

ORDER # _____

**ORDER TO PERMANENTLY CLOSE, AN UNOPENED,
UNIMPROVED PORTION OF AN UNIMPROVED RIGHT-OF-WAY LYING BETWEEN PINS:
9578-30-6667 and 9578-31-3322**

(Petition from Lawrence Douglas Marshall)

NORTH CAROLINA
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

WHEREAS, North Carolina General Statute Section §160A-299 authorizes a city council to permanently close any street or public alley way within its corporate limits or area of extraterritorial jurisdiction and provides a procedure for the closing such streets or alleyways; and

WHEREAS, Lawrence Douglas Marshall, owner, has petitioned the City of Hendersonville City Council to close a portion of unimproved right-of-way that abuts property described in a deed recorded in the Henderson County Registry in Deed Book 872 at page 341, having PIN of 9578-30-6667.

WHEREAS, on June 2nd, 2022, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close a portion of this street and setting July 7th, 2022, as the date of a public hearing regarding such closure; and

WHEREAS, the aforementioned resolution has been published once a week for four successive weeks prior to the public hearing in the Hendersonville Times-News (a newspaper of general and regular circulation in Hendersonville and Henderson County) and a copy thereof has been sent by certified mail to all owners of property adjoining the street as shown on the county tax records; and

WHEREAS, notice of the closings and of the public hearing has been posted in at least two places along the streets; and

WHEREAS, a public hearing was held in conformance with the aforementioned public notice on the seventh day of July, 2022.

NOW, THEREFORE, the City Council of the City of Hendersonville does hereby make the following findings of fact:

1. The closing of the street portion hereafter described are not contrary to the public interest.
2. No individual owning property in the vicinity of the streets or in the subdivision in which it is located would be deprived by the closing of such streets of reasonable means of ingress and egress to his property.

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

1. The following portions of streets are permanently closed and no longer existent as of the effective date of this order:

Description of a portion of Fitzsimmons Street

to be closed under NCGS 160A-299

Being a Portion of the 40' Right of Way for Fitzsimmons Street for closure adjoining Deed Book 872, Page 341, Deed Book 597, Page 899 and Norfolk Southern Railroad.

Beginning at a #5 Rebar set at the Southwest corner of Deed Book 597, Page 899 and Lot 20, Block "A", W.R. E.B. Sherman Subdivision Revised, Shown on Plat Cabinet "C", Slide 038.

Also being at the intersection of the Northern margin of said right of way and the Eastern Margin of the unopened 1st Avenue, Shown on Plat Cabinet "C", Slide 038;

Thence with the Northern margin of Fitzsimmons Street N 58°17'09" E a distance of 199.32'to a #5 Rebar set at the Southeast corner of Deed Book 597, Page 899 and Lot 17, Block "A", W.R.

E.B. Sherman Subdivision Revised, Shown on Plat Cabinet "C", Slide 038; Also being 50' west of the centerline of Norfolk Southern Railroad.

Thence on a line 50' west of the centerline of Norfolk Southern Railroad and parallel with said railroad S 25°48'00" E a distance of 40.21'to a point being in the Southern margin of Fitzsimmons Street and 50' west of the centerline of Norfolk Southern Railroad;

Thence with the Southern margin of Fitzsimmons Street S 58°17'09" W a distance of 192.36'to a point in the Western line of Deed Book 872, Page 341 and Eastern line of Book of Record 3474, Page 097;

Thence with the Western line Deed Book 872, Page 341 and the Eastern line of Book of Record 3474, Page 097 N 21°13'18" W a distance of 12.06'to a 1 1/2" Iron Pipe, the Northwest corner of Deed Book 872, Page 341 and the Northeast corner of Book of Record 3474, Page 097;

Thence N 31°42'51" W a distance of 8.14'to a #5 Rebar set in the centerline of Fitzsimmons Street;

Thence with the centerline of Fitzsimmons Street S 58°17'09" W a distance of 5.01'to a #5 Rebar set;

Thence N 31°42'51" W a distance of 20.00'to a #5 Rebar set which is the point of beginning;

Having an area of 7803 square feet, 0.18 acres

2. The City Clerk shall forthwith cause a certified copy of this order to be filed in the Office of the Register of Deeds of Henderson County.

This order shall take effect the 7th day of July 2022.

Barbara G. Volk, Mayor, City of Hendersonville

ATTEST:

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, a notary public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk, in her capacity as Mayor of the City of Hendersonville, Angela L. Reece, in her capacity as City Clerk, and Angela S. Beeker, in her capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____.

My commission expires _____