



Legislation Details (With Text)

**File #:** 18-4730      **Version:** 1      **Name:** Set Public hearing for closing a portion of right-of-way for Sample Road

**Type:** Consent      **Status:** Consent

**File created:** 5/21/2018      **In control:** LUESA

**On agenda:** 6/5/2018      **Final action:**

**Title:** Set Public hearing for closing a portion of right-of-way for Sample Road

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. BA 18-4730 Resolution of Intent to Close portion Sample Road 2018-06-05 Revised, 2. BA 18-4730 Sample Rd RFBA\_\_Exhibit A (Map), 3. BA 18-4730 Notice of Intent Sample Road Hearing for 2018-06-05 Revised, 4. BA 18-4730 Sample Rd RFBA\_\_NCDOT Approval, 5. BA 18-4730 Sample Rd RFBA\_\_Petition

Date	Ver.	Action By	Action	Result
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**Title:**  
**Set Public hearing for closing a portion of right-of-way for Sample Road**

**Summary**

**ACTION:**

- 1. Set a public hearing for July 10, 2018 to hear all interested residents who appear with respect to the closing of a portion of right-of-way for Sample Road**
- 2. Adopt a resolution declaring the Board's intent to close a portion of Sample Road right-of-way**

**Staff Contact:** Dave Canaan, LUESA - Storm Water Services

**Presentation:** No

**BACKGROUND/JUSTIFICATION:**

As the current property owner, Mecklenburg County now petitions to close an 11.47-acre portion of the public right-of-way for Sample Road. The portion of said right-of-way currently provides access to the Latta Plantation Nature Preserve. The County is planning to construct a new visitors center closer to Beatties Ford Road. Because this would place the facility outside the existing gate, a new location for the gate is planned along Sample Road to make the new visitors center more secure. Before the gate can be relocated, rights-of-ways must be

abandoned and/or closed including the currently petitioned 11.47-acre public right-of-way.

At the Mecklenburg Board of County Commissioners' December 20, 2016 meeting, the Board authorized the County Manager to request the North Carolina Department of Transportation (NCDOT) to abandon maintenance of NCDOT's portion of Sample Road within the nature preserve. On April 3, 2018, NCDOT informed the County that none of the 11.47-acre portion of public right-of-way now petitioned to be closed was State maintained. Additionally, a small portion of Sample Road within the preserve is located within Huntersville's jurisdiction. The County is currently petitioning the Town of Huntersville to close their portion of public right-of-way.

To close a right-of-way in the unincorporated part of the County, General Statute 153A-241 requires the board of commissioners to first adopt a resolution declaring its intent to close the public road and calling for a public hearing on the question. The attached Exhibit A ("Map") shows the current right-of-way for Sample Road and the portion petitioned to be closed. Once closed, the 11.47-acre portion of the former public right-of-way will become vested to Mecklenburg County.

**PROCUREMENT BACKGROUND:**

N/A

**POLICY IMPACT:**

N/A

**FISCAL IMPACT:**

N/A