



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.cityofus.org

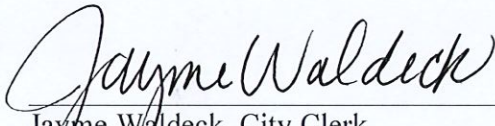
Memorandum

TO: Tiffany Ladd
FROM: Jayme Waldeck, City Clerk
DATE: January 26, 2024
SUBJECT: Petition to Close and Abandon a portion of Jay Avenue
CC:

We have received a petition to close and abandon a portion of Jay Avenue. The petitioner is Margo E. Cooper, and represented by Mr. Luke Dickey at Stimmel Associates, P.A. Stimmel Associates are located at 601 N. Trade Street, Suite 200, Winston-Salem, NC 27101. They can be reached at 336-723-1067.

Please have the necessary investigations conducted on this petition and place this item on the Public Works Committee agenda for consideration and recommendation to the City Council.

Thank you.



Jayme Waldeck, City Clerk

YOUR LINK TO CITY SERVICES

CITYLINK

CALL: 311 [336-727-8000]
TEXT: 855-481-LINK [5465]

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: W. Patrick Pate

NORTH CAROLINA)
)
FORSYTH COUNTY)

PETITION TO CLOSE AND ABANDON A
PORTION OF Jay Avenue

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/she is the owner of 2400 Jay Avenue
and a vacant parcel on Jay Avenue (PIN 6823-41-4147) and
that as to other property abutting the portion of Jay Avenue
_____ which he/she wants to have closed and
abandoned, the following are the owners:

<u>Owner</u>	<u>Address</u>
<u>James & Ann Wheeler</u>	<u>2491 Jay Avenue Winston-Salem, NC 27127</u>
<u>Parr Properties LLC</u>	<u>1813 Pembroke Road Greensboro, NC 27408</u>
<u>William Luther Dixon</u>	<u>225 Homegate Circle Apex, NC 27502</u>
_____	_____

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

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

Proposed portion of Jay Avenue to be closed is adjacent to and contains an un-improved portion of right-of-way which dead ends within the center of a proposed townhome development. During the rezoning process, an agreement was made with James & Ann Wheeler (adjacent property owners) to close the portion of Jay Avenue along their property frontage and locate a dedicated area for a turnaround to the west of their property on Jay Avenue.

Said portion of Jay Avenue 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 Jay Avenue officially be closed and abandoned: **(insert property description of the property listed above)**

See Attached

III.

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

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 Jay Avenue described, all as provided by law, particularly by Section 160A-299 of the General Statutes of North Carolina.

RESPECTFULLY SUBMITTED, this the 15th day of December 2023.

Margie Cooper
Signature(s) of Petitioner(s)

Petitioner's Title (if representing an organization)

ATTESTED BY:

DL
Signature of Witness
David D. BePhone

Notary Public
Witness' Title

NORTH CAROLINA)
FORSYTH COUNTY)

I (we) MARGO E COOPER, 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.

Margo E Cooper
Signature(s) of Petitioner(s)

SWORN AND SUBSCRIBED before me, this the 15, day of Dec, 20 23

[Signature]

Signature of Notary Public

My commission expires: 08-10-2028



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: 1/15/24

FEE PAID: \$ 1400

[Signature]

4/13

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: Luke Dickey / Stimmel Associates PA

Mailing Address: 601 N. Trade Street, Suite 200

 Winston-Salem, NC 27101

Daytime telephone number (landline and/or mobile): (336) 723-1067

Property Description for Right-of-Way Closure Jay Avenue

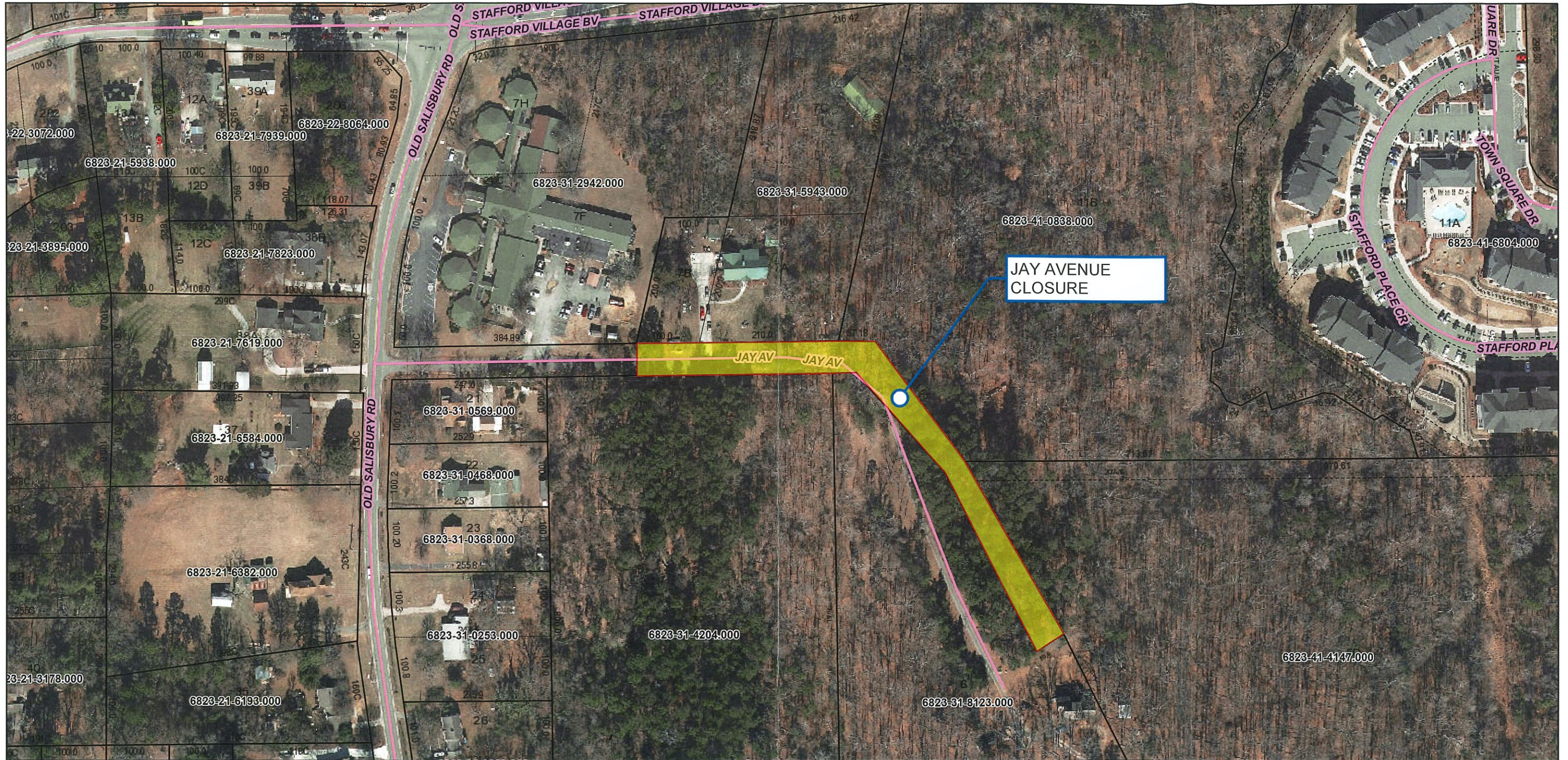
City of Winston Salem-Forsyth County, NC

The metes and bounds description shown herein is the portion of public right of way; of Jay Avenue to be abandoned. Said right of way is located within The City of Winston-Salem, Forsyth County, North Carolina and is described more particularly as the following,

Commencing at a 1" iron pipe having NC/NAD83 2011 State Plane Coordinates of Northing: 831635.93, Easting: 1623190.16, said corner being the northwestern point of William Luther Dixon, either now or formerly known as in instrument recorded as Plat Book 14, Page 65, Tract 7, said corner also being located on the southern right of way of Jay Avenue, thence **North 89° 58' 27" East for a distance of 140.03 feet** to a rebar set, being the place and POINT of BEGINNING, thence along the new eastern terminus of Jay Avenue, either now or formerly known as in instrument recorded in Plat Book 14, Page 65, thence along said terminus for the following two bearings and distances: (I) **North 00°01'33" West a distance of 25.00 feet** to a rebar set, (II) **North 00°01'33" West a distance of 25.00 feet** to a 1" iron pipe, said corner being the north eastern point of the new terminus of Jay Avenue, said corner also being located on the southern line of James and Ann Wheeler, either now or formerly known as in instrument recorded in Deed Book 1131, Page 1731, thence along said line, **North 89°37'34" East a distance of 312.81 feet** to a 3/8" rebar, said corner being the western point of Parr Properties, LLC, either now or formerly known as in instrument recorded in Deed Book 3416, Page 3098, thence along the southwestern line of Parr Properties, LLC, for the following two bearings and distances: (I) **South 88°08'44" East a distance of 57.13 feet** to a 1" iron pipe, (II) **South 36°06'04" East a distance of 231.74 feet** to a 3/4" iron pipe, said corner being located on the northern line of Lillian J Evans, either now or formerly known as in instrument recorded in Deed Book 628, Page 113, thence along said line for the following five bearings and distances: (I) **South 27°28'55" East a distance of 286.72 feet** to a 3/8" rebar, (II) **South 62°30'00" West a distance of 50.02 feet** to a 3/8" rebar, (III) **North 27°28'26" West a distance of 280.26 feet** to a 3/8" rebar, (IV) **North 36°06'31" West a distance of 205.49 feet** to a 3/4" iron pipe, (V) **South 89°57'14" West a distance of 33.86 feet** to a 1" iron pipe, said corner being the northeastern point of William Luther Dixon, either now or formerly known as in instrument recorded in Plat Book 14, Page 65, Tract 7, thence along said northern line of William Luther Dixon, **South 89°58'27" West a distance of 310.12 feet** to a rebar set being the **PLACE AND POINT OF BEGINNING**.

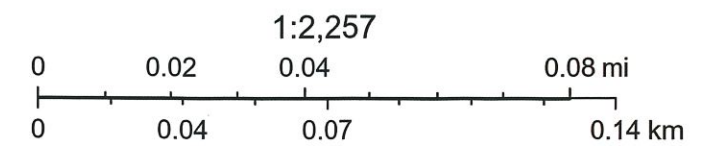
The Tract described in the metes and bounds description above contains .996 +/- Acres; said area will be split amongst the properties called for in this description. The boundary of this description only describes the portion of the right of way to be closed. Boundaries of the called for properties shown herein are subject to future change and division. This information is being derived from a field survey conducted by Sgroi Geomatics, PLLC on November 30th, 2023.

Forsyth County Tax Map



12/6/2023, 3:19:18 PM

- Forsyth County Boundary
- Parcels
- Legal Lot Lines
- Streets
- Parcels - Mailing Labels
- Easement



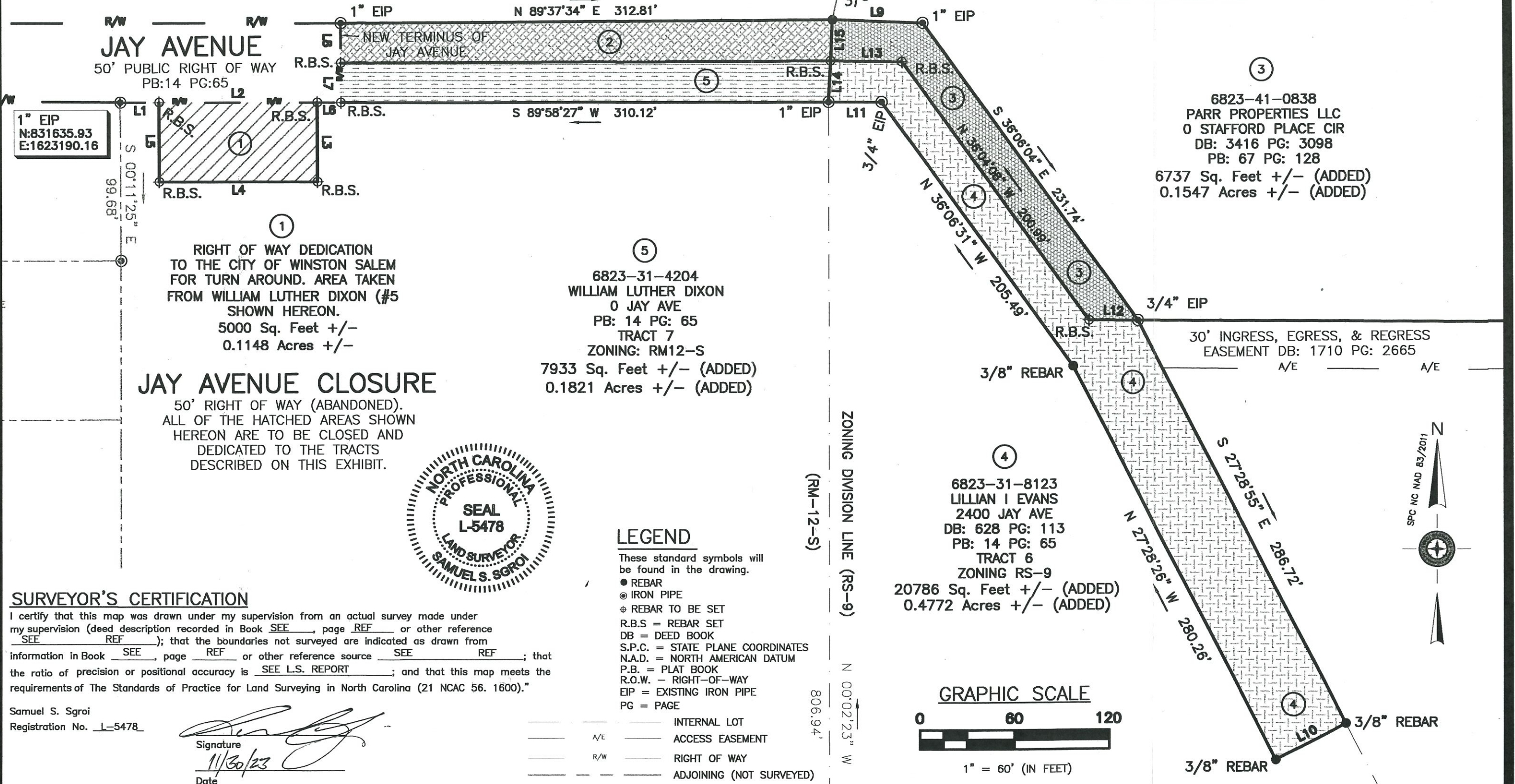
FEMA, MapForsyth, Forsyth County Tax Administration

LINE CHART

LINE	BEARING	DISTANCE	L8	N 00°01'33" W	25.00'
L1	N 89°58'27" E	25.00'	L9	S 88°08'44" E	57.13'
L2	N 89°58'27" E	100.00'	L10	S 62°30'00" W	50.02'
L3	S 00°01'33" E	50.00'	L11	S 89°57'14" W	33.86'
L4	S 89°58'27" W	100.00'	L12	N 89°41'07" W	31.29'
L5	N 00°01'33" W	50.00'	L13	N 89°13'28" W	44.37'
L6	N 89°58'27" E	15.03'	L14	N 02°56'21" E	26.09'
L7	N 00°01'33" W	25.00'	L15	N 02°56'21" E	25.89'

SURVEYOR'S NOTES:


1. SITE IS SUBJECT TO ALL EASEMENTS, R/W AND AGREEMENTS OF RECORD PRIOR TO THE DATE OF THE SURVEY.
2. ALL DISTANCES ARE HORIZONTAL GROUND, UNLESS OTHERWISE NOTED
3. ALL BEARINGS ARE GRID BEARINGS.
4. AREA COMPUTED BY COORDINATE GEOMETRY.
5. THE PURPOSE OF THE SURVEY SHOWN IS TO DEPICT THE RIGHT OF WAY PER EXISTING FIELD EVIDENCE.
6. DASHED LINES HAVE NOT BEEN SURVEYED.
7. THE NUMBER WITHIN THE ADDED TRACTS COINCIDES WITH THE NUMBER ON THE PARCEL DESCRIPTION.



SURVEYOR'S CERTIFICATION

I certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book SEE, page REF or other reference SEE REF); that the boundaries not surveyed are indicated as drawn from information in Book SEE, page REF or other reference source SEE REF; that the ratio of precision or positional accuracy is SEE L.S. REPORT; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56. 1600)."

Samuel S. Sgroi
Registration No. L-5478

Signature 
Date 11/30/23



PARCEL REFERENCES

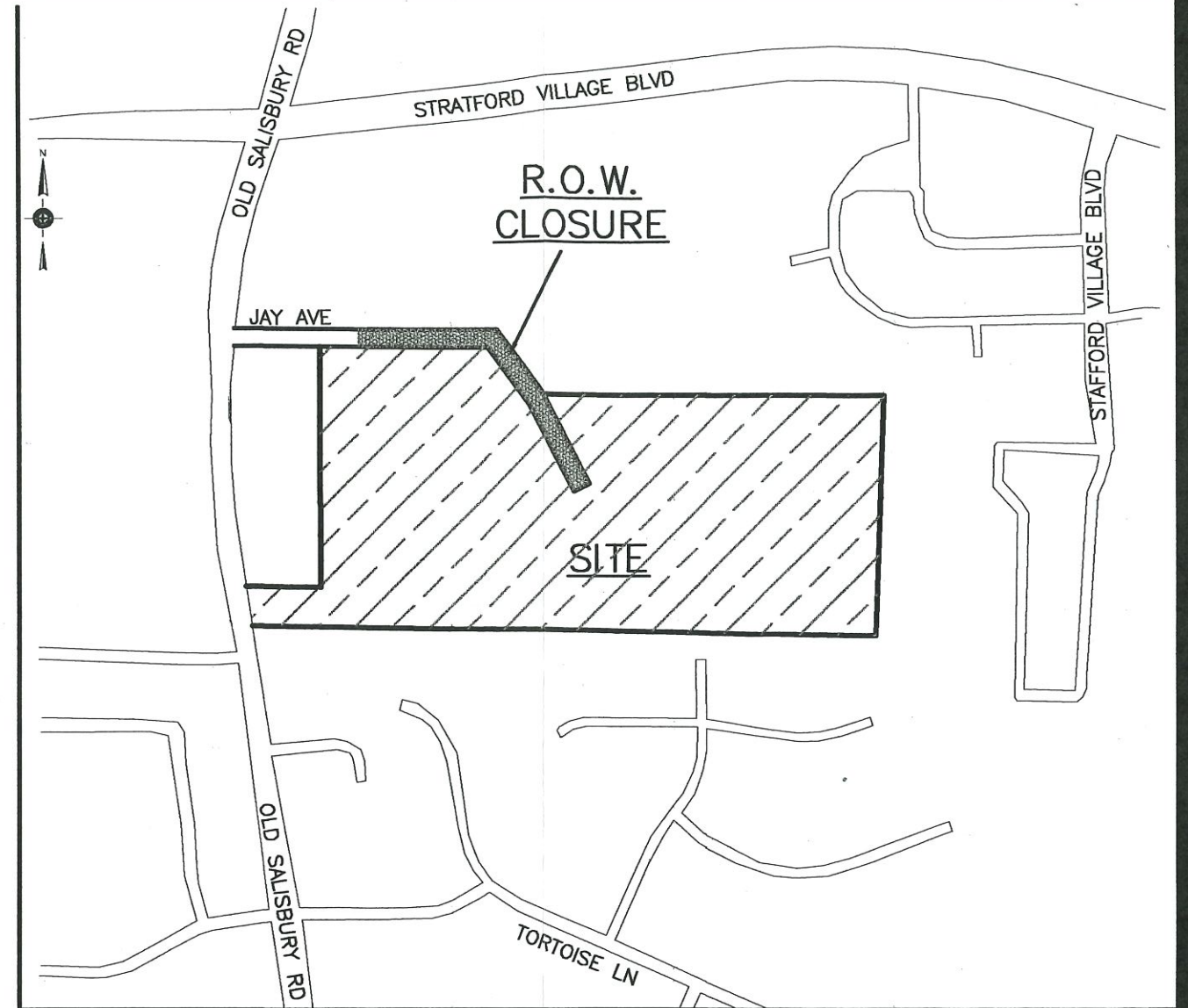
RIGHT OF WAY DEDICATION
TO THE CITY OF WINSTON SALEM
FOR TURN AROUND
5000 Sq. Feet +/-
0.1148 Acres +/-

6823-31-4204
WILLIAM LUTHER DIXON
0 JAY AVE
PB: 14 PG: 65
TRACT 7
ZONING: RM12-S
7933 Sq. Feet +/- (ADDED)
0.1821 Acres +/- (ADDED)

6823-31-8123
LILLIAN I EVANS
2400 JAY AVE
DB: 628 PG: 113
PB: 14 PG: 65
TRACT 6
ZONING RS-9
20786 Sq. Feet +/- (ADDED)
0.4772 Acres +/- (ADDED)

6823-31-5943
JAMES AND ANN WHEELER
2491 JAY AVE
DB: 1131 PG: 1731
7937 Sq. Feet +/- (ADDED)
0.1822 Acres (ADDED)

6823-41-0838
PARR PROPERTIES LLC
0 STAFFORD PLACE CIR
DB: 3416 PG: 3098
PB: 67 PG: 128
6737 Sq. Feet +/- (ADDED)
0.1547 Acres +/- (ADDED)



VICINITY MAP
NTS

SURVEYOR'S NOTES:

1. SITE IS SUBJECT TO ALL EASEMENTS, R/W AND AGREEMENTS OF RECORD PRIOR TO THE DATE OF THE SURVEY.
2. ALL DISTANCES ARE HORIZONTAL GROUND, UNLESS OTHERWISE NOTED
3. ALL BEARINGS ARE GRID BEARINGS.
4. AREA COMPUTED BY COORDINATE GEOMETRY.
5. THE PURPOSE OF THE SURVEY SHOWN IS TO DEPICT THE RIGHT OF WAY PER EXISTING FIELD EVIDENCE.
6. ONLY PROPERTY LINES LABELED WITH A DISTANCE AND BEARING HAVE BEEN SURVEYED.

NC GRID TIE

I, Samuel S. Sgroi, certify that this map was drawn under my supervision from an actual GPS (or GNSS) survey made under my supervision and the following information was used to perform the survey
Class of survey: Class A
Positional accuracy: 0.10'
Type of GPS (or GNSS) field procedure: NC VRS/RTK
Date(s) of survey :9/18/2023
Datum/Epoch : NAD 83 (2011)
Published/fixed control: NC VRS
Geoid model: (18)
Combined grid factor:0.99996918
Units : U.S. Feet

PURPOSE STATEMENT

THE INFORMATION SHOWN HEREON IS FOR A PORTION OF JAY AVENUE, HAVING A RECORDED 50' PUBLIC RIGHT OF WAY IN PB: 14 PG: 65 TO BE CLOSED. SEE SHEET 1 FOR DETAILS.

LEAST SQUARES REPORT

Passed the Chi-Square test at the 95.00 significance level
0.484 <= 1.416 <= 11.143
Angle Root Mean Square (RMS) 03.0"
Distance Root Mean Square (RMS) .01'
MAXIMUM ADJUSTMENT FROM RAW DATA = .15'

LINE CHART

LINE	BEARING	DISTANCE
L1	N 89°58'27" E	25.00'
L2	N 89°58'27" E	100.00'
L3	S 00°01'33" E	50.00'
L4	S 89°58'27" W	100.00'
L5	N 00°01'33" W	50.00'
L6	N 89°58'27" E	15.03'
L7	N 00°01'33" W	25.00'
L8	N 00°01'33" W	25.00'
L9	S 88°08'44" E	57.13'
L10	S 62°30'00" W	50.02'
L11	S 89°57'14" W	33.86'
L12	N 89°41'07" W	31.29'
L13	N 89°13'28" W	44.37'
L14	N 02°56'21" E	26.09'
L15	N 02°56'21" E	25.89'

TEXT LEGEND

- R.B.S = REBAR SET
- DB = DEED BOOK
- S.P.C. = STATE PLANE COORDINATES
- N.A.D. = NORTH AMERICAN DATUM
- P.B. = PLAT BOOK
- R.O.W. - RIGHT-OF-WAY
- MON. WELL = MONITORING WELL
- EIP = EXISTING IRON PIPE
- PG = PAGE

LEGEND


- These standard symbols will be found in the drawing.
- REBAR
 - ⊙ IRON PIPE
 - ⊕ REBAR TO BE SET

RIGHT OF WAY CLOSURE EXHIBIT:

PULTE HOMES, INC
OLD SALISBURY ROAD PROPERTY

CITY OF WINSTON-SALEM
WINSTON TOWNSHIP
FORSYTH COUNTY, NORTH CAROLINA

DATE: 11/29/2023 PROJECT NO: 23-53 DRAWN BY: SSS



SGROI GEOMATICS, PLLC
P-2670
1405-A NC 66, KERNERSVILLE, NC 27284
336-646-3032