## FORSYTH COUNTY BOARD OF COMMISSIONERS



| MEETING DATE: | JANUARY 9, 2017 AGENDATIEM NUMBER:                           |
|---------------|--|
|               |  |
|               |  |
| SUBJECT: A    | . PUBLIC HEARING ON CLOSING AN UNNAMED ROAD IN HASTINGS HILL |
|               | FARM SUBDIVISION, PHASE 1                                    |
|               |  |
| F             | . ORDER CLOSING AN UNNAMED ROAD IN HASTINGS HILL FARM        |
| -             | SUBDIVISION, PHASE 1   |
|               | COBBITIOION, I TIACE I                                       |
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| OOLINETY BEAR | A OFFICE RECOMMENDATION OF COMMENTS.                         |
| COUNTY MAN    | IAGER'S RECOMMENDATION OR COMMENTS:                          |
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| SUMMARY OF    | FINFORMATION:  |
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| ATTACHMENTS:  | X YES NO   |
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| SIGNATURE:    | DATE:  |
|               | COUNTY MANAGER   |

| NORTH CAROLINA | ) | ORDER CLOSING AN UNNAMED ROAD IN        |
|----------------|---|---|
|                | ) | HASTINGS HILL FARM SUBDIVISION, PHASE 1 |
| FORSYTH COUNTY | ) |   |

WHEREAS, a Petition was filed on the 3<sup>rd</sup> day of October, 2016, with the Forsyth County Board of Commissioners, pursuant to N.C.G.S. 153A-241 to close an unnamed road in Hastings Hill Farm Subdivision, Phase 1 as hereinbelow described; and

WHEREAS, on the 14<sup>th</sup> day of November, 2016, at a regular meeting of the Forsyth County Board of Commissioners, a resolution fixing the date and hour for a public hearing on said petition and declaring intent to close was adopted by unanimous vote of said Board of Commissioners; and the date and hour were fixed as the 9<sup>th</sup> day of January, 2017 at 2:00 P.M., in the Commissioners' Meeting Room of the Forsyth County Government Center, in the City of Winston-Salem, North Carolina; and

WHEREAS, notice of the Board's intent to close and scheduled public hearing was published once a week for three successive weeks in the Kernersville News, a newspaper of general circulation published in the City of Kernersville, North Carolina, and notice of the proposed closing and public hearing was posted in at least two prominent places along said unnamed road in Hastings Hill Farm Subdivision, Phase 1 for 28 days preceding the final hearing; and notice was also mailed to abutting owners all as required by law and stated in the Resolution Declaring The Forsyth County Board Of Commissioners' Intent To Close An Unnamed Road In Hastings Hill Farm Subdivision, Phase 1 And Calling A Date For Public Hearing On The Matter; and

WHEREAS, all of the adjoining land owners to the public Hastings Hill Farm Unnamed Road were petitioners; and

WHEREAS, at a meeting of the Forsyth County Board of Commissioners held on the 9<sup>th</sup> day of January, 2017, a public hearing was held on the petition to close an unnamed road in Hastings Hill Farm Subdivision, Phase 1; and

WHEREAS, it appears to the satisfaction of the Forsyth County Board of Commissioners, that the closing of said unnamed road in Hastings Hill Farm Subdivision, Phase 1 is not contrary to the public interest and that no individual owning property adjoining, abutting or in the vicinity of said street or road will thereby be deprived of reasonable means of ingress and egress to his property; and

WHEREAS, the documents pertaining to the closing are on file in the Office of the Clerk of the Board of County Commissioners, and are incorporated herein by reference as if fully set forth herein;

NOW, THEREFORE, IT IS ORDERED by the Forsyth County Board of Commissioners:

That the said unnamed road in Hastings Hill Farm Subdivision, Phase 1 more particularly described as follows:

Beginning at the southeast corner of Lot 11 of Hastings Hill Farm, Phase 1 as set forth in Plat Book 45 at Page 29 in the Office of the Register of Deeds of Forsyth County, North Carolina in the west margin of the right of way of Water Mill Road; thence with the west margin of the right of way of Water Mill Road South 15° 39' 41" West 50 feet to the northeast corner of Lot 12 of Hastings Hill Farm, Phase 1; thence with the north boundary of Lot 12, North 73° 53' 22" West 125 feet to a point at the northwest corner of Lot 12 located in the east boundary of the property of Imogene L. Elam; thence with the east boundary of the property of Imogene Elam and the west termination boundary of the Hastings Hill Farm Unnamed Street as set forth on the aforesaid plat of Hastings Hill Farm, Phase 1, North 15° 39' 41" East 50 feet to a point at the southwest corner of Lot 11 of Hastings Hill Farm, Phase 1 as aforesaid; thence with the south boundary of Lot 11, South 73° 53' 22" East 125 feet to the point and place of Beginning and being a strip 50 feet in width and 125 feet in length lying between Lot 11 and Lot 12 of Hastings Hill Farm, Phase 1 as set forth in Plat Book 45 at Page 29 as recorded in the Office of the Register of Deeds of Forsyth County, North Carolina

is hereby closed and that a certified copy of this Order shall be filed in the Office of the Register of Deeds of Forsyth County.

This the \_\_\_\_ day of January, 2017.

[SIGNATURES ON NEXT PAGE]

### FORSYTH COUNTY BOARD OF COMMISSIONERS

|  | Ву                 |          |  |  |
|--|--------------------|----------|--|--|
| Attacti  |                    | Chairman |  |  |
| Attest:  |                    |          |  |  |
| AMMANA, Adapta and Assault | Clerk to the Board |          |  |  |
| (SEAL)   | Clerk to the Board |          |  |  |

| NORTH CAROLINA                                    |   |
|---|---|
| FORSYTH COUNTY                                    | ) CERTIFICATION<br>)  |
|   |   |
| I,<br>Board of Commissioner                       | DO HEREBY CERTIFY that the attached Order Closing An  |
| Unnamed Road In Hastin                            | s Hill Farm Subdivision, Phase 1 was duly adopted by the Forsyth  |
| County Board of Commis<br>of the Forsyth County G | ioners at its regular meeting held January 9, 2017 on the Fifth Floor vernment Center in Winston-Salem, North Carolina, and that said |
| Order is duly recorded in                         | e Official Minutes of said meeting.   |
| Witness my hand a                                 | d official seal of Forsyth County, this day of January, 2017.   |
|   |   |
|   |   |
|   | Clerk to the Board  |
|   | (SEAL)  |

### NORTH CAROLINA

## AFFIDAVIT OF PUBLICATION AND POSTING OF SIGNS

FORSYTH COUNTY

The undersigned, RAYMOND D. THOMAS first being duly sworn, deposes and says:

- A. That he is the attorney for petitioners, Janis A. Pease, Arden Group, LLC and Imogene L. Elam herein.
- B. That a Petition was filed on the 3rd day of October, 2016, with the Board of County Commissioners of Forsyth County, North Carolina, requesting the permanent closing of the unnamed road in the Hastings Hill Farm Subdivision, Phase 1 described in the petition.
- C. That on the 14th day of November, 2016, the Board of County Commissioners adopted a Resolution fixing the 9th day of January, 2017, at 2:00 P.M. as the time of the hearing on the Petition to close the above-stated unnamed road in the Hastings Hill Farm Subdivision, Phase 1.
- D. That a copy of the attached Resolution setting forth the time for the hearing of the Petition was published in the Kernersville on the 24 day of November, 2016; the 1 day of December, 2016 and the 8th day of December, 2016, as shown in the attached Publisher's Affidavit.
- E. That two legible signs were located on each end of the unnamed road in Hastings Hill Farm Subdivision, Phase 1 for twenty-eight days preceding the hearing, and signs being large enough to be easily read by passerby. As shown on the Exhibit attached hereto the language on the sign reads as follows:

"The Board of County Commissioners of Forsyth County will hold a public hearing at 2:00 P.M. on January 9, 2017, in the Commissioners' Meeting Room in the Forsyth County Government Center, concerning a Petition requesting that this unnamed road in Hastings Hill Farm Subdivision, Phase 1 be closed."

This the 21st day of December, 2016.

Attorney for Petitioners – Raymond D. Thomas

116-C South Cherry Street, Kernersville, NC 27284 336-996-4700

Notary Public - North Caroling

Sworn to and subscribed before me by Raymond D. Thomas, this the

21st day of December, 2016.

Notary Public

Printed/Typed Name of Notary: Susan M. Bennett

Bernett

My Commission Expires: August 5, 2017

SUSAN BENNETT Notary Public - North Carolina Guilford County resolution declarms the forsyth county board of commissioners: Mitent to close an unhamed road in martikgs Hill Fram Subdy-viron, Phase 1, and Calling a Date for Publid Hearikg on the Matter

WhiFiRAS, on October 3, 2016, a Petition was alled with the Foreith County Board of Commissioning on Densit of Petitioners, Jarys A, Pesse, Ayden Group, LLC, and Impages L, Elem requesting the closing of an unremained read in festings that Farm Subdytision, Phase 1, hereinafter described, which property is ying and being within the county times or resyst young and being within the county times or resyst ying and being within the county times or resyst ying and being within the county times or resyst ying and being by their to the Foreyth County Section of County, and it appearing to the Foreyth County Section of County, and it appears for the question of Jesus the unremained road in Heatings Hall Farm, pursuent to authority conferred upon counties by the provisions of IN CO.8.15.34, 244, and
WhiteReAs, on September 8, 2016, the North Cardina Board of Transportation approved ablandaryngers (cm Sube Neitzerance of a portion of SR4800, Water Mill County and

from State Meinterfence of a portion of SR4600, water Mill Court, and ...

WHEREAS, the Planning and Development Services Department concludes that there would be no regality impacts from the right of may leding decided on the evolvent form the right of may leding decided on the evolvent formation of in Hastings Hill Farm Subdivision. Phase 1; and ...

WHEREAS, based on said Patinton to Close an unnamed road in Hastings Hill Farm Subdivision, Phase 1; and the abover Planning staff Entities. In the road Countries the right of the said unnamed road in Hastings Hill Farm Subdivision. Phase 1; and ...

WHEREAS, the Foreight Country Search for Commissioners wit cast a public hearing on the Patitor to Close an imparised road in Hastings Hill Farm Subdivision, Phase 1; notking the suppositing for Monday, January 9; 2017; at 2,00 p.m. in the Commissioners' Sheating Room on the Pith hor of the Forsyth Country. Mealing Room on the 18th floor of the Forsyth County Government Cepter, and

whereas, and whereas are the provisions of N.C.S. 1534-241, the French County Board of Commissioners will direct the relationers to cause notice of the public hearing reasonably calculated to give full and left disclosure of the proposed road county to be published once a week for three successive weeks. before the hearing date, a copy of this Resolution to be sent by registered or certified mail to each eveneres be sent by regalard or certified mail to each owner as shown on the county tax records of property adjoining the effected portion of the public road who did not join in the Pretition to Goose an unemed road in fleesings. Hill Ferm Subdivision, Phase 1, and a notice of the cooling and public hearing to be prominently posted in all least two ploces along the unemmed road in teatings to the Transport of the University of the

Foreyth County Board of Commestioners as follows: (1) That the Board of Commissioners hereby its intent to close said unnamed road in

Hastings Hill Farm Sundivision, Phase 1, as described in and pursuant to the provisions of the atteched Petition to Cose;

(2) That the date and hour fixed for a public hearing on early Petition to Cose;

(2) That the date and hour fixed for a public hearing on early Petition to Cose an unnamed road in heatings the Ferm Subdivision, Prisss 1, is hiproxy set for Monday, Jakuary 9, 2227, is 2,00 p.m.; in the Commissioners Meethed Broom on the fifth Floor of the Forseth County Opcomment Center at 2014. Chestnut Street in Winston Salam, North Carolina.

(3) That is a persons who are interested in the chairs of the tenament from the Hastings Hill Farm Subdivision Phase 1; and dealing to be heard, are leastly should be appear before the Forseth County Sport of Commissioners, at the above-scheduled public Scanne, at which time and piece they will be heard in salary at which time and piece they will be heard in salary at which time and piece they will be heard in salary at which time and piece they will be heard in soloning the closing of the Information at the soloning of the Institute Hill Farm Subdivision. Phase 1 described at 1800mb. Degranning si the southeast corper of Lot 1.2 if Institute Hill Farm, Phase 1.3 as and forth in Piat Book 45 at Farse 29 in the Office of the Register of Deeds of Forsyth County. North Carolina in the west margin of the right of way of Water Mill Book 45 at Farse 29 in the Office of the Register of Deeds of Forsyth County. North Carolina in the northwest corner of Lot 1.2 of Hastings Hill Farm, Phase 1; huncown the north boundary of Lot 1.2, North 7.3° 53' 22' West 1.26' feet to a point at the northwest corner of Lot 1.2 forsted in the seast countery of the property of Imagina Early and the time and the west termination boundary of Lot 1.3 South 7.3' 53' 22' East 1.26' feet to 1 to the South and 1.25' free in a region of Lot 1.1 of Hastings Hill Farm, Phase 1 in the South and 1.25' free in a region of the gran the south and 1.25' free in a region of the gran the south and 1.25' free in

North Coroline:

(4) That the Politioners be and they are heroby directed to send a copy of this fresolution by registered or certified mail to each growing, as shown on the computer records of physicity adjoining the said chromed road in Hastings Hill Form Subdivision, Phase 4: to be closed, who did find froin in the requisit to have the said unhamed road in Hastings Hill Form Subdivision, Phase 4: to be closed, and

(b) That the Politioners be and they are hereby directed to publish this Resolution in a qualified county newholes once a work for three (3) successive weeks preceding the date herein fixed for public hearing on the Polition to glose the unparted could in Hastings Hill Farm Subdivision, Phase 1 and to cause notice of the proposed docting and public hearing to be prominently posted in all less two (2) perces along said portion of the uninsmed road in Hastings Hill Farm Subdivision, Phase 1.

Adopted this 14th day of November 2018.

November 24, December 1, 8, 2018

#### NORTH CAROLINA FORSYTH COUNTY

#### AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally

| appeared | Connie | Owensby |  |  |  |
|----------|--------|---------|--|--|--|
|----------|--------|---------|--|--|--|

who being first duly sworn, deposes and says: that he (she) is Vice-President

(Owner, partner, publisher, or other officer or employee authorized to make this affidavit)

of KERNERSVILLE NEWS, engaged in the publication of a newspaper known as KERNERSVILLE NEWS, published, issued, and entered as second class mail in the City of Kernersville in said County and State; that he (she) is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in the KERNERSVILLE NEWS on the following dates:

November 24, December 1, 8, 2016

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such pu blication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 8th day of December, 2016.

Cornie Quenoly (Signature of person making affidavit)

Sworn to and subscribed before me, this 8th day of

December, 2016.

My Commission expires: (-3(-20))

MEREDITH HARRELL Notary Public - North Carolina **Guilford County** My Commission Expires January 31, 2017

# PUBLIC NOTICE

THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY WILL HOLD A PUBLIC HEARING AT 2:00 P.M. ON THE 9th DAY OF JANUARY, 2017 IN THE COMMISSIONERS' MEETING ROOM IN THE FORSYTH COUNTY GOVERNMENT CENTER CONCERNING A PETITION REQUESTING THAT THIS UNNAMED ROAD IN HASTINGS HILL FARM SUBDIVISION, PHASE 1 BE CLOSED.

#### NORTH CAROLINA

#### AFFIDAVIT OF MAILING

#### FORSYTH COUNTY

The undersigned, Raymond D. Thomas, after first being duly sworn, deposes and says:

- A. That he is Attorney for petitioners herein.
- B. That is was not necessary to mail a copy of the Resolution Declaring Intent to Close and setting forth the Time for the Hearing of the Petition on the closing of the above described Hastings Hill Farm Unnamed Street because all of the adjoining land owners to the public Hastings Hill Farm Unnamed Street were petitioners and requested the closing of said public street.

This the 21st day of December, 2016.

Attorney for Petitioners Raymond D. Thomas Thomas and Bennett 116-C South Cherry Street Kernersville, NC 27284 (336) 996-4700

Sworn to and subscribed before me by Raymond D. Thomas Attorney for Petitioners, this the 21st day of December, 2016

Notary Public

Printed/ Typed Name of Notary: Susan M. Bennett

My Commission expires: August 5, 2017

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