



CITY OF MARION
194 N. Main Street • P.O. Drawer 700 • Marion, NC 28752
Planning & Development Services Department

ROAD ABANDONMENT PETITION
(PLEASE TYPE OR PRINT IN INK)

Applicant's Name: _____

Mailing Address: _____

Phone Number: _____

Agent Name/Title _____

Mailing Address: _____

Phone Number: _____

Note: Applicant must submit a notarized letter authorizing the agent to act on their behalf and stating the agent's name, address and phone number.

Legal Description of **All** Property Contiguous to Street or Alley:

Subdivision _____ Lot: _____ Block: _____

If in metes and bounds, attach warranty deed and legal description on separate sheet.

Real Estate
Number(s) _____

Property Description: _____

Street Address of Property: _____

Zoning District: _____

Present Use: _____

Proposed Use: _____

Street/Alley (to be abandoned): _____

Petitioner(s) seek the abandonment for the following reasons:

By signing this petition, the Petitioner(s) agree to be responsible for and pay for all costs including but not limited to legal expenses, advertising, posting of property, certified mailings, surveying, and recording fees incurred relative to this request for the vacation of property.

Petitioners further agree to grant any easement necessary for the furnishings of utilities, including without limitation, electric power, water, sewer, telephone, gas, cable and other electric communication services to the same extent common within this area as to height, width and degree upon request for such service or by the City Council through its authorized agents. If easements are so required, copies of the executed documents will be provided to the City before the petition is presented to the City Council.

Wherefore, Petitioner(s) formally request the City Council to grant this petition.

PETITIONER

Date

Is personally known to me.

Provided as identification _____

Sworn and subscribed before me this _____ day of _____ 20_____.

Type/Print Notary Name and Number

Notary Signature and Seal

Each additional petitioner shall sign below:

Print Name

Signature

Print Name

Signature

Print Name

Signature

ROAD AND ALLEY ABANDONMENT SUBMITTAL REQUIREMENTS

The following materials are required:

(Exhibit A) Survey

Description of roadway to be abandoned and survey showing portion marked with diagonal lines with petitioners' property clearly delineated and outlined, and showing all adjacent properties. The survey must include sufficient detail to inform of type of road surface (rock, asphalt, etc), road/alley width, utility poles, valve boxes, drains, landscaping, encroachments and any other appurtenance.

(Exhibit B) Copies of deed(s)

Copy of deeds showing petitioner(s) ownership of adjacent property. Petitioner(s) certify that they are the sole owners of lot(s) and/or parcels, and that the abandonment of said road or alley will not take away from other property holders' right of ingress and egress to their property, and that all current taxes of the petitioners land have been paid.

(Exhibit C) Legal description for portion of road or alley

Legal description of portion of road or alley the petitioner(s) is requesting to be abandoned. This must be in metes and bounds description unless a recorded plat is referenced. If a recorded plat is referenced, the petitioner(s) must provide sufficient description that the portion of roadway to be abandoned can be readily determined.

(Exhibit E) Letters of no objection – including, but not limited to, City of Marion Public Works Department, City of Marion Fire Chief, power, telephone, and cable utility providers. If the road or alley is under the authority and control of the North Carolina Department of Transportation (DOT) a letter of no objection shall be required from their department.

Upon receipt of the petition and all attachments, the City Planner will review the request and determine if the property is needed for City purposes and meets all development, emergency access and street construction rules and regulations. Pursuant to North Carolina General Statutes §160A-299 and upon recommendation by staff, the petition will be presented to the City Council by way of Resolution declaring intent to hold a public hearing. Upon the Council's approval, a notice will be published for four (4) consecutive weeks setting the public hearing and a copy of the Resolution declaring the intent will be sent via certified mail to all owners of property adjoining the road or alley as shown on the tax records. If the road or alley is under the authority and control of the North Carolina Department of Transportation (DOT) a copy will be forwarded to their department. The petitioner(s) and/or assigned agent will be required to attend said public hearing in order to answer questions the Council may have. Upon the Council adopting an Ordinance and Order to close the road or alley, a certified copy of the Order (or Judgment of the Court) shall be filed with the McDowell County Register of Deeds.