

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: October 5, 2015

SUBJECT: Public Hearing to permanently close the unopen right-of-way of Rogers Avenue

PRESENTER: Curtis Griffin, Property Addressing Office

ATTACHMENTS: (1) Map of Rogers Avenue
(2) Order to permanently close the remainder of unopen right-of-way of Rogers Avenue

SUMMARY OF REQUEST:

The Henderson County Board of Commissioner's pass a resolution at the September 8, 2015 board meeting stating their intent to hold a public hearing for the purpose of permanently closing the remainder of unopened right-of-way for Rogers Avenue.

North Carolina General Statute 153A-241 requires that a public hearing be held for the permanent closing of a public road or easement and that the board must adopt an order closing the right-of-way if it deems no individual owning property would be deprived of a reasonable means of ingress and egress.

BOARD ACTION REQUESTED:

Staff recommends approval to permanently close the remainder of right-of-way for Rogers Avenue and adopt the Order of Closure for recording with the County Registrar.

Suggested Motion:

I move that the Board approve closure of the right-of-way and certify the Order of Closure.

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.

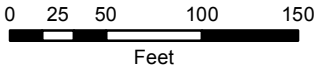
Kirkpatrick, James C.;
Jacobine, Kenneth;
Kirkpatrick, Lisa

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



Henderson County North Carolina

Before the Board of Commissioners

ORDER CLOSING THE REMAINING UNOPENED

RIGHT-OF-WAY FOR ROGERS AVENUE

THIS MATTER came on for hearing before the Henderson County Board of Commissioners at its regular October 5, 2015, meeting, pursuant to N.C. Gen. Stat. §153A-241, on the issue of closing of the remaining unopened right-of-way for Rogers Avenue, 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 September 8, 2015, on the petition of Neal Erwin Jackson to close the remaining portion of Rogers Avenue in the East Flat Rock area of Henderson County.

2. At the Board's September 8, 2015, the Board adopted a resolution "declaring its intent to close" the said remaining portion of Rogers Avenue.

3. The Board has previously closed a portion of Rogers Avenue, but a portion remains legally open (although never physically opened). A map showing the area under consideration is shown on the attachment hereto, Exhibit A, (indicated by a broken yellow line), and the plat of survey thereof attached hereto, Exhibit B.

4. A notice of this Board's October 5 hearing was published once a week for three successive weeks before the hearing in the *Hendersonville Tribune*, 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 in at least two places along the road or easement.

5. Before the Board on October 5, 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.

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.

WHEREFORE IT IS ORDERED that the remaining legally open portion of Rogers Avenue in the East Flat Rock area of 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 5th day of October, 2015.

BOARD OF COMMISSIONERS
OF HENDERSON COUNTY

By: _____
Chairman

Attest:

Clerk to the Board