

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

D

HOUSE DRH50152-MA-171 (2/22)

Short Title: Reduce Notice Time/Method for Street Closures. (Public)

Sponsors: Representatives Neumann, Clary, and Current (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE TYPE OF NOTICE FOR STREET AND ALLEY CLOSURES FROM PUBLICATION OF THE LOCAL GOVERNMENT RESOLUTION FOR A TOTAL OF FOUR WEEKS TO A PUBLICATION OF A NOTICE IN A PAPER OF GENERAL CIRCULATION ONCE NOT LESS THAN TEN DAYS NOR MORE THAN TWENTY-FIVE DAYS FROM THE DATE SET FOR THE PUBLIC HEARING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-299(a) reads as rewritten:

"§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. ~~The resolution shall be published once a week for four successive weeks prior to the hearing.~~ A notice of the closing and date set for the public hearing shall be published once in a newspaper of general circulation in the area of the street or alley closing. The notice shall be published not less than 10 days nor more than 25 days from the date set for the hearing. a copy thereof ~~A copy of the resolution shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records,~~ records prior to publishing any notice required by this section, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the

1 vicinity of the street or alley or in the subdivision in which it is located would thereby
2 be deprived of reasonable means of ingress and egress to his property, the council may
3 adopt an order closing the street or alley. A certified copy of the order (or judgment of
4 the court) shall be filed in the office of the register of deeds of the county in which the
5 street, or any portion thereof, is located."

6 **SECTION 2.** This act becomes effective July 1, 2007.