



RESOLUTION TITLE: TO CLOSE UNIMPROVED RIGHTS-OF-WAY; RIGHT-OF-WAY OF PART OF HOLLY CIRCLE (UNIMPROVED); PART OF PINE STREET (UNIMPROVED); OAK STREET (UNIMPROVED), RIVERBEND TOWNSHIP, GASTON COUNTY

- WHEREAS, the Board of Commissioners received a petition from the property owners, Homero Cortes and Jose Vences, to close unimproved rights-of-way located on Gaston County Parcel 181163. Said parcel has no assigned street address and is on Holly Circle. The area to be closed consists of approximately 1245 feet of Holly Circle (unimproved), 450 feet of Pine Street (unimproved) and 565 feet of Oak Street (unimproved). The relevant rights-of-way and roads can be found in Map Book 19, page 60. The right-of-way designated as Holly Circle is bounded on the west and south by Lots 6-17 and on the east and north by Lots 61, 66, 71, and 19. 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. 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; and,
- WHEREAS, the Petitioners are Homero Cortes and Jose Vences, property owners of said parcel; and,
- WHEREAS, the rights-of-way closed consists of several sections along Holly Circle, Oak Street, and Pine Street; and,
- WHEREAS, the Petitioners of the unimproved rights-of-way closure own all the land surrounding the subject area subject to closure; and,
- WHEREAS, the subject area to be closed is currently not open to vehicular traffic; and,
- WHEREAS, pursuant to North Carolina General Statute 153A-241, the Board of Commissioners may close whatever interest, if any, Gaston County had at one time on the unimproved rights-of-way, subject to the results of a public hearing on the issue; and,
- WHEREAS, said unimproved rights-of-way is not controlled or maintained by the North Carolina Department of Transportation; and,
- WHEREAS, on February 26, 2019 the Gaston County Board of Commissioners held a public hearing on this matter after properly notifying the public per §153A-241 and approved to close the subject rights-of-way 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	JBrown	AFrale	BHovis	TKelgher	TPittbeck	Worley	Vote
2019-033	02/26/2019	BH	RW	A	A	AB	A	AB	AB	A	U

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

To Close Unimproved Rights-of-Way; Right-of-Way of Part of Holly Circle (Unimproved); Part of Pine Street (Unimproved); Oak Street (Unimproved), Riverbend Township, Gaston County
Page 2

NOW, THEREFORE, BE IT RESOLVED THAT the portion of the unimproved rights-of-way described as the subject area consists of approximately 1245 feet of Holly Circle (unimproved), approximately 450 feet of Pine Street (unimproved) and approximately 565 feet of Oak Street (unimproved). The relevant rights-of-ways and roads can be found in Map Book 19, page 60. The right-of-way designated as Holly Circle is bounded on the west and south by Lots 6-17 and on the east and north by Lots 61, 66, 71, and 19. 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. 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. The subject property has a designated Parcel Identification Number of 181163. A map depicting the area can be found in Map Book 19, Page 60 of the Gaston County Registry. The road references in the legal description are based upon the names of the rights-of-ways on the cited map. Currently, the relevant portion of what is named Holly Circle on the cited map has been assigned the name Holly Circle by Gaston County, as indicated on Gaston County GIS. Pine Street and Oak Street, as listed on the cited map, have not been assigned road names by Gaston County.

BE IT FURTHER RESOLVED that any interest Gaston County may have had in the subject area be extinguished. The subject rights-of-way shall revert to Homero Cortes and Jose Vences, the owners of the parcel surrounding the subject area.



Tracy L. Philbeck, Chairman
Gaston County Board of Commissioners

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

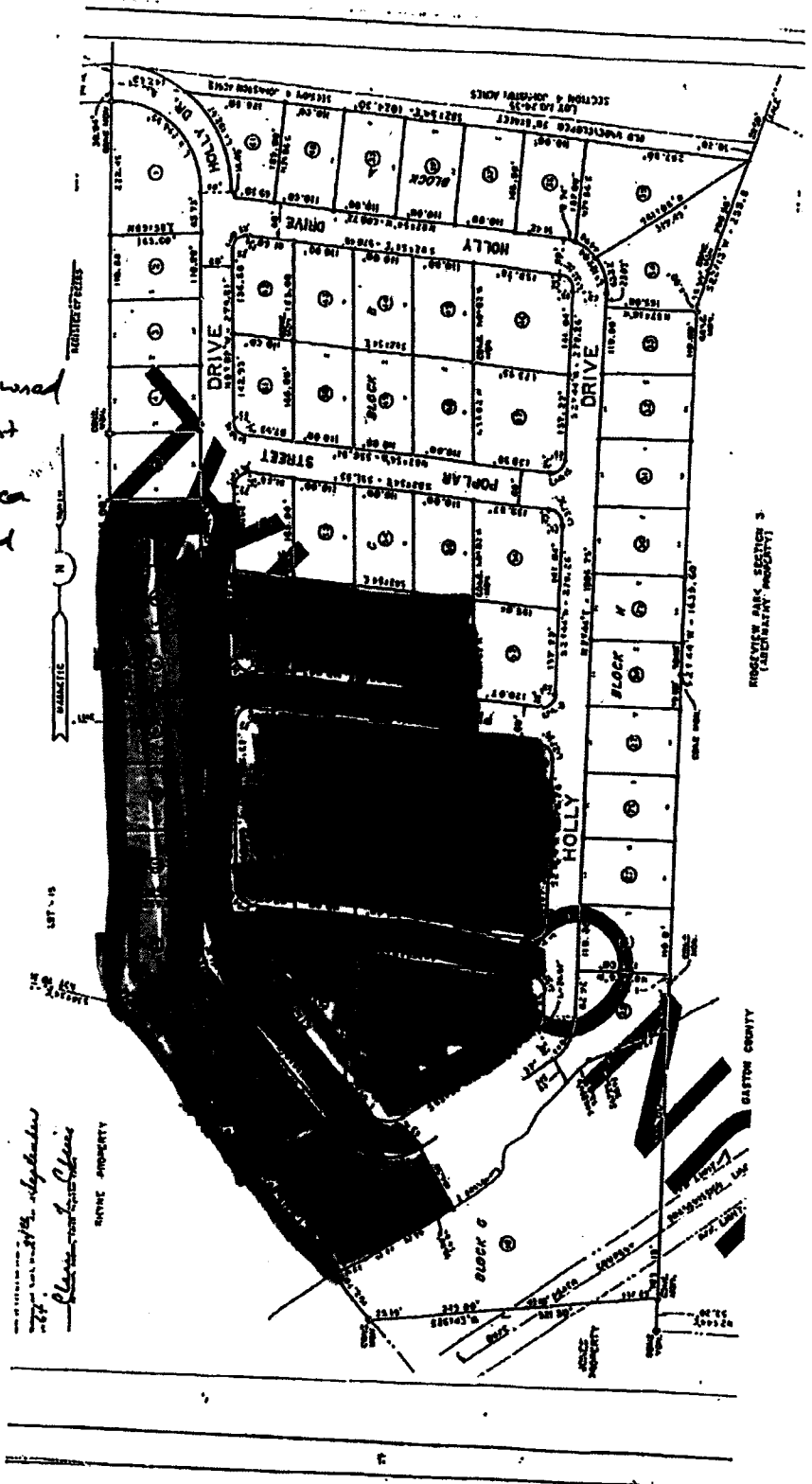
Jose Vences

Homero Cortes and Jose Vences, PETITIONERS

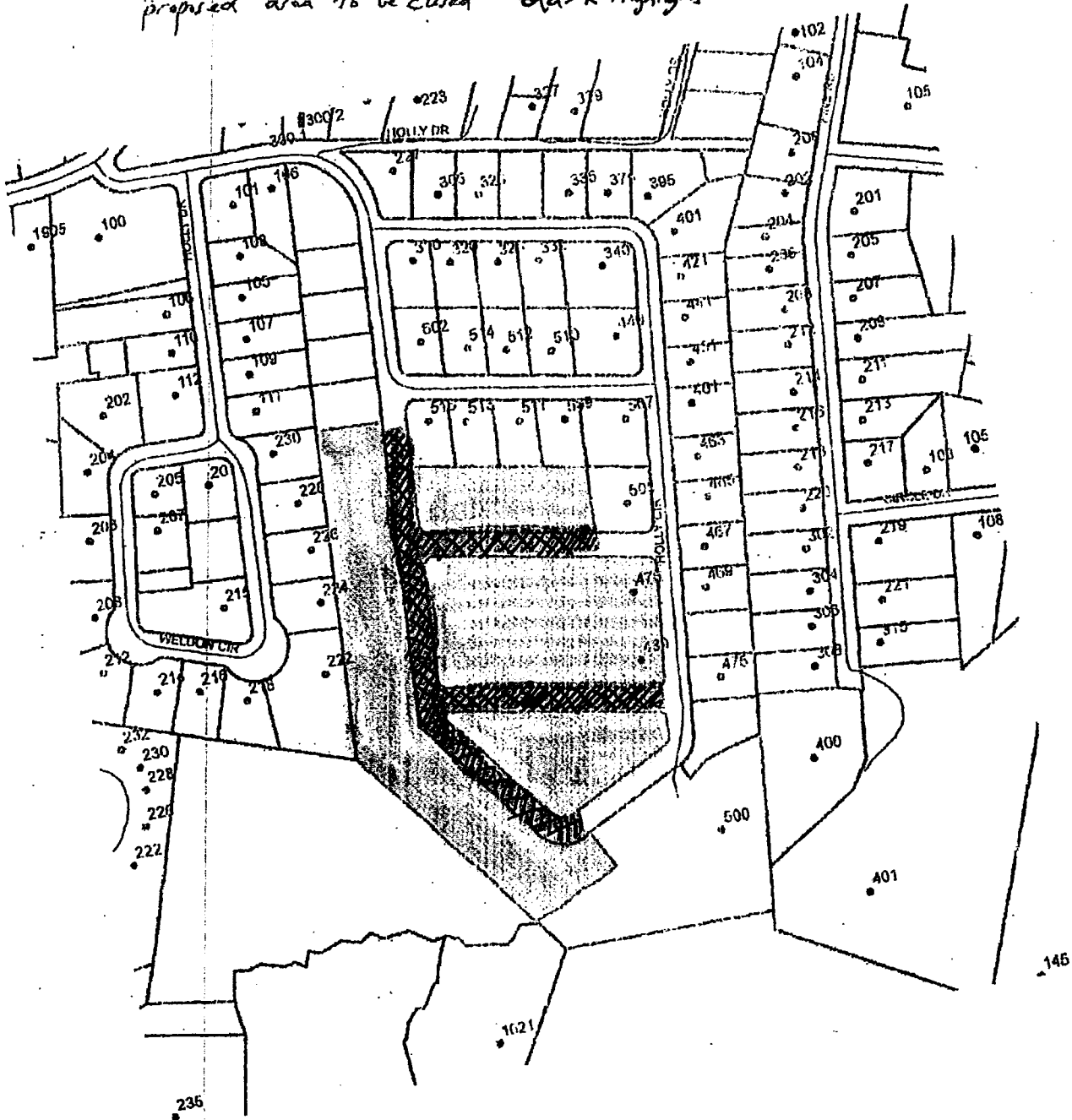
Blue: property owned
by applicant

Red: proposed area
(darken to be closed
area)

Book 19
Page 60

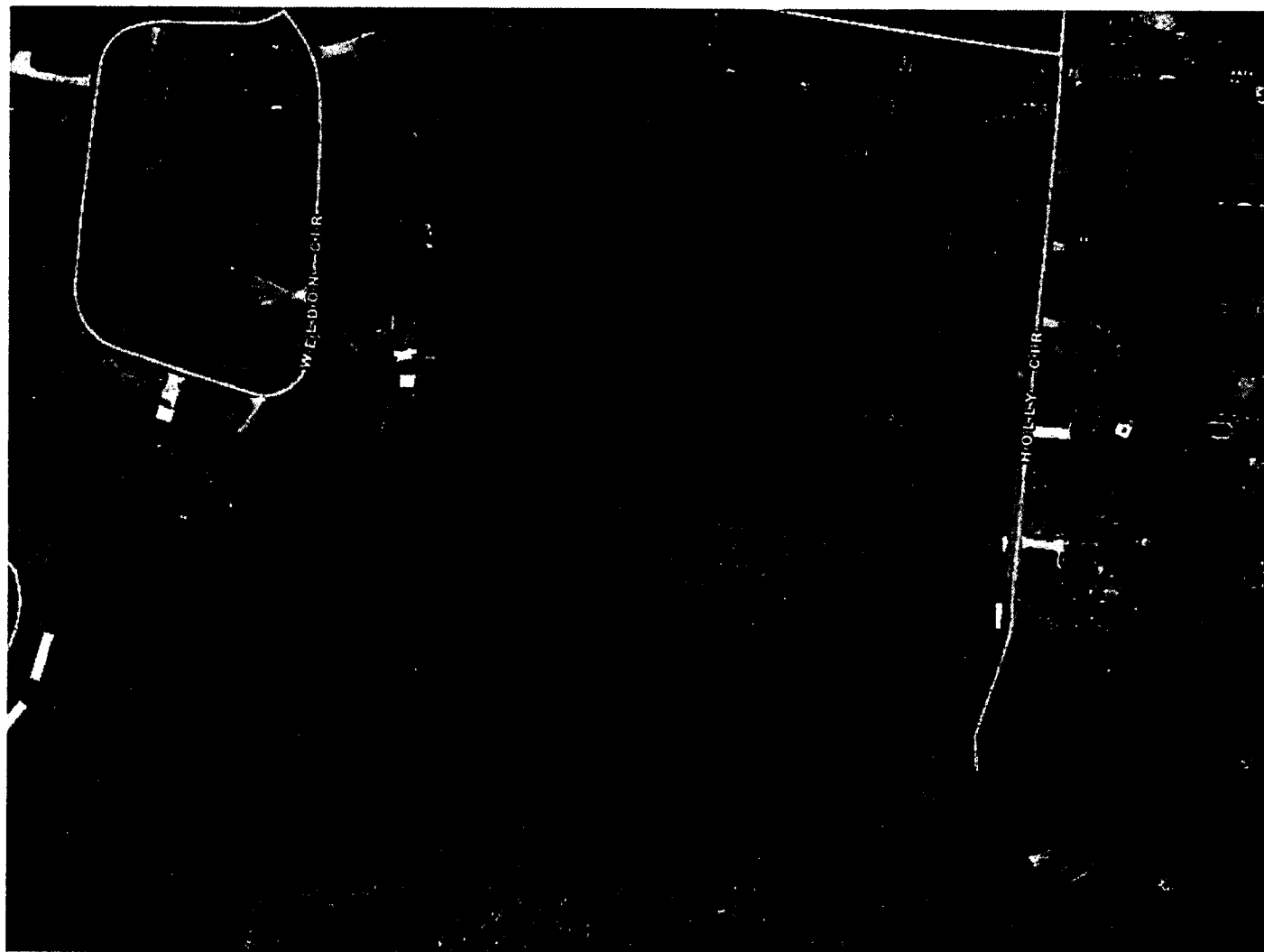


property owned by applicant - light highlight
proposed area to be closed - dark highlight





Printed On: 2/12/2019



Disclaimer: The information provided is not to be considered as a Legal Document or Description.
The Map & Parcel Data is believed to be accurate, but Gaston County does not guarantee its accuracy. Values shown are as of January 1, 2015.



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

County Attorney Board Action

File #: 19-069

Commissioner Chad Brown - County Attorney - To Authorize the Closing of Unimproved Right-of-Ways being Part of Holly Circle, Part of Pine Street, and Oak Street, Riverbend Township, Gaston County

STAFF CONTACT

Charles Moore - County Attorney

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The Board of Commissioners received a petition to close several unimproved right-of-ways, being approximately 1245 feet of Holly Road, 450 feet of Pine Street, and 565 feet of Oak Street, as highlighted on the attached map. The subject area is all contained within Parcel 181163 and the proposed areas to be closed are unimproved and completely wooded. The relevant rights-of-ways and roads can be found in Map Book 19, page 60. 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, and 19. 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. 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.

Pursuant to G.S. 153A-214, the Board of Commissioners may close said right-of-way subject to a public hearing. At the January 22, 2019 meeting, the Board of Commissioners authorized the public hearing concerning the road closure to take place at the February 26, 2019 Board of Commissioners meeting. Pursuant to state law, the County advertised the public hearing for three 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 of the surrounding property owners.

POLICY IMPACT

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

ATTACHMENTS

Resolution, Petition to Close Right-of-Way and Maps Depicting Proposed Closure

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	AFriley	BHovis	TKelgher	TRHarris	VRWorley	Vote
2019-033	02/26/2019	BH	RW	A	A	AB	A	AB	AB	A	U

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