

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 8 September 2015

SUBJECT: Closing of unopened right-of-way of Rogers Avenue

ATTACHMENT(S): Proposed resolution; Letter applying for right-of-way closure

SUMMARY OF REQUEST:

On behalf of Neal Erwin Jackson, attorney Sherri L. Brewer seeks to close the remainder of the unopened private thirty (30) foot wide right of way shown as “Rogers Avenue”. A copy of the letter (with attachments) seeking closure is attached. Also attached is a map prepared from GIS by your Property Addressing Coordinator, Curtis Griffin, showing the right-of-way proposed to be closed.

Under N.C. Gen. Stat. §153A-241, you have the power to close any public road or easement not within a city and not under the control of the Department of Transportation. To do so, 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.

County staff will be available to present further information on this matter.

BOARD ACTION REQUESTED:

Approval of the proposed resolution.

If the Board is so inclined, the following motion is suggested:

I move that the Board adopt the proposed resolution.

**HENDERSON COUNTY
NORTH CAROLINA**

Before the Board of Commissioners

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

Neal Erwin Jackson has petitioned the Board for the closure of the remaining (unclosed by a previous action of this Board) portion of "Rogers Avenue", an unopened right of way located in the East Flat Rock area of 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 the closing of the remaining portion of Rogers Avenue at its regularly scheduled meeting on October 5, 2015, 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.

Duly adopted, this the 8th day of September, 2015.

THOMAS H. THOMPSON, Chairman
Henderson County Board of Commissioners

Attest:

TERESA L. WILSON
Clerk to the Board of Commissioners

Hogan & Brewer, PLLC

Attorneys at Law

229 NORTH MAIN STREET

HENDERSONVILLE, NORTH CAROLINA 28792

TELEPHONE: 828-697-2422

FAX: 828-696-8320

Email brewerlaw@bellsouth.net

August 10, 2015

Charles Russell Burrell, County Attorney
Henderson County
1 Historic Courthouse Square, Suite #5
Hendersonville, NC 28792

Re: Petition to close remainder of Rogers Avenue


Dear Mr. Burrell:

On behalf of my client, Neal Erwin Jackson, we hereby Petition Henderson County to permanently close the remainder of the private 30 foot wide unopened street known as Rogers Avenue as shown on the attached survey, which is recorded in Slide 9608 in the office of the Register of Deeds for Henderson County. Mr. Jackson is the owner of the property lying to the east of the remainder of Rogers Avenue, shown on the survey as Tract 2B. James C. Kirkpatrick and Kenneth Jacobine and wife, Lisa Kirkpatrick are the owners of Tract 2A shown on said survey, a copy of their deed is enclosed. Mr. Jackson also owns the portion labeled "Jackson DB 650, PG 495" adjoining to the west of the said Rogers Avenue. Owners of the remaining two tracts adjoining to the west of said Rogers Avenue are Lemuel Douglas Waldrop (PIN#9577861920) and Mark Franklin King (PIN# 9577769705), as shown on the attached survey.

An Order to close a portion of Rogers Avenue was heretofore approved and is duly recorded in Deed Book 1504 at Page 631, Henderson County Registry, a copy of which is enclosed together with a copy of the survey of said closed portion. Request is hereby made for the remainder of Rogers Avenue to be permanently closed. No individual owning property in the vicinity of the portion of the street requested to be closed would be deprived of access to their property by the closing of the remainder of Rogers which was not heretofore closed by Henderson County. A legal description of the portion of Rogers Avenue which is the subject of this Petition is attached hereto.

Please let me know if you need anything and I will be happy to submit it immediately. Thank you so much for your assistance in this matter.

Sincerely,


Sherri L. Brewer, Attorney
enclosures

“Exhibit A”

BEGINNING at an iron pin standing at the northwest corner of the James C. Kirkpatrick property recorded in Deed Book 1393 at Page 340, Henderson County Registry, and also at the eastern margin of Rogers Avenue, a thirty foot unopened right of way, said beginning point being the northeast corner of the portion of said Rogers Avenue which is the subject of the Order to permanently close a portion of said Rogers Avenue as recorded in Deed Book 1504 at Page 631, Henderson County Registry, and running thence from said beginning point with the eastern margin of the unopened Rogers Avenue right of way and with the western line of Tract 2 as shown on a plat recorded in Slide 8284, Henderson County Registry, North 12° 22' 24" West 100 feet; thence with the northwestern line of Tract 2B (area .07 acre) of the Neil Erwin Jackson property recorded in Deed Book 1604 at Page 700, and as shown on a plat recorded in Slide 9608, Henderson County Registry, North 26° 02' 45" East 70.27 feet to a magnetic nail set in the western margin of the 90 foot wide right of way of Spartanburg Highway (US 176), said iron pin being the northernmost corner of the said Neal Erwin Jackson property recorded in Deed Book 1604 at Page 700; thence with the western margin of the right of way of Spartanburg Highway, North 24° 37' 30" West 60.09 feet to an iron pin; thence with the western margin of the right of way of Rogers Avenue, and parallel with the Lemuel Douglas Waldrop property as recorded in Deed Book 490 at Page 596, South 26° 02' 45" West 84.58 feet to an iron pin; thence continuing with the western margin of the right of way of Rogers Avenue, and parallel with the Jackson property as recorded in Deed Book 650 at Page 495, the following two calls: South 26° 02' 46" West 19.31 feet and South 12° 22' 24" East 33.26 feet to an iron pin, the northeast corner of the Mark Franklin King property described in Deed Book 1290 at Page 361; thence with the said King eastern line and continuing with the western margin of the unopened Rogers Avenue, South 12° 22' 24" East 102.44 feet to an iron pin, the northwest corner of the portion of Rogers Avenue which was closed by the above referenced Order; thence North 78° 29' 07" East 30.09 feet to the point and place of BEGINNING, and being the remaining portion of the unopened 30 foot wide right of way known as Rogers Avenue which was not previously closed by the Order recorded in Deed Book 1504 at Page 631, Henderson County Registry.



This document presented and filed:
10/22/2014 03:56:21 PM

NEDRA W. MOLES, Henderson COUNTY, NC
Transfer Tax: \$34.00

Please do not place anything in the 3" margin above - for recording information only

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$34.00

Tax Lot No. _____ Parcel Identifier No. _____

→ Mail after recording to Sheri Brewer, Hogan & Brewer Attorney's Initials _____
229 North Main Street, Hendersonville, NC 28792

This instrument was prepared by Van Winkle, Buck, Wall, Starnes, & Davis, P.A. (Michael M. Thompson)

Brief description for the Index: 0.21 Acres - Spartanburg Highway, Hendersonville, NC

THIS DEED made this 22nd day of October, 2014, by and between:

GRANTOR

**GLEND A SUE O. BENTLEY,
DEDRA B. TINDALL
AND
BRYAN BENTLEY
CO-TRUSTEES OF THE EXEMPT
TRUST UNDER THE HARLEY OSTEEN
LIVING TRUST DATED
AUGUST 30, 2002 AS AMENDED
APRIL 20, 2008
AND
GLEND A O. BENTLEY,
SINGLE**

Whose mailing address is:
1206 Crooked Road
Gilbert, South Carolina 29054

GRANTEE

**JAMES C. KIRKPATRICK,
SINGLE
(a 50% undivided interest)
AND
KENNETH JACOBINE
AND WIFE, LISA KIRKPATRICK
(a 50% undivided interest)**

Whose mailing address is:
475 South Church St, Unit H
Hendersonville, NC 28792

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e. g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in the Hendersonville Township, Henderson County, North Carolina, and more particularly described as follows:

**SEE EXHIBIT A ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE**

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 1504 at Page 631, Henderson County Registry.

All or a portion of the property herein conveyed ___ includes or x does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book Slide _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Easements, covenants, conditions and restrictions of record; 2014 ad valorem taxes; and utilities physically located on the property

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

SIGNATURES AND NOTARIES ON FOLLOWING PAGES

Glenda Sue O Bentley (seal)

Glenda Sue O. Bentley, Co-Trustee of the Exempt Trust under the Harley Osteen Living Trust, dated 8/30/02 as amended 4/20/08

STATE OF NORTH CAROLINA

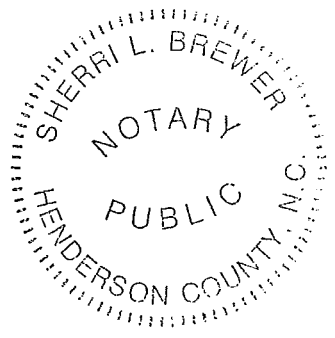
COUNTY OF HENDERSON

I, Sherril L Brewer, a Notary Public of the County and State aforesaid, certify that *Glenda Sue O. Bentley, Co-Trustee of the Exempt Trust under the Harley Osteen Living Trust, dated 8/30/02 as amended 4/20/08*, personally appeared before me this day and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Sworn to and subscribed to before me. Witness my hand and official stamp or seal, this 20th day of October, 2014.

My commission expires: 11/14/2014

Sherril L Brewer
Notary Public

SEAL/STAMP



Dedra B. Tindall, Co-Trustee (seal)

Dedra B. Tindall, Co-Trustee of the Exempt
Trust under the Harley Osteen Living Trust, dated
8/30/02 as amended 4/20/08

STATE OF NORTH CAROLINA

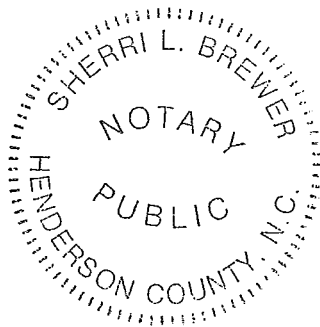
COUNTY OF HENDERSON

I, *Sherril L. Brewer* a Notary Public of the County and State aforesaid, certify that
***Dedra B. Tindall, Co-Trustee of the Exempt Trust under the Harley Osteen Living Trust, dated
8/30/02 as amended 4/20/08***, personally appeared before me this day and acknowledged the
execution of the foregoing instrument for the purposes therein expressed. Sworn to and subscribed to
before me. Witness my hand and official stamp or seal, this *22* day of October, 2014.

My commission expires: *11/14/2014*

Sherril L. Brewer
Notary Public

SEAL/STAMP



Bryan Bentley Co-TRUSTEE (seal)
Bryan Bentley, Co-Trustee of the Exempt
Trust under the Harley Osteen Living Trust, dated
8/30/02 as amended 4/20/08

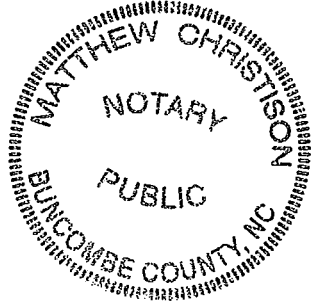
STATE OF NORTH CAROLINA **COUNTY OF HENDERSON**

I, Matthew Christison a Notary Public of the County and State aforesaid, certify that
***Bryan Bentley, Co-Trustee of the Exempt Trust under the Harley Osteen Living Trust, dated
8/30/02 as amended 4/20/08,*** personally appeared before me this day and acknowledged the
execution of the foregoing instrument for the purposes therein expressed. Sworn to and subscribed to
before me. Witness my hand and official stamp or seal, this 29 day of October, 2014.

My commission expires: 12-9-2017

[Signature]
Notary Public

SEAL/STAMP



Glenda O Bentley (seal)
Glenda O. Bentley, single

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Sherril Brewer a Notary Public of the County and State aforesaid, certify that **Glenda O. Bentley, single**, personally appeared before me this day and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Sworn to and subscribed to before me. Witness my hand and official stamp or seal, this 22 day of October, 2014.

My commission expires: 11/14/2014

Sherril Brewer
Notary Public

SEAL/STAMP

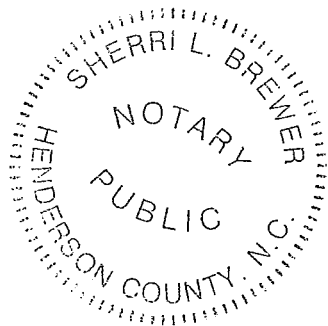


EXHIBIT A

B *BEING* 0.21 acres more or less and being all of that property designated as Tract 2 as shown on that plat entitled "Tracts 1 and 2 Survey for the Harley Osteen Living Trust" recorded in Plat Slide 8284, Henderson County Registry reference to which is hereby made and incorporated herein for greater certainty of description.

AND BEING a portion of Deed Book 1553 at Page 503 and Deed Book 975 at Page 114, Henderson County Registry.

A portion of Rogers Avenue was closed pursuant to that Order to Permanently Close Portion of the Street, Rogers Avenue, recorded August 8, 2012 in Deed Book 1504, Page 631, Henderson County Registry.

042678
 STATE OF NORTH CAROLINA
 NOV 20 '84
 RR. 10749
 Real Estate Excise Tax
 60.00

Filed and recorded in the Register of Deeds Office for Henderson County, N. C. this 20 day of Nov., 1984 at 2:05 o'clock, P.M. in Book 650 at page 495

Luby H. Maxwell
 Register of Deeds

By Patricia A. Russell, Deputy

Excise Tax

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.
 Verified by County on the day of 19

Mail after recording to NEAL E. JACKSON

→ This instrument was prepared by DON H. GARREN, ATTORNEY AT LAW

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this day of NOVEMBER, 1984, by and between

GRANTOR

GRANTEE

*RICHARD H. CASE and
 wife, JANETTE H. CASE*

*NEAL E. JACKSON, single
 P.O. Box 206
 Havelock, NC 28773*

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of HENDERSONVILLE Township, HENDERSON County, North Carolina and more particularly described as follows:

BEING Lot #59 of the property conveyed to Linda Ward King by George W. Summey by deed dated July 15, 1911, and being recorded in Book 71 page 142 of the Records of Deeds for Henderson County, North Carolina. And further described as follows: BEGINNING at a stake in the east margin of Mill Street the Northwestern corner of Lot #58 and runs with the line of Lot #58 South 87 deg. 448 feet to a stake in the east margin of Rogers Avenue the Northeastern corner of Lot #58, thence with Rogers Avenue North 12 deg. West 31 feet to a stake the most southern corner of Lot #36; thence with the line of lot #36 North 47½ deg. West 109 feet to a stake in the corner of Lot #36; thence North 87 deg. West 371 feet to a stake in the east margin of Mill Street, bearing North 8½ deg. West 100 feet from the Northwestern corner of Lot #58 then with Mill Street, South 8½ deg. East 100 feet to the BEGINNING. Containing .93 acres to be the same more or less.

BEING the same property as described in Book 580 page 879, Henderson County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in Plat Book page.....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

.....
(Corporate Name)

By:

..... President

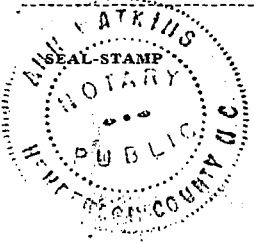
ATTEST:

..... Secretary (Corporate Seal)

USE BLACK INK ONLY

Richard H. Case (SEAL)
RICHARD H. CASE

Janette H. Case (SEAL)
JANETTE H. CASE



NORTH CAROLINA, HENDERSON County.

I, a Notary Public of the County and State aforesaid, certify that
RICHARD H. CASE and wife, JANETTE H. CASE Grantor,
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my
hand and official stamp or seal, this 20 day of NOVEMBER, 1984.

My commission expires: 9-22-88 *Ann Watkins* Notary Public

SEAL-STAMP

NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that
personally came before me this day and acknowledged that he is Secretary of
..... a North Carolina corporation, and that by authority duly
given and as the act of the corporation, the foregoing instrument was signed in its name by its
President, sealed with its corporate seal and attested by as its Secretary.
Witness my hand and official stamp or seal, this day of, 19.....

My commission expires: Notary Public

The foregoing Certificate(s) of *Ann Watkins*

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By *Robert H. Maxwell* REGISTER OF DEEDS FOR HENDERSON COUNTY
Patricia A. Russell Deputy/Assistant - Register of Deeds

Map Full Screen Henderson County, NC - GoMaps Basic

Zoom In By Box Measure Tools Clear Create Print Map Links Help

Latitude: 35.287203 Longitude: -82.424296

Base Map Aerial Photo

Property/Owner Search

Address Search

Neighborhood Search

Results

Report

Report Tax Bill Real Property Field Adjacent

Listed To: KING, MARK FRANKLIN

Physical Address: 0 NO ADDRESS ASSIGNED

Parcel Number: 0107924

PIN: 957769705

Plat: Not Available

Used: 13/01/2011

Date Recorded: 09/22/2005

Municipality: UNINCORPORATED

Highway Address: 125 SCARLET DR

City: FLETCHER

State: NC

Zip Code: 28732

Property Description: Lot 6 SR1819 ON MILL ST

Map Sheet: 9577.12

Neighborhood: EAST FLAT ROCK ZONED

Township: Hendersonville

Measure Tools

GoMaps Advanced

50 m 200 ft

ArgGIS Server Hosting By Rok Technologies

815847



This document presented and filed:
01/26/2015 02:48:07 PM

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: \$40.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$40.00

Parcel Identifier No. Portion of #0109722 Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail/Box to: Hogan & Brewer, PLLC - 229 North Main Street, Hendersonville, NC 28792 - File No. 15-5884

This instrument was prepared by: Sherri L. Brewer

Brief description for the Index: .07 acre off Spartanburg Highway

THIS DEED made this 26th day of January, 2015, by and between

GRANTOR	GRANTEE
JAMES C. KIRKPATRICK, SINGLE AND KENNETH JACOBINE AND WIFE, LISA KIRKPATRICK	NEAL ERWIN JACKSON P.O. BOX 1206 HENDERSONVILLE, NC 28793

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in HENDERSONVILLE Township, HENDERSON County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT A.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1593 page 508.

All or a portion of the property herein conveyed _____ includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Slide _____.

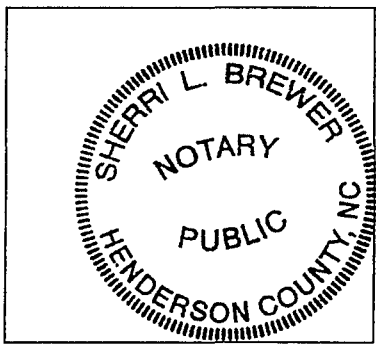
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

**Subject to Henderson County ad valorem taxes.
Subject to Restrictions, Easements, and Rights of Way of Record.**

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

_____ (entity name) James C. Kirkpatrick (SEAL)
 By: _____
 Print Name and Title Kenneth Jacobine by James C. Kirkpatrick, POA (SEAL)
 By: _____
 Title: Lisa Kirkpatrick by James C. Kirkpatrick, POA (SEAL)



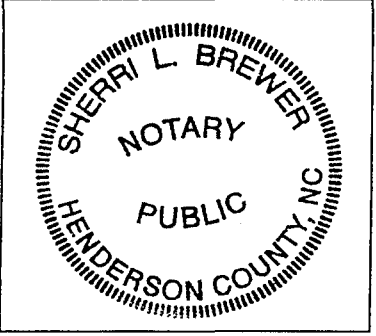
State of NORTH CAROLINA - County of HENDERSON

I, the undersigned Notary Public of the County and State aforesaid, certify that JAMES C. KIRKPATRICK personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 26th day of JANUARY, 2015.

My Commission Expires: 11-14-19

Sherril L. Brewer
Notary's Printed or Typed Name

(Affix Seal)



State of NORTH CAROLINA - County of HENDERSON

I, SHERRIL L. BREWER, a Notary Public for said County and State, do hereby certify that JAMES C. KIRKPATRICK, attorney in fact for KENNETH JACOBINE, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of KENNETH JACOBINE, and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the Office of the Register of Deeds in the County of Henderson, State of North Carolina on the 5th day of February, 2013, in Book 1523 Page 115, and that this instrument was executed under and by virtue of the authority given by said instrument granting his power of attorney.

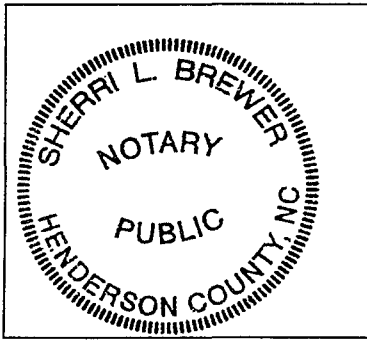
I do further certify that the said JAMES C. KIRKPATRICK acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said KENNETH JACOBINE. Witness my hand and Notarial stamp or seal this 26th day of JANUARY, 2015.

My Commission Expires: 11-14-19

Sherril L. Brewer
Notary's Printed or Typed Name

(Affix Seal)

State of NORTH CAROLINA - County of HENDERSON



(Affix Seal)

I, SHERRIL L. BREWER, a Notary Public for said County and State, do hereby certify that JAMES C. KIRKPATRICK, attorney in fact for LISA KIRKPATRICK, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of LISA KIRKPATRICK, and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the Office of the Register of Deeds in the County of Henderson, State of North Carolina on the 5th day of February, 2013, in Book 1523 Page 112, and that this instrument was executed under and by virtue of the authority given by said instrument granting his power of attorney.

I do further certify that the said JAMES C. KIRKPATRICK acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said LISA KIRKPATRICK. Witness my hand and Notarial stamp or seal this 26th day of JANUARY, 2015.

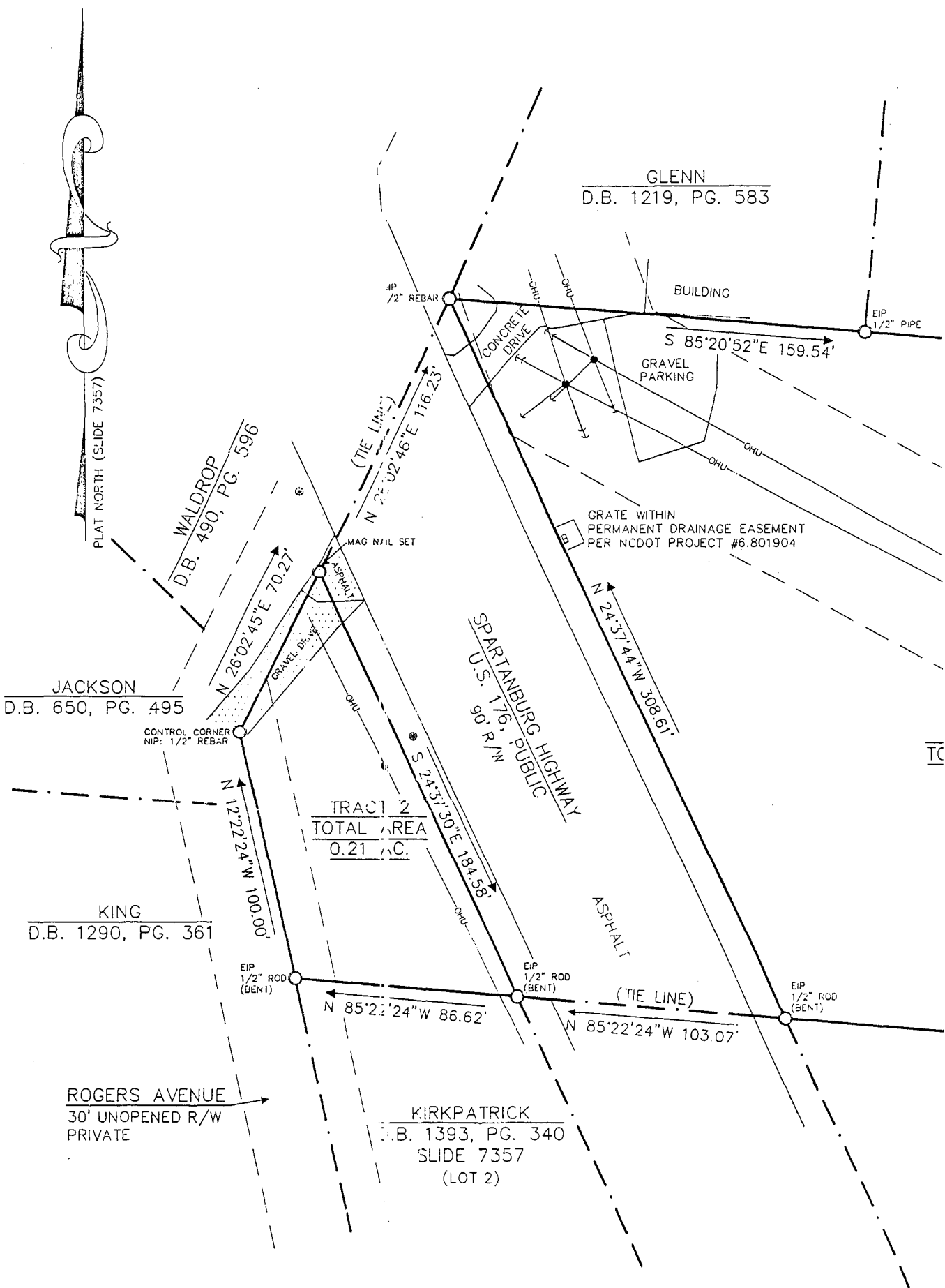
My Commission Expires:
11-14-19

Sherril L. Brewer
Sherril L. Brewer Notary Public
Notary's Printed or Typed Name

EXHIBIT A

BEING all of that 0.07 acre tract shown as TRACT 2B on Plat Slide 9608 recorded in the office of the Register of Deeds for Henderson County, North Carolina, reference to said plat being hereby made for a more particular description.

Slide 8284



TRACT 2
TOTAL AREA
0.21 AC.

This survey is of an existing parcel or parcels of land and does not create a new street, or change an existing street.

I, David C. Huntley, certify that this plat was drawn under my supervision from an actual survey made under my supervision. (deed description recorded in Bk. 1328, Pg. 113) that the boundaries not surveyed are clearly indicated as drawn from information found in Bk. N/A, Pg. N/A; that the ratio of precision as calculated is 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this 15th day of March, 2011.

[Signature]
David C. Huntley

PLS L-3204

[Signature]
Review Officer of Henderson
certify that the map or plat to which this certification is affixed statutory requirements for recording.

[Signature]
Review Officer

This plat was presented for registration and recorded in this off Slide 8284 this the 21 day of March 2011 at 12:14 o'clock P.M.

[Signature]
Register of Deeds
[Signature]

This property is not located within 2,000 ft of a NCGS monomer Area was determined by Coordinate Computation.

HARLEY OSTEEN LIVING TRUST
1328/113

MARK F. KING
1290/361

S 78°29'07"W
30.09' TOTAL

N 85°20'48"W
86.48'

S 11°30'53"E
28.75'

N 11°10'52"W
26.11'

EIP CONTROL
CORNER

US HWY. 176

SPARTANBURG

TROY LEE JACKSON
930/466

0.10 AC.

S 13°20'47"E
32.00'

DOG LOT
FENCE

JAMES C. KIRKPATRICK
D.B.1393 PG.340

MARIA DEL ROSARIO MEJIA
1269/794

30' UNOPENED
ROGERS AVENUE
R/W HAS BEEN OFFICIALLY
CLOSED

JANE KING CALLENDER
1290/365
TRACT I

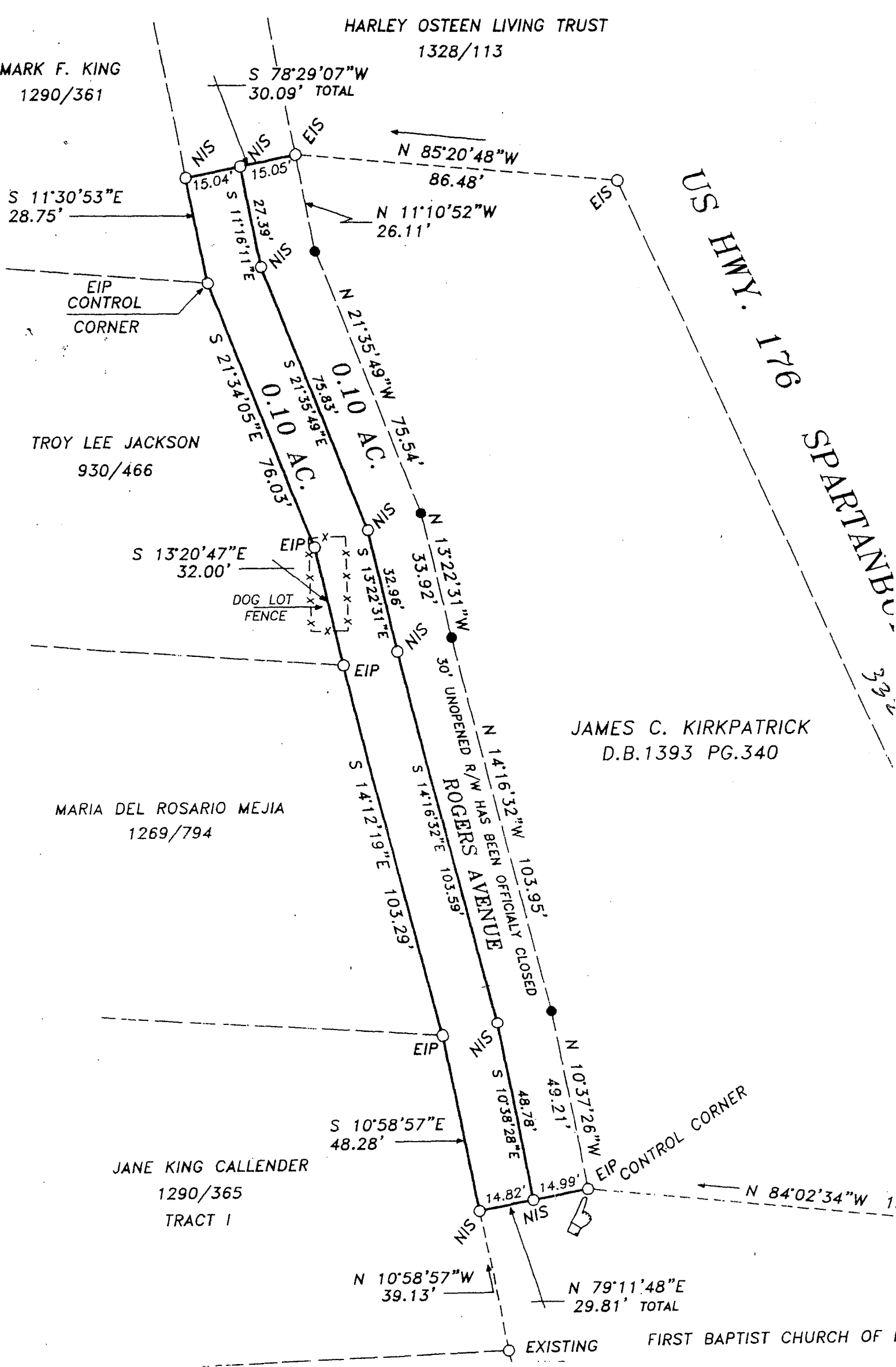
S 10°58'57"E
48.28'

EIP CONTROL CORNER

N 10°58'57"W
39.13'

N 79°11'48"E
29.81' TOTAL

EXISTING FIRST BAPTIST CHURCH OF I



Proposed Road Right Of Way Closure



Waldrop, Lemuel
Douglas

APPLICANT -- this lot and
lot indicated by arrow.

Mark F. King. Property extends
west to Mills St.

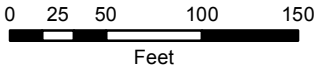
Kirkpatrick, James C.;
Jacobine, Kenneth;
Kirkpatrick, Lisa

East Flat Rock
First Baptist Church

- Road Right of Way Requested to be Closed
- Portion of Road Right of Way Previously Approved to be Closed by Board of Commissioners in 2009



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1 inch = 100 feet

