

**NORTH CAROLINA
FORSYTH COUNTY**

**RESOLUTION ORDERING THE CLOSING AND
ABANDONMENT OF A PORTION OF DEACON
BOULEVARD, THE TERMINATION OF AN
ENCROACHMENT AGREEMENT FOR THE
UNDERGROUND PEDESTRIAN TUNNEL AND THE
CLOSING AND ABANDONMENT OF SAID TUNNEL**

WHEREAS, on the 26th day of July 2024, a petition was filed with the City Council of the City of Winston-Salem, North Carolina, to close a portion of Deacon Boulevard and terminate an encroachment agreement entered into, by and between, the City of Winston-Salem and Wake Forest University, for the underground pedestrian tunnel, as described on the next page; and

WHEREAS, on the 3rd day of September 2024, at a regular meeting of the City Council of the City of Winston-Salem, North Carolina, a resolution fixing the date and hour for the hearing on said petition was adopted by unanimous vote of said City Council; and the date and hour were fixed on the 7th day of October 2024, at 6:00 p.m. in the Council Chamber, Second Floor of City Hall in the City of Winston-Salem, North Carolina; and

WHEREAS, notice of said meeting was published once a week for four successive weeks in the Winston-Salem Journal, a newspaper published in the City of Winston-Salem, North Carolina, pursuant to order of the City Council in the resolution fixing the date for hearing on the above-described petition and notice of the closing and public hearing was posted in at least two prominent places along said portions of said street proposed to be closed; and

WHEREAS, ownership of abutting or adjoining property is as follows:

Owner:

Address:

Wake Forest University

PO BOX 7201, Winston-Salem, NC 27109

Deacon Boulevard Holdings VII, LLC

PO BOX 7201, Winston-Salem, NC 27109

Deacon Boulevard Holdings XIII, LLC PO BOX 7201, Winston-Salem, NC 27109

WHEREAS, at a meeting of the City Council of the City of Winston-Salem, North Carolina, held on the 7th day of October 2024, a public hearing was held on the petition to close and abandon said portion of Deacon Boulevard and the termination of the Right-of-Way Encroachment and Tunnel Access Agreement, entered into, by and between, the City of Winston-Salem and Wake Forest University in July 2013, recorded in Deed Book 3138 Page(s) 2564-2574 of the Forsyth County Register of Deeds Office; and

WHEREAS, notice, if required under GS 160A-299, was given to the State Department of Transportation; and

WHEREAS, it appears to the satisfaction of the City Council of Winston-Salem, North Carolina, that the closing of the indicated portion of said Deacon Boulevard is not contrary to the public interest and that no other individual owning property adjoining, abutting or in the vicinity of said right-of-way will thereby be deprived of reasonable means of ingress and egress to his property.

WHEREAS, the adoption of this street closing is conditioned upon the completion and acceptance of the public utilities relocation and realignment of Deacon Boulevard.

WHEREAS, the right-of-way and pedestrian tunnel, identified in the encroachment agreement entered into, by and between, the City of Winston-Salem and Wake Forest University, and recorded in Deed Book 3138 Page(s) 2564-2574 of the Forsyth County Register of Deeds Office, is hereby closed and abandoned with the same to become the property of in its entirety of the owners identified herein without the City of Winston-Salem retaining any interest therein and without further action by the City of Winston-Salem City Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Winston-Salem, North Carolina, that portion of Deacon Boulevard as herein referred to, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron pipe having NC Grid NAD83 coordinates N:868,046.08 E:1,627,636.10 found at a southwesterly corner of Wake Forest University parcel as recorded in Deed Book 3663, Page 2790, Forsyth County Registry, and being further identified as Tax Parcel 6826-78-7015;

Thence with new lines in and across Deacon Boulevard (70' public right-of-way) the following two (2) courses: 1) N 31°07'37" W, a distance of 119.56 feet to a computed point; and 2) N 77°37'19" E, a distance of 226.78 feet to a PK nail found at a southwesterly corner of Wake Forest University parcel as recorded in Deed Book 3786, Page 2466 and described as Lots 92 through 95 and 112 through 115 in Plat Book 3, Page 77, Forsyth County Registry, and further identified as Tax Parcel 6826-78-8342;

Thence with the southern boundary of said Wake parcel identified as 6826-78-8342, S 89°03'55" E, a distance of 93.67 feet to a 1/2-inch iron pipe found at the southwestern corner of Wake Forest University parcel as recorded in Deed Book 3786, Page 2454, Forsyth County Registry, and further identified as Tax Parcel 6826-78-9352;

Thence with the southern boundary of said Wake parcel identified as 6826-78-9352, S 89°03'55" E, a distance of 94.98 feet to a 1/2-inch iron pipe found at the southwestern corner of Wake Forest University parcel as recorded in Deed Book 3786, Page 2450, Forsyth County Registry, and further identified as Tax Parcel 6826-88-1318;

Thence with the southern boundary of said Wake parcel identified as 6826-88-1318, S 89°03'55" E, a distance of 109.98 feet to a 1/2-inch iron pipe found at the southwestern corner of Wake Forest University parcel as recorded in Deed Book 3786, Page 2458, Forsyth County Registry, and further identified as Tax Parcel 6826-88-1275;

Thence with the southern boundary of said Wake parcel identified as 6826-88-1275, S 89°03'55" E, a distance of 120.02 feet to a 1/2-inch iron pipe found at the southwestern corner of Wake Forest University parcel as recorded in Deed Book 2926, Page 2815 and described as Lots 77 through 80 and 127 through 130 in Plat Book 3, Page 77, Forsyth County Registry, and further identified as Tax Parcel 6826-88-2391;

Thence with the southern boundary of said Wake parcel identified as 6826-88-2391, S 89°03'55" E, a distance of 119.99 feet to a 1/2-inch iron pipe found at the southwestern corner of Deacon Blvd. Holdings VII, LLC as recorded in Deed Book 2832, Page 1914, Forsyth County Registry, and further identified as Tax Parcel 6826-88-4341;

Thence with the southern boundary of said Deacon Blvd. Holdings VII parcel identified as 6826-88-4341, S 89°03'55" E, a distance of 180.34 feet to an "X" mark chiseled in concrete found at the southwestern corner of Wake Forest University parcel as recorded in Deed Book 3786, Page 2462, Forsyth County Registry, and further identified as Tax Parcel 6826-88-5361;

Thence with the southern boundary of said Wake parcel identified as 6826-88-5361, S 89°03'55" E, a distance of 61.03 feet to a PK nail found at the southwestern corner of Wake Forest University parcel as recorded in Deed Book 3786, Page 2474 and described as Lots 65 through 67 and 140 through 142 in Plat Book 3, Page 77, Forsyth County Registry, and further identified as Tax Parcel 6826-88-6351;

Thence with the southern boundary of said Wake parcel identified as 6826-88-6351, S 89°03'55" E, a distance of 118.99 feet to a PK nail set at the southwestern corner of Wake Forest University parcel as recorded in Deed Book 2347, Page 3648 and described as Lots 143 through 152 in Plat Book 3, Page 77, Forsyth County Registry, and further identified as Tax Parcel 6826-88-8264;

Thence with the southern boundary of said Wake parcel identified as 6826-88-8264, S 89°03'55" E, a distance of 207.73 feet to a computed point in the northern right-of-way of said Deacon Boulevard;

Then with new lines in and across said Deacon Boulevard the following two (2) courses: 1) S 68°51'58" E, a distance of 154.70 feet to a computed point; and 2) along a curve to the left, with a chord bearing S 76°16'01" E, a chord length of 67.37 feet, and a radius of 261.50 feet to a computed point in the northern boundary of Wake Forest University parcel as recorded in Deed Book 3138, Page 2522 and described as Tract A in Plat Book 61, Page 61, Forsyth County Registry, and further identified as Tax Parcel 6826-87-4512;

Thence with the northern boundary of said Wake parcel identified as 6826-87-4512 the following two (2) courses: 1) N 89°04'26" W, a distance of 177.56 feet to a 1/2-inch iron pipe found; and 2) N 89°15'43" W, a distance of 840.50 feet to a bent 3/4-inch iron pipe found at the northeastern corner of Wake Forest University parcel as recorded in Deed Book 3663, Page 2793, Forsyth County Registry, and further identified as Tax Parcel 6826-78-9067;

Thence with the northern boundary of said Wake parcel identified as 6826-78-9067, N 88°50'14" W, a distance of 300.35 feet to a PK nail found at the northeastern corner of said Wake parcel identified as 6826-78-7015;

Thence with the northern boundary of said Wake parcel identified as 6826-78-7015 the following two (2) courses: 1) N 88°41'12" W, a distance of 108.81 feet to an empty hole found with PK nail missing; and 2) along a curve to the left, with a chord bearing S 30°29'26" W, a chord length of 96.55 feet, and a radius of 55.25 feet to the Point of Beginning, containing 2.206 acres.

is hereby ordered closed, conditioned upon the completion and acceptance of the public utilities relocation and realignment of Deacon Boulevard, and

subject to the City of Winston-Salem's reservation, temporarily, of all of its rights, titles, and interests in any public utility, drainage, landscaping, and the City of Winston-Salem's reservation of a temporary easement in the entire area hereinabove described for the inspection, operation, maintenance, repair, rehabilitation, relocation of landscaping, and all public utilities located therein, including water, sewer and storm drainage lines and facilities (hereinafter "Facilities") until the relocation of the necessary Facilities has been completed and the temporary easement or reservation is no longer needed at which point the temporary easement or reservation will terminate automatically without further action of the City of Winston-Salem.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Mayor and the City of Winston-Salem City Council that the right-of-way and pedestrian tunnel, identified in the encroachment agreement entered into, by and between, the City of Winston-Salem and Wake Forest University, and recorded in Deed Book 3138 Page(s) 2564-2574 of the Forsyth County Register of Deeds Office, is hereby closed and abandoned with the same to become the property of in its entirety of the owners identified herein without the City of Winston-Salem retaining any interest therein and without further action by the City of Winston-Salem City Council.

This the 7th day of October 2024.

**BY ORDER OF THE CITY COUNCIL
WINSTON-SALEM, NORTH CAROLINA**

By: Jayme Waldeck, City Clerk