

NORTH CAROLINA) RESOLUTION ORDERING THE CLOSING OF
) A PORTION OF FOGLE STREET LOCATED OFF OF EAST
FORSYTH COUNTY) THIRD STREET

WHEREAS, on the 8th day of January, 2018, a petition was filed with the City Council of the City of Winston-Salem, North Carolina to close a portion of Fogle Street, located off of East Third Street; and

WHEREAS, on the 16th day of April, 2018, at a regular meeting of the City Council of the City of Winston-Salem, North Carolina, a resolution fixing the date and hour for a hearing on said petition was adopted by the unanimous vote of said City Council, and the date and hour were fixed for the 21st day of May, 2018, at 7:00 p.m., in the Council Chambers, on the 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 the 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 properties is as follows:

Owner:

Address:

WFIQ Holdings LLC

575 N Patterson Ave, STE 550, Winston-Salem, NC 27101

North Carolina Department of Transportation

1605 Westbrook Plaza Dr, STE 201, Winston-Salem, NC 27103

; and

WHEREAS, at a meeting of the City Council of the City of Winston-Salem, North Carolina, held on the 21st day of May, 2018, a public hearing was held on the petition to close and abandon said portion of Fogle Street, located off of East Third Street; 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 Fogle Street 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;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Winston-Salem, North Carolina, that the said portion of Fogle Street, as herein referenced, and being more particularly described as follows:

Beginning at a P.K nail (NC NAD83(2011)(N-856749.13, E-1633774.67)), being in the western margin of The N.C.D.O.T P.A.R.T line and also the eastern terminus of Fogle Street ; thence along said line, S 17°19'49" W a distance of 36.78', to P.K nail ; thence leaving said line along the southern margin of Fogle Street and the northern line of WFIQ Holding , LLC. (D.B. 2974 PG.2688), N 75°58'45" W a distance of 32.45', to a point; thence continuing along said line, N 77°41'21" W a distance of 122.84', to a point; thence N 81°33'17" W a distance of 59.11', to a point; thence along the new western terminus of Fogle Street, N 22°41'24" W a distance of 49.11', to the northern line of Fogle Street and being also the southern line of WFIQ Holdings, LLC, (D.B. 2782 PG. 4065); thence along said line, S 75°09'02" E a distance of 15.23', to a point; thence continuing along said line, S 77°42'52" E a distance of 214.48', to a point ; thence continuing along said line, S 77°42'52" E a distance of 15.94'; which is the point of beginning, having an area of 8376.35 square feet, 0.192 acres.

is, hereby, ordered closed, subject to the following reservations and easements: 1) the City of Winston-Salem's reservation of all of its rights, titles, and interests in any utility, drainage, pedestrian/sidewalk, landscaping, and conservation improvements, 2) the City of Winston-Salem's reservation of the rights, titles, and interests of any private utility company, on the company's behalf, in any of the company's private utility improvements for which the company has a franchise or utility agreement with the City of Winston-Salem at the time of this closing, 3) the City of Winston-Salem's reservation of an easement in the entire area hereinabove described for

the construction, inspection, operation, maintenance, repair, rehabilitation, reconstruction, replacement, and expansion of all public utilities (including, but not limited to, water, sewer, and storm drainage lines and facilities), pedestrian sidewalk, and landscaping located therein, or to be located therein,, 4) the City of Winston-Salem's reservation of an easement in the entire area hereinabove described for the construction, inspection, operation, maintenance, repair, rehabilitation, reconstruction, and replacement of all private utilities of utility companies with which the City of Winston-Salem has a utility or franchise agreement at the time of closing, 5) the City of Winston-Salem's reservation of a conservation easement in the entire area hereinabove described for the retention and preservation in situ of the remaining Durex pavers currently in the right-of-way, and 6) the City of Winston-Salem's reservation of an access easement, specifically to include the rights of ingress, egress, and regress for access to any future rail service.

This the 21st day of May, 2018.

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

By: Melanie Johnson, City Secretary