



Town of Carolina Beach, NC
Planning and Development

1121 N. Lake Park Boulevard
Telephone: (910) 458 2978 FAX: (910) 458 2997
www.carolinabeach.org

STREET CLOSING PETITION

CLOSING OF PUBLIC STREETS AND ALLEYS

Section A.

SUBMITTAL REQUIREMENTS

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF). If any information is missing from the petition package, you will be asked to complete the petition and re-submit, so please check the list below carefully before you submit:

- \$425 FILING FEE.** The petitioner(s) pays for advertisement in a newspaper of general circulation for four consecutive weeks, 2 hours staff analysis, 2 hours in hearings, 4 hours of clerical time (agenda preparation, hearing minutes, legal advertisements, typing) 1 hour case close-out.
- NEW HANOVER COUNTY PROPERTY IDENTIFICATION MAP.** The petitioner(s) must obtain a New Hanover County Property map from the Carolina Beach Planning Department showing the existing roadway to be closed and all abutting properties.
- DESCRIPTION OF THE STREET OR ALLEY.** The petitioner(s) must list the description of the street or alley (using the form on Page 3 of this application, and give his / her name, address, city, state, zip code and telephone number.
- LIST OF PROPERTY OWNERS.** The parcel identification number, names and addresses of the property owners utilizing the street right-of-way should be listed on Page 4&5. The petitioner(s) should obtain the signature of each property owner listed on the petition.

STREET AND ALLEY CLOSING PROCESS:

In order to meet all legal requirements regarding closing a street or alley or abandoning public right-of-way, it is recommended that the petitioner(s) employ counsel. This will also assure property owners of clear title to the petitioned property in the event the Town Council chooses to adopt a resolution to close the street.

Once the petition has been received, the Planning Department will coordinate a review of the proposed street closing with other Town Departments. Town Administration will make a recommendation to the Town Council. The Council will hold a public hearing, and then decide if the closing is in the public interest. If they determine that it is, they will pass a resolution closing the street or alley. At this time, the abutting property owners may submit recombination plats showing the new property lines to the Planning Department, wherein they will be authorized for recording in the New Hanover County Register of Deeds office.

All of the items noted above shall be delivered to town hall or be mailed to:

Carolina Beach Planning Department
1121 N. Lake Park Blvd.
Carolina Beach, NC 28428

Street Closing Petition
Form Revised February 21, 2006

Section B.

NOTICE TO PETITIONERS

1. *Please read the petition and all other information carefully. It is important that you understand what you are signing and how it will affect you.*
2. *Find your property on the enclosed map. Each lot is assigned a number and you must sign beside the number that indicates your lot. If you own more than one affected property, you must sign beside each parcel listed that you own.*
3. *Make sure your deed and the petition map's road frontage correspond with one another. If there is a discrepancy, write the road frontage noted on your deed in the space provided on the petition.*
4. *Sign the petition as signed on the deed. If there are multiple owners, signatures must be listed in the same manner as on the deed.*
5. *If you are signing on behalf of a corporation, give your title and place your corporate seal over your signature.*

Note: Incorrect signatures are not binding on the petition and may cause delay in processing. If you have any questions call the Planning Department at 458-2978. Please read the below excerpt from the North Carolina General Statutes that describes the process of law that must be followed by the City to close a street or alley.

N. C. G. S. 160A-299 Procedure for permanently closing streets and alleys.

- (a) *When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and call a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interests, or the property rights of the individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would be thereby deprived of reasonable means of ingress or egress to this property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgement of the court) shall be filed in the office of the register of deeds of the county in which the street or any portion thereof, is located.*
- (b) *Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. The court shall hear the matter de novo, and shall have full jurisdiction to try the issues arising and to order the street or alley closed upon proper findings of fact by the jury. No cause of action or defense founded upon the invalidity of any proceedings taken closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun 30 days after the order is adopted.*
- (c) *Upon closing of a street or alley in accordance with this section, all right, title and interest in the right-of-way shall be conclusively presumed to be vested in those person owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.*
- (d) *This section shall apply to any street or public alley that has been irrevocably dedicated to the public, without regard to whether it has actually been opened.*
- (e) *No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto (1971, c. 698, s. 1; 1973, c. 426, s.47; c. 507, s. 5; 1977, c.464, s. 34)*

Section C.
SUMMARY INFORMATION

1. Official street or alley name: _____
2. Location of the street or alley: From (name of intersecting street) _____ extending (direction) _____
(distance in feet) _____ to (name of intersecting street; if dead in or turnaround, state "termination") _____
3. Two (2) copies of tax maps or subdivision plats drawn to scale (at least 1" = 50') depicting the public street or alley right-of-way requested to be closed, showing the names of adjacent property owners, and indicating the location in relation to adjacent intersections and streets. _____

1. REASON FOR CLOSING THE STREET:

3. THIS PETITION WAS SUBMITTED BY:

NAME: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

DAYTIME TELEPHONE: _____ FAX: _____

4. TODAY'S DATE: _____

5. NEW HANOVER COUNTY PROPERTY MAP – Attached is a copy of the New Hanover County Property Map which shows the subject street or alley and surrounding properties (Obtain from Carolina Beach Planning Department, 1121 N. Lake Park Blvd.)

WE, THE UNDERSIGNED PROPERTY OWNERS, owning land utilizing the street or alley shown on the attached map, hereby petition the Carolina Beach Town Council to close and withdraw acceptance of dedication of such land for street purposes. The parcel identification numbers below refer to parcels as shown on the attached map dated _____.

PARCEL IDENTIFICATION NUMBER _____ ROAD FRONTAGE (from deed) _____
PROPERTY OWNER: _____
MAILING ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
SIGNATURE: _____

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