



RIGHT-OF-WAY ABANDONMENT POLICY

D & D Services
305 E. Union St A100
Morganton, NC 28655
P: 828.438.5260

Fee: \$500.00 + cost of advertisement

Fees are subject to change without notice

All pages must be completely filled out before application is accepted. For assistance filling out this application, contact Development & Design Services.

Overview

Upon request, the City may consider abandonment of public Right of Way (ROW).

North Carolina General Statute (NCGS) 160A-299 gives the City of Morganton the authority to abandon street ROW following a public hearing and a determination that the abandonment:

- Is not contrary to the public interest.
- Does not deprive any individual(s) that own property nearby of reasonable means of ingress and egress to their property.
- Is not contrary to preserving community connectivity.

The Department of Development & Design Services is responsible for administering the City's ROW Abandonment Program.

The majority of the City's ROW has been dedicated to the City, meaning that it was not purchased. When ROW is abandoned at these locations, the land is split evenly to the adjacent property owner(s), should the City Board approve the abandonment request.

Typically, ROW requested for abandonment is:

- Unimproved, unopened ROW that has no pavement, curb/gutter or sidewalk.
- ROW that exceeds the minimum width requirements, based on street classification.
- Residual (leftover) ROW resulting from a street or intersection realignment project.
- ROW that is not necessary to support the City's street connectivity.

Process

The City's review process takes approximately 2-3 months. Some of the items that are included in the review process are:

- Applicant submits Right of Way Abandonment Petition Form (as per requirements outlined below).
- The City Council may adopt a resolution on intent to close the road or portion thereof.
- Notification and request for comments to adjacent/abutting property owners by registered or certified mail.
- Notification and request for comments to all public and private facilities.
- Call public hearing.
- Advertise as a legal notice once a week for four weeks.
- Hold public hearing.
- Vote by City Council
- The City Council may adopt an order closing the street (a copy of which would be recorded at the register of deeds).

Right of Way Abandonment Petition Requirements

- A cover letter to include contact information (name, address, phone number) for the petitioner.
- One completed and signed original copy of the Right of Way Abandonment Petition.
- Scaled drawings of a survey showing the ROW to be abandoned, including a vicinity map. The survey shall be labeled Exhibit A and shall be signed and sealed by a licensed professional land surveyor. All drawings must be 8-1/2" by 11" in size.
- A Metes and Bounds description of the ROW to be abandoned. The description shall be labeled Exhibit A and shall be signed and sealed by a duly licensed professional land surveyor.
- Memorandum of Understanding signed by all the abutting property owners, including addresses and parcel numbers.
- Check payable to the City of Morganton in the amount of \$500.00. Public Hearing must be advertised 4 weeks. Cost of advertisement will be billed to applicant

**PETITIONER'S PROCEDURES FOR
REQUESTING THE CLOSING OF DEDICATED STREETS AND ALLEYWAYS**

1. To initiate the process to close a street or alley, or any portion thereof, shall be filed between the hours of 8:00am and 5:00pm, Monday through Friday with the:

City of Morganton
Development & Design Services
Department
305 East Union Street
Suite A-100
Morganton, NC 28655
Telephone No. 828-438-5260

2. The following documents shall be included with the petition:

(a) A legal survey identifying the area to be abandoned. The boundaries of the right-of-way shall be described on the survey map. Include a note on the survey map giving the source of the boundary information. Dimensions shall be shown which clearly define the location of the right-of-way subject to abandonment. The survey map shall also show the names of all abutting/adjoining property owners to the abandonment area. The original survey map should be labeled "Exhibit A" and be on 8 ½" x 11" paper. The legal description (metes/bounds) should be labeled "Exhibit B". In the event that multiple streets/alleyways are submitted, the original survey maps should be labeled "Exhibits A-1, A-2..." and the legal descriptions (metes/bounds) labeled "Exhibits B-1, B-2..."

(b) An agreement of understanding (attached) signed by the owners of all abutting/adjoining property to the area proposed for abandonment.

3. If this abandonment petition is affiliated with a proposed development project, the following information must be provided under item #1:

- (a) Development project name (if subdivision, provide subdivision approval date)
- (b) Type of Project (Single family, Multi-family, Commercial, Other)
- (c) Rezoning petition number/Council approval date

4. The petition is to be typed on 8 ½" x 11 white paper with a cover letter giving the name address and telephone number of the person to be contacted if additional information is required.

5. The application fee required to begin the abandonment process review is \$500.00 Public Hearing must be advertised 4 weeks. In addition to process review fee the cost of advertisement will be billed to applicant

STATE OF NORTH CAROLINA

COUNTY OF BURKE

**TO THE MEMBERS OF THE CITY COUNCIL OF MORGANTON,
NORTH CAROLINA**

(name of petitioner) _____ respectfully files this
Petition and requests that (a portion or all of),

(name of street or location of alley) _____

lying (general description of location) _____

_____ as shown on the map attached hereto and made a part hereof marked "Exhibit A", be closed and abandoned in accordance with the provisions of Chapter 160A, Section 299, subsection (a) of the General Statutes of North Carolina.

In support of this Petition, your petitioner respectfully alleges that: *(give reason for requested closing)*

1. _____

2. The closing of _____ Street is not
contrary to the public interest.

3. No individual, partnership or corporation owning property in the vicinity of _____
Street or in the subdivision in which it is located will be deprived of reasonable means of ingress
and egress to his or its property by virtue of the closing.

4. The street (or portion thereof) which petitioner requests be closed and
abandoned is more particularly described in "Exhibit B", attached hereto and
made a part hereof.

Wherefore, petitioner respectfully requests the City Council of the City of
Morganton to consider this Petition and set the time for public hearing upon this matter
as required by law.

Respectfully submitted the _____ day of _____, _____

(signature of petitioner)

(Print Name)

Address: _____

Telephone Number: _____

