

## TOWN OF BLACK MOUNTAIN, NORTH CAROLINA

### STREET CLOSING PROCEDURE

The following procedure must be followed for all street closing requests:

(1) When property owners propose to permanently close any street or public alley, they must petition the Black Mountain Board of Aldermen requesting that the described street or public alley be closed. All property owners whose property abuts the street or right-of-way as shown in the county tax records must sign the petition.

(2) The petition will then be submitted to the Black Mountain Planning Board for their consideration at their next scheduled meeting. If the Planning Board feels that the closing of said street or public alley is not contrary to the public interest and that individuals owning property in the vicinity of the street will not be deprived of reasonable means of ingress and egress to their property, they will submit the request and written petition to the Town Clerk to be placed on the agenda at the next regular meeting of the Board of Aldermen.

(3) At this time, a fee of three hundred (\$300.00) dollars must be collected from the petitioners for legal, advertising, and administrative costs. Once the fee is collected, a Resolution of Intent is drawn up with a legal description of the street obtained from the Town Attorney, and the Resolution is presented to the Board of Aldermen.

(4) The Board of Aldermen may then consider and pass the Resolution of Intent, and call for a Public Hearing at the next scheduled regular meeting.

(5) The Resolution of Intent will then be published in the Black Mountain News for four (4) 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.

Revised to comply with NCGS 160A-299.

(6) After the public hearing is held, if the Board of Aldermen is satisfied that the closing of the street is not contrary to the public interest and that individuals owning property in the vicinity of the street will not be deprived of reasonable means of ingress or egress to their property, then the Board of Aldermen may adopt an order for the closing of the street or alley. At this time, the Board will reserve its right, title, and interest in any utility improvement or easement as is deemed necessary.

(7) After closing a street or alley in accordance with these procedures, title to the street or alley shall be in the persons owning parcels adjacent to the street or alley, and their lot lines will be extended to the center line of the street or alley.

(8) Any person aggrieved by the resolution may appeal within thirty (30) days to the Superior Court of Buncombe County.

(9) A certified copy of the order of the governing board will be filed in the office of the County Register of Deeds.

(10) The \$300 fee collected for legal, advertising, and administrative costs is not refundable.

**TOWN OF BLACK MOUNTAIN, NORTH CAROLINA**

**PETITION FOR STREET CLOSING REQUEST**

We, the undersigned property owners of property located abutting a private street or alleyway known as \_\_\_\_\_, located off of \_\_\_\_\_, do hereby petition the Black Mountain Board of Aldermen to permanently close said street or alleyway.

**NAME/SIGNATURE**

**PROPERTY/MAILING ADDRESS**

1. _____ _____	_____ _____
2. _____ _____	_____ _____
3. _____ _____	_____ _____
4. _____ _____	_____ _____
5. _____ _____	_____ _____
6. _____ _____	_____ _____
7. _____ _____	_____ _____
8. _____ _____	_____ _____

*Date Request Received at Town Hall:* \_\_\_\_\_ *By:* \_\_\_\_\_