

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 12, 2008

SUBJECT: Public hearing on permanently closing of easement

ATTACHMENTS: (1) Resolution adopted June 2, 2008
(2) North Carolina General Statute 153A-241
(3) Order closing easement on said property.
(4) Map of proposed easement closure.

SUMMARY OF REQUEST: North Carolina General Statute 153A-241 requires that a public hearing be held for the permanent closing of a public road or easement. The public hearing was set June 18, 2008 for the purpose of closing easements on the Roland J. Mull property, Hendersonville, North Carolina.

BOARD ACTION REQUESTED:

Recommend approving permanent closure of easements on the said property and upon approval signing attached Order of Closure for recording with the County registrar.

Suggested Motion:

I move for the Board to approve closure of the easements and certify Orders of Closures.

§ 136-63. Change or abandonment of roads.

(a) The board of county commissioners of any county may, on its own motion or on petition of a group of citizens, request the Board of Transportation to change or abandon any road in the secondary system when the best interest of the people of the county will be served thereby. The Board of Transportation shall thereupon make inquiry into the proposed change or abandonment, and if in its opinion the public interest demands it, shall make such change or abandonment. If the change or abandonment shall affect a road connecting with any street of a city or town, the change or abandonment shall not be made until the street-governing body of the city or town shall have been duly notified and given opportunity to be heard on the question. Any request by a board of county commissioners or street-governing body of a city refused by the Board of Transportation may be presented again upon the expiration of 12 months.

(b) In keeping with its overall zoning scheme and long-range plans regarding the extraterritorial jurisdiction area, a municipality may keep open and assume responsibility for maintenance of a road within one mile of its corporate limits once it is abandoned from the State highway system. (1931, c. 145, s. 15; 1957, c. 65, s. 8; 1965, c. 55, s. 13; 1973, c. 507, s. 22 1/2; 1975, c. 19, s. 45; 1977, c. 464, s. 25; 1993, c. 533, s. 14.)

**AN ORDER CLOSING ALL EASEMENTS ON THE PROPERTY OF
ROLAND J. MULL, PARCEL IDENTIFICATION NUMBER 9579430149**

WHEREAS, the Henderson County Board of Commissioners on June 2, 2008 adopted a resolution of intent to consider closing the easements located on the Roland J Mull property, parcel identification number 9579430149, and a public hearing thereon was held August 12, 2008; and

WHEREAS, the closing of easements on the Roland J Mull property would not be contrary to the public interest; and no individual owning property in the vicinity of the easements would be deprived of reasonable means of egress to his or her property by the closing of said easements.

NOW, THEREFORE BE IT RESOLVED by the Henderson County Board of Commissioners hereby adopts this order pursuant to North Carolina G.S. 153A-241, permanently closing the easements located on the property of Roland J Mull, which shall be shown on a plat to be provided by the party requesting the easement closure.

BE IT FURTHER RESOLVED that said plat shall be recorded by the requesting party, with the Henderson County registrar, upon approval by the County.

This the _____ day of _____ 2008.

Proposed Right of Way Closure for Roland J. Mull

