



**Winston-Salem**

**City Council  
City Secretary'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](http://www.cityofws.org)

DATE: February 5, 2020  
TO: Dustin Stephens, Engineering Department  
FROM: Sandra Keeney, City Secretary  
SUBJECT: Petition to Close and Abandon a portion of North Liberty Street Alley way,  
Winston-Salem, NC

We have received a petition to close and abandon a portion of a North Liberty Street alleyway in Winston-Salem. The petitioner is MF-Cherry Pie LLC, by Mayfair Street Partners, Simon K Burgess, Manager. The authorized agent is Leigh C. Bagley at Bell, Davis & Pitt, P.A., located at 100 N. Cherry Street, Suite 600, Winston-Salem, NC 27101. She can be reached at 336-714-4125.

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.

  
Sandra Keeney, City Secretary



Call 311 or 336-727-8000  
[citylink@cityofws.org](mailto:citylink@cityofws.org)

City Council: Mayor Allen Joiner; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; John C. Larson, South Ward; Jeff MacIntosh, Northwest Ward; Annette Scippio, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity



**Bell-Davis-Pitt**

Attorneys and Counselors at Law

WINSTON-SALEM, NORTH CAROLINA  
336.722.3700

MAILING ADDRESS  
PO Box 21029  
Winston-Salem, NC  
27120-1029

**Leigh C. Bagley**  
lbagley@belldavisppitt.com  
T 336.714.4125  
F 336.748.5890

February 4, 2020

**VIA HAND DELIVERY**

City of Winston-Salem  
City Secretary's Office  
101 North Main Street  
Suite 140, City Hall  
Winston-Salem, NC 27101  
Attention: Tonya McPhatter  
336.747.2224

RE: North Liberty Street – Petition to Close and Abandon a Portion of Alleyway

Dear Ms. McPhatter:

In connection with the above-referenced matter, please find enclosed the following:

- 1) Original executed Petition.
- 2) Check in the amount of \$1,400.00 for payment of administrative and advertising fees.

Please note that the Petition has been reviewed and approved by the City Engineering Office.

Should you have any questions regarding this application submission, please do not hesitate to contact me.

Very truly yours,

BELL, DAVIS & PITT, P.A.

  
Leigh C. Bagley

LCB/ekn  
Enclosures

NORTH CAROLINA )  
 )  
FORSYTH COUNTY )

PETITION TO CLOSE AND ABANDON A PORTION  
OF ALLEY ABUTTING NORTH LIBERTY STREET

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 are the owners of 408 and 414 North Liberty Street, Winston-Salem, North Carolina 27101, and that as to other property abutting the portion of an alley to the west and to the south of petitioner's property and perpendicular to North Liberty Street and North Trade Street, which they want to have closed and abandoned, the following are the owners:

<u>Owner</u>	<u>Address</u>	<u>Tax Parcel</u>
Venture III, Inc.	113 West Fourth Street Winston-Salem, NC 27101	PIN 6835-27-0049
Starbuck Ventures, LLC	P.O. Box 20211 Winston-Salem, NC 27120	PIN 6835-27-0008
John Franklin Smithdeal, II	17 Robinhood Circle Winston-Salem, NC 27104	PIN 6835-27-0125
Comilla Properties, LLC	415 North Trade Street Winston-Salem, NC 27101	PIN 6835-27-0128

Said portion of the alley abutting North Liberty Street was dedicated to public use upon the public records appearing in the Office of the Register of Deeds of Forsyth County, North Carolina in the form of a map of Tax Block 6084. 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 alley abutting North Liberty Street officially be closed and abandoned:

That portion of the alley abutting North Liberty Street and running in a parallel direction with Fourth Street leading West from North Liberty Street along the northern boundary of Tax Parcel 6835-27-1110, approximately 100.00 feet and along the southern boundary Tax Parcel 6835-27-1127 approximately 100 feet, and ending at the western boundary of 6835-27-1127, as presently shown on the Forsyth County Tax Maps.

III.

No individual or entity owning property in the vicinity of the aforesaid portion of the alley abutting North Liberty Street 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 alley abutting North Liberty Street as described above, all as provided by law, particularly by Section 160 A-299 of the General Statutes of North Carolina.

RESPECTFULLY SUBMITTED, this the 4<sup>th</sup> day of February, 2020.

PETITIONER:

**MF-CHERRY PIE LLC,**  
a North Carolina limited liability company

By: Mayfair Street Partners, LLC, its Manager

By: Simon K. Burgess  
Simon K. Burgess, Manager

ATTESTED BY:

Leigh C. Bagley  
Signature of Witness

Leigh C. Bagley  
Witness's Title

NORTH CAROLINA     )  
                                  )  
FORSYTH COUNTY     )

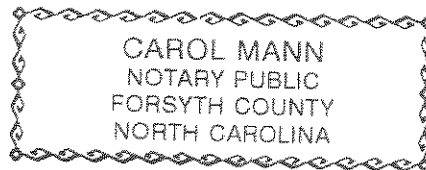
Simon K. Burgess, Manager of Mayfair Street Partners, LLC, a Georgia limited liability company and the Manager of MF-Cherry Pie, LLC, a North Carolina limited liability company, being duly sworn, deposes and says that MF-Cherry Pie, LLC is the petitioner in the above entitled matter; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge except as to those matters therein stated on information and belief and as to those matters, he believes it to be true.

Simon K. Burgess  
Simon K. Burgess

SWORN AND SUBSCRIBED before me, this the 4<sup>th</sup> day of February, 2020.

Carol Mann  
Signature of Notary Public

CAROL MANN  
Notary's Printed or Typed Name



My Commission Expires: 2/27/2024

DATE PETITION RECEIVED IN ENGINEERING OFFICE:

2/4/2020

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

[Signature]

DATE PETITION RECEIVED IN CITY SECRETARY'S OFFICE: 2-4-2020

FEES PAID: \$200.00 – Administrative Fee  
\$1,200.00 – Advertisement Fee

AUTHORIZED AGENT

The authorized agent may be the petitioner or another person designated by the petitioner to answer questions and to represent at public hearings. All correspondence will be sent to this agent.

Name: Leigh C. Bagley

Mailing Address: Bell, Davis & Pitt, P.A.  
100 North Cherry Street, Suite 600  
Winston-Salem, NC 27101

Daytime Telephone Number (landline): 336.714.4125

