



**RESOLUTION TITLE: TO PROVIDE AN ADVISORY OPINION TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) RECOMMENDING AN ABANDONMENT OF A PORTION OF A PUBLICLY DEDICATED RIGHT-OF-WAY KNOWN AS STATE ROAD 1677, AKA TENNESSEE TRAIL**

WHEREAS, the Gaston County Attorney's office received a request to close a portion of a platted right-of-way at the end of Tennessee Trail aka SR 1677. The portion requested to be closed is contained within tax property parcel number 164778; and,

WHEREAS, the property owner, Ecoplexus Inc., wishes to ultimately close a portion of what the NCDOT describes as being a road .2 miles in length and approximately sixty (60) feet of the publicly dedicated right-of-way known as State Road 1677, aka Tennessee Trail, which enters the abovementioned parcel on the Northern boundary, but does not continue through and provides no benefit to any adjacent parcels or the general public after it enters Tax Parcel 164778 (see attached petition); and,

WHEREAS, the front portion of SR 1677 would remain in the NCDOT system from the intersection of High Shoals Road, 188 feet in length and sixty (60) feet in width, located between the tax property parcel numbers 164730 and 164731, as shown on the attached map depicting the area for the request; and,

WHEREAS, the NCDOT makes the ultimate decision as to whether such petition will be granted; and,

WHEREAS, prior to the NCDOT deciding whether to abandon said road, the County the road is located in needs to provide the NCDOT with a resolution of approval; and,

WHEREAS, this Resolution is intended to provide the NCDOT with such approval.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners has no objections to the NCDOT abandoning said road, and recommends to the NCDOT that the subject property, being approximately sixty (60) feet of the publicly dedicated right-of-way known as State Road 1677, aka Tennessee Trail, where it enters Parcel 164778 to the point where the right-of-way terminates at the ruins of the former clubhouse, as shown on said map, be released and abandoned.

BE IT FURTHER RESOLVED that the County Manager is authorized to make necessary notifications in the matter.

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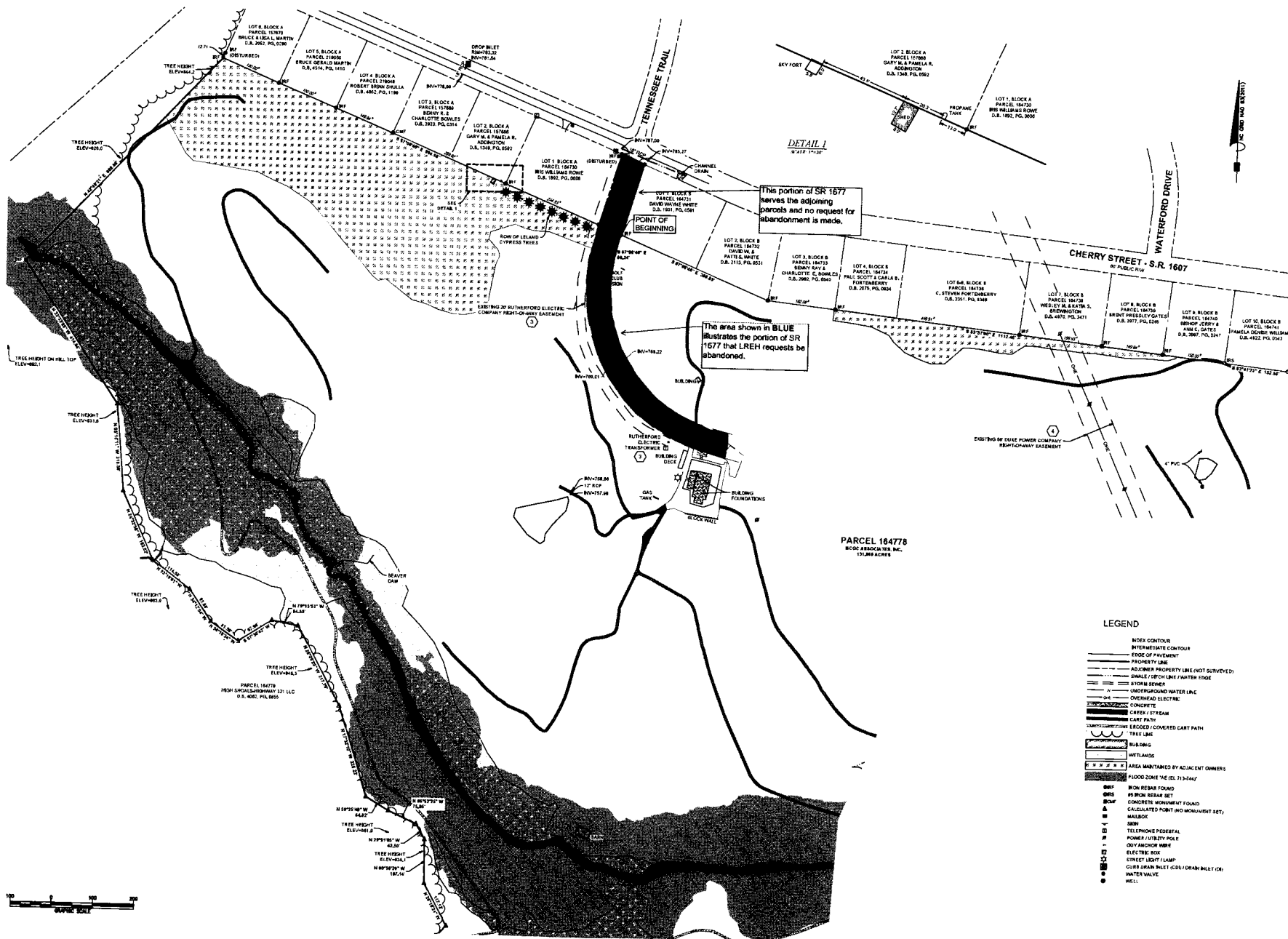
I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	JBrown	AFrale	BHovis	Zkelgher	*TPhillbeck	RWarley	Vote
2020-202	07/28/2020	TK	TP	A	A	A	A	A	A	A	U

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



- LEGEND**
- INDEX CONTOUR
  - INTERMEDIATE CONTOUR
  - FLOOR OF PAVEMENT
  - PROPERTY LINE
  - ADJOINER PROPERTY LINE (NOT SURVEYED)
  - SHADE / DITCH LINE / WATER CODE
  - STORM SEWER
  - UNDERGROUND WATER LINE
  - OVERHEAD ELECTRIC
  - CONCRETE
  - GRAVEL / STREAM
  - CART PATH
  - UNIMPROVED / ERODED / COVERED CART PATH
  - TREE LINE
  - BUILDING
  - WETLANDS
  - AREA MAINTAINED BY ADJACENT OWNERS
  - FLOOD ZONE 1A (EL. 715-744)
  - IRON REBAR FOUND
  - PIRION REBAR SET
  - CONCRETE MONUMENT FOUND
  - CALCULATED POINT (NO MONUMENT SET)
  - WALKWAY
  - SEWER
  - TELEPHONE / FIBER OPTIC
  - POWER / UTILITY POLE
  - DRY ANCHOR WIRE
  - ELECTRIC BOX
  - STREET LIGHT / LAMP
  - CURB DRAIN INLET (C/D) / DRAIN BUILT (D)
  - WATER VALVE
  - WELL



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Research Triangle Park, NC 27709

www.ecoplexus.com

Ecoplexus Inc.  
101 Second Street, Suite 1250  
San Francisco, CA 94105

Gaston County Board of Commissioners  
325 Dr. Martin Luther King, Jr. Way  
Gastonia, NC 28052

June 4, 2020

To Whom It May Concern:

Lacape Real Estate Holdings, LLC (LREH) is the legal owner of real property located at 601 High Shoals Road, Gastonia, NC, which property is further known as Tax Parcel 164778.

In connection with the development of a solar project, we were informed by NCDOT that a publicly dedicated 60' right of way known as State Road 1677, aka Tennessee Trail, enters the abovementioned parcel on the Northern boundary, but does not continue through and provides no benefit to any adjacent parcels or the general public after it enters Tax Parcel 164778.

#### **Background Information**

Initially, the right of way was dedicated to serve a clubhouse formerly located on the subject parcel when it was being used as a golf course. The documentation provided by NCDOT describes a road .2 miles in length and 60' in width where it lies South of SR 1607, aka High Shoals Road, aka Cherry Street. The first 180' of this right of way serves Parcels 164730 and 164731, whereas the remaining portion running Southerly from where Parcel 164778 begins serves no member of the general public. The golf course is long closed and the clubhouse demolished.

A utility easement in favor of Rutherford Electric Co-op running parallel to this Right of Way and also serving the former clubhouse has already been released. The Release of Easement was filed with the Gaston County Register of Deeds on May 4, 2020 in Book 5119, at Pages 1743-1745.

#### **Request for Abandonment**

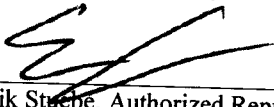
As previously stated, there is no benefit to the public from the remaining portion of the right of way located inside the boundary line of Parcel 164778.

Therefore, LREH proposes that Gaston County and NCDOT release and abandon the dedicated right of way from the point where it enters Parcel 164778 to the point where the right of way terminates at the ruins of the former clubhouse, as shown on the attached map.

Thank you for your consideration.

**LACAPE REAL ESTATE HOLDINGS, LLC**  
a North Carolina limited liability company

By:

  
Erik Stuebe, Authorized Representative



Ecoplexus Japan  
2-28-4 Sendagaya  
Inui Building 4<sup>th</sup> Floor  
Shibuya-Ku, Tokyo, Japan

Ecoplexus Mexico  
Paseo de la Reforma 350, 10<sup>th</sup> Floor  
Colonia Juarez, CP 6600  
Mexico City, Mexico

Ecoplexus Vietnam  
16/F Saigon Tower  
29 Le Duan Street, District 1  
Ho Chi Minh City



# Gaston County

Gaston County  
Board of Commissioners  
www.gastongov.com

## County Attorney

## Board Action

File #: 20-290

Commissioner Keigher - County Attorney - To Provide an Advisory Opinion to the North Carolina Department of Transportation (NCDOT) Recommending an Abandonment of a Portion of a Publicly Dedicated Right-of-Way Known as State Road 1677, aka Tennessee Trail

### STAFF CONTACT

Courtney Rogers - Deputy County Attorney - 704-866-3140

### BUDGET IMPACT

N/A

### BUDGET ORDINANCE IMPACT

N/A

### BACKGROUND

The property owner, Ecoplexus Inc., wishes to close a portion of a platted right-of-way at the end of Tennessee Trail aka SR 1677. The portion requested to be closed is contained within tax property parcel number 164778, a portion of what the NCDOT describes as being a road .2 miles in length and approximately sixty (60) feet of the publicly dedicated right-of-way known as State Road 1677, aka Tennessee Trail, which enters the abovementioned parcel on the Northern boundary, but does not continue through and provides no benefit to any adjacent parcels or the general public after it enters Tax Parcel 164778.

The front portion of SR 1677 would remain in the NCDOT system from the intersection of High Shoals Road, 188 feet in length and sixty (60) feet in width, located between the tax property parcel numbers 164730 and 164731, as shown on the attached map depicting the area.

The NCDOT makes the ultimate decision as to whether such petition will be granted; and prior to the NCDOT deciding whether to abandon said road, the County the road is located in needs to provide the NCDOT with a resolution of approval. This Resolution is intended to provide the NCDOT with such approval.

### POLICY IMPACT

N/A

### ATTACHMENTS

Resolution, Exhibit Map and Ecoplexus Inc. ROW Closing Request

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