



Type: CRP
Recorded: 05/13/2021 at 09:52:21 AM
Fee Amt: \$26.00 Page 1 of 6
Revenue Tax: \$0.00
Gaston, NC
Susan S. Lockridge Register of Deeds
BK 5227 PG 880-885

RESOLUTION TITLE: TO AUTHORIZE THE CLOSING OF UNNAMED RIGHT-OF-WAYS (UNIMPROVED) OFF WOODCREST DRIVE IN THE LARKHAVEN DEVELOPMENT - GASTONIA TOWNSHIP

WHEREAS, the Gaston County Board of Commissioners received a request from Nicholas and Danyetta Miller to close unnamed right-of-ways in the Larkhaven Development, which is as shown on the plat recorded in Plat Book 22 at Page 24 in the Gaston County Registry, off Woodcrest Drive in Gaston County, North Carolina; and,

WHEREAS, the Petitioners are Nicholas and Danyetta Miller, property owners of said parcels 146207, 146139, 146220, 146224, 145225, 146227, 146233, 146238, 146236, 146214, 146241, 146242, and 146253, having an address of 000 Woodcrest Drive in Gastonia, North Carolina, as described in Deed Book 4052, Page 1387 in the Gaston County Registry in Gaston County, North Carolina; and,

WHEREAS, there are several unimproved right-of-ways bisecting parcels 146207, 146220, 146214, 146236, 146242, 146241, 146238, 146233, 146224, and 146225. All such right-of-ways appear to have been unimproved, are wooded, and are not passable for vehicular traffic; and,

WHEREAS, Petitioners wish to close that portion of said unnamed right-of-ways as depicted in Exhibit "A" in what will formally be called the Larkhaven Development on Woodcrest Drive in Gastonia, North Carolina. The closures of the unnamed right-of-ways are needed to combine parcels; and,

WHEREAS, Petitioners in good faith believe that closing the above-described right-of-ways will not cause hardship or inconvenience to any property owner in that no person or entity owning property adjoining the above-described portion of the unnamed right-of-ways will be deprived of reasonable means of ingress or egress to its property by said right-of-ways closing; and,

WHEREAS, said right-of-ways are not controlled or maintained by the North Carolina Department of Transportation; and,

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 the unimproved right-of-ways on that date.

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 | APhilbeck | RWerle | Vote |
|----------|------------|----|----|--------|--------|--------|----------|----------|-----------|--------|------|
| 2021-097 | 04/27/2021 | CB | RW | A | A | A | A | A | A | A | U |

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

To Authorize the Closing of Unnamed Right-Of-Ways (Unimproved) Off Woodcrest Drive in the Larkhaven Development - Gastonia Township
Page 2

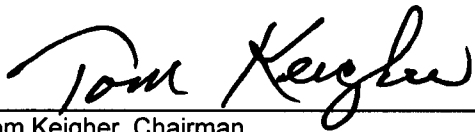
NOW, THEREFORE, BE IT RESOLVED that the unimproved, unnamed right-of-ways, on Woodcrest Drive in the Larkhaven Development, described in Deed Book 4052, Page 1387, as depicted in Exhibit "A," and as further described below, shall be closed:

That right-of-way designated to the northeast of Larkhaven Development bounded on the north by parcel 146207, and bounded to the south by parcels 146207 and 146214; and,

That right-of-way designated in the middle of Larkhaven Development bounded on the south by parcels 146236, 146207, and 147241, and bounded on the north by parcels 146214, 146207, and 146242; and,

That right-of-way designated to the left of Larkhaven Development bounded to the west by parcels 146207, 146220, 146224, and 146225, and bounded on the east by parcels 146207, 146214, 146236, 146238, and 146233, and bounded to the south by parcel 146227.

BE IT FURTHER RESOLVED that any interest Gaston County may have had in the subject area be extinguished, and ownership of the right-of-ways to revert to Petitioners, Nicholas and Danyetta Miller.

A handwritten signature in cursive script, reading "Tom Keigher", written in black ink over a horizontal line.

Tom Keigher, Chairman
Gaston County Board of Commissioners

STATE OF NORTH CAROLINA

COUNTY OF GASTON

PETITION TO CLOSE RIGHT OF WAY

TO: GASTON COUNTY BOARD OF COMMISSIONERS

The undersigned, Nicholas & Danyetta Miller("Petitioners"), residents of _Charlotte, North Carolina, respectfully shows and requests unto the Gaston County Board of Commissioners, the following:

1. That Petitioners are the owners of Parcel(s) 146207, 146139, 146220, 146224, 146225, 146227, 146233, 146238, 146236, 146214, 146241, 146242 & 146253 having an address of 000 Woodcrest Drive in _Gastonia, North Carolina, described in Deed Book _4052, Page _1387, in the office of the Gaston County Register of Deeds office. Said parcel comprises of approximately 38.89 acres and is bisected by a portion of an unnamed right-of-way/paper road.
2. That there exists no easement and no public right-of-way, express or implied, for ingress and egress by virtue of said portion of the unnamed right-of-way/paper road that abuts Petitioners' property.
3. There are several unimproved rights of ways bisecting parcels 146207, 146220, 146214, 146236, 146242, 146241, 146238, 146233, 146224 and 146225. All such roads appear to have been unimproved, are wooded and are not passable for vehicular traffic.
4. That portion of said unnamed right of way which the Petitioners desire to close is depicted as Exhibit "A" attached hereto and incorporated by reference as if more fully set forth herein, and are bounded as follows:
 - a. That right-of-way designated to the northeast of Larkhaven Development is bounded on the north by parcel 146207, bounded to the south by 146207 and 146214.
 - b. That right-of-way designated in middle of Larkhaven Development is bounded on the south by parcels 146236, 146207 and 146241 and bounded on the north by parcels 146214, 146207 and 146242.
 - c. The right of way designated to the left of Larkhaven Development is bounded to the west by parcels 146207, 146220, 146224 and 146225 and bounded on the east by parcels 146207, 146214, 146236, 146238 and 146233 and bounded to the south by parcel 146227.
5. The Petitioners desire to close that portion of said unnamed right of way.

6. Pursuant to the 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:

Name: Jasper Carl Stowe Jr. Heirs

Address: 118 Lafayette Rd, Stanley, NC 28164

Name: Marvin Jenkins

Address: 5440 Country Pines Dr, Gastonia, NC 28052

Name: Mrs. J F Jones

Address: 2131 Water Oak Lane, Gastonia, NC 28056

7. That Petitioners in good faith believe that closing the above-described unnamed 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 the unnamed right-of-way will be deprived of reasonable means of ingress or egress to its property by said right-of-way closing.
8. That the Gaston County Board of Commissioners is authorized by North Carolina General Statute Section 153A-241 to close that portion of the unnamed 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 the unnamed road 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) consecutive 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 the unnamed right-of-way in at least two (2) locations, and by mailing via registered or certified mail to all the individuals or entities who have an interest in the property located adjacent to the target right-of-way.

This 27 day of February, 2021.

Thelma Smith

Name

Danette R. Miller

Name

VERIFICATION

STATE OF NORTH CAROLINA

COUNTY OF GASTON

Nicholas Miller

Danyetta Miller, PETITIONERS, being first duly sworn, depose and say:

That they are the Petitioners herein, and that they have read the Petition, and believe the contents thereof to be true.

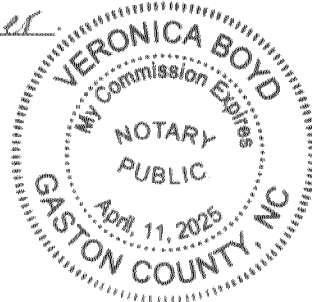
[Signature]

Name

Danyetta R. Miller

Name

Sworn to and subscribed before me this 27 day of February, 2021 by
Nicholas Miller

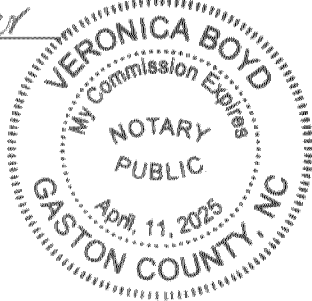


Veronica Boyd

Notary Public

My Commission Expires: April 11, 2025

Sworn to and subscribed before me this 27 day of February, 2021 by
Danyetta Miller



Veronica Boyd

Notary Public

My Commission Expires: April 11, 2025


This map displays the Larkhaven Development, showing various properties and their owners. A large, winding area is highlighted with a cross-hatch pattern, indicating the Right of Ways Requesting to be Closed. The map includes the following properties and owners:


- 146139 LARKHAVEN DEVELOPMENT CO LLC
- 303887 STOWE JASPER CARL JR HEIRS
- 146155 LINDLEY WILLIAM BURGIN
- 146154 JORDAN VIVIAN PARHAM
- 146140 SPARROW MARY KAY
- 146207 LARKHAVEN DEVELOPMENT CO LLC
- 146207 LARKHAVEN DEVELOPMENT CO LLC
- 146207 LARKHAVEN DEVELOPMENT CO LLC
- 146214 LARKHAVEN DEVELOPMENT CO LLC
- 146220 LARKHAVEN DEVELOPMENT CO LLC
- 222086 MOSS FRED M JR
- 146207 LARKHAVEN DEVELOPMENT CO LLC
- 146238 LARKHAVEN DEVELOPMENT CO LLC
- 146241 LARKHAVEN DEVELOPMENT CO LLC
- 146253 LARKHAVEN DEVELOPMENT CO LLC
- 146254 JENKINS MARVIN JAMES
- 146207 LARKHAVEN DEVELOPMENT CO LLC
- 146230 JONES MRS J F
- 146167 BAKER JAMES STROUP
- 146227 LARKHAVEN DEVELOPMENT CO LLC
- 146207 LARKHAVEN DEVELOPMENT CO LLC
- 146247 BALOG NOELLE ANN
- 146248 DAWSEY JANE M & OTHERS
- 146245 PAYSEUR DANIEL M
- 146244 LARKHAVEN DEVELOPMENT CO LLC
- 146251 LARKHAVEN DEVELOPMENT CO LLC
- 146252 BAKER JAMES S
- 146253 HIGHWAY 321 FORBES RD LLC 93% &
- 217588 LARKHAVEN DEVELOPMENT CO LLC
- 146298 FELT MICHAEL G
- 146299 LOMICK MARLON E
- 217589 SMITH MATTHEW COLEMAN
- 208861 HIGHWAY 321 FORBES RD LLC 93% &
- 146249 SMITH MATTHEW COLEMAN
- 146250 CASACHAHUA OSCAR
- WOODCREST DR
- SUPERIOR STAINLESS RD

Legend

- Right of Ways Requesting to be Closed
- Properties of Applicant

Legend

 Right of Ways Requesting to be Closed

 Properties of Applicant



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

County Attorney

Board Action

File #: 21-147

Commissioner Johnson - County Attorney - To Authorize the Closing of Unimproved and Unnamed Right-of-Ways Off Woodcrest Drive in the Larkhaven Development - Gastonia 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 Nicholas and Danyetta Miller, Petitioners, to close several unimproved, unnamed right-of-ways as highlighted on the attached maps. The Petitioners own parcels 146207, 146139, 146220, 146224, 145225, 146227, 146233, 146238, 146236, 146214, 146241, 146242, and 146253, having an address of 000 Woodcrest Drive in the Larkhaven Development in Gastonia, North Carolina, as described in Deed Book 4052, Page 1387 in the Gaston County Registry in Gaston County, North Carolina.

Pursuant to G.S. § 153A-241, the Board of Commissioners may close said right-of-ways subject to a public hearing. At the March 23, 2021 meeting, the Board of Commissioners authorized the public hearing concerning the right-of-way closures are 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 first class mail to any surrounding property owners.

POLICY IMPACT

Closing the right-of-ways in question will not negatively impact any property owner in the surrounding area, as the right-of-ways are unimproved and wooded. If the closure is approved, the Petitioners will obtain the right-of-way areas.

ATTACHMENTS

Resolution, Petition and Exhibit "A" (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 | AFrale | BHovis | KJohnson | TKelgher | TPhillips | RWorley | Vote |
|----------|------------|----|----|--------|--------|--------|----------|----------|-----------|---------|------|
| 2021-097 | 04/27/2021 | CB | RW | A | A | A | A | A | A | A | U |

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