

**MECKLENBURG COUNTY
BOARD OF COMMISSIONERS**

**ORDER OF CLOSING FOR A PORTION OF LAHAINA LANE AND OGDEN LANE
RIGHT-OF-WAY**

WHEREAS, North Carolina General Statute 153A-241 specifies that a county may permanently close any public road or easement within the county and not within the city except public roads or easements for public roads under the control and supervision of the North Carolina Department of Transportation and specifies the procedure to be followed; and

WHEREAS, the petitioner has requested that a 1.51-acre portion of public right-of-way for Lahaina Lane and Ogden Lane as shown on the Exhibit A map attached hereto be abandoned and closed; and

WHEREAS, the petitioner has agreed to record the replacement right-of-way for Lahaina Lane and Ogden Lane approved by the Charlotte-Mecklenburg Planning Department, and to construct the replacement roadway to be consistent with the Charlotte Subdivision Ordinance before the order of closing the portion of right-of-way petitioned for abandonment and closing will be recorded; and

WHEREAS, the Mecklenburg County Land Use and Environmental Services Agency has determined that in its opinion the closing of the portion of said right-of-way of Lahaina Lane and Ogden Lane would not deprive any individual owning land in the vicinity of said right-of-way of reasonable ingress and egress to their property, and would not be contrary to the public interest; and has determined that the North Carolina Department of Transportation does not maintain said right-of-way; and

WHEREAS, on January 7, 2020, the Mecklenburg Board of County Commissioners declared its intent to close the 1.51-acre portion of public right-of-way for Lahaina Lane and Ogden Lane which is shown on the attached Exhibit A map, and did set a public hearing on the question of whether to abandon and close said portion of the right-of-way of Lahaina Lane and Ogden Lane for 6:30 pm on the 18th day of February 18, 2020 in the Meeting Chamber, first floor of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, and did instruct the Clerk to the Board to publish a notice of the intent of the Board of County Commissioners to close said portion of the right-of-way, and did instruct the Mecklenburg County Land Use and Environmental Services Agency to send or have sent copies of the resolution declaring the intent to close said portion of the right-of-way to the owners of the adjoining properties who did not join in the request to have said portion of the right-of-way abandoned and closed, and to have a notice of public hearing posted in at least two places along said road; and

WHEREAS, N.C.G.S. 153A-241 states the effect of a road closing on adjoining landowners and on public utilities as follows: “Upon the closing of a public road or an easement pursuant to this section, 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. However, the right, title or interest vested in an adjoining landowner by this paragraph remains subject to any public utility use or facility located on, over, or under the road or easement immediately before its closing, until the landowner or any successor thereto pays to the utility involved the reasonable cost of removing and relocating the facility”; and

WHEREAS, the hearing was opened on February 18, 2020 and the Board heard public comments and continued the public hearing until March 4, 2020; and

WHEREAS, on March 4, 2020 upon request of petitioner, the Board continued the hearing until June 16, 2020; and

WHEREAS, on June 16, 2020 upon further request of petitioner, the Board continued the hearing until July 7, 2020; and

WHEREAS, on July 7, 2020 the Board reconvened the public hearing from February 18, 2020 and at said public hearing on July 7, 2020, gave an opportunity to all interested persons to speak on whether the closing of the 1.5-acre portion of public right-of-way for Lahaina Lane and Ogden Lane which is shown on the attached Exhibit A map would be detrimental to the public interest or deprive any individual owning land in the vicinity of said right-of-way of reasonable ingress and egress to their property; and

NOW, THEREFORE BE IT RESOLVED, that the Mecklenburg Board of County Commissioners has determined and is satisfied that the closing of the portion of said right-of-way of Lahaina Lane and Ogden Lane as shown on the attached map hereto is not contrary to public interest, and that no individual owning property in the vicinity of said right-of-way would thereby be deprived of reasonable ingress and egress to their property when said right-of-way is closed; and be it

FURTHER RESOLVED, that the Mecklenburg Board of County Commissioners does hereby adopt this Order of Closing of the portion of said right-of-way of Lahaina Lane and Ogden Lane; pursuant to the North Carolina General Statute 153A-241, effective once this Order of Closing has been approved; and be it

FURTHER RESOLVED, that the Clerk to the Board of County Commissioners is directed to file a certified copy of this Order for Closing of said right-of-way in the office of the Register of Deeds of Mecklenburg County. The recordation of this Order for Closing shall provide

conclusive evidence of the closing of the 1.5-acre portion of public right-of-way for Lahaina Lane and Ogden Lane which as shown on the attached map hereto.

ADOPTED THE _____ DAY OF _____ 2020.

Approved as to Form

County Attorney

Clerk to the Board

(COUNTY SEAL)