



Gaston County

Gaston County
Board of Commissioners
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County Attorney

Board Action

File #: 16-078

Commissioner Brown - To Schedule a Public Hearing to Close a Portion of Love Street, Which is an Unimproved Right-of-Way, Located in the Riverbend Township Near Mount Holly

STAFF CONTACT

Chuck 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. The proposed public hearing is at the regularly scheduled Board of Commissioners meeting on April 26, 2016.

(Continued on Page 2)

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	Keigher	Philbeck	Price	Williams	Vote
2016-063	03/22/2016	MP	AF	A	A	A	A	N	A	A	6 - 1

DISTRIBUTION:

Laserfiche Users

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

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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

Petition & Map

NORTH CAROLINA

GASTON COUNTY

PETITION FOR CLOSING STREET

TO: THE GASTON COUNTY BOARD OF COMMISSIONERS

NOW COMES your Petitioners, Wade Ausby Shuler and Linda Sue Worick Miller, and respectfully show unto the Board as follows:

1. That your Petitioners are the owners of two parcels of land adjoining an unopened portion of Love Street in the L.M. Laye Subdivision as shown in Plat Book 11 at Page 2, Gaston County Registry. Said property being described in Deed Books 1132 at Page 608 and Deed Book 712 at Page 363 in the Gaston Registry.

2. Your Petitioners seek to close to public use a portion of Love Street adjoining the lands of your Petitioners in order that said property might be unencumbered by the portion of the right-of-way which has never been opened.

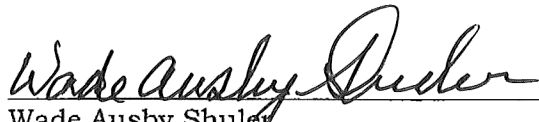
3. Your Petitioners maintain that it is not contrary to the public interest to close said portion of the street right-of-way and that no individual owning property adjoining said right-of-way nor in the vicinity of said right-of-way will be deprived of ingress and egress if the portion of said right-of-way is closed.

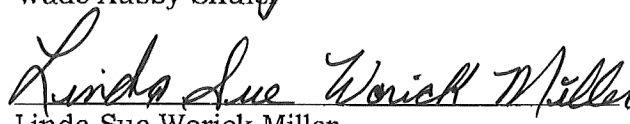
4. That a metes and bounds description of the portion of the right-of-way to be closed is attached hereto as **Exhibit A**. A copy of the GIS Map reflecting the portion of the right-of-way to be closed is attached hereto as **Exhibit B**.

5. That other than the Petitioners, there are no other owners of property adjacent to the portion of Love Street sought to be closed.

WHEREFORE, your Petitioners respectfully request the Gaston County Board of Commissioners to adopt a resolution declaring its intent to close the portion of Love Street as indicated on **Exhibit A** and calling for a public hearing in accordance with North Carolina General Statutes Section 160A-299.

PETITIONERS:


Wade Ausby Shuler


Linda Sue Worick Miller

VERIFICATION

NORTH CAROLINA
GASTON COUNTY

Wade Ausby Shuler, being first duly sworn, deposes and says that they are the Petitioners in the foregoing action; that they have read the Petition for Closing Street and know the contents thereof; that the same is true of their own knowledge, except as to those matters therein stated upon information and belief, and, as to those matters and things, they believe them to be true.

This the 20 day of January, 2016.

Sworn and subscribed to before me
This 20 day of January, 2016.

Jodi L Hartman
Notary Public

Commission expires: 02-26-2018

JODI L HARTMAN
Notary Public
Cleveland Co., North Carolina
My Commission Expires Feb. 26, 2018

VERIFICATION

NORTH CAROLINA
GASTON COUNTY

Linda Sue Worick Miller, being first duly sworn, deposes and says that they are the Petitioners in the foregoing action; that they have read the Petition for Closing Street and know the contents thereof; that the same is true of their own knowledge, except as to those matters therein stated upon information and belief, and, as to those matters and things, they believe them to be true.

This the 20 day of January, 2016.

Sworn and subscribed to before me
This 20 day of January, 2016.

Jodi L Hartman
Notary Public

Commission expires: 02-26-2018

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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.

