



## **RIGHT-OF-WAY ABANDONMENT PROCESS**

### **Overview**

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

North Carolina General Statute (NCGS) 160A-299 gives the Town Board of Huntersville 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 contrary to the adopted policy to preserve existing ROW for connectivity.

The Town of Huntersville Engineering and Public Works Department is responsible for administering the Town's ROW Abandonment Program.

The majority of the Town's ROW has been dedicated to the Town, 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 Town 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 Town's street connectivity policy.

## **Process**

The Town's review process takes approximately 3-4 months. Some of the items that are included in the review process are:

- Applicant submits Right of Way Abandonment Petition Form (and requirements as outlined below).
- Form is routed to Planning Department for recommendation.
- The Town Board may adopt a resolution on intent to close the road (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.
- Notification and request for comments to neighborhood and business associations within the vicinity.
- Call public hearing.
- Advertise as a legal notice once a week for four weeks.
- Vote by Town Board.
- The Town Board 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 a size acceptable for recordation at the Mecklenburg County Register of Deeds (18"x 24", 21" x 30", and 24" x 36")
- A Metes and Bounds description of the ROW to be abandoned. The description shall be labeled Exhibit B and shall be signed and sealed by a duly licensed professional land surveyor.
- Memorandum of Understanding signed by all the abutting property owners, including address and parcel number.
- Check payable to the Town of Huntersville in the amount of \$1,450 for the first ROW plus \$725 for each additional ROW.

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

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

Town of Huntersville  
Planning Department  
105 Gilead Road  
Town Center, Third Floor  
Huntersville, NC 28078  
Telephone No. 704-875-7000

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 paper to a size acceptable for recordation at the Mecklenburg County Register of Deeds (18"x 24", 21" x 30", and 24" x 36"). 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)
- (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 \$1,450.00 for one (1) street or alleyway. Petitions consisting of multiple streets or alleyways will be charged \$1,450.00 for the first street or alleyway plus \$725.00 for each additional street or alleyway. This filing fee, once submitted, is non refundable.

**STATE OF NORTH CAROLINA**

**COUNTY OF MECKLENBURG PETITION**

**TO THE MEMBERS OF THE BOARD OF COMMISSIONERS OF  
HUNTERSVILLE, MECKLENBURG COUNTY, 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:

1. (give reason for requested closing)

\_\_\_\_\_

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 by interested bounds in "Exhibit B", attached hereto and made a part hereof.

5. The street (or portion there of), requested to be closed and abandoned has not been previously accepted by the North Carolina Department of Transportation for maintenance.

Wherefore, petitioner respectfully requests the Board of Commissioners of the Town of Huntersville 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: \_\_\_\_\_

