

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

**ORDER TO PERMANENTLY CLOSE, AN UNOPENED,  
UNIMPROVED PORTION OF A RIGHT-OF-WAY LYING BETWEEN PINS: 9568-18-1100,  
9568-18-1372, 9568-18-3257 and 9568-18-3133**

(Petition from Danny Huggins, Sara Huggins and Katheryn Enloe  
Writesel)

NORTH CAROLINA  
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

WHEREAS, North Carolina General Statue 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, Danny Huggins, Sara Huggins and Katheryn Enloe Writesel, owners, have 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 838 at page 55, Deed Book 1383 at page 679, Deed Book 1180 at page 721, and Deed Book 1107 at page 27 having PINs of 9568-18-1100, 9568-18-1372, 9568-18-3257 and 9568-18-3133.

WHEREAS, on February 8<sup>th</sup>, 2023, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close a portion of this street and setting April 12<sup>th</sup>, 2023 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 twelfth day of April, 2023.

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:

Being all of that real property described as "Unopened Portion of Laws Avenue to Be Closed" as shown on that plat recorded in Plat Book \_\_\_\_\_ at Page \_\_\_\_\_ of the Henderson County Registry [to be inserted at recording]

Description of a portion of Laws Avenue

to be closed under NCGS 160A-299

Beginning on a 3/4" iron pipe, said iron pipe standing S 83°36'39" E 73.23' from the northwestern most corner of the Huggins property as described in Deed Book 838, Page 055, and continuing thence from said beginning point thus established, N 06°41'02" E 20.00' to a point, thence N 06°41'02" E 9.25' to a 3/4" iron pipe, said pipe marking the southwestern corner of the Enloe property as described in Deed Book 1388, Page 679, and continuing thence S 87°40'12" E 258.20' to a point, thence S 02°29'48" E 20.98' to a 1/2" iron pipe, thence N 87°25'58" E 124.94' to a 3/4" iron pipe, thence N 87°25'58" E 10.47' to a 1/2" iron pipe set, thence S 04°16'22" 24.84' to a point, thence S 04°16'22" 20.00' to a 1/2" iron pipe, thence S 85°45'15", passing through a 1/2" iron pipe at 67.39', a total distance of 150.00' to a 1/2" iron pipe, thence N 65°55'09" W 35.00' to a 1/2" iron pipe, thence N 65°42'22" W 41.74' to a point, thence N 83°28'54" W 182.52' to the point and place of beginning. Containing 0.37 Acres (16213 SF) and being an unopened portion of "Laws Avenue" as shown on survey by Associated Land Surveyors & Planners, PC bearing job number S-22-753, herein after "closed portion of Laws Avenue".

2. The City herewith reserves all right, title, and interest in and to an easement over, upon, across, under and through the closed portion of Laws Avenue for the placement, construction, and maintenance of public utilities including waterlines, sewer lines, stormwater management, and underground telecommunications facilities including cables, wires, and/or conduit.
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 12<sup>th</sup> day of April, 2023.

\_\_\_\_\_  
Barbara G. Volk, Mayor, City of Hendersonville

ATTEST:

\_\_\_\_\_  
Jill Murray, 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, Jill Murray, 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 \_\_\_\_\_