



Type: CRP  
 Recorded: 05/13/2021 at 10:03:02 AM  
 Fee Amt: \$26.00 Page 1 of 12  
 Revenue Tax: \$0.00  
 Gaston, NC  
 Susan S. Lockridge Register of Deeds  
 BK 5227 PG 886-897

**RESOLUTION TITLE: TO AUTHORIZE THE CLOSING OF UNNAMED ROAD  
 EASEMENT OFF EDGEWATER DRIVE, SOUTH POINT  
 TOWNSHIP**

WHEREAS, the Gaston County Board of Commissioners received a request from Brian and Melanie Elliott to close a portion of an approximately 25-foot easement on Lot 9 (Parcel 191763), which is as shown on the plat recorded in Plat Book 22 at Page 24 in the Gaston County Registry, off Edgewater Drive in Gaston County, North Carolina; and,

WHEREAS, the Petitioners are Brian and Melanie Elliott, property owners of said Parcel 191763, having an address of 856 Edgewater Drive in Belmont, North Carolina, as described in Deed Book 4958, Page 2476 in the Gaston County Registry in Gaston County, North Carolina; and,

WHEREAS, when the Petitioners' lot was originally subdivided, the driveway was labeled as a "road." The "road" was never given a name and was never turned into a "road," but a common driveway that Petitioner and the neighbors maintain; and,

WHEREAS, the original plat has a "road easement" running through Petitioners' property, which limits their ability to build a garage on the property; and,

WHEREAS, the Petitioners wish to close that portion of the road easement at the top of their property past the common driveway in the grass portion of their lot and run to the common driveway running down to 862 Edgewater Drive, as more specifically described in Exhibit "A"; and,

WHEREAS, the plat as shown and depicted on Exhibit "A" has never been fully opened and the closing of said road easement would not be contrary to the public's interest; and,

WHEREAS, the road easement is bordered on the left side of Parcel 191763 by Parcel Number 191799, having a street address of 862 Edgewater Drive; and,

WHEREAS, the road easement is bordered on the right side of Parcel 191763 by Parcel Number 191764, having a street address of 844 Edgewater Drive; and,

WHEREAS, no individual or corporate entity would be deprived of reasonable means of ingress and egress to the real property of said Petitioners, nor would any individual or corporate entity be deprived of reasonable means of ingress and egress to the real property adjoining that of said Petitioners; and,

WHEREAS, said road easement is not a North Carolina Department of Transportation Road, and the state road maintenance for Edgewater Drive ends before the driveway; 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	AFrale	BHovis	KJohnson	TKelgher	TPhillips	BMorley	Vote
2021-098	04/27/2021	RW	CB	A	A	A	A	A	A	A	U

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

17 RECORDING 4940  
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 PQ  
 CS

**To Authorize the Closing of Unnamed Road Easement Off Edgewater Drive, South Point Township**  
Page 2

WHEREAS, on April 27, 2021, the Gaston County Board of Commissioners held a public hearing on this matter after properly notifying the public per N.C. Gen. Stat. § 153A-241, and approved to close this unimproved road easement on that date.

NOW, THEREFORE, BE IT RESOLVED that the unimproved road easement, being approximately 25 feet in length from the intersection of said right-of-way with Edgewater Drive, which is bordered by Gaston County Parcel Numbers 191799 and 191764, be closed, and that the property owners bordering said road easement take ownership to the center of the right-of-way to the extent their property borders such road easement. The area to be closed is described as follows, and as reflected on said map which is attached as Exhibit "A" being:

A portion of an approximately 25-foot road easement on Lot 9 (Parcel 191763), which is shown on the plat recorded in Plat Book 22 at page 24.

BE IT FURTHER RESOLVED that any interest Gaston County may have had in this road easement be extinguished, and for ownership of the road easement to revert to Petitioners, Brian and Melanie Elliott.

  
\_\_\_\_\_  
Tom Keigher, Chairman  
Gaston County Board of Commissioners

January 27/2021

FEB 17 2021

Brian R Elliott  
856 Edgewater Drive  
Belmont, NC 28012  
443-807-0511  
Brianrellott@verizon.net


To Gaston County,

My name is Brian Elliott and I am the property owner at 856 Edgewater Drive Belmont, NC 28012. Deed Book 4841, Page 1104, Lots P/O 1 & 9. Subdivision Shangri La, Plat Book 22/33 Page 24/64. Tax map #15, Page 85, Parcel 4.0, PID # 191763.

When my lot was originally subdivided the driveway was labeled as a "road". The "road" has never been given a name and was never turned into a "road", just a common driveway that myself and my neighbors maintain. The County road maintenance for Edgewater Drive actually ends before my driveway. Because the original plat has a "road easement" running through my property it limits my ability to build a garage on my property. I am asking to close the road easement running through my property only. This will not affect the easement on either of my neighbors properties. My neighbors are aware of my request and have no issues with it.

I am asking to close the road easement just at the top of my property past the common driveway in the grass portion of my lot and run to the common driveway running down to 862 Edgewater Drive. (see proposed road easement closing plat) I have enclosed pictures of the driveway and the area the easement closure will start. (Exhibit A)

Sincerely,



Brian Elliott

**NORTH CAROLINA  
GASTON COUNTY**

**PETITION TO CLOSE  
ROAD EASEMENT**

The undersigned Petitioner(s), pursuant to N.C. Gen. Stat. 153A-241, hereby respectfully request that the Gaston County Board of Commissioners permanently close a road easement shown as:

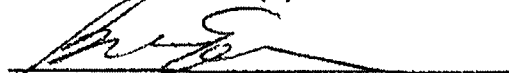
1. The Road Easement is a dedicated 25 ft right of way as shown on Plat recorded in Plat Book 22/33 at Page 24/64 in Gaston County Registry and located on a private common driveway off of Edgewater Drive in Gaston County, North Carolina.
2. That Petitioner(s) hereby request the entire road easement for 856 Edgewater Drive be closed. For closing is more particularly described as follows:
  - a. SEE "EXHIBIT A" ATTACHED (5 pages)
3. That the undersigned Petitioner(s) is the sole property owner where the Easement will be closed.
4. That no individual or corporate entity would be deprived of reasonable means of ingress and egress to the real property of said individual(s).
5. That the plat as shown and depicted on Exhibit A has never been fully opened and the closing of the said Road Easement would not be contrary to the public interest.

WHEREFORE, the undersigned Petitioner(s) respectfully request the Board of County Commissioners as follows:

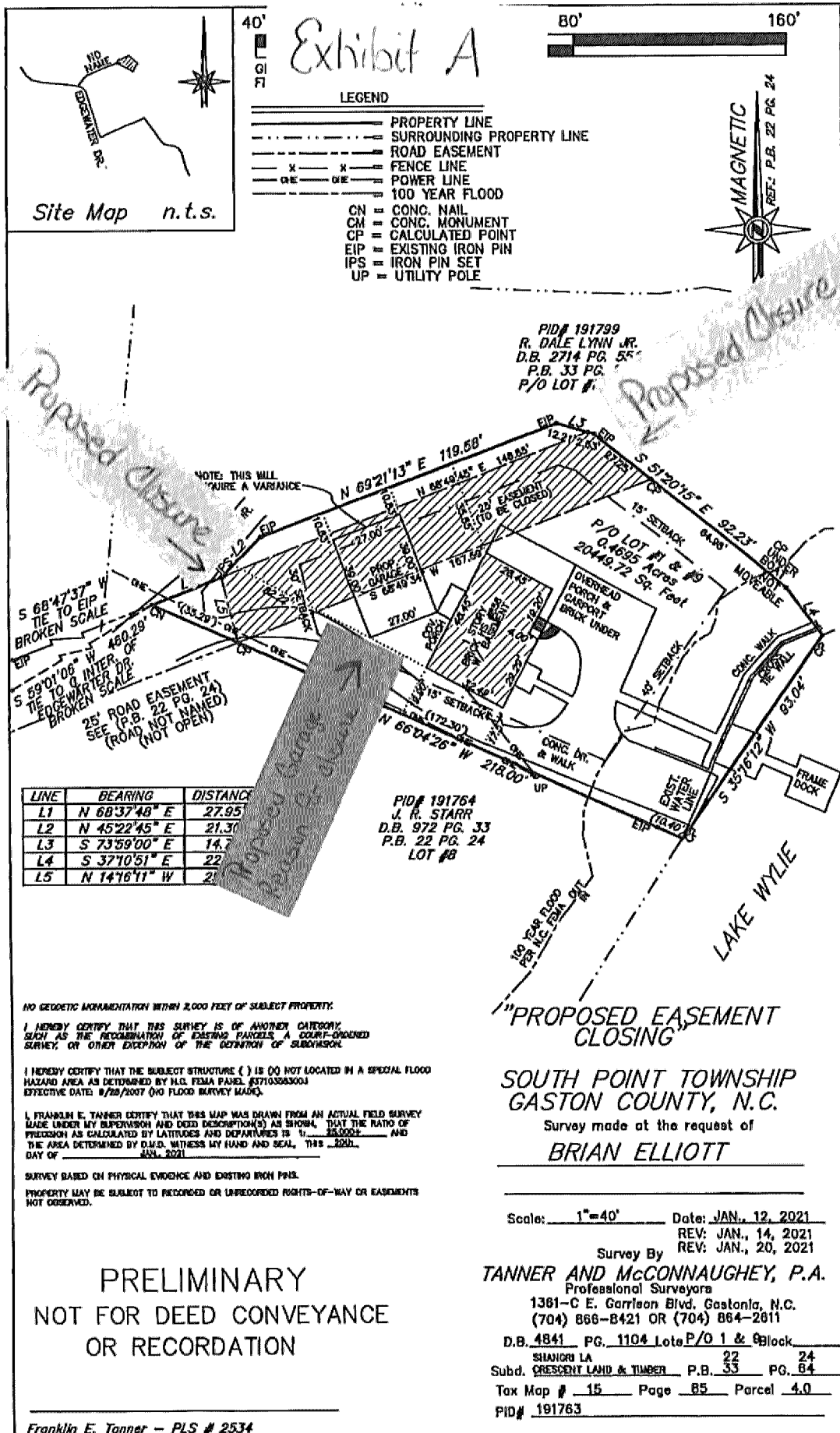
That the Board adopt a Resolution declaring its intention to close the Road Easement and call for public hearing on the closing at which time the Road Easement will be permanently closed in accordance with the procedures set forth in N.C. Gen. Stat. 153A-241.

This the 10 day of February, 2021

**PETITIONER(S):**

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# Exhibit A

## LEGEND

- PROPERTY LINE
- SURROUNDING PROPERTY LINE
- ROAD EASEMENT
- FENCE LINE
- POWER LINE
- 100 YEAR FLOOD
- CN = CONC. NAIL
- CM = CONC. MONUMENT
- CP = CALCULATED POINT
- EIP = EXISTING IRON PIN
- IPS = IRON PIN SET
- UP = UTILITY POLE

Site Map n.t.s.

PID# 191799  
R. DALE LYNN JR.  
D.B. 2714 PG. 55  
P.B. 33 PG.  
P/O LOT #1

PID# 191764  
J. R. STARR  
D.B. 972 PG. 33  
P.B. 22 PG. 24  
LOT #8

LINE	BEARING	DISTANCE
L1	N 68°37'48" E	27.95
L2	N 45°22'45" E	21.30
L3	S 73°59'00" E	14.7
L4	S 37°10'51" E	22
L5	N 14°16'11" W	21

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

I HEREBY CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION OF THE DEFINITION OF SUBDIVISION.

I HEREBY CERTIFY THAT THE SUBJECT STRUCTURE ( ) IS DO NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY H.G. FEMA PANEL #571030300J EFFECTIVE DATE: 8/28/2007 (NO FLOOD SURVEY MADE).

I, FRANKLIN E. TANNER CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION AND DEDIC DESCRIPTION(S) AS SHOWN, THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1: 25,000 AND THE AREA DETERMINED BY D.M.D. WITHIN MY HAND AND SEAL, THIS 2021, DAY OF JAN. 2021

SURVEY BASED ON PHYSICAL EVIDENCE AND EXISTING IRON PINS.

PROPERTY MAY BE SUBJECT TO RECORD OR UNRECORDED RIGHTS-OF-WAY OR EASEMENTS NOT OBSERVED.

PRELIMINARY  
NOT FOR DEED CONVEYANCE  
OR RECORDATION

"PROPOSED EASEMENT CLOSING"

SOUTH POINT TOWNSHIP  
GASTON COUNTY, N.C.

Survey made at the request of

BRIAN ELLIOTT

Scale: 1"=40' Date: JAN. 12, 2021

REV: JAN. 14, 2021

REV: JAN. 20, 2021

Survey By

TANNER AND McCONNAUGHEY, P.A.

Professional Surveyors

1381-C E. Garrison Blvd. Gastonia, N.C.

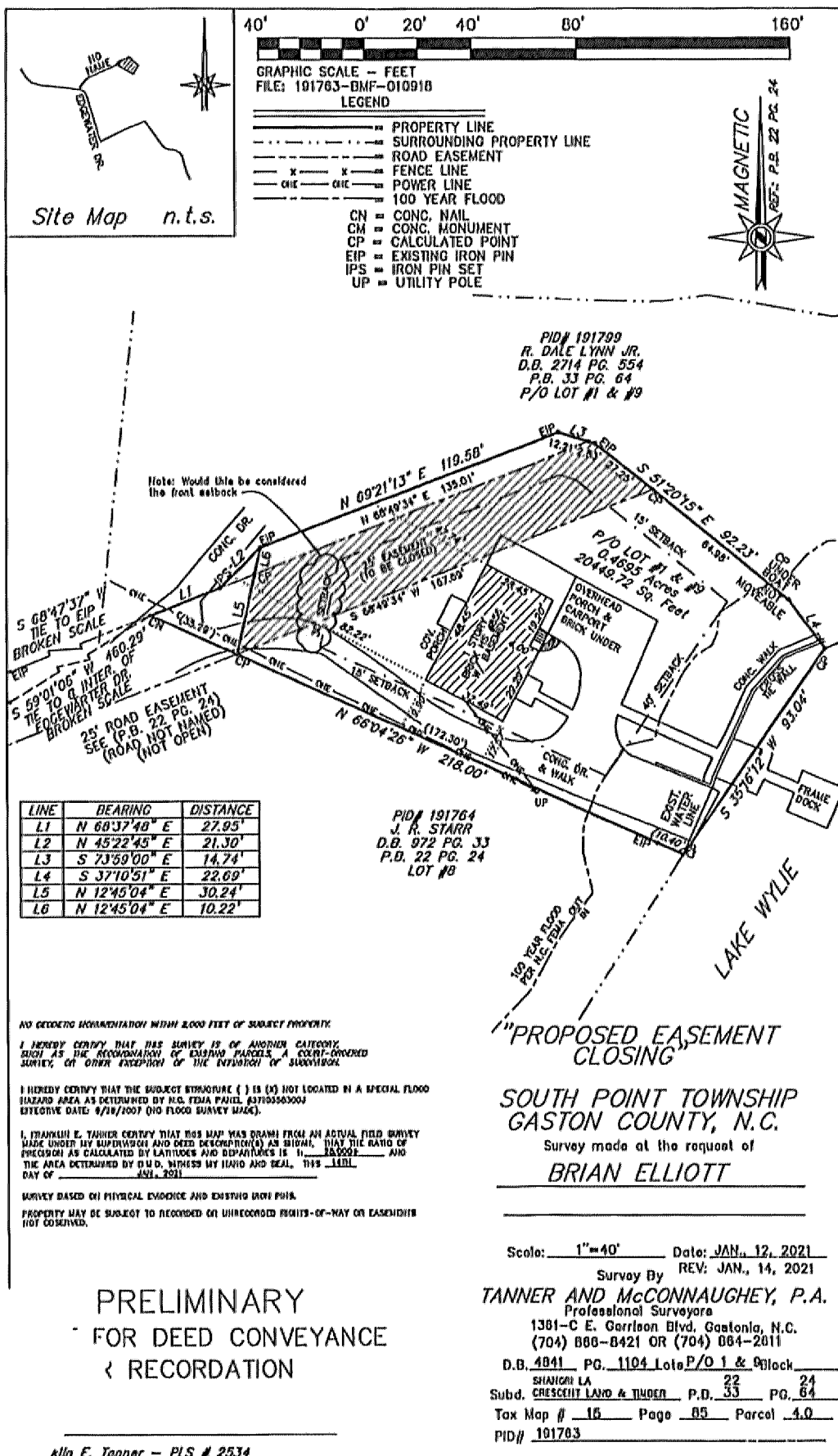
(704) 866-8421 OR (704) 864-2811

D.B. 4841 PG. 1104 Lots P/O 1 & 8 Block

SHANGRI LA Subd. CRESCENT LAND & TIMBER P.B. 33 PG. 64

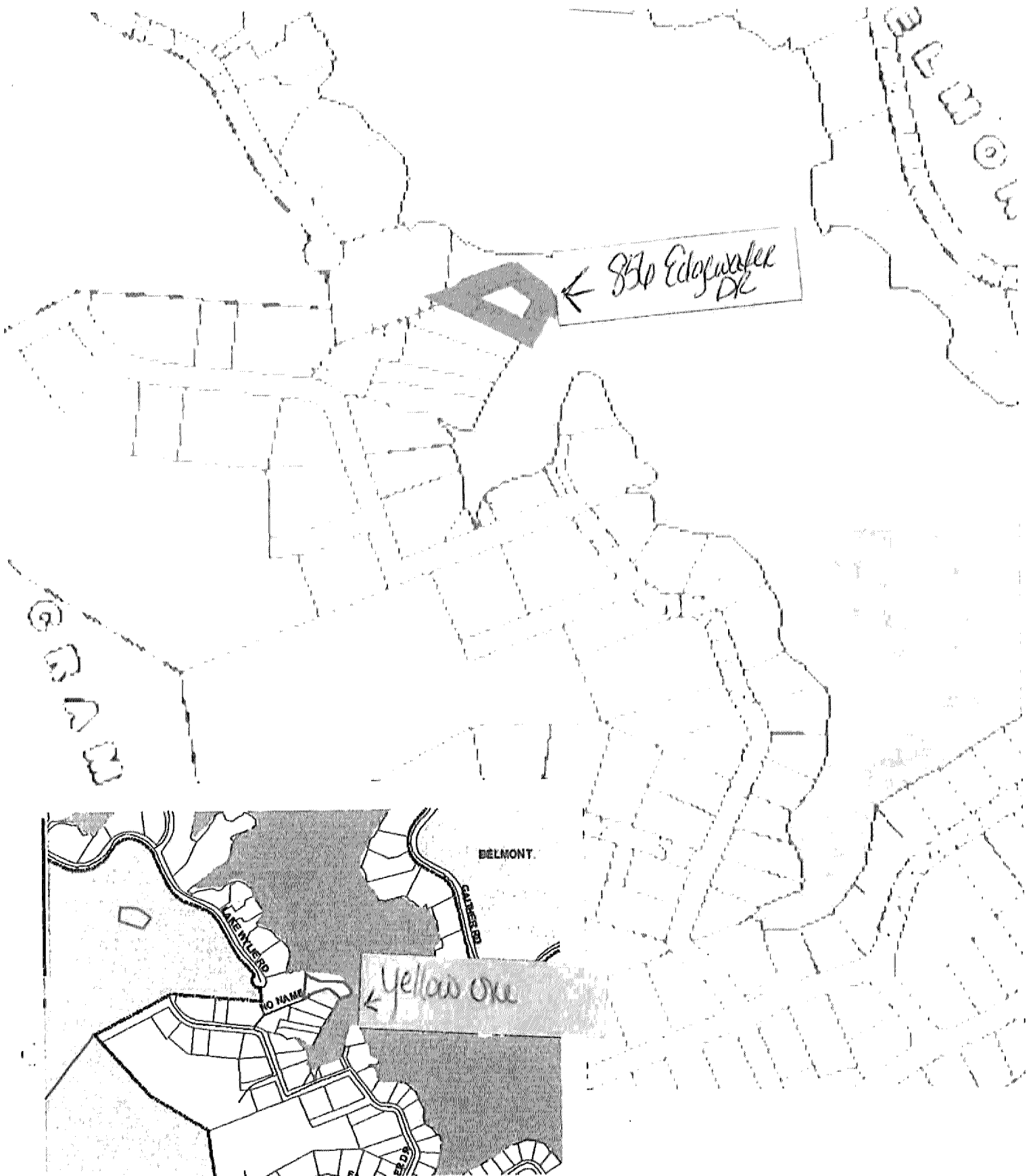
Tax Map # 15 Page 85 Parcel 4.0

PID# 191763

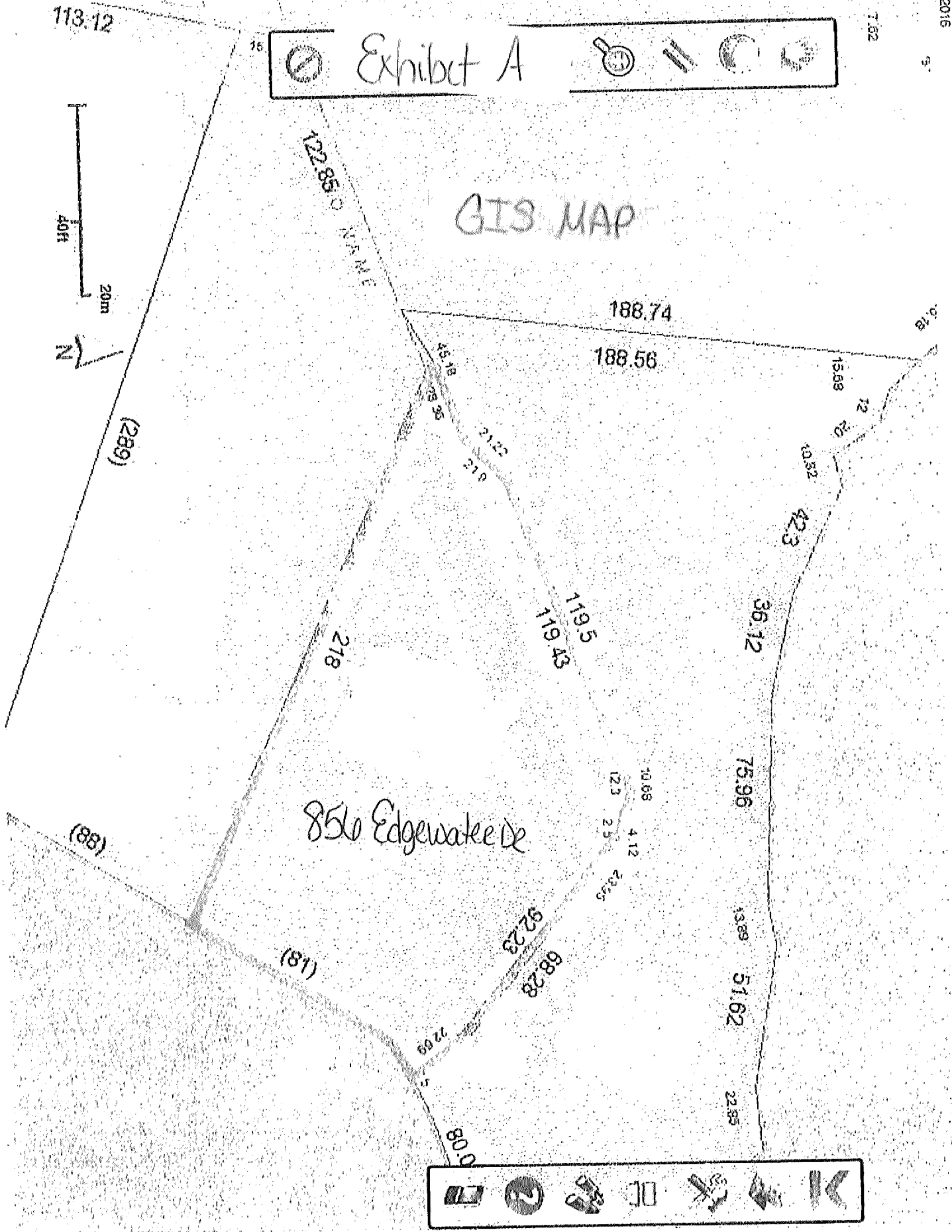


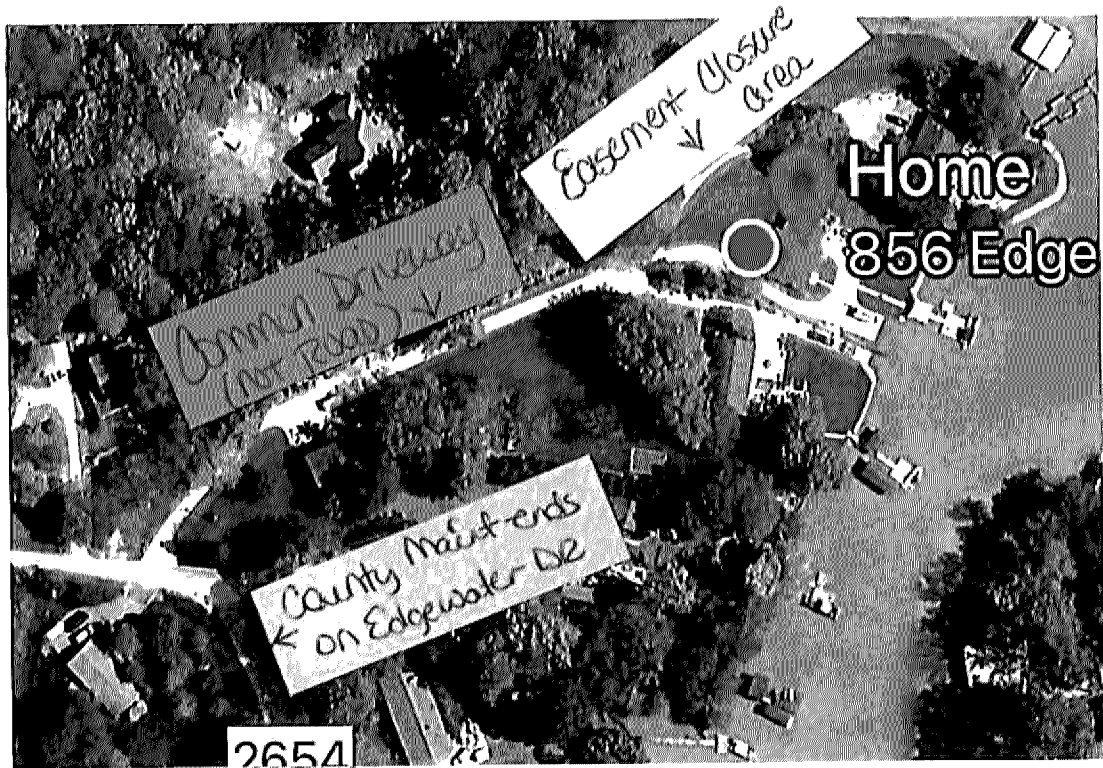


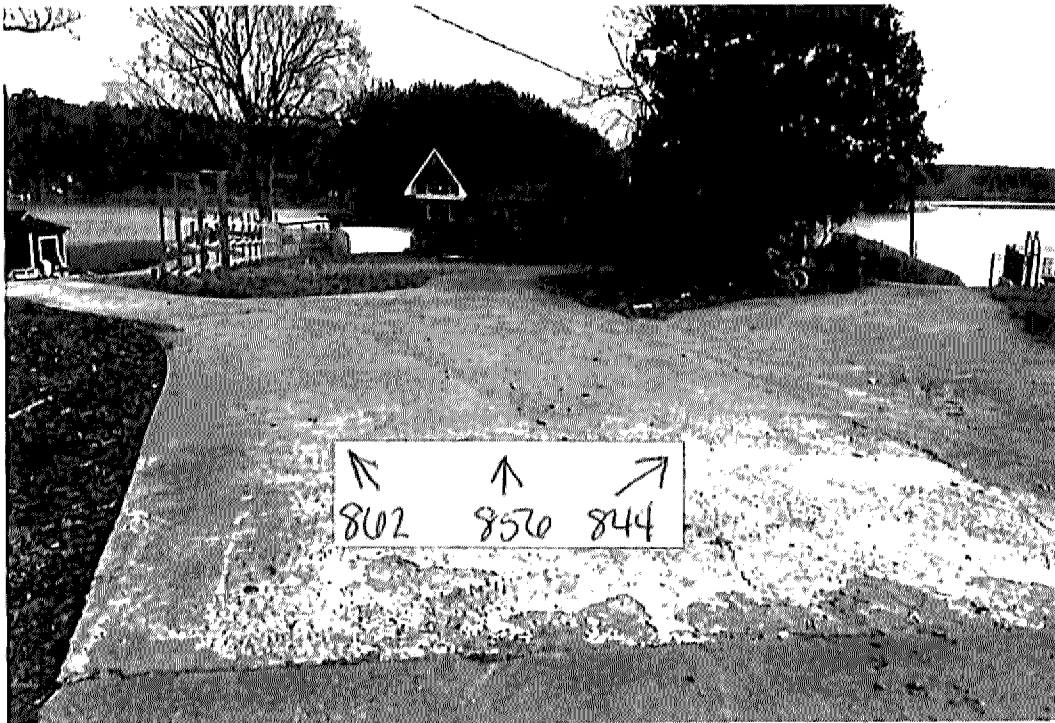
# Exhibit A

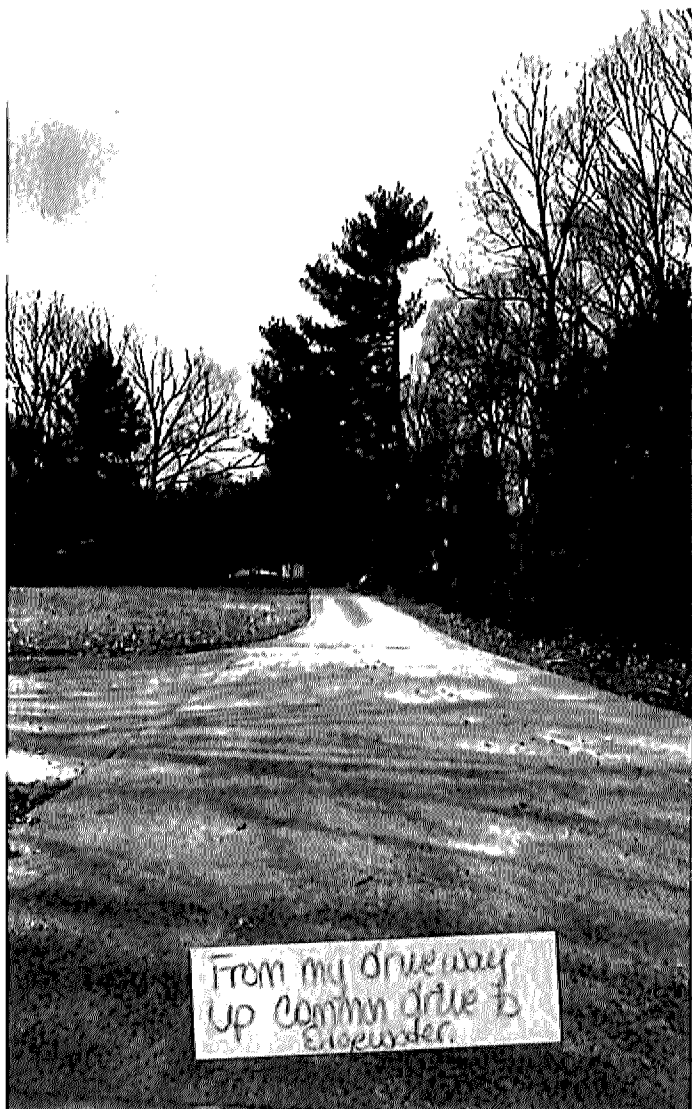




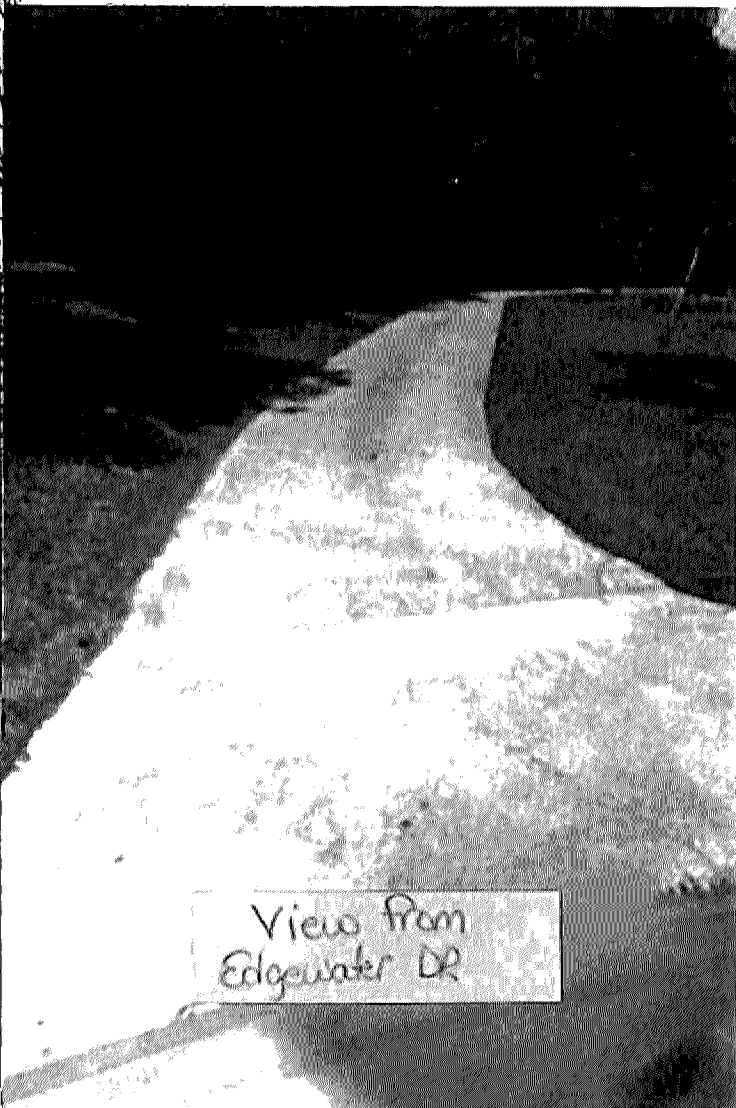








From my driveway  
up common drive to  
Edgewater.



View from  
Edgewater Dr



# Gaston County

Gaston County  
Board of Commissioners  
www.gastongov.com

## County Attorney

## Board Action

File #: 21-149

Commissioner Worley - County Attorney - To Close a Portion of an Approximately 25-Foot Right-of-Way off Edgewater Drive in the South Point Township

### STAFF CONTACT

Jonathan L. Sink - County Attorney

### BUDGET IMPACT

N/A

### BUDGET ORDINANCE IMPACT

N/A

### BACKGROUND

The Board of Commissioners received a request from Brian and Melanie Elliott, Petitioners, to close a portion of an approximately 25-foot right-of-way, as highlighted on the attached maps. The Petitioners own parcel 191763, having an address of 856 Edgewater Drive. The approximately 25-foot right-of-way is located on parcel 191763, as shown on the plat recorded in Plat Book 22 at Page 24 in the Gaston County Registry, off Edgewater Drive in Gaston County, North Carolina.

Pursuant to G.S. § 153A-241, the Board of Commissioners may close said right-of-way subject to a public hearing. At the March 23, 2021 meeting, the Board of Commissioners authorized the public hearing concerning the right-of-way closure to take place at the April 27, 2021 Board of Commissioners meeting. Pursuant to state law, the County advertised the public hearing for three (3) weeks in the Gaston Gazette, placed notices of the public hearing near the property in question, and provided notice by way of certified and first class mail to any surrounding property owners.

### POLICY IMPACT

Closing the right-of-way will not adversely impact any neighbors, as the right-of-way does not directly or indirectly impact any third party's vehicular access to the road. If the closure is approved, the Petitioners will obtain the right-of-way area.

### ATTACHMENTS

Resolution, Petition and Exhibit "A" (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	CBrown	AFraley	BHovis	KJohnson	TKeigher	TPhilbeck	RWorley	Vote
2021-098	04/27/2021	RW	CB	A	A	A	A	A	A	A	U

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