

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: October 17, 2018

SUBJECT: Public Hearing for Proposed Right of Way Closure

PRESENTER: Autumn Radcliff, Planning Director

ATTACHMENTS: (1) Petition and documentation for ROW closure from Mr. Emery Lorntz and Mr. Roger Gagnon
(2) Map of area
(3) Order of Closure

SUMMARY OF REQUEST:

Planning staff received a petition from Mr. Emery Lorntz and Mr. Roger Gagnon to close a portion of a right of way off Ripley Avenue in the Mountain Home area of Henderson County. The petitioners are requesting a portion of a 60-foot shared right of way to be closed and the property resurveyed to show the closure.

On September 19th, 2018, 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 way and approve the Order of Closure.

Suggested Motion:

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

LORNTZ & ASSOCIATES

Medicare Advantage Plans, Supplements, Insurance, and Secure Investments

July 19, 2018

Curtis Griffin
Planning Department
Property Addressing Division
100 North King Street
Hendersonville, NC 28792

RE: Proposed Right of Way (Between my property and Mr. Gagnon) closure

Dear Mr. Griffin,

Thanks for your time today as we discussed the ROW issues.

Mr. Gagnon and I have agreed to apply for a closure of the ROW that exists between our two properties.

Enclosed, please find the following documents pertaining to the same:

Original letter of intent

General Warranty Deed for my property

Maps of Mountain Home (2)

NC Department of Transportation Map

Please begin the process for this ROW closure and advise us of anything else you might need from us.

Sincerely,


Emery Lorntz

Roger Gagnon



John Lorntz, Ph.D. • PO Box 337 • Mountain Home, NC 28758
98 Ripley Avenue, Hendersonville, NC 28791 • E-Mail: jlorntz@gmail.com
Office: 828-699-5562 • Toll Free: 888-846-4849

B-264



MAP
OF
MOUNTAIN HOME
Henderson County
N.C.

FEESTES,
R. C. RIDGELY, ENGRS.

Scale: 1" = 100' Oct. 1914.

NOTE: LOTS NO
48 to 47 inclusive
108 to 107 "
137 to 138 "
106 to 105 "
204 to 200 "
ARE OMITTED.

APPROXIMATELY 4.6
ACRES UNPLOTTED.

PSD 248-07-R
 TIP R-2214A
 PROJECT 8.1951101
 WBS 34389.1.1
 PAR 66
 TOWNSHIP HENDERSONVILLE

STATE OF NORTH CAROLINA
 DEPARTMENT OF TRANSPORTATION
 MAP OF DEED REMAINDER AREA
 PROJECT OF
 STATE OF NORTH CAROLINA
 DEPARTMENT OF TRANSPORTATION
 HENDERSONVILLE COUNTY

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 HENDERSONVILLE COUNTY



TABLES OF METES AND BOUNDS

PARCEL NO. 66 - DEED REMAINDER AREA = 0.385 ACRE

-LREV-

COURSE	BEARING	DISTANCE	ARC	RADIUS
202+70.34 - 1	S 88°27'45" W	56.80'		
1 - 2	S 88°27'45" W	134.79'		
2 - 3	N 01°19'49" W	140.15'		
3 - 4	N 89°23'33" E	81.01'	81.01'R	2834.7892'
4 - 5	S 89°47'15" E	28.74'		
5 - 1	S 11°38'03" E	140.13'	140.24'L	1009.9297'

SLOPE EASEMENT

-LREV-

COURSE	BEARING	DISTANCE	ARC	RADIUS
202+70.34 - 1	S 88°27'45" W	56.80'		
1 - 6	S 88°27'45" W	10.19'		
6 - 7	N 20°56'44" W	14.54'		
7 - 8	N 11°43'58" W	53.45'		
8 - 9	N 10°47'27" W	72.95'		
9 - 5	S 89°47'15" E	11.65'		
5 - 1	S 11°38'03" E	140.13'	140.24'L	1009.9297'

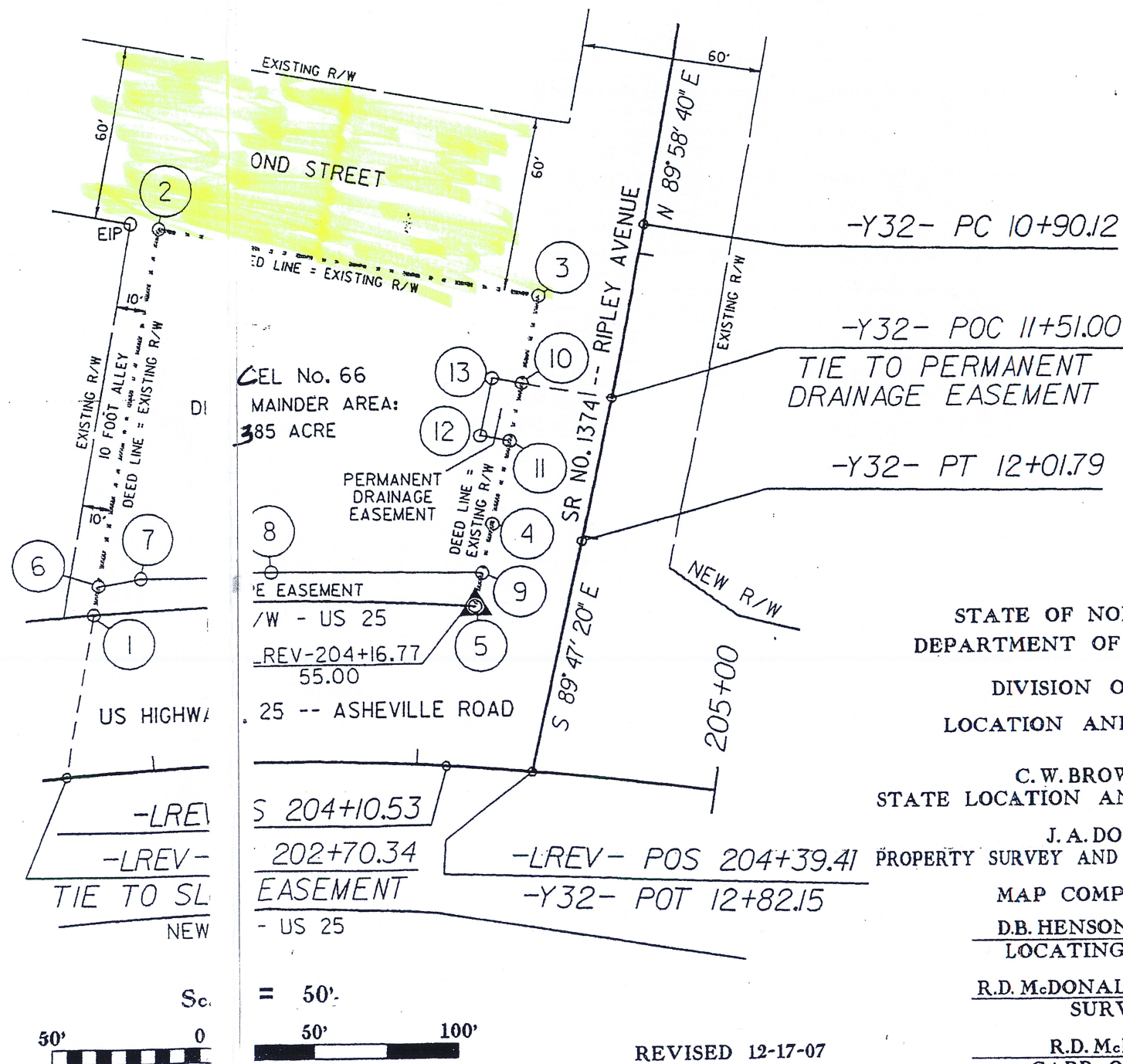
PERMANENT DRAINAGE EASEMENT

-Y32-

COURSE	BEARING	DISTANCE	ARC	RADIUS
11+51.00 - 10	S 00°48'17" E	30.00'		
10 - 11	N 89°24'19" E	20.78'	20.78'R	2834.7892'
11 - 12	S 00°23'05" E	10.00'		
12 - 13	S 89°24'19" W	20.71'		
13 - 10	N 00°48'17" W	10.00'		

TABLE OF AREAS

TOTAL AREA	16792 SQ. FT.	0.385 AC.
REMAINING AREA	16792 SQ. FT.	0.385 AC.
REMAINING AREA SUBJECT TO EASEMENTS:		
PERMANENT DRAINAGE EASEMENT	208 SQ. FT.	0.005 AC.
SLOPE EASEMENT	1463 SQ. FT.	0.034 AC.



STATE OF NORTH CAROLINA
 DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 LOCATION AND SURVEYS UNIT

C. W. BROWN, PE, P.L.S.
 STATE LOCATION AND SURVEYS ENGINEER

J. A. DODSON, PE
 PROPERTY SURVEY AND CADD MAPPING ENGINEER

MAP COMPILED 11-06-07
 D.B. HENSON, P.L.S. No. 5282
 LOCATING ENGINEER

R.D. McDONALD, P.L.S. No. 2845
 SURVEYOR

R.D. McDONALD
 CADD OPERATOR

REVISED 12-17-07

**Henderson County
North Carolina**

Before the Board of Commissioners

ORDER CLOSING THE UNOPENED

RIGHT-OF-WAY FOR MR. EMERY LORNTZ AND MR. ROGER GAGNON

THIS MATTER came on for hearing before the Henderson County Board of Commissioners at its regular October 17, 2018, meeting, pursuant to N.C. Gen. Stat. §153A-241, on the issue of closing of the remaining unopened right-of-way off Ripley 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 19, 2018, on the petition of Emery Lorntz and Roger Gagnon to close the unopen portion of a 60 foot ROW in the Mountain Home area of Henderson County.
2. At the Board's September 19, 2018, the Board adopted a resolution "declaring its intent to close" the said unopened right of way.
3. A notice of this Board's October 17 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 in at least two places along the road or easement.
4. Before the Board on October 17, 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 Mountain Home 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 17th day of October, 2018.

BOARD OF COMMISSIONERS
OF HENDERSON COUNTY

By: _____
Chairman

Attest:

Clerk to the Board