



**RESOLUTION TITLE: TO CLOSE A PORTION OF AN UNIMPROVED RIGHT-OF-WAY LOCATED BETWEEN STOWE LANE AND LAKE STREET, SOUTH POINT TOWNSHIP, GASTON COUNTY**

WHEREAS, the Gaston County Board of Commissioners has received a request to close a portion of an unimproved right-of-way approximately two hundred and sixty seven feet in length bounded by Stowe Lane on the North, Parcel Number 182731 (924 Stowe Lane) on the Northwest, Parcel Number 300083 (no physical address) on the West, Lake Street on the South, Parcel 300082 (no physical address) on the Southeast and Parcel 207077 (919 Stowe Lane) on the Northeast; and,

WHEREAS, the Petitioner is Charles Dean Morgan; and,

WHEREAS, the right-of-way closed is approximately two hundred and sixty seven feet in length and thirty feet in width; and,

WHEREAS, the Petitioner of the unimproved right-of-way closure owns all the land surrounding the subject area subject to closure; and,

WHEREAS, the subject area to be closed is currently not open to vehicular traffic. Additionally the topography of the subject area makes it not practical to improve the right-of-way; and,

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,

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	AFraley	BHovis	TKelgher	TRhillbeck	RWorley	Vote
2019-001	01/22/2019	JB	RW	A	A	A	AB	A	A	A	U

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Laserfiche Users

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


**To Close a Portion of an Unimproved Right-of-Way Located Between Stowe Lane and Lake Street, South Point Township, Gaston County**

Page 2

WHEREAS, on January 22, 2019, 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 described as being bounded on the North by Stowe Lane, bounded on the Northwest by Parcel Number 182731, bounded on the West by Parcel Number 300083, bounded on the South by Lake Street, bounded on the Southeast by Parcel Number 300082 and bounded on the Northeast by Parcel Number 207077 be closed, as reflected on a map and description attached as Exhibit "A". The subject area is described as BEGINNING at an Iron Pin Set at the northeastern most corner of Parcel 182731 then continuing North  $84^{\circ}23'51''$  East 38.29 feet to an Iron Pin Set, thence South  $32^{\circ}26'43''$  West 179.57 feet to an Existing Iron Pin, thence South  $32^{\circ}24'22''$  West 87.68 feet to an Iron Pin Set, thence North  $58^{\circ}29'00''$  West 30.41 feet to an Existing Iron Pin, thence North  $32^{\circ}27'59''$  East 62.45 feet to a Utility Pole thence North  $32^{\circ}26'43''$  East 180.99 feet to the BEGINNING.

BE IT FURTHER RESOLVED that any interest Gaston County may have had in the subject area be extinguished. The subject right-of-way shall revert to the Charles Dean Morgan, the owner of the parcels surrounding the subject area.



Tracy L. Philbeck, Chairman  
Gaston County Board of Commissioners

STATE OF NORTH CAROLINA    )  
COUNTY OF GASTON            )

PETITION TO CLOSE STREET

**TO: GASTON COUNTY BOARD OF COUNTY COMMISSIONERS**

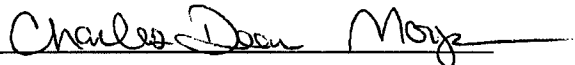
The undersigned, Charles Dean Morgan, a resident of Gaston County, respectfully shows and requests unto the Gaston County Board of Commissioners, the following:

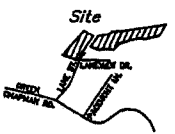
1. That the Petitioner, Charles Dean Morgan, is the owner of several parcels of land. The relevant parcels are as follows:
  - a. **PARCEL 182731**
    - i. Physical Address: 924 Stowe Lane, Gastonia, NC 28056
    - ii. Mailing Address: 924 Stowe Lane, Gastonia NC 28056
    - iii. Book 1898, Page 0081
    - 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, Petitioner



Site Map n.t.s.

LEGEND

- PROPERTY LINE
- OLD LOT LINE
- - - - - SURROUNDING PROPERTY LINE
- RIGHT-OF-WAY
- FENCE LINE
- - - - - POWER LINE
- CON = CONC. MONUMENT
- COR = CORNER
- ES = EXISTING IRON PIN
- IP = IRON PIPE SET
- UP = UTILITY POLE

OWNER'S CERTIFICATION

I HEREBY CERTIFY THAT I AM OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON. THAT I AM A RESIDENT OF THE JURISDICTION JURISDICTION OF THE COUNTY OF GASTON, NORTH CAROLINA, AND THAT I HAVE A RECORDED PLAT WITH MY FIVE CONDEMNATED WINDMILL STRIPES LOTS AND DEDICATE ALL STRIPES, WALKS, PARKS, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.

OWNER: CHARLES D. MORGAN  
604 STONE LN.  
GASTON, NC 28026

NO GEODESIC MONUMENTATION WITHIN 2,000 FEET OF SUBJECT PROPERTY.

I HEREBY CERTIFY THAT THE SUBJECT PROPERTY (O) IS ( ) NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY N.C. FEMA PANEL (257626000) EFFECTIVE DATE 6/28/2007 (NO FLOOD SURVEY MADE).

SURVEY BASED ON PHYSICAL EVIDENCE AND EXISTING IRON PINS. PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS-OF-WAY OR EASEMENTS NOT OBSERVED.

I, FRANKLIN E. TANNER, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED BY "X":

A. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LANDS WITHIN AN AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES LAND.

B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.

C. ANY ONE OF THE FOLLOWING:

1. THAT THIS PLAT IS OF A SURVEY OF EXISTING PARCELS OR PARCELS OF LAND, AND DOES NOT CREATE A NEW STREET OR CHANGE AND EXISTING STREET.

2. THAT THIS PLAT IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE.

3. THAT THIS IS A RESULT OF CONTROL SURVEY.

X D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEPARTMENT OF SUBDIVISION.

E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO THE PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

I, FRANKLIN E. TANNER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACCURATE SURVEY MADE UNDER MY SUPERVISION (GIVEN DESCRIPTION RECORDED IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ (AS SHOWN ETC.) (GIVEN THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ THAT THE BASIS OF PRECISION AS CALCULATED IS \_\_\_\_\_ SLOTTED THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 45-30 AS AMENDED, WITHIN MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ OCT 2018.

PRELIMINARY  
NOT FOR DEED CONVEYANCE  
OR RECORDATION

CERTIFICATE OF REVIEW OFFICER

I, \_\_\_\_\_ COUNTY CLERK, DO HEREBY CERTIFY THAT THIS PLAT MEETS ALL STATUTORY REQUIREMENTS FOR RECORDATION.

REVIEW OFFICER  
DATE

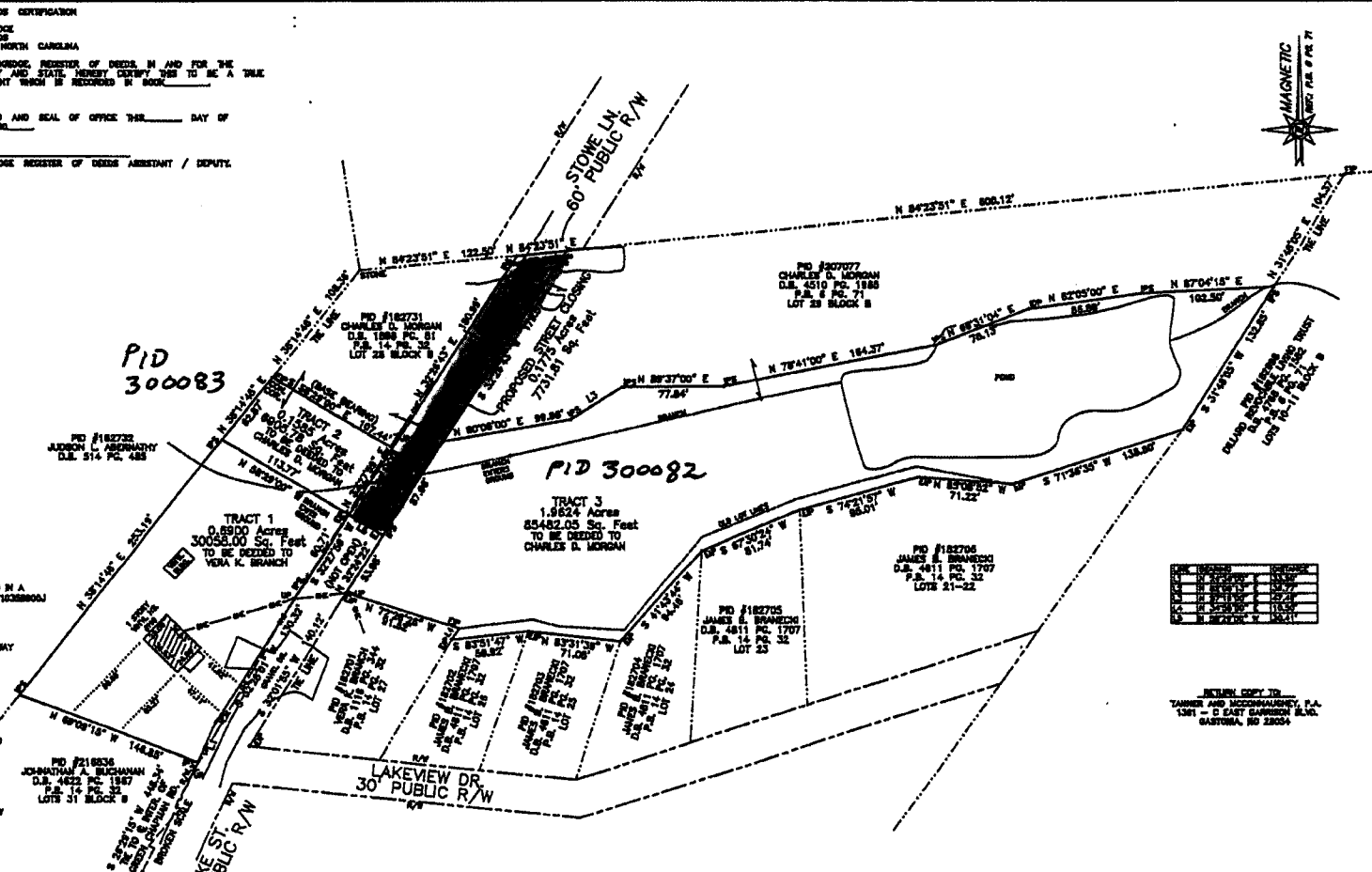
CERTIFICATION

GASTON COUNTY PLANNING & DEVELOPMENT SERVICES

THIS PLAT DOES NOT CREATE A SUBDIVISION OF PROPERTY AND AS SUCH IS NOT SUBJECT TO SUBDIVISION REGULATIONS CONTAINED WITHIN THE GASTON COUNTY SUPER DEVELOPMENT ORDINANCE AND MAY BE RECORDED BY THE GASTON COUNTY REGISTER OF DEEDS.

LAND USE SERVICES  
DATE

REGISTER OF DEEDS CERTIFICATION  
MURAH S. LOCKRIDGE  
REGISTER OF DEEDS  
GASTON COUNTY, NORTH CAROLINA  
I, MURAH S. LOCKRIDGE, REGISTER OF DEEDS, IN AND FOR THE OFFICIAL COUNTY AND STATE, HEREBY CERTIFY THIS TO BE A TRUE COPY OF DOCUMENT WHICH IS RECORDED IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
WITNESS MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
\_\_\_\_\_ 2018.  
RD. \_\_\_\_\_  
MURAH S. LOCKRIDGE, REGISTER OF DEEDS ASSISTANT / DEPUTY.



REVISION	DATE	DESCRIPTION
1	10/2/2018	ISSUED
2	10/2/2018	REVISED
3	10/2/2018	REVISED
4	10/2/2018	REVISED

TRUE COPY TO  
TANNER AND MCCONNAUGHEY, P.A.  
1361-C EAST GARFIELD BLVD.  
GASTON, NC 28026

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

Scale: 1"=50' Date: OCT. 28, 2018  
REVISED: OCT. 29, 2018

Survey By  
**TANNER AND MCCONNAUGHEY, P.A.**  
Professional Surveyors  
1361-C E. Garfield Blvd., Gaston, N.C.  
(704) 866-8421 OR (704) 866-2811

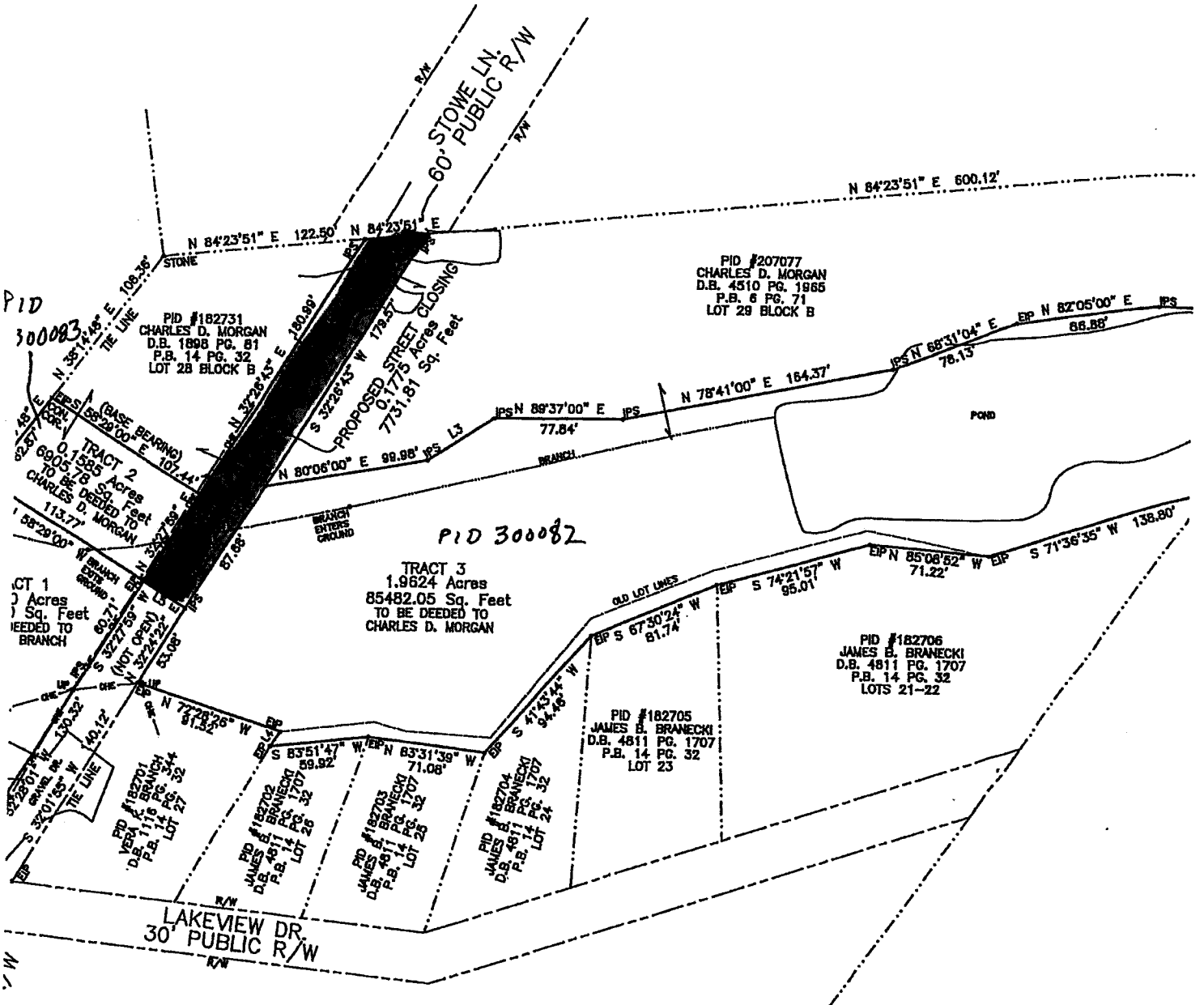
S.S. 1118, PG. 244, Lots 1, 2, 3, 4, Block 8  
Subd. DAVE MITCHEM FARM, P.B. 8, PG. 71

Top Map # \_\_\_\_\_, Page \_\_\_\_\_, Parcel ID  
P/D # 287078



GRAPHIC SCALE - FEET  
FILE: 207076-MORGAN-070818

TRUE



PID 300083

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

PID #207077  
 CHARLES D. MORGAN  
 D.B. 4510 PG. 1865  
 P.B. 6 PG. 71  
 LOT 29 BLOCK B

PID 300082

TRACT 3  
 1.9824 Acres  
 85482.05 Sq. Feet  
 TO BE DEEDED TO  
 CHARLES D. MORGAN

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

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

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 29

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

"PROF & R

SOL GAS

CH

Scale: --



# Gaston County

Gaston County  
Board of Commissioners  
www.gastongov.com

## County Attorney Board Action

File #: 19-004

Commissioner Worley - County Attorney - To Authorize the Closing of a Certain Unimproved Right-of -Way Between Stowe Lane and Lake Street, South Point Township, Gaston County

### STAFF CONTACT

Charles Moore - County Attorney

### BUDGET IMPACT

N/A

### BUDGET ORDINANCE IMPACT

N/A

### BACKGROUND

The Board of Commissioners received a petition to close approximately two hundred and sixty seven feet of an unimproved right-of-way between Stowe Lane and Lake Street, as highlighted on the attached map. The area in question is not passable to vehicular traffic and the topography renders the property impracticable to improve. The area to be closed is bounded on the North by Stowe Lane, bounded on the Northwest by Parcel Number 182731, bounded on the West by Parcel Number 300083, bounded on the South by Lake Street, bounded on the Southeast by Parcel Number 300082, and bounded on the Northeast by Parcel Number 207077. The Petitioner, Charles Dean Morgan, owns the surrounding parcels as described above.

Pursuant to G.S. 153A-241, the Board of Commissioners may close said right-of-way subject to a public hearing. At the December 11, 2018 meeting, the Board of Commissioners authorized the public hearing concerning the road closure to take place at the January 22, 2019 Board of Commissioners meeting. Pursuant to state law, the County advertised the public hearing for three weeks in the Gaston Gazette, placed notices of the public hearing near the property in question, and provided notice by way of first class mail to the surrounding property owners.

### POLICY IMPACT

Closing the right-of-way in question will not negatively impact any property owner in the surrounding area as the right-of-way is currently impassable and the topography makes it impractical to improve. If the closure is approved, the Petitioner will obtain the right-of-way area which consists of approximately 0.1775 acres. The right-of-way is not maintained by the North Carolina Department of Transportation.

### ATTACHMENTS

Resolution and Petition to Close Road/Map Depicting Proposed Road Closure

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	AFrley	BHovis	TKelgher	TPMilbeck	RWorley	Vote
2019-001	01/22/2019	JB	RW	A	A	A	AB	A	A	A	U

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