

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

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

Office of the Town Clerk
232 Matthews Station Street
Matthews, NC 28105
Telephone number: (704) 847-4411

A sample of a petition, and other required documents, are attached for illustrative purposes only.

2. The following documents shall be included with the petition:
 - A. A map of the area requested to be closed. This map shall be drawn to scale and of sufficient size to be clearly legible. This map shall also be submitted in digital form as a .pdf file. It shall be given an exhibit identification letter or number referenced in the petition. The boundaries of the right-of-way shall be described on the map. Include a note on the map giving the source of the boundary information. The source should be a map of deed on record at the Mecklenburg Register of Deeds Office. A new survey is only required if no acceptable description is on record. Dimensions shall be shown which clearly define the location of the right-of-way subject to the petition. This map shall also show the names of all owners of property adjoining the street or alley and the names of all owners of property which would be affected by the requested closing.
 - B. Map must indicate the location of any public and/or private utilities in the street requested for closing, including water, sewer, telephone, power, cable, etc. Documentation shall be included from any public or private utility which has lines located within the street(s) or alley proposed to be closed, or having lines in the immediate vicinity which may reasonably be considered to expand through a portion of the street(s) or alley to be closed, and a statement whether the utility agency intends to request an easement for such utility lines.
 - C. A written metes and bounds description of the area requested to be closed.
 - D. Written confirmation from NCDOT whether the subject street is or is not under the authority and control of the Department of Transportation.
3. The petition, and any other documents, shall be completed and submitted with the required map. One paper copy with original signatures shall be provided, along with a .pdf copy.

A filing fee of \$450.00 is required for abandonment of one (1) street or alleyway. Petitions containing multiple streets or alleyways will be charged \$125.00 per each additional street or alley. In addition, prior to the public hearing, if the Town incurs any unusual expenses in reviewing this petition, petitioner shall reimburse the Town for such expenses.

4. The Town Clerk shall verify that all required information and documents as listed here have been provided by the petitioner. The Town Clerk shall verify that all required resolutions(s) and notifications are prepared by the Town
5. The Town Clerk shall submit the petition for consideration to the Board of Commissioners when it is complete as indicated above. The Town Clerk shall also send a complete copy of the request to all departments, so that they may begin their review of the request. If accepted, the Board of Commissioners will adopt a resolution setting a public hearing date on the request, and directing the Town Clerk to notify the public as required by statute. The public hearing date shall be set at a future date sufficient to allow for the required newspaper and mailed notices, and to give Town staff, Transportation Advisory Board, and Planning Board an opportunity to review and prepare comments and recommendations on the street closing request.
6. At the public hearing, Town staff will provide background information including, but not limited to: the location of the street(s) proposed to be closed; the location or absence of utilities within or near the street(s) proposed to be closed; the surrounding parcels and uses and their existing driveway access points; the vehicular circulation within the neighborhood to collector roads; any proposed or approved development projects in the vicinity; any potential road projects within the vicinity that may impact vehicular circulation; and consent from the NCDOT if any portion of street proposed to be closed is under their control. The petitioner shall present the request to the Board of Commissioners, explaining: a) how the request is not contrary to the public interest; and b) that no property owner in the vicinity would be deprived of reasonable means of access to his/her property. Any recommendations from the Transportation Board and/or Planning Board will be submitted to the Board of Commissioners. Any person wishing to speak in favor of or in opposition to the request shall be given an opportunity to speak before the Board of Commissioners.
7. The Board of Commissioners shall determine whether the statutory allowances for closing a street/alley have been met, including "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 thereby be deprived of reasonable means of ingress and egress to his property".
8. After public hearing, the Board may adopt a resolution closing the street or denying the same. In adopting a resolution to close any street, the Board of Commissioners may reserve public and/or private utility easements for the full width of the street to be closed, or any part requested by the utility agency. A declaration of retention of utility easements shall be approved by the Board of Commissioners following their vote to approve any street closing, if any utility easements are included in any portion of the street(s) or alley to be closed.

9. Where the Town directly initiates an intent to close any street or alley, the Town will follow the same provisions as presented here for a petitioner.
10. In the event that the Board fails to accept the petition for consideration, the full filing fee shall be refunded. There shall be no refund if the Board accepts the petition for consideration, no matter the final action taken. For reference the petitioner is directed to NCGS 160A-299, copies of which are available upon request.

Revised 2-11-08
stclospetdr2(2)

PETITION

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

TO THE BOARD OF COMMISSIONERS OF THE TOWN OF MATTHEWS,
MECKLENBURG COUNTY, NORTH CAROLINA

I, the undersigned, respectfully file this petition and request that a portion of (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, the 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 requested be closed and abandoned, is more particularly described by metes and bounds in "Exhibit B", attached hereto and made a part hereof.

5. The street (or portion thereof) 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 Matthews consider this petition and set the time for public hearing upon this matter, as required by law.

Respectfully submitted this the _____ day of _____, 19____.

(Signature of Petitioner)
Address
Telephone number

