



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

County Attorney

Board Action

File #: 16-404

Commissioner Price - To Close a Portion of an Unnamed and Unimproved Right-of-Way Intersecting with Gaither Road, Located Exclusively on Parcel 221532, South Point Township, Gaston County

STAFF CONTACT

Charles Moore - County Attorney - 704-866-3194

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The Board of Commissioner received a request from Martin and Deana Murphy to close an unnamed unimproved right-of-way located on property they own, 1332 South Point Road, Parcel ID 221532. On July 28, 2016, the Gaston County Board of Commissioners scheduled the public hearing concerning the right-of-way closure to be held on August 23, 2016. Pursuant to North Carolina General Statute 153A-241, the Board of Commissioners may close said road, subject to the results of a public hearing on the issue.

POLICY IMPACT

The right-of-way closure will not impact County policy. The subject right-of-way is exclusively on the Petitioner's property, and has not been improved nor has it been dedicated to the North Carolina Department of Transportation. Consequently, the County has authority to close this right-of-way as opposed to merely recommending a course of action to the North Carolina Department of Transportation.

ATTACHMENTS

Resolution, Exhibit A and Petition & Map

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	Brown	Carpenter	Fraley	Kelgher	Philbeck	Price	Williams	Vote
2016-220	08/23/2016	TP	JW	AB	A	A	A	A	AB	A	U

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RESOLUTION TITLE: TO CLOSE A PORTION OF AN UNNAMED AND UNIMPROVED RIGHT-OF-WAY INTERSECTING WITH GAITHER ROAD, LOCATED EXCLUSIVELY ON PARCEL 221532, SOUTH POINT TOWNSHIP, GASTON COUNTY

WHEREAS, the Gaston County Board of Commissioners has received a request to close a portion of an unnamed and unimproved right-of-way located exclusively on a property having a street address of 1322 South Point Road, Belmont, and a PID of 221532; and,

WHEREAS, the Petitioners are Martin H. Murphy and wife Deana K. Murphy; and,

WHEREAS, the unimproved right-of-way intersecting with the southern border of the above-mentioned parcel which parallels Gaither Road is approximately three hundred and eighty six feet west of the eastern most border of the above-mentioned parcel, which on its eastern side parallels South Point Road; and,

WHEREAS, the subject area of the unimproved right-of-way is located approximately seventy one feet east of the western most border of the above mentioned parcel; and,

WHEREAS, the right-of-way closed is approximately two hundred feet in length and thirty feet in width; and,

WHEREAS, the Petitioners of the unimproved right-of-way closure own all the land surrounding the subject area subject to closure; and,

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

Donna S. Buff

NO.	DATE	M1	M2	Brown	Carpenter	Fraley	Keigher	Philbeck	Price	Williams	Vote
2016-220	08/23/2016	TP	JW	AB	A	A	A	A	AB	A	U

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To Close a Portion of an Unnamed and Unimproved Right-of-Way Intersecting with Gaither Road, South Point Township, Gaston County

Page 2

WHEREAS, the subject area to be closed is currently not open to vehicular traffic; and,

WHEREAS, pursuant to North Carolina General Statute 153A-241, the Board of Commissioners may close whatever interest, if any, Gaston County had at one time on this unimproved right-of-way, subject to the results of a public hearing on the issue; and,

WHEREAS, said unimproved right-of-way is not controlled or maintained by the North Carolina Department of Transportation; and,

WHEREAS, on August 23, 2016, the Gaston County Board of Commissioners held a public hearing on this matter after properly notifying the public per 153A-241 and approved to close the subject right-of-way on that date.

NOW, THEREFORE, BE IT RESOLVED THAT the portion of the unimproved right-of-way described as being exclusively on Parcel 221532, being approximately one two hundred feet in length and thirty feet in width, and as depicted in Map Book 81, Page 32 of the Gaston County Registry and Map Book 3, Page 95 of the Gaston County Registry, located approximately three hundred and eighty six feet west of the eastern most boundary of Parcel 221532 and approximately seventy one feet east of the western most boundary of said parcel be closed, as reflected on a map and description attached as Exhibit "A". It is also resolved that any interest Gaston County may have had in the subject area be extinguished. The subject right-of-way shall revert to the property owners of Parcel 221532, being the Petitioner Martin H. Murphy and wife Deana K. Murphy.

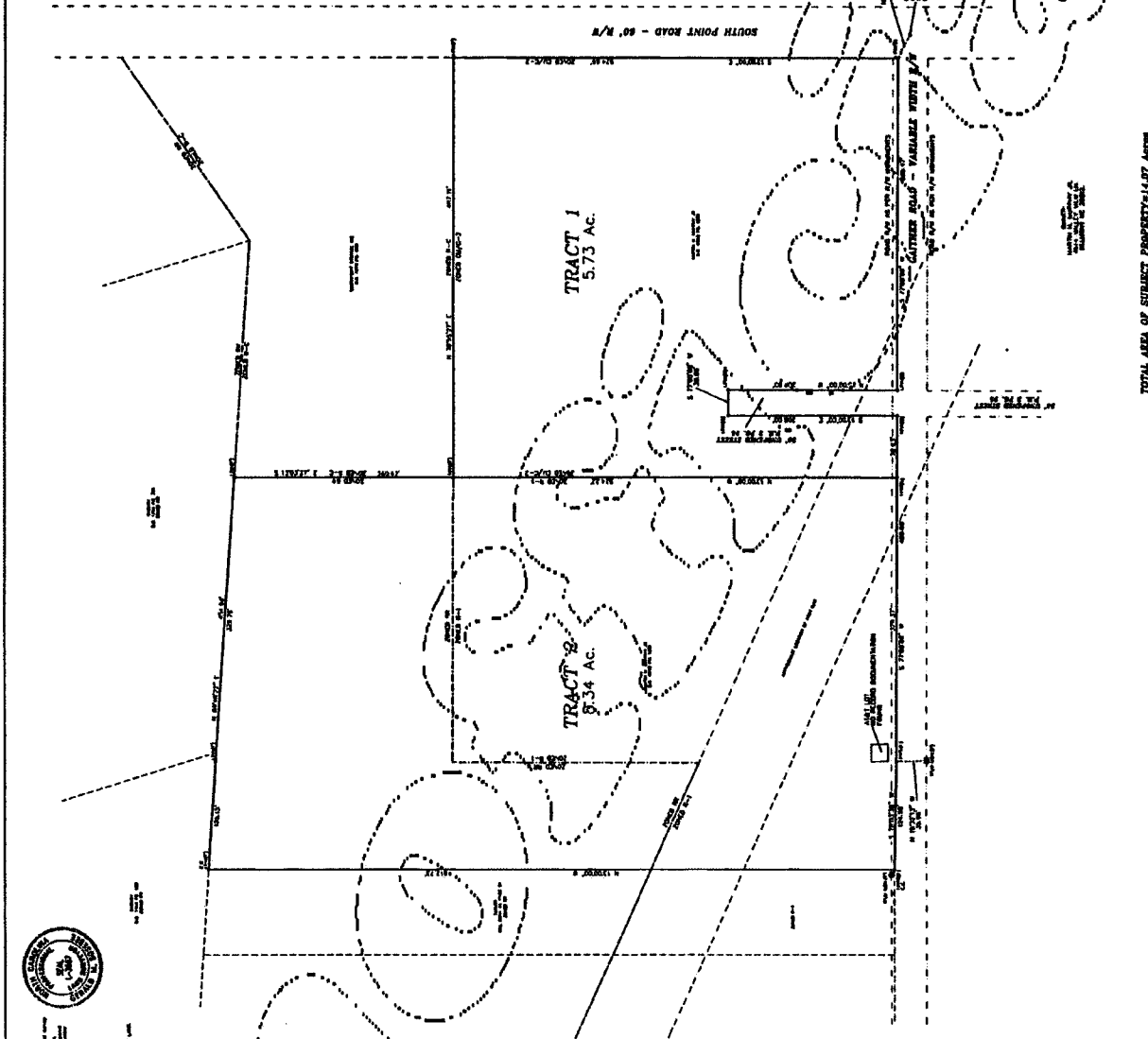


Tom Keigher, Chairman
Gaston County Board of Commissioners



7/18/2013
 7/18/2013

SUBDIVISION PLAT
 D.B. 464-3, PG. 1231
 MARTIN H. MURPHY JR.
 and
 DEANA K. MURPHY
 SOUTH POINT TOWNSHIP
 EASTON COUNTY, N.C.



TOTAL AREA OF SUBJECT PROPERTY=14.07 Acres



7/17/13
 7/17/13

Green Engineering
 South Carolina
 7/17/13

81-32

NEEDS SHOWN AT THE PLACE OF SURVEY

LEGEND

RETURN TO:
**CAROLINAS
 DESIGN
 GROUP, PLLC**
 LAND SURVEYING & LAND PLANNING
 201 West Second Avenue, Gastonia, NC 28603
 Phone: 704-851-9328 • Fax: 704-851-9328

STATE OF NORTH CAROLINA
COUNTY OF GASTON

PETITION TO CLOSE ROAD EASEMENT


TO: GASTON COUNTY BOARD OF COMMISSIONERS

The undersigned, Martin H Murphy, Jr. and his wife, Deana K. Murphy, residents of Belmont, North Carolina, respectfully show and request unto the Gaston County Board of Commissioners, the following:

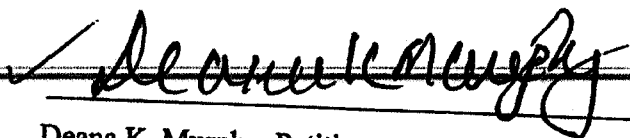
1. That petitioners, Martin H Murphy, Jr. and wife, Deana K. Murphy, are the owners of a property having the street address of 1322 South Point Rd. Belmont, NC 28012, described in the Deed Book 4643, Page 1231 in the office of the Gaston County Register of Deeds office, having a Parcel Identification Number 221532. A portion of a road easement bisects said property that was never completed or developed.
2. After extensive research with Gaston County Tax Office and the NCDOT in Shelby, NC, it has been decided that this road easement belongs to no one. We are ~~petitioning to have the unused road easement~~ terminated due to "failure of purpose".
3. That there exists no public right away, expressed or implied, for ingress and egress by virtue of said portion of road easement that bisects Petitioners' property.
4. That said portion of road easement is not a necessary means of ingress and egress to the property of the Petitioners.
5. That portion of the undeveloped road easement, which the Petitioners desire to close, is depicted in Exhibit A attached.
6. That the Gaston County Board of Commissioners of authorized by North Carolina Statutes Section 153A-241 to close that portion of road easement, as herein described:

WHEREFORE, the Undersigned Petitioners pray the Gaston County Board of Commissioners declare their intent to close that portion of unused road easement insomuch as it bisects the property of the Petitioners, herein described, and they give notice in accordance with the provisions of the NC General Statutes Section 153A-241 by publishing notice of said hearing once a week for three (3) consecutive weeks in the Gaston Gazette, a newspaper published in Gaston County, North Carolina, and by posting notices of closing and public hearing prominently along the portion of unused road easement in at least two (2) locations.

This the 7/15/16 of July, 2016



Martin H. Murphy, Jr., Petitioner



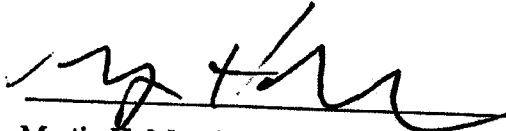
Deana K. Murphy, Petitioner

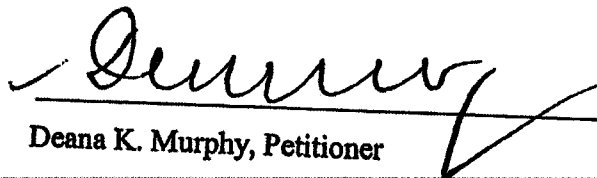
VERIFICATION

STATE OF NORTH CAROLINA
COUNTY OF GASTON

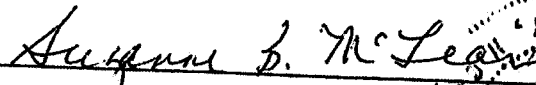
Martin H. Murphy, Jr. and Deana K. Murphy, PETITIONERS, being first duly sworn,
depose and say:

That they are the PETITIONERS herein, and that they have read the Petition, and believe
that contents there of to be true.


Martin H. Murphy, Jr., Petitioner

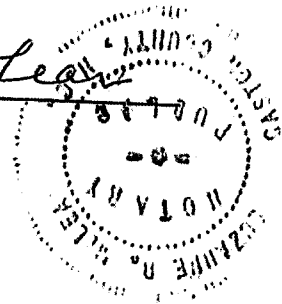

Deana K. Murphy, Petitioner

Sworn to and subscribed before me this 15th day of July 2016 Martin H. Murphy, Jr.



Notary Public

My Commission Expires:
January 10, 2021.

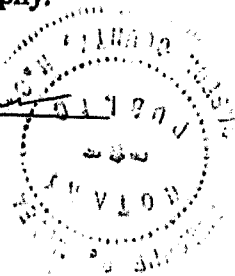


Sworn to and subscribed before me this 15th day of July 2016 Deana K. Murphy.



Notary Public

My Commission Expires:
January 10, 2021





GATHER RD

SOUTH POINT RD

450.75

175.29

124.68

510.03

73.61

185.19

185.83

186.97

100

186.46

136.11

99.42

135.61

100.58

381.71

60.17

183.39

183.29

75

183.52

513.78

59.19

300

N

205.68

205.7

205.73

205.75

205.78

112

210

210

112

395.14

486.82

257.42