

Prepared by: Mike Frue, County Attorney for Buncombe County
Return to: Mike Frue, County Attorney

ORDINANCE #

ORDINANCE CLOSING AN UNOPENED ALLEYWAY IN BUNCOMBE COUNTY

WHEREAS, property owners adjoining an unopened alleyway in the Grovemont Section of Swannanoa in Buncombe County filed a written petition with the Buncombe County Board of Commissioners that the unopened road be permanently closed to public use; and

WHEREAS, the Board of Commissioners on November 17, 2009 adopted a Resolution of Intent to Close said unopened street and set a public hearing to consider the question at the regular meeting on January 5, 2010; and

WHEREAS, the notice of public hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, NC once a week for three successive weeks prior to said public hearing as evidenced by publisher's affidavit filed with the minutes of January 5, 2010; and

WHEREAS, said notice of the closing and public hearing was prominently posted at two places along the road and a copy of said resolution of intent to close the public road was forwarded by certified mail to all owners of property who did not join in the petition as evidenced by affidavit filed with the minutes of January 5, 2010; and

WHEREAS, at said public hearing on January 5, 2010, no public comments were made; and

WHEREAS, it appears to the Board of Commissioners that closing said unopened street is neither detrimental nor contrary to the public interest and that no individual owning property in the vicinity of said alleyway would by virtue of such closing be deprived of reasonable means of ingress and egress to his property.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners for the County of Buncombe as follows:

1. That pursuant to NCGS 153A-241 the unopened alleyway Buncombe County further described as follows shall be closed to public use:

BEING a portion of an unopened alleyway as same is shown on Block 27 of the Grovemont-on-Swannanoa plat recorded in Plat Book 6 at Page 23 Buncombe County, North Carolina Registry and running generally from the northwest corner of Lot 12 of said plat and the northeast corner of Lot 29 of said plat to Wilson Avenue.

2. That pursuant to NCGS 153A-241 a certified copy of this Ordinance be filed in the Office of the Register of Deeds of Buncombe County North Carolina.
3. That this Ordinance shall be effective upon its adoption.

Read and approved on first reading by a vote of ___ for and ___ against the approval of this ordinance this the 5th day of January 2010.

ADOPTED this the ___ day of January, 2010.

ATTEST

BOARD OF COMMISSIONERS
FOR THE COUNTY OF BUNCOMBE

KATHY HUGHES, CLERK
TO THE BOARD

DAVID GANTT, CHAIRMAN

APPROVED AS TO FORM

MIKE FRUE, COUNTY ATTORNEY

NORTH CAROLINA
BUNCOMBE COUNTY

I, _____, a Notary Public in and for the aforesaid County and State, do hereby certify that Kathy Hughes, Clerk personally came before me this day and duly acknowledged that she is the duly appointed Clerk to the Board of Commissioners for Buncombe County and that she certifies that David Gantt is the Chairman of the Board of Commissioners for the County and State aforesaid and did duly execute Ordinance _____ as adopted by the Board on January 5, 2010.

This the ___ day of January, 2010.

Notary Public