



REQUEST FOR BOARD ACTION

ITEM NO. 12.

DATE OF MEETING: January 17, 2012

REQUESTED BY: Kyle M. Breuer, Director, Planning & Community Development Department

SHORT TITLE: Resolution Requesting the Closing of a Private Easement Known as Howard Avenue in Accordance with North Carolina General Statute § 153A-241.

BACKGROUND: Pender County has been requested to consider the closure of Howard Avenue in Hampstead. Howard Avenue is located approximately three hundred (300') feet off of US Highway 17 and runs parallel north and south with US Highway 17 for approximately one thousand (1,000') feet. This right of way, as shown in Map Book 27 Page 64 of the Pender County Register is not currently recognized in the County GIS system as a named roadway or easement. Access to the adjacent properties along "Howard Avenue" are not utilizing this 32' wide easement. In a survey dated, 11/12/2010, Howard Avenue is shown as having property corners staked. The resultant of this closure, as referenced in G.S. § 153A-241, will divide the thirty two (32') foot right of way and convey the property to the adjacent property owners along this easement.

SPECIFIC ACTION REQUESTED: To consider a resolution closing a private easement know as Howard Avenue located in Hampstead.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

 PB
Initial

RESOLUTION

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

the Board hereby adopts the resolution entitled: Resolution Closing a Private Easement. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

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

George R. Brown, Jr., Chairman 1/17/2012
Date

ATTEST 1/17/2012
Date



RESOLUTION CLOSING A PRIVATE EASEMENT

WHEREAS, the North Carolina General Statute § 153A-241 provides for the Board of Commissioners to permanently close any public road or any easement with the county and not within a city; and

WHEREAS, Pender County, upon request, has been asked to permanently close a private easement informally known as Howard Avenue, a thirty two (32') foot wide easement as shown in Map Book 27 Page 64 of the Pender County Register; and

WHEREAS, Howard Avenue currently does not provide direct ingress or egress to adjoining property owners; and

WHEREAS, upon the closing of a public road or an easement, all right, title, and interest in the right-of-way is vested in those persons owning lots or parcels of land adjacent to the road or easement, and the title of each adjoining landowner, for the width of his abutting land, extends to the center line of the public road or easement; and

NOW, THEREFORE, BE IT RESOLVED that the Pender County Board of Commissioners hereby closes Howard Avenue, as shown in Map Book 27 Page 64 and direct all right, title, and interest in the right-of-way to those persons owning lots or parcels of land adjacent to the road or easement.

Adopted this the 17th day of January, 2012.

George R. Brown, Jr., Chairman

ATTEST: _____
County Manager



Howard Avenue
Easement Closure
1-17-2012

