

FORSYTH COUNTY

BOARD OF COMMISSIONERS

REVISED
ITEM

MEETING DATE: AUGUST 8, 2016 AGENDA ITEM NUMBER: 4-A&B

SUBJECT: A. PUBLIC HEARING ON A PETITION TO CLOSE A PORTION OF KALLAM ROAD AND TWO UNOPENED ALLEYWAYS EXTENDING OFF THE ROAD

B. ADOPTION OF ORDER CLOSING A PORTION OF KALLAM ROAD AND TWO UNOPENED ALLEYWAYS EXTENDING OFF THE ROAD

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

ATTACHMENTS: YES NO

SIGNATURE: _____ DATE: _____
COUNTY MANAGER

WHEREAS, ownership of abutting or adjoining property is as follows:

<u>Owner:</u>	<u>Address:</u>
Norfolk Southern Railway	327 Hillsborough Street Raleigh, NC 27603
N&W Railway Co.	200 Fogle Street Winston-Salem, NC 27101
Shirley W. Brooks	5520 Kallam Road Walkertown, NC 27051

WHEREAS, at a meeting of the Forsyth County Board of Commissioners held on the 8th day of August, 2016, a public hearing was held on the petition to close a portion of Kallam Road; and

WHEREAS, it appears to the satisfaction of the Forsyth County Board of Commissioners, that the closing of said portion of Kallam Road and two unopened alleyways extending off the road is not contrary to the public interest and that no individual owning property adjoining, abutting or in the vicinity of said street or road will thereby be deprived of reasonable means of ingress and egress to his property; and

WHEREAS, the documents pertaining to the closing are on file in the Office of the Clerk of the Board of County Commissioners, and are hereby incorporated by reference as if fully set forth;

NOW, THEREFORE, IT IS ORDERED by the Forsyth County Board of Commissioners:

That the said portion of Kallam Road and two unopened alleyways extending off the road, more particularly described as follows:

Beginning at a point, said point being at the northeast corner of Barbara Kallam Marshall, tax block 5154, tax lot 87A, Forsyth County Tax Office; thence proceeding from said point of beginning, North 49°11'22" West 89.00 feet to a point; thence North 57°07'19" West 42.91 feet to a point; thence on a curve, North 71°45'02" West a chord distance of 40.39 feet, r = 80.00 feet, a = 40.83 feet to a point; thence passing through a one story brick dwelling, North 86°22'15" West 272.55 feet to a point; thence North 20°32'19" West 26.31 feet to a point; thence North 86°22'15" West 173.65 feet to a point; thence North 56°53'31" East 20.06 feet to a point; thence South 86°22'15" East 152.19 feet to a point; thence North 20°32'19" West 85.54 feet to a point, passing through a portion of a frame building; thence proceeding on a curve, North 41°02'19" West a chord distance of 276.66 feet, a = 282.66 feet, r = 395.00 feet to a point; thence on a curve, North 26°02'19" West a chord distance of 150.98 feet, a = 161.09 feet, and r = 130.00 feet

to a point; thence North 09°27'41" East 70.00 feet to a point; thence South 80°32'19" East 60.00 feet to a point; thence South 09°27'41" West 70.00 feet to a point; thence on a curve, South 26°02'19" East a chord distance of 81.30 feet, a = 86.74 feet, r = 70.00 feet to a point; thence on a curve, South 52°37'37" East a chord distance of 140.97 feet, a = 141.54 feet, r = 455.00 feet to a point; thence North 23°00'56" West 354.49 feet to a point; thence South 86°22'15" East 13.43 feet to a point; thence South 23°00'56" East 384.77 feet to a point; thence on a curve, South 29°43'08" East a chord distance of 145.18 feet, a = 145.81 feet, r = 455.00 feet to a point; thence South 20°32'19" East 86.16 feet to a point located in a framed building; thence South 86°22'15" East 233.71 feet to a point, passing through a one story dwelling and porch; thence on a curve, South 71°45'02" East a chord distance of 70.67 feet, with a = 71.45 feet, r = 140.00 feet to a point; thence South 57°07'19" East 47.08 feet to a point; thence South 49°11'22" East 109.00 feet to a point; thence South 55°36'10" West 60.06 feet to the point and place of beginning, containing 1.60224 acres more or less, according to a survey by Thomas A. Riccio and Associates, drawing number 14212, dated July 23, 2014.

are hereby closed and that a certified copy of this Order shall be filed in the Office of the Register of Deeds of Forsyth County.

This the ____ day of August, 2016.

THE FORSYTH COUNTY BOARD OF COMMISSIONERS

Attest

By: _____
Chairman

Clerk to the Board

(SEAL)

NORTH CAROLINA)
)
FORSYTH COUNTY) CERTIFICATION

I, _____, Clerk to the Forsyth County Board of Commissioners, DO HEREBY CERTIFY that the attached Order Closing A Portion of Kallam Road and two unopened alleyways extending off the road was duly adopted by the Forsyth County Board of Commissioners at its regular meeting held August 8, 2016 on the Fifth Floor of the Forsyth County Government Center in Winston-Salem, North Carolina, and that said Order is duly recorded in the Official Minutes of said meeting.

Witness my hand and official seal of Forsyth County, this _____ day of August, 2016.

Clerk to the Board

(SEAL)

NORTH CAROLINA)
)
FORSYTH COUNTY)

AFFIDAVIT OF MAILING

The undersigned, attorney, after first being duly sworn, deposes and says:

A. That he is attorney for petitioners herein.

B. That a copy of the Resolution Declaring Intent to Close and setting forth the Time for the Hearing of the Petition on the closing of the above described portion of Kallam Road was mailed via "Certified Mail" to each of the below named property owners. Attached hereto is a copy of the certified mail receipts. These are all of the property owners as shown on the County tax records of property adjoining the public road who did not join in the request to have the portion of Kallam Road closed.

Property Owned

Exact Address

Norfolk Southern Railway

327 Hillsborough Street
Raleigh, NC 27603

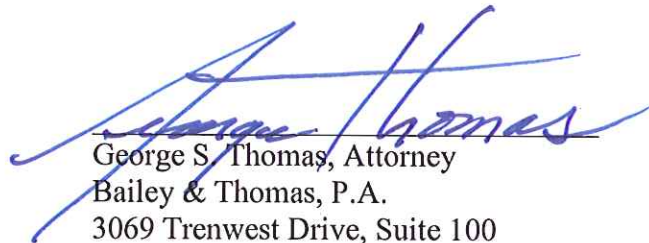
N&W Railway Co.

200 Fogle Street
Winston-Salem, NC 27101

Shirley W. Brooks

5520 Kallam Road
Walkertown, NC 27051

This the 8th day of August, 2016.



George S. Thomas, Attorney
Bailey & Thomas, P.A.
3069 Trenwest Drive, Suite 100
Winston-Salem, NC 27103
336-725-8366

Sworn to and subscribed before
me this the 5th day of
August, 2016.



Notary Public

My commission expires: 01-19-2018



NORTH CAROLINA)
)
FORSYTH COUNTY)

AFFIDAVIT OF PUBLICATION
AND POSTING OF SIGNS

The undersigned, attorney for petitioner, after first being duly sworn, deposes and says:

A. That he is attorney for petitioners herein.

B. That a Petition was dated November 10, 2015 and was filed on the 14th day of March, 2016, with the Board of County Commissioners of Forsyth County, North Carolina, requesting the permanent closing of a portion of Kallam Road described in the petition.

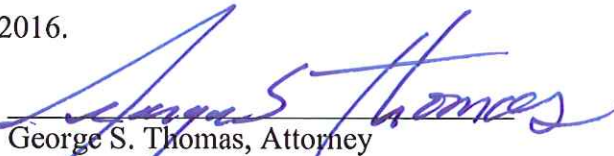
C. That on the 13th day of June, 2016, the Board of County Commissioners adopted a Resolution fixing the 8th day of August, 2016 at 4:00 P.M. as the time of the hearing on the Petition to close the above-stated portion of Kallam Road.

D. That a copy of the attached Resolution setting forth the time for the hearing of the Petition was published in the Kernersville News on the 21st day of July, 2016; the 28th day of July, 2016; and the 4th day of August, 2016, as shown in the attached Publisher's Affidavit.

E. That two legible signs were located on each end of the said portion of Kallam Road for twenty-eight days preceding the hearing, said signs being large enough to be easily read by passersby. The language on the sign reads as follows:

"The Board of County Commissioners of Forsyth County will hold a public hearing at 4:00 P.M. on August 8th, 2016, in the Commissioners' Meeting Room in the Forsyth County Government Center, concerning a Petition requesting that this portion of Kallam Road be closed."

This the 8th day of August, 2016.



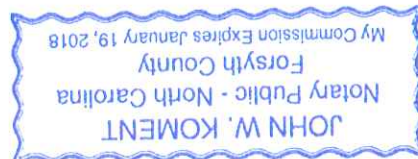
George S. Thomas, Attorney
Bailey & Thomas, P.A.
3069 Trenwest Drive, Suite 100
Winston-Salem, NC 27103
336-725-8366

Sworn to and subscribed before
me this the 5th day of
August, 2016



Notary Public

My commission expires: 01-19-2018



**RESOLUTION DECLARING THE FORSYTH COUNTY BOARD OF
COMMISSIONERS' INTENT TO CLOSE A PORTION OF KALLAM ROAD
AND CALLING A DATE FOR PUBLIC HEARING ON THE MATTER**

WHEREAS, on November 10, 2015, a Petition was filed with the Forsyth County Board of Commissioners on behalf of Petitioners, Barbara Kallam Marshall and William Marshall requesting the closing of a portion of Kallam Road and two unopened alleyways, hereinafter described, which property is lying and being within the county limits of Forsyth County; and it appearing to the Forsyth County Board of Commissioners from said Petition that a public hearing should be held on the question of closing the portion of Kallam Road, pursuant to authority conferred upon counties by the provisions of N.C.G.S.153A-241; and

WHEREAS, based on said Petition to Close a Portion of Kallam Road, the Forsyth County Board of Commissioners will declare herein its intent to close said portion of Kallam Road; and

WHEREAS, the Forsyth County Board of Commissioners will call a public hearing on the Petition to Close a Portion of Kallam Road, nothing else appearing for Monday, August 8, 2016 at 4:00 p.m. in the Commissioners' Meeting Room on the fifth floor of the Forsyth County Government Center; and

WHEREAS, pursuant to the provisions of N.C.G.S. 153A-241, the Forsyth County Board of Commissioners will direct the Petitioners to cause notice of the public hearing reasonably calculated to give full and fair disclosure of the proposed road closing to be published once a week for three successive weeks before the hearing date, a copy of this Resolution to be sent by registered or certified mail to each owner as shown on the county tax records of property adjoining the affected portion of the public road who did not join in the Petition to Close a Portion of Kallam Road, and a notice of the closing and public hearing to be prominently posted in at least two places along the said portion of Kallam Road;

NOW, THEREFORE, BE IT RESOLVED, by the Forsyth County Board of Commissioners as follows:

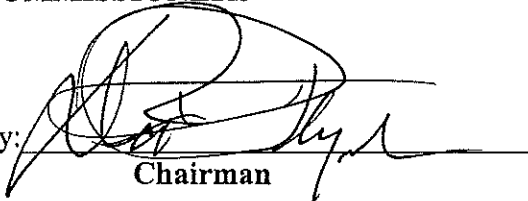
- (1) That the Board of Commissioners hereby declares its intent to close said portion of Kallam Road and two unopened alleyways as described in and pursuant to the provisions of the attached Petition to Close;
- (2) That the date and hour fixed for a public hearing on said Petition to Close a Portion of Kallam Road is hereby set for Monday, August 8, 2016, at 4:00 p.m., in the Commissioners' Meeting Room on the fifth Floor of the Forsyth County Government Center in Winston-Salem, North Carolina;
- (3) That all persons who are interested in the closing of the portion of Kallam Road and desiring to be heard, are hereby notified to appear before the

Forsyth County Board of Commissioners, at the above-scheduled public hearing, at which time and place they will be heard in favor of or in opposition to the adoption of a resolution ordering the closing of the portion of Kallam Road particularly described as being a one thousand, one hundred foot long road and two unopened alleyways extending off of the road and located on the west side of Walnut Cove Road, north of Pine Hall Road right-of-way, said portion of Kallam Road being set forth in drawing number 14212 dated July 23, 2014, Forsyth County Registry;

- (4) That the Petitioners be and they are hereby directed to send a copy of this Resolution by registered or certified mail to each owner, as shown on the County tax records of property adjoining the said portion of Kallam Road to be closed, who did not join in the request to have the said portion of Kallam Road closed; and
- (5) That the Petitioners be and they are hereby directed to publish this Resolution in a qualified County newspaper once a week for three (3) successive weeks preceding the date herein fixed for public hearing on the Petition to close the portion of Kallam Road and to cause notice of the proposed closing and public hearing to be prominently posted in at least two (2) places along said portion of Kallam Road.

Adopted this 13th day of June 2016.

**FORSYTH COUNTY BOARD OF
COMMISSIONERS**

By: 
Chairman

Attest:


Clerk to the Board



NORTH CAROLINA)

CERTIFICATION

FORSYTH COUNTY)

I, Carla D. Holt, Clerk to the Board of Commissioners of Forsyth County, DO HEREBY CERTIFY:

1. That the foregoing is a true and correct copy of the Resolution, adopted by the Board of County Commissioners of the County of Forsyth, North Carolina, on the 13th day of June, 2016.
2. That more than thirty (30) days have elapsed since the passage of the foregoing Resolution, and no exception to the passage of said Resolution has been filed with the County of Forsyth or with the Board of County Commissioners of Forsyth County, North Carolina, and no notice of appeal from the order contained in said Resolution has been filed with the County of Forsyth or the Board of County Commissioners of Forsyth County, North Carolina.

Witness my hand and the official seal of Forsyth County this 9th day of August, 2016.

_____(SEAL)
Carla D. Holt, Clerk
Forsyth County Board of Commissioners

MEMORANDUM

DATE: April 7, 2016

TO: Chairman David Plyler and members of the Forsyth County Board of Commission

FROM: A. Paul Norby, FAICP
Director of Planning and Development Services

RE: **Request to close right-of-way for a Portion of Kallam Road and two unopened alleyways extending off of the road**

Planning Staff has reviewed the above referenced petition and has the following findings:

- No negative impacts from right-of-way being closed on the subject portion of Kallam Road and the two unopened alleyways. All of the properties affected are owned by the petitioner.
- The maintenance of the road was abandoned in 2002; however, the public right-of-way for the road was not closed at that time.

A checklist is attached which documents our findings. Planning staff recommends approval of this request to close the right-of-way.

A. Paul Norby, FAICP
Director of Planning

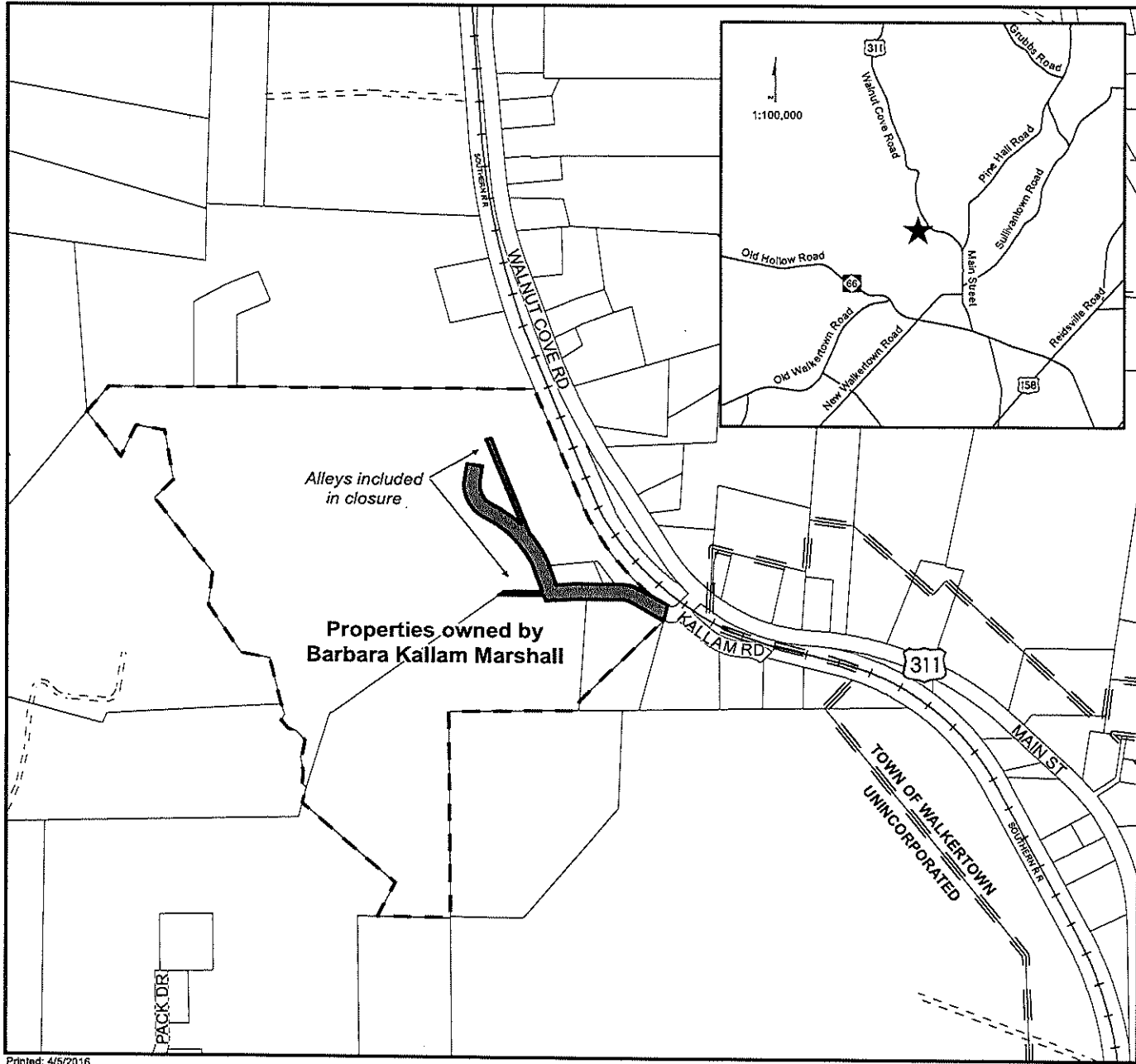
Road Closure Report

Case Information	
Date	April 7, 2016
Street Name	Portion of Kallam Road and two unopened alleyways extending off of the road
Location	Off the west side of Walnut Cove Road, north of Pine Hall Road


Site-Specific Information	
Type of Request	<input checked="" type="checkbox"/> Street Closure <input type="checkbox"/> Abandonment of Maintenance <input type="checkbox"/> Alley Closure and Abandonment
Type of Street	<input checked="" type="checkbox"/> Public Street <input type="checkbox"/> Paper Street <input type="checkbox"/> Alley
Maintenance Responsibility	Formerly NCDOT
Length	+/- 1,100 feet
ROW Width	+/- 60 feet
# of Travel Lanes	Two

Effects/Impacts	
# of properties fronting the ROW in question	5
# of owners affected by this request	1
# of owners losing total access	None
Does the request adversely affect the current/future street pattern in the area?	No
What impact does the request have on the street naming/addressing system in the area?	None noted.

Recommendation: Close right-of-way as requested.



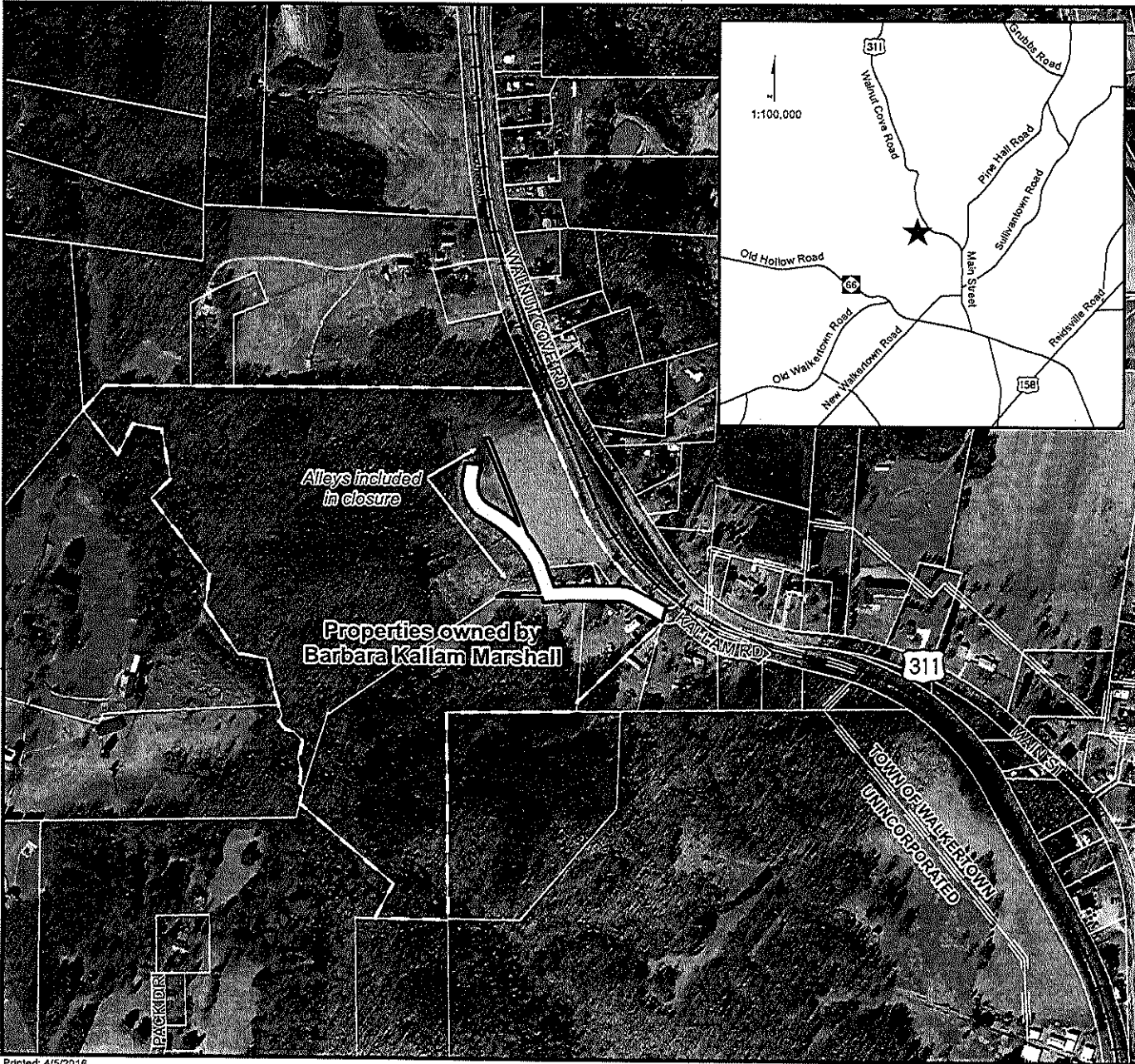
Street Closure
A Portion of Kallam Road

 Portion of street to be abandoned




SCALE: 1" represents 600'

Printed: 4/5/2016



Street Closure
A Portion of Kallam Road

 Portion of street to be abandoned



SCALE: 1" represents 600'

Printed: 4/5/2016