

RESOLUTION# _____

RESOLUTION DECLARING BOARD'S INTENT TO CLOSE A PORTION
OF HILLTOP ROAD IN CANDLER, NORTH CAROLINA, AND SETTING
A PUBLIC HEARING

WHEREAS, a request has been received from property owners whose property adjoins a certain portion of Hilltop Road in Candler, North Carolina, more specifically described as follows:

BEING that section of Hilltop Road adjoining Lots 14, 15, 16, 17, 30, 31, and 32 from the cul-de-sac at the westernmost end of Hill Top Road to the planted concrete markers along Hilltop Road at lots 17 and 30 as shown in Plat of Candler View Development as same is recorded in Plat Book 33, at Page 104, Buncombe County NC Registry, reference to which plat is hereby made for purposes of description.

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-241 a county may, by resolution, permanently close any public road or any easement within the county and not within a city, except public roads or easements for public roads under the control and supervision of the Department of Transportation;

WHEREAS, according to the North Carolina School of Government at the University of North Carolina at Chapel Hill, the above statute “appears to allow for counties to close paper streets—those streets shown on a plat as public but never constructed and opened[;]”¹

WHEREAS, the portion of Hilltop Road described above appears on the plat referenced above and, reportedly, has never been constructed nor opened.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That it hereby declares its intent to close the Road described above and calls a public hearing on the question to be held on March 20, 2018.
2. That County Staff is directed to cause notice of the public hearing reasonably calculated to give full and fair disclosure of the proposed closing to be

¹ Adam Lovelady, *Can We Close That Old Street Right-of-Way?* <https://canons.sog.unc.edu/can-we-close-that-old-street-right-of-way/> (last visited February 6, 2018).

published once a week for three successive weeks before the hearing set above.

3. That County Staff is directed to send a copy of this Resolution registered or certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed, and to prominently post a notice of this proposed closing and public hearing in at least two places along the above described Road.
4. That at said hearing, this Board shall hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual property rights.
5. That if, after the hearing, this Board is satisfied that closing the public road or easement is not contrary to the public interest and that no individual owning property in the vicinity of the road or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the board may adopt an order closing the Road described above, a certified copy of which shall be filed in the office of the register of deeds of the county.
6. That this resolution be effective upon adoption.

Adopted this 20th day of February, 2018.

ATTEST

BOARD OF COMMISSIONERS
FOR THE COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney