

# FORSYTH COUNTY

## BOARD OF COMMISSIONERS

MEETING DATE: NOVEMBER 14, 2016 AGENDA ITEM NUMBER: 4

**SUBJECT: RESOLUTION DECLARING THE FORSYTH COUNTY BOARD OF COMMISSIONERS' INTENT TO CLOSE A PORTION OF NO NAME 6 ROAD 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 A PORTION OF NO NAME 6 ROAD  
AND CALLING A DATE FOR PUBLIC HEARING ON THE MATTER**

**WHEREAS**, on October 6, 2016, a Petition was filed with the Forsyth County Board of Commissioners on behalf of Petitioner, Steve Plemmons requesting the closing of a portion of No Name 6 Road, 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 portion of No Name 6 Road, pursuant to authority conferred upon counties by the provisions of N.C.G.S.153A-241; and

**WHEREAS**, the Planning and Development Services Department reports that the subject road, No Name 6 Road, has never been maintained by North Carolina Department of Transportation, therefore, no abandonment of maintenance is required; and

**WHEREAS**, the Planning and Development Services Department concludes that there would be no negative impacts from the right-of-way being closed since all of the affected properties are owned by the Petitioner; and

**WHEREAS**, based on said Petition to Close a Portion of No Name 6 Road and the above Planning staff findings, the Forsyth County Board of Commissioners will declare herein its intent to close said portion of No Name 6 Road; and

**WHEREAS**, the Forsyth County Board of Commissioners will call a public hearing on the Petition to Close a Portion of No Name 6 Road, 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 Petitioner 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 a Portion of No Name 6 Road, and a notice of the closing and public hearing to be prominently posted in at least two places along the said portion of No Name 6 Road;

**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 portion of No Name 6 Road 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 a Portion of No Name 6 Road 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 portion of No Name 6 Road 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 portion of No Name 6 Road described as follows: Being that portion of the designated "30 FT DRIVE" lying west of and adjacent to Lot Nos. 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 as depicted on a plat entitled "Map of the G.T. Baker Place" recorded in Plat Book 10 Page 166 of the Forsyth County Register of Deeds Office;
- (4) That the Petitioner be and is 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 portion of No Name 6 Road to be closed, who did not join in the request to have the said portion of No Name 6 Road closed; and
- (5) That the Petitioner be and is 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 portion of No Name 6 Road 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 No Name 6 Road.

Adopted this 14<sup>th</sup> day of November 2016.

NORTH CAROLINA )

PETITION TO CLOSE AND ABANDON

NO NAME 6 RD.

FORSYTH COUNTY )

(Street or Easement or Portion thereof)

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.

Our Petitioners are owners of property adjoining the abovesaid NO NAME 6 RD. said NO NAME 6 RD. being more fully described below. Said NO NAME 6 RD. is recorded on Forsyth County Tax Map # \_\_\_\_\_, a copy of said Map being attached to this Petition and incorporated herein. The NO NAME 6 RD. \_\_\_\_\_ or portion thereof sought to be closed is clearly marked on said map.

II.

A legal description of said NO NAME 6 RD. \_\_\_\_\_ is as follows:

III.

The abovesaid NO NAME 6 RD. \_\_\_\_\_ 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.

IV.

Closing of the abovesaid NO NAME 6 RD. \_\_\_\_\_ 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(s) that the County of Forsyth, acting through its Board of County Commissioners, adopt a resolution declaring its intent to close the abovesaid NO NAME 6 RD. and calling for a public hearing on the question, and that this matter proceed according to law.

Respectfully submitted, this the 6<sup>th</sup> day of OCTOBER, 2016.

*Steve Plummer*  
45 PROPERTIES

(Attorney or Petitioners with  
addresses and phone numbers)


6725 UNIVERSITY PKWY.  
RURAL, N.C. 27045

NORTH CAROLINA )  
  )  
FORSYTH COUNTY )

VERIFICATION

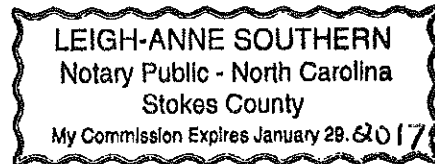
say(s): I, LEIGH ANN SOUTHERN, being duly sworn, depose(s) and

That the undersigned (is) (are) the Petitioner(s) herein, that the contents of the foregoing petition are true to (their) (his) own knowledge, except as to matters stated on information and belief, and those matters are believed to be true.

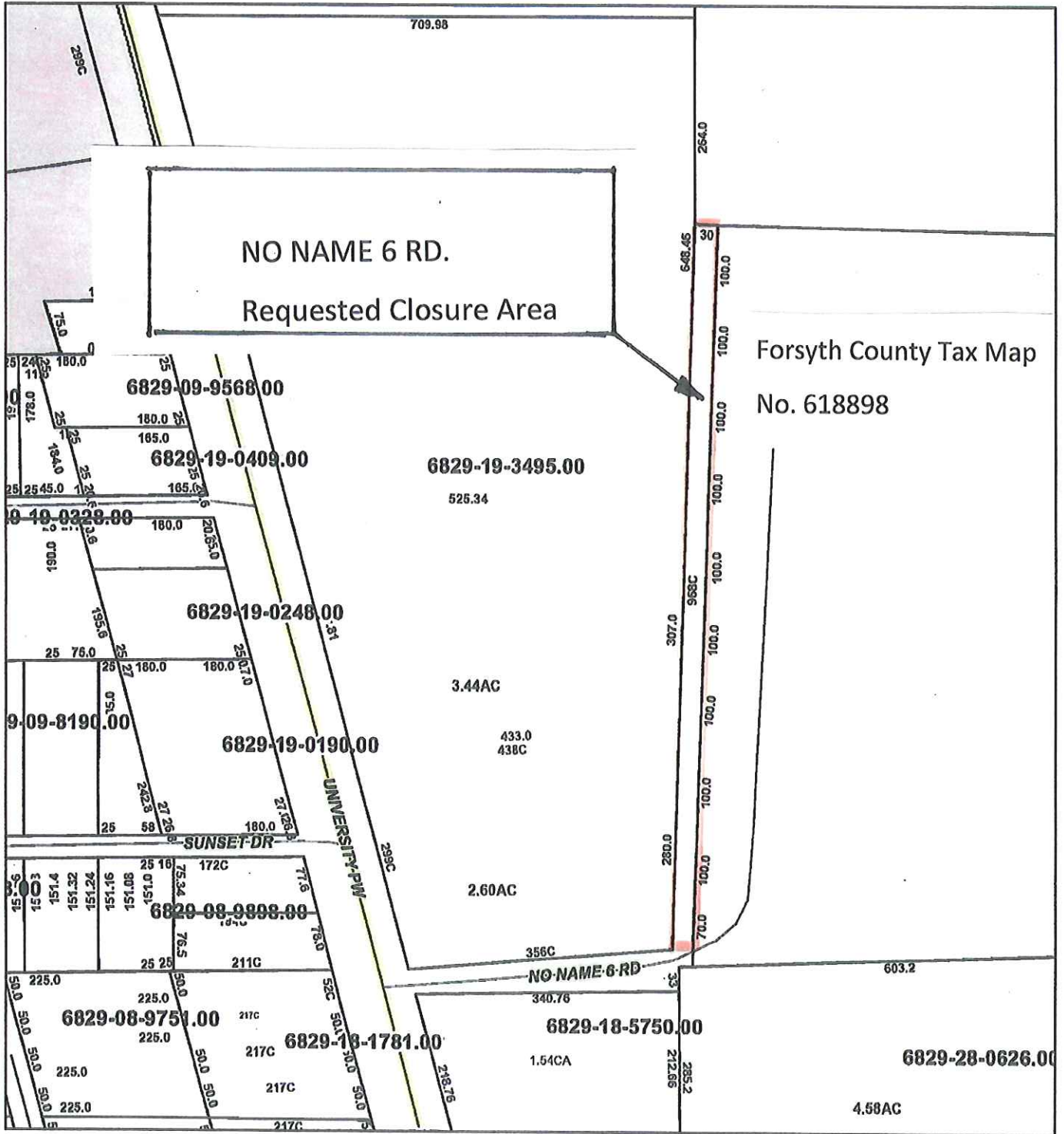
  
\_\_\_\_\_  
Petitioner(s)

Sworn to and subscribed before me,  
This 5 day of October, 2014  
Leigh Ann Southern  
Notary Public

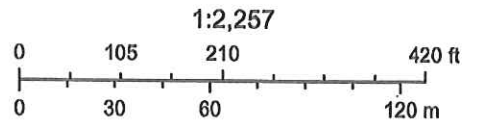
My commission expires: Jan 29 2017



# Forsyth County, NC



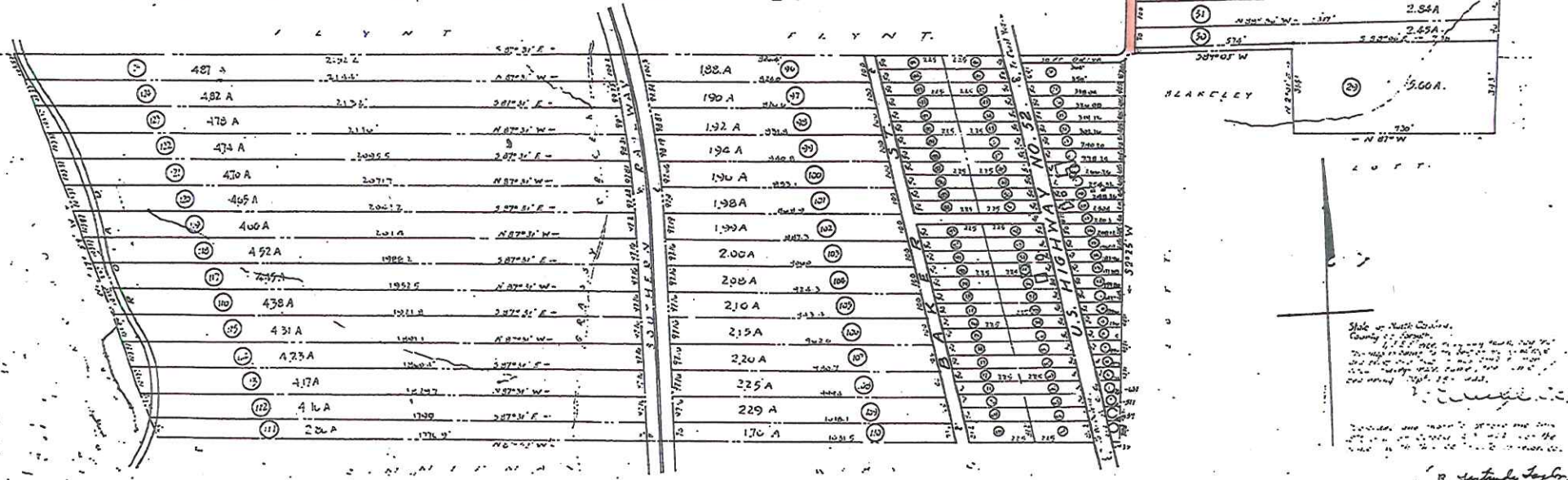
October 6, 2016



MAP OF THE G.T. BAKER PLACE. LOCATED NEAR RURAL HALL - FORSYTH CO. N.C.

J.W. FERRELL CO. - SELLING AGENTS.

NO NAME 6 RD. Requested Closure Area

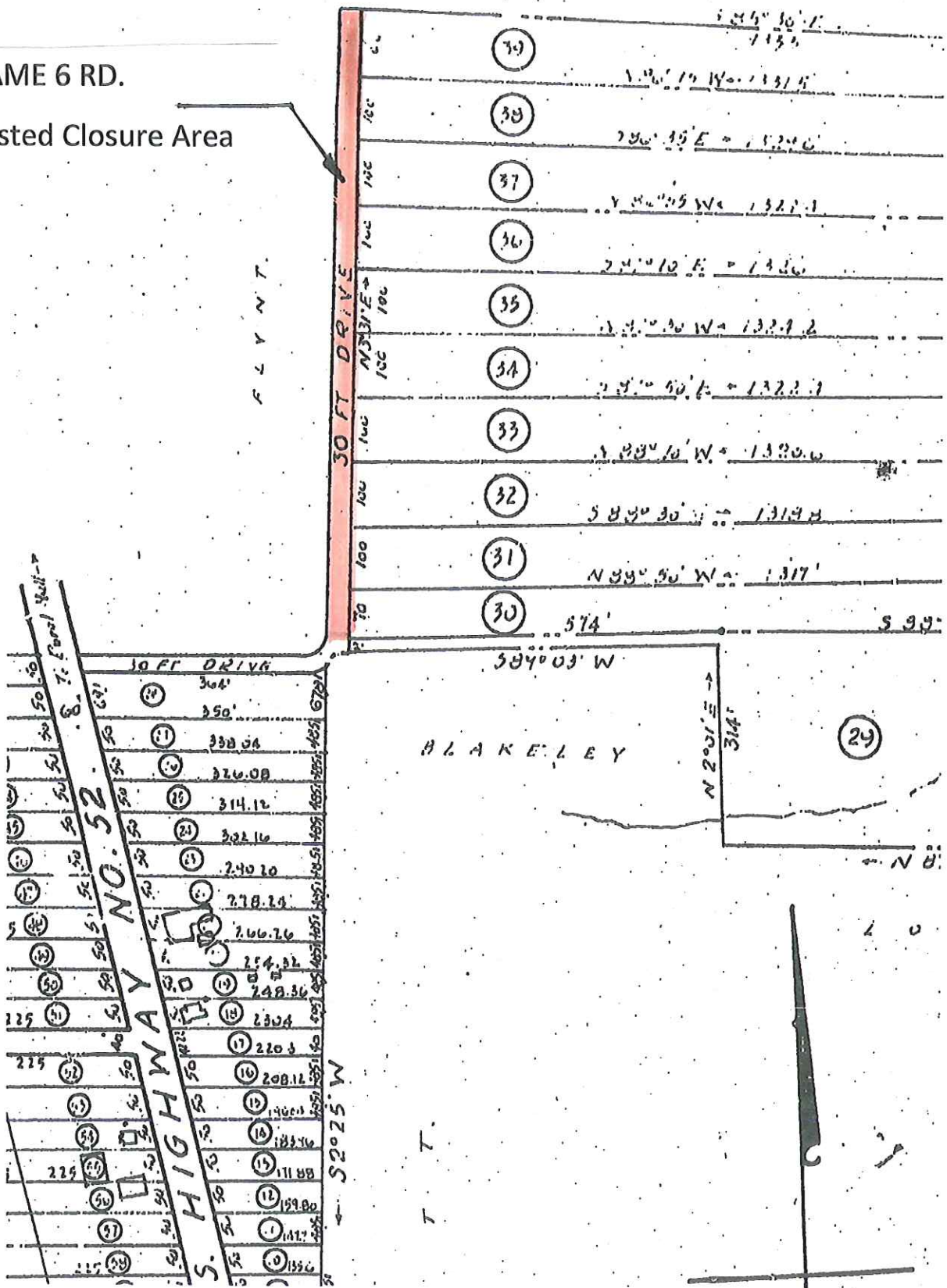


State of North Carolina,  
County of Forsyth,  
I, J.W. Ferrell, of the County of Forsyth, State of North Carolina, do hereby certify that the above and foregoing plat is a true and correct copy of the original plat as the same appears on file in my office, and that the same has been duly recorded in accordance with the provisions of the laws of this State.  
B. Ferrell, Register



NO NAME 6 RD.

Requested Closure Area



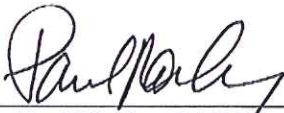
Bryce A. Stuart Municipal Building  
100 E. First Street  
P.O. Box 2511  
Winston-Salem, NC 27102  
CityLink 311 (336.727.8000)  
Fax 336.748.3163

**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 the right-of-way for No Name 6 Road

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

- No negative impacts from right-of-way being closed on the subject portion of No Name 6 Road. All of the properties affected are owned by the petitioner.
- The road has never been maintained by NCDOT, therefore, no abandonment of maintenance was required.

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 No Name 6 Road Road
Location	Off the east side of University Parkway, east of Sunset Drive

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 type="checkbox"/> Public Street <input checked="" type="checkbox"/> Paper Street <input type="checkbox"/> Alley
Maintenance Responsibility	None
Length	+/- 970 feet
ROW Width	+/- 30 feet
# of Travel Lanes	N/A

Effects/Impacts	
# of properties fronting the ROW in question	2
# of owners affected by this request	1
# 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 right-of-way as requested.**

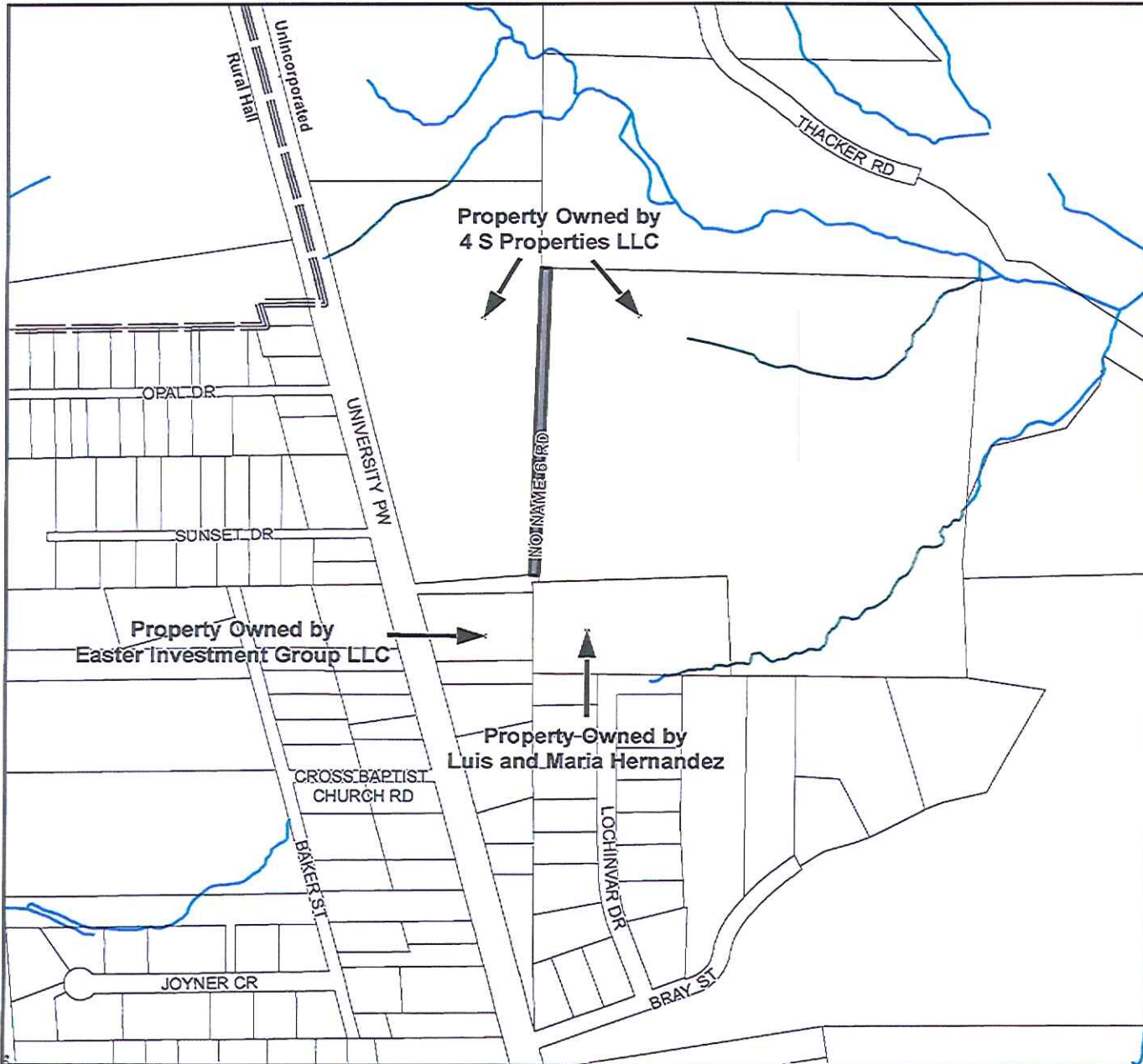
# Street Closure

## A Portion of No Name 6 Road

 No Name 6 Road



SCALE: 1" represents 500'




Printed: 10/18/2016

Planning/Engineering/Street\_Closure/Closures\_2016/NoName06\_2016.mxd KAF 10/18/2016



## Street Closure

A Portion of  
No Name 6 Road

 No Name 6 Road



SCALE: 1" represents 500'

Printed: 10/18/2016