



## Moore County IT Department - GIS Division

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# Right-of-Way Abandonment Process

There are two ways an owner can abandon a right of way (ROW). Review the two types before selecting the path that is right for your situation.

### **Private Withdrawal (N.C.G.S. 136-96) ([NCLEG.GOV LINK](#))**

**Overview:** Pursuant to North Carolina General Statute 136-96, a street that has been dedicated for public use by a deed, grant, map, plat, or other means but not opened or used by the public within 15 years after the dedication of the street is presumed abandoned and may be eligible for withdrawal.

### **Cost & Process:**

The dedicator or a person claiming under the dedicator files or causes to be recorded in the Moore County Register of Deeds office a declaration withdrawing the strip, piece, or parcel of land from the public or private use to which it was dedicated. (hereinafter "Withdrawal of Dedication").

A recording fee for the Withdrawal of Dedication will be charged by the Moore County Register of Deeds office.

The dedicator or a person claiming under the dedicator is responsible for completing the Private Withdrawal Information electronically on this website to notify the Tax Department of the Withdrawal of Dedication filing.

**Exceptions:** N.C.G.S. 136-96 cannot be used to abandon or withdraw a street when the continued use of the street is necessary to afford convenient ingress or egress to any lot or parcel of land sold and conveyed by the dedicator of the street; and when the public dedication is part of a future street shown on an adopted street plan pursuant to N.C.G.S. 136-66.2.

**Important Reminder Before You Begin:** These procedures only provide general information on a Private Withdrawal, and the Moore County requirements. If necessary, please contact an attorney for legal advice to ensure you meet the requirements of Moore County, and under N.C.G.S. 136-96. Moore County Staff cannot provide legal advice.

## **County Closure (G.S. 153A-241) [NCLEG.GOV LINK](#)**

*(If applicable, please consider using Private Withdrawal before County Closure because it may require fewer steps and may be faster and less expensive.)*

### **Overview:**

- Pursuant to North Carolina General Statute 153A-241, Moore County may permanently close a paper street within the county jurisdiction, except those within a city or under the control and supervision of the North Carolina Department of Transportation (NCDOT).
- The Moore County Board of Commissioners has the authority to close a paper street following a public hearing and determination that closing the street:
  - Is not contrary to the public interest.
  - Does not deprive any individual owning property in the vicinity of the street or in the subdivision in which the street is located of reasonable means of ingress and egress to their property.
  - Is not contrary to preserving community connectivity.
  - Is not a part of the city or under the control and supervision of NCDOT.

**Cost:** \$1,000 application fee plus the cost of certified mail to adjoining owners.

### **Process:**

The County's review process takes approximately 2-3 months. Some of the items that are included in the review process are:

- Applicant submits electronic application form to include contact information (name, address, phone number, email) for the Applicant with the following attachments: (as per requirements outlined below).
  - Scaled drawings of a survey showing the paper street to be abandoned, including a vicinity map. The survey shall be signed and sealed by a licensed professional land surveyor.
  - A Metes and Bounds description of the paper street to be abandoned. The description shall be signed and sealed by a duly licensed professional land surveyor.
  - Memorandum of Understanding signed by all the abutting property owners, including addresses and parcel numbers is required to be included on this electronic form.
  - Application fee must be paid before review process starts.
- The County reviews the application. The County's review process takes approximately 2-4 months. Some of the items that are included in the review process are:
  - The Moore County Board of Commissioners may adopt a resolution on intent to close the road or portion thereof.
  - Notification and request for comments to adjacent/abutting property owners by registered or certified mail. (At requestor's expense.)
  - Notification and request for comments to all public and private facilities.
  - The Board of Commissioners must first adopt a resolution declaring its intent to close the public paper street and
  - Call for a public hearing on the question.
  - Advertise as a legal notice for public hearing once a week for three successive weeks before the hearing.

- Send a copy of the resolution by registered or certified mail to each owner as shown on the county tax records of property adjoining the public street who did not join in the request to have the street closed.
  - Notice of the proposed closing and public hearing to be prominently posted in at least two places along the street.
  - Hold public hearing.
  - Vote by Moore County Board of Commissioners
- The Moore County Board of Commissioners may adopt an order closing the paper street (a certified copy of which would be recorded at the Moore County Register of Deeds).
- Any person aggrieved by the closing of a public paper street may appeal to the board of commissioners' order to the appropriate division of the General Court of Justice within 30 days after the order is adopted pursuant to N.C.G.S. 153A-241.

**Important Reminder Before You Begin:** These procedures only provide general information on a County Closure, and the Moore County requirements. If necessary, please contact an attorney for legal advice to ensure you understand the requirements of Moore County, and N.C.G.S. 153A-241. Moore County Staff cannot provide legal advice.

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You will need the following information to complete the online form:

- If you choose Private Withdrawal (G.S. 136-96)
  - Register of Deed Withdrawal Information. Deed Book/Page
  - Parcel ID(s)
  - Recorded Plat Number
- If you choose County Withdrawal (G.S. 153A-241)
  - Parcel ID(s)
  - Recorded Plat Number (Plat Cabinet/Slide).
    - Scaled drawings of a survey showing the ROW to be abandoned, including a vicinity map. The survey shall be signed and sealed by a licensed professional land surveyor.
  - A Metes and Bounds description of the ROW to be abandoned. The description shall be signed and sealed by a duly licensed professional land surveyor.
  - Signed Memorandum of Understanding (*If there are multiple owners, all owners must sign the same Memorandum of Understanding for filing with Register of Deeds.*)