


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 
FROM: Sandra Keeney
DATE: December 22, 2020
SUBJECT: Street Closing – Park Avenue
CC: Tonya McPhatter

We have received a petition to close and abandon a portion of Park Avenue. The authorized agent is David Bergstone at 501 S. Main Street, Winston-Salem, NC 27101. He can be reached at 336-722-6504.

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.

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 Park 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 parcels 6835-33-7901.000
and 6835-44-1994.000 and

that as to other property abutting the portion of 'Park Ave'
_____ which he/she wants to have closed and
abandoned, the following are the owners:

<u>Owner</u>	<u>Address</u>
<u>both abutting parcels owned by Salem Congregation (applicant)</u>	_____
_____	_____
_____	_____
_____	_____

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

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

This street was opened as Park Avenue in 1928. Apparently due to I-40
construction in 1960s Park Avenue was rerouted and renamed Salem
Ave. At this point this segment became inaccessible.
It is adjacent to our historic African American graveyard and another parcel
intended for parking. Want more control over upkeep of the area under the
adjacent power lines and to create better access.

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

Starting at the N corner of parcel A (PIN 6832-33-7901) on south side of Cemetery Street ROW then east along the south side of Cemetery Street to the corresponding NW corner of parcel B (PIN 6835-44-1994), approximately 54', thence about 201 feet SE along west boundary of parcel B to curve of about 28 feet to ROW of E Salem Ave at S corner of parcel B. Then south along west side of Salem Avenue ROW to NE corner of parcel PIN 6835-34-7585, then NE 36' to SE corner of parcel A, thence north in an arc about 91' along the east side of parcel A, before straight line NE along east boundary of parcel A 168' to beginning point.

III.

No individual owning property in the vicinity of the aforesaid portion of Park 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 Park Avenue described, all as provided by law, particularly by Section 160A-299 of the General Statutes of North Carolina.

RESPECTFULLY SUBMITTED, this the 1st day of December, 20 20.

Chris F. Stone
Signature(s) of Petitioner(s)

President, Salem Congregation
Petitioner's Title (if representing an organization)

ATTESTED BY:

Niane D Carlton
Signature of Witness
David Bryant

Witness' Title
Director of Facilities
Salem Congregation

NORTH CAROLINA)
)
FORSYTH COUNTY)

I (we) Salem Congregation, 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.

Chris F. Atou
Signature(s) of Petitioner(s)

SWORN AND SUBSCRIBED before me, this the 3, day of December, 2020

Diane D Carlton
Signature of Notary Public

My commission expires: 12-14-2022

DIANE D. CARLTON
NOTARY PUBLIC
Forsyth County, N.C.
My Commission Expires Dec 14, 2022.

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: JonyamcPhatter

FEE PAID: \$1400⁰⁰

12-22-2020

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: David Bergstone

Mailing Address: 501 S Main St.

Winston-Salem, NC 27101

Daytime telephone number (landline and/or mobile): 336-722-6504



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.**

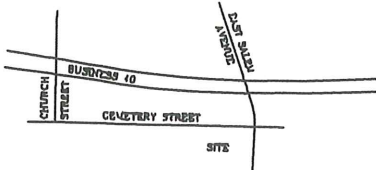
04/13

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

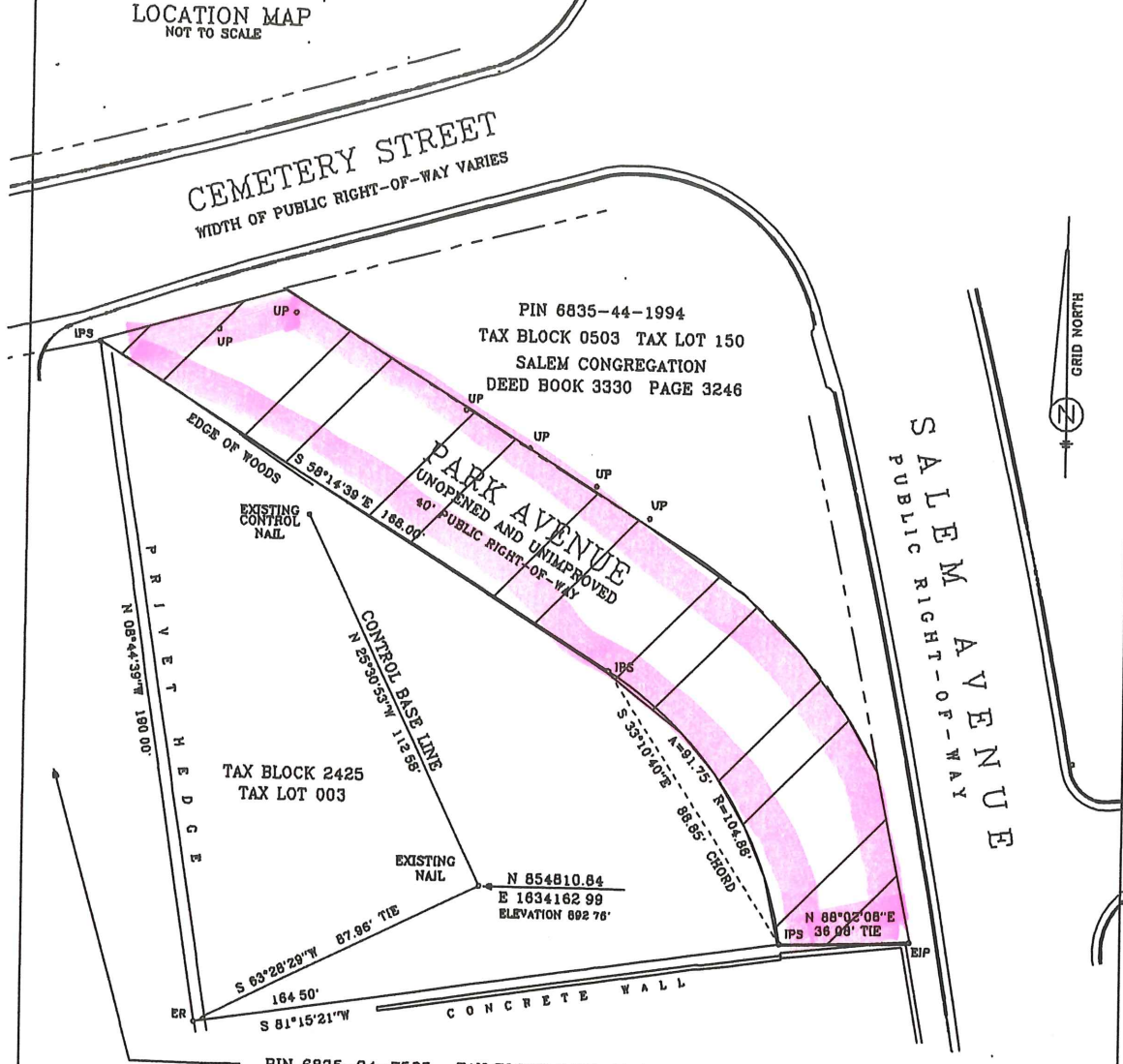
What happens next?

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.



LEGEND
 EIP EXISTING IRON PIN
 EN EXISTING NAIL
 ER EXISTING REBAR
 UP UTILITY POLE
 IPS IRON PIPE SET



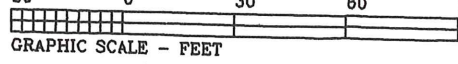
I, THOMAS A RICCIO, PLS, CERTIFY THAT THIS PLAT WAS PREPARED BY ME FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT UNLESS NOTED THERE ARE NO VISIBLE ENCROACHMENTS OR INFRINGEMENTS

WITNESS MY HAND AND ORIGINAL SEAL

 THOMAS A RICCIO L-2815



SURVEY PREPARED FOR
SALEM CONGREGATION
 SHOWING TAX LOT 003 OF TAX BLOCK 2425
 WINSTON TOWNSHIP * FORSYTH COUNTY * NORTH CAROLINA
 DATE: SEPTEMBER 14TH 2018 DRAWING NUMBER 18285
 30 0 30 60 90



GRAPHIC SCALE - FEET
 SURVEY PREPARED BY
THOMAS A. RICCIO AND ASSOCIATES
 440 WEST END BOULEVARD
 WINSTON-SALEM, NORTH CAROLINA 27101
 336-773-0211