

**MECKLENBURG COUNTY  
BOARD OF COMMISSIONERS**

**ORDER OF CLOSING THE RIGHT-OF-WAY FOR MALLARANNY ROAD**

**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**, a petitioner has requested that 1.001-acres of right-of-way for Mallaranny Road as shown on the Exhibit A map attached hereto be closed; and

**WHEREAS**, Petitioner is proposing to revise the plat and provide access to the properties from Buckland Road either directly or with the recorded access easement. The current access by the Mallaranny Road right of way will be abandoned once the driveways are constructed from the individual parcels to Buckland Road.

**WHEREAS**, the Mecklenburg County Land Use and Environmental Services Agency (LUESA) has determined that in its opinion the closing of the portion of said right-of-way petitioned for closing 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 June 2, 2020, the Mecklenburg Board of County Commissioners declared its intent to close the public right-of-way for Mallaranny Road (1.001 Acres) 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 right-of-way of Mallaranny Road for 6:30 pm on the 7<sup>th</sup> day of July, 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 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 right-of-way to the owners of the adjoining properties who did not join in the request to have said 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**, at said public hearing held on July 7, 2020, the Mecklenburg Board of County Commissioners gave an opportunity to all interested persons to speak on whether the closing of the public right-of-way for Mallaranny Road (1.001 Acres) 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 said right-of-way of Mallaranny Road 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 said right-of-way of Mallaranny Road; 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 public right-of-way for Mallaranny Road (1.001 Acres) as shown on the attached map hereto.

ADOPTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

Approved as to Form

\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Clerk to the Board

(COUNTY SEAL)