

**RESOLUTION OF INTENT TO CLOSE AN UNOPENED,  
UNIMPROVED PORTION OF FITZSIMMONS STREET**

**WHEREAS**, NC General Statute (G.S.) 160A-299 authorizes the City Council to close public streets and alleys; and

**WHEREAS**, Lawrence Douglas Marshall has petitioned the City of Hendersonville City Council to close an unopened and unimproved portion of the street known as Fitzsimmons Street, located between PIN 9578-30-6667 and PIN 9578-31-3322; and

**WHEREAS**, NC General Statute 160A-299 requires that City Council conduct a public hearing for the purpose of giving consideration to the petition; and

**WHEREAS**, At the public hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual; and

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that:

1. City Council herewith calls a public hearing to be held at 5:45 p.m. (or as soon thereafter as it may be heard) on the 7<sup>th</sup> day of July 2022, in the Assembly Room of the City Operations Center to consider closing an unopened and unimproved portion of the street known as Fitzsimmons Street located between PIN 9578-30-6667 and PIN 9578-31-3322. Persons shall be allowed to attend and comment in person or via Zoom at the following address:

<https://zoom.us/join>

Dial-in by phone: (646) 558-8656

Meeting ID: 822 0104 2528

Passcode: 1847

Digital public hearing comments may be submitted prior to the public hearing on the City's webpage at [www.hendersonvillenc.gov/public-comment](http://www.hendersonvillenc.gov/public-comment) or directly to the City Clerk, Angela Reece, [areece@hvlnc.gov](mailto:areece@hvlnc.gov), 160 6<sup>th</sup> Avenue East, Hendersonville, NC 28792.

2. The legal description for the portion of Fitzsimmons Street proposed for closing is as follows:

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  $58^{\circ}17'09''$  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  $25^{\circ}48'00''$  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  $58^{\circ}17'09''$  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  $21^{\circ}13'18''$  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  $31^{\circ}42'51''$  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  $58^{\circ}17'09''$  W a distance of 5.01'to a #5 Rebar set;

Thence N  $31^{\circ}42'51''$  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

3. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
4. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
5. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be prominently posted in at least two along the portion of Fitzsimmons Street proposed for closure as required by G.S. 160A-299.

6. The City Council herewith declares its intent to close the street as described above.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2<sup>nd</sup> day of June 2022.

Attest:

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Barbara G. Volk, Mayor, City of Hendersonville

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Angela L. Reece, City Clerk

Approved as to form:

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Angela S. Beeker, City Attorney