



TOWN OF WAYNESVILLE, NORTH CAROLINA
STREET CLOSING REQUEST

Remit to the Town Clerk, 16 South Main Street, Waynesville, NC, 28786.

The procedure for street closing requests within the Town of Waynesville or its extra-territorial jurisdiction follows NCGS 160A-299, "Procedure for Permanently Closing Streets and Alleyways:"

- (1) When property owners propose to permanently close any street or public alley, they must petition the Board of Aldermen requesting that the described street or public alley be closed (petition attached). All property owners whose property abuts the street or right-of-way as shown in the county tax records must sign the petition. The Board of Aldermen may establish a fee to cover the Town's advertising and administrative costs.
- (2) The petition shall be submitted to the Town Clerk to be placed on the agenda at the next regular meeting of the Board of Aldermen to call for action to adopt a resolution declaring the Board's intent to close the street or alley and calling for a public hearing on the question.
- (3) A copy of the resolution shall be published once a week for four successive weeks prior to the hearing and a copy sent by registered or certified mail to all owners of property adjacent to the street or alley as shown on the county tax records. If the street or alley is under the authority of the State Department of Transportation, then a copy of the resolution shall also be mailed to the NCDOT. No street or alley under the control of NCDOT may be closed without NCDOT consent.
- (4) The Board of Aldermen shall then hold the public hearing and any person may be heard on the question, including Town planning, public safety, and public works staff. After the hearing, the Board may then vote to close the right of way if it is satisfied that the closing of the right-of-way is not contrary to the public interest, and that no property owner in the vicinity of the right-of-way or within the subdivision in which it is located would be deprived of reasonable means of ingress and egress to his or her property. The Town may reserve its right, title and interest in any utility improvement or easement within the street or alley being closed. Such reservation may also extend to private utilities.
- (5) A certified copy of the Order to close the right-of-way shall be filed with the register of deeds of Haywood County. Any person aggrieved of the closure, including the NCDOT, may appeal the order to the General Court within 30 days of adoption.
- (6) Upon closing a street or alley in accordance with NCGS 160A-299, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons 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 that was closed. The division of land within the closed right-of-way may be altered by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each owner and signed by each property owner that has an ownership right in the closed right-of-way.

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 Town of Waynesville Board of Aldermen to permanently close said street or alleyway.

NAME/SIGNATURE PROPERTY/MAILING ADDRESS

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

Attach additional sheets if necessary

Date Request Received at Town Hall: _____ **By:** _____