolution "declaring its intent to close" the said unopened right of way.
3. A notice of this Board's September 18, 2019 hearing was published once a week for three successive weeks before the hearing in the *Hendersonville Lightning* 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 along the road or easement.
4. Before the Board on September 18, 2019 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.
5. After such hearing, the Board is satisfied and finds:
 - A. That closing the right of way or easement is not contrary to the public interest;
and,
 - B. That no individual owning property in the vicinity of the right of way 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 the unopened right of way in the Laurel Park area of Henderson County as shown on the attached map is hereby closed. It is further ordered that a certified and notarized 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 18th day of September, 2019.

BOARD OF COMMISSIONERS
OF HENDERSON COUNTY

By: _____
GRADY HAWKINS, Chairman

Attest:

TERESA L. WILSON, Clerk to the Board

I, _____, Notary Public for said County and State, certify that Teresa L. Wilson personally appeared before me this day and acknowledged that she is the Clerk to the Board of Commissioners of Henderson County, a political subdivision of the State of North Carolina having corporate powers, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Chairman of the Board of Commissioners, sealed with its corporate seal and attested by her as its Clerk.

THIS the ____ day of _____, 2019.

Notary Public

My Commission Expires: _____

[NOTARIAL SEAL]