



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

County Attorney

Board Action

File #: 18-418

Commissioner Worley - County Attorney - To Schedule a Public Hearing for the Request to Close a Portion of Stowe Lane and Lake Street, Located in South Point Township

STAFF CONTACT

Charles Moore - County Attorney - 704-866-3194

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The Board of Commissioners received a petition to close a portion of Stowe Lane and Lake Street. The area in question to be closed is bounded by four parcels of common ownership. The relevant portion of the right of way known as Stowe Lane is a gravel road not maintained by the NCDOT and terminates at the northern part of the applicant's parcels. (The part of Stowe Lane north of the applicant's property is maintained by the NCDOT.) The relevant portion of the right of way known as Lake Drive is not maintained by the NCDOT and terminates south of the southernmost section of the applicant's parcels. These two roads do not connect with each other. Due to topography, it is unlikely the NCDOT will create improvements to connect both right-of-ways.

Pursuant to G.S. 153A-241, the Board of Commissioners may close said right-of-ways, subject to the results of a public hearing on the issue.

The proposed area to be closed is bounded on the north by Parcels 182731 and 207077. It is bounded on the south by Parcels 300082 and 300082. The Petitioner, Charles Dean Morgan, owns all four parcels, and if the right of way is closed, each parcel will receive title to the center line of the applicable section of the right of way area closed. The proposed public hearing will be at the regularly scheduled Board of Commissioners meeting on January 22, 2019.

(Continued on Page 2)

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	AFrale	BHovis	TKelgher	TPhillbeck	RWorley	Vote
2018-299	12/11/2018	RW	JB	AB	A	AB	A	A	A	A	U

DISTRIBUTION:

Laserfiche Users

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

File #: 18-418

Commissioner Worley - County Attorney - To Schedule a Public Hearing for the Request to Close a Portion of Stowe Lane and Lake Street, Located in South Point Township
Page 2

POLICY IMPACT

The proposed road closure will not impact County policy. Unlike most roads in the County, the roads in question have not been dedicated to the North Carolina Department of Transportation. Consequently, the County has 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. Although GIS and original plats to the subdivision indicate that the two right of ways connect to each other, there is a wooded and hilly land between both right of ways.

ATTACHMENTS

Petition and Map

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

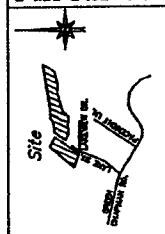
VERA KING BRANCH, 119 LAKE STREET, GASTONIA, NC 28056

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
Charles Dean Morgan, Petitioner



Site Map n.t.s.

NOTICE OF DEEDS CERTIFICATION
FRANKLIN E. TANNER
SOUTHPOINT TOWNSHIP
GASTON COUNTY, NORTH CAROLINA

1. AREA & LOCATION: BOUNDARY OF PLOT IN AND FOR THE
GASTON COUNTY AND STATE, WHEREBY 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

FRANKLIN E. TANNER, REGISTERED DEEDS ASSISTANT / CLERK

- LEGEND
- PROPERTY LINE
 - BARRELSHED PROPERTY LINE
 - RIGHT-OF-WAY
 - POWER LINE
 - CONCRETE
 - WOOD
 - PAVED
 - EXISTING HIGHWAY
 - UTILITY POLE

OWNER'S CERTIFICATION
I, FRANKLIN E. TANNER, CERTIFY THAT ALL OTHERS OF THE PROPERTY
AND INTERESTS IN THE SAME HAVE BEEN FULLY ADVISED OF THE
SUBSTANCE AND CONTENTS OF THIS DEED AND THAT THEY HAVE
CONSENTED TO THE SAME AND HAVE SIGNED AND DELIVERED TO ME
THIS DEED AND HAVE THEREBY RELEASED ALL CLAIMS AND
INTERESTS IN THE SAME AND HAVE AGREED TO HOLD THE SAME
FREE AND CLEAR OF ALL CLAIMS AND INTERESTS IN THE SAME
AND TO WARRANT THE SAME TO THE DEED RECIPIENT.

FRANKLIN E. TANNER
CLERK, NO. 2018

NO COGNATE INFORMATION WITHIN 5000 FEET OF SUBJECT PROPERTY.
I HEREBY CERTIFY THAT THE SUBJECT PROPERTY (S) IS () NOT LOCATED IN A
SPECIAL FLOOD HAZARD AREA AS DETERMINED BY ALL FLOOD PANELS ESTABLISHED
EFFECTIVE DATE 12/31/2017 (NO FLOOD HAZARD PANEL).

SURVEY BASED ON PHYSICAL EVIDENCE AND EXISTING SURVEY.

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

1. FRANKLIN E. TANNER, CERTIFY TO ONE OF THE
FOLLOWING AS INDICATED BY AN "X":
A. THAT THIS DEED IS A SURVEY THAT CREATES
A NEW RIGHT-OF-WAY OR EASEMENT THAT AFFECTS THE
ADJACENT PROPERTY AND THAT THE DEED RECIPIENT HAS
AGREED TO HOLD THE SAME FREE AND CLEAR OF ALL
CLAIMS AND INTERESTS IN THE SAME AND TO WARRANT
THE SAME TO THE DEED RECIPIENT.

B. THAT THIS DEED IS A SURVEY THAT IS LOCATED
IN THE PORTION OF A COUNTY OR MUNICIPALITY THAT IS
UNINCORPORATED AS TO AN EASEMENT THAT AFFECTS
ADJACENT PROPERTY.

C. ANY ONE OF THE FOLLOWING:
1. THAT THE DEED IS A SURVEY OF A NEW
STREET OR HIGHWAY OR OTHER PUBLIC USE THAT
AFFECTS ADJACENT PROPERTY.

2. THAT THE DEED IS A SURVEY OF A NEW
STREET OR HIGHWAY OR OTHER PUBLIC USE THAT
AFFECTS ADJACENT PROPERTY.

3. THAT THE DEED IS A SURVEY OF A NEW
STREET OR HIGHWAY OR OTHER PUBLIC USE THAT
AFFECTS ADJACENT PROPERTY.

4. THAT THE DEED IS A SURVEY OF A NEW
STREET OR HIGHWAY OR OTHER PUBLIC USE THAT
AFFECTS ADJACENT PROPERTY.

5. THAT THE DEED IS A SURVEY OF A NEW
STREET OR HIGHWAY OR OTHER PUBLIC USE THAT
AFFECTS ADJACENT PROPERTY.

6. THAT THE DEED IS A SURVEY OF A NEW
STREET OR HIGHWAY OR OTHER PUBLIC USE THAT
AFFECTS ADJACENT PROPERTY.

7. THAT THE DEED IS A SURVEY OF A NEW
STREET OR HIGHWAY OR OTHER PUBLIC USE THAT
AFFECTS ADJACENT PROPERTY.

8. THAT THE DEED IS A SURVEY OF A NEW
STREET OR HIGHWAY OR OTHER PUBLIC USE THAT
AFFECTS ADJACENT PROPERTY.

9. THAT THE DEED IS A SURVEY OF A NEW
STREET OR HIGHWAY OR OTHER PUBLIC USE THAT
AFFECTS ADJACENT PROPERTY.

10. THAT THE DEED IS A SURVEY OF A NEW
STREET OR HIGHWAY OR OTHER PUBLIC USE THAT
AFFECTS ADJACENT PROPERTY.

11. THAT THE DEED IS A SURVEY OF A NEW
STREET OR HIGHWAY OR OTHER PUBLIC USE THAT
AFFECTS ADJACENT PROPERTY.

12. THAT THE DEED IS A SURVEY OF A NEW
STREET OR HIGHWAY OR OTHER PUBLIC USE THAT
AFFECTS ADJACENT PROPERTY.

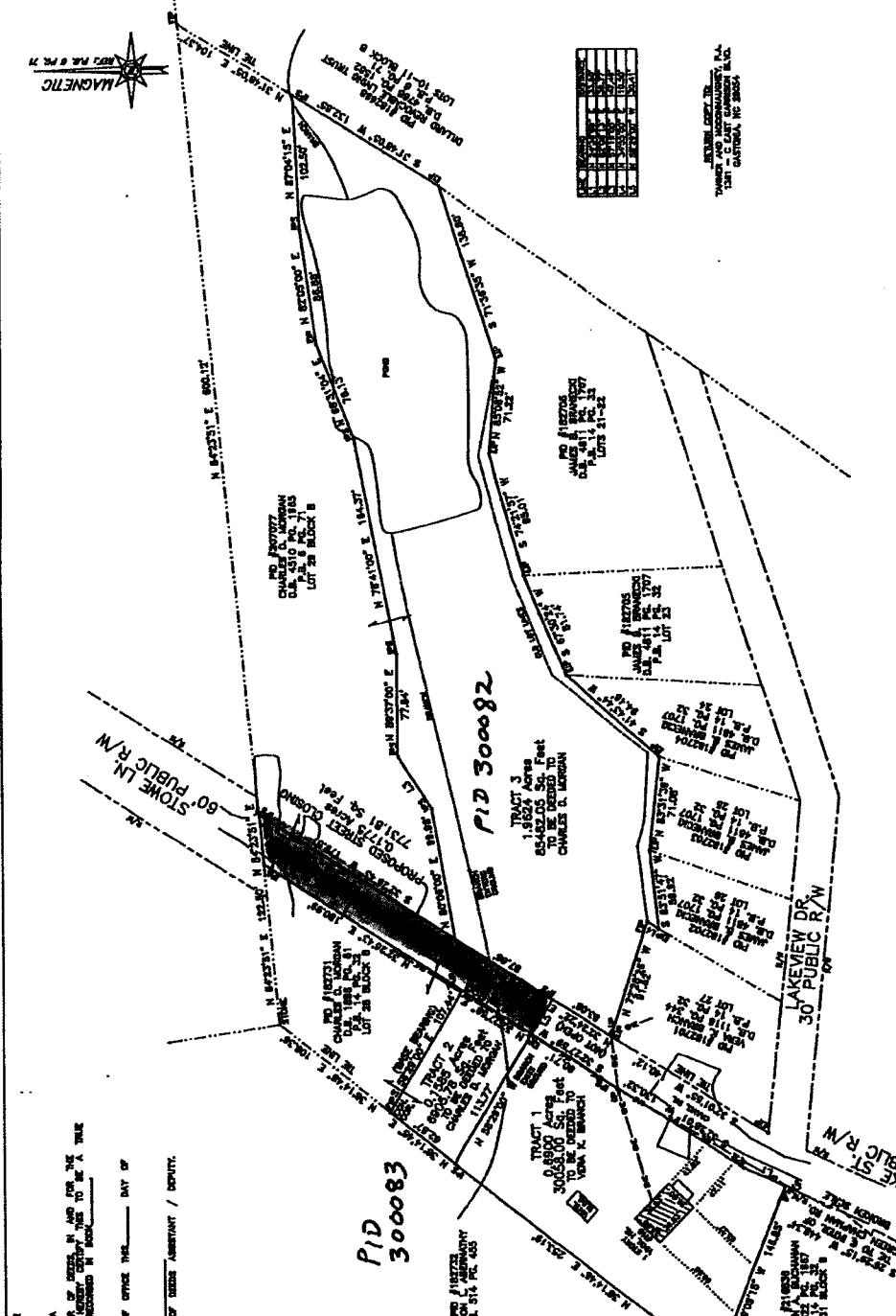
13. THAT THE DEED IS A SURVEY OF A NEW
STREET OR HIGHWAY OR OTHER PUBLIC USE THAT
AFFECTS ADJACENT PROPERTY.

14. THAT THE DEED IS A SURVEY OF A NEW
STREET OR HIGHWAY OR OTHER PUBLIC USE THAT
AFFECTS ADJACENT PROPERTY.

15. THAT THE DEED IS A SURVEY OF A NEW
STREET OR HIGHWAY OR OTHER PUBLIC USE THAT
AFFECTS ADJACENT PROPERTY.

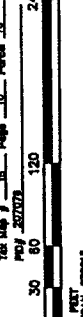
PRELIMINARY
NOT FOR DEED CONVEYANCE
OR RECORDATION

Franklin E. Tanner - PLS # 2034



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

Survey By: Date: OCT. 25, 2018
REV: OCT. 25, 2018
TANNER AND McCONAUGHEY, P.A.
Professional Surveyors
1301-C E. Gordon Blvd., Gaston, N.C.
(704) 844-5451 or (704) 844-5811
D.B. 1118, P.C. 244, 1-1/2" = 1' S.W. 1/4, Sec. 8,
Twp. 36 N., R. 10 E., S. 1 E., P.C. 244
Said PLAT MAP, P.C. 244, 1-1/2" = 1',
To: Map # 18, Page 10, Parcel 10
P.O. # 207073



CERTIFICATE OF RECORD OFFICER
I, FRANKLIN E. TANNER, CERTIFY THAT
THIS DEED IS A TRUE AND CORRECT COPY
OF THE ORIGINAL DEED AS RECORDED IN
BOOK PAGE
DATE

CERTIFICATE OF RECORD OFFICER
I, FRANKLIN E. TANNER, CERTIFY THAT
THIS DEED IS A TRUE AND CORRECT COPY
OF THE ORIGINAL DEED AS RECORDED IN
BOOK PAGE
DATE

PID 300083

TRACT 2
0.1585 Acres
TO BE DEED TO
CHARLES D. MORGAN

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

PID 300082

TRACT 3
1.9624 Acres
85482.05 Sq. Feet
TO BE DEED TO
CHARLES D. MORGAN

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

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

PID #207077
CHARLES D. MORGAN
D.B. 4510 PG. 1965
P.B. 6 PG. 71
LOT 29 BLOCK B

PROPOSED STREET CLOSING
0.775 Acres
7731.81 Sq. Feet

BRANCH ENTERS GROUND

LAKEVIEW DR.
30' PUBLIC R/W

60' STOWE LN.
PUBLIC R/W

STONE

POND

OLD LOT LINES

VER. 11/16 PG. 32
P.B. 14 LOT 27

VER. 11/16 PG. 32
P.B. 14 LOT 28

VER. 11/16 PG. 32
P.B. 14 LOT 29

VER. 11/16 PG. 32
P.B. 14 LOT 30

VER. 11/16 PG. 32
P.B. 14 LOT 31

VER. 11/16 PG. 32
P.B. 14 LOT 32

VER. 11/16 PG. 32
P.B. 14 LOT 33

VER. 11/16 PG. 32
P.B. 14 LOT 34

VER. 11/16 PG. 32
P.B. 14 LOT 35

VER. 11/16 PG. 32
P.B. 14 LOT 36

VER. 11/16 PG. 32
P.B. 14 LOT 37

VER. 11/16 PG. 32
P.B. 14 LOT 38

VER. 11/16 PG. 32
P.B. 14 LOT 39

VER. 11/16 PG. 32
P.B. 14 LOT 40

VER. 11/16 PG. 32
P.B. 14 LOT 41

VER. 11/16 PG. 32
P.B. 14 LOT 42

VER. 11/16 PG. 32
P.B. 14 LOT 43

VER. 11/16 PG. 32
P.B. 14 LOT 44

VER. 11/16 PG. 32
P.B. 14 LOT 45

VER. 11/16 PG. 32
P.B. 14 LOT 46

VER. 11/16 PG. 32
P.B. 14 LOT 47

VER. 11/16 PG. 32
P.B. 14 LOT 48

VER. 11/16 PG. 32
P.B. 14 LOT 49

VER. 11/16 PG. 32
P.B. 14 LOT 50

VER. 11/16 PG. 32
P.B. 14 LOT 51

VER. 11/16 PG. 32
P.B. 14 LOT 52

VER. 11/16 PG. 32
P.B. 14 LOT 53

VER. 11/16 PG. 32
P.B. 14 LOT 54

VER. 11/16 PG. 32
P.B. 14 LOT 55

VER. 11/16 PG. 32
P.B. 14 LOT 56

VER. 11/16 PG. 32
P.B. 14 LOT 57

VER. 11/16 PG. 32
P.B. 14 LOT 58

VER. 11/16 PG. 32
P.B. 14 LOT 59

VER. 11/16 PG. 32
P.B. 14 LOT 60

VER. 11/16 PG. 32
P.B. 14 LOT 61

VER. 11/16 PG. 32
P.B. 14 LOT 62

VER. 11/16 PG. 32
P.B. 14 LOT 63

VER. 11/16 PG. 32
P.B. 14 LOT 64

VER. 11/16 PG. 32
P.B. 14 LOT 65

VER. 11/16 PG. 32
P.B. 14 LOT 66

VER. 11/16 PG. 32
P.B. 14 LOT 67

VER. 11/16 PG. 32
P.B. 14 LOT 68

VER. 11/16 PG. 32
P.B. 14 LOT 69

VER. 11/16 PG. 32
P.B. 14 LOT 70

VER. 11/16 PG. 32
P.B. 14 LOT 71

VER. 11/16 PG. 32
P.B. 14 LOT 72

VER. 11/16 PG. 32
P.B. 14 LOT 73

VER. 11/16 PG. 32
P.B. 14 LOT 74

VER. 11/16 PG. 32
P.B. 14 LOT 75

VER. 11/16 PG. 32
P.B. 14 LOT 76

VER. 11/16 PG. 32
P.B. 14 LOT 77

VER. 11/16 PG. 32
P.B. 14 LOT 78

VER. 11/16 PG. 32
P.B. 14 LOT 79

VER. 11/16 PG. 32
P.B. 14 LOT 80

VER. 11/16 PG. 32
P.B. 14 LOT 81

VER. 11/16 PG. 32
P.B. 14 LOT 82

VER. 11/16 PG. 32
P.B. 14 LOT 83

VER. 11/16 PG. 32
P.B. 14 LOT 84

VER. 11/16 PG. 32
P.B. 14 LOT 85

VER. 11/16 PG. 32
P.B. 14 LOT 86

VER. 11/16 PG. 32
P.B. 14 LOT 87

VER. 11/16 PG. 32
P.B. 14 LOT 88

VER. 11/16 PG. 32
P.B. 14 LOT 89

VER. 11/16 PG. 32
P.B. 14 LOT 90

VER. 11/16 PG. 32
P.B. 14 LOT 91

VER. 11/16 PG. 32
P.B. 14 LOT 92

VER. 11/16 PG. 32
P.B. 14 LOT 93

VER. 11/16 PG. 32
P.B. 14 LOT 94

VER. 11/16 PG. 32
P.B. 14 LOT 95

VER. 11/16 PG. 32
P.B. 14 LOT 96

VER. 11/16 PG. 32
P.B. 14 LOT 97

VER. 11/16 PG. 32
P.B. 14 LOT 98

VER. 11/16 PG. 32
P.B. 14 LOT 99

VER. 11/16 PG. 32
P.B. 14 LOT 100

VER. 11/16 PG. 32
P.B. 14 LOT 101

VER. 11/16 PG. 32
P.B. 14 LOT 102

VER. 11/16 PG. 32
P.B. 14 LOT 103

VER. 11/16 PG. 32
P.B. 14 LOT 104

VER. 11/16 PG. 32
P.B. 14 LOT 105

VER. 11/16 PG. 32
P.B. 14 LOT 106

VER. 11/16 PG. 32
P.B. 14 LOT 107

VER. 11/16 PG. 32
P.B. 14 LOT 108

VER. 11/16 PG. 32
P.B. 14 LOT 109

VER. 11/16 PG. 32
P.B. 14 LOT 110

VER. 11/16 PG. 32
P.B. 14 LOT 111

VER. 11/16 PG. 32
P.B. 14 LOT 112

VER. 11/16 PG. 32
P.B. 14 LOT 113

VER. 11/16 PG. 32
P.B. 14 LOT 114

VER. 11/16 PG. 32
P.B. 14 LOT 115

VER. 11/16 PG. 32
P.B. 14 LOT 116

VER. 11/16 PG. 32
P.B. 14 LOT 117

VER. 11/16 PG. 32
P.B. 14 LOT 118

VER. 11/16 PG. 32
P.B. 14 LOT 119

VER. 11/16 PG. 32
P.B. 14 LOT 120

VER. 11/16 PG. 32
P.B. 14 LOT 121

VER. 11/16 PG. 32
P.B. 14 LOT 122

VER. 11/16 PG. 32
P.B. 14 LOT 123

VER. 11/16 PG. 32
P.B. 14 LOT 124

VER. 11/16 PG. 32
P.B. 14 LOT 125

VER. 11/16 PG. 32
P.B. 14 LOT 126

VER. 11/16 PG. 32
P.B. 14 LOT 127

VER. 11/16 PG. 32
P.B. 14 LOT 128

VER. 11/16 PG. 32
P.B. 14 LOT 129

VER. 11/16 PG. 32
P.B. 14 LOT 130

VER. 11/16 PG. 32
P.B. 14 LOT 131

VER. 11/16 PG. 32
P.B. 14 LOT 132

VER. 11/16 PG. 32
P.B. 14 LOT 133

VER. 11/16 PG. 32
P.B. 14 LOT 134

VER. 11/16 PG. 32
P.B. 14 LOT 135

VER. 11/16 PG. 32
P.B. 14 LOT 136

VER. 11/16 PG. 32
P.B. 14 LOT 137

VER. 11/16 PG. 32
P.B. 14 LOT 138

VER. 11/16 PG. 32
P.B. 14 LOT 139

VER. 11

Scale: —

