



Gaston County

Gaston County
Board of Commissioners
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County Attorney

Board Action

File #: 19-018

Commissioner Chad Brown - County Attorney - To Schedule a Public Hearing for the Request to Close Unimproved Right-of-Ways: Oak Street; Holly Drive (a portion of); and, Pine Street (a portion of), Located in Riverbend Township

STAFF CONTACT

Charles Moore, County Attorney

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

Jose Vences and Homero Cortes, the owners of Parcel 181163, wish to have Gaston County close several internal unimproved right-of-ways within the parcel. The internal right-of-ways, although platted, are all unimproved and are wooded, making it impassable for any vehicular traffic. The proposed area to be closed includes a portion of Pine Street, marked in red (approximately 440 feet); Oak Street, marked in red (approximately 565 feet); and a portion of Holly Drive, marked in red (approximately 1,170 feet).

POLICY IMPACT

Closing the right-of-ways will not adversely impact any neighbors, as the right-of-ways do not directly or indirectly result in any third party's vehicular access to roads. The right-of-ways are currently wooded and are impassable. They are not maintained by the NCDOT. If approved, the Gaston County Board of Commissioners will hold a public hearing concerning the road closure at the February meeting. Advertisements for the public hearing will be sent out in accordance with state law.

ATTACHMENTS

Petition and Map

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 | TKeigher | JPhillbeck | RVerley | Vote |
|----------|------------|----|----|--------|--------|---------|--------|----------|------------|---------|------|
| 2019-009 | 01/22/2019 | JB | CB | A | A | A | AB | A | A | A | U |

DISTRIBUTION:

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

STATE OF NORTH CAROLINA)
COUNTY OF GASTON)

PETITION TO CLOSE STREET

TO: GASTON COUNTY BOARD OF COUNTY COMMISSIONERS

The undersigned, Homero Cortes and Jose Vences, property owners of Gaston County, respectfully shows and requests unto the Gaston County Board of Commissioners, the following:

1. That the Petitioners, Homero Cortes and Jose Vences, are the owners in Tenancy In Common of Parcel 181163. Said Parcel comprises of approximately 13.52 acres and is found in Gaston County Map Book 19, Page 60 composing of the following Lots: Lots 6-17; Lots 19-22; Lots 58-61; Lots 62-71. A copy of the map is attached.
2. There are several unimproved rights-of-way bisecting this parcel including a portion of Holly Drive; Oak Street in its entirety, and a portion of Pine Street. All such roads appear to have been unimproved, are wooded, and are not passable for vehicular traffic.
3. The right-of-way designated as Holly Drive is bounded on the west and south by Lots 6-17 and on the east and north by Lots 61, 66, 71, 19.
4. The right-of-way designated as Pine Street is bounded on the north by Lots 58-61 and on the south by Lots 62-66.
5. The right-of-way designated as Oak Street is bounded on the north by Lots 62-66 and on the south by lots 19-22.
6. Lots 6-17, 19-22, 58-61, and 62-71 are unimproved.

7. Pursuant to North Carolina General Statute Section 160A-299, the following individuals have a right to receive notice of the public hearing, should the Gaston County Board of Commissioners schedule a public hearing to close the right-of-ways described herein:

RANCE CLEMONS, DERRY CLEMMONS, PATTY EUBANKS
515 HOLLY CIRCLE, MOUNT HOLLY NC 28120

FRANKLIN WAYNE BLACKWELL
505 HOLLY CIRCLE, MOUNT HOLLY NC 28120

JOSEPH W. AND SHARON B. WOLF
500 HOLLY CIRCLE, MOUNT HOLLY, NC 28120

LARRY G. SR AND SANDRA J. SIMONDS
1603 POWER LINE DRIVE, LOWELL NC 28098

8. 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 Holly Drive, Pine Street as described herein, as well as the entire right of way known as Oak Street 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. The public hearing for such closure will take place at the Board of Commissioners meeting in February, 2019.

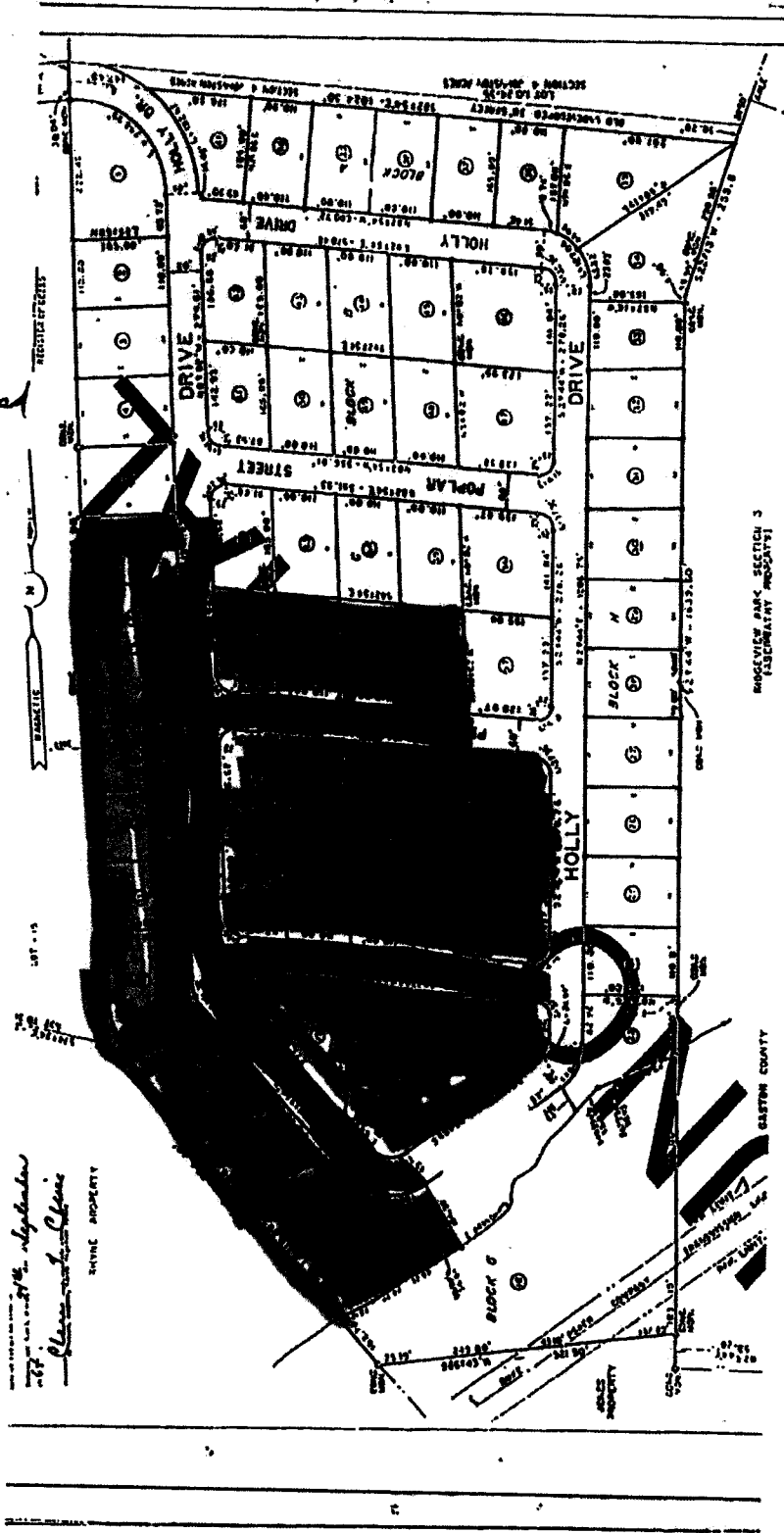
This the 7th day of January, 2019

Homero Cortes

Jose Vences

Homero Cortes and Jose Vences, PETITIONERS

Blue: property owned
by applicant
Red: proposed area
to be closed



Blue: property owned by applicant
Red: proposed area to be closed

