

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 530

Short Title: Notice of Road Closure Hearings.

(Public)

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Sponsors: Senator Gulley.

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Referred to: Judiciary II/Election Laws

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March 30, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT THE COUNTY PUBLISH A NOTICE OF A ROAD  
2 CLOSURE HEARING RATHER THAN PUBLISHING THE FULL ROAD  
3 CLOSURE RESOLUTION AS CURRENTLY REQUIRED BY LAW.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 153A-241 reads as rewritten:

7 "**§ 153A-241. Closing public roads or easements.**

8 A county may permanently close any public road or any easement within the county  
9 and not within a city, except public roads or easements for public roads under the  
10 control and supervision of the Department of Transportation. The board of  
11 commissioners shall first adopt a resolution declaring its intent to close the public road  
12 or easement and calling a public hearing on the question. The board shall cause ~~the~~  
13 ~~resolution~~ a notice of the public hearing reasonably calculated to give full and fair  
14 disclosure of the proposed closing to be published once a week for ~~four~~ three successive  
15 weeks before the hearing, a copy of the resolution to be sent by registered or certified  
16 mail to each owner as shown on the county tax records of property adjoining the public  
17 road or easement who did not join in the request to have the road or easement closed,  
18 and a notice of the closing and public hearing to be prominently posted in at least two  
19 places along the road or easement. At the hearing the board shall hear all interested  
20 persons who appear with respect to whether the closing would be detrimental to the  
21 public interest or to any individual property rights. If, after the hearing, the board of  
22 commissioners is satisfied that closing the public road or easement is not contrary to the  
23 public interest and (in the case of a road) that no individual owning property in the  
24 vicinity of the road or in the subdivision in which it is located would thereby be

1 deprived of reasonable means of ingress and egress to his property, the board may adopt  
2 an order closing the road or easement. A certified copy of the order (or judgment of the  
3 court) shall be filed in the office of the register of deeds of the county.

4 Any person aggrieved by the closing of a public road or an easement may appeal the  
5 board of commissioners' order to the appropriate division of the General Court of  
6 Justice within 30 days after the day the order is adopted. The court shall hear the matter  
7 de novo and has jurisdiction to try the issues arising and to order the road or easement  
8 closed upon proper findings of fact by the trier of fact.

9 No cause of action founded upon the invalidity of a proceeding taken in closing a  
10 public road or an easement may be asserted except in an action or proceeding begun  
11 within 30 days after the day the order is adopted.

12 Upon the closing of a public road or an easement pursuant to this section, all right,  
13 title, and interest in the right-of-way is vested in those persons owning lots or parcels of  
14 land adjacent to the road or easement, and the title of each adjoining landowner, for the  
15 width of his abutting land, extends to the center line of the public road or easement.  
16 However, the right, title or interest vested in an adjoining landowner by this paragraph  
17 remains subject to any public utility use or facility located on, over, or under the road or  
18 easement immediately before its closing, until the landowner or any successor thereto  
19 pays to the utility involved the reasonable cost of removing and relocating the facility."

20 Sec. 2. This act is effective upon ratification.