

**PETITION
FOR
CLOSING OF PUBLIC ROAD AND RIGHT-OF-WAY**

**STATE OF NORTH CAROLINA
MECKLENBURG COUNTY**

TO THE BOARD OF COUNTY COMMISSIONERS

I (We), the undersigned property owner(s) ("Petitioner"), respectfully petition and request a portion or all of

Name of Road: Latta Avenue

Description of General Location: Located on the south side of Mount Holly Road east of the Creston Circle intersection. The remnant right-of-way is bounded by tax parcels 053-022-10 & 12). as shown on the map attached hereto and made a part of hereof, marked "Exhibit A," be closed in accordance with the provisions of Chapter 153A, Section 241 of the General Statutes of North Carolina.

In support of this Petition, your Petitioner respectfully declares that:

1. (Give reason for requested closing)

To allow for several contiguous properties (approximately 24.13 acres) to be redeveloped with a multi-family residential development as approved by Rezoning Petition 2022-160. The proposed layout of the development shifts the street to the east so that it aligns with the portion of Latta Avenue north of Mount Holly Road. The unopened right-of-way abuts two tax parcels (053-022-10 & 12) which are both under the same ownership.

2. The road (or portion thereof), requested to be closed has not been previously accepted by the North Carolina Department of Transportation (NCDOT) for maintenance, or the NCDOT has relinquished control and supervision of the road (or portion thereof), requested to be closed. If the NCDOT has relinquished control and supervision of the road (or portion thereof) at the request of the Petitioner, or if Petitioner has otherwise come into possession of correspondence from the NCDOT about this matter, please provide evidence of that by attaching correspondence from the NCDOT as an Exhibit B.

Felix Obregon, PE, District Engineer with NCDOT has confirmed via email that the public right-of-way is not maintained by NCDOT.

3. The Petitioner believes that closing of said road or portion of road or easement is not contrary to the public interest.

4. The Petitioner believes that no individual owning property in the vicinity of the road or in the subdivision in which it is located would be deprived of reasonable means of ingress and egress to his or her property.

5. The Petitioner understands that if the road is closed by the Board of County Commissioners, that all right, title and interest in the right-of-way will become vested in those persons owning lots or parcels of land adjacent to the road, and that the title of each adjoining landowner will, for the width of his abutting land, extend to the former center line of the public road that is closed.

6. The Petitioner understands that the right, title or interest vested in an adjoining landowner after the road closing will remain subject to any public utility use or facility (such as, for example, a Duke Power or Duke Energy easement) 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.

7. The petitioner understands that the adjoining landowners will become responsible for any additional property taxes that may result from the increase in the size of their original parcels.

I (We) understand the above statements and agree with the proposed road closure.

Signature

Date

Bygie Mattick
Managing Member – Twelve-Ninety, LLC

Signature

Date

William McGuire
Development Manager – Penler

I (We) understand the above statements and agree with the proposed road closure.

Signature



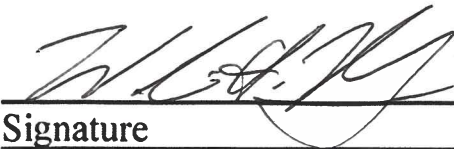
Date

Feb. 7, 2024

Bygie Mattick

Managing Member – Twelve-Ninety, LLC

Signature



Date

Feb 8th, 2024

William McGuire

Development Manager – Penler

PEOPLE ● PRIDE ● PROGRESS ● PARTNERSHIP

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