

WAKE COUNTY BOARD OF COMMISSIONERS
October 19, 2020

RESOLUTION APPROVING ALL FUTURE RESOLUTIONS APPROVED BY MUNICIPALITIES IN WAKE COUNTY RELATED TO THE ABANDONMENT OF ROADS FROM THE STATE HIGHWAY SYSTEM THAT LIE WITHIN THAT MUNICIPALITY'S EXTRATERRITORIAL JURISDICTION

WHEREAS, any road, street or alley dedicated to the North Carolina Department of Transportation (NCDOT), which is located within a city's corporate limits or extraterritorial jurisdiction (ETJ), may be petitioned for abandonment from the state maintenance system in accordance with North Carolina General Statute 160A-299; and

WHEREAS, prior to consent for abandonment by the NCDOT, North Carolina General Statute 160A-299 requires cities to first adopt a resolution declaring its intent to close any road, street or alley, and calling a public hearing on the question; and

WHEREAS, the NCDOT maintains a legal opinion that petitions for road, street or alley abandonments located within a municipality's ETJ also requires consent from the respective county board of commissioners; and

WHEREAS, the ETJ is under the planning and zoning control of the city; and therefore, there is no purpose or need for the county to review petitions for road, street or alley abandonment prior to submission to the North Carolina Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Wake County Board of Commissioners hereby approves all future resolutions passed by a municipality related to the abandonment of road sections from the state highway system that lie within that municipality's ETJ. This resolution comes with the understanding that any of these candidate abandonments from the state highway system become official only upon final approval by the North Carolina Board of Transportation. Wake County reserves the right to amend or terminate this resolution upon 60 days notification to the North Carolina Department of Transportation.

Adopted this 19th day of October 2020.

ATTEST:

BOARD OF COMMISSIONERS FOR THE
COUNTY OF WAKE

By: _____
Clerk to the Board

Gregory D. Ford, Chair

APPROVED AS TO FORM:

Scott Warren, County Attorney