

NORTH CAROLINA)  
 )  
FORSYTH COUNTY)

PETITION TO CLOSE AND ABANDON A  
PORTION OF DEACON BOULEVARD

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 petitioners declare that they each own one or more parcels of that real property described on the attached Schedule I, and that, except for the real property described on Schedule I, there is no other real property abutting the portion of the right-of-way of Deacon Boulevard, and the associated underground pedestrian tunnel, which the petitioners want to have closed and abandoned.

Please state your reason / purpose for closing a portion of said street / alleyway: This street closure and underground pedestrian tunnel closure are being requested in connection with a plan to re-route a portion of Deacon Boulevard, which new route, upon completion of construction and connection of such new route with the remaining existing right-of-way of Deacon Boulevard, will render unnecessary the portion of Deacon Boulevard that is the subject of this petition (the "Subject Portion of Deacon Boulevard") as well as the pedestrian tunnel running beneath it (the "Subject Tunnel"), which tunnel is subject to that Right of Way Encroachment and Tunnel Access Agreement dated July 31, 2013 by and between the City of Winston-Salem and Wake Forest University, being recorded in Book 3138, Page 2564 in the Forsyth County Registry (the "Tunnel Agreement").

The Subject Portion of Deacon Boulevard was dedicated to public use upon the public records appearing in the Office of the Register of Deeds of Forsyth County, North Carolina. Pursuant to the Tunnel Agreement, the Subject Tunnel is used for public purposes in connection with events at the nearby Coliseum and City Fairgrounds. Upon completion of construction of the re-routed portion of Deacon

Boulevard, and connection of such new portion with the remaining existing right-of-way of Deacon Boulevard, the use of the Subject Portion of Deacon Boulevard as a street or public way, and the use of the Subject Tunnel as a pedestrian passageway, will be unnecessary for the normal flow of traffic through the surrounding area.

## II.

Your petitioners respectfully petition that the following described portion of said Deacon Boulevard and the Subject Tunnel officially be closed and abandoned, and that the Tunnel Agreement be terminated by the parties: **(insert property description of the property listed above)**

**See Attached Schedule II**

## III.

No individual owning property in the vicinity of the Subject Portion of Deacon Boulevard or the Subject Tunnel 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 petitioners respectfully request the City of Winston-Salem, acting through its City Council, to close and abandon for street purposes that portion of said Deacon Boulevard described and the Subject Tunnel described in the Tunnel Agreement, all as provided by law, particularly by Section 160A-299 of the General Statutes of North Carolina.

RESPECTFULLY SUBMITTED, this the 23<sup>rd</sup> day of July, 2024.

WAKE FOREST UNIVERSITY,  
a North Carolina non-profit corporation

By: [Signature]

Name: Christopher H. Kiwus  
Title: Vice President for Facilities, Real Estate  
and Planning

ATTESTED BY:

[Signature]  
Signature of Witness

ADMIN STAFF COORDINATOR  
Witness' Title

NORTH CAROLINA )  
Forsyth COUNTY )

I Christopher H. Kiwus, Vice President for Facilities, Real Estate and Planning of WAKE FOREST UNIVERSITY, being duly sworn, depose and says that WAKE FOREST UNIVERSITY, is one of the petitioners in the above entitled matter; that I have read the foregoing petition and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief and as to those matters, I believe it to be true.

[Signature]

Christopher H. Kiwus, Vice President for  
Facilities, Real Estate and Planning,  
Wake Forest University

SWORN AND SUBSCRIBED before me, this the 23<sup>rd</sup> day of July, 2024

[Signature]  
Signature of Notary Public



My commission expires: August 4, 2024

RESPECTFULLY SUBMITTED, this the 23<sup>rd</sup> day of July, 2024.

DEACON BLVD. HOLDINGS VII, LLC,  
a North Carolina limited liability company

By: [Signature]  
Name: Christopher H. Kiwus  
Title: Manager

ATTESTED BY:

[Signature]  
Signature of Witness

ADMIN STAFF COORDINATOR  
Witness' Title

NORTH CAROLINA )  
Forsyth COUNTY)

I Christopher H. Kiwus, Manager of DEACON BLVD. HOLDINGS VII, LLC, being duly sworn, depose and says that DEACON BLVD. HOLDINGS VII, LLC, is one of the petitioners in the above entitled matter; that I have read the foregoing petition and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief and as to those matters, I believe it to be true.

[Signature]  
Christopher H. Kiwus, Manager,  
Deacon Blvd. Holdings VII, LLC

SWORN AND SUBSCRIBED before me, this the 23<sup>rd</sup>, day of July, 2024

[Signature]  
Signature of Notary Public



My commission expires: August 4, 2026

RESPECTFULLY SUBMITTED, this the 23<sup>rd</sup> day of July, 2024.

DEACON BLVD. HOLDINGS XIII, LLC,  
a North Carolina limited liability company

By: [Signature]  
Name: Christopher H. Kiwus  
Title: Manager

ATTESTED BY:

[Signature]  
Signature of Witness

ADMIN STAFF COORDINATOR  
Witness' Title

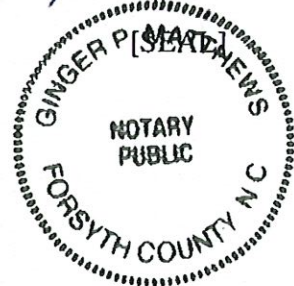
NORTH CAROLINA )  
Forsyth COUNTY)

I Christopher H. Kiwus, Manager of DEACON BLVD. HOLDINGS XIII, LLC, being duly sworn, depose and says that DEACON BLVD. HOLDINGS, XIII, LLC, is one of the petitioners in the above entitled matter; that I have read the foregoing petition and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief and as to those matters, I believe it to be true.

[Signature]  
Christopher H. Kiwus, Manager,  
Deacon Blvd. Holdings XIII, LLC

SWORN AND SUBSCRIBED before me, this the 23<sup>rd</sup>, day of July, 2024

[Signature]  
Signature of Notary Public



My commission expires: August 4, 2026

Date Petition Received in Engineering Office:

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

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DATE PETITION RECEIVED IN CITY CLERK'S OFFICE: \_\_\_\_\_

FEE PAID: \_\_\_\_\_

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

## SCHEDULE I

### **Wake Forest University, owner of:**

- 2825 University Pkwy, Winston-Salem, NC (Parcel ID 6826-87-4512)
- 612 Deacon Blvd, Winston-Salem, NC (Parcel ID 6826-78-9067)
- 2951 University Pkwy, Winston-Salem, NC (Parcel ID 6826-78-7015)
- 501 Deacon Blvd, Winston-Salem, NC (Parcel ID 6826-88-8264)
- 503 Deacon Blvd, Winston-Salem, NC (Parcel ID 6826-88-6351)
- 505 Deacon Blvd, Winston-Salem, NC (Parcel ID 6826-88-5361)
- 519 Deacon Blvd, Winston-Salem, NC (Parcel ID 6826-88-2391)
- 521 Deacon Blvd, Winston-Salem, NC (Parcel ID 6826-88-1275)
- 613 Deacon Blvd, Winston-Salem, NC (Parcel ID 6826-88-1318)
- 615 Deacon Blvd, Winston-Salem, NC (Parcel ID 6826-78-9352)
- 619 Deacon Blvd, Winston-Salem, NC (Parcel ID 6826-78-8342)

### **Deacon Blvd. Holdings VII, LLC, owner of:**

- 513 Deacon Blvd, Winston-Salem, NC (Parcel ID 6826-88-4341)

### **Deacon Blvd. Holdings XIII, LLC, owner of:**

- 3001 University Pkwy, Winston-Salem, NC (Parcel ID 6826-78-6394)



**SCHEDULE II**

[Deacon Blvd Portion to be Closed]

*[see 5 attached pages]*

Portion of Deacon Boulevard Closure, Legal Description:

That certain parcel of land, being a portion of Deacon Boulevard, as shown in Plat Book 61, Page 61, Forsyth County Registry, being in Winston Township, Forsyth County, North Carolina, 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 Country 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) N89°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.



NORTH CAROLINA SURVEYORS BOUNDARY AND GPS CERTIFICATIONS

I, KIM R. LILLY, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 2347, PAGE 3648, DEED BOOK 2832, PAGE 1914; DEED BOOK 2928, PAGE 2815, DEED BOOK 3138, PAGE 2522; DEED BOOK 3683, PAGES 2790 AND 2793; DEED BOOK 3788, PAGES 2450, 2454, 2458, 2462, 2468, AND 2474; PLAT BOOK 3, PAGE 77; AND PLAT BOOK 61, PAGE 61; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN DEED BOOK 738, PAGE 275; AND DEED BOOK 2844, PAGE 4400; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:39,878; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 58.1600).

THIS 23<sup>RD</sup> DAY OF JULY, A.D. 2024.

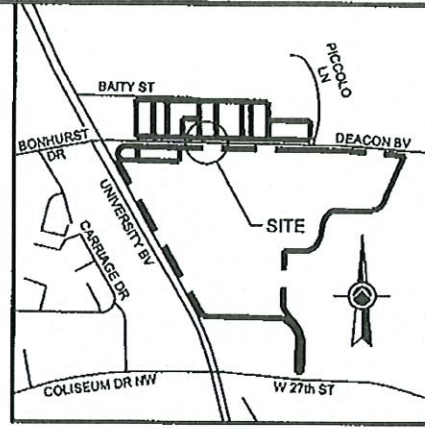
I, KIM R. LILLY, FURTHER CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- 1) CLASS OF SURVEY: URBAN LAND (CLASS A)
- 2) POSITIONAL ACCURACY: 0.06'
- 3) TYPE OF GPS FIELD PROCEDURE: GPS/RS
- 4) DATES OF SURVEY: NOVEMBER 9, 2023
- 5) DATUM/EPOCH: NAD 83 (NSRS 2011)
- 6: PUBLISHED/FIXED-CONTROL USE: NONE
- 7) GEOID MODEL: GEOID 12B
- 8) COMBINED GRID FACTOR(S): 0.99994792
- 9) UNITS: US FEET



*Kim R. Lilly*  
 PROFESSIONAL LAND SURVEYOR

L-3612  
 LICENSE NUMBER



VICINITY MAP (SCALE: 1" = 1000')

SHEET 1 OF 3

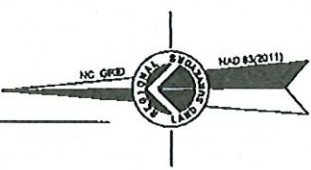
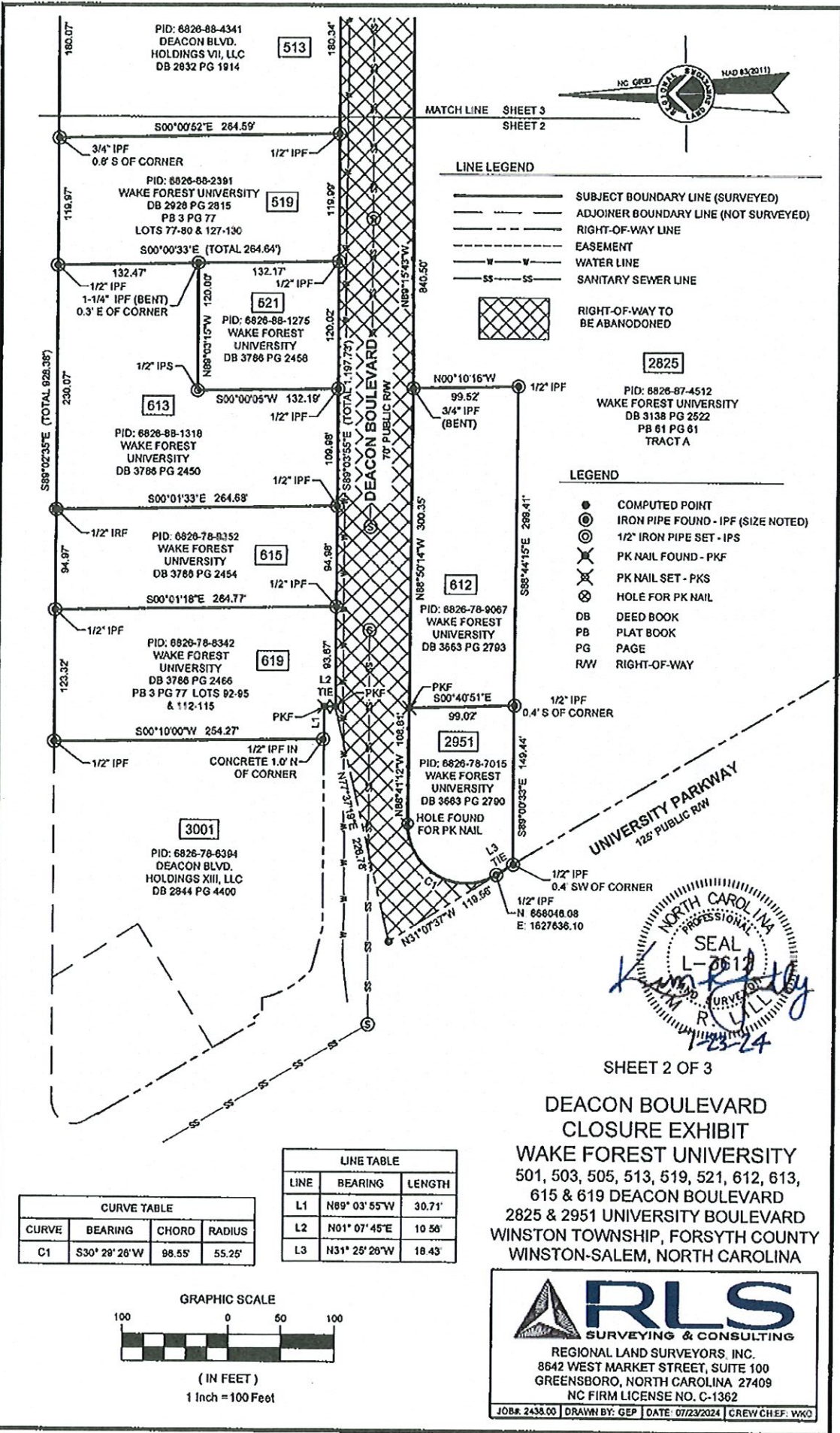
DEACON BOULEVARD  
 CLOSURE EXHIBIT  
 WAKE FOREST UNIVERSITY  
 501, 503, 505, 513, 519, 521, 612, 613,  
 615 & 619 DEACON BOULEVARD  
 2825 & 2951 UNIVERSITY BOULEVARD  
 WINSTON TOWNSHIP, FORSYTH COUNTY  
 WINSTON-SALEM, NORTH CAROLINA

NOTES

1. BEING PARCEL NUMBERS 6826-78-7015, 6826-78-8342, 6826-78-9067, 6826-78-9352, 6826-87-4512, 6826-88-1275, 6826-88-1318, 6826-88-2391, 6826-88-5381, 6826-88-5351, AND 6826-88-8264, CURRENTLY OWNED BY WAKE FOREST UNIVERSITY, AND 6826-88-4341, CURRENTLY OWNED BY DEACON BLVD HOLDINGS VII LLC; RECORDED IN DEED BOOK 3683, PAGE 2790, DEED BOOK 3788, PAGE 2466; DEED BOOK 3683, PAGE 2793, DEED BOOK 3788, PAGE 2454; DEED BOOK 3138, PAGE 2522; DEED BOOK 3788, PAGE 2458; DEED BOOK 3788, PAGE 2450; DEED BOOK 2928, PAGE 2815; DEED BOOK 3788, PAGE 3648; DEED BOOK 3788, PAGE 2474; DEED BOOK 2832, PAGE 1914, PLAT BOOK 3, PAGE 77; AND PLAT BOOK 61, PAGE 61; IN FORSYTH COUNTY REGISTER OF DEEDS.
2. ALL DISTANCES ARE HORIZONTAL GROUND, UNLESS OTHERWISE NOTED.
3. INFORMATION SHOWN HEREON IS FROM DIRECT FIELD DATA COLLECTED NOVEMBER 9, 2023 TO JANUARY 22, 2024.
4. AREA TO BE CLOSED AND ABANDONED: 2.206 ACRES (96,088 SQ. FT.)

**ARLS**  
 SURVEYING & CONSULTING  
 REGIONAL LAND SURVEYORS, INC.  
 8642 WEST MARKET STREET, SUITE 100  
 GREENSBORO, NORTH CAROLINA 27409  
 NC FIRM LICENSE NO. C-1362

JOB# 2438.00 | DRAWN BY: GEP | DATE: 07/23/2024 | CREW CHIEF: WKO



- LINE LEGEND**
- SUBJECT BOUNDARY LINE (SURVEYED)
  - - - ADJOINER BOUNDARY LINE (NOT SURVEYED)
  - - - RIGHT-OF-WAY LINE
  - - - EASEMENT
  - W W WATER LINE
  - SS SS SANITARY SEWER LINE
  - [Cross-hatched box] RIGHT-OF-WAY TO BE ABANDONED

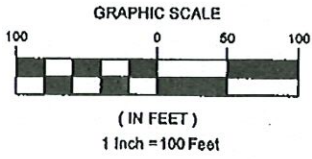
- LEGEND**
- COMPUTED POINT
  - ⊙ IRON PIPE FOUND - IPF (SIZE NOTED)
  - ⊙ 1/2" IRON PIPE SET - IPS
  - ⊗ PK NAIL FOUND - PKF
  - ⊗ PK NAIL SET - PKS
  - ⊗ HOLE FOR PK NAIL
  - DB DEED BOOK
  - PB PLAT BOOK
  - PG PAGE
  - RW RIGHT-OF-WAY

**CURVE TABLE**

| CURVE | BEARING     | CHORD  | RADIUS |
|-------|-------------|--------|--------|
| C1    | S30°28'28"W | 98.55' | 55.25' |

**LINE TABLE**

| LINE | BEARING     | LENGTH |
|------|-------------|--------|
| L1   | N89°03'55"W | 30.71' |
| L2   | N01°07'45"E | 10.56' |
| L3   | N31°25'28"W | 18.43' |



SHEET 2 OF 3

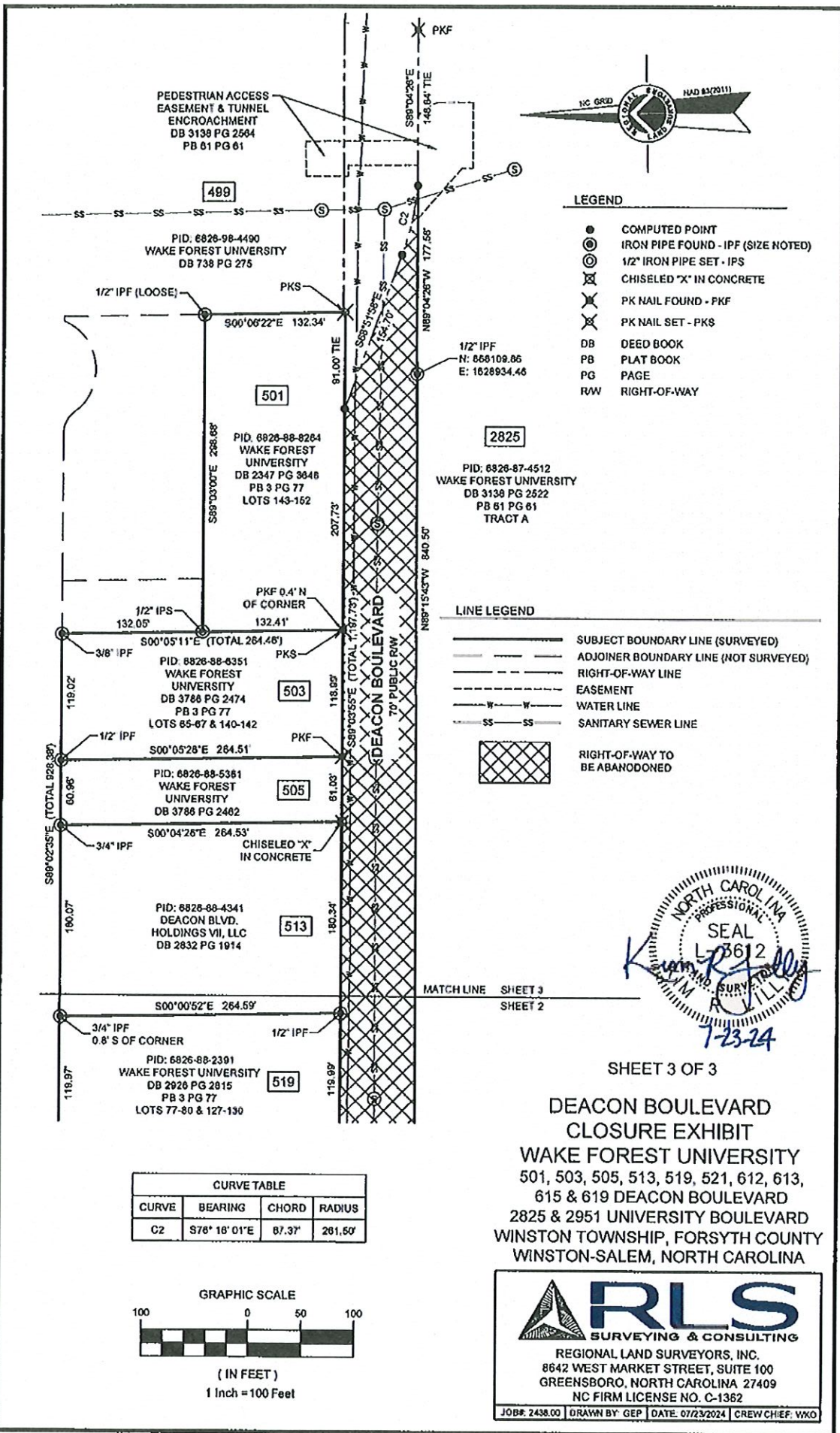
**DEACON BOULEVARD  
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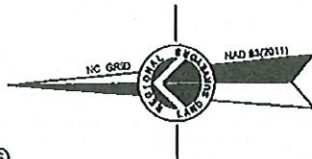
**RLS**  
SURVEYING & CONSULTING

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JOB#: 2438.00 | DRAWN BY: GEP | DATE: 07/23/2024 | CREW CHIEF: WKO



PEDESTRIAN ACCESS  
EASEMENT & TUNNEL  
ENCROACHMENT  
DB 3138 PG 2504  
PB 61 PG 61



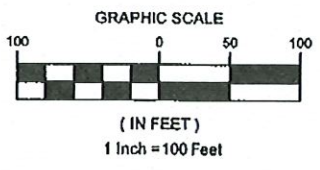
- LEGEND**
- COMPUTED POINT
  - ⊙ IRON PIPE FOUND - IPF (SIZE NOTED)
  - ⊗ 1/2" IRON PIPE SET - IPS
  - ⊗ CHISELED "X" IN CONCRETE
  - ⊗ PK NAIL FOUND - PKF
  - ⊗ PK NAIL SET - PKS
  - DB DEED BOOK
  - PB PLAT BOOK
  - PG PAGE
  - RW RIGHT-OF-WAY

- LINE LEGEND**
- SUBJECT BOUNDARY LINE (SURVEYED)
  - - - ADJOINER BOUNDARY LINE (NOT SURVEYED)
  - - - RIGHT-OF-WAY LINE
  - - - EASEMENT
  - - - WATER LINE
  - - - SANITARY SEWER LINE
  - ⊗ RIGHT-OF-WAY TO BE ABANDONED



**CURVE TABLE**

| CURVE | BEARING       | CHORD  | RADIUS  |
|-------|---------------|--------|---------|
| C2    | S78° 16' 01"E | 87.37' | 261.50' |



SHEET 3 OF 3

**DEACON BOULEVARD  
CLOSURE EXHIBIT**

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**ARLS**  
SURVEYING & CONSULTING

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NC FIRM LICENSE NO. C-1382

JOB#: 2438.00 | DRAWN BY: GEP | DATE: 07/23/2024 | CREW CHIEF: WKO