



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

County Attorney Board Action

File #: 18-418

Commissioner Worley - County Attorney - To Schedule a Public Hearing for the Request to Close a Portion of Stowe Lane and Lake Street, Located in South Point Township

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 petition to close a portion of Stowe Lane and Lake Street. The area in question to be closed is bounded by four parcels of common ownership. The relevant portion of the right of way known as Stowe Lane is a gravel road not maintained by the NCDOT and terminates at the northern part of the applicant's parcels. (The part of Stowe Lane north of the applicant's property is maintained by the NCDOT.) The relevant portion of the right of way known as Lake Drive is not maintained by the NCDOT and terminates south of the southernmost section of the applicant's parcels. These two roads do not connect with each other. Due to topography, it is unlikely the NCDOT will create improvements to connect both right-of-ways.

Pursuant to G.S. 153A-241, the Board of Commissioners may close said right-of-ways, subject to the results of a public hearing on the issue.

The proposed area to be closed is bounded on the north by Parcels 182731 and 207077. It is bounded on the south by Parcels 300082 and 300082. The Petitioner, Charles Dean Morgan, owns all four parcels, and if the right of way is closed, each parcel will receive title to the center line of the applicable section of the right of way area closed. The proposed public hearing will be at the regularly scheduled Board of Commissioners meeting on January 22, 2019.

(Continued on Page 2)

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	JBrown	AFrale	BHovis	TKelgher	TPhillbeck	RWorley	Vote
2018-299	12/11/2018	RW	JB	AB	A	AB	A	A	A	A	U

DISTRIBUTION:

Laserfiche Users

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

File #: 18-418

Commissioner Worley - County Attorney - To Schedule a Public Hearing for the Request to Close a Portion of Stowe Lane and Lake Street, Located in South Point Township
Page 2

POLICY IMPACT

The proposed road closure will not impact County policy. Unlike most roads in the County, the roads in question have not been dedicated to the North Carolina Department of Transportation. Consequently, the County has 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. Although GIS and original plats to the subdivision indicate that the two right of ways connect to each other, there is a wooded and hilly land between both right of ways.

ATTACHMENTS

Petition and Map

STATE OF NORTH CAROLINA)
COUNTY OF GASTON)

PETITION TO CLOSE STREET

TO: GASTON COUNTY BOARD OF COUNTY COMMISSIONERS

The undersigned, Charles Dean Morgan, a resident of Gaston County, respectfully shows and requests unto the Gaston County Board of Commissioners, the following:

1. That the Petitioner, Charles Dean Morgan, is the owner of several parcels of land. The relevant parcels are as follows:

a. PARCEL 182731

- i. Physical Address: 924 Stowe Lane, Gastonia, NC 28056
- ii. Mailing Address: 924 Stowe Lane, Gastonia NC 28056
- iii. Book 1898, Page 0081
- iv. Map Book 14, Page 32, Parcel B28

b. PARCEL 207077

- i. Physical Address: 919 Stowe Lane, Gastonia, NC 28056
- ii. Mailing Address: 924 Stowe Lane, Gastonia, NC 28056
- iii. Book 4510, Page 1965
- iv. Map Book 06, Page 71, Parcel B29

c. PARCEL 300083

- i. Physical Address: Not addressed
- ii. Mailing Address: 924 Stowe Lane, Gastonia, NC 28056
- iii. 4992, Page 384 (tract 2)
- iv. No new recorded plat

d. PARCEL 300082

- i. Physical Address: Not addressed
- ii. Mailing Address 924 Stowe Lane, Gastonia, NC 28056
- iii. Book 4992, Page 384 (tract 1)
- iv. No new recorded plat

2. An impassable right-of-way, which exists only on paper as such, bisects these four parcels of land. A map depicting such right-of-way is attached.

3. To the two northernmost parcels, 182731 and 207077 are at the southernmost terminus of Stowe Lane. As indicated by NCDOT signage, the right-of-way that exists through these two parcels of land is not a state maintained road, as the state maintained part of Stowe Lane ends immediately north of these parcels.
4. The right-of-way that traverses over parcels 182731 and 207077 does not connect with the right of way that bisects parcels 300082 and 300083. The Petitioner believes in good faith that closing the right-of-way in question will not cause hardship to any adjacent property owner, as it will not detrimentally impact such individuals' ingress or egress.
5. The right-of-way over these four parcels is named Lake Street and Stowe Lane. Lake Street is not maintained by the NCDOT. The right of way bisecting the northern parcels of 182731 and 202077 is Stowe Lane. The portion of Stowe Lane described herein is also not maintained by the NCDOT.
6. Closing the portion of the right-of-way that bisects the four above-mentioned Parcels will not detrimentally impact third parties, as the right of way is currently unpassable. Due to the topography and tree growth in this area, it is unlikely the NCDOT will spend monies to connect Stowe Lane with Lake Road.
7. Due to trespassers, the Petitioner requests to close the right-of-way and for Gaston County to extinguish any interest it might have in such right-of-way.
8. Pursuant to North Carolina General Statute Section 160A-299, the following individuals have a right to receive notice of the right-of-way public hearing, should the Gaston County Board of Commissioners schedule a public hearing to close such right-of-way:

TREVOR AND KATIE LAWRENCE, 913 STOWE LN, GASTONIA, NC 28056

JUDSON AND BERRY ABERNATHY, 2965 SOUTH POINT PRARIE RD, WENTZVILLE, MO 63385

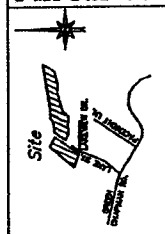
VERA KING BRANCH, 119 LAKE STREET, GASTONIA, NC 28056

9. That the Gaston County Board of Commissioners is authorized by North Carolina General Statute Section 153A-241 to close that portion of the 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 Lake Street and Stowe Lane as described herein, and they give notice in accordance with the provisions of N.C. 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 of general circulation in Gaston County, North Carolina, and by posting notices of the closing and public hearing prominently along the portion of the general area in at least two locations, and by mailing via registered or certified mail the individuals described herein who have an ownership interest in the property located adjacent to the subject area.

This the 30 day of October, 2018

Charles Dean Morgan
Charles Dean Morgan, Petitioner



NOTICE OF DEEDS CERTIFICATION
FRANKLIN E. TANNER
SOUTHPOINT TOWNSHIP
GASTON COUNTY, NORTH CAROLINA
I, FRANKLIN E. TANNER, REGISTERED PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY THAT THE FOREGOING DEED IS A TRUE AND CORRECT COPY OF THE ORIGINAL DEED AS FILED IN MY OFFICE ON _____ DAY OF _____, 2018.
WITNESS MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2018.

Site Map n.t.s.

- LEGEND
- PROPERTY LINE
 - BARRELSHAPED PROPERTY LINE
 - RIGHT-OF-WAY
 - POWER LINE
 - CONCRETE MONUMENT
 - WOOD MONUMENT
 - IRON MONUMENT
 - BRASS MONUMENT
 - STAKE
 - IRON PIPE
 - UTILITY POLE

OWNER'S CERTIFICATION
I, FRANKLIN E. TANNER, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED IN THE FOREGOING DEED AND THAT I HAVE NOT BEEN ADVISED BY ANY OTHER PARTY THAT THE PROPERTY IS SUBJECT TO ANY OTHER DEEDS, EASEMENTS, OR INTERESTS. I HAVE CONDUCTED A REASONABLE SEARCH OF THE PUBLIC RECORDS AND HAVE FOUND NO OTHER DEEDS, EASEMENTS, OR INTERESTS AFFECTING THE PROPERTY. I HAVE ALSO CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAVE FOUND NO OTHER DEEDS, EASEMENTS, OR INTERESTS AFFECTING THE PROPERTY. I HAVE ALSO CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAVE FOUND NO OTHER DEEDS, EASEMENTS, OR INTERESTS AFFECTING THE PROPERTY.

OWNER: CHARLES D. MORGAN
GASTON, NORTH CAROLINA

NO RECORDS INFORMATION WITHIN 2000 FEET OF SUBJECT PROPERTY.
I HEREBY CERTIFY THAT THE SUBJECT PROPERTY (S) IS () NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FLOOD INSURANCE RATE MAPS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).
SURVEY BASED ON PHYSICAL EVIDENCE AND EXISTING RECORDS.
PROPERTY MAY BE SUBJECT TO UNRECORDED RIGHTS-OF-WAY OR EASEMENTS NOT SHOWN.

1. FRANKLIN E. TANNER, CERTIFY TO ONE OF THE FOLLOWING AS INDICATED BY AN "X":
A. THAT THIS PLAT IS A SURVEY THAT CREATES A NEW RIGHT-OF-WAY OR EASEMENT.
B. THAT THIS PLAT IS A SURVEY THAT LOCATES A RIGHT-OF-WAY OR EASEMENT.
C. THAT THIS PLAT IS A SURVEY THAT LOCATES A RIGHT-OF-WAY OR EASEMENT THAT IS NOT SHOWN ON THE RECORDS.

2. THAT THE PLAT IS OF AN EXISTING EASEMENT OR RIGHT-OF-WAY OR EASEMENT THAT IS NOT SHOWN ON THE RECORDS.
3. THAT THE PLAT IS A RESULT OF CONVEYANCE.
4. THAT THE PLAT IS A RESULT OF CONVEYANCE.
5. THAT THE PLAT IS A RESULT OF CONVEYANCE.

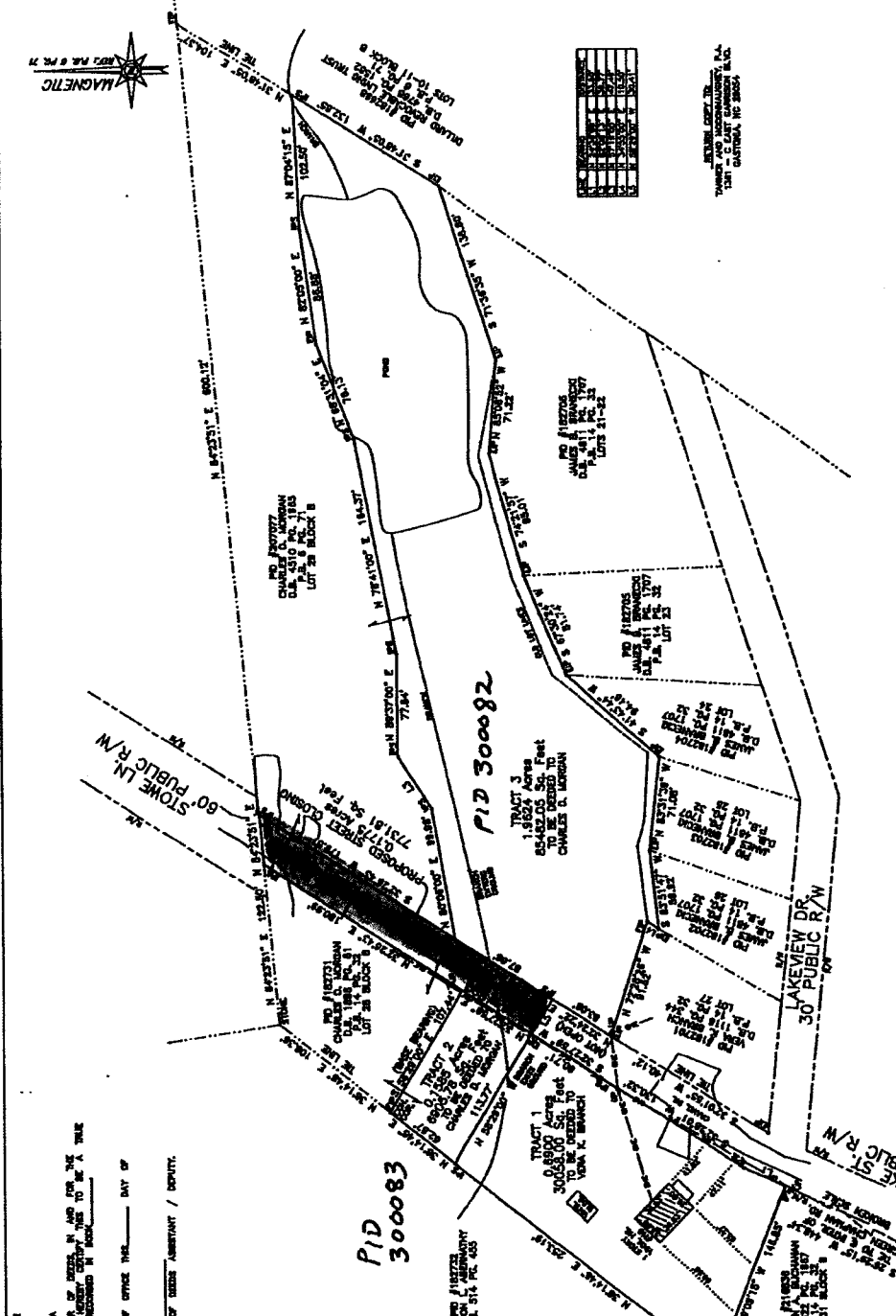
6. THAT THE PLAT IS A RESULT OF CONVEYANCE.
7. THAT THE PLAT IS A RESULT OF CONVEYANCE.
8. THAT THE PLAT IS A RESULT OF CONVEYANCE.

9. THAT THE PLAT IS A RESULT OF CONVEYANCE.
10. THAT THE PLAT IS A RESULT OF CONVEYANCE.
11. THAT THE PLAT IS A RESULT OF CONVEYANCE.

12. THAT THE PLAT IS A RESULT OF CONVEYANCE.
13. THAT THE PLAT IS A RESULT OF CONVEYANCE.
14. THAT THE PLAT IS A RESULT OF CONVEYANCE.

PRELIMINARY
NOT FOR DEED CONVEYANCE
OR RECORDATION

Franklin E. Tanner - PLS # 2034



"PROPOSED STREET CLOSING
& RECOMBINATION PLAT"
SOUTHPOINT TOWNSHIP
GASTON COUNTY, N.C.
Survey made at the request of
CHARLES D. MORGAN

Survey By: TANNER AND McCONAUGHEY, P.A.
Professional Surveyors
1301-C E. Gordon Blvd., Gaston, N.C.
(704) 844-5451 OR (704) 844-5811
D.B. 1118 - P.C. 244 - 1st PLAT, 1st Block, 8
Said PLAT, 1st Block, 8
Total Map # 18, Page 10, Parcel 10
P.O. 201703

DATE: OCT. 25, 2018
REV: OCT. 24, 2018
TANNER AND McCONAUGHEY, P.A.
Professional Surveyors
1301-C E. Gordon Blvd., Gaston, N.C.
(704) 844-5451 OR (704) 844-5811
D.B. 1118 - P.C. 244 - 1st PLAT, 1st Block, 8
Said PLAT, 1st Block, 8
Total Map # 18, Page 10, Parcel 10
P.O. 201703

60 0 30 60 120 240
SCALE - FEET
FILED 201703-100000-070018

PID 300082

TRACT 2
0.1585 Acres
8905.78 Sq. Feet
TO BE DEED TO
CHARLES D. MORGAN

TRACT 3
1.9624 Acres
85482.05 Sq. Feet
TO BE DEED TO
CHARLES D. MORGAN

PROPOSED STREET CLOSING
0.1775 Acres
7731.81 Sq. Feet

LAKEVIEW DR.
30' PUBLIC R/W

STOWE LN.
60' PUBLIC R/W

PID #182701
JAMES B. BRANECKI
D.B. 4811 PG. 1707
P.B. 14 PG. 32
LOT 27

PID #182702
JAMES B. BRANECKI
D.B. 4811 PG. 1707
P.B. 14 PG. 32
LOT 28

PID #182703
JAMES B. BRANECKI
D.B. 4811 PG. 1707
P.B. 14 PG. 32
LOT 25

PID #182704
JAMES B. BRANECKI
D.B. 4811 PG. 1707
P.B. 14 PG. 32
LOT 24

PID #182705
JAMES B. BRANECKI
D.B. 4811 PG. 1707
P.B. 14 PG. 32
LOT 23

PID #182706
JAMES B. BRANECKI
D.B. 4811 PG. 1707
P.B. 14 PG. 32
LOTS 21-22

PID #207077
CHARLES D. MORGAN
D.B. 4510 PG. 1985
P.B. 6 PG. 71
LOT 29 BLOCK B

PID #182731
CHARLES D. MORGAN
D.B. 1898 PG. 81
P.B. 14 PG. 32
LOT 28 BLOCK B

Scale: —

