



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

County Attorney

Board Action

File #: 16-383

Commissioner Price - To Schedule a Public Hearing to Close a Portion of Gaither Road, Which is an Unimproved Right-of-Way, Located in the Southpoint Township, Near Belmont

STAFF CONTACT

Charles Moore - County Attorney - 704-866-3194

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The Board of Commissioners received a request to close an unimproved right-of-way located on 1332 South Point Road, Belmont, NC, parcel ID 221532. A map showing the parcel in question, found in Map Book 81, Page 32 of the Gaston County Registry, refers to the proposed right of way to be closed as an "unopened street" with a reference to Map Book 3, Page 95 of the Gaston County Registry. The proposed area to be closed is approximately 200 feet in length and 30 feet in width.

Pursuant to North Carolina General Statute 153A-241, the Board of Commissioners may close this public road, subject to the results of a public hearing on the issue. Staff recommends the Board of Commissioners schedule a public hearing for August 23, 2016. The proposed road closure is unimproved and will not impact vehicular traffic. No other parcels of land will be directly or indirectly impacted by the closure.

POLICY IMPACT

This road closure will not impact County policy. Unlike most roads in the County, the road in question has not been dedicated to the North Carolina Department of Transportation. Consequently, the County has the authority to close this right-of-way and any interest it may have had in the right-of-way as opposed to merely recommending a course of action to the North Carolina Department of Transportation.

ATTACHMENTS

Petition & Map & Budget Change Request

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
2016-191	07/28/2016	MP	CB	A	A	A	A	A	A	AB	U

DISTRIBUTION:

Laserfiche Users

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

STATE OF NORTH CAROLINA
COUNTY OF GASTON

PETITION TO CLOSE ROAD EASEMENT

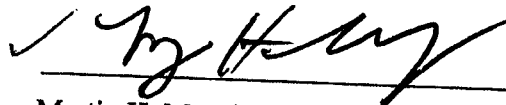
TO: GASTON COUNTY BOARD OF COMMISSIONERS

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:

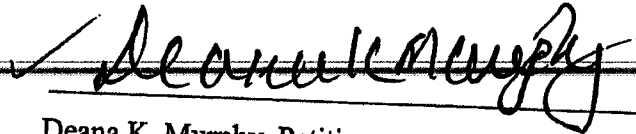
1. That petitioners, Martin H Murphy, Jr. and wife, Deana K. Murphy, are the owners of a property having the street address of 1322 South Point Rd. Belmont, NC 28012, described in the Deed Book 4643, Page 1231 in the office of the Gaston County Register of Deeds office, having a Parcel Identification 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

✓ 

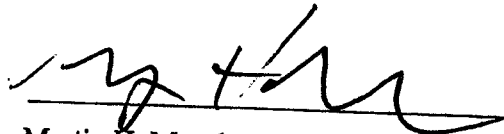
Deana K. Murphy, Petitioner

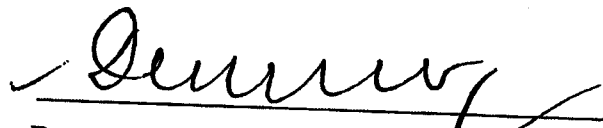
VERIFICATION

STATE OF NORTH CAROLINA
COUNTY OF GASTON

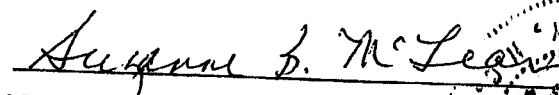
Martin H. Murphy, Jr. and Deana K. Murphy, PETITIONERS, being first duly sworn,
depose and say:

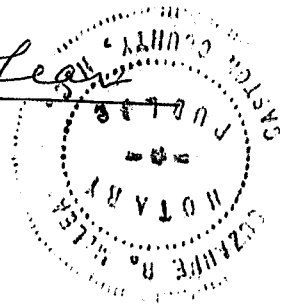
That they are the PETITIONERS herein, and that they have read the Petition, and believe
that contents there of to be true.


Martin H. Murphy, Jr., Petitioner



Deana K. Murphy, Petitioner

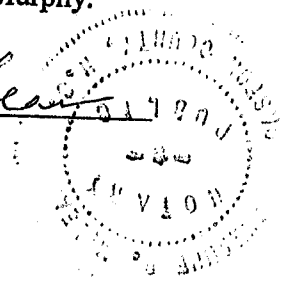
Sworn to and subscribed before me this 15th day of July 2016 Martin H. Murphy, Jr.


Suzanne B. McLean
Notary Public
My Commission Expires:
January 10, 2021.



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


Suzanne B. McLean
Notary Public
My Commission Expires:
January 10, 2021





A portion of the aerial map was made from a composite of two photographs of the same area taken on different dates. The map is not a true representation of the actual ground conditions and should not be used for any purpose other than for general reference only. The map is not a legal document and should not be used for any legal purpose. The map is not a legal document and should not be used for any legal purpose.

This map is not a legal document and should not be used for any legal purpose. The map is not a legal document and should not be used for any legal purpose. The map is not a legal document and should not be used for any legal purpose.

Map of the area around the intersection of GATHER RD and SOUTH POINT RD. The map shows the intersection and the surrounding area. The map is not a legal document and should not be used for any legal purpose.

Map of the area around the intersection of GATHER RD and SOUTH POINT RD. The map shows the intersection and the surrounding area. The map is not a legal document and should not be used for any legal purpose.

GASTON COUNTY BUDGET CHANGE REQUEST

TO: Earl Mathers COUNTY MANAGER

FROM: 4110 Commissioners
Dept. # Department Name

Donna S. Buff 7/18/2016
 Department Director's Signature Date

TYPE OF REQUEST:

☐ Line Item Transfer Within Department & Fund

☐ Line Item Transfer Between Funds *

☐ Project Transfer Within Department & Fund

☒ Additional Appropriation of Funds *

☐ Line Item Transfer Between Departments *

* Requires resolution by the Board of Commissioners

Resolution #

Date

ACCOUNT DESCRIPTION (As it appears in the budget)	ACCOUNT NUMBER	PROJECT	AMOUNT
	Fund - Dept - Subdept - Div - Acct - Subacct	SUBPROJECT	Whole Dollars Only
	xx - xxxx - xxxx - xxxx - xxx - xxx	xxxxx - xxxx	(See Note Below)
Road Closure Fees	10-4110-423-500		(500)
Advertising	10-4110-370-000		474
Miscellaneous Expend	10-4110-499-000		26

JUSTIFICATION FOR REQUEST:

The Board of Commissioners received a petition to close a portion of Gaither Road, which is an unimproved right-of-way, and to schedule the public hearing for closure on August 23, 2016. The Petitioner has provided the required deposit of \$500 to cover the fee for the public hearing advertisement (if approved) and, to cover the Register of Deeds filing fee if the road closure is approved on July 28, 2016. Once all fees are paid, the Petitioner will be refunded any balance. If the total costs exceed \$500, the Petitioner will be billed for the overage.

APPROVAL SIGNATURES:

 County Manager/Interim Assistant County Manager Date

 Financial Operations Manager/Asst. Financial Operations Mgr. Date

 Interim Budget Administrator Date

Note: Decreases in expenditures & increases in revenue accounts require brackets. Increases in expenditures & decreases in revenue do not require brackets. Please note that transfers between funds require interfund transfer accounts.