

ORDER # \_\_\_\_\_

**ORDER TO PERMANENTLY CLOSE, A PORTION OF BROWN STREET  
(Petition of the Henderson County Hospital Corporation)**

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, Henderson County Hospital Corporation has petitioned the City of Hendersonville to close a portion of an open and improved ROW for Brown Street located on PIN 9569-50-9133, 9569-50-8164, 9569-50-7165 and 9568-59-9771; and

WHEREAS, on February 4<sup>th</sup>, 2021, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close portions of these streets and setting March 4<sup>th</sup>, 2021 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 fourth day of March 2021.

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 Brown Street is permanently closed and no longer existent as of the effective date of this order:

**BEGINNING at an iron pin set, being the southwest corner of Tract 2 as described in deed book 1580 page 534; thence from said beginning point N 06°16'35" E 1.18' to a calculated and unmarked point, said point being the intersection of the east margin of the right-of-way for North Justice Street and the north margin of the right-of-way for Brown Street; thence with the north margin of the right-of-way of Brown Street S 85°10'57" E 82.28' to a calculated and unmarked point; thence S 84°21'40" E 152.77' to a calculated and unmarked point; thence S 85°12'17" E 45.79' to a calculated and unmarked point, said point being the intersection of the north margin of the right-of-way for Brown Street and the east line of that property as described in deed book 1026 page 394; thence crossing Brown Street and with the east line of said property S 05°00'21" W 20.00' to a calculated and unmarked point, said point being the intersection of the south margin of the right-of-way for Brown Street and the east line of said property; thence with the southern margin of the right-of-way of Brown Street N 85°12'17" W 45.86' to a calculated and unmarked point; thence still with the southern margin of the right-of-way N 84°21'40" W 234.92' to a calculated and unmarked point, said point lying N 04°49'03" E 0.18' from a chiseled "X" in the sidewalk, the northwest corner of the Pardee Hospital tract; thence N 04°49'03" E 18.82' to the point and place of BEGINNING. Having an area of 5,567 square feet, or 0.128 acres as shown on plat by Ownbey Land Surveying, PLLC entitled Exhibit Map Illustrating Proposed Partial Closure of Brown Street for Henderson County dated January 7, 2021.**

2. The plat, depicting the above described portion of Brown Street to be closed, recorded on Plat Slide \_\_\_\_\_ of the Henderson County Registry, is attached hereto and incorporated by reference.
3. 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 fourth day of March, 2021.

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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 \_\_\_\_\_