ORDER NO. 2025-XX

AN ORDER ABANDONING A PORTION OF AN UNOPENED PUBLIC RIGHT-OF-WAY ADJACENT TO 90 SOUTH CALDWELL STREET

WHEREAS, pursuant to N.C.G.S. § 160A-299, on August 18, 2025 the City Council of the City of Brevard duly adopted a Resolution of Intent to close an unopened 25-foot alley situated between parcels owned by Hendersonville Pediatrics; and

WHEREAS, said right-of-way is represented and depicted upon the following plat:

> RECOMBINATION PLAT FOR CITY OF BREVARD, prepared by Mattern & Craig, P.A., dated September 9, 2025; and showing the recombination of PIN 8586-40-3957, 8586-40-4943, and 25' alley creating New Lot 1A and New Lot 1B, recorded in the Transylvania County Registry on _____/_____/_____, in Plat File _____, Slide _____; and

WHEREAS, the City Clerk has given notice of the public hearing in the manner required by law by publication of the Resolution of Intent in the Transylvania Times newspaper once a week for four successive weeks, mailing a copy of the Resolution of Intent to each abutting property owner by certified mail, and posting notice of the proposed closing in at least two conspicuous places along the alley; and

WHEREAS, a public hearing was held in the Brevard City Council Chambers on September 15, 2025, at which all persons desiring to be heard were given the opportunity to speak; and

WHEREAS, the City Council finds and determines that the closing of said unopened right-of-way is not contrary to the public interest and that no individual owning property in the vicinity of the right-of-way would be deprived of reasonable means of ingress and egress to his or her property.

NOW, THEREFORE, BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

1. The unopened 25-foot alley shown on the plat prepared by Mattern & Craig, P.A., dated September 9, 2025, and entitled "Recombination Plat for City of Brevard Showing the Recombination of PIN #8586-40-3957, PIN #8586-40-4943, and 25' Alley creating New Lot 1A and New Lot 1B", is hereby closed in accordance with N.C.G.S. § 160A-299.

2. The City of Brevard hereby reserves a perpetual easement within the closed right-of-way for the location, operation, maintenance, repair, and replacement of sewer and stormwater utilities, as depicted on the referenced plat.

3. The City Clerk is hereby authorized and directed to file a certified copy of this Order, together with the referenced plat, in the office of the Register of Deeds of Transylvania County, to be indexed in the grantor index in the name of the City of Brevard and in the grantee index in the name of the adjoining property owners, as required by law.

4. This Order shall become effective upon its adoption and approval.

Adopted this _____day of _____, 2025.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

_____
Mack McKeller, Attorney at Law
City Attorney