

Rtn orig. to Sam Shames



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Instr# 201600061577
Gaston, NC
Susan S. Lockridge Register of Deeds
BK 4842 PG 1565-1568

RESOLUTION TITLE: TO CLOSE A PORTION OF AN UNIMPROVED RIGHT-OF-WAY NAMED LOVE STREET, RIVERBEND TOWNSHIP, GASTON COUNTY

- WHEREAS, the Gaston County Board of Commissioners has received a request to close a portion of an unimproved right-of-way known as Love Street, being approximately one hundred and seventy five feet in length; and,
- WHEREAS, the subject area of the unimproved right-of-way is bordered by Gaston County Parcel Number 180991 on the north. Said property is owned by Wade Ausby Shuler. The subject area is bordered on the south by Gaston County Parcel Number 180989. Said property is owned by Linda Sue Worick Miller. Both individuals petitioned to have the right of way closed; and,
- WHEREAS, the subject area of the unimproved right of way terminates at the intersection with Abernathy Street on the west and on the east by the eastern boundary of both above-mentioned parcels; and,
- WHEREAS, only the part of Love Street described herein is subject to closure; the area of Love Street east of the areas described herein is not subject to this Resolution. The area of Love Street east of the subject area is an improved road; and,
- WHEREAS, the Petitioners of the unimproved right-of-way closure own all the parcels of land surrounding the subject area subject to closure; and,
- WHEREAS, the subject area to be closed is currently not open to vehicular traffic and is partially wooded; and,

DO NOT TYPE BELOW THIS LINE

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	Kelner	Phillbeck	Price	Williams	Vote
2016-094	04/26/2016	TP	AF	AB	A	A	A	A	AB	A	U

DISTRIBUTION:

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

2016-129

To Close a Portion of an Unimproved Right-of-Way Named Love Street, Riverbend Township, Gaston County
Page 2

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 April 26, 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 bordered by the following Gaston County Parcel Identification Numbers 180991 and 180989, and being approximately one hundred and seventy feet in length, 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; and for ownership of the unimproved right-of-way to revert to Wade Ausby Shuler, pursuant to a request by both parties.



Tom Keigher, Chairman
Gaston County Board of Commissioners

EXHIBIT A

PORTION OF LOVE STREET TO BE CLOSED

Beginning at a point in the eastern margin of Abernathy Street, southwestern front corner of Lot 25 in Block B of the L.M. Laye property as shown on plat recorded in Plat Book 11 at Page 2 in the Gaston County Registry, and running thence with the southern line of said Lot 25, South 66-50 East 175.00 feet to a point; thence South 27 West 35.00 feet to a point, northeastern rear corner of Lot 1 in Block C of the L. M. Laye property as shown on said plat; thence with the northern line of said Lot 1, North 66-50 East 177.00 feet to a point in the eastern margin of Abernathy Street; thence with the eastern margin of Abernathy Street, North 27 East 35.00 feet to the point and place of Beginning.

The subject area is bordered on the north by Parcel 180991;
on south by Parcel 180989.



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

County Attorney

Board Action

File #: 16-174

Commissioner Brown - To Close a Portion of Love Street, an Unimproved Right-of-Way, Located in the Riverbend Township Near Mount Holly

STAFF CONTACT

Charles Moore - County Attorney - 704-866-3194

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The Board of Commissioners has received a petition to close a portion of Love Street. The area in question is an unimproved right-of-way; it is wooded and is not open to vehicular traffic. This area is located near the city limits of Mt. Holly. Pursuant to North Carolina General Statute 153A-241, the Board of Commissioners may close said right-of-way, subject to the results of a public hearing on the issue.

The area to be closed is located on the south side of Wade Shuler's property (parcel 180991), one of the petitioners and on the north side of Linda Miller's property (parcel 180989), the other petitioner. Both parties agreed that if the right-of-way is closed, Wade Shuler will receive title to the proposed area to be closed. At its Regular Meeting of March 22, 2016, the Board of County Commissioners authorized the Road Closure Public Hearing to take place on April 26, 2016. Advertisements and notices were published in accordance with State law.

Continued on Page 2

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File #: 16-174

POLICY IMPACT

This right-of-way closure will not impact County policy. Unlike most roads in the County, the area 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.

The area in question is currently wooded and impassable for vehicular traffic.

ATTACHMENTS

Resolution, Exhibit & Map