

NORTH CAROLINA)  
)  
FORSYTH COUNTY)

PETITION TO CLOSE AND ABANDON A  
PORTION OF N. Liberty Street E  
NS property

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:

I.

Your petitioner declares that he is the owner of Wildfire,  
709 N Main St. and  
that as to other property abutting the portion of N Liberty St E  
NS property which he wants to  
have closed and abandoned, the following are the owners:

<u>Owner</u>	<u>Address</u>
<u>Brad Bennett</u>	<u>709 N. Main St.</u>
<u>Jonathan Watkyns</u> <u>Estate</u>	<u>801 N. Liberty St.</u>
<u>Mike Grice</u>	<u>709 N. Main St.</u>

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

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

Wildfire is in the process of purchasing  
adjacent property located at 801 N. Liberty  
St. Closing this section of the street  
would allow ample parking for the  
purchased space.

Said portion of N. Hickety St. (801) 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 ~~property adjacent to currently owned property by requestor's property to be purchased~~ <sup>officially be</sup> ~~by requestor.~~ *property adjacent to currently owned property by requestor's property to be purchased*

~~closed and abandoned:~~ (insert property description of the property listed above)

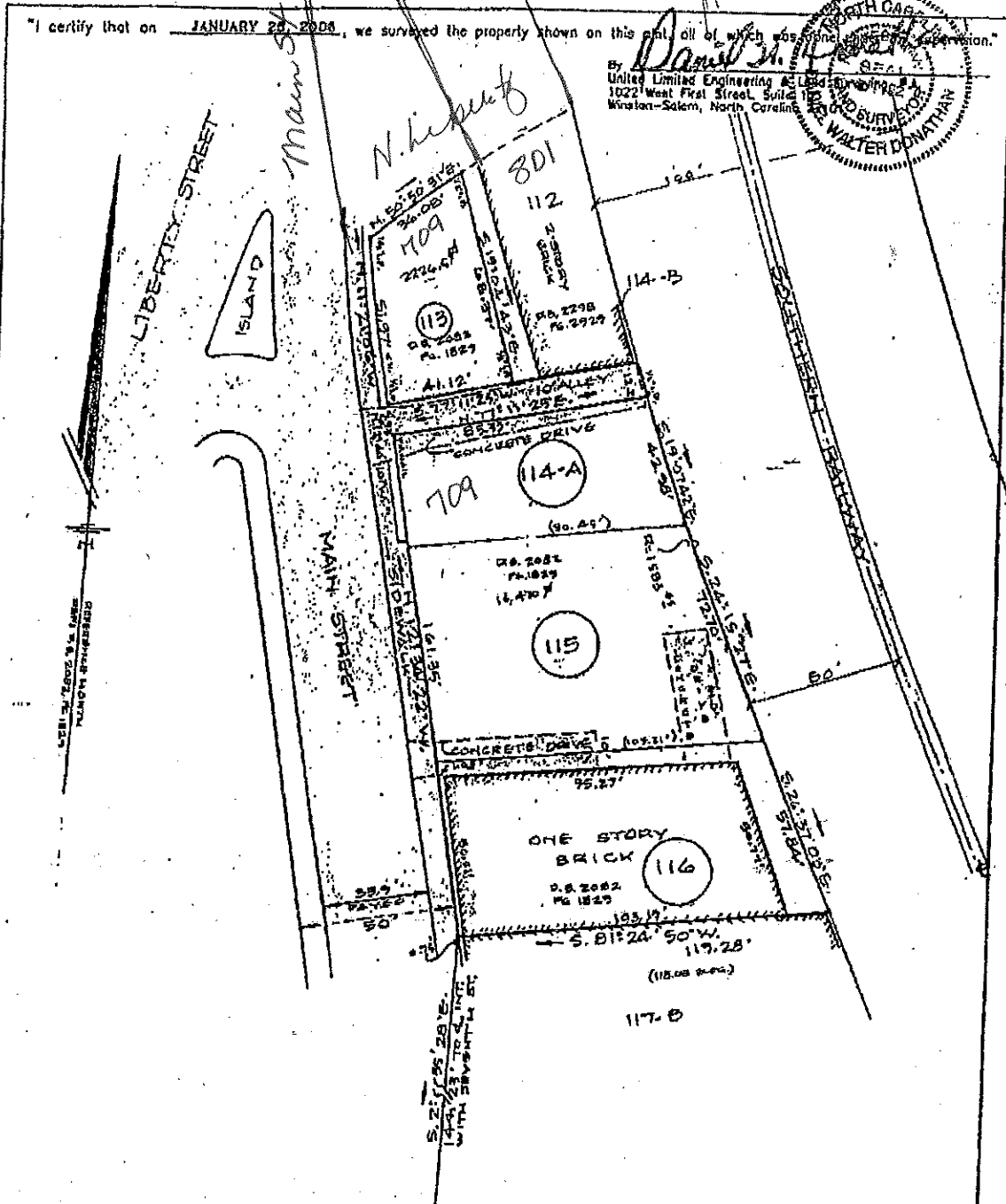
*see attachment #1*

III.

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

MLK

NS  
RR A

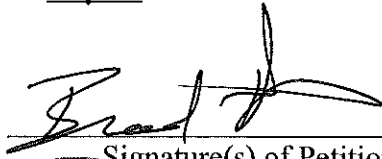


**MAP FOR:** ABCE PROPERTY MANAGEMENT, LLC  
**BEING:** LOTS 113, 114-A, & 115, & 116, 25' shown  
 ON FORSYTH COUNTY TAX MAP BLOCK 202



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 N liberty and RS property described, all as provided by law, particularly by Section 160A-299 of the General Statutes of North Carolina.

RESPECTFULLY SUBMITTED, this the 26<sup>th</sup> day of August, 20 19.

  
\_\_\_\_\_  
Signature(s) of Petitioner(s)

Chief Development officer  
\_\_\_\_\_  
Petitioner's Title (if representing an organization)  
CHIEF CREATIVE DIRECTOR / OFFICER

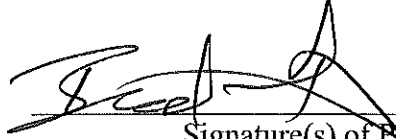
ATTESTED BY:

Brenda Swain  
\_\_\_\_\_  
Signature of Witness


office manager  
\_\_\_\_\_  
Witness's Title

NORTH CAROLINA)  
)  
FORSYTH COUNTY)

I (we) Brad Bennett owner 709 N Main St 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.

  
\_\_\_\_\_  
Signature(s) of Petitioner(s)

SWORN AND SUBSCRIBED before me, this the 21<sup>th</sup>, day of August, 20 19

  
\_\_\_\_\_  
Signature of Notary Public

My commission expires: January 23, 2025



Date Petition Received in Engineering Office:  
\_\_\_\_\_

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

DATE PETITION RECEIVED IN CITY SECRETARY'S OFFICE: 9-3-19

FEE PAID: \$1400.<sup>00</sup> *JAM*

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: Brad Bennett

Mailing Address: 709 N Main St  
W-S, NC 27101

Daytime telephone number (landline and/or mobile): 336-354-0031 (o)  
336-671-0845 (m)

2nd contact

Brenda SWAIN, Office Manager

336-354-0030 (o)

336-480-8032 (m)



**STREET / ALLEY CLOSING PROCEDURES**

*Please Read Information Carefully*

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

***NOTE: (Prior to submission to the City Secretary's Office, petitioner should visit the City's Engineering Records Department, 2<sup>nd</sup> 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 Secretary, the petition is referred to the Public Works Department. Fees for multiple road closures will be determined by the City Secretary'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 Secretary'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 Secretary 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 Secretary with book and page number imprinted on the document.
  10. When original, recorded resolution is received by the City Secretary, 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 Secretary's Office, City of Winston-Salem P.O. Box 2511 Winston-Salem, NC 27102-2511
<a href="http://www.cityofws.org">www.cityofws.org</a>	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 Secretary'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.



**Subject:** FW: Checking in

**Date:** Monday, August 26, 2019 at 10:00:42 AM Eastern Daylight Time

**From:** Mike Grice

**To:** Brenda Swain

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**From:** "Blair, Kristi D." <Kristi.Blair@nscorp.com>

**Date:** Thursday, August 22, 2019 at 1:59 PM

**To:** Mike Grice <mgrice@wildfireideas.com>

**Subject:** RE: Checking in

It is as I suspected. This "paper" street would need to be vacated before it can be removed as a "cloud" on the title of the property you wish to purchase. As I stated in our phone call, NS is not in the habit of participating in these petitions to vacate streets and will not initiate the paperwork or pay any fees associated therewith. If any property owner wishes to complete all the paperwork and submit to NS for our review and possible signature as an adjacent property owner, as well as pay the fees, we will consider that. Alternatively, if your counsel wishes to prepare something that would state NS would forgo our right to participate in the process and accept the results of the vacation as completed by the City, we would be happy to review. Both of these options would be assessed a processing fee commensurate with the level of work required by NS and our attorneys to review paperwork and process it internally.

*Kristi D. Blair*

Regional Manager Real Estate

Norfolk Southern Corporation

P.O. Box 12905

Roanoke, VA 24029

540-524-5992, phone

404-653-3425, fax

404-683-8482, cell

[Kristi.Blair@nscorp.com](mailto:Kristi.Blair@nscorp.com), email

[Real Estate Home Page](#)

[Real Estate Contacts by Territory](#)

**From:** Mike Grice [mailto:mgrice@wildfireideas.com]

**Sent:** Thursday, August 22, 2019 11:07 AM

**To:** Blair, Kristi D. <Kristi.Blair@nscorp.com>

**Subject:** [EXTERNAL] Checking in

Good morning Kristi, were you able to look into the email I sent over a couple days ago?

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**Mike Grice**

Co-Founder/Chief Creative Officer

**Wildfire | Winston-Salem**

709 N Main Street

Winston-Salem, NC 27101

T: 336.777.3473 C: 336.682.2902

**Wildfire | Richmond**