

FORSYTH COUNTY
BOARD OF COMMISSIONERS

**BRIEFING
DRAFT**

MEETING DATE: JANUARY 9, 2017

AGENDA ITEM NUMBER: 7

- SUBJECT: A. PUBLIC HEARING ON CLOSING AN UNNAMED ROAD IN HASTINGS HILL FARM SUBDIVISION, PHASE 1
- B. ORDER CLOSING AN UNNAMED ROAD IN HASTINGS HILL FARM SUBDIVISION, PHASE 1

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

ATTACHMENTS: YES NO

SIGNATURE: _____ DATE: _____
COUNTY MANAGER

WHEREAS, all of the adjoining land owners to the public Hastings Hill Farm Unnamed Road were petitioners; and

WHEREAS, at a meeting of the Forsyth County Board of Commissioners held on the 9th day of January, 2017, a public hearing was held on the petition to close an unnamed road in Hastings Hill Farm Subdivision, Phase 1; and

WHEREAS, it appears to the satisfaction of the Forsyth County Board of Commissioners, that the closing of said unnamed road in Hastings Hill Farm Subdivision, Phase 1 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 incorporated herein by reference as if fully set forth herein;

NOW, THEREFORE, IT IS ORDERED by the Forsyth County Board of Commissioners:

That the said unnamed road in Hastings Hill Farm Subdivision, Phase 1 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 closed and that a certified copy of this Order shall be filed in the Office of the Register of Deeds of Forsyth County.

This the ____ day of January, 2017.

[SIGNATURES ON NEXT PAGE]

FORSYTH COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman

Attest:

Clerk to the Board
(SEAL)

NORTH CAROLINA)
)
FORSYTH COUNTY) CERTIFICATION

I, _____, Clerk to the Forsyth County Board of Commissioners, DO HEREBY CERTIFY that the attached Order Closing An Unnamed Road In Hastings Hill Farm Subdivision, Phase 1 was duly adopted by the Forsyth County Board of Commissioners at its regular meeting held January 9, 2017 on the Fifth Floor of the Forsyth County Government Center in Winston-Salem, North Carolina, and that said Order is duly recorded in the Official Minutes of said meeting.

Witness my hand and official seal of Forsyth County, this _____ day of January, 2017.

Clerk to the Board

(SEAL)

NORTH CAROLINA
FORSYTH COUNTY

AFFIDAVIT OF PUBLICATION
AND POSTING OF SIGNS

The undersigned, RAYMOND D. THOMAS first being duly sworn, deposes and says:

A. That he is the attorney for petitioners, Janis A. Pease, Arden Group, LLC and Imogene L. Elam herein.

B. That a Petition was filed on the 3rd day of October, 2016, with the Board of County Commissioners of Forsyth County, North Carolina, requesting the permanent closing of the unnamed road in the Hastings Hill Farm Subdivision, Phase 1 described in the petition.

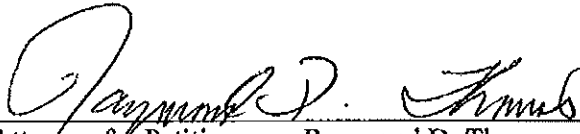
C. That on the 14th day of November, 2016, the Board of County Commissioners adopted a Resolution fixing the 9th day of January, 2017, at 2:00 P.M. as the time of the hearing on the Petition to close the above-stated unnamed road in the Hastings Hill Farm Subdivision, Phase 1.

D. That a copy of the attached Resolution setting forth the time for the hearing of the Petition was published in the Kernersville on the 24 day of November, 2016; the 1 day of December, 2016 and the 8th day of December, 2016, as shown in the attached Publisher's Affidavit.

E. That two legible signs were located on each end of the unnamed road in Hastings Hill Farm Subdivision, Phase 1 for twenty-eight days preceding the hearing, and signs being large enough to be easily read by passerby. As shown on the Exhibit attached hereto the language on the sign reads as follows:

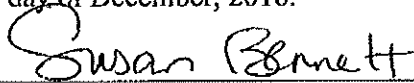
"The Board of County Commissioners of Forsyth County will hold a public hearing at 2:00 P.M. on January 9, 2017, in the Commissioners' Meeting Room in the Forsyth County Government Center, concerning a Petition requesting that this unnamed road in Hastings Hill Farm Subdivision, Phase 1 be closed."

This the 21st day of December, 2016.


Attorney for Petitioners – Raymond D. Thomas

116-C South Cherry Street, Kernersville, NC 27284
336-996-4700

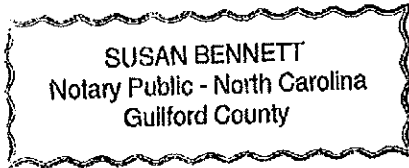
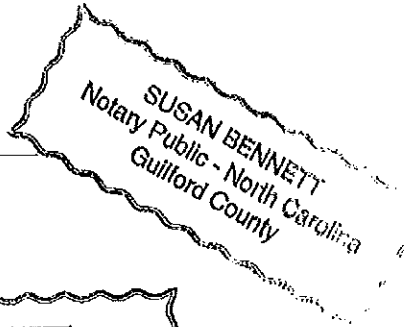
Sworn to and subscribed before me by
Raymond D. Thomas, this the
21st day of December, 2016.



Notary Public

Printed/Typed Name of Notary: Susan M. Bennett

My Commission Expires: August 5, 2017



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

NORTH CAROLINA
 FORSYTH COUNTY

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally

appeared Connie Owensby

who being first duly sworn, deposes and says: that he (she) is Vice-President
 (Owner, partner, publisher, or other officer or employee authorized to make this affidavit)

of **KERNERSVILLE NEWS**, engaged in the publication of a newspaper known as **KERNERSVILLE NEWS**, published, issued, and entered as second class mail in the City of Kernersville in said County and State; that he (she) is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in the **KERNERSVILLE NEWS** on the following dates:

November 24, December 1, 8, 2016

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 8th day of December, 2016.

Connie Owensby
 (Signature of person making affidavit)

Sworn to and subscribed before me, this 8th day of

December, 2016.

Meredith Harrell
 Notary Public

My Commission expires: 1-31-2017

MEREDITH HARRELL
 Notary Public - North Carolina
 Gullford County
 My Commission Expires January 31, 2017

WHEREAS, on October 9, 2016, a Petition was filed with the Forsyth County Board of Commissioners on behalf of Petitioners, Jark A. Pease, Ayden 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. 163A-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. 163A-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° 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 75° 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 L. 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 75° 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 46 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.
 November 24, December 1, 8, 2016

PUBLIC NOTICE

THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY WILL HOLD A PUBLIC HEARING AT 2:00 P.M. ON THE 9th DAY OF JANUARY, 2017 IN THE COMMISSIONERS' MEETING ROOM IN THE FORSYTH COUNTY GOVERNMENT CENTER CONCERNING A PETITION REQUESTING THAT THIS UNNAMED ROAD IN HASTINGS HILL FARM SUBDIVISION, PHASE 1 BE CLOSED.

NORTH CAROLINA
FORSYTH COUNTY

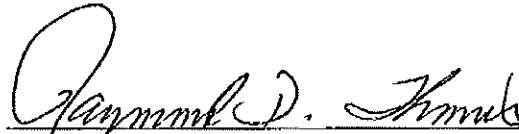
AFFIDAVIT OF MAILING

The undersigned, Raymond D. Thomas, after first being duly sworn, deposes and says:

A. That he is Attorney for petitioners herein.


B. That it was not necessary to mail a copy of the Resolution Declaring Intent to Close and setting forth the Time for the Hearing of the Petition on the closing of the above described Hastings Hill Farm Unnamed Street because all of the adjoining land owners to the public Hastings Hill Farm Unnamed Street were petitioners and requested the closing of said public street.

This the 21st day of December, 2016.



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

Sworn to and subscribed before me by Raymond D. Thomas
Attorney for Petitioners, this the 21st day of December, 2016



Notary Public

Printed/ Typed Name of Notary: Susan M. Bennett

My Commission expires: August 5, 2017

