



Town of Holly Springs

Town Council Meeting Agenda Cover Sheet

Agenda Item #: 8b

Meeting Date: Nov. 20, 2018

Agenda Placement: Public Hearings

(Recognitions (awards, proclamations), Requests & Communications (reports, information presentations), Public Hearings, Consent Agenda, Unfinished Business, New Business, Closed Session or Agenda Addition)

Subject Title: Ivy Arbor Way Right of Way Closing

Staff Resource(s): Rachel Jones

rachel.jones@hollyspringsnc.us

919-577-3161

Action(s):

- Reopen public hearing for input
- Close public hearing
- Defer action on closing order
- The developer requesting the closure needs to provide legal description of right of way

Background:

- The developer requires the abandonment of right of way for a portion of Ivy Arbor Way right of way
- The closure will not impact traffic flow



THE TOWN OF

Holly Springs

Return after recordation to: Town
Clerk's Office
Town of Holly Springs
P.O. Box 8
Holly Springs, NC 27540

Resolution No.: 18-45
Date Submitted: Nov. 20, 2018
Date Adopted: Nov. 20, 2018

**A RESOLUTION OF THE HOLLY SPRINGS TOWN COUNCIL,
AN ORDER TO CLOSE AND ABANDON A PORTION OF RIGHT OF WAY
OF IVY ARBOR WAY AT THE EASTERN PROPERTY BOUNDARY NEAR THE MAINTENANCE
FACILITY OF TWELVE OAKS PHASE 10.**

WHEREAS, on the 2nd day of October 2018, the Town Council of the Town of Holly Springs directed the Town Clerk to publish the Resolution of Intent of the Town Council to consider closing a portion of Ivy Arbor Way in the newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in Holly Springs Town Hall on Tuesday, Nov. 6, 2018; and

WHEREAS, the Town Clerk has advised the Town Council that adequate notices were posted on the applicable street as required by G.S. 160A-299; and

Resolution of the Holly Springs Town Council

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Email: dick.sears@hollyspringsnc.us

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on Tuesday, November 6, 2018; and

WHEREAS, it now appears to the satisfaction of the Town Council that the closing of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his property;

NOW, THEREFORE BE IT RESOLVED BY THE HOLLY SPRINGS TOWN COUNCIL, that it hereby orders closed, subject to the reservation of easements to the Town of Holly Springs for utility purposes, a portion of Ivy Arbor Way and more particularly described in Exhibit A of this resolution, and that all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Wake County a certified copy of this resolution and order; and

BE IT FURTHER RESOLVED that, upon recordation of this Resolution with the Wake County Register of Deeds, the Town evidences its vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street (with provision for reservation of easements to the Town of Holly Springs for utility purposes) in accordance with the provision of G.S. 160A-299(c).

Upon motion duly made by Council member _____ and duly seconded by Council member _____, the above resolution and order was adopted by the Town Council at a meeting held on the 20th day of November 2018 in the Holly Springs Town Hall.

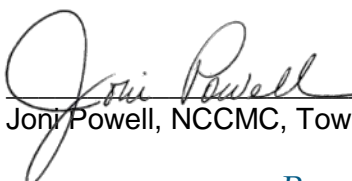
Upon call for a vote, the following Council Members voted in the affirmative:

and the following Council Members voted in the negative:



ATTEST:


Dick Sears, Mayor


Joni Powell, NCCMC, Town Clerk

**NORTH CAROLINA
WAKE COUNTY**

I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the Town Council of the Town of Holly Springs, North Carolina, at a meeting held November 6, 2018, at 7 o'clock p.m. at the Town Hall in the Town of Holly Springs.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official corporate seal of said Town to be affixed, this the 20th day of November 2018.

Joni Powell, NCCMC, Town Clerk
 Linda Harper, NCCMC, Deputy Town Clerk

Holly Springs Town Council Resolution 18-45

EXHIBIT A

Legal Description or Map of Area to be Closed

(Pending)

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