

Prepared by: Mike Frue, County Attorney for Buncombe County  
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**ORDINANCE #**

**ORDINANCE CLOSING AN UNOPENED ROAD IN BUNCOMBE COUNTY**

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- WHEREAS, property owners adjoining an unopened road 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 October 6, 2009 adopted a Resolution of Intent to Close said unopened road and set a public hearing to consider the question at the regular meeting on November 3, 2009; 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 November 3, 2009; 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 November 3, 2009; and
  - WHEREAS, at said public hearing on November 3, 2009, 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 road 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 road in Buncombe County further described as follows shall be closed to public use:

BEGINNING at a point, which said point marks the southeastern corner of Lot 93 of plat recorded in Plat Book 12, Page 65 Buncombe County, NC Registry, and thence from said beginning point thus established North 87° 25' 00" West 227.32 feet to a point; thence South 8° 26' 02" East 42.33 to a point; thence on a curve to the right on a radius of 14.78 feet with an arc distance of 19.30 feet to a point on a cord bearing North 55° 09' 50" East a cord length of 17.96 feet; thence South 87° 25' 00" East passing a 5/8" rebar at 203.27 feet a total distance of 227.79 feet to a point; and thence North 5° 45' 11" East 30.68 feet to the point and place of the BEGINNING; and

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 3rd day of November, 2009.

ADOPTED this the 3rd day of November, 2009.

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 November 3, 2009.

This the \_\_\_ day of November 2009.

\_\_\_\_\_  
Notary Public

