

ORDER # _____

**ORDER TO PERMANENTLY CLOSE, AN UNOPENED,
UNIMPROVED PORTION OF A RIGHT-OF-WAY LOCATED ON PIN: 9569-41-8704.**

(Petition from The Housing Assistance 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, The Housing Assistance Corporation, owner, has petitioned the City of Hendersonville City Council to close a portion of unimproved right-of-way that is located on property described in a deed recorded in the Henderson County Registry in Deed Book 4121 at page 511, having PIN of 9569-41-8704.

WHEREAS, on May 2nd, 2024, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close a portion of this street and setting June 6th, 2024 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 sixth day of June, 2024.

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 "Road Closure Area" 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 the unnamed street to be closed under NCGS 160A-299

Beginning at a $\frac{3}{4}$ " existing iron pipe, said pipe having NAD83 (2011) grid coordinates of N: 591,850.69', E: 964,461.78' and standing in the northwest line of the subject parcel currently owned by The Housing Assistance Corporation as described in deed book 4121 page 511; and running thence N 46°23'42" E 3.76' to a point; thence on a curve to the right with a radius of 136.92' and a chord of S 36°09'49" E 85.91' to a point; thence on a curve to the left with a radius of 29.99' and a chord of S 31°41'17" E 14.31' to a point; thence on a curve to the right with a radius of 35.21' and an arc length of 163.27' and a chord of S 78°16'54" W 51.65' to a point; thence on a curve to the left with a radius of 21.65' and a chord of N 05°37'27" E 17.63' to a point; thence on a curve to the left with a radius of 59.46' with a chord of N 24°27'42" W 12.54' to a point; thence on a curve to the left with a radius of 105.09' with a chord of N 42°45'19" W 44.57' to a point in the western boundary line of subject parcel; thence N 04°47'34" E 8.88' to a $\frac{3}{4}$ " existing iron pipe; thence N 50°07'33" E 29.47' to the point and place of beginning. Containing 0.16 acres (7250.9 sq.ft.) and being the unopened of said unnamed street at shown on survey by Ownbey Land Surveying, PLLC, bearing job number 240112.

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 the unnamed street 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 herewith reserves all right, title, and interest in and to an easement over, upon, across, under and through the closed portion of the unnamed street for the placement, construction, and maintenance of public pedestrian infrastructure including but not limited to sidewalks and greenways.
4. 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 6th day of June 2024.

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 _____