



Gaston County

Gaston County
Board of Commissioners
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County Attorney Board Action

File #: 21-095

Commissioner Johnson - County Attorney - To Schedule a Public Hearing Regarding Closure of Unnamed Right-of-Ways off of Woodcrest Drive in the Larkhaven Development in Gastonia Township

Staff Contact:

Jonathan L. Sink - County Attorney

BACKGROUND:

Nicholas and Danyetta Miller (Petitioners), are the owners of Parcels 146207, 146139, 146220, 146224, 146225, 146227, 146233, 146238, 146236, 146214, 146241, 146242, and 146253, having an address of 000 Woodcrest Drive in Gastonia, North Carolina, as described in Deed Book 4052, Page 1387 in the Gaston County Registry in Gaston County, North Carolina.

There are several unimproved right-of-ways bisecting parcels 146207, 146220, 146214, 146236, 146242, 146241, 146238, 146233, 146224, and 146225. All such right of ways appear to have been unimproved, are wooded, and are not passable for vehicular traffic.

Petitioners wish to close that portion of said unnamed right-of-ways as depicted in Exhibit "A" in what will formally be called the Larkhaven Development on Woodcrest Drive in Gastonia, North Carolina. The closures of the unnamed right-of-ways are needed to combine the above-referenced parcels.

Section 153A-241 of the North Carolina General Statutes requires the Board to first adopt a resolution declaring its intent to close a public road or easement and calling a public hearing on the question.

Policy Impact:

N/A

ATTACHMENTS:

Letter, Petition, and Exhibit "A" (including map)

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	CBrown	AFrale	BHovis	KJohnson	TKeigher	TPhilbeck	RWorley	Vote
2021-080	03/23/2021	CB	RW	A	A	A	A	A	AB	A	U

DISTRIBUTION:

Laserfiche Users

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

March 2, 2021

Gaston County

Nicholas Miller and Danyetta Miller are purchasing the following parcels: 146207, 146236, 146238, 146233, 146241, 146242, 146220, 146224, 146139, 146214, 146225, 146253 and 146227. Closing is scheduled for March 12th. This is a formal request to close paper roads in what will formally be called the Larkhaven Development on Woodcrest Drive in Gastonia, NC. The closures of the roads are needed to combine the above parcels. This acreage will no longer be considered a development. I have also attached a map of the roads that need to be closed.

Please let me know if you have any questions.

Sincerely,

Nicholas M. Miller

Nicholas M. Miller

Danyetta R. Miller

Danyetta R. Miller

STATE OF NORTH CAROLINA

COUNTY OF GASTON

PETITION TO CLOSE RIGHT OF WAY

TO: GASTON COUNTY BOARD OF COMMISSIONERS

The undersigned, Nicholas & Danyetta Miller("Petitioners"), residents of _Charlotte, North Carolina, respectfully shows and requests unto the Gaston County Board of Commissioners, the following:

1. That Petitioners are the owners of Parcel(s) 146207, 146139, 146220, 146224, 146225, 146227, 146233, 146238, 146236, 146214, 146241, 146242 & 146253 having an address of 000 Woodcrest Drive in _Gastonia, North Carolina, described in Deed Book _4052, Page _1387, in the office of the Gaston County Register of Deeds office. Said parcel comprises of approximately 38.89 acres and is bisected by a portion of an unnamed right-of-way/paper road.
2. That there exists no easement and no public right-of-way, express or implied, for ingress and egress by virtue of said portion of the unnamed right-of-way/paper road that abuts Petitioners' property.
3. There are several unimproved rights of ways bisecting parcels 146207, 146220, 146214, 146236, 146242, 146241, 146238, 146233, 146224 and 146225. All such roads appear to have been unimproved, are wooded and are not passable for vehicular traffic.
4. That portion of said unnamed right of way which the Petitioners desire to close is depicted as Exhibit "A" attached hereto and incorporated by reference as if more fully set forth herein, and are bounded as follows:
 - a. That right-of-way designated to the northeast of Larkhaven Development is bounded on the north by parcel 146207, bounded to the south by 146207 and 146214.
 - b. That right-of-way designated in middle of Larkhaven Development is bounded on the south by parcels 146236, 146207 and 146241 and bounded on the north by parcels 146214, 146207 and 146242.
 - c. The right of way designated to the left of Larkhaven Development is bounded to the west by parcels 146207, 146220, 146224 and 146225 and bounded on the east by parcels 146207, 146214, 146236, 146238 and 146233 and bounded to the south by parcel 146227.
5. The Petitioners desire to close that portion of said unnamed right of way.

6. Pursuant to the North Carolina General Statute Section 160A-299, the following individuals have a right to receive notice of the public hearing should the Gaston County Board of Commissioners schedule a public hearing to close the right-of-ways described herein:

Name: Jasper Carl Stowe Jr. Heirs

Address: 118 Lafayette Rd, Stanley, NC 28164

Name: Marvin Jenkins

Address: 5440 Country Pines Dr, Gastonia, NC 28052

Name: Mrs. J F Jones

Address: 2131 Water Oak Lane, Gastonia, NC 28056

7. That Petitioners in good faith believe that closing the above-described unnamed right-of-way will not cause hardship or inconvenience to any property owner in that no person or entity owning property adjoining the above described portion of the unnamed right-of-way will be deprived of reasonable means of ingress or egress to its property by said right-of-way closing.
8. That the Gaston County Board of Commissioners is authorized by North Carolina General Statute Section 153A-241 to close that portion of the unnamed right-of-way as herein described.

Wherefore, the undersigned Petitioner requests that the Gaston County Board of County Commissioners declare their intent to close that portion of the unnamed road herein described, and they give notice in accordance with the provisions of North Carolina 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, by posting notices of closing and public hearing prominently along the portion of the unnamed right-of-way in at least two (2) locations, and by mailing via registered or certified mail to all the individuals or entities who have an interest in the property located adjacent to the target right-of-way.

This 27 day of February, 2021.

Thelma R. Miller

Name
Danette R. Miller

Name

VERIFICATION

STATE OF NORTH CAROLINA

COUNTY OF GASTON

Nicholas Miller

Danyetta Miller, PETITIONERS, being first duly sworn, depose and say:

That they are the Petitioners herein, and that they have read the Petition, and believe the contents thereof to be true.

[Signature]

Name

Danyetta R. Miller

Name

Sworn to and subscribed before me this 27 day of February, 2021 by
Nicholas Miller

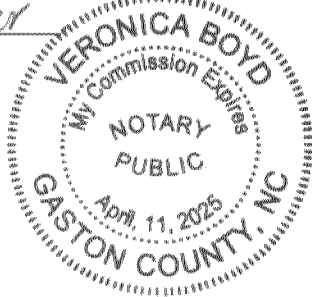


Veronica Boyd

Notary Public

My Commission Expires: April 11, 2025

Sworn to and subscribed before me this 27 day of February, 2021 by
Danyetta Miller



Veronica Boyd

Notary Public

My Commission Expires: April 11, 2025

EXHIBIT A

