



APPLICATION FOR Right-of-Way Abandonment

Village of Marvin Planning Department
10006 Marvin School Road
Marvin, NC 28173
Phone: (704)843-1680; Fax: (704)843-1660
Website: www.marvinnc.gov

PURPOSE

A Right-of-Way Abandonment application is required when an owner of property located adjacent to a street or other public right-of-way seeks to close the street or other public right-of-way and convert it to private property. Upon request, the Village may consider abandonment of public right-of-way.

North Carolina General Statute (NCGS) 160A-299 gives the Village Council the authority to abandon street right-of-way 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 the adopted policy to preserve existing right-of-way for connectivity.

In consideration of the statutory requirements above, the Village shall require the following, as applicable,

- Where roads are located within a platted subdivision, all roads offered for public dedication, within the subdivision must be abandoned and 100% of all lot owners owning property within the subdivision must provide written consent.
- A Maintenance Plan and Agreement must be signed with the Village, ensuring the maintenance of all roads and other related structures and amenities, will be maintained by the subdivision
- Declaration of Covenants, Conditions and Restrictions ensure the HOA has established provisions for maintaining all roads within the subdivision and has adopted adequate provisions to ensure road maintenance is funded and shared equally among all lot owners and that all lot owners shall bare responsibility for the funding and maintenance of roads within the subdivision.

INSTRUCTIONS

1. **Application Procedure** – To initiate the process to close a street or alley, or any portion thereof, the applicant must submit a written application to the Marvin Planning Department using the forms included in this packet. The application fee is **\$750.00**. If advertising costs are less than \$500.00, the balance remaining after payment of actual advertising costs will be reimbursed to applicant.
2. **Site Plan / Legal Survey** – To The following documents shall be included with the application:
 - a. A legal survey or subdivision plat properly identifying the area to be abandoned.
 - b. The boundaries of the right-of-way shall be described on the survey map.
 - c. Dimensions shall be shown clearly defining 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.
 - d. The original survey map should be labeled “Exhibit A” and be on 8” x 11” paper.
 - e. The legal description (metes/bounds) should be labeled “Exhibit B”.
 - f. 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...”
3. **List of Property Owners**. Signatures are required by the owners of all abutting/adjoining property to the area proposed for abandonment.
4. **Public Hearing Procedure** – The processing of applications for permanently closing streets is prescribed by the NCGS §160A-299. Upon submittal of a complete application packet and filing fee payment, the Planning Department will prepare the information, provide a recommendation, and submit a report to the Marvin Village Council. The Village Council may adopt a *Resolution of Intent* declaring its intent to close the street or alleys, set a date for a public. hearing on the proposed closure, and authorize its advertisement.

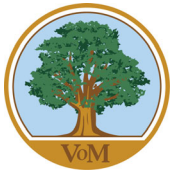


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5. **Effect of the Resolution of Intent** - If the *Resolution of Intent* is adopted by the Village Council, the following actions shall be completed:
- Petitioner receives a copy of the resolution fixing the date of the public hearing.
 - Advertise the public hearing for four successive weeks prior to the hearing in accordance with NCGS §160A-299.
 - Provide the Village Council with the names and addresses of all surrounding property owners and land uses.
 - Send by registered or certified mail, public hearing notification letters to all owners of property adjoining the street.
 - Post a notice of the closing and public hearing in at least two places along the street or alley.
 - Hold a public hearing before the Village Council and the resolution ordering the closing of the street or alley is either adopted or denied.
6. **Council Approval** - If adopted, petitioner will receive a copy of the adopted resolution by mail. Resolution ordering the closure will be recorded at the Register of Deeds office. Once recorded, the portion of the street or alley is considered formally closed. Each adjoining property owner receives his/her portion of the closed area unless altered by the assent of all adjoining property owners as set out in the General Statutes of North Carolina. Such alteration could be for an HOA to take ownership of the entire closed area.
7. **Utility Improvements or Easements** – The Village may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to NCGS §160A-299.
8. **Submission of the Application** – All items noted above shall be delivered to Village Hall or submitted to the Planning and Zoning Director electronically.
- Village of Marvin Planning Department
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9. **Village Council Submittal Deadline and Schedule of Meetings** – Complete application packets are required prior to Council Adoption of the Resolution of Intent. This provides the Planning Department and Village Engineers with time to review the application and assess the information provided in the application packet. All signatures are required. If the Planning Department determines required signatures are missing from the petition, application processing shall be delayed until required signatures are provided.

FOR OFFICE USE ONLY	
Application Received By:	Application Date:
File Name:	Case #:
Filing Fees Paid:	Date Fees Received:
Date of Village Council Meeting:	Date of Public Hearing (if applicable):



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**TO THE MEMBERS OF THE VILLAGE COUNCIL OF MARVIN,
UNION COUNTY, NORTH CAROLINA:**

_____ respectfully files this Petition
Name of Petitioner

and requests that (a portion or all of) the following road or alleyway, so named as follows:

Official 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 the following:

Give Reason for Requesting Closing

No owner owning property in the vicinity of the street or alley sought to be closed in this Petition would thereby be deprived of reasonable means of ingress and egress to their property.

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 thereof

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

Respectfully submitted the _____ day of _____ day of _____

Signature of Petitioner

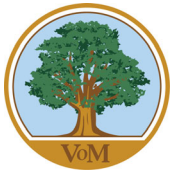
Print Name

Address: _____

Telephone Number: _____



PLANNING & ZONING



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We, the undersigned property owners, owning land abutting the street or alley shown on the Petition, hereby consent and request that the Marvin Village Council close such street as set forth in the Petition.

Parcel Identification Number	Lot Number (if designated on Plat)	
Property Owner(s):		
Mailing Address		
City:	State:	Zip Code:
Signature(s):		

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