

CUMBERLAND COUNTY PIN: _____

PROPERTY OWNER: _____

**PETITION REQUESTING THE CLOSURE OF A PUBLIC ROAD OR EASEMENT
DESIGNATED AS _____
PURSUANT TO N.C.G.S. § 153A-241**

The undersigned, being all the owners of the parcel with the PIN written above and located at

_____ ,

request(s) the Cumberland County Board of Commissioners to permanently close the public road or easement lying within Cumberland County and not within any municipal limits designated with the name written above and described as follows:

My/Our mailing address is _____.

My/Our telephone number is _____.

My/our email address is _____.

The notice from the NCDOT that the above designated road is not under its control and supervision is (attached) or (is to be provided by _____.)

The legal description to be used for the order of closure is (attached) or (is to be provided by _____.)

Date submitted: _____

Individual Owner: _____
Printed name

Signature

Individual Owner: _____
Printed name

Signature

Corporate Owner: _____
Name of Corporation

By: _____
Signature of corporate officer

LLC Owner: _____
Name of LLC

By: _____
Managing Member

State of _____

County of _____

I, _____, a Notary Public of the aforesaid State and County, hereby certify that _____ personally appeared before me as owner or as the corporate officer or managing member of a limited liability company, as indicated, and acknowledged the due execution of the foregoing petition.

Witness my hand and official seal this _____ day of _____, 201__.

Notary Public
My commission expires: _____

State of _____

County of _____

I, _____, a Notary Public of the aforesaid State and County, hereby certify that _____ personally appeared before me as owner or as the corporate officer or managing member of a limited liability company, as indicated, and acknowledged the due execution of the foregoing petition.

Witness my hand and official seal this _____ day of _____, 201__.

Notary Public
My commission expires: _____

INSTRUCTIONS FOR FILING A ROAD CLOSING PETITION FOR CONSIDERATION BY THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS

The Board of Commissioners must follow the procedures set forth in N.C.G.S. § 153A-241 for closing public roads or easements. A copy of that statute is copied on the back of these instructions.

There is a fee of \$750 for each portion of the road or easement for which a separate legal description is provided. The fee must be submitted to the County Attorney's office before the request is placed on an agenda for consideration by the Board of Commissioners. The fee covers the cost of advertising the public hearing for three successive weeks and providing notice to abutting owners not submitting petitions.

A petition form must be filled out, signed and notarized for each property owner requesting the road or easement to be closed. In order to submit a petition, the owner's property must abut the road or easement. All abutting owners should submit petitions. The abutting owners who have initiated the request are responsible to contact all the other abutting owners.

The abutting owners who have initiated the request are also responsible to obtain a letter from the NCDOT stating that the road or easement is not under its control or supervision. The NCDOT may be contacted at the Fayetteville District Office.

If the description of the closure in the petition does not include a reference to a recorded plat of the road or easement that shows the boundaries of the area for which closure is requested, a recordable plat prepared by a N.C. licensed surveyor must be presented with the petition by the abutting owners initiating the request.

The legal description that will be incorporated into the order of closure must also be presented with the petition of one of the adjoining property owners. The legal description must indicate the name of the surveyor or attorney who prepared it.

§ 153A-241. Closing public roads or easements.

A county may permanently close any public road or any easement within the county and not within a city, except public roads or easements for public roads under the control and supervision of the Department of Transportation. The board of commissioners shall first adopt a resolution declaring its intent to close the public road or easement and calling a public hearing on the question. The board shall cause a notice of the public hearing reasonably calculated to give full and fair disclosure of the proposed closing to be published once a week for three successive weeks before the hearing, a copy of the resolution to be sent by registered or certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed, and a notice of the closing and public hearing to be prominently posted in at least two places along the road or easement. At the hearing the board shall hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual property rights. If, after the hearing, the board of commissioners is satisfied that closing the public road or easement is not contrary to the public interest and (in the case of a road) that no individual owning property in the vicinity of the road or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the board may adopt an order closing the road or easement. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county.

Any person aggrieved by the closing of a public road or an easement may appeal the board of commissioners' order to the appropriate division of the General Court of Justice within 30 days after the day the order is adopted. The court shall hear the matter *de novo* and has jurisdiction to try the issues arising and to order the road or easement closed upon proper findings of fact by the trier of fact.

No cause of action founded upon the invalidity of a proceeding taken in closing a public road or an easement may be asserted except in an action or proceeding begun within 30 days after the day the order is adopted.

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. (1949, c. 1208, ss. 1-3; 1957, c. 65, s. 11; 1965, cc. 665, 801; 1971, c. 595; 1973, c. 507, s. 5; c. 822, s. 1; 1977, c. 464, s. 34; 1995, c. 374, s. 1.)