



REQUEST FOR BOARD ACTION

ITEM NO. 10.

DATE OF MEETING: August 15, 2011

REQUESTED BY: Glenda Pridgen, Administrative Assistant to the County Manager

SHORT TITLE: Resolution and Discussion Regarding Petition to Add Traders Neck Road in Hampstead to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation

BACKGROUND: Per the attached, Sandra Jones and neighbors are requesting a resolution for the addition of Traders Neck Road in Hampstead to the State Maintained System. As a matter of standard operating procedure, petitions requesting either additions to, maintenance of or improvements to any county roads are routinely submitted to the Board, without evaluation, upon Board approval, to be summarily forwarded to the North Carolina Department of Transportation.

In 2001 the Board approved a petition for submission to NCDOT for this road, and NCDOT subsequently denied the petition. Further evaluation has taken place since that time; however, NC DOT has determined the road still does not meet the State's criteria.

NCDOT and the petitioner (s) will be represented at the meeting to respond to questions from the Board in considering the history of the request and the current petition.

SPECIFIC ACTION REQUESTED: The Board of Commissioners is requested to allow the County Manager to submit the attached petition to NCDOT.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval subject to discussion and input from NCDOT or the petitioners that may lead to alternative action recommendations.

RB
Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that

the petition to add Traders Neck Road in Hampstead to the State Maintained System is approved, and the County Manager is authorized to submit the petitions to the N.C. Department of Transportation. The County Manager/Chairman is authorized to execute any documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ Tate ___ Rivenbark ___ Ward ___ Williams ___

George R. Brown, Chairman 8/15/11
Date

ATTEST 8/15/11
Date

PENDER COUNTY BOARD OF COMMISSIONERS

108 South Cowan Street
Burgaw, NC 28425

August 1, 2011

Re: Adding Traders Neck Rd. to State Maintained System

We petitioned april 3, 2001 to have both Traders Neck and Buckshot Rd. added to the State Maintained System, You unanimously approved it September 7, 2001 (see attached letter) and you forwarded a letter to D.O.T.

January 28,2005, four years later we received a letter (attached) from D.O.T. turning us down for the reasons we do not serve public use due to our rd. being recorded before 1975, therefore our rd. is rural. They also told us that if we could prove there were permanent homes or businesses before Septmber 30, 1975 they would consider it. We couldn't get the Register of Deeds to look back on there tax records or maps. They told us they were unavailable if they were not on the computer, I'm sure they have records that relate back before 1975 for taxing purposes, they had to have to translate to the computer. We were able to get a copy of Joe Beasleys barn in which he lived in 1973 (attached) in which he built in 1972 and paid taxes on. All of Traders Neck Rd. is on the J.E. and Minnie Sidbury Tract that adjoins the Horton Cowpen Tract now owned by Frank Floyd. In 1975 it belonged to International Paper Co. and Traders Neck belonged to Cape Fear Wood Corporation. Again in February 2011 I took all this information with a new signature sheet asking the State (Mr. Grady Jacksonville) to add Traders Neck Rd. road to Sate Maintained System and was turned down again for the same reason.

We moved here in 1987 and this road has been totally unpassible. We are completely surrounded by Holy Shelter Gamelands all the way to hwy. 17, there is only one road into here, it is two miles to my house. We are a very high fire risk and can't even get Insurance on our homes due to this road. Five times since we moved here we have gotten trapped in here and couldn't get out due to Holy Shelter game land fires, and the State refuses to give us another way out through there game Lands in case of fire. We have no access to Fire Dept. Ambulances, school buses, Sherrifs Dept. They couldn't even get there fire trucks in this road throughout this last fire tht started in June and still burns. The only way the Forestry Division was able to contain the fire was through Tradrers Neck Rd through private property to get to the power lines. This fire is still less than a mife from our homes and threatened our homes and lives when it crossed the power lines and burned Dean Sidburys property and headed to hwy. 50. We pay the same taxes as property owners all over Pender County and the States Gamelands threatens our homes with Wildfires and tares our roads up that we paid out of our own pockets to mke passable to our homes and continue to do so. Right now every vehicle that comes into Traders Neck Rd. gets stuck and we have to pull them out. All the property owners and endured vehicle repairs that are unreal. The news people were stuck in here, Forestry Guys, UPS, Progress Energy meter readers, Hospice, EMT, Fire Trucks, Practically everyone that has entered the road, and we can't keep it up, there is heavy equipment, bulldozers, motor graders and Forestry trucks in here tearing up thr road every day, but they have to stay in here to keep the fire contained due to no other roads to cut it off. The Forestry Division that was contracted in here by the State saved all our homes, if they hadn't been in here when it crossed the power lines it would have been worst than the fire in 1986 that went through here. The fire dept. can't get in here. All our ponds it took us twenty seven years to fill it with catfish , brim and bass, and the state had to drain our ponds to pnt there gameland fires out. The State need to maintain our road to protect there gamelands, right now it is at our expense, we have to fix our own roads back and we feel we are in danger as long as there is only one road in here. We need your help, Isn't this what we pay taxes for, If not ,we need to know what we are paying taxes for. Your cooperation will be greatly appreciated.

Sandy Jones
1991 Traders Neck Rd.
Hampstead, NC 28443 910-470-7872

See attachments

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS PETITION

North Carolina
County of Pender

Petition request for (check one) Addition to State System (✓)
Paving (✓)
Maintenance Improvement (✓)

We the undersigned, being property owners on Traders Neck Rd.
(Describe or give local name or
Secondary Road Number) in Pender County do hereby request the
Division of Highways of the Department of Transportation to Add To state maintenance
the above-described road.

We further advise that the road requested to state maintain is 2 miles
in length and at the present time there are 21 occupied homes located on
the road and having entrances into the road.

Finally, we agree to dedicate to the Division of Highways a right-of-way of
the necessary width to construct the road to the minimum construction standards
required by the Division of Highways. This right-of-way will extend the entire
length of the road that is requested to be improved and will include the necessary
areas outside the right-of-way for cut and fill slopes and drainage. Also, we
agree to dedicate additional right-of-way in the public road intersections for
sight distance and design purposes and to execute said right-of-way agreement
forms that will be submitted to us by representatives of the Division of Highways.

REMARKS

Four copies of recorded subdivision plat enclosed if applicable

Traders Neck is not a subdivision, it is all privately
owned

PROPERTY OWNERS

NAME

MAILING ADDRESS

TELEPHONE

The Division of Highways should contact the first petitioner listed below:

910-470-7872	Andra Jones	1991 Traders Neck Rd. Hampstead NC	28443
910-405-2533	Andy Nellig	2195 Traders Neck Rd. Hampstead NC	28443
910-264-0082	Debra Miller	2195 Traders Neck Rd. Hampstead NC	28443
470-3266	Steve Sherrill	1236 Traders Neck Rd. Hampstead, N.C.	28443
3271-1276	David Jones	1904 Traders Neck Rd. Hampstead NC	28443
371-0773	Andy Jones	1904 Traders Neck Rd. Hampstead NC	28443
470-7370	Tommy Jones	1991 Traders Neck Rd. Hampstead NC	28443
470-3888	AT SHERRILL	1236 Traders Neck Rd. Hampstead, NC	28443
910-231-8967	Myrshka Fesko/David Fesko	28 Double Oaks Dr. Hampstead, NC	28443

Phone # NAME Address

TRACT #

Hampstead NC

617-4206 Olin A. Williams - Traders Neck

910 329 1142 Carl R. Johnson - 125 Double Oaks Dr.

910-329-1142 Luella Johnson 125 Double Oaks Dr.

910 329 1604 J. B. Essley 844 BucksHOT Rd.

910-599-4465 Ruby Walters 796 Traders Neck Rd

910 538-8998 Jim Fisher 319 Forest Edge Dr.

910-262-7861 Paula R. Fisher 319 Forest Edge Dr.

910 329 4441 George Sawyer 78 Double Oaks Dr.

910 329-4441 Minnie Kay 78 Double Oaks Dr.

919-868-1622 Kimberly Blinder 260 Shady Pines Dr

910-880-5874 Brian Fitch 260 SHADY PINES DR

910 231 5380 Fred Wright 126 SHADY PINES Dr.

910-239-1738 HOE M. WRIGHT 126 SHADY PINES Dr.

910-699-4465 Cathy Wallace 796 Traders Neck Rd. Hampstead NC

Garry + Dale Powell 207 Forest Edge Dr

George A. Boushel Jr 282 Forest Edge Dr.

Shirley Boyd 24 Traders Neck Rd.

Patricia Meadows 744 College Rd. Raleigh NC.

Trader's Neck Land Owners, Hampstead North Carolina

copy

North Carolina Department of Transportation
Division of Highways
295 Wilmington Hwy, Suite A
Jacksonville, NC 28540

February 22, 2011

ATTN; District Engineer

We, the property owners of Traders Neck Petition the State of North Carolina, Department of Transportation, County of Pender to pave and maintain Traders Neck Rd and existing side roads in Traders Neck. Located off Hwy 17, Hampstead NC. From hwy 17 north to tract ~~one~~ ¹⁰, Traders Neck .

April 2, 2001 we petitioned the state to maintain this same road, September 7, 2001 the Pender County Board of Commissioners approved it and forwarded it to Department of Transportation. January 28, 2005 Department of Transportation rejecting our petition stating that you had no evidence that proved the roadway served any "PUBLIC USE". Joseph Beasley has been a resident since 1970 and has been living on the property since 1973. (prior to 1975) We will meet the departments guidelines.

We have twenty six facilities with permanent dwellings with school children, this road puts a hardship on families that have take their children to school and pick them up every day, they can't possibly do this and work a forty hour a week job, Ambulances can't get to home owners and want even attempt to come down this road or fire trucks due to this road being impassible can't get to our homes. We are in a high risk fire area due to one road in and one road out and surrounded by Holly Shelter Game Lands. Only a few years back we were trapped in our homes with a wildfire totally out of control threatening our homes and our lives, we pay taxes to both northeast pender, pender ems and pender county and have no service do to impossible passage way 90 % of the time.

We pay taxes, same as all other landowners in Pender County, There have been so many roads the state has taken over and maintained since our first petition. If we spent the money we paid the county in taxes for the past twenty seven years on construction of the road we wouldn't be asking for your assistance in maintaining these roads.

Attached you will find a copy of Joseph Beasleys Deed of Trust from 1970, also you will finds letters from property owners stating hard ships the road has put on them one time or another. Pictures of the road showing it unpassible, this road is either two to three foot of sand or wet and full of mud and holes. Only a week ago there was a wild fire totally out of control just a few miles from us started by the military, when it gets in our area there are no roads in which to stop it and our road the fire trucks can't get to us without getting stuck and endangering there own life.

Attachments are : Letter of Petition to State of North Carolina, Pender County Commissioners,
Letter, Pender County Board of Commissioner's acceptance of Petition



3

Handwritten signature

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

Division of Highways

LYNDO TIPPETT
SECRETARY

January 28, 2005

Mr. Lonnie and Mrs. Sandy Jones
1991 Traders Neck Rd.
Hampstead, N.C. 28443

Div. File Number : 397-P

Subject: Request for Addition to the State Highway System: Trader's Neck Road and
Buckshot Road.
Pender County

Dear Mr. and Mrs. Jones:

This office has investigated your request to add the above subject road to the State Maintenance System. Our research indicates that the plat's for the above subject road was recorded before September 30, 1975. Therefore, this road is rural, according to the Division of Highway's guidelines.

To date, we have been unable to locate any evidence that proves that the roadway served any "public" use prior to September 30, 1975. Under current policy, a road must have served a public use (i.e. homes, business, etc.) to be eligible for addition to the State Maintenance System.

So far, other parties have provided documentation that other structures, not homes, had existed on the road at one time. This evidence is not sufficient to meet the Department's guidelines. Should additional information be obtained, we would glad to consider that information when available.

Therefore, your request for addition must be denied. I regret that my response cannot be more favorable. Should you have any questions or if I can be of further assistance, please contact Don Grady (Asst. District Engineer) or myself. Thank you for your interest in this matter.

Sincerely,

R. A. Vause

R. A. Vause, P.E.
District Engineer

cc: H. Allen Pope, P.E. Division Engineer
Glenn Crews, Pender County Maintenance Engineer

North Carolina, Pender County

The foregoing (or annexed) certificates of Joseph J. Allen is certified to be correct.

This 17 day of June, A. D. 1970.

Emma M. Winborne
Asst. Register of Deeds

Filed for registration June 17, 1970 at 8:45 o'clock A. M.

Joseph J. Allen
REGISTER OF DEEDS

STATE OF NORTH CAROLINA
COUNTY OF PENDER

WARRANTY DEED

THIS INDENTURE, made and entered into this the 17 day of June, 1970, by and between A.R. THREATT and wife, ALMA MAE THREATT, of New Hanover County, North Carolina, parties of the first part, and JOSEPH O. BEASLEY and wife, PATRICIA K. BEASLEY, of New Hanover County, North Carolina, parties of the second part;

WITNESSETH:

The parties of the first part, for and in consideration of the sum of ONE HUNDRED DOLLARS, and other valuable considerations, to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, have given, granted, bargained and sold, aliened, and conveyed, and by these presents do hereby give, grant, bargain and sell, alien, convey, and confirm unto the parties of the second part, and unto their heirs and assigns forever, all of the following described property, lying and being in Pender County, North Carolina, more particularly described as follows:

Known as Big Sand Hill Tract.

BEGINNING at a point in the edge of by North 60 West 32 poles from edge of gap leading into deep point and runs thence with edge of bay North 88-1/4 West 49 poles, North 32-1/4 West 92-1/2 poles, North 67-1/4 West 70 poles, North 33 East 33-1/2 poles East 41 poles, North 38 East 21 poles, North 73 West 72-1/4 poles North 22-1/2 West 15 poles, to Booker McClammy corner; thence with the Booker McClammy line across the ridge North 65 East 140 poles to a stake in the Big Sand Hill Gallberry; thence with the edge of Gallberry South 46 East 131 poles, thence South 20 East 51-1/2 poles; thence South 44-1/2 West 83 poles; thence South 31 West 50-1/2 poles; thence South 18-1/2 East 35 poles; to the beginning, containing 214 acres, more or less.

\$16.50 in N.C. Excise Tax and same cancelled.

TO HAVE AND TO HOLD the above granted and described premises, together with all and singular, the right, privileges, easements, tenements, and appurtenances therunto belonging, or in any wise appertaining, unto the parties of the second part, their heirs and assigns, in fee simple forever; subject, however, to 1970 and valorem taxes.

And the parties of the first part, for themselves, their heirs, executors and administrators, covenant to and with the parties of the second part, their heirs and assigns, that they are seized in fee of the above granted and described premises; that they have good right to sell and convey the same; that the same are free and clear from any and all encumbrances, save and except said taxes; and that they and their heirs, executors and administrators shall WARRANT and DEFEND the title to the same against the lawful claims and demands of any and all persons whomsoever.

IN TESTIMONY WHEREOF, the parties of the first part have herunto set their hands and seals, this the day and year first above written.

A.R. Threatt (SEAL)
A.R. Threatt

Alma Mae Threatt (SEAL)
Alma Mae Threatt

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, H.J. Holland, a Notary Public in and for the State and County aforesaid, do hereby certify that A.R. THREATT and wife, ALMA MAE THREATT, personally appeared before me this date and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal or stamp, this the 17 day of June, 1970.

My commission expires: 11-18-70

H.J. Holland N.P. (SEAL)
Notary Public