

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: NOVEMBER 14, 2016 AGENDA ITEM NUMBER: 5

SUBJECT: RESOLUTION DECLARING THE FORSYTH COUNTY BOARD OF COMMISSIONERS' INTENT TO CLOSE AN UNNAMED ROAD IN HASTINGS HILL FARM SUBDIVISION, PHASE 1, AND CALLING A DATE FOR PUBLIC HEARING ON THE MATTER

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE: _____ DATE: November 9, 2016
COUNTY MANAGER

**RESOLUTION DECLARING THE FORSYTH COUNTY BOARD OF
COMMISSIONERS' INTENT TO CLOSE AN UNNAMED ROAD IN HASTINGS
HILL FARM SUBDIVISION, PHASE 1, AND CALLING A DATE FOR
PUBLIC HEARING ON THE MATTER**

WHEREAS, on October 3, 2016, a Petition was filed with the Forsyth County Board of Commissioners on behalf of Petitioners, Janis A. Pease, Arden Group, LLC, and Imogene L. Elam requesting the closing of an unnamed road in Hastings Hill Farm Subdivision, Phase 1, hereinafter described, which property is lying and being within the county limits of Forsyth County; and it appearing to the Forsyth County Board of Commissioners from said Petition that a public hearing should be held on the question of closing the unnamed road in Hastings Hill Farm, pursuant to authority conferred upon counties by the provisions of N.C.G.S.153A-241; and

WHEREAS, on September 8, 2016, the North Carolina Board of Transportation approved abandonment from State Maintenance of a portion of SR4600, Water Mill Court; and

WHEREAS, the Planning and Development Services Department concludes that there would be no negative impacts from the right-of-way being closed on the subject unnamed road in Hastings Hill Farm Subdivision, Phase 1; and

WHEREAS, based on said Petition to Close an unnamed road in Hastings Hill Farm Subdivision, Phase 1 and the above Planning staff findings, the Forsyth County Board of Commissioners will declare herein its intent to close said unnamed road in Hastings Hill Farm Subdivision, Phase 1; and

WHEREAS, the Forsyth County Board of Commissioners will call a public hearing on the Petition to Close an unnamed road in Hastings Hill Farm Subdivision, Phase 1, nothing else appearing for Monday, January 9, 2017, at 2:00 p.m. in the Commissioners' Meeting Room on the fifth floor of the Forsyth County Government Center; and

WHEREAS, pursuant to the provisions of N.C.G.S. 153A-241, the Forsyth County Board of Commissioners will direct the Petitioners to cause notice of the public hearing reasonably calculated to give full and fair disclosure of the proposed road closing to be published once a week for three successive weeks before the hearing date, a copy of this Resolution to be sent by registered or certified mail to each owner as shown on the county tax records of property adjoining the affected portion of the public road who did not join in the Petition to Close an unnamed road in Hastings Hill Farm Subdivision, Phase 1, and a notice of the closing and public hearing to be prominently posted in at least two places along the unnamed road in Hastings Hill Farm Subdivision, Phase 1;

NOW, THEREFORE, BE IT RESOLVED, by the Forsyth County Board of Commissioners as follows:

- (1) That the Board of Commissioners hereby declares its intent to close said unnamed road in Hastings Hill Farm Subdivision, Phase 1, as described in and pursuant to the provisions of the attached Petition to Close;
- (2) That the date and hour fixed for a public hearing on said Petition to Close an unnamed road in Hastings Hill Farm Subdivision, Phase 1, is hereby set for Monday, January 9, 2017, at 2:00 p.m., in the Commissioners' Meeting Room on the fifth Floor of the Forsyth County Government Center at 201 N. Chestnut Street in Winston-Salem, North Carolina;
- (3) That all persons who are interested in the closing of the unnamed road in Hastings Hill Farm Subdivision, Phase 1, and desiring to be heard, are hereby notified to appear before the Forsyth County Board of Commissioners, at the above-scheduled public hearing, at which time and place they will be heard in favor of or in opposition to the adoption of a resolution ordering the closing of the unnamed road in Hastings Hill Farm Subdivision, Phase 1 described as follows: Beginning at the southeast corner of Lot 11 of Hastings Hill Farm, Phase 1 as set forth in Plat Book 45 at Page 29 in the Office of the Register of Deeds of Forsyth County, North Carolina in the west margin of the right of way of Water Mill Road; thence with the west margin of the right of way of Water Mill Road South $15^{\circ} 39' 41''$ West 50 feet to the northeast corner of Lot 12 of Hastings Hill Farm, Phase 1; thence with the north boundary of Lot 12, North $73^{\circ} 53' 22''$ West 125 feet to a point at the northwest corner of Lot 12 located in the east boundary of the property of Imogene L. Elam; thence with the east boundary of the property of Imogene Elam and the west termination boundary of the Hastings Hill Farm Unnamed Street as set forth on the aforesaid plat of Hastings Hill Farm, Phase 1, North $15^{\circ} 39' 41''$ East 50 feet to a point at the southwest corner of Lot 11 of Hastings Hill Farm, Phase 1 as aforesaid; thence with the south boundary of Lot 11, South $73^{\circ} 53' 22''$ East 125 feet to the point and place of Beginning and being a strip 50 feet in width and 125 feet in length lying between Lot 11 and Lot 12 of Hastings Hill Farm, Phase 1 as set forth in Plat Book 45 at Page 29 as recorded in the Office of the Register of Deeds of Forsyth County, North Carolina;
- (4) That the Petitioners be and they are hereby directed to send a copy of this Resolution by registered or certified mail to each owner, as shown on the County tax records of property adjoining the said unnamed road in Hastings Hill Farm Subdivision, Phase 1, to be closed, who did not join in the request to have the said unnamed road in Hastings Hill Farm Subdivision, Phase 1 closed; and
- (5) That the Petitioners be and they are hereby directed to publish this Resolution in a qualified County newspaper once a week for three (3) successive weeks preceding the date herein fixed for public hearing on the Petition to close the unnamed road in Hastings Hill Farm Subdivision, Phase 1, and to cause notice of the proposed closing and public hearing to be prominently posted in at least two (2) places along said portion of the unnamed road in Hastings Hill Farm Subdivision, Phase 1.

Adopted this 14th day of November 2016.

NORTH CAROLINA

PETITION TO CLOSE AND ABANDON

UNNAMED STREET IN

FORSYTH COUNTY

HASTINGS HILL FARM SUBDIVISION,

PHASE 1

TO: BOARD OF COUNTY COMMISSIONERS OF FORSYTH COUNTY

The undersigned respectfully petitions the Board of County Commissioners of the County of Forsyth pursuant to G.S. 153A-241 as follows:

I.

Your Petitioners are owners of property adjoining an unnamed street located in Hastings Hill Farm, Phase 1 as recorded on a plat thereof in Plat Book 45 at Page 29 in the Office of the Register of Deeds of Forsyth County, North Carolina attached hereto as Exhibit A (hereinafter referred to as "Hastings Hill Farm Unnamed Street") and which is described more fully below. Said Hastings Hill Farm Unnamed Street is located between PIN #6865-69-8584.00 (Lot 11) and PIN# 6865-69-8347.00 (Lot 12) on the Forsyth County tax maps, a copy of which is attached hereto as Exhibit B. The Hastings Hill Farm Unnamed Street or that portion thereof sought to be closed is clearly marked on Exhibit A and Exhibit B.

II.

The legal description of said Hasting Hill Farm Unnamed Street is as follows:

Beginning at the southeast corner of Lot 11 of Hastings Hill Farm, Phase 1 as set forth in Plat Book 45 at Page 29 in the Office of the Register of Deeds of Forsyth County, North Carolina in the west margin of the right of way of Water Mill Road; thence with the west margin of the right of way of Water Mill Road South 15° 39' 41" West 50 feet to the northeast corner of Lot 12 of Hastings Hill Farm, Phase 1; thence with the north boundary of Lot 12, North 73° 53' 22" West 125 feet to a point at the northwest corner of Lot 12 located in the east boundary of the property of Imogene L. Elam; thence with the east boundary of the property of Imogene Elam and the west termination boundary of the Hastings Hill Farm Unnamed Street as set forth on the aforesaid plat of Hastings Hill Farm, Phase 1, North 15° 39' 41" East 50 feet to a point at the southwest corner of Lot 11 of Hastings Hill Farm, Phase 1 as aforesaid; thence with the south boundary of Lot 11, South 73° 53' 22" East 125 feet to the point and place of Beginning and being a strip 50 feet in width and 125 feet in length lying between Lot 11 and Lot 12 of Hastings Hill Farm, Phase 1 as set forth in Plat Book 45 at Page 29 as recorded in the Office of the Register of Deeds of Forsyth County, North Carolina.

III.

The abovesaid Hastings Hill Farm Unnamed Street is public, it is within the county and not within a city, and it is not within the control or supervision of the Department of Transportation as evidenced by Exhibit C.

IV.

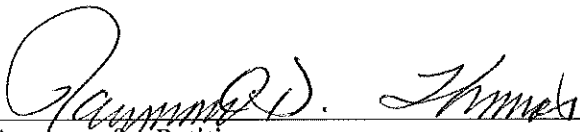
Closing of the abovesaid Hasting Hill Farm Unnamed Street would not be contrary to the public interest and no individual would be deprived of reasonable means of ingress or egress to his property.

V.

Your Petitioners are ready, willing and able to provide public notice of this proceeding and to comply with other requirements required by law.

WHEREFORE, the undersigned respectfully request that the County of Forsyth, acting through its Board of County Commissioners, adopt a resolution declaring its intent to close the abovesaid Hastings Hill Farm Unnamed Street and calling for a public hearing on the question, and that this matter proceed according to law.

Respectfully submitted, this the 3rd day of October, 2016.



Attorney for Petitioners
Raymond D. Thomas
Thomas and Bennett
116-C South Cherry Street
Kernersville, NC 27284
(336) 996-4700

NORTH CAROLINA

VERIFICATION

FORSYTH COUNTY

Janis A. Pease, being duly sworn, deposes and says:

That the undersigned is a Petitioner herein; that the contents of the forgoing petition are true to her own knowledge, except as to matters stated on information and belief, and those matters are believed to be true.

Janis Pease

Janis A. Pease, Petitioner

Sworn to and subscribed before me by Janis A. Pease,
this the 3rd day of October, 2016.

Denise M. Gupton

Notary Public

Printed/ Typed Name of Notary: Denise M. Gupton

My Commission expires: Nov. 15, 2018

**Denise M. Gupton
NOTARY PUBLIC
Stokes County, North Carolina**

NORTH CAROLINA

VERIFICATION

FORSYTH COUNTY


Stuart C. Parks, Manager of Arden Group, LLC, being duly sworn, deposes and says:

That the undersigned is a Petitioner herein; that the contents of the forgoing petition are true to his own knowledge, except as to matters stated on information and belief, and those matters are believed to be true.

Arden Group, LLC

By: 
Stuart C. Parks, Manager, Petitioner

Sworn to and subscribed before me by Stuart C. Parks, Manager of Arden Group, LLC, this the 3rd day of October, 2016.


Notary Public
Printed/ Typed Name of Notary: Denise M. Gupton
My Commission expires: Nov. 15, 2018

Denise M. Gupton
NOTARY PUBLIC
Stokes County, North Carolina

NORTH CAROLINA

VERIFICATION

FORSYTH COUNTY

Imogene L. Elam, being duly sworn, deposes and says:

That the undersigned is a Petitioner herein; that the contents of the forgoing petition are true to her own knowledge, except as to matters stated on information and belief, and those matters are believed to be true.

Imogene L. Elam
Imogene L. Elam, Petitioner

Sworn to and subscribed before me by Imogene L. Elam,
this the 3rd day of October, 2016.

Denise M. Gupton
Notary Public
Printed/ Typed Name of Notary: Denise M. Gupton
My Commission expires: NOV. 15, 2018

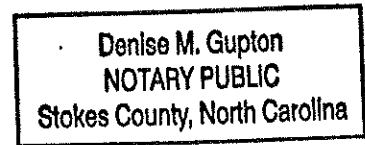
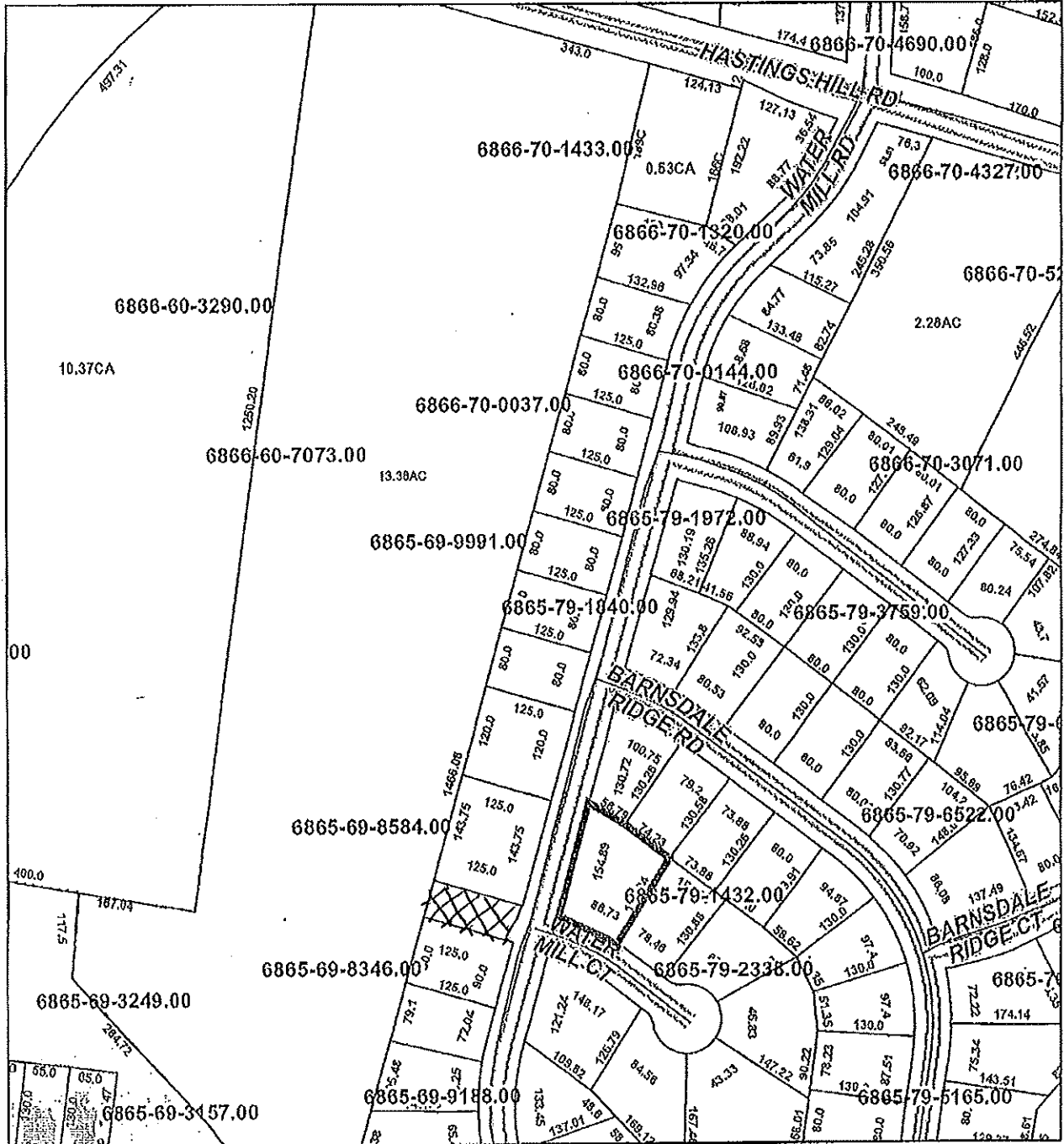
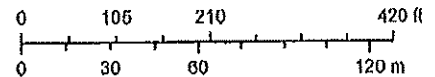


EXHIBIT B
Forsyth County, NC



April 6, 2016

1:2,257



Disclaimer: Forsyth County cannot guarantee the accuracy of this information, and the County hereby disclaims all warranties, including warranties as to the accuracy of this information.



EXHIBIT C

PAT McCRORY
Governor

NICHOLAS J. TENNYSON
Secretary

September 23, 2016

County: Forsyth
Petition No.: 51185
Length: 0.02 Mile
Description: Abandonment of a portion of SR 4600, Water Mill Court

Mr. Stuart C. Parks
Arden Group, LLC
140 Water Mill Road
Kernersville, North Carolina 27284

Dear Mr. Parks:

Your name was the first most legible signature on the above petition for State Maintenance and we are pleased to inform you that the above listed road has been approved for deletion from the State Highway Maintenance System. The North Carolina Board of Transportation approved this abandonment at the September 8, 2016 board meeting.

This board action only ceases maintenance of the roadway and does not affect right-of-way, easements, or encroachments.

Since we only notify the first signature on the abandonment form I would appreciate it if you would inform the remaining petitioners.

Respectfully,

A handwritten signature in black ink, appearing to read "Jeffrey W. Moncus".

Jeffrey W. Moncus
Assistant District Engineer

JWM/lrb

cc: Forsyth County Maintenance Engineer
J. Dudley Watts, Jr., Forsyth County Board of Commissioners
Forsyth County School Transportation Office
Robert Solomon, City-County Planning Board
J. P. Couch, P. E., Traffic Engineering
File #

Nothing Compares™

State of North Carolina | Department of Transportation | Division Nine - District Two
375 Silas Creek Parkway | Winston-Salem, NC 27127
(336) 747-7900 T | (336) 703-6694 F

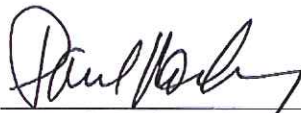
Bryce A. Stuart Municipal Building
100 E. First Street
P.O. Box 2511
Winston-Salem, NC 27102
Citylink 311 (336.727.8000)
Fax 336.748.3163

TO: Chairman David Plyler and Members of the Forsyth County Board of Commission
FROM: A. Paul Norby, FAICP, Director of Planning and Development Services
DATE: October 21, 2016
SUBJECT: Request to close and abandon right-of-way for a portion of Water Mill Court

Planning Staff has reviewed the above referenced petition and has the following findings:

- No negative impacts from right-of-way being closed and abandoned on the subject portion of Water Mill Court. No properties will be landlocked as a result of this closure.
- The subject portion of Water Mill Court was removed from the State Highway Maintenance System by the North Carolina Board of Transportation on September 8, 2016.

A checklist is attached which documents our findings. Planning staff recommends approval of this request to close and abandon the right-of-way.



A. Paul Norby, FAICP
Director of Planning and Development Services

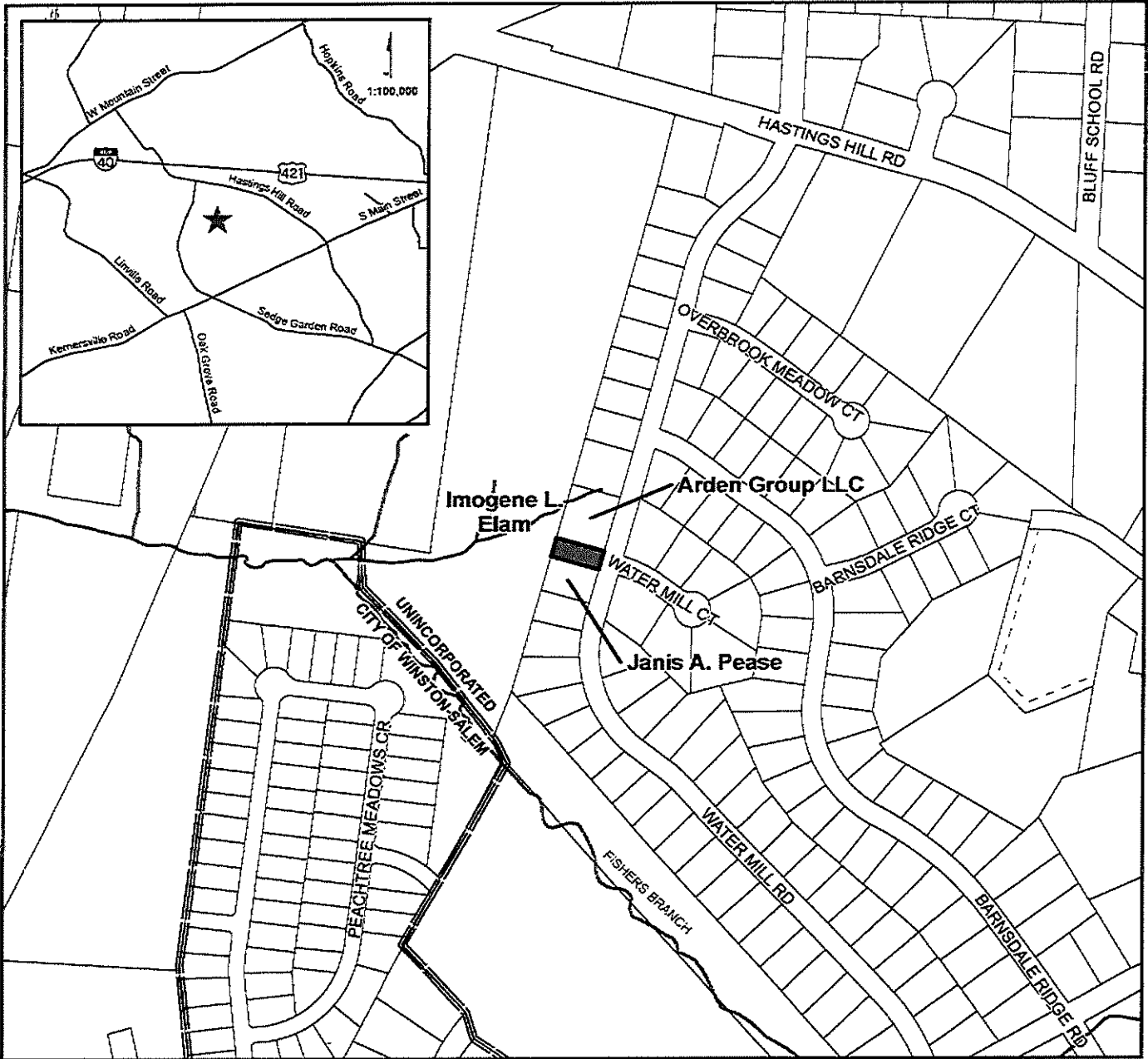
Road Closure Report

| Case Information | |
|------------------|---|
| Date | October 21, 2016 |
| Street Name | Portion of Water Mill Court |
| Location | Off the west side of Water Mill Road, south of Barnsdale Ridge Road |

| Site-Specific Information | |
|----------------------------|--|
| Type of Request | <input checked="" type="checkbox"/> Street Closure <input type="checkbox"/> Abandonment of Maintenance <input type="checkbox"/> Alley Closure and Abandonment |
| Type of Street | <input checked="" type="checkbox"/> Public Street <input type="checkbox"/> Paper Street <input type="checkbox"/> Alley |
| Maintenance Responsibility | Maintenance abandoned by NCDOT September 8, 2016 |
| Length | +/- 125 feet |
| ROW Width | +/- 50 feet |
| # of Travel Lanes | Two |

| Effects/Impacts | |
|---|-------------|
| # of properties fronting the ROW in question | 3 |
| # of owners affected by this request | 3 |
| # of owners losing total access | None |
| Does the request adversely affect the current/future street pattern in the area? | No |
| What impact does the request have on the street naming/addressing system in the area? | None noted. |

Recommendation: Close and abandon right-of-way as requested.



Street Closure

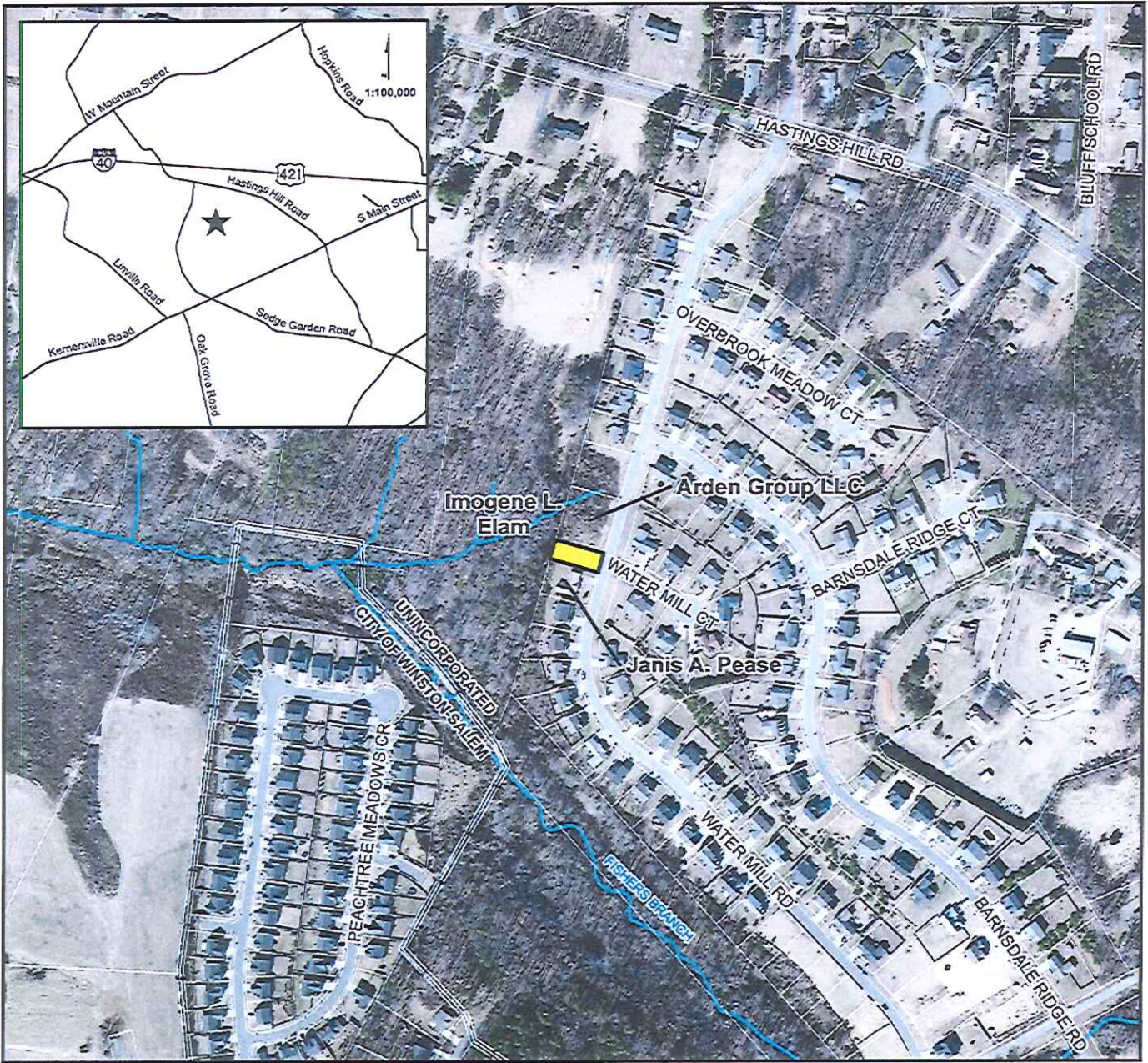
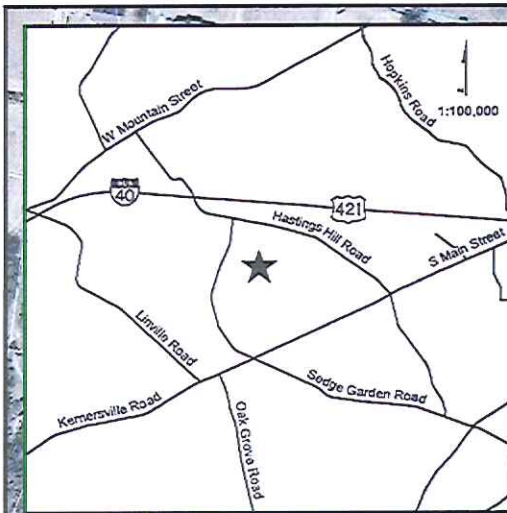
A Portion of Water Mill Court

 Portion of street to be abandoned




SCALE: 1" represents 400'

Printed: 5/17/2016



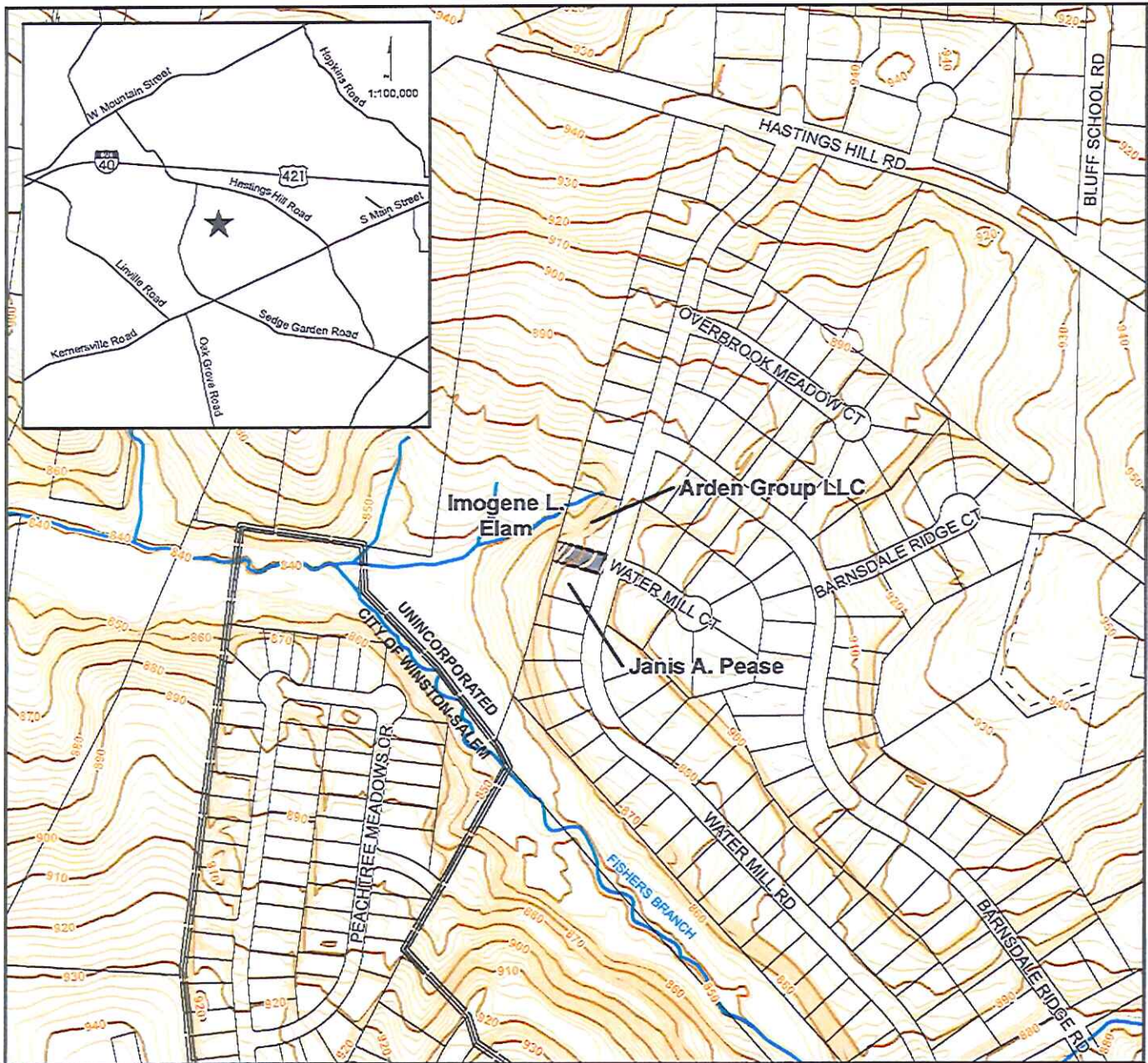
Street Closure

A Portion of Water Mill Court

 Portion of street to be abandoned




SCALE: 1" represents 400'



Street Closure

A Portion of Water Mill Court

 Portion of street to be abandoned



SCALE: 1" represents 400'

Printed: 5/17/2016

NORTH CAROLINA
FORSYTH COUNTY

RESOLUTION ORDERING THE CLOSING OF
HASTINGS HILL FARM UNNAMED STREET

WHEREAS, on the 4th day of October, 2016, a petition was filed pursuant to G.S. 153A-241 with the Board of Commissioners of Forsyth County, North Carolina, to close Hastings Hill Farm Unnamed Street as hereinbelow described; and

WHEREAS, on the _____ day of _____, 2016, at a regular meeting of the Board of Commissioners of Forsyth County, North Carolina, a resolution fixing the date and hour for hearing on said petition and declaring intent to close was adopted by unanimous vote of said Board of Commissioners; and the date and hour were fixed as the _____ day of _____, 2016 at 2:00 P.M., in the Commissioners' Meeting Room of the Forsyth County Governmental Center, in the City of Winston-Salem, North Carolina; and

WHEREAS, notice of said meeting was published once a week for three successive weeks in the Kernersville News, a newspaper published in the Town of Kernersville, North Carolina, pursuant to order of the Board of Commissioners in the resolution fixing the date for hearing on the above-described petition and declaring intent to close, a notice of the closing and public hearing was posted in at least two prominent places along said portion of Hastings Hill Farm Unnamed Street proposed to be closed 28 days preceding the final hearing; and notice was also mailed to abutting owners as required by law; and

WHEREAS, ownership of abutting or adjoining property is as follows:

| | |
|----------------------------------|--|
| <u>Arden Group, LLC</u> Owner | <u>140 Water Mill Road, Kernersville, NC 27284</u> Address |
| <u>Janis A. Pease</u> Owner | <u>200 Water Mill Road, Kernersville, NC 27284</u> Address |
| <u>Imogene L. Elam</u> Owner | <u>472 Hastings Hill Road, Kernersville, NC 27284</u> Address |

WHEREAS, at a meeting of the Board of Commissioners of Forsyth County, North Carolina held on the _____ day of _____, 2016, a public hearing was held on the petition to close and abandon Hastings Hill Farm Unnamed Street; and

WHEREAS, it appears to the satisfaction of the Board of Commissioners of Forsyth County, North Carolina, that the closing of said Hastings Hill Farm Unnamed Street is not contrary to the public interest and that no individual owning property adjoining, abutting or in

the vicinity of said street or road will thereby be deprived of reasonable means of ingress and egress to his property; and

WHEREAS, the documents pertaining to the closing are on file in the Office of the Clerk of the Board of County Commissioners, and are hereby incorporated by reference as if fully set forth;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Forsyth County, North Carolina:

(1) That the said Hastings Hill Farm Unnamed Street as herein referred to and being more particularly described as follows:

Beginning at the southeast corner of Lot 11 of Hastings Hill Farm, Phase 1 as set forth in Plat Book 45 at Page 29 in the Office of the Register of Deeds of Forsyth County, North Carolina in the west margin of the right of way of Water Mill Road; thence with the west margin of the right of way of Water Mill Road South 15° 39' 41" West 50 feet to the northeast corner of Lot 12 of Hastings Hill Farm, Phase 1; thence with the north boundary of Lot 12, North 73° 53' 22" West 125 feet to a point at the northwest corner of Lot 12 located in the east boundary of the property of Imogene L. Elam; thence with the east boundary of the property of Imogene Elam and the west termination boundary of the Hastings Hill Farm Unnamed Street as set forth on the aforesaid plat of Hastings Hill Farm, Phase 1, North 15° 39' 41" East 50 feet to a point at the southwest corner of Lot 11 of Hastings Hill Farm, Phase 1 as aforesaid; thence with the south boundary of Lot 11, South 73° 53' 22" East 125 feet to the point and place of Beginning and being a strip 50 feet in width and 125 feet in length lying between Lot 11 and Lot 12 of Hastings Hill Farm, Phase 1 as set forth in Plat Book 45 at Page 29 as recorded in the Office of the Register of Deeds of Forsyth County, North Carolina.

is hereby ordered closed and that a certified copy of this order be filed in the Office of the Register of Deeds of Forsyth County.

This the _____ day of _____, 2016.

THE BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF FORSYTH

By: _____
Chairman

ATTEST:

Clerk to the Board

(SEAL)