

Memorandum



Winston-Salem

**City Council
City Clerk's Office**

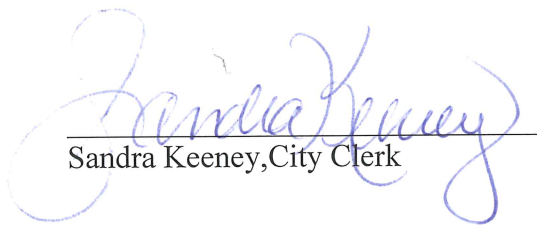
City of Winston-Salem
P.O. Box 2511
Winston-Salem, NC 27102
Tel 336-727-2224
Fax 336-727-2880
www.cityofws.org

TO: Charles Hendrick, Engineering Department
FROM: Sandra Keeney, City Clerk
DATE: February 16, 2021
SUBJECT: Street Closing
CC:

We have received a petition to close and abandon a portion of WoodCliff Drive. The petitioner is Ms. Nedrea Bell, 5455 WoodCliff Drive Winston-Salem, NC 27106. She can be reached at 336-926-9823.

Please have the necessary investigations conducted on this petition for consideration and recommendation to the City Council.

Thank you.


Sandra Keeney, City Clerk

CityLink311

Call 311 or 336-727-8000
citylink@cityofws.org

City Council: Mayor Allen Joines; Denise D. Adams, Mayor Pro Tempore, North Ward; Barbara Hanes Burke, Northeast Ward; Robert C. Clark, West Ward; John C. Larson, South Ward; Jeff MacIntosh, Northwest Ward; Kevin Mundy, Southwest Ward; Annette Scippio, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

NORTH CAROLINA)
)
FORSYTH COUNTY)

PETITION TO CLOSE AND ABANDON A
PORTION OF 5455 WoodCliff Dr

TO: HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF WINSTON-SALEM

The undersigned respectfully petitions the Honorable Mayor and City Council of the City
of Winston-Salem as follows:

RECEIVED

FEB 16 2021

CITY CLERK

I.

Your petitioner declares that he/she is the owner of 5455 WoodCliff

_____ and
that as to other property abutting the portion of _____

_____ which he/she wants to have closed and
abandoned, the following are the owners:

Owner	Address
<u>Nedrea Bell</u>	<u>5455 WoodCliff Dr</u> <u>27106</u>
_____	_____
_____	_____
_____	_____

(If additional space is needed, please use separate sheet.)

Please state your reason / purpose for closing a portion of said street / alleyway

to contain my property on
plank a pole

Said portion of _____ was dedicated to public use upon the public records appearing in the Office of the Register of Deeds of Forsyth County, North Carolina. Its use as a street or public way is unnecessary for the normal flow of traffic through the surrounding area.

II.

Your petitioner respectfully petitions that the following described portion of said _____ officially be closed and abandoned: **(insert property description of the property listed above)**

III.

No individual owning property in the vicinity of the aforesaid portion of _____ will be deprived of reasonable means of ingress to and from his property, nor is the closing thereof contrary to the public interest.

NORTH CAROLINA)
)
FORSYTH COUNTY)

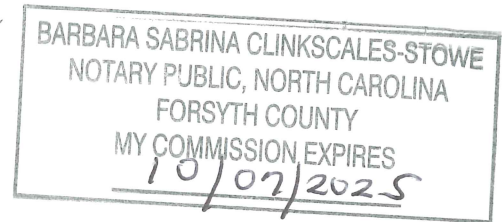
I (we) Nedree Annice Bell, being duly sworn, depose and say that I am (we are) the petitioner(s) in the above entitled matter; that I (we) have read the foregoing petition and know the contents thereof; that the same is true of my (our) own knowledge except as to those matters therein stated on information and belief and as to those matters, I (we) believe it to be true.

Nedree Bell

Signature(s) of Petitioner(s)

SWORN AND SUBSCRIBED before me, this the 16th, day of February, 20 21

[Signature]
Signature of Notary Public



My commission expires: 10/07/2025

Date Petition Received in Engineering Office:

Signature of Engineering Office staff member verifying information in this petition:

DATE PETITION RECEIVED IN CITY CLERK'S OFFICE: 2-16-2021

FEE PAID: \$1400.⁰⁰

AUTHORIZED AGENT

The authorized agent may be the petitioner or another person designated by the petitioner to answer questions and to represent the petition at public hearings. All correspondence will be sent to this agent.

Name: _____

Mailing Address: _____

Daytime telephone number (landline and/or mobile): _____

WHEREFORE, your petitioner respectfully requests the City of Winston-Salem, acting through its City Council to close and abandon for street purposes that portion of said _____ described, all as provided by law, particularly by Section 160A-299 of the General Statutes of North Carolina.

RESPECTFULLY SUBMITTED, this the _____ day of _____, 20 _____.

Signature(s) of Petitioner(s)

Petitioner's Title (if representing an organization)

ATTESTED BY:

Signature of Witness

Witness' Title



STREET / ALLEY CLOSING PROCEDURES

Please Read Information Carefully

1. Petitioner submits petition to City Clerk's Office to be completed as follows:

NOTE: (Prior to submission to the City Clerk's Office, petitioner should visit the City's Engineering Records Department, 2nd Floor, Bryce A. Stuart Municipal Building [formerly City Hall South], to verify the title of the street closure and confirm accuracy of the description.)

- Fill in all spaces with name of street/alley to be closed.
- List all owners of adjoining property with complete mailing address.
- On page 2, section II, insert property description (or attach separate sheet, if needed). Description of proposed street/alley closing should be written using a copy of the current tax map which can be obtained from the Forsyth County Tax Collector's Office.

Description of that portion of street to be closed must be from a sealed survey, tax map, or recorded plat. The following cannot be accepted: street address reference, unsealed plat, or any type of sketch not done from sealed survey. (See "NOTE" above.)
- Petitioner should sign the form on page 3. If the petition is submitted (1) by a partnership, it must be signed by a partner, (2) by a limited liability company, it must be signed by the manager or managing member, or (3) by a corporation, it must be signed by an authorized corporate officer. The partner, manager, or corporate officer's signature must be witnessed by an individual from the organization attesting the petitioner is a true representative of the organization.
- On page 4, have petitioner's signature notarized.
- Attach to the petition a copy of the tax map from the Forsyth County Tax Office, showing proposed closure in shading or cross-hatching.

2. After the petition, the tax map, a \$200 administrative fee, and a \$1,200 advertisement fee (for single road closures only) are received by the City Clerk, the petition is referred to the Public Works Department. Fees for multiple road closures will be determined by the City Clerk's Office based on the cost of the legal advertisement plus a \$200 administrative fee, but the petitioner for a multiple road closure is responsible for paying directly to the newspaper the cost of the legal advertisement.
3. After staff review, petition is submitted to the Public Works Committee of the City Council for consideration and recommendation to the City Council.
4. City Council sets date for a public hearing on the proposed closure and authorizes its advertisement.
5. Petitioner receives a copy of the resolution fixing the date of the public hearing. The hearing must be advertised for 4 consecutive weeks. The City will pay the local newspaper directly for the legal advertisement for single road closures, and the petitioner will pay the newspaper directly for the multiple road closure legal advertisements. If the City Council declines to set the date of the

- hearing or if the petition is withdrawn before the advertisement cost is paid by the City, the petitioner's \$1,200 advertisement payment to the City will be returned.
6. The City Clerk's office will mail the certified letters of public hearing notification to adjoining property owners and the administrative fee covers this expense.
 7. Public hearing is held before the City Council and the resolution ordering the closing of the street/alley is either adopted or denied.
 8. If adopted, petitioner will receive a copy of the adopted resolution by mail.
 9. 30 days after adoption, the City Clerk will mail the original resolution ordering the closure to the petitioner. Petitioner has the resolution recorded at the Register of Deeds office and returns the original papers to the City Clerk with book and page number imprinted on the document.
 10. When original, recorded resolution is received by the City Clerk, the portion of the street alley is considered formally closed. Each adjoining property owner receives his/her portion of the closed area as set out in the General Statutes of North Carolina.
 11. **The City will retain any utility, sidewalk, or other public infrastructure easements that may exist in the right-of-way of the closed road and, the City reserves the right to remove, at its expense, any cobblestone pavers, granite curb, buried trolley tracks or other materials which are in the street to be abandoned.**

04/13

print, complete and submit form to:	City Clerk's Office, City of Winston-Salem P.O. Box 2511 Winston-Salem, NC 27102-2511
www.cityofws.org	Office: (336) 727-2224 Fax: (336) 727-2880

What happens next?

Once the application and fee for Petition to Close and Abandon a Portion of a Street/Alleyway is received in the City Clerk's Office the application will be forwarded to City staff and then to City Council for approval.

Expect four (4) months for the process to be completed. If you have any questions, please call (336)727-2224.

2017050478 00186
FORSYTH CO. NC FEE \$26.00
STATE OF NC REAL ESTATE EXT
\$280.00
PRESENTED & RECORDED
12/20/2017 03:49:21 PM
LYNNE JOHNSON
REGISTER OF DEEDS
BY: SANDRA YOUNG
DPTY
BK: RE 3383
PG: 3001 - 3003

**NORTH CAROLINA
GENERAL WARRANTY DEED**

Excise Tax: \$280.00

Parcel Identifier No.: 6818-76-6416.00

Brief description for index: Pt Lot 45 and Lot 47, NORTH HAVEN

Mail deed/taxes after recording to Grantee: 5455 WOODCLIFF DRIVE, WINSTON-SALEM NC 27106

This instrument was prepared by: **Patti D. Dobbins, Attorney at Law**

THIS DEED made this 20th day of December, 2017 by and between

GRANTOR:	GRANTEE:
HUNDLEY and SONS INVESTMENTS, INC.	TRENTON D. COLES and NEDREA BELL
Address: 1626 OLD HOLLOW ROAD WINSTON-SALEM NC 27105	Property Address: 5455 WOODCLIFF DRIVE WINSTON-SALEM NC 27106

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSTH, that the Grantor for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in FORSYTH County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

All or a portion of the property hereinabove described was acquired by Grantor by instrument recorded in Book 2956, Page 1125, FORSYTH County Registry.

Submitted electronically by "Patti D Dobbins, Attorney at Law, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Forsyth County Register of Deeds.

A map showing the above described property is recorded in Plat Book _____, Page _____, and referenced within this instrument.

Does the above described property include the primary residence? YES NO

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Restrictive covenants, easements and rights of way of record, if any.
Ad valorem taxes for the current year.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer by authority of its Board of Directors, the day and year first above written.

HUNDLEY and SONS INVESTMENTS, INC.
(Entity Name)

By: [Signature]
Title: President

<p>SEAL-STAMP</p> <p>PATTI D. DOBBINS Notary Public Forsyth County, NC</p>	<p>STATE OF <u>North Carolina</u> COUNTY OF <u>Forsyth</u></p> <p>I, <u>Patti D. Dobbins</u>, a Notary Public of <u>Forsyth</u> County of the State of <u>NC</u>, do hereby certify that <u>Andrew Hundley</u> personally came before me this day and acknowledged that he/she is <u>President</u> of HUNDLEY and SONS INVESTMENTS, INC., and acknowledged, on behalf of HUNDLEY and SONS INVESTMENTS, INC., the grantor, the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this <u>20th</u> day of <u>December</u>, 2017.</p> <p>My Commission Expires: <u>9-25-2022</u> <u>Patti D Dobbins</u> Notary Public</p>
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EXHIBIT "A"

LEGAL DESCRIPTION

Commencing at an existing iron pipe at the northeast corner of the intersection of Woodcliff Drive and an unnamed, unopened 60-foot street, said existing iron pipe also being the southwest corner of Lot No. 49 on the map of North Haven Revised; thence with the northern boundary of Woodcliff Drive extended North $87^{\circ} 50' 14''$ West 60.03 feet to a new iron pipe at the northwest corner of the intersection of Woodcliff Drive and an unnamed, unopened 60-foot street, said new iron pipe also being at the southeast corner of Lot No. 47 on the map of North Haven Revised, the point of BEGINNING; thence with the northern boundary of Woodcliff Drive North $88^{\circ} 04' 55''$ West 194 feet to an existing iron pipe, the southeast corner of Robert F. and Pamela J. Miller [Tax Lot 101 of Block 3643; Deed Book 2577, Page 1492]; thence with the Millers' eastern boundary North $01^{\circ} 55' 55''$ East 179.67 feet to an existing iron pipe in the northern line of Lot No. 45 of North Haven Revised; thence with the northern line of said Lot No. 45 and falling in with the northern line of said Lot No. 47 South $88^{\circ} 12' 51''$ East 194.01 feet to an existing iron pipe in the western boundary of said unnamed, unopened 60-foot street, also being the northeast corner of said Lot No. 47; thence with the western boundary of said unnamed, unopened 60-foot street South $01^{\circ} 56' 10''$ West 180.12 feet to the BEGINNING; being all of Lot No. 47 and the eastern 76 feet (more or less) of Lot No. 45, which lots are shown on the map of North Haven Revised as recorded in Plat Book 23, Page 82, Forsyth County Registry. The foregoing is according to a survey by Christopher A. Wall, PLS, dated June 22, 2010 and on file as map No. P-_____ in the Engineering Records Center, City of Winston-Salem, North Carolina.

PROPERTY ADDRESS: 5455 WOODCLIFF DRIVE, WINSTON-SALEM NC 27106

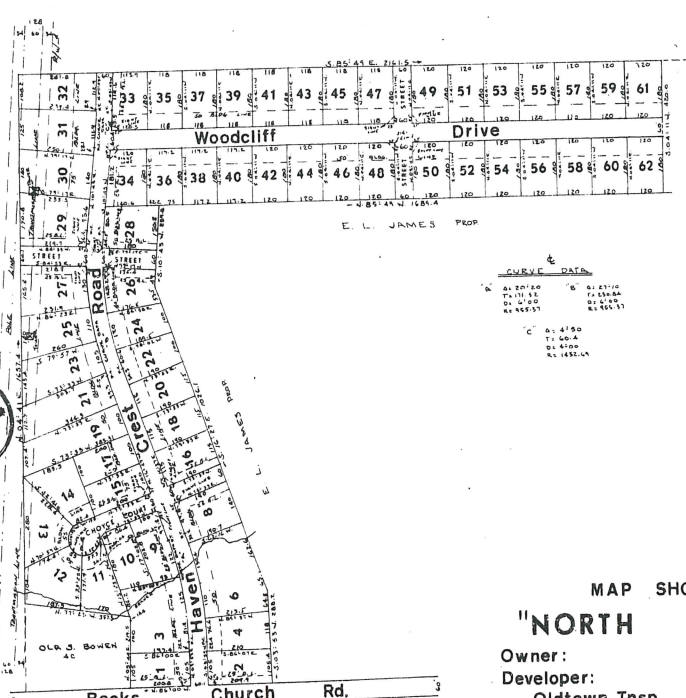
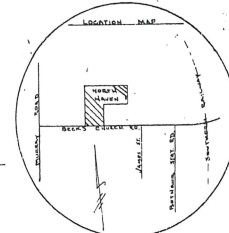
PARCEL ID #: 6818-76-6416.00

FINAL APPROVAL:

DIRECTOR CITY-COUNTY PLANNING BOARD

SECRETARY CITY-COUNTY PLANNING BOARD

DATE



E. L. JAMES PROP.

CURVE DATA

1. 21.27'±	2. 21.27'±
3. 21.27'±	4. 21.27'±
5. 21.27'±	6. 21.27'±
7. 21.27'±	8. 21.27'±
9. 21.27'±	10. 21.27'±
11. 21.27'±	12. 21.27'±
13. 21.27'±	14. 21.27'±
15. 21.27'±	16. 21.27'±
17. 21.27'±	18. 21.27'±
19. 21.27'±	20. 21.27'±
21. 21.27'±	22. 21.27'±
23. 21.27'±	24. 21.27'±
25. 21.27'±	26. 21.27'±
27. 21.27'±	28. 21.27'±
29. 21.27'±	30. 21.27'±
31. 21.27'±	32. 21.27'±
33. 21.27'±	34. 21.27'±
35. 21.27'±	36. 21.27'±
37. 21.27'±	38. 21.27'±
39. 21.27'±	40. 21.27'±
41. 21.27'±	42. 21.27'±
43. 21.27'±	44. 21.27'±
45. 21.27'±	46. 21.27'±
47. 21.27'±	48. 21.27'±
49. 21.27'±	50. 21.27'±
51. 21.27'±	52. 21.27'±
53. 21.27'±	54. 21.27'±
55. 21.27'±	56. 21.27'±
57. 21.27'±	58. 21.27'±
59. 21.27'±	60. 21.27'±
61. 21.27'±	

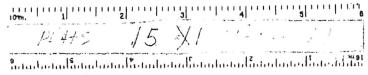
H.A. Burns certifies that this map was drawn from the actual survey made by me or by a duly licensed and qualified surveyor (or others) that the error of closure as indicated by latitudes and departures is 1:5000. That the boundaries not surveyed are shown as straight lines plotted from information found in 1914 Map that this map was prepared in accordance with G.S. 47-36 as amended. Witness my hand and seal this 27 day of August, A. D., 1966.



NORTH CAROLINA, FORSYTH COUNTY
 I, Cliff J. James, Clerk of Superior Court do hereby certify that H.A. Burns the maker personally appeared before me this day and acknowledged the due execution of the foregoing map. Let the map with this certificate be registered. Witness my hand this 27 day of August, 1966.
 C. S. C. Fee: 20 Paid: 71.00
Cliff J. James
 Clerk of Superior Court

Filed for Registration at 45 2/11/67
 and registered in Book 29 Page 37
 Lurice H.A. Burns County Register of Deeds
 by H.A. Burns R.L.S.
100

MAP SHOWING
"NORTH HAVEN" REVISED
 Owner: E. L. JAMES
 Developer: D. A. SMITH
 Oldtown Tnsp. Forsyth Co.
 Scale: 1" = 200' April 11, 1967
 H.A. BURNS, R.L.S.
 Section One



78

S. 85: 49 E. 2161.5

118	118	60	120	120	120
45	47	STREET	49	51	53
120	120	120	120	120	120
118	118	60	120	120	120
120	120	120	120	120	120

Drive

120	120	60	120	120	120
46	48	STREET	50	52	54
120	120	60	120	120	120
120	120	60	120	120	120

E. L. JAMES PROP.

- N. 85: 49 W. 1689.4