



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

County Attorney

Board Action

File #: 25-260

Commissioner Bailey - County Attorney - To Schedule a Public Hearing Regarding the Closure of a Portion of Boat Club Road Located Near the Allen Plant Steam Station in the South Point Township

STAFF CONTACT

Melissa Huffman - County Attorney - 704-866-3688

BUDGET IMPACT

N/A

BACKGROUND

Duke Energy Carolinas, LLC has requested to close a portion of the right-of-way located nearest 3495 Boat Club Rd., Belmont, as shown on the map attached to this item and incorporated by reference. Duke Energy owns the property on all sides of the portion of the right-of-way in question (parcel number 192109). The right-of-way is not used as a means of ingress or egress by the public nor do any easements, express or implied, exist. Pursuant to North Carolina General Statute 153A-241, the Board of Commissioners may close the right-of-way following a public hearing on the issue. This resolution provides notice to the public of the Board's intent to close the ROW after conducting a public hearing at the regularly scheduled Board of Commissioners meeting on June 24, 2025. Additional notice will be given to the public by publication for three successive weeks prior to the public hearing, posting of the property, and notice by certified mail to any adjacent property owners (of which there are none other than the Petitioner). If the Board authorizes the closure of the right-of-way, Duke Energy will obtain ownership of the closed right-of-way.

POLICY IMPACT

N/A

ATTACHMENTS

Petition & Maps

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	JBailey	CBrown	CCloninger	AFraley	BHovis	TKeigher	SShehan	Vote
2025-146	05/27/2025	TK	JB	A	A	A	A	A	A	A	U

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

STATE OF NORTH CAROLINA

PETITION TO CLOSE RIGHT-OF-WAY

COUNTY OF GASTON

TO: GASTON COUNTY BOARD OF COMMISSIONERS

The undersigned, DUKE ENERGY CAROLINAS, LLC, a North Carolina limited liability company ("Petitioner"), respectfully shows and requests unto the Gaston County Board of Commissioners, the following:

1. That Petitioner is the owner of parcel number 192109 having an address of 3495 Boat Club Road, Belmont, Gaston County, North Carolina 28012, described in Deed Book 1765, Page 637, in the office of the Gaston County Register of Deeds office.
2. That there exists no easement, express or implied, for ingress and egress by virtue of said portion of said right-of-way, that abuts Petitioner's property.
3. That said right-of-way is not a necessary means of ingress and egress to the property of Petitioner, or to the property of any other property owner adjoining said portion of said right-of-way.
4. That Petitioner desires to close said right-of-way.
5. That said right-of-way that Petitioner desires to close is depicted on Exhibit A attached hereto and incorporated by reference as if more fully set forth herein, and is bounded as follows:
 - a. On the North by 3495 Boat Club Road, Belmont, NC 28012; and
 - b. On the South by 3495 Boat Club Road, Belmont, NC 28012.

That the following person(s)/entity(ies) have the right to have a copy of the proposed Resolution/Order closing said right-of-way, sent to them by way of registered or certified mail pursuant to North Carolina General Statutes Section 153A-241:

Name: Duke Energy Carolinas, LLC

Address: 525 South Tryon Street, Charlotte, NC 28202

That Petitioner in good faith believes that closing the 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 right-of-way will be deprived of reasonable means of ingress or egress to its property by said right-of-way closing.

That the Gaston County Board of Commissioners is authorized by North Carolina Statutes Section 153A-241 to close that portion of right-of-way as herein described.

WHEREFORE, the undersigned Petitioner prays the Gaston County Board of Commissioners declare their intent to close said right-of-way, that abuts the property of the Petitioner, 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) successive 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 right of way in at least two (2) locations, and by mailing via registered or certified mail to all of the individuals or entities who have an interest in the property located adjacent to the target right-of-way.

This ____ day of April, 2025.

Petitioner:

Duke Energy Carolinas, LLC,
a North Carolina limited liability company

By: _____

Printed Name: Kevin Lee

Title: Manager, Real Estate Transactions

VERIFICATION

STATE OF NORTH CAROLINA

COUNTY OF GASTON

Duke Energy Carolinas, LLC, a North Carolina limited liability company ("Petitioner"), being first duly sworn, deposes and says:

That it is Petitioner herein, and that it has read the Petition, and believes the contents thereof to be true.

Duke Energy Carolinas, LLC,
a North Carolina limited liability company

By: _____

Printed Name: Kevin Lee

Title: Manager, Real Estate Transactions

Sworn to and subscribed before me this _____ day of April, 2025 by Kevin Lee, Manager Real Estate Transactions of Duke Energy Carolinas, LLC.

Notary Public

My Commission Expires: _____

Exhibit A

Map - Portion of Boat Club Road to be Abandoned

[See Attached]



