

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: November 2, 2015

SUBJECT: Closing of a portion of Middleton Road (SR 1136)

PRESENTER: Curtis Griffin, Property Addressing

ATTACHMENTS: (1) Petition to close portion of Middleton Road (SR 1136)
(2) Map of area
(3) Proposed Resolution

SUMMARY OF REQUEST:

Staff received the attached petition to abandon state maintenance and close the Right of Way (ROW) for a portion of Middleton Road (SR 1136). A copy of the petition requesting the closing is attached.

Under N.C. Gen. Stat. 153A-241, you 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 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.

BOARD ACTION REQUESTED:

Staff recommends approval of the resolution and the setting of the public hearing to December 7, 2015.

Suggested Motion:

I move that the Board adopt the proposed resolution and set the public hearing for December 7, 2015 at 5:30pm.

COPY

Petition to Close Right of Way

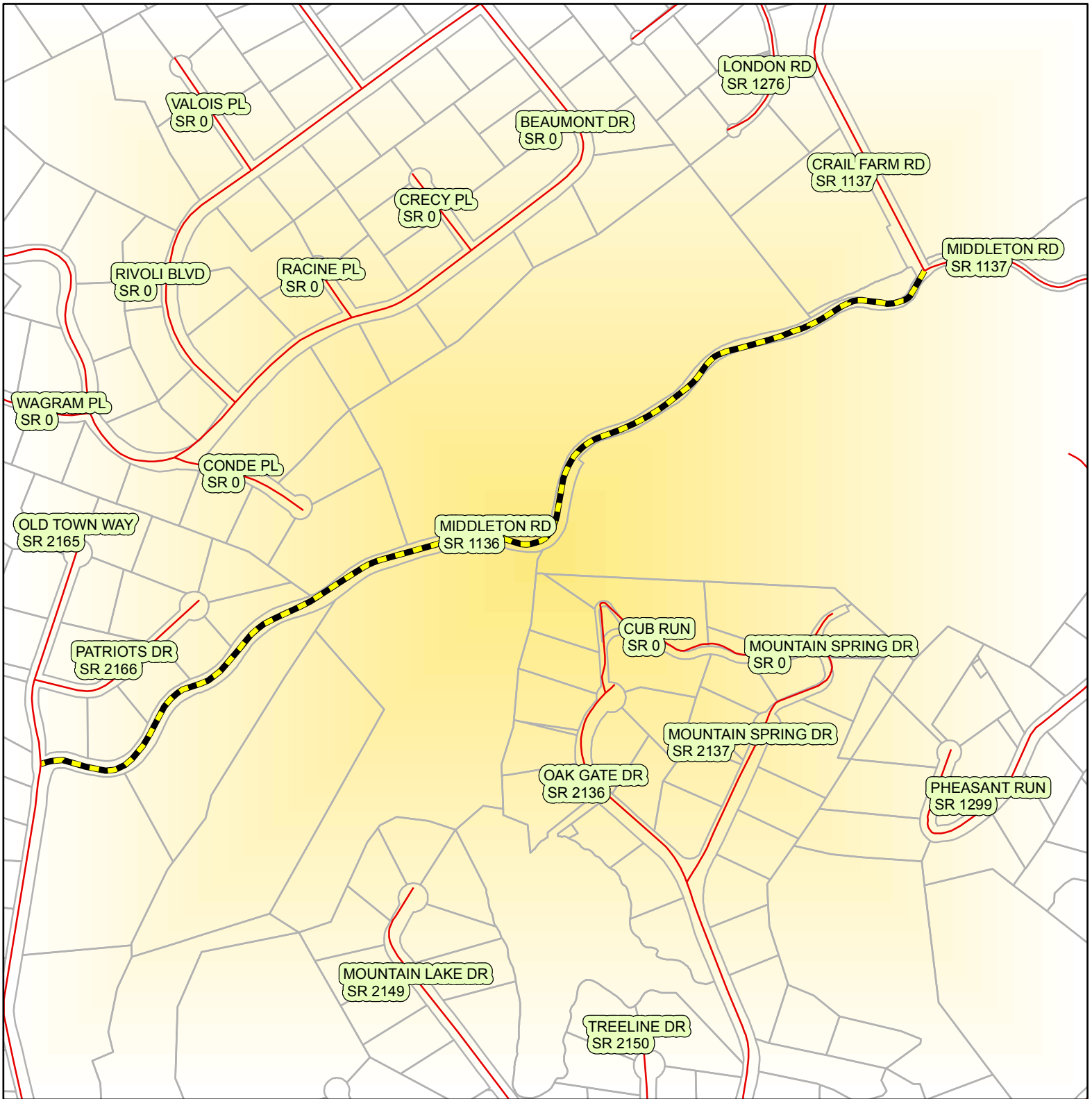
To whom it may concern:

We the under signed property owners, along Middleton Rd. in Henderson County wish to have this road closed to public use in accordance with statute 153A-241. The portion of this road to be closed is from Crail Farm Road to Old Town Way. All property owners along this stretch of road have signed in agreement with the closing of this road in addition, to filing a petition with the North Carolina Department of Transportation to abandon the road from the State Maintained System.

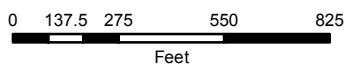
PROPERTY OWNERS

Name	Address
Daniel Ravenel	DANIEL RAVENEL
Jean Lammig	155 BIRD MOUNT DR
John P. ...	1408 PATRIOTS
Charles R. Jensen	1410 PATRIOTS
Kendrick Ruebush	1420 PATRIOTS DR
Wells Shewry	1470 PATRIOTS DR
M. David and Audrey M. Shaw	2533 LITTLE RIVER RD.
Audrey M. Shaw	121 Cub Run

Proposal to Close Section of Middleton Road (SR 1136)



 Proposed section of Middleton Road to be closed



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Map created by Curtis Griffin
Henderson County Planning Department
10/19/2015



**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 not within a municipality except public roads and easements and under the control and supervision of the North Carolina Department of Transportation.

R. Wells Shealy has petitioned the Board for the closure of portion of Middleton Road (SR 1136), located in the 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 a portion of Middleton Road (SR 1136) at its regularly scheduled meeting on December 7, 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 2nd day of November, 2015.

THOMAS H. THOMPSON, Chairman
Henderson County Board of Commissioners

Attest:

TERESA L. WILSON
Clerk to the Board of Commissioners