



# GUILFORD COUNTY PLANNING AND DEVELOPMENT

## Planning Board Easement Closing Bulletin

### OVERVIEW

The Guilford County Development Ordinance contains public hearing procedures whereby anyone may submit a request for a public easement to be closed and removed from dedication. According to North Carolina General Statute 153A-241 the Planning Board may close the easement if closing of said easement is not contrary to the public interest.

### PROCEDURES

#### Pre-Filing Conference

A pre-filing conference is recommended for anyone planning to file an application. This informal meeting allows staff to provide guidance in the application procedures and indicate a likely recommendation to the Planning Board. This should be scheduled in the weeks prior to the submission deadline.

#### Filing

Filing for an easement closing requires:

- A completed Petition Form signed by all property owners adjoining or receiving access from the easement
- Application Fee, see Easement Closing Petition
- A legal description of the easement to be closed and attach a map or sketch
- Provide copies of letters from the utility companies as required

These items must be submitted by noon on the submittal deadline date. Failure to submit the required items on time may delay the processing of the application and scheduling of the public hearing. It is recommended that applications be hand-delivered to the Planning and Development Department. **Refer to the Planning Board Meeting Schedule for meeting dates and deadlines.**

#### Resolution of Intent

Once the application is filed and accepted, the Planning Board will be requested to adopt a Resolution of Intent. If adopted, the Planning Board will set the date of the public

hearing, usually the following month, to consider the petition.

#### Notice

Notification of a public hearing is required under state law. This consists of:

- Notice published in local newspaper once a week for two (2) successive weeks, approx. ten (10) days and five (5) days before the public hearing
- Notice by mail to adjoining property owners of said easement not signing petition approximately ten (10) days before the public hearing
- Notice by posting of a sign on the subject property approximately ten (10) days before the public hearing

Public inquiries often result from the notification process. The petitioner may contact staff to inquire about citizen comments prior to the public hearing.

### BEFORE THE MEETING

#### Discussion with interested parties

It is recommended that the petitioner discuss his/her plans with adjoining property owners, neighborhood associations and other interested parties prior to the public hearing.

#### Staff Report

Staff prepares a report for each case, which includes the staff recommendation. The report is available three or four days prior to the public hearing and anyone may request a copy.

#### Withdrawals

A request to withdraw must be made in writing, signed by the petitioner and submitted to planning staff. If the withdrawal request is submitted prior to any public notification, a refund may be made and attendance at the meeting is not required. If public notification has already been made, a withdrawal may only be granted by the Planning Board. Attendance at the meeting is required, and the petitioner is not eligible for a refund.



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### Continuances

A continuance of a request may only be granted by the Planning Board. Attendance at the meeting is required. If granted, the Planning Board will set a new date for the public hearing. The Planning Board may only continue a request for a total of sixty (60) days.

### **THE MEETING**

**The petitioner or his /her representative must be present for the public hearing.** Planning Board meetings are generally held on the second Wednesday of each month, in the Old County Courthouse, located at 301 West Market Street, Greensboro, NC in the Blue Room on the first floor. A Hearing Notice is mailed to the petitioner approximately ten (10) days prior to the public hearing notifying of the exact date, time and place.

### Meeting Format

At the beginning of each meeting, the Chair of the Planning Board reviews the meeting and voting procedures. Following an approval of minutes, the Chair calls a case, the staff report is presented, and the public hearing is opened.

During the public hearing, the applicant, his/her representative, or anyone in favor of the request will have a total of twenty (20) minutes to address the Planning Board. Next, anyone in opposition to the request will be given a total of twenty (20) minutes to speak.

Maps, photographs, diagrams and other presentation materials may be incorporated into public hearing presentations. Any materials presented to the Planning Board remain with the case file, so duplicates should be provided. This includes written petitions, which should list the address for each signatory.

### Outcomes

A favorable 5/7ths (71.4%) vote on a request constitutes final approval, unless appealed. A favorable vote of less than 5/7ths (71.4%) constitutes a favorable recommendation of the request which is automatically forwarded for a public hearing before the Board of County Commissioners. A tie vote on any motion constitutes denial of the request, unless appealed.

### **AFTER THE MEETING**

#### Notification

If approved, the following notifications will take place:

- Day after hearing -Notice by posting of signs in at least two places along the said easement
- Thirty (30) days after hearing, no appeal -Record affidavit of publication and resolution in the Register of Deeds office
- Thirty (30) days after hearing, no appeal -Notice by mail to the petitioner

#### Appeals

A decision of the Planning Board may be appealed to the Board of County Commissioners by any person aggrieved by the closing of an easement. The appeal form, available from the Planning Department and appeal fee must be submitted to the Planning Department within thirty (30) days of the Planning Board decision. Decisions of the Board of Commissioners may be appealed to State Superior Court within two months of the Board's decision.

*This document is intended for public information purposes only. It summarizes and omits some provisions. It is not to be construed or used as an official interpretation of the Guilford County Development Ordinance in any legal proceeding.*