

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AND ORDER CLOSING AN UNOPENED ROAD NAMED WALNUT PLACE IN THE LIMESTONE TOWNSHIP OF BUNCOMBE COUNTY

- WHEREAS, property owners adjoining an unopened road named Walnut Place in the Limestone Township of 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 February 5, 2002 adopted a Resolution of Intent to close said unopened road and set a public hearing to consider the question at a regular meeting on March 19, 2002; 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 the publisher's affidavit filed with the minutes of March 19, 2002; and
- WHEREAS, a copy of said notice of public hearing was prominently posted at two places along the road; and were forwarded by certified mail to all owners of the property who did not join in the petition as evidenced by the affidavit filed with the minutes of March 19, 2002; and
- WHEREAS, at said public hearing on March 19, 2002, no public comments were made; and
- WHEREAS, it appeared to the then Board of Commissioners that closing said unopened road was neither detrimental nor contrary to the public interest and that no individual owning property at the vicinity of said road would by virtue of such closing be deprived of reasonable means of ingress and egress to their property; and
- WHEREAS, upon a motion duly seconded, the Board of Commissioners unanimously voted 5 for and 0 against to approve the closing of Walnut Place; and
- WHEREAS, through inadvertence, this Ordinance and Order to close the unopened road named Walnut Place was not executed and recorded to evidence the action of the Board of Commissioners to close said unopened road as documented in the minutes of the Board of Commissioners on March 19, 2002.

NOW THEREFORE BE IT ORDAINED AND ORDERED by the Commissioners of the County of Buncombe as follows:

1. That pursuant to N.C. Gen. Stat. § 153A-241 the unopened road in the Limestone Township called Walnut Place in Buncombe County described as follows shall be closed to public use:

Being an unopened road named "Walnut Place" as shown on a plat of Section B, Blocks 11 and 12 of the Mount Royal Subdivision duly recorded in Plat Book 26, at Page 42 Buncombe County Registry.

2. That pursuant to N.C. Gen. Stat. § 153A-241, a certified copy of this Ordinance and Order be filed in the Office of the Register of Deeds of Buncombe County North Carolina.

3. That this Ordinance and Order shall be effective upon its adoption.

Read and approved on the first reading by a vote of 5 for and 0 against for the approval of this ordinance and Order on the 19<sup>th</sup> day of March 2002.

ADOPTED THE 19<sup>TH</sup> DAY OF March 2002 and executed this the 20<sup>th</sup> day of April, 2021, nunc pro tunc.

**ATTEST**

**BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE**

\_\_\_\_\_  
LAMAR JOYNER, CLERK

BY: \_\_\_\_\_  
BROWNIE NEWMAN, CHAIRMAN

APPROVED AS TO FORM

\_\_\_\_\_  
COUNTY ATTORNEY

**CERTIFICATION**

I, Lamar Joyner, County Clerk, do hereby certify that the above is a true and exact copy of the ORDINANCE AND ORDER CLOSING AN UNOPENED ROAD NAMED WALNUT PLACE IN BUNCOMBE COUNTY adopted and approved by the Buncombe County Board of Commissioners on the 19th day of March, 2002, and now executed to reflect the action of the Board of Commissioners at that time.

\_\_\_\_\_  
County Clerk  
(official seal)