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WILLIAM LEE KING, Henderson COUNTY, NC

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ORDER #O-23-29

**ORDER TO PERMANENTLY CLOSE A
PORTION OF A RIGHT-OF-WAY LYING BETWEEN PIN 9568-78-7052 AND PINS 9568-78-
8039, 9568-78-8036, 9568-78-8044, 9568-78-8042, 9568-78-8041, AND 9568-77-8957**

(Petition from TJF Enterprises, LLC)

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, TJF Enterprises, LLC, owner, has petitioned the City of Hendersonville City Council to close a portion of a right-of-way that abuts property described in a deed recorded in the Henderson County Registry in Deed Book 948 at page 520, having PIN of 9568-78-7052.

WHEREAS, on March 2nd, 2023, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close a portion of this street and setting April 12th, 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 "Existing 10' alley (To be Closed & maintained as 10' Utility Easement)" 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 N. Wall Street

to be closed under NCGS 160A-299

Beginning at the most NE corner of the

TJF Enterprises LLC property described in D.B. 948, PG. 520;

Said beginning point being located N 36°24'02" E a distance of 204.42' from a point having NCGS Gridiron "Post Office 2" coordinates of N: 587993.34 and E: 967676.32, and proceeding thence from said beginning point N 82°06'29" E a distance of 4.98' to a point; N 82°06'29" E a distance of 4.98' to a point;

thence S 07°52'22" E a distance of 95.02' to a point;

thence S 08°15'00" E a distance of 41.95' to a point;

thence S 81°41'57" W a distance of 4.68' to a point;

thence S 81°41'57" W a distance of 4.81' to a point;

thence N 08°10'52" W a distance of 137.04' to a point;

which is the point of beginning.

Having an area of 1,320 square feet, hereinafter "Closed Portion of N. Wall Street"

2. The City herewith reserves all right, title, and interest in and to any utility infrastructure including water, sewer, and stormwater infrastructure within the closed portion of N. Wall Street, as well as an easement over, upon, across, under and through the closed portion of N. Wall 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 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 12th day of April, 2023.

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

ATTEST:

Jill Murray
Jill Murray, City Clerk

Approved as to form:
Angela S. Becker
Angela S. Becker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Jessica Pomerleau, 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. Becker, 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 17 day of April, 2023.

My commission expires May 07, 2027

